

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover
Court Reporter: Paul Zuckerman

Date: September 22, 2009

Civil Action No. 08-cv-01646-MSK-CBS

Parties:

CAROL CLYNE,

Plaintiff,

v.

RAY WALTERS,

Defendant.

Counsel:

Michael W. Baty

John D. Martin

COURTROOM MINUTES

HEARING: Evidentiary - Rule 702

9:02 a. m. Court in session

Plaintiff begins to state what it believes are the contested Opinions in Ms. Lutz' report.

9:08 a.m. Court in recess

9:55 a.m. Court in session

Statements from both counsel in response to the Court's questions.

The parties concur that at issue for this hearing is whether the methodology used by Ms. Lutz is reliable or sufficiently reliable to allow her to express the ultimate opinion.

Witness sworn for the plaintiff : Shari Lutz:

10:13 a.m. Direct Examination by Mr. Baty.

Cross examination of witness by Mr. Martin.

Re-direct examination of witness by Mr. Baty.

The Court questions the witness.

Further cross examination of witness by Mr. Martin.

Courtroom Minutes
Judge Marcia S. Krieger
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12:11 p.m. Court in recess
1:34 p.m. Court in session

Argument by counsel.

ORDER: Joint Motion for Ruling Fed. R. Evid. 702 (**Doc. #81**) is **GRANTED**.

Oral findings are made of record and incorporated herein.

ORDER: For purposes of Rule 702 an adequate foundation has been established for admission of Ms. Lutz's ultimate opinion.

2:10 p. m. Court in recess.

Total Time: 2 hours 58 minutes.
Hearing concluded.