

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE LEWIS T. BABCOCK

Courtroom Deputy: LaDonne Bush
Court Reporter: Gwen Daniel

Date: August 20, 2010

Civil Case No. 08-cv-00855-LTB-KMT

Counsel:

BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF LA PLATA, COLORADO,

Asimakis Iatridis
Josh Marks
Ann Rhodes

Plaintiff,

v.

BROWN GROUP RETAIL, INC.,
PLUMMER PRECISION OPTICS CO.,
BLUE JAUNTE COMPANY, INC., and
PLUMMER PRECISION OPTICS WESTERN
DIVISION, INC.,

Gail Wurtzler
Jeffrey Pilkington

Defendants.

COURTROOM MINUTES

Hearing on Motions for Summary Judgment

2:03 p.m. Court in session.

Court's comments.

ORDERED: Brown Group Retail, Inc.'s Motion for Summary Judgment on Plaintiff's Claims for Recovery of Attorneys' Fees (Doc. 180) is taken under advisement.

ORDERED: Brown Group Retail, Inc.'s Motion for Summary Judgment on Plaintiff's Claim for Civil Penalties Under RCRA (Doc. 179) is taken under advisement.

ORDERED: Brown Group Retail, Inc.'s Motion for Summary Judgment on La Plata County's Liability and its Third-party Defense Under CERCLA (Doc. 184) is denied.

ORDERED: Brown Group Retail, Inc.'s Motion for Summary Judgment (No Joint and Several Liability Under CERCLA) (Doc. 183) is denied.

2:14 p.m. Argument by Mr. Iatridis.

2:38 p.m. Argument by Ms. Wurtzler.

ORDERED: Brown Group Retail, Inc.'s Motion for Summary Judgment on Plaintiff's Fifth Claim for Relief (Doc. 182) is denied.

ORDERED: La Plata's Motion for Summary Judgment on RCRA and CERCLA Liability (Doc. 187) is denied.

Court instructs counsel to prepare a joint set of exhibits and stipulate to as many exhibits as possible.

ORDERED: By Wednesday, September 8, 2010, counsel shall submit updated exhibit lists, updated witness lists and proposed findings of fact and conclusions of law.

ORDERED: As set forth on the record, by September 8, 2010, counsel may file brief trial memoranda regarding any Rule 702 issues, identifying the specific factors in question.

Court instructs counsel to meet and discuss any Rule 702 issues.

3:10 p.m. Court in recess.

Hearing concluded.

Time: 01:07