

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

Phoenix Division

CV08-1633-PHX-NVW DATE: May 1, 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

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
Nicholas Granath and Theresa Ryan Murphy are present in the afternoon

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9:03 a.m. Court convenes. In addition to counsel, all Plaintiffs are present and Defense representative Randall Mowrey is present. Jury panel is present. Russell Payne, previously sworn, continues testimony on defendant's direct (called out of order). Exhibits admitted: 15, 1367. Plaintiff's cross-examination. Defendant's re-direct. The witness is excused. 10:25 a.m. Recess.

10:46 a.m. Court reconvenes. Plaintiff's case continues: The 4/3/09 deposition of E. Alan Hemenway is read to the jury. The jury is excused for lunch. Court and counsel confer. Admission of exhibits are discussed. Exhibits admitted over defendant's objection: 336, 346, 350, 372, 389. Exhibits admitted: 376, 377, 382. 12:03 p.m. Recess.

1:16 p.m. Court reconvenes. Plaintiff Afshin Iranpour is sworn and testifies. Defendant's cross-examination. Plaintiff's re-direct. At sidebar: Plaintiffs rest, subject to the ability of requesting admission of exhibits at a later time. Defendant moves for Rule 50 Motion for Judgment as a Matter of Law. The motion will be argued at a later time. Defendant's case: Chesley Sullenberger is sworn and testifies. Plaintiff's cross-examination. The witness is excused. 2:40 p.m. Recess.

2:56 p.m. Court reconvenes. Jack Stephan is sworn and testifies. Plaintiffs' objection to Exhibit 1093 is sustained. Exhibits admitted: 1321, 1034, 1057. 4:00 p.m. Recess.

4:10 p.m. Court reconvenes. Court and counsel confer re scheduling issues. The jury is now present. Exhibits admitted: 1270, 1058, 1094, 1046. The jury is excused until 9:00 a.m. on 5/5/09. Court and counsel confer. 5:08 p.m. Court adjourned until Monday, 5/4/09 at 2:30 p.m.

Time in Court: 6 hrs, 5 mins.