

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

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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

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COURTROOM MINUTES

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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