

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer**

Civil Action No.: 08-cv-01483-CBS-BNB
Date: January 10, 2011

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Linda Kahoe

ROGER WIENER,

Plaintiff,

James Garret Heckbert

v.

SUNLIGHT, INC.,

Defendant.

Kimberly A. Viergever

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING/TRIAL PREPARATION CONFERENCE

Court in session: 1:33 p.m.

Court calls case. Appearances of counsel.

Discussion regarding Plaintiff's Motion to Exclude Photographs of Defense Witness Charles Peterson, P.E., doc #[53], filed 12/7/2010.

Mr. Heckbert presents arguments. Mr. Heckbert gives the court photographs and he objects to photographs #1-4, 31-42, 44, and 45.

Ms. Viergever presents arguments.

ORDERED: Plaintiff's Motion to Exclude Photographs of Defense Witness Charles Peterson, P.E., doc #[53], is **DENIED**.

Discussion regarding Plaintiff's Motion *In Limine* to Exclude Evidence of Plaintiff's Pre-Existing Arthritis in His Hips, doc #[54], filed 12/7/2010.

Mr. Heckbert presents arguments.

ORDERED: Plaintiff's Motion *In Limine* to Exclude Evidence of Plaintiff's Pre-Existing Arthritis in His Hips, doc #[54], is **DENIED WITHOUT PREJUDICE** to Plaintiff's right to raise this issue anew during the question of jury instructions.

Discussion regarding Plaintiff's Motion *In Limine* to Exclude Defendant's Exhibit G, doc #[55], filed 12/7/2010.

Ms. Viergever presents arguments.

ORDERED: Plaintiff's Motion *In Limine* to Exclude Defendant's Exhibit G, doc #[55], is **GRANTED**. Exhibit G is **EXCLUDED** as substantive evidence.

Defendant's Motion to Exclude Testimony of Richard Penniman, doc #[59], filed 12/9/2010.

Ms. Viergever presents arguments.

For the reasons as stated on the record, it is:

ORDERED: Defendant's Motion to Exclude Testimony of Richard Penniman, doc #[59], is **DENIED**.

Discussion regarding expert testimony during trial.

Counsel clarify which witnesses will be physically present at trial.

ORDERED: No later than **5:00 p.m. on JANUARY 14, 2011** counsel shall submit the following:

- Proposed Jury Instructions
- Proposed Verdict Form
- Proposed Voir Dire Questions

ORDERED: No later than **JANUARY 21, 2011** counsel shall submit their Final Exhibit List, and indicate which exhibits are stipulated to and which are objected to.

Discussion regarding the court's trial procedures.

Discussion regarding jury notebooks.

The court states that counsel will be allowed 30 minutes for opening remarks and one hour for closing remarks.

HEARING CONCLUDED.

Court in recess: 3:25 p.m.

Total time in court: 01:52

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