

3RD DISTRICT CT- SILVER SUMMIT
SUMMIT COUNTY, STATE OF UTAH

ROBERT PILOT vs. EARL N HILL

CASE NUMBER 140500187 Personal Injury

CURRENT ASSIGNED JUDGE

KARA PETTIT

PARTIES

Plaintiff - ROBERT PILOT

Represented by: EDWARD T WELLS

Represented by: MICHAEL A WOREL

Represented by: RICHARD E SHELTON

Defendant - EARL N HILL

Represented by: KRISTIN A VAN ORMAN

Represented by: JEREMY G KNIGHT

Represented by: JESSICA J JOHNSTON

ACCOUNT SUMMARY

TOTAL REVENUE	Amount Due:	1,025.83
	Amount Paid:	1,025.83
	Credit:	0.00
	Balance:	0.00

REVENUE DETAIL - TYPE: COMPLAINT - NO AMT S

	Amount Due:	360.00
	Amount Paid:	360.00
	Amount Credit:	0.00
	Balance:	0.00

Account Adjustments

Date	Amount	Reason
Jul 29, 2016	-50.00	Adjustment down due to Account Transfer.
Jul 29, 2016	50.00	Clerk transfered wrong account.

REVENUE DETAIL - TYPE: JURY DEMAND - CIVIL

	Amount Due:	250.00
	Amount Paid:	250.00
	Amount Credit:	0.00
	Balance:	0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due: 40.00
Amount Paid: 40.00
Amount Credit: 0.00
Balance: 0.00

Account Adjustments

Date	Amount	Reason
Jul 26, 2016	50.00	Court ordered fine for juror OSC Failure to appear.
Jul 26, 2016	-50.00	Court ordered fine for juror OSC for failure to appear. System wouldn't accept payment set up this way. FF receipted as miscellaneous.

REVENUE DETAIL - TYPE: POSTAGE-COPIES

Amount Due: 2.66
Amount Paid: 2.66
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due: 60.00
Amount Paid: 60.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: POSTAGE-COPIES

Amount Due: 2.66
Amount Paid: 2.66
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due: 10.00
Amount Paid: 10.00
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: POSTAGE-COPIES

Amount Due: 2.66
Amount Paid: 2.66
Amount Credit: 0.00
Balance: 0.00

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due: 50.00

Amount Paid:	50.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: AUDIO TAPE COPY	
Amount Due:	60.00
Amount Paid:	60.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: POSTAGE-COPIES	
Amount Due:	2.66
Amount Paid:	2.66
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: AUDIO TAPE COPY	
Amount Due:	60.00
Amount Paid:	60.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: POSTAGE-COPIES	
Amount Due:	2.53
Amount Paid:	2.53
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: AUDIO TAPE COPY	
Amount Due:	60.00
Amount Paid:	60.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: POSTAGE-COPIES	
Amount Due:	2.66
Amount Paid:	2.66
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: JURY FEE	
Original Amount Due:	50.00
Amended Amount Due:	0.00
Amount Paid:	0.00
Amount Credit:	0.00
Balance:	0.00

Account Adjustments

Date	Amount	Reason
Jul 29, 2016	-50.00	Adjustment down due to Account Transfer.

REVENUE DETAIL - TYPE: JURY FEE

Original Amount Due:	50.00
Amended Amount Due:	0.00
Amount Paid:	0.00
Amount Credit:	0.00
Balance:	0.00

Account Adjustments

Date	Amount	Reason
Jul 29, 2016	-50.00	Adjustment down due to Account Transfer.

REVENUE DETAIL - TYPE: JURY FEE

Original Amount Due:	50.00
Amended Amount Due:	0.00
Amount Paid:	0.00
Amount Credit:	0.00
Balance:	0.00

Account Adjustments

Date	Amount	Reason
Jul 29, 2016	-50.00	Adjustment down due to Account Transfer.

REVENUE DETAIL - TYPE: JURY FEE

Original Amount Due:	50.00
Amended Amount Due:	0.00
Amount Paid:	0.00
Amount Credit:	0.00
Balance:	0.00

Account Adjustments

Date	Amount	Reason
Jul 29, 2016	-50.00	Adjustment down due to Account Transfer.

REVENUE DETAIL - TYPE: JURY FEE

Original Amount Due:	50.00
Amended Amount Due:	0.00
Amount Paid:	0.00
Amount Credit:	0.00

Balance: 0.00

Account Adjustments

Date	Amount	Reason
Jul 29, 2016	-50.00	Adjustment down due to Account Transfer.

REVENUE DETAIL - TYPE: JURY FEE

Original Amount Due:	50.00
Amended Amount Due:	0.00
Amount Paid:	0.00
Amount Credit:	0.00
Balance:	0.00

Account Adjustments

Date	Amount	Reason
Jul 29, 2016	-50.00	Adjustment down due to Account Transfer.

REVENUE DETAIL - TYPE: AUDIO TAPE COPY

Amount Due:	60.00
Amount Paid:	60.00
Amount Credit:	0.00
Balance:	0.00

PROCEEDINGS

03-26-14 Filed: Complaint

03-26-14 Case filed

03-26-14 Judge RYAN HARRIS assigned.

03-26-14 Fee Account created Total Due: 360.00

03-26-14 COMPLAINT - NO AMT S Payment Received: 360.00

04-23-14 Filed return: Summons

Party Served: EARL N HILL

Service Type: Personal

Service Date: April 22, 2014

04-23-14 Filed: Return of Electronic Notification

05-22-14 Filed: Answer and Jury Demand

EARL N HILL

05-22-14 Note: Certificate of Readiness for Trial due 05/05/2015

05-22-14 Fee Account created Total Due: 250.00

05-22-14 JURY DEMAND - CIVIL Payment Received: 250.00

05-22-14 Filed: NOTICE OF EVENT DUE DATES

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05-22-14 Filed: Return of Electronic Notification
05-28-14 Filed return: Return of Service Summons Complaint upon OUT OF
STATE MOTORIST for
Party Served: EARL N HILL
Service Type: Personal
Service Date: April 22, 2014
05-28-14 Filed: Return of Electronic Notification
06-18-14 Filed: Certificate of Service of Defendants Initial Disclosures
06-18-14 Filed: Certificate of Service of Defendants Fuirst Set of
Interrogatories and Requests for Production of Documents to
Plaintiff
06-18-14 Filed: Return of Electronic Notification
07-29-14 Filed: Notice of Records Depositions and Notice of Intent to
Obtain Protected Health Information
07-29-14 Filed: Return of Electronic Notification
07-31-14 Filed: Notice of Records Deposition and Notice of Intent to
Obtain Protected Health Information
07-31-14 Filed: Return of Electronic Notification
09-09-14 Filed: CERTIFICATE OF SERVICE OF PLAINTIFF S RESPONSES TO
DEFENDANTS FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS
09-09-14 Filed: Return of Electronic Notification
11-17-14 Filed: Notice of Deposition
11-17-14 Filed: Return of Electronic Notification
11-19-14 Filed: Amended Notice of Deposition
11-19-14 Filed: Return of Electronic Notification
11-21-14 Filed: Motion Stipulated Motion for Extraordinary Discovery
Filed by: HILL, EARL N
11-21-14 Filed: Order (Proposed) Granting Extraordinary Discovery
11-21-14 Filed: Return of Electronic Notification
11-21-14 Filed: Return of Electronic Notification
11-21-14 Filed order: Order Granting Extraordinary Discovery
Judge RYAN HARRIS
Signed November 21, 2014
11-21-14 Filed: Return of Electronic Notification
11-26-14 Filed: Notice of Deposition
11-26-14 Filed: Return of Electronic Notification
12-02-14 Filed: First Amended Notice of Deposition of Plaintiff
12-02-14 Filed: Return of Electronic Notification

12-08-14 Filed: Amended Notice of Deposition of Plaintiff (Change to location address only.)

