

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

Civil Action: 12-cv-00450-RBJ-CBS
Date: August 6, 2012

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

Parties:

JENNIFER DEITCHMAN,

Plaintiff,

v.

BACH COMPOSITE COLORADO, INC., *et*
al.,

Defendants.

Counsel:

James L. Abrams
Johanna Lynne Brammer-Hoelter

Mary Hurley Stuart
Janet Ann Savage (*appearing by telephone*)

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 1:29 p.m.

Court calls case. Appearances of counsel. Ms. Jennifer Deitchman is also present at plaintiff's table.

The court addresses the parties regarding the plaintiff's First MOTION to Amend/Correct/Modify Complaint (Docket No. 30, filed on 7/20/2012) and the defendant's RESPONSE to #30 First MOTION to Amend/Correct/Modify Complaint (Docket No. 40, filed on 8/2/2012).

Mr. Abrams presents oral argument. Discussion between the court and Mr. Abrams regarding Rule 15(a), Rule 16(b), and if any discovery has been exchanged. Relevant case law cited by the court.

ORDERED: The court shall treat the plaintiff's First MOTION to Amend/Correct/Modify Complaint (Docket No. 30, filed on 7/20/2012) as **WITHDRAWN**.

The court addresses the parties regarding the defendant's MOTION to Strike #30 First MOTION to Amend/Correct/Modify Complaint (Docket No. 33, filed on 7/22/2012).

For reasons as stated on the record,

ORDERED: The defendant's MOTION to Strike #30 First MOTION to Amend/Correct/Modify Complaint (Docket No. 33, filed on 7/22/2012) is **MOOT**.

The court addresses the parties regarding the plaintiff's Second MOTION to Withdraw as Attorney (Docket No. 34, filed on 7/23/2012) and the defendant's RESPONSE to #34 Second MOTION to Withdraw as Attorney (Docket No. 42, filed on 8/2/2012).

Mr. Abrams presents oral argument. Discussion between the court, Mr. Abrams, and Ms. Deitchman regarding this motion, Rule 11, and Rule 11(b)(2). Mr Abrams makes an oral motion to take a quick recess to confer with his client. The court grants the oral motion. Ms. Savage makes an oral motion to be excused from the remainder of the hearing at the recess. The court grants Ms. Savage's oral motion.

Discussion between the court, Ms. Stuart, and Mr. Abrams regarding the defendant's MOTION to Enforce the Settlement Agreement Between Plaintiff and Bach Composite Colorado Inc. (Docket No. 38, filed on 7/27/2012).

Court in recess: 2:23 p.m.

Court in Session: 3:01 p.m.

Mr. Abrams addresses the court regarding what his client wants to do with this case. Mr. Abrams informs the court that Ms. Deitchman is willing to dismiss defendant Bach Composite of Colorado, Inc. ("Bach") from this lawsuit, without prejudice, with each side absorbing their own fees.

Ms. Stuart addresses the court regarding def Bach's position to the plaintiff's suggestion. Ms. Stuart informs the court that Bach will still move forward with seeking recovery of their fees. Discussion between the court and the parties regarding Rule 41, Rule 11, claims for relief stated in the complaint, Rule 26(a)(1), and the plaintiff refileing a state court claim against Bach.

The court and the parties revisit the plaintiff's Second MOTION to Withdraw as Attorney (Docket No. 34, filed on 7/23/2012). Continued discussion between the court, Mr. Abrams, and Ms. Deitchman regarding how to get this case moving forward or resolved.

4:20 p.m. Off the record discussion.

ORDERED: The court **DENIES** the plaintiff's Second MOTION to Withdraw as Attorney (Docket No. 34, filed on 7/23/2012).

HEARING CONCLUDED.

Court in recess: 4:48 p.m. Total time in court: 02:41

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