

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

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Courtroom Deputy: Laura Galera  
Court Reporter: Kara Spitzer

Date: February 9, 2012

Civil Action No. 12-cv-00303-WYD

*Parties:*

EAGLE SYSTEMS & SERVICES, INC.,  
Plaintiff,

v.

EXELIS SYSTEMS CORPORATION,  
Defendant.

*Counsel:*

Raighne C. Delaney  
William Groh, III

Steven M. Masiello  
Phillip Seckman  
Timothy R. Odil  
Sandra Wick Mulvany

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**COURTROOM MINUTES**

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**Motion Hearing**

**2:06 p.m. Court in session.**

Opening remarks by the Court.

Statements by Mr. Delaney regarding the request for a preliminary injunction.

The hearing will proceed as to the Motion for Temporary Restraining Order Doc.# [3] and Plaintiff's Motion for Preliminary Injunction Doc.# [5].

2:12 p.m. Opening statement by Mr. Delaney.

2:41 p.m. Opening statement by Mr. Masiello.

3:24 p.m. Plaintiff's witness, Rhonda Clemmer, called and sworn.

Direct examination of Ms. Clemmer by Mr. Delaney.

*Defendant's Exhibits 1 and 3 are admitted.*

*Defendant's Exhibits 6, 7, 8 and 9 are admitted.*

*Exhibit D to Plaintiff's Exhibit 1 is admitted.*

*Exhibit F to Plaintiff's Exhibit 1 is admitted.*

*Exhibit E to Plaintiff's Exhibit 1 is admitted.*

3:55 p.m.      Cross examination of Ms. Clemmer by Mr. Masiello.

Mr. Masiello moves for the admission of Exhibit 15.

Plaintiff objects to the admission of Exhibit 15.

After discussion, Plaintiff withdraws his objection to Defendant's Exhibit 15.

*Defendant's Exhibit 15 is admitted.*

4:11 p.m.      Redirect examination of Ms. Clemmer by Mr. Delaney.

Witness excused.

**4:13 p.m.      Court in recess.**

**4:25 p.m.      Court in session.**

Plaintiff's witness, Roy Fishel, called and sworn.

Direct examination of Mr. Fishel by Mr. Delaney.

*Exhibit A of Plaintiff's Exhibit 2 is admitted.*

*Exhibit B of Plaintiff's Exhibit 2 is admitted.*

4:36 p.m.      Cross examination of Mr. Fishel by Mr. Seckman.

Witness excused.

4:41 p.m.      Plaintiff's witness, Rodney Buck, called and sworn.

Direct examination of Mr. Buck by Mr. Delaney.

4:56 p.m.      Cross examination of Mr. Buck by Mr. Masiello.

Witness excused.

Mr. Masiello makes an Oral Motion for a Directed Verdict.

The Court will defer ruling on Defendant's Oral Motion for a Directed Verdict until after all of the evidence has been presented.

5:00 p.m.      Defendant's witness, Randy Beall, called and sworn.

Direct examination of Mr. Beall by Mr. Masiello.

5:10 p.m.      Cross examination of Mr. Beall by Mr. Delaney.

Witness excused.

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

**ORDERED:** Motion for Temporary Restraining Order Doc.# [3] is DENIED.

**ORDERED:** Plaintiff's Motion for Preliminary Injunction Doc.# [5] is DENIED.

**5:30 p.m.      Court in recess.**

Hearing concluded.

Total time:    03:12