

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
JUDGE CHRISTINE M. ARGUELLO**

Courtroom Deputy: Nel Steffens  
Court Reporter: Darlene Martinez

Date: June 10, 2009

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Civil Action No. 09-cv-00721-CMA-KMT

Parties:

JAMIE HAGGARD,

Plaintiff,

v.

SYNTHES SPINE, a Pennsylvania corporation,

Defendant.

Counsel:

Erik Fischer

Scott Cooper  
Paul Lewis  
Leigh Ann Fierro

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**COURTROOM MINUTES**

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HEARING: MOTION FOR PRELIMINARY INJUNCTION

**1:30 p.m. Court in session.**

Appearances of counsel. Also seated at defendant's table is Synthes representative, Matthew Haley Shapcott.

Court's oral sequestration order is in effect.

Court reviews tendered proposed order regarding motion to seal, #26; court signs order and directs clerk to file.

1:36 p.m. Opening statement by Mr. Cooper.

1:39 p.m. Opening statement by Mr. Fischer.

1:43 p.m. Defendant's witness, Matthew Shapcott, called and sworn.

Direct examination by Mr. Cooper.

*Exhibits Identified: 49, 40, 43, 44, 38, 48, 19, 42, 45, 53, 46, 50, 27, 35, 36*

*Exhibits Admitted Under Seal: 49, 40, 43, 44, 38, 48, 42, 45, 53, 46, 50, 27, 35, 36*

*Exhibits Admitted Not Under Seal: 19*

**3:06 p.m.** Court in recess.

**3:17 p.m.** Court in session.

Witness Shapcott has resumed the witness stand.

3:18 p.m. Cross examination by Mr. Fischer.

*Exhibits Identified: 20, 17*

3:57 p.m. Re-direct examination by Mr. Cooper.

4:01 p.m. Witness is excused.

Discussion regarding may-call witness, Katie Couture. Ms. Couture is released from subpoena.

4:03 p.m. Plaintiff's witness, Jamie Haggard, called and sworn.

Direct examination by Mr. Fischer.

*Exhibits Identified: 47*

4:32 p.m. Cross examination by Mr. Cooper.

*Exhibits Identified: 1, 20, 22, 23, 24, 25, 26, 28, 29*

*Exhibits Admitted Under Seal: 20, 22, 23, 24, 25, 26, 28, 29*

*Exhibit Admitted Not Under Seal: 1*

4:54 p.m. Witness' deposition opened by courtroom deputy and delivered to witness.

Continued cross examination by Mr. Cooper.

5:17 p.m. Witness is excused.

Discussion regarding closings in light of time of day.

Mr. Cooper asks that temporary injunction be continued until court's order is issued; Mr. Fischer stipulates.

**ORDER:** The **Stipulated Injunction** [#18] is continued until the court's ruling is issued.

Court's findings regarding plaintiff's motion for remand, #19.

**ORDER:** The **Plaintiff's Motion for Remand and Motion to Dismiss for Lack of Jurisdiction** [#19], filed April 15, 2009, is **DENIED**.

Court directs counsel to leave the original exhibit notebooks with the court and to take the court's copy.

Discussion regarding transcript of this proceeding.

**5:26 p.m. Court in recess/hearing concluded.**

Total in-court time: 03:45