

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

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JOINT APPENDIX - VOLUME 13

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Steven D. Grierson

1 CASE NO. A705164

2 DEPT. NO. 13

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DISTRICT COURT

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CLARK COUNTY, NEVADA

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* * * * *

8 GAVIN COX and MINH-HAHN COX,)
husband and wife,)

9

Plaintiffs,)

10

vs.)

11

MGM GRAND HOTEL, LLC; DAVID)

12 COPPERFIELD aka DAVIS S.)

KOTKIN; BACKSTAGE EMPLOYMENT)

13 AND REFERRAL, INC.; DAVID)

COPPERFIELD'S DISAPPEARING,)

14 INC.; TEAM CONSTRUCTION)

MANAGEMENT, INC.; DOES 1)

15 through 20; DOE EMPLOYEES 1)

through 20; and ROE)

16 CORPORATIONS 1 through 20,)

)

17 Defendants.)

)

18 MGM GRAND HOTEL, LLC.,)

)

19 Third-Party Plaintiff,)

)

20 vs.)

)

21 BEACHER'S LV, LLC, and DOES 1)

through 20, inclusive,)

22)

23 Third-Party Defendants.)

)

24

25

REPORTED BY: KRISTY L. CLARK, RPR, NV CCR #708,
CA CSR #13529

REPORTER'S TRANSCRIPT

OF

JURY TRIAL

BEFORE THE HONORABLE

MARK R. DENTON

DEPARTMENT XIII

MONDAY, APRIL 30, 2018

1 APPEARANCES:

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I N D E X

Witness:	Direct:	Cross:	Redirect:	Recross:
Amy Lawrence	18	50		
Gavin Cox	104			

E X H I B I T S

Number:	Marked:	Admitted:	Joint:
LAWRENCE1		45	

1 LAS VEGAS, NEVADA, MONDAY, APRIL 30, 2018;

2 2:13 P.M.

3
4 P R O C E E D I N G S

5 * * * * *

6
7 THE MARSHAL: All rise. Come to order.

8 Eighth Judicial District Court, Department 13, now in
9 session, the Honorable Mark Denton presiding.

10 THE COURT: Good afternoon. Please be
11 seated. Reconvening for the jury trial in Gavin Cox,
12 et al. v. MGM Grand Hotel, LLC, et al.

13 Please state appearances of counsel, identify
14 parties and party representatives who are present
15 today.

16 MR. MORELLI: Oh. Benedict P. Morelli, for
17 the plaintiff Gavin and Minh Cox, who are in the
18 courtroom.

19 MR. DEUTSCH: Good afternoon, Your Honor.
20 Adam Deutsch, also for the plaintiffs.

21 MR. FALLICK: Good afternoon, Your Honor.
22 Perry Fallick for the plaintiff.

23 MR. POPOVICH: And good afternoon. Jerry
24 Popovich for defendant MGM Grand Hotel, with
25 Mr. Habersack here for the hotel. Also represented by

1 Mr. Infuso, and Will Martin is here as well.

2 MS. FRESCH: Good afternoon, Your Honor.

3 Elaine Fresch for David Copperfield, David Copperfield
4 Disappearing, Inc., and with me is Mr. Freeman.

5 MR. ROBERTS: Good morning, Your Honor. D.
6 Lee Roberts for Backstage Employment and Referral.

7 MR. RUSSELL: Good morning, Your Honor.
8 Howard Russell for Backstage Employment and Referral.

9 MR. STRASSBURG: May it please the Court,
10 Roger Strassburg and my partner Gary Call for defendant
11 Team Construction Management.

12 THE COURT: Okay. The record will reflect
13 that the Court has conducted a meeting with counsel in
14 chambers -- adjacent to chambers. There's not enough
15 room in chambers to meet, so we were in an adjoining
16 room. And there was some discussion about various
17 things. We're outside the presence of the jury now.

18 My understanding is somebody wanted to make a
19 record about certain things that we discussed; is that
20 correct? There was a need for that?

21 I will make a record on one thing, and that
22 is, apparently, let's see. Mr. Cox is not going to
23 testify right now; right?

24 MR. DEUTSCH: Correct, Your Honor.

25 MR. MORELLI: Correct.

1 THE COURT: I had received a proposed
2 instruction to give to the jury before he testifies --

3 MR. MORELLI: Yes.

4 THE COURT: -- right?

5 And I think we're all on the same page on
6 that, except I had made one correction -- or one change
7 to it, I should say.

8 The last sentence of what I'm going to be
9 instructing the jury, it says, "you may take this";
10 right?

11 MR. MORELLI: Yes.

12 THE COURT: I'm going to -- I was going to
13 say "you may take this allegation into consideration
14 when you are evaluating his testimony."

15 MR. MORELLI: That's fine. Plaintiff agrees.

16 THE COURT: Okay. That's the change that I
17 had made that I couldn't find. I had it on my desk and
18 didn't have it in front of me when we were conferring.

19 All right. So are we ready now for the jury?

20 MR. DEUTSCH: Yes, Your Honor.

21 MR. MORELLI: Ready, Your Honor.

22 MR. POPOVICH: Yes, Your Honor.

23 MR. DEUTSCH: And what we have done, Your
24 Honor, just to make sure that the concerns of the
25 defendants with respect to objections and any answers

1 bleeding over, is we're just going to play the video.
2 We removed the -- the text, you know, from the
3 deposition that was going to play along with it because
4 that potentially -- sometimes there's three lines of
5 text, and you might see an answer. So we just removed
6 it. We're just going to play the video.

7 And I've spoken to our video operator, who
8 understands that, if there's an objection made, that he
9 will pause it immediately before any answer is played.

10 And -- and one thing I'll just say before the
11 jury comes in, Your Honor, is that, because of our
12 discussion in the back, I anticipate that some of the
13 objections might be hearsay. And I just find that
14 incredible after two weeks of trial, when every single
15 witness has testified about what the security guards
16 said, what the people in the prop say, what all these
17 people say in terms of how this trick is done.

18 Everyone in this trial, every single witness,
19 has already testified without anybody's objection about
20 what people along different steps of the route say to
21 people and tell people to do. So for them to raise
22 this objection of hearsay now is -- is somewhat --

23 THE COURT: The defendants are entitled to --

24 MR. DEUTSCH: -- suspect.

25 THE COURT: -- make their objections and --

1 for the record.

2 MR. DEUTSCH: Yeah.

3 THE COURT: Whatever objections they make,
4 I'll rule on them.

5 MR. DEUTSCH: Yeah.

6 THE COURT: Now, I have two instructions that
7 I'm going to be giving, one we discussed during the
8 meeting having to do with Amy Lawrence; correct?

9 MR. MORELLI: Yes.

10 THE COURT: I was going to make a change to
11 the one that was proffered by MGM defendants.

12 The other one, having to do with
13 Patricia Esack, we didn't discuss that, although
14 apparently there was no objection.

15 MR. DEUTSCH: We're going to do that after
16 Mr. Cox, so we don't have to --

17 MR. MORELLI: We're not putting that on now,
18 so ...

19 THE COURT: All right. Okay.

20 MR. POPOVICH: I got it.

21 THE COURT: All right. So what will happen
22 is the jury will come in, you'll call your next
23 witness, which will be the video depo of Amy Lawrence.
24 And before you start playing that, I will read this
25 instruction; correct?

1 MR. DEUTSCH: Understood, Your Honor. Thank
2 you.

3 THE COURT: Did you want me to read into the
4 record what the instruction will be so that everyone's
5 on the same page?

6 MR. MORELLI: Absolutely.

7 MR. POPOVICH: Sure.

8 THE COURT: Okay.

9 "Whenever evidence has been admitted but
10 limited to one or more parties, you must not consider
11 it as to any other party or party. The video
12 deposition testimony about to be played to you from
13 witness Amy Lawrence is sworn testimony taken in this
14 case.

15 "This testimony is being offered by the Cox
16 plaintiffs. You may consider this testimony in
17 deciding the liability claims relating to defendants
18 David Copperfield; David Copperfield Disappearing,
19 Inc.; and Backstage Employment and Referral, Inc., just
20 as you would consider any other testimony given in this
21 courtroom.

22 "You must not consider this testimony in
23 deciding whether defendant MGM Grand Hotel, LLC, had
24 notice of injuries other than those allegedly sustained
25 by Mr. Cox. Also, you must not consider this testimony

1 in deciding the liability claims against Team
2 Construction Management, Inc."

3 MR. DEUTSCH: Just one piece, Your Honor.
4 After the sentence that says "you may not use this
5 against MGM for the purpose of prior notice of
6 injuries," I think there should be added, "but you
7 could use it for all other purposes against them."

8 THE COURT: I'm just going to say what they
9 can't do.

10 MR. DEUTSCH: Okay.

11 MR. CALL: Your Honor, just as far as Team is
12 concerned, I would like to have it say that as Team was
13 not present on the site during this time period just so
14 that they're clear that --

15 MR. DEUTSCH: We have no problem with that.

16 MR. CALL: -- we were not there.

17 MR. DEUTSCH: Your Honor, what we would ask,
18 then, in the first sentence, when it just says -- it
19 only identifies "you may use this evidence against
20 Copperfield; Copperfield Disappearing, Inc.; and
21 Backstage," it should also then list MGM and then have
22 the follow-up sentence that there's a limiting
23 instruction with respect to MGM.

24 THE COURT: Yeah, I'm going to leave MGM
25 alone, the way I have it.

1 I'm wondering -- what were you saying about
2 Team?

3 MR. CALL: Team Construction was not even
4 present on the property at that time and, therefore --

5 MR. DEUTSCH: We have no objection to them
6 adding that.

7 MR. CALL: -- adding in that limiting --

8 THE COURT: "As Team Construction was not
9 present at the time"?

10 MR. DEUTSCH: Correct.

11 MR. CALL: Correct.

12 THE COURT: What would I say? "At the time
13 of Ms. Lawrence's presence"? Because I'm not going to
14 say "injuries."

15 MR. MORELLI: No. "Presence."

16 MR. CALL: "Presence" sounds fine.

17 MR. MORELLI: Yeah, yeah. "Presence" is
18 better.

19 THE COURT: With a C, not a T. Okay.

20 So what it would say is "As to Team
21 Construction also, you must not consider this testimony
22 in deciding the liability claims against Team
23 Construction Management, Inc., as Team Construction was
24 not present on the site at the time of Ms. Lawrence's
25 presence."

1 MR. MORELLI: Perfect.

2 THE COURT: Will that work?

3 MR. CALL: That will work.

4 MR. POPOVICH: The next step after that, Your
5 Honor. I just wanted to make sure that the record
6 shows that, at least when we were off the record in the
7 conference room, I did object to the adjustment to the
8 language as to MGM based on the Court's ruling on
9 Friday. That's good enough.

10 The other thing is, is I would like some
11 clarity, because it dawns on me, based on what
12 plaintiffs' counsel has said about this video, is that
13 the only part teed up to be played might be only what
14 the plaintiffs have designated, not what any defendant
15 has counter-designated. Is that right?

16 MR. DEUTSCH: Well, obviously, I would have
17 had absolutely no way to get their designations --

18 THE COURT: Well, after the plaintiffs'
19 presentation, then we'll take a recess so that the
20 defense can cue up the things that they want to play;
21 right?

22 MR. MORELLI: Yes.

23 MR. POPOVICH: Well, the original discussion
24 was -- and I -- I'm going to hear the objections about
25 timing again, but one entity, the plaintiffs, who were

1 designating the video, were going to do all the
2 editing.

3 MR. DEUTSCH: Actually, Your Honor, it was
4 the other way around.

5 MR. POPOVICH: So we were going to do the
6 editing for the plaintiff?

7 MR. DEUTSCH: The defendants were going to do
8 all the editing. When I did not receive a response
9 until 11:00 this morning to what we submitted, I sent
10 an e-mail saying, "If I don't hear" --

11 THE COURT: Well, if you can't -- if you
12 don't have it on video, then you can have a witness
13 take the stand and read from the transcript.

14 MR. RUSSELL: It's a cross-designation issue
15 right at the same time. That's what the rule
16 contemplates, is that it's read for completeness.

17 THE COURT: Okay. If you think that there's
18 something that shouldn't be made at that time --
19 produced at that time pursuant to the rule, then make
20 that point, and then I'll consider whether it should be
21 read or shown or whatever. Right?

22 MR. POPOVICH: So at the point it would come
23 up in the transcript --

24 THE COURT: Under Rule 32, I think it
25 provides that, in fairness, if something should be

1 brought out at the same time as it's being presented --
2 right -- it should right then --

3 MS. FRESCH: Well --

4 THE COURT: I'm looking at 32(a)(4), "If only
5 part of a deposition is offered in evidence by a party,
6 an adverse party may require the offeror to introduce
7 any other part which ought in fairness to be considered
8 with the part introduced, and any party may introduce
9 any other parts."

10 So it sounds to me like you would be doing
11 that, though, on -- in effect, on cross-examination;
12 right?

13 MR. RUSSELL: Well, we could do it on the
14 fly. Just as we're going to object, we'll stop and
15 say, "Okay. We'd like this part to be played, then."

16 I mean, the objections and
17 counter-designations that our office provided, Your
18 Honor, you have a courtesy copy there, and they are in
19 order.

20 THE COURT: Well, the thing about it is that
21 rule doesn't say "right at that time"; what it says "if
22 only part of the deposition is offered in evidence"
23 such as what they're going to be doing; right? -- an
24 adverse party may require an offeror." Okay? "The
25 offeror."

1 In other words, you're saying that you can
2 require the offeror, which would be the plaintiff --

3 MR. RUSSELL: At the same time.

4 THE COURT: -- to present -- yeah, okay. I
5 see that. That's true. That's what it says.

6 MR. DEUTSCH: Okay.

7 THE COURT: Okay. So are we ready for the
8 jury now?

9 MR. DEUTSCH: Yes, Your Honor.

10 MR. MORELLI: Yes, Your Honor.

11 THE MARSHAL: All rise.

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

14 THE COURT: You may be seated.

15 Good afternoon, ladies and gentlemen.

16 IN UNISON: Good afternoon.

17 THE COURT: Thank you very much for your
18 patience.

19 Does counsel stipulate that the jury is now
20 present?

21 MR. MORELLI: The jury is present.

22 MR. POPOVICH: Yes, Your Honor.

23 MS. FRESCH: Yes.

24 MR. CALL: Yes, Your Honor.

25 MR. RUSSELL: Yes, Your Honor.

1 THE COURT: We've been addressing things
2 outside your presence for some time, ladies and
3 gentlemen. And, again, thank you very much for your
4 patience.

5 At this time, plaintiffs may call their next
6 witness.

7 MR. DEUTSCH: Your Honor, at this time, we
8 are calling Amy Lawrence, which will be presented to
9 the Court via her videotaped deposition on April 26th,
10 2018.

11 THE COURT: All right. Before that's
12 presented, I have an instruction that I'm going to read
13 to the jury about this.

14 Whenever evidence has been admitted but
15 limited to one or more parties, you must not consider
16 it as to any other party or parties. The video
17 deposition testimony about to be played to you from
18 witness Amy Lawrence is sworn testimony taken in this
19 case.

20 This testimony is being offered by the Cox
21 plaintiffs. You may consider this testimony in
22 deciding the liability claims relating to defendants
23 David Copperfield; David Copperfield Disappearing,
24 Inc.; and Backstage Employment and Referral, Inc., just
25 as you would consider any other testimony given in this

1 courtroom.

2 You must not consider this testimony in
3 deciding whether defendant MGM Grand Hotel, LLC, had
4 notice of injuries other than those allegedly sustained
5 by Mr. Cox.

6 Also, you must not consider this testimony in
7 deciding the liability claims against Team Construction
8 Management, Inc., as Team Construction was not present
9 on the site at the time of Ms. Lawrence's presence.

10 All right. You may proceed.

11 (Whereupon video deposition was played.)

12 DIRECT EXAMINATION

13 BY MR. DEUTSCH:

14 Q. Good morning, Ms. Lawrence. How are you?

15 A. I'm good. Thank you.

16 Q. Good. If I ask you any questions this
17 morning that you do not understand, please let me know
18 and I'll be happy to rephrase my question.

19 Have you ever testified before in a courtroom
20 like this?

21 A. Not like this, just in a custody hearing
22 once.

23 Q. I'm sorry?

24 A. Custody hearing.

25 Q. Got you. First, what do you do for a living?

1 A. I'm a seventh grade math teacher.

2 Q. Okay. And where do you live?

3 A. I live in Kalamazoo, Michigan. It's about
4 directly halfway between Chicago and Detroit.

5 Q. And -- and how do you find yourself here in a
6 courtroom in Las Vegas in this case?

7 MR. RUSSELL: Objection, Your Honor.

8 THE COURT: Hold on. Stop.

9 (Whereupon video deposition was paused.)

10 MR. RUSSELL: It's irrelevant and -- and the
11 information is about to expose certain media and
12 publicity accounts of the trial improperly before the
13 jury. Also, the testimony contains hearsay.

14 MS. FRESCH: And, additionally, Your Honor, I
15 join those as well as it goes into potentially Phase 2.
16 And it assumes facts not in evidence and lacks
17 foundation.

18 THE COURT: All right. I'll sustain the
19 objection insofar as it relates to how she was -- how
20 she knew about this -- okay? -- the media.

21 MR. RUSSELL: Do you have a -- Your Honor, I
22 don't mean to interrupt. Do you have a copy of the
23 transcript or do you need an additional copy, Your
24 Honor?

25 THE COURT: So can you --

1 MR. DEUTSCH: Well, your Honor, do you have a
2 copy of the transcript?

3 THE COURT: No.

4 MR. DEUTSCH: So it -- maybe if we gave Your
5 Honor a copy of the transcript.

6 THE COURT: It would be helpful.

7 MR. DEUTSCH: It might be helpful and you can
8 see that I don't believe there's anything
9 objectionable.

10 THE COURT: It would be helpful.

11 MR. DEUTSCH: Sure. Why don't we do that.

12 MR. MORELLI: Just read ...

13 MR. DEUTSCH: I hope this is okay, Your
14 Honor.

15 THE COURT: Is the battery charged?

16 MR. DEUTSCH: Yeah. One swipe that way and
17 you'll follow along. The first question we were up to
18 is right here. And there's the answer. I don't think
19 there's anything objectionable.

20 MR. MORELLI: It's okay.

21 THE COURT: I think what you need to do is go
22 to page 10, line 13. Resume there.

23 MR. DEUTSCH: May we approach, Your Honor?

24 MR. RUSSELL: It would be the same objection,
25 Your Honor, on 13 -- page 10, line 13 to 14, talks

1 about media.

2 MR. DEUTSCH: Can we approach, Your Honor?

3 THE COURT: Well, I think that that's okay.
4 I think there's a lot of stuff, though, that -- before
5 that.

6 MR. DEUTSCH: May we approach, Your Honor?
7 Because if there's certain lines in that, then I can
8 read that piece minus the words that Your Honor takes
9 out in that entire long answer and then play the video
10 again starting on 13.

11 May we approach?

12 THE COURT: Yeah.

13 (A discussion was held at the bench,
14 not reported.)

15 THE COURT: Counsel can state her objection
16 once the question's been --

17 MR. DEUTSCH: Yes, so we're going to start,
18 then, at page 10, line 13.

19 (Whereupon video deposition was
20 resumed.)

21 BY MR. DEUTSCH:

22 Q. Was there something in particular that you
23 heard that was what prompted you to come in in terms of
24 anything you heard that -- that Mr. Copperfield said or
25 anything like that?

1 A. Oh --
2 MS. FRESCH: Objection.
3 THE COURT: Pause it.
4 MR. DEUTSCH: Pause it.
5 (Whereupon video deposition was paused.)
6 MR. DEUTSCH: We just dealt with that
7 objection.
8 MS. FRESCH: I wanted to preserve my
9 objection.
10 THE COURT: Right.
11 MS. FRESCH: Okay. I object, for lines 13
12 through 24, that it's hearsay, lacks foundation,
13 assumes facts not in evidence. It's Phase 2 damages.
14 It's speculation, irrelevant, and prejudicial.
15 THE COURT: Okay. Overruled.
16 (Whereupon video deposition was resumed.)
17 THE WITNESS: -- article that I had pulled
18 off that Wednesday that he had said -- or someone had
19 said -- I don't know who exactly, I guess -- that there
20 hadn't been injuries in that particular act before.
21 And I knew that to be false. So that was -- that was
22 one of the things. I wanted to be able to support him
23 in saying that, hey, people have been hurt.
24 BY MR. DEUTSCH:
25 Q. Okay. And -- and was there a time when you

1 were participating in one of Mr. Copperfield's
2 illusions?

3 A. Yes. In --

4 Q. And when was that?

5 A. In June of 2008 -- or 2013.

6 Q. And at what location -- where was it that you
7 went to see the David Copperfield show?

8 A. At the MGM.

9 Q. Here in Las Vegas?

10 A. Yes.

11 Q. And can you tell us which particular illusion
12 was it that you participated in?

13 A. I participated in the final act where they
14 disappear 13 audience members.

15 Q. Okay. Did -- have you ever heard it referred
16 to as the Thirteen Illusion, or did you just know it as
17 the --

18 A. I just knew it was the final -- final act,
19 yeah.

20 Q. And can you tell us, how did that illusion
21 start?

22 A. Well, he told us that -- Mr. Copperfield told
23 us that people were going to be randomly selected. And
24 he threw out 13, like, great big beach bally kind of
25 things. And if you caught it, you could come up on

1 stage.

2 And everybody in our section kind of kept
3 batting around the ball. It was the very last one.
4 And so I'll admit I kind of wanted to be up there. So
5 I grabbed it and I'm like, "Okay. We're not batting
6 this around anymore." And I got up and took the ball
7 up to the -- up to the stage.

8 Q. Okay. And tell us what happened when you got
9 up on stage.

10 A. Well, I walked up a few stairs. And there's
11 a lady standing at the top of the stairs, and she asked
12 me three questions.

13 Q. What did she ask you?

14 A. The first two -- I don't remember what order
15 she asked them in. One of the questions was, "Are you
16 a magician?"

17 Q. Are you magician?

18 A. No.

19 Q. Okay.

20 A. Not even close.

21 And she also asked if I was a reporter, which
22 also I am not. And then --

23 Q. She didn't ask if you were a math teacher?

24 A. She did not ask me that. No, not at all.

25 Q. What was the third question?

1 A. She asked me if I was able to run. And my
2 response, because I'm a little sarcastic, is, "Well,
3 sure, as well as I can in these shoes."

4 Q. And what kind of shoes were you wearing?

5 A. I was wearing -- I was dressed up. I was
6 wearing heels. They weren't huge. They were, you
7 know, inch and a half, two inches at the absolute most.
8 But they weren't huge, but they were, you know, summery
9 kind of sandal shoes with a heel.

10 Q. And -- and you -- when you made that comment
11 to her that you could run as well as you could "in
12 these shoes," did that person say anything to you?

13 A. Oh, she just said "Okay" and pointed to where
14 I was supposed to walk and get in line.

15 Q. And what do you remember after that? What
16 happened after that?

17 A. Okay. So, after that, I was -- like I said,
18 I was the very last person up there, so pretty much
19 after I got in line they told us to walk around the
20 platform, I guess you would call it. And so we walked
21 around the platform.

22 And as we were walking around there, I
23 noticed that there were other women in much higher
24 heels than I was. So I'm like, oh, well, mine are only
25 this big, so must not be doing too much, you know,

1 because people had great big 4-inch heels on.

2 So that kind of made me feel better after she
3 asked that question. And so then we came -- or after
4 we came around and walked around, they put us all up on
5 this platform.

6 Q. Let me just stop you there for a second.

7 A. Yes.

8 Q. The walk around the platform that you did --

9 A. Yes.

10 Q. -- how would you describe -- would you
11 describe it as an obstacle course?

12 A. Oh, no. It was just a circle right around
13 the platform. It was --

14 Q. Did you have to jostle in and out of anything
15 as you were walking around the platform?

16 A. I don't remember doing any of that, no.

17 Q. It was just a pretty simple walk-around?

18 A. Yeah.

19 Q. Do you remember having to step over things or
20 dodge things as you were moving around?

21 A. I don't remember that, no.

22 Q. Okay. All right. So, now, you're -- they've
23 put you up in the platform and you're seated?

24 A. Yep.

25 Q. And -- and at this point is the curtain open?

1 A. At this point, the curtain is open.

2 Q. Okay. And tell us what happened next.

3 A. So, at that point, that's when David --
4 Mr. Copperfield is talking. And he's -- actually, it's
5 funny. He was the -- he talks to the person on the
6 edge right by him. And, in that particular show, the
7 lady was from Germany and her name was Claudia. And he
8 made a joke about it because of his own personal
9 history with a German lady named Claudia.

