

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: July 30, 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:

David Fein
Henry Solano
Patrick Frye
Adam Bialek
Laura Alos

John Baird
Peter Lemire
Paul Grant

COURTROOM MINUTES

MOTIONS HEARING

1:30 p.m. Court in session.

Court calls case. Appearances of counsel.

Also present and seated at Plaintiff's table, Jeffrey Knight.

Discussion regarding pending motions to restrict and review of Local Rule 7.2. Counsel is advised to review the docket sheet and pending motions to restrict to determine if the documents should continue to be restricted.

ORDERED: Counterclaimant Atlantic Building Systems, LLC's Motion to File its Reply Brief in Support of Motion to Compel Discovery and Two Exhibits to Same Under Level One Restriction [276] is DENIED with leave to amend. Parties are permitted five business days to file a renewed motion to restrict, if any, consistent with the discussion held on record.

ORDERED: Unopposed Motion to Implement Level 1 Restricted Access as to General Steel's Reply in Support of Motion for Sanctions Due to Spoliation of Evidence and Discovery Abuse and Exhibits [281] is DENIED with leave to amend. Parties are permitted five business days to file a renewed motion to restrict, if any, consistent with the discussion held on record.

ORDERED: Unopposed Motion to Implement Level 1 Restricted Access as to Plaintiff's Reply in Support of Motion to Compel Discovery Responses Pursuant to Rule 37(a), Fed. R. Civ. P. (CM-ECF # 225) and Exhibit 2 [287] is DENIED with leave to amend. Parties are permitted five business days to file a renewed motion to restrict, if any, consistent with the discussion held on record.

ORDERED: Unopposed Motion to File its Reply to Motion to Quash American Express Company Subpoena and Two Exhibits to Same Under Level One Restriction [295] is HELD IN ABEYANCE. Defendants are given the opportunity to review and supplement the motion consistent with the discussion held on record.

ORDERED: Unopposed Motion to Implement Level 1 Restricted Access as to Defendants Ethan Chumley's and Atlantic Building Systems, LLC's Motion for Sanctions Pursuant to Fed.R.Civ.P. 37(b)(2) for Plaintiff General Steel Domestic Sales, LLC's Failure to Comply with Court Order [304] is DENIED with leave to amend. Parties are permitted five business days to file a renewed motion to restrict, if any, consistent with the discussion held on record.

Discussion and argument regarding interrogatory No. 3 and No. 12 with respect to Motion [213].

ORDERED: Counterclaimant Atlantic Building Systems, LLC's Motion to Compel Discovery [213] is GRANTED IN PART as to interrogatory No. 3 and DENIED in all other respects. Plaintiff shall produce documents from October 13, 2011 through October 18, 2013 pertaining to court litigation and arbitration, as discussed, on or before August 29, 2014.

Discussion and argument regarding alleged spoliation and potential production of emails and sales scripts with reasonable variations of the search term "steel building complaints" or "steelbuildingcomplaints" for any employee who was a current active employee from June 1, 2012 through present.

ORDERED: General Steel's Motion for Sanctions Due to Spoliation of Evidence and Discovery Abuse [218] is GRANTED IN PART AND DENIED IN PART, as stated on record. Defendants shall produce documents, as discussed, on or before August 29, 2014.

ORDERED: Plaintiff's Motion to Compel Discovery Responses Pursuant to Rule 37(a), Fed. R. Civ. P. [225] is GRANTED. Defendants are directed to produce a list of former employees from December 23, 2013 through present on or before August 29, 2014.

**3:31 p.m. Court in recess.
3:42 p.m. Court in session.**

Discussion and argument regarding interrogatory No. 2 and No. 3 with respect to Motion [226]. Mr. Baird states a full response was provided by Plaintiff to interrogatory No. 2 which pertains to removed webpages.

Mr. Bialek confirms they have made a good faith attempt with respect to obtaining information on the electronic brochure issue. He will provide a letter to defense counsel stating his findings.

ORDERED: Counterclaimant Atlantic Building Systems, LLC's Second Motion to Compel Discovery [226] is GRANTED IN PART, DENIED IN PART, AND FOUND MOOT IN PART.

Court states the pending Motion to Quash American Express Company Subpoena [242] might be related to other motions that will be heard at the subsequent motion hearing scheduled for August 26, 2014.

Discussion and argument regarding American Express statements and potentially serving a limited subpoena to American Express since the discovery period is closed.

ORDERED: Motion to Quash American Express Company Subpoena [242] is GRANTED.

Discussion regarding three additional potential depositions.

ORDERED: The extended discovery cutoff referenced in Minute Order [253] shall include three additional potential deponents, as discussed.

Discussion regarding commercial general liability insurance.

ORDERED: Defendants are directed to provide the policy related to commercial general liability insurance or an affidavit indicating there is no policy, as discussed, on or before August 13, 2014.

4:15 p.m. Court in recess.

Hearing concluded.

Total in-court time 2:34

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