12-08-14 Filed: Return of Electronic Notification

01-08-15 Filed: Notice of Taking Video Deposition of and Subpoena Duces Tecum to Dr. Matthew McLaughlin

01-27-15 Filed: Certificate of Service of Defendants Second Set of Requests for Production of Documents to Plaintiff

01-27-15 Filed: Return of Electronic Notification

01-30-15 Filed: Motion to Compel Plaintiffs Independent Medical Examination and Functional Capacity Exam
Filed by: HILL, EARL N

01-30-15 Filed: Memorandum in Support of Motion to Compel Plaintiffs Independent Medical Examination and Functional Capacity Exam

01-30-15 Filed: Exhibit A to Memo ISO Motion to Compel Plaintiffs Independent Medical Examination and Functional Capacity Exam

01-30-15 Filed: Exhibit B to Memo ISO Motion to Compel Plaintiffs Independent Medical Examination and Functional Capacity Exam

01-30-15 Filed: Exhibit C to Memo ISO Motion to Compel Plaintiffs Independent Medical Examination and Functional Capacity Exam

01-30-15 Filed: Exhibit D to Memo ISO Motion to Compel Plaintiffs Independent Medical Examination and Functional Capacity Exam

01-30-15 Filed: Exhibit E to Memo ISO Motion to Compel Plaintiffs Independent Medical Examination and Functional Capacity Exam

01-30-15 Filed: Return of Electronic Notification

02-03-15 Filed: Certificate of Service of Plaintiffs Responses to Defendants Second Set of Request for Production of Documents

02-03-15 Filed: Return of Electronic Notification

02-13-15 Judge KARA PETTIT assigned.

06-26-15 Filed: Request/Notice to Submit Defendants Motion to Compel IME

06-26-15 Filed: Order (Proposed) Granting Defendants Motion to Compel Plaintiffs IME

06-26-15 Filed: Return of Electronic Notification

06-26-15 Filed: Return of Electronic Notification

06-29-15 Filed: MEMORANDUM IN OPPOSITION TO PLAINTIFFS MOTION FOR TO COMPEL A FUNCTIONAL CAPACITY EXAMINATION AND IME IN UTAH

06-29-15 Filed: Return of Electronic Notification

06-30-15 Filed: Objection to Notice to Submit

06-30-15 Filed: Return of Electronic Notification

07-08-15 Filed: Memorandum Reply Memorandum in Support of Defendants

Motion to Compel IME

07-08-15 Filed: Exhibit A to Reply Memorandum in Support of Defendants
Motion to Compel IME

07-08-15 Filed: Return of Electronic Notification

07-09-15 Filed: Request/Notice to Submit Defendants Motion to Compel IME

07-09-15 Filed: Order (Proposed) Granting Defendants Motion to Compel
IME

07-09-15 Filed: Return of Electronic Notification

07-09-15 Filed: Return of Electronic Notification

07-15-15 Filed order: Order Granting Defendants Motion to Compel IME
Judge KARA PETTIT
Signed July 15, 2015

07-15-15 Filed: Other - Unsigned Order (Proposed) Granting Defendants
Motion to Compel Plaintiffs IME

07-15-15 Note: Defendant submitted two proposed orders; Court revised
and executed other order.

07-15-15 Filed: Return of Electronic Notification

07-15-15 Filed: Return of Electronic Notification

07-27-15 Filed: Notice of Rule 35 Examination of Plaintiff (by Dr.
Janzen)

07-27-15 Filed: Notice of Rule 35 Examination of Plaintiff (by Dr.
Rosen)

07-27-15 Filed: Return of Electronic Notification

07-27-15 Filed: PLAINTIFFS FIRST SUPPLEMENT TO HIS INITIAL DISCLOSURES

07-27-15 Filed: Return of Electronic Notification

07-31-15 Filed: Certificate of Readiness for Trial

07-31-15 Filed: Return of Electronic Notification

08-03-15 Filed: Motion to Strike Plaintiffs Untimely First Supplemental
Initial Disclosures
Filed by: HILL, EARL N

08-03-15 Filed: Memorandum in Support of Motion to Strike Plaintiffs
Untimely First Supplemental Initial Disclosures

08-03-15 Filed: Exhibit 1 to Memo in Support of Motion to Strike
Plaintiffs Untimely First Supplemental Disclosures

08-03-15 Filed: Exhibit 2 to Memo in Support of Motion to Strike
Plaintiffs Untimely First Supplemental Disclosures

08-03-15 Filed: Exhibit 3 to Memo in Support of Motion to Strike
Plaintiffs Untimely First Supplemental Disclosures

08-03-15 Filed: Return of Electronic Notification

08-05-15 Notice - NOTICE for Case 140500187 ID 16847639

TELEPHONE CONFERENCE is scheduled.

Date: 08/26/2015

Time: 02:00 p.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

The court has set aside time for a telephonic scheduling conference.

IMPORTANT NOTICE: Counsel and/or parties are responsible for calling in at the number identified below and waiting for the conference call to start. The court will NOT call you. If you do not call in on time, the court may proceed in your absence. You will be placed on hold until the court joins the call. We will make every effort to begin the call on time, but if other matters before the court delay the start of the call, please wait on the line.

If you call in and another matter is being heard, please wait until that matter concludes before making an appearance. If you experience issues or problems calling in, please feel free to contact a judicial assistant at 435-615-4300 or 801-238-7302.

CONFERENCE CALL NUMBER: (720) 279-0026, PASSCODE: 175713

08-05-15 TELEPHONE CONFERENCE scheduled on August 26, 2015 at 02:00 PM in Courtroom B with Judge PETTIT.

08-05-15 Filed: Notice for Case 140500187 ID 16847639

08-05-15 Filed: STIPULATED MOTION TO CONTINUE TELEPHONE CONFERENCE

08-05-15 Filed: Return of Electronic Notification

08-05-15 TELEPHONE CONFERENCE rescheduled to September 21, 2015 at 09:00 AM in Courtroom A with Judge PETTIT.

08-17-15 Filed: Memorandum In Opposition to Motion to Strike Supplemental Initial Disclosures

08-17-15 Filed: Return of Electronic Notification

08-17-15 Filed: Exhibit List EXHIBITS TO PLAINTIFFS MEMORANDUM IN OPPOSITION TO MOTION TO STRIKE PLAINTIFFS FIRST SUPPLEMENT TO HIS INITIAL DISCLOSURES

08-17-15 Filed: Return of Electronic Notification

08-17-15 Filed: Motion STIPULATED MOTION TO CONTINUE TELEPHONE
CONFERENCE

Filed by: PILOT, ROBERT

08-17-15 Filed: Order (Proposed) ORDER ON STIPULATION FOR CONTINUANCE

08-17-15 Filed: Return of Electronic Notification

08-17-15 Filed: Return of Electronic Notification

08-19-15 TELEPHONE CONFERENCE scheduled on October 06, 2015 at 02:00 PM
in Courtroom B with Judge PETTIT.

08-19-15 Notice - NOTICE for Case 140500187 ID 16880207

TELEPHONE CONFERENCE is re-scheduled.

Date: 10/06/2015

Time: 02:00 p.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

The reason for the change is Correct calendar.

08-19-15 Filed: Notice for Case 140500187 ID 16880207

08-19-15 Filed order: Order On Stipulated Motion To Continue Telephone
Conference

Judge KARA PETTIT

Signed August 19, 2015

08-19-15 Filed: Return of Electronic Notification

08-26-15 Filed: Memorandum Reply Memorandum in Support of Defendants
Motion to Strike Plaintiffs Untimely First Supplemental Initial
Disclosures

08-26-15 Filed: Request/Notice to Submit Request for Oral Argument -
Defendants Motion to Strike Plaintiffs Untimely First
Supplemental Initial Disclosures

08-26-15 Filed: Return of Electronic Notification

08-31-15 Notice - NOTICE for Case 140500187 ID 16904661

TELEPHONE CONFERENCE.

Date: 10/06/2015

Time: 02:00 p.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

The reason for the change is Correct calendar

The court will be hearing the motion to stike at the telephone conference.

IMPORTANT NOTICE: Counsel and/or parties are responsible for calling in at the number identified below and waiting for the conference call to start. The court will NOT call you. If you do not call in on time, the court may proceed in your absence. You will be placed on hold until the court joins the call. We will make every effort to begin the call on time, but if other matters before the court delay the start of the call, please wait on the line.

If you call in and another matter is being heard, please wait until that matter concludes before making an appearance. If you experience issues or problems calling in, please feel free to contact a judicial assistant at 435-615-4300.

CONFERENCE CALL NUMBER: (720) 279-0026, PASSCODE: 175713

08-31-15 TELEPHONE CONFERENCE Modified.

Reason: Correct calendar

08-31-15 TELEPHONE CONFERENCE scheduled on October 06, 2015 at 02:00 PM in Courtroom B with Judge PETTIT.

08-31-15 Filed: Notice for Case 140500187 ID 16904661

10-06-15 4 DAY JURY TRIAL scheduled on June 14, 2016 at 08:30 AM in Courtroom B with Judge PETTIT.

10-06-15 4 DAY JURY TRIAL scheduled on June 15, 2016 at 08:30 AM in Courtroom B with Judge PETTIT.

10-06-15 4 DAY JURY TRIAL scheduled on June 16, 2016 at 08:30 AM in Courtroom B with Judge PETTIT.

10-06-15 4 DAY JURY TRIAL scheduled on June 17, 2016 at 08:30 AM in Courtroom B with Judge PETTIT.

10-06-15 FINAL PRETRIAL CONFERENCE scheduled on May 31, 2016 at 09:00 AM in Courtroom B with Judge PETTIT.

10-06-15 Minute Entry - Minutes for TELEPHONE CONFERENCE

Judge: KARA PETTIT

Clerk: bridgetb

PRESENT

Plaintiff's Attorney(s): EDWARD T WELLS

Defendant's Attorney(s): KRISTIN A VAN ORMAN

Audio

Tape Number: chambers Tape Count: 2:06/2:54

This matter comes before the Court for a telephone conference.

Counsel appearing telephonically as listed above.

After hearing from counsel, the Court finds that plaintiff's failure to disclose John Napolitano was harmless and he will be allowed to testify.

Plaintiff's failure to timely disclose Don Wilson, Andy Powers and Peter Pilot was harmful and prejudicial and they will not be allowed to testify.

A 4 day jury trial is scheduled for June 14-17, 2016 @ 8:30 a.m.

A final pretrial conference is scheduled for May 31, 2016 @ 9:00 a.m.

Pretrial disclosures are to be exchanged by may 3, 2016. Objections to be filed by May 17, 2016.

Motions in Limine to be filed by May 3, 2016, Oppositions to be filed by May 17, 2016, Replies to be filed by May 24, 2016.

Jury Instructions and Voir Dire are to be filed by May 24, 2016.

Mr. Wells to prepare order and scheduling order.

4 DAY JURY TRIAL is scheduled.

Date: 06/14/2016

Time: 08:30 a.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

4 DAY JURY TRIAL is scheduled.

Date: 06/15/2016

Time: 08:30 a.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

4 DAY JURY TRIAL is scheduled.

Date: 06/16/2016

Time: 08:30 a.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

4 DAY JURY TRIAL.

Date: 06/17/2016

Time: 08:30 a.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

FINAL PRETRIAL CONFERENCE.

Date: 05/31/2016

Time: 09:00 a.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

10-07-15 Filed: Order (Proposed) ORDER ON DEFENDANTS MOTION TO STRIKE
PLAINTIFFS UNTIMELY FIRST SUPPLEMENTAL DISCLOSURES

10-07-15 Filed: Order (Proposed) PRE TRIAL ORDER
10-07-15 Filed: Return of Electronic Notification
10-07-15 Filed: Return of Electronic Notification
10-07-15 Filed: Signed Minutes for Hearing 10/06/15
10-15-15 Filed: Notice of Taking Deposition of John Napolitano
10-15-15 Filed: Return of Electronic Notification
10-19-15 Filed order: Order PRE TRIAL ORDER
 Judge KARA PETTIT
 Signed October 19, 2015
10-19-15 Filed: Return of Electronic Notification
10-20-15 Filed order: ORDER ON DEFENDANTS MOTION TO STRIKE PLAINTIFFS
 UNTIMELY FIRST SUPPLEMENTAL DISCLOSURES
 Judge KARA PETTIT
 Signed October 20, 2015
10-20-15 Filed: Return of Electronic Notification
10-27-15 Filed: Certificate of Service of Defendants Expert Designations
 and Disclosures
10-27-15 Filed: Return of Electronic Notification
11-04-15 Filed: Election to receive expert report
11-04-15 Filed: Return of Electronic Notification
11-05-15 Filed: CERTIFICATE OF SERVICE OF PLAINTIFF S EXPERT DESIGNATION
11-05-15 Filed: Return of Electronic Notification
11-09-15 Filed: First Amended Notice of Deposition of John Napolitano
11-09-15 Filed: Return of Electronic Notification
11-12-15 Filed: Defendants Election of Expert Discovery
11-12-15 Filed: Return of Electronic Notification
11-18-15 Filed: Motion and Memorandum in Support of Motion to Strike
 Plaintiffs Expert Designations and Motion for Expenses and
 Attorneys Fees
 Filed by: HILL, EARL N
11-18-15 Filed: Exhibit 1 to Motion to Strike Plaintiffs Expert
 Designations
11-18-15 Filed: Return of Electronic Notification
11-23-15 Filed: Memorandum In opposition to motion to strike plaintiffs
 expert designations and for attorneys fees
11-23-15 Filed: Return of Electronic Notification
12-01-15 Filed: Reply Memorandum in Support of Motion to Strike
 Plaintiffs Expert Designations and Motion for Expenses and
 Attorneys Fees

12-01-15 Filed: Return of Electronic Notification
12-09-15 Filed: Request/Notice to Submit Defendant Hills Motion to
Strike Plaintiffs Expert Designations and Motion for Expenses
and Attorneys Fees
12-09-15 Filed: Return of Electronic Notification
12-09-15 Filed: Certificate of Service of Defendants First Supplemental
Expert Disclosure
12-09-15 Filed: Return of Electronic Notification
12-15-15 Filed: Certificate of Service of Plaintiffs Expert Report
12-15-15 Filed: Return of Electronic Notification
12-16-15 Notice - NOTICE for Case 140500187 ID 17124031
MOTION TO STRIKE/ ATTY FEES is scheduled.
Date: 01/11/2016
Time: 10:00 a.m.
Location: Courtroom B
6300 Justice Center Rd

Park City, UT 84098
Before Judge: KARA PETTIT

The Court has set aside time to hear oral argument on Defendant
Hill's Motion to Strike Plaintiff's Expert Designations and Motion
for Expenses and Attorneys' Fees.

12-16-15 MOTION TO STRIKE/ ATTY FEES scheduled on January 11, 2016 at
10:00 AM in Courtroom B with Judge PETTIT.
12-16-15 Filed: Notice for Case 140500187 ID 17124031
12-29-15 Filed: Motion To Continue Hearing Date
Filed by: PILOT, ROBERT
12-29-15 Filed: Return of Electronic Notification
12-30-15 Filed: Order (Proposed) PROPOSED ORDER ON MOTION TO CONTINUE
HEARING
12-30-15 Filed: Return of Electronic Notification
12-30-15 Filed order: Order PROPOSED ORDER ON MOTION TO CONTINUE HEARING
Judge KARA PETTIT
Signed December 30, 2015
12-30-15 Filed: Return of Electronic Notification
12-30-15 Notice - NOTICE for Case 140500187 ID 17149210
MOTION TO STRIKE/ ATTY FEES.
Date: 01/26/2016

Time: 01:30 p.m.

Location: Courtroom B
6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

The reason for the change is Court Ordered

12-30-15 MOTION TO STRIKE/ ATTY FEES scheduled on January 26, 2016 at
01:30 PM in Courtroom B with Judge PETTIT.

12-30-15 Filed: Notice for Case 140500187 ID 17149210

01-26-16 Minute Entry - MOTION TO STRIKE AND ATTYS FEES

Judge: KARA PETTIT

Clerk: debbiekf

PRESENT

Plaintiff's Attorney(s): EDWARD T WELLS

Defendant's Attorney(s): JEREMY G KNIGHT

Audio

Tape Number: CRT B Tape Count: 1:31/1:53

This matter is before the court defendants Motion to Strike
Plaintiff's Expert Designations and Motion for Expenses and
Attorneys fees. Counsel are present as listed above.

1:31 Mr. Knight opening argument.

1:41 Mr. Wells opening argument.

1:44 Mr. Knight response.

1:47 After hearing from counsel and having reviewed the associated
documents, the court finds that there is good cause why the parties
disclosures were untimely. The court will allow Plaintiffs Expert
Disclosures to stand and defendant to respond to plaintiffs
disclosures.

The motion for attorney fees is DENIED. Each party will stand
their own costs.

Mr. Knight to prepare an order consistent with the disclosure dates as read into the record.

02-04-16 Filed: Order (Proposed) Denying Defendant Hills Motion to Strike Plaintiffs Expert Designations and Motion for Expenses and Attorneys Fees and Setting Forth Expert Discovery Deadlines

02-04-16 Filed: Return of Electronic Notification

02-04-16 Filed order: Order Denying Defendant Hills Motion to Strike Plaintiffs Expert Designations and Motion for Expenses and Attorneys Fees and Setting Forth Expert Discovery Deadlines

Judge KARA PETTIT

Signed February 04, 2016

02-04-16 Filed: Return of Electronic Notification

02-22-16 Filed: Certificate of Service of Defendants Second Supplemental Expert Disclosure

02-22-16 Filed: Return of Electronic Notification

03-02-16 Filed: Plaintiffs Designation of Expert to Give Rebuttal Testimony

03-02-16 Filed: Return of Electronic Notification

03-03-16 Filed: Defendants Election of Expert Discovery

03-03-16 Filed: Return of Electronic Notification

03-10-16 Filed: Appearance of Counsel/Notice of Limited Appearance

03-10-16 Filed: Appearance of Counsel/Notice of Limited Appearance

03-10-16 Filed: Return of Electronic Notification

03-14-16 TELEPHONIC STATUS CONF scheduled on March 18, 2016 at 11:00 AM in Courtroom B with Judge PETTIT.

03-14-16 Notice - NOTICE for Case 140500187 ID 17306471

TELEPHONIC STATUS CONF is scheduled.

Date: 03/18/2016

Time: 11:00 a.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

IMPORTANT NOTICE: Counsel and/or parties are responsible for

calling in at the number identified below and waiting for the conference call to start. The court will NOT call you. If you do not call in on time, the court may proceed in your absence. You will be placed on hold until the court joins the call. We will make every effort to begin the call on time, but if other matters before the court delay the start of the call, please wait on the line.

If you call in and another matter is being heard, please wait until that matter concludes before making an appearance. If you experience issues or problems calling in, please feel free to contact a judicial assistant at 435-615-4300.

CONFERENCE CALL NUMBER: (720) 279-0026, PASSCODE: 175713

03-14-16 Filed: Notice for Case 140500187 ID 17306471

03-14-16 Filed: Notice of Withdrawal Motion to Withdraw as Counsel

03-14-16 Filed: Return of Electronic Notification

03-18-16 Minute Entry - STATUS CONFERENCE

Judge: KARA PETTIT

Clerk: brittanm

TELEPHONE CONFERENCE

PRESENT

Plaintiff's Attorney(s): RICHARD E SHELTON

Defendant's Attorney(s): KRISTIN A VAN ORMAN

Audio

Tape Number: SilChamber 1 Tape Count: 11.10/11.18

New counsel is prepared to go forward. Parties have not attempted mediation. Parties will notify the court if the June 8-10 dates work otherwise trial will go forward on the dates previously calendared.

TIME: 12:24 PM

03-22-16 4 DAY JURY TRIAL rescheduled to June 08, 2016 at 08:30 AM in Courtroom B with Judge PETTIT.

03-22-16 4 DAY JURY TRIAL rescheduled to June 09, 2016 at 08:30 AM in Courtroom B with Judge PETTIT.

03-22-16 4 DAY JURY TRIAL rescheduled to June 10, 2016 at 08:30 AM in Courtroom B with Judge PETTIT.

03-22-16 4 DAY JURY TRIAL rescheduled to June 13, 2016 at 08:30 AM in
Courtroom B with Judge PETTIT.

03-22-16 4 DAY JURY TRIAL Cancelled.
Reason: Court Ordered

03-22-16 Filed: Motion Stipulated Motion to Change Trial Date
Filed by: PILOT, ROBERT

03-22-16 Filed: Request/Notice to Submit Stipulated Motion to Change
Trial Date

03-22-16 Filed: Order (Proposed) Granting Stipulated Motion to Change
Trial Date

03-22-16 Filed: Return of Electronic Notification

03-23-16 Filed order: Order Granting Stipulated Motion to Change Trial
Date

Judge KARA PETTIT
Signed March 23, 2016

03-23-16 Filed: Return of Electronic Notification

03-30-16 Filed: Certificate of Service: Plaintiffs Rebuttal Expert
Report

03-30-16 Filed: Return of Electronic Notification

05-04-16 Filed: Defendants Designation of Trial Witnesses and Exhibits

05-04-16 Filed: Return of Electronic Notification

05-05-16 Filed: Memorandum in Support of Motion in Limine to Exclude
Video of Plaintiffs Independent Medical Examination

05-05-16 Filed: Memorandum in Support of Motion in Limine to Strike the
Expert Report and Testimony of Stephen J. Nicolatus

05-05-16 Filed: Motion in Limine to Exclude Evidence of Cell Phone Use
During the Subject Accident
Filed by: HILL, EARL N

05-05-16 Filed: Memorandum in Support of Motion in Limine Regarding
Future Medical Expenses

05-05-16 Filed: Return of Electronic Notification

05-05-16 Filed: Motion in Limine regarding Bath Iron Works
Filed by: PILOT, ROBERT

05-05-16 Filed: Plaintiffs Trial Witness and Exhibit List

05-05-16 Filed: Return of Electronic Notification

05-05-16 Filed: Return of Electronic Notification

05-05-16 Filed: Motion in Limine regarding Unemployment Compensation
Filed by: PILOT, ROBERT

05-05-16 Filed: Return of Electronic Notification

05-06-16 TELEPHONE CONFERENCE scheduled on May 13, 2016 at 02:30 PM in
Courtroom B with Judge PETTIT.

05-06-16 Notice - NOTICE for Case 140500187 ID 17431688
TELEPHONE CONFERENCE is scheduled.

Date: 05/13/2016

Time: 02:30 p.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

IMPORTANT NOTICE: Counsel and/or parties are responsible for calling in at the number identified below and waiting for the conference call to start. The court will NOT call you. If you do not call in on time, the court may proceed in your absence. You will be placed on hold until the court joins the call. We will make every effort to begin the call on time, but if other matters before the court delay the start of the call, please wait on the line.

If you call in and another matter is being heard, please wait until that matter concludes before making an appearance. If you experience issues or problems calling in, please feel free to contact a judicial assistant at 435-615-4300.

CONFERENCE CALL NUMBER: (720) 279-0026, PASSCODE: 175713

05-06-16 Filed: Notice for Case 140500187 ID 17431688

05-13-16 Minute Entry - TELEPHONE CONFERENCE

Judge: KARA PETTIT

Clerk: brittanm

TELEPHONE CONFERENCE

PRESENT

Defendant's Attorney(s): JESSICA J JOHNSTON

Audio

Tape Number: Chambers Tape Count: 2.49/2.51

The matter is before the court on the issue of a witness appearing for trial via video conference. The parties have reached a

resolution as to the witness and no action in need by the court.

