

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

Civil Action: 13-cv-02725-RBJ Date: January 23, 2015  
Courtroom Deputy: Julie Dynes Court Reporter: Darlene Martinez

## *Parties*

## *Counsel*

## AARON NIMAN

*Francis V. Cristiano  
Joseph J. Mellon*

## Plaintiff(s)

V

GPS USA INC  
ROZANN ZELKEY  
ALAN G. COE  
RONALD FOGLIA  
PETER J. SWENSON

*Theresa L. Corrada  
James B. Lapin  
Juli E. Lapin*

**Defendant(s)**

## **COURTROOM MINUTES**

## **MOTIONS HEARING**

Court in Session: 9:42 a.m.

### Appearance of counsel.

### Argument given on pending motions.

The Court makes findings of fact, conclusions of law. For reasons stated on the record, it is

**ORDERED:** [41] Plaintiff's Motion for Partial Summary Judgment and Determination of Issues of Law Re Issue Preclusion is GRANTED.

**[50] Defendants' Cross-Motion for Partial Summary Adjudication and Determination of Issues of Law Re Issue Preclusion is DENIED.**

**[58] Plaintiff's Motion to Allow Him Rebuttal of Defendants' Expert's Untimely Disclosed Primary Opinions Re Valuation and for Sanctions Pursuant to Fed.R.Civ.P.3(c)(1)(A) is GRANTED.**

**[62] Defendant's Motion for Summary Judgment is DENIED.**

**[68] Plaintiff's Motion to Strike Disclosed "Rebuttal Testimony" by Defendants' Expert Matthew Pontiff is DENIED.**

**[71] Defendants' Motion to Exclude Testimony of Plaintiff's Expert Witness, Steven Stark is DENIED.**

**Request for extension of time to exchange exhibits and witness lists is GRANTED. Parties have until the end of next week.**

Court in Recess: 12:05 p.m.

Hearing concluded.

Total time in Court: 02:23