

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

Civil Action No.: 08-cv-00955-WYD-CBS

FTR - Reporter Deck - Courtroom A402

Date: June 24, 2011

Courtroom Deputy: Linda Kahoe

SECURITY SERVICE FEDERAL CREDIT UNION,

Henry A. Cirillo

Plaintiff,

vs.

FIRST AMERICAN MORTGAGE FUNDING, LLC,
et al.,

William D. DePuy

LAWYERS TITLE COMPANY,
NORTH AMERICAN TITLE COMPANY OF
COLORADO,

FIRST AMERICAN TITLE INSURANCE COMPANY,

Defendants.

FIRST AMERICAN MORTGAGE FUNDING, LLC,

Third-Party Plaintiff,

vs.

STEWART TITLE OF CALIFORNIA, INC.,

Alan D. Sweetbaum

ORANGE COAST TITLE COMPANY,

Markus D. Self

LAWYER'S TITLE COMPANY,

Ivan M. Call
David H. Goldberg

LINDA ANDERSON, *et al.*,

SHARON CARLEO,
GERALD CARLEO,

Pro se (via phone)

Third-Party Defendants.

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

WILLIAM DEPUY,
JEFFREY JORDAN,
SHAUN JORDAN,
MARK CAMPBELL,
KEVIN B. JORDAN,

Pro se

Pro se

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,

Counterclaim Plaintiffs,

v.

SECURITY SERVICE FEDERAL CREDIT UNION,

Counterclaim Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: TELEPHONIC STATUS CONFERENCE

Court in session: 11:23 a.m.

Court calls case. Appearances of counsel.

Discussion regarding pending motions.

Discussion regarding the status reports.

Discussion regarding the Fourth Amended Complaint.

Mr. Self orally moves to withdraw the Motion to Dismiss in Response to Third Amended Complaint by Plaintiff Security Service Federal Credit Union, doc #[438], filed 10/1/2010.

Mr. Cirillo states objections.

ORDERED: Mr. Self's oral motion to withdraw doc #[438] is **GRANTED**. The Motion to Dismiss in Response to Third Amended Complaint by Plaintiff Security Service Federal Credit Union, doc #[438] is **WITHDRAWN**.

The court suggests that:

- Defendants not file any Motions to Dismiss except a choice of law motion
- the parties confer between now and July 4th
- Mr. Cirillo look at the Fourth Amended Complaint and narrow it down
- Defendants don't oppose the motion to file amended complaint

The court will then suggest to Judge Daniel that the pending motions to dismiss and the choice of law motion be denied without prejudice.

The court suggests that the Defendants then file one joint motion to dismiss limited to the choice of law issue; finish the remaining discovery within a specified amount of time; then Defendants file a motion for summary judgment.

The court is inclined to grant a motion for leave to file an amended complaint without prejudice to the Defendants' right to assert any substantive claim that is appropriate.

ORDERED: A Telephonic Status Conference is set for **Wednesday, JULY 6, 2011 at 4:30 p.m.** *(Counsel and pro se parties shall coordinate a conference call among themselves prior to contacting the court at 303.844.2117 at the scheduled time.)* The parties shall be prepared to update the court on their meet and confer discussions.

ORDERED: All further proceedings are **STAYED** pending the outcome of the Status Conference on July 6, 2011.

HEARING CONCLUDED.

Court in recess: 12:46 p.m.

Total time in court: 01:23

To order transcripts of hearings with Magistrate Judge Shaffer, please contact Avery Woods Reporting at (303) 825-6119 or toll free at 1-800-962-3345.