

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

Date: December 23, 2015
Courtroom Deputy: Robert R. Keech
FTR Technician: Kathy Terasaki

Civil Action No. **15-cv-02162-RPM**

Counsel:

**MJA, INC, D/B/A PRIMETIME SPORTS
BAR,**

Richard M. Crane
Joseph M. Elio

Plaintiff,

v.

**WESTERN WORLD INSURANCE
COMPANY,**

Matthew Y. Biscan

Defendant.

COURTROOM MINUTES

MOTION HEARING: Defendant's Motion to Dismiss Under Fed.R.Civ.P. 12(b)(6) [ECF Doc. No. 9], filed October 6, 2015; Defendant's Motion to Strike Affidavit of Thomas L. Roberts, Exhibit 6 to Plaintiff's Response to Defendant's Motion to Dismiss Under Fed.R.Civ.P 12(b)(6) [ECF Doc. No. 13], filed November 10, 2015; and Plaintiff's Motion to Certify a Question of Law to the Colorado Supreme Court Pursuant to C.A.R. 21.1 [ECF Doc. No. 14], filed November 19, 2015

1:54 p.m. Court in session.

Court calls case.

Appearances of counsel.

Court's opening remarks.

ORDERED: Defendant's Motion to Strike Affidavit of Thomas L. Roberts, Exhibit 6 to Plaintiff's Response to Defendant's Motion to Dismiss Under Fed.R.Civ.P 12(b)(6) [ECF Doc. No. 13], filed November 10, 2015, is **GRANTED**.

Defendant's Motion to Dismiss Under Fed.R.Civ.P. 12(b)(6) [ECF Doc. No. 9], filed October 6, 2015; and Plaintiff's Motion to Certify a Question of Law to the Colorado Supreme Court Pursuant to C.A.R. 21.1 [ECF Doc. No. 14], filed November 19, 2015, are raised for argument.

1:59 p.m. Argument by Defendant by Mr. Biscan.

2:05 p.m. Argument by Plaintiff by Mr. Crane.

2:13 p.m. Argument by Defendant by Mr. Biscan.

ORDERED: Defendant's Motion to Dismiss Under Fed.R.Civ.P. 12(b)(6) [ECF Doc. No. 9], filed October 6, 2015, is **DEFERRED pending submission of a question of law to the Colorado Supreme Court**.

ORDERED: Plaintiff's Motion to Certify a Question of Law to the Colorado Supreme Court Pursuant to C.A.R. 21.1 [ECF Doc. No. 14], filed November 19, 2015, is **GRANTED**.

Court indicates a written order to follow.

2:17 p.m. Court in recess. **Hearing concluded.**

Total time: 23 minutes.