

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CHIEF JUDGE WILEY Y. DANIEL**

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Courtroom Deputy: Robert R. Keech  
E.C.R./Reporter: Therese Lindblom

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Date: December 7, 2010

Civil Action No: **07-cv-01723-WYD-CBS**

Counsel:

**LARIVIERE, GRUBMAN, AND PAYNE,  
LLP,**

John R. Mann  
Miles L. Buckingham  
Herbert A. Delap

Plaintiff,

v.

**EDWARD H. PHILLIPS, et al.,**

Shelley B. Don  
Mark E. Saliman

Defendants.

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**COURTROOM MINUTES**

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**MOTION HEARING**

**2:31 p.m.** Court in Session

APPEARANCES OF COUNSEL.

Court's opening remarks.

Plaintiff's Motion for Summary Judgment [doc. #322], filed October 13, 2009, is raised for argument.

2:34 p.m. Argument by Plaintiff (Mr. Mann).

3:28 p.m. Argument by Defendants (Mr. Don).

3:42 p.m. Argument by Plaintiff (Mr. Mann).

3:55 p.m. Argument by Defendants (Mr. Don).

3:56 p.m. Argument by Plaintiff (Mr. Mann).

4:02 p.m. Argument by Defendants (Mr. Don).

4:03 p.m. Argument by Plaintiff (Mr. Mann).

**ORDERED:** Plaintiff's Motion for Summary Judgment [doc. #322], filed October 13, 2009, is **DENIED IN PART and DEFERRED IN PART.**

Court indicates a written order shall follow.

**4:08 p.m.** Court in Recess - HEARING CONCLUDED

**TOTAL TIME: 1:37**