

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-02261-PAB-MJW

ALCOHOL MONITORING SYSTEMS, INC.,

Plaintiff(s),

v.

ACTSOFT, INC., et al.,

Defendant(s).

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Plaintiff Alcohol Monitoring Systems, Inc.'s Motion for Leave to Take Preservation Deposition and Request for Expedited Ruling (docket no. 367) is GRANTED finding good cause shown and finding that Plaintiff has meet the requirements of Fed. R. Civ. P. 27. The parties shall act in accordance with the Plaintiff Alcohol Monitoring Systems, Inc.'s Notice of Preservation Deposition of Jeff Hawthorne (docket no. 367-1) and take Mr. Hawthorne's preservation deposition on Friday, February 17, 2012, at 9:00 a.m. at the law offices of Lathrop & Gage, 950 17th Street, Suite 2400, Denver, Colorado.

Jeffrey Hawthorne is Plaintiff AMS' Co-Founder, Chief Technology Officer and Inventor. Mr. Hawthorne has been diagnosed with cancer. Mr. Hawthorne is an endorsed fact and expert witness for Plaintiff AMS. Mr. Hawthorne's battle with cancer has taken a turn for the worse and his testimony needs to be preserved since he may be unavailable at future hearings before this court. Plaintiff AMS would be prejudiced if Mr. Hawthorne's testimony is not preserved at this time. I find no prejudice to Defendant in taking the preservation deposition of Mr. Hawthorne. Lastly, I find that D.C.COLO.LCivR 7.1 C, states, *in pertinent part*, [N]othing in this rule precludes a judicial officer from ruling on a motion at any time after it is filed.

Date: February 2, 2012
