

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Kristen L. Mix**

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

**FTR - Reporter Deck - Courtroom C-204  
Byron G. Rogers United States Courthouse  
Courtroom Deputy, Cathy Coomes**

**Date: October 6, 2009**

BAYVIEW LOAN SERVICING, LLC,

Jeffrey J. Cowman

**Plaintiff(s),**

v.

DAVID J. BOLAND,  
DAVID CORSENTINO,  
JOHN MORGAN,  
ALL IN ONE ENTERPRISES, LLC,  
MATT MORGAN,  
ADVANCED INVESTMENTS, LLC,  
JASON PANKOSKI,  
MICHAEL VALDEZ,  
WYCO EQUITIES, INC., and  
FLOYD LEGERSKI,

Kevin Lee Opp  
Mark Wilson Williams

**Defendant(s).**

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**COURTROOM MINUTES / MINUTE ORDER**

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**HEARING: TELEPHONIC MOTION HEARING**

**Court in Session: 2:05 p.m.**

Court calls case. Appearances of counsel and Debra Archer, non-party witness, by telephone.

Argument by Ms. Archer in support of her Motion to Quash or Modify Deposition Date of Subpoena Requiring Debra Archer to Appear and Produce Documentation (Doc. #186, filed 10/5/09). Ms. Archer states that the date of the deposition has been changed to an acceptable date since the filing of her motion, but she has other concerns regarding the deposition and states those concerns on the record.

Argument by Mr. Opp in opposition to the motion. Mr. Opp states that the portion of the subpoena indicating that the deposition will be videotaped was an error, and that the deposition will not be videotaped.

Argument by Mr. Cowman regarding the motion. Mr. Cowman states that he will be available during the deposition to instruct Ms. Archer as to the questions she can and cannot answer pursuant to any applicable agreement(s) relating to her employment with Plaintiff or its predecessor.

**It is ORDERED:** For reasons stated on the record, non-party witness Debra Archer's Urgent Motion to Quash or Modify Deposition Date of Subpoena Requiring Debra Archer to Appear and Produce Documentation (Doc. #186, filed 10/5/09) is **GRANTED in part and DENIED in part**. The motion is granted to the extent that the deposition will not take place on October 7, 2009, at 1:30 p.m., but will take place on October 12, 2009, at 9:00 a.m. The motion is denied to the extent that the third-party witness requests that the subpoena be quashed in its entirety.

Ms. Archer makes statements regarding the privacy agreement she signed when employed by Bayview and her ability to answer questions during the deposition. The Court advises Ms. Archer that Mr. Cowman stated he will be available during the deposition to instruct her as to what questions she can and cannot answer pursuant to that agreement. Counsel are granted leave to contact the Court at (303) 807-6055 during the deposition for purposes of resolving any disputes.

Ms. Archer requests that a revised subpoena issue, removing any reference to the deposition being videotaped. The Court reminds Ms. Archer that Mr. Opp stated it was an error, and a revised subpoena will not issue.

The Court advises Ms. Archer that a subpoena to appear at a deposition is an order of the Court and that she is subject to sanctions should she choose not to appear.

HEARING CONCLUDED.

**Court in recess: 2:25 p.m.** Time In Court: 00:20