

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez

Courtroom Deputy: Cathy Coomes
Court Reporter: Gwen Daniel

Date: January 2, 2013

Civil Action No. 09-cv-02434-WJM-MJW

Counsel:

CINDY H. SANDOVAL,

Plaintiff,

Elwyn F. Schaefer
Sara Ann Green

v.

ANNA MARTINEZ-BARNISH,

Defendant.

Jamie L. Mendelson
Juan Gonzalo Villasenor

COURTROOM MINUTES

FINAL TRIAL PREPARATION CONFERENCE

03:05 p.m. Court in Session

Appearances

Court's comments

This case is set for a three-day jury trial commencing January 14, 2013.

Argument by Ms. Mendelson and Mr. Schaefer and discussion with the Court regarding Defendant's Motion in Limine (ECF No. 190).

ORDERED: Defendant's Motion in Limine (ECF No. 190) is TAKEN UNDER ADVISEMENT IN PART and GRANTED IN PART.

Court's comments concerning exhibits and disputed Jury Instructions submitted by Plaintiff

ORDERED: The Court accepts Plaintiff's Proposed Disputed Jury Instructions (ECF no. 216) as timely filed. However, Plaintiff shall file the Jury Instructions as a stand-alone document and number the instructions correctly. The correct Jury Instructions shall also be e-mailed to this Court's chambers in WordPerfect format on or before January 9, 2013.

Court's comments concerning the trial schedule and procedures

ORDERED: Counsel shall be present at 8:00 on Monday, January 14, 2013 to take up final pretrial matters.

ORDERED: No trial briefs will be accepted.

Argument by Mr. Schaefer, Ms. Mendelson, and Mr. Villasenor and discussion with the Court regarding Plaintiff's Motion for Telephonic Testimony for Witness Scott Rogers Pursuant to F.R.C.P. 43 (ECF No. 212).

ORDERED: Plaintiff's Motion for Telephonic Testimony for Witness Scott Rogers Pursuant to F.R.C.P. 43 (ECF No. 212) is GRANTED IN PART. The Court will allow testimony from Scott Rogers by video conference from the federal courthouse in Atlanta, Georgia.

Counsel are directed to contact Deborah Hansen, Courtroom Deputy, at (303)335-2102 to make arrangements for the video conference testimony through the Court's IT department.

Discussion concerning the deposition testimony of Christopher Powers

ORDERED: Counsel shall submit a transcript of Mr. Powers' deposition testimony, making sure that objections have been ruled on.

Discussion concerning Defendant's witnesses presented for impeachment purposes only

ORDERED: Each evening of trial both parties are directed to advise each other as to the identity and order of its witnesses scheduled to testify on the following day.

Discussion concerning the Court's ruling on the scope of Defendant's employment

Discussion concerning the possibility of a settlement in this case

Counsel are granted leave to file a motion for settlement conference before the Magistrate Judge, if they believe it to appropriate.

ORDERED: The parties shall e-mail to Chambers by January 9, 2013 the identity of all counsel and parties that will be present at counsel table during the trial.

03:49 p.m. Court in Recess
Hearing concluded
Time: 44 minutes