

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer**

Civil Action No.: 05-cv-00480-MSK-CBS
Date: June 29, 2010

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Linda Kahoe

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

Polly Arlene Atkinson
Thomas J. Krysa
Christopher Friedman

v.

JOSEPH P. NACCHIO,

Nathan H. Seltzer (via phone)

ROBERT S. WOODRUFF,

David Meister

AFSHIN MOEHBBI,

Patrick J. Burke
Jasmine M. Juteau

JAMES J. KOZOLOWSKI,

Kevin D. Evans
Phillip L. Douglass

FRANK T. NOYES,

Forrest W. Lewis

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: PRELIMINARY PRETRIAL CONFERENCE

Court in session: 9:58 a.m.

Court calls case. Appearances of counsel. *Mr. Seltzer appears via telephone. Also appearing is Caroline Lewis Wolverton from the U.S. Department of Justice for the U.S. Intelligence Community.*

Counsel review the proposed final pretrial order with the court.

Discussion regarding stipulations.

Discussion regarding pending motions, specifically #[681], #[692], #[695], #[697], and #[698]. Each of these motions address opinions or reports by Blaine Gilles. Based on Judge Krieger's previous ruling, defense counsel state these motions are moot. The court concurs with defense counsel.

ORDERED: Defendant James J. Kozlowski’s Motion to Strike Declaration of Blaine Gilles and Information Relied Upon Therein, and Rule 7.1A Certification, doc #[681] is **DENIED AS MOOT**.

ORDERED: James J. Kozlowski’s Motion to Strike the Untimely and Improper “Expert Sur Reply Report of Blaine Gilles, Ph.D.” and Information Relied Upon Therein, and Rule 7.1A Certification, doc #[692] is **DENIED AS MOOT**.

ORDERED: Defendant Robert S. Woodruff’s Motion to Strike the “Expert Sur Reply Report of Blaine Gilles, Ph.D” and Information Relied Upon Therein, and Rule 7.1A Certification, doc #[695] is **DENIED AS MOOT**.

ORDERED: Defendant Joseph P. Nacchio’s Motion to Strike the “Expert Sur Reply Report of Blaine Gilles, Ph.D.” and Information Relied Upon Therein, and Rule 7.1A Certification, doc #[697] is **DENIED AS MOOT**.

ORDERED: Defendant Afshin Mohebbi’s Motion to Strike the “Expert Sur Reply Report of Blaine Gilles, Ph.D” and Information Relied Upon Therein, and Rule 7.1A Certification, doc #[698] is **DENIED AS MOOT**.

Discussion regarding Motions in Limine.

Discussion regarding witness lists.

Discussion regarding exhibit lists.

The court states there is substantially more work to be done. The court requests that the parties pare down, stipulate, and submit their best effort in the final version of the Proposed Final Pretrial Order. The next version should contain a final witness list, final exhibit list, and a correct recitation of all of the pending motions, if any. The court will strike any portions it feels is inappropriate.

The court will set a deadline for the Proposed Pretrial Order, and will set a Pretrial Conference after Judge Krieger rules on any supplemental materials that the parties file in the next 30 days.

HEARING CONCLUDED.

Court in recess: 10:59 a.m.

Total time in court: 01:01

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