

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

Civil Action No: 13-cv-02213-CMA-KMT  
Courtroom Deputy: Amanda Montoya

Date: May 28, 2015  
FTR: Courtroom C-201

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Parties:

KEITH CLAYTON BROOKS, JR.,

Plaintiffs,

v.

DAVID GABRIEL, individually and in his official  
capacity as Captain, CDOC,  
TRISHA MATHILL-AARON, individually and in her  
official capacity as Sergeant, CDOC  
JAMES GILLIS, individually and in his official capacity  
as Lieutenant, CDOC,

Defendant.

Counsel:

*Pro se* (by phone)

Jacob Masee

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**COURTROOM MINUTES**

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**MOTION HEARING**

**1:34 p.m. Court in session.**

Court calls case. Appearances of counsel.

This hearing comes before the court in regards to *Plaintiff's MOTION [116] to Compel Production of Documents and Reply to Defendant's Objections to Discovery Materials*. The Plaintiff did not confer with the Defendant, therefore sanctions are not appropriate and will not be considered. The court reviews the discovery requests with Mr. Brooks to better understand what he is requesting and still missing.

**ORDERED: Plaintiff's MOTION [116] to Compel Production of Documents and Reply to Defendant's Objections to Discovery Materials is GRANTED in part and DENIED in part as follows:**

**Request No. 1a: Granted in part and denied in part. Defendants are directed to look through the redacted portions of the specific**

**performance evaluations for the two years provided and provide supplementation in the event any of the evaluations noted specific performance issues in the following areas: retaliation against any prisoner; searches of prisoners; or detention of prisoners. These supplements, if any, shall be produced by June 12, 2015.**

**Request No. 1b: Denied.**

**Request No. 1c: Granted in part and denied in part. The Defendants shall obtain CDOC-maintained logs of their training records during the time each has been employed by the CDOC as corrections officers. No training materials will be produced.**

**Request No. 1d: Denied.**

**Request No. 1f: Denied.**

**Request No. 1h: Denied.**

**Request No. 1j: Granted in part and denied in part. Defendant shall provide the audio recordings and records for the two disciplinary proceedings that are a part of this case. This discovery shall be produced by June 12, 2015.**

**Request No. 1m: Denied.**

**Request No. 1n: Mr. Brooks withdraws this request.**

Parties have 10 days from today to file an objection to the court's rulings. Mr. Brooks may file an objection, however his main interest is in issuing some more narrowed requests given the discussion with the court. The court advises the Plaintiff he has already exceeded his limitation for discovery requests.

**ORDERED: Mr. Brooks shall be allowed 5 additional interrogatories and 5 additional requests for production for the purpose of narrowing his requests for specific discovery items. Mr. Brooks shall serve this additional discovery on or before June 22, 2015.**

**ORDERED: The discovery deadline is extended until July 27, 2015. The dispositive motion deadline is extended until August 27, 2015.**

**The Final Pretrial Conference set for August 19, 2015 is VACATED and RESET for October 27, 2015 at 10:00 a.m. Plaintiff, or his case manager, shall arrange for his participation via telephone and shall call (303) 335-2780 at the scheduled time. The defendants shall prepare an opening draft of the**

**Proposed final pretrial order with their required information included sufficiently in advance of the deadline for filing the proposed final pretrial order that the defendant may insert his material into the proposed order in a timely manner. The parties shall file their proposed Final Pretrial Order no later than seven days before the hearing.**

**2:46 p.m. Court in recess.**

Hearing concluded.

Total in-court time 01:12

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