

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

Courtroom Deputy: Cathy Pearson Date: September 24, 2014
Court Reporter: Darlene Martinez (morning)
Tammy Hoffschmidt (afternoon)

CASE NO. 14-cv-02325-RM-MJW

CARGILL, INCORPORATED,
Plaintiff,

Case Collard
Tucker Trautman

V.

JASON KUAN,

Defendant.

Bernie Siebert
Jonathon Watson

COURTROOM MINUTES

MOTION HEARING – Plaintiff Cargill Incorporated’s Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 2, filed 8/21/14)

COURT IN SESSION: 8:57 a.m.

Court calls case. Appearances of counsel.

Discussion held regarding the parties' agreement as to the Temporary Restraining Order and the status of the case.

The parties stipulate to the sequestration of witnesses during this hearing.

ORDERED: Witnesses will be sequestered until they are called to testify.

Statements made by Mr. Trautman regarding chain of custody stipulation of items contained in Plaintiff's Exhibit 23 and admission and substitution of Plaintiff's Exhibit 18.

9:19 a.m. Opening statements by Mr. Trautman.

9:33 a.m. Opening statements by Mr. Siebert.

9:35 a.m. Plaintiff's witness, Jody Horner, is sworn, examined by Mr. Trautman

Mr. Trautman states that the parties stipulate to the admission of the following exhibits: **Plaintiff's Exhibits 1, 3, 4, 5, 6, 9, 10, 18, 30, and 31, and Defendant's Exhibits A through M.** Plaintiff's Exhibit 2 is offered. Witness is questioned by Mr. Siebert regarding Plaintiff's Exhibit 2. Plaintiff's Exhibit 2 is admitted over objection. Plaintiff's Exhibits 11, 12, 14, 15, 16, and 22 are offered and admitted over objection.

10:23 a.m. Jody Horner is questioned by the Court.

10:27 a.m. Court in recess.
10:43 a.m. Court in session.

Jody Horner is cross-examined by Mr. Siebert.

10:46 a.m. JBS employees are excused from the courtroom.

Continued cross-examination by Mr. Siebert.

11:15 a.m. Redirect examination of Jody Horner by Mr. Trautman.

11:17 a.m. Witness is excused.

11:18 a.m. Plaintiff's adverse witness, Jason Kuan, is sworn and examined by Mr. Trautman.

Jason Kuan's Deposition Exhibit 2 is identified.

Jason Kuan's original deposition transcript dated September 16, 2014, is unsealed and tendered to the witness.

Plaintiff's Exhibit 23 is identified. Plaintiff's Exhibits 7, 8, and 28 are offered and admitted.

12:17 p.m. Court in recess.
1:30 p.m. Court in session (Court Reporter: Tammy Hoffschildt).

Plaintiff's adverse witness, Jason Kuan, is cross-examined by Mr. Siebert.

1:34 p.m. Witness is excused.

1:35 p.m. Plaintiff's witness, Corey Cossette, is sworn, examined by Mr. Collard, and questioned by the Court.

Plaintiff's Exhibit 34 is offered and admitted.

1:53 p.m. Corey Cossette is cross-examined by Mr. Siebert.

1:54 p.m. Witness is excused.

1:56 p.m. Plaintiff's witness, Robert Byrnes, is sworn, examined by Mr. Collard, and questioned by the Court

Plaintiff's Exhibits 24, 25, 27 are offered and admitted.

2:15 p.m. Robert Byrnes is cross-examined by Mr. Siebert.

2:21 p.m. Redirect examination of Robert Byrnes by Mr. Collard.

2:22 p.m. Witness is excused.

2:23 p.m. Plaintiff's witness, Adam Bode, is sworn and examined by Mr. Collard.

Adam Bode's original deposition transcript dated September 18, 2014, is unsealed and tendered to the witness.

2:42 p.m. Adam Bode is cross-examined by Mr. Watson.

2:51 p.m. Witness is excused.

Plaintiff rests.

2:52 p.m. Court in recess.

3:10 p.m. Court in session.

Discussion held regarding restricting depositions and documents submitted as exhibits.

ORDERED: The exhibits and depositions that have been used in this hearing will be restricted to the Court and parties in this case (Restriction Level 1).

Defendant rests.

3:15 p.m. Closing argument presented by Mr. Collard and Mr. Trautman.

3:50 p.m. Closing argument presented by Mr. Siebert.

4:18 p.m. Rebuttal argument presented by Mr. Trautman.

ORDERED: Counsel granted leave to submit supplemental briefs, limited to seven (7) pages.

The Court takes the motion under advisement.

COURT IN RECESS: 4:22 p.m.

Total in court time: 5:38

Hearing concluded