

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
SENIOR JUDGE WILEY Y. DANIEL

Courtroom Deputy: Robert R. Keech Date: January 14, 2014  
E.C.R./Reporters: Mary George a.m.  
and Tammy Hoffschildt p.m.

Civil Action No: **13-cv-01511-WYD-BNB** Counsel:

**P**ORT-A-POUR, INC. Daniel J. Culhane

Plaintiff,

v.

**PEAK INNOVATIONS, INC., and  
MARK E. NELSON,** Alan F. Blakley  
John D. Root

## Defendants.

## **COURTROOM MINUTES**

## **MOTIONS HEARING (DAY 3) - continued from January 13, 2014**

**10:05 a.m.** Court in Session

10:06 a.m. Defendants' witness **Mark Edward Nelson** resumes.

10:06 a.m. Direct examination by Defendants continues (Mr. Blakley).  
**EX ID:** 36

10:12 a.m. Statement by Plaintiff regarding Defendants' use of Auto CAD files only for purposes of the litigation and not used for any other purposes (Mr. Culhane).

**ORDERED:** Plaintiff's disk of all of the Auto CAD drawings of Port-a-Pour's products shall only be used by Defendants for purposes of the litigation and shall not be used for any other purposes.

10:13 a.m. Cross examination by Plaintiff (Mr. Culhane).

10:16 a.m. Court's examination of witness.

10:21 a.m. Cross examination by Plaintiff continues (Mr. Culhane).  
**EX ID: 34, D-31, 11, 34**

10:58 a.m. Re-Direct examination by Defendants (Mr. Blakley).

11:14 a.m. Court's examination of witness.

11:22 a.m. Re-Direct examination by Defendants continues (Mr. Blakley).

11:23 a.m. Court's examination of witness.  
**EX ID: 36**

11:41 a.m. Defendants rest.

**11:42 a.m.** Court in Recess

**1:47 p.m.** Court in Session  
Tammy Hoffschildt begins as Court Reporter.

1:47 p.m. Argument by Plaintiff (Mr. Culhane).

2:24 p.m. Argument by Defendants (Mr. Blakley).

2:38 p.m. Discussion regarding counsel ordering transcripts and the submission of proposed findings of fact and conclusions of law.

**ORDERED:** Plaintiffs' Motion for Preliminary Injunction [ECF Doc. No. 35], filed October 25, 2013, is **TAKEN UNDER ADVISEMENT**.

**ORDERED:** Counsel shall file a status report, indicating when the transcripts for this hearing will be provided to counsel, in not later than **seven (7) days of today's date**.

**ORDERED:** Parties shall file their proposed findings of fact and conclusions of law not later than **ten (10) days after receipt of the transcripts**.

**2:50 p.m.** Court in Recess - HEARING CONCLUDED.

**CLERK'S NOTE:** **EXHIBITS WERE RETURNED TO COUNSEL AT THE CONCLUSION OF THE HEARING.**

**TOTAL TIME: 2:40**