

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

KIMBERLY TAYLOR,

Appellant,

v.

KEITH BRILL, M.D. and WOMEN'S  
HEALTH ASSOCIATES OF  
SOUTHERN NEVADA-MARTIN,  
PLLC,

Respondents

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Mar 10 2022 11:53 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

SUPREME COURT CASE NO. 83847

Dist. Court Case No. A-18-773472-C

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**APPELLANT'S APPENDIX**

**VOLUME VII**

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*CHRONOLOGICAL LIST*

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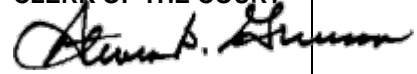
**CERTIFICATE OF SERVICE**

Pursuant to Nev. R. App. 25, I hereby certify that on the 10th day of March, 2022, a copy of the foregoing **APPELLANT'S APPENDIX, VOLUME VII** via the method indicated below:

X	Pursuant to NRAP 25(c), by electronically serving all counsel and e-mails registered to this matter on the Supreme Court Electronic Filing System.
	Pursuant to NRCP 5, by placing a copy in the US mail, postage pre-paid to the following counsel of record or parties in proper person:
	Via receipt of copy (proof of service to follow)

An Attorney or Employee of the firm:

/s/ Sarah Daniels  
**BREEDEN & ASSOCIATES PLLC**



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

KIMBERLY D. TAYLOR,  
Plaintiff,

vs.

KEITH BRILL, M.D., ET AL.,  
Defendants.

CASE#: A-18-773472-C  
DEPT. III

BEFORE THE HONORABLE MONICA TRUJILLO  
DISTRICT COURT JUDGE  
FRIDAY, OCTOBER 8, 2021

RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 2

APPEARANCES:

For the Plaintiff:

ADAM J. BREEDEN, ESQ.  
YIANNA ALBERTSON REIZAKIS, ESQ.

For the Defendants:

ROBERT C. MCBRIDE, ESQ.  
HEATHER S. HALL, ESQ.

RECORDED BY: ANGELICA MICHAUX, COURT RECORDER

1 Las Vegas, Nevada, Friday, October 8, 2021

2  
3 [Case called at 9:04 a.m.]

4 [Outside the presence of the prospective jurors]

5 THE COURT: All right. We're on the record in case number  
6 A-18-773472-C, Taylor vs. Brill. Counsel for both sides are present.  
7 We're outside the presence of the perspective panel. And we had a  
8 couple issues to discuss before we bring in the prospective panel.

9 So the first one is, I think, Juror 658 indicated that his sister  
10 or sister-in-law, somebody, works for McBride Hall. Do you guys want to  
11 question him, or do you just want to agree to let him go?

12 MS. HALL: I would rather agree to let him go. I think it's an  
13 usual last name, and I trust my legal assistant knows the name, and she  
14 thinks that's her brother-in-law, so I'd just suggest that we release him.

15 THE COURT: On behalf of Plaintiff?

16 MR. BREEDEN: That's fine. I would rather not risk it. I mean,  
17 we could bring him in here and question him, but ultimately --

18 THE COURT: Okay, so --

19 MR. BREEDEN: I don't know why someone would lie about  
20 it, so. And you said he looks just like him?

21 MS. HALL: I don't know because I've never met the  
22 individual, but if it's her husband's brother, it looks just like her husband  
23 if it's the guy that I think it is. So at any rate, they are related in some  
24 fashion, either by marriage or.

25 THE COURT: And 658 is Christopher Kresila.

1 MR. BREEDEN: Correct.

2 THE COURT: So we'll stip to release him, and I'll find my  
3 Marshal. And then, Ms. Albertson, you wanted to discuss something  
4 else as well?

5 MS. ALBERTSON: Yeah. I have some for-cause strikes  
6 based on some stuff that people said yesterday that I'd like to address  
7 now before we bring them in, because it -- there's a possibility that these  
8 people are going to be struck for cause, which I think at least a couple of  
9 these, I think that warrants it. I would like to do so now rather than  
10 further question them and spend more time doing it.

11 So I -- if you don't mind, if you could indulge me I'd like to go  
12 through one by one. And if Defense counsel wants to try to rehabilitate  
13 when we bring them in that's fine. But I think we have to be careful  
14 putting them in front of everybody again with some of the comments  
15 that came out people's mouths that they don't poison the whole veneer.

16 THE COURT: All right. So who are the ones?

17 MS. ALBERTSON: The first one is Don Meoli. He said --

18 THE COURT: Wait. I need the number, and I need to find my  
19 notes, so slow down.

20 MS. ALBERTSON: Sure. 342.

21 THE COURT: And that was yesterday afternoon's  
22 questioning?

23 MS. ALBERTSON: Yesterday afternoon when Adam was  
24 asking the questions.

25 THE COURT: Okay, one second. Okay. Go ahead as to 324.



1 MS. ALBERTSON: He said very clearly he would be bothered  
2 by making an award, a major financial award. He expressed sympathy  
3 for the Defendant. He expressed concern for the Defendant's financial  
4 well-being. He clearly demonstrated the bias or prejudice needed or the  
5 unqualified opinion under NRS 16.050 to warrant being struck for cause.  
6 I can continue to go on, but I'm sure you took notes too because I know  
7 you're taking notes as we've gone along. But many of his comments  
8 were very alarming. Preferred not to be involved in a case involving a  
9 hardship, you know, by a verdict on either side.

10 I couldn't tell if he was saying what he thought he needed to  
11 say to get out of service or if he genuinely expressed a favoritism toward  
12 the Defendant, but either way, he's a problem. So I would move to strike  
13 him for cause.

14 THE COURT: Okay. And on behalf of Defendant?

15 MS. HALL: Your Honor, my notes say from Mr. Meoli that he  
16 thought it would be hard to decide for anyone. It was as to both parties.  
17 It wasn't in favor of one or the other. I think there was a brief discussion  
18 with that potential juror about large awards and how he's not sure. It  
19 would depend on what they were asking for, but he's just not  
20 comfortable, and he has a hard time deciding for either side.

21 I don't recall him saying anything that was expressing  
22 concern for the financial well-being of the Defendant. I think Mr.  
23 Breeden asked him a question that kind of called for that, and the way he  
24 responded was not in that manner. So I certainly don't think there's  
25 been any showing of bias from that potential juror. And, I guess, my

1 concern is if we do additional questioning of each individual outside the  
2 presence, it will unnecessarily lengthen jury selection. And, again, I  
3 don't think that anything he's expressed rises to the level of a cause  
4 challenge. He hasn't said anything in favor of one side or the other.

5 THE COURT: Okay. So I do have a few notes, but my notes  
6 also indicate -- the question about the lawyer says, does it bother you  
7 that a large sum would be awarded to the doctor? He said, "Not  
8 specifically because he's a doctor, but it's tough to feel potentially  
9 responsible for a person's future." And then he said, "I would say in  
10 either direction." And then the next question that I have with regard to  
11 either way he says, "I would prefer not to be one of the people involved  
12 in making the decision that have a person's hardship either way or that  
13 have influence on a person's hardship either way."

14 So I have both ways. But I mean, I don't have a problem  
15 bringing him in after the break, at least as to this one. Because I do  
16 recall -- I think, but I think it was the way the question was formed when  
17 he talked about the Defendant, but then he clarified and said it would be  
18 either way not just because he's a doctor. So I don't have a problem  
19 with allowing you to question him if you want to do it outside the  
20 presence on our break.

21 MS. ALBERTSON: I mean, I don't mind asking him more  
22 questions, but I mean, we got rid of Ms. Soto for similar comments, the  
23 comments that reflected a favoritism toward our side. So I don't think  
24 we're being fairly treated here.

25 THE COURT: Right, but my notes say either way multiple

1 times. So he's not saying for the Defendant. And then he even clarified  
2 when asked, would it be because he's a doctor and awarding him large  
3 money? He said, "Not because he's a doctor. It's because of the nature  
4 of the consequence of a person's future either way."

5 MS. ALBERTSON: Okay. I'll ask some more questions, and  
6 we'll see what comes out. Because I will be honest, like, if I actually  
7 looked at demographics, he's a favorable person for Plaintiffs as far as  
8 his background history. Just the stuff that came out of his mouth clearly  
9 stated that he was leaning toward Defendant. But I understand what  
10 you're saying, and I'll respect your ruling.

11 THE COURT: Okay.

12 MS. HALL: And, Your Honor, if I could add one thing for the  
13 record. Perspective Juror 342 went on when Mr. Breeden was  
14 questioning him to say that it was a difficult position for him to be in  
15 because he'd never been in this position before, meaning as a juror. So I  
16 think from the transcript of yesterday that it's very clear that his struggle  
17 was for both parties. It wasn't because he has a biased against one or  
18 the other.

19 THE COURT: Okay. And the next one?

20 MS. ALBERTSON: Timothy Derouin, 376.

21 THE COURT: All right, one second.

22 MS. ALBERTSON: And look, I'm trying to save time here by  
23 dealing with them this way rather than bringing these people in and  
24 asking them more and more questions.

25 THE COURT: Okay, go ahead.

1 MS. ALBERTSON: Okay. He expressed an issue with stuff  
2 just goes wrong in surgeries. There's accidents. As long as it's fixable, it  
3 shouldn't be compensable. We are dealing with a situation just like that  
4 in our case where something happened. There was corrective surgery,  
5 and he's expressed that he's not going to award money for that.

6 THE COURT: Ms. Hall or Mr. McBride?

7 MS. HALL: And, Your Honor, I'm trying to find it in the  
8 transcript, but I'll just go off of my notes. My notes for this gentleman  
9 said that he said, he agrees that you can sue. If the doctor did something  
10 wrong, you should be compensated. He said -- I think in response  
11 to -- was this 376?

12 MS. ALBERTSON: Yes.

13 MR. MCBRIDE: Yeah.

14 MS. HALL: Okay, I found it. Sorry. One second, Your Honor.  
15 He was the juror -- the prospective juror who was asked the question  
16 about the airplane and God's will. And he said, "If you want to sue, you  
17 are allowed to sue. If something went wrong, you have a right to sue."  
18 And when asked directly about God's will, he said, "I don't know  
19 anything about that.

20 He also went on to -- he was asked a series of questions  
21 about the fact that his wife is in the medical field, and he said that, you  
22 know, she's retired. She was a pharmacist. She has nothing, you know,  
23 to do with this issue. I could be fair to both sides. He was asked, do you  
24 favor medical providers because of your wife? And he said, no. So I  
25 don't know -- none of my notes say anything about this expressing a bias

1 to either side.

2 MS. ALBERTSON: I don't dispute anything that Ms. Hall just  
3 said. I mean, I don't -- I can't swear by her notes because they're not my  
4 notes. But at the same time, like I'm not saying anything she said is  
5 untrue or he didn't say it. But the problem was when he said that he's  
6 been under anesthesia six times, he's had issues with surgery, they were  
7 just accidents, as long as they were fixed with corrected procedures,  
8 they're not actionable.

9 We've got the exact same scenario in our case here. We  
10 don't have it six times over, thank God. But we have a procedure with an  
11 issue and then a procedure to fix it thereafter. And he said that, "Well,  
12 that's just an accident. If corrective surgery can fix it, you shouldn't do  
13 anything about it."

14 THE COURT: So --

15 MS. ALBERTSON: So I get that he said that you have the  
16 right to sue, but then he said those other things afterwards. We can  
17 question him further. But like I said, I'm trying to save time here because  
18 we could pick people apart all day long.

19 MS. HALL: So the series of questions that Ms. Albertson or  
20 the exchange that she's referring to, he was asked by Mr. Breeden, "So  
21 do you think you've ever been the victim of medical malpractice?" And  
22 that was right after he had said, "I've been under anesthesia six times."

23 THE COURT: Right. And he said, "No, not really."

24 MS. HALL: He said, "No." You kind of paused. And then the  
25 prospective juror went on to say, "Well, we had problems with some

1 surgeries, but it wasn't malpractice. It was basically just, I don't know,  
2 an accident." I think he put it.

3 At no time did he say because I chose not to sue in any of  
4 those circumstances, the Plaintiff in this case has no right to sue. In fact,  
5 he went on to say it's a God given right in this country to sue.

6 THE COURT: Yeah. And I don't see anything with reference  
7 to -- that he would not -- I think you said something along the lines of  
8 award a large amount of money in favor of Plaintiff because of that. I  
9 don't have anything about awarding any money in the exchange.

10 MS. ALBERTSON: Look, I'm happy to ask these people more  
11 questions, but then I don't want there to be an issue with how long it  
12 takes. And I can keep -- I'll keep digging at a lot of them.

13 THE COURT: We have until 5:00.

14 MS. ALBERTSON: But --

15 THE COURT: I mean, I can't imagine it's going to take that  
16 long to try to get these few things that you're saying happened now.

17 MS. ALBERTSON: Because some of these comments are  
18 alarming from our side of -- you know, from our table over here. They're  
19 -- they're definitely --

20 THE COURT: I don't have -- I trust my notes. I take copious  
21 notes. I mean, so I don't have anything about an award, and I think that  
22 would have definitely raised a red flag in my head. So --

23 MS. ALBERTSON: No, the problem was when he said that  
24 things were fixed with corrective surgery and there shouldn't be a  
25 problem.

1 THE COURT: Right. I think that that's everybody. I don't -- I  
2 think that that's pretty common. I don't think everyone wants to sue, and  
3 I think a lot of people on this panel had said -- have said that. Now  
4 there's someone else who I believe, and I'm not going to say, because  
5 I'm not the advocate who said -- who went a little further, but you know,  
6 I don't think this one rises to that level, but you can continue to question  
7 him. I will let you decide if you want to do it outside the presence, so as  
8 not to taint anyone else, but I don't have -- I don't -- again, I don't think  
9 for him deciding -- that he didn't have medical malpractice against him, I  
10 don't think that that's sufficient.

11 MS. ALBERTSON: Okay. The next one I've tagged is Scott  
12 Papagayo, which is 434.

13 THE COURT: All right. Go ahead.

14 MS. ALBERTSON: He expressed very clear discomfort with  
15 making a large financial award. We are going to be asking for a large  
16 financial award in this case, and if somebody already has it in their head  
17 that they're not going to be able to give a large financial award, they're  
18 not an appropriate juror for this case.

19 THE COURT: Ms. Hall.

20 MS. HALL: My notes say that he said that he would struggle  
21 if it was a large award. Let me see -- yeah, he said that -- I think he was  
22 also asked a series of questions about frivolous lawsuits, and he said  
23 that if there's evidence against the doctor, he could find against the  
24 doctor; that there just has to be evidence. And that, you know, when it  
25 comes down to money, that's a hard decision for him, but if there's

1 evidence against the doctor, he could find against the doctor. So again, I  
2 mean, I don't have anything in my notes that said he would not be able  
3 to award money against the Defendant in this case.

4 THE COURT: All right. And this was the one I was  
5 referencing in the prior one, so I'm going to strike him for cause. I think  
6 a couple of things were concerning that he said --

7 MS. ALBERTSON: Thank you, Your Honor.

8 THE COURT: -- including when asked would there need to be  
9 more evidence to sue a doctor than other type of defendants? He  
10 answered, I would think so. So that's concerning. So I'm going to strike  
11 him for cause, 434. Next one.

12 MS. ALBERTSON: The next one is Kenneth Blanche, 435,  
13 who was right next to him. And if you want to pull up your notes, I can  
14 start talking while you're reading if you want.

15 THE COURT: Go ahead.

16 MS. ALBERTSON: Okay. So he said he's inclined to be  
17 skeptical. That's the world we live in. And there were additional  
18 comments, too, that I can go into, but those were some of the most  
19 egregious that I noted. And I tried to get stuff down as much as I could,  
20 word-for-word, but that's what came out of his mouth, that he's inclined  
21 to be skeptical. That's the world we live in. And if he's walking into this  
22 already skeptical, he has a preconceived opinion, which would disqualify  
23 him under NRS 16.050.

24 THE COURT: Ms. Hall.

25 MS. HALL: Well, first, Your Honor, I don't think a healthy



1 dose of skepticism disqualifies you to sit as a juror in any courtroom in  
2 this jurisdiction, but I don't think Mr. Blanche quite said that. He said  
3 that he was the director of safety and worker's compensation for the  
4 Four Queens, and Mr. Breeden asked him, well, that means you work for  
5 the employer, and you are to invalidate or disqualify people from getting  
6 compensation, and he said, no, it's to make sure their claim is valid. And  
7 if someone's injured, they get compensated. That's what I do. That's my  
8 job.

9           And he went onto say that, you know, all the time he finds  
10 that people have been injured in his line of work, and they're  
11 compensated for that. He will -- he said, so we kind of try to look at both  
12 sides, from conception of the injury, and depending on the medical  
13 nature of things. At no time did this gentleman express any bias one  
14 way or another.

15           In fact, I would venture that that line of questioning would be  
16 of interest to the Plaintiff in this case, and they would want this  
17 gentleman as a jury, given that he, as his line of work, looks at both sides  
18 of an issue and comes to a fair conclusion. I think he's an ideal  
19 candidate to sit as a juror in this case. And at no time did he say  
20 anything one way or the other -- he never said anything in favor of  
21 Plaintiff per se or Defense. Certainly nothing that would rise to the level  
22 of disqualifying him or cause challenge.

23           MS. ALBERTSON: He's in the field of investigative claims,  
24 and he's -- he very clearly expressed that that's going to affect his  
25 opinion in this case, and that it's already affecting his opinion.

1 THE COURT: I have that he would look at both sides because  
2 of it.

3 MS. HALL: I think this goes back a little bit, Your Honor, to  
4 the point yesterday about the fact that someone is a medical  
5 professional doesn't automatically disqualify them from sitting as a juror  
6 in this case. And the fact that Mr. Blanche is in, I guess, an investigatory  
7 line of work, does not disqualify him, absent any additional comments,  
8 of which there were none.

9 MS. ALBERTSON: The problem I have is the inclined to be  
10 skeptical, and that's the world we live in.

11 THE COURT: I mean, but I don't -- again, I don't think there's  
12 anything wrong with being skeptical as long as it's to either side.

13 MS. ALBERTSON: It didn't sound like it was either side, but  
14 I'm happy to ask more questions. I'm trying to save -- like I said, I'm  
15 trying to save time, because if we can -- if I know some of these are for  
16 cause, there's no point in me asking him more questions to try to make  
17 them worse.

18 THE COURT: So I'm going to --

19 MS. ALBERTSON: And that's basically like -- I mean, all  
20 these people that are not going, I will dig into a little more. Maybe I'm  
21 wrong, because some of these people -- like I said, some of their  
22 demographics, I wouldn't normally strike them as a Plaintiff.

23 THE COURT: Yeah, I'm not inclined to strike him for cause.  
24 And the next one.

25 MS. ALBERTSON: Okay. The next one is Michael Nalley,

1 497. And the comments he said that alarmed me -- well, the worst stuff  
2 was when he was discussing pain and suffering. He seemed to have a  
3 major issue with pain and suffering, and that's grounds for striking  
4 somebody for cause, or at least it has been in the past for me with other  
5 trials. If somebody's not inclined to award pain and suffering or has an  
6 issue with pain and suffering.

7 And quantifying it, pain and suffering is going to be  
8 something that's very difficult to quantify. It is with every one of these  
9 trials; especially in a case like this where we're dealing with a short  
10 period of time of extreme pain and then a recovery.

11 THE COURT: Right. But I see -- that's the problem with the  
12 type of questioning. Like, this should have been questioned further  
13 yesterday. I mean, the specific question was what was the figure in your  
14 head? And he said millions. I mean, you're not asking for millions, so  
15 we're like way far from that. I mean --

16 MS. ALBERTSON: I don't think he said millions for pain and  
17 suffering.

18 THE COURT: He did. He said is there any figure in your head  
19 that you would not give for pain and suffering; he said millions. That  
20 would raise yellow, orange, red flags. That's exactly what he said.

21 MS. ALBERTSON: I'm fine to ask him more questions. I --  
22 look, I agree with you that some of the stuff could have been dug into  
23 more sufficiently yesterday, but we also -- I mean, we -- Adam went right  
24 up until 5:00 yesterday. You know, it wasn't like he ended early and had  
25 an extra 20 minutes to ask some of these questions. I know he was

1 trying to move quickly through everybody. And I'll do my best today and  
2 move quickly through people, too.

3 THE COURT: Look, I'm not rushing you guys. We have until  
4 the 20th. I was just hoping we could -- because we're off Monday, that  
5 we could get done today. I'm not rushing you though. So it's what --  
6 you already know my position. It's going to be fair. It's going to be half  
7 and half. So if we end up going until the 20th, then we end up going  
8 until the 20th. I told them nine to ten days, so I'm not trying to purposely  
9 rush you.

10 MS. HALL: And, Your Honor, this was not the last juror  
11 questioned yesterday.

12 THE COURT: I know.

13 MS. HALL: And in addition to the comment you had in your  
14 note regarding the flags, because I was going to -- I was going to  
15 reference that, I would also point out that Mr. Breeden asked him point  
16 blank, do you think you'd favor one side or the other? And do you think  
17 you'd be more inclined to favor a doctor? And he said, no. And you  
18 know, again, it was the question in the way that it was asked, and Mr.  
19 Breeden asked him, do you have a specific dollar amount in mind that  
20 you couldn't award for pain and suffering? And that's when he made  
21 that comment, well, if it gets into the millions, that would raise the, you  
22 know, yellow, orange, and red flags.

23 So I don't think that's even in the realm of the damages that  
24 the Plaintiff is seeking in this case. And, you know, I think if there was a  
25 concern yesterday, it should have been explored. It absolutely can be

1 explored today with Ms. Albertson.

2 THE COURT: And then to go the other way, when he asked --  
3 was asked about frivolous lawsuits, he said, no, he would be surprised,  
4 that they actually comprise two to five percent of the population of  
5 lawsuits. So he was the other way.

6 MS. ALBERTSON: Well, I like some -- I like -- I like some of  
7 what some of these people said, but at the same time, a few of their  
8 comments scared me, and I think they violate the rules, so that's why I'm  
9 bringing it up and that's my duty to do that.

10 THE COURT: Of course. I'm not saying -- I'm not  
11 questioning your duty. You could bring up whatever you want. I'm just  
12 reading -- I have to look at the entirety and not just one specific  
13 comment. And in the context of everything, I think he was pretty specific  
14 that millions is the number he would be concerned with, and I don't think  
15 we'd have a concern in this case for that. And he did talk about  
16 subjective versus objective, but he said as long as there was some type  
17 of proof, and presumably you're going to present some type of proof to  
18 establish pain and suffering.

19 So -- all right. Who is your next one?

20 MS. ALBERTSON: That's all of them. The other ones, I have  
21 to ask a little more questions to flush out their responses.

22 THE COURT: Okay. And so as to those that we just talked  
23 about, do you want to do that on the break, or do you want to do that in  
24 front of everyone else? Just so I know when we take our next break, if  
25 I'm bringing them back or --

1 MS. ALBERTSON: Can I see what comes out in front of  
2 everybody else? Because some of these people might jump in.

3 THE COURT: Okay.

4 MS. ALBERTSON: And if they do, then I'm not going to need  
5 to talk to them again during the break.

6 THE COURT: All right.

7 MS. ALBERTSON: What time is the first break?

8 THE COURT: I usually try to go 90 minutes, so --

9 MS. ALBERTSON: Like 11:00?

10 THE COURT: -- we'll see. Yeah.

11 MS. ALBERTSON: Okay.

12 THE COURT: Because they're starting late. Is everyone out  
13 there, Ray?

14 THE MARSHAL: Yes, Your Honor.

15 MS. ALBERTSON: Can you tell me who's going to be in Seat  
16 10 now and Seat 13, I think?

17 THE COURT: Oh, right. Can we release 658, the one that's  
18 related to the -- I think it's 658. Yeah. And then --

19 THE CLERK: So for --

20 THE COURT: Seat 10 is 582, Trevor Prindi -- something.

21 MR. MCBRIDE: Prindiville.

22 THE CLERK: And then seat 13 is now 583, Rachel Ouellett.

23 THE COURT: Seat 13 is who? I'm sorry.

24 THE CLERK: So seat 13 is now 583, Rachel Ouellett. And  
25 then you're releasing 658 and 434.

1 THE COURT: Okay. Yes, and we're going to go ahead and  
2 release the 658, the relative, as well as Papagayo, which is 434.

3 MS. ALBERTSON: 658?

4 THE COURT: I'm sorry.

5 MS. ALBERTSON: I'm sorry, I'm just repeating the number  
6 you said.

7 THE COURT: Oh, yeah, 658, which is the relative of the  
8 employee of McBride Hall.

9 THE MARSHAL: All rise for the jury.

10 [Jury in at 9:36 a.m.]

11 THE MARSHAL: The jury is all present, Your Honor.

12 THE COURT: Thank you. You may be seated. Good  
13 morning, everyone. Welcome back. I hope everyone had a good  
14 evening. I apologize for the delay. I just want you to know, you know,  
15 we try as much as possible not to have you waiting, but sometimes legal  
16 issues that we need to discuss outside of your presence come up. And  
17 so that's why we're taking long. We're not in here hanging out. We're in  
18 here working. And so to the extent I can, I will try to minimize your  
19 waiting time. So with that being said, we're going to continue with the  
20 Plaintiff's questions.

21 MS. ALBERTSON: Do you want to do the two new people  
22 your questions first?

23 THE COURT: Oh, sure. We can do that. Ray, can you give  
24 seats 10 and 13? And we'll start with 582. You can just read down the  
25 answers.

1 PROSPECTIVE JUROR 582: Trevor Prindiville, 582. I live in  
2 Clark County for three years. I completed high school and two years of  
3 college. I'm employed. I'm a cook I'm married. My wife is a server.

4 THE COURT: Your wife is a what?

5 PROSPECTIVE JUROR 582: A server.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 582: I have a six week old son.

8 THE COURT: Congratulations.

9 PROSPECTIVE JUROR 582: Thank you. Neither me nor  
10 anybody close to me has been the plaintiff or defendant in a lawsuit.  
11 There is nothing that would cause me to be unfair or not impartial in this  
12 case.

13 THE COURT: Have you ever served as a juror? I think you  
14 skipped one.

15 PROSPECTIVE JUROR 582: Oh, no.

16 THE COURT: Okay. Go ahead.

17 PROSPECTIVE JUROR 582: There's nothing about the nature  
18 of this case that I've heard today that would make it difficult me for --  
19 difficult for me to sit as a juror. I can set aside any sympathy that I have  
20 for either side. I can base my verdict solely on the independent -- on the  
21 evidence presented. I can be fair to both sides.

22 THE COURT: Thank you. And then to seat 13.

23 PROSPECTIVE JUROR 583: I'm Badge Number 583, Rachel  
24 Ouellett. I've lived in Clark County since '87. I have some college, and I  
25 studied elementary education. I am employed as a substitute support



1 staff aid for the school district. I am married. My husband is retired Las  
2 Vegas Metropolitan Police. I have three children. They are 27, 25, and  
3 22. One works for Cintas as a sales representative. One is currently  
4 unemployed, and one is in Army bootcamp.

5 My husband has been both the plaintiff and -- well, he was  
6 workman's comp, and he was satisfied with how it was handled. And he  
7 was a defendant that was -- the case was settled out of -- out of court.  
8 And he was satisfied.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 583: I have never served as a juror.  
11 There is nothing about the nature of this case that would make it difficult  
12 for me to sit as a juror. I can set aside any sympathy I may have for  
13 either side and base my verdict solely on the evidence and instructions  
14 on the law. I can base my verdict solely on the evidence presented at the  
15 trial and wait to form an opinion until I've heard both sides. I can be fair  
16 to both sides in this case.

17 THE COURT: Thank you. All right, Ms. Albertson.

18 MS. ALBERTSON: Thanks. Okay. My name is Yianna  
19 Albertson, and I am co-counsel with Adam on this case. And I want to  
20 talk briefly first about something that he discussed a little bit yesterday.  
21 That this case involved a hysteroscopy. I think nobody said they knew  
22 what that was before coming in here, right? But everybody now  
23 understands this is basically a procedure that's performed on a woman  
24 by an gynecologist, and we've got an issue with how it occurred from  
25 our side. Is everybody clear with that?

1 Yesterday someone touched on complaints of pain that  
2 women have. There's been some issues in the news lately, and some  
3 news stories, and some celebrities speaking about how women aren't  
4 taken seriously sometimes when they go to a doctor and complain about  
5 pain. Anyone have any thoughts on that or comments? Ms. Spann, do  
6 you have a personal experience you want to discuss?

7 PROSPECTIVE JUROR 509: Badge is 0 -- or 509, last name  
8 Spann. Can you repeat the question?

9 MS. ALBERTSON: Sure. Okay, I'm trying not to get too  
10 close to you, but if I too close anyway, let me know. So I'm asking you  
11 about some of the stories that have been in the news lately and  
12 especially some celebrities speaking out and some women speaking out  
13 about how people are discussing that sometimes women when they're  
14 treated by doctors, they feel like their pain isn't taken seriously, and they  
15 don't get sufficient attention or treatment for that.

16 PROSPECTIVE JUROR 509: Is this strictly related to like  
17 menstrual, like peri --

18 MS. ALBERTSON: It could be.

19 PROSPECTIVE JUROR 509: Then, yes.

20 MS. ALBERTSON: But it's not just to that?

21 PROSPECTIVE JUROR 509: Yes.

22 MS. ALBERTSON: Okay. So have you had personal  
23 experiences --

24 PROSPECTIVE JUROR 509: Yes.

25 MS. ALBERTSON: -- about yourself? And I don't want to go

1 into details with you.

2 PROSPECTIVE JUROR 509: Okay.

3 MS. ALBERTSON: But has anybody else experienced that,  
4 either themselves, or through a loved one? So the medical experiences,  
5 too, if they see that their wives, their daughters, their sisters, sometimes  
6 they're not taken seriously when they go to the doctor with complaints  
7 and things.

8 Mr. [Ha-kanson]?

9 PROSPECTIVE JUROR 542: Hokanson.

10 THE COURT: Hokanson. Do you mind taking the mic for a  
11 second?

12 PROSPECTIVE JUROR 542: Sure.

13 MS. ALBERTSON: Now without going into detail, or details,  
14 if you are willing to share; what are your thoughts on that?

15 PROSPECTIVE JUROR 542: 542, Vinton Hokanson. It's with  
16 my wife. She has pains, and she's had it on and off, and going to the  
17 doctor, and they just kind of skip over it, and tell her it's something that --  
18 or they can't figure it out, and they just send her to somebody, and  
19 nobody ever figures it out.

20 MS. ALBERTSON: How do you feel about that?

21 PROSPECTIVE JUROR 542: It upsets me, because I see, you  
22 know, what she goes through, and I tried to talk to the doctor and they,  
23 kind of, oh, I know what I'm talking about, and this is what we're going to  
24 do, and they give you a plan of what to do, and it doesn't seem to help.

25 MS. ALBERTSON: Do you think it's appropriate care?

1 PROSPECTIVE JUROR 542: Some of the issues are, but the  
2 underlying, the issue of pain, never get -- really gets solved. It's not a  
3 continuous pain, it just comes up every couple of months, and then  
4 she --

5 MS. ALBERTSON: Uh-huh.

6 PROSPECTIVE JUROR 542: -- goes through this.

7 MS. ALBERTSON: Do any of the people in the venire, think  
8 that it's okay for a doctor to ignore pain complaints from a woman?

9 PROSPECTIVE JUROR 583: No.

10 MS. ALBERTSON: No. Okay. Ms. Ouellett?

11 PROSPECTIVE JUROR 583: Uh-huh.

12 MS. ALBERTSON: Okay. We haven't heard much from you.  
13 Do you mind expanding on that a little bit?

14 PROSPECTIVE JUROR 583: Badge Number 583, Rachel  
15 Ouellett. I just feel that if a woman is experiencing pain, she should be  
16 taken seriously, and it should be addressed in the most effective way  
17 met, and effective manner possible.

18 MS. ALBERTSON: Do you think a doctor should respond to  
19 telephone calls if a woman's in pain, and contacting that doctor?

20 PROSPECTIVE JUROR 583: Well, if the doctor's unable to,  
21 then he possibly has a PA, or someone who handles these things.

22 MS. ALBERTSON: So you would agree that it's appropriate  
23 to at least timely respond, if not the doctor themselves, then somebody  
24 in the doctor's office, to complaints of -- a woman's complaints of pain  
25 and issues?

1 PROSPECTIVE JUROR 583: If she leaves a message  
2 someone should respond.

3 MS. ALBERTSON: Does anyone think it would be okay not to  
4 respond? Does anybody have an idea of the appropriate amount of time  
5 that would be acceptable to wait to respond?

6 PROSPECTIVE JUROR 435: When you become a lawyer.

7 MS. ALBERTSON: When you become a lawyer.

8 THE COURT: Okay. Hold on. We're going to have to -- this  
9 is recorded, so, sorry --

10 MS. ALBERTSON: Sorry, sorry.

11 THE COURT: -- I know the way she's asking questions, but  
12 just raise your hand.

13 MS. ALBERTSON: Let's move on to Mr. Blanche --

14 THE COURT RECORDER: I'm sorry, who was that --

15 MS. ALBERTSON: That was Mr. Blanche, 435.

16 THE COURT RECORDER: Thank you.

17 PROSPECTIVE JUROR 435: Yeah. 435, Kenneth Blanche. I  
18 should be upon -- when they're made aware.

19 MS. ALBERTSON: When the doctor is made aware, they  
20 should immediately respond?

21 PROSPECTIVE JUROR 435: Yes.

22 MS. ALBERTSON: Okay. Is the response to that change,  
23 depending on the gravity of the pain? Like, you know, we rate our pain a  
24 lot of times on a 1 to 10 scale, right? Okay. If that pain is a 9 out of 10,  
25 should the response be quicker?

1 PROSPECTIVE JUROR 435: Yes.

2 MS. ALBERTSON: If the pain is a 1 out of 10, does the  
3 response have to be as quick?

4 PROSPECTIVE JUROR 435: No.

5 MS. ALBERTSON: Anybody disagree with what Mr. Blanche  
6 said? Anybody disagree with -- I know, Ms. Spann, you talked a little bit,  
7 and Mr. [Haka-son] -- Hakason?

8 PROSPECTIVE JUROR 542: Hokanson.

9 MS. ALBERTSON: Hokanson, sorry. Mr. Hokanson.  
10 Anybody disagree that it's not unheard of or unfortunately even  
11 uncommon for the pain complaints of a woman to not be taken as  
12 seriously, or be treated as quickly as they should be? Anyone find that  
13 absolutely unbelievable, there's no way that they would think that that  
14 would happen?

15 Okay. Yesterday some people talked about surgeries or  
16 procedures they had had, and I'm going to talk to some people,  
17 specifically. I don't want to repeat everything we discussed yesterday,  
18 because some people went into some pretty great detail. But I'll start,  
19 since I've already picked on you, Mr. Hokanson, I'll pick on you again  
20 quickly, and then I'll move on to someone else.

21 I think you talked about some procedures that you had had.  
22 Oh, your badge number, I think it is --

23 PROSPECTIVE JUROR 542: 542, Hokanson.

24 MS. ALBERTSON: Thanks. And look, I don't know how  
25 much of this was explained to you, but you're in the number one spot

1 right now. So the way it goes, a lot of times attorneys will start with  
2 talking to you, simply because of the seat you're sitting in. So I  
3 apologize for that, but unfortunately you're in the hot seat. So we talked  
4 about surgeries that you have had, yesterday, correct?

5 PROSPECTIVE JUROR 542: Yes.

6 MS. ALBERTSON: Okay. And I think you said there were no  
7 issues or problems with your surgeries?

8 PROSPECTIVE JUROR 542: No.

9 MS. ALBERTSON: Oh, there were issues and problems?

10 PROSPECTIVE JUROR 542: No, there was not.

11 MS. ALBERTSON: No issues, okay. If there had been an  
12 issue or problem with one of your surgeries, would you have expected  
13 the doctor who performed that surgery to tell you?

14 PROSPECTIVE JUROR 542: Yes.

15 MS. ALBERTSON: When would you have expected the  
16 doctor to tell you?

17 PROSPECTIVE JUROR 542: Well, if he knew about it, while  
18 he was doing it, as soon as I woke up and was able to confront him on  
19 what going on, I'd expect him to tell me.

20 MS. ALBERTSON: Okay. And if there had been an issue with  
21 one of those surgeries, and the doctor did tell you afterwards, would you  
22 have also expected that doctor to be available to you afterwards, for  
23 aftercare and following up on that issue?

24 PROSPECTIVE JUROR 542: Yes.

25 MS. ALBERTSON: With your surgeries, that did not have any

1 complication or issue, did you expect the doctor who performed them to  
2 be available to you for aftercare and follow-up?

3 PROSPECTIVE JUROR 542: Yes.

4 MS. HALL: Your Honor, I have an objection. May we  
5 approach?

6 THE COURT: Yes.

7 [Sidebar at 9:50 a.m., ending at 9:53 a.m., not transcribed]

8 THE COURT: Counsel approach again, sorry.

9 [Sidebar at 9:43 a.m., ending at 9:53 a.m., not transcribed]

10 THE COURT: All right, ladies and gentlemen. Sorry, we're  
11 going to have to take a quick break. I know we just got in here, it'll just  
12 be a quick ten minute break.

13 You're instructed not to talk with each other, or anyone else  
14 about any subject or issue connected with this trial. You're not to read,  
15 watch or listen to any report or any commentary on the trial by any  
16 person connected with this case, by any medium of information,  
17 including, without limitation, newspapers, television, internet, or radio.

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

23 You're not to talk with others, text others, Tweet others,  
24 Google issues, or conduct any other type of computer research with  
25 regard to any issue, party, witness or attorney in this case, and to form



1 or express any opinion on any subject connected with this trial until this  
2 case is finally submitted to you. Be back in ten minutes.

3 THE MARSHAL: All rise for the jury.

4 [Prospective jurors out at 9:54 a.m.]

5 THE MARSHAL: The jury has cleared the courtroom, Your  
6 Honor.

7 [Outside the presence of the jury]

8 THE COURT: Thank you. We're outside the presence of the  
9 prospective panel. Do you want to talk about the issue now, or when we  
10 return from a break?

11 MS. ALBERTSON: Could we do it when we return from  
12 break? But I think we have another little problem too. I don't want them  
13 to think that break was because of me.

14 THE COURT: Oh, no.

15 MS. ALBERTSON: So can you say -- I mean, I know you can  
16 call out to the jury and be like somebody had to use the bathroom, but  
17 can you make it clear that it wasn't because of me? Because, like she  
18 even asked me, you know, and she's sitting next to me, and she's on my  
19 team here, so I can only imagine what they're thinking.

20 THE COURT: Sure. I'll say I had to go to the bathroom.

21 MS. ALBERTSON: Thank you very much.

22 THE COURT: All right.

23 [Recess taken from 9:55 a.m. to 10:05 a.m.]

24 [Outside the presence of the prospective jurors]

25 THE COURT: So we're back on the record in Taylor vs. Brill.

1 Counsel for both parties are present. We're outside of the presence of  
2 the prospective panel. And two things, so another juror mentioned -- I  
3 guess he went home to try to get out of jury duty, Michael Smith, 670.  
4 His wife goes to this practice as well. But he's out in the seat back there,  
5 so I think we can at least hold off for a little while, unless you want to  
6 agree to release him. He didn't give any further information, just that his  
7 wife's a patient of the Women's Health.

8 MS. ALBERTSON: With Dr. Brill?

9 THE COURT: He didn't say a doctor.

10 MR. MCBRIDE: I think we probably need to ask a few  
11 questions.

12 THE COURT: Okay.

13 MR. MCBRIDE: Just like the others.

14 THE COURT: But he's out there, so --

15 MS. ALBERTSON: does everybody treat at this place?

16 THE COURT: It's a big practice.

17 MS. ALBERTSON: Apparently.

18 THE COURT: So do you want to bring him in now, or do you  
19 want to wait since he's out there? Because I -- in the next -- by 11:00,  
20 we're going to have to know if we need the extra ten.

21 MS. ALBERTSON: Michael Smith, 670?

22 THE COURT: Uh-huh.

23 MS. ALBERTSON: How many do we have back there now,  
24 outside of these seats?

25 THE COURT: There is two, right? There should be like 18 or

1 19.

2 THE CLERK: Fifteen.

3 THE COURT: Oh, 15.

4 MS. ALBERTSON: If we don't take the extra time, we know  
5 we're going to need him. And if we do take them, we're probably not  
6 going to need him.

7 THE COURT: Well, we've got to decide by 11:00, so --

8 MS. ALBERTSON: I mean, I would err --

9 THE COURT: So do you want to --

10 MS. ALBERTSON: -- on the said of taking the extra ten --

11 MS. HALL: Yeah, I would, too.

12 MS. ALBERTSON: -- rather than run the risk of not finishing  
13 today, right?

14 MS. HALL: I would. I think we should take the ten, and  
15 worse case, we don't need them, but at least we have them if we do.

16 THE COURT: Okay. All right. So then as to him, do you  
17 want to bring him in now separately and ask him? Or do you --

18 MS. ALBERTSON: Michael Smith?

19 THE COURT: Yeah, the one that's -- wife is at the practice?

20 MR. MCBRIDE: My preference is -- well, I'll leave it up to  
21 Plaintiff's counsel, but my preference would be to try to get as much as  
22 this information out as possible from -- you know, from the other -- the  
23 other jurors.

24 THE COURT: Ms. Albertson?

25 MS. ALBERTSON: I'm thinking. I'm sorry. I just wish he

1 would have given us a little more information, because if he's actually a  
2 patient of Dr. Brill's, I don't think he should be here.

3 MS. HALL: I don't think he is, but --

4 MS. ALBERTSON: I mean the wife. If the wife is; it's his wife.  
5 If she isn't, and it's -- I mean, how many -- how many offices is this  
6 facility?

7 MS. HALL: There are a lot of offices. Multiple.

8 MS. ALBERTSON: Do you work at all of them?

9 MS. HALL: No.

10 MR. MCBRIDE: No.

11 MS. ALBERTSON: I mean, it might not even be one he  
12 works -- I feel like we should just ask a couple of questions, because if it  
13 has absolutely nothing to do with him, then --

14 THE COURT: Okay. We'll bring him in --

15 MS. ALBERTSON: -- it's no issue at all.

16 THE COURT: -- we'll bring him in and let's address the  
17 objection on behalf of Defendant during voir dire. Go ahead and state  
18 your objection for the record.

19 MS. HALL: The objection was that the questioning of the  
20 perspective panel was a direct comment on the evidence in this case as  
21 Plaintiff sees it. And I don't -- I certainly agree that she can explore bias,  
22 but it needs to be in more general term. So that was my objection.

23 THE COURT: Any response, Ms. Albertson?

24 MS. ALBERTSON: I think the questions were quite general.  
25 Additionally, the comments that were made up at the bench by Defense

1 counsel were that the -- that the issues I was talking about aren't even  
2 relevant to this case because Defense's claim is that the facts don't  
3 support any of the stuff I was talking about. So if that's true, then the --  
4 then the questions are completely innocuous and absolutely not an  
5 issue.

6 THE COURT: Then they're not relevant. So I mean,  
7 obviously, you can explore bias. You can't prove your case. I -- from  
8 hearing it, I mean, I thought you were pre-hearing your case. Obviously,  
9 based on a conversation, it seems like you're not, but then it's not  
10 relevant to the questioning at all.

11 MS. ALBERTSON: The objection wasn't a relevance  
12 objection.

13 THE COURT: Well, it was that you were too close to the facts  
14 of this case, right? But I can also consider relevance because it still  
15 applies. So --

16 MS. ALBERTSON: I mean, I can ask similar questions; just  
17 keep them more general, but I thought they were pretty general. I'm not  
18 discussing my client in any way, but I understand the ruling, and I  
19 understand you want me to back off of this line of questioning, and I  
20 will -- I will do so.

21 THE COURT: All right. So it's sustained. And, Ray, can you  
22 bring in Mr. Smith?

23 THE MARSHAL: Yes, Your Honor.

24 THE COURT: Thank you.

25 MS. ALBERTSON: Oh, can you say the break was a

1 bathroom break when they come back in?

2 THE COURT: I will when they -- when everyone comes in.

3 MS. ALBERTSON: Thank you very much. And I'll give you  
4 guys the same courtesy if there's a break right after you have an  
5 objection.

6 THE MARSHAL: All rise. Please be seated.

7 THE COURT: Thank you. All right, Mr. Smith.

8 PROSPECTIVE JUROR 691: Last three of badge is 691,  
9 Watson Smith.

10 THE COURT: Wait a minute, I think it's 670; isn't it?

11 MS. ALBERTSON: There's two Smiths.

12 THE COURT: Oh, my bad. So what's the --

13 MR. MCBRIDE: 670.

14 THE MARSHAL: I have 691.

15 MS. HALL: You had 691.

16 THE MARSHAL: Yeah, Watson Smith.

17 MS. ALBERTSON: There's a Michael and a Watson. Which  
18 one?

19 THE COURT: Okay. So we got the wrong. Okay. Sorry, 691.  
20 Go ahead, Mr. Watson Smith.

21 PROSPECTIVE JUROR 691: Yes, I had asked my wife  
22 because it's been like five years, about to go on six, the last few  
23 appointments I went to with her was for our children that we have, which  
24 is both of our boys.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 691: And come to find out that Julie  
2 Goodell, the OB/GYN, she works for the Women's Health Association.

3 THE COURT: And then, Ms. Albertson, go ahead.

4 MS. ALBERTSON: Sure. You said you asked your wife?

5 PROSPECTIVE JUROR 691: Yes.

6 MS. ALBERTSON: How did you ask your wife?

7 PROSPECTIVE JUROR 691: I just asked her what was the  
8 doctor that we used to go to? I had asked her which one was it?

9 MS. ALBERTSON: Was it last night?

10 PROSPECTIVE JUROR 691: Yes.

11 MS. ALBERTSON: Did you discuss, like what happened here  
12 last night?

13 PROSPECTIVE JUROR 691: No.

14 MS. ALBERTSON: Okay. Well, can you give me, like, just the  
15 run down of your -- as close as you can, as your communication with  
16 your wife?

17 PROSPECTIVE JUROR 691: Pretty much, I just said -- I asked  
18 her, like, what was -- I was like, do you remember the name of the, what  
19 you call it, the doctor you used to go see, which thing she worked for?  
20 And then she told me the thing, and then she was like, why? I was, like, I  
21 was just asking just to try to remember.

22 MS. ALBERTSON: Okay.

23 PROSPECTIVE JUROR 691: And that's it.

24 MS. ALBERTSON: So all you asked her was the name -- the  
25 name of the OB/GYN she went to?

1 PROSPECTIVE JUROR 691: No, I remembered the name of  
2 the OB/GYN, but I didn't know -- because I thought she was like a  
3 standalone or something like that, but I didn't know that she was, like,  
4 with this -- with the thing, with the party.

5 MS. ALBERTSON: With this group?

6 PROSPECTIVE JUROR 691: Yes.

7 MS. ALBERTSON: Okay. Do you remember what office? Did  
8 you ever go with your wife to the office?

9 PROSPECTIVE JUROR 691: Yes, I went with her to all of the  
10 appointments. It was -- it was at the office that was on Ann and Clayton,  
11 and then she moved to the one that was at Centennial.

12 MS. ALBERTSON: Okay. Could you -- do you recognize the  
13 Defendant at all? Did you look at his face?

14 PROSPECTIVE JUROR 691: I don't recognize him, but like I  
15 said, it's been about five to six years ago. And I was there, like I said, I  
16 just remember Julie Goodell because she delivered both of my boys.

17 MS. ALBERTSON: Okay. And you've just been in the back  
18 this whole time, right, so unfortunately, you've only kind of seen the  
19 backs of our heads, right?

20 PROSPECTIVE JUROR 691: Yes.

21 MS. ALBERTSON: Okay. And so your wife's OB/GYN was a  
22 woman, right?

23 PROSPECTIVE JUROR 691: Yes.

24 MS. ALBERTSON: Do you ever remember her being seen by  
25 a man at that clinic, to your knowledge?



1 PROSPECTIVE JUROR 691: No.

2 MS. ALBERTSON: Okay. I think that's all I have. Thank you  
3 very much.

4 PROSPECTIVE JUROR 691: All right.

5 THE COURT: On behalf of Defendant.

6 MS. HALL: Thank you, Your Honor.

7 Hi. I just have a couple of questions for you. Based on what  
8 you told us -- and first of all, thank you for getting that information  
9 because we all want to know, you know, all of the information. You need  
10 to be by a microphone, probably. I heard you say that your wife was  
11 seen at the Centennial office. Before the Centennial office, what WHASN  
12 office was she seen at?

13 PROSPECTIVE JUROR 691: At Ann and Clayton.

14 MS. HALL: Okay. I'll represent to you that Dr. Brill does not  
15 see patients at either one of those offices, and I think Ms. Albertson  
16 asked you this, you don't recall the name, Keith Brill, on any of your  
17 wife's medical paperwork, any of that?

18 PROSPECTIVE JUROR 691: No.

19 MS. HALL: The fact that your wife was a -- or is a patient of  
20 WHASN, would that affect your ability to sit as a juror in this case?

21 PROSPECTIVE JUROR 691: Probably due to the nature of the  
22 situation that me and my wife went through; we were told that we  
23 couldn't have kids at one point in life. And pretty much once she did get  
24 pregnant, she did see them and stuff like that. And like I said, Julie  
25 Goodell, she did deliver both of my boys, and they both were healthy, so

1 it's like kind of emotional.

2 MS. HALL: Sure. Because of that experience, do you think  
3 you'd be leaning in favor of the doctor, who was a doctor with WHASN  
4 in this case?

5 PROSPECTIVE JUROR 691: Like I said, I wouldn't want to,  
6 but kind of, yeah, due to the, like I say, the emotional attachment to the  
7 clinic itself.

8 MS. HALL: Okay. I understand that and thank you for your  
9 honesty.

10 PROSPECTIVE JUROR 691: You're welcome.

11 MS. HALL: Thank you.

12 THE COURT: Any follow-up?

13 MS. ALBERTSON: No, I don't have any more questions. I  
14 really appreciate your honesty.

15 PROSPECTIVE JUROR 691: You're welcome.

16 THE COURT: Thank you. All right.

17 THE MARSHAL: All rise. Please be seated.

18 THE COURT: So as to Mr. Watson Smith?

19 MS. HALL: We would stipulate to cause, Your Honor.

20 THE COURT: All right.

21 MS. ALBERTSON: I think I have no choice after what he said.  
22 I mean, I liked him until he said that.

23 THE COURT: Okay. So Ray, we're going to go ahead and  
24 release Mr. Watson Smith, 691.

25 THE MARSHAL: Yes, Your Honor.

1 THE COURT: And that's stipulated for cause based on his  
2 comments to the questions.

3 MS. ALBERTSON: I do worry a little bit though that we're  
4 getting jurors who might kind of be getting wise to how they get out of  
5 this by saying that they have a preference, so I don't -- I will try to be  
6 careful with the way I ask questions, that it doesn't make that obvious,  
7 but I still have to pick at that a little bit and ask some of these people  
8 questions, okay?

9 THE COURT: Yeah. No, I know.

10 MS. ALBERTSON: Okay.

11 THE COURT: And, Ray, do we have to get them right at  
12 11:00?

13 THE MARSHAL: I can call Mariah real quick and ask her if  
14 you want me to.

15 THE COURT: Yeah, ask her if we only have, like, until 11:00,  
16 because I think we're going to end up going -- you know what, we might  
17 have to get them now because we're going to probably go -- no, we'll go  
18 to lunch at 12:30; is that fine with everybody?

19 MR. MCBRIDE: Sure.

20 THE COURT: We should go --

21 MS. ALBERTSON: I haven't really thought about it.

22 THE MARSHAL: I talked to John this morning. He said that  
23 they're all coming in at 10:00. Do you want me to go get them now and  
24 just bring them up?

25 THE COURT: I think maybe that will be best, and then start

1 with -- just at least have them in here to be sitting in the back until -- but  
2 then we didn't -- we still have the general questions we're going to have  
3 to go through with those people, so that's going to cut into questioning  
4 time.

5 MS. ALBERTSON: Well, we're only going to do general if  
6 they move up into the box, right?

7 MR. MCBRIDE: Well, they still need to -- they still need to  
8 know a little bit about the parties --

9 MS. ALBERTSON: The case.

10 MR. MCBRIDE: -- the witnesses, the --

11 MS. ALBERTSON: Oh, yeah, the new ten. I agree with you.

12 THE COURT: So I'm not sure how we're going to do that  
13 with the new people.

14 MR. MCBRIDE: We're going to have to do it at some point, I  
15 think, Your Honor, so it's --

16 MS. ALBERTSON: I think we -- maybe we take an earlier  
17 lunch and discuss at lunch how to do that among counsel as briefly as  
18 possible. Are you guys okay with that? Because we can -- I mean, both  
19 of us should be able to kind of sum up our case in a few sentences.

20 MR. MCBRIDE: Oh, yeah, I don't think that's going to take  
21 that long.

22 THE COURT: Yeah, but I think we still have to go through the  
23 initial --

24 MR. MCBRIDE: Right.

25 THE COURT: -- the general, which is the one we ask the

1 whole perspective, and then the individual, and then your questions, so  
2 that's going to be at least about 30 minutes. I mean, it's not going to be  
3 that long, but the other people are still going to be here, sitting there --

4 MS. ALBERTSON: Yeah.

5 THE COURT: -- during that process, so -- What did they say?

6 THE MARSHAL: Mariah said they don't have to be picked up  
7 right at 11:00. She doesn't have any other panels coming in today, so  
8 they can sit down there for a little while if they need to. She said to just  
9 let her know so she can send them on breaks or anything.

10 THE COURT: Okay. So what about we do this, what about  
11 we continue with this, these people until, let's say 11:15, 11:30, bring the  
12 ten up at 11:30, do the 30 minutes with them, and I'll give them a longer  
13 lunchbreak? But now we're cutting into time, so we might be going --  
14 continuing voir dire on Tuesday morning, depending on --

15 MS. ALBERTSON: I would almost prefer to take an earlier  
16 lunch before bringing the new people in, but the problem --

17 THE COURT: Well, because they haven't been here long, and  
18 we've already taken two breaks. I don't want to -- I don't like them  
19 coming here downtown just to go to lunch. So I mean, we started late,  
20 at like 9:42. We've already taken a break, and it's only 10:20.

21 MS. ALBERTSON: Okay.

22 THE COURT: All right. Ray, go ahead and bring them in and  
23 then we'll do the other ones and then release them for lunch.

24 THE MARSHAL: Okay.

25 MS. ALBERTSON: So 11:15 is the next break, you say?

1 THE COURT: About that time. We'll see how far we get.

2 MS. ALBERTSON: Okay.

3 THE COURT: They're coming in.

4 THE MARSHAL: All rise for the jury.

5 [Prospective jurors in at 10:19 a.m.]

6 THE MARSHAL: The jury is all present, Your Honor.

7 THE COURT: Thank you. You may be seated.

8 Do the parties stipulate to the presence of the prospective  
9 panel?

10 MS. ALBERTSON: Yes, Your Honor.

11 MS. HALL: Yes, Your Honor.

12 THE COURT: Thank you. I am sorry. My apologies. I'll say  
13 this a couple of times throughout the -- and if you're selected throughout  
14 the trial, but throughout questioning, any time the attorneys object, don't  
15 hold it against them. Obviously, it's their job to do -- to make objections  
16 for their clients. And sometimes when we take a break, it has nothing to  
17 do with what happened. I had to use the facilities. So sorry. We had to  
18 take a break. My apologies. And we will resume questioning with  
19 Ms. Albertson.

20 MS. ALBERTSON: Okay. Mr. Prindiville? Did I say that  
21 right? Yesterday some of the other potential jurors were asked some of  
22 the questions on the screen there, and I want to go through some of  
23 those with you and get some of your responses.

24 PROSPECTIVE JUROR 582: 582. Trevor Prindiville.

25 MS. ALBERTSON: Okay. So the first question on there is

1 obviously, have you had surgery where you were put under anesthesia?

2 PROSPECTIVE JUROR 582: Yes. I had two.

3 MS. ALBERTSON: Two.

4 PROSPECTIVE JUROR 582: Yes.

5 MS. ALBERTSON: Okay. And did those surgeries involve  
6 any kind of complication?

7 PROSPECTIVE JUROR 582: No.

8 MS. ALBERTSON: Are you comfortable saying what kind of  
9 surgeries they were?

10 PROSPECTIVE JUROR 582: Yeah. One was oral surgery, the  
11 other was a knee surgery.

12 MS. ALBERTSON: Okay. And you said you were married  
13 too, right?

14 PROSPECTIVE JUROR 582: Yes.

15 MS. ALBERTSON: Has your wife had any kind of surgery  
16 where she was put under anesthesia?

17 PROSPECTIVE JUROR 582: No, she hasn't had any surgeries  
18 where she was put under.

19 MS. ALBERTSON: Okay. And did you say you had children?

20 PROSPECTIVE JUROR 582: Yeah. I have a six-week-old son.

21 MS. ALBERTSON: Oh. Congratulations.

22 PROSPECTIVE JUROR 582: Thank you.

23 MS. ALBERTSON: Okay. No -- it wasn't a C-section?

24 PROSPECTIVE JUROR 582: No.

25 MS. ALBERTSON: Okay. And the next question, I think you

1 answered, what you and your significant other do for a living. If I'm  
2 correct, you said you were a cook, and your wife is a server?

3 PROSPECTIVE JUROR 582: Correct.

4 MS. ALBERTSON: Okay. Where do you do that?

5 PROSPECTIVE JUROR 582: At the ARIA Resort.

6 MS. ALBERTSON: Okay. And do you or someone you know  
7 work in the legal field, medical field, law enforcement, or insurance  
8 fields? Obviously you don't, but does any family member or someone  
9 you're close with?

10 PROSPECTIVE JUROR 582: I have a sister-in-law who's a  
11 lawyer in --

12 MS. ALBERTSON: Is a --

13 PROSPECTIVE JUROR 582: -- Los Angeles.

14 MS. ALBERTSON: -- lawyer?

15 PROSPECTIVE JUROR 582: Yeah.

16 MS. ALBERTSON: Is she a lawyer here?

17 PROSPECTIVE JUROR 582: No. Los Angeles.

18 MS. ALBERTSON: Okay. What kind of law does she do?

19 PROSPECTIVE JUROR 582: She handles estates. I'm not  
20 sure.

21 MS. ALBERTSON: Estate law. Okay.

22 PROSPECTIVE JUROR 582: Yeah.

23 MS. ALBERTSON: Not anything like we're dealing with here?

24 PROSPECTIVE JUROR 582: No.

25 MS. ALBERTSON: Okay. Other than that, anybody else close



1 to you, a family member or a close friend, work in the legal field, medical  
2 field, or law enforcement?

3 PROSPECTIVE JUROR 582: No.

4 MS. ALBERTSON: And do you do social media?

5 PROSPECTIVE JUROR 582: I have Instagram. I--

6 MS. ALBERTSON: Anything else?

7 PROSPECTIVE JUROR 582: Reddit, I guess.

8 MS. ALBERTSON: Reddit. Okay. What kind of articles do  
9 you look on it -- look at on Reddit?

10 PROSPECTIVE JUROR 582: Nothing like -- mostly just  
11 forums about books or games or interests.

12 MS. ALBERTSON: About what?

13 PROSPECTIVE JUROR 582: Personal interests.

14 MS. ALBERTSON: Okay. Did you say about sports? You  
15 said games?

16 PROSPECTIVE JUROR 582: I said games or books.

17 MS. ALBERTSON: Like video games or sports games?

18 PROSPECTIVE JUROR 582: Both.

19 MS. ALBERTSON: And do you get news from Reddit too?

20 PROSPECTIVE JUROR 582: Occasionally when it pops up on  
21 the front page, but most --

22 MS. ALBERTSON: Do you get --

23 PROSPECTIVE JUROR 582: -- of my news I guess from NPR  
24 or Apple News.

25 MS. ALBERTSON: NPR or Apple. Okay. And have you ever

1 served on a jury before?

2 PROSPECTIVE JUROR 582: I have not.

3 MS. ALBERTSON: And have you ever had an injury claim or  
4 a lawsuit yourself?

5 PROSPECTIVE JUROR 582: No.

6 MS. ALBERTSON: Okay. And this doesn't just mean if you  
7 filed and got into something like this. There's all kinds of stages of  
8 making a claim. Have you ever been injured in any kind of accident?

9 PROSPECTIVE JUROR 582: No.

10 MS. ALBERTSON: And what do you think when I say the  
11 term frivolous lawsuit?

12 PROSPECTIVE JUROR 582: Someone who's taking  
13 advantage of the situation to make extra money I guess.

14 MS. ALBERTSON: Do you think it's a must not thing?

15 PROSPECTIVE JUROR 582: I don't think it's common. I think  
16 it's -- if a lawsuit is frivolous, it's an issue. But I don't think it's --  
17 lawsuits -- frivolous lawsuits in general are a big issue.

18 MS. ALBERTSON: They are a big issue or they're not?

19 PROSPECTIVE JUROR 582: I think that they're not.

20 MS. ALBERTSON: And then my next question would be like  
21 what do you think of lawsuits against doctors, like what we're dealing  
22 with here?

23 PROSPECTIVE JUROR 582: If they're warranted to hold  
24 someone accountable. I mean it depends on what happened and -- I  
25 mean everybody's subject to the law, so --

1 MS. ALBERTSON: When you say, "everybody's subject to  
2 the law," what do you mean by that?

3 PROSPECTIVE JUROR 582: I mean if you can prove someone  
4 did something wrong or was negligent, then it's your right to do that in  
5 court.

6 MS. ALBERTSON: And when you bring up negligence,  
7 would you agree that intention doesn't necessarily play in there?

8 PROSPECTIVE JUROR 582: Yes.

9 MS. ALBERTSON: So even if you didn't intend to cause the  
10 harm, if you caused harm, you should be held responsible for that.  
11 Would you agree with that?

12 PROSPECTIVE JUROR 582: Yes.

13 MS. ALBERTSON: Okay. Let me give you like a random  
14 example. If, for example, my neighbor is outside playing catch with his  
15 son, and he accidentally throws his baseball through my window. Is he  
16 responsible for paying for my window?

17 PROSPECTIVE JUROR 582: I'd say yes.

18 MS. ALBERTSON: Does anyone think my neighbor's not  
19 responsible for paying for my window in that scenario?

20 Okay. Now, let's change it up a little bit. If my neighbor  
21 throws that baseball through my window and not only breaks my  
22 window but also hits my husband and injures him to the point that my  
23 husband has to go to the doctor, is my neighbor responsible for paying  
24 for my husband's medical bills?

25 PROSPECTIVE JUROR 582: I don't know.

1 MS. ALBERTSON: What do you mean? How does it change  
2 if it's property versus a person, in your mind?

3 PROSPECTIVE JUROR 582: I think it's maybe the scale of the  
4 act, throwing a baseball. I mean --

5 MS. ALBERTSON: Let's make it a car accident instead.

6 PROSPECTIVE JUROR 582: Okay.

7 MS. ALBERTSON: Okay. One driver hits another driver. Not  
8 on purpose, just fails to stop properly at a light. The other driver stops  
9 fully at a red light. And the driver behind him doesn't brake in time and  
10 rear ends him. There's damage to the car and there's personal injury to  
11 the person inside. Anyone think that the driver who hit from behind to  
12 failed to slow in time isn't responsible for the property damage?

13 Anyone think the driver from behind isn't responsible for the  
14 personal injury inside the vehicle that was caused? The medical bills or  
15 the person inside the vehicle. Do you think it would be --

16 PROSPECTIVE JUROR 582: I think that's reasonable, yeah.

17 MS. ALBERTSON: -- reasonable to hold the driver  
18 responsible for the medical bills?

19 PROSPECTIVE JUROR 582: Yes.

20 MS. ALBERTSON: So how is this scenario different with a  
21 baseball?

22 PROSPECTIVE JUROR 582: I don't know.

23 MS. ALBERTSON: Similar, right?

24 PROSPECTIVE JUROR 582: Yeah, 82.

25 MS. ALBERTSON: Okay. And what about pain and

1 suffering? Would it be fair to make the driver who hit the other car pay  
2 for the pain and suffering of the injured person in the second car?

3 PROSPECTIVE JUROR 582: Yes I would say.

4 MS. ALBERTSON: What about with the baseball, would it be  
5 fair to make the neighbor pay for my husband's pain and suffering?

6 PROSPECTIVE JUROR 582: I suppose, yeah. It's the same --  
7 if you hold it to the same standard, then yes.

8 MS. ALBERTSON: Is there any difference between the two  
9 scenarios, in your mind?

10 PROSPECTIVE JUROR 582: Yeah. One is them is just kind of  
11 weird. Like in your own home, your neighbor -- it just seems, I don't  
12 know, throwing a baseball -- I don't know, it just seems like less -- no big  
13 deal, but I don't --

14 MS. ALBERTSON: Does it change if my husband can't afford  
15 the hospital bill and the neighbor can?

16 PROSPECTIVE JUROR 582: Yeah, I guess so. So I feel like  
17 I'm having -- situationally I guess it feels different.

18 MS. ALBERTSON: Okay. Do you think it's because one is  
19 more familial with the other one in the --

20 PROSPECTIVE JUROR 582: I don't really --

21 MS. ALBERTSON: -- and the neighbor's situation we know  
22 each other, we have a relationship with each other --

23 PROSPECTIVE JUROR 582: Yeah probably.

24 MS. ALBERTSON: -- and in the car accident, it's possibly just  
25 a stranger, right?

1 PROSPECTIVE JUROR 582: Yes.

2 MS. ALBERTSON: Is there anything else that goes into your  
3 mind that's involved in the car accident and what makes it perfectly fine  
4 for payment in that but changes the situation when you're dealing with  
5 the house and my husband sitting in his living getting randomly hit by a  
6 baseball? Which, knock wood, I hope never happens.

7 PROSPECTIVE JUROR 582: No. I mean I think -- I think when  
8 I think about it, it's -- if you hold it to the same standard, then it makes  
9 sense both ways, that the --

10 MS. ALBERTSON: Both ways?

11 PROSPECTIVE JUROR 582: Yeah.

12 MS. ALBERTSON: Does anyone think that the person who  
13 engages in the conduct, who commits the conduct, either the person  
14 who rear-ended the other driver or the person who threw the baseball  
15 isn't responsible for the damage that they caused?

16 Does anyone think that person isn't responsible for the  
17 medical bills that they caused?

18 Does anyone think that person wouldn't be responsible for  
19 pain and suffering?

20 Okay. And I think I was kind of getting into it with you a  
21 minute ago, but you said you don't have a problem with lawsuits against  
22 doctors if it's warranted, correct?

23 PROSPECTIVE JUROR 582: Correct.

24 MS. ALBERTSON: And then have you ever owned or run  
25 your own business?

1 PROSPECTIVE JUROR 582: No.

2 MS. ALBERTSON: Thank you.

3 If we could pass the mic to Ms. [OU-LETTE]. Is that right?

4 PROSPECTIVE JUROR 583: Close enough.

5 MS. ALBERTSON: Okay. [OU-LAY]?

6 PROSPECTIVE JUROR 583: Ouellett.

7 MS. ALBERTSON: Ouellett. Okay. My maiden name is  
8 Reizakis. So people have trouble with it a lot. But Albertson is so easy  
9 now, that it's almost like I forget.

10 So I want to ask you the same questions. And before you  
11 start, obviously I'm going to let you put your number on the record.  
12 Thank you.

13 PROSPECTIVE JUROR 583: 583. Rachel Ouellett.

14 MS. ALBERTSON: Ms. Ouellett, have you ever had a surgery  
15 where you've been put under anesthesia?

16 PROSPECTIVE JUROR 583: Yes.

17 MS. ALBERTSON: And has your partner or loved one -- has a  
18 partner or loved one in your life ever had a surgery where they've been  
19 put under anesthesia?

20 PROSPECTIVE JUROR 583: Yes.

21 MS. ALBERTSON: Okay. Were there any complications with  
22 any of those surgeries?

23 PROSPECTIVE JUROR 583: No.

24 MS. ALBERTSON: Okay. How many surgeries are we talking  
25 about?

1 PROSPECTIVE JUROR 583: I've had at least seven.

2 MS. ALBERTSON: At least seven. Okay. And what do you  
3 and your significant other do for a living?

4 PROSPECTIVE JUROR 583: My husband is a retired police  
5 officer, and I am a substitute school aid for CCSD.

6 MS. ALBERTSON: Okay. Now, other than your husband, is  
7 there other persons in your life that was involved in law enforcement?

8 PROSPECTIVE JUROR 583: My sister-in-law works for the --  
9 she's a correctional officer here in --

10 MS. ALBERTSON: A correctional officer?

11 PROSPECTIVE JUROR 583: -- Clark County. Yes.

12 MS. ALBERTSON: Clark County?

13 PROSPECTIVE JUROR 583: Yes.

14 MS. ALBERTSON: Okay. And anyone in your family or  
15 anyone close to you work in the legal or medical field?

16 PROSPECTIVE JUROR 583: I forgot to mention my  
17 stepdaughter whenever I was listing my children --

18 MS. ALBERTSON: Yeah.

19 PROSPECTIVE JUROR 583: -- because I was just thinking my  
20 personal children. But my husband has a daughter by a first marriage.  
21 She lives in Boston, and she is a -- I believe she's a nurse practitioner.

22 MS. ALBERTSON: Okay.

23 PROSPECTIVE JUROR 583: I'm not exactly sure.

24 THE COURT: Okay. Anyone in your family in the insurance  
25 field?



1 PROSPECTIVE JUROR 583: No.

2 MS. ALBERTSON: You saw my client yesterday, correct,  
3 Kim?

4 PROSPECTIVE JUROR 583: I saw the back of her shirt.

5 MS. ALBERTSON: The back of her shirt. Okay.  
6 Unfortunately we had -- there was a lot of us in the room.

7 Now, we asked her not to continue to come for jury selection  
8 because sometimes jurors say things when our clients aren't around that  
9 they would never say in front of our clients. Sometimes the things can  
10 get kind of sensitive and kind of mean even. But we want to make sure  
11 we learn those now before we pick somebody for our jury.

12 So, that being said, is there any reason we should hesitate to  
13 pick you for this jury?

14 PROSPECTIVE JUROR 583: No.

15 MS. ALBERTSON: And should Kim be at all worried? Kim  
16 the Plaintiff, who brought the claim in this suit, should she be at all  
17 worried if you are picked for this jury?

18 PROSPECTIVE JUROR 583: No.

19 MS. ALBERTSON: Would you have any problem awarding a  
20 large verdict if the evidence supported an award of one in this case?

21 PROSPECTIVE JUROR 583: It depends upon -- it do  
22 definitely -- in the evidence warranted --

23 MS. ALBERTSON: Is there a number in your mind also --

24 PROSPECTIVE JUROR 583: No.

25 MS. ALBERTSON: -- a cap?

1 PROSPECTIVE JUROR 583: No.

2 MS. ALBERTSON: Okay. And what about -- some people  
3 discussed yesterday pain and suffering. Is there a number in your mind  
4 that's a cap for pain and suffering?

5 PROSPECTIVE JUROR 583: No.

6 MS. ALBERTSON: Okay. So even a million dollars?

7 PROSPECTIVE JUROR 583: As I said, it would depend upon  
8 the evidence and what's presented. You have to take that into  
9 consideration.

10 MS. ALBERTSON: And do you have any problem with  
11 lawsuits against doctors?

12 PROSPECTIVE JUROR 583: A doctor is a person, and as  
13 such, every person is held to a standard and subject to, in this day and  
14 age, being sued.

15 MS. ALBERTSON: Okay. So you would agree then if you  
16 make a mistake, like we've kind of discussed earlier, like we discussed a  
17 minute ago with the car accident and the baseball, even if that mistake is  
18 not intentional -- because I don't think most people intentionally seek to  
19 hurt anybody, and I -- we're not going to make any claim that Dr. Brill  
20 intentionally hurt Kim, but if you make a mistake, you should and could  
21 be held responsible for it, correct?

22 PROSPECTIVE JUROR 583: Yes.

23 MS. ALBERTSON: Okay. And you don't have any problem  
24 doing that, correct?

25 PROSPECTIVE JUROR 583: Correct.

1 MS. ALBERTSON: Have you ever owned or run a business?  
2 PROSPECTIVE JUROR 583: No.  
3 MS. ALBERTSON: And I think you said that your husband's  
4 made workmen's comp claims, right?  
5 PROSPECTIVE JUROR 583: I couldn't hear you. I'm sorry.  
6 MS. ALBERTSON: I think you said your husband's made  
7 workmen's comp claims? Did you say --  
8 PROSPECTIVE JUROR 583: I'm sorry.  
9 MS. ALBERTSON: -- your husband made worker's comp  
10 claims --  
11 PROSPECTIVE JUROR 583: He had --  
12 MS. ALBERTSON: -- like injuries at work?  
13 PROSPECTIVE JUROR 583: -- at work, yes. He had an injury.  
14 He was hit on his motorcycle by another car.  
15 MS. ALBERTSON: Okay. So a car accident while on duty?  
16 PROSPECTIVE JUROR 583: Yes.  
17 MS. ALBERTSON: Okay. And how badly was he hurt?  
18 PROSPECTIVE JUROR 583: He had to have knee surgery.  
19 MS. ALBERTSON: Okay. Did he get compensated for that  
20 surgery?  
21 PROSPECTIVE JUROR 583: Yes.  
22 MS. ALBERTSON: Okay. Was he satisfied with the  
23 compensation?  
24 PROSPECTIVE JUROR 583: At the time.  
25 MS. ALBERTSON: Okay. What does that mean, at the time?

1 Is his knee still -- has it --

2 PROSPECTIVE JUROR 583: Oh, no, his knee is good.

3 MS. ALBERTSON: His knee is good now? Okay. Other than  
4 that claim, have you or anybody close to you made any claims for any  
5 injuries or accidents?

6 PROSPECTIVE JUROR 583: No.

7 MS. ALBERTSON: Okay. Can we go back to Mr. Prindiville  
8 for just a moment? Badge Number 582? Thank you very much. No, Mr.  
9 Prindiville. Sorry. Thank you.

10 PROSPECTIVE JUROR 582: Trevor Prindiville, 582.

11 MS. ALBERTSON: I didn't ask you a moment ago, but I just  
12 want to ask you is there any reason why we from the Plaintiff side  
13 representing Kim should hesitate to pick you for this jury?

14 PROSPECTIVE JUROR 582: No, I don't think so.

15 MS. ALBERTSON: And is there any amount of money that  
16 you would not be able to award if evidence supported a large award in  
17 this case?

18 PROSPECTIVE JUROR 582: No.

19 MS. ALBERTSON: Okay. Can we pass the microphone to  
20 Mr. Meoli? Thank you very much.

21 THE MARSHAL: Who is it?

22 MS. ALBERTSON: Mr. Meoli in seat 3. Am I saying that  
23 right, Meoli?

24 PROSPECTIVE JUROR 342: 311 [sic], Meoli.

25 MS. ALBERTSON: Thank you. Okay. Yesterday, you

1 expressed some concern for issuing a verdict in this matter. And I got  
2 the feeling you --

3 THE COURT: Hold on. Counsel, can you pause for a minute?  
4 His -- for the record, Meoli is 342 badge number. Sorry.

5 PROSPECTIVE JUROR 342: I apologize.

6 THE COURT: That's okay. I just want to be clear on the  
7 record. Go ahead.

8 MS. ALBERTSON: Yesterday you expressed some concern  
9 with issuing a verdict in this matter, and I think you said some things  
10 about having some issues with the effect of that verdict; is that correct?

11 PROSPECTIVE JUROR 342: Yes.

12 MS. ALBERTSON: Okay. Now, you've heard me ask some  
13 questions of the last two people, asking them about a verdict amount.  
14 As you've had a little more time to think about this, is there an amount in  
15 your mind that you wouldn't be able to award past?

16 PROSPECTIVE JUROR 342: No. I'm afraid I can't come up  
17 with a specific number because it's all relative to someone's current  
18 lifestyle and current income, all those types of -- types of things. I -- it's  
19 just a general philosophical concern about me personally being involved  
20 in someone's financial future.

21 MS. ALBERTSON: Okay.

22 PROSPECTIVE JUROR 342: That's probably not the kind of  
23 answer you're looking for, but -- it's a bit vague, but --

24 MS. ALBERTSON: Well, no. I want to dig a little deeper. Is  
25 your concern also for Kim's financial future or just for Dr. Brill's?

1 PROSPECTIVE JUROR 342: Yeah. I suppose it would be  
2 both. So it would show a complete, direct conflict. So I don't know how  
3 to -- if that's helpful or not.

4 MS. ALBERTSON: I mean, if we show you that Kim incurred  
5 substantial medical bills, and we show you how those medical bills were  
6 related to a procedure that was caused by actions taken by Mr. -- or Dr.  
7 Brill, are you going to have an issue issuing -- are you going to have an  
8 issue giving an award in her favor?

9 PROSPECTIVE JUROR 342: I suppose if the evidence showed  
10 that to be appropriate, then no. I mean, by that train of logic it -- you  
11 know -- I just -- I don't know. I'm having trouble nailing this down. You  
12 know, answering this directly.

13 MS. ALBERTSON: Do you lean more favorably toward one  
14 side or the other just because Kim's the one -- I mean, the problem we  
15 run into from the Plaintiff's side is that we can't turn the clock back and  
16 take away anything that happened to Kim. I mean, that would be the  
17 ideal situation, right? If we could rewind and there was never, ever an  
18 injury, right?

19 But we can't do that. So the only thing we can do is request  
20 money to compensate medical bills, pain and suffering. And I guess  
21 what I'm trying to get at is do you have a fundamental problem with  
22 that?

23 PROSPECTIVE JUROR 342: No. It's -- I don't. I really don't  
24 think I do. I just don't like being the one to help make that decision. It's  
25 a bit -- sounds a bit cowardly, but it's --

1 MS. ALBERTSON: Well, it sounds like you might also  
2 understand the gravity of the situation.

3 PROSPECTIVE JUROR 342: I do.

4 MS. ALBERTSON: I mean, we're dealing with serious stuff  
5 here. I know we haven't gotten really into the meat of the case yet, but  
6 being injured is terrible. I mean, you're wearing a sling on your arm, so  
7 I'm assuming that that was from injury, correct?

8 PROSPECTIVE JUROR 342: Uh-huh.

9 MS. ALBERTSON: Can I ask you what happened?

10 PROSPECTIVE JUROR 342: Oh, yeah. It wasn't anyone's  
11 fault. It was just an overuse of it. I'm a drummer. I've been playing  
12 drums for 40 years. So it's an overuse injury. So I had a rotator cuff  
13 surgery.

14 MS. ALBERTSON: Okay.

15 PROSPECTIVE JUROR 342: So it's not really --

16 MS. ALBERTSON: So just like a repetitive injury?

17 PROSPECTIVE JUROR 342: Yeah.

18 MS. ALBERTSON: Okay. But I mean, if somebody offered  
19 you the opportunity to turn back the clock and never have a shoulder  
20 injury, you probably would take it, right?

21 PROSPECTIVE JUROR 342: Sure.

22 MS. ALBERTSON: Okay. But if someone else was  
23 responsible for that injury, would you agree that it would be fair to ask  
24 them to pay for it?

25 PROSPECTIVE JUROR 342: Yeah.

1 MS. ALBERTSON: Okay. And would you have any problem  
2 awarding money for that person to pay for it?

3 PROSPECTIVE JUROR 342: No. I don't think so.

4 MS. ALBERTSON: Even if it was a large amount?

5 PROSPECTIVE JUROR 342: I think it would all be  
6 circumstantial and relative to the situation and that, yeah, I really can't  
7 say without more information.

8 MS. ALBERTSON: Okay. And you don't feel like you lean?  
9 There's not a preference here so far?

10 PROSPECTIVE JUROR 342: No.

11 MS. ALBERTSON: And I know -- I think you said that you  
12 were never a plaintiff or a defendant. But do you know anybody that has  
13 been injured due to someone else's negligence?

14 PROSPECTIVE JUROR 342: No, I don't.

15 MS. ALBERTSON: And were you asked yesterday if you had  
16 had any surgeries other than the shoulder?

17 PROSPECTIVE JUROR 342: Not that specific, no. No. Just,  
18 I've had two, but on the same place.

19 MS. ALBERTSON: On the same place?

20 PROSPECTIVE JUROR 342: Yeah.

21 MS. ALBERTSON: Why two? Was there a complication with  
22 the first one?

23 PROSPECTIVE JUROR 342: It wasn't a complication. It just  
24 didn't -- it didn't work. But the physician removed calcium but didn't  
25 repair the tear that was left or the hole that was left by the calcium. And



1 so it wasn't effective, essentially. But it wasn't -- I wouldn't consider it  
2 malpractice.

3 MS. ALBERTSON: Were you warned that it wasn't going to  
4 work, or potentially not --

5 PROSPECTIVE JUROR 342: The language they tend to use is  
6 extremely neutral. So there's no -- there's always warnings. You know,  
7 there's no guarantee it'll ever work and that sort of thing. So my second  
8 physician said that he would have done the repair at the same -- at the  
9 same time. It was, to him, sort of an obvious choice. Going into it the  
10 first time, I didn't know any different. I didn't know any better. So it  
11 essentially wasn't effective the first time.

12 MS. ALBERTSON: Well, when you said you wouldn't  
13 consider it malpractice, what do you mean by that?

14 PROSPECTIVE JUROR 342: I think, to the best of the first  
15 physician's knowledge, that was all that needed to be done.

16 MS. ALBERTSON: Okay. So you think the first physician  
17 thought that it was going to solve the problem?

18 PROSPECTIVE JUROR 342: Yes.

19 MS. ALBERTSON: Okay. And then, what, after you healed,  
20 you realized that the problem wasn't gone?

21 PROSPECTIVE JUROR 342: Right.

22 MS. ALBERTSON: Okay. And then you went to a second  
23 physician --

24 PROSPECTIVE JUROR 342: That's right.

25 MS. ALBERTSON: -- to fix it.

1 PROSPECTIVE JUROR 342: Uh-huh.

2 MS. ALBERTSON: Okay. What would you consider  
3 malpractice?

4 PROSPECTIVE JUROR 342: I don't -- I'm sorry. I don't know  
5 how to answer that. I just don't know enough about it.

6 MS. ALBERTSON: Okay. If you're given directions by the  
7 Judge in this case about what malpractice is, do you think you're going  
8 to have any problem following those directions?

9 PROSPECTIVE JUROR 342: No. No.

10 MS. ALBERTSON: And you said you -- are you a drummer  
11 by career?

12 PROSPECTIVE JUROR 342: Yes. Well, not at the moment.

13 MS. ALBERTSON: Prior to the surgeries, were you off  
14 because of COVID for an extended period of time, too?

15 PROSPECTIVE JUROR 342: I'm sorry, could you say that --

16 MS. ALBERTSON: Did you have to take an extended break  
17 because of COVID, as well?

18 PROSPECTIVE JUROR 342: Oh, yeah. Uh-huh.

19 MS. ALBERTSON: Okay.

20 PROSPECTIVE JUROR 342: For sure.

21 MS. ALBERTSON: Where do you perform?

22 PROSPECTIVE JUROR 342: Oh. Up until the surgery, I was  
23 freelancing but primarily playing with a performer named Frankie  
24 Marino.

25 MS. ALBERTSON: Okay. In his show?

1 PROSPECTIVE JUROR 342: Yeah.

2 MS. ALBERTSON: I've had Frankie Marino as a juror in the  
3 past.

4 PROSPECTIVE JUROR 342: Oh, funny.

5 MS. ALBERTSON: Good juror, actually. Really nice person.  
6 Do you perform anywhere else?

7 PROSPECTIVE JUROR 342: No.

8 MS. ALBERTSON: Okay. Thank you very much, Mr. Meoli.  
9 Can you pass the mic to Mr. Derouin, sitting in seat 6? Badge Number  
10 376, I think, right?

11 PROSPECTIVE JUROR 376: 376. Badge Number 376,  
12 Timothy Derouin.

13 MS. ALBERTSON: Oh, Derouin. I'm sorry.

14 PROSPECTIVE JUROR 376: Close enough.

15 MS. ALBERTSON: Mr. Derouin, I just want to follow up on a  
16 couple of questions that you answered yesterday and ask you for a little  
17 bit of clarification.

18 PROSPECTIVE JUROR 376: Okay.

19 MS. ALBERTSON: You, like some comments Mr. Meoli just  
20 made, talked about your surgeries and said that some accidents  
21 occurred. Is that what you said about them?

22 PROSPECTIVE JUROR 376: Well, I had -- was admitted to the  
23 emergency room, and they did the wrong procedure.

24 MS. ALBERTSON: In the emergency room?

25 PROSPECTIVE JUROR 376: In the emergency room. But

1 not -- it was just some -- I don't even know who the doctor was. And  
2 then, I was still there, and they took me straight to a surgical room and  
3 repaired it.

4 MS. ALBERTSON: Okay. Let me ask you some more  
5 questions about that.

6 PROSPECTIVE JUROR 376: Sure.

7 MS. ALBERTSON: The emergency room doctor who  
8 performed the procedure, what hospital was it in?

9 PROSPECTIVE JUROR 376: Well, that was back in Detroit  
10 at -- I think Henry Ford.

11 MS. ALBERTSON: Okay. But not anywhere here?

12 PROSPECTIVE JUROR 376: No.

13 MS. ALBERTSON: Okay. And the emergency room doctor  
14 performed the procedure. It wasn't like your regular doctor, right?

15 PROSPECTIVE JUROR 376: No.

16 MS. ALBERTSON: Okay. And what occurred that was wrong  
17 or the accident?

18 PROSPECTIVE JUROR 376: Well, okay. You know, they put  
19 catheters in.

20 MS. ALBERTSON: Okay.

21 PROSPECTIVE JUROR 376: Okay. They didn't put it all the  
22 way in and expanded it in the urethra. So I had to have surgery to repair  
23 that.

24 MS. ALBERTSON: Okay. And was that a known  
25 complication or risk?

1 PROSPECTIVE JUROR 376: No. I mean, it wasn't -- it was a  
2 real surprise.

3 MS. ALBERTSON: Okay. And I imagine quite painful, as  
4 well.

5 PROSPECTIVE JUROR 376: Yeah.

6 MS. ALBERTSON: And why didn't you consider that  
7 malpractice?

8 PROSPECTIVE JUROR 376: Well, I went in for other reasons  
9 and, you know, it was just something that they did. And I don't -- it  
10 started out with a nurse. And then the doctor, and it kind of went, you  
11 know -- I don't even know how many people were involved in it because  
12 I was kind of out of it by then. And I didn't wake up until after they had  
13 done surgery.

14 MS. ALBERTSON: Okay.

15 PROSPECTIVE JUROR 376: Because I had an obstruction.

16 MS. ALBERTSON: In your bowel?

17 PROSPECTIVE JUROR 376: No, in the -- in the bladder.

18 MS. ALBERTSON: Oh, okay. And they did a surgery on it.  
19 And did they get rid of the obstruction?

20 PROSPECTIVE JUROR 376: Oh, yeah. Yeah.

21 MS. ALBERTSON: Okay.

22 PROSPECTIVE JUROR 376: Completely repaired.

23 MS. ALBERTSON: But then they had to do a second surgery?

24 PROSPECTIVE JUROR 376: Oh, no. This was -- I went in  
25 because it was obstructed, and I was in pain because I couldn't urinate.

1 MS. ALBERTSON: Okay.

2 PROSPECTIVE JUROR 376: So they tried using the catheter.  
3 And obviously, the obstruction kept them from getting it where it's  
4 supposed to be.

5 MS. ALBERTSON: Okay. So because of the obstruction, they  
6 couldn't get it where it was supposed to be --

7 PROSPECTIVE JUROR 376: Right. And then they --

8 MS. ALBERTSON: -- and that was the problem?

9 PROSPECTIVE JUROR 376: And then they inflated it, which  
10 tore the urethra. Or the ureter, whatever they call it. And then, so I had  
11 to go, like, emergency surgery to have it repaired -- have the whole thing  
12 repaired properly. They thought it was just a simple -- they could use a  
13 catheter to clear it. Well, they couldn't.

14 MS. ALBERTSON: Okay.

15 PROSPECTIVE JUROR 376: But that was 30 years ago, so.

16 MS. ALBERTSON: But it was also an emergency procedure,  
17 not a regular doctor --

18 PROSPECTIVE JUROR 376: Right.

19 MS. ALBERTSON: -- that had treated you for a while --

20 PROSPECTIVE JUROR 376: Correct. It was an emergency  
21 procedure.

22 MS. ALBERTSON: -- that had time to actually research it.

23 PROSPECTIVE JUROR 376: Correct.

24 MS. ALBERTSON: It was to deal with immediate, probably  
25 quite high level of pain, correct?

1 PROSPECTIVE JUROR 376: Yeah. Exactly.

2 MS. ALBERTSON: Okay. So we're not dealing with a  
3 situation like that here, where Kim received a procedure in the  
4 emergency room, and that's the procedure that we have issue with.

5 PROSPECTIVE JUROR 376: No.

6 MS. ALBERTSON: So would you agree that Kim's situation  
7 probably isn't analogous to your situation?

8 PROSPECTIVE JUROR 376: No. Totally different.

9 MS. ALBERTSON: Okay. And would you be able to put your  
10 situation out of your mind to decide while you look at Kim's situation  
11 and the facts of this case?

12 PROSPECTIVE JUROR 376: Oh, it was so long ago, until you  
13 brought it up surgeries, I totally forgot about it.

14 MS. ALBERTSON: Okay. So there's no reason for Kim to be  
15 worried if you're picked for this jury, right?

16 PROSPECTIVE JUROR 376: No reason at all.

17 MS. ALBERTSON: Okay. And there's no amount, a dollar  
18 figure in your head, that you know you just couldn't go above?

19 PROSPECTIVE JUROR 376: No. No problem with money.

20 MS. ALBERTSON: Okay. And you would agree some of the  
21 responsibility discussions I was having earlier with Mr. Prindiville about  
22 responsibility, even if it's a mistake, even if it's an accident, for lack of a  
23 better word --

24 PROSPECTIVE JUROR 376: Everyone is responsible for what  
25 they do, even if it's an accident.

1 MS. ALBERTSON: Okay. Now, if the emergency room  
2 doctor -- instead of your situation being with an emergency doctor but  
3 being with your regular doctor, would you agree that -- and if you  
4 didn't -- weren't in absolute immediate pain, would you agree that it  
5 would have made sense for the doctor to do a little more research and  
6 probably determine a little more closely what was wrong before  
7 performing that surgery that you had done?

8 MS. HALL: Your Honor, I'd object. I think this is the same  
9 issue that we discussed at the bench earlier.

10 THE COURT: You want to approach?

11 [Sidebar from 10:51 a.m. to 10:51 a.m., not transcribed]

12 MS. ALBERTSON: Okay. Sorry. I lost my train of thought. Is  
13 it Deromin [phonetic]?

14 PROSPECTIVE JUROR 376: Derouin.

15 MS. ALBERTSON: Derouin. Okay. We -- I thought you said  
16 yesterday that you had about a half a dozen?

17 PROSPECTIVE JUROR 376: Yes. I've had --

18 MS. ALBERTSON: Okay.

19 PROSPECTIVE JUROR 376: -- several surgeries.

20 MS. ALBERTSON: So were they all on the same issue or do  
21 you have some later -- a different issue?

22 PROSPECTIVE JUROR 376: Oh no, I've had -- my most recent  
23 one was just December 27th, 2019. I had my kidney removed.

24 MS. ALBERTSON: Okay.

25 PROSPECTIVE JUROR 376: I've got cancer.



1 MS. ALBERTSON: Can I ask what kind of cancer?  
2 PROSPECTIVE JUROR 376: Kidney cancer or what do they  
3 call it, renal cell carcinoma.  
4 MS. ALBERTSON: Okay. Are you undergoing treatment for  
5 it?  
6 PROSPECTIVE JUROR 376: Yes.  
7 MS. ALBERTSON: Okay. Is that going to affect your ability  
8 to sit here as a juror?  
9 PROSPECTIVE JUROR 376: No.  
10 MS. ALBERTSON: Okay. And are you immunocompromised  
11 or anything?  
12 PROSPECTIVE JUROR 376: No.  
13 MS. ALBERTSON: Okay.  
14 PROSPECTIVE JUROR 376: The opposite.  
15 MS. ALBERTSON: Okay. So you're stronger than the rest of  
16 us?  
17 PROSPECTIVE JUROR 376: Way strong. Taking medication  
18 that boosts my immune system beyond. That's why I was in the hospital  
19 and instead I almost died. The immune treatment they gave me was so  
20 heavy that it almost killed me.  
21 MS. ALBERTSON: Okay. And that was recently?  
22 PROSPECTIVE JUROR 376: Yes. But it's experimental, so --  
23 MS. ALBERTSON: All right.  
24 PROSPECTIVE JUROR 376: -- it was understandable.  
25 MS. ALBERTSON: You said that was December?

1 PROSPECTIVE JUROR 376: Yes, December, 2019.

2 MS. ALBERTSON: And was that your last procedure?

3 PROSPECTIVE JUROR 376: Yes.

4 MS. ALBERTSON: Okay. And since then, have you had

5 any --

6 PROSPECTIVE JUROR 376: No. Healthy as a horse.

7 MS. ALBERTSON: Okay.

8 PROSPECTIVE JUROR 376: Kind of. For someone with

9 cancer.

10 MS. ALBERTSON: Is it going to come back or do you --

11 PROSPECTIVE JUROR 376: No. I--

12 MS. ALBERTSON: -- are you going to continually have it?

13 PROSPECTIVE JUROR 376: -- pretty -- all the CTs have

14 shown no progression, no symptoms.

15 MS. ALBERTSON: Okay. So are you considered in remission

16 then?

17 PROSPECTIVE JUROR 376: I'm considered in remission, yes.

18 MS. ALBERTSON: Okay. And then how long 'til you're

19 clear? Is it four years?

20 PROSPECTIVE JUROR 376: Yeah, about four or five years.

21 Yeah. Well, with the experimental, I have to keep going for CTs every six

22 months to --

23 MS. ALBERTSON: Okay.

24 PROSPECTIVE JUROR 376: -- to make sure that everything's

25 in -- to get all the information.

1 MS. ALBERTSON: Who do you treat with here?

2 PROSPECTIVE JUROR 376: Dr. Vogelzang at the -- what is it  
3 called -- cancer center.

4 MS. ALBERTSON: And have you had any issues with your  
5 treatment?

6 PROSPECTIVE JUROR 376: No. Not since I almost died. I  
7 mean, since I technically died from the treatment.

8 MS. ALBERTSON: Well, I guess I should ask it this way. Are  
9 you satisfied with your treatment?

10 PROSPECTIVE JUROR 376: Oh, yes.

11 MS. ALBERTSON: Okay. Okay. Have you ever received  
12 treatment from your doctor that you weren't satisfied with?

13 PROSPECTIVE JUROR 376: No.

14 MS. ALBERTSON: Thank you very much. Can I speak again  
15 to Ms. Rascon in seat number 8? I'm sorry. I don't have your badge  
16 handy. 395, I think.

17 PROSPECTIVE JUROR 395: Yeah. 395, Carla Rascon.

18 MS. ALBERTSON: Okay. Ms. Rascon, yesterday you talked a  
19 little bit about working for dental hygienists and that the dental -- the  
20 doctor of the office has been sued, and you said you felt pity for the  
21 doctor, correct?

22 PROSPECTIVE JUROR 395: Yes.

23 MS. ALBERTSON: Is that what you said?

24 PROSPECTIVE JUROR 395: Yes.

25 MS. ALBERTSON: Is that going to be in the back of your

1 mind as you're looking at this case, where there's a doctor on one side of  
2 it? And look, here's the thing. I'm not trying to make you feel bad. I'm  
3 not trying to put you on the spot, but our job on our side is to try to get a  
4 fair jury for Kim. And if you are leaning one way or the other, there's  
5 nothing wrong with that, except for the fact that you're not going to be  
6 the right person for this case. But the sooner you let us know, the better,  
7 because then we can address it. So is it fair to say you are leaning to  
8 kind of favor Dr. Brill?

9 PROSPECTIVE JUROR 395: Yes.

10 MS. ALBERTSON: Thank you. And that's based on your own  
11 previous history and background, right?

12 PROSPECTIVE JUROR 395: Yes.

13 MS. ALBERTSON: And your current employment, right?

14 PROSPECTIVE JUROR 395: Yes.

15 MS. ALBERTSON: Anybody else think they're leaning toward  
16 Dr. Brill already? Thank you very much, Ms. Rascon. Can I talk to Ms.  
17 Solomon a little more in seat 15?

18 PROSPECTIVE JUROR 456: Badge Number 456, Kirsten  
19 Solomon.

20 MS. ALBERTSON: Okay. Ms. Solomon, we talked to you a  
21 little bit yesterday. Do you think there's any reason why Kim should be  
22 hesitant to have you on this jury?

23 PROSPECTIVE JUROR 456: No.

24 MS. ALBERTSON: If I can you just ask you some general  
25 questions. Because you're holding the mic, I'm going to start with you.

1 Have you ever been injured in an accident?

2 PROSPECTIVE JUROR 456: No.

3 MS. ALBERTSON: Has anybody you loved ever been injured  
4 in an accident or any kind of incident caused by someone else?

5 PROSPECTIVE JUROR 456: Yes. Actually, my sister was in  
6 an auto accident. I just recall that I was not living here at the time.

7 MS. ALBERTSON: When was that?

8 PROSPECTIVE JUROR 456: Oh. This was probably 2014, '15,  
9 maybe.

10 MS. ALBERTSON: And the accident was caused by someone  
11 else?

12 PROSPECTIVE JUROR 456: Yes.

13 MS. ALBERTSON: And do you know if your sister made a  
14 claim for her injury?

15 PROSPECTIVE JUROR 456: I believe she did.

16 MS. ALBERTSON: Okay. Do you know if your sister went to  
17 the doctor?

18 PROSPECTIVE JUROR 456: Yes.

19 MS. ALBERTSON: Did your sister recover?

20 PROSPECTIVE JUROR 456: Yes.

21 MS. ALBERTSON: And do you believe your sister had a right  
22 to collect monetary damages or money from the person who caused her  
23 injury?

24 PROSPECTIVE JUROR 456: Yes.

25 MS. ALBERTSON: Do you believe your sister had a right to

1 money pain and suffering from the person who caused her injury?

2 PROSPECTIVE JUROR 456: Yes.

3 MS. ALBERTSON: Would you have any trouble awarding  
4 any number in this case, even if it was a high number, even if it was a  
5 few hundred thousand dollars to Kim, if the evidence supported doing  
6 that?

7 PROSPECTIVE JUROR 456: As long as the evidence  
8 supported it, I'd have no issue.

9 MS. ALBERTSON: How important is it, do you think, that we  
10 hold people responsible for accidents or injuries they cause?

11 PROSPECTIVE JUROR 456: I think it's very important.

12 MS. ALBERTSON: If we don't hold people responsible for  
13 accidents or injuries they cause, what happens?

14 PROSPECTIVE JUROR 456: I'd say that person may not learn  
15 and even just going forward in the future, you know, there could be  
16 issues where you know, just -- we don't learn from it as people.

17 MS. ALBERTSON: Okay. So when I was giving an example  
18 earlier with the baseball --

19 PROSPECTIVE JUROR 456: Uh-huh.

20 MS. ALBERTSON: -- tossing the baseball back and forth and  
21 my husband being injured, would you have any trouble awarding money  
22 to my husband from the neighbor, if the neighbor hurt my husband with  
23 a baseball?

24 PROSPECTIVE JUROR 456: No.

25 MS. ALBERTSON: Even though it's an accident, right?

1 PROSPECTIVE JUROR 456: Correct.

2 MS. ALBERTSON: Okay. And same with a car accident. Any  
3 trouble with a car accident?

4 PROSPECTIVE JUROR 456: No trouble.

5 MS. ALBERTSON: Do you think it's fair for a victim who's  
6 injured as a result of someone else's actions to be left paying for their  
7 own medical bills?

8 PROSPECTIVE JUROR 456: No. I don't think that's fair.

9 MS. ALBERTSON: And yesterday, there was some talk about  
10 compensating people for pain and suffering.

11 PROSPECTIVE JUROR 456: Uh-huh.

12 MS. ALBERTSON: And some people had some ideas about  
13 that. Do you have any ideas about compensation for pain and suffering?

14 PROSPECTIVE JUROR 456: If it's warranted, I think it's  
15 something that should happen.

16 MS. ALBERTSON: What is -- what do you consider  
17 warranted?

18 PROSPECTIVE JUROR 456: I mean, as long as the evidence  
19 is there, if we have, you know, some proof of pain and suffering. I know  
20 it's hard to quantify that --

21 MS. ALBERTSON: It is hard to prove something --

22 PROSPECTIVE JUROR 456: -- or prove that, yes.

23 MS. ALBERTSON: -- because let's be honest. Like, I mean --

24 PROSPECTIVE JUROR 456: It's very subjective.

25 MS. ALBERTSON: I mean, the chances are good that

1 somebody sitting here is sitting here in pain.

2 PROSPECTIVE JUROR 456: Correct.

3 MS. ALBERTSON: Okay. Frankly, I get back pain regularly.

4 PROSPECTIVE JUROR 456: Uh-huh.

5 MS. ALBERTSON: And you probably can't see it anywhere --

6 PROSPECTIVE JUROR 456: Uh-huh.

7 MS. ALBERTSON: -- you know. So what kind of things --  
8 when you're saying if you can prove pain and suffering would you need  
9 to see, or would it be enough to see that somebody went through certain  
10 procedures and hear from them what that was like for them?

11 PROSPECTIVE JUROR 456: I think that would be fair enough.  
12 You have to listen to that person. Obviously they're the ones who are  
13 feeling it. We can't feel it for them.

14 MS. ALBERTSON: Do you tend to believe people when they  
15 talk about being in pain?

16 PROSPECTIVE JUROR 456: Yes?

17 MS. ALBERTSON: And when I talked about earlier that  
18 sometimes women, especially, aren't taken seriously with complaints of  
19 pain --

20 PROSPECTIVE JUROR 456: Uh-huh.

21 MS. ALBERTSON: -- and their complaints of pain aren't  
22 addressed the same way as maybe we'd like them to be, do you think  
23 that's a problem?

24 PROSPECTIVE JUROR 456: I think that's an issue, yes.

25 MS. ALBERTSON: And do you agree that's something that



1 should be fixed?

2 PROSPECTIVE JUROR 456: Yes.

3 MS. ALBERTSON: Thank you very much. Mr. Nalley, may I  
4 follow up with you with some stuff that you said yesterday? Oh, sorry.  
5 Right in seat 21. 497; is that correct?

6 PROSPECTIVE JUROR 497: Yeah. Badge 497, Michael  
7 Nalley.

8 MS. ALBERTSON: Mr. Nalley, yesterday you talked a little bit  
9 about pain and suffering, and I want a little more details about that.

10 PROSPECTIVE JUROR 497: Uh-huh.

11 MS. ALBERTSON: Ms. Solomon was just talking about pain  
12 and suffering a little bit. Would you agree that pain and suffering can be  
13 demonstrated through seeing what procedure somebody went through  
14 and hearing what that was like for them?

15 PROSPECTIVE JUROR 497: Yes.

16 MS. ALBERTSON: Okay. Would you have any problem  
17 awarding money for that?

18 PROSPECTIVE JUROR 497: No.

19 MS. ALBERTSON: Okay. And you did discuss a little bit that  
20 there caps in your mind yesterday. What were those caps again?

21 PROSPECTIVE JUROR 497: Could I ask you a question?

22 MS. ALBERTSON: You can. I don't know if I'm definitely  
23 going to be able to answer it, but I can give my best --

24 PROSPECTIVE JUROR 497: Understand. Are there any  
25 applicable laws, state or otherwise, that would bring possible limits or

1 caps in a case like this in the pain and suffering category?

2 THE COURT: So anything relative to the law, the Court is  
3 going to instruct you on its time if you're on the jury to deliberate and  
4 that's the only law you're to consider.

5 PROSPECTIVE JUROR 497: Okay.

6 MS. ALBERTSON: Okay. Fair to say you're going to have no  
7 problem following the law? I know I asked Mr. Meoli earlier given the  
8 law, is he going to have a problem following it. If given the law, are you  
9 going to have a problem following it?

10 PROSPECTIVE JUROR 497: No.

11 MS. ALBERTSON: Okay. And I actually think you have a  
12 master's degree, too, so fair to say you're probably not going to have  
13 trouble understanding it, right?

14 PROSPECTIVE JUROR 497: I don't think so.

15 MS. ALBERTSON: Were you asked yesterday where you get  
16 your news from?

17 PROSPECTIVE JUROR 497: I said local news channels, major  
18 network, national news channels, Facebook, some of the news apps on  
19 the typical streaming TV services, News Zee [phonetic], Al Jazeera,  
20 pretty broad spectrum.

21 MS. ALBERTSON: Okay. And we talked yet -- I talked a little  
22 bit about the some of the -- with some of the people about holding  
23 people accountable and accountability. Do you agree with everything  
24 we've talked about holding people accountable for their mistakes and  
25 actions, even if those actions tend to be mistakes?

1 PROSPECTIVE JUROR 497: Yes.

2 MS. ALBERTSON: And do you agree that even if those  
3 actions or mistakes were unintentional, that it's still reasonable to hold  
4 somebody accountable for it?

5 PROSPECTIVE JUROR 497: Yes.

6 MS. ALBERTSON: Okay. And do you lean toward side or the  
7 other in this case already or do you sympathize with one party or the  
8 other?

9 PROSPECTIVE JUROR 497: I don't.

10 MS. ALBERTSON: Okay. Can you pass the mic -- oh, I'm  
11 sorry. You have to clean it first. But just right next to you to Mr. -- I  
12 know you said it was okay to call you Alex.

13 PROSPECTIVE JUROR 504: Alex.

14 MS. ALBERTSON: You prefer Alex? Really?

15 PROSPECTIVE JUROR 504: Yes. It's easy to remember.

16 MS. ALBERTSON: Okay.

17 PROSPECTIVE JUROR 504: Alexandre Barao, Badge 504.

18 MS. ALBERTSON: Okay. What are your thoughts about  
19 holding people accountable for mistakes?

20 PROSPECTIVE JUROR 504: In a variation of degree, they  
21 have to be accountable, but I disagree with you when it comes to the  
22 scenario of the accident, because if somebody is drunk driving and hits  
23 you from behind and causes further injury, that's completely different  
24 than somebody that may faint or have a heart attack while driving and  
25 inadvertently hits the car in front. So these are completely different

1 scenarios.

2 Or the baseball, as you exemplified. The kid may be  
3 throwing it on purpose to hit the window, to hit the husband, or maybe  
4 he's throwing it in another direction, and somebody bumps him, and it  
5 winds up going into the window. So there are two very strong  
6 distinctions that I believe should be made and not put under the same  
7 bag. If you see where I'm coming from.

8 MS. ALBERTSON: Are you talking about intention?

9 PROSPECTIVE JUROR 504: Yes, intention and -- because  
10 everybody is liable, but there are degrees within it. That's what I --

11 MS. ALBERTSON: And --

12 PROSPECTIVE JUROR 504: -- believe needs to be  
13 established.

14 MS. ALBERTSON: -- when you were talking about the drunk  
15 driver, there's a new level of bad conduct that's involved.

16 PROSPECTIVE JUROR 504: Exactly. That's why I'm giving  
17 you an example that we couldn't put everything in the same bag in the  
18 same way.

19 MS. ALBERTSON: Now we're not claiming intentional  
20 misconduct here.

21 PROSPECTIVE JUROR 504: Uh-huh.

22 MS. ALBERTSON: And we're not claiming something like a  
23 drunk situation here. So without those issues at hand --

24 PROSPECTIVE JUROR 504: Yes.

25 MS. ALBERTSON: -- are you going to have trouble issuing

1 an award of Kim?

2 PROSPECTIVE JUROR 504: Not at all.

3 MS. ALBERTSON: Okay. So are you basically saying -- if I  
4 understand you correctly, that the intention and additional bad conduct,  
5 like the drunk driver situation, multiply or --

6 PROSPECTIVE JUROR 504: Of course.

7 MS. ALBERTSON: -- make it worse --

8 PROSPECTIVE JUROR 504: Of course.

9 MS. ALBERTSON: -- okay, but there's a right or wrong in  
10 your mind?

11 PROSPECTIVE JUROR 504: Yes.

12 MS. ALBERTSON: Even with the accident?

13 PROSPECTIVE JUROR 504: Yes. Because I don't know if the  
14 -- if the medical professional here is unprofessional in the action that he  
15 took, or if it's a mistake that happened. I'm just here to judge based on  
16 the evidence provided. I just wanted to provide you with the examples --

17 MS. ALBERTSON: Yeah.

18 PROSPECTIVE JUROR 504: -- because you put everything in  
19 the same bag, and I believe there are degrees. Also, when it comes to  
20 the question about the payment, it's my personal opinion -- can we  
21 provide opinions, Your Honor?

22 THE COURT: Yeah.

23 PROSPECTIVE JUROR 504: I believe you've been focusing  
24 too much on a high amount. And I believe the question is -- should be,  
25 do you agree that a fair payment should be provided regardless of the

1 amount? Because that gives me the impression that you're already  
2 going for high value, and it may be causing me to step back, because I  
3 don't know what to award if that option came to me.

4 MS. ALBERTSON: Well, do you think you already favor the  
5 other side then, as a result of that?

6 PROSPECTIVE JUROR 504: I don't, but I feel that there may  
7 be a high number involved here right off the bat.

8 MS. ALBERTSON: Uh-huh.

9 PROSPECTIVE JUROR 504: And I don't know any facts to  
10 even know if that is justifiable, you know what I mean? If you rephrase  
11 the question the way --

12 MS. ALBERTSON: Well, I'm going to --

13 PROSPECTIVE JUROR 504: -- for example --

14 MS. ALBERTSON: I mean, honestly --

15 PROSPECTIVE JUROR 504: -- I'd get a different impression.

16 MS. ALBERTSON: -- I mean obviously, we're not going to  
17 ask you for a number we cannot support.

18 PROSPECTIVE JUROR 504: Uh-huh.

19 MS. ALBERTSON: However, some people have in their  
20 minds -- well, there's a couple levels, just like what you talk about levels.  
21 There's some people that will never ever sue. Okay. And if you're a  
22 person that will never ever sue, you're probably judging Kim. So if  
23 you're a person that would never ever sue, I want to talk to you, okay.

24 Now there's people that will sue at the drop of the hat, okay.  
25 I'm sure the other side wants to talk to you if that's the situation. You

1 know, and then there's all these levels in between. And when you're  
2 talking about large numbers, there's people that have a number in their  
3 head that nope, nobody deserves more than that, ever.

4 And they walk into it with that already in their mind. Now if  
5 you walk into that already in your mind, you have a set opinion walking  
6 in here today, okay, before you've heard anything on either side of this,  
7 and if that's the case then I guarantee you that not just my side wants to  
8 know, but the other side wants to know about it too, you know, because  
9 it's wrong. So that's what I'm trying to get at.

10 And part of why I want to talk about the big numbers is  
11 because big numbers, usually somebody's got -- if people have caps,  
12 and I've had people say before like I'll never give an individual more than  
13 a million dollars. I'll never give an individual more than \$500,000. You  
14 know, some people have it in their head. And if you have it in your head,  
15 I'm trying to figure out from you now --

16 PROSPECTIVE JUROR 504; Uh-huh.

17 MS. ALBERTSON: -- that that's the case.

18 PROSPECTIVE JUROR 504: No, but I prioritize the fairness of  
19 the decision and the facts that the decision I make is the correct one.  
20 Money comes in secondly. I'm more interested in knowing who's at  
21 fault, and why they are at fault, than how much the person is going to  
22 get. But once that is established, I have no limits, no caps. That's up to  
23 the law. And I have --

24 MS. ALBERTSON: Whatever the --

25 PROSPECTIVE JUROR 504: -- a certain number of

1 colleagues, too, to help me decide, because we have to act as a group as  
2 well, in the best interest of whomever it may be.

3 MS. ALBERTSON: Okay. Thank you, very much. And can  
4 you pass the mic to Ms. Hall right next to you.

5 PROSPECTIVE JUROR 505: Badge 505. Jessica Hall.

6 MS. ALBERTSON: Okay. Ms. Hall, we talked a little bit about  
7 responsibility and taking responsibility for mistakes, and even potential  
8 from responsibility avoidance. Do you have any problem with holding  
9 somebody responsible for their mistakes?

10 PROSPECTIVE JUROR 505: I think it depends on the severity  
11 of the situation. For example, I -- long, long time ago I broke my arm in  
12 elementary school. And the school asked if we would like to sue. And  
13 instead, my parents decided, with myself, that we won't. It doesn't seem  
14 like it's their fault. That was my fault. I wasn't paying attention. I was  
15 on the monkey bars. I slipped. I broke my humerus. I had surgery. It  
16 just seemed unnecessary to sue. I think it just -- like I said it depends on  
17 the evidence and the whole entirety of the situation.

18 MS. ALBERTSON: Okay. Do you think you lean toward  
19 being an anti-sue person?

20 PROSPECTIVE JUROR 505: Yes.

21 MS. ALBERTSON: Is that in your mind as you're sitting here  
22 today?

23 PROSPECTIVE JUROR 505: Yes.

24 MS. ALBERTSON: And fair to say that's going to be in your  
25 mind as you look at and assess Kim's case?



1 PROSPECTIVE JUROR 505: It might be.

2 MS. ALBERTSON: Can you give me a little more details on  
3 that?

4 PROSPECTIVE JUROR 505: Yeah, so the baseball scenario.  
5 Thinking about it, I'm not entirely sure that I would support the neighbor  
6 paying for the medical bills if it was a complete accident. I'm not sure  
7 there were any intention there. So I'm not sure why they would have to  
8 pay for the medical bills. And that's just from my experience. My  
9 parents -- my dad lost his job in 2008. My mom had three jobs. And  
10 they had no intention of suing the school. Even though I went to a  
11 private school, they had a lot of money. My parents still had no  
12 intentions of taking money from them. And I kind of carry that same  
13 thought process.

14 MS. ALBERTSON: Okay. Number one, I really appreciate  
15 your honesty. And number two, I'm going to ask you a little more details  
16 to make sure I understand exactly where you are on this. So fair to say  
17 as we sit here today, you lean a little more toward -- even if it's a little bit  
18 more, a little more toward Mr. Brill -- Dr. Brill in this case?

19 PROSPECTIVE JUROR 505: I wouldn't say that I lean more  
20 towards him, but I can see his position as Defendant.

21 MS. ALBERTSON: Better than Kim's? I'm sorry.

22 PROSPECTIVE JUROR 505: Yes.

23 MS. ALBERTSON: Yeah. I can see you nodding. But a lot of  
24 times it's in the record, so I need to make sure.

25 PROSPECTIVE JUROR 505: Okay.

1 MS. ALBERTSON: Did you want to take an 11:15 break?

2 THE COURT: No, you can continue.

3 MS. ALBERTSON: Okay. Anyone else agree with Ms. Hall  
4 and have a background that's even just slightly more of an anti-sue  
5 background? Okay, Mr. Grant.

6 PROSPECTIVE JUROR NO. 495: Badge Number 495.

7 MS. ALBERTSON: Okay, can you tell me about it a little bit?

8 PROSPECTIVE JUROR 495: So back in New York I was  
9 working for a company, and this person cut me with a box cutter on my  
10 hand.

11 MS. ALBERTSON: Okay.

12 PROSPECTIVE JUROR 495: And I didn't need any stitches. I  
13 mean I bled a lot, but he was sorry. The company asked me if I wanted  
14 to sue. No. So I just basically got band-aids. They put me on desk duty  
15 and that was it. And yeah, he felt very bad about it. I mean I was in pain,  
16 but -- and even if I did need stitches, I still wouldn't sue because it was  
17 just -- it was just an accident, you know.

18 MS. ALBERTSON: Has anyone you love -- other than this  
19 injury that you've experienced, has anyone you've loved ever been  
20 injured due to someone else's, and I'm going to use the word  
21 negligence, because negligence doesn't imply intention. It's not  
22 something someone did on purpose to hurt someone else. So has  
23 anyone else you loved ever been injured due to somebody's --  
24 somebody else's conduct that wasn't intentional?

25 PROSPECTIVE JUROR 495: No.

1 MS. ALBERTSON: Okay. So when you're discussing this  
2 injury, are you saying that you lean more toward an anti-sue Ms. Hall  
3 kind of attitude?

4 PROSPECTIVE JUROR 495: In my situation, I didn't feel the  
5 need to sue --

6 MS. ALBERTSON: Uh-huh.

7 PROSPECTIVE JUROR 495: -- because it was strictly an  
8 accident. And if I had to go back in time I still wouldn't sue my friend, or  
9 the company. They gave me an option to do it. I mean, I didn't do it.  
10 And I -- and I would not do it again. So as far as leaning towards your  
11 client, I'm not sure. I mean, I might lean towards her. I'm just -- you're  
12 asking a question, and it's getting [indiscernible].

13 MS. ALBERTSON: No, no, okay. The information you're  
14 giving me is exactly what I want to learn from you, because I don't know  
15 any of you. Just like you guys don't know me. And just because you  
16 have an opinion that makes you not right for this case, doesn't mean you  
17 don't end up on some other case perhaps, you know, that's more  
18 appropriate for your background and your history. But if you're saying  
19 that you're anti-sue, and that's going to be in your mind, if you're picked  
20 for this jury, as you're evaluating this case, I would like to know that.

21 PROSPECTIVE JUROR 495: Anti-sue given this situation.  
22 Now if it's a different situation like a drunk driver, and I'm hurt, and he  
23 shouldn't have been driving, then yeah, I would sue. But in this situation  
24 where it was a pure accident, he's felt bad. And even though I had an  
25 option to, I chose not to. And if I could do it again, I still wouldn't.

1 MS. ALBERTSON: Okay. Our situation is -- you heard what  
2 our situation is, right?

3 PROSPECTIVE JUROR 495: Yes.

4 MS. ALBERTSON: Okay. It's not a drunk situation. It's not  
5 even an intentional -- we're not even claiming Dr. Brill intentionally hurt  
6 Kim, okay. But we are claiming Dr. Brill hurt Kim. But we're not saying  
7 he did it with malice, or intention, or bad spirit, or even that -- I mean it's  
8 for him to answer, not me. But I mean if he gets up on the stand and  
9 apologizes, is that going to basically make you think, well, that's all he  
10 needs to do?

11 PROSPECTIVE JUROR 495: Okay. I don't know anything  
12 about the case.

13 MS. ALBERTSON: Yeah.

14 PROSPECTIVE JUROR 495: Whatever.

15 MS. ALBERTSON: I know, it's a tough situation.

16 PROSPECTIVE JUROR 495: So --

17 MS. ALBERTSON: And I'm not really allowed to --

18 PROSPECTIVE JUROR 495: No, no.

19 MS. ALBERTSON: -- enter my case here right now, but --

20 PROSPECTIVE JUROR 495: You want an honest answer.

21 MS. ALBERTSON: Yeah. As honest as you can get.

22 PROSPECTIVE JUROR 495: Okay. If that doctor had no  
23 intention of causing what happened happen, if it was some freak  
24 unforeseen, never happen in his practice before, this was a one in a  
25 million situation, and unfortunately it happened to your client, and he

1 apologizes. So no, I'm -- if there's no [indiscernible - Ms. Albertson  
2 speaking over juror] --

3 MS. ALBERTSON: That would be all you would need to  
4 hear?

5 PROSPECTIVE JUROR 495: I mean, yeah. I mean that's -- I'm  
6 trying to be as honest as possible.

7 MS. ALBERTSON: No, no, no, you're doing exactly what  
8 you're supposed to be doing.

9 PROSPECTIVE JUROR 495: So yeah, I mean [indiscernible -  
10 Ms. Albertson speaking over juror] --

11 MS. ALBERTSON: Right now. You've got your own --

12 THE COURT: Ms. Albertson let him finish answering, please.  
13 This is being recorded.

14 PROSPECTIVE JUROR 495: Okay, long story short, I don't  
15 want to sue because it was an accident, and he had no intention. It was  
16 a freak accident, then, yeah, I could accept his apology as enough. But  
17 yes, I -- that's about it, so.

18 MS. ALBERTSON: Okay. Thank you, very much. Ms. Glad.

19 PROSPECTIVE JUROR 522: Badge Number 55, Glad. I'm  
20 kind of -- I feel like the same. And that's just a personal thing. I've never  
21 had any incident, but I try to give people I guess the benefit of the doubt.  
22 And I don't do well with confrontation or conflict, so like this whole  
23 process is a little nerve wracking for me, because I've never done this  
24 before. And so I kind of agree.

25 Like I'm usually one who if someone realizes it's an accident

1 and apologizes for it, like I am good personally, so. But I've never had  
2 any like specific extreme example, like medical where that's happened  
3 before. If that makes any sense.

4 MS. ALBERTSON: It makes a lot of sense. I'm going to ask  
5 you a couple of follow up questions then.

6 PROSPECTIVE JUROR 522: Okay.

7 MS. ALBERTSON: So in the situation where there's  
8 outstanding medical bills --

9 PROSPECTIVE JUROR 522: Uh-huh.

10 MS. ALBERTSON: Who do you think is responsible for  
11 paying them like that? The person who caused the medical bills, but is  
12 apologetic, or the person who suffered the injury?

13 PROSPECTIVE JUROR 522: It's usually really hard for me to  
14 even decide. I feel like -- again I don't know enough of the evidence. I  
15 would feel like I would have to know more in order to decide that. But I  
16 don't know if I am capable of making that decision, I guess. I don't know  
17 if that makes sense, either. I also don't do well on the spot, so I  
18 apologize.

19 MS. ALBERTSON: Well, you're going to have -- I mean if  
20 you're picked there's going to be a team with you.

21 PROSPECTIVE JUROR 522: Right.

22 MS. ALBERTSON: You're not going to be alone.

23 PROSPECTIVE JUROR 522: Right.

24 MS. ALBERTSON: But you are going to be asked to make a  
25 decision.

1 PROSPECTIVE JUROR 522: Okay.

2 MS. ALBERTSON: Do you think you're not going to be able  
3 to make a decision?

4 PROSPECTIVE JUROR 522: I feel like if I have the facts and  
5 enough of the evidence that I could. And I do better with support of a  
6 group than individually. Like I don't feel like personally I can make the  
7 decision. But if I work with a team, we can come up with a decision  
8 together, I guess that would help.

9 MS. ALBERTSON: Do you feel like you, in theory, would be  
10 able to give a ruling in favor of Kim, if that's what the evidence  
11 supported?

12 PROSPECTIVE JUROR 522: I would hope so, but I honestly  
13 don't know, because again I don't have all the facts and the evidence.

14 MS. ALBERTSON: I'm asking you if evidence supported a  
15 ruling in Kim's favor.

16 PROSPECTIVE JUROR 522: I think I could.

17 MS. ALBERTSON: Okay.

18 PROSPECTIVE JUROR 522: But I also second guess myself a  
19 lot, so. Because again I don't do well with conflict. I don't feel like I can  
20 be the judge of somebody, I guess, or their situation. Sorry, I'm trying to  
21 be honest, but I --

22 MS. ALBERTSON: No, that's okay.

23 PROSPECTIVE JUROR 522: -- I'm really nervous.

24 MS. ALBERTSON: So as you sit here today, are you kind of  
25 leaning in a way where if you were picked, you would just go with the

1 flow, or you wouldn't be able to give any kind of award and participate,  
2 because you would feel too bad one way or the other with the result?

3 PROSPECTIVE JUROR 522: I feel like I probably would feel  
4 bad either way, because I feel like it is effecting somebody's life. Like --

5 MS. ALBERTSON: There are both sides of this?

6 PROSPECTIVE JUROR 522: Yeah. Yeah. So, yeah, I don't  
7 know. It's a hard decision for me to make.

8 MS. ALBERTSON: Okay.

9 PROSPECTIVE JUROR 522: I'm sorry.

10 MS. ALBERTSON: No, it's okay. I might come back to you  
11 and ask you a couple more questions --

12 PROSPECTIVE JUROR 522: Okay.

13 MS. ALBERTSON: -- but I just want to think about what you  
14 said for a minute, okay.

15 PROSPECTIVE JUROR 522: Okay. I'm sorry if I'm not clear,  
16 so --

17 THE COURT: Counsel can you approach? That's okay.  
18 Counsel, approach, please.

19 [Sidebar at 11:24 a.m., ending at 11:26 a.m., not transcribed]

20 MS. ALBERTSON: Just a moment, please.

21 THE COURT: Uh-huh.

22 MS. ALBERTSON: Okay. Mr. Blanche, we heard from you a  
23 little bit yesterday. We talked a little bit about what you do. And you  
24 made a comment that you were inclined to be skeptical. Do you  
25 remember saying that? Oh, sorry, Mr. Blanche is right there in seat 14.



1 PROSPECTIVE JUROR 435: 435, Kenneth Blanche.

2 MS. ALBERTSON: Do you remember saying that you were  
3 inclined to be skeptical?

4 PROSPECTIVE JUROR 435: I don't believe so.

5 MS. ALBERTSON: Okay, because I had in my notes that you  
6 told me that you're inclined to be skeptical, and that's the world we live  
7 in.

8 PROSPECTIVE JUROR 435: That's the world I live in.

9 MS. ALBERTSON: What does that mean?

10 PROSPECTIVE JUROR 435: Well, because I'm -- I do workers'  
11 comp.

12 MS. ALBERTSON: Uh-huh.

13 PROSPECTIVE JUROR 435: So I believe the lawyer asked me  
14 do I see frivolous lawsuits, and I said that's the world we live in. You  
15 know, I investigate.

16 MS. ALBERTSON: Does that cause you to lean a little closer  
17 to Mr. Brill's side in this case from the beginning?

18 PROSPECTIVE JUROR 435: Not necessarily because what we  
19 try to do is just look at the validity. I believe that's what I said yesterday,  
20 the validity of the claim, because that's -- you know, it'll kind of take care  
21 of itself once you just do the investigation.

22 MS. ALBERTSON: Okay. So should Kim have any worries if  
23 you're picked for this jury?

24 PROSPECTIVE JUROR 435: No.

25 MS. ALBERTSON: And I don't -- I didn't put notes yesterday

1 if you were asked about -- if there was a maximum award that you would  
2 feel comfortable awarding. Is there any kind of maximum award?

3 PROSPECTIVE JUROR 435: There's no number.

4 MS. ALBERTSON: I'm sorry?

5 PROSPECTIVE JUROR 435: There's no number.

6 MS. ALBERTSON: No number. So whatever the evidence  
7 supported would be okay with you?

8 PROSPECTIVE JUROR 435: Correct.

9 MS. ALBERTSON: Even if it was quite a large number?

10 PROSPECTIVE JUROR 435: Yeah. I mean, the evidence  
11 would have to show that. But yeah.

12 MS. ALBERTSON: And I think you had discussed that you  
13 just had surgery, right?

14 PROSPECTIVE JUROR 435: A couple years ago. Yes.

15 MS. ALBERTSON: Okay. Do you expect that to be any  
16 problem sitting through the trial if you're selected?

17 PROSPECTIVE JUROR 435: I think I explained it in private.

18 MS. ALBERTSON: I think it was just maybe use of facilities a  
19 little bit, not anything more than that. What I'm asking is are you in  
20 physical discomfort? I guess that's what I'm asking.

21 PROSPECTIVE JUROR 435: A little bit.

22 MS. ALBERTSON: Okay. Are you in pain right now?

23 PROSPECTIVE JUROR 435: Somewhat.

24 MS. ALBERTSON: What's the -- if you had to rate that on a 1  
25 to 10, what's your pain?

1 PROSPECTIVE JUROR 435: Maybe a 6, 7.

2 MS. ALBERTSON: 6 or 7. And are you sitting in a chair at a  
3 desk all day, or are you moving around?

4 PROSPECTIVE JUROR 435: I'm sorry?

5 MS. ALBERTSON: Like, does your job require you to move  
6 around, or --

7 PROSPECTIVE JUROR 435: Yes.

8 MS. ALBERTSON: -- are you sitting still?

9 PROSPECTIVE JUROR 435: Yes. Moving.

10 MS. ALBERTSON: Okay. How often are you moving around  
11 at work?

12 PROSPECTIVE JUROR 435: I would say probably 60 percent  
13 out in the field, and the rest of it is in administrative, at a desk.

14 MS. ALBERTSON: Does that help with the pain or discomfort  
15 to be moving around out in the field?

16 PROSPECTIVE JUROR 435: Not necessarily.

17 MS. ALBERTSON: So it's not -- the 6 out of 10 isn't going to  
18 be because you're sitting in a chair? It's just a constant --

19 PROSPECTIVE JUROR 435: Yeah. It's from the chemo.

20 MS. ALBERTSON: Is it, like, joint pain?

21 PROSPECTIVE JUROR 435: Neuropathy.

22 MS. ALBERTSON: Okay. And there was -- you said there  
23 was no complications with your surgery, right?

24 PROSPECTIVE JUROR 435: Yeah. I had some complications.  
25 But it wasn't -- I had to go back to the hospital three times.

1 THE COURT: I can't hear.

2 MS. ALBERTSON: He said --

3 PROSPECTIVE JUROR 435: I had to return to the hospital  
4 three times after my initial surgery.

5 MS. ALBERTSON: Why did you have to return to the  
6 hospital?

7 PROSPECTIVE JUROR 435: The first one -- the first return  
8 was hospital induced pneumonia. The second time was just I had some  
9 bleeding issues.

10 MS. ALBERTSON: Did you bring any kind of claim for your  
11 injuries against this?

12 PROSPECTIVE JUROR 435: No.

13 MS. ALBERTSON: Are you -- do you lean towards an anti-  
14 sue person, or are you okay with lawsuits, or --

15 PROSPECTIVE JUROR 435: Yeah. I mean, I don't really have  
16 a -- either way, you know. Like I said, the evidence just has to support  
17 the --

18 MS. ALBERTSON: What'd you say?

19 PROSPECTIVE JUROR 435: The evidence -- I'm sorry. The  
20 evidence has to support itself.

21 MS. ALBERTSON: The evidence has to support it. So you're  
22 okay with whatever the evidence supports?

23 PROSPECTIVE JUROR 435: Correct.

24 MS. ALBERTSON: So if evidence supports Kim bringing a  
25 claim, you're going to have no problem with it?

1 PROSPECTIVE JUROR 435: Correct.

2 MS. ALBERTSON: Okay. Okay. I would like to speak to Mr.  
3 Martinez, who is in seat 16. Thank you very much, sir.

4 PROSPECTIVE JUROR 458: Badge number 458, Sammy  
5 Martinez.

6 MS. ALBERTSON: Okay. Mr. Martinez, we haven't heard  
7 from you much, right?

8 PROSPECTIVE JUROR 458: Correct.

9 MS. ALBERTSON: Are you an anti-sue person, or are you  
10 okay with lawsuits? What's your feeling?

11 PROSPECTIVE JUROR 458: I'm neutral in that feeling.

12 MS. ALBERTSON: Okay. Has anybody -- have you or  
13 anybody you love been injured due to someone else's actions?

14 PROSPECTIVE JUROR 458: No.

15 MS. ALBERTSON: Okay. If you or anybody you loved had  
16 been injured due to someone else's actions, would you agree it'd be  
17 okay for them to bring a lawsuit or make a claim?

18 PROSPECTIVE JUROR 458: Depending on the evidence and  
19 what the situation is about, I do agree with that. Yes.

20 MS. ALBERTSON: Are there situations where it's not okay?

21 PROSPECTIVE JUROR 458: Well, let's say -- let's put it in an  
22 example. Let's say you hurt yourself, you don't even bleed. I don't feel  
23 like you should complain about that. But I mean, if you are in pain and  
24 everything's there, of course.

25 MS. ALBERTSON: What do you mean if I hurt -- if you hurt

1 yourself and --

2 PROSPECTIVE JUROR 458: Like, let's say -- like with me, I  
3 kind of -- I'm a server at a steakhouse. And sometimes I hit the wall or  
4 something by accident just because I'm moving. I'm not going to go  
5 complain about it to the manager or anything like that just because it  
6 happened so quick, and nothing's really left over. But obviously, if I do  
7 bust my hand or break my arm, then obviously, I would go and make it  
8 my priority to get that fixed.

9 MS. ALBERTSON: So let's change that scenario a little bit.

10 PROSPECTIVE JUROR 458: Sure.

11 MS. ALBERTSON: You coworker's carrying a big tray,  
12 coming out of the dining -- the kitchen into the dining room, and  
13 accidentally knocks into you, but knocks you hard. And you fall and  
14 break your wrist. Do you think you have a right to make a claim?

15 PROSPECTIVE JUROR 458: Yes.

16 MS. ALBERTSON: Do you think that's okay for the person  
17 responsible to pay to fix your wrist?

18 PROSPECTIVE JUROR 458: Yes.

19 MS. ALBERTSON: Okay. And would you have any problem  
20 with anybody else making a claim in a similar situation if they're the one  
21 with the broken wrist?

22 PROSPECTIVE JUROR 458: I do not have a problem.

23 MS. ALBERTSON: Any reason why Kim should be hesitant  
24 to pick you for this jury?

25 PROSPECTIVE JUROR 458: No.

1 MS. ALBERTSON: Okay. And I think you -- did you say you  
2 were unmarried?

3 PROSPECTIVE JUROR 458: Yes.

4 MS. ALBERTSON: Okay. And no kids, right?

5 PROSPECTIVE JUROR 458: Correct.

6 MS. ALBERTSON: Okay. Have you ever been married?

7 PROSPECTIVE JUROR 458: No.

8 MS. ALBERTSON: Do you have any sisters?

9 PROSPECTIVE JUROR 458: I do.

10 MS. ALBERTSON: How old are your sisters?

11 PROSPECTIVE JUROR 458: My sister is 36.

12 MS. ALBERTSON: And any idea of money in your mind that  
13 would be too much to award in a lawsuit?

14 PROSPECTIVE JUROR 458: No.

15 MS. ALBERTSON: Any problem making an award for pain  
16 and suffering?

17 PROSPECTIVE JUROR 458: I don't have a problem.

18 MS. ALBERTSON: And would you agree that it's important  
19 to hold people responsible for their mistakes?

20 PROSPECTIVE JUROR 458: Yes.

21 MS. ALBERTSON: Would you agree that if Kim is injured,  
22 and to no fault of her own, and incurs medical expenses, it'd be fair to  
23 ask the person responsible for those medical expenses to pay for that?

24 PROSPECTIVE JUROR 458: Yes.

25 MS. ALBERTSON: Okay. And you wouldn't have any

1 problem holding them accountable?

2 PROSPECTIVE JUROR 458: Correct.

3 MS. ALBERTSON: Okay. Even if that person happened to be  
4 a doctor?

5 PROSPECTIVE JUROR 458: That's correct.

6 MS. ALBERTSON: Okay. Thank you very much, Mr.  
7 Martinez.

8 PROSPECTIVE JUROR 458: Absolutely.

9 MS. ALBERTSON: I think that's it. Thank you very much.

10 THE COURT: Thank you. Thanks so much, everyone.

11 All right. Ladies and gentlemen, we're going to take a little  
12 bit of a longer lunch. We have a couple of issues that we need to attend  
13 to. And honestly, again, I'm trying to limit the amount of time that you  
14 wait around. So we're going to have a lunch break until 1:15.

15 And during the break, you're instructed not to talk with each  
16 other or anyone else about any subject or issue connected with this trial.  
17 You're not to read, watch, or listen to any report or commentary on the  
18 trial by any person connected to the case, by any medium of  
19 information, which includes newspapers, television, internet, or radio.

20 You're not to conduct any research relating to this case  
21 including consulting dictionaries, using the internet, or reference  
22 materials, test any theory of the case, recreate any aspect of the case, or  
23 in any way learn about the case on your own. You're not to talk with  
24 others, text others, Tweet others, Google issues, or any other kind of  
25 book or computer research with regard to any issue, witness, party, or



1 attorney involved in this case. You're not to form or express any opinion  
2 on any subject connected to this trial until the case is finally submitted to  
3 you. I'll see you back here at 1:15. Thank you.

4 THE MARSHAL: All rise for the jury.

5 [Prospective jurors out at 11:37 a.m.]

6 THE MARSHAL: The jury has cleared the courtroom, Your  
7 Honor.

8 [Outside the presence of the prospective jurors]

9 THE COURT: Thank you. We're outside the presence of the  
10 prospective panel. Ray, go ahead and get the other ten, please. And  
11 then we're going to address the legal issues. I'm going to take a quick  
12 break before we question them.

13 So as to -- let's put a couple things on the record. There was  
14 another objection to Plaintiff voir dire questioning. Do you want to make  
15 a further record, Ms. Hall?

16 MS. HALL: Very briefly. The objection was that it was a  
17 direct comment on the Plaintiff's case and the evidence. And there was a  
18 side discussion about asking questions which were legal conclusions.  
19 But that wasn't really the basis of the objection that we discussed. It was  
20 about direct comment on the evidence.

21 THE COURT: And any response, Ms. Albertson?

22 MS. ALBERTSON: I think my questions were general enough  
23 that they should be permitted. But I do understand the ruling.

24 THE COURT: Okay. And for the record, I sustained the  
25 objection. And then my comment on the medical -- or the legal

1 conclusion was that that line of questioning was inappropriate to ask a  
2 prospective juror to define a legal conclusion. And so with regard to the  
3 other -- do you want to go back and talk about the other challenges?

4 MS. ALBERTSON: I have one, two, three for cause  
5 challenges. I don't know if any of them are repeat because I think a few  
6 of those people actually said things that negated my ability to challenge  
7 them for cause.

8 THE COURT: Right. So --

9 MS. ALBERTSON: Even the original people.

10 THE COURT: Which ones do you want to address right now?

11 MS. ALBERTSON: I'm going to go in order. I would start  
12 with Carla Rascon. She's sitting in seat 8. She's number 395. She said  
13 unequivocally that she would favor Dr. Brill. I can go into more detail if  
14 you want. But --

15 THE COURT: No. Ms. Hall, go ahead.

16 MS. HALL: I mean, frankly, I think that this particular person  
17 was saying what she needed to say to get off the jury. But nevertheless,  
18 I would stipulate to excusing her to the cause challenge.

19 THE COURT: All right. So 395 stipulated to release for cause  
20 based on her comments about leading towards Dr. Brill based on her  
21 experience that one of her -- I think it was her dentist was sued for  
22 medical malpractice. Okay. Next one?

23 MS. ALBERTSON: Jessica Hall. She also said she was anti-  
24 sue. And therefore, leaning -- I don't know if she actually used the words  
25 leaning against my client. But the anti-sue would make her lean against

1 my client. Oh, she can see Dr. Brill's position as the Defendant better  
2 than Kim's. And that's the problem. And I'm sorry, it's hard for me to  
3 write down while I'm questioning people. But my legal assistant did  
4 write down what she said. And what she has written down is can see Dr.  
5 Brill's position as Defendant better than Kim's. That's a clear bias  
6 established right now.

7 THE COURT: Ms. Hall?

8 MS. HALL: She was specifically asked if she leans more  
9 toward Dr. Brill. And she says, I don't lean more toward him. Then she  
10 was asked, do you see his position better than you see Kim's? And that's  
11 when she said yes. I don't think -- you know, I haven't had an  
12 opportunity to question her. And I'd like that opportunity because I don't  
13 think she has expressed any bias to one side or another.

14 This use of this term, "anti-sue", I don't really personally  
15 understand that. And I think it's created some confusion among the  
16 prospective jurors. And I think that there may have been some  
17 confusion on the part of this individual. So I would like an opportunity to  
18 ask her some questions because I don't think she's -- you know, that  
19 situation she described about breaking her arm at school has absolutely  
20 nothing to do with the facts of this case, nor does it indicate any bias on  
21 way or another in this case.

22 THE COURT: All right. Well, I'll allow you to question her.  
23 But I am concerned. I mean, I agree the anti-sue. But she did say she  
24 was leaning towards being an anti-sue person, yes, and it would be in  
25 her mind today, and it's fair to say it would be in her mind if she was

1 assessing the case. And she said it might be. So I'll allow you to  
2 question her, but I am concerned. And I'd rather do it outside the  
3 presence of others.

4 MS. HALL: Sure.

5 THE COURT: So --

6 MS. ALBERTSON: And that's probably good because then  
7 they all come up with being -- they want to say what's going to get them  
8 off.

9 THE COURT: Anything else?

10 MS. ALBERTSON: Same problem with Mr. Grant. I will say  
11 I'm not sure if he just wants out of here, or if he is being genuine either.  
12 But he had similar problems as Ms. Hall. I'm willing to indulge  
13 Defendant if they want to talk to these two further. But I would just ask  
14 for the same indulgence if they have a for cause issue coming up in the  
15 future when they do their questioning. But I've got a similar problem  
16 with Mr. Grant.

17 Let me read his statements. He basically said that if he gets  
18 an apology, that's all he's going to need here, no matter what the facts  
19 were. And that's a big issue because we're all the way here. Like -- I  
20 mean, it seemed like if it was an unintentional act or a mistake that the  
21 person was willing to take responsibility for, he didn't think awarding  
22 monetary damages was appropriate. And that's not the standard. That's  
23 not the law.

24 THE COURT: Ms. Hall?

25 MS. HALL: Well, again, I think it's the way that the questions

1 were posed to Mr. Grant. He did say, I'm not anti-sue in other situations.  
2 When he made the comment about being anti-sue, he was very specific  
3 to this incident that he experienced at work where another employee I  
4 think accidentally cut him with a box cutter. And then he went on to say,  
5 I'm not anti-sue in other situations. And the line that -- the exchange  
6 about whether it was intentional or not and whether he apologizes, he  
7 said that would be enough for me. I think what was not explored is  
8 whether he has a problem if that's not enough for Ms. Taylor, and  
9 awarding damages to Ms. Taylor, specifically. So again, you know, I'd  
10 like an opportunity to question Mr. Grant.

