

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

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

Courtroom Deputy: Kathy Preuitt-Parks
Court Reporter: Janet Coppock

Date: July 7, 2009
Time: 43 minutes

CASE NO. 09-cv-00605-PAB-BNB

Parties

Counsel

**ALCOHOL MONITORING SYSTEMS,
INC.,**

Michael Martin

Plaintiff (s),

vs.

**CB HOME DETENTION EQUIPMENT &
SERVICES, INC.,
CHRISTINA MILLER, and
WALTER FREDERICK,**

Kyle Fleming
Todd Tucker

Defendant (s).

MOTION HEARING

1:36 p.m. COURT IN SESSION

APPEARANCES OF COUNSEL.

Defendant's Motion to Dismiss (Doc #33), filed 6/3/09.

1:37 p.m. Argument by Mr. Fleming on the issue of the subject matter jurisdiction claim, pursuant to Federal Rule of Civil Procedure 12(b)(1). Questions by the Court.

1:42 p.m. Argument by Mr. Martin on the issues of subject matter jurisdiction claim, pursuant to Federal Rule of Civil Procedure 12(b)(1) and personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2). Questions by the Court.

1:49 p.m. Rebuttal argument by Mr. Fleming.

1:54 p.m. Rebuttal argument by Mr. Martin.

Court will take a brief recess to allow the Court and Mr. Martin to review case law provided by Mr. Fleming.

1:58 p.m. COURT IN RECESS

2:13 p.m. COURT IN SESSION

2:14 p.m. Further argument by Mr. Martin.

Court states its findings and conclusions.

ORDERED: Defendant's Motion to Dismiss (Doc #33), filed 6/3/09 is **GRANTED**, based upon Federal Rule of Civil Procedure 12(b)(2).

ORDERED: Plaintiff's Motion for Preliminary Injunction (Doc #19), filed 4/20/09 is **DENIED as MOOT**.

ORDERED: Judgment shall enter in favor of the defendants and against the plaintiff. Defendants may have their costs.

2:34 p.m. COURT IN RECESS

Total in court time: 43 minutes

Hearing concluded