

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

Courtroom Deputy: Laura Galera
Court Reporter: Kara Spitler

Date: December 5, 2012

Civil Action No. 11-cv-00645-RBJ-KMT

Parties:

ESTATE OF MARVIN L. BOOKER,
B,R, BOOKER, SR., and
ROXEY A. WALTON,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER,
FAUN GOMEZ,
JAMES GRIMES,
KYLE SHARP,
KENNETH ROBINETTE,
CARRIE RODRIGUEZ,
DENVER HEALTH AND HOSPITAL
AUTHORITY,
GAIL GEORGE, and
SUSAN CRYER,

Defendants.

Counsel:

Darold Killmer
Lauren Fontana
Mari Newman

Eric Ziporin
Thomas Rice and Robert Stephen Hall
Jonathan Abramson
David Colt

Brent Johnson
Scott Nixon

COURTROOM MINUTES

IN COURT HEARING

Court in session: 1:13 p.m.

Appearances of counsel.

Opening remarks by the Court.

1:19 p.m. Argument by Mr. Killmer as to Defendants' Combined Motion and Memorandum Brief in Support of Motion for Summary Judgment [97].

1:29 p.m. Argument by Mr. Ziporin as to Defendants' Combined Motion and Memorandum Brief in Support of Motion for Summary Judgment [97].

1:49 p.m. Rebuttal argument by Mr. Killmer.

Discussion regarding Plaintiffs' Motion to Permit Further Discovery Pursuant to Federal Rule of Civil Procedure 56(d) [121].

2:27 p.m. Argument by Mr. Killmer as to the Motion for Determination of Confidentiality Designation [126].

2:33 p.m. Argument by Mr. Ziporin as to the Motion for Determination of Confidentiality Designation [126].

2:36 p.m. Continued argument by Mr. Killmer.

2:42 p.m. Argument by Mr. Ziporin as to Defendants' Motion for Leave to Conduct Depositions of Witnesses Disclosed After the Discovery Deadline [142].

2:43 p.m. Argument by Mr. Killmer as to Defendants' Motion for Leave to Conduct Depositions of Witnesses Disclosed After the Discovery Deadline [142].

2:44 p.m. Argument by Mr. Rice as to Motion for Order Compelling Discovery [148].

2:46 p.m. Argument by Mr. Killmer as to Motion for Order Compelling Discovery [148].

Discussion regarding Plaintiffs' Motion for Separate Trials [154].

Discussion regarding jury instructions.

For the reasons and findings as stated on the record, it is;

ORDERED: Defendants' Combined Motion and Memorandum Brief in Support of Motion for Summary Judgment [97] is GRANTED IN PART AND DENIED IN PART. The motion is denied with respect to Claims 1, 2, 3 and 4 as well as the claims against The City and County of Denver and the individual law enforcement defendants. The motion is granted as to Claims 5 and 6. Claims 5 and 6 are DISMISSED.

ORDERED: Plaintiffs' Motion to Permit Further Discovery Pursuant to Federal Rule of Civil Procedure 56(d) [121] is DENIED.

ORDERED: Motion for Determination of Confidentiality Designation [126] is GRANTED with respect to restriction of the document from public access.

ORDERED: Defendants' Motion for Leave to Conduct Depositions of Witnesses Disclosed After the Discovery Deadline [142] is GRANTED.

ORDERED: Motion for Order Compelling Discovery [148] is GRANTED.

ORDERED: Medical Defendants' Amended Motion for Partial Reconsideration of Minute Order Setting Pending Motions for Hearing [151] is GRANTED.

ORDERED: Trial Preparation Conference set December 7, 2012 is VACATED and RESET to **December 17, 2012 at 8:30 a.m.** Mr. Abramson's appearance is waived for this proceeding.

Court in recess: 3:00 p.m.

Hearing concluded.

Total time: 01:47