

Case No. 78701

In the Supreme Court of Nevada

MOTOR COACH INDUSTRIES, INC.,

Appellant,

vs.

KEON KHIABANI; ARIA KHIABANI, MINORS, by
and through their Guardian MARIE-CLAUDE
RIGAUD; SIAMAK BARIN, as Executor of the
Estate of KAYVAN KHIABANI, M.D.; the Estate of
KAYVAN KHIABANI; SIAMAK BARIN, as
Executor of the Estate of KATAYOUN BARIN,
DDS; and the Estate of KATAYOUN BARIN, DDS,

Respondents.

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APPEAL

from the Eighth Judicial District Court, Clark County
The Honorable ADRIANA ESCOBAR, District Judge
District Court Case No. A-17-755977-C

**APPELLANT'S APPENDIX
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26	Motion for Summary Judgment on Punitive Damages	12/01/17	3	642–664
117	Motion to Retax Costs	04/30/18	47 48	11743–11750 11751–11760
58	Motions in Limine Transcript	01/29/18	12 13	2998–3000 3001–3212
61	Motor Coach Industries, Inc.’s Answer to Second Amended Complaint	02/06/18	14	3474–3491
90	Motor Coach Industries, Inc.’s Brief in Support of Oral Motion for Judgment as a Matter of Law (NRCP 50(a))	03/12/18	32 33	7994–8000 8001–8017
146	Motor Coach Industries, Inc.’s Motion for a Limited New Trial (FILED UNDER SEAL)	05/07/18	51	12673–12704
30	Motor Coach Industries, Inc.’s Motion for Summary Judgment on All Claims Alleging a Product Defect	12/04/17	6 7	1491–1500 1501–1571
145	Motor Coach Industries, Inc.’s Motion to Alter or Amend Judgment to Offset Settlement Proceed Paid by Other Defendants (FILED UNDER SEAL)	05/07/18	51	12647–12672
96	Motor Coach Industries, Inc.’s Opposition to Plaintiff’s Trial Brief Regarding Admissibility of Taxation Issues and Gross Versus Net Loss Income	03/18/18	36	8823–8838
52	Motor Coach Industries, Inc.’s Pre-Trial Disclosure Pursuant to NRCP 16.1(a)(3)	01/19/18	12	2753–2777

120	Motor Coach Industries, Inc.'s Renewed Motion for Judgment as a Matter of Law Regarding Failure to Warn Claim	05/07/18	48 49	11963–12000 12001–12012
47	Motor Coach Industries, Inc.'s Reply in Support of Its Motion for Summary Judgment on All Claims Alleging a Product Defect	01/17/18	11	2705–2719
149	Motor Coach Industries, Inc.'s Reply in Support of Motion to Alter or Amend Judgment to Offset Settlement Proceeds Paid by Other Defendants (FILED UNDER SEAL)	07/02/18	52	12865–12916
129	Motor Coach Industries, Inc.'s Reply in Support of Renewed Motion for Judgment as a Matter of Law Regarding Failure to Warn Claim	06/29/18	50	12282–12309
70	Motor Coach Industries, Inc.'s Response to “Bench Brief on Contributory Negligence”	02/16/18	19	4728–4747
131	Motor Coach Industries, Inc.'s Response to “Plaintiffs’ Supplemental Opposition to MCI’s Motion to Alter or Amend Judgment to Offset Settlement Proceeds Paid to Other Defendants”	09/24/18	50	12322–12332
124	Notice of Appeal	05/18/18	49	12086–12097
139	Notice of Appeal	04/24/19	50	12412–12461
138	Notice of Entry of “Findings of Fact and Conclusions of Law on Defendant’s Motion to Retax”	04/24/19	50	12396–12411
136	Notice of Entry of Combined Order (1) Denying Motion for Judgment as a Matter of Law and (2) Denying Motion for Limited New Trial	02/01/19	50	12373–12384
141	Notice of Entry of Court’s Order Denying Defendant’s Motion to Alter or Amend Judgment to Offset Settlement Proceeds Paid by Other	05/03/19	50	12480–12489

	Defendants Filed Under Seal on March 26, 2019			
40	Notice of Entry of Findings of Fact Conclusions of Law and Order on Motion for Determination of Good Faith Settlement	01/08/18	11	2581–2590
137	Notice of Entry of Findings of Fact, Conclusions of Law and Order on Motion for Good Faith Settlement	02/01/19	50	12385–12395
111	Notice of Entry of Judgment	04/18/18	42	10365–10371
12	Notice of Entry of Order	07/11/17	1	158–165
16	Notice of Entry of Order	08/23/17	1	223–227
63	Notice of Entry of Order	02/09/18	15	3511–3536
97	Notice of Entry of Order	03/19/18	36	8839–8841
15	Notice of Entry of Order (CMO)	08/18/17	1	214–222
4	Notice of Entry of Order Denying Without Prejudice Plaintiffs’ Ex Parte Motion for Order Requiring Bus Company and Bus Driver to Preserve an Immediately Turn Over Relevant Electronic Monitoring Information from Bus and Driver Cell Phone	06/22/17	1	77–80
13	Notice of Entry of Order Granting Plaintiffs’ Motion for Preferential Trial Setting	07/20/17	1	166–171
133	Notice of Entry of Stipulation and Order Dismissing Plaintiffs’ Claims Against Defendant SevenPlus Bicycles, Inc. Only	10/17/18	50	12361–12365
134	Notice of Entry of Stipulation and Order Dismissing Plaintiffs’ Claims Against Bell Sports, Inc. Only	10/17/18	50	12366–12370
143	Objection to Special Master Order Staying Post-Trial Discovery Including May 2, 2018 Deposition of the Custodian of Records of the Board of Regents NSHE and, Alternatively, Motion for Limited Post-Trial	05/03/18	51	12495–12602

	Discovery on Order Shortening Time (FILED UNDER SEAL)			
39	Opposition to “Motion for Summary Judgment on Foreseeability of Bus Interaction with Pedestrians of Bicyclists (Including Sudden Bicycle Movement)”	12/27/17	11	2524–2580
123	Opposition to Defendant’s Motion to Retax Costs	05/14/18	49	12039–12085
118	Opposition to Motion for Limited Post-Trial Discovery	05/03/18	48	11761–11769
151	Order (FILED UNDER SEAL)	03/26/19	52	12931–12937
135	Order Granting Motion to Dismiss Wrongful Death Claim	01/31/19	50	12371–12372
25	Order Regarding “Plaintiffs’ Motion to Amend Complaint to Substitute Parties” and “Countermotion to Set a Reasonable Trial Date Upon Changed Circumstance that Nullifies the Reason for Preferential Trial Setting”	11/17/17	3	638–641
45	Plaintiffs’ Addendum to Reply to Opposition to Motion for Summary Judgment on Forseeability of Bus Interaction with Pedestrians or Bicyclists (Including Sudden Bicycle Movement)”	01/17/18	11	2654–2663
49	Plaintiffs’ Joinder to Defendant Bell Sports, Inc.’s Motion for Determination of Good Faith Settlement on Order Shortening Time	01/18/18	11	2735–2737
41	Plaintiffs’ Joint Opposition to Defendant’s Motion in Limine No. 3 to Preclude Plaintiffs from Making Reference to a “Bullet Train” and to Defendant’s Motion in Limine No. 7 to Exclude Any Claims That the Motor Coach was Defective Based on Alleged Dangerous “Air Blasts”	01/08/18	11	2591–2611

37	Plaintiffs' Joint Opposition to MCI Motion for Summary Judgment on All Claims Alleging a Product Defect and to MCI Motion for Summary Judgment on Punitive Damages	12/21/17	9	2129–2175
50	Plaintiffs' Motion for Determination of Good Faith Settlement with Defendants Michelangelo Leasing Inc. d/b/a Ryan's Express and Edward Hubbard Only on Order Shortening Time	01/18/18	11	2738–2747
42	Plaintiffs' Opposition to Defendant's Motion in Limine No. 13 to Exclude Plaintiffs' Expert Witness Robert Cunitz, Ph.D. or in the Alternative to Limit His Testimony	01/08/18	11	2612–2629
43	Plaintiffs' Opposition to Defendant's Motion in Limine No. 17 to Exclude Claim of Lost Income, Including the August 28 Expert Report of Larry Stokes	01/08/18	11	2630–2637
126	Plaintiffs' Opposition to MCI's Motion to Alter or Amend Judgment to Offset Settlement Proceeds Paid by Other Defendants	06/06/18	49	12104–12112
130	Plaintiffs' Supplemental Opposition to MCI's Motion to Alter or Amend Judgment to Offset Settlement Proceeds Paid by Other Defendants	09/18/18	50	12310–12321
150	Plaintiffs' Supplemental Opposition to MCI's Motion to Alter or Amend Judgment to Offset Settlement Proceeds Paid by Other Defendants (FILED UNDER SEAL)	09/18/18	52	12917–12930
122	Plaintiffs' Supplemental Verified Memorandum of Costs and Disbursements Pursuant to NRS 18.005, 18.020, and 18.110	05/09/18	49	12019–12038

91	Plaintiffs' Trial Brief Regarding Admissibility of Taxation Issues and Gross Versus Net Loss Income	03/12/18	33	8018–8025
113	Plaintiffs' Verified Memorandum of Costs and Disbursements Pursuant to NRS 18.005, 18.020, and 18.110	04/24/18	42	10375–10381
105	Proposed Jury Instructions Not Given	03/23/18	41	10207–10235
109	Proposed Jury Verdict Form Not Used at Trial	03/26/18	42	10298–10302
57	Recorder's Transcript of Hearing on Defendant's Motion for Summary Judgment on All Claims Alleging a Product Defect	01/23/18	12	2818–2997
148	Reply in Support of Motion for a Limited New Trial (FILED UNDER SEAL)	07/02/18	52	12755–12864
128	Reply on Motion to Retax Costs	06/29/18	50	12269–12281
44	Reply to Opposition to Motion for Summary Judgment on Foreseeability of Bus Interaction with Pedestrians or Bicyclists (Including Sudden Bicycle Movement)"	01/16/18	11	2638–2653
46	Reply to Plaintiffs' Opposition to Motion for Summary Judgment on Punitive Damages	01/17/18	11	2664–2704
3	Reporter's Transcript of Motion for Temporary Restraining Order	06/15/17	1	34–76
144	Reporter's Transcript of Proceedings (FILED UNDER SEAL)	05/04/18	51	12603–12646
14	Reporter's Transcription of Motion for Preferential Trial Setting	07/20/17	1	172–213
18	Reporter's Transcription of Motion of Status Check and Motion for Reconsideration with Joinder	09/21/17	1 2	237–250 251–312
65	Reporter's Transcription of Proceedings	02/13/18	16 17	3818–4000 4001–4037
66	Reporter's Transcription of Proceedings	02/14/18	17 18	4038–4250 4251–4308

68	Reporter's Transcription of Proceedings	02/15/18	18	4315–4500
69	Reporter's Transcription of Proceedings	02/16/18	19	4501–4727
72	Reporter's Transcription of Proceedings	02/20/18	20 21	4809–5000 5001–5039
73	Reporter's Transcription of Proceedings	02/21/18	21	5040–5159
74	Reporter's Transcription of Proceedings	02/22/18	21 22	5160–5250 5251–5314
77	Reporter's Transcription of Proceedings	02/23/18	22 23	5328–5500 5501–5580
78	Reporter's Transcription of Proceedings	02/26/18	23 24	5581–5750 5751–5834
79	Reporter's Transcription of Proceedings	02/27/18	24 25	5835–6000 6001–6006
80	Reporter's Transcription of Proceedings	02/28/18	25	6007–6194
81	Reporter's Transcription of Proceedings	03/01/18	25 26	6195–6250 6251–6448
82	Reporter's Transcription of Proceedings	03/02/18	26 27	6449–6500 6501–6623
83	Reporter's Transcription of Proceedings	03/05/18	27 28	6624–6750 6751–6878
86	Reporter's Transcription of Proceedings	03/07/18	29 30	7045–7250 7251–7265
88	Reporter's Transcription of Proceedings	03/09/18	30 31	7424–7500 7501–7728
89	Reporter's Transcription of Proceedings	03/12/18	31 32	7729–7750 7751–7993
99	Reporter's Transcription of Proceedings	03/20/18	37 38	9076–9250 9251–9297
100	Reporter's Transcription of Proceedings	03/21/18	38 39	9298–9500 9501–9716
101	Reporter's Transcription of Proceedings	03/21/18	39 40	9717–9750 9751–9799

102	Reporter's Transcription of Proceedings	03/21/18	40	9800–9880
103	Reporter's Transcription of Proceedings	03/22/18	40 41	9881–10000 10001–10195
104	Reporter's Transcription of Proceedings	03/23/18	41	10196–10206
24	Second Amended Complaint and Demand for Jury Trial	11/17/17	3	619–637
107	Special Jury Verdict	03/23/18	41	10237–10241
112	Special Master Order Staying Post-Trial Discovery Including May 2, 2018 Deposition of the Custodian of Records of the Board of Regents NSHE	04/24/18	42	10372–10374
62	Status Check Transcript	02/09/18	14 15	3492–3500 3501–3510
17	Stipulated Protective Order	08/24/17	1	228–236
121	Supplement to Motor Coach Industries, Inc.'s Motion for a Limited New Trial	05/08/18	49	12013–12018
60	Supplemental Findings of Fact, Conclusions of Law, and Order	02/05/18	14	3470–3473
132	Transcript	09/25/18	50	12333–12360
23	Transcript of Proceedings	11/02/17	3	598–618
27	Volume 1: Appendix of Exhibits to Motion for Summary Judgment on Punitive Damages	12/01/17	3 4	665–750 751–989
28	Volume 2: Appendix of Exhibits to Motion for Summary Judgment on Punitive Damages	12/01/17	4 5	990–1000 1001–1225
29	Volume 3: Appendix of Exhibits to Motion for Summary Judgment on Punitive Damages	12/01/17	5 6	1226–1250 1251–1490

1 THE COURT: How long?

2 PROSPECTIVE JUROR NO. 11-0940: All my life.

3 THE COURT: Okay. All right. And what area
4 of work are you in?

5 PROSPECTIVE JUROR NO. 11-0940: Dealer.

6 THE COURT: Okay. How long have you worked
7 in that area?

8 PROSPECTIVE JUROR NO. 11-0940: 22 years.

9 THE COURT: What about before that?

10 PROSPECTIVE JUROR NO. 11-0940:
11 Administrative assistant for Mutual of New York.

12 THE COURT: Okay. Are you married or do you
13 have a significant other?

14 PROSPECTIVE JUROR NO. 11-0940: No.

15 THE COURT: Before?

16 PROSPECTIVE JUROR NO. 11-0940: Yeah. He was
17 also a dealer.

18 THE COURT: A dealer?

19 PROSPECTIVE JUROR NO. 11-0940: Uh-huh.

20 THE COURT: Okay. All right. Do you have
21 children?

22 PROSPECTIVE JUROR NO. 11-0940: No.

23 THE COURT: Okay. Have you ever served as a
24 juror before?

25 PROSPECTIVE JUROR NO. 11-0940: No.

1 THE COURT: Okay. Thank you. Please pass
2 the mic.

3 PROSPECTIVE JUROR NO. 11-0999: Janelle
4 Reeves, 11-0999.

5 THE COURT: Okay. Good afternoon,
6 Ms. Reeves.

7 How long have you lived in the Las Vegas
8 area?

9 PROSPECTIVE JUROR NO. 11-0999: Six years.

10 THE COURT: Okay. Where did you live before
11 that?

12 PROSPECTIVE JUROR NO. 11-0999: San Diego.

13 THE COURT: Nice place.

14 PROSPECTIVE JUROR NO. 11-0999: Yes.

15 THE COURT: Okay. How long did you live in
16 San Diego?

17 PROSPECTIVE JUROR NO. 11-0999: Off and on
18 for 22 years.

19 THE COURT: 22 years.

20 When you were off, where did you live?

21 PROSPECTIVE JUROR NO. 11-0999: Twentynine
22 Palms and Colorado.

23 THE COURT: Twentynine Palms and Colorado.
24 All right.

25 What area of work are you in?

1 PROSPECTIVE JUROR NO. 11-0999: Currently, I
2 process prior authorizations for Medicaid and Medicare.

3 THE COURT: Okay. When you say "currently,"
4 how long have you worked in that?

5 PROSPECTIVE JUROR NO. 11-0999: It's -- it's
6 an extension off of my license for my pharmacy
7 technician and my pharmacy benefits manager
8 certifications.

9 THE COURT: Okay. So you are a pharmacy
10 tech?

11 PROSPECTIVE JUROR NO. 11-0999: Yes.

12 THE COURT: Okay. How long have you been a
13 pharmacy tech?

14 PROSPECTIVE JUROR NO. 11-0999: Three years.

15 THE COURT: Okay. What about before that?

16 PROSPECTIVE JUROR NO. 11-0999: A security
17 officer.

18 THE COURT: Okay. And where -- what type of
19 security? Where?

20 PROSPECTIVE JUROR NO. 11-0999: I did both
21 casino and industrial.

22 THE COURT: How long?

23 PROSPECTIVE JUROR NO. 11-0999: 20 years.

24 THE COURT: What about before that?

25 PROSPECTIVE JUROR NO. 11-0999: I was in high

1 school.

2 THE COURT: Okay. All right. Did you work
3 while you were in high school?

4 PROSPECTIVE JUROR NO. 11-0999: No.

5 THE COURT: Okay. Are you married or do you
6 have a significant other?

7 PROSPECTIVE JUROR NO. 11-0999: Married.

8 THE COURT: Okay. And what does your spouse
9 work in?

10 PROSPECTIVE JUROR NO. 11-0999: He does the
11 same thing I do.

12 THE COURT: How long -- wait.

13 PROSPECTIVE JUROR NO. 11-0999: He just
14 recently --

15 THE COURT: The same thing you do presently?

16 PROSPECTIVE JUROR NO. 11-0999: Yes.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 11-0999: And before
19 that was security.

20 THE COURT: All right. How long?

21 PROSPECTIVE JUROR NO. 11-0999: He was in
22 security 25 years.

23 THE COURT: Any idea what he did before that?

24 PROSPECTIVE JUROR NO. 11-0999: Military.

25 THE COURT: Okay. What about the military?

1 PROSPECTIVE JUROR NO. 11-0999: He was in the
2 Army.

3 THE COURT: Army. All right.

4 Do you have children?

5 PROSPECTIVE JUROR NO. 11-0999: Yes.

6 THE COURT: What ages are they?

7 PROSPECTIVE JUROR NO. 11-0999: I have a
8 22-year-old stepson, a 12-year-old stepson, a
9 10-year-old biological son, a 10-year-old adopted
10 daughter.

11 THE COURT: Okay. Let's talk about your
12 22-year-old. Okay.

13 What area of education or work is --

14 PROSPECTIVE JUROR NO. 11-0999: He's -- he
15 works for Rite Aid.

16 THE COURT: For Rite Aid?

17 PROSPECTIVE JUROR NO. 11-0999: Uh-huh.

18 THE COURT: Is he in the pharmacy area as
19 well?

20 PROSPECTIVE JUROR NO. 11-0999: Not yet.

21 THE COURT: Not yet. Okay.

22 What -- what -- what has he done before that?

23 PROSPECTIVE JUROR NO. 11-0999: He's done
24 that since he graduated high school.

25 THE COURT: Okay. Have you ever served as a

1 juror before?

2 PROSPECTIVE JUROR NO. 11-0999: No.

3 THE COURT: Okay. Thank you. Please pass
4 the mic.

5 PROSPECTIVE JUROR NO. 11-0975: Jonathan
6 Fortich, 11-0975.

7 THE COURT: Okay. Good afternoon. How long
8 have you lived in Las Vegas or in the Las Vegas area?

9 PROSPECTIVE JUROR NO. 11-0975: 27 years.

10 THE COURT: Okay. Are you -- is that --

11 PROSPECTIVE JUROR NO. 11-0975: Born and
12 raised.

13 THE COURT: -- your entire life?

14 PROSPECTIVE JUROR NO. 11-0975: Yes, born and
15 raised.

16 THE COURT: Okay. All right. And what area
17 of work or education?

18 PROSPECTIVE JUROR NO. 11-0975: I'm a server.

19 THE COURT: You're a server in a restaurant?

20 PROSPECTIVE JUROR NO. 11-0975: Yes.

21 THE COURT: Okay. How long have you done
22 that?

23 PROSPECTIVE JUROR NO. 11-0975: Five years.

24 THE COURT: Okay. What about before that?

25 PROSPECTIVE JUROR NO. 11-0975: I was a

1 server.

2 THE COURT: You need to speak louder.

3 PROSPECTIVE JUROR NO. 11-0975: I was a
4 server.

5 THE COURT: In a different restaurant?

6 PROSPECTIVE JUROR NO. 11-0975: Yes.

7 THE COURT: Okay. Are these restaurants
8 in -- located in casinos or elsewhere?

9 PROSPECTIVE JUROR NO. 11-0975: Casinos.

10 THE COURT: Okay. Have you worked in any
11 other area aside from the service industry?

12 PROSPECTIVE JUROR NO. 11-0975: No.

13 THE COURT: Okay. Are you married or do you
14 have a significant other?

15 PROSPECTIVE JUROR NO. 11-0975: Significant
16 other.

17 THE COURT: Okay. And what area of work is
18 your significant other in?

19 PROSPECTIVE JUROR NO. 11-0975: She's a
20 registered nurse.

21 THE COURT: Okay. What area of medicine
22 or --

23 PROSPECTIVE JUROR NO. 11-0975: Neuro.

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR NO. 11-0975: Neuro.

1 THE COURT: Neuro. Okay.

2 How long has she been in that?

3 PROSPECTIVE JUROR NO. 11-0975: Ten months.

4 THE COURT: Ten months. Okay.

5 So did she just graduate or --

6 PROSPECTIVE JUROR NO. 11-0975: Correct.

7 THE COURT: Recently graduated?

8 PROSPECTIVE JUROR NO. 11-0975: Yeah.

9 THE COURT: Okay. And let's see. What did
10 she do before that?

11 PROSPECTIVE JUROR NO. 11-0975: She was a
12 server.

13 THE COURT: A server also. Okay.

14 All right. Do you have children?

15 PROSPECTIVE JUROR NO. 11-0975: No.

16 THE COURT: All right. Have you ever served
17 as a juror before?

18 PROSPECTIVE JUROR NO. 11-0975: No.

19 THE COURT: Okay. Thank you. All right. I
20 wonder, is this a good time to take a quick break or
21 are you ready to start?

22 Let's take a 15-minute break. I need to
23 admonish you. Okay.

24 You're instructed not to talk with each other
25 or with anyone else about any subject or issue

1 connected with this trial.

2 You are not to read, watch, or listen to any
3 report of or commentary -- or excuse me -- or of
4 commentary on this trial by any person connected with
5 this case or by any medium of information including,
6 without limitation, newspapers, television, the radio,
7 or internet.

8 You are not to conduct any research on your
9 own relating to this case, such as consulting
10 dictionaries, using the internet, or using any
11 reference materials.

12 You are not to conduct any investigation,
13 test any theory of the case, recreate any aspect of the
14 case, or in any other way investigate or learn about
15 the case on your own.

16 You are not to talk with others, text others,
17 tweet others, message others, Google issues, or conduct
18 any other kind of book or computer research with regard
19 to any issue, party, witness, or attorney involved in
20 this case.

21 You are not to form or express any opinion on
22 any subject connected with this trial until the case is
23 finally submitted to you.

24 We'll see you in 15 minutes.

25 THE MARSHAL: All rise.

1 (The following proceedings were held
2 outside the presence of the jury.)

3 THE COURT: Okay. When we -- when they get
4 back, obviously we're going to start with plaintiffs'
5 voir dire. Okay.

6 And anything else we need to discuss at this
7 time?

8 MR. CHRISTIANSEN: I don't think so, Your
9 Honor.

10 THE COURT: Okay. Very good.

11 MR. ROBERTS: Thank you, Your Honor.

12 (Whereupon, a short recess was taken.)

13 THE MARSHAL: Everyone back? Department 14
14 is back in session. Come to order.

15 MR. ROBERTS: Sorry about that, Judge.

16 THE COURT: Pardon?

17 MR. ROBERTS: I apologize for being on -- I
18 was in the conference room.

19 THE COURT: No problem.

20 MR. ROBERTS: Didn't know you were taking the
21 bench.

22 (Discussion was held off the record.)

23 THE MARSHAL: All rise.

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

1 THE MARSHAL: All of the jurors are present,
2 Your Honor.

3 THE COURT: Okay. Very good.

4 THE MARSHAL: Please be seated. Come to
5 order.

6 THE COURT: All right. Welcome back, ladies
7 and gentlemen.

8 At this point in the trial, so the chronology
9 is we're going to continue voir dire, which is the
10 questioning of the jury, trying to find very fair
11 and -- very fair jurors for this trial.

12 The next -- the next step now is the
13 plaintiffs' counsel. And then, after that, defense
14 counsel will ask you questions. Okay. So please go
15 on.

16 MR. CHRISTIANSEN: May I proceed, Your Honor?

17 THE COURT: Certainly.

18 MR. CHRISTIANSEN: Good afternoon.

19

20 VOIR DIRE EXAMINATION

21 MR. CHRISTIANSEN: Probably nobody recalls,
22 my name is Pete Christensen, along with Mr. Kemp,
23 Ms. Kendelea Works, and Whitney Barrett. We represent
24 the plaintiffs in this case.

25 And I won't put the picture back up, but you

1 can remember Aria and Keon are the 17- and 14-year-old
2 boys that we represent. I'm going to try to ask some
3 questions of the group, and I'll ask for a show of
4 hands. And then maybe individual questions will follow
5 and hopefully kind of move the process a little bit.

6 You all remember coming in a few weeks ago,
7 right, just so I can kind of explain to you --

8 Can you hear me okay, Ms. Court Reporter?
9 Usually nobody has a tough time hearing me.

10 So a few weeks ago you all came in and filled
11 out questionnaires. Remember that, these long, long
12 things? And so you know, 300 people came in and filled
13 out questionnaires for this case. You all are our
14 first 50-ish. We had some no-shows this morning.

15 So we all killed lots of trees printing your
16 questionnaires, and we got answers from those
17 questionnaires. From those answers, I made like little
18 short summary pages. So when you see me walking back
19 and forth, you have some sense of what the heck I'm
20 looking at. It's nothing more than a shorthand way for
21 me to refer to -- for example, Mr. Lennon's long
22 questionnaire, I shortened down to two pages. So I
23 know some -- some answers.

24 And then you'll see me approach -- this thing
25 is nothing high-tech or secret. It's a seating chart

1 so I can know who -- this is Ms. Graf sitting right
2 here. This is Mr. Lennon. I don't have to guess.
3 Okay? So that's why I kind of move around a tiny bit.
4 By a show of hands, who's been through a jury
5 selection process before?
6 One, two, three -- three of you. Nobody else
7 has -- has done it before? And I don't think
8 Mr. Lennon, Mr. --
9 THE COURT: Excuse me, Mr. Christiansen. I
10 think --
11 MR. CHRISTIANSEN: Oh, I'm sorry. Did I miss
12 a hand?
13 PROSPECTIVE JUROR NO. 11-0877: Yeah. But I
14 don't remember all of this.
15 THE COURT REPORTER: Juror number?
16 PROSPECTIVE JUROR NO. 11-0877: Oh, 877 --
17 11 --
18 MR. CHRISTIANSEN: That's Ms. Lee?
19 THE COURT: Yes.
20 MR. CHRISTIANSEN: Mrs. Lee, Badge
21 No. 11-0877.
22 Is that right, Ms. Lee?
23 PROSPECTIVE JUROR NO. 11-0877: Yes.
24 THE COURT: So Ms. Lee, Mr. Green, Mr. Dail.
25 Is that right --

1 PROSPECTIVE JUROR NO. 11-0834: Yes, sir.

2 MR. CHRISTIANSEN: -- Dail?

3 And Mr. Lennon. All right.

4 PROSPECTIVE JUROR NO. 11-0880: I raised my
5 hand.

6 MR. CHRISTIANSEN: And you are

7 Mr. Richardson. Fair? Okay.

8 Of the -- of the four or five of you -- four
9 of you that have been through it, all civil or civil
10 and criminal? Who's done just civil cases? You think
11 yours was civil as well?

12 PROSPECTIVE JUROR NO. 11-0877: Civil.

13 MR. CHRISTIANSEN: Civil as well.

14 And somebody else did a criminal? Mr. Dail
15 and Mr. Green both did criminal.

16 All right. You guys -- everybody understand
17 this is a civil case; right? Nobody's going to prison,
18 and nobody's seeking the death penalty. The State of
19 Nevada is conspicuously absent.

20 So this is a case about a bus and whether or
21 not it was defective. That make sense to everybody?

22 And I guess, whether or not the defect caused
23 the death Dr. Kayvan Khiabani, okay, that's sort of the
24 nature of what we're here for.

25 Those of you -- those five of you that sat

1 before probably, as Ms. Lee mentioned, don't remember
2 all of this; right? And oftentimes in civil cases of
3 the -- and criminal cases, the jury selection process
4 is far more truncated, lots shorter. It's -- it's sort
5 of not common to have 300 people and questionnaires for
6 persons coming in beforehand. So that sort of explains
7 to you what we're here doing. Okay?

8 The judge went through the length of the case
9 and what we expect -- the good and the bad of all the
10 questionnaires is that -- the goal of the questionnaire
11 is so we can all get smart about you folks and try to
12 figure out who could be a fair and impartial juror for
13 both sides, not just one side or the other.

14 We -- either side wants persons that lean
15 either way. We want people that are sort of blank
16 slates. That's why some of the first questions Her
17 Honor asked and were in all your questionnaires is, do
18 you know any of the lawyers? Do you know any of the
19 parties?

20 Bunches of you -- Ms. Gagliano, you thought
21 you knew me in your questionnaire.

22 PROSPECTIVE JUROR NO. 11-0867: Just your
23 name sounded familiar.

24 MR. CHRISTIANSEN: You don't know me, do you?

25 PROSPECTIVE JUROR NO. 11-0867: No.

1 MR. CHRISTIANSEN: All right. I think you
2 might have thought you knew Mr. Kemp as well.

3 PROSPECTIVE JUROR NO. 11-0867: Right.

4 MR. CHRISTIANSEN: But once you got here --

5 PROSPECTIVE JUROR NO. 11-0867: Commercial,
6 you know.

7 MR. CHRISTIANSEN: I don't think he's in any
8 commercials.

9 Are you, Will?

10 That's a face TV could like; right? None of
11 us are -- do any of that stuff, but lots of you had
12 that similar experience.

13 Some of you wrote that you knew Mr. Roberts
14 and others on the defense side. And now, as you all
15 sit here, I think the answer uniformly across the board
16 is none of you know any of us.

17 Consistent? Fair? All right.

18 This process that we're going through, it's
19 called voir dire, and it means to seek or say the
20 truth. Thinking about -- in French. And if you're
21 thinking about it in Latin, it means some different
22 version of the same thing.

23 But the goal, so you understand why we're
24 doing this, is to get 13 of you that are fair and
25 impartial, don't have a leaning one way or another, and

1 can hear the case based on evidence that comes from the
2 stand.

3 Witnesses come in. The clerk of the court
4 makes them stand and take the oath to tell the truth.
5 They get up there and they testify. Questions are
6 posed of them by Mr. Kemp and myself. Then they're
7 cross-examined by the defense lawyers. And you all are
8 tasked with listening to that and trying to figure out
9 what the truth is.

10 Anybody think they have a problem with that
11 or couldn't do it? No? All right.

12 We think -- our best guess is that this
13 process, this jury selection, is going to take a few
14 days. And there are cases, believe it or not, where it
15 takes weeks -- bless you -- weeks, if not more. We
16 were all just sort of making light about that when you
17 came in.

18 And Her Honor mentioned it, but I wanted
19 to -- by way of an example, Mr. Lennon, you get the
20 first -- you're the first easy person I can use as an
21 example.

22 Everybody was asked if they have a bias. You
23 remember that question?

24 Who doesn't think they're biased in one way
25 or another? Anybody believe that they walk through

1 life unbiased? All of us have biases; right?

2 To give you an example, I hate tomatoes.
3 Hate them. Can't stand them. Don't like to touch
4 them, smell them, look at them, nothing. That's a
5 bias. There's nothing wrong with it. It's kind of
6 weird but whatever.

7 I'll use an example from the questionnaire.
8 I know, Mr. Lennon, I think one of the things you're
9 biased against that's not relevant in this case is the
10 death penalty; is that right?

11 PROSPECTIVE JUROR NO. 11-0798: Right.

12 MR. CHRISTIANSEN: So I remember -- and
13 that's actually an example I use all the time. All
14 right. I do some criminal work and some capital cases.

15 Mr. Lennon answered that he would be unable
16 to consider the death penalty. And I'm paraphrasing an
17 answer he put in his question. There's no bearing in
18 here.

19 But imagine there's a number of persons both
20 here and in the audience that have a bias relative to
21 something like the death penalty. Either you're for it
22 or you're against it. That make sense to everybody?
23 There's nothing wrong with that. You're not a bad
24 person if you can't put somebody to death. You're not
25 an evil person if you can consider it. It's just that

1 you have leaning one way or another.

2 And so to these questions I pose to you and
3 the rest of the lawyers pose to you today and tomorrow,
4 there are no wrong answers.

5 Mr. Green, earlier, in response to one of the
6 judge's questions, had an answer about -- I'll call it
7 a bias in favor of buses. And no -- I'm paraphrasing
8 what you said earlier, Mr. Green. No -- no bus can be
9 designed to prevent all accidents or all incidents.

10 Is that a fair paraphrase of what you said?
11 Tell me what you meant by that.

12 PROSPECTIVE JUROR NO. 11-0855: Well, I think
13 there's an inherent --

14 MR. CHRISTIANSEN: You have to pass the mic.

15 THE COURT: Yes.

16 MR. CHRISTIANSEN: Thank you, Mr. Lennon.

17 Say your name and then give your badge
18 number.

19 PROSPECTIVE JUROR NO. 11-0855: Ronald Green,
20 11-0855.

21 What I meant by that was I believe that the
22 only really safe place would be to stay in your home
23 100 percent of the time. And then, at the same time,
24 many accidents happen at home.

25 I have a client, she fell on her hip in her

1 kitchen. I teach her ice-skating. She's 93. Luckily
2 she didn't fall on the ice with me coaching her. She
3 fell in her kitchen and broke her hip.

4 I felt terrible about this. But in a way, I
5 felt relieved it wasn't under my supervision. And I
6 think that, you know, travel is a little bit dangerous
7 at times. I've traveled to 22 countries, and
8 fortunately I've been very lucky.

9 MR. CHRISTIANSEN: Okay. I remember from
10 your questionnaire -- and I'll talk to others about
11 it -- that you had answers relative to if you had a car
12 that had a proximity sensor on it.

13 Do you remember those questions?

14 PROSPECTIVE JUROR NO. 11-0855: I believe so,
15 yes.

16 MR. CHRISTIANSEN: And if you shake your head
17 or any of you shake your head at me or say "uh-huh" or
18 "huh-uh," I'm going to say "is that a yes?" or "is that
19 a no?" And I'm really not trying to be rude.

20 We've got this nice lady typing out
21 everything we say. And if somebody says "uh-huh" or
22 "huh-uh" or nods their heads, she can't type down "he
23 nodded his head"; right?

24 PROSPECTIVE JUROR NO. 11-0855: Yes, sir.

25 MR. CHRISTIANSEN: Okay. So tell me what

1 your answer was to the question about proximity sensors
2 on your car.

3 PROSPECTIVE JUROR NO. 11-0855: I don't have
4 a proximity sensor on my car.

5 MR. CHRISTIANSEN: Have you ridden in a car
6 with it?

7 PROSPECTIVE JUROR NO. 11-0855: No, I
8 haven't.

9 MR. CHRISTIANSEN: Do you have an
10 understanding for what one is?

11 PROSPECTIVE JUROR NO. 11-0855: Yes.

12 MR. CHRISTIANSEN: Tell me what your
13 understanding is.

14 PROSPECTIVE JUROR NO. 11-0855: Well, that it
15 would give you a warning that something is too close to
16 you.

17 MR. CHRISTIANSEN: Just by a show of hands,
18 who operates a vehicle that is equipped with a
19 proximity sensor?

20 Couple, three people.

21 All right. And one way or another, do you
22 know of any other safety devices that -- you were sort
23 of implying that you didn't think buses could be
24 equipped with -- or motor coaches, to be accurate,
25 could be equipped with all kinds of safety device. I

1 just wanted to know what you had in mind.

