

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

Courtroom Deputy: Deborah Hansen
Court Reporter: Gwen Daniel

Date: August 22, 2011

Civil Case No. 09-cv-02895-WJM-MJW

Counsel:

MICHAEL McCAMMOND,

James C. Vaughters

Plaintiff,

v.

SCHWAN'S HOME SERVICE, INC.,

Alan L. Rupe

Defendant.

COURTROOM MINUTES

JURY TRIAL - Day One

08:09 a.m. Court in Session

Appearances

Court's comments

Discussion re preliminary matters

08:26 Court in Recess

08:44 Court in Session - Jury panel present

Court's opening remarks to the jury panel

09:00 Jury sworn voir dire. Voir dire commences.

09:52 Voir dire (by the Court)

09:53 Voir dire (by Mr. Vaughters)

10:05 Voir dire (by Mr. Rupe)

10:24 - 10:26 Bench conference - ORDERED: The parties' challenges for cause are overruled.

10:26 Court in Recess

10:41 Court in Session - jury panel present

10:41 Voir dire continued

CHALLENGES FOR PLAINTIFF:

1. 100227606
2. 100204024
3. 100216193

CHALLENGES FOR DEFENDANT:

1. 00237478
2. 100208826
3. 100226100

10:47 Voir dire completed

10:49 JURY SWORN TO TRY:

- 1) 100215283
- 2) 100225573
- 3) 100230525
- 4) 100227602
- 5) 100226635
- 6) 100205207
- 7) 100214967
- 8) 100206080

10:50 Court's preliminary instructions to the jury

11:12 Opening Statement (by Mr. Vaughters)

11:26 Opening Statement (by Mr. Rupe)

PLAINTIFF'S WITNESS MICHAEL McCAMMOND

11:43 Direct (by Mr. Vaughters)

11:55 Court in Recess

01:10 Court in Session - without jury

Court's comments

ORDERED: Defendant's Unopposed Motion for Leave to Submit Amended Joint Exhibit List [100] is DENIED.

01:14 Jury present

Exhibits identified, offered and received: 1, 11, 12; 13 through 32.

Exhibits identified, offered and received, objections overruled: 2, 3, 4, 5, 6, 7, 8, 9.

Plaintiff withdraws Exhibit Nos. 28, 30, 31, 32. No objection by Defendant.

Exhibits withdrawn: 28, 30, 31, 32.

Exhibits identified, offered and received, objections overruled: 33, 34, 35, 36, 37

02:57 Court in Recess

03:11 Court in Session

03:13 Jury present

PLAINTIFF'S WITNESS MICHAEL McCAMMOND

03:13 Direct continued (by Mr. Vaughters)

Exhibits identified, offered and received, objections overruled: 38, 39, 40, 41

Exhibits referred: 42, 43, 44, 45, 46

Exhibit identified, offered and received: 47

PLAINTIFF'S WITNESS MICHAEL McCAMMOND

04:25 Cross (by Mr. Rupe)

Exhibit identified, offered and received: Q, O, L, M, 43

Exhibit identified, offered and rejected, objection sustained: Z

05:07 Jury excused

Court's comments

Discussion re exhibits

Mr. Rupe's proffer re Exhibit Z

Mr. Vaughter's response

05:15 p.m. Court in Recess
Trial continued
Time: 7/19