

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
U.S. MAGISTRATE JUDGE BOYD N. BOLAND

Civil Action No. 09-cv-02858-CMA -BNB  
Courtroom Deputy: Geneva D. Mattei

Date: December 16, 2010  
FTR BNB COURTROOM A-401

ILONA KIRZHNER,  
an individual

Plaintiff(s),

Thomas DeVine, Jr.  
Alan Sweetbaum  
Burkeley Riggs  
Thomas Wagner

v.

DAVID SILVERSTEIN,  
an individual  
EVERGREEN INDUSTRIES, INC.,  
a Colorado corporation  
formerly known as  
Breakthrough Management Group  
International Inc.

DAVID SILVERSTEIN INVESTMENTS, LLC, and  
a Colorado limited liability company  
DSI INVESTMENTS, LLC,  
a Colorado limited liability company

Defendant(s).

Marc Pappalardo

Daniel Glasser

Marc Pappalardo

Marc Pappalardo

**COURTROOM MINUTES**

HEARING: MOTION

Court in Session: 1:30 p.m.

Appearance of counsel. Timothy Schafer present.

Court's opening remarks.

Argument presented.

**ORDERED:** Defendants' joint motion for sanctions, for an order compelling the disclosure of off-record discussions with the witness and compelling the continued deposition of Timothy J. Schafer [Doc. #90; filed 12/03/10] is granted in part and denied in part for reasons stated on the record.

Court in Recess 3:00 p.m. Hearing concluded. Total time in Court: 01:30

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