

**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: June 8, 2010**

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

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OTO SOFTWARE, INC.,

Peter R. Bornstein

Plaintiff,

v.

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

*No appearance*  
*No appearance*  
John (Jack) Markham Tanner

Defendants.

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: TELEPHONIC MOTION HEARING**

**Court in session: 9:29 a.m.**

Court calls case. Appearances of counsel.

Discussion and arguments regarding Plaintiff's Motion for Clerk's Entry of Default and Default Judgment, doc #[95], filed 5/10/2010.

Discussion regarding Plaintiff's Amended Motion for Summary Judgment Against Highwall Technologies, LLC and Rich Swier, and for Sanctions, doc #[70], filed 12/29/2009.

Mr. Bornstein makes an oral motion to withdraw doc #[70].

**ORDERED:** Plaintiff's oral motion to withdraw Plaintiff's Amended Motion for Summary Judgment Against Highwall Technologies, LLC and Rich Swier, and for Sanctions, doc #[70] is **GRANTED**. Doc #[70] is **WITHDRAWN WITHOUT PREJUDICE**.

Discussion regarding Plaintiff's Motion for Sanctions for Admitted Destruction of Evidence, doc #[54], filed 11/6/2009.

**ORDERED:** Plaintiff may file a Supplemental Brief to #[54] as it relates to MobileSecure within **10 calendar days of today's date**. Defendant may file a Response Brief within **20 calendar days**.

HEARING CONCLUDED.

**Court in recess:** 10:15 a.m.

**Total time in court:** 00:46

To order transcripts of hearings with Magistrate Judge Shaffer, please contact Avery Woods Reporting at (303) 825-6119 or toll free at 1-800-962-3345.