

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00566-WDM-KLM

BAYVIEW LOAN SERVICING, LLC, a Delaware limited liability company,

Plaintiff,

v.

DAVID J. BOLAND,  
DAVID CORSENTINO,  
JOHN MORGAN,  
ALL IN ONE ENTERPRISES, LLC, a Colorado limited liability company,  
MATT MORGAN,  
ADVANCED INVESTMENTS, LLC, a Colorado limited liability company,  
JASON PANKOSKI, and  
MICHAEL VALDEZ,  
WYCO EQUITIES, INC., a Wyoming corporation, and  
FLOYD LEGERSKI,

Defendants.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

The matter is before the Court on **Defendant Jason Pankoski's Motion to Permit Him to Testify by Telephonic Means at Hearing Set for August 11, 2009** [Docket No. 168; Filed August 6, 2009] (the "Motion").

As a preliminary matter, the Court notes that counsel has not made sufficient efforts to comply with D.C. COLO. LCivR 7.1(A) before filing the Motion.

Pending in the Court is Defendant Pankoski's **Motion to Quash Service**. Because the Plaintiffs and Defendants Wyco Equities, Inc. and Legerski submitted conflicting affidavits concerning service of process, the Court has set an evidentiary hearing to resolve the issue. The parties have been ordered to produce witnesses to support their respective positions on the sufficiency of service of process. At the hearing, the credibility of the witnesses will be a crucial issue in resolving the service of process issue. Defendant Pankoski's physical presence at the hearing is necessary in evaluating credibility.

The Court further notes that the Motion which is the subject of the hearing was filed by Defendant Pankoski. If he is unable to prosecute the motion, he may decide to withdraw

it. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED**.

Dated: August 6, 2009