

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Gordon P. Gallagher**

Date: March 14, 2024  
Courtroom Deputy: Bernique Abiakam  
Court Reporter: Erin Valenti

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Criminal Action No.: 24-cv-00001-GPG-STV

Counsel:

NATIONAL ASSOCIATION FOR GUN RIGHTS,  
CHRISTOPHER JAMES HIESTAND RICHARDSON,  
MAX EDWIN SCHLOSSER,  
JOHN MARK HOWARD, and  
ROCKY MOUNTAIN GUN OWNERS,

Barry K. Arrington

Plaintiffs,

v.

JARED S. POLIS, in his official capacity as Governor of  
the State of Colorado,

Patrick L. Sayas  
Kathleen L. Spalding  
Michael T. Kotlarczyk

Defendant.

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**COURTROOM MINUTES**

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**Motion Hearing**

**8:05 a.m. Court in session.**

Court calls case. Appearances of counsel and parties.

Today the Court will hear testimony and argument regarding Doc. No. 8.

Preliminary remarks by the Court.

8:09 a.m. Statement by Mr. Arrington.

Counsel stipulates to waiving opening arguments.

8:10 a.m. Plaintiff, Max Schlosser, called and sworn.

8:11 a.m. Direct examination begins by Mr. Arrington.

8:20 a.m. Cross examination begins by Mr. Kotlarczyk.

No redirect examination.

8:30 a.m. Witness excused.

8:29 a.m. Plaintiff, Christopher Richardson, called via VTC and sworn by the Court.

8:30 a.m. Direct examination begins by Mr. Arrington.

8:40 a.m. Cross examination by Mr. Kotlarczyk.

No redirect.

8:43 a.m. Questions by the Court.

8:46 a.m. Further questions by Mr. Kotlarczyk.

Further questions by Mr. Arrington.

Witness excused.

8:47 a.m. Plaintiff, John Howard, called and sworn.

Direct examination begins by Mr. Arrington.

8:53 a.m. Cross examination begins by Mr. Kotlarczyk.

8:56 a.m. Questions by the Court.

8:58 a.m. Further questions by Mr. Arrington.

8:59 a.m. Questions by the Court.

Witness excused.

9:00 a.m. Plaintiff's witness, Taylor Rhodes, called and sworn.

Direct examination begins by Mr. Arrington.

9:07 a.m. Cross examination begins by Mr. Kotlarczyk.

No direct examination.

9:11 a.m. Witness excused.

9:11 a.m. Plaintiff's witness, Dudley Brown, called and sworn.

9:12 a.m. Direct examination begins by Mr. Arrington.

9:14 a.m. Cross examination begins by Mr. Kotlarczyk.

No redirect examination.

9:15 a.m. Witness excused.

**9:16 a.m. Court in recess.**

**9:29 a.m. Court in session.**

9:30 a.m. Defendant's witness, Brian DeLay, called via VTC and sworn by the Court.

Direct examination begins by Ms. Spalding.

Discussion regarding Defendant's witness being offered as an expert.

Comments by the Court.

9:44 a.m. Continued direct examination by Ms. Spalding.

**9:49 a.m. Defendant's witness, Dr. Brian DeLay, is offered as an expert in the history of firearms and the international arms trade in the 18<sup>th</sup> and 19<sup>th</sup> century.**

No objection.

**Tender ACCEPTED.**

Discussion regarding remaining hearing schedule.

9:52 a.m. Continued direct examination by Ms. Spalding.

10:43 a.m. Cross examination begins by Mr. Arrington.

Discussion regarding witness testimony.

**ORDERED: Plaintiffs Request to STRIKE the testimony of Dr. Brian DeLay is DENIED.**

**11:14 a.m. Court in recess.**

**11:31 a.m. Court in session.**

Continued cross examination by Mr. Arrington.

11:55 a.m. Redirect examination begins by Ms. Spalding.

11:58 a.m. Questions by the Court.

12:01 p.m. Witness excused.

Comments by Ms. Spalding regarding declarations of experts.

**12:01 p.m. Court in recess.**

**12:08 p.m. Court in session.**

Counsel advises the Court that there are no further witnesses.

Argument by Mr. Arrington regarding “standing” testimony.

Response by Mr. Sayas.

**12:17 p.m. Court in recess.**

**1:47 p.m. Court in session.**

1:47 p.m. Closing argument by Mr. Arrington. Questions by the Court.

2:04 p.m. Closing argument by Mr. Sayas. Questions by the Court.

2:20 p.m. Rebuttal argument by Mr. Arrington. Questions by the Court.

2:28 p.m. Closing remarks by the Court.

**ORDERED: Motion For Preliminary Injunction (Filed 1/15/24; Doc. No. 8) is taken UNDER ADVISEMENT.**

**2:28 p.m. Court is adjourned. Hearing concluded.**

Total time in court: 04:16