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 CO., LTD. ET AL     )


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PRE-TRIAL HEARING

BEFORE THE HONORABLE JUDGE ROY S. PAYNE

UNITED STATES MAGISTRATE JUDGE

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APPEARANCES:

FOR THE PLAINTIFF:     (See Attorney Attendance Sheet docketed in
                        minutes of this hearing.)

FOR THE DEFENDANTS:    (See Attorney Attendance Sheet docketed in
                        minutes of this hearing.)

COURT REPORTER:        MELISSA D. SHNAPER-BAILEY, Texas CSR #3237
                       Substitute Court Reporter
                       306 West Sabine Street
                       Carthage, Texas  75633
                       (903) 754-1472

(Proceedings recorded by mechanical stenography, transcript
 produced on a CAT system.)

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1    THE CLERK:  All rise.

2    THE COURT:  For the record, we are resuming the

3  pretrial conference in Blitzsafe Texas versus Tom Walker, et

4  al, Case number 2:15-1274 on our docket.

5    Would Counsel note their appearance again for the

6  record?

7    MR. AKIN:  Randy Akin for Honda; Joe Beauchamp, Bob

8  Kantner, Albert Liou, Jeff White.

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

10   MR. FINK:  Your Honor, Plaintiff Blitzsafe is here.

11  My name is Rudy Fink.  Mr. Peter Lambrianakos, Mr. Albert

12  Fabricant, Mr. Shahar Harel, and Ms. Jennifer Truelove.

13   THE COURT:  Thank you, Mr. Fink.

14   MR. HEARTFIELD:  Good morning, Your Honor.  Thad

15  Heartfield and Gil Gillam for Toyota.  Over there we have Bill

16  Mandir, John Rabena, Brian Shelton and Fadi Kiblawi.

17   THE COURT:  Thank you.

18   MR. GARDNER:  Good morning, Your Honor.  Allen

19  Gardner here for Nissan.  Serving with me is Mr. Kumar

20  Vinnakota, Mr. Glenn Janik, Mr. Sean Hsu.  We are ready.  I do

21  want to again note for the record that Mr. Patterson has

22  pneumonia; otherwise he would have been here today.  Thank you,

23  sir.

24   THE COURT:  All right.  I just want to -- I'll make

25  the point that it would be helpful, given the fact that we

1   don't have microphones everywhere, if you would speak up when

2   you are not near a microphone, and we'll try to do most of the

3   talking by the microphone.  So thank you, Mr. Gardner.

4           MR. CRAFT:  Good morning, Your Honor.  Brian Craft.

5   Here with me is Paul Steadman here on behalf of Hyundai and

6   Kia.

7           THE COURT:  Thank you, Mr. Craft.

8           MR. DACUS:  Good morning, Your Honor.  Deron Dacus

9   here with Susan Smith and Michael Turner on behalf of

10  Volkswagen, Your Honor.  We're ready to proceed.

11          THE COURT:  All right.  Thank you, Mr. Dacus.

12          I will note that we are going to take up the motions

13  in limine filed by the Defendants in the order that was

14  established for the trial order recently.  Meaning that we'll

15  start with those filed by Volkswagen.

16          I'll also ask counsel to please state their names for

17  the record early and often if you don't want have attributed to

18  you something that somebody else said.  It would be helpful if

19  you would identify yourself for the record so that we can not

20  do that.

21          Let me see.  I think we had completed the motions in

22  limine filed by the Plaintiff yesterday; and I think that would

23  leave us starting with the motions in limine filed by

24  Volkswagen.

25          MR. DACUS:  Good morning, Your Honor.  Deron Dacus on

1    behalf of Volkswagen.  I will say at the outset, Your Honor,

2    there are ten motions in limine but only three remain in

3    dispute.  So as we go through these, I will identify for the

4    Court the ones that the parties have agreed on subject to the

5    Court's approval.

6              THE COURT:  Thank you.

7              MR. DACUS:  Unfortunately, Motion in Limine No. 1 is

8    not one that has been agreed on.  This is a motion in limine

9    that seeks to preclude the Plaintiff from asserting that

10   Volkswagen was required to produce source code and that it

11   failed to do so.

12             It has a second aspect to it also, in that it seeks

13   to preclude the Plaintiff from discussing or arguing in any way

14   that source code it obtained from third parties that relate to

15   other Defendant's products has some applicability to

16   Volkswagen.

17             So with respect to the first aspect, Your Honor, I

18   think the important parts are Volkswagen does not have

19   possession, custody, or control over the source code here.  The

20   Plaintiffs did not seek to compel the source code from

21   Volkswagen.  Plaintiffs did seek some third party discovery

22   from third party suppliers.

23             In some of those instances, they did not seek the

24   source code related to Volkswagen.  In others, I think they

25   claim they did.  We don't need to fight about whether they did

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