

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

**Civil Action No.: 08-cv-02014-WYD-CBS
Date: September 15, 2009**

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

LUFT FARMS LLC, *et al.*,

James W. Hubbell

Plaintiffs,

v.

WESTERN SUGAR COOPERATIVE, THE,

Erica Gann Kitaev
Marc David Flink

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 10:38 a.m.

Court calls case. Appearances of counsel.

Discussion and arguments regarding pending Motion to Amend doc #[106].

Mr. Hubbell presents copies of the amended complaint.

Defendants make an oral motion for time to October 22, 2009 to respond to the Amended Complaint. Plaintiffs state no objection.

For the reasons as stated on the record, it is:

ORDERED: Plaintiffs' Motion to Amend the Amended Complaint (doc #[106], filed 8/13/2009) is GRANTED. Plaintiff is allowed to substitute a corrected copy of the proposed Second Amended Complaint doc #[105-6] that is deemed filed as of SEPTEMBER 15, 2009. Defendant's response under Rule 12 to the Second Amended Complaint shall be filed on or before OCTOBER 22, 2009.

Discussion and arguments regarding pending Motion to Seal, doc #[112].

For the reasons as stated on the record, it is:

ORDERED: Plaintiff's Motion for Leave to Seal Reply and Expert Report, doc #[112], filed 9/14/2009 is GRANTED. The requirements of Rule 7.2 are satisfied. To the extent that Plaintiff challenges the confidentiality of these documents or data, the Plaintiff may not base the challenge of confidentiality on information it had, or was aware of, as of September 15, 2009.

ORDERED: The parties shall submit confidential updated statements on or before September 25, 2009. If the court determines that a settlement conference will be productive, the parties will be notified to set a date for a settlement conference.

HEARING CONCLUDED.

Court in recess: 12:00 p.m.

Total time in court: 01:22

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