10 And she was one of the ones with the great
11 big, huge 4-inch heels on. So that's the only reason I
12 remember her name was the joke. So he was doing his
13 little spiel. And then, all of a sudden, you know, the
14 curtains come down around us --

15 Q. What were you thinking at that moment?

16 MR. RUSSELL: Objection, Your Honor.

17 THE COURT: Hold on. Pause.

18 (Whereupon video deposition was paused.)

19 MR. RUSSELL: Objection. Irrelevant as to
20 what she was thinking.

21 And then lines 17 through 25, move to strike
22 as nonresponsive.

23 MS. FRESCH: Your Honor, I would join those
24 objections.

25 And then I wanted to bring up there's a few

1 portions in the testimony coming up that -- may we
2 actually approach just quickly?

3 THE COURT: Sure.

4 (A discussion was held at the bench,
5 not reported.)

6 MR. DEUTSCH: Just one second, Your Honor, so
7 we can figure it out.

8 MR. RUSSELL: So, just for the record, Your
9 Honor, it was sustained for page 15, lines 17 through
10 20; correct?

11 MR. DEUTSCH: Yes.

12 THE COURT: Yes. 17 through --

13 MR. RUSSELL: Partial 20.

14 THE COURT: -- the first word on line 20.

15 MR. DEUTSCH: Okay. Action.

16 (Whereupon video deposition was
17 resumed.)

18 BY MR. DEUTSCH:

19 Q. And what were you thinking at that moment?

20 A. I am thinking -- I -- I honestly assumed that
21 whole time that we were going to start moving down,
22 that we were -- that that whole platform was going to
23 go down, because how else were you going to move 13
24 people? That was my assumption. And then, all of a
25 sudden, I hear "run, run, run."

1 And so I'm like, okay. And I was the last
2 person out. We went through the middle. They moved a
3 couple of chairs so that the people could -- I was in
4 the front row -- so that we could run back through.

5 Q. And what -- the moment that that someone
6 started screaming out, what were you thinking?

7 A. I was thinking where am I going? is really
8 what I was thinking. And so then I started -- I
9 lost -- I watched where everybody else was running, and
10 they were running off the back of the platform. And
11 I'm like there wasn't anything there, like, a minute
12 ago. Where am I running onto? And I couldn't see
13 anything.

14 Q. Why couldn't you see anything?

15 A. It was pitch black at the edge of the
16 platform. You couldn't see anything. And the only
17 thing I was thinking was, well, no one else has
18 screamed, so no one else has fallen. And they
19 wouldn't, like, put us in a situation where we would
20 get hurt. That would be stupid.

21 So I just trusted. And, again, it helped
22 because I was the last person. I don't know what I
23 would Have done if I was the first one. But I just --
24 I kept -- I kept running.

25 Q. And what happened at that point?

1 (Whereupon video deposition was paused.)

2 MR. RUSSELL: Object. Just move to strike
3 lines 12 through 19 as nonresponsive as to why she
4 couldn't see anything.

5 THE COURT: Sustained. Motion is granted.
6 The jury will disregard.

7 (Whereupon video deposition was resumed.)

8 THE WITNESS: So it -- we go and I would -- I
9 don't know. They had some sort of, like, platform that
10 we must have run off of at the back of that platform.
11 I don't know how that one got up there.

12 At some point, there was like, I believe, a
13 couple of stairs to go down. We were winding through
14 some hallway-like things. At one point I remember
15 going into a kitcheny kind of area. And there were two
16 ladies who must work there who were having great
17 enjoyment watching us all run past. They were very
18 giggly.

19 And then, shortly after that, at some point I
20 got outside. And it was -- I don't know if it's a
21 freight area or a garbagey area. It was just one of
22 those kind of places that have the big, wide sidewalks
23 so they can move stuff.

24 And I turned a corner. And this is where the
25 funny part happens. So I turn the corner. I can see

1 the door we were supposed to run back in. And the
2 gentleman who was standing at the corner says, "Don't
3 trip."

4 And, immediately, I trip. And that's always
5 been the funny part of the story, like someone tells me
6 "don't trip," and I trip immediately.

7 MR. RUSSELL: Your Honor.

8 THE COURT: Hold on.

9 (Whereupon video deposition was paused.)

10 MR. RUSSELL: Move to strike the testimony
11 about "don't trip" as hearsay. No foundation as to who
12 said that.

13 THE COURT: Overruled. It's not being
14 offered for the truth of the matter asserted as to
15 "don't trip"; it's being offered to show that that
16 statement was made.

17 (Whereupon video deposition was resumed.)

18 BY MR. DEUTSCH:

19 Q. If I can break that down. At some point, you
20 went from the inside to the outside?

21 A. Yes.

22 Q. Okay. And, when you were outside, how would
23 you describe the lighting conditions when you were
24 outside?

25 A. It was -- it was -- I was at the late show,

1 so it was dark. It was, you know, dimly lit, like a
2 parking lot is at night. So you could kind of see, but
3 there was lots of shadows and --

4 Q. And did anyone -- at any point in time while
5 you were sitting in the -- in the prop before you
6 started to run, did -- did anyone ever tell you what
7 you were going to be expecting to do?

8 A. No, not a little -- even a little, no.

9 Q. And -- and as you were getting from sort of
10 each hallway to the next hallway and the next hallway,
11 as you approached those hallways, did you know where
12 you were going?

13 MS. FRESCH: Objection. Objection.

14 (Whereupon video deposition was paused.)

15 MS. FRESCH: Not to the entire part, but the
16 end part, lines 22 to 25, as speculation and hearsay.

17 MR. RUSSELL: Join.

18 MS. FRESCH: And it would continue onto the
19 next page as to foundation and speculation as to lines
20 1 through 3.

21 MR. DEUTSCH: Your Honor, it's not hearsay
22 because the exact reasoning that Your Honor said
23 before.

24 THE COURT: Hold on a second.

25 MR. DEUTSCH: It's not being offered for the

1 truth.

2 MR. RUSSELL: I believe it is, Your Honor.

3 MR. DEUTSCH: I'm the one offering it.

4 MR. RUSSELL: Fair point, Mr. Deutsch.

5 THE COURT: I think that the first part --
6 the first sentence and the answer at line -- starting
7 at line 15 can be proffered --

8 MR. DEUTSCH: Your Honor, may we approach for
9 a sec?

10 THE COURT: Just a minute. Let me --

11 MR. DEUTSCH: Okay. Sorry.

12 THE COURT: Okay. I'll -- having reviewed
13 the -- I'll overrule the objection. Go ahead.

14 (Whereupon video deposition was
15 resumed.)

16 THE WITNESS: -- in the right direction. And
17 they -- as we were running, there was some people along
18 the way -- kind of like detour signs when you're in a
19 detour. You know, "Okay. Go this way." And they
20 were, you know, "Hey, keep going. You got" -- and I'm
21 totally making up this number because it was five years
22 ago. I don't remember what they said. But at least
23 twice they were like, "Hey, you got -- you got to be
24 back there in 48 seconds" or "You got to be wherever
25 you need to be in so many seconds. Keep going."

1 So they -- I remember thinking, well, clearly
2 this is a very timed act. We need to be somewhere. So
3 we're running to keep up to make sure we get to
4 wherever we need to be in that amount of time.

5 BY MR. DEUTSCH:

6 Q. And the part while you were running, when you
7 leave -- from the time that you leave the platform and
8 you're going around, would you describe that as -- how
9 would you describe it?

10 MS. FRESCH: Objection.

11 THE COURT: Hold on a second.

12 (Whereupon the video deposition was paused.)

13 THE COURT: Objection?

14 MS. FRESCH: The response is speculation
15 as -- lines 9 through 13.

16 MR. DEUTSCH: Your Honor, I asked her --

17 THE COURT: She's describing what her
18 perception was. Overruled.

19 (Whereupon video deposition was
20 resumed.)

21 THE WITNESS: Windy. It was -- it was pretty
22 chaotic. I would not send my middle-schoolers through
23 that without a whole lot of instruction, because it
24 was -- it would be an accident waiting to happen for
25 them. They would have run into walls and whatever

1 else. It would -- no.

2 BY MR. DEUTSCH:

3 Q. If someone in this case described that
4 runaround portion to the jury as calm and controlled,
5 would you agree with that or disagree with that?

6 A. I would not call it -- what was it?

7 Q. Calm and controlled.

8 A. Calm and controlled? No. I teach middle
9 school. It's not calm. And that was not calm and
10 controlled.

11 Q. I want to show you a photograph that's in
12 evidence already, Exhibit 84, No. 14.

13 Did the -- let me just ask you this: The
14 people -- where were you -- you -- I think you said you
15 were the last one out of the --

16 A. Yes, I was the last one out.

17 Q. And you said that along the route people were
18 yelling at you, like, a time?

19 A. Yeah.

20 Q. Was that people that were along the route
21 that were saying that or that was someone running with
22 you or both or something else?

23 A. It was someone ahead of me, so I can't tell
24 you if they were running with the people ahead of me or
25 not, but there was no one behind me.

1 Q. Okay.

2 A. There was no one running behind me at any
3 point.

4 Q. I want to show you what's in evidence in our
5 case as 84-14. And take a look at that picture.

6 A. Yes.

7 Q. Do you -- do you recognize what's depicted in
8 that photograph?

9 A. That appears to be the last corner I ran
10 around. And that open door looks like the door that we
11 ran back in.

12 Q. And -- and on this photograph maybe -- if you
13 could just step down. And on this screen, can you just
14 use this pen, kind of just point to --

15 A. If I can get this puppy off. Oh, there it
16 is. Okay.

17 Q. Just trying to --

18 A. Sorry. So I -- I was -- I had just turned
19 it, and I was at -- approximately at where that line is
20 in the cement right there, between the two things of
21 cement, because I was still a little ways away from the
22 door, but I had already turned the corner. I was
23 starting to go straight at that point.

24 Q. And you said that there was someone there
25 that said "watch your step" or something.

1 A. Yeah, as I was turning -- like, literally a
2 half second before I fell, there was a gentleman who I
3 believe worked for the production. And he said, "Don't
4 trip."

5 Q. And where was that person -- can you see
6 where that person was standing?

7 A. He was -- he wouldn't be in this photograph.
8 He would have been, like, over there off -- just -- you
9 know, so I ran between him and the --

10 Q. Okay. You can have a seat again. Thank you.

11 A. Yeah.

12 Q. What -- what do you think happened in terms
13 of why you fell that evening?

14 MR. RUSSELL: Objection, Your Honor.

15 (Whereupon the video deposition was paused.)

16 MR. RUSSELL: Irrelevant. No substantial
17 similarity between the accidents.

18 THE COURT: Well, let's see what she thinks.
19 Overruled.

20 (Whereupon the video deposition was resumed.)

21 THE WITNESS: I don't know. I mean, it's
22 dark. It's pavement. I honestly just remember him
23 saying "don't trip," and then I was on the ground. I
24 didn't slip. I can tell you that much. I didn't trip
25 over my own feet. I -- you know, I don't know if my

1 foot, you know, caught on something or something.

2 Something just made me fall straight forward.

3 BY MR. DEUTSCH:

4 Q. After you fell, did anyone that appeared to
5 you to work for the production, as you said, say
6 anything to you or do anything for you at that point?

7 A. Not -- no one talked to me specifically about
8 it until after the trick was completed.

9 Q. Did you hear anyone say anything after you
10 fell?

11 A. The gentleman who had been standing there and
12 said "don't trip," I honestly don't remember what he
13 said, but he said something because the lady was the
14 12th in line turned around and goes "Oh," and came
15 back. And she grabbed my hand and kind of pulled me
16 into the -- so that we could finish the trick.

17 Q. And -- and in terms of -- of, you know,
18 physically what happened to you, can you tell us
19 what -- what happened to you?

20 A. It was a pretty bad scraped knee.

21 MR. RUSSELL: Objection, Your Honor.

22 THE COURT: Hold on.

23 (Whereupon video deposition was paused.)

24 THE COURT: Objection?

25 MR. RUSSELL: Move to strike the remainder of

1 the page as the extent of injuries is irrelevant.

2 THE COURT: Overruled.

3 (Whereupon video deposition was
4 resumed.)

5 THE WITNESS: It was not gushing, but it
6 was -- it was, you know, a good size. It covered my
7 whole knee. And it was -- it was drippy, so ...

8 BY MR. DEUTSCH:

9 Q. Dripping with blood?

10 A. Yes.

11 Q. It was dripping down your leg?

12 A. Yeah, it was -- at that point, it wasn't too
13 bad. But I went a while with nothing on it. So, as
14 time went on, it was more --

15 Q. And were you wearing -- were your -- did you
16 have exposed knees?

17 A. I did. I was wearing a dress that was above
18 the knee.

19 Q. Okay. Then at that point you got up and you
20 went and continued on --

21 A. Uh-huh. Yes.

22 Q. -- into the trick?

23 A. Yes.

24 Q. What -- why was it that you continued on?

25 A. I don't know. I didn't really at that point

1 think that there was an option to not, I guess. I
2 didn't even consider, like, stopping and evaluating my
3 injury to see if it was -- I just got up and went and
4 finished.

5 Q. Okay. And at some point did you -- did you
6 have to reappear?

7 A. I did, yes.

8 Q. And tell us about that.

9 A. Well, when I reappeared, I didn't want the
10 audience to see, you know, the blood dripping down my
11 leg. So when I reappeared, I reappeared standing,
12 like, with one leg in --

13 Q. Please stand up, and you can show us what you
14 meant. Sorry you have to take your mic off again,
15 but --

16 A. Okay. So I -- when I reappeared, I was
17 standing like this.

18 Q. To cover the blood?

19 A. To cover the blood that was dripping from my
20 left leg.

21 Q. Why were you -- why were you standing like
22 that?

23 A. I just didn't want the audience to see that I
24 was bleeding. It's kind of -- you know, from the time
25 you're a little kid and you fall down, people laugh at

1 you. So it's kind of humiliating. I didn't want to be
2 like, hey, I'm the girl who fell.

3 Q. Okay. And, at some point, did you -- after
4 you reappeared, what was the next thing that you did?

5 A. After we finished the trick and, you know, we
6 all waved our flashlights, they took us into a back
7 room. Someone gave us a little spiel about, you know,
8 please don't share the secrets of how this trick
9 happened. If you share the secrets, then we won't be
10 able to do the trick anymore, blah blah blah.

11 But, as I was walking into that room before
12 the spiel, a lady who works for -- I don't know if it's
13 MGM or Mr. Copperfield, you know, stopped me as we were
14 walking in and said, "Hey, are you okay? And I'm like,
15 "Yeah, it's a scrape. I'll be okay."

16 And so then they did their spiel.
17 Mr. Copperfield came in. He talked, said thank you,
18 whatever. And then, after he was done talking, another
19 lady came up to me -- so a different one from before --
20 and -- I think it was about three times -- she asked me
21 if I was okay. "Are you okay? Are you sure you're
22 okay?" To me, she felt more official than the first
23 lady, but that was just my opinion.

24 Q. Okay. So a couple people -- what were those
25 people wearing? Do you remember?

1 A. I -- one of them -- the second lady, I
2 believe -- had on a headset of some sort, but I don't
3 remember the first one.

4 Q. Did any of those -- the people that came over
5 to you that -- that you believe worked at the show
6 and -- did they know that you had fallen?

7 MR. RUSSELL: Objection. Foundation.

8 (Whereupon video deposition was paused.)

9 THE COURT: Sustained.

10 MR. DEUTSCH: Are you going to object to the
11 next question as well, Howard?

12 MR. RUSSELL: No.

13 MR. DEUTSCH: Okay.

14 MR. RUSSELL: No. 23 -- yeah, starting at 23
15 is fine.

16 MR. DEUTSCH: Your Honor, the first sentence
17 in that answer doesn't -- is just her knowledge of what
18 she believes.

19 THE COURT: I made the ruling. Just go to
20 line 23 on page 26.

21 (Whereupon video deposition was
22 resumed.)

23 BY MR. DEUTSCH:

24 Q. Okay. So those -- so those two women came
25 into that room separate and apart from the people who

1 were giving the speech/spiel.

2 A. I don't know if they are normally part of
3 that group or not because I've never been part of that
4 group before, but I know I'm the only person they spoke
5 to.

6 Q. They came straight over to you?

7 A. Yes.

8 Q. And did any of -- did -- either of those
9 women or any of the people that worked there, did any
10 of them ask you if you wanted to fill out any type of
11 accident report or incident report of any kind? Was
12 that offered to you in any way?

13 A. Nope, not even a Band-Aid. So I actually --

14 MR. RUSSELL: Objection.

15 THE COURT: Objection.

16 (Whereupon video deposition was paused.)

17 MR. RUSSELL: Move to strike the remainder of
18 that page after the word "Band-Aid." That's after she
19 left the show. There's no evidence that anyone had any
20 knowledge of what she did at that point.

21 MS. FRESCH: Join.

22 THE COURT: Overruled.

23 (Whereupon video deposition was
24 resumed.)

25 THE WITNESS: Once I was done and I walked

1 out and my husband saw it, I had to go get actually --
2 and there's a bathroom right there when you walk out.
3 I actually had to go into the bathroom to get some
4 paper towel. And that is what I used to cover my -- my
5 leg on the whole taxi ride home until I -- we spent a
6 ton of money at Walgreens afterwards.

7 But my husband couldn't -- when I walked out
8 after I got the paper towel and my husband -- he asked
9 me, like, "Are you sure they didn't have you sign
10 anything? You could sue. Why didn't they have you
11 sign something?"

12 I'm like, "I don't know. Maybe it was
13 because it was a scraped knee." I didn't know. But,
14 at that point, I needed a bandage. It wasn't worth,
15 you know, going back and checking and seeing if there
16 was anything I should have -- else I should have done.

17 BY MR. DEUTSCH:

18 Q. Okay. I want to show you what's been marked
19 as -- for identification as Lawrence 1.

20 (Whereupon video deposition was paused.)

21 MR. DEUTSCH: Your Honor, at this time, we
22 would offer, I guess, Lawrence Exhibit 1 into evidence.

23 MR. RUSSELL: Go ahead.

24 MR. DEUTSCH: I'm going to -- we're going to
25 offer Lawrence Exhibit 1, that was marked for

1 identification at her deposition, into evidence.

2 MR. RUSSELL: Objection. Hearsay. It's a
3 Facebook posting.

4 MR. DEUTSCH: But it's hers.

5 May we approach?

6 THE COURT: Let's just -- say what you were
7 going to say. It's what?

8 MR. DEUTSCH: It's her post. It's her post.
9 So I don't know how it could be hearsay. She's the
10 declarant.

11 MR. RUSSELL: It's an out-of-court statement.
12 Doesn't matter if it's hers or not.

13 MR. DEUTSCH: But you had an opportunity to
14 cross-examine her.

15 THE COURT: Right. I'll admit it.

16 (Whereupon, Plaintiffs' Exhibit Lawrence
17 1 was admitted into evidence.)

18 (Whereupon video deposition was
19 resumed.)

20 BY MR. DEUTSCH:

21 Q. Take a look at this. Can you tell us what
22 that is?

23 A. That is -- after I got home -- or not home,
24 to the hotel -- and after I had bandaged myself up, I
25 decided, hey, I need to tell the world that I fell down

1 in a David Copperfield trick. So right after all of
2 that, before I went to sleep that night, I -- I typed
3 this up, "Participated in a David Copperfield
4 disappearing act. Rough work. Skinned the hell out of
5 my knee."

6 Q. And where did you write that?

7 A. I was sitting on the bed in my hotel room.

8 Q. Not that. Where did -- did you post that
9 somewhere or publish --

10 A. I'm sorry. That's Facebook.

11 Q. Okay.

12 A. Sorry.

13 Q. And so that's a clip from your Facebook?

14 A. That's a clip from my Facebook account, yes.

15 Q. And, at some point -- let me show you what's
16 been marked as identification --

17 MS. FRESCH: Objection. Objection.

18 THE COURT: Stop.

19 (Whereupon video deposition was paused.)

20 MR. DEUTSCH: Your Honor, same -- same -- at
21 this time, Your Honor, we would offer in evidence what
22 was marked at Ms. Lawrence's deposition as
23 Plaintiffs' 2, I guess.

24 THE COURT: Did you show him?

25 MR. DEUTSCH: Sure.

1 MS. FRESCH: And I would object on relevance
2 and a waste of time.

3 THE COURT: Counsel, this appears to relate
4 to a separate trick, so I'm not sure I understand the
5 relevance.

6 MR. DEUTSCH: May we approach, Your Honor?

7 THE COURT: Sure.

8 (A discussion was held at the bench,
9 not reported.)

10 MR. DEUTSCH: Just -- Your Honor, for the
11 record, pursuant to our -- our conversation at the
12 bench, we have agreed not to show what -- Exhibit 2 at
13 Ms. Lawrence's deposition with the understanding that
14 we have a stipulation from the defendants that
15 Ms. Lawrence was in fact a participant in the illusion
16 at the MGM Grand on the night that she has testified
17 about.

18 MR. POPOVICH: June 17, 2013?

19 MR. DEUTSCH: Correct.

20 MR. POPOVICH: So stipulated.

21 MS. FRESCH: So stipulated.

22 MR. RUSSELL: Agreed.

23 THE COURT: The record will so reflect.

24 MR. DEUTSCH: Your Honor, may I approach?

25 THE COURT: Yes.

1 MR. DEUTSCH: A hard copy of the deposition,
2 unless you're enjoying the iPad.

3 THE COURT: It's a pretty nice one.

4 MR. DEUTSCH: He said it's a pretty nice one.

5 MR. MORELLI: It's mine.

6 MR. DEUTSCH: We're just taking off that one
7 sentence, Your Honor.

8 THE COURT: Okay.

9 (Whereupon video deposition was
10 resumed.)

11 BY MR. DEUTSCH:

12 Q. And if you -- there has been testimony in
13 this case that nobody has ever fallen before --
14 Mr. Cox's accident, I don't know if you know or not,
15 occurred in November 12th, 2013, so only a couple
16 months after yours. If there's been testimony in this
17 case that Mr. Cox was the first person who has ever
18 fallen doing the Thirteen, would you agree with that or
19 disagree with that?

20 A. Well, I would completely disagree. And I can
21 tell you for sure that at least three people associated
22 with that show knew and had talked to me about falling.
23 So, I mean, did I -- was it a major life-changing
24 injury? No.

25 Q. Did anybody talk to you --

1 MS. FRESCH: Your Honor.

2 THE COURT: One second.

3 (Whereupon video deposition was paused.)

4 MS. FRESCH: Objection.

5 THE COURT: Hold on.

6 MS. FRESCH: I didn't know -- counsel now is
7 skipping, but we had questions and answers in between
8 this page and what counsel is going to next as to
9 whether you want us to present those now or later.

10 MR. DEUTSCH: Your Honor, the next questions
11 that are going to be played are from their questioning.
12 That was the last questions from my questioning. We're
13 now going on to stuff that was designated from their
14 questioning of Ms. Lawrence.

15 MR. POPOVICH: But, in context, Your Honor,
16 there are pages' worth of our questioning before the
17 part that plaintiffs want to play. So for -- to be in
18 context, it would seem to be beneficial to have them in
19 order.

20 MR. DEUTSCH: No problem.

21 THE COURT: Let's do that.

22 MR. POPOVICH: What we are proposing, since I
23 was doing the questioning in this next section, is I'll
24 stand and ask the questions and Ms. Fresch will play
25 Ms. Lawrence at the witness stand. Is that okay?

1 THE COURT: All right.

2 MS. FRESCH: Should I sit here?

3 MR. POPOVICH: Yeah.

4 THE COURT: Stand up and be sworn.

5 THE CLERK: You do solemnly swear that you
6 will well and truly read the answers of the deponent as
7 set forth in the deposition in response to the
8 questions in response to the questions therein asked by
9 counsel, so help you God?

10 MS. FRESCH: I do.

11 THE CLERK: Please state your name and spell
12 it for the record, please.

13 MS. FRESCH: Elaine K. Fresch. F-r-e-s-c-h.

14 MR. POPOVICH: We intend to start at page 33,
15 line 2. Tell me when you're ready, Ms. Fresch.

16 MS. FRESCH: No. Yes. Yes, I'm ready.
17 Sorry.

18 CROSS-EXAMINATION

19 BY MR. POPOVICH:

20 Q. First off, since you were 18 years old, have
21 you ever tripped and fallen any other time other than
22 this one occasion?

23 A. Yep. I'm a normal human being, yeah.

24 Q. Okay. About how many times, just ballpark?

25 A. Once or twice a year, probably.

1 Q. When you've had those trip-and-fall events,
2 are you usually wearing some kind of heel?

3 A. I very rarely wear heels, so yeah, no.

4 MR. DEUTSCH: Jerry, I would ask that you
5 read 11 through 22, which you guys had not proposed.

6 THE COURT: Go ahead.

7 MR. POPOVICH: 13 through?

8 MR. DEUTSCH: 11. Your designation stopped
9 at 10 and then picked up again on 23. So I would ask
10 that you, for completeness, read 11 through 22, the
11 rest of that page.

