

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

Courtroom Deputy: Patricia Glover
Court Reporter: Gwen Daniel

Date: June 23, 2011

Civil Case No. 09-cv-02601-WJM-BNB

Counsel:

MICHAEL E. CUMMINGS,

William Hansen
Sean McDermott

Plaintiff,

v.

AVON WYNFIELD LLC

Scott Sandberg
Virginia Olmstead

Defendant.

COURTROOM MINUTES

Trial Preparation Conference

11:03 a.m. Court in Session

Appearances

Court's comments

The Court addresses Defendant's Motion in *Limine* (**Doc. #128**)

Argument.

ORDERED: Defendant's Motion in *Limine* (**Doc. #128**) is **GRANTED**. Plaintiff will limit Ms. Stodola's testimony at trial only to those opinions addressed in her November 5, 2010 expert report.

The Court addresses Defendant's Motion to Strike (**Doc. #151**)

Argument.

ORDERED: Defendant's Motion to Strike (**Doc. #151**) is **DENIED**. The nieces will be permitted to testify at trial provided that plaintiff makes them available for deposition prior to the commencement of trial. The deposition(s) will be limited to four hours each.

The Court addresses its Order to Show Cause (**Doc. #148**)

Argument.

ORDERED: Order to Show Cause (**Doc. #148**) is **DISCHARGED** pursuant to the Court's findings. Doc. #145, 146 and 147 will be accepted as filed.

The Court addresses the parties' trial exhibits.

ORDERED: The parties will meet in person on or before Tuesday June 28, 2011 to review and make a good faith effort to stipulate as to admissibility on as many exhibits as possible, and to eliminate entirely all duplicates exhibits. The parties shall file on or before June 29, 2011 their amended final exhibit lists reflecting these efforts.

The Court addresses proposed *voir dire*, jury instructions and statement of the case.

ORDERED: The parties will submit an amended statement of the case instruction on or before June 29, 2011 that is no more than one page in length.

No trial briefs will be accepted from the parties.

The Court addresses questions from counsel about trial.

Counsel represent they have no objections to the qualifications of the proposed expert witnesses to testify pursuant to FRE 702. As a result, only abbreviated foundational examination of the expert witnesses will be permitted at trial.

11:46 a.m. Court in Recess
Hearing concluded
Time: 43 minutes