

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
CHIEF JUDGE WILEY Y. DANIEL**

Courtroom Deputy: Robert R. Keech
E.C.R./Reporter: Tammy Hoffschildt

Date: November 19, 2012

Civil Action No: **11-cv-00624-WYD-MJW**

Counsel:

MHC MUTUAL CONVERSION FUND, L.P.,

Christopher M. Hodge
Jeffrey A. Berens

Plaintiff,

v.

**UNITED WESTERN BANCORP, INC., et
al.,**

Peter A. Wald
Matthew Rawlinson
David G. Palmer
Pamela R. Mackey
Stanley J. Parzen

Defendants.

COURTROOM MINUTES

MOTION HEARING

2:33 p.m. Court in Session

APPEARANCES OF COUNSEL.

Court's opening remarks.

Defendant Crowe Horwath LLP's Motion to Dismiss Pursuant to Rule 12(b)(6) (ECF Doc. No. 50), filed September 26, 2011; Defendants United Western Bancorp, Inc., Scot T. Wetzel, William D. Snider, Guy A. Gibson, Michael J. Mccloskey, Robert T. Slezak, Lester Ravitz, Dr. James H. Bullock, Jeffrey R. Leeds, Bernard C. Darré, and Dennis R. Santistevan's Motion to Dismiss Plaintiffs' Amended Class Action Complaint Pursuant to Rule 12(b)(1) and 12(b)(6) (ECF Doc. No. 52), filed September 26, 2011; and Defendants Sandler O'Neill & Partners, L.P. and FBR Capital Markets & Co.'s Motion to Dismiss Plaintiffs' Amended Class Action Complaint (ECF Doc. No. 56), filed September 27, 2011, are raised for argument.

2:52 p.m. Argument by Plaintiffs (Mr. Berens).

3:24 p.m. Argument by Defendants (Mr. Wald).

3:49 p.m. Argument by Defendants (Mr. Palmer).

3:50 p.m. Argument by Defendants (Mr. Parzen).

4:00 p.m. Argument by Defendants (Ms. Mackey).

4:00 p.m. Argument by Plaintiffs (Mr. Berens).

ORDERED: Defendant Crowe Horwath LLP's Motion to Dismiss Pursuant to Rule 12(b)(6) (ECF Doc. No. 50), filed September 26, 2011, is **TAKEN UNDER ADVISEMENT.**

ORDERED: Defendants United Western Bancorp, Inc., Scot T. Wetzel, William D. Snider, Guy A. Gibson, Michael J. Mccloskey, Robert T. Slezak, Lester Ravitz, Dr. James H. Bullock, Jeffrey R. Leeds, Bernard C. Darré, and Dennis R. Santistevan's Motion to Dismiss Plaintiffs' Amended Class Action Complaint Pursuant to Rule 12(b)(1) and 12(b)(6) (ECF Doc. No. 52), filed September 26, 2011, is **TAKEN UNDER ADVISEMENT.**

ORDERED: Defendants Sandler O'Neill & Partners, L.P. and FBR Capital Markets & Co.'s Motion to Dismiss Plaintiffs' Amended Class Action Complaint (ECF Doc. No. 56), filed September 27, 2011, is **TAKEN UNDER ADVISEMENT.**

4:05 p.m. Court in Recess - HEARING CONCLUDED.

TOTAL TIME: 1:32