

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

Civil Action No: 13-cv-00167-CMA-KMT
Courtroom Deputy: Sabrina Grimm

Date: January 14, 2014
FTR: Courtroom C-201

Parties:

MARK D. BINGHAM,
TONY W. CHURCH,
JEFFERY C. DELANEY,
ANNETTE M. MONTOYA,
RICK L. PARKS,
AMBER D. SHETTRON,
STEWART G. SQUIRES, and
CHARLES L. ZORIO,

Plaintiffs,

v.

FIML NATURAL RESOURCES, LLC,
DEVONSHIRE INVESTORS (DELAWARE), LLC,
AMENDED AND REINSTATED FIML NATURAL
RESOURCES PHANTOM CARRIED INTEREST
PLAN, and
BOARD OF DIRECTORS OF FIML NATURAL
RESOURCES, LLC,

Defendants.

Counsel:

Jason Lynch
Mark Premo-Hopkins
Tess Hand-Bender

Maureen Witt
Michael Beaver

COURTROOM MINUTES

MOTION HEARING

1:19 p.m. Court in session.

Court calls case. Appearances of counsel.

Discussion and argument regarding stay on discovery, defendants' pending motion to dismiss [46], allegations of incomplete administrative record, alleged procedural irregularities, conflict of interest issues, written discovery requests, and depositions.

Mr. Lynch tenders exhibits FIMLNR0000500 and a demonstrative exhibit to the Court.

Plaintiff's Exhibit 1 (demonstrative exhibit) is accepted for purposes of this hearing. The court notes that Defendants disagree that the structural representation in Exhibit 1 is accurate.

ORDERED: Plaintiffs' Motion for Discovery [63] is HELD IN ABEYANCE.

ORDERED: Defendants' Motion to Stay Discovery [66] is GRANTED. Discovery is stayed until March 31, 2014 or until District Judge Arguello rules on Defendants' pending Motion to Dismiss Third Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) [46], whichever comes sooner. To the extent the ruling by Judge Arguello on Defendants' Motion to Dismiss Third Amended Complaint [46] occurs prior to March 31, 2014, and any part of the case remains pending, the parties are directed to file a Status Report within 5 days of that decision requesting a further hearing or ruling on the record already made concerning Plaintiffs' Motion for Discovery [63].

2:49 p.m. Court in recess.

Hearing concluded.

Total in-court time 01:30

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