

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge John L. Kane

Date: February 4, 2011

Courtroom Deputies: Laura Galera
LaDonne Bush
Court Reporter: Kara Spitler

Civil Action No. 09-cv-0938-JLK (consolidated with 10-cv-765-JLK)

Parties:

JAMES P. TENNILLE, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

THE WESTERN UNION COMPANY, a
Delaware corporation,

Defendant.

Counsel:

Richard Burke
Seth Katz
Daniel E. McKenzie

Jason A. Yurasek
Leonard H. MacPhee
David Fallek

Civil Action No. 10-cv-765-JLK

ROBERT P. SMET, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE WESTERN UNION COMPANY, a
Delaware corporation,

Defendant.

This filing relates to BOTH ACTIONS

COURTROOM MINUTES

Scheduling Conference/Oral Argument

10:08 a.m. Court in session.

Court's preliminary comments regarding proposed Scheduling Order, supplemental scheduling conference, possible settlement conference before the Magistrate Judge, motions, briefs, conduct of counsel, firm trial date, extensions of time, and Court's website.

ORDERED: Scheduling Order is approved.

Court's comments regarding facts and the pleadings.

10:28 a.m. Argument by Mr. Jurasek.

10:36 a.m. Argument by Mr. Burke.

11:03 a.m. Rebuttal argument by Mr. Jurasek.

11:08 a.m. Court in recess.

11:24 a.m. Court in session.

Court's ruling.

ORDERED: Defendant the Western Union Company's Motion to Dismiss Plaintiffs' Complaints for Failure to State a Claim Upon Which Relief Can Be Granted [Fed. R. Civ. P. 12(b)(6)] (Doc. 25) is granted as to the consumer fraud claims and the choice of law is Colorado. This case shall go forward on the unjust enrichment/conversion issues.

Court informs counsel that they may request a hearing by conference call.

11:37 a.m. Court in recess.

Hearing concluded.

Time: 1:13