

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe**

Civil Action No. 09-cv-01758-REB-MJW

FTR - Courtroom A-502

Date: April 27, 2010

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

DOUGLAS A. GLASER,
Plaintiff(s),

- - no appearance - -

v.

ROLLIE JORDAN,
Defendant(s).

Jeffrey A. Springer

COURTROOM MINUTES / MINUTE ORDER

HEARING: MOTIONS HEARING

Court in Session: 8:35 a.m.

Court calls case. Appearances of defense counsel. The time set for this motions hearing is 8:30 a.m. The Court has waited to call the case to allow time for the *Pro Se* plaintiff to appear. Plaintiff does not appear, nor does any legal representative for him. The Court's Minute Order [Docket No. 109] setting this hearing directed the parties to appear in person.

Plaintiff failed to appear timely as directed, did not seek a continuance, and did not telephone the court at the time set for the conference to make the court aware of any unavoidable reason for noncompliance.

The Court raises Defendant's Renewed Motion for Sanctions and Plaintiff's Motion to Compel and For Sanctions for argument.

Argument by Mr. Springer.

It is ORDERED: Defendant's RENEWED MOTION FOR SANCTIONS [Docket No. **94**, Filed March 18, 2010] is **GRANTED** for reasons as set forth on the record.

It is ORDERED: Plaintiff shall appear for his deposition **MAY 03, 2010 at 1:30 p.m.** in the law office of counsel Jeffrey A. Springer. Defendant shall issue a notice of deposition, sending by e-mail and overnight mail. Plaintiff was previously ordered by the Court on February 24, 2010 to bring responses to the outstanding written discovery to his deposition (See Docket No. 90). Plaintiff is directed to bring responses to the outstanding written discovery with him to his May 3rd deposition.

Failure of plaintiff to appear for the May 3rd scheduled deposition and/or bring full and complete responses to discovery may result in the Court issuing a recommendation that this civil action be dismissed with prejudice and for additional sanctions.

It is ORDERED: Defendant's request for attorneys fees and costs is **granted** as to (1) having to file Renewed Motion for Sanctions and (2) having to appear for the scheduled deposition where plaintiff failed to appear. Defendant shall have to and including **MAY 07, 2010** within which to file an itemized Affidavit as to fees and costs. Plaintiff shall then have to and including **MAY 17, 2010** to file any response to the Affidavit. Defendant shall then have to and including **MAY 27, 2010** to file a reply.

It is ORDERED: Plaintiff's MOTION TO COMPEL AND FOR SANCTIONS [Docket No. **105**, Filed April 09, 2010] is **DENIED** for reasons as set forth on the record.

The courtroom deputy is directed to e-mail this Courtroom Minutes/Minute Order to plaintiff at the e-mail address in the exhibits attached to defendant's motion douglasaglaser@aol.com and to mail by United States postal service and to telephone plaintiff at the telephone number plaintiff lists in his e-mails and on his facsimile cover sheet (303) 323-5739. Telephone number is listed as Facsimile number, mobile number, and telephone number.

Hearing concluded.

Court in recess: 8:57 a.m.

Total In-Court Time 00: 22

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