

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01681-WYD-MEH

I.P., a minor, by and through her mother and conservator, Cynthia Cardenas,

Plaintiff,

v.

JOAN HENNEBERRY, in her individual capacity and official capacity as the Executive Director of the Colorado Department of Health Care Policy and Financing, and
GARY H. ASHBY, in his individual capacity and official capacity as Manager of the Benefits Coordination Section in the Colorado Department of Health Care Policy and Financing,

Defendants.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Pending before the Court is Defendants' Motion for Protective Order [filed August 13, 2010; docket #59]. The matter is referred to this Court for disposition. (Docket #60.) The motion is fully briefed and oral argument would not assist the Court in its adjudication. In light of the agreement reached by the parties through the briefing on the motion, the Court **DENIES AS MOOT** Defendants' Motion and declines to award fees to either side.

Plaintiff, in her response, offers to conduct the two depositions by telephone and pay each expert for two hours of time as soon as funds are available out of the fund controlled by the Jefferson County District Court, "provided that they both refund the fee if they are not called at trial or certified as experts." (Docket #61 at 6.) Defendants, in their reply, state they "have no objection to a two hour telephone deposition paid by Plaintiff, as suggested in Plaintiff's Response." (Docket #62 at 3.) Therefore, the parties have reached an agreement regarding the issue raised in Defendants' motion, and the Court need not enter an order.

Accordingly, the Court **DENIES AS MOOT** Defendants' Motion for Protective Order [filed
August 13, 2010; docket #59].

Dated at Denver, Colorado, this 25th day of August, 2010.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large initial "M" and a stylized "H".

Michael E. Hegarty
United States Magistrate Judge