

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE RAYMOND P. MOORE**

Courtroom Deputy: Nick Richards
Court Reporter: Tammy Hoffschildt

Date: July 31, 2013

CASE NO. 12-cv-01680-RM-BNB

Parties

Counsel

TOMMY J. GOMEZ,

Troy Dean Krenning
Andrea Carter Fulton

Plaintiff,

v.

ACCOUNT BROKERS, INC.,

Steven J. Wienczkowski
Joseph J. Lico

Defendant.

COURTROOM MINUTES

TRIAL PREPARATION CONFERENCE

COURT IN SESSION: 9:58 a.m.

Court calls case. Appearances of counsel.

Opening remarks by the Court. The Court notes that trial is set to proceed on Tuesday, August 13, 2013 at 9:00 a.m. in Courtroom A-601 before the Honorable Raymond P. Moore.

Discussion regarding Defendant's Unopposed Motion in Limine to Exclude Reference to Unrelated Lawsuits, Complaints or Claims [Doc. No. 39, filed July 24, 2013] and Defendant's Unopposed Motion in Limine to Exclude Reference to Damages Being Minimal [Doc. No. 40, filed July 24, 2013].

ORDERED: Defendant's Unopposed Motion in Limine to Exclude Reference to Unrelated Lawsuits, Complaints or Claims [39] and Defendant's Unopposed Motion in Limine to Exclude Reference to Damages Being Minimal [40] are **GRANTED** as stated on the record.

Discussion regarding Defendant's Trial Brief [Doc. No. 43, filed July 30, 2013].

10:07 a.m. Statement by Mr. Wienczkowski regarding mitigation of damages. Plaintiff's counsel notes they do not object to Mr. Wienczkowski arguing mitigation of damages.

ORDERED: Defendant may argue mitigation of damages at trial.

Trial will proceed as set forth in the Final Pretrial Order.

ORDERED: Should Plaintiff's counsel wish to file a trial brief regarding emotional distress or injury, they may do so on or before August 7, 2013.

Discussion regarding jury selection.

ORDERED: Each side will be given five minutes to conduct voir dire. Items 6 and 7 on Plaintiff's Proposed *Voir Dire* Questions [Doc. No. 41, filed July 24, 2013] will not be allowed during voir dire unless Plaintiff's counsel first approaches the bench.

The Court informs the parties that a draft of jury instructions will be provided to the parties the morning of trial.

10:27 a.m. Statement by Mr. Wienczkowski regarding jury instructions and proposed verdict forms.

10:28 a.m. Statement by Mr. Krenning regarding jury instructions and proposed verdict forms.

ORDERED: Any future proposed jury instructions and verdict forms shall be filed on or before August 7, 2013.

Mr. Krenning informs the Court that Defendant's exhibit list is stipulated to in its entirety.

ORDERED: The parties shall deliver exhibits books to the chambers of Judge Raymond P. Moore on or before August 7, 2013.

COURT IN RECESS: 10:41 a.m.

Total in court time: 00:43

Hearing concluded