

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson**

Date: April 4, 2013
Courtroom Deputy: J. Chris Smith
Court Reporter: Kara Spitler

Civil Action No. 12-cv-01699-RBJ

A PDX PRO CO., INC., an Oregon Corporation,

Richard A. Oertli

Plaintiff,

v.

DISH NETWORK SERVICE, L.L.C.,
a Colorado Limited Liability Company,

Darren E. Nadel

Defendant.

COURTROOM MINUTES

Oral Argument

7:58 a.m. Court in session.

Court's preliminary remarks and entry of appearances by counsel.

8:01 a.m. Argument by Mr. Oertli [40].

Mr. Nadel answers a question asked by the Court.

Further argument by Mr. Oertli.

Mr. Oertli states plaintiff will stand on the pleadings filed on record [23] with respect to defendant's motion [22].

8:45 a.m. Argument by Mr. Nadel [22], [40] and [41].

9:11 a.m. Rebuttal argument by Mr. Oertli.

Court states it will take a short recess.

9:17 a.m. Court in recess.

9:35 a.m. Court in session.

Court makes oral findings of fact and conclusions of law as stated on record.

April 4, 2013
12-cv-01699-RBJ

ORDERED: Defendant's Motion to Dismiss Plaintiff's Declaratory Judgment Claim Pursuant to Fed. R. Civ. P. 12(b)(6), [22], is granted.

Plaintiff's Motion for Leave to File Second Amended Complaint Joining Dish Network, LLC as a Defendant, [40], is granted.

Plaintiff's Supplemented Conferral re Motion for Leave to File Second Amended Complaint Joining Dish Network, LLC as a Defendant, [41], is granted.

Second Amended Complaint is not accepted for filing but Plaintiff shall file a Third Amended Complaint as requested on record by April 18, 2013 (14 days).

Case is stayed pending completion of arbitration as defined with respect to its scope as stated on record and counsel shall file a written decision from the arbitrator by June 3, 2013 (60 days).

Scope of arbitration is limited as stated on record (scope of retailer agreement).

9:48 a.m. Court in recess.

Hearing concluded. Total time: 1 hr. 28 min.