

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
JUDGE LEWIS T. BABCOCK

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Courtroom Deputy: Emily Seamon  
Court Reporter: Kara Spitler

Date: September 8, 2011

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Civil Case No. 09-cv-02976-LTB-BNB

Counsel:

SHIRLEY DOLL, and  
JIMMIE KOCH,

Stephen Kaufman  
W. Randolph Barnhart  
Charles Crichton  
Jennifer Crichton  
Melissa Hailey

Plaintiffs,

v.

KAZ USA, INC., and  
KAZ, INC.,

Mark Pottinger  
Laura Hass  
Rusty Miller

Defendants.

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COURTROOM MINUTES

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HEARING - PENDING MOTIONS

9:02 a.m. Court in Session.

Discussion between the Court and counsel regarding Defendants' pending motions.

The Court grants the filing of all of defendants' motions and gives plaintiffs an opportunity to file a response to the motions.

9:13 a.m. Statement by Mr. Pottinger regarding recovered memories of the plaintiff, the depositions of experts, and supplemental material.

Discussion between the Court and counsel regarding Plaintiffs' Motion to Exclude All Opinion Testimony of Defense Expert David A. Krauss.

9:20 a.m. Argument by Mr. Barnhart.

9:32 a.m. Argument by Mr. Pottinger.

Discussion between the Court and counsel regarding Plaintiffs' Motion to Exclude Certain Evidence Pertaining to Drugs.

9:38 a.m. Argument by Mr. Kaufman.

9:50 a.m. Argument by Mr. Pottinger.

10:04 a.m. Court in recess.

10:14 a.m. Court in session.

Discussion between the Court and counsel regarding Plaintiffs' Motion to Exclude Certain Testimony Re: Defendants' IME Expert Witness, Gary S. Gutterman, M.D.

10:15 a.m. Argument by Mr. Kaufman.

10:19 a.m. Argument by Mr. Pottinger.

Discussion between the Court and counsel regarding Plaintiffs' Motion to Exclude All Testimony and Evidence Proffered by Treating Physician Donald Ross, M.D. and Retained Expert Physician Stephen Cantrill, M.D. that Mrs. Koch's Injuries Were Caused by a Drug Overdose.

10:31 a.m. Argument by Mr. Barnhart.

10:48 a.m. Argument by Mr. Pottinger.

10:55 a.m. Rebuttal argument by Mr. Barnhart.

**ORDERED:** Plaintiffs shall respond to Defendants' Rule 702 Motions and Motion in Limine on or before **Monday, September 26, 2011**. No replies to the Motions shall be filed.

**ORDERED:** Plaintiffs' Motion to Exclude Certain Evidence Pertaining to Drugs [Docket No. 198, Filed July 7, 2011] is GRANTED.

**ORDERED:** Plaintiffs' Motion to Exclude All Testimony and Evidence Proffered by Treating Physician Donald Ross, M.D. and Retained Expert Physician Stephen Cantrill, M.D. that Mrs. Koch's Injuries Were Caused by a Drug Overdose [Docket No. 199, Filed July 7, 2011] is GRANTED IN PART and CONDITIONALLY DENIED IN PART as reflected on the record.

**ORDERED:** Plaintiffs' Motion to Exclude Certain Testimony Re: Defendants' IME Expert Witness, Gary S. Gutterman, M.D. [Docket No. 200, Filed July 7, 2011] is GRANTED IN PART AND DENIED IN PART.

**ORDERED:** Plaintiffs' Motion to Exclude All Opinion Testimony of Defense Expert David A. Krauss [Docket No. 204, Filed July 15, 2011] is GRANTED.

**ORDERED:** Plaintiffs' Motion to Exclude All Opinion Testimony of Defense Expert David A. Krauss [Docket No. 207, Filed July 15, 2011] is GRANTED.

**ORDERED:** Defendants' Motion to Reconsider Court's Ruling that the Court "Will Not Entertain Any Further Motions" [Docket No. 250, Filed August 16, 2011] is GRANTED.

**ORDERED:** Defendants' Motion to Limit Testimony of Plaintiffs' Engineering Expert Carl Finocchiaro [Docket No. 255, Filed August 16, 2011] is HELD IN ABEYANCE.

**ORDERED:** Defendants' Motion to Limit Testimony of Plaintiffs' Rebuttal Expert Dr. Ronald Keller [Docket No. 256, Filed August 16, 2011] is HELD IN ABEYANCE.

**ORDERED:** Defendants' Motion to Limit Testimony of Plaintiffs' Toxicology Expert, Dr. Kathey Verdeal, and Plaintiff's Psychologist, Laurence Aylesworth [Docket No. 257, Filed August 16, 2011] is HELD IN ABEYANCE.

**ORDERED:** Defendants' Motion in Limine [Docket No. 258, Filed August 16, 2011] is accepted for filing but shall be treated as a trial brief.

Discussion regarding a supplemental report and more motions in limine.

11:07 a.m. Court in Recess.

Hearing concluded.

Time: 1:55