

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02357-WYD-MEH

CS CAPITAL CORP., d/b/a THE INVOICE BANKERS CORP.,

Plaintiff,

v.

LOCAL SENIOR SERVICES, and
RANDY KALANI FAHILGA,

Defendants.

ORDER

Michael E. Hegarty, United States Magistrate Judge.

Plaintiff/Judgment Creditor's Second Ex Parte Motion to Depose Bank of America, N.A.

[filed March 18, 2015; docket #73] is **granted** as follows.

Rule 69 governs executions of judgments. Fed. R. Civ. P. 69(a)(2) states:

Obtaining Discovery. In aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located.

Here, the Plaintiff/Judgment Creditor seeks to depose a representative of the bank at which the Defendants purportedly hold accounts, and who may have information regarding transactions about which Mr. Fahilga testified he had no knowledge. In Colorado, Rule 69 also governs the execution of judgments and post-judgment proceedings. Colo. R. Civ. P. 69 provides, in pertinent part:

Witnesses. Witnesses may be subpoenaed to appear and testify in accordance with C.R.C.P. 45.

Depositions. After entry of a final money judgment, the judgment creditor, upon order of court which may be obtained ex parte, may take the deposition of any person including the judgment debtor, in the manner provided in these Rules.

Colo. R. Civ. P. 69(h) & (i). Accordingly, the Court will grant Plaintiff/Judgment Creditor's motion to serve a subpoena upon a representative of Bank of America, N.A. for the purpose of obtaining discovery through a deposition as to the accounts held by Defendants Local Senior Services and Randy Kalani Fahilga.

Dated at Denver, Colorado, this 19th day of March, 2015.

BY THE COURT:

A handwritten signature in black ink that reads "Michael E. Hegarty". The signature is written in a cursive style with a large initial "M".

Michael E. Hegarty
United States Magistrate Judge