

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

Courtroom Deputy: Kathy Preuitt-Parks
Court Reporter: Janet Coppock

Date: March 2, 2010
Time: 2 hours and 54 minutes

CASE NO. 10-cv-00362-PAB

Parties

Counsel

BIG O TIRES, LLC,

Harold Bruno

Plaintiff (s),

vs.

**FELIX BROS., INC.,
ARMIDA FELIX,
ANGEL FELIX, and
MARIA FELIX,**

Isabel Posso

Defendant (s).

CONTINUED HEARING ON MOTION FOR TEMPORARY RESTRAINING ORDER

8:37 a.m. COURT IN SESSION

APPEARANCES OF COUNSEL.

**Plaintiff's Renewed Motion for Temporary Restraining Order (Doc #9), filed
2/23/10.**

Page Two
10-cv-00362-PAB
March 2, 2010

Court makes opening remarks.

8:38 p.m. Direct examination of defendant Ralph Felix by Ms. Posso.

9:21 a.m. Cross examination by Mr. Bruno.

9:51 a.m. Redirect examination by Ms. Posso.

Witness excused.

Mr. Bruno requests the Court take judicial notice to Big O Tires v. G.G.M. Enterprises, Inc., Case No. 09-cv-00477-PAB.

10:01 a.m. COURT IN RECESS

10:19 a.m. COURT IN SESSION

10:20 a.m. Argument by Mr. Bruno. Questions by the Court.

10:50 a.m. Argument by Ms. Posso. Questions by the Court.

11:25 a.m. Rebuttal argument by Mr. Bruno.

ORDERED: Defendants' Motion to Abate Proceedings/Case; Grounds for Motion to Dismiss; and Memorandum of Points and Authorities (Doc #28), filed 3/1/10 is **DENIED**.

Court states its findings of fact and conclusions of law.

ORDERED: Plaintiff's Renewed Motion for Temporary Restraining Order (Doc #9), filed 2/23/10 is **GRANTED in PART and DENIED in PART**.

ORDERED: Plaintiff's Motion to Supplement (Doc #16), filed 2/24/10 is **GRANTED**.

ORDERED: Defendants and in particular Ralph Felix are enjoined and ordered to turn over a copy of the customer list for the Quartz Hill store location to Big O Tires and take every step necessary for defendant Ralph Felix to transfer the to Big O Tires, the telephone number of the Quartz Hill store on or before **March 9, 2010**.

Page Three
10-cv-00362-PAB
March 2, 2010

ORDERED: Hearing on Motion for Preliminary Injunction will be scheduled upon request by counsel.

12:42 p.m. COURT IN RECESS

Total in court time: 174 minutes

Hearing concluded