

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

Civil Action: 12-cv-00685-RBJ
Courtroom Deputy: Julie Dynes

Date: February 28, 2014
Court Reporter: Kara Spitler

Parties

Counsel

DAVID HELMER
FELICIA MUFTIC
MICHAEL MUFTIC
CRAIG KANIA
OLIVER MARTIN

Plaintiffs

Rick D. Bailey
Michael J. Flannery
Gary E. Mason
Jason Rathod (need entry of appearance)
David K. TeSelle

v.

THE GOODYEAR TIRE & RUBBER CO.

Defendant

L. Michael Brooks, Jr.
David L. Lenyo
Chad J. Schmit
David M. Stauss
Roger P. Rhomasch

COURTROOM MINUTES

EVIDENTIARY HEARING on MOTION TO CERTIFY CLASS

Court in Session: 8:59 a.m.

Appearance of counsel.

Opening statements given.

Plaintiff, David Helmer, called and sworn.

9:33 a.m. Direct examination of Mr. Helmer by Mr. TeSelle.

9:47 a.m. Cross examination of Mr. Helmer by Mr. Lenyo.

Plaintiff's witness, Dr. John Moalli, called and sworn.

9:53 a.m. Direct examination of Dr. Moalli by Mr. Bailey.

10:13 a.m. Court in recess.

10:28 a.m. Court in session.

Continued direct examination of Dr. Moalli by Mr. Bailey.

11:04 a.m. Cross examination of Dr. Moalli by Mr. Lenyo.

11:59 a.m. Court in recess.

1:20 p.m. Court in session.

Discussion held on timing for today, pending trial, and offer of proof.

Plaintiff's witness, Teresa Collins, called and sworn.

1:47 p.m. Direct examination of Ms. Collins by Mr. Bailey.

1:53 p.m. Cross examination of Ms. Collins by Mr. Stauss.

2:05 p.m. Redirect examination of Ms. Collins by Mr. Bailey.

2:08 p.m. Examination of Ms. Collins by the Court.

ORDERED: Plaintiffs' Motion for admission of exhibits and deposition extracts as to this hearing is GRANTED. Exhibits are admitted.

Discussion held on Plaintiffs' exhibit 14. Plaintiffs rest.

ORDERED: Defendant's exhibits are admitted for the purposes of this hearing only.

Defendant's witness, Gary Tomkin, called and sworn.

2:18 p.m. Direct examination of Mr. Tompkin by Mr. Thomasch.

2:54 p.m. Court in recess.

3:10 p.m. Court in session.

Continued direct examination of Mr. Tompkin by Mr. Thomasch.

3:27 p.m. Cross examination of Mr. Tompkin by Mr. Bailey.

Deposition testimony of Mrs. Muftic and Dr. Muftic read by Mr. Lenyo.

Defendant's witness, Dr. Jorgen Bergstrom, called and sworn.

3:55 p.m. Direct examination of Dr. Bergstrom by Mr. Stauss.

4:16 p.m. Cross examination of Dr. Bergstrom by Mr. Bailey.

Defendant's witness, Dr. Bruce Strombom, called and sworn.

4:17 p.m. Direct examination of Dr. Strombom by Mr. Stauss.

4:26 p.m. Cross examination of Dr. Strombom by Mr. Bailey.

4:29 p.m. Closing argument by Mr. Mason.

4:42 p.m. Closing argument by Mr. Brooks.

ORDERED: [88] Plaintiffs' Motion for Class Certification is TAKEN UNDER ADVISEMENT, written order to issue.

Court in Recess: 4:59 p.m. Hearing concluded. Total time in Court: 06:08

Clerk's note: Witness exhibits were returned to counsel at the end of the hearing. Court retains copies.