

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

CARLA VAN PELT,)	
)	
)	
Plaintiff,)	Case No.: 3:11-cv-00061-HDM-VPC
)	
vs.)	
)	MINUTES OF COURT
STATE OF NEVADA, ex rel, its)	
DEPARTMENT OF CORRECTIONS,)	
)	March 26, 2013
Defendant.)	
_____	/	

PROCEEDINGS: JURY TRIAL - DAY ONE

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

Deputy Clerk: Paris Rich Reporter: Kathryn French

Counsel for Plaintiff: Jeffrey Dickerson, Esq.

Counsel for Defendant: Janet Traut, NV AG and Cameron Vandenberg, NV AG

At 9:00 a.m., the Court convenes.

Mr. Dickerson is present with the Plaintiff Carla Van Pelt.

Ms. Traut and Ms. Vandenberg are present on behalf of the Defendant State of Nevada, ex rel, Its Department of Corrections with Deputy Director Sheryl Foster.

Counsel stipulate to the random draw procedure of jurors in this matter.

The Court preliminary addresses the pending motions in this matter.

The Court further presents the anticipated trial schedule for the week and counsel stipulate to the seating of eight (8) final jurors.

The Court calls for the jury administrator and the prospective jurors.

At 9:05 a.m., thirty-three (33) prospective jurors enter the courtroom.

The Court presents opening remarks and summarizes this action. The Court further introduces counsel, the parties, and addresses the parties' anticipated witnesses. The voir dire oath is administered and 14 prospective jurors are seated; voir dire proceeds.

At 10:14 a.m., the jury is passed for cause. Counsel exercise peremptory challenges.

At 10:24 a.m., a jury of eight (8) jurors are impaneled and sworn. The Court thanks and excuses the remaining jurors.

The Court instructs the jury regarding the sequence of trial proceedings.

At 10:29 a.m., the jury is admonished and excused for a brief recess.

The Court reconvenes outside the presence of the jury with all parties present.

At 10:31 a.m., the Court recites findings with respect to the claims in the NERC charge. **IT IS ORDERED, the Plaintiff is precluded from presenting any evidence of the alleged one incident of transmission of pornography which allegedly occurred during August of 2008.**

The Court recites findings as to [77] the Plaintiff's Motion for Reconsideration. **IT IS ORDERED, the Court reaffirms its previous Order and the Plaintiff's [77] Motion for Reconsideration is DENIED.**

The Court RESERVES on the issue of what constitutes an adverse employment action.

At 10:39 a.m., the Court orders a brief recess.

At 10:54 a.m., the Court reconvenes outside the presence of the jury with all parties present.

Mr. Dickerson recites a stipulation of the parties into the record. The Court states it will proceed with the trial and recites further statements. The Court, Mr. Dickerson and Ms. Traut further confer. The Court confirms it will proceed with the trial and will further discuss the matter with counsel following the opening statements and the jury's release for the lunch hour.

At 10:58 a.m., the jury enters the courtroom.

The Court advises the jury regarding the anticipated progression of the trial.

Mr. Dickerson presents opening statements on behalf of the Plaintiff.

Ms. Traut presents opening statements on behalf of the Defendant.

At 12:06 p.m., the jury is admonished and excused for a brief recess.

The Court reconvenes outside the presence of the jury with all parties present.

The Court addresses the parties' proposed agreement and restates the same. The Court and counsel confer.

The Court confirms the parties' stipulation this date and restates that the only claim subject to appeal from the Court's [44] Order filed on September 21, 2012 will be the Plaintiff's Title VII gender discrimination claim based solely on what is set forth in the Plaintiff's [20] Second Amended Complaint filed on April 22, 2011. Further, in accordance with the parties' stipulation this date, all other claims shall be dismissed with prejudice. **IT IS SO ORDERED.**

Mr. Dickerson, on behalf of the Plaintiff, confirms his agreement and understanding. The Plaintiff confirms her agreement and understanding.

Ms. Traut, on behalf of the Defendant, confirms her agreement and understanding. Ms. Foster, as Defendant Representative, confirms her agreement and understanding.

The Court further confirms the parties will be bound by the aforementioned stipulated agreement.

The Court states if the parties desire to resolve their differences with respect to the remaining Title VII gender discrimination claim, the Court will consider referral of the matter to the U.S. Magistrate Judge for that purpose.

The Court further states it will hold in abeyance the entry of a Judgment in this matter, until such time as the parties have a reasonable opportunity to resolve the sole remaining claim.

At 12:15 p.m., the jury enters the courtroom.

The Court recites explanatory statements to the jury and the parties' recent stipulation this date.

The Court thanks and excuses the jury.

IT IS ORDERED, the entry of a Judgment in this matter shall be held in abeyance pending the Court's notification by counsel, no later than Monday, April 1, 2013, regarding any request for referral to the U.S. Magistrate Judge for purposes of a settlement conference.

At 12:22 p.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk