

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
CHIEF JUDGE WILEY Y. DANIEL**

Courtroom Deputy: Robert R. Keech
E.C.R./Reporter: Therese Lindblom

Date: December 22, 2009

Civil Action No: **08-cv-00540-WYD-BNB**

Counsel:

JONATHAN AIN,

William L. Keating
Deidre E. Ostrowski

Plaintiff,

v.

**UNUM LIFE INSURANCE COMPANY OF
AMERICA,**

Jack M. Englert, Jr.
Robert M. Thomas

Defendant.

COURTROOM MINUTES

TRIAL PREPARATION CONFERENCE

10:05 a.m. Court in Session

APPEARANCES OF COUNSEL.

Court's opening remarks.

ORDERED: Parties shall submit revised jury instructions and a joint statement of the case jury instruction not later than **Monday, January 4, 2010.**

ORDERED: Parties shall submit revised witness and exhibit lists not later than **Monday, January 4, 2010.**

ORDERED: Parties shall file an advisement as to settlement negotiations not later than **Monday, January 4, 2010.**

Defendant's Motion in Limine to Exclude Ain's Exhibits 25, 27, 102, 123-133 [134], filed November 19, 2009, is raised for argument.

10:16 a.m. Argument by Plaintiff (Mr. Keating).

10:39 a.m. Argument by Defendant (Mr. Thomas).

ORDERED: Defendant's Motion in Limine to Exclude Ain's Exhibits 25, 27, 102, 123-133 [134], filed November 19, 2009, is **GRANTED IN PART and DEFERRED IN PART.**

Defendant's Motion in Limine to Exclude Ain's Exhibits 115 through 122 [128], filed November 6, 2009, is raised for argument.

10:47 a.m. Argument by Plaintiff (Mr. Keating).

10:50 a.m. Argument by Defendant (Mr. Thomas).

ORDERED: Defendant's Motion in Limine to Exclude Ain's Exhibits 115 through 122 [128], filed November 6, 2009, is **DEFERRED.**

Defendant's Motion in Limine to Exclude Evidence Pertaining to Detective Biff Lagen [129], filed November 9, 2009, is raised for argument.

10:53 a.m. Argument by Defendant (Mr. Thomas).

10:55 a.m. Argument by Plaintiff (Mr. Keating).

11:02 a.m. Argument by Defendant (Mr. Englert).

ORDERED: Defendant's Motion in Limine to Exclude Evidence Pertaining to Detective Biff Lagen [129], filed November 9, 2009, is **DEFERRED.**

11:05 a.m. Discussion regarding time limits for opening statements.

ORDERED: Each side will be allowed opening statements not to exceed **forty-five (45) minutes.**

11:06 a.m. Court outlines jury selection process and trial procedures.

ORDERED: Counsel shall arrive on **Monday, January 11, 2010, at 8:30 a.m.**

11:12 a.m. Discussion regarding the use of deposition designations and videotape depositions at trial.

11:15 a.m. Court in Recess - HEARING CONCLUDED

TOTAL TIME: 1:10