TIME: 3:23 PM

05-13-16 Filed: Motion in Limine regarding Statements from Alex Pilot to Earl Hill

Filed by: PILOT, ROBERT

05-13-16 Filed: Return of Electronic Notification

05-17-16 Filed: Opposition to Motion in Limine to Exclude Evidence of Cell Phone Use During Subject Accident

05-17-16 Filed: Opposition to Motion in Limine to Exclude Video of Plaintiffs Independent Medical Examination

05-17-16 Filed: Opposition to Motion in Limine to Strike the Expert Report and Testimony of Stephen J, Nicolatus

05-17-16 Filed: Return of Electronic Notification

05-17-16 Filed: Return of Electronic Notification

05-17-16 Filed: Return of Electronic Notification

05-17-16 Filed: Memorandum Defendant Hills Memorandum in Opposition to Plaintiffs Motion in Limine Regarding Unemployment Compensation

05-17-16 Filed: Return of Electronic Notification

05-17-16 Filed: Objection to Plaintiffs Pretrial Disclosures

05-17-16 Filed: Exhibit A to Defendants Objections to Plaintiffs Pretrial Disclosures

05-17-16 Filed: Exhibit B to Defendants Objections to Plaintiffs Pretrial Disclosures

05-17-16 Filed: Exhibit C (Part 1) to Defendants Objections to Plaintiffs Pretrial Disclosures

05-17-16 Filed: Exhibit C (Part 2) to Defendants Objections to Plaintiffs Pretrial Disclosures

05-17-16 Filed: Exhibit D to Defendants Objections to Plaintiffs Pretrial Disclosures

05-17-16 Filed: Exhibit E to Defendants Objections to Plaintiffs Pretrial Disclosures

05-17-16 Filed: Exhibit F to Defendants Objections to Plaintiffs Pretrial Disclosures

05-17-16 Filed: Exhibit G to Defendants Objections to Plaintiffs Pretrial Disclosures

05-17-16 Filed: Exhibit H to Defendants Objections to Plaintiffs Pretrial Disclosures

05-17-16 Filed: Exhibit I to Defendants Objections to Plaintiffs

Pretrial Disclosures

- 05-17-16 Filed: Exhibit J to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit K to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit L (Part 1) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit L (Part 2) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit L (Part 3) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit L (Part 4) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit L (Part 5) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit M (Part 1) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit M (Part 2) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit M (Part 3) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit M (Part 4) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit M (Part 5) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit M (Part 6) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Return of Electronic Notification
- 05-17-16 Filed: Exhibit M (Part 7) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit M (Part 8) to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Exhibit N to Defendants Objections to Plaintiffs Pretrial Disclosures
- 05-17-16 Filed: Return of Electronic Notification
- 05-17-16 Filed: Return of Electronic Notification
- 05-17-16 Filed: Return of Electronic Notification
- 05-17-16 Filed: Return of Electronic Notification
- 05-17-16 Filed: Return of Electronic Notification

05-17-16 Filed: Return of Electronic Notification
05-17-16 Filed: Opposition to Motion in Limine Regarding Future Medical Expenses
05-17-16 Filed: Return of Electronic Notification
05-19-16 Filed: Defendant Hills Withdrawal of Witness Objection No. 2
05-19-16 Filed: Return of Electronic Notification
05-23-16 Filed: Reply in Support of Motion in Limine Regarding Unemployment Compensation
05-23-16 Filed: Return of Electronic Notification
05-23-16 Filed: Memorandum in Opposition to Plaintiffs Motion in Limine Regarding Statements from Alex Pilot to Earl Hill
05-23-16 Filed: Exhibit A to Memorandum in Opposition to Plaintiffs Motion in Limine Regarding Statements from Alex Pilot to Earl Hill
05-23-16 Filed: Return of Electronic Notification
05-24-16 Filed: Reply Memorandum in Support of Defendants Motion in Limine to Exclude Evidence of Cell Phone Use During Subject Accident
05-24-16 Filed: Exhibit A to Reply Memorandum in Support of Defendants Motion in Limine to Exclude Evidence of Cell Phone Use During Subject Accident
05-24-16 Filed: Reply ISO MIL Threatening Statements
05-24-16 Filed: Return of Electronic Notification
05-24-16 Filed: Return of Electronic Notification
05-24-16 Filed: Reply Memorandum in Support of Defendants Motion in Limine Regarding Future Medical Expenses
05-24-16 Filed: Exhibit A to Reply Memorandum in Support of Defendants Motion in Limine Regarding Future Medical Expenses
05-24-16 Filed: Return of Electronic Notification
05-24-16 Filed: Reply Memorandum in Support of Defendants Motion in Limine to Strike the Expert Report and Testimony of Stephen J. Nicolatus
05-24-16 Filed: Return of Electronic Notification
05-25-16 Filed: Jury Instructions Defendants Proposed Jury Instructions
05-25-16 Filed: Defendants Proposed Special Verdict Form
05-25-16 Filed: Return of Electronic Notification
05-25-16 Filed: Jury Instructions Plaintiffs Proposed Jury Instructions that Defendant Opposes
05-25-16 Filed: Jury Instructions Plaintiffs Proposed Verdict Form

05-25-16 Filed: Jury Instructions Plaintiffs Proposed Voir Dire Questions that Defendant Opposes

05-25-16 Filed: Return of Electronic Notification

05-26-16 Filed: Jury Instructions Stipulated Voir Dire Questions

05-26-16 Filed: Jury Instructions Stipulated Jury Instructions

05-26-16 Filed: Motion Stipulated Motion for Jury Questionnaire
Filed by: PILOT, ROBERT

05-26-16 Filed: Request/Notice to Submit Request to Submit Motion for Stipulated Jury Questionnaire

05-26-16 Filed: Order (Proposed) Proposed Order Granting Stipulated Jury Questionnaire

05-26-16 Filed: Return of Electronic Notification

05-26-16 Filed: Plaintiffs Proposed Exhibits that Defendant Opposes

05-26-16 Filed: Exhibit 1

05-26-16 Filed: Exhibit 2

05-26-16 Filed: Exhibit 3

05-26-16 Filed: Return of Electronic Notification

05-27-16 Filed: Request/Notice to Submit Pretrial Documents

05-27-16 Filed: Return of Electronic Notification

05-27-16 Filed: Request/Notice to Submit Stipulated Motion to Use Deposition of John Napolitano at Trial

05-27-16 Filed: Motion Stipulated Motion to Use Deposition of John Napolitano at Trial
Filed by: PILOT, ROBERT

05-27-16 Filed: Order (Proposed) Granting Stipulated Motion to Use Deposition

05-27-16 Filed: Return of Electronic Notification

05-27-16 Filed: Stipulated Exhibits

05-27-16 Filed: Exhibit A

05-27-16 Filed: Exhibit B

05-27-16 Filed: Exhibit C

05-27-16 Filed: Exhibit D

05-27-16 Filed: Exhibit E

05-27-16 Filed: Exhibit F

05-27-16 Filed: Return of Electronic Notification

05-27-16 Filed order: Order Granting Stipulated Motion to Use Deposition
Judge KARA PETTIT
Signed May 27, 2016

05-27-16 Filed: Request/Notice to Submit Objection to Reply Regarding

Future Medical Expenses

05-27-16 Filed: Objection to Reply Regarding Future Medical Expenses

05-27-16 Filed: Return of Electronic Notification

05-27-16 Filed: Return of Electronic Notification

05-31-16 Minute Entry - FINAL PRETRIAL CONFERENCE

Judge: KARA PETTIT

Clerk: bridgetb

PRESENT

Plaintiff's Attorney(s): RICHARD E SHELTON

Defendant's Attorney(s): KRISTIN A VAN ORMAN

Audio

Tape Number: crt B Tape Count: 9:05/11:37

This matter comes before the Court for a final pretrial conference.
Counsel appearing as listed above.

9:05 Preliminary issues are discussed.

Counsel to prepare an order regarding their non-opposed motions in
limine.

