

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

Civil Action: 13-cv-03392-RBJ-KLM
Courtroom Deputy: Robert R. Keech

Date: August 17, 2015
Court Reporter: Kara Spitler

Parties

Counsel

PHILLIP DAVID HASKETT,

Pro Se

Plaintiff

v.

GARY WOODROW FLANDERS,

Pro Se

Defendant

COURTROOM MINUTES

BENCH TRIAL DAY ONE

Court in Session: 9:01 a.m.

Jurors not present.

Appearances of parties.

Discussion regarding timing for trial and preliminary matters.

9:05 a.m. Both parties waive jury demand.

ORDERED: Court will assess jury costs.

9:06 a.m. Discussion regarding preliminary matters and two motions filed by Plaintiff this morning.

ORDERED: Plaintiff's Motion in Limine to Restrict Testimony at Trial to Answers Flanders Provided in Deposition Testimony or, in the Alternative, Motion to Strike Flanders' Answer and Enter Default as a Sanction for Continued Discovery Violations Pursuant to Rule 37 [ECF Doc. No. 132], filed August 17, 2015, is **DENIED.**

ORDERED: Plaintiff's Motion in Limine to Strike Defendant Flanders' Untimely Pre-Trial Disclosure and Exclude All Undisclosed Evidence and Witnesses [ECF Doc. No. 131], filed August 17, 2015, is **DENIED**.

9:10 a.m. Opening statement by plaintiff by Mr. Haskett.

9:22 a.m. Opening statement by defendant by Mr. Flanders.

9:50 a.m. Plaintiff's witness, **Phillip David Haskett**, called and sworn.

9:50 a.m. Direct examination of Mr. Haskett by Mr. Haskett.

Exhibits 50, 7, 9 admitted.

10:23 a.m. Court in recess.

10:35 a.m. Court in session.

10:35 a.m. Plaintiff's witness, **Phillip David Haskett**, resumes.

10:35 a.m. Direct examination of Mr. Haskett by Mr. Haskett continues.

Exhibits 62, 63, 48, 52, 15, 10 not admitted.

Exhibits 31, 32, 33, 34, 35, 36, 37, 3, 2, 4, 5, 6, 12 (limited purpose), 41, 42, 43 admitted.

12:00 p.m. Court in recess.

12:59 p.m. Court in session.

12:59 p.m. Discussion regarding additional page to exhibit 43. No objection by defendant.

1:00 p.m. Defendant requests sequestration of witnesses.

ORDERED: Witnesses shall be sequestered during trial.

1:01 p.m. Plaintiff's witness, **Brenda Capps**, called and sworn.

Direct examination of Ms. Capps by Mr. Haskett.

1:12 p.m. Cross examination of Ms. Capps by Mr. Flanders.

1:15 p.m. Re-Direct examination of Ms. Capps by Mr. Haskett.

1:18 p.m. Plaintiff's witness, **Gene Capps**, called and sworn.

Direct examination of Mr. Capps by Mr. Haskett.

1:28 p.m. Cross examination of Mr. Capps by Mr. Flanders.

- 1:33 p.m. Re-Direct examination of Mr. Capps by Mr. Haskett.
- 1:36 p.m. Court's examination of witness.
- 1:41 p.m. Re-Direct examination of Mr. Capps by Mr. Haskett.
- 1:43 p.m. Plaintiff's witness, **Phillip David Haskett**, resumes.
- 1:43 p.m. Direct examination of Mr. Haskett by Mr. Haskett continues.
Exhibits 21, 20, 26, 49 (page 1 only), 1 admitted.
Exhibits 19, 18, 17, 25 not admitted.
- 2:28 p.m. Court in recess.**
2:42 p.m. Court in session.
- 2:42 p.m. Plaintiff's witness, **Phillip David Haskett**, resumes.
- 2:42 p.m. Cross examination of Mr. Haskett by Mr. Flanders.
Exhibits X, Y, Z, AA admitted.
- 3:38 p.m. Re-Direct examination of Mr. Haskett by Mr. Haskett.
- 3:46 p.m. Discussion regarding schedule of witnesses for tomorrow.

Court in Recess: 3:48 p.m.

Trial continued.

Total time in Court: 5:22