

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 12-cv-03160-CMA-KMT

IRONSTONE CONDOMINIUMS AT STROH RANCH OWNERS ASSOCIATION, INC. a/k/a
IRONSTONE CONDOMINIUM ASSOCIATION AT STROH RANCH, a non-profit Colorado
corporation,

Plaintiff,

v.

PEERLESS INDEMNITY INSURANCE COMPANY, an Illinois Corporation,

Defendant.

ORDER

This matter is before the court on “Plaintiff’s Motion to Compel Pursuant to F.R.C.P. 37” (Doc. No. 34, filed September 13, 2013.) On October 24, 2013 this court held a hearing on this and other motions, however held final resolution of the instant motion in abeyance pending *in camera* review of the underwriting file to be produced by Defendant.

On November 1, 2013, the underwriting file was transmitted to the court on an electronic media storage disk.¹ Defendants have advised the court, as directed, that they have disclosed

¹ The court has arranged to have the transmittal letter and the contents of the disk saved electronically and will preserve the electronic version of the underwriting file as part of the docket, restriction Level 3. The disk itself will be returned to counsel for Defendant, Hilary D. Wells of Lewis Roca Rothgerber.

pages 106-118, 125-138 and 159-177 to the Plaintiff. Further, they have advised that they have requested color copies of the photographs disclosed.²

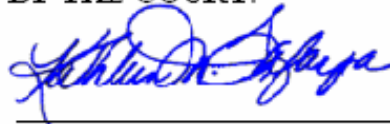
The court has now reviewed each of the 199 items contained in the file. Outside of the items which the Defendant has indicated they have disclosed to the Plaintiff, the court finds no other document in the underwriting file to be relevant to the issues in the case, including the pre-loss condition of the insured property.

Therefore, it is **ORDERED**.

“Plaintiff’s Motion to Compel Pursuant to F.R.C.P. 37” (Doc. No. 34) is **DENIED**.

Dated this 25th day of November, 2013.

BY THE COURT:



Kathleen M Tafoya
United States Magistrate Judge

² The photographs viewed by the court were in black and white.