

IN THE SUPREME COURT STATE OF NEVADA

GAVIN COX and MINH-HAHN COX,
Husband and Wife,

Appellants,

vs.

MGM GRAND HOTEL, LLC; DAVID
COPPERFIELD aka DAVID S. KOTKIN;
BACKSTAGE EMPLOYMENT AND
REFERRAL, INC.; DAVID
COPPERFIELD'S DISAPPEARING, INC.;
TEAM CONSTRUCTION
MANAGEMENT, INC.; and BEACHERS
LV, LLC,

Respondents.

) Supreme Court No. 76422

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

Electronically Filed
Jun 13, 2019 01:45 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

JOINT APPENDIX - VOLUME 12

BRIAN K. HARRIS, ESQ.

Nevada Bar No. 7737

HEATHER E. HARRIS, ESQ.

Nevada Bar No. 7666

CHRISTIAN N. GRIFFIN, ESQ.

Nevada Bar No. 10601

HARRIS & HARRIS

2029 Alta Drive

Las Vegas, NV 89106

Telephone: 702.880.4529

Facsimile: 702.880.4528

Bharris@harrislawyers.net

MORELLI LAW FIRM, PLLC

777 Third Avenue, 31st Floor

New York, New York 10017

212.751.9800 - Telephone

Attorneys for Appellants

ALPHABETICAL JOINT APPENDIX INDEX

TITLE	DATE	FILER / PREPARER	PAGE NO.	VOLUME NO.
01.19.17 Transcript of Proceedings - Motions	01.19.17	Martha Szramek, Court Recorder	JA 000239 - JA 000346	2
09.18.17 Transcript of Proceedings - Plaintiffs' Omnibus Motion in Limine; Defendants' Motion in Limine; Team Construction Management, Inc., and Beacher's LV LLC's Joinder to Fourth Supplement to Defendant Backstage Employment & Referral, Inc.'s Designation of Expert Witnesses & Documents	09.18.17	Jennifer Gerold, Court Recorder	JA 000352 - JA 000390	2
03.29.18 - Transcript of Proceedings Re: Pretrial Conference	03.29.18	Jennifer Gerald, Court Recorder	JA 000391 - JA 000424	2
04.03.18 - Reporter's Transcript of Jury Trial	04.03.18	Kristy L. Clark, RPR	JA 000425 - JA 000568	2-3
04.11.18 - Reporter's Transcript of Jury Trial	04.11.18	Kristy L. Clark, RPR	JA 000574 - JA 000714	3
04.13.18 - Reporter's Transcript of Jury Trial	04.13.18	Kristy L. Clark, RPR	JA 000715 - JA 000892	3-4
04.17.18 - Reporter's Transcript of Jury Trial	04.17.18	Kristy L. Clark, RPR	JA 000893 - JA 001167	4-5
04.18.18 - Reporter's Transcript of Jury Trial	04.18.18	Kristy L. Clark, RPR	JA 001168 - JA 001415	5-6
04.24.18 - Reporter's Transcript of Jury Trial	04.24.18	Kristy L. Clark, RPR	JA 001416 - JA 001585	6-7
04.25.18 - Reporter's Transcript of Jury Trial	04.25.18	Kristy L. Clark, RPR	JA 001933 - JA 002269	9-10
04.26.18 - Reporter's Transcript of Jury Trial	04.26.18	Kristy L. Clark, RPR	JA 002270 - JA 002514	10-11

04.27.18 - Reporter's Transcript of Jury Trial	04.27.18	Kristy L. Clark, RPR	JA 002515 - JA 002904	11-13
04.30.18 - Reporter's Transcript of Jury Trial	04.30.18	Kristy L. Clark, RPR	JA 002905 - JA 003016	13
05.01.18 - Reporter's Transcript of Jury Trial	05.01.18	Kristy L. Clark, RPR	JA 003017 - JA 003282	13-14
05.02.18 - Reporter's Transcript of Jury Trial	05.02.18	Kristy L. Clark, RPR	JA 003283 - JA 003596	14-16
05.03.18 - Reporter's Transcript of Jury Trial	05.03.18	Kristy L. Clark, RPR	JA 003597 - JA 003846	16-17
05.04.18 - Reporter's Transcript of Jury Trial	05.04.18	Kristy L. Clark, RPR	JA 003847 - JA 004002	17
05.08.18 - Reporter's Transcript of Jury Trial	05.08.18	Kristy L. Clark, RPR	JA 004071 - JA 004402	18-19
05.09.18 - Reporter's Transcript of Jury Trial	05.09.18	Kristy L. Clark, RPR	JA 004435 - JA 004720	19-20
05.10.18 - Reporter's Transcript of Jury Trial	05.10.18	Kristy L. Clark, RPR	JA 004723 - JA 004988	20-21
05.11.18 - Reporter's Transcript of Jury Trial	05.11.18	Kristy L. Clark, RPR	JA 005005 - JA 005157	21-22
05.22.18 - Reporter's Transcript of Jury Trial	05.22.18	Kristy L. Clark, RPR	JA 005158 - JA 005232	22
05.23.18 - Reporter's Transcript of Jury Trial	05.23.18	Kristy L. Clark, RPR	JA 005233 - JA 005401	22-23
05.24.18 - Reporter's Transcript of Jury Trial	05.24.18	Kristy L. Clark, RPR	JA 005440 - JA 005613	23-24
05.25.18 - Reporter's Transcript of Jury Trial	05.25.18	Kristy L. Clark, RPR	JA 005614 - JA 005806	24-25
05.29.18 - Reporter's Transcript of Jury Trial	05.29.18	Kristy L. Clark, RPR	JA 005807 - JA 005919	25

08.23.18 - Recorder's Transcript of Hearing re: Plaintiffs' Motion for Judgment As A Matter of Law or, In The Alternative, for New Trial	08.23.18	Jennifer Gerold, Court Recorder	JA 006497 - JA006552	28
Backstage Employment and Referral, Inc.'s Brief Regarding New and Previously Undisclosed Witnesses	04.25.18	Weinberg Wheeler Hudgins Gunn & Dial	JA 001874 - JA 001932	8-9
Backstage Employment and Referral, Inc.'s Motion to Bifurcate Trial (Filed Under Seal)	12.16.16	Weinberg Wheeler Hudgins Gunn & Dial	JA 000151 - JA 000158	1
Backstage Employment & Referral, Inc.'s Opposition to Plaintiffs' Motion for Judgment as a Matter of Law, or, Alternatively for a New Trial	08.10.18	Weinberg Wheeler Hudgins Gunn & Dial	JA 006353 - JA 006381	27
Backstage Employment and Referral, Inc.'s Response to Plaintiffs' Motion for Certification of Judgment on Order Shortening Time	04.08.19	Weinberg Wheeler Hudgins Gunn & Dial	JA 006614 - JA 006616	28
Backstage Employment & Referral, Inc.'s Reply in Support of Motion to Bifurcate Trial	01.11.17	Weinberg Wheeler Hudgins Gunn & Dial	JA 000177 - JA 000234	1
Beacher's LV, LLC's Answer to MGM Grand Hotel's Third Party Complaint	04.05.16	Morris Sullivan Lemkul & Pitegoff	JA 000078 - JA 000092	1
Beacher's LV, LLC's Amended Answer to MGM Grand Hotel's Third-Party Complaint; Counterclaim by Beacher's LV, LLC; Third Party Complaint by Beacher's LV, LLC	10.07.16	Morris Sullivan Lemkul & Pitegoff	JA 000128 - JA 000150	1
Beacher's Motion for Leave to File an Amended Answer to Third Party Plaintiff MGM Grand's Complaint; Counterclaim by Beacher's LV, LLC; Third Party Complaint by Beacher's LV, LLC	07.29.16	Morris Sullivan Lemkul & Pitegoff	JA 000093 - JA 000127	1
Case Appeal Statement	07.11.18	Harris & Harris	JA 006271 - JA 006294	27

Complaint and Demand for Jury Trial	08.06.14	Eglet Law Firm	JA 00001 - JA 00011	1
Court Minute Order Regarding Motion for Certification	04.25.19	Judge Mark Denton	JA 006623	28
Court Minutes - Defendant Backstage Employment and Referral, Inc.'s Motion to Bifurcate Trial	02.02.17	Judge Mark Denton	JA 000347	2
David Copperfield's Disappearing, Inc., David Copperfield aka David Kotkin and MGM Grand Hotel, LLC's Answer to Plaintiff's Complaint	10.27.14	Selman Breitman	JA 000029 - JA 000038	1
David Copperfield's Disappearing, Inc., David Copperfield and MGM Grand Hotel, LLC's Brief Regarding Undisclosed Witnesses	04.25.18	Selman Breitman	JA 001835 - JA 001873	8
David Copperfield's Disappearing, Inc., David Copperfield aka David Kotkin and MGM Grand Hotel, LLC's Amended Answer to Plaintiffs' Complaint and Cross Claim Against Team Construction Management, Inc.	02.01.16	Selman Breitman	JA 000060 - JA 000071	1
David Copperfield's Disappearing, Inc., David Copperfield aka David S. Kotkin, and MGM Grand Hotel, LLC's Joinder to Co-Defendants' Motions in Limine and Motion to Bifurcate Trial	12.28.16	Selman Breitman	JA 000159 - JA 000161	1
David Copperfield's Disappearing, Inc., David Copperfield and MGM Grand Hotel, LLC's Response to Plaintiffs' Motion for Certification of Judgment on Order Shortening Time	04.10.19	Selman Breitman	JA 006617 - JA 006619	28

Decision Regarding Motion for Judgment as a Matter of Law	09.17.18	Judge Mark Denton	JA 006553 - JA 006559	28
Gavin and Mihn-Hahn Cox's Appendix in Support of Emergency Petition for Writ of Mandamus Under NRAP 27(E)	05.07.18	Harris & Harris	JA 004009 - JA 004067	17-18
Jury Instructions	05.23.18	Judge Mark Denton	JA 005402 - JA 005439	23
MGM Grand Hotel, LLC's Motion for Leave to File a Third Party Complaint	12.01.15	Selman Breitman	JA 000039 - JA 000057	1
MGM Grand Hotel, LLC, David Copperfield and David Copperfield's Disappearing, Inc.'s Trial Brief to Preclude Plaintiffs from Calling Improper Rebuttal Witnesses	05.10.18 Selman Breitman	JA 004989 - JA 005004		21
MGM Grand Hotel, LLC, David Copperfield aka David Kotkin and David Copperfield's Disappearing, Inc.'s Opposition to Plaintiffs' Motion for Judgment As A Matter of Law, or, Alternatively for New Trial	08.10.18	Selman Breitman	JA 006382 - JA 006466	27-28
Notice In Lieu of Remittitur	06.04.18	Supreme Court	JA 005924	25
Notice of Appeal (Supreme Court File-Stamp)	07.19.18	Harris & Harris	JA 006295 - JA 006326	27
Notice of Entry of Order Denying Plaintiffs' Motion for Judgment as a Matter of Law, or, Alternatively, for a New Trial	10.23.18	Resnick & Louis	JA 006562 - JA 006566	28
Notice of Filing Emergency Petition for Writ of Mandamus	05.07.18	Harris & Harris	JA 004003 - JA 004006	17
Notice of Hearing on Plaintiffs' Motion for Certification	03.29.19	EJDC - Department 13	JA 006612 - JA 006613	28
Notice of Transfer to Court of Appeals	05.07.18	Supreme Court	JA 004007 - JA 004008	17

NRAP 27(E) Certificate	05.09.18	Selman Breitman Weinberg Wheeler Hudgins Gunn & Dial Resnick & Louis	JA 004427 - JA 004434	19
Order Denying Petition for Writ of Mandamus	05.07.18	Supreme Court	JA 004068 - JA 004070	18
Order Denying Plaintiffs' Motion for Judgment as a Matter of Law, or, Alternatively, for a New Trial	10.22.18	Resnick & Louis	JA 006560 - JA 006561	28
Order Denying Rehearing	05.10.18	Supreme Court	JA 004721 JA 004722	20
Order Granting Defendant Backstage Employment and Referral, Inc.'s Motion to Bifurcate Trial	02.27.17	Weinberg Wheeler Hudgins Gunn & Dial	JA 000348 - JA 000351	2
Order Granting Defendants David Copperfield, David Copperfield's Disappearing, Inc. And MGM Grand Hotel, LLC's Motion for Leave to Amend Their Answer to File Cross Claim	01.28.16	Selman Breitman	JA 000058 - JA 000059	1
Order Granting Motion to Extend Time (Supreme Court)	03.28.19	Supreme Court	JA 006597 - JA 006598	28
Order on Plaintiffs' Motion for Certification of Judgment	05.08.19	Morelli Law Firm	JA 006624 - JA 006626	28
Plaintiff's Amended Case Appeal Statement	11.26.18	Harris & Harris	JA 006577 - JA 006585	28
Plaintiffs' Amended Notice of Appeal	11.26.18	Harris & Harris	JA 006567 - JA 006576	28
Plaintiffs' Motion for Certification of Judgment On Order Shortening Time	03.28.19	Harris & Harris	JA 006599 - JA 006611	28

Plaintiffs' Motion for Judgment As a Matter of Law, or, Alternatively, for a New Trial	07.05.18	Harris & Harris	JA 005925 - JA 006259	25-27
Plaintiffs' Notice of Appeal (EJDC File-Stamped)	07.11.18	Harris & Harris	JA 006260 - JA 006270	28
Plaintiffs' Opposition to Defendant Backstage Employment and Referral, Inc.'s Motion to Bifurcate Trial	01.05.17	Harris & Harris	JA 000166 - JA 000176	1
Plaintiffs' Reply in Support of Motion for Judgment as a Matter of Law, Or, Alternatively for a New Trial	08.20.18	Harris & Harris	JA 006467 - JA 006496	28
Plaintiffs' Trial Brief to Exclude Cumulative Expert Testimony on Defendants' Proposed Expert Witnesses John E. Baker and Nicholas Yang	04.11.18	Harris & Harris	JA 000569 - JA 000573	3
Plaintiff's Trial Brief to Permit Testimony of Newly Discovered Fact Witnesses	04.25.18	Harris & Harris	JA 001586 - JA 001834	7-8
Real Parties in Interest Emergency Petition for Rehearing of Order Denying Petition for Writ of Mandamus Under NRAP 27(E), Immediate Action is Necessary as the Trial is Already in Progress	05.09.18	Selman Breitman Weinberg Wheeler Hudgins Gunn & Dial Resnick & Louis	JA 004403 - JA 004426	19
Request for Transcript of Proceedings	12.21.18	Morelli Law Firm	JA 006586 - JA 006589	28
Stipulation	03.08.19	Morelli Law Firm	JA 006595 - JA 006596	28
Summons - Backstage Employment and Referral, Inc. w/Affidavit of Service	09.02.14	Eglet Law Firm	JA 000021 - JA 000024	1
Summons - David Copperfield's Disappearing, Inc. w/Affidavit of Service	08.14.14	Eglet Law Firm	JA 000012- JA 000014	1

Summons - David Copperfield aka David S. Kotkin w/Affidavit of Service	09.14.14	Eglet Law Firm	JA 000025 - JA 000028	1
Summons - MGM Grand Hotel, LLC w/Affidavit of Service	08.14.14	Eglet Law Firm	JA 000015- JA 000017	1
Summons - Team Construction Management, Inc. w/Affidavit of Service	08.14.14	Eglet Law Firm	JA 000018 - JA 000020	1
Supplemental Request for Transcript of Proceedings	01.15.19	Morelli Law Firm	JA 006590 - JA 006594	28
Team Construction Management, Inc.'s Answer to Cross Claimants David Copperfield's Disappearing, Inc., David Copperfield aka David Kotkin and MGM Grand Hotel, LLC's Cross Claim	03.22.16	Resnick & Louis	JA 000072 - JA 000077	1
Team Construction Management, Inc., and Beachers LV, LLC's Joinder to Defendants David Copperfield's Disappearing, Inc, David Copperfield and MGM Grand Hotel, LLC's Response to Plaintiffs' Motion to Certification of Judgment on Order Shortening Time	04.15.19	Resnick & Louis	JA 006620 - JA 006622	28
Defendant Team Construction Management, Inc. And Beachers LV, LLC's Joinder to Backstage Employment and Referral's Motion to Bifurcate Trial	12.29.16	Resnick & Louis	JA 000162 - JA 000165	1
Team Construction Management, Inc. And Beachers LV, LLC's Joinder to Backstage Employment & Referral's Reply in Support of the Motion to Bifurcate Trial	01.18.17	Resnick & Louis	JA 000235 - JA 000238	1
Defendants Team Construction Management, Inc. And Beacher LV's Opposition to Plaintiffs' Motion for Judgment as a Matter of Law, or, Alternatively for a New Trial	07.20.18	Resnick & Louis	JA 006327 - JA 006352	27

Verdict (Phase 1)	05.29.18	Court	JA 005920 - JA 005923	25

1 A. Yes, sir.

2 Q. Okay. And that -- I believe you said,
3 you know, at your deposition, that there are over
4 2,000 video cameras at the MGM Grand that you know
5 of, which means it's over 2,000 that you know of,
6 there could be more.

7 You said that, did you not?

8 A. I did say that, yes.

9 Q. Okay. And you certainly --

10 **MR. ROBERTS:** It's me, Judge. Forgot to
11 turn it off.

12 **MR. DEUTSCH:** Nevada Rule, Your Honor,
13 26.2 permits no cell phones in the courtroom.

14 **MR. ROBERTS:** I'll put my \$10 in the
15 jar, Your Honor.

16 **BY MR. MORELLI:**

17 Q. Anyway, now that they've had some fun.

18 So, Mr. Habersack, here's my question.
19 And my question is that you understand that the
20 only video that we have of the scene of where this
21 accident happened is the one that I just showed
22 you; correct?

23 A. There's that video, but I do understand
24 there was some other video that --

25 Q. But the one that shows the scene, that's

1 the one? That's the only one that shows the
2 scene?

3 A. That's the only one we've been looking
4 at, yes.

5 Q. Yes. Okay. And you would admit that
6 that video is grainy. Would you agree with that?
7 It's grainy?

8 A. It's dark. I don't know if it's grainy,
9 but it's dark.

10 Q. It's dark. That was my second question.
11 Okay. It's also dark. Okay.

12 And you have to admit that it's also
13 shot through a tree; correct?

14 A. Yes, there is a tree there.

15 Q. Yeah, there's a tree there. And you
16 would agree with me that, if we had a video that
17 wasn't dark and that wasn't shot through a tree,
18 we might be able to see exactly what happened?
19 Would you agree with that?

20 A. I don't know whether you would or
21 wouldn't, but, based on your question, it's
22 plausible.

23 Q. So you can understand that the lack of
24 witnesses interviewed, whether they be from
25 Backstage or MGM or the participants, and the lack

1 of a surveillance video that clearly shows what
2 happened, that it's a little suspect, don't you
3 think?

4 A. No, I don't think so.

5 Q. You think that the MGM Grand would put a
6 video camera where there's a tree, or put a tree
7 where the video camera is, whichever came first?
8 Wouldn't you think that that wouldn't make any
9 sense? Does it make sense to you?

10 A. That area is 20 years old. So the tree
11 may not have been as tall at that time.

12 Q. Right.

13 A. I wasn't around when they placed
14 cameras. And since there's no law or rule on
15 where cameras or how many cameras are placed with
16 the exception of certain gaming areas, that's
17 where they've had the camera.

18 Q. Okay. So what you're saying to us is it
19 doesn't violate any law; correct?

20 A. There's no rule or law that I'm aware
21 of.

22 Q. Right. Doesn't violate any law. Can't
23 help the tree. The tree kept growing; right?
24 Okay? But you certainly would admit that if the
25 tree grew and the camera was no longer able to

1 show what it was supposed to show -- because,
2 obviously, the camera was placed there for a
3 reason, to see something; right?

4 So couldn't you move the camera, trim
5 the tree, take the tree out? Wouldn't that be
6 reasonable to do? What do you think?

7 A. I don't think so because, based on what
8 we can see, that's what they wanted to see. If it
9 had been overgrown to a point where they couldn't
10 see where the trucks were or where they came in
11 at, then I would -- I could concur with you that
12 somebody would have to make a decision to move
13 something.

14 Q. Okay. And I understand your answer, and
15 I appreciate it because what you're saying is
16 "we're able to see the Brinks trucks coming in."
17 Fair enough?

18 A. Fair enough. That's what our issue at
19 MGM is.

20 Q. That's what your issue is. But do you
21 know that MGM agreed with Mr. Copperfield and his
22 company that this route that the participants run
23 was okay, was agreed to? Did you know that?

24 A. I did not know that.

25 Q. Okay. So MGM and Copperfield had an

1 understanding that this route was appropriate.

2 Okay?

3 So knowing that people in this illusion,
4 as you saw in the video, are going to be running
5 outside and in this area, you might want to have a
6 video that shows if anything happens. Is that a
7 fair thing?

8 A. Not necessarily. There are areas where
9 there are no cameras at all; we don't get
10 anything.

11 Q. Okay. But, you see, this particular
12 place, this secured area that we're talking about,
13 this is the area that, two times a night -- two
14 times a night -- there are people running this
15 route in the dark.

16 Now, would you agree with me that if MGM
17 and Backstage and Copperfield agreed that this was
18 the route they were going to run, that you might
19 want to know, if anything happens there, exactly
20 what happens? Is that fair?

21 A. Not necessarily, no.

22 Q. Okay. Do you think -- Mr. Habersack, do
23 you think that, if someone is running in the dark,
24 that there's a possibility that they could fall?

25 **MR. RUSSELL:** Objection. Incomplete

1 hypothetical.

2 **MS. FRESCH:** Calls for speculation.

3 **THE COURT:** A possibility?

4 I'll sustain the objection.

5 **BY MR. MORELLI:**

6 Q. People are running in the dark. Is that
7 a heightened danger, running in the dark, as to
8 walking in the light?

9 **MR. RUSSELL:** Same objection.

10 **MS. FRESCH:** Same objection.

11 **THE COURT:** Sustained.

12 **BY MR. MORELLI:**

13 Q. Mr. Habersack, you deal with risks;
14 right?

15 A. Yes, sir.

16 Q. Okay. And if somebody -- or a group of
17 people, as you saw in the video, are running in
18 the dark, is there a heightened risk that they
19 could fall?

20 **MR. RUSSELL:** Same objection.

21 **THE WITNESS:** It depends on all the
22 circumstances that surround what they're doing.

23 **BY MR. MORELLI:**

24 Q. You can tell me, what are the
25 circumstances? They're running in the dark. Is

1 there a heightened risk that they could fall?

2 **MR. RUSSELL:** Same objection.

3 **THE COURT:** He can state his
4 understanding.

5 **THE WITNESS:** As we've seen in the
6 video, there are people with lights lighting the
7 path, lighting the direction and leading them. So
8 the risk of the fall is probably pretty minimized.

9 **BY MR. MORELLI:**

10 Q. Mr. Habersack, my question was not with
11 reference to specifically that video. Okay?

12 What I'm saying to you is, is there a
13 heightened risk of someone falling if they're
14 running in the dark and they don't know the route?

15 **MR. RUSSELL:** Same objection. Compound.

16 **THE COURT:** Overruled.

17 **THE WITNESS:** That depends.

18 **THE COURT:** Are we moving on to another
19 area of questioning, Counsel?

20 **MR. MORELLI:** Yes, Your Honor.

21 **THE COURT:** Okay. Why don't we recess
22 for lunch now.

23 **MR. POPOVICH:** Can I ask one question
24 while the court is still closed about surveillance
25 cameras?

1 **THE COURT:** Yes.

2 EXAMINATION

3 **BY MR. POPOVICH:**

4 Q. Mr. Habersack, are there areas where
5 pedestrians walk on the MGM property where every
6 inch of it is not covered by surveillance cameras?

7 A. There are areas where there are not
8 surveillance cameras.

9 Q. Where the public is allowed to go?

10 A. Yes. Definitely.

11 **MR. POPOVICH:** Thank you.

12 **THE COURT:** Did you have any follow-up
13 to that question?

14 **MR. MORELLI:** No, Your Honor. I'll
15 clear it up after.

16 **THE COURT:** Are we -- the courtroom is
17 going to be open when we reconvene, right, or are
18 we still going to be involved in the surveillance
19 issues?

20 **MR. MORELLI:** Well, even if there was a
21 question or two about surveillance, it's not going
22 to be anything that's going to -- you know, we're
23 finished with the count room and everything, so I
24 don't think there's going to be a problem.

25 **MR. POPOVICH:** Yeah, as long as we're

1 not talking about locations of cameras, I think
2 we're probably okay.

3 **THE COURT:** So the courtroom can be open
4 when we reconvene.

5 We'll recess now for lunch. Ladies and
6 gentleman, during the recess, you're admonished
7 not to talk or converse among yourselves or with
8 anyone else, including, without limitation, the
9 lawyers, parties, and witnesses, on any subject
10 connected with the trial or read, watch, or listen
11 to any report of or commentary on the trial or any
12 person connected with the trial by any medium of
13 information, including, without limitation,
14 newspapers, television, the internet, and radio,
15 or to form or express any opinion on any subject
16 connected with the trial until the case is finally
17 submitted to you.

18 Be outside the courtroom just before
19 1:30. Thank you.

20 **THE MARSHAL:** All rise.

21 (Whereupon, a luncheon recess was
22 taken.)

23 **THE MARSHAL:** All rise.

24 (The following proceedings were held in
25 the presence of the jury.)

1 **THE MARSHAL:** Court is back in session.
2 Remain in order.

3 **THE COURT:** Please be seated. Good
4 afternoon, ladies and gentlemen. We're back on
5 the record.

6 Will counsel stipulate that the jury is
7 present?

8 **MR. ROBERTS:** Yes.

9 **MR. MORELLI:** The jury looks present.

10 **MR. POPOVICH:** Your Honor, during the
11 lunch break, we have reached an agreement as to
12 which portions of the security department handbook
13 can come into evidence. May I put that on the
14 record, please?

15 **THE COURT:** Yes.

16 **MR. POPOVICH:** It's Exhibit 87, Bates
17 page Numbers 1 and 2, 4, 5, and 6, and 34 through
18 42. We're going to redact a section of page 42.

19 **MR. DEUTSCH:** Yes, that's agreed upon,
20 Your Honor.

21 **THE COURT:** We'll resolve what's left
22 and meet with the clerk to make sure the proper
23 redactions are made, et cetera.

24 Witness has retaken the stand. You may
25 proceed with your examination, Mr. Morelli.

1 **BY MR. MORELLI:**

2 Q. Good afternoon Mr. Habersack.

3 A. Good afternoon.

4 Q. Mr. Habersack, let's talk about the area
5 where the runaround is and where the accident
6 occurred, that entire area.

7 Am I correct that you stated an opinion
8 about the elevation change that is in that area?
9 You remember questions about that; correct?

10 A. I do remember questions, yes.

11 **MR. MORELLI:** You know what page it is;
12 right? 64/2 to 18.

13 **MR. DEUTSCH:** I got it.

14 **BY MR. MORELLI:**

15 Q. Mr. Habersack, I got a tall guy in case
16 you need somebody, you know.

17 **MR. DEUTSCH:** If you need me to trim the
18 top of a tree or something.

19 **THE WITNESS:** Tree's gone.

20 **MR. MORELLI:** All right. Let's get
21 serious.

22 **MS. FRESCH:** Your Honor, there was an
23 objection to that question.

24 **THE COURT:** Take it down. Take it off.

25 **MR. DEUTSCH:** We already put it up one

1 time and Your Honor already ruled on that
2 objection with Mr. Kenner on the stand.

3 **MS. FRESCH:** With Mr. Habersack's
4 testimony?

5 **MR. DEUTSCH:** Yes.

6 **MS. FRESCH:** Okay. I apologize, Your
7 Honor.

8 **THE COURT:** Go ahead.

9 **BY MR. MORELLI:**

10 Q. Let's try again. Okay. We'll start at
11 the top. Line 2.

12 "QUESTION: So with that in mind, would
13 you expect that Mr. Copperfield would warn
14 his participants of the elevation change as
15 they're participating in the act?"

16 "QUESTION: Now answer the question.

17 "ANSWER: Okay. I'm sorry. Anybody else
18 want to chime in on this?"

19 I guess you were talking to the lawyers.

20 "I mean, any prudent person would,
21 would be my answer. I would hope that they
22 would explain to the customer or through
23 whatever vetting process that they have prior
24 to the illusion to make sure the participants
25 are actually able to maneuver this and

1 perform it."

2 You remember those questions and
3 answers?

4 A. Yes, sir, I do.

5 Q. Okay. Now, the question was relative to
6 the elevation change, which is the area where this
7 accident happened. You recognize that; right?

8 A. Yes, sir.

9 Q. Okay. And you were commenting on that,
10 that any prudent person would -- and I just want
11 to get your words right -- would be my answer,
12 that they would warn.

13 Now, you also said, or through whatever
14 vetting process that they have.

15 Okay. And what did you mean by that,
16 Mr. Habersack? Just with specifically talking
17 about whatever vetting process they may have, what
18 did you mean by that?

19 A. I meant that, when they're bringing the
20 people up to the stage to perform this illusion,
21 what vetting process do they have? And as you've
22 heard through testimony, which I won't get into
23 because you don't want that answer, but there was
24 apparently a vetting process, a seven-stage
25 process, as well as people directing people

1 through the process.

2 Q. Okay. So let's talk about that. It's
3 the reason why I asked you to explain what you
4 meant by it. Okay?

5 From the testimony that you've heard in
6 this case -- because you've heard some of it with
7 reference to what you just alluded to in the
8 vetting process -- there is nowhere during that
9 vetting process where there is any notice given to
10 any of these people that they're going to be
11 turning in the dark up an incline; correct?

12 MR. RUSSELL: Objection. Foundation.

13 THE COURT: Sustained.

14 BY MR. MORELLI:

15 Q. Am I correct, sir, that you are not
16 aware of any notice given about the incline?

17 A. I've never participated as a participant
18 in the show, so I don't know what they actually
19 said.

20 Q. You would agree with me, would you not,
21 that there's a difference between vetting and
22 notice?

23 A. I don't know that I would agree that
24 there is actually a difference because it all
25 played together, based on prior testimony.

1 Q. But when somebody gives somebody notice
2 of something, that's very specific. Am I correct?

3 A. It can --

4 Q. You're saying, watch out for X?

5 A. It can be.

6 Q. You know, I mean, that's what notice is,
7 isn't it? I mean, if you're giving notice to
8 somebody, you're trying to warn them; is that
9 fair?

10 MR. RUSSELL: Objection. Argument by
11 counsel.

12 MR. MORELLI: What?

13 MR. RUSSELL: Argument by counsel.

14 MR. MORELLI: What's the argument?

15 THE COURT: Overruled. Go ahead.

16 BY MR. MORELLI:

17 Q. If you're giving notice to somebody, you
18 would agree with me that the reason for notice in
19 a situation like this, okay, would be to warn them
20 of something that they might encounter that they
21 didn't know about?

22 A. It could be, yes.

23 Q. Yeah. And so if, in fact, we equate
24 notice with vetting and we say it could be the
25 same, well, in a vetting process, no matter what

1 kind of vetting you do, you could be wrong; right?

2 I mean, if you're looking at somebody
3 and you're just looking at them and you're
4 watching their shoes and you're asking them if
5 they speak English, you know, does that take the
6 place of telling them, "Be careful when you're
7 running outside. There's an incline"? Does that
8 take the place of that? In your opinion.

9 **MR. RUSSELL:** Objection. Speculation.

10 **THE COURT:** Overruled.

11 **BY MR. MORELLI:**

12 Q. Does that take the place of that, in
13 your opinion? If it does, it does. If it
14 doesn't, it doesn't.

15 A. Based on the context where they were
16 asking the people if they understand or speak
17 English, then, yes, that could be. Yes.

18 Q. I'm talking about -- I'm talking about
19 all of the questions. There are no -- there is no
20 information given. All of the testimony in this
21 case tells us that there's no information given to
22 the participants about what they're going to
23 encounter. You know that; right?

24 A. No, I don't know that.

25 Q. Okay. Well, I'm telling you that.

1 There's no information given. Every witness has
2 said the same thing in terms of what they're going
3 to encounter.

4 **MR. RUSSELL:** Objection. Misstates
5 testimony.

6 **MS. FRESCH:** Yes.

7 **THE COURT:** Sustained.

8 **BY MR. MORELLI:**

9 Q. Now, if, in fact, you say the vetting
10 process. Let's talk about it. Somebody checks
11 somebody's footwear. Is that good enough vetting
12 process to know that you might encounter an
13 incline?

14 A. Based on the way I understand it, they
15 are checking the footwear to understand whether or
16 not they can maneuver whatever route they're
17 using.

18 Q. Would you agree with me that -- and, you
19 know, you spoke earlier and gave us an example
20 about a barbecue and some electricity in a
21 swimming pool. So I'm going to give you an
22 example, and I'm going to ask you whether or not
23 there's a difference between asking somebody
24 whether they can jump over a hole and telling
25 them, "Hey, you better watch out for that hole

1 that's coming around the bend."

2 Is there a difference between those two
3 things?

4 A. It sounds hypothetical, so I'm not
5 quite --

6 Q. It doesn't sound hypothetical. It is
7 hypothetical.

8 A. So I'm not -- I'm not sure what that
9 answer would be.

10 Q. Well, what do you think? You don't have
11 to be sure. Just tell me what you think. What do
12 you think?

13 A. I don't have an answer for that.

14 Q. Do you think there's a difference
15 between saying, "Can you jump over a hole?" or
16 "There's going to be a hole when you turn that
17 corner over there, so you better watch out"? Are
18 those two things different or are they the same?

19 A. I don't have any answer for that since
20 it's fully hypothetical. I don't know. I don't
21 know what the whole circumstance is, the whole
22 story.

23 Q. That's whole, W-H-O-L-E; right?

24 A. Yes, I could agree with that.

25 Q. Well, thankfully.

1 Now, I want to talk to you about the --
2 withdrawn.

3 You know that, in the area where -- that
4 we've been discussing, approximately where the
5 accident happened, that there was a dumpster
6 placed there. You know that; right?

7 A. I'm aware there was a dumpster in place.

8 Q. Okay. And who ordered that dumpster?

9 A. I have no clue who ordered the dumpster.

10 Q. 59/14 through 21.

11 "QUESTION: Do you know or have an
12 understanding why the dumpster is over there
13 to the right?"

14 You were being shown a photograph at the
15 time.

16 A. Yes, sir.

17 Q. Okay.

18 "ANSWER: My understanding is that
19 dumpster over to the right" -- and actually
20 it was on the left -- "was placed there or
21 ordered by Team Construction, which was a
22 contractor, general contractor, hired by Jeff
23 Beacher for Beacher's Mad House, for the
24 remodel and design of the Beacher's Mad House
25 theater."

1 Do you remember that question and
2 answer?

3 A. I do remember the question. I didn't
4 know if they physically ordered it or who ordered
5 the actual dumpster, but I know it was Team
6 Construction's dumpster.

7 Q. Okay. But I'm just saying you remember
8 giving that answer?

9 A. Yes, I gave that answer. Yes.

10 Q. Okay. Now, am I also correct, sir,
11 that, although Team Construction ordered the
12 dumpster, the dumpster could not be placed where
13 it was placed unless MGM gave their approval for
14 the placement? Is that true?

15 A. As I wasn't there, I don't know who gave
16 what approvals to it, although I may have
17 testified in a deposition to something along those
18 lines.

19 **MR. MORELLI:** Could you give me 105/9 to
20 106/5.

21 **BY MR. MORELLI:**

22 Q. Question on Number 9. You were asked
23 about who had placed the dumpster that was
24 immediately outside the doors you viewed on the
25 video where participants were entering, and your

1 response to that was "Team Construction
2 Management, Incorporated, had placed that
3 dumpster."

4 "QUESTION: Why is that your belief?

5 "ANSWER: Team Construction's lay-down
6 area is in a different part of the property.
7 When they were doing construction for
8 Beacher's Mad House and had to do the demo
9 work, it was decided that that was the most
10 appropriate, shortest, best way of getting
11 the items out of the building to the
12 dumpster."

13 Do you remember that question and that
14 answer?

15 A. Yes. After reading this again, yes.

16 Q. Okay. Next question:

17 "QUESTION: When you say it was decided,
18 who decided that that would be the placement
19 of the dumpster?

20 "ANSWER: Team Construction actually had
21 identified that area, and we looked at the
22 area, MGM, and we agreed to that, to minimize
23 impact to the rest of" -- of --

24 A. He's not listening.

25 **MR. DEUTSCH:** Sorry.

1 **BY MR. MORELLI:**

2 Q. -- "of the operation.

3 "The other sets of doors where the
4 lay-down area was is at our poker room. That
5 poker room is 24/7, so to lug stuff through
6 that area was not going to be conducive to
7 the operations of the casino floor."

8 Do you remember that question and that
9 long answer?

10 A. I do remember that, yes.

11 Q. Okay.

12 **MR. DEUTSCH:** Your Honor, at this time,
13 we'd offer Exhibit D552.

14 **BY MR. MORELLI:**

15 Q. And while we're pulling that up, my
16 question is, obviously -- and I don't mean to ask
17 you this in a negative way. I mean, that was
18 accurate and true, what you said under oath at
19 your deposition?

20 A. Based on the information I had been
21 provided, yes, that was.

22 Q. Okay.

23 **THE COURT:** D552.

24 **MR. POPOVICH:** I don't have the numbers
25 memorized, Your Honor, so I have no idea what that

1 is.

2 **MR. MORELLI:** 552-2.

3 **THE COURT:** Before putting it up, you
4 want to make sure counsel has --

5 **MR. MORELLI:** Yeah, make sure there is
6 no --

7 **MR. POPOVICH:** Eric, he's got it.
8 No objection.

9 **THE COURT:** All right. It's admitted.
10 That's D552-2.

11 (Exhibit No. D552-2 was admitted into
12 evidence.)

13 **MR. DEUTSCH:** It's a two-page document,
14 two-page document.

15 **BY MR. MORELLI:**

16 Q. So just to finish that point, the
17 dumpster placement, although suggested or ordered
18 by Team, it was then approved by MGM Grand. And
19 MGM Grand had been running this illusion for David
20 Copperfield already for years.

21 You know that; right?

22 A. Yes, I do know.

23 **MR. RUSSELL:** Objection to "running."

24 **MR. MORELLI:** Assisting. Providing
25 space for.

1 **MR. POPOVICH:** I'll take option
2 Number 3.

3 **MR. MORELLI:** Briskly walking through.

4 **BY MR. MORELLI:**

5 Q. And so when MGM Grand approved that
6 location for the dumpster, they did it with the
7 knowledge that people, the participants, were
8 going to be running, moving quickly, through that
9 area where the dumpster was now going to be
10 placed; isn't that correct, sir?

11 A. I don't know. I wasn't employed at that
12 time.

13 Q. And you know, sir, do you not, that the
14 participants were running in that area every
15 single night, two times a night, because that
16 show, illusion, was done twice a night? You know
17 that; right?

18 A. I understand the dumpster was there
19 since August and people were through --

20 Q. And it was now November.

21 A. -- that area. And it's now November,
22 yes.

23 Q. Okay. Now, I'm going to show you --

24 **MR. MORELLI:** What was the name of this
25 document?

1 **MR. DEUTSCH:** The "MGM Contractor
2 Property Rules."

3 **BY MR. MORELLI:**

4 Q. The "MGM Contractor Property Rules." So
5 let's just read number -- it's a letter,
6 actually -- I.

7 And that coincides with your testimony,
8 does it not? "Trash dumpsters will be provided by
9 contractor in a location to be determined by
10 management."

11 And management is the MGM Grand;
12 correct?

13 A. I don't recall/remember seeing this
14 during my deposition. I don't know who management
15 is, if it was MGM management or is that Team
16 Management? Is there a title to this document?

17 Q. We just stated the title.

18 **MR. MORELLI:** What's the title of the
19 document? Do you have the front page of it?

20 **MR. DEUTSCH:** Yeah, I'm showing it.
21 "MGM/Team Construction Contractor-Property Rules."

22 **THE WITNESS:** It's interesting because
23 it says "Wet Republic Upgrade."

24 **BY MR. MORELLI:**

25 Q. It was obviously the same rules because

1 that's what they provided to us.

2 A. Okay. Who's they, might I ask?

3 Q. MGM.

4 A. Okay.

5 **MR. MORELLI:** Let's see the lease
6 agreement.

7 **MR. DEUTSCH:** Yeah, give me a second.

8 We're going to offer a piece of D536,
9 but the only piece is on page 62. Or it's
10 actually 536/64 is the Bates stamp. That's the
11 lease agreement between Beacher's and MGM. The
12 first page, page 1, and then we can do page 64.

13 **BY MR. MORELLI:**

14 Q. So while we're waiting, Mr. Habersack,
15 what we read earlier from your testimony, the MGM
16 Grand picked this particular location because they
17 didn't want to interrupt any of the patrons in the
18 casino; is that fair?

19 A. That --

20 Q. That's basically what it said?

21 A. That's the fair statement. It's the
22 shortest route from Beacher's to pulling material
23 out.

24 Q. Okay. But you would agree, would you
25 not, that if, in fact, the people who are deciding

1 the location know that people are going to be
2 running there at night two times a night, 20 to 30
3 people, that maybe that wasn't the best location
4 for the dumpster? Would you agree with that?

5 A. No, I disagree.

6 Q. Okay. You think it was the perfect
7 location for the dumpster?

8 A. I can't say it was the perfect location,
9 but it wasn't an issue.

10 Q. Okay. But you don't think that that
11 should have been taken into consideration? You
12 don't think so?

13 A. I don't know who took it into
14 consideration.

15 Q. I know you don't. I'm asking you. All
16 right? And what I'm saying to you is do you think
17 it should have been taken into consideration
18 before the dumpster was placed in that area?
19 That's all I'm asking. If it's no, it's no.

20 A. I can't answer that. I don't know
21 because I'm not sure what other locations could
22 have been available.

23 **MR. DEUTSCH:** You want me to put that
24 piece of testimony up first?

25 **MR. MORELLI:** Yep.

1 **BY MR. MORELLI:**

2 Q. The reason that we're putting this up
3 again, Mr. Habersack, is because that's the
4 testimony of yours that we looked at earlier. And
5 you stated, "I'm the person most knowledgeable of
6 the facts, persons, and events leading to and
7 occurred during this particular incident."

8 That's what you said, did you not, under
9 oath?

10 A. I did make that statement. It's right
11 there.

12 Q. Okay. And now I'm asking you a number
13 of questions, and -- and correct me if I'm
14 wrong -- you've said on a number of occasions, "I
15 don't know; I wasn't there at the time." "I don't
16 know because I didn't make the decision." "I
17 don't know." "I don't know."

18 And, actually, you're the person that
19 we're asking questions of because you're the
20 person who made that statement that you're the
21 most knowledgeable and you're the person that was
22 brought here to answer our questions.

23 So now either you don't know anything or
24 you can answer some of my questions.

25 **MR. POPOVICH:** Objection. Unfair

1 argument given the difference between discovery
2 and trial.

3 **THE COURT:** Sustained. Just pose a
4 question.

5 **BY MR. MORELLI:**

6 Q. So, now, are you the person who's the
7 most knowledgeable leading to and during this
8 particular incident or you don't know anything?

9 A. You're asking me hypothetical questions
10 about what I would do and that had no relevance to
11 what I had deposed -- or testified to.

12 Q. Actually, I'm asking your opinion about
13 things because you're the person who's the
14 director of risk management. And you're making
15 decisions every day based on what's good or bad
16 for MGM; isn't that correct?

17 **MR. POPOVICH:** Objection. Relevance as
18 to this accident.

19 **THE COURT:** Sustained.

20 **MR. DEUTSCH:** We're offering -- any
21 objection? -- D536, pages 1 and 64.

22 **MR. POPOVICH:** No objection.

23 **THE COURT:** Admitted.

24 **MR. DEUTSCH:** Any objection?

25 **MR. STRASSBURG:** Just those pages?

1 **MR. DEUTSCH:** Just those pages.

2 It's page 62, but Bates 64.

3 **MR. STRASSBURG:** Oh, page 62?

4 Construction completion?

5 **MR. DEUTSCH:** Temporary facilities
6 during --

7 **MR. STRASSBURG:** Temporary facilities.
8 Got you. Sorry.

9 **MR. ROBERTS:** No objection?

10 **MR. STRASSBURG:** No objection.

11 **THE COURT:** That was pages 1 and 64 of
12 D536; correct?

13 **MR. DEUTSCH:** Yes.

14 **THE COURT:** Admitted.

15 (Exhibit No. 536 pages 1 and 64 was
16 admitted into evidence.)

17 **MR. DEUTSCH:** This is the Beacher's
18 lease agreement with MGM.

19 **BY MR. MORELLI:**

20 Q. This is part of that lease agreement,
21 Mr. Habersack, between Beacher's and MGM. And I'm
22 just speaking now about the highlighted portion.

23 "In no event shall any material or
24 debris be stored in public areas or in service or
25 exit corridors."

1 Is that true?

2 A. That's what it says right here.

3 Q. That's what it says. And you understand
4 what that means? That's not hypothetical, is it?

5 A. That's plain forward.

6 Q. Pretty straightforward.

7 Now, you would agree with me, would you
8 not, that a dumpster stores debris and
9 construction material; is that fair?

10 A. It can store many things; but, yes, I
11 can agree with that.

12 Q. The reason for the dumpster that can
13 store many things, in this particular case, it was
14 to store construction material and debris from the
15 renovation; correct?

16 A. Yes, the stuff that they pulled out of
17 the old spot before it became Beacher's.

18 Q. Right. And it says that it shouldn't be
19 stored in a public area or in service or exit
20 corridors.

21 Now, the fact that the participants
22 would be running in this area, does that make it a
23 public area to you?

24 A. No, sir, it's not a public area.

25 Q. Okay. So the fact that all of these

1 people are traversing it, it's okay?

2 A. It's not a public area at that time.

3 Q. It's not a public area. So let's go to
4 the next thing.

5 Is it a service area?

6 A. Where the dumpster was located? That's
7 not a service area.

8 Q. Okay. How about exit doors?

9 A. It's far enough away from the physical
10 exit doors to comply with the rules and
11 regulations of the fire department.

12 Q. Okay. So, generally, when you're making
13 a decision -- let's assume you are making a
14 decision. This is another one of those
15 hypotheticals.

16 Let's assume you're making a decision.
17 Do you only decide what the fire department wants
18 you to do? I thought you were assessing risk and
19 safety. Isn't that true? Don't you assess risk
20 and safety?

21 A. I do assess risk and safety to make the
22 area as reasonably safe as possible.

23 Q. Okay. So you just mentioned the fire
24 department rules. And so I just want to
25 understand. If the fire department says it's

1 okay, but you think that there might be a tripping
2 hazard or something, you decide to disregard the
3 safety issue if the fire department says it's
4 okay?

5 A. You're producing a hypothetical. Based
6 on my understanding where the dumpster was, there
7 was no hazard in that area.

8 Q. What I'm saying to you is you brought up
9 the fire department; I didn't. And I want to know
10 why you did that. What does the fire department
11 have to do with safety in this area to the
12 participants who are running in the dark? That's
13 what I want to know.

14 A. Because you're bringing up it's an exit
15 door as an emergency exit. If that dumpster was
16 pushed up and blocking that door from being
17 accessible, then that would be an issue.

18 And, again, you were going all
19 hypothetical, so I answered the best I could from
20 a hypothetical example.

21 Q. Participants are running in that area in
22 the dark a couple of times a night. Does that
23 have anything to do with the fire department?

24 A. First off, it's not in the dark.
25 There's spotlights and flashlights going on. So

1 it's not dark where they're running.

2 And when you were bringing your
3 hypothetical with the dumpster and the exit doors,
4 I explained we were in code compliance and there
5 were no issues.

6 Q. Would you agree with me that, if there
7 was an unsafe obstacle -- any kind of an
8 obstacle -- that might be a safety hazard that is
9 on the MGM property, that it would be MGM's
10 ultimate responsibility, it's on their property?

11 **MR. POPOVICH:** Objection. Calls for a
12 legal conclusion.

13 **THE COURT:** Sustained.

14 **BY MR. MORELLI:**

15 Q. Does MGM have a duty to make sure that
16 that area is safe for these participants to run
17 there?

18 **MR. POPOVICH:** Objection. Legal
19 conclusion.

20 **THE COURT:** I'll allow him to state his
21 understanding.

22 **THE WITNESS:** Our understanding is that
23 we make our property as reasonably safe as we can.
24 That's the standard.

25

1 **BY MR. MORELLI:**

2 Q. What standard is that?

3 A. There's various definitions on what
4 absolute safe is or safe. And based on what
5 you're asking, we do the best to make the property
6 as reasonably safe as possible.

7 Q. Okay. You were in the -- you were in
8 the courtroom when Mr. Popovich told the jury that
9 there was dust in that area. Did you hear him say
10 that?

11 A. I recall there was comments about dust,
12 yes.

13 Q. Okay. He said that. And if, in fact,
14 he's right and there was, is that something that
15 MGM would have notice of?

16 **MR. POPOVICH:** Objection. Vague as to
17 quantity.

18 **THE COURT:** Sustained.

19 **BY MR. MORELLI:**

20 Q. Did you ascertain that there was dust in
21 that area that night, November 12, 2013?

22 A. As I wasn't here, I didn't ascertain
23 anything. But we live in a desert environment, so
24 any amount of breeze blowing can cause dust, sand,
25 anything anywhere.

1 Q. It was dust from the desert? That's
2 your answer?

3 A. I don't know where the dust came from if
4 it was actually dust.

5 Q. Okay. Well, I'm only talking to you
6 about what your lawyer said, not what I said.
7 Okay. Do you disagree with him?

8 A. I don't agree or disagree.

9 Q. Okay. Well, did you speak to him and
10 tell him that there was dust there?

11 A. I never had a conversation concerning
12 dust with anybody.

13 MR. DEUTSCH: Page 89, line 2.

14 BY MR. MORELLI:

15 Q. Line 2.

16 "QUESTION: Did MGM Grand have
17 responsibility for inspection, maintenance,
18 and cleaning at the time and place where this
19 incident occurred?

20 "ANSWER: The area in question is a
21 high-security area. So that area is looked
22 at on a regular basis by a number of
23 different departments just for the simple
24 fact that it has to be clear access for the
25 Brinks vehicles coming in and out.

1 "QUESTION: So is that a yes?

2 "ANSWER: Yes."

3 Do you remember that question and those
4 answers?

5 A. I do.

6 Q. Now, let's talk about -- let's talk
7 about the incident/accident involving Mr. Cox.
8 Okay?

9 A. Yes, sir.

10 Q. And you've seen the surveillance tape,
11 you know, earlier today?

12 A. Yes, sir.

13 Q. And we've seen it too many times, so
14 we're not showing it again. I'm bored with it.

15 You would agree with me, would you not,
16 that the participants in the tape are moving
17 quickly?

18 A. I do see them moving quickly or briskly
19 walking. I have no clue what that is.

20 Q. We can have somebody else --

21 **MR. DEUTSCH:** Page 76, line 22.

22 **MR. MORELLI:** Oh, my goodness. Okay.

23 **MR. DEUTSCH:** Actually, it starts on 19,
24 the answer -- the question.

25

1 BY MR. MORELLI:

2 Q. Okay.

3 "QUESTION: "Nobody wants you to
4 speculate, but if you have some information
5 and knowledge based upon your belief, you
6 certainly can share it with us. Those
7 individuals that you saw a moment ago" -- and
8 that was on the video --

9 A. Yes, sir.

10 Q. -- "that were walking and that you
11 couldn't identify, did you see that they were
12 running?

13 "ANSWER: It appeared on the video that
14 they were moving quickly with flashlights."

15 Okay? And you said that, did you not?

16 A. I said they were moving quickly, yes.

17 Q. Okay. And you didn't say they were
18 briskly walking at that time; right?

19 A. I didn't say they were running either.

20 Q. I didn't ask you about that. That was
21 the question on the deposition, and you answered
22 it.

23 A. I did answer it, yes.

24 Q. You said they were moving quickly. And
25 my question to you was, "Did you say they were

1 moving quickly?" I didn't ask you if you said
2 they were running. And I'll read it back for you
3 if you want because you got an "ooh" out of it,
4 but you weren't accurate.

5 **MR. POPOVICH:** I'd move to strike that
6 last little harangue.

7 **THE COURT:** Motion is granted.

8 The jury will disregard.

9 **BY MR. MORELLI:**

10 Q. Okay. Now, your understanding of the
11 reason why the participants are moving quickly,
12 what's your understanding about that?

13 A. Based on what we see in the video, they
14 appear to be moving quickly.

15 Q. Okay. Do you have an understanding of
16 why they're doing that?

17 **MR. POPOVICH:** Objection. Foundation.
18 Vague as to time.

19 **THE COURT:** He's being asked if he has
20 an understanding. That's a yes or no, then you
21 can follow up.

22 **THE WITNESS:** I'm not sure if I should
23 answer that. I'm sorry.

24 **BY MR. MORELLI:**

25 Q. I wanted to know if you have an

1 understanding of the reason the participants are
2 moving quickly. Either you do or you don't.

3 A. Based on the video, it appears they're
4 moving quickly.

5 **MR. MORELLI:** Can you bring that up for
6 me, please.

7 **MR. DEUTSCH:** Page 77, line 8.

8 **MR. MORELLI:** 8 through 12.

9 "QUESTION: I'm just asking you, do you
10 have a belief or an understanding of why
11 those individuals were just running into the
12 building?

13 "ANSWER: They have so much time to get
14 from the David Copperfield theater back into
15 the building."

16 Did you say that?

17 **THE WITNESS:** That's right there. Of
18 course I said that.

19 **BY MR. MORELLI:**

20 Q. Okay. My question really is, do you
21 remember saying that? That's a more fair
22 question. Do you remember saying that?

23 A. Yes, I do recall saying it. It's
24 written down.

25 **MR. MORELLI:** Adam, would you bring up

1 83/14 to 84/2.

2 **BY MR. MORELLI:**

3 Q. Okay. You see the next questions and
4 answers, Mr. Habersack? You could read them in
5 the meantime.

6 **MR. DEUTSCH:** Come here for one second.

7 **BY MR. MORELLI:**

8 Q. Okay.

9 "QUESTION: Ms. Brewer made a statement.
10 And I want to read it to you and I want you
11 to tell me if you agree or disagree with it.
12 This is on MGM letterhead.

13 "Mr. Cox was a participant on a
14 magic act and was hurrying as he was told to
15 do by the production staff.

16 "Do you have an understanding that
17 these participants were told to hurry by the
18 Copperfield production staff in the
19 performance of the illusion?"

20 **MR. RUSSELL:** And there's an objection
21 to that question, Your Honor. It still calls for
22 speculation.

23 **BY MR. MORELLI:**

24 Q. And your answer is --

25 **THE COURT:** Hold on one second. The

1 objection --

2 **MR. DEUTSCH:** Do you want me to move it
3 back down again, Your Honor, so you can read it?
4 Sorry.

5 **THE COURT:** Overruled. He's being asked
6 whether he has an understanding.

7 **MR. POPOVICH:** Then, Your Honor, I would
8 ask that the reading start again at line 22. I
9 think above that is the response to the objection.

10 **MR. DEUTSCH:** Oh, you're right. I'm
11 sorry. I missed that piece. You're right.

12 **THE COURT:** All right.

13 **MR. DEUTSCH:** Sorry.

14 **BY MR. MORELLI:**

15 Q. Okay.

16 "ANSWER: My understanding and
17 understanding of the actual illusion itself,
18 since I know how it's done, there's a time
19 element involved from getting them from where
20 they're located back into the theater at
21 another location. You only have so many
22 seconds to do that."

23 Do you remember answering that question
24 with that answer?

25 A. I did.

1 Q. Okay. Now, could you tell us who
2 Ms. Brewer is?

3 A. I believe that's Stephanie Brewer, who
4 was a claims examiner at the time of this incident
5 in the risk management department.

6 Q. Okay. And so that was the person who
7 was referenced there in that question; correct?

8 A. Correct, sir.

9 Q. Now, am I correct that the MGM Grand has
10 no facts that Mr. Cox did anything wrong when he
11 was a participant in the illusion? Is that true?

12 **MR. POPOVICH:** Objection. Gets into
13 legal arguments that counsel have a say in as
14 well.

15 **THE COURT:** I'll allow it.

16 **BY MR. MORELLI:**

17 Q. Do you want me to repeat the question?

18 A. Please do.

19 Q. Am I correct that the MGM Grand has no
20 facts that Mr. Cox did anything wrong in
21 performing the illusion?

22 A. I'm not aware of any.

23 Q. Okay. So that's a correct statement?
24 That's what I'm saying.

25 A. That would be a correct statement. I'm

1 not aware of any.

2 Q. Okay. Now, also, am I correct that --

3 **MR. MORELLI:** Why don't you give me 91,
4 3 through 7. Make it easier for me.

5 **BY MR. MORELLI:**

6 Q. I'm going to ask you to read this also,
7 Mr. Habersack. Question on line 3:

8 "QUESTION: And nothing in the report
9 indicates that Mr. Cox did anything wrong to
10 contribute to his injuries; correct?

11 "ANSWER: There's nothing that's
12 indicated in the report that he was acting
13 carelessly or malice."

14 I guess that means maliciously; right?

15 A. Yes, sir.

16 Q. Yeah. And you said that under oath, did
17 you not?

18 A. I did make that statement under oath.

19 Q. Thank you.

20 Now, Mr. Habersack, you and I have
21 spoken about the investigation; right?

22 A. Yes, sir.

23 Q. In this case?

24 A. Yes.

25 Q. I don't want to rehash it. We've spoken

1 about the surveillance tape. Okay? And I didn't
2 mean to say that there were no other surveillance
3 tapes; I'm just saying that this is the one -- or
4 the best one that captured what happened that
5 night --

6 A. Yes, sir.

7 Q. -- that surveillance tape.

8 And you know, do you not, that MGM has
9 said that they're going to bring in an expert to
10 talk about how the accident happened. You know
11 that, don't you?

12 A. I've been made aware of it, yes.

13 Q. Okay. And that expert is obviously an
14 expert that's going to blame somebody for this
15 accident -- correct? -- I mean, going to give
16 certain opinions that somebody is at fault other
17 than MGM? Is that a correct statement, that
18 someone is at fault other than MGM?

19 A. I don't know what he's going to testify
20 to or what the findings were.

21 Q. Okay. But you would agree with me,
22 would you not, that MGM Grand is not retaining an
23 expert to prove that they're responsible; right?
24 They're not going to be doing that?

25 A. I don't have an answer. I'm not

1 familiar with what this expert is there for.

2 Q. Did you have any conversations with this
3 expert? You were there when the expert was at the
4 property, were you not?

5 A. I was not in the location.

6 Q. You were on the property at the time?

7 A. I was on the property, but I was not
8 with the expert.

9 Q. Okay. Did you speak to the expert at
10 all?

11 A. I don't recall that I did.

12 Q. Okay. Well, when you say you don't
13 recall, does that mean you didn't or you're not
14 sure?

15 A. I don't believe I had a conversation
16 with the expert.

17 Q. Okay. If you did, would you remember?

18 A. If I did, I'm sure I would probably
19 remember, but I don't recall that I had a
20 conversation with the expert.

21 Q. Do you recall whether or not the expert
22 at any time let you know what he was going to tell
23 this jury?

24 A. Sir, I don't even know if he could be
25 sitting in the courtroom right now. I don't

1 recall having any conversation with the expert.

2 Q. Okay. I can tell you that he can't be
3 sitting in the courtroom right now because we
4 exclude all witnesses.

5 A. Okay.

6 Q. You know, just to give you the
7 information. We exclude all witnesses so that
8 they don't hear other witnesses testifying before
9 they do.

10 A. Sure.

11 Q. So he's not sitting in the courtroom.

12 **MR. RUSSELL:** Objection. That misstates
13 the rule, Your Honor. Experts can participate in
14 trial. He's not here today, but he could be.

15 **MR. MORELLI:** We stipulated that all
16 witnesses were excluded at the beginning of this
17 case. So that's an unfair statement.

18 **THE COURT:** There's a difference between
19 expert witnesses and lay witnesses.

20 **MR. MORELLI:** I know that, Your Honor.

21 **BY MR. MORELLI:**

22 Q. So now I'm asking you this,
23 Mr. Habersack: The fact that you've made certain
24 determinations in this case about Mr. Cox, did you
25 tell MGM that? You know, your testimony, the

1 testimony that I just read to you, did you tell
2 MGM what you -- what determinations you made with
3 reference to Mr. Cox based on evidence in the
4 case?

5 A. I don't understand what you're asking me
6 did MGM know.

7 Q. I'm asking you whether or not you
8 gave -- the statements that you made under oath,
9 whether you told MGM that that was your opinions.
10 Did you tell them that?

11 A. Our attorney was present during the
12 deposition, so they're well aware of what I had
13 testified to.

14 MR. MORELLI: Okay. Thank you.

15 I have no more questions, Your Honor.

16 THE COURT: All right.

17 **CROSS-EXAMINATION**

18 **BY MR. POPOVICH:**

19 Q. Mr. Habersack, do you need to be
20 reminded of that bit of testimony you were shown
21 about Ms. Brewer, or do you have that in mind when
22 you were asked about a document that referenced
23 Ms. Brewer? Do you need to see that again?

24 A. Yeah, it would help to see it again. I
25 don't know if there was any more information

1 attached to that.

2 Q. It's page 83, and I can bring it up to
3 you.

4 MR. POPOVICH: Oh, thank you.

5 BY MR. POPOVICH:

6 Q. And it talks about Mr. Cox being in an
7 illusion and hurrying based on -- well, Mr. Cox
8 being in the illusion and hurrying. Do you see
9 that?

10 A. Yes, sir, I do.

11 Q. Do you have an understanding where
12 Ms. Brewer would have gotten that information?

13 A. Most likely through the security report.

14 Q. The statement by Mr. Cox written out by
15 his attorney?

16 A. That's probably where it came out of.

17 Q. When you were asked about anything in
18 the report about Mr. Cox acting carelessly, that
19 was just asked of you.

20 Do you recall that?

21 A. I do recall.

22 Q. And are security officers writing a
23 report supposed to put in their personal opinions
24 about whether anybody was acting carelessly?

25 MR. MORELLI: Objection. Leading. It's

1 his witness.

2 **THE COURT:** Do you want to rephrase?

3 **BY MR. POPOVICH:**

4 Q. Are security officers supposed to
5 include opinions?

6 **MR. MORELLI:** Same objection. Calls for
7 a yes or no.

8 **MR. POPOVICH:** But it's not suggesting.

9 **THE COURT:** I'll allow it.

10 **THE WITNESS:** Security officers taking
11 those reports are not allowed to speculate or put
12 in their own opinion.

13 **BY MR. POPOVICH:**

14 Q. Just a little bit of background: Before
15 you came to MGM as director of risk management,
16 where were you employed?

17 A. I was employed with Clark County,
18 Nevada, Department of Aviation. I had five
19 airports and a consolidated rental car facility.

20 Q. And what was your position?

21 A. I was the senior risk manager in normal
22 terms. I think the official title for the county
23 was something different.

24 Q. Thank you. Does MGM have any kind of
25 guideline that says, if the facts investigated by

1 a security officer are negative to MGM -- meaning
2 they might have done something wrong -- they
3 shouldn't report it?

4 **MR. MORELLI:** Objection. Leading.

5 **THE COURT:** Overruled.

6 **THE WITNESS:** The report is the report.
7 They're gathering the facts. There is no it's
8 right; it's wrong. Those are the facts as stated
9 in a report.

10 **MR. POPOVICH:** Nothing further. Thank
11 you.

12 **MS. FRESCH:** I don't have any questions.

13

14 CROSS-EXAMINATION OF MARK HABERSACK

15 **BY MR. RUSSELL:**

16 Q. Mr. Habersack, you were asked some
17 questions earlier about Backstage Employment's
18 vetting process.

19 As I understand your testimony here
20 today, you're not offering any criticism of
21 Backstage Employment and how it performed the
22 Thirteen Illusion; is that fair?

23 A. That's extremely fair, yes.

24 Q. And Mr. Morelli asked you -- he showed
25 you the deposition testimony about either

1 explaining something to a customer or having a
2 vetting process in place.

3 You remember that?

4 A. I do remember that, sir.

5 Q. And your understanding, whatever you
6 want to call it -- vetting, notice, whatever it
7 may be -- your understanding is that the Thirteen
8 Illusion, as it was carried out by Backstage,
9 included some screening process for its
10 participants; correct?

11 A. Based on previous testimony, yes.

12 Q. And even as we sit here today, you have
13 no idea of what sort of time is needed to complete
14 the runaround portion of the Thirteen Illusion;
15 correct?

16 A. I understand it can vary. It really
17 depends. And it's flexible.

18 Q. And you don't know what that time frame
19 is?

20 A. It could be 30 seconds, 60 seconds, 120
21 seconds. Who knows?

22 Q. You just don't know?

23 A. I don't know.

24 Q. And for anybody involved in the show,
25 including the Backstage employees, to use those

1 back security doors, they would have at some point
2 obtained approval from the MGM; correct?

3 A. I can only assume that since I wasn't
4 there when that whole thing was designed or worked
5 out.

6 Q. I believe you testified at one point
7 that, if an MGM employee saw a hazard, no matter
8 what their role was at a property, if they saw a
9 hazard, they would contact the appropriate
10 department; is that correct?

11 A. That is correct, yes.

12 Q. Based on your review of what you've seen
13 in this case, have you seen any evidence that an
14 MGM employee saw construction dust in the area
15 where Mr. Cox fell on the date of this accident?

16 A. As far as I can tell, there was no
17 hazard in the area based on the report and the
18 information that's been provided to me.

19 **MR. RUSSELL:** Thank you, Mr. Habersack.

20 No further questions.

21 **THE COURT:** You need a few minutes,
22 Counsel?

23 **MR. STRASSBURG:** Maybe a little. Maybe
24 it's a good time for a break, Judge. I'll get set
25 up and go.

1 **THE COURT:** Let's take a break. Let's
2 reconvene at 3:00.

3 During the recess, you're admonished not
4 to talk or converse among yourselves or with
5 anyone else, including, without limitation, the
6 lawyers, parties, and witnesses on any subject
7 connected with the trial or read, watch, or listen
8 to any report of or commentary on the trial or any
9 person connected with the trial by any medium of
10 information, including, without limitation,
11 newspapers, television, the internet, and radio,
12 or to form or express any opinion on any subject
13 connected with the trial until the case is finally
14 submitted to you.

15 Be outside at the usual place just
16 before 3:00. Thank you.

17 **THE MARSHAL:** All rise.

18 (Whereupon, a recess was taken.)

19 **THE COURT:** You may be seated. Back on
20 the record outside the presence of the jury.

21 (The following proceedings were held
22 outside the presence of the jury.)

23 **MR. POPOVICH:** We're asking
24 Mr. Habersack to step outside so that the
25 plaintiff can raise the issue, Your Honor.

1 **MR. DEUTSCH:** Maybe that way because the
2 jury is outside there.

3 **MR. POPOVICH:** Step out in the hall.

4 **THE MARSHAL:** Come to order.

5 **THE COURT:** Mr. Habersack has stepped
6 out. Now there's something you need to --

7 **MR. DEUTSCH:** Yes, Your Honor. It's not
8 really necessarily after Mr. Strassburg, but as
9 long as the jury was out, we figured we'd deal
10 with this so they didn't have to get out again.

11 We're going to offer into evidence a
12 statement made by Mr. Habersack as an admission
13 against MGM and against him that he made. Now,
14 admittedly, it was made to an investigator, I
15 believe, that was hired by David Copperfield
16 Disappearing, Inc. But the --

17 **MR. POPOVICH:** Berkeley.

18 **MR. DEUTSCH:** The insurance company of
19 David Copperfield Disappearing, Inc. So,
20 admittedly, we have a couple of problems, but I
21 think they're all taken care of.

22 One, obviously, the issue of the
23 document itself being hearsay. But, as I showed
24 Mr. Popovich, we have a custodian of records
25 affidavit that takes care of that initial thing.

1 So then it would be the hearsay within that, which
2 is taken care of. But because it's an admission
3 and it says very clearly the only portion that we
4 want to put in -- we'll redact the rest of it --
5 is the portion that says Mr. Habersack stated the
6 following. We believe that that part could come
7 in now with respect to Mr. Habersack.

8 So we would offer that. I anticipated
9 that they might object, so we wanted to do it
10 outside the presence of the jury.

11 **MR. POPOVICH:** Multiple levels of
12 hearsay, only a resolution or an exception for one
13 of them. And, really, the -- I'm not sure this is
14 impeachment, so it's not necessarily --

15 **THE COURT:** Is it a party admission?

16 **MR. DEUTSCH:** Yes.

17 **MR. POPOVICH:** He wasn't under a
18 30(b)(6) kind of situation where he was talking on
19 behalf of MGM at the time. He was answering
20 questions of an adjuster. But that's another
21 thing, is this is made with clear intent to be for
22 litigation purposes.

23 I mean, would the Court like to see it?

24 **THE COURT:** Yes. I'm not sure what the
25 statement says.

1 **MR. DEUTSCH:** It starts -- there's two
2 parts. It says the incident report and
3 Mr. Habersack stated. So the first one, two,
4 three paragraphs are what Mr. Habersack stated,
5 and then the fourth paragraph is where the
6 incident report starts.

7 **THE COURT:** So what's the issue?

8 **MR. DEUTSCH:** So it's the statement of
9 Mr. Habersack in terms of what happened, in terms
10 of he had just asked him a bunch of questions
11 about where he got his information from and the
12 timing of things. And this talks about his
13 knowledge of this incident in terms of the stage
14 area was dark --

15 **THE COURT:** This is not a bench
16 conference.

17 **MR. DEUTSCH:** Correct. Sorry.

18 So we would offer the piece that
19 Mr. Habersack stated, which is, "The claimant Cox
20 was selected as part of the magician David
21 Copperfield's illusion. 13 audience members are
22 randomly selected and given a wristband for
23 whenever the magician calls for the 13 audience
24 members. They ascend from the audience onto the
25 stage, where they are seated in faux stadium-style

1 seating. The illusion is to make the 13 audience
2 members disappear and reappear at a different
3 location in the theater magically.

4 "The stage area goes dark, and the 13
5 audience members are 'herded'" -- in quotes --
6 "offstage by the Copperfield stage crew through a
7 doorway into a dark hall. Then they continue into
8 a second hallway that is illuminated by overhead
9 fluorescent lighting, then outside to go around
10 the corner of the building and enter through exit
11 doorways into a second illuminated hallway,
12 through another set of doors into the casino,
13 where they make a right turn and then go through
14 the service bar area (which is a maze in itself)
15 and illuminated by overhead light, finally
16 reentering the rear of the theater and being
17 seated in the designated seating area in the rear
18 of the theater, where the magician makes them
19 appear within approximately a minute of
20 disappearing from the stage."

21 **THE COURT:** This is a statement about
22 what this person says he was told, so that's a --

23 **MR. DEUTSCH:** It doesn't say he was told
24 this. It says Mr. Habersack stated.

25 **THE COURT:** He's saying he was told.

1 It's not a quote.

2 **MR. DEUTSCH:** No, no. This is
3 Mr. Habersack's quote, what he told this person.

4 **THE COURT:** I know. That's what I just
5 said. This isn't a quote from Mr. Habersack; this
6 is what this guy is saying Mr. Habersack said.
7 Right?

8 **MR. DEUTSCH:** No, no. "Mr. Habersack
9 stated the following." It's a quote.

10 **MR. FREEMAN:** It's a summary, possibly,
11 at best.

12 **MR. POPOVICH:** We can back up one step
13 farther, Your Honor. Mr. Habersack has repeatedly
14 said he didn't work for MGM at the time. So for
15 him to have the information that's even being put
16 in there, he would have had to have obtained it
17 from somewhere. So there's like three levels of
18 hearsay.

19 **THE COURT:** This isn't a statement by
20 Mr. Habersack. It's a statement by someone saying
21 what Mr. Habersack told him.

22 **MR. DEUTSCH:** No. No. Wrong. This is
23 this person -- and we have emails between this
24 person and Mr. Habersack.

25 **THE COURT:** Is this a quotation from

1 Mr. Habersack?

2 **MR. DEUTSCH:** It says -- if you look at
3 the sentence before, it said, "Mr. Habersack
4 stated the following details."

5 **THE COURT:** I know. He stated it.
6 That's a statement in and of itself. He stated it
7 to me.

8 **MR. DEUTSCH:** Right. But anytime you
9 have an admission in any documents, whether it's
10 medical reports --

11 **THE COURT:** Is this person going to be
12 called to the stand to testify that he or she was
13 told this?

14 **MR. DEUTSCH:** We don't need to do that
15 because we have the certification of these records
16 that they -- that would be needed for the first
17 level of hearsay, which is to get this record into
18 evidence. Once we have that certification and
19 this record comes in, then it's a question of is
20 the statement that's attributed to
21 Mr. Habersack --

22 **THE COURT:** This is a hearsay statement
23 that this person was told something by
24 Mr. Habersack.

25 **MR. DEUTSCH:** But -- but the person

1 who's told it doesn't make it hearsay.

2 **MR. FREEMAN:** It's summarized.

3 **MR. DEUTSCH:** What makes something
4 hearsay is if the affiant of that statement --

5 **THE COURT:** He's saying, "Mr. Habersack
6 told me this." That's being offered for the truth
7 of the matter asserted; right?

8 **MR. DEUTSCH:** No -- but, Your Honor,
9 respectfully, you're missing -- I think you're
10 missing the point.

11 **THE COURT:** I don't think so.

12 **MR. DEUTSCH:** Let me see if I can
13 explain to you why I think you might be.

14 **THE COURT:** This isn't a quote from
15 Mr. Habersack.

16 **MR. DEUTSCH:** I believe it is.

17 **THE COURT:** This is what somebody says
18 he said.

19 **MR. DEUTSCH:** Right. But, Your Honor,
20 anytime a document states so-and-so stated the
21 following, that is enough of --

22 **THE COURT:** Usually it's somebody on the
23 stand saying, yes, so-and-so made the statement to
24 me. That's not what this is. This is a written
25 document saying somebody said this to me.

1 **MR. DEUTSCH:** Right. I understand that.
2 But the only difference between a written document
3 and having a person on the stand is if there's a
4 problem with getting the document into evidence.
5 Once the document is into evidence, which we can
6 put in because we have the certificate of records
7 that says that it's a document, then the question
8 is did the person that made that statement,
9 Mr. Habersack -- because it says "Mr. Habersack
10 stated" -- is Mr. Habersack's statement hearsay?

11 Well, it could be hearsay if he's not a
12 party or if he does -- if it's not an admission
13 against interest or it's not used for some other
14 purpose. But in this case it would constitute an
15 admission by Mr. Habersack, and therefore it is
16 not hearsay.

17 **MR. RUSSELL:** But it can't be used
18 against Backstage or David Copperfield or Team.

19 **MR. DEUTSCH:** I have no problem with
20 that.

21 **MR. RUSSELL:** There are hearsay problems
22 too, but --

23 **MR. DEUTSCH:** It can only be used
24 against MGM because it's an admission against
25 their interest, Your Honor. It's a statement by

1 Mr. Habersack that is an admission against
2 interest. So it has the hearsay exception for
3 that, and the document itself needed a hearsay
4 exception. But the only exception is that the
5 document is not legitimate, but because we have
6 the certification, that is done away with.

7 So the document comes in as a business
8 record, and the statement comes in as an
9 admission. And all the hearsay exceptions are
10 gone.

11 **MR. POPOVICH:** Your Honor, I see three
12 levels of hearsay. The first level is
13 Mr. Habersack has said he wasn't employed at the
14 time at the accident. He's also said he's never
15 participated in the illusion. So he had to get
16 information to tell anybody about it. So that's
17 one level. Somebody informed him. Whether it was
18 a document or it was a person, that's one level of
19 hearsay.

20 Then there's Mr. Habersack talking to
21 the claims adjuster or the investigator. That's
22 the second.

23 And then the third is the document
24 itself. There is a certificate, so I'm not
25 talking about the document.

1 I'm talking about the first two levels.
2 And, ultimately, this was prepared in anticipation
3 of litigation. Having heard it read again, I
4 don't even see anything inconsistent.

5 **MR. DEUTSCH:** The problem is, Your
6 Honor, is that -- the problem is -- by the way,
7 we'd now like to use it in Backstage also.

8 The problem is, is that, if
9 Mr. Habersack gave a statement, which it's clear
10 that he did, he's just come into this courtroom
11 and basically said, "I know nothing about
12 anything." Here, he gave a very clear statement.

13 If he wants to give an answer when
14 confronted with his statement that "I got that
15 secondhand and I don't really know and I was just
16 passing on information," that's fine. But, here,
17 he clearly knew what was happening. Here, he gave
18 a very clear statement about what happened. He
19 then comes in to this jury and suddenly doesn't
20 know anything about anything.

21 **THE COURT:** The preceding sentence says,
22 "The incident report and Mr. Habersack."

23 **MR. DEUTSCH:** You're right. So the
24 first three paragraphs talk about Mr. Habersack
25 said. If you go to the fourth paragraph, it

1 starts "the incident report states." The top of
2 the next page, "the incident report states."

3 **THE COURT:** Where does this say that
4 it's entirely attributable to Mr. Habersack?

5 **MR. DEUTSCH:** If you take the whole
6 document together, it says, "the incident report
7 and Mr. Habersack." If you read the whole thing
8 through here, the first two -- this entire section
9 is attributed to two things, the incident report
10 and Mr. Habersack. The first four are
11 Mr. Habersack. And then when it starts to --

12 **THE COURT:** Where does it say the first
13 four are Mr. Habersack?

14 **MR. DEUTSCH:** Well, if you take it with
15 this, this is the fourth paragraph where it says
16 "the incident report states," it's clear that this
17 part is the only part talking about the incident
18 report. It starts right here, "The incident
19 report states" --

20 **THE COURT:** I understand that, but this
21 doesn't say it's confined to Mr. Habersack. This
22 goes on and talks about the incident report.

23 **MR. DEUTSCH:** Well, we know what the
24 incident report says, Your Honor, and we know that
25 all of the stuff in those first four paragraphs is

1 not contained in the incident report. The
2 "herded" part is not in the incident report. The
3 "reappear within approximately one minute" is not
4 in the incident report. The "maze in itself
5 through the kitchen" is not in the incident
6 report. The darkness of all the different
7 hallways is not in the incident report. The
8 "magically appearing" is not in the incident
9 report. So none of the things in the first four
10 statements are in the incident report.

11 Also, Your Honor, Nevada Rule 51.065
12 sets forth the general rule that hearsay is
13 inadmissible except as provided by Chapter 51,
14 Title 14, of the Nevada Revised Statutes.
15 "Hearsay is defined as a statement offered in
16 evidence to prove the truth of the matter asserted
17 unless the declarant testifies at trial or hearing
18 and is subject to cross-examination concerning the
19 statement and the statement is inconsistent" --

20 **THE COURT:** One of the statements that's
21 being offered for proof of the truth of the matter
22 asserted is that he was told this, that the person
23 who wrote this letter was told this by
24 Mr. Habersack.

25 **MR. DEUTSCH:** No. No. It is

1 irrelevant --

2 **THE COURT:** "Mr. Habersack stated the
3 following."

4 **MR. DEUTSCH:** I understand that, Your
5 Honor, but every time -- so when we get to the
6 damages phase -- just so I understand that this is
7 Your Honor's ruling. When we get to the damages
8 phase in the trial, every single medical report
9 that says "Mr. Cox stated this," none of those
10 statements come in.

11 So if that's the position they want to
12 take, then we're okay with that and we'll go
13 forward.

14 **THE COURT:** Medical records are a
15 different --

16 **MR. DEUTSCH:** No. No, no, no, no.

17 **MR. RUSSELL:** I'm going to object to
18 that.

19 **MR. DEUTSCH:** The medical records are a
20 different thing, Your Honor, because the medical
21 record itself comes into evidence. So that means
22 the first thing we have to do is get that document
23 into evidence. Forget about the hearsay within
24 the hearsay. We need to get that document in.

25 And the way we get that document in is

1 because it's a business record. And we can either
2 do one of two things. We can either call the
3 person from David Morse & Associates to get on the
4 stand and say "These are our records," or we could
5 get, under the Nevada rules, a certification of a
6 custodian of records, which we've done. It's
7 attached to the front page of this exhibit.

8 So that takes care of the admissibility
9 of the document. Now we're just dealing with the
10 statement contained in it. Mr. Habersack is a
11 deponent who gave a statement. He can now be
12 confronted with that statement and asked about it.

13 **MR. RUSSELL:** And under --

14 **THE COURT:** Asking him about the
15 statement that's being asked about is different
16 from being -- offering it for proof of the truth
17 of the matter asserted. I think that's --

18 **MR. DEUTSCH:** Okay. So -- so --

19 **THE COURT:** If you can ask him if he
20 ever made that statement or whatever.

21 **MR. DEUTSCH:** Okay. So we can use that
22 and put it up on evidence, but it doesn't go in.
23 That's fine. No problem. Perfect.

24 **MR. POPOVICH:** Whoa, whoa, whoa. He
25 just indicated he was going to publish it to do

1 this. That's the same thing as admitting it as
2 far as these jurors are concerned.

3 **MR. DEUTSCH:** I don't think so.

4 **MR. POPOVICH:** Your Honor, what I would
5 request, because I am still talking about three
6 levels of hearsay, before they can even get into
7 the content, I would request that they lay a
8 foundation, that the --

9 **THE COURT:** You don't want him to lay a
10 foundation that he spoke with the insurance
11 adjuster?

12 **MR. POPOVICH:** No, I want him to -- they
13 can show those few paragraphs to him and say,
14 "Where did you get that information? Is that of
15 your own personal knowledge?" Because if he got
16 it from somebody else, they're never going to get
17 that level of hearsay dealt with.

18 **MR. DEUTSCH:** What level of hearsay?
19 There's only two levels of hearsay.

20 **MR. POPOVICH:** There's three.

21 **MR. DEUTSCH:** There's the document, and
22 there's the statement.

23 **THE COURT:** I don't want anything shown
24 on insurance.

25 **MR. DEUTSCH:** We are going to redact all

1 of that stuff.

2 **THE COURT:** You can show him the
3 statement --

4 **MR. DEUTSCH:** Fine.

5 **THE COURT:** -- without showing it to the
6 jury --

7 **MR. DEUTSCH:** No problem.

8 **THE COURT:** -- and ask him if it's
9 consistent with anything he told him.

10 **MR. DEUTSCH:** No problem.

11 **THE COURT:** If not, then you can follow
12 up.

13 **MR. DEUTSCH:** Understood. That's fine,
14 Your Honor. Thank you.

15 **MR. RUSSELL:** But the document itself,
16 it does not meet 51.135 because it's not made by a
17 person with knowledge at or near the time of the
18 event. It's not. Mr. Habersack didn't have
19 knowledge of those events at or near the --

20 **THE COURT:** That's for
21 cross-examination.

22 **MR. RUSSELL:** Right. So that's why --
23 just the certificate of custodian of records,
24 that's an authenticity thing; that's not a hearsay
25 issue.

1 **THE COURT:** All right. He can ask
2 questions about -- he can show it to the witness.
3 What are you going to do? Put him back
4 on then?

5 **MR. POPOVICH:** He was still on for
6 Mr. Strassburg.

7 **THE COURT:** No, I know, but you had
8 passed the witness. Are you going to put him on
9 in your case in chief or what?

10 **MR. POPOVICH:** I was just going to
11 redirect, Your Honor. I certainly didn't go
12 there.

13 **THE COURT:** Oh, on redirect? Okay.

14 **MS. FRESCH:** It's not in the scope --

15 **MR. ROBERTS:** It's beyond the scope.
16 It's not proper redirect.

17 **MR. DEUTSCH:** I disagree based on some
18 of the questions he was asked, but it's okay.

19 **MR. POPOVICH:** Not by me. I asked,
20 like, five questions.

21 **MR. DEUTSCH:** And one of them was what
22 made me pull this up. Question number one by
23 Mr. Popovich.

24 **THE COURT:** Are we going to adjourn by
25 5:00 today?

1 **MR. DEUTSCH:** Yes.

2 **MR. ROBERTS:** Your Honor, after this, we
3 get to Mr. Cox. I had, hopefully, a very quick
4 issue regarding the scope of the bifurcation.

5 Mr. Cox describes what happened up to
6 the time of the fall. He then says that he has no
7 recollection for a period of time from the fall
8 until he appears at the back of the stage with the
9 rest of the participants. And what he says is he
10 has no recollection because he was blacked out and
11 he lost consciousness.

12 I know we talked about him saying "I
13 have no memory of that," but if he gets into
14 losing consciousness and blacking out, I believe
15 that goes into medical issues and damages and is
16 going to force this --

17 **THE COURT:** Well, one of the things that
18 we're going to have to discuss is the proposed
19 instruction.

20 **MR. ROBERTS:** Right.

21 **MR. DEUTSCH:** Maybe we can do that now,
22 or maybe if we just keep going, we may not even
23 get to Mr. Cox today depending on how much
24 Mr. Strassburg has.

25 **MR. ROBERTS:** That's fine. If we can

1 get them to agree they won't go into his loss of
2 consciousness until we deal with --

3 **THE COURT:** Let's finish up with this
4 witness first, and then let's figure out where we
5 are. Hopefully, we'll be done with this witness
6 by 5:00 -- by 5:30.

7 **MR. DEUTSCH:** No. It's Friday.

8 **MR. ROBERTS:** Thank you, Your Honor.

9 **THE COURT:** Let's have the jury brought
10 back in. And the witness can be brought back in
11 and be seated.

12 **THE MARSHAL:** All rise.

13 (The following proceedings were held in
14 the presence of the jury.)

15 **THE COURT:** Welcome back, ladies and
16 gentlemen. You may be seated.

17 Do counsel stipulate that the jury is
18 present?

19 **MR. CALL:** Yes, Your Honor.

20 **MR. DEUTSCH:** Yes.

21 **THE COURT:** Mr. Strassburg, you may
22 examine the witness.

23

24

25

CROSS-EXAMINATION OF MARK HABERSACK

BY MR. STRASSBURG:

Q. All set?

A. Yes, sir.

Q. Thank you. Nobody told Team, the contracting company, that Copperfield was running participants in his illusion up and down that accessway past the dumpster. True so far as you know?

A. I don't know that.

Q. So far as you'd know, that's true; right?

A. I do not know if that's true or not.

Q. You don't know anything that would make you doubt it; right?

A. I can't answer that because I don't know what anybody knew or didn't know.

Q. You don't have any criticisms of the work Team did on that job; true?

A. I don't understand. What do you mean, "criticisms"?

Q. Well, you were asked if you had any criticisms of Backstage, and I'm asking you if you have any criticisms of the work Team did on the project.

1 A. You're asking about a broad question of
2 the whole project.

3 Q. Can you answer the question?

4 A. Sir, I don't know.

5 Q. Did you hear my question? Did you hear
6 it?

7 A. I heard your question and I --

8 Q. And you're choosing not to answer it?

9 A. I said I don't know. That's the answer,
10 sir.

11 Q. So you don't know if you have any
12 criticisms of the work Team did on that project or
13 not; true?

14 A. I don't know, sir. I wasn't there.

15 Q. Based on your review of the file, the
16 documents, to make the determinations that you've
17 talked about, you didn't come to any criticisms
18 about the work that the contracting company did on
19 the project; true?

20 A. I don't know, sir.

21 Q. You know you reviewed the file; right?

22 **MR. POPOVICH:** Objection. Vague as to
23 "file."

24 **THE COURT:** Sustained.
25

1 **BY MR. STRASSBURG:**

2 Q. You reviewed the file on this case;
3 right?

4 A. I reviewed the security report and the
5 documents that I needed when I went to deposition.

6 Q. Right.

7 A. If there's something you wish to show me
8 that I have commented on, I'll be happy to look at
9 that and respond to it.

10 You're asking for criticism of your job,
11 sir. I don't have a criticism one way or the
12 other because I don't know.

13 Q. So based on your review of the documents
14 that you reviewed about this case, you don't have
15 any criticisms to offer about Team's work; right?

16 A. Sir, I have no opinions or criticisms
17 because I don't know.

18 Q. Now, in your deposition, you were shown
19 a photograph of the accessway. Do you know what
20 I'm talking about by the dumpster?

21 A. Yes, sir.

22 Q. And you said you didn't have any -- you
23 didn't see any hazard in that location. Do you
24 remember saying that?

25 A. I don't know that I actually said it.

1 The discussion was the placement of the dumpster.

2 Again, if there's something you wish to
3 show me, I'll be happy to review it.

4 Q. So you don't want to answer from your
5 memory; you want to be shown things. Right?

6 A. Sir, I'm not trying to answer anything
7 from memory. You asked if I had a criticism, and
8 I can't answer that.

9 Q. All right. Let me direct your attention
10 to page 66 of your depo, lines 2 through 15.

11 **MR. MORELLI:** Roger, just wait until we
12 get there.

13 **MR. STRASSBURG:** Okay.

14 **MR. MORELLI:** 66, you said?

15 **MR. STRASSBURG:** 66, 2 through 15.

16 **BY MR. STRASSBURG:**

17 Q. All right. Do you remember being asked
18 this question? "Just for the record, that would
19 be the curb to the left side of the photograph,
20 right side where the participants would be
21 entering the building?"

22 Your answer: "Yes, sir. I don't see
23 any hazard there. The black marks are probably
24 from the dumpster being moved when they bring a
25 new dumpster in and they take an old one out. So

1 the new one might be on this side one day; the
2 next day, it might be on the other side. We also
3 have Brinks trucks that pull in here" -- I'm sorry
4 -- "that pull in and out of this spot because our
5 cage is there. I don't think I need to speculate
6 on why the trucks are there, but that area has" --

7 And then you were cut off by one of the
8 lawyers.

9 Do you remember saying that?

10 A. Yes, it's in the record, sir.

11 Q. So you don't remember saying that, but
12 because it's in the record of your sworn
13 deposition, you're not going to quibble with it;
14 right?

15 A. Sir, you asked for a criticism.

16 Q. Did you --

17 A. I have no criticism.

18 Q. Did you hear my question?

19 A. Sir, I did hear your question.

20 Q. Excuse me. You're not answering my
21 question. Did you hear my question?

22 A. I did hear your question, sir.

23 Q. So you don't remember saying this, but
24 you're willing not to quibble with it because it's
25 right there in front of you; true?

1 A. Sir, there's nothing there that says
2 criticism.

3 Q. You're not willing to quibble that you
4 said this, what I just read; true?

5 A. This is a matter of record. I did say
6 it. I did not say anything about a criticism.

7 Q. All right. And you're not going to
8 quibble that you said this; right?

9 A. Sir, this is in the record. Again,
10 that's the third time.

11 Q. You don't have to call me "sir."
12 Once is enough.

13 A. Sir, I have respect for people, so I
14 will use the word "sir."

15 Sir, I do not have a criticism. This is
16 in the record. I stated it. It's there. There's
17 no question about it.

18 Q. And it's true; right?

19 A. That's in the record. That's true it's
20 in the record.

21 Q. But what it says is true; right?

22 A. To the best of my knowledge, that was
23 the truth at the time of the deposition.

24 Q. And it's still the truth; right?

25 A. It is still in the deposition. Whether

1 it's true or not is a matter of fact when it comes
2 out to the court.

3 Q. All right. But the statement that we
4 just read, that statement is just as true today as
5 it was when you made it; right?

6 A. I don't know until we get through all
7 the evidence and bring out everything to the jury.

8 Q. All right. All right.

9 All right. Now, the photograph you were
10 being shown at the time you said you didn't see a
11 hazard was what we've marked as Defendants'
12 Exhibit 403-8; correct? Or don't you remember
13 that?

14 A. I remember a photo like this, yes.

15 Q. And do you remember looking at this
16 photo in your deposition and saying that you don't
17 see a hazard there? Do you remember saying that?

18 A. I believe I did because I don't see
19 anything there now.

20 Q. Now, do you remember saying that what
21 you see here in this photograph appear to be marks
22 from a vehicle?

23 A. It appears there's some marks that could
24 be from a vehicle or some kind of tire -- roller
25 thing. Who knows?

1 Q. All right. Let me blow that part up.
2 You see that on your screen to the left?

3 A. The little square here to the left?

4 Q. Right. Maybe that makes it clearer.
5 Here. Do you want to --

6 A. I think I got it.

7 Q. I'll show you the big one.

8 A. Yes, I see that. It's clearer there,
9 yes.

10 Q. And is that what you meant by vehicle
11 marks?

12 A. That's what it looks like. It looks
13 like a tire mark right there.

14 Q. Okay. And are you able to identify
15 types of vehicles that utilize this accessway at
16 MGM?

17 A. No, sir, because I have no clue what
18 else could have come into the area.

19 Q. Well, to refresh your recollection, one
20 of those things is the Brinks trucks; right?

21 A. Yes. The Brinks trucks do go there, but
22 I don't know if anything else has been there.

23 Q. And the Brinks trucks go there every day
24 at 4:00 p.m.; right?

25 A. I don't know the times that they arrive.

1 Q. Do you know how many per day?

2 A. I have no clue. I can't answer that,
3 sir.

4 Q. Have you ever seen the Brinks trucks
5 there at 4:00 p.m.?

6 A. Sir, I have no clue when they come.

7 **THE WITNESS:** Your Honor, this is a
8 security issue.

9 **THE COURT:** The witness advises that
10 this is a security issue. So are we going to be
11 going much further with this particular point?

12 **MR. STRASSBURG:** I'm going to show him a
13 picture of a truck.

14 **MR. POPOVICH:** That's not a problem.

15 **MR. STRASSBURG:** It's not evidence.
16 It's Plaintiffs' 90, page 61.

17 **MR. MORELLI:** So moving it into
18 evidence.

19 **THE CLERK:** Page 61?

20 **MR. STRASSBURG:** Yeah. 90, page 61, as
21 redacted. I'm just showing the truck.

22 **MR. DEUTSCH:** Hang on one second.
23 No objection.

24 **MR. POPOVICH:** No objection.

25 **THE COURT:** Admitted.

1 (Exhibit No. 90 page 61 was admitted
2 into evidence.)

3 **BY MR. STRASSBURG:**

4 Q. All right. Let me direct your attention
5 to this photograph.

6 **MR. DEUTSCH:** Just to be clear, this was
7 taken when?

8 **MR. STRASSBURG:** July 11, 2014.

9 We good?

10 **MR. DEUTSCH:** Yeah.

11 **BY MR. STRASSBURG:**

12 Q. Can you identify this as the accessway
13 that we've been talking about?

14 A. This appears to be the accessway, yes.

15 **MR. DEUTSCH:** Your Honor, just an
16 objection. May we approach real quick?

17 **THE COURT:** Yes.

18 **(A discussion was held at the bench,**
19 **not reported.)**

20 **BY MR. STRASSBURG:**

21 Q. Okay. And you can identify these as the
22 security doors -- right? -- that Mr. Copperfield's
23 participants would be running through?

24 A. That appears to be those fire exit
25 doors, yes.

1 Q. Okay. And the marks on the pavement,
2 can you identify those as the truck tread marks?

3 A. I don't know if they're fully the truck
4 tread marks or any other vehicle that could have
5 been there or dumpster.

6 Q. All right. And the wheels on dumpsters,
7 are they steel or rubber?

8 A. I don't know. I'm not a tire expert.

9 MR. STRASSBURG: All right. 62/18.
10 Adam, 62/18.

11 MR. POPOVICH: No objection from me.

12 MR. DEUTSCH: The rods?

13 MR. MORELLI: No. He's looking at a
14 photo.

15 MR. STRASSBURG: It's Exhibit 90 --
16 Plaintiffs' 90-62.

17 MR. DEUTSCH: Oh, got you. I
18 understand.

19 MR. STRASSBURG: We're good.

20 MR. DEUTSCH: Yeah, we're good. Just --
21 no, actually, we're not good.

22 If it's being offered for the purpose of
23 showing that the Brinks truck goes there, then I
24 have no objection. If it's offered for any
25 purpose other than that, then I do have an

1 objection because it was taken a year after and,
2 therefore, we don't know if the place is
3 substantially similar.

4 **THE COURT:** You pointed that out, and
5 you can question on redirect about what the
6 picture shows.

7 **MR. DEUTSCH:** I think, Your Honor, he'd
8 have to lay a foundation for the substantial
9 similarity at the time of the accident and this
10 before it can be admitted into evidence.

11 **THE COURT:** It's previously been
12 admitted, according to the clerk.

13 Okay. Go ahead.

14 **BY MR. STRASSBURG:**

15 Q. Showing you Plaintiffs' Exhibit 90-62.

16 **THE COURT:** On April 17th.

17 Okay.

18 **BY MR. STRASSBURG:**

19 Q. Again, and I'll represent to you and the
20 jury and everyone else that this is a photograph
21 that's taken on July 11, 2014.

22 Can you identify this as one of the
23 Brinks trucks in the accessway that we've been
24 talking about?

25 A. I see the name Brinks, so that's a

1 Brinks truck. And this appears to be a reverse
2 view from the fire doors going out to the new
3 valet area that was constructed since the
4 incident.

5 Q. And do you see any tire marks on the
6 pavement there?

7 A. In this one it's hard to tell unless
8 there's a better picture there.

9 Q. No, no. Here. Look.

10 A. It's kind of hard to tell if that
11 darkness there is either a shadow or it could be a
12 tire mark.

13 Q. I get it. I get it. Okay.

14 A. I don't know.

15 Q. Just wanted to show them both.

16 All right. Now, in doing your review of
17 the records and the evidence to make your
18 determination, did you have occasion to look at
19 the photographs taken by the MGM security person
20 on the night of the accident?

21 A. If it was in the report, then I reviewed
22 it, yes.

23 Q. Okay. And --

24 **MR. STRASSBURG:** Isn't this in evidence?

25 **MR. DEUTSCH:** 403?

1 **MR. STRASSBURG:** 403-9.

2 **MR. DEUTSCH:** It is in evidence.

3 **MR. STRASSBURG:** Okay. So we're good.

4 **BY MR. STRASSBURG:**

5 Q. So directing your attention to defense
6 Exhibit 403-9, which I'll represent to you is
7 taken at 9:28 p.m., are you familiar with this
8 part of the property?

9 A. This appears to be the fire exit doors
10 between the cage and the David Copperfield
11 theater.

12 Q. Okay. And there's two sets of these
13 kind of doors; right?

14 A. Actually, I believe there's three sets
15 of those doors. If you look in the picture, you
16 see the two, the two, and then, to the right
17 that's cut off, there's another set of doors right
18 there.

19 Q. I see. Oh, yeah, yeah, yeah. Okay.

20 There is another wall of these doors. I
21 mean, these doors are in an interior wall; right?

22 A. Those are interior doors at the casino.

23 Q. And then there's this space, a corridor,
24 that we've been calling the airlock. It's got a
25 concrete floor and it goes between these doors and

1 the ones to the outside?

2 A. Yes. There's an area, whatever that
3 is -- a hallway, corridor, airlock, whatever
4 you're calling it.

5 Q. Right. And the doors that we saw in the
6 photograph with the trucks, those are the doors to
7 the exterior?

8 A. That's the exterior doors, yes.

9 Q. And these are the doors to the interior;
10 right?

11 A. Yes, sir.

12 Q. So on this carpet, that's the inside of
13 your casino; right?

14 A. That's the carpet in the casino, yes.

15 Q. I mean, this is guest space here; right?

16 A. Well, I don't know that there's any
17 machines or any guest space, but it's inside the
18 casino.

19 Q. Okay. Now, when you reviewed this
20 photo, did you observe or make note of whether
21 there was any track-in of dust or dirt or debris
22 from the outside?

23 A. Based on the exact location of this
24 photo, I don't see anything on the floor besides
25 that carpet.

1 Q. And would you view the absence of any
2 track-in in the interior space of the casino as
3 corroborating your impression that the photograph
4 of the accessway did not show a hazard, no dust to
5 track in, no debris?

6 A. Based on this photo, I don't see
7 anything.

8 Q. So this photo would tend to corroborate
9 your impression?

10 A. I made no impression. There's nothing
11 there. So it's the fact of the photo.

12 Q. Okay. Okay.

13 Now, we have talked about the airlock
14 area, and there were -- can you confirm that there
15 were no photographs -- you know, let me ask it
16 this way.

17 Would it be your expectation that the
18 purpose of taking these photographs by the
19 security guard was to photograph the location that
20 was relevant to his investigation?

21 A. Yeah. If Mr. Cox had fallen outside,
22 any photos of that outside area would be relevant
23 to the investigation.

24 Q. Right. And you would expect that the
25 security officer, when taking a photograph showing

1 no tracking on the inside, would be doing that for
2 a purpose; right?

3 A. I don't know what his purpose was of
4 that photograph.

5 Q. So let me show you this is Exhibit 90.
6 I think it's page 62. It's not in evidence.

7 Do you see that one?

8 **THE COURT:** It is in evidence.

9 **MR. STRASSBURG:** It is in evidence?

10 **THE COURT:** 90, page 62.

11 **BY MR. STRASSBURG:**

12 Q. So let me direct you to page 62 here.

13 Can you identify this as what we've been
14 talking about as the airlock area?

15 A. Yes, that's the area between the two
16 sets of doors.

17 Q. All right. Now, if there had been
18 track-in --

19 A. Might I point out that, apparently, it's
20 not three sets; it looks like four sets of doors.

21 Q. Oh, good. Thanks. But the floor is
22 concrete; right?

23 A. Yeah, it appears to be concrete.

24 Q. And shiny; right?

25 A. It just could be the reflection or the

1 camera. I'm not sure whether it's a shiny surface
2 or not.

3 Q. But you'd expect, like, white dust to
4 show up there if it was tracked in, wouldn't you?

5 A. Well, if there's anything to track in,
6 we probably would see it. But, again, it depends
7 on the quality of the camera.

8 Q. Okay. So if there was --

9 **MR. DEUTSCH:** Roger, just to be clear,
10 this was not from the night of the accident.

11 **MR. STRASSBURG:** Right. This is
12 July 11, 2014. That's right, absolutely right.

13 **BY MR. STRASSBURG:**

14 Q. So would it be your expectation that
15 security officers investigating this fall, had
16 there been something to see in the airlock, would
17 have taken a picture of it?

18 A. I can't speculate on what they felt they
19 should have seen or not. The incident occurred
20 outside the building, not in the building.

21 Q. Bear with me a second.

22 A. Sure.

23 Q. I apologize. I respect you, too, even
24 when I raise my voice.

25 Let me show you this photograph. This

1 is 84. It's 84-29.

2 MR. DEUTSCH: I'm sorry. Which one?

3 MR. STRASSBURG: Plaintiffs' Exhibit
4 84-29.

5 MR. DEUTSCH: This one? This is what I
6 have as 29.

7 MR. STRASSBURG: Go -- keep going. Go
8 back. That one. What do you call that?

9 MR. DEUTSCH: 26.

10 MR. STRASSBURG: 26. Sorry.

11 MR. MORELLI: I don't think we can agree
12 to this one, Roger.

13 MR. DEUTSCH: I think I told you that
14 also before we started.

15 MR. STRASSBURG: So I should lay a
16 foundation?

17 THE COURT: Yes.

18 BY MR. STRASSBURG:

19 Q. Please look on your screen, sir.

20 Do you see the scene depicted there?

21 A. I see a photograph, that looks like, of
22 Tropicana Boulevard.

23 Q. Okay. And can you identify which way
24 it's looking, east or west?

25 A. It looks like it's bearing west because

1 I see the Excalibur in the distance and the Trop
2 on the left side.

3 Q. And to the north side is your property?

4 A. That appears to be my property. In the
5 distance, I see New York-New York's tower.

6 Q. All right. Judging from the perspective
7 and the distances, does this appear to be taken in
8 the area of the accessway -- like, right across
9 from the accessway on Tropicana Boulevard?

10 A. I can't tell that from this perspective,
11 but the MGM is to the right. I just don't know
12 where in that perspective we're at.

13 Q. That's fair.

14 **MR. ROBERTS:** Roger, what's the proposed
15 exhibit number?

16 **MR. STRASSBURG:** It's 84-26.

17 **MR. DEUTSCH:** Your Honor, based on that
18 answer, we would, as the basis for our
19 objection --

20 **MR. STRASSBURG:** Judge, don't I get to
21 lay a foundation?

22 **THE COURT:** Go ahead.

23 **BY MR. STRASSBURG:**

24 Q. Does the photo appear to be taken at
25 night or in the daytime?

1 A. This photo appears that it was taken at
2 night.

3 Q. All right. And if you look at it
4 closely, does it appear to show pedestrians?

5 A. There appears to be some pedestrians.

6 Oh, there. That helps. Yes, that's
7 definitely pedestrians.

8 Q. All right. So can you identify this as
9 a photograph, which I'll represent was taken in
10 2014 at an inspection, that shows the sidewalk
11 outside of the MGM Grand facing west on Tropicana
12 Boulevard at night?

13 A. I don't see a date stamp, so I can't
14 confirm this is 2014, but it is a sidewalk with
15 pedestrians at night looking west.

16 **MR. STRASSBURG:** Judge, I would move
17 84-26 into evidence.

18 **MR. MORELLI:** Roger, I'm not going to
19 object to it.

20 **MR. DEUTSCH:** Go ahead. You can put it
21 in.

22 **MR. MORELLI:** Go ahead.

23 **MR. STRASSBURG:** Thank you for that.

24 **MR. MORELLI:** We have a consent.

25 **MR. DEUTSCH:** Roger, that's not the

1 photo that you're putting into evidence.

2 **MR. MORELLI:** That's not the same photo.

3 **MR. DEUTSCH:** It's, like, half of the
4 photo.

5 **MR. MORELLI:** That's it.

6 **MR. STRASSBURG:** Are we good?

7 **MR. MORELLI:** That's the one.

8 **MR. STRASSBURG:** Right. We want the
9 whole truth.

10 **MR. MORELLI:** The whole truth and
11 nothing but.

12 **BY MR. STRASSBURG:**

13 Q. So can you -- you see the pedestrians
14 walking on the sidewalk here; right?

15 A. Yes. It's just a zoom-out of those
16 pedestrians that are heading west.

17 Q. All right. And do you see a light -- a
18 hazard of darkness to pedestrians walking on the
19 sidewalk along Tropicana Boulevard at night?

20 **MR. DEUTSCH:** Objection. Your Honor.

21 **THE COURT:** Objection on what basis?

22 **MR. DEUTSCH:** Calls for a foundation.

23 **THE COURT:** He's asking what he sees.

24 So I'll allow it.

25 **THE WITNESS:** Can you please restate the

1 question, sir.

2 **BY MR. STRASSBURG:**

3 Q. Do you see a hazard to pedestrians from
4 darkness on that sidewalk along Tropicana
5 Boulevard by MGM at night?

6 **MR. DEUTSCH:** Your Honor, I renew my
7 objection. Are these pedestrians walking? Are
8 they running? Do they know where they're going?

9 **MR. RUSSELL:** Objection. Mr. Morelli
10 was the one questioning.

11 **MR. DEUTSCH:** Sorry, sorry.

12 **MR. STRASSBURG:** Can you go back to him?
13 He's easier.

14 **MR. MORELLI:** I'm older. I wasn't so
15 easy when I was 40.

16 **BY MR. STRASSBURG:**

17 Q. All right. Let me direct your attention
18 to a section of this photograph. You see that?

19 You see that?

20 A. Yes, sir, I see the photo.

21 Q. And can you tell if these pedestrians
22 are depicted as walking, running, jogging,
23 trotting, brisk walk, any of the above?

24 A. Can't tell. They could be walking
25 toward the Strip. It's fuzzy, so I don't know

1 whether they're in motion or what.

2 Q. And do you observe these pedestrians on
3 the sidewalk out on Tropicana Boulevard by MGM
4 running any risk of falling due to darkness?

5 A. It looks fairly well lit.

6 Q. Now, did you have occasion to -- as part
7 of your review, to look at the incident report
8 that was created by the MGM security officer?

9 A. I have seen the security report.

10 Q. Do you recollect whether the MGM
11 security officer, in preparing the incident
12 report, said anything about his observations as to
13 whether there was a hazard in the vicinity of the
14 accident that he was investigating?

15 A. If I remember correctly, the report said
16 that the area was clean, dry, and debris-free.

17 Q. Anything else that you remember?

18 A. Not unless I have the report to look at.

19 **MR. STRASSBURG:** All right. Now, this
20 isn't in evidence so I'll lay it; right?

21 **MR. DEUTSCH:** We have no objection, but
22 I think there's some things that should be
23 redacted, based on Mr. Roberts' objection before.

24 **MR. STRASSBURG:** I just want to show him
25 the part that we're talking about. Do you want to

1 look at it here?

2 **MR. DEUTSCH:** Where is it?

3 **MR. STRASSBURG:** It's not going to show
4 up there. I've done the redaction.

5 **MR. DEUTSCH:** Go ahead. If it's what
6 you just asked him about, then no problem.

7 **MR. STRASSBURG:** Let me direct your
8 attention. It's in Defense Exhibit 401.

9 **BY MR. STRASSBURG:**

10 Q. All right. Do you see this statement
11 here in the report, it says "R/O." And who's the
12 R/O in the nomenclature at MGM?

13 A. In 2013, R/O was the reporting officer.

14 Q. Okay. And is reporting officer,
15 essentially, just a security officer at MGM who's
16 writing a report?

17 A. The reporting officer would be the
18 person who did the report, yes.

19 Q. But he's security; right?

20 A. Yes, he's part of the security team.

21 Q. Okay. Not some other department?

22 A. No, sir. He's part of security.

23 Q. Fair enough.

24 And do you see here where on this
25 report, it was created on November 12th, 2013, at

1 9:56 p.m. It says, "R/O did not observe any
2 safety hazard or defects at the accident location.
3 The area was illuminated by overhead indoor
4 lighting and outdoor lighting. R/O observed
5 G. Cox to be wearing leather dress shoes. R/O
6 attached photographs of the accident location."

7 Did I read that correctly?

8 A. Yes, sir, you did.

9 Q. All right. And, in performing your
10 review of the documentation, did this
11 information -- did you have occasion to review it?

12 A. I reviewed it prior to my deposition, as
13 I wasn't here during this incident.

14 Q. And did you attach any importance to
15 this written observation of the security officer?

16 A. I don't understand what importance. I
17 understood the facts.

18 Q. Okay. Was that a noteworthy fact for
19 the security officer to write down his
20 observation?

21 A. It's part of their process when they
22 complete a report to report the conditions of the
23 scene at the time.

24 Q. And, so far as you know today, that
25 statement in the report is true; right?

1 A. Unless there's any other evidence to
2 show otherwise, that's a true statement.

3 Q. Couple of questions about the --

4 **MR. STRASSBURG:** I should probably move
5 this into evidence, at least as redacted.

6 **THE COURT:** Which is it?

7 **MR. STRASSBURG:** It's Defense
8 Exhibit 401. And it is this page that's been
9 Bates-numbered 5. 401-5.

10 **THE COURT:** You're moving it into
11 evidence?

12 **MR. STRASSBURG:** Yes, sir.

13 **THE COURT:** Any objection?

14 **MR. RUSSELL:** None as redacted, Your
15 Honor.

16 **MR. DEUTSCH:** No.

17 **MR. POPOVICH:** No objection.

18 **THE COURT:** Admitted. Admitted as
19 redacted. I think that's clear enough.

20 **MR. STRASSBURG:** Yes, sir, as redacted.

21 **THE COURT:** Need to get the clerk on the
22 redaction.

23 (Exhibit No. 401-5 was admitted into
24 evidence.)

25

1 **BY MR. STRASSBURG:**

2 Q. All right. You were shown some other
3 documents, I believe.

4 Do you remember being shown this, the
5 property rules? And this is showing you Defense
6 Exhibit 552, page 1. Do you remember seeing that?

7 A. The one that was projected earlier was a
8 different project. This one says Beacher's Mad
9 House.

10 Q. All right.

11 **MR. DEUTSCH:** Which exhibit is that?

12 **MR. STRASSBURG:** Okay.

13 **BY MR. STRASSBURG:**

14 Q. Well, just so we're on the same page,
15 this document is from Team's subcontract files.
16 Okay? So they've put the word "Exhibit F" on
17 there because that's the exhibit to one of their
18 contracts. So this is with respect to just the
19 Beacher's project, but it's the general rules;
20 right? So far as you know?

21 A. As far as I know.

22 **MR. STRASSBURG:** 552.

23 **MR. DEUTSCH:** I have a different 552.

24 **MR. POPOVICH:** The binders are this
25 document. It's this project.

1 **MR. DEUTSCH:** I understand. Was that
2 one of the things that was emailed and corrected?

3 **MR. STRASSBURG:** Sorry. Did I do
4 something wrong?

5 **MR. DEUTSCH:** No, no, no. It's just --
6 It's a different 552 than we showed
7 before as 552.

8 **MR. STRASSBURG:** Well, let's show him
9 the right one. Defense 552. I'm an old-fashioned
10 kind of guy. You want to use paper? Remember
11 this stuff, partner?

12 **MR. DEUTSCH:** It's the same thing. I
13 just wanted to make sure.

14 **MR. STRASSBURG:** We good?

15 **MR. DEUTSCH:** We're good. I don't know
16 why the page I have is different, but we're good.

17 **MR. STRASSBURG:** Sorry.

18 **THE WITNESS:** No. That's all right.

19 **MR. DEUTSCH:** Roger, just so we're all
20 clear: Your Honor, we had shown Exhibit 552
21 during Mr. Morelli's direct examination, which
22 identified that said Wet Republic instead of
23 Beacher's, but the portion that we showed of that
24 exhibit is identical to the one that is now being
25 shown. I don't know why there was a mistake.

1 This is the correct one. But the portion that was
2 shown about the trash dumpsters management,
3 et cetera, is identical in both. I just want to
4 make that clear.

5 **THE COURT:** All right.

6 **BY MR. STRASSBURG:**

7 Q. Directing your attention to the second
8 page of Defense 552-5A, do you see the rule there
9 that says, "All trash construction debris to be
10 picked up daily"? Do you see that?

11 A. Yes, sir.

12 Q. Is this one of the rules that MGM
13 expects its contractors who are building out
14 tenant space in the casinos to follow?

15 A. If this is part of a document you're
16 showing me, then, yes, I have to agree with that.
17 I don't know that for certain because I'm not part
18 of the construction department and engineering.

19 Q. No, I get it. And that's a fair
20 comment.

21 Do you know anything about the lay-down
22 area? I mean, we kind of touched on that. The
23 lay-down area for this particular job, do you have
24 any information about that?

25 A. Yes. My understanding -- and I may have

1 misstated it in my deposition; I'm not sure -- the
2 lay-down area is further down. That's where the
3 supplies that you need to actually do the
4 build-out was down by the poker room doors further
5 to the west, closer to Las Vegas Boulevard. This
6 area was just the construction dumpster for the
7 demolition, or whatever you were doing inside of
8 that space at the time, which was the shortest
9 area to get that stuff out.

10 **MR. STRASSBURG:** Plaintiffs' 93-27.

11 **MR. DEUTSCH:** 27? We already discussed
12 this, Roger. We had this whole discussion before
13 we started.

14 **MR. STRASSBURG:** And you told me no?

15 **MR. DEUTSCH:** Yeah.

16 **MR. STRASSBURG:** Okay.

17 **MR. DEUTSCH:** Did you forget?

18 Your Honor, may we approach? We can
19 save some time.

20 **THE COURT:** All right.

21 (A discussion was held at the bench,
22 not reported.)

23 **MR. DEUTSCH:** With the following
24 stipulations, Your Honor, we have no objection
25 that this is taken at a different time, that the

1 entire area has been redone. There's been
2 construction done where the curbs have been
3 redone, the trees have been redone, the incline
4 has been redone, the driveway has been redone.
5 Everything has been redone.

6 So I'm not sure -- but with those
7 stipulations that nothing in this photograph is
8 the same as it was on the night of the accident,
9 we have no objection.

10 If we're stipulating to that, Roger. Is
11 that the stipulation that you offered?

12 **MR. STRASSBURG:** You know --

13 **THE COURT:** Go ahead with your
14 foundation.

15 **MR. STRASSBURG:** I object to the utter
16 mischaracterization. I'd have to be a fool to do
17 what he's accusing me of.

18 **THE COURT:** Go ahead with your
19 foundation questions.

20 **BY MR. STRASSBURG:**

21 Q. Let me direct your attention to what
22 we've marked as 93-27. And ask you if you can
23 identify the scene that's depicted here generally.
24 And I stipulate.

25 There's one thing that even Mr. Deutsch

1 is right about, and that's that this was taken in
2 2014, almost two years after the accident. Okay.

3 So is this generally an accurate picture
4 of the location of the accessway that, you know,
5 they were running out of here and running around
6 here and in through the access door? Is that the
7 right access door -- accessway?

8 A. Based on the photograph, it appears that
9 it can be true.

10 Q. Okay. And Tropicana Boulevard is to the
11 left; right?

12 A. Yeah, because I can see New York-New
13 York out there to the west. So, yes, Tropicana
14 would be to the south of this or to the left side
15 of this picture.

16 Q. Okay. And do you see the part that
17 we've been calling the poker room, the poker room
18 doors?

19 A. I think that's the doors all the way at
20 the far end of this photograph.

21 Q. All right.

22 A. There. Yeah.

23 Q. So circled in red are the poker room
24 doors all the way at the other end of this part of
25 the building; right?

1 A. Yes, sir.

2 Q. And then the arrow shows the accessway
3 where the participants in the illusion, the
4 Thirteen Illusion, they would go back in the
5 building by running up that accessway; right?

6 A. If they were still using this as their
7 accessway, yes.

8 Q. Okay. And the tree here, this tree here
9 at the corner, that's all new; right?

10 A. You were pointing. I'm not sure which
11 tree.

12 Q. This tree here at the corner.

13 A. I'm not sure if it's an existing tree or
14 if it's a new one that they planted.

15 Q. Okay. But it wasn't there on the night
16 of the accident; right? You don't know because
17 you didn't work there.

18 A. Right.

19 Q. But I'll stipulate that it was. Okay?

20 **MR. STRASSBURG:** Right? Are we good?
21 Are we good? I don't know. I want you to be
22 comfortable.

23 **MR. DEUTSCH:** I'm comfortable that
24 nothing is the same as it was on the night.

25 **MR. STRASSBURG:** I just want to treat

1 you fairly. Except the distance to the doors --

2 **MR. DEUTSCH:** We don't know that.

3 **MR. STRASSBURG:** -- which are absolutely
4 the same.

5 **MR. DEUTSCH:** We don't know that.

6 **MR. STRASSBURG:** Well, you don't know
7 that.

8 **BY MR. STRASSBURG:**

9 Q. To your knowledge, have the poker room
10 doors been moved around since you joined the
11 company?

12 A. I don't know because there's been a lot
13 of construction over in that area as well putting
14 in the poker room area and the TAP restaurant,
15 because it used to be the old lion habitat. So, I
16 mean, those doors, I think, have been there. I
17 just don't know if they were actually there --

18 Q. Now, you said it used to be the old lion
19 habitat; right? Do you know when the lion
20 habitat, it was changed?

21 A. I don't have the exact date. When I
22 arrived, the lions were already retired.

23 Q. Where do lions retire to?

24 A. They actually are behind the M Resort
25 over on St. Rose Parkway. And they are -- you can

1 visit the lions.

2 **MR. MORELLI:** He can or anyone can?

3 **THE WITNESS:** Anyone can.

4 **MR. STRASSBURG:** They have visiting
5 hours for the lions. Don't get too close.

6 **BY MR. STRASSBURG:**

7 Q. So the lion habitat, it was remodeled
8 into some other space or was it left dark?

9 A. I'm not sure of the complete layout
10 because, again, it was before I got there. But
11 that general area where the TAP restaurant is and
12 poker room, it's my understanding that was the
13 lion habitat area.

14 Q. Do you know whether the lion habitat
15 area was being remodeled into a restaurant at the
16 same time that Team was building out the space in
17 November of 2013?

18 A. I can't recall that. I just know
19 there's good food there.

20 **MR. MORELLI:** Good what?

21 **THE WITNESS:** There's good food there,
22 as you can tell.

23 **MR. MORELLI:** I'm not going there.

24 **MR. STRASSBURG:** Okay. I think that's
25 enough. Hey, no hard feelings?

1 **THE WITNESS:** None whatsoever, sir.

2 **MR. STRASSBURG:** All right, sir. Thank
3 you.

4 **THE CLERK:** So is 93-27 in, Exhibit 93,
5 page 27?

6 **THE COURT:** 93, page 27, was the item
7 that he last showed.

8 **THE CLERK:** Yes. Is it in?

9 **THE COURT:** I don't think it was
10 offered.

11 **THE CLERK:** It was, but it was argued.

12 **THE COURT:** No, a foundation -- I'm not
13 sure it was offered.

14 Are you offering 93-27?

15 **MR. STRASSBURG:** Yes.

16 **THE COURT:** Any objection to 93-27?

17 **MR. DEUTSCH:** Was that the one that we
18 just showed? So we showed it before it was in
19 evidence?

20 **THE COURT:** That's what --

21 **MR. STRASSBURG:** You stipulated to it.

22 **MR. DEUTSCH:** So are we entering it into
23 evidence with all those stipulations that I just
24 suggested? If that's the case, then I've got no
25 problem with it.

1 **MR. STRASSBURG:** Sure.

2 **MR. DEUTSCH:** Okay. So with that
3 stipulation that it's nothing -- looking like the
4 same, then it's in.

5 **THE COURT:** All right. I think that
6 concludes the cross.

7 Redirect?

8 **MR. DEUTSCH:** Your Honor, at this time,
9 we're going to offer Exhibit 553, exactly what he
10 just spent 15 minutes looking at.

11 **MR. POPOVICH:** You mean the property
12 rules?

13 **MR. DEUTSCH:** No. It's Exhibit 553.
14 It's identified in the exhibits -- it's the
15 diagram. He just spent an hour talking about the
16 lay-down area and where it was.

17 **MR. POPOVICH:** Do you have 553?

18 **MR. DEUTSCH:** Yeah, right here.

19 **MR. POPOVICH:** He never showed that to
20 anybody.

21 **MR. DEUTSCH:** No, but he just talked
22 about the lay-down area, and this identifies where
23 that is.

24 **MR. POPOVICH:** Objection. Lacks
25 foundation. No.

1 **MR. DEUTSCH:** Can we approach, Judge?

2 **THE COURT:** You can't just offer it; you
3 have to lay a foundation for it.

4 **MR. DEUTSCH:** I think it was already
5 stipulated to. Let me just check.

6 **THE CLERK:** 553 has not come in yet.

7 **MR. DEUTSCH:** It has not? It's not
8 stipulated? Okay.

9 **MR. MORELLI:** Just give it to me. I'll
10 take care of it, do it the old-fashioned way.

11 **MR. DEUTSCH:** There was no objections.
12 There are no objections here. It was stipulated
13 to, I thought so. It's the final pretrial memo,
14 553, no objections. Already stipulated to.

15 **THE CLERK:** It hasn't come in yet.

16 **MR. DEUTSCH:** No, we're offering it.

17 **THE COURT:** Pursuant to stipulation?

18 **MR. DEUTSCH:** Yes. It was stipulated in
19 the pretrial memo.

20 **MS. FRESCH:** No.

21 **MR. DEUTSCH:** It was.

22 **MS. FRESCH:** That's different.

23 **MR. DEUTSCH:** No, it's not.

24 **MR. MORELLI:** It's a diagram of the
25 property. What's the difference?

1 **MR. STRASSBURG:** No, it's a diagram of
2 the haul-out route. It's not an accurate
3 blueprint. It's something we changed.

4 **MR. DEUTSCH:** There was no objection to
5 it, Your Honor. It's stipulated to. I'm going to
6 put it up now.

7 **MR. POPOVICH:** Well, wait a minute, Your
8 Honor.

9 **MS. FRESCH:** Whose courtroom is this?

10 **MR. POPOVICH:** Hey, New York rules;
11 right?

12 **MR. DEUTSCH:** I understood that, in the
13 pretrial memo, when things were stipulated to,
14 that that means that there was no objection to it.
15 That's my understanding of how it works.

16 **THE COURT:** Was it listed in the
17 pretrial memorandum as being a stipulated exhibit?

18 **MR. DEUTSCH:** Yes. Correct. There was
19 no objections to 553 in the pretrial memorandum.
20 There was no objections, and it's a stipulated
21 exhibit.

22 And Mr. Strassburg used it in his
23 opening statement PowerPoint because it was a
24 stipulated exhibit.

25 **MR. POPOVICH:** No, Your Honor, there was

1 no objection in the pretrial. That's true. I had
2 asked for an opportunity to take a look at it. We
3 never circled back. But it was used in opening.
4 I just want to get this done.

5 Yes. Stipulated.

6 **THE COURT:** Admitted.

7 **(Exhibit No. 553 was admitted into**
8 **evidence.)**

9 **MR. DEUTSCH:** Okay.

10 **MR. POPOVICH:** By exhaustion.

11 **MR. DEUTSCH:** Whatever works; right?

12 I'll zoom in in a second.

13 **BY MR. MORELLI:**

14 Q. You're probably better off looking at
15 the screen.

16 A. Yeah, if they'd blow it up.

17 **MR. DEUTSCH:** There you go.

18 **BY MR. MORELLI:**

19 Q. Okay. As you can see the legend talking
20 about the dumpster and lay-down area and it shows
21 what color it is; right? And that translates to
22 this particular area right here. And that's the
23 area where the accident happened. That's where
24 they run around and into the doors.

25 So that actually is the lay-down area as

1 depicted on this diagram; is that correct? Can
2 you see it better here?

3 A. I'm confused.

4 Q. All right. Let me move it this way.
5 You can stand up if you wanted to.

6 A. On the left where it says "dumpster" and
7 "lay-down area," there's a green thing over there.

8 Q. And that's this. You know, it's sort of
9 depicting that the green area is the lay-down area
10 on here, like in an architectural drawing. It's
11 the legend. It tells you where it is.

12 So it's saying how many feet it is.
13 It's the green. And that's where it is. And
14 that's the area that we're discussing with
15 reference to this accident.

16 **MR. CALL:** Objection. Calls for
17 speculation, Your Honor.

18 **MR. MORELLI:** Your Honor, it says
19 "dumpster" and "lay-down area," and it's in
20 evidence. There's no speculation going on here.

21 **BY MR. MORELLI:**

22 Q. But you would agree that that's what it
23 says and this is in evidence; correct?

24 **THE COURT:** If that's the question.

25 **MR. MORELLI:** That is the question.

1 **THE WITNESS:** Based on this diagram,
2 that's what it depicts, that that is the dumpster
3 and lay-down area. That's not how I understand
4 it, though.

5 **MR. MORELLI:** Okay. That's fair.

6 **MR. DEUTSCH:** Do you want this
7 photograph?

8 **MR. MORELLI:** Yeah.

9 **MR. DEUTSCH:** It's not in evidence yet.

10 **MR. MORELLI:** Give me the photograph
11 that Mr. Strassburg used, 84-26.

12 **MR. DEUTSCH:** That one. Okay. Sorry.
13 There you go.

14 **BY MR. MORELLI:**

15 Q. This is the photograph that's in
16 evidence, 84-26, that Mr. Strassburg just showed
17 you moments ago. Okay, Mr. Habersack?

18 A. Yes, sir.

19 Q. And I'm saying to you this is not a
20 photograph that depicts the area where the
21 accident happened; correct?

22 A. Correct.

23 **MR. DEUTSCH:** Now you want the other
24 one?

25 **MR. MORELLI:** Yep.

1 **MR. DEUTSCH:** This is -- we're going to
2 offer D419-5.

3 **BY MR. MORELLI:**

4 Q. Discussing now, Mr. Habersack --

5 **THE COURT:** It's been offered. Any
6 objection?

7 **MR. POPOVICH:** I don't know what they're
8 talking about.

9 **THE COURT:** I'm not sure what it is.

10 **THE CLERK:** Exhibit 419 has come in.

11 **MR. DEUTSCH:** Exhibit 419-5. It was one
12 of the photographs that was marked in
13 Mr. Habersack's deposition.

14 **THE CLERK:** In its entirety.

15 **MR. DEUTSCH:** It's already in evidence.
16 Okay. All right. There you go.

17 **MR. POPOVICH:** That is not -- okay.
18 Whatever.

19 **MR. RUSSELL:** You were looking for the
20 one with the circles and the arrows.

21 **MR. DEUTSCH:** 419-5.

22 **MR. RUSSELL:** Right, 419-5.

23 **MR. DEUTSCH:** We're really all having
24 problems this afternoon.

25 **MR. STRASSBURG:** Yeah, that's correct.

1 That's the one.

2 **BY MR. MORELLI:**

3 Q. So before I ask you about this photo,
4 you've seen this photo before; correct?

5 A. It's been a while, but I think I've seen
6 this photo.

7 Q. Yeah, you saw this photo at your
8 deposition, just to refresh your memory.

9 A. Okay.

10 Q. And you did the circle on the photograph
11 with the arrows. Do you remember that?

12 A. I don't remember it; but if I did, then
13 it's obviously there.

14 Q. I'm just going to show you the testimony
15 that has to do with that photo so that we can be
16 sort of on the same page.

17 A. Sure.

18 Q. Okay.

19 **MR. DEUTSCH:** It goes all the way down
20 here, so -- 60.

21 **BY MR. MORELLI:**

22 Q. Okay. So the question starts on line 3,
23 Mr. Habersack. "You said this is where they would
24 come up. Is a ramp depicted in this photograph?"
25 That was the question.

1 The answer is, "I know there's a ramp
2 there because I can see it. See how it's kind of
3 dark?"

4 "QUESTION: Can you mark for us where the
5 ramp is?

6 "ANSWER: Yeah. Because of the elevation
7 change -- it kind of levels right about
8 here."

9 **MR. DEUTSCH:** "There."

10 **BY MR. MORELLI:**

11 Q. "Right about there."

12 "MR. HARRIS: What he's done on
13 photograph 5 of Exhibit 5, he's circled and put
14 some dots with an arrow."

15 "QUESTION: What are those arrows
16 supposed to depict?

17 "ANSWER: The arrow depicts -- it's an
18 up-ramp from that street level or -- this is
19 the street. Where that ambulance was parked
20 was somewhere in there. When you make the
21 turn, because the casino -- the building
22 itself -- sits up a little bit higher, this
23 ramp comes up. This is kind of a ramp area.
24 Then where I kind of did this dashed line is
25 kind of where it levels back off into the

1 building."

2 Okay? So that has to do with this
3 particular photo. It gives you some context.

4 A. Yes, sir.

5 Q. Okay. Now, this photo was -- we spoke
6 about that there were photos taken by the security
7 people at the scene of the accident; right?

8 A. Yes, sir.

9 Q. And that's, you know, in accordance with
10 MGM's rules and regulations or protocols --
11 right? -- to take as many photos as you can?

12 A. I don't know about as many, but you take
13 photos of the area, yes.

14 Q. Yeah, take photos of the area.

15 Actually, in the security handbook, it
16 says to take more rather than fewer. Do you know
17 that?

18 A. It's probably in there.

19 Q. Yeah. And, also, it states that you
20 should take a panoramic view of the area. That's
21 in accordance with the handbook. When you looked
22 at the -- at the incident report in this case, did
23 you see any photos that were a panoramic view of
24 the area?

25 A. I don't know if this could be considered

1 a panoramic view. It depends on what kind of
2 equipment or camera you have to do a panoramic
3 photo.

4 Q. If, in fact, the security handbook says
5 that you should take a panoramic view, then I
6 would guess that MGM should provide the security
7 people with a camera to be able to do that.
8 Otherwise, you can't follow the rules; right?

9 MR. POPOVICH: We'll take that under
10 advisement, Your Honor, but object to the
11 statement of counsel what he would advise us.

12 THE COURT: Sustained.

13 MR. MORELLI: I wasn't giving you
14 advice, actually.

15 BY MR. MORELLI:

16 Q. What I'm asking is, if it's in
17 accordance with the rules, then do you feel that
18 they should have the equipment to be able to do
19 the job that they're asked to do?

20 A. I don't know if there was a camera there
21 or not that does that.

22 Q. Okay. But you understand my question;
23 right?

24 A. I believe you're asking about a
25 panoramic view that should have been taken. And

1 it appears that, from the wall to the dumpster
2 there, that's pretty panoramic. It goes all the
3 way across.

4 Q. Okay. Now, when you put this circle
5 here, you circled where the ramp, or the up-slope,
6 and where it finishes; correct? Do you remember
7 that?

8 A. Yeah, that's -- thank you.

9 Q. Made it bigger for you.

10 A. Yeah. It's dark, but that appears --
11 and even on that slope from the left side, there
12 seems to be a little bit more of a slope and less
13 of a slope to the right side, or closer to the
14 dumpster.

15 So, at the time of the deposition, I
16 honestly thought that Mr. Cox and that group may
17 have come up closer toward that building side, but
18 that isn't the case after reviewing the video. It
19 actually was a little bit more closer to the
20 dumpster side, less of a slope.

21 Q. Okay. Now --

22 **MR. DEUTSCH:** Exhibit 93-173. It's
23 already in evidence.

24 **BY MR. MORELLI:**

25 Q. Now, this is a photograph, as it states

1 on it, that was taken not quite a year after the
2 accident. It's just about -- approximately two
3 months shy of a year; right? September 24th,
4 2014, it's marked. Okay?

5 A. Pretty close.

6 Q. Right. So, now, the ramp area, or the
7 incline, is depicted on this photograph; correct?

8 A. Yes, sir.

9 Q. Okay. And you know that we were
10 speaking about -- and I'm indicating the upper
11 right of the photograph -- the participants come
12 this way toward -- toward me. And then they make
13 a right to go up that ramp area. And that would
14 lead them to those security doors that we've
15 talked about; correct?

16 A. Correct. But they didn't go up that
17 area of the ramp.

18 Q. No. But I'm saying that this is the
19 direction. They come this way and they go that
20 way?

21 A. Yeah, they continue down further because
22 there's not such a slope on that ramp where they
23 turned right to go in the doors.

24 Q. Well, the thing is -- the thing is that
25 everyone -- am I correct everyone who is

1 participating is running in the dark; correct?

2 A. I don't know if they were running, but
3 they were moving through the area.

4 Q. Moving quickly in the dark, whatever
5 they were doing. They're in the dark. My
6 question is only talking about the dark. It was
7 in the dark?

8 A. There were lights, flashlights and
9 spotlights.

10 Q. Okay. Mr. Habersack, let me ask you
11 this. Okay? You weren't even working there at
12 the time. Okay? And every time I ask you
13 questions, "I wasn't there. I wasn't there. I
14 don't know. I don't know." All of a sudden, you
15 know everything.

16 MR. POPOVICH: Objection to the
17 argument.

18 THE COURT: Sustained.

19 Jury will disregard.

20 BY MR. MORELLI:

21 Q. I'm just talking about that they were
22 running and going that way in the dark. Isn't
23 that correct? It was dark out?

24 A. It was dark, but there were lights
25 there.

1 Q. So, now, I am correct, am I not, that
2 that particular area, when we were looking at it
3 in the video, was obstructed -- the camera was
4 obstructed by the tree. Remember we were talking
5 about the tree --

6 A. Oh, yes.

7 Q. -- that maybe it grew or whatever it
8 did?

9 A. Yes, sir.

10 Q. Okay. And so, when you looked at that
11 video, am I correct that we can't see how the
12 people are moving -- notice "moving" -- toward
13 that area, into that area because it's obstructed
14 by the tree and the darkness? Isn't that correct,
15 sir, that -- you weren't there; right?

16 A. Correct. I wasn't there, if that's your
17 question.

18 Q. Okay.

19 A. The video does depict flashlights
20 flashing on the ground.

21 Q. But we're talking about where the people
22 were moving. It doesn't show that. Do you want
23 to see the video again?

24 A. Sure.

25 Q. Okay. Let's look at it.

1 **THE COURT:** Do you need the lights
2 dimmed?

3 **THE WITNESS:** I don't. I don't know if
4 they do.

5 (Whereupon video was played.)

6 **THE WITNESS:** Stop right there. See the
7 lights, lower left corner?

8 **BY MR. MORELLI:**

9 Q. I didn't say there was no light -- we're
10 not talking about lights. Okay? Just watch
11 the --

12 A. But the area was lit and you're asking
13 me about the area being dark. The area was lit.

14 Q. Okay. It was lit. It's for the jury to
15 decide whether it was dark.

16 A. So go ahead. You can see some more.
17 You can see more lights.

18 Q. It's okay.

19 Go ahead.

20 A. I don't have --

21 Q. No, no. I'm just talking to Adam.

22 A. You see lights all the way through, even
23 with the tree there.

24 Q. So, now, in this video, it's down here
25 where they make the turnaround, right, where they

1 come up?

2 A. Yeah, it's further over by that third
3 set of doors that we talked about earlier.

4 Q. Okay. So you're saying that you're able
5 to see exactly the route that all of these people
6 took? Is that what you're saying? Just yes or
7 no. We don't need to argue about it.

8 You were able to see in this video the
9 exact route that these people took when they were
10 moving quickly toward the doors? Yes or no.

11 A. It's not a yes-or-no answer. Depicted
12 where the dumpster is, I could see that that's
13 where they were.

14 Q. Did you just say yes or did you say no?
15 I don't know.

16 A. I can see the route based on the lights
17 and the people.

18 Q. Okay. So that's a yes, you can tell?
19 You can tell?

20 A. I can tell based on the video, yes.

21 Q. Okay.

22 **MR. MORELLI:** I have no more questions,
23 Your Honor.

24 **THE COURT:** Anything else?
25

RECROSS-EXAMINATION

BY MR. POPOVICH:

Q. That diagram, 553 -- and I'm not going to show it to you -- it said "dumpster" and "lay-down"?

A. Yes, sir.

Q. That doesn't mean that sheet of paper is right, does it?

A. Not based on my understanding. I knew the dumpster was in that location, and I knew the lay-down yard was all the way down where those other doors were.

Q. And whoever drafted 553 might have gotten the lay-down part wrong?

A. It's entirely possible. I just know where physically those two areas were.

MR. POPOVICH: Thank you.

MR. MORELLI: Just for the record, Mr. Habersack, I didn't draft it. Okay? I got it from the defendants.

THE WITNESS: Got it.

THE COURT: Any other recross?

MR. STRASSBURG: Yes, Judge.

MR. MORELLI: Are you going to start yelling again? Because I'm going to back up.

1 **MR. STRASSBURG:** What?

2 **MR. MORELLI:** Are you going to start
3 yelling again?

4 **MR. STRASSBURG:** That wasn't yelling.
5 You want to hear yelling?

6

7 **RECROSS-EXAMINATION**

8 **BY MR. STRASSBURG:**

9 Q. Sir, are you familiar with where the
10 Beacher's project was, the location inside the
11 casino?

12 A. Yes, sir.

13 Q. Okay. Let me show you what we've -- can
14 I impose upon you to -- can you see this? Would
15 you be more comfortable if you stood up?

16 A. If it's okay, I can stand up.

17 Q. Do you mind?

18 A. I don't mind. Can they see it?

19 **MR. STRASSBURG:** Can you guys see?

20 **JUROR NO. 8:** We've seen it.

21 **BY MR. STRASSBURG:**

22 Q. Is this the location here of the
23 Beacher's space?

24 A. Yes, that appears to be the Beacher's
25 space.

1 Q. And does this appear to be the haul-out
2 route to get them down past the cage?

3 A. That's my understanding that that was
4 the route to remove items from that space to the
5 dumpster.

6 Q. Okay. So if the camera is here, it's
7 pointed north to the build-out space; right?
8 That's what this shows?

9 A. I don't know where you got the picture
10 from, but if that's -- if there's a camera there,
11 yes.

12 Q. Okay. But that's the direction of view.

13 A. Okay.

14 Q. I mean, we're looking from the carpet
15 towards the --

16 A. To the build-out.

17 Q. -- the build-out; right?

18 A. Yes.

19 Q. Okay. And then here, down here, let's
20 look at -- this, then, is when you turn the
21 corner, right, to go down towards the doors; is
22 that correct? Past the cage?

23 A. Correct. You're heading east in the
24 casino, past the cage.

25 Q. Okay. And then you turn right to get to

1 the security doors down here; right?

2 A. Correct. Yes.

3 Q. Okay. So the construction crews have to
4 haul out from their construction stuff, they haul
5 it out from the site; then they come out here and
6 they turn and they go down the length of the
7 hallway, the length of the hallway by the cage;
8 right? And they turn to go out the doors; right?

9 A. Correct.

10 Q. It's about 200 feet all together; right?

11 A. I don't know how many feet it is. I
12 never measured it.

13 Q. Does that sound right?

14 A. But it could be.

15 Q. And is it your understanding that MGM
16 expects its interior contractors doing tenant
17 build-out to protect the fixtures of MGM? Right?

18 A. That's my understanding based on
19 testimony, yes.

20 Q. Including the carpets; right?

21 A. That's my understanding, yes.

22 Q. Okay. And if MGM feels that a
23 contractor has soiled or ruined some of MGM's
24 expensive carpets, MGM will take action against
25 that contractor; right?

1 A. They should, yes.

2 Q. And they'll back-charge them; right?

3 A. They should.

4 Q. Now, let me ask you, when you were doing
5 your review of documents and stuff, did you also
6 participate in the preparation of MGM's answers to
7 interrogatories?

8 A. I reviewed the answers as it was
9 presented to me from counsel, yes.

10 Q. Did you have anything to do with
11 acquiring the factual basis to answer the
12 interrogatories?

13 A. Most of the answers were already
14 provided. There may have been a question to
15 follow up or gather some additional documentation.

16 Q. Okay. And did you check the answers to
17 see if they were correct?

18 **MR. POPOVICH:** Your Honor, we're on
19 rerecross. I object. This is way beyond any
20 scope of anything.

21 **THE COURT:** It appears to be beyond the
22 scope of the redirect.

23 **MR. STRASSBURG:** I'll connect it up,
24 Judge.

25 **THE COURT:** What's that?

1 **MR. STRASSBURG:** I can connect it up or
2 I can come tell you or whatever you want to do.

3 **THE COURT:** Well, if you can connect it
4 up to redirect, because this is recross and based
5 on questions also asked on cross.

6 **MR. STRASSBURG:** Well, it goes to
7 whether he can recall what they told the
8 contractors about what was going on. That's the
9 relevance.

10 **THE COURT:** I know it's arguably
11 relevant. The question is whether it's within the
12 scope of the prior questioning.

13 **MR. STRASSBURG:** It's a scope objection?
14 Okay. I didn't know we were doing that. But if
15 we are, fine. Fine.

16 **THE COURT:** That was your objection.

17 **MR. POPOVICH:** That was my objection.

18 **MR. STRASSBURG:** I'll play by the Nevada
19 rules. You know, New York, Nevada. Okay.

20 I think that's all I have.

21 **THE WITNESS:** Thank you, sir.

22 **MR. STRASSBURG:** Thank you, sir.

23 **THE COURT:** Is there any redirect, then,
24 based on those questions?

25 **MR. MORELLI:** No, Your Honor. I'm going

1 to abide by the rules.

2 Can we approach?

3 **MR. ROBERTS:** Your Honor, there's just
4 one issue. Mr. Morelli announced to the jury that
5 he got a document from the defendants. As the
6 Court knows, there are five different defendants
7 and we didn't just all act together. There are
8 five separate defendants.

9 **MR. MORELLI:** Didn't mean to paint you
10 with the same brush.

11 May we approach?

12 **THE COURT:** Yes.

13 (A discussion was held at the bench,
14 not reported.)

15 **THE COURT:** I've received some written
16 questions from one of the jurors. Okay. I'll
17 pose these questions to you. I'll read the
18 questions to you, and you can answer the questions
19 and then -- there are several questions here.
20 Some of them have subcategories of questioning.

21 I'll take each question and the
22 subcategories. And then after I'm through with
23 each question and the subcategories within that
24 question, I'll see if counsel have anything to
25 follow up with. Okay?

1 **THE WITNESS:** Yes.

2 **THE COURT:** The first question --
3 actually, they're all premised on a broad question
4 which is as follows:

5 "Is there a surveillance video available
6 from the day of the accident that shows:

7 "1. The outside area where the incident
8 occurred specifically between the hours of
9 6:30 a.m. to 2:30 p.m.?"

10 **THE WITNESS:** If there was any video,
11 that would have been written over as it was not
12 part of our video retention policy.

13 **THE COURT:** Let me ask you the next --
14 there's a category -- subcategory here. See if
15 that affects your answer.

16 "If the video is available, will it show
17 the dumping of construction debris and how that
18 dumping was accomplished? I.e., how was the trash
19 moved from the cart to the dumpster?"

20 **THE WITNESS:** There's no video to back
21 that up. It's my understanding through my
22 research that the dumpster is a tall dumpster that
23 has doors that open on the side, so they put the
24 trash in from the carts when they open the side
25 door.

1 You know, the dumpster is a long thing.
2 So on the one side, they open -- I don't know if
3 you've seen the home improvement shows or have
4 ever done any home improvement where you order a
5 dumpster. That's how you get the stuff in the
6 dumpster. That's my understanding.

7 **THE COURT:** B is a question: "Will the
8 video show the staging or storage of construction
9 materials like, but not limited to, drywall, bags
10 of cement, et cetera?"

11 **THE WITNESS:** Since there's no video to
12 review, since it's outside the scope of the
13 incident, we wouldn't -- no. It's my
14 understanding that the lay-down area for the
15 materials to be used in the Beacher's Mad House
16 was all the way down to the far end by the poker
17 room doors. The trash going out was over in the
18 area we've been talking about with the dumpsters.

19 **THE COURT:** All right. That was all
20 part of Question 1.

21 Any follow-up by plaintiff?

22 **MR. MORELLI:** No, Your Honor, I have no
23 follow-up. But the last answer I don't think was
24 an answer to the question. So I just move to
25 strike that portion of the answer that was

1 nonresponsive.

2 **THE COURT:** Any response to the motion
3 to strike?

4 **MR. POPOVICH:** If counsel wants it be
5 asked again, he can ask it again.

6 **THE COURT:** That was Category B;
7 correct?

8 **MR. MORELLI:** Correct.

9 **THE COURT:** "Will the video show the
10 staging or storage of construction materials like,
11 but not limited to, drywall, bags of cement,
12 et cetera?"

13 **THE WITNESS:** The answer hasn't changed.
14 There is no video that was retained of the area as
15 it had nothing to do with the lay-down -- it had
16 nothing to do with the incident with Mr. Cox.

17 **THE COURT:** All right. Any follow-up
18 now?

19 **MR. MORELLI:** No follow-up, Your Honor.

20 **MR. POPOVICH:** No, Your Honor.

21 **MS. FRESCH:** No, Your Honor.

22 **MR. RUSSELL:** No, Your Honor.

23 **MR. STRASSBURG:** I have one.

24 **THE COURT:** Okay.
25

EXAMINATION

1
2 **BY MR. STRASSBURG:**

3 Q. Let me direct your attention to what's
4 previously been admitted into evidence. It's
5 Plaintiffs' Exhibit 84-16.

6 **MR. STRASSBURG:** Can I have the -- am I
7 on?

8 **BY MR. STRASSBURG:**

9 Q. All right. You've testified about
10 the -- your view of the operation of dumpsters,
11 like the ones typically used at MGM.

12 Can you identify this as the type of
13 dumpster that you had in mind?

14 A. I can't tell from this angle if that's
15 the doors that swing open. I'm not a construction
16 guy.

17 Q. Okay. Can you identify the hinges along
18 the side of the door that allows access to --
19 either by swinging open or folding down, to allow
20 the carts to roll up inside and dump their load
21 inside the dumpster?

22 A. I'm not familiar with the operation of
23 the dumpster. That could be hinges. I don't
24 know. I don't do that kind of work.

25 Q. But so far as you've been able to

1 observe from your time at MGM, the practice is not
2 to throw the stuff over the side of the dumpster;
3 it's to wheel it inside?

4 A. That would be a heck of a throw to get
5 it over the top.

6 Q. So that's why it's safe to say that they
7 wheel it inside; right?

8 A. Yes. That's why I was trying to
9 describe it to the jury, like, when you rehab a
10 house or something, it's usually that kind of
11 dumpster.

12 MR. STRASSBURG: I get it. Thank you,
13 sir.

14 THE COURT: Okay. Now, the next
15 question -- and, again, the premise of this
16 question is the following:

17 "Is there surveillance video available
18 from the day of the accident that shows the inside
19 area of the casino where the participants
20 reentered the casino next to the cage during the
21 runaround specifically showing them reentering?"

22 THE WITNESS: I have no knowledge of any
23 video or video retained of that area since it had
24 nothing to do with the accident.

25 THE COURT: Any follow-up by plaintiff?

1 **MR. MORELLI:** No follow-up, Your Honor.

2 **MR. POPOVICH:** No, thank you.

3 **MS. FRESCH:** No.

4 **MR. STRASSBURG:** No.

5 **THE COURT:** The third question, the
6 premise again is, "Is there surveillance video
7 available the day of" --

8 **MR. MORELLI:** I just would like his last
9 answer read back.

10 **MR. DEUTSCH:** Right here.

11 Give us one second, Your Honor. Sorry.

12 **MR. MORELLI:** Your Honor, I have one
13 question, if I can.

14

15 EXAMINATION

16 **BY MR. MORELLI:**

17 Q. Sir, you just stated, "I have no
18 knowledge of any video or video retained of that
19 area, since it had nothing to do with the
20 accident."

21 Sir, that's not true, is it? It would
22 have something to do with the accident. It would
23 shed light on certain aspects of this case; isn't
24 that true?

25 A. No, sir.

1 **MR. MORELLI:** Nothing further, Your
2 Honor.

3 **MR. POPOVICH:** Nothing further.

4 **MS. FRESCH:** Nothing further.

5 **MR. STRASSBURG:** No.

6 **THE COURT:** "3. Is there surveillance
7 video available from the day of the accident that
8 shows" -- and then it says, "Will the video show
9 any cleaning people in the reentry area between
10 the time of the incident and the time the
11 investigation still pictures were taken,
12 referencing evidence Exhibit 403-9?"

13 **THE WITNESS:** I'm not aware of any video
14 or any cleaning people that were sent to that
15 area.

16 **THE COURT:** Any follow-up?

17 **MR. RUSSELL:** No, Your Honor.

18 **MS. FRESCH:** No.

19 **MR. MORELLI:** I have one question, Your
20 Honor.

21

22 EXAMINATION

23 **BY MR. MORELLI:**

24 Q. Mr. Habersack, you know the cleaning
25 schedule back there when you weren't working

1 there? Just, do you know the cleaning schedule?
2 Yes or no. Do you know it?

3 A. I know they were in the area several
4 times a day. I don't know the exact times.

5 **MR. MORELLI:** No more questions.

6 **MR. POPOVICH:** No, thank you.

7 **MS. FRESCH:** No.

8 **MR. RUSSELL:** None.

9 **THE COURT:** All right.

10 Number 4. "Did you ever try to contact
11 the person in the position before you? If so, did
12 you ask them about this incident? If the Court
13 allows it, can you tell us what they told you."

14 **THE WITNESS:** I don't recall having any
15 conversation with the former person, who's not
16 even with the company anymore.

17 **THE COURT:** Any follow-up?

18 **MR. MORELLI:** No follow-up, Your Honor.

19 **MR. POPOVICH:** No, Your Honor.

20 **MS. FRESCH:** Nothing.

21 **MR. STRASSBURG:** No.

22 **THE COURT:** Next one.

23 "Are there records with the names of the
24 people, MGM stagehands, who may have worked on the
25 Thirteen Illusion? If there are records, did you

1 ever attempt to contact any of these people to get
2 additional information?"

3 **THE WITNESS:** Actually, until the trial
4 started, I wasn't even aware there were MGM
5 employees that were part of the stagehands that
6 were in the back of there. I only thought there
7 was a security officer that was assigned, or two,
8 to the area. So I didn't have any knowledge of
9 that.

10 **THE COURT:** Any follow-up?

11

12 EXAMINATION

13 **BY MR. MORELLI:**

14 Q. So, Mr. Habersack, so the answer is no?

15 A. Correct. No.

16 **MR. MORELLI:** Okay.

17 **MR. POPOVICH:** Nothing further.

18 **MS. FRESCH:** Nothing further.

19 **MR. RUSSELL:** Nothing.

20 **THE COURT:** And the final question is
21 "Did you ever speak to K. Janson, the R/O who
22 prepared the accident report? If so, what did
23 they tell you?"

24 **THE WITNESS:** I did not have any
25 discussion with the reporting officer. I read the

1 report, and that's the report we submitted.

2 **THE COURT:** Any follow-up?

3 **MR. MORELLI:** No, Your Honor.

4 **MR. POPOVICH:** No, thank you.

5 **MS. FRESCH:** No.

6 **MR. STRASSBURG:** No.

7 **THE COURT:** Staple these, and they'll
8 become the next court exhibit in order.

9 I think we're ready to adjourn, then,
10 for the weekend.

11 **MR. MORELLI:** Yes, Your Honor.

12 **MR. DEUTSCH:** Yes, absolutely.

13 **THE COURT:** You may step down.

14 Just a second. I'll admonish the jury.

15 Ladies and gentlemen, once again, you're
16 admonished not to talk or converse among
17 yourselves or with anyone else, including, without
18 limitation, the lawyers, parties, and witnesses on
19 any subject connected with the trial or read,
20 watch, or listen to any report of or commentary on
21 the trial or any person connected with the trial
22 by any medium of information, including, without
23 limitation, newspapers, television, the internet,
24 and radio, or to form or express any opinion on
25 any subject connected with the trial until the

1 case is finally submitted to you.

2 Once again, you're directed to return to
3 the outside of the courtroom, just a bit to the
4 south, Monday, April 30, 2018, no later than
5 1:20 p.m. so that we can resume at 1:30 p.m.

6 Have a nice weekend, everybody.

7 **THE MARSHAL:** All rise.

8 **THE COURT:** Supposed to cool down a bit.
9 Anything else outside the presence?

10 **THE CLERK:** We need to publish the
11 deposition.

12 (The following proceedings were held
13 outside the presence of the jury.)

14 **THE MARSHAL:** Be seated.

15 **MR. DEUTSCH:** Oh, yeah. There's a depo
16 we have to publish.

17 **THE COURT:** There's an item that needs
18 to be addressed. Apparently, there's a deposition
19 that needs to be published.

20 **MR. DEUTSCH:** Yeah, just we ask to
21 publish the deposition of Mr. Habersack.

22 **MR. POPOVICH:** Fine.

23 **THE COURT:** So ordered.

24 Have a great weekend, everybody.

25 **MR. ROBERTS:** Have a good weekend,

1 Judge.

2 **MR. DEUTSCH:** Have a nice weekend,

3 Judge. Thank you.

4 Thank you, everybody.

5 (Adjourned at 5:04 p.m.)

6 * * * * *

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

-oOo-

ATTEST: FULL, TRUE, AND ACCURATE TRANSCRIPT OF
PROCEEDINGS.

KIMBERLY A. FARKAS, CCR #741

BY MR. MORELLI: [85] 12/24 16/22 18/19 20/8 21/12 21/23 26/15 28/12 29/21 31/12 33/21 36/19 40/11 41/24 43/6 45/2 45/11 49/15 50/10 53/10 55/13 57/3 57/10 60/14 63/15 107/17 109/9 110/9 110/21 112/15 113/21 114/18 116/15 121/4 121/11 121/22 122/8 125/25 126/13 127/8 129/13 130/15 131/10 132/7 135/20 136/25 137/13 138/14 139/3 140/2 140/23 141/12 142/25 144/4 145/18 149/13 149/24 150/18 151/13 152/24 154/8 154/23 155/18 156/1 156/6 156/22 157/13 158/15 159/4	162/20 229/12 229/17 230/20 231/13 232/2 233/1 233/20 234/9 236/14 237/23 239/19 241/7 255/15 256/22 258/12 BY MR. POPOVICH: [6] 123/2 163/17 164/4 165/2 165/12 243/1 BY MR. RUSSELL: [1] 166/14 BY MR. STRASSBURG: [27] 189/1 190/24 192/15 198/2 198/10 198/19 200/13 200/17 202/3 205/10 206/12 207/17 208/22 210/11 211/1 211/15 213/8 215/24 216/12 218/5 220/19 223/7 224/5 244/7 244/20 253/1 253/7 IN UNISON: [1] 12/21 JUROR: [1] 44/21	MR. CALL: [6] 104/20 104/23 105/4 105/11 188/18 230/15 MR. DEUTSCH: [251] 5/18 6/15 6/22 7/1 8/20 10/7 10/20 16/17 16/20 18/11 26/14 34/7 34/20 35/11 35/17 35/21 36/1 36/5 40/9 43/1 43/4 44/9 44/12 44/14 44/19 44/23 45/5 45/9 50/2 50/6 50/8 52/17 52/21 53/7 68/3 68/24 69/10 69/21 70/25 71/5 71/7 71/10 71/15 71/20 72/5 72/8 72/15 72/18 73/5 73/11 73/15 73/22 74/3 75/3 75/10 76/6 76/10 76/15 76/20 76/23 79/16 79/25 80/4 80/7 82/11 82/18 84/6 84/13 87/18 87/22 87/25 88/2 88/5 88/9 89/16 91/3 92/13 94/9 94/18 95/1 95/3 98/13
---	--	---

MR. DEUTSCH:...	180/13 180/22	227/3 227/6 227/10
[169] 98/23 99/5	181/24 182/3	227/15 227/17
99/9 104/22 104/24	182/15 182/18	227/20 227/22
105/9 105/12	183/17 183/20	228/3 228/11
105/18 106/7	184/2 184/17	228/17 229/8
106/12 109/5 110/3	184/20 184/24	229/10 229/16
110/6 110/18	185/3 185/6 185/9	231/5 231/8 231/11
114/16 116/11	185/12 186/16	231/22 231/25
125/18 126/12	186/20 186/25	232/10 232/14
126/16 126/24	187/20 188/6	232/20 232/22
127/4 136/24	188/19 197/21	233/18 234/8
137/11 138/12	198/5 198/9 198/14	237/21 255/9
139/25 140/19	199/11 199/16	259/11 260/14
141/6 142/22	199/19 200/6	260/19 261/1
144/19 144/23	201/24 202/1 206/8	MR. FALLICK:
144/25 145/4	207/1 207/4 207/8	[1] 5/20
145/12 145/16	207/12 208/16	MR. FREEMAN:
151/12 152/20	209/19 209/24	[2] 174/9 176/1
152/22 155/6 156/5	210/2 210/19	MR. MORELLI:
157/1 157/9 157/12	210/21 211/5	[136] 5/15 7/14
169/25 170/6	211/10 212/20	7/24 8/3 8/6 8/12
170/17 171/15	213/1 213/4 215/15	9/10 9/12 12/1 12/6
171/25 172/7	216/10 216/22	12/20 16/18 16/21
172/16 173/22	216/25 217/4	18/12 18/15 33/18
174/1 174/7 174/21	217/11 217/14	34/5 34/24 35/7
175/1 175/7 175/13	217/18 219/10	35/20 35/23 35/25
175/24 176/2 176/7	219/14 219/16	36/3 36/13 36/17
176/11 176/15	219/22 222/22	43/3 43/5 43/16
176/18 176/25	223/1 223/4 225/16	43/21 44/4 44/8
177/18 177/22	225/21 226/1 226/7	44/11 44/20 44/22
179/4 179/22 180/4	226/12 226/17	45/8 45/10 50/4
	226/20 226/25	50/7 50/9 52/19

<p>MR. MORELLI:... [96] 53/2 53/4 53/8 55/2 64/6 64/18 65/22 67/18 67/21 68/1 71/6 75/9 92/7 98/5 100/22 105/2 106/17 107/13 108/23 109/2 109/7 110/20 113/13 113/20 122/19 123/13 123/19 125/8 126/10 126/19 130/11 130/13 135/18 138/1 138/4 138/23 139/2 139/23 140/17 141/4 142/24 152/21 155/4 155/7 155/24 159/2 162/14 162/19 163/13 164/24 165/5 166/3 192/10 192/13 197/16 199/12 207/10 209/17 209/21 209/23 210/1 210/4 210/6 210/9 211/13 224/1 224/19 224/22 227/8 227/23 230/17 230/24</p>	<p>231/4 231/7 231/9 231/24 236/12 242/21 243/17 243/23 244/1 248/24 249/8 251/21 252/7 252/18 254/25 255/7 255/11 255/25 256/18 257/4 257/17 258/15 259/2 259/10 MR. POPOVICH: [117] 5/22 7/8 8/21 11/12 16/14 18/13 18/18 20/5 21/9 21/21 31/6 33/16 34/15 35/9 35/19 35/24 43/22 44/13 44/18 49/12 52/20 53/3 54/24 55/8 55/12 56/25 57/6 60/11 63/12 64/23 65/20 66/1 66/9 66/15 66/18 66/24 67/3 68/2 72/4 83/23 84/10 98/2 98/19 99/12 106/2 106/19 106/25 107/11 112/12 112/24 113/11 113/15 122/22</p>	<p>123/10 123/24 125/9 125/15 137/23 138/6 138/25 143/24 144/16 144/21 149/10 149/17 150/15 154/4 154/16 157/6 158/11 164/3 165/7 166/9 169/22 170/2 170/16 171/10 171/16 174/11 178/10 183/23 184/3 184/11 184/19 186/4 186/9 186/18 190/21 197/13 197/23 199/10 215/16 216/23 226/10 226/16 226/18 226/23 228/6 228/9 228/24 229/9 232/6 232/16 236/8 239/15 243/16 247/17 248/16 252/3 252/19 255/1 256/2 257/5 257/18 258/16 259/3 260/21 MR. ROBERTS: [32] 6/5 9/13 10/8 11/11 12/3 86/25</p>
---	---	---

<p>MR. ROBERTS:... [26] 87/12 87/20 87/24 88/1 88/3 88/11 89/17 91/16 95/8 95/14 96/4 96/12 96/19 96/25 116/9 116/13 125/7 145/8 186/14 187/1 187/19 187/24 188/7 208/13 249/2 260/24</p> <p>MR. RUSSELL: [37] 36/10 41/21 67/4 67/15 67/19 102/6 103/10 104/1 104/4 120/24 121/8 121/19 122/1 122/14 129/11 130/9 130/12 131/8 132/3 138/22 156/19 162/11 168/18 177/16 177/20 182/16 183/12 185/14 185/21 211/8 215/13 232/18 232/21 252/21 256/16 257/7 258/18</p> <p>MR. STRASSBURG: [79] 6/8 144/24</p>	<p>145/2 145/6 145/9 168/22 192/12 192/14 197/11 197/14 197/19 198/7 199/8 199/14 199/18 201/23 201/25 202/2 205/8 206/10 207/2 207/6 207/9 207/14 208/15 208/19 209/15 209/22 210/5 210/7 211/11 212/18 212/23 213/2 213/6 215/3 215/6 215/11 215/19 216/11 216/21 217/2 217/7 217/13 217/16 219/9 219/13 219/15 220/11 220/14 222/19 222/24 223/2 223/5 224/3 224/23 225/1 225/14 225/20 225/25 227/25 232/24 243/22 243/25 244/3 244/18 247/22 247/25 248/5 248/12 248/17 248/21 252/22 253/5 254/11 255/3</p>	<p>256/4 257/20 259/5</p> <p>MS. FRESCH: [49] 6/1 12/2 41/22 70/1 70/12 71/11 71/18 72/7 72/13 76/5 76/7 76/12 76/18 82/13 82/20 86/24 93/18 94/3 94/15 95/18 96/1 97/7 97/20 97/23 98/9 98/15 99/14 99/24 100/20 100/24 121/1 121/9 126/21 127/2 127/5 132/5 166/11 186/13 227/19 227/21 228/8 252/20 255/2 256/3 256/17 257/6 257/19 258/17 259/4</p> <p>THE CLERK: [11] 12/8 12/16 197/18 225/3 225/7 225/10 227/5 227/14 232/9 232/13 260/9</p> <p>THE COURT RECORDER: [2] 36/11 44/16</p> <p>THE COURT: [276]</p> <p>THE MARSHAL: [14] 5/7 11/19</p>
---	--	--

	'herded' [1] 173/5	12:00 to [1] 107/16
	'run [1] 78/6	12th [3] 20/2 20/11
THE	-	213/25
MARSHAL:... [12]	-oOo [1] 262/3	13 [8] 1/2 4/4 5/9
107/3 107/5 109/1	0	50/2 172/21 172/23
113/17 124/19	0800 [1] 3/14	173/1 173/4
124/22 124/25	1	138 [1] 4/12
169/16 170/3	10 [2] 18/12 93/14	14 [4] 26/15 134/10
188/11 260/6	10-minute [1]	156/1 181/14
260/13	106/19	144 [1] 4/13
THE WITNESS:	10017 [1] 2/6	14th [1] 83/1
[37] 12/14 12/17	103/18 [1] 110/9	15 [7] 16/18 45/5
29/1 36/2 43/2	104 [5] 110/4 110/7	46/18 79/1 192/10
110/4 121/20 122/4	110/19 110/21	192/15 226/10
122/16 126/18	114/17	16 [1] 253/5
140/21 149/21	105/9 [1] 135/19	166 [1] 4/4
154/21 155/16	106/5 [1] 135/20	173 [1] 237/22
165/9 166/5 197/6	10:00 [1] 18/5	17th [1] 200/16
210/24 217/17	11 [3] 198/8 200/21	18 [5] 19/14 110/9
224/2 224/20	206/12	126/12 199/9
224/25 230/25	1100 [1] 2/17	199/10
241/2 241/5 243/20	11766 [1] 3/12	189 [1] 4/5
248/20 249/25	11:00 [4] 64/17	19 [1] 152/23
250/9 250/19	64/18 65/15 93/14	198 [2] 4/14 40/10
251/10 252/12	11:30 [1] 107/3	1:20 p.m [1] 260/5
254/21 256/12	12 [6] 16/24 18/13	1:30 [3] 8/9 107/17
257/13 258/2	18/18 91/20 150/21	124/19
258/23	155/8	1:30 p.m [1] 260/5
\$	120 [1] 167/20	2
\$10 [1] 116/14	12:00 [3] 8/9	2,000 [2] 116/4
'	107/15 107/17	116/5
'guest [1] 37/8		20 [7] 1/13 1/14

2	219/10 219/11	401 [2] 213/8 215/8
20... [5] 1/14 1/20	220/22 225/4 225/5	401-5 [3] 4/15
64/17 118/10 142/2	225/6 225/14	215/9 215/23
200 [1] 2/22	225/16	402 [1] 109/7
200 feet [1] 246/10	29 [5] 87/16 102/9	403 [1] 201/25
2013 [8] 20/2 20/11	207/1 207/4 207/6	403-8 [1] 195/12
20/18 83/1 150/21	2:30 p.m [1] 250/9	403-9 [3] 202/1
213/13 213/25	3	202/6 256/12
224/17	30 [7] 16/16 81/9	419 [1] 232/10
2014 [8] 63/17	83/3 142/2 167/20	419-5 [3] 232/11
198/8 200/21	171/18 260/4	232/21 232/22
206/12 209/10	31 [4] 52/23 52/25	42 [2] 125/18
209/14 221/2 238/4	53/3 53/4	125/18
2016 [1] 74/11	310 [1] 3/14	445-0800 [1] 3/14
2018 [3] 1/22 5/1	31st [1] 2/5	4:00 p.m [2] 196/24
260/4	32 [4] 67/9 87/7	197/5
21 [1] 134/10	87/15 91/7	5
212 [1] 2/6	33 [5] 52/18 52/19	50 [1] 35/2
215 [1] 4/15	52/21 53/2 54/7	50.155 [1] 90/9
22 [2] 152/21 157/8	34 [1] 125/17	51 [1] 181/13
228-7717 [1] 2/23	35 [5] 35/14 35/19	51.065 [1] 181/11
229 [1] 4/16	36/1 36/2 36/21	51.135 [1] 185/16
23 [1] 110/8	37.1 [1] 86/15	536 [1] 145/15
23rd [1] 20/18	3800 [1] 2/13	536/64 [1] 141/10
24/7 [1] 137/5	3838 [1] 3/7	552 [7] 216/6
24th [4] 9/17 10/5	3993 [1] 2/22	216/22 216/23
20/19 238/3	3:00 [2] 169/2	217/6 217/7 217/9
26 [6] 207/9 207/10	169/16	217/20
208/16 209/17	4	552-2 [1] 138/2
231/11 231/16	40 [1] 211/15	552-5A [1] 218/8
26.2 [1] 116/13	400 [1] 3/6	553 [10] 4/16 226/9
27 [10] 1/22 5/1		226/13 226/17

5	6538 [1] 3/13 657 [1] 89/18 66 [3] 192/10 192/14 192/15 6:30 a.m [1] 250/9	89169 [1] 2/23 8:00 [1] 18/5
553... [6] 227/6 227/14 228/19 229/7 243/3 243/13 59/14 [1] 134/10 5940 [1] 2/12 5:00 [2] 186/25 188/6 5:04 p.m [1] 261/5 5:30 [1] 188/6 5A [1] 218/8	7 7,000 [1] 109/4 702 [3] 2/13 2/23 3/7 714 [1] 2/18 741 [2] 1/25 262/12 751-9800 [1] 2/6 76 [1] 152/21 77 [1] 155/7 7717 [1] 2/23 777 [1] 2/5	9 9/12 [2] 18/13 18/18 90 [7] 4/14 197/16 197/20 198/1 199/15 205/5 205/10 90-62 [2] 199/16 200/15 90025-6538 [1] 3/13 91 [1] 159/3 92707 [1] 2/18 93 [2] 225/4 225/6 93-173 [1] 237/22 93-27 [5] 219/10 220/22 225/4 225/14 225/16 938-3838 [1] 3/7 97 [1] 89/18 9700 [1] 2/18 9800 [1] 2/6 997-3800 [1] 2/13 9:00 [1] 18/5 9:11 [1] 5/2 9:28 p.m [1] 202/7 9:56 p.m [1] 214/1
6	8 83 [1] 164/2 83/14 [1] 156/1 84 [1] 207/1 84-16 [1] 253/5 84-26 [4] 208/16 209/17 231/11 231/16 84-29 [2] 207/1 207/4 84/2 [1] 156/1 87 [5] 34/9 43/5 43/6 52/19 125/16 89 [1] 151/13 89118 [2] 2/12 3/6	A a.m [2] 5/2 250/9
60 [2] 167/20 233/20 61 [5] 4/14 197/16 197/19 197/20 198/1 62 [9] 26/15 141/9 145/2 145/3 199/16 200/15 205/6 205/10 205/12 62/10 [1] 18/12 62/18 [2] 199/9 199/10 6385 [1] 3/5 64 [7] 4/13 141/10 141/12 144/21 145/2 145/11 145/15 64/2 [1] 126/12 647-9700 [1] 2/18		

A	52/24 53/1 59/1	152/7 153/20
A705164 [1] 1/1	61/5 63/8 66/3 67/1	154/12 159/21
abide [1] 249/1	67/7 68/10 68/14	160/1 160/10
ability [3] 73/17	68/24 69/5 69/23	162/24 163/21
78/25 93/24	69/24 70/23 73/7	163/22 164/6
able [22] 23/8 48/6	75/15 75/15 77/7	164/17 164/18
75/18 78/9 81/13	77/9 78/10 78/22	164/24 166/17
83/18 85/15 86/4	79/3 84/6 85/19	166/25 172/11
87/13 91/23 99/18	86/8 92/19 93/5	172/12 173/21
108/24 117/18	93/9 93/16 93/25	178/16 178/25
118/25 119/16	94/13 97/5 97/5	179/1 179/11
127/25 196/14	100/7 100/7 100/22	179/18 179/20
236/7 236/18 242/4	101/5 101/9 101/12	179/24 180/17
242/8 253/25	101/25 103/4	180/22 182/23
aboard [1] 20/17	103/12 103/13	183/12 183/14
about [211] 10/22	103/15 103/18	183/15 184/5 186/2
12/10 15/10 16/2	103/23 104/15	187/12 190/1
17/22 18/17 19/18	106/24 107/20	190/17 190/18
21/25 22/7 23/2	108/10 108/10	191/14 191/15
24/1 24/5 26/18	108/17 108/20	191/20 194/6
28/14 30/1 30/2	109/18 109/19	194/17 198/13
30/3 31/15 31/23	120/12 122/24	200/5 200/24
31/24 32/7 32/19	123/21 124/1 126/4	204/13 205/14
32/22 33/5 33/10	126/8 126/9 128/17	212/12 212/25
34/20 35/2 35/3	129/2 129/16	213/6 215/3 218/2
35/16 35/21 36/22	130/21 131/18	218/21 218/24
37/19 37/19 38/12	131/18 131/22	221/1 226/15
39/6 39/9 40/24	132/10 132/20	226/22 229/20
41/9 41/17 42/14	134/1 135/23	232/8 233/3 234/7
42/20 42/21 47/2	144/10 144/12	234/11 235/6
49/4 49/8 49/10	145/22 147/8	235/12 236/24
49/11 50/1 51/1	150/11 151/6 152/6	238/2 238/10

A	21/17 21/21 22/3	51/13 51/19 52/14
about... [14] 238/15	22/8 22/23 23/6	235/9 235/21
239/6 239/21 240/5	32/13 32/24 33/4	236/17
240/21 241/10	33/9 33/10 33/12	according [1]
241/13 242/3 242/7	33/16 36/23 36/24	200/12
246/10 248/8	37/4 37/18 38/2	accordingly [1]
251/18 253/9	38/14 39/15 40/1	96/25
257/12	40/2 40/5 41/3	accurate [13] 46/14
above [2] 157/9	41/16 41/19 49/19	47/14 47/15 47/16
211/23	50/1 51/2 51/6	56/6 56/9 57/2
absence [1] 204/1	51/20 57/22 58/23	77/16 137/18 154/4
absolute [1] 150/4	63/1 63/21 69/6	221/3 228/2 262/5
absolutely [6] 44/9	72/22 103/17	accusing [1] 220/17
73/23 82/4 206/12	109/19 112/2	acquiring [1]
223/3 259/12	116/21 126/5 128/7	247/11
accept [3] 46/22	134/5 144/18 152/7	across [2] 208/8
47/7 47/10	160/10 160/15	237/3
accepting [1] 49/4	168/15 178/14	act [4] 105/2
access [4] 151/24	200/9 201/20	127/15 156/14
221/6 221/7 253/18	206/10 212/14	249/7
accessible [1]	214/2 214/6 220/8	acting [3] 159/12
148/17	221/2 222/16	164/18 164/24
accessway [14]	229/23 230/15	action [2] 12/10
189/8 191/19	231/21 235/7 238/2	246/24
196/15 198/12	250/6 254/18	actual [7] 26/5
198/14 200/23	254/24 255/20	52/10 90/7 105/23
204/4 208/8 208/9	255/22 256/7	114/3 135/5 157/17
221/4 221/7 222/2	258/22	actually [43] 15/13
222/5 222/7	accidents [1] 36/22	22/17 27/22 29/12
accident [78] 8/23	accomplished [1]	50/7 52/11 56/15
15/14 15/17 20/2	250/18	58/18 59/13 60/9
20/10 21/7 21/16	accordance [6]	70/15 75/21 77/17

A		
actually... [30] 77/20 83/12 84/7 90/2 108/23 109/25 110/9 127/25 129/18 129/24 134/19 136/20 140/6 141/10 143/18 144/12 151/4 152/23 191/25 199/21 202/14 219/3 223/17 223/24 229/25 235/15 236/14 237/19 250/3 258/3	adequate [1] 83/12 adeutsch [1] 2/7 adjourn [2] 186/24 259/9 adjourned [2] 6/20 261/5 adjuster [3] 171/20 178/21 184/11 adjusting [2] 97/15 97/18 admissibility [3] 8/17 42/6 183/8 admissible [3] 81/18 81/22 86/11 admission [13] 47/20 48/8 48/12 49/9 170/12 171/2 171/15 175/9 177/12 177/15 177/24 178/1 178/9 admit [3] 117/5 117/12 118/24 admitted [17] 4/11 44/8 138/9 138/11 144/23 145/14 145/16 197/25 198/1 200/10 200/12 215/18 215/18 215/23 229/6 229/7 253/4 admittedly [2] 170/14 170/20	admitting [2] 35/17 184/1 admonish [1] 259/14 admonished [4] 65/2 124/6 169/3 259/16 advice [1] 236/14 advise [1] 236/11 advisement [1] 236/10 advises [1] 197/9 affect [1] 87/2 affects [1] 250/15 affiant [1] 176/4 affidavit [1] 170/25 affiliated [1] 103/25 after [28] 9/11 10/5 15/17 15/21 31/24 38/8 38/18 38/20 42/5 63/7 64/15 64/17 65/15 77/22 80/13 82/17 89/15 93/8 93/14 123/15 136/15 170/8 187/2 200/1 221/2 237/18 238/1 249/22 afternoon [6] 7/22 72/13 125/4 126/2 126/3 232/24 again [31] 28/19

