

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE MICHAEL E. HEGARTY

Civil Action No. 12-cv-02749-MSK-MEH
Courtroom Deputy: Cathy Pearson

Date: March 3, 2014
FTR – Courtroom A501

R. KIRK MCDONALD,

Pro Se

Plaintiff,

vs.

J.P. MORGAN CHASE BANK N.A.,
CITIBANK N.A., and
CHASE FUNDING MORTGAGE LOAN
ASSETBACKED CERTIFICATES 2002-4,

Mark Willis
Kelly Kilgore

Defendants.

ASHLEY RICKETSON and
NEAL J. VALORZ,

Pro Se
Damien Bielli

Movants.

COURTROOM MINUTES/MINUTE ORDER

MOTIONS HEARING

Court in session: 3:02 p.m.

Court calls case. Appearances of *pro se* Plaintiff and counsel for Defendants and Movants.

Discussion held regarding Plaintiff's ability and attempts to contact defense counsel and possible *ex parte* communications.

Discussion held regarding Plaintiff's Combined Motions Dated February 25, 2014, Amend Complaint Pursuant to F.R.C.P. 15(a)(2) Addendum to Amended Complaint (Doc. 143, filed 2/26/2014); Plaintiff's Motion & Request for Temporary (sic) Restraining Order Pursuant to United States District of Colorado Rule 65(b) (Doc. 139, filed 2/24/2014); subpoenas served by Plaintiff on third parties; Non-Party's Motion to Quash Subpoena to Testify and Subpoena to Produce Documents (sic); or in the Alternative, Motion for Protective Order (Doc. 136, filed 2/24/2014); and Non-Party's Motion to Quash Subpoenas (sic) or Alternatively Motion for Protective Order (Doc. 135, filed 2/24/2014).

The Court questions the Movants regarding information sought in the subpoena served by Plaintiff.

- ORDERED:**
1. Plaintiff's Combined Motions Dated February 25, 2014, Amend Complaint Pursuant to F.R.C.P. 15(a)(2) Addendum to Amended Complaint (Doc. 143, filed 2/26/2014) is DENIED without prejudice as stated on the record for failure to follow the Local Rules. Plaintiff failed to submit an Amended Complaint with the motion.
 2. Plaintiff's Motion & Request for Temporary (sic) Restraining Order Pursuant to United States District of Colorado Rule 65(b) (Doc. 139, filed 2/24/2014) is DENIED without prejudice as stated on the record for failure to follow the Local Rules. Plaintiff failed to submit a proposed Order with the motion.
 3. Non-Party's Motion to Quash Subpoena (sic) to Testify and Subpoena (sic) to Produce Documents (sic) or in the Alternative, Motion for Protective Order (Doc. 136, filed 2/24/2014) is GRANTED as stated on the record. The subpoena as to Neal Valdez is quashed.
 4. Non-Party's Motion to Quash Subpoenas (sic) or Alternatively Motion for Protective Order (Doc. 135, filed 2/24/2014) is GRANTED as stated on the record. The subpoena as to Ashley Rickteson is quashed.

3:40 p.m. Mr. Bielli and Ms. Ricketson are excused from the remainder of the hearing.

Discussion held and argument presented regarding The Bank Defendants' Motion to Quash Subpoenas and for Issuance of Protective Order (Doc. 137, filed 2/24/2014), Plaintiff's Motion for Certification of Court's Interlocutory Pursuant to Colorado Federal Rule of Civil Procedure Rule 54(B) (Doc 131, filed 2/18/2014), and Plaintiff's Motion: Joinder of Parties Pursuant to F.R.C.P. Rules 20 & 42 (Doc. 133, filed 2/19/2014).

- ORDERED:**
5. The Bank Defendants' Motion to Quash Subpoenas and for Issuance of Protective Order (Doc. 137, filed 2/24/2014) is GRANTED in part and DENIED without prejudice in part as stated on the record. The subpoena is quashed as to Kimberly Pitaniello. As to Zach Smith, the motion is DENIED without prejudice as stated on the record.
 6. Plaintiff's Motion: Joinder of Parties Pursuant to F.R.C.P. Rules 20 & 42 (Doc. 133, filed 2/19/2014) is DENIED without prejudice as stated on the record.
 7. Plaintiff's Motion for Certification of Court's Interlocutory Pursuant to Colorado Federal Rule of Civil Procedure Rule 54(B) (Doc 131, filed 2/18/2014) is DENIED without prejudice as stated on the record.
 8. Discovery is temporarily stayed for a two-week period, including third-party subpoenas, for purpose of allowing Defendants to determine whether they are willing to concede that there are no material facts

remaining in the case. If there are no material facts remaining, discovery will be closed.

9. A Status Conference is set for **March 17, 2014, at 3:00 p.m.** The Court will determine at that time if discovery will be closed.

Discussion held regarding taking the deposition of a non-party.

Court in recess: 4:23 p.m. (Hearing concluded)

Total time in court: 1:21

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