

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 12-cv-00053-MSK-BNB

MAJOR JON MICHAEL SCOTT,

Plaintiff,

v.

THE CITY AND COUNTY OF DENVER,

Defendant.

ORDER

This matter arises on the following:

(1) Defendant's **Motion to Compel Responses to Defendant's First Set of Discovery Requests to Plaintiff** [Doc. # 59, filed 12/7/2012] ("Defendants' Motion to Compel");

(2) **Plaintiff's Motion to Deem Requests for Admissions Admitted or, In the Alternative, to Compel Responses** [Doc. # 60, filed 12/7/2012] ("Plaintiff's Motion to Compel"); and

(3) **Defendant's Motion for Leave to Depose Plaintiff Pursuant to Fed. R. Civ. P. 30(a)(2)(B)** [Doc. # 99, filed 1/23/2013] (the "Motion to Depose Plaintiff").

I held a hearing on the motions this afternoon and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) Defendant's Motion to Compel [Doc. # 59] is GRANTED IN PART and

DENIED IN PART as follows:

- GRANTED to require the plaintiff to answer Interrogatories 1-7, 10-14, and 16;
- GRANTED to require the plaintiff to produce documents, or provide releases permitting the defendant to obtain documents, concerning the plaintiff's medical and educational records as responsive to Production Requests 2, 3, and 5;
- GRANTED to require the plaintiff to produce documents responsive to Production Request 4 concerning cellular telephone or texting services;
- GRANTED to require the plaintiff to obtain social media records from service providers responsive to Production Request 6 and to produce those documents to the defendant after review; and
- DENIED with respect to Interrogatories 8, 9, and 15.

(2) The plaintiff shall provide supplemental discovery responses consistent with this order and in full compliance with the formalities of the Federal Rules of Civil Procedure, except for the social media materials, on or before February 11, 2013. The plaintiff shall produce all responsive social media materials on or before February 15, 2013.

(3) The parties may serve any remaining interrogatories allowed under the Scheduling Order no later than January 30, 2013, with responses being due within 33 days of service.

(4) Plaintiff's Motion to Compel [Doc. # 60] is GRANTED IN PART and DENIED IN PART as follows:

- GRANTED to require defendant to respond to Admission Request 1. The admission shall be based on the defendant's information and knowledge as of the date of the response;

- GRANTED to require the defendant to respond to Admission Request 19; and
- DENIED with respect to Admission Requests 2-18.

(5) The defendant shall provide supplemental discovery responses consistent with this order and in full compliance with the formalities of the Federal Rules of Civil Procedure on or before February 11, 2013.

(6) The Motion to Depose Plaintiff [Doc. # 99] is GRANTED as follows:

- The defendant may depose the plaintiff at a date, time, and place as may be agreed to by the parties and by the Colorado Department of Corrections, but not later than April 1, 2013;

- The deposition shall not exceed 14 hours of testimony;

- The defendant shall provide, at its expense, two American Sign Language (“ASL”) interpreters to provide interpretation services throughout the deposition. The parties shall agree to the ASL interpreters to be used;

- The defendant shall provide, at its expense, one Certified Deaf Interpreter (“CDI”) to assist as needed in the interpretation services. In the event the plaintiff requires that every question be interpreted by a CDI or requests that a second CDI be present at the deposition, he shall bear the expense of the second CDI; and

- Rachel Naiman may serve as the CDI provided by the defendant unless (a) the plaintiff commits to call Ms. Naiman as a witness at trial or (b) Ms. Naiman declines to act as an interpreter based on ethical constraints.

(7) The dispositive motion deadline is extended to and including May 6, 2013.

Dated January 28, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge