UNITED STATES DISTRICT COURT DISTRICT OF NEVADA LAS VEGAS, NEVADA

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CINDY CHARYULU, as Special)
Administrator of the Estate of Fatu Taputu	1)
	_
Plaintiff,) Case No. 2:08-CV-01199-RCJ-RJJ
,)
VS.)
, 5.) MINUTES OF COURT
CALIFORNIA CASUALTY INDEMNITY	,
EXCHANGE, et. al.,	<u></u>
EACHANGE, et. al.,)
) D (N 10 2010
Defendant.) Date: November 10, 2010
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PRESENT:	
THE HONORABLE ROBERT C. JONES, U.S. DISTI	RICT JUDGE
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DEPUTY CLERK: <u>LESA ETTINGER</u> REPORTE	R: MARGARET GRIENER
COLINGEL EOD DI AINTIEES. DAVID SAMDSON	OLIVED MELCAD
COUNSEL FOR PLAINTIFFS: <u>DAVID SAMPSON</u> ,	, OLIVER WELGAR

PROCEEDINGS: JURY TRIAL (DAY FOUR)

Plaintiff Ms. Cindy Charyulu is present. Ms. Michelle Miner is also present as the representative for defendant.

COUNSEL FOR DEFENDANTS: KYM CUSHING, ARYN FITZWATER AND DAVID WERNER

9:22 a.m. Court convenes.

Mr. Cushing states defendant's objections to plaintiff's witness, Brad Ballard, testifying. Mr. Sampson responds. The Court sustains the objection.

9:31 a.m. Jurors enter courtroom.

Eva Morena is called to the stand. The witness is sworn and testifies on direct examination by Mr. Sampson. Mr. Cushing passes on cross examination.. The witness is excused.

10:35 a.m. Jury is admonished and excused. Court stands at recess.

11:00 a.m. Court reconvenes in the presence of the jurors.

Stipulated portions of the deposition of Christopher Ramirez, dated May 11, 2010, is read into the record.

Plaintiff's exhibits 1 and 40 are marked, offered and admitted into evidence.

12:02 p.m. Jury is admonished and excused. Court stands at recess.

Outside the presence of the jurors: The Court and counsel confer.

12:10 p.m. Court stands at recess.

1:34 p.m. Court reconvenes in the presence of the jury.

CINDY CHARYULU, as Special Administrator of the Estate of Fatu Taputu VS.
CALIFORNIA CASUALTY INDEMNITY EXCHANGE, et al.,
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Plaintiff rests.

Defense rests

Jurors are directed to return on Thursday, 11/11/2010 at 9:00 a.m.

1:36 p.m. Jurors are admonished and excused.

Outside the presence of the jurors: Motion for Judgment as a matter of law, pursuant to FRCvP 50(a), is presented by defense counsel; response by Mr. Sampson. The Court makes its finding for the record.

IT IS ORDERED that the motion by defendant for judgment as a matter of law, pursuant to FRCvP 50(a), is DENIED.

Mr. Sampson motions for a direct verdict for \$15,000.00 as to the first case of action, breach of contract, on behalf of the plaintiff; response by Mr. Cushing. The Court makes its finding for the record.

IT IS ORDERED that the motion by plaintiff for direct verdict for \$15,000.00 as to the first cause of action is GRANTED.

The Court and counsel confer regarding settlement of the Jury Instructions.

3:05 p.m. Court stands at recess.

4:02 p.m. Court reconvenes outside the presence of the jurors. Court and counsel continue settlement of the Jury Instructions.

IT IS ORDERED that trial is continued to Thursday, November 11, 2010 at 10:00 a.m.

5:40 p.m. Court adjourns.

LANCE S. WILSON, CLERK U.S DISTRICT COURT By: __/s/

Deputy Clerk