2 PROSPECTIVE JUROR NO. 11-0855: I meant,
3 like, on driver reaction time. I think there's a
4 driver reaction time that a proximity sensor would
5 help. But, at the same time, if it's, you know, your
6 split-second timing -- how quickly can somebody hit a
7 brake pedal? -- that's not just going to be a car or
8 how quickly you can move. And when it comes to a -- a
9 lot of people think, like, a person jumping in the air.

10 If you jump in the air and you could stay in
11 the air for one second, you could probably slam dunk a
12 basketball. But most people can't jump in the air and
13 stay in the air for one second. It's actually .5
14 seconds is pretty good, half a second.

15 MR. CHRISTIANSEN: Okay.

16 PROSPECTIVE JUROR NO. 11-0855: So that
17 reaction time becomes variable by person to person. I
18 mean, it just is. As a -- as a person ages, you slow
19 down your reaction time. So a proximity sensor, you
20 might see it, but how quickly you can react to that
21 depends on the individual.

22 MR. CHRISTIANSEN: Okay. When you were --
23 other than perception/reaction time, which isn't an
24 issue in this case.

25 This case is Dr. Kayvan Khiabani and his

1 heirs versus the manufacturer or distributor of a bus
2 and whether the product was defective and had adequate
3 warnings, things of that nature. Okay?

4 Other than perception/reaction, when you
5 talked earlier to the judge, did you have a notion of
6 any other safety devices when you said buses couldn't
7 be equipped for everything?

8 PROSPECTIVE JUROR NO. 11-0855: Well, I took
9 into consideration the weight of a bus, because that
10 would affect the brake system. You know, are the
11 brakes powerful enough to stop it within -- you know,
12 say, like, as a race car. They have these very big
13 brakes that can slow it down very quickly versus an
14 average car that doesn't have that ability to brake in
15 shorter distances.

16 So, you know, reaction time, and also brake
17 capacity of slowing the vehicle down with weight. That
18 weight is so great -- because when you've driven a
19 vehicle -- a bigger vehicle, it's -- it's harder to
20 stop that vehicle because, you know, it's just -- just
21 in my experience.

22 MR. CHRISTIANSEN: Okay. By a show of hands
23 who -- who understands the notion in a vehicle of a
24 blind spot? Is there anybody that doesn't? Does
25 everybody understand what a blind spot is?

1 All right. By a show of hands, who has stood
2 on a corner and had a big vehicle go by and felt the
3 air blast or the wind displacement? Anybody not had
4 that phenomenon in their life?

5 Is it Ms. McLain?

6 PROSPECTIVE JUROR NO. 11-0915: McLain.

7 MR. CHRISTIANSEN: McLain? Did I say it
8 correctly?

9 PROSPECTIVE JUROR NO. 11-0915: Uh-huh.

10 MR. CHRISTIANSEN: Have you not had that
11 experience ever?

12 PROSPECTIVE JUROR NO. 11-0915: Well, yeah.

13 MR. CHRISTIANSEN: Oh, I'm sorry, Ms. McLain.
14 That's my fault.

15 THE COURT: You need to say your name and
16 your badge number, please.

17 PROSPECTIVE JUROR NO. 11-0915: Ruth McLain,
18 11-0915.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR NO. 11-0915: Yeah, and
21 even sitting at a light when cars -- like, you're
22 sitting in the left-turn lane and cars go by, you can
23 feel the wind off the cars when they go by.

24 MR. CHRISTIANSEN: Yeah, the air being
25 displaced by the moving vehicle.

1 Does anybody not understand that notion? I
2 bet you I got a couple guys.

3 Mr. Toston? Mr. Toston, you work at -- used
4 to be Silver State, now it's Republic?

5 Oh, I got to pass -- sorry -- the mic.

6 PROSPECTIVE JUROR NO. 11-0802: John Toston,
7 11-0802. Yes, sir.

8 MR. CHRISTIANSEN: You drive a Rolla?

9 PROSPECTIVE JUROR NO. 11-0802: No, sir. I
10 work in residential.

11 MR. CHRISTIANSEN: So you actually drive the
12 truck that goes around into the residential?

13 PROSPECTIVE JUROR NO. 11-0802: In the
14 neighborhoods, automatic, yes, sir.

15 MR. CHRISTIANSEN: Driver or pitcher?

16 PROSPECTIVE JUROR NO. 11-0802: Driver.

17 MR. CHRISTIANSEN: Local 631?

18 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

19 MR. CHRISTIANSEN: I might have some
20 experience in that area. How long -- did you work for
21 Silver State before it became Republic?

22 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

23 MR. CHRISTIANSEN: For Richie Isola?

24 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

25 MR. CHRISTIANSEN: Might have had some

1 experience with that gentleman myself as well.

2 But the truck you drive today, was it
3 different than the truck you drove back in the early
4 '90s?

5 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

6 MR. CHRISTIANSEN: Does it have different
7 safety features?

8 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

9 MR. CHRISTIANSEN: Have a proximity sensor on
10 it?

11 PROSPECTIVE JUROR NO. 11-0802: I have a
12 backup sensor; I do not have a proximity sensor.

13 MR. CHRISTIANSEN: So you have some sensor
14 that alerts you to things that may be behind you -- and
15 somebody, and I've forgotten who talked about -- oh, I
16 remember who. So it alerts you to what's behind you so
17 you don't run things over?

18 PROSPECTIVE JUROR NO. 11-0802: I have a
19 monitor and sensor, yes, sir.

20 MR. CHRISTIANSEN: Do others have monitors in
21 their cars or Vehicles that you operate? A few? All
22 right. And, Mr. Toston, when you're -- how much is
23 that residential -- you have a CDL, a commercial
24 driver's license?

25 PROSPECTIVE JUROR NO. 11-080: Yes, sir.

1 MR. CHRISTIANSEN: You have to go to a
2 special school and have special qualifications to
3 operate that big, heavy vehicle?

4 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

5 MR. CHRISTIANSEN: And have you -- have you
6 ever been on the curb when one of those trucks have
7 gone by you?

8 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

9 MR. CHRISTIANSEN: Does it create that wind
10 disturbance or air blast?

11 PROSPECTIVE JUROR NO. 11-0802: Absolutely.

12 MR. CHRISTIANSEN: That's a phenomenon you're
13 familiar with?

14 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

15 MR. CHRISTIANSEN: I'm not making that up?

16 PROSPECTIVE JUROR NO. 11-0802: No.

17 MR. CHRISTIANSEN: It exists?

18 PROSPECTIVE JUROR NO. 11-0802: Yes.

19 MR. CHRISTIANSEN: Does it sometimes blow you
20 backwards?

21 PROSPECTIVE JUROR NO. 11-0802: If a truck is
22 moving fast enough, yes, sir.

23 MR. CHRISTIANSEN: All right.

24 Mr. Lennon, you drove a bus, at least for a
25 period of time. I don't think -- you're a security

1 guard at The Venetian these days?

2 PROSPECTIVE JUROR NO. 11-0798: Yes, sir.

3 MR. CHRISTIANSEN: But there was a time, I
4 think, maybe for a year, that you drove a bus?

5 PROSPECTIVE JUROR NO. 11-0798: About three
6 years, yes.

7 MR. CHRISTIANSEN: Give me a sense for in
8 your life when that was, what time frame.

9 PROSPECTIVE JUROR NO. 11-0798: Between 2002,
10 2005, somewhere around there.

11 MR. CHRISTIANSEN: Okay. Like Mr. Toston
12 next to you, what -- let me ask you, what kind of bus,
13 Mr. Lennon?

14 PROSPECTIVE JUROR NO. 11-0798: A Republic
15 bus, transportation bus, city bus.

16 MR. CHRISTIANSEN: Like a transit bus?

17 PROSPECTIVE JUROR NO. 11-0798: Yes.

18 MR. CHRISTIANSEN: It wasn't a -- was it a
19 bus that had a specific route that went around town
20 picking people up and dropping people off?

21 PROSPECTIVE JUROR NO. 11-0798: Yes, sir.

22 You had a specific bus line, yes, sir.

23 MR. CHRISTIANSEN: And on -- the same
24 question I posed to Mr. Toston about his garbage truck.
25 Were you familiar with the phenomenon of driving by

1 somebody and the air blast or the disturbance from the
2 air being displaced from the bus causes wind to push
3 outwards on the people you pass?

4 PROSPECTIVE JUROR NO. 11-0798: Yes, sir.

5 MR. CHRISTIANSEN: You agree with Mr. Toston
6 that that exists?

7 PROSPECTIVE JUROR NO. 11-0798: Yes, sir.

8 MR. CHRISTIANSEN: I'm not making that up?

9 PROSPECTIVE JUROR NO. 11-0798: No, sir.

10 MR. CHRISTIANSEN: And you know it from your
11 own experience?

12 PROSPECTIVE JUROR NO. 11-0798: Yes, sir.

13 MR. CHRISTIANSEN: Buses -- somebody,
14 Mr. Green --

15 THE COURT: Before you move on, I believe
16 your badge is 11-0718; correct?

17 PROSPECTIVE JUROR NO. 11-0798: 98.

18 THE COURT: 98.

19 MR. CHRISTIANSEN: I'm sorry, Your Honor.
20 That's my fault again.

21 THE COURT: We just need to have those in the
22 record.

23 MR. ROBERTS: Your Honor, may we approach,
24 please?

25 THE COURT: Yes.

1 MR. ROBERTS: Thank you. Appreciate that.

2 (A discussion was held at the bench,
3 not reported.)

4 MR. CHRISTIANSEN: All right. Mr. Lennon, I
5 was talking to you, and your badge number is 11-0798?

6 PROSPECTIVE JUROR NO. 11-0798: Yes, sir.

7 MR. CHRISTIANSEN: Okay. On that transit bus
8 that you operated, I think you told me you understood
9 that air displacement or wind blasts occur?

10 PROSPECTIVE JUROR NO. 11-0798: Yes, sir.

11 MR. CHRISTIANSEN: And what's your
12 understanding -- you can help me like Mr. Toston did
13 next to you -- of what creates that disturbance in the
14 air that causes it to go out to the sides and maybe
15 over top and underneath?

16 PROSPECTIVE JUROR NO. 11-0798: Well, I would
17 say the way -- basically, I would say the way the bus
18 is made, pushing through the air when you're going at
19 certain speed, you know, the dynamics of the bus
20 pushing the air.

21 MR. CHRISTIANSEN: Anybody think a bus shaped
22 like a square or a toaster with rough edges is going to
23 cause more displacement than one with rounded edges?

24 MR. ROBERTS: Objection, Your Honor. Rule
25 770, Subsection D.

1 THE COURT: Okay. I would like to see you at
2 the bench, please.

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

5 THE COURT: Go on.

6 MR. CHRISTIANSEN: Thank you, Your Honor.

7 Mr. Lennon, in a general sense, do you have
8 an understanding about aerodynamics?

9 PROSPECTIVE JUROR NO. 11-0798: Yes, sir.

10 MR. CHRISTIANSEN: Generally speaking, how
11 does -- how do aerodynamics work as it pertains to the
12 displacement of air?

13 PROSPECTIVE JUROR NO. 11-0798: I would say,
14 like -- say, like, a bus or a car, if it's kind of
15 curved, it would move through the air a little
16 smoother. That's how I understand it.

17 MR. CHRISTIANSEN: That's probably as good
18 explanation as I could think of.

19 Anybody not understand that notion that
20 Mr. Lennon explained, that the more aerodynamic, the
21 more smoothly an object would move through the air?
22 Anybody not understand that?

23 Okay. And, Mr. Lennon, do you have -- just
24 to follow up, if an object is moving more smoothly
25 through the air, do you have an understanding as to

1 whether more or less air would be displaced by that
2 object?

3 PROSPECTIVE JUROR NO. 11-0798: I would think
4 more air would be displaced.

5 MR. CHRISTIANSEN: The smoother it is, maybe
6 the less air would be displaced? It's not pushing it?

7 PROSPECTIVE JUROR NO. 11-0798: Yes, sir.
8 Yes, sir.

9 MR. CHRISTIANSEN: Makes sense?

10 PROSPECTIVE JUROR NO. 11-0798: Yeah.

11 MR. CHRISTIANSEN: Everybody understand that
12 notion?

13 I can't remember. Was there somebody that
14 had some aerodynamic training? I think they may have
15 left. Anybody have any aerodynamic training who's up
16 here?

17 You might?

18 PROSPECTIVE JUROR NO. 11-0880: Pilot
19 training.

20 MR. CHRISTIANSEN: Mr. Richardson, you got a
21 funny background.

22 PROSPECTIVE JUROR NO. 11-0880: I do.

23 MR. CHRISTIANSEN: You've been a writer
24 since -- Mr. Richardson, Badge No. 11-0880?

25 PROSPECTIVE JUROR NO. 11-0880: That's

1 correct, sir.

2 MR. CHRISTIANSEN: You have -- I read your
3 questionnaire. So you have some pilot training?

4 PROSPECTIVE JUROR NO. 11-0880: Yes, sir.

5 MR. CHRISTIANSEN: You're a lawyer?

6 PROSPECTIVE JUROR NO. 11-0880: I have -- I'm
7 an unsuccessful bar applicant.

8 MR. CHRISTIANSEN: So you had the good sense
9 to quit while you were ahead and not --

10 PROSPECTIVE JUROR NO. 11-0880: I lost
11 interest in that.

12 MR. CHRISTIANSEN: Okay. And you've been
13 writing since the '70s?

14 PROSPECTIVE JUROR NO. 11-0880: After I got
15 out of the Army, I became a writer. And I've been a
16 writer ever since.

17 MR. CHRISTIANSEN: When in that sort of
18 chronology of your life did you attend law school? I
19 think it was the Sarasota --

20 PROSPECTIVE JUROR NO. 11-0880: Saratoga
21 school of law -- Saratoga University school of law, a
22 nontraditional, mostly distance school out of
23 California, but they're very generous, legal system
24 that lets anybody go to law school.

25 MR. CHRISTIANSEN: And they still charge you

1 tuition, I bet?

2 PROSPECTIVE JUROR NO. 11-0880: Oh, yes.

3 MR. CHRISTIANSEN: All right. When in time
4 did you attend Sarasota?

5 PROSPECTIVE JUROR NO. 11-0880: I started in
6 January of '97. I received my BSL in June of '90 --
7 2000 and then the JD in 2003.

8 MR. CHRISTIANSEN: So 15 years ago?

9 PROSPECTIVE JUROR NO. 11-0880: Yes.

10 MR. CHRISTIANSEN: All right. And as I
11 understand, you never officially practiced law. Your
12 explanation is you lost interest?

13 PROSPECTIVE JUROR NO. 11-0880: I lost
14 interest, yeah.

15 MR. CHRISTIANSEN: Went on to something more
16 interesting?

17 PROSPECTIVE JUROR NO. 11-0880: I went back
18 to -- it was a part-time thing. It was -- I always
19 wanted to go to law school. I went to law school, and
20 there it was.

21 MR. CHRISTIANSEN: Lots of people think -- by
22 a show of hands, who put down "SVU" or "Law and Order"
23 as a good show that they like to watch?

24 Almost every -- lots of people write it down.
25 Has everybody figured out that reality is a little

1 different than what you saw on TV? We're not near as
2 interesting or as funny, and nobody is walking through
3 the door with a solution at the end of the case.
4 Everybody sort of got their head wrapped around that?
5 And this process is a lot more boring than it is on
6 60 Minutes with four commercials.

7 Mr. Richardson, because you have some
8 training in the law, I wanted to follow up with you
9 just a bit. Her honor asked you a question -- or asked
10 the panel, I guess, as a whole whether or not, even if
11 you had a disagreement with what she tells you the law
12 is, if you could still follow Judge Escobar's
13 rendition. Because she's the decider of the law, none
14 of us lawyers, none of you jurors. She's going to tell
15 you all what the law is, and you'll be asked to apply
16 it.

17 Being that you have some legal training, you
18 think you will be able to do that?

19 PROSPECTIVE JUROR NO. 11-0880: In this
20 courtroom, what the judge says the law is, that's what
21 the law is.

22 MR. CHRISTIANSEN: Great.

23 Anybody disagree with that?

24 Anybody have some real firm commitment that
25 they just can't, in a civil case -- not a death penalty

1 case but in a civil case -- does everybody agree that
2 Judge Escobar gets to tell all of us what the law is,
3 the lawyers will argue about what it means, and you all
4 will decide it? Does that seem fair?

5 Who has seen a picture of the statue of Lady
6 Justice? Anybody? The scales is this -- let's see.
7 It's -- Ms. Hall?

8 Will you pass that over to Ms. Hall, please.

9 And, Ms. Hall, your badge number is 11-0902?

10 PROSPECTIVE JUROR NO. 11-0902: Yes.

11 MR. CHRISTIANSEN: Ms. Hall, tell me what you
12 remember about Lady Justice, the statue.

13 PROSPECTIVE JUROR NO. 11-0902: She has on a
14 blindfold.

15 MR. CHRISTIANSEN: Okay. Do you know why?

16 PROSPECTIVE JUROR NO. 11-0902: And the
17 scales.

18 MR. CHRISTIANSEN: The scales are what we
19 call the scales of justice.

20 PROSPECTIVE JUROR NO. 11-0902: And they
21 weren't -- they weren't, like, equal. They don't
22 balance.

23 MR. CHRISTIANSEN: I think the notion is
24 they're supposed to be equal; oftentimes, in pictures,
25 they're not depicted that way.

1 Why -- if you know, why is Lady Justice
2 blindfolded?

3 PROSPECTIVE JUROR NO. 11-0902: I'm not quite
4 sure why she's blindfolded, but I can given you my
5 rendition of it.

6 MR. CHRISTIANSEN: Let's have it.

7 PROSPECTIVE JUROR NO. 11-0902: She listen to
8 what is heard and not what she's seeing.

9 MR. CHRISTIANSEN: That's right.

10 PROSPECTIVE JUROR NO. 11-0902: And she goes
11 by what she hears and not by what she sees.

12 MR. CHRISTIANSEN: Whose -- that's a perfect
13 rendition, actually. And everybody's heard this saying
14 of justice is blind; right? Lady Justice actually
15 depicts that.

16 And why -- you can tell me. Why was that
17 important for justice to be blind? You sort of
18 articulated it about hearing. Should it -- I'll ask
19 you a different way.

20 Should it matter what color you are when you
21 come to the courtroom?

22 PROSPECTIVE JUROR NO. 11-0902: No.

23 MR. CHRISTIANSEN: Should it matter if you're
24 a man or a woman?

25 PROSPECTIVE JUROR NO. 11-0902: No.

1 MR. CHRISTIANSEN: Should it matter if
2 you're -- your sexual orientation, should that matter?

3 PROSPECTIVE JUROR NO. 11-0902: No.

4 MR. CHRISTIANSEN: Should it matter if you're
5 a first-generation immigrant?

6 PROSPECTIVE JUROR NO. 11-0902: No.

7 MR. CHRISTIANSEN: Justice is blind.

8 PROSPECTIVE JUROR NO. 11-0902: Right.

9 MR. CHRISTIANSEN: Should it matter if you're
10 rich or you're poor?

11 PROSPECTIVE JUROR NO. 11-0902: No.

12 MR. CHRISTIANSEN: Anybody -- well, does
13 everybody understand that that's how it's supposed to
14 work, justice is supposed to be blind and those
15 things -- gender, ethnicity, color, sexual
16 orientation -- they're not supposed to matter? Anybody
17 have a problem with that notion? Raise your hand if
18 you don't think that's the right way for it to work.

19 In our case, the Khiabani family is Iranian,
20 both mom and dad immigrated via Montreal from Tehran
21 during the Iranian revolution. You'll hear that.

22 Does anybody think they can both -- both the
23 boys are American citizens -- dual citizens, actually,
24 but American citizens.

25 Anybody think they can't be fair to Aria and

1 Keon because their parents came here from the Middle
2 East?

3 Let me ask it differently. Does everybody
4 commit that they can be fair regardless of the color or
5 the age of these two young men? Yes?

6 IN UNISON: Yes.

7 MR. CHRISTIANSEN: All right. There were
8 some of you that had medical training. Who had some
9 medical background?

10 Ms. Gagliano?

11 You want to pass that back, Ms. Hall?

12 Ms. Gagliano, your badge number is 11-0867?

13 PROSPECTIVE JUROR NO. 11-0867: Yes.

14 MR. CHRISTIANSEN: What is your medical
15 training? I know you work in a hospital.

16 PROSPECTIVE JUROR NO. 11-0867: Registered
17 nurse.

18 MR. CHRISTIANSEN: Oh, you're an RN?

19 PROSPECTIVE JUROR NO. 11-0867: Yes.

20 MR. CHRISTIANSEN: You deal with doctors
21 sometimes?

22 PROSPECTIVE JUROR NO. 11-0867: Every day.

23 MR. CHRISTIANSEN: I'm sorry.

24 Anybody think that doctors -- have you seen
25 doctors make mistakes, Ms. Gagliano, like, human

1 errors?

2 PROSPECTIVE JUROR NO. 11-0867: Yes.

3 MR. CHRISTIANSEN: Okay. Anybody think one
4 profession equates to somebody being perfect, whether
5 it's a police officer, a doctor, a lawyer?

6 Nobody thinks lawyers are perfect; right?

7 Usually not.

8 Does -- there's going to be some doctors that
9 testify in this case. I picked on you, Ms. Gagliano,
10 because you have some medical training. Will everybody
11 be able to use their common sense when listening to
12 doctors testify? Yes?

13 Does anybody think that, because a doctor's
14 got an MD behind his or her name, that common sense
15 doesn't apply to their testimony? No?

16 Similarly -- and while I'm on this topic --
17 after the bus ran over the head of Dr. Khiabani --
18 that's undisputed. The rear front tire went over his
19 head -- there was a gardener. His name was Luis
20 Sacarias. And he videotaped the aftermath -- we'll
21 just leave it at -- that may give rise to some evidence
22 of some gruesome-type photos or images.

23 Does anybody think that there -- they would
24 be unable to view that type of thing? Anybody?

25 Go ahead. Let me see if I get -- it is

1 Ms. Yohannes.

2 You have to take the mic next to you.

3 Ms. Yohannes, is your badge No. 11-0986?

4 PROSPECTIVE JUROR NO. 11-0986: Yes, yes.

5 MR. CHRISTIANSEN: And, Ms. Yohannes, you're
6 a second-grade teacher and your husband is a Southwest
7 pilot?

8 PROSPECTIVE JUROR NO. 11-0986: Yes. Yes.

9 MR. CHRISTIANSEN: Thanks. Tell -- tell me
10 about your answer to the question about the potentially
11 gruesome video or photographs.

12 PROSPECTIVE JUROR NO. 11-0986: I don't even
13 like looking at my own blood, much less other things.
14 Just kind of --

15 THE COURT: We need you -- you need to speak
16 closer. You need to speak louder, please.

17 PROSPECTIVE JUROR NO. 11-0986: I'm just kind
18 of weirded out by it a little bit.

19 MR. CHRISTIANSEN: Okay. We run across this
20 a lot in criminal cases -- right? -- dead bodies
21 oftentimes and gruesome, horrible things. And judges
22 make decisions about what pictures, if any, come in.
23 And Her Honor's going to make those decisions.

24 Do you think that the -- whatever distress --
25 and I'm asking. I don't know the answer, so you have

1 to tell me the answer -- whatever distress internally
2 graphic photographs have would cause you an inability
3 to be fair?

4 PROSPECTIVE JUROR NO. 11-0986: No.

5 MR. CHRISTIANSEN: Okay. If Her Honor
6 allowed us to introduce or allowed the parties to
7 introduce some pictures, could you still maintain your
8 neutrality and look at them to try to figure out what,
9 if anything, they mean?

10 PROSPECTIVE JUROR NO. 11-0986: Yeah. Yes.

11 MR. CHRISTIANSEN: And you have not been
12 through the civil process. And I think all but five
13 persons up here have. Who gets nervous when I hand
14 them the microphone? Like, who doesn't want me to talk
15 to them at all?

16 Everybody's hand goes up. So you probably
17 fall amongst the group that gets -- that's a bit
18 nervous being here?

19 PROSPECTIVE JUROR NO. 11-0986: Yes.

20 MR. CHRISTIANSEN: All right. I don't mean
21 to -- to pry or make you more nervous. We try to --
22 try not to get too close to you and talk too loud. All
23 of us are just trying to figure out who could be good
24 jurors in this case for the bus company and the two
25 little boys that we represent.

1 Is that okay?

2 PROSPECTIVE JUROR NO. 11-0986: Yeah.

3 MR. CHRISTIANSEN: All right.

4 Who has kids? More than one. You have to
5 have more than one to answer this. Yours is too young,
6 doesn't count yet.

7 More than one? All right. Pass to your
8 right, please, if you would.

9 That's Ms. Brown?

10 PROSPECTIVE JUROR NO. 11-0885: Yes.

11 MR. CHRISTIANSEN: You have a 25- and a
12 15-year-old?

13 PROSPECTIVE JUROR NO. 11-0885: Yes. My
14 badge number is 11-0885.

15 MR. CHRISTIANSEN: You guys are quicker than
16 me today. This is -- I'll point it to Ms. Brown, but
17 it's to sort of all of you folks with children or that
18 manage people.

19 Who in the audience with your kids or -- in
20 the audience -- in the jury box has had two children
21 come to them as a parent about one event with two very
22 different stories about the one event? Like the kids
23 have different versions?

24 Has that ever happened to you, Ms. Brown?

25 PROSPECTIVE JUROR NO. 11-0885: No.

1 MR. CHRISTIANSEN: You got a lot better kids
2 than me.

3 PROSPECTIVE JUROR NO. 11-0885: Well, they're
4 ten years apart. So ...

5 MR. CHRISTIANSEN: Got it. All right. Pass
6 it back to Mr. Toston behind you, because he raised his
7 hand and he's got a kid in law school.

8 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.
9 John Toston, Badge No. 11-0802.

10 MR. CHRISTIANSEN: Mr. Toston, has that
11 occurred in your household?

12 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

13 MR. CHRISTIANSEN: And when two of your kids
14 are telling you two different versions about one event,
15 what do you do to get to the bottom of it?

16 PROSPECTIVE JUROR NO. 11-0802: Question
17 them. I know their personality. I know -- I know
18 them. They're my sons. So I figure it out.

19 MR. CHRISTIANSEN: And use that common sense
20 to figure it out?

21 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

22 MR. CHRISTIANSEN: What happens if -- I'll
23 make it up. What happens if the one that's in law
24 school now changed his story two or three times in the
25 course of you questioning him about what happened and

1 one of -- your other child kept the same story?

2 PROSPECTIVE JUROR NO. 11-0802: I would say
3 he's not being honest.

4 MR. CHRISTIANSEN: The one who changed his
5 story?

6 PROSPECTIVE JUROR NO. 11-0802: Yes, sir.

7 MR. CHRISTIANSEN: What if -- this is a
8 simple example. You look in the cookie jar and
9 there's -- cookies are all gone and both the kids deny
10 they took the cookies but one kid has cookie crumbles
11 all down his face and on his shirt.

12 Could you look at that circumstantial
13 evidence to figure out the answer to who ate the
14 cookie?

15 PROSPECTIVE JUROR NO. 11-0802: It's pretty
16 clear.

17 MR. CHRISTIANSEN: Anybody unable to do that
18 type of sort of like basic detective work? Because,
19 frankly, that's what we're asking of you is to listen
20 to -- somebody -- I think Mr. Toston said he'd ask
21 questions; right?

22 Well, guess what? That's what lawyers do.
23 They ask questions of people, and the answers -- the
24 questions aren't evidence; right? What we say is not
25 evidence, but the answers are evidence.

1 Everybody okay with that? Can all of you do
2 what Mr. Toston does with his kids and apply it to what
3 people say in here?

4 Anybody think they'd be -- have an inability
5 to look at a video to determine whether a person is
6 moving on the video? That's not too tough, right, if
7 somebody is moving? Can all of you do that?

8 All right. I want to talk to you a bit about
9 corporations and individuals. All right. The
10 defendant in this case is a corporation. Aria and Keon
11 are minors. They're individuals. They're young boys,
12 young men.

13 The judge will tell you that the law is --
14 the law looks at individuals and corporations the same
15 way. One doesn't get any benefit or head start over
16 the other. And I think that's what Mr. Roberts maybe
17 alluded to earlier. Everybody starts at an even -- on
18 an even playing field.

19 Does anybody think that's unfair?

20 Mr. Toston and Mr. Lennon, hand that mic down
21 to Ms. Peligro.

22 PROSPECTIVE JUROR NO. 11-0830: Yes, Peligro.

23 MR. CHRISTIANSEN: Peligro. Ms. Peligro,
24 your badge number is 11-0830.

25 PROSPECTIVE JUROR NO. 11-0830: Yes.

1 MR. CHRISTIANSEN: Where do you stand on the
2 notion of corporations being no better or no worse than
3 individuals? Do you think that's all right?

4 There's no wrong answer. Remember, just like
5 Mr. Lennon, he can't be a juror in a death penalty
6 case.

7 PROSPECTIVE JUROR NO. 11-0830: Can you
8 repeat the question. I'm sorry.

9 MR. CHRISTIANSEN: Sure. The law in Nevada
10 is that people and corporations are treated the same.
11 Individuals and businesses are treated the same.

12 Is that fair in your mind?

13 PROSPECTIVE JUROR NO. 11-0830: Yes.

14 MR. CHRISTIANSEN: Do you think one should
15 have a head start over the other in a courtroom?

16 PROSPECTIVE JUROR NO. 11-0830: No.

17 MR. CHRISTIANSEN: All right. Can you
18 promise to give us all an even playing field so that
19 the nice gentleman representing the corporation gets
20 'the same fair and impartial judgment as Mr. Kemp and
21 these nice young ladies who represent individuals?

22 PROSPECTIVE JUROR NO. 11-0830: Yes.

23 MR. CHRISTIANSEN: Anybody think they can't
24 do that or that one side's going to -- the corporation
25 should get a benefit or get a head start or, for that

1 matter, the boys should get a head start?

2 Because Her Honor is going to tell all of you
3 that sympathy isn't what you base your judgment on.
4 All right. It's facts applied to the law that she
5 gives you.

6 Can everybody do that?

7 Mr. Dail, you're -- to the left, Mr. Dail is
8 Badge No. 11-0844.

9 PROSPECTIVE JUROR NO. 11-0834: That's
10 correct.

11 MR. CHRISTIANSEN: I -- I misspoke. I'm
12 sorry. 0834.

13 PROSPECTIVE JUROR NO. 11-0834: Oh, see, I
14 should look at it. Yes, that's correct.

15 MR. CHRISTIANSEN: Do you think that's fair,
16 Mr. Dail, as the young lady to your right said, that
17 corporations and individuals should be treated the
18 same?

19 PROSPECTIVE JUROR NO. 11-0834: In a
20 courtroom, yes, absolutely.

21 MR. CHRISTIANSEN: Great. You just reminded
22 me of something. You said "in a courtroom."

23 You guys all hear the judge reads that same
24 thing to you every time she leaves? We call it an
25 admonition. It's really just like telling you what

1 you're not supposed to do.

2 Can everybody promise that what you judge the
3 case on will be what happens from right there? Not
4 Google, not Wikipedia, not Twitter, not Snapchat --
5 where's the young people at? That damn Snapchat. No
6 Snapchat.

7 All right. Can everybody promise not to be
8 trying to find answers about it? Yes?

9 Anybody think they're unable to follow that
10 directive?

11 And let me tell you why it's important. So
12 in this courthouse -- it might have been on this floor.
13 There was a murder case that went on, and it went on
14 for about four weeks. And the jury went back to
15 deliberate. During deliberations, one of the persons
16 on the jury decided he was going to go do an
17 experiment.

18 And so he went and got a coconut, and he
19 started dropping rocks on the coconut because the
20 victim in that case had had a rock thrown at him.
21 Other jurors found out.

22 Guess what happened?

23 PROSPECTIVE JUROR NO. 11-0834: Mistrial.

24 MR. CHRISTIANSEN: Mr. Dail, he got a
25 mistrial. You know what that means? Do over. That

1 means all of the time and energy that Her Honor puts
2 in, all her staff put in, all -- I mean, the lawyers to
3 a lesser degree. But the -- the parties, the Khiabani
4 boys and the defendant MCI, all went to waste.

5 Can everybody promise they're not going to do
6 that? No experiments, no Google Earthing things for
7 yourself to figure out distances and the like.
8 Everybody okay with that?

9 Mr. Dail, would you hand that to your left to
10 Mr. -- is it Javier?

11 PROSPECTIVE JUROR NO. 11-0844: That's
12 correct. Raphael Javier, Badge No. 11-0844.

13 MR. CHRISTIANSEN: And, Mr. Javier, you're in
14 the watch-selling business?

15 PROSPECTIVE JUROR NO. 11-0844: Correct.

16 MR. CHRISTIANSEN: And have been for a bit.

17 And you and Mr. Domingo next to you were so
18 happy to say you weren't married and never had any
19 kids.

20 Everybody else noticed that too; right?
21 They're like the happiest guys ever. Like no and no.

22 Those are you two guys; right?

23 PROSPECTIVE JUROR NO. 11-0844: Yeah.

24 MR. CHRISTIANSEN: But you're native
25 Las Vegas?

1 PROSPECTIVE JUROR NO. 11-0844: Yeah, born
2 and raised.

3 MR. CHRISTIANSEN: How long have you lived
4 here?

5 PROSPECTIVE JUROR NO. 11-0844: All my life.

6 MR. CHRISTIANSEN: All right. You heard me
7 say -- I was going to pick on -- not pick on but point
8 out with the younger -- persons of your generation are
9 far more likely to use the social media stuff than
10 persons of my generation are.

11 So I want to talk to some of the younger
12 people about whether you can live without your phone
13 for ten -- you know, for the weeks that apply to this
14 case. You can Twitter all your friends or tweet your
15 friends, whatever you guys call it, when you go home,
16 snap away, but you can't do it about the case.

17 Everybody cool with that?

18 PROSPECTIVE JUROR NO. 11-0844: Yes.

19 MR. CHRISTIANSEN: All right. You can tell
20 them -- Her Honor will tell you that you can say you're
21 in Judge Escobar's courtroom and you're on a civil
22 case. That's it.

23 Everybody all right with that?

24 PROSPECTIVE JUROR NO. 11-0844: Yes.

25 MR. CHRISTIANSEN: Let's see if I can try to

1 see -- why does that make sense, Mr. Javier?

2 PROSPECTIVE JUROR NO. 11-0844: 'Cause if you
3 tell anyone else, they're going to look it up and,
4 like, "Oh, that's this and this happening. You're
5 doing that?" and going to let you know -- your friends
6 will let you know more info than you should.

7 MR. CHRISTIANSEN: Right. So your friends
8 could influence you with things that didn't happen in
9 court; right?

10 PROSPECTIVE JUROR NO. 11-0844: Yeah.

11 MR. CHRISTIANSEN: We're not going to have
12 any of that, are we?

13 PROSPECTIVE JUROR NO. 11-0844: (Prospective
14 juror shakes head.)

15 MR. CHRISTIANSEN: Who -- in whatever
16 capacity you want, whatever medium suits you -- who
17 reads the newspaper online, hard copy? Who reads the
18 newspaper or watches the news? Everybody, to some
19 degree, keeps up with it.

20 Who believes -- who holds the belief that
21 everything they see in the news is 100 percent the
22 truth and 100 percent accurate 100 percent of the time?
23 Anybody? Does anybody -- by a show of hands, anybody
24 that -- of you 23 think that what is in -- what's in
25 the news is either complete or entirely accurate?

1 Anybody?

2 So why in the world -- I mean, so you can see
3 the importance, right, of agreeing to not read some
4 reporter's rendition of what happened today in your
5 trial and then come back to court when you know that's
6 not what happened and let it taint your feelings or
7 your deliberations.

8 Everybody promise to not do that?

9 IN UNISON: Yes.

10 MR. CHRISTIANSEN: We talk about it in every
11 case. In this case, we mean it for real. There's
12 going to be media in here.

13 All of us agreed. There's going to be a
14 camera. It's not going to depict any of you. You
15 don't have to worry about that. But it will show the
16 goings-on of this trial over the next month or so. And
17 you can watch it in various mediums, on local news, on
18 the internet.

19 Can all of you promise you won't do that?

20 IN UNISON: Yes.

21 MR. CHRISTIANSEN: Especially all of the
22 younger generation? Can you all not -- Ms. Tuquero --
23 or Mr. Tuquero. It's Ms. Salvatera.

