

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
CHIEF JUDGE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover  
Court Reporter: Terri Lindblom

Date: January 22, 2014

Civil Action No. 12-cv-01856-MSK-BNB

**Parties:**

GAIL WATERS, as personal representative of the  
Estate of Alonzo Ashley,

**Counsel:**

William Frankfurt  
Kevin Flesch

Plaintiff,

v.

CITY AND COUNTY OF DENVER, a  
municipality;  
PETE CONNER, a Denver Police Department  
Lieutenant, in his official and individual capacity;  
JOE GASKA, a Denver Police Department deputy,  
in his official and individual capacity;  
JUSTIN JONES, a Denver Police Department  
Lieutenant, in his official and individual capacity;  
JOHN DOE I - V, employees of the Denver Police  
Department, in official and individual capacities;  
and  
JOHN DOES VI - X, employees of Denver  
Zoological Foundation, in official and individual  
capacities,

Wendy Shea  
Jessica Allen

Defendants.

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**COURTROOM MINUTES**

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HEARING: Rule 702 Evidentiary Hearing - Day Two

**8:36 a.m. Court in session**

The plaintiff states the opinions as to expert witness Dan Montgomery and defendants state their objections to same.

**Witness sworn for the plaintiff : Dan Montgomery :**

**8:51 a.m.** Direct Examination by Mr. Flesch.

**EXHIBITS: Received: 3 (pg 6-8);**

Cross examination of witness by Ms. Shea.

**9:45 a.m. Court in recess**  
**9:59 a.m. Court in session**

Continued cross examination of witness by Ms. Shea.

No redirect examination of witness.

**ORDER:** The proffered opinions of Mr. Montgomery have or have not met the foundational requirements of Rule 702 as set forth in the record.

The defendants state the opinions as to expert witness Clarence Chapman and plaintiff states the objections to same.

**11:23 a.m. Court in recess**  
**12:45 p.m. Court in session**

The parties stipulate to information and/or withdraw certain opinions as stated on the record. There is no need for Mr. Chapman to testify.

**Witness sworn for the defendant :Dr. Gary Vilke :**  
**p.m.** Direct Examination by Ms. Allen.

**EXHIBITS: Received: 16**

Cross examination of witness by Mr. Flesch.

**ORDER:** The remaining proffered opinions of Dr. Vilke have met the foundational requirements of Rule 702 as set forth in the record.

**1:40 p.m. Court in recess.**

**Total Time: 3 hours 38 minutes**  
**Hearing concluded.**