

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No: 14-cv-01635-MSK-KMT  
Courtroom Deputy: Sabrina Grimm

Date: January 21, 2016  
FTR: Courtroom C-201

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Parties:

Counsel:

MONTVIEW BOULEVARD PRESBYTERIAN  
CHURCH, a Colorado nonprofit corporation,

Angela Schmitz

Plaintiff/Counterclaim Defendant,

v.

CHURCH MUTUAL INSURANCE COMPANY, a  
Wisconsin insurance company,

James DuChateau  
Jessica Schultz

Defendant/Counterclaim Plaintiff.

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**COURTROOM MINUTES**

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**MOTION HEARING**

**2:32 p.m. Court in session.**

Court calls case. Appearances of counsel.

Also present, on behalf of Atlantis Claims Services and Mr. Bensusan, Anthony Converse and Jennifer Schlatter.

Discussion regarding restricting document no. 159.

**ORDERED: Defendant's Motion to Restrict Docket No. 156 [166] is GRANTED. The Clerk of Court is directed to hold Document No. 159 under Restriction – Level 1. Defendant shall file a substitute redacted copy of the document for the public record, as discussed.**

Discussion regarding appraisal and arbitration, jurisdictional issues, and validity of counter claims.

Counterclaim Defendant's oral motion to stay discovery by Ms. Schmitz.

**ORDERED:** Counterclaim Defendant's oral motion to stay discovery is **GRANTED** in part. Discovery with respect to the counterclaims against non-parties Bensusan and his companies and between parties Montview and Church Mutual is **STAYED** pending resolution of the motions discussed *infra*. All deposition discovery with respect to the counterclaims is stayed pending resolution of the motions discussed herein.

**ORDERED:** Discovery with respect to the counterclaims is **STAYED** as to non-party Mr. Coutu and his entities until January 28, 2016 to permit Mr. Furtado to file a motion for joinder in the stay of discovery, if any. If no motion to join in the stay is filed, written discovery may proceed with respect to Mr. Coutu and his entities.

**ORDERED:** Counterclaim Defendant Montview shall file a dispositive motion, if any, regarding existing counter claims on or before February 4, 2016, as discussed. Any responses to the motion shall be filed on or before February 18, 2016. Any replies shall be filed on or before February 25, 2016.

**ORDERED:** Counterclaim Plaintiff Church Mutual shall file a motion to amend the counter claims, if any, on or before February 4, 2016. Any responses to the motion shall be filed on or before February 18, 2016. Any replies shall be filed on or before February 25, 2016.

Discussion regarding JP Morgan Chase records and voicemails. Court permits Defendants to review any records already in route from subpoenaed entities. Ms. Schultz informs the Court that Mr. Coutu has withdrawn or will be withdrawing his previously filed objections to the court's previous order.

**ORDERED:** Counter Plaintiff Church Mutual Insurance Company's Motion for Ruling on Non-Party Leon Bensusan's Objections to its Rule 45 Document Subpoena and His Demand for Compensation [129] is **HELD IN ABEYANCE**.

**ORDERED:** Counterclaim Plaintiff Church Mutual Insurance Company's Motion to Compel Compliance with this Court's Order of December 7, 2015 [147] is **HELD IN ABEYANCE**.

Further discussion regarding confidential documents and potential protective order.

**ORDERED:** Plaintiff's Motion for Ruling on Objections to Deposition Topics and to Compel Responses to Written Discovery [153] is **HELD IN ABEYANCE**.

Discussion regarding extending the discovery cut off with respect to the counter claims.

**ORDERED: Counter Plaintiff's Motion to Extend Discovery Cutoff to Complete Pending Counterclaim Related Discovery [155] is GRANTED. The discovery cut-off of January 28, 2016 is VACATED and a new discovery schedule will be set after the stay is lifted.**

**ORDERED: The dispositive motions deadline is extended to April 13, 2016.**

The parties agreed that it was their desire that Magistrate Judge Tafoya be allowed to definitively rule on the anticipated dispositive motion and on the motion to amend the complaint pursuant to D.C.COLO.LCivR 73. The court advised the parties that they should file a joint or stipulated motion to that effect at the time the motions are filed.

**3:57 p.m. Court in recess.**

Hearing concluded.

Total in-court time 01:25

\*To obtain a transcript of this proceeding, please contact Stevens-Koenig Reporting at 303-988-8470.