

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

LOIS SMITH vs. VOLKSWAGEN SOUTHTOWNE INC

CASE NUMBER 130908362 Personal Injury

CURRENT ASSIGNED JUDGE

BARRY LAWRENCE

PARTIES

Plaintiff - LOIS SMITH

Represented by: COLIN P KING

Represented by: R M FELLER

Represented by: MICHAEL A WOREL

Represented by: RICHARD E SHELTON

Defendant - VOLKSWAGEN SOUTHTOWNE INC

Represented by: HEINZ J MAHLER

Represented by: RODNEY R PARKER

Represented by: GARY WIGHT

Represented by: SARAH A VAUGHN

Represented by: NATHANAEL J MITCHELL

Defendant - VOLKSWAGEN GROUP OF AMERICA IN

Represented by: RODNEY R PARKER

Represented by: NATHANAEL J MITCHELL

Defendant - VOLKSWAGEN AG

Represented by: RODNEY R PARKER

Represented by: NATHANAEL J MITCHELL

Defendant - VOLKSWAGEN DE MEXICO SA DE CV

Represented by: RODNEY R PARKER

Represented by: NATHANAEL J MITCHELL

ACCOUNT SUMMARY

TOTAL REVENUE	Amount Due:	652.66
	Amount Paid:	652.66
	Credit:	0.00
	Balance:	0.00

REVENUE DETAIL - TYPE: COMPLAINT 10K-MORE

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

Printed: 06/16/18 08:59:32

Page 1

Balance:	0.00
REVENUE DETAIL - TYPE: JURY DEMAND - CIVIL	
Amount Due:	250.00
Amount Paid:	250.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: CERTIFIED COPIES	
Amount Due:	2.00
Amount Paid:	2.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: CERTIFICATION	
Amount Due:	8.00
Amount Paid:	8.00
Amount Credit:	0.00
Balance:	0.00
REVENUE DETAIL - TYPE: COURT COSTS	
Amount Due:	12.66
Amount Paid:	12.66
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: AUDIO TAPE COPY	
Amount Due:	10.00
Amount Paid:	10.00
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

VW Southtowne Mot Dism/ VW GA Mot Dism/ VW A.G. Mot Dism

PROCEEDINGS

12-11-13 Filed: Complaint
12-11-13 Case filed
12-11-13 Fee Account created Total Due: 360.00
12-11-13 Fee Account created Total Due: 250.00

12-11-13 COMPLAINT 10K-MORE Payment Received: 360.00
12-11-13 Judge L A DEVER assigned.
12-11-13 JURY DEMAND - CIVIL Payment Received: 250.00
03-12-14 Filed return: Return of Service upon JEFF DAVIS for
Party Served: VOLKSWAGEN SOUTHTOWNE INC
Service Type: Personal
Service Date: March 11, 2014
03-12-14 Filed: Return of Electronic Notification
03-28-14 Filed: Answer
VOLKSWAGEN SOUTHTOWNE INC
03-28-14 Note: Certificate of Readiness for Trial due 04/10/2015
03-28-14 Filed: NOTICE OF EVENT DUE DATES
03-28-14 Filed: Return of Electronic Notification
04-02-14 Filed: Certificate of Service for Plaintiffs Initial
Disclosures
04-02-14 Filed: Certificate of Service for Plaintiffs First Request for
Production of Documents
04-02-14 Filed: Return of Electronic Notification
04-02-14 Filed: Return of Electronic Notification
04-28-14 Filed: Certificate of Service of Defendants Rule 26 Initial
Disclosures
04-28-14 Filed: Return of Electronic Notification
04-29-14 Filed: Certificate of Service for Plaintiffs First Requests for
Admissions
04-29-14 Filed: Certificate of Service for Plaintiffs First Request for
Production of Documents
04-29-14 Filed: Return of Electronic Notification
04-30-14 Filed: Certificate of Service for Plaintiffs First Set of
Interrogatories
04-30-14 Filed: Return of Electronic Notification
05-01-14 Filed: Affidavit/Declaration Affidavit of Service for
Deposition Subpoena To Brian Hull
05-01-14 Filed: Affidavit/Declaration Affidavit of Service for
Deposition Subpoena To Guadalupe Mejia
05-01-14 Filed: Return of Electronic Notification
05-06-14 Filed: Certificate of Service of Defendants Responses to
Plaintiffs First Requests for Production of Documents
05-06-14 Filed: Return of Electronic Notification

05-08-14 Filed: Notice Of Intent To Serve Subpoena Duces Tecum
05-08-14 Filed: Return of Electronic Notification
05-20-14 Filed: Certificate of Service for Plaintiffs Second Set of
Interrogatories
05-20-14 Filed: Return of Electronic Notification
05-21-14 Filed: Certificate of Service of Defendants Supplemental Rule
26 Initial Disclosures and Supplemental Rule 9(1) Allocation
of Fault to Non-Parties
05-21-14 Filed: Return of Electronic Notification
05-28-14 Filed: Certificate of Service of Defendants Response to
Plaintiffs First Request for Admission and Answer to Plaintiffs
First Set of Interrogatories
05-28-14 Filed: Return of Electronic Notification
06-04-14 Filed: Certificate of Service of Defendants First Set of
Interrogatories and Requests for Production of Documents to
Plaintiff
06-04-14 Filed: Return of Electronic Notification
06-06-14 Filed: Certificate of Service of Defendants Second Supplement
to Rule 26 Disclosures
06-06-14 Filed: Certificate of Service of Defendants Supplemental
Responses to Plaintiffs Requests for Production
06-06-14 Filed: Return of Electronic Notification
06-09-14 Filed: Defendants Supplemental Rule 9 Allocation of Fault
06-09-14 Filed: Return of Electronic Notification
06-09-14 Filed: Appearance of Counsel/Notice of Limited Appearance for
Defendant
06-09-14 Filed: Return of Electronic Notification
06-16-14 Filed: Certificate of Service for Plaintiffs First Supplemental
Initial Disclosures
06-16-14 Filed: Return of Electronic Notification
06-18-14 Filed: Certificate of Service of Defendants Answers to
Plaintiffs Second Set of Interrogatories
06-18-14 Filed: Return of Electronic Notification
06-23-14 Filed: Certificate of Service of Defendants Second Supplemental
Responses to Plaintiffs Requests for Production of Documents
06-23-14 Filed: Return of Electronic Notification
06-24-14 Filed: Amended Certificate of Service of Defendants Second
Supplemental Responses to Plaintiffs Requests for Production of
Documents

06-24-14 Filed: Return of Electronic Notification

07-02-14 Filed: Certificate of Service for Plaintiffs Responses to Defendants First Set of Interrogatories and Requests for Production of Documents

07-02-14 Filed: Return of Electronic Notification

07-30-14 Filed: Motion Stipulated Motion for Leave to File First Amendend Complaint
Filed by: SMITH, LOIS

07-30-14 Filed: Order (Proposed) Granting Stipulated Motion for Leave to File First Amendend Complaint

07-30-14 Filed: Return of Electronic Notification

07-30-14 Filed order: Order Granting Stipulated Motion for Leave to File First Amendend Complaint
Judge L A DEVER
Signed July 30, 2014

07-30-14 Filed: Return of Electronic Notification

08-05-14 Filed: Amended Complaint (First)

08-05-14 Filed: Return of Electronic Notification

08-05-14 Filed: Notice to the Court Regarding Service of Process in Foreign Countries

08-05-14 Filed: Return of Electronic Notification

08-22-14 Filed: Answer of Volkswagen SouthTowne, Inc. to Plaintiffs First Amended Complaint
VOLKSWAGEN SOUTHTOWNE INC

08-22-14 Filed: Return of Electronic Notification

09-02-14 Filed: Motion for Stay of Proceedings Stipulated
Filed by: SMITH, LOIS

09-02-14 Filed: Order (Proposed) Entering a Stay of Proceedings

09-02-14 Filed: Return of Electronic Notification

09-14-14 Filed order: Order Entering a Stay of Proceedings
Judge L A DEVER
Signed September 14, 2014

09-14-14 Filed: Return of Electronic Notification

09-15-14 Stay begins: September 14, 2014 Reason: To Be Determined

09-26-14 Filed return: Return of Service on Volkswagen Group of America, Inc. upon R NORDQUIST for
Party Served: VOLKSWAGEN GROUP OF AMERICA IN
Service Type: Personal

Service Date: September 23, 2014

09-26-14 Filed: Return of Electronic Notification
10-21-14 Filed: Summons
10-21-14 Fee Account created Total Due: 2.00
10-21-14 Fee Account created Total Due: 8.00
10-21-14 CERTIFIED COPIES Payment Received: 2.00
10-21-14 CERTIFICATION Payment Received: 8.00
01-12-15 Filed: Appearance of Counsel/Notice of Limited Appearance
01-12-15 Filed: Return of Electronic Notification
01-12-15 Filed: Appearance of Counsel/Notice of Limited Appearance for
Volkswagon of Mexico
01-12-15 Filed: Return of Electronic Notification
01-12-15 Filed: Memorandum in Support of Motion to Dismiss
01-12-15 Filed: Motion to Dismiss Volkswagen de Mexico
Filed by: VOLKSWAGEN DE MEXICO SA DE CV,
01-12-15 Filed: Return of Electronic Notification
01-13-15 Filed: Memorandum in Opposition to Defendant Volkswagen de
Mexicos Motion to Dismiss
01-13-15 Filed: Return of Electronic Notification
01-15-15 Filed: Substitution of Counsel for Volkswagen SouthTowne, Inc.
01-15-15 Filed: Return of Electronic Notification
01-16-15 Filed: Appearance of Counsel/Notice of Limited Appearance
01-16-15 Filed: Return of Electronic Notification
01-16-15 Filed: Appearance of Counsel/Notice of Limited Appearance for
Volkswagon Group of America, Inc.
01-16-15 Filed: Reply in Support of Volkswagen de Mexicos Motion to
Dismiss
01-16-15 Filed: Motion to Dismiss (Volkswagen Group of America, Inc.)
Filed by: VOLKSWAGEN GROUP OF AMERICA IN,
01-16-15 Filed: Return of Electronic Notification
01-16-15 Filed: Return of Electronic Notification
01-16-15 Filed: Return of Electronic Notification
01-16-15 Filed: Request/Notice to Submit Volkswagen de Mexicos Motion to
Dismiss
01-16-15 Filed: Return of Electronic Notification
01-26-15 Filed: Certificate of Service of Defendant Volkswagen
SouthTownes Third Supplement to Rule 26 Initial Disclosures
01-26-15 Filed: Return of Electronic Notification
02-03-15 Filed: Affidavit/Declaration in Opposition to Defendant

Volkswagen of Americas Motion to Dismiss
02-03-15 Filed: Return of Electronic Notification
02-03-15 Filed: Affidavit/Declaration in Opposition to Defendant
Volkswagen de Mexicos Motion to Dismiss
02-03-15 Filed: Return of Electronic Notification
02-05-15 Filed: Plaintiffs Response in Opposition to Defendant
Volkswagen Group of America, Inc. and Volkswagen de Mexicos
Motion to Dismiss
02-05-15 Filed: Return of Electronic Notification
02-12-15 Note: Mr. Carlson (ari) and Mr. Mahler (lori) set matter for
hearing via confernce call with the clerk. Mr. Semnani
was unable to be reached by phone (left vm).
02-12-15 Filed: Notice for Case 130908362 ID 16482481
02-13-15 Judge BARRY LAWRENCE assigned.
02-17-15 Filed: Reply in Support of VWGoAs Motion to Dismiss
02-17-15 Filed: Return of Electronic Notification
02-23-15 Filed: Motion for Partial Summary Judgment
Filed by: VOLKSWAGEN SOUTHTOWNE INC,
02-23-15 Filed: Memorandum in Support of Motion for Partial Summary
Judgment
02-23-15 Filed: Return of Electronic Notification
02-24-15 Filed: Stipulated Motion to Postpone Hearing Scheduled for
March 3, 2015
02-24-15 Filed: Return of Electronic Notification
02-24-15 Filed: Order (Proposed) Re: Stipulated Motion to Postpone
Hearing Scheduled for March 3, 2015
02-24-15 Filed: Return of Electronic Notification
02-27-15 Filed order: Order Re: Stipulated Motion to Postpone Hearing
Scheduled for March 3, 2015
Judge BARRY LAWRENCE
Signed February 27, 2015
02-27-15 Filed: Return of Electronic Notification
03-09-15 Filed: Plaintiffs Response to Defedant Southtownes Motion for
Partial Summary Judgement and Request for Hearing
03-09-15 Filed: Return of Electronic Notification
03-16-15 Filed: Proof of Service
03-16-15 Filed: Return of Electronic Notification
03-16-15 Filed: Reply DEFENDANT VOLKSWAGEN SOUTHTOWNE, INC.S REPLY
MEMORANDUM IN SUPPORT OF PARTIAL SUMMARY JUDGMENT ON PLAINTIFFS

STRICT LIABILITY CLAIMS

03-16-15 Filed: Return of Electronic Notification
03-16-15 Filed: Request/Notice to Submit
03-16-15 Note: RTS is defendant VW SouthTowne Inc. Motion for Partial
Summary Judgment on Plaintiff's Strict Liability Claims.
03-16-15 Filed: Return of Electronic Notification
03-20-15 PARTIAL SUMMARY JUDGMENT Modified scheduled for: 4/15/2015
03-20-15 Filed: Notice for Case 130908362 ID 16562291
03-20-15 PARTIAL SUMMARY JUDGMENT scheduled on April 15, 2015 at 01:30
PM in THIRD FLOOR - W37 with Judge LAWRENCE.
03-25-15 Filed: Motion to Dismiss Volkswagen AG
Filed by: VOLKSWAGEN AG,
03-25-15 Filed: Memorandum in Support of Volkswagen AGs Motion to
Dismiss
03-25-15 Filed: Return of Electronic Notification
04-01-15 Filed: Plaintiffs Response in Opposition to Defendant
Volkswagen AGs Motion to Dismiss and Request for Hearing
04-01-15 Filed: Return of Electronic Notification
04-02-15 Filed: Request/Notice to Submit Volkswagen Group of Americas
Motion to Dismiss
04-02-15 Filed: Request/Notice to Submit Volkswagen AGs Motion to
Dismiss
04-02-15 Filed: Return of Electronic Notification
04-03-15 PARTIAL SUMMARY JUDGMENT Modified.
Reason: Correct calendar
04-03-15 Filed: Notice for Case 130908362 ID 16592650
04-13-15 PARTIAL MSJ/MOTIONS TO DISMISS scheduled on April 15, 2015 at
01:30 PM in THIRD FLOOR - W37 with Judge LAWRENCE.
04-13-15 PARTIAL SUMMARY JUDGMENT Modified.
04-13-15 Filed: Notice for Case 130908362 ID 16610328
04-15-15 Minute Entry - Minutes for Summary Judgment
Judge: BARRY LAWRENCE
Clerk: sherylc
PRESENT
Plaintiff's Attorney(s): MARK L CARLSON
R M FELLER
Defendant's Attorney(s): RODNEY R PARKER
TAYMOUR S SEMNANI
GARY WIGHT

Audio

Tape Number: w37 Tape Count: 1:30-3:01

The Court addresses the Motion(s) to Dismiss regarding statute of limitations.

Counsel give their respective oral arguments.

The Court addresses the Motion(s) for Summary Judgment regarding strict liability.

Counsel give their respective oral arguments.

TIME: 2:54 PM Court resumes. The Court states its findings, citing UCA 78b-6.706. The Court references case law of Aragon.

The Court make rulings applying Rule 56.

1. Motion to Dismiss - both are denied. Counsel is to file answers by 5:00pm, May 1, 2015

2. Motion for Summary Judgment - pending. Counsel is to provide case law briefing for 402A Strict Liability term. Counsel to file supplemental memoranda by 5pm April 30, 2015 and response by 5:00pm, May 15, 2015.

The Court suggests counsel is to meet and confer regarding discovery plan schedule (Rule 26).

Mr. Carlson is to prepare and circulate the Order that is consistent with this ruling.

TIME: 1:30 PM

04-23-15 Filed: Order (Proposed) Regarding Volkswagen Group of America, Volkswagen AG, and Volkswagen de Mexicos Motion to Dismiss

04-23-15 Filed: Return of Electronic Notification

04-24-15 Filed: Other - Declined to Sign Order (Proposed) Regarding Volkswagen Group of America, Volkswagen AG, and Volkswagen de Mexicos Motion to Dismiss

04-24-15 Note: All filings must contain a certificate of service per rule 5(b).

