

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Walker D. Miller

Courtroom Deputy: Ginny Kramer
Court Reporter: Suzanne Claar

Date: April 5, 2010

Civil Action No. 06-cv-01142-WDM-MJW

Parties:

KARYN S. PALGUT,

Plaintiff,

Counsel:

Ian David Kalmanowitz
Donna Dell-Olio

vs.

COLORADO SPRINGS, CITY OF,

Defendant.

Steven Moore
William Bain

COURTROOM MINUTES

Hearing: Trial Preparation Conference

11:02 a.m. Court in session.

Appearances of counsel.

The Court and counsel discuss the Defendant's Partial Motion to Dismiss [#434] filed March 8, 2010.

Statements to the Court by Mr. Kalmanowitz.

Statements to the Court by Mr. Moore.

The parties and the court discuss the length of the trial.

Jury trial is scheduled to commence on **Monday, April 12, 2010, at 1:30 p.m.**

The Court will seat a jury of eight.

The Court advises counsel as to the Court's jury selection procedure.

The Court will allow each side ten (10) minutes for voir dire.

Court and counsel discuss the proposed jury instructions.

Court and counsel discuss trial exhibits and witnesses.

The parties shall meet and stipulate to as many exhibits as possible.

The parties may use power point and stipulated exhibits during opening statements. Each party must disclose any power point presentations to the other side that will be used in opening statements.

Each party shall inform the other side as to whom they will be calling as witnesses and in which order that the witnesses will be called.

Discussion on pending motions.

Statements to the Court by Mr. Bain.

Argument to the Court by Ms. Dell-Olio as to the plaintiff's Motion for Order to Depose Patricia Pacey and Allow Testimony by Deposition at Trial [#462].

Rebuttal argument by Mr. Moore for the defendant.

It was ORDERED:

1. A telephonic status conference is schedule for **Thursday, April 8, 2010, at 1:30 p.m.**
2. That Defendant's Partial Motion to Dismiss [#434] filed March 8, 2010, is **granted in part and denied in part**, as stated on the record. Any party wishing to supplement their responses on their positions to the Motion to Dismiss may do so **no later than 3:00 p.m. on Tuesday, April 6, 2010.**
3. That Plaintiff's Motion in Limine *to Exclude Rich Kramer's Report Regarding Ms. Palguts Allegations of Discrimination*, [#441] filed March 12, 2010, is **granted with out prejudice**, as stated on the record.
4. That Plaintiff's Motion in Limine *to Exclude all Evidence Relating to the Kopper Family's Financial Support of Ms. Palgut's Lawsuit*, [#445] filed March 12, 2010, is **denied**, for the reasons stated on the record.
5. That Plaintiff's Motion in Limine *to Exclude Ann Crossey's Expert*

Testimony, [#448] filed March 12, 2010, is **granted without prejudice**, for the reasons stated on the record.

6. That Plaintiff's Motion for Order *to Depose Patricia Pacey and Allow Testimony by Deposition at Trial*, [#462] filed March 24, 2010, **granted**.
7. That Plaintiff's Unopposed Motion to Seal *Exhibits to Doc. 494*, [#502] filed April 2, 2010, is **granted**.

12:08 p.m. Court in recess.

Total in-court time: 1 hour and 06 minutes
Hearing concluded.