

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

**Civil Action No.: 08-cv-01997-WYD-CBS**

**FTR - Reporter Deck - Courtroom A402**

**Date: June 23, 2009**

**Courtroom Deputy: Linda Kahoe**

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MONICA ARIOWITSCH,

Howard Owen Bernstein

Plaintiff,

v.

RMT COTTAGES, LLC, *et al.*,

Scott Storer Evans

Defendants.

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: TELEPHONIC STATUS CONFERENCE**

**Court in session: 9:17 a.m.**

Court calls case. Appearances of counsel.

Discussion regarding status of case.

**ORDERED: Plaintiff's Motion to Amend Complaint and Join Additional Plaintiffs and Defendants (doc #75, filed 6/10/2009) is GRANTED. The Third Amended Complaint (doc #75-2) is deemed filed as of today's date.**

Mr. Evans makes an oral motion to withdraw without prejudice, the Motion of Defendants RMT Cottages, LLC and Rarity Communities, Inc. to Dismiss for Lack of Personal Jurisdiction Under Fed.R.Civ.P.12(b)(2) and for Improper Venue Under Fed.R.Civ.P.12(b)(3), or in the Alternative, Motion to Transfer Venue under 28 U.S.C. § 1404 (doc #13, filed 11/10/2008).

**ORDERED: Defendant's oral motion to withdraw doc #13 is GRANTED. Motion of Defendants RMT Cottages, LLC and Rarity Communities, Inc. to Dismiss for Lack of Personal Jurisdiction Under Fed.R.Civ.P.12(b)(2) and for Improper Venue Under Fed.R.Civ.P.12(b)(3), or in the Alternative, Motion to Transfer Venue under 28 U.S.C. § 1404 (doc #13, filed 11/10/2008) is WITHDRAWN without prejudice and with leave to file a further motion to dismiss pursuant to the rules.**

**ORDERED:** Defendant First Tennessee Bank National Association's Motion to Dismiss for Improper Venue or, in the Alternative, Motion to Transfer Venue (doc #45, filed 1/12/2009) is MOOT based upon the fact that the moving party has been dismissed without prejudice. This Motion shall be STRICKEN from the docket.

**ORDERED:** A Scheduling Conference is set for August 11, 2009 at 9:00 a.m. Parties shall submit an Amended Scheduling Order on or before August 6, 2009. Plaintiff shall notify additional defendants of the date of the Scheduling Conference. Plaintiff shall schedule a Rule 26(f) conference prior to August 6, 2009. The new defendants shall make Rule 26(a) disclosures on or before August 4, 2009.

HEARING CONCLUDED.

**Court in recess: 9:27**  
Total time in court: 00:10

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