

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

Date: July 20, 2009  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 07-cv-02246-RPM

THOMAS E. HIGHAM,  
  
Plaintiff,

Ryan M. Furniss

v.

UNION PACIFIC RAILROAD COMPANY,  
  
Defendant.

Alice M. De Stigter

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**COURTROOM MINUTES**

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**Hearing on Defendant's Motion for Summary Judgment**

**1:50 p.m. Court in session.**

Court's preliminary remarks and states its understanding of the case.

1:59 p.m. Argument by Ms. De Stigter.  
2:13 p.m. Argument by Mr. Furniss.  
2:32 p.m. Rebuttal argument by Ms. De Stigter.  
2:38 p.m. Further argument by Mr. Furniss.

Court's findings stated on record.

**ORDERED: Defendant's Motion for Summary Judgment, filed 9/16/08 [10], is denied.**

Discussion regarding discovery and scheduling.

**ORDERED: Case will be placed on the Court's calendar call.**

**2:45 p.m. Court in recess.**

Hearing concluded. Total time: 55 min.