

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

Civil Action: 12-cv-01096-REB-CBS
Date: June 25, 2013

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Courtni Covington

Parties:

Counsel:

POTTER VOICE TECHNOLOGIES LLC,

Plaintiff,

Christopher D. Banys

v.

GOOGLE, INC., *et al.*,

Defendants.

Randall E. Kay
Alan A. Wright

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 1:30 p.m.

Court calls case. Appearances of counsel.

This matter is before the court regarding **Plaintiff Potter Voice Technologies LLC's MOTION for Leave to Amend Complaint to Add Party: Kyocera Communications, Inc.** [Doc. No. 352, filed 5/6/13].

Counsel for Plaintiff presents oral argument and engages in discussion with the court. Discussion between the court and Mr. Banys regarding a separate lawsuit filed in the District of California.

Counsel for Defendant Kyocera International, Inc. presents oral rebuttal argument and engages in discussion with the court.

Discussion between the court and counsel for Kyocera Communications, Inc. regarding the correct corporation being sued, the timing of the events in the case, and the potential of staying the addition of Kyocera Communications, Inc. as a party. Discussion regarding in which district the case against Kyocera Communications, Inc. should be heard.

Discussion between the court and Plaintiff's counsel regarding the notice of the proper party provided by Defendant Kyocera International, Inc. and how adding Kyocera Communications,

Inc. as a party would affect the motion for summary judgment filed by Kyocera International, Inc.

Discussion between the court and Plaintiff's counsel regarding the pending motion to dismiss for lack of subject matter jurisdiction filed in the District of California.

ORDERED: Plaintiff Potter Voice Technologies LLC's MOTION for Leave to Amend Complaint to Add Party: Kyocera Communications, Inc. [Doc. No. 352, filed 5/6/13] is **GRANTED** for the reasons stated on the record. Relevant decisions and case law cited.

The court notices the parties that it is not endorsing the litigation tactics by either Plaintiff or Defendant Kyocera Communications, Inc. and notes its issues with the inefficiency of two cases with similar claims being heard in the District of California and in the District of Colorado.

Further discussion between the court and Plaintiff's counsel regarding how today's motion being granted will affect the pending motion for summary judgment and whether or not the Plaintiff will continue to oppose the motion.

The court informs the parties that only a ruling from the bench will issue, no written order will follow, and therefore the amount of days to file an objection should be calculated from today's date.

HEARING CONCLUDED.

Court in recess: 2:39 p.m.
Total time in court: 01:09

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