

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

Date: August 17, 2010  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 09-cv-01126-RPM

EMILY BACHMEIER,

Randal R. Kelly

Plaintiff,

v.

TIRE DISTRIBUTION SYSTEMS, INC.,

David C. Fawley  
C. Michael Montgomery

Defendant.

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**COURTROOM MINUTES**

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**Pretrial Conference**

**1:54 p.m. Court in session.**

Court reviews proposed pretrial order and counsel answer questions.

Discussion and argument regarding pending motions in limine.

**ORDERED: Opposed Motion in Limine Concerning Seatbelt Evidence, filed May 19, 2010 [49]: Nebraska Law is applicable and the effect depends upon the evidence.**

**Plaintiff's Felonious Killing Claim is excluded re: [63].**

**Defendant's Motion in Limine to Exclude Evidence of Post-Accident Wheel Stud Installation Procedures, filed June 25, 2010 [57], is denied but manufactures post accident written communications is excluded.**

**Defendant's Motion in Limine to Exclude Unduly Speculative Evidence of Mr. Bachmeier's Future Earnings, filed August 10, 2010 [69], is granted to the extent stated on record.**

Discussion regarding witnesses, exhibits and depositions.

Court states plaintiff is permitted to cross examine Jim Hager in its case in chief.

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Counsel state there are no videotape depositions and **Court instructs counsel to use only written deposition transcripts for impeachment.**

**Testimony by deposition: objections to be raised on reading.**

Court states plaintiff's witness Clarence Christiansen's anticipated testimony either in person or by deposition must be presented in its case in chief.

Court states 1 dead body and a few family photographs are permitted.

**ORDERED: Proposed voir dire and jury instruction are to be submitted in paper directly to chambers by 4:00 p.m. September 1, 2010.**

Court states its trial practices and procedures.

Counsel state they intend to request a witness sequestration order.

Court states opposing experts may sit at counsel table during experts' testimony and that a sequestration order will apply to family members.

**ORDERED: Final Pretrial Order signed.**

**2:54 p.m. Court in recess.**

Hearing concluded. Total time: 1 hr.