IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello

Civil Action No. 09-cv-00406-CMA-MEH

BIG O TIRES, LLC, a Nevada limited liability company
    f/k/a Big O Tires, Inc., a Colorado corporation,

      Plaintiff,

v.

TIRECRAFTERS, INC., a New Mexico corporation, and
TIMOTHY S. MEDINA,

      Defendants.

ORDER REGARDING TELEPHONE TESTIMONY AT HEARING

The Court has for consideration Plaintiff's Unopposed Motion To Allow Telephone Testimony At Preliminary Injunction Hearing (Doc. # 29), as well as Defendants' Motion To Allow Witnesses To Testify By Telephone (Doc. # 32). The Court has reviewed these motions, and FINDS as follows:

The credibility of a witness' testimony is greatly compromised when the testimony is presented via telephone from a remote location, as opposed to in person. Pursuant to Fed. R. Civ. P. 43(a), this Court does not permit telephone appearances and testimony by witnesses, particularly at a trial. However, since this matter concerns a court hearing, and both parties have stipulated and shown good cause in compelling circumstances to justify such telephone testimony, the Court hereby GRANTS Plaintiff's motion (Doc. # 29) in full and Defendants' motion (Doc. # 32) in part.
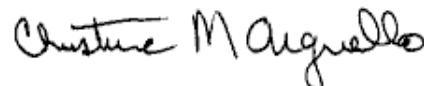
IT IS ORDERED that Plaintiff may arrange with the Courtroom Deputy to take the telephone testimony of David Michelsohn at the June 12, 2009 hearing in this matter. It is

FURTHER ORDERED that Defendants may arrange with the Courtroom Deputy to take the telephone testimony of Angie Tuell at the June 12, 2009 hearing in this matter. It is

FURTHER ORDERED that counsel for the Plaintiff and for the Defendants shall provide telephone numbers for the Courtroom Deputy to call said witnesses and that said witnesses shall be available and uninterrupted from the beginning of the hearing, at 2:30 p.m., until the time their respective testimony ends, and the Court releases them as witnesses.

DATED: June __11__, 2009

BY THE COURT:

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CHRISTINE M. ARGUELLO
United States District Judge