

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CHIEF JUDGE WILEY Y. DANIEL**

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Courtroom Deputy: Robert R. Keech  
E.C.R./Reporter: Therese Lindblom

Date: April 15, 2009

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Civil Action No: **06-cv-02525-WYD-CBS**

Counsel:

**RICHARD G. CHAVEZ,**

Heather K. Kelly  
Thomas B. Quinn

Plaintiff,

v.

**DARREN HATTERMAN, et al.,**

Heidi M. Miller  
Michelle C. Tyler

Defendants.

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**COURTROOM MINUTES**

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**TRIAL PREPARATION CONFERENCE**

**3:04 p.m.** Court in Session

APPEARANCES OF COUNSEL.

Court's opening remarks.

**ORDERED:** Plaintiff's Motion for Sanctions [doc. #163], filed December 5, 2008, is **DEFERRED UNTIL TRIAL.**

**ORDERED:** Counsel shall not make any reference to the Court giving an adverse inference jury instruction in opening statements.

**ORDERED:** Counsel shall meet and confer and file revised exhibit lists.

Defendants' Motion to Strike Plaintiff's Expert [doc. #241], filed April 8, 2009, is raised for argument.

3:07 p.m. Argument by Defendants (Ms. Miller).

**ORDERED:** Defendants' Motion to Strike Plaintiff's Expert [doc. #241], filed April 8, 2009, is **GRANTED IN PART and DENIED IN PART.**

**ORDERED:** Plaintiff's shall provide a revised opinion from expert witness H. Ellis Armistead shall submit a revised opinion to counsel for defendants.

3:09 p.m. Discussion regarding jury instructions and exhibits.

Plaintiff's Motion in Limine to Exclude Evidence of Prior Crimes, Wrongs, or Acts Pursuant to Fed.R.Evid. 403, 404, 608, and 609 [doc. #229], filed March 27, 2009, is raised for argument.

3:11 p.m. Argument by Defendants (Ms. Miller).

3:18 p.m. Argument by Plaintiff (Ms. Kelly).

3:24 p.m. Argument by Defendants (Ms. Miller).

3:28 p.m. Argument by Plaintiff (Ms. Kelly).

**ORDERED:** Plaintiff's Motion in Limine to Exclude Evidence of Prior Crimes, Wrongs, or Acts Pursuant to Fed.R.Evid. 403, 404, 608, and 609 [doc. #229], filed March 27, 2009, is **GRANTED IN PART and RULING RESERVED IN PART.**

**ORDERED:** No mention of the crimes of disarming a police officer and vehicular eluding shall be made in opening statements.

3:35 p.m. Discussion regarding schedule for trial and estimated length of trial being approximately four or five days.

Court outlines trial procedure and jury selection process.

3:42 p.m. Discussion regarding plaintiff being in handcuffs and leg irons.

3:44 p.m. Discussion regarding evidence to be presented at trial.

**ORDERED:** Each side will be allowed supplemental voir dire not to exceed **twenty (20) minutes.**

**3:45 p.m.** Court in Recess - HEARING CONCLUDED

**TOTAL TIME: 0:41**