

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Michael J. Watanabe**

**Civil Action No.** 14-cv-00317-PAB-MJW

FTR - Courtroom A-502

**Date:** April 29, 2015

Courtroom Deputy, Ellen E. Miller

Parties

Counsel

BOXER F2, L.P., a Texas limited partnership,

Christopher A. Taravella  
Adrienne L. Toon

Plaintiff(s),

v.

FLAMINGO WEST, LTD.,  
d/b/a LEGALWIZ PUBLICATIONS ,  
BRONCHICK & ASSOCIATES, P.C.,  
WILLIAM BRONCHICK, and  
BRONCHICK & ASSOCIATES, P. C.,

William Bronchick  
Richard S. Strauss, Sr.

Defendant(s).

**COURTROOM MINUTES / MINUTE ORDER**

**HEARING: MOTION HEARING / FINAL PRETRIAL CONFERENCE**

**Court in Session:** 2:30 p.m.

Court calls case. Appearances of counsel.

A SEQUESTRATION ORDER is entered by the Court. Witnesses are directed to exit the courtroom and to not discuss this case or their testimony.

The Court begins hearing on Plaintiff's Renewed Motion for Sanctions Pursuant to Fed. R. Civ. P. 37(b)(2) [Docket No. 89].

Plaintiff's EXHIBITS 12, 13, 16, 17, 18, and 19 are admitted into evidence for the purpose of this hearing.

2:39 p.m. Plaintiff calls witness **CYNTHIA A. FRANCIS** who is sworn and testifies.

Direct-examination of Ms. Francis by Mr. Taravella

Cross-examination of Ms. Francis by Mr. Bronchick

Cross-examination of Ms. Francis by Mr. Strauss.

Re-Direct examination of Ms. Francis by Mr. Taravella

Questions of Ms. Francis by the Court.

Plaintiff's EXHIBIT 4 is admitted into evidence for the purpose of this hearing.

3:11 p.m. Witness Cynthia Francis is excused from the stand, subject to recall and is reminded of the Sequestration Order and admonition prohibiting discussion of this case and/or her testimony.

3:12 p.m. Plaintiff calls witness **CRAIG SPILLMAN** who is sworn and testifies.

Direct-examination of Mr. Spillman by Mr. Taravella  
*Voir dire* of Mr. Spillman by Mr. Strauss  
Cross-examination of Mr. Spillman by Mr. Bronchick  
Cross-examination of Mr. Spillman by Mr. Strauss.

Plaintiff's EXHIBIT 6, Pages 31 and 32 are admitted into evidence for the purpose of this hearing.

Plaintiff's EXHIBIT 5 is admitted into evidence for the purpose of this hearing.

Plaintiff's EXHIBIT 8 is admitted into evidence for the purpose of this hearing.

Plaintiff's EXHIBIT 7-1 and 7-2, with initials placed on drawing to indicate witness positions, are admitted into evidence for the purpose of this hearing.

Plaintiff's EXHIBIT 9 is admitted into evidence for the purpose of this hearing.

Plaintiff's EXHIBITS 10-1 through and including 10-5 are admitted into evidence for the purpose of this hearing.

Plaintiff's EXHIBITS 11-1 through and including 11-5 are admitted into evidence for the purpose of this hearing.

Plaintiff's EXHIBITS 14-1 and 14-2 are admitted into evidence for the purpose of this hearing.

Plaintiff's EXHIBITS 15-1 and 15-2 are admitted into evidence for the purpose of this hearing.

3:55 p.m. Witness Craig Spillman is excused from the stand, subject to recall and is reminded of the Sequestration Order and admonition prohibiting discussion of this case and/or his testimony.

3:56 p.m. Plaintiff calls **ROBERT F. AUCONE** who is sworn and testifies.

Direct-examination of Mr. Aucone by Mr. Taravella  
Cross-examination of Mr. Aucone by Mr. Bronchick  
Cross-examination of Mr. Aucone by Mr. Strauss.

4:30 p.m. Witness Robert F. Aucone is excused from the stand, subject to recall and is reminded of the Sequestration Order and admonition prohibiting discussion of this case and/or his testimony.

4:31 p.m. Defendants William Bronchick, and Bronchick & Associates, P. C., represented by Mr. Strauss, call **ADRIENNE L. TOON**.

Objection by Mr. Taravella on behalf of Plaintiff regarding Ms. Toon being called as a witness is sustained. Ms. Toon is not sworn and does not testify, and returns to counsel table.

4:32 p.m. Argument by Mr. Taravella.

4:47 p.m. Argument by Mr. Bronchick

4:50 p.m. Argument by Mr. Strauss

**It is ORDERED:** PLAINTIFF'S RENEWED MOTION FOR SANCTIONS PURSUANT TO Fed. R. Civ. P. 37(b)(2) [Docket No. 89, filed March 02, 2015] is **TAKEN UNDER ADVISEMENT**. The court will issue its written Order.

The proposed Final Pretrial Order is reviewed.

**It is ORDERED:** The proposed FINAL PRETRIAL ORDER [Docket No. 119, filed April 28, 2015] which was tendered to the court, and modified from the bench, is made an order of court. Counsel shall conference call Judge Brimmer's chambers April 30, 2015 between 8:30 a.m. and 4:30 p.m. to obtain trial settings.

**It is ORDERED:** The **FINAL PRETRIAL CONFERENCE** set **MAY 05, 2015 at 9:00 a.m.** Is VACATED.

Hearing concluded.

**Court in recess:** 5:08 p.m.  
Total In-Court Time 02:38

To order a transcript of this proceedings, contact Avery Wood Reports (303) 825-6119 or Toll Free 1-800-962-3345.