

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01141-BNB

THOMAS STOCKS AND MICHELLE STOCKS,

Plaintiffs,

v.

CITY OF AURORA,
DANIEL J. OATES,
BRADLEY GULLICKSRUD,
DANIEL WITTENBORN,
SCOTT COOPER,
STEVEN W. STANTON,
DANIEL JOHNSON,
JOSH MOHLMAN,
PATRICIA HOPKINS,
MARY JO McCRAWLEY,
PATRICK SMITH, and
JOSEPH DAGOSTA,

Defendants.

ORDER

At issue is the “Motion for Deposition of Defendants,” ECF No. 11, filed on July 3, 2013. Plaintiffs request depositions pursuant to Fed. R. Civ. P. 30. Plaintiffs assert that the depositions are necessary to amend the Complaint as he was ordered to do by the Court. For the following reasons, the Court will deny the Motion.

Plaintiffs may not use discovery to state initial allegations in a complaint. A district court is not “required to permit plaintiff to engage in a ‘fishing expedition’ in hope of supporting his claim.” See *McGee v. Hayes*, 43 F. App’x 214, 217 (10th Cir. 2002);

see also *Tottenham v. Trans World Gaming Corp.*, No. 00 Civ. 7697(WK), 2002 WL 1967023 at *2 (S.D. N.Y. June 21, 2002) (“Discovery, however, is not intended to be a fishing expedition, but rather is meant to allow the parties to flesh out allegations for which they initially have at least a modicum of objective support.”) (quotations omitted). A trial court is given wide discretion in managing discovery requests. *Gomez v. Martin Marietta Corp.*, 50 F.3d 1511, 1520 (10th Cir. 1995). Accordingly, it is

ORDERED that Plaintiffs’ Motion for Deposition of Defendants, ECF No. 11, is denied.

DATED July 10, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge