

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover Date: April 30, 2009
Court Reporter: Paul Zuckerman

Civil Action No. 07-cv-02126-MSK-CBS

Parties:

Counsel Appearing:

FREEDOM FROM RELIGION
FOUNDATION, INC.,
JOHN COE,
MARY COE,
COE CHILD 1 and
COE CHILD 2,

Robert Tiernan

Plaintiff,

v.

CHERRY CREEK SCHOOL DISTRICT,
MONTE C. MOSES, in his official capacity
as Superintendent of the Cherry Creek
School District #5,

Richard Banta

Defendants.

MINUTES OF RULE 16 CONFERENCE

9:16 a.m. Court in session.

This hearing was originally set as a Final Pretrial Conference and has been converted to a hearing pursuant to F.R.C.P. 16.

Counsel present as listed above. Amanda Hesterson, counsel for the school district is present. Summary of the claims and defenses.

The Court addresses case status.

ORDER: Plaintiff's Motion for Reconsideration (**Doc. #38**) is **DENIED** as moot.

Plaintiff advises it may be requesting further extensions of time for discovery matters. The Court advises that extensions will not be granted from this courtroom for filing motions, briefing, future hearings, including the final pretrial conference that will be set today.

ORDER: Final Pretrial Conference is set for **October 28, 2009 at 8:30 a.m.**, in Courtroom A901, 901 19th Street, Denver, CO.

The Court advises that all parties must be present at the Final Pretrial Conference.

The Court addresses the current case caption with both parties and advises plaintiff to file the appropriate motion so that the issue can be resolved. This matter will be tried to the Court, not a jury.

Defense counsel advises that affirmative defenses 6 and 9 in response to the Fourth Amended Complaint are no longer applicable and may be dismissed.

ORDER: Affirmative defenses 6 and 9 in response to the Fourth Amended Complaint are **DISMISSED.**

9:41 a.m. Court in recess.

Total Time: 25 minutes.

Hearing concluded.