

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00843-WJM-MJW

DANIEL GARCIA,

Plaintiff,

v.

RYAN LANDRETH, in his individual capacity,
CINDY GOMEZ, in her individual capacity,
EVAN GARCIA, in his individual capacity,
BRYAN KONCIJILA, in his individual capacity,
IRENE BASTA, in her individual capacity,
ANNA GUAGLIARDO, in her individual capacity, and
JASON RAGAN, in his individual capacity,

Defendants.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that the Defendant's Motion for Protective Order (Docket No. 20) is GRANTED for the following reasons. Plaintiff's First Set of Interrogatories is STRICKEN. Each party shall pay their own attorney fees and costs for this motion.

Plaintiff has exceeded the permissible interrogatories as permitted under the Rule 16 Scheduling Order (Docket No. 13). In the Rule 16 Scheduling Order, this court has permitted only 25 interrogatories **per side** and **not per party**. See paragraph 8 a. in the Scheduling Order (Docket No. 13). Moreover, this court has allowed 10 depositions **per side exclusive of experts** which allows the Plaintiff a fair opportunity to depose each of the named defendants. After much discussion between the court and the parties at the Rule 16 Scheduling Conference held on May 29, 2013, this court found that limitations of discovery as reflected in the Rule 16 Scheduling Order (Docket No. 13) entered by this court is proportional to the needs of this case, considering the amount in controversy, the importance of the issues at stake in this action, the parties' resources, the importance of the discovery in resolving issues, and, most significantly, whether the burden or expense of the proposed discovery outweighs its likely benefit. For these reasons, the subject motion (Docket No. 20) should be granted.

Date: October 7, 2013
