

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

Civil Action No: 14-cv-02095-PAB-KMT
Courtroom Deputy: Sabrina Grimm

Date: December 9, 2015
FTR: Courtroom C-201

Parties:

ERIC JOHNSON,

Plaintiff,

v.

DEPARTMENT OF PUBLIC WORKS, SOLID WASTE
MANAGEMENT,
CITY AND COUNTY OF DENVER, a municipal
corporation,
KATHY BILLINGS, individually and in her
representative capacity,
MIKE LUTZ individually,
LARS WILLIAMS, individually,
CHARLOTTE PITT, individually, and
RICHARD VILLA, individually,

Defendants.

Counsel:

Joseph Cohen

Kristen Merrick
Frank Nachman

COURTROOM MINUTES

MOTION HEARING

1:44 p.m. Court in session.

Court calls case. Appearances of counsel. Plaintiff's counsel is 15 minutes late for the hearing without explanation.

Court states a response was not filed to Defendants' Motion to Strike Charlie Brown's Trial Testimony and Declaration (ECF #64) or, in the Alternative, for Leave to Depose Charlie Brown [76]. Mr. Cohen informs the Court that he thought there was a response filed and offered the court a hard copy of a response. Upon questioning, Defendants state they received a response in hard copy from plaintiff's counsel at the beginning of the hearing. The court refused the response as not being timely filed. Plaintiff is allowed argument to oppose the motion.

Discussion and argument regarding the untimely disclosure of Charlie Brown and relevancy of Charlie Brown's testimony.

ORDERED: Defendants' Motion to Strike Charlie Brown's Trial Testimony and Declaration (ECF #64) or, in the Alternative, for Leave to Depose Charlie Brown [76] is GRANTED. Charlie Brown's testimony will be excluded for all purposes from this case pursuant to F.R.C.P. 37. The Amended Declaration of Charlie Brown [64] is STRICKEN.

2:09 p.m. Court in recess.

Hearing concluded.

Total in-court time 00:25

*To obtain a transcript of this proceeding, please contact Stevens-Koenig Reporting at 303-988-8470.