

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-1814-WDM-MJW

DEBBIE ULIBARRI, ET AL.,

Plaintiffs,

v.

CITY & COUNTY OF DENVER, INCLUDING
ITS SHERIFF DEPARTMENT, AND ITS POLICE DEPARTMENT, et al.,

Defendants.

**ORDER REGARDING
PLAINTIFFS' MOTION TO COMPEL DISCOVERY RESPONSES
(DOCKET NO. 57)**

Entered by Magistrate Judge Michael J. Watanabe

The matter is before the court on Plaintiffs' Motion to Compel Discovery Responses (docket no. 57). The court has reviewed the subject motion (docket no. 57), the response (docket no. 64), and the reply (docket no. 69). In addition, the court has reviewed, *in camera*, the following documents at issue in the pending Motion to Compel (Docket No. 57) that are identified as Bates Nos. 000246, 000250, 000261, 000271, 000273, 000282, 000283, 000293, 000294, 000312, 000314, 000319, 000320, 000321, 000322, 000327, 000333, and 000334. The court has also taken judicial notice of the court's file and has considered applicable Federal Rules of Civil Procedure and case

law. The court now being fully informed makes the following findings of fact, conclusions of law, and order.

In the subject motion (docket no. 57), Plaintiffs request that this court order Defendants to provide to Plaintiffs: (1) complete responses to interrogatories 5, 6, 10, and 11; (2) unredacted versions of Bates Nos. 000246, 000250, 000261, 000271, 000273, 000282, 000283, 000293, 000294, 000312, 000314, 000319, 000320, 000321, 000322, 000327, 000333, and 000334; and (3) complete interrogatory responses signed under oath by the Defendants to whom they were directed.

FINDING OF FACT AND CONCLUSIONS OF LAW

The court finds:

1. That I have jurisdiction over the subject matter and over the parties to this lawsuit;
2. That venue is proper in the state and District of Colorado;
3. That each party has been given a fair and adequate opportunity to be heard;
4. That Plaintiffs' interrogatories nos. 5, 10, and 11 are overly broad, and therefore Defendants are not required to further respond to these interrogatories;
5. That interrogatory no. 6 has been fully answered by Defendants with information after reasonable inquiry, and therefore no further response is required by Defendants;

6. That as to unredacted versions of documents identified as Bates Nos. 000246, 000250, 000261, 000271, 000273, 000282, 000283, 000293, 000294, 000312, 000314, 000319, 000320, 000321, 000322, 000327, 000333, and 000334, I find that the redacted information in these documents fall within official information privilege pursuant to Whittington v. Sokol, 2008 WL 435277 (D. Colo. Feb. 14, 2008), and therefore Plaintiffs are not entitled to unredacted versions of the same.

ORDER

WHEREFORE, based upon these findings of fact and conclusions of law, this court **ORDERS**:

1. That Plaintiffs' Motion to Compel Discovery Responses (docket no. 57) is **DENIED**;
2. That each party shall pay their own attorney fees and costs; and,
3. That the documents submitted, *in camera*, identified as Bates Nos. 000246, 000250, 000261, 000271, 000273, 000282, 000283, 000293, 000294, 000312, 000314, 000319, 000320, 000321, 000322, 000327, 000333, and 000334 shall be sealed and shall not be opened except by further Order of Court.
4. If defendants have not already provided their interrogatory responses signed under oath by the Defendants to whom they were

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directed, they shall do so within ten days of this Order.

Done this 18th day of August 2008.

BY THE COURT

s/ Michael J. Watanabe
MICHAEL J. WATANABE
U.S. MAGISTRATE JUDGE