

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02887-PAB-KMT

U.S. COMMODITY FUTURES TRADING COMMISSION,

Plaintiff,

v.

NICHOLAS TRIMBLE,
CAPSTONE QUANTITATIVE ANALYSIS, INC., and
BEEKEEPERS FUND CAPITAL MANAGEMENT, LLC,

Defendants.

MINUTE ORDER

Entered by Judge Philip A. Brimmer

On September 13, 2012, plaintiff U.S. Commodity Futures Trading Commission filed a proposed order regarding its Motion for Preliminary Injunction [Docket No. 71]. The proposed order includes findings and orders against defendants Capstone Quantitative Analysis, Inc. ("Capstone") and Beekeepers Fund Capital Management, LLC. ("Beekeepers"). In Plaintiff's Notice of Proposed Order and Motion for Entry of the Same [Docket No. 39], plaintiff indicated that it was not seeking a ruling on its preliminary injunction motion against Capstone and Beekeepers. Wherefore, it is

ORDERED that plaintiff U.S. Commodity Futures Trading Commission shall indicate, on or before September 26, 2012, the basis for notice having been given to Capstone and Beekeepers as to them being the subjects of the August 30, 2012 preliminary injunction hearing and, if so, how service was made on them. It is further

ORDERED that Plaintiff's Motion for Leave to Amend the Proffered Testimony Offered in Support of Plaintiff's Motion for Preliminary Injunction against Defendants [Docket No. 72] is GRANTED. Lines 12 to 17 of page 36 of the transcript [Docket No. 70] of the August 30, 2012 preliminary injunction hearing will be stricken and Exhibits 34 to 37 are admitted into evidence for purposes of the August 30, 2012 preliminary injunction hearing based on Joseph Patrick's post-hearing review of the audio portion of the telephone calls.

DATED September 24, 2012.