

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

Civil Action No. 12-cv-01080-RBJ-BNB

D.R. HORTON, INC.--DENVER d/b/a Trimark Communities, a Delaware corporation, and
D.R. HORTON, INC., a Delaware corporation,

Plaintiffs,

v.

MOUNTAIN STATES MUTUAL CASUALTY COMPANY, a New Mexico corporation,
ZURICH AMERICAN INSURANCE COMPANY, a New York corporation,
CONTINENTAL WESTERN INSURANCE COMPANY, an Iowa corporation,
HARTFORD CASUALTY INSURANCE COMPANY, an Indiana corporation, and
HARTFORD FIRE INSURANCE COMPANY, a Connecticut corporation,

Defendants.

ORDER

This matter arises on defendant Mountain States' **Motion to Compel F.R.C.P. 30(b)(6) Examination** [Doc. # 100, filed 4/25/2013] (the "Motion"). I held a hearing on the Motion this morning and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) The Motion [Doc. # 100] is GRANTED IN PART and DENIED IN PART as follows:

- GRANTED to require D.R. Horton to produce Cathy Hendrickson for further examination under the First Amended Notice of Rule 30(b)(6) Deposition [Doc. # 100-6] in a manner consistent with my oral rulings this morning;

- GRANTED to allow Mountain States its reasonable expenses, including attorney's fees, incurred in bringing the Motion. The award of reasonable expenses is against

D.R. Horton's counsel, and not D.R. Horton, because it was counsel, and not the client, which failed to comply with the requirements of D.C.COLO.LCivR 30.3B(3); and

- DENIED in all other respects.

(2) Discovery is reopened to and including June 14, 2013, solely to allow Mountain States to complete the further examination of Ms. Hendrickson.

(3) Counsel are directed to confer in connection with the award of reasonable expenses in an effort to resolve the matter. In the event the amount of reasonable expenses has not been resolved and payment received in full, Mountain States shall file its fee petition in a manner consistent with the requirements of D.C.COLO.LCivR 54.3 on or before June 21, 2013.

Dated May 17, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge