

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-01704-PAB-MJW

RONALD E. FIELDS,

Plaintiff,

v.

WALGREENS COMPANY,
a/k/a WALGREENS CO.,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that the Pro Se Plaintiff's Motion to Vacate Order (Judgement)(docket no. 42) is **DENIED** for the following reasons. The Pro Se Plaintiff has failed to demonstrate any basis in law or fact for the relief sought. The Pro Se Plaintiff is not entitled to a hearing before the court rules on a motion. See D.C.COLO.LCivR 7.1 C. and G. The Pro Se Plaintiff knew that all he needed to do if there was a problem with his deposition was to use the call button for Magistrate Judge Watanabe just outside of the jury room on the fifth floor of the Arraji Courtroom, and Magistrate Judge Watanabe would have come down to where the deposition was taking place and ruled on any objections just like Magistrate Judge Watanabe did during the first day of the Pro Se Plaintiff's deposition. To suggest now that the Pro Se Plaintiff did not know that he could have sought immediate relief instead of walking out of his deposition is unsupported by the evidence. The record from the first day of the Pro Se Plaintiff's deposition which took place at the Arraji Courthouse in the fifth floor jury room is replete with many instances where Magistrate Judge Watanabe had to intervene and rule on objections made during the deposition. All parties were clearly aware that Magistrate Judge Watanabe was available to handle immediately any problems that may arise in the Pro Se Plaintiff's deposition. In fact, that is why Magistrate Judge Watanabe ordered that the Pro Se Plaintiff's deposition be taken at the Arraji Courthouse. Lastly, for those additional reasons as outlined in Defendant's response (docket no. 50), that this court incorporates by reference, the subject motion (docket no. 42) should be denied.

It is **FURTHER ORDERED** that the Pro Se Plaintiff's Motion Requesting a Hearing (docket no. 48) regarding Plaintiff's Motion to Compel Disclosure and Discovery (docket no. 47) is **DENIED**. See D.C.COLO.LCivR. 7.1 G.

Date: March 13, 2009