

Dates of service: from: _____ to: _____

Principal military duties: _____

23. Have you ever worked in law enforcement?



Yes



No

If YES, please describe:

State Park Ranger (?)

24. Ethnic background (It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box):

☐
☐
☒
☐
☐
☐

African-American/Black

Asian/Pacific Islander

Caucasian/White

Hispanic/Latino

Native American (American Indian)

Other (please specify): _____

25. Marital Status (check one):

☐
☐
☒
☐
☐
☐
☐

Single and never married

Engaged

Currently married for 13½ years

Separated (legally or not)

Divorced for _____ years

Widow/widower for _____ years

Other (specify): _____

26. Do you have children?



Yes



No

Name	Age	Boy or Girl
Roger Knowles	} triplets age 6	Boy
Porter Knowles		Boy
Luke Knowles		Boy

27. If any of your children are employed, please list their occupations: _____

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Retired X Ray Tech Bottineau, ND Hospital

Your stepmother: _____

Your father: Retired Lawyer - self employed

Your stepfather: _____

29. Identify the city and State where you were born: Grand Forks, North Dakota

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Denver	Colorado	Sept 2002 to May 2003
Trujillo Alto, Puerto Rico		Jan 2002 Aug 2002
Ulaanbaatar, Mongolia		May 2000 to Dec 2001
Humacao, Puerto Rico		July 1999 to April 2000
Denver	Colorado ?	Aug 1995 to June 1999
Dallas	Texas	June 1986 to July 1995 ?

31. How long have you lived in Clark County? May 2003 10 years

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Henderson

33. Describe your current living situation (check one):

☒
☐
☐
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

☒
☒
☒
☒
☐
☐
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☒ Yes ☐ No If YES, please explain: Garage. Robbed
-
36. Have you or someone close to you ever been the victim of medical malpractice?
☐ Yes ☐ No If YES, please explain: ?
-
37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No
 Who, Why, and what was the result? P
-
38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No
 Who, Why, and what was the result? _____
-
39. Have you, or anyone close to you, suffered from a serious infectious disease? ☒ Yes ☐ No
 If YES, please describe who, and the nature of the disease: Hep C
My Husband
Me - Hep B
-
40. What was your favorite subject in school?
☐ English/Language ☐ Social Studies ☒ Science/Engineering
☐ Physical Education ☒ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☐ Yes ☒ No

Please explain your answer:

Accountability !! Everyone wants to pass-the-buck these days! Things just don't happen by themselves. (ie: Guns don't go off by themselves, people shoot them)

42. What do you most like to do in your spare time? (single Mom)

I don't have any spare time being alone with my triplets and keeping a house going, helping with their school, running for allergy shots, Dr appts, activities outside school, classes outside of school,

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse Significant Other
Social/Civic/Political/Religious	at church - groups	out of the country
Union Membership	NOT!	NOT!
Volunteer /Other	At school Coaching their activities	out of the country

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? _____

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☐ No probably

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? _____

If *civil*, what was the outcome of the case? _____

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: _____

47. Which of the following best describes you? (Please check all that apply)

☒
☒
☒
☒
☐
☒
☐
☐
☐
☐
☐
☐

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other _____

☐
☐
☒
☒
☒
☒
☒
☒
☒
☒
☒

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

☐
☐
☐
☒
☐
☐
☐
☐
☒

Creative

Naïve

Private

Strict

Successful

Emotional

Old-fashioned

Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

There are people that want to serve and they
should be allowed that privilege, I would not want
to deny anyone that opportunity.

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

Wendy Jo Knowles

SIGNATURE

1 April 2013

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT
CLARK COUNTY, NEVADA

186

THE STATE OF NEVADA,

Plaintiff,

-vs-

DIPAK KANTILAL DESAI,
RONALD ERNEST LAKEMAN
Defendants.

CASE NO. C2665107-1,2

DEPT. NO. XXI

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

Paul G. Kaputa
PRINT NAME

100576347
JUROR NO.

011453
BADGE NO.

Badge No.: 011453

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: Paul G. Kapota
(PLEASE PRINT LEGIBLY)

2. Date of Birth: [REDACTED] 53 ☒ Male ☐ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? Yes No

If YES, please describe: _____

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
 Yes No

If YES, please describe: _____

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? Yes No

If YES, please explain: _____

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSE				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

Channel -3 news and Las Vegas Review-Journal
Doctors were using used and contaminated needles to treat patients.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

They should be prosecuted and sentenced to severe punishment if they are found guilty.

8. Please describe your current or most recent employment:

Employer: Venetian Hotel and Casino, Las Vegas, Nevada

Length of Employment: 14 years

Number of people employed by your employer: 9,000

Job Duties/Responsibilities: Cook for all employees

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise? _____

What are your duties? _____

9. If retired: Who was your last employer? _____

What kind of work did you do? _____

10. List all previous jobs and employers:

Job	Employer	How Long?
Old Bakery Worker	Obis Spunkmeyer, Inc. Export, Pa.	5 Years ____ Months
		____ Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☒ Yes ☐ No If YES, please describe: New York State Psychiatric Center
Albany, N.Y. cook for patients

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? _____

13. Have you received special training or schooling in the following areas? Check all areas that apply.

<input type="checkbox"/> Medical	<input type="checkbox"/> Manufacturing of Products
<input type="checkbox"/> Business Management	<input type="checkbox"/> Distribution of Products
<input type="checkbox"/> Legal	<input type="checkbox"/> Medical Sales
<input type="checkbox"/> Psychology	<input type="checkbox"/> Labeling of Products
<input type="checkbox"/> Risk Management	<input type="checkbox"/> Pharmaceuticals

Please describe any of the above areas that are checked: _____

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☐ Yes ☒ No If YES, please describe: _____

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: _____

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☐ Yes ☒ No

If YES, who is the person? _____

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☒ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School

Degree/Major/Area of Study

Dates

Schenectady County Comm. College Assistant Chef 1978-1979

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): _____

Describe the nature of the business: _____

22. Please identify any previous or current military service:

Branch: _____

Rank: _____

Dates of service: from: _____ to: _____

Principal military duties: _____

23. Have you ever worked in law enforcement?

☐

Yes

☒

No

If YES, please describe: _____

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☐
☐
☒
☐
☐
☐
☐

African-American/Black

Asian/Pacific Islander

Caucasian/White

Hispanic/Latino

Native American (American Indian)

Other (please specify): _____

25. Marital Status (check one):

☒
☐
☐
☐
☐
☐
☐
☐

Single and never married

Engaged

Currently married for _____ years

Separated (legally or not)

Divorced for _____ years

Widow/widower for _____ years

Other (specify): _____

26. Do you have children?

☐

Yes

☒

No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: _____

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: deceased - housewife

Your stepmother: _____

Your father: deceased - factory worker

Your stepfather: _____

29. Identify the city and State where you were born: Mt. Pleasant, Pa.

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Greensburg	Pa.	8-88 to 10-98
Albany	N.Y.	1971 to 1988
		to
		to
		to

31. How long have you lived in Clark County? 14 1/2 years

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Henderson

33. Describe your current living situation (check one):

☒

☐

☐

☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

☒

☐

☒

☐

☐

☐

☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☐ Yes ☒ No If YES, please explain: _____

36. Have you or someone close to you ever been the victim of medical malpractice?
☐ Yes ☒ No If YES, please explain: _____

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No

Who, Why, and what was the result? _____

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No

Who, Why, and what was the result? _____

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No
If YES, please describe who, and the nature of the disease: _____

40. What was your favorite subject in school?

<input type="checkbox"/> English/Language	<input type="checkbox"/> Social Studies	<input type="checkbox"/> Science/Engineering	
<input checked="" type="checkbox"/> Physical Education	<input type="checkbox"/> Mathematics	<input type="checkbox"/> Art/Music	<input type="checkbox"/> Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☐ Yes ☒ No

Please explain your answer:

~~Ex~~ ~~Every~~ Every one is Responsible
 For their own actions.

42. What do you most like to do in your spare time?

Read

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? _____

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury		Did you Reach a Verdict?	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

What was the nature of the case? _____

If *civil*, what was the outcome of the case?

	Yes
--	-----

No

11

Yes

No

Positive

☐ Negative

If NEGATIVE, please explain: _____

47. Which of the following best describes you? (Please check all that apply)

<input checked="" type="checkbox"/>	Analytical	<input checked="" type="checkbox"/>	Compassionate	<input type="checkbox"/>	Creative
<input checked="" type="checkbox"/>	Generous	<input type="checkbox"/>	Judgmental	<input type="checkbox"/>	Naïve
<input checked="" type="checkbox"/>	Open-minded	<input type="checkbox"/>	Outspoken	<input checked="" type="checkbox"/>	Private
<input type="checkbox"/>	Pro-worker	<input type="checkbox"/>	Skeptical	<input type="checkbox"/>	Strict
<input type="checkbox"/>	Technical	<input type="checkbox"/>	Trusting	<input type="checkbox"/>	Successful
<input checked="" type="checkbox"/>	Careful	<input type="checkbox"/>	Compulsive	<input type="checkbox"/>	Emotional
<input type="checkbox"/>	Impulsive	<input type="checkbox"/>	Logical	<input checked="" type="checkbox"/>	Old-fashioned
<input type="checkbox"/>	Opinionated	<input type="checkbox"/>	Practical	<input type="checkbox"/>	Pro-Company
<input checked="" type="checkbox"/>	Sensitive	<input checked="" type="checkbox"/>	Smart	<input checked="" type="checkbox"/>	Thoughtful
<input type="checkbox"/>	Other				

48. Is there anything else that you feel is important for the parties to know about you?

I believe the people in this country should be treated with ~~Respect~~ respect and dignity. And that means their health is very important.

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

Paul G. Kaputa
SIGNATURE

4-1-13
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlina	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,)	CASE NO. C2665107-1,2
)	
Plaintiff,)	DEPT. NO. XXI
)	
-vs-)	
)	
DIPAK KANTILAL DESAI,)	
RONALD ERNEST LAKEMAN)	
Defendants.)	
_____)	

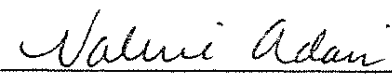
TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.


All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.



VALERIE ADAIR, District Judge

 _____ PRINT NAME	100095556 _____ JUROR NO.	011502 _____ BADGE NO.
--	---------------------------------	------------------------------

Badge No.: 011502

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: Christopher Charles Seitz
(PLEASE PRINT LEGIBLY)

2. Date of Birth: / 1971 ☒ Male ☐ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? Yes X No

If YES, please describe: _____

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
_____ Yes X No

If YES, please describe: _____

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? Yes X No

If YES, please explain: _____

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY		X		
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSE				
SOOD, RAJAT	X			
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

10. List all previous jobs and employers:

Job	Employer	How Long?
Auto Shipping Supervisor	Aristocrat Technologies	12 2 Years 3 Months
Tech Service	Aristocrat Technologies	12 Years ____ Months
Technical Installer	Ford Country	1 Years 1 Months
Field Technician	Fletcher Jones Chevrolet	____ Years 9 Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: _____

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? Compliance Engineer

13. Have you received special training or schooling in the following areas? Check all areas that apply.

- | | | | |
|--------------------------|---------------------|-------------------------------------|---------------------------|
| <input type="checkbox"/> | Medical | <input checked="" type="checkbox"/> | Manufacturing of Products |
| <input type="checkbox"/> | Business Management | <input checked="" type="checkbox"/> | Distribution of Products |
| <input type="checkbox"/> | Legal | <input type="checkbox"/> | Medical Sales |
| <input type="checkbox"/> | Psychology | <input checked="" type="checkbox"/> | Labeling of Products |
| <input type="checkbox"/> | Risk Management | <input type="checkbox"/> | Pharmaceuticals |

Please describe any of the above areas that are checked: I work for a gaming manufacturer and all of our products + parts have to be specifically labeled for inventory and verified for shipment

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: Wife worked for some company

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☒ Yes ☐ No

If YES, who is the person, what company is/was it, and what is/was the person's job: wife worked for AFLAC and has helped to submit claims as a Sales Agent

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Mother in law worked as doctor receptionist

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☐ High School Graduate
☒ Business/Tech school/some college
☒ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☒ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
<u>ITT Tech</u>	<u>AA Electronics</u>	<u>4/90 - 6/91</u>

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): _____

Describe the nature of the business: _____

22. Please identify any previous or current military service:

Branch: _____ Rank: _____

Dates of service: from: _____ to: _____
Principal military duties: _____

23. Have you ever worked in law enforcement?
☐ Yes ☒ No If YES, please describe: _____

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

<input type="checkbox"/>	African-American/Black
<input type="checkbox"/>	Asian/Pacific Islander
<input checked="" type="checkbox"/>	Caucasian/White
<input type="checkbox"/>	Hispanic/Latino
<input type="checkbox"/>	Native American (American Indian)
<input type="checkbox"/>	Other (please specify): _____

25. Marital Status (check one):

<input type="checkbox"/>	Single and never married
<input type="checkbox"/>	Engaged
<input checked="" type="checkbox"/>	Currently married for <u>6</u> years
<input type="checkbox"/>	Separated (legally or not)
<input type="checkbox"/>	Divorced for _____ years
<input type="checkbox"/>	Widow/widower for _____ years
<input type="checkbox"/>	Other (specify): _____

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
Elizabeth Ann Seitz	3	Girl

27. If any of your children are employed, please list their occupations: _____

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Clark County School District

Your stepmother: _____

Your father: Clark County Las Vegas Fire Department

Your stepfather: Sr Director of Development for GHI Labs

29. Identify the city and State where you were born: Las Vegas, Nevada

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Phoenix	Arizona	4/90 to 6/91
		to
		to
		to
		to

31. How long have you lived in Clark County? _____

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? South East

33. Describe your current living situation (check one):

☒
☐
☐
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

☒
☒
☒
☒
☐
☐
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☐ Yes ☒ No If YES, please explain: _____
-
36. Have you or someone close to you ever been the victim of medical malpractice?
☒ Yes ☐ No If YES, please explain: A friend of mine's father
was effected by the Hep C outbreak
-
37. Have you or anyone you know ever been involved in a civil lawsuit? ☒ Yes ☐ No
 Who, Why, and what was the result? See above
-
38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☒ Yes ☐ No
 Who, Why, and what was the result? My friends father was notified of exposure
of possible Hep C outbreak
-
39. Have you, or anyone close to you, suffered from a serious infectious disease? ☒ Yes ☐ No
 If YES, please describe who, and the nature of the disease: My friends father, Jerry
Hep C
-
40. What was your favorite subject in school?
- | | | | |
|--|---|--|---|
| <input checked="" type="checkbox"/> English/Language | <input type="checkbox"/> Social Studies | <input type="checkbox"/> Science/Engineering | <input checked="" type="checkbox"/> Other |
| <input type="checkbox"/> Physical Education | <input type="checkbox"/> Mathematics | <input type="checkbox"/> Art/Music | |

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☒ Yes ☒ No

Please explain your answer:

Mistakes are almost always due to neglect or ignorance

42. What do you most like to do in your spare time?

Spend time with my family, explore so NV deserts by Jeep

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other	<i>Vegas Valley Four Wheeler</i>	

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? _____

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? _____

If *civil*, what was the outcome of the case? _____

Were you pleased with the outcome? ☐ Yes ☐ No

Were you the foreperson or the presiding juror of the jury? ☐ Yes ☐ No

Did you find your experience as a juror to be: ☐ Positive ☐ Negative

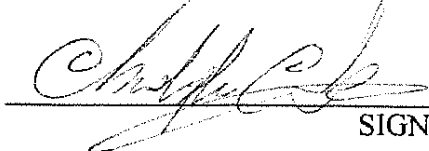
If NEGATIVE, please explain: _____

47. Which of the following best describes you? (Please check all that apply)

<input type="checkbox"/> Analytical	<input type="checkbox"/> Compassionate	<input type="checkbox"/> Creative
<input type="checkbox"/> Generous	<input checked="" type="checkbox"/> Judgmental	<input type="checkbox"/> Naïve
<input checked="" type="checkbox"/> Open-minded	<input type="checkbox"/> Outspoken	<input type="checkbox"/> Private
<input checked="" type="checkbox"/> Pro-worker	<input checked="" type="checkbox"/> Skeptical	<input type="checkbox"/> Strict
<input checked="" type="checkbox"/> Technical	<input type="checkbox"/> Trusting	<input type="checkbox"/> Successful
<input checked="" type="checkbox"/> Careful	<input type="checkbox"/> Compulsive	<input checked="" type="checkbox"/> Emotional
<input type="checkbox"/> Impulsive	<input type="checkbox"/> Logical	<input checked="" type="checkbox"/> Old-fashioned
<input type="checkbox"/> Opinionated	<input checked="" type="checkbox"/> Practical	<input type="checkbox"/> Pro-Company
<input checked="" type="checkbox"/> Sensitive	<input type="checkbox"/> Smart	<input type="checkbox"/> Thoughtful
<input type="checkbox"/> Other _____		

48. Is there anything else that you feel is important for the parties to know about you?

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.



SIGNATURE

4/1/2013
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT
CLARK COUNTY, NEVADA

200

THE STATE OF NEVADA,	)	CASE NO. C2665107-1,2
)	
Plaintiff,	)	DEPT. NO. XXI
)	
-vs-)	
)	
DIPAK KANTILAL DESAI,)	
RONALD ERNEST LAKEMAN)	
Defendants.)	
)	

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

<u>ORLANDO Cortes</u>	<u>103353603</u>	<u>011510</u>
PRINT NAME	JUROR NO.	BADGE NO.

Badge No.: 1510

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: ORLANDO CORTES
(PLEASE PRINT LEGIBLY)

2. Date of Birth: [REDACTED] 156 ☒ Male ☐ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No

If YES, please describe: economic, if I do not get pay

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
☐ Yes ☒ No

If YES, please describe: _____

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☐ Yes ☒ No

If YES, please explain: _____

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

in the news - use of infected needles

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

that He is guilty for allowing this to happen.

8. Please describe your current or most recent employment:

Employer: CDW corp.
Length of Employment: 10 years
Number of people employed by your employer: 7,000
Job Duties/Responsibilities: Computer technician
Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise? _____
What are your duties? Assembling and fixing computers

9. If retired: Who was your last employer? _____
What kind of work did you do? _____

10. List all previous jobs and employers:

Job	Employer	How Long?
Printing Company	Holmes Company	<u>20</u> Years <u> </u> Months
Motorola lift truck driver	Motorola	<u>3</u> Years <u> </u> Months
Felpro lift truck driver	Felpro	<u>6</u> Years <u> </u> Months
		<u> </u> Years <u> </u> Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: _____

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? _____

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐
☐
☐
☐
☐

Medical
Business Management
Legal
Psychology
Risk Management

☒
☐
☐
☐
☐

Manufacturing of Products
Distribution of Products
Medical Sales
Labeling of Products
Pharmaceuticals

Please describe any of the above areas that are checked: work in the
production area

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: _____

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: _____

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☐ Yes ☒ No

If YES, who is the person? _____

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☐ High School Graduate
☒ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School Degree/Major/Area of Study Dates

no degree, was studying IT management

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): _____

Describe the nature of the business: _____

22. Please identify any previous or current military service:

Branch: _____ Rank: _____

Dates of service: from: _____ to: _____
Principal military duties: _____

23. Have you ever worked in law enforcement?

☐ Yes ☒ No If YES, please describe: _____

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☐ African-American/Black
☐ Asian/Pacific Islander
☐ Caucasian/White
☒ Hispanic/Latino
☐ Native American (American Indian)
☐ Other (please specify): _____

25. Marital Status (check one):

☐ Single and never married
☐ Engaged
☐ Currently married for _____ years
☐ Separated (legally or not)
☒ Divorced for 12 years
☐ Widow/widower for ~~12~~ years
☐ Other (specify): _____

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
Bryan Cortes	35	Boy
Steven Cortes	32	Boy

27. If any of your children are employed, please list their occupations: Marines,
and the other has been working

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: None
 Your stepmother: _____
 Your father: Self-employed
 Your stepfather: _____

29. Identify the city and State where you were born: Girardot - Colombia, South America

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Chicago	Illinois	1997 to 2006
		to
		to
		to
		to

31. How long have you lived in Clark County? 6 years

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? _____

33. Describe your current living situation (check one):

☒
☐
☐
☐

Live in own house, condominium, townhouse
 Rent apartment, house, condominium, townhouse (circle one)
 Live with parents or relative
 Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

☒
☒
☐
☒
☐
☐
☐

Channel 3 or 703 (NBC)
 Channel 5 or 705 (FOX)
 Channel 8 or 708 (CBS)
 Channel 13 or 713 (ABC)
 Cable Channel 20 or 720 (CNN)
 Channel 21 or 721 (FOX News Channel)
 Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☐ Yes ☒ No If YES, please explain: _____

36. Have you or someone close to you ever been the victim of medical malpractice?
☐ Yes ☒ No If YES, please explain: _____

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No
Who, Why, and what was the result? _____

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No
Who, Why, and what was the result? _____

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No
If YES, please describe who, and the nature of the disease: _____

40. What was your favorite subject in school?
☐ English/Language ☐ Social Studies ☒ Science/Engineering
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☐ Yes ☒ No

Please explain your answer:

There is always someone at fault.

42. What do you most like to do in your spare time?

listen music, and be at the computer

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? _____

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

What was the nature of the case? _____

If *civil*, what was the outcome of the case? _____

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: _____

47. Which of the following best describes you? (Please check all that apply)

☐
☐
☒
☐
☐
☒
☐
☐
☐
☐
☐
☐

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other _____

☒
☐
☐
☐
☐
☐
☐
☒
☐
☐
☐

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

☒
☐
☐
☐
☐
☐
☐
☐
☐
☐
☐

Creative

Naïve

Private

Strict

Successful

Emotional

Old-fashioned

Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

April M. [Signature]
SIGNATURE

4-1-13
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT
CLARK COUNTY, NEVADA

207

THE STATE OF NEVADA,	)	CASE NO. C2665107-1,2
)	
Plaintiff,	)	DEPT. NO. XXI
)	
-vs-)	
)	
DIPAK KANTILAL DESAI,)	
RONALD ERNEST LAKEMAN)	
Defendants.)	
_____)	

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

<u>Heather Elise</u>	<u>103213394</u>	<u>011557</u>
PRINT NAME	JUROR NO.	BADGE NO.

Badge No.: 011557

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: Heather Elise
(PLEASE PRINT LEGIBLY)
2. Date of Birth: [REDACTED] 1/89 ☐ Male ☒ Female
3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No
If YES, please describe: I have school and work and an upcoming apt. that day.
4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
☒ Yes ☐ No
If YES, please describe: I ~~am~~ am prejudice against Handed families - meaning people that marry and have kids with more than 1 person.
5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☐ Yes ☒ No
If YES, please explain: _____
6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANOVA, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

 Yes No

If YES, how were you exposed to this information, and generally what information were you provided?

I saw it on various local news channels, such as, Fox 5
and others. I saw that the workers were not using
sterilized equipment and therefore caused many people
to get HC. Also the building was shut down.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

NO,

8. Please describe your current or most recent employment:

Employer: Diamond Shoeshine

Length of Employment: 6-15-12 - current

Number of people employed by your employer: 5

Job Duties/Responsibilities: Shining shoes

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise?

What are your duties? clean the stand/engage with guests/shine shoes

9. If retired: Who was your last employer?

What kind of work did you do?

10. List all previous jobs and employers:

Job	Employer	How Long?
Cocktail Server	hazards	0 Years 6 Months
Forklift Driver	Sam's Club	0 Years 11 Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☐

Yes

☒

No

If YES, please describe: _____

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? _____

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐
☐
☐
☐
☐

Medical
 Business Management
 Legal
 Psychology
 Risk Management

☐
☐
☐
☐
☐

Manufacturing of Products
 Distribution of Products
 Medical Sales
 Labeling of Products
 Pharmaceuticals

Please describe any of the above areas that are checked: _____

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☐

Yes

☒

No

If YES, please describe: _____

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: _____

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☐ Yes ☒ No

If YES, who is the person? _____

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☒ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
UNIV / CSN	B.A	2009 - 2013

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): _____

Describe the nature of the business: _____

22. Please identify any previous or current military service:

Branch: _____ Rank: _____

Dates of service: from: _____ to: _____

Principal military duties: _____

23. Have you ever worked in law enforcement?

☐

Yes

☒

No

If YES, please describe: _____

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☐
☐
☒
☐
☐
☐
☐

African-American/Black

Asian/Pacific Islander

Caucasian/White

Hispanic/Latino

Native American (American Indian)

Other (please specify): _____

25. Marital Status (check one):

☒
☐
☐
☐
☐
☐
☐
☐

Single and never married

Engaged

Currently married for _____ years

Separated (legally or not)

Divorced for _____ years

Widow/widower for _____ years

Other (specify): _____

26. Do you have children?

☐

Yes

☒

No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: _____

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: ~~Marketing~~ marketing

Your stepmother: _____

Your father: Self

Your stepfather: _____

29. Identify the city and State where you were born: Houston, TX

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Houston	TX	12-89 to 3-98
Hammond	LA	3-98 to 9-98
Ft. Meyers	FL	2000 to 2001
W Palm Beach	FL	2001 to 2003
Austin	TX	2003 to 2008

31. How long have you lived in Clark County? 5 years

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Las Vegas

33. Describe your current living situation (check one):

☐
☒
☐
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

☒
☒
☒
☒
☒
☐
☐
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☐ Yes ☒ No If YES, please explain: _____

36. Have you or someone close to you ever been the victim of medical malpractice?
☐ Yes ☒ No If YES, please explain: _____

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No

Who, Why, and what was the result? _____

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No

Who, Why, and what was the result? _____

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No

If YES, please describe who, and the nature of the disease: _____

40. What was your favorite subject in school?

☐ English/Language ☐ Social Studies ☐ Science/Engineering
☐ Physical Education ☐ Mathematics ☒ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☐ Yes ☒ No

Please explain your answer:

42. What do you most like to do in your spare time?

Sleep / eat too much / be lazy

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? _____

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? _____

If *civil*, what was the outcome of the case? _____

Were you pleased with the outcome? ☐ Yes ☐ No

Were you the foreperson or the presiding juror of the jury? ☐ Yes ☐ No

Did you find your experience as a juror to be: ☐ Positive ☐ Negative

If NEGATIVE, please explain: _____

47. Which of the following best describes you? (Please check all that apply)

☒ Analytical
☒ Generous
☒ Open-minded
☒ Pro-worker
☐ Technical
☒ Careful
☐ Impulsive
☒ Opinionated
☒ Sensitive
☐ Other _____

☒ Compassionate
☒ Judgmental
☒ Outspoken
☐ Skeptical
☒ Trusting
☒ Compulsive
☒ Logical
☒ Practical
☒ Smart

☒ Creative
☐ Naïve
☒ Private
☐ Strict
☐ Successful
☒ Emotional
☒ Old-fashioned
☐ Pro-Company
☒ Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

I am not religious, but I am a spiritualist.

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

Heather Hill

SIGNATURE

4-1-13

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solara)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

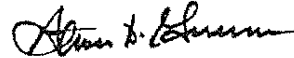
129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 1

MONDAY, APRIL 22, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ.
FOR DEFENDANT LAKEMAN:	MARGARET M. STANISH, ESQ. FREDERICK A. SANTACROCE, ESQ.

RECORDED BY JANIE OLSEN COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

UNCERTIFIED ROUGH DRAFT

ACKNOWLEDGMENT:

Fursuant to Rule 3C(d) of Nevada Rules of Appellate Procedure, this is a rough draft transcript expeditiously prepared, not proofread, corrected or certified to be an accurate transcript.

A handwritten signature in cursive script, reading "Kimberly Lawson", is written over a horizontal line.

KIMBERLY LAWSON
TRANSCRIBER

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1 THE COURT: All right. Thank you, sir. Go ahead --
2 oh, one final thing I forgot to tell you. Obviously the
3 admonition about discussing the case, reading, writing,
4 watching anything relating to the case, independent research,
5 all of that is still in effect.

6 Additionally, you are instructed that you're not to
7 discuss anything that has transpired in the courtroom with
8 anyone else. What that means, is the questions I've asked,
9 the lawyers have asked, and our discussions here in the
10 courtroom today.

11 PROSPECTIVE JUROR NO. 129: I understand.

12 THE COURT: All right. Thank you, sir. You can just
13 put the microphone down in the chair, and just make sure Kenny
14 has your number.

15 MR. SANTACROCE: Before you call the next person --

16 THE COURT: Yes, I understand.

17 MR. SANTACROCE: -- oh, thanks.

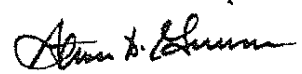
18 THE COURT: Kenny, maybe you could step into the
19 vestibule there. Thank you. Let the door shut.

20 All right. At the break at the bench -- or not the
21 break, but at the conference at the bench, Mr. -- I didn't
22 want him to hear this -- Mr. Santacroce had challenged Mr.
23 Johnson for cause. That was opposed by the State. Mr.
24 Wright, what's the Desai Defense's position on for cause? Ms.
25 Stanish had passed Mr. Johnson for cause.

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CLERK OF THE COURT

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DISTRICT COURT

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CLARK COUNTY, NEVADA

5

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STATE OF NEVADA,

)

7

Plaintiff,

)

) CASE NO. C265107-1,2

)

) DEPT. XXI

8

vs.

)

)

9

DIPAK K. DESAI, RONALD LAKEMAN,

)

TRANSCRIPT OF

)

PROCEEDINGS

10

Defendants.

)

)

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)

)

12

13

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

14

FRIDAY, APRIL 26, 2013

15

JURY TRIAL - DAY 3

16

APPEARANCES:

17

FOR THE STATE:

MICHAEL V. STAUDAHER, ESQ.

18

PAMELA WECKERLY, ESQ.

Chief Deputy District Attorneys

19

FOR DEFENDANT DESAI:

RICHARD A. WRIGHT, ESQ.

20

MARGARET M. STANISH, ESQ.

21

FOR DEFENDANT LAKEMAN:

FREDERICK A. SANTACROCE, ESQ.

22

23

24

25

RECORDED BY: JANIE L. OLSEN, COURT RECORDER

- 1 -

UNCERTIFIED ROUGH DRAFT

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ACKNOWLEDGMENT:

Pursuant to Rule 3C(d) of Nevada Rules of Appellate Procedure, this is a rough draft transcript expeditiously prepared, not proofread, corrected or certified to be an accurate transcript.

A handwritten signature in cursive script, reading "Kimberly Lawson", is written over a horizontal line.

KIMBERLY LAWSON
TRANSCRIBER

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1 now, and when I did, I was just doing a simple travel journal.
2 So, I mean, it's not like really, you know, I have any
3 interest in that.

4 MR. SANTACROCE: Do you have any aspirations to
5 write any kind of books, novels, nonfiction, fiction or --

6 PROSPECTIVE JUROR NO. 385: Perhaps one day, but not
7 about this case.

8 MR. SANTACROCE: I'm not asking you about this, I'm
9 talking about in the future; is that an aspiration of yours?

10 PROSPECTIVE JUROR NO. 385: Yes, but it would be
11 fiction.

12 MR. SANTACROCE: You said that you wouldn't want to
13 have an operation in this country --

14 PROSPECTIVE JUROR NO. 385: No, I said in the state
15 of Nevada.

16 MR. SANTACROCE: Okay. But you said you would go to
17 the UK because they're not concerned with money --

18 PROSPECTIVE JUROR NO. 385: I didn't say I was going
19 to the UK either.

20 MR. SANTACROCE: Why don't you explain the comment
21 or the --

22 PROSPECTIVE JUROR NO. 385: I said I would not want
23 to have an operation in the state of Nevada from what I have
24 heard from other people. I said the system they have in the
25 UK you can trust the doctors more. I don't have the, you

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UNCERTIFIED ROUGH DRAFT

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1 know, I don't have that opportunity to go and have medical
2 done in the UK, but I just mentioned that in the UK doctors
3 aren't being paid over the top for their services. You can
4 trust the doctors more to get the work done and just the work
5 done that is needed instead of reaming the patients for
6 everything they can in order to make a buck.

7 MR. SANTACROCE: I believe your words were, Because
8 they're not concerned with money.

9 PROSPECTIVE JUROR NO. 385: I didn't say they were
10 not concerned with money but perhaps -- I mean, I don't know
11 where this is going anyway. This is starting to get on my
12 nerves. So what is it you're getting at?

13 THE COURT: Ma'am, you know, I have to just tell you
14 a lot of times potential jurors don't understand, you know,
15 why the lawyers are asking the questions that they do, but the
16 lawyers, you know, if it's not an objectionable question, the
17 lawyers can ask these things without explanation, meaning
18 without explaining the point of their question.

19 So, Mr. Santacroce, proceed.

20 And, ma'am, to the best of your ability, you need to
21 answer the questions. If you can't answer the question, then
22 just say you can't answer it or you don't understand the
23 question. But even if a question maybe doesn't seem relevant
24 to you, they still get to ask it.

25 So, Mr. Santacroce, ask your question.

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UNCERTIFIED ROUGH DRAFT

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1 have any preconceived ideas as to their guilt or innocence at
2 this point?

3 PROSPECTIVE JUROR NO. 385: Well, like I say, just
4 know the word on the street that people are saying that, you
5 know, perhaps they used -- like I say, I don't know the
6 details; you see what I mean? I don't know the details so
7 it's just, you know, I can't really make, you know, an
8 assumption based on, you know, what people said on the street
9 ago. I mean, I really don't know.

10 MR. SANTACROCE: In your questionnaire you stated in
11 Question 5 that you loathe the medical profession, and being a
12 writer I'm assuming that you chose that word loathe very
13 carefully?

14 PROSPECTIVE JUROR NO. 385: Not really. I was just
15 trying to fill out the questionnaire and get to my -- back to
16 my job, but that is correct. I didn't choose it very
17 carefully, hmmm, hmmm, what word should I use, no, I wasn't
18 going through that. It just came off the top of my head.

19 MR. SANTACROCE: But you would agree that the word
20 has a very strong connotation, wouldn't you?

21 PROSPECTIVE JUROR NO. 385: Yeah.

22 MR. SANTACROCE: And you have strong feelings about
23 the medical profession in Nevada?

24 PROSPECTIVE JUROR NO. 385: Yes.

25 MR. SANTACROCE: And those feelings are not very

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UNCERTIFIED ROUGH DRAFT

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1 good, are they?

2 PROSPECTIVE JUROR NO. 385: That is correct.

3 MR. SANTACROCE: There may come a time in the trial
4 where the Judge may admonish me for something. The fact that
5 the Judge admonishes me in trial, are you going to hold that
6 against my client, Mr. Lakeman?

7 PROSPECTIVE JUROR NO. 385: No.

8 MR. SANTACROCE: The fact that we've had this little
9 discourse here today, are you going to hold that against my
10 client, Mr. Lakeman?

11 PROSPECTIVE JUROR NO. 385: You mean because of your
12 aggressive attitude; is that what you're talking about?

13 MR. SANTACROCE: Possibly.

14 PROSPECTIVE JUROR NO. 385: Uh-huh. Well, no,
15 you're just like the rest, just trying to make some money,
16 okay.

17 MR. SANTACROCE: So lawyers are like doctors, right,
18 just greed; is that your opinion?

19 PROSPECTIVE JUROR NO. 385: It depend -- like I say,
20 I'm generalizing wildly, but it's, you know, it's not like
21 that's a, you know, unknown information.

22 MR. SANTACROCE: And you have knowledge that I'm
23 being paid?

24 MR. STAUDAHER: Objection, Your Honor.

25 PROSPECTIVE JUROR NO. 385: How would I know that.

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1 table. You know, I felt then she was just kind of annoyed by
2 the process because I felt she was aggressive, had the same
3 tone with me that she had with Mr. Santacroce. So I don't
4 know that I really saw that as against him.

5 I think you triggered it, frankly. I don't think it
6 was purposeful. I wasn't reading, Mr. Santacroce, that you
7 were being purposeful in that conduct. I think once you saw
8 it, I think then you wanted to bring it to a for-cause
9 challenge, but I don't -- I didn't get that you set out that
10 way. I think you may have capitalized on the tension and
11 brought that to escalation, but I think her annoyance was
12 manifested toward the Court as well as you.

13 Again, for cause isn't somebody who's likeable or
14 somebody who, you know, doesn't exhibit attitude and things
15 like that. So we all know in many cases you have a lot of
16 people that kept on the jury that exhibit attitude.

17 So I'm going to deny that.

18 We'll go to lunch. You all can keep your stuff
19 spread out.

20 To the media I know you've been taking notes.
21 Obviously, you can't report, you know, the names and anything
22 like that of prospective jurors. You can report sort of
23 generally, you know, a couple of African-American, you know,
24 that kind of thing or people had heard in the, you know, but
25 not as specifics.

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UNCERTIFIED ROUGH DRAFT

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1 subject matter relating to the case or forming or expressing
2 an opinion on the case is still in effect. Additionally, I
3 must admonish you you're not to discuss anything that
4 transpired in the courtroom with anyone else. What that means
5 is my questions, the lawyers' questions, your responses and
6 all of our discussion. Do you understand?

7 PROSPECTIVE JUROR NO. 426: Yes.

8 THE COURT: All right, ma'am, thank you, and luckily
9 you don't have to go to work tonight, and you are excused at
10 this time.

11 PROSPECTIVE JUROR NO. 426: No, I'm going home and
12 go to bed.

13 THE COURT: All right. Is either side passing for
14 cause, challenging for cause?

15 MR. SANTACROCE: I'm going to challenge for cause,
16 Your Honor.

17 THE COURT: Basis?

18 MR. SANTACROCE: Based on her questionnaire. She
19 comes into this courtroom presuming Dr. Desai is guilty, and
20 then miraculously she believes when being questioned that
21 she's going to presume he's innocent. I just thing you need
22 to look beyond the words. You need to look at what she wrote.
23 She was very emphatic about what she wrote. She was very
24 definitive about what she wrote, and I believe that she comes
25 in here prejudiced against Dr. Desai which translates in

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UNCERTIFIED ROUGH DRAFT

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1 of innocence, and would be fair in this case and base it on
2 the evidence in the case. So I think she's okay.

3 MR. SANTACROCE: Can I ask you a question?

4 THE COURT: Sure.

5 MR. SANTACROCE: This has nothing to do with this
6 juror, but just as -- are these questionnaires part of the
7 record?

8 THE COURT: Absolutely. They're all court's
9 exhibits. The original questionnaires that were filled out
10 are court's exhibits. So if there's appellate review -- first
11 of all, I think a lot of this is evident in the transcript
12 because I say this was your answer. You guys say this was
13 your answer. To the extent it may not be evident in the
14 record, if this matter were to go up on appeal, the actual
15 originals are available to the Supreme Court, and they can
16 request them. The State can ask that they all be sent up, or
17 you can ask that they be sent up as part of the appellate
18 process. So, yeah, everything is in the record.

19 MR. SANTACROCE: Thank you.

20 THE COURT: All right. Anything else we need to
21 place on the record before we take our weekend break?

22 MR. WRIGHT: Yes. I request next week for the --
23 I'd like -- we've had 47 prospective jurors come in, and I'd
24 request that we be allowed to go first on the questioning for
25 the next 47.

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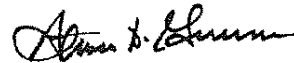
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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 4

MONDAY, APRIL 29, 2013

APPEARANCES:

FOR THE STATE: MICHAEL V. STAUDAHER, ESQ.
 PAMELA WECKERLY, ESQ.
 Chief Deputy District Attorneys

FOR DEFENDANT DESAI: RICHARD A. WRIGHT, ESQ.

MARGARET M. STANISH, ESQ.

FOR DEFENDANT LAKEMAN: FREDERICK A. SANTACROCE, ESQ.

RECORDED BY JANIE OLSEN COURT RECORDER
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1 excused for today, but, again, you may be called to serve.
2 And go back down and check out through jury services on the
3 third floor. All right. Thank you.

4 (Outside the presence of Prospective Juror No. 573.)

5 THE COURT: All right. Neither -- did you pass for
6 cause?

7 MR. WRIGHT: I challenge him for cause because of a
8 family member being a patient.

9 THE COURT: I'll hear from the State.

10 MR. SANTACROCE: I join in that, too.

11 MS. WECKERLY: Your Honor, my understanding was that
12 he didn't even go in the building. He certainly had zero
13 emotional affect when he was discussing the whole encounter
14 and didn't have any real recollection of it. He said over and
15 over again without seeming like he had an agenda that it had
16 no impact on him and wouldn't have any impact on his ability
17 to be fair, and it was his ex-wife --

18 THE COURT: Right.

19 MS. WECKERLY: -- not a family member.

20 THE COURT: Yeah, it's his ex-wife. You know, I
21 think he never went in either to the Shadow Lane office or the
22 other office, even. He sat in the car smoking. He seemed to
23 have no real recollection about anything. And unlike the
24 other people who had family members who were affected, he did
25 not express any emotional impact to anybody as a result of all

UNCERTIFIED ROUGH DRAFT

1 of this, especially to himself. He seemed really kind of
2 indifferent about the whole thing.

