

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02794-REB-KLM

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

RICHARD DALTON, and
UNIVERSAL CONSULTING RESOURCES LLC,

Defendants,

and

MARIE DALTON,

Relief Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion to Compel Relief Defendant Marie Dalton's Deposition and for an Order to Show Cause Why She Should Not be Held in Contempt of Court for Failure to Provide a Sworn Accounting Pursuant to the Temporary Restraining Order** [Docket No. 29; Filed December 8, 2010] (the "Motion"). On December 10, 2010, Relief Defendant Marie Dalton filed a Response [Docket No. 30] in opposition to the Motion. On December 14, 2010, Plaintiff filed a Reply [Docket No. 31]. Pursuant to 28 U.S.C. § 636(b) and D.C.COLO.LCivR 72.1C, the Motion has been referred to this Court for disposition of Plaintiff's request to compel the deposition of Relief Defendant.

On November 23, 2010, District Judge Robert E. Blackburn issued a Temporary Restraining Order [Docket No. 18] which allowed Plaintiff to depose Relief Defendant "on two days notice" served by "facsimile, e-mail, hand or overnight courier." Plaintiff represents that, pursuant to the Temporary Restraining Order, it "noticed [Relief Defendant]'s deposition for December 8, 2010 be e-mailing her counsel a notice of deposition on December 3, 2010." *Motion* [#29] at 3. Relief Defendant did not appear at the deposition because she had traveled outside of the United States. *Id.*; *Response* [#30] at 1. Relief Defendant has now returned from abroad and can be deposed. *Response* [#30] at 1 (stating that Relief Defendant "is scheduled to return to the United States" on December

20, 2010).

IT IS HEREBY **ORDERED** that the Motion is **GRANTED in part** to the extent that it seeks to compel the deposition of Relief Defendant. Accordingly,

IT IS FURTHER **ORDERED** that Plaintiff and Relief Defendant shall confer to schedule the deposition of Relief Defendant for the soonest possible date. If the parties are unable to agree on a mutually convenient date, they shall initiate a conference call and then dial the Court at **303-335-2770**. The Court will then set a date for the deposition.

Dated: December 23, 2010