

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 08-cv-02826-WDM-KMT

In Re Petition of
FAMILY DOLLAR OPERATIONS, INC.,

Petitioner.

ORDER

This matter is before the court on Family Dollar Operations, Inc.'s ("Family Dollar") "Verified Petition to Perpetuate Testimony Pursuant to Fed. R. Civ. P. 27" ("Petition") [Doc. No. 1, filed December 31, 2008]. Although counsel entered appearances for Interested Party, Nagham Darwish on January 7, 2009 [Doc. Nos. 4 and 5], no response has been filed to the Petition.

The Petition seeks to allow Family Dollar to take the oral deposition of Cleat Crocker, a former employee of Family Dollar, who is now living within the state and District of Colorado at a Castle Rock, Colorado address.

Fed. R. Civ. P. 27 provides

(2) Notice and Service. At least 20 days before the hearing date, the petitioner must serve each expected adverse party with a copy of the petition and a notice stating the time and place of the hearing. The notice may be served either inside or outside the district or state in the manner provided in Rule 4.

Wherefore, it is **ORDERED**

A hearing on the Verified Petition to Perpetuate Testimony Pursuant to Fed. R. Civ. P. 27 is set for **March 10, 2009 at 9:00 a.m.**

Petitioners are directed to comply with the requirements of service and notice contained in Rule 27(a)(2) and to file verification of the same prior to the scheduled hearing.

Dated this 10th day of February, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kathleen M. Tafoya", written in a cursive style.

Kathleen M. Tafoya
United States Magistrate Judge