

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02961-REB-MJW

JOHN JONES,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

---

MINUTE ORDER

---

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that plaintiff's Motion to Reopen Discovery for Limited Purposes (Docket No. 53) is DENIED for the following reasons. Plaintiff seeks to reopen discovery for the purpose of deposing at least three individuals regarding possible intimidation and manipulation of witnesses. Among the individuals plaintiff wishes to depose is defense counsel Shelby Felton. Discovery in the matter closed on August 23, 2012. A Final Pretrial Conference was held on January 17, 2013. A five-day trial is set to begin on February 25, 2013.

Factors used to determine if discovery should be reopened are: (1) the imminence of trial; (2) whether the request is opposed; (3) the prejudice to the nonmoving party; (4) whether the moving party was diligent in his efforts to obtain the information within the discovery deadline; (5) the foreseeability that additional discovery would be necessary prior to expiration of the deadline; and (6) whether the proposed discovery is likely to lead to the discovery of relevant information. Smith v. United States, 834 F.2d 166, 169 (10th Cir. 1987).

The court finds that the above factors weigh in favor of denying plaintiff's motion. Specifically, trial is set to begin in less than thirty days. Defendant opposes plaintiff's motion. Further, the prejudice to defendant would be great given the short time until trial and the scope of plaintiff's requested additional discovery. The court agrees with plaintiff that the fourth, fifth, and sixth factors favor reopening discovery (although plaintiff provides little detail as to those factors). However, the court finds, on balance, that plaintiff's motion should be denied.

Date: January 29, 2013

---