

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 03/03/2015

TIME: 08:50:00 AM

DEPT: C-75

JUDICIAL OFFICER PRESIDING: Richard E. L. Strauss

CLERK: Candy Cheely

REPORTER/ERM: Joanne Castro CSR# 6944

BAILIFF/COURT ATTENDANT: Paul Darvin

CASE NO: **37-2011-00100599-CU-BC-CTL** CASE INIT.DATE: 11/04/2011

CASE TITLE: **The Upper Deck Company Inc vs. J & T Hobby [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Civil Jury Trial

APPEARANCES

John Gaule, counsel appearing for defendant J&T Hobby.
Brittany Hysni general counsel appearing for plaintiff Upper Deck.
Craig Nicholas counsel appearing for plaintiff Upper Deck.
Tracey Jones counsel appearing for plaintiff Upper Deck.

9:31am This being the time previously set for further Jury trial in the above entitled cause, having been continued from 03/02/15, all parties and counsel appear as noted above and court convenes.

Counsel agree that Theresa Depictro may sit at defense counsel's table in the courtroom.

9:33am Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. All jurors are present.

9:36am Joseph Pirozzi, previously sworn, resumes the stand for further direct examination by Craig Nicholas on behalf of plaintiff, The Upper Deck Company, Inc..

The following exhibits are identified:

74. Requests for admission to J&T November 5, 2012.

76. Supplemental response to requests for admission July 31, 2013.

77. Special interrogatories to J&T November 5, 2012.

10:47am Court is in recess.

11:04am The Bailiff delivers a note from the jury, marked Jury Note 1, to the Court.

11:04am Jury note received while jurors were outside the courtroom on recess.

Jury Note #1:

Are there contracts between Upper Deck and J&T for 2008, 2009, and 2010?

It is not addressed by the Court at this time as this question may be answered in court by further testimony and closing argument.

11:08am Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. All jurors are present.

11:09am Michael Phillips is sworn and examined by Craig Nicholas on behalf of plaintiff, The Upper Deck Company, Inc..

12:00pm Court is in recess.

1:33pm Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. All jurors are present.

1:34pm Michael Phillips, previously sworn, resumes the stand for further direct examination by Craig Nicholas on behalf of plaintiff, The Upper Deck Company, Inc.

2:02pm Cross examination of Michael Phillips commences by John Gaule on behalf of defendant, J&T Hobby LLC.

2:28pm redirect examination of Michael Phillips commences by Craig Nicholas on behalf of plaintiff, The Upper Deck Company, Inc.

2:31pm recross examination of Michael Phillips commences by John Gaule on behalf of defendant, J&T Hobby LLC.

2:35pm further redirect examination of Michael Phillips commences by Craig Nicholas on behalf of plaintiff, The Upper Deck Company, Inc.

2:36pm The witness is excused.

2:37pm Court is adjourned in this matter.

Court is adjourned until 03/04/2015 at 09:00AM in Department 75.