

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

Date: December 14, 2011  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 10-cv-03115-RPM

SCOTT CZARNIAK and  
ADRIENNE CZARNIAK,

Todd J. Krouner  
Keith F. Cross

Plaintiffs,

v.

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

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

Defendant.

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**COURTROOM MINUTES**

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**Hearing on Pending Motions**

**3:56 p.m. Court in session.**

Counsel state the motion with respect to the subpoena with respect to the Colorado Avalanche is resolved.

**ORDERED: Defendant 20/20 Institute's Motion for Contempt and other Appropriate Sanctions [35] is denied.**

3:58 p.m. Argument by Mr. Krouner [34],

4:03 p.m. Argument by Mr. Stich.

**ORDERED: Defendants' shall produce the 2008 and 2009 1099 tax information.**

4:05 p.m. Argument by Mr. Swartzendruber.

**ORDERED: Defendants' to produce compensation plans (Rainwater and Tallant) as stated on record.**

**Defendants' Motion for Protective Order [34], is granted with respect tax information and compensation plans as stated on record and denied in all other respects.**

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4:08 p.m. Argument by Mr. Stich [37].

4:11 p.m. Argument by Mr. Krouner.

**ORDERED: Defendants permitted to get an appraisal on the house in Avon and an expert opinion with respect to value as agreed on as stated on record.**

**Additional time to designate financial experts is granted.**

**ORDERED: Joint Motion to Amend Scheduling Order re: financial experts [46], is granted (30 days - ).**

4:23 p.m. Argument by Mr. Stich.  
Argument by Mr. Tiemeier.

4:28 p.m. Argument by Mr. Swartzendruber.

4:30 p.m. Rebuttal argument by Mr. Krouner.

**ORDERED: Plaintiffs to produce 2008 and 2009 tax 1040s related to the capacity to continue to pay the indebtedness of the house (monthly basis) as stated on record.**

Further statements by Mr. Tiemeier and Mr. Swartzendruber.

**ORDERED: Defendants' Motion to Compel [37], is granted and denied as ruled on record.**

Discussion regarding scheduling and discovery.

**ORDERED: Pretrial conference scheduled March 23, 2011 at 2:00 p.m.  
Counsel to submit a revised proposed scheduling order by December 22, 2011.**

Further argument by Mr. Krouner.  
Further argument by Mr. Tiemeier.

**ORDERED: Defendants' requests for return of Dr. disclosures is denied with limitations on use.**

**4:40 .m. Court in recess.**

Hearing concluded. Total time: 44 min.