

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-01119-MSK-KLM

TONY'S TAP, LLC, d/b/a PAGOSA BREWING COMPANY, INC.,

Plaintiff/Counterclaim Defendant,

v.

PS ENTERPRISES, INC., d/b/a PAGOSA PUB WORKS BREWPUB,

Defendant/Counterclaimant,

and

FRANK SHIRO, individually, and  
ROBIN SHIRO, individually,

Defendants,

v.

RICHARD ANTHONY SIMMONS, a/k/a TONY SIMMONS,

Third-Party Defendant.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on the Plaintiff and Counterclaim Defendants' **Unopposed Motion for Leave to Appear by Telephone for the Settlement Conference Scheduled for November 20, 2009** [Docket No. 125; Filed November 10, 2009] (the "Motion").

U.S. District Court Judge Marcia S. Krieger directed that the parties participate in a settlement conference before December 14, 2009. See Docket No. 120. This settlement conference was set at a date and time that was represented to the Court as being

convenient for all parties. The Court canceled other hearings in order to accommodate the parties' schedules.

Plaintiff and Counterclaim Defendants now seek permission for both Mr. Richard Simmons and his counsel to appear telephonically due to Mr. Richard Simmons's previously planned out-of-state trip. Mr. Simmons is both the representative of Tony's Taps, LLC, and an individual party in this lawsuit, and his in-person participation in the conference is crucial to its chances of producing a settlement. The settlement conference was set on a date and time that the Court understood as being convenient for him to appear. Counsel admits that he is available to appear in person. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **DENIED**.