

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe

Civil Action No. 06-cv-00591-LTB-MJW

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff(s),

v.

COLORADO BOULEVARD MOTORS, INC.,

Defendant(s).

MINUTE ORDER

It is hereby ORDERED that Defendant's Motion to Compel EEOC to Produce Documents which Substantiate the Information Contained in EEOC's First Supplemental Disclosures (docket no. 35) is DENIED WITHOUT PREJUDICE.

The subject of this motion involves disclosure of form letters and/or other documents that the EEOC received back from each of the alleged class members. Here, the court finds that Defendant did not seek discovery of such form letters and/or other documents via a request for production of documents pursuant to Fed. R. Civ. P. 34. Instead, Defendants sought such form letters and/or other documents informally via letter correspondence. In response, the EEOC argues that such form letters and/or other documents are privileged and protected under the attorney-client privilege. Under these facts, this court concludes that Defendant has failed to seek such form letters and/or other documents per Rule 34 which is the formal and appropriate discovery device to obtain such documents. Such rule allows the responding party to provide a privilege log if the responding party believes that such documents being requested are protected and are thus non-discoverable. In such a case, the requesting party can thereafter ask this court to compel such disputed documents and this court would have the ability to review such documents and such privilege log, *in camera*, to make a determination of whether or not such documents are covered by the attorney-client privilege.

It is FURTHER ORDERED that Plaintiff's Motion to Extend Time for Expert Disclosures (docket no. 41) is DENIED. Plaintiff has failed to demonstrate any factual or legal basis as to why Plaintiff could not meet the expert disclosure deadlines set by this court at the Rule 16 Scheduling Conference.

Date: March 7, 2007