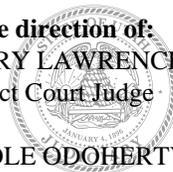


The Order of the Court is stated below:

Dated: June 07, 2018
09:06:22 AM

At the direction of:
/s/ BARRY LAWRENCE
District Court Judge

by
/s/ NICOLE ODOHERTY
District Court Clerk



3RD DISTRICT COURT - SALT LAKE
SALT LAKE COUNTY, STATE OF UTAH

LOIS SMITH, : MINUTES
Plaintiff, : FINAL PRETRIAL CONFERENCE
 :
vs. : Case No: 130908362 PI
VOLKSWAGEN SOUTHTOWNE INC Et al, : Judge: BARRY LAWRENCE
Defendant. : Date: June 5, 2018

Clerk: nicoleo

PRESENT

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

Defendant's Attorney(s): NATHANAEL J MITCHELL
RODNEY R PARKER

Audio

Tape Number: CourtRm W37 Tape Count: 2.04-4.50

HEARING

The matter is before the court for a final pretrial conference.

2.06 - Mr. Shelton answers the Court's questions regarding the Plaintiff's Experts testimony.

2.14 - Mr. Parker makes oral argument in support of the Defendant's Motion in limine to limit or exclude Peter Leiss's testimony.

2.31 - Mr. Mitchell makes oral argument in support of the Defendant's Motion in Limine to limit or exclude John Foley and Lindell Weaver's testimony.

2.53 - Mr. King responds and makes argument opposing Defendant's Motion in Limine

regarding Lindell Weaver.

3.04 -Mr. Shelton responds and makes argument opposing Defendant's Motion in Limine regarding John Foley.

3.10 - Mr. Mitchell makes final argument.

3.13 - Mr. Parker makes argument in support of the Defendant's Motion to limit re: brain scans.

3.29 - Mr. King responds.

3.35 - Mr. Parker makes final argument on the Defendant's Motion.

3.38 - The Court takes a recess.

3.54 - The Court makes the following ruling:

The Defendant's Motion to limit re: Brain Scans is Denied. The Court will not rule today on the admissibility of the Brain Scans, however Plaintiff's experts may rely on them to support their opinions assuming they can lay the proper foundation to do so.

The Defendant's Motion in Limine to limit or exclude Peter Leiss's testimony is Denied without Prejudice. The Court will asses his opinions at trial and has a concern about whether he can quantify the amount of CO in the passenger compartment.

The Defendant's Motion in Limine to limit or exclude John Foley's testimony is Denied. Mr. Foley's will be limited to the same extend as any treater i.e., regarding his examination of Lois Smith, and opinions about Lois Smith's diagnosis. He will not offer opinions about her future or long term care.

The Defendant's Motion in Limine to limit or exclude Lindell Weaver testimony is Denied without Prejudice. Of particular concern to the Court, however is his ability to identify the source of Lois Smith's alleged CO poisoning.

4.00 - The Court reads into the record the Court's General Standing Order.

4.01 - Mr. Mitchell responds to the Court's General Standing Order and makes argument

in support of the Defendant's Motion in limine re: internal policy (Reptile Theory).

4.07 - Mr. Worel responds to Mr. Mitchell's argument and the courts general standing order.

4.12 - Mr. Mitchell makes final argument on the internal policy.

4.13 - The Court Orders the five orders in the Court's Standing Order as read into the record will apply to this case: The Court Orders that at any time during the trial, the parties are precluding from arguing or inferring any of the following:

1. Arguments to the effect that the jury should be swayed by jury s emotion, sympathy, passion or prejudice, rather than the facts of this case and the applicable law.
2. Arguments asking the jury to send a message to the community, the automotive industry, or otherwise.
3. Arguments asking the jury to prevent this from happening again.
4. Arguments that ask the jury to apply either a general safety standard or a community standard of safety based on jurors own beliefs. (This does not include any internal safety rules or recommendations that any party utilizes.)
5. Arguments that suggest that the jury serves as the conscience of the community in rendering a verdict.

4.13 - Mr. King makes argument opposing the Defendant's Motion in limine re: Strict Liability.

4.14 - Mr. Mitchell makes argument in support of the Defendant's Motion in limine re: Strict Liability.

4.17 - The Court Denies the Defendant's Motion in limine re: Strict Liability.

4.18 - Mr. Worel makes argument in support of the Plaintiff's Motion in Limine re: english translation of Expert Kuehn's Files.

4.19 - Mr. Parker responds.

4.23 - Defendant is to provide Plaintiff with the english translation of specific proposed exhibits of Expert Kuehn's Files. The Court will address the issue on the day of trial.

4.30 - The Court and Counsel discuss jury instructions and verdict form issues.

4.31 - Counsel are to provide to the Court by Thursday June 7, 2018 in word format a stipulated set of jury instructions, proposals with authorities and one without. Counsel are to provide to the Court the Nature of the Case statements.

4.34 - Mr. Parker responds to the Plaintiff's objection regarding calling Mark Carlson as a witness.

4.35 - The Court will not rule on the objection re: Mark Carlson being called as a witness until the conclusion of the Plaintiff's case. However, the Court noted its concern over calling a party's attorney to testify.

4.40 - Mr. Parker makes argument in support of the Defendant's request to use a exemplar car at trial.

4.45 - Mr. Worel responds.

4.47 - The Defendant's request to use an exemplar car at trial is Denied for the reasons set forth on the record.

4.48 - Counsel agree to split the cost of jury afternoon snacks 50/50.

A telephone conference is scheduled for Friday June 8, 2018 at 4:00 PM to address any last minute issues.

TELEPHONE CONFERENCE is scheduled.

Date: 06/08/2018

Time: 04:00 p.m.

Location: THIRD FLOOR - W37

THIRD DISTRICT COURT

Case No: 130908362 Date: Jun 05, 2018

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

before Judge BARRY LAWRENCE

End Of Order - Signature at the Top of the First Page