

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
MAGISTRATE JUDGE MICHAEL E. HEGARTY

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Civil Action No. 08-cv-01819-REB-MEH  
Courtroom Deputy: Cathy Coomes

Date: October 8, 2009  
**FTR – Courtroom C203**

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NORTHWEST PARKWAY PUBLIC HIGHWAY  
AUTHORITY,

Neil L. Arney

Plaintiff,

vs.

BAYERISCHE HYPO-UND VEREINSBANK AG,

Mark P. Ressler  
Tucker K. Trautman

Defendant.

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**COURTROOM MINUTES/MINUTE ORDER**

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**TELEPHONIC MOTION HEARING**

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**Court in session: 9:06 a.m.**

Court calls case. Appearances of counsel by telephone.

Argument and discussion regarding Motion for Withdrawal and Substitution of Counsel (Doc. #70, filed 10/6/09) and Defendant's Motion to Modify February 3, 2009 Scheduling Order, July 21, 2009 Minute Order and July 27, 2009 Minute Order (Doc. #61, filed 9/21/09).

Discussion regarding Defendant's Motion to Modify Trial Preparation Conference Order and Related Orders (Doc. #62, filed 9/21/09), which has not been referred to this Court for ruling. The Court contacts Judge Blackburn's staff and informs counsel of the new trial and trial preparation dates. A separate order will issue from Judge Blackburn's chambers.

- ORDERED:**
1. For reasons stated on the record, Defendant's Motion to Modify February 3, 2009 Scheduling Order, July 21, 2009 Minute Order and July 27, 2009 Minute Order (Doc. #61, filed 9/21/09) is GRANTED in part and DENIED in part. **Discovery cutoff and dispositive motions are due by November 15, 2009. The Final Pretrial Conference set for November 5, 2009, is VACATED and RESET to January 11, 2010, at 9:30 a.m. The proposed Final Pretrial Order is due five (5) days prior to the hearing.** A copy of the proposed order in Word or WordPerfect format shall also be sent to this Court's e-mail account, [Hegarty\\_Chambers@cod.uscourts.gov](mailto:Hegarty_Chambers@cod.uscourts.gov) five (5) days prior to the conference.
  2. For reasons stated on the record, Motion for Withdrawal and Substitution

of Counsel (Doc. #70, filed 10/6/09) GRANTED.

Mr. Ressler states that he intends to file a Motion for Leave to Amend to add parties.

**ORDERED:** Defendant's Motion for Leave to Amend shall be filed by **October 15, 2009**.  
Plaintiff's response shall be filed by **October 26, 2009**. Defendant's reply shall  
be filed by **October 30, 2009**.

The Court and counsel discuss setting a Settlement Conference. Counsel are directed to contact  
the Court separately before close of business on **October 13, 2009**.

Any motions under Rule 702 shall be filed by **November 30, 2009**.

**Court in recess: 9:58 a.m. (Hearing concluded)**

**Total time in court: 0:52**