

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

Phoenix Division

CV08-1633-PHX-NVW DATE: April 29, 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, Lucas K. Middlebrook

=====
8:48 a.m. Court convenes. In addition to counsel, all Plaintiffs are present and Defense representative Randall Mowrey is present. Exhibit 510 is marked. The admission of Exhibit 2 with or without the Brucia dissent is discussed. The Court will admit Exhibit 2 without the dissent. The jury is now present. Plaintiff Don Addington, previously sworn, resumes testimony on cross-examination. Plaintiff's re-direct. Re-cross by Defendant. Douglas M. Dotter is sworn and testifies. Exhibits admitted: 21, 121. Defendant's objection to Exhibit 98 is overruled and the exhibit is admitted. 10:31 a.m. Recess.

10:50 a.m. Court reconvenes. Douglas Dotter resumes testimony on direct. Exhibits admitted: 3. Defendant's cross-examination. Plaintiff's re-direct. Defendant's re-cross-examination. Plaintiff's followup re-direct. The jury is excused for lunch. Discussion held regarding the Motion to Quash the Bradford subpoena [doc. 381]. The Motion to Quash [doc. 381] is granted. 12:10 p.m. Recess.

1:19 p.m. Court reconvenes. Kenneth John Stravers is sworn and testifies. Exhibit 511 is marked. Exhibits admitted: 112. 2:45 p.m. Recess.

3:00 p.m. Court reconvenes. At sidebar: the Court rules that the dissent in exhibit 2 will also be admitted. Kenneth Stravers resumes testimony on direct. Exhibits admitted: 9. Defendant's cross-examination. Plaintiff's re-direct. Re-cross by Defendant. The witness is excused. Plaintiff Mark Burman is sworn and testifies. 4:00 p.m. Recess.

4:13 p.m. Court reconvenes. Direct examination of Mark Burman continues. Defendant's cross-examination. Plaintiff's re-direct. The jury is excused until 9:00 a.m. on 4/30/09. Counsel to submit any remaining jury instructions by end of day on Friday, 5/1/09. 5:09 p.m. Court in recess until 9:00 a.m. on 4/30/09.

Time in Court: 6 hrs, 25 mins.