

BLITZSAFE TEXAS, LLC, vs HONDA MOTOR COMPANY, LTD, ET AL
Pre-Trial Conference, on 01/30/2017

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

BLITZSAFE TEXAS, LLC)(
)(CIVIL DOCKET NO.
)(2:15-CV-1274-JRG-RSP
vs.)(MARSHALL, TEXAS
)(
HONDA MOTOR COMPANY, LTD,)(
ET AL)(JANUARY 30, 2017

PRE-TRIAL CONFERENCE

BEFORE THE HONORABLE JUDGE ROY S. PAYNE

UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE PLAINTIFF: (See sign-in sheets docketed in
minutes of this hearing.)

FOR THE DEFENDANT: (See sign-in sheets docketed in
minutes of this hearing.)

COURT REPORTER: Ms. Tammy L. Goolsby, CSR

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P R O C E E D I N G S

COURT SECURITY OFFICER: All rise.

THE COURT: Good afternoon. Please be seated. For the record, we're here for the resumption of the pre-trial conference in Blitzsafe Texas versus Honda Motor Company, Case No. 2:15-1274 on our docket.

Would counsel state their appearances for the record?

MR. FINK: Hello, Your Honor. Rudy Fink for Plaintiff Blitzsafe. I'm joined here today with Albert Fabricant, Mr. Shahar Harel, Mr. Peter Lamibrianakos, this is Mr. Vincent Rubino, and Ms. Jennifer Truelove.

THE COURT: All right. Thank you, Mr. Fink.

MR. AKIN: Good afternoon, Your Honor. Randy Akin for Honda. Mr. Albert Liou, lead counsel, Robert Kantner, David Harris, and Jeffrey White.

THE COURT: All right. Thank you, Mr. Akin.

All right. I know that the principal items on the agenda for today are the exhibit objections and deposition designations, but I wanted to check with counsel for both sides before we start and see if there are other items that they want placed on the agenda as well. Anything for the Plaintiff?

MR. LAMBRIANAKOS: Yes, Your Honor. The Plaintiff has moved for reconsideration of Your Honor's grant of the motion in limine number one that was made by Toyota, and they've also -- Toyota had also issued a notice seeking summary

1 judgment based on the result of the motion in limine, and so if
2 the Court would like to hear today, we can discuss our
3 reasoning for the motion for reconsideration.

4 THE COURT: Now, you say that Toyota has filed a
5 notice?

6 MR. LAMBRIANAKOS: That's correct, but there was a
7 notice of joinder filed by Honda on the 27th joining Toyota's
8 notice with respect to the effect of the MIL ruling on its
9 motion for summary judgment, and so we understand that Honda
10 intends to attempt to gain the benefit of the Court's ruling on
11 Toyota's motion in limine.

12 THE COURT: All right. I'll add that to the agenda.
13 Thank you, Mr. Lambrianakos. Anything for the Defendants?

14 MR. AKIN: Your Honor, Randy Akin for Honda. We
15 received the order of trials, and in it it said that if either
16 Nissan -- the Nissan case or the Google case settles, then the
17 Honda case will move up to number two. If they both settle,
18 then we pick the jury on February 6th and go to trial on
19 February 6th.

20 And I wanted to remind the Court that we did put the
21 Court on notice and we did file a motion for continuance for
22 one week because of an expert witness problem we had just
23 during the week of the sixth, and I just want to -- when I saw
24 the order, it alarmed me a little bit, and I just wanted to
25 bring that back to the Court's attention.

1 THE COURT: I am fairly certain that Judge Gilstrap
2 is aware of that conflict, but I'll make sure that he is aware
3 of it.

4 MR. AKIN: Okay. Thank you, Judge.

5 THE COURT: Thank you.

6 MR. FABRICANT: Your Honor, one other matter.

7 THE COURT: Yes, sir, Mr. Fabricant.

8 MR. FABRICANT: Yes, thank you, Your Honor. When we
9 got Judge Gilstrap's order with respect to the sequence of the
10 trials, we wanted to bring to Your Honor's attention that our
11 damages expert Dr. Steven Becker immediately advised us when we
12 sent that order that depending on the circumstance, should
13 Blitzsafe be required to go to trial during the week of
14 February 13th, he is on trial during that week in another
15 proceeding.

16 So we don't know if that series of events will occur.
17 If not, it will put us in that slot. Presently we would not be
18 in that slot if the Nissan case goes forward and if the Google
19 case doesn't settle, but certainly it's possible that we would
20 be in that slot, so we wanted to bring that to the Court's
21 attention as well.

22 THE COURT: All right. And which expert is that
23 Mr. Fabricant?

24 MR. FABRICANT: That is Dr. Steven Becker, who is the
25 damages expert for Blitzsafe in the matter for both Nissan and

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