

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No 17-cv-00210-RBJ

LIST INTERACTIVE, LTD. d/b/a Uknight Interactive,

Plaintiff,

v.

KNIGHTS OF COLUMBUS, and
DAVID J. KAUTTER, in his official capacity as (Acting) Commissioner of the Internal Revenue
Service,

Defendants.

MINUTE ORDER

Entered by Judge R. Brooke Jackson on August 1, 2018

This Court's practice, as indicated during the initial scheduling conference and followed throughout the case, is that it does not want written motions or other papers with respect to discovery disputes. The Court addresses such disputes by telephone conference. New plaintiff's counsel might not have been aware of this. Defense counsel was aware. In this instance the Court has reviewed your papers. Accordingly, the Court vacates today's hearing and rules as follows:

1. Plaintiff may take a second deposition of Thomas P. Smith, Jr. to preserve his testimony for trial in the event he does not appear in person.
2. Plaintiff may take a deposition of Carl Anderson. The deposition is limited to one hour of direct examination (unless the witness is not cooperative, in which case the parties will call the Court contemporaneously). The subject matter is limited to the specific documents and conversations described in ECF No. 134 at 2-3.
3. The deadline for propounding new written discovery has passed and is not extended by the Court. Defendant is not required to respond to the June 29, 2018 discovery. If the documents described in ECF No. 134 at 5-6 were specifically and expressly requested in previous, timely requests (by the same identifiers), then the previous production should be supplemented to include them. The exception is Mr. Smith's human resources file, which the Court does not order to be produced whether or not previously requested.

4. The deposition subpoenas served on Mr. Smith, Mr. DiVasto and Dina Ardito are quashed except as to any documents in their possession, custody or control that relate specifically to UKnight.
5. UKnight is ordered to produce all documents that it believes support its contract and promissory estoppel claims, whether or not they are included somewhere within the 8,000 documents alleged to have been previously produced. The Court notes that either copies or description by category and location should have been provided with initial disclosures per Fed. R. Civ. P. 26(a)(1)(A)(i). This order now requires production or re-production of copies. No document not produced in response to this order will be admitted in evidence at trial.
6. The Court denies the "motion" to require plaintiff to produce the "mitigation" documents described at ECF No. 133 at 5.
7. The Court orders plaintiff to produce its tax returns for the requested years.
8. The Court denies the "motion" regarding Mr. Labriola's prior businesses. *Id.* at 5-6.
9. Defendant is ordered to complete its production of membership information, without exception, excuses or redaction, as previously ordered. Failure to do so fully and completely will result in the imposition of sanctions including attorney's fees.
10. The Telephonic Discovery Conference set today at 2:00 p.m. is vacated.