

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

LOIS SMITH vs. VOLKSWAGEN SOUTHTOWNE INC

CASE NUMBER 130908362 Personal Injury

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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:	662.66
	Amount Paid:	662.66
	Credit:	0.00
	Balance:	0.00

REVENUE DETAIL - TYPE: COMPLAINT 10K-MORE

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

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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
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

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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 Mexico's Motion to Dismiss

04-23-15 Filed: Return of Electronic Notification

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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 Mexicos 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 Mexicos 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

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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 Semmani 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

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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

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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

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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 assess 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 extent 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

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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

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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

06-11-18 Filed: Jury Questioner

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

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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

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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 Minute Entry - DAY FIVE 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: 8.44-5.14

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

8.44 - Mr. Parker makes a statement regarding calling Mr.

Christoffersen.

8.45 - Mr. Worel responds.

8.46 - Mr. Parker responds.

8.52 - The Jury enters the courtroom. Cross examination of Lois Smith resumes. Ms. Smith acknowledges she is still under oath.

9.39 - Mr. Shelton re-directs the witness.

9.46 - Lois Smith steps down.

9.47 - THE PLAINTIFF RESTS.

9.47 - The Jury is excused for a morning break.

9.47 - Mr. Mitchell makes a Rule 50 A Motion to dismiss and presents argument in support of the motion.

9.55 - Mr. Worel and Mr. Shelton respond.

9.59 - The Court will rule on the motion after trial.

10.01 - The Court takes a recess.

10.14 - Court is again in session.

10.15 - John Schumacher is sworn in and testifies under direct examination from Mr. Parker.

10.34 - Exhibit #72 is received into evidence.

11.17 - Exhibits #73-#83 are received into evidence.

11.18 - Mr. Worel cross examines the witness.

12.00 - The Jury takes a lunch recess.



12.02 - The Court takes a lunch recess.

1.32 - Court is again in session. The Jury enters the courtroom.

1.33 - Cross examination of John Schumacher is resumes. Mr. Schumacher acknowledges he is still under oath.

2.01 - Mr. Parker re-directs the witness.

2.16 - The witness steps down.

2.18 - Jeffrey Silcox is sworn in and testifies under direct examination from Mr. Parker.

2.49 - Court takes a recess.

3.09 - Court is again in session. Mr. Parker offers Exhibit's #66-#70.

3.10 - Mr. Worel objects to the entire #66, #68, #69, and #70.

3.11 - The Court receives #66 test result summary page only, #67, and #70 into evidence.

3.14 - The Jury enters the courtroom. Mr. Worel cross examines the witness.

3.30 - Mr. Parker re-directs the witness.

3.40 - The witness steps down.

3.42 - Dr. Jeffrey Anderson is sworn in and testifies under direct examination from Mr. Mitchell.

4.33 - Mr. King cross examines the witness.

5.03 - Mr. Mitchell re-directs the witness,

5.10 - Dr. Jeffrey Anderson steps down. The Jury is excused for the

day.

5.11 - The Court and Counsel discuss jury instructions.

5.14 - Court is in recess for the day.

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

Judge BARRY LAWRENCE

Signed June 15, 2018

06-18-18 Minute Entry - DAY SIX JURY TRIAL

Judge: BARRY LAWRENCE

Clerk: nicoleo

PRESENT

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: 8.41 -5.11

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

8.42 - The Court addresses Mr. Mitchell previous argument regarding negligence. The Court will issue a written ruling on the issue.

8.48 - Joseph Christoffersen is sworn in and testifies under direct examination from Mr. Parker.

9.11 - Mr. Worel cross examines the witness.

9.27 - Mr. Parker re-directs the witness.

9.32 - Mr. Worel re-cross examines the witness. Joseph

Christoffersen steps down.

9.33 - Alan Altine is sworn in and testifies under direct examination from Mr. Parker.

10.14 - The Jury takes a recess.

10.15 - Mr. Worel makes argument regarding the email issue raised during Mr. Christoffersen's testimony.

10.16 - Mr. Parker responds.

10.17 - The Court orders Defendant to look into the email discussed and if a email is found to provide a copy to opposing counsel.

10.20 - The Court takes a brief recess.

10.40 - Court is again in session.

10.42 - The Jury enters the courtroom. Mr. Worel cross examines the witness.

11.04 - Mr. Parker re-directs the witness.

11.07 - Alan Altine steps down.

11.08 - Detlef Kuehn is sworn in and testifies under direct examination from Mr. Parker. Dieter Rapp, a German Interpreter is sworn in as an Interpreter. Mr. Rapp interprets for Mr. Kuehn.

11.21 - Exhibit #85 is received into evidence.

11.23 - Exhibit #86 is received into evidence.

11.38 - Exhibit #91-#97 are received into evidence.

12.02 - The Jury is excused for a lunch recess.

12.07 - The Court takes a lunch recess.

1.33 - Court is again in session. Mr. Parker states the email previously discusses has been found and provided to opposing counsel.

1.37 - The Jury enters the courtroom. Direct examination of Detlef Kuehn resumes.

1.59 - Page 3 and 4 of Exhibit #99 is received into evidence.

2.00 - Exhibit #101-#105 are received into evidence.

3.02 - The Court takes a recess.

3.20 - Court is again in session. The Court makes the following ruling on exhibits; Reports are not received into evidence, raw data and photos can be admitted on their own, videos will be demonstrative.

3.50 - Mr. Worel cross examines the witness.

4.47 - Mr. Parker re-directs the witness.

5.04 - Detlef Kuehn steps down.

5.06 - The Jury is excused for the day.

5.07 - Mr. Worel makes a request regarding Mr. Christoffersen.

5.11 - Court is in recess for the day.

