

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch**

Date: May 21, 2009  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 08-cv-01265-RPM

LUIS IRENE and  
GRETCHEN IRENE,

Keith E. Frankl

Plaintiffs,

v.

ALLSTATE PROPERTY AND CASUALTY  
INSURANCE COMPANY and  
ALLSTATE INSURANCE COMPANY,

Richard A. Orona

Defendants.

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**COURTROOM MINUTES**

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**Hearing on Pending Motions**

**9:57 a.m. Court in session.**

**ORDERED: Defendant Allstate Insurance Company's Motion for Oral Argument on Defendant's Motion for Partial Summary Judgment, filed April 15, 2009 [41], is moot.**

Court's summary of its understanding of the undisputed case facts.

10:05 a.m. Argument by Mr. Frankl [24] and [29].

10:16 a.m. Argument by Mr. Orona.

10:28 a.m. Rebuttal argument by Mr. Frankl.

**Court's findings as stated on record.**

**ORDERED: Plaintiffs' Motion for Partial Summary Judgment or Determination of Question of Law, filed February 27, 2009 [24], is denied.**

**ORDERED: Defendant Allstate Insurance Company's Motion for Partial Summary Judgment, filed March 3, 2009 [29], is granted to the extent as stated on record.**

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**ORDERED: Plaintiffs' Motion to Amend Complaint, filed March 3, 2009 [28], is denied.**

**ORDERED: Plaintiffs' First Motion to Compel Discovery, filed February 16, 2009 [23], is denied.**

Counsel agree to confer regarding attentive means of determining extent of contamination resulting from fire.

**ORDERED: Status report filed by June 22, 2009.**

**ORDERED: Bad faith claim is not dismissed.**

**10:37 a.m. Court in recess.** Hearing concluded. Total time: 40 min.