

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

**Civil Action: 12-cv-01729-PAB-CBS**  
**Date: September 4, 2012**

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

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Parties:

BANNER REALTY GROUP LTD.,

Plaintiff,

Counsel:

Brian Herbert Wilson , Jr.

v.

BLUE RIDGE INVESTMENTS, LTD., *et al.*,

Defendants.

Ryan Mackenzie Jarvis  
Steven M. Beattie  
Jeffrey O. McAnallen

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: RULE 16(b) SCHEDULING CONFERENCE**

**Court in session: 9:17 a.m.**

Court calls case. Appearances of counsel.

The court addresses the parties regarding the plaintiff's First MOTION to Amend/Correct/Modify #3 Complaint (Docket No.18, filed on 8/2/2012) and the defendant's BRIEF in Opposition to #18 First MOTION to Amend/Correct/Modify #3 Complaint (Docket No. 21, filed on 8/8/2012).

Discussion between the court and Mr. Wilson regarding how the plaintiff's First MOTION to Amend/Correct/Modify #3 Complaint (Docket No.18, filed on 8/2/2012) will impact moving this case forward. Mr. Wilson informs the court that he feels that the motion is now moot as a result of the defendant's MOTION to Dismiss for Lack of Subject Matter Jurisdiction Pursuant to Rule 12(b)(1), Fed.R.Civ.P. (Docket No. 17, filed on 8/1/2012). Mr. Wilson makes an oral motion to withdraw the plaintiff's First MOTION to Amend/Correct/Modify #3 Complaint (Docket No.18, filed on 8/2/2012). The court grants Mr. Wilson's oral motion.

**ORDERED:** The plaintiff's First MOTION to Amend/Correct/Modify #3 Complaint (Docket No.18, filed on 8/2/2012) shall be **WITHDRAWN**.

Further discussion regarding the defendant's MOTION to Dismiss for Lack of Subject Matter

Jurisdiction Pursuant to Rule 12(b)(1), Fed.R.Civ.P. (Docket No. 17, filed on 8/1/2012) and the plaintiff's RESPONSE to #17 MOTION to Dismiss for Lack of Subject Matter Jurisdiction Pursuant to Rule 12(b)(1), Fed.R.Civ.P. (Docket No. 22, filed on 8/22/2012). Discussion regarding which defendants the plaintiff plans to move forward with in this lawsuit.

**ORDERED:** The plaintiff shall file its unopposed motion to amend **on or before September 7, 2012**. The parties shall file their joint motion to remand to state court **no later than September 11, 2012**. No discovery deadlines shall be set until the motion to remand has been ruled on.

HEARING CONCLUDED.

**Court in recess: 9:30 a.m.**

Total time in court: 00:13

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