

ORDER GRANTING APPELLANT'S FORMAL DISCOVERY REQUEST

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IN THE MATTER OF THE APPEAL OF:

VINCENT MACIEYOVSKI, Appellant,

vs.

DEPARTMENT OF GENERAL SERVICES, FACILITIES MAINTENANCE,  
and the City and County of Denver, a municipal corporation, Agency.

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On May 29, 2014, Appellant filed a motion for discovery. He seeks production of two documents: (1) the 2001 Chilled Water Agreement between the City and County of Denver and Public Service Company of Colorado; and (2) all pictures of air filters which were contained in his Agency- issued cellular phone. In support of his motion, Appellant stated the items sought were "essential components to impeach the triviality or the pretext of the termination decision."

On June 11, 2014, the Agency filed its response to Appellant's motion. The Agency agreed to provide Appellant with the air filter photographs from his Agency-issued cellular phone. However, the Agency stated it did not find Appellant's copy of the 2001 Chilled Water Agreement. The Agency objected to disclosing the contract, stating the matter was previously litigated.

The 2001 Chilled Water Agreement appears to be both relevant to Appellant's new whistleblower claim, and not unduly burdensome to produce. The Agency is, therefore, **ORDERED** to provide a copy of the 2001 Chilled Water Agreement to the Appellant on or before June 20 2014.

Done June 13, 2014.



Bruce A. Plotkin  
Career Service Hearing Officer