

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

DARELL L. MOORE; AND CHARLENE )  
A. MOORE, INDIVIDUALLY AND AS )  
HUSBAND AND WIFE, )  
Appellants, )  
vs. )  
JASON LASRY, M.D. INDIVIDUAL; )  
AND TERRY BARTIMUS, RN, APRN, )  
Respondents. )

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Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court No. 81659

**APPEAL**

From the Eighth Judicial District Court, Clark County  
The Honorable Kathleen E. Delaney, District Judge  
District Court Case No.: A-17-766426-C

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**APPELLANT'S APPENDIX VOLUME VII**

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## CERTIFICATE OF SERVICE

Pursuant to NRAP 25(b), I certify that I am an employee of the law firm and that on this 21<sup>st</sup> day of July, 2021, I served a true and correct copy of the foregoing **APPELLANT'S APPENDIX VOLUME VII** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☐ to be sent via facsimile (as a courtesy only); and/or
- ☐ to be hand-delivered to the attorneys at the address listed below:
- ☒ to be submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case.

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By: /s/ E. Breen Arntz  
An employee of E. Breen Arntz, Chtd.

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3  
4 IN THE EIGHTH JUDICIAL DISTRICT COURT  
5 CLARK COUNTY, NEVADA  
6  
7

8 DARELL MOORE, ET AL., )  
9 Plaintiff, )  
10 vs. ) Case No.  
11 JASON LASRY, M.D., ET ) A-17-766426  
12 AL., ) Dept. No. 25  
13 Defendant. )  
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14  
15 JURY TRIAL  
16 -----

17 Before the Honorable Kathleen Delaney  
18 Monday, January 27, 2020, 1:30 p.m.

19 Reporter's Transcript of Proceedings  
20 -----  
21  
22  
23  
24

25 REPORTED BY ROBERT A. CANGEMI, CCR 888

1 APPEARANCES:

2 FOR THE PLAINTIFFS: Breen Arntz, Esq.  
3 Phil Hymanson. Esq.  
4 Henry Hymanson. Esq.

5 FOR THE DEFENDANTS: Robert McBride, Esq.  
6 Alissa Bastick, Esq.  
7 Keith Weaver, Esq.  
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## I N D E X

JURY VOIR DIRE

PAGE: 4

1 Las Vegas, Nevada, Monday, January 27,  
2 2020

3 \* \* \* \* \*

4 - - - - -

5 (Thereupon, the following proceedings  
6 were had in open court and outside  
7 the presence of the prospective jury.)

8 - - - - -

9  
10 THE COURT: All right.

11 So on the record in the case of Darrell and  
12 Charlene Moore versus Jason Lasry and Terry Bartmus,  
13 this is the date and time set for the beginning of  
14 trial.

15 The marshal is getting the jurors right now,  
16 so the jurors are not present in the courtroom.

17 Why don't we go ahead and state all  
18 appearances now, and then we would not have to do  
19 that when we start again later.

20 MR. ARNTZ: Okay.

21 Breen Arntz on behalf of the Plaintiff with  
22 Mr. Phil Hymanson.

23 MR. HYMANSON: Hi, Your Honor.

24 MR. HYMANSON: Hank Hymanson.

25 MR. McBRIDE: Robert McBride on behalf of

1 Dr. Lasry, who is here in the back.

2 MR. WEAVER: Good afternoon, Your Honor,  
3 Keith Weaver with Alissa Bestick on behalf of Nurse  
4 Practitioner Terry Bartmus, who is present.

5 MR. ARNTZ: My clients are also in the  
6 courtroom as well.

7 THE COURT: What was the things that you  
8 wanted to reference, Mr. Arntz?

9 MR. ARNTZ: So, as I was getting ready for  
10 trial, I read Dr. Lasry's deposition before, but I  
11 read it again a couple times in the mean time, and I  
12 just want to address this issue of supervisor,  
13 because I want to make sure I stay within the  
14 Judge's ruling, and I would like to discuss it  
15 again, because one of the thing that he says in his  
16 deposition, in answer to a question:

17 Have you ever been advised to supervise  
18 APRNs in order from it to be captured on the billing  
19 code, and his response was, no, I supervise  
20 my mid-level practitioners so that I can oversee  
21 their care.

22 My problem is, it seems as I was going  
23 through it there is other references to it, and I  
24 feel like that motion that they filed was a motion  
25 to change facts.

1           He does take responsibility for supervising  
2 the care of his APRNs.

3           Anyway, I just couldn't -- I can't figure  
4 out a way to look at this another way, except that  
5 he accepted the responsibility to supervise his  
6 mid-level practitioners, and anything that we do  
7 short of that is just a decision to override the  
8 real facts.

9           THE COURT: I don't have my notes in front  
10 of me from the motions in limine.

11           We have already established that you are not  
12 intending to seek liability by of vicarious  
13 liability.

14           It was already established that the only  
15 issue here as I understood it was to try to be able  
16 to inquiry related to standard of care issues, and  
17 that it really pertained more to what notes were  
18 there, and what responses were taken in regard to  
19 what notes were there.

20           So I guess I am failing to see how my  
21 ruling, which indicated I am not -- I think my  
22 ruling indicated we don't have evidence/the  
23 necessity to say that he was a supervisor of the  
24 nurse, because we didn't really have that district  
25 tie that there was another person who was the



1 supervisor for acronym's I don't recall purposes.

2 And then there was some action obviously  
3 taken in relation to the case that they both did,  
4 but there was no actual evidence of him supervising  
5 Nurse Bartmus in the capacity in which you were  
6 seeking to search.

7 So I think we -- obviously anything can  
8 change conforming to evidence as it comes into the  
9 case, but what exactly is the ask?

10 MR. ARNTZ: The ask is that an element of his  
11 negligence is his failure to properly supervise  
12 Nurse Bartmus, and it accepts that responsibility.

13 In fact, he says that's his responsibility,  
14 that he overseas the care of all of his mid-level  
15 practitioners.

16 If we say something different than it is  
17 different than what he testifies to.

18 THE COURT: You understand my difficulty  
19 is the general statement of I oversee all certain  
20 folks, and not actually tying it into, I was the  
21 supervisor of this person in this patient's care,  
22 those are 2 themes.

23 So I think that the playing field should be  
24 clear enough, that you can inquire of him of the  
25 circumstances.

1           Are we really arguing about a jury  
2 instruction at this point, I am a little confused.

3           Where are you worried about this? We are  
4 not having opening statements until Wednesday. It  
5 is ten minutes to 2. I want to get going with the  
6 jurors.

7           MR. ARNTZ: My point is at the time, and this  
8 is jumping ahead except I would like to have it  
9 clear to the Court, and that is at the time I argue  
10 my case at the end, I want to be able to say how he  
11 failed to supervise this nurse practitioner.

12          THE COURT: I will have to go back and  
13 review the pleadings again and my ruling. I don't  
14 have that straight in my head at the moment.

15          I wasn't anticipating a question like this.  
16 Maybe Mr. McBride, or Mr. Weaver or Ms. Bestick  
17 wants to clarify what they understand the ruling to  
18 have been more specific than what I am saying now.

19          MR. McBRIDE: Your Honor, you are exactly  
20 right.

21          The issue I think we brought up at the  
22 motion, they don't have an expert to say that  
23 Dr. Lasry failed to supervise or had some sort of --  
24 that's an independent part of his role or his  
25 negligence, so I think that was the other issue.

1           Then we also got from Mr. Arntz that he  
2       conceded that he is not looking for a vicarious  
3       liability theory, so I think -- the records are what  
4       they are, and we talked about that heading I  
5       mentioned, where it has that language in it, so he  
6       can reference that, but at the end of the day it  
7       doesn't create an independent act of negligence, nor  
8       is it apart of an alleged act on the part of  
9       Dr. Lasry that fell below the standard of care,  
10      according to his own experts.

11           THE COURT:   And I can't resolve this today  
12      for you, Mr. Arntz.

13           I made the ruling on the motion I made, I  
14      will go back and refresh so I can better articulate  
15      when the time comes, but my understanding is that  
16      you would not be able to assert the failure to  
17      supervise as a separate independent failure of the  
18      standard of care because of the lack of evidence to  
19      that regard of that obligation or that duty, or  
20      maybe perhaps that lack of duty for the negligence  
21      aspects of this.

22           But that's where I think we are at.   There  
23      is millions of other things you are going to be  
24      covering.   There is many other aspects of what you  
25      are going to be arguing, and you will be portraying

1 a whole picture, but to me this is more like a jury  
2 instruction.

3           These are, if you find X, Y and Z, then you  
4 find he fell below the standard of care.

5           MR. ARNTZ: I will put it off until we get  
6 some more evidence.

7           When I stipulated there was no vicarious  
8 liability, that's as to Fremont Emergency Services,  
9 we did not pursue any vicarious liability against  
10 them.

11           It doesn't mean that he doesn't still have a  
12 duty to supervise mid-level practitioners, as he  
13 stated in his own deposition.

14           THE COURT:       We will talk another 5 minutes  
15 at the most, and then we will get started with the  
16 jurors.

17           I have some time constraints today, and we  
18 will finish jury selection by tomorrow regardless.

19           Fremont Medical wasn't anywhere in the  
20 ballpark in the case still when we were having the  
21 motions in limine, and the discussion that came up  
22 about the vicarious liability, as I understood, and  
23 granted, it takes 2 to tango was you were talking  
24 about no vicarious liability as regards Dr. Lasry  
25 and the supervision of Nurse Bartmus, and how that

1 supervision can lead to vicarious liability.

2 That's what you were indicating you were not  
3 pursuing, but if you are now indicating that you are  
4 trying to pursue -- and we had this whole discussion  
5 about just because Nurse Bartmus did or did not do  
6 certain things, that cannot be imputed to Dr. Lasry,  
7 and you agreed to that, and that's vicarious  
8 liability, so what are we saying now, that we are  
9 not saying that?

10 MR. ARNTZ: If one of duties is to do certain  
11 things with patients and also supervise mid-level  
12 practitioners, that doesn't mean that her conduct is  
13 it imputed to him, it just goes to the question of  
14 did he supervise her well enough.

15 THE COURT: You are indicating it is one  
16 of his duties. Where is the evidence it was one of  
17 his duties?

18 MR. ARNTZ: I just read it to you.

19 THE COURT: No, and I don't want to get  
20 frustrated right now.

21 You did not read me that there is something  
22 independent that says his supervisory duty is over  
23 Nurse Bartmus.

24 You read me something that says, I,  
25 Dr. Lasry, generally take supervisory responsibility

1 over my mid-level nurses. It is not the same thing.

2 Now, maybe there is evidence that will come  
3 in that he had a duty to supervise. He can't create  
4 his own duty by putting a note in the system is my  
5 concern.

6 Maybe there is more evidence that I am not  
7 aware of. I am not going to make a final  
8 determination on this.

9 I am not changing my ruling at this stage.  
10 We have time between now and Wednesday in your  
11 opening statement to give some clarification, okay?

12 Anything else before we get started? My  
13 marshal should have handed out the list of jurors.

14 We did ask do have 60. I know that is a  
15 large number. We can fit them in the courtroom, and  
16 the reason that we did it is just in the off chance,  
17 because we got medical professionals involved here,  
18 and we a have 2 week trial and other factors that we  
19 might have some attrition amongst the numbers.

20 I did not want us not be able to finish the  
21 selection.

22 And how many are we intending to seat in the  
23 box?

24 THE MARSHAL: 20, Your Honor.

25 MR. ARNTZ: I was talking to counsel about

1 whether we need more than 2 alternates.

2 THE COURT: I have never had more than 2  
3 alternates on a 2 week trial.

4 MR. ARNTZ: What if we go into a third week  
5 and it is flu season?

6 THE COURT: Before we talk about going into  
7 a third week, we talked about maybe a day.

8 Are you talking about -- we can't turn this  
9 trial into something it isn't. We are bumping up  
10 against my criminal docket.

11 Are we now having thoughts that it is not  
12 going to be a 2 week trial?

13 MR. McBRIDE: We were able to move our expert  
14 to the 7. We anticipate being done with our  
15 witnesses and everything by then and be able to  
16 argue.

17 THE COURT: I haven't moved my things that  
18 day, but I will, and they will be gone. That day  
19 will be free.

20 MR. McBRIDE: I think 2 is plenty.

21 THE COURT: I will explain if they have  
22 any travel around those dates that they should so  
23 indicate.

24 I think 2 alternates is fine. I can't  
25 remember the last time I had to even use an

1 alternate, maybe 5 years ago.

2 Do you want me to do another one?

3 MR. McBRIDE: I am fine. It doesn't matter.

4 THE COURT: It just adds complication to  
5 the number of seats.

6 If you really think there is a necessity,  
7 fine, but I am not really seeing it for a 2 week  
8 trial.

9 MR. ARNTZ: Okay.

10 THE COURT: Anything else?

11 We have a podium that moves around.

12 We can't twist that one around because of  
13 the way the wires are, however you want to do your  
14 voir dire, otherwise we are good to go.

15 Anything else?

16 MR. McBRIDE: Judge, quickly, how long do you  
17 particularly take with the jurors?

18 THE COURT: Not very long on a civil. If it  
19 is a criminal case I do inquiry about their prior  
20 experience in the criminal justice system.

21 I will just go over the basics, and can we  
22 turn the Elmo on to show the questions I do?

23 You should have it on the screen. I flush  
24 out their answers to that.

25 We haven't had this discussion but this is



1 the no one we should have had, no one by one  
2 canvassing. We are not going chair one through  
3 chair 20.

4 You will ask generalized questions of the  
5 panel. Whatever hands get raised, you are welcome  
6 and expected to follow-up with those individuals.

7 You are expected to flush out a how couple  
8 of follow-up questions. You are certainly welcome  
9 to individually inquire of any juror who answers any  
10 of these questions that you have follow-up questions  
11 to.

12 No one by one chair canvassing. To the  
13 extent that there anyone is anyone there who is  
14 reluctant to participate, then just target them with  
15 one of your questions.

16 Ask a general question. If you don't see any  
17 hands ask juror number whatever, what do you think  
18 about this, so you are sure to have inquired of all  
19 of them. No one by one.

20 I need to conclude today between 4:30 and  
21 4:45, but we were already going to break it up,  
22 where Plaintiff was basically going to finish today,  
23 but maybe a little carryover tomorrow, and then the  
24 Defendant can finish up.

25 MR. ARNTZ: We will probably carryover until

1 tomorrow?

2 THE COURT: How much?

3 MR. ARNTZ: It is tough to say.

4 THE COURT: We are going to start right now.

5 Let's bring the jurors in and once I  
6 complete my portion we will take a break before  
7 counsel starts theirs.

8

9 - - - - -

10 (Thereupon, the following proceedings  
11 were had in open court and in the  
12 presence of the prospective jury.)

13 - - - - -

14

15 THE COURT: Now that we have  
16 everybody in the courtroom, we have  
17 administer the oath to you as potential  
18 jurors in this case.

19 I am going to ask you to briefly  
20 stand and raise your right-hand, and my clerk  
21 will administer the oath.

22

23 (The prospective jury panel was  
24 sworn in.)

25

1           THE COURT:   So we are here today for the  
2 jury selection in the trial Darrell Moore and  
3 Charlene Moore versus Jason Lasry, M.D. and Terry  
4 Bartmus, RN.

5           We will give you specifics of the timing of  
6 the trial shortly.

7           We will introduce the Court staff, and the  
8 counsel and the parties to you, but we have a few  
9 basic things that we need to address before we do  
10 that.

11          And we thank you for your time today. We  
12 have quite a few of you in the courtroom. We sat  
13 you a certain way for a certain reason, and that is  
14 in part to help make the jury selection more  
15 efficient.

16          The order in which you were listed in this  
17 particular panel is random. It is what it is.

18          We have no way of knowing what your  
19 schedules are or the circumstances that you face,  
20 and then what we did, because we need to qualify 20  
21 jurors, so that because ultimately ten can serve, we  
22 put 20 in the box.

23          That means the first 20 listed, if you are  
24 not de-selected for any reason, you will be serving  
25 at least in the first 20 qualified panel, and

1 possibly one of the final 10 to be on the jury.

2 As it goes back in the courtroom, the closer  
3 you are to the front of this group, the more likely  
4 you will fill one of these seats.

5 The further you are back over here, the less  
6 likely. We will go through some questioning  
7 generally of everybody, and then we will focus on  
8 the 20.

9 And then as we go long, if lose any of those  
10 20 we will fill those seats as we go along.

11 I do have to ask first a basic question.  
12 So, as we begin, we still have to make sure, and  
13 jury services are very good of this initial  
14 screening, but there are 2 basic qualification for  
15 anyone to have jury service.

16 You must be a U.S. citizen, and you must  
17 be -- if you were a convicted felon previously, and  
18 your rights have been restored in order to have this  
19 service.

20 If you were a previously convicted felon and  
21 honorably discharged and completed your probation, I  
22 believe you would have restored your rights.

23 Is there anyone here today who does not meet  
24 those basic criteria?

25 Do we have anyone here who is not a U.S.

1 citizen?

2 No hands.

3 Do we have anyone here who is a previously  
4 convicted felon whose right have not been restored?

5 If you can identify your name and the last 3  
6 digits of your badge number, you will see 2 sets of  
7 numbers on your badge, one is a longer set, that's  
8 your juror ID number. We are not concerned with  
9 that number.

10 It is your badge number. It is a shorter  
11 set.

12 THE PROSPECTIVE JUROR: Bebeykan, 109.

13 THE COURT: What is your circumstance that  
14 makes you believe that you are not qualified for  
15 this jury?

16 THE PROSPECTIVE JUROR: I have a case next  
17 week that will end. I don't know if that would be a  
18 problem.

19 THE COURT: You are facing felony charges  
20 right now?

21 THE PROSPECTIVE JUROR: Yes. I will be  
22 done with the case.

23 THE COURT: Be done, what do you mean?

24 THE PROSPECTIVE JUROR: I paid the Court  
25 fine.

1           THE COURT:       Are you sure it was a felony?  
2 There is typically not a Court fine that applies to  
3 felony cases.

4           THE PROSPECTIVE JUROR:       It was a felony.  
5 It is going to be down to a misdemeanor.

6           THE COURT:       I don't think that's an issue.  
7 I appreciate you bringing that to our attention.

8           MR. McBRIDE: Can we request a roll call of  
9 the jurors?

10          THE COURT:       If we have to.

11          MR. McBRIDE: I just want it for  
12 completeness, Your Honor.

13  
14                           - - - - -

15          (A roll call of the prospective jurors was  
16 had and all are present.)

17                           - - - - -  
18

19          THE COURT:       Ladies and gentlemen of the  
20 jury, we certainly can appreciate that in many ways  
21 that you probably would rather be anywhere but here  
22 right now, but what I can hope that you will  
23 understand is that the folks that are sitting here  
24 who are relying on the ten of you who will serve as  
25 jurors in this case would probably be anywhere but

1 here also.

2 They have tried as hard as they can to  
3 resolve their dispute, but were unable to do so.

4 So we have a Court system that allows those  
5 disputes to be determined in a Court of law with  
6 jurors as the finder of the facts and deliberating  
7 and reaching a conclusion.

8 They are putting their case and their  
9 circumstances and their outcome solely in your  
10 hands.

11 We hope you will take that as seriously as  
12 you would want if you were in their seats.

13 As we said when we started the process, we  
14 had no way to know your schedules, but we will get  
15 to that in a moment.

16 What I want to do first is I want to  
17 eliminate any concern that there might be anybody in  
18 the jury panel who is familiar with, friends with,  
19 acquaintances of either the Court staff, the counsel  
20 or the parties involved, the potential witnesses  
21 involved, and the facts or circumstances of the  
22 case, so I will start with just the staff first.

23 My name is Kathleen Delaney, I am the  
24 District Court Judge that presides over Department  
25 25, and it is my privilege to serve as the Judge in

1 this trial.

