

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

Civil Action No. 10-CV-01546-REB-CBS

The Direct Marketing Association,

Plaintiff,

v.

Roxy Huber, in her capacity as Executive
Director, Colorado Department of Revenue,

Defendant.

**JOINT STATUS REPORT
REGARDING HEARING ON MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff, the Direct Marketing Association, and Defendant, Roxy Huber, Executive Director of the Colorado Department of Revenue, submit this Joint Status Report in accordance with the Court's Order dated November 8, 2010 [#49]. As set forth below, the parties are in agreement that a hearing on the **Plaintiff's Motion for Preliminary Injunction and Incorporated Memorandum of Law** [#15] filed August 13, 2010 ("Motion"), should be limited to oral argument.

I. Joint Stipulated Record

The parties agree and hereby stipulate that, for purposes of the Motion, the Court should admit into the record all of the supporting declarations (including exhibits thereto) and other exhibits (including deposition excerpts and public documents) that have been

filed in support of: (1) the Motion [#15];¹ (2) the Defendant's Response in Opposition to Plaintiff's Motion for Preliminary Injunction [#50]; and (3) the Plaintiff's Reply to the Defendant's Response In Opposition to Plaintiff's Motion for Preliminary Injunction [#56].

The parties further agree and stipulate that, for purposes of the Motion, the Court should admit into the record such additional deposition excerpts as the parties may designate and file with the Court, not later than December 16, 2010, in a Joint Designation of Additional Deposition Testimony ("Joint Designation"). In that regard, the parties have agreed to the following: The parties shall exchange, not later than December 10, 2010, designations of such additional deposition testimony as they want to be made part of the record. The parties shall exchange counter-designations not later than December 14, 2010. Not later than December 16, 2010, the parties shall file with the Court the Joint Designation.

II. Hearing Limited to Oral Argument

Based on the foregoing stipulations regarding the content of the record, the parties anticipate requiring **no additional time to present testimony or other evidence** at a hearing on the Motion.

The parties hereby request oral argument on the Motion. The parties anticipate that **each side will require no more than 45 minutes for oral argument**. The Plaintiff anticipates reserving a portion of its time for rebuttal.

¹ The declarations filed by the Plaintiff in support of the Motion were separately docketed (as [#16] through [#19]), rather than being filed as exhibits to the Motion.

Respectfully submitted,

Dated: December 3, 2010

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CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2010, I electronically filed the foregoing Joint Status Report Regarding Hearing on Motion for Preliminary Injunction, using the CM/ECF system, which will send notification of such filing to counsel of record:

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