

Case 2:05-cv-02656-MHM Document 339 Filed 09/24/09 Page 1 of 1
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
CIVIL TRIAL MINUTES**

Phoenix Division

HON: MARY H. MURGUIA Judge # 7027

CV 05-2656-PHX-MHM DATE: 9/24/09

Skydive Arizona, Inc., v. Cary Quattrochi, et al.
Plaintiff Defendants

Deputy Clerk: Traci C. Abraham Court Reporter: Merilyn Sanchez

Sid Leach and Monica Limon-Wynn Ivan Mathew
Plaintiff counsel Defense counsel

PROCEEDINGS: / X / JURY TRIAL / _ / COURT TRIAL / _ / VOIR DIRE / _ / JURY SWORN

Trial Day # 6 Waiver of Jury trial filed

9:15 Court in session without jury. Court and counsel discuss trial brief filed by plaintiff on 9/24/2009. 9:17 Jury present. Jan Meyer resumes stand on cross examination. Exhibits 673 and 670 shown to witness. 10:19 Redirect. Exhibits 416(demo only), 415,264 admitted. 10:49 Jury excused for break. Court and counsel discuss exhibit 27. Defendant withdraws exhibit 672. 10:51 Court in recess.

11:08 Court in session. 11:09 Jury present. Redirect of Jan Meyer resumes. Exhibit 520 admitted.

11:15 Betsy Barnhouse sworn and examined. Exhibit 499 admitted, video shown to jury. 11:59 Plaintiff rest. 12:00-1:45 Jury excused lunch recess.

12:01 Jury not present. Defendant's oral motion judgment as a matter of law re: cyber squatting 43 D claim is taken under advisement. Defendant's oral motion judgment as a matter of law re: trademark infringement is denied. Defendant's oral motion judgment as a matter of law re: willfulness claim false advertising is denied.

Plaintiff's trial brief concerning the inadmissibility of third party acts of trademark infringement argued. Defendant is precluded from any testimony of third party acts of trademark infringement.

Discussion held on plaintiff objection to defendants calling Yvonne Cline as a witness. Court takes matter under advisement during lunch recess.

1:04 Court in recess. 1:59 Court in session, jury not present. Court will allow defendant's to call Yvonne Cline as a witness in their case. 2:05 Jury present. 2:06 Yvonne Cline sworn and examined. 3:30 Court recess. 3:48 Court in session direct examination of Yvonne Cline resumes. Exhibit 479 admitted. 5:03 Jury excused.

5:03 Court discusses flow of witnesses with counsel. Plaintiff moves to admit exhibit 417, defendant objects. Court takes matter under advisement. Parties to submit additional briefing on the pending motion re: cyber squatting by Sunday, 9/27/2009 at 2:00 p.m. 5:24 Court in recess.

Case continued to: 9/25/09 at 9:00 a.m. for further trial.