

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

Civil Action: 12-cv-01788-RBJ
Courtroom Deputy: Julie Dynes

Date: November 26, 2013
Court Reporter: Janet Coppock

Parties

Counsel

RAYMOND A. MINCK III
Plaintiff(s)

Frederic A. Bremseth via telephone

v.

BNSF RAILWAY COMPANY
Defendant(s)

*Keith M. Goman
Chad M. Knight*

COURTROOM MINUTES

DAUBERT HEARING

Court in Session: 1:01 p.m.

Appearance of counsel.

Plaintiff's witness, Dr. Eckardt Johanning, called and sworn. Witness appears via telephone.

1:02 p.m. Direct examination of Dr. Johanning by Mr. Bremseth.

1:28 p.m. Cross examination of Dr. Johanning by Mr. Goman.

2:11 p.m. Redirect examination of Dr. Johanning by Mr. Bremseth.

Argument presented on [31] Defendant's Motion for Summary Judgment or, In the Alternative, for Partial Summary Judgment.

ORDERED: [31] Motion for Summary Judgment is GRANTED as to design, TAKEN UNDER AVISEMENT as to track maintenance, to be ruled on during testimony at trial.

3:00 p.m. Court in recess.

3:13 p.m. Court in session.

Plaintiff's witness, Dr. Jeffrey Kleiner, called and sworn. Witness appears via telephone.

3:17 p.m. Direct examination of Dr. Kleiner by Mr. Bemseth.

3:38 p.m. Cross examination of Dr. Kleiner by Mr. Goman.

3:57 p.m. Redirect examination of Dr. Kleiner by Mr. Bemseth.

Discussion held on exhibit lists.

ORDERED: Parties are to exchange their top 50 exhibits to be used at trial.

The court makes findings of facts, conclusions of law.

ORDERED: [28] Defendant's Motion to Strike Parts of Dr. Johanning's Expert Testimony Pursuant to F.R.E. 702 is GRANTED.

[29] Defendant's Motion for Partial Summary Judgment on Plaintiff's Claimed Neck or Cervical Spine Injuries is GRANTED.

[31] Motion for Summary Judgment is GRANTED IN PART and DENIED IN PART.

[51] Motion to Strike Dr. Jeffrey Kleiner's Expert Testimony Pursuant to F.R.E. 702 is DENIED.

Court in Recess: 4:55 p.m. Hearing concluded. Total time in Court: 03:41