

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
SENIOR JUDGE WILEY Y. DANIEL**

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Courtroom Deputy: Robert R. Keech  
E.C.R./Reporter: Mary George

Date: August 20, 2015

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Civil Action No: **12-cv-01381-WYD-KMT**

Counsel:

**HEATHER CARTER,**

Bruce L. Braley  
Brian N. Aleinikoff

Plaintiff,

v.

**DAVID C. LOUCKS, M.D.,**

Scott S. Nixon  
Michael S. Drew

Defendant.

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**COURTROOM MINUTES**

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**TRIAL PREPARATION CONFERENCE**

**10:05 a.m.** Court in Session

APPEARANCES OF COUNSEL.

Court's opening remarks.

10:06 a.m. Discussion regarding settlement discussion, that this case is likely to go to trial, and estimated length of trial being 5-6 days.

10:08 a.m. Discussion regarding jury instructions and joint statement of the case.

10:09 a.m. Court outlines protocol for voir dire and jury selection.

**ORDERED:** Each side will be allowed supplemental voir dire not to exceed **twenty (20) minutes.**

10:12 a.m. Discussion regarding time limits for opening statements.

**ORDERED:** Opening statements shall not exceed **forty (40) minutes per side**.

10:13 a.m. Discussion regarding preparing a glossary of terms that will be used during trial.

**ORDERED:** Parties shall file glossary of terms that will be used during the trial not later than **Friday, August 28, 2015**.

Plaintiff's Motions in Limine [ECF Doc. No. 100], filed July 21, 2015, is raised for argument.

10:24 a.m. Argument by Defendant (Mr. Nixon).

10:25 a.m. Argument by Plaintiff (Mr. Braley).

10:26 a.m. Argument by Defendant (Mr. Nixon).

10:28 a.m. Argument by Plaintiff (Mr. Braley).

10:31 a.m. Argument by Defendant (Mr. Nixon).

10:42 a.m. Argument by Plaintiff (Mr. Braley).

**ORDERED:** Plaintiffs' Motions in Limine [ECF Doc. No. 100], filed July 21, 2015, is **GRANTED IN PART, DENIED IN PART, and DEFERRED IN PART**. The motion is **GRANTED** to the extent the motion seeks to preclude evidence or argument that the subsequent providers were negligent in treating plaintiff, legally culpable, and whether their conduct fell below the reasonable care standard that applies, since none of the subsequent providers were designated as a non-party at fault under the Colorado statute. The motion is **DENIED** to the extent it suggests that the defendant is precluded from presenting evidence as to causation. The motion is **DEFERRED** as to commenting on medical records regarding Plaintiff's motivation.

10:45 a.m. Discussion regarding Stipulation to Allow Testimony by Video Conference [ECF Doc. No. 115], filed August 19, 2015.

**ORDERED:** Stipulation to Allow Testimony by Video Conference [ECF Doc. No. 115], filed August 19, 2015, is **GRANTED**.

**ORDERED:** Counsel shall contact the Court's Information Technology department to make arrangements for the witnesses to appear via video conference.

10:49 a.m. Discussion regarding a procedure for showing extent of Plaintiff's injuries to the jury.

**ORDERED:** Parties shall file a stipulation, related to procedure for showing extent of Plaintiff's injuries to the jury, not later than **Friday, September 4, 2015.**

10:56 a.m. Discussion regarding stipulations to exhibits.

**ORDERED:** Parties shall file revised exhibit lists not later than **Friday, September 4, 2015.**

10:57 a.m. Discussion regarding protocol for use of medical record exhibits at trial.

10:59 a.m. Discussion regarding exhibit notebooks, courtroom technology, and the Jury Evidence Recording System (J.E.R.S.).

11:01 a.m. Discussion regarding Court's protocol for examination of witnesses and use of learned treatises as exhibits.

**ORDERED:** Counsel shall arrive on **Monday, September 14, 2015, at 8:30 a.m.**

**11:03 a.m.** Court in Recess - HEARING CONCLUDED.

**TOTAL TIME: :58**