

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

Civil Action No: 13-cv-00277-RM-KMT Date: July 25, 2013
Courtroom Deputy: Sabrina Grimm FTR: Courtroom C-201

JAMES GERARD, JR., and
MICHAEL COX, on behalf of themselves
and all others similarly situated,

David Tufts

Plaintiffs,

v.

NEW ELK COAL COMPANY, LLC, and

Heather Joyce
M. Robin Repass

STRATEGIC STAFFING SOLUTIONS,

Austin Smith

Defendants.

COURTROOM MINUTES

Motion Hearing

1:35 a.m. Court in session.

Court calls case. Appearances of counsel.

Also present and seated at defendants table, Keith Tooley and Danielle Wiletsky on behalf of interested party, TK Mining Services, and Anni-Michelle Jean Pierre, summer associate for Jackson Kelly.

Mr. Tufts informs the Court that all parties have reached a tentative agreement regarding the TK Mining subpoena.

Ms. Repass reads the agreement email for the record.

Mr. Tufts reads the modifications to the agreement email for the record.

ORDERED: Interested Party TK Mining Services LLC's Motion to Quash or Modify Subpoena [37] is DENIED AS MOOT.

ORDERED: Defendant New Elk Coal Company's Motion for Protective Order and Objections to the Subpoena Served on Non-Party TK Mining Services, LLC [38] is DENIED AS MOOT.

Court advises Mr. Tufts to file a motion if a telephonic appearance is required for future hearings.

1:55 p.m. Court in recess.

Hearing concluded.

Total in-court time 00:20

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