

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch**

Date: February 11, 2016
Courtroom Deputy: Emily Buchanan
FTR Technician: Kathy Terasaki

Civil Action No. 14-cv-00093-RPM

Counsel:

INGRID IVERSEN, individually and as a
personal representative of the Estate of Terry
Tyler,

Christopher DeLara

Plaintiff,

v.

AGA SERVICE COMPANY,

Benjamin Strawn
Jordan Lipp

Defendant.

COURTROOM MINUTES

MOTION HEARING

9:48 a.m. Court in session.

Court considers this a case for the wrongful death of Dr. Terry Tyler under the Colorado Wrongful Death Act. The duty of care to be applied is that contained in the insurance policy. The closest appropriate medical facility and whether Dr. Tyler could have survived remain in dispute.

Mr. Strawn provides argument and answers Court's questions regarding causation, information Dr. Lipson had to render an opinion, hospital records from Mexico, Dr. Tyler's medical condition, and the period of delay in Dr. Tyler receiving medical care.

Mr. DeLara responds and provides argument regarding causation, a violation of the duty of care, the issues surrounding the international patient transport, the insurance form sent to Ms. Iversen, and Walter Kuykendall.

Mr. Strawn replies regarding finding a receiving bed for Dr. Tyler, the AA med form, causation, and standard of care.

The matter stands submitted and the Court will issue an opinion.

ORDERED: The wrongful death claim remains. The bad faith, bad faith breach of contract, breach of contract, and negligence claims are **DISMISSED**.

ORDERED: Plaintiff's Motion for Determination of Choice of Law Applicable to Plaintiff's Negligence and Wrongful Death Claims (Doc. No. 64) is **GRANTED**. This wrongful death case is under the Colorado Wrongful Death Act.

ORDERED: Defendant AGA Service Company's Motion for Summary Judgment (Doc. No. 65) is **TAKEN UNDER ADVISEMENT**.

ORDERED: Defendant AGA Service Company's Motion to Exclude Testimony of Plaintiff's Expert Loren G. Lipson (Doc. No. 66) is **TAKEN UNDER ADVISEMENT**.

ORDERED: Defendant AGA Service Company's Motion to Exclude Testimony of Plaintiff's Expert Walter Kuykendall (Doc. No. 67) is **TAKEN UNDER ADVISEMENT**.

ORDERED: Defendant AGA Service Company's Motion to Exclude Testimony of Plaintiff's Expert Roger H. Buelow (Doc. No. 68) is **GRANTED**.

ORDERED: Defendant AGA Service Company's Motion to Exclude Testimony of Plaintiff's Expert Allen M. Parkman (Doc. No. 69) is **DEFERRED**.

10:37 a.m. Court in recess.

Hearing concluded. Total time: 49 minutes.