24 You're the student; is that right?

25 PROSPECTIVE JUROR NO. 11-0924: Yes.

1 MR. CHRISTIANSEN: Ms. Salvatera, your badge
2 number is 11-0924?

3 PROSPECTIVE JUROR NO. 11-0924: Yes.

4 MR. CHRISTIANSEN: You're a UNLV student?

5 PROSPECTIVE JUROR NO. 11-0924: Yes.

6 MR. CHRISTIANSEN: In the art department?

7 PROSPECTIVE JUROR NO. 11-0924: No. That's
8 where I work. I'm a psychology major.

9 MR. CHRISTIANSEN: Okay. Can you promise to
10 stay -- to not watch the media?

11 PROSPECTIVE JUROR NO. 11-0924: Yes.

12 MR. CHRISTIANSEN: They may even have some
13 type of a showing of this like at the law school at
14 Boyd on campus.

15 Can you make sure you don't go around and try
16 to watch it when you're not here?

17 PROSPECTIVE JUROR NO. 11-0924: I'm never in
18 that area.

19 MR. CHRISTIANSEN: All right. Different part
20 of the school?

21 PROSPECTIVE JUROR NO. 11-0924: I just don't
22 really need to go in there.

23 MR. CHRISTIANSEN: You're dodging future
24 lawyers?

25 PROSPECTIVE JUROR NO. 11-0924: No. They

1 don't have room there to study, so I just stay away
2 from there.

3 MR. CHRISTIANSEN: Can you do the same thing
4 with news reports? If channel -- I'll make it up. If
5 Channel 8 starts broadcasting -- let's talk about what
6 went on in the surgeon versus the bus company case
7 today. Can all of you agree to just switch the channel
8 and not watch that?

9 Because Her Honor reads that admonition to
10 you, but us lawyers like to put lots of words in one
11 brief thing and hope everybody gets them. It's really
12 an important -- important, important item. And it's
13 the same reason -- the coconut experience, right, the
14 coconut experiment case.

15 Another case, long, long trial, months-long
16 trial, people started doing Google searches, jurors at
17 the end and reading news media accounts and coming back
18 and saying, "Hey. Well, you all remembered the
19 testimony this way, but Wikipedia" -- it wasn't
20 Wikipedia -- "the Review-Journal reported it this way.
21 So maybe we all remembered wrong."

22 Guess what happened? Mistrial, waste of
23 time, waste of money, waste of all of you-all's time.

24 By the way, who was superthrilled when they
25 got a jury summons? Anybody? All right. None of us

1 are under the misbelief that you all woke up excited to
2 come down here, but I wanted to sort of -- and all of
3 us know --

4 And, Mr. Lennon, I remember you. You're my
5 first jury questionnaire, so I remember you pretty
6 well. All right.

7 All of us know that it causes hardships,
8 right, for you to serve. And none of us are silly
9 enough to believe the 40 bucks a day you get pays you
10 the same as what you get at work. Okay. So we all get
11 it. But do you know --

12 You're an UNLV student. Psychology?

13 PROSPECTIVE JUROR NO. 11-0924: Yes.

14 MR. CHRISTIANSEN: What are the two times --
15 the only two ways, as an American citizen, you can
16 serve your country? Do you know?

17 PROSPECTIVE JUROR NO. 11-0924: Jury duty and
18 the --

19 MR. CHRISTIANSEN: Military.

20 PROSPECTIVE JUROR NO. 11-0924: Military,
21 yeah.

22 MR. CHRISTIANSEN: Perfect. You got an A.

23 Those are the only two times, as citizens of
24 this country, that we can serve. You join up with the
25 military or you volunteer to come down to this boring,

1 tedious, doesn't-pay-enough job to be a panel of both
2 of our clients' peers and render fair and impartial
3 judgment in a court of law.

4 And remember Her Honor said that's one of the
5 neatest things, her voicing to you, about our system.

6 Everybody think that, in spite of the
7 inconvenience, you can still do it? Anybody think they
8 can't do it? Can you do it?

9 PROSPECTIVE JUROR NO. 11-0924: Yes.

10 MR. CHRISTIANSEN: All right. Without
11 Wikipedia?

12 PROSPECTIVE JUROR NO. 11-0924: I don't even
13 use Wikipedia.

14 MR. CHRISTIANSEN: No Snap?

15 PROSPECTIVE JUROR NO. 11-0924: No Snap.

16 MR. CHRISTIANSEN: No Insta?

17 PROSPECTIVE JUROR NO. 11-0924: No Insta.

18 MR. CHRISTIANSEN: No Facebook?

19 PROSPECTIVE JUROR NO. 11-0924: No Facebook.

20 MR. CHRISTIANSEN: I have a 15-year-old kid.
21 She uses all of that nonsense. I don't know how to use
22 any of it.

23 All right. Let's talk -- and I'll try to
24 wrap up for today. Fortunately, I got a bunch more to
25 cover with you tomorrow, some more generalities.

1 You guys all have seen the legal shows,
2 right, on TV? So let's talk about some realities.

3 One reality is this is more boring. Another
4 reality is this is about real people. This case is
5 about two boys that don't have parents. They're
6 orphans. And so we have to have persons that can give
7 us the attention that deserves.

8 Can everybody understand that?

9 Because of that, I promise you are going to
10 see me and Mr. Roberts disagree with each other. All
11 right. Mr. Roberts is the guy chewing on his glasses
12 like he's thinking deeply about something other than
13 it's almost 5:00.

14 I promise we're going to disagree. And how
15 us lawyers disagree -- anybody know how we disagree
16 when questions are being asked and we want to have a
17 fight about something? What do we do? Object. All
18 right.

19 I'm going to object to what he does. He's
20 going to object to what Mr. Kemp does, all over the
21 place. You've already -- everybody okay with that?
22 That's our job; right? I mean, we all feel strongly
23 about it.

24 And does anybody think we shouldn't do our
25 job? Anybody? Or that it's somehow offensive and will

1 bother you if we do it?

2 Pass that mic one to your left, would you, to
3 Mr. Tuquero.

4 Mr. Tuquero, you and Mr. -- let me think --
5 Mr. Lennon both work at The Venetian; right?

6 THE COURT: Badge number, please.

7 MR. CHRISTIANSEN: Oh, sorry. Mr. Tuquero,
8 11-0926.

9 PROSPECTIVE JUROR NO. 11-0926: That's
10 correct.

11 THE COURT: Thank you.

12 MR. CHRISTIANSEN: You're in engineering at
13 The Venetian, and Mr. Lennon is in security at The
14 Venetian?

15 PROSPECTIVE JUROR NO. 11-0926: That's
16 correct.

17 MR. CHRISTIANSEN: Are you going to hold it
18 against either side -- either MCI, the bus company; or
19 Aria and Keon Khiabani -- if us lawyers aggressively do
20 our job?

21 PROSPECTIVE JUROR NO. 11-0926: Well, it's
22 going to be fair from the start. That's how I look at
23 it.

24 MR. CHRISTIANSEN: Perfect.

25 Along that lines, anybody know what

1 cross-examination is? You know what a
2 cross-examination is?

3 PROSPECTIVE JUROR NO. 11-0926: Yes, sir.

4 MR. CHRISTIANSEN: It's when lawyers ask kind
5 of pointed questions because we only want a yes or a no
6 answer, and they're -- everybody has seen that, right,
7 on TV or a movie someplace?

8 There are rules to when we can use it. Her
9 Honor decides when we can or can't use it.

10 Can everybody agree that, if the judge is
11 letting us do it, you won't hold it against anybody
12 that's aggressively questioning witnesses? Is that
13 fair? Is that okay?

14 PROSPECTIVE JUROR NO. 11-0926: Yes.

15 MR. CHRISTIANSEN: Anybody think that's not
16 okay?

17 All right. By way of example, there are
18 going to be experts in this case who have different
19 opinions about a variety of things.

20 Is everybody okay with all the lawyers being
21 able to aggressively cross-examine the other side's
22 experts? It's sort of what we're here for; right?

23 Anything about that process, Mr. Tuquero,
24 that you think would cause you an inability to be fair
25 and impartial?

1 PROSPECTIVE JUROR NO. 11-0926: No.

2 MR. CHRISTIANSEN: I forgot to ask. Kids?

3 No kids?

4 PROSPECTIVE JUROR NO. 11-0926: Two kids.

5 MR. CHRISTIANSEN: Can you do -- can you use
6 that same dad common sense to figure out which version
7 of events you believe?

8 PROSPECTIVE JUROR NO. 11-0926: Oh, yes. I
9 would ask them who did it, yes.

10 MR. CHRISTIANSEN: All right. Can -- the
11 same fatherly common sense stuff that you do with your
12 kids, can you use that common sense in here as a juror
13 if you're chosen?

14 PROSPECTIVE JUROR NO. 11-0926: Yes.

15 MR. CHRISTIANSEN: Can you hand that mic back
16 to -- Mr. Dail, you're a host?

17 PROSPECTIVE JUROR NO. 11-0384: Yes, sir.

18 MR. CHRISTIANSEN: I forgot to ask you a
19 question, and then I'll try to wrap it up for today.

20 Mr. Dail, as a host, have you ever -- sorry.
21 You guys all catch me.

22 11-0834?

23 PROSPECTIVE JUROR NO. 11-0384: That is
24 correct.

25 MR. CHRISTIANSEN: Mr. Dail, you're a host?

1 PROSPECTIVE JUROR NO. 11-0384: That's
2 correct, yes.

3 MR. CHRISTIANSEN: I've forgotten what
4 casino. Suncoast?

5 PROSPECTIVE JUROR NO. 11-0384: Casino host
6 at The Orleans.

7 MR. CHRISTIANSEN: At The Orleans, right.
8 Sorry. It's a Boyd.

9 As a host, you talk to players that come into
10 your casino all the time?

11 PROSPECTIVE JUROR NO. 11-0384: All the time.

12 MR. CHRISTIANSEN: I assume you've never been
13 lied to?

14 PROSPECTIVE JUROR NO. 11-0384: I can't say
15 that, no.

16 MR. CHRISTIANSEN: You have to have some type
17 of a meter -- I mean, you can call it whatever, a truth
18 meter or a BS meter about when somebody's telling you
19 the truth or not telling you the truth?

20 PROSPECTIVE JUROR NO. 11-0384: That's
21 correct.

22 MR. CHRISTIANSEN: Can you use that same
23 meter you use as a host and apply it to witnesses from
24 the witness stand in here?

25 PROSPECTIVE JUROR NO. 11-0384: Yes, I can.

1 MR. CHRISTIANSEN: Not only do us lawyers
2 object and fight in front of you, we go to the bench
3 sometimes and fight too. We call those sidebars, and
4 Her Honor turns on that white noise. And as much as it
5 goes against all our grain, we try to whisper so you
6 can't hear us and talk so just the judge can make
7 rulings and we can go forward. And sometimes you all
8 even have to go out in the hallway while we fight
9 loudly about things.

10 We try to keep that to a minimum, but anybody
11 have a problem with that process? No?

12 Pass that mic down to -- ma'am, help me with
13 your name, Ms. -- yes, you.

14 PROSPECTIVE JUROR NO. 11-0860: Aberash.

15 MR. CHRISTIANSEN: Say you last name for me,
16 please.

17 PROSPECTIVE JUROR NO. 11-0860: Getaneh,
18 G-e-t-a-n-e-h.

19 MR. CHRISTIANSEN: Getaneh?

20 PROSPECTIVE JUROR NO. 11-0860: Yes.

21 MR. CHRISTIANSEN: You're from Ethiopia?

22 PROSPECTIVE JUROR NO. 11-0860: Yes.

23 MR. CHRISTIANSEN: Your English is great.
24 You've been answering all the questions. You did a
25 super job today.

1 PROSPECTIVE JUROR NO. 11-0860: Yeah, but I'm
2 not that good at it.

3 MR. CHRISTIANSEN: You're doing a great job.
4 Like I asked all the other young people, I'm
5 going to pick on you too.

6 Can you stay off of the social media?

7 PROSPECTIVE JUROR NO. 11-0860: Yes.

8 MR. CHRISTIANSEN: Can you just -- if you're
9 chosen to be a juror, can you just focus on what
10 happens in here?

11 PROSPECTIVE JUROR NO. 11-0860: Yes.

12 MR. CHRISTIANSEN: Okay. You were nervous
13 like the lady in front of you?

14 PROSPECTIVE JUROR NO. 11-0860: Yeah.

15 MR. CHRISTIANSEN: Everybody else is nervous
16 too. Don't worry about it. Okay? You're doing great.

17 PROSPECTIVE JUROR NO. 11-0860: Okay.

18 MR. CHRISTIANSEN: Anything about the
19 process, lawyers and objections, and we go talk to the
20 judge, are you okay with all of that? Is that okay
21 with you that we do that?

22 PROSPECTIVE JUROR NO. 11-0860: Yeah, but --
23 yeah, I'm understand, but when I speak, I don't
24 make ...

25 MR. CHRISTIANSEN: So you understand just

1 fine?

2 PROSPECTIVE JUROR NO. 11-0860: Yeah.

3 MR. CHRISTIANSEN: Sometimes articulating is
4 a little more difficult?

5 PROSPECTIVE JUROR NO. 11-0860: Uh-huh.

6 MR. CHRISTIANSEN: That's okay. We just want
7 you to be able to understand. Okay?

8 PROSPECTIVE JUROR NO. 11-0860: Okay.

9 MR. CHRISTIANSEN: All right.

10 Can everybody -- well, I will pose it to this
11 young lady, but, as jurors, you all have to agree, if
12 you're chosen, to talk to each other at the end of the
13 case. The whole way through the case, the judge will
14 tell you don't talk at all about what's going on. It's
15 kind of a weird disjunctive procedure.

16 But at the end, you're supposed to talk with
17 each other and see if you can come to agreements. Is
18 everybody okay with that process? Can you do that?

19 You think you can do that?

20 PROSPECTIVE JUROR NO. 11-0860: Okay.

21 MR. CHRISTIANSEN: Okay. Judge, this is
22 probably a natural breaking point for me before I get
23 into --

24 THE COURT: Absolutely.

25 MR. CHRISTIANSEN: Thank you, Your Honor.

1 THE COURT: Okay. We're going to break for
2 the evening. And I'm going to admonish you, as I
3 indicated before, this goes to everyone that's here in
4 the courtroom that's a prospective juror. And this is
5 the admonishment for the evening.

6 Tomorrow, we must be back about five minutes
7 of 12:00 noon -- okay? -- so we can try to get going as
8 close as possible to noon. All right. You are
9 instructed not to talk with each other or with anyone
10 else about any subject or issue connected with this
11 trial. You are not to read, watch, or listen to any
12 report of or commentary on the trial by any person
13 connected with this case or by any medium of
14 information, including, without limitation, newspapers,
15 television, the internet, or radio.

16 You are not to conduct any research on your
17 own relating to this case, such as consulting
18 dictionaries, using the internet, or using any
19 reference materials. You are not to conduct any
20 investigation, test any theory of the case, re-create
21 any aspect of the case, or in any other way investigate
22 or learn about the case on your own.

23 You are not to talk to -- talk with others,
24 text others, tweet others, message others, google
25 issues, or conduct any kind of book or computer

1 research with regard to any issue, party, witness, or
2 attorney involved in this case.

3 You are not to form or express any opinion on
4 any subject connected with this trial until the case is
5 finally submitted to you.

6 The time to return tomorrow will be noon.
7 Okay? See you then. Thank you very much, ladies and
8 gentlemen.

9 THE MARSHAL: All rise.

10 THE COURT: Have a safe evening.

11 (The following proceedings were held
12 outside the presence of the jury.)

13 THE COURT: Counsel, if we have any
14 housekeeping matters, that needs to be fairly quick
15 because I have people that need to leave at 5 sharp.
16 Anything this evening?

17 MR. KEMP: I think we're fine.

18 THE COURT: We'll see you tomorrow.

19 (Thereupon, the proceedings
20 concluded at 4:50 p.m.)

21 -oOo-

22 ATTEST: FULL, TRUE, AND ACCURATE TRANSCRIPT OF
23 PROCEEDINGS.

24

25

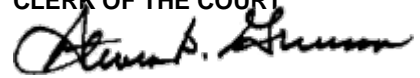


KRISTY L. CLARK, CCR #708

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9/10/2018 1:13 PM

Steven D. Grierson
CLERK OF THE COURT

1 CASE NO. A-17-755977-C

2 DEPT. NO. 14

3 DOCKET U

4 DISTRICT COURT

5 CLARK COUNTY, NEVADA

6 * * * * *

7 KEON KHIABANI and ARIA)
8 KHIABANI, minors by and)
9 through their natural mother,)
10 KATAYOUN BARIN; KATAYOUN)
11 BARIN, individually; KATAYOUN)
12 BARIN as Executrix of the)
13 Estate of Kayvan Khiabani,)
14 M.D. (Decedent) and the Estate)
15 of Kayvan Khiabani, M.D.)
16 (Decedent),)

17 Plaintiffs,)

18 vs.)

19 MOTOR COACH INDUSTRIES, INC.,)
20 a Delaware corporation;)
21 MICHELANGELO LEASING, INC.)
22 d/b/a RYAN'S EXPRESS, an)
23 Arizona corporation; EDWARD)
24 HUBBARD, a Nevada resident, et)
25 al.,)

Defendants.)

21 **REPORTER'S TRANSCRIPTION OF PROCEEDINGS**22 BEFORE THE HONORABLE ADRIANA ESCOBAR
DEPARTMENT XIV

23 DATED TUESDAY, FEBRUARY 13, 2018

24 RECORDED BY: SANDY ANDERSON, COURT RECORDER

25 TRANSCRIBED BY: KRISTY L. CLARK, NV CCR No. 708

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* * * * *

1 LAS VEGAS, NEVADA, TUESDAY, FEBRUARY 13, 2018;

2
3 P R O C E E D I N G S

4 * * * * *

5
6 THE COURT: I would like, before we begin,
7 just to -- we're all on the same two teams. So I -- I
8 do want to just chat with you a little bit about the
9 voir dire process before we continue.

10 So what I really want to make sure -- and,
11 right now, it's -- you know, Mr. Christiansen is asking
12 the questions of the prospective jurors -- is that we
13 keep it relevant. Okay? And I really want to avoid
14 indoctrination of the jury. I -- I -- I don't want one
15 juror used to educate the rest of the jury,
16 especially -- and I don't want commitments from the
17 jury. I just want you to be very careful. Okay?

18 MR. CHRISTIANSEN: Okay.

19 THE COURT: And I expect the same of both
20 sides.

21 MR. CHRISTIANSEN: Yes, Your Honor.

22 THE COURT: Also, with respect to the
23 aerodynamic and the proximity sensors, I was giving
24 this a lot of thought after court last night at home.

25 And I -- these are the theories that you're

1 going to be proving in your case in chief. And so
2 you -- you have to be careful how you approach that.
3 And, you know, I -- I would be willing to allow the
4 defense to -- to very narrowly follow through on some
5 of that, but -- but, really, I think, you know, you
6 have experts for that.

7 So I don't want to put a muzzle on you --
8 that's not my goal -- but I also don't want it to go
9 too too far. It needs to be relevant and it needs to
10 stay within the voir dire parameters.

11 MR. CHRISTIANSEN: Yes, Your Honor.

12 THE COURT: That goes for both sides. I know
13 you haven't started yet, but I feel the same. Okay?

14 MR. CHRISTIANSEN: Judge, I have a question
15 for you --

16 THE COURT: Yes.

17 MR. CHRISTIANSEN: -- sort of the next -- I'm
18 just going to sort of finish up explaining the process
19 to the jury. And I wanted to inquire of the Court your
20 process for, in the course of the trial, if a jury has
21 a question. I don't want to speak --

22 THE COURT: During voir dire?

23 MR. CHRISTIANSEN: No, during the trial, if a
24 juror has a question, does this Court allow the juror
25 to hand the question to the marshal, present it to you?

1 THE COURT: And then I'll discuss it with
2 both parties, and we'll, you know, make a decision.

3 MR. CHRISTIANSEN: I just didn't want to
4 explain that to the jury, that they had that right,
5 if --

6 THE COURT: No, that will absolutely --
7 that's in my instructions, and I will absolutely make
8 sure they understand it. And, by the way, we -- we --
9 we get many questions sometimes.

10 MR. CHRISTIANSEN: Sure.

11 THE COURT: Okay. So I just wanted to make
12 sure I started off by saying that. Aside from that,
13 good morning. We've seen each other all day, but I
14 went ahead. I know you're with the jury.

15 THE MARSHAL: We're missing one, the
16 gentleman in the wheelchair. And Mr. Green-Wilson is
17 present. Where would you like him?

18 THE COURT: Okay. My thought was that we put
19 him at the -- since he was one of the persons that was
20 in line, that we should place him towards the
21 beginning. Do you have any other thoughts? I'm open.

22 MR. KEMP: And by "the beginning," you're
23 talking about No. 51 after the first 50, or I guess --
24 it's 42 showed up; right? How many showed up?

25 THE COURT: I know that there's an objection

1 by the defense on this. I understand. But I don't
2 think -- you know, they're all randomly selected. And
3 as I indicated yesterday, I don't think it's an issue.

4 But do you -- do either of you have -- it's
5 really your trial. I just want to keep the parameters,
6 you know ...

7 THE MARSHAL: But also --

8 THE COURT: Excuse me one second.

9 THE MARSHAL: The commissioner did say that I
10 think she would put him in the group starting tomorrow
11 randomly.

12 THE COURT: She would?

13 THE MARSHAL: Because she said, since he
14 didn't come, that --

15 THE COURT: He hasn't heard all the
16 instructions and everything.

17 THE MARSHAL: Exactly. Exactly.

18 MR. ROBERTS: That --

19 THE MARSHAL: Or wherever you want him, I
20 guess.

21 MR. ROBERTS: That would minimize the chance
22 that this ultimately became an issue as far as we're
23 concerned, so we would support that.

24 THE COURT: Well, that's one of the reasons
25 why I deferred to someone else yesterday.

1 THE MARSHAL: Because she wasn't expecting
2 him today.

3 THE COURT: They came late.

4 MR. KEMP: He is here today.

5 THE MARSHAL: He is here today.

6 THE COURT: But the gentleman that was
7 here -- that was here all day yesterday didn't go
8 through all of the -- the information that he needed
9 to. And so I believe that happened with another juror
10 and -- or was it this one that I was thinking about?

11 THE MARSHAL: I think it's that one.

12 THE COURT: My thought was that he should
13 start with -- whomever it was should start with a panel
14 that comes in and I have to go through everything.

15 MR. KEMP: Okay. That's fine.

16 THE COURT: Is that fine? Okay. Then shall
17 we have him come back tomorrow?

18 THE MARSHAL: All right. You want to bring
19 him in and put that on the record?

20 MR. KEMP: Yeah, why don't you bring him in
21 so you can tell him, Your Honor.

22 THE COURT: All right. Very good.

23 THE MARSHAL: And I will have everyone else
24 line up.

25 All rise. Name and badge number.

1 THE COURT: You can come up a little bit,
2 please.

3 PROSPECTIVE JUROR NO. 11-0825: Right here?

4 THE COURT: Yes. Your name and badge number
5 for the record, please?

6 PROSPECTIVE JUROR NO. 11-0825: Jaylen
7 Green-Wilson, and my badge number is 11-0825.

8 THE COURT: Mr. Wilson, yesterday you spent
9 most of the day, I believe, in the -- with the jury
10 commissioner, in that area. And so at the beginning of
11 every -- every panel -- new panel, the next number of
12 50 or so jurors, the Court has to give some fairly
13 lengthy instructions.

14 So that's something that I want to make sure
15 that you are a party to, and I can't do that now in the
16 midst of what we're doing.

17 So while I asked you to come back today, I
18 would prefer that you come back tomorrow morning.

19 PROSPECTIVE JUROR NO. 11-0825: Tomorrow
20 morning.

21 THE COURT: Okay? And so you can ask Marshal
22 Ragsdale where he wants you to be, either where you
23 were yesterday or at this courtroom. And so we're
24 going to start at 9:30.

25 PROSPECTIVE JUROR NO. 11-0825: Okay.

1 THE COURT: Okay? Great. Tomorrow is
2 Wednesday, yes. 9:30.

3 PROSPECTIVE JUROR NO. 11-0825: Thank you.

4 THE COURT: Thank you. Okay. Have a good
5 evening.

6 PROSPECTIVE JUROR NO. 11-0825: You too.

7 THE COURT: Okay.

8 THE MARSHAL: So that means to be out here at
9 9:20.

10 THE COURT: All right. Anything we have to
11 discuss?

12 MR. KEMP: Judge, I thought he said someone
13 was missing from yesterday.

14 MR. ROBERTS: Yes. We're waiting on one, I
15 believe.

16 MR. CHRISTIANSEN: The gentleman in the
17 wheelchair.

18 THE COURT: I'm sorry. Yes. Go on. He's
19 missing?

20 MR. BARGER: He's late or something.

21 MR. ROBERTS: He's late.

22 THE CLERK: Do we have a number?

23 THE COURT: Do you know -- do you know what
24 number he is?

25 MR. CHRISTIANSEN: I don't.

1 THE COURT: I went through -- through the --

2 MR. KEMP: I could probably figure it out.

3 THE COURT: I went through their answers.

4 MR. ROBERTS: He was not seated in order
5 because of his wheelchair, so it was harder to keep
6 track of.

7 THE COURT: I just don't remember catching
8 that for some reason.

9 MR. KEMP: Yeah, we think it's 11-1002, Your
10 Honor.

11 THE COURT: I'm sorry. 11?

12 MR. KEMP: 11-1002.

13 THE COURT: Okay. 11-1002.

14 THE MARSHAL: Are we ready, Your Honor?

15 THE COURT: Jerry?

16 MR. ROBERTS: Do we have the missing juror?

17 THE MARSHAL: Yes. Everyone's here.

18 THE COURT: Everyone's here?

19 MR. ROBERTS: So --

20 MR. CHRISTIANSEN: Problem solved.

21 MR. ROBERTS: I had one question before we
22 bring them in.

23 THE COURT: Oh, he's next so that -- I'm glad
24 you caught that.

25 Yes?

1 MR. ROBERTS: And this -- this is just to
2 speed along the process and get people in if there's
3 agreement. I understand it's not my turn, but we've
4 got a full-time UNLV student who's going to be missing
5 classes. In my experience, they're normally excused.

6 And we've also got a Clark County school
7 teacher who indicated it would be a hardship on her
8 kids for her to be gone. That's Keli Yohannes, 11- --

9 THE COURT: And she's the one --

10 MR. ROBERTS: -- 0986. She seemed to be
11 very --

12 THE COURT: She was very stressed yesterday.
13 Her affect was very upset.

14 MR. KEMP: Your Honor, schoolteachers are one
15 of the few who get compensated for the entire time.

16 THE COURT: But she also has a 13-month-old
17 and her husband's a pilot who's gone three to four days
18 a week. That's what she indicated.

19 MR. CHRISTIANSEN: What she said also, Your
20 Honor, is that she just needs to pick up her child by
21 6:00 p.m. So we're never going to interfere with that.
22 And her worry was "if my child gets sick" or something
23 that hasn't happened.

24 And the student told me yesterday
25 unequivocally she could be here and be a fair juror the

1 whole time.

2 MR. KEMP: Plus we don't even know what time
3 her classes are.

4 THE COURT: Well, wait a second. Let's ask
5 her about the classes, because if you miss five weeks
6 of a semester, I don't know if I could pass. Five
7 weeks? That's -- that's a long time.

8 At -- at first she -- I know someone who
9 passed law school that way. Okay? I really do. And
10 he did really well because he's incredible. But,
11 anyway -- didn't go to class for months.

12 THE MARSHAL: She did bring that to my
13 attention this morning.

14 THE COURT: She did?

15 THE MARSHAL: Did you want to bring her in
16 beforehand?

17 THE COURT: What did she say?

18 THE MARSHAL: She just stated she's worried
19 about missing class. She had to miss class today.

20 THE COURT: Right. I mean, that's five -- it
21 was one thing when she explained to us about the -- you
22 can be seated.

23 When she --

24 MR. KEMP: Why don't we bring her in and at
25 least get a little more --

1 THE COURT: Let's do that. But remember she
2 started telling us about her exams, that she would have
3 to take the exams at the same time. But -- but then we
4 also have five weeks of -- of classes, arguably. So
5 let's ask her.

6 THE MARSHAL: Before?

7 MR. KEMP: Bring her in first, Your Honor.
8 I'm fine with that.

9 THE COURT: No problem.

10 THE MARSHAL: All rise. Please be seated.
11 Come to order.

12 THE COURT: Good afternoon. You may be
13 seated. Will you please state your name and your badge
14 number, please.

15 PROSPECTIVE JUROR NO. 11-0924: Vanessa
16 Salvatera, 11-0924.

17 THE COURT: All right. Okay. And just for
18 the record, normally, she -- Ms. Salvatera was sitting
19 in Seat 18 for purposes of this trial.

20 Ms. Salvatera, yesterday -- at the beginning,
21 you indicated that it may be a hardship for you because
22 of the timing of your examinations; correct? And
23 you're a senior at UNLV?

24 PROSPECTIVE JUROR NO. 11-0924: Yes, as well
25 as my classes. If I were to go on to be in a jury for

1 the next four weeks, that would be a month of classes
2 that I have missed, and I'll be very behind.

3 THE COURT: Counsel, would you like to ask
4 some questions?

5 MR. KEMP: What time are your classes?

6 PROSPECTIVE JUROR NO. 11-0924: From 10:00 to
7 4:00.

8 MR. KEMP: 10:00 in the morning?

9 PROSPECTIVE JUROR NO. 11-0924: Yes.

10 MR. KEMP: Okay. And are they all on
11 different days? same day?

12 PROSPECTIVE JUROR NO. 11-0924: Mainly
13 Tuesdays and Thursdays, but I also did mention that I'm
14 going to be starting work soon at Caesars. And they're
15 going to need to do two weeks of training for me. And
16 I've already asked them to -- to have me start at
17 another date, because the first orientation didn't fit
18 well because I also had classes. So they had to pretty
19 much delay my starting date.

20 MR. KEMP: So the classes are Tuesday and
21 Thursday?

22 PROSPECTIVE JUROR NO. 11-0924: Yes -- and
23 then --

24 MR. KEMP: Not Monday, Wednesday, Friday?

25 PROSPECTIVE JUROR NO. 11-0924: Yes.

1 MR. KEMP: And so can I assume that there's
2 more than one a day -- more than one class a day?

3 PROSPECTIVE JUROR NO. 11-0924: Yes.

4 MR. KEMP: So the first one starts at
5 10:00 --

6 THE COURT: You have to speak louder, please.

7 MR. KEMP: Gets done at what time?

8 PROSPECTIVE JUROR NO. 11-0924: 4:00.

9 THE COURT: The record is not picking you up.

10 MR. KEMP: It goes from 10:00 to 4:00, the
11 one class?

12 PROSPECTIVE JUROR NO. 11-0924: No. I have
13 one class from 10:00 a.m. to 11:15, then another class
14 at 11:30 to 12:45, and then I have a break -- like,
15 about a one-hour break. And then my last class of the
16 day starts at 2:30 till 3:45.

17 MR. KEMP: Okay. So if court started Tuesday
18 at 1:30 or 1:00, you could go to two classes but not
19 the third one.

20 PROSPECTIVE JUROR NO. 11-0934: Yes.

21 MR. KEMP: And the same thing would be
22 Thursday as well; right?

23 PROSPECTIVE JUROR NO. 11-0934: Yes.

24 MR. KEMP: And what -- which class is the
25 third one?

1 PROSPECTIVE JUROR NO. 11-0924: Anthropology.

2 MR. KEMP: Okay. I didn't take that, so I
3 don't -- I don't have any further questions, Your
4 Honor.

5 THE COURT: Mr. Roberts?

6 MR. ROBERTS: No questions, Your Honor.

7 MR. KEMP: Your Honor, can we talk about it?

8 THE COURT: Yes.

9 MR. KEMP: No, can we talk about it, but not
10 with --

11 THE COURT: Yes.

12 I'd like you to just step outside for a
13 moment, please.

14 THE MARSHAL: All rise.

15 You may be seated.

16 MR. KEMP: Judge, I think we solved
17 two-thirds of the problem right away because she said
18 she can go to two classes but not the third one. And
19 then the other thing seems to be a work situation,
20 which we're going to hear from everybody.

21 So I don't really think this meets the
22 grounds to excuse somebody. She's missing one
23 anthropology class at best.

24 THE COURT: For approximately five weeks.

25 MR. KEMP: For five weeks.

1 MR. ROBERTS: And to solve the problem, we
2 can't start until 1:30 or 2:00 instead of noon as we've
3 done this week. So we're going to lose three hours a
4 week. And then she's still missing and -- a class for
5 four to five weeks. I've never had a registered UNLV
6 student be required to miss classes, where they've paid
7 their tuition and might endanger completion of their
8 degree to attend jury duty, Your Honor.

9 MR. KEMP: Well, I can give you two names
10 from the Teva case we tried of UNLV students who missed
11 classes, which you were happy to have them miss
12 classes. If you really --

13 MR. ROBERTS: I wasn't involved in the Teva
14 case. You're confusing trials.

15 MR. KEMP: Maybe it was the HMO case. It was
16 that one crazy guy who wrote the letters -- or the
17 e-mails about the hot jury consultant. Do you remember
18 him?

19 MR. ROBERTS: He wasn't on our jury. He was
20 excused.

21 MR. KEMP: He was excused during the
22 mistrial, but he was selected for the jury, yeah.

23 Your Honor, I don't want to argue it
24 strongly.

25 THE COURT: Okay. I -- I -- honestly, the

1 young lady, Ms. -- Ms. --

2 THE MARSHAL: Salvatera.

3 THE COURT: Ms. Salvatera is a senior,
4 Mr. Kemp. It's her senior year, and the classes have
5 already started. While I understand what you're
6 saying, I -- I think it's -- put the work thing aside,
7 I think that missing five weeks of a class is a
8 significant amount of time for someone who's just about
9 to graduate. And unless we're willing to start --
10 start afterwards, which doesn't --

11 MR. KEMP: Well, Judge, I don't think that --
12 I agree with Mr. Roberts. That's not a viable option
13 because we -- we'd basically be blowing off all of
14 Tuesday and Thursday.

15 THE COURT: Right. Right. So I'm going to
16 excuse her. I think that that's a hardship for her.
17 She seems willing to, but I think -- well, she's
18 concerned as well. So under NRS 6.020 -- excuse me --
19 6.030.1(c), she is --

20 THE MARSHAL: Do you need her presence? Do
21 you need her in the courtroom?

22 THE COURT: Yes. I will just thank her
23 for -- very quickly.

24 THE MARSHAL: Do you want her or just the
25 whole group?

1 THE COURT: No, just her, Jerry.

2 THE MARSHAL: All rise.

3 THE COURT: Ms. Salvatera.

4 THE MARSHAL: Be seated. Come to order.

5 THE COURT: After -- under -- thank you for
6 giving us the information. And it seems to me that you
7 would be missing a significant amount of time, five
8 weeks probably in your anthropology class. And soon to
9 graduate; correct?

10 PROSPECTIVE JUROR NO. 11-0924: Yes.

11 THE COURT: I'm going to excuse you.

12 PROSPECTIVE JUROR NO. 11-0924: Okay.

13 THE COURT: Good luck in your studies and
14 your work. Thank you for being here.

15 PROSPECTIVE JUROR NO. 11-0924: Thank you.

16 THE COURT: You may go back to the jury
17 services room.

18 PROSPECTIVE JUROR NO. 11-0924: Okay.

19 THE MARSHAL: All rise.

20 MR. BARGER: The next one is -- well, the
21 next one is Cedric Arinwine, 11-1002.

22 THE MARSHAL: We have an issue with the
23 seating of him now, Your Honor.

24 THE COURT: With -- with what -- with the
25 gentleman's wheelchair.

1 THE MARSHAL: Yes. We want to put him here
2 or -- he's going to be out of order.

3 THE COURT: Okay. He would be in the 18th
4 spot, but I think we should --

5 MR. BARGER: Is that the gentleman in the
6 wheelchair?

7 THE MARSHAL: Yes.

8 Or do you want to leave him in the back?

9 MR. CHRISTIANSEN: We can leave him right
10 there.

11 MR. KEMP: Right where? But he will be in
12 the 18th spot.

13 THE COURT: No, for the purposes of our
14 understanding, he is replacing the alternate that just
15 left. And he is technically -- he is in the 18th spot.
16 We're placing him here because he's in a wheelchair.
17 And it's not --

18 MR. CHRISTIANSEN: Actually, sitting him
19 right in front -- he'll be right in front of the seat
20 he would otherwise be in, so we can sort of be able to
21 keep track.

22 THE MARSHAL: All right. Are we ready?

23 THE COURT: Yes. We're ready.

24 MR. KEMP: Judge, are you going to bring him
25 up to speed on your questions first?

1 THE COURT: Yes.

2 MR. KEMP: Judge, things have changed. I
3 remember when I went to UNLV, any reason to miss five
4 weeks of school was a good thing.

