

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
JUDGE RAYMOND P. MOORE**

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Courtroom Deputy: Nick Richards  
Court Reporter: Tammy Hoffschildt

Date: January 30, 2014

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**CASE NO. 12-cv-00441-RM-KMT**

Parties

CAROL SONNENBERG,  
MICHAEL SONNENBERG, and  
AMERICAN FINANCIAL SECURITIES  
HOLDINGS, INC.,

Plaintiffs,

v.

ERIC DAVID SIPF,

Defendant and Third-Party Plaintiff,

v.

JOHN C. HERBERS,  
ROBERT RUIZ-MOSS,  
THOMAS KELLER,  
CRAIG MAGNUSON, and  
MAGNUM ACTUARIAL GROUP, LLC,

Third-Party Defendants.

Counsel

No appearance

Alan Charles Friedberg

Chad Michael Lieberman  
Robert Ruiz-Moss  
Daniel Patrick Murphy

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**COURTROOM MINUTES**

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**MOTION HEARING**

**COURT IN SESSION: 9:00 a.m.**

Court calls case. Appearances of counsel. Plaintiffs' counsel is not present, as their appearance was not required.

Motion Hearing is called regarding Thomas Keller, Craig Magnuson and Magnum Actuarial Group, LLC's Motion for Summary Judgment [Doc. No. 99, filed June 7, 2013] and Third-Party Defendant John Herbers' Motion for Summary Judgment on the Third-Party Complaint [Doc. No. 165, filed November 1, 2013].

Preliminary remarks by the Court.

Mr. Ruiz-Moss makes oral Motion to Join Third-Party Defendant John Herbers' Motion for Summary Judgment [165].

**ORDERED:** Oral Motion to Join is **GRANTED** as stated on the record. Mr. Ruiz-Moss may join Third-Party Defendant John Herbers' Motion for Summary Judgment [165] without filing a separate pleading.

**9:14 a.m.** Oral argument by Mr. Murphy regarding Thomas Keller, Craig Magnuson and Magnum Actuarial Group, LLC's Motion for Summary Judgment [99].

**9:34 a.m.** Response by Mr. Friedberg.

**9:59 a.m.** Reply by Mr. Murphy.

**COURT IN RECESS: 10:02 a.m.**

**COURT IN SESSION: 10:16 a.m.**

**10:16 a.m.** Oral argument by Mr. Lieberman regarding Third-Party Defendant John Herbers' Motion for Summary Judgment on the Third-Party Complaint [165].

**10:38 a.m.** Response by Mr. Friedberg.

**11:09 a.m.** Reply by Mr. Lieberman.

**11:20 a.m.** Statement by Mr. Ruiz-Moss.

**ORDERED:** Thomas Keller, Craig Magnuson and Magnum Actuarial Group, LLC's Motion to Summary [99] and Third-Party Defendant John Herbers' Motion for Summary Judgment [165] are **TAKEN UNDER ADVISEMENT**.

**ORDERED:** Mr. Lieberman shall submit briefing not to exceed five pages in length on the issue raised prior to oral argument on or before February 14, 2014. Mr. Friedberg shall submit a response not to exceed five pages in length on or before February 21, 2014.

**ORDERED:** Should counsel for the Magnum defendants wish to submit a summary judgment claim that parallels the claim made by third-party defendant Herbers, Mr. Murphy may submit briefing on or before February 14, 2014.

Response by Mr. Friedberg shall be due on or before March 7, 2014.  
Reply to response by Mr. Murphy shall be due on or before March 21,  
2014.

**COURT IN RECESS: 11:25 a.m.**

**Total in court time: 02:11**

**Hearing concluded**