

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover
Court Reporter: Paul Zuckerman

Date: April 5, 2011

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

Parties:

Counsel Appearing:

TONY’S TAPS, LLC, d/b/a Pagosa Brewing Company,
Inc.,
Plaintiff,

Reid Kelly
Kenton Freudenberg

v.

PS ENTERPRISES, INC., d/b/a Pagosa Pub Works
Brewpub,
FRANK SCHIRO,
ROBIN SCHIRO,

Lawrence Purvis

Defendants.

COURTROOM MINUTES

HEARING: Law and Motion.

10:05 a.m. Court in session.

All counsel are present by telephone.

The Court addresses defendant PSE’s Motion to Vacate *Sua Sponte* Entry of Default and Dismissal of Counterclaim (**Doc. #191**).

Argument.

ORDER: Defendant PSE’s Motion to Vacate *Sua Sponte* Entry of Default and Dismissal of Counterclaim (**Doc. #191**) is **GRANTED**.

ORDER: The Court awards the plaintiff attorneys' fees on the preparation of the recent motions. Plaintiff's counsel will file, as soon as possible, an affidavit that states the attorneys' fees incurred for the preparation of the Motions for entry of default, for dismissal and for entry of default judgment. Defendants will file their response within 10 days. The Court will issue a written order for the amount awarded.

The Court addresses Plaintiff's Motion for Default Judgment (**Doc. #185**).

ORDER: Plaintiff's Motion for Default Judgment (**Doc. #185**) is **DENIED**.

The Court addresses the current trial date of May 2, 2011.

ORDER: The parties will advise the Court of settlement no later than **April 25, 2011**.

10:53 a.m. Court in recess.

Total Time: 48 minutes.
Hearing concluded.