

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

Courtroom Deputy: Patricia Glover  
Court Reporter: Kara Spitler

Date: February 23, 2011

Civil Action No. 08-cv-01957-MSK-GJR

Parties:

Counsel:

KEN W. VESTER,

Paul Miller

Plaintiff(s),

v.

ASSET ACCEPTANCE, L.L.C.,

Steven Wienczkowski  
Adam Plotkin

Defendant.

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**COURTROOM MINUTES**

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HEARING: Bench Trial - Day One

**8:35 a.m. Court in session**

Kenneth Proctor is present as defendant's corporate representative.

Preliminary matters addressed by the Court.

There is no request for a sequestration order.

The Court addresses plaintiff's Motion(s) in Limine (**Doc. #124 , #125**).

**ORDER:** Plaintiff's Motion in Limine (**Doc. #124, #125**) are **DENIED**.

Opening statement by Mr. Miller for the plaintiff.

Opening Statement for defendant by Mr. Wienczkowski.

**Witness sworn for the plaintiff :John Mallory :**

**8:48 a.m.** Direct Examination by Mr. Miller.

**EXHIBITS: Received:** 29, 1

Cross examination of witness by Mr. Steven Wienczkowski.

Re-direct examination of witness by Mr. Miller

**Witness sworn for the plaintiff : Ken Vester :**  
**9:37 a.m.** Direct Examination by Mr. Miller.

**EXHIBITS: Received:** 17, 20

**9:58 a.m.** Court in recess  
**10:18 a.m.** Court in session

Continued direct examination of witness by Mr. Miller.

**EXHIBITS: Received:** 23, 24, 25, 26, 34, 35, 43, 19

**11:55 a.m.** Court in recess  
**1:37 p.m.** Court in session

Continued direct examination of witness by Mr. Miller.

Cross examination of witness by Mr. Wienczkowski.

**2:51 p.m.** Court in recess  
**3:13 p.m.** Court in session

Cross examination of witness by Mr. Wienczkowski.

**EXHIBITS: Received:** 63

Re-direct examination of witness by Mr. Miller.

Plaintiff rests.

Defendant makes oral motion for judgment as a matter of law. Argument by counsel Wienczkowski and Miller.

The Court defers ruling at this time.

Defendant's evidence.

**Witness sworn for the defendant : Kenneth Proctor :**  
**3:57 p.m.** Direct Examination by Mr. Wienczkowski

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**EXHIBITS:** Received: 44, 52,  
Refused: 42

**4:59 p.m.** Court in recess.

**Total Time: 6 hours 5 minutes.**  
**Trial continued.**