

1 the Patriots. I'm a Michigan fan.

2 MR. CLOWARD: This guy up here, he's say oh, come on
3 now.

4 PROSPECTIVE JUROR NO. 214: Tom Brady's the man. My
5 favorite job was photographer for the Grand Canyon Airline
6 Tours at the Boulder City airport.

7 MR. CLOWARD: You actually fly up in the
8 [indiscernible]?

9 PROSPECTIVE JUROR NO. 214: Yeah. I got to take
10 pictures of people in the canyon and stuff like that.

11 MR. CLOWARD: So you fly around with them?

12 PROSPECTIVE JUROR NO. 214: Yeah. It depends, like
13 sometimes we just took them in front of the helicopter,
14 sometimes we went into the canyon with them.

15 MR. CLOWARD: How did you get that job?

16 PROSPECTIVE JUROR NO. 214: My wife worked there, so
17 I just -- she pretty much hooked it up.

18 MR. CLOWARD: Sounds like a pretty cool job.

19 PROSPECTIVE JUROR NO. 214: Yeah.

20 MR. CLOWARD: And then something outside of work or
21 family that you're passionate about.

22 PROSPECTIVE JUROR NO. 214: I'm a family man, so I
23 like hanging out with my brothers and just taking them out,
24 playing football. Hanging out with my mom. It's just
25 something I like to do.

1 MR. CLOWARD: How many other brothers have you got?

2 PROSPECTIVE JUROR NO. 214: I've got two brothers
3 and -- no, three brothers and two sisters.

4 MR. CLOWARD: You're closer with your brothers?

5 PROSPECTIVE JUROR NO. 214: Yeah.

6 MR. CLOWARD: You have the one that's younger, you
7 have the older ones too?

8 PROSPECTIVE JUROR NO. 214: No, I'm the oldest. My
9 little brother, my littlest brother is the handicapped one and
10 my middle brother is the one that lives with me.

11 MR. CLOWARD: Thank you. Ms. Beckum, 146. Public
12 figure outside of family.

13 PROSPECTIVE JUROR NO. 146: I would say my president
14 because he's really strong. He has made like a difference and
15 I just like the change that has come from it, with like the
16 medical programs and stuff. Like I said, I work for welfare
17 and I know a lot of people weren't before able to get medical.
18 I like what has -- the changes that has come with the
19 different programs and policies.

20 MR. CLOWARD: Preexisting conditions no more an
21 issue for folks. That's a good thing.

22 PROSPECTIVE JUROR NO. 146: Right, and it's
23 affordable.

24 MR. CLOWARD: Thank you for that. Tell me your very
25 favorite job.

1 PROSPECTIVE JUROR NO. 146: I would say the DMV.
2 You know, a lot of people like the DMV but I like it because
3 it's always so busy. I loved it. I loved it there.
4 Honestly, it was my favorite job.

5 MR. CLOWARD: I actually met somebody at the DMV
6 once who was the nicest person I've ever dealt with and I
7 actually -- we email back and forth. She's super nice.
8 That's good. I didn't think I'd ever hear anybody say that.

9 PROSPECTIVE JUROR NO. 146: I know a lot of people
10 think that. But like most of the people there are nice, so it
11 was -- you get those few people, but I loved my job there.

12 MR. CLOWARD: Something you're passionate about
13 outside of work or family.

14 PROSPECTIVE JUROR NO. 146: Shopping and eating. I
15 like to try like different foods. So me and my family, we
16 like to go out of town a lot and just try different food from
17 different cultures.

18 MR. CLOWARD: What's your favorite food?

19 PROSPECTIVE JUROR NO. 146: I like Thai food.

20 MR. CLOWARD: Thank you. Mr. Strobeck, 138, public
21 figure.

22 PROSPECTIVE JUROR NO. 138: I don't really believe
23 in public figures. There's a bunch of people I look up to,
24 but anyone that serves our country or any police officers,
25 anyone protecting the people.

1 MR. CLOWARD: Okay. Thank you. Tell me about your
2 very favorite job.

3 PROSPECTIVE JUROR NO. 138: My very favorite job
4 would probably be the one I have now. Just because most of it
5 is just me BSing with a bunch of people and getting paid.

6 MR. CLOWARD: I used to work at a body shop and we
7 had this [indiscernible] guy come and [indiscernible]. It was
8 not always a good thing because we'd buy more than you could
9 afford.

10 PROSPECTIVE JUROR NO. 138: Exactly.

11 MR. CLOWARD: Thank you. And then the last one was
12 something you're passionate about.

13 PROSPECTIVE JUROR NO. 138: Golfing.

14 MR. CLOWARD: Are you any good?

15 PROSPECTIVE JUROR NO. 138: I'm all right.

16 MR. CLOWARD: What's your handicap?

17 PROSPECTIVE JUROR NO. 138: Now? Four.

18 MR. CLOWARD: Really? So you're good.

19 PROSPECTIVE JUROR NO. 138: I'm all right.

20 MR. CLOWARD: No, that's good. I wish I could --
21 yeah, that's good. Thank you.

22 Ms. Smith, 137, public figure.

23 PROSPECTIVE JUROR NO. 137: I don't really have a
24 public figure.

25 MR. CLOWARD: Nobody at all that you look up to and

1 admire, not one person?

2 PROSPECTIVE JUROR NO. 137: No. Not outside of
3 family, no. Because public figures are just like me. They're
4 humans, just like everybody else.

5 MR. CLOWARD: Fair enough. Tell me about your very
6 favorite job you've ever had.

7 PROSPECTIVE JUROR NO. 137: As of right now, my
8 current job in special procedures, just because it -- to
9 answer question number three also, I'm passionate about
10 learning new things. So I just started three months ago and
11 so right now it's my most favorite job. Impacting people's
12 lives.

13 MR. CLOWARD: Thank you. Ms. Scheeler, 133, public
14 figure.

15 PROSPECTIVE JUROR NO. 133: The new Pope.

16 MR. CLOWARD: Made a difference already.

17 PROSPECTIVE JUROR NO. 133: I think he's a man of
18 the people and I admire that.

19 MR. CLOWARD: Thank you. Tell me your favorite job
20 you've ever had.

21 PROSPECTIVE JUROR NO. 133: I was secretary to the
22 editor of a newspaper for four years and it was fascinating.

23 MR. CLOWARD: What did you like about it? What was
24 fascinating?

25 PROSPECTIVE JUROR NO. 133: Well, I thought my boss

1 was a genius and fascinating. We saw -- we had a lot to do
2 with politicians all the time and I found them interesting
3 people to study.

4 MR. CLOWARD: They were trying to influence you guys
5 what to write or?

6 PROSPECTIVE JUROR NO. 133: Exactly and stories they
7 had and advertising they wanted.

8 MR. CLOWARD: Okay. Thank you very much. And then
9 something you're passionate about outside of work or family.

10 PROSPECTIVE JUROR NO. 133: Probably reading and
11 travel.

12 MR. CLOWARD: Where's your favorite place to travel?

13 PROSPECTIVE JUROR NO. 133: My favorite -- well, one
14 of my favorite places was Maine.

15 MR. CLOWARD: Really? What about it?

16 PROSPECTIVE JUROR NO. 133: It's quieter and the
17 people are friendly.

18 MR. CLOWARD: Slower pace?

19 PROSPECTIVE JUROR NO. 133: Yeah, and it's
20 beautiful. And the seafood was great.

21 MR. CLOWARD: I'll bet. Did you get some lobster?

22 PROSPECTIVE JUROR NO. 133: Oh, yeah.

23 MR. CLOWARD: I have a friend from Maine and every
24 time she goes up there she posts on Facebook these huge
25 lobster feasts that they have.

1 PROSPECTIVE JUROR NO. 133: Lobster rolls.

2 MR. CLOWARD: Ms. Hinds, 171, public figure.

3 PROSPECTIVE JUROR NO. 171: I don't have an
4 individual. I'm kind of like Mr. Strobeck, I admire like
5 groups of people, firefighters and of course our veterans.

6 MR. CLOWARD: Okay. Fair enough. Tell me your very
7 favorite job.

8 PROSPECTIVE JUROR NO. 171: The one I have now. I
9 love being a federal employee.

10 MR. CLOWARD: It's good to have a job that you like.
11 Good for you. And then something outside of work, outside of
12 family that you're passionate about.

13 PROSPECTIVE JUROR NO. 171: I enjoy going to pow
14 wows and riding motorcycles.

15 MR. CLOWARD: What kind of pow wows do you go to?

16 PROSPECTIVE JUROR NO. 171: The --

17 MR. CLOWARD: Native American pow wows?

18 PROSPECTIVE JUROR NO. 171: Right. I didn't know
19 anybody else had pow wows. Yeah, Native American pow wows.

20 MR. CLOWARD: Tell me about that.

21 PROSPECTIVE JUROR NO. 171: It's the singing and the
22 dancing, the regalia. I really enjoy, it's amazing.

23 MR. CLOWARD: You actually ride the motorcycles?

24 PROSPECTIVE JUROR NO. 171: Uh-huh.

25 MR. CLOWARD: What do you ride, street bike or road

1 bike or --

2 PROSPECTIVE JUROR NO. 171: I have a Harley.

3 MR. CLOWARD: That's awesome. What year?

4 PROSPECTIVE JUROR NO. 171: I just bought it. It's
5 a 2015.

6 MR. CLOWARD: Soft tail, hard tail?

7 PROSPECTIVE JUROR NO. 171: It's a road bike.

8 MR. CLOWARD: That's great. Good for you. Be
9 careful out there, though.

10 Mr. Colyar, 172, public figure.

11 PROSPECTIVE JUROR NO. 172: I'd have to say my
12 family's pastor. I've always been able to talk to him.

13 MR. CLOWARD: Your what?

14 PROSPECTIVE JUROR NO. 172: Family's pastor for our
15 church.

16 MR. CLOWARD: And who is that, is that local here?

17 PROSPECTIVE JUROR NO. 172: Yeah, over in Boulder
18 City.

19 MR. CLOWARD: How come?

20 PROSPECTIVE JUROR NO. 172: Just always go and talk
21 to him, hang out with him. He's always just a genuine person.

22 MR. CLOWARD: [inaudible]

23 PROSPECTIVE JUROR NO. 172: Yeah.

24 MR. CLOWARD: Cool. Tell me about a favorite job
25 that you've had, very favorite of all time.

1 PROSPECTIVE JUROR NO. 172: I really enjoy driving a
2 forklift. It's just fun, goes fast, fly around corners, scare
3 people.

4 MR. CLOWARD: [indiscernible] don't do that. All
5 right. Thank you. And then last thing, something outside of
6 work or outside of family that you're passionate about.

7 PROSPECTIVE JUROR NO. 172: I like to go fishing.

8 MR. CLOWARD: Fly fishing, bait fishing?

9 PROSPECTIVE JUROR NO. 172: All kinds. Deep sea
10 fishing mostly.

11 MR. CLOWARD: What's your very favorite, though?

12 PROSPECTIVE JUROR NO. 172: Deep sea.

13 MR. CLOWARD: Do you get to do that often?

14 PROSPECTIVE JUROR NO. 172: Me and my dad do it once
15 a year. It's our father/son bonding time.

16 MR. CLOWARD: I'm going up to Alaska the first time
17 this summer. I cannot wait.

18 PROSPECTIVE JUROR NO. 172: It should be good.

19 MR. CLOWARD: Ms. King, 177, public figure.

20 PROSPECTIVE JUROR NO. 177: I'd say First Lady. I'm
21 always helping someone, just like she's always helping
22 someone.

23 MR. CLOWARD: [indiscernible] impact on you and so
24 forth?

25 PROSPECTIVE JUROR NO. 177: Yes.

1 MR. CLOWARD: Tell me something that you're -- your
2 very favorite job. You've had quite a few.

3 PROSPECTIVE JUROR NO. 177: Yes. Phlebotomy.

4 MR. CLOWARD: That's right now what you're --

5 PROSPECTIVE JUROR NO. 177: Drawing blood, yes, sir.

6 MR. CLOWARD: Are you feeling okay?

7 PROSPECTIVE JUROR NO. 177: Yes, sir. You want me
8 to take your blood?

9 MR. CLOWARD: Oh, no. And you actually take the
10 blood.

11 PROSPECTIVE JUROR NO. 177: Yes.

12 MR. CLOWARD: Are you one of the ones that gets it
13 right the first time or are you one of the ones that takes
14 like four times to --

15 PROSPECTIVE JUROR NO. 177: They tell me I'm the
16 best.

17 MR. CLOWARD: All right. And then something that
18 you're passionate about outside of work or family.

19 PROSPECTIVE JUROR NO. 177: Traveling.

20 MR. CLOWARD: What are your favorite places to
21 travel?

22 PROSPECTIVE JUROR NO. 177: Back home to New
23 Orleans.

24 MR. CLOWARD: I spent two years there.

25 PROSPECTIVE JUROR NO. 177: I just came from Mardi

1 Gras.

2 MR. CLOWARD: Gained 70 pounds. That's a true
3 story.

4 PROSPECTIVE JUROR NO. 177: Mardi Gras will do that.

5 MR. CLOWARD: [inaudible]

6 PROSPECTIVE JUROR NO. 177: Yeah, that's New
7 Orleans.

8 MR. CLOWARD: Thank you very much. Ms. Perez, 178.

9 PROSPECTIVE JUROR NO. 178: I want to say the
10 president of Uruguay, president of the people. I like him,
11 the way he rule his country.

12 MR. CLOWARD: Okay.

13 PROSPECTIVE JUROR NO. 178: I like what I do as of
14 now.

15 MR. CLOWARD: Is that your very favorite job? It
16 can be any job.

17 PROSPECTIVE JUROR NO. 178: No, this the one I like
18 so far, yes. It's testing slot machines. And what I do
19 outside, I like soccer.

20 MR. CLOWARD: That's your passion?

21 PROSPECTIVE JUROR NO. 178: Yes. Thank you. Mr.
22 Tindall, badge 181.

23 PROSPECTIVE JUROR NO. 181: My public figure I look
24 up to is President Obama. Reason being is he took over the
25 country when the country was really in bad shape and I feel

1 like he's done a really good job turning the country around
2 into a positive direction, considering all the problems and
3 opposition he had to face. I admire his strength and his
4 leadership.

5 MR. CLOWARD: Great. Thank you.

6 PROSPECTIVE JUROR NO. 181: My favorite job is my
7 current position at the psychiatric hospital. I like helping
8 people and I really enjoy working with my co-workers. And
9 what I really enjoy is sports, you know, like sporting events.
10 Like a lot of times I like going to like major sporting events
11 with my son or a family member and kind of watching sports at
12 the highest level.

13 MR. CLOWARD: What's your favorite sport?

14 PROSPECTIVE JUROR NO. 181: Football is my favorite
15 sport.

16 MR. CLOWARD: NFL or NC --

17 PROSPECTIVE JUROR NO. 181: Probably NFL.

18 MR. CLOWARD: Your favorite team?

19 PROSPECTIVE JUROR NO. 181: Raiders. It's getting
20 better.

21 MR. CLOWARD: It is. Thank you very much.

22 Appreciate it. Ms. Simms, 221. How are you?

23 PROSPECTIVE JUROR NO. 221: Fine. And you?

24 MR. CLOWARD: I'm good. I'm a little hot up here,
25 I'm starting to sweat.

1 PROSPECTIVE JUROR NO. 221: I feel you.

2 MR. CLOWARD: Tell me a public figure you admire.

3 PROSPECTIVE JUROR NO. 221: I don't really have one.

4 Within my family I could tell you, but public figure, I don't
5 have one.

6 MR. CLOWARD: Nobody you really look up to?

7 PROSPECTIVE JUROR NO. 221: No.

8 MR. CLOWARD: Fair enough.

9 PROSPECTIVE JUROR NO. 221: And what was the other
10 question?

11 MR. CLOWARD: Your very favorite job you've ever had
12 and why.

13 PROSPECTIVE JUROR NO. 221: Wow. That would
14 probably be the cleaning service I work for, Pink Ladies. And
15 because my boss, we interact so much every day, we
16 communicate, she needs to know something she asks me and we
17 became really close friends, so that would be my best and I
18 enjoy going there every day.

19 MR. CLOWARD: Makes a difference, doesn't it?

20 PROSPECTIVE JUROR NO. 221: Yeah, it does. And as
21 far as what I do outside --

22 MR. CLOWARD: Something you're passionate about.

23 PROSPECTIVE JUROR NO. 221: I'm not -- I stays home.
24 I love staying at home. So if it's something outside the
25 house, I'm not passionate. I can tell you about inside that

1 I'm passionate about, because that's what I do, I stay home.

2 MR. CLOWARD: Do you do certain things in the home
3 that you enjoy?

4 PROSPECTIVE JUROR NO. 221: I like to cook, bake,
5 you know, stuff like that.

6 MR. CLOWARD: Are you a good cook?

7 PROSPECTIVE JUROR NO. 221: Well, most people think
8 so. They want me to bake them something or cook something.

9 MR. CLOWARD: That's usually a good sign from where
10 I stand. What's your specialty? Hopefully not cherry pie.

11 PROSPECTIVE JUROR NO. 221: Cheesecake and banana
12 pudding and peanut butter cookies and chocolate chips. You
13 name it. That's my passion, I stay home all the time.

14 MR. CLOWARD: I didn't get this big by not eating,
15 so I can enjoy all those things that you just mentioned.
16 Thank you very much.

17 PROSPECTIVE JUROR NO. 221: You're welcome.

18 THE COURT: Mr. Morgan, 216.

19 PROSPECTIVE JUROR NO. 216: I'd say my favorite
20 public figure is the Las Vegas Mayor, Carolyn Goodman, and
21 then her predecessor, her husband. After the recession
22 happened here is when I first moved down here and it was hard
23 to get jobs and construction was dead and it seemed like
24 [indiscernible] C-SPAN and like the local and she would fight
25 through all the bylaws and to get people back to work to get

1 more into the community to help everybody out.

2 MR. CLOWARD: [inaudible] great job. Tell me a
3 little bit about something, your very favorite job you've ever
4 had.

5 PROSPECTIVE JUROR NO. 216: I'd probably say the
6 current one. I work at a thrift store in Henderson, Savers.
7 I get to meet a lot of people from around the community. See
8 the same 50 faces all the time, but a lot of interesting stuff
9 comes in, whether furniture or clothes or books. I like old
10 things, antiques and vintage stuff. Usually they all have a
11 story.

12 MR. CLOWARD: And then something outside of work or
13 family that you're passionate about.

14 PROSPECTIVE JUROR NO. 216: I like movies. Probably
15 spend like 10, 12 hours a day either watching movies, reading
16 about films, the history of films or blogging about them.

17 MR. CLOWARD: [inaudible]

18 PROSPECTIVE JUROR NO. 216: Clockwork Orange, 12
19 Angry Men and North by Northwest.

20 MR. CLOWARD: Awesome. Thank you very much, Mr.
21 Morgan.

22 Jaruwan, I can't pronounce your last name, so just
23 194. May I use your first name, Jaruwan?

24 PROSPECTIVE JUROR NO. 194: Jaruwan, yes.

25 MR. CLOWARD: Tell me a public figure that you

1 admire.

2 PROSPECTIVE JUROR NO. 194: The president because I
3 love my king, my country, yeah. Second question?

4 MR. CLOWARD: The second question is your very
5 favorite job you've ever had.

6 PROSPECTIVE JUROR NO. 194: I used to work in the
7 supplier in the hospital. I loved that job.

8 MR. CLOWARD: Okay. That was before you moved here,
9 right?

10 PROSPECTIVE JUROR NO. 194: Yes.

11 MR. CLOWARD: Then tell me something outside of work
12 or school -- work or family that you're passionate about, you
13 really like.

14 PROSPECTIVE JUROR NO. 194: I like road trips. I
15 love sightseeing.

16 MR. CLOWARD: Do you have a particular place you
17 like to go or just anywhere, spontaneous?

18 PROSPECTIVE JUROR NO. 194: I would love to see New
19 York and [indiscernible] because I've never been there.
20 Closer, just only here, maybe on the south. As far as used to
21 be to Mississippi, road trip from here.

22 MR. CLOWARD: How long did that take?

23 PROSPECTIVE JUROR NO. 194: We just -- we didn't --
24 take like two days, but we leave here seven in the morning and
25 make it there like one o'clock afternoon the next day.

1 MR. CLOWARD: That's some long driving. Thank you
2 very much. Pass that over, we'll finish off and I'll be done.
3 Mr. Rivera, 198. How you doing?

4 PROSPECTIVE JUROR NO. 198: Good.

5 MR. CLOWARD: Public figure.

6 PROSPECTIVE JUROR NO. 198: Michael Jackson, all
7 day, every day. I mean, I wouldn't be doing what I do if it
8 wasn't for him. He's inspirational, motivational, like he
9 cares about the world. And then my job I wouldn't consider it
10 a job, it's my passion and I'm lucky to do it, is dance. I've
11 been doing it all my life. I've had great opportunities to
12 meet people, do music videos, a lot of gigs. And I'm excited
13 because the kids I teach are invited to Ellen next month, so
14 I'm excited to bring them.

15 MR. CLOWARD: Do you get to go with them?

16 PROSPECTIVE JUROR NO. 198: Yeah, so I'm excited to
17 do that. But yeah, that's it, dance. One thing I love is
18 teaching kids because just inspiring them just makes me feel
19 amazing.

20 MR. CLOWARD: Thank you for sharing. Mr.
21 Shakespear, 204.

22 PROSPECTIVE JUROR NO. 204: Public figure I'd say
23 Chef Gordon Ramsey. I know, he's not exactly -- doesn't seem
24 like the nicest person. But I read a lot of things about him
25 and the reason why he acts the way he does is he strives for

1 perfection. In my work life and stuff like that, that's
2 something that I've tried to do when I'm developing a team or
3 whatnot is striving for the perfect team. I don't tell them
4 all the things that he tells them to go do, or I'd get fired.
5 But that's who I think is a decent person.

6 MR. CLOWARD: Okay. Your very favorite job?

7 PROSPECTIVE JUROR NO. 204: Logistics at Target. I
8 did that for about four years. I had a really great team to
9 work with and to manage. I loved the fast pace momentum of
10 it. Only reason I quit doing it is, you know, your knees
11 start to give out after lifting 100-pound boxes repetitively
12 day after day.

13 MR. CLOWARD: Okay. And then something outside of
14 family or work that you're passionate about.

15 PROSPECTIVE JUROR NO. 204: Basically fun facts, TV,
16 music or movies. Find out why certain things are done in
17 certain ways or certain people died this day or certain people
18 were born this day, stuff like that.

19 MR. CLOWARD: Maybe like you'd be a good Jeopardy --

20 PROSPECTIVE JUROR NO. 204: I could probably tell
21 you a couple different things and you wouldn't know where that
22 came from or what it's about.

23 MR. CLOWARD: Random facts.

24 PROSPECTIVE JUROR NO. 204: Yes.

25 MR. CLOWARD: Ms. Carvalho, 210.

1 PROSPECTIVE JUROR NO. 210: I'm a huge baseball fan
2 and I really like Hunter Pence. I got 21 stitches trying to
3 do what he did.

4 MR. CLOWARD: Tell me about that.

5 PROSPECTIVE JUROR NO. 210: We play adult softball,
6 coed, and he does this pancake move where he'll run and slide
7 to catch the ball. Yeah, the ball caught my face.

8 MR. CLOWARD: Twenty-one stitches.

9 PROSPECTIVE JUROR NO. 210: Yeah.

10 MR. CLOWARD: You can hardly notice it, though.

11 PROSPECTIVE JUROR NO. 210: Thanks. Makeup. My
12 favorite job is United Airlines, just being able to travel and
13 help others with their travel arrangements. That was fun.
14 And then I ended that teaching, so that was cool.

15 MR. CLOWARD: I meant to ask you, what island did
16 you live on?

17 PROSPECTIVE JUROR NO. 210: Oahu.

18 MR. CLOWARD: Had a friend that lived on
19 [indiscernible] for a couple years.

20 PROSPECTIVE JUROR NO. 210: Oh, wow.

21 MR. CLOWARD: And then Hunter Pence, is that the
22 [indiscernible]

23 PROSPECTIVE JUROR NO. 210: He's unorthodox.

24 MR. CLOWARD: Thank you very much. Ms. Brown,
25 you're the last, 212.

1 PROSPECTIVE JUROR NO. 212: The last. That's not
2 nice. I think my favorite public person probably Maya
3 Angelou. She's a writer, she was an activist, she's a
4 fighter, she's great. [inaudible] another reason I was into
5 her.

6 MR. CLOWARD: Your favorite job?

7 PROSPECTIVE JUROR NO. 212: My favorite job is what
8 I'm doing now, the insurance company, billing. You help
9 people every day. Everybody go through something so they
10 call, help them out, payment arrangement [inaudible].

11 MR. CLOWARD: Okay.

12 PROSPECTIVE JUROR NO. 212: My pastime, I paint.

13 MR. CLOWARD: Really?

14 PROSPECTIVE JUROR NO. 212: Yes.

15 MR. CLOWARD: [inaudible]

16 PROSPECTIVE JUROR NO. 212: Black and whites. I
17 love to do black and whites. I use oils sometimes, it just
18 depends on what I'm painting and how I feel that day.

19 MR. CLOWARD: What's your favorite subject matter to
20 paint?

21 PROSPECTIVE JUROR NO. 212: There's -- it's
22 whatever's on my mind that day that I'm painting. It's not
23 like I go and draw something and then paint it. It's get the
24 brush and go at it.

25 MR. CLOWARD: More of an emotion.

1 PROSPECTIVE JUROR NO. 212: Yes.

2 MR. CLOWARD: That's great. Thank you very much for
3 sharing that.

4 PROSPECTIVE JUROR NO. 212: You're welcome.

5 MR. CLOWARD: Your Honor, I'm just going to confer
6 with counsel to make sure there's nothing else and I think I'm
7 done.

8 THE COURT: Okay.

9 MR. CLOWARD: Your Honor, we're good. Thank you.

10 THE COURT: All right. Why don't we give the jury a
11 10-minute break before we start defense's voir dire.

12 Again, don't talk about the case, don't read about
13 the case, don't form or express an opinion about the case.
14 We'll see you back at 11:40, please.

15 (Prospective jury panel recessed at 11:27 a.m.)

16 THE COURT: As a quick matter, counsel, this morning
17 we received a letter regarding Jeannie Poggenpohl, badge
18 number 357. I guess her mom's on dialysis and she has to
19 transport her mother to and from dialysis. So she's requested
20 that she be dismissed. She's not even in this group, she's
21 way over here. I don't think we'll even get to her.

22 MR. ALVERSON: We'll stipulate to that.

23 MR. CLOWARD: We'll stipulate.

24 THE COURT: All right. So we'll let her go via
25 stipulation. Jason, would you let her know? She needs to go

1 to jury services.

2 Counsel, I'll see you in 10 minutes.

3 (Court recessed at 11:28 a.m. until 11:40 a.m.)

4 (Outside the presence of the prospective jury panel.)

5 THE COURT: All right. So I've been giving some
6 thought to the issue that was brought to my attention before
7 we started today which had to do with the use of unstipulated
8 documents in opening. I'm not going to allow it. The bottom
9 line is this. Despite what may have been the he said, she
10 said, whatever, the bottom line is that at one point the
11 documents were stipulated to, the stipulation was withdrawn,
12 we do not have stipulated documents as of this time. And I
13 think given the fact that defense counsel relied upon that in
14 preparing their opening, I'm not going to allow it at this
15 point.

16 So you guys, if you want, you can try to reach a
17 stipulation over lunch, but that's how it stands at this time.

18 MS. SANDERS: Thank you, Your Honor.

19 MR. CLOWARD: Fair enough, Judge.

20 THE COURT: We'll bring the jury in now.

21 (Prospective jury panel reconvened at 11:41 a.m.)

22 THE COURT: Okay. I think I have everyone. Counsel
23 for the defense, if you'd like to start.

24 MR. ALVERSON: May I proceed, Your Honor?

25 THE COURT: Yes. Wherever you're most comfortable,

1 sir.

2 MR. ALVERSON: Good morning. Let me reintroduce
3 myself. My name is Bruce Alverson. I've been practicing law
4 here for over 40 years, grew up in Henderson in the '50s, a
5 long-time resident and it's a pleasure to come before you
6 folks.

7 Let me get one thing out of the way right away. We
8 do not intend to lie to you. I don't know what that was all
9 about, but we do not intend to lie to you because we don't
10 need to.

11 If Judge Miley instructs you that you're only to
12 follow the law for the facts that comes to you from the
13 witness chair, does everybody agree to follow that?

14 JURORS: Yes.

15 MR. ALVERSON: Do you all understand how unfair and
16 how unreliable it would be to try to rely on something that
17 didn't come to you from the witness chair? And if Judge
18 Miley, once she instructs you on the law, even if you think
19 it's the craziest law you ever heard of, will you agree to
20 follow the law that's given to you?

21 JURORS: Yes.

22 MR. ALVERSON: Does everybody agree to that?

23 JURORS: Yes.

24 MR. ALVERSON: Let's talk a little bit about why
25 that's important. You've heard that we are a nation of laws,

1 we follow the rule of law. But that only works if we agree to
2 follow the same laws that everybody else does. Does everybody
3 agree with that? You see other countries, they don't follow
4 the law, Iraq, chaos. Do you understand that? Does everybody
5 agree to follow -- let's see a show of hands -- does everybody
6 agree to follow the law that the Judge gives whether they
7 agree to it or not?

8 And if Judge Miley instructs you in this case to use
9 your common sense, will you agree to do that?

10 JURORS: Yes.

11 MR. ALVERSON: All right. Now if Judge Miley
12 instructs you that sympathy for either party is not to play a
13 role in the case in your decision making, will you agree to
14 that?

15 JURORS: Yes.

16 MR. ALVERSON: This is a serious case, it's a very
17 serious case and everybody sympathizes with the family.
18 There's no question about that. We get sympathy from our
19 friends, from our family, everybody in this courtroom gets
20 sympathy. But do you understand that in our society, in our
21 legal society, we base cases, the decisions on cases based on
22 fault or legal terms like negligence or proximate cause.
23 You'll hear about that. But basically, whose fault was it.
24 Do you agree that that's a good way to decide? And if that is
25 what our laws have determined, that we define cases by fault,

1 do you understand what role sympathy would have in maybe
2 compromising fault when you're deciding a case? Do you
3 understand how that could happen?

4 Let's go through -- let me give you an example.
5 Completely made up. Mr. Jones is involved in an automobile
6 accident, it's his fault. I want you to assume that. And he
7 sustained about \$200 worth of damage. He goes to court and
8 you're seated on the jury. Would anybody here have a problem
9 ruling against Mr. Jones knowing that he would not be able to
10 recover his \$200? Does anybody here have trouble ruling
11 against Mr. Jones saying no, it was your fault, we're not
12 paying you any money? Let me see a show of hands of people
13 who would rule against him. Even if it was his fault, there's
14 nobody here that would rule against Mr. Jones? Maybe I didn't
15 make that very clear.

16 Mr. Jones was involved in an accident. He was the
17 one that caused the accident, but yet he sued. So he sued.
18 Would anybody here have a problem with saying no, Mr. Jones,
19 you're not getting \$300 because you caused the accident?
20 Agreed?

21 JURORS: Yes.

22 MR. ALVERSON: Let's change the facts just a little
23 bit. Same facts except he incurred a whiplash case. He
24 incurred \$10,000 in expenses. Would anybody here hesitate to
25 rule against Mr. Jones knowing that he would have to absorb

1 the loss of \$10,000? Would you vote against him? Is there
2 anybody that would not vote against him?

3 Let's change it just a little bit more. Let's say
4 that Mr. Jones incurred \$100,000 in damages. Let's see a show
5 of hands of the people who would vote against Mr. Jones
6 knowing that he would have to sustain the \$100,000 loss
7 himself. Is it getting a little harder?

8 Ms. Beckum, did I see your hand go up? Would you
9 think about voting for him even though --

10 PROSPECTIVE JUROR NO. 146: I was confused about the
11 question, that's why I didn't raise my hand.

12 MR. ALVERSON: I'm sorry?

13 PROSPECTIVE JUROR NO. 146: I was more confused
14 about how you were saying it, that's why I didn't raise my
15 hand.

16 MR. ALVERSON: Okay. Would you be willing to vote
17 against Mr. Jones even though he would have to absorb the
18 \$100,000 loss?

19 PROSPECTIVE JUROR NO. 146: No.

20 MR. ALVERSON: Do you understand what I'm asking
21 you?

22 PROSPECTIVE JUROR NO. 146: 146, sorry. You're
23 saying -- no, I wouldn't vote for him.

24 MR. ALVERSON: You would not vote for him. Okay.
25 Let's make it a lot tougher. Same facts. Mr. Jones had a

1 catastrophic injury. He's disabled, he has several million
2 dollars in medical bills. Is there anybody here who would
3 vote against Mr. Jones in that case?

4 PROSPECTIVE JUROR NO. 210: I have a question,
5 though.

6 MR. ALVERSON: Sure.

7 PROSPECTIVE JUROR NO. 210: [indiscernible]

8 MR. ALVERSON: I'm just making it up.

9 PROSPECTIVE JUROR NO. 210: Who is he suing?

10 MR. ALVERSON: He is suing the other driver.

11 PROSPECTIVE JUROR NO. 210: Oh.

12 MR. ALVERSON: He's suing the other driver. Mr.
13 Shakespear, 204.

14 PROSPECTIVE JUROR NO. 204: Just like the example he
15 gave yesterday, talking about the other parties and stuff like
16 that, how is it fair [indiscernible] running the red light
17 across town, you know. If he's the one that caused the
18 injuries, he takes full responsibility for it. That's why we
19 have the health and auto insurance to help us out with some of
20 that. But he doesn't have a right to say oh, I pulled out in
21 front of you, you smacked into me and T-boned me and now I'm
22 crippled for the rest of my life. How is it that person's
23 fault when they were not at fault?

24 MR. ALVERSON: Does the term personal responsibility
25 come to mind?

1 PROSPECTIVE JUROR NO. 204: Yeah, personal
2 responsibility.

3 MR. ALVERSON: Is that what we're talking about?

4 PROSPECTIVE JUROR NO. 204: And conscious mind.

5 MR. ALVERSON: Mr. Colyar, where do you fit it on
6 this? 172. Personal responsibility, how do you feel about
7 that?

8 PROSPECTIVE JUROR NO. 172: If you cause something,
9 then you should take responsibility for it.

10 MR. ALVERSON: And Mr. Burr, how do you feel about
11 that? Mr. Burr is 214.

12 PROSPECTIVE JUROR NO. 214: The same way. I feel if
13 it's your fault you've got to own up, man up.

14 MR. ALVERSON: Did you understand the reason that --
15 I may have stumbled over the facts and not made them very
16 clear to start with. But the purpose of that is to determine
17 how much sympathy may have some impact on determining fault.
18 The more seriously injured somebody is, maybe you cut them a
19 little bit more slack when determining their fault. So would
20 everybody be able to put sympathy aside in determining this
21 case? Let's see a show of hands.

22 And if Judge Miley instructs you that bias towards
23 one party or another should play no part in your decision
24 making, would everybody agree to follow that?

25 JURORS: Yes.

1 MR. ALVERSON: Let's see a show of hands. One of
2 the things we have here is a corporation and a lot of times
3 people are biased against corporations. If Judge Miley says
4 that you are to judge the corporation in the same fashion that
5 you do an individual, would everybody agree to follow that
6 rule?

7 JURORS: Yes.

8 MR. ALVERSON: Let's talk a little bit about a
9 corporation and what a corporation is. You understand that
10 corporations can only act through its employees, through
11 people? I think a lot of you work for corporations and the
12 corporation is nothing more than a piece of paper that's filed
13 with the Secretary of State. That's a corporation. It
14 operates through its people. Can we agree on that?

15 JURORS: Yes.

16 MR. ALVERSON: And so at times when we talk about
17 these faceless corporations doing things, it isn't a faceless
18 corporation. They're doing things through employees. Do you
19 agree with that? That piece of paper at the Secretary of
20 State's office isn't doing anything. Now I bring that up
21 because this is an accident, an incident that occurred on the
22 bus. Faceless corporation has nothing to do with this. It
23 was an employee, Jay, you'll hear from him. He was the
24 driver. And you are being asked by the plaintiffs to
25 determine if Jay caused Harvey's death by what he did or

1 didn't do. That's the issue. Not some big corporation. You
2 are being asked did Jay cause Harvey's death.

3 MR. CLOWARD: Your Honor, I'm going to just ask to
4 approach.

5 THE COURT: Uh-huh.

6 (Bench conference transcribed as follows.)

7 MR. CLOWARD: [inaudible] violation of [inaudible]
8 basically instructing the jurors on what the law is going to
9 be. I never [inaudible] what they're going to be asked to do.
10 He's basically instructing them on the law and then asking
11 them to deliberate on an issue [inaudible]. [inaudible] is
12 clear, you cannot voir dire touching on prospective verdicts
13 -- prospective jury instructions. 770 [inaudible] you cannot
14 ask them [inaudible] instructions touching upon the law and
15 that's what he's doing and he's not allowed to do that. He's
16 not allowed to say this is what the Judge is going to tell
17 you, this is what the plaintiffs are trying to prove, will you
18 do X, Y and Z.

19 So there's actually two violations. Number one,
20 he's instructing them on the law. That's a violation of 770.
21 And 770 goes you cannot ask the jurors to deliberate on a
22 hypothetical set of facts. [inaudible] asking the jurors
23 these types of questions. [inaudible] the law requires that
24 I'm going to have to find Jay at fault or the corporation at
25 fault. That's your job. And I never told them that's what

1 I'm going to ask them to do. That's what he's trying to do
2 and it's inappropriate. It's a violation of 770.

3 THE COURT: Okay.

4 MR. ALVERSON: I'm not instructing them as to the
5 law. That's exactly [inaudible] employee of the corporation
6 [inaudible] That's exactly what happened on the bus that day
7 and the jurors are entitled to know that. They're entitled to
8 know that [inaudible] for his action or inaction, not the
9 corporation.

10 MR. CLOWARD: [inaudible]

11 MR. ALVERSON: Well, maybe [inaudible]

12 MR. ALVERSON: [inaudible] instruction on what I'm
13 supposed to prove or what I [inaudible] --

14 THE COURT: I honestly just took it as explaining
15 what the case is about. I made the assumption you were not
16 going to ask the next question, ask them to give a preliminary
17 ruling.

18 MR. ALVERSON: Of course not.

19 THE COURT: Obviously, that violates the rules.

20 MR. ALVERSON: Of course not.

21 THE COURT: But, I mean, so long as it's just --
22 because there's already been an explanation of what the case
23 is about at the very beginning. I mean, if you're stopping
24 where you're stopping, then I don't have a problem with it.

25 (End of bench conference.)