3 And, again, you know, we have to assume a level of
4 honesty when we place these potential jurors under oath. You
5 know, typically I've been excusing them, but, again, they went
6 -- people who, you know, have been -- were more emotionally
7 impacted. I think this person can be fair and impartial. He
8 repeatedly said that and I think, you know -- I mean, how
9 concerned was this guy about what had happened? He sat in the
10 car smoking. I mean, he didn't even, you know, go in with his
11 wife. It clearly wasn't a big thing in their -- in their
12 lives. It didn't appear to be. So I think he's okay.

13 Do you need a moment, Mr. Wright?

14 MR. WRIGHT: Yes, please.

15 THE COURT: All right. And then we'll move on to
16 Frank Allen, Badge No. 602.

17 (Pause in the proceedings.)

18 THE COURT: All right. Is everyone ready?

19 MR. SANTACROCE: Can I ask you --

20 MR. WRIGHT: Yes.

21 MR. SANTACROCE: -- a question, Your Honor --

22 THE COURT: Sure.

23 MR. SANTACROCE: -- about the perempts that we have?
24 I thought in chambers you had discussed the possibility of
25 giving the defense a couple of extras, but --

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1 challenge for cause?

2 MR. SANTACROCE: Yes, I am, Your Honor.

3 THE COURT: Go ahead.

4 MR. SANTACROCE: Well, Ms. Young also works at the
5 Palace Station and I believe -- and she's on a quota system.
6 And earlier today Juror 453, we excused her for a hardship
7 work at Palace Station. I believe she said she wasn't going
8 to get paid.

9 THE COURT: Wasn't that a cocktail server?

10 MR. STAUDAHER: Cocktail waitress, yeah.

11 MR. SANTACROCE: A cocktail server, correct, but
12 same employer. So I'm assuming that the same policies and
13 procedures apply.

14 THE COURT: The reason I didn't excuse Ms. Young is
15 she checked no, that she didn't have a significant hardship,
16 and then she didn't seem all that concerned to me. I mean,
17 certainly if she had said, yes, I'm not going to be making all
18 my wages I probably would have excused her, but she didn't ask
19 to be excused and she didn't seem that concerned. I mean, I
20 agree, it is a possible --

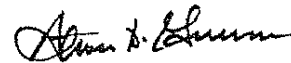
21 MR. SANTACROCE: Well, it concerns me --

22 THE COURT: -- hardship.

23 MR. SANTACROCE: It concerns me because I'm fearful
24 that in the middle of the trial, this lady who has already
25 said that she's impatient because of her last experience, it

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 5

TUESDAY, APRIL 30, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ. MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

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ACKNOWLEDGMENT:

Pursuant to Rule 3C(d) of Nevada Rules of Appellate Procedure, this is a rough draft transcript expeditiously prepared, not proofread, corrected or certified to be an accurate transcript.

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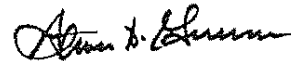
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1 PROSPECTIVE JUROR NO. 718: Thank you.
2 THE COURT: Thank you, ma'am. Mr. Santacroce --
3 MR. SANTACROCE: Did I say something?
4 THE COURT: -- do you pass for cause?
5 MR. SANTACROCE: No, I didn't pass for cause.
6 THE COURT: I know. So if you're going to challenge
7 for cause, state your reason.
8 MR. SANTACROCE: She works for the police department.
9 I think there's an apparent conflict of interest with that, of
10 -- of and in itself. I know she said all the right things,
11 and I'm not going to belabor the point, I'm just saying.
12 THE COURT: Yeah. As you know, that's not a
13 for-cause reason. I mean, I understand you're protecting the
14 record, but people can -- you know, she's not a police
15 officer, even if she were she could still serve, but, you
16 know, she indicated she wouldn't give a police officer's
17 testimony any more weight and can be fair and impartial. So
18 she goes in the pile.
19 And, Mr. Wright, we'll give you a moment, and then
20 we'll call --
21 MR. STAUDAHER: Your Honor, just for the --
22 THE COURT: -- I was going to call --
23 MR. STAUDAHER: -- just for the record --
24 THE COURT: -- this gal, Sandra Tessier who works for
25 the endodontist next.

UNCERTIFIED ROUGH DRAFT

TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL -- DAY 7

FRIDAY, MAY 3, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ. MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

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ACKNOWLEDGMENT:

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A handwritten signature in cursive script, reading "Kimberly Lawson", is written over a horizontal line.

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TRANSCRIBER

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1 jury?

2 MR. SANTACROCE: No, Your Honor.

3 MR. STAUDAHER: Not for the State.

4 THE COURT: All right.

5 MR. WRIGHT: No questions.

6 THE COURT: All right. That was, I think, the only

7 housekeeping, and you've all been given copies of the forms

8 that will -- or the form, you know, you'll just use one back

9 and forth -- that will be used for the exercise of the

10 preemptory challenges. So have that with you.

11 All right. I think that was the only thing the

12 Court wanted to place on the record regarding jury selection.

13 Ms. Stanish?

14 MS. STANISH: Your Honor, if I may. We moved last

15 time we were in court for additional peremptories as well as

16 continued voir dire, and we would like to supplement that

17 motion with copies of media reports relating to this case. So

18 I've already served this on the parties, if I -- and gave a

19 copy to the clerk that we may file this in open court, Your

20 Honor.

21 THE COURT: All right.

22 MS. STANISH: It was for you to --

23 THE COURT: That's fine.

24 MS. STANISH: -- consider that -- the media in light

25 of your decision.

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1 MR. SANTACROCE: And to the extent --
2 THE COURT: Mr. Santacroce?
3 MR. SANTACROCE: -- thank you. To the extent I
4 haven't done so before, I'm going to join in that motion and
5 the supplement.
6 THE COURT: All right. State?
7 MR. STAUDAHER: We'll submit it, Your Honor.
8 MS. STANISH: Well, and I -- I -- I'm sorry, there
9 are -- I did mean to correct my -- the record because I erred
10 when I identified one of the jurors that we identified for
11 cause, and I corrected it in this supplement. We did not
12 challenge for cause Juror No. 249. So there were four that we
13 did challenge for cause, based on pretrial publicity and
14 expressed bias.
15 THE COURT: Okay.
16 MS. STANISH: Okay?
17 THE COURT: State, is that correct?
18 MR. STAUDAHER: That is correct, Your Honor.
19 THE COURT: All right. What's next?
20 MR. WRIGHT: Yes, Your Honor, I'm going -- this is
21 going to do with accommodations I'm going to be requesting.
22 And I'd first like to report to the Court my experiences
23 during five days of jury selection, Monday, Tuesday, we had
24 Wednesday, Thursday off, then Friday, then Monday, Tuesday,
25 Wednesday of this week.

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1 we happen to have some that we could do that with that
2 isn't -- I mean, isn't any requalifying or anything else.

3 THE COURT: All right. And do -- what other issues
4 do we have?

5 MR. SANTACROCE: Margaret? Or should I go?

6 THE COURT RECORDER: I'm sorry, I didn't hear that,
7 Mr. Santacroce?

8 MR. WRIGHT: Go ahead.

9 THE COURT: I kind of forgot that wasn't the only
10 thing.

11 MR. SANTACROCE: I have two issues, Your Honor.

12 THE COURT: Okay.

13 MR. SANTACROCE: My first is a motion in limine to
14 strike the testimony of the CDC investigator, Dr. Schaefer, I
15 believe her name was. We had a telephonic conversation with
16 Mr. Lakeman on or about January 2008. The facts are this:
17 The CDC investigator called Mr. Lakeman on the telephone
18 sometime in January of 2008. She identified herself as an
19 investigator from CDC and asked if he would talk to her? He
20 was reluctant at first, but she promised him anonymity, and in
21 fact, told him that his name would never be used, that he
22 would be assigned a number, and that would only be referred to
23 in any CDC reports by that number.

24 On that basis, Mr. Lakeman openly and freely spoke
25 to the investigator. As it says in her testimony, he

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1 would deny that the conversation ever took place in the
2 future. That statement in and of itself without any kind --
3 taken out of context is more -- more prejudice than probative.
4 It needs to be stricken. If the Court doesn't want to strike
5 all of the testimony regarding the telephonic conversation, at
6 least that statement should be stricken by the Court.

7 THE COURT: All right.

8 MR. STAUDAHER: The -- one last issue. I just want
9 to make sure the Court is aware of this. This all came out at
10 the grand jury. This testimony came out at the grand jury.
11 There were notes taken by the CDC person, that -- those have
12 been provided to the defense. This has been known for years.
13 And here we are at the precipice of trial, bringing a motion
14 in limine to suppress a statement that has been known and out
15 there in the transcripts and is -- this person is going to
16 testify who heard it. They will be subject to
17 cross-examination. He can question to his heart's content
18 about the context in which the question -- or the statement
19 came in, as well as the entirety of the statement and how
20 it -- how it even took place.

21 So it's not like this hasn't been out there.

22 THE COURT: All right. Anything else, Mr.
23 Santacroce?

24 MR. SANTACROCE: No. Thank you, Your Honor.

25 THE COURT: All right. I'm going to deny the motion.

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1 deposition of Mr. Meana for these reasons: First of all, it
2 violates the confrontation clause of the United States
3 Constitution. Mr. Lakeman, and I as his counsel, didn't have
4 an opportunity to cross-examine Mr. Meana. If the Court
5 recalls, it was a video deposition where he was in a
6 healthcare facility, we all assembled here in court, the State
7 got to ask all of their questions that they wanted, and then
8 they passed it off to the Defense.

9 Well, Mr. Wright started the cross-examination, went
10 on for a few questions, and then we were advised by the
11 healthcare facility that Mr. Meana could no longer go on.
12 Now, at -- present at that time was also Attorney Cristalli,
13 who represented Mathahs, myself, and Mr. Lakeman. Neither Mr.
14 Cristalli nor myself had an opportunity to cross-examine Mr.
15 Meana. And neither did Mr. Wright have the opportunity to
16 fully examine Mr. Meana.

17 It is patently unfair and a violation of the
18 Constitution and Confrontation Clause to allow that deposition
19 to be shown to the jury when we had no opportunity to
20 cross-examine. And for those reasons, we're asking the Court
21 to reconsider its decision and not allow the video deposition
22 of Mr. Meana to be presented to the jury.

23 THE COURT: Who would like to respond?

24 MS. WECKERLY: Your Honor, the Court's already made a
25 ruling on this. In fact, we were seeking to admit several

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1 that Mr. Meana knew he was going to die, and he wanted to
2 travel to the Philippines so that he could die in the
3 Philippines. That's how I understood this. And what I
4 understood was that it became apparent that his health was
5 maybe in -- you know, he was in worse shape than what they
6 thought, and they wanted to make sure he would be able to
7 travel to the Philippines so that he could die there. That's
8 how I understood this.

9 And not, oh, we don't want to finish the deposition
10 or this or that, but the family was more concerned with
11 prolonging his life as long as possible and making sure that
12 he got to the Philippines where he wanted to die.

13 MR. SANTACROCE: Your Honor, if we all --

14 THE COURT: So that's how I --

15 MR. SANTACROCE: -- knew --

16 THE COURT: -- recollect this. The record is going
17 to speak for itself, you know, we've been making extensive
18 records on everything, you know, your memory, my memory,
19 that's how I remember it.

20 MR. WRIGHT: Okay. Just -- the -- I'm -- I'm not
21 arguing any of that, the record is what it is. I just don't
22 know of an exception to the Confrontation clause that allows
23 this in.

24 THE COURT: All right. Well, I've already ruled on
25 it. I don't know that I have to make any additional record.

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1 You know, if you're -- if it's such a violation of the
2 Confrontation clause, then, you know, Dr. Desai's conviction
3 or Mr. Lakeman's conviction if we ever get there, should be
4 reversed. I don't see it that way, and I've already made
5 numerous comments on this, and, you know, I would say this.
6 Yes, Mr. Santacroce, you know, you have a separate right to
7 cross-examine any witness on behalf of your client, but -- and
8 again, the record will speak for itself, and if it ever gets
9 to an appeal, certainly, hopefully, someone will do a very
10 good job on this from -- you know, and really rely a lot on
11 the record.

12 But if you look at the testimony, you can see, well,
13 what would have been cross-examined here? And what would the
14 questions have been? And, you know, it -- regardless of who
15 you represent there are some -- only some questions you can
16 ask because that's all the testimony was about. And I think
17 what Ms. Weckerly is saying is if Mr. Wright covered those
18 questions, then, you know, what else would have been asked by
19 Mr. Santacroce or Mr. Cristalli. I think that's --

20 MR. SANTACROCE: How can they say --

21 THE COURT: -- that's the issue.

22 MR. SANTACROCE: -- okay. I'm not going to argue
23 with the Court.

24 THE COURT: Well, like I said --

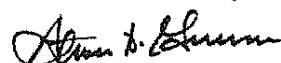
25 MR. SANTACROCE: The Court has made its decision.

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 8

MONDAY, MAY 6, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ.
	MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

RECORDED BY JANIE OLSEN COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

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CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

KARR REPORTING, INC.
Aurora, Colorado


KIMBERLY LAWSON

KARR Reporting, Inc.

1 We'll do that.

2 (Proceedings recessed 11:56 a.m. to 11:59 a.m.)

3 (In the presence of the panel of prospective jurors.)

4 THE COURT: You can all be seated. All right. Court
5 is now back in session. The record should reflect the
6 presence of the State, the presence of the defendants and
7 their counsel, the officers of the Court and the ladies and
8 gentlemen of the prospective jury panel.

9 Ladies and gentlemen, during our somewhat lengthy
10 break, all of the peremptory challenges have been exercised.

11 When I call your number, please stand. Badge No.
12 129, Cory Johnson; Badge No. 276, Darren Heller; Badge No.
13 291, Todd Nash; Badge No. 370, Charles Archuletta; Badge No.
14 378, Todd Hargett; Badge No. 385, Angela Valente-Libanotis;
15 Badge No. 386, Xavier Figueroa; Badge No. 426, Deana Safronov;
16 Badge No. 454, Jayson Tomboc; Badge No. 558 (sic), Joseph
17 Sandifer; Badge No. 573, Philip Chavis; Badge No. 604, Lora
18 Hendrickson; Badge 650, Lisa Curro; Badge No. 16 -- I'm sorry
19 -- Badge No. 656, Tommie Woolley; Badge No. 723, Steven Brown;
20 Badge No. 796, Lisa Manley; Badge No. 808, Sage Sidley --
21 Shadley.

22 MR. SANTACROCE: Your Honor, may we approach?

23 THE COURT: You may. Oh, I'm sorry. Badge No. 723,
24 Steven Brown.

25 PROSPECTIVE JUROR NO. 723: That's right.

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1 virus. It's unique in the sense that it's from a family of
2 viruses, but it's unique in how it does what it does to the
3 human body.

4 And we have in this case a total of seven patients,
5 seven individuals who came to the clinic on two separate days
6 who ended up with a viral infection they can't get rid of that
7 caused them sickness, pain, heartache, emotional upset, and
8 ultimately for one, death. You'll see some of those people.
9 You'll even see the person who died through a video
10 deposition, or at least a partial one that was done before
11 he -- at least a couple weeks before he died.

12 Now, the issue of greed, it's not just about money.
13 It's not just about doing a procedure so that you can get the
14 money. I mean, all doctors, all people want to make money.
15 Nothing wrong with that. It's the free enterprise system.
16 But when the medicine of business and the business of medicine
17 get blurred, and it just becomes business, and patients are
18 shortchanged as a result of that, that's where we have
19 problems.

20 And in this case you are going to hear terms like
21 cattle. They were run through the clinic like cattle.
22 Literally there were so many patients going through the
23 clinic, that were being pushed through the clinic at
24 unbelievable rates, and you're going to see charts of just the
25 two incident days as an example, but they're not an example.

1 They are the norm.

2 Day in, day out, patient in, patient out, as fast as
3 they possibly could turn them over. Get them in, get them
4 out, get them out the door. It didn't matter what the status
5 was. It didn't matter what their conditions were. They moved
6 patients. And why were they moving patients? Not for the
7 patient's benefit, but for his benefit [indicating]. For his
8 benefit, his pocket.

9 Now, every person that's going to come in here and
10 testify, most of the clinic staff, they're going to be all
11 levels; doctors, nurses, staff members, GI techs. Everybody
12 that was associated with that clinic -- not everybody, but a
13 good portion of them are going to come in here and talk to
14 you. They're going to give testimony. And all of them will
15 have a snapshot, a piece, a piece of what was going on at the
16 clinic.

17 Nobody had the overarching view of what was happening
18 except for one person, and he's sitting over at that table
19 [indicating]. One person ran the show, from doctor to nurse
20 to tech to supervisor to staff to clerical people. One
21 person, one person only called the shots.

22 Now, in the process of pushing patients through, that
23 wasn't all. If that would have been the end of it, maybe we
24 wouldn't be here, maybe we would be here. But in the process
25 of pushing patients through to maximize profit, to maximize

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1 profit, to maximize profit, not only were the patients
2 shortchanged because of the speed of the procedures, the
3 number of procedures, how they were treated or not treated in
4 the clinic, but the materials.

5 The very things that they were used -- that were used
6 on them in their treatment, those items, those items, ladies
7 and gentlemen, were shortchanged. KY Jelly, tape, alcohol
8 pads, gowns, gloves, blankets -- or not blankets. No
9 blankets, they're too expensive. Sheets, just time to clean
10 between patients. That's the kind of thing that you're going
11 to hear about.

12 Now, not only was there the limitation on the
13 supplies, but because there was this pressure -- and one of
14 the things you will hear over and over again is this
15 overarching pressure, this atmosphere within that practice to
16 run patients through. You're going to see some charts in a
17 few minutes, some actual charts from the cases, where it was a
18 situation where they had to move people through so fast they
19 just started fabricating things on the record.

20 They couldn't write it down fast enough, so they had
21 to do it in advance, before the patients are even dealt with
22 sometimes. Or if they're being dealt with, we can't even take
23 the time to look up at the clock to put down the right time,
24 we just got to write in by a formula what the time should be.

25 So when the health district finally gets out to this

1 But if we move forward in time even beyond that to, I
2 believe it was 1989, the hepatitis C virus was discovered.
3 And when the hepatitis C virus was discovered, within a couple
4 of years, I think the very next year they had a screening test
5 for that, and it dropped the blood-borne infections down to
6 1.1 percent.

7 In the following two years they came up with a
8 secondary screening procedure, which essentially eliminated
9 the risk. Right now in this country, at least back then in
10 this country, the risk for transmission of hepatitis C from a
11 person from a blood transfusion was one in 2 million units of
12 blood transfused. Big change.

13 So hepatitis C is an important virus because it
14 causes -- it's the single largest cause of blood-borne
15 infection in the country. The country itself at that time,
16 there were about 3.2 million Americans who were actually
17 infected, and the issues related to that are as follows.

18 I mean, you hear about needle sticks. And for
19 comparison, HIV, hepatitis B and hepatitis C, from a single
20 exposure needle stick, the risk of transmission for HIV is
21 about .3 percent. The risk for hepatitis C is about 3
22 percent. And for B it's about 30 percent. So it's not the
23 most infectious agent, but it is the single largest
24 infected -- or infectious communicable disease in the country.

25 One of the issues with that is the clinical

1 the CDC person ever told anybody about this and he was ever
2 questioned about it, he would deny ever talking to them on the
3 phone.

4 So they're at the clinic -- and there's two things
5 here. The first one you had -- we'll go back to that for just
6 one second. The Endoscopy Center of Southern Nevada was in
7 that building. Right next door adjacent to it is part of a
8 group that's separate, separate entities, was the
9 Gastroenterology Center, the medicine side of the practice.

10 So that's the layout. The waiting rooms. And the
11 reason that these pictures are shown, the waiting room is
12 empty now. But during operations, especially in the morning,
13 that's not the way that looked. You'll hear that it was very
14 common, like every single day that they operated, that they
15 would double and triple book patients. Patients would be
16 packed into this waiting room standing room only.

17 Now, these are patients who have undergone a
18 procedure, or are about ready to undergo a procedure that
19 requires certain preparation. And that preparation involves
20 the consuming of a large amount of fluid. If anybody has ever
21 done this in the jury you would know that. But for those of
22 you who haven't, you consume a large quantity of fluid which
23 has some medicines and salts and things in it that makes you
24 evacuate your bowels.

25 So the night before, you're supposed to drink this

1 Okay, okay, that's the way it will be. And then the
2 next thing you hear is he's getting a call from some staff
3 member who went around him -- where Desai went around him and
4 is trying to get him to use the stuff again.

5 These are called Chux. They're non-absorbent pads.
6 There's plastic on the one side. There's a paper barrier on
7 the top. Those go underneath the patient to protect the --
8 everything around and underneath the patient from the stuff
9 that comes out of the patient when a colonoscopy is being
10 done.

11 Now, those cost -- and we'll get into some of the
12 costs in just a moment. But those cost -- they got better
13 prices as things went along, but around a penny or less
14 apiece. He had his staff cut them in half to save money. Cut
15 them in half.

16 These are called bite blocks. Now, for upper
17 endoscopies, the EGDs that you'll hear about, in order to
18 protect -- those scopes are very expensive, and people's teeth
19 are very expensive, or can be if you knock one out. So you
20 will hear that what they would do is they would take this bite
21 block, which is disposable, they would take that bite block
22 out and it would -- they would fit into your mouth, and then
23 they would put the scope through it to do your procedure.

24 Now, the scope going through that device was meant to
25 protect your teeth and meant to protect the scope. These

1 that we'll talk about in just one second. But I want to go
2 back for just a moment and talk about some of those cost items
3 that we were talking about with regard to where patient care
4 gets compromised.

5 Desai wanted limitation on those items that I told
6 you about, the KY Jelly. In addition to that, he gave people
7 a hard time about using too much tape, too much tape on the
8 IVs. And the tape was essentially -- I think it was 78 cents
9 a roll, for a whole roll of it. Syringes were 7.4 cents
10 apiece. KY Jelly was 29 cents a tube. The Chux were less
11 than a penny apiece. Alcohol pads were less than a penny
12 apiece. Lab coats were about two bucks.

13 The lab coats, they would have fecal material
14 splattered on them, and he would give people a hard time about
15 wanting to change them. No blankets, they're too expensive.
16 One sheet per patient. Sometimes those sheets would even be
17 reused.

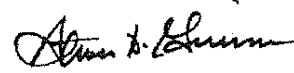
18 Desai was so fast at his procedures, you'll hear
19 that -- you'll even hear the term "cracking the whip," that he
20 would yank the scopes out of patients sometimes so quickly
21 that fecal material would come out onto the table, maybe onto
22 the floor and onto the wall, that the GI tech that was there
23 in the room had to act like a catcher for the scope, because
24 if that scope hit the ground he was in trouble.

25 He yanked the scope out, patient -- next patient,

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 9

TUESDAY, MAY 7, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ.
FOR DEFENDANT LAKEMAN:	MARGARET M. STANISH, ESQ. FREDERICK A. SANTACROCE, ESQ.

RECORDED BY JANIE OLSEN COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

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CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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KIMBERLY LAWSON

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1 of that. So we thought that we'd addressed that issue.

2 And then I guess you called my JEA and indicated
3 you'd just discovered that you are pregnant. And
4 congratulations, I guess. And, you know, we said, okay, well,
5 we'll accommodate that issue if you, you know, if you can
6 schedule your visits to the doctor. Because of course we
7 expect you to go to the doctor. We're not going to tell you
8 don't go to the doctor, don't take care of your baby. So, you
9 know, mornings or afternoons or whatever, we'd work around
10 that.

11 And now, when I came in this morning, I have the
12 letter regarding compensation from your job. Let me first
13 tell you, we've been through the jury selection process, as
14 you know. You know, we had all the people come in and fill
15 out the questionnaires and then we had you back to be
16 interviewed. And now we've excused, as you saw yesterday, all
17 these people and this is the jury.

18 So it's not like, you know, this far into the
19 process, when we get new information like this from your
20 employer, we can just say, okay, we'll let you go and start
21 the -- you know, as you can, I'm sure, appreciate, and start
22 the process all over, because the trial has started. You
23 know, there's already been the opening statement and
24 unfortunately, we can't like rewind that and play it over.

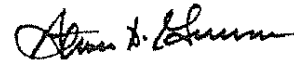
25 JUROR NO. 3: I understand that, but --

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 10

WEDNESDAY, MAY 8, 2013

APPEARANCES:

FOR THE STATE: MICHAEL V. STAUDAHER, ESQ.
PAMELA WECKERLY, ESQ.
Chief Deputy District Attorneys

FOR DEFENDANT DESAI: RICHARD A. WRIGHT, ESQ.
MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN: FREDERICK A. SANTACROCE, ESQ.

Also Present: NIA KILLEBREW, ESQ.

RECORDED BY JANIE OLSEN COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

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CERTIFICATION

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Aurora, Colorado


KIMBERLY LAWSON

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1 wanted to say that about the question to Mr. Washington, that
2 would have been perfectly fine. So I think in view of that,
3 I'm not concerned that she somehow tainted the jurors in that
4 regard. You know, certainly we'll keep it open. Whether we
5 need to question them all or not, I don't think we need to do
6 that at this point for the reasons that I just said.

7 What I am going to do, based on the request of both
8 sides as well as the Court's grave concerns about what she's
9 done and what she may continue to do in the future, I think,
10 that's even more concerning to this Court, I am going to
11 excuse her this morning. Her conduct is sanctionable. I'm
12 not going to -- you know, I'll leave that open.

13 I am going to remind the jurors before we take our
14 break, whenever our first break is, I am going to remind them
15 of their duty of course, not to commit misconduct, of their
16 duty to inform the Court if they observe other jurors
17 committing misconduct.

18 And I'm going to remind them of why they're not to
19 discuss the evidence and try to explain to them the point of
20 them not getting in little groups and discussing anything that
21 goes on during the trial. And I think hopefully that will,
22 you know, address any future problems or anything like that.

23 All right. Anything else? I'm going to go ahead and
24 bring -- have the bailiff --

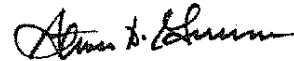
25 MR. STAUDAHER: No, Your Honor.

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

STATE OF NEVADA,)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
Plaintiff,	)	DEPT NO. XXI
vs.)	
)	
DIPAK KANTILAL DESAI, RONALD	)	TRANSCRIPT OF
E. LAKEMAN,	)	PROCEEDING
)	
Defendants.)	

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 12

FRIDAY, MAY 10, 2013

APPEARANCES:

FOR THE STATE: MICHAEL V. STAUDAHER, ESQ.
PAMELA WECKERLY, ESQ.
Chief Deputy District Attorneys

FOR DEFENDANT DESAI: RICHARD A. WRIGHT, ESQ.
MARGARET M. STANISH, ESQ.

FOR DEFENDANT LAKEMAN: FREDERICK A. SANTACROCE, ESQ.

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Aurora, Colorado


KIMBERLY LAWSON

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1 that it wasn't over as far as her having to stay on the jury.
2 She said, you know, it's not over yet.

3 Then later that day after we had the testimony of
4 one of the witnesses, one of the attorneys had asked, and I
5 don't remember who, how much the total sum of his civil case
6 was. And the older man told him to add it up or something
7 like that. And then when we went back into the jury room, she
8 made a comment that she can't believe the attorney would ask
9 him to add it up and, you know, was just like angry.

10 And then she said, oh, I guess I'm not supposed to
11 say that. I guess I'm just a bad juror, aren't I? So I took
12 that to mean that she was going to find a way to get off the
13 jury, whatever that meant, and if that meant talking about the
14 case in front of us in the jury room that would continue to
15 happen.

16 THE COURT: All right. And when you first heard her
17 complaining, who was she complaining in front of? Was it all
18 of the jury?

19 JUROR NO. 17: Everybody. Just, you know, everybody
20 was kind of like, oh, six weeks at first, you know, like, oh,
21 and that kind of thing. But hers was beyond just -- I mean,
22 we're all inconvenienced, but I think we all pretty much
23 understand that this is important and why that it's worth it.
24 And I don't think that she felt that way, but I don't know how
25 she felt. But that wasn't the impression that I got from her.

1 THE COURT: So you're all just sitting back there
2 and she's just kind of just saying that out loud pretty
3 much --

4 JUROR NO. 17: It was almost as if it only affected
5 her, that nobody else there was inconvenienced, nobody else
6 there was missing work, nobody else there had anything to do
7 but her.

8 THE COURT: Okay. And then when she later said, oh,
9 it's not over, who did she say that to? Was she saying
10 that --

11 JUROR NO. 17: Apparently when she came back in, she
12 had come in and talked to you, I'm assuming, about her trying
13 to leave. And I'm assuming that you said no. And when she
14 came back into the room she was angry, and she said that it
15 wasn't over yet. And she said -- and this was generally.
16 She's just kind of having a temper tantrum and said that, you
17 know, she wasn't going to be homeless and went on with how she
18 would have no money and she can't take care of her children
19 and that sort of thing.

20 THE COURT: Uh-huh. So she was saying this to kind
21 of --

22 JUROR NO. 17: The whole room.

23 THE COURT: -- the whole room. She wasn't --

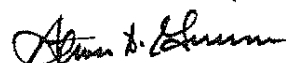
24 JUROR NO. 17: There wasn't --

25 THE COURT: She wasn't in --

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

STATE OF NEVADA,)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
Plaintiff,	)	DEPT NO. XXI
vs.)	
)	
DIPAK KANTILAL DESAI, RONALD	)	TRANSCRIPT OF
E. LAKEMAN,	)	PROCEEDING
)	
Defendants.)	

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 13

MONDAY, MAY 13, 2013

APPEARANCES:

FOR THE STATE: MICHAEL V. STAUDAHER, ESQ.
PAMELA WECKERLY, ESQ.
Chief Deputy District Attorneys

FOR DEFENDANT DESAI: RICHARD A. WRIGHT, ESQ.

MARGARET M. STANISH, ESQ.

FOR DEFENDANT LAKEMAN: FREDERICK A. SANTACROCE, ESQ.

Also present: MICHAEL V. CRISTALLI, ESQ.

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CERTIFICATION

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AFFIRMATION

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277

1 A Correct.

2 Q Okay. And then that is injected into the

3 patient?

4 A Correct.

5 Q Okay. And you would take the -- the --

6 hypothetically, you would take a brand new needle and syringe,

7 right?

8 A Yes.

9 Q And you would use it for the Lidocaine?

10 A Yes.

11 Q And then you would use it -- and is Lidocaine a

12 single use or multi-use?

13 A Multi.

14 Q Okay. So the Lidocaine is a multi-use bottle,

15 vial?

16 A Bottle.

17 Q Bottle, okay. A multi-use bottle meaning you're

18 going to keep -- keep using it. It's not just going to be

19 used one time and tossed?

20 A Correct.

21 Q Okay. So you would get Lidocaine and then use

22 the same needle and syringe, go into the propofol bottle,

23 correct?

24 A No. I would -- I would always change the

25 needle. I never went from --

1 Q Oh, okay.

2 A -- one -- one vial to another without changing a
3 needle.

4 Q Okay. Even -- even on -- even on the -- the
5 Lidocaine, the hypothetical -- before we get to the re-dosing
6 a patient --

7 A Right.

8 Q -- just starting out first time. The patient
9 I'm going to give Lidocaine, propofol mix, go into the
10 Lidocaine I have drawn one cc, right?

11 A Right.

12 Q Now I'm going to get propofol. Your practice
13 was take off the needle --

14 A Put on a new one.

15 Q -- yeah. Same syringe, take off the needle, get
16 a brand new needle --

17 A Correct.

18 Q -- put it on?

19 A Correct.

20 Q Okay. Take the old needle, throw it in the
21 sharps container?

22 A Correct.

23 Q Okay. And now you have a new needle, new
24 syringe, go into the propofol?

25 A Correct.

1 Q Okay. Draw the propofol. Do you -- are you
2 going to then inject the patient or do you put on a new needle
3 again?

4 A No, I inject with that needle.

5 Q Okay.

6 A Yeah.

7 Q The -- and that is the way you have been taught?

8 A That's the way I practiced. I mean, I just
9 cautious --

10 Q Okay.

11 A -- and just that's the way I always practiced.

12 Q Okay. And you believe that to be aseptic and
13 clean, sterile?

14 A As aseptic as it's possible, yes.

15 Q Okay. And so then you dose the patient, okay?

16 A Yes.

17 Q And a -- a determination is made, the procedures
18 going along, propofol is fast acting and fast unacting.

19 A Right.

20 Q You think the patient needs another dose, right?

21 A Okay.

22 Q Okay. And under -- under that circumstance, you
23 would have propofol vials still sitting there, correct?

24 A Correct.

25 Q And you'd have the needle and syringe from the

1 privileged communication because I'm certainly not going to
2 step on that in any way.

3 And I know Mr. Wright, if the situation were
4 reversed, wouldn't want the Court to step on any
5 communications and advice he received from counsel. So
6 obviously, we can't get into advice from counsel or anything
7 like that.

8 MS. WECKERLY: The other -- the other thing I'd say
9 is his opinion as to whether the legal -- whether or not he
10 was legally guilty or not isn't relevant. He doesn't get to
11 decide what the law is or, you know, he was guilty or not
12 guilty according to what the law is. That's not his call.

13 THE COURT: No, and he can't ask him if he's guilty
14 or not guilty. He can ask him, you know, did you believe
15 you'd done something wrong, which I think he's actually
16 already done. You know, when you pled guilty, did you believe
17 that you'd done any -- did you or did you -- I mean, I think
18 he's kind of covered it.

19 MS. WECKERLY: Well, from the State's perspective,
20 and I've advised his counsel, he's now in violation of his
21 proffer because he's testified differently on direct than he
22 did on cross.

23 THE COURT: Meaning that -- and I'm assuming what the
24 State means by that is the fact that he's now said, no, he
25 thought it was perfectly safe to reuse the syringe into the

1 bottle of propofol and that that was a standard of practice
2 that he'd been doing for 32 years or whatever.

3 MR. STAUDAHER: Which is diametrically opposed to
4 what he testified to on -- on direct examination --

5 THE COURT: Right, which was no --

6 MR. STAUDAHER: -- as well as what he stated in his
7 proffer.

8 THE COURT: -- he'd never seen anybody do that
9 before.

10 MR. STAUDAHER: Right. And he stated that in his
11 proffer as well. This was not an Alford plea. He pled and
12 was canvassed on this whole issue, not just the financial part
13 of it, but the other aspects of it too. He didn't think he
14 did anything wrong. He's got an immunity agreement with the
15 feds so he didn't get prosecuted under the fed -- or under the
16 financial crime. So clearly, there must be some issue there
17 that he's concerned about and thinks that he did something
18 wrong, which is completely different than what he just
19 testified to.

20 And I believe under 51.55 at this point that
21 certainly I can cross-examine him or treat him, lead him and
22 ask him -- treat him as an adverse witness at this point when
23 I go up and do re -- redirect. I believe he was in that
24 position earlier --

25 THE COURT: No, he was very cooperative on direct.

1 blah, blah, you can certainly lead him on those -- on those
2 things, which are the, I'm assuming the things that are in
3 direct contradiction and where you would want to go.

4 MS. WECKERLY: Yes.

5 THE COURT: You know, there may be other areas you
6 want to get into, but to me those are obviously the most
7 obvious. Mr. Wright?

8 MR. WRIGHT: I believe it is improper for the State
9 to have told this witness or his counsel that he is breaching
10 his plea agreement for testifying truthfully.

11 THE COURT: Right. Basically that will be up to the
12 Court.

13 MR. WRIGHT: They are threatening him. They are
14 threatening this witness because his testimony changed from
15 direct. And that is prosecutorial misconduct to tell a
16 witness if they vary from their direct examination testimony,
17 we are withdrawing the plea bargain. That is absolutely
18 improper conduct. It violates the plea agreement itself where
19 he's obligated to tell the truth. And the truth of the matter
20 is, they knew from Gayle Fishcher and other witnesses what he
21 had said to her. That's her report and her testimony at the
22 grand jury and to Metro Police as to what he said, that he
23 understood and believed what he was doing was proper and all
24 they did was threaten him, get him to plead guilty and then
25 spoon feed him a version to tell on direct, which is contrary

1 to the truth. And you can't now threaten the witness while
2 he's testifying, which is what they have done.

3 MS. WECKERLY: First, we didn't tell the witness.

4 THE COURT: Right. The witness --

5 MS. WECKERLY: Second, I didn't say the substance of
6 what the violation was. I said he's now in breach of his --

7 THE COURT: Well, it's pretty obvious though what the
8 substance of the violation is. I mean, it's what is different
9 -- what is substantial and different that he testified to on
10 cross-examination.

11 MS. WECKERLY: But we didn't --

12 THE COURT: And the big thing to me, and I've been
13 listening to all of this, the big thing, the whole critical
14 thing is those -- is the reuse of the syringes. That is the
15 critical thing in this case. So whether the first time he
16 said -- now for the record Mr. Cristalli is now here. Whether
17 he said 32 years or 33 years, I mean, there may have been
18 minor inconsistencies. But it's obvious to anybody that the
19 big inconsistency here, the important inconsistency is the
20 fact on direct examination he said, no, we don't reuse the
21 syringes, and then on cross-examination he said, no, I thought
22 it was perfectly fine to just change the needle, reuse the
23 syringe as long as we applied negative pressure.

24 So to me, that's -- that's the crux of the case.
25 Could you reuse the syringe or not, A. And then could you

1 MR. WRIGHT: And it was admissible because it -- why
2 is it not? It wasn't hearsay --

3 THE COURT: Okay.

4 MR. WRIGHT: -- and it was an admission and it was
5 pleading.

6 THE COURT: Well, we're going -- if anyone needs to
7 use the restroom --

8 MR. SANTACROCE: I need to just make a brief
9 record --

10 THE COURT: All right.

11 MR. SANTACROCE: -- on this, Your Honor. I'm going
12 to join in Mr. Wright's objection, prosecutorial misconduct.
13 The fact that the State in the middle of two days of
14 cross-examination gets up in the middle of that examination,
15 takes the witness's lawyer into the hallway and tells that
16 lawyer that your client has now violated the plea agreement is
17 coercive and it is misconduct. And the only effect that they
18 could possibly be looking for was some coerciveness to get
19 this witness back in line because the witness was telling the
20 truth and was going contrary to the prosecution's theory.

21 And for that reason -- and the fact is they -- State
22 made an objection. We went to the bench, and we were -- the
23 discussion was very loud, the witness is only four feet away
24 from the bench discussion. He heard the prosecutor say that
25 he was in violation of the plea agreement and the conduct is

1 misconduct, inappropriate and --

2 THE COURT: As I said, you know, I don't know what
3 Mr. Mathahs was thinking. But when Ms. Weckerly took his
4 lawyer into the vestibule area, it could have been for a
5 number of things and so I don't know that he's going to think,
6 oh, wow, she's saying I'm in violation of the agreement and
7 blah, blah, blah.

8 Number two, you know, you can't have it both ways.
9 If I say Ms. Weckerly's suit is black and then on cross I say
10 Ms. Weckerly's suit is white, I'm either telling the truth one
11 time or the other time. So you can't say two inconsistent
12 things and be testifying truthfully. I mean, by definition
13 there's -- there's an issue there.

14 MR. SANTACROCE: But they could rehabilitate him.

15 THE COURT: Well, we'll look -- you know, down the
16 road this is maybe Mr. Mathahs's issue. Down the road there's
17 going to be a transcript of all of this and there will be a
18 very careful line by line comparison with what was said on
19 direct and what was said on cross. But as I said, you can't
20 say it's A and then say it's B and be telling the truth both
21 times. It doesn't -- I mean, it doesn't work that way.

22 MR. SANTACROCE: That's not the point. The point is
23 the coerciveness of the State, to bring that out in the middle
24 of cross-examination when they can bring that out at the
25 appropriate time before the Court.

1 MR. STAUDAHER: That wasn't why we were before the
2 bench.

3 MS. WECKERLY: Just to correct the record, I had no
4 idea the Court was going to take a break. I -- we want to
5 tell the Court we're going to treat him as an adverse witness.
6 I told counsel I don't want anything communicated to him. I
7 consider him in violation of the agreement. If nothing's
8 communicated and he gets back up on the stand, it's like we
9 never took a break and it's harmless. But his counsel is now
10 on notice that we consider him in breach, which they need to
11 be because they're representing him.

12 THE COURT: I find that there's been no misconduct
13 for the reasons Ms. Weckerly stated, the reasons the Court has
14 stated. If anyone needs to use the facilities let's do it and
15 get started again.

16 (Court recessed at 10:44 a.m. until 10:48 a.m.)

