

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

Date: June 28, 2010  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 05-cv-01673-RPM

GRACE CHURCH OF THE ROARING FORK VALLEY,  
a Colorado non-profit corporation,  
TERRY MANER, and  
E. WAYNE STARR, as members of the Church and  
participants therein,

Daniel P. Dalton  
Robert A. Lees

Plaintiffs,

v.

BOARD OF COUNTY COMMISSIONERS OF PITKIN,  
PITKIN COUNTY, STATE OF COLORADO,  
DOROTHEA FARRIS,  
JACK HATFIELD,  
PATTI KAY-CLAPPER,  
MICK IRELAND,  
MICHAEL OWSLEY, individually and in their official capacity, and  
PLANNING AND ZONING COMMISSION OF THE TOWN OF BASALT,  
BASALT, STATE OF COLORADO,

Josh A. Marks  
Justin C. Berg

Thomas F. Smith

Defendants.

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**COURTROOM MINUTES**

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**Hearing on Pending Motions**

**1:57 p.m. Court in session.**

Plaintiffs Terry Maner and Wayne Starr present.

Court's preliminary remarks.

**ORDERED: Plaintiffs' Motion for Leave to File Surreply and Submission of Supplemental Authority in Opposition to Pitkin County's Reply in Support of Pitkin County's Combined Motion for Summary Judgment and Motion to Dismiss, in Part, for Lack of Subject Matter Jurisdiction, filed April 28, 2010 [194], is granted.**

2:02 p.m. Argument by Mr. Smith [171].  
2:10 p.m. Argument by Mr. Dalton.

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**ORDERED:** Defendant Planning and Zoning Commission of the Town of Basalt's Renewed Motion for Summary Judgment, filed December 4, 2009 [171], will be granted and defendant Planning and Zoning Commission of the Town of Basalt will be dismissed by written order.

2:14 p.m. Argument by Mr. Marks.

2:40 p.m. Argument by Mr. Dalton.  
Mr. Lees answers questions asked by the Court (Emma bldg.).

3:02 p.m. Argument by Mr. Marks.

**ORDERED:** Pitkin County's Combined Motion for Summary Judgment and Motion to Dismiss, in Part, For Lack of Subject Matter Jurisdiction, filed November 30, 2009 [168], is taken under advisement.

**3:13 p.m.** Court in recess.

Hearing concluded. Total time in court: 1 hr. 16 min.