9:10 Defendant argues Motion in Limine re: Future Damages. 9:17
Plaintiff's rebuttal. 9:29 Defendant's reply.

9:30 The Court GRANTS the Motion in Limine Re: Future Medical
Expenses as stated on the record.

Ms. Van Orman to prepare order.

9:32 Defendant argues Motion in Limine Re: Stephen J. Nicolatus.

9:39 Plaintiff's rebuttal. 9:50 Defendant's reply.

9:54 Mr. Nicolatus will not be excluded in totality. Mr. Nicolatus
will be limited to his report.

Ms. Van Orman to prepare order.

The 4 medical bills that were not produced in disclosures are excluded.

9:59 Defendant argues Motion in Limine re: Cell Phone Use. 10:03 Plaintiff's rebuttal. 10:09 Defendant's reply.

10:11 The Motion in Limine is DENIED.

10:12 Plaintiff argues Motion in Limine re: Unemployment Compensation. 10:13 Defendant's rebuttal. 10:16 Plaintiff's reply. 10:29 The Court takes this matter under advisement and will rule in due course.

10:29 Plaintiff argues MIL re: Statements of Alex Pilot. 10:31 Defendant's rebuttal. 10:33 Plaintiff's reply.

10:36 The Motion is GRANTED. The Court finds that the threats and words themselves, the detailed statements, outweigh the probative value.

10:38 Objections to pretrial disclosures are discussed.

10:39 Jury questionnaire is discussed.

10:55 Jury instructions are discussed.

There will be one alternate juror.

11:16 Recess.

11:16 The Court rules as stated on the record. The Court GRANTS Plaintiff's Motion in Limine to Exclude Unemployment Compensation. Plaintiff to prepare order.

05-31-16 Filed: FINAL PRETRIAL CONFERENCE

06-01-16 Filed order: Order Granting Stipulated Jury Questionnaire
Judge KARA PETTIT
Signed June 01, 2016

06-01-16 Filed: Return of Electronic Notification

06-01-16 Filed: Order (Proposed) Regarding Stephen Nicolats

06-01-16 Filed: Order (Proposed) Regarding Cell Phone Use

06-01-16 Filed: Order (Proposed) Excluding Bath Iron Works

06-01-16 Filed: Order (Proposed) Regarding IME Video

06-01-16 Filed: Order (Proposed) Excluding Threatening Statements

06-01-16 Filed: Order (Proposed) Excluding Future Medical Expenses

06-01-16 Filed: Return of Electronic Notification

06-01-16 Filed: Order (Proposed) Excluding Unemployment Benefits

06-01-16 Filed: Return of Electronic Notification

06-02-16 Filed order: Order Excluding Future Medical Expenses
Judge KARA PETTIT
Signed June 02, 2016

06-02-16 Filed order: Order Excluding Unemployment Benefits
Judge KARA PETTIT
Signed June 02, 2016

06-02-16 Filed order: Order Regarding Stephen Nicolats
Judge KARA PETTIT
Signed June 02, 2016

06-02-16 Filed order: Order Regarding Cell Phone Use
Judge KARA PETTIT
Signed June 02, 2016

06-02-16 Filed order: Order Excluding Bath Iron Works
Judge KARA PETTIT
Signed June 02, 2016

06-02-16 Filed order: Order Regarding IME Video
Judge KARA PETTIT
Signed June 02, 2016

06-02-16 Filed order: Order Excluding Threatening Statements

Judge KARA PETTIT

Signed June 02, 2016

06-02-16 Filed: Return of Electronic Notification
06-02-16 Filed: Return of Electronic Notification
06-02-16 Filed: Return of Electronic Notification
06-02-16 Filed: Return of Electronic Notification
06-02-16 Filed: Return of Electronic Notification
06-02-16 Filed: Return of Electronic Notification
06-02-16 Filed: Return of Electronic Notification
06-04-16 Filed: Subpoena - To Issue (Proposed) Subpoena to Earl Hill
06-04-16 Filed: Return of Electronic Notification
06-06-16 Filed: Other - Not Signed Subpoena - To Issue (Proposed)
Subpoena to Earl Hill
06-06-16 Note: This was already signed by Mr. Shelton
06-06-16 Filed: Return of Electronic Notification
06-08-16 **** PRIVATE **** Filed: Juror Questionnaires
06-08-16 **** PRIVATE **** Filed: Jury List
06-08-16 Filed: Preliminary Jury Instructions
06-08-16 4 DAY JURY TRIAL scheduled on June 09, 2016 at 09:00 AM in
Courtroom B with Judge PETTIT.
06-08-16 4 DAY JURY TRIAL rescheduled to June 09, 2016 at 08:45 AM in
Courtroom B with Judge PETTIT.
06-08-16 Minute Entry - DAY 1 OF A 3 DAY JURY TRIAL
Judge: KARA PETTIT
Clerk: bridgetb
PRESENT
Plaintiff(s): ROBERT PILOT
Defendant(s): EARL N HILL
Plaintiff's Attorney(s): RICHARD E SHELTON
MICHAEL A WOREL
Defendant's Attorney(s): JESSICA J JOHNSTON
KRISTIN A VAN ORMAN
Audio
Tape Number: crt B Tape Count: 8:32/5:05

This matter comes before the Court for day 1 of a 3 day jury trial.
Counsel appearing as listed above.

8:32 Preliminary issues are discussed.

8:49 Jury brought into courtroom.

8:52 Oath to the Jury on Voir Dire.

8:53 Voir Dire examination of the jury.

9:13 Recess.

10:06 The Court is back in session. Issues discussed outside the presence of the jury.

10:11 Individual Voir Dire begins.

11:46 Recess.

11:56 Peremptory challenges begin.

12:08 Juror names are read.

12:11 Oath to Impanel Jury administered.

12:12 Preliminary Jury Instruction #1 read in open court to the jury.

12:18 Recess for lunch.

1:33 The exclusionary rule is invoked by the defendant.

1:38 The jury is brought into the courtroom.

1:40 Preliminary Jury Instructions are read to the jury.

1:50 Plaintiff's opening statements (Worel).

2:13 Defendant's opening statements (Van Orman).

2:32 Recess.

2:40 The Court is back in session.

2:41 Plaintiff's witness Earl Hill sworn and testifies (Worel).

3:26 Defendant's cross-examination (Van Orman). 3:34 Plaintiff's re-direct.

3:38 Plaintiff's witness Alex Pilot sworn and testifies (Shelton).

4:10 Defendant's cross-examination (Johnston).

4:15 Deposition of John Napolitano read into the record.

4:49 Jury admonished and excused for the day.

4:50 Deposition issues are discussed outside of the presence of the jury.

Trial will resume at 8:45 a.m. tomorrow.

Stop: 5:05

4 DAY JURY TRIAL.

Date: 06/09/2016

Time: 09:00 a.m.

Location: Courtroom B

6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

The reason for the change is Correct calendar
4 DAY JURY TRIAL.

Date: 06/09/2016

Time: 08:45 a.m.

Location: Courtroom B
6300 Justice Center Rd

Park City, UT 84098

Before Judge: KARA PETTIT

06-09-16 Minute Entry - DAY 2 OF A 3 DAY JURY TRIAL

Judge: KARA PETTIT

Clerk: bridgetb

PRESENT

Plaintiff(s): ROBERT PILOT

Defendant(s): EARL N HILL

Plaintiff's Attorney(s): RICHARD E SHELTON
MICHAEL A WOREL

Defendant's Attorney(s): JESSICA J JOHNSTON
KRISTIN A VAN ORMAN

Audio

Tape Number: crt B Tape Count: 8:54/5:01

This matter comes before the Court for day 2 of a 3 day jury trial.
Parties and counsel appearing as listed above.

8:54 Preliminary issues are discussed.

8:55 Recess.

9:12 Jury brought in to the courtroom.

9:13 Deposition of John Napolitano read in open court to the jury.

9:38 Plaintiff's witness Matthew McLaughlin M.D. sworn and
testifies (Worel). 10:40 Recess. 11:01 Defendant's
cross-examination (Van Orman). 12:04 Recess.

