

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

Civil Action No. 09-cv-00309-MSK-KMT

SUZANNE SHELL,

Plaintiff,

v.

LEONARD HENDERSON,
FAMILIES AT RISK DEFENSE ALLIANCE,
FRANCINE RENEE CYGAN,
ILLINOIS FAMILY ADVOCACY COALITION,
GEORGIA FAMILY RIGHTS, INC.,
NATIONAL ASSOCIATION OF FAMILY ADVOCATES,
CONNECTICUT DCF WATCH,
BRENDA SWALLOW, and
RANDALL BLAIR,

Defendants.

ORDER OF CLARIFICATION

This matter is before the court on “Plaintiff’s Request for Clarification as to Order [1117]” [Doc. No. 1122] filed March 17, 2013.

Plaintiff seeks clarification from the court concerning the use of a Crestview, Florida, court reporter for the deposition of Brenda Swallow on March 22, 2013, as is noted in the Minutes of the March 13, 2013. Although Defendant Swallow has repeatedly requested that her deposition be conducted in such a manner to allow her to appear in her home and utilize a Skype

connection, the Plaintiff has heretofore been unwilling to do this.¹ Apparently, she has reconsidered her position and is now willing to allow Defendant Swallow to appear via a Skype internet connection while Plaintiff will appear at a Colorado location with a Colorado court reporter.² As Defendant Swallow has been urging this solution, the court is confident that she will have no objection to this procedure.

Therefore, the court will modify its March 13, 2013, order which states, “Plaintiff shall make arrangements with a Crestview, Florida court reporter and schedule the deposition at an appropriate location in Crestview and for an appropriate length of time” to instead allow the following:

Plaintiff shall make arrangements with a court reporter of her choosing and schedule Ms. Swallow’s deposition at an appropriate location in Crestview, Florida, and for an appropriate length of time. Ms. Shell may appear on her end of the remote Skype deposition with a Colorado court reporter if she so chooses, rather than hiring a Crestview, Florida, court reporter to appear either at the reporter’s Florida office with Ms. Swallow or at Ms. Swallow’s home.

Specifically, Brenda Swallow shall appear for deposition as noticed to be taken via Skype at a location in or near Crestview, Florida,³ where there is a high speed, unlimited internet

¹ The latest request from Defendant Swallow to be allowed to stay in her home and be deposed via Skype is contained in Defendant Swallow’s Supplement to Emergency Motion for Protective Order . . .” [Doc. No. 1076 at 2] and confirmed in an email to Plaintiff Shell from Defendant Swallow dated February 18, 2013 [Doc. No. 1125-2].

² The deposition notice contained at Doc. No. 1125-1 is a notice that Ms. Shell will take the deposition of Leonard Henderson on March 22, 2013. If this is the Notice directed to Ms. Swallow, the Notice will require amendment.

³ The court anticipates that Ms. Swallow will appear at her home location.

connection where she has access to Skype services and shall also have available to her another computer from which she can access documents relevant to the case.

It is ORDERED that “Plaintiff’s Request for Clarification as to Order [1117]” [Doc. No. 1122] is GRANTED.

Dated this 18th day of March, 2013.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge