

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer**

Civil Action No.: 09-cv-01159-REB-CBS

FTR - Reporter Deck - Courtroom A402

Date: November 4, 2010

Courtroom Deputy: Linda Kahoe

SALLY ANN MAEZ,

Richard B. Wynkoop

Plaintiff,

v.

SPRINGS AUTOMOTIVE GROUP, LLC.,

Mary Kominek Linden

Vincent L. Linden, III

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: TELEPHONIC STATUS CONFERENCE

Court in session: 10:03 a.m.

Court calls case. Appearances of counsel.

Discussion regarding the status of the case.

Discussion regarding settlement.

The court makes the following ruling from the bench:

ORDERED: Plaintiff's Motion for Clarification, doc #[60], is **GRANTED** consistent with the clarification provided by the court today. The Class will not include the three commercial sales. The Class will include the fifteen people who signed a financing agreement.

Counsel shall determine the status of the seven remaining files by **5:00 p.m. on NOVEMBER 5, 2010**. Counsel shall send notices to those people.

Based upon the court's review of Rule 23 and the case law, counsel must send notices to those customers who financed their transaction, even if that financing documentation had an arbitration agreement. The court emphasizes that it is not ruling on the Motion for Clarification with the intent to hamstring the Defendant, or with the intent to limit the evidence the Defendant intends to introduce at trial with respect to the legal significance of those arbitration agreements.

ORDERED: A Settlement Conference is set for **NOVEMBER 15, 2010 at 1:30 p.m.** Updated Confidential Settlement Statements are due by **12:00 p.m. on NOVEMBER 12, 2010.**

HEARING CONCLUDED.

Court in recess: 10:14 a.m.
Total time in court: 00:11

POST RECESS ORDER

By Magistrate Judge Craig B. Shaffer

In light of the court's ruling on the Motion for Clarification, doc #[60], it is:

ORDERED: Defendant's Statement in Support of Excluding Certain Individuals and/or Entities From Inclusion in Certified Class, doc #[61], is **DENIED.**

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