

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

Courtroom Deputy: Kathy Preuitt-Parks
Court Reporter: Janet Coppock

Date: June 2, 2010
Time: 5 hours and 15 minutes

CASE NO. 10-cv-00609-PAB-MEH

Parties

Counsel

**INDEPENDENCE INSTITUTE,
JON CALDARA,
DENNIS POLHILL,
JESSICA CORRY,
MASON TVERT,
RUSSELL HASS,
DOUGLAS CAMPBELL,
LOUIS SCHROEDER, and
SCOTT LAMM,**

David Lane
Lisa Sahli

Plaintiff (s),

vs.

BERNIE BUESCHER,

Matthew Grove
Maurice Knaizer
Melody Mirbaba
Katherine Mikeworth

Defendant (s).

CONTINUED HEARING ON MOTION FOR PRELIMINARY INJUNCTION

8:39 a.m. COURT IN SESSION

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APPEARANCES OF COUNSEL. Plaintiff Jon Caldara is present.

Plaintiffs' Motion for Preliminary Injunction (Doc #15), filed 4/12/10

Defendant withdraws question to plaintiffs' witness Carl Childers regarding an alleged felony conviction.

8:40 a.m. Direct examination of defendant's witness Kathryn Mikeworth by Ms. Mirbaba.

9:16 a.m. Cross examination by Mr. Lane.

9:53 a.m. Redirect examination by Ms. Mirbaba.

Witness excused.

9:57 a.m. Direct examination of defendant's witness Jennifer Brown by Ms. Mirbaba.

10:20 a.m. COURT IN RECESS

10:40 a.m. COURT IN SESSION

Cross examination by Mr. Lane.

11:00 a.m. Redirect examination by Ms. Mirbaba.

Witness excused.

11:02 a.m. Direct examination of defendant's witness Wayne Munster by Ms. Mirbaba.

11:18 a.m. Cross examination by Mr. Lane.

11:37 a.m. Redirect examination by Ms. Mirbaba.

Witness excused.

11:40 a.m. Direct examination of defendant's witness Robert McNeil by Ms. Mirbaba.

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11:56 a.m. COURT IN RECESS

1:39 p.m. COURT IN SESSION

Direct examination by Ms. Mirbaba continues.

1:43 p.m. Cross examination by Mr. Lane.

Witness excused.

1:54 p.m. Argument by Mr. Lane in support of plaintiffs' motion. Questions by the Court.

2:45 p.m. Argument by Mr. Knaizer. Questions by the Court.

3:32 p.m. COURT IN RECESS

3:50 p.m. COURT IN SESSION

Argument by Mr. Knaizer continues.

4:04 p.m. Rebuttal argument by Mr. Lane.

ORDERED: Counsel may simultaneously file briefs addressing the propriety of a federal court declaring a state statute violative of a state Constitution in this case by **12:00 noon on June 4, 2010.**

4:15 p.m. COURT IN RECESS

Total in court time: 315 minutes

Hearing concluded