

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
SENIOR JUDGE WILEY Y. DANIEL**

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Courtroom Deputy: Robert R. Keech  
E.C.R./Reporter: Mary George

Date: June 25, 2013

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Civil Action No: **13-cv-01511-WYD-BNB**

Counsel:

**PORT-A-POUR, INC.,**

Daniel J. Culhane

Plaintiff,

v.

**PEAK INNOVATIONS, INC., and  
MARK E. NELSON,**

Alan F. Blakley  
John D. Root

Defendants.

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**COURTROOM MINUTES**

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**MOTIONS HEARING**

**10:05 a.m.** Court in Session

APPEARANCES OF COUNSEL.

Court's opening remarks.

Plaintiffs' Motion for Temporary Restraining Order And/or Preliminary Injunction and Certificate of Compliance with D.C.COLO.LCivR 7.1 [ECF Doc. No. 7], filed June 18, 2013, is raised for argument.

10:06 a.m. Argument by Defendants (Mr. Blakley).

10:10 a.m. Argument by Plaintiff (Mr. Culhane).

10:15 a.m. Argument by Defendants (Mr. Blakley).

10:17 a.m. Argument by Plaintiff (Mr. Culhane).

10:22 a.m. Argument by Defendants (Mr. Blakley).

10:25 a.m. Argument by Plaintiff (Mr. Culhane).

10:28 a.m. Argument by Defendants (Mr. Blakley).

10:32 a.m. Plaintiff's witness **Neil Oberg** sworn.

Direct examination by Plaintiff (Mr. Culhane).  
**EX ID: Court Exhibit 1**

10:59 a.m. Cross examination by Defendant (Mr. Root).  
**EX ID: Court Exhibit 1, 11, 12, 8, 14**

11:37 a.m. Re-Direct examination by Plaintiff (Mr. Culhane).  
**EX ID: 11, 12**

11:50 a.m. Plaintiff's witness **Jerry Doherty** sworn.

Direct examination by Plaintiff (Mr. Culhane).

**12:12 p.m.** Court in Recess

**12:29 p.m.** Court in Session

12:29 p.m. Statement by Defendants regarding plan for discovery (Mr. Blakley).

12:34 p.m. Off the record.

Bench conference off the record.

12:35 p.m. Back on the record.

12:35 p.m. Discussion regarding discovery on the request for preliminary injunction.

**ORDERED:** Defendants' shall file Answer or other responsive pleading not later than **Monday, August 19, 2013.**

**ORDERED:** Written discovery, in the form of 10 interrogatories and 10 requests for production, shall be **simultaneously served not later than Friday, August 23, 2013.**

**ORDERED:** Each side will be permitted to designate two individuals for depositions and one Rule 30(b)(6) deponent.

**ORDERED:** All of the discovery is limited to information about existing products.

**ORDERED:** A status conference before Magistrate Judge Boyd N. Boland is set for **Tuesday, July 16, 2013, at 11:00 a.m., in Courtroom A-401.**

**ORDERED:** Plaintiffs' Motion for Temporary Restraining Order and/or Preliminary Injunction [ECF Doc. No. 7], filed June 18, 2013, is **DENIED WITHOUT PREJUDICE.**

12:40 p.m. Discussion regarding schedule for filing an amended motion for preliminary injunction and briefing.

**ORDERED:** Plaintiff shall file either an Amended Motion for Preliminary Injunction or status report, indicating that Plaintiff does not intend to pursue injunctive relief, not later than **Friday, October 25, 2013.**

**ORDERED:** Defendants shall file a response to Plaintiff's Amended Motion for Preliminary Injunction not later than **Friday, November 8, 2013.**

12:45 p.m. Court in Recess - HEARING CONCLUDED.

**CLERK'S NOTE:** **EXHIBITS WERE RETURNED TO COUNSEL AT THE CONCLUSION OF THE HEARING.**

**TOTAL TIME: 2:23**