

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 13-cv-02296-REB-CBS

Date: January 19, 2016

Courtroom Deputy: Amanda Montoya

FTR – Reporter Deck-Courtroom A402

Parties:

Counsel:

BOB CUSTARD,

Pro se

Plaintiff,

v.

DAVID ALLRED, *et al.*,

Timothy Jafek

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 02:03 p.m.

Court calls case. Appearances of counsel. Mr. Custard appears by video conference.

The court will hear argument on remaining pending referred motions with the exception of pending motions for summary judgment.

In regards to [210] *Motion for Order*, Mr. Jafek tenders redacted and un-redacted responsive documents to the court. The court reviews some of the documents and deems that the reviewed documents are not relevant to this case. The Bureau of Prisons will allow Mr. Custard to personally review his medical records between 8:00 a.m. and 4:00 p.m.

ORDERED: [210] *Motion for Order* is **DENIED**. The court **ORDERS** that Mr. Custard have access to his un-redacted medical records at a time of his choosing, provided that time does not conflict with security constraints and is between the hours of 8:00 a.m. and 4:00 p.m. If Mr. Custard's sleep condition conflicts with his ability to review the records in their entirety, he shall be given as many opportunities to review these records until the review is complete. This order shall be communicated to the Bureau of Prisons.

[226] *Motion for Sanctions* is **GRANTED in part and DENIED in part**. The motion is denied to the extent it seek sanctions in regards to the response to

interrogatory #8. The motion is granted in regards to interrogatory #7. Defendant Fief is ORDERED to provide a supplemental response to interrogatory #7 as the interrogatory is written.

[232] Motion to Compel is **DENIED without prejudice** as it does not comply with Local Rule 37.1.

[236] Motion for Order is **DENIED without prejudice** as it does not comply with Local Rule 37.1.

In regards *[235] Motion for Order*, Mr. Custard shall prepare and send 10 additional requests for production to the court and defense counsel. Those requests for production must be legible and may not be duplicative of past requests. After reviewing the requests, defense counsel shall advise the court of any objections and if they have anything to produce. After reviewing the requests and defense counsels' observations, the court will rule on the motion.

Mr. Custard addresses the court in regards to *[257] Motion for Summary Judgment*. Mr. Custard received the motion in the mail and the envelope was marked "to be opened in the presence of the prisoner". The envelope was opened by the time it reached Mr. Custard and the contents appeared to be disorganized.

ORDERED: Mr. Jafek shall mail another copy of *[257] Motion for Summary Judgment* and all the attachments to Mr. Custard. The envelope shall be marked "to be opened in the presence of the prisoner". Mr. Cook shall personally deliver this un-opened envelope to Mr. Custard. Mr. Cook shall be present when Mr. Custard opens the envelope.

HEARING CONCLUDED.

Court in recess: 03:20 p.m.

Total time in court: 01:27

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