

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE LEWIS T. BABCOCK

Courtroom Deputy: Deborah Hansen
Court Reporter: Gwen Daniel

Date: December 6, 2010

Civil Case No. 07-cv-01277-LTB-KMT

Counsel:

MARY BARONE,

Plaintiff,

John Olsen
Diane Brown

v.

UNITED AIR LINES,

Defendant.

Maureen Witt
Mark Wiletsky

COURTROOM MINUTES

JURY TRIAL - DAY ONE

08:55 a.m. Court in Session

Appearances

Court's comments

The Plaintiff filed a motion, Plaintiff's Motion to Re-List One Trial Witness, And For Expedited Ruling Thereon (Doc No. 146).

Argument (by Mr. Olsen)

Argument (by Mr. Wiletsky)

ORDERED: Plaintiff's Motion to Re-List One Trial Witness, And For Expedited Ruling Thereon (Doc No. 146) is DENIED with the proviso, if truly rebuttal, some rebuttal testimony may be presented.

09:00 Court in Recess

09:15 Court in Session

09:17 jury panel present

Court's opening remarks to the jury panel

09:20 Jury sworn voir dire

09:20 Voir dire commences

10:30 Bench conference - no challenges for cause

Plaintiff's challenges: 100189020, 100200390, 100185117

Defendant's challenges: 100188548, 100182497, 100187207

10:36 Voir dire completed

10:39 Jury sworn to try the case:

- 1) 100167710
- 2) 100184384
- 3) 100187207
- 4) 100166946
- 5) 100188548
- 6) 100167256
- 7) 100184402
- 8) 100194197
- 9) 100192437

10:40 Court in Recess

11:00 Court in Session - without jury

Discussion concerning opening statements

11:04 Jury present

11:04 Court's preliminary instructions to the jury

11:29 Bench conference - Mr. Olsen requests Rule 615

ORDERED: Rule 615 shall be invoked.

11:30 Court in Recess

12:35 Court in Session - without jury

Ms. Witt's comments

Ms. Witt requests clarification, that the stipulated exhibits are actually in evidence right now -- so they do not have to move their admission.

The Court responds that that is correct.

Mr. Olsen's comments - there is an issue with that. Counsel changed the exhibits over the weekend to remove portions of them; and the plaintiff never stipulated to those exhibits with those changes in it.

Further comments by Mr. Olsen

Court's comments

The Court asks Ms. Witt if they changed the exhibits that were subject to the prior stipulations.

Ms. Witt's comments - they redacted the portions that related to Mr. Mortimer pursuant to the Court's order. They did that completely consistent with the Court's order, very conservatively, and turned them over to Mr. Olsen so Mr. Olsen could tell them if he had any concerns before right now. All they did was take out any references to Mr. Mortimer that related to the comments that were excluded or related to his discriminatory animus. There are other comments about Mr. Mortimer that are still in there. She thinks the ones they redacted are Exhibits A-13 and A-18.

Further comments by Ms. Witt

Court's further comments

At the next recess counsel should address Exhibits A-13 and A-18.

12:36 Jury present

12:36 Opening Statement (by Mr. Olsen)

01:11 Opening Statement (by Ms. Witt)

02:05 Court in Recess

02:20 Court in Session - jury present

PLAINTIFF'S FIRST WITNESS TODD SPRAGUE

02:20 Direct (by Mr. Olsen)

Mr. Olsen moves to admit Exhibit No. A-18

Discussion re Exhibit No. A-18

02:28 Bench conference - Discussion concerning Exhibit No. A-18 and Exhibit No. 15

EXHIBITS IDENTIFIED, OFFERED
AND RECEIVED: A-18, **as redacted.**

EXHIBIT OFFERED AND REFUSED
(objection sustained): 15

Exhibit referred: 16

03:45 Court in Recess

04:00 Court in Session - without jury

04:00 Jury Instruction Conference

04:45 p.m. Court in Recess
Trial continued
Time: 5/40