1 MR. ALVERSON: The other question [inaudible] Jay is
2 from the Philippines. I can't imagine anybody would have a
3 bias against Jay because he's from the Philippines. Does
4 anybody have a bias against Jay because he's from the
5 Philippines?

6 JURORS: No.

7 MR. ALVERSON: What I have done is I made a little
8 bit of a chart here and we'd like to say there are two
9 different ways of deciding a lawsuit or making decisions in
10 general. One is with your head. In this case if you're using
11 your head, using the facts, the law, your common sense. The
12 other is deciding the case with your heart and that's where
13 the sympathy and the bias come in. Can I see a show of hands,
14 would everybody agree to decide this case with their head?

15 JURORS: Yes.

16 MR. ALVERSON: You see how unfair it would be if you
17 decide a case with your heart. I think that you know by now
18 that this case is a death resulting from choking that occurred
19 on the bus. He was eating some food. He was a passenger on
20 the bus. Let's see a show of hands how many people have eaten
21 while driving in their car, not while they're driving, but as
22 a passenger. Have any of you eaten while you're in the car
23 driving? How about flying in an airplane, were you eating
24 flying in an airplane?

25 Did you consider that to be a dangerous thing to do,

1 may increase your chance of choking because you were eating in
2 a public [indiscernible] someone else? Let's see a show of
3 hands of people who think they increase the chance of choking
4 by being a passenger and eating.

5 Ms. Brown, 212. Why do you think that would not
6 increase the chance of choking? Just talk a little bit about
7 that.

8 PROSPECTIVE JUROR NO. 212: The car is in motion,
9 but, I mean, I'm not being bounced around and I'm still
10 [indiscernible]. It wouldn't be any different to me from
11 probably eating at a table.

12 MR. ALVERSON: And let's see, Mr. Morgan, 216. What
13 are your feelings about that? Do you see any increased risk
14 of choking?

15 PROSPECTIVE JUROR NO. 216: Only slight if there was
16 like a car accident, but just driving, no. I'm not a medical
17 expert, so I don't know how you would choke. You could be
18 upside down, eat upside down like you're on a monkey bar or
19 something or drink, you're not going to choke. You know, it
20 goes down, your muscles, you know, it goes down. I just don't
21 know how you'd choke.

22 MR. ALVERSON: In terms of choking, do you see any
23 difference between being a passenger in a vehicle and sitting
24 in a chair in a restaurant in terms of increased risk of
25 choking?

1 PROSPECTIVE JUROR NO. 216: No, not if you're
2 wearing your seatbelt or if you're, you know, as long as
3 you're not --

4 MR. ALVERSON: Not being bounced.

5 PROSPECTIVE JUROR NO. 216: Yeah. Because you could
6 do the same thing on a table at McDonald's. You could bounce
7 around or fall off the table or something.

8 MR. ALVERSON: And what about -- we've all seen
9 these water bottles that have the spill-proof lids on them.
10 Does anybody see an increased risk of choking by drinking a
11 bottle of water that doesn't have a spill-proof top on it?
12 Does anybody here see an increase in risk of choking because
13 it doesn't have a spill-proof?

14 PROSPECTIVE JUROR NO. 216: Yeah.

15 MR. ALVERSON: On the basis of what?

16 PROSPECTIVE JUROR NO. 216: That one has a cap so
17 the spill-free one, you can only get a little bit of the
18 liquid out. If it doesn't have a cap you can literally just
19 guzzle it so your risk will increase a little bit if it goes
20 down the wrong tube or something.

21 MR. ALVERSON: Okay. Does anybody else agree with
22 that? What if there was a rule that said no eating on the bus
23 and you violated that rule by eating? Would that be a
24 dangerous violation that could cause harm to you? Mrs.
25 Carvalho, 210. Why would that be a serious issue, a chance of

1 choking just because it was a rule?

2 PROSPECTIVE JUROR NO. 210: It's a rule but you
3 still couldn't [indiscernible] yourself if you're doing
4 something against what you're being told.

5 MR. ALVERSON: I'm sorry, I didn't understand that.

6 PROSPECTIVE JUROR NO. 210: If you're telling me I
7 can't eat on your bus and I choose to eat on your bus, then
8 that's me. I did something that you [indiscernible], you
9 know, your rules on that bus.

10 MR. ALVERSON: Okay. Ms. Scheeler, 133. How do you
11 feel about that? If there -- let's give two scenarios. One
12 scenario is that I think we've all agreed that if you eat on
13 the bus you're not at a greater risk for choking than anyplace
14 else. But if there's a rule that says don't eat on the bus,
15 does that put you at greater risk for choking?

16 PROSPECTIVE JUROR NO. 133: I was brought up in an
17 era where if it said don't walk on the grass, you don't walk
18 on the grass.

19 MR. ALVERSON: Okay. All right. Mr. Strobeck, 138.
20 What is your feeling on that?

21 PROSPECTIVE JUROR NO. 138: I don't think eating or
22 drinking in a vehicle really will affect you choking at all.
23 If you're going to choke, you're probably going to choke
24 anyway no matter where you are. If it does say do not eat or
25 drink on the bus, there's probably a reason they don't want

1 you to eat or drink on the bus. Mostly, probably because of
2 spilling. But if there's a rule then that is self-inflicted.

3 MR. ALVERSON: So you should obey the rules.

4 PROSPECTIVE JUROR NO. 138: You should obey the
5 rules, yes.

6 MR. ALVERSON: Let's see. 159, Mr. Layola. How do
7 you feel about that?

8 PROSPECTIVE JUROR NO. 159: I feel the same way.
9 Rules are on the bus, there's guidelines you have to follow
10 because there must be safety hazards that was probably
11 discussed [indiscernible]. But the other sense, choking can
12 happen anywhere.

13 MR. ALVERSON: And you can choke on a bus whether
14 there was a rule against eating that you were violating or
15 there was no rule. Would you agree with that?

16 PROSPECTIVE JUROR NO. 159: [inaudible]

17 MR. ALVERSON: All right. Anybody else have any
18 different takes on this? We talked a little bit about choking
19 a little bit earlier and we heard from Mr. Burr and Mrs.
20 Beckum about their experiences with a choking brother and
21 child. But what are some of the other experiences -- what are
22 some of the experiences some of the other have of even -- and
23 I'm not talking about choking that requires a Heimlich or
24 anything like that, but just choking and having difficulty
25 getting your breath. We've all experienced that ourselves,

1 family members or sitting next to somebody in a restaurant
2 that's choking and finally gets their breath and everybody
3 else was relieved. What -- describe -- Mr. Tindall, 181,
4 describe the behavior, the emotions that somebody does when
5 they're choking. Is it a frantic movement? Is it animated?
6 Describe it for me.

7 PROSPECTIVE JUROR NO. 181: I would think it would
8 be like, kind of like frantically [indiscernible] you know,
9 kind of gasp for air, hit your chest, maybe hitting the back
10 of your neck, something, you know, trying to get it out.

11 MR. ALVERSON: Something that would be very
12 observable?

13 PROSPECTIVE JUROR NO. 181: Right.

14 MR. ALVERSON: And this is -- Mrs. King, 177, what
15 is your feeling about how someone would manifestate their
16 choking?

17 PROSPECTIVE JUROR NO. 177: Frantic and trying to
18 save themselves and trying to do the choking motion to show
19 someone else that they need assistance.

20 MR. ALVERSON: And we've all seen this, haven't we,
21 at one time or another? Has anybody seen someone choke that
22 appeared that they were not under any kind of a frantic
23 movement or stress? Has anybody ever seen that? Would most
24 of you agree with me that not being able to breathe is one of
25 the worst feelings imaginable? And you kind of want to do

1 anything to be able to breathe?

2 Now we talked -- Mr. Burr, 214, you talked a little
3 bit about giving the Heimlich to your brother. How did you
4 know he was choking?

5 PROSPECTIVE JUROR NO. 214: Because he was grabbing
6 his throat trying to cough it up and just like frantically
7 moving around.

8 MR. ALVERSON: Was it pretty obvious what was going
9 on?

10 PROSPECTIVE JUROR NO. 214: It was pretty obvious.

11 MR. ALVERSON: And he was obviously still conscious?

12 PROSPECTIVE JUROR NO. 214: Yeah. He was turning
13 like blue and red in the face.

14 MR. ALVERSON: And how many oomps did you have to
15 give the Heimlich --

16 PROSPECTIVE JUROR NO. 214: Just two.

17 MR. ALVERSON: Two? And did it come right out?

18 PROSPECTIVE JUROR NO. 214: Yes.

19 MR. ALVERSON: Was it something that was lodged --
20 would you have any idea how far it was lodged?

21 PROSPECTIVE JUROR NO. 214: I think it was still
22 like maybe at the bottom of his trachea.

23 MR. ALVERSON: And Mrs. Beckum, your son had, what
24 did you say, a ball in his mouth? Mrs. Beckum, 146. Were you
25 able to see the ball?

1 PROSPECTIVE JUROR NO. 146: Yeah, it was like at the
2 back of his throat so I was hitting his back to push air
3 forward then [inaudible] mouth and pulled it out.

4 MR. ALVERSON: You knew exactly what you were
5 dealing with at that point.

6 PROSPECTIVE JUROR NO. 146: Yes.

7 MR. ALVERSON: And how old was your child?

8 PROSPECTIVE JUROR NO. 146: He's five.

9 MR. ALVERSON: At that time?

10 PROSPECTIVE JUROR NO. 146: He was three.

11 MR. ALVERSON: Same as Mr. Burr described, did he
12 have frantic motions and so forth?

13 PROSPECTIVE JUROR NO. 146: He jumped up and he was
14 trying to get it out [inaudible].

15 MR. ALVERSON: What are -- what I want to do is ask
16 your experiences, if anybody has been around someone when
17 they've had a heart attack or a stroke. Can I see a show of
18 hands of anybody who's been around -- whoa, okay. Let's start
19 in the back, Mrs. Scheeler, 133. Describe for me the
20 situation.

21 PROSPECTIVE JUROR NO. 133: It was my husband about
22 20 years ago. He came home from work and his back was
23 bothering him, but he assumed -- he was a truck driver,
24 Teamster, so he assumed he just, you know, just one of those
25 things that day. He just got weaker and we kept insisting --

1 his son was there with me, our son. We kept insisting that he
2 didn't look so great and we finally threw him in the Jeep and
3 took him to the hospital.

4 MR. ALVERSON: Was he acting frantically or anything
5 like that?

6 PROSPECTIVE JUROR NO. 133: No. Heart attacks don't
7 always work that way.

8 MR. ALVERSON: Heart attacks are kind of more
9 subtle, aren't they?

10 PROSPECTIVE JUROR NO. 133: Yes.

11 MR. ALVERSON: On strokes, the same thing. Have you
12 had any knowledge of that?

13 PROSPECTIVE JUROR NO. 133: My mother-in-law has had
14 four or five strokes recently. And that's a little more -- I
15 mean, heart attacks can, you can drop to the ground, but other
16 heart attacks, you know, you feel it in your arm, your neck
17 and it could take all day before you realize, if you're lucky.

18 MR. ALVERSON: Who else raised their hand along the
19 top row? Mrs. Smith, did you raise your hand? Would you --
20 Mrs. Smith, 137. What is your experience with heart attack
21 victims?

22 PROSPECTIVE JUROR NO. 137: Like she said, basically
23 it depends on what level. People that have heart attacks just
24 [inaudible] people like grab their chest, they break sweats,
25 it's evident. Stroke patients are, some of them slump over.

1 I've had patients that are more in a dream-like state.
2 They're trying to say something but their face is like they're
3 sleeping or they're trying to [inaudible].

4 MR. ALVERSON: Who else raised their hand? Mr.
5 Strobeck, did you raise your hand?

6 PROSPECTIVE JUROR NO. 138: Yeah. My grandma had a
7 heart attack. It was pretty nonchalant. There was no, you
8 know, crazy acting or anything. She kind of just fell back
9 and she had 24-hour care so they took care of her right there.

10 MR. ALVERSON: So frantic movements or anything like
11 that.

12 PROSPECTIVE JUROR NO. 138: No.

13 MR. ALVERSON: Who was the next one on the top row?
14 Mr. Burr, 214.

15 PROSPECTIVE JUROR NO. 214: My uncle had a stroke
16 and he just slumped over in the bathroom. Nobody really knew
17 what was going on, we just called the ambulance right away.

18 MR. ALVERSON: Anybody try CPR or anything like
19 that?

20 PROSPECTIVE JUROR NO. 214: Yeah. I tried CPR but
21 we didn't know what was going on. The ambulance got there and
22 they took care of it.

23 MR. ALVERSON: So if somebody just slumps over you
24 don't know what the issue is.

25 PROSPECTIVE JUROR NO. 214: Yeah.

1 MR. ALVERSON: Would that be fair to say?

2 PROSPECTIVE JUROR NO. 214: Yeah.

3 MR. ALVERSON: Going on along the top row, anybody
4 else? Mr. Layola, did you raise your hand?

5 PROSPECTIVE JUROR NO. 159: No.

6 MR. ALVERSON: I'm sorry. Let's start with Ms.
7 Chaisuriya, 194.

8 PROSPECTIVE JUROR NO. 194: Yes.

9 MR. ALVERSON: Have you had any experience with
10 people with heart attacks or strokes?

11 PROSPECTIVE JUROR NO. 194: I never seen, just only
12 heard, like passed out, no breathing, but I never seen.

13 MR. ALVERSON: Is that consistent with what you're
14 hearing the other folks describe?

15 PROSPECTIVE JUROR NO. 194: Yes.

16 MR. ALVERSON: Who else along the second row raised
17 their hand about having some knowledge of people with heart
18 attacks or strokes? Down on the front row? Ms. Brown.

19 PROSPECTIVE JUROR NO. 212: Five years ago I had a
20 stroke, not bad. I called an ambulance myself, took me to the
21 hospital and they put me on a machine and told me I was having
22 another one right then. I was in pain but I didn't move or
23 anything. I was sitting there looking at them like you're
24 kidding, because I -- there's some shooting numbness, but
25 maybe I got there fast enough before anything happened. I

1 felt the pain so I'd already called an ambulance for myself to
2 come and get me.

3 MR. ALVERSON: Doesn't sound like you lost
4 consciousness.

5 PROSPECTIVE JUROR NO. 212: I did not lose
6 consciousness, not one time, no, I did not. I did not.

7 MR. ALVERSON: Who else? Mr. Shakespear, I think
8 you raised your hand, 204.

9 PROSPECTIVE JUROR NO. 204: My grandpa and my ad
10 both passed away from heart attacks.

11 MR. ALVERSON: Were you present?

12 PROSPECTIVE JUROR NO. 204: I was present at both of
13 them.

14 MR. ALVERSON: [inaudible]

15 PROSPECTIVE JUROR NO. 204: We were chopping down
16 firewood up on Cedar Mountain in Utah and my grandpa dropped
17 to the floor. My aunt performed CPR. We got him to the
18 hospital. His heart had exploded. So he had already had
19 three open heart surgeries, so the scar tissue just gave way.

20 MR. ALVERSON: No preindication anything was going
21 to happen?

22 PROSPECTIVE JUROR NO. 204: I think he knew. He was
23 really gray. He called all of us, talked to us on the phone
24 like two weeks prior and very attentive. I think he knew it
25 was time. And he wanted -- and looking back on it, it looks

1 like he wanted his family around when it happened. And when
2 my father passed away I was actually the one that did CPR on
3 him.

4 MR. ALVERSON: And was it the same thing, kind of a
5 spontaneous like slumping over?

6 PROSPECTIVE JUROR NO. 204: No. He was actually
7 asleep and he went -- he had diabetes and went into kidney and
8 liver failure, was on dialysis. Heart health is not exactly
9 too great in our family. So my mom went and got into bed, he
10 was ice cold.

11 MR. ALVERSON: Just died in his sleep.

12 PROSPECTIVE JUROR NO. 204: He passed away in his
13 sleep, yes. But same thing with how my grandpa was, he,
14 looking back on it, he acted like he knew something was going
15 to happen, like he knew his time was done.

16 MR. ALVERSON: For those of you that talked to me
17 about seeing strokes and the heart attacks, would you agree
18 that the demeanor of the person when that is going on is far
19 different than somebody who's choking and the franticness?
20 Would everybody agree with that?

21 The evidence will show that this accident or this
22 incident occurred at eight o'clock in the morning,
23 approximately eight o'clock on a Friday, Friday morning,
24 commute traffic that's going on. How many of you have heard
25 or read in the paper about buses getting into traffic

1 accidents? We see that quite a bit, don't we? How many of
2 you read about people on a bus choking to death? Has anybody
3 ever heard or read about anything like that? Has anybody ever
4 heard or read about anybody on the bus having a stroke?

5 If -- would it be fair to say that it's more common
6 for a bus to get into an accident with the traffic than it is
7 for somebody to have a choking episode or a heart attack on
8 the bus? Would everybody agree with that?

9 Given that, where should the driver's attention be
10 directed? Should eyes be on the road or should he be looking
11 in the back for someone having a heart attack or choking, that
12 none of us have ever heard happen on a bus before? Who thinks
13 his eyes should be on the road?

14 I'm going to kind of do a similar thing that was
15 done earlier but I have different questions for each of you to
16 ask. My questions are going to be -- I'd like to go one by
17 one. Maybe you can hand the microphone back to Mrs. Scheeler,
18 133. And I'm going to ask you a couple questions maybe that
19 wasn't covered during the other examination. I'm going to ask
20 each of you and you can be thinking about it ahead of time.
21 If you have any bumper stickers, what do they say? How do you
22 get your news? Is it newspapers, and if so, which ones are
23 they? TV, what TV news stations do you watch? I'm going to
24 start with you on something else. I have not heard the Valley
25 Times mentioned in years and years.

1 PROSPECTIVE JUROR NO. 133: I know.

2 MR. ALVERSON: Was the boss you worked for Paul
3 Brown?

4 PROSPECTIVE JUROR NO. 133: Yes.

5 MR. ALVERSON: I knew Bob. And that is where
6 [indiscernible] Day got his start, as I recall.

7 PROSPECTIVE JUROR NO. 133: Yes.

8 MR. ALVERSON: Was that the late '70s or the '80s,
9 something like that?

10 PROSPECTIVE JUROR NO. 133: Late '70s, early '80s,
11 yeah.

12 MR. ALVERSON: That was a fun newspaper.

13 PROSPECTIVE JUROR NO. 133: Yes, it was. That's why
14 it was fun working there.

15 MR. ALVERSON: Did I understand that your first
16 husband was a doctor?

17 PROSPECTIVE JUROR NO. 133: Yes, my first husband
18 was a doctor.

19 MR. ALVERSON: Was that here in Las Vegas?

20 PROSPECTIVE JUROR NO. 133: No, he was a doctor in
21 L.A.

22 MR. ALVERSON: The last name didn't match up with
23 anything. Okay. Do you have bumper stickers?

24 PROSPECTIVE JUROR NO. 133: No.

25 MR. ALVERSON: Okay. How about --

1 PROSPECTIVE JUROR NO. 133: I like a clean car.

2 MR. ALVERSON: Pardon me?

3 PROSPECTIVE JUROR NO. 133: I like a clean car.

4 MR. ALVERSON: How do you get your news?

5 PROSPECTIVE JUROR NO. 133: We take the daily paper
6 and I watch Fox 5.

7 MR. ALVERSON: Okay. And for the national shows as
8 well, watch Fox 5?

9 PROSPECTIVE JUROR NO. 133: Uh-huh.

10 MR. ALVERSON: Ms. Smith, 137. How about you,
11 bumper stickers?

12 PROSPECTIVE JUROR NO. 137: No.

13 MR. ALVERSON: And how do you get your news, TV,
14 newspaper?

15 PROSPECTIVE JUROR NO. 137: TV and online.

16 MR. ALVERSON: And online, where do you generally
17 go?

18 PROSPECTIVE JUROR NO. 137: Either like CNN News or
19 sometimes I'll see local news online.

20 MR. ALVERSON: Do you watch Fox News?

21 PROSPECTIVE JUROR NO. 137: Not unless it's on in
22 the break room at work. Other than that, no.

23 MR. ALVERSON: Okay. Mr. Strobeck, 138. I have
24 down here -- how long have you been with Snap-On Tools?

25 PROSPECTIVE JUROR NO. 138: A little over a year.

1 MR. ALVERSON: And how long were you the manager of
2 some pizza places in Reno?

3 PROSPECTIVE JUROR NO. 138: A little over two years.

4 MR. ALVERSON: What was the motivation for coming to
5 Vegas from Reno?

6 PROSPECTIVE JUROR NO. 138: I got offered a job at
7 Staples salesman and it fell through because they had my age
8 wrong. So I got offered a job at Snap-On Tools.

9 MR. ALVERSON: How about you, do you have bumper
10 stickers?

11 PROSPECTIVE JUROR NO. 138: Absolutely not.

12 MR. ALVERSON: And what about your news sources?

13 PROSPECTIVE JUROR NO. 138: I do, I still look at
14 the paper but I just normally watch Fox News on TV before I go
15 to work.

16 MR. ALVERSON: Ms. Beckum, bumper stickers?

17 PROSPECTIVE JUROR NO. 146: No.

18 MR. ALVERSON: News source?

19 PROSPECTIVE JUROR NO. 146: I watch it usually --
20 well, I follow it on Facebook, so Channel 13 and Channel 8.

21 MR. ALVERSON: Okay. Paula Francis just announced
22 her retirement, 30 years.

23 PROSPECTIVE JUROR NO. 146: Yeah. It's crazy.

24 MR. ALVERSON: Mr. Burr, 214, bumper stickers?

25 PROSPECTIVE JUROR NO. 214: No bumper stickers.

1 MR. ALVERSON: And news source?

2 PROSPECTIVE JUROR NO. 214: I usually just watch
3 Bloopers on YouTube.

4 MR. ALVERSON: Bloopers?

5 PROSPECTIVE JUROR NO. 214: Yeah, that's about it.

6 MR. ALVERSON: All right. Mr. Laury, 152. Let me
7 see if I have any notes on you. Bumper stickers?

8 PROSPECTIVE JUROR NO. 152: No, I don't.

9 MR. ALVERSON: News source?

10 PROSPECTIVE JUROR NO. 152: I usually get it online.

11 MR. ALVERSON: What online do you do?

12 PROSPECTIVE JUROR NO. 152: Usually I just go to my
13 phone and usually look up any news that's available, not like
14 necessarily one designated site I go to.

15 MR. ALVERSON: Just a general broadcast type.

16 PROSPECTIVE JUROR NO. 152: Yes.

17 MR. ALVERSON: Ms. Martinez, 156, bumper stickers?

18 PROSPECTIVE JUROR NO. 156: Just one, it's Life and
19 Travels dot com. It's my brother's website.

20 MR. ALVERSON: What kind of business is that?

21 PROSPECTIVE JUROR NO. 156: He just went traveling
22 around the world for a little bit and he was posting
23 information on his website about his travels.

24 MR. ALVERSON: What about your news source?

25 PROSPECTIVE JUROR NO. 156: Fox 5, 8, 13, whatever's

1 on Facebook.

2 MR. ALVERSON: Kind of spread it around a little
3 bit.

4 PROSPECTIVE JUROR NO. 156: Yeah.

5 MR. ALVERSON: All right. Mr. Layola, 159.

6 PROSPECTIVE JUROR NO. 159: I have zero bumper
7 stickers on the car. And I get my news by watching Fox 5 in
8 the morning.

9 MR. ALVERSON: Let's just hand the microphone down.
10 Ms. Chaisuriya, 194. Do you have bumper stickers?

11 PROSPECTIVE JUROR NO. 194: No, I don't.

12 MR. ALVERSON: How do you get your news source?

13 PROSPECTIVE JUROR NO. 194: Whatever they turn on in
14 the break room, like she said, and sometimes like Facebook,
15 from a friend post, reading.

16 MR. ALVERSON: Do you watch TV at home, watch the
17 news at home?

18 PROSPECTIVE JUROR NO. 194: Not much because I work
19 two jobs.

20 MR. ALVERSON: Okay.

21 PROSPECTIVE JUROR NO. 194: When it's break time,
22 just online.

23 MR. ALVERSON: Mr. Morgan, 216.

24 PROSPECTIVE JUROR NO. 216: I don't have any bumper
25 stickers, no. In the morning time I watch, I believe it's Fox

1 More, like for entertainment. And at night I watch, I think
2 it's Dave [indiscernible]. He's on Channel 8. Then I watch
3 Jessica Moore, I think she's on 3. Those are the only two I
4 know.

5 MR. ALVERSON: All right. Ms. Simms, 221.

6 PROSPECTIVE JUROR NO. 221: I have no bumper
7 stickers. I watch Channel 8, 13 and 3 for my news source.

8 MR. ALVERSON: All right. Mr. Tindall, 1818.

9 PROSPECTIVE JUROR NO. 181: For my news source I
10 watch Fox 5, CNN and Internet. And then I have no bumper
11 stickers.

12 MR. ALVERSON: All right. Ms. Perez, 178.

13 PROSPECTIVE JUROR NO. 178: No bumper stickers and I
14 watch Fox and Internet and some of the apps on the phone for
15 the news.

16 MR. ALVERSON: Ms. King, 177.

17 PROSPECTIVE JUROR NO. 177: No bumper stickers. I
18 watch Channel 5 and on Facebook on the Internet.

19 MR. ALVERSON: Mr. Colyar, 172.

20 PROSPECTIVE JUROR NO. 172: I've got a bumper
21 sticker on my buddy's band.

22 MR. ALVERSON: What does it say?

23 PROSPECTIVE JUROR NO. 172: [indiscernible]

24 MR. ALVERSON: I'm sorry?

25 PROSPECTIVE JUROR NO. 172: I have a bumper sticker

1 of my buddy's band and it's [indiscernible] is the name of the
2 band. And then for news it's just whatever is playing in the
3 break room.

4 MR. ALVERSON: Okay. Ms. Hinds, 171.

5 PROSPECTIVE JUROR NO. 171: I don't have any bumper
6 stickers and I don't have a news source.

7 MR. ALVERSON: Mr. Rivera, 198.

8 PROSPECTIVE JUROR NO. 198: No bumper stickers and I
9 get all my news from Facebook.

10 MR. ALVERSON: Okay. Mr. Shakespear, 204.

11 PROSPECTIVE JUROR NO. 204: No bumper stickers,
12 Channel 8, Channel 13.

13 MR. ALVERSON: Ms. Carvalho, 210.

14 PROSPECTIVE JUROR NO. 210: No bumper stickers and
15 Facebook.

16 MR. ALVERSON: And Ms. Brown, 212.

17 PROSPECTIVE JUROR NO. 212: No bumper stickers.
18 Review Journal on Facebook and CNN at work, they play it on
19 the screens above us.

20 MR. ALVERSON: One last series of questions. Mr.
21 Strobel, 138. You were asked a series of questions yesterday
22 and it had to do with some preconceived ideas about people
23 receiving money in lawsuits and maybe you even thought they
24 were suing a little bit too much [indiscernible]. I'm going
25 to revisit that with you.

1 PROSPECTIVE JUROR NO. 138: Sure. It's Strobeck.

2 MR. ALVERSON: What did I say?

3 PROSPECTIVE JUROR NO. 138: Strobel, something like
4 that.

5 MR. ALVERSON: Earlier I asked if you would follow
6 the facts and the law that was given to you in the case and
7 you said you would. Would you do that even if it conflicted
8 with the earlier feelings that you have?

9 PROSPECTIVE JUROR NO. 138: Yes, sir.

10 MR. ALVERSON: If you were one of the parties to
11 this case, would you like to have a juror that would be
12 willing to set aside any preconceived ideas about how
13 something should be and decide the case according to the facts
14 and the law as the Judge instructs?

15 PROSPECTIVE JUROR NO. 138: Yes.

16 MR. ALVERSON: You would do that for -- and you
17 would do the same thing for these folks?

18 PROSPECTIVE JUROR NO. 138: Yes.

19 MR. ALVERSON: Mr. Morgan, 216, same questions. You
20 expressed some concern about the frequency of lawsuits and
21 that type of thing. You agreed as well, I think, that you
22 would be willing to follow the facts and the law. Would you
23 be willing to do that and set aside your preconceived ideas
24 about lawsuits and decide this lawsuit strictly on its facts
25 and its law, ignoring all the other things that you may have

1 read?

2 PROSPECTIVE JUROR NO. 216: I would try. I mean, it
3 would be hard, you know, because it is -- it's almost trying
4 to relearn something. You know, you have an idea in your
5 head. It's almost like you're fighting yourself. You're like
6 okay, this person said I had to follow this way, but, you
7 know, I believe this way morality wise or just something you
8 were brought up wise. So, you know, I'm not saying I couldn't
9 do it, but it would be difficult to just kind of throw it all
10 away, whatever you've already felt or learned or known or
11 thought of.

12 MR. ALVERSON: Well, we need you to be
13 [indiscernible] and you're the only one that can tell us
14 whether you can do it or not. So would you be able to -- the
15 same question I just asked. If you're one of the parties,
16 would you want a juror who would be willing to decide the case
17 strictly on the facts and the law in this case and not on some
18 prenotation that --

19 PROSPECTIVE JUROR NO. 216: You would want that but
20 you can't always guarantee that. I mean, you can't force
21 someone to think or behave a certain way. You just kind of
22 hope that they hear the facts and they, you know, they agree
23 with whatever lawyer or whatever person is stating it,
24 witnesses. But in the end you cannot force someone to believe
25 or think or act a certain way.

1 MR. ALVERSON: So it doesn't sound like you're
2 unequivocal about this. It sounds like you have some
3 reservations about yourself.

4 PROSPECTIVE JUROR NO. 216: I don't necessarily have
5 reservations, I just haven't heard any other facts that would
6 so far change my already previous opinions.

7 MR. ALVERSON: Well, we haven't had any facts of the
8 case yet.

9 PROSPECTIVE JUROR NO. 216: Then, yeah, exactly.

10 MR. ALVERSON: So maybe I'm asking the same
11 question, but let me try to do it another way. Would you be
12 willing to keep an open mind and when the facts start coming
13 in use only those facts that come in and the law that's coming
14 in to decide this case?

15 PROSPECTIVE JUROR NO. 216: Yeah, I think you have
16 to.

17 MR. ALVERSON: So you'd be able to do that. All
18 right. Mr. Burr, 214. You also expressed some reservations,
19 so kind of the same question to you. I noticed too, it said
20 that you would be willing to decide this case on these facts
21 and this law and set aside -- would you be willing to do that
22 and set aside any preconceived notions you may have based upon
23 lawsuits that we all read about in the newspaper and frankly,
24 we're all sick of hearing about them? Would you be willing to
25 do that?

1 PROSPECTIVE JUROR NO. 214: Yeah.

2 MR. ALVERSON: Do you have any hesitation about
3 that?

4 PROSPECTIVE JUROR NO. 214: Huh-uh.

5 MR. ALVERSON: You have to answer out loud.

6 PROSPECTIVE JUROR NO. 214: No.

7 MR. ALVERSON: Mr. Colyar, 172, same thing. You
8 expressed some reservations earlier. I understand, because I
9 get bombarded with more of these offbeat cases and things that
10 most people don't. But would you commit to deciding this case
11 on the facts in this case and the law in this case and set
12 aside any preconceived notions of other things?

13 PROSPECTIVE JUROR NO. 172: Yeah.

14 MR. ALVERSON: Do you have any hesitation
15 whatsoever?

16 PROSPECTIVE JUROR NO. 172: No.

17 MR. ALVERSON: And Ms. Smith, 137. Same question to
18 you. Would you be willing to decide this case on these facts
19 and this law and set aside any preconceived ideas that you may
20 have had from other sources? Would you be able to do that?

21 PROSPECTIVE JUROR NO. 137: I would be willing to
22 try.

23 MR. ALVERSON: Well, let me -- when you say you'd be
24 willing to try, how could I get a little bit more definitive
25 answer?

1 PROSPECTIVE JUROR NO. 137: I don't know.

2 MR. ALVERSON: Let me put it this way. I've asked
3 some of the other folks about that. If you were one of the
4 parties to this lawsuit, would you want a juror who would set
5 aside any preconceived ideas and judge your case simply on the
6 facts and the law in your case?

7 PROSPECTIVE JUROR NO. 137: Yeah, I would hope so.

8 MR. ALVERSON: And would you be willing, as a juror,
9 would you be willing to do that same thing for these folks?

10 PROSPECTIVE JUROR NO. 137: Again, yeah, I will try.
11 I mean, you -- the same thing that Mr. Morgan, your life
12 experience, things may come up that will base your decision
13 on.

14 MR. ALVERSON: One of the things that you can use in
15 basing your decision is common sense.

16 PROSPECTIVE JUROR NO. 137: Correct.

17 MR. ALVERSON: What I'm talking about is basing the
18 decision on all of these reports of frivolous lawsuits --

19 PROSPECTIVE JUROR NO. 137: Oh, yeah.

20 MR. ALVERSON: Those are things I want to ask. If
21 you could put those away and use the facts, the law and your
22 common sense.

23 PROSPECTIVE JUROR NO. 137: Yeah.

24 MR. ALVERSON: Can you do that?

25 PROSPECTIVE JUROR NO. 137: Uh-huh.

1 MR. ALVERSON: Have any hesitancy?

2 PROSPECTIVE JUROR NO. 137: No.

3 MR. ALVERSON: Your Honor, I would pass for cause.

4 THE COURT: Actually, counsel, may I see you guys
5 based upon an earlier issue we had?

6 (Bench conference transcribed as follows.)

7 THE COURT: There's so many of you. All right.
8 I'll make a further record at the break on everything. Okay?
9 The only one I'm going to allow as far as the challenge for
10 cause, I'm going to allow Caleb Morgan. I don't feel that it
11 is unequivocal that he can put any biases or prejudice aside.
12 I'm not going to allow for the others, but I will make a full
13 record at the break. So at this time, let's go ahead and
14 replace Mr. Morgan and we can just voir dire him.

15 (End of bench conference.)

16 THE COURT: All right. Mr. Morgan, I'm going to ask
17 that you please stand and move to the back of the room. Will
18 you call the next person, please?

19 THE CLERK: Badge number 223, Freddy Acuna.

20 THE COURT: Hi, sir. So you're going to be the one
21 that gets all the questions right now. Have you ever been a
22 juror before?

23 PROSPECTIVE JUROR NO. 223: Yes.

24 THE COURT: When were you a juror?

25 PROSPECTIVE JUROR NO. 223: [inaudible]

1 THE COURT: Was it here in Las Vegas?

2 PROSPECTIVE JUROR NO. 223: Yes.

3 THE COURT: Okay. And how many times have you been
4 a juror?

5 PROSPECTIVE JUROR NO. 223: Once.

6 THE COURT: Was it civil or criminal?

7 PROSPECTIVE JUROR NO. 223: Criminal.

8 THE COURT: And don't tell me what the verdict was,
9 but did the jury reach a verdict?

10 PROSPECTIVE JUROR NO. 223: Yes.

11 THE COURT: And were you the foreperson?

12 PROSPECTIVE JUROR NO. 223: No.

13 THE COURT: All right. Have you been a party to a
14 lawsuit, either -- well, have you been part of a lawsuit,
15 either as a party such as a plaintiff or a defendant or as a
16 witness?

17 PROSPECTIVE JUROR NO. 223: No.

18 THE COURT: As you've heard some discussion today,
19 can you follow all instructions of the Court on the law, even
20 if it differs from your personal conceptions of what you think
21 the law ought to be?

22 PROSPECTIVE JUROR NO. 223: Yes.

23 THE COURT: Are you employed?

24 PROSPECTIVE JUROR NO. 223: Yes.

25 THE COURT: What do you do?

1 PROSPECTIVE JUROR NO. 223: I'm a certified
2 hemodialysis tech.

3 THE COURT: How long have you done that?

4 PROSPECTIVE JUROR NO. 223: Since 1982.

5 THE COURT: That's quite a while.

6 PROSPECTIVE JUROR NO. 223: Yes.

7 THE COURT: So did you have to have special
8 schooling, training for that position?

9 PROSPECTIVE JUROR NO. 223: Just biology, sciences
10 and then was trained in house in the hospital.

11 THE COURT: So did you have to take college courses
12 in biology and science?

13 PROSPECTIVE JUROR NO. 223: Yes.

14 THE COURT: And then you received additional
15 on-the-job training?

16 PROSPECTIVE JUROR NO. 223: Yes.

17 THE COURT: And do you receive like additional
18 certification --

19 PROSPECTIVE JUROR NO. 223: Oh, yes. Now you have
20 to be certified. Back then you didn't have to.

21 THE COURT: Okay. So do you have to do say
22 continuing education?

23 PROSPECTIVE JUROR NO. 223: Yes. You have to have
24 40 CUs every four years and you have to reapply. If you don't
25 have the CUs, the 40 CUs in the four years, you have to retake

1 the examination.

2 THE COURT: Wow.

3 PROSPECTIVE JUROR NO. 223: Which you don't want to
4 do it.

5 THE COURT: You've been doing this a long time. Did
6 you have any jobs prior to that one?

7 PROSPECTIVE JUROR NO. 223: I was a tech aide before
8 that, which is precursor to being a dialysis tech.

9 THE COURT: It helps you do what you do now?

10 PROSPECTIVE JUROR NO. 223: A little bit. What I do
11 now is patient care. That tech aide was just helping out in
12 the [indiscernible], setting up the dialysis machines, taking
13 patients from the floor back and forth, not direct patient
14 care like what I'm doing now. But that was only like six
15 months.

16 THE COURT: When you say direct patient care, so
17 when a patient's on dialysis, tell me exactly what you do when
18 they're having their dialysis treatment.

19 PROSPECTIVE JUROR NO. 223: Actually, I do what --
20 it's acute dialysis which is hospital based. So the company
21 that I work for, we cover 14 hospitals here in Las Vegas. So
22 we do bedside dialysis. So when a doctor writes an order, we
23 go bedside to do that dialysis.

24 THE COURT: So you -- I don't really know how the
25 dialysis --

1 PROSPECTIVE JUROR NO. 223: Well, in each of the
2 hospitals we have a storeroom. In the storeroom we have a
3 dialysis machine and supplies. So when we get to the hospital
4 we get the order and in the order there's a certain amount of
5 hours, how much fluid to be removed. Then we speak with the
6 nurse, get report. Then we go to the patient's bedside. We
7 assess the patient, see if it's okay to do the patient because
8 sometimes their blood pressure might be too low so we cannot
9 do it. Then we take the machine, we set it up. It consists
10 of a dialysis machine, blood lines, a filter. So what we do
11 is we removed the waste products and excess fluid from the
12 patient because their kidneys are not working at that point.
13 So everything is done bedside with a mobile dialysis unit -- I
14 mean dialysis machine I should say.

