

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kristen L. Mix**

Civil Action No.: 11-cv-03181-WJM-KLM

FTR - Reporter Deck - Courtroom C-204
Byron G. Rogers United States
Courthouse
Courtroom Deputy, Laura Galera

Date: April 18, 2014

PATRICIA WRIGHT

John F. Taussig, III
Scott Smith

Plaintiff,

v.

TWIN CITY FIRE INSURANCE
COMPANY, and
THE WARRANTY GROUP, L.L.C.,

Kenneth E. Stalzer
Michael Alper

Defendants.

COURTROOM MINUTES / MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 9:35 a.m.

Appearance of counsel.

Argument by counsel for the plaintiff and defendants as to Defendants' Rule 37(d) Motion for Sanctions Because of Plaintiff's Repeated Failures to Appear for Her Deposition #[128].

For the reasons as stated on the record it is:

ORDERED: The Motion is **GRANTED in part** and **HELD IN ABEYANCE in part**. The Court imposes sanctions as follows: Pursuant to Fed. R. Civ. P. 37(d), Plaintiff and Plaintiff's counsel are jointly and severally liable for the amount of Defendants' attorneys' fees and costs incurred by Defendants in the three prior attempts to take the Plaintiff's deposition, as well as the fees and costs incurred by Defendants in pursuing the Motion for Sanctions. Defense counsel shall file an Affidavit of Costs and Attorneys' Fees **no later than May 2, 2014**. Plaintiff may file a response **within 10 days** of the filing of the affidavit. No reply will be permitted.

ORDERED: The deposition of the Plaintiff shall occur **prior to the discovery deadline of June 3, 2014**, on a date and at a time and location designated by Defendants through their counsel. Plaintiff is ordered to cooperate fully with the taking of her deposition. If Plaintiff is unwilling or unable to appear for her deposition on the date and time and at the location designated by Defendants, then Plaintiff must seek a protective order. If no Motion for Protective Order is made and Plaintiff fails to appear for her deposition, Defendants may seek additional sanctions by filing a written motion.

Hearing concluded.

Court in recess: 10:22 a.m.

Total Time: 00:47