

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
JUDGE JAMES A. PARKER**

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Courtroom Deputy: LaDonne Bush  
Court Reporter: Therese Lindblom

Date: April 16, 2012

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Civil Action No. 11-cv-00542-JAP-KLM

Counsel:

RICHARD PERKINS, individually, and  
RICHARD MILLER, individually,

Reid Elkus  
Don Sisson

Plaintiffs,

v.

FEDERAL FRUIT & PRODUCE  
COMPANY, INC.,

Emily Keimig  
Brooke Colaizzi

Defendant.

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**COURTROOM MINUTES**

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Trial Preparation Conference

10:03 a.m. Court in session.

Discussion regarding will call and may call witnesses, length of testimony, substance of testimony, and evidentiary issues.

Court instructs counsel to make arrangements for an interpreter if there is a witness who needs interpretation.

**ORDERED:** Defendants' Motion in Limine (Doc. 77) is granted to the extent set forth on the record.

Court will enter a written order on Defendant's Motion in Limine (Doc. 77) .

Further discussion regarding witnesses.

Judge Martinez will select the jury.

Each side will have 30 minutes for opening statements.

Court will instruct the jury before closing arguments.

Court instructs counsel to follow the practices and instructions of Judge Martinez for voir dire and jury selection.

Court requests that counsel depose Rudolfo Torres.

Regarding the Parties' Joint Exhibit List (Doc. 82):

- Stipulated Joint Exhibits 1 through 10 are withdrawn.
- Plaintiffs offer Joint Stipulated Exhibits 11 (1) , 12 (2) , 13 (3) , 14 (4) , 16 (5), 17 (6), 18 (7), 19 (8) , 20 (9) which are admitted as Plaintiffs' Trial Exhibits 1 through 9.
- Defendant offers Joint Stipulated Exhibits 21 (A), 22 (B), 23 (C), 24 (D), 25 (E), 26 (F), 27 (G), 28 (H), 29 (I), 30 (J), 31 (K), 32 (L), 33 (M), 34 (N), 35 (O), 36 (P), 37 (Q), 38 (R), and 39(S) which are admitted as Defendant's Trial Exhibits A through S, with limiting instructions on Defendant's Trial Exhibits K and P.
- Court instructs Plaintiffs' counsel to prepare a limiting instruction regarding Defendant's Trial Exhibits K and P.
- Court instructs counsel to attempt to agree to pages of Joint Exhibits 40 and 41.
- Plaintiffs withdraw Joint Exhibits 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, and 53.
- Defendant stipulates to Joint Exhibit 48 which is admitted as Plaintiffs' Trial Exhibit 10.
- Court instructs Plaintiffs' counsel to put Joint Exhibit 54 on the exhibit list as Plaintiffs' Trial Exhibit 11.
- Joint Exhibit 54 is admitted as Plaintiffs' Trial Exhibit 12.

- Joint Exhibits 83 (T), 84 (U), 85 (V), 86 (W), 87 (X), and 88 (Y) are admitted as Defendant's Trial Exhibits T through Y.
- Joint Exhibit 56 shall be included on Defendant's Trial Exhibit list.

11:53 a.m. Court in recess.

12:03 p.m. Court in session.

Regarding the Parties' Joint Exhibit List (Doc. 82):

- Joint Exhibits 57, 59, 103, 105, 106, 107, 108, and 111 are withdrawn.
- Joint Exhibit 58 shall be marked as Defendant's Trial Exhibit Z.
- Defendant shall mark Joint Exhibits 60 through 110 as Defendant's Trial Exhibits AA through NNN.
- Joint Exhibits 40 and 41 shall be marked as Plaintiffs' Trial Exhibits 13 and 14.

Discussion regarding demonstrative exhibits.

**ORDERED:** By April 25, 2012, the parties shall submit their lists of trial exhibits.

Court instructs counsel to submit a joint statement of the case to Judge Martinez, as well as any other instruction or document he requests.

Discussion regarding jury instructions.

Court will meet with counsel at 9:00 a.m. on May 17, 2012, and then begin with the jury at 10:00 a.m.

Discussion regarding possibility of settlement and mediation. Court requests that Plaintiffs submit another offer and that Defendant respond promptly.

12:38 p.m. Court in recess.

Hearing concluded

Time: 2:25