

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**MAGISTRATE JUDGE BOYD N. BOLAND**

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Civil Action: 06-cv-02148-BNB-MEH  
Courtroom Deputy: Julie Dynes

Date: October 10, 2012  
FTR BNB COURTROOM A-401

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DARRELL FORTNER  
JENNIFFER FORTNER  
Plaintiff(s),

*Erhard Fitzsimmons*

v.

THE CITY OF COLORADO SPRINGS  
LIONEL RIVERA, individually and as Mayor of C/S  
KATHRYN YOUNG, individually and as City Clerk for C/S  
DARREL PEARSON, individually and as City Forester  
JAMES E. MCGANNON, individually and as City Forester  
JAMES A. CHOATE  
TERRY MAKETA  
Defendant(s).

*Kenneth R. Hodges*

*Amy R. Folsom*

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**COURTROOM MINUTES**

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**PRETRIAL CONFERENCE**

Court in Session: 1:00 p.m.

Appearances of counsel. Proposed Pretrial Order reviewed.

**ORDERED: Request by Plaintiffs to endorse additional witnesses and for witnesses to be present by means of video testimony is DENIED.**

**Exhibits, bearing stickers with the appropriate numbers, are to be exchanged on or before October 24, 2012. Objections to be filed on or before November 12, 2012.**

**Eight Day Trial to the Court set to commence January 7, 2013 at 8:30am. Trial will not be held on January 14, 2013 or January 16, 2013 due to conflicts.**

**Parties are allowed one Motion in Limine with a limit of 20 pages.**

**County Defendants' Motion for Use of NCIC and CCIC Criminal Data as Trial Exhibits [doc. #506] is DENIED without prejudice. The Court will rule at trial on the appropriateness to introduce the requested evidence.**

**Motion to Withdraw as Attorney [doc. #500] is GRANTED. Kenneth R. Hodges is allowed to withdraw.**

**Request for written opening statements is DENIED. Parties are limited to 30 minutes for opening statements.**

**Pretrial Order was approved and filed with the corrections made of record.**

Court in Recess: 1:45 p.m. Hearing concluded. Total time in court: 00:45