

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 14-cv-02604-REB-CBS
Courtroom Deputy: Amanda Montoya

Date: April 24, 2015
FTR – Reporter Deck-Courtroom A402

Parties:

Counsel:

PHELPS OIL AND GAS, LLC,

Robert Harken

Plaintiff,

v.

NOBLE ENERGY INC, *et al.*,

Michael Gallagher
Terry Miller
Lucy Deakins
Daniel McClure

Defendant.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 01:24 p.m.

Court calls case. Appearances of counsel.

ORDERED: *Plaintiff's MOTION [39] for Expedited Ruling on Its Motion for Remand is MOOT.*

Plaintiff's Objections [47] to the Magistrate Judge's Order Denying Plaintiff's Motion to Vacate (dk. 41) and Motion to Expedite (dk. 42) is MOOT.

Plaintiff's MOTION [48] for Expedited Briefing Schedule and for Expedited Determination of Its Objections to the Magistrate Judge's April 2, 2015 Order Denying Plaintiff's Motion to Vacate and Motion to Expedite is MOOT.

Plaintiff's MOTION [20] to Stay Deadlines and Settings is MOOT.

This hearing comes before the court in regards to *Plaintiff's MOTION [20] to Stay Deadlines and Settings, DCP Midstream, LP's MOTION [24] to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6), and Noble Energy Inc.'s MOTION [36] to Amend Answer and Jury Demand of Noble Energy Inc. to Class Action Complaint.* Oral argument regarding these motions.

In regards to *LP's MOTION [24] to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6)* the court makes the following **RECOMMENDATION** from the bench:

The court RECOMMENDS *LP's MOTION [24] to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6)* be **GRANTED**. The court RECOMMENDS the breach of contract claim be dismissed with prejudice, the declaratory judgment claim be dismissed with prejudice, and the unjust enrichment claim be dismissed without prejudice. The court RECOMMENDS the Plaintiff be allowed to file an amended complaint. Parties have 14 days to file an objection starting from April 25, 2015.

ORDERED: *Noble Energy Inc.'s MOTION [36] to Amend Answer and Jury Demand of Noble Energy inc. to Class Action Complaint* is **GRANTED**. Exhibit 1 to this motion is accepted and is deemed as filed today.

A Scheduling Conference is set for **May 21, 2015 at 11:00 a.m.** Parties shall submit a proposed scheduling order by **May 18, 2015**. Parties shall have a 26f conference at their convenience. Parties shall exchange initial disclosure by **May 29, 2015**.

HEARING CONCLUDED.

Court in recess: 03:00 p.m.

Total time in court: 01:36

To order transcripts of hearings with Magistrate Judge Shaffer, please contact Avery Woods Reporting at (303) 825-6119 or toll free at 1-800-962-3345.