

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Date: September 26, 2012

Deputy Clerk: Nel Steffens
Court Reporter: Tracy Weir

Civil Action No. 04-cv-00243-REB-BNB

Parties:

ROBERTA FOLKS,

Plaintiff,

Counsel:

Leif Garrison
Robert Carey

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, an Illinois
corporation,

Marie Williams
Michael McCarthy
Jennifer Harrison

Defendant.

COURTROOM MINUTES

Trial to Jury - Day Three

8:23 a.m. Court in session.

Appearances of counsel. Also seated at plaintiff's table is paralegal Christopher Maiorana. Also seated at defendant's tables are State Farm representative, Richard Roth, and paralegal, Abbie Spengler.

Jury is not present.

Court addresses issue of allocation of time raised by defendant after the recess of the Court yesterday.

Mr. Carey states that the plaintiff will finish testimony and will call one more witness before resting.

Response by Mr. McCarthy.

8:25 a.m. Court in recess.

8:34 a.m. Court in session.

Jury is present.

Plaintiff has resumed the witness stand.

Continued direct examination by Mr. Garrison.

8:42 a.m. Jury exits.

8:43 a.m. Court in recess.

8:47 a.m. Court in session.

Jury is not present.

Court's findings, conclusions, and ruling on the **Plaintiff's Motion for Reconsideration** [#256] filed September 26, 2012.

IT IS ORDERED as follows:

1. That the **Plaintiff's Motion for Reconsideration** [#256] filed September 26, 2012, is **DENIED**.

8:50 a.m. Jury is present.

Plaintiff has resumed the witness stand.

Cross examination by Ms. Williams.

Exhibits Identified: 89, 90, 91, 82, 83

Exhibits Admitted: 89, 90, 91, 82, 83

9:54 a.m. Re-direct examination by Mr. Garrison.

10:11 a.m. Plaintiff is excused from the witness stand.

10:12 a.m. Court in recess.

10:32 a.m. Court in session.

Jury is present.

10:33 a.m. Plaintiff's witness, Sharon Keating, called and sworn.

Direct examination by Mr. Garrison.

Exhibits Identified: 60, 71

Exhibit Admitted: 60

11:26 a.m. Cross examination by Ms. Williams.

11:30 a.m. Re-direct examination by Mr. Garrison.

11:33 a.m. Witness is excused and released from subpoena.

11:34 a.m. Plaintiff rests.

11:35 a.m. Jury exits.

11:36 a.m. Mr. McCarthy orally moves for judgment on all claims pursuant to Rule 50.

11:51 a.m. Jury is present.

Court excuses jurors for the lunch break.

11:52 a.m. Jury exits.

Response by Mr. Carey.

12:05 p.m. Court in recess.

1:05 p.m. Court in session.

Jury is not present.

Court's findings, conclusions, and ruling on the defendant's oral mid-trial motion for entry of judgment as a matter of law under the provisions of Fed. R. Civ. P. (50)(a)(1).

IT IS ORDERED as follows:

2. That the defendant's oral mid-trial motion for entry of judgment as a matter of law under the provisions of Fed. R. Civ. P. (50)(a)(1) is **DENIED**.

1:11 p.m. Court in recess.

1:20 p.m. Court in session.

Jury is present.

Defendant's witness, Richard Roth, called and sworn.

1:21 p.m. - 1:25 p.m. Bench conference.

Direct examination by Ms. Williams.

1:49 p.m. Cross examination by Mr. Carey.

2:12 p.m. Re-direct examination by Ms. Williams.

2:14 p.m. Re-cross examination by Mr. Carey.

2:15 p.m. Witness is excused from the witness stand.

2:16 p.m. Defendant's witness, Cindy Marshall, called and sworn.

Direct examination by Ms. Williams.

3:10 p.m. Court in recess.

3:27 p.m. Court in session.

Jury is not present.

Witness Marshall has resumed the witness stand.

Mr. Carey addresses issue regarding testimony given prior to the break.

Response by Ms. Williams.

Reply by Mr. Carey.

Ms. Williams questions the witness regarding attorneys and claims adjustment.

3:31 p.m. Jury is present.

Witness Marshall has resumed the witness stand.

Continued direct examination by Ms. Williams.

3:55 p.m. Cross examination by Mr. Carey.

Exhibit Identified: 71

Exhibit Admitted: 71

4:54 p.m. Re-direct examination by Ms. Williams.

5:01 p.m. Witness is excused and released from subpoena.

5:01 p.m. Court advises jurors regarding admonitions of trial. Trial will resume tomorrow at 8:30 a.m.

5:04 p.m. Court in recess.

Total time in court: 06:42

Trial continued.