

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

Courtroom Deputy: Patricia Glover
Court Reporter: Paul Zuckerman

Date: July 16, 2009

Civil Action No. 08-cv-01179-MSK-KMT

Parties:

QDOBA RESTAURANT CORPORATION,

Plaintiff,

v.

TAYLORS, LLC.,

Defendant.

Counsel Appearing:

Bradley Block
Michael Lindsay

Robert Einhorn

COURTROOM MINUTES

HEARING: Final Pretrial Conference.

4:13 p.m. Court in session.

Party representatives are present. Counsel is present as listed above.

The Court addresses pending motions.

The Court addresses Plaintiff's Motion to Dismiss Defendant's Counterclaims (**Doc. #44**).

ORDER: Plaintiff's Motion to dismiss Defendant's Counterclaims (**Doc. #44**) is **DENIED as moot**.

The Court will not rule on plaintiff's motion for summary judgment (Doc. #83) and advises counsel it will most likely not rule on it prior to trial. The Court intends to treat the briefs as trial briefs for purposes of any argument made under Rule 52 at the time of trial.

The Court addresses the proposed final pretrial order, expert witnesses and their reports.

ORDER: The Court approves the proposed final pretrial order (**Doc. #113**) with the modifications that have been noted in the pending motions section. This final pretrial order will now govern the case.

ORDER: Pertinent to trial process: The time allotted for trial will be split between the parties to be used however the parties wish (opening statement, closing arguments, evidence, etc.) The time will be tracked by the Courtroom Deputy on the chess clock.

The Court addresses the time needed for trial.

ORDER: Bench trial (8 days) is set to commence on **February 2, 2010 at 8:30 a.m.** and will continue for the remainder of the week, and commence the following week on **February 9, 2010.**, in Courtroom A901, 901 19th Street, Denver, CO.

The Court addresses questions from counsel about the trial process.

4:53 p.m. Court in recess.

Total Time: 40 minutes.
Hearing concluded.