2 I do have present in the courtroom several  
3 of my staff, and then I have some staff who are not  
4 currently present in the courtroom.

5 I have the marshal, the one who is going to  
6 be most important to the jurors, because he is the  
7 one and only person on the staff that you are able  
8 to communicate with during the course of this jury  
9 selection and the trial process.

10 So any questions you have or circumstances,  
11 bring them to the marshal's attention, he will bring  
12 them up to the Court's attention.

13 I have Joshua Parrot, our marshal.

14 I have the court clerk, Shelley Boyle.

15 I have one of my 2 court reporters. We  
16 might have additional court reporters.

17 I have Bill Nelson, Dana Tavaglione and Bob  
18 Cangemi.

19 Bill and Bob are our primary court  
20 reporters. They have recently joined our staff. We  
21 are very grateful to have them.

22 They are very good and very professional.  
23 They are also obligated to take down everything said  
24 in Court, so remember as this goes on not to speak  
25 over each other.



1           It is very human nature to start to answer  
2 questions as we hear them asked, because we know  
3 where that question is going, and we start talking  
4 over each other, and it makes it hard for our court  
5 reporters.

6           Behind the scenes, I have 2 additional staff  
7 members. I have my Judicial Executive Assistant,  
8 Marwanda Knight.

9           And I have my law clerk, Julio Garcia.

10          Can I see by a show of hands if there are  
11 any folks in the courtroom who are familiar with any  
12 of the court staff.

13          Seeing known, it is a relief. I have had  
14 the occasional junior high teacher and other people  
15 pop-up in the courtroom that I didn't expect.

16          Seeing that nobody acquainted with any of  
17 the court staff, I will turn it over to the counsel.

18          I will start with counsel for the Moores to  
19 identify yourself and the parties in this case, and  
20 any potential witnesses you may call.

21          I do want to note before Mr. Arntz gets  
22 started that just because you hear this list of  
23 witness names it does not necessarily mean that is  
24 everyone who is going to be called in the trial, but  
25 these are people who may have knowledge of or a

1 connection to the trial.

2 This is where it is important to find out if  
3 you have any knowledge of our connection to them,  
4 but not necessarily all of these people are going to  
5 be called.

6 If you aren't sure or if there is any doubt,  
7 raise your hand and we will inquire and see if it is  
8 somebody you might know.

9 If you recognize somebody and you are on the  
10 panel, get my marshal's attention, and let him know  
11 that's somebody I met at a kids soccer game, and I  
12 will ask you at the end if there is anybody who is  
13 acquainted with these nice folks.

14 MR. ARNTZ: Thank you, Your Honor.

15 My name is Breen Arntz, I am an attorney  
16 here in Las Vegas.

17 I have been practicing here 30 years. I  
18 have a sole practice, I am of counsel with the firm  
19 of Greenman, Goldberg, Raby & Martinez.

20 I only know a few of the names of the  
21 lawyers there.

22 THE COURT: The ones that might have some  
23 involvement in this case.

24 MR. ARNTZ: None of them have a role  
25 in this case.

1           THE COURT:       Well, the ones that you can  
2 name then.

3           MR. ARNTZ: Gab Martinez is the senior  
4 partner of that firm.

5           And Dillon Coil is the managing partner that  
6 I work with mostly.

7           My other counsel is Hank Hymanson and Phil  
8 Hymanson of the law firm of Hymanson & Hymanson.

9           We are going to be calling my clients,  
10 Charlene Moore and Darrell Moore.

11          Their son, Christopher Moore.

12          Also Dr. Alex Marmiano, who is a  
13 cardiovascular surgeon out of Los Angeles.

14          And, Dr. David Fish from UCLA.

15          Dr. Scott Jacobs, whose deposition we may  
16 read into the record.

17          MR. McBRIDE: Thank you, Your Honor.

18          My name is Robert McBride. I am an attorney  
19 here in Las Vegas with the firm of Carroll, Kelly,  
20 Trotter, Franzen and McBride.

21          There are approximately 7 other attorneys in  
22 my office, Chelsea Hueth, a partner.

23          Heather Hall, another partner.

24          Sean Kelly.

25          Dustin Plumadore.

1 Eleanor Murphy.

2 As well as Jordan Montet.

3 Dr. Lasry is my client.

4 Jason Lasry is a Board Certified Emergency  
5 Room Physician, and he will be here throughout this  
6 trial.

7 In addition, we anticipate calling several  
8 other witnesses.

9 You may hear from Robert Wiencek, a  
10 cardiovascular surgeon here in Las Vegas.

11 We anticipate calling Jeffrey Germaine, who  
12 is a nurse at St. Rose - San Martin, which is where  
13 the treatment took place in this case.

14 Ameer Kuchinski, as well as possibly Lauren  
15 Eastham

16 And we then we will also be calling Kent  
17 Shoji, who is an emergency room physician.

18 And Samuel Wilson, another cardiovascular  
19 surgeon.

20 John Janzen, he is in Boise, Idaho.

21 And Karl Eric Volk.

22 And that's all that I can think of that we  
23 might be calling.

24 THE COURT: Mr. Weaver.

25 MR. WEAVER: Good afternoon, ladies and

1 gentlemen, my name is Keith Weaver. I am here with  
2 my colleague, Alissa Bestick and my client, Terry  
3 Bartmus, who is an advanced practice registered  
4 nurse, also known as a nurse practitioner.

5 I am with the firm of Lewis, Brisbois,  
6 Bisgaard & Smith.

7 There are a lot of attorneys in the firm, 70  
8 or 80, but the only other attorneys whose names you  
9 might recognize that might be relevant who are also  
10 working on this case but probably not at trial is a  
11 partner named Jill Chase.

12 And another partner named Dainelle Woodrum.

13 The only witness other than who Mr. McBride  
14 had has listed who we may call to trial is an  
15 emergency medicine physician at Cedar Sinai,  
16 associated with UCLA, named David Bartae.

17 Thank you.

18 THE COURT: As mentioned, there are several  
19 law firms involved in this matter.

20 Of course you have heard the names of  
21 counsel and the parties, and some of the potential  
22 witnesses, or the potential witnesses.

23 And so just because we didn't go through a  
24 laundry list of all of the names of the attorneys,  
25 but if you had dealings with that firm that was

1 named before, any connection that you believe that  
2 you have related to these people, this would be the  
3 time to raise your hand and let us know.

4 We will get a show of hands.

5 I just see one, maybe 2, maybe 3, 4. I will  
6 go row by row to see if there's any show of hands,  
7 so bear with, so what will happen is we don't know  
8 you all that well yet, and that it is important that  
9 you be seated in the order in which we have you  
10 listed.

11 Then as we start to start to go through  
12 this, we always call you in the order in which you  
13 are seated.

14 I saw a hand. I didn't see any hands in  
15 first row. I take that back. There was one hand  
16 in the first row.

17 As we go along, the court reporter is going  
18 to be taking down what is said, and he definitely  
19 doesn't know who everybody is, and he can't go back  
20 and forth to the sheet like we can, so please give  
21 your name and the last 3 digits of your badge  
22 number.

23 I neglected when I spoke to jury number 2  
24 earlier when the question arose about  
25 qualifications, her badge number 109.

1           The badge number is the one with less, but  
2 larger print digits, and we want the last 3 numbers.

3           So your name and badge number, sir?

4           THE PROSPECTIVE JUROR:       611.

5           THE COURT:       Your name?

6           THE PROSPECTIVE JUROR:   Wilder.

7           THE COURT:       Mr. Wilder, who is it that you  
8 believe you are acquainted with?

9           THE PROSPECTIVE JUROR:       Lewis, Brisbois.

10          They represented my firm in a lawsuit, a  
11 construction defects lawsuit years ago.

12          THE COURT:       How many years ago?

13          THE PROSPECTIVE JUROR:       Probably  
14 ten.

15          THE COURT:       And I won't go into the  
16 details of that, I will just ask the general  
17 question, but it is something that we can canvass  
18 you on separately.

19          Is there any reason that that prior  
20 association with the firm good or bad would have any  
21 impact on your ability to be fair and impartial in  
22 this trial?

23          THE PROSPECTIVE JUROR:       No.

24          THE COURT:       Your duty as any jurors would  
25 be to listen with an open mind to the evidence,

1 receive and determine the facts as you understand  
2 them to be, and to take the instructions from the  
3 Court, deliberate with your fellow jurors, do you  
4 believe you can do that?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: The second row, ma'am.

7 THE PROSPECTIVE JUROR: Bechtold, 624.

8 I was a legal assistant from 2004 to 2010,  
9 and I recognize many of those law firm names, but  
10 nobody individually.

11 THE COURT: Did you ever have any direct  
12 dealings or work for any of them?

13 THE PROSPECTIVE JUROR: Not for them. I  
14 did a lot of construction defect cases and personal  
15 injury.

16 THE COURT: Understood.

17 The same question to you, good or bad with  
18 the knowledge that you have of these firms, do you  
19 think it would have any impact on your to be fair  
20 and impartial in this trial?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: Next, your name and badge  
23 number?

24 THE PROSPECTIVE JUROR: Michael Hogan, 653.

25 2 things, and I am not sure, so I bring it



1 up, my wife is 38 weeks pregnant, and she plans on  
2 delivering at San Martin.

3 Second, Dr. Winslow I believe was the  
4 cardiovascular which is my father-in-law's doctor.

5 THE COURT: Winslow or Wiencek?

6 THE PROSPECTIVE JUROR: Wiencek, I guess.  
7 It sounded familiar.

8 THE COURT: And any of these things -- at  
9 this point you are not in the box, you are close  
10 enough that you may get in there.

11 Again, if it is not already obvious, what we  
12 are trying to find out is that not everybody is a  
13 perfect fit for every trial.

14 If this was a car accident trial, which it  
15 is not, if it was, and somebody just had a terrible  
16 car accident, and really was traumatized by it,  
17 maybe that wouldn't be a good trial for them to  
18 have, but they could have sat on a burglary trial, a  
19 criminal trial.

20 We are trying to make sure that those 10  
21 people who sit in that box at the end of the day as  
22 selected jurors have no preconceived biases one way  
23 or the other, and are going to let the parties be  
24 even steven as they get started, and not have any  
25 impartiality.

1           That's the question back to you. You might  
2 have these connections potentially to the hospital,  
3 and you have through a family member a connection to  
4 potentially one of the doctors, it wasn't clear if  
5 that doctor would testify or not.

6           Is that going to impact your ability to be  
7 fair and impartial in this trial?

8           THE PROSPECTIVE JUROR:       It might,  
9 especially the hospital, not the doctor.

10          THE COURT:       Okay.

11          Can you help me understand how you think it  
12 might impact your ability to be fair and impartial?

13          THE PROSPECTIVE JUROR:       Since it deals  
14 with St. Rose - San Martin, which is where we are  
15 delivering, I don't know if I will be changing my  
16 plans on where to deliver based on it.

17          She might have to go to the emergency room  
18 depending on what time she delivers.

19          THE COURT:       That might be a problem for  
20 you in the future, but does that mean that you can't  
21 listen to the evidence in this case fairly and  
22 impartially?

23          THE PROSPECTIVE JUROR:   No.

24          THE COURT:   I appreciate your candor.

25          There are no right or wrong answers to any

1 of these questions.

2 Thank you for your candor.

3 Anyone else in that row?

4 THE PROSPECTIVE JUROR: Marcel Brown, 668.

5 THE COURT: Yes.

6 THE PROSPECTIVE JUROR: I am familiar with  
7 Terry, we went to college together and we had a  
8 Bible study.

9 THE COURT: Terry who?

10 THE PROSPECTIVE JUROR: Ms. Bartmus.

11 THE COURT: Ms. Bartmus?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: How long ago?

14 THE PROSPECTIVE JUROR: 15 years.

15 THE COURT: Have you stayed in contact  
16 since then?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Is there any concern that you  
19 would have -- you are a little further back from  
20 getting in that box.

21 It is still possible, but is there any  
22 reason why your prior connection to Terry Bartmus  
23 would have any impact on your ability to be fair and  
24 impartial here?

25 THE PROSPECTIVE JUROR: No.

1 THE COURT: There will probably be follow-  
2 up questions.

3 Thank you for letting us know.

4 2 seats down.

5 THE PROSPECTIVE JUROR: Moyd-Malivat, 675.

6 Dr. Wiencek was another cardiologist. Can  
7 you repeat the name?

8 MR. McBRIDE: I think it was Dr. Wilson. He  
9 is in California.

10 THE COURT: Dr. Wilson in California?

11 THE PROSPECTIVE JUROR: I work in health  
12 care administration. I do admissions coordination.

13 THE COURT: Where do you do that?

14 THE PROSPECTIVE JUROR: Heights of  
15 Summerlin. So I come across his work, but I have  
16 never dealt with him, but he has referred people to  
17 our facility.

18 THE COURT: The same question to you, that  
19 connection, is that anything that you think would  
20 impact your ability to be fair and impartial here?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: That's a witness, not somebody  
23 who is a party to the case.

24 THE PROSPECTIVE JUROR: Okay.

25 THE COURT: The parties to the case are

1 Darrell and Charlene Moore, and Dr. Lasry and Nurse  
2 Bartmus.

3 The other folks are all witnesses, but it is  
4 still important. One of the other examples you  
5 might have in a criminal case is someone who a  
6 police officer is going to testify, and somebody had  
7 a good experience with the police, and somebody had  
8 a bad experience with the police.

9 And depending on how that was, maybe that  
10 would impact their ability to be fair and impartial.

11 It just sounds like this is more of a  
12 knowledge that you have generally of his practice,  
13 is that correct?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Anybody else in that row?

16 The row behind?

17 No hands.

18 Anybody on this side of the gallery?

19 No more hands.

20 Did we miss anybody up in the box?

21 All right.

22 Now we are to the point of the inquiry where  
23 we have to talk about the time expected for this  
24 trial.

25 MR. ARNTZ: Can we have a quick side bar?

1           THE COURT:   Yes, of course.

2  
3           (A bench conference was had.)

4  
5           THE COURT:   I appreciate a couple of  
6 clarifications from the counsel.

7           I want to make a point of, I did ask as  
8 folks were coming in the courtroom to make sure your  
9 cell phones were off or silent, and that includes  
10 anything that's on a vibrate or a low chime, because  
11 it will be distracting, and if the cell phones are  
12 going off, and you are not to be on them, but if  
13 they are going off and are distracting, we may have  
14 to have the marshal take them away briefly and give  
15 them away at a break.

16          At this point at this time we have to talk  
17 about the time expected for this trial, and as we  
18 said, we have no idea what your schedules are, and  
19 what circumstance might exist that would create a  
20 difficulty for your timing of this trial.

21          Right now it is expected -- this was  
22 obviously an afternoon set start.

23          I have regular calendars for other matters  
24 unrelated to the trial Monday, Tuesday and  
25 Wednesdays, so we can only have half days Monday

1 Tuesday and Wednesdays.

2 We will be half day today, tomorrow and  
3 Wednesday for those who stay with us.

4 Then Thursdays and Fridays I have no other  
5 Court commitments prior, so generally we are full  
6 days, 9 to 5.

7 We will take lunch breaks and regular breaks  
8 during the day, but you have 3 and a half days of  
9 being in the courtroom, if you want to think of it  
10 that way.

11 When you think about it, how it might impact  
12 your schedules, it is afternoon Monday.

13 Afternoon Tuesday.

14 Afternoon Wednesday.

15 All day Thursday.

16 All day Friday.

17 That's what the schedule looks like. It is  
18 expected that this trial will take approximately 2  
19 weeks to try, between this week and next, so that's  
20 through February 7.

21 It is I will say unlikely, but to the extent  
22 that it might go over into the following week, we  
23 certainly want to know about any conflicts with that  
24 week.

25 Now I don't want to give anybody any false

1 impressions, but it is just about the convenience to  
2 your schedule.

3 We appreciate very much that when we send  
4 out jury summons to folks that it is an interruption  
5 to their every ever day lives and scheduled, and we  
6 hope you understand that you are here, and you are  
7 going to do something that's very important for the  
8 folks sitting here with their case.

9 But mere inconvenience is not something that  
10 will get you excused from jury duty.

11 If you have plane travel that you have paid  
12 for that is non-refundable for work or a trip, that  
13 can potentially get you excused, or a medical  
14 procedure, you have to show us proof of any excuses.

15 If you have a medical procedure scheduled,  
16 it would be very difficult for you to reschedule,  
17 that may get you excused.

18 At the end of day, what we are looking for,  
19 as far as excusals for hardship are people who  
20 cannot physically be present for the trial because  
21 of things beyond their control.

22 We want to you to let us know what you  
23 believe to be any potential hardship you may have  
24 with this trial.

25 And we will be in trial this week, the



1 remainder of the week, Tuesday afternoon, Wednesday  
2 afternoon, and we do expect to have jury selection  
3 completed by tomorrow afternoon.

4 At that point we will be down to just ten,  
5 but the remainder of you will be coming back  
6 tomorrow.

7 Everybody will be coming back tomorrow to  
8 complete jury selection.

9 Then we have a half day Wednesday.

10 A full day Thursday.

11 A full day Friday.

12 The following week, February 3, we have a  
13 half day Monday to Wednesday.

14 Because of a circumstance of a prior  
15 commitment beyond the Court's control of a prior  
16 commitment, court related I will have an afternoon  
17 start on the 6 as well, so it is just half days all  
18 week except for Friday the 7, which is when we do  
19 expect to deliver the trial to you.

20 However long you take in deliberations,  
21 that's up to you. On the off chance that we go into  
22 the following week, it would not be more than day or  
23 2.

24 That's the schedule that we were looking at.  
25 We had no way know what is going on with you.

1           At this time I will go row by row. I will  
2 start with the back row and see who may have a  
3 hardship related to this trial schedule that we have  
4 identified.

5           In the back row.

6           Sir, your name and badge number?

7           THE PROSPECTIVE JUROR: Lara, 047.

8           I do have to leave the state tomorrow night.  
9 I have a flight. I have work to do in Nashville,  
10 Tennessee.

11          THE COURT:       Would you be able to show us  
12 on a break these plane tickets?

13          THE PROSPECTIVE JUROR:       Yes.

14          THE COURT:       This is a work-related trip?

15          THE PROSPECTIVE JUROR:       Yes.

16          THE COURT:       Ms. Cho, you have been trying  
17 to get the Court's attention with regard to some  
18 language issues that you have.

19          THE PROSPECTIVE JUROR:       My English is not  
20 good.

21          THE COURT:       Where are you from?

22          THE PROSPECTIVE JUROR:       Korea.

23          THE COURT:       How long have you been in the  
24 United States?

25          THE PROSPECTIVE JUROR:       A long time.

1 THE COURT: Where do you work?

2 Do you work?

3 THE PROSPECTIVE JUROR: Yes. Also my  
4 family member 2 days ago passed away. I have to go  
5 California.

6 THE COURT: When are you leaving for your  
7 funeral service?

8 THE PROSPECTIVE JUROR: Maybe tomorrow.

9 THE COURT: You are just driving, you  
10 don't have a plane ticket yet?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: When is the funeral? When is  
13 the service?

14 THE PROSPECTIVE JUROR: 2 days ago a  
15 family member passed away.

16 I go maybe tomorrow.

17 THE COURT: For what purpose?

18 Is there a funeral service or are you just  
19 going to see family?

20 THE PROSPECTIVE JUROR: My family come  
21 from Korea here, maybe.

22 I have to go to airplane, going to the  
23 airport.

24 I take care of them.

25 I am sorry, my English is not so good.

1 THE COURT: You are doing fine.

2 Where do you work?

3 THE PROSPECTIVE JUROR: For a church, a  
4 Korean Church.

5 I am a Korean pastor.

6 THE COURT: Is there anybody else in that  
7 row with a hardship with the trial?

8 Second row?

9 First row, name and badge number?

10 THE PROSPECTIVE JUROR: Michael Hogan,  
11 653.

12 Again, my wife is very pregnant. She could  
13 give birth any time. I don't want to be on a jury  
14 while she is giving birth.

