

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

Date: January 14, 2010
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 08-cv-01463-RPM
(Consolidates with Civil Action No. 09-cv-00940-RPM)

EPC Corporation, an Arizona corporation;
DENNIS C. SHAW;
Plaintiffs,

Robert Berens

v.

JAMES G. KREUTZER,
HERMOSA PARK, LLC, a Colorado limited liability company;
CHARLES SHAFER, II;
MICHAEL MCQUINN;
MICHAEL MCQUINN AS TRUSTEE
FOR THE MICHAEL MCQUINN PROFIT SHARING PLAN;
BARRY MASON;
BRANDON ROFF;
BRET MASON;
DANIEL WANSTRATH;
DIANE ORRELL-LOPEZ;
DYLAN NORTON;
JACKIE ONEY and
TONY ONEY, husband and wife;
JANET L. PETTIGREW AS TRUSTEE OF
THE JANET L. PETTIGREW REVOCABLE TRUST DATED FEBRUARY 27, 2006;
LESLIE R. FARRELL;
LOIS CARPENTER;
MATTHEW SPOWART;
MCKOWN AND MCKOWN, LLC, a Colorado limited liability company;
MREI, LLC, an Alaskan limited liability company;
R. KEN CARPENTER;
ROBERT WALLACE;
RONALD W. PETTIGREW AS TRUSTEE OF
THE RONALD W. PETTIGREW REVOCABLE TRUST DATED FEBRUARY 27, 2006;
ROYAL LILLGE;
SULTANA INVESTMENT LIMITED PARTNERSHIP, an Alaska limited partnership;
THOMAS L. GRAMS;
THOMAS A. ST. OURS; and
WILLIAM PEASE FAMILY LIMITED PARTNERSHIP, an Alaska limited partnership,
PTARMIGAN RIDGE, LLC, a Colorado limited liability company,
CHARLES SHAFER, II,
CHARLES SHAFFER, II AS TRUSTEE FOR THE CHARLES SHAFFER II PROFIT SHARING
PLAN AND TRUST,
NATALIA SAPRYKINA,
DAN WANSTRATH,
THOMAS GRAMS, and
CARL RAND,

Pro Se present
Christopher S. Hamilton
Douglas E. Briggs
Michael B. Levy

Defendants.

COURTROOM MINUTES

Hearing on Pending Motions

2:00 p.m. Court in session.

Bentley Hamilton present.

Court's preliminary remarks.

Discussion between Court, Mr. Levy and Mr. Berens regarding an anticipated settlement. Mr. Levy and Mr. Briggs state a settlement will result in dismissal of all defendants represented by Mr. Levy.

Michael Levy excused.

Mr. Berens answers questions asked by the Court regarding claims against defendant Kreutzer and Hermosa Park with respect to the anticipated settlement.

2:12 p.m. Mr. Hamilton answers questions asked by the Court regarding the status of state court litigation and the suggestion of a removal / motion to intervene.

Statements by Mr. Berens.

Court states it will take a recess for counsel to confer.

2:23 p.m. Court in recess.

3:00 p.m. Court in session.

Statements by Mr. Berens.

Court states it will not enter default judgment recommended by Magistrate Judge Watanabe at this time.

ORDERED: Herrmosa Park's Motion to Set Aside Entry of Default is denied.

ORDERED: Motion to Strike Answer, Counterclaim and Third Party Complaint of Hermosa Park, LLC, filed October 2, 2009 [123], is granted.

ORDERED: Motion to Disqualify Attorneys Christopher Hamilton, Esq. and Douglas Briggs, Esq. From Representing Hermosa Park, LLC, filed October 2, 2009 [124], is moot.

3:02 p.m. Court in recess.

Hearing concluded. Total time: 25 min.