

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

Courtroom Deputy: Kathy Preuitt-Parks
Court Reporter: Gwen Daniel

Date: July 2, 2009
Time: 43 minutes

CASE NO. 09-cv-01565-PAB

Parties

Counsel

MICHAEL L. WHITBY,

Peter Bornstein

Plaintiff (s),

vs.

**LIME FINANCIAL SERVICES, LTD,
DEUTSCHE BANK AND TRUST CO.,
PUBLIC TRUSTEE, Denver City and
County,**

Marcy McDermott

Defendant (s).

HEARING ON MOTION FOR TEMPORARY RESTRAINING ORDER

9:39 a.m. COURT IN SESSION

APPEARANCES OF COUNSEL.

Plaintiff's Motion for Temporary Restraining Order (Doc #2), filed 7/1/09

Page Two
09-cv-01565-PAB
July 2, 2009

Court directs counsel to address the issue of why the property in dispute does not fall within exemption under the truth and lending act.

9:41 a.m. Argument by Mr. Bornstein.

9:47 a.m. Marcy McDermott is present on behalf of defendant

Court advises Ms. McDermott of what issue she should address and Mr. Bornstein's argument.

9:48 a.m. Argument by Ms. McDermott.

9:52 a.m. Further argument by Mr. Bornstein.

9:57 a.m. Further argument by Ms. McDermott.

Court states its findings and conclusions.

ORDERED: Plaintiff's Motion for Temporary Restraining Order (Doc #), filed 7/1/09 is **DENIED.**

10:13 a.m. Further argument by Mr. Bornstein.

Court supplements its findings and conclusions.

ORDERED: Plaintiff shall provide the Court with a status report indicating the results of the foreclosure proceedings and if the plaintiff wishes to schedule a hearing on the Motion for Preliminary Injunction by **July 13, 2009.**

ORDERED: Defendants shall file their status report as a result of the foreclosure proceedings and their position how this matter should proceed by **July 13, 2009.**

10:22 a.m. COURT IN RECESS

Total in court time: 43 minutes

Hearing concluded