

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE SCOTT T. VARHOLAK

Courtroom Deputy: Monique Ortiz
Date: February 5, 2019

FTR - Reporter Deck - Courtroom A402
Alfred A. Arraj United States Courthouse

Civil Action No. 18-cv-02074-WYD-STV

Parties:

MASTERPIECE CAKESHOP
INCORPORATED, and
JACK PHILLIPS

Plaintiff,

v.

AUBREY ELENIS
ANTHONY ARAGON
MIGUEL RENE ELIAS
CAROL FABRIZIO
CHARLES GARCIA
RITA LEWIS
JESSICA POCOCK
AJAY MENON
PHILIP WEISER
JOHN HICKENLOOPER

Defendant.

Counsel:

James Campbell

Jacquelyn Fredericks
Vincent Morscher
Grant Sullivan
Michael McMaster

COURTROOM MINUTES/MINUTE ORDER

DISCOVERY CONFERENCE

Court in session: 10:58 a.m.

Court calls case. Appearance of counsel.

This matter is before the court regarding the discovery disputes as set forth in the Parties' Joint Statement Concerning Discovery Disputes submitted to the court.

The court shares its preliminary thoughts regarding the disputes in question.

Arguments by counsel.

Court in recess: 12:07 p.m.

Court in session: 12:14 p.m.

For the reasons stated on the record, it is:

ORDERED: The Plaintiff's request to depose the commissioners is **DENIED in part with prejudice and in part without prejudice** as follows:

The request is denied with prejudice to the extent that Plaintiff seeks to inquire into the commissioners' personal feelings about religion, gay rights, and the topics that underlie the competing First Amendment and Fourteenth Amendment issues here.

The request is denied without prejudice to questioning the commissioners on decisions or discussions they had about this particular case, similar cases, or Plaintiff in general.

ORDERED: The court will allow a Rule 30(b)(6) deposition that goes into the rationale for the decision that was made and any conversations that the commissioners had with each other outside of open meetings and exclusive of attorney client communications. If there are any documents that are communications between commissioners (emails or correspondence not protected by the attorney client privilege) those documents shall be produced.

HEARING CONCLUDED.

Court in recess: 12:38 p.m.

Total In-Court Time: 01:40

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