

**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: March 1, 2016

Civil Action No. 12-cv-02079-MSK-KMT

Parties:

GIOVANNI LARATTA,

Plaintiff,

Counsel:

Elisabeth Owen

v.
SEAN FOSTER, Associate Warden, Centennial
Correction Facility, in his Individual Capacity,
LYNN TRAVIS, Correctional Officer Lieutenant,
Centennial Correctional Facility, in his Individual
Capacity,
TINO HERERRA, Investigator, Office of the
Inspector General, in his Individual Capacity,

Chris Alber
Kathryn Starnella

Defendants.

COURTROOM MINUTES

HEARING: Jury Trial Day 2

9:09 a.m. Court in session

Plaintiff present via video conference. Taylor Ivy is present at plaintiff's table.

The Court address preliminary matters with counsel.

Plaintiff orally moves to withdraw the Motion to Appear Telephonically at Doc. #154.

ORDER: Motion to Appear Telephonically (**Doc. #154**) is deemed **WITHDRAWN**.

9:11 a.m. Jury panel present.

Witness sworn for the plaintiff : Anthony DeCesaro :

9:14 a.m. Direct examination of witness by Ms. Owen.

Cross examination of witness by Ms. Starnella.

Re-direct examination of witness by Ms. Owen.

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Witness sworn for the plaintiff : Raeanne Will :
9:36 a.m. Direct examination of witness by Ms. Owen.

EXHIBITS: RECEIVED: 17

Cross examination of witness by Ms. Starnella.

Redirect examination of witness by Ms. Owen.

Witness sworn for the plaintiff : Dale Burke :
9:56 a.m. Direct examination of witness by Ms. Owen.

Cross examination of witness by Ms. Starnella.

Redirect examination of witness by Ms. Owen.

Witness sworn for the plaintiff : Jay Kirby :
10:11 a.m. Direct examination of witness by Ms. Owen.

Cross examination of witness by Mr. Alber.

No redirect examination of witness.

10:25 a.m. Jury excused.

The Court addresses evidentiary issues with counsel.

10:27 a.m. Court in recess
10:41 a.m. Court in session

10:43 a.m. Jury present.

Witness sworn for the plaintiff : Tino Herrera :
10:44 a.m. Direct examination of witness by Ms. Owen.

Cross examination of witness by Mr. Alber.

Redirect examination of witness by Ms. Owen.

Witness sworn for the plaintiff : Lynn Travis :
10:51 a.m. Direct examination of witness by Ms. Owen.

No cross examination of witness.

Plaintiff rests.

Oral Rule 50 motion by defendants (at the bench). Argument reserved until charging conference.

Defendants evidence presented.

Lynn Travis, previously sworn, is called by defendants. Direct examination of witness by Ms. Starnella.

EXHIBITS: REFUSED: 34

Cross examination of witness by Ms. Owen.

12:05 p.m. Jury excused

12:06 p.m. Court in recess

1:13 p.m. Court in session

1:15 p.m. Jury present.

Continued cross examination of witness by Ms. Owen.

Redirect examination of witness by Ms. Starnella.

Witness sworn for the defendants : Sean Foster :

1:40 p.m. Direct examination of witness by Mr. Alber.

Cross examination of witness by Ms. Owen.

Redirect examination of witness by Mr. Alber.

2:27 p.m. Jury excused.

2:28 p.m. Court in recess

2:49 p.m. Court in session

2:50 p.m. Jury present.

Tino Herrera, previously sworn, is called by defendants. Direct examination of witness by Mr. Alber.

Cross examination of witness by Ms. Owen.

EXHIBITS: RECEIVED: 32

No redirect examination of witness

The defendants rest.

Rebuttal evidence by plaintiff.

Plaintiff Giovanni Laratta, recalled. Direct examination of witness by Ms. Owen.

Cross examination of witness by Mr. Alber.

No redirect examination of witness.

No further evidence.

3:56 p.m. Jury excused until 10:00 a.m. tomorrow.

The Court authorizes that the jury be provided lunch beginning tomorrow, March 1, 2016.

3:57 p.m. Court in recess

4:24 p.m. Court in session

Argument on defendants' oral Rule 50 motion.

The Court takes the matter under advisement.

Charging conference.

5:38 p.m. Court in recess

Total Time: 6 hours 20 minutes

Trial continued.