

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior Judge John L. Kane**

Date: March 17, 2010

Deputy Clerk: Bernique Abiakam  
Court Reporter: Kara Spitler

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Civil Action No.: 09-cv-01135-REB  
Consolidated with Civil Action No.: 10-cv-00462-REB

COLORADO RAIL PASSENGER ASSOCIATION,

Philipp C. Theune

Plaintiff,

v.

FEDERAL TRANSIT ADMINISTRATION,  
DENVER UNION STATION PROJECT AUTHORITY, and  
REGIONAL TRANSPORTATION DISTRICT, a  
political subdivision of the State of Colorado,

Terry Fox  
Marla Lien  
Bob Troyer

Defendants.

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**COURTROOM MINUTES**

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**Temporary Restraining Order**

**10:07 a.m. Court in session.**

*(Presiding Senior Judge, John L. Kane)*

Court calls case.

Preliminary remarks by the Court.

Argument heard regarding Emergency Motion And Memorandum In Support For A Temporary restraining Order Against Defendants Denver Union Station Project Authority and Regional Transportation District (Filed 3/12/10; Doc. No. 63).

10:08 a.m. Argument by Theune.

10:45 a.m. Argument by Ms. Lien.

11:02 a.m. Argument by Mr. Troyer.

11:09 a.m. Argument by Ms. Fox.

11:14 a.m. Plaintiff's witness, Roger P. Hansen, called and sworn.  
Direct examination begins by Mr. Theune.

11:38 a.m. Cross examination begins by Ms. Fox.

11:44 a.m. Cross examination by Mr. Troyer.

11:45 a.m. Witness excused.

11:47 a.m. Plaintiff's witness, Albert Melcher, called and sworn.  
Direct examination begins by Mr. Theune.

**11:58 a.m. Court in recess.**

**1:35 p.m. Court in session.**

1:36 p.m. Continued direct examination by Mr. Theune.

1:58 p.m. Cross examination begins by Ms. Fox.

2:00 p.m. Cross examination by Mr. Troyer.

2:13 p.m. Witness excused.

2:14 p.m. Plaintiff's witness, Ira Schreiber, called and sworn.  
Direct examination begins by Mr. Theune.

2:20 p.m. Cross examination begins by Ms. Fox.

2:22 p.m. Cross examination by Ms. Lien.

2:23 p.m. Cross examination by Mr. Troyer

2:24 p.m. Redirect examination by Mr. Theune.

Witness excused.

2:25 p.m. Defendant's witness, Richard Clarke, called and sworn.  
Direct examination begins by Ms. Lien.

2:54 p.m. Cross examination begins by Mr. Theune.

3:08 p.m. Redirect examination by Ms. Lien.

3:09 p.m. Re-cross examination by Mr. Theune.

3:10 p.m. Witness excused.

3:11 p.m. Defendant's witness, William Mosher, called and sworn.  
Direct examination begins by Mr. Troyer.

Witness excused.

**3:29 p.m. Court in recess.**

**3:52 p.m. Court in session.**

Preliminary remarks by the Court.

3:53 p.m. Closing argument by Mr. Theune.

4:00 p.m. Closing argument by Ms. Fox.

4:04 p.m. Closing argument by Ms. Lien. Questions by the Court.

4:13 p.m. Closing argument by Mr. Troyer.

4:25 p.m. Further argument by Mr. Theune. Questions by the Court.

4:35 p.m. Comments and rulings by the Court.

**ORDERED:** Emergency Motion And Memorandum In Support For A Temporary restraining Order Against Defendants Denver Union Station Project Authority and Regional Transportation District (Filed 3/12/10; Doc. No. 63) is taken UNDER ADVISEMENT.

**4:36 p.m. Court in recess.**

Hearing concluded.

Time in court - 4 hours, 29 minutes.