

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

Civil Action No. 06-cv-02148-BNB-MEH

DARRELL FORTNER, and  
JENNIFER FORTNER, d/b/a Diamond/Dundee Tree Service,

Plaintiffs,

v.

THE CITY OF COLORADO SPRINGS,  
MAYOR LIONEL RIVERA, individually and in his official capacity as Mayor of C/S,  
KATHY YOUNG, individually and in her official capacity as City Clerk of C/S,  
DARREL PEARSON, individually and in his official capacity as City Forrester of C/S,  
JAMES A. CHOATE, in his individual capacity as Sergeant for El Paso County Sheriff's Office,  
TERRY MAKETA, in his individual capacity as Sheriff of El Paso County, Colorado, and  
JAMES E. MCGANNON, individually and in his official capacity as City Forrester for the City  
of Colorado Springs, CO,

Defendants.

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**ORDER**

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By an Order [Doc. # 470, filed 4/25/2012], I required the United States Marshal to make service of a subpoena on Andrew C. Gorgey. Subsequently, I am informed that Mr. Gorgey waives personal service of the subpoena and agrees to appear voluntarily at the hearing on May 2, 2012, either personally or by telephone and give testimony.

IT IS ORDERED:

- (1) My Order [Doc. # 470] requiring the Marshal to serve the subpoena on Mr. Gorgey is VACATED; and
- (2) Mr. Gorgey shall appear voluntarily at the hearing on May 2, 2012, either personally or by telephone and give testimony.

Dated April 26, 2012.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge