

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 13-cv-02340-CMA-KMT

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

SAFIA ABDULLE ALI,
SAHRA BASHI ABDIRAHMAN,
HANA BOKKU,
SADIYO HASSAN JAMA, and
SAIDA WARSAME, a/k/a AMINO WARSAME,

Plaintiff Intervenors,

v.

JETSTREAM GROUND SERVICES, INC.,

Defendant.

**ORDER REGARDING WITNESS APPEARANCES AT TRIAL
DURING PLAINTIFFS' CASE-IN-CHIEF**

From a telephone conversation between Chambers staff and counsel for Plaintiffs and Defendant, the Court has learned that the parties are requesting a status conference to resolve a dispute pertaining to witness appearances for the trial in this matter, which is set to begin April 11, 2016.

During this telephone conversation, Defendant's counsel indicated that Defendant is refusing to make at least two witnesses, Maria Feliciano and David Norris, available for live testimony during the Plaintiffs' case-in-chief (though Defendant's

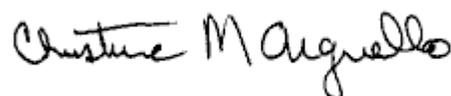
counsel noted that Defendant would make these witnesses available for live testimony during **its own** case-in-chief). Additionally, it is unclear whether Defendant will make Frank Austin available for live testimony during Plaintiffs' case-in-chief. Ms. Feliciano, Mr. Norris, and Mr. Austin appear on the Final Pretrial Order as "will-call" witnesses for both Plaintiffs and Defendant. (Doc. # 246 at 19–21, 23.)

At the Final Trial Preparation Conference (FTPC), the Court made it clear that it does not allow live witnesses to be recalled and that, if witnesses are listed on the will-call witness lists of both sides, the witness will be called **in Plaintiffs' case** and that both sides will do their full direct and cross examination such that each witness is fully examined when he or she is first called to the stand. (Doc. # 248 at 40:10-17.) Indeed, at the FTPC, **Defendant's counsel** specifically asked Plaintiffs to provide "some sequence . . . as to who they're intending to call at some period of time, so we can schedule them in here." (*Id.* at 45:15-19.) This dispute apparently arose when Plaintiffs attempted to provide this proposed sequence to Defendant.

Given the Court's explicit instruction about this issue at the FTPC, a status conference is not necessary to resolve this dispute. Accordingly, Defendant is HEREBY ORDERED to make Ms. Feliciano, Mr. Norris, and Mr. Austin (who, as Defendant's Representative, should be in attendance for the entire trial in any case) available for live testimony during Plaintiffs' case-in-chief.

DATED: April 7, 2016

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge