

## Instructions About “Discovery” In Your Case

“Discovery” means the process of exchanging information about your case with either the person on the other side of the case who is representing himself, or the attorney who represents the person or company on the other side. A person on the other side of the case who is representing himself is called the “opponent.” An attorney who represents a person on the other side of the case is called the “opposing counsel.” **If the person on the other side of the case is represented by an attorney, you must communicate directly with the attorney, not with the person.** The rules of our court require that you and the opponent and/or the opposing counsel cooperate with one another and treat each other with respect. Failure to do this would be a violation of the rules and may result in adverse consequences imposed by the court.

The discovery process begins with the parties disclosing to one another certain information at the beginning of the case. This information is called “initial Rule 26(a)(1) Disclosures.” These disclosures are required under the Federal Rules of Civil Procedure and include the names and contact information for witnesses who have information that supports your claims or defenses; a copy or description of all documents, including electronic, that support your claims or defenses; and for the plaintiff, a computation of your damages. The rules also require disclosure of any insurance contract that might apply to the dispute.

There are four basic tools for discovery in a civil case: (1) written questions (“interrogatories”), (2) written requests for documents (“requests for production of documents”), (3) written requests that the other side admit certain facts (“requests for admission”) and (4) depositions. A deposition is a formal question-and-answer process in which a witness is placed under oath by a court reporter who makes a transcript of everything that is said at the deposition.

There are other discovery tools that you may use as well. If you have questions about how to conduct discovery in your case, please make an appointment with the Federal Pro Se Clinic (303-380-8786).

Once you have begun to use the discovery tools in your case, you may have a disagreement with the opponent and/or opposing counsel about the information you are asking for. If you have a disagreement about discovery, you MUST follow the steps below in the order listed:

1. Contact the opponent and/or opposing counsel by telephone or in writing and explain what you disagree about and why you disagree. Listen to what the opponent and/or opposing counsel says and try to reach an agreement that resolves your dispute.
2. If you are not able to reach an agreement that resolves your dispute under step 1 above, agree on a time when you and your opponent or opposing counsel can make a **joint call** to the chambers of the Magistrate Judge assigned to your case so that you can explain the disagreement to the judge and ask the judge to resolve it. **The judge will not take your call unless both you and the opponent or opposing counsel are on the phone at the same time (in other words, a**

**conference call). The judge may have to set another time to discuss the issue with you.**

The names of the Magistrate Judges and their chambers telephone numbers are:

Michael E. Hegarty (MEH).....	303-844-4507
Kristen L. Mix (KLM).....	303-335-2770
Kathleen M. Tafoya (KMT).....	719-575-0328
Nina Y. Wang (NYW).....	303-335-2600
Scott T. Varholak (STV).....	303-335-2365
S. Kato Crews (SKC).....	303-335-2124
N. Reid Neureiter (NRN).....	303-335-2403
Gordon P. Gallagher (GPG).....	970-241-8932

3. ONLY if the opponent or opposing counsel will not agree to call the Magistrate Judge about your discovery dispute, then file a written Motion for Discovery Hearing which: (1) explains how you contacted the opponent or opposing counsel and what he or she said, and (2) tells the judge what your dispute is about. After you file your written Motion for Discovery Hearing, you will receive additional instructions directly from the judge.