

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: September 16, 2010
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 08-cv-02756-RPM

LORIE CHRISTINE MCKOWN,

Plaintiffs,

Daniel A. Lipman
James E. Puga

v.

DAVID COPE and
VAIL SUMMIT RESORTS, INC.,
d/b/a KEYSTONE SKI RESORT,

Defendants.

Brian A. Birenbach
Maryjo C. Falcone

COURTROOM MINUTES

Hearing on Pending Motions and Pretrial Issues

9:50 a.m. Court in recess.

Court's preliminary remarks.

Mr. Birenbach answers questions asked by the Court regarding defendants' video re-enactment demonstration.

ORDERED: Plaintiff's Motion to Strike Defendants' Radar and Video Evidence Pursuant to Daubert, filed August 31, 2010 [48], is granted. (Rule 403 relevance).

ORDERED: Plaintiff's Motion for Leave to File Daubert Brief, filed August 31, 2010 [47], is moot.

ORDERED: Plaintiff's Motion to Strike Defendants' Witness Kristine Eickoff, filed September 13, 2010 [53], is granted in part with respect to Kristine Eickoff.

Argument by Mr. Lipman.
Argument by Mr. Birenbach.

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ORDERED: Defendants' Motion to Exclude Testimony and Evidence, filed September 14, 2010 [55], is granted with respect to Kelly P. Wells. Trial testimony of Dr. Lanzer will be dependant upon the outcome of his upcoming deposition.

Further argument by Mr. Lipman.
Further argument by Mr. Birenbach.
Argument by Mr. Puga.

ORDERED: Ruling on Plaintiff's Motion to Strike Defendants' Witness Liz Schmidt, filed September 13, 2010 [53], will be dependant upon the evidence presented at trial.

Court states counsel must lay a foundation through Mr. Brill to present the video animation.

Court states its video deposition testimony transcript practice (one transcript, plaintiff's designations highlighted in yellow, defendants' designations highlighted in blue and objections marked in red in columns).

ORDERED: Trial preparation conference set September 24, 2010 at 2:00 p.m. Counsel shall submit video deposition transcript at the trial preparation conference. Proposed voir dire, jury instructions, joint statement of case and final lists of witnesses and exhibits are to be submitted directly to chambers in paper by September 28, 2010.

10:30 a.m. Court in recess.

Hearing concluded. Total time: 31 min.