

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

Civil Action No.: 12-cv-03341-LTB-MJW

FTR - Courtroom A-502

Date: December 16, 2013

Courtroom Deputy, Emily Seamon

EUGENE FOSTER, and
ROBERT FISK,

John Keith Killian
Damon Davis
Andrew Petroski

Plaintiffs,

v.

MOUNTAIN COAL COMPANY, LLC,
ARCH WESTERN RESOURCES, LLC, and
ARCH COAL, INC.,

Jeffrey Johnson
Bradford Williams

Defendants.

COURTROOM MINUTES / MINUTE ORDER

HEARING: TELEPHONIC MOTION HEARING

Court in session: 10:03 a.m.

Court calls case. Appearances of counsel.

The Court hears oral argument regarding Plaintiff Eugene Foster's Motion for a Protective Order Regarding the Location of His Deposition.

10:05 a.m. Argument by Mr. Killian.

10:07 a.m. Response by Mr. Johnson.

10:09 a.m. Reply by Mr. Killian.

Discussion regarding taking a video deposition and the production of Mr. Foster's medical records.

ORDERED: Plaintiff Eugene Foster's Motion for a Protective Order Regarding the Location of His Deposition [Doc. No. 48, filed December 11, 2013] is GRANTED as follows. Defendants' counsel may take Mr. Foster's deposition in either Edwards, CO or Eagle, CO. Defendants' counsel shall determine the location and give a date and time certain for the deposition. Each party shall pay their own attorney's fees and costs for the motion.

HEARING CONCLUDED.

Court in recess: 10:20 a.m.
Total in-court time: 00:17

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Toll Free 1-800-962-3345.