

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe

Civil Action No. 11-cv-03185-MSK-MJW

MARK D. NIEDERQUELL, and
JUDITH A. NIEDERQUELL,

Plaintiffs,

v.

BANK OF AMERICA, N.A. and
THE BANK OF NEW YORK MELLON f/k/a
THE BANK OF NEW YORK as trustee for the
CERTIFICATEHOLDERS OF CWABS, INC.,
ASSET-BACKED CERTIFICATES, SERIES 2006-3,

Defendants.

MINUTE ORDER

It is hereby ORDERED that Plaintiffs' Motion for Protective Order Re: Location of Deposition (docket no. 44) is GRANTED finding good cause shown. The depositions of Plaintiffs Mark D. Niederquell and Judith A. Niederquell shall take place in either South Fork or Alamosa, Colorado. The parties are to meet and confer consistent with Fed. R. Civ. P. 30 and D.C.COLO.LCivR 30.1 and set these depositions.

Plaintiffs filed this lawsuit in the Rio Grande County District Court, Colorado. The Defendants could have defended this case in the Rio Grande County District Court. Instead, the Defendants made a strategic decision to remove this case to federal district court. By removing this case to the federal district court, the Defendants have created a time and financial hardship for Plaintiffs having to drive to Denver, Colorado to prosecute their case. Plaintiffs did not choose the federal district court as the forum in which to prosecute their lawsuit. Accordingly, in the interest of justice and equity, the subject motion should be granted.

Date: November 2, 2012