A		
again... [30] 33/25	120/16 129/20	all [151] 5/8 7/24
45/1 62/4 65/2 73/4	129/23 130/18	8/18 9/12 11/10
127/10 136/15	132/18 133/24	11/20 13/24 25/18
143/3 148/18	141/24 142/4 146/7	30/13 34/17 35/12
152/14 157/3 157/8	146/11 149/6 151/8	36/1 36/2 36/15
163/23 163/24	152/15 156/11	37/24 38/14 40/25
170/10 179/3 192/2	160/21 188/1	44/2 44/17 44/20
194/9 200/19 206/6	207/11 218/16	47/16 48/10 53/13
224/10 240/23	230/22	53/25 54/16 56/1
243/25 244/3 252/5	agreed [5] 119/21	59/3 64/25 68/21
252/5 254/15 255/6	119/23 120/17	69/19 69/20 71/25
259/15 260/2	125/19 136/22	73/1 75/9 78/13
against [12] 68/24	agreement [8]	79/3 79/3 79/4
69/10 69/12 105/20	29/15 66/13 66/22	83/11 83/25 85/25
170/13 170/13	125/11 141/6	86/3 86/18 87/7
177/13 177/18	141/11 145/18	89/7 91/6 92/21
177/24 177/24	145/20	93/1 93/10 95/3
178/1 246/24	ahead [16] 33/23	96/7 97/7 97/11
ago [13] 16/6 45/14	66/14 66/22 71/14	98/12 98/22 101/19
66/3 81/9 81/12	88/11 127/8 130/15	104/19 107/4 107/6
81/12 81/14 81/14	200/13 208/22	107/22 107/23
83/19 102/18	209/20 209/22	108/16 112/19
104/14 153/7	213/5 220/13	113/5 113/6 113/13
231/17	220/18 241/16	113/14 120/9
agree [35] 24/20	241/19	121/21 124/20
35/8 41/1 41/6	aid [1] 36/25	124/23 126/20
48/23 58/14 61/24	airlock [5] 202/24	129/24 131/19
62/20 68/22 71/25	203/3 204/13	131/20 138/9
94/10 105/15	205/14 206/16	142/15 142/19
115/23 117/6	airports [1] 165/19	146/25 148/18
117/16 117/19	aka [2] 1/11 3/9	157/12 161/10
	al [1] 5/13	162/4 162/7 162/15

A	102/3 149/20	14/18 26/20 30/2
all... [66] 163/16	158/15 165/9	39/4 41/6 42/4
169/17 170/21	210/24 253/19	50/20 58/13 58/14
178/9 180/25 181/6	allowed [11] 74/24	58/17 59/20 64/22
184/25 186/1	76/17 79/21 81/19	68/23 73/7 87/2
188/12 189/3 192/9	83/25 94/22 94/23	90/11 94/17 105/8
192/17 194/7 195/3	99/17 106/19 123/9	108/6 117/11
195/6 195/8 195/8	165/11	117/12 128/13
195/9 196/1 198/4	allowing [3] 98/4	135/10 159/2 159/6
199/6 199/9 201/16	99/16 104/8	178/14 179/7
205/17 208/6 209/3	allows [2] 253/18	181/11 193/2
209/8 210/17	257/13	207/14 235/19
211/17 212/19	alluded [1] 129/7	247/5 248/5
213/10 214/9 216/2	almost [5] 47/12	alternatives [1]
216/10 217/18	47/14 47/15 93/14	29/7
217/19 218/5 218/9	221/2	although [5] 26/18
219/20 221/19	along [8] 39/5	71/8 135/11 135/16
221/21 221/24	96/18 105/24 106/1	138/17
222/9 225/2 225/23	135/17 210/19	always [3] 49/1
226/5 230/4 232/16	211/4 253/17	49/2 66/24
232/23 233/19	already [27] 8/20	am [24] 19/22
237/2 239/14	17/1 34/12 49/4	21/16 26/9 32/2
241/22 242/5	54/17 58/17 59/10	42/4 42/23 43/14
243/11 246/10	67/17 68/7 90/15	50/12 59/6 61/5
248/20 249/7 250/3	92/14 92/17 92/23	112/5 126/7 129/15
251/16 251/19	93/11 93/12 94/14	130/2 135/10 158/9
251/19 252/17	96/12 126/25 127/1	158/19 159/2 184/5
253/9 257/9 260/7	138/20 219/11	238/25 240/1 240/1
allegedly [1] 90/4	223/22 227/4	240/11 253/6
allow [13] 27/4	227/14 232/15	ambiguous [2] 57/8
27/5 41/24 44/3	237/23 247/13	63/13
48/18 90/22 94/25	also [35] 8/19 9/10	ambulance [2]

A	133/13 133/19	anticipation [1]
ambulance... [2]	135/2 135/8 135/9	179/2
69/20 234/19	136/14 137/9	any [142] 10/11
among [4] 65/3	142/20 143/22	13/15 15/5 20/14
124/7 169/4 259/16	143/24 151/2	22/2 22/6 22/8
amount [2] 71/24	152/24 153/23	29/18 32/5 37/14
150/24	154/23 156/24	37/15 41/18 46/3
Ana [1] 2/18	157/24 160/25	46/21 47/6 47/25
Angeles [1] 3/13	179/13 189/16	49/11 51/11 52/2
angle [1] 253/14	190/3 190/8 190/9	55/5 56/5 60/2 63/6
announced [1]	192/4 192/6 192/8	63/11 63/11 65/5
249/4	192/22 197/2	65/7 65/7 65/8
another [12] 9/15	208/18 234/1	65/11 65/11 68/14
77/24 78/7 93/7	242/11 247/11	74/15 74/18 82/25
106/20 122/18	249/18 250/15	87/24 92/18 93/11
147/14 157/21	251/23 251/24	95/16 95/23 97/10
171/20 173/12	251/25 252/13	102/2 103/14 106/6
202/17 202/20	255/9 258/14	109/15 113/9
answer [75] 16/19	answered [6] 16/25	114/14 114/15
17/13 18/17 19/15	29/20 29/24 30/2	118/8 118/19
19/19 19/21 22/4	148/19 153/21	118/22 123/12
22/9 23/2 27/23	answering [7]	124/9 124/11
28/9 28/12 28/22	27/19 28/11 28/22	124/11 124/12
28/24 28/25 33/23	59/6 157/23 171/19	124/15 124/15
38/10 38/10 38/11	193/20	127/20 128/10
39/19 39/23 45/17	answers [10] 22/19	129/9 129/10
45/18 55/22 58/16	66/3 111/24 128/3	129/16 133/19
60/21 61/19 63/2	152/4 156/4 247/6	141/17 144/20
114/10 114/21	247/8 247/13	144/24 145/23
119/14 127/16	247/16	149/7 150/24
127/21 128/11	anticipated [1]	158/22 159/1 161/2
128/23 133/9	171/8	161/22 162/1

A	259/24 259/25	196/22 203/24
any... [67] 163/25	anybody [14] 61/11	204/7 206/5 212/12
165/24 166/12	63/7 63/10 63/20	212/17 218/21
166/20 168/13	63/22 97/17 99/22	242/24 247/10
169/6 169/8 169/8	127/17 151/12	247/20 249/24
169/9 169/12	164/24 167/24	260/9
169/12 175/9	178/16 189/17	anytime [2] 175/8
189/18 189/22	226/20	176/20
189/24 190/11	anymore [1]	anyway [3] 7/14
190/17 191/15	257/16	20/24 116/17
191/22 191/23	anyone [12] 58/5	anywhere [3] 85/9
192/23 199/4	65/3 74/7 74/11	114/16 150/25
199/24 201/5	82/5 84/12 100/22	AP [1] 9/22
203/16 203/17	124/8 169/5 224/2	apologize [6] 44/25
203/21 204/1	224/3 259/17	88/7 88/10 100/4
204/22 211/23	anything [51] 8/9	127/6 206/23
212/4 214/1 214/14	20/23 25/3 27/20	apparently [4]
215/1 215/13	39/21 49/7 59/3	39/17 128/24
218/24 225/16	63/3 63/22 68/15	205/19 260/18
232/5 235/23	75/15 75/15 93/9	appear [8] 90/16
243/22 247/19	93/17 96/12 103/1	154/14 173/19
248/23 250/10	120/6 120/10	195/21 208/7
251/4 251/21 252/2	120/19 123/22	208/24 209/4 245/1
252/17 254/22	143/23 144/8	appearances [3]
254/25 255/18	148/23 150/23	2/1 3/1 5/14
256/9 256/13	150/25 158/10	appeared [2]
256/14 256/16	158/20 159/9	101/17 153/13
257/14 257/17	164/17 179/4	appearing [1]
258/1 258/8 258/10	179/12 179/20	181/8
258/24 259/2	179/20 184/23	appears [17] 10/6
259/19 259/20	185/9 189/14 192/6	155/3 187/8 195/23
259/21 259/22	194/6 195/19	198/14 198/24

A	200/16 260/4	116/3 118/15 120/4
appears... [11]	April 17th [1]	120/8 120/9 120/14
201/1 202/9 205/23	200/16	121/6 121/17
208/4 209/1 209/5	April 30 [1] 260/4	121/24 122/6
221/8 237/1 237/10	architectural [1]	122/18 123/4 123/7
244/24 247/21	230/10	123/7 123/16
applicable [1]	are [164] 5/15 5/17	123/17 125/23
70/25	8/18 10/11 13/15	127/25 129/15
apply [3] 105/4	17/2 17/22 19/1	131/19 132/15
106/2 106/11	24/1 24/2 24/10	133/17 133/18
appreciate [2]	27/17 27/24 31/3	141/25 142/1 144/6
67/20 119/15	35/1 42/12 42/15	147/1 147/13
appreciated [1]	42/21 43/24 43/25	148/12 148/21
66/12	44/1 44/3 48/2 48/6	152/16 154/11
approach [9] 9/6	48/10 48/16 48/25	155/1 164/22 165/4
11/13 31/9 113/1	49/1 51/18 53/23	165/11 166/1 166/8
198/16 219/18	57/5 57/12 58/24	172/4 172/21
227/1 249/2 249/11	60/6 60/7 60/9	172/25 173/5
appropriate [7]	61/24 71/12 74/3	177/21 178/9
15/23 67/15 70/21	77/3 77/15 78/10	180/10 180/13
100/19 120/1	88/17 91/20 92/17	181/10 182/14
136/10 168/9	92/17 92/22 97/9	182/19 183/4 184/2
approval [2]	97/19 103/9 103/24	184/25 186/3 186/8
135/13 168/2	103/25 105/25	186/24 188/5
approvals [1]	106/9 106/18	192/23 193/6
135/16	107/12 108/2 108/9	196/14 197/10
approved [2]	108/16 108/24	199/7 202/7 202/21
138/18 139/5	109/17 110/6	202/22 203/6 203/9
approximately [6]	111/12 111/16	210/6 210/16 211/7
20/20 58/12 134/4	113/7 113/8 113/10	211/7 211/22
173/19 181/3 238/2	115/15 115/15	216/24 218/13
APRIL [4] 1/22 5/1	115/16 115/17	221/23 222/20

A	148/7 148/11	254/19 254/23
are... [18] 222/21	148/21 149/16	255/19 256/9
223/3 223/24	150/9 150/21	256/15 257/3 258/8
223/25 225/14	151/20 151/21	areas [11] 111/12
225/22 227/12	151/21 168/14	112/3 112/19
234/15 240/12	168/17 172/14	112/24 114/1
243/24 244/2 244/9	173/4 173/14	118/16 120/8 123/4
248/15 249/6 249/7	173/17 193/6	123/7 145/24
249/19 257/23	196/18 201/3 203/2	243/16
257/25	204/14 204/22	aren't [1] 73/5
area [126] 15/6	205/14 205/15	arguably [1]
94/13 109/16	208/8 212/16 214/3	248/10
109/21 109/22	218/22 218/23	argue [4] 9/1 28/6
110/1 110/6 110/13	219/2 219/6 219/9	28/8 242/7
110/14 110/18	220/1 223/13	argued [1] 225/11
110/24 111/5	223/14 224/11	argument [17] 10/6
111/14 111/17	224/13 224/15	10/14 10/17 10/24
112/1 112/18	226/16 226/22	55/13 76/12 76/17
112/21 113/1 114/3	229/20 229/22	76/18 84/15 89/9
114/22 115/5	229/23 229/25	101/17 106/7
115/18 118/10	230/7 230/9 230/9	130/10 130/13
120/5 120/12	230/14 230/19	130/14 144/1
120/13 122/19	231/3 231/20	239/17
126/4 126/6 126/8	234/23 235/13	arguments [2] 8/19
128/6 134/3 136/6	235/14 235/20	158/13
136/21 136/22	235/24 238/6	armed [1] 115/15
137/4 137/6 139/9	238/13 238/17	around [9] 77/5
139/14 139/21	239/3 240/2 240/13	85/2 85/22 118/13
142/18 146/19	240/13 241/12	133/1 173/9 221/5
146/22 146/23	241/13 241/13	223/10 229/24
146/24 147/2 147/3	250/7 251/14	arrive [1] 196/25
147/5 147/7 147/22	251/18 252/14	arrived [1] 223/22

A	105/5 106/1 106/2	214/24 215/5
arrow [3] 222/2	107/16 108/22	215/14 215/18
234/14 234/17	114/4 114/5 115/5	215/20 216/20
arrows [3] 232/20	118/11 120/4 121/7	216/21 216/21
233/11 234/15	121/17 122/5	217/7 220/8 220/22
as [185] 6/1 6/5	123/25 123/25	222/6 222/24
6/12 7/12 7/12 9/7	125/11 127/14	223/13 224/22
10/10 12/18 20/6	128/21 128/25	228/17 229/19
20/12 20/13 20/14	128/25 129/17	229/25 235/11
21/8 21/22 22/4	135/15 144/17	235/11 235/12
22/11 22/23 23/8	147/22 147/22	237/25 247/8 249/5
23/9 23/13 23/13	148/15 149/23	250/4 250/11
23/23 24/3 25/1	149/23 150/6 150/6	252/14 253/12
25/4 26/8 26/9 29/7	150/16 150/22	253/25
33/6 33/6 34/24	154/18 156/14	ascend [1] 172/24
39/16 44/2 44/7	158/13 165/15	ascertain [2]
56/11 56/16 57/14	166/8 166/19 167/8	150/20 150/22
58/16 59/10 59/11	167/12 168/16	ask [38] 13/15 14/9
59/15 59/18 61/6	168/16 170/8 170/9	19/17 27/22 29/23
61/6 61/17 62/6	170/12 170/23	43/12 45/22 47/2
62/7 63/13 63/23	172/20 178/7 178/8	60/19 63/19 63/22
64/23 65/23 68/6	181/13 181/15	63/25 66/4 91/14
69/14 70/25 73/22	184/1 184/1 184/2	94/20 103/15
75/1 75/2 75/5 75/5	189/8 189/11	103/17 122/23
76/17 77/21 80/24	190/22 195/4 195/4	132/22 137/16
80/25 83/21 84/4	195/11 197/20	141/2 153/20 154/1
84/13 90/14 91/1	198/12 198/21	157/8 159/6 183/19
95/7 96/13 96/18	199/2 200/22 204/2	185/8 186/1 204/15
97/6 97/15 98/21	205/13 205/14	220/22 233/3
99/5 99/20 101/6	207/6 208/18 209/8	239/10 239/12
101/8 101/17	211/22 212/6	247/4 250/13 252/5
104/24 104/24	212/12 214/12	257/12 260/20

A	255/23	211/17 213/8 218/7
asked [31] 18/24	asserted [4] 176/7	220/21 253/3
22/9 27/19 28/4	181/16 181/22	ATTEST [1] 262/5
28/21 61/10 98/20	183/17	attorney [6] 9/25
104/14 129/3	assess [2] 147/19	26/8 52/12 85/7
135/22 154/19	147/21	163/11 164/15
157/5 163/22	assessing [2] 14/25	attorneys [1]
164/17 164/19	147/18	106/19
166/16 166/24	assessment [1] 27/4	attributable [1]
172/10 183/12	assessments [1]	180/4
183/15 186/18	14/14	attributed [2]
186/19 189/22	assigned [1] 258/7	175/20 180/9
192/7 192/17	Assisting [1]	audience [6] 58/13
193/15 213/6 229/2	138/24	172/21 172/23
236/19 248/5 252/5	Associated [1] 9/24	172/24 173/1 173/5
asking [35] 13/5	Associates [1]	Audra [1] 36/12
14/11 22/15 22/16	183/3	August [1] 139/19
28/2 28/14 30/1	assume [8] 33/8	authenticity [1]
43/8 60/19 62/8	61/14 62/17 103/7	185/24
95/22 113/25 131/4	112/13 147/13	available [6]
131/16 132/23	147/16 168/3	142/22 250/5
142/15 142/19	Assumes [1] 21/10	250/16 254/17
143/12 143/19	assuming [2] 62/18	255/7 256/7
144/9 144/12 150/5	81/12	Avenue [1] 2/5
155/9 162/22 163/5	attach [1] 214/14	Aviation [1] 165/18
163/7 169/23	attached [5] 52/10	aware [16] 9/22
183/14 189/23	52/15 164/1 183/7	11/9 17/2 40/1
190/1 191/10	214/6	58/22 91/1 94/9
210/23 236/16	attack [1] 77/9	118/20 129/16
236/24 241/12	attempt [1] 258/1	134/7 158/22 159/1
aspect [1] 96/9	attention [9] 9/18	160/12 163/12
aspects [2] 18/9	192/9 198/4 202/5	256/13 258/4

A	67/9 67/10 67/23	242/16 242/20
away [3] 93/7	82/7 96/13 106/16	243/9 246/18 248/4
147/9 178/6	107/23 117/25	248/24
awful [2] 111/6	120/17 166/17	basically [6] 79/13
114/22	166/21 167/8	79/19 95/22 101/16
B	167/25 177/18	141/20 179/11
back [38] 12/19	179/7 189/23	basis [4] 151/22
13/5 31/16 36/12	bad [2] 82/18	208/18 210/21
45/1 54/22 55/24	144/15	247/11
71/23 74/10 86/7	bags [2] 251/9	Bates [4] 125/16
93/23 104/6 109/9	252/11	141/10 145/2 215/9
125/1 125/4 154/2	bar [1] 173/14	Bates-numbered [1]
155/14 157/3	barbecue [5] 27/15	215/9
157/20 168/1	27/18 27/18 27/24	be [264]
169/19 174/12	132/20	Beacher [1] 134/23
186/3 187/8 188/10	based [46] 18/1	BEACHER'S [17]
188/10 188/15	18/1 40/6 41/10	1/20 2/9 134/23
207/8 211/12 222/4	56/3 59/24 66/11	134/24 136/8
229/3 234/25	78/14 81/6 82/4	141/11 141/22
243/25 247/2	86/21 97/18 102/3	145/17 145/21
250/20 255/9	106/24 117/21	146/17 216/8
256/25 258/6	119/7 129/25	216/19 217/23
back-charge [1]	131/15 132/14	244/10 244/23
247/2	137/20 144/15	244/24 251/15
backdoor [1]	148/5 150/4 153/5	Bear [1] 206/21
104/18	154/13 155/3 163/3	bearing [1] 207/25
background [1]	164/7 167/11	beat [1] 108/19
165/14	168/12 168/17	became [4] 15/16
BACKSTAGE [23]	186/17 190/15	15/21 91/1 146/17
1/11 3/2 6/7 60/4	191/13 203/23	because [128] 7/13
60/6 60/8 60/17	204/6 208/17	7/18 8/8 8/14 8/24
	212/23 221/8 231/1	10/1 13/19 15/10

B	154/3 162/3 170/1	85/14 86/4 87/13
because... [120]	171/2 175/15 177/6	88/18 90/15 90/25
18/8 22/18 30/14	177/9 177/24 178/5	92/25 94/14 102/21
31/3 33/4 35/9	182/20 183/1 184/5	103/4 103/5 117/3
46/10 49/19 53/25	184/15 185/16	118/11 119/9 134/4
54/12 55/5 55/22	187/10 189/16	137/20 138/19
56/11 63/2 63/8	191/12 191/17	142/11 142/17
64/8 64/14 67/22	193/4 193/12	142/22 160/12
68/16 69/13 70/4	193/24 195/18	168/18 196/22
70/6 70/8 70/10	196/17 200/1	198/13 199/5
70/13 73/7 73/17	207/25 216/17	200/11 200/23
74/4 74/18 76/2	218/17 221/12	202/24 205/13
76/4 76/4 76/14	222/16 223/12	205/17 206/16
79/9 80/2 81/5 83/6	223/15 224/10	215/8 220/1 220/1
83/10 83/16 83/17	228/23 234/2 234/6	220/2 220/3 220/4
88/17 90/6 91/2	234/21 238/21	220/4 220/5 221/17
94/1 95/22 96/12	240/13 243/25	223/10 223/12
96/17 97/16 98/10	248/4	223/16 232/5 233/5
99/5 99/7 100/6	become [4] 9/22	236/25 247/14
100/7 100/12 101/2	19/9 25/23 259/8	250/11 251/18
101/15 101/23	been [86] 8/24 9/20	253/4 253/25
105/1 105/21	10/13 10/14 10/18	before [39] 1/18
106/13 107/20	10/20 34/16 38/2	6/19 6/21 9/6 9/16
108/3 111/21	39/4 41/3 58/15	28/23 38/14 38/21
114/11 119/1 119/7	58/25 59/2 59/7	39/7 41/20 50/14
119/15 128/23	60/5 60/16 60/17	54/25 66/2 76/6
129/6 129/24	60/20 61/17 62/9	84/25 85/12 86/7
139/15 140/22	62/22 62/24 72/23	90/23 93/21 109/11
140/25 141/16	74/1 74/7 74/11	124/18 138/3
142/21 143/3	75/6 75/7 78/9	142/18 146/17
143/16 143/19	79/20 82/23 83/8	162/8 165/14
144/13 148/14	83/18 85/3 85/11	169/16 175/3 184/6

B	10/4 28/7 34/10	between [21] 18/7
before... [10]	34/11 34/22 56/5	19/23 23/2 23/17
200/10 207/14	56/8 57/2 86/12	31/22 80/4 129/21
212/23 217/7	109/17 110/12	132/23 133/2
219/12 224/10	115/8 116/2 158/3	133/15 141/11
225/18 233/3 233/4	161/15 168/6	144/1 145/21
257/11	170/15 171/6	162/18 174/23
beginning [2] 100/6	176/16 187/14	177/2 202/10
162/16	195/18 202/14	202/25 205/15
behalf [2] 46/22	216/3 236/24	250/8 256/9
171/19	bell [1] 92/25	beyond [5] 94/2
behind [1] 223/24	bench [10] 6/20 9/6	100/14 186/15
being [39] 10/23	11/15 31/11 64/21	247/19 247/21
11/1 11/4 15/9 17/3	113/3 172/15	bifurcation [1]
21/25 23/13 54/20	198/18 219/21	187/4
68/24 73/14 74/24	249/13	big [4] 25/14 45/7
84/13 94/25 96/15	bend [1] 133/1	45/11 196/7
97/12 99/17 102/1	BENEDICT [3] 2/3	bigger [1] 237/9
134/14 148/16	5/16 7/16	binders [1] 216/24
154/19 157/5 164/6	Berkeley [1]	bit [11] 9/3 17/21
164/8 170/23	170/17	36/5 43/11 163/20
173/16 174/15	besides [1] 203/24	165/14 234/22
176/6 181/21	best [10] 7/5 56/14	237/12 237/19
183/15 183/16	111/10 136/10	260/3 260/8
192/17 192/24	142/3 148/19 150/5	black [1] 192/23
195/10 199/22	160/4 174/11	blacked [1] 187/10
216/4 217/24	194/22	blackening [1] 187/14
224/15 228/17	better [11] 36/18	blame [1] 160/14
241/13	46/19 59/12 108/25	blaming [1] 39/20
belief [3] 136/4	115/19 115/21	blocking [1] 148/16
153/5 155/10	132/25 133/17	blow [2] 196/1
believe [25] 9/17	201/8 229/14 230/2	229/16

<p>B</p> <p>blowing [1] 150/24</p> <p>blueprint [1] 228/3</p> <p>bmorelli [1] 2/7</p> <p>board [2] 63/9 63/17</p> <p>Bob [2] 11/19 109/1</p> <p>book [1] 42/16</p> <p>bored [1] 152/14</p> <p>both [4] 56/11 83/17 201/15 218/3</p> <p>bottom [4] 52/18 52/23 52/25 52/25</p> <p>Boulevard [11] 2/12 3/5 3/12 207/22 208/9 209/12 210/19 211/5 212/3 219/5 221/10</p> <p>boxed [1] 95/20</p> <p>break [7] 7/3 35/11 64/8 106/19 125/11 168/24 169/1</p> <p>breeze [1] 150/24</p> <p>BREITMAN [3] 2/16 2/21 3/11</p> <p>Brewer [6] 156/9 158/2 158/3 163/21 163/23 164/12</p> <p>brief [3] 74/22 75/5 91/18</p>	<p>briefs [1] 8/21</p> <p>bring [11] 36/5 67/14 91/13 91/24 99/22 155/5 155/25 160/9 164/2 192/24 195/7</p> <p>bringing [5] 7/16 7/17 128/19 148/14 149/2</p> <p>brings [1] 24/16</p> <p>Brinks [15] 110/2 110/6 111/3 115/5 119/16 151/25 193/3 196/20 196/21 196/23 197/4 199/23 200/23 200/25 201/1</p> <p>brisk [3] 75/13 91/9 211/23</p> <p>briskly [3] 139/3 152/18 153/18</p> <p>British [1] 77/18</p> <p>broad [2] 190/1 250/3</p> <p>broke [1] 25/19</p> <p>broken [1] 69/3</p> <p>brought [6] 9/18 112/21 143/22 148/8 188/9 188/10</p> <p>bruise [1] 25/14</p> <p>brush [1] 249/10</p>	<p>bubble [1] 70/18</p> <p>build [5] 219/4 245/7 245/16 245/17 246/17</p> <p>build-out [5] 219/4 245/7 245/16 245/17 246/17</p> <p>building [16] 111/7 114/23 136/11 155/12 155/15 173/10 192/21 206/20 206/20 218/13 221/25 222/5 224/16 234/21 235/1 237/17</p> <p>bunch [1] 172/10</p> <p>business [2] 178/7 183/1</p> <p>button [1] 44/16</p> <hr/> <p>C</p> <p>cage [7] 193/5 202/10 245/2 245/22 245/24 246/7 254/20</p> <p>California [2] 2/18 3/13</p> <p>call [25] 2/11 6/10 6/21 8/2 10/15 11/17 12/5 25/10 81/1 81/1 81/2 88/1 88/3 93/23 94/7</p>
---	---	--

C	236/7 236/20 240/3	143/24 146/10
call... [10] 95/23	245/6 245/10	146/11 146/12
96/1 96/2 100/20	cameras [11]	149/23 150/24
100/21 102/5 167/6	111/16 113/9 116/4	152/20 153/6
183/2 194/11 207/8	118/14 118/15	154/21 155/5 157/3
called [7] 24/17	118/15 120/9	162/2 162/13 164/2
46/10 53/20 88/21	122/25 123/6 123/8	167/16 168/3
96/7 97/17 175/12	124/1	168/16 169/25
calling [9] 7/11	can [161] 7/2 7/6	174/12 176/12
7/11 69/24 92/16	9/2 11/13 18/6	177/5 177/23 183/1
96/9 102/2 202/24	18/21 23/3 25/1	183/2 183/11
203/4 221/17	25/16 25/21 27/12	183/19 183/21
calls [9] 12/7 18/7	28/25 29/8 29/15	184/6 184/13 185/2
121/2 149/11	29/20 29/23 31/9	185/11 186/1 186/2
156/21 165/6	33/23 35/8 35/10	187/21 187/25
172/23 210/22	35/15 36/14 36/17	188/10 190/3
230/16	43/18 46/19 47/8	198/12 198/21
calm [2] 75/16 77/4	49/20 52/16 53/5	199/2 200/5 200/10
came [26] 20/16	53/6 53/9 66/4	200/22 204/14
21/1 22/21 39/25	66/14 66/22 67/14	205/13 207/11
40/16 40/20 44/25	71/14 71/18 71/23	207/23 209/8
56/17 63/8 63/17	71/25 72/1 72/2	209/20 210/13
66/11 69/4 69/21	72/9 72/12 75/14	210/25 211/12
75/22 77/12 83/6	81/1 85/3 96/2	211/21 219/18
89/12 91/2 93/8	96/18 98/14 102/6	220/22 221/9
103/19 106/15	106/7 108/25 109/8	221/12 223/25
118/7 119/10 151/3	113/1 117/23 119/8	224/2 224/2 224/3
164/16 165/15	121/24 122/3	224/22 227/1
camera [14] 118/6	122/23 124/3	229/19 230/1 230/5
118/7 118/17	125/13 130/3 130/5	233/15 234/2 234/4
118/25 119/2 119/4	132/16 132/24	235/11 241/16
206/1 206/7 236/2	133/15 141/12	241/17 242/16

C		
can... [21] 242/18 242/19 242/20 244/13 244/14 244/16 244/18 244/19 248/1 248/2 248/3 248/7 249/2 249/18 252/5 253/6 253/12 253/17 255/13 257/13 260/5	care [7] 33/2 56/18 170/21 170/25 171/2 183/8 227/10 careful [1] 131/6 carelessly [3] 159/13 164/18 164/24 carpet [5] 53/20 203/12 203/14 203/25 245/14 carpets [2] 246/20 246/24 carried [2] 103/5 167/8 cart [1] 250/19 carts [2] 250/24 253/20 Carvalho [4] 72/23 73/3 75/8 85/24 case [81] 1/1 5/13 11/4 15/11 15/23 31/3 31/4 31/5 43/16 43/25 50/13 50/15 51/4 51/23 54/18 56/23 57/22 58/22 59/17 61/1 61/8 62/8 63/19 64/2 65/12 77/15 78/14 79/8 80/22 81/3 81/4 82/5 83/21 84/19 84/20 84/23 84/25 85/9	87/22 89/1 90/17 92/22 93/3 93/23 94/6 95/14 96/6 96/24 97/12 99/16 99/18 100/9 100/14 100/24 101/4 101/11 101/12 101/23 102/1 104/4 108/21 124/16 126/15 129/6 131/21 146/13 159/23 162/17 162/24 163/4 168/13 169/13 177/14 186/9 191/2 191/14 225/24 235/22 237/18 255/23 260/1 cases [1] 86/20 cash [2] 25/21 110/3 casino [16] 54/22 109/24 110/3 137/7 141/18 173/12 202/22 203/13 203/14 203/18 204/2 234/21 244/11 245/24 254/19 254/20 casinos [1] 218/14 cat [1] 12/18 categories [1]

C	175/15 175/18	103/21 103/22
categories... [1]	178/6 183/5	Christmas [1]
24/11	cetera [5] 101/22	69/25
category [3] 32/16	125/23 218/3	chronological [1]
250/14 252/6	251/10 252/12	53/16
cause [5] 78/21	change [7] 18/6	circle [2] 233/10
80/4 86/23 86/24	25/10 28/18 126/8	237/4
150/24	127/14 128/6 234/7	circled [4] 221/23
CCR [2] 1/25	changed [4] 7/10	229/3 234/13 237/5
262/12	223/20 228/3	circles [1] 232/20
cell [1] 116/13	252/13	circumstance [4]
cement [2] 251/10	chaotic [2] 84/22	46/21 47/7 49/12
252/11	84/22	133/21
central [1] 84/20	Chapter [1] 181/13	circumstances [4]
Centre [1] 2/17	character's [1]	47/25 59/11 121/22
certain [18] 9/18	70/18	121/25
16/1 22/18 22/19	charcoal [1] 29/8	claim [25] 10/10
35/1 48/24 59/16	charge [1] 247/2	19/9 19/9 19/10
59/20 59/24 60/1	charged [1] 55/20	19/20 20/5 20/12
61/15 71/23 105/24	check [2] 227/5	20/15 21/9 22/24
118/16 160/16	247/16	23/3 23/5 23/13
162/23 218/17	checking [1]	23/17 24/4 24/11
255/23	132/15	24/18 25/2 25/6
certainly [6] 10/11	checks [1] 132/10	25/23 25/25 31/23
67/14 116/9 118/24	chief [10] 93/23	32/16 63/23 88/23
153/6 186/11	98/6 99/16 99/18	claimant [1] 172/19
certificate [3]	100/9 101/4 101/11	claims [7] 14/15
177/6 178/24	101/12 101/24	19/11 31/17 46/24
185/23	186/9	95/6 158/4 178/21
certificates [1]	chime [1] 127/18	clarify [3] 57/9
14/15	choosing [1] 190/8	67/19 67/23
certification [4]	chose [3] 79/4	clarity [1] 52/22

C		
CLARK [2] 1/5 165/17	closely [3] 14/18 14/19 209/4	234/23
clean [1] 212/16	closer [4] 219/5 237/13 237/17	comfortable [3] 222/22 222/23
cleaning [5] 151/18 256/9 256/14	237/19	244/15
256/24 257/1	closes [1] 94/5	coming [9] 79/1 90/23 98/22 101/3
clear [21] 10/24 11/2 11/7 53/15	clue [5] 134/9 152/19 196/17	111/3 111/21 119/16 133/1
68/6 75/5 78/24	197/2 197/6	151/25
107/20 108/3	code [1] 149/4	comma [1] 53/21
123/15 151/24	coincides [1] 140/7	comment [5] 67/6 67/8 90/20 102/8
171/21 179/9	collected [2] 75/16 77/4	218/20
179/12 179/18	color [1] 229/21	commentary [4] 65/7 124/11 169/8
180/16 198/6 206/9	Columbia [1] 77/19	259/20
215/19 217/20	come [31] 11/18 17/24 27/6 63/10	commented [1] 191/8
218/4	75/22 77/14 83/7	commenting [1] 128/9
clearer [2] 196/4 196/8	91/8 92/10 102/4 105/20 110/2	comments [2] 10/22 150/11
clearing [1] 46/9	125/13 156/6 170/4	commitment [2] 8/8 107/16
clearly [5] 75/24 81/22 118/1 171/3	171/6 179/10 182/10 190/17	committees [1] 18/9
179/17	196/18 197/6 227/6 227/15 232/10	comp [1] 25/21
clerk [3] 125/22 200/12 215/21	233/24 237/17 238/11 238/19	company [10] 29/13 40/24 56/22
client's [1] 94/8	242/1 246/5 248/2	63/24 119/22
clients [1] 11/1	comes [10] 92/6 92/9 115/5 175/19	170/18 189/6
clip [1] 77/22	178/7 178/8 179/19	190/18 223/11
close [2] 224/5 238/5	182/21 195/1	
closed [3] 78/4 78/5 122/24		

C	59/5	106/10
company... [1]	conceded [1] 72/23	confronted [2]
257/16	concept [1] 32/11	179/14 183/12
compared [1]	concerned [1]	confused [3] 97/9
111/17	184/2	101/2 230/3
compelled [1] 10/1	concerning [2]	connect [3] 247/23
complainant [5]	151/11 181/18	248/1 248/3
37/1 37/2 51/1 51/2	concise [1] 53/15	connected [13]
54/8	concludes [1] 226/6	44/18 65/5 65/8
complete [12]	conclusion [2]	65/12 124/10
33/20 37/10 53/16	149/12 149/19	124/12 124/16
54/9 57/20 57/23	concrete [3] 202/25	169/7 169/9 169/13
57/25 58/1 72/3	205/22 205/23	259/19 259/21
167/13 214/22	concur [1] 119/11	259/25
224/9	conditions [1]	consciousness [3]
completed [4]	214/22	187/11 187/14
36/24 37/8 54/20	condominiums [1]	188/2
56/15	19/7	consent [3] 104/23
completeness [2]	conducive [1]	105/1 209/24
54/1 54/3	137/6	consider [3] 24/23
completing [1]	conducted [2] 9/19	37/16 66/6
57/18	59/12	consideration [3]
completion [1]	confer [2] 35/10	142/11 142/14
145/4	42/6	142/17
compliance [1]	conference [4] 6/20	considered [3]
149/4	29/14 64/21 172/16	110/17 112/8
complicated [3]	configure [1] 71/18	235/25
23/12 35/9 62/16	confined [2] 92/3	consistent [1] 185/9
comply [1] 147/10	180/21	consolidated [1]
Compound [1]	confirm [2] 204/14	165/19
122/15	209/14	constitute [1]
compounded [1]	conflating [1]	177/14

C	189/6 190/18	6/4 69/4 69/23
constructed [1]	contractor [8]	69/24 69/25 70/15
201/3	134/22 134/22	70/25 75/10 75/11
construction [25]	140/1 140/4 140/9	85/25 88/18 88/20
1/13 2/9 6/11 89/6	140/21 246/23	99/11 106/12
134/21 135/11	246/25	119/21 119/25
136/1 136/7 136/20	Contractor-Propert	120/17 127/13
140/21 145/4 146/9	y [1] 140/21	138/20 155/14
146/14 168/14	contractors [3]	156/18 170/15
218/9 218/18 219/6	218/13 246/16	170/19 173/6
220/2 223/13 246/3	248/8	177/18 189/6
246/4 250/17 251/8	contracts [2] 14/16	202/10
252/10 253/15	216/18	COPPERFIELD'S
Construction's [2]	contractual [1]	[9] 1/12 3/9 68/13
135/6 136/5	29/15	69/5 89/13 90/3
construe [1] 20/12	contrary [1] 77/7	90/23 172/21
construed [2] 23/9	contribute [1]	198/22
23/13	159/10	copy [1] 43/1
contact [3] 168/9	control [3] 14/14	cord [1] 29/9
257/10 258/1	36/8 36/9	corner [7] 95/20
contained [4] 42/10	convention [1]	133/17 173/10
46/2 181/1 183/10	29/14	222/9 222/12 241/7
contend [1] 70/14	conversation [5]	245/21
content [1] 184/7	151/11 161/15	corporate [2] 14/22
context [7] 27/1	161/20 162/1	19/11
32/8 48/16 48/25	257/15	CORPORATIONS
102/3 131/15 235/3	conversations [2]	[1] 1/14
continue [3] 29/3	52/9 161/2	correct [110] 13/12
173/7 238/21	converse [4] 65/3	15/3 15/3 15/6
CONTINUED [1]	124/7 169/4 259/16	16/13 19/15 19/22
3/1	cool [1] 260/8	20/3 21/16 22/12
contracting [2]	COPPERFIELD	22/19 22/24 26/9
	[30] 1/11 3/9 6/3	

C	231/22 232/25	94/20 100/13
correct... [97]	233/4 237/6 238/7	101/12 101/22
26/21 30/23 32/2	238/15 238/16	102/13 103/3
32/7 37/12 38/7	238/25 239/1	104/14 116/6
38/22 41/21 42/4	239/23 240/1	119/11 120/24
48/5 49/20 50/12	240/11 240/14	121/19 122/1
50/21 51/6 53/15	240/16 245/22	130/22 130/24
54/1 54/2 54/4 54/5	245/23 246/2 246/9	131/1 131/17
54/13 61/6 61/8	247/17 252/7 252/8	133/24 135/12
62/1 62/3 63/1	258/15	135/19 142/21
63/18 64/2 71/1	corrected [1] 217/2	148/19 156/4 158/1
71/8 96/13 96/14	correctly [3] 25/13	161/24 162/14
99/10 110/15	212/15 214/7	167/20 171/6
111/24 112/3 112/5	corridor [2] 202/23	177/11 183/4
112/12 115/3	203/3	195/23 196/18
116/22 117/13	corridors [2]	199/4 201/11
118/19 126/7 126/9	145/25 146/20	205/25 211/24
129/11 129/15	corroborate [1]	235/25 242/12
130/2 135/10	204/8	246/14 253/23
139/10 140/12	corroborating [1]	couldn't [6] 20/14
143/13 144/16	204/3	47/23 96/1 119/4
145/12 146/15	could [70] 6/23	119/9 153/11
158/7 158/8 158/9	13/24 14/7 17/16	counsel [33] 5/14
158/19 158/23	19/9 23/10 23/13	6/1 8/18 9/19 10/23
158/25 159/2	24/19 24/21 25/14	10/25 11/6 11/8
159/10 160/15	25/23 27/9 27/10	11/25 64/14 64/22
160/17 167/10	28/17 30/18 31/25	65/16 65/19 82/11
167/15 168/2	47/3 53/8 62/18	89/15 93/13 93/15
168/10 168/11	71/24 73/10 73/25	93/16 100/15
172/17 195/12	75/6 80/9 80/12	107/10 113/7
218/1 228/18 230/1	86/2 87/24 87/25	122/19 125/6
230/23 231/21	88/4 91/13 92/1	130/11 130/13

C	66/19 70/24 79/21	164/18 168/15
counsel... [8] 138/4	82/2 86/13 86/19	172/19 182/9 187/3
158/13 168/22	86/20 90/5 90/11	187/5 187/23
188/17 236/11	91/14 98/21 106/7	204/21 214/5
247/9 249/24 252/4	113/8 122/24 125/1	237/16 252/16
count [14] 111/9	145/14 171/23	Cox' [2] 51/11
112/6 112/6 112/6	195/2 249/6 257/12	52/11
112/9 112/18 114/5	259/8	Cox's [6] 22/8
114/7 114/8 114/12	courtroom [16]	22/23 50/20 57/22
114/13 114/24	5/18 13/11 65/14	103/3 103/17
115/6 123/23	113/9 113/20	crazy [1] 78/3
counted [1] 112/21	116/13 123/16	created [2] 212/8
counterdesignating	124/3 124/18 150/8	213/25
[1] 7/14	161/25 162/3	credibility [2] 77/9
counting [2] 114/14	162/11 179/10	84/16
114/15	228/9 260/3	crew [1] 173/6
country [1] 86/18	courts [1] 86/18	crews [1] 246/3
county [3] 1/5	covered [4] 34/23	criticism [9] 166/20
165/17 165/22	94/15 108/18 123/6	191/10 191/11
couple [10] 13/4	covering [1] 77/19	192/7 193/15
19/18 45/13 72/22	COX [44] 1/7 1/7	193/17 194/2 194/6
99/1 107/20 107/21	5/13 5/17 9/25 20/1	194/15
148/22 170/20	20/11 21/7 24/5	criticisms [8]
215/3	50/13 50/17 52/11	189/18 189/21
course [7] 18/3	54/23 55/17 58/19	189/23 189/24
22/13 70/20 83/9	58/22 77/6 77/7	190/12 190/17
93/16 101/13	82/6 82/15 85/17	191/15 191/16
155/18	85/22 92/20 152/7	cross [11] 4/2 92/24
court [32] 1/4 5/9	156/13 158/10	94/2 100/13 163/17
6/10 10/7 10/18	158/20 159/9	166/14 181/18
38/8 38/15 38/21	162/24 163/3 164/6	185/21 189/1 226/6
38/22 66/4 66/16	164/7 164/14	248/5

C	137/13 137/23 138/10 138/11 D552-2 [3] 4/12 138/10 138/11 daily [1] 218/10 damage [2] 27/10 90/14 damages [4] 46/25 182/6 182/7 187/15 danger [1] 121/7 dangerous [1] 28/17 dark [33] 117/8 117/9 117/10 117/11 117/17 120/15 120/23 121/6 121/7 121/18 121/25 122/14 129/11 148/12 148/22 148/24 149/1 172/14 173/4 173/7 224/8 234/3 237/10 239/1 239/4 239/5 239/6 239/7 239/22 239/23 239/24 241/13 241/15 darkness [6] 181/6 201/11 210/18 211/4 212/4 240/14 dashed [1] 234/24 date [5] 20/17	20/24 168/15 209/13 223/21 DAVID [15] 1/10 1/12 3/9 3/9 3/9 6/3 6/3 138/19 155/14 170/15 170/19 172/20 177/18 183/3 202/10 DAVIS [1] 1/11 day [19] 14/9 17/18 17/18 18/3 18/4 18/4 18/7 72/10 115/16 144/15 193/1 193/2 196/23 197/1 250/6 254/18 255/7 256/7 257/4 day-to-day [1] 17/18 days [7] 13/4 44/25 81/9 82/17 82/25 83/3 83/19 daytime [1] 208/25 dead [1] 108/19 deal [5] 25/14 83/18 121/13 170/9 188/2 dealing [2] 15/10 183/9 dealt [2] 71/9 184/17 debate [1] 92/1 debris [8] 145/24
D		
D419 [1] 232/2 D419-5 [1] 232/2 D536 [4] 4/13 141/8 144/21 145/12 D552 [5] 4/12		

D	defects [1] 214/2	deliveries [1]
debris... [7] 146/8	defendant [6] 2/9	115/17
146/14 203/21	3/2 5/24 6/11 96/24	delivery [2] 114/4
204/5 212/16 218/9	105/4	115/14
250/17	defendants [16]	demo [1] 136/8
debris-free [1]	1/15 1/21 2/15 3/9	demolition [1]
212/16	10/22 11/4 70/25	219/7
December [2]	77/15 78/10 92/22	denominated [1]
20/18 20/19	98/23 99/12 243/20	90/25
December 23rd [1]	249/5 249/6 249/8	DENTON [2] 1/19
20/18	defendants' [3]	5/10
December 24th [1]	80/21 92/23 195/11	department [24]
20/19	defense [28] 10/3	1/20 5/9 14/20
decide [10] 7/20	10/15 10/16 11/6	14/21 19/5 27/5
31/4 78/13 79/8	11/8 75/8 92/12	34/10 46/2 46/7
84/17 96/18 96/21	93/1 93/3 93/17	53/14 125/12
147/17 148/2	94/8 94/18 95/11	147/11 147/17
241/15	95/14 96/18 96/25	147/24 147/25
decided [4] 86/21	97/6 97/16 97/18	148/3 148/9 148/10
136/9 136/17	99/19 100/14	148/23 158/5
136/18	101/24 202/5 213/8	165/18 168/10
deciding [3] 81/4	215/7 216/5 217/9	213/21 218/18
81/5 141/25	218/8	departments [4]
decision [5] 119/12	defined [1] 181/15	14/19 27/5 48/19
143/16 147/13	definitely [2]	151/23
147/14 147/16	123/10 209/7	depend [2] 73/14
decisions [4] 59/24	definition [2] 14/8	114/3
60/1 60/2 144/15	17/20	depending [2] 18/6
declarant [1]	definitions [1]	187/23
181/17	150/3	depends [8] 14/9
declined [1] 51/2	definitively [1]	23/25 58/17 121/21
declines [1] 37/7	114/10	122/17 167/17

D	191/5 191/18 193/13 194/23 194/25 195/16 214/12 219/1 232/13 233/8 237/15 260/11 260/18 260/21 depositions [2] 8/12 8/16 DEPT [1] 1/2 describe [1] 254/9 describes [1] 187/5 desert [2] 150/23 151/1 design [1] 134/24 designated [1] 173/17 designating [1] 7/14 designating/counter designating [1] 7/14 designation [1] 55/6 designed [2] 106/14 168/4 despite [1] 99/2 detailed [1] 69/2 detailing [1] 37/11 details [1] 175/4 detect [1] 90/14 determination [14]	20/14 21/8 21/15 22/22 23/22 23/24 24/3 24/9 25/4 42/14 44/7 59/23 84/18 201/18 determinations [8] 16/2 22/18 48/20 59/16 59/21 162/24 163/2 190/16 determine [6] 15/2 15/4 19/8 27/11 27/11 83/14 determined [12] 16/9 24/22 31/19 32/3 32/4 32/12 32/14 32/25 33/12 39/2 39/2 140/9 determining [1] 83/13 DEUTSCH [8] 2/4 5/20 9/25 10/7 88/5 102/8 104/7 220/25 developed [3] 73/10 74/1 106/17 device [1] 113/16 diagram [6] 226/15 227/24 228/1 230/1 231/1 243/3 DIAL [1] 3/4 did [141] 11/6 15/20 16/1 17/13 19/2 20/11 20/25
----------	---	---

D	161/17 161/18	89/5 89/6 99/2
did... [134] 21/7	162/24 163/1 163/6	99/13 102/15
21/20 21/20 21/20	163/10 177/8	103/18 104/11
22/1 22/6 22/8	179/10 184/14	108/2 130/21 135/3
22/11 22/17 22/17	189/19 189/24	141/17 143/16
22/21 31/4 33/5	190/5 190/5 190/12	148/9 150/22
38/9 39/6 44/15	190/18 193/16	153/17 153/19
45/17 45/18 50/13	193/18 193/19	153/20 154/1 160/1
50/24 51/5 51/8	193/21 193/22	161/13 170/10
55/1 56/16 57/23	194/5 194/6 195/18	174/14 185/18
57/24 57/25 58/3	201/18 203/20	186/11 189/17
58/5 58/8 59/13	204/4 212/6 213/18	190/17 191/22
59/17 59/21 59/25	214/1 214/7 214/8	191/23 195/10
60/4 60/24 61/21	214/10 214/11	222/17 238/16
63/6 63/9 63/19	214/14 217/3	241/9 243/19
63/22 73/1 78/9	219/17 233/10	248/14 249/7 249/9
84/12 87/7 87/21	233/12 234/24	258/8
90/10 91/10 92/24	235/22 240/8	differ [1] 112/18
93/15 106/5 107/22	242/14 242/14	difference [13]
107/23 116/7 116/8	247/5 247/10	23/2 26/3 31/22
119/23 119/24	247/16 257/10	80/18 129/21
123/12 128/15	257/11 257/25	129/24 132/23
128/18 139/6 143/8	258/21 258/22	133/2 133/14 144/1
143/10 148/10	258/24	162/18 177/2
150/9 150/20 151/9	didn't [59] 12/19	227/25
151/16 153/11	20/22 39/22 41/18	different [29] 7/8
153/15 153/23	45/19 47/22 47/23	50/3 68/17 82/10
153/25 155/16	51/11 56/16 60/2	86/8 101/5 106/10
157/25 158/10	61/16 62/11 62/21	111/8 112/11
158/20 159/9	62/25 63/3 81/8	112/23 114/24
159/16 159/18	82/12 82/24 83/4	115/13 115/16
161/2 161/9 161/11	87/17 88/19 88/20	133/18 136/6

D		
different... [14] 151/23 165/23 173/2 181/6 182/15 182/20 183/15 216/8 216/23 217/6 217/16 219/25 227/22 249/6	19/2 24/2 56/21 59/15 62/6 144/14 165/15	discusses [1] 89/19
differentiate [1] 19/19	dirt [1] 203/21	discussing [11] 29/3 49/18 49/18 52/17 81/10 108/6 108/10 108/11 134/4 230/14 232/4
differentiation [2] 23/17 24/14	disagree [6] 91/3 142/5 151/7 151/8 156/11 186/17	discussion [13] 11/15 31/11 49/7 70/23 81/16 81/20 113/3 192/1 198/18 219/12 219/21 249/13 258/25
differently [3] 19/24 25/3 25/8	disappear [1] 173/2	dishonest [5] 10/2 10/15 10/16 10/23 11/4
differs [1] 112/20	disappearing [6] 1/12 3/9 6/4 170/16 170/19 173/20	dishonesty [1] 11/5
diligently [1] 87/21	disclaimer [1] 44/21	disregard [3] 148/2 154/8 239/19
dim [1] 108/24	disclose [1] 87/7	distance [3] 208/1 208/5 223/1
dimmed [2] 109/1 241/2	disclosed [6] 78/23 79/2 81/9 86/10 87/15 102/17	distances [1] 208/7
direct [11] 4/2 12/24 100/14 192/9 198/4 205/12 211/17 213/7 217/21 220/21 253/3	disclosure [4] 78/15 79/10 79/11 86/9	distinction [4] 19/23 49/17 80/3 83/8
directed [2] 113/8 260/2	discovered [1] 109/16	distributed [1] 112/22
directing [3] 128/25 202/5 218/7	discovery [10] 74/1 82/25 83/5 83/9 87/10 87/22 102/13 103/8 104/11 144/1	DISTRICT [2] 1/4 5/9
direction [3] 122/7 238/19 245/12	discuss [10] 6/17 46/22 48/1 48/1 48/4 48/7 49/12 49/20 108/7 187/18	divulge [1] 111/20
director [8] 14/5	discussed [4] 43/20 49/3 64/21 219/11	divulging [1] 106/6
		do [211] 6/23 7/2 7/5 8/9 8/11 9/4 9/5

D	136/13 137/8	210/17 211/3 211/8
do... [204] 9/12	137/10 138/22	212/2 212/10
10/23 12/9 13/17	139/13 140/19	212/25 213/10
18/5 20/23 21/21	141/12 142/16	213/24 216/4 216/6
22/1 24/9 24/24	144/10 147/17	217/3 218/8 218/10
25/3 25/3 25/16	147/18 147/21	218/21 218/23
25/21 26/24 26/24	148/11 148/23	219/3 220/16
26/25 26/25 27/3	150/5 151/7 152/3	221/16 223/19
27/3 27/7 27/9	152/5 152/18	223/23 224/14
27/17 28/4 29/8	154/15 155/2 155/9	226/17 227/10
29/12 30/5 30/15	155/20 155/22	231/6 233/11
33/23 35/4 36/8	155/23 156/15	233/15 235/2
36/9 44/10 45/6	156/16 157/2	235/16 236/2 236/7
51/16 53/18 56/5	157/22 157/23	236/17 236/18
56/16 59/3 60/11	158/17 158/18	236/19 237/6
61/23 62/20 64/7	160/8 161/21 162/9	240/22 241/1 241/4
65/23 66/14 66/17	163/19 163/21	244/17 247/10
66/20 66/22 66/23	163/23 164/8	248/2 252/15
70/4 71/25 72/1	164/10 164/11	252/16 253/24
74/18 80/11 80/15	164/20 164/21	254/24 255/19
82/25 83/4 83/12	165/2 167/4 171/9	255/22 257/1 257/2
92/9 99/18 100/9	175/14 182/22	DOCKET [1] 1/3
102/6 102/13 103/8	183/2 183/25 186/3	document [31]
104/11 106/22	187/21 188/17	49/14 138/13
107/10 114/1	189/13 189/20	138/14 139/25
116/23 119/6 119/6	191/19 191/23	140/16 140/19
119/20 120/22	192/17 193/9	163/22 170/23
120/22 126/10	194/15 195/15	176/20 176/25
128/4 128/21 131/1	195/17 195/20	177/2 177/4 177/5
133/10 133/11	196/5 196/21 197/1	177/7 178/3 178/5
133/14 134/11	199/25 201/5 205/7	178/7 178/18
135/1 135/3 136/8	207/8 207/20	178/23 178/25

D	doesn't [21] 22/15	54/11 55/4 55/4
document... [11]	24/13 28/18 41/8	55/6 55/7 55/8
180/6 182/22	73/14 80/25 84/5	55/22 56/11 56/18
182/24 182/25	100/25 103/1	57/1 59/10 59/22
183/9 184/21	118/19 118/22	60/9 60/22 60/23
185/15 216/15	131/14 131/14	61/3 61/11 61/20
216/25 218/15	133/6 173/23 176/1	62/4 63/2 63/10
249/5	179/19 180/21	63/11 64/16 66/23
documentation [2]	183/22 240/22	67/7 67/8 67/13
214/10 247/15	243/7	70/7 70/9 74/4
documents [6]	dog [1] 77/8	74/10 81/5 87/3
175/9 190/16 191/5	doing [29] 6/17	87/23 88/8 92/8
191/13 216/3 247/5	13/20 14/14 14/24	92/18 95/10 95/20
DOE [1] 1/13	15/21 21/3 22/2	97/7 97/20 98/1
does [45] 1/13 1/20	22/7 25/15 29/13	100/23 103/14
24/14 24/15 25/10	55/20 55/21 71/17	106/22 108/15
26/2 26/24 28/15	77/20 82/8 89/10	108/21 111/10
33/14 36/11 46/3	92/7 105/2 121/22	112/20 114/15
46/4 47/6 72/7 87/2	136/7 154/16	117/8 117/20 118/2
94/4 106/11 111/4	160/24 201/16	118/4 119/7 120/9
112/18 114/21	205/1 219/7 239/5	122/14 122/21
118/9 131/5 131/7	246/16 247/4	123/24 128/23
131/12 131/13	248/14	129/18 129/23
131/13 140/8	don't [215] 8/13	131/24 133/10
146/22 148/10	8/17 8/23 10/4	133/13 133/19
148/22 149/15	13/16 26/4 27/16	133/20 133/20
161/13 165/24	29/5 29/9 33/24	135/15 137/16
177/12 180/3	35/25 36/6 39/17	137/24 139/11
180/12 185/16	42/15 43/9 47/5	140/13 140/14
208/7 208/24 209/4	51/15 52/1 52/1	142/10 142/12
236/21 240/19	52/4 52/7 52/8	142/13 142/15
243/8 245/1 246/13	52/20 53/20 53/20	142/20 143/15

D	204/6 205/3 207/11	148/15 148/16
don't... [110]	208/11 208/20	221/6 221/7 250/25
143/15 143/17	209/13 211/25	253/18
143/17 143/23	214/16 217/15	doors [47] 54/21
144/8 147/19 151/3	217/25 218/17	109/23 110/16
151/8 155/2 159/3	222/16 222/21	110/25 135/24
159/25 160/11	223/2 223/5 223/6	137/3 147/8 147/10
160/19 160/25	223/12 223/17	149/3 168/1 173/12
161/11 161/12	223/21 224/5 225/9	198/22 198/25
161/15 161/19	232/7 233/12	201/2 202/9 202/13
161/24 161/25	235/12 235/25	202/15 202/17
162/8 163/5 163/25	236/20 239/2	202/20 202/21
166/12 167/18	239/14 239/14	202/22 202/25
167/22 167/23	241/3 241/3 241/20	203/5 203/6 203/8
175/14 176/11	242/7 242/15	203/9 205/16
179/4 179/15 184/3	244/18 245/9	205/20 219/4
184/9 184/23	246/11 251/2	221/18 221/19
189/10 189/14	251/23 253/23	221/24 223/1
189/16 189/18	253/24 257/4	223/10 223/16
189/20 190/4 190/9	257/14	229/24 238/14
190/11 190/14	done [29] 25/11	238/23 242/3
190/20 191/11	30/13 62/13 62/15	242/10 243/12
191/12 191/14	62/15 81/21 84/9	245/21 246/1 246/8
191/17 191/25	84/22 85/6 88/5	250/23 251/17
192/4 192/22 193/5	90/15 94/1 96/3	253/15
193/11 193/23	97/22 98/16 114/14	doorway [1] 173/7
194/11 195/6	114/15 115/17	doorways [1]
195/12 195/16	139/16 157/18	173/11
195/18 196/22	166/2 178/6 183/6	dots [1] 234/14
196/25 199/3 199/8	188/5 213/4 220/2	dotted [1] 14/21
200/2 201/14	229/4 234/12 251/4	doubt [4] 86/10
203/16 203/24	door [8] 55/25 93/7	87/20 87/24 189/15

<p>D</p> <p>down [44] 38/19 45/8 45/9 85/17 88/5 93/8 126/24 136/5 137/4 155/24 157/3 189/7 214/19 218/21 218/23 219/2 219/2 219/4 226/16 226/22 229/20 229/25 230/7 230/9 230/19 231/3 233/19 238/21 241/24 243/5 243/11 243/11 243/14 245/2 245/19 245/21 246/1 246/6 251/14 251/16 252/15 253/19 259/13 260/8</p> <p>draft [3] 105/11 105/14 243/19</p> <p>drafted [1] 243/13</p> <p>dragon [1] 102/25</p> <p>drawing [2] 49/17 230/10</p> <p>dress [1] 214/5</p> <p>Drive [1] 2/17</p> <p>drivers [1] 115/15</p> <p>driveway [1] 220/4</p> <p>dry [1] 212/16</p> <p>drywall [2] 251/9</p>	<p>252/11</p> <p>due [3] 88/15 113/5 212/4</p> <p>dump [1] 253/20</p> <p>dumping [2] 250/17 250/18</p> <p>dumpster [56] 134/5 134/7 134/8 134/9 134/12 134/19 135/5 135/6 135/12 135/12 135/23 136/3 136/12 136/19 138/17 139/6 139/9 139/18 142/4 142/7 142/18 146/8 146/12 147/6 148/6 148/15 149/3 189/8 191/20 192/1 192/24 192/25 199/5 219/6 229/20 230/6 230/19 231/2 237/1 237/14 237/20 242/12 243/4 243/10 245/5 250/19 250/22 250/22 251/1 251/5 251/6 253/13 253/21 253/23 254/2 254/11</p> <p>dumpsters [5] 140/8 199/6 218/2</p>	<p>251/18 253/10</p> <p>during [30] 7/5 8/9 8/15 10/24 16/11 17/11 22/13 38/3 41/16 58/9 58/10 58/11 65/1 67/14 69/15 70/20 83/9 88/24 124/6 125/10 129/8 140/14 143/7 144/7 145/6 163/11 169/3 214/13 217/21 254/20</p> <p>dust [14] 89/6 150/9 150/11 150/20 150/24 151/1 151/3 151/4 151/10 151/12 168/14 203/21 204/4 206/3</p> <p>duty [1] 149/15</p> <hr/> <p>E</p> <p>each [5] 13/11 19/13 110/17 249/21 249/23</p> <p>earlier [9] 110/13 111/1 132/19 141/15 143/4 152/11 166/17 216/7 242/3</p> <p>easier [2] 159/4 211/13</p> <p>east [2] 207/24</p>
--	--	---

E		
east... [1] 245/23	eliminate [3] 26/11	60/17 67/10 87/7
easy [1] 211/15	27/13 29/16	87/8 98/25 102/19
edge [1] 102/25	eliminating [3]	102/20 103/2 103/9
edit [1] 72/2	30/11 30/16 30/18	103/24 103/25
effect [2] 101/23	else [17] 30/22 65/3	105/25 106/16
101/24	74/7 97/17 100/22	107/23 167/25
efreeman [1] 2/24	124/8 127/17	258/5
efreschlaw.com [1]	152/20 169/5	employer [3] 15/5
3/14	184/16 196/18	15/5 33/15
Eglet [3] 82/16	196/22 200/20	EMPLOYMENT
82/18 82/22	212/17 242/24	[5] 1/11 3/2 6/8
Eighth [1] 5/8	259/17 260/9	67/10 166/21
either [10] 29/15	emailed [1] 217/2	Employment's [1]
65/21 143/23	emails [1] 174/23	166/17
153/19 155/2	emergency [2]	encounter [4]
166/25 183/1 183/2	109/23 148/15	130/20 131/23
201/11 253/19	employed [12]	132/3 132/12
ELAINE [2] 3/11	13/25 14/2 15/13	end [8] 44/18 66/17
6/3	15/16 15/21 20/13	66/18 66/20 72/10
elect [1] 94/7	38/20 52/8 139/11	221/20 221/24
electric [5] 27/14	165/16 165/17	251/16
27/16 27/18 27/24	178/13	engineering [1]
29/5	employee [13]	218/18
electrical [1] 29/9	33/11 33/14 34/2	English [2] 131/5
electricity [3] 29/4	37/18 39/11 41/4	131/17
29/19 132/20	42/9 45/25 46/6	enough [28] 13/19
electronic [1]	55/3 55/16 168/7	21/4 24/17 28/17
113/10	168/14	30/10 30/15 30/16
element [1] 157/19	employees [26]	32/6 32/16 32/17
elevation [4] 126/8	1/13 39/5 46/7	32/18 37/17 39/3
127/14 128/6 234/6	48/10 59/1 59/1	41/4 41/5 45/7
	59/7 60/5 60/7 60/8	45/11 47/10 48/25

E	especially [2] 86/22	41/20 58/5 75/12
enough... [9]	94/1	75/14 77/3 85/11
119/17 119/18	ESQ [10] 2/3 2/4	102/13 106/5
132/11 147/9	2/4 2/11 2/11 2/16	183/20 197/4 251/4
176/21 194/12	2/21 3/4 3/5 3/11	257/10 258/1
213/23 215/19	essentially [1]	258/21
224/25	213/15	every [16] 42/8
enter [2] 114/12	essentials [1] 84/23	45/25 46/6 54/8
173/10	et [6] 5/13 101/22	67/9 72/25 75/7
entering [3] 135/25	125/23 218/3	85/7 123/5 132/1
192/21 225/22	251/10 252/12	139/14 144/15
entire [7] 34/19	et cetera [3] 101/22	182/5 182/8 196/23
34/21 35/17 94/5	218/3 252/12	239/12
126/6 180/8 220/1	Eve [1] 20/23	everybody [5] 53/9
entirely [3] 57/2	even [31] 26/6	115/10 260/6
180/4 243/15	27/13 32/2 37/15	260/24 261/4
entirety [4] 44/7	48/4 48/7 51/2	everyone [6] 58/22
70/4 72/20 232/14	51/21 62/21 62/25	77/4 80/11 200/20
entities [1] 14/22	74/19 81/10 83/13	238/25 238/25
entitled [2] 78/12	84/9 96/21 111/19	everything [6] 38/8
94/12	111/20 123/20	98/13 123/23 195/7
environment [1]	161/24 167/12	220/5 239/15
150/23	174/15 179/4 184/6	evidence [66] 10/11
equate [1] 130/23	187/22 206/23	34/7 34/9 42/17
equipment [2]	220/25 237/11	43/18 63/12 67/17
236/2 236/18	239/11 241/22	67/18 68/24 73/25
ERIC [3] 2/21 6/4	257/16 258/4	74/25 79/22 81/3
138/7	event [3] 27/2	81/6 83/17 87/5
Esack [6] 68/8	145/23 185/18	92/12 92/15 93/1
68/21 70/6 71/10	events [4] 16/11	94/23 95/12 100/16
105/11 105/14	17/11 143/6 185/19	106/24 112/14
Esack's [1] 70/3	ever [15] 39/6	125/13 138/12

E	189/1 217/21 243/1	202/6 205/5 207/3
evidence... [40]	244/7 253/1 255/15	208/15 213/8 215/8
145/16 163/3	256/22 258/12	215/23 216/6
168/13 170/11	examinations [2]	216/11 216/16
175/18 177/4 177/5	92/24 100/12	216/17 217/20
181/16 182/21	examine [1] 188/22	217/24 225/4 226/9
182/23 183/22	examiner [1] 158/4	226/13 228/17
195/7 197/15	example [4] 28/1	228/21 228/24
197/18 198/2	132/19 132/22	229/7 232/10
200/10 201/17	148/20	232/11 234/13
201/24 202/2 205/6	Excalibur [1] 208/1	237/22 253/5
205/8 205/9 209/17	except [4] 60/25	256/12 259/8
210/1 212/20 215/1	61/8 181/13 223/1	Exhibit 401 [1]
215/5 215/11	exception [6] 90/21	215/8
215/24 225/19	118/16 171/12	exhibits [1] 226/14
225/23 229/8	178/2 178/4 178/4	existing [1] 222/13
230/20 230/23	exceptions [1]	exit [11] 109/23
231/9 231/16	178/9	145/25 146/19
232/15 237/23	exclude [2] 162/4	147/8 147/10
253/4 256/12	162/7	148/14 148/15
exact [7] 63/1 73/2	excluded [2] 90/19	149/3 173/10
104/15 203/23	162/16	198/24 202/9
223/21 242/9 257/4	Excuse [1] 193/20	exited [1] 113/20
exactly [10] 44/23	exemplify [1] 111/2	expect [4] 13/21
49/18 73/1 74/10	exhaustion [1]	127/13 204/24
80/2 108/9 117/18	229/10	206/3
120/19 226/9 242/5	exhibit [39] 34/9	expectation [2]
examination [17]	52/19 109/7 125/16	204/17 206/14
12/24 67/15 94/2	137/13 138/11	expects [2] 218/13
123/2 125/25	145/15 183/7	246/16
163/17 166/14	195/12 198/1	expensive [1]
181/18 185/21	199/15 200/15	246/24

E	91/19	143/6 158/10
expert [17] 92/19	facilities [2] 145/5	158/20 165/25
93/3 160/9 160/13	145/7	166/7 166/8 214/17
160/14 160/23	facility [1] 165/19	factual [3] 57/20
161/1 161/3 161/3	facing [1] 209/11	62/19 247/11
161/8 161/9 161/16	fact [52] 10/24 11/7	fair [43] 13/19 21/4
161/20 161/21	16/1 22/11 25/18	21/5 23/19 23/20
162/1 162/19 199/8	37/18 40/22 41/7	24/19 30/10 30/16
Experts [1] 162/13	41/14 48/2 48/9	31/20 31/25 32/6
explain [6] 23/3	48/20 49/11 69/2	32/11 32/17 32/18
47/3 111/11 127/22	70/16 70/20 73/4	37/20 41/4 41/5
129/3 176/13	74/19 75/6 75/22	41/12 41/13 41/21
explained [1] 149/4	75/24 77/10 77/25	42/2 42/3 47/10
explaining [1]	79/6 80/4 80/7 81/2	48/25 56/2 56/3
167/1	82/4 82/24 84/15	61/2 97/20 119/17
explains [1] 115/21	86/9 88/15 88/25	119/18 120/7
explanation [1]	92/3 93/8 94/11	120/20 130/9
46/3	95/6 95/11 99/2	141/18 141/21
exposed [1] 10/20	101/14 130/23	146/9 155/21
exposing [2] 89/25	132/9 141/25	166/22 166/23
90/1	146/21 146/25	208/13 213/23
express [4] 65/11	150/13 151/24	218/19 231/5
124/15 169/12	162/23 195/1	fairly [3] 23/10
259/24	204/11 214/18	212/5 223/1
exterior [2] 203/7	236/4	fall [9] 85/8 85/9
203/8	fact-gathering [1]	120/24 121/19
extremely [1]	48/20	122/1 122/8 187/6
166/23	facts [20] 16/10	187/7 206/15
eye [1] 115/24	17/10 21/11 48/17	fallen [4] 41/15
F	48/17 49/21 59/18	41/20 85/12 204/21
Facebook [2] 74/9	60/3 68/10 78/13	FALLICK [2] 2/4
	79/9 98/4 112/14	5/22

F	fell [8] 40/14 54/23 58/19 70/11 74/3 85/22 89/3 168/15	find [9] 42/25 58/6 59/2 60/24 74/7 75/20 78/25 81/13 82/5
falling [3] 39/1 122/13 212/4	felt [4] 10/1 58/2 68/16 206/18	finding [4] 70/10 74/20 76/7 103/15
falls [1] 55/17	few [4] 47/2 63/9 168/21 184/13	findings [1] 160/20
falsehoods [1] 89/25	fewer [1] 235/16	fine [9] 6/24 179/16 183/23 185/4 185/13 187/25 248/15 248/15 260/22
familiar [8] 42/22 42/23 43/13 43/14 161/1 202/7 244/9 253/22	fight [1] 77/8	finish [4] 28/21 28/24 138/16 188/3
far [14] 61/6 75/8 104/24 147/9 168/16 184/2 189/8 189/11 214/24 216/20 216/21 221/20 251/16 253/25	fighting [1] 101/9	finished [2] 77/22 123/23
FARKAS [2] 1/25 262/12	figure [2] 80/14 188/4	finishes [1] 237/6
farther [1] 174/13	figured [1] 170/9	fire [11] 147/11 147/17 147/23 147/25 148/3 148/9 148/10 148/23 198/24 201/2 202/9
fashioned [3] 42/18 217/9 227/10	file [4] 190/15 190/21 190/23 191/2	FIRM [1] 2/3
fault [4] 47/8 47/9 160/16 160/18	filed [3] 22/10 26/6 74/22	first [32] 7/3 7/11 8/3 9/16 11/19 36/25 52/12 53/3 62/17 65/20 68/4 72/14 87/4 104/12 107/22 118/7 141/12 142/24 148/24 172/3 175/16 178/12
faux [1] 172/25	files [1] 216/15	
feel [6] 57/23 60/4 72/19 95/20 99/17 236/17	filing [1] 37/7	
feelings [1] 224/25	fill [7] 33/16 39/14 40/4 41/18 51/2 51/6 63/4	
feels [1] 246/22	filled [8] 32/19 33/3 40/8 41/3 41/8 50/15 51/3 51/7	
feet [3] 230/12 246/10 246/11	final [2] 227/13 258/20	
	finally [7] 65/12 75/18 89/8 124/16 169/13 173/15 260/1	

F	255/1 256/16	former [1] 257/15
first... [10] 179/1	257/17 257/18	forth [1] 181/12
179/24 180/8	258/10 259/2	forward [8] 11/10
180/10 180/12	follow-up [12]	75/23 77/13 79/1
180/25 181/9	123/12 251/21	89/12 91/2 146/5
182/22 188/4 250/2	251/23 252/17	182/13
five [8] 53/25 64/17	252/19 254/25	found [1] 81/14
65/15 85/21 165/18	255/1 256/16	foundation [17]
186/20 249/6 249/8	257/17 257/18	21/11 41/23 42/18
fixtures [1] 246/17	258/10 259/2	112/14 129/12
flashing [1] 240/20	following [16] 5/6	154/17 184/8
flashlights [4]	11/21 53/13 65/17	184/10 200/8
148/25 153/14	107/7 124/24	207/16 208/21
239/8 240/19	169/21 171/6 174/9	210/22 220/14
flat [1] 80/21	175/4 176/21 182/3	220/19 225/12
flexible [1] 167/17	188/13 219/23	226/25 227/3
flipped [1] 95/10	254/16 260/12	four [8] 35/3 85/21
floor [6] 2/5 3/12	follows [1] 250/4	91/10 180/10
137/7 202/25	food [2] 224/19	180/13 180/25
203/24 205/21	224/21	181/9 205/20
flown [1] 95/17	fool [1] 220/16	fourth [3] 172/5
fluorescent [1]	footwear [2]	179/25 180/15
173/9	132/11 132/15	frame [1] 167/18
focusing [1] 80/6	force [1] 187/16	free [1] 212/16
folding [1] 253/19	forget [2] 182/23	FREEMAN [2]
follow [20] 42/10	219/17	2/21 6/4
46/1 123/12 154/21	forgetting [2] 24/5	FRESCH [6] 3/11
185/11 218/14	33/10	6/3 9/17 84/24
236/8 247/15	Forgot [1] 116/10	95/18 96/24
249/25 251/21	form [4] 65/11	Fresch's [2] 69/13
251/23 252/17	124/15 169/12	84/15
252/19 254/25	259/24	FRIDAY [4] 1/21

F	gathering [3] 48/20	72/6 72/9 77/1
FRIDAY... [3] 5/1	49/21 166/7	84/18 85/4 89/2
14/11 188/7	gave [15] 17/13	97/11 103/8 106/5
front [4] 115/10	17/19 18/17 23/1	106/22 106/23
140/19 183/7	81/15 102/10	107/1 120/9 126/20
193/25	132/19 135/9	128/11 128/22
FULL [1] 262/5	135/13 135/15	155/13 168/24
fully [2] 133/20	163/8 179/9 179/12	170/10 175/17
199/3	179/17 183/11	178/15 182/5 182/7
fun [1] 116/17	GAVIN [3] 1/7	182/22 182/24
functions [1] 14/14	5/17 9/25	182/25 183/3 183/5
funds [2] 111/7	gcall [1] 2/13	184/6 184/14
114/22	general [7] 27/1	184/16 187/3
further [15] 63/22	45/24 104/15	187/23 188/1
94/18 101/17	134/22 181/12	192/12 195/6
166/10 168/20	216/19 224/11	201/13 201/13
197/11 219/2 219/4	generally [7] 26/4	208/20 215/21
238/21 242/2 256/1	26/14 114/2 114/8	218/19 219/9 224/5
256/3 256/4 258/17	147/12 220/23	229/4 245/2 245/25
258/18	221/3	251/5 254/4 254/12
fuzzy [1] 211/25	gentleman [1]	258/1
G	124/6	gets [4] 79/7 86/7
G. [1] 214/5	gentlemen [5]	158/12 187/13
G. Cox [1] 214/5	11/24 65/1 125/4	getting [7] 6/21
gaming [1] 118/16	188/16 259/15	31/16 48/6 98/3
GARY [2] 2/11	germane [1] 83/23	136/10 157/19
6/10	gesture [1] 23/8	177/4
gather [2] 48/17	get [64] 9/4 9/7	give [23] 12/10
247/15	9/16 13/20 25/25	17/16 22/19 44/24
gathered [2] 59/18	26/4 27/9 42/17	46/5 66/8 66/15
60/2	45/7 48/17 53/20	66/24 67/3 70/24
	55/10 66/2 71/23	71/4 71/13 71/21

G	196/21 196/23	77/23 80/12 80/13
give... [10] 132/21	200/13 207/7 207/7	80/14 83/19 92/12
135/19 141/7 159/3	208/22 209/20	92/19 92/22 93/2
160/15 162/6	209/22 211/12	93/20 95/12 95/23
179/13 227/9	213/5 220/13	96/11 97/3 97/17
231/10 255/11	220/18 222/4	97/18 97/19 97/24
given [12] 66/3	229/17 231/13	98/7 98/22 100/16
67/17 81/11 92/23	232/16 238/13	100/21 101/7
105/8 129/9 129/16	238/16 238/19	102/15 102/25
131/20 131/21	238/23 241/16	103/7 106/1 107/15
132/1 144/1 172/22	241/19 245/21	108/22 120/4
Givens [1] 89/16	246/6 246/8	120/18 123/17
gives [2] 130/1	goal [2] 57/19	123/18 123/21
235/3	76/25	123/22 123/24
giving [8] 28/1	God [1] 12/12	125/18 129/10
78/18 82/3 104/22	goes [8] 173/4	131/22 132/2
130/7 130/17 135/8	180/22 187/15	132/21 132/22
236/13	199/23 202/25	133/16 137/6 139/8
go [61] 7/19 8/2	233/19 237/2 248/6	139/9 139/23 141/8
11/10 22/11 22/17	going [134] 6/17	142/1 148/18
26/2 28/23 29/5	6/21 7/19 8/2 8/2	148/25 159/6 160/9
33/23 43/2 45/1	8/11 9/2 11/5 12/19	160/14 160/15
50/5 53/3 54/6	13/5 17/1 18/6	160/19 160/24
54/21 66/14 68/4	19/17 27/3 31/5	161/22 170/11
75/14 83/19 88/11	33/2 35/2 35/13	175/11 182/17
96/18 100/13	35/16 35/18 36/15	183/25 184/16
100/14 114/15	42/25 43/17 47/2	184/25 186/3 186/8
123/9 127/8 130/15	48/10 55/24 60/19	186/10 186/24
147/3 168/25 173/9	61/23 61/24 64/8	187/16 187/18
173/13 179/25	66/7 68/9 68/22	187/22 193/13
182/12 183/22	71/13 73/20 76/9	194/7 197/10
186/11 188/1	77/6 77/8 77/18	197/11 197/12

G	152/22	138/19 139/5
going... [19] 201/2	goodwill [1] 23/8	140/11 141/16
207/7 209/18 211/8	got [32] 6/25 9/11	151/16 158/9
213/3 224/23 226/9	20/24 25/14 25/19	158/19 160/22
228/5 230/20 232/1	31/2 69/14 81/15	209/11
233/14 239/22	91/25 96/20 98/2	grant [1] 98/22
243/3 243/24	100/9 104/13 109/2	granted [1] 154/7
243/25 244/2 248/8	110/21 126/13	great [2] 82/16
248/25 251/17	126/15 138/7 145/8	260/24
gone [5] 58/17	154/3 172/11	green [3] 230/7
93/21 97/1 126/19	179/14 184/15	230/9 230/13
178/10	196/6 199/17	grew [2] 118/25
good [48] 5/11 5/19	202/24 224/10	240/7
5/21 5/23 6/2 6/6	225/24 243/19	grill [1] 29/4
6/12 7/22 11/23	243/21 245/9 249/5	ground [1] 240/20
12/21 12/22 13/2	gotten [2] 164/12	group [2] 121/16
13/3 13/8 13/9	243/14	237/16
20/21 20/24 36/14	grab [1] 113/18	growing [1] 118/23
45/2 46/20 53/7	grace [1] 77/13	guard [5] 40/15
64/10 78/21 86/22	grad [1] 53/18	40/16 40/20 55/8
86/23 95/4 125/3	grainy [3] 117/6	204/19
126/2 126/3 132/11	117/7 117/8	guards [4] 85/23
144/15 168/24	grammar [1] 53/16	92/18 93/4 105/22
198/9 199/19	GRAND [35] 1/10	guess [7] 68/4
199/20 199/21	1/16 2/15 5/13 5/24	94/20 94/22 101/1
202/3 205/21 210/6	14/2 19/7 27/23	127/19 159/14
217/14 217/15	27/25 28/14 30/22	236/6
217/16 222/20	33/4 39/15 41/17	guest [13] 33/6
222/21 224/19	46/23 47/6 53/14	33/9 33/11 33/12
224/20 224/21	56/7 57/6 57/13	36/22 36/23 36/24
260/25	57/15 59/1 62/7	37/3 46/22 46/24
goodness [2] 77/13	116/4 118/5 138/18	47/7 203/15 203/17

G	121/13 122/10	177/10 232/13
guest-involved [1]	123/4 126/2 126/4	habitat [6] 223/15
36/24	126/15 128/16	223/19 223/20
guideline [1]	141/14 143/3	224/7 224/13
165/25	145/21 156/4 159/7	224/14
guidelines [7]	159/20 162/23	had [95] 6/21 9/19
42/10 44/11 45/25	163/19 166/14	9/20 10/14 10/23
46/2 53/13 53/14	166/16 168/19	20/1 22/18 32/13
53/23	169/24 170/5	34/16 37/22 37/22
guilt [2] 48/9 48/12	170/12 171/5 171/7	37/25 38/2 38/9
GUNN [1] 3/4	172/3 172/4 172/9	38/10 38/11 39/25
guy [8] 93/6 93/7	172/19 173/24	39/25 40/1 41/15
106/14 106/14	174/5 174/6 174/8	41/15 41/20 48/13
126/15 174/6	174/13 174/20	49/25 58/23 59/10
217/10 253/16	174/21 174/24	63/4 69/3 69/6
guys [4] 72/9	175/1 175/3 175/21	69/12 71/1 73/16
105/10 105/14	175/24 176/5	74/9 74/11 74/20
244/19	176/15 177/9 177/9	78/25 81/7 81/8
H	177/15 178/1	81/11 81/12 82/4
H-a-b-e-r-s-a-c-k	178/13 178/20	82/6 83/8 83/11
[1] 12/16	179/9 179/22	83/12 85/20 87/5
Habersack [96] 4/4	179/24 180/4 180/7	88/18 89/4 91/6
5/25 7/12 12/8	180/10 180/11	91/18 101/5 101/10
12/15 12/24 13/2	180/13 180/21	102/9 103/16
13/10 13/25 16/25	181/24 182/2	103/23 104/13
17/17 18/11 18/21	183/10 185/18	109/12 114/11
22/1 28/6 31/15	189/1 231/17 232/4	116/17 117/16
41/7 42/20 43/9	233/23 239/10	118/17 119/9
59/15 61/22 82/7	243/19 256/24	119/25 135/23
84/4 107/19 113/23	258/14 260/21	136/2 136/8 136/20
116/18 120/22	Habersack's [5]	137/20 138/19
	34/17 127/3 174/3	144/10 144/11

H	42/15	hard [4] 42/25
had... [23] 151/11	handle [2] 19/12	201/7 201/10
161/15 161/19	19/24	224/25
163/12 165/18	handled [3] 19/10	harm [1] 46/24
172/10 174/16	25/8 115/14	harmful [1] 79/6
178/15 186/7 187/3	handling [1] 31/24	HARRIS [1]
189/22 192/7	Hang [1] 197/22	234/12
204/21 205/17	hanging [1] 108/15	harsh [1] 90/8
206/15 217/20	happen [5] 28/16	has [61] 7/10 14/13
219/12 229/1	28/18 33/5 82/13	15/5 32/21 32/24
252/15 252/15	106/4	33/9 35/22 37/17
253/13 254/23	happened [33]	42/9 45/25 68/7
255/19	15/18 16/2 20/10	70/7 72/11 75/7
hadn't [1] 90/25	38/14 41/9 41/11	77/8 77/10 79/14
HAHN [1] 1/7	47/9 48/4 49/12	79/19 79/20 83/7
half [5] 79/9 81/6	49/19 49/23 51/20	85/10 88/14 89/20
102/18 103/6 210/3	60/22 63/12 72/21	92/13 92/25 93/9
hall [2] 170/3 173/7	86/6 87/14 93/12	94/14 102/21 104/7
hallway [5] 173/8	95/6 108/12 112/2	105/8 106/4 109/3
173/11 203/3 246/7	116/21 117/18	125/24 132/1 138/4
246/7	118/2 128/7 134/5	151/24 154/19
hallways [1] 181/7	160/4 160/10 172/9	157/6 158/9 158/19
handbook [23]	179/18 187/5	160/8 170/5 174/13
34/10 35/7 36/21	229/23 231/21	178/2 178/13 187/6
36/22 42/5 42/11	happening [3] 36/7	187/10 187/24
42/12 42/13 42/21	58/10 179/17	193/6 196/22 220/1
42/24 43/13 43/14	happens [4] 112/2	220/4 220/4 220/5
43/15 46/2 46/7	120/6 120/19	227/6 227/7 232/10
46/11 51/19 56/4	120/20	233/15 235/2
56/6 125/12 235/15	happy [2] 191/8	246/23 250/23
235/21 236/4	192/3	hasn't [4] 10/20
handbooks [1]	harangue [1] 154/6	93/20 227/15

H	122/3 150/13	he's [32] 28/11 55/7
hasn't... [1] 252/13	154/19 156/14	76/8 76/15 91/15
haul [4] 228/2	157/6 158/10	98/4 106/10 106/14
245/1 246/4 246/4	159/12 161/22	106/14 136/24
haul-out [2] 228/2	161/24 162/2	138/7 150/14
245/1	162/14 166/24	154/19 157/5
have [298]	170/13 171/17	160/19 162/11
haven't [6] 8/24	171/18 171/19	162/14 173/25
27/20 98/1 108/18	172/10 172/11	176/5 177/11
114/14 114/15	173/22 173/23	178/14 178/14
having [15] 17/4	173/25 174/3	179/10 199/13
30/21 33/1 33/11	174/14 174/16	210/23 211/13
80/16 80/18 96/19	175/5 175/6 175/12	213/19 213/20
97/9 102/8 162/1	176/18 177/12	213/22 220/17
167/1 177/3 179/3	178/13 178/15	234/12 234/13
232/23 257/14	179/10 179/12	head [1] 70/18
haystack [1] 75/20	179/13 179/17	heading [2] 210/16
hazard [15] 148/2	179/17 179/18	245/23
148/7 149/8 168/7	181/22 183/11	hear [20] 47/18
168/9 168/17	183/19 183/24	62/4 78/13 81/4
191/23 192/23	183/25 184/10	82/11 93/13 95/12
195/11 195/17	184/15 185/9 186/1	95/24 96/21 98/18
204/4 210/18 211/3	186/2 186/5 186/18	106/21 150/9 162/8
212/13 214/2	187/6 187/6 187/8	190/5 190/5 193/18
he [92] 18/17 20/5	187/9 187/9 187/10	193/19 193/21
35/22 55/4 55/8	187/11 187/13	193/22 244/5
72/23 72/24 72/24	210/23 212/14	heard [19] 8/25
72/25 72/25 77/10	224/2 225/7 226/9	8/25 39/10 80/13
78/2 78/2 84/8 84/8	226/15 226/19	80/16 80/18 84/4
85/22 86/1 88/8	226/21 236/11	89/10 96/19 98/9
91/10 91/13 93/4	248/7 249/5 252/5	101/17 106/4
102/14 106/17	he'd [1] 200/7	115/24 115/25