06-18-18 Filed order: DAY FIVE JURY TRIAL

Judge BARRY LAWRENCE

Signed June 18, 2018

06-19-18 Minute Entry - DAY SEVEN 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: 8.35-3.40

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

8.35 - The Court and Counsel briefly discuss jury instructions and the schedule for today.

8.37 - Mr. Parker offers Exhibit page 3 of #106, page 3 of #107, page 3 of #108, and #110. The Receives the offered exhibits above into evidence.

8.39 - Sam Goldstein is sworn in and testifies under direct examination from Mr. Mitchell.

9.28 - Mr. King cross examines the witness.

10.12 - Mr. Mitchell re-directs the witness.

10.27 - Sam Goldstein steps down. The Jury takes a morning recess.

10.29 - The Court takes a morning recess.

10.45 - Court is again in session.

10.48 - The Jury enters the courtroom.

10.48 - William Boroughf is sworn in and testifies under direct examination from Mr. Parker.

11.36 - Mr. Worel cross examines the witness.

11.59 - Mr. Parker re-directs the witness.

12.05 - Mr. Worel re-cross examines the witness.

12.06 - William Boroughf steps down.

12.07 - THE DEFENSE RESTS.

12.07 - Mr. Worel states for the record no rebuttal witnesses will be called.

12.08 - The Jury is excused for the day.

12.09 - Mr. Parker renews the Defenses motion.

12.15 - The Court takes a lunch recess.

1.41 - Court is again in session. Mr. Shelton, and Mr. King are present to represent the Plaintiff. Mr. Mitchell is present on behalf of the Defendants.

1.41 - Mr. Mitchell makes argument and asks for a directed verdict on Volkswagen s statute of limitations defense.

2.05 - Mr. King stipulates to withdraw plaintiff s claim against Volkswagen based on non-opposition to Volkswagen s motion

2.10 - Based on Plaintiff's stipulation the Defendant Volkswagen

are entitled to judgment as a matter of law on their statute of limitations defense. Accordingly the Court Grants the Directed Verdict on Volkswagen statute of limitations defense. Volkswagen will not technically be a party to the case anymore, this does not in any way affect the remaining claims against Southtowne.

2.12 - Mr. Shelton motions the Court for a Directive Verdict on two of the four elements of plaintiff s manufacturing defect claim against the remaining defendant, Southtowne.

2.27 - Mr. Mitchell responds.

2.32 - Mr. King responds.

2.35 - The Court takes a recess.

2.37 - The Court rules as follows; The Plaintiff's motion to establish as a matter of law that a manufacturing defect in the subject's vehicle is granted under Rule 50(a) and/or Rule 56.

The Court concludes that plaintiff has met her burden of proving the existence of a manufacturing defect as that term is defined, and that the defect was present when the car was manufactured and sold. Plaintiff still must prove that the vehicle was unreasonably dangerous and the cause of plaintiff s harm to prevail on that claim.

3.04 - The Court and Counsel discuss jury instructions.

3.35 - The Court rules Exhibit #129 is received into evidence for reasons as stated on the record. The Court may consider withdrawing Exhibit #130.

The Court will revise the jury instructions and verdict form and email to the parties. The parties should alert the court to any changes this evening so the documents may be finalized by the morning.

06-19-18 Filed order: Order Regarding Breadth of Plaintiff's Claims  
Judge BARRY LAWRENCE  
Signed June 18, 2018

06-19-18 Filed order: DAY SIX JURY TRIAL  
Judge BARRY LAWRENCE  
Signed June 19, 2018

06-19-18 Fee Account created Total Due: 10.00

06-19-18 AUDIO TAPE COPY Payment Received: 10.00

06-20-18 Note: MP3 recording of 6/14/18 of part of testimony emailed to  
Snow Christensen

06-20-18 Filed order: DAY SEVEN JURY TRIAL  
Judge BARRY LAWRENCE  
Signed June 20, 2018

06-20-18 Filed: Jury Instructions to be Given at Close of Case

06-20-18 Filed: Jury List

06-20-18 Filed: Final Exhibit List

06-20-18 Filed: Jury Question and Court's Answer

06-20-18 Filed: Special Verdict Form

06-20-18 Minute Entry - DAY EIGHT 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: 8.42-5.22

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

8.54 - The Court and Counsel discuss jury instructions and



exhibits.

8.54 - Mr. Mitchell makes objections on the jury instructions for the record.

8.56 -Mr. Shelton states the Plaintiff has no objections to the jury instructions.

8.58 - Court enters the additional two pages to Exhibit #72. The Court refuses Exhibit #130, and receives a portion as stated on the record of Exhibit #129.

9.17 - The Jury enters the courtroom. The Court reads jury instructions to the Jury.

9.32 - Mr. Worel makes closing arguments.

10.22 - The Court takes a brief recess.

10.35 - Court is again in session. The Jury enters the courtroom.

10.36 - Mr. Parker makes closing arguments.

12.00 - Mr. King makes final arguments.

12.30 - Arguments are concluded. The Court identifies the alternate jurors.

12.31 - The Court reads to the Jury final jury instructions.

12.34 - The oath to the Bailiff is given. The Jury exits the courtroom to deliberate. The Alternate jurors are excused.

12.35 - Mr. Worel makes a statement on the record.

12.37 - Court is in recess.

5.16 -Court is again in session. The Jury enters the courtroom.

5.17 - The foreperson hands the verdict to the bailiff. The Court reviews the verdict. The clerk reads the verdict into the record.

5.19 - The Court polls the Jury.

5.20 - The Jury is released.

06-20-18 Filed order: DAY EIGHT JURY TRIAL

Judge BARRY LAWRENCE

Signed June 20, 2018