

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Date: January 27, 2014

Deputy Clerk: Kathleen Finney
Court Reporter: Tracy Weir

Civil Action No. 10-cv-00455-REB-MJW

Parties:

TERESA HERNANDEZ,

Plaintiff,

v.

VALLEY VIEW HOSPITAL
ASSOCIATION,

Defendant.

Counsel:

Theodore Hess

Michael Santo
Lance Timbreza

COURTROOM MINUTES

Trial to Jury - Day One

8:56 a.m. Court in session.

Out of presence of jury panel.

Case called. Plaintiff is present. Also seated at defendant's table is Daniel Biggs, company representative.

Discussion regarding pending motions and procedural issues.

Argument regarding defendant's **Motion to Exclude Plaintiff's Exhibits Related to Determination of Unemployment Benefits (Exhibits 34, 37, and 70)** [#234] filed January 9, 2014.

The court will take this matter under advisement.

9:06 a.m. Court in recess.

9:26 a.m. Court in session.

Jury panel is present; 15 jurors are seated in the jury box prior to the court calling the case.

9:27 a.m. Civil voir dire oath given to jury panel.

Opening statements by the court.

9:32 a.m. Mr. Hess introduces himself and the plaintiff.

9:33 a.m. Mr. Santo introduces himself, Mr. Timbreza, and company representative, Dan Biggs.

9:33 a.m. Court introduces court staff.

Further statements by the court.

9:53 a.m. Voir dire by court commences.

11:07 a.m. Prospective jurors exit the courtroom, except for one.

Voir dire with one prospective juror (outside the presence of other prospective jurors).

11:16 a.m. Court in recess.

11:30 a.m. Court in session.

Voir dire by court continues.

11:33 a.m. Voir dire by Mr. Hess.

11:44 a.m. Voir dire by Mr. Santo.

11:47 a.m. - 11:49 a.m. Bench conference.

Peremptory challenges exercised.

11:51 a.m. - 11:56 a.m. Bench conference.

Peremptory Challenges by Plaintiff:

1. #100260838
2. #100274670
3. #100251374

Peremptory Challenges by Defendant:

1. #100263475
2. #100245305
3. #100266818

11:34 a.m. Civil jury oath administered.

Nine Jurors Sworn to Try the Case:

1. #100274322
2. #100244293
3. #100249731
4. #100254832
5. #100260744
6. #100244383
7. #100262283
8. #100246538
9. #100272154

Courtroom deputy clerk distributes the Juror Code of Conduct to jurors and parties. Court reviews same with the jury.

Court advises jury regarding admonitions during the lunch break.

12:07 p.m. Court in recess.

1:20 p.m. Court in session.

Jury is not present.

Court addresses the defendant's **Amended Motion to Exclude Plaintiff's Exhibits Related to Determination of Unemployment Benefits (Exhibits 33, 34, 36 and 70)** [#237] filed January 9, 2014, which supersedes the original motion [#234].

Court's findings and conclusions.

IT IS ORDERED: That the defendant's **Amended Motion to Exclude Plaintiff's Exhibits Related to Determination of Unemployment Benefits (Exhibits 33, 34, 36 and 70)** (sic) [#237] is **GRANTED**. The **Stipulated Exhibits, 57, 58, 60, and 75**, shall not be admitted during the trial of the case.

Discussion regarding Ms. Cahill's qualifications.

Stipulation as to interpreter's qualifications is approved.

1:27 p.m. Court in recess.

1:33 p.m. Court in session.

Jury is present.

Court gives preliminary jury instructions.

Court's sequestration order is in effect.

1:50 p.m. Opening statement by Mr. Hess.

2:13 p.m. Opening statement by Mr. Santo.

2:24 p.m. Plaintiff's witness, Elsa Garcia, called and sworn (with interpreter assistance).

2:25 p.m. Interpreter, Susana Cahill, sworn.

2:26 p.m. Direct examination by Mr. Hess.

3:06 p.m. Court in recess.

3:28 p.m. Court in session.

Witness resumes the witness stand.

3:29 p.m. Jury is present.

3:30 p.m. Continued direct examination.

3:38 p.m. Cross examination by Mr. Santo.

Exhibit identified: 105.

4:14 p.m. Redirect examination by Mr. Hess.

4:20 p.m. Witness is excused and released from subpoena.

4:21 p.m. Court advises jurors regarding admonitions of trial. Trial will resume tomorrow at 8:30 a.m.

4:24 p.m. Court in recess.

Total time in court: 05:13

Trial continued.