

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE MICHAEL E. HEGARTY

Civil Action No. 10-cv-00058-MSK-MEH
Courtroom Deputy: Cathy Coomes

Date: March 16, 2010
FTR – Courtroom C203

JEAN C. ROSENFELD,

John G. Nelson

Plaintiff,

vs.

HSBC BANK, USA, and
STEPHANIE Y. O'MALLEY,

Mark Willis
(No appearance)

Defendants.

COURTROOM MINUTES/MINUTE ORDER

MOTION HEARING – Plaintiff's Motion for Preliminary Injunction (Doc. #24, filed 2/1/10)

Court in session: 12:16 p.m.

Court calls case. Appearances of counsel. Plaintiff is present.

Discussion regarding Plaintiff's claims.

12:21 p.m. Opening statements by Mr. Nelson.

12:41 p.m. Opening statements by Mr. Willis.

12:46 p.m. Plaintiff's witness, Jean Rosenfield, is sworn, examined by Mr. Nelson, questioned by the Court, and cross-examined by Mr. Willis.
Counsel stipulate to the admission of Exhibits 1 through 13, and 15 through 27.
Witness is referred to Exhibits 1 through 10 and 15. Exhibit 14 is identified and admitted.

1:15 p.m. Jean Rosenfield is excused.

1:16 p.m. Plaintiff's witness, Charles Rosenfield, is sworn, examined by Mr. Nelson, questioned by the Court, and cross-examined by Mr. Willis.
Witness is referred to Exhibits 1 through 10, and 14.

1:39 p.m. Charles Rosenfield is excused.

1:40 p.m. Discussion regarding calling a witness out of order.

1:42 p.m. Plaintiff's witness, Greg Vernon, is sworn, examined by Mr. Nelson and questioned by the Court.
Witness is referred to Exhibits 14 and 7. Discussion regarding Certificates of Mailing tendered to Mr. Nelson at the Court's request. The tendered documents are copied and marked as Exhibit 28 and admitted.

2:00 p.m. Court in recess.

2:19 p.m. Court in session.
Greg Vernon is further examined by Mr. Nelson and further questioned by the Court.
Witness is referred to Exhibit 7.
Mr. Nelson offers the witness as an expert in the field of auditing loan documents to determine compliance with the Truth in Lending Act (TILA) and the Homeowners Equity Protection Act (HOEPA).
Voir dire by Mr. Willis.
The Court admits Mr. Vernon as an expert witness in the field of auditing loan documents to determine compliance with TILA and HOEPA.

2:33 p.m. Mr. Vernon is further examined by Mr. Nelson, further questioned by the Court, and cross-examined by Mr. Willis.
Witness is referred to Exhibits 1 through 10, 13, and 12.

3:52 p.m. Greg Vernon is excused.

3:53 p.m. Court in recess.

4:01 p.m. Court in session.
Plaintiff rests.

4:02 p.m. Defendant HSBC's witness, Kelly Herzik, is sworn, examined by Mr. Willis, and questioned by the Court.
Mr. Willis offers the witness as an expert in the field of auditing loan documents to determine compliance with TILA and HOEPA.
Objection by Mr. Nelson.
The Court admits Ms. Herzik as an expert in the field of auditing loan documents to determine compliance with TILA and HOEPA.
Witness is referred to Exhibits 1 through 10, 22, and 13.
Ms. Herzik is cross-examined by Mr. Nelson.

5:02 p.m. Kelly Herzik is excused.

5:04 p.m. Defendant HSBC's witness, Linora Furlong, is sworn, examined by Mr. Willis, Witness is referred to Exhibits 2, 7, 21, 20, 18, 16, 10, and 17.

5:18 p.m. Linora Furlong is excused.
Defendant HSBC rests.
Closing arguments.

- ORDERED:**
1. Counsel shall file Joint Stipulated Facts, as well as separate Statements of Disputed Facts on or before **March 26, 2010**.
 2. Plaintiff shall file a closing brief on or before **March 26, 2010**. Defendant HSBC shall file its response on or before **April 7, 2010**. Plaintiff shall file a reply on or before **April 14, 2010**.

The Court takes the matter under advisement.

Court in recess: 5:38 p.m. (Hearing concluded)
Total time in court: 5:22