

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

Civil Action No. 14-cv-00418-PAB-MJW

FTR - Courtroom A-502

Date: April 14, 2014

Courtroom Deputy, Ellen E. Miller

Parties

FEDERAL DEPOSIT INSURANCE CORPORATION
AS RECEIVER FOR UNITED WESTERN BANK,

Mark B. Holton
Andrew R. Shoemaker

Plaintiff(s),

v.

BANC OF AMERICA FUNDING CORPORATION;
BANK OF AMERICA CORPORATION;
BANC OF AMERICA MORTGAGE SECURITIES,
INC.;
BANK OF AMERICA, N. A.,
MERRILL LYNCH, PIERCE, FENNER & SMITH
INC.;
MORGAN STANLEY CAPITAL I INC.;
MORGAN STANLEY & CO. LLC;
MORGAN STANLEY;
RBS ACCEPTANCE INC.;
RBS SECURITIES, INC; and
RBS HOLDINGS USA INC.,

Achyut J. Phadke (by telephone)
James C. Ruttan (by telephone)
Todd R. Seelman
Paul R. Wood
James T. Adler
James R. Miller, Jr.
Dana M. Seshens (by telephone)
Peter G. Koclanes

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: MOTIONS HEARING

Court in Session: 2:04 p.m.

Court calls case. Appearances of counsel.

The Court raises Morgan Stanley's Motion to Enforce the Private Securities Litigation Reform Act Automatic Stay and for a Protective order Staying Discovery [Docket No. 56, filed April 09, 2014] for argument.

Argument by Paul R. Wood, on behalf of the Morgan Stanley defendants.
Argument by Achyut J. Phadke on behalf of Bank of America defendants.
Argument by Peter G. Koclanes on behalf of RBS defendants.
Argument by Mark B. Holton on behalf of Plaintiff.
Rebuttal by Achyut J. Phadke and Paul R. Wood.

It is ORDERED: MORGAN STANLEY'S MOTION TO ENFORCE THE PRIVATE SECURITIES LITIGATION REFORM ACT AUTOMATIC STAY AND FOR A PROTECTIVE ORDER STAYING DISCOVERY [Docket No. **56**, filed April 09, 2014] is **TAKEN UNDER ADVISEMENT**. The court will issue its written Order.

It is ORDERED: DEFENDANTS' MOTION TO CONTINUE APRIL 16, 2014 SCHEDULING CONFERENCE [Docket No. **58**, filed April 09, 2014] is **HELD IN ABEYANCE**. The Court will address Defendants' Motion to Continue April 16, 2014 Scheduling Conference [Docket No. **58**, filed April 09, 2014] in a written Order.

Hearing concluded.

Court in recess: 2:53 p.m.

Total In-Court Time 00: 49

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