

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

Civil Action No. 12-cv-02973-PAB-BNB

ALAN DEATLY,
NAPI (Colorado) LLC, a Washington limited liability company, and
15 CORPORATIONS, INC., a Washington limited liability company,

Plaintiffs,

v.

KEYBANK NATIONAL ASSOCIATION, an Ohio corporation,

Defendant.

ORDER

This matter arises on **KeyBank's Motion to Compel** [Doc. # 85, filed 4/4/2014]. I held a hearing on the Motion to Compel this afternoon and made rulings on the record, which are incorporated here.

IT IS ORDERED:

- (1) The Motion to Compel [Doc. # 85] is GRANTED.
- (2) On or before April 30, 2014, the plaintiffs shall serve:
 - (i) Full and complete answers to the interrogatories, without objections,¹ with each interrogatory answered separately, in writing, and under oath, see Fed. R. Civ. P. 33(b); and
 - (ii) Full and complete responses to each request for production, without

¹ All objections were waived because they were not timely asserted. See Fed. R. Civ. P. 33(b)(4).

objections.² The responses must state that all responsive documents have been produced or are being produced with the response, or that no responsive documents are in the plaintiffs' possession, custody, or control, and must be signed by the plaintiffs under oath and by their counsel.

(3) On or before May 16, 2014, the plaintiffs must complete a second review of all documents in their possession, custody, and control to assure that all responsive documents have been produced. In connection with the second search, the parties shall work together to develop an appropriate protocol to search the plaintiffs' database.

(4) On or before May 21, 2014, the plaintiffs shall serve supplemental responses to each request for production, without objections. The supplemental responses must state that, following the second search, all responsive documents have been produced or are being produced with the supplemental responses, and must be signed by the plaintiffs under oath and by their counsel.

(5) On or before April 25, 2014, if at all, the defendant shall file a motion under Fed. R. Civ. P. 37(d) for reasonable expenses, including attorneys fees, incurred in connection with the Motion to Compel and caused by the plaintiffs' failure to answer interrogatories and/or make production of documents.

Dated April 18, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

²All objections were waived because they were not timely asserted. See Fed. R. Civ. P. 34(b)(2).