

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
SENIOR JUDGE WILEY Y. DANIEL**

Courtroom Deputy: Robert R. Keech
Court Reporter: Julie Thomas

Date: December 18, 2018

Civil Action No: **18-cv-02074-WYD-STV**

Counsel:

**MASTERPIECE CAKESHOP
INCORPORATED, a Colorado
corporation; and JACK PHILLIPS,**

James A. Campbell
Jacob P. Warner

Plaintiffs,

v.

**AUBREY ELENIS, Director of the
Colorado Civil Rights Division, in her
official and individual capacities; et al.,**

LeeAnn Morrill
Grant T. Sullivan
Jacquelynn N. Rich Fredericks
Vincent E. Morscher

Defendants.

COURTROOM MINUTES

MOTION HEARING: Defendants' Rule 12(b)(1) Motion to Dismiss the First Amended Verified Complaint (Doc. No. 64), filed November 6, 2018 and Plaintiffs' Motion for Preliminary Injunction (Doc. No. 57), filed October 25, 2018.

10:03 a.m. Court in Session.

APPEARANCES OF COUNSEL.

Court's opening remarks and summation of the history of the case.

Defendants' Rule 12(b)(1) Motion to Dismiss the First Amended Verified Complaint (Doc. No. 64), filed November 6, 2018, is raised for argument.

10:26 a.m. Argument by Plaintiffs by Mr. Campbell.

10:42 a.m. Argument by Defendants by Ms. Morrill.

11:08 a.m. Argument by Plaintiffs by Mr. Campbell.

11:12 a.m. Argument by Defendants by Ms. Morrill.

11:16 a.m. Argument by Plaintiffs by Mr. Campbell.

11:28 a.m. Argument by Defendants by Ms. Morrill.

11:34 a.m. Argument by Plaintiffs by Mr. Campbell.

11:36 a.m. Argument by Defendants by Ms. Morrill.

ORDERED: Defendants' Rule 12(b)(1) Motion to Dismiss the First Amended Verified Complaint (Doc. No. 64), filed November 6, 2018, is **TAKEN UNDER ADVISEMENT**.

Court indicates a written order shall follow.

11:42 a.m. Court in Recess.

12:05 p.m. Court in Session.

Plaintiffs' Motion for Preliminary Injunction (Doc. No. 57), filed October 25, 2018, is raised for argument.

12:06 p.m. Argument by Plaintiffs by Mr. Campbell.

12:16 p.m. Argument by Defendants by Mr. Sullivan.

ORDERED: Plaintiffs' Motion for Preliminary Injunction (Doc. No. 57), filed October 25, 2018, is **DENIED WITHOUT PREJUDICE**.

ORDERED: Counsel shall meet and confer and file a joint status report, that indicates to the Court whether or not the February 4, 2019 hearing before the administrative law judge has been converted from a merits hearing to a commencement or scheduling hearing, not later than **Friday, December 28, 2018**.

12:29 p.m. Offer of proof by Defendants by Ms. Morrill.

12:31 p.m. Plaintiffs objection to offer of proof by Defendants.

ORDERED: Counsel shall propose in writing dates for the filing of an amended motion for preliminary injunction, response to the amended motion for preliminary injunction, reply to the motion for preliminary injunction, dates for a possible evidentiary hearing on the motion for preliminary injunction, and time necessary for the hearing, not later than **Friday, January 11, 2019**.

ORDERED: Magistrate Judge Scott T. Varholak shall set a scheduling conference as soon as the Court enters an order that rules on the Defendants' Motion to Dismiss and also vacates the current Order that stayed discovery.

12:39 p.m. Court in Recess. HEARING CONCLUDED.

TOTAL TIME: 2:13