

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Courtroom Deputy: Ginny Kramer
Court Reporter: Kara Spitler

Date: January 26, 2010

Civil Action No. 09-cv-01576-WDM

Parties:

WILDEARTH GUARDIANS
a New Mexico non-profit corporation
Plaintiff,

vs.

PUBLIC SERVICE COMPANY OF
COLORADO
doing business as
Xcel Energy

Defendant.

Counsel:

Kevin Lynch
Sarah Coleman
Christopher Brown

Colin Deihl
William Bumpers
Jacy Rock
Lauren Buehler

COURTROOM MINUTES

Hearing Regarding - Motion for Temporary Restraining Order

10:10 a.m. Court in session.

Appearances of counsel.

Opening statements by the Court.

Court and counsel discuss pending motions.

It was ORDERED:

1. That the Defendant's Motion for Order to Take Judicial Notice of Administrative and Judicial Records [#9] filed August 7, 2009, is **GRANTED**.

2. That the Defendant's Unopposed Motion for Order to *Take Judicial Notice of Additional Administrative Record* [#33] filed October 16, 2009, is **GRANTED**.

Oral argument as to the plaintiff's Motion for Temporary Restraining Order.

Argument by Mr. Brown, for the plaintiff.

Argument by Ms. Coleman, for the plaintiff.

Argument by Mr. Bumpers, for the defendant.

Rebuttal argument by Mr. Lynch, for the plaintiff.

**11:08 a.m. Court in recess and shall reconvene at 3:00 p.m.
3:20 p.m. Court in session.**

Court enters Findings of Fact, Conclusions of Law, and orders.

It was ORDERED:

1. That the plaintiff's Motion for Temporary Restraining Order [#51] filed January 19, 2010, is **DENIED** for reasons as stated on the record.
2. That the Motion for Preliminary Injunction [#37] filed October 28, 2009, is still pending.
2. That counsel are to contact chambers to schedule a hearing on Defendant's Motion to Dismiss.

3:43 p.m. Court in recess.

Total in-court time: 1 hour and 21 minutes

Hearing concluded.