

**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

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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.,  
  
Defendants.

Monique M. Drake

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**COURTROOM MINUTES**

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**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).

July 21, 2009  
08-cv-00332-RPM

**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.