

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

Date: February 11, 2011  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 10-cv-02139-RPM

LENOX MACLAREN SURGICAL CORPORATION,  
  
Plaintiff,

G. Stephen Long  
Nicole A. Westbrook  
Matthew C. Hans

v.

MEDTRONIC, INCORPORATED, a Minnesota corporation;  
MEDTRONIC SOFAMOR DANEK, INCORPORATED,  
an Indiana corporation;  
MEDTRONIC PS MEDICAL, INCORPORATED, d/b/a  
MEDTRONIC NEUROLOGIC TECHNOLOGIES, a California corporation; and  
MEDTRONIC SOFAMOR DANEK CO., LTD., a Japanese corporation,

James E. Hartley  
Michael Simons  
Mark J. Botti

Defendants.

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**COURTROOM MINUTES**

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**Hearing on Motion to Dismiss**

**3:17 p.m. Court in session.**

Court's preliminary remarks.

**ORDERED: Matthew C. Hans appearance for plaintiff accepted.**

**ORDERED: Defendant Medtronic Sofamor Danek Co., LTD.'s Rule 12(b)(2) Motion to Dismiss for Lack of Personal Jurisdiction and Alternative Joinder of Medtronic, Inc.'s, Medtronic Sofamor Danek, Inc.'s and Medtronic PS Medical, Inc.'s Motion to Dismiss Plaintiff's Complaint with Prejudice, filed December 2, 2010 [17], is denied with respect to personal jurisdiction regarding claims one and two.**

**Defendants' Rule 12(b)(7) motion is denied.**

Court states its understanding of the case.

3:26 p.m. Statement by Mr. Hartley.

February 11, 2011  
10-cv-02139-RPM

3:27 p.m. Argument by Mr. Simons (collateral estoppel).

3:52 p.m. Argument by Mr. Long.

**Mr. Long states plaintiff voluntarily dismisses its state law claims three and four.**

**ORDERED: Plaintiff's state law claims three and four are voluntarily dismissed.**

4:09 Rebuttal argument by Mr. Simons.

**ORDERED: Defendants' motion with respect to claims one and two as it relates to collateral estoppel is denied.**

4:14 p.m. Argument by Mr. Botti (Sherman Antitrust Act § 2 claims).

**ORDERED: Medtronic, Inc.'s, Medtronic Sofamor Danek, Inc.'s and Medtronic PS Medical, Inc.'s Motion to Dismiss Under Rule 12(b)(6), filed September 29, 2010 [5], is denied.**

**Case will proceed forward on plaintiffs' claims one and two.**

**Defendants shall file their answers with respect to plaintiff's claims one and two.  
No discovery will take place until a scheduling conference is held.**

**4:28 p.m. Court in recess.**

Hearing concluded. Total time: 1 hr. 11 min.