

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Courtroom Deputy: LaDonne Bush
Court Reporter: Kara Spitler

Date: October 12, 2011

Civil Action No. 11-cv-01012-RBJ-KLM

Parties:

CGC HOLDING COMPANY, LLC, a Colorado
limited liability company;
CRESCENT SOUND YACHT CLUB, LLC, a
Florida limited liability company;
HARLEM ALGONQUIN LLC, an Illinois
limited liability company; and
JAMES T. MEDICK;
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

SANDY HUTCHENS, a/k/a Fred Hayes, a/k/a
Moishe Alexander, a/k/a Moshe Ben
Avraham;
TANYA HUTCHENS;
JENNIFER HUTCHENS, a/k/a Jennifer
Araujo;
CANADIAN FUNDING CORPORATION; an
Ontario corporation;
308 ELGIN STREET INC., an Ontario
corporation;
FIRST CENTRAL MORTGAGE FUNDING
INC., an Ontario corporation;
FIRST CENTRAL HOLDINGS INC., an
Ontario corporation;
BARRY J. POULSON;
ARSENAU POULSON, a partnership;
ALVIN MEISELS;
BLANEY McMURTRY LLP, an Ontario
limited liability partnership;

Counsel:

John Head

Brett Wendt
John Palmeri
Heather Kelly
James Kilroy
John Mann
Benjamin Petre
Michael Frandina

REZNICK, PARSONS, MEISELS,
TABERNER, a partnership;
RONALD GACHE;
BROAD AND CASSEL, a partnership;
H. JAN LUISTERMANS, a/k/a Herman
Luisterman;
REALTY 1 REAL ESTATE SERVICES LTD,
an Ontario corporation; and
DOE LIMITED 1 – 100,

Defendants.

COURTROOM MINUTES

Hearing on Motions

8:59 a.m. Court in session.

Court's preliminary comments.

Discussion between the Court and Mr. Head, Mr. Wendt, Mr. Palmeri, Mr. Kilroy, and Mr. Mann regarding the issues for today's hearing, the Canadian case and an evidentiary hearing.

9:59 a.m. Argument by Mr. Palmeri in support of two motions to dismiss (Doc. Nos. 85, 86).

10:23 a.m. Argument by Mr. Mann in support of one motion to dismiss (Doc. No. 74).

11:01 a.m. Court in recess.

11:17 a.m. Court in session.

11:18 a.m. Argument by Mr. Kilroy in support of two motions to dismiss (Doc. Nos. 72, 75).

11:50 a.m. Argument by Mr. Wendt in support of three motions to dismiss (Doc. Nos. 82, 83, 84).

12:08 p.m. Court in recess.

1:15 p.m. Court in session.

With regard to his fourth motion to dismiss (Doc. No. 92), Mr. Wendt adopts the arguments he made this morning.

1:16 p.m. Argument by Mr. Head in opposition to the motions to dismiss.

Mr. Palmeri states that Defendant Reznick, Parsons, Meisels, Taberner's Motion to Dismiss (Doc. 79) has been resolved and a stipulation will be filed.

2:23 p.m. Rebuttal argument by Mr. Palmeri.

2:30 p.m. Rebuttal argument by Mr. Mann.

2:39 p.m. Rebuttal argument by Mr. Kilroy.

2:43 p.m. Rebuttal argument by Mr. Wendt.

ORDERED: Motions to dismiss (Doc. Nos. 72, 74, 75, 82, 83, 84, 85, 86, 92) are taken under advisement.

3:01 p.m. Court in recess.

Hearing concluded.

Time: 4:39