

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

Civil Action No: 13-cv-01644-PAB-KMT
Courtroom Deputy: Sabrina Grimm

Date: June 2, 2014
FTR: Courtroom C-201

Parties:

BRENDA WHITE,

Plaintiff,

v.

WEIDNER PROPERTY MANAGEMENT,

Defendant.

Counsel:

Jennifer Robinson
Jennifer Wadhwa

Shelby Felton
David DeMuro

COURTROOM MINUTES

MOTION HEARING

1:25 p.m. Court in session.

Court calls case. Appearances of counsel.

Discussion and argument regarding document production with respect to the Court's previous order [36], status of Defendant's prior counsel, withholding, redacting, and production of duplicate and/or confidential documents, re-deposing witnesses, and taking an additional deposition.

Ms. Felton tenders an exhibit subject to the provisions of the parties' protective order to the Court and opposing counsel for review to illustrate her argument concerning redactions made to discovery documents. Court reviews the confidential exhibit and returns it to Ms. Felton.

Ms. Felton tenders Exhibit 1 and 2 to the Court for review. Exhibit 1 and 2 will be attached to the Court's minutes.

Ms. Robinson tenders an exhibit subject to the provisions of the parties' protective order (WPM001889) to the Court and opposing counsel again to illustrate another form of redaction on discovery documents. Court reviews the confidential exhibit and returns it to Ms. Robinson.

Court states its findings.

ORDERED: Motion for Sanctions for Failure to Comply with the Court's Order Granting Plaintiff's Motion to Compel [45] is GRANTED IN PART AND DENIED IN PART.

- Defendant is directed to produce all previously removed duplicate responsive documents to Plaintiff on or before June 9, 2014, as discussed.
- Redactions to discoverable documents may be appropriate in the event it becomes necessary to publically file confidential documents produced in a case. However, the type of redactions presented to the court should not be affixed to a document produced to the opposing party where there is a protective order in place and the documents are designated thereunder. Therefore, all redactions made to documents subject to the parties' protective order shall be removed and the unredacted form of the discovery documents produced to the Plaintiff on or before June 9, 2014 as well.
- As sanctions for Defendant's failure to comply with discovery requests and the court's orders associated therewith, Plaintiff is permitted to re-depose Jack O'Connor, Mia Chilman, and Robert Carr for a maximum of three hours each. The scope of the re-depositions is limited, as stated on record. Mr. O'Connor's deposition shall be held in Denver, Colorado and the Defendant shall be responsible for making all arrangements and paying all costs to bring Mr. O'Connor to Denver for his deposition. Defendant will subpoena Ms. Chilman to appear at the re-deposition and will pay all costs associated with having Ms. Chilman served in connection with her re-deposition.
- Defendant shall pay to the Plaintiff up to three hours per deposition of reasonable attorney fees incurred to take the re-depositions necessitated by Defendants' failure to timely produce discovery. The Plaintiff is also entitled to reimbursement of attorney's fees from Defendant for Plaintiff's counsel's travel time to the depositions and any necessary expenses, such as parking fees, to attend the three depositions.
- In order to balance the prejudice to Plaintiff incurred by Defendant's late disclosures, Plaintiff is permitted to depose Ricardo Chinas for up to seven hours. Plaintiff shall be responsible for all her own costs associated with taking the deposition, including service of process.

- The four depositions shall be completed by Plaintiff on or before July 15, 2014. The defendant will cooperate with obtaining the depositions on or before this date.
- Plaintiff is awarded \$1,500.00 as costs incurred in making the motion. The amount is a sanction against Defendant Weidner ONLY and not against counsel for Weidner. The amount is due and payable to plaintiff on or before July 2, 2014.
- The motion is DENIED in all other respects.

ORDERED: Plaintiff's Motion for Continuance for Plaintiff to Conduct Additional Discovery Pursuant to F.R.C.P. 56(d) Or, Alternatively, Motion to Deny Motion for Summary Judgment [53] is GRANTED. Plaintiff's response to the Motion for Summary Judgment [50] is due on or before August 15, 2014. Defendant's reply to the motion is due on or before August 29, 2014.

ORDERED: Telephonic Final Pretrial Conference is VACATED and RESET for November 4, 2014 at 9:00 a.m. The parties shall initiate a conference call and contact chambers at 303-335-2780 at the time of the Final Pretrial Conference. A Final Pretrial Order shall be prepared by the parties and submitted to the court no later than seven days before the Final Pretrial Conference.

3:46 p.m. Court in recess.

Hearing concluded.

Total in-court time 02:21

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