

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

Date: April 19, 2011
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 10-cv-03115-RPM

SCOTT CZARNIAK and
ADRIENNE CZARNIAK,

Plaintiffs,

v.

20/20 INSTITUTE and
MATTHEW K. CHANG, M.D.

Defendant.

Todd J. Krouner
Keith F. Cross

Benjamin P. Swartzendruber
Deana R. Dagner
C. Gregory Tiemeier
Max Stich

COURTROOM MINUTES

**Scheduling Conference and
Hearing on Motion to Dismiss Second Claim for Relief**

11:00 a.m. Court in session.

Counsel answer questions regarding case facts.

Discussion and argument by counsel regarding defendant Chang's motion to dismiss.
Court states further discovery is necessary.

ORDERED: Matthew K. Chang, M.D.'s F.R.C.P. 12(B)(6) Motion to Dismiss Plaintiff's Second Claim for Relief, filed February 10, 2011 [7], is denied.

Discussion regarding damages with respect to the Colorado Consumer Protection Act claim.

Discussion regarding discovery.

Counsel state Rule 26(a)(1) initial disclosures have been completed and that they do not anticipate having any medical record release issues.

Discussion regarding two issues identified as discovery disputes.
Court states discovery on advertising with respect to the Colorado Avalanche is permitted but records regarding actual patient experience is not.

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Counsel agree there will not be an issue regarding representation and Mr. Tiemeier (articles).

Court advises counsel of its view regarding filings with respect to written communications between counsel.

ORDERED: Scheduling Order signed.

11:30 a.m. Court in recess.

Hearing concluded. Total time: 30 min.