

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

LaDonne Bush, Courtroom Deputy
Kara Spitler, Court Reporter

Date: May 20, 2009

Civil Action No. 07-cv-00945-WDM-MEH

SAN LUIS VALLEY ECOSYSTEM COUNCIL,
CITIZENS FOR SAN LUIS VALLEY - WATER
PROTECTION COALITION,

Travis Stills
Brad Bartlett

Plaintiffs,

v.

U. S. FISH AND WILDLIFE SERVICE,
Defendant,

Stephen Taylor
Jennifer Rigg

LEXAM EXPLORATIONS (U.S.A.), INC.,
Intervenor Defendant.

David Bailey
Andrew Emrich

COURTROOM MINUTES

Hearing on Revised Motion for Preliminary Injunction

9:03 a.m. Court in session.

Discussion regarding exhibits.

Plaintiffs' Exhibits 1 through 32 admitted.

Defendant's Exhibit A-1 admitted.

Intervenor Defendant Lexam's Exhibits L-1 through L-14 admitted.

Opening statement by Mr. Still.

9:20 a.m. Opening statement by Mr. Taylor.

9:44 a.m. Opening statement by Mr. Bailey.

10:00 a.m. Plaintiffs' witness, Christine Canaly, sworn.

Direct examination of Ms. Canaly by Mr. Stills.

10:22 a.m. Cross examination by Mr. Bailey.

10:30 a.m. Redirect examination by Mr. Stills.

10:35 a.m. Court in recess.

10:53 a.m. Court in session.

Plaintiffs' witness, Cecelia Smith, sworn.

Direct examination of Ms. Smith by Mr. Stills.

11:07 a.m. Cross examination by Mr. Taylor.

11:09 a.m. Cross examination by Mr. Bailey.

11:11 a.m. Redirect examination by Mr. Stills.

11:13 a.m. Plaintiffs' witness, Rebecca Blackenship, sworn.

Direct examination by Mr. Stills.

No cross examination.

11:22 a.m. Plaintiffs' witness, Lonnie Nichols, sworn.

Direct examination of Mr. Nichols by Mr. Stills.

11:27 a.m. Cross examination by Mr. Taylor.

11:29 a.m. Redirect examination by Mr. Stills.

11:32 a.m. Cross examination by Mr. Bailey.

11:34 a.m. Plaintiffs' witness, Jillian Klarl, sworn.

Direct examination of Ms. Klarl by Mr. Stills.

11:42 a.m. Cross examination by Mr. Taylor.

11:45 a.m. Cross examination by Mr. Bailey.

Ms. Klarl answers questions asked by the Court.

11:48 a.m. Redirect examination by Mr. Stills.

11:50 a.m. Court in recess.

1:36 p.m. Court in session.

Argument by Mr. Stills in support of Plaintiffs' objection to Lexam calling Jack Clark as a witness. Objection is overruled.

1:41 p.m. Intervenor Defendant's witness, Jack Clark, sworn.

Direct examination of Mr. Clark by Mr. Bailey.

1:59 p.m. Cross examination by Mr. Taylor.

2:00 p.m. Cross examination by Mr. Stills.

2:25 p.m. Defendant calls no witnesses.

2:26 p.m. Court in recess.

2:48 p.m. Court in session.

Discussion regarding arguments.

2:50 p.m. Closing argument by Mr. Stills.

3:24 p.m. Closing argument by Mr. Taylor.

3:42 p.m. Closing argument by Mr. Bailey.

Discussion regarding the administrative record.

4:13 p.m. Rebuttal argument by Mr. Stills.

Court requests that counsel give the Court prompt notice when the administrative record is available.

ORDERED: Revised Motion for Preliminary Injunction (Doc. 65) is taken under advisement.

4:20 p.m. Court in recess.

Hearing concluded.

Time: 04:51