

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: LaDonne Bush
Court Reporter: Paul Zuckerman

Date: October 20, 2009

Civil Action No. 04-cv-00243-MSK-BNB

Parties:

Counsel:

ROBERTA FOLKS, on behalf of herself
and all others similarly situated,

Leif Garrison

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, an Illinois
corporation,

Michael McCarthy
Marie Williams

Defendant.

COURTROOM MINUTES

Final Trial Preparation Conference

4:06 p.m. Court in session.

Plaintiff present by telephone.

Karin Junge present on behalf of State Farm.

Oral findings and conclusions of law are made of record and incorporated herein.

ORDER: Plaintiff's Motion for Class Certification (Doc. 144) is denied subject to being reasserted if appropriate after the determination in *Clark*.

ORDER: Defendant's Motion for Judgment on the Pleadings with Respect to the Class Claims (Doc. 142) is denied.

ORDER: Plaintiff's Motion for Summary Judgment on First Cause of Action (Doc. 147) is denied.

ORDER: Plaintiff's Unopposed Motion Pursuant to D.C.Colo.LCivR 7.2 to Seal Exhibit 13 to Plaintiff's Motion for Class Certification (Doc. 150) is denied, but the subject of Docket No. 150, Exhibit 13 at Docket No. 146, shall remain sealed at this time.

Courtroom Minutes
Judge Marcia S. Krieger
Page 2

Court's comments to the parties regarding settlement and trial.

4:51 p.m. Court in recess.

Time: 00:45
Hearing concluded.