

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

Courtroom Deputy: Laura Galera
Court Reporter: Gwen Daniel

Date: July 30, 2012

Civil Action No. 12-cv-00869-RBJ

Parties:

JOHN NIEMI,
ROBERT NAEGELE, III, and
JESPER PARNEVIK,

Plaintiffs,

v.

MICHAEL FRANK BURGESS,
ERWIN LASSHOFER,
INNOVATIS GMBH,
INNOVATIS IMMOBILIEN GMBH,
INNOVATIS ASSET MANAGEMENT SA,
LEXINGTON CAPITAL & PROPERTY
INVESTMENTS, LLC, and
BARRY FUNT,
CREDIT SUISSE, AG

Defendants.

Counsel:

Christopher Madel (by phone)
Robert Miller
Bruce Manning (by phone)

Phillip Douglas

Kathleen Craigmile
Julie North
Justine Beyda

COURTROOM MINUTES

MOTION HEARING

Court in session: 2:00 p.m.

Appearances of counsel.

Mr. Douglas addresses the Court regarding entering a special appearance.

Court addresses the parties.

Argument by Mr. Madel, Mr. Douglas and Ms. Craigmile as to Plaintiff's Motion for Temporary Restraining Order Doc.# [86].

Discussion regarding a request for a bond.

For the reasons as stated on the record it is:

ORDERED: Plaintiff's Motion for Temporary Restraining Order Doc.# [86] is GRANTED IN PART AND DENIED IN PART.

ORDERED: Court issues a temporary restraining order in part. Defendant Credit Suisse is restrained from permitting the Innovatis Groups and Mr. Lasshofer from removing any money from the Credit Suisse accounts of any number that contain any of the \$6.8 million fund in question until an evidentiary hearing is held.

ORDERED: Parties to contact chambers to set a hearing regarding jurisdiction.

Court in recess: 3:49 p.m.

Hearing concluded.

Total time: 01:49