

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: March 11, 2010
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 08-cv-00996-RPM

KATHY D. CRUZ and
RAMON L. CRUZ,

George E. McLaughlin

Plaintiffs,

v.

CHRISTOPHER R. COLE, M.D.

Deanne C. McClung

Defendant.

COURTROOM MINUTES

Trial Preparation Conference

9:53 a.m. Court in session.

Discussion regarding damages, proposed instructions, standard of care issue (no dispute), pending motions (experts), deposition rulings, exhibits and witnesses.

Court states it will instruct the jury regarding standard of care.

Ms. McClung states the stipulations listed in the proposed jury instructions are not agreed to as stipulations.

ORDERED: Defendant Christopher Cole, M.D.'s Motion Pursuant to F.R.E. 611 to Prevent Plaintiffs from Calling Defense Expert Witnesses In Their Case-in-Chief, filed March 10, 2010 [41], is granted.

ORDERED: Defendant Christopher Cole, M.D.'s Motion for Sequestration Order, filed February 9, 2010 [27], is denied as to expert witness rebuttal testimony.

ORDERED: Plaintiffs' Motion *in Limine* Regarding Admissibility of Medical Expense Evidence, filed March 8, 2010 [37], is granted. The amounts billed are reasonable and necessary expenses and the amounts paid are not admissible.

ORDERED: Plaintiffs' Motion in Limine, filed February 19, 2010 [30], is terminated as a ruling on the permitted testimony will be made during the course of the trial.

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ORDERED: Plaintiffs' Motion in Limine Regarding Margo Mullally Swail, filed December 23, 2009 [23] is terminated and testimony is limited to what she observed.

Court rules on objections to Wilkkoft's Deposition.

Pg. 41 Objections overruled. C.V. admissible.
Pg. 83 Criticisms out no ruling.
Pg. 88 No ruling (anticipated testimony).
Pg. 90 Objection sustained.
Pgs. 92-97 Objections sustained.
Pg. 94 Question rephrased.
Pg. 112 Objection overruled.
Pg. 115 Objection sustained.
Pg. 116 Objection sustained.
Pg. 126 Objection overruled.
Pg. 128 Objection sustained.
Pg. 129 Objection withdrawn.
Pg. 133 Objections overruled.

Court states its trial practices.

10:33 a.m. Court in recess.

Hearing concluded. Total time: 40 min.