

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 06-cv-02346-REB-MJW

BEATRIZ ALARCON,

Plaintiff,

v.

FRANCIS PARTCH,

Defendant.

ORDER FOR RESPONSE AND HEARING

Blackburn, J.

This matter is before me on the plaintiff's **Motion for Temporary Restraining Order and Preliminary Injunction** [#2], filed November 22, 2006. I conclude that a response from the defendant is necessary, and that a hearing on this motion also may be necessary. Thus, a hearing is set for **Thursday, November 30, 2006, at 1:30 p.m. (MST)**.

With the exception of David Fine, plaintiff's co-counsel, the parties and their counsel are located in Gunnison, Colorado. In view of the long distance between Gunnison and Denver, I find that good cause exists to permit the parties and their counsel to appear by telephone for the hearing on November 30, 2006. See FED. R. CIV. P. 43(a) and (e). Any party or counsel who appears by telephone shall be responsible to arrange, initiate, and finance the necessary telephone connection.

If either party seeks to present testimony at the hearing, such testimony also may be presented by telephone. The oath required by Fed. R. Evid. 603 must be

administered to any witness prior to his or her testimony. The party seeking to present testimony by telephone must ensure that a person qualified to attest to the identity of the witness and to administer the oath required by Rule 603 to the witness is present in person with the witness to administer the oath. A notary public will be considered to be a person qualified to serve this purpose. For the purpose of the November 30, 2006, hearing, the court waives the requirements of REB Civ. Practice Standard II.H.1., which otherwise governs requests to present testimony by telephone.

If counsel or any party seeks to appear at the hearing by telephone or to present testimony by telephone, then counsel shall notify the court of the intent to appear by telephone or to present testimony by telephone on or before **9:00 a.m. (MST) on Thursday, November 30, 2006**. Counsel may notify the court through its administrative assistant, Susan Schmitz, at 303-335-2350. The same telephone number shall be used to contact the court for any appearance by telephone or presentation of testimony by telephone.

THEREFORE IT IS ORDERED as follows:

1. That defendant shall have until **12:00 p.m. (MST) on Wednesday, November 29, 2006**, to file a response to the plaintiff's **Motion for Temporary Restraining Order and Preliminary Injunction** [#2], filed November 22, 2006;
2. That based on the parties' papers, the court may rule on the papers, conduct an evidentiary hearing, or entertain oral argument;
3. That if not sooner resolved by written order, the court **SHALL HEAR AND CONSIDER** the plaintiff's **Motion for Temporary Restraining Order and Preliminary Injunction** [#2], filed November 22, 2006, on **Thursday, November 30, 2006, at 1:30 p.m. (MST)**, in the Alfred A. Arraj United States Courthouse, 901 19th Street, Denver,

Colorado, 80294, Courtroom A-701;

4. That the plaintiff **SHALL SERVE** the defendant or her counsel with copies of A) the complaint [#1] filed in this action; B) the plaintiff's motion for temporary restraining order and preliminary injunction [#2]; and C) this order, as soon as practicable;

5. That service of copies of the required documents on the defendant or her counsel may be by fax or e-mail;

6. That the parties and their counsel may appear at the November 30, 2006, hearing by telephone, and the parties may present testimony by telephone, so long as the parties and their counsel satisfy the requirements prescribed in this order.

Dated at Denver, Colorado, November 27, 2006.

BY THE COURT:

s/ Robert E. Blackburn
Robert E. Blackburn
United States District Judge