

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

DOUGLAS DEES,)	
)	
)	
Plaintiff,)	Case No.: 3:02-cv-00303-HDM-WGC
)	
vs.)	
)	MINUTES OF COURT
HELMUTH T. BILLY, M.D.,)	
)	
Defendant.)	May 16, 2012
	/	

PROCEEDINGS: JURY TRIAL - DAY THREE

PRESENT:
THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

Deputy Clerk: Paris Rich Reporter: Kathryn French

Counsel for Plaintiff: Carl Hebert, Esq.

Counsel for Defendant: Patricia Daehnke, Esq. and Linda Rurangirwa, Esq.

At 8:30 a.m., the Court convenes.

Carl Hebert, Esq., is present with the Plaintiff Douglas Dees.

Patricia Daehnke, Esq. and Linda Rurangirwa, Esq. are present with the Defendant Helmuth T. Billy, M.D.

At 8:31, the jury enters the courtroom.

ORLO HERRICK CLARK, M.D., called on behalf of the Defendant, is sworn, examined on direct by Ms. Daehnke, and released subject to recall.

At 10:03 a.m., the jury is admonished and excused.

Outside the presence of the jury, the Court and counsel confer regarding the remaining witnesses, proposed jury instructions, and the issue of Nevada vs. California law.

Mr. Hebert requests the witness exclusion of Chester Griffiths, M.D. Ms. Daehnke presents argument. **IT IS ORDERED, Chester Griffiths, M.D. shall be allowed to remain in the courtroom during the testimony of Dr. Clark.**

At 10:08 a.m., the Court stands at recess.

At 10:29 a.m., the Court reconvenes with the jury present.

ORLO HERRICK CLARK, M.D., called on behalf of the Defendant, resumes the witness stand, is further examined on direct by Ms. Daehnke, cross-examined by Mr. Hebert, examined on redirect by Ms. Daehnke, and excused.

CHESTER FRANK GRIFFITHS, M.D., called on behalf of the Defendant, is sworn, examined on direct by Ms. Daehnke, cross-examined by Mr. Hebert, and excused.

At 11:48 a.m., the Court admonishes the jury, and the jury is released until 1:00 p.m. this date.

The Court reconvenes outside the presence of the jury.

The Court and counsel confer as to the Court's anticipated ruling regarding application of Nevada or California law and submitted declarations in connection with the Medical-Legal Screening Panel Finding, Plaintiff's Exhibit 8.

At 11:52 a.m., the Court stands at recess.

At 1:00 p.m., the Court reconvenes. Counsel are present as previously indicated. The jury enters the courtroom.

HELMUTH T. BILLY, M.D., called on behalf of the Defendant and remaining under oath, retakes the witness stand, is further examined on direct by Ms. Daehnke, cross-examined by Mr. Hebert, and excused.

The Defendant rests.

Mr. Hebert recites oral motion to reopen the Plaintiff's case. At no objection by the Defendant, **IT IS ORDERED, the Plaintiff's oral motion to reopen is GRANTED.**

DOUGLAS OSCAR DEES, called on behalf of the Plaintiff and remaining under oath, retakes the witness stand, is examined on direct by Mr. Hebert, and excused.

The Court addresses the jury regarding the remainder of the Trial proceedings.

At 1:18 p.m., the jury is admonished and excused until Thursday, May 17, 2012 at 8:30 a.m.

The Court reconvenes outside the presence of the jury.

The Court and counsel discuss the remaining trial sequence.

At 1:20 p.m., the Court stands at recess.

At 1:36 p.m., the Court reconvenes outside the presence of the jury.

The Court distributes the proposed jury instructions to counsel for review.

The Court addresses [126] Defendant's Renewed Motion to Determine Choice of Law. Ms. Daehnke presents argument. Mr. Hebert presents argument. The Court recites findings. **IT IS ORDERED, [126] Defendant's Renewed Motion to Determine Choice of Law is DENIED. Nevada law shall apply to the Plaintiff's claims. IT IS SO ORDERED.**

The Court requests the parties review the proposed jury instructions.

At 2:14 p.m., the Court stands at recess.

At 2:46 p.m., the Court reconvenes outside the presence of the jury.

The Court and counsel discuss the proposed jury instructions and verdict forms off the record.

IT IS ORDERED, Jury Trial (Day Four) is set for Thursday, May 17, 2012 at 8:00 a.m. in Reno Courtroom 4 before Judge Howard D. McKibben.

At 3:12 p.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk