

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

**Civil Action No.** 09-cv-00938-JLK-KMT

FTR - Courtroom C-201

**Date:** September 14, 2011

Deputy Clerk, Nick Richards

JAMES P. TENNILLE,  
ROBERT SMET,  
ADELAIDA DELEON, and  
YAMILET RODRIGUEZ, individually and on  
behalf of all others similarly situated,

Richard Joseph Burke  
Daniel Ellis McKenzie

Plaintiffs,

v.

THE WESTERN UNION COMPANY, a Delaware Corporation, and  
WESTERN UNION FINANCIAL SERVICES,  
INC.,

Jason A. Yurasek

Defendants.

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**COURTROOM MINUTES / MINUTE ORDER**

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**MOTION HEARING**

**Court in session: 10:26 a.m.**

Court calls case. Appearances of counsel.

Motion Hearing is called regarding Defendants' Motion to Compel Production of Documents, Attendance at Deposition, and for Sanction [Doc. No. 117, filed August 29, 2011].

Oral argument from Mr. Yurasek.

Oral argument from Mr. Burke.

It is **ORDERED:** Defendants' Motion to Compel [117] is **GRANTED** in part. On or before September 28, 2011, the parties will meet and confer on a date for the deposition of Yamilet Rodriguez to be held in New York, New York. Mr. Yurasek may attend the deposition in person; attending attorneys will bear their own costs to attend.

In accordance with Fed. R. Civ. P. 37(a)(5)(A)(iii), other circumstances make an award of costs against plaintiffs unjust and the motion is **DENIED** with regard to sanctions.

Plaintiff's will produce a declaration verifying James P. Tennille and Robert Smet have produced all documents to defense counsel regarding the request for documents on or before September 28, 2011.

**Court in Recess: 11:15 a.m.**

Hearing concluded.

Total In-Court Time 00:49

\*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.