

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 11-cv-03233-CBS
Date: June 27, 2013

FTR - Reporter Deck-Courtroom A402
Courtroom Deputy: Courtni Covington

Parties:

Counsel:

ROGER HOPPE, II,

Michael L. Glaser

Plaintiff,

v.

PERCHERON ASSOCIATES, LLC, *et al.*,

Timothy J. Lamb
Edward Shepyer

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: FINAL PRETRIAL CONFERENCE

Court in Session: 1:26 p.m.

Court calls case. Appearances of counsel.

Counsel review the proposed final pretrial order with the court.

ORDERED: The FINAL PRETRIAL ORDER is signed and entered with interlineations.

This matter is before the court regarding Defendants' **MOTION in Limine to Exclude Testimony of Plaintiff's Proffered Expert Benjamin L. Homel aka Randy Michaels** [Doc. No. 44, filed 5/30/13] and Plaintiff's **MOTION in Limine Barring Counterclaim Plaintiffs and Their Agent, Steven Silberberg, From Testifying That Limon Broadcasting, LLC Had No Assets to Sell at the Time the Purchase Agreement Was Executed** [Doc. No. 45, filed 5/30/13].

The court shall start with Defendants' **Motion in Limine to Exclude Testimony of Plaintiff's Proffered Expert Benjamin L. Homel aka Randy Michaels**.

Mr. Lamb presents oral argument and engages in discussion with the court. Discussion between the court and Mr. Glaser regarding the disclosure of Plaintiff's expert Benjamin L. Homel a.k.a. Randy Michaels, and what type of testimony he will provide.

Further discussion regarding the timing of the motion and Defendants' objection to the supplemental report. Relevant decisions and case law cited.

ORDERED: Defendants' Motion in Limine to Exclude Testimony of Plaintiff's Proffered Expert Benjamin L. Homel aka Randy Michaels [Doc. No. 44, filed 5/30/13] is **GRANTED in part** and **DENIED in part**, for the reasons stated on the record. The motion is denied to the extent it seeks to exclude Mr. Homel completely. The motion is granted to the extent it challenges the timeliness and appropriateness of the June 17, 2013 supplementation. The June 17, 2013 Supplemental Report is **STRICKEN**.

The court raises the **Plaintiff's Motion in Limine Barring Counterclaim Plaintiffs and Their Agent, Steven Silberberg, From Testifying That Limon Broadcasting, LLC Had No Assets to Sell at the Time the Purchase Agreement Was Executed** for argument and discussion. The court notes its issues with excluding all testimony sought in the motion.

ORDERED: For the reasons stated on the record, Plaintiff's Motion in Limine Barring Counterclaim Plaintiffs and Their Agent, Steven Silberberg, From Testifying That Limon Broadcasting, LLC Had No Assets to Sell at the Time the Purchase Agreement Was Executed [Doc. No. 45, filed 5/30/13] is **DENIED**.

Discussion between the court and the parties regarding the expected daily schedule and preparations for trial. Trial is to begin **July 15, 2013 at 9:00 a.m.**

ORDERED: **No later than July 11, 2013**, the parties are to submit to chambers their exhibit list and exhibits in chronological order in the same notebook as well as submit a list of witnesses with estimated duration of their testimony. A notebook should be provided for the court, one for the witness, and one for the Courtroom Deputy. The parties should stipulate to as many exhibits as possible. Also **by July 11, 2013**, counsel shall submit proposed findings of fact and conclusions of law electronically to chambers in a Word document.

Discussion between the court and the parties regarding filing of trial briefs and of possible settlement. The court notices the parties that if a settlement is reached, they should notify chambers' staff. If the parties choose to submit trial briefs, they should do so no later than **July 11, 2013**.

HEARING CONCLUDED.

Court in recess: 2:26

Total time in court: 01:00

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