

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

Civil Action: 12-cv-00666-REB-CBS
Date: July 31, 2013

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

Parties:

DALE TODD

Plaintiff,

Counsel:

Ty C. Gee
Sara Frazier

v.

FIDELITY NATIONAL FINANCIAL, INC.,
et al.,

Defendants.

Kent C. Modesitt
Larry S. Pozner
John M. McHugh

COURTROOM MINUTES/MINUTE ORDER

HEARING: RULE 16(b) SCHEDULING CONFERENCE

Court in session: 1:29 p.m.

Court calls case. Appearances of counsel.

The court addresses the parties regarding **The Fidelity Defendants' MOTION to Stay Discovery Pending Resolution of their Motion to Dismiss** [Doc. No. 64, filed 6/18/13].

Mr. Modesitt presents oral argument on the pending motion and engages in discussion with the court. Discussion held regarding the burden placed on Defendants to begin discovery, electronically stored information, and how the transactions in question can be searched.

Ms. Frazier presents oral argument and engages in discussion with the court. The court notes certain keywords and definitions proposed by Plaintiffs are overbroad. The court addresses counsel for Plaintiff regarding discovery related to pre-2009 and post-2009.

The court and Ms. Frazier discuss the filing of a second amended complaint.

The court states it is not inclined to grant an across the board stay of discovery and the parties will discuss how to proceed with some discovery at the next hearing.

ORDERED: A Motion Hearing regarding MOTION to Dismiss Amended Complaint [Doc. No. 49, filed 6/10/213] is set for **August 15, 2013 at 2:30 p.m.** Counsel are to confer with their clients and then collectively to determine a

more efficient way the parties can do phased and targeted discovery.

The court states Plaintiffs discovery requests as currently contemplated are too broad and suggests counsel explore ways to redraft their requests for production. The court suggests counsel for Defendants could discuss with their IT department how to approach Steps 1, 2, and 3.

ORDERED: Plaintiff's Partially Stipulated MOTION for Protective Order [Doc. No. 62, filed 6/18/2013] is **DENIED AS MOOT** in light of the filing of the Amended Motion for Protective Order.

The court clarifies that Plaintiff's Amended MOTION for Protective Order is unopposed.

ORDERED: Plaintiff's Amended MOTION for Protective Order [Doc. No. 85, filed 7/23/2013] is **GRANTED**.

HEARING CONCLUDED.

Court in recess: 2:54 p.m.

Total time in court: 01:25

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