

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02539-WYD-MJW

JOHN JACQUAT,

Plaintiff,

v.

HUB INTERNATIONAL INSURANCE SERVICES, INC.,

Defendant.

---

**MINUTE ORDER**

---

**Entered by Magistrate Judge Michael J. Watanabe**

It is hereby **ORDERED** that the Non-Party Motion of Jeffrey Cohen to Quash Subpoena to Take Deposition (docket no. 86) is **DENIED**.

This case involves a non-solicitation agreement between Plaintiff Jacquat and Defendant Hub International Insurance Services, Inc. ("Defendant HUB"). Plaintiff Jacquat worked for Defendant HUB and its predecessor, Talbot Agency, Inc., as an insurance broker specializing in placing insurance for gentlemen's clubs from August 8, 2005, to October 13, 2009, at which time he formed his own insurance brokerage business. See Complaint.

I find that Defendant HUB has demonstrated in its response (docket no. 108) that non-party Jeffrey Cohen is an insurance underwriter with whom Plaintiff Jacquat worked closely before and after his departure from Defendant HUB. Before and after Plaintiff Jacquat's departure from Defendant HUB, Mr. Cohen worked with Plaintiff Jacquat to service the two large clients which left Defendant HUB to work with Plaintiff Jacquat's new business. I find that Mr. Cohen has information that is calculated to lead to discovery of admissible evidence at trial and that Mr. Cohen has failed to demonstrate that the taking of his deposition will be unreasonable, improper, or unduly burdensome. I further find that the taking of Mr. Cohen's deposition is within the scope of discovery under Fed. R. Civ. P. 26(b)(1). It should be noted that the deposition sought by Defendant HUB in the subject motion is requested to take place where Mr. Cohen resides, namely, the state of Maryland. See Fleet Business Credit, LLC v. Solarcom, LLC, 2005 WL 1025799, \* 1 (D. Md. 2005). Moreover, Mr. Cohen's concerns about "trade secrets" have already been addressed by this court since this court has entered a Protective Order (docket nos. 18 and 19).

It is **FURTHER ORDERED** that counsel for the parties and counsel for non-party Jeffrey Cohen shall forthwith meet, confer, and select a date, time, and location in the state of Maryland where Mr. Cohen resides to take Mr. Cohen's deposition. The parties and non-party Mr. Cohen are reminded of sanctions that can be imposed by this court for abusive deposition conduct as outlined in D.C.COLO.LCivR 30.3.

It is **FURTHER ORDERED** that each party shall pay their own attorney fees and costs for this motion (docket no. 86).

September 23, 2010

---