

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

Courtroom Deputy: Patricia Glover  
Court Reporter: Paul Zuckerman

Date: May 20, 2009

Civil Action No. 09-cv-00019-MSK-MEH

Parties:

UNITED STATES OF AMERICA,  
  
Plaintiff,

v.

CEMEX, INC.,  
  
Defendant.

Counsel Appearing:

Robert Homiak  
John Moscato

Chet Thompson (by telephone)  
Christina Valerio

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**COURTROOM MINUTES**

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HEARING: Law and Motion (Doc. #32)

**10:12 a.m. Court in session.**

Counsel is present as listed above. Linda Kato, EPA, is present with plaintiff's counsel and Chet Thompson appears via telephone.

The Court addresses the parties' Joint Motion to Bifurcate (Doc. #32) and requests additional information from counsel.

Statement from Mr. Homiak addressing why the parties requested bifurcation, how the parties anticipate the case proceeding under bifurcation or without it.

Counsel for defendants concur with plaintiff counsel's assessment for the most part.

Oral findings are made of record and incorporated herein.

**ORDER:** The Joint Motion to Bifurcate (**Doc. #32**) is **GRANTED** in part insofar as the Court will consider at some later time whether trial should be bifurcated if the parties request it and **DENIED** as to the bifurcation as to the discovery process.

Courtroom Minutes  
Judge Marcia S. Krieger  
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**10:58 a.m. Court in recess.**  
**Total Time: 46 minutes.**  
**Hearing concluded.**