

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

**Civil Action: 12-cv-00161-CMA-CBS**  
**Date: September 11, 2012**

FTR - Reporter Deck-Courtroom A402  
Courtroom Deputy: Robin Mason

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Parties:

LIBERTY BANKERS LIFE INSURANCE  
COMPANY,

Plaintiff,

Counsel:

Thomas Hardy Wagner  
Mitchell Madden

v.

FIRST CITIZENS BANK AND TRUST  
COMPANY,

Defendant.

Daniel C. Wennogle  
Perry L. Glantz

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: MOTION HEARING**

**Court in Session: 1:21 p.m.**

Court calls case. Appearances of counsel.

The court addresses the parties regarding the defendant's MOTION to Stay Proceedings Pending Resolution of State Court Action (Docket No. 25, filed on 7/24/2012), the plaintiff's BRIEF in Opposition to #25 MOTION to Stay Proceedings Pending Resolution of State Court Action (Docket No. 26, filed on 8/17/2012), and the defendant's REPLY to Response to #25 MOTION to Stay Proceedings Pending Resolution of State Court Action (Docket No. 30, filed on 8/23/2012).

The court addresses the parties regarding the current status of the state case in Eagle county (what deadlines are in place, has it been set for trial or awaiting a trial date, what discovery has been completed, and what discovery still needs to be completed).

Discussion regarding the status of the state court case (there is a pending motion to stay and the previous trial date was vacated and a new trial date has not been set), and why the defendant is looking for a stay in this case.

Discussion regarding whether a scheduling conference should set, Rule 72 and objections, and how to get this case moving forward if it remains before this court. Discussion regarding discovery in this case (none pursued to date), filing dispositive motions, current discovery cut off date, getting written discovery sent out, taking depositions, calling experts, and Rule 16 and the showing of good cause to extend discovery deadlines.

**ORDERED:** The court **DENIES without prejudice** the defendant's MOTION to Stay Proceedings Pending Resolution of State Court Action (Docket No. 25, filed on 7/24/2012).

HEARING CONCLUDED.

**Court in recess: 2:05 p.m.**  
Total time in court: 00:44

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