04-24-15 Filed: Return of Electronic Notification
04-24-15 Filed: Order (Proposed) Regarding Volkswagen Group of America,
Volkswagen AG, and Volkswagen de Mexico's Motion to Dismiss
04-24-15 Filed: Return of Electronic Notification
04-24-15 Filed order: Order Regarding Volkswagen Group of America,
Volkswagen AG, and Volkswagen de Mexico's Motion to Dismiss
Judge BARRY LAWRENCE
Signed April 24, 2015
04-24-15 Filed: Return of Electronic Notification
04-27-15 Fee Account created Total Due: 12.66
04-27-15 COURT COSTS Payment Received: 12.66
Note: COURT COSTS
04-30-15 Filed: Memorandum (Supplemental) in Support of Motion for
Partial Summary Judgment
04-30-15 Filed: Return of Electronic Notification
05-01-15 Filed: Answer of Defendants Volkswagen AG, Volkswagen Group of
America, Inc. and Volkswagen De Mexico, S.A. De C.V. and Jury
Demand
VOLKSWAGEN GROUP OF AMERICA IN
VOLKSWAGEN AG
VOLKSWAGEN DE MEXICO SA DE CV
05-01-15 Filed: Return of Electronic Notification
05-08-15 Filed: Proof of Service
05-08-15 Filed: Return of Electronic Notification
05-12-15 Filed: Certificate of Service: Plaintiffs Initial Disclosures
05-12-15 Filed: Return of Electronic Notification
05-12-15 Filed: Plaintiffs Supplemental Response to Defendant
Southtownes Motion for Partial Summary Judgment and Request for
Hearing
05-12-15 Filed: Return of Electronic Notification
05-12-15 Filed: Certificate of Service: Plaintiffs Third Set of
Interrogatories to Defendant Volkswagen Group of America, Inc.
05-12-15 Filed: Return of Electronic Notification
05-19-15 Filed: Memorandum (Supplemental) in Support of Motion for
Summary Judgment
05-19-15 Filed: Return of Electronic Notification
05-21-15 Filed: Renewed Request to Submit for Decision - Motion for
Partial Summary Judgment on Plaintiffs Strict Liability Claims

05-21-15 Filed: Return of Electronic Notification
05-22-15 Note: 5/21 rquest to submit to Judge for review
05-28-15 Filed order: Order Denying Motion for Summary Judgment on
Strict Liabilit Claims (Southtowne) - By Judge Barry Lawrence
Judge BARRY LAWRENCE
Signed May 28, 2015
06-02-15 Filed: Motion (Stipulated) to Reset Discovery Schedule
Filed by: VOLKSWAGEN GROUP OF AMERICA IN,
06-02-15 Filed: Order (Proposed)
06-02-15 Filed: Return of Electronic Notification
06-03-15 Filed order: Order Resetting Discovery Schedule (by Judge Barry
Lawrence)
Judge BARRY LAWRENCE
Signed June 03, 2015
06-03-15 Filed: Return of Electronic Notification
06-12-15 Filed: Certificate of Service: Initial Disclosures of Deft
Volkswagen AG, Deft Volkswagen Group of America, Inc.,
Volkswagen De Mexico, SA De CV Response to Plffs 3rd Set of
Interrogatories to Deft Volkswagen Group of America, Inc.
06-12-15 Filed: Return of Electronic Notification
07-14-15 Filed: Objection to Subpoenas Duces Tecum
07-14-15 Filed: Return of Electronic Notification
07-15-15 Filed: Certificate of Service for Objection to Subpoenas Duces
Tecum
07-15-15 Filed: Return of Electronic Notification
08-17-15 Filed: Certificate of Service for Plaintiffs Second Set of
Request for Production of Documents to Defendants: Volkswagen
Group of America, Inc., Volkswagen AG and Volkswagen de Mexico,
S.A. De CV
08-17-15 Filed: Certificate of Service for Plaintiffs Fourth Set of
Interrogatories to Defendants: Volkswagen Group of America,
Inc., Volkswagen AG and Volkswagen de Mexico, S.A. De CV
08-17-15 Filed: Return of Electronic Notification
09-14-15 Filed: Certificate of Service for Plaintiffs Third Set of
Request for Production of Documents to Defendants: Volkswagen
Group of America, Inc., Volkswagen AG and Volkswagen de Mexico,
S.A. De CV
09-14-15 Filed: Return of Electronic Notification
10-20-15 Filed: Stipulated Statement to Extend Fact Discovery

10-20-15 Filed: Return of Electronic Notification
11-04-15 Filed: Motion for Leave to File Second Amended Complaint
Filed by: SMITH, LOIS
11-04-15 Filed: Memorandum in Support of Motion for Leave to File Second
Amended Complaint
11-04-15 Filed: Return of Electronic Notification
11-17-15 Filed: Opposition to Plaintiffs Motion for Leave to File Second
Amended Complaint
11-17-15 Filed: Return of Electronic Notification
11-18-15 Filed: Opposition to Joinder in The Volkswagen Defendants
Opposition to Plaintiffs Motion for Leave to File Second
Amended Complaint
11-18-15 Filed: Return of Electronic Notification
11-25-15 Filed: Reply in Support of Motion for Leave to File Second
Amended Complaint
11-25-15 Filed: Request/Notice to Submit Plaintiffs Request to Submit
for Decision and Request for Hearing
11-25-15 Filed: Return of Electronic Notification
11-25-15 Filed: Return of Electronic Notification
12-11-15 Filed order: Order Denying Motion to Amend First Amended
Complaint
Judge BARRY LAWRENCE
Signed December 11, 2015
12-16-15 Filed: Plaintiffs Statement of Discovery Issues and Request for
Expedited Hearing
12-16-15 Filed: Order (Proposed) Re: Plaintiffs Statement of Discovery
Issues
12-16-15 Filed: Return of Electronic Notification
12-22-15 Filed: Certificate of Service
12-22-15 Filed: Return of Electronic Notification
12-23-15 Filed: Objection to Statement of Discovery Issues
12-23-15 Filed: Return of Electronic Notification
12-24-15 Filed order: Order Re: Plaintiffs Statement of Discovery
Issues
Judge BARRY LAWRENCE
Signed December 24, 2015
12-24-15 Note: The Court has modified the Order. Responses will be due
on January 15, 2016.
12-24-15 Filed: Return of Electronic Notification

01-15-16 Filed: Certificate of Service for Plaintiffs Second Request for Admissions to Defendant Volkswagen Southtowne, Inc.

01-15-16 Filed: Return of Electronic Notification

02-04-16 Notice - NOTICE for Case 130908362 ID 17223388

PRE-TRIAL STATUS CONFERENCE is scheduled.

Date: 03/01/2016

Time: 08:30 a.m.

Location: THIRD FLOOR - W37

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

Pre-trial Status Conference is set on the Court's own motion.

These matters will be discussed: trial dates, discovery completion dates, jury or non-jury trial, trial length, dates for dispositive motions, dates for exchange of witness lists, nature and complexity of case, final pretrial date and settlement status.

02-04-16 PRE-TRIAL STATUS CONFERENCE scheduled on March 01, 2016 at 08:30 AM in THIRD FLOOR - W37 with Judge LAWRENCE.

02-04-16 Filed: Notice for Case 130908362 ID 17223388

02-04-16 Filed: Request/Notice to Submit

02-04-16 Filed: Return of Electronic Notification

02-10-16 Filed: Request/Notice to Submit

02-10-16 Filed: Subpoena - To Issue (Proposed) Duces Tecum (Swedish Physicians)

02-10-16 Filed: Subpoena - To Issue (Proposed) Duces Tecum (Syosset Hospital)

02-10-16 Filed: Subpoena - To Issue (Proposed) Duces Tecum (St. Clare Hospital)

02-10-16 Filed: Subpoena - To Issue (Proposed) Duces Tecum (Thomas Reardon)

02-10-16 Filed: Return of Electronic Notification

02-11-16 Issued: Subpoena Issued Duces Tecum (Swedish Physicians)
Judge BARRY LAWRENCE

02-11-16 Issued: Subpoena Issued Duces Tecum (Syosset Hospital)
Judge BARRY LAWRENCE

02-11-16 Issued: Subpoena Issued Duces Tecum (St. Clare Hospital)
Judge BARRY LAWRENCE

02-11-16 Issued: Subpoena Issued Duces Tecum (Thomas Reardon)
Judge BARRY LAWRENCE

02-11-16 Filed: Return of Electronic Notification

02-11-16 Filed: Return of Electronic Notification

02-11-16 Filed: Return of Electronic Notification

02-11-16 Filed: Return of Electronic Notification

02-16-16 Filed: Rule 45 Request for Subpoenaed Records

02-16-16 Filed: Return of Electronic Notification

02-17-16 Filed: Certificate of Service Defendants Response to Plaintiffs
Second Request for Admissions to Defendant Volkswagen
Southtowne, Inc.

02-17-16 Filed: Return of Electronic Notification

03-01-16 Minute Entry - PRE-TRIAL STATUS CONFERENCE
Judge: BARRY LAWRENCE
Clerk: kathrygw
PRESENT
Plaintiff's Attorney(s): MARK L CARLSON
Defendant's Attorney(s): GARY WIGHT
Audio
Tape Number: W37 Tape Count: 8:42

This matter is before the Court for a Pre-trial Status Conference.
Counsel are present as indicated above.

Based on discussion with counsel, the Court extends fact discovery
to September 2, 2016. Rule 26 deadlines will follow the fact
discovery deadline.

03-02-16 Filed order: PRE-TRIAL STATUS CONFERENCE
Judge BARRY LAWRENCE
Signed March 02, 2016

04-06-16 Filed return: Return of Service of Subpoena Duces Tecum to
Swedish Physicians upon SWEDISH PHYSICIANS for
Party Served: VOLKSWAGEN AG
Service Type: Personal
Service Date: March 22, 2016

04-06-16 Filed return: Return of Service of Subpoena Duces Tecum to St. Clare Hospital upon ST. CLARE HOSPITAL for
Party Served: VOLKSWAGEN AG
Service Type: Personal
Service Date: March 18, 2016

04-06-16 Filed return: Return of Service of Subpoena Duces Tecum to Thomas G. Reardon upon THOMAS G. REARDON for
Party Served: VOLKSWAGEN AG
Service Type: Personal
Service Date: March 21, 2016

04-06-16 Filed: Return of Electronic Notification

04-12-16 Filed: Appearance of Counsel/Notice of Limited Appearance by Michael Worel

04-12-16 Filed: Appearance of Counsel/Notice of Limited Appearance by Ricky Shelton

04-12-16 Filed: Return of Electronic Notification

05-13-16 Filed: Rule 45(d) Request for Subpoenaed Records

05-13-16 Filed: Return of Electronic Notification

07-13-16 Filed: Certificate of Service of Defendants Fourth Supplemental Rule 26 Initial Disclosures

07-13-16 Filed: Return of Electronic Notification

08-02-16 Filed: Certificate of Service of Subpoena to Swedish Physicians

08-02-16 Filed: Return of Electronic Notification

08-18-16 Filed: Amended Notice of Deposition of Lois Smith

08-18-16 Filed: Return of Electronic Notification

08-18-16 Filed: Notice 30(b)(6) Volks de Mexico

08-18-16 Filed: Notice 30(b)(6) Volks Group of America

08-18-16 Filed: Notice 30(b)(6) Volks Auto Group

08-18-16 Filed: Notice 30(b)(6) Southtowne

08-18-16 Filed: Return of Electronic Notification

08-22-16 Filed: Notice of Intent to Request Protected Health Information

08-22-16 Filed: Return of Electronic Notification

09-02-16 Filed: Request/Notice to Submit Stipulated Motion to Extend Discovery

09-02-16 Filed: Motion Stipulated Motion to Extend Discovery
Filed by: SMITH, LOIS

09-02-16 Filed: Order (Proposed) Order to Extend Discovery

09-02-16 Filed: Return of Electronic Notification

09-07-16 Filed order: Order to Extend Discovery

Judge BARRY LAWRENCE

Signed September 07, 2016

09-07-16 Note: The Court modified the Order. Because this is a 2013 case, no further extensions of fact discovery will be permitted.

09-07-16 Filed: Return of Electronic Notification

09-09-16 Filed: Notice of Deposition Southtowne

09-09-16 Filed: Return of Electronic Notification

09-12-16 Filed: Notice of Withdrawal of Taymour Semnani as Counsel

09-12-16 Filed: Return of Electronic Notification

09-16-16 Filed: Defendant Volkswagen SouthTowne, Inc.s Designation of Rule 30(b)(6) Witnesses

09-16-16 Filed: Return of Electronic Notification

10-24-16 Filed: Certificate of Service Supplemental Responses to Plaintiffs Request for Production of Documents

10-24-16 Filed: Return of Electronic Notification

10-24-16 Filed: COS Plf 3rd Set of Roggs to Def VW

10-24-16 Filed: Return of Electronic Notification

11-04-16 Filed: Amended Notice of Rule 30(b)(6) Volkswagen Group of America

11-04-16 Filed: Return of Electronic Notification

12-01-16 Filed: Certificate of Service Defendants Second Set of Interrogatories and Requests for Production of Documents to Plaintiff

12-01-16 Filed: Return of Electronic Notification

12-02-16 Filed: Certificate of Service of Defendant Volkswagen SouthTowne, Incs Responses to Plaintiffs Third Set of Interrogatories and Requests for Production of Documents

12-02-16 Filed: Return of Electronic Notification

12-09-16 Filed: Certificate of Service

12-09-16 Filed: Return of Electronic Notification

12-16-16 Filed: Certificate of Service of Third Supplement to Initial Disclosures

12-16-16 Filed: Return of Electronic Notification

12-27-16 Filed: Notice of Deposition of Brent Muhlestein, M.D.

12-27-16 Filed: Notice of Deposition of Kevin Walker, M.D.

12-27-16 Filed: Return of Electronic Notification

12-27-16 Filed: Return of Electronic Notification

12-28-16 Filed: Certificate of Service for Plaintiffs Fourth Set of

Interrogatories and Request for Production of Documents to
Defendant Volkswagen Southtowne Inc.

12-28-16 Filed: Return of Electronic Notification
12-29-16 Filed: Notice of Deposition of Richard Sharp, M.D.
12-29-16 Filed: Return of Electronic Notification
12-30-16 Filed: Certificate of Service for Plaintiffs responses to
Defendants Second set of Interrogatories and Request for
Production of Documents
12-30-16 Filed: Return of Electronic Notification
01-04-17 Filed: Certificate of Service of Fourth Supplement to Initial
Disclosures
01-04-17 Filed: Return of Electronic Notification
01-05-17 Filed: Amended Notice of Deposition of Kevin Walker, M.D.
01-05-17 Filed: Return of Electronic Notification
01-09-17 Filed: Certificate of Service for Plaintiffs Fifth Set of
Interrogatories and Request for Production of Documents to
Defendant Volkswagen Group of America, Inc.
01-09-17 Filed: Return of Electronic Notification
01-23-17 Filed: COS Defendant Volkswagen Southtowne, Inc.s Responses to
Plaintiffs Fourth Set of ROGs and RPDs
01-23-17 Filed: Return of Electronic Notification
01-26-17 Filed: Certificate of Service of Defendant Volkswagen
SouthTowne, Inc.s Fifth Supplemental Rule 26 Initial
Disclosures
01-26-17 Filed: Return of Electronic Notification
01-27-17 Filed: Notice of Deposition of Amy Calimlim, M.D.
01-27-17 Filed: Return of Electronic Notification
02-08-17 Filed: Certificate of Service (VWs Answers to Fifth
Interrogatories and Request for Production)
02-08-17 Filed: Return of Electronic Notification
02-23-17 Filed: Certificate of Service of Defendants Fifth Supplement to
Initial Disclosures
02-23-17 Filed: Return of Electronic Notification
02-24-17 Filed: Certificate of Service of Defendants Rule 35 Examination
Report
02-24-17 Filed: Return of Electronic Notification
02-24-17 Filed: Certificate of Service: Plaintiffs Expert Disclosures
02-24-17 Filed: Return of Electronic Notification
03-16-17 Filed: Defendant Volkswagen SouthTowne, Inc.s Election of

Expert Discovery

03-16-17 Filed: Return of Electronic Notification
03-16-17 Filed: Volkswagens expert elections
03-16-17 Filed: Return of Electronic Notification
04-06-17 Filed: Notice of Withdrawal of Counsel S. Shane Stroud
04-06-17 Filed: Return of Electronic Notification
05-10-17 Filed: Notice of Deposition of Kimberly Kirkham, SLP
05-10-17 Filed: Return of Electronic Notification
05-18-17 Filed: Certificate of Service: Plaintiffs First Supplement to
Initial Disclosures
05-18-17 Filed: Return of Electronic Notification
05-19-17 Filed: Notice of Deposition Duces Tecum of Trent Holmberg, M.D.
05-19-17 Filed: Notice of Deposition Duces Tecum of Lindell Weaver, M.D.
05-19-17 Filed: Return of Electronic Notification
06-15-17 Notice - NOTICE for Case 130908362 ID 18332877

PRE-TRIAL SCHEDULING CONFERENC is scheduled.

Date: 08/02/2017

Time: 09:30 a.m.

Location: THIRD FLOOR - W37

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

The Court anticipates scheduling the matter for trial at the hearing so counsel should bring their calendars, and the calendars for their parties and important witnesses.

These matters will be discussed: trial dates, discovery completion dates, jury or non-jury trial, trial length, dates for dispositive motions, dates for exchange of witness lists, nature and complexity of case, final pretrial date and settlement status.

06-15-17 PRE-TRIAL SCHEDULING CONFERENC scheduled on August 02, 2017 at 09:30 AM in THIRD FLOOR - W37 with Judge LAWRENCE.

06-15-17 Filed: Notice for Case 130908362 PI: Judge BARRY LAWRENCE

06-15-17 Filed: Motion to Reschedule Pre-trial Scheduling Conference
Filed by: VOLKSWAGEN DE MEXICO SA DE CV,

06-15-17 Filed: Return of Electronic Notification

08-01-17 Note: JA emailed Rod Parker the call in information for the 08/02/17 hrng.

08-02-17 LAW AND MOTION scheduled on August 02, 2017 at 09:30 AM in
THIRD FLOOR - W37 with Judge LAWRENCE.

08-02-17 Filed: Notice for Case 130908362 PI: Judge BARRY LAWRENCE

08-02-17 Notice - NOTICE for Case 130908362 ID 18441004

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 06/05/2018

Time: 01:30 p.m.

Location: THIRD FLOOR - W37

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

before Judge BARRY LAWRENCE

This case is set for a Final Pretrial Conference to address Jury
Instructions and pending motions, from 1:30 P.M. until 5 P.M.

08-02-17 FINAL PRETRIAL CONFERENCE scheduled on June 05, 2018 at 01:30
PM in THIRD FLOOR - W37 with Judge LAWRENCE.

08-02-17 Filed: Notice for Case 130908362 PI: Judge BARRY LAWRENCE

08-02-17 Minute Entry - PRETRIAL SCHEDULING CONFERENCE

Judge: BARRY LAWRENCE

Clerk: elsay

PRESENT

Plaintiff's Attorney(s): RICHARD E SHELTON

Defendant's Attorney(s): GARY WIGHT

ROBERT PARKER

Audio

Tape Number: W37 Tape Count: 9.33-9.55

This is the time set for a Pretrial Scheduling Conference. Mr.
Robert Parker appears by telephone.

9.34 Parties discuss status of this case, expert discovery, and
trial setting.

Court orders parties to mediate by April 15, 2018, and sets
deadlines as outlined on separate Pretrial Scheduling Order. Case
is set for a 10 Day Jury Trial. Compressed, or all day schedule to

be determined at the June 5th Final Pretrial Conference.

FINAL PRETRIAL CONFERENCE is scheduled.

Date: 06/05/2018

Time: 01:30 p.m.

Location: THIRD FLOOR - W37
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860

before Judge BARRY LAWRENCE

08-02-17 Filed order: PRETRIAL SCHEDULING CONFERENCE

Judge BARRY LAWRENCE

Signed August 02, 2017

08-02-17 Notice - NOTICE for Case 130908362 ID 18441363

9 DAY JURY TRIAL is scheduled.

Date: 06/11/2018

Time: 08:30 a.m.

Location: THIRD FLOOR - W37
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

9 DAY JURY TRIAL is scheduled.

Date: 06/12/2018

Time: 08:30 a.m.

Location: THIRD FLOOR - W37
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

9 DAY JURY TRIAL.

Date: 06/13/2018

Time: 08:30 a.m.

Location: THIRD FLOOR - W37
THIRD DISTRICT COURT
450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

9 DAY JURY TRIAL.

Date: 06/14/2018

Time: 08:30 a.m.

Location: THIRD FLOOR - W37

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

9 DAY JURY TRIAL.

Date: 06/15/2018

Time: 08:30 a.m.

Location: THIRD FLOOR - W37

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

9 DAY JURY TRIAL.

Date: 06/18/2018

Time: 08:30 a.m.

Location: THIRD FLOOR - W37

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

9 DAY JURY TRIAL.

Date: 06/19/2018

Time: 08:30 a.m.

Location: THIRD FLOOR - W37

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

9 DAY JURY TRIAL.

Date: 06/20/2018

Time: 08:30 a.m.

Location: THIRD FLOOR - W37
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

9 DAY JURY TRIAL.

Date: 06/21/2018

Time: 08:30 a.m.

Location: THIRD FLOOR - W37
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

The Court has set aside 9 days from 8:30 A.M. until 5 P.M. each day of trial. However, Court might modify this Jury Trial schedule at the Final Pretrial Conference, to be a compressed schedule, from 8:30 A.M. until 2:30 P.M. each day of trial instead.

- 08-02-17 9 DAY JURY TRIAL scheduled on June 11, 2018 at 08:30 AM in THIRD FLOOR - W37 with Judge LAWRENCE.
- 08-02-17 9 DAY JURY TRIAL scheduled on June 12, 2018 at 08:30 AM in THIRD FLOOR - W37 with Judge LAWRENCE.
- 08-02-17 9 DAY JURY TRIAL scheduled on June 13, 2018 at 08:30 AM in THIRD FLOOR - W37 with Judge LAWRENCE.
- 08-02-17 9 DAY JURY TRIAL scheduled on June 14, 2018 at 08:30 AM in THIRD FLOOR - W37 with Judge LAWRENCE.
- 08-02-17 9 DAY JURY TRIAL scheduled on June 15, 2018 at 08:30 AM in THIRD FLOOR - W37 with Judge LAWRENCE.
- 08-02-17 9 DAY JURY TRIAL scheduled on June 18, 2018 at 08:30 AM in THIRD FLOOR - W37 with Judge LAWRENCE.
- 08-02-17 9 DAY JURY TRIAL scheduled on June 19, 2018 at 08:30 AM in THIRD FLOOR - W37 with Judge LAWRENCE.
- 08-02-17 9 DAY JURY TRIAL scheduled on June 20, 2018 at 08:30 AM in THIRD FLOOR - W37 with Judge LAWRENCE.
- 08-02-17 9 DAY JURY TRIAL scheduled on June 21, 2018 at 08:30 AM in

THIRD FLOOR - W37 with Judge LAWRENCE.

08-02-17 Filed: Notice for Case 130908362 PI: Judge BARRY LAWRENCE
08-03-17 Filed order: Jury Pretrial Order
Judge BARRY LAWRENCE
Signed August 02, 2017
08-14-17 Filed: Notice of Deposition of Lindell Weaver, M.D.
08-14-17 Filed: Return of Electronic Notification
08-15-17 Filed: Notice of Deposition of Peter Leiss, PE
08-15-17 Filed: Return of Electronic Notification
08-16-17 Filed: Notice of Deposition of John Foley, M.D.
08-16-17 Filed: Return of Electronic Notification
09-19-17 Filed: Amended Notice of Deposition of Peter Leiss, PE
09-19-17 Filed: Return of Electronic Notification
11-15-17 Filed: Defendants Expert Witness Disclosure
11-15-17 Filed: Certificate of Service Defendant Volkswagen SouthTowne,
Inc.s Expert Disclosure
11-15-17 Filed: Return of Electronic Notification
11-15-17 Filed: Return of Electronic Notification
12-20-17 Filed: Notice of Withdrawal of Counsel
12-20-17 Filed: Return of Electronic Notification
12-20-17 Filed: Notice of Deposition of Same Goldstein
12-20-17 Filed: Notice of Deposition of Geoffrey Silcox
12-20-17 Filed: Notice of Deposition of Jeffrey S. Anderson
12-20-17 Filed: Return of Electronic Notification
12-20-17 Filed: Return of Electronic Notification
12-20-17 Filed: Return of Electronic Notification
12-26-17 Filed: Amended Notice of Deposition of Jeffrey S. Anderson,
M.D., PhD
12-26-17 Filed: Return of Electronic Notification
01-04-18 Filed: Notice of Deposition Rule 26 Request for Detelf Kuehn
01-04-18 Filed: Notice of Deposition and Rule 26 Request for William
Boroughf
01-04-18 Filed: Return of Electronic Notification
01-04-18 Filed: Return of Electronic Notification
01-04-18 Filed: Amended Notice of Deposition Rule 26 Request for
William Boroughf
01-04-18 Filed: Return of Electronic Notification
01-12-18 Filed: Motion for Summary Judgment (Causation)
Filed by: VOLKSWAGEN AG,

01-12-18 Filed: Motion for Summary Judgment (Punitive Damages)
Filed by: VOLKSWAGEN AG,

01-12-18 Filed: Motion to Intervene/Join in Motion for Summary Judgment
on Causation

01-12-18 Filed: Motion for Partial Summary Judgment on Plaintiffs
Punitive Damages
Filed by: VOLKSWAGEN SOUTHTOWNE INC,

01-12-18 Filed: Return of Electronic Notification

01-12-18 Filed: Return of Electronic Notification

01-12-18 Filed: Return of Electronic Notification

01-16-18 Filed: Certificate of Service

01-16-18 Filed: Return of Electronic Notification

02-06-18 Filed: Notice of Deposition for John Schumacher and William
Boroughf and Rule 26 Request for Case Files

02-06-18 Filed: Return of Electronic Notification

02-16-18 Filed: Motion for Permission to File Over-Length Memoranda
Filed by: SMITH, LOIS

02-16-18 Filed: Request/Notice to Submit Motion for Permission to File
Over-Length Memoranda

02-16-18 Filed: Order (Proposed) Granting Motion for Permission to File
Over-Length Memoranda

02-16-18 Filed: Return of Electronic Notification

02-16-18 Filed: Opposition to Motion for Summary Judgment on Causation

02-16-18 Filed: Return of Electronic Notification

02-16-18 Filed: Opposition to SouthTownes Motion for Summary Judgment on
Punitive Damages

02-16-18 Filed: Return of Electronic Notification

02-16-18 Filed: Non-Opposition to Volkswagens Motion for Summary
Judgment on Punitive Damages

02-16-18 Filed: Return of Electronic Notification

02-20-18 Filed order: Order Granting Motion for Permission to File
Over-Length Memoranda
Judge BARRY LAWRENCE
Signed February 20, 2018

02-20-18 Filed: Return of Electronic Notification

02-21-18 Filed: Exhibit List Exhibit list Exhibits 1-3 of Opposition to
Motion for Summary Judgement on Causation

02-21-18 Filed: Exhibit List Exhibit list Exhibits 4 of Opposition to
Motion for Summary Judgement on Causation

02-21-18 Filed: Exhibit List Exhibit list Exhibits 5-7 of Opposition to Motion for Summary Judgement on Causation