15 THE COURT: When is the actual due date?

16 THE PROSPECTIVE JUROR: February 10, but  
17 she does have to be induced next week, if nothing  
18 happens this week.

19 I just don't know the exact date.

20 THE COURT: Is there anybody else?

21 THE PROSPECTIVE JUROR: Rivera, 657.

22 I am a student at UNLV. I started my last  
23 semester. I am a senior and 2 weeks of trial would  
24 cut into my study time. It could hold me back from  
25 graduating.

1 THE COURT: When do you have your classes?

2 THE PROSPECTIVE JUROR: Monday through  
3 Thursday.

4 THE COURT: What time of day?

5 THE PROSPECTIVE JUROR: In the morning.

6 THE COURT: You have morning classes. We  
7 would mainly be here in the afternoons except for a  
8 couple of days.

9 You just went back to the classes?

10 THE PROSPECTIVE JUROR: I start in the  
11 morning and I end in the afternoon.

12 I start at 8 and end around 4, and another  
13 day 11 and end at 6.

14 THE COURT: Anybody else?

15 THE PROSPECTIVE JUROR: Sandoval-Bedolla,  
16 659.

17 I was involved in a car accident 5, 6 months  
18 ago. I am on pain medication.

19 THE COURT: Most pain medication would not  
20 --

21 THE PROSPECTIVE JUROR: I am falling  
22 asleep pretty much.

23 THE COURT: Do you work?

24 THE PROSPECTIVE JUROR: Yes.

25 I am a salesperson.

1 THE COURT: How do you get through your  
2 workday with pain medication?

3 THE PROSPECTIVE JUROR: I deal with it.

4 THE COURT: Is that something you can do  
5 here?

6 You will be here approximately 3 and a half  
7 hours for 3 of the days of the week, and then with  
8 regular breaks, perhaps more full days for 2 days.

9 THE PROSPECTIVE JUROR: The medication  
10 does not allow me to perform, like communicate.

11 THE COURT: But you haven't missed any  
12 work over this medication?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Yes, ma'am?

15 THE PROSPECTIVE JUROR: Baugh, 661 .

16 I am just concerned. I am a single mom. I  
17 have 3 teenage daughters, and I work Monday through  
18 Friday.

19 THE COURT: What schedule?

20 THE PROSPECTIVE JUROR: 6 to 2.

21 THE COURT: Teenagers, are they -- how are  
22 you arranging for their care, or do they have their  
23 own way?

24 THE PROSPECTIVE JUROR: They are walking  
25 home today.

1           THE COURT:       There is no one in your family  
2 or no after-care at school that they are arranged  
3 with?

4           THE PROSPECTIVE JUROR:       One of daughters  
5 goes to school on one side and one on the other.

6           THE COURT:       The one on the other side of  
7 town from where you live is probably not walking  
8 home.

9           How are they getting home?

10          THE PROSPECTIVE JUROR:       She will take a  
11 bus to do.

12          THE COURT:       What's your work schedule?

13          THE PROSPECTIVE JUROR:       Monday through  
14 Friday, 6 to 2.

15          THE COURT:       Where do you work?

16          THE PROSPECTIVE JUROR:       New York New York.

17          THE COURT:       What do you do?

18          THE PROSPECTIVE JUROR:       I am a supervisor  
19 in a restaurant.

20          THE COURT:       You are day shift?

21          THE PROSPECTIVE JUROR:       Yes.

22          THE COURT:       Anybody else?

23          Second row?

24          THE PROSPECTIVE JUROR:       Jennifer Lewis,  
25 667.

1 I have 5 kids, 2 under the age of 2, and I  
2 work full-time. My husband does too, and we have to  
3 pay for child care.

4 THE COURT: Where do you work?

5 THE PROSPECTIVE JUROR: Comprehensive Cancer  
6 Center and as a chemotherapy oncology nurse.

7 THE COURT: And your husband?

8 THE PROSPECTIVE JUROR: He works for Clark  
9 County, juvenile probation.

10 THE COURT: How are you arranging for the  
11 kids?

12 You said you pay for child care?

13 THE PROSPECTIVE JUROR: I pay for child  
14 care and it is not what I make here.

15 THE COURT: It doesn't offset that?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Brown 671.

18 I am an account executive, mass media,  
19 corporate communications.

20 I have a trip booked for Tuesday, February  
21 4, and I can prove that, provide proof.

22 THE COURT: Is that work-related?

23 THE PROSPECTIVE JUROR: Work-related.

24 THE COURT: That is already prepaid  
25 tickets?



1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Moyd-Maliwat, 675.

3 I have a 3 month old, and I have to pump  
4 every four hours.

5 I can't be here a minute before 9, because  
6 my baby goes to school over at Summerlin at like 8,  
7 and then it takes an hour to get back.

8 THE COURT: How did you make arrangement  
9 for today, because it was an afternoon start?

10 THE PROSPECTIVE JUROR: It was an  
11 afternoon start.

12 My husband works over night, and he gets  
13 home at 9, so he is able to pick up the kids.

14 I just can't get here before 9. There is  
15 nobody else at home but me to be with them.

16 THE COURT: Anybody else?

17 THE PROSPECTIVE JUROR: Segundo, 681.

18 My boyfriend's father is on the verge of  
19 passing. He is 93.

20 I might have to go to Arizona this week. He  
21 has advanced Alzheimer's.

22 THE COURT: Is your boyfriend there?

23 THE PROSPECTIVE JUROR: He is on a plane  
24 right now.

25 THE COURT: Do you have -- have there

1 already been arrangements made?

2 THE PROSPECTIVE JUROR: He just got out of  
3 the hospital. It is day by day.

4 This might be his last week.

5 THE COURT: Is he in hospice?  
6 Assisted living?

7 THE PROSPECTIVE JUROR: He is with his  
8 wife and children.

9 THE COURT: No care in the home, no  
10 hospice?

11 THE PROSPECTIVE JUROR: I believe his wife  
12 does all of the care.

13 I am unclear about that, being honest.

14 THE COURT: Anybody else?

15 THE PROSPECTIVE JUROR: Doug Jackson,  
16 682.

17 2 problems. I had a knee replacement last  
18 month, and I am doing physical therapy e days a  
19 week.

20 I stay at my residence in Florida during the  
21 winter. I just flew in for this.

22 My physical therapist is in Florida.

23 And the second prong is I paid a bunch of  
24 money for Super Bowl tickets, and it came with 4  
25 days for the hotel, and it is all prepaid.

1 THE COURT: Who you rooting for?

2 THE PROSPECTIVE JUROR: Kansas City.

3 THE COURT: That's okay. I don't like  
4 either team.

5 Thank you, sir.

6 THE PROSPECTIVE JUROR: Alex Huballa, 685.

7 I have 3 jobs and a 4 job I am getting on  
8 Friday, that's because I don't make a whole lot, and  
9 I have a lot of college debt, as well as car debt.

10 So taking 2 weeks would be a big detriment  
11 for me, because the money here is not a whole lot.

12 THE COURT: Okay.

13 Anybody else?

14 THE PROSPECTIVE JUROR: Lang, 695 .

15 I have a convention starting tomorrow at  
16 10:00 a.m. to 5 p.m.

17 THE COURT: What do you do for the  
18 convention?

19 THE PROSPECTIVE JUROR: I have 2 booths.

20 THE COURT: You are an exhibitor?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: It is not convention set up?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Here?

25 THE PROSPECTIVE JUROR: Yes.

1           THE COURT:       How many other people are  
2 assisting with your exhibition?

3           THE PROSPECTIVE JUROR:       2 for each booth.  
4           I have to make sure they are doing  
5 everything.

6           THE COURT: Ma'am?

7           THE PROSPECTIVE JUROR: Riordan, 698.  
8           I work nights.

9           Also I support myself, so taking 2 weeks off  
10 would be detrimental.

11          THE COURT:       I hope I am not giving any  
12 answers to any of these things, but multiple people  
13 have said that.

14          As we have already explained, inconvenience,  
15 that's not necessarily an excusal.

16          I am making notes now. When we are done with  
17 everyone, we will have a conference with counsel and  
18 the Court will make a final determination on who is  
19 excused and who is not.

20          I want to flush it out a little more. You  
21 say you work in the evening. What is your schedule?

22          THE PROSPECTIVE JUROR:       I work 7:00 p.m.  
23 to 7:30 a.m.

24          THE COURT:       How many days a week?

25          THE PROSPECTIVE JUROR:       3 days.

1 THE COURT: What do you do?

2 THE PROSPECTIVE JUROR: I am a  
3 psychiatric nurse.

4 THE COURT: What is your work schedule these  
5 next 2 weeks?

6 THE PROSPECTIVE JUROR: I usually work  
7 Tuesday through Wednesday, Tuesday, Wednesday  
8 Thursday.

9 THE COURT: You didn't have to work last  
10 night?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: In first row?

13 THE PROSPECTIVE JUROR: Castro, 711.

14 3 years ago I had a double bypass. I have  
15 problems with my calves, and I have an ultrasound  
16 scheduled February 30.

17 THE COURT: Is that something where you  
18 have had other ultrasounds and you were able to  
19 reschedule them?

20 THE PROSPECTIVE JUROR: It took me a long  
21 time to get this one.

22 THE COURT: If we need to see proof of  
23 that, you have proof that you have an appointment?

24 THE PROSPECTIVE JUROR: I have it at home.

25 THE COURT: You don't have anything on

1 your phone?

2 THE PROSPECTIVE JUROR: I can probably get  
3 a picture of it.

4 THE COURT: We will get back to you.

5 THE PROSPECTIVE JUROR: 718, Ward. I am  
6 an ex-felon.

7 THE COURT: Have you not had your rights  
8 restored?

9 THE PROSPECTIVE JUROR: I am registered.

10 MR. ARNTZ: He is a registered.

11 THE COURT: We may have some discussion  
12 with that with you, sir, when we come back from the  
13 break.

14 THE PROSPECTIVE JUROR: Jane Nicdao, 721.

15 I am a college student. I go to school  
16 Monday through Thursday, mornings into the  
17 afternoons.

18 THE COURT: What are you studying?

19 THE PROSPECTIVE JUROR: Nursing.

20 THE COURT: Where?

21 THE PROSPECTIVE JUROR: Currently the  
22 College of Southern Nevada, and Nevada State  
23 College.

24 THE COURT: So your schedule is a little  
25 different from a regular under graduate student.

1 You said you have 4 days a week?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: Is that all day because of --

4 THE PROSPECTIVE JUROR: No. I am still  
5 working on my prerequisites. I am taking multiple  
6 classes.

7 THE COURT: Anybody else?

8 THE PROSPECTIVE JUROR: Jenny Fernandez,  
9 723.

10 Right now I have a friend who took off  
11 today. I have four children. We have a problem for  
12 the next few days to come here. I have to drop them  
13 off and pick them up.

14 THE COURT: You don't have any family  
15 members?

16 How old are the kids?

17 THE PROSPECTIVE JUROR: I have a 4-year-  
18 old 5, and 13 and 16.

19 THE COURT: The older ones don't assist?

20 THE PROSPECTIVE JUROR: My oldest catches  
21 a bus. The other 2 and then 1 kid, my youngest  
22 stays at home.

23 Right now he is currently working second  
24 shift.

25 THE COURT: Where do you work?

1           THE PROSPECTIVE JUROR:       Western Group  
2 Packaging.

3           THE COURT:       What's your schedule?

4           THE PROSPECTIVE JUROR:       For the next 2  
5 weeks 4 p.m. to 12:30. It just picking them up and  
6 dropping them off.

7           THE COURT:       Anyone else?

8           THE PROSPECTIVE JUROR:       Granados, 724.

9           A couple of things. A month ago my dad was  
10 diagnosed liver cirrhosis.

11           A couple of days ago we had to put him in  
12 the hospital. He is at a suicidal stage.

13           We have to an keep eye on him. I am the only  
14 child. I have 3 kids home schooled.

15           It is hard. I work night shift. I have  
16 been up since yesterday.

17           THE COURT:       Who does the home schooling,  
18 you or do you have a spouse?

19           THE PROSPECTIVE JUROR:       My wife works in  
20 the mornings.

21           When I come in from work, I watch the kids,  
22 and then she gets off of work 3 or 4. We have  
23 schedules like that.

24           THE COURT:       How did you manage this  
25 schedule today?



1 THE PROSPECTIVE JUROR: She took off.

2 THE COURT: Thank you.

3 THE PROSPECTIVE JUROR: I have proof.

4 THE COURT: Is there anybody else?

5 THE PROSPECTIVE JUROR: Kloss, 0736.

6 I own my own company, and I was scheduled to  
7 travel to California on Wednesday and on to Canada  
8 Thursday.

9 THE COURT: What is your work?

10 THE PROSPECTIVE JUROR: I work as an  
11 animal nutritionist.

12 THE COURT: Travel is work-related?

13 THE PROSPECTIVE JUROR: Yes. I don't have  
14 anybody else that does my work.

15 I am the sole employer of my own company.

16 THE COURT: If we need to see that on a  
17 break, you have that?

18 THE PROSPECTIVE JUROR: I haven't  
19 determined my flight schedule yet, but I have proof  
20 of hotel, if that would work.

21 THE COURT: The final row?

22 Yes, sir.

23 THE PROSPECTIVE JUROR: Rodriguez, 0751.

24 I have a difficult problem to understand  
25 English.

1           My language is Spanish.

2           THE COURT:       Okay.

3           THE PROSPECTIVE JUROR:       It is a little  
4 hard to communicate and understand when the people  
5 are talking.

6           THE COURT:       Let me ask you a couple of  
7 questions.

8           How long have you been in the United States?

9           THE PROSPECTIVE JUROR:       I am from Puerto  
10 Rico. I am moving here to --

11          THE COURT:       How long have you been here?

12          THE PROSPECTIVE JUROR:       13 years.

13          THE COURT:       Do you work here?

14          THE PROSPECTIVE JUROR:       Yes.

15          MGM.

16          THE COURT:       What do you do for MGM?

17          THE PROSPECTIVE JUROR:       Cook.

18          THE COURT:       Anybody else in that row?

19          THE PROSPECTIVE JUROR:       Exber, 758.

20          I pickup my 2 grand children every Wednesday  
21 Thursday and Friday for my daughter and son-in-law.

22          I don't have anybody to replace me, or I  
23 would.

24          THE COURT:       Have you thought about that  
25 just in case there was chance, if you have took a

1 vacation or if you ever went away, who would fill  
2 that responsibility?

3 THE PROSPECTIVE JUROR: I don't know. I  
4 am not supposed to be on vacation.

5 THE COURT: Is that it?

6 Yes, ma'am, go ahead.

7 THE PROSPECTIVE JUROR: I have a problem.

8 THE COURT: Badge number and name?

9 THE PROSPECTIVE JUROR: 0706.

10 THE COURT: Yamaya?

11 THE PROSPECTIVE JUROR: Yes. I have a  
12 problem with English. I don't understand too much.

13 THE COURT: How long have you been in the  
14 United States?

15 THE PROSPECTIVE JUROR: 20.

16 THE COURT: What is your native language?

17 THE PROSPECTIVE JUROR: Spanish.

18 THE COURT: Do you work?

19 THE PROSPECTIVE JUROR: No.

20 Housewife.

21 It is difficult to speak.

22 THE COURT: Have you ever worked here in  
23 terms of like employment for a pay job? I am not  
24 trying to imply you don't work as a stay at home  
25 mom.

1 Did you ever work for an employer ?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Thank you.

4 We are going to take a brief recess, maybe  
5 10 minutes.

6 We will return you hear at 5 after 3. It is  
7 not enough time to go feed the meter, so don't make  
8 that effort.

9 We will try to bring you back in promptly,  
10 and we will advice as to who is being excused, or  
11 there may be a few folks we want to speak to before  
12 we bring the group back in. There is restrooms  
13 across the hall.

14 Be back at 5 minutes after 3.

15 Everybody does have to leave the courtroom.  
16 We will see you back here.

17 Remember where your seats are.

18  
19 (A recess was taken.)  
20  
21  
22  
23  
24  
25

## 1 REPORTER'S CERTIFICATE

2  
3 STATE OF NEVADA )

4 ) ss.

5 CLARK COUNTY )  
6  
7

8 I, Robert A. Cangemi, a certified court  
9 reporter in and for the State of Nevada, hereby  
10 certify that pursuant to NRS 239B.030 I have not  
11 included the Social Security number of any person  
12 within this document.

13 I further certify that I am not a relative  
14 or employee of any party involved in said action,  
15 nor a person financially interested in said action.  
16  
17

18 (signed) /s/ Robert A. Cangemi

19 -----  
20 ROBERT A. CANGEMI, CCR NO. 888  
21  
22  
23  
24

25 C E R T I F I C A T E

STATE OF NEVADA )  
 ) ss.  
CLARK COUNTY )

8 I, Robert A. Cangemi, CCR 888, do  
9 hereby certify that I reported the foregoing  
10 proceedings, and that the same is true and  
11 accurate as reflected by my original machine  
12 shorthand notes taken at said time and place.

15 (signed) /s/ Robert A. Cangemi  
16 -----  
17 Robert A. Cangemi, CCR 888  
18 Certified Court Reporter  
19 Las Vegas, Nevada

/s/

based

<p>/</p> <p>/s/ (59:18)(60:15)</p> <p><b>A</b></p> <p><b>ability</b> (29:21)(32:6)(32:12)(33:23)(34:20)(35:10)</p> <p><b>able</b> (6:15)(8:10)(9:16)(12:20)(13:13)(13:15)(22:7)(40:11)(47:13)(51:18)</p> <p><b>accepted</b> (6:5)</p> <p><b>accepts</b> (7:12)</p> <p><b>accident</b> (31:14)(31:16)(43:17)</p> <p><b>according</b> (9:10)</p> <p><b>account</b> (46:18)</p> <p><b>accurate</b> (60:11)</p> <p><b>acquaintances</b> (21:19)</p> <p><b>acquainted</b> (23:16)(24:13)(29:8)</p> <p><b>acronym's</b> (7:1)</p> <p><b>across</b> (34:15)(58:13)</p> <p><b>act</b> (9:7)(9:8)</p> <p><b>action</b> (7:2)(59:14)(59:15)</p> <p><b>actual</b> (7:4)(42:15)</p> <p><b>actually</b> (7:20)</p> <p><b>addition</b> (26:7)</p> <p><b>additional</b> (22:16)(23:6)</p> <p><b>address</b> (5:12)(17:9)</p> <p><b>adds</b> (14:4)</p> <p><b>administer</b> (16:17)(16:21)</p> <p><b>administration</b> (34:12)</p> <p><b>admissions</b> (34:12)</p> <p><b>advanced</b> (27:3)(47:21)</p> <p><b>advice</b> (58:10)</p> 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yourself

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4 IN THE EIGHTH JUDICIAL DISTRICT COURT  
5 CLARK COUNTY, NEVADA  
6  
7

8 DARELL MOORE, ET AL., )  
9 Plaintiffs, )  
10 vs. ) Case No.  
11 JASON LASRY, M.D., ET ) A-17-766426  
12 AL., ) Dept. No. 25  
13 Defendants. )  
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14  
15 JURY TRIAL  
16 -----

17 Before the Honorable Kathleen Delaney  
18 Monday, January 27, 2020, 2:57 p.m.

19 Reporter's Transcript of Proceedings  
20 -----  
21  
22  
23  
24

25 REPORTED BY ROBERT A. CANGEMI, CCR 888

1 APPEARANCES:

2 FOR THE PLAINTIFFS: Breen Arntz, Esq.  
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## I N D E X

VOIR DIRE PAGE: 4

1 Las Vegas, Nevada, Monday, January 27,  
2 2020

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5 (Thereupon, the following proceedings  
6 were had in open court and outside  
7 the presence of the prospective jury.)

