

**DISCOVERY ORDER**

---

IN THE MATTER OF THE APPEAL OF:

**PHYLLIS COMPTON**, Appellant,

vs.

**DEPARTMENT OF SAFETY, DENVER SHERIFF'S DEPARTMENT,**  
and the City and County of Denver, a municipal corporation, Agency.

---

On January 19, 2011, the Appellant filed a request for discovery. The Agency filed its objection to all Appellant's discovery requests on January 24, 2011, based upon a failure of timeliness pursuant to my original pre-hearing order, and also based upon overbreadth and vagueness. I have reviewed the filings, the case file, and now find and order as follows.

I. Agency's timeliness objection.

The Agency argues Appellant's discovery requests fall outside the time limit of November 15, 2010, set by my pre-hearing order dated October 21, 2010. Deadlines for completion of discovery were subsequently extended, by an amended pre-hearing order, to February 23, 2011. The Agency correctly observed that requests for discovery were not specifically extended; however I now clarify that the extended deadline for completion of discovery assumed the extension of the deadline for requesting discovery, and so find the Appellant's request to be timely.

II. Agency's overbreadth vagueness objections.

A. Appellant's Request for Interrogatories

1. Prior similar investigation and discipline. I agree with the Agency's objection that this request is overly broad. It is unlimited in time, unlimited with respect to what rules and policies may have been in effect, and would not take into account the myriad factors that may have influenced the ultimate disciplinary decision. This request is DENIED.

2. How Appellant's conduct violated Career Service Rule (CSR) 16-60 Z. The Agency objects that this information has already been provided. In light of the Career Service Board's recent declarations in In re Misty Jones, CSB 88-09A (9/29/10), which specifically addressed the parameters of CSR 16-60 Z., the Appellant's request for more specific information as to the facts the Agency believes support this violation is relevant and not unduly burdensome for the Agency to produce. This request is GRANTED.

3. Financial burden on the Agency or City resulting from Appellant's actions. I agree this request is both over broad and vague. Moreover, it appears the request would require information duplicative of the interrogatory immediately above. This request is DENIED.

4. Why the Appellant was terminated. In its notice of termination and pre-hearing filings, the Agency has already provided sufficient information upon which the Appellant is apprised of the Agency's alleged bases to terminate pursuant to the original pre-hearing order at B.3. This request is therefore DENIED as duplicative. The Appellant may object at hearing if the Agency claims to base any of its disciplinary decisions in this matter upon information not already disclosed.

B. Appellant's Requests for Production of Documents.

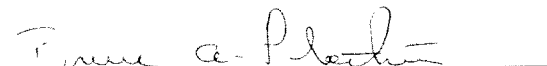
1. Every document described in responses to interrogatories. For reasons stated immediately above, this request is DENIED.

2. Every document referred to or relied upon in preparing responses to interrogatories above. For reasons identified immediately above, this request is DENIED.

3. Any document relied upon not specified above. This request is DENIED.

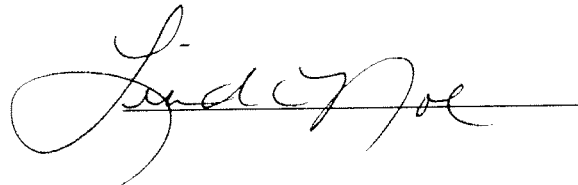
The Agency shall provide its response to interrogatory #3 on or before February 15, 2011.

DONE January 25, 2011.

  
\_\_\_\_\_  
Bruce A. Plotkin  
Career Service Hearing Officer

I certify that, on January 25, 2011, I delivered a correct copy of this Discovery Order to the following in the manner indicated:

Ms. Phyllis Compton, c/o Reid Elkus, Esq.	
Reid Elkus, Esq., <a href="mailto:relkus@elkusandsisson.com">relkus@elkusandsisson.com</a>	(via email);
City Attorney's Office at <a href="mailto:Dlefilng.litigation@denvergov.org">Dlefilng.litigation@denvergov.org</a>	(via email);
HR Services, <a href="mailto:HRServices@denvergov.org">HRServices@denvergov.org</a>	(via email);
Mary Malatesta, Mgr., <a href="mailto:mary.malatesta@denvergov.org">mary.malatesta@denvergov.org</a>	(via email);
Gary Wilson, Dir., <a href="mailto:gary.wilson@denvergov.org">gary.wilson@denvergov.org</a>	(via email).

  
\_\_\_\_\_  
Linda Noel