

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

THOMAS H. KRAKAUER,	*	Case No. 1:14CV333
	*	
Plaintiff,	*	
	*	
vs.	*	Greensboro, North Carolina
	*	January 12, 2017
DISH NETWORK, L.L.C.,	*	9:30 a.m.
	*	
Defendant.	*	

DAILY TRANSCRIPT OF TRIAL TESTIMONY
BEFORE THE HONORABLE CATHERINE C. EAGLES,
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

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P R O C E E D I N G S

1
2 **THE COURT:** Good morning.

3 **MR. GLASSER:** Good morning, Your Honor.

4 **THE COURT:** I gave a little thought last night to the
5 evidence that the jury has heard and may hear more of about
6 complaints and also about testimony about the witnesses or the
7 declarant's, if it's in a document, understanding of the law,
8 and I wrote out a couple of instructions that I think might
9 help the jury understand that -- how they're to use that
10 evidence.

11 You know, I don't think I did a bad job yesterday, but I
12 think I could do a better job. So I've left a copy for you all
13 on the table. I can do it when they first come in or I can do
14 it when the issue next arises, or I cannot do it. You know,
15 but I wanted to hear if anybody had any thoughts. Does the
16 Plaintiff have any thoughts about that?

17 **MR. GLASSER:** I mean, we read it -- I read it, Your
18 Honor. I think you've given both of these at some points in
19 the case already. So, I was kind of thinking it would maybe
20 should just go in the final instructions just like the rest of
21 them, since they've had limiting instructions like this along
22 the way.

23 **THE COURT:** That's certainly an option. I mean, when
24 I started working on it, I was doing it for the final
25 instructions, and then I thought, well, I wonder if they're