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9

10 THE COURT: Let's try to go through this  
11 quickly and determine who we will excuse for  
12 hardship.

13 Let me start with the language people. It  
14 is my experience that cooks in hotels don't have to  
15 speak English.

16 A stay at home probably doesn't.

17 A pastor probably doesn't.

18 So the language folks all seem legit to me.  
19 Does anybody have a concern?

20 It would be one thing if it was a relatively  
21 simple case to understand.

22 I don't think anybody wants anybody on this  
23 trial that really understand the paperwork and the  
24 documents.

25 MR. McBride: I would agree, Your Honor.

1           THE COURT:       SO that would be Jose  
2 Rodriguez seat 20, badge 643.

3           I also had Adriana Yamaya, 706, in seat 44.  
4           And I had Epifanio Rodriguez-Franco, 751,  
5 seat 56.

6           The original one we started with, Ms. Cho,  
7 338, in seat number 4.

8           Did I miss anybody?

9           MR. ARNTZ: What was the last one?

10          THE COURT:       Ms. Cho, seat 4. I didn't  
11 start with her.

12          I didn't mark it on my calendar, 338, that's  
13 the pastor.

14          MR. ARNTZ: 44, 20 and 4.

15          THE COURT:       Badge 338, Cho.

16          Badge 643, Rodriguez.

17          Badge Number 706, Yamaya.

18          And badge number 751 Rodriguez-Franco.

19          Did I miss anybody?

20          MR. McBRIDE: I don't believe so.

21          THE COURT:       Those are the four.

22          Then we have some travel folks, and I think  
23 all of the travel folks sounded legit.

24          I always ask them if they can show the  
25 proof. They generally say yes.



1           If they are sophisticated at making things  
2 up, they can sound convincing, but it did seem like  
3 these were litigant work travel requirements.

4           I had juror number one, 047 Luis Lara.

5           I have Asia Brown, juror 671 in seat 31.

6           And a somewhat tricky one, Ana Segundo, that  
7 is the one who believes the boyfriend's father is  
8 going to pass, and she may have to go to Arizona.

9           MR. McBRIDE: I have no problem with that  
10 one.

11          MR. ARNTZ: That's fine.

12          THE COURT:       Badge 681.

13          I have the guy who lives in Florida.

14          MR. ARNTZ: He is obvious.

15          THE COURT:       He lives in Florida, so I  
16 don't know why he couldn't get excused.

17          682, seat 35, Douglas Jackson.

18          I have got then Bradley Kloss, seat 53, 736.

19          He is the animal nutritionist, whatever the  
20 hell that is.

21          I guessing he is a sole practitioner. Those  
22 are the travel ones that I have.

23          Did anybody hear anyone else say travel  
24 issues?

25          MR. McBRIDE: No, Your Honor. I think that

1 was it.

2 THE COURT: Then we have some students,  
3 and it very early in the semester, but I generally  
4 get a mix of once of 2 kind of students.

5 I get the ones who just are anxious to have  
6 jury duty, and can't wait and don't say a peep, and  
7 then I get the ones who are like, oh, my god, whole  
8 world would come to an end if I have to sit here in  
9 5 minutes.

10 I do have a nursing students, someone in her  
11 senior year.

12 For students I had juror 657, Melissa Rivera  
13 Marin, seat 23.

14 I had --

15 MR. McBride: There was an issue about  
16 language.

17 Never mind had, it had to do with pain meds.  
18 I was confused.

19 THE COURT: The next student was Jane  
20 Nicdao, 721, seat 48.

21 And was that it, only 2 students. Does  
22 anybody have any issue with them going?

23 MR. ARNTZ: No.

24 THE COURT: Then --

25 MR. McBRIDE: Which number was that?

1 THE COURT: Nicdao was 721, seat 48.

2 Then I am trying to think whether we want to  
3 do the work hardship or the medical stuff next.

4 Let's do the medical.

5 We didn't have too many of those.

6 We have the knee replacement, pain  
7 management. He is managing to work just fine, but  
8 can't possibly stay wake for jury duty.

9 MR. ARNTZ: I think the knee replacement is  
10 the same one with the Super Bowl tickets.

11 THE COURT: No.

12 MR. McBRIDE: The pain med guy was in an auto  
13 accident.

14 THE COURT: Seat 25, 659, Jose Sandoval-  
15 Bedolla. He doesn't want to be here.

16 I don't know, but by the final count, that  
17 is why I got the extra panel.

18 Does anybody have any hardship losing a guy  
19 who says he can't stay awake?

20 MR. ARNTZ: No.

21 MR. McBRIDE: No.

22 THE COURT: Then we had the guy who I  
23 wasn't hearing him, the registered felon.

24 MR. ARNTZ: He is a registered sex offender.

25 THE COURT: Now I understand. I didn't

1 understand what he was trying to say.

2 I am wondering if we can check that, only  
3 because why not bring that up when we had the  
4 discussion.

5 He is kind of half asleep, that's another  
6 issue.

7 Can we do a quick search on him, it doesn't  
8 mean it is here.

9 MR. McBRIDE: 718, 47, Mr. Ward.

10 THE COURT: Mr. Ward.

11 Looks like he is legit.

12 Do we need further inquiry of him?

13 MR. McBride: No.

14 MR. ARNTZ: No.

15 THE COURT: So he will go.

16 Juror 718, seat 47, Demario Ward.

17 I think the rest are work or family  
18 hardships.

19 Before we talk about them, I am just going  
20 to count them and see how many we actually have.

21 I forget a medical, Mr. Hogan, his wife is  
22 about to have a baby and he also knew Dr. Wiencek.

23 I hate to have him get the beep and lose  
24 him. It sounds like she's scheduled to be induced  
25 next week.

1 MR. ARNTZ: What was his number?

2 THE COURT: Juror 653, seat 22, Michael  
3 Hogan.

4 He also had some knowledge of Dr. Wiencek.

5 MR. ARNTZ: I have the ultrasound fellow, who  
6 just had the bypass, 711.

7 MR. McBRIDE: Seat 45.

8 THE COURT: Thank you.

9 He has an ultrasound. He can get that  
10 rescheduled.

11 I am not trying to parse him out, but we  
12 will put a question mark by him.

13 Let me count how many we have left that have  
14 expressed, and I have some sympathy for moms and the  
15 ones who have to try to deal with child care and  
16 stuff.

17 Let me see how many more we have to go.

18 I have 9 additional either work or family  
19 hardships, with kid care, and ten, if we count  
20 Mr. Castro.

21 We have 10 more to go, and we have already  
22 agreed to excuse 14.

23 So that would be 24 we would lose out of the  
24 panel of 60. That would leave us with basically  
25 about 44, 45.

1           We would have 30. That's why I went to law  
2 school.

3           If we lose 24 and we brought in 60. We have  
4 36 left.

5           How do you feel about that? Is there  
6 anybody in that last group that expressed hardship  
7 that you want to talk to specifically?

8           The ones who have the kids, single moms  
9 working.

10          You have the one still doing the breast  
11 feeding that can't be here before 9.

12          We have one guy that is just a hardship,  
13 working 3 jobs, trying to get by with his debt.

14          I don't want people here who are going to be  
15 distracted and who are not going to pay attention.

16          I am inclined to let the rest go.

17          We are back tomorrow to finish jury  
18 selection, and there is always surplus panel, so if  
19 we need extra jurors, because we are concerned that  
20 35 is not enough, or 36, we can get more jurors. We  
21 can get them added.

22          MR. McBRIDE: I don't have any problem.

23          THE COURT: Does anybody have any problem  
24 with them?

25          MR. McBRIDE: No, Your Honor.

1 MR. ARNTZ: No.

2 THE COURT: Mr. Weaver?

3 MR. WEAVER: What we are doing with 41 695?

4 THE COURT: 41, he had convention issues.  
5 He would be a work hardship. I counted him at the  
6 end that if nobody really cared, that we can lose.

7 If anybody has a quibble over anybody we  
8 would lose, but there certainly was a few.

9 The medical ultrasound rescheduling, I think  
10 he can do that.

11 The guy with the convention did sound like  
12 he might be able to find someone else, but he says  
13 he supervises, and he is just starting the  
14 convention, so it seemed like it was going to be a  
15 little busy.

16 The ladies who are working multiple jobs and  
17 trying to do kid care would be tough.

18 MR. McBRIDE: That's fine.

19 MR. WEAVER: I don't have an issue.

20 THE COURT: The one we should talk to  
21 before we make the final decision is this  
22 Mr. Withers.

23 So they should all be back. I told them to  
24 be about back at 5 after.

25 Joshua, Mr. Withers is seat 11. He may have

1 a connection to one of the parties.

2 However you want to address that.

3 MR. McBRIDE: Can we take a quick comfort  
4 break?

5 THE COURT: We will do that. Yes.

6 MR. McBRIDE: Thank you, Your Honor.

7

8 (Recess taken.)

9

10 - - - - -

11 (Thereupon, the following proceedings  
12 were had in open court and outside  
13 the presence of the prospective  
14 jury.)

15 - - - - -

16

17 THE COURT: I just have a couple  
18 questions just to make sure that we don't  
19 have any connection to this case in any shape  
20 or form, have you ever medically treated at  
21 emergency rooms of either St. Rose - San  
22 Martin or Sunrise Hospital?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Not either?

25 THE PROSPECTIVE JUROR: No.



1 THE COURT: Do we have any further  
2 questions from counsel?

3 MR. McBRIDE: Can we approach?

4 THE COURT: Okay.

5  
6 (A bench conference was had.)

7  
8 THE COURT: Dr. Lasry thinks he might  
9 recognize you as a prior patient.

10 This is Dr. Lasry, does he look familiar to  
11 you?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Dr. Lasry what other facilities  
14 might you have had interaction with Mr. Withers?

15 DR. LASRY: I worked at all of the Dignity  
16 sites.

17 THE COURT: Any St. Rose's?

18 DR. LASRY: All of the HCA.

19 Mountain View.

20 Southern Hills.

21 And Sunrise.

22 THE PROSPECTIVE JUROR: I am a purple  
23 heart vet. I go to the VA Hospital.

24 THE COURT: Thank you.

25 We knew that you may not have remembered,

1 but we wanted to make sure.

2 Step back out. We will bring all of  
3 the jurors in, in this just a second.

4

5 (Thereupon, the following proceedings  
6 were had in open court and in the  
7 presence of the prospective jury.)

8

9 THE COURT: I apologize, that ended  
10 up being a longer break.

11 So what I am going to do is I am  
12 going to read the names of the people who are  
13 being excused.

14 I ask you to please wait until I have  
15 indicated I have read all of the names before  
16 you get up and leave, and the reason for that  
17 is as I start reading names, and people are  
18 getting up and shoveling around, someone is  
19 going to miss their name.

20 Keep your seats until I have read all  
21 of the names.

22 I will indicate once I have read all  
23 of the names.

24 At that point you are excused. You  
25 do not have to go back down to third floor

1 jury services.

2 See my marshal on the way out and give him  
3 that badge holder and the badge that you got.

4 The only seats that we will then fill will  
5 be those that are vacated in the box here with the  
6 20 people.

7 Everybody else, just keep your seats.

8 Those jurors to be excused at this time, and  
9 I will say your badge number and name.

10 047 Luis Lara.

11 Badge 338, Michelle Cho.

12 Badge 643, Jose Rodriguez.

13 Badge 653, Michael Hogan.

14 Badge 657, Melissa Rivera Marin.

15 Badge 659, Jose Sandoval-Bedolla.

16 Badge 671, Asia Brown.

17 I missed one bear with me one second.

18 I also have an excusal for 661, Marty Baugh.

19 667, Jennifer Lewis.

20 I believe I identified Asia Brown, 671.

21 Next is 675, Asriana Moyd-Maliwat.

22 681, Ana Segundo.

23 682, Douglas Jackson.

24 685, Alex Huballa.

25 695, Derui Liang.

1           698, Angelica Riordan.

2           706 Adriana Yamaya.

3           718, Demario Ward.

4           711 Edward Castro.

5           721 Jane Nicdao.

6           723, Jenny Fernandez.

7           724, Humberto Grandos.

8           735, Bradley Kloss.

9           751, Epifanio Rodriguez-Franco.

10          And 758, Elisa Exber.

11          Those are these excusals that we have today.

12          If you heard your name read, you are now  
13 excused. Please exit the courtroom and give your  
14 badge to the marshal.

15          Thank you for your certificate.

16          You are excused Ms. Cho.

17          We have 3 seats vacant in the box of 20. We  
18 need to fill those seats.

19          The first seat is -- just come through  
20 between counsel table to the right and enter from  
21 that side.

22          Seat number 1, badge --

23          THE CLERK: 644 John Taylor.

24          THE COURT:       The next seat is 3 down from  
25 Mr. Taylor, seat 4.

1 THE CLERK: 658, Sabrina Clinton.

2 THE COURT: And the last vacant seat  
3 in the plain box on the far right, in the second row  
4 or the front row and please be seated.

5 Seat 20 is --

6 THE CLERK: 664, Anai Jimenez.

7 THE COURT: Thank you.

8 The way we are going to proceed at this time  
9 is now the focus of the questions will be on just  
10 these 20.

11 You are welcome to pay attention or not.

12 So don't be on your phones or anything like  
13 that.

14 Please do not leave the courtroom without  
15 permission.

16 I will tell you it will make it more  
17 interesting if you pay attention, and it will make  
18 it easier for you who might end up in these seats as  
19 well.

20 In those circumstances, if you have already  
21 heard the questions, and you kind of know the flow  
22 of the information, it is a little easier.

23 I will turn your attention to the board.  
24 There's one on either side of the juror box.

25 We need to get the know the 20 individuals

1 and we need to know your name, and, of course, your  
2 badge number.

3 Any time you speak in response to any  
4 question from the Court or counsel, give your name  
5 and badge number.

6 Just last name and badge number is fine.

7 We ant to know what your current or former  
8 job is or was.

9 We would like to know specifics, what job  
10 title, what employer.

11 How long you have been there.

12 We would like to know your highest level of  
13 education.

14 We would like to know if you have a spouse  
15 or a domestic partner, and the same for them, what  
16 jobs they had or had.

17 The next question is -- you are welcome to  
18 tell us how many children you have if you wish.

19 What we are trying to get at is do you have  
20 any adult children who are working in the community  
21 who might have some connection to this case, that  
22 you are not aware.

23 That will help us understand. People who  
24 live and work in New York, we don't need to know.

25 What we need to know is, I have so many

1 children and these are the children that work in Las  
2 Vegas, and here is where they work and what they do.

3 How long have you lived in Las Vegas, and if  
4 it has been less than 5 years, we would like to have  
5 some more detail as to where you lived previously.

6 The last question is regarding prior jury  
7 service, not just in Clark County, anywhere you  
8 might have lived, if you have ever been a juror, and  
9 if so, if you recall what kind of case was it, civil  
10 or criminal.

11 If you recall whether a verdict was reached.  
12 Not what the verdict was, but just yes or no, one  
13 was reached.

14 And finally were you the foreperson.

15 It is simple stuff.

16 We will go one by one.

17 Mr. Taylor, now seat one, badge 644, I will  
18 get you started, can you give us the information of  
19 the questions on the board?

20 THE PROSPECTIVE JUROR: Yes.

21 John Taylor.

22 I am a grocery cashier.

23 I work at Smith Food and Drug.

24 I have 2 years of college. I was going the  
25 management path.

1 I decided that wasn't the course for me.

2 I am married for about 2, 2 and a half  
3 years.

4 THE COURT: Who is your spouse?

5 THE PROSPECTIVE JUROR: Hilda, a  
6 wonderful lady.

7 I have 2 step children.

8 What does your spouse do?

9 THE PROSPECTIVE JUROR: She's a maid.

10 THE COURT: Where does she work?

11 THE PROSPECTIVE JUROR: Meri-Maids.

12 THE COURT: She does private home?

13 THE PROSPECTIVE JUROR: Basically. She  
14 takes her vehicle and goes to clients.

15 THE COURT: Children?

16 THE PROSPECTIVE JUROR: I have 2 step  
17 daughters.

18 THE COURT: Are they working here in the  
19 community?

20 THE PROSPECTIVE JUROR: Yes. The oldest,  
21 she works at the same facility. She does office  
22 work.

23 THE COURT: The same facility as --

24 THE PROSPECTIVE JUROR: As my wife. She  
25 works at the office.



1 THE COURT: Okay.

2 Any other children working here in the  
3 community?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: All right.

6 THE PROSPECTIVE JUROR: I have been on a  
7 case before.

8 THE COURT: How long lived in Las Vegas?

9 THE PROSPECTIVE JUROR: I have been hear  
10 for about 17 years.

11 THE COURT: You had jury service before?

12 THE PROSPECTIVE JUROR: In Los Angeles  
13 County.

14 That was a criminal case, and we did reach a  
15 verdict.

16 THE COURT: Were you the foreperson?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: How long ago was it?

19 THE PROSPECTIVE JUROR: It has probably  
20 been 20 years. It was in the '90s, at least 20  
21 years.

22 THE COURT: Thank you, Mr. Taylor.

23 Next to Mr. Taylor.

24 THE PROSPECTIVE JUROR: My name is Nvard  
25 Bebekyan, badge 109.

1 I work at a medical call center. I am an  
2 agent there.

3 THE COURT: Which medical center?

4 THE PROSPECTIVE JUROR: You Call MD.

5 THE COURT: You call MD?

6 THE PROSPECTIVE JUROR: Y-o-u Call MD.

7 We answer for a group hospital doctors  
8 around the State, and not just only Las Vegas or  
9 never.

10 Around Texas and Jacksonville, everywhere.

11 THE COURT: You didn't recognize any of  
12 the names of the folks?

13 THE PROSPECTIVE JUROR: No, I didn't.

14 My education, I just graduated high school,  
15 and I don't have a spouse.

16 No children.

17 I have been living in Las Vegas for 25  
18 years.

19 I haven't been a juror before.

20 THE COURT: Thank you.

21 THE PROSPECTIVE JUROR: Raheem Everett,  
22 143.

23 I do videography, the consecrative.

24 I have some education.

25 THE COURT: What was the word after

1 videography?

2 THE PROSPECTIVE JUROR: Consecrative.

3 THE COURT: I don't know what that is.

4 THE PROSPECTIVE JUROR: It is  
5 consecrator.

6 Social media.

7 THE COURT: Okay.

8 THE PROSPECTIVE JUROR: My education is,  
9 I went to college for a few years, no spouses. No  
10 children.

11 I have lived here my whole life, 24 years.

12 I have never been a juror.

13 THE COURT: Where did you go to high  
14 school?

15 THE PROSPECTIVE JUROR: Spring Valley.

16 THE COURT: Where did you go?

17 THE PROSPECTIVE JUROR: Spring Valley.

18 THE COURT: Up to Ms. Clinton.

19 THE PROSPECTIVE JUROR: Clinton.

20 I am juror 658.

21 I start a job in 2 weeks. I am currently  
22 not employed.

23 THE COURT: What have you done previously?

24 THE PROSPECTIVE JUROR: I was a lawyer.

25 THE COURT: Are you criminal or civil?

1 THE PROSPECTIVE JUROR: Civil.  
2 THE COURT: Here in Las Vegas?  
3 THE PROSPECTIVE JUROR: And Tennessee.  
4 THE COURT: All right.  
5 THE PROSPECTIVE JUROR: My education is  
6 JD.  
7 I am married.  
8 My husband is also a licensed attorney.  
9 THE COURT: Can we have his name?  
10 THE PROSPECTIVE JUROR: Uri, same last  
11 name.  
12 THE COURT: Okay.  
13 What kind of law?  
14 THE PROSPECTIVE JUROR: He was in casino  
15 gaming.  
16 Now he is doing something different.  
17 THE COURT: Okay.  
18 Is he sort of a sole practitioner in a  
19 practice, or working for a company?  
20 THE PROSPECTIVE JUROR: No.  
21 He is starting a business that's not law  
22 related.  
23 THE COURT: Okay.  
24 Not medical related?  
25 THE PROSPECTIVE JUROR: No.

1 THE COURT: Did you mention children?

2 THE PROSPECTIVE JUROR: I have kids, not  
3 old enough, 2 minors.

4 THE COURT: Okay.

5 THE PROSPECTIVE JUROR: I originally  
6 moved to Las Vegas in the late eighties, and then I  
7 left for a period of about 10 years and came back to  
8 Las Vegas in 2014.

9 THE COURT: Okay.

10 Were you in Tennessee?

11 THE PROSPECTIVE JUROR: And other places,  
12 yes.

13 No, I never been a juror before.

14 THE COURT: No jury service anywhere?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Okay.

17 THE PROSPECTIVE JUROR: Jeffrey Back,  
18 385.

19 THE COURT: Can you speak up?

20 THE PROSPECTIVE JUROR: Back, 385.

21 I am currently unemployed. I am pursuing  
22 real estate.

23 I previously for worked UNLV for 5 years  
24 while pursuing my Bachelor's in Political Science.

25 I worked in IT.

1 I am currently single. I don't have  
2 children.

3 I have a little sister who was the victim of  
4 malpractice, if that's a question later on.

5 THE COURT: It may well be.

6 THE PROSPECTIVE JUROR: I have lived  
7 in Las Vegas, born and raised.

8 I have never been a juror.

9 THE COURT: Where did you go to high  
10 school?

11 THE PROSPECTIVE JUROR: Oasis High School?

12 THE COURT: So you mentioned and it  
13 connected for you from your observations who are the  
14 parties here that this is a medical malpractice  
15 case, and so there will probably be some questions  
16 related to that.

17 THE COURT: Next to Mr. Back is Mr. Burke.

18 THE PROSPECTIVE JUROR: Ryan Burke, 510.

19 I am vice-president of sales and marketing  
20 at Kenaire Golf Club.

21 I have been there almost 5 years.

22 I graduated from the University of Minnesota  
23 with a Bachelor's in Organizational Management.

24 I am currently single, no kids.

25 I lived here almost 5 years.

1 I moved it Utah in 2014 from Minnesota.

2 I was working at a ski mountain.

3 I came down here for the summer and have  
4 been here since.

5 I was selected as a juror once, but the  
6 trial settled right before the trial started.

7 THE COURT: You went through this process?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: And you were one of the  
10 panel?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: The trial got started. Did  
13 you get to hear witness testimony?

14 THE PROSPECTIVE JUROR: There was no  
15 hearings in the trial. Right before the first day,  
16 they settled.

17 THE COURT: You didn't get selected?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: If they settled, it was a civil  
20 case?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Thank you.

23 THE PROSPECTIVE JUROR: Lynnevieve  
24 Sallee, 604.

25 I work at the Mirage as a stage technician.

1 I have a high school education.

2 No spouse.

3 No children.

4 I have been in Vegas 20 years.

5 I have been on a jury before. It was a  
6 civil case. We did reach a verdict. No, I was not  
7 the foreperson.

8 THE COURT: A couple of questions.

9 Was that a trial that you had here or some  
10 other state?

11 THE PROSPECTIVE JUROR: San Francisco.

12 THE COURT: Quite sometime ago?

13 THE PROSPECTIVE JUROR: Yes, many.

14 THE COURT: And you said it was civil?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: There was a verdict reached.  
17 How long was the trial?

18 THE PROSPECTIVE JUROR: 5 days.

19 THE COURT: You said you were not the  
20 foreperson?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: How was that experience?

23 THE PROSPECTIVE JUROR: It was  
24 interesting.

25 THE COURT: People use that word when they



1 do not want to say other things.

2 Every case is its own case, and every case  
3 will have its own circumstances.

4 Is there any reason from your prior service  
5 that you wouldn't be able to conduct your service  
6 here?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Next to you.

9 THE PROSPECTIVE JUROR: Ehle, 606.

10 Right now I am an Uber driver. I have a BA  
11 in photography.

12 THE COURT: Prior to Uber, did you do  
13 something else?

14 THE PROSPECTIVE JUROR: I was a taxi  
15 driver for a long time.

16 THE COURT: Okay.

17 THE PROSPECTIVE JUROR: I did photography  
18 for a long time. I still do.

19 I am not married.

20 No children.

21 I have been here 18 years.

22 I have been a juror before. It was a  
23 criminal case, and there was a verdict reached.

24 THE COURT: Was that here in Las Vegas?

25 THE PROSPECTIVE JUROR: Here.

1 THE COURT: How long ago?

2 THE PROSPECTIVE JUROR: 2 and a half  
3 years.

4 THE COURT: You got called back quick.

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Sorry.

7 Usually you get a couple of years.

8 How was the experience?

9 THE PROSPECTIVE JUROR: It was fine. The  
10 worse part was the food, trying to find a good place  
11 to eat.

12 THE COURT: I don't know if we have  
13 improved that much in 2 years.

14 Generally we will, on the days we are here  
15 full days, we will have a lunch break.

16 Most of the days, I think fully 7 of the ten  
17 days to be with you will be half days.

18 There is a few new places.

19 Deliberation in a criminal case is different  
20 than a civil case.

21 We'll have ten jurors, 8 of whom will  
22 deliberate. And only 6 of whom have to agree to  
23 reach a verdict.

24 In criminal case, it has to be an unanimous  
25 verdict amongst all 12 jurors.

1           This is a little different.

2           Thank you for your service and being back  
3 with us.

4           THE COURT:       Mr. Withers.

5           THE PROSPECTIVE JUROR:       611.

6           I was the former CEO of local kitchen  
7 cabinet company.

8           I am now retired.

9           THE COURT:       Just so my reporter can hear  
10 you, if you are looking away at the board and  
11 speaking, he is not going to be able to pick you up.

12          So you are now retired.

13          When did you retire?

14          THE PROSPECTIVE JUROR:       2010.

15          THE COURT:       And do you do any other work  
16 or other things in the community?

17          THE PROSPECTIVE JUROR:       Play golf.

18          THE COURT:       Okay.

19          You need to meet the gentleman over there,  
20 the golf person.

21          What is your highest level of education?

22          THE PROSPECTIVE JUROR:       3 years of  
23 college.

24          THE COURT:       What about a spouse or  
25 domestic partner?

1           THE PROSPECTIVE JUROR:       I am married.  
2           My wife is a district manager for Maiden  
3 Form.

4           THE COURT:           What's her name?

5           THE PROSPECTIVE JUROR:       Linda.

6           THE COURT:           She's also retired.

7           Did she retire around the same time?

8           THE PROSPECTIVE JUROR:       A little after.

9           THE COURT:           Does she golf too?

10          THE PROSPECTIVE JUROR:       She tries.

11          THE COURT:           We won't put that in the  
12 record.

13          What about children that might be working in  
14 the community?

15          THE PROSPECTIVE JUROR:       We have 2 children  
16 here.

17          One is a special education teacher, and one  
18 is a professional rock climber.

19          THE COURT:           How long have you lived here  
20 in Las Vegas?

21          THE PROSPECTIVE JUROR:       I was transferred  
22 here in 1986.

23          THE COURT:           Then what about jury service  
24 here or anywhere you lived, have you ever had that  
25 experience?

1           THE PROSPECTIVE JUROR:       Up until today I  
2 have been hard of hearing. Nobody wanted me.

3           THE COURT:       Did you acquire your hearing  
4 today, or did you that up to this point somebody  
5 hasn't said no thank you to your service?

6           THE PROSPECTIVE JUROR:       Nobody said no,  
7 thank you.

8           I did jury duty on Monday, no.

9           Nobody wants you on their jury.

10          THE COURT:       Up to this point I haven't  
11 noticed that that's been a problem for you.

12          We have devices that can assist.

13          THE PROSPECTIVE JUROR:       I have really  
14 expensive hearing aids.

15          i can hear you perfectly clear.

16          THE COURT:       I have to project. I am in a  
17 courtroom.

18          THE PROSPECTIVE JUROR:       Half people in  
19 here talking, I couldn't understand.

20          THE COURT:       Let me ask you this. This is  
21 going to important to flush this out.

22          I have some friends who have hearing issues,  
23 and it is really when there is a lot of ambient  
24 noise.

25          If we are in the trial, it is going to be

1 similar to it is now, where one person will be  
2 speaking at a time.

3 Counsel will give their opening statements.  
4 Once we begin the trial, they will be standing there  
5 and talking directly to the jurors.

6 Witnesses will be giving testimony from the  
7 witness stand with a microphone aiding them. They  
8 will be over here, and counsel will be asking them  
9 questions from there.

10 Do you think you are going to have  
11 difficulty with that?

12 THE PROSPECTIVE JUROR: It just depends  
13 on the tone. Some people like you I can hear.

14 Half of folks I can hear, and the other half  
15 I can't make out a word they are saying.

16 THE COURT: Would you be willing to, able  
17 to indicate by a raise of a hand if we were in the  
18 trial and you weren't hearing somebody to let us  
19 know that?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: The device that we have, it is  
22 not a hearing aid. It is a thing that amplifies  
23 sound.

24 Some people that have the aids, it doesn't  
25 coincide well, and other people have said it has

1 really helped them.

2 We can test that with you. So far with the  
3 process, when counsel were giving their discussions  
4 about the parties witnesses, were you able to hear  
5 them?

6 THE PROSPECTIVE JUROR: All but a couple.

7 THE COURT: Unless we are directly  
8 speaking with you at this part of the process, it is  
9 fine, I think, if you don't hear everybody else.

10 When counsel starts asking questions, will  
11 you indicate or cup your ear to get our attention?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Thank you.

14 THE PROSPECTIVE JUROR: Timothy Fife,  
15 614.

16 I am a vehicle maintenance technician for  
17 the Clark County School District.

18 I went to tech school to become a diesel  
19 mechanic.

20 I have a wife Mary. She does not work.

21 THE COURT: Do you have kids?

22 THE PROSPECTIVE JUROR: I have kids, but  
23 none of them are old enough to work.

24 THE COURT: That is your wife's work?

25 THE PROSPECTIVE JUROR: Yes.

1           THE COURT:       Your kids, none of them are  
2 working in the community?

3           THE PROSPECTIVE JUROR:       No.

4           THE COURT:       Your wife is a stay at home  
5 mom.

6           THE PROSPECTIVE JUROR:       Yes.

7           THE COURT:       How about length time living  
8 in Las Vegas?

9           THE PROSPECTIVE JUROR:       I was born and  
10 raised here, 34 years.

11          THE COURT:       Where did you go to high  
12 school?

13          THE PROSPECTIVE JUROR:       Western.

14          THE COURT:       One I heard of.  
15 How about jury service?

16          THE PROSPECTIVE JUROR:       I have never been  
17 a juror.

18          THE COURT:       You have never even gotten this  
19 far in the process?

20          THE PROSPECTIVE JUROR:       I have been  
21 downstairs.

22          I have never been a juror.

23          THE COURT:       Thank you, sir.

24          Mr. Withers.

25          THE PROSPECTIVE JUROR:       Bruce Withers.



1 I am the director of operations for MB  
2 Transportation.

3 I have some college, about 3 years.

4 My wife Torrie is recurrently unemployed.  
5 She is a home maker.

6 THE COURT: Had she been in a job prior to  
7 that?

8 THE PROSPECTIVE JUROR: Yes. She worked  
9 for a contract through Southwest Gas for about 3  
10 years.

11 THE COURT: Okay.

12 THE PROSPECTIVE JUROR: I have 3 older  
13 children. They don't live in Nevada.

14 2 are in Michigan, and one is in Tennessee.

15 I have been in Las Vegas going on 10 years  
16 now.

17 Before that I was in Indiana, and before  
18 that, Michigan.

19 THE COURT: Okay.

20 THE PROSPECTIVE JUROR: I have been a  
21 juror in Michigan. It was more than 25 years ago.

22 It was a criminal case. We did reach a  
23 verdict.

24 I was not the foreperson.

25 THE COURT: Thank you.

1           And next to you?

2           THE PROSPECTIVE JUROR: Christine Bechtold,  
3 0624, and I was a paralegal for since 1979.

4           THE COURT: Did you mention the firm?

5           THE PROSPECTIVE JUROR: I worked here  
6 from 2004 to 2010 for the Marks law firm.

7           THE COURT: Okay.

8           THE PROSPECTIVE JUROR: I just --

9           THE COURT: Daniel Marks?

10          THE PROSPECTIVE JUROR: Eileen.

11          THE COURT: I just retired in November of  
12 2018, and I moved back from Oregon after working 8  
13 years for 2 city attorneys in the City of Ashland,  
14 Oregon.

15          THE COURT: Very pretty.

16          THE PROSPECTIVE JUROR: I did criminal  
17 work for the criminal prosecutor and the municipal  
18 attorney for 8 years.

19          THE COURT: The practice here was civil?

20          THE PROSPECTIVE JUROR: It was civil.

21          THE COURT: Did you mention it had  
22 personal injury components?

23          THE PROSPECTIVE JUROR: Yes.

24          THE COURT: You thought you recognized  
25 some of the firm names related to this action?

1           THE PROSPECTIVE JUROR:       We did  
2 construction defect.

3           THE COURT:       On both sides of the coin you  
4 recognize the firm names?

5           THE PROSPECTIVE JUROR:       Yes.

6           THE COURT:    Yes.

7           THE PROSPECTIVE JUROR:       I am not married,  
8 divorced.

9           I have an adult child here in Nevada that  
10 works for the Clark County School District.

11          And I never been a juror before.

12          THE COURT:       Ever?

13          THE PROSPECTIVE JUROR:       No.

14          THE COURT:    Okay.

15          THE PROSPECTIVE JUROR:       My name is Crayton  
16 Jones, 625.

17          I am a retired energy solutions director for  
18 Southwest Gas Corporation.

19          I have 4 years of college.

20          I have a wife.   She's a retired teacher here  
21 from the Clark County School District.

22          I have 2 kids.   One works as an investigator  
23 forth the State Welfare Division here in Clark  
24 County.

25          And the other is a college coach in

1 Philadelphia.

2 THE COURT: Was that basketball or  
3 football?

4 THE PROSPECTIVE JUROR: Basketball,  
5 women's.

6 THE COURT: Okay.

7 THE PROSPECTIVE JUROR: I have lived  
8 in Las Vegas 46 years.

9 THE COURT: A long time.

10 THE PROSPECTIVE JUROR: I have never been  
11 a juror.

12 I have never been selected.

13 THE COURT: You are in the lucky box now.

14 THE PROSPECTIVE JUROR: Yes, I am.

15 THE COURT: Thank you.

16 Ms. Ashley, you had a question about the  
17 foreperson, what that means?

18 THE PROSPECTIVE JUROR: I was asking what  
19 does a foreperson mean.

20 THE COURT: It is the person who would be  
21 the person who leads the jury, the person elected  
22 among the jurors to be the spokesperson for the jury  
23 when the verdict is returned.

24 Do you want to answer the remaining  
25 questions for us?

1 THE PROSPECTIVE JUROR: 0627.

2 THE COURT: Okay.

3 I will ask you a favor, since you are very  
4 faint speaking, can I ask you the questions, and you  
5 can answer them, so you don't have to look sideways,  
6 and my reporter can hear you?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: All right.

9 Have you worked here in Clark County?

10 Do you still work here?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: You do not work?

13 THE PROSPECTIVE JUROR: Not right now. I  
14 am a homemaker.

15 THE COURT: Did you work previously?

16 THE PROSPECTIVE JUROR: A long time ago.

17 THE COURT: And what did you do?

18 THE PROSPECTIVE JUROR: I am a change  
19 person.

20 THE COURT: And what is your highest level  
21 of education?

22 THE PROSPECTIVE JUROR: Bachelor of  
23 Science.

24 THE COURT: In what?

25 THE PROSPECTIVE JUROR: Bachelor's of

1 Science in Commerce.

2 THE COURT: And do you have spouse or a  
3 domestic partner?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: You said you are a stay at home  
6 mom.

7 How about children working in the community?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Are you divorced?

10 THE PROSPECTIVE JUROR: Widowed.

11 THE COURT: Where did your husband work?

12 THE PROSPECTIVE JUROR: Navy.

13 THE COURT: Navy?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Children, not old enough to  
16 work in the community?

17 THE PROSPECTIVE JUROR: They are all  
18 grown up.

19 THE COURT: Do any of them work here in  
20 Las Vegas?

21 THE PROSPECTIVE JUROR: What, ma'am?

22 THE COURT: Do they have jobs here in Las  
23 Vegas?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: Where do they work?

1           THE PROSPECTIVE JUROR:       They work all  
2 over, in the car --

3           THE COURT:       So we are having difficulty  
4 understanding when you talk about your children's  
5 jobs.

6           Again, our point in asking the question is  
7 to find out if there is anybody that might have a  
8 connection, whether you would realize it or not, to  
9 the facts and the circumstances of the case.

10          How many children do you have working in Las  
11 Vegas?

12          THE PROSPECTIVE JUROR:       5.

13          THE COURT:       5.

14          Do any of them work in the medical field at  
15 all?

16          THE PROSPECTIVE JUROR:       No.

17          THE COURT:       Nobody works in the medical  
18 field?

19          THE PROSPECTIVE JUROR:       No.

20          THE COURT:       If you could, whether it is  
21 oldest to youngest, or some fashion, could you just  
22 tell me where they work?

23          THE PROSPECTIVE JUROR:       Yes. They work in  
24 Las Vegas.

25          THE COURT:       Right.

1           THE PROSPECTIVE JUROR:       One is a cook.  
2           One is a leasing agent.  
3           One is -- one is in service.  
4           And one is a student.  
5           THE COURT:       Okay.  
6           How long have you lived in Las Vegas?  
7           THE PROSPECTIVE JUROR:       40 years.  
8           THE COURT:       40?  
9           THE PROSPECTIVE JUROR:       Yes.  
10          THE COURT:       Have you ever been a juror  
11 before?  
12          THE PROSPECTIVE JUROR:       No.  
13          THE COURT:       May I ask you if English is  
14 your second language?  
15          THE PROSPECTIVE JUROR:       Yes, second  
16 language.  
17          THE COURT:       What is your first language?  
18          THE PROSPECTIVE JUROR:       Philippine.  
19          THE COURT:       You have been here a long time  
20 in the country, but we want to make sure, if you had  
21 to put a percentage on your understanding of what we  
22 have done so far today, what percentage would you  
23 say your understanding is from zero to one hundred?  
24          Where is your understanding?  
25          THE PROSPECTIVE JUROR:       50/50.



1           THE COURT:       Most people say that, but that  
2 really doesn't tell us much.

3           It seems like you are understanding far more  
4 than 50 percent of our communication.

5           I know you have had a few struggles. You  
6 worked previously.

7           You said you worked as -- what was that?

8           THE PROSPECTIVE JUROR:       A change person.

9           THE COURT:       A change person.

10          All right.

11          There is going to be testimony that's going  
12 to come.

13          Understanding spoken English, how do you  
14 feel you would do with that?

15          How skilled are you with that?

16          THE PROSPECTIVE JUROR:       Fair.

17          THE COURT:   What about documents? What  
18 about reading English on documents?

19          THE PROSPECTIVE JUROR:       Yes.

20          THE COURT:       How do you do with that?

21          THE PROSPECTIVE JUROR:       Good.

22          THE COURT:       You think you are good?

23          THE PROSPECTIVE JUROR:       Or fair.

24          THE COURT:       Okay.

25          We will probably have some more questions

1 for you about that, because this is of course is --  
2 as you can see, we have documents related to this  
3 case.

4 We do want to be sure, but you indicated  
5 that maybe your reading comprehension is stronger  
6 than your spoken, is that true?

