

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 14, 2015  
FTR: Courtroom C-201

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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:

Adam Bialek  
Henry Solano  
Patrick Frye  
David Fein  
Laura Alos

Craig May  
Mark. Baird  
Kenneth Stalzer

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**COURTROOM MINUTES**

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**MOTIONS HEARING**

**9:33 a.m. Court in session.**

Court calls case. Appearances of counsel. Aaron Atkinson for Interested Party Denver SEO, LLC enters his appearance upon his arrival.

Discussion and argument regarding manufacturer pay per click ads and Bing ad search.

Mr. May tenders an exhibit to the Court.

**ORDERED:** Armstrong Steel's Motion to Compel Denver SEO, LLC to Provide Responses to Requests 1 and 2 of Subpoena Duces Tecum [401] is **GRANTED IN PART**, as stated on record. Denver SEO shall complete an investigation with respect to the manufacturer/pay per click ad issue and produce any reports generated as part of that investigation to each side on or before January 23, 2015.

Defendants are granted additional depositions of Troy Olson and one Denver SEO witness if a person in addition to Mr. Olson was required to become involved in the ordered investigation. The deposition of Troy Olson (and another person if required) will be limited to six hours total and confined to the issues discussed at today's hearing.

Discussion and argument regarding subpoenas issued to Microsoft and Google.

**ORDERED:** General Steel's Motion to Quash Subpoenas [389] is **DENIED**, as stated on record. Documents initially produced by Microsoft and Google shall be designated AEO and will be produced to both sides.

Mr. Fein tenders two exhibits to the Court.

12:02 p.m. Court in recess.  
1:51 p.m. Court in session.

**ORDERED:** Based on the representations made in Court by the parties, the depositions of Troy Olson and a Rule 30(b)(6) witness, limited to the issues discussed at today's hearing, will be completed on or before February 6, 2015.

**ORDERED:** The dispositive motions deadline is extended to February 13, 2015 to allow time for the deposition(s) and for receipt of the documents from internet vendors. The discovery deadline in this case has passed and the only discovery allowed will be that specifically addressed by the court during this hearing.

Discussion and argument regarding the fifth and sixth supplemental disclosures and screen shots.

**ORDERED:** Counterclaim Defendant General Steel's Motion to Strike Armstrong's Untimely Witness Disclosures [395] is **GRANTED**, for reasons stated on record.

Discussion and argument regarding seventh supplemental disclosure and limited additional discovery on the screen shots.

**ORDERED: Plaintiff and Counterclaimant General Steel's Joint Motion to Strike Defendants' Seventh Supplemental Rule 26(A)(1) Disclosure [414] is GRANTED IN PART AND DENIED IN PART, as stated on record.**

Discussion and argument regarding the late disclosure of Jonathan Hochman's expert report.

**ORDERED: Counterclaim Defendant General Steel's Motion to Strike Armstrong's Untimely Expert Reports [384] is GRANTED. Jonathan Hochman's expert report is stricken as untimely. To the extent the report incorporates an affidavit, the affidavit is also stricken in the context of an expert disclosure pursuant to Rule 26.**

**3:15 p.m. Court in recess.**

**3:22 p.m. Court in session.**

Discussion and argument regarding communications between General Steel and Denver SEO and unprepared witness.

**ORDERED: Armstrong Steel's Motion to Compel Additional 30(b)(6) Deposition Due to Inadequate Preparation and Additional Documents [410] is GRANTED. Communications from February 1, 2012 to present regarding blogs and testimonials at issue between General Steel and Denver SEO shall be produced to Armstrong on or before January 23, 2015.**

Discussion and argument regarding untimely disclosures.

**ORDERED: Defendants Ethan Chumley and Armstrong Steel and Counterclaimant Armstrong Steel's Motion to Strike Plaintiff and Counterclaim Defendant General Steel's Untimely Disclosures, Discovery, and Document Production [403] is DENIED, as stated on record. General Steel's 30(b)(6) witness shall be prepared to answer questions about the prior litigations more fully as discussed. Questioning on this issue will be no longer than one hour.**

Discussion and argument regarding discovery pertaining to late disclosures, email and communications with respect to monitoring pay per click ads, keyword searches using "pay per click", "manufacturing", "monitoring", "reports", or "reviewing" or other variations.

**ORDERED: Counterclaimants and Defendants Ethan Chumley and Armstrong Steel's Motion to Modify the Amended Scheduling Order to Extend the Discovery Cutoff Deadline to Conduct Further Discovery, to Appoint a Special Master, and for Sanctions Under the Federal Rules of Civil Procedure 16, 37, and 53 [428] is GRANTED IN PART AND DENIED IN PART. The motion is granted with respect to a further search of General Steel's email communications, as discussed. The emails shall be produced to Armstrong on or before January 23, 2015. The motion is denied in all other respects and**

**any extension of the discovery period is specifically denied except for the very few issues addressed herein.**

Discussion and argument regarding websites created by Mr. Chumley,

**ORDERED: General Steel's Motion for Sanctions Due to Defendant Armstrong Steel's Sham Rule 30(b)(6) Testimony and Perjury [397] is DENIED, as stated on record.**

**ORDERED: Defendants Atlantic Building Systems, LLC and Ethan Daniel Chumley's Motion to Restrict by Redaction Portions of General Steel's Motion for Sanctions Due to Defendant Armstrong's Steel's Sham Rule 30(b)(6) Testimony and Perjury (ECF No. 393) and Exhibit 4 Thereto (ECF No. 393-2) and to Restrict by Redaction Exhibit 1 (ECF No. 396) to General Steel's Motion to Strike Armstrong's Untimely Witness Disclosures (ECF No. 395) [416] is DENIED except that Exhibit B [396] shall remain under Restriction – Level 1.**

**4:31 p.m. Court in recess.**

Hearing concluded.

Total in-court time 05:02

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