

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

Civil Action No: 12-cv-03160-CMA-KMT
Courtroom Deputy: Sabrina Grimm

Date: April 17, 2014
FTR: Courtroom C-201

Parties:

IRONSTONE CONDOMINIUMS AT STROH RANCH
OWNERS ASSOCIATION, INC. a/k/a IRONSTONE
CONDOMINIUM ASSOCIATION AT STROH
RANCH, a non-profit Colorado corporation,

Plaintiffs,

v.

PEERLESS INDEMNITY INSURANCE COMPANY,
an Illinois Corporation,

Defendant.

Counsel:

Stuart Anderson
Dustin Hughes

Troy Olsen
Lyndsay Arundel

COURTROOM MINUTES

MOTIONS HEARING

1:34 p.m. Court in session.

Court calls case. Appearances of counsel.

Ron Meier is seated at Plaintiffs' counsel table and Rhonda Duckworth is seated at Defendant's counsel table.

Discussion and argument regarding the necessity for an evidentiary hearing, replacement of glass packs, alleged failure of window seals, removal of the glazing beads, and Defendant's potential prejudice.

ORDERED: Defendant's Motion *In Limine*/For Sanctions Due to Plaintiff's Spoliation of Evidence [107] is DENIED, for reasons stated on record.

Discussion and argument regarding disclosure of video tapes in Mr. Lonergan's possession, redaction of audio from the video tapes, the admissibility and discoverability of the videos, and damage to the glazing beads.

ORDERED: Plaintiff's Motion to Compel Re Videos Pursuant to F.R.C.P. 37 [102] is GRANTED. Plaintiff is entitled to receive and view, with audio, the four video tapes at issue which were taken by Defendant's testifying expert. The court reporter will release the video tapes to Plaintiff forthwith.

ORDERED: Defendant and Defendant's experts are permitted to observe the windows and glazing beads contained on building 16 and 17, in particular those pictured in the exhibits attached to Plaintiff's motion [102]. Counsel should meet and confer on an appropriate date for the inspection. Plaintiff's representative will be allowed to accompany Defendant's group, however should maintain reasonable separation to allow Defendant and its experts to converse without being overheard.

2:45 p.m. Court in recess.

Hearing concluded.

Total in-court time 01:11

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