

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

Courtroom Deputy: LaDonne Bush
Court Reporter: Therese Lindblom

Date: August 9, 2010

Civil Action No. 08-cv-00761-WYD-KLM

Counsel:

RICHARD D. KELLAR,

Derek W. Cole

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS,

Marcy E. Cook
Marc A. Bonora

Defendant.

COURTROOM MINUTES

CONTINUED TRIAL PREPARATION CONFERENCE

11:41 a.m. Court in Session

Court's opening remarks.

Discussion regarding Defendant's liability, Plaintiff's recently filed motions, Mr. Cole's failure to comply with the Court's order to file an exhibit list, and Mr. Cole's failure to comply with pretrial rules and procedures.

12:18 p.m. Court in Recess

12:29 p.m. Court in Session

ORDERED: The following motions are stricken and denied:

1. Plaintiff's (Second) Rule 12(c), Federal Rules of Civil Procedure, Motion for: Judgment on the Pleadings (Doc. 196);

2. Plaintiff's Rule 56(a), (c), and (d), Federal Rules of Civil Procedure, Motion for: Summary Judgment as to "Liability" (Alone) (Doc. 197); and
3. Plaintiff's Rule 56 and 57, Federal Rules of Civil Procedure, Motion for: Declaratory Judgment, Pursuant to Rule 56(a), (c), and (d), Federal Rules of Civil Procedure, and 28 U.S.C. § 2201, as to: Defendants' "Liability" (Alone) (Doc. 198).

ORDERED: With regard to Mr. Cole flagrantly disobeying the Court's order to file an exhibit list, Plaintiff is barred at trial from introducing any exhibits other than the exhibits listed on Defendant's exhibit list filed on August 4, 2010 (Doc. 191).

ORDERED: Defendant's Motion to Dismiss Under Rule 41 for Plaintiff's Failure to Follow the Orders of the Court (Doc. 200) is denied.

Trial will proceed on the issues of causation and damages.

Discussion regarding Plaintiff's witness list.

ORDERED: By the close of business on August 11, 2010, Plaintiff shall file a witness list that conforms with the Court's practice standards.

Court states that it may strike Plaintiff's witnesses if Plaintiff does not timely file the witness list or the witness list is not filed properly.

Court instructs counsel to keep openings statements to approximately 30 minutes per side.

ORDERED: By the close of business on Friday, counsel shall submit the findings of fact and conclusions of law (in WordPerfect or Word) to the chambers e-mail account.

12:44 p.m. Court in Recess

Hearing concluded.

Time: 00:52