

ORDER REGARDING PENDING MOTIONS

IN THE MATTER OF THE APPEAL OF:

RUSSELL LUXA, Appellant,

vs.

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

1. Agency's Unopposed Motion for Deposition Testimony

On February 16, 2012, the Agency filed an unopposed motion requesting authorization to take the deposition testimony of Edward Scholz. Mr. Scholz is the former Director of Finance, and is expected to testify regarding his interactions with the Appellant and the reasons for his refusal to allow employees under his supervision to interact with the Appellant. The Agency requests Mr. Scholz' deposition testimony on the basis that he had previously agreed to testify without service of a subpoena, however, he recently learned that he will be out of the state during the hearing, February 29-March 1. Mr. Scholz will make himself available for deposition testimony prior to his trip, on February 23 at 2:00 pm.

The Career Service Rules allow for deposition testimony only where the witness' testimony is necessary and it is not feasible for him to appear at hearing. CSR § 19-45 E. The Agency has satisfied the requirements of the Rules for Mr. Scholz' deposition testimony.

2. Joint Motion for Extension of Time

On February 16, 2012, the parties filed a joint motion requesting a two-day extension to confer and comply with the February 16, 2012 Order Regarding Outstanding Pre-trial Issues. As cause, the parties stated they are unable to comply with the order due to the City's furlough and holiday, and due to Appellant counsel's travel and trial schedule. These reasons establish good cause. Both motions are GRANTED.

DONE February 21, 2012.



Bruce A. Plotkin
Career Service Hearing Officer