

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

Civil Action No. 12-cv-02918-PAB-BNB

SONYA BOLERJACK, as an individual, and on behalf of all others similarly situated,

Plaintiff,

v.

PEPPERIDGE FARM, INC., a Connecticut corporation,

Defendants.

ORDER

This matter arises on the following:

(1) **Defendant's Unopposed Motion for Protective Order** [Doc. # 34, filed 5/24/2013] (the "Motion for Protective Order"); and

(2) **Defendant's Motion to Compel Responses to Discovery** [Doc. # 35, filed 5/24/2013] (the "Motion to Compel").

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

IT IS ORDERED:

(1) The Motion for Protective Order [Doc. # 34] is GRANTED. The defendant may have up to 60 days after the electronic discovery protocol and search terms are agreed upon within which to respond to the plaintiff's first sets of written discovery.

(2) The Motion to Compel [Doc. # 35] is GRANTED IN PART and DENIED IN PART as follows:

- GRANTED with respect to Requests for Production Nos. 2, 3, 5, and the request for the results of the drug test from the clinic in Rifle, Colorado, about which the plaintiff testified at her deposition; and

- DENIED with respect to Request for Production No. 1.

(3) On or before **June 24, 2013**, the plaintiff shall:

(a) Provide a supplemental discovery response which complies with all of the formalities of the Federal Rules of Civil Procedure. Among other things, the supplemental response must state whether any documents were withheld from production based on any asserted objection or privilege; must list all withheld documents on a log; and must state either that all non-privileged responsive documents are being produced or that there are no responsive documents;

(b) Produce all non-privileged responsive documents. In the event the plaintiff is not in the possession, custody, or control of the drug test from the Rifle clinic, she shall execute and provide to the defendant a release adequate to allow the defendant to obtain the drug test results directly from the clinic; and

(c) File and serve certifications from the plaintiff and her counsel that a thorough search for responsive documents has been completed under the supervision of counsel and that all non-privileged responsive documents in the plaintiff's possession, custody, or control have been produced.

Dated June 7, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge