

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
MAGISTRATE JUDGE KRISTEN L. MIX

Courtroom Deputy: Laura Galera
Date: March 4, 2014

FTR - Reporter Deck - Courtroom C-204
Byron G. Rogers United States Courthouse

Civil Action No. 13-cv-00513-KLM

Parties:

MARY E. SPENDRUP, ET AL.,

Plaintiff,

v.

AMERICAN FAMILY MUTUAL
INSURANCE COMPANY,

Defendant.

Counsel:

Andrew Peters

Rebecca Wagner

COURTROOM MINUTES

HEARING: FINAL PRETRIAL CONFERENCE

Court in Session: 9:33 a.m.

Court calls case. Appearance of counsel.

Discussion is held regarding the proposed Final Pretrial Order.

Court amends the Final Pretrial Order to note the length of trial is one week.

Counsel will have approximately fifteen to twenty minutes for voir dire.

Counsel are limited to thirty minutes for opening and closing statements.

The Court will allow the jurors to ask written questions during the course of trial.

Defense counsel may mention that the plaintiff received a settlement, however the amount of the settlement may not be disclosed.

ORDERED: The Court will enter a Declaratory Judgment in favor of Plaintiff on the second claim for relief holding that the total amount of policy proceeds available to the plaintiff is four million dollars.

ORDERED: The comparative negligence issue is WITHDRAWN.

ORDERED: Parties to file a joint supplementation of Section 6 of the Final Pretrial Order **no later than March 11, 2014**. The supplementation should list witnesses as “will call” or “may call” and provide a brief summary of each witness’ testimony.

ORDERED: Parties to file a supplementation of Section 7 of the Final Pretrial Order **no later than March 11, 2014**. The supplementation should list exhibits by Bates numbers or other identification system. Exhibits that do not have Bates numbers should be noted on the exhibit list.

ORDERED: The Motion for Acceptance of Plaintiff’s Second Supplemental F.R.C.P. Rule 26(a)(1) Disclosures #[65] is GRANTED IN PART AND DENIED IN PART. The motion is denied with respect to the testimony of Arturo Mendoza and the SMJ catalog. The Court conditionally accepts the photographs. However, the court is not ruling as to their admissibility. Plaintiff to disclose the photographs to defense counsel **by the close of business on March 4, 2014**. Defense counsel may make objections to the admissibility of the photographs by filing a Motion in Limine **no later than March 13, 2014**. Alternatively, defense counsel may reserve objections to the admissibility of the photographs as they are introduced into evidence at trial.

ORDERED: Objections to the amended witness and exhibit lists to be filed **no later than March 12, 2014**.

ORDERED: Proposed jury instructions and trial briefs are due **no later than March 7, 2014**.

ORDERED: Oral Motion to Strike the Second Supplemental Expert Report is TAKEN UNDER ADVISEMENT. Plaintiff’s counsel to clarify the basis for the supplementation and disclose it to defense counsel **no later than the close of March 5, 2014**. Defense counsel may file a Motion in Limine with respect to the supplementation **no later than March 13, 2014**.

ORDERED: A sequestration order will be in effect when the trial begins.

ORDERED: The proposed Final Pretrial Order which was submitted to the court is

approved with interlineations and made an order of court.

HEARING CONCLUDED.

Court in recess: 10:09 a.m.

Time In Court: 00:36

To order a transcript of this proceeding, please contact Avery Woods Reporting at (303) 825-6119.