

**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 21, 2009  
Time: one hour and 33 minutes

**CASE NO. 09-cv-01421-PAB-KMT**

Parties

Counsel

**CARL MUIR, and  
TRACY MUIR,**

John Nelson

Plaintiff (s),

vs.

**BANK OF NEW YORK, Trustee CIT  
Equity Loan Trust 2003-1, and  
ANNA MARIA PETERS-RUDDICK,  
Trustee for Arapahoe County,  
Colorado**

Justin Balser

Defendant (s).

**MOTIONS HEARING**

**1:35 p.m. COURT IN SESSION**

APPEARANCES OF COUNSEL.

Page Two  
09-cv-01421-PAB-KMT  
July 21, 2009

Mr. Nelson advises that defendant Anna Maria Peters-Ruddick has been served and has filed a notice of disclaimer.

**Plaintiffs' Motion to Remand to State Court (Doc #9), filed 7/6/09.**

**1:39 p.m.** Argument by Mr. Nelson. Questions by the Court.

**1:47 p.m.** Argument by Mr. Balser.

Court states its findings and conclusions.

**ORDERED:** Plaintiffs' Motion to Remand to State Court (Doc #9), filed 7/6/09 is **DENIED.**

Plaintiffs' Motion for Temporary Restraining Order and for Preliminary Injunction (Doc #11), filed 7/17/09.

Court will hear testimony on the Motion for Preliminary Injunction.

Discussion regarding the scope of plaintiffs witness' testimony.

**ORDERED:** Plaintiff's witness shall be sequestered.

**1:57 p.m.** Argument by Mr. Nelson.

**2:32 p.m.** Argument by Mr. Balser.

**2:41 p.m.** Rebuttal argument by Mr. Nelson.

**2:55 p.m. COURT IN RECESS**

**3:22 p.m. COURT IN SESSION**

Court states its findings as to the request for preliminary injunction.

**ORDERED:** Plaintiffs' Motion for Temporary Restraining Order and for Preliminary Injunction (Doc #11), filed 7/17/09 is **DENIED.**

**3:35 p.m. COURT IN RECESS**

**Total in court time: 93 minutes Hearing concluded**

