

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00831-MJW-BNB

DAVID H. LYNCH,

Plaintiff,

v.

JOHN E. POTTER, Postmaster General,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendant's Motion to Compel Plaintiff's Deposition, or in the Alternative, to Dismiss for Failure to Prosecute (docket no. 36) is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED insofar as the taking of Plaintiff's deposition. The remainder of the motion is DENIED. The parties shall meet and confer forthwith and clear a date for Plaintiff's deposition before March 31, 2009. Discovery is extended for the limited purpose of taking the Plaintiff's deposition until March 31, 2009. Failure to comply with this minute order may result in sanctions being imposed by the court and such sanctions may include dismissal of Plaintiff's case for failure to follow this court's order and failure to prosecute. Moreover, in this case, Plaintiff did not file any response to the motion (docket no. 36) and therefore this court deems the motion confessed.

Date: March 3, 2009
