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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
CHIEF JUDGE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover
Court Reporter: Terri Lindblom

Date: May 5, 2014

Civil Action No. 07-cv-02697-MSK-BNB

Parties:

KHALFAN KHAMIS MOHAMMED,

Counsel:

Paul Wolf

Plaintiff

v.

ERIC HOLDER, the U.S. Attorney General,
CHARLES E. SAMUELS, JR., Director of Federal
Bureau of Prisons,
DAVID BERKEBILE, ADX Warden,
HARRELL WATTS, Administrator of National
Inmate Appeals, and
FEDERAL BUREAU OF INVESTIGATION,

Susan Prose
Carlotta Wells

Defendants.

COURTROOM MINUTES

HEARING: Bench Trial - Day One

8:39 a.m. Court in session

Plaintiff is present by video conference. Present for the defendants: Ted Schwartz and William Callaghan from the FBI and Kyle Finney from the Department of Justice.

Preliminary matters addressed by the Court.

The Court addresses plaintiff's Motion for Sanctions (**Doc. #343**)

Argument.

ORDER: Plaintiff's Motion for Sanctions (**Doc. #343**) is **DENIED as moot**.

The Court addresses plaintiff's Second Motion in *Limine* (**Doc. #352**).

Argument.

Courtroom Minutes
Judge Marcia S. Krieger
Page 2

Ruling is reserved at this time on plaintiff's Second Motion in *Limine* (**Doc. #352**).

The Court addresses Joint Motion to Exclude Expert Witness Testimony (**Doc. #359**).

No ruling will be made during the course of the trial on this motion.

The Court addresses Motion to Allow Trial Testimony (**Doc. #387**).

Argument.

Ruling is reserved as stated on the record.

The Court addresses defendant's Motion in Limine (**Doc. #367**).

Argument.

The Court takes this motion under advisement.

Opening statement by Mr. Wolf for the plaintiff.

Opening Statement by Ms. Prose for the defendants.

Oral motion by plaintiff for sequestration of witnesses.

Argument.

ORDER: Plaintiff's oral motion for sequestration of fact witnesses is GRANTED to the extent stated on the record.

Witness sworn for the plaintiff :Khalfan Khamis Mohammed:

10:04 a.m. Direct Examination by Mr. Wolf.

10:33 a.m. **Court in recess**

10:55 a.m. **Court in session**

Continued direct examination of witness by Mr. Wolf.

EXHIBITS: Received:

Refused: 24

11:46 a.m. **Court in recess**

1:05 p.m. **Court in session**

The Court addresses evidentiary issues with counsel.

Continued direct examination of witness by Mr. Wolf.

Courtroom Minutes
Judge Marcia S. Krieger
Page 3

1:24 p.m. Court in recess
1:30 p.m. Court in session

Continued direct examination of witness by Mr. Wolf.

EXHIBITS: Received: 17, 15, 16, 163

3:08 p.m. Court in recess
3:32 p.m. Court in session

Continued direct examination of witness by Mr. Wolf.

EXHIBITS: Received: 11, 12, 13, 27
Refused: 19, 20, 21, 22, 23

The Court addresses evidentiary issues with counsel. Witness Philip Swabsin will testify by video as set forth in the record.

4:48 p.m. Court in recess.

Total Time: 5 hours 58 minutes.
Trial continued.