

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer**

Civil Action No.: 10-cv-00309-CBS-BNB
Date: March 20, 2012

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Robin Mason

KIMBERLY N. SQUIRES,

Colleen M. Parsley
Gregory A. Gold
Richard Waldron Bryans , Jr.
Theodore T. Metier

Plaintiff,

v.

JAMES MICHAEL GOODWIN, *et al.*,

Gary L. Palumbo
Deana R. Dagner
John W. Grund
Joan S. Allgaier

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING:MOTION HEARING

Court in Session: 1:06 p.m.

Court calls case. Appearances of counsel.

Discussion between the court and the parties regarding voir dire, courtroom set up on March 23, 2012, preemptory challenges, jury selection, length of opening statements, time line for each day of trial, jury instructions, technology requests and needs, ability to bring a bi-ski to court to be used as evidence, jury notebooks, use of an outside court reporter, preservation depositions, witnesses, and exhibits and exhibit notebooks.

ORDERED: On Friday, **March 23, 2012**, the parties shall provide the court with two (2) sets of exhibit notebooks as well as two (2) sets of their finalized witness and exhibit lists.

Ms. Dagner makes an oral request to take a recess. No objections made. The court grants oral request.

Court in recess: 2:19 p.m.
Court in session: 2:27 p.m.

Discussion regarding MOTION in Limine Re: BOEC's Nonprofit Status (Docket No. 161 , filed on 2/29/2012) and RESPONSE to #161 MOTION in Limine Re: BOEC's Nonprofit Status (Docket No. 188, filed on 3/14/2012)

ORDERED: For reason as stated on the record, the court **GRANTS** MOTION in Limine Re: BOEC's Nonprofit Status (Docket No. 161 , filed on 2/29/2012).

Discussion regarding MOTION in Limine re Scope of Expert Testimony (Docket No. 159, filed on 2/29/2012) and RESPONSE to #159 MOTION in Limine re Scope of Expert Testimony (Docket No. 216, filed on 3/14/2012).

ORDERED: For reason as stated on the record, the court **GRANTS** MOTION in Limine re Scope of Expert Testimony (Docket No. 159, filed on 2/29/2012).

Discussion regarding MOTION in Limine to Exclude Evidence of Defectiveness or Insufficiency of Bi-Ski (Docket No. 157, filed on 2/29/2012) and RESPONSE to #157 MOTION in Limine to Exclude Evidence of Defectiveness or Insufficiency of Bi-Ski (Docket No. 213, filed on 3/14/2012).

ORDERED: For reason as stated on the record, the court **GRANTS** MOTION in Limine to Exclude Evidence of Defectiveness or Insufficiency of Bi-Ski (Docket No. 157, filed on 2/29/2012).

Discussion regarding MOTION in Limine Re Insurance Coverage (Docket No. 153, filed on 2/29/2012) and RESPONSE to #153 MOTION in Limine Re Insurance Coverage (Docket No. 209, filed on 3/14/2012).

ORDERED: For reason as stated on the record, the court **GRANTS IN PART AND DENIES IN PART** MOTION in Limine Re Insurance Coverage (Docket No. 153, filed on 2/29/2012).

Discussion regarding MOTION in Limine Re Facts Concerning Defendant Goodwin (Docket No. 152, filed on 2/29/2012), RESPONSE to #152 MOTION in Limine Re Facts Concerning Defendant Goodwin (Docket No. 204, filed on 3/14/2012), and RESPONSE to #152 MOTION in Limine Re Facts Concerning Defendant Goodwin (Docket No. 179, filed on 3/13/2012).

ORDERED: For reason as stated on the record, the court **GRANTS IN PART AND DENIES IN PART** MOTION in Limine Re Facts Concerning Defendant Goodwin (Docket No. 152, filed on 2/29/2012),

Discussion regarding Unopposed MOTION in Limine to Exclude Stanley Gale's Settlement Video (Docket No. 151, filed on 2/29/2012).

ORDERED: For reason as stated on the record, the court **GRANTS MOTION** in Limine to Exclude Stanley Gale's Settlement Video (Docket No. 151, filed on 2/29/2012).