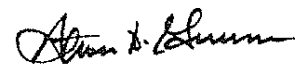
17 (Outside the presence of the jury.)

18 THE COURT: Just bring your client back and we'll put
19 him back up on the witness stand.

20 Mr. Mathahs, come on back up here to the witness
21 stand, please, and have a seat. It's Day 12, Mr. Wright. My
22 monitor shows your notes, but I'll turn it off. Whether the
23 other monitors do or not. I'm going to turn it off. I turned
24 mine -- I turned my monitor off because that's easier than
25 making you move your notes.

CC-7

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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

STATE OF NEVADA,)	
)	
Plaintiff	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT. NO. XXI
)	
DIPAK KANTILAL DESAI,)	
RONALD ERNEST LAKEMAN,)	
	)	Transcript of
Defendants	)	Proceedings
)	

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 23

TUESDAY, MAY 28, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHNER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ. MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

RECORDED BY: JANIE OLSEN, COURT RECORDER
TRANSCRIBED BY: JULIE POTTER, TRANSCRIBER

JRP TRANSCRIPTION

1 MS. STANISH: And we're starting at what time
2 tomorrow?

3 THE COURT: 9:00 with the --

4 MS. STANISH: 9:00.

5 THE COURT: -- the hearing.

6 (Court recessed for the evening at 5:07 p.m.)

7 - cOo -

8 ATTEST: I hereby certify that I have truly and correctly
9 transcribed the audio/video proceedings in the above-entitled case to
10 the best of my ability.

10

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JULIE POTTER
TRANSCRIBER

1 what I was told or something. You were practicing the entire
2 time you were there what you believed was safe, clean, aseptic
3 technique; correct?

4 A That's correct. Yes.

5 Q And never did anyone tell you to do differently;
6 correct?

7 A That's correct.

8 Q Now, in -- in fact, when Keith was explaining to you
9 the procedures being utilized at Shadow Lane, drawing up
10 multiple needles and syringes out of the propofol vials, no one
11 at any time told you to do anything against what you had already
12 normally been trained to do; correct?

13 A That's correct.

14 Q I mean, that's what you told the police --

15 A Yes.

16 Q -- and I want to be sure that's a correct statement.
17 So it wasn't when you were learning it and starting out that all
18 of the sudden you went, whoa, this is dangerous or something.
19 You knew they were -- Keith was showing you a safe, correct,
20 aseptic technique; right?

21 A Right.

22 Q Okay. Now, you then went to work at the VA clinic.

23 A Correct.

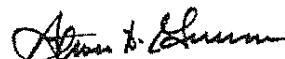
24 Q About until it closed, about three and a half years.

25 A Yes.

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 25

THURSDAY, MAY 30, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ.
FOR DEFENDANT LAKEMAN:	MARGARET M. STANISH, ESQ. FREDERICK A. SANTACROCE, ESQ.

RECORDED BY JANIE OLSEN COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

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CERTIFICATION

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AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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Aurora, Colorado


KIMBERLY LAWSON

KARR Reporting, Inc.

1 Mason was the medical director of Burnham.

2 A Yes.

3 Q And he was present?

4 A Yes.

5 Q Okay. Did you think he was there in a secret
6 meeting obstructing justice and telling you to lie to people?

7 A No.

8 Q Okay. And Dr. Desai is there. Dr. Mason's
9 there. And why would they be talking to you? Well, what had
10 just happened on January 30, when BLC came in?

11 A When BLC came in, you mean the meeting where the
12 lady talked to me?

13 Q Right.

14 A Yeah.

15 Q What were you doing?

16 A I was in my room sitting at my table giving
17 anesthesia.

18 Q And you were doing what with the propofol vial?

19 A Well, I was using -- I had maybe two or three
20 opened, which on my -- in my workspace.

21 Q Okay. And she said, What are you going to do
22 with those?

23 A Yes.

24 Q And you said, I'm going to use those on the next
25 patient, right?

1 A What she did was ask me are you going to throw
2 those away, and I said no.

3 Q Okay. But you were multi-using, right?

4 A Yes.

5 Q And she was writing like crazy, correct?

6 A Right.

7 Q And did you see the report that came out of that
8 BLC visit that's called "The Trip Report," I think?

9 MR. WRIGHT: Is that what it's called?

10 MS. WECKERLY: It's not.

11 MS. STANISH: I don't think so.

12 MR. WRIGHT: Or is that --

13 MS. WECKERLY: That's the CDC report.

14 MR. WRIGHT: That's CDC. Was the --

15 MS. STANISH: The BLC report.

16 MR. WRIGHT: The BLC report.

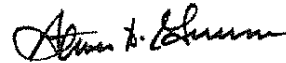
17 BY MR. WRIGHT:

18 Q Did you see the BLC report that talked about the
19 multi-use guy?

20 A If it's included within this big fat thing that
21 came off of the CDC, then yes, I did, because I read the whole
22 thing.

23 Q Okay. Well, it was talking about -- the BLC
24 report talked about that incident that day, correct?

25 A The BLC report?



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 26

FRIDAY, MAY 31, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ. MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

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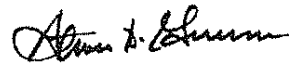
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1 Q Okay. And this practice of using propofol on
2 more than one patient, using aseptic technique, that -- that
3 was what you had done throughout your career?
4 A Yes.
5 Q Everyone around you had done?
6 A Yes.
7 Q Everyone you talked to about it had done?
8 A Yes.
9 Q And the first time it came to a stop, the
10 multi-use of propofol vials was when?
11 A It hasn't stopped.
12 Q Okay. Well --
13 A I'm sorry, but that's --
14 Q -- okay.
15 A -- everybody, you know --
16 Q Okay. Well, let me --
17 A -- the only place I know --
18 Q -- put it this way.
19 A -- that stopped it was Southwest.
20 Q Well, what happened when CDC came --
21 A Oh, then we -- we -- then we went --
22 Q -- in January 2008?
23 A Well, then we were opening only one bottle at a
24 time and disposing if there was any left, including the
25 syringe.

TRAN


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 27

FRIDAY, JUNE 3, 2013

APPEARANCES:

FOR THE STATE: MICHAEL V. STAUDAHER, ESQ.
 PAMELA WECKERLY, ESQ.
 Chief Deputy District Attorneys

FOR DEFENDANT DESAI: RICHARD A. WRIGHT, ESQ.
 MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN: FREDERICK A. SANTACROCE, ESQ.

Also Present: NIA KILLEBREW, ESQ.
 Han Tieu, Interpreter

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1 A Okay.

2 Q And suppose there's a little bit left still in
3 the propofol vial, okay.

4 A Okay.

5 Q Propofol vial holds more than 20; correct?

6 A A little bit more, yeah.

7 Q Okay. I mean, it's 22?

8 A Whatever.

9 Q Okay. So suppose the patient just needs a
10 little bit more propofol. Rather than picking up a new fully
11 loaded 10 cc propofol, you may take that same needle and
12 syringe that's used on the patient for the second time, go
13 into the vial and get what's left, and inject that into the
14 patient; correct?

15 A Yes, sir.

16 Q Okay. And in doing that, that is a fully,
17 totally clean aseptic procedure; correct?

18 A Well, yeah, because then you're going to toss
19 that bottle. You're not going to use that on another patient.

20 Q Okay.

21 A You wipe the top of the -- the rubber -- the
22 stopper off with alcohol before you put the needle through.

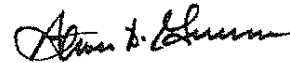
23 Q Okay. And so -- and -- and reusing the needle
24 and syringe --

25 A The inside is sterile.

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
	)	TRANSCRIPT OF
Defendants.	)	PROCEEDING
)	

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL -- DAY 28

TUESDAY, JUNE 4, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ.
	MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

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1 A We had incorrect information for -- for July
2 2007, correct.

3 Q So you don't recall identifying this
4 commonality; is that correct?

5 A I don't recall -- no.

6 Q Okay. Would this have affected your conclusion
7 in any way?

8 A No.

9 Q Okay. I want to talk to you about your
10 conversations with Mr. Lakeman, okay?

11 A Yes.

12 Q What day did that occur?

13 A I don't recall. I don't have the date
14 documented on my notes, so I don't recall. It was back -- it
15 occurred after I had returned to Atlanta.

16 Q Okay. Well, let's talk about these notes.
17 These were contemporaneous notes?

18 A Correct.

19 Q And you're telling me that you don't have the
20 date on that -- on the notes?

21 A No, sir.

22 Q That wouldn't be something that was important?

23 A No, sir.

24 Q Tell me how you initiated contact with Mr.
25 Lakeman.

1 A I looked him up on the Internet and found a
2 number and called it. I think I spoke to his wife once or
3 twice and tried to find him and ultimately got, I think, his
4 cell phone number and then connected with him via cell phone.

5 Q Okay. And how did you identify yourself?

6 A That I was a working CDC employee and -- and
7 that we had done an investigation at the clinic where he had
8 worked previously.

9 Q Okay. Did he express concern as to who you
10 were, why you were calling him out of the blue?

11 A I mean, I recall that -- again, going back
12 asking if I was recording the call, and I said I wasn't, and I
13 explained, you know, that we wouldn't be using his name in
14 things that we put out. So I don't recall more specifics than
15 that.

16 Q So in other words, you called him, you said, I'm
17 Melissa Schaefer from the CDC and I want to talk to you about
18 an outbreak of hepatitis C at a previous clinic you worked
19 for --

20 A Yes.

21 Q -- and he started talking?

22 A Ultimately, yes.

23 Q Okay. Tell me about some of the promises that
24 you made him before questioning or talking to him, asking him
25 questions.

1 A So again, I told him that I was not
2 tape-recording the call. And again, since I didn't realize
3 this was going to be a criminal investigating, you know,
4 explaining how we typically do things as far as, you know, any
5 reports -- don't list his name; we assign, you know, a number
6 or something else for the information that's provided.

7 Q And you promised anonymity, correct?

8 A I don't know if I said I promise that we will
9 never, but I think, you know, I said we -- we would --
10 wouldn't use his name. I don't know if the words, I promise,
11 were used or not, but I did say, you know, we wouldn't use
12 your name in reports.

13 Q Well, in your grand jury transcript you talk
14 about how important anonymity is to the CDC in order to gain
15 information for public safety.

16 A Right.

17 Q Okay. So tell me about that.

18 A So, you know, when we do these investigations,
19 we rely on healthcare providers to be transparent with us and
20 to perhaps tell us things that they wouldn't tell their
21 employer or that they don't want others to know, you know; to
22 take us aside and say, you know, I -- please know that --
23 this -- I don't want my employer to know this, but this is
24 really what's happening here.

25 And so that's helpful to get honest information for

1 public safety so that if there's a bad practice identified, we
2 can stop it. And so, yeah, that's --

3 Q Okay. And you explained that to Mr. Lakeman,
4 correct?

5 A I don't know if I went into the detail that I am
6 explaining here, but I did communicate that we wouldn't be
7 using his name in any -- anything that we generated.

8 Q And that, in fact, didn't happen because when
9 you got off the phone you used his name right away, didn't
10 you?

11 A I didn't use his name in any reports that we
12 generated. I communicated with our team, who has to -- you
13 know, who has to know who the different players are. I mean,
14 we are the ones who assigned CRNA 1 or 4. So it's more of a
15 public thing as opposed to what our team -- the information
16 our team needs.

17 Q Well, you called the Georgia Public Health
18 Department before you talked to Mr. Lakeman --

19 A I did --

20 Q -- correct?

21 A -- yes.

22 Q And you knew that Mr. Lakeman was working at a
23 hospital in Columbus, Georgia, correct?

24 A Yes, I did.

25 Q Did you call the hospital at Columbus, Georgia?

1 A I did not.

2 Q And Mr. Lakeman expressed concern about talking
3 to you for those reasons; isn't that correct?

4 A I don't know that he gave any reasons. I don't
5 recall that.

6 Q Well, he made the statement to you to the effect
7 that, well, if -- I'm going to deny talking to you if -- you
8 tell me what he said because I don't remember.

9 A It was something along the lines of denying that
10 he had said these things to me if it came down to it.

11 Q And the point in the conversation when he said
12 that was prior to you asking him any questions whatsoever;
13 isn't that correct?

14 A I don't recall. I know he asked if I -- when we
15 started talking, at some point he asked if I was recording,
16 and -- because it was -- so we stopped and I said no, and then
17 I don't recall at what point that came up, if it was after we
18 had started going through some of this or before.

19 Q I'm going to show you your grand jury transcript
20 on page 85 and 86.

21 MR. STAUDAHER: Is there a question?

22 MR. SANTACROCE: Yes, as to when in the conversation
23 he made the statement as to denying that it ever took place.

24 THE COURT: Okay. That's the part of the grand jury
25 transcript that you're going to show her?

1 powerful effect on people, doesn't it?

2 A You know, I can't speak to the effect it has on
3 them.

4 Q Okay. Fair enough. And when you're
5 investigating and talking to these individuals, you said in
6 your grand -- what did you say in your grand jury
7 transcript -- or to the grand jury about that issue?

8 A That -- again, that we need healthcare workers
9 to be honest with us and to tell us things and to do -- you
10 know, the best we can with -- with any public reports that we
11 generate or put out to not list names.

12 Q Didn't you say that they don't want retribution
13 from their current employer for reporting someone else's
14 actions, so I guess I wasn't entirely surprised by the
15 statement?

16 A I did say that, correct.

17 Q Now, I'm going to ask you to take a look at the
18 -- you felt this statement was important or the DA felt it was
19 important?

20 A I asked a question that was asked of me, so I
21 can't comment on --

22 Q Okay. It wasn't such an important statement
23 that you put it in your notes, though, was it?

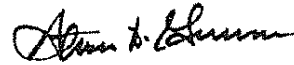
24 A No.

25 Q It's nowhere to be found in your notes, is it?

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 29

WEDNESDAY, JUNE 5, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ. MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

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Aurora, Colorado


KIMBERLY LAWSON

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1 that. And I'm saying that what the evidence suggested so far,
2 that it did move from room to room except in the late
3 afternoon when they were closing down.

4 MR. STAUDAHER: That actually is incorrect based on
5 Mr. -- that we have a box of stuff that goes from room to room
6 that we had testimony of that had --

7 THE COURT: All right.

8 MR. SANTACROCE: And you have not identified that
9 propofol went in this box from room to room.

10 THE COURT: Okay. Ask them -- okay. Again,
11 obviously it's the jury's recollection. That's disputed, what
12 the evidence and the inferences are. Mr. Santacroce, ask your
13 question is --

14 MR. SANTACROCE: Would that change --

15 THE COURT: -- if the evidence were, or if your
16 understanding was that the propofol moved at the end of the
17 day, would that affect your opinion or...

18 MR. SANTACROCE: What she said.

19 THE WITNESS: Thank you. So if the vector of
20 transmission, the contaminated vial, whatever, moved to the
21 room after these patients' procedures, that would have an
22 impact on, you know, my conclusion that that's how
23 transmission could have occurred.

24 MR. SANTACROCE: Very good. Thank you, ma'am.

25 THE COURT: Mr. Wright.

1 Part B bulletins are sent out to the providers for?

2 A No.

3 Q "Single use vial. Medicare's definition of
4 single use vial is a vial that has a volume suitable for
5 administration to one or more patients. For example, a vial
6 of medication contains enough for three patients, and all
7 three patients are scheduled to come in for administration on
8 the same day, likely for the same reason. The manufacturer
9 states that after opening, the open vial is good for only 12
10 hours, at which time any remaining medication must be
11 discarded. Administering this medication to all three
12 patients within 12 hours of opening the container fits the
13 definition of single use. Medicare will cover reasonable
14 amounts of wasted drugs from single use."

15 Did I read that correctly?

16 A That is what it says.

17 Q Okay. Medicare is not following best practices,
18 right?

19 A Correct.

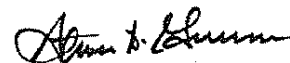
20 Q Okay. So this arm of the federal government
21 says if you have a 50, and it has a six hour time to use it,
22 and you have patients you can use it on within that period of
23 time, you can -- it is single use by definition, to use it on
24 all three of them, correct?

25 A That is what this document says.

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 32

MONDAY, JUNE 10, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ. MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

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1 offered immunity by the State in this particular case?

2 A No, sir.

3 Q Have you been offered immunity by the federal
4 authorities in this particular case?

5 A They gave me limited immunity.

6 Q For what purpose?

7 A Basically so I could come and testify and
8 assist with the case.

9 Q And is -- what is your understanding of what
10 that means in this particular instance?

11 A Limited immunity basically means that I can
12 come and testify and give the information that I have, but
13 anything that I testify may be used against me.

14 Q Do you have -- are you facing any kind of
15 charges in this particular instance?

16 A I am. I'm facing federal indictment.

17 Q So you're under indictment?

18 A Yes, sir.

19 Q And is that related to the activities of the
20 clinic?

21 A Yes.

22 Q And who is involved with -- with you in that
23 indictment?

24 A Dr. Desai and myself.

25 MR. WRIGHT: Can we approach the bench?

1 about witnesses making false accusations against Dr. Desai,
2 and -- and then say anything come of it? And now it's left
3 for the jury to think these issues of him like making loans to
4 various doctors, and I wouldn't even bring their names out.
5 And now we learn he's under federal indictment as we sit in
6 this courtroom.

7 So my motion is for a mistrial. I don't know how to
8 unring the bell. It is absolutely prejudicial and absolutely
9 inadmissible. I mean, you can't ask -- you can't bring out in
10 any case is he presently being charged with other crimes. I
11 just say -- I just --

12 THE COURT: Yeah, I mean --

13 MR. WRIGHT: I am shocked.

14 THE COURT: -- clearly it's inadmissible. I don't
15 remember exactly how it came out. I think -- does anyone
16 remember?

17 Janie, queue it up?

18 THE RECORDER: I have a note that says have you ever
19 been offered immunity by the State, have feds offered you
20 immunity, you're under indictment related to activities to the
21 clinic, and then there was the objection.

22 THE COURT: Yeah, but --

23 THE RECORDER: I think her answer --

24 THE COURT: -- she said Dr. Desai. Yeah.

25 MR. SANTACROCE: Yeah, she did.

1 impression was somehow we already knew that -- certainly we
2 knew there was a federal investigation.

3 That's been discussed and that evidence is in front
4 of the jury through many witnesses about the fact the FBI was
5 involved, there's been talk about the U.S. Attorney with some
6 of the witnesses, so that's out there and everybody knew it.
7 What I'm not sure is if someone has already said, and I know
8 it wasn't you, Mr. Wright or Ms. Stanish, if somehow it hasn't
9 already come out that there are federal -- there are separate
10 federal charges in connection with this case and this whole
11 investigation.

12 That was kind of, I don't know, an impression, but
13 it could just be an erroneous impression based on the fact
14 that there has been so much talk already about the FBI aspect,
15 the U.S. Attorney has gotten involved in the discussions of
16 immunity. There was talk, well, the State offered you or the
17 U.S. Attorney offered you immunity. So there's the impression
18 out there that there is some other case, maybe a federal case.
19 I think that that impression is out there based kind of on
20 that. That's the impression. But, no, this is the first time
21 anybody said Dr. Desai is under federal indictment.

22 Janie, will you queue that up, please.

23 MR. SANTACROCE: For the record, I join Mr. Wright's
24 motion.

25 THE COURT: I mean, obviously, if it was federal

1 curative instruction at this point as opposed to other
2 remedies.

3 THE COURT: I feel like weeping uncontrollably. I
4 mean, here -- as I said, look, you know, clearly if they were
5 unrelated charges --

6 MR. STAUDAHER: Oh, Your Honor, there -- there was
7 one last thing that I neglected to mention. There -- there
8 was, at least it was my understanding and including Mr.
9 Mathans, that he was given immunity on billing fraud issues
10 with the federal authorities for his testimony. That came out
11 and has been present in this case, as well.

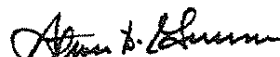
12 So, I mean, that -- it was specific as to what the
13 issue was and that he was given immunity by the feds on that
14 issue despite the fact that he was charged in this case on
15 that. So, I mean, I believe that there was some evidence that
16 came out in the case to some degree. It didn't obviously
17 direct tie in Desai directly, but it was related to his
18 activities at the clinic with Desai.

19 So I think there has been some evidence in the case
20 that this came out in that regard. And that if you match that
21 up with the -- or combine that with the issue of how much the
22 issue of immunity and federal entanglement in this particular
23 case for -- for their investigations, I don't think it's as
24 damaging as -- as what counsel is implying, especially if the
25 Court was to issue a curative instruction.

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 33

TUESDAY, JUNE 11, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ. MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

RECORDED BY JANIE OLSEN COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

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CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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Aurora, Colorado


KIMBERLY LAWSON

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1 MS. STANISH: And my reading of that case is
2 different than Mr. Staudaher's.

3 MR. STAUDAHER: That's fine.

4 MS. STANISH: I thought there was an improper
5 question by the prosecutor in that state regarding the
6 indictment of an accomplice, not the defendant himself.

7 MR. STAUDAHER: That's, I believe, accurate, Your
8 Honor.

9 MS. STANISH: Okay. That's different from what I
10 understood you just to say to the Court.

11 THE COURT: Right. I understood it to be the same
12 defendant. Obviously that would be pertinent for Mr. Lakeman.

13 MS. STANISH: Right.

14 MR. STAUDAHER: There was an indictment issue in that
15 particular case.

16 MS. STANISH: So that had nothing to do with exposing
17 the jury to an indictment against the subject defendant. The
18 other cases, as from my late night reading about them, was
19 that they primarily --

20 MR. STAUDAHER: Could I actually do my argument
21 first?

22 THE COURT: Yeah. Why don't you let Mr. --

23 MS. STANISH: Oh, I'm sorry. Go ahead.

24 MR. STAUDAHER: With regard to those cases, although
25 they're other jurisdictions, they're a variety of other

1 their counsel, the officers of the court, and the ladies and
2 gentlemen of the jury.

3 Ladies and gentlemen, before we begin with the
4 testimony this morning, I must give you the following
5 instruction. Ladies and gentlemen, you are instructed that
6 the last question to Tonya Rushing from Mr. Staudaheer was
7 improper and constituted prosecutorial misconduct. You are
8 instructed that you are to disregard the question and the
9 answer given by Ms. Rushing. Whether or not there is a
10 federal indictment against Dr. Desai for the same or similar
11 charges is irrelevant and may not be considered by you as
12 evidence in this case against either defendant.

13 I believe going forward this morning we will resume
14 with the testimony of Ms. LoBiondo. You'll recall that her
15 testimony was interrupted prior to cross-examination. So
16 Officer Hocks, would you please retrieve Ms. LoBiondo, and we
17 will resume her testimony.

18 ANNAMARIE LOBIONDO, STATE'S WITNESS, PREVIOUSLY SWORN

19 THE COURT: Mr. Wright, you may proceed with your
20 cross-examination.

21 MR. WRIGHT: Thank you.

22 CROSS-EXAMINATION

23 BY MR. WRIGHT:

24 Q Ma'am, my name is Richard Wright, and I
25 represent Dr. Desai. Okay.

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1 Q Okay. And these procedures being short like
2 back to back procedures, there isn't any issue on bacterial
3 growth or keeping it over six hours, correct?
4 A It's not opened for that long.
5 Q Okay.
6 A You're going to use it and --
7 Q And this multi-use of a propofol vial, meaning
8 used on more than one patient, that is standard practice when
9 it is cleanly properly done?
10 A Yes. I think -- okay. Yes.
11 Q Is that -- do you have a caveat?
12 A No, I guess. No.
13 Q Okay. I mean, is it correct --
14 A Yes.
15 Q -- what I stated?
16 Okay. Now, you mentioned on direct examination about
17 a propofol -- pardon me, saline flush directive --
18 A Yes.
19 Q -- at the clinic. Do you recall?
20 A Yes.
21 Q Okay. And are we -- and we're talking about
22 your second -- or your third time back at the clinic?
23 A I believe that's when it was, yes.
24 Q Okay. And at that time there was an idea of
25 Dr. Desai, as you understand it, to inject 5 cc of saline

1 something's coming that's objectionable in your eyes, then
2 they need to let us know so we can litigate it before those
3 witnesses hit the stand and we end up with a problem.

4 Another person beyond Ms. Bien who's going to testify
5 after her, or if she was going to testify, is Tonya Rushing.
6 I mean, she has a lot of stuff that we don't even know about.
7 I don't know exactly what's going to come out of her mouth,
8 because she had --

9 THE COURT: Well, then don't -- okay. You know what.
10 We're not going to go down the same road. If you don't know
11 the answer to the questions --

12 MR. STAUDAHER: That's not what I'm saying.

13 THE COURT: -- okay, then don't ask the question.

14 MR. STAUDAHER: What I'm saying is that she has an
15 intimate knowledge of Dr. Desai and based on questions that
16 come out from either side, there could be things that come out
17 that we don't know about. I mean, I clearly have ideas of
18 where I'm going to go with her and what I'm going to try to
19 elicit. But there's -- the defense also knows some of the
20 issues that might come up that they might have concerns about.

21 THE COURT: Well, if the defense elicits testimony
22 that is improper or something like that, then it's not your
23 worry for another motion for a mistrial. And as I said,
24 misconduct is cumulative and -- you know, don't -- I'm just
25 warning you, Mr. Staudaher, don't ask a question unless you

1 know the answer, and don't elicit testimony that may be
2 improper.

3 MR. STAUDAHER: That's not what I was saying.

4 THE COURT: And if you think, if you think that you
5 may ask her a question -- I just want to be clear on this,
6 because we've had this issue twice, the Bruton problem. We've
7 had this last thing with the federal indictment. So I want to
8 be very clear, very up front with you to the extent I can be,
9 and that is this.

10 If you think that there is something Ms. Rushing may
11 say that she shouldn't be saying, then you need to, you know,
12 direct her don't say this, or you need to ask focus questions.
13 Now, if the defense then starts objecting as leading and then
14 you have to, you know, ask them a little more open-ended and
15 she blurts something out, well, then you're protected, you
16 tried.

17 But, you know, I just -- you know, going forward, I
18 don't want these issues cropping up again and again, because
19 at some point in time it's cumulative, Mr. Staudaher.

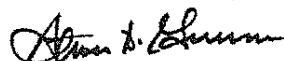
20 MR. STAUDAHER: I know. But my concern is this. If
21 there's something that defense knows that is an issue with a
22 particular witness like Ms. Bien, and they're aware of it in
23 advance, we would like to hear about it so we can litigate it
24 outside the presence, so it's not an issue.

25 THE COURT: And I think that's -- I don't think

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 37

MONDAY, JUNE 17, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ.
	MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

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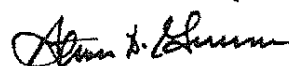
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1 Q Sir, I'm showing you what's been marked as
2 State's Proposed Exhibit 228. Is this a chart that you
3 prepared in association with this investigation?
4 A Yes, it is.
5 Q In order to prepare this chart, did you rely on
6 your -- the investigation you conducted with the CDC?
7 A Yes.
8 Q And your observations at the clinic on the days
9 you were there?
10 A Yes.
11 Q Any -- like, the records or anything else that
12 you may have relied on?
13 A The clinic propofol records as well, and the --
14 some of the purchasing records the clinic had as well.
15 Q Okay. And the patient files, is that --
16 A Yes.
17 Q Okay.
18 MS. WECKERLY: State moves to admit 228.
19 MR. WRIGHT: Objection.
20 MR. SANTACROCE: Objection.
21 THE COURT: Yeah, let me see it.
22 MR. WRIGHT: May we approach --
23 THE COURT: Sure.
24 MR. WRIGHT: -- after you look at it?
25 (Off-record bench conference.)

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 40

THURSDAY, JUNE 20, 2013

APPEARANCES:

FOR THE STATE: MICHAEL V. STAUDAHER, ESQ.
PAMELA WECKERLY, ESQ.
Chief Deputy District Attorneys

FOR DEFENDANT DESAI: RICHARD A. WRIGHT, ESQ.

MARGARET M. STANISH, ESQ.

FOR DEFENDANT LAKEMAN: FREDERICK A. SANTACROCE, ESQ.

Also Present Telephonically: NIA KILLEBREW, ESQ.

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Aurora, Colorado


KIMBERLY LAWSON

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1 a sterile connection, I don't under -- I have no idea why they
2 believe that.

3 Q Well, who in the CDC -- I mean, you keep
4 putting out -- I'm talking not you --

5 A It's okay.

6 Q -- but the CDC --

7 A I'm used to it.

8 Q -- puts out these common myths, puts out
9 posters on misperceptions, and -- and keeps trying to drive
10 this in to the practitioners, and it still persists. And so
11 who is studying the why it doesn't trickle in to the
12 perception of the practitioners? I mean, something is wrong
13 in the teaching, something is wrong in the delivery of the
14 message. I mean, I can't believe that like -- I'll show you a
15 study where 28 percent of the --

16 A I saw the --

17 Q -- practitioners --

18 A -- same study --

19 Q -- still believed it was okay to reuse needle
20 and syringe on -- on the same patient. All I'm doing is
21 reusing needle and syringe on same patient, and then threw it
22 away. 28 percent of the practitioners.

23 A Actually, you can do that. You can reuse a
24 needle and syringe on the same patient.

25 Q Not CDC. We heard best practices was you go

1 A I have no knowledge in that area.

2 Q Okay. One article I didn't get from you, but

3 you may be familiar with,

4 A Yes.

5 Q Okay. It's called Injection Practices Among

6 Clinicians in United States Healthcare Settings.

7 A First off, that's from the place called the

8 Premier Safety Institute, so it's a private organization.

9 Q I can't find where these things are from.

10 A I can tell you.

11 Q Melissa Schaefer is one of the authors.

12 A The first author is Gina Pugliese. The

13 journal is American Journal of Infection Control. It's aimed

14 at nurse -- infection control nurses in the healthcare

15 facilities.

16 Q Bedside reading for --

17 A Well, for --

18 Q -- your kind.

19 A -- some of us.

20 Q This study or survey in 2010, or at least it

21 was published December 2010, study during --

22 MR. STAUDAHER: Could I at least see the article?

23 BY MR. WRIGHT:

24 Q -- May and June.

25 MR. STAUDAHER: I'd like to see the article, if I

1 could.

2 THE COURT: I'm sorry? Oh, you want to see it.

3 MR. WRIGHT: I'm sorry.

4 BY MR. WRIGHT:

5 Q May and June of 2010 is a survey of
6 approximately 5,446 clinicians, 90 percent of whom were
7 registered nurses. Okay?

8 A Uh-huh.

9 Q The -- and it was a survey dealing with
10 injection practices, syringe reuse, and multi-use of vials.
11 The respondents reuse -- I'm going to ask you a question after
12 this -- reuse syringe for additional doses from the same
13 multi-dose vial. Did you follow that?

14 A Uh-huh.

15 Q Okay.

16 A Yes.

17 Q A total of 797 respondents, 15 percent,
18 indicated that they are sometimes or always reusing a syringe
19 for additional doses from the same multi-dose vial for the
20 same patient. Okay?

21 A Yes.

22 Q And then of that group they were then asked --
23 that was 797 respondents -- were then asked about reusing the
24 vial that they had just reused the syringe on. In our study,
25 797 respondents, 15 percent, indicated that they sometimes or

1 always reuse a syringe for additional doses from the same
2 multi-dose vial for the same patient. They were then asked to
3 indicate the disposition of the multi-dose vial. 51 of the
4 797, 6.5 percent, who answered the question on disposition of
5 the vial indicated that they save the vial for reuse on
6 another patient. Okay?

7 A Uh-huh.

8 Q So that -- that's 51 of the practitioners in
9 this survey in 2010 did the double -- double danger; correct?

10 A Yes.

11 Q Okay. And that -- and that double danger
12 being not -- not only did they reuse needle syringe, same
13 patient, to redose, they then put it together with using the
14 remnants, the leftover in the vial on the subsequent patient;
15 correct?

16 A That's 6 percent of those whose said that they
17 reused, or is that 6 percent of the total?

18 Q No, no, 6 percent of the 15 percent.

19 A Okay.

20 Q 51 -- no, I'm -- 51 out of what I told you,
21 5,446.

22 A Actually responded to the survey.

23 Q Right, that's the --

24 A Is that the number of respondents?

25 Q Yes.

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1 case?

2 A Yes.

3 Q They use words in that report like the likely
4 transmission, possible, likely, words like that. Okay? Why
5 do scientists use words like likely and probable and possible?

6 A Because we cannot directly show that that
7 event caused that infection. We can do a -- that's why.

8 MR. SANTACROCE: That's all I have. Thank you.

9 THE COURT: Mr. Staudaher?

10 MR. STAUDAHER: Nothing further, Your Honor.

11 THE COURT: Any additional juror questions for this
12 witness?

13 All right. Ma'am, I see no additional questions.
14 Thank you for your testimony.

15 THE WITNESS: Thank you.

16 THE COURT: You are excused at this time.

17 And the State may call its next witness.

18 MR. STAUDAHER: State calls Dr. Lewis, Your Honor.

19 THE COURT: I'm sorry?

20 MR. STAUDAHER: Dr. Lewis.

21 THE COURT: All right. Dr. Lewis.

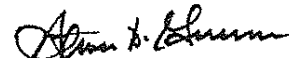
22 Is everybody okay without a break?

23 Doctor, just right up here, please, by me. No, this
24 one. And it's just right up those couple of stairs, and then
25 just remain standing facing that lady right there and she'll

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 43

TUESDAY, JUNE 25, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ. MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

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1 A Yes.

2 Q Okay. And you were -- you were -- you and
3 everyone at the meeting were told that at the initial entry
4 meeting; correct?

5 A Yes.

6 Q Did you have familiarity with propofol?

7 A No.

8 Q Okay. Did -- did you know if propofol is
9 single-dose or multi-dose vials on Wednesday, January 9th at
10 the first meeting?

11 A No, I did not.

12 Q Okay. Did -- is -- is it fair to say that at
13 that meeting the -- do you recall specifically who of the
14 individuals, who explained that they use multi-dose propofol
15 and multi-dose lidocaine to sedate?

16 A No, I don't.

17 Q Okay. The -- did anyone at that meeting, the
18 CDC or the -- you're the BLC, but your other BLC member there
19 with you, or the Southern Nevada Health District, did anyone
20 at that meeting say stop, you can't multi-dose propofol at
21 that initial meeting?

22 A No.

23 Q Okay. At that initial meeting it -- it was
24 not known by the -- by yourself that propofol could not be
25 used multi-dose, is that fair?

1 A Yes.

2 Q Okay. You learned differently, correct, after
3 the initial meeting?

4 A Yes.

5 Q Okay. I mean, I saw some hesitancy on your
6 face. I want to be clear. That initial meeting Wednesday the
7 9th we multi-dose propofol and no one -- no representative of
8 the government said anything about stopping that practice;
9 correct?

10 A That's correct.

11 Q Okay. And did you -- did you all return the
12 next day?

13 A Yes.

14 MS. WECKERLY: I just want to -- if we could just
15 clarify who it is that's returning.

16 BY MR. WRIGHT:

17 Q Okay. Who -- who is returning on January
18 10th?

19 A The BLC returned with -- Nadine returned, I
20 returned, and we had another surveyor from the BLC, Leslee
21 Kosloy joined us. There were representatives from the CDC and
22 representatives from the Southern Nevada Health District.

23 Q Okay. And on that next day, Thursday, January
24 10th, did -- did you -- were you there all day, the three of
25 you, from BLC?

1 A Yes, we were.

2 Q Okay. And did you participate in chart
3 reviews and observations in the clinic?

4 A Yes.

5 Q Okay. And were you observing procedures and
6 cleaning of scopes and everything that goes on in the clinic?

7 A Yes.

8 Q And you were looking to see if, in layman's
9 terms, they were doing everything right?

10 A Yes.

11 Q Is that -- is that fair?

12 A Yes.

13 Q Okay. Because there -- there had been an
14 outbreak of hepatitis C tied to the clinic, and you all were
15 investigating to determine if you could figure out how the
16 hepatitis C spread and any wrongdoing in any of the procedures
17 or processes in the clinic; correct?

18 MS. WECKERLY: I'm going to object to leading.

19 THE COURT: Overruled.

20 You can answer.

21 THE WITNESS: We were looking at whether they were
22 following infection control practices. Whether they were --
23 the cleaning of the scopes was done properly, so that's what
24 we were looking -- looking at.

25 BY MR. WRIGHT:

1 Q Okay.

2 A So we were looking at infection control

3 practices in the facility.

4 Q Okay. And so in doing that you would observe

5 procedures?

6 A Yes.

7 Q Okay. And follow a patient through -- a

8 patient is done and following to the cleaning of the scopes

9 and all that takes place?

10 A Yes.

11 Q Okay.

12 THE COURT: You are leading.

13 MR. WRIGHT: Okay. Correct.

14 BY MR. WRIGHT:

15 Q Tell me, who did -- do you recall who you

16 observed on Thursday, January 10th? And I'm going to give you

17 some more notes.

18 A Okay.

19 Q Okay?

20 A Okay.

21 Q Because it's been five and a half years.

22 MR. WRIGHT: I'm going to ask her to identify --

23 MS. WECKERLY: Okay.

24 MR. WRIGHT: -- what they are.

25 MS. WECKERLY: Yeah, would you, please.

1 BY MR. WRIGHT:

2 Q I have one stack here. Can you -- do you --
3 can you tell me what those represent?

4 A These are my handwritten notes.

5 Q Okay. And so the -- your handwritten notes,
6 you write well, I can read it. And the -- to your right, you
7 were actually looking at the typed report; correct?

8 A That's correct.

9 Q And so this -- your handwritten notes were
10 made simultaneously while you were at the clinic?

11 A Yes.

12 Q Okay. And I have another package of notes.
13 Can you tell me what those represent?

14 A These are notes that were taken during
15 telephone calls after the investigation was completed.

16 Q Okay. And are those your notes?

17 A Yes, they are.

18 Q Okay. You can just hang on to those three
19 things as I go through because the first question I have is on
20 January 10th did you observe an endoscopic procedure in which
21 a CRNA participated? Looking at your handwritten notes, look
22 at the second to the last page.

23 A Okay. Okay.

24 Q Is that a 1/10/08 observation?

25 A Yes.

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1 Q Okay. And is -- and these are your notes, and
2 is this your observation?
3 A Yes.
4 Q Okay. And do you recall who is the CRNA you
5 were observing?
6 A Linda Hubbard.
7 Q Okay. And it's -- the date is January 10,
8 2008. That's a Thursday. I'll tell you that. We know it
9 because we've been dealing with it here. Okay?
10 A Okay.
11 Q And what time?
12 A 3:35 p.m.
13 Q And the -- the administration of anesthesia,
14 did the CRNA administer propofol?
15 A Yes.
16 Q Okay. And is it -- is she using the propofol
17 -- Linda Hubbard using the propofol vial as a multi-dose vial
18 on Thursday afternoon?
19 A Yes.
20 Q And if -- do you recall watching her like
21 administer propofol?
22 A I watched her administer the propofol to the
23 patient.
24 Q Okay. And if the patient needed additional
25 propofol, another dose, she was utilizing the same vial of

1 propofol; is that correct?

2 A Yes.

3 Q And when -- when she would redose, did she use
4 same needle and syringe or new needle and syringe?

5 A New syringe.

6 Q Okay. So the -- she -- she -- she would --
7 and we're talking about giving a second injection to the
8 patient; correct?

9 A Yes.

10 Q Okay. And she would utilize a new needle and
11 syringe to give an additional dose to the patient?

12 A I have written down just that new syringe.

13 Q Okay. I see written there separate syringes
14 for additional doses propofol.

15 A Yes.

16 Q Okay. Is that what you're referring to?

17 A Yes.

18 Q And at the time they were still utilizing
19 propofol as multi-dose vial; correct?

20 A Yes.

21 Q Meaning if -- if a new patient, if there's
22 still propofol available and a new patient comes in, they
23 would use the same vial on the new patient, but with a new
24 needle and syringe --

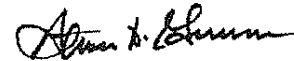
25 MS. WECKERLY: Objection.

KARR REPORTING, INC.

