IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-00520-PAB-BNB

HEALTH GRADES, INC.,

Plaintiff,

v.

MDX MEDICAL, INC., d/b/a Vitals.com,

Defendant.

ORDER

The parties appeared before me this morning for a status conference, at which time I ruled on a number of the pending motions. Consistent with my rulings from the bench this morning, which are incorporated here by reference,

IT IS ORDERED:

(1) The following motions are DENIED as resolved and withdrawn:

(a) **Health Grades, Inc.'s Motion for Leave to Serve One Request for Inspection** [etc.] [Doc. # 196, filed 5/10/2012];

(b) **Health Grades, Inc.'s Unopposed Motion for Leave to Supplement Its Reply** [Doc. # 237, filed 7/3/2012]; and

(c) **MDx Medical, Inc.'s Unopposed Motion for Leave to File Sur-Reply** [etc.] [Doc. # 244, filed 7/6/2012].

(4) **Health Grade, Inc.'s Motion to Compel** [etc.] [Doc. # 189, filed 4/25/2012] is GRANTED IN PART and DENIED IN PART as follows:

• GRANTED to overrule the defendant's objections to responding with respect to the former website as well as the current website;

• GRANTED to overrule defendant's "capable of" objections;

• GRANTED to overrule defendant's "verified" objections;

• GRANTED with respect to Admission Requests 3 and 14-16 to require the defendant to admit or deny the requests as posed, and not to rephrase them by means of its qualifications;

• GRANTED to require the defendant to admit, deny, or specify why the defendant cannot truthfully admit or deny Admission Requests 4-11, 17-19, and 22-23; and

• DENIED insofar as the plaintiff seeks it reasonable expenses in bringing the Motion to Compel.

The defendant shall provide supplemental discovery responses, consistent with this order and in full compliance with the formalities of the Federal Rules of Civil Procedure, on or before **September 21, 2012**.

(3) The following motions to restrict access are DENIED:

(a) **MDx Medical, Inc.'s Motion to Restrict Access** [Doc. # 214, filed 6/14/2012];

(b) **MDx Medical, Inc.'s Unopposed Motion to Restrict Access** [Doc. # 232, filed 6/29/2012];

(c) **MDx Medical, Inc.'s Unopposed Motion to Restrict Access** [Doc. # 259, filed 7/23/2012];

(d) **MDx Medical, Inc.'s Unopposed Motion to Restrict Access** [Doc. # 269,

filed 7/27/2012];

(e) **MDx Medical, Inc.'s Motion to Restrict Access** [Doc. # 279, filed 8/9/2012]; and

(f) **MDx Medical, Inc.'s Unopposed Motion for Leave to Restrict Access** [Doc. # 284, filed 8/28/2012].

This order is STAYED with respect to the motions to restrict access and the following documents shall remain subject to Restricted Access at Level 1, pending further order of the court:

• Doc. ## 201, 201-15, 201-16, and 201-17;

• Doc. ## 219-4, 219-5, 219-6, 219-11, 219-12, 219-13, 220-1, 220-2, 220-3, 220-5, 220-6, and 220-7;

• Doc. # 249-1;

• Doc. ## 252, 253, 253-2, 253-4, and 253-5;

• Doc. ## 264 and 264-1; and

• Doc. ## 282-1 and 282-2.

The defendant may file, on or before **September 18, 2012**, a renewed motion to restrict access as discussed at the hearing today, identifying with specificity any trade secrets the disclosure of which could result in serious injury to the defendant and considering alternatives to restricted access where appropriate.

Dated September 11, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge