

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02560-CMA-MJW

KRISTIN PUNT,

Plaintiff(s),

v.

KELLY SERVICES and
GE CONTROLS SOLUTIONS,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff's Motion to Compel Defendant GE Controls to Produce Financial Documents (docket no. 22) is GRANTED for the following reasons.

This is an American with Disabilities Act (ADA) and Genetic Information Nondiscrimination Act (GINA) case in which Plaintiff is seeking punitive damages under Section 1981a, and alleging the requisite malice or reckless disregard for federally protected rights, as necessary to obtain punitive damages under Section 1981a. The case of Deters v. Equifax Credit Info. Services, Inc., 202 F.3d 1262, 1273 (10th Cir. 2000), is dispositive on the subject motion (docket no. 47). The Deters case was a Title VII case, applying the very same punitive damage provision applicable in this case under 42 U.S.C. § 1981a. The Tenth Circuit held in Deters that the defendant's financial resources are relevant to a claim of punitive damages under Section 1981a. Accordingly, there is no dispute that information pertaining to a defendant's financial resources is discoverable when the plaintiff seeks punitive damages. See Britton v. Car Toys, Inc., 2007 WL 1395290, *3 (D. Colo. May 9, 2007). Furthermore, I find that Defendant GE Controls Solutions' objections that Plaintiff's Second Requests for Production of Documents Nos. 1 and 2 are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in this case are overruled.

It is FURTHER ORDERED that Defendant GE Controls Solutions shall fully respond to Plaintiff's Second Requests for Production of Documents Nos. 1 and 2 on or before March 12, 2015.

It is FURTHER ORDERED that all discovery produced is subject to the

Protective Order (docket no. 25), and such discovery may be used for the limited purpose of this case only and for no other purpose.

Date: February 19, 2015
