

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: August 19, 2010
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 10-cv-01081-RPM

RONALD R. PACE,

Plaintiff,

Marc H. Shtul
Richard W. Daily

v.

WOODMEN HILLS METROPOLITAN DISTRICT,
LARRY BISHOP,
JANICE L. PIZZI and
A. MICHAEL PIZZI,

Defendants.

William T. O'Connell, III

Juliet R. Piccone

COURTROOM MINUTES

Hearing on Pending Motions

1:59 p.m. Court in session.

Court's preliminary remarks and states its summary of the procedural history of the case.

Court states its view regarding the filing of e-mails that reflect communications between counsel.

2:05 p.m. Mr. Daily and Mr. Shtul answer questions asked by the Court regarding case claims, the state court litigation, the plaintiff, board member election, case facts and claims.

2:21 p.m. Argument by Mr. O'Connell, III.

Mr. Daily states plaintiff stipulates to litigating the state law tort claims in state court and staying that matter until resolution of this case.

Mr. O'Connell states he will discuss the issue with his clients.

2:26 p.m. Argument by Ms. Piccone.

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Mr. Daily states plaintiff is willing to stipulate to a tolling agreement with respect to the statute of limitations and the state law tort claims.

Mr. O'Connell and Ms. Piconne state they will consult with their clients regarding the proposed stipulations.

ORDERED: Defendants Woodmen Hills Metropolitan District, Larry Bishop and Janice L. Pizzi's Motion to Dismiss, filed June 8, 2010 [4], is denied with respect to the 42 U.S.C. §1983 claim.

ORDERED: Counsel have until September 2, 2010 to decide how they intend to proceed with respect to the state law claims.

2:34 p.m. Court in recess.

Hearing concluded. Total time: 35 min.