1:38 Plaintiff's witness Stephen J. Nicolatus sworn and testifies

(Shelton). 2:14 Defendant's cross-examination (Van Orman). 2:31
Plaintiff's re-direct. 2:34 No re-cross.

2:34 Recess.

2:52 Plaintiff's witness Robert Pilot sworn and testifies
(Shelton). 3:49 Recess. 3:59 Defendant's cross-examination (Van
Orman). 4:59 No re-direct.

5:00 Jury admonished and excused.

Trial will resume at 9:00 a.m.

06-09-16 Filed: Motion in Limine Motion in Limine re Arguing Liability
in Closing Arguments
Filed by: HILL, EARL N

06-09-16 Filed: Return of Electronic Notification

06-10-16 Filed: Final Jury Instructions

06-10-16 **** PRIVATE **** Filed: Question From Jurors

06-10-16 Filed order: DAY 3 OF A 3 DAY JURY TRIAL

Judge KARA PETTIT

Signed June 10, 2016

06-10-16 Minute Entry - DAY 3 OF A 3 DAY JURY TRIAL

Judge: KARA PETTIT

Clerk: brittanm

PRESENT

Plaintiff(s): ROBERT PILOT

Defendant(s): EARL N HILL

Plaintiff's Attorney(s): RICHARD E SHELTON

MICHAEL A WOREL

Defendant's Attorney(s): KRISTIN A VAN ORMAN

JESSICA J JOHNSTON

Audio

Tape Number: Crt B Tape Count: 9.01/7.32

9.01 Parties discuss any housekeeping issues. 9.05 Jury returns to the court room .

9.05 Mr Pilot returns to the stand and is reminded he is still under oath. 9.11 Cross examination of Mr Pilot. 9.12 Witness is excused and Plaintiff rests. 9.13 Defense calls witness Dr Mark Rosen who is sworn in and testifies. 10.00 Cross examination of witness 11:11 Witness excused. Short recess. 11:19 Jury returns to the courtroom. 11:20 Defense calls witness Dr. John Jansen who is sworn in and testifies. 11.57 Cross examination of witness. 12.02 Re-direct of defendants witness. 12.06 Witness is excused and Defense rests. 12.07 Jury is excused for lunch and will resume at 1.00.

1.09 Court discusses final jury instructions. 1.11 Ms Johnston argues defendants motion in limine. 1.16 Response to the motion in limine. 1.18 Ms Johnston's reply. After hearing argument the court denies the motion in limine. 1.22 Ms Johnston argues motion for directive verdict. 1.23 Response to the motion. 1.24 Response to motion. 1.24 The court denies the motion. 1.40 Jury returns to the court room. 1.42 Jury instructions given to the jurors. 1.51 Plaintiffs closing argument. 2.27 Defense closing argument. 3.06 Plaintiffs rebuttal closing argument. 3.14. Alternate juror is excused. 3.16 Baliffs are sworn in and jury is excused for deliberation. 7.24 Jury returns to the court room with a verdict. Defense requests that the jurors be polled. 7.30 Jurors are excused. Plaintiff is to prepare a judgment.

06-10-16 Notice - Final Exhibit List

06-10-16 Filed: Jury Verdict

06-14-16 Fee Account created Total Due: 40.00

06-14-16 Fee Account created Total Due: 2.66

06-14-16 AUDIO TAPE COPY Payment Received: 40.00

06-14-16 POSTAGE-COPIES Payment Received: 2.66

06-14-16 Fee Account created Total Due: 60.00

06-14-16 Fee Account created Total Due: 2.66

06-14-16 Filed: Motion (Hearing Requested) Motion to Amend Complaint

Filed by: PILOT, ROBERT

06-14-16 Filed: Exhibit List Exhibits to Motion to Amend Complaint
06-14-16 Filed: Return of Electronic Notification
06-16-16 AUDIO TAPE COPY Payment Received: 60.00
06-16-16 POSTAGE-COPIES Payment Received: 2.66
06-16-16 Fee Account created Total Due: 10.00
06-16-16 Fee Account created Total Due: 2.66
06-16-16 Fee Account created Total Due: 50.00
06-20-16 AUDIO TAPE COPY Payment Received: 10.00
06-20-16 POSTAGE-COPIES Payment Received: 2.66
06-20-16 AUDIO TAPE COPY Payment Received: 50.00
06-20-16 Fee Account created Total Due: 60.00
06-20-16 Fee Account created Total Due: 2.66
06-20-16 AUDIO TAPE COPY Payment Received: 60.00
06-20-16 POSTAGE-COPIES Payment Received: 2.66
06-21-16 Fee Account created Total Due: 60.00
06-21-16 Fee Account created Total Due: 2.53
06-21-16 AUDIO TAPE COPY Payment Received: 60.00
06-21-16 POSTAGE-COPIES Payment Received: 2.53
06-21-16 Filed: Memorandum of Costs Verified Memorandum of Costs
06-21-16 Filed: Return of Electronic Notification
06-22-16 JUROR ORDER TO SHOW CAUSE scheduled on July 26, 2016 at 11:00
AM in Courtroom B with Judge PETTIT.
06-22-16 Filed: Objection to Plaintiffs Verified Memorandum of Costs
06-22-16 Filed: Objection to Plaintiffs Proposed Judgment
06-22-16 Filed: Judgment (Proposed) Defendants Proposed Judgment on the
Verdict
06-22-16 Filed: Return of Electronic Notification
06-22-16 Filed: Return of Electronic Notification
06-23-16 Fee Account created Total Due: 60.00
06-23-16 Fee Account created Total Due: 2.66
06-23-16 AUDIO TAPE COPY Payment Received: 60.00
Note: POSTAGE-COPIES
06-23-16 POSTAGE-COPIES Payment Received: 2.66
06-27-16 Filed: Opposition to Plaintiffs Motion to Amend Complaint to
Conform to the Evidence at Trial
06-27-16 Filed: Exhibit A to Defendants Memorandum in Opposition to
Plaintiffs Motion to Amend Complaint to Conform to the Evidence
at Trial

06-27-16 Filed: Reply In Support of Plaintiffs Verified Memorandum of Costs

06-27-16 Filed: Reply Response in Support of Plaintiffs Proposed Judgment

06-27-16 Filed: Order (Proposed) Plaintiffs Proposed Judgment

06-27-16 Filed: Return of Electronic Notification

06-27-16 Filed: Return of Electronic Notification

06-27-16 Filed: Return of Electronic Notification

06-27-16 Filed: Return of Electronic Notification

06-28-16 Filed: Other - Not Signed Order (Proposed) Plaintiffs Proposed Judgment

06-28-16 Note: This needs to be filed in the judgment queue.

06-28-16 Filed: Return of Electronic Notification

06-28-16 Filed: Judgment (Proposed) Plaintiff Proposed Judgment

06-28-16 Filed: Return of Electronic Notification

06-28-16 **** PRIVATE **** Issued: Order to Show Cause Judge: kpett

07-05-16 Filed: Reply in support of Motion to Amend

07-06-16 Filed: Return of Electronic Notification

07-06-16 Filed: Request To Submit For Decision Motion To Amend Complaint To Conform To The Evidence At Trial

07-06-16 Filed: Return of Electronic Notification

07-06-16 Filed: Defendants Supplement in Support of Memorandum in Opposition to Plaintiffs Motion to Amend Complaint to Conform to the Evidence at Trial

07-06-16 Filed: Return of Electronic Notification

07-07-16 MOTION TO AMEND scheduled on July 20, 2016 at 01:30 PM in Courtroom B with Judge PETTIT.

07-07-16 Notice - NOTICE for Case 140500187 ID 17562141
MOTION TO AMEND is scheduled.
Date: 07/20/2016
Time: 01:30 p.m.
Location: Courtroom B
6300 Justice Center Rd

Park City, UT 84098
Before Judge: KARA PETTIT

The court has set aside time for agrument on the motion to amend complaint.

