

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

Civil Action No: 13-cv-00219-WJM-KMT  
Courtroom Deputy: Sabrina Grimm

Date: December 16, 2013  
FTR: Courtroom C-201

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Parties:

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$19,712.00 IN UNITED STATES CURRENCY,

Defendant.

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Counsel:

James Russell  
Tonya Andrews

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**COURTROOM MINUTES**

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**MOTION HEARING**

**1:31 p.m. Court in session.**

Court calls case. Appearances of counsel.

Also present and seated at Defendant's table, Jonathan Willett and claimant Dan Jensen. James Gerhardt is present in the courtroom.

Also present and seated at Plaintiff's table, DEA Task Force Investigator Tracy Thompson, and paralegal Pam Thompson.

Discussion regarding lack of response to the motion [33], potential conflict, and 5<sup>th</sup> Amendment right.

Mr. Russell states the criminal case in Chaffee County is set for trial in February 2014.

**ORDERED: United States' Motion for Order Determining Potential Conflict of Interest [33] is GRANTED. The Court finds Mr. Willett is disqualified as counsel for claimant Dan Jensen due to his conflict of interest in representing Mr. Gerhardt in the criminal case.**

**The disqualification of Mr. Willett shall be effective on January 6, 2014. The delay in effectuating this court's disqualification order is for the express purpose of allowing Mr. Willett to file an objection to this court's order or other motions as discussed. Should Mr. Willett chose to withdraw from representation of Mr. Gerhardt in the criminal case, Mr. Willett may so notify the court that his conflict has resolved.**

**Mr. Jensen is directed to obtain new counsel or to have either a plan for hiring new counsel or proceeding in this civil case *pro se* on or before January 6, 2014.**

Discussion regarding potential motion to stay and scheduled depositions.

Statement by Mr. Jensen.

**2:25 p.m. Court in recess.**

Hearing concluded.

Total in-court time 00:56

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