

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Craig B. Shaffer**

Civil Action: 13-cv-02201-MSK-CBS  
Date: December 2, 2013

FTR - Reporter Deck-Courtroom A402  
Courtroom Deputy: Courtni Covington

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Parties:

Counsel:

HACH COMPANY,  
  
Plaintiff,

Andrew J. Petrie

v.

IN-SITU, INC., *et al.*,  
  
Defendants.

Brett M. Godfrey  
Casey C. Kannenberg  
Neal S. Cohen  
Scott R. Bialecki

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**COURTROOM MINUTES/MINUTE ORDER**

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**HEARING: RULE 16(b) SCHEDULING CONFERENCE**

**Court in session: 1:31 p.m.**

Court calls case. Appearances of counsel.

Rule 26(a) disclosures have been fulfilled and the parties have held a Rule 26(f) meeting.

The court addresses counsel regarding the proposed scheduling order and sequencing discovery in the most efficient manner.

The court proposes Defendant In-Situ, Inc. withdraw their **Motion to Dismiss**, file an Answer and then immediately file a Motion for Summary Judgment on the limited issues discussed today.

Discussion regarding the court's proposal, the exclusivity issue in the case, discovery that would be sought by the parties, and a potential stay of discovery.

**ORDERED:** Defense counsel shall submit an Answer and/or Counterclaims and a Motion for Summary Judgment **no later than December 23, 2013.**

A Status Conference and possible Early Neutral Evaluation is set for **January 6, 2014 at 1:30 p.m.** The court will **STAY** all discovery until the Status Conference.

Counsel agree they will appear in person for the hearing.

**2:22 Off the record.**

**2:37 On the record.**

Counsel for Defendant In Situ, Inc. makes an oral Motion to withdraw their pending **Motion to Dismiss** [Doc. No. 27] and their **Unopposed Motion for Judicial Notice of Judicial Admission by Plaintiff in Related State Court Litigation** [Doc. No. 29].

**ORDERED:** Counsel's oral Motion to withdraw *Defendant In-Situ, Inc.'s Motion to Dismiss* [Doc. No. 27, filed 11/20/2013] and *Unopposed Motion by Defendant for Judicial Notice of Judicial Admission by Plaintiff in Related State Court Action*[Doc. No. 29, filed 11/20/2013] is **GRANTED**. Doc. No. 27 and Doc. No. 29 are **WITHDRAWN without prejudice**.

The court notes the parties will discuss at the January 6<sup>th</sup> Status Conference what, if any, discovery is necessary, the deadline by which that limited discovery will be completed, and potential resolution of the case.

HEARING CONCLUDED.

**Court in recess: 2:40 p.m.**

Total time in court: 01:09

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