

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

Civil Action No. 09-cv-01988-PAB-KMT FTR - Courtroom C-201

Date: September 14, 2010 Deputy Clerk, Nick Richards

RYAN ARCHER,
HEATHER ARCHER,
DR. CRAIG CHAN,
HERB GULLINGSRUD,
CAROL GULLINGSRUD,
DAVID HANNA,
COLLEEN HANNA,
DANIEL HOGAN,
DIANE HOGAN,
PATRICIA MIHALIK,
ROBERT MIHALIK,
SUSAN KILLMAN,
LARRY NELSON,
ANNETTE NELSON,
LARRY SCOTT,
LYNN SCOTT,
WILLIAM SHANAHAN,
LISE SHANAHAN,
DONNA WOLOSIN, and
JAMES WOLOSIN,

Michael A. Alfred

Plaintiffs,

v.

WALLACE DARLING,
DANA LYNN ROCK,
SCOTT McDOWELL,
LAKEWOOD HILLS INVESTMENTS, LLC,
UNIVERSAL REAL ESTATE INVESTMENTS
CORPORATION,
SUNTRUST MORTGAGE, INC.
NATIONAL CITY MORTGAGE CO.,
QUADSTAR MORTGAGE, LLC, a/k/a NEW
COLORADO MORTGAGE, LLC,
ONE WEST BANK, f/k/a INDYMAC, and
DOES 1-10,

Dana Lynn Rock
Kevin Burr
Lukasz Sosnicki
Joel Neckers
Eric Voogt

Defendants.

COURTROOM MINUTES / MINUTE ORDER

MOTION HEARING

Court in session: 9:39 a.m.

Court calls case. Appearances of counsel.

Motion hearing is set on Unopposed Motion to Stay Pending Resolution of OneWest's Motion to Dismiss [Doc. No. 253, filed September 2, 2010].

Defendants Land Properties, Inc., Little River Ranch, LLC, and David Martin have previously been dismissed from this action. Assurity Financial Services, LLC has settled and is no longer involved in this action. Central Colorado Title & Escrow, Inc. has settled and is no longer involved in this action.

Plaintiff has no interest in pursuing further action against SunTrust Mortgage, Inc.

It is ORDERED: All outstanding motions filed by SunTrust Mortgage, Inc., including Motion to Dismiss Plaintiff's Second Amended Complaint [Doc. No. 114, filed December 8, 2009] and Stipulated Motion to Dismiss Plaintiff's Craig Chan, David Hanna, Donna and James Wolosin's and Lise and William Shanahans' Claims [Doc. No. 251, filed August 30, 2010] are denied as **MOOT**.

Plaintiffs are prepared to dismiss National City Mortgage Co. pending completion of Plaintiff Hogan's short sale. Counsel for National City Mortgage advised its Motion to Dismiss Second Amended Complaint [Doc. No. 116, filed December 8, 2009] will be withdrawn when the Hogan short sale is completed and upon filing of the Stipulated Motion to Dismiss.

It is ORDERED: Plaintiffs' Stipulated Motion to Dismiss all claims against National City Mortgage and National City Mortgage's Motion to Withdraw its Motion to Dismiss will be filed on or before November 1, 2010.

Counsel for Defendant Scott McDowell advised the Court his Motion to Set Aside Clerk's Entry of Default [Doc. No. 240, filed July 30, 2010] is fully briefed and pending ruling by the District Court.

Counsel for OneWest advised the court its Motion to Dismiss for Failure to State a Claim for Relief Pursuant to F.R.C.P. 9(b) and 12 (b)(6) [Doc. No. 153, filed February 2, 2010] is fully briefed and pending ruling by the District Court.

It is ORDERED: OneWest's Unopposed Motion to Stay [253] is **GRANTED** in part.
Motion to Stay is granted for a period of 3 months.

Court in Recess: 10:02 a.m.

Hearing concluded.

Total In-Court Time 00:23

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