

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:12cv02394-JLK

LAGALIA A. AFOLA, Individually and as Personal Representative of  
THE ESTATE OF TERRELL D. GRISWOLD,

Plaintiffs,

v.

CORRECTIONS CORPORATION OF AMERICA,  
WARDEN BRIGHAM SLOAN, in his Individual and Official Capacity,  
DAVID OBA, M.D., in his Individual and Official Capacity,  
MANDY MARQUEZ, R.N., in her Individual and Official Capacity,  
MARY BUENO-SANDOVOL, LPN, in her Individual and Official Capacity,  
CAPTAIN TROY ABDULLA, in his Individual and Official Capacity,  
CORRECTIONS OFFICER TRUJILLO, in his Individual and Official Capacity,  
SERGEANT MARY LEYBA, in her Individual and Official Capacity,  
ANGIE TURNER, RN, HSA, in her Individual and Official Capacity,  
STEVE L. BROWN SR., in his Individual and Official Capacity,  
LEON KELLY, M.D., in his Individual and Official Capacity,  
ROBERT FOWLER, in his Individual and Official Capacity,  
GREGORY KIRKLAND, in his Individual Capacity,

Defendants.

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**ORDER DENYING DOC. 73, DEFENDANTS' MOTION TO COMPEL**

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Kane, J.

Before me is Defendants' Motion to Compel Plaintiff Lagalia A. Afola's Attendance, Doc. 73. Defendants request that I issue an Order requiring Ms. Afola to travel to Colorado to be deposed. Ms. Afola, a resident of Missouri who is not a percipient witness in this case, has hitherto been unwilling to come to Colorado for her deposition because she has three school-aged children for whom she cannot arrange childcare for the time it would take her to travel to Colorado and be deposed. The general rule is that absent extreme hardship, a plaintiff is required to make herself

available for a deposition in the district in which she filed her lawsuit. *United States v. Rock Springs Vista Development*, 185 F.R.D. 603, 604 (D.Nev.1999). Defendants submit that they are willing to schedule Ms. Afolá's deposition "during her children's school's winter break to alleviate her childcare concerns." It is difficult to see how that would be of any help, as childcare is only an issue when the children are not in school. Defendants can take Ms. Afolá's deposition by written questions, by video teleconference, by going to Missouri, or by paying Ms. Afolá's complete travel expenses (not just airfare as Defendants state to have offered), which I hold to include her costs of childcare.

DATED:      October 21, 2013

BY THE COURT:

*s/John L. Kane*

John L. Kane, U.S. Senior District Judge