

EXHIBIT H

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 19, 2017
DISH NETWORK, L.L.C.,	*	9 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 Bailey & Glasser, LLP 209 Capitol Street Charleston, West Virginia 25301
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Proceedings recorded by stenotype reporter.
Transcript produced by Computer-Aided Transcription.

P R O C E E D I N G S

1
2 **THE COURT:** Good morning. It's nine o'clock. I think
3 we're still waiting on one juror; is that right?

4 **THE CLERK:** Maybe two.

5 **THE COURT:** A couple of jurors.

6 The clerk has the jury instructions that everybody
7 proofread yesterday and we'll hand that in. The other copy I'm
8 going to publish on the docket marked as my final instructions
9 rather than marking them as a court exhibit. We could do both
10 if you all want, but I'm just going to have her put them on the
11 docket so that -- I have -- I have found jury instructions from
12 other courts occasionally helpful and try to do that when I
13 remember. So since I'm sending them back to the jury, we'll
14 put them on the docket and the record will reflect that the
15 document on the docket is identical to the copy sent back to
16 the jury for their deliberations this morning.

17 Anything else we need to take up?

18 **MR. BARRETT:** No, ma'am.

19 **MR. BICKS:** No, Your Honor.

20 **THE COURT:** All right. As soon as all the jurors get
21 here, Ms. Sanders, you can give them those written instructions
22 and note the time on the record and let counsel know and we
23 will be at ease until the jury has need of us.

24 (The Court left the bench at 9:04 a.m.)

25 (Jury resumed deliberations at 9:10 a.m.)

1 (Court was at ease awaiting the jury's verdict.)

2 (The Court returned to the bench at 10:50 a.m.; all parties
3 present.)

4 **THE COURT:** The jury has indicated they want a
5 15-minute break. I'm just going to bring them in, speak to
6 them, say good morning, give them a recess. I'll tell them
7 I'll inquire about a lunch recess around 12:30.

8 **MR. BICKS:** That's good. Could I just see the note,
9 Your Honor?

10 **THE COURT:** Uh-huh. Let me let you look at that after
11 I send them on the break since they've been waiting a bit.

12 You can bring the jury in.

13 **MR. BICKS:** Understood.

14 **THE COURT:** But I'm glad for you all to take a look at
15 the note once we take a recess.

16 Here, Ms. Sanders, you can have it.

17 (The jury entered the courtroom.)

18 **THE COURT:** Good morning. I just thought that I'd let
19 you all move around a little bit. I got your note asking for a
20 15-minute recess and, of course, I'm glad for you to take a
21 break.

22 As always, leave everything in the jury room and don't talk
23 to each other during the recess and continue to avoid contact
24 with anyone involved in the case during the break.

25 When you get done with your break in 15 minutes and all

1 15 of -- and all 10 of you, excuse me, all 10 of you are back
2 in the jury room, just let Ms. Sanders know. I won't bring you
3 back in the courtroom. She'll just mark on the record that
4 you've resumed your deliberations once all 10 of you are there.

5 I'll check in with you about a lunch break probably about
6 12:30 or so. If you want to go before that, you all just tell
7 me.

8 All right. You all are excused for a 15-minute recess.

9 (The jury left the courtroom.)

10 **THE COURT:** Okay. You can see the note and we'll take
11 a 15-minute recess and then thereafter we will be at ease.

12 **MR. BICKS:** Thank you.

13 **MR. BARRETT:** Thank you.

14 (A morning recess was taken from 10:54 a.m. until
15 11:11 a.m.)

16 (Court was at ease waiting the jury's verdict.)

17 (The Court returned to the bench at 12:40 p.m.; all parties
18 present.)

19 **THE COURT:** I'm sorry. I got to working on other
20 things and time got away from me. I didn't realize how late it
21 had gotten. The jury has not indicated anything, but it's
22 almost 12:45, so I would propose we let them go to lunch
23 unless -- I mean, Ms. Sanders could go ask them if they just
24 need -- if they want to deliberate for another 10 or 15
25 minutes, I'm okay with that, but I need to eat in a little