

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE NINA Y. WANG

Civil Action: 15-cv-00460-WYD-NYW Date: December 8, 2015
Courtroom Deputy: Brandy Simmons FTR: NYW COURTROOM C-204*

Parties

Counsel

JODY BLATCHLEY,
DELFINA BLATCHLEY,

Alexander R. Wilschke
Molly L. Greenblatt Welch

Plaintiffs,

v.

RICHARD CUNNINGHAM, M.D.,
PETER JANES, M.D.,
MATTHEW CAIN, PA-C,
TIMOTHY SMITH, PA-C,
CAMERON YOUNGBLOOD, PA-C,
ST. ANTHONY SUMMIT MEDICAL CENTER,
VAIL-SUMMIT ORTHOPAEDICS, PC,
GREGORY POULTER, M.D.,

Richard L. Murray, Jr.
Forrest Vincent Plesko
Michael Peter Foley

Defendants.

COURTROOM MINUTES/MINUTE ORDER

MOTION HEARING

Court in Session: 3:32 p.m.

Appearance of counsel. Zach Warkentin appears for Cameron Youngblood and Vail-Summit Orthopaedics, PC.

Discussion and argument held on Dr. Janes's Motion to Compel Plaintiffs to Comply with Requests for Production [106] filed October 21, 2015.

ORDERED: Dr. Janes's Motion to Compel Plaintiffs to Comply with Requests for Production [106] is GRANTED. Plaintiffs shall respond to the discovery

requests, including all recordings made by Ms. Blatchley, on or before January 5, 2016, or the responses shall be deemed untimely. If Plaintiffs object to the production, objections shall be made on or before December 15, 2015. All responses to outstanding discovery in dispute must be made on or before January 5, 2016. Plaintiff is specifically advised that failure to provide responses to outstanding discovery in dispute by that date, without good cause shown for delay, may result in the court precluding use and/or other sanctions.

ORDERED: Plaintiff shall supplement their Rule 34 responses to make clear anything that has already been produced under Rule 26.

Parties discuss photographs that have been disclosed and a timeline for the photographs. Plaintiffs' counsel represents on the record that all photographs in the possession, custody and control of Plaintiffs depicting Mr. Blatchley's injury have been disclosed.

Discussion and argument held on Defendant, St. Anthony Summit Medical Center's Motion for Protective Order [109] filed October 26, 2015.

ORDERED: Defendant, St. Anthony Summit Medical Center's Motion for Protective Order [109] is ARGUED, SUBMITTED, and TAKEN UNDER ADVISEMENT. A separate written order shall issue.

Parties discuss outstanding discovery issues including: responses to Plaintiffs' outstanding discovery served on or about October 2, 2015; Plaintiffs discovery request of identification of former staff members that were on-call during Mr. Blatchley's hospital stay; peer review; depositions of two former employees who live out-of-state; and Request for Production No. 6 regarding reviewing Mr. Blatchley's medical record on a computer.

ORDERED: Defendant St. Anthony Summit Medical Center shall respond to these outstanding discovery requests on or before December 15, 2015. To the extent that the Parties seek to take the deposition of two former employees out of time, they will file a motion that identifies the specific dates for such depositions.

In addition, the Parties are directed to meet and confer regarding the medical record issue.

The Court advises parties that any discovery responses and supplemental responses shall be governed by the Amendments to the Federal Rules of Practice and Procedure effective December 1, 2015.

Court in Recess: 4:48 p.m.

Hearing concluded.

Total time in Court: 01:16

* To obtain a transcript of this proceeding, please contact Stevens-Koenig Reporting at (303) 988-8470.