

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

Civil Action No.: 09-cv-01963-LTB-CBS
Date: February 9, 2011

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

D & R'S ASPEN RETIREMENT PLAN, LLC,

Richard B. Benenson

Plaintiff/Counter Defendant,

v.

SCOTT DeGRAFF,

Pro se

Defendant/Counter Claimant/Third Party Plaintiff,

DAVID BLUMENFELD, *et al.*,

Richard B. Benenson

Third Party Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: TELEPHONIC MOTION HEARING

Court in session: 2:33 p.m.

Court calls case. Appearance of counsel. *Mr. DeGraff appears pro se.*

Discussion regarding the Ex Parte Motion for Issuance of Subpoena, doc #[69], filed 2/2/2011, and the Ex Parte Motion for Issuance of Subpoena, doc #[70], filed 2/2/2011.

Mr. Benenson states that both of these Motions were provided informally to Mr. DeGraff.

The court states that Mr. Benenson did not comply with Rule 69 and Rule 7.2.

ORDERED: The Ex Parte Motion for Issuance of Subpoena, doc #[69], is **DENIED**. The Clerk of the Court shall unseal doc #[69], as it was informally provided to Mr. DeGraff.

ORDERED: The Ex Parte Motion for Issuance of Subpoena, doc #[70], is **DENIED**. The Clerk of the Court shall unseal doc #[70], as it was informally provided to Mr. DeGraff.

HEARING CONCLUDED.

Court in recess: 2:41 p.m.

Total time in court: 00:08

To order transcripts of hearings with Magistrate Judge Shaffer, please contact Avery Woods Reporting at (303) 825-6119 or toll free at 1-800-962-3345.