

ROA 630
3 pages

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

DATE: 07/15/2019 TIME: 09:00:00 AM DEPT: C-73

JUDICIAL OFFICER PRESIDING: Joel R. Wohlfeil
CLERK: Andrea Taylor
REPORTER/ERM: Margaret Smith CSR# 9733
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

EVENT TYPE: Civil Jury Trial

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.

8:49 a.m. This being the time previously set for further Jury trial in the above entitled cause, having been continued from July 11, 2019, all parties and counsel appear as noted above and court convenes. The jurors are not present.

Outside the presence of the jury, Court and counsel discuss jury instructions, verdict forms, scheduling and the Alternate jurors. Each juror will get a copy of the jury instructions and verdict form.

Court directs the side that prevails to prepare judgment in accordance with findings of the verdict.

Counsel are directed to review the received exhibits before they go into the jury room.

Counsel waive reporting of the Court reading the jury instructions.

8:56 a.m. Court is in recess.

9:03 a.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. All jurors are present.

9:04 a.m. The Court instructs the jury in the law applicable to this case. The Court informs the jury that a

complete set of instructions will be provided to them during deliberations.

9:32 a.m. Attorney Weinstein presents closing argument on behalf of Plaintiff/Cross-Defendant.

10:32 a.m. All jurors are admonished and excused for break and Court is in recess.

10:50 a.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above. All jurors are present.

10:51 a.m. Attorney Austin presents closing argument on behalf of Defendant/Cross-Complainant.

11:09 a.m. Attorney Weinstein presents rebuttal argument on behalf of Plaintiff/Cross-Defendant.

11:24 a.m. Attorney Austin presents rebuttal argument on behalf of Defendant/Cross-Complainant.

11:31 a.m. The Court reads the concluding instructions to the jury.

11:39 a.m. The Bailiff is sworn to take custody of the jury and thereafter escorts them to the deliberation room. Out of the presence of the jury, the Court instructs the alternate juror(s) to remain on telephone standby.

Counsel stipulate that the jury need not formally reconvene for breaks, lunch and evening recess; and the jurors may be excused by designated court staff.

Outside the presence of the jury, Court and counsel confer regarding jury notes and readback.

11:49 a.m. Court is in recess.

12:00 p.m. The jury recesses from deliberations for lunch and are instructed to return at 1:30 p.m.

1:28 p.m. The Bailiff assembles all jurors and returns them to the jury room for further deliberation.

2:26 p.m. The Bailiff delivers a note from the jury, marked Jury Note no. 1, to the Court.

2:28 p.m. The Court directs the clerk to inform counsel that a note was received from the jury. Counsel are ordered to return to Court forthwith.

2:44 p.m. Attorney Weinstein, Attorney Toothacre, Attorney Kulas and Attorney Austin appear personally to discuss the Jury Note no. 1 which reads as follows, **"Does question #5 in Special Verdict Form #1 refer to only the defendant's condition or to both the plaintiff and the defendant's condition. Elizabeth Grimm 7/15/19."** Counsel stipulate to the proposed response. The Court will respond to the jury orally as follows: **"The condition referred to in question #5 in Special Verdict Form #1 refers to a condition which, unless excused, would have to be satisfied by Plaintiff in order for Defendant's performance to be required."**

3:00 p.m. The jury recesses from deliberations for break and are instructed to return at 3:10 p.m.

3:13 p.m. The Bailiff assembles all jurors and returns them to the jury room for further deliberation.

3:17 p.m. Court is in recess.

3:18 p.m. Response to jury note no. 1 is sent into the jury room.

4:30 p.m. The jury recesses from deliberations for the evening and are instructed to return at 9:00 a.m. on July 16, 2019.

4:31 p.m. Court is adjourned until 07/16/2019 at 09:00AM in Department 73.