

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE DAVID M. EBEL**

Courtroom Deputy: Emily Seamon
Court Reporter: Tracy Weir

Date: August 3, 2011

Civil Action No. 09-cv-00724-DME-MEH

Parties:

AMERICAN FAMILY MUTUAL INSURANCE
COMPANY, INC., a Wisconsin corporation,

Plaintiff,

v.

DENVER HASLAM,
COMMERCIAL CAPITAL, INC.,
MIKEL MEWBURN,
M&B DEVELOPMENT GROUP, INC.,
FALL RIVER VILLAGE COMMUNITIES, LLC,
ONEWEST BANK, FSB, and
DEUTSCHE BANK NATIONAL TRUST
COMPANY,

Defendants.

Counsel:

Lelia Kathleen Chaney
Shauna L. Hilgers

Michael A. Connolly
John F. Young

Michael J. Carrigan

COURTROOM MINUTES

HEARING: MOTIONS

11:03 a.m. Court in session.

Also present: James Markus, Trustee of Commercial Capital, Inc.

Discussion between the Court and counsel regarding submitting Notices of Remaining Issues.

ORDER: Denver Haslam and Commercial Capital, Inc. shall submit Notices of Remaining Issues by the end of the day on Wednesday, **August 3, 2011**.

11:08 a.m. Argument by Ms. Chaney regarding Plaintiff's Motion to Disqualify Holland & Hart as Counsel for Defendants/Crossclaimants/Crossclaim Defendants OneWest Bank, FSB and Deutsche Bank National Trust Company.

11:11 a.m. Argument by Mr. Carrigan regarding Plaintiff's Motion to Disqualify Holland & Hart as Counsel.

11:17 a.m. Argument by Ms. Chaney regarding Plaintiff/Counter-Defendant American Family's Objection to Magistrate Judge's Order Denying Motion for Leave to File Designation of Nonparties, and Plaintiff/Counter-Defendant American Family's Motion to Consolidate Cases for Trial Pursuant to Fed. R. Civ. P. 42(a).

11:28 a.m. Argument by Mr. Carrigan regarding Plaintiff/Counter-Defendant American Family's Objection to Magistrate Judge's Order Denying Motion for Leave to File Designation of Nonparties.

11:38 a.m. Argument by Ms. Chaney regarding the standard of review for Magistrate Judge Hegarty's ruling.

ORDER: Ms. Chaney and Mr. Carrigan may file case law on the subject of a standard of review for Magistrate Judge Hegarty's ruling by close of business on Friday, **August 5, 2011**, not to exceed three pages in length.

11:39 a.m. Reply by Ms. Chaney regarding Plaintiff/Counter-Defendant American Family's Objection to Magistrate Judge's Order Denying Motion for Leave to File Designation of Nonparties.

11:44 a.m. Reply by Mr. Carrigan regarding the designation of the non-party.

11:45 a.m. Statement by Mr. Connolly regarding the designation of the non-party.

11:49 a.m. Argument by Mr. Carrigan regarding the Motion to Consolidate Cases for Trial.

11:51 a.m. Reply by Ms. Chaney regarding the Motion to Consolidate Cases for Trial.

ORDER: The parties may submit response briefs to the standard of review, not to exceed two pages in length, by **12:00 p.m. on Friday, August 5, 2011**.

ORDER: Plaintiff/Counter-Defendant American Family's Objection to Magistrate

Judge's Order Denying Motion for Leave to File Designation of Nonparties [Docket No. 320, Filed June 16, 2011] is TAKEN UNDER ADVISEMENT.

ORDER: Plaintiff/Counter-Defendant American Family's Motion to Consolidate Cases for Trial Pursuant to Fed. R. Civ. P. 42(a) [Docket No. 323, Filed June 17, 2011] is TAKEN UNDER ADVISEMENT.

11:53 a.m. Court in recess.

Total in-court time: 00:50

Hearing concluded.