15 THE COURT: So before getting -- before working with
16 dialysis patients, what did you do? What was your prior job?

17 PROSPECTIVE JUROR NO. 223: That was it.

18 THE COURT: Are you married?

19 PROSPECTIVE JUROR NO. 223: Yes.

20 THE COURT: Does your wife work?

21 PROSPECTIVE JUROR NO. 223: Yes.

22 THE COURT: What does she do?

23 PROSPECTIVE JUROR NO. 223: She's a nurse.

24 THE COURT: Okay. What type of nurse?

25 PROSPECTIVE JUROR NO. 223: A dialysis nurse. She

1 actually teaches the patients and their family members how to
2 do hemo home dialysis. So she trains them and then she's on
3 call in case they have a problem, but she's like an
4 educational R.N.

5 THE COURT: That's how you met?

6 PROSPECTIVE JUROR NO. 223: Yes.

7 THE COURT: Do you have children?

8 PROSPECTIVE JUROR NO. 223: Yes.

9 THE COURT: How many?

10 PROSPECTIVE JUROR NO. 223: We have three and
11 they're from previous marriages.

12 THE COURT: Are they minors or adults?

13 PROSPECTIVE JUROR NO. 223: Adults.

14 THE COURT: Do they work?

15 PROSPECTIVE JUROR NO. 223: Yes.

16 THE COURT: What do they do?

17 PROSPECTIVE JUROR NO. 223: My son is a chef for
18 Disney World. My stepdaughter's a nurse and my other
19 stepdaughter is in her last year of college. She's studying
20 business administration, hospital administration.

21 THE COURT: All right. So the one that's a nurse,
22 does she work here in Las Vegas?

23 PROSPECTIVE JUROR NO. 223: Yes, Desert Springs
24 Hospital.

25 THE COURT: So what kind of work does she do?

1 PROSPECTIVE JUROR NO. 223: Floor nurse.

2 THE COURT: How long have you been in Clark County,
3 Nevada?

4 PROSPECTIVE JUROR NO. 223: Thirteen years.

5 THE COURT: Thank you very much. I'm going to turn
6 you over to the plaintiff for some questions.

7 PROSPECTIVE JUROR NO. 223: Okay.

8 MR. CLOWARD: How are you, Mr. Acuna?

9 PROSPECTIVE JUROR NO. 223: Fine.

10 MR. CLOWARD: I'm just going to ask you a few
11 questions here. I actually like Mr. Alverson's board over
12 there. I'm going to go use that.

13 MR. ALVERSON: Don't erase what's on there.

14 MR. CLOWARD: No, I won't. Let me take a picture of
15 it.

16 Remember how I talked about cherry pie and I don't
17 like cherry pie and my Aunt Nancy, who actually got sued by
18 someone who came into their store and slipped and fell.
19 Remember that discussion?

20 PROSPECTIVE JUROR NO. 223: Yes.

21 MR. CLOWARD: So let's just say this was a slip and
22 fall case and my Aunt Nancy was sitting on the jury. Do you
23 think she'd be more willing to decide the case using her head
24 or her heart?

25 PROSPECTIVE JUROR NO. 223: Her heart.

1 MR. CLOWARD: She's had that experience, she's felt
2 that way, she actually got sued. Kind of like me with cherry
3 pie, just don't like it. So if I was asked to judge it I'd
4 really -- I could say yeah, I can be fair, I can be impartial,
5 I can set all this aside. But at the end of the day I'm a
6 human being. You agree with that, right?

7 PROSPECTIVE JUROR NO. 223: Yes.

8 MR. CLOWARD: Do you think it would be harder for me
9 to judge a cherry pie contest fairly than chocolate cake?

10 PROSPECTIVE JUROR NO. 223: Yes.

11 MR. CLOWARD: Do you think it's fair for the
12 contestants to have people who are deciding their life that
13 already have a view, one side or the other?

14 PROSPECTIVE JUROR NO. 223: No.

15 MR. CLOWARD: It's not fair, is it?

16 PROSPECTIVE JUROR NO. 223: It's not fair.

17 MR. CLOWARD: It's not a fair fight, is it?

18 PROSPECTIVE JUROR NO. 223: No.

19 MR. CLOWARD: Being brutally honest with me, it's
20 not a fair fight, is it?

21 PROSPECTIVE JUROR NO. 223: It's not.

22 MR. CLOWARD: So what I want to ask, it's really
23 important to me, because we are all humans. We're human.
24 We're going to make decisions with our hearts. That's not how
25 it's supposed to happen. We're supposed to make decisions

1 that are reason, logic, based on facts, not emotion. So I
2 have to know on behalf of Jack and on behalf of Elaine, my
3 clients, was there anything that was said yesterday about the
4 money that in the back of your mind you're just thinking to
5 yourself, you know what, here's another greedy lawyer coming
6 in here, trying to get something for nothing?

7 PROSPECTIVE JUROR NO. 223: No, I never think that
8 way. I'm most impartial about things. I don't think that
9 way. Just different things that come up and you cannot, you
10 know, say it's all going to be like this. You have to be
11 impartial about things. You have to hear things out first
12 before you make a decision. It can't be like that.

13 MR. CLOWARD: Are you willing to give me that
14 opportunity?

15 PROSPECTIVE JUROR NO. 223: Sure.

16 MR. CLOWARD: Mr. Strobeck, I have to ask you. You
17 told me it wouldn't be fair to have --

18 MR. ALVERSON: Objection, Your Honor. I think the
19 questions are just supposed to be directed to Mr. Acuna.

20 THE COURT: They are because --

21 MR. CLOWARD: I never passed, Judge. I never passed
22 for cause.

23 MR. ALVERSON: Whoa, wait a minute.

24 THE COURT: Hold on, counsel. It's limited to the
25 new juror.

1 MR. CLOWARD: That's fine. You agree it should be
2 [indiscernible], right?

3 PROSPECTIVE JUROR NO. 223: Yes.

4 MR. CLOWARD: Let me ask you about the training, the
5 different things like that. Do you have any training doing
6 the dialysis?

7 PROSPECTIVE JUROR NO. 223: Yes. You were talking
8 about CPR, we have to be CPR trained every two years. We also
9 have -- how to draw blood. Or now, we weren't certified
10 before, but now we are certified to draw blood. And we go
11 through courses every year and testing every year.

12 MR. CLOWARD: What do you think about that training?
13 Does it bother you? Do you think it's important?

14 PROSPECTIVE JUROR NO. 223: I think it's important
15 because I've been doing it for so many years, it's just like
16 automatic for me. You know how to do, what to look for in a
17 patient, the patient is bottoming out, they're in distress.
18 Sometimes as far as knowing the rules and regulations, you
19 know, you have to go through those.

20 MR. CLOWARD: It's important to kind of keep you --

21 PROSPECTIVE JUROR NO. 223: Up to date, yeah.

22 MR. CLOWARD: Mr. Alverson asked some good questions
23 about choking versus heart attacks and different things like
24 that. Have you got any experience with that?

25 PROSPECTIVE JUROR NO. 223: I've had some patients

1 expire during dialysis in an ICU setting. But they were
2 already towards the end of their life and this was the last
3 thing.

4 MR. CLOWARD: That would be kind of tough. I'm
5 sorry to hear about that.

6 PROSPECTIVE JUROR NO. 223: Oh, yeah, yes. Pretty
7 tough. Once you've been doing it, kind of, you know already
8 when you're there. You see this patient is maxed out on every
9 medication you can think of and here I come with dialysis.
10 You're kind of like stressing the body out but the doctor
11 still writes the order to do it and you have to do it. It's
12 something you almost kind of expect, almost, that something's
13 going to happen. But doctor's orders, you have to do it.

14 MR. CLOWARD: Sure. That wouldn't be fun.

15 PROSPECTIVE JUROR NO. 223: Oh, no, it's never fun.
16 Oh, it's never fun, no. Because they call a code and code
17 team comes. You're due in dialysis. You have to remove the
18 machine, throw it to the side, everybody comes, starts doing
19 CPR. They do everything to revive the patient, but still not
20 enough.

21 MR. CLOWARD: Okay. I appreciate your discussion on
22 these issues. I'm going to ask you a couple of additional
23 questions. You have children, you have three adult children?

24 PROSPECTIVE JUROR NO. 223: Yes.

25 MR. CLOWARD: When did you guys get married?

1 PROSPECTIVE JUROR NO. 223: Eight years ago.

2 MR. CLOWARD: And I'm assuming you had two
3 stepchildren and one --

4 PROSPECTIVE JUROR NO. 223: Yeah, yeah, both. A
5 previous marriage, my son and then hers from a previous
6 marriage.

7 MR. CLOWARD: And when you had experience driving
8 your son around?

9 PROSPECTIVE JUROR NO. 223: Yes.

10 MR. CLOWARD: He'd be in the back?

11 PROSPECTIVE JUROR NO. 223: Yes.

12 MR. CLOWARD: Did you ever have to look up in the
13 rearview mirror to kind of say hey, stop --

14 PROSPECTIVE JUROR NO. 223: Yeah, stop jumping
15 around.

16 MR. CLOWARD: -- doing this, stop doing that.

17 PROSPECTIVE JUROR NO. 223: Yes.

18 MR. CLOWARD: You're okay to look in the rearview
19 mirror, glance up like they teach us when you get your
20 driver's license. You know, look left, look right, look to
21 the rear and then back to the front.

22 PROSPECTIVE JUROR NO. 223: Yes.

23 MR. CLOWARD: That's pretty normal, right?

24 PROSPECTIVE JUROR NO. 223: Yes, because you don't
25 want them opening the window too while you're driving. You've

1 got to see what they're doing.

2 MR. CLOWARD: Like when you checked on your son like
3 that, glance up in the mirror, you're not like putting
4 something in front of you to say I'm not going to look ahead
5 while I do this. You look to the left, you look to the right,
6 you look in the rearview and then back front.

7 PROSPECTIVE JUROR NO. 223: Yes.

8 MR. CLOWARD: Do you think that doing that is
9 dangerous?

10 PROSPECTIVE JUROR NO. 223: No, I think that's
11 natural because while you're driving you have to look up
12 front, you have to look out your side view mirror. And while
13 you're looking back, it's kind of --

14 MR. CLOWARD: You want to see the cars that are
15 behind you if they're doing something unsafe.

16 PROSPECTIVE JUROR NO. 223: Especially if they're
17 tailgating you, yeah.

18 MR. CLOWARD: You agree that there's nothing unsafe
19 about that, right?

20 PROSPECTIVE JUROR NO. 223: No.

21 MR. CLOWARD: It's what we're trained when we go get
22 our driver's license at the DMV.

23 PROSPECTIVE JUROR NO. 223: Yes, defensive driving.

24 MR. CLOWARD: Is there anything that you, any views
25 that you have -- some other jurors were brutally honest and I

1 appreciate them telling me that it wouldn't be fair, just
2 wouldn't be fair to have them on a jury. And I appreciate
3 when jurors are up front and telling me, you know, maybe I
4 might decide something with my heart. Is there anything
5 that's been said by either me or the defense that you think
6 that you know what, you're probably going to decide this with
7 your heart rather than using the facts, the law and common
8 sense.

9 PROSPECTIVE JUROR NO. 223: I would use my head.

10 MR. CLOWARD: Both sides, you're not going to feel
11 sympathetic toward one side or toward the other?

12 PROSPECTIVE JUROR NO. 223: No emotion because I
13 have to hear both sides first of all before I make a decision.

14 MR. CLOWARD: Like, for instance, you're not going
15 to be sympathetic to Mr. Farrales because he's also a human
16 being, he's not a corporation. This is a living, breathing
17 individual sitting right there. It's unfortunate for him as
18 well. I mean, there's no question about it. It's a sad
19 situation for Mr. Farrales as well. Are you going to decide
20 this using sympathy because he is a human being or are you
21 going to be willing to look at the facts and if he broke
22 rules, then he's going to be responsible? If First Transit
23 broke rules, then they're going to be responsible. You're
24 going to be willing to listen to the facts and the evidence
25 and the law.

1 PROSPECTIVE JUROR NO. 223: I have to follow the
2 facts and the law.

3 MR. CLOWARD: Are you willing to do that?

4 PROSPECTIVE JUROR NO. 223: Yes.

5 MR. CLOWARD: Thank you. Do you have any experience
6 working with individuals that have disabilities or
7 schizophrenia, mental retardation?

8 PROSPECTIVE JUROR NO. 223: Yeah. I've done every
9 kind of patient you can think of on dialysis and you have to
10 kind of treat them a little different, with more patience.

11 MR. CLOWARD: Do you have any -- are there any of
12 those experiences that you had that maybe, you know, you might
13 be more sympathetic or maybe, you know, the client was
14 frustrating to you.

15 PROSPECTIVE JUROR NO. 223: Like I say, it comes
16 with my job. All these years with dialysis patients, most of
17 the time they have kind of a short fuse. Since we do bedside
18 dialysis and we're in the actual patient room with them, like
19 five hours on an average, so we're there next to them,
20 monitoring them. And you really have to have a lot of
21 patience. Let's just say that.

22 MR. CLOWARD: But you haven't had any bad
23 experiences or good experiences that are going to make you
24 sway it one way or the other?

25 PROSPECTIVE JUROR NO. 223: Not as far as -- because

1 some of those patients can become violent, so you have to know
2 how to not go against what they're actually saying, you have
3 to let them talk. That's the way you have to treat them. You
4 have to treat them gently and try not to go really against,
5 even though you might be against what they're saying. You
6 really have to -- but nothing as far as violence. They might
7 curse once in awhile, but.

8 MR. CLOWARD: Sure. Okay. And I think there were
9 two jurors, Ms. Beckum and Mr. Burr, two jurors that actually
10 had experience with somebody choking. You know, it sounded
11 like the rest of the folks maybe have seen things on TV or had
12 people that were kind of choking. But those two actually had
13 an experience firsthand where they saw somebody and they were
14 choking, unable to breathe and they had to help them out.
15 Have you actually had any firsthand, like where you see
16 somebody -- and I'm not talking like, you know, kind of that
17 stuff, you know, or that kind of a -- I'm talking like
18 somebody that is choking to death. Have you had any
19 experience with that?

20 PROSPECTIVE JUROR NO. 223: No. No, I haven't.

21 MR. CLOWARD: So do you know actually how to
22 identify when somebody is literally choking to death right in
23 front of you?

24 PROSPECTIVE JUROR NO. 223: Oh, yes.

25 MR. CLOWARD: Tell me about that.

1 PROSPECTIVE JUROR NO. 223: Arms, they'll become in
2 distress. They'll turn colors. I mean, anything to get what
3 is stuck in there.

4 MR. CLOWARD: Tell me how you have learned that.

5 PROSPECTIVE JUROR NO. 223: When we do, when we go
6 for CPR training we have to watch videos, we have to take a
7 test, we have to demonstrate on an adult mannequin, a child
8 mannequin and a baby. So we have to know how to do chest
9 press, back press, all of that. So in the videos it shows
10 that.

11 MR. CLOWARD: Part of the training is to kind of
12 recreate and reenact what it looks like.

13 PROSPECTIVE JUROR NO. 223: Yeah. And then we have
14 to do the thrust also on a team mate.

15 MR. CLOWARD: Sure. Let me ask a question. I'll
16 use this chair. Imagine that somebody is in a seat on a bus
17 and they're seat belted in. So really not able to get up and
18 move. Have you received any training on how somebody belted
19 into a seat would let somebody know that they're choking?

20 PROSPECTIVE JUROR NO. 223: Not really. I mean,
21 it's usually they're standing up because they're trying to get
22 it out of their throat. We also learn how to do the
23 self-Heimlich where, you know, if you're choking yourself you
24 can put your stomach right on top and you can actually, if you
25 bounce yourself on there, you can do it.

1 MR. CLOWARD: Tell me some views. I've got people
2 that are nodding and saying, yes, but I'd like to hear, I
3 guess, the views on that. Tell me. Please talk to me.

4 Can I start with you?

5 PROSPECTIVE JUROR NO. 212: Yeah.

6 MR. CLOWARD: Ms. Brown, 212, tell me how you feel.

7 PROSPECTIVE JUROR NO. 212: I would not run the
8 light. You never know what's going to come flying down at you.
9 So if you're running the light, even if you're just putting
10 yourself in danger, you're not. Because if someone comes down
11 that street, you're putting their life in danger as well. It
12 says stop. Stop. That's what you do.

13 MR. CLOWARD: Okay. Anyone agree, disagree with
14 that?

15 Mr. Shakespear, 204, you're -- you're shaking your
16 head.

17 And then I'm going to -- I'd like to go back and talk
18 to you, Ms. Hinds.

19 PROSPECTIVE JUROR NO. 204: You mentioned
20 professional drivers. You're licensed by a company to obey the
21 laws and rules, and even if you maybe -- even if you don't have
22 a load of people, you're still responsible for carrying that --
23 that vehicle, being licensed by the state, you know, and
24 everything. So you're not just putting your own self in
25 danger. You're putting anybody that might be slipping --

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1 zipping down that street on a green light in danger.

2 MR. CLOWARD: Okay. Thank you.

3 Ms. Hinds, can you tell me what you're feeling. I
4 think you were nodding your head.

5 PROSPECTIVE JUROR NO. 171: Oh, right. I was -- I
6 was agreeing with Ms. Brown. It's just that traffic light was
7 identified for some hazard. That's why you can't make a right
8 on red. Maybe you don't see it. Maybe you don't understand
9 it, but it's there for a reason, and I think you need to
10 respect the reason and the law. Like she said, you're not just
11 putting yourself at risk. You're putting anybody else on the
12 street at risk. Whether you're a professional driver or not,
13 you need to stop.

14 MR. CLOWARD: It's important for everybody.

15 PROSPECTIVE JUROR 171: Yeah.

16 MR. CLOWARD: I'll tell you all because I almost did
17 it one time. The reason that they have it is because you can't
18 see the cars coming down the road. I've seen other people that
19 are trying to do it, and they about --

20 Can I -- can I talk to you, Ms. Beckum? I wanted to
21 get back to you before I don't -- so I don't forget. What --
22 what do you think about the -- the money and all that
23 discussion that we had up front?

24 PROSPECTIVE JUROR NO. 146: I -- it's -- it's
25 understandable. I agree on both sides because when you lose a

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1 loved one, you know, you want a peace of mind, and you want --
2 you want to have your justice. You want, you know, your
3 justice. You want, you know -- you want -- you want -- you
4 want some kind of -- not even necessarily monetary, you know,
5 but you want a peace of mind about it. So at least if from the
6 situation the company brings in more safety procedures or
7 whatever from it, and honestly most of the time people learn
8 when it hits them hard in the pocket. So but then at the same
9 time it's just like you can't put a price on, you know, a life.
10 So I see it both ways honestly.

11 MR. CLOWARD: Fair to say you're willing to let both
12 of us prove our case?

13 PROSPECTIVE JUROR NO. 146: Yes.

14 MR. CLOWARD: Thank you.

15 Your Honor, can I approach on one issue really quick?

16 THE COURT: Uh-huh.

17 (Conference at the bench begins.)

18 MR. CLOWARD: I'm -- I'm going to want to make a
19 challenge on probably four or five jurors, and my -- I guess my
20 concern is is if in the event that the Court allows Ms. Sanders
21 to try and rehab them or if they're excused tomorrow we'll be
22 wasting time. It would be better to get the people that are
23 actually --

24 THE COURT: Well, who do you want to let go?

25 MR. CLOWARD: Give me one moment.

1 MR. ALVERSON: Strobeck.

2 MR. CLOWARD: What's that?

3 MR. ALVERSON: Strobeck.

4 THE COURT: 138?

5 MR. CLOWARD: Yes.

6 THE COURT: Do you agree, Mr. Alverson?

7 MR. ALVERSON: Pardon me?

8 THE COURT: Do you want to rehab him or --

9 MR. ALVERSON: Yes, I do.

10 THE COURT: Okay. All right. Who else?

11 MR. CLOWARD: Okay.

12 MR. ALVERSON: Your Honor, let me -- I know what he's
13 trying to do. He's trying to save him time from coming back,
14 but I would prefer to rehab them during my voir dire than
15 indirect.

16 THE COURT: I would --

17 MR. ALVERSON: Because it does, you know, dovetail
18 with a lot of things I would be talking about.

19 THE COURT: I agree. I just want to make sure
20 that -- the only way I would let someone go at this point
21 without letting you try to rehab him is if it's stipulated.

22 MR. ALVERSON: Okay.

23 THE COURT: And just so I can make a list, who else?
24 Strobeck?

25 MR. CLOWARD: 183, Tobin.

1 THE COURT: Oh, Ms. -- yes. She doesn't like judges
2 though. I think she's fine with you guys.

3 MR. ALVERSON: We could probably stipulate to the
4 woman who hates everybody.

5 THE COURT: You want --

6 MR. CLOWARD: Two, one --

7 THE COURT: Okay. Hold on. Do you want to stipulate
8 to Tobin?

9 MR. ALVERSON: Which one --

10 THE COURT: She's the lady who works at Neiman's, who
11 doesn't like the judicial system.

12 MR. ALVERSON: Yes. Yes, I would stipulate to her.

13 THE COURT: Okay.

14 MR. CLOWARD: And then 216, Morgan; 214, Burr; 172 --

15 THE COURT: Hold on. 216, Morgan.

16 MR. CLOWARD: Oh, sorry. 214, Burr.

17 THE COURT: Okay.

18 MR. CLOWARD: 172, Colyar; 177 --

19 Who is that, King?

20 -- King -- sorry.

21 THE COURT: Well, we're going to have to -- okay.
22 Other than Tobin, do you stipulate to any of those, or do you
23 want a chance to rehab them?

24 MR. ALVERSON: Just rehab them.

25 THE COURT: Okay. So did we get them all?

1 MR. CLOWARD: One more, 137, Smith.

2 THE COURT: Okay.

3 MR. CLOWARD: And then I think we -- we told you
4 Strobeck already, right, 138?

5 THE COURT: Yes. Okay. So at this point, the only
6 one I'm going to let go is Tobin.

7 MR. CLOWARD: Okay.

8 THE COURT: And then we'll address the other ones
9 after you've had a chance to voir dire them.

10 MR. ALVERSON: Yes.

11 THE COURT: Okay. Thank you.

12 MR. CLOWARD: Thank you.

13 THE COURT: Let me just get Tobin up to -- the new
14 person up to speed real quick, and I'll hand it back to you.

15 MR. CLOWARD: Thank you. And then -- and then at
16 4:45?

17 THE COURT: Yes.

18 MR. CLOWARD: Okay.

19 THE COURT: We just have to have them off the clock
20 at 5 -- before 5.

21 Okay. Thank you.

22 (Conference at the bench ends.)

23 THE COURT: Okay. At this time, I'm going to ask
24 Ms. Jean Tobin, Badge No. 183, to stand up and move to the back
25 of the room.

1 Jason, please get her seated.

2 And may I have the next juror?

3 THE CLERK: Essie Gant-Simms, Badge No. 221.

4 THE COURT: Hi, Ms. Simms. I just have a few
5 questions for you. We have to get you up to speed with all the
6 other jurors sitting over there. Ms. Simms, have you ever been
7 a juror before?

8 PROSPECTIVE JUROR NO. 221: No, I haven't.

9 THE COURT: All right. And have you ever been
10 involved in a lawsuit, either as a party, a plaintiff, a
11 defendant or a witness?

12 PROSPECTIVE JUROR NO. 221: No.

13 THE COURT: And can you follow this instruction: If
14 you're selected as a juror, the Court will give you the law at
15 the very end of the case? Can you follow all instructions of
16 the Court on the law even if they differ from your personal
17 conceptions of what you think the law ought to be?

18 PROSPECTIVE JUROR NO. 221: Yes.

19 THE COURT: Thank you. And are you employed?

20 PROSPECTIVE JUROR NO. 221: Retired.

21 THE COURT: What did you retire from?

22 PROSPECTIVE JUROR NO. 221: Cleaning.

23 THE COURT: Did you work for a business?

24 PROSPECTIVE JUROR NO. 221: Yes, I worked for Pink
25 Lady Cleaning Company for 13 years.

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1 THE COURT: How long?

2 PROSPECTIVE JUROR NO. 221: Thirteen years.

3 THE COURT: Okay. And prior to that job where did
4 you work?

5 PROSPECTIVE JUROR NO. 221: I worked at the Golden
6 Nugget in housekeeping for five. Before they changed the name
7 I worked at Barbary Coast.

8 THE COURT: In housekeeping?

9 PROSPECTIVE JUROR NO. 221: Yes. And before that --
10 they changed the name -- I worked at Paradise in housekeeping.

11 THE COURT: All right. Any other jobs?

12 PROSPECTIVE JUROR NO. 221: Oh, wow.

13 THE COURT: More?

14 PROSPECTIVE JUROR NO. 221: I worked at the Best
15 Western McCarran Inn in the laundry for, what, five years, and
16 I worked at the airport cleaning out airplanes for about six
17 months or so.

18 THE COURT: All right. Anything else that I missed?

19 PROSPECTIVE JUROR NO. 221: No, I can't think of
20 nothing.

21 THE COURT: And are you married?

22 PROSPECTIVE JUROR NO. 221: Yes.

23 THE COURT: Does your husband work?

24 PROSPECTIVE JUROR NO. 221: Yes, he does.

25 THE COURT: What does he do?

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1 PROSPECTIVE JUROR NO. 221: He works for VFW, Post 8,
2 maintaining the building.

3 THE COURT: VFW?

4 PROSPECTIVE JUROR NO. 221: Post 8.

5 THE COURT: Was he in the military?

6 PROSPECTIVE JUROR NO. 221: No, he had relatives in
7 there.

8 THE COURT: Okay. And do you have children?

9 PROSPECTIVE JUROR NO. 221: Two.

10 THE COURT: Adults?

11 PROSPECTIVE JUROR NO. 221: Yes, they are.

12 THE COURT: And what do they do for a living?

13 PROSPECTIVE JUROR NO. 221: Well, my daughter she
14 work at a rental agent at the airport, a rental car agent. She
15 sells -- sells for them. My son, he works at the -- at a
16 rental company at the airport, a rental car company. He's
17 return, sign the cars back in.

18 THE COURT: All right. Thank you. How long have you
19 been in Clark County, Nevada?

20 PROSPECTIVE JUROR NO. 221: Fifty plus years.

21 THE COURT: Thank you very much, Ms. Simms. We'll
22 turn you back over to Mr. Cloward.

23 MR. CLOWARD: Thank you, Judge.

24 How are you, Ms. Simms?

25 PROSPECTIVE JUROR NO. 221: I'm fine.

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1 MR. CLOWARD: What do you think about this process so
2 far?

3 PROSPECTIVE JUROR NO. 221: I'm not -- I'm just kind
4 of -- as far as the money issue, like everybody say, I agree
5 with you can't put no price on any one life, which is a hard
6 thing to do, and of course, the money I see is all the time
7 where something happen, and everybody want to sue, sue, sue,
8 and to me --

9 THE COURT: Hey, ma'am, can you put the microphone up
10 to your mouth. Thank you very much.

11 PROSPECTIVE JUROR NO. 221: Oh. And to me it seemed
12 like it's -- everybody's all about money, you know, and let's
13 just say it. You know, that's the way I feel.

14 MR. CLOWARD: Tell me more about that.

15 PROSPECTIVE JUROR NO. 221: Like I said, well, every
16 time I looked, there's some suing for money, and, like, you
17 can't put life -- and if you sue for money, to me, it seem like
18 if you spend it or buy it's a reminder of how you got it, and I
19 don't, you know -- I don't see that, you know. That's how I
20 feel about it. Okay. I mean, you know, seem like everything
21 is a reminder, you know, of how you got it. So.

22 MR. CLOWARD: Do you -- do you have some examples of
23 cases you think that, you know, are --

24 PROSPECTIVE JUROR NO. 221: No, it's just that I just
25 watch a lot of news and stuff, and I have my own opinion and

1 views on about it, but that's the way I -- I feel about it, you
2 know.

3 MR. CLOWARD: Well, let me ask you, the fact that my
4 clients have brought a lawsuit, it -- do you kinda -- tell me
5 what -- tell me how you feel about that.

6 PROSPECTIVE JUROR NO. 221: I mean, it's like if
7 they -- I mean, if that's what they want to do for peace of
8 mind, fine, you know. Everybody have a different way of
9 handling stuff, you know, but it seem like everybody's all
10 about money to me, you know, but if that's what they want to
11 do, you know, fine.

12 MR. CLOWARD: Do you feel that most lawsuits that are
13 brought are about, you know, frivolous and that kind of stuff?
14 I mean, do you have a view one way or another about that?

15 PROSPECTIVE JUROR NO. 221: No, I don't, not really.
16 I don't.

17 MR. CLOWARD: How do you feel about the safety rules?

18 PROSPECTIVE JUROR NO. 221: Oh, I'm a very cautious
19 person. You know, you don't run a red light. If you have to
20 sit there 30 minutes you wait because I have got hit by
21 somebody runnin a red light, and, you know, I had to be off of
22 work and stuff behind, and I almost got hit a second time, but
23 I stayed at my light. So, you know, I'm all about safety.

24 MR. CLOWARD: Okay. Thank you. I wanted to just
25 ask, you know, you raise a point about, you know, everybody's

1 kind of suing, and --

2 PROSPECTIVE JUROR NO. 221: It seems that way.

3 MR. CLOWARD: Yes.

4 PROSPECTIVE JUROR NO. 221: You know, every time I
5 turn around, it seems that way, you know.

6 MR. CLOWARD: Sure.

7 Who else here feels that way, that kind of that's
8 just -- our society is just -- please raise your hand if you
9 feel that way. Please raise it high so I can -- I can see it.
10 I'd like to talk to each of you.

11 Mr. Morgan, tell me --

12 And this is 216.

13 And before I leave, Ms. Simms, thank you for talking
14 to me for a minute. You're -- what do they say -- out of the
15 frying pan and into the fire, and so I appreciate it. Thank
16 you.

17 PROSPECTIVE JUROR NO. 221: You're welcome.

18 MR. CLOWARD: Mr. Morgan, tell me why you feel that
19 way.

20 PROSPECTIVE JUROR NO. 216: Well, you just watch the
21 TV, and every five minutes a commercial comes on for some sort
22 of lawyer, especially in Las Vegas, you know. It's, like, you
23 know, you get in a wreck, you know. You call so and so.
24 There's like dozens and dozens of them, and it's just kind of
25 become the norm where -- and I don't even think people -- it's

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1 their first initial reaction is to sue. They probably are just
2 later told to do that, you know, for other various reasons, but
3 that's just kind of our society nowadays is to, you know,
4 compensate you somehow whether for loss of your personal, you
5 know, vehicle, your health or your job or something. Everybody
6 wants to be compensated for a grievance.

7 MR. CLOWARD: Do you feel like there's a -- you know,
8 like, if a lawsuit is filed here in Clark County it's
9 automatically headed that way, or like is it -- is it something
10 for nothing kind of deal, or do you think that there are some
11 lawsuits that are -- that are okay?

12 PROSPECTIVE JUROR NO. 216: Oh, absolutely. I mean,
13 like I said, there's always gray areas and everything. I mean,
14 someone can always file a lawsuit and then later, you know,
15 take it down, take it away, you know, because they realize that
16 sometimes people file too soon out of really, really bad
17 emotions or strong emotions, and then later they realize, okay,
18 maybe we shouldn't have done that.

19 MR. CLOWARD: Do you think that in addition to there
20 being -- well, okay. Thank you. I'm going to --

21 Who else had their hand raised?

22 Will you pass that back there. Let's do --

23 Mr. Burr, 214, tell me your thoughts on this.

24 PROSPECTIVE JUROR NO. 214: I mean, he pretty much
25 took the words out of my mouth with it. I mean, every time I

1 turn around there's a commercial on TV or, like, I watch Court
2 TV, too, and everybody is suing everybody. You know, it's just
3 like -- it's normal now.

4 MR. CLOWARD: Do you think that the majority of the
5 lawsuits are frivolous plaintiffs, or do you think that the
6 majority of lawsuits are frivolous defenses?

7 PROSPECTIVE JUROR NO. 214: I mean, from the most
8 part, I think it's the plain -- I think it's -- I mean, I don't
9 really understand that question, but I think people are, like,
10 asking money for, like, small things, like -- like, if you get
11 in a wreck, you need a check. Like, that's -- that's like the
12 main one, you know. Like, it's, like money was the main sell
13 in that phrase.

14 MR. CLOWARD: Yes.

15 PROSPECTIVE JUROR NO. 214: You know, it's, like,
16 that's directly with they go for. It's not about, like,
17 emotions or feeling or -- or the loss. It's just about the
18 money.

19 MR. CLOWARD: Yes. Okay.

20 Who's heard of, like, the McDonald's case? Everyone
21 heard about that?

22 Your hand went up the fastest. Can we bring that
23 down?

24 PROSPECTIVE JUROR NO. 198: Sorry that was, like, my
25 favorite one I learned in school. That was, like, the first

1 thing I learned in school on day one.

2 MR. CLOWARD: Tell me -- tell for the rest of us who
3 maybe don't know about that.

4 PROSPECTIVE JUROR NO. 198: From what I remember, the
5 old lady was ordering coffee at McDonald's, and she burned her
6 tongue, and she burned it pretty severely, but she ended up
7 winning, like, millions. I don't know how much, but it was a
8 lot. So that's why now you see McDonald's says, Cautious -- or
9 caution, hot coffee, but I was just, like, man that's crazy.
10 Like, I want to sue. Like, I don't know. I just thought about
11 it. What's wrong with my Coke? I don't know. I was just
12 thinking, like, I, like, it's crazy.

13 MR. CLOWARD: He works that Coke --

14 PROSPECTIVE JUROR NO. 198: Oh, my bad. Sorry.

15 MR. CLOWARD: He don't want to hear about that.
16 Thank you.

17 You know, a lot of times in a case like that, you
18 know, it's obvious right off the bat. I read an article saying
19 somebody sued the dry cleaner in New York for, like,
20 \$50 million for a lost pair of pants. You know, some cases you
21 can tell right off the -- right off the bat that it's
22 frivolous. The plaintiff's being frivolous.

23 PROSPECTIVE JUROR NO. 198: Same thing, like, one
24 I -- one I remember, like, Mariah Carey was, like, suing UPS
25 because they lost her dress, and it was, like, a ridiculous

1 amount. I was, like, Mariah, you got money.

2 MR. CLOWARD: In addition to there being, like,
3 frivolous plaintiffs out there, do you think that there are
4 also maybe defendants that, you know, they put defenses that
5 are frivolous, or do you think it's just one-sided?

6 PROSPECTIVE JUROR NO. 198: From what I've seen, it
7 looks one-sided, like it's plaintiffs that start it.

8 MR. CLOWARD: Okay. Thank you.

9 Can I come back to you, Mr. Strobeck, 138. You're
10 kind of nodding in agreement. Can you tell me how you feel
11 about this.

12 PROSPECTIVE JUROR NO. 138: I just think it's funny
13 about the McDonald's thing because I remember the Red Bull
14 lawsuit, how someone sued them for millions of dollars because
15 it didn't give them wings, and so now they can't -- that's
16 just -- that's just kind of humorous to me.

17 But again back to what he was saying is I think
18 everyone now is just, like, looking to lawyers to get that
19 extra penny in their pocket instead of actually looking at the
20 justice of it.

21 MR. CLOWARD: Do you think that there's -- there's, I
22 guess, a majority that are -- tell -- tell me what you --

23 PROSPECTIVE JUROR NO. 138: Just from what I've seen,
24 and again, I'm not a judge, so I don't know, but I would say
25 95 percent of cases are probably just for money, and I'm not

1 saying that there's not good people out there that do want to
2 get justice for what happened, but there is a line that you
3 cross when you ask for a certain amount of money.

4 MR. CLOWARD: So your view is that 95 percent of the
5 lawsuits are probably kind of frivolous; they're just trying to
6 get some money. The other 5 percent maybe have a little bit of
7 merit?

8 PROSPECTIVE JUROR NO. 138: Yes.

9 MR. CLOWARD: Thank you.

10 Who else agrees with that or similar to that?

11 PROSPECTIVE JUROR NO. 216: Agree that 95 percent

12 or --

13 MR. CLOWARD: Mr. Morgan, please can I -- tell me how
14 you feel.

15 PROSPECTIVE JUROR NO. 216: Well, I just agree with
16 that. I don't necessarily -- I'm not saying it's 95 percent,
17 but I agree that a lot -- most of the time that they -- most
18 likely it's frivolous, and so -- but I think that's just a
19 starting point. Those are just -- because if you only ask for,
20 you know, a couple hundred dollars, you're most likely not
21 going to even go to trial or, you know, hire a lawyer, but if
22 you're asking for millions or hundreds of thousands, you're --
23 you're going to get your voice heard. You're going to get the
24 opportunity, at least get that. So.

25 MR. CLOWARD: Thank you. Can we pass the microphone

1 over. I'd like to hear from Ms. Scheeler, 133.

2 When I asked about frivolous lawsuits and stuff, I
3 believe you had your hand raised.

4 And, Ms. Smith.

5 Tell me how you feel about it.

6 PROSPECTIVE JUROR NO. 133: Well, I think there are a
7 lot more than there used to be, and I think the country has
8 kind of gone sue happy, and they also sue the person who drove
9 the car, who made the car. I mean, it -- it's just -- some of
10 the lawsuits just amazed me, and as far as McDonald's goes, I
11 don't think she should have been awarded all that money.

12 MR. CLOWARD: Okay.

13 PROSPECTIVE JUROR NO. 133: There you go.

14 MR. CLOWARD: Well, I think most people would agree
15 with you on that case.

16 Yes, sir.

17 Thank you.

18 Ms. Smith, what are you thinking about this whole
19 thing?

20 PROSPECTIVE JUROR NO. 137: It just depends on -- it
21 really depends on what your morals, your values are. It's up
22 to that person.

23 MR. CLOWARD: Okay. Do you think that a majority of
24 lawsuits, like Mr. Strobeck, you know, 95 percent of them
25 are -- are frivolous -- or not frivolous --

1 I don't think you said frivolous. You said
2 95 percent of the people that are just trying to get some
3 money. The other 5 percent maybe are -- have merit; is that
4 fair?

5 PROSPECTIVE JUROR NO. 138: Yes.

6 MR. CLOWARD: Okay. Do you agree with that, or do
7 you think that the majority of them are --

8 PROSPECTIVE JUROR NO. 137: I feel like the world we
9 live in today people want money. I won't say 95 percent of
10 them, but there is a lot of people that do things geared behind
11 money.

12 MR. CLOWARD: Okay. Anyone else? I think there were
13 some other folks that had their hands raised. And now I -- I
14 should have written them down. Who else had their hands
15 raised?

16 Ms. Hinds, did you have your hand raised when we were
17 talking about frivolous lawsuits and the majority of lawsuits
18 being filed, kinda people trying to get something for nothing,
19 that kind of thing? Do you feel that way?

