

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer**

**Civil Action No.: 08-cv-00955-WYD-CBS
Date: February 1, 2011**

**FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Linda Kahoe**

SECURITY SERVICE FEDERAL CREDIT UNION,

Austin D. Garner (*via phone*)

Plaintiff,

vs.

FIRST AMERICAN MORTGAGE FUNDING, LLC,
et al.,

Martin A. Bloom

LAWYERS TITLE COMPANY,
NORTH AMERICAN TITLE COMPANY OF
COLORADO,

Ivan Moore Call

FIRST AMERICAN TITLE INSURANCE COMPANY,

Charles A. Greenhouse

Defendants.

FIRST AMERICAN MORTGAGE FUNDING, LLC,

Martin A. Bloom

Third-Party Plaintiff,

vs.

STEWART TITLE OF CALIFORNIA, INC.,

Alan David Sweetbaum

ORANGE COAST TITLE COMPANY,

Markus Dale Self (*via phone*)
Stuart Pack

LAWYER'S TITLE COMPANY,

Ivan Moore Call

LINDA ANDERSON, *et al.*,

Timothy J. Vanagas

SHARON CARLEO,

Pro se (*via phone*)

GERALD CARLEO,

Pro se (*via phone*)

Third-Party Defendants.

FIRST AMERICAN MORTGAGE FUNDING, LLC,
FIRST AMERICAN MORTGAGE, INC.,
CONSTRUCTION DISBURSEMENT SERVICES, INC.,

Martin A. Bloom

WILLIAM DEPUY,
JEFFREY JORDAN,
SHAUN JORDAN,

Steven T. Mulligan
Julie Andrea Trent

MARK CAMPBELL,
KEVIN B. JORDAN,

Martin A. Bloom

Cross-Claim Plaintiffs,

v.

KENNETH E. NORTH,
PARADISE RANCH VIEW MIRAGE, LLC,
GILGER HOMES, LLC,
KIRK GILGER,
NEW CENTURY BUILDERS, INC.,
SUNDANCE MORTGAGE, LLC,
THE ARTISAN GROUP, LLC,
DBA ARTISAN DEVELOPMENT GROUP,
AND/OR EHLINE CO.,

Cross-Claim Defendants.

FIRST AMERICAN MORTGAGE FUNDING, LLC,
CONSTRUCTION DISBURSEMENT SERVICES, INC.,
KEVIN B. JORDAN,

Martin A. Bloom

Counterclaim Plaintiffs,

v.

SECURITY SERVICE FEDERAL CREDIT UNION,

Austin D. Garner (*via phone*)

Counterclaim Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 2:34 p.m.

Court calls case. Appearances of counsel.

Discussion regarding Motion to Withdraw as Counsel of Record Without Substitution for Third-Party Defendants Robin Freestone, Margaret Freestone, Charles Hess, Louis Sassali, Deborah Sassali, and Sharlene Bentley, doc #[551], filed 1/14/2011.

ORDERED: The Motion to Withdraw as Counsel of Record Without Substitution for Third-Party Defendants Robin Freestone, Margaret Freestone, Charles Hess, Louis Sassali, Deborah Sassali, and Sharlene Bentley, doc #[551], is **GRANTED**. Timothy J. Vanagis is terminated as counsel for these Third-Party Defendants. Mr. Vanagis is required to provide written notice to his former clients advising

them that this Motion has been granted, and that they are now effectively proceeding *pro se*. Mr. Vanagas is required to provide contact information for these Third-Party Defendants to the remaining parties, counsel, and the court.

Discussion regarding Amended Motion to Withdraw as Counsel for Jeffrey Jordan, Shaun Jordan and William DePuy, doc #[564], filed 1/25/2011.

The parties are present and each state that they are not opposed.

Mr. DePuy makes statements.

The court advises the parties that the deadlines will not change.

ORDERED: The Amended Motion to Withdraw as Counsel for Jeffrey Jordan, Shaun Jordan and William DePuy, doc #[564], is **GRANTED**. Julie Trent and Steven Mulligan are terminated as counsel for these parties.

Ms. Trent and Mr. Mulligan are required to take the necessary steps to transfer their files to the *pro se* litigants.

Jeffrey Jordan, Shaun Jordan, and William DePuy are required to provide their phone numbers and personal home addresses to the remaining parties, counsel, and the court.

Discussion regarding Motion to Withdraw as Counsel of Record for First American Mortgage Funding, LLC, First American Mortgage, Inc., Kevin B. Jordan, Mark Campbell, Construction Disbursement Services, Inc., and Construction Financial Services, LLC, doc #[548], filed 1/11/2011.

Mr. Kevin Jordan and Mr. Mark Campbell are present and they state no objection.

The court states that the entities cannot proceed *pro se* and must be represented by counsel. The court advises the parties that if the entities are not represented by counsel that a default judgment can be entered against them.

Mr. Jordan states he objects to the withdrawal of counsel for the entities.

Discussion regarding the upcoming scheduled depositions.

ORDERED: The Motion to Withdraw as Counsel of Record for First American Mortgage Funding, LLC, First American Mortgage, Inc., Kevin B. Jordan, Mark Campbell, Construction Disbursement Services, Inc., and Construction Financial Services, LLC, doc #[548], is **GRANTED**. Martin A. Bloom and Briana K. Wiederspahn are terminated as counsel of record for these parties.

Kevin Jordan and Mark Campbell are now proceeding *pro se* and they are

required to provide their phone numbers and personal home addresses to the remaining parties, counsel, and the court.

Pursuant to the Local Rules, First American Mortgage Funding, LLC, First American Mortgage, Inc., Construction Disbursement Services, Inc., and Construction Financial Services, LLC may not proceed *pro se*.

ORDERED: A Show Cause Hearing is set for **FEBRUARY 28, 2011 at 11:30 a.m.** (Mountain Time). The purpose of the Show Cause Hearing is to require First American Mortgage Funding, LLC, First American Mortgage, Inc., Construction Disbursement Services, Inc., and Construction Financial Services, LLC to show cause why default judgment should not be entered against them based upon their lack of qualified representation. If counsel enters an appearance on behalf of these corporations prior to February 28, 2011, the court will discharge the Order to Show Cause. Parties who do not have an interest in this Show Cause Hearing need not appear. (*Out of town counsel may appear via telephone by coordinating a conference call among themselves prior to contacting the court at 303.844.2117 at the scheduled time.*)

Mr. Vanagas requests that, at the Show Cause Hearing, the court also consider dismissing the Third-Party claims if good cause is not shown. The court states that counsel would have to file a motion, as it would require a dispositive ruling.

The court states that the remaining pending motions have not been referred.

Mr. Garner asks whether or not the parties are still required to send documents to the addresses where mail is being returned. The court suggests that counsel continue.

HEARING CONCLUDED.

Court in recess: 3:17 p.m.
Total time in court: 00:43

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