

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

Civil Action No.: 08-cv-01661-LTB-KLM **FTR** - Reporter Deck - Courtroom C-204
Byron G. Rogers United States Courthouse
Date: October 09, 2009 Courtroom Deputy, Ellen E. Miller

ESTATE OF DAVID RANCE ROSSITER,
by Charles Rossiter and Erin Rossiter as
Co-Personal Representatives,
CHARLES ROSSITER,
as Parent and Co-Personal Representative
of the Estate of David Rance Rossiter, and
ERIN ROSSITER,
as Parent and Co-Personal Representative
of the Estate of David Rance Rossiter,

Alfred (Fred) F. Paoli, Jr.

Plaintiff(s),

v.

SHERIFF GRAYSON ROBINSON,
in his individual and official capacity, and
OFFICER DANIEL JOSEPH MONTANA, JR.,
in his individual and official capacity,

Edward M. Caswall

Thomas S. Rice

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 9:40 a.m.

Court calls case. Appearances of counsel. Also on the conference call is Michael Hunter, who is appearing *pro se*.

The Court raises Defendants' Motion to Compel Deposition Testimony of Michael Hunter for argument.

Argument by Mr. Rice.

Statements by Mr. Paoli.

Questions addressed to Mr. Hunter by the Court .

It is ORDERED: Defendants' MOTION TO COMPEL DEPOSITION TESTIMONY OF MICHAEL HUNTER [Docket No. 79, Filed September 25, 2009] is **GRANTED**. The Court will allow questions to be asked by Defendants and require those questions to be answered by Mr. Hunter regarding Michael Hunter's criminal history and the DUI aspect of the incident which forms the basis for Plaintiff's claims. The Court reminds Mr. Hunter that failure to answer these questions may lead to sanctions.

As to the assault charges presently pending against Mr. Hunter regarding an incident that occurred three weeks after the incident at issue in this case, the Court will allow questions relating to that incident to be asked. Mr. Hunter confirms with the Court that he understands he must verbally assert his Fifth Amendment rights if that is how he wishes to respond to questions relating to pending criminal charges. Any challenge to Mr. Hunter's assertion of his Fifth Amendment rights regarding that incident must be addressed *after* such assertion, pursuant to the Court's discovery dispute procedures.

It is ORDERED: The *Subpoena* previously served on Michael Hunter in California is continued. Mr. Hunter is required to appear at a follow-up deposition at the same location and at a date and time agreed upon by those involved.

HEARING CONCLUDED.

Court in recess: 10:18 a.m. **Time In Court:** 00:38

To order a transcript of this hearing, contact Avery Woods Reporting (303) 825-6119.