H		
heard... [5] 128/22 129/5 129/6 179/3 190/7	198/18 219/21 249/13 260/12	180/8 180/18 193/3 195/21 196/3 196/5
hearing [8] 10/5 38/8 38/15 38/21 38/21 95/21 96/10 181/17	help [4] 12/12 57/19 118/23 163/24	201/9 203/15 205/12 210/14 213/1 213/11 213/24 214/13
hearsay [26] 170/23 171/1 171/12 174/18 175/17 175/22 176/1 176/4 177/10 177/11 177/16 177/21 178/2 178/3 178/9 178/12 178/19 181/12 181/15 182/23 182/24 184/6 184/17 184/18 184/19 185/24	helps [1] 209/6 her [34] 8/25 39/8 40/17 40/20 68/9 69/1 69/3 69/5 69/7 69/17 69/24 69/25 70/15 70/19 81/14 81/17 83/10 84/1 86/9 86/11 89/2 89/4 89/5 90/22 94/10 94/15 95/7 96/25 97/2 100/2 101/1 101/18 103/20 106/1	220/23 221/5 221/6 222/8 222/8 222/12 226/18 227/12 229/22 230/2 230/10 230/20 233/20 234/8 237/5 241/24 244/22 245/6 245/19 245/19 246/1 246/5 249/19 250/14 255/10
heart [1] 77/14 heavily [1] 114/5 heck [1] 254/4 height [1] 13/6 heightened [5] 115/4 121/7 121/18 122/1 122/13	herded [1] 181/2 here [73] 13/11 15/10 28/6 28/8 35/25 37/23 43/24 43/25 44/15 46/19 47/24 51/5 54/23 57/14 63/11 65/25 77/14 83/4 90/4 90/20 91/25 92/17 93/20 102/8 143/22 146/2 150/22 156/6 162/14 166/19 167/12 179/12 179/16 179/17	here's [6] 10/9 35/4 61/23 62/5 115/23 116/18 Hey [8] 63/10 77/25 85/3 85/10 86/5 132/25 224/25 228/10
held [14] 5/6 11/15 11/21 31/11 65/17 107/7 113/3 124/24 169/21 188/13		high [10] 109/21 110/14 110/18 111/5 111/10 112/3 112/17 114/1 114/21 151/21 high-security [9] 109/21 110/14 110/18 111/5 112/3

H	77/9 88/18 102/15	75/20 75/24 76/2
high-security... [4]	106/13 106/17	76/4 76/5 76/20
112/17 114/1	119/21 122/3	76/21 76/25 77/1
114/21 151/21	127/14 149/20	78/12 78/17 80/1
higher [1] 234/22	159/10 164/15	80/9 80/9 82/14
highlight [2] 36/4	165/1 172/11	82/20 84/14 85/21
45/4	172/12 179/14	86/24 87/15 87/19
highlighted [1]	188/1 189/7 204/20	87/22 87/23 88/2
145/22	205/3 212/12	88/12 89/8 91/4
highly [2] 10/16	214/19 228/22	91/17 92/8 92/15
76/9	255/8	93/19 94/11 95/9
him [31] 28/12	hold [3] 85/7 90/5	95/15 96/6 97/8
76/10 82/9 88/9	156/25	98/15 98/24 99/15
91/14 149/20 150/9	hole [4] 132/24	102/7 104/18
151/7 151/9 151/10	132/25 133/15	104/21 106/18
170/13 172/10	133/16	107/12 108/25
174/15 174/21	home [2] 251/3	112/25 113/15
178/17 183/14	251/4	116/12 116/15
183/19 184/9	honest [1] 11/1	122/20 123/14
184/12 184/13	honestly [1] 237/16	125/10 125/20
185/2 185/8 185/9	Honor [155] 5/19	126/22 127/1 127/7
186/3 186/8 187/12	5/21 6/2 6/6 6/16	137/12 137/25
197/12 211/12	7/10 7/18 7/21 8/14	156/21 157/3 157/7
212/24 213/6 217/8	8/14 9/14 10/4	162/13 162/20
hinges [2] 253/17	10/20 10/22 11/12	163/15 169/25
253/23	16/20 31/7 34/8	170/7 174/13 176/8
hired [3] 82/15	34/15 35/11 43/17	176/19 177/25
134/22 170/15	54/25 64/7 64/24	178/11 179/6
his [34] 10/1 18/17	66/2 67/5 68/5 68/7	180/24 181/11
18/18 28/25 35/7	68/9 68/16 70/2	182/5 182/20 184/4
44/4 50/22 54/23	71/2 72/19 73/12	185/14 186/11
55/5 55/6 55/17	73/16 75/4 75/6	187/2 188/8 188/19

H	2/15 5/13 5/24 5/25	However [1] 29/11
Honor... [36] 197/7	14/3 111/18 112/12	HUDGINS [1] 3/3
198/15 200/7	112/19 112/24	Hughes [1] 2/22
208/17 210/20	hour [1] 226/15	hung [1] 98/3
211/6 215/15	hours [2] 224/5	hurry [2] 83/21
217/20 219/18	250/8	156/17
219/24 226/8 228/5	house [7] 19/12	hurrying [3]
228/8 228/25	134/23 134/24	156/14 164/7 164/8
230/17 230/18	136/8 216/9 251/15	hurt [3] 27/9 85/17
236/10 242/23	254/10	88/19
247/18 248/25	how [51] 8/1 8/11	husband [1] 1/7
249/3 251/22	9/7 23/18 25/10	Hutton [1] 2/17
252/19 252/20	25/15 26/24 26/24	hypothetical [13]
252/21 252/22	27/16 28/4 28/4	33/18 33/19 121/1
255/1 255/11	49/19 51/9 63/10	133/4 133/6 133/7
255/12 256/2	68/15 70/11 71/12	133/20 144/9 146/4
256/17 256/20	78/11 79/16 79/19	148/5 148/19
257/18 257/19	79/24 81/21 84/22	148/20 149/3
259/3 259/11	89/1 89/3 93/9 95/6	hypotheticals [1]
Honor's [3] 8/16	95/7 95/10 97/19	147/15
68/19 182/7	103/4 106/11	I
HONORABLE [2]	111/10 112/18	I'd [5] 67/11 76/1
1/18 5/10	112/20 118/15	106/20 154/5
hope [3] 53/21	147/8 157/18	220/16
115/21 127/21	160/10 166/21	I'll [41] 9/5 13/16
hopefully [3] 64/22	187/23 197/1	33/24 41/24 42/17
187/3 188/5	228/15 230/12	42/18 44/3 45/22
horses [1] 108/19	231/3 234/2 240/11	56/18 67/19 67/23
hospital [1] 23/14	246/11 250/17	68/4 94/25 98/16
host [2] 14/17	250/18 251/5	116/14 121/4
83/14	Howard [5] 2/22	123/14 139/1
hotel [11] 1/10 1/16	3/5 6/7 36/8 67/19	149/20 154/2

I	60/19 62/8 64/8	189/23 191/20
I'll... [21] 158/15	66/11 72/5 76/17	192/6 193/3 197/12
165/9 168/24 191/8	76/19 82/21 83/16	197/21 199/8 206/1
192/3 196/7 200/19	88/5 92/7 92/11	207/2 209/18
202/6 209/9 210/24	93/20 94/8 95/9	211/14 217/9
212/20 222/19	95/19 95/23 96/10	218/17 219/1 220/6
227/9 229/12	97/4 97/5 97/7 97/8	222/10 222/13
247/23 248/18	100/21 101/1 102/8	222/23 224/9
249/16 249/17	103/11 103/12	224/23 225/12
249/21 249/24	108/22 109/18	228/5 230/3 231/19
259/14	109/19 113/25	232/9 233/14
I'm [178] 9/1 13/4	115/3 118/20	236/16 238/10
13/5 14/2 14/11	122/12 127/17	238/18 239/21
15/3 15/3 15/9 17/1	131/18 131/18	241/21 243/3
17/9 18/8 19/17	131/25 132/21	243/25 248/25
21/25 21/25 22/15	132/22 133/4 133/8	249/22 253/15
22/16 25/7 25/12	133/8 134/7 135/7	253/22 256/13
26/17 26/17 27/19	139/23 140/20	I've [14] 8/25 13/6
27/22 28/1 28/2	142/15 142/16	29/20 29/24 60/9
28/6 28/8 28/8	142/19 142/21	83/18 96/20 114/11
28/14 32/7 32/23	143/5 143/12	129/17 160/12
35/16 36/15 38/18	143/13 144/12	213/4 225/24 233/5
39/18 39/20 39/21	145/21 148/8 151/5	249/15
39/24 40/23 40/24	152/14 154/22	I.e [1] 250/18
41/10 42/4 42/20	154/23 155/9	idea [7] 9/7 64/11
42/20 43/8 43/17	157/10 158/22	87/4 93/9 100/11
45/1 47/2 47/20	158/24 158/25	137/25 167/13
47/23 48/5 48/8	159/6 160/3 160/25	identical [2] 217/24
48/11 48/12 48/13	161/18 162/22	218/3
48/22 49/2 49/6	163/7 171/13	identification [1]
49/7 49/10 49/10	171/24 178/24	78/19
54/16 57/14 60/18	179/1 182/17	identified [9] 82/7

I	156/19 157/17	251/3 251/4
identified... [8]	158/11 158/21	in-house [1] 19/12
82/8 83/9 86/2	164/7 164/8 166/22	inaccurate [2]
91/12 93/22 136/21	167/8 167/14	108/4 108/16
217/22 226/14	172/21 173/1	inactivated [1]
identifies [1]	178/15 189/7 222/3	113/11
226/22	222/4 257/25	inadmissible [1]
identify [20] 5/14	illusions [1] 74/6	181/13
74/13 74/15 75/19	immediately [2]	INC [9] 1/12 1/12
78/9 84/12 85/15	25/17 135/24	1/13 2/9 3/2 3/9 6/4
106/5 153/11	impact [1] 136/23	170/16 170/19
196/14 198/12	impeach [1] 88/17	inch [1] 123/6
198/21 199/2	impeaches [3]	incident [78] 16/12
200/22 205/13	75/24 80/21 88/23	17/12 19/8 19/20
207/23 209/8	impeachment [7]	20/5 20/12 20/15
220/23 253/12	73/7 75/1 80/24	21/9 22/24 23/3
253/17	83/17 88/15 101/16	23/4 23/9 23/17
illuminated [4]	171/14	24/4 24/11 24/23
173/8 173/11	importance [2]	25/1 25/5 25/10
173/15 214/3	214/14 214/16	25/15 31/18 31/19
illusion [47] 38/3	important [4]	31/23 32/4 32/6
38/7 38/13 39/6	48/25 49/1 49/2	34/3 37/15 39/9
58/11 68/11 68/14	54/3	39/14 40/4 41/3
69/15 70/21 74/8	impose [1] 244/14	41/8 47/18 48/13
74/12 74/15 74/16	impossible [4]	50/15 50/17 50/21
78/1 78/8 82/6 83/3	74/17 85/13 85/14	58/10 58/18 73/11
91/21 93/6 95/7	90/14	74/2 110/13 143/7
98/5 101/20 103/3	impression [3]	144/8 151/19 152/7
105/23 106/9	204/3 204/9 204/10	158/4 172/2 172/6
106/13 120/3	improper [3] 10/10	172/13 179/22
127/24 128/20	10/16 10/17	180/1 180/2 180/6
138/19 139/16	improvement [2]	180/9 180/16

I		
incident... [22] 180/17 180/18 180/22 180/24 181/1 181/2 181/4 181/5 181/7 181/8 181/10 201/4 206/19 212/7 212/11 214/13 235/22 250/7 251/13 252/16 256/10 257/12	inclusive [1] 1/20 incomplete [3] 33/17 63/20 120/25 inconsistencies [2] 90/1 90/15 inconsistent [2] 179/4 181/19 Incorporated [1] 136/2 indicated [7] 6/13 8/15 44/2 97/14 107/16 159/12 183/25 indicates [1] 159/9 indicating [2] 69/18 238/10 indication [1] 84/1 individuals [3] 17/24 153/7 155/11 indoor [1] 214/3 influenced [1] 9/21 information [29] 17/25 37/11 65/9 87/18 92/19 102/10 103/23 106/6 113/24 124/13 131/20 131/21 132/1 137/20 153/4 162/7 163/25 164/12 168/18 169/10 172/11 174/15 178/16	179/16 184/14 214/11 218/24 258/2 259/22 informed [1] 178/17 Infuso [1] 6/1 initial [3] 79/18 80/19 170/25 injured [17] 24/17 32/15 32/16 33/13 39/3 39/3 51/21 51/21 68/12 69/14 70/9 70/14 73/11 74/14 74/17 74/20 79/21 injuries [8] 32/9 75/2 79/15 79/15 79/23 79/24 88/23 159/10 injury [28] 23/18 23/23 24/22 24/24 25/9 32/5 33/1 33/1 37/16 68/12 68/13 69/6 70/7 70/20 73/5 80/4 80/4 80/7 88/16 88/25 89/2 92/4 92/5 95/6 99/8 101/12 101/14 101/14 input [1] 17/25 inquiry [1] 46/16 inside [16] 87/9

I		
inside... [15] 87/14 102/20 102/23 103/2 103/16 203/12 203/17 205/1 219/7 244/10 253/20 253/21 254/3 254/7 254/18	interest [3] 177/13 177/25 178/2 interesting [1] 140/22 interior [5] 202/21 202/22 203/9 204/2 246/16 internet [5] 65/10 89/15 124/14 169/11 259/23 interrogatories [4] 22/10 22/14 247/7 247/12 interrupt [1] 141/17 interrupted [1] 88/8 interview [6] 9/18 10/5 55/21 57/19 59/12 83/2 interviewed [26] 51/9 51/23 51/24 52/1 52/6 52/7 56/2 57/18 58/15 58/25 59/2 59/8 60/5 60/16 60/18 60/20 61/7 61/11 61/12 61/13 61/15 62/9 62/11 62/21 62/23 117/24 investigated [1] 165/25	investigating [2] 206/15 212/14 investigation [11] 21/21 22/2 22/7 82/25 83/5 83/13 93/5 159/21 204/20 204/23 256/11 investigations [1] 15/22 investigator [2] 170/14 178/21 involved [20] 18/8 21/7 22/2 26/5 27/5 31/2 31/3 36/24 37/3 40/7 51/5 68/11 69/1 74/12 82/22 82/23 84/25 123/18 157/19 167/24 involvement [3] 22/6 22/8 95/7 involves [1] 19/5 involving [3] 20/11 25/22 152/7 irrelevant [1] 182/1 is [514] isn't [21] 18/4 38/15 41/8 47/20 60/23 96/11 109/25 110/3 130/7 139/10 144/16 147/19 174/5 174/19
inspection [2] 151/17 209/10 instance [1] 41/2 instances [1] 90/12 instead [6] 7/10 55/2 69/15 92/20 103/20 217/22 instruct [2] 66/4 88/4 instruction [12] 66/15 66/24 67/11 70/8 70/24 84/1 98/21 104/22 105/1 106/22 106/24 187/19 instructions [4] 66/8 66/9 105/8 107/2 insurance [9] 14/15 14/16 14/16 29/15 63/23 66/4 170/18 184/10 184/24 intend [1] 102/3 intent [1] 171/21		

I	173/14 175/6 178/3 178/24 181/4 182/21 185/15 234/22	judge's [1] 29/25 Judging [1] 208/6 Judicial [1] 5/8 July [3] 198/8 200/21 206/12 July 11 [3] 198/8 200/21 206/12 jump [2] 132/24 133/15 June [1] 72/25 JUROR [3] 36/17 36/19 244/20 jurors [6] 12/21 36/15 66/5 113/7 184/2 249/16 jury [58] 1/17 5/7 5/12 6/13 6/25 9/16 9/20 10/15 10/20 11/18 11/19 11/22 11/24 11/25 13/12 13/25 14/7 35/5 58/24 64/13 64/17 65/18 66/8 70/8 71/5 78/12 79/8 81/4 83/20 84/17 105/5 107/8 107/10 109/3 124/25 125/6 125/9 150/8 154/8 161/23 169/20 169/22 170/2 170/9 171/10 179/19 185/6 188/9 188/14
isn't... [7] 176/14 201/24 212/20 237/18 239/22 240/14 255/23 issue [28] 6/22 9/15 23/10 23/21 25/16 25/21 27/8 27/16 81/23 81/24 82/2 89/14 90/3 103/13 106/3 119/18 119/20 142/9 148/3 148/17 169/25 170/22 172/7 185/25 187/4 197/8 197/10 249/4 issues [8] 29/18 84/20 104/12 106/10 108/17 123/19 149/5 187/15 it [581] it's [269] item [2] 225/6 260/17 items [4] 64/15 64/20 136/11 245/4 its [6] 70/3 72/20 167/9 218/13 232/14 246/16 itself [11] 68/14 157/17 170/23	J Janson [1] 258/21 January [4] 21/3 38/12 38/16 38/19 jar [1] 116/15 Jeff [1] 134/22 Jennifer [3] 36/9 36/11 44/16 JERRY [2] 2/16 5/23 job [15] 14/24 17/17 17/22 18/18 19/1 20/21 21/3 21/14 26/10 31/14 84/17 189/19 191/10 218/23 236/19 jogging [1] 211/22 Join [1] 41/23 joined [1] 223/10 Joint [1] 4/11 jpopovich [1] 2/19 JR [1] 3/4 judge [10] 28/21 116/10 168/24 208/20 209/16 227/1 243/23 247/24 261/1 261/3	

J	128/16 129/7 131/3	233/14 238/2
jury... [9] 188/17	133/11 135/7	239/21 241/10
195/7 200/20	138/16 140/5	241/21 242/6
239/19 241/14	140/17 144/3	242/14 243/15
249/4 254/9 259/14	144/25 145/1	243/18 249/3 249/7
260/13	145/22 147/23	251/24 255/8
just [163] 6/17 9/22	147/24 151/23	255/17 257/1
10/21 19/17 25/20	155/9 155/11 160/3	259/14 260/3
28/12 28/24 32/7	162/6 163/1 164/19	260/20
32/8 36/15 39/7	165/14 167/22	justification [8]
39/21 39/23 42/18	169/15 172/10	78/17 78/22 79/11
43/8 43/9 43/10	174/4 179/10	81/7 86/14 86/16
45/4 46/15 47/13	179/15 182/6 183/9	104/8 104/11
48/9 48/20 52/22	183/25 185/23	justified [1] 82/3
54/10 55/2 55/11	186/10 187/22	K
65/23 66/11 66/11	192/11 192/18	keep [5] 61/22 74/5
66/14 66/20 66/23	194/4 195/4 195/4	79/4 187/22 207/7
70/13 70/16 71/12	197/21 198/6	keeps [1] 36/7
71/19 72/1 72/2	198/15 199/20	Ken [1] 9/23
74/14 76/10 76/20	201/15 205/25	Kenner [4] 75/9
76/23 77/5 78/11	206/9 208/11	88/21 88/21 127/2
78/19 78/20 78/21	210/15 212/24	kept [1] 118/23
83/6 84/14 93/15	213/6 213/15	KIMBERLY [2]
93/16 95/5 95/10	216/14 216/18	1/25 262/12
95/18 96/24 97/3	217/5 217/13	kind [24] 32/5
98/8 98/20 99/1	217/19 218/3 219/6	33/10 37/15 41/18
100/8 102/11	222/25 223/17	59/5 70/5 73/25
103/19 105/5	224/18 225/18	131/1 149/7 165/24
107/19 109/6 109/7	225/23 226/10	171/18 195/24
110/24 112/2 114/8	226/15 226/21	201/10 202/13
114/20 116/21	227/2 227/5 227/9	217/10 218/22
124/18 128/10	229/4 231/16 233/8	234/2 234/7 234/23

K	61/6 61/11 61/20	139/16 140/14
kind... [5] 234/24	62/2 62/11 62/22	142/1 142/13
234/25 236/1	63/2 63/12 67/5	142/15 142/20
253/24 254/10	67/7 67/8 67/13	143/15 143/16
kitchen [1] 181/5	67/13 68/12 70/5	143/17 143/17
knew [15] 10/12	72/2 73/9 73/17	143/23 144/8 148/9
10/25 41/17 55/15	74/21 76/8 77/23	148/13 151/3
59/3 62/10 62/12	78/3 79/22 80/20	152/11 154/25
79/3 85/16 85/17	80/20 82/12 82/17	157/18 160/8
102/14 179/17	82/21 82/24 84/5	160/10 160/19
189/17 243/9	85/24 93/25 96/17	161/22 161/24
243/10	97/7 97/20 98/1	162/6 162/20
know [261] 7/18	98/25 104/21	162/25 163/6
8/18 8/24 9/16	105/25 108/4	163/25 167/18
10/10 12/19 13/10	108/18 108/23	167/22 167/23
13/19 15/10 16/25	111/10 112/20	174/4 175/5 179/11
17/18 17/19 19/18	113/23 113/23	179/15 179/20
20/1 27/21 30/12	116/3 116/4 116/5	180/23 180/24
30/12 32/22 33/2	117/8 117/20	186/7 187/12 189/9
33/5 35/1 36/6 38/6	119/21 119/23	189/10 189/11
39/6 39/17 39/20	119/24 120/19	189/13 189/14
40/22 41/9 42/15	122/14 123/22	189/16 189/17
43/9 48/23 49/23	126/11 126/16	190/4 190/9 190/11
51/1 52/1 52/1 52/4	129/18 129/23	190/14 190/20
52/4 52/7 52/8	130/6 130/21 131/5	190/21 191/12
53/19 53/20 53/21	131/23 131/24	191/17 191/19
54/11 54/11 54/18	132/12 132/19	191/25 195/6
55/4 55/4 55/6 55/7	133/20 133/21	196/22 196/25
55/8 55/23 56/11	134/3 134/6 134/11	197/1 199/3 199/8
56/12 58/21 59/10	135/4 135/5 135/15	200/2 201/14
60/5 60/6 60/8 60/9	138/21 138/22	203/16 204/15
60/22 60/23 61/4	139/11 139/13	205/3 208/11 211/8

K	254/22 255/18 258/8 knowledgeable [5] 16/10 17/10 143/5 143/21 144/7 known [3] 87/11 87/17 103/5 knows [4] 37/19 167/21 195/25 249/6 KOTKIN [2] 1/11 3/10	81/25 82/3 86/9 86/17 86/22 104/8 later [6] 63/9 66/12 71/22 83/1 99/2 260/4 law [6] 2/3 10/14 118/14 118/19 118/20 118/22 Lawrence [12] 8/24 72/18 83/24 87/1 91/13 91/16 92/2 99/20 100/25 104/25 105/18 105/23 Lawrence's [6] 72/20 97/9 97/25 102/22 105/2 105/20 lawsuit [6] 22/10 24/16 26/5 82/22 82/24 91/23 lawyer [3] 82/16 82/20 151/6 lawyers [12] 10/11 26/2 26/4 42/5 65/4 82/23 84/25 124/9 127/19 169/6 193/8 259/18 lay [27] 42/18 136/5 137/4 162/19 184/7 184/9 200/8 207/15 208/21
know... [49] 211/25 214/24 216/20 216/21 217/15 217/25 218/17 218/21 220/12 221/4 222/16 222/21 223/2 223/5 223/6 223/12 223/17 223/19 224/14 224/18 230/8 232/7 234/1 235/9 235/12 235/16 235/25 236/20 238/9 239/2 239/14 239/14 239/15 241/3 242/15 243/15 245/9 246/11 248/10 248/14 248/19 251/1 251/2 253/24 256/24 257/1 257/2 257/3 257/4 knowing [2] 69/23 120/3 knowledge [15] 22/25 68/13 69/6 88/18 139/7 153/5 172/13 184/15 185/17 185/19 194/22 223/9	L lack [2] 117/23 117/25 lacks [4] 21/11 41/23 112/14 226/24 ladies [6] 11/23 65/1 124/5 125/4 188/15 259/15 language [2] 14/16 48/24 Las [6] 2/12 2/23 3/6 5/1 74/10 219/5 Las Vegas [1] 74/10 last [7] 19/14 46/15 101/5 154/6 225/7 251/23 255/8 late [10] 78/18 78/19 79/10 79/12	

L	leave [2] 70/9 113/8	11/10 11/18 21/2
lay... [18] 212/20	leaves [1] 70/16	25/9 30/3 30/15
218/21 218/23	LEE [2] 3/4 6/7	33/2 33/8 37/17
219/2 226/16	left [15] 53/21 96/7	45/4 46/18 50/5
226/22 227/3	96/20 125/21	54/6 54/10 54/14
229/20 229/25	134/20 192/19	57/16 61/5 61/14
230/7 230/9 230/19	196/2 196/3 208/2	61/14 103/20
231/3 243/5 243/11	221/11 221/14	108/17 108/18
243/14 251/14	224/8 230/6 237/11	108/20 114/8
252/15	241/7	114/20 126/4
lay-down [18]	legal [3] 149/12	126/20 127/10
136/5 137/4 218/21	149/18 158/13	129/2 132/10 140/5
218/23 219/2	legend [2] 229/19	141/5 147/3 147/13
226/16 226/22	230/11	147/16 152/6 152/6
229/20 229/25	legitimate [1] 178/5	169/1 169/1 188/3
230/7 230/9 230/19	length [2] 246/6	188/4 188/9 217/8
231/3 243/5 243/11	246/7	240/25 245/19
243/14 251/14	less [3] 82/19	letter [4] 26/6
252/15	237/12 237/20	53/24 140/5 181/23
layout [1] 224/9	let [30] 23/16 28/12	letterhead [1]
lead [1] 238/14	37/25 63/25 66/25	156/12
leading [7] 16/11	82/11 88/9 93/13	level [7] 175/17
17/11 122/7 143/6	96/16 98/18 113/18	178/12 178/17
144/7 164/25 166/4	161/22 176/12	178/18 184/17
learned [1] 38/12	192/9 196/1 198/4	184/18 234/18
lease [4] 141/5	204/15 205/5	levels [9] 115/13
141/11 145/18	205/12 206/25	171/11 174/17
145/20	211/17 213/7	178/12 179/1 184/6
least [7] 8/4 8/6 8/7	220/21 227/5 230/4	184/19 234/7
58/12 68/7 91/20	239/10 244/13	234/25
215/5	247/4 250/13 253/3	liability [10] 46/22
leather [1] 214/5	let's [46] 9/12	47/7 47/11 47/21

L	207/25 208/8 210/3	224/7 224/13
liability... [6] 49/4	226/3 230/10 251/9	224/14
49/9 49/10 49/18	252/10 253/11	lions [4] 223/22
108/7 108/11	254/9 255/8	223/23 224/1 224/5
liars [1] 10/11	likely [1] 164/13	list [4] 67/16 67/18
light [7] 80/9 89/24	likes [1] 53/24	93/22 102/18
121/8 173/15	limitation [8] 65/4	listed [1] 228/16
210/17 241/9	65/9 124/8 124/13	listen [4] 65/6
255/23	169/5 169/10	124/10 169/7
lighting [5] 122/6	259/18 259/23	259/20
122/7 173/9 214/4	limited [3] 68/10	listening [1] 136/24
214/4	251/9 252/11	lit [4] 212/5 241/12
lights [12] 108/25	limiting [7] 83/25	241/13 241/14
109/1 109/9 122/6	98/21 104/22 105/1	litigation [2]
239/8 239/24 241/1	106/21 106/23	171/22 179/3
241/7 241/10	107/2	little [18] 9/3 13/21
241/17 241/22	line [23] 16/18	17/21 36/5 43/10
242/16	16/24 26/15 40/11	53/6 70/17 70/17
like [44] 18/4 25/9	46/15 54/23 55/18	76/2 115/21 118/2
26/13 41/11 47/8	55/23 55/24 71/14	154/6 165/14
47/10 65/19 66/20	110/4 110/7 110/20	168/23 196/3
67/11 68/16 69/16	110/21 127/11	234/22 237/12
70/17 72/7 75/19	151/13 151/15	237/19
76/1 83/7 87/7	152/21 155/7 157/8	live [1] 150/23
91/10 95/20 99/1	159/7 233/22	LLC [6] 1/10 1/16
99/17 106/21	234/24	1/20 2/9 5/13 14/3
108/15 130/19	line 6 [1] 110/20	LLP [3] 2/16 2/21
171/23 174/17	lines [4] 14/21	3/11
179/7 186/20	71/25 135/18	load [1] 253/20
195/14 196/12	192/10	located [2] 147/6
196/13 205/20	lion [6] 223/15	157/20
206/3 207/21	223/18 223/19	location [21] 14/19

L	151/21 235/21	125/11
location... [20]	240/10	luncheon [1]
68/17 139/6 140/9	looking [19] 63/18	124/21
141/16 142/1 142/3	73/4 74/11 74/21	LV [2] 1/20 2/9
142/7 142/8 157/21	81/23 86/13 117/3	M
161/5 173/3 191/23	131/2 131/3 195/15	machines [1]
203/23 204/19	199/13 207/24	203/17
214/2 214/6 221/4	209/15 226/3	Mad [5] 134/23
243/10 244/10	226/10 229/14	134/24 136/8 216/8
244/22	232/19 240/2	251/15
locations [2] 124/1	245/14	made [38] 8/19
142/21	looks [8] 25/9 125/9	10/7 10/14 10/17
long [14] 7/12 8/1	196/12 196/12	10/24 11/2 11/7
8/11 8/14 9/7 33/6	205/20 207/21	22/22 26/20 38/25
92/1 104/14 105/5	207/25 212/5	47/13 59/16 59/20
108/22 123/25	Los [1] 3/13	59/24 67/8 68/6
137/9 170/9 251/1	losing [1] 187/14	77/15 102/8 108/3
longer [6] 13/21	loss [2] 14/14 188/1	125/23 143/20
64/14 83/21 83/22	loss-control [1]	156/9 160/12
83/22 118/25	14/14	162/23 163/2 163/8
look [24] 27/6	lost [2] 13/6 187/11	170/12 170/13
35/23 42/5 43/8	lot [7] 18/9 23/14	170/14 171/21
46/18 50/14 57/24	25/22 82/23 111/6	176/23 177/8
83/1 93/12 104/12	114/22 223/12	183/20 185/16
105/15 175/2 191/8	loud [1] 102/25	186/22 195/5
201/9 201/18	LOUIS [1] 2/10	204/10 237/9
202/15 207/19	lower [1] 241/7	magic [1] 156/14
209/3 212/7 212/18	lroberts [1] 3/7	magically [2] 173/3
213/1 229/2 240/25	luck [1] 74/8	181/8
245/20	lug [1] 137/5	magician [3]
looked [7] 49/25	lunch [4] 107/17	172/20 172/23
61/7 136/21 143/4	122/22 124/5	173/18

M	196/4	152/13 157/21
maintenance [1]	making [6] 24/3	197/1 230/12
151/17	69/13 144/14	235/11 235/12
major [1] 24/24	147/12 147/13	246/11
make [60] 7/6 8/12	147/16	mark [13] 1/19 4/3
9/8 9/9 9/20 10/19	malice [1] 159/13	5/10 12/7 12/15
16/1 20/14 21/8	maliciously [1]	12/17 12/24 70/17
21/15 22/18 24/9	159/14	166/14 189/1
25/4 26/14 26/18	man [1] 76/14	196/13 201/12
30/14 32/6 35/5	manage [2] 17/23	234/4
42/14 44/6 48/19	19/4	marked [5] 4/11
54/21 60/1 60/2	management [26]	195/11 220/22
65/20 67/24 71/19	1/13 2/9 6/11 14/6	232/12 238/4
80/17 82/2 84/18	14/8 14/13 17/20	marks [8] 192/23
89/9 109/12 118/8	19/3 19/5 24/2 27/6	195/21 195/23
118/9 119/12	46/23 48/18 56/21	196/11 199/1 199/2
125/22 127/24	59/16 62/6 136/2	199/4 201/5
138/4 138/5 143/10	140/10 140/11	Martin [1] 5/25
143/16 146/22	140/14 140/15	material [4] 141/22
147/21 149/15	140/16 144/14	145/23 146/9
149/23 150/5 159/4	158/5 165/15 218/2	146/14
159/18 173/1	manager [1]	materials [3] 251/9
173/13 176/1	165/21	251/15 252/10
189/14 190/16	maneuver [2]	matter [14] 11/14
201/17 203/20	127/25 132/16	22/11 48/9 78/9
217/13 218/4	manner [5] 75/3	81/1 113/6 130/25
234/20 238/12	92/5 100/17 101/13	168/7 176/7 181/16
241/25	101/20	181/21 183/17
makes [11] 23/4	many [15] 42/15	194/5 195/1
23/5 23/22 23/24	43/24 51/9 79/20	may [38] 6/9 10/21
26/19 39/13 47/16	90/11 118/15	11/17 11/24 18/14
72/4 173/18 176/3	146/10 146/13	23/7 34/23 54/11

M	58/14 61/10 61/22	227/5 227/9 230/4
may... [30] 76/2	63/25 66/15 66/25	231/10 238/12
84/14 89/9 91/4	67/3 67/3 71/4 72/4	239/10 241/13
93/22 96/25 97/6	72/10 82/11 93/13	244/13 247/4 247/9
97/15 107/9 112/13	95/22 96/6 96/16	250/13 253/3
114/4 115/8 118/11	98/18 101/4 101/18	mean [43] 47/14
125/13 125/24	105/8 111/21	50/17 51/15 53/19
128/17 135/16	113/18 115/3	55/1 59/22 64/6
167/7 169/19	115/23 116/10	66/9 66/21 66/23
187/22 188/16	117/16 120/16	67/17 81/10 92/9
188/21 198/16	121/24 126/17	92/11 93/11 94/4
218/25 219/18	129/20 130/18	95/25 99/23 111/4
237/16 247/14	132/18 133/11	112/10 114/21
249/11 257/24	135/19 141/7	115/2 127/20
259/13	142/23 143/13	128/15 128/18
maybe [20] 17/21	144/9 146/7 149/6	130/6 130/7 131/2
30/13 64/10 69/14	152/15 155/6	137/16 137/17
70/7 71/24 72/1	156/11 157/2	160/2 160/15
72/12 72/14 73/19	158/17 159/3 159/4	161/13 171/23
100/8 101/6 142/3	160/21 163/5	189/20 202/21
168/23 168/23	168/18 175/7 176/6	203/15 218/22
170/1 187/21	176/12 176/24	223/16 226/11
187/22 196/4 240/7	176/25 186/19	243/7 245/14 249/9
maze [2] 173/14	186/22 191/7 192/3	meaning [2] 32/4
181/4	192/9 193/20	166/1
me [107] 12/20	194/11 196/1 198/4	means [6] 57/10
13/7 13/16 15/3	199/11 204/15	116/5 146/4 159/14
23/16 24/20 27/21	205/5 205/12	182/21 228/14
28/7 28/21 37/25	206/21 206/25	meant [5] 23/4
41/1 41/6 44/24	211/17 213/7	67/22 128/19 129/4
45/18 47/3 48/5	218/16 219/14	196/10
48/23 52/16 54/11	220/17 220/21	meantime [1] 156/5

M	89/17	119/19 119/21
measured [1]	MGM [155] 1/10	119/25 120/16
246/12	1/16 2/15 5/13 5/24	123/5 135/13
media [3] 91/19	14/2 15/14 19/3	136/22 138/18
113/10 113/20	19/6 20/17 21/2	138/19 139/5 140/1
medical [7] 33/2	22/22 25/11 26/19	140/4 140/11
175/10 182/8	27/23 27/25 28/14	140/15 140/21
182/14 182/19	29/17 30/22 31/19	141/3 141/11
182/20 187/15	32/3 32/5 32/14	141/15 144/16
medium [4] 65/8	33/3 33/11 33/14	145/18 145/21
124/12 169/9	34/2 34/4 34/9	149/9 149/15
259/22	36/22 37/16 37/18	150/15 151/16
meet [3] 35/10	39/5 39/11 39/15	156/12 158/9
125/22 185/16	39/24 40/2 40/7	158/19 160/8
meetings [2] 18/8	40/15 40/16 40/19	160/17 160/18
18/10	41/4 41/8 41/17	160/22 162/25
mellow [1] 75/16	42/13 43/13 43/16	163/2 163/6 163/9
members [4]	46/6 46/23 47/5	165/15 165/24
172/21 172/24	51/20 52/14 53/14	166/1 168/2 168/7
173/2 173/5	54/18 55/3 55/16	168/14 170/13
memo [3] 227/13	56/7 56/21 57/5	171/19 174/14
227/19 228/13	57/8 57/12 57/15	177/24 196/16
memorandum [2]	58/20 59/1 59/7	201/19 208/11
228/17 228/19	62/7 63/7 67/23	209/11 211/5 212/3
memorized [1]	78/1 82/6 83/25	212/8 212/10
137/25	84/2 84/5 85/20	213/12 213/15
memory [4] 187/13	85/23 98/21 98/25	218/12 236/6
192/5 192/7 233/8	99/13 105/18	246/15 246/17
mentioned [3] 39/7	105/21 105/21	246/22 246/24
91/18 147/23	105/21 105/25	253/11 254/1
merits [1] 86/21	106/2 108/1 114/11	257/24 258/4
met [3] 60/10 89/15	116/4 117/25 118/5	MGM's [4] 149/9

M	25/9 25/20	72/11 72/12 83/20
MGM's... [3]	minute [6] 24/6	96/4 97/10 97/11
235/10 246/23	44/25 106/19	97/22 97/25 100/8
247/6	173/19 181/3 228/7	101/9 260/4
MGM/Team [1]	minutes [3] 79/1	money [4] 111/21
140/21	168/21 226/10	112/7 112/9 112/21
middle [1] 67/6	miraculous [1]	monitored [1]
might [22] 7/22	75/23	111/13
65/23 66/12 87/17	mischaracterization [1] 220/16	monitoring [1]
89/2 108/11 113/24	misrepresented [1]	91/19
117/18 120/5	10/12	month [1] 15/17
120/18 130/20	missed [1] 157/11	months [8] 19/14
132/12 141/2 148/1	missing [2] 176/9	63/9 72/22 81/11
149/8 166/2 171/9	176/10	81/12 81/14 99/2
176/13 193/1 193/2	misstated [1] 219/1	238/3
205/19 243/13	misstates [4] 16/15	more [30] 17/21
Mike [1] 6/1	49/14 132/4 162/12	23/12 23/14 24/24
millions [1] 85/10	mistake [1] 217/25	25/22 30/12 41/15
mind [8] 19/23	misunderstanding	47/16 55/1 57/20
34/14 108/21	[1] 73/19	73/6 89/8 94/7
127/12 163/21	misunderstood [2]	94/12 95/16 103/6
244/17 244/18	100/4 100/5	114/1 114/7 116/6
253/13	mix [1] 27/16	155/21 163/15
MINH [2] 1/7 5/17	module [1] 48/11	163/25 235/16
MINH-HAHN [1]	modus [1] 75/2	237/12 237/19
1/7	moment [5] 11/14	241/16 241/17
minimize [1]	31/16 33/9 45/23	242/22 244/15
136/22	153/7	257/5
minimized [1]	moments [2] 45/14	MORELLI [10]
122/8	231/17	2/3 2/3 5/16 7/16
minor [6] 23/6	Monday [12] 7/22	55/1 67/8 125/25
23/21 23/23 24/22		166/24 211/9 249/4

M		
Morelli's [1]	153/16 153/24	88/20 88/21 89/10
217/21	154/1 154/11	89/13 90/3 90/23
morellilaw.com [2]	154/14 155/2 155/4	91/5 91/6 92/20
2/7 2/7	197/17 215/10	96/11 102/8 103/3
morning [19] 5/11	239/3 239/4 240/12	103/17 104/7 105/8
5/19 5/21 5/23 6/2	240/12 240/22	107/19 113/23
6/6 6/12 8/5 8/7	242/10	116/18 119/21
11/23 12/21 12/22	Mr [3] 88/21 98/19	120/22 121/13
13/2 13/3 13/8 13/9	234/12	122/10 123/4
72/12 84/5 85/20	Mr. [200] 5/25 7/12	125/25 126/2 126/4
morphed [1] 79/14	9/23 9/25 10/7 11/8	126/15 127/2 127/3
Morse [1] 183/3	13/2 13/10 13/25	127/13 128/16
most [9] 16/10 17/9	16/25 17/17 18/11	141/14 143/3
34/22 136/9 143/5	18/21 20/1 20/11	145/21 150/8 152/7
143/21 144/7	21/7 22/1 22/8	156/4 156/13
164/13 247/13	22/23 24/5 28/6	158/10 158/20
motion [3] 154/7	31/15 34/17 41/7	159/7 159/9 159/20
212/1 252/2	42/20 43/9 50/13	162/23 162/24
mouthful [1] 14/23	50/17 50/20 51/11	163/3 163/19 164/6
move [12] 23/11	52/11 52/11 54/23	164/7 164/14
53/6 60/12 91/25	55/1 55/17 57/22	164/18 166/16
119/4 119/12 154/5	58/19 58/22 59/15	166/24 168/15
157/2 209/16 215/4	61/22 67/8 68/6	168/19 169/24
230/4 251/24	68/13 69/4 69/5	170/5 170/8 170/12
moved [4] 67/5	69/23 69/24 69/25	170/24 171/5 171/7
192/24 223/10	70/15 72/23 73/3	172/3 172/4 172/9
250/19	75/8 75/9 75/11	172/19 173/24
moving [22] 111/6	77/6 77/7 82/6 82/7	174/3 174/5 174/6
114/22 122/18	82/15 82/16 82/18	174/8 174/13
139/8 152/16	82/22 84/4 85/17	174/20 174/21
152/18 153/14	85/22 85/24 85/25	174/24 175/1 175/3
	86/25 88/5 88/18	175/21 175/24

M	88/20 119/21	13/10 13/25 16/25
Mr.... [51] 176/5	127/13	17/17 18/11 18/21
176/15 177/9 177/9	Mr. Copperfield's	22/1 28/6 31/15
177/10 177/15	[6] 68/13 69/5	41/7 42/20 43/9
178/1 178/13	89/13 90/3 90/23	59/15 61/22 82/7
178/20 179/9	198/22	84/4 107/19 113/23
179/22 179/24	Mr. Cox [37] 20/1	116/18 120/22
180/4 180/7 180/10	20/11 21/7 24/5	121/13 122/10
180/11 180/13	50/13 50/17 52/11	123/4 126/2 126/4
180/21 181/24	54/23 55/17 58/19	126/15 128/16
182/2 182/9 183/10	58/22 77/6 77/7	141/14 143/3
185/18 186/6	82/6 82/15 85/17	145/21 156/4 159/7
186/23 187/3 187/5	85/22 92/20 152/7	159/20 162/23
187/23 187/24	156/13 158/10	163/19 166/16
188/21 198/22	158/20 159/9	168/19 169/24
204/21 211/9	162/24 163/3 164/6	170/5 170/12 171/5
212/23 217/21	164/7 164/14	171/7 172/3 172/4
220/25 228/22	164/18 168/15	172/9 172/19
231/11 231/16	182/9 187/3 187/5	173/24 174/5 174/6
231/17 232/4	187/23 204/21	174/8 174/13
232/13 233/23	237/16 252/16	174/20 174/21
237/16 239/10	Mr. Cox' [2] 51/11	174/24 175/1 175/3
243/19 249/4	52/11	175/21 175/24
252/16 256/24	Mr. Cox's [6] 22/8	176/5 176/15 177/9
258/14 260/21	22/23 50/20 57/22	177/9 177/15 178/1
Mr. Carvalho [4]	103/3 103/17	178/13 178/20
72/23 73/3 75/8	Mr. Deutsch [6]	179/9 179/22
85/24	9/25 10/7 88/5	179/24 180/4 180/7
Mr. Copperfield	102/8 104/7 220/25	180/10 180/11
[11] 69/4 69/23	Mr. Eglet [3] 82/16	180/13 180/21
69/24 69/25 70/15	82/18 82/22	181/24 182/2
75/11 85/25 88/18	Mr. Habersack [90]	183/10 185/18
	5/25 7/12 13/2	

