

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

Date: December 9, 2015  
Courtroom Deputy: Emily Buchanan  
FTR Technician: Kathy Terasaki

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Civil Action No. 14-cv-01237-RPM

Counsel:

UET RR, LLC,  
  
Plaintiff,

Bruce Featherstone  
Elizabeth Bryans

v.

BENJAMIN D. COMIS,  
TALANDA SYKES,  
K3B PARTNERS, ULC,  
BARRY W. COMIS,  
FALCON CREEK ASSET MANAGEMENT,  
INC.,  
RKB INVESTMENTS, LTD.,  
RICHARD K. BRUGGER,  
K. TODD HICKS, and  
VIERO GROUP, INC.,

John Reha

Defendants.

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**COURTROOM MINUTES**

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**MOTION HEARING**

**9:50 a.m. Court in session.**

Motion of Defendants Benjamin D. Comis, K3B Partners ULC, Barry W. Comis, Falcon Creek Asset Management Inc., RKB Investments, Ltd., Richard K. Brugger, K. Todd Hicks and Viero Group, Inc. to Strike Counts VII and IX of Second Amended Complaint and Allegations Underlying Same (Doc. No. 108).

9:53 a.m. Mr. Featherstone answers questions of the Court regarding the declaratory judgment claim.

9:57 a.m. Mr. Reha answers questions of the Court regarding the COCCA claim.

Motion of Defendants Benjamin D. Comis, K3B Partners ULC, Barry W. Comis, Falcon Creek Asset Management Inc., RKB Investments, Ltd., Richard K. Brugger, K. Todd Hicks and Viero Group, Inc. to Strike Counts VII and IX of Second Amended Complaint and Allegations Underlying Same (Doc. No. 108) is **CONVERTED** to a Motion to Dismiss under Fed. R. Civ. P. 12(b)(6).

**ORDERED:** Court dismisses the declaratory judgment claim (Count IX).

**ORDERED:** Stipulation that the allegations of Count VII are denied by defendants. No answer need be filed. Procedural Order Number One to enter.

**10:00 a.m. Court in recess.**

Hearing concluded. Total time: 10 minutes.