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

This matter arises on **MDx Medical, Inc.'s Motion to Compel Discovery [etc.]** [Doc. # 65, filed 11/23/2011] (the "Motion to Compel"). I held a hearing on the Motion to Compel today and made rulings on the record, which are incorporated here. For the reasons stated on the record,

IT IS ORDERED

(1) The Motion to Compel [Doc. # 65] is GRANTED IN PART and DENIED IN PART as follows:[1]

• GRANTED with respect to Interrogatory 6;

• GRANTED to require Health Grades, in response to the production requests, to certify that a good faith search for responsive documents has been completed and that all non-

[1]The parties were able to resolve on their own a number of the issues initially raised in the Motion to Compel. Their agreement is memorialized in an email exchange which is an exhibit to the minutes of today's hearing.

privileged responsive documents known to exist have been produced;[2]

• DENIED with respect to Interrogatories 2, 4, and 8;

• DENIED with respect to Production Request 7insofar as the MDx contends that it requires the production of "[a]ll documents showing the prior art Health Grades website"; and

• DENIED insofar as it seeks an award of attorneys fees and costs in bringing the motion.

(2) Health Grades shall make a supplemental discovery response in full compliance with the formalities of the Federal Rules of Civil Procedure and consistent with this Order on or before January 23, 2012.

Dated December 21, 2011.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

[2]MDx should supplement its responses to production requests to include the same certification.