

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: July 14, 2011
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 11-cv-00488-RPM

MITCHELL ANDERSON,

Plaintiff,

v.

William W. Muhr
David Harper
James Vigil

B. WORSTELL, (No. 2172) individually and
in his capacity as a paid peace officer and
as an employee and /or
agent of the Colorado Springs Police Department and
the City of Colorado Springs;

Shane M. White

C. CALKINS, (No. 2047) individually and
in his capacity as a paid peace officer and
as an employee and /or agent of the Colorado Springs Police Department and
the City of Colorado Springs;

COLORADO SPRINGS POLICE DEPARTMENT, in its capacity as an agent and/or
independent contractor of the City of Colorado Springs;

THE CITY OF COLORADO SPRINGS, in its capacity as a governmental entity and
as the employer of Officers Worstell and Calkins and
the Colorado Springs Police Department;

JOHN DOES 1-7, whose names and identities are unknown, individually and
in their capacity as governmental officers or employees, peace officers, and / or
agents of the Colorado Springs Police Department and / or
the City of Colorado Springs; and

LISA N. PIEL,

Joel A. Richardson

Defendants.

COURTROOM MINUTES

Trinity Hearing

10:05 a.m. Court in session.

Plaintiff present.

Court's preliminary remarks.

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10:06 a.m. Plaintiff's witness, Perry L. Haney, sworn.

Direct examination of Dr. Haney by Mr/ Muhr.

Plaintiff's Exhibit 1 identified, offered and received (limited purpose).
Plaintiff's Exhibit 2 identified, offered and received.
Plaintiff's Exhibit 3 identified, offered and received.

10:29 a.m. Cross examination of Dr. Haney by Mr. White.

Reference to Plaintiff's Exhibits 1, 2 and 3.
Defendant's Exhibit A identified, offered and received.

10:40 a.m. Redirect examination of Dr. Haney by Mr. Muhr.

Reference to Defendant's Exhibit A.

10:47 a.m. Plaintiff, Mitchell Anderson, sworn.

Direct examination of Mr. Anderson by Mr. Muhr.

10:53 a.m. Cross examination of Mr. Anderson by Mr. White.

Defendant's Exhibit B identified, offered and received.

Plaintiff answers questions asked by the Court.

10:58 a.m. Redirect examination of Mr. Anderson by Mr. Muhr.

Plaintiff answers further questions asked by the Court.

Mr. White answers questions asked by the Court.

Court's findings are as stated on the record.

ORDERED: City Defendants' Motion to Dismiss, filed April 22, 2011 [13], is denied.
Scheduling Conference scheduled August 26, 2011 at 11:00 a.m.

11:10 a.m. Court in recess.

Clerks's Note: Plaintiff's Exhibits 1, 2 and 3 and Defendant's Exhibits A and B returned to counsel by U.S. Mail.

Hearing concluded. Total time: 1 hr. 5 min.