

**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: July 26, 2010  
Time: 6 hours and 58 minutes

**CASE NO. 08-cv-01565-PAB-BNB**

Parties

Counsel

**SOLA SALON STUDIOS, LLC,**

John Madden  
Tami Sapp

Plaintiff (s),

vs.

**CECILIA (DHS) HELLER, Trustee,  
CECILIA (PNS) HELLER, Trustee,  
CECILIA (MBS) HELLER, Trustee,**

Darrell Waas  
Patricia Campbell

Defendant (s).

**TRIAL TO JURY - DAY ONE**

**8:09 a.m. COURT IN SESSION**

APPEARANCES OF COUNSEL. Plaintiff representative Matthew Briger and Defendant representatives David Simon and Peter Simon are also present.

Court and counsel discuss pending pretrial matters.

**ORDERED:** Court **RESERVES** ruling on Plaintiff's Motion in Limine (Doc #61), filed 6/14/10.

**8:30 a.m. COURT IN RECESS**

**8:54 p.m. COURT IN SESSION**

Jury pool is present.

Court and its staff introduced.

Counsel introduces themselves and parties seated at counsel's table.

**9:02 a.m.** Jurors sworn and voir dire begins.

**9:57 a.m.** Voir dire by Mr. Madden.

**10:02 a.m.** Voir dire by Mr. Waas.

**10:06 a.m.** Bench conference.

**10:15 a.m.** Voir dire completed and jurors are sworn.

**EXCUSED FOR CAUSE BY THE COURT**

1. -0-

**PLAINTIFF'S PEREMPTORY CHALLENGES:**

1. 100168735
2. 100189592
3. 100174467

**DEFENDANT'S PEREMPTORY CHALLENGES:**

1. 100168739
2. 100166519
3. 100170641

**JURORS QUESTIONED AND NOT SELECTED, SERVING OR CHALLENGED:**

1. -0-

**JURORS SEATED TO TRY THE CASE:**

1. 100185029
2. 100189523
3. 100175445
4. 100170315
5. 100194367
6. 100189798
7. 100199563
8. 100195510
9. 100195854

**10:27 a.m. COURT IN RECESS**

**10:42 a.m. COURT IN SESSION**

Introductory jury instructions read.

**11:03 a.m.** Opening statement by Mr. Madden.

**11:25 a.m.** Opening statement by Mr. Waas.

**12:00 p.m. COURT IN RECESS**

**1:30 p.m. COURT IN SESSION**

Direct examination of plaintiff's witness Susan Wilson by Mr. Madden.

Plaintiff's **exhibit 2** identified, offered and ADMITTED.

Plaintiff's **exhibit 3** identified, offered and ADMITTED.

Plaintiff's **exhibit 7** identified, offered and ADMITTED.

**1:55 p.m.** Cross examination by Mr. Waas.

Defendant's **exhibit A-9** identified, offered and ADMITTED.

Plaintiff's **exhibit 19** identified, offered and ADMITTED.

**2:10 p.m.** Redirect examination by Mr. Madden.

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Witness excused.

**2:14 p.m.** Direct examination of plaintiff's witness Matthew Briger by Mr. Madden.

Plaintiff's **exhibit 8** identified, offered and ADMITTED.

Plaintiff's **exhibit 9** identified, offered and ADMITTED.

Plaintiff's **exhibit 11** identified, offered and ADMITTED.

Plaintiff's **exhibit 13** identified, offered and ADMITTED.

Plaintiff's **exhibit 24** identified, offered and ADMITTED.

Plaintiff's **exhibit 16** identified, offered and ADMITTED.

Plaintiff's **exhibit 43** identified, offered and ADMITTED.

Plaintiff's **exhibit 44** identified, offered and ADMITTED.

Plaintiff's **exhibit 71** identified, offered and ADMITTED.

Plaintiff's **exhibit 18** identified, offered and ADMITTED.

**3:15 p.m. COURT IN RECESS**

**3:35 p.m. COURT IN SESSION**

Direct examination by Mr. Madden continues.

Plaintiff's **exhibit 76** identified, offered and ADMITTED.

Plaintiff's **exhibit 78** identified, offered and ADMITTED.

Defendant's **exhibit A-34** identified, offered and ADMITTED.

Defendant's **exhibit A-35** identified, offered and ADMITTED.

Defendant's **exhibit A-36** identified, offered and ADMITTED.

Plaintiff's **exhibit 81** identified, offered and ADMITTED.

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Plaintiff's **exhibit 102** identified, offered and ADMITTED.

Plaintiff's **exhibit 127 (demonstrative)** identified, offered and ADMITTED.

Plaintiff's **exhibit 131** identified, offered and ADMITTED.

**4:25 p.m.** Cross examination by Mr. Waas.

**5:02 p.m.** Jurors excused.

**5:05 p.m. COURT IN RECESS**

**5:24 p.m. COURT IN SESSION**

Court and counsel discuss pending matters.

**5:55 p.m. COURT IN RECESS**

**Total in court time: 418 minutes**

**Hearing continued**