

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior Judge Sterling Johnson, Jr.**

Date: February 7, 2011

Deputy Clerk: Bernique Abiakam  
Court Reporter: Adrienne Whitlow

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Civil Action No.: 08-cv-00747-SJJ-KLM

KELLY DALCOUR, and  
JURITA AVRIL,

Michael Thompson  
Alan Rosenfeld

Plaintiffs,

v.

JENNIFER GILLESPIE,  
MARRISSA CORDOVA,  
JOHN GRIFFITH,  
JAMES R. JONES,  
KRISTOPHER DEROEHN, and  
SCOTT WEICHERT,

Tom Lyons  
Andrew Ringel

Defendants.

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**AMENDED COURTROOM MINUTES**

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**Jury Trial Day 1**

**9:09 a.m. Court in session.**

Court calls case. Counsel and defendants present.

Discussion regarding witness schedule.

Discussion regarding jury selection.

**ORDERED: The Lakewood Defendants' Motion In Limine To Preclude The Admission Of Evidence Relating To The Ruling Of Jefferson County Magistrate Judge James Carl Demlow In The Criminal Proceeding Of Plaintiff Kelly Dalcour (Filed 5/10/10; Doc. No. 209) is GRANTED.**

**ORDERED: Lakewood Defendants' Motion to Preclude Evidence Or Testimony Respecting Any Alleged Economic Damages (Filed 5/10/10: Doc. No. 211) is DENIED as MOOT.**

**ORDERED: The Lakewood Defendants' Motion In Limine Regarding Objections to Plaintiffs' Exhibits Pursuant To Fed.R.Civ.P. 26(a)(3) [Filed 5/10/10; Doc. No. 212] - RULING RESERVED.**

**ORDERED: The Lakewood Defendants' Unopposed Motion In Limine Regarding Claims Against Defendants Jennifer Gillespie, Marissa Cordova, John Griffith, James R. Jones, Kristopher Deroehn, And Scott Weichert In Their Official Capacity (Filed 5/10/10; Doc. No. 213) is GRANTED.**

**ORDERED: Lakewood Defendants' Motion To Preclude Evidence Or Testimony Respecting Any Alleged Damages Relating To Minor Child I Or Minor Child C (Filed 5/10/10; Doc. No. 214) is DENIED.**

**ORDERED: Lakewood Defendants' Motion to Preclude Mention Of The Issue Of Punitive Damages To The Jury Unless And Until The court Determines Punitive Damages May Be Submitted To The Jury (Filed 5/10/10; Doc. No. 215) is DENIED.**

Argument heard on Plaintiffs' Motion In Limine (Filed 5/10/10; Doc. No. 210).

Argument by Mr. Thompson. Questions by the Court.

Argument by Mr. Ringel.

**ORDERED: Ruling is RESERVED on Plaintiffs' Motion In Limine (Filed 5/10/10; Doc. No. 210).**

Discussion regarding time allowed for opening statements.

9:35 a.m. Jury panel present and sworn for voir dire.

9:45 a.m. Initial comments and instruction by the Court.

Introduction of counsel and the parties.

9:50 a.m. Voir dire begins by the Court.

**Juror No. 100180265 excused for cause.**

Continued voir dire.

10:16 a.m. Bench conference regarding Juror No. 100185922.

10:19 a.m. Continued voir dire.

10:22 a.m. Jury panel excused for recess.

10:23 a.m. Bench conference regarding challenges .

**10:27 a.m. Court in recess.**

**10:39 a.m. Court in session.**

Peremptory challenges by the Plaintiff.

100182104

100172861

100175345

Peremptory challenges by the Defendant.

100185922

100179966

100168750

Remaining jury panel members excused as instructed.

Jurors seated to try the case:

**100171051**

**100193774**

**100198697**

**100165764**

**100174535**

**100200016**

**100189328**

**100177639**

Instruction by the court.

10:48 a.m. Jury sworn.

10:49 a.m. Opening statement by Mr. Thompson.

11:10 a.m. Opening statement by Mr. Rosenfeld.

11:21 a.m. Opening statement by Mr. Lyons.

11:35 a.m. Plaintiff's witness, Kelly Dalcour, called and sworn.  
Direct examination begins by Mr. Thompson.

**11:55 a.m. Court in recess.**

**1:28 p.m. Court in session.**

1:36 p.m. Jury present.

1:37 p.m. Continued direct examination by Mr. Thompson.

**Plaintiff's Exhibit 5 offered and admitted.**

1:47 p.m. Continued direct examination by Mr. Thompson.

2:10 p.m. Direct examination begins by Mr. Rosenfeld.

2:11 p.m. Cross examination begins by Mr. Ringel.

**Original deposition of witness, Kelly Dalcour, opened and marked as Defendant's Exhibit 27.**

2:15 p.m. Continued cross examination by Mr. Ringel.

2:36 p.m. Witness excused.

Discussion regarding witness schedule.

2:37 p.m. Plaintiff's adverse witness, Jennifer Gillespie, called and sworn.  
Direct examination begins by Mr. Rosenfeld.

**Jefferson County trial transcript marked as Plaintiff's Exhibit 28.**

3:22 p.m. Continued direct examination by Mr. Rosenfeld.

3:24 p.m. Direct examination begins by Mr. Thompson.

**3:25 p.m. Court in recess.**

**3:57 p.m. Court in session.**

3:58 p.m. Jury present.

3:59 p.m. Continued direct examination by Mr. Thompson.

4:05 p.m. Cross examination begins by Mr. Lyons.

4:54 p.m. Questions by the Court.

4:55 p.m. Continued cross examination by Mr. Lyons.

5:12 p.m. Cross examination by begins by Mr. Thompson.

5:13 p.m. Jury excused.

**5:14 p.m. Court in recess until tomorrow morning at 9:30 a.m.**

Hearing continued.

Time in court - 5 hours 48 minutes