

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No: C-07-1658 PJHCase Name: Oracle USA, et al. v. SAP AG, et al.

EXHIBIT and WITNESS LIST

JUDGE Phyllis J. Hamilton	PLAINTIFF ATTORNEY: Geoffrey Howard; Donn Pickett; Zachary Alinder; Steven Holtzman; Holly House; David Boies	DEFENSE ATTORNEY: Tharan Gregory Lanier; Jacqueline Lee; Robert Mittelstaedt
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JURY SELECTION: 11/1/10
TRIAL DATE:
REPORTER(S):
Raynee Mercado and Diane Skillman

CLERK:
Nichole Heuerman

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	EVI. REC	DESCRIPTION	BY
		<u>8:19 a.m.</u>			<u>the court is in session; the court discusses some preliminary issues in camera.</u>	
		<u>8:35 a.m.</u>			<u>the jury is brought in and the court reads the preliminary jury instructions</u>	
		<u>9:00 a.m.</u>			<u>opening statements by plaintiffs'</u>	
		<u>10:28 a.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>10:47 a.m.</u>			<u>the court is back in session; opening statements by defendants'</u>	
		<u>11:44 a.m.</u>			<u>plaintiffs' call first witness Buffy Ransom</u>	
					<u>demonstrative 14 used in conjunction with this witness</u>	
<u>545-4</u>		<u>11/2/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 545-4-screen shot from video</u>	
		<u>12:03 p.m.</u>			<u>cross examination of Ms. Ransom</u>	
		<u>12:15 p.m.</u>			<u>re-direct examination of Ms. Ransom</u>	
		<u>12:16 p.m.</u>			<u>Ms. Ransom is excused; the jury takes a 15 minute break</u>	
		<u>12:16 p.m.</u>			<u>the court discusses issues regarding exhibits with the parties</u>	
		<u>12:18 p.m.</u>			<u>the court takes a break</u>	
		<u>12:36 p.m.</u>			<u>the court is back in session; plaintiffs' call second witness Edward Screven</u>	
					<u>demonstratives 1, 3, 5 and 6 used in conjunction with this witness</u>	
<u>2115-1</u>		<u>11/2/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 2115-1-photo of CD titled "Oracle Database 10g: Release 2"</u>	
<u>4813</u>		<u>11/2/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4813-certificates of copyright registration</u>	
		<u>1:09 p.m.</u>			<u>Mr. Screven is excused</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>1:10 p.m.</u>			<u>plaintiffs' call third witness John Ritchie by video deposition</u>	
		<u>1:28 p.m.</u>			<u>the jury is release for the day</u>	
		<u>1:29 p.m.</u>			<u>plaintiffs' request for a curative instruction regarding defendants' opening statements is denied by the court as stated on the record.</u>	
		<u>1:35 p.m.</u>			<u>the court is adjourned for the day</u>	
					<u>Thursday November 4, 2010</u>	
		<u>8:10 a.m.</u>			<u>the court is back in session; the court discusses issues with the parties in camera</u>	
		<u>8:16 a.m.</u>			<u>the court is back on the public record and discusses preliminary issues with the parties</u>	
		<u>8:43 a.m.</u>			<u>the jury is now present</u>	
		<u>8:43 a.m.</u>			<u>the court informs the jury that no further testimony is necessary for Mr. Ritchie</u>	
		<u>8:44 a.m.</u>			<u>plaintiffs' call fourth witness Thomas Ziemen by video deposition</u>	
<u>12</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 12</u>	
<u>43</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 43</u>	
<u>106</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 106</u>	
<u>161</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 161</u>	
<u>177</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 177</u>	
<u>267</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 267</u>	
<u>380</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 380</u>	
<u>404</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 404</u>	
		<u>9:25 a.m.</u>			<u>plaintiffs' call fifth witness Charles Phillips</u>	
<u>4811</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4811</u>	
		<u>10:01 a.m.</u>			<u>cross examination of Mr. Phillips</u>	
	<u>A-278</u>	<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-278</u>	
		<u>10:19</u>			<u>the court takes a 15 minute break</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>10:37 a.m.</u>			<u>the court is back in session; continued cross examination of Mr. Phillips</u>	
	<u>A-277</u>	<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-277</u>	
	<u>A-281</u>	<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-281</u>	
	<u>A-6084</u>	<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-6084</u>	
	<u>A-6085</u>	<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-6085</u>	
		<u>11:07 a.m.</u>			<u>re-direct examination of Mr. Phillips</u>	
		<u>11:10 a.m.</u>			<u>Mr. Phillips is excused</u>	
		<u>11:11 a.m.</u>			<u>plaintiffs' calls sixth witness Shai Agassi by video deposition</u>	
<u>3</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 3</u>	
<u>6</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 6</u>	
<u>8</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 8</u>	
<u>10</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 10</u>	
<u>18</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 18</u>	
<u>22</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 22</u>	
<u>24</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 24</u>	
<u>127</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 127</u>	
<u>154</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 154</u>	
<u>157</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 157</u>	
<u>183</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 183</u>	
		<u>11:47 a.m.</u>			<u>plaintiffs' call seventh witness John Zepeke</u>	
					<u>plaintiffs' exhibits 6 and 12 already marked and admitted used in conjunction with this witness</u>	
<u>11</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 11</u>	
<u>19</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 19</u>	
<u>15</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 15</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
<u>7</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 7</u>	
<u>14</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 14</u>	
		<u>12:15 p.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>12:35 p.m.</u>			<u>the court is back in session; continued direct examination of Mr. Zepeki</u>	
		<u>12:47 p.m.</u>			<u>cross examination of Mr. Zepeki</u>	
		<u>12:57 p.m.</u>			<u>re-direct examination of Mr. Zepeki</u>	
		<u>12:59 p.m.</u>			<u>Mr. Zepeki is excused</u>	
		<u>1:00 p.m.</u>			<u>plaintiffs' call eighth witness Gerhard Oswald by video deposition</u>	
					<u>plaintiffs' exhibits 3, 8, 12, 24, 161 and 267 already marked and admitted used in conjunction with this witness</u>	
<u>35</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 35</u>	
<u>133</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 133</u>	
<u>141</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 141</u>	
<u>151</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 151</u>	
<u>156</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 156</u>	
<u>245</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 245</u>	
<u>435</u>		<u>11/4/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 435</u>	
		<u>1:25 p.m.</u>			<u>the jury is excused for the day</u>	
		<u>1:26 p.m.</u>			<u>the court discusses issues regarding jury instructions</u>	
		<u>1:27 p.m.</u>			<u>the court is adjourned for the day</u>	
					<u>Friday November 5, 2010</u>	
		<u>8:22 a.m.</u>			<u>the court is back in session; the court handles preliminary issues with the parties</u>	
		<u>8:30 a.m.</u>			<u>the jury is now present; continued video deposition of Mr. Oswald</u>	
		<u>9:06 a.m.</u>			<u>plaintiffs' calls ninth witness Gregory Nelson by video deposition</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
<u>299</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 299</u>	
<u>353</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 353</u>	
	<u>A-1578</u>	<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit</u>	
		<u>9:20 a.m.</u>			<u>plaintiffs' call tenth witness Richard Allison</u>	
<u>2841</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 2841</u>	
		<u>9:31 a.m.</u>			<u>cross examination of Mr. Allison</u>	
		<u>9:44 a.m.</u>			<u>re-direct examination of Mr. Allison</u>	
		<u>9:44 a.m.</u>			<u>Mr. Allison is excused</u>	
		<u>9:45 a.m.</u>			<u>plaintiffs' call eleventh witness John Baugh by video deposition</u>	
<u>504</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 504</u>	
<u>475</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 475</u>	
		<u>10:10 a.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>10:27 a.m.</u>			<u>plaintiffs' call twelfth witness Werner Brandt-assisted by German Interpreter Arriana Schneider-Stocking</u>	
					<u>plaintiffs' exhibits 19, 154 and 156 already marked an admitted used in conjunction with this witness</u>	
<u>1</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1</u>	
<u>2</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 2</u>	
<u>5</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 5</u>	
<u>20</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 20</u>	
<u>27</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 27</u>	
<u>36</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 36</u>	
<u>44</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 44</u>	
<u>53</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 53</u>	
<u>112</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 112</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
<u>121</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 121</u>	
<u>139</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 139</u>	
<u>171</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 171</u>	
<u>266</u>		<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 266</u>	
		<u>12:49 p.m.</u>			<u>cross examination of Mr. Brandt</u>	
					<u>plaintiffs' exhibits 24, 12 and 19 already marked and admitted used in conjunction with this witness</u>	
	<u>A-4027</u>	<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-4027</u>	
<u>27</u>	<u>A-19</u>	<u>11/5/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 27 and defendants' exhibit A-19 (same document)</u>	
		<u>1:13 p.m.</u>			<u>re-direct examination of Mr. Brandt</u>	
		<u>1:28 p.m.</u>			<u>Mr. Brandt is excused</u>	
		<u>1:30 p.m.</u>			<u>the jury is released for the day</u>	
		<u>1:30 p.m.</u>			<u>the court discussed time limits and witnesses for Monday with the parties</u>	
		<u>1:42 p.m.</u>			<u>the court is adjourned for the day</u>	
					<u>Monday November 8, 2010</u>	
		<u>8:31 a.m.</u>			<u>the court is back in session</u>	
		<u>8:31 a.m.</u>			<u>plaintiffs' call thirteenth witness Terry Hurst by video deposition</u>	
<u>193</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 193</u>	
<u>958</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 958</u>	
		<u>8:53 a.m.</u>			<u>plaintiffs' call fourteenth witness Lawrence Ellison</u>	
		<u>9:09 a.m.</u>			<u>cross examination of Mr. Ellison</u>	
	<u>A-4319</u>	<u>11/8/10</u>	<u>x</u>		<u>defendants' exhibit A-4319</u>	
	<u>A-421</u>	<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-421</u>	
	<u>A-4089</u>	<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-4089</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
	<u>A-4090</u>	<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-4090</u>	
	<u>A-9330</u>	<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9330</u>	
		<u>9:42 a.m.</u>			<u>re-direct examination of Mr. Ellison</u>	
		<u>9:44 a.m.</u>			<u>re-cross examination of Mr. Ellison</u>	
		<u>9:47 a.m.</u>			<u>re-direct examination of Mr. Ellison</u>	
		<u>9:49 a.m.</u>			<u>Mr. Ellison is excused</u>	
		<u>9:50 a.m.</u>			<u>the jury takes a break</u>	
		<u>9:50 a.m.</u>			<u>the court hears argument regarding defendants' motions</u>	
		<u>10:30 a.m.</u>			<u>the court takes a 15 minutes break</u>	
		<u>10:47 a.m.</u>			<u>the jury is now present and the court is back in session</u>	
		<u>10:47 a.m.</u>			<u>plaintiffs' call fifteenth witness Safra Catz</u>	
<u>1001</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1001</u>	
<u>1002</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1002</u>	
<u>1003</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1003</u>	
<u>1004</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1004</u>	
<u>1005</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1005</u>	
<u>1008</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1008</u>	
<u>1009</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1009</u>	
<u>1012</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1012</u>	
<u>4809</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4809</u>	
<u>614</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 614</u>	
<u>615</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 615</u>	
<u>13</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 13</u>	
<u>658</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 658</u>	
		<u>11:31 a.m.</u>			<u>cross examination of Ms. Catz</u>	
					<u>defendants' exhibit A-277 already marked and admitted used in conjunction with this witness</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
	<u>A-229</u>	<u>11/8/10</u>	<u>x</u>		<u>defendants' exhibit A-229</u>	
		<u>11:53 a.m.</u>			<u>re-direct examination of Ms. Catz</u>	
		<u>11:54 a.m.</u>			<u>Ms. Catz is excused</u>	
		<u>11:54 a.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>12:13 p.m.</u>			<u>the court is back in session; plaintiffs' call sixteenth witness Paul Meyer</u>	
					<u>plaintiffs' exhibits 141 and 171 already marked and admitted used in conjunction with this witness</u>	
<u>23</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 23</u>	
<u>37</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 37</u>	
<u>97</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 97</u>	
<u>269</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 269</u>	
<u>583</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 583</u>	
<u>602</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 602</u>	
<u>653</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 653</u>	
<u>680</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 680</u>	
<u>958</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 958</u>	
<u>960</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 960</u>	
<u>984</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 984</u>	
<u>4814</u>		<u>11/8/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4814</u>	
		<u>1:32 p.m.</u>			<u>the jury is excused for the day</u>	
		<u>1:33 p.m.</u>			<u>the court is adjourned for the day</u>	
					<u>Tuesday November 9, 2010</u>	
		<u>8:17 a.m.</u>			<u>the court is back in session</u>	
		<u>8:17 a.m.</u>			<u>plaintiffs' read stipulated evidence into the record; the deposition excerpts show to the jury in opening statements are admitted into evidence and shall be marked with exhibit numbers</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
					<u>plaintiffs' exhibits 28, 4819, 25 and the parties joint exhibits 1, 2, 3, 4 and 5 are all admitted into evidence; plaintiffs' 6 discovery responses marked as plaintiffs' exhibits 1460, 1487, 1567, 1568, 1647, 1698 are admitted into evidence (exhibits to be redacted to remove defendants' objections)</u>	
		<u>8:25 a.m.</u>			<u>defendants' exhibits A-367, A-371, A-372, A-373, A-374, A-6038, A-6190 and A-229 are admitted into evidence</u>	
		<u>8:27 a.m.</u>			<u>counsel submit jointly prepared pretrial facts to be read to the jury</u>	
		<u>8:30 a.m.</u>			<u>the court hears argument regarding competing curative instruction to be read to the jury</u>	
		<u>8:42 a.m.</u>			<u>the jury is present</u>	
		<u>8:42 a.m.</u>			<u>continued direct examination of Mr. Meyer</u>	
					<u>plaintiffs' exhibits 6, 12, 4814, 141, 23, 24, 161, 4811, 245, 958 and 37 already marked and admitted, used in conjunction with this witness</u>	
		<u>10:17 a.m.</u>			<u>the jury takes a break</u>	
		<u>10:18 a.m.</u>			<u>out of the presence of the jury the court informs the parties which limiting instruction will be used re:</u>	
		<u>10:22 a.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>10:37 a.m.</u>			<u>the court is back in session</u>	
		<u>10:37 a.m.</u>			<u>continued direct examination of Mr. Meyer; the demonstrative exhibits used in conjunction with Mr. Meyer's testimony are admitted into evidence; counsel to mark with exhibit numbers</u>	
		<u>10:48 a.m.</u>			<u>the court reads an instruction to the jury</u>	
		<u>10:49 a.m.</u>			<u>cross examination of Mr. Meyer</u>	
	<u>A-9332</u>	<u>11/9/10</u>	<u>x</u>		<u>defendants' exhibit A-9332</u>	
		<u>12:16 p.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>12:32 p.m.</u>			<u>the court is back in session; continued cross examination of Mr. Meyer</u>	
	<u>A-2031</u>	<u>11/9/10</u>	<u>x</u>		<u>defendants' exhibit A-2031</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
	<u>A-441</u>	<u>11/9/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-44</u>	
	<u>A-6036</u>	<u>11/9/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-6036</u>	
	<u>A-303</u>	<u>11/9/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-303</u>	
					<u>defendants' exhibits A-421, A-277, A-4089, A-347, A-4090, A-367 and A-371 already marked and admitted and used in conjunction with this witness</u>	
	<u>A-451</u>	<u>11/9/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-451</u>	
		<u>1:30 p.m.</u>			<u>the jury is excused for the day</u>	
		<u>1:30 p.m.</u>			<u>the court discusses admissibility of emails with the parties</u>	
		<u>1:37 p.m.</u>			<u>the court hears further argument regarding curative instruction; the parties to submit further suggestions to the court by tomorrow 11/10/10</u>	
		<u>2:00 p.m.</u>			<u>the court is adjourned for the day</u>	
					Friday November 12, 2010	
		<u>8:11 a.m.</u>			<u>the court is back in session out of the presence of the jury</u>	
		<u>8:11 a.m.</u>			<u>the court discusses evidentiary issues with the parties; further discussion regarding curative instruction; further discussion regarding admissibility of emails; the court re-visits the admissibility of exhibits A-451 which remains in evidence; plaintiffs' exhibit 432 is admitted into evidence; defendants' admit stipulated exhibits to be used in conjunction with cross examination of Mr. Meyer</u>	
<u>432</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 432</u>	
	<u>A-2049</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-2049</u>	
	<u>A-9333</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9333</u>	
	<u>A-9335</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9335</u>	
	<u>A-9340</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9340</u>	
		<u>8:41 a.m.</u>			<u>the jury is now present</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>8:42 a.m.</u>			<u>continued cross examination of Mr. Meyer</u>	
					<u>plaintiffs' exhibits 121, 24 and 112 already marked and admitted used in conjunction with this witness</u>	
	<u>A-9334</u>	<u>11/12/10</u>	<u>x</u>		<u>defendants' exhibit A-9334</u>	
		<u>10:19 a.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>10:32 a.m.</u>			<u>court is back in session out of the presence of the jury</u>	
		<u>10:32 a.m.</u>			<u>the court discusses plaintiffs' request for a curative instruction</u>	
		<u>10:35 a.m.</u>			<u>the jury is now present</u>	
	<u>A-9341</u>	<u>11/12/10</u>	<u>x</u>		<u>defendants' exhibit A-9341</u>	
		<u>10:57 a.m.</u>			<u>re-direct examination of Mr. Meyer</u>	
					<u>plaintiffs' exhibits 4814, 12 and defendants' A-374, A-277 and A-432 already marked and admitted and used in conjunction with this witness</u>	
<u>42</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 42</u>	
		<u>11:39 a.m.</u>			<u>re-cross examination of Mr. Meyer</u>	
	<u>A-9329</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9329-admitted for the purpose of explaining experts reliance</u>	
		<u>12:03 p.m.</u>			<u>re-direct examination of Mr. Meyer</u>	
		<u>12:08 p.m.</u>			<u>re-cross examination of Mr. Meyer</u>	
		<u>12:11 p.m.</u>			<u>the jury takes a break</u>	
		<u>12:11 p.m.</u>			<u>the court discusses curative instruction issue with the parties</u>	
		<u>12:14 p.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>12:31 p.m.</u>			<u>the court is back in session; plaintiffs' call seventeenth witness <u>Kevin Mandia</u></u>	
<u>760</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 760</u>	
		<u>12:56 p.m.</u>			<u>cross examination of Mr. Mandia</u>	
	<u>A-9336</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9336</u>	
	<u>A-9337</u>	<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9337</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>1:14 p.m.</u>			<u>re-direct examination of Mr. Mandia</u>	
		<u>1:16 p.m.</u>			<u>re-cross examination of Mr. Mandia</u>	
		<u>1:22 p.m.</u>			<u>re-direct examination of Mr. Mandia</u>	
		<u>1:22 p.m.</u>			<u>Mr. Mandia is excused</u>	
		<u>1:23 p.m.</u>			<u>plaintiffs' call eighteenth witness Henning Kagermann by video deposition</u>	
<u>461</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 461</u>	
<u>443</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 443</u>	
<u>180</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 180</u>	
<u>294</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 294</u>	
<u>332</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 332</u>	
<u>4818</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4818</u>	
<u>948</u>		<u>11/12/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 948</u>	
					<u>plaintiffs' exhibits 19, 44, 171 and 4814 already marked and admitted used in conjunction with this witness</u>	
		<u>1:30 p.m.</u>			<u>the jury is released for the day</u>	
		<u>1:33 p.m.</u>			<u>the court is adjourned for the day</u>	
					<u>Monday November 15, 2010</u>	
		<u>8:17 a.m.</u>			<u>the court is back in session; the court hears argument regarding remaining objections to deposition testimony; defendants' request to file a motion re: at risk report is granted. The motion shall be filed immediately and any response shall be filed by tomorrow 11/16/10</u>	
		<u>8:40 a.m.</u>			<u>the jury is now present; continued video deposition of Mr. Kagermann</u>	
		<u>8:47 a.m.</u>			<u>plaintiffs' read 3 instant messages into the record which are marked as plaintiffs' exhibits 49, 55 and 53; 53 already marked and admitted into evidence</u>	
<u>49</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 49</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
<u>55</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 55</u>	
		<u>8:53 a.m.</u>			<u>the plaintiffs' rest</u>	
		<u>8:54 a.m.</u>			<u>the court reads stipulated facts to the jury</u>	
		<u>8:58 a.m.</u>			<u>defendants' call first witness Juan Jones by video deposition</u>	
					<u>defendants' exhibits A-367, A-371, A-372, A-373, A-374 already marked and admitted into evidence used in conjunction with this witness</u>	
	<u>A-370</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-370</u>	
		<u>9:45 a.m.</u>			<u>defendants' call second witness Bill McDermott</u>	
		<u>10:09 a.m.</u>			<u>cross examination of Mr. McDermott</u>	
		<u>10:23 a.m.</u>			<u>the court takes a break</u>	
		<u>10:42 a.m.</u>			<u>the court is back in session; continued cross examination of Mr. McDermott</u>	
					<u>plaintiffs' exhibits 332, 443, 23, 4814 and 171 already marked and admitted and used in conjunction with this witness</u>	
<u>117</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 117</u>	
<u>146</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 146</u>	
<u>148</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 148</u>	
<u>185</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 185</u>	
<u>197</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 197</u>	
<u>227</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 227</u>	
<u>231</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 231</u>	
<u>333</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 333</u>	
<u>462</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 462</u>	
<u>671</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 671</u>	
<u>1236</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1236</u>	
<u>1662</u>		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 1662</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
4836		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4836</u>	
4850		<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 4850</u>	
	<u>A-4024</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-4024</u>	
	<u>A-148</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-148</u>	
		<u>11:09 a.m.</u>			<u>re-direct examination of Mr. McDermott</u>	
		<u>11:10 a.m.</u>			<u>re-cross examination of Mr. McDermott</u>	
		<u>11:14 a.m.</u>			<u>re-direct examination of Mr. McDermott</u>	
		<u>11:15 a.m.</u>			<u>Mr. McDermott is excused</u>	
		<u>11:16 a.m.</u>			<u>defendants' call third witness Douglas Kehring by video deposition</u>	
					<u>defendants' exhibit A-229 already marked and admitted into evidence used in conjunction with this witness</u>	
	<u>A-230</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-230</u>	
	<u>A-596</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-596</u>	
		<u>11:24 a.m.</u>			<u>defendants' call fourth witness Richard Cummins by video deposition</u>	
					<u>defendants' exhibit A-303 already marked and admitted and used in conjunction with this witness</u>	
	<u>A-44</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-44</u>	
	<u>A-45</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-45</u>	
	<u>A-49</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-49</u>	
	<u>A-59</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-59-this exhibit is replaced with A-59A</u>	
	<u>A-63</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-63</u>	
	<u>A-65</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-65</u>	
	<u>A-289</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-289</u>	
	<u>A-290</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-290</u>	
	<u>A-307</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-307</u>	
	<u>A-308</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-308</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
	<u>A-331</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-331</u>	
		<u>12:02 p.m.</u>			<u>defendants' call fifth witness Jeffrey O'Donnell by video deposition</u>	
	<u>A-647</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-647</u>	
		<u>12:15 p.m.</u>			<u>the court takes a break</u>	
		<u>12:32 p.m.</u>			<u>the court is back in session; defendants' call sixth witness Robert Wasson by video deposition</u>	
	<u>A-547</u>	<u>11/15/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-547</u>	
		<u>1:07 p.m.</u>			<u>defendants' call seventh witness Steven Brazile by video deposition</u>	
	<u>A-730</u>		<u>x</u>		<u>defendants' exhibit A-730</u>	
		<u>1:24 p.m.</u>			<u>the jury is release for the day</u>	
		<u>1:27 p.m.</u>			<u>the court is adjourned for the day</u>	
					<u>Tuesday November 16, 2010</u>	
		<u>8:18 a.m.</u>			<u>the court is back in session; the court hears argument regarding testimony of Stephen Clarke; the court denies defendants' motion to reconsider admissibility of plaintiffs' at-risk report as stated on the record.</u>	
		<u>8:38 a.m.</u>			<u>the jury is present; defendants' call eighth witness Stephen Clarke</u>	
		<u>10:15 a.m.</u>			<u>the court takes a break</u>	
		<u>10:36 a.m.</u>			<u>the court is back in session; continued direct examination of Mr. Clarke</u>	
		<u>10:38 a.m.</u>			<u>the court handles issues at side bar</u>	
		<u>10:47 a.m.</u>			<u>continued direct examination of Mr. Clarke</u>	
	<u>A-5193</u>	<u>11/16/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-5193</u>	
	<u>A-5199</u>	<u>11/16/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-5199</u>	
	<u>A-6028</u>	<u>11/16/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-6028</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>11:41 a.m.</u>			<u>cross examination of Mr. Clarke</u>	
		<u>12:17 p.m.</u>			<u>the jury takes a break</u>	
		<u>12:22 p.m.</u>			<u>the court takes a break</u>	
		<u>12:40 p.m.</u>			<u>the court is back in session out of the presence of the jury</u>	
		<u>12:42 p.m.</u>			<u>the jury is now present; continued cross examination of Mr. Clarke</u>	
		<u>1:32 p.m.</u>			<u>the jury is released for the day</u>	
		<u>1:36 p.m.</u>			<u>the court is adjourned for the day</u>	
					<u>plaintiffs' deposition excerpts used in opening statements and admitted into evidence on 11/9/10 are marked as plaintiffs' exhibits 4821, 4822, 4823, 4824, 4825, 4826, 4827 and 4828</u>	
					<u>Thursday November 18, 2010</u>	
		<u>8:17 a.m.</u>			<u>the court is back in session; the court handles preliminary issues regarding the rebuttal testimony of Ms. Catz</u>	
		<u>8:25 a.m.</u>			<u>the jury is now present; continued cross examination of Mr. Clarke</u>	
	<u>A-2046</u>	<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-2046</u>	
<u>7035</u>		<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 7035</u>	
<u>7027</u>		<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 7027</u>	
					<u>plaintiffs' exhibits 19, 12, 4814, 154, 24, 171 already marked and admitted into evidence and used in conjunction with this witness</u>	
		<u>10:15 a.m.</u>			<u>the court takes a 15 minute break</u>	
		<u>10:33 a.m.</u>			<u>the court is back in session, re-direct examination of Mr. Clarke</u>	
<u>7106</u>		<u>11/18/10</u>	<u>x</u>		<u>plaintiffs' exhibit 7106</u>	
	<u>A-6891</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-6891</u>	
	<u>A-9347</u>	<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9347</u>	
	<u>A-9348</u>	<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9348</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
	<u>A-6110</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-6110</u>	
	<u>A-5181</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-5181</u>	
<u>4881</u>		<u>11/18/10</u>	<u>x</u>		<u>plaintiffs' exhibit 4881</u>	
	<u>A-6519</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-6519</u>	
		<u>11:41 a.m.</u>			<u>re-cross examination of Mr. Clarke</u>	
<u>416</u>		<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 416</u>	
<u>373</u>		<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 373</u>	
		<u>12:17 p.m.</u>			<u>the jury takes a break, the court has further discuss with the parties regarding plaintiffs' exhibit 373</u>	
		<u>12:22 p.m.</u>			<u>the court takes a break</u>	
		<u>12:35 p.m.</u>			<u>the court is back in session; continued re-cross examination of Mr. Clarke</u>	
<u>7028</u>		<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 7028</u>	
		<u>12:49 p.m.</u>			<u>re-direct examination of Mr. Clarke</u>	
	<u>A-6886</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-6886</u>	
		<u>12:53 p.m.</u>			<u>re-cross examination of Mr. Clarke</u>	
		<u>12:54 p.m.</u>			<u>Mr. Clarke is excused</u>	
		<u>12:55 p.m.</u>			<u>defendants' call ninth witness Tracy Hallenberger by video deposition</u>	
	<u>A-1744</u>	<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-1744</u>	
	<u>A-1738</u>	<u>11/18/10</u>	<u>x</u>		<u>defendants' exhibit A-1738</u>	
		<u>1:10 p.m.</u>			<u>defendants' move into evidence A-9342</u>	
	<u>A-9342</u>	<u>11/18/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-9342</u>	
		<u>1:10 p.m.</u>			<u>defendants' rest</u>	
		<u>1:11 p.m.</u>			<u>plaintiffs' call first rebuttal witness Andrew Nelson</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
					<u>plaintiffs' exhibits 37 and 97 already marked and admitted used in conjunction with this witness</u>	
