

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

SENIOR JUDGE JOHN L. KANE

COURTROOM MINUTES

Courtroom Deputy: Kathy Preuitt-Parks
Court Reporter: Kara Spittler

Date: December 17, 2009
Time: 24 minutes

CASE NO. 08-CV-02321-JLK

Parties

Counsel

**COMMON CAUSE OF COLORADO, et
al,**

Plaintiff (s),

vs.

Stephen Gail Dick
Barbara Chisholm
Bradley Heard
James Finberg
Myrna Perez
Karen Newman
Sarah Brannon
Brian Siebel

BERNIE BUESCHER, et al

Defendant (s).

Maurice Knaizer
Melody Mirbaba
Monica Marquez
Matthew Grove
Hilary Rudy

MOTION HEARING

10:04 a.m. COURT IN SESSION

APPEARANCES OF COUNSEL. Counsel for plaintiffs appear by telephone.

Page Two
08-cv-02321-JLK
December 17, 2009

Discussion regarding the pending motion to dismiss.

ORDERED: Defendant Bernie Buescher's Motion to Dismiss (Doc #70), filed 5/22/09 is deemed **MOOT**, given that it has been merged with Defendant Bernie Buescher's Motion for Summary Judgment (Doc #115). filed 12/10/09.

Plaintiffs' Motion to Stay Proceedings Related to Counts II, III and IV of the Amended Complaint (Doc #117), filed 12/10/09.

10:07 a.m. Argument by Mr. Finberg in support of plaintiffs' motion.

10:17 a.m. Argument by Mr. Knaizer.

Court states its findings.

ORDERED: Plaintiffs' Motion to Stay Proceedings Related to Counts II, III and IV of the Amended Complaint (Doc #114), filed 12/10/09 is **DENIED**.

Discussion regarding setting a briefing schedule on plaintiffs' second, third and fourth claims.

ORDERED: Plaintiffs' opening brief is due **January 15, 2010**. Defendants' reply brief is due **February 2, 2010**. Plaintiffs' reply brief is due **February 9, 2010**.

10:28 a.m. COURT IN RECESS

Total in court time: 24 minutes

Hearing concluded