

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

Civil Action No.: 09-cv-01426-REB-CBS
Date: July 25, 2011

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Linda Kahoe

PAMA VENTURES, LLC,

Plaintiff,

N. Reid Neureiter
Justin H. Weyerhaeuser

v.

BRIAN WELLENS,

Defendant.

Steven Anton Klenda
John Cutler

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 3:25 p.m.

Court calls case. Appearances of counsel. *Also present is Defendant Mr. Brian Wellens.*

Discussion regarding the Verified Motion for Order to Show Cause Why Continental Resort Homes, LLC, Resort Homes Management, LLC, and Judgment Debtor Brian Wellens Should Not Be Held In Contempt, doc #[155], filed 4/20/2011.

Mr. Neureiter states that Plaintiff will not pursue criminal contempt based on the evidence they are presenting to the court today.

Mr. Neureiter calls Mr. Brian Wellens to the stand.

3:32 p.m. Mr. Wellens is sworn in by the court.

3:33 p.m. Direct examination of Mr. Wellens by Mr. Neureiter.

4:04 p.m. Cross examination of Mr. Wellens by Mr. Klenda.

4:51 p.m. Re-direct examination of Mr. Wellens by Mr. Neureiter.

Mr. Neureiter moves for the admission of Plaintiff's exhibits 1, 2, 3, 4, 5, 8, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 25 and 18.

Plaintiff's exhibits 1, 2, 3, 4, 5, 8, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 25 and 18 are admitted.

Mr. Klenda moves for the admission of Defendant's exhibits D through I.

Defendant's exhibits D through I are admitted.

5:09 p.m. Mr. Wellens is dismissed.

Mr. Neureiter presents closing arguments.

Mr. Klenda presents closing arguments.

ORDERED: The parties may file simultaneous briefs on the issue of whether or not substantial compliance is a defense to civil contempt **WITHIN 2 WEEKS** of today's date.

The Verified Motion for Order to Show Cause Why Continental Resort Homes, LLC, Resort Homes Management, LLC, and Judgment Debtor Brian Wellens Should Not Be Held In Contempt, doc #[155] is taken under advisement.

Discussion regarding the Motion to Compel Defendant/Judgment Debtor Brian Wellens' Responses to Plaintiff/Judgment Creditor Pama Ventures, LLC's Discovery Requests, doc #[160], filed 6/1/2011.

Mr. Weyerhaeuser presents arguments.

Mr. Klenda presents arguments.

ORDERED: The Motion to Compel Defendant/Judgment Debtor Brian Wellens' Responses to Plaintiff/Judgment Creditor Pama Ventures, LLC's Discovery Requests, doc #[160] is **GRANTED IN PART AND DENIED IN PART**. Mr. Wellens is **REQUIRED** to respond to the first sentence in interrogatory #3 and to supplement to identify the source of the funds. Mr. Wells is not required to respond to the second sentence in interrogatory #3.

Pama Ventures is allowed to file a bill of costs for the original Motion to Compel. If Defense counsel wishes to challenge the bill of costs, counsel should arrange a conference call with opposing counsel and the court to discuss the matter. Pama Ventures is not allowed to seek reimbursement of fees and costs associated with the supplemental motion which challenges the sufficiency of the response.

HEARING CONCLUDED.

Court in recess: 6:00 p.m.

Total time in court: 02:35

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