

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 14-cv-00694-WYD-BNB

RICHARD EVERHART,

Plaintiff,

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY,

Defendant.

ORDER

This matter arises on the following:

- (1) Defendant's **Motion to Compel Production of Documents** [Doc. # 41, filed 11/5/2014] (the "Defendant's First Motion to Compel");
- (2) **Defendant's Motion to Protective Order Re 30(b)(6) Deposition** [Doc. # 43, filed 11/0/2014] (the "Motion for Protective Order");
- (3) Defendant's **Motion to Compel Atlantis** [Doc. # 44, filed 11/12/2014] (the "Motion to Compel Atlantis");
- (4) Defendant's **Motion to Compel Power Adjusters** [Doc. # 45, filed 11/12/2014] (the "Motion to Compel Power Adjusters");
- (5) Plaintiff's **Motion for Extension of Time to Answer Requests for Production** [Doc. # 48, filed 11/26/2014] (the "Motion for Extension");
- (6) Plaintiff's **Amended Motion to Compel Production** [Doc. # 50, filed 12/4/2014] (the "Plaintiff's Motion to Compel");

(7) Plaintiff's **Motion to Strike and Return Privileged Documents Inadvertently Disclosed** [Doc. # 54, filed 12/11/2014] (the "Motion to Strike and Return"); and

(8) Plaintiff's **Motion to Compel Deposition of King** [Doc. # 55, filed 12/11/2014] (the "Motion to Compel King Deposition").

In view of my rulings on these motions, the plaintiff also sought an amendment to the case schedule.

I held a hearing on the motions today and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) Defendant's First Motion to Compel [Doc. # 41] is GRANTED. The plaintiff shall produce all responsive documents on or before January 21, 2015.

(2) The Motion for Protective Order [Doc. # 43] is GRANTED, except with respect to Topic 17.

(3) The Motion to Compel Atlantis [Doc. # 44] is DENIED. See Lim v. American Economy Ins. Co., 2014 WL 1464400 (D. Colo. 2014) (holding that appraiser files are immune from discovery under section 13-22-201(2), C.R.S.).

(4) The Motion to Compel Power Adjusters [Doc. # 45] is GRANTED. Power Adjusters shall comply with the commands of the subpoena served on it on or before January 21, 2015.

(5) The Motion for Extension [Doc. # 48] is GRANTED.

(6) The Plaintiff's Motion to Compel [Doc. # 50] is DENIED.

(7) The Motion to Strike and Return [Doc. # 54] is DENIED. The plaintiff has

waived any privilege applicable to this document by voluntarily disclosing it to third parties.

(8) The Motion to Compel King Deposition [Doc. # 55] is DENIED as moot. Ms. King's deposition shall occur on January 15, 2015, at the time and place as the parties have agreed.

(9) The case schedule is modified to the following extent:

Discovery Cut-Off: **May 1, 2015**

Expert Disclosures:

- (a) The parties shall designate all experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before **March 2, 2015**
- (b) The parties shall designate all rebuttal experts and provide opposing counsel with all information specified in Fed. R. Civ. P. 26(a)(2) on or before **April 2, 2015**

Dated January 5, 2015.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge