

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE RAYMOND P. MOORE**

Courtroom Deputy: Nick Richards
Court Reporter: Tammy Hoffschildt

Date: June 20, 2013

CASE NO. 11-cv-03182-RM-GPG

Parties

Counsel

TIMOTHY SAWATZKY,

Nicholas W. Mayle

Plaintiff,

v.

UNITED STATES OF AMERICA,

Mark S. Pestal
Mustafa Ahmed Hersi
Johanna Hamburger

Defendant.

COURTROOM MINUTES

FINAL TRIAL PREPARATION CONFERENCE

COURT IN SESSION: 10:29 a.m.

Court calls case. Appearances of counsel.

Initial remarks by the Court. The Court notes for the record that a seven (7) day trial to the Court is set to commence July 22, 2013. Trial will be held in Courtroom 310 of the Wayne Aspinall Courthouse, 402 Rood Avenue, Grand Junction, Colorado, 81501.

The Court encourages trial briefs be entered in this matter.

It is **ORDERED**: Defendant may file a trial brief in this matter on or before July 8, 2013. Plaintiff may supplement or amend Trial Brief Regarding Federal Tort Claims Act Damages [Doc. No. 58, filed April 5, 2013] on or before July 8, 2013.

The parties shall be allowed 20 minutes each for opening arguments.

Trial week will include Friday.

The parties note they are optimistic trial will be concluded by Friday, July 26, 2013 and the seven days originally asked for shall not be required.

10:44 a.m. Statement from Mr. Mayle.

10:46 a.m. Statement from Mr. Hersi.

10:49 a.m. Mr. Mayle informs the Court he has exhibit notebooks present in court and will provide them to the Court at the conclusion of this hearing.

It is **ORDERED**: Dr. Neil Pitzer, witness for Defendant, shall be allowed to testify via video conference.

Mr. Mayle informs the Court that Plaintiff, Mr. Timothy Sawatzky, will be present at trial. Mr. Pestal does not anticipate a party representative from the Postal Service being present for trial.

As noted by Magistrate Judge Gudrun J. Rice at the Scheduling Conference [Doc. No. 12, filed March 14, 2013], the caption for this matter should reflect Defendant as "United States of America."

Witnesses shall be sequestered during the course of trial. An Order of Sequestration shall be entered before the commencement of trial.

The parties note they do not anticipate further settlement discussions in this matter.

It is **ORDERED**: Defendant's Unopposed Motion for Leave to File Proposed Findings of Fact and Conclusions of Law One Day Out of Time [Doc. No. 84, filed June 19, 2013] and Plaintiff's Unopposed Motion for Extension to File Proposed Findings of Fact and Conclusions of Law [Doc. No. 86, filed June 20, 2013] are **GRANTED**. Plaintiff may file Proposed Findings of Fact and Conclusions of Law on or before July 8, 2013. Defendant may supplement or amend Defendant's Proposed Findings of Fact and Conclusions of Law [Doc. No. 85, filed June 19, 2013] on or before July 8, 2013.

It is **ORDERED**: Fed.R.Civ.P. 26(a)(3) objections shall be due on or before Friday, June 28, 2013.

Trial will begin at 9:00 a.m. on the morning of Monday, July 22, 2013.

COURT IN RECESS: 11:08 a.m.

Total in court time: 00:39

Hearing concluded.