

ORDER ON REQUESTS FOR SUBPOENAS

IN THE MATTER OF THE APPEAL OF:

LAVELLA M. W. HARRISON, Appellant,

vs.

APPLICATION SERVICES, TECHNOLOGY SERVICES
and the City and County of Denver, a municipal corporation, Agency.

Appellant has requested the issuance of subpoenas for the production of documents and for testimony. The Agency has objected to the requests.

Career Service Rules and Procedural Background

Requests for documents from non-parties, including other agencies, must be supported by good cause and show the relevance of the requested documents to the appeal. CSR § 19-45 B. Requests for subpoenas to compel the attendance of witnesses must be supported by good cause, and call for testimony that is relevant to the appeal. §19-45 C.

1. Appellant has requested a subpoena for the CSA records custodian to produce Appellant's personnel file. The Agency objects, stating that its practice is to list the personnel file as an exhibit and make it available for inspection and copying. The personnel file is listed as Exhibit 39 in this appeal. Therefore, a subpoena to produce it is unnecessary.

2. Appellant seeks production of four invoices from either Gloria Janisch or Molly Rauzi as custodians for the Agency. The Agency objects on the basis that a document requests to the Agency is a discovery request, and the time for discovery has passed.

3. Appellant also requests that Yvonne Neiman, Associate IT Developer for the Agency, produce all emails she referred to in Exh. 29. The Agency objects because the deadline for document requests from the Agency has expired.

4. Finally, Appellant moves for a subpoena to Caroline Karny, a supervisor in Community Planning and Development, for production of two invoices. The Agency

argues the request should be denied because Appellant has failed to demonstrate the relevancy of the invoices to the issues in this appeal.

Order

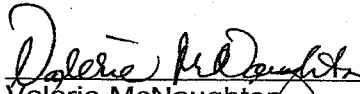
1. Appellant's request for a subpoena to produce her personnel file is denied as unnecessary, as the file is available to Appellant as an exhibit in this appeal.

2. The subpoena requests for Agency employees Janisch, Rauzi and Nieman to produce the documents described above are denied because the time of discovery is past.

3. The request for a subpoena for Ms. Karny is denied based upon Appellant's failure to indicate how the invoices for Documentum Captiva and Kofax have any probative value to the issues on appeal. Therefore, Appellant has failed to demonstrate good cause for the issuance of this subpoena.

4. Appellant has also requested subpoenas to compel the attendance of the above witnesses. A subpoena for Ms. Janisch has already been approved. Appellant fails to set forth good cause for issuance of the remaining subpoena requests.

Dated this 18th day of November, 2008.


Valerie McNaughton
Career Service Hearing Officer