

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

Date: July 21, 2009
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 08-cv-00332-RPM

REINER RIEZLER and
SEVERI MED GmbH,
Plaintiffs,

Edward J. Pardon
Jane Michaels
Jeffrey S. Ward

v.
ROBERT H. ALLEN,
SALLY P. STABLER and
METABOLITE LABORATORIES, INC.,

Monique M. Drake

Defendants.

COURTROOM MINUTES

Hearing on Motion to Dismiss

9:56 a.m. Court in session.

Plaintiff Riezler, defendants Allen and Stabler present.

Court's preliminary remarks and its comments regarding the pending motion to dismiss, Rule 56, standing and immunity.

9:59 a.m. Mr. Pardon answers questions asked by the Court regarding OPS and its bankruptcy proceeding.

10:02 a.m. Argument by Ms. Drake (standing).
10:12 a.m. Argument by Mr. Pardon.

ORDERED: Defendants' Motion to Dismiss Amended Complaint now construed as a motion under Rule 56, filed 9/2/2008 [43], is denied based on the issue of standing.

10:21 a.m. Argument by Ms. Drake (immunity).

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ORDERED: Defendants' Motion to Dismiss Amended Complaint now construed as a motion under Rule 56, filed 9/2/2008 [43], is denied on the issue of immunity.

Discussion regarding discovery scheduling.

ORDERED: Additional Scheduling Conference scheduled September 11, 2009 at 10:00 a.m., counsel to submit directly to chambers a proposed scheduling order by 4:00 p.m. September 3, 2009.

10:33 a.m. Court in recess.

Hearing concluded. Total time: 37 min.