

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

Date: November 23, 2009
Courtroom Deputy: Cathy Coomes
FTR Technician: Kathy Terasaki

Civil Action No. 05-cv-01016-RPM

MICHAEL L. ZINNA,

Plaintiff,

Adam M. Platt

v.

JAMES CONGROVE,

Defendant.

Patrick D. Tooley
Kevin M. Coates
Thomas J. Lyons

COURTROOM MINUTES

Hearing on Motion to Compel

10:57 a.m. Court in session.

Court calls case. Appearances of counsel. Plaintiff is present.

Court's preliminary remarks regarding Plaintiff's Motion to Compel Production of Email Messages Subject to Subpoena [doc. #290].

10:59 a.m. Questions of Mr. Lyons by the Court. Argument by Mr. Lyons.

11:09 a.m. Argument by Mr. Platt. Questions by the Court.

The Court reviews *in camera* the e-mails tendered by Mr. Lyons under the claim of attorney-client privilege.

11:20 a.m. Discussion with Mr. Lyons regarding the Privilege Log. The Court agrees with the claim of privilege.

ORDERED: Plaintiff's Motion to Compel Production of Email Messages Subject to Subpoena [doc. #290] is DENIED.

11:24 am. The Court's preliminary remarks regarding Plaintiff's Motion for Leave to Amend Witness List [doc. #296]. Argument by Mr. Tooley. Questions by the Court.

11:28 a.m. Argument by Mr. Platt. Questions by the Court. Statements by Plaintiff.

ORDERED: Michael Murphy shall be made available for deposition on November 24, 2009, at 9:00 a.m.

During the deposition, Mr. Tooley is directed to explore the reason for Mr. Murphy's absence. The Court will not rule on Plaintiff's Motion for Leave to Amend Witness List until Mr. Murphy's deposition is completed.

Discussion regarding witness lists and revised exhibit lists. Counsel are directed to submit the witness lists by November 30, 2009, and the revised exhibit list to the Courtroom Deputy by November 27, 2009.

11:35 a.m. Court in recess.

Hearing concluded. Total time: 38 min.