

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CHIEF JUDGE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover  
Court Reporter: Terri Lindblom

Date: July 16, 2013

Civil Action No. 11-cv-00198-MSK-MEH

Parties:

Counsel Appearing:

SUN RIVER ENERGY, INC.,

James Pennington

Plaintiff,

v.

ERIK S. NELSON;  
STEVE STEPHENS; and  
CORAL CAPITAL PARTNERS, INC.,

Cyd Hunt  
Gabriel McFarland

Defendants.

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**COURTROOM MINUTES**

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HEARING: Final Pretrial Conference.

**4:02 p.m. Court in session.**

Counsel are present as listed above. Tim Wafford is present as plaintiff's representative. The defendants are present.

The Court addresses Plaintiff's Objections (**Doc. #279**) to the March 22, 2013 Recommendation (**Doc. # 278**) of the Magistrate Judge that the Defendants' Motion for Discovery Sanctions ( **Doc # 254**) Be Granted.

No further argument.

**ORDER:** The Court sustains in part Sun River's Objections (**Doc # 279**), adopts in part the Recommendation (**Doc.# 278**), and grants in part the Defendants' motion for sanctions (**Doc. # 254**) for the reasons stated on the record.

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The Court addresses Defendants' Motion to Vacate the Magistrate Judge's January 2, 2013 Order (**Doc. # 259**) Awarding Attorney's Fees

No further argument.

**ORDER:** Defendants' Motion to Vacate the Magistrate Judge's January 2, 2013 Order (**Doc. # 259**) Awarding Attorney's Fees is **DENIED**.

The Court addresses Defendants' Motion for Order to Show Cause (**Doc. #291**)

No further argument.

**ORDER:** Defendants' Motion for Order to Show Cause (**Doc. #291**) is **GRANTED** in part and **DENIED** in part for the reasons stated in the record. The Court will enter a judgment in favor of the Defendants and against Plaintiff Sun River, in the amount of \$ 1,143.50.

The Court addresses Motion to Withdraw as Attorney (**Doc. #243**). This motion was previously denied without prejudice by Magistrate Judge Hegarty (**Doc. #247**).

Statements from counsel Pennington and McFarland.

Review of the proposed final pretrial order - matters addressed:

- Claims
- Defenses
- Stipulated facts
- Witness List
- Exhibit List
- Anticipated motions
- Trial length, trial process

The Court addresses setting the matter for trial.

**ORDER:** Bench trial (2 days) is set on **October 22-23, 2013 at 8:30 a.m.**, in Courtroom A901, 901 19<sup>th</sup> Street, Denver, CO. At the conclusion of the trial, the Court will take the matter under advisement and provide counsel with a date for an oral ruling. The parties may attend the oral ruling by telephone.

**ORDER:** Pertinent to trial process: Each side will be given 6 hours to use however they wish (opening statements, presentation of evidence, closing arguments, etc.). The time will be tracked by the Courtroom Deputy on a chess clock.

**ORDER:** Revised final pretrial order to be submitted by **October 10, 2013.**

**ORDER:** The Court's trial exhibits will be submitted by **September 30, 2013.**

**5:08 p.m.** Court in recess.

**Total Time: 1 hours 4 minutes.**  
**Hearing concluded.**