

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 13-cv-02481-PAB-CBS
Date: February 14, 2014

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Courtni Covington

Parties:

Counsel:

ROBERTO FUENTES,

Plaintiff,

Steven L. Woodrow
Megan L. Lindsey

v.

KROENKE SPORTS & ENTERTAINMENT,
LLC,

Kevin D. Evans
John T. Osgood

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 7:58 a.m.

Court calls case. Appearances of counsel.

This matter is before the court regarding Defendant's **Motion to Dismiss for Lack of Diversity/Subject Matter Jurisdiction In Light of the Dismissal of World Wrestling Entertainment, Inc., and to Stay Discovery** [Doc. No. 57].

Defense counsel presents oral argument and cites relevant case law.

Counsel for Plaintiff presents oral argument and engages in discussion with the court.

Discussion between the court and counsel regarding the pending **Motion to Dismiss for Failure to State a Claim** [Doc. No. 21], discovery Plaintiff intends to pursue, and proposals with respect to allowing narrowed discovery or informal discovery on the limited issue of subject matter jurisdiction.

ORDERED: **On or before February 28, 2014**, Plaintiff's counsel may serve five Interrogatories and five Requests for Production of Documents focused on the scope of subject matter jurisdiction. **Within seven days of service**, Defense counsel shall notify Plaintiff if some or all of the discovery requests

will be subject to dispute.

ORDERED: To the extent it seeks a stay of discovery, the court will hold *Motion to Dismiss for Lack of Diversity/Subject Matter Jurisdiction In Light of the Dismissal of World Wrestling Entertainment, Inc., and to Stay Discovery* [Doc. No. 57, filed 1/15/2014] in **ABEYANCE**.

A further Motion Hearing for consideration of Doc. No. 57 regarding Defendant's request for a stay of discovery is set for **March 19, 2014 at 1:30 p.m.**

The court notes it is issuing this order without prejudice to Defendant's right to challenge the interrogatories or requests propounded either as exceeding the bounds of subject matter jurisdiction discovery or alternatively based upon Rule 26(c) factors.

If the parties can agree that all discovery requests are consistent with subject matter jurisdiction and are not overly burdensome, counsel may notify chambers that they are in agreement to conduct that discovery and wish to withdraw their Motion to the extent it seeks a stay of discovery.

If issues remain, **no later than noon on March 17, 2014** Plaintiff's counsel is to forward to the court a copy of the discovery propounded and Defense counsel is to submit a report indicating to what extent there is burden imposed. The court notes if counsel claims a burden under Rule 26(c), it will require an affidavit explaining the nature of that burden.

HEARING CONCLUDED.

Court in recess: 9:15 a.m.

Total time in court: 01:17

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