M	Ms [3] 95/18	105/18 105/23
Mr. Habersack...	104/25 105/2	Ms. Lawrence's [5]
[8] 231/17 232/4	Ms. [35] 8/24 9/17	72/20 97/9 97/25
233/23 239/10	40/10 68/8 68/21	102/22 105/20
243/19 256/24	69/13 70/3 70/6	Ms. Weall [2] 75/9
258/14 260/21	71/10 72/18 72/20	102/24
Mr. Habersack's	75/9 83/24 84/15	Ms. Weall's [1]
[5] 34/17 127/3	84/24 91/13 91/16	40/10
174/3 177/10	92/2 96/24 97/9	much [6] 23/12
232/13	97/25 99/20 100/25	62/12 62/22 155/13
Mr. Ken [1] 9/23	102/22 102/24	187/23 197/11
Mr. Kenner [3]	105/11 105/14	Multiple [1] 171/11
75/9 88/21 127/2	105/18 105/20	multitude [1] 14/13
Mr. Morelli [6]	105/23 156/9 158/2	music [1] 102/25
55/1 67/8 125/25	163/21 163/23	must [1] 53/13
166/24 211/9 249/4	164/12	my [79] 6/5 6/10
Mr. Morelli's [1]	Ms. Brewer [5]	8/25 14/5 22/25
217/21	156/9 158/2 163/21	25/19 31/1 31/1
Mr. Popovich [5]	163/23 164/12	33/19 33/24 44/18
68/6 105/8 150/8	Ms. Esack [6] 68/8	46/15 48/5 52/13
170/24 186/23	68/21 70/6 71/10	60/3 62/5 62/5
Mr. Roberts [5]	105/11 105/14	62/14 69/9 70/3
11/8 86/25 91/5	Ms. Esack's [1]	73/19 76/11 76/17
91/6 96/11	70/3	76/18 80/17 83/17
Mr. Roberts' [1]	Ms. Fresch [3] 9/17	93/22 93/23 94/8
212/23	84/24 96/24	94/8 95/19 96/7
Mr. Russell [1]	Ms. Fresch's [2]	101/11 103/11
89/10	69/13 84/15	103/13 104/10
Mr. Strassburg [7]	Ms. Lawrence [10]	106/6 110/5 115/12
170/8 186/6 187/24	8/24 72/18 83/24	116/14 116/18
188/21 228/22	91/13 91/16 92/2	116/19 117/10
231/11 231/16	99/20 100/25	122/10 127/21

M	nauseam [1] 100/24	2/12 2/23 3/6 5/1 10/10 10/14 86/19
my... [34] 128/11 134/18 137/15 140/14 143/24 148/6 152/22 153/25 155/20 157/16 190/5 193/18 193/20 193/21 194/22 206/24 208/4 211/6 214/12 218/25 219/1 224/12 228/15 236/22 239/5 243/9 245/3 246/18 246/21 248/17 250/21 250/21 251/6 251/13	near [3] 114/16 185/17 185/19 necessarily [4] 120/8 120/21 170/8 171/14 necessary [1] 100/3 need [23] 9/4 10/19 46/3 49/23 67/24 89/9 96/21 99/25 101/1 126/16 126/17 163/19 163/23 168/21 170/6 175/14 182/24 193/5 215/21 219/3 241/1 242/7 260/10 needed [5] 6/14 167/13 175/16 178/3 191/5 needle [1] 75/19 needs [5] 78/21 86/13 86/15 260/17 260/19 negative [2] 137/17 166/1 neglecting [1] 82/15 Neither [2] 60/11 105/3 NEVADA [15] 1/5	116/12 165/18 181/11 181/14 183/5 248/18 248/19 never [16] 34/14 41/9 41/11 60/9 78/8 85/14 89/17 104/17 114/11 129/17 151/11 178/14 184/16 226/19 229/3 246/12 new [17] 2/6 2/6 20/23 93/2 95/17 104/13 192/25 193/1 201/2 208/5 208/5 221/12 221/12 222/9 222/14 228/10 248/19 newscast [1] 77/18 newscaster [5] 76/10 77/20 77/22 77/24 77/24 newspapers [4] 65/10 124/14 169/11 259/23 next [20] 11/18 12/6 28/23 29/4 29/9 29/19 29/21
N		
name [7] 12/13 55/5 67/9 81/11 85/4 139/24 200/25 names [11] 74/5 79/4 85/17 87/12 87/15 107/22 107/24 107/25 108/1 108/2 257/23 narrative [2] 37/2 37/10 nationwide [1] 10/19		

N	45/18 45/19 45/20	142/19 144/10
next... [13] 57/16	45/21 48/14 49/7	144/22 145/9
83/3 110/19 136/16	49/19 50/7 50/8	145/10 145/15
147/4 156/3 180/2	51/22 51/23 52/14	145/23 146/24
193/2 250/13	52/21 53/4 56/8	148/7 149/5 152/19
254/14 254/20	57/6 60/24 61/7	154/20 158/10
257/22 259/8	61/18 61/19 62/14	158/19 160/2
nice [3] 55/13	69/11 69/11 69/11	163/15 165/7 166/7
260/6 261/2	70/10 70/12 73/16	167/13 168/7
night [32] 59/8	74/4 74/12 74/15	168/16 168/20
63/8 67/11 72/24	74/18 74/20 76/13	174/2 174/2 174/8
72/25 82/9 87/9	78/9 78/25 79/2	174/8 174/22
99/1 103/3 103/17	79/5 79/14 79/17	174/22 176/8
104/16 120/13	79/17 81/16 81/19	177/19 181/25
120/14 139/15	82/4 84/1 84/3 84/5	181/25 182/16
139/15 139/16	86/10 87/2 87/5	182/16 182/16
142/2 142/2 148/22	87/19 88/18 88/22	182/16 182/16
150/21 160/5	88/23 89/3 90/15	183/23 184/12
201/20 206/10	90/21 93/9 96/6	185/7 185/10 186/7
208/25 209/2	96/20 97/4 97/23	187/6 187/10
209/12 209/15	102/12 111/8	187/13 188/7
210/19 211/5 220/8	114/24 115/11	191/16 193/17
222/15 222/24	115/11 116/13	194/17 196/17
no [261] 1/1 1/2 7/2	118/4 118/14	196/17 197/2 197/6
9/20 11/5 15/25	118/20 118/25	197/23 197/24
18/13 18/19 21/17	120/9 120/21	198/1 199/11
21/18 21/19 22/3	123/14 130/25	199/13 199/21
22/4 25/14 26/4	131/19 131/19	199/24 201/9 201/9
31/21 34/1 34/11	131/21 131/24	204/4 204/5 204/10
34/18 35/13 35/20	132/1 134/9 137/25	204/15 205/1
36/17 36/19 39/9	138/6 138/8 138/11	212/21 213/6
39/22 41/19 44/14	142/5 142/19	213/22 215/16

N	257/19 257/21	86/8 93/2 97/2
no... [76] 215/17	258/14 258/15	159/8 159/11
215/23 217/5 217/5	259/3 259/4 259/5	166/10 179/11
217/5 217/18	259/6 260/4	194/1 204/10
218/19 219/14	nobody [7] 73/8	210/11 220/7
219/24 220/9	75/12 75/12 75/14	222/24 226/3
224/25 225/12	79/20 153/3 189/5	252/15 252/16
225/24 226/13	nomenclature [1]	254/24 255/19
226/21 226/25	213/12	256/1 256/3 256/4
227/11 227/12	non [1] 104/3	257/20 258/17
227/14 227/16	none [8] 10/25	258/18 258/19
227/20 227/23	58/24 81/17 181/9	notice [18] 78/18
228/1 228/4 228/14	182/9 215/14 225/1	81/24 82/3 86/17
228/19 228/20	257/8	86/22 106/3 129/9
228/25 229/1 229/7	nonofficial [1]	129/16 129/22
230/20 238/18	113/9	130/1 130/6 130/7
241/9 241/21	nonresponsive [1]	130/17 130/18
241/21 242/7	252/1	130/24 150/15
242/10 242/11	noon [1] 72/7	167/6 240/12
242/14 242/22	normal [3] 66/20	notices [1] 85/10
244/20 248/25	83/9 165/21	notified [3] 37/19
250/20 251/11	north [2] 208/3	37/21 40/7
251/13 251/22	245/7	November [8] 20/2
251/22 252/14	not [309]	20/11 83/1 139/20
252/19 252/20	note [2] 51/8	139/21 150/21
252/21 252/22	203/20	213/25 224/17
254/22 255/1 255/2	noted [3] 37/1 37/9	November 12 [1]
255/3 255/4 255/17	90/11	150/21
255/25 256/5	noteworthy [1]	November 12th [3]
256/17 256/18	214/18	20/2 20/11 213/25
257/2 257/5 257/6	nothing [28] 10/23	November 14th [1]
257/7 257/18	12/11 47/17 62/12	83/1

N	122/22 124/5 127/16 128/5 128/13 132/9 134/1 135/10 139/9 139/20 139/21 139/23 143/12 143/23 144/6 145/22 146/7 146/21 152/6 154/10 158/1 158/9 159/2 159/20 161/25 162/3 162/22 170/6 170/13 171/7 179/7 183/9 183/11 187/21 191/18 195/9 195/19 195/20 201/16 203/19 204/13 205/17 212/6 212/19 217/24 223/18 228/6 231/23 232/4 235/5 237/4 237/21 237/25 238/6 240/1 241/24 247/4 252/18 254/14 nowhere [2] 81/13 129/8 NRS [1] 90/9 number [19] 4/11 37/23 43/4 45/4	45/5 45/10 45/24 46/18 50/2 99/7 135/22 139/2 140/5 143/12 143/14 151/22 186/22 208/15 257/10 Number 3 [1] 139/2 numbered [1] 215/9 numbers [2] 125/17 137/24 NV [1] 1/25
now [147] 5/9 7/12 7/18 8/25 9/4 10/18 11/11 11/25 13/5 13/24 14/23 16/5 17/16 17/21 19/17 20/1 22/21 24/13 25/18 25/22 26/9 28/3 28/14 29/20 29/23 30/1 30/21 31/4 31/14 32/12 35/12 37/22 38/24 40/22 40/25 45/1 45/5 45/16 46/13 46/18 47/1 48/11 49/10 49/17 49/24 50/12 50/25 52/13 54/6 54/16 57/16 61/5 62/2 63/6 63/25 64/8 64/17 65/24 71/9 71/18 72/17 77/2 77/12 79/15 79/23 80/16 80/18 80/20 81/24 83/6 83/6 83/16 91/14 93/14 95/23 97/8 98/15 101/9 102/21 103/19 104/18 107/12 108/4 109/12 109/18 114/20 116/17 120/16	O oath [9] 17/14 26/20 38/25 76/14 137/18 143/9 159/16 159/18 163/8 object [7] 76/9 171/9 182/17 209/19 220/15 236/10 247/19 objecting [2] 69/10 76/19 objection [88] 16/15 18/19 20/6 21/10 21/22 31/7 33/17 34/11 34/18 35/20 41/22 43/23 44/14 49/13 52/21 53/4 55/9 57/1 57/7	

O	248/16 248/17	occur [3] 19/6
objection... [69]	objections [6] 70/3	29/18 90/10
60/12 63/13 68/19	227/11 227/12	occurred [12]
69/12 112/13	227/14 228/19	16/11 17/11 68/15
112/25 120/25	228/20	69/7 89/20 90/7
121/4 121/9 121/10	observation [2]	110/14 126/6 143/7
121/20 122/2	214/15 214/20	151/19 206/19
122/15 126/23	observations [1]	250/8
127/2 129/12	212/12	occurrence [1]
130/10 131/9 132/4	observe [4] 203/20	101/16
138/8 138/23	212/2 214/1 254/1	occurs [3] 23/6
143/25 144/17	observed [1] 214/4	34/3 37/15
144/21 144/22	obstacle [2] 149/7	odd [3] 60/24 61/1
144/24 145/9	149/8	61/2
145/10 149/11	obstructed [3]	off [7] 116/11
149/18 150/16	240/3 240/4 240/13	126/24 148/24
154/17 156/20	obtain [1] 87/5	193/7 202/17
157/1 157/9 158/12	obtained [3] 37/11	229/14 234/25
162/12 164/25	168/2 174/16	offer [11] 34/9
165/6 166/4 190/22	obvious [1] 30/12	43/18 137/13 141/8
197/23 197/24	obviously [15]	170/11 171/8
198/16 199/11	25/20 31/3 34/25	172/18 191/15
199/24 200/1	53/24 54/3 68/18	226/9 227/2 232/2
208/19 210/20	77/6 77/7 115/9	offered [10] 37/1
210/21 211/7 211/9	119/2 137/16	176/6 181/15
212/21 212/23	140/25 160/13	181/21 199/22
215/13 215/17	170/22 233/13	199/24 220/11
219/24 220/9	occasion [4] 50/14	225/10 225/13
225/16 226/24	201/18 212/6	232/5
228/4 228/14 229/1	214/11	offering [9] 34/15
230/16 232/6	occasions [1]	34/18 34/19 34/21
239/16 248/13	143/14	144/20 166/20

O	227/10	181/20 183/2
offering... [3]	old-fashioned [3]	186/21 186/22
183/16 225/14	42/18 217/9 227/10	187/17 191/11
227/16	older [1] 211/14	192/25 193/1 193/1
office [3] 6/5 17/25	once [6] 65/2	193/7 196/7 196/19
19/11	175/18 177/5	197/22 200/22
officer [17] 37/8	194/12 259/15	201/7 205/7 207/2
37/10 50/16 55/19	260/2	207/5 207/8 207/12
61/20 166/1 204/25	one [112] 7/23 9/20	210/7 211/10 216/7
212/8 212/11	11/13 15/6 15/8	216/8 216/17 217/2
213/13 213/14	21/14 26/24 30/18	217/9 217/24 218/1
213/15 213/17	30/19 30/20 31/16	218/12 220/25
214/15 214/19	41/15 41/20 43/20	222/14 225/17
258/7 258/25	45/6 53/25 57/14	231/12 231/24
officers [4] 164/22	57/16 58/4 58/6	232/11 232/20
165/4 165/10	66/7 66/9 67/2 72/1	233/1 249/4 249/16
206/15	72/3 73/19 75/7	251/2 252/23
official [1] 165/22	75/20 77/2 77/23	255/11 255/12
offstage [1] 173/6	80/10 84/20 84/23	256/19 257/22
Oh [17] 29/24	87/3 88/18 88/22	ones [5] 59/8 92/17
39/22 45/20 66/7	89/8 91/5 91/11	104/16 203/1
105/12 110/9 145/3	91/15 93/6 99/14	253/11
152/22 157/10	105/3 106/20 112/2	only [57] 7/15 7/17
164/4 186/13	114/8 116/21	22/9 34/25 39/10
199/17 202/19	116/25 117/1 117/1	40/24 45/6 46/7
205/21 209/6 240/6	117/3 122/23	49/10 51/10 52/10
260/15	126/25 147/14	58/4 58/6 61/9
okay [313]	156/6 156/25 160/3	61/16 63/9 69/11
old [8] 42/18	160/4 168/6 170/22	70/25 79/9 79/15
118/10 146/17	171/12 172/3	79/24 81/5 81/23
192/25 217/9	174/12 178/17	82/1 83/18 85/23
223/15 223/18	178/18 181/3	86/12 88/16 88/23

O	126/7 131/8 131/13	95/5 102/9 103/15
only... [28] 92/15	144/12 165/12	108/17 109/15
96/23 99/21 100/1	169/12 259/24	109/17 111/17
101/7 101/23	opinions [5] 160/16	112/11 112/19
103/23 104/15	163/9 164/23 165/5	112/24 113/10
108/10 109/3	191/16	116/24 137/3
109/14 116/20	opportunity [6]	142/21 160/2
117/1 117/3 141/9	15/20 64/22 95/13	160/16 160/18
147/17 151/5	104/17 114/12	162/8 177/13
157/21 168/3 171/3	229/2	191/12 193/2 199/4
171/12 177/2	opposed [1] 26/8	199/25 213/21
177/23 178/4	option [1] 139/1	215/1 216/2 221/24
180/17 184/19	order [9] 7/9 88/13	224/8 231/23
239/6 258/6	89/21 90/13 90/18	243/12 243/22
ooh [1] 154/3	125/2 170/4 251/4	otherwise [2] 215/2
oOo [1] 262/3	259/8	236/8
open [8] 99/14	ordered [8] 134/8	our [25] 8/19 14/20
123/17 124/3	134/9 134/21 135/4	14/20 14/21 17/25
250/23 250/24	135/4 135/11	17/25 19/11 27/15
251/2 253/15	138/17 260/23	47/8 48/11 68/18
253/19	original [1] 101/11	91/18 95/16 98/24
opened [3] 13/12	originally [3] 25/4	99/16 119/18 137/4
93/6 99/4	45/18 98/7	143/22 149/22
opening [4] 88/17	other [56] 13/11	149/23 163/11
88/24 228/23 229/3	18/9 29/8 30/22	183/4 193/4 208/18
operandi [1] 75/2	31/18 40/14 48/18	250/12
operation [3] 137/2	51/11 55/24 69/15	ours [1] 47/9
253/10 253/22	74/8 74/16 77/12	out [100] 7/1 10/2
operations [1]	79/3 79/6 82/6	24/23 25/15 25/17
137/7	83/12 86/9 89/1	27/15 32/19 33/3
opinion [11] 28/16	89/24 91/8 91/9	33/16 39/14 40/4
48/5 65/11 124/15	92/16 93/3 94/11	40/8 41/3 41/8

O	246/4 246/5 246/5 246/8 246/17 251/17 outdoor [1] 214/4 outside [34] 5/7 6/13 10/18 29/13 35/5 39/13 54/20 64/13 64/16 65/14 65/18 110/24 120/5 124/18 131/7 135/24 169/15 169/20 169/22 169/24 170/2 171/10 173/9 203/1 203/22 204/21 204/22 206/20 209/11 250/7 251/12 260/3 260/9 260/13 over [25] 7/19 36/5 39/25 40/17 40/20 53/6 63/23 68/18 69/4 70/18 116/3 116/5 132/24 133/15 133/17 134/12 134/19 223/13 223/25 230/7 242/2 250/11 251/17 254/2 254/5 overbroad [1] 43/24 overgrown [1]	119/9 overhead [3] 173/8 173/15 214/3 overly [1] 90/8 Overruled [6] 33/21 122/16 130/15 131/10 157/5 166/5 own [5] 11/1 75/14 77/13 165/12 184/15 Oxford [1] 53/18
out... [86] 41/18 44/25 48/15 49/5 50/16 51/2 51/3 51/6 51/7 51/17 52/24 53/21 58/6 59/2 63/4 66/11 67/14 68/24 70/9 70/17 73/14 74/9 75/20 77/13 80/14 80/21 81/13 83/2 85/1 85/3 85/10 103/5 108/15 109/23 111/3 111/7 111/22 114/23 115/15 119/5 130/4 132/25 133/17 136/11 141/23 146/16 151/25 154/3 164/14 164/16 167/8 168/5 170/3 170/6 170/9 170/10 187/10 187/14 188/4 192/25 193/4 195/2 195/7 200/4 201/2 205/19 210/15 212/3 218/13 219/4 219/9 221/5 221/13 224/16 228/2 239/23 245/1 245/7 245/16 245/17	P P.2d [1] 89/18 P.C [1] 2/10 p.m [8] 196/24 197/5 202/7 214/1 250/9 260/5 260/5 261/5 pace [1] 75/14 page [64] 4/14 16/18 26/15 35/14 35/19 35/21 35/24 35/25 36/2 36/21 40/10 44/13 50/4 50/7 52/16 52/18 52/19 52/21 52/25 53/4 54/7 56/3 71/14 71/20 108/12 110/4 110/7 110/19 110/19 114/17 125/17 125/18	

P		
page... [32] 126/11 138/13 138/14 140/19 141/9 141/12 141/12 141/12 145/2 145/3 151/13 152/21 155/7 164/2 180/2 183/7 192/10 197/16 197/19 197/20 198/1 205/6 205/10 205/12 215/8 216/6 216/14 217/16 218/8 225/5 225/6 233/16	paramedics [1] 36/25 paraphrase [1] 76/23 parked [1] 234/19 Parkway [2] 2/22 223/25 part [30] 26/10 61/17 62/17 69/20 89/12 90/2 90/18 93/5 136/6 145/20 171/6 172/20 180/17 180/17 181/2 196/1 202/8 212/6 212/25 213/20 213/22 214/21 218/15 218/17 221/16 221/24 243/14 250/12 251/20 258/5 participant [6] 77/21 77/25 78/8 129/17 156/13 158/11 participants [32] 58/12 58/13 58/25 74/16 85/15 85/23 87/12 91/21 117/25 119/22 127/14 127/24 131/22 135/25 139/7	139/14 146/21 148/12 148/21 149/16 152/16 154/11 155/1 156/17 167/10 187/9 189/7 192/20 198/23 222/3 238/11 254/19 participate [3] 74/6 162/13 247/6 participated [8] 74/14 75/21 79/20 81/20 82/5 99/8 129/17 178/15 participating [3] 105/22 127/15 239/1 particular [28] 15/6 15/11 15/14 15/23 16/12 17/12 31/2 41/2 49/25 50/13 58/10 63/19 89/23 109/21 110/1 112/1 115/4 115/18 120/11 141/16 143/7 144/8 146/13 197/11 218/23 229/22 235/3 240/2 parties [6] 5/15 65/5 113/7 124/9 169/6 259/18 partner [2] 6/10
pages [8] 4/13 35/2 71/25 144/21 144/25 145/1 145/11 145/15 paint [1] 249/9 panoramic [7] 235/20 235/23 236/1 236/2 236/5 236/25 237/2 paper [3] 115/9 217/10 243/7 paragraph [3] 172/5 179/25 180/15 paragraphs [4] 172/4 179/24 180/25 184/13		

P	83/2 83/3 84/21	period [2] 58/21
partner... [1]	85/1 85/11 85/16	187/7
217/11	85/22 86/3 86/4	permissible [2]
parts [3] 25/19	87/15 87/16 91/10	80/24 80/25
111/17 172/2	91/11 91/15 91/20	permit [2] 68/9
party [12] 1/17	99/8 102/9 102/23	100/19
1/21 5/15 29/12	103/16 103/22	permits [1] 116/13
29/17 90/7 102/13	105/24 106/9 108/1	permitted [4] 69/8
103/10 104/1 104/4	120/3 120/14 121/6	70/22 72/21 101/8
171/15 177/12	121/17 122/6	PERRY [2] 2/4
passed [1] 186/8	128/20 128/25	5/22
passing [1] 179/16	128/25 129/10	person [70] 17/9
past [6] 19/12	131/16 139/7	23/9 25/24 26/2
19/14 189/8 245/2	139/19 141/25	26/8 32/4 32/14
245/22 245/24	142/1 142/3 147/1	32/25 39/13 39/25
path [1] 122/7	194/13 235/7 236/7	40/2 40/3 48/21
patrons [1] 141/17	240/12 240/21	51/4 54/19 54/22
pattern [1] 66/9	242/5 242/9 242/17	55/16 55/17 55/21
pavement [2] 199/1	256/9 256/14	56/15 56/20 56/22
201/6	257/24 258/1	57/5 57/19 59/13
pedestrians [12]	per [2] 29/25 197/1	62/7 65/8 72/1
123/5 209/4 209/5	perfect [4] 46/20	75/20 80/12 80/13
209/7 209/15	142/6 142/8 183/23	83/7 83/8 84/3 84/9
210/13 210/16	perfectly [1] 91/22	88/16 91/13 96/1
210/18 211/3 211/7	perform [2] 128/1	96/3 97/5 103/19
211/21 212/2	128/20	124/12 127/20
people [68] 41/15	performance [1]	128/10 143/5
41/17 41/19 46/14	156/19	143/18 143/20
47/6 48/2 51/5 56/7	performed [1]	143/21 144/6
61/15 61/15 61/15	166/21	144/13 158/6 169/9
74/5 77/3 79/5	performing [2]	173/22 174/3
79/20 82/7 82/8	158/21 214/9	174/23 174/24

P	photograph [29]	206/17 221/3
person... [14]	134/14 191/19	221/15 245/9
175/11 175/23	192/19 195/9	pictures [1] 256/11
175/25 177/3 177/8	195/21 198/5	piece [7] 35/13 69/5
178/18 181/22	200/20 203/6 204/3	141/8 141/9 142/24
183/3 185/17	204/19 204/25	157/11 172/18
201/19 213/18	205/4 206/25	pin [2] 25/19 38/19
257/11 257/15	207/21 209/9	place [23] 52/9
259/21	211/18 220/7 221/8	69/15 75/3 79/16
personal [2] 164/23	221/20 231/7	79/25 95/8 100/13
184/15	231/10 231/15	100/18 101/14
personnel [2] 60/18	231/20 233/10	101/19 101/21
113/8	233/24 234/13	104/12 112/8
persons [6] 16/10	237/25 238/7	112/11 120/12
17/10 51/4 57/17	238/11	131/6 131/8 131/12
113/7 143/6	photographs [5]	134/7 151/18 167/2
perspective [3]	201/19 204/15	169/15 200/2
208/6 208/10	204/18 214/6	placed [11] 118/13
208/12	232/12	118/15 119/2 134/6
phase [2] 182/6	photos [6] 204/22	134/20 135/12
182/8	235/6 235/11	135/13 135/23
phone [1] 18/7	235/13 235/14	136/2 139/10
phones [1] 116/13	235/23	142/18
photo [22] 195/14	physical [1] 147/9	placement [4]
195/16 199/14	physically [2]	135/14 136/18
203/20 203/24	135/4 243/16	138/17 192/1
204/6 204/8 204/11	picked [2] 141/16	places [1] 112/12
208/24 209/1 210/1	218/10	plain [1] 146/5
210/2 210/4 211/20	picking [1] 75/19	plaintiff [17] 1/17
233/3 233/4 233/6	pickups [1] 115/17	2/2 5/17 7/17 9/25
233/7 233/15 235/3	picture [8] 197/13	12/7 60/25 61/8
235/5 236/3	200/6 201/8 202/15	71/13 92/13 93/19

P	point [37] 11/2	105/8 150/8 170/24
plaintiff... [6] 94/5	20/7 25/23 35/6	186/23
96/9 96/16 169/25	35/6 39/12 51/17	portion [16] 7/20
251/21 254/25	52/17 52/24 54/19	7/20 34/16 36/5
plaintiffs [7] 1/8	55/10 66/5 73/19	44/7 50/21 54/21
5/22 11/17 100/15	76/21 76/24 80/18	69/1 69/10 145/22
102/17 103/6 103/8	86/2 86/7 91/1 92/3	167/14 171/3 171/5
plaintiffs' [12] 9/19	92/16 93/2 93/14	217/23 218/1
43/6 94/6 95/21	98/2 100/19 103/11	251/25
97/12 101/15	103/14 104/6	portions [5] 6/18
197/16 199/16	104/10 114/4 119/9	35/1 35/6 43/19
200/15 207/3	138/16 168/1 168/6	125/12
219/10 253/5	176/10 197/11	pose [3] 55/11
plan [1] 96/25	205/19	144/3 249/17
planted [1] 222/14	pointed [2] 200/4	posed [2] 56/15
platform [1] 78/4	245/7	59/13
plausible [1]	pointing [1] 222/10	position [14] 8/25
117/22	points [1] 100/14	14/4 14/5 79/14
play [7] 7/23 72/2	poker [10] 137/4	79/18 80/17 80/22
76/1 76/3 76/6 76/9	137/5 219/4 221/17	98/24 99/5 101/15
248/18	221/17 221/23	105/17 165/20
played [4] 97/3	223/9 223/14	182/11 257/11
109/5 129/25 241/5	224/12 251/16	possibility [4] 29/4
playing [2] 76/10	policy [1] 250/12	29/6 120/24 121/3
77/22	polled [1] 9/19	possible [7] 10/25
please [16] 5/11	Pomai [2] 38/1	54/9 54/12 56/1
5/14 6/9 11/19 12/5	38/25	147/22 150/6
12/13 12/14 13/16	pool [6] 27/15 29/5	243/15
65/14 65/16 125/3	29/5 29/10 29/19	possibly [2] 88/16
125/14 155/6	132/21	174/10
158/18 207/19	POPOVICH [7]	post [1] 74/9
210/25	2/16 5/24 68/6	posted [2] 40/6

P	169/20 169/22	129/25 214/12
posted... [1] 91/21	171/10 188/14	248/12
potentially [3]	260/9 260/13	private [1] 11/14
83/19 97/10 101/8	present [8] 5/15	probably [12] 7/4
PowerPoint [1]	12/1 94/7 107/11	46/19 56/14 122/8
228/23	125/7 125/9 163/11	124/2 161/18
practice [1] 254/1	188/18	164/16 192/23
preceding [1]	presented [2] 94/6	206/6 215/4 229/14
179/21	247/9	235/18
preclude [1] 102/2	presenting [1]	problem [20] 7/2
precluded [1]	95/13	10/9 27/10 30/8
78/20	presiding [1] 5/10	35/14 83/4 89/4
prefer [1] 65/22	Press [1] 9/24	102/7 123/24 177/4
prejudice [9] 79/2	presume [1] 90/8	177/19 179/5 179/6
79/5 89/20 90/7	presumption [1]	179/8 183/23 185/7
90/9 90/10 90/12	89/20	185/10 197/14
92/4 96/9	pretrial [6] 227/13	213/6 225/25
premise [2] 254/15	227/19 228/13	problems [3]
255/6	228/17 228/19	170/20 177/21
premised [1] 250/3	229/1	232/24
preparation [1]	pretty [8] 23/20	procedure [1] 73/3
247/6	53/19 53/22 78/24	proceed [1] 125/25
prepare [2] 95/13	122/8 146/6 237/2	proceedings [9] 5/6
97/2	238/5	11/21 65/17 107/7
prepared [3] 96/17	prevent [1] 89/23	124/24 169/21
179/2 258/22	previous [3] 28/25	188/13 260/12
preparing [1]	38/2 167/11	262/6
212/11	previously [3]	process [18] 71/13
presence [16] 5/7	43/21 200/11 253/4	80/19 127/23
6/13 10/18 11/22	prior [10] 57/18	128/14 128/17
35/5 64/13 64/16	75/1 79/14 79/15	128/21 128/24
65/18 107/8 124/25	79/23 79/24 127/23	128/25 129/1 129/8

P		
process... [8] 129/9 130/25 132/10 132/12 166/18 167/2 167/9 214/21 produce [1] 94/12 produced [1] 91/12 producing [1] 148/5 production [2] 156/15 156/18 professionally [1] 58/2 project [8] 189/25 190/2 190/12 190/19 216/8 216/19 216/25 244/10 projected [1] 216/7 proof [2] 181/21 183/16 prop [6] 87/9 87/14 102/20 102/23 103/3 103/17 propane [1] 29/7 proper [4] 53/16 83/5 125/22 186/16 properties [1] 19/13 property [28] 18/2 18/10 20/2 23/7 27/3 27/10 32/13	32/25 41/16 123/5 136/6 140/2 140/4 140/21 149/9 149/10 149/23 150/5 161/4 161/6 161/7 168/8 202/8 208/3 208/4 216/5 226/11 227/25 proposed [2] 187/18 208/14 protect [1] 246/17 protocol [2] 51/14 51/16 protocols [3] 106/15 106/17 235/10 prove [4] 11/5 90/7 160/23 181/16 provide [1] 236/6 provided [9] 43/16 55/5 109/15 137/21 140/8 141/1 168/18 181/13 247/14 Providing [1] 138/24 proximate [1] 101/19 prudent [2] 127/20 128/10 public [7] 123/9 145/24 146/19 146/23 146/24	147/2 147/3 publish [4] 183/25 260/10 260/16 260/21 published [2] 10/19 260/19 pull [4] 115/18 186/22 193/3 193/4 pulled [1] 146/16 pulling [2] 137/15 141/22 punctuation [1] 53/17 purpose [11] 74/24 76/11 76/17 77/9 89/22 177/14 199/22 199/25 204/18 205/2 205/3 purposes [3] 57/13 76/14 171/22 Pursuant [1] 227/17 pursue [1] 87/22 pushed [2] 44/16 148/16 put [37] 10/2 27/18 34/6 36/1 42/13 43/18 44/10 52/20 61/17 74/9 85/9 92/12 92/14 92/22 96/16 97/6 109/8 116/14 118/5 118/6

P	115/23 116/18 116/19 117/10 117/21 122/10 122/23 123/13 123/21 126/23 127/16 128/5 135/1 135/3 135/22 136/13 136/16 137/8 137/16 144/4 151/20 152/3 152/24 153/21 153/25 155/20 155/22 156/21 157/23 158/7 158/17 159/7 175/19 177/7 186/22 190/1 190/3 190/5 190/7 192/18 193/18 193/19 193/21 193/21 193/22 194/17 200/5 211/1 230/24 230/25 233/22 233/25 236/22 239/6 240/17 247/14 248/11 249/21 249/23 249/24 250/2 250/3 251/7 251/20 251/24 254/15 254/16 255/5 255/13 256/19	258/20 questioned [1] 103/4 questioning [5] 67/7 122/19 211/10 248/12 249/20 questions [43] 13/6 13/15 13/20 38/10 38/11 69/13 69/17 91/14 94/21 111/23 113/6 114/18 126/9 126/10 128/2 131/19 143/13 143/19 143/22 143/24 144/9 156/3 163/15 166/12 166/17 168/20 171/20 172/10 186/2 186/18 186/20 215/3 220/19 239/13 242/22 248/5 248/24 249/16 249/17 249/18 249/18 249/19 257/5 quibble [4] 193/13 193/24 194/3 194/8 quick [3] 85/4 187/3 198/16 quickly [15] 23/10 35/9 139/8 152/17
put... [17] 125/13 126/25 142/23 164/23 165/11 171/4 174/15 177/6 183/22 186/3 186/8 209/20 216/16 228/6 234/13 237/4 250/23 putting [9] 27/2 27/14 27/24 95/16 100/17 138/3 143/2 210/1 223/13		
Q		
quagmire [1] 70/6 quality [1] 206/7 quantity [1] 150/17 question [110] 16/24 18/16 18/24 22/5 25/7 25/12 27/19 28/11 28/22 28/23 28/25 29/1 29/21 29/23 29/25 31/1 33/24 34/1 45/22 52/6 52/13 55/12 56/14 59/5 59/6 59/13 60/21 62/5 62/5 62/14 62/18 63/7 63/10 70/17 86/1 86/12 97/16 104/20 114/4		

Q	234/23 234/23	155/20 167/16
quickly... [11]	237/5 238/6 238/13	170/8 171/13
152/18 153/14	238/17 238/22	179/15 232/23
153/16 153/24	randomly [1]	reappear [2] 173/2
154/1 154/11	172/22	181/3
154/14 155/2 155/4	ranging [1] 17/20	rear [2] 173/16
239/4 242/10	rather [4] 66/12	173/17
quietly [1] 77/5	66/20 71/22 235/16	reason [16] 7/15
quite [2] 133/5	reach [2] 25/15	7/17 7/23 56/5 56/8
238/1	25/17	77/10 79/21 82/18
quotation [1]	reached [1] 125/11	89/11 119/3 129/3
174/25	read [30] 17/1	130/18 143/2
quote [6] 10/6	36/15 42/9 43/10	146/12 154/11
174/1 174/3 174/5	45/13 46/1 53/5	155/1
174/9 176/14	65/6 67/3 71/4	reasonable [1]
quotes [3] 9/24	114/20 124/10	119/6
37/9 173/5	140/5 141/15 154/2	reasonably [3]
R	156/4 156/10 157/3	147/22 149/23
R/O [7] 213/11	159/6 163/1 169/7	150/6
213/12 213/13	179/3 180/7 194/4	reasons [1] 80/10
214/1 214/4 214/5	195/4 214/7 249/17	reassert [1] 70/2
258/21	255/9 258/25	rebut [7] 90/4
radio [4] 65/10	259/19	90/24 91/24 92/13
124/14 169/11	reading [3] 49/2	96/12 96/21 103/1
259/24	136/15 157/8	rebuttal [21] 80/25
Rainbow [2] 2/12	ready [3] 7/21 9/1	92/6 93/11 96/1
3/5	259/9	96/3 96/5 96/6
raise [2] 169/25	real [2] 85/4 198/16	96/10 97/12 97/14
206/24	really [16] 20/22	97/20 97/21 98/4
ramp [11] 233/24	27/16 27/17 29/5	98/8 99/21 99/24
234/1 234/5 234/18	61/16 67/22 75/23	100/1 100/2 101/6
	81/23 94/16 95/24	101/8 101/24

R	5/12	215/14 215/19
recall [14] 73/22	record [30] 7/6	215/20
140/13 150/11	8/12 9/8 9/9 12/14	redaction [2] 213/4
155/23 161/11	35/5 65/20 67/25	215/22
161/13 161/19	68/18 74/18 76/20	redactions [1]
161/21 162/1	90/10 109/6 125/5	125/23
164/20 164/21	125/14 169/20	redirect [9] 4/2
224/18 248/7	175/17 175/19	186/11 186/13
257/14	178/8 182/21 183/1	186/16 200/5 226/7
recall/remember	192/18 193/10	247/22 248/4
[1] 140/13	193/12 194/5 194/9	248/23
received [1] 249/15	194/16 194/19	redone [6] 220/1
recess [19] 7/5 9/5	194/20 243/18	220/3 220/3 220/4
9/6 9/7 9/9 64/14	recording [1]	220/4 220/5
64/15 64/16 64/23	113/10	reduce [9] 26/11
65/1 65/20 65/24	records [12] 41/10	26/24 26/25 27/13
107/5 122/21 124/5	170/24 175/15	27/17 28/5 28/15
124/6 124/21 169/3	177/6 182/14	29/6 29/16
169/18	182/19 183/4 183/6	reducing [4] 27/1
recessing [1]	185/23 201/17	28/20 30/1 30/5
107/17	257/23 257/25	reentered [1]
reclassified [1]	recross [5] 4/2	254/20
25/1	243/1 243/22 244/7	reentering [2]
reclassify [1] 24/24	248/4	173/16 254/21
recognize [1] 128/7	RECROSS-EXAM	reentry [1] 256/9
recollect [1] 212/10	INATION [2]	refer [1] 52/16
recollection [4]	243/1 244/7	reference [20] 8/17
69/9 187/7 187/10	red [1] 221/23	19/19 21/15 21/21
196/19	redact [3] 125/18	22/3 22/7 22/22
reconvene [3]	171/4 184/25	27/23 30/4 31/4
123/17 124/4 169/2	redacted [6] 197/21	33/4 42/6 46/14
reconvening [1]	212/23 215/5	57/22 59/9 59/25

R		
reference... [4] 122/11 129/7 163/3 230/15	rehash [1] 159/25 relate [1] 35/7 relative [7] 7/6 8/12 9/8 67/25 100/17 105/18 128/5	193/23 195/12 195/14 195/15 195/17 195/20 212/15 212/17 216/4 216/6 217/10 233/11 233/12 237/6 240/4
referenced [2] 158/7 163/22	relaxed [1] 75/17	reminded [1] 163/20
referencing [2] 46/15 256/12	released [1] 9/23	remodel [1] 134/24
REFERRAL [3] 1/11 3/2 6/8	relevance [4] 31/8 144/10 144/17 248/9	remodeled [2] 224/7 224/15
referring [5] 11/3 11/7 42/12 42/16 107/25	relevant [16] 35/1 43/25 44/4 70/1 70/4 72/21 76/4 81/3 81/17 81/18 81/22 88/14 89/2 204/20 204/22 248/11	remote [5] 36/8 36/9 44/16 68/17 70/5
reflection [1] 205/25	remain [2] 65/16 125/2	remove [1] 245/4
refresh [2] 196/19 233/8	remains [1] 93/17	renew [1] 211/6
refused [1] 37/9	remember [41] 16/8 74/10 82/15 111/23 126/9 126/10 128/2 135/1 135/3 135/7 136/13 137/8 137/10 140/13 152/3 155/21 155/22 157/23 161/17 161/19 167/3 167/4 191/24 192/17 193/9 193/11	renovation [1] 146/15
refuses [1] 84/9		rental [1] 165/19
refute [1] 70/16		reorganized [1] 19/13
regard [2] 87/1 87/4		repeat [1] 158/17
regarding [6] 70/20 74/22 79/22 89/13 101/18 187/4		repeatedly [1] 174/13
regardless [2] 74/19 78/16		rephrase [2] 13/17 165/2
regular [2] 74/1 151/22		report [109] 32/19 32/21 33/3 33/7 33/15 33/16 36/23 37/2 37/7 37/7 37/10 37/11 37/18
regulations [3] 48/3 147/11 235/10		
rehab [1] 254/9		

R	213/16 213/18 213/25 214/22 214/22 214/25 235/22 258/22 259/1 259/1 259/20 report' [1] 37/9 reported [12] 1/25 11/16 31/12 31/20 34/4 36/25 58/18 84/11 113/4 198/19 219/22 249/14 REPORTER'S [1] 1/15 reporting [5] 31/23 213/13 213/14 213/17 258/25 reports [7] 33/6 53/13 57/21 59/25 63/7 165/11 175/10 represent [3] 200/19 202/6 209/9 representation [2] 26/7 57/10 representative [1] 57/12 representatives [2] 5/15 57/14 representing [4] 56/22 57/5 57/8 62/7 Republic [2] 140/23 217/22	request [5] 29/25 83/25 87/10 184/5 184/7 requested [1] 90/6 requesting [1] 90/6 require [1] 33/2 required [1] 85/18 requiring [1] 90/6 rerecross [1] 247/19 research [2]* 49/25 250/22 researched [1] 89/14 reserving [1] 95/19 RESNICK [1] 2/10 resolution [1] 171/12 resolve [4] 23/8 23/10 25/16 125/21 resolved [1] 7/12 Resort [1] 223/24 respect [11] 68/8 68/21 72/17 78/14 92/2 97/10 101/21 171/7 194/13 206/23 216/18 respected [2] 82/16 82/20 respectfully [1] 176/9 respond [4] 10/21
----------	---	--

R	retained [3] 252/14	9/12 11/10 13/24
respond... [3] 84/15	254/23 255/18	15/11 18/22 30/6
91/5 191/9	retaining [1]	32/15 35/12 36/1
responding [1]	160/22	36/2 39/13 41/9
22/16	retaken [1] 125/24	42/2 42/11 44/2
response [6] 22/13	retention [1]	44/20 47/16 48/11
87/9 98/9 136/1	250/12	49/22 49/24 53/25
157/9 252/2	retire [1] 223/23	54/12 54/16 54/21
responsibilities [8]	retired [1] 223/22	54/23 54/23 56/24
17/18 17/19 17/22	retract [1] 98/10	60/6 63/9 64/18
18/18 19/2 21/14	return [2] 25/22	64/25 65/24 67/2
26/10 31/14	260/2	68/1 69/19 69/22
responsibility [8]	reverse [1] 201/1	71/3 71/6 71/11
33/15 39/14 40/3	review [16] 14/15	73/22 73/24 74/2
42/9 46/1 55/20	17/24 19/6 43/10	77/2 79/16 80/2
149/10 151/17	48/19 71/15 168/12	81/23 83/16 92/13
responsible [4]	190/15 191/13	93/24 94/3 94/18
24/3 29/17 30/22	192/3 201/16 212/7	94/24 95/3 95/19
160/23	214/10 214/11	95/23 96/1 99/9
rest [4] 95/21	247/5 251/12	100/15 101/13
136/23 171/4 187/9	reviewed [11]	101/19 103/11
restate [1] 210/25	50/19 50/20 57/21	104/19 108/16
restaurant [3]	190/21 191/2 191/4	113/5 113/13
223/14 224/11	191/14 201/21	113/14 115/11
224/15	203/19 214/12	115/25 118/12
rested [2] 13/4	247/8	118/22 118/23
93/20	reviewing [2] 21/7	119/3 121/14
restroom [1] 98/14	237/18	123/17 126/12
result [2] 53/15	Revised [1] 181/14	126/20 128/7
97/6	ridiculous [2] 85/6	128/11 131/1
resulting [1] 90/12	91/23	131/23 133/23
resume [1] 260/5	right [242] 7/24	134/6 134/13