

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

Courtroom Deputy: Kathy Preuitt-Parks
Court Reporter: Janet Coppock

Date: October 15, 2009
Time: one hour and 26 minutes

CASE NO. 08-cv-01287-PAB-BNB

Parties

Counsel

**UNITED OF OMAHA LIFE
INSURANCE COMPANY,**

Brian Kennedy

Plaintiff (s),

vs.

KRIS P. JOHNSON,

Kari Hershey
Katrina Skinner

Defendant (s).

RULE 72 MOTION HEARING

1:40 p.m. COURT IN SESSION

APPEARANCES OF COUNSEL.

Opening remarks by the Court advising counsel pursuant to the minute order issued on August 25, 2009, it will proceed with cross examination of Dr. Ogden.

Page Two
08-cv-01287-PAB-BNB
October 15, 2009

Plaintiff's Motion in Limine to Preclude Jerry S. Ogden, M.S., P.E. From Testifying at Trial (Doc #35), filed 8/14/09.

1:45 p.m. Comments by Mr. Kennedy.

1:47 p.m. Comments by Ms. Hershey.

1:49 p.m. Cross examination of Dr. Jerry Ogden by Mr. Kennedy.

2:21 p.m. Redirect examination by Ms. Hershey.

Witness excused.

2:31 p.m. Argument by Ms. Hershey.

2:43 p.m. Argument by Mr. Kennedy.

2:47 p.m. Rebuttal argument by Ms. Hershey.

Court states its findings and conclusions.

ORDERED: Plaintiff's Motion in Limine to Preclude Jerry S. Ogden, M.S., P.E. From Testifying at Trial (Doc #35), filed 8/14/09 is **GRANTED in PART and DENIED in PART**, as stated on the record.

3:06 p.m. COURT IN RECESS

Total in court time: 86 minutes

Hearing concluded