

**HEARING OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, COLORADO**
Appeal No. 48-11

ORDERS RE DISCOVERY 10/7/11

IN THE MATTER OF THE APPEAL OF:

GREG AUSLER, Appellant,

vs.

DEPARTMENT OF PUBLIC WORKS,
and the City and County of Denver, a municipal corporation, Agency.

In light of Agency's timely filing of its motion objecting to Appellant's discovery request, the Orders re Discovery, issued yesterday, 10/6/11, are amended as follows.

1. Agency's discovery motion. Unchanged. Agency's discovery request is GRANTED in its entirety. Appellant shall respond fully to Agency's discovery requests on or before October 17, 2011.
2. Appellant's discovery motion. The Agency objects to Appellant's discovery on the basis of disputed facts, i.e. the nature of a "split sample" tested and the reliability of the results. Since both are live issues to be determined at hearing, they are relevant matters for discovery. The costs of obtaining discovery, including re-testing of a split sample and a "litigation package" shall be borne by the Appellant as the requesting party. Appellant's discovery motion is GRANTED in its entirety. Agency shall comply with Appellant's discovery requests on or before October 17, 2011.

DONE October 7, 2011.



Bruce A. Plotkin
Career Service Hearing Officer

I certify that on October 7, 2011, I delivered a correct copy of this Discover Order to the following as indicated:

Mr. Greg Ausler, 4590 Frankfort Way, Denver, CO 80239	(via U.S. mail);
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