Discussion regarding MOTION in Limine RE: Goodwin's Opinions Concerning Making a "Mistake" or Being "Responsible" for the Accident (Docket No. 149, filed on 2/29/2012), RESPONSE to #149 MOTION in Limine RE: Goodwin's Opinions Concerning Making a "Mistake" or Being "Responsible" for the Accident (Docket No. 214, filed on 3/14/2012), and RESPONSE to #149 MOTION in Limine RE: Goodwin's Opinions Concerning Making a "Mistake" or Being "Responsible" for the Accident (Docket No. 187, filed on 3/14/2012).

ORDERED: For reason as stated on the record, the court **DENIES MOTION** in Limine RE: Goodwin's Opinions Concerning Making a "Mistake" or Being "Responsible" for the Accident (Docket No. 149, filed on 2/29/2012).

Discussion regarding MOTION in Limine to Limit Testimony of Plaintiff's Health-Care Providers (Docket No. 147, filed on 2/29/2012) and RESPONSE to #147 MOTION in Limine to Limit Testimony of Plaintiff's Health-Care Providers (Docket No. 211, filed on 3/14/2012).

ORDERED: For reason as stated on the record, the court **DENIES MOTION** in Limine to Limit Testimony of Plaintiff's Health-Care Providers (Docket No. 147, filed on 2/29/2012).

Discussion regarding MOTION in Limine to Exclude Evidence of Whether BOEC was Accredited by the Association for Experiential Education (Docket No. 156, filed on 2/29/2012) and RESPONSE to #156 MOTION in Limine to Exclude Evidence of Whether BOEC was Accredited by the Association for Experiential Education (Docket No. 207, filed on 3/14/2012).

ORDERED: For reason as stated on the record, the court **HOLDS IN ABEYANCE MOTION** in Limine to Exclude Evidence of Whether BOEC was Accredited by the Association for Experiential Education (Docket No. 156, filed on 2/29/2012).

Discussion regarding MOTION in Limine to Limit Testimony of Plaintiff's Expert Bil Hawkins (Docket No. 158, filed on 2/29/2012) and RESPONSE to #158 MOTION in Limine to Limit Testimony of Plaintiff's Expert Bil Hawkins (Docket No. 205, filed on 3/14/2012).

ORDERED: For reason as stated on the record, the court **GRANTS MOTION** in Limine to Limit Testimony of Plaintiff's Expert Bil Hawkins (Docket No. 158, filed on 2/29/2012).

Discussion regarding MOTION in Limine to Strike Late and Previously Undisclosed Exhibits and Records (Docket No. 146, filed on 2/29/2012) and RESPONSE to #146 MOTION in Limine to Strike Late and Previously Undisclosed Exhibits and Records (Docket No. 208, filed on 3/14/2012).

ORDERED: For reason as stated on the record, the court **HOLDS IN ABEYANCE MOTION** in Limine to Strike Late and Previously Undisclosed Exhibits and Records

(Docket No. 146, filed on 2/29/2012).

Discussion regarding continuing this hearing so that the other pending Motions *in Limine* can be addressed.

ORDERED: This Motions Hearing is continued to **March 22, 2012 at 2:00 p.m.** at which time all other pending Motions *in Limine* can be addressed.

Discussion regarding MOTION in Limine to Limit Evidence re Other Ski Accidents (Docket No. 148, filed on 2/29/2012), REPLY to Response to #148 MOTION in Limine to Limit Evidence re Other Ski Accidents (Docket No. 206, filed on 3/14/2012), and Rule 404(b).

ORDERED: **Between now and March 22, 2012 at 2:00 p.m.,** counsel for the plaintiff shall identify, for the defendant, the evidence it believes is substantially similar for purposes of Rule 404(b). The court will address those specific events at that time

HEARING CONTINUED.

Court in recess: 3:53 p.m.

Total time in court: 02:39

To order transcripts of hearings with Magistrate Judge Shaffer, please contact Avery Woods Reporting at (303) 825-6119 or toll free at 1-800-962-3345.