

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch**

Date: December 9, 2015  
Courtroom Deputy: Emily Buchanan  
FTR Technician: Kathy Terasaki

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Civil Action No. 13-cv-02219-RPM

Counsel:

ATIGUN, INC, an Alaska Corporation,

Paul Godec

Plaintiff,

v.

PREMIER OILFIELD EQUIPMENT  
COMPANY, a Delaware corporation,  
TIGER OILFIELD TANK COMPANY, LLC,  
formerly known as Delta Oilfield Tank Co.,  
LLC,  
HY-TECH TRUCK & TRAILER  
MANUFACTURING, LLC, a Colorado  
Limited Liability Company,  
ALTIRA TECHNOLOGY FUND V, L.P., a  
Delaware limited partnership,  
TRIPLE S IRREVOCABLE TRUST FUND,  
GARY HARMS, JR., an individual, and  
CINDY HARMS, an individual,

Kieran Lasater

Justin Heideman

James Nesland

Defendants.

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**COURTROOM MINUTES**

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**MOTION HEARING**

**10:58 a.m. Court in session.**

Plaintiff complies with paragraph 6 of Order number 100 and has conventionally submitted the Asset Purchase Agreement and Schedules.

11:00 a.m. Mr. Nesland answers questions of the Court regarding jurisdiction.

11:04 a.m. Response by Mr. Godec as to diversity and the liability of Altira Technology Fund V, L.P.

**ORDERED:** Defendant Altira Technology Fund V, L.P. is **dismissed**, for failure to state a claim for relief.

11:07 a.m. Mr. Heideman answers questions of the Court regarding the motion for summary judgment.

**ORDERED:** Defendants Triple S Irrevocable Trust Fund and Cindy Harms Motion for Summary Judgment (Doc. No. 79) is **DENIED**. Mr. Heideman shall file a motion to withdraw as counsel and new counsel shall enter an appearance.

Discussion regarding Defendant Premier Oilfield Equipment Company's Renewed Motion to Compel (Doc. No. 99).

11:10 a.m. Mr. Lasater answers questions of the Court regarding liability, the Asset Purchase Agreement, and outstanding discovery.

11:15 a.m. Response by Mr. Godec.

11:16 a.m. Further argument by Mr. Lasater regarding outstanding discovery.

11:18 a.m. Response by Mr. Godec regarding a hard drive and spreadsheets.

11:21 a.m. Further argument by Mr. Lasater regarding outstanding discovery.

11:24 a.m. Response by Mr. Godec regarding emails to Mr. Anderson.

**ORDERED:** Defendant Premier Oilfield Equipment Company's Motion to Compel (Doc. No. 83) is **DEEMED MOOT**, as a renewed motion was filed.

**ORDERED:** Defendant Premier Oilfield Equipment Company's Renewed Motion to Compel (Doc. No. 99) is **RESOLVED as set forth on the record**. Plaintiff relies on Rebekah Smith's report as damages without reservation of a future interest claim. Plaintiff shall file declarations as to the search for Mr. Anderson's inspection spreadsheet and hard drive if it does not exist or cannot be found. Plaintiff shall also file declarations regarding emails between Atigun and Mr. Anderson. Defendant Premier Oilfield Equipment Company's request for an award of fees is not granted at this time, but reserved for later on in the case.

**ORDERED:** Plaintiff's Motion for Leave to Amend Third Amended Complaint by Atigun, Inc. (Doc. No. 108) is **TERMINATED**. In the Third Amended Complaint, Justin Heideman, Trustee is substituted as defendant for Triple S Irrevocable Trust Fund.

**11:33 a.m. Court in recess. Hearing concluded. Total time: 35 minutes.**