12 MR. POPOVICH: Oh, no problem.

13 THE WITNESS: Okay.

14 BY MR. POPOVICH:

15 Q. The night of the accident, had you had any
16 alcohol?

17 A. No.

18 Q. Taking you now to the show and the start of
19 the illusion, before even Mr. Copperfield starts
20 batting balls into the audience -- you with me?

21 A. Uh-huh. I got you.

22 Q. -- does he say anything to the audience, like
23 "you have to be 18 years or older"? Do you remember
24 anything like that?

25 A. I'm 80 percent sure he did say that because I

1 remember thinking kids couldn't go.

2 Q. Do you remember him saying anything like "you
3 have to be in good health"?

4 A. That, I don't remember if he said that or
5 not.

6 Q. Did he ask the people in the audience to put
7 glasses beneath the tables before the balls started
8 batting around?

9 A. You know what? I don't have a glass there --
10 excuse me -- I didn't have a glass there, so I probably
11 wouldn't have listened. So I don't remember that, no.

12 Q. Anything other than 18 years old before the
13 ball start batting around specifically relating to this
14 illusion that you recall being said?

15 A. No.

16 Q. Were you in good health that evening?

17 A. Yes.

18 MR. DEUTSCH: I'd ask that you read 14
19 through 21.

20 BY MR. POPOVICH:

21 Q. Did you -- by any chance were you a runner
22 June of 2013?

23 A. Oh, God, no.

24 Q. How about even a treadmill-type workout?

25 A. Not back then, no.

1 Q. The balls get batted around and you described
2 how you ended up with one.

3 A. Yep.

4 Q. And did you carry the ball up and then to the
5 left side of the -- I'll start that again.

6 And did you carry the ball up and then to the
7 left side of the stage?

8 A. Yes. It was -- yes. So if you're facing the
9 stage, it's on the left. Yes.

10 Q. And you recall talking to a female?

11 A. Yes.

12 Q. Was that the first person that seemed to be
13 working with the production group that you talked to
14 during this illusion?

15 A. Yes.

16 Q. And you asked the questions that you've
17 already described -- sorry. I read that wrong.

18 And asked the questions that you've already
19 described?

20 A. Yes.

21 Q. Since we've been talking about this and
22 you've been questioned about it, anything else come to
23 your mind that was asked of you before the next step in
24 the process?

25 A. I'm pretty certain that those are the only

1 three things that were said to me because I thought
2 that the magician and the reporter thing were kind of
3 funny.

4 Q. Okay. Because you thought you would be let
5 in on something secret; right?

6 A. Yeah.

7 MR. POPOVICH: Okay. We're skipping to line
8 24 on page -- page 35 still.

9 MR. DEUTSCH: Yep, yep.

10 BY MR. POPOVICH:

11 Q. I'm a guy, so help me. I heard -- I heard
12 sandaly. So I'm picturing kind of straps going across
13 maybe the top of the foot and the toes.

14 A. Yeah. So this particular pair of shoes, it's
15 one of two pair that were built almost the same way.
16 They're actually -- I don't even know why I have them
17 because they're almost identical. But there are straps
18 that go across the toe -- like, three thin straps that
19 go across the toe. But I'm really bad with things that
20 don't hook around the ankle, so mine always -- excuse
21 me -- also had a strap that went across like -- I don't
22 know -- the bridge of your foot to hold it down too.

23 Q. Anything around behind the heel?

24 A. Yeah. So it came -- it came -- so if you got
25 my foot, it came around the back like this one does,

1 but then it buckled right here.

2 Q. Thank you. And, actually, it's
3 interesting -- is -- how high would you describe the
4 heel that you just showed us?

5 A. I would say that that's probably an inch, an
6 inch and a half. It's about what I'm wearing -- excuse
7 me. It's about what I was wearing previously.

8 Q. Would you be so kind as to hold that by the
9 toe so that we can see the heel on the video. Perfect.

10 Roughly the same height?

11 A. Uh-huh.

12 Q. Yes?

13 A. Yes. Sorry.

14 Q. We have to just take it down in writing.

15 A. That's okay.

16 Q. So then, as far as the thickness of the heel
17 is compared to what you just showed us, how does that
18 compare with what you were wearing that time?

19 A. The one I had, it wasn't super tiny, but
20 it -- it wasn't a stiletto, but it was a little bit
21 smaller than this.

22 Q. Okay. Do you feel like you walk steady when
23 you're wearing the kind of heel for the shoe you were
24 wearing the night of the accident?

25 A. Yes.

1 Q. When you were walking up to the stage with
2 the ball, did you have any difficulty walking to get to
3 the point where the female asked you questions?
4 A. No, not at all.
5 Q. You had to go up some stairs to get up to the
6 stage?
7 A. Yep.
8 Q. Have any trouble negotiating the stairs?
9 A. No.
10 Q. Okay.
11 MR. DEUTSCH: I think the next piece is ours,
12 Jerry.
13 MR. POPOVICH: I think you're right.
14 MR. DEUTSCH: All right.
15 Can you please play 38. Thank you.
16 (Whereupon video deposition was played.)
17 BY MR. POPOVICH:
18 Q. Did anybody talk to you, any -- anybody
19 wearing all black that was not Mr. Copperfield talk to
20 you on stage when you were in the area of that line?
21 A. No, I do not remember that at all.
22 Q. You don't recall being asked again whether
23 you could run a second time?
24 A. No. I know for sure I wasn't asked if I
25 could run a second time. Other questions, I don't

1 know, but I know I was only asked if I could run once.

2 Q. All right. You then get to the back of the
3 prop, and that's where I think you've described it
4 being extremely dark.

5 A. Yes.

6 Q. Nobody standing there with a flashlight
7 showing you where your step would be?

8 A. No, I really did not know where my foot was
9 going when I stepped off of the back of that, no idea.

10 Q. The next person in front of you, could you
11 still see them when you stepped off the platform?

12 A. No, I could not.

13 MR. POPOVICH: Your Honor, we should probably
14 stop because we skipped -- we skipped a couple sections
15 of our designations.

16 (Whereupon video deposition was paused.)

17 THE COURT: Okay.

18 MR. POPOVICH: So, Ms. Fresch, we're at page
19 40, lines 6 through 18.

20 MS. FRESCH: Yes.

21 BY MR. POPOVICH:

22 Q. Okay. Eventually the curtain comes down?

23 A. Yes.

24 Q. The first words you heard from anybody
25 related to the production were "run" three times?

1 A. Yeah.

2 Q. Nobody said "stand up"?

3 A. Nope.

4 Q. Nobody said "follow me"?

5 A. Nope.

6 Q. Just "run"?

7 A. Just "run, run, run." And I remember --

8 where am I going? Like -- I didn't say it out loud.

9 In my head I'm like, where are we going?

10 MR. DEUTSCH: I would ask that for

11 completeness you read 19 through line 1 on page 41.

12 THE COURT: All right.

13 BY MR. POPOVICH:

14 Q. Underneath the curtain, could you see well

15 enough to make out other people moving in the prop?

16 A. I couldn't make out -- when I was in there,

17 like, on the platform, I could see well enough the

18 people in front of me. It was once I was stepping off

19 the edge of the platform that I could see nothing.

20 That was where I was going into darkness, not knowing

21 if I was stepping onto something or falling into a

22 hole.

23 MR. POPOVICH: The next designation is

24 page 42, 18 to 25.

25 /////

1 BY MR. POPOVICH:

2 Q. So after the curtain came down, you still
3 remember hearing Mr. Copperfield doing his talk to the
4 audience?

5 A. Yes. Yep.

6 Q. Is there any way you can describe the
7 light -- how light or dark it was inside the prop after
8 the curtains came down before you heard the "run, run,
9 run"?

10 A. I would call it dim, like it kind of is in
11 your bedroom at night if you've got, like, a
12 night-light in the corner. You can -- you can see
13 what's going on pretty good. It's not great, but you
14 can get to the bathroom when you need to get to the
15 bathroom in the middle of the night. So that's how I
16 would -- I would describe it.

17 Q. That's very helpful. Thank you.

18 All right. "Run, run, run." At that point,
19 you get up out of your seat?

20 A. Uh-huh.

21 Q. Is that a yes?

22 A. Yes. I'm sorry.

23 Q. No problem.

24 And at that point did you have to look around
25 to see the aisle toward the back?

1 A. I looked to my left 'cause that is where I
2 heard the sound coming from because I was on the side.
3 So I looked and then I saw other -- I saw the other
4 people in the -- my row -- excuse me -- turn towards
5 the middle, kind of like when you're getting off an
6 airplane. And so I just followed.

7 Q. Okay. Certainly, you couldn't run in the
8 prop; correct?

9 A. No. It wasn't until we were stepping off of
10 the prop, yes.

11 MR. POPOVICH: Okay. Now I believe we go
12 back to video.

13 (Whereupon video deposition was played.)

14 BY MR. POPOVICH:

15 Q. All right. You then get to the back of the
16 prop, and that's where I think you've described it
17 being extremely dark?

18 A. Yes.

19 Q. Nobody is standing there with a flashlight
20 showing you where your step would be?

21 A. No. I really did not know where my foot was
22 going when I stepped off of the back of that. No idea.

23 Q. The next person in front of you, could you
24 still see them when you stepped off the platform?

25 A. No, I could not.

1 Q. So you just put a tentative foot down?

2 A. Like I said, I trusted that the 12 people
3 before me hadn't fallen and that there was something
4 there and just went.

5 Q. And do you know whether you went straight out
6 of the prop, or did you step down some steps?

7 A. I remember when I first walked off the back
8 of the prop, it was bouncy a little bit, so like
9 something that had been pulled up. And I can't
10 remember about how far I went on that before there was
11 four or five stairs, really not a whole flight, that we
12 went down. At that point, it was -- when I got to the
13 stairs, it was slightly lit. So you could actually see
14 that there were stairs so you didn't fall on your
15 face walking down the stairs.

16 Q. Okay. Did you see anything on the stairs
17 glowing, like glow tape?

18 A. Not that I remember.

19 Q. But you at least could know that you were
20 stepping down steps at that point?

21 A. I knew I was going down stairs, yes.

22 Q. And when you were going down those steps,
23 nobody there with a flashlight?

24 A. Not that I recall, no. I don't remember
25 someone in a flashlight till we were a little bit

1 farther -- or with a flashlight until we were a little
2 bit farther through the hallways.

3 MR. RUSSELL: Your Honor.

4 BY MR. POPOVICH:

5 Q. When you went down --

6 (Whereupon video deposition was paused.)

7 MR. RUSSELL: Jerry, could you please do 16
8 through 24?

9 MR. POPOVICH: On which page?

10 MS. FRESCH: 45.

11 MR. RUSSELL: 45, where we are. Thank you.

12 MR. POPOVICH: Okay. Page 45, line 16.

13 BY MR. POPOVICH:

14 Q. Once you're down the steps, how did you know
15 where to go? Could you see other participants at this
16 point?

17 A. I could. Pretty much the only thing I could
18 ever see was -- or, for the most part, I could see was
19 a lady right in front of me. And I just figured she
20 saw the person in front of her, and they saw -- I
21 just -- I just followed and hoped that we were going in
22 the right place.

23 MR. RUSSELL: Thank you.

24 (Whereupon video deposition was played.)

25 /////

1 BY MR. POPOVICH:

2 Q. When you went down the steps, did you go at a
3 very fast (descriptive sound) pace or did you walk down
4 the steps?

5 A. Oh, did not walk. It was -- it was, like,
6 going as fast as you can down the steps.

7 Q. Okay. And when you got down the steps, did
8 you try to carry through with a faster pace?

9 A. Yes.

10 Q. Would you call it a sprint?

11 A. I would call it more than a jog, less than a
12 sprint.

13 Q. Thank you. So you were keeping your eyes on
14 the person in front of you?

15 A. Yes.

16 Q. Did you get to a point -- now, you described
17 some halls. Eventually, did you get into some lit
18 hallways?

19 A. Yes.

20 Q. Full lighting in those?

21 A. Yes.

22 Q. Could you see more than just one person ahead
23 of you when you reached the lit stair --lit halls?

24 A. I don't know about the halls, but I know for
25 sure, when I was in the kitcheny-looking place, that I

1 could see a few people ahead of me. And the exit was a
2 longer space that was straight. That's the -- that's
3 when I can tell you for sure I remember seeing other
4 people.

5 Q. When you were going through the lit halls,
6 did you change your pace or were you more than a jog,
7 less than a sprint?

8 A. At one point -- at one or two points, I got
9 faster because of the people saying "Come on. Come on.
10 Let's go. You got" -- I keep using 48. I don't know
11 what the number was -- "48 seconds to -- to get to
12 where you need to be."

13 So at that point I'm like, well, I don't know
14 how much farther I've got to run. I better pick this
15 up. I don't know how far I have to go in 48 seconds.
16 So I did run faster when those comments were made, yes.

17 Q. Did you ever pass the lady ahead of you?

18 A. No.

19 Q. How many times did you hear a
20 number-of-seconds warning or statement?

21 A. Twice, I believe. At least twice. I can
22 tell you for sure twice. I don't know if it was more
23 than that.

24 Q. Were you -- you've talked about an inside and
25 an outside. And then did you go eventually back into

1 the casino after you fell?

2 A. Yes. Yes.

3 Q. Okay. When you heard the time -- how many
4 seconds left the first time, where were you in that
5 process? Inside, outside, or back inside?

6 A. Both times I heard the time, I was inside. I
7 was -- the only thing that was said to me outside was
8 "don't trip."

9 Q. Okay. In the hallways, were there people
10 giving directions, like you need to go left or you need
11 to go right, anything like that?

12 A. I just remember that there were, at certain
13 points as I was running, the -- there were people that
14 made me know that I was -- I had at least gotten to
15 that right spot. I mean, I said it was like a detour
16 before. You know, when you get to another detour sign,
17 you know you're still going in the right direction.

18 So I don't know if they just pointed or they
19 were yelling, "Go in this direction," but I knew when I
20 saw them that I had at least been going the right
21 direction so far.

22 Q. When you got outside, was there anybody
23 there, like one of these detour signs, directing which
24 direction to go?

25 A. The only person that I remember was that

1 gentleman at the corner.

2 Q. And he was telling you to turn right toward
3 the door?

4 A. Yep. And -- well, he was just -- he was
5 pointing, because the only thing he said was "don't
6 trip."

7 Q. Did he have a light of any type?

8 A. I believe he was holding a flashlight of some
9 sort.

10 Q. Did you get a look at that flashlight? Was
11 it bigger than a normal flashlight?

12 A. It looked like the same flashlights that they
13 had been handing out on the stage when we were
14 supposedly getting flashlights. So I didn't notice
15 anything, like, special about it or anything.

16 Q. He says "don't trip," you immediately trip?

17 A. Uh-huh.

18 Q. Fall onto your left knee?

19 A. Uh-huh.

20 Q. Is that a yes?

21 A. Yes. Sorry. Left knee, yes.

22 Q. Okay. If you need to take minute.

23 A. No, I'm good now.

24 Q. Okay. How long were you on the ground?

25 A. Couple seconds.

1 Q. Was there any damage to your shoe -- shoes?

2 A. Not that I recall. I've worn them since, so
3 there must not have been.

4 Q. Okay. No repair needed afterward?

5 A. No.

6 (Whereupon video deposition was paused.)

7 MR. RUSSELL: Your Honor, before we go to the
8 next one, Mr. Popovich, could you read 12 through 18
9 before we go onto 19, please?

10 MR. POPOVICH: On page 50?

11 MR. RUSSELL: Yes, please. Thank you.

12 BY MR. POPOVICH:

13 Q. Did you ever perceive, while you were working
14 your way through the route, that there was anybody
15 moving along behind you?

16 A. I never believed that there was anybody
17 running behind me. You know, as I passed those people
18 that were, like, the detour signs, they ended up behind
19 me. But they never followed as far as I can tell you.

20 MR. RUSSELL: Thank you.

21 (Whereupon video deposition was played.)

22 BY MR. POPOVICH:

23 Q. So the person at the corner, you believe, had
24 to have seen you fall?

25 A. Yeah. He -- he said something, and that's

1 what caused the lady in front of me to turn around.

2 Q. But you have no idea what he said?

3 A. No, I was in pain.

4 Q. Okay. And the lady that you had been
5 following is the one that turned back and helped you?

6 A. Yes.

7 Q. And then you went through to the doors to get
8 back into the building?

9 A. Right.

10 Q. Basically, other than the time you were on
11 the ground, obviously, you kept the same speed?

12 A. It -- you know, I got a little encouragement
13 to go a little faster when the times were thrown out,
14 but, yeah, it was fairly close to the same speed the
15 entire way.

16 Q. Okay. You talked about three people having
17 something to do with the production that knew you had
18 fallen. Is the person -- I think you said it was a
19 guy, so --

20 A. It was a gentleman, yes.

21 Q. -- holding some kind of flashlight at the
22 corner saying not trip. That's one?

23 A. That's the first.

24 Q. And then the other two were in the room after
25 the reappearance?

1 A. Yes.

2 Q. Okay. The person holding the flashlight, the

3 guy --

4 A. Uh-huh.

5 Q. -- do you -- did you notice what he was

6 wearing?

7 A. I was running.

8 Q. Nobody asked you whether you wanted to fill

9 out any kind of incident report. Is that your

10 testimony?

11 A. Not at all.

12 Q. Did you ask to fill out an incident report?

13 A. I didn't really think about it at that point.

14 I was trying to stop the bleeding.

15 Q. At no point did you personally hand-write out

16 a statement about what happened?

17 A. No. Since they didn't offer me a Band-Aid, I

18 had to go buy some.

19 (Whereupon video deposition was paused.)

20 MR. RUSSELL: Jerry -- Your Honor -- I think

21 you've got some cross-designations in here,

22 Mr. Popovich.

23 THE COURT: Beg your pardon?

24 MR. POPOVICH: Our next one is at page 56.

25 Do you know where we are in the video?

1 Mr. Russell, do you know where we are in the video?

2 MR. RUSSELL: On the video -- on the video,
3 we jumped ahead to 69, I believe.

4 MR. POPOVICH: Yes, we do.

5 MR. DEUTSCH: You're going to start at 56,
6 line 5?

7 MR. POPOVICH: Correct.

8 MR. DEUTSCH: I would ask that you start at 1
9 instead.

10 MS. FRESCH: Okay.

11 MR. POPOVICH: Okay. Page 56, line 1.

12 BY MS. FRESCH:

13 Q. All right. Just a couple of questions.
14 Probably not surprisingly, I'll start out with the
15 heels. I just had a few more questions.

16 MR. DEUTSCH: And just for the record, this
17 is now questioning by Ms. Fresch.

18 MS. FRESCH: Should I question myself and
19 then answer?

20 MR. POPOVICH: Let me start again after that,
21 line 1.

22 BY MS. FRESCH:

23 Q. All right. Just a couple of questions.
24 Probably not surprisingly, I'll start out with the
25 heels. I just had a few more questions.

1 A. That's okay.

2 Q. So you had said that the thickness of the
3 heel was a bit thinner than the ones you're wearing
4 currently; right?

5 A. Correct.

6 Q. And I would call that kind of a bit of a
7 stocky heel that you're wearing right now; right?

8 A. Correct. Yes.

9 Q. Because it's solid almost, like, 2-by-2 or
10 1-by-1?

11 A. Yeah, I'd go more 1-by-1.

12 Q. Yeah, I couldn't see quite --

13 A. Yeah.

14 Q. All right. But you wouldn't describe the
15 sandals that you had on a kitten heel? Do you know
16 what a kitten heel is?

17 A. I do. No, not that pair at all.

18 MR. POPOVICH: Moving to page 57, line 8.

19 BY MS. FRESCH:

20 Q. Have you -- the other ones, have you ever
21 tripped in those?

22 A. No. No. I -- as far as I can remember, I've
23 never tripped in a pair of heels.

24 Q. I can't say the same.

25 MR. DEUTSCH: "Question: I can't say the

1 same."

2 MR. MORELLI: Too weird. Too weird.

3 MR. POPOVICH: Wow.

4 BY MS. FRESCH:

5 Q. You mentioned that there was a lady in front
6 of you who assisted you after you had fallen.

7 A. Correct.

8 Q. Okay. And if I understand, you fell and you
9 got up, like, within two seconds or so?

10 A. However long it took her to run back to me
11 and grab my hand and I got up and ran.

12 Q. Okay. So you didn't get up on your own?

13 A. No.

14 Q. So did you -- and you were just on one knee?

15 A. I had fallen. My left knee had hit first.
16 That's what got -- I don't know if anything else was
17 really hurt. That was just the area where there was a
18 lot of damage 'cause that was the knee that -- that hit
19 first. So -- and she -- I can't -- I -- she helped me
20 up, but I could -- I could have stood up on my own. It
21 just helped that someone was helping me.

22 Q. So she was pretty quick about turning around?

23 A. Yeah. She was only a couple of feet in front
24 of me.

25 Q. And during the time of the -- I'll call it

1 after you come down the little -- not little -- the
2 stairs from the platform, go down some stairs; right?

3 A. Yes.

4 Q. Okay. So from the time you hit flat
5 ground --

6 A. Yes.

7 Q. -- and you begin on what we call the route,
8 if -- or I call the route --

9 A. Yep.

10 Q. -- up to the point of where you fell, this
11 woman was from -- always in front of you?

12 A. She was always in front of me, yes.

13 Q. And was she about 2 or 3 feet in front of
14 you?

15 A. For the most part at the end, she was
16 within -- like, I couldn't reach my hand and touch her,
17 but she wasn't that much farther in front of my hand
18 than that the entire time.

19 Q. And how would you describe her pace in front
20 of you?

21 A. Same as mine. I think we were pretty much --
22 I mean, there was a pretty even -- the one or two times
23 I could see other people in front of her, the gaps
24 seemed fairly even. So we seemed to be keeping fairly
25 decent pace with one another, the few people I could

1 see on my end.

2 Q. So kind of that follow-the-leader thing?

3 A. Yes.

4 Q. Okay. Did you ever specifically look behind
5 you?

6 A. No.

7 Q. Okay. So would it be fair to say that you
8 can't say one way or another if there was actually
9 anyone behind you at all?

10 A. That would be fair.

11 Q. Okay. Now, when you came down the stair --
12 just wanted to make sure I understood this -- was --
13 did you -- what was the gender of the first person you
14 saw that had either a light in their hand or did any
15 type of direction?

16 A. I honestly do not remember. I could guess,
17 but that's all it would be would be a guess.

18 Q. Okay. And besides when you -- you were on
19 the platform when you heard someone say "run, run,
20 run"?

21 A. Yes.

22 Q. Okay. And after you got to ground level from
23 the stairs, the -- the comments you could hear besides
24 the guy who said "don't trip" --

25 A. Yeah.

1 Q. -- was 48 seconds?

2 A. I made up that number, but there was some odd
3 number of seconds, like, you have so many seconds to,
4 you know, be at the end.

5 Q. Okay. And was that, from your viewpoint,
6 someone saying that directly to you?

7 A. I think. My viewpoint is that they were
8 telling all of us that could hear it was that's how
9 long you have to get to where you need to be. It
10 wasn't to me; it was to all of us as information.

11 Q. But you kept the same pace; correct?

12 A. Yes.

13 Q. And you believe you heard the group of
14 seconds or whatever?

15 A. Yeah.

16 Q. And it wasn't someone saying a minute; it was
17 definitely seconds. Do you remember that?

18 A. The second was -- excuse me -- that -- the
19 second one was definitely seconds. I can't 100 percent
20 tell you on the first one.

21 Q. Okay. And do you recall whether the person,
22 either times you heard second or whatever the first
23 time description was, was that a man or a woman?

24 A. You know what? I don't know.

25 MR. POPOVICH: We go to page 62, line 2.

1 BY MS. FRESCH:

2 Q. Okay. So the platform, you're facing out to
3 the audience. They're looking at you and they would --
4 you're to the left side?

5 A. Yes, first row.

6 MR. POPOVICH: Yeah -- you say --

7 MS. FRESCH: Sorry. Sorry. I messed up.

8 MR. POPOVICH: Line 6.

9 BY MS. FRESCH:

10 Q. First row?

11 A. First row, all the way to the left.

12 MR. DEUTSCH: Just so we're clear, the "I
13 messed up" part was Elaine legitimately saying she
14 messed up and not something in the transcript.

15 MS. FRESCH: Yes, I will acknowledge I messed
16 up the reading.

17 MR. DEUTSCH: Okay.

18 MR. POPOVICH: Why don't we start at line 2.

19 MR. DEUTSCH: That sounds good.

20 BY MS. FRESCH:

21 Q. Okay. So the platform, you're facing out to
22 the audience. They're looking at you, and they
23 would -- you're to the left side?

24 A. Yes.

25 Q. First row?

1 A. First row, all the way to the left.

2 Q. Okay. And what was the gender of the person

3 sitting next to you?

4 A. It was that lady that was in front of me.

5 Q. Okay. And how do you know there were 12

6 other people on the platform?

7 A. Well, he had said he was throwing 13 balls

8 out, so I guess I didn't count. I just assumed that he

9 knew he was throwing 13 out, and if I was one, that

10 left 12.

11 Q. Okay. So you didn't look around and count?

12 A. No.

13 Q. Okay. And the lady that was sitting next to

14 you, did you chat with her at all in the platform?

15 A. No.

16 Q. Okay. After she helped you up and you all

17 continued to go through the doors?

18 A. Yes.

19 Q. Okay. And then I believe -- so you go

20 through one set of doors. What happened next?

21 A. After I went through one set of doors, if I

22 remember correctly, there was another set of doors.

23 And that -- excuse me -- that -- and then that's what

24 opened into, you know, the pretty arena stage area

25 where the audience was sitting.

1 Q. Okay. So after you went through the second
2 set of doors, you were in the same --

3 A. I was at the back of the audience.

4 Q. Okay. So you went from one set of double
5 doors to another set of double doors, and then you were
6 back in the theater?

7 A. Yes.

8 Q. Okay.

9 MR. POPOVICH: Line 14. That's you.

10 MS. FRESCH: Oh.

11 THE WITNESS: And those -- and those doors
12 were at the back of the theater.

13 BY MS. FRESCH:

14 Q. Okay. And when you -- were you holding a
15 flashlight in the back of the theater?

16 A. They handed us -- as we walked into the
17 theater, they handed us a flashlight. So I didn't have
18 one in my hand until I -- until I came back into the
19 theater.

20 Q. Okay. Did you talk to that lady after she
21 came back, helped you up, and then you -- did she keep
22 holding your hand or --

23 A. No. Once she had me up, I was running behind
24 her. We weren't -- she wasn't holding my hand anymore.

25 Q. Did she say anything to you?

1 A. She said -- I think she said, after she came
2 back and turned around and was helping me up, she asked
3 me if I was okay.

4 Q. And what did you say?

5 A. I told her I -- that I scraped my knee.

6 Q. Okay. Prior to her coming back and helping
7 you up, had you looked at your knee yet?

8 A. No. Because I was still on the ground, I
9 hadn't looked yet.

10 Q. Okay. When was the first time you actually
11 looked at your knee?

12 A. The first time I actually looked at my knee
13 for -- was -- for real, when I could actually see it,
14 was actually when we were back in that room because
15 the -- the audience area was -- was dark. I knew it
16 was bleeding just based on what I could feel, but I
17 didn't see it clearly until I was back in that room.

18 MR. POPOVICH: Our next read is line -- or
19 page 70. So I think we have video?

20 MR. RUSSELL: Mr. Popovich, actually, could
21 you do 65, 5 through 13, while you're up there?

22 MR. POPOVICH: So we're moving to 65, line 5
23 through 13, at special request.

24 MS. FRESCH: What line?

25 MR. POPOVICH: 65, 5 through 13.

1 MS. FRESCH: Got it.

2 MR. POPOVICH: Any objection? No.

3 BY MS. FRESCH:

4 Q. Now, the two gals that you said talked to
5 you, was that in the -- where was that? Was it both in
6 the same room?

7 A. It was both in the same room, one as I was
8 first coming in. I was walking into the room. She
9 didn't really stop me from walking in, maybe slowed me
10 down a little. But I was still moving and she was
11 like, "Are you okay?" I said yes and continued into
12 the room.

13 MR. RUSSELL: Thank you.

14 MR. POPOVICH: So we have 69, 7 through 21,
15 on video?

16 MR. DEUTSCH: I would just ask -- hold on --
17 hold on.

18 MS. FRESCH: Hold on.

19 MR. DEUTSCH: For completeness, I would just
20 ask that you -- I would just ask that you read to 66,
21 line 1, from -- continue on 65, 15.

22 "QUESTION: Okay. So was that the" ...

23 MS. FRESCH: Okay. Hold on.

24 MR. DEUTSCH: You know what? Don't worry
25 about it.

1 MR. POPOVICH: So we're going to the video.

2 MR. DEUTSCH: I was overruled. You can play
3 the video.

4 (Whereupon video deposition was played.)

5 BY MS. FRESCH:

6 Q. Did you speak with the lawyers for Mr. Cox
7 once you arrived out here?

8 A. Yes, I did.

9 Q. Okay. What did you guys talk about?

10 A. We met the evening I arrived. It was short.
11 It was -- I don't know -- like, 45 minutes. And,
12 basically, they just explained to me what it was going
13 to kind of look like in here, that they would ask me
14 questions and then any of -- anybody on the defense
15 side that wanted to ask questions. And they just --
16 they just told me to tell what happened.

17 And they did -- they asked a few questions to
18 clarify, kind of like what we've been doing here, but
19 they didn't, like, give me any instructions on anything
20 to say; they just were clarifying the details.

21 (Whereupon video deposition was paused.)

22 MR. POPOVICH: Okay. We now read at page 70.

23 MS. FRESCH: No, we -- I have 69, lines 22
24 through 23.

25 MR. MORELLI: 59?

1 MS. FRESCH: 69.

2 MR. RUSSELL: Just those next two lines, that

3 question and answer.

4 MR. DEUTSCH: Hold on. Okay. Yep.

5 BY MS. FRESCH:

6 Q. And where were you staying here?

7 A. I'm staying at the Wynn.

8 MR. POPOVICH: All right. Now we're at

9 page 70, line 13 through 23.

10 MR. DEUTSCH: Just for clarifying, we're now

11 up to Mr. Russell's questions?

12 MR. POPOVICH: Yes.

13 Mr. Russell? You want to do it?

14 MR. RUSSELL: That's fine with me. I don't

15 have all your counter-designations, though, Jerry. I

16 apologize.

17 MR. POPOVICH: I can do it if you want.

18 MR. RUSSELL: You can make me sound better.

19 MR. MORELLI: He can make you wear heels too.

20 MS. FRESCH: I'll remain as Ms. Lawrence.

21 MR. POPOVICH: Okay. Page 70, line 13

22 through 23.

23 BY MR. RUSSELL:

24 Q. The shoes you were wearing that night, I know

25 you've been asked a lot of questions about those, but

1 you seem to remember the conversation you had coming up
2 onto the stage. And you made a comment, "Well, I can
3 run as well as I can in these heels."

4 A. Yes. Or "these shoes," not heels, but shoes.

5 Q. "In these shoes." Do you have some concern
6 in running in those shoes?

7 A. No. It was -- I've kind of got a very
8 sarcastic personality, so, I mean, I wasn't wearing
9 tennis shoes, you know, so ...

10 Q. Okay.

11 MR. RUSSELL: Mr. Popovich, before you go to
12 the video, could you do 71/23 through 72/6, please.

13 MR. POPOVICH: 71/23 through?

14 MR. RUSSELL: 72/6.

15 MR. POPOVICH: You there, Ms. Fresch?

16 Objection?

17 MR. DEUTSCH: Yeah, I have an objection.

18 May we approach? May we approach, Your

19 Honor?

20 THE COURT: Yes.

21 (A discussion was held at the bench,

22 not reported.)

23 THE COURT: No objection to a break? Okay.

24 Let's take a break until ten after 4:00.

25 During the recess, you're admonished not to

1 talk or converse among yourselves or with anyone else,
2 including, without limitation, the lawyers, parties,
3 and witnesses, on any subject connected with the trial
4 or read, watch, or listen to any report of or
5 commentary on the trial or any person connected with
6 the trial by any medium of information, including,
7 without limitation, newspapers, television, the
8 internet, and radio, or to form or express any opinion
9 on any subject connected with the trial until the case
10 is finally submitted to you.

11 Be outside the courtroom at 10 after 4:00.

12 JUROR NO. 8: At what time?

13 THE COURT: 10 after 4:00.

14 THE MARSHAL: All rise.

15 (The following proceedings were held
16 outside the presence of the jury.)

17 THE MARSHAL: All rise. Come to order.

18 THE COURT: Please be seated. We are back on
19 the record outside the presence of the jury.

20 MR. DEUTSCH: So I think -- I think there was
21 only one objection to that one piece; right? What page
22 was that?

23 THE MARSHAL: Be seated.

24 MR. DEUTSCH: So, Your Honor, we've gone
25 through the rest of it. And I was just going to offer

1 up the original. I was just going to offer up my
2 objections so we could deal with it and then just get
3 through it quickly.

4 THE COURT: Okay.

5 MR. DEUTSCH: What were you up to?

6 MR. POPOVICH: We're going to start on 71.

7 MR. DEUTSCH: Okay.

8 MR. POPOVICH: You have that page?

9 MR. DEUTSCH: 71, yeah. So the first
10 objection I had was on 82.

11 MR. POPOVICH: 82.

12 MR. DEUTSCH: 82 on the top; right?

13 So, Your Honor, the question that I have an
14 objection to that they're asking to -- to read is
15 page 82, line 2 through 5. And, you know, I have no
16 objection to that question if she's permitted to
17 testify about the first question that I had asked for
18 about why she's here. Because, otherwise, they're now
19 talking about news. And -- and she looked at news for
20 this trial, which is what brought her here in the first
21 place.

22 So in light of Your Honor saying that she
23 wasn't able to explain that --

24 THE COURT: Well, if they elicit that, then
25 I'll consider possibly allowing --

1 MR. DEUTSCH: Okay. No problem.

2 MS. FRESCH: Your Honor, may I respond?

3 Sorry. Sorry.

4 MR. MORELLI: The witness has an argument.

5 MS. FRESCH: I'm sorry. But anyway, because,
6 to me, this question, I don't think we're the one
7 proposing this, but the question is different because
8 this is after she was here, after she met Mr. Cox's
9 attorney, whether she saw news that would have impacted
10 her testifying here last -- I think it was Wednesday.
11 So I feel there's a distinction there.

12 THE COURT: Yeah, but you're bringing out the
13 media; right?

14 MS. FRESCH: Well -- I don't know.

15 THE COURT: I -- my thinking is if it's
16 brought out in that context, it's fair to permit some
17 development of the -- minimal development -- I don't
18 want all the stuff about the --

19 MR. DEUTSCH: Okay. Understood.

20 MR. RUSSELL: Well -- and the only reason --
21 the reason it's offered, Your Honor, is because now
22 she's saying that -- you know, it goes a little bit to
23 her -- it does go to her motivation. She says, "Well,
24 now I'm looking at news to see what they said about
25 me."

1 MR. DEUTSCH: Well, that's exactly my point,
2 though. If it goes to her motivation, then we're
3 entitled to explain what her motivation was to come
4 here. We agree the jury should know what her
5 motivation is.

6 THE COURT: But there was some discussion
7 about something we were going to adduce at line -- at
8 page 71.

9 MS. FRESCH: Right.

10 MR. DEUTSCH: No, we've worked that out, Your
11 Honor, I think.

12 THE COURT: Okay. I'll reserve ruling it --

13 MR. DEUTSCH: Okay.

14 THE COURT: -- until I see what's adduced.

15 MR. DEUTSCH: And then the other objection
16 was --

17 MR. POPOVICH: 88.

18 MR. DEUTSCH: Page 88, Your Honor, line 8
19 through 15.

20 MS. FRESCH: I had 13.

21 MR. DEUTSCH: Oh.

22 MR. POPOVICH: 8 through 13.

23 MR. DEUTSCH: 8 through 13. I don't see what
24 relevancy the fact that she filed for bankruptcy has on
25 this, Your Honor.

1 MR. MORELLI: She's not getting paid, so
2 what's the point?

3 MR. DEUTSCH: Nobody's making any allegations
4 about anything. They're allowed to point out -- they
5 have testimony in here already that she stayed at the
6 Wynn. There's testimony here that -- that we paid for
7 that. The fact that she filed for bankruptcy is
8 irrelevant.

9 THE COURT: Seems to me to be --

10 MR. DEUTSCH: So that's my objections. Other
11 than that, I think we've worked it all out, Your Honor.

12 THE COURT: Okay. Before we have the jury
13 come in --

14 MR. RUSSELL: Wait. We -- we -- it's up to
15 you guys. We have no position one way or the other.

16 MS. FRESCH: Your Honor, were you ruling
17 sustaining that object -- I thought you were
18 overruling.

19 THE COURT: No, I sustained it. What's the
20 relevance?

21 MS. FRESCH: Well, the relevance is that
22 it's -- it shows bias because she filed for bankruptcy.
23 And the next day, she called Mr. Morelli's office.

24 MR. DEUTSCH: Well, we're not --

25 MS. FRESCH: And maybe she didn't get

1 anything -- there is a bias there. And I think that's
2 entitled. And --

3 THE COURT: I don't understand what you're --

4 MS. FRESCH: Because --

5 THE COURT: Why is that a bias?

6 MS. FRESCH: There's a bias because I think
7 there's a financial motivation, maybe not from
8 Mr. Morelli's office, but there could be a financial
9 motivation about her coming, testifying, being on TV,
10 being one of -- a, quote/unquote, witness. The next
11 thing, I'll see her on "Good Morning America."

12 MR. DEUTSCH: I'm sure that's going to help
13 her in her bankruptcy case.

14 MS. FRESCH: Well, when you get money, that
15 does help if you're in bankruptcy.

16 MR. DEUTSCH: But she didn't get any money.

17 MS. FRESCH: She could in the future. And
18 that could be a financial motivation for her testimony
19 here today --

20 MR. DEUTSCH: That's insane.

21 MS. FRESCH: -- or whenever she was here, or
22 today.

23 THE COURT: I'll keep out the bankruptcy.
24 Okay.

25 So you ready?

1 MR. POPOVICH: Last bit of business, Your
2 Honor, is there was testimony that, on the video,
3 Ms. Lawrence was showing her shoe, but when we read it,
4 it was out of context. We --

5 MR. DEUTSCH: No objection.

6 MR. POPOVICH: We have marked as Exhibit 558
7 a screen grab showing her shoe. When the jury comes
8 back in, I would like to be able to circulate.

9 MR. MORELLI: No objection.

10 MR. DEUTSCH: No objection.

11 MR. RUSSELL: And, Your Honor, there's --
12 there's one distinction. On 74, there's a couple of
13 sections -- 74 -- 73 and 74, you're still presenting,
14 right, Adam? You haven't pulled those, have you?

15 MR. DEUTSCH: 73.

16 MR. MORELLI: 73, 74.

17 MR. RUSSELL: 73.

18 MR. MORELLI: What lines?

19 MR. RUSSELL: Okay. Going on to 74, though,
20 it changes from -- she at first says "I wanted to come
21 out here and let people know that I had fallen, that
22 somebody had fallen."

23 But, on 74, it changes to "I wanted to tell
24 them that three people knew I had gotten hurt." Now,
25 there's no evidence that anybody knew she had gotten

1 hurt.

2 MR. DEUTSCH: No, she wanted the jury to
3 know, not that she wanted Copperfield to know. She
4 wanted the jury to know.

5 MR. RUSSELL: No, it says "at least three
6 people there knew that I had been hurt." So three
7 people at the show knew she was hurt.

8 MR. DEUTSCH: But that's her perception of
9 it.

10 MR. RUSSELL: Well, her perception is they
11 knew she fell. But she has no foundation to say that
12 they knew she was hurt.

13 MR. DEUTSCH: Wrong.

14 THE COURT: What line is this?

15 MS. FRESCH: 74, 2 through 11.

16 MR. RUSSELL: 74, 2 through 11.

17 MS. FRESCH: It's also cumulative.

18 MR. DEUTSCH: Your Honor, they objected to
19 the foundational questions for that and wouldn't let
20 the foundational questions in, which were the questions
21 about she's standing in the back room bleeding, did the
22 other people know about it?

23 And her answer was "I would have assumed they
24 would have known about it because they were standing
25 there looking at me and my knee was bleeding."

1 THE COURT: I think that's already come in
2 anyway; right?

3 MS. FRESCH: It has.

4 MR. DEUTSCH: Right, which is why there's a
5 foundation for --

6 MS. FRESCH: But it's cumulative.

7 MR. DEUTSCH: That's right. That's my point.

8 THE COURT: Okay. I think it's -- okay.

9 MR. DEUTSCH: Okay.

10 MR. RUSSELL: All right.

11 THE COURT: But now I need to make a record
12 on -- on one thing. And that is tomorrow I have to
13 recess for lunch about -- somewhere around a quarter to
14 12:00.

15 MR. DEUTSCH: Okay.

16 MR. MORELLI: Okay.

17 THE COURT: Maybe 20 to or -- I'm part of a
18 CLE -- business court CLE starts at 12:00, so I have to
19 get over there. It's not that far away. Hopefully,
20 the lights will be synchronized.

21 MR. POPOVICH: Good luck with that.

22 THE COURT: And then we'd resume at 1:30 as
23 usual. I mean, the thing goes from 12:00 to 1:00, so
24 I'd be back in time.

25 MR. MORELLI: So it's about 15 or 20 minutes

1 different; right?

2 THE COURT: Just wanted to give you a heads
3 up --

4 MR. DEUTSCH: Thank you, Judge.

5 THE COURT: -- in case you expected someone
6 to be on the stand that wasn't available.

7 MR. MORELLI: Absolutely.

8 MR. DEUTSCH: I think we're good.

9 MR. POPOVICH: So I think we're ready for the
10 jury. The first thing we will do is publish this and
11 then finish the read-in video.

12 THE COURT: Very well. Let's have the jury
13 come in.

14 THE MARSHAL: All rise.

15 (The following proceedings were held in
16 the presence of the jury.)

17 THE COURT: All right. You may be seated.
18 Do counsel stipulate that the jury is now
19 present?

20 MR. MORELLI: So stipulated.

21 MS. FRESCH: So stipulated.

22 MR. POPOVICH: Yes, Your Honor.

23 THE COURT: All right.

24 Mr. Popovich?

25 MR. POPOVICH: Your Honor, we have obtained a

1 screen grab from the video with Exhibit 558, which has
2 been stipulated into evidence. And may I publish this
3 to the jury?

4 THE COURT: Yes.

5 MR. POPOVICH: Thank you.

6 When she was talking about her shoe that day
7 and comparing the heel to the one she wore that night,
8 that is the screen grab of her shoe.

9 MR. DEUTSCH: What she demonstrated.

10 JUROR NO. 12: Can we see the date and all
11 that?

12 JUROR NO. 8: But that's not the one she wore
13 the day --

14 JUROR NO. 12: No, the date's here. You'll
15 see the date.

16 MR. MORELLI: It's the one she was wearing
17 on --

18 MR. DEUTSCH: In court.

19 MR. RUSSELL: Similar to the one Mr. Popovich
20 has fallen out of.

21 Sorry, Jerry. I apologize. It was just
22 hanging out there.

23 MR. MORELLI: Excuse me. You haven't --

24 MS. FRESCH: And very different from mine.

25 THE COURT: Go ahead.

1 MR. POPOVICH: Tough bunch.
2 Can I wait till they're not distracted?
3 All right, Your Honor. We are picking up at
4 page 71, line 23.
5 Ready, Ms. Fresch?
6 MS. FRESCH: Yes.
7 BY MR. RUSSELL:
8 Q. Okay. Now, when you first started testifying
9 today, you said that you called Mr. Cox's attorneys
10 because you wanted to tell them that people have been
11 hurt. Did I hear you right?
12 A. Correct.
13 Q. Do you know of anyone else that's been
14 injured in a David Copperfield illusion beside yourself
15 and what you heard about Mr. Cox?
16 A. No. So a person had been hurt.
17 Q. You said that you were wearing a dress or a
18 skirt that came above the knee; is that correct?
19 A. It was a dress, yes.
20 Q. Do you still have that dress?
21 A. I might.
22 Q. Forgive my male not knowing women's fashion,
23 but I'll try to describe it the best I can. Was it
24 a -- more of a flowing skirt or was it a really
25 tight-fitting skirt?

1 A. It was flowing. It had an empire waist, so
2 the waist came -- comes up right up here, and then it
3 flows pretty loose after.

4 Q. Was it easy to move about in that dress?

5 A. Oh, yeah. That dress, it's like wearing
6 pajamas.

7 MR. POPOVICH: And then we have video for the
8 next segment.

9 (Whereupon video deposition was played.)

10 BY MR. RUSSELL:

11 Q. Okay. You mentioned too that you were -- you
12 were looking at other participants' heels when they
13 came up on the stage. Did I hear you right?

14 A. Because one woman's were so big I couldn't
15 believe that she would be able, if we had to run, run
16 in them. And I couldn't believe she could walk in
17 them, to be honest with you. They were (witness
18 indicating) big. I've never worn heels that high.

19 Q. You -- you stated earlier, you came here
20 today because you wanted to help Mr. Cox get at least
21 his medical bills back. Did I hear you right?

22 A. I just wanted to come here so that the jury
23 made a decision based on the fact that they knew I had
24 fallen and whatever that might mean for him. I didn't
25 want him to not get a decision because I hadn't come

1 forward and said. So it -- if it turns out however it
2 turns out, you know, I did my part. And I just didn't
3 want to feel guilty.

4 Q. Fair to say you took an interest in this case
5 because you wanted to help Mr. Cox out?

6 A. I wanted to make sure that the truth came
7 out. I was more -- I saw it and I was like, oh, we
8 should probably say something. But then as I read and
9 said that they had said no one had gotten hurt, I was
10 like, well, at least three people there knew that I had
11 been hurt five months before he had been hurt. So five
12 months ahead of time, they knew it was possible for
13 someone to trip at some point during that.

14 Q. And you keep saying three people. Who were
15 the three people?

16 A. The gentleman who told me not to trip that
17 then saw me trip; the first lady when I came into the
18 room after the entire trick was done when
19 Mr. Copperfield came and talked to us. As I was
20 walking in, that first lady. And then the third person
21 would be the final lady with the headset that came and
22 talked to me at that -- after he was done talking and
23 before I walked out of the room.

24 (Whereupon video deposition was paused.)

25 MR. POPOVICH: We pick up with reading at

1 page 77, line 16.

2 BY MR. RUSSELL:

3 Q. And as you -- again, as you were inside the
4 platform, was anyone ushering you towards the edge of
5 the platform saying "come this way"?

6 A. I was following.

7 Q. You -- you've said it a couple times. You --
8 you -- through this whole illusion, you played
9 follow-the-leader. Fair enough?

10 A. Yeah, I would -- I would agree with that.

11 Q. I think I heard you say -- or at least
12 compare -- what you saw outside where you fell as being
13 dimly lit like a parking lot at night. Is that true?

14 A. Yeah.

15 MR. POPOVICH: Moving to 78, line 8.

16 BY MR. RUSSELL:

17 Q. And you did say that one of the questions you
18 were asked, even before you started the illusion, was
19 whether you could run; correct?

20 A. Yes.

21 Q. I heard you describe the route through
22 backstage as having detour signs in the form of people.

23 A. Yes.

24 Q. People were acting as detour signs?

25 A. Yes.

1 Q. Showing you which way to go?

2 A. Yes.

3 Q. At any point along the route, did you have to
4 make a decision "Do I turn this way or turn that way?"
5 Or did you already know because of the detour sign
6 which way you were going to go?

7 A. I didn't make a decision on my own; I
8 followed who was in front of me.

9 Q. And when you fell outside on the concrete,
10 were you able to get back up on your own or did the
11 person in front of you have to actually help pick you
12 up?

13 A. She -- she helped me. It would have taken me
14 a little while longer to do it, but I could have gotten
15 up on my own.

16 MR. POPOVICH: Okay. And I believe we now
17 have the last video clip at page 79, line 18.

18 MR. DEUTSCH: Yeah.

19 (Whereupon video deposition was played.)

20 BY MR. RUSSELL:

21 Q. What was the total time from the time the
22 curtain dropped until you finished the illusion at the
23 back of the auditorium?

24 A. A minute and a half.

25 Q. Now, does that include the minute that you

1 sat in the platform after the curtain dropped before
2 you heard "Run, run, run"?

3 A. No.

4 (Whereupon video deposition was
5 stopped.)

6 MR. POPOVICH: Okay. The rest are reads.
7 And we begin reading at page 80, line 5.

8 BY MR. RUSSELL:

9 Q. I know you said you met with Mr. Cox's
10 attorneys. They told you a little bit about what you
11 could expect here today. Did they tell you what some
12 of the witnesses that have already testified have said
13 during trial?

14 A. No.

15 MR. POPOVICH: Moving to page 84, line 4.

16 BY MR. RUSSELL:

17 Q. And then you mentioned that, when you
18 reappeared at the back, you sort of crossed your legs
19 to hide it. Is that true?

20 A. Right.

21 Q. Okay. Because you said it was kind of
22 humiliating?

23 A. Embarrassing, yeah.

24 Q. When you got back to the breakout room, now
25 you're with 12 strangers in a lit room, did you cross

1 your legs again because you were a little humiliated
2 maybe?

3 A. I don't remember doing that.

4 Q. Is it possible you did that?

5 A. I guess anything's possible.

6 MR. POPOVICH: Next is 85, line 8.

7 BY MR. RUSSELL:

8 Q. While we're waiting for that, Ms. Lawrence,
9 you said several times that no one ever offered you a
10 Band-Aid. Did you ever ask for one in the back room?

11 A. No, I did not. You'd also think there would
12 be a first aid kit or something.

13 MR. POPOVICH: Page 87, line 2.

14 BY MR. RUSSELL:

15 Q. And you are -- you are positive that you
16 didn't slip on something; correct?

17 A. Oh, yes, 100 percent positive.

18 Q. But, at the same time, you don't know what
19 caused you to fall; is that correct?

20 A. Yes. I can't tell you that. But I know,
21 like, it wasn't like my foot slipped out from under me
22 because, yeah, it was not that. That, I will tell you.

23 Q. Did the two people inside the breakout room,
24 the two women that talked to you, the one with the
25 headset and then the other one, did one of them say

1 they actually saw you fall?

2 A. No.

3 Q. Did they say they didn't see you fall? I
4 mean, let me ask you this: Did that conversation come
5 up?

6 A. No. The only thing they asked me is if I was
7 okay.

8 Q. Did you say something to trigger that
9 conversation, or did they come to you and say "Are you
10 okay?"

11 A. They came to me; I didn't say anything.

12 Q. So they actually started the dialogue?

13 A. Yes.

14 MR. POPOVICH: Going to 89, line 2.

15 BY MR. RUSSELL:

16 Q. Do you think you would have fallen if you had
17 been wearing tennis shoes?

18 A. I can't tell you since I don't know what made
19 me fall.

20 MR. POPOVICH: I believe that concludes the
21 video and reading testimony of Ms. Lawrence, Your
22 Honor.

23 MR. RUSSELL: Just, Mr. Popovich --

24 MR. POPOVICH: Or not.

25 MR. RUSSELL: There was the testimony on

1 line -- page 82, line 2 through 5 that you reserved
2 ruling on. We'd like to approach on that.

3 THE COURT: You want to approach?

4 (A discussion was held at the bench,
5 not reported.)

6 MR. POPOVICH: We are done.

7 MS. FRESCH: We're done. Okay. I will get
8 my stuff.

9 MR. DEUTSCH: We're done.

10 THE COURT: All right.

11 MR. MORELLI: I think we should approach.

12 MR. DEUTSCH: Yeah.

13 (A discussion was held at the bench,
14 not reported.).

15 THE COURT: All right. Plaintiffs may call
16 their next witness.

17 MR. MORELLI: Do you want to do the
18 instruction first or do you want me to call the witness
19 first?

20 THE COURT: No, you call them first and then
21 I will read the instruction.

22 MR. MORELLI: Plaintiff calls Mr. Cox to the
23 stand.

24 THE COURT: At this time --

25 THE MARSHAL: Remain standing. Raise your

1 right hand. Face the clerk, please.

2 THE CLERK: You do solemnly swear the
3 testimony you're about to give in this action shall be
4 the truth, the whole truth, and nothing but the truth,
5 so help you God?

6 THE WITNESS: I do. I do.

7 THE CLERK: Please state your name and spell
8 it for the record.

9 THE WITNESS: Gavin Cox, G-a-v-i-n, C-o-x.

10 THE CLERK: Thank you.

11 THE COURT: You may be seated.

12 Ladies and gentlemen, Mr. Cox alleges that,
13 as a result of this accident, one of the injuries he
14 sustained was a traumatic brain injury which may affect
15 the way he testifies during this trial. You may take
16 this allegation into consideration when you are
17 evaluating his testimony.

18 All right. You may proceed.

19 MR. MORELLI: Thank you, Your Honor.

20 Good afternoon, jurors.

21 IN UNISON: Good afternoon.

22 DIRECT EXAMINATION

23 BY MR. MORELLI:

24 Q. Mr. Cox, I'm going to call you Gavin because
25 we know each other pretty well at this point. And,

1 like I've said to all of the witnesses in the case, if
2 there's a question that you don't understand, just tell
3 me and I'll rephrase it.

4 A. Okay.

5 Q. Fair enough?

6 A. Yeah.

7 Q. Okay. Now, Gavin, let's start off by you
8 telling the jury what your date of birth is.

9 A. It's the 9th of November 1960.

10 Q. And do you -- do you remember what the date
11 of your accident was?

12 A. I think it's about the 12th of November, give
13 or take a day -- I'm sorry. I'm not very good now with
14 dates -- but it was 2013.

15 Q. Okay. And give us a little bit of background
16 about your family. Are you married?

17 A. I'm married. I have --

18 Q. And -- and could you tell us, do you have any
19 children?

20 A. I have three children.

21 Q. And what are their names and how old are
22 they?

23 A. Oliver, my oldest son, is around 27.
24 Cameron, my middle son, is around 25. And Harry is my
25 youngest son, and he's 13.

1 MR. MORELLI: Jennifer, can you hear me? Am
2 I okay?

3 THE COURT RECORDER: Yeah.

4 BY MR. MORELLI:

5 Q. Now, what date did you get married? And you
6 better get this one right.

7 A. I'm sorry. I don't know the date. I don't
8 remember. It was around 1992 in -- around the summer
9 of 1992.

10 Q. And so where -- where did you get married?

11 A. In -- in Las Vegas.

12 Q. Now, what is -- what is your hometown?

13 A. London is -- I have an address in London, but
14 for the purposes of this case?

15 Q. Okay. So, now, tell me, did you grow up in
16 London?

17 A. Did I?

18 Q. Grow up in London.

19 A. No.

20 Q. Okay. Where -- where did you grow up?

21 A. I grew up in a seaside town in the southwest
22 of England called Torbay.

23 Q. And where in London were you living while you
24 were raising your three boys?

25 A. We lived in central London, in -- oh,

1 Kensington and Chelsea.

2 Q. Okay. Now, at -- at the -- what was your
3 profession, you know, when you were in London? Can you
4 tell us something about what you did for a living and
5 how you got to do that?

6 A. Well, I started out as a -- as a pot washer
7 when I was 13. They got me interested in kitchens and
8 cooking. I progressed to being a waiter. And then at
9 17 I had a year in high school as an exchange student
10 in America.

11 And then, when I came back, I got a job as a
12 waiter for a year. And, after that, I went to culinary
13 school for three years and studied to be a chef. And I
14 progressed through the ranks from vegetable preparation
15 and experience up until -- working my way up through --
16 through the ranks of the kitchen to be a head chef.

17 And I ended up being a head chef at what's
18 called a gentlemen's club in England, but it's kind of
19 like not -- it's not a strip club-type thing. It's --
20 it's where gentlemen like lords -- lords go and
21 politicians and people of standing go to meet in
22 London. But it's a fairly -- it's a fairly English
23 thing to do that. Men like to go to these clubs and
24 just -- they're not allowed to talk business. It's
25 just a place for relaxation and enjoyment and to dine.

1 And I -- also heads of state, royalty,
2 presidents. It was affiliated with America as well, so
3 we got a few presidents come over and dignitaries. And
4 that's where I ended up the -- the latter part of my
5 career.

6 Q. What was -- what was your position when you
7 ended up at this gentlemen's club?

8 A. I -- I was a head chef of that club.

9 Q. And for how long did you do that?

10 A. Just -- just shy of ten years.

11 Q. And who would -- you know, you -- you
12 mentioned certain dignitaries would dine there.

13 Would -- would -- would the Queen dine there too?

14 A. Yeah, the Queen. I've cooked for the Queen
15 Mother; Prince Charles; the Duke of Kent, Prince
16 Michael; the whole -- you know, it sounds very
17 glamorous and wonderful, but, to me, they were just --
18 I wouldn't say -- obviously, they're not ordinary
19 people, but -- but they're very -- very approachable in
20 that sort of surroundings. It's -- it's -- it's almost
21 like their second home. So you don't feel very
22 nervous. They're very approachable people. To me,
23 they were.

24 Q. Now, Gavin, let -- let's, you know,
25 fast-forward to talk about you coming to Las Vegas to

1 go see the David Copperfield show. Okay?

2 MS. FRESCH: Objection. Leading.

3 THE COURT: It's a premise for a question.

4 BY MR. MORELLI:

5 Q. When was it that you came over to go to the
6 Copperfield show?

7 Do you remember the date?

8 A. I know it wasn't my birthday, which was the
9 9th, because I couldn't get a flight that day. So I
10 think it was about the 12th -- or the 11th or the 12th
11 of November, which was the closest I could get to a
12 flight.

13 Q. Okay. And, now, you -- you mentioned that
14 your birthday was the 9th. What was the significance
15 of that and you coming to Las Vegas?

16 A. Well, it was to celebrate my 53rd birthday.
17 I'd come before on my 50th, but Mr. Copperfield wasn't
18 doing his performance when I came on the -- on my 50th
19 birthday. And so I was really happy when I arrived
20 that he was playing when I was on holiday in Las Vegas.

21 Q. Okay. Why -- you know, if you could tell us,
22 why was it that you wanted to come to America on your
23 birthday to see David Copperfield?

24 A. Oh --

25 Q. Why was that?

1 A. -- I was a huge fan. I -- I've loved magic
2 since I was a little boy. I'm not a magician, but I
3 just -- you know, rabbits out of hats and children's
4 parties in the beginning was -- you know, clowns and
5 all of those sorts of things were very much fascination
6 for me.

7 And I had a very simplistic view of magic.
8 And Mr. Copperfield came to play in London. And I
9 always remember because it was his flying. He could --
10 he says "I'm going to fly and I'm going to pick
11 somebody from the audience." And I just thought
12 that -- I naively thought that could be me. I don't
13 think it would make a very good picture of me being
14 flown through the air with Mr. Copperfield, but it
15 was -- it was the -- anyway.

16 So Mr. Copperfield was playing in London.
17 That was -- his big trick was flying. I didn't go
18 because I couldn't get a ticket, but I was very, very
19 much a fan of him. And, as I said, I hadn't had a
20 chance to see him before. And when the opportunity
21 came and it was my birthday, I thought my wife -- it
22 was a good excuse to spend a lot of money on a ticket
23 without her getting at me for spending so much money on
24 a ticket.

25 THE COURT: Counsel --

1 MR. MORELLI: Yes.

2 THE COURT: Would this be a good place to
3 adjourn?

4 MR. MORELLI: Absolutely. That's fine.

5 THE COURT: We'll adjourn now and resume
6 tomorrow morning at 9:00 a.m.

7 You're admonished in the meantime, ladies and
8 gentlemen, not to talk or converse among yourselves or
9 with anyone else, including, without limitation, the
10 lawyers, parties, and witnesses, on any subject
11 connected with the trial or read, watch, or listen to
12 any report of or commentary on the trial or any person
13 connected with the case by any medium of information,
14 including, without limitation, newspapers, television,
15 the internet, and radio.

16 You're further admonished not to form or
17 express any opinion on any subject connected with the
18 trial until the case is finally submitted to you.

19 Once again, you're directed to return to the
20 outside of the courtroom just to the south a little bit
21 tomorrow, Tuesday, May 1st, 2018, at 8:50 a.m., 10 to
22 9:00, so that we can resume here at 9:00 a.m. All
23 right?

24 Have a nice night, ladies and gentlemen. See
25 you tomorrow.

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Anything to come before the Court?

MR. RUSSELL: No, Your Honor.

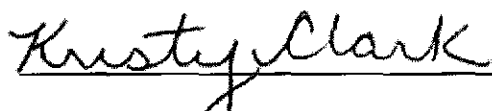
THE COURT: All right. See you tomorrow.

THE MARSHAL: All rise.

(Thereupon, the proceedings
concluded at 4:59 p.m.)

-oOo-

ATTEST: FULL, TRUE, AND ACCURATE TRANSCRIPT OF
PROCEEDINGS.



KRISTY L. CLARK, CCR #708

Steven D. Grierson

1 CASE NO. A705164

2 DEPT. NO. 13

3 DOCKET U

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5

DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

* * * * *

8 GAVIN COX and MINH-HAHN COX,)
9 husband and wife,)

9

Plaintiffs,)

10

vs.)

11

12 MGM GRAND HOTEL, LLC; DAVID)
13 COPPERFIELD aka DAVIS S.)
14 KOTKIN; BACKSTAGE EMPLOYMENT)
15 AND REFERRAL, INC.; DAVID)
16 COPPERFIELD'S DISAPPEARING,)
17 INC.; TEAM CONSTRUCTION)
18 MANAGEMENT, INC.; DOES 1)
19 through 20; DOE EMPLOYEES 1)
20 through 20; and ROE)
21 CORPORATIONS 1 through 20,)

17

Defendants.)

18

MGM GRAND HOTEL, LLC.,)

19

Third-Party Plaintiff,)

20

vs.)

21

22 BEACHER'S LV, LLC, and DOES 1)
23 through 20, inclusive,)

22

Third-Party Defendants.)

23

24

25

REPORTED BY: KRISTY L. CLARK, RPR, NV CCR #708,
CA CSR #13529

REPORTER'S TRANSCRIPT

OF

JURY TRIAL

BEFORE THE HONORABLE

MARK R. DENTON

DEPARTMENT XIII

TUESDAY, MAY 1, 2018

1 APPEARANCES:

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I N D E X

Witness:	Direct:	Cross:	Redirect:	Recross:
Gavin Cox	15	46, 106 131, 151		
Paul King	196	231		

E X H I B I T S

Number:	Marked:	Admitted:	Joint:
554		237	
555		241	

1 LAS VEGAS, NEVADA, TUESDAY, MAY 1, 2018;

2 9:07 A.M.

3
4 P R O C E E D I N G S

5 * * * * *

6
7 THE MARSHAL: All rise. Eighth Judicial
8 District Court, Department 13, is now in session, the
9 Honorable Mark Denton presiding.

10 THE COURT: Good morning. Please be seated.
11 We're reconvening in Cox v. MGM Grand Hotel, LLC,
12 et al. We're outside the presence of the jury. Please
13 state appearances of counsel, identify the parties and
14 party representatives who are present today.

15 MR. MORELLI: Benedict P. Morelli for the
16 plaintiff Gavin and Minh Cox, who are in the courtroom.

17 MR. DEUTSCH: Good morning, Your Honor. Adam
18 Deutsch, also for the Coxes.

19 MR. FALICK: Good morning, Your Honor.
20 Perry Fallick for the plaintiffs as well.

21 MR. POPOVICH: Good morning. Jerry Popovich
22 for defendant MGM Grand Hotel. On behalf of MGM,
23 Mr. Habersack. We also have counsel Mr. Infuso and
24 Will Martin for MGM.

25 MS. FRESCH: Good morning, Your Honor.

1 Elaine Fresch for David Copperfield, David Copperfield
2 Disappearing, Inc.

3 MR. ROBERTS: Good morning, Your Honor. Lee
4 Roberts and Howard Russell for Backstage Employment.
5 Also here with us is David Dial from my law firm, who's
6 admitted in this case.

7 MR. DIAL: Good morning, Your Honor.

8 THE COURT: Good morning.

9 MR. STRASSBURG: May it please the Court,
10 Roger Strassburg, assisted by my partner Gary Call,
11 representing Team Construction Management.

12 THE COURT: All right. I understand there's
13 something to be addressed.

14 MR. DEUTSCH: Yes, Your Honor.

15 Your Honor, this morning we received another
16 call from an additional witness. This one's a little
17 different, it appears, from the two that -- Ms. Esack
18 and Ms. Lawrence in that this woman claims to have
19 fallen during the same trick at the MGM, but she has
20 notified us that she in fact did fill out an accident
21 report with the MGM Grand as well as had a conversation
22 about her injuries with Mr. Copperfield.

23 We have provided her name to MGM, which --
24 and -- in the hopes that she'll be able to -- they'll
25 be able to look to see if in fact there was an accident

1 report. She told us that her accident -- when it
2 happened, and that's where we're at at this point.

3 Obviously, we feel that -- that the fact that
4 she filled out an accident report with MGM and had a
5 direct conversation with Mr. Copperfield about it and
6 that her accident happened in the exact same, you know,
7 location outside during the runaround, we feel that she
8 does have some additional information to offer other
9 than the two witnesses that have already been called.

10 And, you know, obviously, we just received
11 this phone call this morning, early our time. We
12 didn't get a call until we woke up this morning. So
13 our office is trying to get in contact with her. She
14 claims that she is going to look for -- because she
15 believes she has the signed photograph from
16 Mr. Copperfield that he -- that they gave out that
17 evening. She's going to look for that and send us.
18 But, as I said, I provided Mr. Popovich and MGM her
19 name and the time of her accident in the hopes that an
20 accident report does show up.

21 So, you know, that's where we're at right
22 now, but we just wanted to notify the Court.

23 MR. POPOVICH: Obviously, there will be
24 objections about remoteness and everything else, but we
25 need information. And so we'll just take the next step

1 like we've done before and we'll argue at the right
2 time.

3 THE COURT: All right. Very good.

4 MR. POPOVICH: I've just been informed that a
5 custodian of records for MGM is at the court and
6 apparently under a subpoena from the plaintiffs?

7 MR. MORELLI: Huh-uh.

8 MR. INFUSO: No, Jerry. He apparently was in
9 the wrong court. So --

10 THE COURT: Okay.

11 MR. POPOVICH: My heart rate is decreasing
12 now, Your Honor.

13 MR. DEUTSCH: But if he's got anything good,
14 Your Honor --

15 MR. POPOVICH: So nothing else.

16 MR. DEUTSCH: You brought the accident
17 report.

18 THE COURT: I'm not sure if the jury was
19 informed about availability on Thursday morning. I
20 know we had a bench conference about --

21 MR. POPOVICH: Your Honor inquired of them to
22 see if they could do it. We never gave them a time.
23 And I assume that was because Your Honor wanted to see
24 what your calendar looked like for Thursday.

25 MR. DEUTSCH: I think we did inquire, I

1 remember.

2 THE COURT: Okay. I -- I was unclear from
3 the minutes, and --

4 MR. MORELLI: And, Your Honor, with reference
5 to -- with reference to Thursday, I think it was
6 Ms. Briones who had to go to a --

7 THE COURT: That's later in the day. That's
8 in the afternoon, but what --

9 MR. MORELLI: But what time are we breaking
10 on Thursday? That's what I want to know.

11 THE COURT: I think that her viewing was from
12 5:00 to 7:00, so I think we said something around 4:45
13 or something like that, as I recall.

14 MR. MORELLI: And on Friday?

15 THE COURT: Friday, I believe she has to be
16 at the service at something around 2:00 or 3:00. I
17 don't remember.

18 MR. MORELLI: So we said 12:45 or something
19 like that.

20 THE COURT: We'll go through the noon hour
21 and adjourn at 12:45 or something.

22 MS. FRESCH: I'm pretty sure she said the
23 funeral starts at 2:00. That's why I recall you saying
24 about 12:45 so she wouldn't be late.

25 MR. MORELLI: That's what I remember.

1 MR. POPOVICH: So, for purposes of -- of
2 flight schedule, is Your Honor planning to do anything
3 without the jury after we break at 12:45 or can I catch
4 a plane?

5 MR. MORELLI: We're catching one too.

6 THE COURT: No, I think what we'll do is
7 we'll just plan on being dark, I guess. And it's
8 important for us to use the time because of the
9 schedule, and knowing what the schedule is the week
10 after next, you know, is going to be a problem.
11 Remember?

12 MR. MORELLI: We have to be finished by the
13 11th, which is a Friday.

14 THE COURT: We have to discuss what finished
15 means.

16 MR. MORELLI: Well, with liability. I mean,
17 that's what it means.

18 THE COURT: Does that mean verdict?

19 MR. MORELLI: Yes.

20 MR. DEUTSCH: Yes.

21 THE COURT: Okay. So just keep -- we'll do
22 this on a day-by-day is the best we can do right now.
23 There may come a time when I'm going to have to meet
24 with the jurors and with counsel to identify a time
25 when they'll be available -- times when they'll all be

1 available. I'm getting very concerned about that.

2 MR. POPOVICH: As it may be MGM's case in
3 chief on Thursday, does Your Honor yet know what time
4 we would be starting Thursday morning?

5 THE COURT: 10:00.

6 MR. POPOVICH: 10:00? Great.

7 THE COURT: Is that -- would you prefer it be
8 a little bit earlier? I can maybe make it 9:45.

9 MR. POPOVICH: No, that was earlier than I
10 expected. I thought it might be 10:30 or 11:00, but I
11 didn't know what the Court's calendar was.

12 MR. MORELLI: 10:00 is good.

13 THE COURT: Okay. So I'll tell the jury now
14 when they come 10:00. I'll also tell them I have to
15 recess for lunch a little bit earlier today because of
16 the meeting.

17 MR. MORELLI: You said 20 to.

18 THE COURT: Yeah, it'll be, yeah, 20 to or a
19 quarter to, somewhere in there.

20 MR. POPOVICH: And, Your Honor, I assume
21 Ms. Briones may have told her fellow jurors that
22 we're -- they're shutting down on Friday, but maybe
23 some haven't heard. They might want to know that
24 they're getting out early Friday.

25 THE COURT: Yeah, that's a good point.

1 Okay. And this is -- this isn't as nice as
2 the iPad that I was using, but you can have this
3 back.

4 MR. MORELLI: Trying to commandeer my iPad.

5 THE COURT: All right. So let's have the
6 jury come in now and --

7 THE CLERK: Did they -- did you want to --
8 did you want to publish?

9 THE COURT: That's a transcript of the trial.
10 That's not --

11 THE CLERK: The deposition. Did we want to
12 publish it?

13 THE COURT: Which deposition?

14 THE CLERK: From Mr. Cox yesterday.

15 THE COURT: Oh, let's ask them.

16 THE CLERK: Make sure.

17 THE COURT: Let's have the jury come in.

18 THE MARSHAL: All rise.

19 (The following proceedings were held in
20 the presence of the jury.)

21 THE COURT: Good morning, ladies and
22 gentlemen. Please be seated.

23 IN UNISON: Good morning.

24 THE COURT: We're reconvening. Just a few
25 words about some scheduling here.

1 I believe I indicated to you that we'll be in
2 session -- we can be in session Thursday morning. All
3 right? So -- and the time will be 10:00 Thursday
4 morning. That's May 3rd. All right?

5 We'll adjourn a bit early on Thursday
6 afternoon. It'll probably be around 4:45. Is that all
7 right?

8 Very well.

9 And, now, Friday, we'll be in session from
10 9:00 a.m. and we'll go until about -- we'll go through
11 the noon hour until about 12:45 and then adjourn at
12 that time because one of the jurors has a matter to
13 attend to. And that will be Friday. So 9:00 until
14 12:45. We'll take a morning recess sometime that day.

15 Now, today, I have a -- a meeting I have to
16 attend at 12:00. And so I'm going to have to recess
17 for lunch somewhere around 20 to 12:00, quarter to
18 12:00, something like that. And then we'll resume at
19 1:30. Okay? That's been on the schedule far -- quite
20 some time ago, and I have to be in it. And it's away
21 from the building. I have to get there.

22 Yes?

23 JUROR NO. 7: Can you give me the times again
24 for those two days, Thursday and Friday?

25 THE COURT: Okay. Thursday will be from

1 10:00 until 12:00, and then 1:30 until 4:45; right?

2 Okay. Would you -- would you like to take a -- maybe a
3 shorter lunch, maybe 1:15 since we're -- let's do 1:15
4 until 4:45. And then Friday will be 9:00 a.m. until
5 12:45. Okay?

6 And I believe that that's the times -- those
7 are the times that we discussed with the -- with the
8 juror that has the commitment. All right?

9 All right. Is there anything -- we ready to
10 proceed, then?

11 MR. MORELLI: Yes, Your Honor. You didn't
12 ask, but the jury is present.

13 THE COURT: Right. Stipulate that the jury
14 is present; right?

15 MR. POPOVICH: So stipulated.

16 THE COURT: Right.

17 MR. ROBERTS: Yes, Your Honor.

18 MS. FRESCH: Yes.

19 MR. MORELLI: They look present.

20 THE COURT: And Mr. Cox can retake the stand.

21 MR. MORELLI: Good morning, jurors.

22 IN UNISON: Good morning.

23 THE COURT: Good morning, sir. You realize
24 you're still under oath?

25 THE WITNESS: Yes, Your Honor. Good morning.

1 THE COURT: Very good.

2 DIRECT EXAMINATION (Continued)

3 BY MR. MORELLI:

4 Q. Good morning, Gavin.

5 A. Good morning.

6 Q. Let's pick up a little bit back from where we
7 left off since we only did about 10 or 15 minutes.

8 A. Thank you.

9 Q. There came a time in 2013 that you came to
10 Las Vegas. Can you tell us the reason that you came to
11 Las Vegas in 2013 around November 11th?

12 A. Yeah, it was to celebrate my 53rd birthday.

13 Q. Okay. And when you arrived, what did you
14 discover?

15 A. After getting into the hotel, I -- I checked
16 what was going on in -- in the town and found that
17 David Copperfield happened to be doing a show. So
18 that's what I discovered. That was one of the things
19 I'd like to do while we were in town to celebrate my
20 birthday, was to see his show.

