

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez

Courtroom Deputy: Deborah Hansen
Court Reporter: Gwen Daniel

Date: October 10, 2012

Civil Action No. 09-cv-00040-WJM-KMT

Counsel:

GERALD HANSEN ELLER,

Plaintiff,

Pro Se

v.

TRANS UNION LLC,

Defendant.

Paul L. Myers
Benton Barton
Martin E. Thornthwaite
Daniel Halvorsen

COURTROOM MINUTES

JURY TRIAL - Day Two

08:11 a.m. Court in Session

Also present: Assistant United States Attorney Jamie Mendelson on behalf of the Department of Veterans Affairs

Court's comments

ORDERED: Defendant Trans Union LLC's Motion to Seal (ECF No. 229) is **GRANTED IN PART** with respect to Defendant's Exhibit A90, which has been marked "confidential." It will be placed under seal and be subject to the Amended Protective Order (ECF No. 95).

With respect to the 15-plus other exhibits that have Mr. Eller's and/or Mr. Willard's Social Security number, defense counsel and Mr. Eller shall at the conclusion of the trial today, stay in the courtroom and together go through those exhibits with those Social Security numbers and redact the first five digits of all those Social Security numbers.

09:03 Jury present

PLAINTIFF'S SECOND WITNESS MICHAEL KLEINMAN (taken out of order)

09:05 Direct (by Mr. Eller)

EXHIBIT IDENTIFIED, OFFERED AND RECEIVED:
29 (objection overruled)

09:31 Cross (by Mr. Myers)

09:42 Redirect (by Mr. Eller)

PLAINTIFF'S FIRST WITNESS GERALD HANSENELLER

09:46 Cross (by Mr. Myers)

EXHIBIT IDENTIFIED, OFFERED AND RECEIVED:
A8, A10, A11, A12

10:28 Court in Recess

10:48 Court in Session - without jury

Discussion re witnesses

10:52 Jury present

PLAINTIFF'S THIRD WITNESS MARION CHRISTINE THORNTON (taken out of order)

10:54 Direct (by Mr. Eller)

Assistant United States Attorney Jamie Mendelson addresses the Court.

10:57 - 10:59 Bench conference

11:00 Direct continued

11:06 Cross (by Mr. Thornthwaite)

PLAINTIFF'S FIRST WITNESS GERALD HANSEN ELLER

11:10 Cross continued (by Mr. Myers)

EXHIBIT IDENTIFIED, OFFERED AND RECEIVED:
A74, A78, A81

11:35 - 11:36 Bench conference

11:36 Cross continued

12:22 Court in Recess

01:49 Court in Session - without jury

01:49 Jury present

PLAINTIFF'S FIRST WITNESS GERALD HANSEN ELLER

01:50 Cross continued (by Mr. Myers)

EXHIBIT IDENTIFIED, OFFERED AND RECEIVED:
A49

02:03 - 02:06 Bench conference

EXHIBIT IDENTIFIED, OFFERED AND RECEIVED:
A5, A94, A95, A96

PLAINTIFF'S FIRST WITNESS GERALD HANSEN ELLER

02:50 Redirect examination by *pro se* plaintiff in narrative form

02:58 Court in Recess

03:22 Court in Session - without jury

Discussion

03:27 Jury present

PLAINTIFF'S THIRD WITNESS DR. ROBERT GOOS (by telephone)

03:29 Direct (by Mr. Eller)

03:45 Cross (by Mr. Myers)

Defendant offers Exhibit No. A69. Plaintiff withdraws his stipulation to the exhibit and objects to its admission.

EXHIBITS IDENTIFIED, OFFERED AND REFUSED:
(objection sustained): A69

04:02 Redirect

PLAINTIFF'S FIRST WITNESS GERALD HANSEN ELLER

04:05 Redirect examination continued by *pro se* plaintiff in narrative form

EXHIBITS IDENTIFIED, OFFERED AND REFUSED
(objection sustained): 35

As to exhibit 40 the objection is overruled as to all
pages of Exhibit 40 other than page Eller 907, the
objection is sustained as to that page only.

EXHIBIT IDENTIFIED, OFFERED AND RECEIVED:
40, all pages except for Eller Supp. 907

EXHIBITS IDENTIFIED OFFERED AND REFUSED:
Exhibit No. 40, Eller Supp. 907

EXHIBITS IDENTIFIED OFFERED AND REFUSED:
59

EXHIBIT IDENTIFIED, OFFERED AND RECEIVED:
Exhibit 37(objection overruled) Eller Supp. 40, 59, 937

EXHIBITS IDENTIFIED OFFERED AND REFUSED
(objection sustained) Exhibit 37, Eller Supp. 939

EXHIBIT IDENTIFIED, OFFERED AND RECEIVED:
19

04:55 Jury excused

Court's comments

04:58 p.m. Court in Recess
Trial continued
Time: six hours and 36 minutes