

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: April 22, 2014
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 12-cv-03320-RPM

JACQUES BOURRET,

Plaintiff,

v.

ASPECT MANAGEMENT CORP.,
ASPECT HOLDINGS, LLC,
ASPECT ENERGY, LLC, and
ASPECT ENERGY INT.L, LLC,

Defendants.

Frances A. Koncilja
Richard P. Yetter

Peter G. Koclanes
Gordon W. Netzorg

COURTROOM MINUTES

Hearing on Pending Motions

1:55 p.m. Court in session.

Court's preliminary remarks and statements on the pending motions.

ORDERED: Defendants' Motion to Strike Jury Demand [86], is denied.

Plaintiff's Motion for Leave to File Sur-Reply in Opposition to Defendants' Motion to Strike Jury Demand [95], is moot.

Mr. Yetter answers questions asked by the Court regarding plaintiff's fraud claim.

Argument by Mr. Koclanes.

Argument by Mr. Yetter.

Rebuttal argument by Mr. Koclanes.

ORDERED: Defendants' Motion to Exclude Expert Testimony of Douglas Osterhus [92], is granted.

Defendants' Motion to Exclude Expert Testimony of Jeff Compton [93], is granted in part and denied in part as stated on record (full scope of admissibility to be determined after further briefing.

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Defendants' Motion to Strike Designation of Plaintiff Jacques Bourret as a Non-Retained Expert Witness [94], is granted in part as Mr. Bourret will not be designated as an expert and denied with respect to all further testimony from Mr. Bourret as to be ruled on during the course of taking his testimony.

Further argument by Mr. Koclanes.

ORDERED: Plaintiff's Motion to Dismiss [90], is granted in part, denied in part and withdrawn (by counsel) in part as stated on record.

ORDERED: Counsel shall file briefs on contract interpretation issues. Defendants' motion on fraud claim and "what is the project is due by May 2, 2014. Plaintiff's motion on "future cash flow" is due by May 2, 2014. Parties responses due 10 days after filings of motions.

3:06 p.m. Court in recess.

Hearing concluded. Total time: 1 hr. 11 min.