

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

Courtroom Deputy: Deborah Hansen
Court Reporter: Gwen Daniel

Date: October 14, 2010

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

Counsel:

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

Asimakis D. Iatridis
Josh A. Marks
Ann M. Rhodes

Plaintiff,

v.

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

Gail L. Wurtzler
Jeffrey R. Pilkington
Kenzo S. Kawanabe
Emily Schultz

Defendants.

COURTROOM MINUTES

TRIAL TO COURT - Day Eight

09:03 a.m. Court in Session

Court's comments

Discussion re Motion to Quash Subpoena Served On Michael J. Matheson (Doc No. 302)

PLAINTIFF'S SEVENTEENTH WITNESS PAUL ROSASCO

09:09 Direct continued (by Mr. Iatridis)

09:15 Court

09:15 Direct

09:37 Cross (by Mr. Pilkington)

09:45 Deposition of Paul Rosasco opened and used for impeachment.

09:53 Court

09:53 Cross

Defendant Brown Retail renews its motion to strike the expert opinions and the testimony of Mr. Rosasco on response costs in its entirety (by Mr. Pilkington).

ORDERED: The objection goes to the weight, not to the admissibility of Mr. Rosasco's opinion. The motion to strike is DENIED.

Exhibits referred: 135-a, ROS-12, G-95, JT-54

10:02 Court

10:03 Cross

Exhibits referred: G-98, ROS-1

10:28 Court in Recess

10:44 Court in Session

PLAINTIFF'S SEVENTEENTH WITNESS PAUL ROSASCO

10:44 Cross continued (by Mr. Pilkington)

11:48 Court

11:48 Cross

11:55 Court in Recess

01:05 Court in Session

Mr. Kawanabe's comments

Mr. Kawanabe and Mr. Marks conferred and are in agreement that they will submit

designated deposition testimony of Mr. Matheson.

Court's comments re deposition objections

ORDERED: Counsel shall re-address the objections to depositions.

Discussion re Mr. Matheson

ORDERED: Motion to Quash Subpoena Served On Michael J. Matheson (Doc No. 302) is GRANTED.

PLAINTIFF'S SEVENTEENTH WITNESS PAUL ROSASCO

01:05 Cross continued (by Mr. Pilkington)

Exhibits referred: H-1, 230, 237, 236, 257, 4, G-40, 244,

02:30 Court in Recess

02:45 Court in Session

PLAINTIFF'S SEVENTEENTH WITNESS PAUL ROSASCO

02:45 Cross continued (by Mr. Pilkington)

Exhibits referred: G-62, JT-35, H-2

The defense renews their motion to strike the testimony of Mr. Rosasco as to the human health risk assessment and human substantial endangerment.

ORDERED: At this time the motion as to its application to CERCLA is DENIED because the objection goes to the weight in that respect. As to RCRA, the ruling continues to be RESERVED.

03:26 Redirect

EXHIBITS IDENTIFIED, OFFERED
AND RECEIVED: H-3

Exhibits referred: 140, 137

EXHIBITS IDENTIFIED, OFFERED
AND RECEIVED: (objection overruled)
167

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Trial to Court - Day Eight

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04:19 p.m. Court in Recess
Trial continued
Time: 5/34