

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

Civil Action No. 13-cv-00079-PAB-KMT

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,

Plaintiff/ Intervenor Defendant/Counter Defendant

v.

INTRAWEST ULC f/k/a INTRAWEST CORPORATION,
FEDERAL INSURANCE COMPANY,
NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, and
CONTINENTAL CASUALTY COMPANY,

Defendants, and

INTRAWEST U.S. HOLDINGS, INC.,
INTRAWEST RESORTS, INC.,
UPPER BENCH DEVELOPMENT CORPORATION,
INTRAWEST CALIFORNIA HOLDINGS, INC.,
SIERRA STAR THREE DEVELOPMENT CORPORATION,
THE STRATTON CORPORATION, and
INTRAWEST STRATTON DEVELOPMENT CORPORATION,

Intervenor Plaintiffs,

INTRAWEST ULC f/k/a INTRAWEST CORPORATION,

Third-Party Plaintiff

v.

WILLIS NORTH AMERICA, INC. f/k/a WILLIS CORROON CORPORATION,
WILLIS OF NEW YORK, INC.,
WILLIS INSURANCE BROKERAGE OF UTAH, INC.,
WILLIS OF NEW JERSEY, INC.,
WILLIS CONSTRUCTION SERVICES CORPORATION OF NEW JERSEY f/k/a WILLIS
CORROON CONSTRUCTION SERVICES CORPORATION OF NEW JERSEY,
WILLIS CORROON CONSTRUCTION SERVICES CORPORATION OF CONNECTICUT,

WILLIS CORROON CONSTRUCTION SERVICES CORPORATION,
WILLIS OF NEW HAMPSHIRE, INC. f/k/a WILLIS CORROON CORPORATION OF NEW
HAMPSHIRE,
WILLIS OF MASSACHUSETTS, INC., and
JOHN DOE WILLIS ENTITY,

Third-Party Defendants, and

FEDERAL INSURANCE COMPANY,
INTRAWEST ULC f/k/a INTRAWEST CORPORATION,

Counter Claimant.

ORDER

This matter is before the court on “National Union Fire Insurance Company of Pittsburgh, PA.’s Motion for a Protective Order Regarding a Second Deposition of Christopher Weir.” [Doc. No. 476.] National Union asks this court to preclude the deposition of Christopher Weir in his individual capacity currently scheduled to take place on September 10, 2015. As grounds, National Union states that, although this court has ordered, not recommended, that the deposition of Mr. Weir will go forward, National Union has objected to that ruling and Judge Brimmer has not ruled on those objections. Fed. R. Civ. P. 72 provides that in considering objections to a Magistrate Judge’s ruling on nondispositive matters, the district judge may modify or set aside any part of the order that is *clearly erroneous or is contrary to law*.

D.C.COLO.LCivR 30.2(b) provides

(b) Objection to Discovery Order by Magistrate Judge. An objection under Fed. R. Civ. P. 72(a) to an order by a magistrate judge concerning discovery does not stay the discovery to which the order is directed. A stay of the order shall be

obtained by motion filed with the magistrate judge, and if denied, then with the assigned district judge.

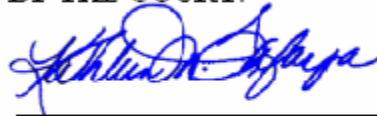
Instead of complying with the Local Rule, the Plaintiff has opted instead to file a motion under Fed. R. Civ. P. 26(c), apparently in the hope that the mere filing of the motion would serve to stay the scheduled proceedings. This procedure is incorrect.

It is **ORDERED**

“National Union Fire Insurance Company of Pittsburgh, PA.’s Motion for a Protective Order Regarding a Second Deposition of Christopher Weir” [Doc. No. 476] is **DENIED**.

Dated this 27th day of August, 2015.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge