

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

MINUTE ORDER

DATE: 03/09/2015

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.

9:15am This being the time for further Jury Deliberation, having been continued from 03/05/15, the bailiff assembles all jurors and returns them to the jury room for further deliberation.

9:50am The bailiff notifies the Court that the jury has reached a verdict. The clerk notifies counsel to return to court forthwith for reading of the verdict.

9:57am This being the time scheduled for reading of the verdict as attached hereto and incorporated herein by reference in the above entitled cause, all parties and counsel appear as noted above and court is in session. The jury is escorted into the courtroom. Upon the Court's inquiry, the presiding juror states that the jury has reached a verdict. At the direction of the Court, the clerk reads the verdict.

10:10am Plaintiff counsel Craig Nicholas and defense counsel John Gaule requests polling of the jury. The clerk records the following results to the question, "Is this your verdict?":

Special Verdict Form:

Upper Deck's Claims:

Breach of Contract:

1. Yes (12).
2. Yes (12).
3. Yes (12).
4. Yes (12).
5. Yes (12).

Common Count: Open Book Account:

1. Yes (12).
2. Yes (12).
3. Yes (12).

Upper Deck's Damages:
\$1,841,779.16

J&T Hobby, LLC and Joseph Pirozzi's Claims:

Intentional Misrepresentation:

1. Yes (2), No (10).

Concealment:

1. Yes (2), No (10).

Breach of the Covenant of Good Faith and Fair Dealing:

1. Yes (12).
2. Yes (1), No (11).

10:23am At the direction of the Court, the clerk records the verdict.

10:24am The jurors are thanked for their participation, released from the admonishment, and discharged from jury service. All jurors leave the courtroom.

The following jurors were sworn in the above entitled cause:

Alice Chen
Ryan Dampier
Heidi Drake
Shelly Fromholtz
Catherine Kolesar
Bibiana Kurta
Joshua Lee
William Rohlf
Christine Shaw
Thomas Slater
Michael Stewart

Ester Straus
Tomasz Wojtaszek
Priscilla Wolfe

The Court directs Craig Nicholas to prepare the judgment.

10:26am Court is adjourned in this matter.