

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02862-REB-KLM

DEAN CARBAJAL,

Plaintiff,

v.

MYRL SERRA, in his individual capacity,
SHERRI PRICE, in her individual capacity,
CAROL WARNER, in her individual capacity,
DAVID ROMERO, in his individual capacity,
JOE QUINTANA, in his individual capacity,
BILL RAILEY, in his individual capacity,
CHRIS WELDON, in his individual capacity,
BENJAMIN SCHROEDER, in his individual capacity,
GILBERTO LUCIO, in his individual capacity,
JAMES DIXON, in his individual capacity,
ADAM BARRETT, in his individual capacity,
JOEL SMITH, in his individual capacity,
JESSE REMBERT, in his individual capacity,
JAY LOPEZ, in his individual capacity,
MICHAEL O'NEILL, in his individual capacity,
BOARD OF COUNTY COMMISSIONER OF DELTA COUNTY, a political subdivision of
the State of Colorado,
CITY AND COUNTY OF DENVER, a political subdivision of the State of Colorado,
DARIN DESEL, Police Officer for the Denver Police Department, in his individual
capacity,
FRED MCKEE, Sheriff for the Delta Sheriff's Department, in his individual capacity,
PERRY SPEELMAN, Police Officer for the Denver Police Department, in his individual
capacity, and
UNKNOWN REPRESENTATIVE, Representative of Patricia Kramer's Estate, former
Deputy District Attorney for the Seventh Judicial District, in her individual capacity,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for Leave to Allow a Representative from the Plaintiff's Defense Team to Be Present with Myrl Serra and Gwen Serra for the Scheduled Sanctions Hearing or in [the] Alternative the Plaintiff Contemporaneously Objects to the Denial of Fairness and Order** [Docket No. 364; Filed August 28, 2012] (the "Motion"). Plaintiff makes several requests in the Motion. First, Plaintiff seeks leave of the Court to allow witnesses Jess Jimenez and Victoria Carbajal to appear by phone as they "will likely present rebuttal testimony." *Motion* [#364] at 3. Second, Plaintiff seeks permission from the Court "to have a representative of their [sic] choosing to be present with a video camera to record Gwen Serra's testimony at her residence with Myrl Serra." *Motion* [#364] at 3. Third, Plaintiff objects "to the denial of a fair opportunity to litigate his petition for sanctions and the obvious unreliability of these proceeding[s] that will be born of lack of supervision and direct confrontation." *Motion* [#364] at 3.

IT IS HEREBY **ORDERED** that the Motion [#364] is **GRANTED in part and DENIED in part**, as follows:

1) Witness Gwen Serra shall provide her telephone testimony outside of the presence of anyone other than her attorney, if she has one. Defendant Myrl Serra may not act as her attorney for purposes of the hearing.

2) Witnesses Jess Jimenez and Victoria Carbajal may appear at the Evidentiary Hearing by telephone.

3) All other relief sought by Plaintiff in the Motion is **DENIED**.

IT IS FURTHER **ORDERED**, *sua sponte*, that the parties shall take special notice of these **REVISED** call in procedures for the Evidentiary Hearing to be held on **September 10, 2012 at 2:30 p.m.** Each person attending the hearing by telephone shall separately dial the Court at **888-363-4749**. The caller will be asked to enter an Access Code, which is **2115325**. Plaintiff and counsel for Defendant must notify all witnesses who will appear and testify at the hearing by telephone that they must also dial in **at the beginning** of the hearing. The Court will set a schedule for their testimony at that time. The parties are **not** required to conference together before dialing the telephone number provided above.

IT IS FURTHER **ORDERED** that the Clerk of the Court shall electronically mail a copy of this Minute Order to the legal assistant for the Department of Corrections at the following address: service_of_process@doc.state.co.us and shall mail a courtesy copy of this Minute Order to the case manager for Plaintiff at his facility.

Dated: August 30, 2012