

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

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

Date: April 17, 2009  
Time: 41 minutes

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**CASE NO. 07-cv-00401-PAB-KLM**

Parties

Counsel

**KATHERINE GILES, and  
ZURICH AMERICAN INSURANCE  
COMPANY,**

John Purvis  
Richard Rardin

Plaintiff (s),

vs.

**THE INFLATABLE STORE, INC.,**

Marilyn Doig  
Miles Dewhirst

Defendant (s).

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**TRIAL PREPARATION CONFERENCE**

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**11:05 a.m. COURT IN SESSION**

APPEARANCES OF COUNSEL. Ms. Doig and Mr. Dewhirst appear by telephone.

Matter set for 7-day jury trial, commencing May 4, 2009 at 8:00 a.m.

Court and counsel discuss Judge Brimmer's Practice Standards, including jury selection of 9, proposed voir dire by counsel and their objections, opening statements limited to 30 minutes per side, witnesses, exhibits, stipulations of facts and jury instructions.

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**ORDERED:** Defendant shall re-due its exhibit list to comply with Judge Brimmer's Practice Standards.

**ORDERED:** Counsel directed to combine and label their stipulations as exhibits.

Court addresses counsel's objections to the proposed voir dire questions.

Discussion regarding sequestration of lay and expert witnesses.

Court and counsel discuss counsel's objections to deposition designations.

**Defendant's Motion for Leave to Designate Expert Witness (Doc #116), filed 4/13/09.**

**11:59 a.m.** Argument by Mr. Dewhirst. Questions by the Court.

Record should reflect that the Court has received and read the response and affidavit to defendant's motion filed by the plaintiff

**12:12 p.m.** Argument by Mr. Purvis. Questions by the Court.

**12:22 p.m.** Further argument by Mr. Dewhirst.

Court states its findings.

**ORDERED:** Defendant's Motion for Leave to Designate Expert Witness (Doc #116), filed 4/13/09 is **GRANTED**, but limited only to the 222 mg/dl blood alcohol level that was measured by the hospital.

**ORDERED:** Appeal of Magistrate Judge Decision (Doc #87), filed 9/4/08 is **OVERRULED**.

**ORDERED:** Plaintiff's Motion in Limine (Doc #115), filed 4/13/09 is **DENIED**.

**12:39 p.m. COURT IN RECESS**

**Total in court time: 41 minutes**

**Hearing concluded**