

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Kathleen M. Tafoya**

Civil Action No: 10-cv-02349-WJM-KMT  
Courtroom Deputy: Sabrina Grimm

Date: July 10, 2013  
FTR: Courtroom C-201

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CHIMNEY ROCK PUBLIC POWER DISTRICT,  
MIDWEST ELECTRIC COOPERATIVE  
CORPORATION,  
NORTHWEST RURAL PUBLIC POWER  
DISTRICT,  
PANHANDLE RURAL ELECTRIC  
MEMBERSHIP ASSOCIATION, and  
ROOSEVELT PUBLIC POWER DISTRICT,

Philip Roselli

Plaintiffs,

v.

TRI-STATE GENERATION AND  
TRANSMISSION ASSOCIATION, INC.,

Michael Carroll  
Brian Eberle

Defendant.

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**COURTROOM MINUTES**

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**Motion Hearing**

**1:34 p.m. Court in session.**

Court calls case. Appearances of counsel.

Also present and seated at plaintiffs' table, Christine Garrison on behalf of Counter Defendants Rolland Skinner and Ryan Reiber. Andrew Petrie and Sarah Wallace on behalf of Counter Defendants Wayne Cobb and Jerry Underwood.

Discussion regarding at issue waiver, privilege log, attorney/client privilege, work product privilege, redacted documents, potential in camera submission of documents for review, Cobb and Underwood's knowledge of potential litigation against Tri-State, and fiduciary duties.

1:36 p.m. Argument by Mr. Carroll.

1:53 p.m. Argument by Mr. Petrie.

2:17 p.m. Argument by Mr. Roselli.

2:27 p.m. Rebuttal argument by Mr. Carroll.

**ORDERED: Defendant Tri-State's Motion to Compel [185] is TAKEN UNDER ADVISEMENT. Plaintiffs are directed to file, under Restriction Level 3, documents 2, 50, 55, 56, 57, 59, 69, 81, 82, 84, 90, 92, 93, 94, 102, 116, 117, 130, 133, 136, 137, 150, 153, 154, 156, 158, 163, 227, 231, 264, 278, 429, and 430 as identified on Plaintiffs' Privilege Log, unredacted, by close of business on July 12, 2013 for in camera review.**

**2:49 p.m. Court in recess.**

Hearing concluded.

Total in-court time 01:15

\*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.