
DISCOVERY ORDER AND
ORDER RE AGENCY'S MOTION FOR ENLARGEMENT

IN THE MATTER OF THE APPEAL OF:

MICHAEL GOMEZ, Appellant,

vs.

DEPARTMENT OF PUBLIC WORKS, WASTEWATER MANAGEMENT DIVISION,
and the City and County of Denver, a municipal corporation, Agency.

On January 30, 2012, the Appellant filed a Motion for Discovery in the Career Service Hearing Office, requesting disclosure of seven documents. Pursuant to the Notice of Hearing and Pre-hearing Order, the Agency was required to respond by February 6, 2012. On that same date, the Agency requested an enlargement of time to file its objection, stating it needed to determine the existence of some documents, to obtain others, and to review the documents to determine whether the Agency agrees to produce them.

Career Service Rule 19-45 A. and the Notice of Hearing and Pre-hearing Order both specify that formal discovery is permitted only after informal discovery efforts fail. The filings indicate the parties did not engage in informal discovery prior to filing a formal request for discovery. Further, the Agency disclosed at least one of the items requested by Appellant: GPS records for the truck driven by Appellant on October 26, 2011, which appears to duplicate Agency's Exhibits 7 and 8. Finally, despite the requirement that all motions requesting discovery must specify the reason for each request, most of Appellant's discovery requests do not contain a rationale for the request.

ORDER

The parties are ordered to confer, in a good-faith attempt to resolve discovery issues, before filing a renewed Motion for Discovery. Because discovery must be completed by February 29, 2012, discovery motions must be filed by February 10, 2012, and responses must be filed by February 14, 2012.

DONE February 8, 2012.



Bruce A. Plotkin
Career Service Hearing Officer

I certify that, on February 8, 2012, I delivered a correct copy of this Notice of Hearing and Pre-hearing Order to the following, in the manner indicated:

Mr. Michael Gomez, mikegomez303@yahoo.com

(via email);

Michael O'Malley, Esq., Michaelomalleylaw@hotmail.com

(via email);

Russ Harris, Esq., Edwardrusselharris@yahoo.com

(via email);

Ms. Kathy Hand, Kathy@legalnavigators.net

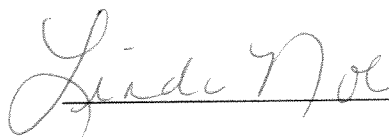
(via email);

City Attorney's Office at Dlefilng.litigation@denvergov.org

(via email);

HR Services, HRServices@denvergov.org

(via email).

A handwritten signature in cursive script that reads "Linda Noel". The signature is written in black ink and is positioned above a solid horizontal line that extends to the right.