

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**JUDGE R. BROOKE JACKSON**

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Courtroom Deputy: Laura Galera  
Court Reporter: Kara Spitler

Date: May 4, 2012

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Civil Action No. 09-cv-02858-RBJ-BNB

Parties:

ILONA KIRZHNER,  
  
Plaintiff,

Counsel:

Alan D. Sweetbaum  
Thomas DeVine, Jr.

v.

DAVID SILVERSTEIN,  
EVERGREEN INDUSTRIES, INC.,  
DAVID SILVERSTEIN INVESTMENTS,  
LLC,  
DSI INVESTMENTS, LLC,  
BMGI CORPORATION, and  
BMGI HOLDINGS, LLC,

Amy L. Benson  
Timothy Beyer

Defendants.

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COURTROOM MINUTES

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**TRIAL PREPARATION CONFERENCE**

**8:49 a.m. Court in session.**

Discussion between the Court and counsel regarding existing claims.

Argument by counsel as to Defendant's Motion In Limine To Limit Testimony Regarding Fraudulent Concealment Doc.# [335], Defendant's Second Motion In Limine On Evidentiary Issues Doc.# [336], and Defendant's Motion To Amend Pretrial Order Doc.# [337].

Discussion regarding jury instructions and voir dire.

**ORDERED:** Plaintiff to file a response to Defendant's Motion In Limine To Limit Testimony

Regarding Fraudulent Concealment Doc.# [335] no later than **May 11, 2012.**

**ORDERED:** Defendant's Second Motion In Limine On Evidentiary Issues Doc.# [336] is **GRANTED IN PART AND DENIED IN PART** for the reasons as stated on the record.

**ORDERED:** Defendant's Motion To Amend Pretrial Order Doc.# [337] is **DENIED**. In the alternative, if the parties are unable to agree on what the claims are, they may file a list no later than **May 11, 2012** and the Court will decide what the claims are.

**ORDERED:** Trial Preparation Conference continued to **May 16, 2012 at 8:00 a.m.** before the Honorable Judge R. Brooke Jackson in Courtroom A-702, Seventh Floor, Alfred A. Arraj United States Courthouse, 901 19<sup>th</sup> Street, Denver, Colorado 80294.

**9:52 a.m. Court in recess.**

Hearing continued.

Total time: 01:03