

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

Date: February 5, 2009
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 07-cv-01989-RPM

STANDARD BANK, PLC,

Plaintiff,

Lee A. Russo
Gabriel H. Scannapieco
Thomas Johnson

v.

RUNGE, INC.,
f/k/a Runge Mining, Inc. and d/b/a Pincock, Allen & Holt,

Defendant.

Jay S. Horowitz

COURTROOM MINUTES

Hearing on Pending Motions

1:59 p.m. Court in session.

Court's preliminary remarks.

Court states it will consider plaintiff's motion for partial judgment on pleadings as a motion to strike affirmative defenses.

ORDERED: Standard Bank PLC's Motion for Partial Judgment on the Pleadings Regarding PAH's Affirmative Defenses Based on Implied In-Fact Contract Theories, filed October 10, 2008 [57], is denied.

Court's statements regarding its assessment of the status of the case.

2:14 p.m. Statements by Mr. Horowitz and answers questions asked by the Court.

2:56 p.m. Statements by Ms. Russo and answers to questions asked by the Court.

ORDERED: PAH's Motion to Compel Standard to Make Its Officer Paul P. Hartwell Available for Deposition, filed November 30, 2008 [69], is granted. Counsel shall confer regarding scope of deposition with respect to exceeding phase 1 discovery.

ORDERED: Standard Bank PLC's Motion for Protective Order Regarding the Deposition of Paul Hartwell, filed December 22, 2008 [73], is denied.

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ORDERED: Phase 1 discovery limited to course of dealings between Pincock and Standard entities.

3:14 p.m. Argument by Mr. Horowitz.

Court instructs counsel to confer to resolve pending Rule Rule 30(b)(6) Deposition Notice Motion [84].

ORDERED: Defendant Pincock, Allen & Holt's Motion [Partially Opposed] for a Further Extension of the Deadlines in the Revised Scheduling Order, filed February 4, 2009 [85], is granted.

ORDERED: Counsel shall prepare and submit a revised proposed scheduling order.

ORDERED: Standard Bank PLC's and Pincock, Allen & Holt's Agreed Motion to Extend the Revised Scheduling Order's Deadlines, filed December 2, 2008 [70], is granted.

3:21 p.m. Court in recess.

Hearing concluded. Total time 1 hr. 22 min.

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