1 BY MR. WRIGHT:
2 Q -- is that correct?
3 THE COURT: Basis?
4 MS. WECKERLY: Well, he said they, and I think she's
5 only observing Ms. Hubbard.
6 THE COURT: All right. So be more specific in your
7 question.
8 BY MR. WRIGHT:
9 Q Ms. Hubbard.
10 A I'm sorry. Can you ask that again?
11 Q Yes. Now, tell me the propofol was being used
12 multi-dose; correct?
13 A Yes.
14 Q Okay. And so one vial could be used on more
15 than one patient; correct?
16 A Yes.
17 Q Okay. And so if one patient is done and a new
18 patient comes in and the remainder of the propofol is to be
19 used, what would Linda Hubbard do?
20 A She indicated she would get a new syringe.
21 Q Okay. And is -- is all of that safe and
22 aseptic as you understand it?
23 A Yes.
24 Q Okay. Because she is utilizing a new -- is it
25 because she is utilizing a new needle and syringe each time

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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

STATE OF NEVADA,)	
)	
Plaintiff	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT. NO. XXI
)	
DIPAK KANTILAL DESAI,)	
RONALD ERNEST LAKEMAN,)	
	)	Transcript of
Defendants	)	Proceedings
)	

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 45

THURSDAY, JUNE 27, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ. MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

RECORDED BY: JANIE OLSEN, COURT RECORDER
TRANSCRIBED BY: JULIE POTTER, TRANSCRIBER

JRP TRANSCRIPTION

1 MR. STAUDAHER: The only --

2 THE COURT: -- they've all done that already.

3 MR. STAUDAHER: -- highlighting that we ever did was
4 in yellow. A photocopy of that doesn't show up. So if
5 there's an issue with -- and I think I saw the same thing with
6 defense counsel's exhibits. We can just have them make a copy
7 as far as that's concerned.

8 THE COURT: Yeah, I don't foresee an issue.

9 What time are they coming back?

10 THE MARSHAL: 9:30, Judge.

11 THE COURT: Okay.

12 (Court recessed for the evening at 7:11 p.m.)

13 - oOo -

14 ATTEST: I hereby certify that I have truly and correctly
15 transcribed the audio/video proceedings in the above-entitled case to
the best of my ability.

16

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JULIE POTTER
TRANSCRIBER

1 already is abundantly clear and beyond what I've already said
2 we're not going to visit the competency issue again. I don't
3 know if the State wants to place anything on the record at
4 this time.

5 MR. STAUDAHER: No, I think I would submit it, Your
6 Honor.

7 THE COURT: All right. Is there any --

8 MR. WRIGHT: I was just -- I was just giving an
9 explanation. He was caught cold Thursday after -- before the
10 noon hour. I had not discussed with him the issue even coming
11 up. So, I mean, when he did get up he was caught by surprise.

12 THE COURT: Okay.

13 MR. WRIGHT: Thank you.

14 THE COURT: All right. The final issue, then,
15 concerns Juror No. 1. And I will give the defense the option
16 because of some of the concerns that were expressed mid-trial
17 by Juror No. 1 that had not been expressed during jury
18 selection. If you would like Juror No. 1 to be made an
19 alternate, as I previously said, the Court is not going to
20 shuffle the alternates. The alternates come in order. So the
21 next alternate would be, I believe, the gal in Chair 14.

22 MR. SANTACROCE: Your Honor, I'm going to -- if I
23 have made an objection to Ms. Pomykal in the past, I'm going
24 to withdraw it. I think her other issues are moot at this
25 point.

JRP TRANSCRIPTION

1 THE COURT: Right. Her other issues are moot and --
2 the health -- meaning the health issues. And as you know, we
3 made it quite plain to her, and my bailiff has been, I think,
4 attentive not just to her but to all of the jurors to make
5 sure that there were no problems that she would need a break
6 or need to see a physician or anything like that. So there
7 haven't been any further problems in that regard.

8 MR. SANTACROCE: So we will withdraw any objection
9 if we made one. I think she should sit as a regular juror.

10 THE COURT: All right. Is that also true for the
11 defense, Mr. Wright?

12 MR. WRIGHT: Yes. Knowing who the alternate is, I
13 think the medicine is worse than the cure. So --

14 THE COURT: That's your -- that's your decision. As
15 I said, you know, we knew at the outset of jury selection that
16 the alternates would be placed in numerical order and we don't
17 change the order of the alternates, unless there is some new
18 issue with a health issue or something like that with an
19 alternate.

20 Those are the only remaining matters that I can
21 recall. Is there anything that we need to address from the
22 State's perspective?

23 MR. STAUDAHER: No, Your Honor, at this time.

24 THE COURT: Is there anything else we need to
25 address from the defense perspective?

JRP TRANSCRIPTION

1 documentary evidence that supports that, then maybe you can
2 take and consider it. It is up to you and you alone. There
3 is nothing here that the State is trying to hide from you.

4 Now, I will -- I will acknowledge one error. It was
5 an error on my part. It was a gotcha moment. Kind of like
6 Mr. -- or Dr. Worman on the stand when he was talking about
7 these journals that are third rate journals, Chinese journals
8 that aren't worth anything, and you can't publish anything.
9 And it came out that he was on the board of editors for one of
10 those journals.

11 Now, for me, that was a piece of evidence that I
12 misinterpreted. Now, it's in evidence. You can look at it
13 yourself. It's not like it's misrepresented. But my
14 interpretation of that evidence was that there was a
15 difference in cost of the propofol at least at one point. Ms.
16 Stanish pointed out, and correctly so, that it was not
17 appropriate or not -- it wasn't reasonable to compare those
18 two for the cost of the actual propofol.

19 The original reason to bring that forward is to show
20 you that the cost of that item was far and above the cost of
21 all of the other items. But in doing so, I misinterpreted a
22 piece of evidence. That's why you're here, ladies and
23 gentlemen, because it's your interpretation that matters. The
24 rest of it that we put up witnesses to perjure themselves and
25 that you were supposed to -- to use that information, ladies

JRP TRANSCRIPTION

1 and gentlemen, these are representative of the charts. These
2 are representative of the charts of the evidence that's
3 sitting right over there.

4 You can all go through the books. We're not hiding
5 them. You can go through the books and look at all the
6 numbers. And Mr. Wright said, gosh, you heard these witnesses
7 come in and they talked about 75, 80 patients a day, 65
8 patients a day, whatever. Is that what it was every single
9 day? No. An average of 59. And he's correct.

10 And you know how you get that? By a piece of
11 evidence that you have that you can just easily take a
12 calculator a piece of pencil and paper, and you take that
13 number right there which is the number of syringes and you
14 take that number of patients, and by gosh, that's the number
15 of patients. The number of patients in the year of 2007.

16 You know that the work days in 2007 are 254. You
17 make a division and you come up with an average of 59 patients
18 per day. Now on the two days in question, these two days, you
19 know exactly how many patients there were, 63 and 65. That's
20 more than the 59. But, of course, an average is just that.
21 There are extremes on either end.

22 Now, ladies and gentlemen, the evidence that you
23 have, you can sift through that in any way you want. The
24 witness testimony you have, you can sift through that in any
25 way you want. It is up to you to apply it to the law given to

1 reuse stopped, was because the manufacturer found out about it
2 and they started brining in the scopes -- or, not the scopes,
3 but the biopsy forceps on a par rate or a par thing where they
4 just kept replacing them so the staff never could run out and
5 they didn't cost Desai anything additionally. So because they
6 didn't cost Desai anything additionally, he didn't care. So
7 it's not the biopsy forceps.

8 Ziyad Sharrieff, the source patient. That man did
9 not want to be part of the infection. That man certainly,
10 Kenneth Rubino, didn't want to. Michael Washington was
11 infected. You saw him. Who among you would want to have a
12 liver transplant regardless of how much money you got? Stacy
13 Hutchison, Patty Aspinwall, Gwendolyn Martin, Sonia Orellono,
14 Carole Grueskin.

15 Dr. Worman on the stand, absolutely no evidence in
16 the literature of any infiltration of the hepatitis C virus
17 into the brain. Three out of the four papers I provided to
18 him show just that. Invasion of -- hepatitis C viral RNA into
19 astrocytes within the brain.

20 Lewis came in and told you that she was mentally
21 okay, he was her patient -- excuse me, she was his patient --
22 until she had the colonoscopy. And even until later when she
23 started getting the anxiety and everything related to the fact
24 that there was an outbreak and she was infected and she didn't
25 know what that meant. She's never recovered.

1 expressing an opinion on the case.

2 For the rest of you who will be deliberating
3 tomorrow, obviously tonight you also must be mindful of that
4 prohibition. You're not to do anything relating to this case,
5 discuss it anything like that, until you return tomorrow and
6 begin your deliberations with one another.

7 In a moment I'm going to have all of you get your
8 belongings and your notepads, which you will be turning over
9 to the bailiff before you leave. He will be distributing
10 parking tickets, vouchers, whatever, to all of the jury so you
11 can get your cars tonight.

12 And then the bailiff will give you further
13 directions on when to return and make sure that the alternates
14 all have good numbers so that if, God forbid, somebody becomes
15 sick or something like that we can be able to contact you.

16 So having said that, if you'd all get your things
17 and bailiff through the rear door.

18 (Jury recessed at 6:58 p.m.)

19 THE COURT: We probably already have all of the
20 lawyer's cell phone numbers, but just make sure that Denise
21 has good numbers for all of you. As I said, they'll be going
22 home tonight and then probably 9:00 or 9:30 tomorrow coming
23 back.

24 MR. SANTACROCE: I wanted to put an objection on the
25 record. During Mr. Staudaheer's closing he asked the jury

1 improperly if -- how would they feel if they --
2 THE COURT: Yes. Put --
3 MR. SANTACROCE: -- had to have a --
4 THE COURT: -- themselves in the --
5 MR. SANTACROCE: -- liver transplant.
6 THE COURT: -- shoes of the victims by having a
7 liver transplant.
8 MR. SANTACROCE: Improper prosecutorial misconduct.
9 THE COURT: I caught it as well, but I didn't sua
10 sponte do anything because then he moved on and I figured that
11 might be worse and nobody objected.
12 But I did -- I did catch it as well when he said how
13 would you like to have a liver transplant. And that's kind of
14 asking them to put themselves in the shoes of the victims.
15 And he moved on and that's why I didn't call him to the bench
16 and nobody asked.
17 But you're right, Mr. Santacroce, I caught it, too.
18 All right. Well, like I said, leave numbers and --
19 MS. WECKERLY: Just for the record, from the State's
20 perspective, that certainly wasn't the only improper argument
21 that was made during the closing.
22 THE COURT: Yes, Ms. Weckerly. As you know, I
23 cautioned -- believed, and I mentioned at the bench, that I
24 thought Mr. Wright was crossing the line when he suggested,
25 when he was disparaging opposing counsel by making the

1 Frederick Santacroce, Esq.
2 Nevada Bar No. 5121
3 5440 W. Sahara Avenue, Suite 300
4 Las Vegas, Nevada 89146
5 (702) 218-3360
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7 Attorney for Defendant/Appellant
8 RONALD ERNEST LAKEMAN
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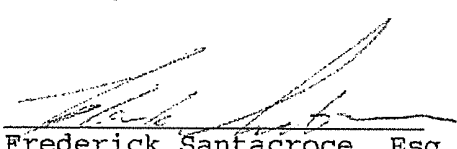
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Clerk of Supreme Court

10 DISTRICT COURT
11 CLARK COUNTY, NEVADA
12

13 THE STATE OF NEVADA)
14)
15 Plaintiff,) CASE NO: C265107-2
16) DEPT NO: XXI
17 v.)
18)
19 RONALD ERNEST LAKEMAN)
20)
21)
22) NOTICE OF APPEAL
23 Defendant.)
24 _____)
25

26 NOTICE is hereby given that the Defendant, RONALD
27
28 ERNEST LAKEMAN, appeals from Judgment of Conviction entered on
29 or about November 13, 2013. This appeal is to all issues of
30 law and fact.

31 DATED this 9th day of December, 2013.

32
33 
34 Frederick Santacroce, Esq.
35 Nevada Bar No. 5121
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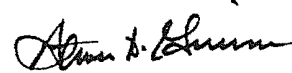
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11 Clark County District Attorney
12 MICHAEL STAUDAHER, ESQ.
13 Deputy District Attorney
14 200 Lewis Avenue
15 Las Vegas, NV 89155
16 Counsel for the State of Nevada
17
18 THE HONORABLE JUDGE VALARIE ADAIR
19 Eighth Judicial District Court Dept XXI
20 200 Lewis Avenue
21 Las Vegas, NV 89155
22
23 RICHARD A. WRIGHT, ESQ.
24 300 South 4th St. #701
25 Las Vegas, NV 89101
26 Counsel for Dipak Desai
27
28 CATHERINE CORTEZ MASTO, ESQ.
29 Nevada Attorney General
30 100 N. Carson St.
31 Carson City, NV 89701-4717
32 Counsel for The State of Nevada

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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 8

MONDAY, MAY 6, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ.
	MARGARET M. STANISH, ESQ.
FOR DEFENDANT LAKEMAN:	FREDERICK A. SANTACROCE, ESQ.

RECORDED BY JANIE OLSEN COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

KARR REPORTING, INC.

CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

KARR REPORTING, INC.
Aurora, Colorado


KIMBERLY LAWSON

KARR Reporting, Inc.

1 line, the patient load, the pressure of patients coming in and
2 out over and on and around every aspect of the practice.
3 Triple booking, double-booking patients.

4 This isn't an airline, ladies and gentlemen. This is
5 a medical care facility, or was. The fact that these are the
6 terms that the staff at the facility were using about what was
7 going on at the clinic should give you some insight as to what
8 was going on.

9 Now, what happened at the clinic. The clinic itself,
10 it focused on patients kind of as a dollar source. But you're
11 going to hear that after the events in question on those two
12 days in the patients that reported or was reported to the
13 health district, that it spawned a patient notification of
14 residents in Clark County. 63,000 patients got letters, or
15 they were tried -- they tried to contact them, the health
16 district, Southern Nevada Health District.

17 63,000 patients, 3.4 percent of the population of
18 Clark County. Translated into families where people are,
19 that's 9.4 percent of the entire family population of Clark
20 County had a family member that was involved or got letters in
21 some way, was directly touched by what happened at that
22 clinic. 63,000 patients were notified.

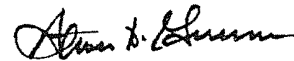
23 The hepatitis C outbreak that took place at the
24 Endoscopy Center of Southern Nevada, that hepatitis outbreak
25 was the largest such outbreak in U.S. history. The largest.

KARR REPORTING, INC.

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TRAN



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,	)	CASE NO. C265107-1,2
	)	CASE NO. C283381-1,2
vs.	)	DEPT NO. XXI
)	
DIPAK KANTILAL DESAI, RONALD)	
E. LAKEMAN,)	
)	
Defendants.	)	TRANSCRIPT OF
	)	PROCEEDING

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 1

MONDAY, APRIL 22, 2013

APPEARANCES:

FOR THE STATE:	MICHAEL V. STAUDAHER, ESQ. PAMELA WECKERLY, ESQ. Chief Deputy District Attorneys
FOR DEFENDANT DESAI:	RICHARD A. WRIGHT, ESQ.
FOR DEFENDANT LAKEMAN:	MARGARET M. STANISH, ESQ. FREDERICK A. SANTACROCE, ESQ.

RECORDED BY JANIE OLSEN COURT RECORDER
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1 don't find that this meets a for cause challenge. So that
2 request is denied on for cause. He will go into the pool.

3 And, Mr. Staudaher, did you need a break? Just real
4 quick?

5 MR. STAUDAHER: Yeah, well, I mean, I -- I've sent
6 this to your clerk, so -- but I can show it -- I can just give
7 it to you if you want it.

8 THE COURT: What is it?

9 MS. WECKERLY: The order.

10 MR. STAUDAHER: This is the order from the Supreme
11 Court.

12 THE COURT: Oh, we have it. Oh, not the order for
13 you to respond, we -- I'm sorry, we have their petition.

14 MR. STAUDAHER: The -- the order -- the reason that
15 I'm at -- I'm concerned is that it specifically says that
16 after we respond it says, the petitioner shall have until noon
17 on Friday, April 26, 2013, to file and serve a reply.

18 So the concern that we have is that we are in the
19 process of picking a jury. We have to do the answer by
20 when -- they have until Friday to do the -- their -- it seems
21 like maybe we should get that resolved before we continue to
22 pick a jury at this point, as opposed to continuing on, but
23 that's just something we wanted to raise before we go any
24 further.

25 THE COURT: Right. It would -- it's --

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Sep 24 2014 02:09 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD ERNEST LAKEMAN

Supreme Court No. 64609

Appellant,

District Court No. C265107

vs.

THE STATE OF NEVADA

Respondent.

APPELLANT'S APPENDIX

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RONALD ERNEST LAKEMAN

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BY: DENISE HUSTED, DEPUTY

AIND

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MICHAEL V. STAUDAHER
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(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

**DIPAK KANTILAL DESAI,
#1240942
RONALD ERNEST LAKEMAN,
#2753504**

Defendant(s).

CASE NO: 10C265107-2 /
C-12-283381-2

DEPT NO: XXI

**FIFTH AMENDED
INDICTMENT**

STATE OF NEVADA }
COUNTY OF CLARK } ss.

The Defendant(s) above named, DIPAK KANTILAL DESAI and RONALD ERNEST LAKEMAN accused by the Clark County Grand Jury of the crime(s) of INSURANCE FRAUD (Category D Felony - NRS 686A.2815); PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM (Category C Felony - NRS 0.060, 202.595); CRIMINAL NEGLIGENCE OF PATIENTS RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 0.060, 200.495); THEFT (Category B Felony - NRS 205.0832, 205.0835); OBTAINING MONEY UNDER FALSE PRETENSES (Category B Felony - NRS 205.265, 205.380) and MURDER (SECOND DEGREE) (Category A Felony - NRS 200.010, 200.020, 200.030, 200.070, 202.595, 200.495), committed at and

1 within the County of Clark, State of Nevada, on or between June 3, 2005, and April 27,
2 2012, as follows:

3 COUNT 1 - INSURANCE FRAUD

4 Defendants and KEITH MATHAHS did on or about July 25, 2007, knowingly and
5 willfully present, or cause to be presented a statement as a part of, or in support of, a claim
6 for payment or other benefits under a policy of insurance issued pursuant to Title 57 of the
7 Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or
8 contained false or misleading information concerning a fact material to said claim; and/or
9 did assist, abet, solicit or conspire to present or cause to be presented a statement to an
10 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement
11 concealed or omitted facts, or did contain false or misleading information concerning a fact
12 material to a claim for payment or other benefits under such policy issued pursuant to Title
13 57 of the Nevada Revised Statutes, by falsely representing to ANTHEM BLUE CROSS –
14 BLUE SHIELD that the billed anesthesia time and/or charges for the endoscopic procedure
15 performed on SHARRIEFF ZIYAD were more than the actual anesthetic time and/or
16 charges, said false representation resulting in the payment of money to the Defendants and
17 KEITH MATHAHS and/or their medical practice which exceeded that which would have
18 normally been allowed for said procedure; Defendants and KEITH MATHAHS being
19 responsible under one or more of the following principles of criminal liability, to wit: (1) by
20 directly committing said acts; and/or (2) aiding or abetting each other in the commission of
21 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,
22 or procuring each other, and/or others to commit said acts, Defendants and KEITH
23 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy
24 to commit this crime.

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1 COUNT 2 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
2 OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

3 Defendants and KEITH MATHAHS did on or about July 25, 2007, then and there
4 willfully and unlawfully perform acts in willful or wanton disregard of the safety of persons
5 or property resulting in substantial bodily harm to MICHAEL WASHINGTON, to wit:
6 transmitting the Hepatitis C virus to MICHAEL WASHINGTON, in the following manner,
7 to wit: by directly or indirectly using and/or introducing contaminated medical instruments,
8 supplies, and/or drugs upon or into the body of MICHAEL WASHINGTON which were
9 contaminated with the Hepatitis C virus; Defendants and KEITH MATHAHS being
10 responsible under one or more of the following principles of criminal liability, to wit: (1) by
11 directly committing said acts; and/or (2) aiding or abetting each other in the commission of
12 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,
13 or procuring each other, and/or others to utilize a patient care delivery system which directly
14 or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled
15 and/or treated an unreasonable number of patients per day, and/or rushed patients or patient
16 procedures, Defendants and KEITH MATHAHS acting with the intent to commit said crime
17 in order to fraudulently increase the insurance billing and/or money reimbursement for the
18 medical procedure performed on the said MICHAEL WASHINGTON; specifically, as to
19 DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT
20 LAKEMAN, and KEITH MATHAHS and said others to perform said acts and created a
21 work environment where DEFENDANT LAKEMAN, and KEITH MATHAHS and others
22 were pressured to commit the said acts described above; specifically, as to DEFENDANT
23 LAKEMAN, engaging in conduct against universally accepted standards of medical care,
24 that he limited the use of medical supplies, and/or drugs and rushed patients, and/or patient
25 procedures which in turn allowed DEFENDANT DESAI to directly or indirectly treat and/or
26 perform an unreasonable number of patient procedures in a single day all at the expense of
27 patient safety and well being, and which resulted in substandard care and jeopardized the
28 safety of MICHAEL WASHINGTON and/or (3) pursuant to a conspiracy to commit this

1 crime, Defendants and KEITH MATHAHS acting in concert throughout.

2 COUNT 3 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL
3 BODILY HARM

4 Defendants and KEITH MATHAHS on or about July 25, 2007, being professional
5 caretakers of MICHAEL WASHINGTON, did act or omit to act in an aggravated, reckless
6 or gross manner, failing to provide such service, care or supervision as is reasonable and
7 necessary to maintain the health or safety of said MICHAEL WASHINGTON, resulting in
8 substantial bodily harm to MICHAEL WASHINGTON, to wit: transmitting the Hepatitis C
9 virus to MICHAEL WASHINGTON, said acts or omissions being such a departure from
10 what would be the conduct of an ordinarily prudent, careful person under the same
11 circumstances that it is contrary to a proper regard for danger to human life or constitutes
12 indifference to the resulting consequences, said consequences of the negligent act or
13 omission being reasonably foreseeable; said ~~danger to human life~~ not being the result of
14 inattention, mistaken judgment or misadventure, but the natural and probable result of said
15 aggravated reckless or grossly negligent act or omission, to wit: by directly or indirectly
16 using and/or introducing contaminated medical instruments, supplies, and/or drugs upon or
17 into the body of MICHAEL WASHINGTON which were contaminated with the Hepatitis C
18 virus; Defendants and ^{Florida} KEITH MATHAHS being responsible under one or more of the
19 following principles of criminal liability, to wit: (1) by directly committing said acts; and/or
20 (2) aiding or abetting each other in the commission of the crime by directly or indirectly
21 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or
22 others to utilize a patient care delivery system which directly or indirectly limited the use of
23 medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable
24 number of patients per day, and/or rushed patients or patient procedures, Defendants and
25 KEITH MATHAHS acting with the intent to commit said crime in order to fraudulently
26 increase the insurance billing and/or money reimbursement for the medical procedure
27 performed on the said MICHAEL WASHINGTON; specifically, as to DEFENDANT
28 DESAI, that he directly or indirectly both instructed DEFENDANT LAKEMAN, and

1 KEITH MATHAHS and said others to perform said acts and created a work environment
2 where DEFENDANT LAKEMAN, and KEITH MATHAHS and others were pressured to
3 commit the said acts described above; specifically, as to DEFENDANT LAKEMAN,
4 engaging in conduct against universally accepted standards of medical care, that he limited
5 the use of medical supplies, and/or drugs and rushed patients, and/or patient procedures
6 which in turn allowed DEFENDANT DESAI to directly or indirectly treat and/or perform an
7 unreasonable number of patient procedures in a single day all at the expense of patient safety
8 and well being, and which resulted in substandard care and jeopardized the safety of
9 MICHAEL WASHINGTON and/or (3) pursuant to a conspiracy to commit this crime,
10 Defendants and KEITH MATHAHS acting in concert throughout.

11 COUNT 4 - INSURANCE FRAUD

12 Defendants and KEITH MATHAHS did on or about July 25, 2007, knowingly and
13 willfully present, or cause to be presented a statement as a part of, or in support of, a claim
14 for payment or other benefits under a policy of insurance issued pursuant to Title 57 of the
15 Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or
16 contained false or misleading information concerning a fact material to said claim; and/or
17 did assist, abet, solicit or conspire to present or cause to be presented a statement to an
18 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement
19 concealed or omitted facts, or did contain false or misleading information concerning a fact
20 material to a claim for payment or other benefits under such policy issued pursuant to Title
21 57 of the Nevada Revised Statutes, by falsely representing to VETERANS
22 ADMINISTRATION that the billed anesthesia time and/or charges for the endoscopic
23 procedure performed on MICHAEL WASHINGTON were more than the actual anesthetic
24 time and/or charges, said false representation resulting in the payment of money to
25 Defendants and KEITH MATHAHS and/or their medical practice which exceeded that
26 which would have normally been allowed for said procedure; Defendants and KEITH
27 MATHAHS being responsible under one or more of the following principles of criminal
28 liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other

1 in the commission of the crime by directly or indirectly counseling, encouraging, hiring,
2 commanding, inducing, or procuring each other, and/or others to commit said acts,
3 Defendants and KEITH MATHAHS acting with the intent to commit said crime, and/or (3)
4 pursuant to a conspiracy to commit this crime.

5 COUNT 5 - INSURANCE FRAUD

6 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly
7 and willfully present, or cause to be presented a statement as a part of, or in support of, a
8 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of
9 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or
10 contained false or misleading information concerning a fact material to said claim; and/or
11 did assist, abet, solicit or conspire to present or cause to be presented a statement to an
12 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement
13 concealed or omitted facts, or did contain false or misleading information concerning a fact
14 material to a claim for payment or other benefits under such policy issued pursuant to Title
15 57 of the Nevada Revised Statutes, by falsely representing to ANTHEM BLUE CROSS
16 AND BLUE SHIELD that the billed anesthesia time and/or charges for the endoscopic
17 procedure performed on KENNETH RUBINO were more than the actual anesthetic time
18 and/or charges, said false representation resulting in the payment of money to Defendants
19 and KEITH MATHAHS and/or their medical practice which exceeded that which would
20 have normally been allowed for said procedure; Defendants and KEITH MATHAHS being
21 responsible under one or more of the following principles of criminal liability, to wit: (1) by
22 directly committing said acts; and/or (2) aiding or abetting each other in the commission of
23 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,
24 or procuring each other, and/or others to commit said acts, Defendants and KEITH
25 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy
26 to commit this crime.

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COUNT 6 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

Defendants and KEITH MATHAHS did on or about September 21, 2007, then and there willfully and unlawfully perform acts in willful or wanton disregard of the safety of persons or property resulting in substantial bodily harm to STACY HUTCHINSON, to wit: transmitting the Hepatitis C virus to STACY HUTCHINSON, in the following manner, to wit: by directly or indirectly using and/or introducing contaminated medical instruments, supplies, and/or drugs upon or into the body of STACY HUTCHINSON which were contaminated with the Hepatitis C virus; Defendants and KEITH MATHAHS being responsible under one or more of the following principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care delivery system which directly or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day, and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting with the intent to commit said crime in order to fraudulently increase the insurance billing and/or money reimbursement for the medical procedure performed on the said STACY HUTCHINSON; specifically, as to DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said others to perform said acts and created a work environment where DEFENDANT LAKEMAN, and KEITH MATHAHS and others were pressured to commit the said acts described above; specifically, as to DEFENDANT LAKEMAN, engaging in conduct against universally accepted standards of medical care, that he limited the use of medical supplies, and/or drugs and rushed patients, and/or patient procedures which in turn allowed DEFENDANT DESAI to directly or indirectly treat and/or perform an unreasonable number of patient procedures in a single day all at the expense of patient safety and well being, and which resulted in substandard care and jeopardized the safety of STACY HUTCHINSON and/or (3) pursuant to a conspiracy to commit this crime,

1 Defendants and KEITH MATHAHS acting in concert throughout.

2 COUNT 7 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL
3 BODILY HARM

4 Defendants and KEITH MATHAHS on or about September 21, 2007, being
5 professional caretakers of STACY HUTCHINSON, did act or omit to act in an aggravated,
6 reckless or gross manner, failing to provide such service, care or supervision as is reasonable
7 and necessary to maintain the health or safety of said STACY HUTCHINSON, resulting in
8 substantial bodily harm to STACY HUTCHINSON, to wit: transmitting the Hepatitis C
9 virus to STACY HUTCHINSON, said acts or omissions being such a departure from what
10 would be the conduct of an ordinarily prudent, careful person under the same circumstances
11 that it is contrary to a proper regard for danger to human life or constitutes indifference to
12 the resulting consequences, said consequences of the negligent act or omission being
13 reasonably foreseeable; said danger to human life not being the result of inattention,
14 mistaken judgment or misadventure, but the natural and probable result of said aggravated
15 reckless or grossly negligent act or omission, to wit: by directly or indirectly using and/or
16 introducing contaminated medical instruments, supplies, and/or drugs upon or into the body
17 of STACY HUTCHINSON which were contaminated with the Hepatitis C virus; Defendants
18 and KEITH MATHAHS being responsible under one or more of the following principles of
19 criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting
20 each other in the commission of the crime by directly or indirectly counseling, encouraging,
21 hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care
22 delivery system which directly or indirectly limited the use of medical instruments, and/or
23 supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day,
24 and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting
25 with the intent to commit said crime in order to fraudulently increase the insurance billing
26 and/or money reimbursement for the medical procedure performed on the said STACY
27 HUTCHINSON; specifically, as to DEFENDANT DESAI, that he directly or indirectly both
28 instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said others to perform

1 said acts and created a work environment where DEFENDANT LAKEMAN, and KEITH
2 MATHAHS and others were pressured to commit the said acts described above; specifically,
3 as to DEFENDANT LAKEMAN, engaging in conduct against universally accepted
4 standards of medical care, that he limited the use of medical supplies, and/or drugs and
5 rushed patients, and/or patient procedures which in turn allowed DEFENDANT DESAI to
6 directly or indirectly treat and/or perform an unreasonable number of patient procedures in a
7 single day all at the expense of patient safety and well being, and which resulted in
8 substandard care and jeopardized the safety of STACY HUTCHINSON and/or (3) pursuant
9 to a conspiracy to commit this crime, Defendants and KEITH MATHAHS acting in concert
10 throughout.

11 COUNT 8 - INSURANCE FRAUD

12 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly
13 and willfully present, or cause to be presented a statement as a part of, or in support of, a
14 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of
15 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or
16 contained false or misleading information concerning a fact material to said claim; and/or
17 did assist, abet, solicit or conspire to present or cause to be presented a statement to an
18 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement
19 concealed or omitted facts, or did contain false or misleading information concerning a fact
20 material to a claim for payment or other benefits under such policy issued pursuant to Title
21 57 of the Nevada Revised Statutes, by falsely representing to HEALTH PLAN OF
22 NEVADA that the billed anesthesia time and/or charges for the endoscopic procedure
23 performed on STACY HUTCHINSON were more than the actual anesthetic time and/or
24 charges, said false representation resulting in the payment of money to Defendants and
25 KEITH MATHAHS and/or their medical practice which exceeded that which would have
26 normally been allowed for said procedure; Defendants and KEITH MATHAHS being
27 responsible under one or more of the following principles of criminal liability, to wit: (1) by
28 directly committing said acts; and/or (2) aiding or abetting each other in the commission of

1 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,
2 or procuring each other, and/or others to commit said acts, Defendants and KEITH
3 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy
4 to commit this crime.

5 COUNT 9 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
6 OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

7 Defendants and KEITH MATHAHS did on or about September 21, 2007, then and
8 there willfully and unlawfully perform acts in willful or wanton disregard of the safety of
9 persons or property resulting in substantial bodily harm to RUDOLFO MEANA, to wit:
10 transmitting the Hepatitis C virus to RUDOLFO MEANA, in the following manner, to wit:
11 by directly or indirectly using and/or introducing contaminated medical instruments,
12 supplies, and/or drugs upon or into the body of RUDOLFO MEANA which were
13 contaminated with the Hepatitis C virus; Defendants and KEITH MATHAHS being
14 responsible under one or more of the following principles of criminal liability, to wit: (1) by
15 directly committing said acts; and/or (2) aiding or abetting each other in the commission of
16 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,
17 or procuring each other, and/or others to utilize a patient care delivery system which directly
18 or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled
19 and/or treated an unreasonable number of patients per day, and/or rushed patients or patient
20 procedures, Defendants and KEITH MATHAHS acting with the intent to commit said crime
21 in order to fraudulently increase the insurance billing and/or money reimbursement for the
22 medical procedure performed on the said RUDOLFO MEANA; specifically, as to
23 DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT
24 LAKEMAN, and KEITH MATHAHS and said others to perform said acts and created a
25 work environment where DEFENDANT LAKEMAN, and KEITH MATHAHS and others
26 were pressured to commit the said acts described above; specifically, as to DEFENDANT
27 LAKEMAN, engaging in conduct against universally accepted standards of medical care,
28 that he obtained the medical supplies, and/or drugs utilized in the treatment of KENNETH

1 RUBINO and RODOLFO MEANA which were subsequently contaminated with the
2 Hepatitis C virus and thereafter directly or indirectly shared, exchanged or transferred said
3 contaminated medical supplies, and/or drugs between himself and KEITH MATHAHS
4 and/or between treatment rooms before, during or after the endoscopic procedure performed
5 on KENNETH RUBINO which resulted in the transmission of the Hepatitis C virus into the
6 body of RODOLFO MEANA and others and/or (3) pursuant to a conspiracy to commit this
7 crime, Defendants and KEITH MATHAHS acting in concert throughout.

8 COUNT 10 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL
9 BODILY HARM

10 Defendants and KEITH MATHAHS on or about September 21, 2007, being
11 professional caretakers of RUDOLFO MEANA, did act or omit to act in an aggravated,
12 reckless or gross manner, failing to provide such service, care or supervision as is reasonable
13 and necessary to maintain the health or safety of said RUDOLFO MEANA, resulting in
14 substantial bodily harm to RUDOLFO MEANA, to wit: transmitting the Hepatitis C virus to
15 RUDOLFO MEANA, said acts or omissions being such a departure from what would be the
16 conduct of an ordinarily prudent, careful person under the same circumstances that it is
17 contrary to a proper regard for danger to human life or constitutes indifference to the
18 resulting consequences, said consequences of the negligent act or omission being reasonably
19 foreseeable; said danger to human life not being the result of inattention, mistaken judgment
20 or misadventure, but the natural and probable result of said aggravated reckless or grossly
21 negligent act or omission, to wit: by directly or indirectly using and/or introducing
22 contaminated medical instruments, supplies, and/or drugs upon or into the body of
23 RUDOLFO MEANA which were contaminated with the Hepatitis C virus; Defendants and
24 KEITH MATHAHS being responsible under one or more of the following principles of
25 criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting
26 each other in the commission of the crime by directly or indirectly counseling, encouraging,
27 hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care
28 delivery system which directly or indirectly limited the use of medical instruments, and/or

1 supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day,
2 and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting
3 with the intent to commit said crime in order to fraudulently increase the insurance billing
4 and/or money reimbursement for the medical procedure performed on the said RUDOLFO
5 MEANA; specifically, as to DEFENDANT DESAI, that he directly or indirectly both
6 instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said others to perform
7 said acts and created a work environment where DEFENDANT LAKEMAN, and KEITH
8 MATHAHS and others were pressured to commit the said acts described above; specifically,
9 as to DEFENDANT LAKEMAN, engaging in conduct against universally accepted
10 standards of medical care, that he obtained the medical supplies, and/or drugs utilized in the
11 treatment of KENNETH RUBINO and RODOLFO MEANA which were subsequently
12 contaminated with the Hepatitis C virus and thereafter directly or indirectly shared,
13 exchanged or transferred said contaminated medical supplies, and/or drugs between himself
14 and KEITH MATHAHS and/or between treatment rooms before, during or after the
15 endoscopic procedure performed on KENNETH RUBINO which resulted in the
16 transmission of the Hepatitis C virus into the body of RODOLFO MEANA and others and/or
17 (3) pursuant to a conspiracy to commit this crime, Defendants and KEITH MATHAHS
18 acting in concert throughout.

19 COUNT 11 - INSURANCE FRAUD

20 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly
21 and willfully present, or cause to be presented a statement as a part of, or in support of, a
22 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of
23 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or
24 contained false or misleading information concerning a fact material to said claim; and/or
25 did assist, abet, solicit or conspire to present or cause to be presented a statement to an
26 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement
27 concealed or omitted facts, or did contain false or misleading information concerning a fact
28 material to a claim for payment or other benefits under such policy issued pursuant to Title

57 of the Nevada Revised Statutes, by falsely representing to SECURE HORIZONS and/or PACIFICARE that the billed anesthesia time and/or charges for the endoscopic procedure performed on RUDOLFO MEANA were more than the actual anesthetic time and/or charges, said false representation resulting in the payment of money to Defendants and KEITH MATHAHS and/or their medical practice which exceeded that which would have normally been allowed for said procedure; Defendants and KEITH MATHAHS being responsible under one or more of the following principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to commit said acts, Defendants and KEITH MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy to commit this crime.

COUNT 12 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

Defendants and KEITH MATHAHS did on or about September 21, 2007, then and there willfully and unlawfully perform acts in willful or wanton disregard of the safety of persons or property resulting in substantial bodily harm to PATTY ASPINWALL, to wit: transmitting the Hepatitis C virus to PATTY ASPINWALL, in the following manner, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care delivery system which directly or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day, and/or rushed patients or patient procedures. Defendants and KEITH MATHAHS acting with the intent to commit said crime in order to fraudulently increase the insurance billing and/or money reimbursement for the medical procedure performed on the said PATTY ASPINWALL; specifically, as to DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said others to perform

1 said acts and created a work environment where DEFENDANT LAKEMAN, KEITH
2 MATHAHS and others were pressured to commit the said acts described above; specifically,
3 as to DEFENDANT LAKEMAN, engaging in conduct against universally accepted
4 standards of medical care, that he limited the use of medical supplies, and/or drugs and
5 rushed patients, and/or patient procedures which in turn allowed DEFENDANT DESAI to
6 directly or indirectly treat and/or perform an unreasonable number of patient procedures in a
7 single day all at the expense of patient safety and well being, and which resulted in
8 substandard care and jeopardized the safety of PATTY ASPINWALL and/or (3) pursuant to
9 a conspiracy to commit this crime, Defendants and KEITH MATHAHS acting in concert
10 throughout.

11 COUNT 13 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL
12 BODILY HARM

13 Defendants and KEITH MATHAHS on or about September 21, 2007, being
14 professional caretakers of PATTY ASPINWALL, did act or omit to act in an aggravated,
15 reckless or gross manner, failing to provide such service, care or supervision as is reasonable
16 and necessary to maintain the health or safety of said PATTY ASPINWALL, resulting in
17 substantial bodily harm to PATTY ASPINWALL, to wit: transmitting the Hepatitis C virus
18 to PATTY ASPINWALL, said acts or omissions being such a departure from what would be
19 the conduct of an ordinarily prudent, careful person under the same circumstances that it is
20 contrary to a proper regard for danger to human life or constitutes indifference to the
21 resulting consequences, said consequences of the negligent act or omission being reasonably
22 foreseeable; said danger to human life not being the result of inattention, mistaken judgment
23 or misadventure, but the natural and probable result of said aggravated reckless or grossly
24 negligent act or omission, to wit: (1) by directly committing said acts; and/or (2) aiding or
25 abetting each other in the commission of the crime by directly or indirectly counseling,
26 encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize
27 a patient care delivery system which directly or indirectly limited the use of medical
28 instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number

1 of patients per day, and/or rushed patients or patient procedures, Defendants and KEITH
2 MATHAHS acting with the intent to commit said crime in order to fraudulently increase the
3 insurance billing and/or money reimbursement for the medical procedure performed on the
4 said PATTY ASPINWALL; specifically, as to DEFENDANT DESAI, that he directly or
5 indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said
6 others to perform said acts and created a work environment where DEFENDANT
7 LAKEMAN, and KEITH MATHAHS and others were pressured to commit the said acts
8 described above; specifically, as to DEFENDANT LAKEMAN, engaging in conduct against
9 universally accepted standards of medical care, that he limited the use of medical supplies,
10 and/or drugs and rushed patients, and/or patient procedures which in turn allowed
11 DEFENDANT DESAI to directly or indirectly treat and/or perform an unreasonable number
12 of patient procedures in a single day all at the expense of patient safety and well being, and
13 which resulted in substandard care and jeopardized the safety of PATTY ASPINWALL
14 and/or (3) pursuant to a conspiracy to commit this crime, Defendants and KEITH
15 MATHAHS acting in concert throughout.

