

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez

Courtroom Deputy: Deborah Hansen
Court Reporter: Gwen Daniel

Date: September 27, 2011

Civil Action No. 07-cv-02598-WJM-BNB

Counsel:

RONNIE Watkins, Surviving Spouse,
MADELINE WATKINS,
LONDON WATKINS, and
MICHAELA WATKINS, Surviving Minor
Children, By and through their father
RONNIE WATKINS,

Neil A. Hillyard
Penelope L. Clor
Michael Djordjevic

Plaintiffs,

v.

ACTION CARE AMBULANCE, INC., a
Colorado Corporation,

Richard A. Waltz
Carolyn A. Gyermek

Defendant.

COURTROOM MINUTES

JURY TRIAL - DAY SEVEN

09:31 a.m. Court in Session - without jury

Court's comments

Mr. Waltz' comments

Other than the Defendant's objection to the Plaintiffs' Motion to Submit Curative/Explanatory Instruction Re: Witness Vellman (Doc No. 302) submitted this morning, Mr. Waltz does not have any additional argument.

ORDERED: Plaintiffs' Motion to Submit Curative/Explanatory Instruction Re: Witness Vellman (Doc No. 302) is GRANTED.

The Court's findings and conclusions of law entered on the record

ORDERED: Defendant's Rule 50 motion requesting that the Court find as a matter of law that Mrs. Watkins' intentional jump from the ambulance was negligent and a cause of Plaintiff's injuries is DENIED.

Plaintiffs' motion for a directed verdict is DENIED. Plaintiffs' cross-motion on the issue of comparative negligence is GRANTED. The Court concludes as a matter of law that comparative negligence is not an appropriate defense in this case pursuant to Rule 50. A more detailed written order shall issue.

09:45 - 11:14 Jury Instruction Conference

Defendant's oral motion to dismiss the Plaintiffs' case (by Mr. Waltz):

In their brief Defendant mentioned the requirement under Colorado statutes that in a medical malpractice case, or a case involving healthcare practitioners, a certificate of review is required. No certificate of review was filed by the Plaintiffs in this case, and Defendant believes that the motion is timely, given the testimony yesterday by Dr. Vellman confirming that all acts of EMTs and paramedics are taken under his license and with his supervision as required by Colorado law -- which Defendant believes is undisputed.

ORDERED: Defendant's oral motion to dismiss the Plaintiffs' case is DENIED.

10:15 Court in Recess

10:39 Court in Session - jury present

Court instructs jury on the law

11:15 Closing Argument (by Mr. Djordjevic)

11:35 Closing Argument (by Mr. Waltz)

12:05 Rebuttal Argument (by Mr. Djordjevic)

12:16 Jury Bailiffs sworn

12:17 Jury excused to deliberate

12:20 Court in Recess

04:51 Court in Session

All counsel are present.

04:53 Jury present

The Jury is excused for the evening, and the Court asks them to return at 8:25 tomorrow.

Counsel shall be present at 8:30 tomorrow morning.

04:55 p.m. Court in Recess
Trial continued
Time: 2/29