07-07-16 Filed: Notice for Case 140500187 ID 17562141
07-08-16 Filed: Response to Defendants Supplemental Brief on Motion to Amend
07-08-16 Filed: Request/Notice to Submit Supplemental Briefing on Motion to Amend
07-08-16 Filed: Return of Electronic Notification
07-08-16 Filed: Return of Electronic Notification
07-15-16 Filed: TRANSCRIPT for Hearing of 06-10-2016
07-20-16 Minute Entry - PLAINTIFF'S MOTION TO AMNEED
Judge: KARA PETTIT
Clerk: bridgetb
PRESENT
Plaintiff's Attorney(s): RICHARD E SHELTON
MICHAEL A WOREL
Defendant's Attorney(s): JESSICA J JOHNSTON
Audio
Tape Number: crt B Tape Count: 1:33/3:09

This matter comes before the Court for oral argument on Plaintiff's Motion to Amend under 15(b).

Counsel appearing as listed above.

1:34 Preliminary issues are discussed.

1:37 Plaintiff argues motion to amend. 2:28 Defendant's rebuttal.
2:39 Plaintiff's reply. 2:48 Defendant's sur-rebuttal. 2:49
Plaintiff's sur-reply.

2:59 The Court rules as stated on the record. Plaintiff's Motion to Amend is DENIED.

3:04 Ms. Johnston to prepare order.

Supplemental briefing regarding implied consent and notice may be submitted by August 5, 2016. Rebuttal to be submitted by August 19, 2016. Reply to be submitted by August 26th.

3:09 Stop.

07-22-16 Filed: Other - Not Signed Judgment (Proposed) Defendants
Proposed Judgment on the Verdict

07-22-16 Note: Judgment to be resubmitted in conformance with and after
Court's final ruling on motion to amend

07-22-16 Filed: Other - Not Signed Judgment (Proposed) Plaintiff
Proposed Judgment

07-22-16 Note: Judgment to be resubmitted in conformance with and after
Court's final ruling on motion to amend

07-22-16 Filed: Return of Electronic Notification

07-22-16 Filed: Return of Electronic Notification

07-25-16 Filed: Withdrawal of motion to withdraw as counsel

07-25-16 Filed: Return of Electronic Notification

07-26-16 AUDIO TAPE COPY Account Adjustment Total Due:
40.00

Reason: Court ordered fine for juror OSC Failure to
appear.

07-26-16 Fee Account created Total Due: 50.00

07-26-16 JURY FEE Payment Received: 50.00

07-26-16 AUDIO TAPE COPY Account Adjustment Total Due:
40.00

Reason: Court ordered fine for juror OSC for failure to
appear. System wouldn't accept payment set up
this way. FF receipted as miscellaneous.

07-26-16 Fee Account created Total Due: 50.00

07-26-16 JURY FEE Payment Received: 50.00

07-26-16 Fee Account created Total Due: 50.00

07-26-16 JURY FEE Payment Received: 50.00

07-26-16 Fee Account created Total Due: 50.00

07-26-16 JURY FEE Payment Received: 50.00

07-26-16 Fee Account created Total Due: 50.00

07-26-16 JURY FEE Payment Received: 50.00

07-26-16 Fee Account created Total Due: 50.00

07-26-16 JURY FEE Payment Received: 50.00

07-26-16 Note: 7/26/16 Court Ordered Fine Payment for OSC Juror Failure
to Appear \$50.00 Patrick Brown

07-26-16 Note: 7/26/16 Court Ordered Fine Payment for OSC Juror Failure to Appear \$50.00 Iverson

07-26-16 Note: 7/26/16 Court Ordered Fine Payment for OSC Juror Failure to Appear \$50.00 Marvin Jensen

07-26-16 Note: 7/26/16 Court Ordered Fine Payment for OSC Juror Failure to Appear \$50.00 Carl Turner

07-26-16 Note: 7/26/16 Court Ordered Fine Payment for OSC Juror Failure to Appear \$50.00 George Karch

07-26-16 Note: 7/26/16 Court Ordered Fine Payment for OSC Juror Failure to Appear \$50.00 Scott Walstrom

07-26-16 Fee Account created Total Due: 60.00

07-26-16 AUDIO TAPE COPY Payment Received: 60.00

07-26-16 **** PRIVATE **** Minute Entry - JUROR ORDER TO SHOW CAUSE

07-29-16 JURY FEE Transfer Out: -50.00

Note: Account Transfer From Fee - JURY FEE On 140500187 To Fee - CONTEMPT On 160500329; Juror was in contempt for FTA. Fee was receipted incorrectly into the civil matter. A contempt case needed to be opened.

07-29-16 JURY FEE Transfer Out: -50.00

Note: Account Transfer From Fee - JURY FEE On 140500187 To Fee - CONTEMPT On 160500330; Juror FTA. Court assessed a fine which was incorrectly receipted into the civil matter. A contempt case should have been opened.

07-29-16 JURY FEE Transfer Out: -50.00

Note: Account Transfer From Fee - JURY FEE On 140500187 To Fee - CONTEMPT On 160500331; Juror FTA. Court ordered a fine which was incorrectly receipted in the civil matter. A contempt case should have been opened.

07-29-16 COMPLAINT - NO AMT S Transfer Out: -50.00

Note: Account Transfer From Fee - COMPLAINT - NO AMT S On 140500187 To Fee - CONTEMPT On 160500332; Juror FTA. Court ordered a fine which was incorrectly receipted in the civil matter. A contempt case should have been opened.

07-29-16 COMPLAINT - NO AMT S Account Adjustment Total Due: 360.00

Reason: Clerk transfered wrong account.

07-29-16 COMPLAINT - NO AMT S Redistribution: 0.00

Note: Redistribution because Account amount due adjusted.

07-29-16 COMPLAINT - NO AMT S Transfer In: 50.00
Note: Account Transfer From Fee - CONTEMPT On 160500332 To
Fee - COMPLAINT - NO AMT S On 140500187; Clerk transfered
from wrong account.

07-29-16 JURY FEE Transfer Out: -50.00
Note: Account Transfer From Fee - JURY FEE On 140500187 To
Fee - CONTEMPT On 160500333; Juror FTA. Court ordered
fine which was incorrectly receipted into the civil
matter. A contempt case should have been opened.

07-29-16 JURY FEE Transfer Out: -50.00
Note: Account Transfer From Fee - JURY FEE On 140500187 To
Fee - CONTEMPT On 160500333; Juror FTA. Court ordered a
fine which was incorrectly receipted into the civil
matter. A contempt case should have been opened.

07-29-16 JURY FEE Transfer Out: -50.00
Note: Account Transfer From Fee - JURY FEE On 140500187 To
Fee - CONTEMPT On 160500334; Juror FTA. Court ordered a
fine which was incorrectly receipted into the civil
matter. A contempt case should have been opened.

08-04-16 Filed: Supplemental Brief on Implied Consent

08-04-16 Filed: Return of Electronic Notification

08-19-16 Filed: Memorandum Ds Supplemental Memorandum in Opposition to
Ps Supplemental Brief re Implied Consent

08-19-16 Filed: Return of Electronic Notification

08-26-16 Filed: Reply in Support of Supplemental Brief on Implied
Consent

08-26-16 Filed: Return of Electronic Notification

08-29-16 Filed: Request/Notice to Submit Request to Submit for Decision
the Supplemental Brief on Implied Consent

08-29-16 Filed: Return of Electronic Notification

08-30-16 Filed: Objection to Defendants Objection to Plaintiffs Request
for Hearing

08-30-16 Filed: Return of Electronic Notification

09-21-16 Filed: TRANSCRIPT for Hearing of 07-20-2016

10-18-16 Filed order: Ruling and Order on Plaintiff's Motion to Amend
Complaint to Conform to the Evidence at Trial
Judge KARA PETTIT
Signed October 18, 2016

10-19-16 Filed: Order (Proposed) Defendants Proposed Judgment on the

Verdict

10-19-16 Filed: Return of Electronic Notification