

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 99-cv-02462-CMA-BNB

DAWN DILLON,

Plaintiff,

v.

TWIN PEAKS CHARTER ACADEMY,

Defendant.

---

**ORDER REGARDING PREVIOUS TRIAL TESTIMONY**

---

This matter is before the Court on Defendant's Motion for Leave to Read Kathy Zlomke's Previous Trial Testimony into the Record or, in the Alternative, to Conduct a Video Deposition to Preserve Ms. Zlomke's Trial Testimony (Doc. # 116).

Pursuant to Federal Rule 32(a)(4)(E), the Court finds good cause to permit Ms. Zlomke to testify at trial via video deposition.

Accordingly,

The Motion (Doc. # 116) is GRANTED IN PART; and

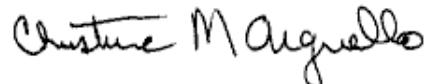
The Court ORDERS as follows:

1. Defendant will be permitted leave to conduct a video deposition to preserve Ms. Zlomke's testimony for trial in this matter, which is scheduled to commence October 5, 2009.
2. The parties shall schedule and conduct Ms. Zlomke's video deposition at a mutually agreeable time and place, in any event, not later than five (5) days from the date of this Order.

3. Defendant shall submit designations of Ms. Zlomke's deposition testimony to be used at trial to chambers ([arguello\\_chambers@cod.uscourts.gov](mailto:arguello_chambers@cod.uscourts.gov)) on or before 5:00 p.m., September 21, 2009.
4. Plaintiff shall submit counter-designations of Ms. Zlomke's deposition testimony to be used at trial to chambers ([arguello\\_chambers@cod.uscourts.gov](mailto:arguello_chambers@cod.uscourts.gov)) on or before 5:00 p.m., September 23, 2009.
5. Objections to any designated testimony, with accompanying legal briefs (limited in length to ten pages) shall be submitted to chambers ([arguello\\_chambers@cod.uscourts.gov](mailto:arguello_chambers@cod.uscourts.gov)) on or before 5:00 p.m., September 28, 2009.
6. If the parties desire a hearing concerning the use of Ms. Zlomke's deposition testimony at trial, counsel shall notify the Court no later than September 29, 2009.
7. Defendant shall bear the costs related to Ms. Zlomke's video deposition.

DATED: September 11, 2009

BY THE COURT:



---

CHRISTINE M. ARGUELLO  
United States District Judge