

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer**

Civil Action No.: 11-cv-01477-PAB-CBS
Date: August 4, 2011

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Linda Kahoe

THE BANK OF NEW YORK MELLON,

Plaintiff,

Kimberly L. Martinez
Phillip A. Vaglica

v.

ANTHONY MULEI,
FEDERAL DEPOSIT INSURANCE CORPORATION,
JOE HICKS,
STEPHANIE Y. O'MALLEY,

Daniel J. Flynn
Jessica Marie Debrousse

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 9:11 a.m.

Court calls case. Appearances of counsel.

Discussion regarding the Motion to Stay Proceedings Pending Exhaustion of Mandatory Administrative Claims Process, doc #[23], filed 6/24/2011.

ORDERED: The Motion to Stay Proceedings Pending Exhaustion of Mandatory Administrative Claims Process, doc #[23] is **GRANTED IN PART**. All discovery is **STAYED** save for the FDIC's agreement to provide the discovery that is over due. Any further proceedings are **STAYED** with respect to Bank of New York and the FDIC. Proceedings are **STAYED** to the extent that the Bank of New York's Motion for Summary Judgment implicates or has some affect upon the rights of the FDIC as receiver for First Community Bank.

Within **TWO WEEKS OF TODAY'S DATE**, the FDIC is **REQUIRED** to submit a Response to Mr. Hicks' Motion for Summary Judgment, doc #[9] outlining to what extent, if at all, a ruling on that Motion for Summary Judgment might adversely affect the rights of the FDIC or constitute a claim against the FDIC in its capacity as receiver. Once the court reviews the supplemental brief,

the court will determine to what extent, if at all, the court can effectively carve out Mr. Hicks' Motion for Summary Judgment and suggest that that Motion can go forward.

WITHIN TWO WEEKS OF TODAY'S DATE, The Bank of New York may also brief the question to what extent a ruling on Mr. Hicks' motion would adversely affect the FDIC and therefore compel a stay as to that motion as well.

The FDIC and The Bank of New York will have **5 DAYS** from the filing of the supplemental briefs to file Response briefs.

HEARING CONCLUDED.

Court in recess: 9:33 a.m.

Total time in court: 00:22

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