

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

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

Civil Action No. 13-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
Kellie N. Fetter

COURTROOM MINUTES

Pretrial Conference

10:52 a.m. Court in session.

Discussion and argument regarding Defendant's Renewed Motion to Exclude Expert Testimony of Douglas Osterhus [135].

ORDERED: Defendant's Renewed Motion to Exclude Expert Testimony of Douglas Osterhus [135], is granted in part with respect to topic number four (contractual sequence/ownership) and denied with respect to topic numbers one and two and limited with respect to topic number three to permit identifying areas of maps/blocks, as stated on record. Ruling does not preclude counsel agreeing to a stipulation on topic number four.

Discussion regarding motions in limine.

Mr. Yetter states plaintiff is not alleging an FCPA violation.

Defendants' objection regarding how money was distributed amongst Aspect employees is sustained.

Defendants' objection regarding capacity building payments (expense of doing business in Iraq) is sustained and plaintiff may provide an offer of proof.

Court does not censure opening statements for hearsay as such rulings will be made during the course of the taking of evidence.

July 22, 2014
12-cv-03320-RPM

Pretrial objections to exhibits shall be based on authenticity and foundation pursuant to the rule and objections to hearsay and relevance will be made at trial during the taking of the evidence.

Discussion regarding special issues.

Parties stipulation regarding deposition designation schedule approved (Ernyey).

Court states its trial video deposition practice (submit one transcript with plaintiff's designations highlighted in yellow, defendants' designations highlighted in blue and objections identified in margins in red. Court rules on objections and counsel edit video accordingly to be played in one continuous format).

Discussion regarding witnesses.

Counsel will complete their respective examinations of witnesses called by both sides so that they are only called one time.

Impeachment of live witnesses shall only be by using the written deposition transcript (no video).

Discussion regarding exhibits.

Deadline for objections to exhibits (as discussed) is August 29, 2014 (foundation/authenticity).

Court advise counsel that all **trial exhibits** offered during trial **must have been produced and exchanged.**

Court states its trial practice and procedures (jury of twelve).

Counsel agree for trial purposes that the defendants shall be referred to as Aspect Energy, LLC.

ORDERED: Stipulation regarding limiting jury to Denver Metro counties due by July 29, 2014.

Proposed jury instructions, proposed voir dire, proposed agreed statement of case, final lists of exhibits and witnesses and alphabetical combined list of witnesses and business entities are to be submitted directly to chambers in paper by October 6, 2014.

Two week jury trial set October 20, 2014.

Pretrial Order signed.

Counsel to request, if necessary, a trial preparation conference.

12:00 p.m. Court in recess.

Hearing concluded. Total time: 1 hr. 8 min.