

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
JUDGE RAYMOND P. MOORE**

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Courtroom Deputy: Cathy Pearson  
Court Reporter: Tammy Hoffschildt

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Date: January 4, 2016

**CASE NO. 14-cv-01318-RM-CBS**

GAYLA MORTENSEN,

Plaintiff,

Marc Harden  
Ashley Fetyko

v.

AMERICAN FAMILY MUTUAL INSURANCE COMPANY, Jacquelyn Booker

Defendant.

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**COURTROOM MINUTES**

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**DAUBERT HEARING**

**COURT IN SESSION: 9:59 a.m.**

Court calls case. Appearances of counsel. Present with defense counsel is Dr. C. E. "Ted" Bain and Charles Scheurich.

Discussion held regarding Plaintiff's Motion *In Limine* to Exclude Evidence of Collateral Source Benefits at Trial (Doc. 40).

**ORDERED:** Plaintiff's Motion *In Limine* to Exclude Evidence of Collateral Source Benefits at Trial (Doc. 40) is GRANTED as stated on the record.

The Court proceeds with Plaintiff's *Daubert* Motion to Preclude Testimony of Dr. C. E. "Ted" Bain (Doc. 28).

10:04 a.m. Opening statements presented by Ms. Fetyko.

10:08 a.m. Opening statements presented by Ms. Booker.

10:12 a.m. Defendant's witness, Charles Edward Bain, is sworn and examined by Ms. Booker.

Defendant's Exhibits A through R are identified.

10:51 a.m. Cross-examination of Charles Edward Bain by Ms. Fetyko.

11:39 a.m. Redirect examination of Charles Edward Bain by Ms. Booker.

11:42 a.m. Witness is excused.

Closing argument by Ms. Fetyko.

11:46 a.m. Closing argument by Ms. Booker.

Court's findings.

**ORDERED:** Plaintiff's *Daubert* Motion to Preclude Testimony of Dr. C. E. "Ted" Bain (Doc. 28) is DENIED as stated on the record.

**ORDERED:** Counsel for the parties shall retain custody of their respective exhibits at the conclusion of this hearing.

**COURT IN RECESS: 12:03 p.m.**

**Total in court time: 02:04**

**Hearing concluded**