

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

Civil Action: 13-cv-00573-RBJ
Courtroom Deputy: Julie Dynes

Date: April 30, 2015
Court Reporter: Kara Spitler

Parties

Counsel

DORIS MORRIS
MELVIN NUNES
ARMANDO MORENO
TONY ARMSTRONG
Plaintiffs

Stuart M. Paynter
Craig Valentine
Garth D. Wojtanowicz

v.

DAVITA HEALTHCARE PARTNERS INC
Defendant

Joseph E. Hopkins
Lisa A. Ruggiero
James E. Tyrrell, Jr.

COURTROOM MINUTES

CLASS CERTIFICATION HEARING DAY TWO

Court in Session: 9:15 a.m.

Appearance of counsel.

Plaintiffs' witness, Dr. Steven Borkan, recalled and remains under oath.

9:15 a.m. Continued direct examination of Dr. Borkan by Mr. Paynter.

9:28 a.m. Cross examination of Dr. Borkan by Mr. Hopkins.

10:40 a.m. Court in recess.

10:56 a.m. Court in session.

10:56 a.m. Continued cross examination of Dr. Borkan by Mr. Hopkins.

11:27 a.m. Redirect examination of Dr. Borkan by Mr. Paynter.

11:28 a.m. Examination of Dr. Borkan by the Court.

11:45 a.m. Additional examination of Dr. Borkan by Mr. Hopkins.

Discussion held on timing and documentary evidence.

Defendant's witness, Dr. Stanley Goldfarb, called and sworn.

11:49 a.m. Direct examination of Dr. Goldfarb by Mr. Hopkins with questions from the Court.

12:00 p.m. Court in recess.

12:59 p.m. Court in session.

1:04 p.m. Defense counsel present.

1:05 p.m. Continued direct examination of Dr. Goldfarb by Mr. Hopkins with questions from the Court.

1:59 p.m. Cross examination of Dr. Goldfarb by Mr. Paynter with questions from the Court.

Discussion held on rebuttal exhibits.

ORDERED: Rebuttal exhibits are ADMITTED.

2:26 p.m. Court in recess.

2:35 p.m. Court in session.

Rebuttal exhibits are identified as exhibits 36 and 37.

2:36 p.m. Closing argument by Mr. Valentine with questions from the bench.

3:00 p.m. Closing argument by Mr. Tyrrell with questions from the bench.

3:17 p.m. Rebuttal argument by Mr. Valentine with questions from the bench.

Discussion held on exhibit from Dr. Goldfarb's testimony.

ORDERED: Exhibit LL is admitted.

Discussion held on filing of post hearing briefs.

ORDERED: Parties may submit 5 pages each within 2 weeks after final transcript is received.

ORDERED: [109] Plaintiffs' Motion to Certify Class and Appoint Class Counsel, [128] Motion to Exclude Testimony and Opinions of Barbara Youngberg and Steven Borkan, M.D. and [130] Motion to Strike Portions of Stanley Goldfarb's Declaration and Any Related Testimony are all TAKEN UNDER ADVISEMENT, written order to issue.

Court in Recess: 3:27 p.m.

Hearing concluded.

Total time in Court: 04:48

Clerk's note: Witness copy of the exhibits returned to counsel, the Court retains its copy.