20 PROSPECTIVE JUROR NO. 171: A little bit.

21 MR. CLOWARD: Say more, please.

22 PROSPECTIVE JUROR NO. 171: Well, I -- mine -- most
23 of my thoughts come from fear of being sued. I don't intend to
24 do anything wrong. I never -- you know, I'm not going to do
25 something stupid to hurt somebody, but that doesn't mean

1 something may happen.

2 MR. CLOWARD: Somebody might try and sue you anyway?

3 PROSPECTIVE JUROR NO. 171: Right.

4 MR. CLOWARD: Sure.

5 PROSPECTIVE JUROR NO. 171: Yeah. And I'm too old to
6 start over, can't be doing that. So most of my perceptions are
7 from fear.

8 MR. CLOWARD: All right. Your Honor, I'm at about to
9 a spot where it's a good place to break.

10 THE COURT: Do you want to go a little bit longer?

11 MR. CLOWARD: Yes. I planned on 4:45. That's what
12 the marshal told me.

13 THE COURT: Just another 10 minutes or so.

14 MR. CLOWARD: Sure. Okay.

15 Sometimes when we have to have a hard conversation we
16 avoid that. So I didn't want to get into this one because it's
17 just such a political -- politically -- you know, politically
18 charged discussion, but I do want to talk about it.

19 You know we hear on the radio, we hear on TV and
20 stuff, there are these social campaigns where you see the Black
21 Lives Matter campaigns, the Police Lives Matter campaigns. You
22 see, like, the All Lives Matter campaign, and, you know, you
23 have a lot of different groups of folks that are upset. They
24 feel like their voices aren't being heard.

25 And my question is are there certain lives that are

1 more important than others? Anybody think that? Anybody feel
2 that way?

3 (No response.)

4 MR. CLOWARD: What about individuals who have a
5 disability? Are their lives as important? As relevant?

6 PROSPECTIVE JURORS: Yes.

7 MR. CLOWARD: Does anyone disagree with that?

8 (No response.)

9 MR. CLOWARD: Is there anyone here that feels that
10 way, that if somebody -- you know, maybe they're mentally
11 disabled, their life is not as important?

12 (No response.)

13 MR. CLOWARD: Okay. Without getting into the
14 specifics, you'll hear that my clients' son, Harvey Chernikoff
15 was mentally disabled, and when I was raised, you did not use
16 the R word. You did not say retard, retarded, mentally
17 retarded. You just didn't say those words. It's not what --
18 you know, you just don't say that.

19 Harvey's technical diagnosis was a mild mental
20 retardation, and so you may hear some -- you know, you may hear
21 family members, you may hear Neil or his parents refer to that
22 diagnosis. You may hear, you know, Ms. Sanders or maybe some
23 of the folks that come in and talk about that use those words.
24 I just want to make sure that that's going to be okay.
25 Nobody's going to, you know, be upset with me or Mr. Allen or

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1 Neil or the defense if those words are spoken.

2 Everyone give us permission to talk about this case,
3 because that's what this case is about?

4 PROSPECTIVE JURORS: Yes.

5 MR. CLOWARD: Okay. Thank you.

6 Before we move on, I wanted to just find out though
7 who here who has experience working with folks -- maybe they
8 have a family member; maybe they've had a job; maybe they've,
9 you know, had a friend that has a disability, a mental
10 disability. Does anyone here? Can we get those -- I want to
11 talk to each of you, and I'm going to -- I'm going to actually
12 write everyone -- write this down because it's important for me
13 to --

14 Can you do that, Alison?

15 Will you please all raise your hands one more time,
16 and I'll call them out just so that --

17 Ms. Braiser, make sure that I call on Ms. Hinds, 171;
18 Ms. Scheeler, 133; Mr. Strobeck, 138; Ms. Tamara Beckum, 146;
19 Mr. Burr, 214; Mr. --

20 Is it -- Tindall, correct?

21 PROSPECTIVE JUROR NO. 181: Yeah.

22 MR. CLOWARD: -- 181.

23 Anyone else? And any experience? Maybe you were a
24 peer tutor in high school, like I was. Maybe you, you know, or
25 your neighbors, brothers, sisters, whatever. Anybody else have

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1 any experience? I want to talk to each of you about that. No
2 one else?

3 PROSPECTIVE JUROR NO. 210: Just being around them,
4 is that what your question is?

5 MR. CLOWARD: Well, maybe if you've had more --

6 PROSPECTIVE JUROR NO. 210: Or associated with them?

7 MR. CLOWARD: -- more intimate -- you know, like, I
8 was a peer tutor in high school. So I -- I actually got to
9 work directly with folks with -- with disabilities.

10 THE COURT RECORDER: Who was that, Mr. Cloward?

11 MR. CLOWARD: I'm sorry. What was that?

12 THE COURT RECORDER: Who asked that question?

13 MR. CLOWARD: Oh, that was Ms. Carvalho, 210.

14 Yes. So, I mean, like, I -- that's -- you know, I
15 had a class, and that's what I would do. So maybe a little bit
16 more experience than just, you know -- do you have any
17 experience with that?

18 PROSPECTIVE JUROR NO. 210: Not in a long-term but,
19 you know, we come across a lot being on the -- my daughters
20 play softball.

21 MR. CLOWARD: Okay.

22 PROSPECTIVE JUROR NO. 210: So we come across a lot
23 of children with disabilities, but, I mean, not in -- where
24 we're associating with them constantly.

25 MR. CLOWARD: Okay. Ms. Hinds, 171, let's start with

1 you. Tell me -- I guess, first off, what is your experience
2 that you have?

3 PROSPECTIVE JUROR NO. 171: My niece has autism, and
4 she lives at home with her parents. She's in her 40s, just,
5 you know, a family member. So, you know, they -- my sister and
6 brother-in-law, you know, they take her out when they can. You
7 know, there sometimes when they can't, but they have to have --
8 people who are -- who Lori knows come and stay with her if they
9 want -- if David and Sue want to go out, they need a special
10 person to come stay with Lori, not just anybody. It has to be
11 somebody who can work with somebody with autism, and somebody
12 Lori kind of knows a little bit, somebody she's familiar with.
13 Yeah. Yeah.

14 MR. CLOWARD: And that's your niece?

15 PROSPECTIVE JUROR NO. 171: Uh-huh.

16 MR. CLOWARD: Is -- is -- is the fact that your
17 niece, you know, that she has that disability, is that going to
18 make you be more sympathetic to my clients? Because it's
19 important for First Transit to have a fair trial, too.

20 PROSPECTIVE JUROR NO. 171: Right.

21 MR. CLOWARD: So if you feel like that would make you
22 more sympathetic to my clients, that's not fair to them, and
23 that's something that we, you know, we should know.

24 PROSPECTIVE JUROR NO. 171: I don't know if that
25 would make me more sympathetic. It would depend on -- on the

1 facts. I mean, just right off the bat, just emotionally, no,
2 it's not going to make a difference, but once I hear facts and
3 stuff I may, you know, be real emotional one way or the other.

4 MR. CLOWARD: Do you think it's a possibility that
5 maybe you might be?

6 PROSPECTIVE JUROR NO. 171: It's a possibility. It
7 would be a possibility.

8 MR. CLOWARD: But as you sit here today, just the
9 fact that you just -- knowing that my clients' son had mild MR,
10 that's not going to, you know, you're not already leaning
11 toward their side; is that fair?

12 PROSPECTIVE JUROR NO. 171: Right.

13 MR. CLOWARD: Okay. And then, Ms. Scheeler, 133, I'm
14 going to try and go off of memory here of who raised their
15 hands, but let's go with you next.

16 PROSPECTIVE JUROR NO. 133: Yes, my 14-year-old
17 grandson is autistic.

18 MR. CLOWARD: And can you tell me a little bit about
19 his specific disability. Where -- where on the spectrum?

20 PROSPECTIVE JUROR NO. 133: Well, he'll -- he'll
21 never have a normal life. He's a wonderful child and very
22 loving, but I don't foresee him ever going to college or
23 getting married or -- you know, he will always be in the care
24 of his parents, and as she mentioned just a bit ago, he's
25 always with a family member.

1 And he's in a special school, which is just for
2 autism, and his mother -- they live in California. His mother
3 had to fight for two years to get him into the special school
4 because before that he was in regular school, which was a
5 nightmare and, yeah, that's --

6 MR. CLOWARD: And I guess the school that they --
7 they understand a little bit better how to --

8 PROSPECTIVE JUROR NO. 133: Oh, they're all trained.
9 I mean, yes, it's an excellent facility. It's a shame there
10 aren't more of them.

11 MR. CLOWARD: And that's been helpful?

12 PROSPECTIVE JUROR NO. 133: Oh, yes.

13 MR. CLOWARD: Same question with -- that I asked
14 Ms. Hinds. The fact that your son -- or your grandson -- I'm
15 sorry -- your grandson struggles with that, and that's
16 something that your daughter deals with and that you deal with
17 that, is that going to make you feel more sympathetic to my
18 clients and not be as fair to the defendants and not give them
19 an opportunity to present a case? Because we don't want
20 emotion to come into this decision-making process.

21 PROSPECTIVE JUROR NO. 133: No, I -- I think I, like
22 she said, I think I need to know what the facts are, you know,
23 with, you know -- was he left -- should he have been attended
24 by somebody in his family? I don't even know, maybe he was. I
25 don't know. So the facts would -- but I wouldn't -- I mean, it

1 wouldn't steer me one way or another because he was mildly --
2 what word are we using for this?

3 MR. CLOWARD: Mild MR.

4 PROSPECTIVE JUROR NO. 133: MR, exactly.

5 MR. CLOWARD: Okay. Well, thank you for sharing. I
6 appreciate it.

7 Ms. Smith, 137, did you have your hand raised to
8 comment?

9 PROSPECTIVE JUROR NO. 137: No.

10 MR. CLOWARD: I got it wrong. Okay.

11 I know -- you didn't -- you had -- I thought you had
12 your hand raised, Mr. Strobeck?

13 PROSPECTIVE JUROR NO. 138: One of my -- one of the
14 captains on the wrestling team -- I don't know what she has
15 exactly, but his twin sister is completely disabled. She has
16 to be under surveillance 24 hours a day, and I know that just
17 the effect that that puts on the family, they don't leave her
18 side at all, no matter what the situation is. So maybe when
19 everyone would go out on a Saturday or we'd go to a dinner with
20 the whole team or anything like that they'd have to stay and
21 watch their sister and make sure she's okay. So I know that
22 made a huge effect on their life.

23 MR. CLOWARD: Okay. So that was your wrestling
24 captain's sister?

25 PROSPECTIVE JUROR NO. 138: Uh-huh.

1 MR. CLOWARD: What weight class did you wrestle?

2 PROSPECTIVE JUROR NO. 138: 103.

3 MR. CLOWARD: So you've grown since then?

4 PROSPECTIVE JUROR NO. 138: A little bit.

5 MR. CLOWARD: Anything about that experience that's
6 going to -- (unintelligible)?

7 PROSPECTIVE JUROR NO. 138: No.

8 MR. CLOWARD: Your Honor --

9 THE COURT: I think it is a good time, Counsel.
10 Thank you.

11 MR. CLOWARD: Okay. Thank you.

12 THE COURT: All right. Ladies and gentlemen of the
13 jury, obviously we haven't selected a jury yet. All of you are
14 going to have to come back tomorrow at 9:30 in the morning. It
15 is anticipated we will have a jury selected sometime hopefully
16 in the morning hours of tomorrow.

17 MR. CLOWARD: I'm about done. So.

18 THE COURT: You're about done, okay.

19 So what I'm going to ask you to do is please come
20 back at 9:30. Jason will give you instructions about getting
21 into the building, parking and all that good stuff. Look and
22 see where you're seated. You'll have to sit in the exact same
23 seats tomorrow.

24 You cannot talk about the case. You cannot research
25 this case. You cannot form or express an opinion on the case.

1 We'll see you tomorrow at 9:30. Thank you.

2 (Panel of prospective jurors exiting 4:53 p.m.)

3 MR. CLOWARD: Judge.

4 THE COURT: Yes?

5 MR. CLOWARD: Are you going to excuse the jurors
6 today?

7 THE COURT: No, Jason will excuse them. It's usually
8 what he does. He's just going to keep it on the QT.

9 All right. Just, Counsel, just to let you know, I
10 don't know if either one of you were going to order a
11 transcript, but we have a very poor recording system in this
12 courtroom. So bench conferences, even though the recording
13 system is on during bench conferences, it is not of sufficient
14 quality to transcribe. So if there's something that you need
15 to make a record of, please do so at a break.

16 All right. I know that Mr. Alverson is going to --
17 Ms. Sanders is going to voir dire some of these individuals.
18 Is there anything else we need to address before we go off the
19 record?

20 MR. CLOWARD: No. We -- we would like to formally
21 state the reasons why we're -- we're challenging the jurors
22 that --

23 THE COURT: Yes, why don't we go ahead and do that.

24 MR. CLOWARD: Okay.

25 THE COURT: Okay.

1 MR. CLOWARD: Okay. I'll just run through these real
2 quick, Judge.

3 THE COURT: Start with Strobeck, please.

4 MR. CLOWARD: Ms. -- Mr. Strobeck?

5 THE COURT: Uh-huh.

6 MR. CLOWARD: Okay. Mr. Strobeck, he said 95 percent
7 of cases are just for money, 95 percent being frivolous. He
8 said he wouldn't -- he actually admitted he would not be fair
9 to be on a jury. It's not worth ruining someone's life just
10 because you want to sue for money.

11 Moving on to Mr. Morgan, 216, he indicated that most
12 of the time lawsuits are frivolous. Mr. Morgan indicated that
13 he personally thought that the amount of money is just wrong,
14 is what he said, that he could never agree with the amount of
15 money that was being discussed.

16 Mr. Barr --

17 THE COURT: Burr.

18 MR. CLOWARD: -- 214, indicated that he did not think
19 an amount should be that high, that it's just, quote, Way too
20 much, that, quote, Everyone is suing everyone.

21 Juror No. 172, Colyar, is that, quote, A lot of greed
22 out there, feels like Strobeck. It wouldn't be fair to him on
23 the -- to have him on the jury. He actually admitted that it
24 would not be fair to have him on the jury.

25 King, he said that he had a problem with my clients

1 being here to sue -- or I mean Ms -- Ms. King. I don't -- I
2 probably -- actually I'm not going to move on King because I
3 don't think she said enough that would qualify her, not yet.

4 THE COURT: Okay.

5 MR. CLOWARD: 137, Smith, she flat out said she would
6 not want someone with her frame of mind on the jury and that
7 you just cannot put a price on life, and then those are --
8 those are the challenges we have at this time, Your Honor.

9 We would also, I guess, just like to point out just
10 that the case law of Jitnan versus Oliver and also Presidio
11 versus State indicate that unless a juror is unequivocal about
12 their ability to be fair and impartial it's really -- it's not
13 appropriate to allow them to stay on the jury, and my fear is
14 is that if Mr. Alverson is allowed to get up after I'm done and
15 ask the questions of, quote, Well, can you be fair, can you set
16 these things aside, studies have shown that the jurors --
17 they're all going to say, well, yeah, I can follow the law, but
18 the problem is is based on Jitnan in V Oliver and Presidio V
19 State then that means that the jurors are being unequivocal --
20 I mean they're equivocating vacating because they've told me, I
21 can't be fair. It wouldn't be fair to have me on here. I
22 can't be fair, and then Mr. Alverson gets up there and says --
23 or Ms. Sanders -- I don't know --

24 Who's doing voir dire?

25 MR. ALVERSON: You have to wait until tomorrow to

1 find that out.

2 MR. CLOWARD: Okay. Fair enough.

3 Whoever for the defense is doing the voir dire -- it
4 could even be Ms. Hyson too, you know.

5 MS. HYSON: Get a little bit of credit.

6 MR. CLOWARD: If the jurors get up there, and they
7 state another opinion, well, now they're being equivocal.

8 THE COURT: Uh-huh.

9 MR. CLOWARD: And so the fact that they've already
10 stated one side they -- they should be stricken, and there's
11 case law that our Nevada Supreme Court cites. The -- they cite
12 to Bryant versus State, which is -- or Thompson versus State
13 citing Bryant versus State. You know, you need to look at
14 the -- the whole body of -- of the case -- or, I mean, of the
15 comments that these folks made, and they've already said that
16 they can't be fair. So any -- any sort of rehabilitation, you
17 look at that together, they're being equivocal on their
18 ability.

19 So anyway, with that, we'll -- I'll sit down, Judge.
20 I could talk forever.

21 THE COURT: Great. I had already indicated I was
22 going to allow the defense to do some voir dire.

23 MR. CLOWARD: Sure.

24 THE COURT: I do have some concerns because obviously
25 they've got to be able to consider a range of damages from

1 zero, up, and however, a lot of the jurors, like Strobeck and
2 Morgan, they may have indicated they think a lot of cases are
3 just for money, but they did indicate that there are some cases
4 that may have some validity. So I think it is entirely
5 appropriate for -- to allow defense counsel to go into that
6 further, and I will defer ruling on your requests for challenge
7 for cause until after defense's voir dire.

8 MR. CLOWARD: Okay.

9 THE COURT: Correct. Is there anything else tonight?

10 MR. ALVERSON: Not on our behalf, Your Honor.

11 THE COURT: All right. Thank you, Counsel. See you
12 tomorrow.

13 MS. SANDERS: No, Your Honor.

14 MR. CLOWARD: Thanks, Judge.

15 MS. SANDERS: Thank you.

16 (Proceedings recessed for the evening 4:59 p.m.)
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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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DISTRICT COURT
CLARK COUNTY, NEVADA
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JACK CHERNIKOFF,)
ELAINE CHERNIKOFF,)
)
Plaintiff,)
vs.)
)
FIRST TRANSIT INC.,)
)
Defendant.)

CASE NO A-13-682726
DEPT NO. XXIII

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE STEFANY MILEY, DISTRICT COURT JUDGE

JURY TRIAL - DAY 2

THURSDAY, FEBRUARY 18, 2016

APPEARANCES:

For the Plaintiff: BENJAMIN P. CLOWARD, ESQ.
CHARLES H. ALLEN, ESQ.
ALISON M. BRASIER, ESQ.

For the Defendants: LEANN SANDERS, ESQ.
KIMBERLEY A. HYSON, ESQ.
J. BRUCE ALVERSON, ESQ.

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1 **LAS VEGAS, NEVADA, THURSDAY, FEBRUARY 18, 2016, 9:47 A.M.**

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3 (Outside the presence of the prospective jury panel.)

4 THE COURT: Good morning, everyone. It looks like
5 everyone is present. What are the issues we need to address?

6 MS. SANDERS: Two things, Your Honor, and this just
7 needs to be addressed before we have openings. Last week
8 counsel sent a list to Your Honor and to us with certain parts
9 of deposition testimony from Jennifer McKibbins and Jay
10 Farrales that they would like to I guess either read or play
11 for the jury in opening statements.

12 I'm not sure if they're actually going to use all of
13 those, but several of the sections that they had marked at
14 least were objected to in the deposition. So we would just
15 need to have Your Honor look at those and make a ruling on the
16 objections before they would be allowed to use that in --

17 THE COURT: Are there a lot of them?

18 MS. SANDERS: There are a lot of them, yeah.

19 THE COURT: Okay.

20 MS. SANDERS: You did send that to the Judge?

21 THE COURT: I've been sick since Friday.

22 MR. CLOWARD: I understand, Your Honor. We could
23 narrow that significantly. The more important issue is we
24 want to show the jurors certain things during the opening,
25 demonstrative evidence, as well as exhibits that one, jointly

1 been agreed to -- and then there's one exhibit that has not
2 been jointly agreed to, which we believe the foundation will
3 be laid. That's the other issue. I can live without the
4 deposition transcripts and the clips if the Court doesn't have
5 time to rule on it. But the more important thing for us is to
6 be able to show a little bit of what the evidence will show
7 demonstratively.

8 THE COURT: Okay. Ms. Sanders is correct, we'll
9 have to have a hearing to determine which part -- if you
10 cannot agree to the parts of the deposition there are
11 objections, we will have to have a hearing. Perhaps we'll
12 have time to do it after we select a jury. I imagine we're
13 going to be probably until lunchtime to select a jury and for
14 me to be able to read the instructions to them and then we
15 should have some time maybe while the jury is at lunch. How
16 many exhibits have you not agreed to?

17 MS. SANDERS: May I address that first, Your Honor?
18 We had -- as of last week, we had an agreement for joint
19 exhibits. We had a discussion with Mr. Cloward last week
20 about whether or not we would be in agreement to use those
21 jointly stipulated exhibits in our openings. We had a
22 disagreement, I'm not going to get into the details of that,
23 but Mr. Cloward withdrew on Tuesday all of his stipulations to
24 the joint exhibits. So at this point we have no stipulated
25 exhibits at all.

1 This morning -- so I had prepared my opening without
2 any exhibits based on our understanding that we did not have
3 any longer any joint stipulated exhibits. This morning I had
4 a conversation with Mr. Cloward and he wanted to reinstate the
5 stipulated exhibits; however, wanted to now use those in his
6 opening. And I told him, you know, we don't have an agreement
7 for stipulations. If the effect is you're just going to
8 sandbag us with using exhibits when we don't have an agreement
9 to do that in opening.

10 So our position is at this point that we don't have
11 any stipulated agreement for exhibits and that we would need
12 to lay a foundation. And if they're not joint stipulated
13 exhibits, they don't get used in opening.

14 MR. CLOWARD: In response, the problem that happened
15 is we did have a joint agreement on stipulated documents. But
16 then Ms. Hyson, and I don't think this was anything
17 intentional, I'm not saying that at all, there were some
18 documents that were redacted from one of the exhibits. In a
19 panic, I'm looking through the old set versus the new set that
20 she substitutes out and she has now redacted documents that
21 are, in my view, shouldn't have been redacted.

22 So I said hey, look, you know, you've redacted some
23 documents, I can't agree to anything now because I don't know
24 whether you're redacting documents that should be in there. I
25 believe this is an overredaction and until I have the chance

1 to sit down and actually look at what's been redacted, what
2 shouldn't be.

3 So the conversation this morning was it appears that
4 there's only the one exhibit that had the overredaction, so
5 everything else is good to go. But I've been completely up
6 front with Ms. Sanders. The conversation on Friday was I'm
7 going to show them documents, I'm going to talk to the Judge
8 about the documents and I tried to obtain an agreement for her
9 to allow me to show that the -- what our whole case revolves
10 around, the employee manual, their employee manual. That's
11 the one document that she wouldn't agree to stipulate to.

12 So I was trying on Friday to get her to agree hey,
13 I've agreed to everything that you want, just please agree to
14 this one document that I want. She wouldn't give me the
15 agreement so I -- but I still told her hey, look, I'm going to
16 talk to the Judge, I'm going to still show this in opening,
17 you know, I'm going to show this, I'm planning on showing it.

18 So to suggest that I'm trying to snowball her or
19 sandbag her, I was very clear from the beginning I plan on
20 showing the jurors these to educate them. Some jurors are
21 visual learners, some jurors are audio learners. It's been my
22 experience that when you can show the documents, that the
23 jurors are able to follow along better. And like Judge
24 Williams says, look, if you show a juror a document and then
25 you don't get it in in your case in chief, well then you're

1 the dummy that shouldn't have shown it and the defense is
2 going to hammer you over the head with that. So if you want
3 to take the risk and show them a document, do it at your own
4 peril.

5 So I think that we should be able to show the
6 documents that we reasonably believe will be admitted into
7 evidence. And importantly, both Mr. Farrales and Ms.
8 McKibbins were questioned about the document that I intend to
9 -- questioned at their deposition and it was attached to the
10 deposition, portions of it, and that's the document that I
11 would like to show to the jurors, that and the video clip of
12 the incident itself. Those are really the two documents that
13 I plan to show. The one document that they were questioned
14 about in their deposition and then the video of this incident
15 itself.

16 Other than that, I don't have a whole bunch of
17 documents and I would withdraw, I mean, if it makes Ms.
18 Sanders feel any better, I'll withdraw the portions of the
19 clips that I wanted to show if we can get an agreement on
20 these two issues.

21 THE COURT: Okay. So you want to show the employee
22 manual and clips of the --

23 MR. CLOWARD: One page of the employee -- I'm sorry,
24 Judge. One or two pages of the employee manual, not the whole
25 thing. It's like three pages and I believe all three pages

1 that I intend to show were discussed at the depositions of
2 either Ms. McKibbins or Mr. Farrales. And then, we'd like to
3 show the video of the actual incident itself.

4 THE COURT: All three hours of it?

5 MR. CLOWARD: No, no, no. Like 10 minutes.

6 MS. SANDERS: The problem I have with that, we never
7 did stipulate to the one thing he does want to show. Under
8 the rules, unless he lays a foundation or it's a stipulated
9 exhibit, then it doesn't come into opening. I don't have a
10 problem -- I don't know what demonstrative things he wants to
11 show. I mean, demonstrative don't go to the jury, they're
12 just demonstrative. So I don't necessarily have a problem
13 with that. But I can show Your Honor the email I received
14 from him just a couple of days ago saying exactly that based
15 on the -- I'm no longer willing to agree to any exhibits --

16 MR. CLOWARD: Based on the overredaction. Read the
17 first part so she has the context.

18 MS. SANDERS: I'm surprised -- yeah. Also, due to
19 the overredaction that's occurred in this case, I'm
20 withdrawing my stipulation to any exhibits in this case.
21 Underline any. All exhibits will need to be introduced one at
22 a time. I was surprised that relevant documents were removed
23 from the supposed joint exhibits. Based on the overredaction
24 I'm no longer willing to agree to any exhibits. And that is
25 and has been our understanding going forward since this email

1 was sent on February 15th. So at this point we don't have an
2 agreement for any joint exhibits.

3 Like I said, I had prepared my opening with the idea
4 that we were not going to be using any exhibits. At this
5 point, you know, getting a phone call at 7:30 in the morning
6 to say oh, well, I'm willing to do this but only if we can use
7 it in opening. I'm not willing to agree to that.

8 MR. ALLEN: If it please the Court, if I may.
9 Charles Allen, Your Honor. I was a part of this conversation,
10 heard it over the speakerphone and I got on the conversation
11 with Ms. Sanders and I wanted a time to put this on the
12 record. In that conversation she told me that she would agree
13 to the joint documents and we came to an agreement about that.
14 And then we talked about some other issues.

15 MS. SANDERS: I was willing to agree to it subject
16 to our prior agreement that we not use those in opening. And
17 I was very clear with Mr. Allen at the end of our conversation
18 when it was clear that that was not going to be the
19 understanding, that I was no longer willing to stipulate to
20 have the exhibits in if, in fact, he was going to insist that
21 it was now still okay to use those in opening. And I made
22 that very clear to both of them.

23 MR. ALLEN: And I'm --

24 MS. SANDERS: Mr. Alverson was a witness on my side
25 as well.

1 MR. ALVERSON: I heard it word for word, Your Honor.

2 MR. ALLEN: I'm fair with that, Your Honor, I just
3 wanted to make sure that was clear. I thought I heard her say
4 she would agree to them.

5 THE COURT: Okay. So defense is objecting to these
6 claiming in the deposition they came in, correct?

7 MS. SANDERS: It is on an exhibit list, Your Honor,
8 we just had not stipulated ever to allow it in without
9 foundation.

10 MR. ALLEN: If I may, Your Honor --

11 THE COURT: I really can't believe you guys can't
12 reach an agreement on some of these things. It's going to
13 prolong the trial immensely because I'm sure some of these
14 items are going to be utilized by both sides.

15 MR. ALLEN: Yes, Your Honor, and that's why I want
16 to understand is it just for the opening that you have the
17 objection but after the opening we can use stipulated
18 exhibits.

19 MS. SANDERS: After the opening I don't -- then
20 we're on even terms. I don't really have a problem
21 reinstating the stipulated exhibits. That's why we do it in
22 the first place.

23 THE COURT: So as we stand now we have no stipulated
24 agreements. You guys are going to have to lay the foundation
25 for every piece of evidence you're going to introduce in this

1 trial. Is that where we stand?

2 MS. SANDERS: That's where we stand.

3 THE COURT: It's going to prolong everything.

4 MS. SANDERS: Yes.

5 MR. CLOWARD: It's going to prolong everything but
6 that's not the conversation we had this morning. The
7 conversation we had this morning was I've had a chance now to
8 look at the documents, I understand what's been overredacted.
9 We are going to agree, and this is exactly what I told Ms.
10 Sanders, we're going to agree on every joint document except
11 for the overredacted one. On that one we're going to double
12 check it together to make sure that it's an appropriate
13 document before it goes back to the jury. So there's nothing
14 that should be in there that has been removed, nothing that's
15 in there that shouldn't be in there that's in there.

16 That was the limitation, that we're reaching
17 agreement on stipulating to everything that we previously
18 agreed to except for this one document that was overredacted
19 because now I've had a chance to go through and see. So that
20 one specific document, just that document, we're still going
21 to agree that that will be a joint exhibit, but we're going to
22 go through it together to make sure that it's in there in its
23 entirety.

24 THE COURT: So the problem is this. Ms. Sanders,
25 apparently, if I'm hearing her correctly is not willing to

1 stipulate to any documents at this time, which means I agree
2 with her as far as not having them in opening. You're going
3 to have to lay a foundation for all of these. So you're not
4 having them in openings. Perhaps you can reach an agreement
5 with her between now and openings as these documents. I mean,
6 I understand her frustration to a certain extent in that both
7 of you are preparing this case under a certain assumption and
8 then at the last minute you changed your mind, which you're
9 entitled to do, but it also affected the way the defense was
10 preparing their opening.

11 MR. CLOWARD: Your Honor, I mean, these are
12 documents that are going to come in, it's the video, the video
13 of the incident.

14 THE COURT: They're only going to come in if you lay
15 the appropriate foundation now unless you stipulate to them.
16 My suggestion would be that you guys stipulate to all the ones
17 you're going to jointly utilize or the ones you don't believe
18 there's a valid objection to. It will speed the trial along.
19 But I cannot force you guys to stipulate to evidence. I mean,
20 if you aren't going to stipulate, then the only thing I can do
21 is you guys can put your witnesses on and lay the appropriate
22 foundation for introduction of the evidence.

23 MR. CLOWARD: Your Honor, I think that it can also
24 be -- it can be used as a demonstrative. Just because we show
25 it to the jury doesn't mean that it's evidence. And she has

1 the opportunity at the end of the case, and we're talking
2 about four documents. We're talking about four pages of
3 information. And if I'm unable to lay the foundation, then
4 that sets up a great close for her. You know, Mr. Cloward
5 stands up here in opening and he does this, this and this, yet
6 look at the exhibit binder, ladies and gentlemen.

7 THE COURT: Let me think it over. I mean, here's my
8 problem. I do see the defense's perspective in that I do feel
9 like they've been sandbagged. I mean, these are things people
10 usually agree to and they stay with the agreement.

11 MR. CLOWARD: Can I share my point of view on it?

12 THE COURT: I can't -- I don't know what -- I wasn't
13 involved in the conversations between the two counsel. I
14 mean, everyone said the same thing in that you had an
15 agreement up until as late as last week and you didn't have an
16 agreement as of this week and you don't have an agreement as
17 of now.

18 MR. CLOWARD: Sure.

19 THE COURT: So --

20 MR. CLOWARD: And I guess I just want the Court to
21 at least see from my side of things because I believe that
22 they sandbagged me. I told Ms. Sanders on Friday very clearly
23 I plan on showing these things, I plan on talking to the Judge
24 about it, I plan on having these in my openings. Very clearly
25 I told her these things. And then all of a sudden on Tuesday,

1 on Tuesday I find out the documents have been removed from the
2 exhibits that I agreed to. So I'm panicked thinking well,
3 what else has been removed. I'm looking at this and I
4 understand I'm not -- I don't think it was intentional at all.
5 I'm not suggesting that -- Ms. Hyson's standing up -- I'm not
6 suggesting that at all. But that's what caused me to have the
7 knee jerk reaction of well, hold on now. If you're taking
8 stuff out before we can go to the court and say this is
9 stipulated, we've got to take another look at this.

10 MS. HYSON: Your Honor, if I may respond to the
11 issue about the redaction.

12 THE COURT: Sure.

13 MS. HYSON: I provided Mr. Cloward with the exact
14 Bates stamped pages of the documents we were going to redact,
15 which was pursuant to a motion in limine order over a week
16 ago. So he had that information much before he pulled back on
17 the agreement for the stipulated exhibits. So to say that we
18 sandbagged him by taking these documents out or redacting them
19 is just untrue because we were forthright about what
20 redactions were made to the documents and, in fact, provided
21 him page by page page numbers. So he was aware.

22 MR. CLOWARD: In response to that, the Bates labels
23 that she provided were to documents --

24 THE COURT: Okay. Let me think about it, whether
25 I'm going to let you use them in openings. Again, I'm not

1 going to get involved as far as -- the disagreement you guys
2 are having, in my opinion, it's how you guys choose to
3 practice law and that's not for the Court to jump into. I'm
4 not going to get into a he said, she said. But I will think
5 about whether or not I'll allow you to use them. I would
6 suggest you guys stipulate to documents; otherwise, this trial
7 is going to go longer than necessary.

8 Is there anything else we need to address before we
9 bring the jury in?

10 MS. SANDERS: No, Your Honor, I don't think so.

11 THE COURT: All right. Then let's bring the jury
12 in, please.

13 And just so you're aware, this is my Marshal's
14 daughter. She's just watching, if you guys don't mind.

15 (In the presence of the prospective jury panel.)

16 THE COURT: Counsel, make yourself comfortable.
17 Welcome back, ladies and gentlemen of the jury. As you
18 probably recall, yesterday you guys were sworn in as potential
19 jurors, so you are still under oath at this time. When we
20 left off Mr. Cloward had some questions for everyone. If you
21 have any additional questions, please continue.

22 MR. CLOWARD: Thank you, Judge.

23 Good morning. Hope everyone had a good night last
24 night. The next thing I wanted to talk about was whether
25 anybody here has ever had to hire a specialist or someone with

1 special training to take care of their children or anything
2 along those lines? Anybody that's had that experience? I
3 think somebody indicated that their I think sister or daughter
4 had to hire help. It was one of the individuals that their
5 daughter had schizophrenia [inaudible] autism. Was that you?
6 Can you tell me about that?

7 PROSPECTIVE JUROR NO. 171: 171, Hinds. I really
8 don't know anymore than what I told you because I wasn't
9 involved in helping her find anybody. She already has people
10 she knows.

11 MR. CLOWARD: Okay. How did she go about I guess
12 finding those folks?

13 PROSPECTIVE JUROR NO. 171: I don't know what she
14 does.

15 MR. CLOWARD: And it's your sister --

16 PROSPECTIVE JUROR NO. 171: Niece.

17 MR. CLOWARD: -- so it's your sister's daughter.

18 And she has folks that come in and help her with that if she
19 needs to go with her and her husband; is that --

20 PROSPECTIVE JUROR NO. 171: Right.

21 MR. CLOWARD: Can you just tell me a little bit more
22 about that? I just wanted to find out a little bit more about
23 that.

24 PROSPECTIVE JUROR NO. 171: You just said everything
25 I know.

1 MR. CLOWARD: Okay. Does your -- and I'll go back
2 to Ms. Scheeler, 133. I'm really nervous all of a sudden. I
3 don't know. It's like what happened. Yesterday I felt just
4 fine and now all of a sudden I get up here and geez, Louise.
5 Sorry. I'm mumbling around. Ms. Scheeler, tell me about your
6 granddaughter. Does your daughter have to sometimes have help
7 to come in and so forth?

8 PROSPECTIVE JUROR NO. 133: My grandson, yes. They
9 have --

10 MR. CLOWARD: I'm sorry.

11 PROSPECTIVE JUROR NO. 133: No problem. California
12 is one of the better states to be in if you have an autistic
13 child because there are so many government programs and they
14 have helpers. And my daughter relies on family mostly, but
15 also outside help. As I said, he's in a special school.

16 MR. CLOWARD: When she relies on outside help, tell
17 me about that. What is -- like who sometimes will help?

18 PROSPECTIVE JUROR NO. 133: You mean people she has
19 to hire?

20 MR. CLOWARD: Yeah.

21 PROSPECTIVE JUROR NO. 133: Okay. My grandson's
22 been in programs since he was three. And as I said before, he
23 was in normal schools up until two years ago. He's 14. And
24 he had in California what they call a shadow who goes to
25 school with him every day. She, my daughter-in-law wanted him

1 to be in a special school where he's just with trained experts
2 as to how to deal with autism. Nine years ago somebody who
3 worked with him in the program helps, comes about three or
4 four times a week and he stays, he takes my grandson to like
5 the park or the zoo or to computer school. It gives my
6 daughter-in-law a four or five-hour break so that she can run
7 errands and take my granddaughter places and things like that.

8 MR. CLOWARD: I'm assuming that your daughter has to
9 trust that the person that's help with your grandson knows
10 what they're doing, right?

11 PROSPECTIVE JUROR NO. 133: Oh, absolutely. You
12 know, they trust him emphatically. I met him and I know him
13 personally, talked to him.

14 MR. CLOWARD: Is there -- I mean, is there anybody
15 here that thinks that Ms. Scheeler's daughter is wrong to
16 trust someone else to watch her grandson, her son while she
17 does other things? Is there anyone that feels that way?
18 Should Ms. Scheeler's daughter be able to hire somebody that
19 specializes in certain things and trust that that person will
20 do what they're hired to do?

21 Can I have you talk, Mr. Morgan? Do you have a
22 comment?

23 PROSPECTIVE JUROR NO. 216: I was just thinking that
24 regardless of a disability or not, like say you had a --
25 anybody who has a kid would drop their kid off at school or

1 daycare, they have to trust the teachers, the principals, the
2 caregivers, you know. No matter what the situation is, if you
3 feel like they're not going to protect your child or family
4 member, then you're going to have an issue or problem. So
5 regardless of a disability or not, you're going to try to
6 hopefully find as much information as possible to just drop
7 your kid off to a complete strangers.

8 MR. CLOWARD: Assuming that the appropriate homework
9 is done to determine whether somebody is specialized, you're
10 not just dropping your child off with a stranger, like you
11 say. Should members of society be able to -- members of the
12 community be able to trust that other people will do their
13 jobs and do what they're supposed to do?

14 PROSPECTIVE JUROR NO. 216: Yeah, but, you know,
15 it's not always a guarantee. You kind of have to have a
16 little bit of faith and hope, you know. You do all that you
17 can do and then just hopefully, everything works out. And if
18 you see a problem, then you deal with that issue.

19 MR. CLOWARD: Who here agrees or disagrees, has some
20 additional thoughts. I'd like to hear from some other people.
21 Please talk to me. Pass it back there to Ms. Beckum, 146.
22 Thank you, Ms. Beckum.

23 PROSPECTIVE JUROR NO. 146: I think it is good to
24 have someone who specializes in something, especially when you
25 have a disabled child, just because they're able to deal with

1 them at a different level than someone who's not experienced
2 with dealing with someone who has different types of
3 disabilities so they're not scared or afraid or whatnot.

4 MR. CLOWARD: In Ms. Scheeler's daughter's
5 situation, does anyone expect that Ms. Scheeler's daughter is
6 required to be with her son 24/7?

7 PROSPECTIVE JUROR NO. 146: That's impossible. I
8 mean, as a parent you try to be with your child as much as you
9 can, but you want to -- you don't want to take away from your
10 other children and your family. So, you know, having a break
11 or being able to do other stuff and having that extra help, it
12 does help.

13 MR. CLOWARD: Does anyone think that, that, you
14 know, if you're a parent of a child with a disability that you
15 have to be with that child 24/7 for the rest of your life?
16 Does anybody -- please raise your hand if you feel that way.
17 That's an important -- anybody feel that way? Everyone agrees
18 that all parents can trust that if they do their homework and
19 they entrust their children with somebody that that individual
20 will do their job. Does everyone agree with that? Thank you.

21 I'm getting close to being done, so I just have a
22 couple other things. One thing I think I bombed at yesterday
23 was the discussion of the frivolous defenses, frivolous cases.
24 Mr. Strobeck, you talked about how the majority of cases in
25 your view are somebody's just trying to get something for

1 nothing. And I talked, and I asked some questions about
2 frivolous defenses. And what I wanted to know was is it okay
3 -- you know, I think everyone can agree it's not okay for a
4 plaintiff or anybody in the community to come into court and
5 try to get something that -- something for nothing. Everybody
6 agrees with that, right? Everyone agree with that? Okay.
7 Doesn't do any of us any good to have folks like that.

8 But the other question that I had is we're coming up
9 on the Nevada caucuses here and you see all these ads and
10 you've got one guy saying this and then two years later it's
11 something completely opposite. You have another individual
12 saying one thing and then two years later it's something else.
13 It's like everybody's saying whatever they want to say to get
14 voted, to get voted in. And my question is, is what's good
15 for the goose good for the gander. Is it okay for a defendant
16 to come into a case and say whatever it takes to avoid being
17 responsible? Is that okay?

18 Is it okay for, you know, you hear the cases of
19 somebody rear ends somebody and then they get sued and then
20 that person comes into court and says oh, the person backed
21 into me, it was their fault. They rear-ended me, they backed
22 into me. Is that okay? Can I have someone talk to me about
23 that, please?

24 PROSPECTIVE JUROR NO. 198: Why not? I mean,
25 they're defending themselves. I mean, I'm not going to sit

1 here and lose, so I'm going to say something to save my ass.

2 MR. CLOWARD: Okay. Mr. Rivera, I guess in your
3 view it would be okay for a defendant if they got sued to say
4 anything it took to not have to have responsibility; is that
5 fair?

6 PROSPECTIVE JUROR NO. 198: Yeah, I mean, they all
7 do it.

8 MR. CLOWARD: Who here agrees with Mr. Rivera?
9 Please talk to me. Thank you very much. Mr. Morgan. Mr.
10 Rivera, thank you for your honesty. I appreciate it. Thank
11 you. I always love to hear these things.

12 PROSPECTIVE JUROR NO. 216: You were saying what's
13 fair. It doesn't really -- it depends on whose opinion of
14 what fairness is. I mean, both sides have -- want to win.
15 Whether it's them or the lawyers, they're going to do or say
16 whatever's in the -- whatever they can get away with in the
17 way of the laws to win their argument or win their case. So
18 whether you say it's fair or I say it's fair, it's really up
19 to the judge or people in the court to decide that. You can't
20 say well, that's not fair because they're trying to fight for
21 their livelihood or for the money, it's not for really -- it's
22 not really a morality thing, it's what's going to -- as long
23 as you're not breaking the law, then I say why not.

24 MR. CLOWARD: Well, do you think that it's good for
25 the community for people to come in and basically say whatever

1 they want in court, whether it's the truth or not?

2 PROSPECTIVE JUROR NO. 216: Well, no. Obviously,
3 you're under oath so you should always say the truth. But if
4 you could make your case and you have your right to your
5 opinions, you have the right to free speech, right to say or
6 do whatever you want to the point of the law.

7 MR. CLOWARD: I appreciate you [indiscernible], Mr.
8 Morgan. I want to just follow up on this a little bit. We
9 talked about, you know, how some lawsuits, like the McDonald's
10 lawsuit, that's not good for the community to have somebody
11 come into court and file the lawsuit and get paid millions of
12 dollars for spilling coffee that everyone should know is hot.
13 So I want to -- I'm just asking the flip side. Is it good for
14 our community to have a defendant come in and basically lie
15 about things or say things that aren't true in order to
16 protect themselves? Is that okay? Is that good for our
17 community, bad for our community, does it really matter? How
18 do you all feel about that?

19 PROSPECTIVE JUROR NO. 216: Probably bad for the
20 community but then again, court is almost like a game in a
21 sense. You know, you try to one up the other, you know. No
22 one's perfect, everybody's trying to win for whatever reason.
23 You know, their own reasons. Obviously, you shouldn't lie in
24 court or be dishonest, but, you know, if you're going to get
25 away with it then you're going to try to do whatever you can

1 do to win your case.

2 MR. CLOWARD: Thank you, Mr. Morgan. Mr. Burr, you
3 raised your hand too. Can you tell me, how do you feel about
4 this?

5 PROSPECTIVE JUROR NO. 214: I think everybody has
6 their side. Like the defense probably believes that they're,
7 they did everything they could and I believe the plaintiff
8 thinks they didn't do everything they could. So, in their
9 opinion they're right and then the plaintiff's opinion,
10 they're right as well.

11 MR. CLOWARD: Do you agree that there can only be
12 one actual true version of what happened, though?

13 PROSPECTIVE JUROR NO. 214: Yeah, I think so. I
14 think there's always just one truth, but each person has a
15 different story to tell.

16 MR. CLOWARD: Thank you, Mr. Burr. Who here also
17 has some feelings about this? Is it a good thing for the
18 community, a bad thing for the community if people come in and
19 say whatever they have to to avoid maybe being responsible for
20 something? Can you pass that up to Ms. Brown, 212?

21 PROSPECTIVE JUROR NO. 212: There's three sides to a
22 story. It's going to be the plaintiffs, the defendants and
23 the straight truth. You'll probably never get that truth out
24 in the courtroom. That doesn't necessarily mean one side is
25 lying or the other side is lying, it's just their version of

1 the truth. I don't know if it hurts the community if it's not
2 fair, it's just that's life. You're going to present a side,
3 they're going to present a side, we won't never know what
4 actually happened, but both sides are going to tell it how
5 they felt like it happened.

6 MR. CLOWARD: Okay.

7 PROSPECTIVE JUROR NO. 212: That's my opinion.

8 MR. CLOWARD: What if the evidence came out of the
9 case that one side was not being truthful and it's obvious,
10 but that's their position? Is that a good thing, bad thing?

11 PROSPECTIVE JUROR NO. 212: It's a bad thing.

12 Aren't there penalties for lying in court?

13 MR. CLOWARD: Who else here has feelings about this
14 that they'll please share -- I mean, why is it a bad thing?

15 PROSPECTIVE JUROR NO. 212: It's a bad thing to lie
16 about anything. If you're here to present a case, present it
17 to the best of your ability in the most honest way as
18 possible. You can get your story across and prove your point,
19 but you don't have to lie about it. You just don't have to
20 lie about it. Just be honest.

21 MR. CLOWARD: Who here agrees with that? Everyone
22 agree that's how it should be? Anyone other than Mr. Rivera
23 or in addition to Mr. Rivera that thinks that you know what,
24 if you get sued you can say whatever you want to try and get
25 out of it? Anyone else share that? Did I understand that's

1 how you feel?

2 PROSPECTIVE JUROR NO. 198: Yeah.

3 MR. CLOWARD: Okay. Thank you. Anyone agree -- I
4 always -- I don't ever want to misstate what somebody says.
5 They teach you that's the worst thing to say [indiscernible].
6 Anyone agree with that position, that it's okay for a party to
7 come in and say whatever it takes to win? Can you tell me,
8 Ms. Hinds, 171, why not?

9 PROSPECTIVE JUROR NO. 171: It just seems once you
10 open that door then for anybody to say whatever they want,
11 whether it's the truth or not. Once you've opened that door
12 you'll never find the truth. I don't think it's okay, but
13 kind of along the same thing as Mr. Rivera, I think at times
14 it does happen. It happens.

15 MR. CLOWARD: It happens but you're not of the
16 position that that's okay.

17 PROSPECTIVE JUROR NO. 171: Correct.

18 MR. CLOWARD: Anybody of the position that it's okay
19 for parties to come into court and say whatever it takes to
20 avoid responsibility? Anyone else? Please be brutally
21 honest. Anyone else? Thank you very much.

22 Okay. The reason, one of the reasons why I didn't
23 mean to suggest or imply that your niece has schizophrenia,
24 that's another thing that was on my mind. It was something
25 else that I wanted to talk to you guys about. The evidence

1 will be that the party also had a diagnosis, in addition to
2 mild mental retardation or also known as mild MR, he had a
3 diagnosis of schizophrenia. So I wanted to talk to some folks
4 about that, whether they have any experience. Mr. Tindall,
5 181, you actually work in a mental health facility; is that
6 correct?

7 PROSPECTIVE JUROR NO. 181: That's correct.

8 MR. CLOWARD: Can we talk to you for a minute about
9 that? Tell me a little bit about your job, what you do and so
10 forth.

11 PROSPECTIVE JUROR NO. 181: I just provide direct
12 care for clients with mental disabilities. We deal with
13 schizophrenia, we deal with -- sometimes we have drug
14 addiction, drug addicts. We also have bipolar and sometimes
15 we get autistic patients too.

16 MR. CLOWARD: The question that I have is again,
17 it's kind of a broad question, do folks with mental disorders
18 like those, psychiatric issues, do they have the same rights?
19 You know, we talked about the black lives matter, we talked
20 about the police lives matter, we talked about the all lives
21 matter. Should they be treated any differently?

22 PROSPECTIVE JUROR NO. 181: No. They have the same
23 rights as everyone else.

24 MR. CLOWARD: Does everyone feel that way? Is there
25 anyone that feels -- that doesn't feel that way, that feels

1 you know what, maybe folks with schizophrenia, you know, they
2 don't -- anyone feels that way? By a raise of hands, if you
3 agree that folks with things like bipolar depression,
4 schizophrenia, multiple personality disorders, whatever, have
5 the same rights and everyone else, please raise your hand if
6 you feel that way. If you don't, please don't raise your
7 hand. Everyone feel that way? Okay.

8 Is there anyone here that has had a bad experience
9 with somebody with either a disability, whether that be like
10 mild retardation or with schizophrenia or anything like that,
11 anything that I've told you about my client that you're
12 already maybe leaning a little bit towards the defense?
13 Anybody at all? No hands. All right.

14 Is there anything that I have said to this point or
15 that Mr. Allen has said or that anybody, any of us have said
16 or that -- maybe you've seen my clients now, you've seen Jack,
17 you've seen Elaine, you've seen Neil, anything that anybody
18 has done that you're already, you know, maybe I look like a
19 brother-in-law that you just can't stand, you're going to hold
20 that against me. Anything at all?

21 Ms. Smith, I know I asked you a lot of questions
22 yesterday. I feel bad about that. I was worried, I hope I
23 didn't upset you. Anything I said yesterday -- okay. I'm
24 sorry. I know I kind of picked on you a little bit yesterday.
25 I'm sorry about that. Just want to make sure that I

1 understood you.

2 When I start going through the outline like this
3 then that means I'm getting close. One of the things -- you
4 know, Mr. Allen, Charles Allen, my co-counsel -- Charles, why
5 don't you stand up. Thank you, Charles. Charles was flown in
6 here from Atlanta. He's not a local lawyer, he's flown in all
7 the way from Atlanta to help with this case. Anybody that
8 doesn't like Georgia, anything like that? Will you hold that
9 against him? Anyone that's like, you know, we talked about
10 football the other day. The Judge, she went to A&M and her
11 husband is a Longhorn and I can imagine how contentious that
12 might be. I mean, anybody that's a die hard Alabama fan is
13 going to hold that against Mr. Allen? All right.

14 Is there anybody here that has any experience with
15 choking? Anybody here had a close call themselves that they
16 almost choked to death or know somebody, a family member that
17 choked? Anybody here that's had that happen to them? Okay.
18 Ms. Beckum, 146; Mr. Burr, 214. Before we get to anybody
19 else, please raise your hand if you've had any experience with
20 this. Anyone else? Okay. Ms. Beckum, tell me about that.

21 PROSPECTIVE JUROR NO. 146: Well, my son, he put a
22 ball in his mouth and he was choking on it. So I had to like
23 stick my whole hand in his throat to just basically get it
24 out. But it got out, but he was little. He's always putting
25 something somewhere.

1 MR. CLOWARD: Had you had any training to --

2 PROSPECTIVE JUROR NO. 146: In like high school,
3 CPR. But I think maybe the Heimlich then, but I didn't
4 remember anything. I was just trying to react quick to get it
5 out.

6 MR. CLOWARD: And you actually were able to take
7 some steps and by doing something you were able to get it out.

8 PROSPECTIVE JUROR NO. 146: Yes.

9 MR. CLOWARD: Okay. Thank you. I'll bet that was
10 pretty scary. Mr. Burr, tell me what your experience is.

11 PROSPECTIVE JUROR NO. 214: My baby brother, he was
12 choking on some food and I performed the Heimlich maneuver on
13 him.

14 MR. CLOWARD: Did you have training on the Heimlich?

15 PROSPECTIVE JUROR NO. 214: Yeah. I'm CPR
16 certified, AED certified and I stay with that.

17 MR. CLOWARD: Was it hard? Tell us about the
18 Heimlich. Was it a hard thing to do?

19 PROSPECTIVE JUROR NO. 214: No, it's pretty simple.
20 You just pretty much hug them and you put your knuckle into
21 their sternum and you just --

22 MR. CLOWARD: That's it.

23 PROSPECTIVE JUROR NO. 214: -- apply pressure.
24 Pretty much.

25 MR. CLOWARD: Thank you. And you were able to

1 successfully perform that?

2 PROSPECTIVE JUROR NO. 214: Yes.

3 MR. CLOWARD: He's okay now?

4 PROSPECTIVE JUROR NO. 214: Yes.

5 MR. CLOWARD: How old is he?

6 PROSPECTIVE JUROR NO. 214: He's 18 now.

7 MR. CLOWARD: How old are you?

8 PROSPECTIVE JUROR NO. 214: I'm 25.

9 MR. CLOWARD: I've always got to ask brothers, you
10 know, who's tougher out of the two of you.

11 PROSPECTIVE JUROR NO. 214: It's obviously me.

12 MR. CLOWARD: My brother's older but I'm tougher
13 than he is. Unless you ask him, and then he says -- anyway,
14 thank you. I appreciate that. Anyone else have any choking
15 experience or first aid experience, Heimlich maneuver
16 experience, anything like that? Anyone at all? Ms. Smith?
17 Can you tell me about that?

18 PROSPECTIVE JUROR NO. 137: Well, I'm CPR certified
19 because I work at the hospital.

20 MR. CLOWARD: Is that something that I guess your
21 employer trained you on?

22 PROSPECTIVE JUROR NO. 137: Correct.

23 MR. CLOWARD: Tell me a little bit about that.

24 PROSPECTIVE JUROR NO. 137: So every two years you
25 have to be recertified doing CPR and like he said, AED class.

1 MR. CLOWARD: You also learned the Heimlich
2 maneuver?

3 PROSPECTIVE JUROR NO. 137: Yes.

4 MR. CLOWARD: How long is that training? Is it long
5 or short?

6 PROSPECTIVE JUROR NO. 137: A few hours, like two
7 hours.

8 MR. CLOWARD: Okay. And how did they go about
9 training you?

10 PROSPECTIVE JUROR NO. 137: At my facility they do
11 an online course and then you also have to go in for another
12 hour doing a manual course.

13 MR. CLOWARD: I guess, does your work have, you
14 know, like an employee handbook of policies that kind of help
15 you to know what you're supposed to do and so forth?

16 PROSPECTIVE JUROR NO. 137: Yes.

17 MR. CLOWARD: You have to sign off that you received
18 those things?

19 PROSPECTIVE JUROR NO. 137: Correct.

20 MR. CLOWARD: Anyone else have training like that at
21 their job? Thank you very much. Mr. Tindall, 181. And that
22 was Ms. Smith, 137.

23 PROSPECTIVE JUROR NO. 181: My training is similar
24 to Ms. Smith's. It's every two years we've got to -- well,
25 every two years we have to recertify on CPR and AED. And

1 we're trained to do the Heimlich. We usually have to go in
2 for like maybe eight hours in one day and then we're
3 recertified on that. And it's, all the training is -- we have
4 to go to a classroom.

5 MR. CLOWARD: Does your work -- tell me again, you
6 worked at the Southern Nevada Adult Mental --

7 PROSPECTIVE JUROR NO. 181: Health Services, yeah.
8 I work for the psychiatric hospital, state psychiatric
9 hospital.

10 MR. CLOWARD: Do they give you like an employee
11 handbook that goes with --

12 PROSPECTIVE JUROR NO. 181: Oh, yeah. There's like
13 procedures and stuff and handbooks and you can look it up.

14 MR. CLOWARD: That make you sign off on that
15 [indiscernible] --

16 PROSPECTIVE JUROR NO. 181: I haven't had to use it
17 since I've been there, but I've been trained on it.

18 MR. CLOWARD: Okay. Thank you. Mr. Layola, 159, I
19 think you work in a pharmacy. Do you guys have any sort of
20 training like that?

21 PROSPECTIVE JUROR NO. 159: For our pharmacy, we
22 don't -- we deal directly with patient contact. So it's
23 mainly, you know, medication. So we don't have interaction
24 directly with patients.

25 MR. CLOWARD: Do you have the training on the things

1 that you do, though?

2 PROSPECTIVE JUROR NO. 159: Yes. You have to be
3 certified, pass the exam, be registered in the Board of
4 Pharmacy, basically.

5 MR. CLOWARD: Is it important you think for your
6 company to require certain things of you? Is it important for
7 them to train you?

8 PROSPECTIVE JUROR NO. 159: Yes.

9 MR. CLOWARD: Does everyone think that? Why is
10 training important?

11 PROSPECTIVE JUROR NO. 159: Training's important
12 because you want to be an expert in your field and, you know,
13 CPR certified. If someone is choking or, you know, you can
14 save their lives basically.

15 MR. CLOWARD: Thank you. Who here else I guess has
16 an opinion on training, whether it's important, whether it's
17 not important, whether it's a good thing, bad thing? You're
18 kind of like my go-to guy. What do you think about things,
19 about training, whether it's important? Mr. Morgan, 216. I
20 think you worked at -- you said you worked at Walmart at one
21 point? I'm sure they had some training for you.

22 PROSPECTIVE JUROR NO. 216: No, they did not, I
23 don't believe. I took a health class in high school and I
24 played football and baseball all my life. You take lots of
25 health classes and you learn about the Heimlich maneuver and

1 CPR. I never had to actually do it, but I would say it's
2 important for a business that deals directly with like
3 medicine or athletics or if you're around the disabled, young
4 kids or elderly, to know, to be trained to a certain extent
5 that you could have some assistance.

6 MR. CLOWARD: Why?

7 PROSPECTIVE JUROR NO. 216: Well, anybody you see in
8 trouble you want to be able to help them to the best of your
9 ability. You -- how should I phrase this? You see someone
10 choking, hopefully you kind of could figure out even if you
11 never had some training. But say if you're in a hospital and
12 you're choking there, you would expect a nurse or someone in
13 there, a staff member, to know what they're -- how to do their
14 job. But I couldn't say that for any certain practice or
15 field. I can't necessarily assume or make sure they're
16 required to know a [indiscernible] or trained. That's my
17 opinion.

18 MR. CLOWARD: Thank you. Mr. Morgan indicated he
19 felt like he thought it would be important for certain types
20 of jobs to have training, people in the health industry or
21 people in sports, people working with disabilities. Who here
22 agrees with that or disagrees with that? Thank you. Ms.
23 Scheeler, 133. Ms. Scheeler, tell me your views or your
24 thoughts on that, please.

25 PROSPECTIVE JUROR NO. 133: Well, I understand in

1 certain positions people should be trained, whether it's
2 doctors, nurses, whatever. But isn't it the state and cities
3 place to put these things in effect if that's what it's all
4 about? I mean, shouldn't these rules be made by our
5 government?

6 MR. CLOWARD: What do you think about that?

7 PROSPECTIVE JUROR NO. 133: I don't know. I'm just
8 saying. Why hasn't anybody noticed, you know, and provided
9 that training? I mean, to me it seems like something the
10 government would control. They control our food and what we
11 drink and eat and sugar and whatever. So that's my opinion.

12 MR. CLOWARD: Okay. Who here agrees or disagrees
13 with that? Ms. Scheeler I guess thinks it's a good idea for
14 some of these companies, like Mr. Tindall, Mr. Layola, you
15 know, to have certain policies and procedures in place. Who
16 here thinks that's important? Who here thinks it's not
17 important unless the government tells you to do it? Any views
18 on that?

19 PROSPECTIVE JUROR NO. 133: Well here's a view for
20 you. We all have to wear seatbelts, it's a requirement. We
21 can get tickets for not having it. Our insurance is raised.
22 But we have school buses that have no seatbelts and they say
23 it's too expensive. So I rest my case. I don't understand
24 it.

25 MR. CLOWARD: Is that a good thing or a bad thing?

1 PROSPECTIVE JUROR NO. 133: I think it's a bad thing
2 but it's not for me to decide. I would think that the
3 government once again would protect their children.

4 MR. CLOWARD: For instance, you raise a good point
5 and talk about seatbelts. There's a statute in Nevada, you
6 know, NRS, whatever the statute is that says you've got to
7 wear the seatbelt. Well, what if I walked out to the third
8 floor here, on the third floor you can see down and you see
9 people coming into the courtroom and stuff and I get a tennis
10 ball and I think it's going to be funny and throw it. I mean,
11 I'm sure there's no rule, no law that says, no NRS statute
12 that says hey, don't throw a tennis ball on the third floor of
13 the courtroom. But if I do that somebody could get hurt. So,
14 I mean, is it -- do we always need to have a specific
15 governmental rule to tell us what we should and shouldn't do
16 or what's the smart thing to do or not to do?

17 PROSPECTIVE JUROR NO. 133: Well, the government
18 seems to think so. I think seatbelts for children in a bus is
19 more important than how much sugar you intake, because people
20 are going to intake it whether you tell them to or not.

21 MR. CLOWARD: Yeah. Okay. Thank you, Ms.
22 Scheeler. Ms. Hinds, you kind of looked like you had some
23 thoughts on that one.

24 PROSPECTIVE JUROR NO. 171: I think the government
25 has way too much say in what we do already. I think it's up

1 to the individual to monitor themselves.

2 MR. CLOWARD: What about companies? Do you think
3 it's okay for companies to have specific training, policies
4 and procedures or do you think that companies should be told
5 by the government what to do? Or do you think that companies
6 can be trusted to have specific policies in place and so
7 forth? How do you feel about that?

8 PROSPECTIVE JUROR NO. 171: I think companies should
9 monitor themselves.

10 MR. CLOWARD: Who here -- okay. Mr. Shakespear,
11 204. Tell me how you feel.

12 PROSPECTIVE JUROR NO. 204: Most companies are
13 governed by the government anyway. You have OSHA, you have
14 all these various different federal laws and guidelines that
15 you have to go by. So a lot of companies already have to
16 comply with the government so they don't get sued or stuff
17 doesn't happen to them. So a lot of the guidelines that all
18 these guys are talking about, I'm sure there's some government
19 official somewhere that said you have to have this type of
20 thing to be regulated.

21 MR. CLOWARD: How do you feel, Ms. Carvalho, 210?
22 What do you think about of this?

23 PROSPECTIVE JUROR NO. 210: I think it depends on
24 like truck drivers -- sorry, school bus drivers or
25 transporters for children, adults or whatever it may be, I

1 feel they should have some kind of certification or knowledge
2 of how to do simple tasks, like CPR or -- I mean, you're
3 responsible for all these children or people. You have to
4 somehow know something. You're not just driving a vehicle to
5 take them here, take them there because anything can happen to
6 these people.

7 MR. CLOWARD: Who here agrees with that? Raise your
8 hand if you agree with that. I'm assuming if you're not
9 raising your hand you disagree? Raise your hand if -- one
10 more time. Raise your hand if you agree with that. Okay.
11 Mr. Strobeck, you don't agree with that. Tell me why.

12 PROSPECTIVE JUROR NO. 138: It's not that I don't
13 completely agree with that, it's just I believe if my son was
14 disabled or something along those lines and I was taking him
15 to a program and I was worried about him choking or different
16 medical trainings, then I would do the research before I would
17 take my son there to understand that everyone would be
18 qualified to take care of my son. Do I think that everyone
19 should have training? Absolutely. I think they should all be
20 trained, especially in different medical fields like some of
21 the people said they're in.

22 MR. CLOWARD: Assuming that you did the appropriate
23 homework and you trusted whoever was selected to take care of
24 your son in the example you gave, are you okay to trust them
25 to do their job or do you still have an ongoing responsibility

1 to follow him around and make sure that they do their job?

2 PROSPECTIVE JUROR NO. 138: If I do my research
3 right and I take my son there and I'd expect them to be able
4 to take care of my son. It's Strobeck, 138.

5 MR. CLOWARD: Thank you. Everyone agree with that?
6 Anybody disagree with that? Everyone agree? Everyone agree
7 with that? Okay. Ms. Scheeler, I saw you didn't raise your
8 hand in agreement with Ms. Carvalho. Can you tell me --

9 PROSPECTIVE JUROR NO. 133: To some extent I agree.
10 But, I mean, I'm not positive, but I'm not sure if any of our
11 taxicab drivers know CPR and they usually don't even know
12 where the street is. So, you know, I have had to take cabs.
13 I could choke and I'm sure they wouldn't know what to do. I
14 don't know.

15 MR. CLOWARD: But let me ask a question. Does it
16 matter when you're comparing a company that holds themselves
17 out as specializing in a certain area, like we're specializing
18 in transporting folks with disabilities versus a taxi driver
19 that's just saying I'd take anybody? Does it matter if one
20 company holds themselves out like Mr. Shakespear and Mr.
21 Morgan talked about? You know, they're holding themselves out
22 as that versus the taxi driver. Does that change the analysis
23 at all for you?

24 PROSPECTIVE JUROR NO. 133: Well, I just wonder who
25 is overseeing all of these things. If that's the case for the

1 company, why didn't somebody notice or put this into effect
2 before now?

3 MR. CLOWARD: Thank you. Kind of like I guess with
4 your grandson's schools. Do the schools that specialize in
5 that, do they maybe have a little bit more responsibility than
6 the regular schools that don't specialize in handling --

7 PROSPECTIVE JUROR NO. 133: Absolutely, but most
8 people who are involved with autistic children aren't in the
9 right state or the right programs and they're put in the
10 mainstream. That's not right but it happens.

11 MR. CLOWARD: Sure. Thank you. Can I hear from
12 you, Mr. Colyar, 172? I haven't heard much from you. What do
13 you think about all this discussion of training and everything
14 that's been discussed?

15 PROSPECTIVE JUROR NO. 172: I think, like in my job,
16 we always have to have certain people who are certified to
17 have CPR for different shifts. That way if somebody by any
18 chance were to fall, have a heart attack or anything like
19 that, there are people there that can do it. But not all of
20 the employees are certified. So I think it is to each
21 employer to make sure that there's a provided person to be
22 able to help on different shifts, but it doesn't necessarily
23 mean that every single person would have to be certified.

24 MR. CLOWARD: Like, for instance, if an employee is
25 maybe -- they're never going to be around another individual,

1 they sit in a computer room all day and they don't -- they
2 never have any interaction, maybe there wouldn't be the same
3 requirement for that person versus an individual who's helping
4 with folks every single day all day. Do you agree with that?

5 PROSPECTIVE JUROR NO. 172: Yes. At the same time,
6 there are some employees that are going to be around other
7 employees who would be able to probably want to know a little
8 bit about how to assist them if something were to happen.

9 MR. CLOWARD: Thank you. Ms. King, what do you
10 think about all this? I haven't talked to you much.

11 PROSPECTIVE JUROR NO. 177: It's just like
12 lifeguards. If you want to work around a pool and things you
13 should know your job. If you're going to save lives and you
14 want that position, then you should learn CPR, learn how to
15 swim and everything as well.

16 MR. CLOWARD: That's a great analogy. If you're
17 going to be a lifeguard you'd better know how to swim, right?

18 PROSPECTIVE JUROR NO. 177: Yes.

19 MR. CLOWARD: Everyone agree with that? That's a
20 very insightful comment. You've got six diplomas. You've
21 been trained in a lot of different areas, haven't you?

22 PROSPECTIVE JUROR NO. 177: Yes, sir.

23 MR. CLOWARD: Thank you. Can we move right on over?
24 We haven't heard much from you either, Ms. Perez, 178.

25 PROSPECTIVE JUROR NO. 178: I agree with most of the

1 things everybody said. It depends where your area of
2 expertise, where you're at, if you require training to help
3 people that need the help. Other positions doesn't require
4 that because we're not handling with special people. So I
5 don't think it's for most of the companies require because
6 it's a different case.

7 MR. CLOWARD: Maybe like a carpenter, mechanic might
8 not have the same --

9 PROSPECTIVE JUROR NO. 178: Yeah. So it's
10 different.

11 MR. CLOWARD: Okay. Thank you. May I confer with
12 my co-counsel for one moment?

13 THE COURT: Uh-huh.

14 MR. CLOWARD: Thank you, Judge. I appreciate it.

15 THE COURT: Do you have additional questions?

16 MR. CLOWARD: Yes, a few more. Who here -- raise
17 your hand if you have a job that you have an employee
18 handbook, like policy -- raise your hand, please do. If
19 you've got a job that has a handbook, you know. Fair to say
20 if you didn't raise your hand you don't? Thank you.

21 We've covered everybody that has any training with
22 CPR, with Heimlich maneuver, with basic first aid. Have we
23 covered everybody? Anybody that has that training that I
24 didn't get to talk to? I want to make sure I talk to
25 everyone. Okay.

1 So for those of you who raised your hand with the
2 handbook, can I see those hands one more time? I would like
3 to ask just a few of you a couple questions. Mr. Shakespear,
4 tell me a little bit about the handbook that you have, that
5 your employer has.

6 PROSPECTIVE JUROR NO. 204: It basically goes over
7 safety, protocols, what to do in a situation, what not to do
8 in a situation and standard procedures. Basic stuff for your
9 job title.

10 MR. CLOWARD: Does it require you to know what's in
11 the handbook?

12 PROSPECTIVE JUROR NO. 204: That and a lot more.

13 MR. CLOWARD: Do they test you on that ever? Make
14 you sign off that you --

15 PROSPECTIVE JUROR NO. 204: Safety is reviewed at
16 least once every two months.

17 MR. CLOWARD: Thank you. Why do you think they do
18 that?

19 PROSPECTIVE JUROR NO. 204: Well, part of the safety
20 -- I'm not at the distribution center a lot, but part of the
21 safety is what should you do if a forklift's coming your way?
22 Get out of the way. It's basic, simple stuff of what if a --
23 what if gas is spilled, what if antifreeze is spilled, what if
24 this happens or that happens. So it's basically them seeing
25 if you know what you're supposed to know and making sure you

1 know what you're supposed to if you don't.

2 MR. CLOWARD: Thank you very much. Mr. Colyar, you
3 also raised your hand. Your company also has a handbook they
4 make you follow and understand; is that fair?

5 PROSPECTIVE JUROR NO. 172: Yeah. And then every
6 quarterly we have to go over certain key points with our
7 managers and they have to scan our badges, make sure they went
8 over, just to make sure we have our different training in how
9 to lift, how to move stuff, safety. Just kind of the normal
10 things.

11 MR. CLOWARD: Why I guess in your view does your
12 company do that? Is that to bug you or is that to help you be
13 a better employee?

14 PROSPECTIVE JUROR NO. 172: Kind of make sure
15 everybody stays on the same track so that if one employee says
16 oh, I didn't know that, they don't get in trouble because they
17 already went over the training. So they do know, all the
18 employees are on the same page.

19 MR. CLOWARD: Thank you. Ms. King, you also had
20 your hand raised. Does your company have some policies?

21 PROSPECTIVE JUROR NO. 177: We print out the
22 paperwork and we sign it and we go over it every three months,
23 if I'm not mistaken.

24 MR. CLOWARD: If there's ever like an update, are
25 you told about that?

1 PROSPECTIVE JUROR NO. 177: Yes, and they put it in
2 the package.

3 MR. CLOWARD: Make you sign off on things?

4 PROSPECTIVE JUROR NO. 177: Yes, sir.

5 MR. CLOWARD: Thank you. Everyone else have that
6 same experience? Anyone have a different experience than
7 that? Anyone with a different experience? Ma'am, up on the
8 back there, Ms. Martinez, 156. Tell me about your experience,
9 please.

10 PROSPECTIVE JUROR NO. 156: We have a handbook, but
11 honestly, I've never even read it. I just look at what I need
12 and that's about it.

13 MR. CLOWARD: Tell me more about that. How come you
14 don't read it?

15 PROSPECTIVE JUROR NO. 156: I don't -- I mean, I
16 don't know. It's not really necessary I guess. I work the
17 front desk so it's not really needed. It's not like I have to
18 do anything with the safety or anything like that.

19 MR. CLOWARD: But your job gave you the handbook
20 nevertheless?

21 PROSPECTIVE JUROR NO. 156: Yes.

22 MR. CLOWARD: Did they tell you that you had to know
23 those things?

24 PROSPECTIVE JUROR NO. 156: They told us to read it,
25 but it's -- nobody ever follows up so, I mean, as far as I

1 know nobody reads it.

2 MR. CLOWARD: Do you think that's a good thing or
3 bad thing?

4 PROSPECTIVE JUROR NO. 156: It's a bad thing. I
5 mean, I'm sure there are things that people should read in the
6 handbook, but unless required to do it nobody's really going
7 to follow up with that.

8 MR. CLOWARD: Why would it be -- I guess you say you
9 think it was a bad thing. Tell me why you think it's a bad
10 thing that people don't follow through with it.

11 PROSPECTIVE JUROR NO. 156: Because like everybody
12 else was saying, there are safety protocols that you may need
13 to follow at some point.

14 MR. CLOWARD: Thank you. Anyone else have the same
15 experience as Ms. Martinez, 156, that they have a policy and
16 procedure and they just, they don't really read it too much?
17 Anybody else? Okay.

18 This is kind of the last question that I ask and
19 it's one that I ask each of you. Just want to know a little
20 bit more about you and then I'm pretty much done. And the
21 question is going to be the exact same, so it's kind of like
22 when the teacher gives you the question up on the board,
23 everybody knows it. And it's just simply I would like to know
24 a public figure, other than like your parents or a sibling or
25 something, a public figure that you admire and why. So you

1 can say the president of the United States or I hear a lot of
2 folks say sports figures or whatever.

3 Then number two, your favorite job. So we talked,
4 the Judge talked about all your jobs. So tell me your
5 favorite job and why.

6 And then number three, outside of your family or
7 work, something that you're passionate about. We'll just
8 start with Mr. Layola, 159. We'll start with you.

9 PROSPECTIVE JUROR NO. 159: Okay. I guess the
10 public figure for myself is Michael Jordan. I love
11 basketball. The saying goes, I want to be like Mike.

12 MR. CLOWARD: Still remember, he beat my
13 [indiscernible] Byron Russell's looking back at him.

14 PROSPECTIVE JUROR NO. 159: That was a classic.

15 MR. CLOWARD: Not for Utah fans.

16 PROSPECTIVE JUROR NO. 159: What was the second
17 question?

18 MR. CLOWARD: Second question is the Judge asked you
19 a lot about your jobs. Tell me about your very favorite job
20 that you've ever had and why.

21 PROSPECTIVE JUROR NO. 159: For myself, this is my
22 first and only job as a pharmacy tech, so I can't really
23 compare other jobs. But for the most part, I love my job.

24 MR. CLOWARD: That's good. And then outside of work
25 or your family, something that you're passionate about.

1 PROSPECTIVE JUROR NO. 159: I'm into sports
2 basically, so I love basketball. I constantly try and play
3 basketball with friends and family.

4 MR. CLOWARD: Pickup games?

5 PROSPECTIVE JUROR NO. 159: Yeah.

6 MR. CLOWARD: Where do you play most of the time?

7 PROSPECTIVE JUROR NO. 159: Desert Breeze Park.

8 MR. CLOWARD: Is that outside?

9 PROSPECTIVE JUROR NO. 159: Yeah, outside.

10 MR. CLOWARD: You also play there? Awesome. You
11 guys ever see each other?

12 PROSPECTIVE JUROR NO. 159: No.

13 MR. CLOWARD: Thank you very much. I appreciate
14 that. Ms. Martinez, 156. Tell me those three things. Number
15 one, public figure, someone you look up to.

16 PROSPECTIVE JUROR NO. 156: I don't really have
17 anybody. I don't know.

18 MR. CLOWARD: [indiscernible] at all?

19 PROSPECTIVE JUROR NO. 156: Nobody really.

20 MR. CLOWARD: Anyone that you even kind of admire?

21 PROSPECTIVE JUROR NO. 156: Not really, no. Nobody
22 comes to mind.

23 MR. CLOWARD: I'm not going to let you off that
24 easy. I'm going to come back to you.

25 PROSPECTIVE JUROR NO. 156: Okay. I can answer the

1 other questions.

2 MR. CLOWARD: Answer the other ones. Please tell me
3 your favorite job.

4 PROSPECTIVE JUROR NO. 156: Usher at the Colosseum,
5 I get to watch the shows for free, so it's not a bad gig.

6 MR. CLOWARD: Yeah. That's a pretty good gig,
7 actually. Okay. And then something outside of work or family
8 that you're passionate about.

9 PROSPECTIVE JUROR NO. 156: Can it be in the past?
10 I mean, I used to play soccer. I was passionate about that,
11 but it's been years. Nothing recent.

12 MR. CLOWARD: Thank you. Mr. Laury, 152. Haven't
13 heard from you much. Haven't talked to you too much. Tell me
14 these things about you.

15 PROSPECTIVE JUROR NO. 152: I'm also a fan of
16 basketball. If there's somebody I look up to it would be
17 Magic Johnson actually.

