

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**CIVIL JURY TRIAL MINUTES**

<b>Date:</b> October 25, 2018	<b>Time:</b> 4 hours 30 minutes	<b>Judge:</b> VINCE CHHABRIA
<b>Case No.:</b> <a href="#">17-cv-02979-VC</a>	<b>Case Name:</b> U.S. Equal Employment Opportunity Commission v. IXL Learning, Inc.	

**Attorney for Plaintiff:** Ami Sanghvi and Damien Lee for EEOC; David Marek for Adrian Duane

**Attorney for Defendant:** Jeffrey Wilson and Eddie Woodworth

**Deputy Clerk:** Kristen Melen

**Court Reporter:** Debra Pas

**Voir Dire:** October 22, 2018

**Trial Began:** October 23, 2018

**Further Trial:** October 26, 2018

**PROCEEDINGS:**

Jury Trial, Day 3 - hearing held.

**RULINGS AND ORDERS:**

Plaintiff rested. Defense case begins.

**Witnesses called to testify:**

- Jenna Mandis
- Paul Mishkin
- David Keyes

**Admitted exhibits:**

29, 31, 61, 87, 115, 116, 150, 236

**See trial log for details from the day.**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**JURY TRIAL LOG: DAY 3**

[17-cv-02979-VC](#) U.S. Equal Employment Opportunity Commission v. IXL Learning, Inc.

<b>JUDGE:</b>	<b>PLAINTIFF ATTORNEY:</b>	<b>DEFENSE ATTORNEY:</b>
Vince Chhabria	Ami Sanghvi and Damien Lee for EEOC; David Marek for S. Duane	Jeffrey Wilson and Eddie Woodworth
<b>JURY SELECTION:</b>		
October 22, 2018		
<b>TRIAL DATE:</b>	<b>REPORTERS:</b>	<b>CLERK:</b>
October 25, 2018	Debra Pas	Kristen Melen

TRIAL EX. NO.	TIME OFFERED	I.D.	ADMT.	DESCRIPTION	BY
	8:12 a.m.			On the record with Court and counsel to discuss a piece of new evidence the plaintiff wished to present.	
	8:26 a.m.			Recess.	
	8:35 a.m.			Back on the record. Jury entered the courtroom.	
	8:36 a.m.			Plaintiff called to testify <b>Jenna Mandis</b> . Ms. Mandis is sworn by the clerk. Direct examination conducted by D. Marek on behalf of plaintiff.	
	8:44 a.m.			There are no further questions of Ms. Mandis, and she is thanked and excused. Plaintiff rests. Sidebar re defendant's motion.	
	8:46 a.m.			Defense called to testify <b>Paul Mishkin</b> . Mr. Mishkin is sworn by the clerk. Direct examination of Mr. Mishkin conducted by J. Wilson on behalf of defendant.	
150	9:09 a.m.	✓	✓		DEFT
30	9:19 a.m.	✓			DEFT
31	9:20 a.m.	✓	✓		DEFT
	9:58 a.m.			Recess.	
	10:14 a.m.			Back on the record with Court and counsels present to discuss the testimony of Ms. Mandis, outside the presence of the jury.	
	10:17 a.m.			The jury entered the courtroom. Direct examination of Mr. Mishkin continued.	
236	10:17 a.m.	✓	✓		DEFT
115	10:21 a.m.	✓	✓		DEFT

87	10:47 a.m.	✓	✓		DEFT
	11:00 a.m.			Cross examination of Mr. Mishkin conducted by A. Sanghvi on behalf of plaintiff.	
	11:10 a.m.			Sidebar.	
	11:11 a.m.			Resume cross examination of Mr. Mishkin.	
61	11:15 a.m.	✓	✓		PLTF
116	11:26 a.m.	✓	✓		PLTF
	11:47 a.m.			Jury is released for lunch. Court and counsels remain on the record. Court instructs the parties on the proper use of deposition transcripts and the remainder of the schedule.	
	11:55 a.m.			Court is in recess.	
	12:34 p.m.			Court and counsels back on the record re read-back.	
	12:35 p.m.			Jury entered the courtroom. Cross examination of Mr. Mishkin continued.	
29	12:39 p.m.	✓	✓		PLTF
166	12:48 p.m.	✓			PLTF
	12:50 p.m.			There are no further questions of Mr. Mishkin. Mr. Mishkin is thanked and excused.	
	12:51 p.m.			Defendant called to testify <b>David Keyes</b> . Mr. Keyes is sworn by the clerk. Direct examination conducted by J. Wilson.	
	1:33 p.m.			Sidebar.	
	1:33 p.m.			Resumed on the record with the Court explaining the remaining schedule for the trial.	
	1:37 p.m.			The jury is in recess for the evening. Court and counsel remain on the record regarding the Mandis testimony and defense's Rule 50(a) motion. The Court denied the motion without prejudice.	
	1:46 p.m.			Court is adjourned. Trial will resume on Friday, October 26, 2018, at 8:00 a.m.	