

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

Phoenix Division

CV08-1633-PHX-NVW DATE: May 5, 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: David German (a.m.)/Laurie Adams (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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8:55 a.m. Court convenes. In addition to counsel, all Plaintiffs are present and Defense representative Randall Mowrey is present. Court and counsel confer regarding the admission of exhibits. Jury panel is present. **Defendant's case continues:** Jack Stephan, previously sworn, resumes the stand and continues testifying on direct. Exhibits admitted: 1049, 1050, 1052, 1059, 1060, 1061, 1063, 1064, 1065, 1095, 1122. Stipulations of the parties (#14, #16, #17 in pretrial order) are read to the jury. Exhibits admitted: 509. The jury is excused. Admission of exhibits are discussed. Court and counsel confer. 10:35 a.m. Recess.

10:51 a.m. Court reconvenes. Direct examination of Jack Stephan continues. Exhibits admitted: 1265. Plaintiff's cross-examination. The jury is excused. Court and counsel confer re Exhibit 1133, which is played for the Court. 12:01 p.m. Recess.

1:13 p.m. Court reconvenes outside the presence of the jury. Exhibits are discussed. Exhibit 1036 is admitted. The objections to Exhibits 1048, 1068, 1003, 1055, 1078, 1133, 1092 are sustained. The jury is now present. Defendant is allowed to re-open his direct of Jack Stephan. Plaintiff's cross-examination resumes. 2:48 p.m. Recess.

3:00 p.m. Trial reconvenes. Plaintiff's cross-examination of Jack Stephan continues. Exhibits admitted: 19, 18. Defendant's re-direct. 3:50 p.m. Recess.

4:12 p.m. Court reconvenes. Defendant's re-direct of Jack Stephan continues. The witness is excused. Defendant examines Plaintiff Steven Wargoeki, previously sworn, in accordance with Rule 611(c). Plaintiff's cross-examination. The witness is excused. The jury is excused until 5/6/09 at 9:00 a.m. Court and counsel confer regarding scheduling matters. 5:05 p.m. Court adjourned until 5/6/09 at 9:00 a.m.

Time in Court: 6 hrs, 8 mins.