7 You said one was fair, one was good to fair.

8 THE PROSPECTIVE JUROR: I can understand,  
9 but sometimes I cannot express.

10 THE COURT: Say it back?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: If given time, you believe  
13 you could?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: I want to make sure, if you  
16 were in the room with your fellow jurors, and there  
17 would be 8 of you total, but only 6 would have to  
18 agree.

19 Generally jurors, they are going to try to  
20 see where they agree and disagree.

21 If you are in that room and people are  
22 talking, will you have your own opinions, will you  
23 speak up, or will you feel like that's something  
24 that would be hard for you to do?

25 When you deliberate, will you actually

1 participate in the deliberation?

2 THE PROSPECTIVE JUROR: Not really. I  
3 would just listen.

4 THE COURT: You think you would just  
5 listen?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay.

8 We'll have more questions about that.

9 Ms. Price.

10 THE PROSPECTIVE JUROR: Rebecca Price,  
11 badge number 632.

12 I am a teacher. I have my Bachelor's Degree  
13 in Elementary Education.

14 I have also completed my Master's in  
15 Educational Leadership.

16 I didn't pass the test, so I don't have  
17 actually have my Master's Degree.

18 THE COURT: Okay.

19 THE PROSPECTIVE JUROR: I am married.

20 My husband's name is Christian Price. He  
21 works here in Las Vegas for a company called Core  
22 Exhibits.

23 He sells and manufacturers different  
24 exhibits for conventions.

25 THE COURT: Okay.

1           THE PROSPECTIVE JUROR:       We have no  
2 children.

3           We just moved hear about 18 months ago.  
4           We moved here from Jacksonville, Florida.  
5           I had lived there for 20 years. Prior to  
6 that I was from New York.

7           What brought you hear?

8           THE PROSPECTIVE JUROR:       We had gotten  
9 married, and I just wanted to try something  
10 different.

11          THE COURT:       How do you like it?

12          THE PROSPECTIVE JUROR:       I like it a lot.

13          THE COURT:       A lot of people come here and  
14 say this is not like where I used to live, but it  
15 has a lot to offer.

16          I glad you like it so far.

17          Jury service?

18          THE PROSPECTIVE JUROR:       Yes. I was a  
19 juror on a civil case. We did reach a verdict. I  
20 was the foreperson.

21          THE COURT:       You were?

22          THE PROSPECTIVE JUROR:       Yes.

23          THE COURT:       How long ago was that?

24          THE PROSPECTIVE JUROR:       About 5 years  
25 ago.

1 THE COURT: How long was that trial?

2 THE PROSPECTIVE JUROR: The whole trial,  
3 about three days, including the jury selection  
4 process.

5 THE COURT: This one won't be quite that  
6 fast, and there's a reason.

7 All right.

8 That's service, you were the foreperson, so  
9 you have a little different experience than the  
10 other people.

11 How was that experience?

12 THE PROSPECTIVE JUROR: It was good.

13 THE COURT: Good?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Next?

16 THE PROSPECTIVE JUROR: Ryan Headd, badge  
17 633.

18 I am a real estate appraiser.

19 The highest education, I went to grad  
20 school.

21 I finished all of the course work. I didn't  
22 finish my thesis.

23 I have live-in girlfriend. She's a real  
24 estate agent.

25 No children.

1 I have been in Vegas since 2001, and I have  
2 not been a juror.

3 THE COURT: Here or anywhere?

4 THE PROSPECTIVE JUROR: Anywhere.

5 THE COURT: Next is Mr. Grant.

6 THE PROSPECTIVE JUROR: Thomas Grant, 634.  
7 I have been working for myself for the last 12 years  
8 as a photographer.

9 I finished high school. I have a little bit  
10 of college.

11 I am married. We have 3 boys, all eight and  
12 under.

13 As far as how long I have lived here my  
14 entire life.

15 I went to Las Vegas High School.

16 THE COURT: Did you go after it was Arts  
17 Magnet or in the old days?

18 THE PROSPECTIVE JUROR: The new one.

19 As far as a jury before, I have never been  
20 on one.

21 THE COURT: Did you say your spouse's  
22 name?

23 THE PROSPECTIVE JUROR: Kendra and she is  
24 a speech pathologist.

25 THE COURT: For a hospital?

1 THE PROSPECTIVE JUROR: She is a  
2 contractor for several of the elementary schools.

3 She's likes to work for the schools.

4 THE COURT: Thank you.

5 THE PROSPECTIVE JUROR: James Read, 637.

6 I am work as a systems administrator for a  
7 ready mix company.

8 I have a Bachelor's of Science.

9 I am divorced.

10 Both of my children are in college right  
11 now.

12 I have lived in Las Vegas all of my life, 45  
13 years.

14 And I have never been on a jury before.

15 THE COURT: Ever been through this part of  
16 the process?

17 THE PROSPECTIVE JUROR: Never.

18 THE COURT: You never made it this far?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Mr. Newman.

21 THE PROSPECTIVE JUROR: Michael Newman,  
22 640.

23 I am work for the Clark County School  
24 District. I am the custodial leader.

25 I have two years of college.

1 I am divorced.

2 I have 2 sons.

3 They do work here in town.

4 THE COURT: Where?

5 THE PROSPECTIVE JUROR: One of them works  
6 for a McDonald's corporation.

7 The other one works for Switch and also  
8 Lowe's.

9 I have lived here 25 years.

10 I have been a juror before.

11 I was on a criminal case. A verdict was  
12 reached.

13 I was not the foreperson.

14 THE COURT: How long ago was the criminal  
15 trial?

16 THE PROSPECTIVE JUROR: April of last  
17 year.

18 THE COURT: That really is a quick turn-  
19 around.

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Thank you for being back  
22 here. I am sorry for getting back so soon.

23 I had one trial, a criminal trial I was  
24 overseeing, and the person in the box said, yes, I  
25 was a juror last year in here.



1 I said, I am sorry, in this courtroom? Yes.  
2 What trial was that, and then she said, and I said,  
3 oh, yes, I remember that.

4 I don't know how she got back in the loop so  
5 quickly.

6 THE PROSPECTIVE JUROR: I was actually  
7 next door.

8 THE COURT: How was it?

9 THE PROSPECTIVE JUROR: Very educational.  
10 In the school district they have forensic science.

11 It was interesting, everything they are  
12 teaching is actually here.

13 THE COURT: A criminal trial is very  
14 different in terms of deliberations and the  
15 circumstances.

16 I am glad you had a great experience. Thank  
17 you for being back.

18 THE COURT: Jimenez, 664.

19 THE PROSPECTIVE JUROR: 664. I am  
20 currently unemployed.

21 THE COURT: Have you worked previously?

22 THE PROSPECTIVE JUROR: About a month ago  
23 at a warehouse.

24 I am in adult education. I am not married.

25 THE COURT: What do you study?

1           THE PROSPECTIVE JUROR:       To finish up high  
2 school.

3           THE COURT:       To get your GED or diploma?

4           THE PROSPECTIVE JUROR:       Yes.

5           I have never been a juror before.

6           I have lived in Vegas all of my life.

7           THE COURT:       Where did you go to high  
8 school?

9           THE PROSPECTIVE JUROR:       I started a  
10 Chaparral. Then I went to Desert Pines.

11          Now I am in the adult education.

12          THE COURT:       I am glad you are finishing  
13 that up.

14          Just because one of the jurors brought it  
15 up, I had told counsel we would get right into  
16 counsel questioning.

17          Generally at that point, once I have gotten  
18 to know you a little bit better, I turn you over to  
19 counsel, but one of the jurors brought up that they  
20 have a family member who had been through a medical  
21 malpractice situation.

22          This is a medical malpractice case. Can I  
23 just see by a show of hands at this point, are there  
24 any other jurors that -- I am going to do it this  
25 way.

1           Have you yourself, a family member, or a  
2 close friend who may have had an occasion to deal  
3 with medical malpractice?

4           So 2, 3, just to let counsel note those  
5 folks, and we'll have some follow-up questions.

6           Was there anybody we missed?

7           Generally we have more folks on the jury  
8 that have people connected to the medical field.

9           But is there anybody here in their prior  
10 job, a family member or a close friend that works in  
11 the medical field as a doctor, nurse, hospital  
12 anything?

13           We have quite a few. Hold your hands up a  
14 little bit, so that counsel can note who those folks  
15 might be.

16           We will probably have some follow-up. I  
17 will go ahead and go down the line.

18           Juror 109, Bebekyan, what's your connection  
19 to the medical field?

20           THE PROSPECTIVE JUROR:       As a You Call We  
21 Call agent.

22           THE COURT:       You mentioned your job. Any  
23 other connections?

24           THE PROSPECTIVE JUROR:       No, just the job.

25           THE COURT:       Ms. Clinton.

1           THE PROSPECTIVE JUROR:       I have a niece who  
2 is a doctor in Chicago.

3           THE COURT:       Chicago?

4           THE PROSPECTIVE JUROR:       Yes.

5           THE COURT:       Has she ever had an issue with  
6 regard to medical malpractice?

7           THE PROSPECTIVE JUROR:       No, not that I am  
8 aware of.

9           THE PROSPECTIVE JUROR:       Jeffrey Back, 385.  
10          I have a friend who might possibly be going  
11 through a malpractice suit, but that's not  
12 determined.

13          THE COURT:       And you mentioned you have  
14 your sister.

15          Anybody else?

16          THE PROSPECTIVE JUROR:       Ken Ehle, 606.  
17          My niece is in medical school right now, and  
18 I have never been involved in a malpractice lawsuit.

19          I have had a lot of dealings with doctors  
20 making miss-diagnoses.

21          THE COURT:       And when you say that, you  
22 just mean your own personal experience?

23          THE PROSPECTIVE JUROR:       Yes.

24          THE COURT:       There may be questions that  
25 counsel will want to delve into about that.

1           Next to you, Mr. Wilder.

2           THE PROSPECTIVE JUROR:       611.

3           THE COURT:       Yes.   What was your  
4 connection?

5           THE PROSPECTIVE JUROR:       I have a daughter-  
6 in-law who is a nurse practitioner, and a cousin who  
7 is a nurse practitioner.

8           THE COURT:       Who is your daughter-in-law  
9 that's a nurse practitioner?

10          THE PROSPECTIVE JUROR:       She is working for  
11 a home care company, I believe.

12          THE COURT:   What is her name?

13          THE PROSPECTIVE JUROR:       Airico Wilder.

14          THE COURT:       And you had some other family  
15 member?

16          THE PROSPECTIVE JUROR:       My cousin who  
17 doesn't live here.

18               She lives in Phoenix.   She's was a nurse  
19 practitioner.

20          THE COURT:       Have they ever had issues with  
21 regard to --

22          THE PROSPECTIVE JUROR:       Stories that I never  
23 listen to.

24          THE COURT:       You will listen to this one?

25          THE PROSPECTIVE JUROR:       Definitely.

1 THE COURT: Anybody else?

2 THE PROSPECTIVE JUROR: Bruce Withers,  
3 618.

4 My brother-in-law is an emergency room  
5 doctor in Indiana.

6 THE COURT: Anyone else?

7 THE PROSPECTIVE JUROR: James Read, 637.  
8 And my mom is a nurse, a hospice nurse and  
9 my ex-wife --

10 THE COURT: Here in town?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay.

13 THE PROSPECTIVE JUROR: My ex-wife is an  
14 emergency room nurse, a surgical center nurse.

15 THE COURT: Here in town?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Where would she be working?

18 THE PROSPECTIVE JUROR: Sunrise.

19 UMC.

20 And Desert Springs Hospital.

21 THE COURT: She is still working in that  
22 job?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Did you give her name?

25 THE PROSPECTIVE JUROR: Rochelle Winston.

1           She was also part of a medical malpractice  
2 practice suit.

3           THE COURT:       When you were married?

4           THE PROSPECTIVE JUROR:       When we were  
5 married.

6           THE COURT:       Counsel may have follow-up  
7 questions about that.

8           Do you have any reason to believe that that  
9 prior circumstance would affect your ability to be  
10 fair and impartial here?

11          THE PROSPECTIVE JUROR:       I don't think  
12 fair and impartial, but it definitely kind of struck  
13 a nerve.

14          THE COURT:       There will be more questions  
15 from counsel.

16          Can I have counsel at the bench briefly  
17 before we get started?

18  
19                   (A bench conference was had.)  
20

21          THE COURT:    I next will invite Mr. Hymanson,  
22 when he is ready to begin his inquiry.

23          MR. HYMANSON:   Thank you, Your Honor.

24          THE COURT:       Is there is that podium.   You  
25 are welcome to use whatever you want to use.

1           MR. HYMANSON: Good afternoon, ladies and  
2 gentlemen.

3           My name is Hank Hymanson, and I have the  
4 pleasure of representing Darrell and Charlene Moore.

5           I want to thank you for your attentiveness  
6 throughout the afternoon, and we hope that you will  
7 continue that.

8           We know you will continue that. I am going  
9 to be as respectful as possible with your time, and  
10 we will trial try to be efficient with this.

11          This is an important process that we need to  
12 walk through. I appreciate your help with that.

13          This is going to be an interactive process,  
14 and my hope is that it is going to be 80 percent of  
15 you talking and 20 percent of me talking, trying to  
16 facilitate moving everything along.

17          The first question I have for you, ladies  
18 and gentlemen is, what does brutally honesty mean to  
19 you?

20          Does anyone have an idea of the definition  
21 of what is brutal honesty?

22          This is an interactive process. I don't want  
23 to start cold calling people, but I will if I have  
24 to.

25          Also we have to say your last name and badge



1 number.

2 I have Mr. Everett.

3 THE PROSPECTIVE JUROR: 143.

4 MR. HYMANSON: What does brutal honesty mean  
5 to you?

6 THE PROSPECTIVE JUROR: Telling the truth  
7 even if it hurts.

8 MR. HYMANSON: Thank you.

9 Does anyone agree with Mr. Everett's  
10 definition?

11 I see people raising their hands.

12 Is there anybody that disagrees with  
13 Mr. Everett's definition?

14 I don't see anyone, so all 20 of you agree  
15 brutal honesty is the telling truth even if it  
16 hurts?

17 THE PROSPECTIVE JUROR: Correct.

18 MR. HYMANSON: I agree.

19 What I want to do is -- that's kind of what  
20 this process is about today.

21 I will ask you a series questions today and  
22 tomorrow.

23 I want you to be brutally honest. I promise  
24 you that are not going to hurt anyone's feelings.

25 You are not going to offend any of the

1 attorneys or the Judge. We have all heard  
2 everything, and we need to know the truth behind  
3 whatever you think.

4 Does anyone have a problem with that?

5 No? I understand that it is kind of  
6 uncomfortable or strange talking in front of a group  
7 people.

8 I hope you will do your best to do that.  
9 There is also no right or wrong answers for what you  
10 are going to say.

11 It is only the truth and only your answer,  
12 and that's what we want. That is what all counsel  
13 wants.

14 What we are doing is trying to figure out --  
15 the Judge talked about it a little bit earlier  
16 today.

17 We trying to figure out if each and everyone  
18 of you are the correct juror for this particular  
19 type of case.

20 We all have things that we call biases. It  
21 sounds like that's a bad word. Just by virtue of  
22 living and having life experiences, we have  
23 particular biases.

24 An example is very simple, like pie. There  
25 are some people that really like a particular type

1 of pie.

2 Say that someone really dislikes apple pie,  
3 and I have a question for you, if there was a pie  
4 making competition and there were 2 contestants, and  
5 one contestant was making blueberry pie, and one was  
6 making an apple pie, and you knew you were picked at  
7 random out of the crowd to judge that competition,  
8 and you knew that you really didn't like apple pie.

9 By a show of hands, who thinks you should  
10 disclose that fact that you don't like apple pie  
11 before you judge that competition?

12 Okay. Keep your hands up. So just about  
13 everyone thinks that they should disclose. Okay.

14 Let me ask you a follow-up question, who  
15 thinks that you should recuse yourself from judging  
16 that competition?

17 One person, and that's Mr. Fife.

18 Is that correct?

19 THE PROSPECTIVE JUROR: 614.

20 MR. HYMANSON: Why do you think you should  
21 recuse yourself?

22 THE PROSPECTIVE JUROR: Because I wouldn't  
23 eat the blueberry pie.

24 MR. HYMANSON: No one else thinks that  
25 they should recuse themselves.

1 Does anyone else want to tell me why they  
2 don't think they should recuse themselves?

3 THE PROSPECTIVE JUROR: It doesn't matter  
4 if it is a good pie or not.

5 Taste is based on one's own taste buds.  
6 Someone may think it is one thing. The fact is, they  
7 are both pies.

8 MR. HYMANSON: You are Mr. Jones, is that  
9 correct?

10 THE PROSPECTIVE JUROR: Yes.

11 MR. HYMANSON: Badge?

12 THE PROSPECTIVE JUROR: 625.

13 MR. HYMANSON: You are saying it is a  
14 matter of objectively judging what the pie is.

15 You don't think because you don't like apple  
16 pie, you don't think you should recuse yourself?

17 THE PROSPECTIVE JUROR: No, I don't,  
18 because it may be something that doesn't have to do  
19 with the quality of the pie.

20 It may be that I have an allergic reaction  
21 to something. It may not have anything to do with  
22 the pie.

23 MR. HYMANSON: Let's say, if they were  
24 about the same, if you thought that they were both  
25 made very well, you thought that they were both had

1 a good crust on it, a good filling, but your  
2 natural -- this is the hypothetical, you don't like  
3 apple pie.

4 So you think that the fact that you don't  
5 like apple pie, all things being equal that can push  
6 one side over the other?

7 Does that change your mind about if you  
8 should recuse yourself?

9 THE PROSPECTIVE JUROR: No.

10 MR. HYMANSON: Does anyone else think or  
11 have an explanation why they don't think they should  
12 recuse themselves?

13 THE PROSPECTIVE JUROR: Ryan Headd, 633.

14 I think if you disclose it and said I don't  
15 like apple pie, and they still want to you  
16 participate in the competition, that's on them.

17 MR. HYMANSON: Okay.

18 So you don't think you should actively take  
19 a step back, it is just for you to disclose that and  
20 if they decide to put you on there, they decide to  
21 put you on their?

22 THE PROSPECTIVE JUROR: If they want you  
23 to participate, even though you said I don't like  
24 apple pie, I think that's okay.

25 MR. HYMANSON: Thank you very much.

1           Name and badge number?

2           THE PROSPECTIVE JUROR:       Jeffry Back, 385.

3           One can be one who is honest with their  
4 bias, and yet disclose it, and also with some  
5 rationale, be able to act impartial.

6           MR. HYMANSON:       Let's do quick different  
7 scenario.

8           What if you are judging, you are picked at  
9 random to serve as a juror on a dog bite case, and  
10 you had an experience where every single day you had  
11 ridden to school, and at your neighbor's house they  
12 had a German Shepherd, and it would always run to  
13 the end of the property, and he would never come and  
14 leave the property and come after you.

15          And then one day that dog did run out off of  
16 the property and bite you, so you had been bitten by  
17 a German Shepherd before, and you knew you were on a  
18 dog bite case, but you didn't know that it involved  
19 a German Shepherd, do you think that would change  
20 anything?

21          THE PROSPECTIVE JUROR:       A dog?

22          MR. HYMANSON:       The fact that you had been  
23 bitten by a German Shepherd before, and you found  
24 out that a German Shepherd was the dog involved in  
25 the case?

1           THE PROSPECTIVE JUROR:       The only thing  
2 you have to go off of is that the dog ran to the  
3 edge of the property, it demonstrated prior that it  
4 was aggressive.

5           MR. HYMANSON:       Okay.

6           THE PROSPECTIVE JUROR:       We don't have any  
7 idea what was stopping him from crossing the line.

8           MR. HYMANSON:       It is a hypothetical.

9           THE COURT:   Excuse me.

10          Mr. Jones, we appreciate your participation,  
11 but every time you speak, you have to give your name  
12 and badge number if there has also been a  
13 separation.

14          MR. HYMANSON:       And that is my fault.

15          THE COURT:   Mr. Jones 625.

16          MR. HYMANSON:       Thank you, Your Honor.

17          THE COURT:   Go ahead.

18          THE PROSPECTIVE JUROR:       If you had a  
19 history of this doing being aggressive to the point  
20 where you were concerned about it, then I think at  
21 that point that it is not necessarily the dog  
22 demonstrating its aggressiveness, it could be a  
23 poodle, the same thing.

24          MR. HYMANSON:       I am talking about your own  
25 personal experience was that you were bit by a

1 German Shepherd, it bits you, you had that in your  
2 previous experience, and then I didn't say anything  
3 about the facts of the case itself, aside that it  
4 was a dog bite case involving a German Shepherd.

5 The fact that you have a history of having  
6 been bit by a German Shepherd, do you think that  
7 would change your interest in serving as a juror for  
8 that case?

9 THE PROSPECTIVE JUROR: No, because I have  
10 been bitten by other dogs. I used to deliver  
11 newspapers.

12 MR. HYMANSON: Mr. Beck, correct?

13 THE PROSPECTIVE JUROR: 385.

14 MR. HYMANSON: What were you going to say?

15 THE PROSPECTIVE JUROR: Well, the bread of  
16 the dog, that sounds like that should have been  
17 covered during the questioning of the juror by  
18 counsel.

19 MR. HYMANSON: How many of you -- there  
20 are several of you that have kids or deal with  
21 children.

22 Have you ever encountered a situation where  
23 your children got into a fight or a disagreement,  
24 yes?

25 Okay. How did you go about figuring out what



1 happened during that disagreement?

2 Ms. Price, you are a teacher, correct?

3 THE PROSPECTIVE JUROR: Yes.

4 MR. HYMANSON: So you deal with a lot  
5 children, correct?

6 THE PROSPECTIVE JUROR: Yes.

7 MR. HYMANSON: So you have kids that have  
8 a disagreement sometimes?

9 THE PROSPECTIVE JUROR: Yes.

10 MR. HYMANSON: Before you answer I will  
11 have you say your badge number.

12 Tell me how you figure out what happened  
13 during that disagreement.

14 THE PROSPECTIVE JUROR: Price 632.

15 I pull both children aside privately and  
16 discuss the incident between both students, the one  
17 who is accusing, and one who is defending.

18 If it is crystal clear that the situation  
19 happened between these 2 students, and it is cut and  
20 dry, one is in the wrong, and one is in the right,  
21 the issue is settled there.

22 If someone is lying, and I have to dig  
23 farther, then I will ask for additional witnesses.

24 Who was there? Were adults around?

25 If there are, then I question them and find

1 out the truth from those other students.

2 If there is not, then I either continue to  
3 provide, ask more implicating questions to the  
4 students, or have them address it with the  
5 principal.

6 MR. HYMANSON: You would talk to them both  
7 at the same time or one at a time?

8 THE PROSPECTIVE JUROR: It depends on the  
9 situation, how severe it is.

10 I usually do try to speak with them  
11 privately so I can understand what it is that  
12 happened.

13 MR. HYMANSON: And individually?

14 THE PROSPECTIVE JUROR: Yes.

15 MR. HYMANSON: So, if it is a more severe  
16 situation, is that more reason to talk to them  
17 individually, or more reason to talk to them  
18 collectively?

19 THE PROSPECTIVE JUROR: More reason to  
20 talk to them separately.

21 MR. HYMANSON: Does anyone else agree with  
22 that approach?

23 By a show of hands.

24 Does anybody have a different approach that  
25 they think they would use?

1           Okay. Mr. Newman, correct?

2           THE PROSPECTIVE JUROR:   Correct.

3           MR. HYMANSON:   You raised your hand and you  
4 said you agree with that approach. I don't have the  
5 badge numbers.

6           THE PROSPECTIVE JUROR:       640.

7           MR. HYMANSON:       Why do you agree with that  
8 approach?

9           THE PROSPECTIVE JUROR:       My past history in  
10 the school district myself.

11           That's pretty much what happens. We follow-  
12 up with what we are supposed to, and we turn it over  
13 to the administrator.

14           MR. HYMANSON:       Why is it that you talk to  
15 each child individually?

16           THE PROSPECTIVE JUROR:       So that nothing  
17 else flared up. Things can be flared up if they are  
18 in close proximity to each other.

19           MR. HYMANSON:       What about if you had to  
20 figure out which child is telling the truth?

21           THE PROSPECTIVE JUROR:       Most of the time  
22 it is pretty clear.

23           MR. HYMANSON:       Thank you very much.

24           Mr. Fife, you had raised your hand also,  
25 correct?

1 THE PROSPECTIVE JUROR: Yes.

2 MR. HYMANSON: Badge number?

3 THE PROSPECTIVE JUROR: 614.

4 MR. HYMANSON: Thank you.

5 What's your experience, you separate the 2  
6 children, and you are talking to them about what  
7 happened.

8 Why do you separate those 2 children?

9 THE PROSPECTIVE JUROR: At that time they  
10 are both angry, and you want to hear both sides  
11 without them going at each other and having another  
12 issue.

13 THE COURT: Excuse me one second.

14 Ms. Jimenez, did you need to have a recess?  
15 We don't take a break when we are doing jury  
16 selection when you are in the main box, but did you  
17 need to take a break?

18 THE PROSPECTIVE JUROR: Just 2 minutes.

19 THE COURT: It is fine, but we do need to  
20 break the whole session.

21 That is fine. We will do that.

22 Always, jurors, if you need our attention  
23 just raise your hand and let us know, but we can't  
24 have him asking general questions of the panel, and  
25 then you not here and being in a different

1 conversation.

2           So we will take a very brief recess, 5  
3 minutes, to allow anybody to have a break.

4           Again, we must all leave courtroom. We'll  
5 have you right back in, in about 5 minutes,  
6 so don't go too far.

7

8                               - - - - -

9           (Thereupon, the following proceedings  
10 were had in open court and outside.  
11 the presence of the prospective  
12 jury.)

13                               - - - - -

14

15           THE COURT: Mr. Weaver you wanted to  
16 say something?

17           MR. WEAVER: Yes, Your Honor, Nurse  
18 Practitioner Bartmus believes she knows  
19 Mr. Read's ex-wife.

20           THE COURT: We can bring him back in  
21 individually quickly and see if he has any  
22 knowledge, is that a negative, is that a  
23 positive is that a --

24           MR. WEAVER: It is neutral. We just  
25 want to bring it to the Court's attention.

1 THE COURT: Do we want to bring him in?

2 MR. WEAVER: He doesn't seem to recognize  
3 her.

4 THE COURT: I didn't go into a lot of detail  
5 of how long ago did they divorce.

6 He did indicate that the medical malpractice  
7 happened during the marriage.

8 MR. WEAVER: My client was unaware of that  
9 part.

10 MR. McBRIDE: I guess it all depends on how  
11 he gets along with his ex-wife.

12 MR. WEAVER: It sounds like they may not be  
13 talking.

14 THE COURT: She didn't keep the name. But  
15 that doesn't mean anything necessarily.

16 I think we should see how it goes  
17 through voir dire.

18 I figure another 15, 20 minutes. Do you have  
19 a good groove spot where you think we can take a  
20 break?

21 MR. HYMANSON: I think so, Your Honor.

22  
23 (Recess taken.)  
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## 1 REPORTER'S CERTIFICATE

2  
3 STATE OF NEVADA )

4 ) ss.

5 CLARK COUNTY )  
6  
7

8 I, Robert A. Cangemi, a certified court  
9 reporter in and for the State of Nevada, hereby  
10 certify that pursuant to NRS 239B.030 I have not  
11 included the Social Security number of any person  
12 within this document.

13 I further certify that I am not a relative  
14 or employee of any party involved in said action,  
15 nor a person financially interested in said action.  
16  
17

18 (signed) /s/ Robert A. Cangemi  
19 \_\_\_\_\_

20 ROBERT A. CANGEMI, CCR NO. 888  
21  
22  
23  
24  
25



1 C E R T I F I C A T E

2 STATE OF NEVADA )

3 ) ss.

4 CLARK COUNTY )

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8

9 I, Robert A. Cangemi, CCR 888, do  
10 hereby certify that I reported the foregoing  
11 proceedings, and that the same is true and  
12 accurate as reflected by my original machine  
13 shorthand notes taken at said time and place.

14

15

16 (signed) /s/ Robert A. Cangemi

17

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18 Robert A. Cangemi, CCR 888

19 Certified Court Reporter

20 Las Vegas, Nevada

21

22

23

24

25

/s/

been

/s/ (77:18)(78:16)	<b>anyone's</b> (62:24) <b>anything</b> (18:12)(56:12)(65:21)(67:20)(69:2)(75:15) <b>anywhere</b> (20:7)(26:14)(33:24)(51:3)(51:4) <b>apologize</b> (15:9) <b>appearances</b> (2:1) <b>apple</b> (64:2)(64:6)(64:8)(64:10)(65:15)(66:3)(66:5)(66:15)(66:24) <b>appraiser</b> (50:18) <b>appreciate</b> (61:12)(68:10) <b>approach</b> (14:3)(71:22)(71:24)(72:4)(72:8) <b>april</b> (53:16) <b>are</b> (5:21)(6:1)(6:22)(7:5)(7:7)(9:17)(11:14)(11:15)(11:17)(11:19)(12:3)(12:16)(15:12)(15:17)(15:24)(16:5)(17:11)(17:12)(17:16)(18:8)(18:11)(19:17)(19:19)(19:20)(19:22)(20:1)(21:18)(24:25)(27:13)(31:14)(32:10)(32:12)(34:25)(35:10)(35:15)(36:7)(36:23)(37:1)(38:14)(41:13)(42:3)(43:5)(43:9)(43:17)(44:3)(46:3)(46:15)(46:22)(47:19)(47:21)(52:10)(54:11)(55:12)(55:23)(60:25)(62:24)(62:25)(63:10)(63:14)(63:18)(63:25)(65:7)(65:8)(65:13)(67:8)(69:20)(70:2)(70:25)(72:12)(72:17)(73:6)(73:10)(73:15)(73:16) <b>arizona</b> (6:8) <b>arntz</b> (2:2)(5:9)(5:14)(6:11)(6:14)(7:23)(8:9)(8:20)(8:24)(9:14)(10:1)(10:5)(12:1) <b>around</b> (15:18)(23:8)(23:10)(33:7)(70:24) <b>arts</b> (51:16) <b>ashland</b> (39:13) <b>ashley</b> (41:16) <b>asia</b> (6:5)(16:16)(16:20) <b>aside</b> (69:3)(70:15) <b>ask</b> (5:24)(15:14)(34:20)(42:3)(42:4)(45:13)(62:21)(64:14)(70:23)(71:3) <b>asking</b> (35:8)(36:10)(41:18)(44:6)(73:24) <b>asleep</b> (9:5) <b>asriana</b> (16:21) <b>assist</b> (34:12) <b>attention</b> (11:15)(18:11)(18:17)(18:23)(36:11)(73:22)(74:25) <b>attentiveness</b> (61:5) <b>attorney</b> (25:8)(39:18) <b>attorneys</b> (39:13)(63:1) <b>auto</b> (8:12) <b>awake</b> (8:19) <b>aware</b> (19:22)(57:8) <b>away</b> (32:10)
<b>A</b>	<b>B</b>
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## warehouse

## you

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4 IN THE EIGHTH JUDICIAL DISTRICT COURT  
5 CLARK COUNTY, NEVADA  
6  
7

8 DARELL MOORE, ET AL., )  
9 Plaintiffs, )  
10 vs. ) Case No.  
11 JASON LASRY, M.D., ET ) A-17-766426  
12 AL., ) Dept. No. 25  
13 Defendants. )  
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14  
15 JURY TRIAL  
16 -----

17 Before the Honorable Kathleen Delaney  
18 Monday, January 27, 2020, 4:34 p.m.

19 Reporter's Transcript of Proceedings  
20 -----  
21  
22  
23  
24

25 REPORTED BY ROBERT A. CANGEMI, CCR 888



1 APPEARANCES:

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## I N D E X

VOIR DIRE - PAGE: 4

1 Las Vegas, Nevada, Monday, January 27,  
2 2020

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5 (Thereupon, the following proceedings  
6 were had in open court and outside  
7 the presence of the jury.)  
8

9 - - - - -

10 THE COURT: If you have again any reason to  
11 get our attention, let us know, Mr. Hymanson.

12 Are you ready to proceed?

13 MR. HYMANSON: Yes.

14 Thank you so much.

15 Ladies and gentlemen, I want to ask you all  
16 a question, so my client, Mr. Moore, as I think you  
17 will see, he is in a wheelchair, and will anyone  
18 hold it against him if he does not sit here  
19 throughout the entire trial, because it is hard for  
20 him to sit in his wheelchair all day.

21 His typical routine is not to sit in his  
22 chair all day. Will anyone hold that against him if  
23 he is not here for the entirety of this trial?

24 Thank you so much, ladies and gentlemen.

25 ~~Ms. Ashley, when I had asked anyone if they~~

1 think they should disclose if they were worried  
2 about if they disliked apple pie, you didn't raise  
3 your hand one way or the other, so I want to see  
4 if -- I know that English is your second language.

5 I know the Court covered it a little bit,  
6 but are you comfortable -- have you been able to  
7 understand what I have been saying so far?

8 THE PROSPECTIVE JUROR: Yes.

9 MR. HYMANSON: You said you think you would  
10 actually -- your badge number?

11 THE PROSPECTIVE JUROR: 627.

12 MR. HYMANSON: You said you didn't think  
13 that you would actually, if you went to  
14 deliberation, if you were picked as a juror, you  
15 didn't think that you would participate.

16 Why don't you think that you would  
17 participate?

18 THE PROSPECTIVE JUROR: Because if I do  
19 not understand it, I might as well keep my mouth  
20 shut, instead of saying something just not good.

21 MR. HYMANSON: When you say you don't  
22 understand it, what do you mean if you don't  
23 understand it?

24 You said you are comfortable with English.  
25 You think you are read English better than you

1 write.

2 Is that correct?

3 THE PROSPECTIVE JUROR: Yes.

4 MR. HYMANSON: If you are going to  
5 participate in this, we want to you to be an active  
6 participant, and we want you to discuss this with  
7 your fellow jurors.

8 Do you think that would be a problem for you  
9 in this case?

10 THE PROSPECTIVE JUROR: Not really. It  
11 depends.

12 MR. HYMANSON: What does it depend on?

13 THE PROSPECTIVE JUROR: If I don't know  
14 the truth, I might will say, but it is not good if  
15 you say things which is not good.

16 MR. HYMANSON: Understand.

17 Thank you so much.

18 I am not trying to pick on at you. I just  
19 want to make sure you are comfortable. Thank you  
20 very much.

21 Another general question, and let's see if  
22 we can get some more volunteers.

23 How do you tell if someone is telling the  
24 truth?

25 Does anyone have any thoughts on that?

1 THE PROSPECTIVE JUROR: Ryan Burke, 510.

2 If a person is telling the truth typically  
3 the exhume some confidence. You can tell they mean  
4 it.

5 They are straightforward. They are not  
6 looking nervous or anything.

7 MR. HYMANSON: So part of that is you read  
8 their body language?

9 THE PROSPECTIVE JUROR: Yes.

10 MR. HYMANSON: You are going to read the way  
11 that they project their voice?

12 THE PROSPECTIVE JUROR: Yes.

13 MR. HYMANSON: Does anyone agree with  
14 that?

15 I see some people nodding their heads.

16 Anybody disagree with that?

17 Mr. Withers, correct?

18 THE PROSPECTIVE JUROR: Bruce Withers,  
19 618.

20 In my business, I deal with all kinds of  
21 issues, and it is not uncommon to do investigations  
22 with more than one person.

23 What I have found is that everybody says a  
24 form of the truth, and usually it takes evidence to  
25 come up with an answer.

1           In a lot of cases, it is in the form of a  
2 video, and as we talk to people, as I do  
3 investigations, I ask for statements.

4           A lot of time they commonalities. It always  
5 difficult to come up with the truth.

6           Sometimes it could cost a person a job, so I  
7 take it very serious. If we are going to go this  
8 length, I want to make sure the decision we make is  
9 the correct one and is accurate.

10          I do this on a daily basis.

11          MR. HYMANSON:       Thank you very much.

12          Does anyone else go about it a different way  
13 then reading body language?

14          Ms. Ashley, correct?

15          MR. HYMANSON:       Ms. Price.

16          THE PROSPECTIVE JUROR:       632.

17          It is not necessarily -- I don't agree with  
18 just basing my opinion on how somebody presents  
19 them self.

20          I work with kids. I have to try to figure  
21 out what is the truth or not.

22          Everybody has their own version, so you can  
23 exhume confidence when you believe you are telling  
24 the truth, but it is telling the truth, and it is  
25 getting down to which one is the correct truth.

1 MR. HYMANSON: Thank you.

2 Ms. Clinton, what do you think about that?

3 THE PROSPECTIVE JUROR: What she just said?

4 MR. HYMANSON: What do you think is the best  
5 way of telling if someone is telling the truth?

6 THE PROSPECTIVE JUROR: Body language.

7 Eye contact.

8 Tone of voice.

9 What they are saying, and then you have to  
10 consider other extraneous facts that would elaborate  
11 on the situation.

12 MR. HYMANSON: Thank you.

13 What about Ms. Sallee?

14 THE PROSPECTIVE JUROR: Yes.

15 MR. HYMANSON: Badge number?

16 THE PROSPECTIVE JUROR: 604.

17 MR. HYMANSON: I apologize.

18 What do you think about how you can tell if  
19 someone is telling the truth?

20 THE PROSPECTIVE JUROR: Look them square  
21 in the eye, and if they start to shift or are  
22 uncomfortable with asking questions, just look at  
23 them.

24 They don't flush. Sometimes when people  
25 lie, they get a little red.



1           MR. HYMANSON:       Assume that you are on a  
2 break, and one of your fellow jurors comes up you  
3 and they say, I just have this splitting headache,  
4 and it has been killing me all day, how many would  
5 believe that juror when they said that to you by  
6 show of hands?

7           Okay. So for those of you that --  
8 Ms. Clinton, you didn't raise your hand.

9           So you wouldn't believe that person if they  
10 said that?

11          THE PROSPECTIVE JUROR:       I don't know that  
12 I would or wouldn't.

13          I would wonder why they would be telling me  
14 that they had a splitting headache.

15          I don't know one way or the other,  
16 especially if it is someone that I don't know or  
17 what have you.

18          They could be saying it because they want to  
19 get out of jury duty.

20          MR. HYMANSON:       Thank you.

21          Let's say you are asking a juror on a slip  
22 and fall case, and the very first witness that takes  
23 the stand is the Plaintiff, the person that fell and  
24 got hurt, and you haven't seen any other evidence.

25          There has been no one else that has given

1 any testimony, and the Plaintiff says hey, my neck,  
2 my head, I have had a splitting headache ever since  
3 I fell and hit my headache.

4 How many people would believe that person?

5 MR. HYMANSON: So, Ms. Bebekyan?

6 THE PROSPECTIVE JUROR: 109.

7 MR. HYMANSON: You didn't raise your hand,  
8 is that correct?

9 THE PROSPECTIVE JUROR: Yes.

10 MR. HYMANSON: Can you explain that to me?  
11 There is no right or wrong answer.

12 THE PROSPECTIVE JUROR: It is  
13 complicated, because you really can't tell.

14 What if previously they did have headaches,  
15 but it wasn't as bad as they are telling, and it  
16 became worse. You just don't know.

