

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

Phoenix Division

CV08-1633-PHX-NVW DATE: April 30, 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

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9:00 a.m. Court convenes. In addition to counsel, all Plaintiffs are present and Defense representative Randall Mowrey is present. Trial issues are discussed. Defendant's Motion in Limine #25 is discussed. The Court rules that all the objections in the Bradford deposition are overruled. The jury is now present. Plaintiffs' case continues: The 3/19/09 deposition of Stephen Bradford is read to the jury. 10:30 a.m. Recess.

10:52 a.m. Court reconvenes. Deposition testimony of Stephen Bradford continues to be read to the jury. Russell John Payne is sworn and testifies. Exhibit 107 is admitted over Defendant's objection. Defendant's cross-examination. Plaintiff's re-direct. The jury is excused. 12:02 p.m. Recess.

1:15 p.m. Court reconvenes. Plaintiff Steven Wargocki is sworn and testifies. Defendant's cross-examination. Plaintiff's re-direct. Plaintiff John Bostic is sworn and testifies. Defendant's objection to Exhibit 14 is sustained. Defendant's objection to Exhibit 29 is overruled. Defendant's objection to Exhibit 31 is overruled. Defendant's objection to Exhibit 33 is overruled. Defendant's objection to Exhibit 34 is overruled. Exhibits admitted: 37, 44. Defendant's objection to Exhibit 48 is overruled. Defendant's objection to Exhibit 96 is overruled. Defendant's objection to Exhibit 97 is overruled. Defendant's objection to Exhibit 101 is overruled. Defendant's objection to Exhibit 103 is overruled. Exhibits admitted 104, 105, 315. Defendant's objection to Exhibit 314 overruled. Exhibits admitted: 329. The jury is excused. The Court issues its ruling on the Hemenway transcript designation objections. 2:43 p.m. Recess.

3:04 p.m. Court reconvenes. Court and counsel confer regarding admission of exhibits. The jury is now present. Plaintiff John Bostic resumes testimony on direct. Exhibit 100 is admitted over defendant's objection. Defendant's cross-examination. Plaintiff's re-direct. Brian Stockdell is sworn and testifies. Exhibits 512, 513, 512A and 513A are marked. Exhibits 512 and 513 are admitted over defendant's objection. 4:08 p.m. Recess.

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4:15 p.m. Court reconvenes. Brian Stockdell resumes testimony on direct. Defendant's cross-examination. Plaintiff's re-direct. The witness is excused. Russell Payne, previously sworn, is recalled to the stand by Defendants out of order and testifies and is authorized to testify under Rule 611(c). The jury is excused. Court and counsel confer. 5:07 p.m. Court adjourned until 5/1/09 at 9:00 a.m.

Time in Court: 6 hrs, 4 mins.