

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 09-cv-01915-MSK-KMT

FTR

Date: November 05, 2009

Debra Brown, Deputy Clerk

MARK POLANDO

Joel C. Maguire

Plaintiff.

v.

BLUEPOINT SOLUTIONS, INC., et al.

Franz Hardy
Lawrence Lee

Defendant.

COURTROOM MINUTES / MINUTE ORDER

MOTION HEARING

Court in Session: 9:02 a.m.

Court calls the case. Appearances of Counsel.

Plaintiff's [14] MOTION for Leave to Conduct Limited Discovery Related to Defendants' [11] Motion to Dismiss, document #14 filed October 23, 2009 at issue.

Argument by Counsel.

ORDERED: Plaintiff's [14] MOTION for Leave to Conduct Limited Discovery Related to Defendants' [11] Motion to Dismiss, document #14 filed October 23, 2009 is **GRANTED**. Plaintiff is permitted to take the telephone deposition of Richard Drew (unless Mr. Drew is made available in Colorado). Plaintiff shall be provided information and documents setting forth and breaking down the revenues received from Colorado clientele, including but not limited to the companies named in his declaration: SunCorp; Credit Union Denver; Open Technology Solutions, LLC ("OTS") for the years 2006, 2007 and 2008. and Plaintiff be provided with whatever information and documents were considered by Mr. Drew in arriving at his conclusion that Colorado clientele make up less than 3% of total revenue, as well as the other documents, prior to the taking of Mr. Drew's deposition. Limited discovery shall completed by December 04, 2009.

SCHEDULING CONFERENCE reset to December 14, 2009 at 9:00 a.m. in Courtroom C-201, Second Floor, of the Byron Rogers U.S. Courthouse, 1929 Stout Street, Denver, Colorado. The parties shall submit an amended proposed scheduling order five (5) business days prior to hearing.

Court in Recess: 9:32 a.m.

Total In-Court Time 0:30, hearing concluded

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.