

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

Courtroom Deputy: Ginny Kramer
Court Reporter: Darlene Martinez

Date: February 23, 2010

Civil Action No. 09-cv-01576-WDM-KLM

Parties:

WILDEARTH GUARDIANS,
a New Mexico non-profit corporation,

Plaintiff,

Counsel:

Michael Harris
Kevin Lynch
Sarah Coleman
Christopher Brown

vs.

PUBLIC SERVICE COMPANY OF
COLORADO,
d/b/a Xcel Energy,

Defendant.

Colin Deihl
William Bumpers
Lauren Buehler

COURTROOM MINUTES

Hearing Regarding - Motion to Dismiss

1:59 p.m. Court in session.

Appearances of counsel.

2:01 p.m. Argument by Mr. William Bumpers as to the Defendant's Motion to Dismiss.

2:06 p.m. Rebuttal argument by Mr. Christopher Brown, for the plaintiff.

2:08 p.m. Rebuttal argument by Ms. Sarah Coleman, for the plaintiff.

2:19 p.m. Response by Mr. Bumpers.

2:27 p.m. Response by Mr. Brown.

Questions by the Court to Mr. Bumpers.

Reply by Mr. Bumpers.

It is ORDERED:

1. That the Defendant's Motion to Dismiss [#7] filed August 17, 2009, is **TAKEN UNDER ADVISEMENT**. The Court will issue a written order.
2. That the Defendant's Motion to Supplement [#7] Motion to Dismiss [#60] filed February 22, 2010, is **GRANTED**.

2:40 p.m. Court in recess.

Total in-court time: 00:41 minutes
Hearing concluded.

Plaintiff's Exhibit 1 is tendered to the Court and placed in the court file in chambers.