

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
HONORABLE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover  
Court Reporter: Paul Zuckerman

Date: November 3, 2011

Civil Action No. 09-cv-01380-MSK-MEH

Parties:

DARRELL L. HAVENS,

Plaintiff,

v.

WILLIAM JOHNSON, Arvada Police Detective,

Defendant.

Counsel:

David Harper  
William Muhr

Thomas Lyons  
Mark Ratner

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**COURTROOM MINUTES**

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HEARING: Evidentiary

**9:11 a.m. Court in session**

**Witness sworn for the plaintiff: Wendy Carlson :**

**9:12 a.m.** Direct Examination by Mr. Muhr.

**EXHIBITS: Received: 17 (Q1; K1-61); 35**

Cross examination of witness by Mr. Lyons.

Re-direct examination of witness by Mr. Muhr.

**EXHIBITS: Received: 14**

**Witness sworn for the plaintiff: Perry Haney:**

**10:04 a.m.** Direct Examination by Mr. Muhr.

**EXHIBITS: Received:  
Refused: 18**

Cross examination of witness by Mr. Ratner.

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Re-direct examination of witness by Mr. Muhr.

**10:37 a.m. Court in recess**  
**10:49 a.m. Court in session**

**Witness sworn for the plaintiff: Robert Lantz, Ph.D :**

**10:51 a.m.** Direct Examination by Mr. Muhr.

**EXHIBITS: Received: 32**

Cross examination of witness by Mr. Ratner.

Re-direct examination of witness by Mr. Muhr.

**EXHIBITS: Received: 11**

**Witness sworn for the plaintiff: Dr. Joan Laub:**

**11:21 a.m.** Direct Examination by Mr. Muhr.

**EXHIBITS: Received: 29**

Cross examination of witness by Mr. Ratner.

Re-direct examination of witness by Mr. Muhr.

Re-cross examination of witness by Mr. Ratner.

**Witness sworn for the plaintiff: Chrystal Havens :**

**11:43 a.m.** Direct Examination by Mr. Muhr.

Cross examination of witness by Mr. Ratner.

No re-direct examination.

**11:56 a.m. Court in recess.**  
**1:08 p.m. Court in session**

**Witness sworn for the plaintiff: Darrell Havens :**

**1:09 p.m.** Direct Examination by Mr. Muhr.

Cross examination of witness by Mr Lyons.

Re-direct examination of witness by Mr. Muhr.

**2:01 p.m. Court in recess**  
**2:16 p.m. Court in session**

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**Witness sworn for the plaintiff :Allen Fistell :**  
**2:16 p.m.** Direct Examination by Mr. Muhr.

Cross examination of witness by Mr. Ratner.

Re-direct examination of witness by Mr. Muhr.

Plaintiff rests.

**Witness sworn for the defendant : Ronald Kimsey :**  
**2:26 p.m.** Direct Examination by Mr. Lyons.

**EXHIBITS: Received: 5, 6, 7, 8**

Cross examination of witness by Mr. Muhr.

Re-direct examination of witness by Mr. Lyons.

**Witness sworn for the defendant :Edward Cetaruk :**  
**2:47 p.m.** Direct Examination by Mr. Ratner.

**EXHIBITS: Received: 3**

Cross examination of witness by Mr. Muhr.

Re-direct examination of witness by Mr. Ratner.

Defendant rests.

No rebuttal witnesses.

**3:17 p.m. Court in recess**  
**3:35 p.m. Court in session**

Argument.

Oral findings are made of record and incorporated herein.

**ORDER:** The remainder of the Motion for Reconsideration (**Doc. #76**) is **GRANTED**. The Order of dismissal previously issued (**Doc. #73**) is **VACATED**. Defendant's Motion to Dismiss (**Doc. #24**) is **DENIED**; the Motion to Consolidate Cases (**Doc. #89**) is **GRANTED**. The cases are consolidated for all purposes. This action will proceed with a dual caption but the secondary portion of the caption will be the subsequently filed case. All of the pending motions in the case before Judge Blackburn become pending motions in this case.

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The Court recommends that the parties contact Magistrate Judge Hegarty's chambers to request another Scheduling Conference, if appropriate.

**4:15 p.m. Court in recess**

**Total Time: 5 hours 7 minutes.  
Hearing concluded.**