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SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

MINUTE ORDER

DATE: 07/02/2019

TIME: 09:00:00 AM

DEPT: C-73

JUDICIAL OFFICER PRESIDING: Joel R. Wohlfeil

CLERK: Andrea Taylor

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: R. Camberos

CASE NO: 37-2017-00010073-CU-BC-CTL CASE INIT.DATE: 03/21/2017

CASE TITLE: **Larry Geraci vs Darryl Cotton [Imaged]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Breach of Contract/Warranty

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**EVENT TYPE:** Civil Jury Trial

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**APPEARANCES**

Michael R Weinstein, counsel, present for Respondent on Appeal, Cross - Defendant, Cross - Complainant, Plaintiff(s).

Scott H Toothacre, counsel, present for Respondent on Appeal, Cross - Defendant, Cross - Complainant, Plaintiff(s).

Jacob Austin, counsel, present for Defendant, Cross - Complainant, Appellant(s).

Darryl Cotton, Defendant is present.

Larry Geraci, Plaintiff is present.

Rebecca Berry, Cross - Defendant is present.

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9:18 a.m. This being the time previously set for further Jury trial in the above entitled cause, having been continued from July 1, 2019, all parties and counsel appear as noted above and court convenes.

The Court and counsel discuss jury selection, jury instructions and other housekeeping issues. CACI jury instruction 336 is withdrawn by counsel.

Defense makes a motion to add Rebecca Berry to contract claim in the Cross-complaint. The Court hears oral argument. The motion is denied.

10:10 a.m. Court is in recess awaiting jury panel.

10:17 a.m. Fifty prospective jurors arrive and the bailiff takes roll outside the courtroom.

10:25 a.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. Prospective jurors are present.

10:27 a.m. At the direction of the Court, the clerk administers the oath for qualifications. The Court calls the case, introduces counsel and parties, explains the jury selection process, and voir dire begins.

10:45 a.m. Attorney Weinstein gives a brief description of the case.

10:50 a.m. Attorney Austin gives a brief description of the case.

10:54 a.m. Voir dire resumes.

12:00 p.m. Prospective jurors are admonished and excused for lunch and Court remains in session. Outside the presence of the jury, Court and counsel confer regarding the schedule and possible challenges for cause.

12:04 p.m. Court is in recess.

1:23 p.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. The prospective jurors are not present. Outside the presence of the jury, Court and counsel discuss challenges for cause. Counsel stipulate to excusing prospective juror no. 35 for cause. The bailiff will notify prospective juror no. 35 he is excused.

1:26 p.m. Court is in recess.

1:34 p.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. Prospective jurors are present. Voir dire of prospective jurors resumes.

1:50 p.m. Attorney Weinstein reads the proposed witness list to the prospective jurors.

1:52 p.m. Attorney Weinstein for plaintiff/cross-defendant, Larry Geraci, et al commences voir dire.

2:19 p.m. Attorney Austin for defendant, Darryl Cotton commences voir dire.

2:30 p.m. Prospective jurors are admonished and excused for break and Court is in recess.

2:31 p.m. An unreported sidebar conference is held. ( 3 minutes)

2:43 p.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. All Prospective jurors are present.

2:44 p.m. Attorney Austin for defendant, Darryl Cotton continues voir dire.

2:46 p.m. Voir dire by the Court resumes.

2:55 p.m. All jurors are admonished and excused for break and Court is in recess.

2:57 p.m. An unreported chambers conference is held with all counsel where challenges for cause and peremptory challenges are exercised. (28 minutes)

3:27 p.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. All prospective jurors are present. The Court reads the names of the jurors selected to serve as jurors. The remaining prospective jurors are thanked and excused.

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3:32 p.m. Twelve jurors are sworn to try the cause.

3:33 p.m. Four alternate jurors are sworn to try the cause.

3:39 p.m. The Court pre-instructs the jury in the law applicable to this case.

4:03 p.m. All jurors are admonished and excused for the evening and Court remains in session.

Outside the presence of the jury, Court and counsel discuss jury instructions.

4:09 p.m. Court is adjourned until 07/03/2019 at 09:00AM in Department 73.