

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez

Courtroom Deputy: Deborah Hansen
Court Reporter: Gwen Daniel

Date: March 3, 2011

Civil Case No. 09-cv-02786-WJM-BNB

Counsel:

AGILE SAFETY VARIABLE FUND, L.P.
and Sky Bell Select LP,

Steven W. Thomas
Emily S. Alexander
Steven M. Feder

Plaintiffs,

v.

RBS Citizens, N.A. d/b/a Charter One Bank
and Swiss Financial Services, Inc.,

Howard Schiffman
David A. Zisser
Robert B. Christie
Brooke H. McCarthy

Defendants.

COURTROOM MINUTES

ORAL ARGUMENT

02:57 p.m. Court in Session

Appearances

Court's comments

03:00 Argument by Mr. Christie

03:13 Argument by Mr. Schiffman

03:24 Argument by Mr. Thomas

Court's findings and conclusions entered on the record.

ORDERED Defendant RBS Citizens, N.A.'s Motion for Leave to File Summary Judgment Motion (Doc No. 144) is **GRANTED**. Defendant RBS Citizens, N.A.'S Amended Motion for Summary Judgment, (Doc No. 166) is **DEEMED FILED TODAY**. The remainder of the briefing schedule on the motion will be as per Local Rule.

ORDERED: Defendant RBS Citizen, N.A.'s Objections to the Magistrate Judge's Orders Denying Joint Motion to Extend Dispositive Motion Deadline (Doc No. 150) are **OVERRULED**.

ORDERED: Defendant RBS Citizen, N.A.'s Motion for Leave to File Supplemental Brief in Support of Motion to Dismiss (Doc No. 164) is **DENIED**.

ORDERED: The currently-filed motion to dismiss is taken under advisement and will be addressed concurrently with the amended motion for summary judgment.

Mr. Christie's comments

Defendant Swiss Financial Services, Inc., moves to join Charter One Bank's Motion for Summary Judgment.

ORDERED: Defendant Swiss Financial Services, Inc. is **GRANTED LEAVE** to file a one-page document adopting and joining Charter One Bank's Amended Motion for Summary Judgment. The Local Rule's briefing schedule shall apply per a filing date deemed to be today of the Amended Motion for Summary Judgment.

03:45 p.m. Court in Recess
Hearing concluded
Time: /48