

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

Civil Action: 13-cv-02411-REB-CBS
Courtroom Deputy: Amanda Montoya

Date: March 3, 2015
FTR – Reporter Deck-Courtroom A402

Parties:

Counsel:

KIRBY MARTENSENM

John Scott (by phone)
William Cohan (by phone)

Plaintiff,

v.

WILLIAM KOCH,

Melissa McCormick (by phone)
Moez Kaba (by phone)
Timothy Beyer

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: IN COURT HEARING

Court in session: 01:36 p.m.

Court calls case. Appearances of counsel.

This hearing comes before the court in regards to *MOTION [146] for Sanctions*.

ORDERED: *MOTION [146] for Sanctions* is **DENIED in part** and **GRANTED in part**. The motion is denied to the extent it seeks to disqualify Plaintiff's counsel.

Within 24 hours of this ruling from the bench, Plaintiff's counsel and Mr. Martensen must physically return to defense counsel, all copies of the K&L Gates memo within their possession, custody, or control. Within 24 hours of this ruling, Plaintiff's counsel and Mr. Martensen must identify by name, every person or entity that they gave a copy of the K&L Gates memo to. Plaintiff's counsel and Mr. Martensen must also certify that they have fully complied with the courts order.

Every person that was identified by Plaintiff's counsel and Mr. Martensen as having received a copy of the K&L Gates memo, must certify that they have destroyed or returned the memo.

Plaintiff's counsel and Mr. Martensen are precluded from using or referring to the K&L Gates memo in any manner and for any purpose during trial.

Defendant Koch will be awarded fees and costs incurred from the preparation of this motion with sanctions to be paid by Plaintiff's counsel which they will be jointly responsible for.

Defense counsel shall prepare an affidavit for the bill of costs for preparation of the motion within 14 days of today. Plaintiff's counsel will have 7 days after they receive the affidavit to file a response.

Once the court has reviewed the bill of cost and the response, it will issue an order awarding specific fees and costs.

This ruling was made from the bench and no written order will follow. Parties have 14 days from today's date to file an objection.

Discussion regarding *MOTION [348] for In Camera Review*.

Hearing Concluded.

Court in recess: 03:06 p.m.

Time in court: 01:30

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