21 Q. Okay. And how did you get tickets?

22 A. I went to the -- I was staying with my wife
23 at the Encore. And I went down to the concierge desk,
24 and they booked the tickets for me there.

25 Q. Okay. Now, before we go -- before we go

1 further, can you tell the jury what, if any, feelings
2 you have at the present time with reference to
3 Mr. Copperfield?

4 MR. POPOVICH: Objection. Relevance.

5 THE COURT: Sustained.

6 BY MR. MORELLI:

7 Q. There came a time when you -- when you bought
8 the tickets. And for what day was the tickets for?

9 A. I believe it was the 13th.

10 Q. Okay. Now, the -- did you go to more than
11 one show, or did you go to one show?

12 A. I -- I think I only went to the one show.

13 Q. Okay. Was it the early show or the later
14 show?

15 A. It was the early show.

16 Q. Okay. And that was on the 12th of November
17 2013? Does that refresh your memory?

18 A. Oh, yeah. It was the 12th of November.

19 Q. Okay. And you went -- who did you go to the
20 show with?

21 A. I went with my wife.

22 Q. Okay. And can you tell us your wife's name?

23 A. My wife's name is Minh.

24 Q. Okay. And tell us -- tell the jury about
25 when you got to the show, what time you got there.

1 A. I got to the show -- because we had to pick
2 up the tickets from the ticket counter, we had to get
3 there a bit early. So I think we got there
4 approximately 6:30-ish, 6:30 at night.

5 Q. And you got the tickets. And then what did
6 you do?

7 A. I -- I didn't get the tickets. My wife lined
8 up for the tickets. And while she was lining up for
9 the tickets, I played a table game and had a drink.

10 Q. Okay. What table game did you play?

11 A. I think it was blackjack, as best I remember.

12 Q. Okay. Did you win?

13 A. I don't remember.

14 Q. Okay. And you said you had a drink. What
15 drink did you have, if you remember?

16 A. I think it would be either a gin and tonic or
17 a vodka and tonic. It was -- it was an alcoholic
18 drink, but it was just a one -- a drink and a mix.

19 Q. Do you remember going into the show?

20 A. Yes.

21 Q. And tell us what you remember initially when
22 you got into the show, where you were sitting and what
23 you remember right at the beginning.

24 A. I bought -- I bought the best seats I could.
25 So we were -- we were at a small table, but it was

1 right up next to -- in the middle of the stage, right
2 up close to the stage, two seats.

3 Q. Okay. And then tell us, at the time when the
4 show started, how did it start?

5 A. Mr. Copperfield -- a box -- like, a box comes
6 out. And then the staff wave lights about behind the
7 box so it looks empty. And then suddenly you see a
8 shadow. And the front of the box comes down and
9 Mr. Copperfield appears on a motorbike.

10 Q. And you were sitting up close when he came
11 out; is that correct?

12 A. Yes.

13 Q. Okay. And tell us about how you felt at that
14 time.

15 A. I was excited. I was excited to see the
16 start of the show, was looking forward to being
17 entertained.

18 Q. And then, can you tell us what happened next.

19 A. He just performed various tricks. You know,
20 I was -- there wasn't anything specific. I mean, I can
21 remember the tricks, but it was just a show.

22 Q. Okay. And then take us to the time --
23 you've -- you've been in the court, Gavin, during the
24 time when everyone has testified of how this particular
25 illusion works and how it starts. Correct?

1 A. Yes.

2 Q. So -- so tell us from your point of view --
3 you're sitting up close; is that correct?

4 A. That's correct.

5 Q. And at that particular time during the show,
6 what were you thinking?

7 A. I was thinking -- Mr. Copperfield explained
8 he was going to throw these balls into the audience and
9 people would bounce them around. And when the music
10 stops, if -- if you have the ball -- if you caught the
11 ball, you would take part in this trick.

12 Because I was at the front of the audience, I
13 didn't think I stood a chance because all the balls
14 were being bashed back to the back of the auditorium.
15 So I was kind of disappointed because I didn't think I
16 had a chance of -- of taking part in -- in the -- in
17 the trick. So I -- you know, I was just sort of really
18 standing up but didn't think that that was going to be
19 something that I would have a chance to take part in.

20 Q. And then what happened?

21 A. Then suddenly a ball just landed in my --
22 obviously, you have your arms up because you're trying
23 to catch them. And it just literally landed in my
24 hands and the music stopped. And -- and -- and that
25 was it. And I knew I was going to be a -- a

1 participant in -- in this magic trick.

2 Q. Now, tell us the -- you -- there was music
3 playing at the time?

4 A. Yeah, it was like --

5 Q. When did it start? Did it start before the
6 balls? during the balls?

7 A. No, it -- it started before the balls. And
8 it was very loud. And it -- it stopped as soon as --
9 well, no, it -- it -- when I caught -- like, I -- the
10 ball landed in my hands and the music stopped at that
11 point.

12 Q. Okay. Then what did you do?

13 A. Then there was a different music and we were
14 told to -- to proceed to the -- everybody that has
15 caught a ball was to go to the left-hand staircase of
16 the stage and proceed there.

17 Q. And you did that?

18 A. I did.

19 Q. Okay. And then what do you remember after
20 you caught the ball and you proceeded to the stage?
21 What did you do then?

22 A. There was a young lady dressed in black.
23 And, to the best of my recollection, she -- she took
24 the ball then, and she asked me three questions.

25 Q. Okay. And do you -- forgetting about the

1 order of the questions, do you remember what the
2 questions were?

3 A. Yes.

4 Q. Can you tell the jury?

5 A. She asked, "Are you a magician?"

6 Q. And did you answer each question
7 individually? In other words, were the questions asked
8 individually?

9 A. Yes.

10 Q. Okay. And she asked you, "Are you a
11 magician?" And you said?

12 A. I said no.

13 Q. Okay. And the next question?

14 A. "Are you a member of the press?"

15 Q. And you answered?

16 A. No.

17 Q. Okay. And then?

18 A. "Can you run?"

19 Q. And what did you answer to that?

20 A. I answered yes.

21 Q. Okay.

22 A. So did I say yes to the press? I think I got
23 confused -- I said no, I wasn't a member of the press.

24 Q. Right.

25 A. And -- and I said -- and then she asked "Can

1 you run?" and I said yes.

2 Q. Okay. And were you told anything at that
3 time other than being asked questions?

4 A. No. If anything, it was to proceed up to the
5 top of the stairs onto the stage.

6 Q. Okay. And did you do that?

7 A. I did.

8 Q. And what did you -- what do you remember
9 after proceeding up to the stage?

10 A. I remember standing in a line and
11 Mr. Copperfield talking to us. I can't remember what
12 he said.

13 Q. Okay. Do you remember anything that he said?
14 If you do, you do.

15 A. No, I don't.

16 Q. Okay. And what do you remember next?

17 A. I remember that we were told to -- to show --
18 to -- to walk around the box and something like that
19 was it, just to walk around it and then to make a line
20 again.

21 Q. Okay. And, at that particular time when you
22 were asked "Can you run?" what were you thinking about
23 at that time, if anything?

24 A. It didn't -- it was the same as "Are you a
25 member of the press?" It was just a question. It

1 wasn't something that I related to anything. It was
2 just like saying "Do you like roast beef?" It was just
3 a question.

4 Q. Okay. Now, the -- you lined up on stage, you
5 said, and you walked around. And then what happened?

6 A. We were -- we were -- people got up the
7 stairs and were sat in the cage. And we proceeded to
8 take our seats where we were told to in the stage -- in
9 the box on the stage.

10 Q. So you were directed to sit in a certain
11 place?

12 A. That's correct.

13 Q. Okay. And do you remember -- and if you do,
14 tell the jurors -- where it was that you were directed
15 to sit?

16 A. Yes, I am -- if this is the -- the -- the
17 chairs looking at the audience, I was sat in the front
18 row on the far left.

19 Q. Now, when you say "the far left," is that the
20 far left if I'm in the audience looking at the stage?
21 I would say you're on the far left?

22 A. All I can tell you, if I'm facing the
23 audience, I'm sitting on the far left-hand seat.

24 Q. Okay. Got it.

25 Okay. Now, what if -- now you're seated in

1 the seat. And what, if anything, are you thinking at
2 that time?

3 A. I was -- I was very excited. I -- I
4 wasn't -- it wasn't like adrenaline was pumping
5 excited; it was just like getting a birthday present
6 excited, if that makes sense.

7 Q. Okay. What do you remember next?

8 A. Mr. Copperfield handed out -- you call them
9 flashlights; we call them torches. We were handed out
10 flashlights.

11 Q. Okay. And then what happened?

12 A. I had the flashlight. And I remember it was
13 weird because I was given it, and I fiddled with it and
14 it wouldn't switch on. There was no light. There was
15 no electricity -- you know, there was no flash. There
16 was no torch -- there was no light coming out. It
17 didn't work. So I -- I -- I just figured to myself,
18 why am I getting a -- a flashlight if it doesn't work?
19 That's the first thing I thought.

20 Q. Okay. And what's the next thing you
21 remember?

22 A. Literally, to the best of my memory, the --
23 the curtain -- there's -- I think there might have been
24 some special music starts. And then the curtains come
25 down either side and in the front of the ...

1 Q. So are you saying that the curtains came down
2 all around?

3 A. Uh-huh.

4 Q. Okay. And you notice I have a very exciting
5 job today. What happened next and what else do you
6 remember? So my -- my -- my next question is, what do
7 you remember next?

8 Curtains are down and you're sitting in the
9 chair all the way to the left. What do you remember
10 next?

11 A. I heard a noise behind me. And I looked to
12 my right behind me. And, at the same time, I saw,
13 like, this man appear in black like out of a rabbit
14 hole saying something like "Everybody up." It was just
15 a shock because I was expecting this contraption to
16 just be like an elevator and -- or something and go --
17 I wasn't expecting to move. I was shocked straight
18 away that this man appeared. It was just -- that was
19 the first thing.

20 Q. Okay. What do you remember next?

21 A. He -- he said words to the effect of "Follow
22 me." And, at the same time, the middle chairs flipped
23 over. So it was like everybody was told to get off
24 like in a plane, because like -- if -- like you're
25 filing out down the center aisle. And that's what

1 happened next.

2 Q. Okay. And did you do that?

3 A. Yes.

4 Q. Okay. And what do you remember next?

5 A. Coming down the stairs, as best I can recall.

6 As soon as my foot hit the bottom of the floor after
7 the stairs, I felt -- I saw this guy to my left. And
8 the next minute, I felt this shove on my back. And we
9 were told to run as fast as we could. "Run, run.
10 Everybody run, quickly, run."

11 Q. And who was -- who was saying that?

12 A. The gentleman at the bottom of the staircase
13 in black.

14 Q. Okay. And what was your feeling at that
15 particular time?

16 A. I was -- I was confused. I wasn't expecting
17 it. I've gone from being excited to terrified to being
18 in, like, a fire. It was going from zero to 100 miles
19 in my head that -- I wasn't expecting this. And
20 everybody just, like, took off hell for leather down
21 this corridor. And I followed them as fast as I could
22 as well.

23 Q. Okay. What's that term?

24 A. Hell for leather.

25 Q. Hell for leather. Okay. I don't know if

1 that's an American term, but what do you mean by it?

2 A. It means to get out as quickly as you can, to
3 run as fast as you can, to -- to -- to, you know, move,
4 you know --

5 Q. Move quickly?

6 A. No, not move quickly. It's more than that.
7 It's run for your life. Is that a -- is that --

8 Q. Yes, that's the way we might say it.

9 A. Yeah.

10 Q. Yes.

11 A. Run for your life type of thing.

12 Q. Okay.

13 A. He didn't say that, but that's the sort of
14 urgency that we felt.

15 Q. And what feelings were you having about what
16 you had to do at that point?

17 A. I knew we had to run. And I saw people in
18 black in front lining the corridor. We didn't know
19 where we were supposed to be going apart from knowing
20 that you had people running in front of you down the
21 line. And there was people at the end of each section
22 that were saying either "this way" or "that way" or
23 "that way" or "that way." You know, it was just total
24 pandemonium.

25 Q. Now, you -- you could at that point see other

1 people in front of you?

2 A. Yeah, not -- not -- not -- everybody was
3 running as fast as they could. So, you know, they
4 weren't, like, 2 or 3 feet in front of you. Sometimes
5 in -- in the sections, you couldn't -- they'd gone.
6 And all there was was a -- a staff member there
7 directing you. So it wasn't as if you always were
8 seeing where to run because of the other people.

9 Q. So it's according to where you were?

10 A. Excuse me?

11 Q. It's according to where you were on the
12 route. Sometimes you saw people; sometimes you
13 couldn't?

14 A. That's correct.

15 Q. Okay. Tell us what you remember next.
16 You're running and other people are running. And what
17 else do you remember?

18 A. The biggest thing I can remember is why are
19 we running? You know, we're running, but we're not
20 told anything. We're just told "run" or "this way" or
21 "that way." We don't know how far we've got to run,
22 where the next place we're going to be running to. All
23 you're thinking about is your -- you're just being
24 directed into whatever situation -- you know, what to
25 do.

1 Q. Okay. And -- and what were your thoughts? I
2 mean, were you worried at that point?

3 A. I was -- I was trying to think of it. I
4 was -- I -- I was -- my heart was racing and my
5 thoughts were, I've got to get -- this is obviously
6 part of the trick, to my mind. And I've got to do
7 whatever they say they want me to do. I was just
8 following their orders.

9 Q. Okay. Can you tell the jurors -- you're now
10 running. Do you remember how many -- you're inside or
11 outside at this point?

12 A. No, I'm still inside.

13 Q. Okay. Do you remember -- or can you describe
14 to the jurors, are you in hallways? How many? What's
15 the lighting conditions?

16 A. The lighting changed in the -- from the box
17 when the curtains went down, it was like a bedroom with
18 a night-light. The rabbit hole was black, pitch black.

19 Q. Now -- now, when -- when you -- when you talk
20 about the rabbit hole, what are you talking about?
21 When you were still in the box?

22 A. No, I think they call it the dragon.

23 Q. The dragon?

24 A. I think that's what it was.

25 Q. Okay. So when you already came out of the

1 box and you were in the dragon --

2 A. That was dark.

3 Q. Okay.

4 A. Then when you came to the bottom of the
5 stairs, it was light -- all I just remember is these
6 hallways, it was like a rabbit warren. It was -- it
7 was -- it was a maze of different sections, different
8 types of light. Sometimes it was very bright;
9 sometimes it was not so bright. It was lit, but it
10 was -- it was changing surfaces. Sometimes it was --
11 felt like it was tile -- kitchen tile-style flooring;
12 sometimes it felt like concrete flooring. Sometimes it
13 felt like carpet.

14 Q. Okay. When --

15 A. I wasn't looking at the floor, but that's,
16 you know, what it felt like.

17 Q. Sure. When you were running inside, describe
18 it. Were you -- did you have difficulty running
19 inside?

20 A. I didn't myself have difficulty running, but
21 sometimes the distances were shorter; sometimes the
22 distances were longer. You -- you were going around
23 corners so that -- the only difficulty, as I said, was
24 not knowing what the next section was going to be. I
25 could have run into a brick wall for all I knew. I --

1 I didn't know until we went around the next corner what
2 we were going to expect.

3 Q. And then tell us what you remember next. Did
4 there come a time when you finished running inside?

5 A. Yeah. The last section, it was -- to my
6 memory, it was quite a long section because I remember
7 seeing it was a bright corridor. And then I saw, like,
8 a single doorway at the end of it. And so, compared to
9 the last section, it was, like, dark out, but very
10 light in.

11 And there was a guy dressed in black again
12 out -- outside of the doorway. And he would be
13 motioning when I got up near him to go to my right. He
14 was motioning to go right. And I think he actually
15 even said "this way" or "go right" or something like
16 that.

17 Q. And that was -- and that was when you went
18 from the inside to the outside --

19 A. Correct.

20 Q. -- correct?

21 Okay. So what -- what did you do then when
22 you -- you ran through the open doorway?

23 A. Yes.

24 Q. Okay. And then what did you do?

25 A. I took a right. First thing I noticed was

1 going from that really bright corridor to the -- to the
2 dark of the outside. Your eyes suddenly -- like -- you
3 feel disorientated. And -- and I took a sharp right.
4 And I was thinking to myself, what next? I'm outside
5 of the building. You know, it's -- it's --

6 Q. When -- when you were outside the building,
7 were you still running?

8 A. Yes, all the time.

9 Q. Okay.

10 A. All the time, I was running as fast as I
11 could.

12 Q. Okay. Now, when you say you're running
13 outside the building, while you're running, was the
14 building to your right or was it to your left?

15 A. I'm sorry. I don't understand the question.

16 Q. Okay. You're running now outside. You just
17 took a right, and you're running along.

18 A. Yeah.

19 Q. Was the building to your right --

20 A. The building --

21 Q. -- or to your left?

22 A. The building -- the wall of the building was
23 on my right.

24 Q. Okay. And now you're running along. And
25 what is the surface that you're running on at that

1 time?

2 A. It was hard, like a concrete sidewalk type
3 of -- it was a concrete sidewalk type of surface, but
4 it wasn't a sidewalk. It was the -- you could hear
5 traffic to the left of you, but it was -- it was a long
6 way off. It seemed a long way off.

7 Q. What you heard?

8 A. I didn't take much notice of it because I was
9 too busy concentrating on trying to follow where
10 everybody else was going.

11 Q. Okay. And when you -- when you're running
12 now -- and you are running alongside of the building,
13 the building's to your right -- could you see people in
14 front of you at that point, if you remember?

15 A. I honestly don't remember.

16 Q. Okay. So tell the jurors what you remember
17 next. You're running alongside. The building is to
18 your right. You're outside, concrete pavement, and
19 you're still running. What do you remember next?

20 A. I was -- I was -- actually had in my mind
21 where -- where we were going to go next. Well, when I
22 say "we," I mean it -- you know, the group. I wasn't
23 holding somebody's hand; I was just me.

24 When we went outside, I was running along.
25 And, to my mind, it's always what next? What next?

1 What next? You know, bear in mind, people are still
2 down the corridor saying, "Go, go fast as you can, fast
3 as you can." You're not, you know, having a stroll in
4 the park. You're -- you're doing the best you can to
5 get to wherever you're going as fast as you can.

6 Q. What do you remember next? What was the next
7 thing you did after you ran along the building to your
8 right?

9 A. When I reached the end of the building, I
10 believe there was some sort of man dressed in black to
11 my left, saying "right." And I knew I had to turn
12 right.

13 And, as I came around the corner, I was
14 probably at my fastest. It was probably -- to me, it
15 was the longest piece of the area. And as I turned the
16 corner and I looked right, I saw -- I saw the doorway
17 in the distance. And it was still dark. And I thought
18 I saw the doorway. And it was like a golden light in
19 the distance. And I knew that was where I meant to
20 head for.

21 Q. Okay. Were you still running hell forever?

22 A. Hell for leather.

23 Q. For leather.

24 A. Absolutely.

25 Q. And, the best you can, tell us, you turn the

1 corner, you're running quickly. First of all, how did
2 you turn the corner? What -- what do you remember?

3 A. I -- I -- I -- I remember because I saw -- as
4 I turned the corner, I saw the lit door. So it was
5 almost like a beacon in the darkness to me. And, as I
6 turned the corner as fast as I could, I started to run
7 towards it.

8 And then it felt like an elevator suddenly
9 moving upwards. And I'm taking the corner as fast as I
10 could. And -- and I feel my feet just slip left from
11 underneath me. And I -- and I almost feel like -- for
12 a second, I'm -- all of me is in midair. That's what
13 it felt like. There's a speed of turning, seeing the
14 sharpness of the turn and the weight of my body going
15 around. And then I just feel my feet slip straight
16 from underneath me.

17 Q. And then what happened? Did you hit the
18 ground or the pavement?

19 A. I hit -- I -- I -- I hit the ground. And I
20 felt -- I felt a pain shoot through me like I never,
21 ever felt before. It was like a lightning bolt going
22 through the whole of my shoulder and left-hand side.

23 Q. Okay. I just want you to clarify for the
24 jurors. When you say you turned the corner, did you
25 turn it wide? Did you turn it narrow?

1 A. No. No, no, no, no, no. I -- I took it
2 really sharply, as sharply as I could. And I had
3 already taken some steps toward the door. And that's
4 when I felt this -- it just felt like a motion pushing
5 me up and -- the speed of turning and the motion of
6 pushing me up. And then I felt my feet just slip left
7 from underneath me together.

8 Q. What I want to understand -- and possibly the
9 jurors too -- when you say that you felt like this
10 elevator coming up, are you talking about the pavement?

11 A. It wasn't the pavement; it was -- it was an
12 incline. It wasn't flat. I didn't -- I didn't see the
13 incline. I thought it was flat. Everything else that
14 I had been on was flat. I didn't expect it. I just
15 thought the corner -- you can't see the incline from
16 running to the corner. You couldn't even see it in the
17 dark. I didn't even know there was an incline until
18 later.

19 I'm just saying that, at the time I did it,
20 it felt like when you get on a fast elevator and it
21 pushes you up. It felt like you were suddenly going up
22 in the air. And what with that and the speed of the
23 corner, I just -- like, my feet just went whoosh like
24 that. And I felt like I was in the air. And the next
25 minute, I hit the ground.

1 Q. Now, what's -- you know, you -- you hit the
2 ground. And what do you remember next?

3 A. The next thing I remember after hitting
4 the -- hitting the ground, I remember being at the back
5 of the audience. I don't remember anything after
6 hitting the ground to being at the back -- well,
7 actually, not in the back of the audience, in the
8 middle of the audience.

9 Q. Okay. And you're now in the back of the
10 audience. And what's going through your mind at that
11 time?

12 A. I'm -- I'm -- I'm in agony. I -- I -- I am
13 in so much pain and yet I want -- my wife is -- it's
14 not the back, it's the middle of the audience. And my
15 wife is -- I can see her. And I want to go to her
16 because I'm hurting and I'm hurt. And I want --

17 MR. ROBERTS: Objection, Your Honor. This is
18 not relevant to this liability phase.

19 THE COURT: Overruled.

20 THE WITNESS: And I want to go to her because
21 I'm hurt. But, at the same time, I know the trick is
22 still going on. Mr. Copperfield has just motioned that
23 we're there. The whole group is standing together.
24 And I just felt it's -- they're going to know
25 something's wrong if I go to my wife. I can't just

1 walk to my wife, so I stay with the group of people.

2 BY MR. MORELLI:

3 Q. Okay. Why did do you that?

4 A. Because I didn't want to -- I felt that if I
5 just walked away, it would -- it would spoil the end of
6 the trick.

7 Q. Okay. And that's what you were thinking
8 about at the time?

9 A. Yes, always. That's -- that's -- that's why
10 I ran as fast as I could. I -- I -- I -- I didn't -- I
11 didn't -- I -- everybody wants to do their best for
12 him. They wanted to do what they were told to do.

13 Q. In looking back at it now, what do you think?
14 Do you think you should have done something differently
15 or -- what do you think now looking back on it after
16 what happened?

17 A. I don't understand the question.

18 Q. Well, now that all of this has happened, do
19 you have a different feeling about you wanted to do the
20 best or you didn't want to do your best?

21 A. I'm sorry. I still don't understand the
22 question.

23 Q. Okay. Do you have a different feeling about
24 it now, that you wish that you didn't try to do your
25 best?

1 A. I wish that I never done the trick.

2 Q. Any ill feelings about Mr. Copperfield?

3 A. I don't hate him. I just feel -- I -- I just

4 feel --

5 MS. FRESCH: Objection. Relevance.

6 THE COURT: He's answered the question.

7 Go ahead. Next question.

8 MR. MORELLI: Your Honor, could we approach

9 just about one particular question?

10 THE COURT: Yes.

11 MR. MORELLI: Thanks.

12 (A discussion was held at the bench,

13 not reported.)

14 BY MR. MORELLI:

15 Q. Gavin, my -- my question -- my question to

16 you is, you're -- as -- as you're -- as you sit in

17 court today, you brought a lawsuit against

18 Mr. Copperfield and the other defendants in the case.

19 Are you angry with Mr. Copperfield?

20 A. Anger eats the soul.

21 Q. I'm sorry?

22 A. Anger eats the soul. All I'm here for is

23 justice and to get some sort of --

24 MR. ROBERTS: Objection. Nonresponsive.

25 THE COURT: Sustained.

1 Next question.

2 BY MR. MORELLI:

3 Q. Okay.

4 I think this has to go over here now; right?

5 So is that a no, Gavin? You're not angry
6 with him?

7 A. Anger is not the correct word to use.

8 Q. Okay. What is?

9 A. Disappointed, let down, feeling that he
10 didn't care.

11 MS. FRESCH: Objection.

12 THE COURT: Next question.

13 BY MR. MORELLI:

14 Q. Okay. Now, the -- there came a time after
15 you were in the audience that -- do you remember where
16 you went after that?

