

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

Civil Action No: 13-cv-03075-CMA-KMT
Courtroom Deputy: Sabrina Grimm

Date: August 1, 2014
FTR: Courtroom C-201

Parties:

LARRY SHEPHERD,

Plaintiff,

v.

AMERICAN NUMISMATIC ASSOCIATION, INC., a
District of Columbia corporation,
RONALD SIRNA, an individual,
THOMAS HALLENBECK, an individual,
KIMBERLY KIICK, an individual,
JAY BEETON, an individual, and
J.P. MARTIN, an individual,

Defendants.

Counsel:

Jason Alexander

Ryan Lessman

Aimee Delaney
Ryan Lessman

COURTROOM MINUTES

MOTION HEARING

10:36 a.m. Court in session.

Court calls case. Appearances of counsel.

Also present and seated at Defendant's table, Ashley Smolik.

Discussion and argument regarding alleged legal advice by Mr. Sirna and the nature of the August 17, 2011 executive session meeting. The Court agrees with Plaintiff's characterization of information that is not privileged, finds that the executive session of August 17, 2011 was, at least in part but perhaps in whole, subject to the attorney client privilege.

ORDERED: Plaintiff's Expedited Motion to Compel [69] is DENIED IN PART, as discussed.

Discussion and argument regarding health records with respect to garden variety emotional distress, relevancy of physical medical records, mental health records, non-content and content records on social media.

Mr. Alexander states Plaintiff has since provided a medical release and contact information for the three different medical providers he has seen during the relevant time period. Plaintiff agrees to provide verification that these are the only three medical providers Plaintiff has seen during the time period.

Mr. Lessman clarifies Defendants are seeking content information from Plaintiff's Facebook account for the past five years.

ORDERED: Defendants American Numismatic Association, Inc.'s, Thomas Hallenbeck's, Kimberly Kiick's, Jay Beeton's, and J.P. Martin's Motion to Compel Discovery From Plaintiff [76] is GRANTED IN PART AND DENIED IN PART. Plaintiff shall respond to the interrogatories, as discussed. As to the social media issue, subject to Plaintiff's review for privilege and other objections as necessary, the content of Plaintiff's Facebook account shall be turned over to Defendants for the time period 2008 through present as stated on record. The Facebook contents will be provided on or before August 15, 2014.

Discussion regarding dispositive motions deadline and reopening the deposition of J.P. Martin.

ORDERED: Plaintiff is permitted one additional hour to redepose J.P. Martin, preferably by phone or video, if possible, on or before September 1, 2014. The topic shall be limited to follow up questions regarding the August 17, 2011 executive session meeting.

Court states discovery is closed subject to the items resolved at today's hearing, including subpoenas or other process as necessary to obtain the medical records for which the plaintiff has signed releases.

11:33 a.m. Court in recess.

Hearing concluded.

Total in-court time 00:57

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