

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 09-cv-01340-WYD-CBS

JACK P. KATZ;  
STEVEN A. STENDER; and  
INFINITY CLARK STREET OPERATING,  
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

ERNEST A. GERARDI, JR.,  
RUTH ANN M. GILLIS;  
NED S. HOLMES;  
ROBERT P. KOGOD;  
JAMES H. POLK III;  
JOHN C. SCHWEITZER;  
R. SCOT SELLERS;  
ROBERT H. SMITH;  
STEPHEN R. DEMERITT;  
CHARLES MUELLER, JR.;  
CAROLINE BROWER;  
MARK SCHUMACHER;  
ALFRED G. NEELY;  
ARCHSTONE-SMITH OPERATING TRUST;  
ARCHSTONE-SMITH TRUST; and  
TISHMAN SPEYER DEVELOPMENT CORPORATION,

Defendants.

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**MINUTE ORDER**

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ORDER ENTERED BY CHIEF JUDGE WILEY Y. DANIEL

Defendants' Unopposed Motion to Vacate and Reset the January 29, 2010 hearing on Defendants' Motion to Dismiss Plaintiffs' Amended Class Action Complaint [52], filed January 4, 2010, is **GRANTED**. The hearing on Defendants' Motion to Dismiss Plaintiffs' Amended Class Action Complaint set for Friday, January 29, 2010, at 9:00 a.m. is **VACATED**.

The parties shall coordinate a conference call and contact Elliott Hedin in my Chambers at 303-335 2170 on or before January 15, 2010 to reschedule the hearing.

Dated: January 5, 2010.