

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Case No. 04-cv-01619-LTB-BNB

TINA GARCIA,

Plaintiff,

v.

BERKSHIRE LIFE INSURANCE COMPANY OF AMERICA, a wholly owned subsidiary of the Guardian Life Insurance Company of America, and
THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA, a foreign insurance company,

Defendants.

ORDER

This matter arises on **Defendants' Opposed Motion for Leave to Take Preservation Deposition of Craig Durkin** [Doc. # 486, filed 10/27/2010] (the "Motion"). The Motion seeks an order allowing the defendants to conduct a preservation deposition of Craig Durkin for use at an evidentiary hearing on December 20, 2010. The Motion recites that Mr. Durkin is the "purported author of one of the documents whose falsity will be determined at the evidentiary hearing"; he lives in Washington, D.C., and is not subject to the subpoena power of this court; and his testimony is necessary. I ordered the plaintiff to respond to the Motion by November 17, 2010, but no response was received.

Good cause being shown,

IT IS ORDERED that the Motion is GRANTED. The defendants may take the deposition of Mr. Durkin and record it by videotape at such date and time as may be established

by a notice of deposition and, if necessary, subpoena.

Dated November 18, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge