

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

Civil Action: 15-cv-00713-CBS

Date: January 13, 2016

Courtroom Deputy: Amanda Montoya

FTR – Reporter Deck-Courtroom A402

Parties:

Counsel:

ROGER J. LUCAS,

Pro se

Plaintiff,

v.

OFFICE OF THE COLORADO STATE
PUBLIC DEFENDER, THE,

Douglas Cox

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 01:27 p.m.

Court calls case. Appearances of counsel.

ORDERED: *[42] Motion for Leave to Amend Complaint to Add Violations of Procedural Due Process Under 42 U.S.C. 1983* is **DENIED without prejudice**. The motion does not comply with the Local Rules as it did not contain a proposed amended complaint.

Discussion and argument regarding *[39] Motion to Compel Discovery*.

ORDERED: Parties shall put together and submit to the court a proposed protective order that is respectful of the privacy of all parties and non-parties of this case. The protective order shall be submitted to the court by **January 20, 2016**.

[39] Motion to Compel Discovery is **GRANTED in part and DENIED in part**. The motion is granted to the extent the court **REQUIRES** the Defendant to supplement within 2 weeks, their response to request for production #3. The supplemental response must comply in all respects with Fed. R. Civ. P. Rule 26(b)(1), Rule 34(b), and the prevailing case law in the advisory committee notes. The motion is denied without prejudice to the extent it seeks to compel further responses for request for production #2. The court will allow the Plaintiff to take

a 30(b)(6) deposition of an IT person at the State Public Defender's Office that can address the policies and practices for retaining and preserving e-mails and who can speak to the relative accessibility of e-mails going back to the particular time frame in question. The deposition may take no longer than two hours. The Plaintiff may renew his motion to compel in regards to request for production #2 after the 30(b)(6) deposition, on a good faith basis. In all other respects, the motion is denied.

The court will not award fees and costs. Each party will bear their own fees and costs.

Mr. Lucas addresses the court in regards to filing an amended complaint. Discussion regarding the new claim that would be added. Both parties intend on filing a motion for summary judgment. The court will not set a trial date until those motions are filed.

HEARING CONCLUDED.

Court in recess: 03:47 p.m.

Total time in court: 02:20

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