5 THE COURT: Mr. Kemp, it's different now.

6 MR. KEMP: It must be.

7 THE COURT: When I was there, it was the same
8 thing. It's not the same anymore. It's -- it's --

9 MR. KEMP: They speak --

10 THE COURT: It's amazing how things have
11 changed.

12 MR. KEMP: It must have changed.

13 Five weeks, that was just a good road trip
14 back in the day.

15 THE MARSHAL: All rise.

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

18 THE MARSHAL: All the jurors are present,
19 Your Honor.

20 THE COURT: All right. Very good.

21 THE MARSHAL: Take a seat. Come to order.

22 THE COURT: Okay.

23 THE CLERK: Yes, Your Honor.

24 Badge 11-1002, Cedric Arinwine.

25 THE MARSHAL: Keep straight.

1 THE COURT: Good afternoon, ladies and
2 gentlemen. I want to welcome you back and thank you
3 for your service.

4 And let's see. It's Mr. Cedric Arinwine.

5 PROSPECTIVE JUROR NO. 11-1002: Yes, ma'am.

6 THE COURT: And that's Badge 11-1002;
7 correct?

8 PROSPECTIVE JUROR NO. 11-1002: Yes.

9 THE COURT: I'm going to ask you some of the
10 other questions that I've asked.

11 I know. I know. Understood.

12 Okay. All right. So let's see. Okay. Are
13 you acquainted with any of the attorneys involved in
14 this case?

15 PROSPECTIVE JUROR NO. 11-1002: I'm not.

16 THE COURT: Okay. Do you recognize the names
17 of any of the witnesses in this case?

18 PROSPECTIVE JUROR NO. 11-1002: I do not.

19 THE COURT: Okay. What about the parties in
20 this case?

21 PROSPECTIVE JUROR NO. 11-1002: I do not.

22 THE COURT: Okay. This is a question that I
23 need to ask. Are you in any way obligated to any of
24 the parties or any of the lawyers in this case?

25 PROSPECTIVE JUROR NO. 11-1002: No, ma'am.

1 THE COURT: Okay. Are any of them obligated
2 in any way or obliged to you?

3 PROSPECTIVE JUROR NO. 11-1002: No, ma'am.

4 THE COURT: Do you -- do you know any other
5 members of the jury panel?

6 PROSPECTIVE JUROR NO. 11-1002: I do not.

7 THE COURT: Okay. Do you know me or anyone
8 of the Department 14 staff?

9 PROSPECTIVE JUROR NO. 11-1002: No, I don't.

10 THE COURT: Okay. Understanding that this
11 case is going to last approximately five weeks and
12 based on the schedule that I previously indicated, do
13 you feel that serving for that period of time would
14 present a physical or medical hardship.

15 PROSPECTIVE JUROR NO. 11-1002: No. No. Not
16 in that area no.

17 THE COURT: Okay. Is there any other reason
18 serving on this jury would present you with a severe or
19 undue hardship?

20 PROSPECTIVE JUROR NO. 11-1002: Yes. My
21 mother had a stroke this past week. She's in the
22 hospital now. I'm her legal guardian. She's going to
23 be released to me this Friday, and she's going to be
24 staying with me. I work a full-time job, I run my own
25 business, and I drive Lyft and Uber. I -- it's only

1 me, my wife, and my kids that's going to be taking care
2 of her. I have an 18-year-old and a 14-year-old, so I
3 don't have -- I'm not going to have any time available
4 for anything because I -- when I'm not working, I'm
5 going to be at the house with her. Or my wife's going
6 to be there or -- and when she's at home, I'm going to
7 be at my business. Or working. So I don't know how
8 this is going to work out for me. Honestly.

9 THE COURT: Okay. Have you ever been
10 involved in a car accident or -- car accident or
11 motorcycle accident or bicycle accident?

12 PROSPECTIVE JUROR NO. 11-1002: Yes.

13 THE COURT: Okay. Were you sued as a result
14 of that --

15 PROSPECTIVE JUROR NO. 11-1002: I was not.

16 THE COURT: -- accident?

17 Okay. Were you satisfied with how the claim
18 or -- or how the lawsuit was resolved?

19 MR. KEMP: Your Honor, can I approach?

20 THE COURT: Yes.

21 (A discussion was held at the bench,
22 not reported.)

23 THE COURT: Okay. Well, the attorneys have
24 kindly reminded me that I forgot to call roll.

25 Straightforward with you, so...

1 THE CLERK: Yes, Your Honor.
2 THE COURT: Thank you for that, Counselor.
3 THE CLERK: Badge 11-0798, Byron Lennon.
4 PROSPECTIVE JUROR NO. 11-0798: Here.
5 THE CLERK: Badge 11-0802, John Toston.
6 PROSPECTIVE JUROR NO. 11-0802: Here.
7 THE CLERK: 11-0830, Michelle Peligro.
8 PROSPECTIVE JUROR NO. 11-0830: Here.
9 THE CLERK: 11-0834, Joseph Dail.
10 PROSPECTIVE JUROR NO. 11-0834: Here.
11 THE CLERK: 11-0844, Raphael Javier.
12 PROSPECTIVE JUROR NO. 11-0844: Here.
13 THE CLERK: 11-0853, Dylan Domingo.
14 PROSPECTIVE JUROR NO. 11-0853: Here.
15 THE CLERK: 11-0855, Ronald Green.
16 PROSPECTIVE JUROR NO. 11-0855: Here.
17 THE CLERK: 11-0860.
18 PROSPECTIVE JUROR NO. 11-0860: Here.
19 THE CLERK: Aberash -- thank you.
20 11-0867, Jenny Gagliano.
21 PROSPECTIVE JUROR NO. 11-0867: Here.
22 THE CLERK: 11-0877, Dorothy Lee.
23 PROSPECTIVE JUROR NO. 11-0877: Here.
24 THE CLERK: 11-0879, Vanessa Rodriguez.
25 PROSPECTIVE JUROR NO. 11-0879: Here.

1 THE CLERK: 11-0880, William Richardson.
2 PROSPECTIVE JUROR NO. 11-0880: Here.
3 THE CLERK: 18-0885, Constance Brown.
4 PROSPECTIVE JUROR NO. 11-0885: Here.
5 THE CLERK: 11-0887, Shelbie Bynum.
6 PROSPECTIVE JUROR NO. 11-0887: Here.
7 THE CLERK: 11-0902, Sherry Hall.
8 PROSPECTIVE JUROR NO. 11-0902: Here.
9 THE CLERK: 11-0915, Ruth McLain.
10 PROSPECTIVE JUROR NO. 11-0915: Here.
11 THE CLERK: 11-0926, Enrique Tuquero.
12 PROSPECTIVE JUROR NO. 11-0926: Here.
13 THE CLERK: 11-0937, Raquel Romero.
14 PROSPECTIVE JUROR NO. 11-0937: Here.
15 THE CLERK: 11-0940, Caroline Graf.
16 PROSPECTIVE JUROR NO. 11-0940: Here.
17 THE CLERK: 11-0975, Jonathan Fortich.
18 PROSPECTIVE JUROR NO. 11-0975: Here.
19 THE CLERK: 11-0986, Keli Yohannes.
20 PROSPECTIVE JUROR NO. 11-0986: Here.
21 THE CLERK: 11-0999, Janelle Reeves.
22 PROSPECTIVE JUROR NO. 11-0999: Here.
23 THE CLERK: 11-1002, Cedric Arinwine.
24 PROSPECTIVE JUROR NO. 11-1002: Here.
25 THE CLERK: Arinwine, sorry.

1 PROSPECTIVE JUROR NO. 11-1002: Thank you.
2 Here.

3 THE CLERK: 11-1014, Cindy Smith.

4 PROSPECTIVE JUROR NO. 11-1014: Here.

5 THE CLERK: 11-1019, Sanya Bandit.

6 PROSPECTIVE JUROR NO. 11-1019: Here.

7 THE CLERK: 110- -- 11-1035, Pamela
8 Phillips-Chong.

9 PROSPECTIVE JUROR NO. 11-1035: Here.

10 THE CLERK: 11-1037, Joel Santa Ana.

11 PROSPECTIVE JUROR NO. 11-1037: Here.

12 THE CLERK: 11-1043, Michael Shapiro.

13 PROSPECTIVE JUROR NO. 11-1043: Here.

14 THE CLERK: 11-1047, Glenn Krieger.

15 PROSPECTIVE JUROR NO. 11-1047: Here.

16 THE CLERK: 11-1056, Miguel Arteaga.

17 PROSPECTIVE JUROR NO. 11-1056: Here.

18 THE CLERK: 11-1059, Toshiko Nakamura.

19 PROSPECTIVE JUROR NO. 11-1059: Here.

20 THE CLERK: 11-1071, Chanel Walsh.

21 PROSPECTIVE JUROR NO. 11-1071: Here.

22 THE CLERK: 11-1075, Tri Le.

23 PROSPECTIVE JUROR NO. 11-1075: Here.

24 THE CLERK: 11-1081, Andrew Chavez.

25 PROSPECTIVE JUROR NO. 11-1081: Here.

1 THE CLERK: 11-1089, Ghizlane Berhimou.

2 PROSPECTIVE JUROR NO. 11-1089: Here.

3 THE CLERK: 11-1092, Melissa Favella.

4 PROSPECTIVE JUROR NO. 11-1092: Here.

5 THE CLERK: 11-1093, Curtis Nolos.

6 PROSPECTIVE JUROR NO. 11-1093: Here.

7 THE CLERK: 11-1104, Winnie Pritchett.

8 PROSPECTIVE JUROR NO. 11-1104: Here.

9 THE CLERK: Okay.

10 THE COURT: Is that everyone?

11 THE CLERK: That's all I have.

12 THE MARSHAL: Yes, I think we skipped one.

13 THE CLERK: Which one?

14 THE MARSHAL: 11-0986, Keli Yohannes, she is
15 present.

16 PROSPECTIVE JUROR NO. 11-0986: She called
17 me.

18 THE COURT: Okay. Very good.

19 THE CLERK: Which one?

20 THE MARSHAL: She said you did call.

21 THE CLERK: I did? Okay.

22 THE MARSHAL: Yes.

23 THE COURT: Okay. Very good.

24 Now I'm going to continue the questioning.

25 Let's see. We're going to continue with Mr. Everwine?

1 PROSPECTIVE JUROR NO. 11-1002: Arinwine.

2 THE COURT: Arinwine. Mr. Arinwine, as a
3 result of the car accident, what injuries did you
4 suffer?

5 PROSPECTIVE JUROR NO. 11-1002: I'm sorry. I
6 didn't hear you, ma'am.

7 THE COURT: You indicated that you were in an
8 accident?

9 PROSPECTIVE JUROR NO. 11-1002: Yes.

10 THE COURT: Was it a car accident, motorcycle
11 or bicycle or pedestrian?

12 PROSPECTIVE JUROR NO. 11-1002: It was a car
13 accident.

14 THE COURT: Okay. And you suffered injuries
15 as a result of that?

16 PROSPECTIVE JUROR NO. 11-1002: Yes, ma'am.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 11-1002: Spinal cord
19 injury.

20 THE COURT: Okay. All right. So, as I
21 indicated yesterday, you're going to listen to
22 witnesses, review evidence, and make a determination
23 based on facts. That's what the requirement is for the
24 duties of the juror, and the jury is actually called
25 the finder of facts. And it is the Court's job to

1 instruct you on the law, okay, which will apply to all
2 factors. Even if you disagree with some of the laws
3 are written or how they're written, it would be a
4 violation of a juror's duty, if they did not follow --
5 if you do not follow the law and render a verdict based
6 upon what he or she believed the law to be instead,
7 okay, if it was -- if it were to be different from the
8 Court's instructions, the legal instructions.

9 Do you feel that you would not be able to
10 follow all of the instructions of the court on the law,
11 even if the instructions differ from the personal
12 opinions or conceptions of what the law ought to be?

13 PROSPECTIVE JUROR NO. 11-1002: I can.

14 THE COURT: You can. Okay. Have you heard
15 anything about this case in the media?

16 PROSPECTIVE JUROR NO. 11-1002: I have not.

17 THE COURT: Okay. Do you have such sympathy,
18 prejudice, or bias relating to age, religion, race,
19 gender, or national origin that you feel may affect
20 your ability to be open-minded and fair?

21 PROSPECTIVE JUROR NO. 11-1002: I do not.

22 THE COURT: And impartial as a juror. You do
23 not. Okay.

24 Is there any other reason you would not --
25 you would be unable to be fair and serve as a juror in

1 this case?

2 PROSPECTIVE JUROR NO. 11-1002: No, ma'am.

3 THE COURT: Okay. We need to ask you the
4 individual questions now. Okay? How long have you
5 lived in the Las Vegas area?

6 PROSPECTIVE JUROR NO. 11-1002: 26 years.

7 THE COURT: Okay. And what do you do for
8 work or a living? I understand you're -- you drive;
9 right?

10 PROSPECTIVE JUROR NO. 11-1002: I drive Lyft
11 and Uber part time. I work 20 years for the state. I
12 work -- I'm a counselor for adults with disabilities,
13 and I run my own business in Tivoli Village,
14 Wrap-So-Dy, if you ever want to visit.

15 THE COURT: What is it?

16 PROSPECTIVE JUROR NO. 11-1002: Wrap-So-Dy.
17 We do home decor, gift wrapping, engraving in the
18 Tivoli Village.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 11-1002: Thank you
21 very much.

22 THE COURT: Okay. That's what you do.
23 That's -- that's okay. Very good.

24 You indicated that you're married.

25 PROSPECTIVE JUROR NO. 11-1002: Yes, ma'am.

1 THE COURT: Okay. And does your -- your
2 spouse work? You indicated that your spouse works.

3 PROSPECTIVE JUROR NO. 11-1002: She does.

4 THE COURT: And what area of work is she in?

5 PROSPECTIVE JUROR NO. 11-1002: She's a
6 pharmacist, and she helps run the business.

7 THE COURT: Okay. She's a pharmacist?

8 PROSPECTIVE JUROR NO. 11-1002: Yes, ma'am.

9 THE COURT: And how long has she been in that
10 area. ?

11 PROSPECTIVE JUROR NO. 11-1002: Maybe 12
12 years. And she used to teach at CSN, the pharmacy
13 program.

14 THE COURT: Okay. Do you have children?

15 PROSPECTIVE JUROR NO. 11-1002: Two.

16 THE COURT: Two. And you already mentioned
17 their names -- their ages.

18 PROSPECTIVE JUROR NO. 11-1002: 18 and 14.

19 THE COURT: Okay. And your 18-year-old, is
20 he or she studying or what field of work?

21 PROSPECTIVE JUROR NO. 11-1002: He's at the
22 Art Institute.

23 THE COURT: That's great. Which one?

24 PROSPECTIVE JUROR NO. 11-1002: In Henderson.

25 THE COURT: Okay. And your 16-year-old is in

1 high school?

2 PROSPECTIVE JUROR NO. 11-1002: She's
3 homeschooled, so I'm -- you know, she -- it varies
4 because she -- it depends on her level, not her grade.

5 THE COURT: I see.

6 PROSPECTIVE JUROR NO. 11-1002: So, yes,
7 she's in high school.

8 THE COURT: Okay. Very good. Have you ever
9 served as a juror before?

10 PROSPECTIVE JUROR NO. 11-1002: I have not.

11 THE COURT: Okay. Very good.

12 That's all the questions I have for you at
13 this time.

14 So the plaintiff will now resume,
15 Mr. Christiansen, your questioning --

16 MR. CHRISTIANSEN: Thank you, Your Honor.

17 THE COURT: -- of the jury panel, please.

18

19 VOIR DIRE EXAMINATION

20 MR. CHRISTIANSEN: Good afternoon.

21 IN UNISON: Good afternoon.

22 MR. CHRISTIANSEN: Don't everybody look so
23 happy.

24 Mr. Arinwine.

25 PROSPECTIVE JUROR NO. 11-1002: Yes, sir.

1 MR. CHRISTIANSEN: Is that the correct way to
2 say it?

3 PROSPECTIVE JUROR NO. 11-1002: Yes, it is.
4 Badge No. 11-1002, Cedric Arinwine. Just to help you
5 out.

6 MR. CHRISTIANSEN: You got the drill down.
7 You were behind the bar yesterday but listening for the
8 last hourish that I spoke. You remember those
9 questions that I posed to everybody out here?

10 PROSPECTIVE JUROR NO. 11-1002: I do.

11 MR. CHRISTIANSEN: Any answers that you
12 thought would stand out or you wanted to phrase in
13 response to any of the questions I posed yesterday
14 about sort of the process and how it works?

15 PROSPECTIVE JUROR NO. 11-1002: No. No, sir.

16 MR. CHRISTIANSEN: Great. You said in
17 addition -- you sound like a busy guy. You were
18 driving for Uber and Lyft; is that right?

19 PROSPECTIVE JUROR NO. 11-1002: Well, that's
20 only part time. I work 7:00 to 3:00, then go to my
21 business, and then I work Lyft and Uber whenever I have
22 the energy, up until 12:00, 1 o'clock, get five hours
23 of sleep, and then start over the day again.

24 MR. CHRISTIANSEN: Got you. And -- and your
25 main job, besides your business and your extra job with

1 Uber and Lyft, is working, I wrote down, with adults
2 that have disabilities?

3 PROSPECTIVE JUROR NO. 11-1002: Yes, sir.

4 MR. CHRISTIANSEN: How long have you been
5 doing that?

6 PROSPECTIVE JUROR NO. 11-1002: 20 years,
7 going on my 21st year.

8 MR. CHRISTIANSEN: And how did you get into
9 that sort of area of -- of counseling?

10 PROSPECTIVE JUROR NO. 11-1002: I used to do
11 public speaking for Sunrise Hospital for adults with
12 disabilities -- excuse me, adults with head or spinal
13 cord injuries, and I kind of bridged the gap to --

14 MR. CHRISTIANSEN: Sure.

15 PROSPECTIVE JUROR NO. 11-1002 -- to the next
16 field.

17 MR. CHRISTIANSEN: Okay. Pardon me for
18 asking and being personal. When did you suffer your
19 spinal cord injury? How old were you?

20 PROSPECTIVE JUROR NO. 11-1002: I just turned
21 21. I used to be in the marines and I just -- I was
22 traveling to Las Vegas. Five minutes before I got to
23 the strip, I fell asleep.

24 MR. CHRISTIANSEN: Oh, Jesus. So a
25 single-car accident?

1 PROSPECTIVE JUROR NO. 11-1002: Yes, sir.

2 MR. CHRISTIANSEN: How long ago in time was
3 that? You don't look that much older than 21.

4 PROSPECTIVE JUROR NO. 11-1002: December 6th,
5 1991.

6 MR. CHRISTIANSEN: Wow. All right. So for
7 at least some 20 years, while having a disability, you
8 have been assisting other adults sort of work through
9 or manage their own disabilities?

10 PROSPECTIVE JUROR NO. 11-1002: Yes, sir.

11 MR. CHRISTIANSEN: Is that sort of what you
12 do as a counselor for adult -- disabled adults?

13 PROSPECTIVE JUROR NO. 11-1002: We pretty
14 much train for jobs out in the community and do
15 counseling as well. Autism, MR, all fields of mental
16 disabilities and physical.

17 MR. CHRISTIANSEN: So I was going to ask you
18 that. Is it across the spectrum, not just physical
19 disabilities but mental disabilities?

20 PROSPECTIVE JUROR NO. 11-1002: Correct, yes.

21 MR. CHRISTIANSEN: Sort of the end goal
22 being, for the purpose -- the disabled person being
23 able to be self-sufficient or as much as possible?

24 PROSPECTIVE JUROR NO. 11-1002: Correct, yes.

25 MR. CHRISTIANSEN: And I'm sorry to hear

1 about your mom. That sounds like a recent development
2 that was not in your questionnaire. You -- it hadn't
3 happened yet?

4 PROSPECTIVE JUROR NO. 11-1002: Well, like I
5 said, it just happened this past weekend. And she
6 had -- she's 86, she has dementia, and, you know, just
7 getting ready for the end game, basically.

8 MR. CHRISTIANSEN: Got you. And you and your
9 wife and family are going to be her caretakers when
10 she's released?

11 PROSPECTIVE JUROR NO. 11-1002: Yes, sir.

12 MR. CHRISTIANSEN: I want to understand, is
13 it rhapsody with like -- spelled correctly, or is it
14 rhapsody with W-R-A?

15 PROSPECTIVE JUROR NO. 11-1002:
16 W-R-A-P-S-O-D-Y.

17 MR. CHRISTIANSEN: All right. It is right at
18 the top when you go up those escalators in the Tivoli?

19 PROSPECTIVE JUROR NO. 11-1002: Right across
20 from the park, in the center park.

21 MR. CHRISTIANSEN: Got it. Okay. I have
22 seen it.

23 PROSPECTIVE JUROR NO. 11-1002: I will give
24 you a discount.

25 MR. CHRISTIANSEN: I thought you'd charge me

1 extra at this point.

2 Did you say how old your children were, sir?

3 PROSPECTIVE JUROR NO. 11-1002: 18 and 14.

4 MR. CHRISTIANSEN: Got it. All right. Back
5 up a bit. And one of the items I neglected to explain
6 to you folks yesterday, and Her Honor may have read it,
7 but is that jurors have a role in the trial. Actually
8 jurors get to ask questions in the form of -- in
9 writing. So a witness testifies. At the conclusion of
10 that, Her Honor, I think, will ask, "Do any of the
11 jurors have questions?" You write them out, hand them
12 to the marshal, who gives them to the judge, who has
13 all the lawyers come to the bench. And the judge
14 decides ultimately, like she decides our questions, is
15 it a question that should be asked or should not be
16 asked. And then, if it's appropriate, she asks that
17 question.

18 Since you got the mike, Mr. Arinwine, was
19 that a process you think you could participate in?

20 PROSPECTIVE JUROR NO. 11-1002: Yes.

21 MR. CHRISTIANSEN: Anybody think they
22 wouldn't want to be able to participate in that process
23 that sort of works that way? No? Everybody think that
24 would be kind of interesting to be involved? Okay.

25 Going to mess up -- is it Ms. Bynum?

1 PROSPECTIVE JUROR NO. 11-0887: Yes.

2 MR. CHRISTIANSEN: Mr. Arinwine, can you hand
3 that back to Ms. Bynum?

4 Ms. Bynum, you had some answers to questions
5 yesterday that I recalled when I looked at my notes.
6 Or actually Ms. Works and Ms. Barrett remembered. Two
7 areas, one that was in your questionnaire, and that is
8 your mom drives a bus.

9 PROSPECTIVE JUROR NO. 11-0887: Yes. She
10 drives a school bus for the Clark County School
11 District. She's actually now one of the supervisors,
12 but she's been doing it for, like, as long as I have
13 been born at least.

14 MR. CHRISTIANSEN: Which yard does she work
15 out, the one in the northwest or the one out on Losee
16 by Silver State?

17 PROSPECTIVE JUROR NO. 11-0887: She works the
18 one by the M, down south.

19 MR. CHRISTIANSEN: Oh, the far south one?

20 PROSPECTIVE JUROR NO. 11-0887: Yes.

21 MR. CHRISTIANSEN: And she's been doing that
22 your whole life?

23 PROSPECTIVE JUROR NO. 11-0887: Yeah, and
24 then some.

25 MR. CHRISTIANSEN: Okay. You also answered

1 yesterday to Her Honor, you said you had some
2 familiarity with biking, I think. Is that --

3 PROSPECTIVE JUROR NO. 11-0887: Yeah, I
4 went -- I was a cyclist -- I have been a cyclist for
5 many years. Initially, when I didn't have a car, I
6 would cycle 30 miles a day to go from my home to
7 college, to work, and then home again. And I still
8 cycle at least -- I usually over a thousand miles in a
9 year. I'm a pretty avid cyclist. And both of my
10 parents, my mom's a bus driver; my dad's a truck
11 driver. And so they deal with both of those big
12 vehicles, and they're very adamant about cyclists
13 because of me, so...

14 MR. CHRISTIANSEN: Okay. You yourself, I
15 think, told us yesterday that you had some experience
16 up in the area that this incident occurred, with bikes
17 and buses?

18 PROSPECTIVE JUROR NO. 11-0887: Yes.

19 MR. CHRISTIANSEN: Tell me about that, if you
20 would.

21 PROSPECTIVE JUROR NO. 11-0887: Well, as a
22 cyclist, for one, a lot of the bike lanes aren't very
23 big and they're full of rocks, and so you often do have
24 to take on a lane, which is allowed.

25 And as far as, like, buses and stuff with

1 your aerodynamics, you definitely can get blown around
2 if they're going fast enough or close enough to you,
3 even just a small car, let alone a bus. And you have
4 to watch for stuff like that. I have been --

5 MR. CHRISTIANSEN: Help me understand. I'm
6 not a cyclist, so help me understand what that means in
7 your experience.

8 PROSPECTIVE JUROR NO. 11-0887: Well,
9 you're -- as a cyclist, you're also experiencing
10 that -- those aerodynamics trying to go through. And
11 so when a giant object is zooming past you that it will
12 push you to the side and/or, like, help get you off
13 course if you're close enough, especially.

14 MR. CHRISTIANSEN: Okay. Have you yourself
15 experienced that, or is it something you just read
16 about?

17 PROSPECTIVE JUROR NO. 11-0887: No, I
18 experienced it.

19 MR. ROBERTS: Your Honor, may I approach?

20 THE COURT: Yes.

21 (A discussion was held at the bench,
22 not reported.)

23 MR. CHRISTIANSEN: So I want to pose the same
24 question I posed to Ms. Bynum to the rest of you all up
25 here. Has anybody else on a bicycle experienced the

1 air disturbance Ms. Bynum has explained from vehicles?

2 All right. We're going to start with you
3 because we have a difference of opinion as to how to
4 say your last name correctly.

5 PROSPECTIVE JUROR NO. 11-0834: Dale, like
6 D-a-l-e.

7 MR. CHRISTIANSEN: All right. Mr. Dail.

8 PROSPECTIVE JUROR NO. 11-0834: By the way,
9 Badge No. 11-0834.

10 MR. CHRISTIANSEN: What experience, if any,
11 similar to Ms. Bynum have you had?

12 PROSPECTIVE JUROR NO. 11-0834: The same.
13 You know, with the -- and I think the bigger the
14 vehicle, the more air displacement you're going to get,
15 I think that's what she was saying. If you're on a
16 bicycle, you may -- you're going to get pushed away --
17 my experience, you get pushed away from the vehicle.

18 MR. CHRISTIANSEN: Okay. Are you an avid
19 cyclist? I neglected to ask you that question
20 yesterday.

21 PROSPECTIVE JUROR NO. 11-0834: My wife and I
22 do bike ride around the neighborhood three to four
23 times a week.

24 MR. CHRISTIANSEN: So that's something you
25 yourself have experienced?

1 PROSPECTIVE JUROR NO. 11-0834: That's
2 correct.

3 MR. CHRISTIANSEN: Mr. Dail, if you hand it
4 down -- I think it was Mr. Green had his hand up.

5 Same question to you, Mr. Green. What --
6 tell me your experience.

7 PROSPECTIVE JUROR NO. 11-0855: Ron Green,
8 11-0855.

9 I have experienced the same thing,
10 especially, I think, on freeways where there is a, you
11 know, greater amount of speeds, speed makes more
12 movement. And I have had -- being in a larger car,
13 experienced a small car with a great amount of speed,
14 push you over to the side. Speeding that -- it
15 accelerates the motion.

16 MR. CHRISTIANSEN: So you -- I just didn't --
17 you were in the smaller car or you were in --

18 PROSPECTIVE JUROR NO. 11-0855: No, I was in
19 the larger car. I was in a Sport-Ute and a car came
20 past me on I-15 at 150 miles an hour. Just blew past
21 me, and I felt the movement of that car. I never saw
22 it coming, it came up on me so fast, and it blew past
23 me. I was wondering whether that guy survived that
24 trip because it was kind of a James Dean type of moment
25 how fast he was going, and it was a super car.

1 MR. CHRISTIANSEN: His car was smaller than
2 the SUV you were in?

3 PROSPECTIVE JUROR NO. 11-0855: And I felt
4 the movement from that car just from the acceleration.
5 And I think even I felt it on -- with motorcycles
6 coming by too. A smaller car with a speed can actually
7 feel that movement, you know, if it's going past you so
8 fast.

9 MR. CHRISTIANSEN: Okay. Great.
10 And, Ms. Hall, did you have your hand up too?

11 PROSPECTIVE JUROR NO. 11-0902: I did.

12 MR. CHRISTIANSEN: To your regrets.

13 PROSPECTIVE JUROR NO. 11-0902: Yes.

14 MR. CHRISTIANSEN: Ms. Hall, your badge
15 number is?

16 PROSPECTIVE JUROR NO. 11-0902: 11-0902.

17 MR. CHRISTIANSEN: Tell us, if you would,
18 what your experience...

19 PROSPECTIVE JUROR NO. 11-0902: I ride my
20 bike generally on small streets or not-so-busy streets,
21 but when cars do come by me, I can feel the -- the pull
22 of my bike. And if I'm in the bike lane, the bike
23 lanes are very close to the driving lane, it's even
24 worse.

25 MR. CHRISTIANSEN: A similar experience to

1 Ms. Bynum.

2 PROSPECTIVE JUROR NO. 11-0902: Correct.

3 MR. CHRISTIANSEN: You said "pull." Help me
4 understand what you meant by that.

5 PROSPECTIVE JUROR NO. 11-0902: It kind of,
6 like, pushes you to the side.

7 MR. CHRISTIANSEN: Away from the vehicle or
8 towards the vehicle or both?

9 PROSPECTIVE JUROR NO. 11-0902: Well, it
10 never pushed me toward the vehicle, thank God, mostly
11 away from it.

12 MR. CHRISTIANSEN: Okay. And have any of the
13 persons that answered yes to the -- did I get everybody
14 that raised their hand? I think I did.

15 Oh, Mr. Arinwine, reach over your right
16 shoulder to take that mic back.

17 PROSPECTIVE JUROR NO. 11-1002: I actually
18 can talk very loud, so ...

19 MR. CHRISTIANSEN: You and me both. What's
20 your badge number, sir?

21 PROSPECTIVE JUROR NO. 11-1002: 11-1002,
22 Cedric Arinwine.

23 MR. CHRISTIANSEN: Tell me your experience,
24 Mr. Arinwine.

25 PROSPECTIVE JUROR NO. 11-1002: I push for

1 exercise. I use bike lanes when I push my rugby chair.
2 I play wheelchair rugby.

3 Anyway, the bottom line is I will use the
4 bike lanes when -- when I -- around the neighborhood.
5 And when I'm on a major street, I do have to brace
6 myself when cars are passing by 'cause it will push me
7 into the curb. If the bike lane is right next to the
8 sidewalk, and I'm on -- I'm going down the bike lane,
9 if I'm not careful, if the car's coming by pretty fast,
10 it will deter me to the -- to the sidewalk. So ...

11 MR. CHRISTIANSEN: Okay. And help me out.
12 I'm real familiar with rugby and I played it in
13 college, but I don't know about wheelchair rugby. What
14 kind of a chair do you operate, just so I can picture
15 in my mind what it -- how it's different from a bicycle
16 with other persons.

17 PROSPECTIVE JUROR NO. 11-1002: It just kind
18 of reminds you of a gladiator type of chariot. But --
19 but it's -- it's -- it's a different type of
20 wheelchair. It's -- it's a sports wheelchair, but
21 it's -- it's -- it's pretty bad.

22 MR. CHRISTIANSEN: Bad in a good way?

23 PROSPECTIVE JUROR NO. 11-1002: Yeah, I
24 couldn't use the other term behind it.

25 THE COURT: Thank you.

1 MR. CHRISTIANSEN: Okay. You know how on a
2 bicycle like the other jurors were talking about, the
3 front tire turns right to left? On your bad race
4 chair, rugby chair, does that front tire turn that way,
5 or is it not -- you don't turn the tire the way a
6 normal bicycle would?

7 PROSPECTIVE JUROR NO. 11-1002: It's not a
8 matter of the front two wheels turning; it's the back
9 wheels, because they're cambered, which means they're
10 at an angle so you can turn fast.

11 MR. CHRISTIANSEN: So you control turning
12 from the back wheels --

13 PROSPECTIVE JUROR NO. 11-1002: Only from the
14 back wheels.

15 MR. CHRISTIANSEN: -- much like the chair
16 you're operating?

17 PROSPECTIVE JUROR NO. 11-1002: Yes, sir.

18 MR. CHRISTIANSEN: Okay. So the front tires,
19 like, on a bicycle, you know, the front tire goes right
20 to left, left to right?

21 PROSPECTIVE JUROR NO. 11-1002: Basically,
22 yes.

23 MR. CHRISTIANSEN: On your race chair, I'll
24 call it, you feel that disturbance even though you
25 control the steering in the back wheels, not the front

1 tire?

2 PROSPECTIVE JUROR NO. 11-1002: Oh,
3 definitely. The -- the -- the wind will kind of guide
4 you if you're not careful. If I take my hands off
5 my -- my wheelchair, it will definitely push me away.

6 MR. CHRISTIANSEN: And that's something you
7 yourself have experienced here in Las Vegas?

8 PROSPECTIVE JUROR NO. 11-1002: Almost every
9 time I go pushing.

10 MR. CHRISTIANSEN: I've not heard the term
11 "pushing" before. That's a form of exercise?

12 PROSPECTIVE JUROR NO. 11-1002: Yes, sir.

13 MR. CHRISTIANSEN: And how often do you do
14 that?

15 PROSPECTIVE JUROR NO. 11-1002: With my
16 schedule now, I try to go once a week. I have to have
17 exercise in order to keep my -- my condition.

18 MR. CHRISTIANSEN: Okay. All right. Trying
19 to put everybody back in order.

20 Ms. Bynum, let me go back to you.

21 Mr. Arinwine, would you hand that back.

22 PROSPECTIVE JUROR NO. 11-0887: 11-0887.

23 MR. CHRISTIANSEN: Anything about your folks
24 and their occupation. Dad's a truck driver. Mom's
25 a -- sounds like now a supervisor of bus drivers?

1 PROSPECTIVE JUROR NO. 11-0887: Yes.

2 MR. CHRISTIANSEN: Anything about either of
3 those that causes you to -- to lean one way or another
4 in this case?

5 PROSPECTIVE JUROR NO. 11-0887: Well, with my
6 mom's buses, she works with children, and they have a
7 lot of safety features. They have those sensors that
8 you're talking about. They have rear backing monitors.
9 They have extra mirrors to see everything, because kids
10 are even more unpredictable than cyclists.

11 So I feel like if the Clark County School
12 District can afford all their buses to have all this
13 different stuff, I don't understand why that's not a
14 standard for buses around -- especially heavily
15 populated cyclist areas like Red Rock, because I go
16 there often, and there -- are very heavily populated
17 for cyclist.

18 And as a cyclist, with a road bike, your
19 tires are really thin and slick. And with the
20 aerodynamic, it's kind of like a V. So if you get
21 pushed and you're trying to compensate, once that V
22 passes, then you could not necessarily get pushed off
23 into the lane; you could overcompensate and get into
24 the road as well.

25 So there's different factors involved with

1 that, because, like, if you're trying to fight this
2 current and the current passes, just like a boat stream
3 where you could see the water make it, it's -- it's the
4 same thing.

5 I'm not sure what happened in that instance,
6 but I could -- I'm pretty familiar with all of these
7 things. And my parents are very careful when it comes
8 to, like, cyclists and have -- they've been doing it --
9 he's been doing it, my dad, several years too, and have
10 never -- have come across many cyclists and never had
11 any sort of problem.

12 MR. CHRISTIANSEN: Okay. So just for those
13 of us who are trying to figure out who could be fair
14 and impartial, it sounds like you cycle. So you -- you
15 understand cycling. Okay. But you also understand
16 from just being the daughter of parents that drive big
17 vehicles how to -- how those vehicles operate?

18 PROSPECTIVE JUROR NO. 11-0887: Yes.

19 MR. CHRISTIANSEN: All right. So you don't
20 lean one way or another in terms of being impartial in
21 the case; you just have experience sort of on both
22 sides?

23 PROSPECTIVE JUROR NO. 11-0887: Yes.

24 MR. CHRISTIANSEN: All right. Now, you work
25 at a veterinary clinic. And I -- to be honest, I

1 never -- I had to look up the letter you gave us -- you
2 gave the judge yesterday.

3 PROSPECTIVE JUROR NO. 11-0887: Yes.

4 MR. CHRISTIANSEN: I looked it up, and I
5 never -- what's a holistic veterinary clinic?

6 PROSPECTIVE JUROR NO. 11-0887: So we
7 treat -- we treat special cases, like cancer, certain,
8 like, knee things that need thousands-of-dollars
9 surgeries, we treat it with herbs, acupuncture. We do,
10 like, aromatherapy. Those are, like, stuff we
11 specialize in.

12 MR. CHRISTIANSEN: For animals?

13 PROSPECTIVE JUROR NO. 11-0887: Yeah.

14 And then we also do regular medicine. So
15 we'll do surgeries and specialty surgeries and your
16 basic needs for pets as well.

17 MR. CHRISTIANSEN: Is that some of the
18 specialized -- I think it was schooling you had talked
19 to the judge about that you went to before you became
20 this assistant or the tech?

21 PROSPECTIVE JUROR NO. 11-0887: Yeah, so it
22 was like hands-on training over the years, to go
23 through that, and I also went to school partly in
24 college for stuff like that, so ...

25 MR. CHRISTIANSEN: Where did you attend

1 college?

2 PROSPECTIVE JUROR NO. 11-0887: CSN Henderson
3 and CSN West Charleston.

4 MR. CHRISTIANSEN: Did you graduate?

5 PROSPECTIVE JUROR NO. 11-0887: No, I'm
6 still --

7 MR. CHRISTIANSEN: Still at it?

8 PROSPECTIVE JUROR NO. 11-0887: Yeah.

9 MR. CHRISTIANSEN: How much further do you
10 have?

11 PROSPECTIVE JUROR NO. 11-0887: I keep
12 changing my degrees, so ...

13 MR. CHRISTIANSEN: I have a daughter like
14 you.

15 What -- how far along are you in school?

16 PROSPECTIVE JUROR NO. 11-0887: I almost have
17 an associate's in psychology 'cause I switched when I
18 was doing dog training, but I am certified as a dog
19 trainer 'cause I went through an online program for
20 that.

21 MR. CHRISTIANSEN: Help me understand --
22 talking to somebody that can't get his 11-month-old
23 Bouvier to do anything, so help me understand what
24 getting certified in dog training means.

25 PROSPECTIVE JUROR NO. 11-0887: So I had to

1 take online courses. And then I was an apprentice, and
2 then I started doing my own classes.

3 MR. CHRISTIANSEN: And now you work at the
4 small clinic that you had the letter from that --

5 PROSPECTIVE JUROR NO. 11-0887: Right.

6 MR. CHRISTIANSEN: That you gave to the judge
7 yesterday?

8 PROSPECTIVE JUROR NO. 11-0887: That's the
9 place I work at, yes.

10 MR. CHRISTIANSEN: All right. Ms. Hall was
11 shaking her head when you were explaining the -- and
12 I'll use your terms, the -- like a boat wake --

13 PROSPECTIVE JUROR NO. 11-0887: Yes.

14 MR. CHRISTIANSEN: -- in the air from a bus.
15 Would you mind handing the mic down to
16 Ms. Hall.

17 PROSPECTIVE JUROR NO. 11-0902: Did you see
18 me shake my head?

19 MR. CHRISTIANSEN: Maybe you were just
20 wanting me to be quiet.

21 PROSPECTIVE JUROR NO. 11-0902: That's a
22 possibility.

23 MR. CHRISTIANSEN: I thought I did -- did you
24 experience something similar to Ms. Bynum?

25 Badge number. I'm sorry.

1 PROSPECTIVE JUROR NO. 11-0902: 11-0902,
2 Sherry Hall.

3 Not to the degree that she -- because I'm
4 deathly afraid of getting ran over, so I usually stay
5 to small streets. I probably would never ride in -- in
6 Red Rock at all. So the experience I have is, like, on
7 Jones, where the streets are very, very narrow. So to
8 the dynamic that she has felt it, no; but being pushed,
9 yes, I have.

10 MR. CHRISTIANSEN: Okay. Got it. So I want
11 to make sure everybody sort of has an understanding
12 about some agreed-upon things. There's sort of
13 generally an agreement that Dr. Khiabani's bike makes
14 contact with the bus behind the right front tire.

15 MR. ROBERTS: Objection, Your Honor.

16 THE COURT: I'll see you up here.

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

19 MR. CHRISTIANSEN: All right. Let's get back
20 to sort of my last section on the practicality of how
21 things work.

22 Who's got the mic?

23 Ms. Hall.

24 PROSPECTIVE JUROR NO. 11-0902: I dropped the
25 mic.

1 MR. CHRISTIANSEN: On purpose?

2 PROSPECTIVE JUROR NO. 11-0902: (Nods head.)

3 MR. CHRISTIANSEN: Okay. If chosen as
4 jurors, all of you have a right to see and understand
5 all of the exhibits and the testimony. Anybody have a
6 problem, if they don't hear an answer to a question or
7 don't see an exhibit, raising their hand and saying
8 "Hey, hold on a second. I want to see that"?

9 Everybody think they could do that?

10 Anybody think they couldn't do it?

11 Great. You also as jurors have a right to
12 expect that all the other jurors are going to follow
13 the rules. So if there were an occasion that somebody
14 was, for example, saying, "I looked at Wikipedia,"
15 would anybody have a problem telling the marshal, who
16 then can tell the judge, and the judge can handle it
17 how they want?

18 Everybody think they can make sure that
19 everybody abides by the rules, not just themselves?
20 Yeah?

21 Anybody think they can't?

22 Okay. When we started yesterday, I talked to
23 you about this being a civil case. And I was using
24 Juror No. 1, Mr. Lennon, to talk because he had written
25 something about a death penalty case in his answers.

1 Who knows what the standard of proof is or
2 what a plaintiff or a party plaintiff has to prove in
3 order to prevail in a civil case? Anybody know what
4 that is? I bet everybody's heard the term "beyond a
5 reasonable doubt"; right?

6 Ms. Hall, you know what cases the term
7 "beyond a reasonable doubt" belongs in?

8 PROSPECTIVE JUROR NO. 11-0902: Criminal.

9 MR. CHRISTIANSEN: Right. Beyond a
10 reasonable doubt is the highest standard of proof we
11 have in our system. And it finds its place in criminal
12 cases. In civil cases, remember Lady Justice we talked
13 about yesterday and the scales? If you presume the
14 scales are equal, in a civil case, to prevail --
15 maybe -- you have to tip the scales, however slight.

16 So "more likely than not" is the term that us
17 lawyers use to describe what we call the preponderance
18 of the evidence standard. Anybody ever heard of that
19 standard before?

20 Yes?

21 I knew Mr. Richardson, he went to law school,
22 he heard it. Pass the mic down to Mr. Richardson if
23 you will.

24 PROSPECTIVE JUROR NO. 11-0880: William
25 Richardson, 11-0880.

1 MR. CHRISTIANSEN: Mr. Richardson, you've
2 heard that term before?

3 PROSPECTIVE JUROR NO. 11-0880: I have.

4 MR. CHRISTIANSEN: Have you ever heard it
5 described as sort of the 51 percent rule?

6 PROSPECTIVE JUROR NO. 11-0880: Yes.

7 MR. CHRISTIANSEN: More right than wrong?

8 PROSPECTIVE JUROR NO. 11-0880: Yes.

9 MR. CHRISTIANSEN: More likely than not?

10 PROSPECTIVE JUROR NO. 11-0880: I haven't
11 heard it that way, sir.

12 MR. CHRISTIANSEN: Okay. What is your
13 understanding -- maybe you could help us since you have
14 a little bit of training. What's your understanding of
15 that standard?

16 PROSPECTIVE JUROR NO. 11-0880: That some
17 evidence may weigh more than others. And, in total,
18 all the evidence weighed against all the other
19 evidence, one side may be more likely to have made its
20 case in the end.

21 MR. CHRISTIANSEN: Anybody else have an
22 understanding of what preponderance of the evidence
23 might have? That's actually a very good one, but it
24 comes from a guy that went to law school. So I want to
25 talk to people that didn't.

1 Anybody else?

2 How about Ms. Rodriguez?

3 PROSPECTIVE JUROR NO. 11-0879: That's me.

4 MR. CHRISTIANSEN: You're close, so we don't
5 have to hand the mic. Badge number, please.

6 PROSPECTIVE JUROR NO. 11-0879: 11-0879.

7 Yes. What was your question again? I'm sorry.

8 MR. CHRISTIANSEN: Sure. In a civil case,
9 the -- which this is. This is a civil case -- the
10 standard for -- to prevail for the plaintiff means that
11 the scales have to be tipped in the plaintiff's favor
12 however slightly; in other words, just 51 percent. If
13 it equals 50-50, plaintiff has to get to 51 percent to
14 win. Do you think that's a fair standard?

15 PROSPECTIVE JUROR NO. 11-0879: Yes. I think
16 that everything goes by evidence. And whoever proves
17 their case, what we are told the law is and what we
18 see, then that's what we go by.

19 MR. CHRISTIANSEN: Okay. What if the
20 plaintiff -- what if I'm going to stand up and ask for
21 tens of millions of dollars from a jury? Should I have
22 to prove it a little better?

23 PROSPECTIVE JUROR NO. 11-0879: I would hope
24 so.

25 MR. CHRISTIANSEN: Okay. The law says I

1 don't, that the standard is, in every civil case, no
2 matter if you're asking for ten bucks or 100 million
3 bucks, a jury must consider and weigh the evidence to
4 the standard more likely than not. If you were chosen
5 as a juror, would you be able to follow the law even
6 though -- and I'm going to ask for a lot of money, tens
7 of millions of dollars?

8 PROSPECTIVE JUROR NO. 11-0879: The law is
9 the law; right?

10 MR. CHRISTIANSEN: I'm asking you. I don't
11 need to be a juror.

12 PROSPECTIVE JUROR NO. 11-0879: Yes.

13 MR. CHRISTIANSEN: Okay. Is it the -- the
14 same question to the rest of the panel. It's sort of a
15 natural thing to think, well, heck, if you're going to
16 ask for this big number, tens of millions of dollars,
17 you should have lots of proof. Anybody sort of have
18 that gut instinct when they heard me say it?

19 Ms. Graf does. Let's pass it down to ...

20 PROSPECTIVE JUROR NO. 11-0940: I don't need
21 the mic.

22 MR. CHRISTIANSEN: Ms. Yohannes, were you
23 shaking your head in the affirmative?

24 Ms. Yohannes, your badge number is 11-0986?

25 PROSPECTIVE JUROR NO. 11-0986: Yes. Yes.

1 MR. CHRISTIANSEN: And when I was talking to
2 Ms. Rodriguez, I thought I saw you shaking your head in
3 the affirmative?

4 PROSPECTIVE JUROR NO. 11-0986: With what you
5 said, you know, my first instinct would be to think
6 more money, more proof you need.

7 MR. CHRISTIANSEN: Right. You think you
8 would hold me to a higher standard if I'm asking for
9 lots of money to compensate Aria and Keon Khiabani for
10 the loss of their father?

11 PROSPECTIVE JUROR NO. 11-0986: Truthfully?

12 MR. CHRISTIANSEN: Yes, ma'am. That's what I
13 hope we're getting here.

14 PROSPECTIVE JUROR NO. 11-0986: Probably. I
15 mean, I'm not 100 percent sure which way I would go
16 because I've never been in that situation before, but I
17 would -- just my gut instinct would say that, yeah,
18 you'd have to really prove it to me that that's how
19 much it needs to be.

20 MR. CHRISTIANSEN: Sure. And you're a
21 second-grade teacher is my recollection?

22 PROSPECTIVE JUROR NO. 11-0986: Yes.

23 MR. CHRISTIANSEN: With a young child?

24 PROSPECTIVE JUROR NO. 11-0986: Yes.

25 MR. CHRISTIANSEN: And that belief is one

1 that you probably had -- maybe you've not talked about
2 it, but it's one you probably had for a long time.

3 PROSPECTIVE JUROR NO. 11-0986: Yeah. I
4 guess it goes with my classroom too. When I have two
5 kids fighting over this one thing, I usually tend to
6 believe the one that is more honest or more -- you
7 know.

8 MR. CHRISTIANSEN: Okay. Let's get back to
9 the situation that we have here, which is a case where,
10 for the loss of Dr. Khiabani, the plaintiff's -- his
11 two sons are going to ask, through Mr. Kemp and myself,
12 for a large award in the compensatory portion of the
13 case.

14 Everybody understand that?

15 Okay. I'm asking you, Ms. Yohannes, you were
16 honest enough to raise -- to nod your head.
17 Unfortunately, you might be catching the sand, that,
18 hey, you're going to require me to do more than tip
19 those scales, however slight, in order to return a
20 verdict of that nature. Is that fair?

21 PROSPECTIVE JUROR NO. 11-0986: Yeah, this is
22 the first time I've even heard this 51 percent.

23 MR. CHRISTIANSEN: It's most people's first
24 time hearing it. That's why we have to talk about it,
25 to make -- to see if the -- whoever is chosen can

1 follow it.

2 And so, much like with the gentleman seated
3 in Seat No. 1, who says he'd be no good in a death
4 penalty case, I'm trying to figure out from you right
5 now if you could be fair and apply the law more likely
6 than not in a case where a very, very large award is
7 going to be asked for.

8 PROSPECTIVE JUROR NO. 11-0986: I would try
9 my hardest, but I know, again, I still have -- that gut
10 instinct may kick in.

11 MR. CHRISTIANSEN: Sure. There's nothing
12 wrong with having a gut instinct. And the gut instinct
13 is one you had for some time in your life?

14 PROSPECTIVE JUROR NO. 11-0986: (Nods head.)

15 MR. CHRISTIANSEN: Yes?

16 PROSPECTIVE JUROR NO. 11-0986: Yes.

17 MR. CHRISTIANSEN: Remember, I'm going to
18 make you speak up for the nice court reporter.

19 And lawyers who -- us lawyers can oftentimes
20 ask crafty or clever questions. And I'm not asking you
21 to change your gut instinct, is it?

22 PROSPECTIVE JUROR NO. 11-0986: Probably not.

23 MR. CHRISTIANSEN: And that one -- that
24 instinct is one that, in this case, this case, where a
25 very large award is going to be sought, if your gut

1 instinct is contrary to the law, it could infect
2 perhaps the case; fair?

3 PROSPECTIVE JUROR NO. 11-0986: That's fair,
4 yeah.

5 MR. CHRISTIANSEN: And you wouldn't want to
6 do that?

7 PROSPECTIVE JUROR NO. 11-0986: No.

8 MR. CHRISTIANSEN: And for that reason,
9 you're probably not well suited for this particular
10 case; fair?

11 PROSPECTIVE JUROR NO. 11-0986: I -- I guess.

12 THE COURT: I'm sorry. I didn't understand
13 what you said.

14 PROSPECTIVE JUROR NO. 11-0986: I said "I
15 guess."

16 THE COURT: Thank you.

17 MR. CHRISTIANSEN: Judge, can we approach?

18 THE COURT: Yes.

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

21 THE COURT: Okay. Ms. Yohannes, Badge
22 No. 11-0986, I'm going to excuse you and thank you for
23 your service. And please go to the jury services on
24 the third floor and let them know you've been excused.

25 PROSPECTIVE JUROR NO. 11-0986: Thank you.

1 THE COURT: Thank you very much.

2 All right. Who is next?

3 THE CLERK: Badge 11-1014, Cindy Smith.

4 THE COURT: Good afternoon, Ms. Smith.

5 PROSPECTIVE JUROR NO. 11-1014: Good
6 afternoon.

7 THE COURT: I am going to ask you these
8 questions because I'm required to and it is important
9 for the parties to hear and for all of us to
10 understand. Okay?

11 All right. So are you acquainted with or
12 recognize either of the attorneys in this case?

13 PROSPECTIVE JUROR NO. 11-1014: No.

14 THE COURT: Are you acquainted with or
15 recognize the names of any of the witnesses who were to
16 testify or may testify in this case?

17 PROSPECTIVE JUROR NO. 11-1014: No.

18 THE COURT: Okay. Are you acquainted with or
19 recognize any of the parties in the case?

20 PROSPECTIVE JUROR NO. 11-1014: No.

21 THE COURT: Are you in any way obligated to
22 any of the parties or any of the lawyers in this case?

23 PROSPECTIVE JUROR NO. 11-1014: No.

24 THE COURT: Okay. Are any of them obligated
25 to you in any way?

1 PROSPECTIVE JUROR NO. 11-1014: No.

2 THE COURT: Okay. Do you know any other
3 members of the panel -- the jury panel?

4 PROSPECTIVE JUROR NO. 11-1014: No.

5 THE COURT: Do you know myself or any of
6 the -- our team in Department 14?

7 PROSPECTIVE JUROR NO. 11-1014: No.

8 THE COURT: Understanding that this is going
9 to be a five-week trial, and based on the schedule that
10 I previously indicated, is -- is there -- do you feel
11 that serving for that period of time would present a
12 physical or medical handicap?

13 PROSPECTIVE JUROR NO. 11-1014: Well, I do
14 have back issues. So it's hard for me to sit for any
15 length of time. I need to stand and move around.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 11-1014: That would be
18 it.

19 THE COURT: So you can stand and move around
20 a little bit?

21 PROSPECTIVE JUROR NO. 11-1014: Uh-huh.

22 THE COURT: Okay. Understood.

23 All right. Is there any other reason that
24 serving on this jury would present a severe or undue
25 hardship for you?

1 PROSPECTIVE JUROR NO. 11-1014: No.

2 THE COURT: Okay. Have you been involved in
3 a car, bus, bicycle, pedestrian, or any type of
4 accident?

5 PROSPECTIVE JUROR NO. 11-1014: Yes.

6 THE COURT: Okay. Did you suffer injuries?

7 PROSPECTIVE JUROR NO. 11-1014: Yes.

8 THE COURT: Okay. Please discuss those
9 generally.

10 PROSPECTIVE JUROR NO. 11-1014: I'm sorry?

11 THE COURT: Generally, will you please
12 discuss those.

13 PROSPECTIVE JUROR NO. 11-1014: Uh-huh.

14 THE COURT: Okay. What -- what injuries did
15 you suffer?

16 PROSPECTIVE JUROR NO. 11-1014: I'm sorry,
17 Your Honor.

18 THE COURT: What injuries -- oh, do you need
19 a headset?

20 PROSPECTIVE JUROR NO. 11-1014: No, just --
21 my left ear has been plugged for a week, so I'm sorry.

22 THE COURT: Okay. I'll try to project.

23 All right. What injuries did you suffer?

24 PROSPECTIVE JUROR NO. 11-1014: Back
25 injuries.

1 THE COURT: Okay. All right. Were you
2 involved in a claim?

3 PROSPECTIVE JUROR NO. 11-1014: Yes.

4 THE COURT: Okay. And was that -- were you
5 satisfied with how the claim was resolved?

6 PROSPECTIVE JUROR NO. 11-1014: No.

7 THE COURT: Okay. As a juror, you will be
8 asked to listen to the witnesses, review evidence, and
9 make a determination based on the facts. As I have
10 indicated before, the jury is the finder of the facts,
11 and my role as the Court is to make sure that the trial
12 is fair and to instruct you on the law that you will
13 apply to the facts.

14 Even if -- if -- let's say you disagreed with
15 some of our laws as written, that's still what you have
16 to do is follow the law. It would be a violation of a
17 juror's duty if he or she tried to render a verdict
18 based upon what he or she believed the law to be if it
19 was different from the instructions given by the Court.

20 Do you feel that you would not be able to
21 follow the instructions of the Court on the law?

22 PROSPECTIVE JUROR NO. 11-1014: I'm not sure
23 because I'm a very emotional person. And just like
24 when you mentioned yesterday about having to see a
25 picture of what happened --

1 THE COURT: Yes.

2 PROSPECTIVE JUROR NO. 11-1014: -- I would not
3 be able to look at that picture, no matter what.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 11-1014: Because I
6 would automatically be on the side of the sad. You
7 know, I would be --

8 THE COURT: I'm glad you're being very
9 candid. That's your duty. And I'm also very happy
10 that you're being very straightforward.

11 Okay. So that might be an impediment for
12 you?

13 PROSPECTIVE JUROR NO. 11-1014: I wouldn't --
14 just like the other person said she couldn't look at
15 the picture, and then at the end of the conversation
16 with you, she ended up saying she could. I wouldn't be
17 able to because I would -- I'd freak out.

18 THE COURT: Okay. All right. Thank you.

19 PROSPECTIVE JUROR NO. 11-1014: Sorry.

20 THE COURT: No, don't be sorry about it.
21 There's nothing to be sorry about.

22 Have you heard about this case in the media,
23 in the newspaper, television?

24 PROSPECTIVE JUROR NO. 11-1014: No.

25 THE COURT: In any forum?

1 PROSPECTIVE JUROR NO. 11-1014: No.

2 THE COURT: Okay. So you -- you may have
3 indicated this, but I'm going to ask you the question
4 anyway. Would you have such sympathy, prejudice, or
5 bias relating to -- well, this may be different -- to
6 age, religion, race, gender, or national origin? Do
7 you have any bias or sympathy or prejudice that you
8 feel you would -- that would affect your ability to be
9 open-minded, fair, and an impartial juror?

10 PROSPECTIVE JUROR NO. 11-1014: No.

11 THE COURT: Okay. Do you believe that for
12 any other reason you would be unable to be fair and
13 serve as a juror in this particular case?

14 PROSPECTIVE JUROR NO. 11-1014: My father
15 just passed away, and I've been grieving for a couple
16 of months now. And I don't know if my head is clear
17 enough to understand everything that's going on, to be
18 fair. If that makes sense.

19 THE COURT: It does. I understand. Okay.
20 I'm going to ask you some of the -- the individual
21 questions now. All right?

22 How long have you lived in Las Vegas?

23 PROSPECTIVE JUROR NO. 11-1014: Well, I'm
24 going to age myself, so 55 years.

25 THE COURT: 55 years. Okay.

1 And what area of work or education -- what do
2 you do?

3 PROSPECTIVE JUROR NO. 11-1014: I work in a
4 customer service department at a call center.

5 THE COURT: Okay. How long have you done
6 that?

7 PROSPECTIVE JUROR NO. 11-1014: 13 years.

8 THE COURT: And what about before that?

9 PROSPECTIVE JUROR NO. 11-1014: My father
10 owns a -- well, he did own -- a small casino, and I
11 worked there for 20 years.

12 THE COURT: What did you do in your father's
13 casino?

14 PROSPECTIVE JUROR NO. 11-1014: I worked in
15 the human resources, and I also was a cashier and store
16 buyer and whatever they wanted me to do.

17 THE COURT: Right. Okay. Are you married,
18 or do you have a significant other?

19 PROSPECTIVE JUROR NO. 11-1014: No.
20 Divorced.

21 THE COURT: Okay. And your ex-spouse, what
22 area of work was your ex-spouse in?

23 PROSPECTIVE JUROR NO. 11-1014: An attorney.

24 THE COURT: He was -- he or she was an
25 attorney?

1 PROSPECTIVE JUROR NO. 11-1014: Yes.

2 THE COURT: Okay. What area of practice?

3 PROSPECTIVE JUROR NO. 11-1014: Personal
4 injury.

5 THE COURT: And how long?

6 PROSPECTIVE JUROR NO. 11-1014: Probably
7 about 20 years.

8 THE COURT: All right. And do you have adult
9 children -- do you have children?

10 PROSPECTIVE JUROR NO. 11-1014: Yes, three
11 adult children, 33, 31, and 30.

12 THE COURT: And 30. So what area of work or
13 education does your 33-year-old --

14 PROSPECTIVE JUROR NO. 11-1014: Right now,
15 she's a full-time mom, but she's going back to school
16 online to get her second master's to be a school
17 psychologist.

18 THE COURT: Okay. What is her first master's
19 in?

20 PROSPECTIVE JUROR NO. 11-1014: Marriage and
21 family counseling.

22 THE COURT: Okay. Is she licensed to be
23 an --

24 PROSPECTIVE JUROR NO. 11-1014: (Nods head.)

25 THE COURT: Okay. What -- has she practiced

1 in that area?

2 PROSPECTIVE JUROR NO. 11-1014: No. Because
3 as soon as she graduated, she had already been married,
4 and then, you know, babies came.

5 THE COURT: Okay. All right. What about
6 your 31-year-old?

7 PROSPECTIVE JUROR NO. 11-1014: She has her
8 master's in child -- in education. She works for the
9 Clark County School District.

10 THE COURT: Okay. And what -- what does she
11 do in that position?

12 PROSPECTIVE JUROR NO. 11-1014: She works
13 with babies zero to three years old that are physically
14 and mentally handicapped. So she goes to their homes
15 and -- and helps them.

16 THE COURT: Okay. Very good. And then what
17 about your 30-year-old?

18 PROSPECTIVE JUROR NO. 11-1014: He is a
19 locksmith.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 11-1014: He went to
22 school and never graduated, though.

23 THE COURT: What did he study in school?

24 PROSPECTIVE JUROR NO. 11-1014: He -- just
25 the major courses, because he never graduated.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 11-1014: He didn't
3 like school.

4 THE COURT: Understood. Understood.

5 What -- how long has he worked as a
6 locksmith?

7 PROSPECTIVE JUROR NO. 11-1014: Probably
8 about nine years.

9 THE COURT: Okay. What about before that?

10 PROSPECTIVE JUROR NO. 11-1014: Let's see.
11 He worked in a golf course.

12 THE COURT: Okay. How long did he work in a
13 golf course?

14 PROSPECTIVE JUROR NO. 11-1014: Probably
15 about six years.

16 THE COURT: Okay. What about -- let me ask
17 you, have you ever served as a juror before?

18 PROSPECTIVE JUROR NO. 11-1014: No, I have
19 not.

20 THE COURT: Okay. Thank you very much.

21 PROSPECTIVE JUROR NO. 11-1014: Thank you.

22 THE COURT: Mr. Christiansen, would you
23 please resume.

24 MR. CHRISTIANSEN: Sure, Your Honor.
25

1 VOIR DIRE EXAMINATION

2 MR. CHRISTIANSEN: Afternoon, Ms. Smith.

3 PROSPECTIVE JUROR NO. 11-1014: Hi.

4 MR. CHRISTIANSEN: You heard all of my
5 questions yesterday and then again today; right --

6 PROSPECTIVE JUROR NO. 11-1014: Yes.

7 MR. CHRISTIANSEN: -- so far?

8 Any of the answers -- would any of your
9 answers be different to such an extent that you think
10 we'd want to hear what you have to say?11 PROSPECTIVE JUROR NO. 11-1014: Well, I kind
12 of agree with the gentleman that was just let go about
13 the 51 percent. I think you would have to prove more
14 if you're asking for more money.

15 MR. CHRISTIANSEN: Okay. I'm going to.

16 So if -- if -- if I'm going to ask for more
17 money, in your view of things, I should have to prove
18 more than 51 percent?

19 PROSPECTIVE JUROR NO. 11-1014: Yes.

20 MR. CHRISTIANSEN: And that's a view, sounds
21 like, you've had for -- for a while?22 PROSPECTIVE JUROR NO. 11-1014: I think
23 forever. You know?

24 MR. CHRISTIANSEN: Perfect.

25 PROSPECTIVE JUROR NO. 11-1014: That's just

1 my -- my feelings.

2 MR. CHRISTIANSEN: And I'm not going to
3 change your mind today asking you questions probably;
4 right?

5 PROSPECTIVE JUROR NO. 11-1014: Probably not.

6 MR. CHRISTIANSEN: And much like you told Her
7 Honor, you're unable to look at any type of
8 photographs, you're not changing your mind about --

9 PROSPECTIVE JUROR NO. 11-1014: There's
10 never -- I -- I cannot. I'm too emotional. I would --
11 if I had to look at a photograph, I'm on that side.

12 MR. CHRISTIANSEN: Got it.

13 PROSPECTIVE JUROR NO. 11-1014: If that makes
14 sense. I just --

15 MR. CHRISTIANSEN: And if the plaintiff
16 through -- I mean, we talk for the plaintiffs.
17 Mr. Kemp and I are going to ask for a large award. In
18 your view of the world, we're going to have to do more
19 than more likely than not, more than 51 percent in
20 order for you to return one?

21 PROSPECTIVE JUROR NO. 11-1014: Yes.

22 MR. CHRISTIANSEN: May we approach, Your
23 Honor?

24 THE COURT: Certainly.

25 /////

1 (A discussion was held at the bench,
2 not reported.)

3 THE COURT: Ms. Smith -- I guess I will let
4 them go sit down first.

5 So, for the record, Juror 11-1014, Ms. Smith,
6 I want to thank you for your service and for your
7 candor for being so honest -- it's very important --
8 and for your willingness to serve.

9 But I'm going to excuse you. Will you please
10 go town to the third floor to jury services, and have a
11 great day.

12 PROSPECTIVE JUROR NO. 11-1014: Okay.

13 THE COURT: All right. I think this is a
14 good time to take a 15-minute break. I'm going to
15 admonish you. Remember?

16 You're instructed not to talk with each other
17 or with anyone else about any subject or issue
18 connected with this trial. You are not to read, watch,
19 or listen to any report of or commentary on the trial
20 by any medium connected with this case -- or by any
21 person -- excuse me -- connected with this case -- case
22 or by any medium of information, including, without
23 limitation, newspapers, television, the internet, or
24 radio.

25 You are not to conduct any research on your

1 own relating to this case, such as consulting
2 dictionaries, using the internet, or using any
3 reference materials. You are not to conduct any
4 investigation, test any theory of the case, re-create
5 any aspect of the case, or in any other way investigate
6 or learn about the case on your own. You are not to
7 talk with other, text others, tweet others, message
8 others, google issues, or conduct any other kind of
9 book or computer research with regard to any issue,
10 party, witness, or attorney involved in this case.

11 You are not to form or express any opinion on
12 any subject connected with this trial until the case is
13 finally submitted to you.

14 Let's take a 15-minute break.

15 THE MARSHAL: All rise. 15-minute break.

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

18 THE COURT: We are off the record.

19 Okay. We're off.

20 (Whereupon a short recess was taken.)

21 THE COURT: Just want to have a quick chat
22 with you about, upon further review, pursuant to NRC
23 47 concerning jurors, in B, discussing alternate
24 jurors, it says, "Each side is entitled to one
25 preemptory challenge in addition to those otherwise

1 allowed by law for every two alternate jurors that are
2 impaneled. The additional preemptory challenges may be
3 used against an alternate juror only. And the other
4 preemptory challenges allowed by law shall not be used
5 against an alternate juror."

6 So, Mr. Kemp, in cases where the other judge
7 has been switching around, I'm concerned about the
8 subject, but it does -- it does allow for more
9 preemptory challenges. And before we get into that, I
10 thought this was a good time to discuss that.

11 MR. BARGER: Can I ask a question?

12 THE COURT: Yes.

13 MR. BARGER: The way I understood what you
14 just said is that the -- for the alternate jurors, you
15 don't have to use your preemptory challenge.

16 THE COURT: Correct. You have your four
17 preemptory challenges --

18 MR. BARGER: Right.

19 THE COURT: As -- as is. Okay? Those aren't
20 going into the alternates.

21 MR. BARGER: Right.

22 THE COURT: And the statute confirms that.
23 Okay?

24 But it does allow for -- you're entitled
25 to -- each side is entitled to one preemptory challenge

1 in addition to those otherwise allowed by law for every
2 two alternate jurors that are to be impaneled.

3 So, regularly, the criminal statute says --
4 this is a civil statute, but the criminal statute says
5 for two alternates, you have one -- one preemptory
6 challenge. Then for three and four, you have a second
7 one. And if you have five or six, you have a third.

8 MR. KEMP: We have five.

9 THE COURT: I understand.

10 MR. ROBERTS: Which means we've got to put
11 two more in the box.

12 THE COURT: I know, but I thought this was a
13 better time --

14 MR. ROBERTS: Yes, it is a better time.

15 THE COURT: -- than when we get there.

16 MR. BARGER: So if we're going to have five
17 alternates --

18 THE COURT: I'm sorry I'm shaking it up, but
19 I don't want this to be an issue for you later.

20 MR. BARGER: So we're going to have three
21 strikes for the alternates as well?

22 MR. ROBERTS: Two strikes.

23 MR. KEMP: Unless you get two -- two and one
24 unless you want to give me the extra one.

25 MR. BARGER: No, it's three.

1 THE COURT: You would all have three for the
2 alternate. Each one of you would have four for the --
3 the regular selection plus three for the alternates.

4 MR. BARGER: Right. So now we got to add
5 more alternates, basically, is what you're saying.

6 MR. KEMP: Right. Yeah, let's talk about
7 that, Your Honor, see if we can --

8 MR. ROBERTS: Maybe I misunderstood. I
9 thought you got one strike for every two alternates.
10 We've got five alternates, so that would only be two
11 strikes each.

12 THE COURT: You have a good point.

13 MR. ROBERTS: You don't get three strikes
14 until six alternates.

15 THE COURT: Well, here, the additional
16 preemptory challenge -- oh, hold on. "For every two
17 alternate jurors that are to be impaneled. The
18 additional preemptory challenges may be used against
19 the alternate juror only, and the other preemptory
20 challenges allowed by law shall not be used against an
21 alternate juror."

22 It says "per every two." The statute in the
23 criminal statute, once you've reached five and six,
24 gives you a third; but, here, it doesn't provide for
25 that.

1 MR. BARGER: What do you want to do?

2 MR. KEMP: Let's talk about it, Your Honor.

3 THE COURT: Okay. I just wanted to bring
4 that up now. I'm sorry I didn't discuss this with you
5 before.

6 MR. KEMP: Right.

7 THE COURT: And so we're on a break.

8 MR. ROBERTS: Thank you, Your Honor.

9 THE COURT: You want to talk about it right
10 now?

11 MR. ROBERTS: No, we'd like to confer, and
12 then I will confer with them.

13 THE COURT: Absolutely.

14 (Whereupon a short recess was taken.)

15 THE COURT: Okay. We're on the record.

16 Okay. Counsel, I'd like to hear your
17 stipulations, please. It's my understanding that
18 you've stipulated to --

19 MR. ROBERTS: We've stipulated to go from
20 five to six alternates and -- in order to meet the
21 statute the Court cited to us on the record prior to
22 give the parties three strikes each to the alternate
23 panel in addition to the four strikes to the regular
24 panel.

25 THE COURT: Correct. And they're subrogated,

1 four strikes for the regular and three for the
2 alternates.

3 MR. ROBERTS: Yes, Your Honor. We agree.

4 THE COURT: And so everybody understands the
5 position. No. 18, for the moment, will remain open
6 because the gentleman will sit in the front because of
7 his disability. Okay. And his chair.

8 Then, adjacent to the divider, we're moving
9 alternates No. 21, 22, 23 that already exist to the
10 left, and we're going to have 24 and 25 along that row.

11 Then we're going to also augment, in a second
12 row right in front of that row, Alternate No. 26, 27,
13 and 28.

14 Does everyone understand that? Is that to
15 everyone's understanding -- is that -- does everyone
16 agree with that?

17 MR. KEMP: Yes, Your Honor.

18 MR. ROBERTS: Yes, Your Honor.

19 THE COURT: All right. Very good.

20 MR. ROBERTS: And I have one request, Your
21 Honor. Mr. Arinwine, Juror 11-1002, expressed a
22 hardship with his mom having the stroke. We're not
23 taking any position on that, but if the Court is
24 inclined to grant that, this might be a good time to
25 reorganize. I'm not going to ask the Court one way or

1 another. We're not taking a position, but this might
2 be a good time to deal with that one way or another.

3 MR. KEMP: You know, Judge, usually, we do
4 hardships at the end of the day because, oftentimes,
5 you got to keep the people to ask them specific
6 questions. So I think that's probably a better
7 approach.

8 THE COURT: Okay. I'm happy to wait until
9 the end of the day, but I will tell you that having a
10 parent that has just had a stroke is very complicated
11 and demands a lot of time and care. And it -- my
12 understanding is that his mother is going to be
13 released on Friday and will probably need significant
14 care. She's also 86.

15 MR. KEMP: Right, Your Honor.

16 THE COURT: I'm willing to excuse him,
17 pursuant to NRC 6-point --

18 MR. KEMP: Well, Judge, I think the problem
19 is we've just --

20 THE COURT: You want -- okay. I'm sorry. I
21 just want you to know that's what I'm thinking.

22 MR. KEMP: I figured out where you were
23 coming from already, Your Honor.

24 THE COURT: All right. Very good. Is
25 everyone ready for the jurors?

1 MR. BARGER: Would it be possible to spend
2 two minutes giving us the names --

3 THE COURT: Absolutely. I just wanted to
4 have this straightened up.

5 MR. ROBERTS: -- just giving us the names of
6 the people moving up.

7 THE COURT: Madam Clerk, will you give us the
8 names of the people next in line.

9 THE CLERK: 18 is still there, so in seat --
10 hold on a second.

11 MR. BARGER: Actually, we need 24 and 25.

12 THE COURT: And I believe 15 is -- is Ms. --
13 the one we just excused needs to be filled first.

14 THE CLERK: Right. I've got that. Let me
15 just get my paperwork straight here.

16 In Seat 15, we're going to put 11-1019,
17 Ms. Bandit -- or Mr. Bandit. I'm not sure.

18 MR. BARGER: I'm sorry. That name was what?
19 I apologize.

20 THE CLERK: It's okay. In Seat 15, it's
21 going to be the next in line, Sanya Bandit, 11-1019.

22 THE COURT: She will take the place of
23 Ms. Wilson, who was excused for cause.

24 THE CLERK: I think that was Ms. Smith.

25 THE COURT: Oh, Smith?

1 MR. BARGER: Cindy Smith.

2 THE CLERK: We let her go.

3 THE COURT: Very good.

4 THE CLERK: So then in seat -- we're going to
5 start sitting Seat 24 now; right?

6 THE COURT: Correct.

7 MR. BARGER: Yes.

8 THE CLERK: Okay. So that 24 will be Pamela
9 Phillips-Chong. Do you want the number too, or is the
10 name going to be okay?

