

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kristen L. Mix**

Civil Action No.: 12-cv-1802-REB-KLM

**FTR - Reporter Deck - Courtroom C-204
Byron G. Rogers United States Courthouse
Courtroom Deputy, Nicole Cappelletty**

Date: May 20, 2013

BITUMINOUS CASUALTY CORPORATION

David Buishas (telephone)
Steve Kabler

Plaintiff(s),

v.

TRINITY UNIVERSAL INSURANCE COMPANY
OF KANSAS

Natalie Lucas
Nancy Pearl

Defendant(s).

AUTO OWNERS INSURANCE COMPANY

Greg Giometti
Mark Honhart

AXIS SURPLUS INSURANCE COMPANY

Lisa Mickley
Bree Gorynski

Third Party Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: MOTIONS HEARING

Court in Session: 1:30 P.M.

Court calls case. Appearances of counsel.

Court raises motions for argument: **Third-Party Defendants' Motion to Reconvene Scheduling Conference to Extend All Deadlines** [Docket No. 62, filed April 22, 2013], **Defendant's Motion Requesting Axis's Motion for Summary Judgment Be Held in Abeyance and Motion Requesting Discovery** [Docket No. 64, filed April 26, 2013], and **Trinity's Fed. R. Civ. P. 56(d) Motion Requesting Discovery and Deferred Ruling on Motion for Summary Judgment** [Docket No. 69, filed May 7, 2013].

Argument on behalf of Auto Owners Insurance Company by Greg Giometti.

Argument on behalf of AXIS Surplus Insurance Company by Lisa Mickley.

Statements by David Buishas on behalf of Bituminous Casualty Corporation.

Statements by Natalie Lucas on behalf of Trinity Universal Insurance Co. of Kansas.

It is **ORDERED**: Third Party Defendants' MOTION TO RECONVENE SCHEDULING CONFERENCE TO EXTEND ALL DEADLINES [Doc No. **62**] is **GRANTED** in part and **DENIED** in part. Discovery deadline for all discovery as to all parties is extended to August 25, 2013. Scheduling Order [Doc No. 24] is amended accordingly. All other portions of the motion are DENIED.

It is **ORDERED**: Defendnat's MOTION REQUESTING AXIS'S MOTION FOR SUMMARY JUDGMENT BE HELD IN ABEYANCE AND MOTION REQUESTING DISCOVERY PURSUANT TO 04/17/2013 COURT ORDER (DOC. NO. 59) [Doc No. **64**] is **DENIED without prejudice**.

It is **ORDERED**: Defendant's FED.R.CIV.P. 56(d) MOTION REQUESTING DISCOVERY AND DEFERRED RULING ON BITUMINOUS CASUALTY CORPORATION'S MOTION FOR SUMMARY JUDGMENT (FILED 04/19/2013, DOC. NO 60) [Doc No. **69**] is **DENIED** to the extent that it asks for deferred ruling. The Motion is **GRANTED** to the extent that the response deadline is extended and Defendant's response to Plaintiff's Motion for Summary Judgment shall be filed on or before **July 15, 2013**.

HEARING CONCLUDED.

Court in recess: 2:06 P.M.

Time In Court: 36 minutes

To order a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.