

**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

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. Stoeber, 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.

COURTROOM MINUTES

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. Stoever.

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. Stoever.

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.