11 THE COURT: Yes. No, I want the number.

12 THE CLERK: The number for No. 24 is 11-1035,
13 Pamela Phillips-Chong.

14 And then Seat 25 will be No. 11 -- am I going
15 too fast? -- 1037, Joel Santa Ana.

16 26 will be 11-1043, Michael Shapiro.

17 27 will be 11-1047, Glenn Krieger.

18 MR. ROBERTS: 11-1047?

19 THE CLERK: Yes.

20 And then in Seat 28 will be 11-1056, Miguel
21 Arteaga.

22 MR. BARGER: Okay.

23 THE CLERK: So is that -- is that good?

24 THE COURT: That works for me. I think
25 that's correct.

1 THE CLERK: I'm glad.

2 MR. KEMP: Judge, can we have a couple
3 minutes to go over that in our minds?

4 THE COURT: Certainly. Why don't we break
5 now. I just want to make sure we had them all.

6 (Whereupon a short recess was taken.)

7 THE COURT RECORDER: We are on the record.

8 THE COURT: We are on the record? Okay.
9 Very good.

10 MR. CHRISTIANSEN: Judge, I don't know if you
11 noticed, our client, Aria Khiabani, is present in
12 court.

13 THE COURT: Yes. Welcome, Aria. Glad you
14 could be with us today.

15 Counsel, you want to wrap it up at 5:00 today
16 or ...

17 MR. KEMP: That's fine with us, Your Honor.

18 THE COURT: I'm sorry.

19 THE MARSHAL: All rise.

20 MR. KEMP: Even a couple minutes early to
21 give the jurors a chance to get out of here.

22 (The following proceedings were held in
23 the presence of the jury.)

24 THE MARSHAL: All the jurors are present,
25 Your Honor.

1 THE COURT: All the jurors are present?

2 Thank you.

3 THE MARSHAL: Please be seated. Come to
4 order.

5 THE COURT: Okay. Ladies and gentlemen, so
6 you have an idea of what's going on, for those of you
7 on the jury panel, we are going to call some more
8 jurors so that we can expedite the process and make
9 sure we have sufficient jurors when we're done with
10 this process who can be fair and impartial.

11 So this will move us along a little bit
12 quicker.

13 So Madam Clerk?

14 THE CLERK: Yes, Your Honor.

15 Badge No. 11-1019, Sanya Bandit, in the empty
16 seat in the box.

17 THE COURT: The 15?

18 THE CLERK: 15. Yeah, 15. I was pointing to
19 the one ...

20 THE COURT: Thank you.

21 THE CLERK: Okay.

22 And then Badge 11-1035, Pamela
23 Phillips-Chong. The marshal will show you where you
24 should sit.

25 Badge 11-1037, Joel Santa Ana.

1 Badge 11-1043, Michael Shapiro.

2 Badge 11-1047, Glenn Krieger.

3 And 11-1056, Miguel Arteaga.

4 THE COURT: All right. I think you're
5 becoming more and more familiar with this. I'm going
6 to have to ask some questions that I previously asked
7 to the -- this goes to the jurors that have just
8 been -- that have just been assigned seats. Okay?

9 All right. Are any of you acquainted with --
10 one second. Is there anyone who has difficulty
11 understanding the English language?

12 I see no show of hands.

13 MR. KEMP: Your Honor.

14 THE COURT: I'm sorry. I missed one. Okay.
15 Okay. Please state your name and your badge number.

16 PROSPECTIVE JUROR NO. 11-1019: Sanya Bandit.

17 THE COURT: You need to speak closer into the
18 microphone, please, sir.

19 PROSPECTIVE JUROR NO. 11-1019: Sanya Bandit.

20 THE COURT: Okay. And your badge number.

21 PROSPECTIVE JUROR NO. 11-1019: 11-1019.

22 THE COURT: Okay. And would you please -- do
23 you -- how long have you lived in the United States?

24 PROSPECTIVE JUROR NO. 11-1019: 17 years.

25 THE COURT: 17 years. And explain -- explain

1 to us, please, why you have -- what your difficulty is
2 with the English language.

3 PROSPECTIVE JUROR NO. 11-1019: I -- I don't
4 understand more the whole thing.

5 THE COURT: Speak closer to the microphone.

6 PROSPECTIVE JUROR NO. 11-1019: I understand
7 more the whole thing, but maybe 40 percent English.

8 THE COURT: So let's see if I understand what
9 you're saying, that you don't understand the entire
10 thing but perhaps 40 -- 40 percent?

11 PROSPECTIVE JUROR NO. 11-1019: Yeah.

12 THE COURT: Okay. What do you do for your
13 work?

14 PROSPECTIVE JUROR NO. 11-1019: Counting,
15 Casino.

16 THE COURT: Casino?

17 PROSPECTIVE JUROR NO. 11-1019: Yes.

18 THE COURT: And what do you do in the casino?

19 PROSPECTIVE JUROR NO. 11-1019: I do -- take
20 money in the machine and --

21 THE COURT: Okay. Do you use English every
22 day in your work?

23 PROSPECTIVE JUROR NO. 11-1019: No. I work
24 the same job 17 year I was here. I don't do English.

25 THE COURT: I'm sorry?

1 PROSPECTIVE JUROR NO. 11-1019: Therefore, I
2 don't English because I work the same job 17 year.

3 THE COURT: Okay. But do they speak -- do
4 they give you instructions in English? Do you have to
5 discuss work things in English?

6 PROSPECTIVE JUROR NO. 11-1019: Yeah.

7 THE COURT: Okay. What level of education --
8 have you studied the English language?

9 PROSPECTIVE JUROR NO. 11-1019: Yeah, I start
10 at Liberty with English.

11 THE COURT: Liberty?

12 PROSPECTIVE JUROR NO. 11-1019: Yeah.

13 THE COURT: Okay. Is that --

14 PROSPECTIVE JUROR NO. 11-1019: But that's
15 just -- just basic.

16 THE COURT: Basic? Okay. Thank you.

17 All right. I'm going to continue the
18 questioning.

19 All right. All right. Are there any of you
20 acquainted with or recognize either of the attorneys
21 involved in the case or any of the -- any of the
22 attorneys involved in the case?

23 Okay. No hands. No show of hands.

24 Are there any of you acquainted with or
25 recognize the names of any of the witnesses who are --

1 were identified in the questionnaire?

2 Yes, Mr. Shapiro. And your badge number?

3 PROSPECTIVE JUROR NO. 11-1043: My badge
4 number is 11-1043.

5 THE COURT: Okay. And so --

6 PROSPECTIVE JUROR NO. 11-1043: I recognized
7 on the witness list a Ladan Daneshmand. She is the
8 wife of my dad's estranged business partner who he is
9 currently in litigation with.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 11-1043: And, in
12 addition, I also know Dr. Khiabani. He was my
13 surgeon --

14 THE COURT: Your surgeon.

15 PROSPECTIVE JUROR NO. 11-1043: -- ten years
16 ago.

17 THE COURT: Okay. And I think you also
18 indicated that you were familiar with Aria and ...

19 PROSPECTIVE JUROR NO. 11-1043: Not
20 personally, but I had heard of them, yeah.

21 THE COURT: Okay. Thank you.

22 All right. Are any of you in any way
23 obligated to any of the parties or any of the lawyers
24 in this case?

25 THE COURT: Yes, Mr. Shapiro? And that's

1 badge number?

2 PROSPECTIVE JUROR NO. 11-1043: Badge
3 No. 11-1043. Not the lawyers, but, obviously, the
4 parties, I know Dr. Khiabani.

5 THE COURT: Do you feel obligated?

6 PROSPECTIVE JUROR NO. 11-1043: He -- he did
7 make my life considerably better because of the
8 gynecomastic mass he removed from my chest.

9 THE COURT: Okay. Are any of them obligated
10 in any way to any of you?

11 Okay. I show no hands.

12 Do any of you know any other people that are
13 on the jury panel or --

14 No show of hands.

15 Do any of you know myself or any of the
16 members of my court staff?

17 Okay. That's no show of hands.

18 Understanding that this case is going to last
19 approximately five weeks, and based on the schedule
20 that I previously indicated, is there anyone who feels
21 that serving for that period of time would present a
22 physical or medical handicap?

23 Yes. Your name and your badge number?

24 PROSPECTIVE JUROR NO. 11-1037: Badge 11 --
25 Badge 11-1037.

1 THE COURT: Your name, please.

2 PROSPECTIVE JUROR NO. 11-1037: Joel
3 Santa Ana.

4 THE COURT: Joe what?

5 PROSPECTIVE JUROR NO. 11-1037: Santa Ana.

6 THE COURT: Santa Ana.

7 Okay. Mr. Santa Ana?

8 PROSPECTIVE JUROR NO. 11-1037: It's really
9 not a big deal, but I'm diabetic 2, type 2. And my
10 doctor just gave me a new medication that cause me to
11 go to the bathroom a lot. So I don't know how long is
12 this going to be -- you know, breaks in between.

13 THE COURT: Okay. Thank you.

14 All right. Is there anyone who feels that
15 for some reason -- or some other reason serving on this
16 jury would present them with a severe or undue
17 hardship?

18 I show no hands.

19 All right. Have any of you been involved in
20 a car accident, a motorcycle, bicycle, pedestrian, or
21 bus accident where you've suffered injuries?

22 Okay. Let's start with Mr. Santa Ana. Your
23 badge number?

24 PROSPECTIVE JUROR NO. 11-1037: 11-1037.

25 THE COURT: All right. You will please

1 explain what -- what injuries you suffered and what
2 occurred.

3 PROSPECTIVE JUROR NO. 11-1037: What occurred
4 I was following this 18-wheel truck on Dean Martin and
5 Blue Diamond area, and they have a curve on it. So,
6 apparently, he's doing the curve. I didn't realize
7 that he already stopped, and I kind of totaled my
8 Tacoma. So it cost me -- the airbag deployed, and I
9 have to go to a medical facility, you know, with my
10 boss. And I had -- I suffered, like, a headache and
11 kind of like stiff neck. So I was in rehab for at
12 least 45 weeks.

13 THE COURT: 45 weeks?

14 PROSPECTIVE JUROR NO. 11-1037: Yes.

15 THE COURT: Okay. And have you -- have
16 any -- or have you ever been sued as a result of a --
17 of that car accident or any other one?

18 PROSPECTIVE JUROR NO. 11-1037: Negative.

19 THE COURT: Negative? Okay.

20 Have you ever been involved in a claim with
21 respect to any other type of accident?

22 PROSPECTIVE JUROR NO. 11-1037: No, ma'am.

23 THE COURT: Okay. Thank you.

24 All right. I showed some other hands.

25 Mr. Shapiro, I believe you answered.

1 Will you please pass the mic.

2 The question was, have you been involved in a
3 car accident before where you've suffered injuries?

4 PROSPECTIVE JUROR NO. 11-1043: Yes, one
5 accident where I suffered injuries; and the other, no.
6 Just minor bruises, though.

7 It was four years ago. I was making a right
8 turn, and an oncoming car was attempting to make a left
9 turn, smashed into the front of my car, and I had a
10 bruise where the seat belt was, nothing major, but --
11 and then the other one was just a fender bender.

12 THE COURT: Okay. And with respect to any of
13 the accidents you've been involved in, have you ever
14 been sued?

15 PROSPECTIVE JUROR NO. 11-1043: No.

16 THE COURT: No. Okay. And -- okay.

17 All right. Did someone else raise their hand
18 of the new people that have a -- the new jurors --
19 potential jurors that have been -- please go ahead.

20 PROSPECTIVE JUROR NO. 11-1056: Badge
21 No. 11-1056.

22 THE COURT: Okay. Your name, please.

23 PROSPECTIVE JUROR NO. 11-1056: Miguel
24 Arteaga.

25 THE COURT: Okay, Mr. Arteaga. Please

1 explain.

2 PROSPECTIVE JUROR NO. 11-1056: I wasn't
3 injured or anything; I just ended up crashing into
4 another car, ended up getting a DUI, wrecked my car
5 completely. But I was okay; the other person was okay.

6 THE COURT: Okay. You have a DUI?

7 PROSPECTIVE JUROR NO. 11-1056: Yes.

8 THE COURT: Okay. And did you -- were you in
9 a lawsuit? Did somebody sue you?

10 PROSPECTIVE JUROR NO. 11-1056: No, I wasn't.

11 THE COURT: Okay. Thank you.

12 Is there anyone else that's been involved in
13 an accident of the new panelists -- or prospective
14 jurors?

15 Okay. Thank you.

16 All right. To the -- to the prospective
17 jurors that have just been seated, as a juror, you'll
18 be asked to listen to witnesses, review evidence, and
19 make a determination based on the facts. You are the
20 finder of facts. My job is to make sure that the trial
21 is fair and to instruct you on the law that -- that you
22 will apply to the facts.

23 Some of you may disagree with how some of our
24 laws are written. It would be a violation of a juror's
25 duty, however, if he or she tried to render a verdict

1 based upon what he or she believed the law to be if it
2 was different from any of the instructions that I give
3 you.

4 Do any of you feel that you would not be able
5 to follow all of the instructions of the Court on the
6 law even if the instructions differ from your personal
7 opinions or conceptions of what the law ought to be?

8 Okay. I show no one has raised their hand.

9 Has anyone heard about this case in the
10 media, any type of media, whether it be newspaper, over
11 the internet, television, and so forth and so forth?

12 Mr. Shapiro, and your badge number, please.

13 PROSPECTIVE JUROR NO. 11-1043: My badge
14 number is 11-1043.

15 I didn't hear about it in the media, but my
16 dad told me that it had happened. He knew Dr. Khiabani
17 as well.

18 THE COURT: Okay.

19 MR. ROBERTS: Your Honor, may we approach?

20 THE COURT: Yes.

21 MR. ROBERTS: Thank you.

22 (A discussion was held at the bench,
23 not reported.).

24 THE COURT: Okay. Madam Clerk.

25 Juror No. 11-1019, Mr. Bandit, I am going to

1 excuse you. Okay? And I want to thank you very much
2 for your service and thank you for being here. And I'm
3 going to -- so I'd like you to go to the third floor,
4 to jury services, and let them know that you are
5 excused. Okay?

6 Very good. Have a good day, sir.

7 THE COURT: Okay.

8 THE CLERK: Badge No. 11-1059, Toshiko
9 Nakamura.

10 THE MARSHAL: Go between those chairs, ma'am,
11 and watch your step. Sit in the first black chair that
12 is open.

13 THE COURT: Okay. Good afternoon,
14 Ms. Nakamura. How are you today?

15 PROSPECTIVE JUROR NO. 11-1059: I'm fine,
16 thanks.

17 THE COURT: Okay. Does she have the mic?
18 Thank you.

19 I'm going to ask you the general questions
20 that I have just asked the others. Excuse me.

21 Are you acquainted with or recognize either
22 of the attorneys involved in this case?

23 PROSPECTIVE JUROR NO. 11-1059: No.

24 THE COURT: Are you acquainted with or
25 recognize the names of any of the witnesses who are

1 identified?

2 PROSPECTIVE JUROR NO. 11-1059: No.

3 THE COURT: Are you acquainted with or
4 recognize any of the parties in the case?

5 PROSPECTIVE JUROR NO. 11-1059: No.

6 THE COURT: Are you in any way obligated to
7 any of the parties or any of the lawyers in this case?

8 PROSPECTIVE JUROR NO. 11-1059: No.

9 THE COURT: Are any of them obligated to you
10 in any way?

11 PROSPECTIVE JUROR NO. 11-1059: No.

12 THE COURT: Do you know any other members of
13 the jury panel?

14 PROSPECTIVE JUROR NO. 11-1059: No.

15 THE COURT: Do you know myself or any of the
16 other team in Department 14?

17 PROSPECTIVE JUROR NO. 11-1059: No.

18 THE COURT: Understanding that this case will
19 probably last five weeks, and based on the schedule
20 that I previously indicated, is there -- do you feel
21 that serving for that period of time would present a
22 physical or medical hardship?

23 PROSPECTIVE JUROR NO. 11-1059: Yes. I have
24 a physical hardship. I have a --

25 THE COURT: Can you speak a little bit

1 closer, please.

2 PROSPECTIVE JUROR NO. 11-1059: I have
3 arthritis and I have been taking painkiller, which is
4 called naproxen, 500.

5 THE COURT: Naproxen?

6 PROSPECTIVE JUROR NO. 11-1059: Yes.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 11-1059: Naproxen.
9 Twice a day. And sometimes it makes me dizzy and
10 sleepy, so I'm not sure I can be awake all the time
11 to -- to participate.

12 THE COURT: How long have you been taking
13 this medication?

14 PROSPECTIVE JUROR NO. 11-1059: A couple of
15 months now. And the doctor suggest I should take it
16 for a while because I still have a pain every day. I
17 have been doing exercise and going to physical therapy,
18 but not sure.

19 THE COURT: So -- so I understand.

20 PROSPECTIVE JUROR NO. 11-1059: It's
21 difficult to -- sitting down for some -- some length of
22 time. I have to get up and walk around.

23 THE COURT: Okay. But with respect to how
24 the medication affects you, what -- what exactly --
25 aside from helping you relieve your pain, what other

1 effects does it have?

2 PROSPECTIVE JUROR NO. 11-1059: Makes me
3 drowsy.

4 THE COURT: Drowsy?

5 PROSPECTIVE JUROR NO. 11-1059: Correct.

6 THE COURT: Does it have any other effects on
7 your -- any other effects?

8 PROSPECTIVE JUROR NO. 11-1059: So, drowsy
9 means, you know, I become sleepy --

10 THE COURT: I understand.

11 PROSPECTIVE JUROR NO. 11-1059: --
12 sometimes, right.

13 THE COURT: All right. Thank you.

14 All right. Do you feel that for any other
15 reason serving on this jury would present you with a
16 severe or undue hardship?

17 PROSPECTIVE JUROR NO. 11-1059: No. I -- we
18 already have a plan to get together in California for
19 our grandson's birthday coming up in April -- I'm
20 sorry, March 8th, but...

21 THE COURT: March 8th.

22 PROSPECTIVE JUROR NO. 11-1059: Right.

23 THE COURT: I can't remember where I saw that
24 in your questionnaire or not.

25 PROSPECTIVE JUROR NO. 11-1059: No, I did not

1 have because we didn't plan that time. I don't
2 remember.

3 THE COURT: Okay. All right. Thank you.

4 Have you been -- ever been involved in a car
5 accident before?

6 PROSPECTIVE JUROR NO. 11-1059: Yes, I have.

7 THE COURT: Did you -- did you suffer
8 injuries?

9 PROSPECTIVE JUROR NO. 11-1059: Yes.

10 THE COURT: Okay. Can you please explain
11 some of that to us.

12 PROSPECTIVE JUROR NO. 11-1059: The last one
13 was about six years ago. I was rear-ended, and it was
14 a minor injury. I had neck pain and then back pain.

15 THE COURT: Okay. And have you -- okay. So
16 did you have a lawsuit against you? Were you sued?

17 PROSPECTIVE JUROR NO. 11-1059: Well, we
18 couldn't sue the other party because he did not have
19 insurance, and then also he did not have a driver's
20 license.

21 THE COURT: Okay. What about the other
22 accidents you mentioned?

23 PROSPECTIVE JUROR NO. 11-1059: Very similar,
24 rear-ended and then I was...

25 THE COURT: You were also rear -- you have

1 been rear-ended before.

2 All right. And what about injuries in those
3 accidents?

4 PROSPECTIVE JUROR NO. 11-1059: It was a very
5 minor.

6 THE COURT: Minor. Was there a lawsuit
7 involved?

8 PROSPECTIVE JUROR NO. 11-1059: No.

9 THE COURT: Okay. As a juror, you will be
10 asked to listen to witnesses, review evidence, and make
11 a determination based on the facts. You are the finder
12 of facts. My job is to make sure that the trial is
13 fair and instruct you on the law that you will apply.
14 Sometimes jurors disagree with the law as written. And
15 it would be a violation of the juror's duty to not
16 follow the law that the Court gives to the jury.

17 Do you feel that you would not be able to
18 follow all of the instructions of the Court on the law
19 even if the instructions differ from your personal
20 opinions or conceptions of what the law might be?

21 PROSPECTIVE JUROR NO. 11-1059: I don't have
22 any problem.

23 THE COURT: Okay. Very good. Have you heard
24 anything about this case in the media, in any type of
25 media, television, print, internet, or anything else?

1 PROSPECTIVE JUROR NO. 11-1059: No.

2 THE COURT: No? Okay. Would you have such
3 sympathy, prejudice, or bias relating to age, religion,
4 race, gender, or national origin that you feel would
5 affect your ability to be open-minded, fair, and
6 impartial as a juror?

7 PROSPECTIVE JUROR NO. 11-1059: I don't have
8 any problem.

9 THE COURT: Please speak louder.

10 PROSPECTIVE JUROR NO. 11-1059: No.

11 THE COURT: No? Thank you. All right. Do
12 you believe that for any other reason you would be
13 unable to be fair and serve as a juror in this
14 particular case?

15 PROSPECTIVE JUROR NO. 11-1059: Yes.

16 THE COURT: Yes? Did you say yes?

17 PROSPECTIVE JUROR NO. 11-1059: I'm sorry.
18 Could you repeat that?

19 THE COURT: Yes, of course. Is there any
20 other reason that might render you unable to be fair
21 and to -- to serve as a juror in this particular case?

22 PROSPECTIVE JUROR NO. 11-1059: No.

23 THE COURT: Okay. Very good. I'm going to
24 ask you some individual questions.

25 Okay. How long have you lived in Las Vegas?

1 PROSPECTIVE JUROR NO. 11-1059: About ten
2 years.

3 THE COURT: Okay. And where did you live
4 before that?

5 PROSPECTIVE JUROR NO. 11-1059: San Jose,
6 California.

7 THE COURT: Southern California.

8 PROSPECTIVE JUROR NO. 11-1059: San Jose.
9 San Jose.

10 THE COURT: Oh, San Jose.

11 PROSPECTIVE JUROR NO. 11-1059: Yes.

12 THE COURT: Okay. Thank you. And what do
13 you do for a living?

14 PROSPECTIVE JUROR NO. 11-1059: I'm retired.

15 THE COURT: Okay. And before your
16 retirement?

17 PROSPECTIVE JUROR NO. 11-1059: I was a loan
18 consultant.

19 THE COURT: A loan consultant?

20 PROSPECTIVE JUROR NO. 11-1059: Uh-huh.

21 THE COURT: And how long did you work in that
22 area?

23 PROSPECTIVE JUROR NO. 11-1059: About 16
24 years.

25 THE COURT: Okay. And before that?

1 PROSPECTIVE JUROR NO. 11-1059: Before that,
2 I was in the, like, sales support manager in one of the
3 big silicon valley company.

4 THE COURT: How long were you involved in
5 that work?

6 PROSPECTIVE JUROR NO. 11-1059: About 20
7 years.

8 THE COURT: Okay. Very good. And do you
9 have a spouse or significant other?

10 PROSPECTIVE JUROR NO. 11-1059: Yes.

11 THE COURT: Okay. And what area of work is
12 your spouse or significant other in? Or educational
13 background.

14 PROSPECTIVE JUROR NO. 11-1059: He has MBA,
15 so he has been working as finance.

16 THE COURT: In finance -- in finance?

17 PROSPECTIVE JUROR NO. 11-1059: In finance,
18 but he has his own business right now after he retired
19 from silicon Valley.

20 THE COURT: Okay. And what type of business
21 is that?

22 PROSPECTIVE JUROR NO. 11-1059: Like web
23 design with --

24 THE COURT: Web design?

25 PROSPECTIVE JUROR NO. 11-1059: Right.

1 THE COURT: Okay. All right. Do you have
2 children?

3 PROSPECTIVE JUROR NO. 11-1059: Yes. I have
4 a son and daughter.

5 THE COURT: How old are they?

6 PROSPECTIVE JUROR NO. 11-1059: The son is
7 39, and then my daughter is 37. They will be 39 and 37
8 in April.

9 THE COURT: Okay. Very good. What area of
10 work is your son in? What educational background does
11 he have?

12 PROSPECTIVE JUROR NO. 11-1059: He has --
13 well, he works as a software engineer at Google. And
14 my daughter is a therapist. She has degree in clinical
15 psychology. She works for San Mateo School District as
16 a therapist and counselor.

17 THE COURT: Okay. How long has she been in
18 that position, has she worked in that line of work?

19 PROSPECTIVE JUROR NO. 11-1059: Oh, about
20 three years or so. Three, four years.

21 THE COURT: Okay. And before that?

22 PROSPECTIVE JUROR NO. 11-1059: She traveled,
23 and then also she went back to her graduate school to
24 get her degree in psychology.

25 THE COURT: Before she went to graduate

1 school, did she work at any time before traveling?

2 PROSPECTIVE JUROR NO. 11-1059: Yes, she was
3 working as a counselor.

4 THE COURT: A counselor.

5 PROSPECTIVE JUROR NO. 11-1059: Part time.

6 THE COURT: Okay. What about your son?
7 Before his work in Silicon Valley, what area was he in?

8 PROSPECTIVE JUROR NO. 11-1059: He's been in
9 the same area ever since he graduated from college.

10 THE COURT: Okay. Very good. All right.
11 Let's see. Have you ever served as a juror before?

12 PROSPECTIVE JUROR NO. 11-1059: No.

13 THE COURT: No. Okay. Thank you very much.

14 Let's pass the microphone to
15 Ms. Phillips-Chong. Okay.

16 Good afternoon, Ms. Phillips-Chong.

17 PROSPECTIVE JUROR NO. 11-1035: Hi.

18 THE COURT: I'd like to know how long you
19 have lived in Las Vegas or this area.

20 PROSPECTIVE JUROR NO. 11-1035: My badge
21 number.

22 THE COURT: Oh, I'm sorry. Yes, your badge
23 number.

24 PROSPECTIVE JUROR NO. 11-1035: Sorry.

25 THE COURT: That's great.

1 PROSPECTIVE JUROR NO. 11-1035: Pamela
2 Phillips-Chong, 11-1035.

3 THE COURT: Correct.

4 PROSPECTIVE JUROR NO. 11-1035: And the
5 answer is 26 years.

6 THE COURT: Okay. 26 years. Did you live
7 elsewhere before that?

8 PROSPECTIVE JUROR NO. 11-1035: Hawaii.

9 THE COURT: Hawaii. Okay. And what do you
10 do for a living or work?

11 PROSPECTIVE JUROR NO. 11-1035: I'm a bus
12 mechanic/foreman.

13 THE COURT: Bus mechanic. How long have you
14 been in that line of work?

15 PROSPECTIVE JUROR NO. 11-1035: 22 years.

16 THE COURT: Okay. And before that?

17 PROSPECTIVE JUROR NO. 11-1035: I did
18 housekeeping, you know, here and there.

19 THE COURT: Okay. For how many years?

20 PROSPECTIVE JUROR NO. 11-1035: Pretty much
21 the rest of it, like -- cause I was in Hawaii, I did
22 it.

23 THE COURT: Right.

24 PROSPECTIVE JUROR NO. 11-1035: So when I
25 moved here, I did a little housekeeping, but I went

1 into transit; and I was a fueling supervisor at first,
2 and then I went into the shop and became mechanic and
3 foreman.

4 THE COURT: Okay. Very good. Are you
5 married or do you have a significant other?

6 PROSPECTIVE JUROR NO. 11-1035: Married.

7 THE COURT: You're married. And what area of
8 work is your spouse in?

9 PROSPECTIVE JUROR NO. 11-1035: He's an
10 engineer.

11 THE COURT: He's an engineer. What type of
12 an engineer.

13 PROSPECTIVE JUROR NO. 11-1035: He works at
14 MGM, so they just do, like, room calls, you know, TVs,
15 and they fix the stuff in the rooms for the owners.

16 THE COURT: Okay. How long has he been in
17 that line of work?

18 PROSPECTIVE JUROR NO. 11-1035: Probably as
19 long as we have been here.

20 THE COURT: So approximately 26 years?

21 PROSPECTIVE JUROR NO. 11-1035: Yeah, give or
22 take.

23 THE COURT: All right.

24 PROSPECTIVE JUROR NO. 11-1035: But he's
25 worked at Lady Luck before they closed down.

1 THE COURT: All right. And what area of work
2 was he in?

3 PROSPECTIVE JUROR NO. 11-1035: Engineering.

4 THE COURT: Also.

5 PROSPECTIVE JUROR NO. 11-1035: Yes.

6 THE COURT: All right. And when you lived in
7 Hawaii? Let's see.

8 PROSPECTIVE JUROR NO. 11-1035: He -- he was
9 in the military.

10 THE COURT: And what did he do in the
11 military?

12 PROSPECTIVE JUROR NO. 11-1035: Navy.

13 THE COURT: Navy.

14 PROSPECTIVE JUROR NO. 11-1035: Yeah.

15 THE COURT: All right. Was he an engineer as
16 well?

17 PROSPECTIVE JUROR NO. 11-1035: No, he was
18 actually a cook.

19 THE COURT: A cook. Okay. All right. Do
20 you have children?

21 PROSPECTIVE JUROR NO. 11-1035: Yes, one.

22 THE COURT: How old?

23 PROSPECTIVE JUROR NO. 11-1035: She's 21.
24 She just turned 21.

25 THE COURT: Okay. And how -- what is your

1 daughter doing? Is she in school? Does she work?

2 PROSPECTIVE JUROR NO. 11-1035: Right now
3 she's currently unemployed but looking for employment.
4 She did work at Game Stop. That was, like, her high
5 school. And then right now she's looking for
6 employment.

7 THE COURT: Okay. What other areas has she
8 worked in? Any other jobs?

9 PROSPECTIVE JUROR NO. 11-1035: She did,
10 like, a convention hostess, with Ovation.

11 THE COURT: All right. Okay. And is she
12 interested in any area of education specifically?

13 PROSPECTIVE JUROR NO. 11-1035: Computers.

14 THE COURT: Computers.

15 PROSPECTIVE JUROR NO. 11-1035: Yes.

16 THE COURT: Okay. Thank you. All right.
17 Have you ever been a juror before?

18 PROSPECTIVE JUROR NO. 11-1035: No.

19 THE COURT: Okay. Thank you very much. Can
20 you please pass the mic.

21 Okay. Your name and your badge number,
22 please.

23 PROSPECTIVE JUROR NO. 11-1037: My name, Joel
24 Santa Ana, Badge 11-1037.

25 THE COURT: Okay. Mr. Santa Ana, how long

1 have you lived in the Las Vegas area?

2 PROSPECTIVE JUROR NO. 11-1037: Went to high
3 school here, 1980 to '83. Joined the service and went
4 to San Francisco, then I went back here, so total of
5 about 20 years.

6 THE COURT: Before that?

7 PROSPECTIVE JUROR NO. 11-1037: I was in
8 San Francisco area.

9 THE COURT: Very good. What area of work are
10 you in?

11 PROSPECTIVE JUROR NO. 11-1037: I'm a
12 full-service technician for the ATM kiosk and, I would
13 say, 95 percent of the casino. All over here.
14 Las Vegas.

15 THE COURT: Okay. How long have you done
16 that?

17 One, it's on and off, 'cause originally I was
18 with that company before it got bought out for, like,
19 ten years. And then I moved to a different biller,
20 kind of like similar service. And then I went back to
21 the company, so I would be going like three years there
22 now. So I would say about 14 years.

23 THE COURT: So about a total of 14 years?

24 PROSPECTIVE JUROR NO. 11-1037:

25 Approximately. Yes.

1 THE COURT: Okay. And what have you -- what
2 other type of work have you been in?

3 PROSPECTIVE JUROR NO. 11-1037: I was like in
4 the Bay Area. I worked with California State Lottery
5 doing full-service also, setting up the alarm and
6 security for a big company like HP, eBay, to set up
7 their security there.

8 THE COURT: Okay. Very good.

9 PROSPECTIVE JUROR NO. 11-1037: And I was in
10 the Army too.

11 THE COURT: I'm sorry?

12 PROSPECTIVE JUROR NO. 11-1037: And before
13 that I was in the U.S. Army.

14 THE COURT: Oh, you were? Okay. That's
15 great. What -- what did you do in the Army,
16 specifically?

17 PROSPECTIVE JUROR NO. 11-1037: Believe it or
18 not, in combat infantry.

19 THE COURT: You were in combat in the
20 infantry. Thank you for serving our country.

21 All right. Do you have a spouse or
22 significant other?

23 PROSPECTIVE JUROR NO. 11-1037: Yes.

24 THE COURT: Okay. What area of work is your
25 spouse or significant other in?

1 PROSPECTIVE JUROR NO. 11-1037: My wife is a
2 dental assistant.

3 THE COURT: How long has she been in this
4 area?

5 PROSPECTIVE JUROR NO. 11-1037: In this area,
6 since 2001.

7 THE COURT: 2001?

8 PROSPECTIVE JUROR NO. 11-1037: Yes.

9 THE COURT: And what did she do before that?

10 PROSPECTIVE JUROR NO. 11-1037: She actually
11 worked in the bank -- well, before that, she was, like,
12 a clerk at 7-Eleven, but way back in San Francisco she
13 actually working in the bank for check processing for
14 Bank of America.

15 THE COURT: BofA. Okay. Has she been
16 involved in any other type of work?

17 PROSPECTIVE JUROR NO. 11-1037: No.

18 THE COURT: Okay. Do you have children?

19 PROSPECTIVE JUROR NO. 11-1037: One kid.

20 THE COURT: How old?

21 PROSPECTIVE JUROR NO. 11-1037: He's 22.

22 THE COURT: All right. What -- he, your son?

23 PROSPECTIVE JUROR NO. 11-1037: Yes.

24 THE COURT: What -- is he in school? Is he
25 working?

1 PROSPECTIVE JUROR NO. 11-1037:

2 Unfortunately, my kid has a mental disability. He's
3 had mild autism. So you can talk to him normally, but
4 you have to get a lot of patience because, you know,
5 some things he doesn't understand, so...

6 THE COURT: Okay. Understood.

7 Have you ever served as a juror before?

8 PROSPECTIVE JUROR NO. 11-1037: No.

9 THE COURT: Thank you very much. If you
10 please pass the mic -- let's see.

11 Let's go straight to -- we can -- we'll talk
12 to Mr. Shapiro about how long you have lived in
13 Las Vegas.

14 PROSPECTIVE JUROR NO. 11-1043: About 22
15 years.

16 THE COURT: Okay. And what do you do for a
17 living?

18 PROSPECTIVE JUROR NO. 11-1043: I'm a writer
19 and a contractor for conventions.

20 THE COURT: Okay. Very good. Are you
21 married, or do you have a significant other?

22 PROSPECTIVE JUROR NO. 11-1043: No.

23 THE COURT: All right. Have you in the past?

24 PROSPECTIVE JUROR NO. 11-1043: Yes.

25 THE COURT: And what area was your spouse or

1 significant other in?

2 PROSPECTIVE JUROR NO. 11-1043: She was a
3 chef.

4 THE COURT: A chef. Okay. All right. Do
5 you have children?

6 PROSPECTIVE JUROR NO. 11-1043: No.

7 THE COURT: All right. Have you ever been a
8 juror before?

9 PROSPECTIVE JUROR NO. 11-1043: No.

10 THE COURT: Okay. Very good. If you please
11 pass the microphone.

12 Okay. Your badge number, please, and your
13 name?

14 PROSPECTIVE JUROR NO. 11-1047: 11-1047. My
15 name is Glenn Krieger.

16 THE COURT: Okay. So how long have you lived
17 in Las Vegas?

18 PROSPECTIVE JUROR NO. 11-1047: About 13
19 years.

20 THE COURT: Okay. And where did you live
21 before that?

22 PROSPECTIVE JUROR NO. 11-1047: California,
23 for a couple of years.

24 THE COURT: What area in California?

25 PROSPECTIVE JUROR NO. 11-1047: Rancho

1 Cucamonga.

2 THE COURT: And what area of work are you in
3 or education?

4 PROSPECTIVE JUROR NO. 11-1047: Technology.
5 I'm a technology facilitator. I teach teachers.

6 THE COURT: What does that mean?

7 PROSPECTIVE JUROR NO. 11-1047: Teachers are
8 required to have continuing education credits. So we
9 have to provide classes and so forth for them to get
10 their credits.

11 THE COURT: So you teach continuing education
12 to teachers?

13 PROSPECTIVE JUROR NO. 11-1047: Yes.

14 THE COURT: Okay. Do you teach in a
15 classroom at all?

16 PROSPECTIVE JUROR NO. 11-1047: Not to
17 students -- not to young adults, but it's in a
18 classroom for adults.

19 THE COURT: Okay. Understood.

20 All right. How long have you been doing
21 that?

22 PROSPECTIVE JUROR NO. 11-1047: About ten
23 years.

24 THE COURT: Ten years.

25 PROSPECTIVE JUROR NO. 11-1047: Uh-huh.

1 THE COURT: And before that?

2 PROSPECTIVE JUROR NO. 11-1047: I was -- I
3 was a middle school and high school teacher.

4 THE COURT: You were teaching in middle
5 school and high school?

6 PROSPECTIVE JUROR NO. 11-1047: Yes.

7 THE COURT: All right. How long has your
8 career been in education?

9 PROSPECTIVE JUROR NO. 11-1047: '96 is
10 probably when I started teaching. And then before that
11 I was a remodeling contractor.

12 THE COURT: You were?

13 PROSPECTIVE JUROR NO. 11-1047: A remodeling
14 contractor.

15 THE COURT RECORDER: Okay. Very good. Thank
16 you. All right.

17 Are you married or do you have a significant
18 other?

19 PROSPECTIVE JUROR NO. 11-1047: No.

20 THE COURT: Have you in the past?

21 PROSPECTIVE JUROR NO. 11-1047: Yes.

22 THE COURT: Okay. What area of work was your
23 spouse or significant other in?

24 PROSPECTIVE JUROR NO. 11-1047: Licensed
25 clinical social worker.

1 THE COURT: Okay. And any other work?

2 PROSPECTIVE JUROR NO. 11-1047: No.

3 THE COURT: No. Okay. Let's see. Do you
4 have children?

5 PROSPECTIVE JUROR NO. 11-1047: Yes.

6 THE COURT: Okay. What -- what ages or what
7 age?

8 PROSPECTIVE JUROR NO. 11-1047: One son, 33.

9 THE COURT: Okay. And what area of work is
10 your son in?

11 PROSPECTIVE JUROR NO. 11-1047: He's an oral
12 surgeon, maxillofacial oral surgeon.

13 THE COURT: Okay. I saw that in your
14 questionnaire. All right. And I imagine he's been in
15 school for a while?

16 PROSPECTIVE JUROR NO. 11-1047: A long time,
17 yes.

18 THE COURT: Before he went to medical school
19 and specialized or get his residency or his -- what --
20 what was he doing? Has he had any other type of work
21 in between?

22 PROSPECTIVE JUROR NO. 11-1047: Not a whole
23 lot. Just, like, mowing lawns and stuff, but --
24 because he mostly spent his time in school.

25 THE COURT: Okay. Have you ever served as a

1 juror before?

2 PROSPECTIVE JUROR NO. 11-1047: No.

3 THE COURT: All right. Thank you very much.

4 All right. Your -- thank you. Your badge
5 number and your name, please.

6 PROSPECTIVE JUROR NO. 11-1056: Miguel

7 Arteaga. 11-1056.

8 THE COURT: Okay. Let's see. How long have
9 you lived in the Las Vegas area?

10 PROSPECTIVE JUROR NO. 11-1056: Born and
11 raised.

12 THE COURT: I'm sorry?

13 PROSPECTIVE JUROR NO. 11-1056: Born and
14 raised here.

15 THE COURT: Okay. Very good. And what area
16 of work are you in?

17 PROSPECTIVE JUROR NO. 11-1056: I'm a
18 mechanic at a bowling center.

19 THE COURT: Okay. And how long have you been
20 in that area?

21 PROSPECTIVE JUROR NO. 11-1056: I've been
22 doing that for about 14 years.

23 THE COURT: 14 years. Okay.

24 And before that, did you have employment?

25 Were you employed?

1 PROSPECTIVE JUROR NO. 11-1056: Just other
2 little side jobs, like banquets.

3 THE COURT: Banquets and so forth? Okay.
4 Are you married, or do you have a significant
5 other?

6 PROSPECTIVE JUROR NO. 11-1056: No.

7 THE COURT: Have you in the past?

8 PROSPECTIVE JUROR NO. 11-1056: No.

9 THE COURT: Okay. Have you ever served as a
10 juror before?

11 PROSPECTIVE JUROR NO. 11-1056: No.

12 THE COURT: All right. I think that's about
13 it for those questions.

14 And let's see. Mr. Christiansen, if you
15 would like to ...

16 MR. CHRISTIANSEN: Sure, Judge.

17 THE COURT: Okay.

18

19 VOIR DIRE EXAMINATION

20 MR. CHRISTIANSEN: Good afternoon. Got a
21 whole new group of you guys -- and ladies.

22 All right. Let's start with -- I think
23 everybody has not had a chance to meet -- this is Aria
24 Khiabani. He's our client, and he's present. So I
25 just wanted to introduce everybody to him when he's

1 here. His uncle, Siamak, is the administrator of the
2 estates of Dr. Khiabani and Dr. Barin. So I wanted to
3 introduce everybody.

4 Thank you, Mr. Kemp.

5 As to you -- let's see -- starts with -- is
6 it Mrs. -- is it Mrs. Nakamura?

7 PROSPECTIVE JUROR NO. 11-1059: Yes.

8 MR. CHRISTIANSEN: I wanted to talk a little
9 bit with you new six -- seven of you about some items.

10 Mrs. Nakamura, I wanted to explore your
11 medical issue with you. You take Naprosyn?

12 PROSPECTIVE JUROR NO. 11-1059: Naproxen.

13 MR. CHRISTIANSEN: I'm sorry. We have to --
14 badge number too, please, Mrs. Nakamura.

15 PROSPECTIVE JUROR NO. 11-1059: Oh, 11-1059.

16 MR. CHRISTIANSEN: Okay. And I wrote down
17 that -- that you have, for the last couple of months,
18 been -- for arthritis and for pain issues -- been
19 taking naproxen?

20 PROSPECTIVE JUROR NO. 11-1059: Yes.

21 MR. CHRISTIANSEN: You take it a couple of
22 times a day?

23 PROSPECTIVE JUROR NO. 11-1059: Yes.

24 MR. CHRISTIANSEN: And it makes you sleepy
25 and tired?

1 PROSPECTIVE JUROR NO. 11-1059: Correct. Not
2 all the time, yes, but ...

3 MR. CHRISTIANSEN: So I'm trying to just
4 explore that a little bit more with you. Obviously,
5 we -- everybody would like to make sure whoever is on
6 the panel can stay awake and listen to -- to
7 everything. I take it you have some concern about your
8 ability to stay awake for long periods of time.

9 PROSPECTIVE JUROR NO. 11-1059: Yes.

10 MR. CHRISTIANSEN: And it's not that you
11 don't want to serve; it's just this medicine you're
12 taking makes you tired?

13 PROSPECTIVE JUROR NO. 11-1059: More -- yes,
14 drowsy, not tired, yes.

15 MR. CHRISTIANSEN: Is it fair -- I'll ask
16 you, are you afraid you're going to miss -- miss
17 something, miss evidence because you're sort of drowsy
18 and -- and maybe not able to pay full attention?

19 PROSPECTIVE JUROR NO. 11-1059: That might be
20 possible, yes.

21 MR. CHRISTIANSEN: All right. And sounds
22 like the last thing you'd want to do is have, you know,
23 only part of the evidence in your mind when you went
24 back and had to deliberate. You -- you know this is an
25 important case for everybody.

1 PROSPECTIVE JUROR NO. 11-1059: Correct.

2 MR. CHRISTIANSEN: And especially a case of
3 this length probably is equally or more troublesome for
4 somebody that -- that gets drowsy?

5 PROSPECTIVE JUROR NO. 11-1059: Correct.

6 MR. CHRISTIANSEN: And the prescription, it's
7 not -- it's a prescription that a doctor is saying you
8 should take, not something that you're just -- like you
9 can stop or start whenever you want; you're supposed to
10 follow the doctor's orders?

11 PROSPECTIVE JUROR NO. 11-1059: As long as I
12 have pain, yes.

13 MR. CHRISTIANSEN: And I think you even told
14 Her Honor, even though you're taking the medicine, you
15 still have some pain?

16 PROSPECTIVE JUROR NO. 11-1059: Yes.

17 MR. CHRISTIANSEN: That's not going to go
18 away in the -- today or tomorrow; it's going to be
19 present throughout this entire trial and would affect
20 your ability to pay full and complete attention?

21 PROSPECTIVE JUROR NO. 11-1059: It might be
22 possible, yes.

23 MR. CHRISTIANSEN: May we approach, Your
24 Honor?

25 THE COURT: Yes.

1 (A discussion was held at the bench,
2 not reported.)

3 THE COURT: All right. Juror No. 11-1059,
4 Ms. Nakamura, you are excused. And I want to thank you
5 for your service, and I hope everything goes well with
6 your treatment.

7 PROSPECTIVE JUROR NO. 11-1059: Thank you.

8 THE COURT: Thank you.

9 THE CLERK: Badge No. 11-1071, Chanel Walsh.

10 THE COURT: Good afternoon, Ms. Walsh. I'm
11 again going to ask you some of the questions you've
12 heard. Okay?

13 PROSPECTIVE JUROR NO. 11-1071: Okay.

14 THE COURT: Let's see. Do you have any
15 difficulty with understanding the English language?

16 PROSPECTIVE JUROR NO. 11-1071: No.

17 THE COURT: Okay. All right. Are you
18 acquainted with or recognize any of the attorneys in
19 this case?

20 PROSPECTIVE JUROR NO. 11-1071: There was an
21 attorney on the questionnaire that is not in the room
22 that I don't know personally but is related to my
23 family.

24 THE COURT: Okay. And what name?

25 PROSPECTIVE JUROR NO. 11-1071: Madison Vela.

1 THE COURT: Okay.

2 MR. KEMP: She's -- could we get a little
3 more of the relation, Your Honor?

4 THE COURT: How is this lawyer -- this
5 attorney related to your family?

6 PROSPECTIVE JUROR NO. 11-1071: So she's
7 related in two ways. My sister-in-law, her biological
8 father -- so she's a cousin of Madison's husband.
9 She's Madison's husband's cousin. And then my other
10 sister-in-law --

11 THE COURT: Who is Madison?

12 PROSPECTIVE JUROR NO. 11-1071: Madison is
13 married to my sister-in-law's cousin. So she's cousins
14 kind of with my sister-in-law.

15 THE COURT: Okay. And the second way?

16 PROSPECTIVE JUROR NO. 11-1071: And then my
17 other sister-in-law is married to -- this is confusing
18 because he is married -- he's a stepson into the
19 family, so he's Madison's cousin. And then my
20 sister-in-law is married to him. So it's like a cousin
21 on -- double cousin thing.

22 THE COURT: On both sides? Okay. All right.

23 PROSPECTIVE JUROR NO. 11-1071: So I don't
24 know her personally, but my sister-in-laws do.

25 THE COURT: All right. And do you ever speak

1 to them about her?

2 PROSPECTIVE JUROR NO. 11-1071: I only see
3 her -- like, I've seen her at baby showers, like my
4 sister-in-law, and different family functions when they
5 get together with that side of the family. But, like I
6 said, I don't have a personal relationship with her,
7 no.

8 THE COURT: Okay. Counsel, please approach.

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

11 THE COURT: Ms. Walsh.

12 PROSPECTIVE JUROR NO. 11-1071: Yes.

13 THE COURT: So it's Badge 11-1071.

14 PROSPECTIVE JUROR NO. 11-1071: Yes.

15 THE COURT: Okay. I'm going to excuse you.
16 And thank you for your candor and thank you for serving
17 and being here.

18 PROSPECTIVE JUROR NO. 11-1071: No problem.

19 Thank you.

20 THE COURT: Appreciate it very much.

21 THE CLERK: Badge --

22 THE COURT: If you go to the third floor.

23 THE CLERK: Badge 11-1075, Tri Le.

24 THE COURT: Good afternoon, sir.

25 PROSPECTIVE JUROR NO. 11-1075: Good

1 afternoon.

2 THE COURT: Okay. I'm going to follow
3 through with the individual questions.

4 PROSPECTIVE JUROR NO. 11-1075: Yes, ma'am.

5 THE COURT: Actually, these were asked to the
6 group before.

7 Okay. Do you have any difficulty
8 understanding the English language?

9 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

10 THE COURT: Okay. Are you acquainted with or
11 recognize any of the attorneys involved in this case or
12 any of the attorneys listed in the questionnaire?

13 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

14 THE COURT: Are you acquainted with or
15 recognize the names of any of the witnesses who were
16 identified in the questionnaire?

17 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

18 THE COURT: Okay. Are you acquainted with or
19 recognize any of the parties in the case?

20 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

21 THE COURT: Are you in any way obligated to
22 any of the parties or any of the attorneys in the case?

23 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

24 THE COURT: Or are they obligated to you in
25 any way?

1 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

2 THE COURT: Okay. Do you know any other
3 members of the jury panel?

4 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

5 THE COURT: Understand -- understanding that
6 this case is going to probably last five weeks, and
7 based upon the schedule that I previously indicated, is
8 there -- do you feel that serving on this panel may
9 cause you -- would represent a physical or medical
10 hardship?

11 PROSPECTIVE JUROR NO. 11-1075: I have to say
12 I'm okay with everything, except my allergy is real bad
13 sometime. I can sneeze for hours, or I could cough for
14 hours. That's what is really bad about it. But,
15 otherwise, I'm okay. But it comes and goes, you know,
16 the allergy.

17 THE COURT: So you have allergies?

18 PROSPECTIVE JUROR NO. 11-1075: Yes.

19 THE COURT: And do you take medication for
20 your allergies?

21 PROSPECTIVE JUROR NO. 11-1075: Yes, ma'am,
22 like over-the-counter Zyrtec.

23 THE COURT: Okay. Do they cause you any type
24 of drowsiness or anything like that?

25 PROSPECTIVE JUROR NO. 11-1075: Sometimes.

1 THE COURT: Aren't some of those medications
2 that you can take for allergies for daytime so that --

3 PROSPECTIVE JUROR NO. 11-1075: Yeah, but the
4 ones that work for me, the Zyrtec, yeah, that's the one
5 that works for me.

6 THE COURT: Which one?

7 PROSPECTIVE JUROR NO. 11-1075: The expensive
8 one, Zyrtec. Yeah, it's expensive.

9 THE COURT: Okay. Do you feel that, for any
10 other reason, serving on this jury would prevent you --
11 present you with any severe or undue hardship?

12 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

13 THE COURT: Have you ever been involved in
14 any type of a -- an accident? car? bus?

15 PROSPECTIVE JUROR NO. 11-1075: Yes, ma'am.

16 THE COURT: Motorcycle?

17 PROSPECTIVE JUROR NO. 11-1075: Fender
18 bender.

19 THE COURT: Fender bender? Okay.
20 And were you injured?

21 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

22 THE COURT: Okay. And were you in a lawsuit?

23 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

24 THE COURT: Okay. So there was a resolution
25 to that before a lawsuit began or ...

1 PROSPECTIVE JUROR NO. 11-1075: No lawsuit.

2 THE COURT: Okay. All right. As a juror, as
3 I've indicated before, you will be required to listen
4 to the witness, review evidence, and make a
5 determination based on the facts the Court -- so the
6 jury's the finder of facts. The Court's job is to
7 instruct you on the law.

8 Sometimes people disagree with the law as
9 written. And it would be a violation of a juror's duty
10 to not follow the law instructed by the Court.

11 Do you have any feeling that you would not be
12 able to follow all of the instructions of the Court on
13 the law even if the instruction differs from your
14 personal opinion or conceptions of what the law ought
15 to be?

16 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

17 THE COURT: Okay. Have you heard about this
18 case in the media -- any type of media -- television,
19 print, internet, anything you can think of?

20 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

21 THE COURT: Okay. Do you -- do you have such
22 sympathy, prejudice, or bias relating to age, religion,
23 race, gender, or national origin that you feel would
24 affect your ability to be open-minded, fair, and
25 impartial as a juror?

1 You want me to repeat that?

2 PROSPECTIVE JUROR NO. 11-1075: No, no, I
3 understand. I'm sorry. I understand. But -- like,
4 no. I think no.

5 THE COURT: You feel you -- you understand
6 the question?

7 PROSPECTIVE JUROR NO. 11-1075: Yes, I do.
8 Yes.

9 THE COURT: Okay. Do you believe that for
10 any other reason you would not be able to be fair and
11 serve as a juror in this particular case?

12 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

13 THE COURT: Okay. All right. I'm going to
14 ask you some further questions.

15 How long have you lived in the Las Vegas
16 area?

17 PROSPECTIVE JUROR NO. 11-1075: On and off
18 about 30 years.

19 THE COURT: Okay. And when -- when you're
20 off, where -- where have you lived?

21 PROSPECTIVE JUROR NO. 11-1075: My family
22 that I visit in Orange County, so I go back and forth a
23 lot.

24 THE COURT: Okay. And what area of
25 employment or work are you in?

1 PROSPECTIVE JUROR NO. 11-1075: Right now,
2 ma'am?

3 THE COURT: Yes.

4 PROSPECTIVE JUROR NO. 11-1075: I'm a bellman
5 right now.

6 THE COURT: A bail man?

7 PROSPECTIVE JUROR NO. 11-1075: Bellman.

8 THE COURT: B-a-i-l?

9 PROSPECTIVE JUROR NO. 11-1075: No, b-e-l-l.

10 THE COURT: Oh, bellman, a bellman.

11 Okay. How long have you been employed in
12 that area?

13 PROSPECTIVE JUROR NO. 11-1075: Three years.

14 THE COURT: And before that?

15 PROSPECTIVE JUROR NO. 11-1075: Like I say,
16 I -- my family got a business in Orange County.

17 THE COURT: Your family business.

18 PROSPECTIVE JUROR NO. 11-1075: So we go back
19 and forth.

20 THE COURT: How long did you work in that
21 business?

22 PROSPECTIVE JUROR NO. 11-1075: A while, with
23 family.

24 THE COURT: Can you be more specific?

25 PROSPECTIVE JUROR NO. 11-1075: 10, 15 years.

1 THE COURT: 15 years.

2 PROSPECTIVE JUROR NO. 11-1075: Yes.

3 THE COURT: Okay. So you've lived -- you've
4 worked in the business for 15 years, but you've lived
5 here in this area approximately 30 years off and on?

6 PROSPECTIVE JUROR NO. 11-1075: Yes, ma'am.

7 THE COURT: Are you able to work in the
8 business while you're living here?

9 PROSPECTIVE JUROR NO. 11-1075: No, the
10 business is -- is closed down now. That's why I'm --

11 THE COURT: Closed down?

12 PROSPECTIVE JUROR NO. 11-1075: Yes, ma'am.

13 THE COURT: All right. So aside from being a
14 bellman for three years and working in your family
15 business for 15 years -- what business was that, by the
16 way?

17 PROSPECTIVE JUROR NO. 11-1075: Nail salon.

18 THE COURT: A nail salon?

19 PROSPECTIVE JUROR NO. 11-1075: Yes, ma'am.

20 THE COURT: Have you worked in any other
21 areas aside from your family business and your present
22 work?

23 PROSPECTIVE JUROR NO. 11-1075: When I was
24 young, I worked at some nightclubs, like security and
25 stuff, but that's it.

1 THE COURT: Okay. Very good.

2 Are you married, or do you have a significant
3 other?

4 PROSPECTIVE JUROR NO. 11-1075: I'm married.

5 THE COURT: Okay. And what does your spouse
6 do?

7 PROSPECTIVE JUROR NO. 11-1075: Housewife.

8 THE COURT: Housewife.

9 PROSPECTIVE JUROR NO. 11-1075: Yes.

10 THE COURT: Okay. Before she was a
11 housewife, how was she employed, if she was?

12 PROSPECTIVE JUROR NO. 11-1075: She was an
13 actress.

14 THE COURT: She was an actress?

15 PROSPECTIVE JUROR NO. 11-1075: Yes, but not
16 here. It's in another country.

17 THE COURT: In another country?

18 PROSPECTIVE JUROR NO. 11-1075: Yes, ma'am.

19 THE COURT: Okay. And how -- has she ever
20 worked in any other areas aside from the acting?

21 PROSPECTIVE JUROR NO. 11-1075: No, ma'am,
22 just acting, yeah.

23 THE COURT: Okay. All right.

24 Do you have children?

25 PROSPECTIVE JUROR NO. 11-1075: Yes, ma'am.

1 We have a boy and -- a boy and a girl.

2 THE COURT: Okay. How old are your children?

3 PROSPECTIVE JUROR NO. 11-1075: My boy, 13,
4 and my daughter 8.

5 THE COURT: Okay. Very good. Thank you.

6 Have you ever served as a juror before?

7 PROSPECTIVE JUROR NO. 11-1075: No, ma'am.

8 THE COURT: All right. Thank you very much.

9 Okay. I think -- I think we've reviewed everyone. I
10 guess. Okay.

11 Mr. Christiansen.

12 MR. CHRISTIANSEN: Can we approach real
13 quick?

14 THE COURT: Certainly.

15 (A discussion was held at the bench,
16 not reported.)

17 THE COURT: We are now going to take our
18 afternoon break. We're going to take our afternoon
19 break. I'm going to admonish you, of course.

20 You're instructed not to talk with each other
21 or with anyone else about any subject or issue
22 connected with this trial. You're not to read, watch,
23 or listen to any report of or commentary on the trial
24 by any person connected with this case or by any medium
25 of information, including, without limitation,

1 newspapers, television, the internet, or radio.

2 You are not to conduct any research on your
3 own relating to this case, such as consulting
4 dictionaries, using the internet, or using any
5 reference materials. You are not to conduct any
6 investigation, test any theory of the case, re-create
7 any aspect of the case, or in any other way investigate
8 or learn about the case on your own.

9 You are not to talk with others, text others,
10 tweet others, message others, google issues, or conduct
11 any other kind of book or computer research with regard
12 to any issue, party, witness, or attorney involved in
13 this case.

14 You are not to form or express any opinion on
15 any subject connected with this trial until the case is
16 finally submitted to you.

17 Let's take, I think, a 20-minute break.

18 Okay? Thank you.

19 THE MARSHAL: All rise. 20-minute break.

20 THE COURT: Mr. Shapiro, I would like you to
21 stay.

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

24 THE COURT: Okay. Very good.

25 THE MARSHAL: Please be seated. Come to

1 order.

2 THE COURT: Mr. Shapiro, I've asked you a few
3 questions, and I reviewed your questionnaire. You were
4 very straightforward. And I would like the counsel to
5 be able to ask you some questions as well, both
6 parties.

7 THE MARSHAL: If you'll answer in the mic.

8 MR. CHRISTIANSEN: Mr. Shapiro, I will go
9 over here. My name is Pete Christiansen. We represent
10 Aria and Keon. I understand you had some type of
11 relationship with Dr. Khiabani; is that right?

12 PROSPECTIVE JUROR NO. 11-1043: That's
13 correct.

14 MR. CHRISTIANSEN: He did some type of -- I
15 read your questionnaire, so I know he did some type of
16 surgery -- reconstructive surgery on you?

17 PROSPECTIVE JUROR NO. 11-1043: Yes. He
18 performed a reconstructive surgery on my right breast
19 after removing a golf-ball-sized gynecomastic mass.

20 MR. CHRISTIANSEN: When was that in time?

21 PROSPECTIVE JUROR NO. 11-1043: 2008, the
22 summer.

23 MR. CHRISTIANSEN: So ten years ago?

24 PROSPECTIVE JUROR NO. 11-1043: That's
25 correct, yes.

1 MR. CHRISTIANSEN: And I also understand --
2 and since then, had you had any relationship with
3 Dr. Khiabani ongoing after sort of his medical care
4 ended?

5 PROSPECTIVE JUROR NO. 11-1043: No. After --
6 after medical care ended, not really. Once in a while,
7 my dad would -- would say, "Oh, you remember
8 Dr. Khiabani? He did this," because my dad knew him as
9 well. That's how --

10 MR. CHRISTIANSEN: That's right. Your dad is
11 an endocrinologist?

12 PROSPECTIVE JUROR NO. 11-1043: Reproductive
13 endocrinologist, yes.

14 MR. CHRISTIANSEN: So your dad knew
15 Dr. Khiabani as well?

16 PROSPECTIVE JUROR NO. 11-1043: Yes.

17 MR. CHRISTIANSEN: And your dad was also
18 partners with Dr. Daneshmand?

19 PROSPECTIVE JUROR NO. 11-1043: Yeah, Dr.
20 Said Daneshmand.

21 MR. CHRISTIANSEN: And Said is the husband of
22 Ladan Daneshmand, whose name you saw on the list?

23 PROSPECTIVE JUROR NO. 11-1043: That's
24 correct, yes.

25 MR. CHRISTIANSEN: I understand your dad and

1 Dr. Daneshmand had some type of -- have presently some
2 type of ongoing litigation?

3 PROSPECTIVE JUROR NO. 11-1043: Yeah. I'm
4 not actually too sure on the status of that because he
5 doesn't talk about it. But, yeah, Said Daneshmand
6 allegedly broke the contract that he and him had signed
7 as business partners. But they had been working
8 together for -- oh, gosh -- like, 20 years, something
9 like.

10 MR. CHRISTIANSEN: Leaving Dr. Daneshmand
11 aside, as to Ladan Daneshmand, who's listed as a
12 potential witness in this case, do you know her?

13 PROSPECTIVE JUROR NO. 11-1043: Yes. We've
14 met on many occasions.

15 MR. CHRISTIANSEN: Would your knowledge of
16 her preclude you from being a fair and impartial juror?

17 PROSPECTIVE JUROR NO. 11-1043: It very well
18 could, yes.

19 MR. CHRISTIANSEN: In what way?

20 PROSPECTIVE JUROR NO. 11-1043: I mean, I --
21 since I have a personal relationship with -- with her,
22 I've met her a number of times, talked with her, heard
23 a fair bit of hearsay about her from my mother, my
24 father, various coworkers. I worked in my dad's
25 office. So I've heard a lot about her. Yeah, not much

1 of it great.

2 MR. CHRISTIANSEN: So you would tend to be
3 skeptical of her as opposed to believe what she said.
4 Is that what you're telling me?

5 PROSPECTIVE JUROR NO. 11-1043: Yes. I would
6 have a bias towards her, for sure.

7 MR. CHRISTIANSEN: Against what she's saying?

8 PROSPECTIVE JUROR NO. 11-1043: Correct.

9 Yes, I would have difficulty believing what she says.

10 MR. CHRISTIANSEN: Okay. And your bias
11 for -- do you have any bias in relation to
12 Dr. Khiabani, or you just simply wanted us all to know
13 that, ten years ago, he did a surgery on you, you
14 thought he did a relatively -- a good job, and so when
15 you heard about this, you felt for him or something
16 along those lines?

17 PROSPECTIVE JUROR NO. 11-1043: Yeah. He was
18 generally a nice guy. He treated me well; he did a
19 good job on my surgery; I didn't have any complications
20 afterwards. So I generally feel good will towards him.

21 MR. CHRISTIANSEN: You didn't know or don't
22 know Aria or his brother, Keon?

23 PROSPECTIVE JUROR NO. 11-1043: No.

24 MR. CHRISTIANSEN: Did you know Katy,
25 Dr. Barin, his wife?

1 PROSPECTIVE JUROR NO. 11-1043: I've never
2 met her, but he did mention her.

3 MR. CHRISTIANSEN: Dr. Khiabani, he said
4 something about his wife a decade ago?

5 PROSPECTIVE JUROR NO. 11-1043: Yeah, just in
6 passing, nothing substantial.

7 MR. CHRISTIANSEN: Okay. The reference in
8 your questionnaire -- or one of your answers was -- I
9 think you might have told Her Honor that you had heard
10 something about the incident in which Dr. Khiabani
11 passed. What -- what was it that you heard?

12 PROSPECTIVE JUROR NO. 11-1043: My dad told
13 me -- I think it was a couple of days afterwards or a
14 week afterwards -- I don't remember exactly when --
15 that he had been in a bicycle accident. I didn't hear
16 any more details beyond that.

17 MR. CHRISTIANSEN: No details about what
18 occurred, how it occurred, anything like that?

19 PROSPECTIVE JUROR NO. 11-1043: No, nothing
20 like that.

21 MR. CHRISTIANSEN: Okay. Thank you.

22 MR. ROBERTS: Hi, Mr. Shapiro.

23 PROSPECTIVE JUROR NO. 11-1043: Hello.

24 MR. ROBERTS: I'm Lee Roberts, and I
25 represent the bus -- the company that sold the motor

1 coach involved in the accident with Dr. Khiabani.

2 You mentioned that you do have -- feel some
3 good will toward Dr. Khiabani based on what he did for
4 you?

5 PROSPECTIVE JUROR NO. 11-1043: Yes.

6 MR. ROBERTS: And -- and would that good will
7 that you feel toward him extend to -- to his -- his
8 family and his heirs?

9 PROSPECTIVE JUROR NO. 11-1043: I would say
10 that it probably would, yes.

11 MR. ROBERTS: And do you think that good will
12 that you feel toward Dr. Khiabani and his family might
13 influence in any way that -- your decision where you
14 could serve as a juror in this case?

15 PROSPECTIVE JUROR NO. 11-1043: I think I
16 would probably be more prone to favor Dr. Khiabani's
17 estate.

18 MR. ROBERTS: And you mentioned in your
19 questionnaire, I believe, that -- that -- that you
20 might even be angry at the bus manufacturer, if you
21 thought -- okay. Thank you.

22 Judge, may we approach?

23 THE COURT: Yes.

24 (A discussion was held at the bench,
25 not reported.)

1 THE COURT: I want to thank you for your
2 candid answers. You're -- I'm very happy that you have
3 spent this time with us and that you've served and been
4 so patient in waiting. But I'm going to excuse you.
5 And I would like you to return to jury services on the
6 third floor. Okay? Have a great afternoon.

7 PROSPECTIVE JUROR NO. 11-1043: You too.

8 THE MARSHAL: Thank you, sir.

9 MR. ROBERTS: By the way, love your T-shirt.

10 THE COURT: Who's next?

11 (Discussion was held off the record.)

12 THE COURT: We can go off the record, then.

13 MR. KEMP: We are taking a break?

14 THE COURT: Yeah, taking a break.

15 MR. ROBERTS: Thank you, Your Honor.

16 (Whereupon a short recess was taken.)

17 THE COURT RECORDER: We are on the record.

18 MR. BARGER: Are we getting a new juror?

19 Mr. Chavez?

20 THE COURT: Yes. Badge No. 11-1081.

21 So I have already instructed them to bring a
22 panel in tomorrow morning.

23 MR. BARGER: Of 50?

24 THE COURT: Of 50. We're running out.

25 MR. BARGER: We're on 45. Actually, we'll

1 have 51 if that Mr. Green comes back.

2 MR. CLARK: They're missing one juror.

3 THE MARSHAL: All rise.

4 (The following proceedings were held in
5 the presence of the jury.)

6 THE MARSHAL: All the jurors are present,
7 Your Honor.

8 Please be seated. Come to order.

9 THE COURT: Thank you.

10 THE CLERK: Yes, Your Honor. Badge 11-1081,
11 Andrew Chavez.

12 THE COURT: Good afternoon, Mr. Chavez.

13 PROSPECTIVE JUROR NO. 11-1081: Good
14 afternoon.

15 THE COURT: Okay. Are you acquainted with or
16 recognize any of the attorneys involved in this case?

17 PROSPECTIVE JUROR NO. 11-1081: I don't
18 personally, but my girlfriend does.

19 THE COURT: Okay. How so?

20 PROSPECTIVE JUROR NO. 11-1081: She's
21 actually a legal analyst for law firm of Vernon Nelson.
22 And she's also worked with Lewis Brisbois and
23 Mandelbaum & Schwarz. And she does know the
24 plaintiff -- the -- Mr. Christiansen.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 11-1081: She -- she
2 has done work with them.

3 THE COURT: She's worked with them?

4 PROSPECTIVE JUROR NO. 11-1081: Yes.

5 THE COURT: All right. Okay. How long has
6 she been -- what is a legal analyst?

7 PROSPECTIVE JUROR NO. 11-1081: From what I
8 know right now, she's actually managing a law firm,
9 Vernon Nelson. But a legal analyst, as far as I know,
10 they get -- set up for disposition and all that kind of
11 stuff. I'm not too well versed on it.

12 THE COURT: Okay. All right. Let's see.
13 Are you acquainted with or recognize the names of any
14 of the witnesses?

15 PROSPECTIVE JUROR NO. 11-1081: No.

16 THE COURT: Do you or your girlfriend discuss
17 work?

18 PROSPECTIVE JUROR NO. 11-1081: Slightly, not
19 really. I mean, she does tell me about certain things
20 that she can, but, I mean, just mostly people she works
21 with and all that fun gossip.

22 THE COURT: Right. Okay.

23 Would the parties like to approach?

24 (A discussion was held at the bench,
25 not reported.)

1 THE COURT: All right. Mr. Chavez, you're
2 Badge No. 11-1081.

3 PROSPECTIVE JUROR NO. 11-1081: Yes, ma'am.

4 THE COURT: I'm going to thank you for your
5 patience and for your interest in serving as a juror,
6 but I am going to excuse you. Okay?

7 PROSPECTIVE JUROR NO. 11-1081: Thank you.

8 THE COURT: I would like you to go back to
9 jury services on the third floor, and have a great
10 evening.

11 PROSPECTIVE JUROR NO. 11-1081: Thank you,
12 ma'am.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR NO. 11-1081: Thank
15 everyone.

16 THE CLERK: Badge 11-1089, Ghizlane -- you
17 could say it.

18 THE COURT: How do you spell that?

19 THE CLERK: Could you say your name for us.

20 PROSPECTIVE JUROR NO. 11-1089: Ghizlane
21 Berhimou.

22 THE COURT: Ghizlane Berhimou. Please take a
23 seat. Will you please pronounce your last name again,
24 please.

25 PROSPECTIVE JUROR NO. 11-1089: Berhimou.

1 THE COURT: Berhimou. Good afternoon.

2 PROSPECTIVE JUROR NO. 11-1089: Good
3 afternoon.

4 THE COURT: Okay. Do you have any
5 difficulties understanding the English language?

6 PROSPECTIVE JUROR NO. 11-1089: No.

7 THE COURT: Okay. Are you acquainted with or
8 recognize any of the attorneys involved in this case --

9 PROSPECTIVE JUROR NO. 11-1089: No.

10 THE COURT: -- or the attorneys mentioned in
11 the questionnaire?

12 PROSPECTIVE JUROR NO. 11-1089: No.

13 THE COURT: Okay. Are you acquainted with or
14 recognize the names of any of the witnesses who were
15 identified?

16 PROSPECTIVE JUROR NO. 11-1089: No.

17 THE COURT: Are you acquainted with or
18 recognize any of the parties in the case?

19 PROSPECTIVE JUROR NO. 11-1089: Yes.

20 THE COURT: Okay. Please explain.

21 PROSPECTIVE JUROR NO. 11-1089: Dr. Khiabani
22 was my dentist and my family dentist, my husband as
23 well.

24 THE COURT: And how long?

25 PROSPECTIVE JUROR NO. 11-1089: About

1 maybe -- I'm not sure, but maybe, like, three to four
2 years. I'm not sure about the time. But the last time
3 of seeing her was last year before she died.

4 THE COURT: Okay. Thank you.

5 Are you obligated in any way to any of the
6 parties or any of the lawyers in this case?

7 PROSPECTIVE JUROR NO. 11-1089: No.

8 THE COURT: Are you -- are any of them
9 obligated to you in any way?

10 PROSPECTIVE JUROR NO. 11-1089: No.

11 THE COURT: Do you know any other member of
12 the jury panel?

13 PROSPECTIVE JUROR NO. 11-1089: No.

14 THE COURT: Okay. Do you know myself or
15 anyone in Department 14?

16 PROSPECTIVE JUROR NO. 11-1089: No.

17 THE COURT: Okay. Understanding that this
18 case is going to last approximately five weeks, and
19 based on the schedule that I have previously discussed
20 with the panel, is there -- do you feel that in any way
21 serving for this period of time would present a
22 physical or medical hardship?

23 PROSPECTIVE JUROR NO. 11-1089: No.

24 THE COURT: Do you feel that, for some other
25 reason, serving on this jury would present you with a

1 severe or undue hardship?

2 PROSPECTIVE JUROR NO. 11-1089: No.

3 THE COURT: Okay. Have you ever been
4 involved in any type of accident? automobile? bus?
5 pedestrian --

6 PROSPECTIVE JUROR NO. 11-1089: No.

7 THE COURT: -- bicycle? motorcycle?

8 PROSPECTIVE JUROR NO. 11-1089: No.

9 THE COURT: Okay. I've discussed this so
10 many times, but I think you understand -- I think
11 you've been paying attention -- that the jury is the
12 fact finder and the Court is the person who instructs
13 the jury on the law.

14 PROSPECTIVE JUROR NO. 11-1089: Yes.

15 THE COURT: Okay?

16 All right. Sometimes people don't -- or
17 jurors may -- prospective jurors may not agree with the
18 law as written. Okay?

19 But it would be a violation of a juror's duty
20 if he or she tried to render a verdict based upon what
21 he or she believed the law to be if it was different
22 from the Court's instructions. Okay?

23 Do you feel that you could not be able to
24 follow all of the instructions of this Court on the law
25 even if the instructions differ from your personal

1 opinions or conceptions of what the law ought be?

2 PROSPECTIVE JUROR NO. 11-1089: No.

3 THE COURT: Have you heard anything about
4 this case in the media?

5 PROSPECTIVE JUROR NO. 11-1089: Yes.

6 THE COURT: Any type of media?

7 PROSPECTIVE JUROR NO. 11-1089: Yeah.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 11-1089: Like I said,
10 because she was my dentist, my cousin --

11 MR. ROBERTS: Your Honor, could we approach?

12 THE COURT: Yes.

13 MR. ROBERTS: Thank you.

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

16 THE COURT: Let me ask you some other
17 questions.

18 PROSPECTIVE JUROR NO. 11-1089: Sure.

19 THE COURT: And we may ask you some others
20 later.

21 How long have you lived in Las Vegas?

22 PROSPECTIVE JUROR NO. 11-1089: 15 years.

23 THE COURT: Okay. And before that?

24 PROSPECTIVE JUROR NO. 11-1089: Straight from
25 back home, Morocco, North Africa.

1 THE COURT: Okay. And what -- what do you do
2 for a living in Las Vegas?

3 PROSPECTIVE JUROR NO. 11-1089: I'm a high
4 school teacher.

5 THE COURT: Are you? What -- what subjects
6 do you teach?

7 PROSPECTIVE JUROR NO. 11-1089: French.

8 THE COURT: Okay. How long have you been
9 employed in this area, dedicated to this area?

10 PROSPECTIVE JUROR NO. 11-1089: In here in
11 the U.S.?

12 THE COURT: Yes.

13 PROSPECTIVE JUROR NO. 11-1089: Since I came.

14 THE COURT: Okay. And so 15 years?

15 PROSPECTIVE JUROR NO. 11-1089: Yeah.

16 THE COURT: And what grades do you teach?

17 PROSPECTIVE JUROR NO. 11-1089: High school.

18 THE COURT: All four grades.

19 PROSPECTIVE JUROR NO. 11-1089: From 9 to 12.

20 THE COURT: 9 to 12. Okay. And before that,
21 did you teach French in Morocco?

22 PROSPECTIVE JUROR NO. 11-1089: Yes. I've
23 been teaching for 25 years.

24 THE COURT: Okay. Very good. Thank you.

25 All right. Are you married, or do you have

1 significant other?

2 PROSPECTIVE JUROR NO. 11-1089: I am married,
3 and I have two kids.

4 THE COURT: Okay. What is -- what area of
5 work is your -- your spouse in?

6 PROSPECTIVE JUROR NO. 11-1089: He's a sales
7 associate in a retail store at Crystals called Zegna.
8 It's a designer store.

9 THE COURT: I know it.

10 PROSPECTIVE JUROR NO. 11-1089: Okay.

11 THE COURT: Okay. How long has he been in
12 that area?

13 PROSPECTIVE JUROR NO. 11-1089: About 11 to
14 12 years now.

15 THE COURT: And before that?

16 PROSPECTIVE JUROR NO. 11-1089: Before that,
17 we came from back home and ...

18 THE COURT: You came about 15 years ago, so
19 three years --

20 PROSPECTIVE JUROR NO. 11-1089: He was in
21 retail also in -- yeah, in the store called Pink. It's
22 closed. It was at Caesars Palace.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 11-1089: And before
25 that, he -- I mean, before Crystals, he was with the

1 same company but at Caesars Palace.

2 THE COURT: And in Morocco?

3 PROSPECTIVE JUROR NO. 11-1089: In Morocco,
4 he used to work with his dad. That's the reason we
5 came here. His dad had a coffee restaurant. He was
6 the manager.

7 THE COURT: Coffee restaurant?

8 PROSPECTIVE JUROR NO. 11-1089: Yes.

9 THE COURT: How long did he work in that?

10 PROSPECTIVE JUROR NO. 11-1089: Not long.
11 Maybe for, like, three to four years --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 11-1089: -- before we
14 moved here.

15 THE COURT: I see. Okay.

16 And do you have -- you do have children.
17 What ages are they?

18 PROSPECTIVE JUROR NO. 11-1089: 18 and 12.

19 THE COURT: Okay. What is your 18-year-old
20 studying or working with?

21 PROSPECTIVE JUROR NO. 11-1089: She is
22 freshman in high -- in college.

23 THE COURT: Yes.

24 PROSPECTIVE JUROR NO. 11-1089: And she wants
25 to be a doctor. So she's taking some medical courses

1 for that.

2 And my 12-year-old is in middle school,
3 freshman.

4 THE COURT: Okay. Have you ever served as a
5 juror before?

6 PROSPECTIVE JUROR NO. 11-1089: Yes, but I
7 didn't cross that line there. So I don't know if
8 that's --

9 THE COURT: Okay. So you weren't -- so you
10 didn't deliberate?

11 PROSPECTIVE JUROR NO. 11-1089: I was -- no,
12 I wasn't selected.

13 THE COURT: Okay. Very good. Thank you so
14 much.

15 PROSPECTIVE JUROR NO. 11-1089: You're
16 welcome.

17 THE COURT: Mr. Christiansen.

18 MR. CHRISTIANSEN: Say your name correctly
19 for me, please.

20 PROSPECTIVE JUROR NO. 11-1089: Last or
21 first?

22 MR. CHRISTIANSEN: Last, please.

23 PROSPECTIVE JUROR NO. 11-1089: Berhimou.
24 Don't try it.

25 MR. CHRISTIANSEN: Can you give me the

1 English version?

2 PROSPECTIVE JUROR NO. 11-1089: It's
3 Berhimou. Berhimou, because there's no -- just say
4 Berhimou.

5 MR. CHRISTIANSEN: Berhimou. Ms. Berhimou.

6 PROSPECTIVE JUROR NO. 11-1089: Yeah.

7 MR. CHRISTIANSEN: All right. I'm sorry.

8 PROSPECTIVE JUROR NO. 11-1089: That's okay.

9 Don't worry about it. It's unusual name, so that's
10 fine.

11 MR. CHRISTIANSEN: You're from Morocco, North
12 Africa?

13 PROSPECTIVE JUROR NO. 11-1089: Uh-huh.

14 MR. CHRISTIANSEN: Yes?

15 PROSPECTIVE JUROR NO. 11-1089: Yes. A lot
16 of people ask why I'm not black, but I -- and I always
17 respond that's North Africa. So not everybody's black
18 there.

19 MR. CHRISTIANSEN: Okay. And, as I
20 understand it, you -- and I think maybe you and a
21 cousin were patients of Dr. Katy Barin at her dental
22 practice?

23 PROSPECTIVE JUROR NO. 11-1089: And my
24 husband and my two kids.

25 MR. CHRISTIANSEN: So leave that aside for a

1 second. Okay?

2 And other than that, you don't know any of
3 the parties, the lawyers? You didn't know
4 Dr. Khiabani, anything of that nature; correct?

5 PROSPECTIVE JUROR NO. 11-1089: I knew her
6 because she was my dentist; beside that, no.

7 MR. CHRISTIANSEN: You didn't know her
8 husband or her children?

9 PROSPECTIVE JUROR NO. 11-1089: No.

10 MR. CHRISTIANSEN: Just you knew her as a
11 dentist?

12 PROSPECTIVE JUROR NO. 11-1089: Yes.

13 MR. CHRISTIANSEN: How long had she been --
14 just the length of time she was your dentist.

15 PROSPECTIVE JUROR NO. 11-1089: Just with me?

16 MR. CHRISTIANSEN: Yeah, just with you.

17 PROSPECTIVE JUROR NO. 11-1089: Maybe two
18 years.

19 MR. CHRISTIANSEN: And you saw her maybe once
20 a year, twice a year?

21 PROSPECTIVE JUROR NO. 11-1089: Once a year.

22 MR. CHRISTIANSEN: So you maybe saw Dr. Barin
23 a couple of times?

24 PROSPECTIVE JUROR NO. 11-1089: Last year, I
25 saw her twice because I had a problem with my wisdom.

1 So I had to go see her.

2 MR. CHRISTIANSEN: But, in total, probably
3 less than five times, you saw her?

4 PROSPECTIVE JUROR NO. 11-1089: Oh, yeah.

5 MR. CHRISTIANSEN: You weren't social friends
6 with her?

7 PROSPECTIVE JUROR NO. 11-1089: A little
8 because I -- I teach French and she come -- she came
9 from Montreal. So we would speak a little bit about
10 that and ...

11 MR. CHRISTIANSEN: She could speak French as
12 well.

13 PROSPECTIVE JUROR NO. 11-1089: A little.
14 Not that much, though, but she said that she could
15 understand it, it's just, you know, hard for her to
16 respond.

17 MR. CHRISTIANSEN: Okay. Would you hand the
18 mic back to the gentleman -- is it Mr. Le?

19 PROSPECTIVE JUROR NO. 11-1075: Yes.

20 MR. CHRISTIANSEN: Thank you, ma'am.

21 PROSPECTIVE JUROR NO. 11-1089: Uh-huh.

22 MR. CHRISTIANSEN: Mr. Le, you're bellman --
23 oh, you got -- yeah. Thanks, Mr. Le.

24 PROSPECTIVE JUROR NO. 11-1075: My name is
25 Le, No. 11-1075.

1 MR. CHRISTIANSEN: You're a bellman at the D,
2 the hotel here in the downtown area?

3 PROSPECTIVE JUROR NO. 11-1075: Yes, sir.

4 MR. CHRISTIANSEN: And you've been doing that
5 for a while?

6 PROSPECTIVE JUROR NO. 11-1075: Yes.

7 MR. CHRISTIANSEN: And I noticed in your
8 questionnaire -- I want to make sure I got it right --
9 some reference to Buddhism.

10 PROSPECTIVE JUROR NO. 11-1075: Yes.

11 MR. CHRISTIANSEN: Is that you or ...

12 PROSPECTIVE JUROR NO. 11-1075: My family.

13 MR. CHRISTIANSEN: Your family?

14 PROSPECTIVE JUROR NO. 11-1075: My whole
15 family, yes.

16 MR. CHRISTIANSEN: And is a sort of a tenet
17 or a basis of Buddhism is that you can't decide against
18 a person or find somebody to be guilty of anything;
19 correct?

20 PROSPECTIVE JUROR NO. 11-1075: Well, with
21 Buddhism, it like -- like, you know, the people that
22 has done wrong, and you forgive them because, like, we
23 believe in, like, a -- change, you know --

24 MR. CHRISTIANSEN: So it's hard -- you don't
25 pass judgment against persons in the Buddhist religion;

1 fair?

2 PROSPECTIVE JUROR NO. 11-1075: Yeah, I
3 don't.

4 MR. CHRISTIANSEN: And as a juror, if you're
5 called upon to be a juror, you're going to be asked to
6 do that, to pass judgment, to make decisions about
7 what's right and wrong and what the appropriate
8 compensation is if something was wrong. That's not
9 something, based on your religion, you'd be comfortable
10 doing, is it?

11 PROSPECTIVE JUROR NO. 11-1075: Yeah, you're
12 right.

13 MR. CHRISTIANSEN: And so probably a civil
14 case where compensation is -- is asked for is -- maybe
15 it's not the best fit in the world for you, no
16 different than Juror no. 1 who doesn't want to ever be
17 a juror on a death penalty case; fair?

18 PROSPECTIVE JUROR NO. 11-1075: Yes, sir.

19 MR. CHRISTIANSEN: May we approach, Your
20 Honor?

21 THE COURT: Yes.

22 (A discussion was held at the bench,
23 not reported.)

24 THE COURT: Okay. Mr. Le, you are excused.
25 I want to thank you very much for your participation

1 and your patience. And I hope you have a very nice
2 evening. Thank you so much.

3 PROSPECTIVE JUROR NO. 11-1075: Thank you.

4 THE COURT: Please go to the third floor to
5 the jury area.

6 All right, Madam Clerk.

7 THE CLERK: Yes, Your Honor. Badge 11-1092,
8 Melissa Favella.

9 THE COURT: Good afternoon, Ms. Favella. How
10 are you today?

11 PROSPECTIVE JUROR NO. 11-1092: Good
12 afternoon. I'm well. Thank you.

13 THE COURT: Okay. Great. I'm going to ask
14 you the questions that are necessary. All right?

15 PROSPECTIVE JUROR NO. 11-1092: Of course.

16 THE COURT: All right. Are you acquainted
17 with or recognize -- first of all, are you proficient
18 in the English language? Do you understand everything?

19 PROSPECTIVE JUROR NO. 11-1092: Yes, ma'am.

20 THE COURT: All right. Are you acquainted
21 with or recognize either -- or any of the attorneys
22 involved in this case?

23 PROSPECTIVE JUROR NO. 11-1092: No, ma'am.

24 THE COURT: Okay. Are you acquainted with or
25 recognize the names of any of the witnesses who were

1 identified in the questionnaire in this case?

2 PROSPECTIVE JUROR NO. 11-1092: No, ma'am.

3 THE COURT: Are you acquainted with or

4 recognize any of the parties in this case?

5 PROSPECTIVE JUROR NO. 11-1092: No, ma'am.

6 THE COURT: Are you in any way obligated to

7 any of the parties or any of the attorneys in this

8 case?

9 PROSPECTIVE JUROR NO. 11-1092: No, ma'am.

10 THE COURT: Are any of them obligated to you

11 in any way?

12 PROSPECTIVE JUROR NO. 11-1092: No.

13 THE COURT: Do you know any of the other

14 members of the panel, the jury panel?

15 PROSPECTIVE JUROR NO. 11-1092: No.

16 THE COURT: Do you know my -- do you know me

17 or any of the members of the Department 14 staff?

18 PROSPECTIVE JUROR NO. 11-1092: No.

19 THE COURT: Okay. Understanding that this

20 case is going to last approximately five weeks, and

21 I've already discussed the schedule with you, do you

22 feel that service for that period of time would present

23 a physical or medical hardship?

24 PROSPECTIVE JUROR NO. 11-1092: No.

25 THE COURT: Okay. Do you feel that, for some

1 other reason, serving on this jury would present you
2 with a severe or undue hardship?

3 PROSPECTIVE JUROR NO. 11-1092: No.

4 THE COURT: Okay. Have you ever been
5 involved in an accident? car? bus? bicycle? motorcycle?

6 PROSPECTIVE JUROR NO. 11-1092: Many times.

7 THE COURT: Many times?

8 PROSPECTIVE JUROR NO. 11-1092:
9 Unfortunately.

10 THE COURT: All right. Let's talk about
11 those. And why don't you tell us what accidents and if
12 you received injuries and if there was a lawsuit
13 involved.

14 PROSPECTIVE JUROR NO. 11-1092: I've never
15 been injured. The most severe accident occurred when I
16 was very young, eight or nine years old. I don't know
17 if there was a lawsuit involved with that. Due to my
18 age, my parents didn't really divulge that information
19 to me. But it was pretty severe, and I do believe my
20 mother was hurt.

21 THE COURT: I remember reading your
22 questionnaire about that.

23 PROSPECTIVE JUROR NO. 11-1092: Yes.

24 THE COURT: What -- anything else?

25 PROSPECTIVE JUROR NO. 11-1092: A few fender

1 benders. Another one that was significant was I,
2 unfortunately, hit a maintenance man who was riding a
3 golf cart, a maintenance cart. This was when I lived
4 in an apartment complex. Unfortunately, I took a turn
5 through the complex, the sun hit my eyes, the early
6 morning sun, and I did not see him, and I clipped him
7 with my driver's side front fender. He claimed he was
8 hurt. Unfortunately, my boyfriend at the time
9 videotaped him doing yard work the very next day. So
10 if there would have been a lawsuit, it was dropped
11 quickly.

12 THE COURT: Okay. Any other --

13 PROSPECTIVE JUROR NO. 11-1092: Fender
14 benders here and there.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 11-1092: It's Vegas.

17 THE COURT: All right. Let's see. Okay. As
18 a juror, you'll be asked to listen to witnesses, review
19 evidence, and make a determination based on facts, as I
20 have indicated numerous times before the last couple of
21 days. The juror -- the jury is the finder of facts,
22 and the Court's job is to make sure that the trial is
23 fair and to instruct the jury on the law that you
24 will -- that you will apply in this case. Some of --
25 sometimes people or prospective jurors may disagree

1 with some of the laws as written. And that would be a
2 violation of a juror's duty. Excuse me. If a juror
3 tried to render a verdict based upon what she believed
4 the law to be and it was different from the Court's
5 instructions, that would definitely violate the juror's
6 duty.

7 Do you feel that you would not be able to
8 follow all of the instructions of the Court on the law
9 even if the instructions differ from your personal
10 opinions or conceptions of what the law ought to be?

11 PROSPECTIVE JUROR NO. 11-1092: No.

12 THE COURT: Okay. Have you heard anything
13 about this case in the media? Any type of media.

14 PROSPECTIVE JUROR NO. 11-1092: No.

15 THE COURT: Print? Internet?

16 PROSPECTIVE JUROR NO. 11-1092: No.

17 THE COURT: Television?

18 PROSPECTIVE JUROR NO. 11-1092: No.

19 THE COURT: No? Okay. Is it -- do you have
20 such a sympathy, prejudice, or bias relating to age,
21 religion, race, gender, or national origin that you
22 feel you would affect -- this would affect your ability
23 to be open-minded, fair, and impartial as a juror?

24 PROSPECTIVE JUROR NO. 11-1092: No.

25 THE COURT: Do you believe for any other

1 reason that you would be unable to be fair and serve as
2 a juror in this particular case?

3 PROSPECTIVE JUROR NO. 11-1092: No.

4 THE COURT: Okay. All right. So how long
5 have you lived in Las Vegas?

6 PROSPECTIVE JUROR NO. 11-1092: I was born
7 and raised here.

8 THE COURT: Okay. All right. And what area
9 of work are you in? What do you do?

10 PROSPECTIVE JUROR NO. 11-1092: I am a
11 department lead for the medical claims department at
12 United Healthcare.

13 THE COURT: What are your job duties?

14 PROSPECTIVE JUROR NO. 11-1092: My main duty
15 is training new and existing employees on analyzing
16 medical claims. I specialize in training, especially
17 on the Medicaid -- the Nevada Medicaid plan. I also
18 help with questions the existing analysts have. I
19 coach them on their production and quality quotas.

20 THE COURT: Okay. How long have you been
21 employed by Humana?

22 PROSPECTIVE JUROR NO. 11-1092: United
23 Healthcare.

24 THE COURT: I'm sorry. I thought I got the
25 wrong one. United Healthcare.

1 PROSPECTIVE JUROR NO. 11-1092: I have been
2 with the company 11 years this April.

3 THE COURT: All right. What about before
4 that?

5 PROSPECTIVE JUROR NO. 11-1092: I worked for
6 a couple of different health plans before that. I
7 have -- I have been in the health insurance industry
8 for about 14 years.

9 THE COURT: About 14 years?

10 PROSPECTIVE JUROR NO. 11-1092: Yes. Before
11 that, out of high school I just did some part-time work
12 in restaurants. I was a hostess at Chili's and a
13 cashier at KFC.

14 THE COURT: All right. Very good. All
15 right. Are you married, or do you have a significant
16 other?

17 PROSPECTIVE JUROR NO. 11-1092: At this time
18 I am legally separated from my husband.

19 THE COURT: Okay. And what area of work is
20 your husband in?

21 PROSPECTIVE JUROR NO. 11-1092: Where to
22 begin? He is a entrepreneur of sorts. He has his hand
23 in various business areas. He just opened his own
24 jujitsu gym. He helps a friend of his, who is a
25 lawyer, and he balances the books for his -- his legal

1 practice. He is also a COO for an online money lending
2 company called White Knight Lending. Pretty much if
3 you want to start a business, he's the guy to go see.

4 THE COURT: Okay. Has he always been an
5 entrepreneur?

6 PROSPECTIVE JUROR NO. 11-1092: For the most
7 part. He's mostly dealt with money lending since he
8 was about 19.

9 THE COURT: 14?

10 PROSPECTIVE JUROR NO. 11-1092: 19.

11 THE COURT: 19. Okay. Do you know what law
12 firm he does the books for?

13 PROSPECTIVE JUROR NO. 11-1092: I don't
14 believe it's a firm necessarily. It's just the one
15 lawyer. His name is John Patterson.

16 THE COURT: Do you know what type of law
17 Mr. Patterson practices?

18 PROSPECTIVE JUROR NO. 11-1092: I can't be
19 certain. I do know that he -- he does partner
20 alongside another lawyer. Her name is Carrie Hurtik.

21 THE COURT: I'm sorry? Carrie?

22 PROSPECTIVE JUROR NO. 11-1092: Carrie.
23 Carrie Hurtik. She is a bankruptcy lawyer. She
24 actually just did my bankruptcy for me.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 11-1092: So I would
2 assume that his practice is along those lines.

3 THE COURT: I see. Thank you. What -- do
4 you -- do you have children?

5 PROSPECTIVE JUROR NO. 11-1092: I have a
6 two-year-old son.

7 THE COURT: Okay. All right. Have you ever
8 served as a juror before?

9 PROSPECTIVE JUROR NO. 11-1092: No.

10 THE COURT: Okay. Thank you very much.
11 Okay. Mr. Christiansen.

12 MR. CHRISTIANSEN: Ms. Favella, how are you
13 this afternoon?

14 PROSPECTIVE JUROR NO. 11-1092: I'm well.
15 Thank you. How are you?

16 MR. CHRISTIANSEN: Antsy. Ms. Favella, help
17 me understand. I got your questionnaire. The full
18 version is right here. I just went back and read to
19 make sure my notes were accurate. But did you make
20 some mention of Wicca and --

21 PROSPECTIVE JUROR NO. 11-1092: Yes, sir.

22 MR. CHRISTIANSEN: -- and that belief? And
23 as I understood your answer, anything that you impose
24 upon somebody else you believe will come back three
25 times or threefold, I think is the word you used.

1 PROSPECTIVE JUROR NO. 11-1092: It is called
2 the Threefold Law, yes, and it is very much like Karma
3 in Buddhism. Any negative energy or judgment that is
4 passed will be returned by the universe threefold.

5 MR. CHRISTIANSEN: So that's -- that seat is
6 the lucky seat today, or I don't know if I like that
7 seat today.

8 PROSPECTIVE JUROR NO. 11-1092: Being a
9 pagan, I would have to assume, yes, this is a lucky
10 seat.

11 MR. CHRISTIANSEN: So the gentleman before
12 you, I asked questions about the Buddhist belief and
13 not imposing judgment. It sounds like you have similar
14 beliefs?

15 PROSPECTIVE JUROR NO. 11-1092: It is a very
16 similar belief, yes.

17 MR. CHRISTIANSEN: And no matter what we tell
18 you, that's a belief you're going to hold fast to and
19 stick with in spite of whatever direction you're given.

20 PROSPECTIVE JUROR NO. 11-1092: Yes, sir.

21 MR. CHRISTIANSEN: So you're probably not
22 well suited to be a juror where you're asked to pass
23 judgment in a civil case. Fair?

24 PROSPECTIVE JUROR NO. 11-1092: I suppose
25 that would be fair to say, yes.

1 MR. CHRISTIANSEN: May we approach, Your
2 Honor?

3 THE COURT: Absolutely.

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

6 THE COURT: Ms. Favella, I'm going to thank
7 and excuse you. Thank you for your time and your
8 honesty.

9 PROSPECTIVE JUROR NO. 11-1092: Thank you
10 very much.

11 THE COURT: Have a great evening.

12 PROSPECTIVE JUROR NO. 11-1092: You too.

13 THE COURT: Yes?

14 PROSPECTIVE JUROR NO. 11-0887: I'm pagan as
15 well --

16 THE MARSHAL: One second.

17 THE COURT: Just a moment.

18 PROSPECTIVE JUROR NO. 11-0887 -- and
19 yesterday I had my Buddhism book.

20 THE COURT: Are we still on the record?

21 THE COURT RECORDER: Yes, we are, Your Honor.

22 THE COURT: Yes. Okay. Please identify your
23 name and your badge number.

24 PROSPECTIVE JUROR NO. 11-0887: 11-0887, my
25 name is Shelbie Bynum. I am pagan, but I'm not a

1 Wicca. I study Neo-Druidism, which is like animals in
2 nature, which is a form of paganism and Buddhism, which
3 isn't quite -- it's a way of life where you can be more
4 than -- you don't have to be just Buddhist. And I had
5 my book yesterday; that's what I was reading. But I'm
6 a very spiritual person and, like, I didn't realize
7 that was a thing for -- I'm trying to do, like, the
8 right thing as far as people go, on each side. But I
9 definitely am a strong pagan, and I have -- I am not a
10 strong Buddhist, but I have studied Buddhism for a
11 couple of years now. But mostly Neo-Druidism. I have
12 that on my questionnaire, I'm pretty sure, as well.

13 MR. CHRISTIANSEN: It is.

14 THE COURT: Okay.

15 MR. ROBERTS: Would you like us to approach,
16 Your Honor?

17 THE COURT: I would.

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

20 THE CLERK: Badge 11-1093, Curtis Nolos.

21 THE COURT: Good afternoon, Mr. Nolos.

22 PROSPECTIVE JUROR NO. 11-1093: Good
23 afternoon.

24 THE COURT: Okay. Do you have any difficulty
25 understanding the English language?

1 PROSPECTIVE JUROR NO. 11-1093: No.

2 THE COURT: Very good. Are you acquainted
3 with or recognize any of the attorneys involved in this
4 case?

5 PROSPECTIVE JUROR NO. 11-1093: I do not.

6 THE COURT: Okay. Are you acquainted with or
7 recognize the names of any of the witnesses who have
8 been identified in the questionnaire?

9 PROSPECTIVE JUROR NO. 11-1093: One looked
10 familiar on that list.

11 THE COURT: Who was that?

12 PROSPECTIVE JUROR NO. 11-1093: Samantha
13 Kolch.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 11-1093: She was -- I
16 went to her -- I was in high school with her in
17 marching band. We were in together. We were -- we
18 were in marching band for -- three -- two, three years.
19 She was one of the -- she was friends with one of the
20 clarinet players that I know of. And, yeah, she was --
21 she was in the -- she played -- she -- I believe, she
22 played the marimba in the front section of the marching
23 band.

24 THE COURT: When were you in the band?

25 PROSPECTIVE JUROR NO. 11-1093: I was in the

1 flute section. But we do interact with each other
2 after -- after school every other -- I mean, after
3 school during -- when -- after practice and stuff with
4 everyone else.

5 THE COURT: Okay. Thank you. Are you
6 acquainted with or recognize any of the parties in the
7 case?

8 PROSPECTIVE JUROR NO. 11-1093: No.

9 THE COURT: Are you in any way obligated to
10 any of the parties or any of the attorneys in this
11 case?

12 PROSPECTIVE JUROR NO. 11-1093: No.

13 THE COURT: And are any of them obligated to
14 you in any way?

15 PROSPECTIVE JUROR NO. 11-1093: No.

16 THE COURT: Do you know any other member of
17 the jury panel?

18 PROSPECTIVE JUROR NO. 11-1093: I do not.

19 THE COURT: Do you know me or anyone in
20 Department 14?

21 PROSPECTIVE JUROR NO. 11-1093: No.

22 THE COURT: Okay. Understanding this case is
23 probably going to last five weeks, and based on the
24 schedule that I've discussed with the prospective
25 jurors, is there any -- do you -- is there any physical

1 or medical hardship that you would experience by
2 serving on this jury? Medical or physical hardship?

3 PROSPECTIVE JUROR NO. 11-1093: No. No.

4 THE COURT: Okay. Do you feel that for some
5 other reason serving on this jury would present you
6 with a severe or undue hardship?

7 PROSPECTIVE JUROR NO. 11-1093: Yes.

8 THE COURT: Okay. And please -- please state
9 what that is.

10 PROSPECTIVE JUROR NO. 11-1093: Okay. So I'm
11 in the middle of moving right now. I actually filed
12 PTO for this week in December. I recently purchased a
13 house in January, and -- and right -- and, yes, and
14 we're still -- we're still in the middle of moving. We
15 haven't moved everything into the house yet. The
16 family just recently moved out and we're just finally
17 getting things settled in.

18 And I don't know anyone with a truck, so I
19 have been taking the truck, so we have been at a
20 standstill with moving, so it's been -- it's been
21 difficult to just try to get everything rolling again
22 with moving our stuff in.

23 And this is just -- we had planned this for
24 December and it just -- this happened to fall on the
25 date of jury duty. And I have -- I have real -- and it

1 was just -- it's pretty much me and my mom, and my
2 family -- the rest of my family, they're not overly
3 available at the time. So I just -- I just -- we
4 just -- it's just hard to coordinate.

5 My mom also filed PTO for this week just to
6 move out, and she's at a standstill because she didn't
7 have the truck for the rest of my family to be able to
8 move the stuff. So it's just been kind of difficult to
9 try to move -- get everything into the home right now.

10 THE COURT: Thank you. Have you ever been
11 involved in a car accident or any of the other types of
12 accidents I have mentioned before?

13 PROSPECTIVE JUROR NO. 11-1093: Yes, I have.

14 THE COURT: Please explain.

15 PROSPECTIVE JUROR NO. 11-1093: So when I was
16 five or six years old, I got ran over by my dad's truck
17 when he was backing up, and I was in the hospital for
18 quite some time. I can't remember. I had lacerations,
19 and all of that, but I had been hospitalized for
20 probably about two weeks, but it felt like longer than
21 that, to be honest.

22 THE COURT: Okay. And you were involved --
23 you sued your father; correct?

24 PROSPECTIVE JUROR NO. 11-1093: No, no, I was
25 five years old.

1 THE COURT: Oh, you were five. Someone else
2 did. Okay.

3 PROSPECTIVE JUROR NO. 11-1093: No, no, no,
4 there was no lawsuit involved.

5 THE COURT: Okay. And --

6 PROSPECTIVE JUROR NO. 11-1093: That was my
7 fault.

8 THE COURT: Have you -- pardon me?

9 PROSPECTIVE JUROR NO. 11-1093: It was my
10 fault, so...

11 THE COURT: All right. Have you been
12 involved in any other accidents?

13 PROSPECTIVE JUROR NO. 11-1093: Any other
14 accidents?

15 THE COURT: Yes.

16 PROSPECTIVE JUROR NO. 11-1093: Actually,
17 well, I was -- I think I was a passenger in a bus once,
18 and a car -- a car came and actually was down at the
19 bus station over there, the -- one -- a car came in
20 from -- from that -- from that one lane and ran into
21 the bus and -- and toppled an older woman standing up
22 in the bus. And, well, I didn't get injured, but we
23 just all ran out of the bus just to catch our next bus.
24 And -- and, yeah, that's the only other accident I can
25 think of.

1 THE COURT: Okay. As a juror, you're going
2 to be asked to listen to the witnesses, review
3 evidence, and make a determination based on the facts.
4 As I have indicated numerous times today, the jury is
5 the finder of the facts. And the Court's job is to
6 make sure that the trial is fair and to instruct you on
7 the law that you will apply in the facts -- to the
8 facts. Excuse me. Sometimes a prospective juror may
9 disagree with how some of our laws are written. It
10 would be a violation of a juror's duty, however, if he
11 or she tried to render a verdict based upon what he or
12 she believed the law would be if it differs from the
13 Court's instructions. Do you feel that you would not
14 be able to follow all of the instructions of the Court
15 on the law even if the instructions differ from your
16 personal opinions or conceptions of what the law ought
17 to be?

18 PROSPECTIVE JUROR NO. 11-1093: No.

19 THE COURT: Okay. Have you heard anything
20 about this case on the media? Any type, print --

21 PROSPECTIVE JUROR NO. 11-1093: No. No.

22 THE COURT: -- television, internet,
23 anything?

24 PROSPECTIVE JUROR NO. 11-1093: No.

25 THE COURT: Okay. Would you have sympathy,

1 such -- a sympathy, prejudice, or bias relating to
2 religion -- to age, religion, race, gender, or national
3 origin that you feel would affect the ability for you
4 to be an open-minded, fair, and impartial juror?

5 PROSPECTIVE JUROR NO. 11-1093: No.

6 THE COURT: Is there any other reason that
7 you would be unable to be fair and serve as a juror in
8 this case -- unable to be fair and impartial and to
9 serve as a juror in this particular case?

10 PROSPECTIVE JUROR NO. 11-1093: No.

11 THE COURT: Okay. How long have you lived in
12 Las Vegas?

13 PROSPECTIVE JUROR NO. 11-1093: Since I was
14 12. So about 15 years now.

15 THE COURT: Okay. And what area of work are
16 you in?

17 PROSPECTIVE JUROR NO. 11-1093: I'm in the
18 medical field. I'm a radiologic technologist.

19 THE COURT: Okay. Where do you work?

20 PROSPECTIVE JUROR NO. 11-10: I work for a
21 company called Med-Smart, Inc., but I mainly work at
22 North Vista Hospital. Do as a CT tech.

23 THE COURT: Okay. And how long have you been
24 employed or work in this field?

25 PROSPECTIVE JUROR NO. 11-1093: About two

1 years now more or less.

2 THE COURT: What about before that?

3 PROSPECTIVE JUROR NO. 11-1093: I was --
4 would have been coach at Cheyenne High School, my high
5 school. For just one semester, and that's about it,
6 but most the time I was just a student at UNLV.

7 THE COURT: Did you work while you were at
8 UNLV?

9 PROSPECTIVE JUROR NO. 11-1093: No.

10 THE COURT: Okay. Are you married, or do you
11 have a significant other?

12 PROSPECTIVE JUROR NO. 11-1093: No.

13 THE COURT: Okay. Do you have children?

14 PROSPECTIVE JUROR NO. 11-1093: No.

15 THE COURT: All right. Have you ever served
16 on a jury before?

17 PROSPECTIVE JUROR NO. 11-1093: No.

18 THE COURT: Okay. Thank you. All right.

19 I think that's it, Mr. Christiansen.

20 MR. BARGER: So is the plan still the same,
21 Your Honor?

22 MR. KEMP: We had a plan, Your Honor. Can we
23 approach?

24 THE COURT: Yes. Do we have a plan?

25 MR. BARGER: Everybody go home. That was the

1 plan.

2 (A discussion was held at the bench,
3 not reported.)

4 THE COURT: Okay. So what we're going to do
5 is break for the evening. I'm going to give you an
6 admonition. I need you back at 9:30 in the morning
7 tomorrow. I'm going to admonish you -- I do want the
8 prospective jurors seated in Seat 14, 15, 18, and 26
9 to -- to wait outside, and Marshal Ragsdale will call
10 you individually. Okay?

11 And so I need to read you the admonition
12 altogether.

13 You're instructed not to talk with each other
14 or with anyone else about any subject or issue
15 connected with this trial. You are not to read, watch,
16 or listen to any report of or commentary on the trial
17 by any person connected with this case or by any medium
18 of information, including, without limitation,
19 newspapers, television, the internet, or radio.

20 You are not to conduct any research on your
21 own relating to this case, such as consulting
22 dictionaries, using the Internet, or using any
23 reference materials.

24 You are not to conduct any investigation,
25 test any theory of the case, re-create any aspect of

1 the case, or in any other way investigate or learn
2 about the case on your own.

3 You are not to talk with others, text others,
4 tweet others, message others, google issues, or conduct
5 any other kind of book or computer research with regard
6 to any issue, party, witness, or attorney involved in
7 this case.

8 You're not to form or express any opinion on
9 any subject connected with this trial until the case is
10 finally submitted to you.

11 See you tomorrow at 9:30 in the morning. And
12 before that I mentioned please wait outside for
13 Marshal Ragsdale.

14 THE MARSHAL: All rise.

15 THE COURT: Thank you, everybody.

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

18 THE MARSHAL: Please be seated. Come to
19 order.

20 THE COURT: Did you want to speak to --

21 MR. KEMP: Let's do the easy one first.

22 THE COURT: Why don't we start with you.
23 Thank you.

24 Mr. Arinwine, I believe the attorneys have
25 some questions for you.