

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

Courtroom Deputy: Patricia Glover                      Date: February 25, 2009  
Court Reporter: Paul Zuckerman

Civil Action No.        08-cv-01795-MSK-MEH

Parties:

Counsel Appearing:

JOHN C. MALONE,  
  
Plaintiff,

Raquel Rodriguez - by telephone  
Charlotte Wiessner

v.

MICHAEL B. MUKASEY, in his official                      Timothy Jafek  
capacity as Attorney General of the  
United States, and  
ABC LEGAL SERVICE, INC., d/b/a  
PROCESS FORWARDING  
INTERNATIONAL,

Defendants.

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**MINUTES OF RULE 16 CONFERENCE**

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**8:38 a.m.        Court in session.**

**This hearing is continued from December 19, 2008.**

Counsel are present as listed above. Jonathan Welch of the Department of Justice is present by telephone. Mr. Scarf, counsel for ABC Legal is not present.

The Court will issue an order to show cause why Mr. Scarff and ABC Legal Service Inc. should not be held in contempt for failing to appear at today's hearing.

The Court discusses the current status of the case.

**ORDER:**        Defendant's Motion to Dismiss (**Doc. #28**) is **DENIED as moot.**

The Court addresses consolidation of the motion for preliminary injunction and the Complaint for

purposes of a hearing under Rule 65(a)(2). Statements from counsel Weissner and Jafek regarding filing of the administrative record, declaration and responding to discovery.

**ORDER:** This case is referred to the Magistrate Judge for discovery, a settlement conference, and non-dispositive motions. Based on the stipulation of the parties that there are no facts in dispute with regard to the preliminary injunction- the Court consolidates the motion with a determination on the merits pursuant to Rule 65(a)(2).

**ORDER:** The administrative record will be filed by **April 11, 2009**. Briefing with regard to the administrative record will be filed by **April 26, 2009**, responsive brief will be filed 20 days thereafter (**May 16, 2009**) and the reply brief 20 days after the responsive brief (**June 5, 2009**).

**9:09 a.m.** Court in recess.

**Total Time: 31 minutes.**

**Hearing concluded.**