

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No. 08-cv-02240-WYD-CBS

CREEKSIDE TOWNHOMES HOMEOWNERS ASSOCIATION, INC.,

Plaintiff,

v.

TRAVELERS CASUALTY SURETY COMPANY
d/b/a ST. PAUL TRAVELERS,

Defendant.

ORDER

Magistrate Judge Craig B. Shaffer

THIS MATTER comes before the court on Plaintiff's Motion for Issuance of F.R.C.P. 45(e) Contempt Citation Regarding Failure to Attend Deposition by Belfor Property Restoration (*doc. #114*) and Motion for Contempt Pursuant to F.R.C.P. 45 Regarding Knott Laboratories/Bruce Barnes (*doc. #118*). Pursuant to an Order of Reference (*doc. #9*) dated October 28, 2008, this matter was referred to the Magistrate Judge to, *inter alia*, "hear and determine pretrial matters, including discovery and other non-dispositive motions, . . . [and] conduct a pretrial conference and enter a pretrial order." On January 7, 2010, and January 15, 2010, respectively, I held a hearing on various pending motions and discovery issues. At both hearings, I discussed with Plaintiff's counsel and Mr. Daniel Glasser, counsel for Belfor Property Restoration, Plaintiff's requests for relief pursuant to Rule 45(e).

At the conclusion of the hearing held on January 15, 2010, counsel for the Plaintiff stated on the record that with respect to the relief requested in the two motions for contempt, his client

now preferred to move forward with state court litigation and, therefore, no longer wishes this court to issue order(s) to show cause with respect to Knott Laboratories and Belfor Property Restoration. Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion for Issuance of F.R.C.P. 45(e) Contempt Citation Regarding Failure to Attend Deposition by Belfor Property Restoration (*doc. #114*) is DENIED, WITHOUT PREJUDICE, AS MOOT; and
2. Motion for Contempt Pursuant to F.R.C.P. 45 Regarding Knott Laboratories/Bruce Barnes (*doc. #118*) is DENIED, WITHOUT PREJUDICE, AS MOOT.

DATED at Denver, Colorado, this 22ND day of January, 2010.

BY THE COURT:

s/Craig B. Shaffer
Craig B. Shaffer
United States Magistrate Judge