

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE R. BROOKE JACKSON

Courtroom Deputy: Laura Galera
Court Reporter: Kara Spitler

Date: October 24, 2012

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

Parties:

CGC HOLDING COMPANY, LLC,
CRESCENT SOUND YACHT CLUB,
LLC,
HARLEM ALGONQUIN LLC, and
JAMES T. MEDICK,

Plaintiffs,

v.

SANDY HUTCHENS,
TANYA HUTCHENS,
JENNIFER HUTCHENS,
CANADIAN FUNDING CORPORATION,
308 ELGIN STREET INC.,
FIRST CENTRAL MORTGAGE
FUNDING INC.,
FIRST CENTRAL HOLDINGS INC.
ALVIN MEISELS,
BLANEY MCMURTRY LLP,
RONALD GACHE,
BROAD AND CASSEL,
H. JAN LUISTERMANS,
REALTY 1 REAL ESTATE SERVICES
LTD.,
CARL ROMANO,
1681071 ONTARIO INC,
NORTHERN CAPITAL INVESTMENTS
LTD,
2800 NORTH FLAGLER DRIVE UNITS
106-107 LLC,
ESTATE OF JUDITH HUTCHENS,
129 LAREN STREET INC.,

Counsel:

John Head

Christopher Taravella
Nathan Osborn

John M. Palmeri
Heather Kelly
James Kilroy
Loren Cohen

James Kilroy and Loren Cohen
Christopher Taravella
Nathan Osborn

3415 ERRINGTON AVENUE INC.,
367-369 HOWEY DRIVE INC.,
3419 ERRINGTON AVENUE INC.,
17 SERPENTINE STREET INC.,
720 CAMBRIAN HEIGHTS INC.,
331 REGENT STREET INC.,
789 LAWSON STREET INC.,
110-114 PINE STREET INC.,
15-16 KEZIAH COURT INC.,
193 MOUNTAIN STREET INC.,
625 ASH STREET INC.,
364 MORRIS STREET INC.,
SANTAN PROPERTY MANAGEMENT
INC.,
101 SERVICES ROAD INC.,
146 WHITAKER STREET INC.,
1697030 ONTARIO INC.,
JBD HUTCHEN FAMILY HOLDINGS
INC.,
JBD HOLDINGS, and
1539006 ONTARIO INC.,

Defendants.

COURTROOM MINUTES

MOTION HEARING

Court in session: 7:59 a.m.

Court calls case. Appearances of counsel.

8:09 a.m. Argument by Mr. Osborn as to The Entity Defendants' Motion to Dismiss for Lack of Personal Jurisdiction, Failure to State a Claim Upon Which Relief Can be Granted, and Improper Venue #[235].

8:26 a.m. Argument by Mr. Head as to The Entity Defendants' Motion to Dismiss for Lack of Personal Jurisdiction, Failure to State a Claim Upon Which Relief Can be Granted, and Improper Venue #[235].

8:38 a.m. Rebuttal argument by Mr. Osborn.

8:48 a.m. Argument by Mr. Kilroy as to Plaintiffs' Motion to Prohibit Defendants' Use of Documents Not Produced as Part of Defendants' Rule 26(a)(1)(A)(ii) Disclosures #[231].

9:02 a.m. Argument by Ms. Kelly as to Plaintiffs' Motion to Prohibit Defendants' Use of Documents Not Produced as Part of Defendants' Rule 26(a)(1)(A)(ii) Disclosures #[231].

9:04 a.m. Argument by Mr. Taravella as to Plaintiffs' Motion to Prohibit Defendants' Use of Documents Not Produced as Part of Defendants' Rule 26(a)(1)(A)(ii) Disclosures #[231] and Plaintiffs' Motion to Compel Discovery by Hutchens #[255].

9:15 a.m. Argument by Mr. Head Argument by Mr. Taravella as to Plaintiffs' Motion to Prohibit Defendants' Use of Documents Not Produced as Part of Defendants' Rule 26(a)(1)(A)(ii) Disclosures #[231].

9:29 a.m. Court in recess.

9:48 a.m. Court in session.

Argument by Mr. Head as to Plaintiffs' Motion to Compel Discovery by Defendants Ronald Gache, Carl Romano and Broad and Cassel #[233].

10:07 a.m. Argument by Mr. Cohen as to Plaintiffs' Motion to Compel Discovery by Defendants Ronald Gache, Carl Romano and Broad and Cassel #[233].

10:44 a.m. Argument by Mr. Palmeri as to Plaintiffs' Motion to Compel Discovery by Defendants Ronald Gache, Carl Romano and Broad and Cassel #[233].

11:05 a.m. Rebuttal argument by Mr. Head.

Mr. Palmeri, Mr. Taravella and Mr. Cohen address the Court.

ORDERED: Hearing on Motion to Certify Class #[6] set **January 4, 2013 at 8:00 a.m.** before the Honorable Judge R. Brooke Jackson in Courtroom A-902, Ninth Floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294.

ORDERED: Plaintiffs' Motion to Prohibit Defendants' Use of Documents Not Produced as Part of Defendants' Rule 26(a)(1)(A)(ii) Disclosures #[231] is **GRANTED**. If documents are not disclosed in full compliance with Rule 26, they will not be used. Disclosure deadline for full, complete disclosures of non-privileged documents is **November 30, 2012**.

ORDERED: Plaintiffs' Motion to Compel Discovery by Defendants Ronald Gache, Carl Romano and Broad and Cassel #[233] is TAKEN UNDER ADVISEMENT.

ORDERED: The Entity Defendants' Motion to Dismiss for Lack of Personal Jurisdiction, Failure to State a Claim Upon Which Relief Can be Granted, and Improper Venue #[235] is TAKEN UNDER ADVISEMENT.

ORDERED: Plaintiffs' Motion to Compel Discovery by Defendants Blaney McMurtry and Alvin Meisels #[250] is TAKEN UNDER ADVISEMENT.

ORDERED: Plaintiffs' Motion to Compel Discovery by Hutchens #[255] is TAKEN UNDER ADVISEMENT.

HEARING CONCLUDED.

Court in recess: 12:01 p.m.

Total time in court: 03:43