

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 08-cv-00487-WYD-KMT

FTR

Date: September 18, 2009

Debra Brown, Deputy Clerk

DERRICK L. ARANDA

Pro se (Telephone)

Plaintiffs.

v.

LT. M. McCORMAC, et al.

Christopher Alber

Defendants.

COURTROOM MINUTES / MINUTE ORDER

EVIDENTIARY HEARING

Court in Session: 9: 08 a.m.

Court calls case. Appearance by plaintiff, pro se by telephone and of Counsel. Also present are witnesses for Defendants, James Olson, Lt. Chris Barr, Lt. John Kochaver and Leonard Vigil.

Plaintiff's Motion for Preliminary Injunction [Document No. 57, filed June 25, 2009] and MOTION for Order to Compel Discovery [Document #78, filed September 10, 2009] at issue.

Opening Statements by the Court and parties.

James Olson witness for Defendant sworn.

9:17 a.m.. Direct examination of Mr. Olson by Mr. Alber.
9:25 a.m. Questions by the Court.
9:35 a.m. Direct examination of Mr. Olson by the Court.
9:36 a.m. Cross examination of Mr. Olson by Mr. Aranda.
9:46 a.m. Witness excused.

Lt. Chris Barr witness for Defendant sworn.

9:46 a.m. Direct examination of Mr. Barr by Mr. Alber.
10:01 a.m. Questions by the Court.
10:03 a.m. Cross examination of Mr. Barr by Mr. Aranda.
10:28 a.m. Questions by the Court.
10:30 a.m. Redirect examination of Mr. Barr by Mr. Alber.
10:31 a.m. Witness excused.

10:31 a.m. Court in Recess.
10:46 a.m. Court in Session.

Lt. John Kochevar witness for Plaintiff sworn.

10:51 a.m. Direct examination of Mr. Kochevar by Mr. Aranda.
11:01 a.m. Cross examination of Mr. Kochevar by Mr. Alber.
11:04 a.m. Questions by the Court.
11:05 a.m. Redirect examination of Mr. Kochevar by Mr. Aranda.
11:10 a.m. Witness excused.

Leonard Vigil witness for Plaintiff sworn.

11:11 a.m. Direct examination of Mr. Vigil by Mr. Alber.
11:19 a.m. Questions by the Court.
11:24 a.m. Cross examination of Mr. Vigil by Mr. Aranda.
11:28 a.m. Objections by Mr. Alber.
11:35 a.m. Witness excused.

11:37 a.m. Closing argument by Mr. Aranda.
11:48 a.m. Closing argument by Mr. Alber.
12:04 p.m. Rebuttal by Mr. Aranda.

ORDERED: Plaintiff's Motion for Preliminary Injunction [Document No. 57, filed June 25, 2009] is **TAKEN UNDER ADVISEMENT** and a written Recommendation will issue.

Discussion regarding Plaintiff's Motion for Order to Compel Discovery [Document #78, filed September 10, 2009].

ORDERED: As to the request for production of documents #13, 15 and 18, Defendants have supplemented their responses on September 17, 2009. Plaintiff shall file a reply on or before October 05, 2009. A **Motion Hearing is set for November 04, 2009 at 9:00 a.m., limited to 1 ½ hours.**

ORDERED: Plaintiff's Oral Motion to Extend the Discovery Deadline is granted. **Discovery cut-off extended to November 20, 2009 and dispositive motion deadline extended to December 21, 2009. Final Pretrial Conference is RESET to March 11, 2010 at 9:00 a.m.**

Court in recess: 12:45 p.m.

Total In-Court Time 3:37; hearing concluded.

*To obtain a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.