

# EXHIBIT G

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 18, 2017
DISH NETWORK, L.L.C.,	*	9:20 a.m.
	*	
Defendant.	*	
*****		

**TRANSCRIPT OF TRIAL**

BEFORE THE HONORABLE CATHERINE C. EAGLES,  
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Plaintiff:	JOHN W. BARRETT, ESQUIRE BRIAN A. GLASSER, ESQUIRE Bailey & Glasser, LLP 209 Capitol Street Charleston, West Virginia 25301
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For the Defendant:	PETER A. BICKS, ESQUIRE ELYSE D. ECHTMAN, ESQUIRE JOHN L. EWALD, ESQUIRE Orrick Herrington & Sutcliffe, LLP 51 West 52nd Street New York, New York 10019
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**P R O C E E D I N G S**

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

3           Okay. Over the evening recess, I did read the Defendant's  
4 motion for judgment as a matter of law, and I'm going to go  
5 ahead and submit the case to the jury. If the jury comes back  
6 in the Plaintiff's favor, we can discuss whether I should just  
7 reconsider that or whether the Defendant wants to file a motion  
8 for judgment notwithstanding the verdict. I'm not trying to  
9 make the Defendant file another brief if nothing has changed,  
10 but, you know, we can discuss the logistics of that, so I'm --  
11 I guess I'll just defer ruling on it is probably the simplest  
12 way and we can talk about it later, if necessary.

13           So the clerk will reflect the ruling is deferred and that  
14 the case will be submitted to the jury.

15           All right. Anybody find any more typos on the verdict  
16 sheet?

17           **MR. BARRETT:** No, Your Honor. There is --

18           **THE COURT:** Wait, wait. Anything about the verdict  
19 sheet?

20           **MR. BARRETT:** Oh, the verdict sheet.

21           **THE COURT:** That's all I'm asking about right this  
22 second.

23           You're good for the Defendant, the verdict sheet?

24           **MR. BICKS:** Yes.

25           **THE COURT:** Madam clerk, here's copies. At the --

1 when we recess, if you would put one in each juror's seat,  
2 okay.

3 **THE CLERK:** Yes.

4 **THE COURT:** So each juror will have a copy during your  
5 closing arguments.

6 Anything else that we need to take up before closing  
7 arguments at 9:30 for the Plaintiff?

8 **MR. BARRETT:** There's one issue with respect to the  
9 jury instructions.

10 **THE COURT:** Yes.

11 **MR. BARRETT:** On the top of page 6 of the revision  
12 from last night, there is the statement that "all telemarketers  
13 are required by law to maintain records of the phone numbers."

14 **THE COURT:** Yes.

15 **MR. BARRETT:** We propose that that be deleted.

16 **THE COURT:** Okay. I think the Defendants already  
17 asked for that to be deleted; is that right?

18 **MS. ECHTMAN:** That's right, we did ask.

19 **THE COURT:** So you agree?

20 **MS. ECHTMAN:** Yes.

21 **THE COURT:** All right. If everybody wants me to take  
22 it out, I'll take it out.

23 Anything else for the Plaintiff?

24 **MR. BARRETT:** No, Your Honor.

25 **THE COURT:** What about the Defendant? Anything we

1 need to take up before closing arguments?

2 **MR. BICKS:** No.

3 **THE COURT:** No. All right. Good.

4 My plan, just logistically, is Plaintiff's argument. That  
5 will be about 30 -- I think you said about 45 minutes, no  
6 longer.

7 **MR. GLASSER:** I ran through it last night; and with  
8 the time it takes to go through the verdict sheet, it's more  
9 like an hour, hour and ten.

10 **THE COURT:** All right. We will take, depending on  
11 exactly how long, either a -- a short break -- short -- not  
12 complete recess, where I just excuse the jury to the jury room  
13 for comfort reasons, but I don't let everybody scatter for the  
14 full 15 minutes. And then we would probably do the same after  
15 Mr. Bicks' argument and then come back and have any rebuttal  
16 and my instructions. If we take full 15-minute recesses, you  
17 know, we -- it -- you know, it extends the time.

18 So I'm -- that's kind of my plan is to take shorter  
19 recesses. I don't think we've got any smokers on the jury who  
20 will -- who have been late getting back from break.  
21 Sometimes -- they have to leave the building to smoke and  
22 hopefully we won't have any problems about that. That's kind  
23 of my tentative plan is to take short breaks, 10 minutes, keep  
24 the jury in the jury room where they do have access to  
25 facilities, and then -- and take two short breaks during the