

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Craig B. Shaffer**

**Civil Action No.: 01-cv-01644-REB-CBS**  
**Date: August 2, 2010**

**FTR - Reporter Deck - Courtroom A402**  
**Courtroom Deputy: Linda Kahoe**

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CARTEL ASSET MANAGEMENT,

Glenn W. Merrick

Plaintiff,

v.

OCWEN FINANCIAL CORPORATION, *et al.*,

Lino S. Lipinsky de Orlov  
Richard G. Sander

Defendants.

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: MOTIONS HEARING**

**Court in session: 1:25 p.m.**

Court calls case. Appearances of counsel. *Also present is Mr. Coats.*

The court notes that this hearing was set as a motions hearing and a preliminary pretrial conference. The court states that the parties did not file a draft proposed pretrial order.

Discussion and arguments regarding Plaintiff's Motion to Bar Defendants' Late-Disclosed Witnesses, doc #[608], filed 6/28/2010.

Mr. Merrick presents arguments.

Mr. Lipinsky presents arguments.

For the reasons as stated on the record, it is:

**ORDERED:** Plaintiff's Motion to Bar Defendants' Late-Disclosed Witnesses, doc #[608] is **DENIED**. The time for filing Objections to the court's ruling begins today.

Discussion regarding scheduling and location of Mr. Gunter's redeposition.

**ORDERED:** The continuation of Mr. Gunter's deposition must be completed no later than **SEPTEMBER 2, 2010**.

Discussion and arguments regarding Defendants' Motion for Leave to Amend Answer to Assert Unclean Hands Affirmative Defense, doc #[614], filed 7/2/2010.

Mr. Sander presents arguments.

The court cites relevant case law.

For the reasons as stated on the record, it is:

**ORDERED:** Defendants' Motion for Leave to Amend Answer to Assert Unclean Hands Affirmative Defense, doc #[614] is **DENIED**. The time for filing Objections to the court's ruling begins today.

Discussion regarding the preservation deposition of Kelie Matthews. The court is inclined to allow the preservation deposition. Mr. Merrick states he will brief the issue.

**ORDERED:** At the Motions Hearing set for **AUGUST 19, 2010 at 10:00 a.m.**, the court will hear arguments on Altisource Portfolio Solutions, S.A.'s Motion for Protective Order, #[620]; Motion for Protective Order Respecting the Proposed Deposition of Brokerpriceopinion.com, Inc., #[627]; Motion for Protective Order Respecting Kelie Matthews' Deposition, #[635].

**ORDERED:** A Preliminary Pretrial Conference is set for **AUGUST 19, 2010 at 10:00 a.m.** A Proposed Final Pretrial Order is due no later than **NOON on AUGUST 18, 2010**. The Final Pretrial Conference remains set for **AUGUST 23, 2010 at 11:00 a.m.**

HEARING CONCLUDED.

**Court in recess: 2:59 p.m.**  
Total time in court: 01:34

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