

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: December 29, 2011
Courtroom Deputy: J. Chris Smith
FTR Technician: Bernique Abiakam

Civil Action No. 10-cv-00252-RPM

LAURA RIDGELL-BOLTZ,

Plaintiff,

Marisa L. Williams
Rhonda L. Rhodes

v.

MICHAEL J. ASTRUE,
Commissioner of the United States Social Security Administration, and
THE SOCIAL SECURITY ADMINISTRATION,

Defendants.

Giel Stein
Andrew F. Maunz
Ruth F. Keegan

COURTROOM MINUTES

Trial Preparation Conference (Pending Motions)

9:52 a.m. Court in session.

ORDERED: Unopposed Motion to Schedule a Second Pretrial Conference [95], is moot by this setting.

Discussion and argument regarding plaintiff's ADEA claim.

ORDERED: Plaintiff's ADEA claim is dismissed. Evidence of retaliation for protected activity concerning sex and age permitted.

Discussion regarding damages under Title VII.

Ms. Williams states plaintiff claims compensatory damages, loss of house and insurance.

Discussion and argument regarding anticipated testimony from health care providers Mark Henningsen and Rachel Sutton. **Testimony of health care providers permitted as stated on record by the Court.**

Discussion and argument regarding privacy act claim. Claim will be tried as a bench trial **at a time to be determined after the jury trial.**

Discussion and argument regarding [67].

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ORDERED: Defendants' Opposed Motion for Issuance of Order to Preserve Privileges and Protections [67], is denied.

Discussion and argument regarding witnesses (Lists [69] and [73]).

Court states testimony from comparators is limited to substantially similar conduct for which plaintiff was fired.

Court instructs Ms. Williams to inform Mr. Stein if and when Dr. Sutton will testify.

Counsel agree to confer regarding stipulating to FOIA issue (Vincent Dormarunno or alternate FOIA Information Officer).

Counsel agree to waive objection to scope of direct examination for witnesses called by both parties. Counsel further agree to confer regarding time records (Exhibit A-4) for possible stipulation.

Counsel request Court give jury a cautionary instruction regarding Yvette Keese and Deanna Ertl-Lombardi's current positions.

Court states orders entered in administrative and litigation proceedings are not admissible.

Discussion and argument regarding defendant's exhibit A-27 (letter drafted by Mr. Black).
Exhibit A-27 not permitted.

Discussion regarding trial procedures.

ORDERED: Proposed voir dire and instructions are to be submitted in paper format directly to chambers by 4:00 p.m. January 4, 2012.

ORDERED: Defendants' Motion for Reconsideration [68], ruled on as stated on record.
(Exhaustion denied and adverse inference / spoliation issues ruled on during trial).

ORDERED: Defendants' Motion for Leave to File objections to Plaintiff's Proposed Witness Testimony and Exhibits and to Strike Plaintiff's Plaintiff's Request for a Jury and Compensatory Damages Under the ADEA [83], ruled on as stated on record.

ORDERED: Motion to Strike Plaintiff's Objections to Defendants' Exhibits [90], is resolved as Court rules on relevance and admissibility issues during the course of the trial.

11:25 a.m. Court in recess.

Hearing concluded. Total time: 1 hr. 33 min.