18 MR. CLOWARD: Do you [indiscernible]?

19 PROSPECTIVE JUROR NO. 152: Yes.

20 MR. CLOWARD: Make you sad that this is Kobe's
21 farewell season?

22 PROSPECTIVE JUROR NO. 152: Yes, it is, actually.

23 MR. CLOWARD: Got to respect him, whether you love
24 him or hate him, got to respect him. Tell me your favorite
25 job.

1 PROSPECTIVE JUROR NO. 152: I'm going to say my
2 favorite job right now is what I'm doing now, being a bakery
3 clerk. I would say what makes it enjoyable -- I don't
4 necessarily like all things I have to do, but what makes it
5 fun is the co-workers I work with.

6 MR. CLOWARD: Makes a huge difference, doesn't it?

7 PROSPECTIVE JUROR NO. 152: Yes, it does.

8 MR. CLOWARD: Okay. Now, something outside of your
9 work or family, something that you're passionate about.

10 PROSPECTIVE JUROR NO. 152: I would have to say
11 writing. I like being able to be creative.

12 MR. CLOWARD: What kind of things do you write?

13 PROSPECTIVE JUROR NO. 152: I usually write personal
14 stuff, whether it's like things about my day or make up
15 certain stories or whatnot.

16 MR. CLOWARD: Do you keep a good journal?

17 PROSPECTIVE JUROR NO. 152: Yes.

18 MR. CLOWARD: That's good. A lot of folks our
19 generation do that. Thank you for sharing that.

20 PROSPECTIVE JUROR NO. 152: You're welcome.

21 MR. CLOWARD: Mr. Burr, tell me what you -- the
22 number one -- I've asked these questions so many times.

23 PROSPECTIVE JUROR NO. 214: Public figure.

24 MR. CLOWARD: Public figure, thank you.

25 PROSPECTIVE JUROR NO. 214: Tom Brady because I love

Case No. 70164

In the Supreme Court of Nevada

FIRST TRANSIT, INC.; and JAY
FARRALES,

Appellants,

vs.

JACK CHERNIKOFF; and ELAINE
CHERNIKOFF,

Respondents.

Electronically Filed
Oct 20 2017 02:56 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPEAL

from the Eighth Judicial District Court, Clark County
The Honorable STEFANY A. MILEY, District Judge
District Court Case No. A-13-682726-C

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1 PROSPECTIVE JUROR NO. 146: It -- it's pretty broad.
2 We work with everyone. There's no age group. There's --

3 THE COURT: Okay. And to get into this job, did you
4 have to have some specialized training?

5 PROSPECTIVE JUROR NO. 146: We do train.

6 THE COURT: Okay. What -- tell me a little bit about
7 the training.

8 PROSPECTIVE JUROR NO. 146: They train on the
9 different -- there's a medical program, the food program and
10 the cash-systems program.

11 THE COURT: Okay. And prior to working for the State
12 of Nevada, what did you do?

13 PROSPECTIVE JUROR NO. 146: I worked at the DMV,
14 still with the State of Nevada.

15 THE COURT: Is that where you started with the State?

16 PROSPECTIVE JUROR NO. 146: Yes, ma'am.

17 THE COURT: I was just at the DMV. I think that's
18 the starting point for a lot of people. You have to do, like,
19 two years or something there?

20 PROSPECTIVE JUROR NO. 146: Well, you can do six
21 months, and then you can transfer.

22 THE COURT: I guess they figure if you can handle the
23 DMV you can handle any disgruntled individual.

24 All righty. So how long did you do it at the DMV?

25 PROSPECTIVE JUROR NO. 146: Two years.

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1 THE COURT: Two years. All right. Prior to that?
2 PROSPECTIVE JUROR NO. 146: I worked at the casino.
3 THE COURT: What did you do at the casino?
4 PROSPECTIVE JUROR NO. 146: I was a cage cashier.
5 THE COURT: All right. And how long did you do that
6 job?
7 PROSPECTIVE JUROR NO. 146: About six years.
8 THE COURT: Anything else?
9 PROSPECTIVE JUROR NO. 146: Before that I was a
10 teller at the bank.
11 THE COURT: How long did you do that?
12 PROSPECTIVE JUROR NO. 146: Two or three years.
13 THE COURT: Okay. Anything else?
14 PROSPECTIVE JUROR NO. 146: Before that I worked
15 retail. I think I was working at, like, Nike Town and In-N-Out
16 Burger.
17 THE COURT: That's a good burger.
18 PROSPECTIVE JUROR NO. 146: That was like high
19 school.
20 THE COURT: Good high school job, yeah?
21 PROSPECTIVE JUROR NO. 146: Yeah.
22 THE COURT: All right. So are you married?
23 PROSPECTIVE JUROR NO. 146: Yes.
24 THE COURT: Does your husband work?
25 PROSPECTIVE JUROR NO. 146: He was just recently laid

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1 off.

2 THE COURT: What did he -- where did he work
3 previously?

4 PROSPECTIVE JUROR NO. 146: Sprint.

5 THE COURT: What did he do at Sprint?

6 PROSPECTIVE JUROR NO. 146: He was a technician.

7 THE COURT: And do you have children?

8 PROSPECTIVE JUROR NO. 146: Yes, two.

9 THE COURT: Minors?

10 PROSPECTIVE JUROR NO. 146: Yes.

11 THE COURT: And how long have you been in Clark
12 County, Nevada?

13 PROSPECTIVE JUROR NO. 146: Twenty-eight years.

14 THE COURT: Thank you very much.

15 THE COURT RECORDER: Judge, can you hold on for a
16 minute?

17 THE COURT: Yes.

18 THE COURT RECORDER: I'm going to put a new battery
19 on the microphone because I don't think it's working.

20 Oh, it's off.

21 THE COURT: All right. So that moves us on down to
22 Charlie Nguyen, Badge No. 151.

23 PROSPECTIVE JUROR NO. 151: Yeah.

24 THE COURT: Sir, are you employed?

25 PROSPECTIVE JUROR NO. 151: I'm nail tech.

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1 THE COURT: Sorry?
2 PROSPECTIVE JUROR NO. 151: Nail technician.
3 THE COURT: Oh, a nail tech. How long have you done
4 that?
5 PROSPECTIVE JUROR NO. 151: Yes.
6 THE COURT: How many years?
7 PROSPECTIVE JUROR NO. 151: I think about for 20
8 years now.
9 THE COURT: All right. And what's your first
10 language, Vietnamese?
11 PROSPECTIVE JUROR NO. 151: Yes, I am Vietnamese.
12 THE COURT: And how long have you lived in the United
13 States?
14 PROSPECTIVE JUROR NO. 151: I live in the United
15 States about 29 year.
16 THE COURT: All right. And other than nails, did you
17 have any other jobs?
18 PROSPECTIVE JUROR NO. 151: No.
19 THE COURT: Are you married?
20 PROSPECTIVE JUROR NO. 151: Actually divorced, just
21 married.
22 THE COURT: All right. Do you have children?
23 PROSPECTIVE JUROR NO. 151: Yeah, I have two children
24 with my ex-wife.
25 THE COURT: How old are your kids? Are they adults

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1 or --

2 PROSPECTIVE JUROR NO. 151: One 22, and one 16.

3 THE COURT: Okay. The 22 year old, does that one
4 work?

5 PROSPECTIVE JUROR NO. 151: They work in Seattle.

6 THE COURT: The Sahara?

7 PROSPECTIVE JUROR NO. 151: In -- no, Seattle,
8 Washington State.

9 THE COURT: Seattle. What -- I'm sorry. It's my
10 ears. I can't hear you. What does he -- does your child do in
11 Seattle?

12 PROSPECTIVE JUROR NO. 151: I think he goes to school
13 and then he work over there. So.

14 THE COURT: And how long have you lived in Clark
15 County, Nevada?

16 PROSPECTIVE JUROR NO. 151: (Unintelligible.)

17 THE COURT: Thank you. Let's move on to John Laury,
18 Badge No. 152.

19 Sir, are you employed?

20 PROSPECTIVE JUROR NO. 152: Yes.

21 THE COURT: What do you do?

22 PROSPECTIVE JUROR NO. 152: I'm a bakery clerk.

23 THE COURT: A what?

24 PROSPECTIVE JUROR NO. 152: Bakery clerk.

25 THE COURT: Describe that a little bit to me.

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1 PROSPECTIVE JUROR NO. 152: Basically I take care of
2 the bakery department for Smith's Foods and Drugs.

3 THE COURT: Okay. Do you cook?

4 PROSPECTIVE JUROR NO. 152: Somewhat.

5 THE COURT: Do they trust you to cook or ice?

6 PROSPECTIVE JUROR NO. 152: No, they trust me really
7 to stock the tables or whatnot and package everything that's
8 freshly baked in the morning.

9 THE COURT: All right. It looks like it takes some
10 artistic skill to do all the other things.

11 PROSPECTIVE JUROR NO. 152: It does.

12 THE COURT: How long have you been with Smith's?

13 PROSPECTIVE JUROR NO. 152: Four years.

14 THE COURT: All right. And have you always been in
15 the bakery section?

16 PROSPECTIVE JUROR NO. 152: No.

17 THE COURT: Did you work in other parts of the store?

18 PROSPECTIVE JUROR NO. 152: Yes, I worked in the
19 foods department as well.

20 THE COURT: Okay. And prior to working at Smith's,
21 what did you do?

22 PROSPECTIVE JUROR NO. 152: I worked for Walmart.

23 THE COURT: What did you do at Walmart?

24 PROSPECTIVE JUROR NO. 152: Grocery sales associate.

25 THE COURT: How long were you at Walmart?

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1 PROSPECTIVE JUROR NO. 152: I was there for a year.

2 THE COURT: And prior to Walmart?

3 PROSPECTIVE JUROR NO. 152: I was a case packer for
4 Farm Fresh Foods.

5 THE COURT: And how long were you there?

6 PROSPECTIVE JUROR NO. 152: A year and a half.

7 THE COURT: And anything else?

8 PROSPECTIVE JUROR NO. 152: No.

9 THE COURT: And are you married?

10 PROSPECTIVE JUROR NO. 152: No.

11 THE COURT: Children?

12 PROSPECTIVE JUROR NO. 152: No.

13 THE COURT: And how long in Clark County, Nevada?

14 PROSPECTIVE JUROR NO. 152: Fourteen years.

15 THE COURT: Thank you very much.

16 All right. Let's move on to Alitzah Martinez, Badge
17 No. 156.

18 All right. Ma'am, are you employed?

19 PROSPECTIVE JUROR NO. 156: Yes.

20 THE COURT: What do you do?

21 PROSPECTIVE JUROR NO. 156: I work at a doctor's
22 office during the morning, front desk, and I'm an usher at the
23 Colosseum at night.

24 THE COURT: The Colosseum at Caesars?

25 PROSPECTIVE JUROR NO. 156: Yes.

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1 THE COURT: Oh, cool. The doctor's office, what kind
2 of doctor?

3 PROSPECTIVE JUROR NO. 156: It's a specialty practice
4 for high-risk pregnancies.

5 THE COURT: Did you have to have any medical training
6 for that job?

7 PROSPECTIVE JUROR NO. 156: No.

8 THE COURT: And how long have you been with the
9 doctor?

10 PROSPECTIVE JUROR NO. 156: About four years.

11 THE COURT: All right. And an usher, so do you get
12 to see the shows?

13 PROSPECTIVE JUROR NO. 156: Yes.

14 THE COURT: That's a good benefit. How long have you
15 been at the Caesars?

16 PROSPECTIVE JUROR NO. 156: It will be a year in
17 April.

18 THE COURT: And any other jobs?

19 PROSPECTIVE JUROR NO. 156: Before that I worked at
20 Steinberg Diagnostic.

21 THE COURT: What did you do at Steinberg?

22 PROSPECTIVE JUROR NO. 156: At the call center,
23 making the appointments.

24 THE COURT: Did you have to have any special training
25 for that job?

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1 PROSPECTIVE JUROR NO. 156: No.

2 THE COURT: And how long were you with Steinberg?

3 PROSPECTIVE JUROR NO. 156: I was there for about
4 four years also.

5 THE COURT: And prior to Steinberg?

6 PROSPECTIVE JUROR NO. 156: Before that I worked at
7 BCBG. It's a retail store.

8 THE COURT: Uh-huh. And what did you do there, just
9 retail?

10 PROSPECTIVE JUROR NO. 156: Just retail, yeah.

11 THE COURT: And how long were you at BCBG?

12 PROSPECTIVE JUROR NO. 156: I was there may be two
13 years.

14 THE COURT: All right. Anything else?

15 PROSPECTIVE JUROR NO. 156: Before that I worked at a
16 lawyer's office doing the running.

17 THE COURT: How long were you there?

18 PROSPECTIVE JUROR NO. 156: Not even a year. It was
19 in high school.

20 THE COURT: What lawyer?

21 PROSPECTIVE JUROR NO. 156: Robert Kurth.

22 MR. CLOWARD: I'm sorry, Judge. What was it?

23 MS. SANDERS: Say it again.

24 MR. ALVERSON: Who?

25 PROSPECTIVE JUROR NO. 156: Robert Kurth.

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1 THE COURT: I know Mr. Kurth, but I don't recall kind
2 of work he does.

3 PROSPECTIVE JUROR NO. 156: I think it's family.

4 THE COURT: Okay. Is that what you worked on
5 primarily, family?

6 PROSPECTIVE JUROR NO. 156: I'm sorry?

7 THE COURT: Is that what you worked on, family-type
8 cases?

9 PROSPECTIVE JUROR NO. 156: I just did the running.
10 I never really dealt with the cases. I just was --

11 THE COURT: You just went where you were told to go?

12 PROSPECTIVE JUROR NO. 156: -- running from court to
13 court, just picking up papers.

14 THE COURT: Got it. And are you married?

15 PROSPECTIVE JUROR NO. 156: No.

16 THE COURT: Do you have children?

17 PROSPECTIVE JUROR NO. 156: No.

18 THE COURT: And how long have you been in Clark
19 County, Nevada?

20 PROSPECTIVE JUROR NO. 156: About 27 years.

21 THE COURT: Thank you very much.

22 Let's move on to Dexter Layola, Badge No. 159.

23 Mr. Layola, what you do for a living?

24 PROSPECTIVE JUROR NO. 159: I'm a pharmacy technician
25 at Coram CVS.

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1 THE COURT: How long have you done that job?

2 PROSPECTIVE JUROR NO. 159: About 13 years now.

3 THE COURT: And you do have to have some training for
4 that position, don't you?

5 PROSPECTIVE JUROR NO. 159: Yes.

6 THE COURT: So can you tell me a little bit about
7 your training.

8 PROSPECTIVE JUROR NO. 159: You have to go to a
9 school first, which is nine months, and 500 hours of
10 externship.

11 THE COURT: Wow. All right. And prior to working as
12 a pharmacy tech, what did you do?

13 PROSPECTIVE JUROR NO. 159: Actually that was my
14 first -- first job, yeah.

15 THE COURT: Okay. And are you married?

16 PROSPECTIVE JUROR NO. 159: No.

17 THE COURT: Children?

18 PROSPECTIVE JUROR NO. 159: No.

19 THE COURT: How long in Clark County, Nevada?

20 PROSPECTIVE JUROR NO. 159: Since 2001.

21 THE COURT: Thank you very much.

22 Okay. We have to pass it all the way down to
23 Ms. Denise Hinds, Badge No. 171. She's in the blue shirt.

24 Okay. Ms. Hinds, are you employed?

25 PROSPECTIVE JUROR NO. 171: Yes, I am.

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1 THE COURT: What do you do for a living?

2 PROSPECTIVE JUROR NO. 171: I work for the federal
3 government.

4 THE COURT: What you do?

5 PROSPECTIVE JUROR NO. 171: I am a contract
6 specialist.

7 THE COURT: Can you tell me a little bit more?

8 PROSPECTIVE JUROR NO. 171: I write contracts for the
9 government and spend money.

10 THE COURT: I don't even know what to say on that
11 one. All right. So is there a particular division in the
12 government that you work for?

13 PROSPECTIVE JUROR NO. 171: Right now I work for the
14 Bureau of Reclamation.

15 THE COURT: All right. And how long have you been
16 with them?

17 PROSPECTIVE JUROR NO. 171: Just the Bureau, or the
18 federal government? I've been with the federal government --

19 THE COURT: Let's break it down by job within the
20 government. So how long were you with the Bureau of
21 Reclamation?

22 PROSPECTIVE JUROR NO. 171: About a year now.

23 THE COURT: Okay. And then prior to that assignment,
24 what did you do?

25 PROSPECTIVE JUROR NO. 171: I worked for the

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1 Department of Veterans Affairs, same job title.

2 THE COURT: How long were you with the Department of
3 Veterans Affairs?

4 PROSPECTIVE JUROR NO. 171: Two and a half years.

5 THE COURT: Okay. When you were with the Department
6 of Veterans Affairs, did you do the same thing, write
7 contracts?

8 PROSPECTIVE JUROR NO. 171: Yes. Uh-huh.

9 THE COURT: Did you have to have any special medical
10 training?

11 PROSPECTIVE JUROR NO. 171: Not medical training, no.

12 THE COURT: Okay. And then prior to the Department
13 of Veterans Affairs?

14 PROSPECTIVE JUROR NO. 171: The Forest Service, the
15 U.S. Forest Service, same job title.

16 THE COURT: For how long?

17 PROSPECTIVE JUROR NO. 171: Two and a half years.

18 THE COURT: And before that?

19 PROSPECTIVE JUROR NO. 171: I was with the city of
20 Fort Worth as a contract specialist.

21 THE COURT: All right. And how long were you with
22 Fort Worth?

23 PROSPECTIVE JUROR NO. 171: I think about eight
24 years.

25 THE COURT: And before that?

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1 PROSPECTIVE JUROR NO. 171: I was with the Department
2 of Veterans Affairs.

3 THE COURT: Again writing contracts?

4 PROSPECTIVE JUROR NO. 171: Yes.

5 THE COURT: All right. Am I getting close to the
6 end?

7 PROSPECTIVE JUROR NO. 171: Yeah, we're -- we're
8 pretty close.

9 THE COURT: Okay. What else?

10 PROSPECTIVE JUROR NO. 171: Let me think back.
11 Before that it was with the National Park Service, and that was
12 contracts as well.

13 THE COURT: Okay. Are you married?

14 PROSPECTIVE JUROR NO. 171: I'm widowed.

15 THE COURT: I'm sorry. Your husband, what did he do
16 for a living?

17 PROSPECTIVE JUROR NO. 171: He was a fireman for the
18 City of Fort Worth.

19 THE COURT: Was that what he did for his career?

20 PROSPECTIVE JUROR NO. 171: Yes.

21 THE COURT: And how long have you been in Clark
22 County, Nevada?

23 PROSPECTIVE JUROR NO. 171: About a year.

24 THE COURT: And do you have children?

25 PROSPECTIVE JUROR NO. 171: I have one daughter,

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1 adult.

2 THE COURT: Is she an adult?

3 PROSPECTIVE JUROR NO. 171: Uh-huh.

4 THE COURT: What does she do for a living?

5 PROSPECTIVE JUROR NO. 171: She works for Texas A&M
6 as a student advisor.

7 THE COURT: That's where I went. Believe it or not,
8 there's two judges in this Court -- courthouse who went to
9 Texas A&M., and I'm married to a Longhorn. So you can imagine
10 what that's like.

11 PROSPECTIVE JUROR NO. 171: Oh, fun at your house
12 during football season.

13 THE COURT: Well, at least we don't have the game on
14 Thanksgiving anymore.

15 PROSPECTIVE JUROR NO. 171: Oh, there you go.

16 THE COURT: Because that was always, you know, quite
17 the day. All right. Well, thank you very much.

18 Let's move on, Jesse Colyar, Badge No. 172.

19 All right. Sir, are you employed?

20 PROSPECTIVE JUROR NO. 172: Yes.

21 THE COURT: What you do?

22 PROSPECTIVE JUROR NO. 172: I'm a forklift driver for
23 Costco wholesales.

24 THE COURT: How long have you been there?

25 PROSPECTIVE JUROR NO. 172: About five months.

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1 THE COURT: It seems like people go there, and they
2 never leave.

3 PROSPECTIVE JUROR NO. 172: I was fired probably
4 about a year before that and then called to come back.

5 THE COURT: Oh, great. So -- okay. So total -- you
6 work for Costco now, as a forklift operator?

7 PROSPECTIVE JUROR NO. 172: Yes.

8 THE COURT: And then where did you work before?

9 PROSPECTIVE JUROR NO. 172: Before I worked for
10 Nellis Auction, an auction company. I drove a truck around and
11 picked up furniture and delivered it back to be sold.

12 THE COURT: How long did you do that?

13 PROSPECTIVE JUROR NO. 172: For about a year.

14 THE COURT: And then you were at Costco previously?

15 PROSPECTIVE JUROR NO. 172: Yes.

16 THE COURT: And then what did you do the last time
17 you were at Costco?

18 PROSPECTIVE JUROR NO. 172: I was a forklift driver
19 also.

20 THE COURT: Okay. And prior to that?

21 PROSPECTIVE JUROR NO. 172: I was there for about six
22 years, and then before that I worked at -- for a Christian
23 missionary alliance as a missionary in West Africa.

24 THE COURT: You were a missionary in West Africa?

25 PROSPECTIVE JUROR NO. 172: Yes.

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1 THE COURT: All right. What kind of training did you
2 have for that?

3 PROSPECTIVE JUROR NO. 172: Just a little bit of
4 school work, learned a little bit of French and then went down
5 there and just kind of was -- hung out with the missionaries
6 and helped the system and different things.

7 THE COURT: Did you have to have any type of medical
8 training?

9 PROSPECTIVE JUROR NO. 172: No, I went with a medical
10 team, who kind of knew the training for that. I was more the,
11 Hey, move that, move this.

12 THE COURT: Oh, you didn't have to -- did you have to
13 ever help with the medical?

14 PROSPECTIVE JUROR NO. 172: No, I didn't.

15 THE COURT: Okay. And how long did you say you were
16 in West Africa?

17 PROSPECTIVE JUROR NO. 172: Six months.

18 THE COURT: And prior to that?

19 PROSPECTIVE JUROR NO. 172: I worked at Boulder City
20 Golf Course.

21 THE COURT: What did you do there?

22 PROSPECTIVE JUROR NO. 172: Cart barn.

23 THE COURT: And how long were you at the golf course?

24 PROSPECTIVE JUROR NO. 172: I want to say about a
25 year.

1 THE COURT: And prior to that?

2 PROSPECTIVE JUROR NO. 172: I was at Boulder City
3 SafeKey for a year.

4 THE COURT: All right. Am I kind of at the end?

5 PROSPECTIVE JUROR NO. 172: That's the end, yeah.

6 THE COURT: Okay. And are you married?

7 PROSPECTIVE JUROR NO. 172: No, I'm not.

8 THE COURT: Children?

9 PROSPECTIVE JUROR NO. 172: Nope.

10 THE COURT: And how long in Clark County, Nevada?

11 PROSPECTIVE JUROR NO. 172: My whole life, so 26
12 years.

13 THE COURT: Thank you very much.

14 Let's move on to Michelle King, Badge No. 177.

15 Ms. King, are you employed?

16 PROSPECTIVE JUROR NO. 177: Yes.

17 THE COURT: What do you do?

18 PROSPECTIVE JUROR NO. 177: Phlebotomist.

19 THE COURT: Phlebotomist. How long have you been a
20 phlebotomist?

21 PROSPECTIVE JUROR NO. 177: Eleven years.

22 THE COURT: Okay. And then I know you have to go
23 through training for that. Can you tell me a little bit about
24 it.

25 PROSPECTIVE JUROR NO. 177: I went to school for a MA

1 degree.

2 THE COURT: Okay. And prior to being a phel -- I
3 can't say that today -- phlebotomist, what did you do for a
4 living?

5 PROSPECTIVE JUROR NO. 177: I did CNA, physical
6 therapy.

7 THE COURT: How long did you do physical therapy?

8 PROSPECTIVE JUROR NO. 177: Five months.

9 THE COURT: Did you have any special training, or did
10 you learn on the job?

11 PROSPECTIVE JUROR NO. 177: I did at home, six
12 diplomas, CNA, physical therapy, medical office assistant.
13 Then I went to school for my MA degree.

14 THE COURT: Okay. Any other jobs?

15 PROSPECTIVE JUROR NO. 177: No.

16 THE COURT: And are you married?

17 PROSPECTIVE JUROR NO. 177: Divorced.

18 THE COURT: Do you know what your ex-husband does or
19 did for a living?

20 PROSPECTIVE JUROR NO. 177: He's a cook.

21 THE COURT: Do you have children?

22 PROSPECTIVE JUROR NO. 177: Yes.

23 THE COURT: Minors or adults?

24 PROSPECTIVE JUROR NO. 177: One teen, one adult.

25 THE COURT: What does the adult do for a living?

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1 PROSPECTIVE JUROR NO. 177: Worked at the Rio. He's
2 in school for physical therapy.

3 THE COURT: Okay. And how long have you been in
4 Clark County, Nevada?

5 PROSPECTIVE JUROR NO. 177: Eleven years.

6 THE COURT: How long?

7 PROSPECTIVE JUROR NO. 177: Eleven years.

8 THE COURT: Thank you very much. Ms. King, if you'll
9 pass on -- pass the microphone down to Sandra Perez, Badge NO.
10 178.

11 Ms. Perez, are you employed?

12 PROSPECTIVE JUROR NO. 178: Yes.

13 THE COURT: What do you do?

14 PROSPECTIVE JUROR NO. 178: I'm a test engineer at
15 Gaming Laboratories International.

16 THE COURT: I'm sorry. Again, my ears.

17 PROSPECTIVE JUROR NO. 178: Gaming laboratories
18 International.

19 THE COURT: And what do you do there?

20 PROSPECTIVE JUROR NO. 178: We test the slot
21 machines.

22 THE COURT: You said you fix them?

23 PROSPECTIVE JUROR NO. 178: Test them.

24 THE COURT: Test them?

25 PROSPECTIVE JUROR NO. 178: Yeah, we --

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1 THE COURT: Test them --

2 PROSPECTIVE JUROR NO. 178: -- certify them for
3 multiple jurisdictions.

4 THE COURT: Okay. So how did you get into that?

5 PROSPECTIVE JUROR NO. 178: My degree is a computer
6 systems engineer.

7 THE COURT: Uh-huh.

8 PROSPECTIVE JUROR NO. 178: So that's why I get the
9 job.

10 THE COURT: Okay. And how long have you been with
11 the gaming company?

12 PROSPECTIVE JUROR NO. 178: Three years.

13 THE COURT: Prior to that job?

14 PROSPECTIVE JUROR NO. 178: I work as a data intake
15 for the court system. We processed data for cases.

16 THE COURT: How long did you do that?

17 PROSPECTIVE JUROR NO. 178: It was five months.

18 THE COURT: And before that?

19 PROSPECTIVE JUROR NO. 178: Went to school.

20 THE COURT: Okay. And are you married?

21 PROSPECTIVE JUROR NO. 178: No.

22 THE COURT: Children?

23 PROSPECTIVE JUROR NO. 178: No.

24 THE COURT: And how long in Clark County, Nevada?

25 PROSPECTIVE JUROR NO. 178: Three years.

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1 THE COURT: Thank you very much. All right.
2 Ms. Perez, please hand that down to Jeffrey Tindall, Badge No.
3 181.

4 Mr. Tindall, what you do for a living?

5 PROSPECTIVE JUROR NO. 181: I work for Southern
6 Nevada Adult Mental Health Services.

7 THE COURT: How long have you done that, sir?

8 PROSPECTIVE JUROR NO. 181: Two years.

9 THE COURT: And what do you do there?

10 PROSPECTIVE JUROR NO. 181: I'm a mental health tech.
11 I provide direct care to clients with mental disabilities.

12 THE COURT: And what kind of training did you have to
13 have for that job?

14 PROSPECTIVE JUROR NO. 181: No training, just
15 customer service, on-the-job training.

16 THE COURT: Do you have to have any medical
17 knowledge?

18 PROSPECTIVE JUROR NO. 181: No -- well, yes, I do.
19 You have to know how to take vitals.

20 THE COURT: Okay. So can you kind of describe your
21 job duties a little bit.

22 PROSPECTIVE JUROR NO. 181: Basically sometimes I do
23 groups for the clients that are there, like information groups,
24 and other groups --

25 THE COURT: Like what type of services are available?

1 PROSPECTIVE JUROR NO. 181: Yeah, what -- the type of
2 groups I provide are like information on stuff they need to do,
3 like, in the hospital because I work for Ross and Neil, the
4 psychiatric hospital. So I just -- you know, the groups I
5 provide are just information groups, just like what time this
6 group is, what time dinner is. You know, I help them with
7 their -- you know, with their just ADLs, activities and daily
8 living, and stuff like that, and I take them to and from
9 recreation groups that the hospital provides.

10 THE COURT: Okay. And before that job, what did you
11 do?

12 PROSPECTIVE JUROR NO. 181: I worked for Citibank.

13 THE COURT: What did you do a Citibank?

14 PROSPECTIVE JUROR NO. 181: I worked as a operation
15 assistant.

16 THE COURT: Big change.

17 PROSPECTIVE JUROR NO. 181: Yep.

18 THE COURT: All right. How long were you with
19 Citibank?

20 PROSPECTIVE JUROR NO. 181: 27 years.

21 THE COURT: All right. And prior to Citibank?

22 PROSPECTIVE JUROR NO. 181: And prior to Citibank, I
23 worked for Safeway Foods.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 181: In the produce

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1 department.

2 THE COURT: How long have you been with Safeway?

3 PROSPECTIVE JUROR NO. 181: Eight years.

4 THE COURT: And prior to that?

5 PROSPECTIVE JUROR NO. 181: Nothing prior to that.

6 THE COURT: Okay. And are you married?

7 PROSPECTIVE JUROR NO. 181: Yes.

8 THE COURT: Does your wife work?

9 PROSPECTIVE JUROR NO. 181: Yes, she's a customer
10 service rep at Bank One.

11 THE COURT: And do you have children?

12 PROSPECTIVE JUROR NO. 181: I have a stepson.

13 THE COURT: Is he a minor or adult?

14 PROSPECTIVE JUROR NO. 181: He's an adult.

15 THE COURT: What does he do for a living?

16 PROSPECTIVE JUROR NO. 181: He's a Senior 3D artist
17 for Paul Stillman.

18 THE COURT: And how long have you been in Clark
19 County, Nevada?

20 PROSPECTIVE JUROR NO. 181: 29 years.

21 THE COURT: Thank you very much. Mr. Tindall, if
22 you'll pass it on down to Jean Tobin, Badge No. 183.

23 Ms. Tobin, are you employed?

24 PROSPECTIVE JUROR NO. 183: Yes, I am.

25 THE COURT: What you do?

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1 PROSPECTIVE JUROR NO. 183: I work for Neiman Marcus.

2 THE COURT: How long have you been there?

3 PROSPECTIVE JUROR NO. 183: Three months.

4 THE COURT: And prior to that job?

5 PROSPECTIVE JUROR NO. 183: I worked at Costco.

6 THE COURT: How long were you with Costco?

7 PROSPECTIVE JUROR NO. 183: I was at Costco for six
8 months.

9 THE COURT: And what did you do at Costco?

10 PROSPECTIVE JUROR NO. 183: Food demonstration.

11 THE COURT: And prior to that one?

12 PROSPECTIVE JUROR NO. 183: I had my own holistic
13 health practice.

14 THE COURT: How long did you have that holistic
15 health practice?

16 PROSPECTIVE JUROR NO. 183: I'm sorry?

17 THE COURT: How long did you have the holistic health
18 practice?

19 PROSPECTIVE JUROR NO. 183: Thirteen years.

20 THE COURT: And to get into holistic medicine, did
21 you go through some kind of training?

22 PROSPECTIVE JUROR NO. 183: A lot of seminars and a
23 lot of classes, yes.

24 THE COURT: And what type of classes? Did you have
25 to go through medical training?

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1 PROSPECTIVE JUROR NO. 183: No, no medical training.

2 THE COURT: Okay. Can you tell me a little bit of
3 type of classes.

4 PROSPECTIVE JUROR NO. 183: The classes were centered
5 around autism and detoxing the body. I'm also a colon
6 hydrotherapist, certified at the instructor level.

7 THE COURT: Okay. Any other type of classes you had
8 to take?

9 PROSPECTIVE JUROR NO. 183: No.

10 THE COURT: All right. So prior to that business,
11 what else did you do?

12 PROSPECTIVE JUROR NO. 183: A little bit of real
13 estate and I owned four pizza restaurants.

14 THE COURT: And are you married?

15 PROSPECTIVE JUROR NO. 183: I'm divorced.

16 THE COURT: And what did your spouse do or does he do
17 if you still know?

18 PROSPECTIVE JUROR NO. 183: I don't know.

19 THE COURT: Okay. And do you have children?

20 PROSPECTIVE JUROR NO. 183: Yes.

21 THE COURT: How many?

22 PROSPECTIVE JUROR NO. 183: Three.

23 THE COURT: Minors or adults?

24 PROSPECTIVE JUROR NO. 183: Adults.

25 THE COURT: And what do they do for a living?

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1 PROSPECTIVE JUROR NO. 183: My youngest son just came
2 back from a tour in Kuwait, and he's stationed in Colorado
3 Springs. My daughter is a teacher at Las Vegas Day School, and
4 my oldest son is somewhere out there in space somewhere.

5 THE COURT: Okay. So you don't have contact with him
6 currently?

7 PROSPECTIVE JUROR NO. 183: No, there is no contact.

8 THE COURT: And how long have you been in Clark
9 County, Nevada?

10 PROSPECTIVE JUROR NO. 183: I've been here 15 years.

11 THE COURT: Thank you very much, ma'am. If you could
12 please pass it to Dimna Sosa, Badge No. 188.

13 Ms. Sosa, are you employed?

14 PROSPECTIVE JUROR NO. 188: Yes.

15 THE COURT: What do you do?

16 PROSPECTIVE JUROR NO. 188: Kind of food server in a
17 pizza place.

18 THE COURT: How long have you done that?

19 PROSPECTIVE JUROR NO. 188: Almost six years.

20 THE COURT: And prior to that job?

21 PROSPECTIVE JUROR NO. 188: I got laid off from
22 Flamingo in the buffet. I was food server.

23 THE COURT: How long were you with the Flamingo?

24 PROSPECTIVE JUROR NO. 188: Since '95.

25 THE COURT: Long time. And prior to the Flamingo,

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1 where did you work?

2 PROSPECTIVE JUROR NO. 188: In the buffet.

3 THE COURT: Okay. So did you have a job before
4 working at the Flamingo in the buffet?

5 PROSPECTIVE JUROR NO. 188: I work for six years --
6 six months -- I'm sorry -- at the Burger King.

7 THE COURT: Okay. And what is your first language,
8 Spanish?

9 PROSPECTIVE JUROR NO. 188: Spanish.

10 THE COURT: And how long have you lived in the United
11 States?

12 PROSPECTIVE JUROR NO. 188: 27 years.

13 THE COURT: All right. Thank you very much. So any
14 other jobs you haven't told me about?

15 PROSPECTIVE JUROR NO. 188: No.

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR NO. 188: Yes.

18 THE COURT: Does your husband work?

19 PROSPECTIVE JUROR NO. 188: Yes.

20 THE COURT: What does he do?

21 PROSPECTIVE JUROR NO. 188: He works at Flamingo.
22 He's a casino porter.

23 THE COURT: All right. Do you have children?

24 PROSPECTIVE JUROR NO. 188: Yes.

25 THE COURT: How many?

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1 PROSPECTIVE JUROR NO. 188: Four.

2 THE COURT: Minors or adults?

3 PROSPECTIVE JUROR NO. 188: Two adults and two
4 minors.

5 THE COURT: All right. The two adults, what do they
6 do for a living?

7 PROSPECTIVE JUROR NO. 188: The oldest one is nurse
8 assistant at Desert Springs, and the other one works at
9 Sketcher at Galleria.

10 THE COURT: Uh-huh.

11 PROSPECTIVE JUROR NO. 188: And she's still doing
12 school.

13 THE COURT: And then the other two are minors?

14 PROSPECTIVE JUROR NO. 188: Still in school, yeah.

15 THE COURT: Okay. And Ms. Sosa, how long have you
16 been in Clark County, Nevada?

17 PROSPECTIVE JUROR NO. 188: 27 years.

18 THE COURT: Thank you very much. All right. Let's
19 move on. If you could pass it to --
20 Jaruwat?

21 PROSPECTIVE JUROR NO. 194: Yes.

22 THE COURT: Badge No. 194. How do you say her last
23 name?

24 PROSPECTIVE JUROR NO. 194: Chaisuriya.

25 THE COURT: Are you Thai?

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1 PROSPECTIVE JUROR NO. 194: I am.

2 THE COURT: I've been to -- I mean, I recognize it as
3 a Thai last name. I just can't ever say it. Nice to meet you,
4 ma'am. Are you employed?

5 PROSPECTIVE JUROR NO. 194: I am.

6 THE COURT: What do you do?

7 PROSPECTIVE JUROR NO. 194: 21 dealer.

8 THE COURT: How long have you done that?

9 PROSPECTIVE JUROR NO. 194: Since 2007 until now.

10 THE COURT: All right. And prior to that job? What
11 did you do before you were a 21 dealer?

12 PROSPECTIVE JUROR NO. 194: Oh, no. I move here in
13 2006, and I didn't work about one year.

14 THE COURT: Did you move from Thailand in 2006?

15 PROSPECTIVE JUROR NO. 194: Yes.

16 THE COURT: Okay. And what did you do in Thailand?

17 PROSPECTIVE JUROR NO. 194: I used to do in hospital,
18 about supply, the tools for the operating room.

19 THE COURT: Did you assist the doctor?

20 PROSPECTIVE JUROR NO. 194: No, I'm not, just help
21 them, helper for the cleaning, sterilize after they used the
22 tool from the -- yeah.

23 THE COURT: Okay. You cleaned the equipment?

24 PROSPECTIVE JUROR NO. 194: Right.

25 THE COURT: Okay. Did you have to have any special

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1 medical training?

2 PROSPECTIVE JUROR NO. 194: Not really, but they
3 train when you get a job.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 194: Yeah.

6 THE COURT: How long did you do work in the hospital
7 in Thailand?

8 PROSPECTIVE JUROR NO. 194: A year only, yes.

9 THE COURT: All right. And before that, what else
10 did you do for a living?

11 PROSPECTIVE JUROR NO. 194: I just study, nothing, go
12 to school.

13 THE COURT: Okay. Are you married?

14 PROSPECTIVE JUROR NO. 194: I'm divorced.

15 THE COURT: Do you have children?

16 PROSPECTIVE JUROR NO. 194: None.

17 THE COURT: And how long have you been in Clark
18 County, Nevada?

19 PROSPECTIVE JUROR NO. 194: Ten years.

20 THE COURT: Thank you very much, ma'am. Let's move
21 on. If you could pass it all the way over here at the very
22 end, Mr. Darrell Rivera, Badge No. 198. It's the gentleman in
23 the white shirt.

