

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
CIVIL MINUTES—JURY TRIAL (Day One)**

Phoenix Division

CV08-1633-PHX-NVW DATE: April 28, 2009

Year Case No. Dft #

HON: NEIL V. WAKE Judge # 7032

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

Deputy Clerk: Sandi Fredlund Crt Rptr/ECR: Laurie Adams (a.m.)/David German (p.m.)

Plaintiffs' counsel: Don C. Stevens, II, Marty Harper, Katherine V. Brown, Andrew S. Jacob, Kelly Joyce Flood

Defendant's counsel: James K. Brengle, Lee Seham, Nicholas Paul Granath, Lucas K. Middlebrook, Theresa Ryan Murphy

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8:40 a.m. Court convenes. In addition to counsel, all Plaintiffs are present and Defense representative Randall Mowrey is present. Pretrial matters are discussed. Motion for Redaction [doc. 394] is denied. Motions to Quash [doc. 381-383] are discussed. Motions to Quash [docs. 382 and 383] are granted. The Court takes the Motion to Quash re Bradford under advisement [doc. 381]. The Motion to Exclude [doc. 398] is denied. The Court is not barring either Mr. Davison or Mr. Stockdell, but the Court reserves ruling on their exhibits. The Court will file the pretrial order, subject to any modifications needed. 9:07 a.m. Recess.

9:20 a.m. Trial convenes. The jury panel is present. Voir dire begins. Jurors excused: #15, #26, #27, #41, #50. 10:25 a.m. Recess.

10:44 a.m. Trial reconvenes. Voir dire continues. Jurors excused: #22. The jury panel is excused for lunch with the exception of jurors 16, 18, and 25 who are questioned individually outside the presence of the remaining jurors. Preliminary instructions are discussed. 12:38 p.m. Recess.

1:33 p.m. Trial reconvenes. Voir dire continues. Jurors excused: #12, #25. Strikes for cause are argued. Jurors #16 and #18 are excused for cause. 2:09 p.m. Recess to allow counsel to exercise peremptory strikes.

2:35 p.m. Trial reconvenes. The following jurors are seated on the jury: #1, #5, #6, #7, #9, #10, #11, #13, #17, and are renumbered 1-9 respectively. The Court instructs the jury preliminarily. Plaintiff's opening statement. Defendant's opening statement. 4:02 p.m. Recess.

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4:16 p.m. Trial reconvenes. Plaintiff Mark Velez, Jr. is sworn and testifies. Defendant's cross-examination. Plaintiff's re-direct. Plaintiff Don R. Addington is sworn and testifies. Defendant's cross-examination. The jury is excused until 4/29/09 at 9:00 a.m. Trial issues are discussed. 5:02 p.m. Court adjourned until 4/29/09 @ 8:45 a.m.

Time in Trial: 6 hrs, 15 mins.