

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-00842-WJM-KLM

DENIS RYSKAMP, Derivatively on Behalf of BOULDER GROWTH & INCOME FUND,

Plaintiff,

v.

JOEL W. LOONEY,
DEAN L. JACOBSON,
RICHARD I. BARR,
SUSAN L. COCIORA,
JOHN S. HOREJSI,
STEWART R. HOREJSI,
STEPHEN C. MILLER,
JOEL TERWILLIGER,
CARL D. JOHNS,
THE ERNEST HOREJSI TRUST NO. 1B,
BOULDER INVESTMENT ADVISERS, LLC,
STEWART INVESTMENT ADVISERS, and
FUND ADMINISTRATIVE SERVICES, LLC,

Defendants,

and

BOULDER GROWTH & INCOME FUND, INC.,

Nominal Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the parties' **Unopposed Joint Motion for Order to Apply Stipulated Protective Order and Fed. R. Evid. 502(d) Orders to the New Defendants Named in Second Amended Verified Stockholder Derivative Complaint** [Docket No. 154; Filed November 3, 2011] (the "Motion").

IT IS HEREBY **ORDERED** that the Motion is **GRANTED in part** and **DENIED in part, without prejudice**. Accordingly,

The Motion is **GRANTED** to the extent that it requests that the Stipulation and Protective Order [#89], the Protective Order Pursuant to Federal Rule of Evidence 502(d) [#99], and the Second Protective Order Pursuant to Federal Rule of Evidence 502(d) [#132] be applied to Defendants Stewart R. Horejsi, The Ernest Horejsi Trust No. 1B, Stephen C. Miller, Joel L. Terwilliger, Boulder Investment Advisors, LLC, Stewart Investment Advisors, Fund Administrative Services, and Carl D. Johns (the “Newly Added Defendants”), effective as of the date of this Minute Order.

The Motion is **DENIED without prejudice** to the extent that it requests that the Order Compelling Production of Interview Memoranda (the “Order”) [#146] be applied to the Newly Added Defendants. This Order is not a protective order but is, rather, simply a ruling on a discovery issue. It requires Defendants Joel W. Looney, Dean L. Jacobson, Richard I. Barr, Susan Cociora, and John S. Horejsi to produce to Plaintiff certain copies of the Interview Memoranda no later than September 20, 2011. See *Order* [#146] at 4. As such, the Order, as written, does not apply to the Newly Added Defendants, and the parties’ have not asserted any basis for the Order to be amended to include the Newly Added Defendants.

Dated: November 10, 2011