

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

Date: May 27, 2015
Courtroom Deputy: Emily Buchanan
FTR Technician: Kathy Terasaki

Civil Action No. 14-cv-00871-RPM

Counsel:

CDMO, INC., and
CDET, INC.,

Neil Arney

Plaintiffs,

v.

COMFORT DENTAL GROUP, INC.,

Steven Kelso
Erin Frohardt

Defendant.

COURTROOM MINUTES

DISCOVERY CONFERENCE

1:55 p.m. Court in session.

Discussion regarding the lack of a discovery plan, the supplement to the Motion for Preliminary Injunction, notice of default and Comfort Dental's position, regulatory agencies, the amended complaint and pending partial motion to dismiss, the lawfulness of the Gold Plan, the Court deferring to the Missouri regulatory body, approval of the Gold Plan in Missouri and Indiana, Budget Labs and approved vendors, the number of franchisees under the Plaintiffs, complaints from dentists in the field about the regulations, Comfort Dental's Mandatory Lab Referral Program, the labs not regulated in Colorado, and communication between Mr. Bears and Plaintiffs.

ORDERED: Plaintiffs' Motion for Preliminary Injunction to Prevent Defendant Comfort Dental Group, Inc. from Enforcing Provisions of the Master Franchisor Agreement and Request for Hearing (Doc. No. 4) is DENIED AS MOOT.

ORDERED: Plaintiffs' Motion for Leave to File Supplemental Memorandum in Support of Plaintiffs' Motion for Preliminary Injunction (Doc. No. 28) is DENIED AS MOOT.

ORDERED: Defendant/Counterclaim-Plaintiff Comfort Dental Group, Inc.'s Partial Motion to Dismiss Plaintiffs/Counterclaim Defendants' Amended Complaint (Doc. No. 65) is DENIED AS MOOT.

ORDERED: Plaintiffs shall file their amended complaint on or before **June 15, 2015**. Defendant shall answer the amended complaint on or before **July 13, 2015**, and may include a partial motion to dismiss in the answer.

ORDERED: A Scheduling Conference is set for **July 17, 2015 at 2:00 p.m.** Counsel shall submit a proposed scheduling order in paper format directly to chambers on or before **July 15, 2015**.

Defendant enters the following stipulation on the record, which the Court accepts: Comfort Dental will not terminate the master franchise agreement between Comfort Dental Group, Inc. and CDMO or CDET unless and until defendant files a motion with the Court being relieved of the obligation to not terminate them.

2:42 p.m. Court in recess.

2:45 p.m. Court in session.

Discussion regarding the stipulation entered on the record today and if something changes, counsel being free to file a motion. Plaintiffs' counsel is agreeing that he is not going forward with the Motion for Preliminary Injunction based on the stipulation entered today.

2:46 p.m. Court in recess.

Hearing concluded. Total time: 48 min.