

**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: February 10, 2016

Civil Action No: **13-cv-03446-WYD-KMT**

Counsel:

DANIEL L. PORTER,

Plaintiff,

Sander N. Karp
James F. Fosnaught
Gregory S. Russi

v.

**AMERICAN FAMILY MUTUAL
INSURANCE COMPANY,**

Defendant.

Debra K. Sutton
Ashley R. Larson

COURTROOM MINUTES

TRIAL TO JURY (DAY 3)

9:21 a.m. Court in Session - Jury not present

Discussion regarding the fact that counsel has resolved objections in the Martha Haraway and Greg Feinsinger depositions.

9:22 a.m. Discussion regarding testimony of Richard Laugesen.

9:27 a.m. Jury enters

9:28 a.m. Plaintiff's witness **Martha Haraway** continues by video deposition.

10:02 a.m. Plaintiff's witness **Greg Feinsinger** by video deposition.

11:01 a.m. Court in Recess

11:19 a.m. Court in Session - Jury not present.

ORDERED: Defendant's Trial Brief Regarding the Admissibility of the Underinsured Motorist Policy Limits [ECF Doc. No. 141], filed February 8, 2016, is **GRANTED**.

ORDERED: Witnesses shall not refer to policy limits during their testimony.

11:22 a.m. Discussion regarding scheduling issues.

11:26 a.m. Jury enters

11:26 a.m. Plaintiff's witness **James Evenson** sworn.

Direct examination by Plaintiff (Mr. Karp).

EX ID: 43, 44, 45, 46

Exhibit(s) 43, 44, 45, 46 RECEIVED.

Witness tendered and accepted as an expert.

12:04 p.m. Cross examination by Defendant (Ms. Sutton).

EX ID: 43, 44, 45, 46

12:25 p.m. Re-Direct examination by Plaintiff (Mr. Karp).

12:27 p.m. Discussion regarding schedule for this afternoon.

12:28 p.m. Court in Recess

12:33 p.m. Court in Session - Jury not present

12:34 p.m. Plaintiff's witness **Richard W. Laugesen** sworn.

Direct examination by Plaintiff (Mr. Fosnaught).

Witness tendered and accepted as an expert.

1:07 p.m. Cross examination by Defendant (Ms. Sutton).

1:16 p.m. Argument by Defendant (Ms. Sutton).

1:20 p.m. Discussion regarding policy limits.

ORDERED: Defendant's Motion to Limit or Exclude Testimony of Plaintiff's Insurance Bad Faith Expert, Richard Laugesen [ECF Doc. No. 80], filed August 11, 2015, is **GRANTED IN PART and DENIED IN PART as outlined by the Court on the record.**

1:21 p.m. Court in Recess

2:22 p.m. Court in Session - Jury enters

2:24 p.m. Plaintiff's witness **Richard W. Laugesen** sworn.

Direct examination by Plaintiff (Mr. Fosnaught).

EX ID: 41

Witness tendered and accepted as an expert.

3:23 p.m. Cross examination by Defendant (Ms. Sutton).

EX ID: 41, 64, A-3, A-4, A-34

Exhibit(s) 64, A-3, A-4 RECEIVED.

3:55 p.m. Re-Direct examination by Plaintiff (Mr. Fosnaught).

EX ID: 41

3:59 p.m. Re-Cross examination by Defendant (Ms. Sutton).

4:02 p.m. Court in Recess

4:19 p.m. Court in Session - Jury not present

Court's remarks regarding jury instructions and jury instruction conference.

4:21 p.m. Discussion regarding issue related to denial of the claim.

4:26 p.m. Jury enters

4:26 p.m. Plaintiff's witness **Margie Lucille Porter** sworn.

Direct examination by Plaintiff (Mr. Fosnaught).

4:43 p.m. Jury excused

Discussion regarding objection by Defendant - **SUSTAINED.**

4:49 p.m. Jury enters

Direct examination by Plaintiff continues (Mr. Fosnaught).

4:59 p.m. Cross examination by Defendant (Ms. Sutton).

EX ID: A-26, A-27, A-28, A-29, A-30

Exhibit(s) A-26, A-27, A-28, A-29, A-30 RECEIVED.

5:19 p.m. Re-Direct examination by Plaintiff (Mr. Fosnaught).

5:22 p.m. Plaintiff rests.

Discussion regarding schedule for tomorrow.

5:24 p.m. Jury excused for the evening.

Discussion regarding issues as to testimony of Gregory Giometti and Kyle Jacobson.

5:27 p.m. Court in Recess - TRIAL CONTINUED.

TOTAL TIME: 6:25