

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

Date: February 6, 2009  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

---

Civil Action No. 02-cv-01559-RPM-BNB

LEPRINO FOODS COMPANY,

Plaintiff,

v.

FACTORY MUTUAL INSURANCE COMPANY,

Defendant.

Michael Pope  
John C. Nemeth  
William Brittan  
Michael Weaver  
Richard Russeth

Russell Yates  
Matthew Mersfelder  
Scott P. Baker

---

**COURTROOM MINUTES**

---

**Pretrial Conference**

**2:03 p.m. Court in session.**

Court gives copies of its proposed statement of case and jury instructions for counsel to review.

**2:05 p.m. Court in recess.**

**2:22 p.m. Court in session.**

Discussion regarding scope of trial and pending motions.

**ORDERED: Defendant's Motion in Limine to Exclude Evidence of and Testimony About a Cardboard Pallet and Syrup Sample, filed January 21, 2009 [189], is denied.**

**ORDERED: Plaintiff's Motion to Bar Any Opinion of Dr. Mark Young Concerning Off-Gassing of Other Products as Source of Damage, filed January 2009 [192], is denied.**

**ORDERED: Plaintiff's Motion in Limine to Bar Any Argument or Evidence Regarding Leprino's Disposal of the Damage Cheese, filed January 22, 2009 [193], is granted.**

**ORDERED: Defendant's Motion in Limine to Exclude Evidence of Other Litigation Involving Gress, filed January 21, 2009 [190], is granted.**

February 6, 2009  
02-cv-01599-RPM

**ORDERED: Defendant's Motion in Limine to Exclude Testimony of Jim Leprino, filed January 21, 2009 [191], is granted in part and denied in part. Testimony about the importance of insurance is excluded.**

**ORDERED: Objections in the video deposition of Mark White are sustained.**

Discussion regarding witnesses and trial length.  
Counsel estimate 3 to four day trial.

Court states its trial practices and procedures.

Counsel agree to confer regarding the necessity of defendant's Exhibit A-2 and demonstratives.

**ORDERED: Plaintiff's Unopposed Motion for Accommodation, filed February 2, 2009 [199] is granted.**

**ORDERED: No pretrial order entered.**

**2:50 p.m. Court in recess.**

Hearing concluded. Total time: 30 min.