

DISCOVERY ORDER 1/14/11

IN THE MATTER OF THE APPEAL OF:

MARCUS RICHARDSON, Appellant,

vs.

DENVER AUDITOR'S OFFICE,

and the City and County of Denver, a municipal corporation, Agency.

INTRODUCTION

A pre-hearing conference was held on January 14, 2011 to resolve several pending motions and responses by the parties. Counsel for the Appellant, Anne T. Sulton, Esq., appeared via telephone. Robert A. Wolf, Assistant City Attorney, was present in the hearing room. The orders numbered below resolve the following pending filings. (1) Appellant's Motion for Discovery, filed January 3, 2011; Agency's Motion to Strike Certain Discovery, filed January 6, 2011; Agency's Motion to Strike Appellant's Witness List, filed January 6, 2011; Appellant's Response to Agency's Motion to Strike Witness List, filed January 11, 2011; and Appellant's Response to Agency's Motion to Strike Discovery and Motion for Discovery, filed January 11, 2011.

ORDERS

1. Appellant's Motion for Discovery; Agency's Motion to Strike Certain Discovery; Appellant's Response to Agency's Motion to Strike Certain Discovery and Motion for Discovery.

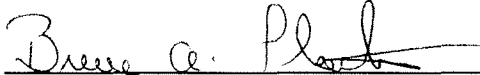
In her second discovery motion, Appellant conformed her requests to the presumptive limits imposed by Career Service Rule 19-45 A. The Agency then withdrew its objection and motion to strike. It appears all of Appellant's amended discovery requests are relevant or reasonably calculated to lead to the discovery of relevant information. Consequently, Appellant's amended discovery request is GRANTED in its entirety.

2. Agency's Motion to Strike Appellant's Witness List; and Appellant's Response to Agency's Motion to Strike Appellant's Witness List.

Appellant listed over 40 potential witnesses. After discussion of what claims would be presented at hearing, counsel for the Agency represented the issues were as presented in the notice of dismissal and in its pre-hearing statement. Appellant's counsel then committed to a substantial reduction of her witnesses list in accordance with the triable issues on appeal, and shall do so by filing an amended pre-hearing statement indicating what witnesses will or may testify during the Appellant's case-in-chief.

3. In order to provide sufficient time for the parties to comply with these orders, the following enlargements of time are in effect. a. The Agency shall respond to Appellant's amended discovery request in its entirety on or before February 1, 2011; b. amended pre-hearing statements are due on or before February 7, 2011; c. Subpoena requests must be filed and served on opposing parties on or before February 10, 2011, with objections due the following day, February 11, 2011. d. All other dates in the Second Notice of Hearing and Pre-hearing Order remain in effect.

DONE January 14, 2011.



Bruce A. Plotkin
Career Service Hearing Office

I certify that, on January 14, 2011, I delivered a correct copy of this Order to the following, in the manner indicated:

Mr. Marcus Richardson, marcusd450@gmail.com (via email);
Anne Sulton, Esq., annesulton@gmail.com (via email);
Robert A. Wolf, Assistant City Attorney,
Dlfiling.litigation@denvergov.org (email).

