

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

Date: October 5, 2009  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 06-cv-00381-RPM

PURE RESEARCH PRODUCTS, L.L.C., and  
JOHN A. SICHEL,  
  
Plaintiffs,

Richard A. Marsh  
William G. Knapp, III

v.

ALLERGY RESEARCH GROUP, INC.,  
  
Defendant.

Rick Edwards  
Robert J. Enders, Jr.

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**COURTROOM MINUTES**

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**Trial to Jury Day One**

**8:30 a.m. Court in session.**

Court's preliminary remarks.

Court states its trial procedures.

8:40 a.m. Jurors present.

Court's preliminary remarks to jurors.

Court's statement of the case to jurors.

All jurors sworn for voir dire.

Court voir dices jurors.

Court excuses for cause jurors:

100195392  
100193898  
100190611

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100186749  
100167152

10:52 a.m. to 10:55 a.m. **Bench conference:** with the exception of two additional questions to Juror 100161966, counsel pass jurors for cause.

Voir dire continued.

Plaintiffs' challenges:

100176030  
100186104  
100181393

Defendant's challenges:

100197620  
100185795  
100191668

Twelve jurors selected to try the case:

100197044  
100179735  
100189039  
100161966  
100176664  
100179422  
100168463  
100177922  
100192697  
100181392  
100183457  
100161805

Court instructs jurors.  
Jurors excused.

**ORDERED:** **Plaintiffs' Motion for Reconsideration of Order Allowing FDA Labeling Requirements, filed October 2, 2009 [[127]. Court clarifies its previous order, "limited purpose of evidence" as stated on record.**

**11:08 a.m. Court in recess.**  
**11:31 a.m. Court in session.**

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Jurors present.

Twelve jurors sworn to try the case.

11:35 a.m. Plaintiffs' opening statement by Mr. Marsh.

Court instructs jurors.  
Jurors excused.

**12:00 p.m. Court in recess.**  
**1:15 p.m. Court in session.**

Jurors present.

Court instructs jurors.

1:19 p.m. Defendant's opening statement by Mr. Edwards.

1:55 p.m. Plaintiffs' witness, Luba Shynkarenko, Ph.D., sworn.

Direct examination of Dr. Shynkarenko by Mr. Marsh.

Court instructs jurors.  
Jurors excused.

**2:39 p.m. Court in recess.**  
**2:53 p.m. Court in session.**

Argument by Mr. Marsh regarding Plaintiffs' Exhibits 221, 222, 223 and 224.

Argument by Mr. Edwards.

**ORDERED: Defendant's objection to Plaintiffs' Exhibits 221, 222, 223 and 224 sustained.**

Jurors present.

3:03 p.m. Continued direct examination of Dr. Shynkarenko by Mr. Marsh.

**Plaintiffs' Exhibit 43 identified, offered, stipulated and received.**

Court instructs jurors.  
Jurors excused.

Argument by Mr. Marsh re: Dr. Shynkarenko expert report.

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Argument by Mr. Edwards (Defendant's objection).

**ORDERED: Defendant's objection is sustained** (not in report then not in evidence).

Jurors present.

3:44 p.m. Continued direct examination of Dr. Shynkarenko by Mr. Marsh.

3:47 p.m. Cross examination of Dr. Shynkarenko by Mr. Edwards.

4:02 p.m. Redirect examination of Dr. Shynkarenko by Mr. Marsh.

4:10 p.m. to 4:13 p.m. **Bench conference:** scheduling.

4:15 p.m. Plaintiff, John Sichel, sworn.

Direct examination of Mr. Sichel by Mr. Knapp.

Court instructs jurors.

Jurors excused until 9:00 a.m. October 6, 2009.

**4:30 p.m. Court in recess.**

Clerk's Note: Redacted Strike Sheet attached.

Trial continued. Total time: min. 6 hrs. 45 min.