

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

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Courtroom Deputy: Laura Galera  
Court Reporter: Kara Spitler

Date: August 15, 2012

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Criminal/Civil Action No. 12-cv-02056-RBJ

Parties:

Counsel:

WILLIAM LEE,  
  
Plaintiff,

Jay Swearingen

v.

THE STATE OF COLORADO,  
CLEAR CREEK COUNTY,  
CLEAR CREEK COUNTY SHERIFF'S  
DEPARTMENT, and  
CLEAR CREEK COUNTY ANIMAL  
CONTROL OFFICER STACI  
MCBRAYER,

Skippere Spear

Andrew McLetchie  
Timothy Schimberg

Defendant.

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COURTROOM MINUTES

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**IN COURT HEARING**

**Court in session: 9:38 a.m.**

Appearances of counsel.

Discussion regarding service of Defendant The State of Colorado.

Mr. Spear waives service as to the State of Colorado by his statements made on the record today.

Argument regarding jurisdiction by Mr. Swearingen and Mr. Spear as to The State of Colorado.

Argument by Mr. Swearingen as to the Emergency Motion for a Temporary Restraining Order

and Preliminary Injunction Doc.# [10].

Argument by Mr. McLetchie as to the Emergency Motion for a Temporary Restraining Order and Preliminary Injunction Doc.# [10].

Defendant's witness, Staci McBrayer, called and sworn.

10:46 a.m. Direct examination of Ms. McBrayer by Mr. McLetchie.

10:53 a.m. Cross examination of Ms. McBrayer by Mr. Swearingen.

10:55 a.m. Redirect examination of Ms. McBrayer by Mr. McLetchie.

10:55 a.m. Court questions the witness.

**ORDERED:** Motion to Dismiss Without Prejudice Doc.# [16] is GRANTED.

**ORDERED:** Mr. Spear's Oral Motion to Dismiss The State of Colorado is GRANTED.

Court will take the representation of defense counsel that they will not move the animals until the Court has made its ruling.

**ORDERED:** Emergency Motion for a Temporary Restraining Order and Preliminary Injunction Doc.# [10] is TAKEN UNDER ADVISEMENT.

**Court in recess: 11:02 a.m.**

Hearing concluded.

Total time: 01:24