

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE R. BROOKE JACKSON

Civil Action: 10-cv-02435-RBJ
Courtroom Deputy: Deborah Hansen

Date: November 19, 2015
Court Reporter: Kara Spitler
Time: 1 hour and 24 minutes

Parties

Counsel

A.H. a minor, by and through his parent and next friend, TONY HADJIH, AND TONY HADJIH, individually,

R. Douglas Gentile (by telephone)
Jeffrey Rowe (by telephone)
William Marlin

Plaintiffs,

v.

EVENFLO COMPANY, INC.,
a Delaware corporation,

John Fitzpatrick
Erin Frohardt
Dan Ball

Defendant.

COURTROOM MINUTES

TRIAL PREPARATION CONFERENCE

Court in Session: 01:30 p.m.

Appearances of counsel

ORDERED: Plaintiffs' Motion in Limine #1 to Preclude Any And All Evidence Regarding Evenflo's "Compliance" With FMVSS 213 [224] is DENIED.

ORDERED: Plaintiffs' Motion in Limine #2 to Preclude Any And All Evidence Regarding The 2004 NHTSA "Preliminary Evaluation" Into The Evenflo Discovery [225] is DENIED.

Also pending is the Plaintiffs' Rule 702 Motion Pertaining to Defense Expert William Van Arsdell [227]

Court's comments

The parties state that it is acceptable to them for the Court to rule on Plaintiffs' Rule 702 Motion Pertaining to Defense Expert William Van Arsdell [227] without an evidentiary hearing.

ORDERED: Plaintiffs' Rule 702 Motion Pertaining to Defense Expert William Van Arsdell [227] is DENIED IN PART AND GRANTED IN PART.

The design defect issue has been resolved; therefore, the Court strikes and orders the defendant not to express an opinion consistent with the last sentence of Paragraph 12 of Mr. Van Arsdell's Report.

Jury Instruction Conference

Court's comments

A sentencing hearing is scheduled on December 8, 2015 in the USA v. Harold Henthorn case.

Discussion

Chambers will contact counsel in the case of USA v. Harold Henthorn, 14-cr-448, to see what they are anticipating in terms of the length of the Sentencing Hearing. Chambers will then let counsel know whether the parties should plan to start at 10:00 or 10:30, or in the afternoon on December 8th.

Court's comments regarding jury selection

The Court will empanel seven jurors.

Discussion

With regard to settlement discussions, defense counsel states that they had communications last week and have reached a substantial impasse.

Court in Recess: 02:54 p.m.
Conference concluded.