24 PROSPECTIVE JUROR NO. 226: Excuse me, Your Honor.

25 THE COURT: Yes?

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1 PROSPECTIVE JUROR NO. 226: May I briefly use the
2 restroom?

3 THE COURT: You can go ahead and go, but you have to
4 come back, please, and sit in the exact same seat. Thank you.

5 PROSPECTIVE JUROR NO. 226: No problem.

6 THE COURT: All right. Mr. Rivera, hi.

7 PROSPECTIVE JUROR NO. 198: Hi.

8 THE COURT: Are you employed?

9 PROSPECTIVE JUROR NO. 198: Yeah, I freelance as a
10 hip-hop dancer, and I teach at a couple studios around town.

11 THE COURT: How long have you done that?

12 PROSPECTIVE JUROR NO. 198: About -- this is, like,
13 my sixth year.

14 THE COURT: And before that?

15 PROSPECTIVE JUROR NO. 198: I was a concierge host at
16 Cosmopolitan, and I was a front desk agent at the Venetian.

17 THE COURT: Okay. Any other jobs?

18 PROSPECTIVE JUROR NO. 198: No.

19 THE COURT: And are you married?

20 PROSPECTIVE JUROR NO. 198: No.

21 THE COURT: Children?

22 PROSPECTIVE JUROR NO. 198: No.

23 THE COURT: How long in Clark County, Nevada?

24 PROSPECTIVE JUROR NO. 198: 10 years.

25 THE COURT: Thank you very much. Let's go on to the

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1 other Darrell, Mr. Darrell Shakespear, Badge No. 204.
2 Mr. Shakespear, are you employed?
3 PROSPECTIVE JUROR NO. 204: Yes.
4 THE COURT: What do you do?
5 PROSPECTIVE JUROR NO. 204: I'm a sales manager for
6 Coca-Cola.
7 THE COURT: How long have you done that?
8 PROSPECTIVE JUROR NO. 204: Eight months.
9 THE COURT: And prior to that job?
10 PROSPECTIVE JUROR NO. 204: Eleven years at Target.
11 THE COURT: And what did you do at Target?
12 PROSPECTIVE JUROR NO. 204: Logistics, backroom.
13 THE COURT: Okay. And prior to Target?
14 PROSPECTIVE JUROR NO. 204: I was under age. So.
15 THE COURT: Okay. And are you married?
16 PROSPECTIVE JUROR NO. 204: Yes.
17 THE COURT: Do you have children?
18 PROSPECTIVE JUROR NO. 204: Yes.
19 THE COURT: I mean, sorry. Let me go back. Does
20 your wife work?
21 PROSPECTIVE JUROR NO. 204: No.
22 THE COURT: Stay-at-home?
23 PROSPECTIVE JUROR NO. 204: As of a year ago, yes.
24 THE COURT: Did you have a child a year ago?
25 PROSPECTIVE JUROR NO. 204: Yes, ma'am.

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1 THE COURT: Okay. So you have one child?

2 PROSPECTIVE JUROR NO. 204: I have two.

3 THE COURT: Two children. And are they both minors?

4 PROSPECTIVE JUROR NO. 204: One, 3, one, zero.

5 THE COURT: Oh, newborn, okay.

6 PROSPECTIVE JUROR NO. 204: Uh-huh.

7 THE COURT: And how long have you been in Clark
8 County, Nevada?

9 PROSPECTIVE JUROR NO. 204: Twenty-eight years.

10 THE COURT: Thank you very much. If you want to hand
11 the microphone to Patricia Carvalho, Badge No. 210.

12 Ms. Carvalho, what do you do for a living?

13 PROSPECTIVE JUROR NO. 210: I do not work since the
14 birth of my 7-year-old child.

15 THE COURT: Okay. So you work in the home?

16 PROSPECTIVE JUROR NO. 210: Yes, just a home mom.

17 THE COURT: It's a hard job.

18 PROSPECTIVE JUROR NO. 210: That's a hard job, right.

19 THE COURT: Yes, it sure is. It's a job that doesn't
20 end even when it gets dark.

21 PROSPECTIVE JUROR NO. 210: There is no time in and
22 time out, yeah.

23 THE COURT: I, know. Okay. So before you worked
24 within the home, what did you do?

25 PROSPECTIVE JUROR NO. 210: I was a medical assistant

1 for a family practice.

2 THE COURT: For how long?

3 PROSPECTIVE JUROR NO. 210: Three years, and then I
4 went to school for a year before that.

5 THE COURT: Okay. So when you were the medical
6 assistant, I was going to -- I think you started to tell me.
7 You went to school for how long?

8 PROSPECTIVE JUROR NO. 210: For one year.

9 THE COURT: To get your medical assistant degree?

10 PROSPECTIVE JUROR NO. 210: Yes.

11 THE COURT: Okay. At the office -- at the medical
12 office, what kind of things did they have you do?

13 PROSPECTIVE JUROR NO. 210: Vitals, check in the
14 patient to see what's -- what's going on with them that day.
15 We also did -- oh, everything, just cleaning wounds, doing EKG.

16 THE COURT: Uh-huh.

17 PROSPECTIVE JUROR NO. 210: And then assist -- on
18 Wednesdays, we would assist the x-ray technicians that came in.

19 THE COURT: So did you have any training in x-rays?

20 PROSPECTIVE JUROR NO. 210: No.

21 THE COURT: And prior to working for the family
22 practice, did you have a different job?

23 PROSPECTIVE JUROR NO. 210: We moved from Hawaii. So
24 in Hawaii I was working for Matson Terminals as a
25 administration assistant.

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1 THE COURT: Is that an airline?

2 PROSPECTIVE JUROR NO. 210: No, it's like the -- they
3 import everything from the mainland to Hawaii.

4 THE COURT: Uh-huh.

5 PROSPECTIVE JUROR NO. 210: Yeah.

6 THE COURT: Okay. How long did you do that?

7 PROSPECTIVE JUROR NO. 210: Maybe five years.

8 THE COURT: And prior to that?

9 PROSPECTIVE JUROR NO. 210: United Airlines.

10 THE COURT: What did you do at United?

11 PROSPECTIVE JUROR NO. 210: Reservation.

12 THE COURT: For how long?

13 PROSPECTIVE JUROR NO. 210: About five years.

14 THE COURT: All right. Are we at the end?

15 PROSPECTIVE JUROR NO. 210: Yes.

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR NO. 210: Yes.

18 THE COURT: What does your spouse do?

19 PROSPECTIVE JUROR NO. 210: He's a network
20 engineer -- I went blank -- for MGM Resorts.

21 THE COURT: And you have one child?

22 PROSPECTIVE JUROR NO. 210: I have three, one adult
23 and two children. I have two minors.

24 THE COURT: And what does the adult do for a living?

25 PROSPECTIVE JUROR NO. 210: He works at Walmart.

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1 THE COURT: And how long have you been in Clark
2 County, Nevada?

3 PROSPECTIVE JUROR NO. 210: Ten years.

4 THE COURT: Thank you very much.

5 All right. Lastly, Ms. Latesha Brown, 212.

6 Ms. Brown, what do you do for a living?

7 PROSPECTIVE JUROR NO. 212: I'm in the billing for
8 USAA Insurance, in the auto and property department.

9 THE COURT: How long have you been with USAA?

10 PROSPECTIVE JUROR NO. 212: A year.

11 THE COURT: Are you from San Antonio?

12 PROSPECTIVE JUROR NO. 212: No.

13 THE COURT: You got involved in the company
14 elsewhere?

15 PROSPECTIVE JUROR NO. 212: Yeah.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 212: Contracted here.

18 THE COURT: Okay. Did you have to have any type of
19 training in insurance to get involved in this?

20 PROSPECTIVE JUROR NO. 212: No, they trained us. I'm
21 getting -- trying to be -- get a license right now.

22 THE COURT: Okay. And you'd be licensed to be -- to
23 do what?

24 PROSPECTIVE JUROR NO. 212: I'll be licensed to be a
25 insurance agent instead of just in the billing department.

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1 THE COURT: Oh, okay. And prior to working for USAA,
2 what did you do?

3 PROSPECTIVE JUROR NO. 212: Right now, my night -- my
4 night shift I'm a banquet server, and I've been doing that for
5 five years through Millennium Staffing. Prior to that I did 10
6 years off and on as a housekeeper, in between those times a
7 stay-at-home mom, and my first job was 15, at Nathan's Hot
8 Dogs.

9 THE COURT: Oh, those are good. Okay. And are you
10 married?

11 PROSPECTIVE JUROR NO. 212: No, ma'am.

12 THE COURT: All right. Do you have children?

13 PROSPECTIVE JUROR NO. 212: Yes.

14 THE COURT: How many?

15 PROSPECTIVE JUROR NO. 212: One.

16 THE COURT: Minor or adult?

17 PROSPECTIVE JUROR NO. 212: 18 on the 5th.

18 THE COURT: All right. So still in school?

19 PROSPECTIVE JUROR NO. 212: Yes, on his way to
20 college.

21 THE COURT: And how long have you been in Clark
22 County, Nevada?

23 PROSPECTIVE JUROR NO. 212: 33 years.

24 THE COURT: Thank you very much.

25 Let me just check. I think I have a few more

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1 questions for all of you.

2 All right. So I didn't tell you this. If you're
3 selected as a juror in this case, the Court will give you the
4 law, and you must follow the law that the Court gives you, even
5 if it differs from your personal conception of what you think
6 the law is. Can everyone follow that instruction?

7 PROSPECTIVE JURORS: Yes.

8 THE COURT: All right. Let me make sure I've asked
9 you guys everything I want to ask you.

10 All righty. Why don't we turn everyone over to the
11 plaintiffs' counsel.

12 MR. CLOWARD: And, Your Honor, just for timing
13 purposes, how long do you want me to go before we stop for a
14 break? We've been going for about an hour.

15 THE COURT: Can everyone go another 15, 20 minutes
16 before we take a break, or do we need to stop and take a break
17 now?

18 You know, go to about 3:15, okay.

19 MR. CLOWARD: 3:15, okay. Thank you, Judge.

20 So just to tell everyone kind of what I've got here,
21 I have a seating chart with everyone's name, and to make sure
22 that we hope Ms. Garibay do her job, I'm going to be looking
23 down. When I ask a question, I'm going to say your name and
24 your badge number. That we would make her job as easy as -- as
25 easy as we can.

1 The second thing is, before y'all came in, the Judge
2 explained some of the rules of her courtroom, and one of those
3 is that she wants me to focus on just the folks that are seated
4 up here, and so if I ask a general question of everybody, and
5 the folks in the back of the courtroom, it still is very
6 important for us to know how you feel.

7 I won't be calling on you, but the thing that I do
8 ask you to do is if I ask a question to the group, and it's
9 really important to you, that topic, just make a note so that
10 if you are ever called up here, if I ask, Hey, we've covered
11 some things, is there anything that was said that was important
12 to y'all, and you can say, yeah, you remember when you asked
13 this question and that question, but it's not that I don't want
14 to know what you guys have to say, too, I'm just going to focus
15 on the folks in the box here.

16 The other thing I'd like to just tell the jurors --
17 potential jurors off the bat is other than that little brief
18 announcement that we gave about the case, we're not allowed to
19 talk about the facts of the case. So I'm going to ask you a
20 bunch of questions about hypotheticals and things like that,
21 but there's a specific reason that I can't ask you about the
22 facts, or I can't tell you about the facts. I just want you to
23 know that up front so that you're not upset with either myself
24 or Ms. Sanders for not telling you about the case during this
25 process. There will come a time when we're allowed to do that,

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1 but we're not allowed to do that during this process.

2 So I've got a question for everybody. If I told you
3 guys that I hated cherry pie, and you guys were all bakers, and
4 you were going to enter into the Clark County pie baking
5 contest, and your specialty, what you were the very best at was
6 speaking cherry pie, would you want to know that about me, that
7 I hate cherry pie?

8 PROSPECTIVE JURORS: Yes.

9 MR. CLOWARD: Yes. Can you tell me, Mr. Rivera, 198,
10 why would it be important for you to know that about me?

11 PROSPECTIVE JUROR NO. 198: So I wouldn't make it.

12 MR. CLOWARD: All right. What if you didn't have a
13 choice? I mean, it was kind of like --

14 PROSPECTIVE JUROR NO. 198: Oh, then -- if that's out
15 of my hands then, yeah.

16 MR. CLOWARD: All right. Does everybody agree that
17 it would be important for the folks that were entering the
18 contest, I guess if you will, to know that about the Judge, if
19 the Judge had a view or a feeling about something? Everybody
20 agree that would be -- the right thing to do would be for the
21 Judge to say, Hey, you know what, I want to tell you about
22 this. I hate cherry pie? Does everyone agree with that?

23 PROSPECTIVE JUROR NO. 210: Are you the only judge?

24 MR. CLOWARD: I'm the only judge.

25 PROSPECTIVE JURORS: Yes.

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1 MR. CLOWARD: Would it be as important if, say for
2 instance your entry was maybe a chocolate cake? Would that --
3 would it be as important for you to know that about me?

4 PROSPECTIVE JUROR NO. 210: It would still be
5 important, but I think it wouldn't matter.

6 THE COURT RECORDER: Which juror was that?

7 MR. CLOWARD: Oh, I'm sorry. And I already forgot
8 to -- I told you I was going to do that. I'm sorry.
9 Ms. Carvalho, 210.

10 THE COURT RECORDER: Thank you.

11 MR. CLOWARD: Okay. The other thing that I wanted to
12 ask about, I have -- I have an Aunt Nancy and a mother-in-law
13 Nancy, and my Aunt Nancy was a store owner up in Utah, and she
14 had someone come into the store and slipped and fell down, and
15 they -- they sued her. My mother-in-law Nancy, she actually
16 was walking out of the restaurant one time, and she slipped and
17 fell and broke her knee, and she ended up suing the store. Can
18 everyone agree that if this case was about a slip and fall that
19 maybe those two due to their personal experiences and their --
20 their experiences might not be a good fit for that particular
21 case?

22 PROSPECTIVE JURORS: Yes.

23 MR. CLOWARD: Ms. Brown, 212, why do you think that
24 maybe for that particular case they might not be a good fit?

25 PROSPECTIVE JUROR NO. 212: Could be a little biased.

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1 MR. CLOWARD: Can you use the microphone.

2 PROSPECTIVE JUROR NO. 212: Could be a little biased
3 about the decision they make because they have experienced this
4 situation already.

5 MR. CLOWARD: Does it make either of them a bad
6 person because they've had those experiences or views?

7 PROSPECTIVE JUROR NO. 212: No, not at all.

8 MR. CLOWARD: It doesn't mean they're a bad person,
9 doesn't mean anything. It just means that they've had a
10 different experience. One's had one experience; the other has
11 had another, right?

12 PROSPECTIVE JUROR NO. 212: Correct.

13 MR. CLOWARD: Everybody agree with that?

14 PROSPECTIVE JURORS: Yes.

15 MR. CLOWARD: Okay. The reason I tell those -- those
16 stories off the bat is that, you know, there are a couple of
17 things that are very important for both of the parties in the
18 case, both the Chernikoffs as well as First Transit, and all
19 the attorneys. Everybody wants a fair fight, okay, and the
20 only way that we can have that is if everybody is willing to
21 tell us about their views, their experiences, their core
22 values, their beliefs and to let us determine whether or not
23 you guys would be the right fit for this particular case.

24 Can everyone see why I might want to know about
25 y'all's experience and why I would want -- that would be

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1 important for me and my clients to know? Does everyone -- can
2 everyone see that?

3 PROSPECTIVE JURORS: Yes.

4 MR. CLOWARD: Okay. So I'm going to apologize in
5 advance for asking you a bunch of questions, okay, but I'm
6 going to ask you a bunch of questions.

7 So who here, I guess, has had any -- any other
8 experience? The Judge kind of talked about lawsuits and things
9 like that, but how do people feel generally, you know, when
10 you -- you heard a little bit about the facts of the case, and
11 the other thing I want to tell you is brutal honesty is very
12 important. What does that mean? What does brutal honesty
13 mean?

14 PROSPECTIVE JUROR NO. 212: Share your opinion no
15 matter what.

16 MR. CLOWARD: No matter what.

17 PROSPECTIVE JUROR NO. 212: Your honest true opinion,
18 no matter what.

19 MR. CLOWARD: Ms. Brown, 212.

20 Anyone else have a view of brutal honesty, what that
21 means? Anyone else? I can stand up here all day, as long as
22 the Judge will let me. Can I -- can I just have someone else
23 tell me what they think brutal honesty means.

24 PROSPECTIVE JUROR NO. 137: I agree with what she
25 said. 137.

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1 MR. CLOWARD: Ms. Smith, 137.

2 PROSPECTIVE JUROR NO. 137: Yes, it's telling your
3 own opinion, regardless --

4 MR. CLOWARD: Okay.

5 PROSPECTIVE JUROR NO. 137 -- of how anyone feels
6 about it.

7 MR. CLOWARD: Regardless of --

8 THE COURT RECORDER: I can't hear her.

9 THE COURT: Yes, we need to pass the microphone.

10 MR. CLOWARD: I'm sorry.

11 PROSPECTIVE JUROR NO. 137: It's telling your opinion
12 regardless of how anyone feels about it.

13 MR. CLOWARD: Okay. Thank you. Regardless of
14 whether it might hurt my feelings, regardless of whether it
15 might hurt the other attorneys' feelings, regardless of whether
16 it might hurt my clients' feelings, can you agree that's what
17 was brutal honesty means?

18 PROSPECTIVE JUROR NO. 137: Correct.

19 MR. CLOWARD: I was taught when you're little, if you
20 want something, you ask for it. So I'm going to ask everybody
21 here to be brutally honest with me so that I can do my job for
22 my clients. Will you all do that for me?

23 PROSPECTIVE JURORS: Yes.

24 MR. CLOWARD: Okay. Now I'm going to tell you
25 something. I'm going to be asking at the end of this for an

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1 amount into the tens of millions of dollars, okay. I want to
2 know how y'all are feeling about me even saying that, what
3 feelings are stirred up inside when I say that?

4 PROSPECTIVE JUROR NO. 198: (Unintelligible.)

5 THE COURT: We need your name and badge number,
6 please.

7 PROSPECTIVE JUROR NO. 198: Darrell Rivera.

8 THE COURT: Badge number?

9 PROSPECTIVE JUROR NO. 198: 198.

10 THE COURT: Thank you.

11 MR. CLOWARD: Say more, please.

12 PROSPECTIVE JUROR NO. 198: I don't know, I mean,
13 that's just how it is nowadays. Like, you slip and fall
14 somewhere, and then you find out you can make out that money,
15 you're going to sue. It happens all the time. I see it.

16 MR. CLOWARD: Thank you for being brutally honest.
17 Say more about how you feel.

18 PROSPECTIVE JUROR NO. 198: I mean, that's pretty
19 much it. I mean, I'm not saying it's bad or good. I'm just
20 saying it's how it is.

21 MR. CLOWARD: Sure.

22 Sir, Mr. Shakespear, 204 -- Your Honor, would you
23 like us to pass the microphone each time, or --

24 THE COURT: I think it would be easier for Maria.

25 MR. CLOWARD: Let's -- let's do that.

1 Mr. Shakespear, 204.

2 PROSPECTIVE JUROR NO. 204: You can't put a price on
3 life, but you can put a price on suffering and taking care of
4 your family after you're gone.

5 MR. CLOWARD: Okay. Sir, back on the back,
6 Mr. Strobeck, 138, you're -- you're shaking your head. Tell
7 me -- tell me your thoughts and feelings.

8 PROSPECTIVE JUROR NO. 138: The way I was raised, I
9 just see all these different cases. People are just suing
10 money -- suing for money because that's just what they want is
11 money. They don't really care about the situation that
12 happened, even though it may be upsetting. They just want
13 money in their pockets, and it's greedy.

14 MR. CLOWARD: Sure. Okay. I thank you for sharing
15 that. I appreciate it.

16 Who else feels like that even if just a little bit,
17 like Mr. Strobeck, 138? Please -- please raise your hand and
18 speak to me.

19 Thank you. Please.

20 Okay. So we're going to go with Ms. Hinds, and then
21 Mr. Tindall, and before we move, who else? Who else, even if
22 just a little bit, feels like Mr. Strobeck?

23 Ms. Hinds, 171, tell me how you feel, please.

24 PROSPECTIVE JUROR NO. 171: I pretty much agree with
25 Mr. Strobeck. This day and age, it's just become the thing to

1 do, and when people mention dollar figures of that amount, I
2 think moneygrubbing, just, I mean, sorry. Things happen. Not
3 everybody gets money for it, you know. So I just find it
4 galling.

5 MR. CLOWARD: Thank you for sharing how you feel
6 about this.

7 Mr. Tindall, tell me how you feel about this.

8 PROSPECTIVE JUROR NO. 181: I also agree that things
9 happen, and when sometimes, you know, people -- you know, I
10 understand the loss, and I understand it's hard, but there's
11 also a factor in there, too, like let's try to get as much as
12 we can out of this situation, and I feel like a lot of times
13 that's, you know, what people try to do, especially when they
14 tried to sue other people. You know, they go for the largest
15 amount that they can actually get, you know, just to get the
16 most they can, and I think there's, you know, a little bit of,
17 like, just going overboard with it, with the amounts. That's
18 my personal opinion.

19 MR. CLOWARD: Thank you. Anyone else? Please talk
20 to me.

21 Ms. Carvalho -- Ms. Carvalho, 210.
22 Would you pass the microphone, sir.
23 Please talk to me about this.

24 PROSPECTIVE JUROR NO. 210: I think it depends. If
25 you're fighting -- if you're fighting because of the wrongdoing

1 and the negligence of the situation, and that's what you're
2 fighting for, and of course every problem there's a money sign
3 on it, but if you're doing it to seek justice in what has
4 happened, that could've been prevented, I mean, the money part
5 is there, and whatever they do with it is what they do with it,
6 but to seek justice for the situation, I mean.

7 MR. CLOWARD: So do you think that -- I guess -- and
8 I want to see if I understand.

9 PROSPECTIVE JUROR NO. 210: Is it greed? I don't --
10 I mean, that depends on the person that's -- that's trying to
11 fight against it. Are you doing it for greed because you're
12 mourning? Yeah, it's -- that's not right, but if you're doing
13 it because you need to seek -- so that some -- it doesn't
14 happen to another person, then fight.

15 MR. CLOWARD: So if I understand you, what you're
16 telling me is that maybe depending on the motive of the reason
17 why, that might make a difference?

18 PROSPECTIVE JUROR NO. 210: Uh-huh.

19 MR. CLOWARD: Thank you for sharing. Could you pass
20 the microphone.

21 Mr. Strobeck, and Ms. Smith, 138 and 137 and also
22 Ms. Perez, I'd like to hear from you. All three of you were
23 kind of nodding -- nodding your head, and I want to just get
24 your feelings and thoughts on what -- what was just said by
25 Ms. Carvalho.

1 PROSPECTIVE JUROR NO. 138: I agree with that to an
2 extent. If they are doing it for justice and protecting the
3 future of other people's lives, then that's a different story,
4 but if there's large dollar amount such as tens of millions of
5 dollars, you don't need tens of millions of dollars to survive
6 after your family member has passed away.

7 MR. CLOWARD: Thank you.

8 Did you have something you'd like to share?

9 PROSPECTIVE JUROR NO. 171: Actually yes, I would.
10 Denise Hinds, Juror 171. My husband died of cancer, lung
11 cancer, and he had been complaining of shoulder pain and being
12 unable to breathe. The doctor never once took an x-ray, and so
13 I considered it medical negligence, but taking the doctor to
14 court and trying to sue would not have brought my husband back,
15 and I don't think it would have made me feel better.

16 MR. CLOWARD: Let me ask you a question.

17 PROSPECTIVE JUROR NO. 171: Uh-huh.

18 MR. CLOWARD: This is a hypothetical, but assume for
19 a minute that somebody down the road, maybe it was, you know,
20 your neighbor or someone else that lived in your community, had
21 the same thing happened to them by that same doctor, had you
22 filed a lawsuit to hold the doctor accountable, that by doing
23 that, it didn't happen to the next person, do you think that
24 would be important or not?

25 PROSPECTIVE JUROR NO. 171: I think that would be

1 important, but I also understand that there would not be any
2 way for me to afford an attorney for that. So I just --
3 word-of-mouth. If I knew a person was going to that doctor, I
4 would say, You need to find another doctor. He may not be
5 giving you the best care.

6 MR. CLOWARD: Okay.

7 PROSPECTIVE JUROR NO. 171: And encourage that person
8 to tell other people.

9 MR. CLOWARD: What if it was someone that you didn't
10 know? You had no way of knowing, and the only way that that
11 doctor would be held accountable to make sure that that didn't
12 happen to somebody else was to file a lawsuit, raise some
13 attention, shine some light on that issue, do you think that
14 that would change for you? Wouldn't?

15 PROSPECTIVE JUROR NO. 171: Maybe. I would have to
16 think about that a little bit.

17 MR. CLOWARD: Thank you. Please do, and I would like
18 to hear how you feel after.

19 I want to go to Mr. Tindall first, but I also -- I
20 would like to talk to you, Gayle, 133, and then also Ms. Smith,
21 and let's go with Mr. Tindall first, but I want to -- if it's,
22 okay, can we come back to you? I saw you nodding.

23 PROSPECTIVE JUROR NO. 133: Oh, certainly.

24 MR. CLOWARD: And it's important for me to feel how
25 you feel about this. I just wanted to make sure it was okay if

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1 we go over here first.

2 PROSPECTIVE JUROR NO. 133: No problem.

3 MR. CLOWARD: Okay. Thank you.

4 PROSPECTIVE JUROR NO. 181: I just wanted to kind of,
5 like, add to what I said about, like, the -- the exorbitant
6 dollar amount that people ask for when they sue. It's kind
7 of -- it's, like, I understand that, you know, like, I agree
8 with what this gentleman said back here, that you don't really
9 need millions and millions and millions of dollars to get
10 justice, okay.

11 I also think that being a lawyer, you're trying to
12 get as much money as you can for your client and your firm. So
13 it's about dollars. You're trying to make money, and that's my
14 personal opinion. You know, so you guys try to make as much
15 money as you can to help, you know, not only your clients but
16 your firm as well, and I just don't feel that all that money is
17 going to justify anything. That's my opinion.

18 MR. CLOWARD: Thank you for sharing.

19 And I just remembered we didn't come back to you. So
20 I want to come back to you.

21 PROSPECTIVE JUROR NO. 137: Me or her?

22 MR. CLOWARD: You've got the -- you've got the --

23 PROSPECTIVE JUROR NO. 137: Okay.

24 MR. CLOWARD: You're in the hot seat. You've got the
25 mic. How about it?

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1 PROSPECTIVE JUROR NO. 137: So I feel that money
2 doesn't replace a life. So no dollar amount can change that.
3 I don't think that if you specifically sue someone for a large
4 amount of money that it's going to stop their negligence. If
5 they're a large corporation and they have money, that does not
6 put them out of business sometimes. So that doesn't
7 necessarily stop, like what you were asking this lady, them
8 from being negligent to the next person. It sheds some light.
9 Yeah, it might put them in the news or -- but the dollar amount
10 doesn't stop the negligence. So suing for millions of dollars,
11 to me, sometimes people do it because they're hurt, not
12 necessarily because you need to survive or live off of that.
13 They do it based on emotions.

14 MR. CLOWARD: Okay.

15 PROSPECTIVE JUROR NO. 137: And sometimes that's not
16 the best thing to do something based on emotions.

17 MR. CLOWARD: Thank you.

18 Ms. Scheeler, 133: Tell me your thoughts on this
19 whole thing.

20 PROSPECTIVE JUROR NO. 133: Oh, well, I was only
21 shaking my head because of her story, the tragedy of her
22 husband, having symptoms, nobody paying attention, and I was
23 only nodding my head because my first husband was a doctor.

24 MR. CLOWARD: Okay.

25 PROSPECTIVE JUROR NO. 133: And the chances of suing

1 a doctor are about as close to -- as suing the government. I
2 mean, they close ranks. I don't mean the government, but it's
3 difficult, you know.

4 MR. CLOWARD: Sure.

5 PROSPECTIVE JUROR NO. 133: And as far as -- I would
6 have to know the situation to put any price on it, and I think
7 people should be awarded something, but some of the -- some of
8 the amounts are just astronomical. It's just kind of like, you
9 know, who needs \$10 million?

10 MR. CLOWARD: There is absolutely no question, no
11 question that the amount that we're going to be asking for is a
12 huge amount of money, no question about that. I think
13 everyone -- everyone can agree that the amount that I talked
14 about, the tens of millions, is an astronomical amount of
15 money, but what's really important to find out for me and my
16 clients is the folks that it doesn't matter what we show.

17 And I can't talk about the facts and the evidence of
18 the case, but it doesn't matter if we showed the most egregious
19 violations of policies known to man, that the evidence
20 supported a verdict in that amount, but because of maybe your
21 views, like me with cherry pie, I'll never like cherry pie. I
22 just think it's not going to happen. I'm 37 years old. It's
23 not going to happen.

24 And so I wouldn't be -- it wouldn't be fair for me to
25 sit in judgment of a cherry pie or a baking contest if someone

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1 entered that. It just flat out wouldn't be. So what I'm
2 trying to find out is folks' views that really make it unfair
3 for my clients to sit on the -- their jury, and that's the --
4 that's the brutal honesty that I'm asking each of you to really
5 truly reach deep inside because I think they have a right to
6 prove their case, and if they prove their case, then they have
7 a right to have a jury that's willing to enter any amount in
8 the verdict if that's what the facts and evidence show.

9 Same thing with the defense, they have a right if the
10 facts and evidence, like Ms. Sanders said, shows that they're
11 not negligent, they have a right to have a jury that's not
12 going to feel bad because my clients lost a son, and they
13 want -- and a jury wants to award them something, just because
14 they're here. So that's -- that's what I'm asking for is just
15 brutal honesty.

16 So I guess by a raise of hands, Mr. Strobeck, would
17 it be fair to my clients, based on everything I've told you,
18 based on -- you know, so far, based on your core values, your
19 beliefs, would it be fair to have you on this jury?

20 PROSPECTIVE JUROR NO. 138: No.

21 MR. CLOWARD: Tell -- say more about that, please.

22 PROSPECTIVE JUROR NO. 138: I think it relates back
23 to what she was saying.

24 MR. CLOWARD: And I'm sorry. Can you get that
25 microphone?

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1 PROSPECTIVE JUROR NO. 133: Oh, I'm --

2 MR. CLOWARD: Thank you.

3 Mr. Strobeck, 138.

4 PROSPECTIVE JUROR NO. 138: I think it relates back
5 to what she was saying. Her husband passed away. The doctor
6 could've looked at the shoulder, but she didn't go sue them for
7 money because of her loss. Now, she can walk into the hospital
8 and tell the doctor, Hey, this is what happened. I just want
9 to let you know so that you are able to look maybe if someone
10 says a complaint like this again instead of suing the doctor,
11 maybe ruining his life or his family's life just because
12 you're -- you want money.

13 MR. CLOWARD: I truly appreciate your brutal honesty
14 with me. Thank you. It means a lot.

15 Ms. Smith, 137, would it be fair to my clients, given
16 what I've -- what I've told you and your views on, you know,
17 multimillion, into the millions, would it be fair to have you
18 on this jury for my clients?

19 PROSPECTIVE JUROR NO. 137: That's the decision for
20 you to make. I mean, for me, I don't have a -- I don't know
21 them. I don't have an opinion about them based on what they're
22 asking. I don't know the evidence. So I don't know any of the
23 situation. So that's for you to decide.

24 MR. CLOWARD: Imagine for a minute that you were my
25 client.

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1 PROSPECTIVE JUROR NO. 137: Uh-huh.

2 MR. CLOWARD: That it's me and you. You were sitting
3 there. I was talking to some folks that thought exactly like
4 you. They were -- they were literally your clone, and you
5 heard everything that they said, and I walked back to you, and
6 I said -- I said, Ms. Smith, what do you think about these
7 jurors? What would you tell me?

8 PROSPECTIVE JUROR NO. 137: What would I tell you?

9 MR. CLOWARD: Brutal honesty. Like if I said,
10 Ms. Smith, do we want these jurors with this frame of mind to
11 stand in judgment over our case, this has been going on for
12 many years --

13 PROSPECTIVE JUROR NO. 137: Uh-huh.

14 MR. CLOWARD: This is our day. We only have one
15 shot, one time in court for this --

16 PROSPECTIVE JUROR NO. 137: So if I was them
17 asking -- if you asked -- say it again.

18 MR. CLOWARD: If you were my --

19 PROSPECTIVE JUROR NO. 137: If I was them, would you
20 want them to pick me? No. Or anybody here?

21 MR. CLOWARD: No, just if someone had the same frame
22 of mind as you.

23 PROSPECTIVE JUROR NO. 137: Uh-huh.

24 MR. CLOWARD: So you're my client, and I go, and I
25 ask you, I say, Ms. Smith, this is what everyone, all of these

1 jurors have said, how do you feel about them? Do you think we
2 ought to leave them on the jury, or do you think we ought to
3 try and --

4 PROSPECTIVE JUROR NO. 137: Some of them, no, I would
5 not want them to be up here.

6 MR. CLOWARD: If it was your frame of mind.

7 PROSPECTIVE JUROR NO. 137: If it was my frame of
8 mind.

9 MR. CLOWARD: Tell me why.

10 PROSPECTIVE JUROR NO. 137: If I was them, I would
11 want someone that is speaking more so in my favor.

12 MR. CLOWARD: Okay.

13 PROSPECTIVE JUROR NO. 137: That's what you want.
14 When you come to a courtroom, you want to be -- let's be
15 honest. Everybody here on each side wants to be the winner.
16 So you want people that are speaking more towards your side
17 then versus, you know, the opposing.

18 MR. CLOWARD: Okay. Thank you.

19 THE COURT: Mr. Cloward, can we take a little break?

20 MR. CLOWARD: Yes. Yes.

21 THE COURT: All right. Ladies and gentlemen of the
22 jury, I'm going to ask that you please come back at 3:30. A
23 few things, look and see where you're seated because you'll
24 have to sit in the exact same seat when you come back.

25 Don't talk about the case. Don't form or express an

1 opinion on this case. Don't do any research on the case.

2 Please come back at 3:30. Thank you.

3 And again, the attorneys and the parties, if they see
4 you in the hallway, they'll probably walk away because they
5 cannot talk to you, and please don't talk to them.

6 (Panel of prospective jurors exiting 3:19 p.m.)

7 THE COURT: All right. The jury is out of the room.
8 Before we go off the record, I just want to talk to counsel
9 real quick. I have some concerns on Mr. Charlie Nguyen, Badge
10 No. 151. He's the Vietnamese gentlemen. It does seem that he
11 has some genuine issues. I don't know how much he's
12 understanding, but he certainly has difficulty communicating.
13 Do you want to let him go for cause, or do you want to try to
14 speak with him further?

15 MR. ALVERSON: I would let him go for cause. Quite
16 frankly, I didn't understand a word he said.

17 MR. CLOWARD: I agree with that.

18 THE COURT: I didn't understand much of it either.
19 So we'll let Mr. Charlie Nguyen, Badge No. 151, go by way of
20 stipulation for cause.

21 The other individual I had some concerns of, and I'm
22 not sure how much she's understanding, and I had a little
23 difficulty understanding her was -- I think it was Ms. Sosa.
24 Let me see. Yes, Ms. Sosa.

25 MR. ALVERSON: Yes, Ms. Sosa.

1 MS. SANDERS: The Thai.

2 THE COURT: She's Badge No. 188.

3 MR. ALVERSON: Same thing, Your Honor.

4 THE COURT: Mr. Cloward?

5 MR. CLOWARD: It was a language -- language barrier?

6 MR. ALVERSON: Yes.

7 MR. CLOWARD: Yes. That's -- that's.

8 THE COURT: Okay. So we'll let her go by stipulation
9 for cause.

10 Anything else we need to address before we go off the
11 record?

12 MR. ALVERSON: Not on our behalf, Your Honor.

13 MR. CLOWARD: No, Your Honor.

14 THE COURT: Okay. Thank you. When we come back,
15 we'll give you the new names for those seats.

16 (Proceedings recessed 3:18 p.m. to 3:31 p.m.)

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

18 THE COURT: All right. Counsel, make yourself
19 comfortable.

20 At this time, I'm going to ask Mr. Charlie Nguyen,
21 Badge No. 151, and Ms. Dimna Sosa, Badge No. 188, to stand up
22 and move to the back of the room.

23 Jason, please show them where they'll be seated.

24 And then can the clerk please call the new ones.

25 THE CLERK: Dale Burr, Badge No. 214, and Caleb

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1 Morgan, Badge No. 216.

2 THE COURT: All right. My two new gentlemen, have
3 either of you been jurors before?

4 PROSPECTIVE JUROR NO. 214: No.

5 PROSPECTIVE JUROR NO. 216: No.

6 THE COURT: All right. And have either of you ever
7 been involved in a lawsuit, either as a plaintiff or a
8 defendant?

9 PROSPECTIVE JUROR NO. 214: No.

10 PROSPECTIVE JUROR NO. 216: No.

11 THE COURT: Have either of you been a witness in a
12 lawsuit?

13 PROSPECTIVE JUROR NO. 214: No.

14 PROSPECTIVE JUROR NO. 216: No.

15 THE COURT: Okay. And as you probably heard, if
16 you're selected as a juror in this case, the Court will give
17 you the law in this case, and that will be the law you use to
18 decide the case. Can you follow all instructions of the Court
19 on the law, even if they differ from your personal conceptions
20 of what you think the law ought to be?

21 PROSPECTIVE JUROR NO. 214: Yes.

22 PROSPECTIVE JUROR NO. 216: Yes.

23 THE COURT: Thank you. And starting with Mr. Dale
24 Burr, Badge No. 214, are you employed, sir?

25 PROSPECTIVE JUROR NO. 214: Yes.

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1 THE COURT: What do you do?

2 PROSPECTIVE JUROR NO. 214: I work for AAC, American
3 Addiction Center.

4 THE COURT: American what?

5 PROSPECTIVE JUROR NO. 214: American Addiction
6 Center.

7 THE COURT: What do you do there?

8 PROSPECTIVE JUROR NO. 214: I do porter.

9 THE COURT: American Addiction Center, and I heard --
10 I didn't hear.

11 PROSPECTIVE JUROR NO. 214: Porter and housekeeping
12 and floor technician.

13 THE COURT: How long have you been there?

14 PROSPECTIVE JUROR NO. 214: About two years.

15 THE COURT: And prior to that job?

16 PROSPECTIVE JUROR NO. 214: Huh?

17 THE COURT: And prior to that job?

18 PROSPECTIVE JUROR NO. 214: I worked for Boulder City
19 Airport.

20 THE COURT: What did you do there?

21 PROSPECTIVE JUROR NO. 214: Photographer and
22 salesclerk.

23 THE COURT: How long were you at Boulder City?

24 PROSPECTIVE JUROR NO. 214: Three years.

25 THE COURT: And prior to that job?

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1 PROSPECTIVE JUROR NO. 214: I did freelance cleaning,
2 foreclosed homes.