16 COUNT 14 - INSURANCE FRAUD

17 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly
18 and willfully present, or cause to be presented a statement as a part of, or in support of, a
19 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of
20 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or
21 contained false or misleading information concerning a fact material to said claim; and/or
22 did assist, abet, solicit or conspire to present or cause to be presented a statement to an
23 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement
24 concealed or omitted facts, or did contain false or misleading information concerning a fact
25 material to a claim for payment or other benefits under such policy issued pursuant to Title
26 57 of the Nevada Revised Statutes, by falsely representing to ANTHEM BLUE CROSS
27 AND BLUE SHIELD that the billed anesthesia time and/or charges for the endoscopic
28 procedure performed on PATTY ASPINWALL were more than the actual anesthetic time

1 and/or charges, said false representation resulting in the payment of money to Defendants
2 and KEITH MATHAHS and/or their medical practice which exceeded that which would
3 have normally been allowed for said procedure; Defendants and KEITH MATHAHS being
4 responsible under one or more of the following principles of criminal liability, to wit: (1) by
5 directly committing said acts; and/or (2) aiding or abetting each other in the commission of
6 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,
7 or procuring each other, and/or others to commit said acts, Defendants and KEITH
8 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy
9 to commit this crime.

10 COUNT 15 - INSURANCE FRAUD

11 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly
12 and willfully present, or cause to be presented a statement as a part of, or in support of, a
13 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of
14 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or
15 contained false or misleading information concerning a fact material to said claim; and/or
16 did assist, abet, solicit or conspire to present or cause to be presented a statement to an
17 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement
18 concealed or omitted facts, or did contain false or misleading information concerning a fact
19 material to a claim for payment or other benefits under such policy issued pursuant to Title
20 57 of the Nevada Revised Statutes, by falsely representing to UNITED HEALTH
21 SERVICES that the billed anesthesia time and/or charges for the endoscopic procedure
22 performed on PATTY ASPINWALL were more than the actual anesthetic time and/or
23 charges, said false representation resulting in the payment of money to Defendants and
24 KEITH MATHAHS and/or their medical practice which exceeded that which would have
25 normally been allowed for said procedure; Defendants and KEITH MATHAHS being
26 responsible under one or more of the following principles of criminal liability, to wit: (1) by
27 directly committing said acts; and/or (2) aiding or abetting each other in the commission of
28 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,

1 or procuring each other, and/or others to commit said acts, Defendants and KEITH
2 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy
3 to commit this crime.

4 COUNT 16 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
5 OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

6 Defendants and KEITH MATHAHS did on or about September 21, 2007, then and
7 there willfully and unlawfully perform acts in willful or wanton disregard of the safety of
8 persons or property resulting in substantial bodily harm to SONIA ORELLANA-RIVERA,
9 to wit: transmitting the Hepatitis C virus to SONIA ORELLANA-RIVERA, in the following
10 manner, to wit: by directly or indirectly using and/or introducing contaminated medical
11 instruments, supplies, and/or drugs upon or into the body of SONIA ORELLANA-RIVERA
12 which were contaminated with the Hepatitis C virus; Defendants and KEITH MATHAHS
13 being responsible under one or more of the following principles of criminal liability, to wit:
14 (1) by directly committing said acts; and/or (2) aiding or abetting each other in the
15 commission of the crime by directly or indirectly counseling, encouraging, hiring,
16 commanding, inducing, or procuring each other, and/or others to utilize a patient care
17 delivery system which directly or indirectly limited the use of medical instruments, and/or
18 supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day,
19 and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting
20 with the intent to commit said crime in order to fraudulently increase the insurance billing
21 and/or money reimbursement for the medical procedure performed on the said SONIA
22 ORELLANA-RIVERA; specifically, as to DEFENDANT DESAI, that he directly or
23 indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said
24 others to perform said acts and created a work environment where DEFENDANT
25 LAKEMAN, and KEITH MATHAHS and others were pressured to commit the said acts
26 described above; specifically, as to DEFENDANT LAKEMAN, engaging in conduct against
27 universally accepted standards of medical care, that he obtained the medical supplies, and/or
28 drugs utilized in the treatment of KENNETH RUBINO and SONIA ORELLANA-RIVERA

1 which were subsequently contaminated with the Hepatitis C virus and thereafter directly or
2 indirectly shared, exchanged or transferred said contaminated medical supplies, and/or drugs
3 between himself and KEITH MATHAHS and/or between treatment rooms before, during or
4 after the endoscopic procedure performed on KENNETH RUBINO which resulted in the
5 transmission of the Hepatitis C virus into the body of SONIA ORELLANA-RIVERA and
6 others and/or ~~(3) pursuant to a conspiracy to commit this crime,~~ Defendants and KEITH
7 MATHAHS acting in concert throughout.

8 COUNT 17 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL
9 BODILY HARM

10 Defendants and KEITH MATHAHS on or about September 21, 2007, being
11 professional caretakers of SONIA ORELLANA-RIVERA, did act or omit to act in an
12 aggravated, reckless or gross manner, failing to provide such service, care or supervision as
13 is reasonable and necessary to maintain the health or safety of said SONIA ORELLANA-
14 RIVERA, resulting in substantial bodily harm to SONIA ORELLANA-RIVERA, to wit:
15 transmitting the Hepatitis C virus to SONIA ORELLANA-RIVERA, said acts or omissions
16 being such a departure from what would be the conduct of an ordinarily prudent, careful
17 person under the same circumstances that it is contrary to a proper regard for danger to
18 human life or constitutes indifference to the resulting consequences, said consequences of
19 the negligent act or omission being reasonably foreseeable; said danger to human life not
20 being the result of inattention, mistaken judgment or misadventure, but the natural and
21 probable result of said aggravated reckless or grossly negligent act or omission, to wit: by
22 directly or indirectly using and/or introducing contaminated medical instruments, supplies,
23 and/or drugs upon or into the body of SONIA ORELLANA-RIVERA which were
24 contaminated with the Hepatitis C virus; Defendants and KEITH MATHAHS being
25 responsible under one or more of the following principles of criminal liability, to wit: (1) by
26 directly committing said acts; and/or (2) aiding or abetting each other in the commission of
27 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,
28 or procuring each other, and/or others to utilize a patient care delivery system which directly

1 or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled
2 and/or treated an unreasonable number of patients per day, and/or rushed patients or patient
3 procedures, Defendants and KEITH MATHAHS acting with the intent to commit said crime
4 in order to fraudulently increase the insurance billing and/or money reimbursement for the
5 medical procedure performed on the said SONIA ORELLANA-RIVERA; specifically, as to
6 DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT
7 LAKEMAN, and KEITH MATHAHS and said others to perform said acts and created a
8 work environment where DEFENDANT LAKEMAN, and KEITH MATHAHS and others
9 were pressured to commit the said acts described above; specifically, as to DEFENDANT
10 LAKEMAN, engaging in conduct against universally accepted standards of medical care,
11 that he obtained the medical supplies, and/or drugs utilized in the treatment of KENNETH
12 RUBINO AND SONIA ORELLANA-RIVERA which were subsequently contaminated with
13 the Hepatitis C virus and thereafter directly or indirectly shared, exchanged or transferred
14 said contaminated medical supplies, and/or drugs between himself and KEITH MATHAHS
15 and/or between treatment rooms before, during or after the endoscopic procedure performed
16 on KENNETH RUBINO which resulted in the transmission of the Hepatitis C virus into the
17 body of SONIA ORELLANA-RIVERA and others and/or (3) pursuant to a conspiracy to
18 commit this crime, Defendants and KEITH MATHAHS acting in concert throughout.

19 COUNT 18 - INSURANCE FRAUD

20 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly
21 and willfully present, or cause to be presented a statement as a part of, or in support of, a
22 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of
23 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or
24 contained false or misleading information concerning a fact material to said claim; and/or
25 did assist, abet, solicit or conspire to present or cause to be presented a statement to an
26 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement
27 concealed or omitted facts, or did contain false or misleading information concerning a fact
28 material to a claim for payment or other benefits under such policy issued pursuant to Title

57 of the Nevada Revised Statutes, by falsely representing to CULINARY WORKERS HEALTH FUND that the billed anesthesia time and/or charges for the endoscopic procedure performed on SONIA ORELLANA-RIVERA were more than the actual anesthetic time and/or charges, said false representation resulting in the payment of money to Defendants and KEITH MATHAHS and/or their medical practice which exceeded that which would have normally been allowed for said procedure; Defendants and KEITH MATHAHS being responsible under one or more of the following principles of criminal liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to commit said acts, Defendants and KEITH MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy to commit this crime.

COUNT 19 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

Defendants and KEITH MATHAHS did on or about September 21, 2007, then and there willfully and unlawfully perform acts in willful or wanton disregard of the safety of persons or property resulting in substantial bodily harm to CAROLE GRUESKIN, to wit: transmitting the Hepatitis C virus to CAROLE GRUESKIN, in the following manner, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the commission of the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize a patient care delivery system which directly or indirectly limited the use of medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day, and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting with the intent to commit said crime in order to fraudulently increase the insurance billing and/or money reimbursement for the medical procedure performed on the said CAROLE GRUESKIN; specifically, as to DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said others to perform

1 said acts and created a work environment where DEFENDANT LAKEMAN, and KEITH
2 MATHAHS and others were pressured to commit the said acts described above; specifically,
3 as to DEFENDANT LAKEMAN, engaging in conduct against universally accepted
4 standards of medical care, that he limited the use of medical supplies, and/or drugs and
5 rushed patients, and/or patient procedures which in turn allowed DEFENDANT DESAI to
6 directly or indirectly treat and/or perform an unreasonable number of patient procedures in a
7 single day all at the expense of patient safety and well being, and which resulted in
8 substandard care and jeopardized the safety of CAROLE GRUESKIN and/or (3) pursuant to
9 a conspiracy to commit this crime, Defendants and KEITH MATHAHS acting in concert
10 throughout.

11 COUNT 20- CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL
12 BODILY HARM

13 Defendants and KEITH MATHAHS on or about September 21, 2007, being
14 professional caretakers of CAROLE GRUESKIN, did act or omit to act in an aggravated,
15 reckless or gross manner, failing to provide such service, care or supervision as is reasonable
16 and necessary to maintain the health or safety of said CAROLE GRUESKIN, resulting in
17 substantial bodily harm to CAROLE GRUESKIN, to wit: transmitting the Hepatitis C virus
18 to CAROLE GRUESKIN, said acts or omissions being such a departure from what would be
19 the conduct of an ordinarily prudent, careful person under the same circumstances that it is
20 contrary to a proper regard for danger to human life or constitutes indifference to the
21 resulting consequences, said consequences of the negligent act or omission being reasonably
22 foreseeable; said danger to human life not being the result of inattention, mistaken judgment
23 or misadventure, but the natural and probable result of said aggravated reckless or grossly
24 negligent act or omission, to wit: (1) by directly committing said acts; and/or (2) aiding or
25 abetting each other in the commission of the crime by directly or indirectly counseling,
26 encouraging, hiring, commanding, inducing, or procuring each other, and/or others to utilize
27 a patient care delivery system which directly or indirectly limited the use of medical
28 instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable number

1 of patients per day, and/or rushed patients or patient procedures, Defendants and KEITH
2 MATHAHS acting with the intent to commit said crime in order to fraudulently increase the
3 insurance billing and/or money reimbursement for the medical procedure performed on the
4 said CAROLE GRUESKIN; specifically, as to DEFENDANT DESAI, that he directly or
5 indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said
6 others to perform said acts and created a work environment where DEFENDANT
7 LAKEMAN, and KEITH MATHAHS and others were pressured to commit the said acts
8 described above; specifically, as to DEFENDANT LAKEMAN, engaging in conduct against
9 universally accepted standards of medical care, that he limited the use of medical supplies,
10 and/or drugs and rushed patients, and/or patient procedures which in turn allowed
11 DEFENDANT DESAI to directly or indirectly treat and/or perform an unreasonable number
12 of patient procedures in a single day all at the expense of patient safety and well being, and
13 which resulted in substandard care and jeopardized the safety of CAROLE GRUESKIN
14 and/or (3) pursuant to a conspiracy to commit this crime, Defendants and KEITH
15 MATHAHS acting in concert throughout.

16 COUNT 21 - INSURANCE FRAUD

17 Defendants and KEITH MATHAHS did on or about September 21, 2007, knowingly
18 and willfully present, or cause to be presented a statement as a part of, or in support of, a
19 claim for payment or other benefits under a policy of insurance issued pursuant to Title 57 of
20 the Nevada Revised Statutes, knowing that the statement concealed or omitted facts, or
21 contained false or misleading information concerning a fact material to said claim; and/or
22 did assist, abet, solicit or conspire to present or cause to be presented a statement to an
23 insurer, a reinsurer, a producer, a broker or any agent thereof, knowing that said statement
24 concealed or omitted facts, or did contain false or misleading information concerning a fact
25 material to a claim for payment or other benefits under such policy issued pursuant to Title
26 57 of the Nevada Revised Statutes, by falsely representing to HEALTH PLAN OF
27 NEVADA that the billed anesthesia time and/or charges for the endoscopic procedure
28 performed on CAROLE GRUESKIN were more than the actual anesthetic time and/or

1 charges, said false representation resulting in the payment of money to Defendants and
2 KEITH MATHAHS and/or their medical practice which exceeded that which would have
3 normally been allowed for said procedure; Defendants and KEITH MATHAHS being
4 responsible under one or more of the following principles of criminal liability, to wit: (1) by
5 directly committing said acts; and/or (2) aiding or abetting each other in the commission of
6 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,
7 or procuring each other, and/or others to commit said acts, Defendants and KEITH
8 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy
9 to commit this crime.

10 COUNT 22 - PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS
11 OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM

12 Defendants and KEITH MATHAHS did on or about September 21, 2007, then and
13 there willfully and unlawfully perform acts in willful or wanton disregard of the safety of
14 persons or property resulting in substantial bodily harm to GWENDOLYN MARTIN, to wit:
15 transmitting the Hepatitis C virus to GWENDOLYN MARTIN, in the following manner, to
16 wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other in the
17 commission of the crime by directly or indirectly counseling, encouraging, hiring,
18 commanding, inducing, or procuring each other, and/or others to utilize a patient care
19 delivery system which directly or indirectly limited the use of medical instruments, and/or
20 supplies, and/or drugs; scheduled and/or treated an unreasonable number of patients per day,
21 and/or rushed patients or patient procedures, Defendants and KEITH MATHAHS acting
22 with the intent to commit said crime in order to fraudulently increase the insurance billing
23 and/or money reimbursement for the medical procedure performed on the said
24 GWENDOLYN MARTIN; specifically, as to DEFENDANT DESAI, that he directly or
25 indirectly both instructed DEFENDANT LAKEMAN, and KEITH MATHAHS and said
26 others to perform said acts and created a work environment where DEFENDANT
27 LAKEMAN, and KEITH MATHAHS and others were pressured to commit the said acts
28 described above; specifically, as to DEFENDANT LAKEMAN, engaging in conduct against

1 universally accepted standards of medical care, that he obtained the medical supplies, and/or
2 drugs utilized in the treatment of KENNETH RUBINO and GWENDOLYN MARTIN
3 which were subsequently contaminated with the Hepatitis C virus and thereafter directly or
4 indirectly shared, exchanged or transferred said contaminated medical supplies, and/or drugs
5 between himself and KEITH MATHAHS and/or between treatment rooms before, during or
6 after the endoscopic procedure performed on KENNETH RUBINO which resulted in the
7 transmission of the Hepatitis C virus into the body of GWENDOLYN MARTIN and others
8 and/or (3) pursuant to a conspiracy to commit this crime, Defendants and KEITH
9 MATHAHS acting in concert throughout.

10 COUNT 23 - CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL
11 BODILY HARM

12 Defendants and KEITH MATHAHS on or about September 21, 2007, being
13 professional caretakers of GWENDOLYN MARTIN, did act or omit to act in an aggravated,
14 reckless or gross manner, failing to provide such service, care or supervision as is reasonable
15 and necessary to maintain the health or safety of said GWENDOLYN MARTIN, resulting in
16 substantial bodily harm to GWENDOLYN MARTIN, to wit: transmitting the Hepatitis C
17 virus to GWENDOLYN MARTIN, said acts or omissions being such a departure from what
18 would be the conduct of an ordinarily prudent, careful person under the same circumstances
19 that it is contrary to a proper regard for danger to human life or constitutes indifference to
20 the resulting consequences, said consequences of the negligent act or omission being
21 reasonably foreseeable; said danger to human life not being the result of inattention,
22 mistaken judgment or misadventure, but the natural and probable result of said aggravated
23 reckless or grossly negligent act or omission, to wit: (1) by directly committing said acts;
24 and/or (2) aiding or abetting each other in the commission of the crime by directly or
25 indirectly counseling, encouraging, hiring, commanding, inducing, or procuring each other,
26 and/or others to utilize a patient care delivery system which directly or indirectly limited the
27 use of medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an
28 unreasonable number of patients per day, and/or rushed patients or patient procedures,

1 Defendants and KEITH MATHAHS acting with the intent to commit said crime in order to
2 fraudulently increase the insurance billing and/or money reimbursement for the medical
3 procedure performed on the said GWENDOLYN MARTIN; specifically, as to
4 DEFENDANT DESAI, that he directly or indirectly both instructed DEFENDANT
5 LAKEMAN, and KEITH MATHAHS and said others to perform said acts and created a
6 work environment where DEFENDANT LAKEMAN, and KEITH MATHAHS and others
7 were pressured to commit the said acts described above; specifically, as to DEFENDANT
8 LAKEMAN, engaging in conduct against universally accepted standards of medical care,
9 that he obtained the medical supplies, and/or drugs utilized in the treatment of KENNETH
10 RUBINO and GWENDOLYN MARTIN which were subsequently contaminated with the
11 Hepatitis C virus and thereafter directly or indirectly shared, exchanged or transferred said
12 contaminated medical supplies, and/or drugs between himself and KEITH MATHAHS
13 and/or between treatment rooms before, during or after the endoscopic procedure performed
14 on KENNETH RUBINO which resulted in the transmission of the Hepatitis C virus into the
15 body of GWENDOLYN MARTIN and others and/or (3) pursuant to a conspiracy to commit
16 this crime, Defendants and KEITH MATHAHS acting in concert throughout.

17 COUNT 24 - INSURANCE FRAUD

18 Defendants and KEITH MATHAHS did on or between September 20, 2007 and
19 September 21, 2007, knowingly and willfully present, or cause to be presented a statement
20 as a part of, or in support of, a claim for payment or other benefits under a policy of
21 insurance issued pursuant to Title 57 of the Nevada Revised Statutes, knowing that the
22 statement concealed or omitted facts, or contained false or misleading information
23 concerning a fact material to said claim; and/or did assist, abet, solicit or conspire to present
24 or cause to be presented a statement to an insurer, a reinsurer, a producer, a broker or any
25 agent thereof, knowing that said statement concealed or omitted facts, or did contain false or
26 misleading information concerning a fact material to a claim for payment or other benefits
27 under such policy issued pursuant to Title 57 of the Nevada Revised Statutes, by falsely
28 representing to PACIFIC CARE that the billed anesthesia time and/or charges for the

1 endoscopic procedure performed on GWENDOLYN MARTIN were more than the actual
2 anesthetic time and/or charges, said false representation resulting in the payment of money to
3 Defendants and KEITH MATHAHS and/or their medical practice which exceeded that
4 which would have normally been allowed for said procedure; Defendants and KEITH
5 MATHAHS being responsible under one or more of the following principles of criminal
6 liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other
7 in the commission of the crime by directly or indirectly counseling, encouraging, hiring,
8 commanding, inducing, or procuring each other, and/or others to commit said acts,
9 Defendants and KEITH MATHAHS acting with the intent to commit said crime, and/or (3)
10 pursuant to a conspiracy to commit this crime.

11 COUNT 25 – THEFT

12 Defendants and KEITH MATHAHS did between July 25, 2007 and December 31,
13 2007, then and there knowingly, feloniously, and without lawful authority, commit theft by
14 obtaining personal property in the amount of \$250.00, or more, lawful money of the United
15 States, from STACY HUTCHINSON, KENNETH RUBINO, PATTY ASPINWALL,
16 SHARRIEFF ZIYAD, MICHAEL WASHINGTON, CAROLE GRUESKIN and RODOLFO
17 MEANA, and/or ANTHEM BLUE CROSS AND BLUE SHIELD, HEALTHCARE
18 PARTNERS OF NEVADA, UNITED HEALTH SERVICES, VETERANS
19 ADMINISTRATION and SECURED HORIZONS, by a material misrepresentation with
20 intent to deprive those persons of the property, in the following manner, to-wit: by falsely
21 representing that the billed anesthesia time and/or charges for the endoscopic procedure
22 performed on STACY HUTCHINSON, KENNETH RUBINO, PATTY ASPINWALL,
23 SHARRIEFF ZIYAD, MICHAEL WASHINGTON, CAROLE GRUESKIN and RODOLFO
24 MEANA, were more than the actual anesthetic time and/or charges, said false representation
25 resulting in the payment of money to Defendants and KEITH MATHAHS and/or their
26 medical practice, which exceeded that which would have normally been allowed for said
27 procedure, thereby obtaining said personal property by a material misrepresentation with
28 intent to deprive them of the property, Defendants and KEITH MATHAHS being

1 responsible under one or more of the following principles of criminal liability, to wit: (1) by
2 directly committing said acts; and/or (2) aiding or abetting each other in the commission of
3 the crime by directly or indirectly counseling, encouraging, hiring, commanding, inducing,
4 or procuring each other, and/or others to commit said acts, Defendants and KEITH
5 MATHAHS acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy
6 to commit this crime.

7 COUNT 26 - OBTAINING MONEY UNDER FALSE PRETENSES

8 Defendants and KEITH MATHAHS did on or between September 20, 2007, and
9 December 31, 2007, with intent to cheat and defraud, wilfully, unlawfully, feloniously,
10 knowingly, designedly, and by use of false pretenses, obtain \$250.00, or more, lawful money
11 of the United States from GWENDOLYN MARTIN and/or PACIFICARE, within Las
12 Vegas, Clark County, Nevada, in the following manner, to-wit: by falsely representing that
13 the billed anesthesia times and/or charges for the endoscopic procedures performed on
14 GWENDOLYN MARTIN were more than the actual anesthetic times and/or charges, said
15 false representation resulting in the payment of money to Defendants and KEITH
16 MATHAHS and/or the medical practice, which exceeded that which would have normally
17 been allowed for said procedures Defendants and KEITH MATHAHS being responsible
18 under one or more of the following principles of criminal liability, to wit: (1) by directly
19 committing said acts; and/or (2) aiding or abetting each other in the commission of the crime
20 by directly or indirectly counseling, encouraging, hiring, commanding, inducing, or
21 procuring each other, and/or others to commit said acts, Defendants and KEITH MATHAHS
22 acting with the intent to commit said crime, and/or (3) pursuant to a conspiracy to commit
23 this crime.

24 COUNT 27 - OBTAINING MONEY UNDER FALSE PRETENSES

25 Defendants and KEITH MATHAHS did on or between September 21, 2007, and
26 December 31, 2007, with intent to cheat and defraud, wilfully, unlawfully, feloniously,
27 knowingly, designedly, and by use of false pretenses, obtain \$250.00, or more, lawful money
28 of the United States from SONIA ORELLANA-RIVERA and/or CULINARY WORKERS

1 HEALTH FUND, within Las Vegas, Clark County, Nevada, in the following manner, to-wit:
2 by falsely representing that the billed anesthesia times and/or charges for the endoscopic
3 procedures performed on SONIA ORELLANA-RIVERA were more than the actual
4 anesthetic times and/or charges, said false representation resulting in the payment of money
5 to Defendants and KEITH MATHAHS and/or the medical practice, which exceeded that
6 which would have normally been allowed for said procedures Defendants and KEITH
7 MATHAHS being responsible under one or more of the following principles of criminal
8 liability, to wit: (1) by directly committing said acts; and/or (2) aiding or abetting each other
9 in the commission of the crime by directly or indirectly counseling, encouraging, hiring,
10 commanding, inducing, or procuring each other, and/or others to commit said acts,
11 Defendants and KEITH MATHAHS acting with the intent to commit said crime, and/or (3)
12 pursuant to a conspiracy to commit this crime.

13 COUNT 28 - MURDER (SECOND DEGREE)

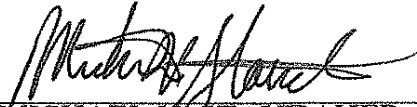
14 Defendants and KEITH MATHAHS did on or between September 21, 2007 and April
15 27, 2012, then and there willfully, feloniously, without authority of law, and with malice
16 aforethought, kill RODOLFO MEANA, a human being, by introducing Hepatitis C virus
17 into the body of RODOLFO MEANA, based upon the following principles of criminal
18 liability, to-wit: (1) by the killing occurring under circumstances showing an abandoned and
19 malignant heart; and/or (2) ~~during the commission of an unlawful act, to-wit: criminal~~
20 ~~neglect of patients, and/or performance of an unlawful act in reckless disregard of persons or~~
21 ~~property, which in its consequences, naturally tends to destroy the life of a human being;~~
22 ~~and/or (3) the killing being committed in the prosecution of a felonious intent, to-wit:~~
23 ~~criminal neglect of patients, and/or performance of an act in reckless disregard of persons or~~
24 ~~property, which in its consequences, naturally tends to destroy the life of a human being, by~~
25 ~~directly or indirectly using and/or introducing contaminated medical instruments, supplies,~~
26 ~~and/or drugs upon or into the body of RODOLFO MEANA which were contaminated with~~
27 ~~the Hepatitis C virus; Defendants and KEITH MATHAHS being responsible under one or~~
28 more of the following principles of criminal liability, to wit: (1) by directly committing said

1 acts; and/or (2) by aiding or abetting each other and/or others including uncharged
2 confederates in the commission of the crime(s) of criminal neglect of patients, and/or
3 performance of an act in reckless disregard of persons or property by directly or indirectly
4 counseling, encouraging, hiring, commanding, inducing, or procuring each other, and/or
5 others to utilize a patient care delivery system which directly or indirectly limited the use of
6 medical instruments, and/or supplies, and/or drugs; scheduled and/or treated an unreasonable
7 number of patients per day, and/or rushed patients or patient procedures all at the expense of
8 patient safety and/or well being, and which resulted in substandard care and/or jeopardized
9 the safety of RODOLFO MEANA, Defendants and KEITH MATHAHS acting with the
10 intent to commit the crime(s) of criminal neglect of patients, and/or performance of an act in
11 reckless disregard of persons or property; and/or (3) pursuant to a conspiracy to commit the
12 crime(s) of criminal neglect of patients, and/or performance of an act in reckless disregard of
13 persons or property, Defendants and KEITH MATHAHS acting in concert throughout.

14 DATED this 6th day of May, 2013.

15 STEVEN B. WOLFSON
16 DISTRICT ATTORNEY
Nevada Bar #001565

17
18 BY


19 MICHAEL V. STAUDAHER
20 Chief Deputy District Attorney
21 Nevada Bar #008273
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23
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25
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28

1 Names of witnesses testifying before the Grand Jury:
2 ARMOUR, PATRICIA, NV. HEALTH DISTRICT
3 ASPINWALL, PATTY
4 BAGANG, MAYNARD, LVMPD
5 CAMPBELL, LYNETTE, RN
6 CAROL, CLIFFORD
7 CARRERA, HILARIO
8 CERDA, RYAN, HEALTH CARE BUSINESS SOLUTIONS
9 DESAI, SAEHAL
10 DROBENINE, JAN, CDC LAB SUPERVISOR
11 DUENAS, YERENY, INSURANCE CLAIMS
12 GONZALES, PATRICIA, BLUE CROSS DIRECTOR DEPT.
13 GRUESKIN, CAROLE
14 HAWKINS, MELVIN
15 HUTCHINSON, STACY
16 KALKA, KATIE, UNITED HEALTH GROUP INV.
17 KHUDYAKOV, YURY, CDC
18 KRUEGER, JEFFREY ALEN, RN
19 LABUS, BRIAN, NV HEALTH DISTRICT
20 LANGLEY, GAYLE, CDC PHYSICIAN
21 LOBIANBO, ANNAMARIE, CRNA
22 MARTIN, GWENDOLYN
23 MEANA, RODOLFO
24 MYERS, ELAINE, CLAIMS DIRECTOR
25 NEMEC, FRANK, GASTROENTEROLOGIST
26 OLSON, ALANE, MEDICAL EXAMINER
27 RIVERA, SONIA ORELLONO
28 RUBINO, KENNETH

1 RUSHING, TONYA, OFFICE MGR.
2 SAGENDORF, VINCENT, CRNA
3 SAMPSON, NANCY, LVMPD
4 SAMS, JOANNE, VET ADMIN. CODER
5 SCHAEFER, MELISSA, CDC PHYSICIAN
6 SHARMA, SATISH, ANESTHESIOLOGIST
7 SIMS, DOROTHY, BUREAU OF LICENSING AND CERTIFICATION
8 SPAETH, CORRINE, CLAIMS DIRECTOR
9 VANDRUFF, MARION, MEDICAL ASSISTANT
10 WASHINGTON, MICHAEL
11 YEE, THOMAS, ANESTHESIOLOGIST
12 YOST, ANNE, NURSE
13 ZIYAD, SHARRIEFF
14
15 Additional witnesses known to the District Attorney at time of filing the Indictment:
16 ALFARO-MARTINEZ, SAMUEL
17 ANWAR, JAVAID, 3006 MARYLAND PKWY #400, LVN 89109
18 ARBOREEN, DAVE, LVMPD
19 ARMENI, PAOLA
20 ARNONE, ANTHONY, LVMPD
21 ASHANTE, DR.
22 BAILEY, PAULINE, 3416 MONTE CARLO DR., LVN 89121
23 BARCLAY, DR. ROBERT
24 BIEN, KATHY, 3800 DALECREST DR. #1117, LVN 89129
25 BLEMINGS, RENATE, 2100 PLAIN ST., PAHRUMP, NV 89060
26 BROWN, DAVID
27 BUI, DR.
28 BUNIN, DANIEL

1 BURKIN, JERALD, FBI SA
2 CALVALHO, DANIEL CARRERA
3 CARAWAY, ANTOINETTE, 1407 BAREBACK CT., HNV 89014
4 CARRERA, ELADIO, 612 CANYON GREENS DR., LVN 89144
5 CARROLL, CLIFFORD, 10313 ORKINEY DR., LVN 89144
6 CASTLEMAN, DR. STEPHANIE
7 CAVETT, JOSHUA, 7829 TATTERSALL FLAG ST., LVN 89139
8 CHAFFEE, ROD, 9303 GILCREASE #1080, LVN 89149
9 CLEMMER, DANA MARIE, 4913 FERRELL ST., NLVN 89034
10 COE, DANIEL, LVMPD
11 COHAN, DR. CHARLES, POB 4144, SAYLORSBURG, PA
12 COOK, KATIE, FBI S/A
13 COOPER, DOUG, CHIEF INV., NV. ST. BOARD OF ME
14 CRANE, AUSA
15 CREMEN, FRANK
16 DESAI, DIPAK, 3093 RED ARROW, LVN 89135
17 DESAI, KUSAM, MD
18 DIAZ, ALLEN, LVMPD INTERPRETER
19 DIBUDUO, CHARLES
20 DORAME, JOHN
21 DRURY, JANINE
22 ECKERT, PHYSICIAN ASST.
23 ELLEN, DIANE
24 FALZONE, LISA, 8024 PEACEFUL WOODS STREET, LVN 89143
25 FARIS, FRANK
26 FIGLER, DAYVID
27 FISHCHER, GAYLE, 1600 CLIFTON MAIL STOP #G37, ATLANTA, GA. 30333
28 FORD, MIKE, LVMPD

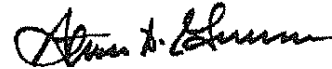
1 FRANKS, LISA, PHYSICIAN ASST.
2 GASKILL, SARA
3 GENTILE, DOMINIC
4 GLASS-SERAN, BARBARA, CRNA
5 GRAY, WARREN, LVMPD
6 GREER, MARY, 3462 SHAMROCK AVE., LVN 89120
7 GREGORY, MARTHA
8 HAHN, JASON, LVMPD
9 HANCOCK, L., LVMPD #7083
10 HANSEN, IDA
11 HARPER, TIFFANY
12 HARRIS, ORELENA (HOLLEMAN), 2816 DESERT SONG, LVN 89106
13 HERRERO, CARMELO, 1864 WOODHAVEN DR., HNV 89074
14 HIGGINS, HEATHER, INV. NV. ST. BOARD OF ME
15 HIGUERA, LILIA, 3504 FLOWER, NLVN 89030
16 HITTI, DR. MIRANDA
17 HOWARD, NADINE, HEALTH FACILITIES SURVEYOR
18 HUBBARD, LINDA, 515 PARK ROYAL DR., NLVN 89031
19 HUGHES, LAURA, AG INV.
20 HUYNH, NGUYEN, 3004 HAZY MEADOW LN., LVN 89108
21 IRVIN, JOHNNA
22 JOHNSON, SHONNA S., 22 VIA DE LUCCIA, HNV 89074
23 JONES, LISA, CHIEF NSB OF LICENSURE AND CERTIFICATION (BLC)
24 JURANI, DR.
25 KIRCH, MARLENE
26 KAUL, DR.
27 KAUSHAL, DR. DHAN
28 KELLEY, J., LVMPD #3716

1 KHAN, IKRAM, 3006 S. MARYLAND PKWY, #465 LVN 89109
2 KNOWLES, DR.
3 KOSLOY, LESLEE, RN, HEALTH FACILITIES SURVEYOR
4 LAKEMAN, RONALD, 700 SHADOW LN #165B, LVN 89106
5 LATHROP, CAROL, 1741 AUGUSTA ST., PAHRUMP, NV 89048
6 LATHROP, WILLIAM
7 LEWIS, DR. DANIEL
8 LOBIONDA, CRNA
9 LOPEZ, J. JULIAN, 7106 SMOKE RANCH RD. #120 LVN 89128
10 LUKENS, JOHN
11 MAANO, PETER, RN
12 MALEY, KATIE, 4275 BURNHAM #101, LVN
13 MALMBERG, GEORGE
14 MANTHEI, PETER, 7066 AZURE BEACH AZURE ST., LVN 89148
15 MANUEL, DR. DAVID
16 MARTIN, LOVEY
17 MASON, ALBERT
18 MATHAHS, KEITH, 10220 BUTTON WILLOW DR., LVN 89134
19 MCDOWELL, RALPH, 388 SANTA CANDIDA ST., LVN 89138
20 MCGOWAN, SHANNON, 5420 CARNATION MEADOW ST., LVN 89130
21 MCILROY, ROBIN, FBI
22 MILLER, JAMES
23 MIONE, VINCENT, 2408 W. EL CAMPO GRANDE AVE., NLVN 89031
24 MOORE, DAVID
25 MUKHERJEE, RANADER, MD
26 MURPHY, MAGGIE, 10175 W. SPRING MTN RD. #2012 LVN 89117
27 NAYYAR, SANJAY, MD
28 NAZAR, WILLIAM

1 NAZARIO, DR. BRUNILDA
2 OM, HARI, LLC MGR
3 O'REILLY, JOHN
4 O'REILLY, TIM
5 PAGE-TAYLOR, LESLIE, CDC
6 PATEL, DR.
7 PENSAKOVIC, JOAN
8 PETERSON, KAREN, 2138 FT. SANDERS ST., HNV
9 PHELPS, LISA, 784 MORMON PEAK ST., OVERTON, NV 89040
10 POMERANZ, AUSA
11 PRESTON, LAWRENCE, 801 S. RANCHO DR., STE C-1, LVN
12 QUANNAH, LAKOTA
13 REXFORD, KEVIN
14 RICHVALSKY, KAREN, 3325 NIGUL WAY, LVN 89117
15 ROSEL, LINDA, FBI SA
16 RUSSOM, RUTA, 4854 MONTERREY AVE., LVN 89121
17 SAGENDORF, VINCENT
18 SAMEER, DR. SHEIKH
19 SAPP, BETSY, PHLEBOTOMIST
20 SCAMBIO, JEAN, 2920 YUKON FLATS CT., NLVN 89031
21 SCHULL, JERRY, 5413 SWEET SHADE ST., LVN
22 SENI, DR.
23 SHARMA, DR. SATISH
24 SHARMA, VISHVINDER, DR. 3212 CEDARDALE PL., LVN 89134
25 SHEFNOFF, NEIL, 755 E. MCDOWELL RD., PHOENIX, AZ 85006
26 SMITH, CHARNESSA
27 SOOD, RAJAT
28 STURMAN, GLORIA

Santacruz

Electronically Filed
11/13/2013 10:58:25 AM



CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONALD ERNEST LAKEMAN
#2753504

Defendant.