17 A. The next part I remember is sitting in a -- a
18 room behind the stage.

19 Q. Were the other participants there with you?

20 A. Yes.

21 Q. Okay. Were they sitting also?

22 A. No.

23 Q. Could you tell us about that.

24 A. I believe someone brought me a chair because
25 they thought I was hurt. It was fairly obvious I was.

1 Q. And did you have any conversations with
2 anybody at that particular time? Anybody ask you
3 anything? Did you tell them anything?

4 A. I think somebody might have asked me
5 something, but I can't remember who or what the
6 question was.

7 Q. Was Mr. Copperfield present at the time that
8 you were in this room?

9 A. Yes, he was.

10 Q. Okay. And what, if anything, do you remember
11 him saying?

12 A. He -- he -- he came into the room and he said
13 to all the participants something like it's -- it's
14 taken -- he started to say "it's taken two years to --
15 to make this trick perfect," whatever.

16 Q. Do you remember anything --

17 A. "Please don't say anything to anybody about
18 this trick."

19 And, at that point, a gentleman that was one
20 of the participants in the trick, he -- he said -- I
21 don't -- it might even been more than one -- he said
22 "This guy's been hurt. Why are you going on about your
23 trick?"

24 And at that point --

25 MS. FRESCH: Objection. Hearsay.

1 THE COURT: I'll allow it, not for proof of
2 truth of the matter asserted but the fact that the
3 statement was made.

4 MS. FRESCH: Your Honor, I'd also object as
5 to relevance.

6 THE COURT: Overruled.

7 BY MR. MORELLI:

8 Q. You may continue, Gavin.

9 A. And I -- I was sat down with my shoulder
10 hanging in the center of my chest. And I -- I -- I
11 thought, to my mind, he was going to come and say "My
12 God, are you okay? What can I do? Are you -- what
13 happened?"

14 And he said, "Are you hurt?"

15 And I said yes.

16 And he said, "Wow, why" -- or not "wow," but
17 he said "Why did you finish the trick?"

18 And I said, "Because I didn't want to let you
19 down."

20 And he -- he was crouched down looking at my
21 face, as close as this. And I was expecting him to
22 go -- to do something to help me, to get help. And he
23 just disappeared -- he -- he -- he had this half smile
24 on his face like -- and he just walked away and
25 disappeared and left the room.

1 Q. Now, before I ask you the -- the next
2 question of what you remember next -- one of my
3 favorite questions -- can you tell us, when you -- when
4 you turn the corner outside and you were running and
5 you say you -- you took a sharp turn, what, in your
6 mind -- or what things caused you to fall? Tell the
7 jurors what you think.

8 A. The instructions to run as fast as you can.
9 The -- the light going from light to dark to light to
10 darkness and running at speed around a corner. The --
11 I don't know what you call it now -- the -- the
12 incline. And, as I later found out -- not at the time,
13 but in hospital -- I had the whole of my right side
14 covered in dust. And I felt that might have had some
15 part to play, but not -- to my mind, that was more
16 showing where I'd hit the ground, and it might have
17 played a part in the fall.

18 But, to my mind, the greater part was the --
19 the sense of sheer urgency, not knowing where we were
20 going, running, light, darkness -- that -- to me, and
21 taking -- not knowing where we were going next. To
22 me -- to my mind, that's what caused me to slip and
23 fall.

24 Q. Now, after your -- you told us about the
25 encounter with Mr. Copperfield. What's the next thing

1 that you remember?

2 A. I was -- I was on a gurney outside -- I think
3 it was outside the room where we had the talk. I was
4 on a gurney. I was strapped into it.

5 Did you ask -- sorry. Could you repeat the
6 question.

7 Q. Yeah. That's what I asked you, the next
8 thing you remember after -- after being in the room
9 with Mr. Copperfield, the next thing you remembered,
10 and you said on -- being on the gurney. Is that -- is
11 that accurate?

12 A. That's correct, yes.

13 Q. Okay. And what's the next thing that you
14 remember after that? Did you --

15 A. Oh, can I --

16 MR. POPOVICH: Objection at this point to go
17 any further for relevance in Phase 1.

18 BY MR. MORELLI:

19 Q. Did you --

20 THE COURT: I'll sustain the objection.

21 You're going to withdraw the question and
22 pose a different one?

23 MR. MORELLI: Yes, yes. For the record, I
24 withdrew the question.

25 /////

1 BY MR. MORELLI:

2 Q. Did you -- while you were on the gurney, did
3 you see or speak to Minh, your wife? I just want to
4 know what you remember.

5 A. No, I had forgotten something that's very
6 important to me again, was that while -- when I was in
7 the area where Mr. Copperfield was, I was asking for my
8 wife. I was asking -- I don't know. I can't remember
9 if I said it, but I -- it's -- it's -- it was a thing
10 for me. I said "I want my wife." I -- I spoke -- I
11 did speak, because I said, "I want my wife. I want my
12 wife."

13 And I spoke to people. It wasn't people in
14 street clothes; it was either suits or in black. And I
15 was expecting them to say, like, "Where is she? What
16 row? Where in the audience? What's her name?"

17 MR. POPOVICH: Objection to the narrative at
18 this point.

19 THE COURT: Sustained.

20 Next question.

21 BY MR. MORELLI:

22 Q. The -- you're on the gurney?

23 A. Uh-huh.

24 Q. And just talking now at the scene, still
25 there.

1 A. Yes, yes.

2 Q. What do you remember, if anything, happening
3 after you were on the gurney? Do you remember speaking
4 to anyone?

5 A. I don't -- I don't remember speaking to
6 anybody. And my wife came out --

7 Q. Okay.

8 A. -- or she was brought out.

9 Q. So you remember seeing her --

10 A. Yes.

11 Q. -- and speaking to her?

12 A. Yes.

13 Q. Gavin, that's -- that's -- that's all I'm
14 going to be asking you at this time.

15 MR. MORELLI: I have nothing further.

16 THE COURT: Okay.

17 Cross?

18 MR. DEUTSCH: Your Honor, may we approach?

19 THE COURT: Sure.

20 (A discussion was held at the bench,
21 not reported.)

22

23 CROSS-EXAMINATION

24 BY MR. ROBERTS:

25 Q. Good morning, Mr. Cox.

1 A. Good morning.

2 MR. ROBERTS: Good morning, jury.

3 IN UNISON: Good morning.

4 BY MR. ROBERTS:

5 Q. I noticed, as you took the stand this
6 morning, that you were holding the marshal's arm.

7 A. Uh-huh.

8 Q. Did you request his assistance this morning?

9 A. No.

10 Q. Did your attorney request his assistance?

11 A. No.

12 MR. MORELLI: Objection, Your Honor. Does
13 this have anything to do with liability, because, if
14 so, we can talk about the hospital a little bit.

15 MR. ROBERTS: It has to do with credibility,
16 Your Honor.

17 BY MR. ROBERTS:

18 Q. Do you get assistance when you're downstairs
19 in the courthouse?

20 THE COURT: Overruled.

21 THE WITNESS: In what way?

22 BY MR. ROBERTS:

23 Q. Do you hold onto someone's arm when you're
24 downstairs and the jury is not around?

25 A. Yes.

1 Q. Could you really not remember the date of the
2 accident?

3 A. I -- I remember it within a day or two.

4 Q. You were here when your attorney explained
5 the way he remembered it to the jury as 11/12/13;
6 right?

7 A. Was that today?

8 Q. No, that was earlier, earlier in this trial,
9 maybe a month ago now.

10 A. I'm sorry. I don't remember.

11 Q. Okay. So you sincerely could not remember
12 the date you were hurt?

13 A. No.

14 Q. Did you meet with your attorney to prepare
15 for your testimony?

16 A. Yes, I did.

17 Q. Okay. What dates did you meet with him?

18 A. I believe it was last Saturday, and it was
19 another day. It was either the previous Saturday or
20 the previous Sunday.

21 Q. Did you leave court last week one day
22 to -- to meet with your attorney?

23 A. Did -- did we have court all last week? I'm
24 sorry. I -- I -- okay. I'm sorry. I don't -- I
25 think -- I -- the days I believe I gave you are the

1 days I met with the attorney, but if it was a -- that's
2 what I believe because he was in casual clothes.

3 Q. Do you remember having your deposition taken
4 on October 15th, 2015?

5 A. Yes.

6 Q. Okay. And that was about two years after the
7 accident; right?

8 A. Yes.

9 Q. Was your memory fresher regarding what
10 happened on the day you took your deposition?

11 A. Yes.

12 Q. Okay. At what point did you change your
13 story about why you fell?

14 MR. MORELLI: Objection to the form of the
15 question.

16 THE COURT: Sustained.

17 BY MR. ROBERTS:

18 Q. In your deposition, did you say that you
19 slipped on the dust and that's why you fell?

20 A. You'd have to show me.

21 Q. Okay. You don't remember that?

22 A. I don't remember my deposition exactly.

23 Q. Do you remember at one time believing that
24 the reason you fell is that you slipped on the dust?

25 A. Could you repeat the question, please.

1 Q. Yes. Do you remember at one time believing
2 that the reason you fell is because you slipped on
3 dust?

4 A. It might have been part of the reason.

5 MR. ROBERTS: Audra, could you play Clip 8.

6 And, Your Honor, permission to publish
7 Mr. Cox's deposition of October 15th of 2015.

8 THE COURT: So ordered.

9 BY MR. ROBERTS:

10 Q. I'm going to play for you now, sir, a portion
11 of your video testimony, page 124, lines 16 through 18.

12 MR. ROBERTS: Just ask to hold it a second,
13 Audra.

14 MR. DEUTSCH: We just asked for permission to
15 read some additional pieces for completion for -- if
16 that's okay, Your Honor.

17 THE COURT: For what?

18 MR. DEUTSCH: Well, let me see what they play
19 first, but I have a feeling we're going to have some
20 things to read to complete that.

21 (Whereupon video deposition was played.)

22 THE WITNESS: It's my understanding that
23 whatever was on the floor made me slip and fall.

24 BY MR. GIL:

25 Q. Fair enough.

1 (Whereupon video deposition was
2 stopped.)

3 BY MR. ROBERTS:

4 Q. Okay. Does that refresh your recollection
5 that you believed it was whatever was on the floor that
6 made you slip and fall?

7 A. It was one of the factors.

8 Q. Okay. And today you said -- and you told the
9 jury -- that you believe you fell because you didn't
10 know where you were going and of the urgency and that
11 that was the greater part, and the main thing the dust
12 showed was where you fell.

13 A. That's what I believe now.

14 Q. Okay. So at what point in the time did you
15 change your belief as to what made you fall and what
16 played the greater part in making you fall? Was it
17 this week meeting with your attorney or was it a couple
18 years ago?

19 A. I haven't changed my belief.

20 Q. We'll talk more about that later.

21 MR. DEUTSCH: Your Honor, may we read the
22 piece for completeness now or wait for redirect?

23 THE COURT: Well --

24 MR. ROBERTS: If it's in the same question
25 and answer, we can play it now. If it's a different

1 part of the deposition, you can play.

2 MR. DEUTSCH: I believe it's the same exact
3 subject matter that gives his complete answer.

4 THE COURT: Okay. Well, wait till --

5 MR. DEUTSCH: Okay. No problem.

6 BY MR. ROBERTS:

7 Q. Mr. Cox, we were talking about your
8 attorneys. Isn't it true that you called an attorney
9 the very night this happened?

10 MR. MORELLI: Objection.

11 BY MR. ROBERTS:

12 Q. November 12th, 2013.

13 MR. MORELLI: Objection to the relevance --

14 THE COURT: Overruled.

15 MR. MORELLI: -- of when he called an
16 attorney.

17 THE COURT: Overruled.

18 THE WITNESS: Could you repeat the question,
19 please.

20 BY MR. ROBERTS:

21 Q. Didn't you call an attorney the very night
22 you were injured, from the emergency room?

23 A. No.

24 Q. Had you hired an attorney two days later when
25 you went to MGM to fill out an incident report?

1 A. I believe we hired an attorney two days later
2 to fill out an incident report. I don't -- no --
3 excuse me. I believe we had an attorney by that time
4 to fill out an incident report.

5 Q. And you called your daughter-in-law from the
6 emergency room in order to try to find you an attorney;
7 right?

8 A. I didn't.

9 Q. Did your -- did your wife, Minh?

10 A. Can you repeat the question.

11 Q. Did your wife, Minh, call your
12 daughter-in-law to try to arrange for an attorney from
13 the emergency room?

14 A. I know my wife did call. I'm not sure at
15 what point.

16 Q. And your attorney is the one probably who
17 filled out the handwritten incident report at MGM;
18 correct?

19 MR. MORELLI: Objection. Your Honor.

20 THE COURT: Overruled.

21 You can answer the question.

22 THE WITNESS: Okay. I couldn't -- my arm was
23 messed up.

24 BY MR. ROBERTS:

25 Q. Okay. But you don't remember either

1 dictating the incident report or writing the incident
2 report or even reading it before you signed it; right?

3 A. I believe I did.

4 Q. Do you remember reading the incident report
5 before you signed it?

6 A. I believe I -- I read what my attorney had
7 wrote.

8 MR. ROBERTS: Audra, Clip 10, page 155, lines
9 12 through 20.

10 MR. MORELLI: 155.

11 MR. ROBERTS: And I believe -- does that go
12 to 156, line 3, Audra?

13 It may go to 156, line 3, if you want to
14 check.

15 MR. DEUTSCH: Where does it start, Lee?

16 MR. ROBERTS: 155, line 12.

17 MR. DEUTSCH: Your Honor, I would ask for
18 some completeness in the same exact place as this.

19 THE COURT: All right.

20 MR. DEUTSCH: It goes before the place that
21 he's starting, so I would ask maybe that I could read
22 it before the clip he plays.

23 MR. ROBERTS: Your Honor, the full questions
24 and answers are there. They can put on whatever they
25 want in their --

1 MR. DEUTSCH: Well --

2 MR. ROBERTS: -- redirect.

3 THE COURT: You're saying this is part --

4 MR. DEUTSCH: What he just -- what

5 Mr. Roberts --

6 THE COURT: -- of the series of questions and
7 answers. So I'll allow that.

8 MR. DEUTSCH: So if you're going to start
9 on -- on 155, line 12, then I would go back to --
10 to -- to 155, line 1.

11 THE COURT: But I think defense counsel has
12 the right to put on his portion first, and then you can
13 follow up.

14 MR. DEUTSCH: Okay. That's fine.

15 THE COURT: Okay?

16 MR. DEUTSCH: It was the question preceding
17 this by two questions, so I thought it would be
18 smoother. But he could put it on first if he wants to.

19 MR. ROBERTS: Okay. Audra.

20 (Whereupon video deposition was played.)

21 BY MR. FREEMAN:

22 Q. But I'm wondering, do you remember doing
23 that?

24 A. No.

25 Q. You don't remember doing that at all? Okay.

1 A. No. It could very well be, but I honestly
2 don't remember that.

3 Q. Okay. Do you remember signing it?

4 A. No.

5 Q. Okay. Do you remember ever reading it over
6 to make sure it was correct?

7 A. I -- I really honestly don't remember. And I
8 think that's my signature. And I don't remember if I
9 read it over to be correct.

10 Q. Okay.

11 (Whereupon video deposition was
12 stopped.)

13 BY MR. ROBERTS:

14 Q. Does that refresh your recollection that you
15 don't remember if you read it over before signing it?

16 A. That just reflects --

17 THE COURT: All right. Plaintiff's counsel
18 wants to --

19 MR. DEUTSCH: Thank you, Your Honor. This is
20 the preceding three questions to the clip that was just
21 played on page 155, line -- I could put it up, if we
22 could make a quick switch, just for completeness, Your
23 Honor.

24 MR. ROBERTS: Your Honor, the rule of
25 completeness only requires the full question and answer

1 to be read. They can put this on in their direct.

2 MR. DEUTSCH: Your Honor, you know, when I
3 objected --

4 THE COURT: Put it on.

5 MR. DEUTSCH: Thank you, Your Honor.

6 Okay. The question is right before that on
7 page 155.

8 "QUESTION: Do you think you --

9 "ANSWER: Do I know who?

10 "QUESTION: -- dictated to someone?

11 "ANSWER: Yes, I -- I believe so.

12 "QUESTION: Do you remember doing that?

13 "ANSWER: I wouldn't -- I wouldn't have
14 signed it if I hadn't have read it."

15 And then into what he just played. Thank
16 you, Your Honor.

17 MR. POPOVICH: Your Honor, from this point
18 forward, defense will -- well, at least this defendant
19 will be objecting to Mr. Deutsch taking over this
20 witness.

21 MR. MORELLI: He's not taking over the
22 witness; he's putting up --

23 THE COURT: I allowed him to play the --

24 MR. MORELLI: -- the text.

25 THE COURT: -- or to read a part of the

1 deposition under NRCP 32(a)(4).

2 BY MR. ROBERTS:

3 Q. So your attorney most likely filled out that
4 statement. He has bad handwriting and you thought it
5 was his bad handwriting; right?

6 A. My attorney filled out, I believe, that
7 statement.

8 Q. When you were in the audience and the balls
9 were being bounced around, did you understand that, if
10 you caught a ball, you could take part in the illusion?

11 A. Yes, sir.

12 Q. And you wanted to take part in the illusion;
13 correct?

14 A. Yes, sir.

15 Q. And as you approached the stage, you were
16 asked "Can you run?" right?

17 A. Yes, sir.

18 Q. And you said yes?

19 A. Yes.

20 Q. And you told the jury that it was just a
21 question, like "Do you like roast beef?"

22 A. Correct.

23 Q. Okay. You didn't think that you might
24 actually have to run when they asked you "Can you run?"

25 A. No.

1 Q. Okay. At the time, 11/12/13, could you run?
2 A. Yes.
3 Q. Okay. And the limited mobility that you've
4 shown here in the courtroom, you didn't have that then;
5 right?
6 A. No.
7 Q. Someone watching you walk would not have
8 thought there was anything physical wrong with you?
9 A. That's correct.
10 Q. Correct?
11 A. That's correct.
12 Q. You stated that you were all the way to the
13 far left when you got into the box, right, front row
14 left?
15 A. Yes.
16 Q. Okay. And you've previously stated that you
17 were the last one out of the box.
18 A. That's what I believe, yes.
19 Q. Okay. And were you always the last one in
20 line, according to your recollection?
21 A. According to my recollection, yes.
22 Q. Have you looked at the video since your
23 deposition?
24 A. Which one?
25 Q. The video showing the outside area where you

1 can see the participants through the trees?

2 A. Yes.

3 Q. Is it fair to say that you now know you were
4 not the last one in line from looking at the video?

5 A. It would appear that way.

6 Q. Okay. And is it possible you misreclected
7 and that you were never the last one in line?

8 A. It's possible.

9 Q. You told the jury that you were given a
10 flashlight, or a torch, inside the -- the box. And did
11 you have that same flashlight the whole time or did you
12 get it -- give that back to them and get a new one
13 outside?

14 A. Up until the fall, I had the same flashlight.

15 Q. Okay. You're certain of that?

16 A. Yes.

17 Q. You said in your deposition that there was no
18 one leading the way, that when the participants came
19 down the dragon, came down the steps, there was nobody
20 leading the way --

21 A. Yes.

22 Q. -- correct?

23 Is that still your testimony today, that
24 there was nobody from MGM or Backstage or anyone
25 associated with the show who was leading the

1 participants and showing them where to go?

2 A. Based on what I knew that night, it appeared
3 to be that way.

4 Q. Okay. But you now know that wasn't true;
5 right?

6 A. Based on what I've heard, that's what they do
7 on nights.

8 Q. So you -- you were asked if you could run.
9 And then, after the illusion started, you were asked to
10 run by the staff; correct?

11 A. That's correct.

12 Q. At what point did they tell you to run the
13 first time? Were you still up inside the -- the box?
14 Were you in the dragon? Or were you down the stairs at
15 the end of the dragon?

16 A. I can remember being told to run specifically
17 when I had the hand shoved on my back at the bottom of
18 the dragon.

19 Q. And you mentioned that. And it was a man?

20 A. Yes.

21 Q. Was he shoving other people?

22 A. I don't know.

23 Q. You were right behind another contestant;
24 right? You were not the first one out of the box;
25 right?

1 A. No.

2 Q. So there was someone directly in front of you
3 as you came down the stairs; right?

4 A. Not directly in front.

5 Q. How far in front of you was he or her?

6 A. I don't recall, but not -- I would recall if
7 they were directly in front, but they were further.

8 Q. Okay. You told the jury that it was pitch
9 black in the dragon; right?

10 A. Yes.

11 Q. Did you ever tell anyone it was pitch black
12 in the dragon until you heard Ms. Lawrence testify that
13 it was pitch black in the dragon?

14 A. It was -- it was the rabbit hole. It was
15 like, to my mind, it was pitch black, because the
16 person appeared and it was black.

17 Q. I understand -- I understand. Had you ever
18 said that before you saw Ms. Lawrence say it was pitch
19 black? Had you ever said that at all?

20 A. I don't remember. I don't remember.

21 Q. Had you ever said the hallways were like a
22 night-light in the bedroom before you heard
23 Ms. Lawrence tell the jury that?

24 A. I thought it was a good way to describe it.

25 Q. Was it darker in the outside once you were

1 outside the building or in the hallways that were like
2 a bedroom with a night-light?

3 A. No, it was darker outside.

4 Q. Okay. Was it too dark to see where you were
5 going?

6 A. No.

7 Q. Was it too dark to see the gentlemen
8 directing you which turns to make?

9 A. Sometimes.

10 Q. So it's your testimony it was too dark to see
11 the men that were outside?

12 A. No, I said sometimes.

13 Q. At what times was it too dark to see the men?

14 A. When they were farther away.

15 Q. Was it too dark to see the ground where you
16 were running?

17 A. Can you repeat the question, please.

18 Q. Yes. At any point once you were outside, was
19 it too dark to see the ground?

20 A. I don't remember looking at the ground.

21 Q. So, as you sit here today, you -- you don't
22 remember or don't know if it was too dark to see the
23 ground?

24 A. I didn't have -- I -- I didn't -- I -- I knew
25 the ground was there, but I didn't specifically think

1 if it was too dark to see the ground.

2 Q. You said you were running as fast as you can.
3 Was that the entire trip until you fell? From the time
4 you got down out of the dragon until you fell, were you
5 running as fast as you could?

6 A. I was running as fast as I could.

7 Q. The whole time?

8 A. The whole time.

9 Q. And you were not overtaking anyone in front
10 of you? Did you ever pass anyone?

11 A. Not to my recollection.

12 Q. And you used the term in your deposition,
13 "running at speed." Does that mean as fast as you can?

14 A. It means I was running as fast as I can.

15 Q. If -- if you look up synonyms for "at speed,"
16 one of them is full tilt. Does that accurately
17 describe how fast you were running?

18 A. Just remember running -- I'm sorry, Counsel.
19 I just remember running as fast as I can.

20 Q. Another synonym is "briskly." Were you
21 moving briskly?

22 A. No.

23 Q. Okay. If we're to get an idea about how fast
24 you were running, do you remember being asked some
25 questions about different running speeds in your

1 deposition? Usain Bolt was mentioned. Were you
2 running as fast as Usain Bolt?

3 A. I don't remember, Counsel, but if you say,
4 I'm sure that's in there.

5 Q. Okay.

6 MR. ROBERTS: Can we use a demonstrative of
7 Usain Bolt, Your Honor, just for the jury's comparison?

8 MR. DEUTSCH: We'll stipulate that he wasn't
9 running as fast as Usain Bolt, Your Honor.

10 MR. MORELLI: And neither are you.

11 MR. DEUTSCH: I think there's a pretty fair
12 stipulation, Your Honor. There's no need to put up a
13 demonstrative.

14 MR. MORELLI: Seeing as nobody runs faster
15 than him.

16 MR. DEUTSCH: We'll stipulate that he wasn't
17 running that fast. No need to put something up. We
18 can move on.

19 BY MR. ROBERTS:

20 Q. And you say that you weren't running as slow
21 as someone runs a marathon. Do you recall that?

22 A. I don't recall saying that.

23 Q. Okay.

24 MR. ROBERTS: Could we put up a demonstrative
25 of the Rock 'n' Roll Marathon, Your Honor, from last

1 year so the jury can get an idea of the speed? He can
2 say if he was running faster or slower than the
3 marathon runners.

4 THE COURT: Go ahead.

5 MR. ROBERTS: Thank you.

6 (Whereupon video was played.)

7 BY MR. ROBERTS:

8 Q. Here's the Rock 'n' Roll Marathon here in
9 Vegas. You said you were not going as slow as marathon
10 runners. Were you moving faster than this? Is that
11 your testimony?

12 A. Did you ask -- excuse me, counsel --

13 MR. DEUTSCH: Just for the record, Your
14 Honor, Mr. Cox was not shown this video or any video
15 when he gave his answers.

16 THE COURT: All right. He's being asked
17 about it now.

18 Go ahead.

19 (Whereupon video was played.)

