

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

Date: September 29, 2009
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 08-cv-01972-RPM

LYNDON PROPERTY INSURANCE COMPANY,

Plaintiff and Counter-defendant,

Gregory F. Harley
Maibeth J. Porter
John C. Parks

v.

CREDIT UNION OF TEXAS,

Defendant and Counter-claimant.

W. Randolph Barnhart
Robert M. Horowitz
Kevin S. Neiman

COURTROOM MINUTES

Additional Scheduling Conference

9:53 a.m. Court in session.

Discussion regarding motion to amend and the changes in the proposed first amended complaint.

**ORDERED: Plaintiff's Motion for Leave to Amend Its Complaint, filed September 14, 2009 [93], is granted and the First Amended Complaint is accepted and filed today.
Defendant's response to the First Amended Complaint is due by October 19, 2009.**

Discussion regarding what constitutes phase 1 discovery.

Court states and counsel agree that the agency issue which includes program development and performance will constitute phase 1 discovery.

Ms. Porter informs the Court that Protective Life Insurance now owns Lyndon Property Insurance Co. but no change to the case caption is required.

ORDERED: Counsel shall submit in paper directly to chambers a revised proposed scheduling order by October 19, 2009.

10:08 a.m. Court in recess. Hearing concluded. Total time: 15 min.