

**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: October 24, 2013
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,
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
Patrick Frye

Paul Grant
Peter Lemire

COURTROOM MINUTES

MOTIONS HEARING

10:26 a.m. Court in session.

Court calls case. Appearances of counsel.

Court states its understanding of the issue.

Mr. Fein informs the Court that Plaintiff is not seeking special damages and therefore filed the Motion to Amend [83]. They wish to add exemplary damages to the complaint.

Discussion regarding discovery, initial disclosures, and document requests pertaining to exemplary damages. Mr. Grant states documents have not been produced with respect to exemplary damages.

Discussion regarding third party complaint [90], Plaintiff's motion for default judgment [55], and service of amended complaint to Defendants PRQ and Swartholm.

Mr. Fein agrees to accept service on behalf of Third Party Defendant Jeffrey Knight, CEO for General Steel, named in the third party complaint [90].

Court notes that Jeffrey Knight is the CEO for Plaintiff General Steel and, due to the agreement for acceptance of service, the Court finds response dates can be set at this time because all parties understand that at least one Amended Complaint will be filed pursuant to court order.

ORDERED: Plaintiff's Unopposed Motion for Leave to Amend Complaint [83] is DENIED without prejudice.

ORDERED: Plaintiff is directed to file an amended complaint with the court previous order and without any new counts, as discussed on record, on or before November 7, 2013. Defendants are directed to file an answer, or other responsive pleading, to the amended complaint, with their counterclaims, on or before December 2, 2013.

ORDERED: As to Third Party Defendants, an answer or other responsive pleading to either the current counter claims or the amended counter claims will be due on or before December 2, 2013.

ORDERED: Plaintiff's Motion for Default Judgment Against Defendants PRQ and Swartholm [55] is DENIED WITHOUT PREJUDICE. Plaintiff may file a renewed motion for default judgment, if they so choose, addressing the issues of service with respect to the anticipated amended complaint on or before November 18, 2013.

ORDERED: A Scheduling Conference is set for January 14, 2014 at 9:30 a.m. in Courtroom C-201, Second Floor, of the Byron Rogers U.S. Courthouse, 1929 Stout Street, Denver, Colorado.

Court undertakes an informal discovery conference with respect to Plaintiff's Motion to Compel Discovery Responses Pursuant to Rule 37(a), Fed. R. Civ. P. [86], protective order regarding employee list, narrowing scope of request, production of redacted financial records and bank statements designated as "attorneys eyes only", and discovery requests pertaining to Plaintiff's financial records.

11:46 a.m. Court in recess.

Hearing concluded.

Total in-court time 01:20

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