

IN THE DISTRICT COURT FOR SCOTTS BLUFF COUNTY, NEBRASKA

VAUGHN FRAILEY,
Plaintiff,

vs.

BNSF RAILWAY COMPANY,
Defendant.

Case No. CI 13-641

Journal Entry

On February 13, 2017, this matter came on for jury trial. The plaintiff appeared with James L. Zimmerman. The defendant appeared by Kate Martz and Tom Sattler. Leo Dobrovolny presided.

A jury panel was assembled and sworn, and a jury of twelve and one alternate was selected. The jury was seated and was sworn, and the case proceeded to trial over the course of two days.

Opening statements of counsel were heard, and the plaintiff presented evidence and rested. The jury was admonished and released for the day.

The case reconvened on the morning of February 14, 2017. A defense motion for directed verdict was overruled. The defense presented evidence and rested. Rebuttal evidence was presented. A second defense motion for directed verdict was overruled.

An instruction conference was held and the Court finalized instructions which were then filed.

The jury was brought in to the courtroom. The instructions were read by the court, and the attorneys presented closing arguments. The jury began their deliberations at 2:19 P.M.

One jury question was received by the Court, and was answered by the Court without consulting counsel. Thereafter, the jury advised the bailiff they had reached a verdict.

At 4:15 P.M. February 14, 2017, the jury assembled in the jury box, and the presiding juror handed a verdict to the bailiff who handed it to the Court. The verdict, read aloud by the

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Darla Simpson
CLERK OF THE DISTRICT COURT



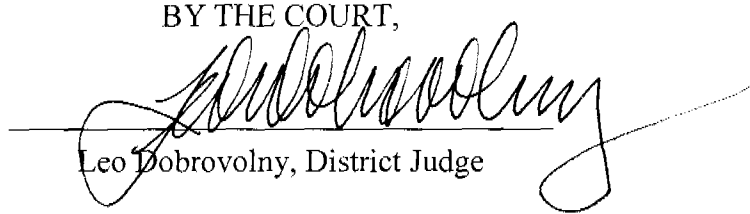
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Court, found a judgment for the defendant. The jurors indicated by raised hands that the verdict was unanimous. Individual polling of the jury was conducted, which also indicated a unanimous verdict. The Court accepted the verdict, and the Court found a judgment should be entered accordingly.

Judgment is hereby entered, consistent with the verdict, in favor of the defendant.

DATED: February 15, 2017

BY THE COURT,


Leo Dobrovolny, District Judge

cc: James L. Zimmerman
Kate Martz, Tom Sattler