

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
CHIEF JUDGE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover
Court Reporter: Terri Lindblom

Date: July 8, 2015

Civil Action No. 10-cv-02139-MSK-NYW

Parties:

LENOX MACLAREN SURGICAL CORPORATION,

Plaintiff,

v.

MEDTRONIC, INC., a Minnesota corporation;
MEDTRONIC SOFAMOR DANEK, INC., an Indiana
corporation;
MEDTRONIC PS MEDICAL, INC. d/b/a Medtronic
Neurologic Technologies, a California corporation; and
MEDTRONIC SOFAMOR DANEK CO., LTD.,

Defendants.

Counsel Appearing:

Steven Long
Nicole Westbrook

Michael Simons
Steven Zager
Kelly Johnson

COURTROOM MINUTES

HEARING: Rule 702- Evidentiary

9:05 a.m. Court in session.

The Court addresses

Plaintiff's counsel state the opinions of Dwight Duncan and defendants state their objections to same.

Oral motion to withdraw the Joint Motion (**Doc. #289**) and rely upon the Amended Joint Motion at (**Doc. #342**).

ORDER: Oral motion to withdraw Joint Motion (**Doc. #289**) is **GRANTED**. It is deemed **WITHDRAWN**.

Witness sworn for the : Dwight Duncan :

9:18 a.m. Direct Examination by Mr. Long.

Cross examination of witness by Mr. Zager.

10:43 a.m. Court in recess

10:59 a.m. Court in session

Re-direct examination of witness.

No further witnesses by plaintiff.

Witness sworn for the defendants : Richard Gilbert :

11:00 a.m. Direct Examination by Mr. Zager.

Cross examination of witness by Mr. Long.

No re-direct examination of witness.

Witness sworn for the defendants : John Johnson :

11:44 a.m. Direct Examination by Mr. Zager.

Cross examination of witness by Mr. Long.

No re-direct examination of witness.

Defendants rest.

No rebuttal testimony.

No closing arguments.

12:05 p.m. Court in recess.

2:00 p.m. Court in session

oral findings are made of record and incorporated herein.

ORDER: The Court's ruling with regard to the foundation requirements are as set forth in the record.

The parties stipulate to the Court reviewing the papers submitted and issuing a written ruling as to foundational requirements of witness Dr. Chewning in lieu of another hearing.

ORDER: The parties' deposition designations will be submitted electronically by **June 15, 2015.**

The Court addresses defendants' Motion for Leave to Amend Joint 702 Motion re Scott Hay (**Doc. #341**).

Proffers by counsel as to expected testimony and challenges.

The Court makes no ruling. The parties will discuss this matter and advise the Court if a hearing is needed.

3:05 p.m. Court in recess

Total Time: 3 hours 49 minutes.
Hearing concluded.