

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
CIVIL MINUTES

Phoenix Division

CV08-1633-PHX-NVW DATE: April 21, 2009

Year Case No. Dft #

HON: NEIL V. WAKE Judge # 7032

Caption: Addington, et. al. v. US Airline Pilots Association, et. al.

Deputy Clerk: Sandi Fredlund Crt Rptr/ECR: Laurie Adams

Plaintiffs' counsel: Don Stevens, Marty Harper, Katherine Brown, Andrew Jacob, and Kelly Flood

Defendant US Airline Pilots Association's ("USAPA") counsel: Lee Seham, Lucas Middlebrook, Nicholas Granath, and James Brengle

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2:05 p.m. This is the time set for final pretrial conference. Trial schedule is discussed. Trial hours will be 9:00 a.m. to 5:00 p.m. Counsel are directed to revise and submit a one paragraph joint statement of the case by no later than close of business on 4/23/09. The jury will consist of 9 persons, each side will get 3 strikes. The Court will request a panel of 50 jurors. The Court will use the strike and replace method of jury selection of either 20 or 25 jurors. The Rule of Exclusion of Witnesses is invoked except as to named parties, experts, and one designated representative for defendant USAPA.

Forms of verdict will be discussed at a later time during the trial. The Court will instruct the jury before closing arguments. Pretrial order forms are discussed. Agreed facts are discussed. 3:45 p.m. Recess.

3:58 p.m. Hearing reconvenes. Discussion continues regarding trial issues. Brief discussion held regarding Plaintiff's Motion to Compel USAPA Officers to Appear for Trial [doc. 345]. Defendants may file a response but the Court is inclined to deny the motion. Discussion held regarding Defendant's Motion in Limine #21 [doc. 316]. The Court takes the motion under advisement. Counsel to submit documents *in camera*. Discussion held regarding Motion in Limine #29 [doc. 316], Seventh Motion in Limine and/or Motion to Strike Late Disclosed Experts [doc. 318], Motion to Strike [doc. 323] and Motion to Supplement Disclosure [doc. 322].

THE COURT ORDERS the Motion to Strike Late Disclosed Experts [doc. 318] is granted. Hearing continued to 4/22/09 at 11:00 a.m. 4:55 p.m. Recess.

Time in Court: 2 hrs, 37 mins.