17 You never judge a book by its cover.

18 MR. HYMANSON: What else would you need to  
19 have to convenience you that that person's head has  
20 been hurting since the fall? What else would you  
21 want to see?

22 THE PROSPECTIVE JUROR: Probably like the  
23 results, MRI results, or any type of CAT scan,  
24 anything to show it.

25 MR. HYMANSON: Is there anyone that agrees

1 with Ms. Bebekyan about that, that they need to see  
2 she other results or something else.

3 MR. HYMANSON: Name and badge number?

4 THE PROSPECTIVE JUROR: Grant, 634.

5 I would like to see more results, because  
6 without evidence, it can just be an opinion. Talk  
7 is it cheap.

8 MR. HYMANSON: How many of you would think  
9 that the person -- let's give 2 options, either the  
10 person -- reserve judgment or you think that that  
11 person isn't telling the truth?

12 Who thinks that they would think that that  
13 person isn't telling the truth?

14 So the rest of you would reserve your  
15 judgment. But you want to see some more evidence of  
16 that.

17 Then, Your Honor, I know it is 10 to.

18 THE COURT: Is this a good place to stop?

19 MR. HYMANSON: This is the fine place to  
20 stop.

21 THE COURT: Why don't we do that.

22 And I haven't given any kind of  
23 admonishment.

24 MR. HYMANSON: No problem.

25 THE COURT: I haven't given any kind of

1 admonishment to the jurors on the very short breaks  
2 that we have taken, but I do want the jurors to  
3 understand that it is important, because we have not  
4 completed the selection process, that the jurors not  
5 attempt to try to learn any more about this case, if  
6 that were possible to do so.

7           We do want you to stay -- I am familiar with  
8 the case and the facts and the circumstances, and  
9 the parties of the case.

10           We do need additional time to complete jury  
11 selection. We do hope to complete it tomorrow.

12           Just because we got some time lost today,  
13 for reasons out of our control for technological  
14 difficulties and other things, I will have you come  
15 back tomorrow at one, instead of 1:30.

16           The typical afternoon start would be 1:30.  
17 But if we need that additional time, because I want  
18 to get everybody taken care of.

19           Everybody in the room, the 20 in the box,  
20 and the 16 in the gallery will return tomorrow at  
21 1:00 o'clock.

22           You do not have to go to the third floor.  
23 Just come straight up here, and be waiting outside  
24 these doors.

25           Be ready to start promptly at one. We will

1 do a head count and make sure everyone is here.

2           We will get started. The of 20 you  
3 will still have those seats, but we will  
4 re-shuffle the folks in the courtroom that  
5 are scattered around so that you are closer  
6 to the action.

7           But overnight, as we said, and this  
8 is the typical admonishment that the jurors  
9 will get once their on the panel, but it  
10 worth planting the seed.

11

12                               - - - - -

13           (Thereupon, the prospective jury was  
14 admonished by the Court.)

15                               - - - - -

16

17           THE COURT: If you are on the final  
18 panel, you will have parking arranged for  
19 you.

20           Until then you are at own devices for  
21 parking to return tomorrow, but we do  
22 anticipate completing tomorrow.

23           So if you do have any questions, I  
24 will ask my marshal to step out and greet you  
25 as you are leaving the courtroom.

1           If you have any questions, direct  
2 them to the marshal, and he will be able to  
3 answer any questions that you might have.

4           We will see you.

5           Have a good night. We will see you tomorrow  
6 at 1:00 o'clock.

7

8                               - - - - -

9           (Thereupon, the following proceedings  
10 were conducted in open court and  
11 outside the presence of the  
12 prospective jury.)

13                               - - - - -

14

15           MR. ARNTZ: Your Honor, I think we can  
16 stipulate that the Filipino woman can be let  
17 go.

18           THE COURT: Are there concerns with  
19 the language?

20           MR. McBRIDE: I think so.

21           THE COURT: I do think that's she  
22 is there, and 2 seconds later she is not.

23           That is why I asked the question, how  
24 are you going to be in deliberations, and  
25 she's not going to participate.

1           She is already gone. I am not sure how --  
2 we will figure out a way to communicate with her  
3 that she doesn't need to return to jury services.

4           Let me make that record real quick,  
5 Ms. Ashley badge number 627.

6           MR. McBRIDE: In the morning -- afternoon,  
7 we will fill it with the next in order?

8           THE COURT: Yes. We will pull the next  
9 up, and I do plan to be here.

10          The civil calendar is not terrible. We will  
11 take a break, but we will be here and ready to start  
12 right at one.

13          I hope we can finish tomorrow.

14          MR. ARNTZ: The only other thing is if you  
15 don't mind, I would appreciate it if you can let  
16 them know that we cannot talk to them or look at  
17 them.

18          THE COURT: I usually give them that  
19 admonishment when you are doing your final  
20 selection.

21          That gives me the opportunity to give those  
22 kind of instructions.

23          I did sort of hint that they can't talk to  
24 anybody but the marshal, but I will remind them when  
25 they come in tomorrow.

1 MR. ARNTZ: Thank you.

2 THE COURT: Also, one of the folks back here  
3 was curious to know about the folks that were in the  
4 back of the house and using the bathroom and things.

5 Of course, when we have this many people  
6 in make perfect sense that we do that.

7 But good straight there and come straight  
8 back.

9 I don't know if there was talking in the  
10 hallway and people were unsure.

11 MR. McBRIDE: I think there was a log jam  
12 because the other department at the very end also  
13 was doing jury selection.

14 THE COURT: Okay. I will see you at one.

15  
16 (Court adjourned.)  
17  
18  
19  
20  
21  
22  
23  
24  
25



## 1 REPORTER'S CERTIFICATE

2  
3 STATE OF NEVADA )

4 ) ss.

5 CLARK COUNTY )  
6  
7

8 I, Robert A. Cangemi, a certified court  
9 reporter in and for the State of Nevada, hereby  
10 certify that pursuant to NRS 239B.030 I have not  
11 included the Social Security number of any person  
12 within this document.

13 I further certify that I am not a relative  
14 or employee of any party involved in said action,  
15 nor a person financially interested in said action.  
16  
17

18 (signed) /s/ Robert A. Cangemi  
19 \_\_\_\_\_

20 ROBERT A. CANGEMI, CCR NO. 888  
21  
22  
23  
24  
25

1 C E R T I F I C A T E

2 STATE OF NEVADA )

3 ) ss.

4 CLARK COUNTY )

5

6

7

8

9 I, Robert A. Cangemi, CCR 888, do  
10 hereby certify that I reported the foregoing  
11 proceedings, and that the same is true and  
12 accurate as reflected by my original machine  
13 shorthand notes taken at said time and place.

14

15

16 (signed) /s/ Robert A. Cangemi

17

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18 Robert A. Cangemi, CCR 888

19 Certified Court Reporter

20 Las Vegas, Nevada

21

22

23

24

25

/s/

dire

<div data-bbox="444 163 461 191" data-label="Text">/</div> <div data-bbox="87 197 337 224" data-label="Text">/s/ (18:18)(19:16)</div> <div data-bbox="444 233 461 260" data-label="Text"><b>A</b></div> <div data-bbox="87 266 747 1331" data-label="Text"> <p>able (5:6)(15:2)  accurate (8:9)(19:12)  action (14:6)(18:14)(18:15)  active (6:5)  actually (5:10)(5:13)  additional (13:10)(13:17)  adjourned (17:16)  admonished (14:14)  admonishment (12:23)(13:1)(14:8)(16:19)  afternoon (13:16)(16:6)  again (4:10)  against (4:18)(4:22)  agree (7:13)(8:17)  agrees (11:25)  alissa (2:6)  all (4:15)(4:20)(4:22)(7:20)(10:4)  already (16:1)  also (17:2)(17:12)  always (8:4)  another (6:21)  answer (7:25)(11:11)(15:3)  anticipate (14:22)  any (4:10)(6:25)(10:24)(11:1)(11:23)(12:22)(12:25)  (13:5)(14:23)(15:1)(15:3)(18:11)(18:14)  anybody (7:16)(16:24)  anyone (4:17)(4:22)(4:25)(6:25)(7:13)(8:12)(11:25)  anything (7:6)(11:24)  apologize (9:17)  appearances (2:1)  apple (5:2)  appreciate (16:15)  are (4:12)(5:6)(5:24)(5:25)(6:4)(6:19)(7:5)(7:10)  (8:7)(8:23)(9:9)(9:21)(10:1)(10:21)(11:15)(14:5)  (14:17)(14:20)(14:25)(15:18)(15:24)(16:19)  arntz (2:2)(15:15)(16:14)(17:1)  around (14:5)  arranged (14:18)  ashley (4:25)(8:14)(16:5)  ask (4:15)(8:3)(14:24)  asked (4:25)(15:23)  asking (9:22)(10:21)  assume (10:1)  attempt (13:5)  attention (4:11)</p> </div> <div data-bbox="444 1346 461 1373" data-label="Text"><b>B</b></div> <div data-bbox="87 1379 784 2003" data-label="Text"> <p>back (13:15)(17:2)(17:4)(17:8)  bad (11:15)  badge (5:10)(9:15)(12:3)(16:5)  basing (8:18)  basis (8:10)  bastick (2:6)  bathroom (17:4)  bebekyan (11:5)(12:1)  became (11:16)  because (4:19)(5:18)(10:18)(11:13)(12:5)(13:3)(13:12)  (13:17)(17:12)  been (5:6)(5:7)(10:4)(10:25)(11:20)  before (1:16)  believe (8:23)(10:5)(10:9)(11:4)  best (9:4)  better (5:25)  bit (5:5)  body (7:8)(8:13)(9:6)  book (11:17)  box (13:19)  break (10:2)(16:11)  breaks (13:1)  breen (2:2)  bruce (7:18)  burke (7:1)  business (7:20)</p> </div>	<div data-bbox="839 149 1463 197" data-label="Text"> but (5:6)(6:14)(8:24)(11:15)(12:15)(13:2)(13:17)  (14:3)(14:7)(14:9)(14:21)(16:11)(16:24)(17:7) </div> <div data-bbox="1187 212 1203 239" data-label="Text"><b>C</b></div> <div data-bbox="839 245 1541 1476" data-label="Text"> <p>calendar (16:10)  can (6:22)(7:3)(8:22)(9:18)(11:10)(12:6)(15:15)  (15:16)(16:13)(16:15)  cangemi (1:25)(18:8)(18:18)(18:20)(19:9)(19:16)(19:18)  cannot (16:16)  can't (11:13)(16:23)  care (13:18)  case (1:10)(6:9)(10:22)(13:5)(13:8)(13:9)  cases (8:1)  cat (11:23)  ccr (1:25)(18:20)(19:9)(19:18)  certificate (18:1)  certified (18:8)(19:19)  certify (18:10)(18:13)(19:10)  chair (4:22)  cheap (12:7)  circumstances (13:8)  civil (16:10)  clark (1:4)(18:5)(19:4)  client (4:16)  clinton (9:2)(10:8)  closer (14:5)  come (7:25)(8:5)(13:14)(13:23)(16:25)(17:7)  comes (10:2)  comfortable (5:6)(5:24)(6:19)  commonalities (8:4)  communicate (16:2)  complete (13:10)(13:11)  completed (13:4)  completing (14:22)  complicated (11:13)  concerns (15:18)  conducted (15:10)  confidence (7:3)(8:23)  consider (9:10)  contact (9:7)  control (13:13)  convenience (11:19)  correct (6:2)(7:17)(8:9)(8:14)(8:25)(11:8)  cost (8:6)  could (8:6)(10:18)  count (14:1)  county (1:4)(18:5)(19:4)  course (17:5)  court (1:4)(4:6)(4:10)(5:5)(12:18)(12:21)(12:25)  (14:14)(14:17)(15:10)(15:18)(15:21)(16:8)(16:18)(17:2)  (17:14)(17:16)(18:8)(19:19)  courtroom (14:4)(14:25)  cover (11:17)  covered (5:5)  curious (17:3)</p> </div> <div data-bbox="1187 1491 1203 1518" data-label="Text"><b>D</b></div> <div data-bbox="839 1524 1310 2003" data-label="Text"> <p>daily (8:10)  darell (1:8)  day (4:20)(4:22)(10:4)  deal (7:20)  decision (8:8)  defendants (1:13)(2:5)  delaney (1:16)  deliberation (5:14)  deliberations (15:24)  department (17:12)  depend (6:12)  depends (6:11)  dept (1:12)  devices (14:20)  did (11:14)(16:23)  didn't (5:2)(5:12)(5:15)(10:8)(11:7)  different (8:12)  difficult (8:5)  difficulties (13:14)  dire (3:3)</p> </div>
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direct

know

<b>direct</b> (15:1) <b>disagree</b> (7:16) <b>disclose</b> (5:1) <b>discuss</b> (6:6) <b>disliked</b> (5:2) <b>district</b> (1:4) <b>document</b> (18:12) <b>does</b> (4:18)(6:12)(6:25)(7:13)(8:12) <b>doesn't</b> (16:3) <b>doing</b> (16:19)(17:13) <b>don't</b> (5:16)(5:21)(5:22)(6:13)(8:17)(9:24)(10:11)(10:15)(10:16)(11:16)(12:21)(16:15)(17:9) <b>doors</b> (13:24) <b>down</b> (8:25) <b>duty</b> (10:19)	<b>greet</b> (14:24)
<b>E</b>	<b>H</b>
<b>eighth</b> (1:4) <b>either</b> (12:9) <b>elaborate</b> (9:10) <b>else</b> (8:12)(10:25)(11:18)(11:20)(12:2) <b>employee</b> (18:14) <b>end</b> (17:12) <b>english</b> (5:4)(5:24)(5:25) <b>entire</b> (4:19) <b>entirety</b> (4:23) <b>especially</b> (10:16) <b>esq</b> (2:2)(2:3)(2:5)(2:6) <b>ever</b> (11:2) <b>everybody</b> (7:23)(8:22)(13:18)(13:19) <b>everyone</b> (14:1) <b>evidence</b> (7:24)(10:24)(12:6)(12:15) <b>exhume</b> (7:3)(8:23) <b>explain</b> (11:10) <b>extraneous</b> (9:10) <b>eye</b> (9:7)(9:21)	<b>had</b> (4:6)(4:25)(10:14)(11:2) <b>hallway</b> (17:10) <b>hand</b> (5:3)(10:8)(11:7) <b>hands</b> (10:6) <b>hard</b> (4:19) <b>has</b> (8:22)(10:4)(10:25)(11:19) <b>have</b> (4:10)(5:6)(5:7)(6:25)(7:23)(8:20)(9:9)(10:3)(10:17)(11:2)(11:14)(11:19)(13:2)(13:3)(13:14)(13:22)(14:3)(14:18)(14:23)(15:1)(15:3)(15:5)(17:5)(18:10) <b>haven't</b> (10:24)(12:22)(12:25) <b>head</b> (11:2)(11:19)(14:1) <b>headache</b> (10:3)(10:14)(11:2)(11:3) <b>headaches</b> (11:14) <b>heads</b> (7:15) <b>henry</b> (2:3) <b>her</b> (16:2) <b>here</b> (4:18)(4:23)(13:23)(14:1)(16:9)(16:11)(17:2) <b>hereby</b> (18:9)(19:10) <b>hey</b> (11:1) <b>him</b> (4:18)(4:20)(4:22) <b>hint</b> (16:23) <b>his</b> (4:20)(4:21) <b>hit</b> (11:3) <b>hold</b> (4:18)(4:22) <b>honor</b> (12:17)(15:15) <b>honorable</b> (1:16) <b>hope</b> (13:11)(16:13) <b>house</b> (17:4) <b>how</b> (6:23)(8:18)(9:18)(10:4)(11:4)(12:8)(15:23)(16:1) <b>hurt</b> (10:24) <b>hurting</b> (11:20) <b>hymanson</b> (2:3)(4:11)(4:13)(5:9)(5:12)(5:21)(6:4)(6:12)(6:16)(7:7)(7:10)(7:13)(8:11)(8:15)(9:1)(9:4)(9:12)(9:15)(9:17)(10:1)(10:20)(11:5)(11:7)(11:10)(11:18)(11:25)(12:3)(12:8)(12:19)(12:24)
<b>F</b>	<b>I</b>
<b>facts</b> (9:10)(13:8) <b>fall</b> (10:22)(11:20) <b>familiar</b> (13:7) <b>far</b> (5:7) <b>fell</b> (10:23)(11:3) <b>fellow</b> (6:7)(10:2) <b>figure</b> (8:20)(16:2) <b>filipino</b> (15:16) <b>fill</b> (16:7) <b>final</b> (14:17)(16:19) <b>financially</b> (18:15) <b>fine</b> (12:19) <b>finish</b> (16:13) <b>first</b> (10:22) <b>floor</b> (13:22) <b>flush</b> (9:24) <b>folks</b> (14:4)(17:2)(17:3) <b>following</b> (4:5)(15:9) <b>for</b> (2:2)(2:5)(4:19)(4:23)(6:8)(8:3)(10:7)(13:13)(14:18)(14:20)(18:9) <b>foregoing</b> (19:10) <b>form</b> (7:24)(8:1) <b>found</b> (7:23) <b>further</b> (18:13)	<b>important</b> (13:3) <b>included</b> (18:11) <b>instead</b> (5:20)(13:15) <b>instructions</b> (16:22) <b>interested</b> (18:15) <b>investigations</b> (7:21)(8:3) <b>involved</b> (18:14) <b>isn't</b> (12:11)(12:13) <b>issues</b> (7:21) <b>its</b> (11:17)
<b>G</b>	<b>J</b>
<b>gallery</b> (13:20) <b>general</b> (6:21) <b>gentlemen</b> (4:15)(4:24) <b>get</b> (4:11)(6:22)(9:25)(10:19)(13:18)(14:2)(14:9) <b>getting</b> (8:25) <b>give</b> (12:9)(16:18)(16:21) <b>given</b> (10:25)(12:22)(12:25) <b>gives</b> (16:21) <b>going</b> (6:4)(7:10)(8:7)(15:24)(15:25) <b>gone</b> (16:1) <b>good</b> (5:20)(6:14)(6:15)(12:18)(15:5)(17:7) <b>got</b> (10:24)(13:12) <b>grant</b> (12:4)	<b>jam</b> (17:11) <b>january</b> (1:17)(4:1) <b>jason</b> (1:11) <b>job</b> (8:6) <b>judge</b> (11:17) <b>judgment</b> (12:10)(12:15) <b>judicial</b> (1:4) <b>juror</b> (5:8)(5:11)(5:14)(5:18)(6:3)(6:10)(6:13)(7:1)(7:9)(7:12)(7:18)(8:16)(9:3)(9:6)(9:14)(9:16)(9:20)(10:5)(10:11)(10:21)(11:6)(11:9)(11:12)(11:22)(12:4) <b>jurors</b> (6:7)(10:2)(13:1)(13:2)(13:4)(14:8) <b>jury</b> (1:15)(4:7)(10:19)(13:10)(14:13)(15:12)(16:3)(17:13) <b>just</b> (5:20)(6:18)(8:18)(9:3)(9:22)(10:3)(11:16)(12:6)(13:12)(13:23)
	<b>K</b>
	<b>kathleen</b> (1:16) <b>keep</b> (5:19) <b>keith</b> (2:6) <b>kids</b> (8:20) <b>killing</b> (10:4) <b>kind</b> (12:22)(12:25)(16:22) <b>kinds</b> (7:20) <b>know</b> (4:11)(5:4)(5:5)(6:13)(10:11)(10:15)(10:16)

ladies

ryan

(11:16)(12:17)(16:16)(17:3)(17:9)	own (8:22)(14:20)
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leaving (14:25)	parties (13:9)
length (8:8)	party (18:14)
let (4:11)(15:16)(16:4)(16:15)	people (7:15)(8:2)(9:24)(11:4)(17:5)(17:10)
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<b>M</b>	plaintiff (10:23)(11:1)
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