

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez

Courtroom Deputy: Deborah Hansen
Court Reporter: Gwen Daniel

Date: March 16, 2015
Time: 7 hours and 1 minute

Civil Action No. 09-cv-00858-WJM-MEH

Counsel:

EBONIE S., a child by her mother and
next friend, MARY S.,

Douglas Abbott
Maureen Witt
Katherine Gerland

Plaintiff,

v.

PUEBLO SCHOOL DISTRICT 60,

Thomas Rice
Courtney Kramer

Defendant.

COURTROOM MINUTES

JURY TRIAL - DAY ONE

08:30 a.m. Court in Session

Appearances

Court's comments

**ORDERED: The Joint Motion to Exclude Witnesses From Trial [316] is GRANTED.
Rule 615 is INVOKED.**

Ms. Witt's comments

Mr. Rice's comments

Plaintiff's oral motion under Local Civil Rule 47.1 for written authorization from the court

to allow counsel to communicate with the jurors at the conclusion of the trial. The defense joins in the oral motion.

ORDERED: The parties' oral motion under Local Rule 47.1 for written authorization to allow counsel to communicate with members of the jury at the conclusion of the trial is GRANTED. A text order entry will enter setting forth restrictions regarding Local Rule 47.1.

08:58 Court in Recess

09:02 Court in Session - jury panel present

Court's opening remarks to the jury panel

09:10 Voir dire oath administered to the jury panel.

09:10 Voir dire commences.

10:07 Bench Conference

10:09 Voir dire continued.

10:15 Voir dire (by Mr. Abbott)

10:35 Court in Recess

10:52 Court in Session - jury panel present

10:52 Voir dire (by Mr. Rice)

11:10 Bench conference

11:12 Voir dire continued.

11:33 Bench conference

11:35 Voir dire completed.

Excused for Cause:

1. 100277417
2. 100258625
3. 100256640
4. 100270130

Challenges for Plaintiff:

- 1.100245297
- 2.100262588
- 3.100249906

Challenges for Defendant:

1. 100275761
2. 100262319
3. 100269684

Jury:

1. 100251856
2. 100251289
3. 100245390
4. 100273215
5. 100280360
6. 100248406
7. 100258874
8. 100280957

11:35 Oath to try the case administered to the Jury.

11:36 Court's preliminary instructions to the jury

11:52 Opening Statement (by Mr. Abbott)

12:14 Court in Recess

01:23 Court in Session - without jury

Court's comments

The Court will enter a written order with regard to its amended rulings on objections to deposition designations.

01:25 Jury present

01:26 Opening Statement (by Mr. Rice)

PLAINTIFF'S FIRST WITNESS PHILLIP S. STRAIN

01:39 Direct (by Ms. Witt)

Dr. Strain is qualified under Rule 702 to provide professional opinion testimony in the fields of special education; behavioral interventions; alternatives to the use of adverse practices; restraints on students, and their effects on students generally; the positions of professional organizations on the use of restraints; and the Colorado Department of Education Guidelines.

EXHIBIT IDENTIFIED, OFFERED AND RECEIVED
(objection overruled): 13

EXHIBIT IDENTIFIED, OFFERED AND RECEIVED:
20

03:10 Court in Recess
03:26 Court in Session - jury present

PLAINTIFF'S FIRST WITNESS PHILLIP S. STRAIN

03:26 Direct continued (by Ms. Witt)

03:27 Cross (by Mr. Rice)

PLAINTIFF'S SECOND WITNESS MARY SANTOS

03:51 Direct (by Ms. Gerland)

Exhibit No. 47, a demonstrative, is shown to the jury.

04:25 Court

04:26 Direct

EXHIBIT OFFERED AND RECEIVED: A-9

04:40 Court

04:41 Direct

05:00 p.m. Court in Recess
Trial continued