

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02950-MSK-MEH

LISA M. JOHNSON,

Plaintiff,

v.

SCHOOL DISTRICT NO. 1 IN THE COUNTY OF DENVER AND STATE OF COLORADO, and
BOARD OF EDUCATION OF SCHOOL DISTRICT NO. 1,

Defendants.

**ORDER ON PLAINTIFF'S MOTION FOR RECONSIDERATION OF
ORDER ON DEFENDANTS' EMERGENCY MOTION TO MAGISTRATE
JUDGE TO STAY RELIEF GRANTED IN DISCOVERY ORDER**

Michael E. Hegarty, United States Magistrate Judge.

Plaintiff has requested reconsideration of my Order dated April 7, 2014 which stayed, in part, my March 13, 2014 Order permitting discovery concerning 10 late-disclosed defense witnesses. I originally permitted five interrogatories, five requests for production, five requests for admission, and a three-hour deposition for each of the 10 new witnesses. Defendants asked that I stay that Order to permit appeal to Chief Judge Krieger. In a desire not to prolong this already aging lawsuit, and because I believed that taking these witnesses' depositions was fundamental to Plaintiff's ability to prepare for trial, on April 7 I granted a stay as to the written discovery but not the depositions. Plaintiff now seeks reconsideration of the partial stay, requesting that I allow all of the discovery to proceed.

Plaintiff's principal argument is that in order to make the depositions more efficient, she needs ministerial and background information for the witnesses, which is what the written discovery was intended to accomplish. However, I believe that a three-hour deposition of each witness should

be able to obtain almost all relevant and discoverable information. The issues in this case are fairly narrow: First, did anyone from the Denver public school system inappropriately access Plaintiff's confidential employment records, and/or did any such person inappropriately provide information to a reporter for the Denver Post? Second, was Plaintiff's testimony before the Colorado legislature a basis for any employment decision made regarding Plaintiff?

To accommodate Plaintiff's specific concerns, each witness shall bring his or her resumé or curriculum vitae, and Defendants shall provide, prior to the depositions, disclosure of the positions for which Plaintiff was interviewed at the job fairs she references, along with the selectees for such positions. Thus, Plaintiff's motion is **granted in part** in this limited manner, but **denied** in all other respects.

SO ORDERED.

Dated at Denver, Colorado, this 10th day of April, 2014.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive, flowing style.

Michael E. Hegarty
United States Magistrate Judge