

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

Civil Action No: 13-cv-00769-MSK-KMT
Courtroom Deputy: Sabrina Grimm

Date: January 13, 2014
FTR: Courtroom C-201

Parties:

GENERAL STEEL DOMESTIC SALES, LLC, d/b/a
GENERAL STEEL CORPORATION, a Colorado
limited liability company,

Plaintiff,

v.

ETHAN DANIEL CHUMLEY, individually,
ATLANTIC BUILDING SYSTEMS, LLC, a Delaware
corporation, doing business as ARMSTRONG STEEL
CORPORATION,
PRQ INTERNET KOMMANDITBOLAG (LIMITED
PARTNERSHIP) doing business as PRQ INET KB, and
GOTTFRID SWARTHOLM, individually,

Defendants.

Counsel:

Patrick Frye
David Fein
Henry Solano
Adam Bialek

Paul Grant
Peter Lemire
Mark Baird

COURTROOM MINUTES

MOTION HEARING/SCHEDULING CONFERENCE

1:33 p.m. Court in session.

Court calls case. Appearances of counsel.

Statement by Mr. Solano and Mr. Bialek.

Also present, Bill Kyriagis representing Compass Bank and Aaron Atkinson representing Denver SEO.

Court states its position on how it will proceed with today's hearing.

Discussion regarding subpoena issued to Denver SEO, false advertising counterclaim, Denver SEO's blog, and disgorgement.

ORDERED: Movant, Denver SEO, LLC's Motion to Quash Subpoena to Produce Documents, Information, or Objects [118] is GRANTED.

Discussion regarding subpoenas issued to Compass Bank, payment for copy charges, scope of discovery, financial records, bank statements, customer records, and reasonable compensation with respect to subpoena #1.

ORDERED: General Steel's Motion to Quash Document Subpoenas Served Upon Compass Bank [112] is GRANTED.

ORDERED: Compass Bank's Objection and Motion to Quash or Modify Subpoenas [111] is GRANTED.

ORDERED: Plaintiff's Motion for Protective Order Regarding Compass Bank Copies of General Steel Customer Checks and Wire Transfers Pursuant to Rule 26(c), Fed. R. Civ. P. [136] is DENIED.

3:22 p.m. Court in recess.

3:36 p.m. Court in session.

Discussion regarding payment agreement with respect to subpoena #1.

ORDERED: Defendants are directed to compensate Compass Bank in the amount of \$3,112.50 for compliance with subpoena #1. Defendants shall submit payment to Compass Bank within three weeks after the receipt of an invoice.

Discussion regarding account ownership of domains, subpoenas issued to Microsoft, Yahoo!, Domains by Proxy, Network Solutions, Privacy Protection Services, Better Business Bureau, and General Steel's BBB rating.

ORDERED: General Steel's Motion to Quash Document Subpoenas Served on Out-of-State Non-Parties [103] is GRANTED WITHOUT PREJUDICE, as stated on record.

ORDERED: General Steel's Motion for Entry of Protective Order as to Document Subpoenas Served on Non-Parties [124] is GRANTED IN PART AND DENIED IN PART, as stated on record.

Mr. Frye states interrogatories 8, 11, except as to the phone number listed, 16, and request for production 2 are no longer issues with respect to Plaintiff's Motion to Compel Discovery Responses Pursuant to Rule 37(a), Fed. R. Civ. P. [86].

THE FOLLOWING WILL CONFIRM THE ACTIONS TAKEN AND DATES SET AT THE SCHEDULING CONFERENCE HELD THIS DATE.

Court states discovery will be split into 2 parts.

AMENDED COMPLAINT – Part 1

Each side shall be limited to 10 depositions.

Depositions shall not exceed 7 hours, without prior agreement or absent leave of court.

Each side shall be limited to 25 interrogatories, 25 requests for production, and 25 requests for admission.

COUNTERCLAIM – THIRD PARTY COMPLAINT – Part 2

Each side shall be limited to 10 depositions, including/excluding experts.

Depositions shall not exceed 7 hours, without prior agreement or absent leave of court.

Each side shall be limited to 25 interrogatories, 25 requests for production, and 25 requests for admission.

Court reviews Chief Judge Krieger's practice standards and letter with counsel.

The following dates pertain to the Amended Complaint and the Counterclaim – Third Party Complaint.

Joinder of Parties/Amendment to Pleadings: March 3, 2014

Discovery Cut-off: July 14, 2014

Dispositive Motions Deadline: September 15, 2014

Each side shall be limited to 3 expert witnesses, absent leave of court.

Disclosure of Affirmative Experts: May 14, 2014

Disclosure of Rebuttal Experts: June 13, 2014

Written Discovery shall be served 33 days prior to the discovery cutoff or date.

A Final Pretrial Conference, Trial Preparation Conference, and trial dates will be set by Chief District Judge Marcia S. Krieger.

Court states its practice regarding settlement conferences.

Parties are directed to www.cod.uscourts.gov and shall fully comply with the procedures of the judicial officer assigned to try this case on the merits.

ORDERED: A Motion Hearing is set for January 24, 2014 at 9:30 a.m. regarding Plaintiff's Motion to Compel Discovery Responses Pursuant to Rule 37(a), Fed. R. Civ. P. [86] and Defendants' Motion to Compel Discovery [133] in Courtroom C-201, Second Floor, of the Byron Rogers U.S. Courthouse, 1929 Stout Street, Denver, Colorado. Counsel shall file any modifications to the motions by close of business on or before January 22, 2014.

Scheduling Order entered.

5:14 p.m. Court in recess.

Hearing concluded.

Total in-court time 03:27

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