

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 11-cv-03091-REB-CBS
Date: August 15, 2013

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Courtni Covington

Parties:

Counsel:

MATTHEW RYAN SHERMAN,

Pro Se (appearing by telephone)

Plaintiff,

v.

WILLIAM KLENKE, *et al.*,

Jennifer S. Huss

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 10:02 a.m.

Court calls case. Appearances of counsel and *pro se* Plaintiff.

The court addresses the parties regarding **Plaintiff's MOTION for Waiver of Certificate of Review Requirement** [Doc. No. 102, filed 5/20/2013].

The court notes the Motion has been fully briefed but no counsel appear for Defendants Correctional Health Partners. Plaintiff states he does not feel oral argument is needed. Discussion regarding the certificate of review issue and relevant case law.

The court states it will treat the Motion as a non-dispositive Motion for Reconsideration.

ORDERED: For the reasons stated on the record, Plaintiff's MOTION for Waiver of Certificate of Review Requirement [Doc. No. 102, filed 5/20/2013] is **DENIED**.

The court clarifies that it is ruling from the bench and Plaintiff has 14 days from today's date to file an objection.

The court moves next to Defendants' **MOTION to Quash in Part** [Doc. No. 115, filed 7/29/2013].

Discussion between the court and Ms. Huss regarding Defendants' partial objection to the subpoenas. Counsel states that a restricted version of the Clinical Standards is being withheld for security reasons. Defense counsel provides a copy for in camera review and engages in discussion with the court regarding if the entire document poses a security risk. The court suggests counsel further consult with the Colorado Department of Corrections to determine what portions can be produced.

Discussion between the court and Ms. Huss regarding Plaintiff's request for grievances and how the Colorado Department of Corrections can search those grievances.

Discussion between the court and Mr. Sherman regarding his response to the Motion to Quash and the burden being placed on a non-party to conduct a manual search of grievances related to Defendants Klenke and Montoya.

ORDERED: **Within 7 calendar days** from today's date, Ms. Huss shall file a supplemental brief that updates the factual basis of the Motion to Quash and notices the court if Defendants would like to substantially narrow, withdraw, or stand on the Motion.

Plaintiff shall have **7 days** to respond from the date the Motion is received.

The court addresses Mr. Sherman regarding its concern that his subpoena requests are too broad.

Discussion between the court and the parties regarding expanding the subpoena to include Defendant Klenke's contractor as a party to be searched. The court states without Plaintiff providing a name of the contractor, the court cannot modify the subpoena in the absence of that information.

The court addresses the parties regarding the discovery deadline currently set, the amount and type of discovery that has been completed, and whether the parties anticipate the use of experts. Both parties believe they will finish discovery by the cut-off date.

HEARING CONCLUDED.

Court in recess: 10:52 a.m.

Total time in court: 00:50

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