

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

**Civil Action No.** 09-cv-01104-MSK-KMT

FTR

**Date:** February 10, 2010

Debra Brown, Deputy Clerk

MARGO WAISANEN

Leslie Ghiz (Telephone)

Plaintiff.

v.

TERRACON CONSULTANTS, INC.,

Bronwyn Pepple

Defendants.

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**COURTROOM MINUTES / MINUTE ORDER**

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**MOTION HEARING**

**Court in Session: 9:01 a.m.**

Court calls case. Appearance of Counsel.

Defendant's [27] MOTION for Protective Order to Prohibit the Deposition of David Gaboury, filed January 19, 2010 at issue.

Opening statements by the Court.

**ORDERED:** Defendant's [27] MOTION for Protective Order to Prohibit the Deposition of David Gaboury is **GRANTED** pursuant to the stipulation of the parties.

As to the issue of attorney fees and costs both associated with the filing of Defendant's Motion for Protective Order at issue.

Statements by Ms. Pepple.

Statements by Ms. Ghiz.

**ORDERED:** The Court finds that payment of fees and expenses pursuant to Federal Rule 37(a)(5) are applicable if the motion is granted; however there are some exceptions, if the non-disclosure is substantially justified. The Court has determined based upon the statements of Counsel that fees are not warranted and will not be assessed.

**Court in recess: 9:13 a.m.**

Total In-Court Time 0:12; hearing concluded

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