

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

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Courtroom Deputy: LaDonne Bush  
Court Reporter: Gwen Daniel

Date: September 10, 2010

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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  
Kenzo Kawanabe

Defendants.

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COURTROOM MINUTES

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Trial Preparation Conference and Hearing on Motions

9:03 a.m. Court in session.

Richard Lotz (Colorado Attorney General's Office) also present.

Court's comments.

**ORDERED:** Joint Motion to Extend the Submission Date for F.R.E. 702 Memoranda Regarding Expert Witnesses and Joint Exhibit List (Doc. 268) is granted and the date is extended to September 15, 2010.

Argument by Mr. Lotz, Ms. Wurtzler and Mr. Marks.

Mr. Iatridis answers questions asked by the Court.

Further argument by Mr. Marks.

Rebuttal argument by Mr. Lotz.

Court's findings.

**ORDERED:** Motion to Quash Subpoena or, in the Alternative Motion for Protective Order under F.R.C.P. Rule 45 (Doc. 253) is granted.

10:14 a.m. Court in recess.

10:24 a.m. Court in session.

Discussion regarding the pretrial order and elements of the claims.

Discussion regarding dismissal of the fourth claim for relief.

**ORDERED:** Based on the oral stipulation of counsel, the fourth claim for relief is dismissed.

Counsel stipulate to the first and second elements of the third claim for relief. Case will proceed to trial on the third element of that claim.

Discussion regarding proposed findings of fact and conclusions of law, stipulations, witness lists, and deposition designations.

Argument regarding Defendants' proposed witness Robert W. Hischke.

**ORDERED:** Defendants' request to endorse Mr. Hischke as a trial witness is denied.

Court instructs counsel to submit their schedules and order of witnesses on September 27, 2010.

**ORDERED:** Fact witnesses are sequestered, but experts may be present during trial.

Discussion regarding trial schedule, due care and attorneys' fees issue.

Court's comments regarding settlement conference and expense of trial.

Court's comments regarding exhibits and training with Deborah Hansen for the evidence presentation system.

11:09 a.m. Court in recess.

Hearing concluded.  
Time: 01:56