

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-00609-WYD-MJW

JILL COIT,

Plaintiff,

v.

ARISTEDES ZAVARAS, Director of the Colorado Department of Corrections,  
JAMES WELTON, Director C.I.D.,  
LARRY REID, L.V.C.F.,  
ROBERT CANTWELL, Director of Prison,  
LLOYD WAIDE, L.V.C.F.,  
MICHAEL DUSSART, L.V.C.F.,  
C.I.D. DENNIS HOUGNON, Pueblo,  
C.I.D. COLIN CARSON, D.W.C.F.,  
JOHN MARTIN,  
JANE/JOHN DOE-DOE, #1&2 (Who Took Legal Supreme Court Mail), D.W.C.F.,  
JOAN SHOEMAKER,  
Dr. P. FRANTZ,  
JANE/JOHN DOE-DOE, #3 (Who Took 2 Cubic Feet Legal Box), D.W.C.F.,

Defendants.

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that the Pro Se Incarcerated Plaintiff's Motion to Require Defendants to Answer Amended Prisoner Complaint and Provide Promised Transcription from C.I.D. Investigation Jay Kirby's Meeting with Plaintiff (docket no. 47) is GRANTED IN PART AND DENIED IN PART as follows.

The subject motion (docket no. 47) is GRANTED as to the copies of the audio recordings. Defendants shall provide to the Pro Se Incarcerated Plaintiff copies of the audio recordings on or before November 23, 2012.

The remainder of the subject motion (docket no. 47) requesting the "other discovery" is DENIED. The "other discovery" requested as outlined in the subject motion (docket no. 47) is protected at this stage of the proceedings by the "deliberative process privilege" a/k/a the "executive privilege," "governmental privilege," and "official information privilege." See City of Colo. Springs v. White, 967 P.2d 1042 (Colo. 1998). There is still an open investigation into the Pro Se Incarcerated Plaintiff's allegations of

sexual assault and to disclose this “other discovery” that is in the possession of Mr. Kirby, as outlined in the subject motion (docket no. 47), could compromise this investigation.

Finally, the portion of the subject motion (docket no. 47) as to requiring the Defendants to file an Answer to Plaintiff’s Amended Prisoner Complaint is also DENIED since the Defendants have filed a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(B)(6) in part (docket no. 81) *in lieu* of an Answer and such motion (docket no. 81) is pending and not yet ripe for ruling.

Date: October 23, 2012

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