

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

|                           |   |                          |
|---------------------------|---|--------------------------|
| JAMES S. TATE, JR., M.D., | ) | 2:09-CV-01748-JAD-NJK    |
|                           | ) |                          |
| Plaintiff,                | ) |                          |
|                           | ) |                          |
| vs.                       | ) |                          |
|                           | ) | MINUTES OF THE COURT     |
| UNIVERSITY MEDICAL CENTER | ) |                          |
| OF SOUTHERN NEVADA        | ) |                          |
|                           | ) |                          |
| Defendant.                | ) | DATED: <u>12/13/2016</u> |

PRESENT: HONORABLE JENNIFER A. DORSEY, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: DANIELLE CACCIABAUDO                      REPORTER: FELICIA ZABIN

COUNSEL FOR PLAINTIFF(S): JACOB HAFTER, JOHN ALDRICH

COUNSEL FOR DEFENDANT(S): MATTHEW DUSHOFF, MICHAEL DAVIDSON, DAVID EDELBLUTE, ALSO SEATED AT COUNSEL TABLE: ANNE MARIE LANDIS (PARALEGAL), JAMES CONWAY, (UMC REPRESENTATIVE), SHANE GODFREY

PROCEEDINGS: Jury Trial - Day 5

9:00 A.M. Court convenes outside the presence of the jury. Counsel advises the Court that the parties have stipulated to defendant's exhibits 189 (redacted) and 199.

9:18 A.M. The jury enters the courtroom. **MARTIN FAKIEL**, is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Hafter. **Exhibit 147** is marked, but not admitted. Mr. Dushoff conducts cross examination. Mr. Hafter conducts redirect examination. Mr. Dushoff conducts recross examination. Witness is excused.

**BILLY JONES**, is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Hafter. **Exhibit 120** is marked and admitted into evidence.

10:30 A.M. The jury is admonished and excused for the morning break. Court stands at recess.

10:47 A.M. The Court reconvenes in the presence of the jury. **Billy Jones** resumes the stand on continued direct examination by Mr. Hafter. **Stipulated exhibit 189 is admitted into evidence. Exhibits 191, 103, 26, 34, 38, and 198 are marked, but not admitted into evidence. Exhibit 100 is marked and admitted into evidence. Stipulated 1056 is admitted into evidence.**

12:05 P.M. Jury is admonished and excused for the lunch break. Court stands at recess.

