

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover
Court Reporter: Paul Zuckerman

Date: July 1, 2010

Civil Action No. 09-cv-00301-MSK

Parties:

Counsel Appearing:

BELL COLORADO, LIMITED, a corporaton organized
under the laws of the Isle of Man,

Peter Thomas, Jr. (by phone)
David Zisser

Plaintiff,

v.

RELATED WESTPAC, LLC, a Delaware limited liability
company;
BRUSH CREEK ESTATES, LLC, a Colorado limited
liability company;
BRUSH CREEK CAPITAL HOLDINGS, a Colorado
limited liability company;
BRUCH CREEK CAPITAL HOLDINGS, a Delaware
limited liability company;
BRUSH CREEK MEZZANINE, LLC, a Delaware limited
liability company;
YORKSHIRE 216 HOLDINGS, L.P., an Arizona limited
partnership;
BASE VILLAGE SNOWMASS CENTER ASSOCIATES,
LLC, a Colorado limited liability company;
PATRICK N. SMITH, a resident of the States of Colorado
in his individual and representative capacities;
TOWN OF SNOWMASS VILLAGE, a Colorado
municipality; and
PS CALIFORNIA INVESTMENTS, LLC, a California
limited liability company,

David Goldberg

Peter Forbes

Melanie Thomas

Defendants.

PATRICK SMITH,

Peter Forbes

Third Party Plaintiff,

v.

GARY GREENBERG,
JEFFREY SCOTT KLEIN,
GARY PINKSTON,

Thomas Kimmell

Third Party Defendants.

COURTROOM MINUTES

HEARING: Rule 16

9:19 a.m. Court in session.

Thomas Kimmell is present as counsel for Third Party Defendant GaryGreenberg and Pinkston.

The Court addresses status of case.

Statements by counsel Thomas, Forbes.

Based on representations by the parties, the claims between the plaintiff and defendants have been settled and the parties anticipate filing motions to dismiss pursuant to Rule 41.

ORDER: The Motions to Dismiss the claims between plaintiff and defendants will be filed by **July 15, 2010**. If no motions are filed, the Court will deem those claims settled and will take no further action.

ORDER: Defendant Snowmass's Motion for Summary Judgment (**Doc. #134**) is **DENIED**.

ORDER: Motions to Dismiss (**Doc. #89, #120**) are **DENIED** without prejudice with leave to renew. The effect of this Order will be stayed until **July 15, 2010**.

ORDER: The case will be closed with regard to the third-party plaintiff's claims against the third -party defendants, but the effect of the Order is stayed until **July 15, 2010**. If any action is taken with regard to the third-party claims within the 14-day period there will need to be a showing of subject matter jurisdiction

Courtroom Minutes
Judge Marcia S. Krieger
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9:47 a.m. Court in recess.

**Total Time: 28 minutes.
Hearing concluded.**