

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

Civil Action No: 12-cv-03249-MSK-KMT
Courtroom Deputy: Sabrina Grimm

Date: August 21, 2013
FTR: Courtroom C-201

DUSTIN SIMS,

Pro se (by phone)

Plaintiff,

v.

JOSHUA HAMMACK,

Writer Mott

Defendant.

COURTROOM MINUTES

Motion Hearing

2:32 p.m. Court in session.

Court calls case. Appearance of counsel.

Court inquires about the status of the underlying criminal case in Jefferson County District Court. The parties confirm a 3 day criminal trial is set to commence September 18, 2013.

Discussion regarding the deposition, potential stay, fifth amendment, compliance with local rules, clarification on plaintiff's motion to compel [92], case claims, issues with receiving paperwork, and discovery cutoff.

ORDERED: Plaintiff's Motion to Compel and/or Motion for Sanctions Related to Failure to Cooperate in Discovery [92] is DENIED, as stated on record.

ORDERED: Defendant's Motion to Compel and/or Motion for Sanctions Related to Plaintiff's Refusal to Answer Questions at His Deposition [70] is GRANTED in part. Provided the criminal trial in Jefferson County District Court goes forward as scheduled, the deposition of Mr. Sims's may not be held until after October 1, 2013. Defendant is directed to file a status report on or before September 27, 2013 informing the Court of the outcome of the Jefferson County District Court criminal case. The request for sanctions is DENIED.

Court states its practice regarding discovery disputes.

ORDERED: Pursuant to Rule 6, defendant is directed to give plaintiff 14 days notice for his deposition, to the extent possible with consideration given to the criminal trial. If 14 days notice is not feasible, the Court waives the 14 day notice requirement.

3:30 p.m. Court in recess.

Hearing concluded.

Total in-court time 00:58

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.