

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Magistrate Judge Kristen L. Mix**

Civil Action No. 14-cv-01482-KLM  
Date: June 24, 2015

Court Reporter- Terri Lindblom  
Courtroom Deputy, Laura Galera

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ROGER T. REICH, ET AL.,  
  
Plaintiffs,

Melissa Hailey  
W. Randolph Barnhart

v.

AMERICAN FAMILY MUTUAL  
INSURANCE COMPANY

Christian Monson  
Colin Campbell

Defendant.

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**COURTROOM MINUTES**

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**HEARING: JURY TRIAL - DAY 3**

**9:17 a.m. Court in session**

Court calls case. Appearance of counsel.

Jury panel not present.

Court addresses preliminary matters with counsel relating to a potential stipulation.

Jury panel present.

9:27 a.m. Continued redirect examination of Mr. Reich by Mr. Barnhart.

**ORDERED: Plaintiffs' Exhibits 165, 167, 172, 173 and 174 are ADMITTED.**

9:46 a.m. Bench conference.

9:57 a.m. Jury excused.

**ORDERED: Plaintiffs' Exhibit 166 is ADMITTED with redactions.**

**9:58 a.m. Court in recess.**

**10:15 a.m. Court in session.**

Jury present.

10:16 a.m. Continued redirect examination of Mr. Reich by Mr. Barnhart.

10:27 a.m. Re-cross examination of Mr. Reich by Mr. Campbell.

10:36 a.m. Redirect examination of Mr. Reich by Mr. Barnhart.

Witness excused.

Plaintiffs' witness, Paul Brenkman, called and sworn.

10:38 a.m. Direct examination of Mr. Brenkman by Ms. Hailey.

10:49 a.m. Bench conference.

Plaintiff moves for Mr. Brenkman to be qualified as an expert in the areas of claims handling practices in the insurance industry and general contracting.

Defense has no objection.

Mr. Brenkman is qualified as an expert in the areas of claims handling practices in the insurance industry and general contracting.

10:50 a.m. Continued direct examination of Mr. Brenkman by Ms. Hailey.

**ORDERED: Plaintiffs' Exhibit 126 is ADMITTED.**

11:31 a.m. Cross examination of Mr. Brenkman by Mr. Campbell.

12:06 p.m. Redirect examination of Mr. Brenkman by Ms. Hailey.

Witness excused.

Jury excused.

Discussion regarding schedule.

**12:19 p.m. Court in recess.**

**1:48 p.m. Court in session.**

Jury panel not present.

Argument regarding Plaintiffs' Motion to Strike Defendant's Jury Instructions as Untimely #[65].

**ORDERED:** Plaintiffs' Motion to Strike Defendant's Jury Instructions as Untimely #[65] is DENIED.

Jury present.

Plaintiffs' witness, Stephanie Barron, called and sworn.

1:56 p.m. Direct examination of Ms. Barron by Ms. Hailey.

2:10 p.m. Cross examination of Ms. Barron by Mr. Monson.

2:13 p.m. Redirect examination of Ms. Barron by Ms. Hailey.

**ORDERED: Plaintiffs' Exhibit 135 is ADMITTED.**

2:17 p.m. Re-cross examination of Ms. Barron by Mr. Monson.

Witness excused.

Plaintiff rests.

Defendant's witness, Jim Oberfoell, called and sworn.

2:21 p.m. Direct examination of Mr. Oberfoell by Mr. Monson.

2:49 p.m. Cross examination of Mr. Oberfoell by Mr. Barnhart.

3:15 p.m. Redirect examination of Mr. Oberfoell by Mr. Monson.

Witness excused.

**3:17 p.m. Court in recess.**

**3:35 p.m. Court in session.**

Jury panel not present.

Discussion regarding schedule and jury instructions.

Jury panel present.

3:40 p.m. Video deposition of Russ Negaard published to the jury.

**4:47 p.m. Court in recess.**

**4:53 p.m. Court in session.**

Jury present.

Video deposition of Russ Negaard continued to be published to the jury.

Defense rests.

Jury excused and ordered to return tomorrow at 9:30 a.m.

Counsel are ordered to return tomorrow at 8:30 a.m. to go over jury instructions.

**5:34 p.m. Court in recess.**

Total Time: 6:07