

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

Courtroom Deputy: Kathy Preuitt-Parks
Court Reporter: Janet Coppock

Date: July 21, 2009
Time: one hour and 32 minutes

CASE NO. 09-cv-00563-PAB-BNB

Parties

Counsel

**JOHN MCCULLEY, and
CARMEN MCCULLEY,**

Caroline Cooley
Ryann Payton

Plaintiff (s),

vs.

**TED MINK, Sheriff of Jefferson
County, Colorado,
CARLA ZINANTI, DEPARTMENT
MANAGER OF ANIMAL CONTROL
SECTION OF JEFFERSON COUNTY,
COLORADO, COLORADO SHERIFF'S
OFFICE, and
KAYCEE STARKEY,**

Writer Mott
Tom Walsh

Defendant (s).

MOTION HEARING

10:05 a.m. COURT IN SESSION

APPEARANCES OF COUNSEL.

Page Two
09-cv-00563-PAB-BNB
July 21, 2009

Defendants Ted Mink and Carla Zinanti's Motion to Dismiss Amended Complaint (Doc #21), filed 4/27/09.

Counsel shall address the motion in pieces, beginning with the 1st cause of action and issue of open fields doctrine.

10:06 a.m. Argument by Mr. Mott. Questions by the Court.

Parties stipulate to the findings of fact.

Exhibit 1 (findings of fact) is ADMITTED for purposes of these proceedings.

10:28 a.m. Argument by Ms. Cooley. Questions by the Court.

10:49 a.m. Rebuttal argument by Mr. Mott. Questions by the Court

Court converts Defendants Ted Mink and Carla Zinanti's Motion to Dismiss Amended Complaint to Motion for Summary Judgement in part, pursuant to Rule 12(d).

Court states its findings and conclusions.

ORDERED: Summary judgment is **GRANTED** as to the 1st cause of action and open fields doctrine.

11:13 a.m. COURT IN RECESS

11:22 a.m. COURT IN SESSION

Counsel shall address whether the claims against defendants Mink and Zinanti are not time barred by the statute of limitations.

11:23 a.m. Argument by Ms. Cooley.

11:34 a.m. Argument by Mr. Mott.

Counsel shall address remaining issues raised in the motion for summary judgment.

11:39 a.m. Argument by Mr. Mott.

Page Three
09-cv-00563-PAB-BNB
July 21, 2009

11:42 a.m. Argument by Ms. Cooley conceding that the willful wanton arguments made were based in a wrongful Fourth Amendment violation, given the Court's ruling on open fields doctrine.

ORDERED: Court will take remaining claims in Defendants Ted Mink and Carla Zinanti's Motion to Dismiss Amended Complaint (Doc #21), filed 4/27/09.
UNDER ADVISEMENT. Written order shall issue.

Discussion regarding any additional motions that may be filed.

11:46 a.m. COURT IN RECESS

Total in court time: 92 minutes

Hearing concluded