

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

MINUTE ORDER

DATE: 03/05/2015

TIME: 09:00:00 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

9:25am This being the time previously set for further Jury trial in the above entitled cause, having been continued from 03/04/15, all parties and counsel appear as noted above and court convenes.

Court and counsel discuss briefing of the statute of limitations issue.

9:38am Court is in recess.

Recess to allow counsel time to review amended jury instructions and an amended verdict form.

10:35am Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. All jurors are present.

10:37am Craig Nicholas presents closing argument on behalf of The Upper Deck Company, Inc.

11:29am John Gaule presents closing argument on behalf of J&T Hobby LLC.

12:00pm All jurors are admonished and excused for lunch and Court is in recess.

1:32pm Court is in session, reported and out of the presence of the jury, with plaintiff(s), defendant(s)

and counsel present as noted above. Counsel for defendant requests rebuttal closing following plaintiff counsel's rebuttal which is DENIED by the Court.

1:34pm Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. All jurors are present.

1:35pm Craig Nicholas presents rebuttal argument on behalf of The Upper Deck Company, Inc.

1:44pm The Court instructs the jury in the law applicable to this case. The Court informs the jury that a complete set of instructions will be provided to them during deliberations.

2:21pm The bailiff is sworn to take custody of the jury and thereafter escorts them to the deliberation room. Out of the presence of the jury, the Court instructs the alternate juror(s) and the alternate jurors are excused.

3:28pm The bailiff delivers a note from the jury, marked Jury Note 4, to the Court.

Jury Note #4:

Could the plaintiff tell us the date that the complaint was brought against the defendant?

3:30dpm The Court directs the clerk to inform counsel that a note was received from the jury. Counsel are ordered to appear in person or by telephone.

3:45pm Craig Nicholas appears by telephone and John Gaule appears in person to discuss the Jury Note. Counsel stipulate to the proposed response. The Court will respond to the jury in writing as follows:

Response to Jury Note #4:

11-04-11 Original complaint filed by plaintiff The Upper Deck Company, Inc.
08-31-12 Original complaint filed by plaintiff J&T Hobby LLC.
01-07-13 Amended complaint filed by plaintiff J&T Hobby, LLC.

3:55pm The written response to Jury Note 4 is delivered by the bailiff to the deliberation room.

4:30pm All jurors are admonished and excused for the evening and Court is in recess.

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