CASE NO. C265107-2

DEPT. NO. XXI

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1, 4, 5, 8, 11, 14, 15, 18, 21, and 24 – INSURANCE FRAUD (Category D Felony), in violation of NRS 686A.2815; COUNTS 2, 6, 9, 12, 16, 19, and 22 – PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM (Category C Felony), in violation of NRS 0.060, 202.595; COUNTS 3, 7, 10, 13, 17, 20, and 23 – CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony), in violation of NRS 0.060, 200.495; COUNT 25 – THEFT (Category B Felony), in violation of NRS 205.0832, 205.0835; COUNTS 26 and 27 – OBTAINING MONEY UNDER FALSE PRETENSES (Category B Felony), in violation of NRS 205.265, 205.380; and COUNT

1 28 – MURDER (SECOND DEGREE) (Category A Felony), in violation of NRS 200.010,
2 200.020, 200.030, 200.070, 202.595, 200.495; and the matter having been tried before
3 a jury and the Defendant having been found guilty of the crimes of COUNTS 1, 8, 14,
4 15, 21, and 24 – INSURANCE FRAUD (Category D Felony), in violation of NRS
5 686A.2815; COUNTS 2, 6, 12, and 19 – PERFORMANCE OF ACT IN RECKLESS
6 DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL
7 BODILY HARM (Category C Felony), in violation of NRS 0.060, 202.595; COUNTS 3,
8 7, 13, and 20 – CRIMINAL NEGLECT OF PATIENTS RESULTING IN SUBSTANTIAL
9 BODILY HARM (Category B Felony), in violation of NRS 0.060, 200.495; COUNT 25 –
10 THEFT UNDER \$250.00 (Misdemeanor); and COUNT 26 – OBTAINING MONEY
11 UNDER FALSE PRETENSES UNDER \$250.00 (Misdemeanor); thereafter, on the 24TH
12 day of October, 2013, the Defendant was present in court for sentencing with his
13 counsel, FREDERICK SANTACROCE, ESQ., and good cause appearing,
14

15
16
17 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in
18 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee
19 including testing to determine genetic markers, and \$1,861.73 Extradition Fee, the
20 Defendant is SENTENCED as follows: AS TO COUNT 1 - TO A MAXIMUM of THIRTY
21 (30) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS in the
22 Nevada Department of Corrections (NDC); AS TO COUNT 2 - TO A MAXIMUM of
23 THIRTY (30) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS in
24 the Nevada Department of Corrections (NDC), COUNT 2 to run CONCURRENT with
25 COUNT 1; AS TO COUNT 3 - TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with
26 a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS in the Nevada
27
28

1 Department of Corrections (NDC), COUNT 3 to run CONCURRENT with COUNT 2; AS
2 TO COUNT 6 – TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM Parole
3 Eligibility of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC),
4 COUNT 6 to run CONCURRENT with COUNT 3; AS TO COUNT 7 - TO A MAXIMUM
5 of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24)
6 MONTHS in the Nevada Department of Corrections (NDC), COUNT 7 to run
7 CONSECUTIVE to COUNT 6; AS TO COUNT 8 - TO A MAXIMUM of THIRTY (30)
8 MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS in the Nevada
9 Department of Corrections (NDC), COUNT 8 to run CONCURRENT with COUNT 7; AS
10 TO COUNT 12 - TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM Parole
11 Eligibility of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC),
12 COUNT 12 to run CONCURRENT with COUNT 8; AS TO COUNT 13 - TO A
13 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-
14 FOUR (24) MONTHS in the Nevada Department of Corrections (NDC), COUNT 13 to
15 run CONSECUTIVE to COUNT 12; AS TO COUNT 14 - TO A MAXIMUM of THIRTY
16 (30) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS in the
17 Nevada Department of Corrections (NDC), COUNT 14 to run CONCURRENT with
18 COUNT 13; AS TO COUNT 15 - TO A MAXIMUM of THIRTY (30) MONTHS with a
19 MINIMUM Parole Eligibility of TWELVE (12) MONTHS in the Nevada Department of
20 Corrections (NDC), COUNT 15 to run CONCURRENT with COUNT 14; AS TO COUNT
21 19 - TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM Parole Eligibility of
22 TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC), COUNT 19
23 to run CONCURRENT with COUNT 15; AS TO COUNT 20 - TO A MAXIMUM of SIXTY
24
25
26
27
28

1 (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS in
2 the Nevada Department of Corrections (NDC), COUNT 20 to run CONSECUTIVE to
3 COUNT 19; AS TO COUNT 21 - TO A MAXIMUM of THIRTY (30) MONTHS with a
4 MINIMUM Parole Eligibility of TWELVE (12) MONTHS in the Nevada Department of
5 Corrections (NDC), COUNT 21 to run CONCURRENT with COUNT 20; AS TO COUNT
6 24 - TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM Parole Eligibility of
7 TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC), COUNT 24
8 to run CONCURRENT with COUNT 21; AS TO COUNT 25 - SIX (6) MONTHS in the
9 Clark County Detention Center (CCDC), COUNT 25 to run CONCURRENT with other
10 Counts; and AS TO COUNT 26 - SIX (6) MONTHS in the Clark County Detention
11 Center (CCDC); COUNT 26 to run CONCURRENT with other Counts; with ONE
12 HUNDRED SEVENTEEN (117) DAYS Credit for Time Served.
13
14

15 FURTHER, COUNT 4 is OMITTED and COUNTS 5, 9, 10, 11, 16, 17, 18, 22,
16 23, 27 and 28 Defendant is found NOT GUILTY.
17
18

19 DATED this 8 day of November, 2013
20

21 
22 VALERIE ADAIR
23 DISTRICT JUDGE
24
25
26
27
28

JURL

DISTRICT COURT
CLARK COUNTY, NEVADA

The State of Nevada

vs

Dipak K Desai

Ronald Lakeman

CASE NO.: 10C265107-1

10C265107-2

10C283381-1

10C283381-2

DEPARTMENT 21

JURY LIST

1. MELEND POMYKAL

2. GREGORY LA FOREST

~~3. RACHEL ROBINSON~~

4 CINDY ENNON-WILSON

5. MACK BROWN

6. JARED BILLOTTE

7. JAMES MC INTOSH

8. LISA RUIZ

9. REGYNA BOOKER

10. RHONAREE MAYO

11. MARGARET SUTKO

12. AJA WALKER

13. DANIEL JONES

14. RAEGAN HARSANYI

15. JMON NADONGA

16. ERICA CONTI

17. MARGARET STEVENS

18. AMAND KELLER

ALTERNATES

SECRET FROM ABOVE

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Location: District Court Civil/Criminal Help

REGISTER OF ACTIONS

CASE NO. 10C265107-2

Minutes from
July 1, 2013

The State of Nevada vs Ronald E Lakeman

§
§
§
§
§
§
§
§

Case Type: **Felony/Gross Misdemeanor**
Date Filed: **06/04/2010**
Location: **Department 21**
Conversion Case Number: **C265107**
Defendant's Scope ID #: **2753504**
Lower Court Case Number: **09GJ00049**

RELATED CASE INFORMATION

Related Cases

10C265107-1 (Multi-Defendant Case)
10C265107-3 (Multi-Defendant Case)
C-12-283381-1 (Consolidated)
C-12-283381-2 (Consolidated)
C-12-283381-3 (Consolidated)

PARTY INFORMATION

Defendant Lakeman, Ronald Ernest

Lead Attorneys
Frederick A. Santacroce
Retained
7025981666(W)

Other Nevada Mutual Insurance Co

Plaintiff State of Nevada

Steven B Wolfson
702-671-2700(W)

CHARGE INFORMATION

Charges: Lakeman, Ronald Ernest

	Statute	Level	Date
1. INSURANCE FRAUD	686A.291	Felony	01/01/1900
1. AS USED IN NRS 207.360-207.520, INCLUSIVE, UNLESS CONTEXT OTHERWISE REQUIR	207.350	Felony	01/01/1900
1. "CRIME RELATED TO RACKETERRING" MEANS THE COMMISSION OF ATTEMPT TO	207.360	Felony	01/01/1900
1. "CRIMINAL SYNDICATE" MEANS ANY COMBINATION OF PERSONS, SO STRUCTURED	207.370	Felony	01/01/1900
1. "ENTERPRISE" INCLUDES ANY NATRAL PRSN, SOLE PROPRIETRSHP, PRTRNSHP, CORP	207.380	Felony	01/01/1900
1. RACKETEERING ACTIVITY MEANS ENGAGING IN AT LEAST 2 CRIMES RELATED TO	207.390	Felony	01/01/1900
2. PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
3. CRIMINAL NEGLIGENCE OF PATIENT, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
3. SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
4. SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
4. INSURANCE FRAUD	686A.291	Felony	01/01/1900
5. INSURANCE FRAUD	686A.291	Felony	01/01/1900
6. PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OF PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
7. CRIMINAL NEGLIGENCE OF PATIENT, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
7. SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
8. INSURANCE FRAUD	686A.291	Felony	01/01/1900
8. SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
9. PERFORMANCE OF ACT IN RECKLESS DISREGARD OF	202.595.2	Felony	01/01/1900

PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM			
10.CRIMINAL NEGLIGENCE OF PATIENTS RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
10.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
11.INSURANCE FRAUD	686A.291	Felony	01/01/1900
11.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
12.PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
13.CRIMINAL NEGLIGENCE OF PATIENT, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
13.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
14.INSURANCE FRAUD	686A.291	Felony	01/01/1900
14.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
15.INSURANCE FRAUD	686A.291	Felony	01/01/1900
16.PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
17.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
17.CRIMINAL NEGLIGENCE OF PATIENT, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
18.INSURANCE FRAUD	686A.291	Felony	01/01/1900
18.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
19.PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
20.CRIMINAL NEGLIGENCE OF PATIENT, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
20.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
21.INSURANCE FRAUD	686A.291	Felony	01/01/1900
21.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
22.PERFORMANCE OF ACT IN RECKLESS DISREGARD OF PERSONS OR PROPERTY RESULTING IN SUBSTANTIAL BODILY HARM	202.595.2	Felony	01/01/1900
23.CRIMINAL NEGLIGENCE OF PATIENTS, RESULTING IN SUBSTANTIAL BODILY HARM	200.495.2b	Felony	01/01/1900
23.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
24.INSURANCE FRAUD	686A.291	Felony	01/01/1900
24.SUBSTANTIAL BODILY HARM.	0.060	Felony	01/01/1900
25.THEFT	205.0835.3	Felony	01/01/1900
26.OBTAINING MONEY UNDER FALSE PRETENSES	205.380.1a	Felony	01/01/1900
26.THEFT-PENALTIES	205.0835	Felony	01/01/1900
27.OBTAINING MONEY UNDER FALSE PRETENSES	205.380	Felony	01/01/1900
27.IT SHALL BE NO DEFENSE TO A PROSECUTION FOR	205.265	Felony	01/01/1900

LARCENY THAT THE ACCUSED WAS			
28.MURDER, SECOND DEGREE	200.030.2	Felony	01/01/1900
28.IT SHALL BE NO DEFENSE TO A PROSECUTION FOR	205.265	Felony	01/01/1900
LARCENY THAT THE ACCUSED WAS			
29.MURDER, SECOND DEGREE	200.030.2	Felony	04/27/2012

EVENTS & ORDERS OF THE COURT

07/01/2013 Jury Trial (9:00 AM) (Judicial Officer Adair, Valerie)

Minutes

07/01/2013 9:00 AM

- JURY PRESENT. Court Advised a question was received from the Jury and the parties have agreed to an additional instruction. Court instructed the Jury.

OUTSIDE THE PRESENCE OF THE JURY. Court noted the parties have agreed on any responses given to the jury based on their questions.

JURY PRESENT. At the hour of 5:44 PM, the Jury returned with the following verdicts:

As to C265107-1, Defendant Dipak Desai;

- COUNT 1 - Insurance Fraud - GUILTY;
- COUNT 2 - Performance of Act in Reckless Disregard of Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 3 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm -- GUILTY;
- COUNT 4 - OMITTED;
- COUNT 5 - Insurance Fraud - GUILTY;
- COUNT 6 - Performance of Act in Reckless Disregard of Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 7 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 8 - Insurance Fraud - GUILTY;
- COUNT 9 - Performance of Act in Reckless Disregard of Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 10 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 11 - Insurance Fraud - GUILTY;
- COUNT 12 - Performance of Act in Reckless Disregard of Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 13 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 14 - Insurance Fraud - GUILTY;
- COUNT 15 - Insurance Fraud - GUILTY;
- COUNT 16 - Performance of Act in Reckless Disregard OF Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 17 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 18 - Insurance Fraud - GUILTY;
- COUNT 19 - Performance of Act in Reckless Disregard OF Persons or Property Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 20 - Criminal Neglect of Patients Resulting in Substantial Bodily Harm - GUILTY;
- COUNT 21 - Insurance Fraud - GUILTY;

COUNT 22 - Performance of Act in Reckless Disregard OF
Persons or Property Resulting in Substantial Bodily Harm -
GUILTY;
COUNT 23 - Criminal Neglect of Patients Resulting in Substantial
Bodily Harm - GUILTY;
COUNT 24 - Insurance Fraud - GUILTY;
COUNT 25 - Theft - GUILTY of Theft under \$250;
COUNT 26 - Obtaining Money Under False Pretenses - GUILTY
of Obtaining Money Under False Pretenses under \$250;
COUNT 27 - Obtaining Money Under False Pretenses - GUILTY
of Obtaining Money Under False Pretenses under \$250;
COUNT 28 - Murder (Second Degree) - GUILTY.

As to C265107-2, Defendant Ronald Lakeman;

COUNT 1 - Insurance Fraud - GUILTY;
COUNT 2 - Performance of Act in Reckless Disregard of
Persons or Property Resulting in Substantial Bodily Harm -
GUILTY;
COUNT 3 - Criminal Neglect of Patients Resulting in Substantial
Bodily Harm -- GUILTY;
COUNT 4 - OMITTED;
COUNT 5 - Insurance Fraud - NOT GUILTY;
COUNT 6 - Performance of Act in Reckless Disregard of
Persons or Property Resulting in Substantial Bodily Harm -
GUILTY;
COUNT 7 - Criminal Neglect of Patients Resulting in Substantial
Bodily Harm - GUILTY;
COUNT 8 - Insurance Fraud - GUILTY;
COUNT 9 - Performance of Act in Reckless Disregard of
Persons or Property Resulting in Substantial Bodily Harm - NOT
GUILTY;
COUNT 10 - Criminal Neglect of Patients Resulting in Substantial
Bodily Harm - NOT GUILTY;
COUNT 11 - Insurance Fraud - NOT GUILTY;
COUNT 12 - Performance of Act in Reckless Disregard of
Persons or Property Resulting in Substantial Bodily Harm -
GUILTY;
COUNT 13 - Criminal Neglect of Patients Resulting in Substantial
Bodily Harm - GUILTY;
COUNT 14 - Insurance Fraud - GUILTY;
COUNT 15 - Insurance Fraud - GUILTY;
COUNT 16 - Performance of Act in Reckless Disregard OF
Persons or Property Resulting in Substantial Bodily Harm - NOT
GUILTY;
COUNT 17 - Criminal Neglect of Patients Resulting in Substantial
Bodily Harm - NOT GUILTY;
COUNT 18 - Insurance Fraud - NOT GUILTY;
COUNT 19 - Performance of Act in Reckless Disregard OF
Persons or Property Resulting in Substantial Bodily Harm -
GUILTY;
COUNT 20 - Criminal Neglect of Patients Resulting in Substantial
Bodily Harm - GUILTY;
COUNT 21 - Insurance Fraud - GUILTY;
COUNT 22 - Performance of Act in Reckless Disregard OF
Persons or Property Resulting in Substantial Bodily Harm - NOT
GUILTY;
COUNT 23 - Criminal Neglect of Patients Resulting in Substantial
Bodily Harm - NOT GUILTY;
COUNT 24 - Insurance Fraud - GUILTY;
COUNT 25 - Theft - GUILTY of Theft under \$250;
COUNT 26 - Obtaining Money Under False Pretenses - GUILTY
of Obtaining Money Under False Pretenses under \$250;

COUNT 27 - Obtaining Money Under False Pretenses - NOT
GUILTY;
COUNT 28 - Murder (Second Degree) - NOT GUILTY.

State requested both Defendants be remanded. Arguments by
Mr. Santacroce requesting Deft. Lakeman remain on bond. Mr.
Staudaher maintained the State's request for remand. COURT
ORDERED, Defendant Lakeman and Defendant Desai
REMANDED; bail previously posted, EXONERATED; and matter
REFERRED to the Division of Parole and Probation and SET for
SENTENCING.

CUSTODY (BOTH)

9/5/13 9:30 AM SENTENCING (BOTH)

[Return to Register of Actions](#)

1 RTRAN

2
3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 DIPAK K. DESAI,
12 RONALD ERNEST LAKEMAN,

13 Defendants.

CASE#: C265107-1
C265107-2
C283381-1
C283381-2

DEPT. XXI

14 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE
15 MAY 28, 2013

16 **RECORDER'S PARTIAL ROUGH DRAFT TRANSCRIPT OF PROCEEDINGS**
17 **JURY TRIAL - DAY 23**
18 **INTERVIEW WITH JUROR NUMBER 1, MELEND POMYKAL**

19 APPEARANCES:

20 For the State:

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22 For Defendant Desai:

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24 For Defendant Lakeman:

FREDERICK A. SANTACROCE, ESQ.

25 RECORDED BY: JANIE OLSEN, COURT RECORDER

1 TUESDAY, MAY 28, 2013 AT 12:46 P.M.

2
3 [OUTSIDE PRESENCE OF THE JURY PANEL EXCEPT FOR JUROR NUMBER 1]

4 THE COURT: Ma'am, just have a seat there in your normal juror chair. I got
5 your letter --

6 JUROR NUMBER 1: Okay.

7 THE COURT: -- this morning and I -- or actually this -- it was still morning.

8 JUROR NUMBER 1: Yeah, it was --

9 THE COURT: And I wanted to follow up on some things. I don't you to think
10 that we're being unsympathetic.

11 JUROR NUMBER 1: Okay. No, I understand. And it's, you know, I
12 understand.

13 THE COURT: But, you know, as you can appreciate we have to make sure
14 we have enough jurors and --

15 JUROR NUMBER 1: Oh, no, I understand.

16 THE COURT: I wanted to though follow up on a few things. With respect to
17 your MS, I don't think that that was something that we discussed in jury selection,
18 was it?

19 JUROR NUMBER 1: No, it wasn't. What happened was I did -- and I don't
20 know if I wrote it in -- I don't think I expressed it --

21 THE COURT: And that's --

22 JUROR NUMBER 1: -- in this. I had contacted my neurologist like about two
23 days after I had the interview and said --

24 THE COURT: Uh-huh.

25 JUROR NUMBER 1: -- do you think this an appropriate thing to write a letter

1 to the Judge. And they said oh, absolutely, because stress, you know --

2 THE COURT: Uh-huh.

3 JUROR NUMBER 1: -- is one of the worse things. And I don't know what
4 happened. The letter didn't get sent for a whole week, so by then it was -- I had
5 already been selected and so I just kind of went, okay, I'm just gonna --

6 THE COURT: Now do you find this -- have you found this stressful being on a
7 jury I mean?

8 JUROR NUMBER 1: Well, I think just because of the type of jury -- or type of
9 trial it is and the length and the fact that I'm still kind of doing both jobs. I'm at
10 school at seven and then I go back after this and I'm --

11 THE COURT: Uh-huh. Now they can't require --

12 JUROR NUMBER 1: -- at school till seven or eight or nine o'clock --

13 THE COURT: -- you to do that, you understand that. I mean, if you're
14 working at your school that's strictly voluntary --

15 JUROR NUMBER 1: No, I understand.

16 THE COURT: -- because your employer has to excuse you.

17 JUROR NUMBER 1: I understand. There's just nobody to do what I can do --

18 THE COURT: Uh-huh.

19 JUROR NUMBER 1: -- and they promised -- and I think that was one of the
20 questions that they asked if they would get a substitute for me. And at that time I
21 thought the answer was yes, and I didn't realize that they had to have the same
22 qualifications that I did because I do a special gifted and talent program.

23 THE COURT: You do the GATE, right?

24 JUROR NUMBER 1: Right. And they didn't have anyone to do it, so I have
25 pieces of projects all over my room. So like this morning I went in and taught two

1 classes and tomorrow I'm going --

2 THE COURT: Now, let me ask you this. I understand the school year is
3 going to be over soon --

4 JUROR NUMBER 1: Right.

5 THE COURT: -- and so that would alleviate any --

6 JUROR NUMBER 1: Right, it would. It's just been a very hard time because
7 I'm moving schools. I mean, you know --

8 THE COURT: Right.

9 JUROR NUMBER 1: The big -- my big -- I mean, where that is total concern
10 my biggest concern is the other issue.

11 THE COURT: Right.

12 JUROR NUMBER 1: I mean, it is stressful. I mean, the multiple sclerosis -- I
13 mean, it's something new I'm kind of learning to live with --

14 THE COURT: To live with and --

15 JUROR NUMBER 1: -- and deal with. And I do find, you know, to be
16 extremely fatigued. And when stress comes I do -- it's -- the only way I can describe
17 it is the strength just being sucked out of my muscles and it especially affects that
18 side. And there is that scary part to me since I am learning about all this is how
19 much damage this is gonna do in the long run, you know, and --

20 THE COURT: Right. Now in terms --

21 JUROR NUMBER 1: -- so that's where I am right now.

22 THE COURT: -- of your doctor's appointment, we will accommodate that.

23 JUROR NUMBER 1: Right.

24 THE COURT: I mean, we would prefer that you do it either early in the
25 morning or late in the afternoon so we don't have to interrupt the middle of day.

1 JUROR NUMBER 1: Right.

2 THE COURT: But if you need to see your neurologist, absolutely --

3 JUROR NUMBER 1: Right.

4 THE COURT: -- we'll accommodate you for that or if you need to go get an
5 injection of --

6 JUROR NUMBER 1: Right.

7 THE COURT: -- you know, some kind of medication, anything like that, as
8 long as you let us know ahead of time. And by that meaning --

9 JUROR NUMBER 1: Right.

10 THE COURT: -- you know, coordinating with the bailiff, we can accommodate
11 you there.

12 JUROR NUMBER 1: Right. And I just -- I had -- you know, I had cancelled
13 the one appointment and immediately made a follow up making it June 13th thinking
14 that this would all be over with at that point, but now kind of thinking that --

15 THE COURT: Right. Well, as I said --

16 JUROR NUMBER 1: -- I'm not sure, so that's --

17 THE COURT: -- I mean, if -- you know, as long as you tell us and maybe if
18 you can, you know, maybe make that earlier or later in the day we'll accommodate
19 your appointment. That's not an issue.

20 JUROR NUMBER 1: Okay.

21 THE COURT: Getting to the other issue. You did, I believe, discuss your
22 grandmother and the possibility of a medical malpractice lawsuit. I think that --

23 JUROR NUMBER 1: Right; yes.

24 THE COURT: -- did come up in the questioning or in the questionnaire. You
25 didn't get into specifics, at least I don't recall specifics, and so can you tell me more

1 specifically, you know, her situation, who her doctor was if you remember, what the
2 group was and, you know, what happened there.

3 JUROR NUMBER 1: Well -- and unfortunately I don't know who the doctor
4 was and I haven't -- you know, I did talk to my brother, but not about the case --

5 THE COURT: Right.

6 JUROR NUMBER 1: -- but about my grandmother's situation before I wrote
7 the letter 'cause I did -- and it is one of those things. When -- you know, when I did
8 bring this up -- or when I was asked that question and I, you know, spoke a little bit
9 about it earlier, I -- you know, you don't connect everything until, you know, I've
10 been sitting here for three weeks listening to all these different things and I go, oh,
11 man, you know, that's so similar and that's like, you know. And so she went into
12 Valley Hospital. She had -- she called it a spasm. They said oh, it's an easy
13 procedure; there's some blockage, so that's when they did the upper endoscopy.
14 We didn't find out --

15 THE COURT: And you're sure it was an upper endoscopy?

16 JUROR NUMBER 1: I'm pretty sure it was. That's what --

17 THE COURT: Okay.

18 JUROR NUMBER 1: -- my brother remembers too, so, I mean, that's all I can
19 go on.

20 THE COURT: Okay.

21 JUROR NUMBER 1: I mean, they did something down -- that's what we
22 remember.

23 THE COURT: Down the throat?

24 JUROR NUMBER 1: That's all I can -- right. That's all I can say is that's what
25 we remember and that's why -- I didn't contact any other family members because I

1 didn't want to get into --

2 THE COURT: Right. Okay.

3 JUROR NUMBER 1: -- you know. But there was a perforation. They went to
4 emergency surgery and she passed away about a month and a half later.

5 THE COURT: Did she -- did they recognize the perforation right? I'm
6 assuming she's a patient at Valley Hospital and was she admitted through the ER
7 with spasms or what happened; how she even there?

8 JUROR NUMBER 1: You know, my uncle took her and so I'm not --

9 THE COURT: Okay.

10 JUROR NUMBER 1: -- a hundred percent sure if it was an emergency that he
11 took her. I -- I don't know.

12 THE COURT: Okay.

13 JUROR NUMBER 1: I know that -- that though this procedure was actually
14 planned. She had been in the hospital a day or two under observation before they
15 actually did the procedure. And they told us, oh, it's a simple in and out thing, you
16 know, and she'll be fine and be released in, you know, a day and --

17 THE COURT: Um-hm.

18 JUROR NUMBER 1: -- and then it turned into this horrific nightmare --

19 THE COURT: Okay. And then they did --

20 JUROR NUMBER 1: -- and they -- they --

21 THE COURT: I'm sorry.

22 JUROR NUMBER 1: Oh, I'm sorry.

23 THE COURT: They didn't diagnosis the perforation right away?

24 JUROR NUMBER 1: They -- during that consultation that we -- and there was
25 several of us there 'cause I got lots of cousin in town, they did not mention the

1 perforation. We met with the doctor -- I do not personally remember his name and
2 my brother didn't either, didn't say anything about a perforation. Later on a day or
3 two later we had a doctor that came to us kind of upset about the whole situation
4 and said, you know, they should have said something to you immediately because
5 the perforation was huge. And I remember them holding up their fingers and us
6 gasping at like how could -- you know, and them saying we knew -- they knew that
7 there was a perforation and they should have told --

8 THE COURT: When did they --

9 JUROR NUMBER 1: -- you and not --

10 THE COURT: -- operate on the perforation?

11 JUROR NUMBER 1: As I recall they called my uncle about -- we're going to
12 say about 45 minutes later and then they -- of course they had to get his approval.
13 And so I remember all the cousins and everybody standing around and having this
14 discussion and finally one of the nurses says, if you don't -- because we didn't
15 understand what had all --

16 THE COURT: This is 45 minutes after the endoscopy procedure?

17 JUROR NUMBER 1: After we had the consultation with the endoscopy
18 procedure.

19 THE COURT: Okay. So almost immediately then she goes back into -- or
20 into surgery to repair this perforation?

21 JUROR NUMBER 1: Right. But --

22 THE COURT: Okay.

23 JUROR NUMBER 1: -- but it was -- well, yes. And then, you know, and
24 finally one of the doctors or nurses said to us, you know, we don't know -- you're
25 wasting time because this is a matter of life or death. But we didn't, you know, we

1 didn't understand everything. We're sitting there trying to make the right decision
2 and --

3 THE COURT: Okay. And then she passed away unfortunately about a month
4 later -- a month and a half later.

5 JUROR NUMBER 1: Right.

6 THE COURT: And did they link her death to the perforation or --

7 JUROR NUMBER 1: Yes, ma'am, they did.

8 THE COURT: Okay. And you don't -- nothing else you recall about the
9 doctor who performed the upper endoscopy?

10 JUROR NUMBER 1: The doctor that had the consultation I remember he had
11 an extremely thick accent because it was -- we all kind of had to kind of get together
12 and go, okay -- you know, we were all getting different parts of it. I want to say that
13 he was Indian --

14 THE COURT: Okay.

15 JUROR NUMBER 1: -- that he had Indian background.

16 THE COURT: I mean, did he appear that he could be, you know, Asian or
17 Indian or --

18 JUROR NUMBER 1: Oh, def -- I mean, definitely, yes.

19 THE COURT: Okay.

20 JUROR NUMBER 1: I mean, my impression was that he was Indian. I -- you
21 know, I don't want to -- you know, I couldn't say I'm a hundred percent for sure. I
22 would say I was 99 -- 98 --

23 THE COURT: I mean, could have been Pakistani or Bangladesian or Sri
24 Lankan or --

25 JUROR NUMBER 1: I suppose, I suppose. I just remember that being in my

1 mind --

2 THE COURT: Okay.

3 JUROR NUMBER 1: -- and -- but --

4 THE COURT: And then -- and why do you think -- in looking at your letter you
5 say you think it's possible that it's one of the doctors from the Endoscopy Center
6 and why do you think that?

7 JUROR NUMBER 1: Well, I just said that it was a possibility. I mean, I'm not
8 saying that it was. I, you know, certainly didn't go look up names or anything like
9 that. I just -- I just -- you know, as you're sitting here and you're putting -- trying to
10 put the whole puzzle together as a juror's supposed to do, I keep -- you know, my
11 mind just keeps traveling back to when all of this happened and, you know, learning
12 about privileges that doctors have and realizing that several of them had mentioned
13 privileges at Valley Hospital. And I just went, you know, it's a possibility --

14 THE COURT: Okay. And now I --

15 JUROR NUMBER 1: -- and that's where -- you know.

16 THE COURT: I believe the only Indian gastroenterologist we've heard from is
17 Dr. Vishvinder Sharma.

18 JUROR NUMBER 1: Um-hm.

19 THE COURT: That was not the person?

20 JUROR NUMBER 1: You know what, I would -- it happened in 2006, so I
21 could not give --

22 THE COURT: Okay.

23 JUROR NUMBER 1: -- you identification.

24 THE COURT: But when he came in you didn't recognize him or anything like
25 that?

1 JUROR NUMBER 1: I wouldn't recognize anyone anyway.

2 THE COURT: Okay.

3 JUROR NUMBER 1: I mean, I --

4 THE COURT: All right.

5 State, would you like to follow up?

6 MR. STAUDAHER: Just a couple.

7 Ma'am, now Vishvinder Sharma is the only Indian doctor that we had
8 come in --

9 JUROR NUMBER 1: Right.

10 MR. STAUDAHER: -- and he testified that he worked primarily at the
11 Burnham clinic, that area over there.

12 JUROR NUMBER 1: Um-hm.

13 MR. STAUDAHER: I don't know what his frequency at Valley Hospital, if he
14 was there at all was, but he did not -- I just want to be clear on this --

15 JUROR NUMBER 1: Right.

16 MR. STAUDAHER: -- he -- when he got in here and testified he testified for
17 quite a long time.

18 JUROR NUMBER 1: Right.

19 MR. STAUDAHER: At anytime during the time that he was being questioned
20 or was in court and you were able to observe him, did you have any inkling all at,
21 hey, that guy looks familiar to me, his voice, anything like that?

22 JUROR NUMBER 1: No, sir.

23 MR. STAUDAHER: Okay.

24 JUROR NUMBER 1: There would be no way that I would. I mean, I just -- I
25 don't remember what he looked like at all.

1 THE COURT: And I'm sorry. Let me ask you this.

2 JUROR NUMBER 1: I -- I'm sorry.

3 THE COURT: You said this was in 2006. Was it a younger doctor or middle-
4 aged doctor, older person?

5 JUROR NUMBER 1: I'm gonna say middle-aged. I don't know. I don't think
6 he was younger. I think might have been something that I would have noticed and
7 said. I don't think he was younger. I certainly think he was probably middle-aged,
8 older.

9 MR. STAUDAHER: And when you -- when he was speaking, although he
10 does have a little accent, clearly he was articulating words --

11 JUROR NUMBER 1: Right.

12 MR. STAUDAHER: -- that everybody didn't have --

13 JUROR NUMBER 1: Right.

14 MR. STAUDAHER: -- to be interpreted.

15 JUROR NUMBER 1: No, that's true. Also though you have to realize that we
16 were under great stress at the time too --

17 MR. STAUDAHER: Certainly.

18 JUROR NUMBER 1: -- and, you know, so I --

19 MR. STAUDAHER: And --

20 JUROR NUMBER 1: And I'm not saying that it was -- it was specifically
21 Vishvinder Sharma. I'm just saying that -- I mean, it seems there's been other, if I
22 remember correctly, that there's been other -- that I thought that there were other
23 people that it could fit the bill that it could have been --

24 THE COURT: Other Indian gastro --

25 JUROR NUMBER 1: Right. That we have not.

1 THE COURT: Because I believe the other Indian physician who testified was
2 the anesthesiologist.

3 MR. STAUDAHER: Yes, and he did not work at the clinic.

4 THE COURT: Right. He was an anesthesiologist.

5 JUROR NUMBER 1: So I don't. I mean -- and like I said, I'm not a hundred --
6 like I said, I couldn't be a hundred percent sure. I just -- this is just been on my mind
7 and I have to, you know --

8 MR. STAUDAHER: Certainly.

9 THE COURT: No, absolutely.

10 JUROR NUMBER 1: -- say that. I mean, this is --

11 THE COURT: We appreciate the disclosure. And you did the right thing by
12 disclosing it. Now we just need to, you know -- get the --

13 JUROR NUMBER 1: Right.

14 THE COURT: -- get the details as much as you can remember. And I
15 appreciate 2006 it was a very stressful time and, you know, probably everything was
16 a blur, and so I understand it's difficult to recall specifics, but --

17 JUROR NUMBER 1: And it's been a -- I mean, as I stated -- I'm sorry, I didn't
18 mean to interrupt.

19 MR. STAUDAHER: It's okay.

20 JUROR NUMBER 1: It's just been extremely difficult too just for me just, you
21 know. I had a nice cry yesterday with my brother, you know, and it's just, you know,
22 all this being brought back up. It's hard to sit here --

23 THE COURT: It's emotional.

24 JUROR NUMBER 1: -- and listen. It's --

25 MR. STAUDAHER: And I don't mean to pry --

1 JUROR NUMBER 1: No, that's --

2 MR. STAUDAHER: -- into the actual things with your grandmother, but you
3 said she -- to the best of your knowledge she had an upper endoscopy procedure;
4 correct?

5 JUROR NUMBER 1: Yes, sir.

6 MR. STAUDAHER: And you said the reason that she came in was because
7 of some spasm some place?

8 JUROR NUMBER 1: Right. In -- like right around here is what I recall her
9 saying.

10 THE COURT: And you're indicating the --

11 JUROR NUMBER 1: In her --

12 THE COURT: upper abdominal, kind of --

13 JUROR NUMBER 1: Right. Up in this --

14 THE COURT: -- by the ribcage?

15 JUROR NUMBER 1: Right. Up in this area.

16 MR. STAUDAHER: When you say that there was a perforation or a tear --

17 JUROR NUMBER 1: Yes.

18 MR. STAUDAHER: -- or whatever it was, and you mentioned -- you motioned
19 it was about, oh, gosh, almost two inches long or so?

20 JUROR NUMBER 1: Yeah. That's what I remember the doctor doing.

21 MR. STAUDAHER: Do you recall if this was in the esophagus or the stomach
22 or the pylorus or some place downstream, where it was?

23 JUROR NUMBER 1: You know, I think it was more -- I think --

24 THE COURT: The pylorus absolutely.

25 MR. STAUDAHER: The opening -- I'm sorry.

1 THE COURT: No one's going to know.

2 MR. STAUDAHER: The opening between the stomach and the intestine.

3 JUROR NUMBER 1: And you know what, I don't know. I think when you
4 questioned me about this earlier I said esophagus and went back later and went
5 why did I say that, that definitely was not the correct word. I think it had to do
6 something in the lower intestines --

7 MR. STAUDAHER: Okay.

8 JUROR NUMBER 1: -- or not the lower intestines but in the stomach area or
9 upper intestine area.

10 MR. STAUDAHER: But it was recognized fairly quickly and even though she
11 had surgery and didn't have a good outcome it was something that -- whether they
12 told you immediately or 45 minutes later it happened within a relatively short period
13 of time, is that right?

14 JUROR NUMBER 1: I guess. We were frustrated that we weren't told
15 immediately so we could make a decision immediately. Obvious -- i mean, we
16 wasted -- to us it seemed like we wasted a lot of time, you know, but that's, you
17 know, put it in our perspective. I don't know if that's a long time in doctor
18 perspective, just seemed like they should have come out been honest with us and
19 said this is what happened and we need to get her into emergency surgery
20 immediately and can you give us the permissions that we need. That was how we
21 felt.

22 MR. STAUDAHER: And to the best of your -- and I know it's limited on
23 whether you think there might be a connection somewhere, but to the best of your
24 knowledge for the people that have come in and testified, the witnesses on the list
25 that you reviewed before you, you know, when you were selected as a juror initially,

1 is there anybody there that you can point to and go that's the guy; I think I
2 remember?

3 JUROR NUMBER 1: No, there's not. No, sir.

4 MR. STAUDAHER: Okay. Anything about that issue that -- I mean, I know
5 it's certainly something that occurred to you personally, but is that something that is
6 so affecting you that you don't feel you could be fair in this case?

7 JUROR NUMBER 1: Well, you know, as I said before, you know, I am going
8 to do my absolute best to be fair. I mean, that's the kind of person that I am, you
9 know. But has it affected me personally; oh, absolutely. If it hadn't, I wouldn't have
10 written the letter. And, you know, I have waited to hear, you know, to kind of let
11 things unfold before I wrote the letter. I mean, you know, there were things that I
12 had questions about, you know -- I don't remember exactly, you know, when things
13 started kind of unraveling in my mind, you know, information. So I don't know. I just
14 felt like this was the right time before it got any further in the case to say that, yes,
15 this emotionally very stressful for me and, you know, it's something that I think about
16 during every testimony when they start talking about it. That's --

17 MR. STAUDAHER: I have nothing further.

18 THE COURT: Mr. Santacrose, any questions for Ms. Pomykal?

19 MR. SANTACROCE: Now, Ms. Pomykal, the only thing I'd like to know is
20 since the reopening of this wound for you --

21 JUROR NUMBER 1: Um-hm.

22 MR. SANTACROCE: -- has it affected your opinion as to the guilt or
23 innocence of Dr. Desai and Mr. Lakeman as they sit here today?

24 JUROR NUMBER 1: It gives me a different perspective on everything, I have
25 to admit that. I mean, have I made a decision a hundred percent whether they're

1 guilty or innocent, no I haven't. I'm trying to -- I'm trying my absolute best to keep an
2 open mind. But has it changed my perspective on the whole medical issues of
3 different things like this, I -- yes, it has. I mean, I --

4 THE COURT: Can you elaborate. When you said it changed my perspective,
5 can you tell us what you mean.

6 JUROR NUMBER 1: Well, I mean, you -- you go in with a trust when you
7 have certain procedures done. You go -- you know, all these people went in having
8 a colon -- I'll never have a colonoscopy done, I'll tell you that right now. I'm, you
9 know, I'm over 50. They told me many times you need to go have this done. I'll
10 never have it done. And, you know, and you trust when, you know, you have, you
11 know, you're there at the hospital that people are gonna do the right thing. And
12 then, you know, you keep hearing what appears that people have not done the right
13 thing, yeah, it changes your perspective on everything. And it -- it makes you lose
14 faith in the medical field, doctors -- I mean, I don't know exactly the right words, but,
15 yeah, it does.

16 THE COURT: I mean, do you think that happened to you as a result of what
17 happened to your grandmother or are you saying that's happening as you're
18 listening to the testimony in the trial or --

19 JUROR NUMBER 1: Well, I think it's -- it's added to as I've listen --

20 THE COURT: Okay.

21 JUROR NUMBER 1: -- to the testimony in the trial.

22 THE COURT: So you have that perception just based on your personal life
23 experience with your grandmother; is that --

24 JUROR NUMBER 1: Well, I mean, you have a little bit of that.

25 THE COURT: Okay.

1 JUROR NUMBER 1: I mean, you try to overlook it. I mean, when I have a
2 second -- I think I mentioned that we had someone that said that we had a good
3 case for a malpractice. I have a cousin that after the -- after my grandmother
4 passed away, at the funeral and everyone was gathered, you know, at one of the
5 houses, we had -- several of us sat down and had a long talk with her, 'cause she's
6 a nurse in Texas and then part of the end of her career she became, and I'm not
7 exactly sure the terminology, she was like a mediator between families that had
8 things like this happen to them and hospitals.

9 And so when we sat down and we talked to her, you know, and all the
10 family members that were here in Vegas said, you know -- when we just kept telling
11 her different parts of the story and everything, at the end of it she goes, I know
12 you're not gonna, you know, do a lawsuit, she goes, but you would have an
13 extremely good case to do that.

14 THE COURT: How old was your grandmother?

15 JUROR NUMBER 1: She was almost 90.

16 THE COURT: Yeah.

17 JUROR NUMBER 1: However -- however, I got to say this. She still drove;
18 she still worked and the --

19 THE COURT: Oh, she worked?

20 JUROR NUMBER 1: She still worked.

21 THE COURT: Out of the home?

22 JUROR NUMBER 1: No, she drove to work everyday. She was a
23 seamstress and she did alterations at a dry cleaners. And she hated -- she tried to
24 retire several times and she couldn't stand it. And she -- she drove all the way from
25 like the Highland -- Highland Hills area into like Valley View and Charleston. I mean,

1 she -- and worked five, six, seven hours a day and then would drive home. And the
2 Saturday before she -- or the Sunday before she went into the hospital, I took her,
3 we walked all over Super Walmart. As long as she had that shopping cart she could
4 go faster than I could. So she was still very active and very alive and had lots of
5 plans. There was nothing wrong with her mind and, you know, yeah, she had little
6 ailments, she's 90 --

7 THE COURT: Right.

8 JUROR NUMBER 1: -- almost. But we buried her in her party clothes. You
9 know --

10 THE COURT: Um-hm.

11 JUROR NUMBER 1: -- that was --

12 THE COURT: Mr. Santacroce, I didn't mean to cut you off.

13 MR. SANTACROCE: Oh, that's okay.

14 Do you think that you can still be fair and impartial given this experience
15 that you're having with your grandmother?

16 JUROR NUMBER 1: I hope I can be.

17 MR. SANTACROCE: Okay.

18 JUROR NUMBER 1: I mean, I'm gonna admit to you it's gonna be a little bit
19 harder now just -- just listening to everything and putting the two and two together. I
20 mean, that's one of the reasons that I brought all of this up. I mean, I will try my
21 best, that's all I can -- I -- you know, but it's --

22 MR. SANTACROCE: Now, when you say it's going to be a little bit harder for,
23 is this going to require an added effort by the defense to convince you one way or
24 the other?

25 JUROR NUMBER 1: Possibly.

1 MR. SANTACROCE: Okay. I have nothing further.

2 JUROR NUMBER 1: I'm just being honest. I'm sorry.

3 THE COURT: No, and that's all --

4 JUROR NUMBER 1: I -- I --

5 THE COURT: -- that's all we can ask for --

6 JUROR NUMBER 1: I -- I --

7 THE COURT: -- is honestly. It's -- I don't know if I said this to you during the
8 initial selection, but all we look for are honest answers.

9 JUROR NUMBER 1: Yeah.

10 THE COURT: You know, there's no right or wrong answer.

11 Mr. Wright or Ms. Stanish?

12 MS. STANISH: Hi. Ms. Pomykal; right?

13 JUROR NUMBER 1: Pomykal.

14 MS. STANISH: Again, let me add thank you for being candid.

15 In reviewing your letter -- and this kind of tags on what Mr. Santacroce
16 was saying. In your letter you say that you brought this to our attention in part
17 because you cannot get it out of your mind that one of the doctors associated with
18 this clinic was the one who caused your grandmother's death.

19 JUROR NUMBER 1: Well, I didn't say they were. I'm just saying after several
20 people have mentioned privileges at Valley Hospital, could be. I mean, I'm -- you
21 know, I understand that it's certainly not a hundred percent possibility. I'm just
22 saying -- I'm sorry, I didn't mean to interrupt.

23 MS. STANISH: No, that's okay. I just -- I did want you to clarify that because
24 you -- twice in your letter you talk about that being in your mind the potential --

25 JUROR NUMBER 1: Right.

1 MS. STANISH: -- involvement of one of the doctors associated with the clinic.
2 And you kind of close your letter with that the added stress of this particular court
3 case, most significantly the parallelisms this trial has with the many probable
4 medical negligence associated with your grandmother's death, can you elaborate on
5 that?

