

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 11-cv-00400-KMT-KLM

FTR - Courtroom C-201

Date: December 9, 2011

Deputy Clerk, Nick Richards

BERNARD KENNETH MYERS,

Bernard Kenneth Myers (by phone)

Plaintiff,

v.

DORWIN DWAYNE HUMMEL,

Adam David Parkes
Kelly Snodgrass

Defendant.

COURTROOM MINUTES / MINUTE ORDER

MOTION HEARING

Court in session: 9:30 a.m.

Court calls case. Appearances of counsel.

Motion Hearing is called regarding Motion for Plaintiff Deposition by Defense to be Done Via Phone [Doc. No. 115, filed December 1, 2011].

Discussion regarding deposition options for Mr. Myers.

It is **ORDERED**: Motion for Plaintiff Deposition by Defense to be Done Via Phone [115] is **TAKEN UNDER ADVISEMENT**.

Plaintiff shall complete a financial affidavit and return it to the Court by either fax or e-mail for an *in-camera* review on or before December 13, 2011. If the Plaintiff is able to establish that his financial circumstances justify the court allowing him to appear for his deposition via video-conferencing, his deposition will be taken on December 16, 2011 at 9:30 a.m.

Plaintiff shall submit a statement on the method by which he will be available for an internet video deposition. That statement will be filed on or before December 13, 2011. It is anticipated that Plaintiff

will appear via internet (through WebEx, Skype, or other video transmission) for his deposition; the Defendants will employ a court reporter in Colorado to make a transcript of the deposition.

The notice of deposition previously scheduling Plaintiff's deposition for December 7, 2011, shall be continued to December 16, 2011 at 9:30 a.m. Mountain Standard Time. The deposition of Mr. Myers shall not exceed 7 hours in length.

For the sole purpose of taking this deposition, the discovery cut-off is hereby extended to December 17, 2011.

Court in Recess: 9:48 a.m.

Hearing concluded.

Total In-Court Time 00:18

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.