

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

Date: August 10, 2009
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 07-cv-00528-RPM (Consolidated with 07-cv-00529)

GALE A. TORREY, as surviving spouse of
Mark A. Torrey, Decedent,
SHEENA M. TORREY, the surviving daughter of
Mark A. Torrey, Decedent,
WHITNEY TORREY, as surviving spouse of
Christopher A. Torrey, Decedent, and
JOSHUA T. TORREY, a minor by and
through his mother and natural guardian, Whitney Torrey,

Mark N. Stageberg
William A. Trine
Deborah L. Taussig

Plaintiffs,

v.

THE COLEMAN COMPANY, INC.,

Defendant.

Kenneth H. Lyman
Kenneth R. Lang
Darin J. Lang
Amy M. Decker

COURTROOM MINUTES

Trial to Jury Day Six

8:59 am. Court in session.

Plaintiffs Whitney Torrey, Sheena Torrey and Gale Torrey and defendant representative Kelley Cabrera present.

Jurors present.

9:02 a.m. Plaintiffs' witness, Tarald O. Kvaselth, sworn.

Direct examination of Dr. Kvaselth by Mr. Stageberg.

Plaintiffs' Exhibits 113, 54, 99, 89, 80 and 71 identified, offered and received.

Reference to Plaintiffs' Exhibits 1, 43, 51, 25 and 29.

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10:11 a.m. Cross examination of Dr. Kvaselth by Mr. K. Lang.

Reference to Defendant's Exhibits A-2, A-1 and A-6.
Reference to Plaintiffs' Exhibits 1, 24 and 25.

Court instructs jurors.
Jurors excused.

10:36 a.m. Court in recess.
10:51 a.m. Court in session.

Jurors present.

10:52 a.m. Continued cross examination of Dr. Kvaselth by Mr. K. Lang.

Reference to Plaintiffs' Exhibits 24, 25, 110, 80, 24, 99, 51 and 29.
Defendant's Exhibit C-3 identified, offered and received.
Reference to Defendant's Exhibit A-2.

11:37 a.m. Redirect examination of Dr. Kvaselth by Mr. Stageberg.

Reference to Defendant's Exhibit C-3.

Plaintiffs rest.

11:41 a.m. Defendant's witness, Randy May, sworn.

Direct examination of Mr. May by Mr. K. Lang.

Reference to Plaintiffs' Exhibit 1.
Reference to Defendant's Exhibit B-1.

Court instructs jurors.
Jurors excused.

Court's statements on ruling as stated on record.

ORDERED: The Coleman Company, Inc.'s Motion for Judgment as a Matter of Law, filed August 10, 2009, is denied.

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

Jurors present.

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1:16 p.m. Continued direct examination of Mr. May by Mr. K. Lang.

Defendant's Exhibits A-26, B-16, B-14 and C-24 identified, offered and received.

Reference to Plaintiffs' Exhibit 56.

Defendant's Exhibit B-6 identified and offered.

2:14 p.m. to 2:16 p.m. Mr. Stageberg voir dres Mr. May regarding Defendant's Exhibit B-6 and objection. **Objection sustained.**

Defendant's Exhibit B-7 identified, offered and plaintiffs' **objection sustained.**

Defendant's Exhibits A-7 pg. 1 and C-15 identified, offered and received.

2:29 p.m. Cross examination of Mr. May by Mr. Stageberg.

Reference to Plaintiffs' Exhibits 43 and 37.

Plaintiffs' Exhibit 63 identified, offered and received (limited feasibility).

Court instructs jurors.

Jurors excused.

2:58 p.m. Court in recess.

3:12 p.m. Court in session.

Jurors present.

3:16 p.m. Continued cross examination of Mr. May by Mr. Stageberg.

Reference to Plaintiffs' Exhibits 48 and 70.

Plaintiffs' Exhibit 101 identified, offered and received.

3:50 p.m. Redirect examination of Mr. May by Mr. K. Lang.

Reference to Plaintiffs' Exhibits 101, 98, 37, 25 and 32.

Defendant's Exhibit C-18 identified, offered and received as demonstrative.

4:22 p.m. Defendant's witness, Dr. Gerald Goldhaber, sworn,

Direct examination of Mr. Goldhaber by Mr. Lyman.

Reference to Defendant's Exhibit 115.

Court instructs jurors.

Jurors excused until 9:00 a.m. August 11, 2009.

Defendant's offer of proof regarding Defendant's Exhibits B-6 and B-7 by Mr. K. Lang.

4:34 p.m. Court in recess. Trial continued. Total time: 6 hr. 21 min.