

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

Civil Action:	12-cv-01080-RBJ-BNB	Date: June 23, 2014
Courtroom Deputy:	Julie Dynes	Court Reporter: Kara Spitler

Parties

Attorney(s)

D.R. HORTON, INC.

George R. Lyons, Jr.
Patrick J. Kanouff
Scott W. Wilkinson

Plaintiff(s)

v.

MOUNTAIN STATES MUTUAL CASUALTY
COMPANY

Cathleen H. Heintz
Jessica C. Collier

Defendant(s)

COURTROOM MINUTES

BENCH TRIAL DAY ONE

Court in Session: 8:58 a.m.

Appearance of counsel.

Discussion held on recent filings and pending motions.

9:01 a.m. Opening Statement by Mr. Wilkinson.

9:33 a.m. Opening Statement by Ms. Heintz.

ORDERED: [223] Defendant Mountain States Mutual Casualty Company's Motion to Renew Previously Determined Motions is DENIED.

10:08 a.m. Court in recess.

10:24 a.m. Court in session.

Discussion held on pending motions in limine.

ORDERED: Pending motions in limine [Docket numbers 184, 185, 197, and 198] are DENIED.

Plaintiff's witness, Stacey Scherer, testifies via video deposition.

12:03 p.m. Court in recess.

1:36 p.m. Court in session.

Continued testimony of Ms. Scherer via video deposition.

Discussion held on objections to video deposition and the position of the parties as to this case.

Plaintiff's witness, Derek Lindenschmidt, called and sworn.

2:11 p.m. Direct examination of Mr. Lindenschmidt by Mr. Wilkinson.
Exhibits 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, 15, 16, 19, 20, 21, 22, 41, 47, 48 and 68 are admitted.

3:16 p.m. Court in recess.

3:29 p.m. Court in session.

Continued direct examination of Mr. Lindenschmidt by Mr. Wilkinson.

Exhibits 49, 51, 52, 53, 55, 57, 58 and 59 are admitted.

3:31 p.m. Cross examination of Mr. Lindenschmidt by Ms. Collier and Ms. Heintz.
Exhibit A-116 partially admitted (sections 1-6), exhibit A-122 partially admitted.

Discussion held on expert reports and additional examination of Mr. Lindenschmidt.

4:54 p.m. Redirect examination of Mr. Lindenschmidt by Mr. Wilkinson.

4:54 p.m. Recross examination of Mr. Lindenschmidt by Ms. Heintz.

Court in Recess: 4:56 p.m.

Trial continued.

Total time in Court: 05:56