

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

Civil Action: 13-cv-02411-REB-CBS
Date: January 7, 2014

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

Parties:

KIRBY MARTENSEN,

Plaintiff,

Counsel:

William A. Cohan
Brian K. Gearing (*appearing by phone*)

v.

WILLIAM KOCH,

Defendant.

Timothy R. Beyer
Moez M. Kaba (*appearing by phone*)

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 1:28 p.m.

Court calls case. Appearances of counsel.

The court reviews the referred motions in the case currently in the process of briefing and notes it would also like to discuss the question of an in camera review requested by the Plaintiff.

Argument presented on **Plaintiff's Motion to Amend and File Third Amended Complaint** [Doc. No. 56]. The court cites relevant case law and addresses counsel.

Discussion between the court and the parties regarding Defendant's **Motion to Place a "Level One Restriction" on Docket Nos. 53 and 53-1 and Docket Nos. 56 and 56-1** [Doc. No. 60].

Discussion between the court and counsel regarding a stay of discovery with respect to the new Defendants that would be added by the Third Amended Complaint.

For the reasons stated on the record, it is

ORDERED: *Plaintiff's Motion to Amend and File Third Amended Complaint* [Doc. No. 56, filed 12/26/2013] is **GRANTED**. Plaintiff's Third Amended Complaint is accepted for filing as of today's date.

ORDERED: Because Defendant's *Motion to Dismiss* [Doc. No. 36, filed 11/06/2013] was directed to Plaintiff's Second Amended Complaint, it is **DENIED as moot without prejudice**.

The court advises counsel it believes Defendants' new Motion to Dismiss directed to the Third Amended Complaint will also be referred and would like to set it for a briefing schedule and for oral argument.

ORDERED: Defense counsel shall file their new Motion to Dismiss directed to Plaintiff's Third Amended Complaint **no later than January 21, 2014**. Plaintiff shall file a Response **no later than February 11, 2014**.

A Motion Hearing on Defendants' Motion to Dismiss directed to the Third Amended Complaint is set for **February 24, 2014 at 1:30 p.m.** Any written Reply shall be submitted **no later than February 18, 2014**, or counsel may present an oral Reply at the Motion Hearing.

For the reasons stated on the record, it is

ORDERED: Defendant's *Motion to Place a "Level One Restriction" on Docket Nos. 53 and 53-1 and Docket Nos. 56 and 56-1* [Doc. No. 60, filed 12/31/2013] is **DENIED**.

Discussion between the court and counsel regarding the discovery that has been conducted thus far, the discovery yet to be completed, depositions currently scheduled, and expert discovery.

ORDERED: A Status Conference is set for **January 22, 2014 at 2:00 p.m.** All counsel who have entered an appearance in the case are to be physically present. Any counsel who will be unable to attend should file a Motion to Withdraw.

All discovery of any kind shall be **STAYED** between now and January 22, 2014.

Discussion regarding the court's in camera review of documents listed on Defendant's privilege log. The court makes findings and advises the parties that the documents in question will **RETAIN** privilege status and will not be subject to discovery.

ORDERED: Each side shall submit a Status Report **no later than January 17, 2014** detailing the discovery that has been completed and the discovery counsel anticipate remains in the case.

The court reviews what the parties must include in their Status Report.

HEARING CONCLUDED. **Court in recess: 3:34 p.m.** Total time in court: 02:06

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