

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No: 12-cv-02279-PAB-KMT
Courtroom Deputy: Sabrina Grimm

Date: September 5, 2014
FTR: Courtroom C-201

Parties:

KATHERINE DINES, an individual,

Plaintiff,

v.

TOYS "R" US, INC., a Delaware corporation,

Defendant.

Counsel:

William Meyer
Chris Ford

Andrew Whitney
Gregory Parks

COURTROOM MINUTES

MOTION HEARING

9:01 a.m. Court in session.

Also present, Plaintiff Katherine Dines.

Discussion and argument regarding alleged failure to preserve information, waiving and maintaining privilege, the disclosure of Mr. Tennenberg as a witness with respect to the "take down", potential deposition of Mr. Tennenberg, and alleged spoliation.

Mr. Parks states he will turn over to Plaintiff the documents/correspondence between Ms. Lehr and outside IP counsel which occurred in May 2012 regarding Mr. Miller's May 4, 2012 letter as discussed.

10:57 a.m. Court in recess.

11:14 a.m. Court in session.

Further discussion and argument regarding preservation obligation with respect to the bulk upload, registries and wish lists, and third party affiliates.

Mr. Parks stipulates that the Toys R Us online catalog was utilizing the hunk ta bunk ta name on the 24 products at issue in this case on May 7, 2012. To the extent any of the 24 items were placed in a registry, the name hunk ta bunk ta appeared on the registries.

Discussion regarding attorney's fees.

ORDERED: Plaintiff's Combined Motion In Limine and for Sanctions for Spoliation [122] is TAKEN UNDER ADVISEMENT. The court will issue a written order.

12:34 p.m. Court in recess.

Hearing concluded.

Total in-court time 03:16

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