

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02754-MSK-KLM

BETTIE WEATHERSPOON,

Plaintiff,

v.

PROVINCETOWNE MASTER OWNERS ASSOCIATION, INC., a Colorado nonprofit corporation, and
MSI, LLC,

Defendant(s).

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendants' **Motion to Conduct Plaintiff's Deposition at Courthouse and Beyond October 30, 2009 Discovery Cut-Off** [Docket No. 33; Filed October 26, 2009] (the "Motion"). Plaintiff opposes the Motion and claims that the only reason for Defendants' Motion is "to intimidate, harass, defame her character ..." As an alternative, she requests that the deposition be held by telephone, or that if the deposition is held at the courthouse that she be allowed to use her personal audio and video equipment.

Pursuant to D.C.COLO.LCivR 30.3(C), when "deposition abuse is anticipated, a judicial officer may order that any deposition be taken at the courthouse ... so that, at the request of any party, witness, or counsel, any dispute may be heard and decided immediately by a judicial officer" In light of the animosity between the parties and the possibility that Plaintiff's deposition may become combative, the Court believes that holding Plaintiff's deposition in the Courthouse is appropriate. In addition, the Court denies Plaintiff's requests. The Court notes that Plaintiff's requests for relief are included in her response to the Motion, in violation of D.C.COLO.L.CivR. 7.1C.

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**. Defendants may take a deposition of Plaintiff in a conference room adjunct to Magistrate Judge Mix's Chambers, located at Courtroom C204, Second Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado. The parties are directed to conference together and contact the Court to obtain a suitable date and time for the deposition.

The parties are advised that no opposed discovery motions are to be filed with

the Court until the parties comply with D.C.COLO.LCivR. 7.1(A). If the parties are unable to reach agreement on a discovery issue after conferring, they shall arrange a conference call with Magistrate Judge Mix to attempt to resolve the issue. Both of these steps must be completed before any contested discovery motions are filed with the Court.

Dated: October 28, 2009