6 JUROR NUMBER 1: Well, I just - I mean, you know, we've been talking
7 about perforations in here. Possible, you know, that was, you know, one of there
8 fears. You know, the different ways that it was done. I mean, you know, I -- and I
9 know accidents happen. I understand that. And, you know, the best doctors --
10 accidents happen, you know. But it is hard to separate at this point. You know, if
11 they probably had never said privileges at Valley Hospital, you know, I might --
12 would have never written that letter to you. But it's -- now it's really hard to separate
13 the two. I mean --

14 MR. STAUDAHER: May we approach for a moment, Your Honor?

15 THE COURT: Sure.

16 [Bench conference -- not transcribed]

17 THE COURT: All right. Ms. Standish, go on.

18 MS. STANISH: You had mentioned, Ms. Pomykal, that this doctor did a
19 consultation; is that what I --

20 JUROR NUMBER 1: Yes. That's -- I -- yeah.

21 MS. STANISH: Do you mean with respect to your grandmother separate and
22 apart from the hospital's procedure?

23 JUROR NUMBER 1: No, it was - it was immediately. He still had on his
24 scrubs and everything as I recall. And she had gone in for the procedure and came
25 out. We were all -- they -- we were in a little waiting room. We came out -- I -- it

1 seems like it happened in the middle of a hallway. As much as -- as best as I
2 remember. Listen to me, I sound like a juror or something; right. All these -- and I --
3 and I don't -- honestly, I can hardly even remember what he said. It was -- 'cause
4 everything's just a blur. But, you know, just telling us that, you know, whatever the
5 procedure there was a blockage and whatever it was that they had removed the
6 blockage and -- and then he went away. I mean, it was -- it was relatively short and
7 then we all went away thinking that she was, you know, gonna be in recovery for a
8 short while and then wheeled back down to her room. So we went back down to
9 another waiting room and I even think some of the cousins went home 'cause, you
10 know, 'cause there's eight of us in town and --

11 MS. STANISH: Without having you discuss or share with us your perception
12 of specific evidence --

13 JUROR NUMBER 1: Okay.

14 MS. STANISH: -- is it -- I'm understanding you to say that what you've heard
15 in the courtroom thus far has opened up an old wound as Mr. Santacrose described
16 it. Is that a fair statement?

17 JUROR NUMBER 1: Yes, it is.

18 MS. STANISH: And with this wound open now, what's most pressing to us is
19 whether you can be that blank slate and presume our clients to be innocent.

20 THE COURT: Well, wait a minute. The issue -- and can I state this a different
21 way?

22 MS. STANISH: Sure.

23 THE COURT: The issue -- you know, as you've heard evidence, you know --
24 again, we tell you to keep an open mind. But set aside the evidence, because that's
25 one thing. And, you know, you're entitled to hear it. And as it comes in, even

1 though we want you to keep an open mind, obviously you're, you know, hearing
2 things. And as each witness testifies you may be making preliminary assessments
3 as to how credible they were, you know, how -- and I don't want you to talk about
4 any of those things.

5 I think the issue is, you know, is -- you know, are you, you know -- is
6 your grandmother's situation, is that going to play a part in anyway in your
7 deliberations or can you put that aside and, you know, base your verdict solely upon
8 what's been presented here in this case and not about, you know, the misfortune
9 that happened to your family or, you know, something that may have been told to
10 you at the Valley Hospital or something this other physician, you know, that said,
11 hey, should have told you about the perforation. You can't bring any of that in.

12 JUROR NUMBER 1: Right.

13 THE COURT: You know, we don't -- I mean, obviously it's part of who are. It
14 always will be unfortunately, but, you know, I think that's really the issue. And if
15 you're minds changed somewhat and it as a result of the evidence, you know, don't
16 talk about that. What we're really interested in is this situation with your
17 grandmother and how that, you know, may affect you. Because we don't want you
18 to think, oh, well, I was told by this doctor at the Valley Hospital -- you know, that
19 has to all be set aside. And as you sit here, you know, can you do that?

20 JUROR NUMBER 1: You know, like I say, I try to be --

21 THE COURT: Um-hm.

22 JUROR NUMBER 1: -- an open and honest and as fair -- that's probably why
23 I'm on this jury right now is because I said --

24 THE COURT: Right.

25 JUROR NUMBER 1: -- I could be. I'm sure there were plenty of people who

1 said they couldn't be. And, you know, I like to think of myself as someone who can
2 be. But, you know, is it more difficult at this point now that I have heard different
3 things and, you know, the whole parallel situation; yeah, it's gonna be more difficult.
4 I mean, am I gonna try my best to; absolutely, I will. I mean, that's the kind of
5 person I am. Is it gonna harder; yeah, it probably will be. I'm just being honest with
6 you.

7 THE COURT: Okay. Because you know --

8 JUROR NUMBER 1: I mean --

9 THE COURT: -- it's okay if -- I mean --

10 JUROR NUMBER 1: I mean --

11 THE COURT: -- we don't want anyone to feel sad. But if you feel sad as you
12 think about that situation, that's okay, but you can't let your sadness, you know --

13 JUROR NUMBER 1: Right. Right. And I don't think it's as much the sadness
14 part as it is just the way the testimony that I've heard and the similarities as to what
15 happened.

16 THE COURT: Okay.

17 JUROR NUMBER 1: And I think that's where I'm having issues in my brain
18 right now, you know. And -- yeah, I mean, I'll always be sad about my grandma.
19 But it's -- and if -- if this were a different type of medical case, obviously it wouldn't
20 have an affect. But I think because of the similarities, yeah, it's gonna have an
21 affect. I'm --

22 THE COURT: Ms. --

23 JUROR NUMBER 1: I can't help but say that. I'm sorry. I --

24 THE COURT: Ms. Stanish, any follow up?

25 MS. STANISH: No, Your Honor.

1 THE COURT: Mr. Staudaher, any additional follow up with Ms. Pomykal?

2 MR. STAUDAHER: No, Your Honor.

3 THE COURT: All right. Ms. Pomykal, thank you again --

4 JUROR NUMBER 1: Okay. Thank you.

5 THE COURT: -- for your --

6 JUROR NUMBER 1: I appreciate everyone listening and --

7 THE COURT: And I'm going to have you --

8 JUROR NUMBER 1: -- I really do appreciate it.

9 THE COURT: -- go back in the jury room.

10 JUROR NUMBER 1: Okay.

11 THE COURT: Obviously, you can't discuss your letter, your situation, what
12 we --

13 JUROR NUMBER 1: Absolutely.

14 THE COURT: -- discussed in here. They probably know better than to ask
15 you, but they may say, oh, what was going on in there or something like that.
16 Obviously, you're directed you can't discuss anything that's just transpired in the
17 courtroom with the other prospect -- with -- I'm sorry --

18 JUROR NUMBER 1: Right.

19 THE COURT: -- the other jurors; all right.

20 Thank you. Go ahead --

21 JUROR NUMBER 1: Thank you so much.

22 ///

23 ///

24 ///

25 ///

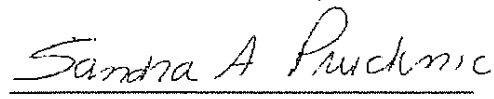
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THE COURT: -- and follow Kenny from the courtroom.

[Proceedings resumed 1:18 p.m. -- not transcribed]

* * * * *

ATTEST: Pursuant to Rule 3(c)(d) of the Nevada Rules of Appellate Procedure, I acknowledge that this is a rough draft transcript, expeditiously prepared, not proofread, corrected, or certified to be an accurate transcript.



SANDRA PRUCHNIC
Court Transcriber

DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,)	CASE NO.	C2665107-1,2
)		
Plaintiff,)	DEPT. NO.	XXI
)		
-vs-)		
)		
DIPAK KANTILAL DESAI,)		
RONALD ERNEST LAKEMAN)		
Defendants.)		
)		

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

Jennifer Hooper
PRINT NAME

100604914 011509
JUROR NO. BADGE NO.

Badge No.: 011509

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: JENNIFER SUSAN HOOPER
(PLEASE PRINT LEGIBLY)

2. Date of Birth: [REDACTED] 67 ☐ Male ☒ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? X Yes No

If YES, please describe: I will have been out of the office the previous week - traveling for business for a newly formed partnership. Being out 6 additional weeks is difficult.

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
 Yes X No

If YES, please describe: _____

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? Yes X No

If YES, please explain: _____

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

I know 2 people who had to get tested & have seen this case on the news. I watch the news everyday.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

I believe they were negligent purposefully in re-using equipment.

8. Please describe your current or most recent employment:

Employer: MGM Grand Hotel

Length of Employment: 9 years

Number of people employed by your employer: 8400

Job Duties/Responsibilities: Office & Special Events Manager

Supervisor Duties? ☒ Yes ☐ No If YES, how many people do you supervise? 12

What are your duties? Supervise & task staff to execute events, manage & run events

9. If retired: Who was your last employer?

What kind of work did you do?

10. List all previous jobs and employers:

Job	Employer	How Long?
professional dancer	Feld Bros. Mgmt Corp ^{Sole}	12 Years 6 Months
admin. asst.	Fisher Technical Services	1 Years 7 Months
prof. dancer	Hilton Hotel - Flamingo	2 Years 1 Months
prof dancer	Greg Thompson Productions	Years 6 Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: _____

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? SPECIAL EVENTS PRODUCTION MGR.

13. Have you received special training or schooling in the following areas? Check all areas that apply.

- ☐ Medical
☒ Business Management
☐ Legal
☐ Psychology
☐ Risk Management

- ☐ Manufacturing of Products
☐ Distribution of Products
☐ Medical Sales
☐ Labeling of Products
☐ Pharmaceuticals

Please describe any of the above areas that are checked: IN COLLEGE, BUSINESS
Mgmt major

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☐ Yes ☒ No If YES, please describe: _____

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: _____

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☐ Yes ☒ No

If YES, who is the person? _____

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☐ High School Graduate
☒ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☒ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
CSN	Bus. Mgmt. & Culinary	1996-2002

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): _____

Describe the nature of the business: _____

22. Please identify any previous or current military service:

Branch: _____ Rank: _____

Dates of service: from: _____ to: _____

Principal military duties: _____

23. Have you ever worked in law enforcement?

☐

Yes

☒

No

If YES, please describe: _____

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☐
☐
☒
☐
☐
☐
☐

African-American/Black

Asian/Pacific Islander

Caucasian/White

Hispanic/Latino

Native American (American Indian)

Other (please specify): _____

25. Marital Status (check one):

☒
☒
☐
☐
☐
☐
☐
☐

Single and never married

Engaged

Currently married for _____ years

Separated (legally or not)

Divorced for _____ years

Widow/widower for _____ years

Other (specify): _____

26. Do you have children?

☐

Yes

☒

No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: _____

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: LOWRY HOOPER, RETIRED, BANKER

Your stepmother: N/A

Your father: JAMES HOOPER, DECEASED, VP + loan off. WELLS FARGO

Your stepfather: N/A

29. Identify the city and State where you were born: Las Vegas, NV

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
		to
		to
		to
		to
		to

31. How long have you lived in Clark County? 45 YRS

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Spring Valley

33. Describe your current living situation (check one):



Live in own house, condominium, townhouse



Rent apartment, house, condominium, townhouse (circle one)



Live with parents or relative



Other (Please specify):

34. What TV new channel do you watch (check all that apply):



Channel 3 or 703 (NBC)



Channel 5 or 705 (FOX)



Channel 8 or 708 (CBS)



Channel 13 or 713 (ABC)



Cable Channel 20 or 720 (CNN)



Channel 21 or 721 (FOX News Channel)



Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☐ Yes ☒ No If YES, please explain: _____

36. Have you or someone close to you ever been the victim of medical malpractice?
☐ Yes ☒ No If YES, please explain: _____

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No

Who, Why, and what was the result? _____

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☒ Yes ☐ No

Who, Why, and what was the result? my boss's mother in law &
my fiancée's sister had to be tested as a result
of this case - negative outcomes.

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☒ Yes ☒ No
If YES, please describe who, and the nature of the disease: _____

40. What was your favorite subject in school?

<input checked="" type="checkbox"/> English/Language	<input type="checkbox"/> Social Studies	<input type="checkbox"/> Science/Engineering
<input type="checkbox"/> Physical Education	<input type="checkbox"/> Mathematics	<input type="checkbox"/> Art/Music
		<input type="checkbox"/> Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☒ Yes ☐ No

Please explain your answer:

EVERYBODY makes mistakes.

42. What do you most like to do in your spare time?

COOK, EXERCISE, spend time w/ family

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☒ Yes ☐ No

How long were you out of work? 9 months

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
2006	criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

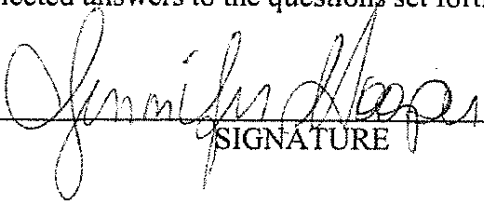
What was the nature of the case? Child molestation by Grandfather
 If *civil*, what was the outcome of the case?
 Were you pleased with the outcome? ☒ Yes ☐ No
 Were you the foreperson or the presiding juror of the jury? ☐ Yes ☒ No
 Did you find your experience as a juror to be: ☐ Positive ☒ Negative
 If NEGATIVE, please explain: VERY EMOTIONAL & SAD

47. Which of the following best describes you? (Please check all that apply)

<input checked="" type="checkbox"/> Analytical	<input checked="" type="checkbox"/> Compassionate	<input type="checkbox"/> Creative
<input type="checkbox"/> Generous	<input type="checkbox"/> Judgmental	<input type="checkbox"/> Naïve
<input type="checkbox"/> Open-minded	<input type="checkbox"/> Outspoken	<input checked="" type="checkbox"/> Private
<input type="checkbox"/> Pro-worker	<input checked="" type="checkbox"/> Skeptical	<input type="checkbox"/> Strict
<input type="checkbox"/> Technical	<input type="checkbox"/> Trusting	<input type="checkbox"/> Successful
<input checked="" type="checkbox"/> Careful	<input type="checkbox"/> Compulsive	<input type="checkbox"/> Emotional
<input type="checkbox"/> Impulsive	<input checked="" type="checkbox"/> Logical	<input checked="" type="checkbox"/> Old-fashioned
<input type="checkbox"/> Opinionated	<input checked="" type="checkbox"/> Practical	<input type="checkbox"/> Pro-Company
<input checked="" type="checkbox"/> Sensitive	<input type="checkbox"/> Smart	<input checked="" type="checkbox"/> Thoughtful
<input type="checkbox"/> Other _____		

48. Is there anything else that you feel is important for the parties to know about you?

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.



 SIGNATURE

 4/1/13
 Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlena	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO.	C2665107-12
)		
Plaintiff,)	DEPT. NO.	XXI
)		
-vs-)		
)		
DIPAK KANTILAL DESAI,)		
RONALD ERNEST LAKEMAN)		
Defendants.)		
_____)		

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TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.



VALERIE ADAIR, District Judge

Leglie Fenkl
PRINT NAME

100461612
011411
JUROR NO.

011411
BADGE NO.

Badge No.: 011411

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: Leslie Fenkl
(PLEASE PRINT LEGIBLY)

2. Date of Birth: 1/19/66 ☐ Male ☒ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No

If YES, please describe: My 80 year old mother lives with me. I take her to all of her doctor's appts. Also, she puts things on the stove or in the oven and forgets until the fire alarm goes off. I work at home and keep an eye on her.

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
☐ Yes ☒ No

If YES, please describe: _____

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☒ Yes ☐ No

If YES, please explain: I work in the health field as a coder and have strong opinions about quality healthcare. Also, my sister has worked as a sterilization tech.

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.			X	
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO			have coded op reports	
CARROL, CLIFFORD			"	
CASTLEMAN, STEPHANIE			X	
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE			have coaxed up reports	
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL			11	
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK			11	
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO			X	
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN			X	
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN			have coded op reports	
KELLEY, JOE				
KHAN, IKRAM			X	
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL			X	
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT			have coded op reports	
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV			X	
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY			//	
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK			//	
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.			which one? X	
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER			have coded op reports	
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSE				
SOOD, RAJAT			X	
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID			have coded op reports	
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS			X	
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

News on TV and newspapers. Also discussed with fellow coders while working at the hospital. Dr. Desai did not properly sterilize equipment and also reused single use vials of anesthetic. A lot of patients got hepatitis and several of them died.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

Dr. Desai is guilty! No one should put patients at risk just to improve their profit margin. Like he wasn't already rich enough?!

8. Please describe your current or most recent employment:

Employer: Parallon - A division of HCA hospitals

Length of Employment: 7 years

Number of people employed by your employer: thousands

Job Duties/Responsibilities: Inpatient Coder (medical records)

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise? _____

What are your duties? _____

9. If retired: Who was your last employer? _____

What kind of work did you do? _____

10. List all previous jobs and employers:

Job	Employer	How Long?
Coding manager	St Thomas Hospital	____ Years <u>10</u> Months
Coding manager	Desert Springs Hospital	<u>5</u> Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☒ Yes ☐ No If YES, please describe: Lead Coder - Madigan Army Hospital
Coder - S. Las B. Hays Army Hospital

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? _____

13. Have you received special training or schooling in the following areas? Check all areas that apply.

<input checked="" type="checkbox"/> Medical	<input type="checkbox"/> Manufacturing of Products
<input type="checkbox"/> Business Management	<input type="checkbox"/> Distribution of Products
<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Medical Sales
<input checked="" type="checkbox"/> Psychology	<input type="checkbox"/> Labeling of Products
<input type="checkbox"/> Risk Management	<input type="checkbox"/> Pharmaceuticals

Please describe any of the above areas that are checked: ① Work in healthcare as a
coder. ② 1 year of law school (Hastings College)
③ B.A. Psychology (Vassar College)

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: close friend is a surgical tech
and sister worked as a Central Sterile Tech.

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: _____

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? me, sister

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☒ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
<u>Vassar College</u>	<u>Psychology</u>	<u>1984-1988</u>
<u>UC Hastings</u>	<u>Law</u>	<u>1988-1989</u>

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ No

Never

Number of employees (not including yourself): _____

Describe the nature of the business: _____

22. Please identify any previous or current military service:

Branch: _____ Rank: _____

Dates of service: from: _____ to: _____
 Principal military duties: _____

23. Have you ever worked in law enforcement?
☐ Yes ☒ No If YES, please describe: _____

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

- ☐ African-American/Black
- ☒ Asian/Pacific Islander
- ☒ Caucasian/White
- ☐ Hispanic/Latino
- ☐ Native American (American Indian)
- ☐ Other (please specify): _____

25. Marital Status (check one):

- ☒ Single and never married
- ☐ Engaged
- ☐ Currently married for _____ years
- ☐ Separated (legally or not)
- ☐ Divorced for _____ years
- ☐ Widow/widower for _____ years
- ☐ Other (specify): _____

26. Do you have children?
☐ Yes ☒ No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: _____

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Retired - Artichoke Industries

Your stepmother: _____

Your father: Deceased - Retired US Army

Your stepfather: _____

29. Identify the city and State where you were born: Seoul, S. Korea

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Nashville	TN	1/2005 to 11/2005
marina	CA	1995 to 2000
Tacoma	WA	1993? to 1994?
		to
		to

31. How long have you lived in Clark County? 12 years

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Henderson

33. Describe your current living situation (check one):

☒
☐
☐
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

☒
☐
☒
☐
☐
☐
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☐ Yes ☒ No If YES, please explain: _____

36. Have you or someone close to you ever been the victim of medical malpractice?
☐ Yes ☒ No If YES, please explain: _____

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No
 Who, Why, and what was the result? _____

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No
 Who, Why, and what was the result? _____

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No
 If YES, please describe who, and the nature of the disease: _____

40. What was your favorite subject in school?
☐ English/Language ☐ Social Studies ☒ Science/Engineering
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☐ Yes ☒ No

Please explain your answer:

mistakes are almost always due to laziness or
carelessness.

42. What do you most like to do in your spare time?

Read

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? _____

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? _____

If *civil*, what was the outcome of the case? _____

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: _____

47. Which of the following best describes you? (Please check all that apply)

☒

Analytical

☐

Compassionate

☐

Creative

☐

Generous

☐

Judgmental

☐

Naïve

☐

Open-minded

☐

Outspoken

☒

Private

☐

Pro-worker

☒

Skeptical

☐

Strict

☐

Technical

☐

Trusting

☒

Successful

☒

Careful

☐

Compulsive

☐

Emotional

☐

Impulsive

☒

Logical

☒

Old-fashioned

☐

Opinionated

☒

Practical

☐

Pro-Company

☐

Sensitive

☐

Smart

☐

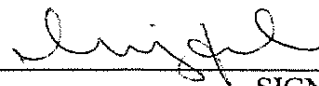
Thoughtful

☐

Other _____

48. Is there anything else that you feel is important for the parties to know about you?

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.



SIGNATURE

4/1/13

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlena	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD - have coded
185	Volz, Maria	op reports
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD ~ "
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT
CLARK COUNTY, NEVADA

116

THE STATE OF NEVADA,

Plaintiff,

-vs-

DIPAK KANTILAL DESAI,
RONALD ERNEST LAKEMAN
Defendants.

CASE NO. C2665107-1,2

DEPT. NO. XXI

*Excused
rather
patient*

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

John Torres
PRINT NAME

100930122
JUROR NO.

010734
BADGE NO.

Badge No.: 010734

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: John Brian Torres
(PLEASE PRINT LEGIBLY)
2. Date of Birth: [REDACTED] 182 ☒ Male ☐ Female
3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? Yes ☒ No
If YES, please describe: _____

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
Yes ☒ No
If YES, please describe: _____

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? Yes ☒ No
If YES, please explain: _____

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANOVA, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA		✓	✓	
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

That the Clinic gave people HIV and Hepatitis C. Because of ~~unclean~~ conditions.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

That ~~they are~~ they cut corners to make money, and got people sick.

8. Please describe your current or most recent employment:

Employer: CCSD

Length of Employment: 8 yrs.

Number of people employed by your employer:

Job Duties/Responsibilities: Custodian

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise?

What are your duties?

9. If retired: Who was your last employer?
What kind of work did you do?

10. List all previous jobs and employers:

Job	Employer	How Long?
Tech	Hardie	3 Years ____ Months
u.	U.S. Army	7 Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☒

Yes

☐

No

If YES, please describe: U.S. Army NVNG

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? ~~the~~ Sales

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐
☐
☐
☐
☐

Medical
 Business Management
 Legal
 Psychology
 Risk Management

☐
☐
☐
☒
☐

Manufacturing of Products
 Distribution of Products
 Medical Sales
 Labeling of Products
 Pharmaceuticals

Please describe any of the above areas that are checked:

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☐

Yes

☒

No

If YES, please describe:

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job:

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☐ Yes ☒ No

If YES, who is the person? _____

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☒ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☒ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): _____

Describe the nature of the business: _____

22. Please identify any previous or current military service:

Branch: U.S. Army NUAG Rank: E4

Dates of service: from: 2006 to: 2007
Principal military duties: 63B Light Wheel Vehicle Mechanic

23. Have you ever worked in law enforcement?
☐ Yes ☒ No If YES, please describe: _____

24. Ethnic background (It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box):

<input type="checkbox"/>	African-American/Black
<input type="checkbox"/>	Asian/Pacific Islander
<input type="checkbox"/>	Caucasian/White
<input checked="" type="checkbox"/>	Hispanic/Latino
<input type="checkbox"/>	Native American (American Indian)
<input type="checkbox"/>	Other (please specify): _____

25. Marital Status (check one):

<input type="checkbox"/>	Single and never married
<input type="checkbox"/>	Engaged
<input checked="" type="checkbox"/>	Currently married for <u>7</u> years
<input type="checkbox"/>	Separated (legally or not)
<input type="checkbox"/>	Divorced for _____ years
<input type="checkbox"/>	Widow/widower for _____ years
<input type="checkbox"/>	Other (specify): _____

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
Juan Torres	6	Boy
Emily Torres	2	Girl

27. If any of your children are employed, please list their occupations: _____

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: _____

Your stepmother: Vegas.com

Your father: Sam's Town

Your stepfather: _____

29. Identify the city and State where you were born: Reno NV

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
		to
		to
		to
		to
		to

31. How long have you lived in Clark County? 30 yrs

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Las Vegas

33. Describe your current living situation (check one):

☒
☐
☐
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

☒
☒
☒
☐
☒
☒
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☒ Yes ☐ No If YES, please explain: yes my father was
mugged and beaten almost to death in front of me
and my mother when I was a kid
36. Have you or someone close to you ever been the victim of medical malpractice?
☒ Yes ☐ No If YES, please explain: My grand father had the
wrong leg operated on,
37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No
 Who, Why, and what was the result? _____
38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☒ Yes ☐ No
 Who, Why, and what was the result? Jason Lujan he had a
Endoscopy Done results ~~are~~ results were negative
to any disease.
39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No
 If YES, please describe who, and the nature of the disease: _____
40. What was your favorite subject in school?
☐ English/Language ☒ Social Studies ☐ Science/Engineering
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☐ Yes ☒ No

Please explain your answer:

mistakes are not ok when ~~peoples~~ peoples
lives are ~~at~~ at risk.

42. What do you most like to do in your spare time?

spend time ~~at~~ with my kids

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious	catholic	catholic
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☒ Yes ☐ No

How long were you out of work? ~~2 months~~ 3 months

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? _____

If *civil*, what was the outcome of the case? _____

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: _____

47. Which of the following best describes you? (Please check all that apply)

☐
☐
☒
☒
☐
☐
☐
☒
☐
☐
☐
☐

Analytical
Generous
Open-minded
Pro-worker
Technical
Careful
Impulsive
Opinionated
Sensitive
Other _____

☒
☒
☐
☒
☐
☐
☐
☐
☐
☐
☐


Compassionate
Judgmental
Outspoken
Skeptical
Trusting
Compulsive
Logical
Practical
Smart

☐
☐
☒
☒
☒
☒
☐
☐
☐
☐
☐

Creative
Naïve
Private
Strict
Successful
Emotional
Old-fashioned
Pro-Company
Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.


SIGNATURE

4/1/13
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

X

DISTRICT COURT
CLARK COUNTY, NEVADA

106

THE STATE OF NEVADA,

Plaintiff,

-vs-

DIPAK KANTILAL DESAI,
RONALD ERNEST LAKEMAN
Defendants.

CASE NO. C2665107-1,2

DEPT. NO. XXI

Excuse
for
Cause

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

Grant Abitria
PRINT NAME

101198070
JUROR NO.

010708
BADGE NO.

Badge No.: 010708

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: GRANT SALWANTE ABITRIA
(PLEASE PRINT LEGIBLY)
2. Date of Birth: [REDACTED] 1/1970 ☒ Male ☐ Female
3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No
If YES, please describe: I'm a sole income provider for my family, my wife is a homemaker, my son is home schooled.
4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
☐ Yes ☒ No
If YES, please describe: _____
5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☒ Yes ☐ No
If YES, please explain: I'm a Registered Nurse by Trade and familiar with the Disai case
6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA		✓		
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUĆ, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN			✓	
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANOVA, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY		✓		
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

Media thru the medical community that I work in.
Thru my wife, when she used to work for the Health District
Before deciding she wants to stay home with our son.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

From the information I received w/in the medical community
I believe that Dr. Desai is guilty of deliberately placing
his patients at the clinic at high risk of infection.

8. Please describe your current or most recent employment:

Employer: Desert Springs Hospital Medical Center

Length of Employment: Since 2003, left and came back 2010

Number of people employed by your employer: Hundreds

Job Duties/Responsibilities: Manage a Cardiac Procedural Laboratory

Supervisor Duties? ☒ Yes ☐ No If YES, how many people do you supervise? 17

What are your duties? Day to day operation, making sure that patients are
safe undergoing invasive procedures.

9. If retired: Who was your last employer?

What kind of work did you do?

10. List all previous jobs and employers:

Job	Employer	How Long?
Pacemaker Clin Spec	St. Jude Medical	<u>1</u> Years <u>6</u> Months
Pacemaker Clin spec	Medtronic Inc	<u> </u> Years <u>11</u> Months
Summer Staff Nurse	Sumner Hospital	<u>2</u> Years <u> </u> Months
Staff Nurse	St. Rose Sierra Hospital	<u>1</u> Years <u>2</u> Months

11. Have you ever worked for the state or federal government?

☐

Yes

☒

No

If YES, please describe: _____

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? Clinical Lab Scientist, Southern Nevada Health District

13. Have you received special training or schooling in the following areas? Check all areas that apply.

- ☒ Medical
- ☒ Business Management
- ☒ Legal
- ☐ Psychology
- ☐ Risk Management

- ☒ Manufacturing of Products
- ☒ Distribution of Products
- ☒ Medical Sales
- ☒ Labeling of Products
- ☒ Pharmaceuticals

Please describe any of the above areas that are checked: Between my current job as a Department Supervisor/Manager of an invasive procedures Lab and working for the device industry, I've received intense training on items checked above.

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒

Yes

☐

No

If YES, please describe: My brother presently work at the health department as a microbiologist. Most of my friends and acquaintances are in the Medical field.

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: _____

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Myself, and members of my extended family

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☐ High School Graduate
☒ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☒ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
<u>Mt. San Antonio College</u>	<u>Associates Degree Nursing</u>	<u>1989 - 1992</u>

21. Do you now or have you ever owned your own business? ☐ Now ☒ Previously ☐ Never

Number of employees (not including yourself): 12

Describe the nature of the business: Medical Staffing Agency

22. Please identify any previous or current military service:

Branch: N/A Rank: _____

Dates of service: from: 11/10 to: _____
Principal military duties: _____

23. Have you ever worked in law enforcement?

☐ Yes ☒ No If YES, please describe: _____

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☐ African-American/Black
☒ Asian/Pacific Islander
☐ Caucasian/White
☐ Hispanic/Latino
☐ Native American (American Indian)
☐ Other (please specify): _____

25. Marital Status (check one):

☐ Single and never married
☐ Engaged
☒ Currently married for 13 years
☐ Separated (legally or not)
☐ Divorced for _____ years
☐ Widow/widower for _____ years
☐ Other (specify): _____

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
James Abbing	6	Boy

27. If any of your children are employed, please list their occupations: NA

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Retired Medical Biller

Your stepmother: N/A

Your father: Medical Coder

Your stepfather: N/A

29. Identify the city and State where you were born: Mamla, Philippines

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Glendale	California	4/1988 to 6/2002
Las Vegas	Nevada	6/2002 to present
		to
		to
		to

31. How long have you lived in Clark County? Since 2002

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? South Summerlin

33. Describe your current living situation (check one):

- ☐ Live in own house, condominium, townhouse
☒ Rent apartment, house, condominium, townhouse (circle one)
☐ Live with parents or relative
☐ Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

- ☒ Channel 3 or 703 (NBC)
☐ Channel 5 or 705 (FOX)
☒ Channel 8 or 708 (CBS)
☐ Channel 13 or 713 (ABC)
☐ Cable Channel 20 or 720 (CNN)
☐ Channel 21 or 721 (FOX News Channel)
☐ Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☐ Yes ☒ No If YES, please explain: _____

36. Have you or someone close to you ever been the victim of medical malpractice?
☐ Yes ☒ No If YES, please explain: _____

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No
Who, Why, and what was the result? _____

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No
Who, Why, and what was the result? _____

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☒ Yes ☐ No
If YES, please describe who, and the nature of the disease: Back in 2006, I lost my
almost 2 yB old niece to a very severe Strept A infection

40. What was your favorite subject in school?
☐ English/Language ☐ Social Studies ☒ Science/Engineering
☐ Physical Education ☒ Mathematics ☒ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☒ Yes ☐ No

Please explain your answer:

In my world as a Nurse, even with best practice and best intentions, mistakes can still happen.

42. What do you most like to do in your spare time?

Spend time w/ family

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious	None	None
Union Membership	None	None
Volunteer/Other	None	None

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? _____

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
	N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? N/A

If *civil*, what was the outcome of the case? _____

Were you pleased with the outcome? ☐ Yes ☐ No

Were you the foreperson or the presiding juror of the jury? ☐ Yes ☐ No

Did you find your experience as a juror to be: ☐ Positive ☐ Negative

If NEGATIVE, please explain: _____

47. Which of the following best describes you? (Please check all that apply)

☒ Analytical
☒ Generous
☒ Open-minded
☒ Pro-worker
☒ Technical
☒ Careful
☒ Impulsive
☒ Opinionated
☒ Sensitive
☐ Other _____

☒ Compassionate
☒ Judgmental
☒ Outspoken
☒ Skeptical
☒ Trusting
☒ Compulsive
☒ Logical
☒ Practical
☒ Smart

☒ Creative
☒ Naïve
☒ Private
☒ Strict
☒ Successful
☒ Emotional
☒ Old-fashioned
☒ Pro-Company
☒ Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

Can't think of anything Right Now

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

[Signature]
SIGNATURE

4/1/2013
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
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20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

12X C-

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO.	C2665107-1,2
)		
Plaintiff,	)	DEPT. NO.	XXI
)		
-vs-)		
)		
DIPAK KANTILAL DESAI,)		
RONALD ERNEST LAKEMAN)		
Defendants.)		
_____)		

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

<u>LYNDA FULLER</u>	<u>103280419</u>	<u>010156</u>
PRINT NAME	JUROR NO.	BADGE NO.

Badge No.: 010156

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: LYNDA RENE BRICE Fuller
(PLEASE PRINT LEGIBLY)

2. Date of Birth: 1/64 ☐ Male ☒ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No

If YES, please describe: I mental & physically disabled live alone w/ 2 small dogs ride bus & HAVE to get up @ 4am

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
☐ Yes ☒ No

If YES, please describe: _____

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☐ Yes ☒ No

If YES, please explain: I have been a victim of medical malpractice that worsened my mental & physical disabilities

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

X Yes _____ No

If YES, how were you exposed to this information, and generally what information were you provided?

NEWS & Internet NO CABLE at home only
watch NEWS & Food channels

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

He was wrong & should be severely
punished

8. Please describe your current or most recent employment:

Employer: Disabled

Length of Employment: not

Number of people employed by your employer: not

Job Duties/Responsibilities: not

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise? _____

What are your duties? not

9. If retired: Who was your last employer? not
What kind of work did you do? _____

10. List all previous jobs and employers:

Job	Employer	How Long?
Caretaker	Charles Stokes	4 Years ____ Months
Office Manager	Dr Tokunaga	3 Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: _____

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? N/A

13. Have you received special training or schooling in the following areas? Check all areas that apply.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Medical | <input type="checkbox"/> Manufacturing of Products |
| <input checked="" type="checkbox"/> Business Management | <input type="checkbox"/> Distribution of Products |
| <input type="checkbox"/> Legal | <input type="checkbox"/> Medical Sales |
| <input type="checkbox"/> Psychology | <input type="checkbox"/> Labeling of Products |
| <input type="checkbox"/> Risk Management | <input type="checkbox"/> Pharmaceuticals |

Please describe any of the above areas that are checked: Manager of DR
Office packaged & passed meds, patient
intake, ordering supplies, billing, phones etc.

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: Mother & Daughter
Sister & Aunt

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☒ Yes ☐ No

If YES, who is the person, what company is/was it, and what is/was the person's job: I sold
insurance for Williams in Calif passed bond 87"

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Myself, Mother Daughter Sisters Aunt

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☒ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School Degree/Major/Area of Study Dates

School	Degree/Major/Area of Study	Dates

21. Do you now or have you ever owned your own business? ☐ Now ☒ Previously ☐ Never

Number of employees (not including yourself): 4

Describe the nature of the business: Carpet Cleaning

22. Please identify any previous or current military service:

Branch: _____ Rank: _____

Dates of service: from: _____ to: _____
Principal military duties: _____

23. Have you ever worked in law enforcement?

☐ Yes ☒ No If YES, please describe: _____

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

☒ African-American/Black
☐ Asian/Pacific Islander
☐ Caucasian/White
☐ Hispanic/Latino
☐ Native American (American Indian)
☐ Other (please specify): _____

25. Marital Status (check one):

☐ Single and never married
☐ Engaged
☐ Currently married for _____ years
☒ Separated (legally or not)
☐ Divorced for _____ years
☐ Widow/widower for _____ years
☐ Other (specify): _____

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
Lynette Fuller	29	GIRL
Latonya Fuller	28	GIRL
Lane F. Pierce	23	GIRL
Richard Fuller Jr	22	BOY
Kimberly Fuller	20	BOY

27. If any of your children are employed, please list their occupations: _____

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: LWN RETIRED UCLA

Your stepmother: _____

Your father: FORKLIFT DRIVER RETIRED K MART

Your stepfather: _____

29. Identify the city and State where you were born: TORRANCE CALIF

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Long Beach	CALIF	1989 to 2011
Lynwood	CALIF	1986 to 1989
Hawthorne	CALIF	1978 to 1980
GARDENA	CALIF	1974 to 1978
Compton	CALIF	1964 to 1974

31. How long have you lived in Clark County? 20 mos.

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Nellis Area

33. Describe your current living situation (check one):

☐

Live in own house, condominium, townhouse

☒

Rent apartment house, condominium, townhouse (circle one)

☐

Live with parents or relative

☒

Other (Please specify): COMPANION DOGS

34. What TV new channel do you watch (check all that apply):

☐

Channel 3 or 703 (NBC)

☒

Channel 5 or 705 (FOX)

☐

Channel 8 or 708 (CBS)

☒

Channel 13 or 713 (ABC)

☐

Cable Channel 20 or 720 (CNN)

☐

Channel 21 or 721 (FOX News Channel)

☐

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☒ Yes ☐ No If YES, please explain: SOME STRANGER USED MY
SOCIAL SEC # FOR A DOMESTIC VIOLENCE CASE
I SERVED PRISON TIME FOR 3 PAROLS
36. Have you or someone close to you ever been the victim of medical malpractice?
☒ Yes ☐ No If YES, please explain: MYSELF IV SLIPPED
OUT VAIN PUMPED NEEDS INTO MUSCLE LEFT HOSP
AFTER DAYS @ 45 YRS OLD COULD NOT WALK TALK IN A WALK
37. Have you or anyone you know ever been involved in a civil lawsuit? ☒ Yes ☐ No
 Who, Why, and what was the result? MYSELF LANDLORD TENANT
CASES I'VE ONE EVERY TIME
38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No
 Who, Why, and what was the result? _____
39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No
 If YES, please describe who, and the nature of the disease: _____
40. What was your favorite subject in school?
☒ English/Language ☐ Social Studies ☐ Science/Engineering
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☐ Yes ☒ No

Please explain your answer:

I. A mistake made by an Adult should
be paid for & they should own up
to it immediately

42. What do you most like to do in your spare time?

play with my 16 grandchildren & watch
news & cooking channels & go to church

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
<u>Volunteer/Other</u>	<u>My Church 3405 W</u>	

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☒ Yes ☐ No

How long were you out of work? NEVER RETURNED SINCE 2005

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury		Did you Reach a Verdict?	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

What was the nature of the case? _____

If *civil*, what was the outcome of the case? _____

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: _____

47. Which of the following best describes you? (Please check all that apply)

☐
☒
☐
☐
☐
☒
☐
☐
☐
☒
☐

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other _____

☒
☐
☒
☐
☐
☒
☐
☐
☒
☐

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

☒
☐
☐
☒
☐
☒
☒
☒
☐
☒

Creative

Naïve

Private

Strict

Successful

Emotional

Old-fashioned

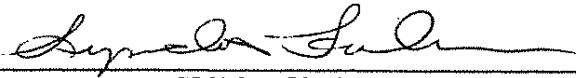
Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

I just don't think its fair to put me
one anybodies jury when Im Bipolar &
OCD. And for me to leave so early to get
bus here on time w/out my companion.

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.



SIGNATURE

4/1/13

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueilles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriguez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

X

EXC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO.	C2665107-1,2
)		
Plaintiff,	)	DEPT. NO.	XXI
)		
-vs-)		
)		
DIPAK KANTILAL DESAI,)		
RONALD ERNEST LAKEMAN)		
Defendants.)		
)		

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

<u>Ryan Stewart</u>	<u>100731892</u>	<u>010197</u>
PRINT NAME	JUROR NO.	BADGE NO.

Badge No.: 010197

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: RYAN SED Stewart
(PLEASE PRINT LEGIBLY)

2. Date of Birth: 1/19/63 ☒ Male ☐ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No

If YES, please describe: OUT OF THE COUNTRY FROM 5/10 THROUGH 5/20

I MANAGE A BUSINESS AND AM RESPONSIBLE FOR BANKING AND FUNDING PAYROLL. THE ONLY OTHER PERSON WHO CAN DO THIS FEEL AN BUSTED HER HIP AND IS IN REHAB FOR SEVERAL WEEKS.

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
☐ Yes ☒ No

If YES, please describe: _____

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☒ Yes ☐ No

If YES, please explain: I HAVE FRIENDS THAT WERE VICTIMS IN THIS CASE

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM			X	
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANOVA, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

TV, RADIO, FRIENDS, REUSING dirty NEEDLES
TO SAVE MONEY

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

YES, THEY SEEM GUILTY TO ME

8. Please describe your current or most recent employment:

Employer: TITAN FRAMING

Length of Employment: 1 yr

Number of people employed by your employer: 100

Job Duties/Responsibilities: GENERAL MANAGER

Supervisor Duties? ☒ Yes ☐ No If YES, how many people do you supervise? 20

What are your duties?

