

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

Civil Action No. 13-cv-00752-REB-BNB

JAMES S. GRADY, d/b/a Group Five Photosports,

Plaintiff,

v.

EVAN BRODERSEN, a/k/a EFAN BRUDER, and  
JOHN DOES 1-5,

Defendants.

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**ORDER**

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This matter is before me on **Plaintiff's Motion to Compel and Request for Extension** [Doc. # 48, filed 8/18/2014] (the "Motion"). The Motion seeks to compel the production of defendant Evan Brodersen's ("Brodersen") computer hard drive for the period January 1, 2010, to the present and 45 day extensions of the fact discovery cut-off and the dispositive motion deadline. I held a hearing on the Motion this morning and made rulings on the record, which are incorporated here.

IT IS ORDERED that the Motion is GRANTED IN PART and DENIED IN PART as follows:

- GRANTED to require the defendant to produce his computer hard drive for inspection and copying at the offices of plaintiff's counsel on or before September 22, 2014;
- GRANTED to extend the discovery cut-off to and including October 31, 2014, solely to allow (i) the plaintiff to depose the plaintiff, which shall occur at the offices of plaintiff's counsel; and (2) to allow the plaintiff to serve no more than five interrogatories, five requests for

production of documents, and five requests for admissions directed at the issue of destruction of evidence;<sup>1</sup>

- GRANTED to extend the dispositive motion deadline to and including November 14, 2014, to allow the filing of motions for summary judgment and to allow the plaintiff to file a motion for sanctions for spoliation of evidence;

- DENIED insofar as it seeks an order compelling the defendant to produce the hard drive from his previous computer, which the defendant admits he discarded on or after July 2013 and no longer possesses, see Defendant's 2nd Amended Rule 26(a) Disclosures [Doc. # 58]; and

- DENIED in all other respects.

Dated September 16, 2014.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge

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<sup>1</sup>The additional written discovery must be served so that responses are due on or before October 31, 2014.