

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Boyd N. Boland

Civil Action No. 08-cv-02053-LTB-BNB

ROBERT E. HOLZBERLEIN,

Plaintiff,

v.

OM FINANCIAL LIFE INSURANCE COMPANY,

Defendant and Third-Party Plaintiff,

v.

CAROL FISCHBACH,  
TIMOTHY HOLZBERLEIN, and  
RICHARD HOLZBERLEIN,

Third-Party Defendants.

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**ORDER**

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This matter arises on a letter [Doc. # 63, filed 10/14/2009] from third party defendant Carol Fischbach (“Fischbach”) in which she states that she does not have the resources to attend the final pretrial conference set for October 26, 2009, and “can only appear by phone.” I construe the letter as a motion to appear at the final pretrial conference by telephone, which is GRANTED.

Fischbach has submitted materials indicating that her husband is seriously ill with liver disease; that she is his sole care giver; that she cannot leave him for the amount of time required to travel to Denver and attend the final pretrial conference; and that she lacks sufficient funds to travel from Arizona to Denver to attend the final pretrial conference. Fischbach also states that

she is preparing forms to seek bankruptcy protection and will file them “within the coming week or so.”

In addition, I have reviewed the proposed final pretrial order, and there do not appear to be any disputes which would require Fischbach’s presence in person at the final pretrial conference.

Fischbach has shown good cause and a compelling reason to attend the final pretrial conference by telephone.

IT IS ORDERED that Fischbach’s request to attend the final pretrial conference by telephone is GRANTED. The final pretrial conference is set for **October 26, 2009, at 9:30 a.m.** Fischbach shall contact the court at that date and time by telephone by calling 303-844-6408 to participate in the final pretrial conference.

Dated October 16, 2009.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge