

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

Date: April 7, 2009  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 08-cv-02260-RPM

CHELLEY AKINS,  
  
Plaintiffs,

Britton J. Morrell

v.

MOTHER LODE PROPERTIES, LLC.,  
GOLD MINE INVESTORS, LLC.,  
COPPER MINE, LLC. and  
GALENA MINE, LLC.,

Gary M. Kramer  
Michael J. Belo  
Todd R. Scardina

Defendants.

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**COURTROOM MINUTES**

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**Scheduling Conference**

**9:52 a.m. Court in session.**

Court reviews proposed scheduling order and counsel answer questions.

Discussion regarding Unopposed Motion for Filing Second Amended Complaint.  
Counsel agree defendants' Answer [2] responds to plaintiff's Amended Complaint [5].

**ORDERED: Unopposed Motion for Filing of Amended Complaint, filed April 6, 2009 [7], is stricken. Defendants' Answer to Amended Complaint, filed February 23, 2008 [2] is accepted as fully addressing the Amended Complaint filed February 26, 2009 [5].**

Discussion regarding case claims, facts and discovery.

Mr. Morrell states if the FMLA were a separate claim recovery sought would be for economic damages.

Counsel states disclosures have not been completed.

Mr. Morrell further states plaintiff's worker's compensation case has been fully resolved and no issues overlap to this case.

Court discourages the use of experts as back/front pay is an equitable remedy.

Counsel request the case be referred to a magistrate judge for settlement.

**ORDERED: An order of reference to Magistrate Judge Hegarty will be issued for the limited purpose of conducting settlement. Scheduling Order approved.**

Court states if the case does not settle the trial date will be set on a Calendar Call.

**10:13 a.m. Court in recess.** Hearing concluded. Total time: 21 min.