20 BY MR. ROBERTS:

21 Q. Just watch -- take a look on your screen.
22 Were you running faster than this or slower than this
23 or is this -- about this speed?

24 A. No, I was running faster.

25 Q. Faster. A lot faster?

1 A. I was running faster.

2 Q. The maze inside before you got outside, you

3 described it as a rabbit warren, the hallways, this

4 complicated maze. How many turns did you make inside

5 this complicated maze before you went outside?

6 A. I'm not 100 percent sure.

7 Q. More than five?

8 A. I'm not sure. I -- maybe; maybe not. More

9 than two, more than three, maybe more than four.

10 Q. But despite the fact that you felt this was

11 confusing and that it was a complicated maze and you

12 didn't know what you were doing, while you were inside,

13 you actually had no problem following the people in

14 front of you; right?

15 A. I don't understand your question, Counsel.

16 Q. Despite how complicated you've told the jury

17 this journey was from the time you exited the dragon

18 until you went outside, you didn't have any problem

19 following the people on this route, did you?

20 A. I didn't have an idea where we were going,

21 Counsel.

22 Q. Okay. Yes or no, did you have a problem

23 following the people in front of you while you were

24 inside?

25 A. Yes, I had a problem.

1 MR. ROBERTS: Audra, could we play Clip 3B,
2 page 78.

3 We're beginning at line 19 and ending at
4 line 22.

5 MR. DEUTSCH: Hold on. Give me a second to
6 just find where we are.

7 Your Honor, I'd just like for the same
8 permission to read for completeness pursuant to
9 Mr. Roberts' rule that he cited and finish the whole
10 answer.

11 THE COURT: All right.

12 MR. ROBERTS: Okay. Audra.

13 (Whereupon video deposition was played.)

14 BY MR. FREEMAN:

15 Q. Did you have trouble following the other
16 participants?

17 A. No, I just -- I just could see them all
18 running, and I was doing the same thing.

19 (Whereupon video deposition was
20 stopped.)

21 MR. DEUTSCH: That's not the full answer,
22 Your Honor.

23 BY MR. ROBERTS:

24 Q. It continues with -- it's -- you said, "It's
25 really important to understand you're sitting in a box,

1 you're sitting on a chair, and you're not expecting --
2 you know, you're expecting maybe -- I don't know -- the
3 whole thing to go through the floor. You're not
4 expecting all of this excitement and pandemonium and
5 whatever you want to call it, you know.

6 "You're going from -- it would be like you
7 sitting here and suddenly someone -- somebody" --
8 excuse me -- "coming in and saying, 'Right. Everybody
9 out. You've got to run. The building -- a bomb is
10 going to go off in 30 seconds.' You're going to run as
11 fast as you can. You don't know where the exit is.
12 Maybe you're following the gentleman next to you. But
13 you're going to run as fast as you can because that's
14 that sense of urgency to do what you're supposed to do,
15 but it's going from being here doing this to suddenly
16 going from naught to 100 miles an hour in a second."

17 MR. ROBERTS: Is that the portion you wanted?

18 MR. DEUTSCH: The rest of the answer, yes.

19 THE COURT: All right. Let's take our
20 morning recess now. We'll reconvene at 5 till 11:00.

21 During the recess, you're admonished not to
22 talk or converse among yourselves or with anyone else,
23 including, without limitation, the lawyers, parties,
24 and witnesses, on any subject connected with the trial
25 or read, watch, or listen to any report of or

1 commentary on the trial or any person connected with
2 the trial by any medium of information, including,
3 without limitation, newspapers, television, the
4 internet, and radio, or to form or express any opinion
5 on any subject connected with the trial until the case
6 is finally submitted to you.

7 Be outside the courtroom just at 5 to 11:00.

8 THE MARSHAL: All rise.

9 (Whereupon a short recess was taken.)

10 THE MARSHAL: All rise.

11 (The following proceedings were held in
12 the presence of the jury.)

13 THE COURT: You may be seated. We're back on
14 the record.

15 Do counsel stipulate that the jury is
16 presence?

17 MR. POPOVICH: Yes, Your Honor.

18 MR. MORELLI: So stipulated.

19 MR. ROBERTS: Yes, Your Honor.

20 MS. FRESCH: So stipulated.

21 MR. POPOVICH: Actually, no, Your Honor.

22 JUROR NO. 8: We are missing one.

23 JUROR NO. 7: You were on time.

24 THE COURT: I should wait till everyone is
25 seated before I --

1 MR. MORELLI: That was a bad stipulation.
2 We're not stipulated.

3 MR. POPOVICH: We tricked her by being on
4 time for once.

5 THE COURT: All right. Now --

6 MR. DEUTSCH: So stipulated.

7 MR. POPOVICH: So stipulated.

8 THE COURT: Very well. You may proceed.

9 BY MR. ROBERTS:

10 Q. Thanks. Before we broke, Mr. Cox, you were
11 telling the jury that you were running as if someone
12 had just said a bomb is about to go off and you're
13 trying to get out of the building; right?

14 A. Could you -- could you read that line back to
15 me, what I said, please.

16 Q. "You're going from -- it would be like" --

17 MR. DEUTSCH: What page?

18 MR. ROBERTS: 79, beginning at line 3.

19 BY MR. ROBERTS:

20 Q. "You're going from -- it would be like you
21 sitting here and suddenly someone coming in and saying,
22 'Right. Everybody out. You've got to run.' It's --
23 the building's -- a bomb is going to go off in 30
24 seconds."

25 A. Can I --

1 Q. Is that still how -- how -- the sense you had
2 about how fast you had to run?

3 A. May I ask you a question?

4 Q. Sure.

5 A. Was that from my deposition or did I say that
6 this morning?

7 Q. That was your deposition in 2015. So if
8 you'd like to change that answer, you can.

9 A. No, no, no. I wasn't sure if I said that
10 just now. I just wanted to -- to clarify.

11 No, that's correct. That's how I felt.

12 Q. Okay. And -- and you've also said in the
13 past that it was like -- like -- a rhinoceros was
14 chasing you?

15 A. I believe if I said that, that's what I felt,
16 Counsel.

17 Q. But none -- none of this sense of urgency
18 started until you came out of the dragon and down onto
19 the floor; correct?

20 A. That's from -- when I first remembered it. I
21 don't -- I don't remember -- apart from going into the
22 dragon, I don't remember -- that's when I first
23 remembered it.

24 Q. When you say you were running as fast as you
25 can, were you running so fast that both your feet were

1 coming off the ground at the same time?

2 A. I just remember I was running as fast as I
3 can.

4 Q. Were you running on your toes; in other
5 words, leaning forward like a sprinter?

6 A. I don't remember; I just remember running as
7 fast as I can.

8 Q. When you run as fast as you can, do you lean
9 forward and run like a sprinter or do you sort of jog
10 with your heel strike first?

11 A. I've never thought about it.

12 Q. Well, tell me now. How do you think you ran
13 back then?

14 A. I haven't thought about it. I just run.

15 Q. Okay. How do you run? Do your heels hit the
16 ground first or your toes hit the ground first when you
17 run, running as fast as you can?

18 MR. DEUTSCH: Objection, Your Honor. Asked
19 and answered.

20 THE COURT: Overruled.

21 THE WITNESS: I'm sorry. When I run, I run.
22 I never thought about toes or heels.

23 BY MR. ROBERTS:

24 Q. And so you can't give me an answer for that
25 today? You can't tell me whether your toes were

1 hitting the ground first or your heels were hitting the
2 ground first as you ran as fast as you could through
3 the illusion?

4 A. No, I can't.

5 Q. But while you were still inside, from when
6 you started running after you came down out of the
7 dragon while you were still inside, you didn't have any
8 problem following the participants; right? The other
9 participants, you didn't have any problem?

10 A. I'm sorry. Can you repeat the question,
11 please.

12 Q. While you were still inside, after you began
13 running and following the participants through the
14 maze, as you put it, you -- you were able to follow
15 them? You didn't have any problem?

16 A. I'm sorry. Because you said while I was
17 still inside and then you said you didn't have any
18 trouble following them, I'm -- I don't understand what
19 you mean, Counsel.

20 Q. When you had your deposition taken and you
21 were asked, "Did you have trouble following the other
22 participants?" did you not understand the question
23 then?

24 MR. DEUTSCH: What page?

25 MR. ROBERTS: The same page we talked about

1 before, page 78.

2 BY MR. ROBERTS:

3 Q. Did you understand the question when that
4 question was asked to you in your deposition?

5 A. When I -- I don't remember what I thought
6 back then. I answered it how I thought it was back
7 then, but I don't have the same sense of what the
8 question is today. I answered it as honestly as I
9 could back then.

10 MR. ROBERTS: So, Audra, could we play Clip
11 JP4, which is the -- the full clip including the
12 portion that I read, so the jury could hear the whole
13 thing, Mr. Cox can see the whole thing.

14 MR. MORELLI: What page is that?

15 MR. DEUTSCH: 78, starting at 19?

16 MR. ROBERTS: Correct.

17 MR. DEUTSCH: Going through the whole answer?

18 MR. ROBERTS: Correct.

19 MR. POPOVICH: 79, 12.

20 MR. DEUTSCH: Got it.

21 (Whereupon video deposition was played.)

22 BY MR. FREEMAN:

23 Q. Did you have trouble following the other
24 participants?

25 A. No, I was just -- I just could see them all

1 running, and I was doing the same thing.

2 It's really important to understand. You're
3 sitting in a box, you're sitting on a chair, and you're
4 not expecting -- you know, you're expecting maybe -- I
5 don't know -- the whole thing to go through the floor.
6 You're not expecting all of this excitement and
7 pandemonium and whatever you want to call it.

8 You know, you're going from -- it would be
9 like you sitting here and suddenly somebody coming in
10 and saying, "Right. Everybody out. You've got to run.
11 It's -- the building's -- a bomb is going to go off in
12 30 seconds." You're going to run as fast as you can.
13 You don't know where the exit is. Maybe you're
14 following the gentleman next to you, but you're going
15 to run as fast as you can because that's that sense of
16 urgency to do what you're supposed to do. But it's
17 going from being here, doing this, to suddenly going
18 from naught to 100 miles an hour in a second.

19 (Whereupon video deposition was
20 stopped.)

21 BY MR. ROBERTS:

22 Q. Okay. So I know you gave a long explanation,
23 but in your deposition under oath, "Did you have any
24 trouble following the other participants?" and you said
25 no.

1 Is that still your answer today, or do you
2 want to change it?

3 A. I stick to my answer I gave.

4 Q. Okay. So you -- you never tripped or fell or
5 slipped while you were inside; correct?

6 A. No.

7 Q. Okay. And you didn't have any trouble
8 following the other participants inside. So whatever
9 was going on inside is not what made you fall; right?

10 A. I -- I -- when you say "trouble," I didn't --
11 my trouble was knowing where we were going, not
12 following other participants. There's two different
13 types of things there.

14 Q. Okay. So you didn't know where you were
15 going, but you had no problem following the
16 participants.

17 A. I think that's a fair statement.

18 Q. Okay. And there was nothing about what
19 happened while you were inside that made you fall when
20 you were outside; right?

21 A. Yes, there was. There was something that
22 happened.

23 Q. Okay. When you were allegedly shoved while
24 you were inside, did that make you fall?

25 A. No.

1 Q. When it was dark inside like a bedroom with a
2 night-light, did that make you fall?

3 A. The light changing contributed to my fall.

4 Q. Well, you weren't even looking at the ground;
5 right? So how did the light affect your fall if you
6 weren't even trying to look at the ground?

7 A. Because it was dark, I was running, I didn't
8 have all my senses.

9 Q. But before you fell, you're outside, you're
10 running. You came from a brighter area inside to a
11 darker area outside, according to your testimony. But
12 yet before you fell, you weren't having any
13 difficulties running, were you?

14 A. Running is physical. This is mental. I was
15 disorientated.

16 MR. ROBERTS: Audra, could we have Clip 3C,
17 page 87, beginning at line 8 through line 13.

18 (Whereupon video deposition was played.)

19 BY MR. FREEMAN:

20 Q. Okay. When you were running outside, were
21 you having any difficulties at this time?

22 A. No.

23 Q. Before you fell, did you notice anything on
24 the ground in the area outside?

25 A. No.

1 (Whereupon video deposition was
2 stopped.)

3 BY MR. ROBERTS:

4 Q. So before you fell, while you're running
5 outside, you weren't having any problem? You weren't
6 thinking, oh, my gosh, this is too hard, I can't do
7 this, were you?

8 A. I was -- the question to me, as I see it,
9 was, was I having any difficulty running? I had no
10 difficulty running. That's what I was thinking of.
11 Were you having trouble running? No, I wasn't having
12 any trouble running.

13 Q. You said in your deposition that the -- that
14 the gentlemen on the staff who were directing the way,
15 telling you to turn right as you came out of the
16 building, and another gentleman telling you to turn
17 right again right before you fell, in your deposition,
18 you said they weren't holding flashlights, right --

19 A. That --

20 Q. -- lighting the way?

21 A. That is -- that was my belief, to my memory.

22 Q. And you said, "If they had been shining
23 flashlights on the ground showing the way, that's
24 something I would have remembered"?

25 A. That's correct.

1 Q. Okay. But you've looked at the video now,
2 and you know that the men did have flashlights shining
3 them on the ground; right?

4 A. That's correct.

5 Q. Okay. So you got that part wrong?

6 A. It appears so.

7 Q. So you -- let's talk about your fall, but,
8 before we do, you told the jury you had a drink at the
9 blackjack table before you came into the show; right?

10 A. Yes.

11 Q. One drink?

12 A. Yes.

13 Q. Okay. Isn't it true that you said at your
14 deposition that you'd been taking Valium for 15 years
15 prior to this incident?

16 MR. MORELLI: Objection to the relevance,
17 Your Honor.

18 MR. DEUTSCH: May we approach, Your Honor?

19 MR. ROBERTS: Goes to why he fell, Your
20 Honor.

21 MR. DEUTSCH: May we approach?

22 (A discussion was held at the bench,
23 not reported.)

24 BY MR. ROBERTS:

25 Q. You said at your deposition, Mr. Cox, that

1 you had been taking diazepam for 15 years; correct?

2 A. Correct.

3 Q. And that's the -- another name for Valium;

4 correct?

5 A. Correct.

6 Q. Okay. When you drink and take Valium, does

7 that make you unsteady?

8 A. I hadn't taken Valium that night.

9 Q. Had you fallen before this?

10 A. Ever?

11 Q. Ever.

12 A. I'm sure I have.

13 Q. Okay. Was it a slip or a trip in the past?

14 A. To be honest, I -- as a kid, I'd slip on the

15 playground. As -- as a man, I'd slip on a muddy

16 surface going down a hill perhaps. I don't have any

17 particular memory of a slip that caused me

18 hospitalization like this did.

19 Q. Okay. You -- you've slipped in the past?

20 A. Yes.

21 Q. As a man?

22 A. Yes.

23 Q. But it didn't cause hospitalization?

24 A. Slip? No.

25 Q. Have you slipped and fallen on the ground?

1 A. When?

2 Q. Prior to this incident, as a man.

3 A. Yes.

4 Q. Okay. And whose fault was that?

5 MR. MORELLI: Objection, Your Honor. What

6 does this have to do with this case?

7 THE COURT: Sustained.

8 BY MR. ROBERTS:

9 Q. And you've fallen out of a tree; right?

10 A. I didn't -- I had an accident.

11 MR. MORELLI: Objection, Your Honor. What --

12 what's the relevance of him falling out of a tree?

13 THE COURT: Sustained.

14 BY MR. ROBERTS:

15 Q. When you fell out of the tree, whose fault

16 was that?

17 MR. MORELLI: Objection.

18 THE COURT: Sustained.

19 MR. MORELLI: I mean --

20 THE COURT: Next question.

21 BY MR. ROBERTS:

22 Q. As you rounded the corner, you said that you

23 saw the doors where you're supposed to reenter the

24 theater; correct?

25 A. Correct.

1 Q. And that it was like a golden beacon in the
2 distance?

3 A. Correct.

4 Q. How -- how -- was it -- what? -- about
5 10 feet further away than those doors?

6 A. Something like that, Counsel.

7 Q. 42 feet away?

8 A. Excuse me?

9 Q. 42 feet.

10 A. I don't -- I -- I don't mean to be rude, but
11 I -- I don't know -- I -- I -- it's not -- I don't
12 know, you know -- maybe if you -- it was further than
13 that door, but not much further.

14 Q. Not much further. So when you say "a golden
15 light in the distance," you didn't mean to portray the
16 idea that it was, like, a half a football field away or
17 something?

18 A. Oh, no.

19 Q. It was just right there.

20 A. Because it was dark and because inside the
21 door was light, it was a very distinct memory in my
22 mind.

23 Q. You told the jury that, at the time you fell,
24 you had already taken steps toward the door that was
25 open; right?

1 A. That's correct.

2 Q. Okay. That's not what you said under oath in
3 your deposition, is it?

4 Do you remember?

5 A. I don't remember exactly, Counsel.

6 Q. Okay. As you sit here today, do you really
7 remember how you fell?

8 A. Very much so.

9 Q. Okay. So you don't remember anything from
10 the time you fell until you ended up back in the
11 auditorium; right?

12 A. Yeah. I blacked out. I lost consciousness.

13 Q. You -- you -- okay. When you say you lost
14 consciousness, you mean you don't have a memory.
15 You're not saying that you were lying unconsciousness
16 on the ground blacked out; right?

17 A. As I was -- as I was told by a doctor,
18 consciousness is not being aware of your surroundings.
19 So he told me, in his form, that was losing
20 consciousness.

21 Q. And -- and when you went to the doctor right
22 after this incident, you denied that you ever lost
23 consciousness, didn't you?

24 MR. MORELLI: Objection. Are we going to try
25 the whole case now? because I'm ready for damages.

1 THE COURT: Overruled.

2 BY MR. ROBERTS:

3 Q. Let's just talk about your memory. You told
4 the jury you have no memory from the time you fell
5 until you ended up in the auditorium; right?

6 A. That's correct.

7 Q. And then you told the jury that you have no
8 memory from the time that you allegedly talked to
9 Mr. Copperfield in the back until you woke up on the
10 gurney; right?

11 A. I used that expression because I was told
12 that we were not talking about what happened physically
13 to me.

14 Q. Right. So you have a clear memory of falling
15 and a clear memory of your conversation with the staff
16 in the back, but everything else is a blank?

17 A. I don't have a clear memory of the
18 conversation with the staff in the back.

19 Q. Okay. So you really don't remember what was
20 said in the back, do you?

21 A. I remember what Mr. Copperfield told me.

22 Q. Clearly?

23 A. Very clearly. I remember what -- the
24 gentleman, when he said, "This man's been hurt," I
25 remember that very clearly. I remember Mr. Copperfield

1 saying "What? You finished the trick?" very clearly.
2 And I remember telling him "I finished the trick" very
3 clearly because I didn't want to let him down.

4 Q. But nothing else?

5 A. As in?

6 Q. Was your memory clearer about how you fell in
7 2015, two years after the incident, or today in court?

8 A. I think my memory of the fall is clear.

9 Q. So it's just as clear or even more clear than
10 it was in 2015?

11 A. I can't remember how I felt in 2015.

12 MR. ROBERTS: Audra, could we have Clip 5B,
13 page 89, line 25, to page 90, line 5.

14 (Whereupon video deposition was played.)

15 BY MR. FREEMAN:

16 Q. Okay. And what -- did you slip taking the
17 right or what point did you -- you said -- I'm sorry.
18 You said your feet went out from under you?

19 A. They slipped. I was going on the corner, and
20 my feet just slipped to my left and I fell down on my
21 right, slipped to my left and fell down on my right.

22 Q. Okay. And --

23 A. But it's -- it's -- it was -- it wasn't
24 this -- like -- it's like the slip just took your feet
25 from right under you and you just went boom. I mean,

1 you just went -- your whole body slammed down. Because
2 you're running so fast, it's like -- and you're taking
3 a corner at speed, and your feet just slip away from
4 you and your whole body goes boom. I don't know what
5 it looked like. I can only imagine. But that's what
6 it was.

7 Q. Okay. So it's -- you felt your feet slipping
8 instead of tripping?

9 A. They didn't trip --

10 Q. Okay.

11 A. -- they slipped.

12 Q. It was a slip. And you -- your feet slipped
13 going toward the left causing you to fall to the right?

14 A. Yes, to land -- slip -- right. Yeah.

15 Q. Okay. Did both feet slip, or did one slip?

16 A. I -- I -- I couldn't -- I -- I don't know. I
17 just know that I -- well, both feet slipped, yes. I
18 don't know in -- all I know is I landed down with a
19 massive thump.

20 Q. Do you know which part of your foot slipped?
21 Was it the toes? heels?

22 A. I don't know. Sorry.

23 Q. Just your -- and I'm just asking.

24 A. Yeah, I -- I -- I -- I -- it felt like the
25 whole of my foot went. It wasn't just a toe; it was

1 the whole of the flat of my foot.

2 Q. Okay. Now, when you -- when your body fell,
3 I know your feet are slipping to the left. Did you
4 fall forward? Did you fall to the side? Did you fall
5 onto your back?

6 A. I don't know. All I know is I just fell. I
7 fell on my side, on my --

8 Q. Okay.

9 A. -- right, my whole of my body. It wasn't
10 like it was a skid and you sort of went down on your
11 knees. It was like the whole -- the whole -- because
12 you were running at such force around that corner, it
13 was like (descriptive sound), like that.

14 (Whereupon video deposition was
15 stopped.)

16 BY MR. ROBERTS:

17 Q. So what your testimony was before was that
18 you slipped in the middle of making the turn, not
19 having squared your shoulders and taken a few steps
20 toward the door; right?

21 A. As far as I'm aware, I slipped on the corner.
22 And I took some steps as I was turning the corner, and
23 then I fell to my right.

24 Q. Okay.

25 A. That -- that -- what -- what you've just

1 shown, I agree with that description.

2 Q. Okay. But you still say that you'd made a
3 few steps toward the door?

4 A. I'm sorry. Are you saying now or in the
5 deposition?

6 Q. Now. Is it your contention now you'd taken a
7 few steps toward the door?

8 A. I -- what -- what I said in that deposition
9 is as -- best describes what I -- how I slipped.

10 Q. Okay.

11 MR. ROBERTS: Audra, could we have slip 5E,
12 page 95, lines 16 to 24.

13 (Whereupon video deposition was played.)

14 BY MR. RUSSELL:

15 Q. Okay. What -- after the fact, why did you
16 fall? Why do you think you fell?

17 A. Well, because all my clothes were covered in
18 dust. So one would think combined with the speed --

19 (Whereupon video deposition was
20 stopped.)

21 MR. ROBERTS: Sorry. That -- do you have a
22 printout? That's not it. 95, 16 to 4.

23 5E, page 95, line 16 to 24.

24 (Whereupon video deposition was played.)

25 /////

1 BY MR. RUSSELL:

2 Q. Okay. So -- well, that was my question. So
3 had you made the full turn and had you taken a step
4 toward the open door, or were you still running
5 parallel with the door?

6 A. I was -- I was in the middle of making the
7 turn, aiming for the door, and that's when I fell. I
8 hadn't taken -- I hadn't gone around the corner and
9 made another few steps.

10 Q. You had not -- you hadn't completed the turn?

11 A. No.

12 (Whereupon video deposition was
13 stopped.)

14 BY MR. ROBERTS:

15 Q. Okay. So which is correct: your sworn
16 deposition testimony that you hadn't taken a few steps
17 and you were in the middle of the turn, or today's
18 story, where you say you'd taken a few steps toward the
19 door? Which one is right?

20 MR. MORELLI: Objection. You mean "today's
21 testimony," not "today's story"; right, Mr. Roberts?

22 MR. ROBERTS: I mean today's story, Counsel.

23 THE WITNESS: I think it's the same.

24 THE COURT: Overruled.

25 Go ahead.

1 THE WITNESS: Turning the corner means that a
2 corner -- it's not just one part -- the corner is like
3 a half circle. So, to my mind, completing that half
4 circle is -- is using part of the corner, and it's also
5 taking some steps around the corner.

6 MR. ROBERTS: Audra, could we have 5F, page
7 97, lines 25, to page 98, line 3.

8 MR. DEUTSCH: I'm sorry. Give me a second to
9 get there. What page? 97?

10 MR. ROBERTS: 97, beginning at 25, to line 3
11 on the next page.

12 (Whereupon video deposition was played.)

13 BY MR. RUSSELL:

14 Q. However far it was, it was right at the -- it
15 was right at the corner, right at that juncture as you
16 took the turn? So whatever that distance is?

17 A. Where I slipped and fell was on that
18 corner --

19 (Whereupon video deposition was
20 stopped.)

21 MR. DEUTSCH: I'd just like to read the next
22 question and answer for completeness.

23 It doesn't matter. Go ahead.

24 MR. ROBERTS: Thank you.

25 Audra, could we have Clip 5G, page 162, lines