

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

Date: March 16, 2015  
Courtroom Deputy: Robert R. Keech  
FTR Technician: Kathy Terasaki

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Civil Action No. **14-cv-02822-RPM**

Counsel:

**SANDY PHILLIPS, individually and as  
surviving parent of Jessica Ghawi,  
decedent; and  
LONNIE PHILLIPS, individually and as  
surviving parent of Jessica Ghawi,  
decedent,**

Thomas W. Stoeve, Jr.  
Paul W. Rodney  
Jonathon E. Lowy  
Kelly Sampson

Plaintiffs,

v.

**LUCKY GUNNER, LLC, d/b/a/  
BULKAMMO.COM,  
THE SPORTSMAN'S GUIDE,  
BRIAN PLATT, d/b/a/ BTP ARMS,  
GOLD STRIKE E COMMERCE, LLC,  
d/b/a/  
BULLETPROOFBODYARMORHQ.COM,**

Marc F. Colin  
Patrick J. Rooney  
James B. Vogts  
Andrew A. Lothson  
Patrick J. Rooney  
Ronald L. Wilcox  
Phillip R. Zuber  
Bruce A. Montoya

Defendants.

**UNITED STATES OF AMERICA,**

Michael A. Zee

Intervener.

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**COURTROOM MINUTES**

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**MOTION HEARING: Defendant Lucky Gunner's Rule 12(b)(6) Motion to Dismiss and Memorandum in Support [ECF Doc. No. 3], filed October 16, 2014; Defendant Platt's Motion to Dismiss and Memorandum of Law [ECF Doc. No. 21], filed October 22, 2014; and Defendant the Sportsman's Guide's Rule 12(b)(6) Motion to Dismiss and Memorandum in Support Thereof [ECF Doc. No. 22], filed October 23, 2014**

**1:58 p.m. Court in session.**

Court calls case.

Appearances of counsel.

Defendant Lucky Gunner's Rule 12(b)(6) Motion to Dismiss and Memorandum in Support [ECF Doc. No. 3], filed October 16, 2014; Defendant Platt's Motion to Dismiss and Memorandum of Law [ECF Doc. No. 21], filed October 22, 2014; and Defendant the Sportsman's Guide's Rule 12(b)(6) Motion to Dismiss and Memorandum in Support Thereof [ECF Doc. No. 22], filed October 23, 2014, are raised for argument.

2:03 p.m. Argument by Plaintiffs by Mr. Stoevers.

2:18 p.m. Argument by Defendants by Mr. Vogts.

2:23 p.m. Argument by Defendants by Mr. Zuber.

2:25 p.m. Argument by Defendants by Mr. Rooney.

2:28 p.m. Argument by Plaintiffs by Mr. Stoevers.

**ORDERED:** Defendant Lucky Gunner's Rule 12(b)(6) Motion to Dismiss and Memorandum in Support [ECF Doc. No. 3], filed October 16, 2014, is **TAKEN UNDER ADVISEMENT.**

**ORDERED:** Defendant Platt's Motion to Dismiss and Memorandum of Law [ECF Doc. No. 21], filed October 22, 2014, is **TAKEN UNDER ADVISEMENT.**

**ORDERED:** Defendant the Sportsman's Guide's Rule 12(b)(6) Motion to Dismiss and Memorandum in Support Thereof [ECF Doc. No. 22], filed October 23, 2014, is **TAKEN UNDER ADVISEMENT.**

Court indicates that a written order shall follow.

**2:35 p.m. Court in recess. Hearing concluded.**

**Total time: 37 minutes.**