

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE CHRISTINE M. ARGUELLO**

Courtroom Deputy: Valeri P. Barnes
Court Reporter: Darlene Martinez

Date: February 13, 2009

Civil Action No. 07-cv-01146-CMA-BNB

Parties:

JAMES RIVER INSURANCE COMPANY, and
Ohio Corporation,

Plaintiff,

v.

RAPID FUNDING, LLC, a Colorado Limited
Liability Company,

Defendant.

Counsel:

Brent Anderson
Kyle Seedorf

Michael Burg
Thomas Henderson
David TeSelle

COURTROOM MINUTES

HEARING: *Daubert*

2:20 p.m. Court in session.

Also present: Defendant's client representative Andrew Miller.

Witness sworn and testified on behalf of the defendant: ANDREW MILLER:

2:23 p.m. Direct examination by Mr. Henderson.

2:56 p.m. Cross-examination by Mr. Anderson.

3:32 p.m. Redirect examination by Mr. Henderson.

3:39 p.m. Recross-examination by Mr. Anderson.

Exhibits received: 1, 2, 3, 4, 5.

3:40 p.m. Witness excused.

Argument.

ORDER: Plaintiff's Motion to Exclude Expert Testimony of Andrew Miller Under Fed.R.Evid. 702 and *Daubert (72)* is **taken under advisement**.

ORDER: Upon the conclusion of the **hearing**, counsel for the parties shall retain custody of their respective exhibits until such time as all need for the exhibits has terminated and the time to appeal has expired or all appellate proceedings have been terminated plus sixty days.

4:07 p.m. Court in recess/hearing concluded.

Total in-court time: 1:47