

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: May 12, 2010
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action 02-cv-00604-RPM

UNITED STATES OF AMERICA,

Plaintiff,

Cara M. Mroczek
Steven Moores

v.

GREAT WESTERN INORGANICS, INC.,

Defendant.

Civil Action No. 04-cv-02330-RPM

UNITED STATES OF AMERICA,

Plaintiff,

Cara M. Mroczek
Steven Moores

v.

THORO PRODUCTS COMPANY,

Defendant / Third Party Plaintiff,

Christopher Sutton
William Fronczek

v.

GREAT WESTERN INORGANICS, INC.,
HIGHWAY 72 PROPERTIES, INC.,

Third Party Defendants.

COURTROOM MINUTES

Hearing on Pending Motions

10:01 a.m. Court in session.

Court's preliminary remarks.

Richard E. Newman present as representative for Thoro Products Company.

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Mr. Sutton states Highway 72 Properties was never served and should be dismissed as a party.

ORDERED: Third Party Defendant Highway 72 Properties, Inc. is dismissed.

Court states the current status of the case based on its review of the pleading.

ORDERED: Joint Motion to Reopen Case, filed April 29, 2010 [10] in 02-cv-00604-RPM is granted.

10:11 a.m. Mr. Sutton answers questions asked by the Court.

Mr. Sutton states he has reviewed the proposed consent decree with his client Richard Newman. Mr. Sutton further states that there has been a settlement of all claims against third party defendant Great Western and if the consent decree is approved by the Court a dismissal will be filed.

10:18 a.m. Mr. Riordan answers questions asked by the Court.

Mr. Riordan states it is correct that an agreement has been reached regarding the third-party complaint based on approval of the consent decree.

10:21 a.m. Ms. Mroczek. answers questions asked by the Court.

10:24 a.m. Mr. Sutton answers additional questions asked by the Court.

Court's findings as stated on record.

ORDERED: Motion to Enter Proposed Consent Decree, filed April 26, 2010 [111] in 04-cv-02330-RPM, is granted. Consent Decree signed in open court.

ORDERED: Joint Motion to Reopen the Case and Consolidate with Civil Action No. 04-m-2330 to Lodge an Amendment to The 2002 Consent Decree, filed April 13, 2010 [7] in 02-cv-00604-RPM, is granted.

ORDERED: Joint Motion Requesting a Stay of Certain Work Obligations under the Consent Decree, filed April 29, 2010 [10] in 02-cv-00604-RPM, is granted.

Mr. Sutton informs the Court he will file a stipulated motion to dismiss.

10:33 a.m. Court in recess.

Hearing concluded. Total time: 32 min.