

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**JUDGE WALKER D. MILLER**

**COURTROOM MINUTES**

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Courtroom Deputy: Kathy Preuitt-Parks  
Court Reporter: Janet Coppock

Date: February 7, 2008  
Time: 3 hours and 10 minutes

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**CASE NO. 05-cv-01994-WDM-BNB**

Parties

Counsel

**SIERRA CLUB,**

Eric Huber  
Christy Denney

Plaintiff,

vs.

**CITY OF COLORADO SPRINGS, et al,**

John Walsh  
Ingrid Barrier  
Jennifer Hunt

Defendants.

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**TRIAL TO COURT - DAY EIGHT**

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**9:03 a.m. COURT IN SESSION**

APPEARANCES OF COUNSEL. Daniel Higgins, Client Representative for the defendant is also present.

**9:04 a.m.** Cross examination of defendant's witness Adrienne Nemura by Mr. Huber continues.

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Defendant's **exhibit I31 (page 33)** identified, offered and ADMITTED.

**9:49 a.m.** Redirect examination by Ms. Barrier.

Witness excused.

**9:59 a.m.** Direct examination by defendant's witness Cornelius W. Corrsmit

Defendant's **exhibit I39A** identified, offered and ADMITTED.

Ms. Barrier moves to render Cornelius W. Corrsmit an expert on wastewater utility rates, rates structure and economics. No objection by Mr. Huber.

**ORDERED:** Cornelius W. Corrsmit is qualified to render expert opinion on wastewater utility rates, rates structure and economics.

**10:25 a.m. COURT IN RECESS**

**10:45 a.m. COURT IN SESSION**

Cross examination by Mr. Huber.

Witness excused.

Defendant rests.

Defendant's **exhibits V1 and V2** identified, offered and ADMITTED.

Plaintiff's **exhibit 281** identified, offered and ADMITTED over objection.

**ORDERED:** Plaintiff's Motion in Limine to Exclude Expert Opinions of Neumra and Gersberg (Doc #249), filed 8/28/07 is **DENIED as MOOT**.

**10:58 a.m. COURT IN RECESS**

**2:02 p.m. COURT IN SESSION**

Closing arguments by Mr. Huber. Questions by the Court.

**2:33 p.m.** Closing arguments by Mr. Walsh. Questions by the Court.

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**3:20 p.m.** Rebuttal closing arguments by Mr. Huber. Questions by the Court.

**ORDERED:** Matter Taken Under Advisement.

**ORDERED:** Counsel may file revised findings and conclusions by **February 25, 2008**, not to exceed **30** pages.

**3:37 p.m. COURT IN RECESS**

**Total in court time: 190 minutes**

**Hearing concluded**