9. If retired: Who was your last employer? FRAMECON, INC.

What kind of work did you do? PRESIDENT OF CONSTRUCTION COMPANY

10. List all previous jobs and employers:

Job	Employer	How Long?
N/A		____ Years ____ Months
		____ Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: _____

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? REAL ESTATE

13. Have you received special training or schooling in the following areas? Check all areas that apply.

- | | |
|--|--|
| <input type="checkbox"/> Medical | <input type="checkbox"/> Manufacturing of Products |
| <input type="checkbox"/> Business Management | <input type="checkbox"/> Distribution of Products |
| <input type="checkbox"/> Legal | <input type="checkbox"/> Medical Sales |
| <input type="checkbox"/> Psychology | <input type="checkbox"/> Labeling of Products |
| <input type="checkbox"/> Risk Management | <input type="checkbox"/> Pharmaceuticals |

Please describe any of the above areas that are checked: _____

N/A

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: NURSE, MEDICAL BILLING
BUSINESS OWNER

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: _____

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? SISTER IN LAW, NURSE, COUSIN - EMT

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☒ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☒ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School

Degree/Major/Area of Study

Dates

N/A

21. Do you now or have you ever owned your own business? ☐ Now ☒ Previously ☐ Never

Number of employees (not including yourself): 100 +

Describe the nature of the business: CONSTRUCTION

22. Please identify any previous or current military service:

Branch: NA Rank: _____

Dates of service: from: _____ to: _____
Principal military duties: _____

23. Have you ever worked in law enforcement?

☐ Yes ☒ No If YES, please describe: _____

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

<input type="checkbox"/>	African-American/Black
<input type="checkbox"/>	Asian/Pacific Islander
<input checked="" type="checkbox"/>	Caucasian/White
<input type="checkbox"/>	Hispanic/Latino
<input type="checkbox"/>	Native American (American Indian)
<input type="checkbox"/>	Other (please specify): _____

25. Marital Status (check one):

<input type="checkbox"/>	Single and never married
<input type="checkbox"/>	Engaged
<input checked="" type="checkbox"/>	Currently married for <u>25</u> years
<input type="checkbox"/>	Separated (legally or not)
<input type="checkbox"/>	Divorced for _____ years
<input type="checkbox"/>	Widow/widower for _____ years
<input type="checkbox"/>	Other (specify): _____

26. Do you have children?

☐ Yes ☒ No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: _____

N/A

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: RETIRED - CITI BANK

Your stepmother: " " - POST OFFICE

Your father: " " - CONSTRUCTION

Your stepfather: DECEASED - OIL COMPANY

29. Identify the city and State where you were born: MOAB, UT (1963-1982)

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
PHOENIX	AZ	1982 to 1988
		to
		to
		to
		to

31. How long have you lived in Clark County? FROM 1989

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? _____

33. Describe your current living situation (check one):

☒
☐
☐
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

☒
☒
☒
☒
☐
☐
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☐ Yes ☒ No If YES, please explain: _____

36. Have you or someone close to you ever been the victim of medical malpractice?
☐ Yes ☒ No If YES, please explain: _____

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No
Who, Why, and what was the result? _____

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☒ Yes ☐ No
Who, Why, and what was the result? _____

SEVERAL FRIENDS RELATIVES. NO INFECTION.

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No
If YES, please describe who, and the nature of the disease: _____

40. What was your favorite subject in school?

<input type="checkbox"/> English/Language	<input type="checkbox"/> Social Studies	<input type="checkbox"/> Science/Engineering	<input type="checkbox"/> Other
<input type="checkbox"/> Physical Education	<input type="checkbox"/> Mathematics	<input checked="" type="checkbox"/> Art/Music	

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☒ Yes ☐ No

Please explain your answer:

NO ONE IS PERFECT

42. What do you most like to do in your spare time?

PHOTOGRAPH NATURE

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership	<u>NA</u>	<u>NA</u>
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? N/A

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
	<u>N/A</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? NA

If *civil*, what was the outcome of the case? NA

Were you pleased with the outcome?

☐

Yes

☐

No

Were you the foreperson or the presiding juror of the jury?

☐

Yes

☐

No

Did you find your experience as a juror to be:

☐

Positive

☐

Negative

If NEGATIVE, please explain: NA

47. Which of the following best describes you? (Please check all that apply)

☐
☒
☐
☐
☐
☐
☐
☐
☐
☐
☐
☐
☐

Analytical

Generous

Open-minded

Pro-worker

Technical

Careful

Impulsive

Opinionated

Sensitive

Other

☒
☐
☐
☐
☐
☒
☐
☐
☐
☐
☐

Compassionate

Judgmental

Outspoken

Skeptical

Trusting

Compulsive

Logical

Practical

Smart

☐
☐
☐
☐
☐
☐
☐
☐
☐
☐
☐

Creative

Naïve

Private

Strict

Successful

Emotional

Old-fashioned

Pro-Company

Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

NA

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

[Signature]
SIGNATURE

4/1/13
Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keecker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrianne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriguez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,)	CASE NO.	C2665107-1,2
)		
Plaintiff,)	DEPT. NO.	XXI
)		
-vs-)		
)		
DIPAK KANTILAL DESAI,)		
RONALD ERNEST LAKEMAN)		
Defendants.)		
_____)		

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

<u>TONDRA DE</u>	<u>100982535</u>	<u>011481</u>
PRINT NAME	JUROR NO.	BADGE NO.

Badge No.: _____

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: TONDRA DE
(PLEASE PRINT LEGIBLY)
2. Date of Birth: / 83 ☐ Male ☒ Female
3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No
If YES, please describe: I am employed by contract. If I cannot complete my work, I will not get paid.
4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
☐ Yes ☒ No
If YES, please describe: _____
5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☒ Yes ☐ No
If YES, please explain: My mother has been the recipient of harmful medical care several times in the past, so I have a poor opinion of all medical providers in Southern Nevada.
6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM		✓		
DESAI, SNEHAL			✓	
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV			✓	
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY			✓	
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK		✓		
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.			✓	
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.			✓	
SHARMA, SATISH			✓	
SHARMA, VISHVINDER			✓	
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT			✓	
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

I have been following this case in the news very closely. Also, I am an Indian by race and a Hindu by religion, and I attended the same Hindu temple frequented by Dr. Desai and his wife. The entire Indian/Hindu community has been shocked by the events and I have heard much gossip and hear-say.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

I believe that Dipak Desai and Ronald Lakeman are fully guilty of all charges against them.

8. Please describe your current or most recent employment:

Employer: The Lincy Institute at UNLV

Length of Employment: 1 year

Number of people employed by your employer: approx. 10 by the Lincy Institute, but 2000+ by UNLV

Job Duties/Responsibilities: Contract Employee I am a Statistician and Researcher

Supervisor Duties? ☒ Yes ☐ No If YES, how many people do you supervise? 6

What are your duties? I perform statistical analysis and research

9. If retired: Who was your last employer? _____
What kind of work did you do? _____

10. List all previous jobs and employers:

Job	Employer	How Long?
Researcher/Statistical Analyst	University of California, Los Angeles	2 Years 0 Months
Engineer	National Security Technology	1 Years 2 Months
Researcher Intern	Bechtel SAIC Co., LLC	2 Years 0 Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: _____

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? I am single

13. Have you received special training or schooling in the following areas? Check all areas that apply.

<input type="checkbox"/> Medical	<input type="checkbox"/> Manufacturing of Products
<input type="checkbox"/> Business Management	<input type="checkbox"/> Distribution of Products
<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Medical Sales
<input checked="" type="checkbox"/> Psychology	<input type="checkbox"/> Labeling of Products
<input type="checkbox"/> Risk Management	<input type="checkbox"/> Pharmaceuticals

Please describe any of the above areas that are checked: In my previous and current jobs, I have received basic legal training related to my position. I have had to take psychology classes in college and graduate school.

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: I have family members and/or close friends in the following areas: medical, business management, legal, psychology, medical sales, pharmaceuticals, risk management, etc.

15. Have you, any family members, or close friends ever worked for an insurance company or in the field of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: _____

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Many friends of mine have worked/currently work in the medical profession

18. Have you, any family members, or close friends ever worked for a drug company? ☒ Yes ☐ No

If YES, who is the person, what company was it, and what was the person's job? _____

Friend has worked for Merck-Medico as a data entry specialist

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☒ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

N/A

(I am single)

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
UNLV	B.S. in Math	2005
UNLV	B.S. in Electrical Engineering	2005
UCLA	Computer Science	2007
UCLA	MS. in Education	
UCLA	Ph. D. in Education	Expected 2013

21. Do you now or have you ever owned your own business? ☐ Now ☐ Previously ☒ Never

Number of employees (not including yourself): N/A

Describe the nature of the business: N/A

22. Please identify any previous or current military service: None
 Branch: N/A Rank: N/A

Dates of service: from: _____ to: _____
 Principal military duties: _____

23. Have you ever worked in law enforcement?
☐ Yes ☒ No If YES, please describe: _____

24. Ethnic background (*It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box*):

<input type="checkbox"/>	African-American/Black
<input checked="" type="checkbox"/>	Asian/Pacific Islander (<i>Indian</i>)
<input type="checkbox"/>	Caucasian/White
<input type="checkbox"/>	Hispanic/Latino
<input type="checkbox"/>	Native American (American Indian)
<input type="checkbox"/>	Other (please specify): _____

25. Marital Status (check one):

<input checked="" type="checkbox"/>	Single and never married
<input type="checkbox"/>	Engaged
<input type="checkbox"/>	Currently married for _____ years
<input type="checkbox"/>	Separated (legally or not)
<input type="checkbox"/>	Divorced for _____ years
<input type="checkbox"/>	Widow/widower for _____ years
<input type="checkbox"/>	Other (specify): _____

26. Do you have children?

☐ Yes ☒ No

Name	Age	Boy or Girl

27. If any of your children are employed, please list their occupations: _____

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Homemaker

Your stepmother: N/A

Your father: Engineer / Scientist

Your stepfather: N/A

29. Identify the city and State where you were born: Savar, Bangladesh

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Los Los Angeles	CA	09/2006 to 07/2012
Las Vegas Las Vegas	NV NV	05/2003 to 09/2006
Henderson	NV	12/1995 to 05/2003
Moscow	ID	12/1989 to 12/1995
		to

31. How long have you lived in Clark County? 1 year (but I grew up here and attended high school and college, for a total of about 10 years)

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Las Vegas / Paradise

33. Describe your current living situation (check one):

☐
☐
☒
☐

Live in own house, condominium, townhouse

Rent apartment, house, condominium, townhouse (circle one)

Live with parents or relative

Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

☒
☒
☒
☒
☐
☐
☐

Channel 3 or 703 (NBC)

Channel 5 or 705 (FOX)

Channel 8 or 708 (CBS)

Channel 13 or 713 (ABC)

Cable Channel 20 or 720 (CNN)

Channel 21 or 721 (FOX News Channel)

Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☐ Yes ☒ No If YES, please explain: _____

36. Have you or someone close to you ever been the victim of medical malpractice?
☒ Yes ☐ No If YES, please explain: We never went to court, but
my mother has received harmful medical care from practitioners
in Southern Nevada

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No

Who, Why, and what was the result? _____

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No

Who, Why, and what was the result? _____

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No

If YES, please describe who, and the nature of the disease: _____

40. What was your favorite subject in school?
☐ English/Language ☐ Social Studies ☒ Science/Engineering
☐ Physical Education ☒ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☐ Yes ☒ No

Please explain your answer:

Mistakes do not just happen. There is always someone at fault.

42. What do you most like to do in your spare time?

Reading, writing, volunteer, translation/editing for a magazine

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious	I am involved in the Las Vegas Hindu Temple	
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? _____

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☐ Yes ☒ No

46. If you have ever been a juror before, please state for each case: None

Year	Civil or Criminal	Submitted to Jury	Did you Reach a Verdict?
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

What was the nature of the case? _____

If **civil**, what was the outcome of the case? _____

Were you pleased with the outcome? ☐ Yes ☐ No

Were you the foreperson or the presiding juror of the jury? ☐ Yes ☐ No

Did you find your experience as a juror to be: ☐ Positive ☐ Negative

If NEGATIVE, please explain: _____

47. Which of the following best describes you? (Please check all that apply)

<input checked="" type="checkbox"/> Analytical	<input type="checkbox"/> Compassionate	<input checked="" type="checkbox"/> Creative
<input checked="" type="checkbox"/> Generous	<input checked="" type="checkbox"/> Judgmental	<input type="checkbox"/> Naïve
<input type="checkbox"/> Open-minded	<input checked="" type="checkbox"/> Outspoken	<input checked="" type="checkbox"/> Private
<input type="checkbox"/> Pro-worker	<input checked="" type="checkbox"/> Skeptical	<input checked="" type="checkbox"/> Strict
<input checked="" type="checkbox"/> Technical	<input type="checkbox"/> Trusting	<input checked="" type="checkbox"/> Successful
<input checked="" type="checkbox"/> Careful	<input type="checkbox"/> Compulsive	<input type="checkbox"/> Emotional
<input type="checkbox"/> Impulsive	<input checked="" type="checkbox"/> Logical	<input type="checkbox"/> Old-fashioned
<input checked="" type="checkbox"/> Opinionated	<input checked="" type="checkbox"/> Practical	<input type="checkbox"/> Pro-Company
<input type="checkbox"/> Sensitive	<input checked="" type="checkbox"/> Smart	<input checked="" type="checkbox"/> Thoughtful
<input type="checkbox"/> Other _____		

48. Is there anything else that you feel is important for the parties to know about you?

No

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

Nondrad

SIGNATURE

04/01/2013

Date

This Jury Questionnaire will only be distributed by the Court to the attorneys representing the parties to this lawsuit. The attorneys may only utilize the information contained within this questionnaire for the jury selection process in this case. However, this questionnaire will be made a permanent part of the Court's public record in this case.

EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
59	Harris, Leona	
60	Harrison, Charlene	
61	Harvey, Vanessa	
62	Hayes, Kevin	GI Tech
63	Healey, Lisa Jennifer	LPN
64	Hellenmyer, A	
65	Henderson, Sara	
66	Hepler, Bonnie	
67	Honn, Trisha	RN
68	Houdyshell, Tammie	
69	Humble, Raissa	
70	Illaban, Telesia	
71	Jackson, Cherine	
72	Jackson, Nicole	
73	Johnson, Marchelle	
74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
78	Kennedy, Wendy	GI Tech
79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

85	Kuzmitsky, Janice	RN
86	Lewis, Laurie	
87	Lewis, Michelle	CNA
88	Lima, Gloria (Solora)	
89	Locsin, Katrina	
90	Logan, Linda	LPN
91	Longoria, Sandy	
92	Lopez, Valerie	
93	Macias, Alma	
94	Macias, Leseth	
95	Malinis, Anne *	RN
96	Martinez, Lizabeth	
97	Martinez, Mone, Susan	
98	Mathew, Jennifer	
99	Mattio, Jennifer	
100	Maudlin, Kimberly, Smith	
101	Maurer, Holly	RN
102	McCall, Maureen	
103	McClain, Crystal	
104	McClosky, Linda	RN
105	McCollough, Victoria	
106	McGreevy, Linda	RN
107	McKibbons, Howard	RN
108	Meeks, Trudy	
109	Melendez, Jannica	
110	Mendoza, LaRae	
111	Miller, James	
112	Mitchell, Asha	
113	Mitchell, Paula	
114	Modee, Shelby	RN
115	Modine, Marlana	
116	Montalvoalexander, N	
117	Montana, Angelo	
118	Montgomery, J	
119	Morga, Rene	
120	Mornay, Keli	
121	Mueller, Brooke	
122	Mullaj, Arlinda	CNA
123	Nagy, Diane	
124	Nelson, Veronica	CNA
125	Novak, Rebecca	
126	Noyes, Gladys	
127	Ostensen, Andrea	RN

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlena	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,)	CASE NO.	C2665107-1,2
)		
Plaintiff,)	DEPT. NO.	XXI
)		
-vs-)		
)		
DIPAK KANTILAL DESAI,)		
RONALD ERNEST LAKEMAN)		
Defendants.)		
_____)		

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

ALTANI G. KARACOSTAS
PRINT NAME

01-1477 100214989
JUROR NO. BADGE NO.

Badge No.: 01-1477

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: ALITAH G KARAKOSTAS
(PLEASE PRINT LEGIBLY)

2. Date of Birth: 165 ☐ Male ☒ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? _____ Yes ☒ No

If YES, please describe: _____

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
☒ Yes ☐ No

If YES, please describe: I believe in GOD, CHRISTIAN, GREEK
ORTHODOX

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? Yes ☒ No ☐

If YES, please explain: _____

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.				
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.				
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

X Yes _____ No

If YES, how were you exposed to this information, and generally what information were you provided?

NEWS, talking to friends, Internet.

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

IF I remember correctly they are the two that did it.

8. Please describe your current or most recent employment:

Employer: Child care provider

Length of Employment: 5 months

Number of people employed by your employer: 1

Job Duties/Responsibilities: Talking care of a child

Supervisor Duties? ☐ Yes ☒ No If YES, how many people do you supervise? —

What are your duties? —

9. If retired: Who was your last employer? —

What kind of work did you do? —

10. List all previous jobs and employers:

Job	Employer	How Long?
Winchell's Bar + Grill	Ron Winchell	00-05 Years ____ Months
Claim Jumper	Todd Cummings	05-10 Years ____ Months
Mr. D Frozen Custard		17-11 Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☐ Yes ☒ No If YES, please describe: _____

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? _____

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐
☒
☐
☐
☐

Medical
 Business Management
 Legal
 Psychology
 Risk Management

☐
☐
☐
☐
☐

Manufacturing of Products
 Distribution of Products
 Medical Sales
 Labeling of Products
 Pharmaceuticals

Please describe any of the above areas that are checked: _____

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: Legal + Medical friend that
is a lawyer + friend that is a nurse

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☐ Yes ☒ No

If YES, who is the person, what company is/was it, and what is/was the person's job: _____

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☒ No

If YES, who is the person? _____

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Elwanda Roberson

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☒ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
<u>Baker Junior College</u>	<u>Associates in Fashion Mer.</u> <u>Retail Management.</u>	<u>1984-1987</u>

21. Do you now or have you ever owned your own business? ☒ Now ☐ Previously ☐ Never

Number of employees (not including yourself): _____

Describe the nature of the business: _____

22. Please identify any previous or current military service:

Branch: _____ Rank: _____

Dates of service: from: _____ to: _____
Principal military duties: _____

23. Have you ever worked in law enforcement?
☐ Yes ☒ No If YES, please describe: _____

24. Ethnic background (It is essential for you to answer this question so that we see whether we have a fair cross section of the community. You may check more than one box):

<input type="checkbox"/>	African-American/Black
<input type="checkbox"/>	Asian/Pacific Islander
<input checked="" type="checkbox"/>	Caucasian/White
<input type="checkbox"/>	Hispanic/Latino
<input type="checkbox"/>	Native American (American Indian)
<input checked="" type="checkbox"/>	Other (please specify): <u>Creek/American</u>

25. Marital Status (check one):

<input type="checkbox"/>	Single and never married
<input type="checkbox"/>	Engaged
<input type="checkbox"/>	Currently married for _____ years
<input type="checkbox"/>	Separated (legally or not)
<input checked="" type="checkbox"/>	Divorced for <u>6</u> years
<input type="checkbox"/>	Widow/widower for _____ years
<input type="checkbox"/>	Other (specify): _____

26. Do you have children?

☒ Yes ☐ No

Name	Age	Boy or Girl
ALEXA KARACOSTAS	24	Girl
Lenna KARACOSTAS	23	Girl

27. If any of your children are employed, please list their occupations: Bar tender, Cadie Golf course

28. The occupation of each of the following people (if retired, unemployed, or deceased, include last employer):

Your mother: Home maker

Your stepmother: _____

Your father: Restaurant owner

Your stepfather: _____

29. Identify the city and State where you were born: Flint, MI.

30. List any previous Cities and States where you have resided and when you resided there:

City	State	From month/year to month/year
Flint	MI	1965 to 1986
Grosse Pt. Park	MI	1986 to 2000
Henderson	NV.	2000 to Now
		to
		to

31. How long have you lived in Clark County? Almost 13 years (July 6, 2000)

32. In what part of Clark County do you live (e.g. Green Valley, Summerlin, North Las Vegas, Spring Valley, etc.)? Green Valley

33. Describe your current living situation (check one):

- ☐ Live in own house, condominium, townhouse
☒ Rent apartment, house, condominium, townhouse (circle one)
☐ Live with parents or relative
☐ Other (Please specify): _____

34. What TV new channel do you watch (check all that apply):

- ☒ Channel 3 or 703 (NBC)
☒ Channel 5 or 705 (FOX)
☒ Channel 8 or 708 (CBS)
☒ Channel 13 or 713 (ABC)
☐ Cable Channel 20 or 720 (CNN)
☒ Channel 21 or 721 (FOX News Channel)
☐ Cable Channel 47 (MSNBC)

35. Have you ever been the victim of any serious theft, robbery, fraud or scam?
☐ Yes ☒ No If YES, please explain: _____

36. Have you or someone close to you ever been the victim of medical malpractice?
☐ Yes ☒ No If YES, please explain: _____

37. Have you or anyone you know ever been involved in a civil lawsuit? ☐ Yes ☒ No
 Who, Why, and what was the result? _____

38. Have you or anyone you know ever received a possible exposure notification from the Southern Nevada Health District or similar agency? ☐ Yes ☒ No
 Who, Why, and what was the result? _____

39. Have you, or anyone close to you, suffered from a serious infectious disease? ☐ Yes ☒ No
 If YES, please describe who, and the nature of the disease: _____

40. What was your favorite subject in school?
☐ English/Language ☐ Social Studies ☒ Science/Engineering
☐ Physical Education ☐ Mathematics ☐ Art/Music ☐ Other

41. Do you believe that sometimes mistakes are made; that they just happen and that no one is at fault?
☒ Yes ☐ No

Please explain your answer:

We all make mistakes, we need to forgive.

42. What do you most like to do in your spare time?

Go Gambling, movies, walks

43. Do you or your spouse/significant other belong to any social, religious, political or volunteer organizations? If so, please describe in the boxes below:

	Self	Spouse/Significant Other
Social/Civic/Political/Religious		
Union Membership		
Volunteer/Other		

44. Have you ever been hurt or harmed in such a way that it kept you from working at your job for a long period of time? ☐ Yes ☒ No

How long were you out of work? _____

45. Do you know anyone well who has ever been hurt or harmed in such a way that it kept the person from working for a long period of time? ☒ Yes ☐ No

46. If you have ever been a juror before, please state for each case:

Year	Civil or Criminal	Submitted to Jury		Did you Reach a Verdict?	
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If *civil*, what was the outcome of the case?

	Yes
--	-----

	No
--	----

1

Yes

1

No

1

Positive

1

Negative

Which of the following best describes you? (Please check all that apply)

	Analytical
	Generous
X	Open-minded
X	Pro-worker
	Technical
	Careful
	Impulsive
	Opinionated
	Sensitive
	Other

<input checked="" type="checkbox"/>	Compassionate
<input type="checkbox"/>	Judgmental
<input type="checkbox"/>	Outspoken
<input type="checkbox"/>	Skeptical
<input type="checkbox"/>	Trusting
<input type="checkbox"/>	Compulsive
<input type="checkbox"/>	Logical
<input type="checkbox"/>	Practical
<input type="checkbox"/>	Smart

<input type="checkbox"/>	Creative
<input type="checkbox"/>	Naïve
<input type="checkbox"/>	Private
<input type="checkbox"/>	Strict
<input type="checkbox"/>	Successful
<input checked="" type="checkbox"/>	Emotional
<input type="checkbox"/>	Old-fashioned
<input type="checkbox"/>	Pro-Company
<input checked="" type="checkbox"/>	Thoughtful

48. Is there anything else that you feel is important for the parties to know about you?

I affirm that the selected answers to the questions set forth above are true and accurate to the best of my ability.

Altamir G. Hernandez
SIGNATURE

SIGNATURE

4/01/2013
Date

Date _____

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EMPLOYEE LIST PER DISCOVERY

<u>NO.</u>	<u>EMPLOYEE NAME</u>	<u>TITLE</u>
1	Anderson, Jacqueline	
2	Anderson, Nova	
3	Argueiles, Maria	
4	Arrozal, Rosario	RN
5	Arrozal, Rosario	
6	Avila, Nelli	
7	Baberg, Thressa	
8	Baker, J	RN
9	Banker, Dipesh	MD
10	Barios, Ana	
11	Becerra, Isabel	
12	Beneke, Curtisa Allene	LPN
13	Bension, Juanita	
14	Boatwright, Tyeast	FO
15	Bowen, Bonnie	
16	Braun, David	
17	Brown, Tania	
18	Burton, Barbara	RN
19	Cano, Yesenia	
20	Canopen, Christine	RN
21	Cardenas, Malva	LPN
22	Carlos, RaNeisha	
22	Castelluzzi-Young, Joan	
23	Chavez, Karla	
24	Chee, Elaine	
25	Christensen, Robert	CRNA
26	Close, Breanna	
27	Cohen, Lydia	RN
28	Cole, Kathleen Ruth	RN
29	Conway, Sheila	
30	Courtright, Stephanie	
31	Craig, Patricia	
32	Cronk, Brian	PA-C
33	Cruz, Rebecca	
34	Dabu, Mariquita	
35	Daly, Debra	
36	Daniels, Erica	RN
37	DeCarli, Antonio	MD
38	Defonseka, Mahendra MD	
39	DeLaRosa, Sarah	
40	Devine, Loree	RN

41	DiCarli, Antonio	
42	Eckert, Michelle Lynn	LPN
43	Escalante, Francisco	
44	Estupinan, Nesvi	
45	Ezor, Noreen	
46	Farah, Caroline	
47	Fisher, Lorraine	LPN
48	Franco, Joyce	
49	Furchak, Rosemarie	
50	Garcia, Joanne	
51	Garcia, Maria	
52	Garner, Lori	
53	Gimple, Sandra	
54	Glass-Seran, Barb	CRNA
55	Gonzalez, Vanessa	
56	Griffin, Michelle	
57	Grindle, Kathy	RN
58	Hankins, Monique	
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61	Harvey, Vanessa	
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74	Jones, Latres	
75	Judy, Michelle	
76	Jumara, Jennifer	
77	Keeker, Marti	
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79	Kepler, Sylvelin	RN
80	Kidwell, Mary Anne	PA-C
81	Kish, Anita	PA-C
82	Kolett, Jay	
83	Konitzer, Cathy	
84	Kumar, Payal	

129	Parra-gil, Angel	
130	Pendleton, Andrea	RN
131	Penrod, Nadine	RN
132	Perez, Mary	
133	Pierobello, Michael	RN
134	Pimentel, Michael	
135	Piris, Sterling	
136	Ramirez, Adrienne	
137	Ramirez, Flor	
138	Reed, Kenneth	GI Tech
139	Rel, Dina	
140	Rivera, Iraida	RN
141	Roberts, Jaime	
142	Robillard, Mary	
143	Robitaille, Rebecca	
144	Rochester, Jodi	
145	Rodrigues, Cristina	
146	Rodrigues, Sandra	
147	Rodriguez (Acosta), Cristina	GI Tech
148	Rodriguez, Ana	
149	Rodriquez, Angelica	
150	Ruiz, Maria	
151	Salhab, Josephine	
152	Sandos, Eleanor	RN
153	Sather, Vickie	
154	Satish, Sharma	MD
155	Schivo, Carolyn	LPN
156	Schnurstein, Arlene	
157	Schramm, Devin	
158	Schultz, Samantha	
159	Scott, Rosa	GI Tech
160	Sculnick, Marlana	LPN
161	Searles, Sherry	
162	Sheldon, Barbara	RN
163	Skopis, Patricia Marie	RN
164	Smith, Cheryl	RN
165	Smith, Kimberly	
166	Smith, Laticia	
167	Solorio, Amy	GI Tech
168	Solorzano, Gloria	
169	Spencer, Treseelyn	
170	Starr, Shari	
171	Steele, Karla	
172	Stenhouse-Shaneece	

173	Stevener, Cathy	RN
174	Story, Tara	
175	Studwell, Brian	
176	Sun, Miao	
177	Sweitzer, Betty	
178	Thomas, Janet	RN
179	Tompkins, Doreen	
180	Traylor, Sabrina	
181	Turner, Natrina	
182	Tussing, Krystie	
183	Umbles, Ganada	
184	Vishvinder, Sharma	MD
185	Volz, Maria	
186	Vounas, Anita	
187	Walden, April	
188	Wansley, Audrey	
189	Washington, Arvis	
190	Weiderman, Lisa	
191	Weisz, Nicolae	MD
192	West, Donna	
193	Whitaker, Geraldine	RN
194	White, Lorraine	
195	Williams, Michelle	
196	Wilson, Deena	RN
197	Witman, Judy	Med Tech
198	Young, Tiffany	
199	Zavala, Michael	
200	Zavala, Sami	

DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,)	CASE NO. C2665107-1,2
)	
Plaintiff,)	DEPT. NO. XXI
)	
-vs-)	
)	
DIPAK KANTILAL DESAI,)	
RONALD ERNEST LAKEMAN)	
Defendants.)	
_____)	

TO THE PROSPECTIVE JUROR:

You have been placed under oath. Please answer all questions truthfully and completely, as though the questions were being asked of you in open court. During later questioning by the Court and the attorneys, you will be given an opportunity to explain or expand upon any answers if necessary.

All questions asked, whether by way of this questionnaire or by oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the Defendant. Your answers will also become part of the Court's permanent record and, therefore, a public document.

As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her opinions and feelings. There are no "right" or "wrong" answers. Your answers will be used solely in the selection of a jury for this case and for no other purpose. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, thereby shortening the time it takes to select a jury.

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

Valerie Adair
VALERIE ADAIR, District Judge

<u>Wendy Jo Knowles</u>	<u>101777608</u>	<u>011440</u>
PRINT NAME	JUROR NO.	BADGE NO.

Badge No.: 01440

QUESTIONS

I understand the importance of providing true, accurate, and complete responses to each and every question set forth below to ensure that a fair and impartial jury will be selected. I do solemnly swear or affirm that I will well and truly answer each and every question set forth below.

1. Your Full Name: Wendy Jo Knowles
(PLEASE PRINT LEGIBLY)

2. Date of Birth: [REDACTED] 1/63 ☐ Male ☒ Female

3. This trial is expected to commence on 04-22-2013 and last approximately 6 weeks. Would serving on the jury create any significant hardship for you? ☒ Yes ☐ No

If YES, please describe: I have 6 year old triplets and my husband works overseas (Mongolia) and I have no childcare. My triplets receive allergy shots every other week (next 3 years). I'm ~~single~~ basically a single mother.

4. Do you have any religious or philosophical beliefs that would make it difficult for you to be a juror?
☒ Yes ☐ No

If YES, please describe: I believe that if there is a case against "someone", they had to have done something wrong because we don't arrest the innocent.

5. Is there anything that you think might affect your ability to be fair and impartial to both sides of criminal case involving medical providers? ☒ Yes ☐ No

If YES, please explain: Medical Providers are always trying to get out of paying benefits owed to keep the profit. Look at medicare... all the fraud & denials. Doctors' offices bill for every little thing performed or not

6. The following is a list of the potential witnesses in this case. If you have hired, know, have heard of, or have worked for any of the following individuals/companies, please check the appropriate box (es):

Name	Have Hired	Know	Heard of	Worked for
ACUNA, RON				
ALFARO-MARTINEZ, SAMUEL				

heard of

ALTER, MIRIAM				
ANWAR, JAVAID				
ARBOREEN, DAVE				
ARMENI, PAOLA				
ARNONE, ANTHONY				
ARMOUR, PATRICIA				
ASHANTI, DR.			X	
ASPINWALL, PATTY				
BAGANG, MAYNARD				
BAILEY, AMY				
BAILEY, PAULINE				
BARCLAY, ROBERT				
BIEN, KATHY				
BLEMINGS, RENATE				
BROWN, DAVID				
BURKIN, JERALD				
BUTLER, ATT				
CALVALHO, DANIEL				
CAMPBELL, LYNETTE				
CARAWAY, ANTOINETTE				
CARRERA, ELADIO				
CARROL, CLIFFORD				
CASTLEMAN, STEPHANIE				
CAVETT, JOSHUA				

CERDA, RYAN				
CHAFFEE, ROD				
CLEMMER, DANA				
COE, DANIEL				
COHAN, CHARLES				
CONE, TERRENCE				
COOK, KATIE				
COOPER, DOUG				
DESAI, KUSAM				
DESAI, SNEHAL				
DIAZ, ALAN				
DIBUDUO, CHARLES				
DORAME, JOHN				
DROBENIUC, JAN				
DRURY, JANINE				
DUENAS, YERENY				
ECKERT, JOHN				
ELLEN, DIANE				
FALZONE, LISA				
FARIS, FRANK				
FISCHER-LANGLEY, GAYLE				
FORD, MIKE				
FRANKS, LISA				
GASKILL, SARA				
GLASS-SERAN,				

BARBARA				
GONZALES, PATRICIA				
GRAY, WARREN				
GREER, MARY				
GREGORY, MARTHA				
GRUESKIN, CAROLE				
HAH, JASON				
HANCOCK, LEVI				
HANSEN, IDA				
HARPER, TIFFANY				
HARRIS, ORLENA HOLLEMAN				
HAWKINS, MELVIN				
HERRERO, CARMELO				
HIGGINS, HEATHER				
HIGUERA, LILIA				
HITTI, MIRANDA				
HOWARD, NADINE				
HUBBARD, LINDA				
HUGHES, LAURA				
HUTCHISON, STACY				
HUTSON, WILLIAM				
HUYNH, NGUYEN				
IRVIN, JOHNNA				
JOHNS, MATT				
JOHNSON, SHONNA				

JONES, LISA				
JURANI, DR.				
KALKA, KATIE				
KAUL, DR.				
KAUSHAL, DHAN				
KELLEY, JOE				
KHAN, IKRAM				
KHUDYAKOV, YURY				
KIRCH, MARLENE				
KNOWLES, D				
KOSLOY, LESLEE				
KRUEGER, JEFFREY				
LABUS, BRIAN				
LATHROP, CAROL				
LATHROP, WILLIAM				
LEWIS, DANIEL				
LOBIONDO, ANNAMARIE				
LOPEZ, J. JULIAN				
LUKENS, JOHN				
MAANO, PETER				
MALEY, KATIE				
MALMBERG, GEORGE				
MANTHEI, PETER				
MANTHEI, RUDY				
MANUEL DAVID				

heard of

MARTIN, GWENDOLYN				
MARTIN, LOVEY				
MASON, ALBERT				
MATHAHS, KEITH				
MCDOWELL, RALPH				
MCGOWAN, SHANNON				
MCILROY, ROBIN				
MILLER, JAMES				
MIONE, VINCENT				
MOORE, DAVID				
MUKHERJEE, RANADEV				
MURPHY, MAGGIE				
MYERS, ELAINE				
NAYYAR, SANJAY				
NAZAR, WILLIAM				
NAZARIO, BRUNILDA				
NEMEC, FRANK				
OLSON, ALANE				
OM, HARI				
ORELLANO-RIVERA, SONIA				
O'REILLY, JOHN				
O'REILLY, TIM				
PAGE-TAYLOR, LESLIE				
PATEL, DR.			x	
PAYNE-SAMPSON,				

NANCY				
PENSAKOVIC, JOAN				
PERILLO, RICHARD				
PETERSON, KAREN				
PHELPS, LISA				
PRESTON, LAWRENCE				
QUANNAH, LAKOTA				
REXFORD, KEVIN				
RICHVALSKY, KAREN				
ROSEL, LINDA				
RUBINO, KENNETH				
RUSHING, TONYA				
RUSSAM, RUTA				
SAGENDORF, VINCENT				
SAGHIR, SHEIKH				
SAMPSON, NANCY				
SAMS, JOANNE				
SAPP, BETSY				
SCAMBIO, JEAN				
SCHAEFER, MELISSA				
SCHULL, JERRY				
SCOTT, DEBRA				
SENI, DR.				
SHARMA, SATISH				
SHARMA, VISHVINDER				
SHEFNOFF, NEIL				

SILBERMAN, MARK				
SIMS, DOROTHY				
SMITH, CHARNESSA				
SOOD, RAJAT				
SPAETH, CORRINE				
STURMAN, GLORIA				
SUKHDEO, DANIEL				
SYLER, JOAN				
TAGLE, PEGGY				
TERRY, JENNIFER				
TONY, DR.				
VANDRUFF, MARION				
VAZIRI, DR.				
WAHID, SHAHID				
WASHINGTON, MICHAEL				
WEBB, KAREN				
WHITAKER, GERALDINE				
WHITELY, ROBERT				
WILLIAMS, SYLAR				
YEE, THOMAS				
YOST, ANNE				
ZIMMERMAN, MARILYN				
ZIYAD, SHARRIEFF				
WORMAN, HOWARD				
PINTO-MARTIN,				

JENNIFER				
HOOPER, KENNETH				
MAZZEI, WILLIAM				

In addition, attached to this questionnaire is an appendix of some employees who worked at the Endoscopy Center of Southern Nevada. Please review that list and circle anyone you know or have known.

7. Have you been exposed to any information, through the media (print, radio, TV., etc.), word of mouth or any other source about the alleged facts of this case, i.e., the Hepatitis C outbreaks in Las Vegas or the Endoscopy Clinic of Southern Nevada?

☒ Yes ☐ No

If YES, how were you exposed to this information, and generally what information were you provided?

TV: typical tv coverage ... All the wrong they did

If YES, have you formed any opinion about Dipak Desai or Ronald Lakeman and, if so, what is that opinion?

YES... Crooked and typical ... Cut corners where you can and pocket the profits. Narcissistic / Me Me Me Above the law and I want to be rich rich rich

8. Please describe your current or most recent employment:

Employer: My Triplets

Length of Employment: 6 years +

Number of people employed by your employer: _____

Job Duties/Responsibilities: _____

Supervisor Duties? ☐ Yes ☐ No If YES, how many people do you supervise? _____

What are your duties? _____

9. If retired: Who was your last employer? _____

What kind of work did you do? _____

10. List all previous jobs and employers:

Job	Employer	How Long?
		____ Years ____ Months
		____ Years ____ Months
		____ Years ____ Months
		____ Years ____ Months

11. Have you ever worked for the state or federal government?

☒ Yes ☐ No If YES, please describe: State Parks

12. What is the occupation (or most recent occupation) of your spouse, ex-spouse or significant other, if living with you? Security Upgrade Projects or New builds of

Embassy's around the world

13. Have you received special training or schooling in the following areas? Check all areas that apply.

☐
☒
☐
☐
☐

Medical
 Business Management
 Legal
 Psychology
 Risk Management

☐
☐
☐
☐
☐

Manufacturing of Products
 Distribution of Products
 Medical Sales
 Labeling of Products
 Pharmaceuticals

Please describe any of the above areas that are checked: Minor in Business
Degree

14. Has any member of your immediate family or close friends ever worked or had any training in any of the occupations or fields listed under question number 13?

☒ Yes ☐ No If YES, please describe: Pharmaceuticals, Legal

15. Have you, any family members, or close friends ever worked for an insurance company or in the filed of insurance or claims? ☒ Yes ☐ No

If YES, who is the person, what company is/was it, and what is/was the person's job: Trisha Sousa
Filed claims in medical office.

16. Do you, or any of your immediate family members, have any ownership interest (including stocks or shares) in any casualty insurance companies? ☐ Yes ☐ No

If YES, who is the person? not sure

17. Have you, any family member, or close friends ever worked for a hospital, clinic, doctor's office, or any job in the healthcare field? ☒ Yes ☐ No

If YES, who is the person? Maureen Lantz, Trisha Sousa

18. Have you, any family members, or close friends ever worked for a drug company? ☐ Yes ☒ No

If YES, who is the person, what company was it, and what was the person's job? _____

19. Please check one box for the highest grade level completed:

SELF

- ☐ Less than High School
☐ High School Graduate
☐ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☒ 4 year college graduate degree
☐ Postgraduate work or degree

SPOUSE/SIGNIFICANT OTHER

- ☐ Less than High School
☐ High School Graduate
☒ Business/Tech school/some college
☐ Community or 2 yr college grad (AA)
☐ 4 year college graduate degree
☐ Postgraduate work or degree

20. If you attended more than high school, please fill in below for YOURSELF ONLY:

School	Degree/Major/Area of Study	Dates
NDSU-BB	Assoc Biology	Fall 1980-Spring 1982
Univ of Montana	Zoology	Fall 1982-Spring 1983
NDSU	BS Zoology BS Horticulture Business Minor	Winter 1983-Spring 1986

21. Do you now or have you ever owned your own business? ☐ Now ☒ Previously ☐ Never

Number of employees (not including yourself): 3-4

Describe the nature of the business: Auto Mechanic & Customizing Shop

22. Please identify any previous or current military service:

Branch: _____ Rank: _____