		<u>1:28 p.m.</u>			<u>plaintiffs' call second rebuttal witness Terry Hurst by video deposition</u>	
		<u>1:31 p.m.</u>			<u>the jury is excused for the day</u>	
		<u>1:33 p.m.</u>			<u>the court is adjourned for the day</u>	
					<u>Friday November 19, 2010</u>	
		<u>8:31 a.m.</u>			<u>the court is back in session</u>	
		<u>8:31 a.m.</u>			<u>plaintiffs' call third rebuttal witness Safra Catz</u>	
		<u>9:08 a.m.</u>			<u>cross examination of Ms. Catz</u>	
		<u>9:42 a.m.</u>			<u>re-direct examination of Ms. Catz</u>	
		<u>9:48 a.m.</u>			<u>Ms. Catz is excused</u>	
		<u>9:49 a.m.</u>			<u>plaintiffs' rest</u>	
		<u>9:52 a.m.</u>			<u>the jury is release for the day</u>	
		<u>9:53 a.m.</u>			<u>offer of proof is submitted by defendants'</u>	
		<u>9:54 a.m.</u>			<u>defendants' request to replace exhibit A-59 with A-59A is granted</u>	
	<u>A-59A</u>	<u>11/19/10</u>	<u>x</u>	<u>x</u>	<u>defendants' exhibit A-59A</u>	
		<u>9:55 a.m.</u>			<u>plaintiffs' move exhibit 970 which is admitted into evidence</u>	
<u>970</u>		<u>11/19/10</u>	<u>x</u>	<u>x</u>	<u>plaintiffs' exhibit 970</u>	
		<u>9:56 a.m.</u>			<u>plaintiffs' mark for identification demonstrative exhibits used in trial as plaintiffs' exhibits 4853, 4854, 4855, 4856, 4857, 4858, 4859, 4860, 4874, 4875, 4876, 4877, 4878, 4879, 4880</u>	
		<u>10:00 a.m.</u>			<u>the court takes a break</u>	
		<u>10:15 a.m.</u>			<u>the court is back in session; the court hears argument regarding jury instructions; if the parties are not able to agree on the last instruction in dispute they shall file proposed instruction by Sunday 11/21/10 at 3:00 p.m.</u>	
		<u>11:45 a.m.</u>			<u>the court hears argument on defendants' rule 50 motions- Denied in part, taken under submission in part pending jury verdict</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>12:02 p.m.</u>			<u>the parties shall be prepared on Monday to begin at 8:00 a.m. to handle any remaining issues before closing arguments start</u>	
		<u>12:02 p.m.</u>			<u>the court is adjourned for the day</u>	
					<u>Monday November 22, 2010</u>	
		<u>8:22 a.m.</u>			<u>the court is back in session out of the presence of the jury; the court makes final ruling regarding jury instructions and special verdict form; the court hears argument and makes ruling regarding closing argument demonstrative slides</u>	
		<u>8:38 a.m.</u>			<u>the court takes a break to allow the parties to make changes to closing argument demonstrative slides</u>	
		<u>8:49 a.m.</u>			<u>the court is back in session; the jury is present; closing arguments by plaintiffs;</u>	
		<u>10:37 a.m.</u>			<u>the court takes a break</u>	
		<u>10:56 a.m.</u>			<u>the court is back in session; closing arguments by defendants'</u>	
		<u>12:37 p.m.</u>			<u>the court takes a break</u>	
		<u>12:53 p.m.</u>			<u>the court is back in session; rebuttal closing by plaintiffs'</u>	
		<u>1:57 p.m.</u>			<u>the court reads jury instructions to the jurors</u>	
		<u>2:20 p.m.</u>			<u>the jury begins deliberations</u>	
		<u>4:55 p.m.</u>			<u>the court discusses jury note #1</u>	
		<u>5:00 p.m.</u>			<u>the jury is brought in and released for the day</u>	
		<u>5:01 p.m.</u>			<u>plaintiffs' exhibit 432 inadvertently marked by counsel and admitted into evidence, should be defendants' A-432</u>	
		<u>5:02 p.m.</u>			<u>defendants' read demonstrative exhibits into the record</u>	
		<u>5:05 p.m.</u>			<u>court is adjourned for the day</u>	
					<u>Tuesday November 23, 2010</u>	
		<u>8:12 a.m.</u>			<u>the court is back in session; further argument is heard regarding jury note #1</u>	
		<u>8:45 a.m.</u>			<u>the parties shall meet and confer to come up with portions of the expert testimony to be read back to the jury</u>	

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>9:46 a.m.</u>			<u>the parties agree upon a joint document to submit to the jury in lieu of reading back expert testimony-the document is marked as joint exhibit 6 and given to the jury</u>	
		<u>1:36 p.m.</u>			<u>the court discusses jury note number 2 with the parties</u>	
		<u>1:41 p.m.</u>			<u>the parties shall meet and confer on how to respond</u>	
		<u>2:15 p.m.</u>			<u>the court receives jury note number 3 informing the court that a verdict has been reached</u>	
		<u>2:30 p.m.</u>			<u>the jury is now present</u>	
		<u>2:32 p.m.</u>			<u>the verdict is read and the jury is polled</u>	
		<u>2:33 p.m.</u>			<u>the jury is discharged</u>	
		<u>2:35 p.m.</u>			<u>the court is adjourned for the day</u>	