

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
JUDGE LEWIS T. BABCOCK

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Courtroom Deputy: Emily Buchanan  
Court Reporter: Janet Coppock

Date: October 1, 2015

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Civil Case No. 14-cv-00246-LTB-MJW

Counsel:

ROBIN DILLON,  
  
Plaintiff,

Neil Piller

v.

AUTO-OWNERS INSURANCE COMPANY,  
  
Defendant.

Gregory Giometti

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COURTROOM MINUTES

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EVIDENTIARY HEARING (Continued from September 30, 2015)

9:01 a.m. Court in session.

**ORDERED:** Witnesses shall be sequestered.

Defendant's witness, Hal Wortzel, sworn.

9:02 a.m. Direct examination of Dr. Wortzel by Mr. Giometti.

**Defendant's Exhibits received for the purpose of this hearing only: V and F.**

9:37 a.m. Cross examination of Dr. Wortzel by Mr. Piller.

9:58 a.m. Redirect examination of Dr. Wortzel by Mr. Giometti.

**Defendant's Exhibit received for the purpose of this hearing only: T.**

10:07 a.m. Court in recess.

10:22 a.m. Court in session.

Defendant's witness, Charles Bain, sworn.

10:23 a.m. Direct examination of Dr. Bain by Mr. Giometti.

**Defendant's Exhibits received for the purpose of this hearing only: W and X.**

**ORDERED:** Court concludes that at this point under Rule 702 and Daubert, Dr. Bain's testimony is not relevant and he is excused.

**Defendant's Exhibit received for the purpose of this hearing only: E.**

Defendant's witness, Stephen Kalat, sworn.

10:47 a.m. Direct examination of Dr. Kalat by Mr. Giometti.

**Defendant's Exhibits received for the purpose of this hearing only: Y, Z, and D.**

11:20 a.m. Cross examination of Dr. Kalat by Mr. Piller.

11:30 a.m. Court in recess.

12:30 p.m. Court in session.

12:31 p.m. Continued cross examination of Dr. Kalat by Mr. Piller.

1:27 p.m. Redirect examination of Dr. Kalat by Mr. Giometti.

1:37 p.m. Recross examination of Dr. Kalat by Mr. Piller.

**ORDERED:** Defendant's Motion to Exclude Certain Opinion Testimony of Janet N. Lemmon, Ph.D, Pursuant to FRE 702 and FRE 403 (Doc. No. 52) is **TAKEN UNDER ADVISEMENT.** A written opinion will be entered.

**ORDERED:** Defendant's reply to its Motion to Exclude Certain Opinion Testimony of Mary Ann Keatley, Ph.D. and Dr. Rebecca Hutchins (Doc. No. 62) is due on or before **October 7, 2015.** Court will invite simultaneous supplemental briefing on Dr. Keatley and Dr. Hutchins, due two weeks from the date of the Court's order on Defendant's Motion to Exclude Certain Opinion Testimony of Janet N. Lemmon, Ph.D, Pursuant to FRE 702 and FRE 403 (Doc. No. 52).

1:42 p.m. Court in recess.

Hearing concluded. Time: 3:26