3 THE COURT: And how long did you do that?

4 PROSPECTIVE JUROR NO. 214: About a year and a half.

5 THE COURT: And prior to that?

6 PROSPECTIVE JUROR NO. 214: That's it.

7 THE COURT: Are you married?

8 PROSPECTIVE JUROR NO. 214: Yes.

9 THE COURT: Does your wife work?

10 PROSPECTIVE JUROR NO. 214: Yes.

11 THE COURT: What does she do?

12 PROSPECTIVE JUROR NO. 214: She works at the airport
13 as well.

14 THE COURT: Boulder City?

15 PROSPECTIVE JUROR NO. 214: No, Las Vegas, the
16 Atlantic terminal.

17 THE COURT: What does she do there?

18 PROSPECTIVE JUROR NO. 214: She's a CSR.

19 THE COURT: What's a CSR?

20 PROSPECTIVE JUROR NO. 214: It's like a reservation
21 agent.

22 THE COURT: Oh, okay.

23 PROSPECTIVE JUROR NO. 214: Okay.

24 THE COURT: And do you have children?

25 PROSPECTIVE JUROR NO. 214: No.

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1 THE COURT: How long have you been in Clark County,
2 Nevada.

3 PROSPECTIVE JUROR NO. 214: Twenty-five years.

4 THE COURT: All right. Thank you very much.

5 Let's give the microphone to -- where is my other new
6 gentleman?

7 There you are. Caleb Morgan, Badge No. 216.
8 Mr. Morgan, sir, are you employed?

9 PROSPECTIVE JUROR NO. 216: Yes.

10 THE COURT: What do you do?

11 PROSPECTIVE JUROR NO. 216: I work for a thrift store
12 in Henderson, Nevada.

13 THE COURT: A what store?

14 PROSPECTIVE JUROR NO. 216: A thrift store.

15 THE COURT: Oh, how long have you done that?

16 PROSPECTIVE JUROR NO. 216: Four years.

17 THE COURT: And prior to that?

18 PROSPECTIVE JUROR NO. 216: I worked at Walmart in
19 Seattle, Washington.

20 THE COURT: What did you do at Walmart?

21 PROSPECTIVE JUROR NO. 216: I was a grocery store
22 clerk -- or -- yeah.

23 THE COURT: And how long were you with Walmart?

24 PROSPECTIVE JUROR NO. 216: Four years.

25 THE COURT: And prior to that?

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1 PROSPECTIVE JUROR NO. 216: I worked at a fast food
2 chain.

3 THE COURT: And how long were you there?

4 PROSPECTIVE JUROR NO. 216: For a year.

5 THE COURT: And prior to that?

6 PROSPECTIVE JUROR NO. 216: No -- no other job
7 experience.

8 THE COURT: Married?

9 PROSPECTIVE JUROR NO. 216: No, ma'am.

10 THE COURT: Children?

11 PROSPECTIVE JUROR NO. 216: No.

12 THE COURT: And how long in Clark County, Nevada?

13 PROSPECTIVE JUROR NO. 216: Five years in April.

14 THE COURT: Thank you very much.

15 Mr. Cloward, if you'd like to continue.

16 MR. CLOWARD: Yes, Your Honor.

17 Welcome to Mr. Caleb and Mr. Burr, correct?

18 PROSPECTIVE JUROR NO. 216: Yes.

19 MR. CLOWARD: Okay. So I'm going to -- I want to
20 come back to you gentlemen, but before we do that, I wanted to
21 follow up on -- on the conversation I was having with Ms. Smith
22 before the break so if you would, sir -- it's Mr. Caleb, right?

23 PROSPECTIVE JUROR NO. 214: Yes, sir.

24 MR. CLOWARD: If you wouldn't mind just passing the
25 microphone back there, we'll go -- and then I went to come and

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1 talk to you, too.

2 So I guess what I was -- the next question -- I think
3 you and I, we finished our conversation, didn't we?

4 PROSPECTIVE JUROR NO. 133: Yes.

5 MR. CLOWARD: I asked you whether you felt like it
6 would be fair to have you on the jury. What was your response
7 again?

8 PROSPECTIVE JUROR NO. 137: Your last question was if
9 you asked them -- if I were them, would I pick any of the
10 jurors here.

11 MR. CLOWARD: Would you want someone with your frame
12 of mind?

13 PROSPECTIVE JUROR NO. 137: Yeah.

14 MR. CLOWARD: I guess the way that you see things?

15 PROSPECTIVE JUROR NO. 137: And the answer was, no,
16 because I said that everybody wants to win, and people would
17 like someone with that mindset to be more in their favor.

18 MR. CLOWARD: Let me ask a question then, and I
19 appreciate your honesty, your brutal honesty.

20 Mr. Strobeck, I appreciate your brutal honesty so
21 far.

22 Is it -- is it the -- I guess the amount that I've
23 talked about, the amount of money, or is it just that the --
24 you know what, my clients are here, and they lost their son,
25 and you feel like maybe, you know what, they shouldn't even be

1 bringing a lawsuit, no matter what? So I guess is it -- my
2 question is, do you have a problem with the amount that I've
3 talked about, or is the fact that they're even here -- which
4 one of those, I guess, would you have a bigger problem with or
5 any problem?

6 PROSPECTIVE JUROR NO. 137: I -- I previously stated
7 I don't have a problem with the amount, or -- I don't know
8 them. I don't know what they're here for. When -- the initial
9 discussion was how much -- when you said, how do we feel about
10 a large sum.

11 MR. CLOWARD: Sure.

12 PROSPECTIVE JUROR NO. 137: You can't put a price on
13 -- everybody has lost a family member. You can't put a price
14 on that.

15 MR. CLOWARD: If that's their only remedy in this
16 case, they can't -- they can't do anything other than -- than
17 that, how do you -- how does that sit with you? Is it -- I
18 mean, if you were asked -- if you were asked to keep on this
19 and say, you know what, this is the only thing they can do is
20 file a lawsuit --

21 PROSPECTIVE JUROR NO. 137: Uh-huh.

22 MR. CLOWARD: -- and this is what were asking you to
23 do, would you be able to set aside your views and follow the
24 law, or is it -- is it that, you know, in your mind because of
25 your experiences -- just like cherry pie with me, I don't care

1 what I'm told. I'm going to not like cherry pie. And so I'm
2 going to -- you know, where does it --

3 PROSPECTIVE JUROR NO. 137: It doesn't affect my
4 decision against them or anything.

5 MR. CLOWARD: All right. Thank you.

6 I never got back to you. Can we -- can we talk to
7 you, Ms. Perez, 178. Tell me how you feel about this whole --
8 this whole thing.

9 PROSPECTIVE JUROR NO. 178: It just feels if this for
10 justice, why not suing someone? (Unintelligible.) I don't
11 know her name, but she said it's the right way. If it's not
12 for the good cause -- I mean, you want a neutral juror. That's
13 what you're looking for. So the evidence will show everything,
14 either it's like the wrong thing. Everything will like pointed
15 out. So as long as it's for the good cause, everyone should go
16 to suit. I mean, not everyone has money but still.

17 MR. CLOWARD: Thank you for sharing. Sorry it took
18 me so long for me to get to you.

19 Ms. King, why don't you tell me how you feel. You're
20 sitting right there. Let's put you on the hot seat for a
21 minute.

22 PROSPECTIVE JUROR NO. 177: Well, my sister-in-law's,
23 her daughter, 21 years ago, she passed away, and came back with
24 brain injury, and she didn't want to sue because it didn't --
25 it wasn't going to bring her daughter back, but her daughter

1 came back with brain injury. She can't walk or talk, but she
2 still have her daughter, but as she looked around and seeing
3 how everyone was telling her sue, she still sued, but she still
4 was angry because it wasn't giving her her daughter that she
5 gave birth to. So, I mean, if I was in that situation, no, I
6 wouldn't sue. It won't bring anyone back, the person you have
7 lost.

8 MR. CLOWARD: Do you have a problem with my clients
9 being here, sitting over here, the fact that they're here with
10 their lawyer -- lawyers? I mean, do you --

11 PROSPECTIVE JUROR NO. 177: I'm neutral.

12 MR. CLOWARD: Okay. Thank you.

13 Mr. -- is it Colyar?

14 PROSPECTIVE JUROR NO. 172: Colyar.

15 MR. CLOWARD: Colyar, 172. That's quite the
16 impressive beard you've got there.

17 PROSPECTIVE JUROR NO. 172: Thank you.

18 MR. CLOWARD: Maybe you and Mr. Caleb can compare
19 notes. Tell me how you feel. How does this whole conversation
20 sit with you? What kind of emotions are swirling around? What
21 things are you wanting to --

22 PROSPECTIVE JUROR NO. 172: You can't put money on
23 life, but I feel that there are times where emotions will get
24 in the way of things. So it's more of how it were to play out
25 and what would happen, more than it would be about the money.

1 MR. CLOWARD: Say more about that. Help me
2 understand what -- say more, please.

3 PROSPECTIVE JUROR NO. 172: I'm just kind of agreeing
4 with what she said, and you just can't really put money on
5 life.

6 MR. CLOWARD: Is it -- I guess do you feel maybe like
7 Mr. Strobeck, who, you know, he said it wouldn't be fair to
8 have him on the -- on the jury. Do you feel more like him --

9 PROSPECTIVE JUROR NO. 172: Yeah.

10 MR. CLOWARD: Tell me why, please.

11 PROSPECTIVE JUROR NO. 172: I feel like there's a lot
12 of greed out there, but I don't know. It's just my feeling.

13 MR. CLOWARD: Okay. Anything else you would want to
14 share with me?

15 PROSPECTIVE JUROR NO. 172: No.

16 MR. CLOWARD: Lawyers tend to ask one question after
17 another after another, and sorry that's kind of how we --
18 that's our job. I appreciate your comments. Thank you.

19 Mr. -- oh, Mr. Rivera, right?

20 PROSPECTIVE JUROR NO. 198: Yeah.

21 MR. CLOWARD: 198. Tell me your thoughts on this.
22 You were raising your hand. You were pretty engaged in the
23 conversation. Tell me where you fit with this, and can you
24 grab the microphone.

25 PROSPECTIVE JUROR NO. 198: With this, like, I don't

1 know. To me, if you never mentioned the 10 million, like, a
2 lot of people's views would -- all their answers would be
3 different, to be honest, if you never mentioned 10 million.
4 But for me in this type of situation, like you said, if this is
5 your last shot, like, if I lost a family member and this was,
6 okay, my only shot, like, I got to sue, like, I have to get
7 some type of justice, like, I have to get my word across, like,
8 do right by my family, this is my last shot, and I'm going to
9 do it, you know. So that's how I feel.

10 And then I think -- I don't know. I've always been
11 curious because I feel like sometimes the plaintiffs don't come
12 up with the money, like it's more of the lawyer. They're like,
13 You know what, you could get this, like, because I feel like
14 someone won't come up and be, like, I want 10 million. You
15 know, like, the lawyers usually sort that money out. So, I
16 mean, like, some of the people were saying, you want neutral
17 jurors -- jurors. So I think that's how it should be, like, no
18 matter what, at the end of the day, it's what you can prove in
19 court.

20 MR. CLOWARD: Sure.

21 PROSPECTIVE JUROR NO. 198: And then if you -- yeah,
22 that's how it should be.

23 MR. CLOWARD: Do you think it would be -- knowing --
24 you know, I can't obviously crawl inside your mind --

25 PROSPECTIVE JUROR NO. 198: Yeah.

1 MR. CLOWARD: -- and know everything. I do like your
2 shoes though.

3 PROSPECTIVE JUROR NO. 198: Thank you.

4 MR. CLOWARD: But if -- would it be fair to my
5 clients, knowing -- you know, you know what's in -- you know
6 your views.

7 PROSPECTIVE JUROR NO. 198: Yeah.

8 MR. CLOWARD: And you know how you see things. Would
9 it be fair to have you on this jury for them?

10 PROSPECTIVE JUROR NO. 198: I don't know honestly,
11 just because, like, I don't know the facts, or like you said,
12 you can disclose a lot of the things. So I just know a family
13 member passed away, but I just don't know what really happened.
14 So I can't really answer that.

15 MR. CLOWARD: Sure.

16 PROSPECTIVE JUROR NO. 198: Yeah.

17 MR. CLOWARD: Let me ask it this way. Is there
18 anything that's been said this far that in the back of you're
19 mind you're thinking, I don't care what on earth you,
20 Mr. Cloward, and your cocounsel Mr. Allen, and your partner
21 Ms. Braiser, I don't care what you present from the witness
22 stand or otherwise, I'm never getting to where you want me to
23 get because -- I mean, do you feel that way, or are you looking
24 at it more like -- can you tell -- tell me, please.

25 PROSPECTIVE JUROR NO. 198: With that, it would

1 depend. Like, it's, like, I can't -- I can't put emotions into
2 it. I don't think anyone should. Like, obviously we want to
3 be remorseful, but, like, I mean, if the defendant, like,
4 showed the evidence where it's, like, you know, he died on his
5 own, like, and they weren't part of it, then -- you know, then
6 that's where, like, I'm not fair to be, like, a juror for them,
7 you know because -- yeah.

8 MR. CLOWARD: Okay. I think -- tell me -- correct me
9 if I'm wrong. I think you're willing to give me a chance.

10 PROSPECTIVE JUROR NO. 198: Yeah.

11 MR. CLOWARD: You're willing to give me a chance to
12 prove my case. You haven't -- you haven't made your mind up.
13 You just don't have enough information.

14 PROSPECTIVE JUROR NO. 198: Yeah.

15 MR. CLOWARD: Is that fair?

16 PROSPECTIVE JUROR NO. 198: Yeah, definitely.

17 MR. CLOWARD: Okay. Perfect. Thank you.

18 I haven't heard from hardly any of you folks right
19 here. Can we --

20 Actually, before we go, because I haven't heard from
21 you either. I've heard a little bit, but not a lot. Tell me
22 what -- where does this whole conversation sit with you?

23 PROSPECTIVE JUROR NO. 204: It's really all about the
24 facts, like -- like he said. I don't have enough facts to say
25 if it was negligence. I don't have enough facts to say if it

1 was just on his own. I don't have -- I don't know what type of
2 state he was in or whatnot. You know, money does play a factor
3 in a lot of things. I mean, I don't think \$10 million is
4 exactly a great price tag, you know, pain and suffering.
5 It's -- you can't put money -- you can't put money on it.

6 Do I feel like I could be neutral to tell you, yeah,
7 they were wrong or, you know, it wasn't their fault or whatnot?
8 You know, I'm kind of with the same standpoint as he is.

9 MR. CLOWARD: Thank you. I can't really tell you
10 what the laws are and so forth. That's the Judge's job, and
11 I'm going to let her, you know, do that at the end of this, but
12 if you did receive, you know, instruction that, you know, if we
13 proved our case and that money damages were something that you
14 would be required to figure out and talk to your fellow jurors,
15 is that something that you're willing to do, or are you telling
16 me, you know what, it's impossible to put the value on human
17 life, and I'm not willing to -- to do it? Or you just saying,
18 you know, it's -- it's kind of this nebulous concept, and it
19 might be hard, but I'd want to hear more facts before I could
20 do it? What are you saying?

21 PROSPECTIVE JUROR NO. 204: If you could prove your
22 case and prove it well, then, yeah, I mean, I would side -- I
23 would side with those who have lost -- lost their son or, you
24 know, stuff like that. So that's -- that's where -- that's
25 where I stand. I need more facts, and I need more evidence,

1 and good evidence.

2 MR. CLOWARD: Okay. And for the record, I don't
3 think we --

4 PROSPECTIVE JUROR NO. 204: Darrell Shakespeare, 204.

5 MR. CLOWARD: 204. I appreciate it. Thank you. We
6 please pass that back. Let's hear from some of the folks over
7 here.

8 Tell me what -- how do you feel -- Ms. Martinez, 156?

9 PROSPECTIVE JUROR NO. 156: Yes.

10 MR. CLOWARD: How do you feel about this whole
11 conversation?

12 PROSPECTIVE JUROR NO. 156: Pretty neutral. I mean,
13 like they said, no type of money is going to bring a family
14 member back, but if justice is what makes you feel better at
15 the end of the day, then why not go for that.

16 MR. CLOWARD: Thank you. Sir, is it -- is it Laury?

17 PROSPECTIVE JUROR NO. 152: Yes.

18 MR. CLOWARD: 152?

19 PROSPECTIVE JUROR NO. 152: Yes.

20 MR. CLOWARD: Tell me, where does all of this sit
21 with you? What's going on in your mind? When you heard me,
22 and the first thing I said, you know, into the tens of millions
23 of dollars, what was it that you were thinking to yourself?

24 PROSPECTIVE JUROR NO. 152: Oh, well, you know
25 inclined to agree with her, too, you know. There is no price

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1 you can put on a life. You know, once it's gone, it's gone.
2 But, you know, I think the money thing is probably, you know,
3 plaintiffs' concern really. I don't think really -- I mean,
4 there is a lot of greed out there, but I don't think it's
5 nothing for, you know, anybody to judge or whatever. You know
6 what I mean? I mean, it's something that will be there to
7 maybe help them in the long run, but I think even they know it
8 won't replace what they lost.

9 MR. CLOWARD: Do you have a view one way or another
10 as to what you would be willing, I mean, as far as -- are you
11 going to allow me to prove my case?

12 PROSPECTIVE JUROR NO. 152: Yes.

13 MR. CLOWARD: Sir, let's -- Mr. Burr, one -- excuse
14 me -- 214, tell me, how does this sit with you, all this
15 conversation?

16 PROSPECTIVE JUROR NO. 214: I mean, I don't -- I
17 don't really know if you can put a price on a life, but I don't
18 think that's what they're trying to do. I think they're trying
19 to make their pain ease a little bit and get through their
20 crisis at hand right now. So, I mean, I don't know if it would
21 be that high of an amount would be appropriate, but I think a
22 little something would help them at ease through their crisis.

23 MR. CLOWARD: Tell me -- tell me more about that.
24 What do you mean?

25 PROSPECTIVE JUROR NO. 214: Like, for example, they

1 wasn't expecting the death. They wasn't -- they didn't plan
2 ahead of time to save money or, like, funeral costs and stuff
3 like that. So, like, maybe, like, some money would ease their
4 pain financially and emotionally, but I don't think that it
5 should be that high of an amount.

6 MR. CLOWARD: So it's fair to say that -- that -- do
7 you feel that it doesn't matter what the evidence is, you could
8 never enter an amount into the verdict into the tens of
9 millions? Or is it something you just say, you know what, I
10 don't really know much about it; it sounds like a lot; from
11 what I know I would only -- it would be much lower?

12 PROSPECTIVE JUROR NO. 214: I think, yeah, it would
13 be, like, much lower, like, maybe just pay for, like, the
14 funeral arrangements or, you know, like, just to give them
15 something to ease their pain, but I think that's way too much
16 in my opinion.

17 MR. CLOWARD: If I were to prove that that's the --
18 whatever the amount is, and I'm not, you know, saying what the
19 amount is, I'm just saying, you know, at the end of this, I'm
20 going to ask for a large amount, but if at the end of this, if
21 I prove that's the amount that the evidence shows is deserved
22 and what it needs to be, will you let me -- I mean, would you
23 be able to enter that into the verdict, let me prove my case,
24 or are you to the point where it's just, like, you know what,
25 I -- there's no way I would award a hundred thousand dollars?

1 I don't care what the evidence is. That's just how I feel.
2 Please be brutally honest with me, sir.

3 PROSPECTIVE JUROR NO. 214: If you could prove that
4 that's what it costs and the damages made and emotionally,
5 yeah, I would put that in. I would agree to it.

6 MR. CLOWARD: So you're -- you're willing to let me
7 prove my case, fair?

8 PROSPECTIVE JUROR NO. 214: Yes.

9 MR. CLOWARD: Okay. Thank you.

10 Sir, Mr. Latoya (sic), 159, let's -- let's hear from
11 you, and then we'll go -- we'll just kind of snake around, and
12 then we'll -- we've talked with Mr. Tindall in a little bit,
13 but please tell me how -- how you feel about all of this.

14 PROSPECTIVE JUROR NO. 159: I pretty much agree with
15 everyone else's here, you know, their statements. You can't
16 really put a price on life, but once given your chance to prove
17 your case with the facts, the evidence, then we can go from
18 there, you know, as far as the viewpoints of the plaintiff and
19 the defendant.

20 MR. CLOWARD: Okay. Are you -- if the evidence
21 showed -- we prove our case, and we prove that -- that First
22 Transit was negligent, really negligent, if we showed that, are
23 you -- are you willing to enter an amount into the verdict form
24 to reflect what the evidence shows, or are you -- when you say,
25 you know, you can't put a value on life, are you going to say,

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1 well, you know, what, they're negligent, but I'm not going to
2 award anything because, you know, I don't think you can put a
3 value on life? I mean, where does it sit with you?

4 PROSPECTIVE JUROR NO. 159: I mean, you can't really
5 put a price on life, but if they want to sue for a certain
6 amount, like 10 million, that's, you know -- that's their
7 choice, but like I said, you have to prove the facts.

8 MR. CLOWARD: Okay.

9 PROSPECTIVE JUROR NO. 159: You know, prove your
10 case. That's your --

11 MR. CLOWARD: So you're -- if I understand, you're
12 willing to let me prove my case?

13 PROSPECTIVE JUROR NO. 159: Yeah.

14 MR. CLOWARD: You're not saying that it wouldn't be
15 fair to have you on the panel, are you?

16 PROSPECTIVE JUROR NO. 159: I'm willing to have you
17 guys prove your case first.

18 MR. CLOWARD: Thank you.

19 Ms. Chaisuriya, 194?

20 PROSPECTIVE JUROR NO. 194: Yes.

21 MR. CLOWARD: What -- how do you think about all this
22 conversation and everything that's been said?

23 PROSPECTIVE JUROR NO. 194: Yeah, I agree with them,
24 and for me, I think we don't want this happen. We don't want
25 to go to the court and ask money for and that. We don't want

1 the loss the family, but it's -- who knows that lost the one
2 whom take care everybody, the whole family. That's the -- what
3 you call it -- they are the one bring income to the house,
4 important, but like you said, you have to prove, and you're
5 asking a lot of money they can have for you. What you going to
6 do for them? You just accept what you have to.

7 MR. CLOWARD: Okay. Thank you. Thank you for
8 sharing.

9 Mr. -- excuse me -- Caleb. I've said your last name,
10 like, four times already. I've got too much writing on the
11 paper there. Mr. Caleb, 216, tell me where you sit with all
12 this. What are you thinking?

13 PROSPECTIVE JUROR NO. 216: I think the amount of
14 money is irrelevant. I mean, I personally think it's wrong for
15 that amount of money, but I think it's more of a scare tactic
16 for the company they're going up against, just to get the word
17 out, just to let everybody know that they were negligent. They
18 were in the wrong, that -- so no one else has to go through
19 what they're going through.

20 I -- I would probably never agree with the amount of
21 money. You said tens of millions. So it's probably going to
22 be 40, \$50 million, you know, but then again it's not my -- I
23 am not in control of the law or the bylaws of all that, and so
24 they're probably not moneygrubbing. You know, they just want
25 to get some justice. They just want to make sure that their

1 voices are heard.

2 MR. CLOWARD: Well, let me ask you because you said
3 kind of a scare tactic. I want to follow up on what -- what
4 you've just told me and see if I understand it. Do you think
5 that, I guess, companies would listen if people came into court
6 and jurors just said either negligent or not negligent and
7 never got to the money? The money was never even discussed.
8 Do you think that corporate America would listen?

9 PROSPECTIVE JUROR NO. 216: No.

10 MR. CLOWARD: Why?

11 PROSPECTIVE JUROR NO. 216: Because it wouldn't be a
12 headline in the paper. It wouldn't be a headline online.
13 People really wouldn't follow the story, follow the -- so they
14 would feel no responsibility for that, you know, or they would
15 feel no fear towards, you know, oh, you know, I'll save you if
16 you're suing for 10 million. They'll probably want to settle.
17 You know, it's okay. Well, we don't want to give up that
18 amount of money, and it's going to be on all of the headlines,
19 and so we're going to -- you know, we'll give them a hundred
20 thousand, and hopefully they're happy. We're happy. You know,
21 it would still be a knock on their company, you know, but it
22 won't be as big of a tragic incident.

23 MR. CLOWARD: Thank you for sharing. I just have one
24 final question. I haven't given you an amount. If -- are you
25 willing to let me prove the case, or are you -- are you already

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1 kind of closed off --

2 PROSPECTIVE JUROR NO. 216: If the money --

3 MR. CLOWARD: I never gave you -- and so that to me
4 implies that it doesn't matter what I prove to you. It's not
5 fair to my clients to have you on -- on the jury --

6 PROSPECTIVE JUROR NO. 216: With only the facts, the
7 minor facts that have been given, I would -- I would disagree
8 with money. I probably would never agree with 30, 40 million,
9 but that's probably not the sole point of this trial. So, you
10 know.

11 MR. CLOWARD: And so if I understand you, just based
12 on the very limited -- and I didn't -- I haven't said anything
13 that I think First Transit did either right or wrong. I
14 haven't given you any facts. You agree with that, right?

15 PROSPECTIVE JUROR NO. 216: Yeah.

16 MR. CLOWARD: So your comments are based on just the
17 sole, little teeny bit; is that fair?

18 PROSPECTIVE JUROR NO. 216: That's fair.

19 MR. CLOWARD: Will you let me prove my case to you,
20 and if the amount that should be entered into the verdict, if I
21 prove that, are you willing to do that? Will you let me prove
22 the case?

23 PROSPECTIVE JUROR NO. 216: I suppose, yeah.

24 MR. CLOWARD: Ms. Tobin, 183, fair to say that you
25 don't like any of the lawyers? You don't like lawyers?

1 PROSPECTIVE JUROR NO. 183: No, I do not.

2 MR. CLOWARD: Okay. I've got to ask you a real
3 critical question.

4 PROSPECTIVE JUROR NO. 183: Okay.

5 MR. CLOWARD: Even though you don't like the legal
6 process --

7 PROSPECTIVE JUROR NO. 183: Correct.

8 MR. CLOWARD: -- even though, you know, you don't --
9 you don't like the process at all --

10 PROSPECTIVE JUROR NO. 183: It has its value.

11 MR. CLOWARD: -- would you be able to sit, you know,
12 fairly to both sides and kind of dislike both of us, but let us
13 prove the case, or is it, you know what, you're just not going
14 to be a good fit in this case because you just don't like
15 lawyers? You don't like the process? You just --

16 PROSPECTIVE JUROR NO. 183: No, for me it would all
17 be based on intent.

18 MR. CLOWARD: Tell me -- say more, please.

19 PROSPECTIVE JUROR NO. 183: Okay. For me, intent is
20 why the lawyers represent the plaintiff -- I mean the
21 defendant, the plaintiff. It depends on -- I can't sit in this
22 mother's shoes. I am a mother, but for her, the value is
23 there, and I respect that, but her intent and the lawyers'
24 intent in this case concerned me.

25 MR. CLOWARD: Okay. What about the intent of the

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1 defense?

2 PROSPECTIVE JUROR NO. 183: That concerns me too.

3 MR. CLOWARD: Let's -- let's be -- let's be realistic
4 here. We're trying to obtain money. They're trying to save
5 money.

6 PROSPECTIVE JUROR NO. 183: Sure.

7 MR. CLOWARD: Right?

8 PROSPECTIVE JUROR NO. 183: Sure.

9 MR. CLOWARD: It's what it boils down to. I'm
10 calling things like they are, being brutally honest, right?

11 PROSPECTIVE JUROR NO. 183: Correct.

12 MR. CLOWARD: So the question I have is, are you
13 willing to listen to the facts and the evidence, or is your
14 experience that, you know what, you're just frustrated with the
15 process, and one of us is going to get punished because of the
16 bad experience that you had with what sounds like some real
17 crappy lawyers?

18 PROSPECTIVE JUROR NO. 183: Yes.

19 MR. CLOWARD: Would it be fair to both of us to keep
20 you on the jury? Please level with me on this, brutally
21 honest.

22 PROSPECTIVE JUROR NO. 183: I don't think that I can
23 understand the intent that would be brought forth in the
24 testimony. I don't think you can get to know someone in three
25 to five days, to know what their intent is and what they --

1 who they are as a person and their morals.

2 MR. CLOWARD: If you never -- if -- if because of
3 that, because it's not -- we're not here for as long as maybe
4 it might take, if the intent never comes out --

5 PROSPECTIVE JUROR NO. 183: That's possible.

6 MR. CLOWARD: If the intent never comes out, are you
7 able to sit in this case and be fair to the parties, to both of
8 the parties in this case, or is that something that is so
9 important that you would not be able to make a decision no
10 matter what if you weren't given that piece of information?

11 PROSPECTIVE JUROR NO. 183: It's important to me, and
12 would I be able to ascertain that through the course of the
13 trial, I can't answer, yes, and I can't answer no.

14 MR. CLOWARD: If you were not able to ascertain that,
15 you know, if that information never came out, would you still
16 sit and fairly look at the facts of the case or not?

17 PROSPECTIVE JUROR NO. 183: I would be willing to do
18 that. I don't know what my final decision would be.

19 MR. CLOWARD: I'm not asking for a -- one way or the
20 other.

21 PROSPECTIVE JUROR NO. 183: Okay.

22 MR. CLOWARD: I can't -- I can't ask you to do that.

23 PROSPECTIVE JUROR NO. 183: Okay.

24 MR. CLOWARD: Neither of us want you to like, hey,
25 tell me how you're going to rule. I don't want that. That's

1 not fair.

2 PROSPECTIVE JUROR NO. 183: No. No. And I'm not
3 trying to do that. I'm just trying to express the fact that
4 for me it's about intent.

5 MR. CLOWARD: Sure.

6 PROSPECTIVE JUROR NO. 183: What is the intent on
7 both sides?

8 MR. CLOWARD: Thank you very much.

9 PROSPECTIVE JUROR NO. 183: Uh-huh.

10 MR. CLOWARD: I appreciate it.

11 All right. Your Honor, I need to just get a little
12 drink of water; is that okay?

13 THE COURT: Sure.

14 MR. CLOWARD: Okay. So now I want to -- I want to
15 just get a raise of hands before we move on. This is
16 obviously, you know, an important topic. Does anyone else have
17 any -- any feelings that they want to share with me on this
18 before we kind of move into the next area if I didn't get to
19 you? Maybe you weren't able to share something that you wanted
20 to or --

21 Mrs. Hinds, I think you said you were going to think
22 about -- think about it and tell me how you feel. Do you
23 remember that?

24 PROSPECTIVE JUROR NO. 171: Uh-huh.

25 MR. CLOWARD: Have you had a chance to think a little

1 bit more about it?

2 PROSPECTIVE JUROR NO. 171: I'm still not sure.

3 MR. CLOWARD: So the next thing I wanted to talk
4 about is just, you know, rules, and the importance of rules,
5 and I want to see how people feel about that.

6 I live -- I live up by Floyd Lamb State Park. I get
7 off at Durango and 95 to go home, and when I get off the
8 Durango exit, there's a stop light there, and it says, No
9 turning right except for on a green light, and it's always
10 annoying to me because everywhere else in town, you pull up to
11 a red light, and you can turn right after you look left, but
12 this one says, No right turn, except for on green.

13 So my question is, if I pull up to that, and it's
14 3 a.m., and I look left, there's nobody coming, is it okay for
15 me to just kind of do a California stop and sneak through that
16 stop light and head on down the road?

17 PROSPECTIVE JUROR: No, but everybody does it.

18 PROSPECTIVE JUROR NO. 204: Yeah.

19 MR. CLOWARD: You're saying no, Mr. Shakespear, 204.
20 Can you --

21 Where's that microphone?

22 Tell me why not. Why or why not, I mean, how do you
23 feel about it?

24 PROSPECTIVE JUROR NO. 204: Rules and guidelines are
25 there for a reason. I mean, they don't just apply 9 to

1 5 or 6 a.m. to midnight. If it's 3 o'clock in the morning,
2 they're there for a reason.

3 MR. CLOWARD: Who here agrees with Mr. Shakespear on
4 that? Raise your hand if you agree.

5 Raise your hand if you disagree, if you think, you
6 know what, it's -- it's 3 a.m. Nobody's -- it's not going to
7 hurt anybody. You're, okay, to do it.

8 Nobody?

9 PROSPECTIVE JUROR NO. 216: A little.

10 MR. CLOWARD: A little. Tell me -- tell me a little
11 bit about that.

12 THE COURT: Who was the person who last answered?

13 MR. CLOWARD: Oh, I'm so sorry. It's Mr. Caleb, 216.

14 PROSPECTIVE JUROR NO. 216: It's Morgan.

15 THE COURT: Mr. Morgan.

16 MR. CLOWARD: Is it Morgan Caleb, or Caleb Morgan? I
17 wrote it down wrong. I'm sorry. I've been calling you
18 Mr. Caleb this whole time. I feel bad about that now.
19 Mr. Morgan. I was kind of thinking, you know, Caleb, that's a
20 first name, not a last name. I'm sorry about that.

21 PROSPECTIVE JUROR NO. 216: I believe the -- you
22 should follow the rules and the letter of the law, but in
23 certain situations, if you feel that you can get away with it,
24 I wouldn't have a problem with it, but you assume all
25 responsibilities if something did happen, if there was an

1 accident or something like that. So you have to take, you
2 know -- there's never going to be a policeman every corner
3 forcing you to obey all the laws. You kind of -- kind of have
4 to take it upon yourself.

5 Now, do I believe if, say, if you're running a red
6 light, obviously not, but say if you did, then, you know, you
7 assume all responsibilities for your actions, but it's not me
8 necessarily to judge you, you know, because the situation could
9 be different. There has to be gray areas, but --

10 MR. CLOWARD: Okay. Who here -- who here agrees with
11 Mr. Morgan that you know what, it's you can kind of -- you can
12 kind of -- it's gray?

13 Will you pass that back. I'd like to hear from
14 Mr. Strobeck, 138.

15 Tell me your -- your thoughts on that, Mr. Strobeck,
16 and then we're going to come --

17 PROSPECTIVE JUROR NO. 138: I agree with him. I
18 think laws are laws, and they should be followed, but if you
19 were going to ask me if I would run a red light at 3 a.m. when
20 there was no cars, absolutely I would run the red light.

21 MR. CLOWARD: Okay. Well, thank you hold on. Before
22 we move, what part of town do you live in?

23 PROSPECTIVE JUROR NO. 138: Blue Diamond, El Capitan.

24 MR. CLOWARD: I'm just teasing. Let me ask you a
25 question.

1 Let's come back to you, Mr. Strobeck.

2 Let me just ask a question. Does it change -- does
3 it change your analysis if let's say I've got my 7-year-old
4 daughter in the back -- back of my car? Does that change
5 things at all?

6 PROSPECTIVE JUROR NO. 138: Yeah.

7 MR. CLOWARD: Why?

8 PROSPECTIVE JUROR NO. 138: Well, if I'm running the
9 red light, I'm putting my own life in danger. If I'm running a
10 red light with my 7-year-old daughter in the car, I'm also
11 threatening her life.

12 MR. CLOWARD: Okay. Who here agrees or disagrees
13 with that? Someone's -- can we get a position on both sides?

14 Ms. Beckum, 146. Ms. Beckum, I don't think I've
15 talked to you about the money either.

16 PROSPECTIVE JUROR NO. 146: You haven't. That's
17 fine.

18 MR. CLOWARD: No, trust me. It's important. I want
19 to talk to you about it, but let's -- first off, tell me about
20 this, and then we can come back to that in a minute.

21 PROSPECTIVE JUROR NO. 146: I agree. I agree that
22 people drive safer when they -- when they know, like, it's kids
23 or elderly involved or just when it's something more at stake.
24 Most of the time at night it is a lot of accidents because
25 people are thinking like that. They're thinking nobody's here.

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1 Let me just go ahead and go. So there are a lot of traffic
2 violations and accidents at night.

3 So, I mean, I wouldn't do it personally just because
4 I have the mindset of a mother, and I always think about, you
5 know, my kids and just affecting other people, but, yeah.

6 MR. CLOWARD: Okay. Thank you. Thank you for
7 sharing.

8 Mr. Burr, 214, you also had your hand raised. Tell
9 me how you sit on this.

10 PROSPECTIVE JUROR NO. 214: I agree fully with both
11 of them as well. If you know -- if you know that there's kids
12 involved or elderly involved, you're not going to do it, but
13 if -- if it's just you, you're going to do it because it's
14 annoying and it shouldn't be there.

15 MR. CLOWARD: It's okay maybe if you're alone, but
16 not if you --

17 PROSPECTIVE JUROR NO. 214: Yeah.

18 MR. CLOWARD: Who here else has some views on that
19 and whether it's less important, more important, that kind of
20 thing?

21 The way this is supposed to work is y'all are
22 supposed to talk to me. It's a bad -- it's -- the lawyer isn't
23 doing a very good job if he's doing all the talking. Charles
24 was going to pull me aside at the end and say, hey, you know,
25 kick me in the behind if I'm doing all the talking.

1 So anyone else have some views on that? Anybody care
2 to share?

3 MR. CLOWARD: Please, Ms. Tobin, 183, please tell me
4 how you feel about that.

5 PROSPECTIVE JUROR NO. 183: Okay. For me personally,
6 it would depend on where I'm at. If I'm downtown, I'm not
7 going to stop, and I'm going to run the risk of the policeman
8 stopping me, and I'll just state my position. I did it because
9 I didn't want to be at a red light for three or four minutes
10 with the potential of being accosted in some way.

11 MR. CLOWARD: So it's a safety issue for you maybe?

12 PROSPECTIVE JUROR NO. 183: Yes.

13 MR. CLOWARD: But if you're, like, in -- you're,
14 like, up in --

15 PROSPECTIVE JUROR NO. 183: In Summerlin, yeah, not a
16 problem.

17 MR. CLOWARD: Thank you. If you're up in, like,
18 Pioche or somewhere like that, they probably don't have stop
19 signs up there.

20 Let me ask you one more question, take it one -- one
21 step further. What if it's, like, a professional driver? So
22 if it's like a, you know, taxi driver, does that change the
23 analysis?

24 PROSPECTIVE JUROR: Yeah, of course. They don't know
25 how to drive.