02-21-18 Filed: Return of Electronic Notification

02-21-18 Filed: Return of Electronic Notification

02-21-18 Filed: Exhibit List Exhibit list Exhibits 8-9 of Opposition to Motion for Summary Judgement on Causation

02-21-18 Filed: Exhibit List Exhibit list Exhibits 10-13 of Opposition to Motion for Summary Judgement on Causation

02-21-18 Filed: Return of Electronic Notification

02-21-18 Filed: Return of Electronic Notification

02-21-18 Filed: Exhibit List Exhibit list Exhibits 1 of Opposition to Motion for Summary Judgement on Punitive Damages

02-21-18 Filed: Exhibit List Exhibit list Exhibits 1 of Opposition to Motion for Summary Judgement on Punitive Damages

02-21-18 Filed: Exhibit List Exhibit list Exhibits 2 of Opposition to Motion for Summary Judgement on Punitive Damages

02-21-18 Filed: Exhibit List Exhibit list Exhibits 3 of Opposition to Motion for Summary Judgement on Punitive Damages

02-21-18 Filed: Exhibit List Exhibit list Exhibits 4 of Opposition to Motion for Summary Judgement on Causation

02-21-18 Filed: Return of Electronic Notification

02-21-18 Filed: Return of Electronic Notification

02-21-18 Filed: Exhibit List Exhibit list Exhibits 4 of Opposition to Motion for Summary Judgement on Causation

02-21-18 Filed: Exhibit List Exhibit list Exhibits 4 of Opposition to Motion for Summary Judgement on Causation

02-21-18 Filed: Exhibit List Exhibit list Exhibits 5 of Opposition to Motion for Summary Judgement on Punitive Damages

02-21-18 Filed: Return of Electronic Notification

02-21-18 Filed: Return of Electronic Notification

02-21-18 Filed: Return of Electronic Notification

03-05-18 Filed: Amended Notice of Deposition of Geoffrey Silcox

03-05-18 Filed: Return of Electronic Notification

03-16-18 Filed: Motion for Leave to File Over-Length Memorandum
Filed by: VOLKSWAGEN SOUTHTOWNE INC,

03-16-18 Filed: Order (Proposed) Granting Motion for Leave to File Overlength Memorandum

03-16-18 Filed: Return of Electronic Notification

03-16-18 Filed: Reply in Support of Motion for Partial Summary Judgment

on Plaintiffs Punitive Damages Claims

- 03-16-18 Filed: Exh A - Reply in Support of Motion for Partial Summary Judgment on Plaintiffs Punitive Damages Claims
- 03-16-18 Filed: Exh B - Reply in Support of Motion for Partial Summary Judgment on Plaintiffs Punitive Damages Claims
- 03-16-18 Filed: Exh C - Reply in Support of Motion for Partial Summary Judgment on Plaintiffs Punitive Damages
- 03-16-18 Filed: Exh D - Reply in Support of Motion for Partial Summary Judgment on Plaintiffs Punitive Damages Claims
- 03-16-18 Filed: Exh E - Reply in Support of Motion for Partial Summary Judgment on Plaintiffs Punitive Damages
- 03-16-18 Filed: Exh F - Reply in Support of Motion for Partial Summary Judgment on Plaintiffs Punitive Damages Claims
- 03-16-18 Filed: Return of Electronic Notification
- 03-16-18 Filed: Other - Not Signed Order (Proposed) Granting Motion for Leave to File Overlength Memorandum
- 03-16-18 Note: The Order must state the number of overlength pages requested.
- 03-16-18 Filed: Return of Electronic Notification
- 03-16-18 Filed: Order (Proposed) Corrected Order Granting Motion For Leave To File Over-Length Memorandum
- 03-16-18 Filed: Return of Electronic Notification
- 03-16-18 Filed: Motion Ex Parte Motion for Leave to File Overlength Reply in Support of Defendants Motion for Summary Judgment on Causation
- Filed by: VOLKSWAGEN AG,
- 03-16-18 Filed: Request/Notice to Submit Ex Parte Motion for Leave to File Overlength Reply in Support of Defendants Motion for Summary Judgment on Causation
- 03-16-18 Filed: Order (Proposed) Granting Ex Parte Motion for Leave to File Overlength Reply in Support of Defendants Motion for Summary Judgment on Causation
- 03-16-18 Filed: Return of Electronic Notification
- 03-16-18 Filed: Reply in Support of Motion for Summary Judgment on Causation
- 03-16-18 Filed: Return of Electronic Notification
- 03-19-18 Filed: Defendant Volkswagen Southtowne, Inc.s Joinder in VWs Reply in Support of Motion for Summary Judgment on Causation
- 03-19-18 Filed: Return of Electronic Notification

03-20-18 Filed order: Order Granting Ex Parte Motion for Leave to File
Overlength Reply in Support of Defendants Motion for Summary
Judgment on Causation

Judge BARRY LAWRENCE

Signed March 20, 2018

03-20-18 Filed: Return of Electronic Notification

03-20-18 Filed order: Order Corrected Order Granting Motion For Leave To
File Over-Length Memorandum

Judge BARRY LAWRENCE

Signed March 20, 2018

03-20-18 Filed: Return of Electronic Notification

03-21-18 Filed: Request/Notice to Submit for Decision

03-21-18 Filed: Return of Electronic Notification

03-21-18 Note: RTS to judge.

03-21-18 Filed: Appearance of Counsel/Notice of Limited Appearance

03-21-18 Filed: Return of Electronic Notification

03-22-18 Notice - NOTICE for Case 130908362 ID 19002003

MOTION FOR SUMMARY JUDGMENT is scheduled.

Date: 05/21/2018

Time: 01:30 p.m.

Location: THIRD FLOOR - W37

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

Before Judge: BARRY LAWRENCE

This case is set for a 2 hour hearing on:

1. Motion for Summary Judgment on Causation
2. Motion for Summary Judgment on Punitive Damages.

03-22-18 MOTION FOR SUMMARY JUDGMENT scheduled on May 21, 2018 at 01:30
PM in THIRD FLOOR - W37 with Judge LAWRENCE.

03-22-18 Filed: Notice for Case 130908362 PI: Judge BARRY LAWRENCE

04-30-18 Filed: Motion in Limine to Bifurcate Trial of Compensatory and
Punitive Damages

Filed by: VOLKSWAGEN SOUTHTOWNE INC,

04-30-18 Filed: Return of Electronic Notification

04-30-18 Filed: Certificate of Service of Defendant SouthTownes Rule 26
Pre-Trial Disclosures

04-30-18 Filed: Return of Electronic Notification

04-30-18 Filed: Certificate of Service of VW Defendants Pretrial Disclosures

04-30-18 Filed: Return of Electronic Notification

04-30-18 Filed: Motion in Limine re John Foley
Filed by: VOLKSWAGEN AG,

04-30-18 Filed: Motion in Limine re Lynn Weaver
Filed by: VOLKSWAGEN AG,

04-30-18 Filed: Motion in Limine re Peter Leiss
Filed by: VOLKSWAGEN AG,

04-30-18 Filed: Motion in Limine re Reptile Theory
Filed by: VOLKSWAGEN AG,

04-30-18 Filed: Motion in Limine re Strict Liability
Filed by: VOLKSWAGEN AG,

04-30-18 Filed: Motion in Limine re Unrelated Emissions Control Litigation
Filed by: VOLKSWAGEN AG,

04-30-18 Filed: Return of Electronic Notification

04-30-18 Filed: Motion in Limine re Brain Scans, w-Ex. A - D
Filed by: VOLKSWAGEN DE MEXICO SA DE CV,

04-30-18 Filed: Motion in Limine re Brain Scans, Ex. E - J
Filed by: VOLKSWAGEN AG,

04-30-18 Filed: Return of Electronic Notification

05-01-18 Filed: Defendant Volkswagen SouthTowne, Inc.s Joinder in Co-Defendants Motions in Limine

05-01-18 Filed: Return of Electronic Notification

05-10-18 Filed: Appearance of Counsel/Notice of Limited Appearance

05-10-18 Filed: Return of Electronic Notification

05-10-18 Filed: Appearance of Counsel/Notice of Limited Appearance

05-10-18 Filed: Return of Electronic Notification

05-11-18 Filed: Notice of Videotaped Trial Deposition of Richard Galbreath

05-11-18 Filed: Return of Electronic Notification

05-11-18 Filed: Amended Notice of Videotaped Trial Deposition of Richard Galbreath

05-11-18 Filed: Return of Electronic Notification

05-16-18 Filed: Appearance of Counsel/Notice of Limited Appearance Colin King

05-16-18 Filed: Return of Electronic Notification

05-16-18 Filed: Opposition to Defendants Motions in Limine

05-16-18 Filed: Exhibit List Exhibits to Opposition to Defendants
Motions in Limine

05-16-18 Filed: Objection to Volkswagens Designation of Attorney Mark
Carlson as a Witness

05-16-18 Filed: Return of Electronic Notification

05-21-18 Minute Entry - MOTION FOR SUMMARY JUDGMENT
Judge: BARRY LAWRENCE
Clerk: elsay
PRESENT

Plaintiff's Attorney(s): RICHARD E SHELTON
R M FELLER

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

Audio

Tape Number: W37 Tape Count: 1.35-4.05

This is the time set for a Motion Hearing.

1.36 Mr. Parker addresses the Court on Defendants Motion for
Summary Judgment on Causation.

1.52 Reply by Mr. Shelton.

2.11 Mr. Parker replies regarding quantification.

2.19 Court denies Motion for Summary Judgment on Causation for
reasons as stated on the record.

2.21 Motion for Summary Judgment on Punitive Damages is addressed
by Mr. Shelton.

2.40 Mr. Wight replies.

2.54 Reply by Mr. Shelton regarding deposition.

3.05 Court takes short recess.

3.37 Court is back in session. Motion for Summary Judgment on Punitive Damages is granted. Court denies Motion for Summary Judgment on Causation for reasons as stated on the record. Further, Motion to Bifurcate Punitive Damages is moot. Mr. Shelton to prepare today's orders.

3.46 Parties discuss status of this case, mediation efforts made, and deadlines.

Court reminds parties of following deadlines:

- by May 30, 2018 stipulated, double sided Jury questionnaire to be filed.

- Prior to the June 5, 2018 Final Pretrial Conference, parties are to submit a set of stipulated jury instructions, and one set of non-stipulated jury instructions, as well as a stipulated verdict form, and one non-stipulated verdict form.

- On the morning of trial- Parties are ordered to have organized exhibit binders, one binder with stipulated exhibits, one binder with non-stipulated exhibits each, and exhibit lists for clerk.

05-24-18 Filed: Order (Proposed) Dismissing Punitive Damages Claims
Against Manufacturer Defendants

05-24-18 Filed: Return of Electronic Notification

05-25-18 Filed order: Order Dismissing Punitive Damages Claims Against
Manufacturer Defendants

Judge BARRY LAWRENCE

Signed May 25, 2018

05-25-18 Note: The dismissal of the punitive damages claim against
Southtowne will be handled separately.

05-25-18 Filed: Return of Electronic Notification

05-25-18 Filed: Parties Proposed Stipulated Jury Questoinnaire
05-25-18 Filed: Return of Electronic Notification
05-29-18 Fee Account created Total Due: 10.00
05-29-18 AUDIO TAPE COPY Payment Received: 10.00
05-29-18 Filed: Reply in Support of Motion in Limine re: Brain Scans
05-29-18 Filed: Reply in Support of Motion in Limine re: Dr. Lindell
Weaver
05-29-18 Filed: Reply in Support of Motion in Limine re: John Foley
Testimony
05-29-18 Filed: Return of Electronic Notification
05-29-18 Filed: Reply in Support of Motion in Limine re: Peter Leiss
05-29-18 Filed: Reply in Support of Motion in Limine re: Reptile Theory
05-29-18 Filed: Reply in Support of Motion in Limine re: Strict
Liability
05-29-18 Filed: Return of Electronic Notification
05-29-18 Filed: Response to Objection to Designation of Mark Carlson as
a Witness
05-29-18 Filed: Return of Electronic Notification
05-30-18 Filed: Amended Stipulated Proposed Jury Questionnaire
05-30-18 Filed: Return of Electronic Notification
06-04-18 Filed: Notice of Supplemental Authority in Opposition to Motion
in Limine re Brain Scans
06-04-18 Filed: Return of Electronic Notification
06-05-18 Notice - NOTICE for Case 130908362 ID 19178421
FINAL PRETRIAL CONFERENCE.
Date: 06/05/2018
Time: 02:00 p.m.
Location: THIRD FLOOR - W37
THIRD DISTRICT COURT
450 SOUTH STATE STREET
SALT LAKE CITY, UT 84114-1860
Before Judge: BARRY LAWRENCE
The reason for the change is Conflict in Judge Schedule
This hearing has been moved to 2:00
06-05-18 FINAL PRETRIAL CONFERENCE scheduled on June 05, 2018 at 02:00
PM in THIRD FLOOR - W37 with Judge LAWRENCE.
06-05-18 Filed: Notice for Case 130908362 PI: Judge BARRY LAWRENCE
06-05-18 Minute Entry - FINAL PRETRIAL CONFERENCE
Judge: BARRY LAWRENCE

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

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

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

before Judge BARRY LAWRENCE

06-05-18 TELEPHONE CONFERENCE scheduled on June 08, 2018 at 04:00 PM in
THIRD FLOOR - W37 with Judge LAWRENCE.

06-05-18 Filed: Motion in Limine re English Translations of Expert
Kuehns Case File
Filed by: SMITH, LOIS

06-05-18 Filed: Return of Electronic Notification

06-06-18 Notice - NOTICE for Case 130908362 ID 19183088
TELEPHONE CONFERENCE is scheduled.

Date: 06/08/2018

Time: 04:00 p.m.

Location: THIRD FLOOR - W37

THIRD DISTRICT COURT

450 SOUTH STATE STREET

SALT LAKE CITY, UT 84114-1860

before Judge BARRY LAWRENCE

This telephone conference is set to allow the Court to address any
last minute issues before the date of trial.

This telephone conference is to address any last minute issues
before trial.

Counsel and/or parties are responsible for calling in at the number
below. 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 on the phone call, please
wait on the line. CONFERENCE CALL NUMBER: (720) 279-0026 GUEST
PASSCODE IS: 904915

If you experience any problems calling in, please feel free to
contact a judicial assistant at (801) 238-7120

06-06-18 Filed: Notice for Case 130908362 PI: Judge BARRY LAWRENCE

06-07-18 Filed order: FINAL PRETRIAL CONFERENCE

Judge BARRY LAWRENCE

Signed June 07, 2018

06-07-18 Filed order: Order Granting Volkswagen Southtowne, INC.'s
Motion for Partial Summary Judgment

Judge BARRY LAWRENCE

Signed June 07, 2018

06-07-18 Filed: Proof of Service of Subpoenas to Owner and Employees of

SouthTowne

06-07-18 Filed: Return of Electronic Notification

06-08-18 Filed: Motion to Enforce Subpoena of Tom Watkins

Filed by: SMITH, LOIS

06-08-18 Filed: Return of Electronic Notification

06-08-18 Minute Entry - TELEPHONE CONFERENCE

Judge: BARRY LAWRENCE

Clerk: nicoleo

TELEPHONE CONFERENCE

PRESENT

Plaintiff's Attorney(s): COLIN P KING

RICHARD E SHELTON

Defendant's Attorney(s): NATHANAEL J MITCHELL

RODNEY R PARKER

Audio

Tape Number: CourtRm W37 Tape Count: 4.01-4.24

This matter is before the court for a telephone conference to address any last minute issues.

4.02 - Mr. Parker responds to the Plaintiff's motion to enforce trial subpoena of Tom Watkins.

4.04 - Mr. King makes argument.

4.07 - Mr. Parker responds.

4.10 - The Court will allow Mr. Watkins to be called out of order. Mr. King will be allowed to direct the witness.

4.10 - Counsel discuss witnesses needed for the first day of trial.

4.13 - Counsel discuss opening instructions, jury instructions, and exhibits.

06-08-18 Filed order: TELEPHONE CONFERENCE

Judge BARRY LAWRENCE

Signed June 08, 2018

06-08-18 Filed: Jury Instructions Plaintiffs Proposed Jury Instructions
with Authority

06-08-18 Filed: Jury Instructions Plaintiffs Proposed Jury Instructions
without Authority

06-08-18 Filed: Plaintiffs Proposed Verdict Form

06-08-18 Filed: Return of Electronic Notification

06-11-18 Minute Entry - DAY ONE JURY TRIAL

Judge: BARRY LAWRENCE

Clerk: nicoleo

PRESENT

Plaintiff(s): LOIS SMITH

Plaintiff's Attorney(s): COLIN P KING

RICHARD E SHELTON

MICHAEL A WOREL

Defendant's Attorney(s): NATHANAEL J MITCHELL

RODNEY R PARKER

Audio

Tape Number: CourtRm W37 Tape Count: 8.22-4.59

This matter is before the court for day one of a nine day jury trial.

8.22 - Counsel enter their appearances. The Court and Counsel discuss the jury selection process. Counsel receive the juror questioners.

8.59 - Prospective Jurors enter the courtroom. The Court introduces the case.

9.03 - The prospective jurors are sworn in.

9.05 - Counsel stipulate to the general competency of the prospective jurors.

9.06 - The Court voir dire's the jurors.

9.35 - Individual voir dire begins.

1.06 - The Court reads into the record juror's that have been stricken for cause.

1.12 - The jurors enter the courtroom. Counsel complete each side's preemptive strikes.

1.34 - The Jury is selected and read into the record.

1.38 - The impaneled jurors are sworn in. The Court reads a jury instruction to the jury.

1.45 - The Court is in recess for lunch.

2.59 - Court is again in session.

3.06 - The Jury enters the courtroom. The Court reads jury instructions.

3.20 - Mr. Worel on behalf of the Plaintiff makes opening arguments.

4.07 - Mr. Parker on behalf of the Defendant's makes closing arguments.

4.44 - The Jury is excused for the day.

4.45 - The Court and Counsel discuss tomorrow's schedule. Court will resume at 8:45 AM.

4.48 - Mr. Parker makes an objection to Mr. Hull's deposition .

4.49 - Mr. Worel responds.

4.51 - The Court will take the objection regarding Mr. Hull's deposition under advisement and rule on the issue tomorrow.

4.52 - Mr. Mitchell responds to the Court regarding the objection to the admissibility of the brain scans.

4.54 - Mr. Worel responds.

4.56 - The Court will address the Leiss issue and the brain scan/report issue tomorrow morning.

4.59 - Court is in recess for the day.

06-11-18 Filed: Jury Instructions to be Given at Beginning of Case
06-12-18 Fee Account created Total Due: 10.00
06-12-18 AUDIO TAPE COPY Payment Received: 10.00
06-12-18 Note: MP3 recording of 6/11/18 trial opening statements emailed to Snow Christensen
06-12-18 Minute Entry - DAY TWO JURY TRIAL
Judge: BARRY LAWRENCE
Clerk: nicoleo
PRESENT
Plaintiff(s): LOIS SMITH
Plaintiff's Attorney(s): COLIN P KING
RICHARD E SHELTON
MICHAEL A WOREL
Defendant's Attorney(s): NATHANAEL J MITCHELL
RODNEY R PARKER
Audio
Tape Number: CourtRm W37 Tape Count: 8.40-5.00

This matter is before the court for day two of a nine day jury trial.

8.40 - Court is again in session.

8.42 - Mr. Shelton answers questions from the Court regarding the Hull deposition.

8.55 - The Court reads its ruling regarding the Hull deposition into the record. Counsel are to work together on the Hull deposition, no opinions as to standards (as described on the record) will be allowed.

8.56 - The Court maintains its previous ruling regarding the brain scan/report issue.

9.00 - Mr. Parker makes an objection to a portion of the Mejia deposition.

9.02 - Mr. Shelton responds.

9.04 - The Court will allow the portion described on the record.

9.05 - The Jury enters the courtroom. Silvia Gregerson is sworn in and testifies under direct examination from Mr. Shelton.

9.25 - Mr. Mitchell cross examines the witness.

9.37 - Mr. Shelton re-directs the witness.

9.38 - The witness steps down.

9.39 - The deposition of Richard Bandstra is read into the record.

10.27 - The court takes a recess.

10.50 - Court is again in session. The Jury enters the courtroom. The exclusionary rule is invoked. The Bandstra deposition resumes.

11.22 - The deposition concludes.

11.23 - Jeffery Davis is sworn in and testifies under direct examination from Mr. Worel.

12.03 - The Court takes a lunch recess.

1.32 - Court is again in session. The Jury enters the courtroom.
Mr. Parker cross examines the witness.

1.53 - Mr. Worel re-directs the witness.

1.56 - Mr. parker re-crosses the witness.

1.56 - Mr. Worel re-directs the witness.

2.00 - The witness steps down.

2.01 - Mr. Beau Adkinson is sworn in and testifies under direct examination from Mr. Worel.

2.11 - Mr. Parker cross examines the witness.

2.13 - The witness steps down.

2.13 - The Mejia Guadalupe deposition video is shown and entered into the record.

2.45 - The deposition is concluded. The Jury leaves the courtroom.

2.46 - Mr. Worel makes argument regarding the Hull deposition.

2.38 - Mr. Parker responds.

2.53 - The Court's order regarding the Hull deposition is read into the record.

2.55 - The Court takes a recess.

3.09 - Court is again in session. Mr. Mitchell makes objections to evidence proposed by the Plaintiff.

3.12 - Mr. King responds.

3.16 - The Court makes a ruling regarding Mr. Mitchell's objections. The Court admits Exhibit # 55 and 139 into evidence.

Exhibit # 140 is not admitted.

3.18 - Dr. John Foley is sworn in and testifies under direct examination from Mr. King.

4.10 - Mr. Mitchell cross examines the witness.

4.51 - Mr. King re-directs the witness.

4.54 - The witness steps down.

4.56 - The schedule for tomorrow is discussed.

5.00 - The Court is in recess for the day.

06-13-18 Minute Entry - DAY THREE JURY TRIAL

Judge: BARRY LAWRENCE

Clerk: nicoleo

PRESENT

Plaintiff(s): LOIS SMITH

Plaintiff's Attorney(s): COLIN P KING

RICHARD E SHELTON

MICHAEL A WOREL

Defendant's Attorney(s): NATHANAEL J MITCHELL

RODNEY R PARKER

Audio

Tape Number: CourtRm W37 Tape Count: 8.54 -5.07

This matter is before the Court for day three of a nine day jury trial.

8.54 - Mr. Parker clarifies for the record Exhibit #139, #140, and #141. Exhibit 139 and #140 are received into evidence, Exhibit #141 is not.

8.59 - The Jury enters the courtroom. Dr. Lindell weaver is sworn

in and testifies under direct examination from Mr. King.

9.01 - Exhibit #137 is received into evidence.

10.19 - The Jury leaves the courtroom for their morning break. Mr. Parker makes objection on the record.

10.22 - The Court takes a recess.

10.40 - The Court is again in session. The Jury enters the courtroom. Direct testimony of the witness continues.

10.57 - Exhibit #142 is received into evidence.

11.06 - Mr. King offers Exhibit #56 into evidence. Mr. Parker objects. The Court sustains the objection.

11.12 - 11.13 - Mr. Parker voir dire's the witness.

12.02 - The Court takes a lunch recess.

1.35 - Court is again in session. The Jury enters the courtroom. Mr. Parker cross examines the witness.

2.41 - Mr. King re-directs the witness.

2.53 - The witness steps down.

2.54 - The Court takes a recess.

3.10 - Court is again in session. Trent Holmberg is sworn in and testifies under direct examination from Mr. King.

3.35 - Mr. King offers Exhibit #143 into evidence. Mr. Mitchell objects. The Court sustains the objection.

4.15 - Mr. Mitchell cross examines the witness.

4.46 - Mr. King re-directs the witness.

4.47 - The Deposition of Brian Hull is read into the record by Mr. Worel and Mr. Shelton.

5.00 - The Jury is excused for the day.

5.02 - Court and Counsel discuss tomorrow's schedule and jury instructions.

5.07 - Court is in recess for the day.

06-14-18 Filed order: DAY ONE JURY TRIAL

Judge BARRY LAWRENCE

Signed June 14, 2018

06-14-18 Filed order: DAY TWO JURY TRIAL

Judge BARRY LAWRENCE

Signed June 14, 2018

06-14-18 Filed order: DAY THREE JURY TRIAL

Judge BARRY LAWRENCE

Signed June 14, 2018

06-14-18 Minute Entry - DAY FOUR JURY TRIAL

Judge: BARRY LAWRENCE

Clerk: nicoleo

PRESENT

Plaintiff(s): LOIS SMITH

Plaintiff's Attorney(s): COLIN P KING

RICHARD E SHELTON

MICHAEL A WOREL

Defendant's Attorney(s): NATHANAEL J MITCHELL

RODNEY R PARKER

Audio

Tape Number: CourtRm W37 Tape Count: 8.52 -5.06

This matter is before the court for day four of a nine day jury trial.

8.53 - The Jury enters the courtroom.

8.54 - The audio deposition of Amy Calimlim is played into the record.

9.55 - The deposition is concluded.

9.58 - Peter Leiss is sworn in and testifies under direct examination from Mr. King.

10.19 - The Court takes a recess.

10.40 - Court is again in session. The Jury enters the courtroom. Direct examination of the witness resumes.

11.03 - Exhibit #118 is admitted into evidence.

11.05 - Exhibit #117 is admitted into evidence.

11.37 - Mr. Parker cross examines the witness.

11.56 - The Court takes a lunch recess.

1.34 - Court is again in session. Cross examination of the witness resumes.

2.15 - Mr. King re-directs the witness.

2.30 - Mr. Parker re-cross examines the witness.

2.31 - The witness steps down and is excused.

2.31 - Elizabeth Coburn is sworn in and testifies under direct examination from Mr. Shelton.

2.49 - Mr. Mitchell cross examines the witness.

2.56 - The Court takes a recess.

3.13 - Court is again in session. Lois Smith is sworn in and testifies under direct examination from Mr, Shelton.

4.23 - Mr. Parker cross examines the witness.

4.58 - The Jury is excused for the day.

4.59 - Tomorrow's schedule and jury instructions are discussed.

06-15-18 Filed order: DAY FOUR JURY TRIAL

Judge BARRY LAWRENCE

Signed June 15, 2018