

**HEARING OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, COLORADO**

Appeal No. 81-06

ORDER DENYING APPELLANT'S MOTION TO TAKE DEPOSITIONS

IN THE MATTER OF THE APPEAL OF:

CINDY ORTEGA

Appellant,

vs.

DEPARTMENT OF HUMAN SERVICES,


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

The Appellant filed her "Motion to Take Depositions of 2 Agency Witnesses and Motion for 2 week Extension of Time re: Discovery Cutoff" on November 9, 2006. Having reviewed the Motion, and being otherwise informed in this matter, the Hearing Officer finds and orders as follows.

The Career Service hearings process is designed to provide a fair, but relatively quick and inexpensive resolution to employment disputes. See, e.g. Career Service Rules (CSR) 19-20, 19-42 A., 19-42 B., 19-44 A., 19-45 A., 19-50 A., 19-55. In a departure from the Colorado Rules of Civil Procedure (C.R.C.P.), the Career Service Rules disfavor extensive discovery, as it places an undue burden on those who are hard-pressed to afford protracted litigation expenses. For these reasons, extensive discovery, including the taking of depositions, is limited to extraordinary circumstances defined as "good cause." CSR 19-45.

The Appellant, as cause for her request to take depositions, states C.R.C.P. discovery should be liberally applied, which is not the case in this venue. The Appellant also argues depositions are allowed under CSR 19-45. While this is true as far as it goes, the remainder of CSR 19-45 restricts the taking of depositions to those witnesses for whom "it is not feasible...to be available for hearing." CSR 19-45 D. The requested depositions are for two of the Agency's witnesses. There is no indication these witnesses are unavailable. Therefore, for reasons stated here and above, the Appellant's Motion is DENIED.

DONE this 13th day of November, 2006.


Bruce A. Plotkin
Hearing Officer
Career Service Board