

**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: September 16, 2010
Time: 5 hours and 42 minutes

CASE NO. 10-cv-01857-PAB-KMT

Parties

Counsel

**JOELLE RIDDLE,
GARY HAUSLER,
KATHLEEN CURRY, and
THE COMMITTEE TO ELECT
KATHLEEN CURRY,**

William Zimsky

Plaintiff (s),

vs.

**A. WILLIAM RITTER, in his official
capacity as Governor of Colorado
and
BERNIE BUESCHER, in his official
capacity as Secretary of State, State
of Colorado,**

Maurice Knaizer
Matthew Grove
Lee Anne Morrill

Defendant (s).

HEARING ON MOTION FOR PRELIMINARY INJUNCTION

8:37 a.m. COURT IN SESSION

Page Two
10-cv-01857-PAB-KMT
September 16, 2010

APPEARANCES OF COUNSEL. Plaintiffs Joelle Riddle, Kathleen Curry and Gary Hausler are present.

Plaintiffs' Second Motion for Preliminary Injunction (Doc #7), filed 8/9/10.

ORDERED: Plaintiffs' **exhibits 1 through 24 (inclusive) and 26 through 28 (inclusive)** are ADMITTED by stipulation.

ORDERED: Defendants' **exhibits A through J (inclusive), N, O, and P** are ADMITTED by stipulation.

ORDERED: Defendants' Motion to Strike Affidavit of William E. Zimsky With Attachments (Doc #21), filed 9/13/10, is **DENIED as MOOT.**

8:43 a.m. Direct examination of plaintiff Kathleen Curry by Mr. Zimsky.

8:55 a.m. Cross examination by Mr. Knaizer.

9:11 a.m. Redirect examination by Mr. Zimsky.

Witness excused.

9:14 a.m. Direct examination of plaintiff Joelle Riddle by Mr. Zimsky.

9:19 a.m. Cross examination by Mr. Knaizer.

9:24 a.m. Redirect examination by Mr. Zimsky.

Witness excused.

9:26 a.m. Direct examination of plaintiff Gary Hausler by Mr. Zimsky.

9:26 a.m. Cross examination by Mr. Knaizer.

Witness excused.

9:31 a.m. Direct examination of plaintiffs' witness Stephen Bouey by Mr. Zimsky.

Witness excused, subject to recall.

Page Three
10-cv-01857-PAB-KMT
September 16, 2010

9:41 a.m. Direct examination of defendants' witness Kathryn Mikeworth by Ms. Morrill.

9:59 a.m. Cross examination by Mr. Zimsky.

10:08 a.m. Redirect examination by Ms. Morrill.

Witness excused.

10:10 a.m. Direct examination of defendants' witness Stephen Bouey by Ms. Morrill.

ORDERED: Defendants' request that the Court take judicial notice that the 2006 General Election was held on November 7, 2006, is **GRANTED**.

10:34 a.m. COURT IN RECESS

10:53 a.m. COURT IN SESSION

Cross examination by Mr. Zimsky.

11:01 a.m. Redirect examination by Ms. Morrill.

Witness excused.

Defendants' **exhibits K and L** identified, offered and ADMITTED, over objection by Mr. Zimsky.

11:06 a.m. Direct examination of defendants' witness Ryan Call by Mr. Grove.

11:30 a.m. Cross examination by Mr. Zimsky.

11:46 a.m. Redirect examination by Mr. Grove.

Witness excused.

11:48 a.m. COURT IN RECESS

1:04 p.m. COURT IN SESSION

Direct examination of defendants' witness Thomas Rogers by Mr. Grove.

Page Four
10-cv-01857-PAB-KMT
September 16, 2010

1:17 p.m. Cross examination by Mr. Zimsky.

1:21 p.m. Redirect examination by Mr. Grove.

Witness excused.

1:22 p.m. Rebuttal examination of plaintiff Kathleen Curry by Mr. Zimsky.

1:28 p.m. Cross examination by Mr. Knaizer.

1:29 p.m. Redirect examination by Mr. Zimsky.

Witness excused.

1:30 p.m. Argument by Mr. Zimsky. Questions by the Court.

2:16 p.m. Argument by Mr. Grove. Questions by the Court.

2:40 p.m. Rebuttal argument by Mr. Zimsky.

2:45 p.m. COURT IN RECESS

3:21 p.m. COURT IN SESSION

Court states its findings of fact and conclusions of law.

ORDERED: Plaintiffs' Second Motion for Preliminary Injunction (Doc #7), filed 8/9/10, is **DENIED**.

Discussion regarding Defendants' Motion for Order to Certify Questions to the Colorado Supreme Court (Doc #11), filed 8/17/10.

ORDERED: Mr. Zimsky's request for time to confer with his clients to determine if they plan to pursue this case on its merits is **GRANTED**. Mr. Zimsky shall advise the Court by **Monday, September 20, 2010**.

4:30 p.m. COURT IN RECESS

Total in court time: 342 minutes

Hearing concluded

