

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Michael J. Watanabe**

Civil Action No. 08-cv-01463-RPM-MJW

FTR - Courtroom A-502

Date: January 30, 2009

Courtroom Deputy, Ellen E. Miller

EPC CORPORATION,
an Arizona corporation, and
DENNIS C. SHAW, an individual,

Robert J. Berens

Plaintiff(s),

v.

JAMES G. KREUTZER,
HERMOSA PARK, LLC,
MICHAEL MCQUINN, et al

Pro Se

Michael B. Levy
James E. Brown

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: MOTIONS HEARING

Court in Session: 10:00 a.m.

Court calls case. Appearances of counsel and *Pro Se* Defendant Kreutzer.

The Court raises Plaintiffs' Motion for Judgment by Default Against Defendant Hermosa Park, LLC for argument.

Opening statements by Robert Berens for Plaintiffs, Michael B. Levy for the "24 defendants", and James G. Kreutzer *Pro Se* defendant.

Plaintiff DENNIS C. SHAW is sworn and testifies, examination by Mr. Berens.

Plaintiff moves to admit Exhibit 1, defendant objects. Exhibit 1 is not admitted.

Plaintiff moves to admit Exhibit 2, defendant objects. Exhibit 2 is not admitted.

Plaintiff moves to admit Exhibit 3, with no objections, **Exhibit 3 is admitted.**

Plaintiff refers to Exhibit 4 but does not move to admit.

Plaintiff moves to admit Exhibit 5, defendant objects. Exhibit 5 is not admitted.

Plaintiff moves to admit Exhibit 6, with no objections, **Exhibit 6 is admitted.**

Plaintiff moves to admit Exhibit 7, with no objections, **Exhibit 7 is admitted.**

10:36 a.m. Cross-examination by Mr. Levy.

No examination by Mr. Kreutzer.

11:00 a.m. Court takes a brief recess.

11:08 a.m. Court is back on the record.
Mr. Shaw is on the witness stand.

11:08 a.m. Re-direct examination by Mr. Berens.

11:24 a.m. Re-cross by Mr. Levy

Questions by the Court.

11:37 a.m. Additional re-direct examination by Mr. Berens.

11:40 a.m. James E. Brown is excused to appear in another court.

11:43 a.m. Additional re-cross by Mr. Levy.

Questions by the Court.

11:52 a.m. Additional examination by Mr. Berens

11:52 a.m. Plaintiff Dennis C. Shaw is excused.

It is ORDERED: The parties oral stipulation as to facts is approved and made an Order of Court. The parties stipulate that Mr. Kreutzer signed Plaintiff's exhibit 6 in his capacity as manager for Defendant Hermosa Park, LLC.

11:54 a.m. Plaintiff rests.

11:54 a.m. All defendants rest.

11:55 a.m. Closing argument by Mr. Berens and Mr. Levy. No closing arguments by Mr. Kreutzer.

It is ORDERED: Plaintiffs' MOTION FOR JUDGMENT BY DEFAULT AGAINST DEFENDANT HERMOSA PARTK, LLC [Docket No. 46, Filed December 09, 2008] is **TAKEN UNDER ADVISEMENT**.
The court will issue its written Order.

HEARING CONCLUDES.

Court in recess: 12:09 p.m. Total In-Court Time: 02:08

ATTACHMENTS: Plaintiff Exhibit 3.
Plaintiff Exhibit 6.
Plaintiff Exhibit 7.