

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No: 14-cv-01857-KMT
Courtroom Deputy: Sabrina Grimm

Date: October 19, 2015
Court Reporter: Terri Lindblom

Parties:

COLORADO HOSPITALITY SERVICES, INC., D/B/A
DAYS INN ENGLEWOOD,

Plaintiff,

v.

OWNERS INSURANCE COMPANY, an Ohio
company,

Defendant.

Counsel:

Marie Drake
Michael Duffy
Thomas Loucks

Greg Giometti
Mark Honhart

COURTROOM MINUTES

JURY TRIAL – DAY ONE

8:46 a.m. Court in session.

Court calls case. Appearances of counsel.

Also present, Michael Weiland, Client Representative for Defendant, and Bruce Rahmani, Client Representative for Plaintiff.

Discussion regarding the presentation of exhibits. Counsel agree to permit the exhibits in the binders to go back to the jury during deliberations.

ORDERED: Witnesses are sequestered.

Discussion regarding pending motions and trial brief.

ORDERED: Plaintiff's Motion in Limine [60] is GRANTED, for reasons stated on record.

Discussion and argument regarding inadmissible exhibits, cosmetic damages, expert Ryan Hardesty, and witness Chris Hoag.

ORDERED: Exhibits 31, 32, 33, 35, and 36 are inadmissible, for reasons stated on record.

ORDERED: Plaintiff's Second Motion in Limine [65] is GRANTED, for reasons stated on record.

9:20 a.m. Court in recess.

9:42 a.m. Court in session.

9:42 a.m. Jurors present.

Court's preliminary remarks and introduction of counsel, parties, and staff.

Fourteen jurors called to the jury box.

All jurors sworn for voir dire.

Statement by the Court.

10:10 a.m. Court voir dices jurors.

10:23 a.m. Court reads the statement of the case. Voir dire continues.

11:10 a.m. to 11:12 a.m. **Bench conference:** Court asks if counsel has any additional questions for the jurors.

Court asks for clarification from juror 100306012.

11:14 a.m. to 11:16 a.m. **Bench conference:** Plaintiff's oral motion to excuse juror 100323986 for cause is DENIED. Counsel pass jurors for cause.

11:26 a.m. to 11:27 a.m. **Bench conference:** Counsel confirm peremptory challenges.

Court excuses jurors for cause:

100306167

100296447

Plaintiff's challenges:

100314175

100306012

100323986

Defendant's challenges:

100293912
100304934
100287311

11:30 a.m. Eight jurors selected to try the case:

100298682
100323598
100323163
100321172
100322444
100286548
100303856
100294752

Jury panel sworn.

Court instructs jurors. Jurors excused.

11:38 a.m. Court in recess.
1:04 p.m. Court in session.

Discussion regarding preliminary jury instruction.

1:07 p.m. Jurors present.

Court instructs jurors.

1:25 p.m. Plaintiff's opening statement by Mr. Duffy.

1:56 p.m. Defendant's opening statement by Mr. Giometti.

Jurors excused.

Discussion regarding claim file.

2:30 p.m. Court in recess.
2:53 p.m. Court in session.

2:54 p.m. Jurors present.

2:57 p.m. Defendant's Client Representative, Michael Weiland, sworn.

Direct examination of Mr. Weiland by Mr. Duffy.

**Exhibits 14 and 15 are stipulated and admitted.
Exhibit 16 is admitted.**

3:59 p.m. Cross examination of Mr. Weiland by Mr. Giometti.

Reference to Exhibits 16 and 15.

4:43 p.m. Redirect examination of Mr. Weiland by Mr. Duffy.

Court instructs jurors. Juror excused until October 20, 2015 at 9:30 a.m.

Discussion regarding jury instructions and the statute regarding two times the damages.

4:58 p.m. Court in recess.

Hearing continued.

Total in-court time 06:01