

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00845-PAB-MEH

SYLVIA M. ASTEN,

Plaintiff,

v.

CITY OF BOULDER, a Colorado municipality,  
PATRICK COMPTON, in his individual capacity, and  
JEREMY FRENZEN, in his individual capacity,

Defendants.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on March 23, 2010.**

Defendants' Motion for Leave to Permit Witnesses to Appear by Telephone at the Evidentiary Hearing Scheduled for March 24, 2010 [filed March 23, 2010; docket #59] is **granted in part** and **denied in part** as follows. The motion is granted as to Mr. Tom Beechey, who is located in Arizona. The motion is denied as to Sergeant Jeff Kessler, Commander Ron Gosage, and Officer Rebecca Kilpatrick. Potential bad weather is not a good reason to appear by phone for an evidentiary hearing, as parties, counsel for parties, and witnesses should plan accordingly if weather becomes an issue. Of course, if the federal courthouse or highways are closed, or if the call of duty in emergent circumstances arises, the Court will make adjustments as necessary.