

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRENDA RODRIGUEZ,

Plaintiff,

v.

No. 2:17-cv-00791-GJF-KRS

ADAMS RADIO GROUP, LLC and
ADAMS RADIO GROUP OF LAS CRUCES,
LLC,

Defendants.

ORDER GRANTING IN PART PLAINTIFF'S MOTION TO COMPEL

THIS MATTER comes before the Court upon Plaintiff's Motion to Compel Defendants to Respond to Plaintiff's Second Set of Interrogatories and Second Request for Production of Documents and Things ("Motion to Compel") (Doc. 44). Briefing was complete as of August 1, 2018, and the Court heard oral argument on August 30, 2018. Having considered the parties' briefings and the argument of counsel, the Court makes the following findings.

After reviewing Plaintiff's Motion (Doc. 44), Defendants' Response in Opposition (Doc. 48), and Plaintiff's Reply (Doc. 57), the Court determines that Plaintiff is requesting a modification of the Protective Order (Doc. 46), filed June 22, 2018. Specifically, Plaintiff would like the Court to remove the "For Counsel or Attorneys Only" provisions so that she may view the entirety of Defendants' disclosures.

For the reasons stated on the record during the August 30, 2018 motion hearing, Plaintiff's request to modify the Protective Order will be granted. However, the remainder of the Order shall remain in full force and effect. The parties are reminded that all information designated as "Confidential," "For Counsel Only," or "Attorneys' Eyes Only," shall not be disclosed to anyone other than "Qualified Persons" and the parties, as the terms are defined in

the Protective Order. The parties are further reminded that any violation of the Protective Order may result in sanctions including, but not limited to, dismissal of the action.

The Court notes that much of the argument surrounding the instant discovery dispute centers upon whether or not Plaintiff is entitled to use the discovery she requested in her Second Set of Interrogatories and Second Request for Production. This issue is before the Presiding Judge via Defendants' Motion for Sanctions (Doc. 47) and it will be addressed accordingly. However, because a ruling on Defendants' Motion could render moot the Court's order on Plaintiff's Motion to Compel, the Court will stay the execution of its ruling pending the outcome of Defendants' Motion for Sanctions.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel (Doc. 44) is hereby GRANTED in part as specified above.

IT IS FURTHER ORDERED that the execution of this Order in regard to discovery and disclosure will be stayed pending the outcome of Defendants' Motion for Sanctions (Doc. 47).



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE