

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Craig B. Shaffer**

**Civil Action No.: 08-cv-01897-PAB-CBS**  
**Date: February 26, 2010**

**FTR - Reporter Deck - Courtroom A402**  
**Courtroom Deputy: Linda Kahoe**

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OTO SOFTWARE, INC.,

Peter R. Bornstein

Plaintiff,

v.

HIGHWALL TECHNOLOGIES, LLC,  
RICH SWIER,  
MOBILESECURE, INC.,

John 'Jack' Markham Tanner

Defendants.

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: TELEPHONIC STATUS CONFERENCE**

**Court in session: 8:02 a.m.**

Court calls case. Appearances of counsel.

Discussion regarding the report and deposition of Mr. Rogers.

Discussion regarding supplementation of Summary Judgment Motions.

The court suggests that counsel negotiate a protocol that will allow MobileSecure an opportunity to take the deposition, and that will allow MobileSecure an opportunity to make an informed decision on how it wants to proceed *vis-a-vis* an expert.

The court suggests that Mr. Bornstein file an unopposed motion for leave to file a supplemental response and attach the report. Mr. Bornstein should explain what the protocol is that he intends to follow.

**ORDERED:** The Amended Motion for Summary Judgment, #[70] is **HELD IN ABEYANCE** pending supplemental briefing.

**ORDERED:** The Final Pretrial Conference currently set for March 23, 2010 is **VACATED**. The court will set a new date for a Final Pretrial Conference in a Telephonic Status Conference with counsel after receipt of the parties' submission.

HEARING CONCLUDED.

**Court in recess: 8:18 a.m.**

Total time in court: 00:16

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