

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**JUDGE PHILIP A. BRIMMER**

**COURTROOM MINUTES**

Courtroom Deputy: Kathy Preuitt-Parks  
Court Reporter: Janet Coppock

Date: April 28, 2009  
Time: 27 minutes

**CASE NO. 07-cv-02261-PAB-MJW**

Parties

Counsel

**ALCOHOL MONITORING SYSTEMS,  
INC.,**

Michael Martin  
Phillip Lorenzo

Plaintiff (s),

vs.

**ACTSOFT, INC.,  
OHIO HOUSE MONITORING  
SYSTEMS, INC., and  
U.S. HOME DETENTION SYSTEMS  
and EQUIPMENT, INC.,**

Todd Tucker  
Kyle Fleming  
Richard Fee

Defendant (s).

**CONTINUED HEARING ON MOTION FOR PRELIMINARY INJUNCTION and  
MOTION FOR SUMMARY JUDGMENT**

**8:36 a.m. COURT IN SESSION**

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**Plaintiff's Motion for Preliminary Injunction (Doc #13), filed 1/3/08.**

**Defendants Actsoft, Inc. and Ohio House Monitoring Systems, Inc.'s Motion for Summary Judgment (Doc #104), filed 12/30/08.**

Court states its findings and conclusions as to Defendants Actsoft, Inc. and Ohio House Monitoring Systems, Inc.'s Motion for Summary Judgment.

**ORDERED:** Defendants Actsoft, Inc. and Ohio House Monitoring Systems, Inc.'s Motion for Summary Judgment (Doc #104), filed 12/30/08 is **GRANTED**. Section VI of the Motion for Summary Judgment is **WITHDRAWN**.

Discussion regarding how counsel wishes to proceed in light of the Court's ruling on summary judgment.

Mr. Martin requests a brief recess.

**8:55 a.m. COURT IN RECESS**

**9:06 a.m. COURT IN SESSION**

Mr. Lorenzo moves for the admission of plaintiff's remaining exhibits by stipulation.

**ORDERED:** Plaintiff's exhibits **1, 3, 5, 6, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51** are ADMITTED by stipulation and for the purposes of a Rule 59 motion or to the extent they would be relevant for purposes of appeal.

**ORDERED:** Plaintiff's Motion for Preliminary Injunction (Doc #13), filed 1/3/08 is deemed **MOOT**.

Court and counsel discuss how to proceed on defendant U.S. Home Detention Systems and Equipment, Inc.'s motion to dismiss for lack of jurisdiction.

Counsel directed to confer with each other and advise the Court how they wish to proceed with that motion.

**9:14 a.m. COURT IN RECESS**

**Total in court time: 27 minutes Hearing concluded**