

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

Courtroom Deputy: Robert R. Keech
E.C.R./Reporter: Mary George

Date: January 21, 2016

Civil Action No: **13-cv-02438-WYD-CBS**

Counsel:

JEFFREY CHORAK,

Donald F. D'Antuono

Plaintiff,

v.

**UNION PACIFIC RAILROAD COMPANY, a
foreign corporation,**

Torriano N. Garland
Alice de Stigter

Defendant.

COURTROOM MINUTES

TRIAL PREPARATION CONFERENCE

11:02 a.m. Court in Session

APPEARANCES OF COUNSEL.

Court's opening remarks.

11:04 a.m. Discussion regarding whether this trial will go as scheduled and problems serving subpoenas upon Dr. Elaine Quintana and Denise Murphy to testify at trial.

ORDERED: Plaintiff shall submit a proposed order for the issuance of subpoenas and trial subpoenas for Dr. Elaine Quintana and Denise Murphy not later than **Thursday, January 21, 2016.**

11:12 a.m. Discussion regarding witness lists, exhibit lists, and jury instructions.

ORDERED: Counsel shall submit an agreed upon joint statement of the case jury instruction not later than **Wednesday, January 27, 2016.**

ORDERED: Counsel shall file revised jury instructions not later than **Wednesday, January 27, 2016.**

ORDERED: Counsel shall file revised witness and exhibit lists not later than **Wednesday, January 27, 2016.**

11:17 a.m. Discussion regarding time limits for opening statements.

ORDERED: Opening statements shall not exceed **twenty (20) OR thirty (30) minutes per side.**

11:18 a.m. Court outlines protocol for voir dire and jury selection process.

Defendant's Motion in Limine Number One Regarding Improper Inspection of the Crossing [ECF Doc. No. 46], filed December 22, 2015, is raised for argument.

11:21 a.m. Argument by Defendant (Mr. Garland).

11:31 a.m. Argument by Plaintiff (Mr. D'Antuono).

ORDERED: Defendant's Motion in Limine Number One Regarding Improper Inspection of the Crossing [ECF Doc. No. 46], filed December 22, 2015, is **DENIED.**

Defendant's Motion in Limine Number Two to Exclude Any Evidence of Prior Complaints or Accidents [ECF Doc. No. 47], filed December 22, 2015, is raised for argument.

11:38 a.m. Argument by Plaintiff (Mr. D'Antuono).

11:40 a.m. Argument by Defendant (Mr. Garland).

11:40 a.m. Argument by Plaintiff (Mr. D'Antuono).

ORDERED: Defendant's Motion in Limine Number Two to Exclude Any Evidence of Prior Complaints or Accidents [ECF Doc. No. 47], filed December 22, 2015, is **DENIED WITHOUT PREJUDICE.**

Defendant's Motion in Limine Number Three Regarding past and Future Medical Expenses [ECF Doc. No. 48], filed December 22, 2015, is raised for argument.

11:42 a.m. Argument by Defendant (Mr. Garland).

11:43 a.m. Argument by Plaintiff (Mr. D'Antuono).

ORDERED: Defendant's Motion in Limine Number Three Regarding past and Future Medical Expenses [ECF Doc. No. 48], filed December 22, 2015, is **DENIED**.

11:44 a.m. Discussion regarding other preliminary issues.

11:48 a.m. Court in Recess - HEARING CONCLUDED

TOTAL TIME: :46