

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

JUDGE PHILIP A. BRIMMER

COURTROOM MINUTES

Courtroom Deputy: Kathy Preuitt-Parks
Court Reporter: Janet Coppock

Date: August 1, 2012
Time: 3 hours and 11 minutes

CASE NO. 11-cv-01557-PAB-KLM

Parties

Counsel

ENTEK GRB, LLC,

Lucy Deakins
L. Poe Leggette

Plaintiff (s),

vs.

STULL RANCHES, LLC,

Dudley Von Holt

Defendant (s).

HEARING ON MOTION FOR PRELIMINARY INJUNCTION

9:09 a.m. COURT IN SESSION

APPEARANCES OF COUNSEL.

Plaintiff’s Motion for Preliminary Injunction and Brief in Support (Doc #126)

Court and counsel address preliminary matters.

Ms. Deakins advises that the parties have stipulated to the authenticity of exhibits.

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9:14 a.m. Opening statement by Ms. Deakins.

9:20 a.m. Direct examination of plaintiff's witness Tim Hopkins by Ms. Deakins.

Plaintiff's **exhibit 2** identified, offered and ADMITTED.

Plaintiff's **exhibit 12** identified, offered and ADMITTED.

Plaintiff's **exhibit 52** identified, offered and ADMITTED, over objection by Mr. Von Holt.

Plaintiff's **exhibit 34** identified, offered and ADMITTED.

Plaintiff's **exhibit 33** identified, offered and ADMITTED.

Plaintiff's **exhibit 30** identified, offered and ADMITTED.

10:20 a.m. Cross examination by Mr. Von Holt.

Defendant's **exhibit J** identified, offered and ADMITTED.

Plaintiff's **exhibit 15** identified, offered and ADMITTED.

Plaintiff's **exhibit 16** identified, offered and ADMITTED.

10:45 a.m. COURT IN RECESS

10:48 a.m. COURT IN SESSION

Cross examination by Mr. Von Holt continues.

11:05 a.m. Redirect examination by Ms. Deakins.

Witness excused.

11:08 a.m. Direct examination of plaintiff's witness David Smith by Ms. Deakins.

Plaintiff's **exhibit 3** identified, offered and ADMITTED.

Plaintiff's **exhibit 4** identified, offered and ADMITTED,.

Plaintiff's **exhibit 5** identified, offered and ADMITTED.

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Plaintiff's **exhibit 6** identified, offered and ADMITTED.

Plaintiff's **exhibit 7** identified, offered and ADMITTED.

Plaintiff's **exhibits 26 through 29 (inclusive)** identified, offered and ADMITTED, over objection by Mr. Von Holt.

ORDERED: Plaintiff's remaining exhibit 1 through 43 that have not already been admitted are ADMITTED for purposes of these proceedings.

ORDERED: Defendant's **exhibits A, C, D, F, G, H, and I** are ADMITTED for purposes of these proceedings.

11:38 a.m. Mr. Von Holt proffers what the testimony of Kelly Sewell would be.

11:40 a.m. Ms. Deakins proffers what her cross examination of Mr. Sewell would be.

Plaintiff's **exhibit 53** identified, offered and ADMITTED.

11:45 a.m. COURT IN RECESS

2:02 p.m. COURT IN SESSION

Plaintiff's **exhibits 46, 49 and 50** identified offered and ADMITTED.

2:03 p.m. Closing argument by Ms. Deakins.

2:24 p.m. Closing argument by Mr. Von Holt.

2:37 p.m. Rebuttal closing argument by Ms. Deakins.

2:38 p.m. Rebuttal closing argument by Mr. Von Holt.

ORDERED: Plaintiff's Motion for Preliminary Injunction and Brief in Support (Doc #126) is **TAKEN UNDER ADVISEMENT.**

2:40 p.m. COURT IN RECESS

Total in court time: 191 minutes

Hearing concluded