

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

Phoenix Division

CV08-1633-PHX-NVW DATE: May 8, 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 / David German

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

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

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9:17 a.m. Court convenes. In addition to counsel, all Plaintiffs except Plaintiff Wargocki are present. The jury is not present today. Motions are discussed. Defendant's Motion for Reconsideration or alternatively Renewed Rule 50 Motion on Ripeness [**doc. 445**] is **denied**. Motion for Rule 50 Judgment on Count III [doc. 444] is argued. Motion for Directed Verdict on Four Points of Law [doc. 446] is argued. Defendant's Motion [**doc. 444**] is **denied**. The Court reserves ruling on Plaintiff's Motion [doc. 446]. 10:52 a.m. Recess.

11:16 a.m. Court reconvenes. Court and counsel confer regarding jury instructions. 12:00 p.m. Recess.

1:31 p.m. Court reconvenes. Discussion regarding jury instructions continues. 2:30 p.m. Recess.

3:17 p.m. Court reconvenes. Discussion continues regarding jury instructions. An issue regarding the qualification of Juror #9 to serve is raised. The Court finds that the juror is not disqualified from service. 3:30 p.m. Recess.

4:16 p.m. Court reconvenes. Defense counsel asks for the admission of Exhibit 1092 if Exhibit 20 is going to be admitted. Objections to jury instructions are placed on the record. Bench trial will be heard on Wednesday, May 13, 2009. 5:00 p.m. Trial adjourned until Tuesday, May 12, 2009 at 8:30 a.m.

Time in Court: 4 hrs, 15 mins.