

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

Date: April 13, 2009  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 08-cv-01613-RPM

TAYLOR BEAN & WHITAKER MORTGAGE CORP.,  
A Florida corporation,

Lino S. Lipinsky de Orlov  
Hamid Khan

Plaintiff,

v.

CLARION MORTGAGE CAPITAL, INC., a Colorado corporation,  
NATIONAL CITY MORTGAGE COMPANY, An Ohio corporation,  
UPSTREET DEVELOPMENT, LLC.,  
a Colorado limited liability company,  
JON C. THOMPSON, individually,  
LEGACY CONSTRUCTION SERVICES, LLC.,  
a Colorado limited liability company,  
CHRIS FOSTER, individually,  
JAMES BARNETT, individually,  
JEWELS DEVELOPMENT AND CONSTRUCTION SERVICES, LLC,  
a Colorado limited liability company,  
CURT KARLEN, individually and  
BRYCE MOEDER, individually,

Eric R. Coakley  
Julie Walker  
Habib Nasrullah  
Richard I. Brown  
Adam Wiens  
In default

No appearance  
No appearance  
In default

Mark A. Pottinger  
Carol Thomson

Defendants.

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**COURTROOM MINUTES**

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**Hearing on Pending Motions**

**11:00 a.m. Court in session.**

Cecil Morris present for interested party Doug and Sandy Doudna.

Court's preliminary remarks.

11:02 a.m. Argument Ms. Thomson [86].

**ORDERED: Defendant Bryce Moeder's Motion to Set Aside Entry of Default, filed February 27, 2009 [86], is granted and the Clerk's Entry of Default entered October 10, 2008 [30] as to defendant Moeder only is set aside.**

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11:05 a.m. Argument by Mr. Lipinsky [90].  
11:09 a.m. Argument by Mr. Brown.  
11:13 a.m. Argument by Mr. Coakley.  
11:14 a.m. Argument by Mr. Nasrullah.  
11:15 a.m. Rebuttal argument by Mr. Lipinsky.

**ORDERED: Plaintiff's Motion for Leave to File First Amended Complaint, filed February 27, 2009 [90], is granted. Plaintiff has until April 27, 2009 (10 days) to file an Amended Complaint. Defendants will file their response to the Amended Complaint within 30 days of its filing.**

Mr. Lipinsky states that Mr. McCallister has withdrawn defendants Foster and Barnett's request to be deposed first.

Further statements by Mr. Lipinsky regarding discovery.

11:20 a.m. Argument by Ms. Walker [104].

Ms. Walker and Mr. Morris states they anticipate resolving the motion to compel [10].

Further statements by Mr. Lipinsky.  
Statement by Mr. Pottinger.  
Statement by Mr. Brown.

**ORDERED: Plaintiff's Motion to Modify Scheduling Order and for Enlargement of Time for Phase One Depositions, filed March 25, 2009 [101], is granted and the phase one deposition deadline is extended to June 15, 2009.**

**ORDERED: Deadline for defendant Moeder's Rule 26 disclosures is April 27, 2009 (14 days).**

**11:26 a.m. Court in recess.**

Hearing concluded. Total time: 26 min.