

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kristen L. Mix**

Civil Action No.: 09-cv-01189-WDM-KLM

**FTR - Reporter Deck - Courtroom C-204
Byron G. Rogers United States Courthouse
Courtroom Deputy, Kathleen Finney**

Date: June 11, 2010

GERALD SCHLENKER,

Darold W. Killmer
Mari Anne Newman
Rebecca Teitelbaum Wallace

Plaintiff(s),

v.

CITY OF ARVADA, COLORADO,

William James Barber
Roberto Ramirez

CHARLES J. HUMPHREY, in his individual capacity,
JOSEPH HERTEL, in his individual capacity, and
KELLY SHEEHAN, in his individual capacity,

Shelby Anne Felton

Defendant(s).

COURTROOM MINUTES / MINUTE ORDER

HEARING: EVIDENTIARY HEARING

Court in Session: 9:02 a.m.

Court calls case. Appearance of counsel.

This matter is before the Court on Plaintiff's Motion to Compel Defendant City of Arvada to Provide Discovery Responses Related to Similar Claims [Doc. No. 163, filed 4/30/2010], Arvada's Response to Plaintiff's Motion to Compel Discovery [Doc. No. 167, filed 5/26/2010] ("Motion No. 163") and Defendant's Motion to Reduce Fee for Plaintiff's Expert Witness [Doc. No. 168, filed 6/1/10]("Motion No. 168").

9:05 a.m. Plaintiff's argument regarding Motion No. 163 by Mari Anne Newman.
Plaintiff's Exhibits (regarding Doc. No. 163) 1 - 10 are admitted.
Defendants' Exhibits (regarding Doc. No.163) 1 - 11 are admitted. Exhibit 3 is admitted under seal.

Plaintiff's Exhibits (regarding Doc. No. 168) 1 - 20 are admitted.

- 9:51 a.m. Defendant City of Arvada's argument regarding Motion No. 163 by Roberto Ramirez.
- 10:02 a.m. Defendant City's witness, Don Wick, sworn.
- 10:03 a.m. Direct examination by Roberto Ramirez.
- 10:12 a.m. Questions by the Court of witness.
- 10:16 a.m. Cross examination by Darold W. Killmer.
- 10:37 a.m. Redirect examination by Roberto Ramirez.
- 10:38 a.m. Defendant City's witness, Don Wick, excused.

For reasons stated on the record,

It is ORDERED: Plaintiff's Motion to Compel Defendant City of Arvada to Provide Discovery Responses Related to Similar Claims [Doc. No. 163] is **TAKEN UNDER ADVISEMENT**. To the extent that the Motion seeks discovery responses relating to *all* claims asserted by Plaintiff against the Defendant City, it is **GRANTED**. A written Order will be issued in due course.

- 10:40 a.m. Plaintiff's witness regarding Motion No. 168, Dr. Michael Lyman (telephone), sworn.
- 10:40 a.m. Direct examination by Rebecca T. Wallace.
- 11:09 a.m. Cross examination by Shelby A. Felton.
- 11:17 a.m. Plaintiff's witness, Dr. Michael Lyman, excused.
- 11:18 a.m. Plaintiff's attorney and witness, Darold Killmer, sworn.
- 11:19 a.m. Direct examination by Rebecca T. Wallace.
- 11:44 a.m. Cross examination by Shelby A. Felton.
- 11:49 a.m. Plaintiff's attorney and witness, Darold Killmer, excused.
- 11:49 a.m. Plaintiff's argument regarding Motion No. 168 by Rebecca T. Wallace.
- 11:57 a.m. Defendants' argument regarding Motion No. 168 by Shelby A. Felton.

It is ORDERED: Defendants' Motion to Reduce Fee for Plaintiff's Expert Witness [Doc. No. 168] is **TAKEN UNDER ADVISEMENT**. A written order will be issued in due course. The Court encourages the parties to further negotiate this issue.

HEARING CONCLUDES.

Court in recess: 11:59 a.m.

Total In-Court Time: 02:57

To order a transcript of this proceeding, contact Avery Woods Reporting at (303) 825-6119.