11 THE COURT: Yeah. My notes indicate it was very personal  
12 to his experience. I mean, I'll allow both sides to further question. You  
13 can also continue the questioning. But he did say, my personal  
14 experience, and he said this situation. And then when you specifically  
15 asked him, so if the doctor apologizes, that's all he needs to do? And he  
16 said, I don't know anything about the case or the evidence, which leads  
17 me to believe he wants to wait and hear the evidence before he makes a  
18 decision. And then the rest of the commentary was again, personal to I  
19 could accept an apology, and that's about it. So I'll allow further  
20 questioning on that.

21 Anything else on the others, the ones we reserved from this  
22 morning, or do you have another one from this morning?

23 MS. ALBERTSON: I do not think I am going to maintain  
24 those for cause. But let me just take a look to make sure that nothing  
25 else was said. But I think some of them definitely said things that

1 indicated they were more fair than I was thinking yesterday. Yeah. I'm  
2 okay.

3 THE COURT: Okay. So you're withdrawing all the earlier  
4 challenges for cause?

5 MS. ALBERTSON: The ones that were not granted, yeah. I  
6 mean, obviously, I reserve the right to --

7 THE COURT: Well, of course.

8 MS. ALBERTSON: -- make them again depending on what  
9 comes out. But at this time, yes.

10 THE COURT: At this point. Okay.

11 MS. ALBERTSON: Yes.

12 THE COURT: All right. So let's take a quick five-minute  
13 break. And then we're going to have to come back and do the other  
14 stuff.

15 [Recess taken from 11:46 a.m. to 11:51 a.m.]

16 [Outside the presence of the jury]

17 THE COURT: All right. I'm going to show you the condensed  
18 version of the introduction so we can get to lunch too. And are they  
19 ready?

20 THE MARSHAL: Yes, Your Honor. I'm going to do five, and  
21 then skip a row and do five back there. That way I can at least walk in  
22 between them.

23 THE COURT: Okay.

24 MS. ALBERTSON: I'm sorry, you bring them in here and  
25 we're doing what?

1 THE COURT: The whole beginning of everything, like we're  
2 starting brand new with jury selection. Introduction, general impression  
3 of the individual.

4 THE MARSHAL: All rise for the jury.

5 [Prospective jury in at 11:53 a.m.]

6 THE COURT: Not any of yours, though.

7 MS. ALBERTSON: Oh.

8 THE COURT: Just the general, yeah.

9 MS. ALBERTSON: But I have to read our parties, don't I--

10 THE COURT: Yes.

11 MS. ALBERTSON: -- like our witnesses. Let me find the list.

12 That's what I was --

13 THE COURT: Oh. Okay.

14 MS. ALBERTSON: Yeah.

15 THE MARSHAL: The jury is all present, Your Honor.

16 THE COURT: Thank you. You may be seated. Good  
17 morning everyone, almost afternoon.

18 Sorry for the delay. This is the time set for the trial in case  
19 number A-18-773472-C, Kimberly Taylor, Plaintiff vs. Keith Brill and  
20 Women's Health Association of Southern Nevada Martin PLLC,  
21 Defendant, and the record will reflect the presence of both parties, as  
22 well as their attorneys.

23 And I just want to introduce myself and my staff to you,  
24 briefly. My name is Monica Trujillo, and I'm the presiding Judge here in  
25 Department 3, in the Judicial District Court. To my left is my Court Clerk,

1 Crecia, she's in charge of the exhibits, and minutes, and taking care of  
2 everything that's going on in the courtroom.

3 To her left is Angelica, she's our court recorder, and she's in  
4 charge of making sure everything we talk about gets recorded, that's  
5 why there's mics all around. And you've already met Officer Ray  
6 Enriquez, he is our Marshal. He will be interacting with you the entire  
7 time. If you have any questions about parking, taking notes, any  
8 scheduling issues, or any concerns really, you raise them with him and  
9 then he'll come and speak with me about them. He can't talk to you  
10 about the facts of this case, or any legal issues, but he can raise any  
11 issues that you have, with me.

12 So now I'm going to allow the attorneys to introduce  
13 themselves and their staff and tell you a little bit about their case and  
14 any potential witnesses they may have. On behalf of Plaintiff.

15 MS. ALBERTSON: Hi. My name is Yianna Albertson, and  
16 I'm co-counsel for the Plaintiff. Lead counsel is Adam Breeden, who will  
17 be here after lunch. With us at or table is also Kristy Johnson, she's our  
18 legal assistant. Our client is Kimberly Taylor.

19 Some of the witnesses we will be calling, Clyde Olson,  
20 Barbara Olson, Dr. Hamilton, Elizabeth Laca, Bruce Hutchins, Kristy  
21 Sandoval [phonetic], Dr. Lipman, Henderson Finance Department, St.  
22 Rose Hospital billing representatives. Henderson Hospital billing  
23 representatives, Dr. Yeh, Y-E-H, Dr. Burch, Dr. Brill, who's the Defendant  
24 in this case, and possibly there's also going to be a Defense expert,  
25 McCarus.



1 THE COURT: Thank you.

2 MS. ALBERTSON: That's everybody. If I missed anybody,  
3 sorry, you all.

4 THE COURT: Okay. On behalf of Defendant.

5 MS. HALL: Your Honor, did you also want a very brief  
6 statement of the case?

7 THE COURT: Yes. Do you want to give a statement, Ms.  
8 Albertson?

9 MS. ALBERTSON: Sure. We're here today, because  
10 Kimberly Taylor had a procedure done, and is claiming that there was a  
11 problem with the procedure, that resulted in additional care needed  
12 afterwards, and she's claiming damages and injuries for the additional  
13 care, as well as a problem with the procedure. Okay. So she's brought  
14 claim against Dr. Brill.

15 THE COURT: Thank you. On behalf of Defendant?

16 MS. HALL: Thank you, Your Honor. Now it's afternoon.  
17 Good afternoon, everybody. My name is Heather Hall, and I'm here  
18 representing the Defendants in this case, along with my partner, Robert  
19 McBride, and the Defendants in this case are Keith Brill, M.D., and he's  
20 here as well, and also his practice group, which is Women's Health  
21 Associates of Southern Nevada. You'll also hear it referred to as  
22 WHASN. Also, part of my team, I have Nicole Palichat with me. And  
23 basically I want to know, and as do the others, if you recognize any of the  
24 names that I call off to you.

25 So first I'll list for you the attorneys in my law firm, McBride

1 Hall, and we have -- we have five other attorneys. We have someone  
2 named Jordan Montel, Charlotte Buys, Sean Kelly, Chelsea Hueth and  
3 Jacquelyn Kelley. So if anybody recognizes any of those names, we all  
4 want to know that. Unfortunately, I'm not allowed to have anyone who  
5 is a friend or a family member of my staff, or anyone on the jury.

6 To kind of touch on something that Ms. Albertson  
7 mentioned, she mentioned some of the witnesses and a Dr. McCarus.  
8 It's Steven McCarus, and he is an OB/GYN from Florida. I don't suspect  
9 that anyone recognizes him, but if you do, please let me know.

10 And in terms of the Defense's position, we are here because  
11 the Defendant in this case, Dr. Brill, denies that he negligently performed  
12 the procedure that Ms. Taylor had. So that's what we're here to decide  
13 and that's why we are seeking a jury in this case; and it is a case  
14 involving an allegation of medical malpractice, which the Defendant  
15 denies. Thank you, everyone.

16 THE COURT: Thank you. So now we're going to have our  
17 Court Clerk call the roll call. When you hear your name raise your hand,  
18 and just say, here, just to make sure we have everybody?

19 THE CLERK: Badge Number 202, Neil Flores.

20 PROSPECTIVE JUROR 202: Here.

21 THE CLERK: Badge Number 216, Henry Pascua.

22 PROSPECTIVE JUROR 216: Here.

23 THE CLERK: Badge Number 219, Brittany Rutledge.

24 PROSPECTIVE JUROR 219: Here

25 THE CLERK: Badge Number 238, Angela Derivera.

1 PROSPECTIVE JUROR 238: Here.

2 THE CLERK: Badge Number 282, Lisa Jamison.

3 PROSPECTIVE JUROR 282: Here.

4 THE CLERK: Badge Number 302, Charity Moore.

5 PROSPECTIVE JUROR 302: Here.

6 THE CLERK: Badge Number 313, Gabriela Pena.

7 PROSPECTIVE JUROR 313: Here

8 THE CLERK: Badge Number 319, Naikiee Bovia?

9 PROSPECTIVE JUROR 319: Here.

10 THE CLERK: Badge Number 323, Melissa Harrison?

11 PROSPECTIVE JUROR 323: Here.

12 THE CLERK: Badge Number 335, Leah Wood.

13 PROSPECTIVE JUROR 335: Here.

14 THE COURT: Thank you. And, ladies and gentlemen, I do

15 want to discuss briefly, some breaks. Obviously, I know you just got

16 here. We will be taking a lunch break hopefully within the next 20

17 minutes, or so, but we're going to ask you a few questions. You're kind

18 of joining a group who's already here. So when everyone returns for

19 lunch it's going to be a little bit more crowded. We'll have people in the

20 box over here, as well as people on this side.

21 But if at any point in time when you return you need to take a

22 break, just raise your hand. My Marshal will come over and talk to you.

23 Just please keep in mind that if one person takes a break, we're all going

24 to need to take a break. We are going to begin and move into jury

25 selection, which is the time where both the Court as well as the attorneys

1 question you, and this process is done under oath, because we want  
2 truthful answers from you.

3 So will you please stand so we can administer the oath to  
4 you.

5 THE CLERK: Please raise your right hand.

6 [The prospective jurors were sworn]

7 THE COURT: Thank you. You may be seated.

8 And just to explain a little bit about this process, jury  
9 selection is just a question and answer process whereby the attorneys  
10 want to get to know you. Obviously, we don't know each other, so  
11 they're looking for jurors who are going to be fair, open-minded, and  
12 neutral in this case, listen to the evidence and make a decision based on  
13 that.

14 We all have personal biases and preferences based on our  
15 life experiences, based on our interactions with other people, and that's  
16 normal, so we're not questioning you to embarrass you, or to try to pry  
17 into your personal business, we're just trying to determine whether or  
18 not you're an appropriate juror for this case. And just because you're  
19 not an appropriate jury for this case doesn't mean you wouldn't be in  
20 another case.

21 We anticipate this case to last, well, for you, since you're a  
22 little bit late, maybe 8 to 9 days. And I know that may seem long, but,  
23 you know, we have cases that last 6 to 8 months here in the 8th Judicial  
24 District Court. So relatively speaking it's a pretty short case. And as you  
25 know, I think it's an important civic duty to serve as a juror in a case, so I

1 think that this process is ultimately a rewarding experience, and I hope  
2 that you find the same.

3 I do also want to discuss whether or not you get picked.  
4 There are two types of challenges. The first type of challenge is a for  
5 cause challenge, which basically means that an attorney can say, I don't  
6 believe this juror is an appropriate juror for this case, because he or she  
7 has a personal bias that is going to affect their decision making, with  
8 regards to the facts of this case.

9 Then there's peremptory challenges where an attorney  
10 doesn't have to have a reason to ask that you not sit as a juror, they can  
11 just make the request to the Court. What's important is that you don't  
12 take offense to that. It just means that they don't believe you would be  
13 an appropriate juror in this case.

14 So that being said, I'm going to ask you a series of questions,  
15 and this is for all of you, so go ahead and raise your hand if this applies  
16 to you. To qualify to serve as a juror you must be a citizen of the United  
17 States. So please raise your hand if you're not a citizen of the United  
18 States. All right. No hands.

19 To qualify as a juror you cannot be a convicted felon whose  
20 rights have not been restored. In Nevada anyone who has served their  
21 sentence and been released from prison or discharged from probation, is  
22 immediately restored their right to serve on a civil jury. Is there anyone  
23 who is a convicted felon who has not had their rights restored? No  
24 hands.

25 Is there anyone who has difficulty understanding the English

1 language? Okay. No hands.

2 Is there anyone who has a disability or a medical issue that  
3 might impact your ability to serve as a juror in this case? I have one  
4 hand. And before you speak, can you say the last three of your badge  
5 number, and your last name, please?

6 PROSPECTIVE JUROR 599: 599, Harrison.

7 THE COURT: And go ahead, Ms. Harrison.

8 PROSPECTIVE JUROR 559: Okay.

9 THE COURT: If you're -- are you --

10 PROSPECTIVE JUROR 559: It's honestly embarrassing.

11 THE COURT: Okay. So would you rather just tell my  
12 Marshal, and then -- okay.

13 [Prospective Juror and Marshal confer]

14 THE COURT: Counsel approach.

15 [Sidebar at 12:05 p.m., ending at 12:05 a.m., not transcribed]

16 THE COURT: All right. Ms. Harrison, we're going to go  
17 ahead and excuse you; that's Badge Number 323. Thank you.

18 PROSPECTIVE JUROR 559: Thank you.

19 THE COURT: Anyone else have a medical issue or disability  
20 that would prevent them from serving as a juror? All right. I see no  
21 other hands. Obviously -- I'm sorry?

22 PROSPECTIVE JUROR 559: Can I speak with him for minute?

23 THE COURT: Sure.

24 PROSPECTIVE JUROR 559: Okay.

25 [Prospective Juror and Marshal confer]

1 THE COURT: Counsel approach.

2 [Sidebar at 12:07 p.m., ending at 12:09 p.m., not transcribed]

3 THE COURT: Can you say your name and badge number,  
4 ma'am, sorry.

5 PROSPECTIVE JUROR 319: I'm sorry?

6 THE COURT: Your name and badge number?

7 PROSPECTIVE JUROR 319: My name is Nancy Bovia  
8 [phonetic] and --

9 THE COURT: 319. Okay. Bovia, 319. Okay. You can go  
10 ahead and be excused. Thank you.

11 All right. So obviously, during these times, and as a result of  
12 the pandemic financial hardship has pretty much hit everyone here in  
13 Clark County and the world. That being said, financial hardship is  
14 typically not a reason to be excused from jury service, but we would like  
15 to know if there's any extraordinary circumstances, or reason why you  
16 feel like you can't serve as a juror in this case? We have one hand, and  
17 please say the last three of your badge, and your name, please?

18 PROSPECTIVE JUROR 745: My name is Angela.

19 THE MARSHAL: Hold on. You've got to use the microphone.

20 PROSPECTIVE JUROR 745: Angela Derivera, 745. My job  
21 only pays for three days for a jury duty. I am a single mom, and next  
22 Wednesday my son does not have school, so I have no childcare for him.

23 MS. ALBERTSON: What's your job?

24 PROSPECTIVE JUROR 745: I'm a preschool teacher.

25 THE COURT: Okay. Thank you. And are anyone of --

1 THE MARSHAL: We have one more.

2 THE COURT: State your last name and your badge, please.

3 PROSPECTIVE JUROR 282: Jamison, 282.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 282: And my reason is, I'm a  
6 healthcare worker, and they don't have anybody else for -- to take care of  
7 him.

8 THE COURT: You're a healthcare worker for who?

9 PROSPECTIVE JUROR 282: For my cousin, he's a veteran,  
10 very disabled.

11 THE COURT: And who does he live with?

12 PROSPECTIVE JUROR 282: He lives by himself.

13 THE COURT: All right. And your name and badge number?

14 PROSPECTIVE JUROR 202: Name is Flores, Badge Number  
15 202. And, yeah, they're not going to cover the full 8 or 9 days for work,  
16 and I'm the only source of income in my household.

17 THE COURT: And where do you work?

18 PROSPECTIVE JUROR 202: Cosmopolitan of Las Vegas.

19 THE COURT: What's your position?

20 PROSPECTIVE JUROR 202: Slot technician.

21 THE COURT: All right. Thank you. All right. Are any of you  
22 acquainted --

23 THE MARSHAL: One more, Judge.

24 PROSPECTIVE JUROR 335: Leah Wood, 335.

25 THE COURT: Go ahead.



1 PROSPECTIVE JUROR 335: So I am a stay at home mom to  
2 three kids that are in school, one of which I home school. So my  
3 husband works every day, and double shifts every day, so -- and he used  
4 his second to last vacation day just so I could be here today.

5 So considering that I'm the only to get my kids to and from  
6 school, I also homeschool my son who has issues that he needs me  
7 there to monitor, and I don't have any family that can help out. They all  
8 live out of State, no friends that can help with childcare or anything like  
9 that, and considering my home school of my son, no one else can take  
10 that on.

11 THE COURT: Okay. Thank you.

12 PROSPECTIVE JUROR 335: Thank you.

13 THE COURT: Are any of you acquainted with either me or  
14 any of the Court staff that I introduced you to?

15 Are any of you acquainted with the Defendant, or any of the  
16 attorneys associated with the law firm, sitting on the side of McBride  
17 Hall?

18 Are any of you acquainted with the Plaintiff, Kimberly Taylor,  
19 or any of her attorneys or staff?

20 THE COURT: Are any of you acquainted with any of the  
21 witnesses who either side read off to you?

22 And do any of you know each other?

23 Do you or anyone close to you work for an insurance  
24 company? No hands.

25 Does anyone know about the facts of this case other than

1 what's just been read to you?

2 Does anyone have any philosophical, religious, or other  
3 belief, that would prevent you from serving as a fair and impartial juror?  
4 Okay. I see no hands.

5 And does anyone have any problem following the  
6 instructions on the law I give you, regardless of whether you agree with  
7 that law?

8 All right. Ray, can you pass out the individuals to them,  
9 please?

10 THE MARSHAL: Yes, Your Honor.

11 THE COURT: And I'm going to give you a minute to look  
12 over the questions. We're going to just go down one by one. And I'm  
13 going to ask that you include the question in your answer. So for  
14 example, for number one, you would say I've lived in Clark County for x  
15 amount of years. For number two you would say I graduated college.  
16 And so on and so forth with the answers, so that we know that your  
17 answer is. And you can just go down the list. So we'll begin with Mr.  
18 Flores, yeah. And we're going to --

19 PROSPECTIVE JUROR 202: Name Neil Flores. Badge  
20 Number 202.

21 THE COURT: Thank you.

22 PROSPECTIVE JUROR 202: I've lived in Clark County; it will  
23 be 15 years in November. The farthest I went in school was high school.  
24 Are you employed? Yes. Slot technician. Not retired or unemployed.  
25 Married, no. Significant relationship, no. Children, no. Anyone close to

1 you ever been plaintiff or defendant in a lawsuit? No. Have you served  
2 as a juror before? No. Make a different -- no, nothing that would make  
3 it difficult to sit as a juror in the case. Yes, I can set aside sympathy I  
4 have for any side. Yes, I can based the verdict solely on the evidence  
5 presented. Yes, I can be fair to both sides on the case.

6 THE COURT: Thank you, Mr. Flores.

7 PROSPECTIVE JUROR 216: Henry Pascua, Badge Number  
8 0216. Been in Clark County for 25 years. Somewhat college. Employed  
9 at United Airlines. Not married. No children. Number six, no.

10 THE COURT: I'm sorry, can you just say you've never been  
11 or --

12 PROSPECTIVE JUROR 216: I've never been, yeah. Yeah.

13 THE COURT: Yeah, I need you to say it. It's being recorded.

14 PROSPECTIVE JUROR 216: Well, I've never been a plaintiff  
15 or a defendant.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR 216: Have you ever served on a jury?  
18 No. Number 8, no, I haven't heard any -- nothing to do with the case  
19 here. On number 9, yes, I can set aside as sympathy for both sides here.

20 THE COURT: You said you can set aside?

21 PROSPECTIVE JUROR 216: Yeah.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR 216: Number 10, yes, I --

24 MR. MCBRIDE: Could you read the question and answer?

25 PROSPECTIVE JUROR 216: Yes, I can, you know, listen to the

1 verdict and the evidence and to the situation of this. I can be fair to both  
2 sides. Thank you.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR 219: My name is Brittany Rutledge,  
5 Badge 219. I have lived in Clark County for five years. I have graduated  
6 college in marketing. I am employed and work in animal rescue. I'm in a  
7 significant relationship and my spouse works in a car dealership. I do  
8 not have any children. I, or nobody close to me, has been the plaintiff or  
9 defendant in a lawsuit. I have not served as a juror before. There is  
10 nothing about the nature of this case that would make it difficult for  
11 myself to sit as a juror. I can set aside any sympathy for either side and  
12 base my verdict solely on the evidence presented. I can base my verdict  
13 solely on the evidence presented and wait to form an opinion until all  
14 evidence has been heard. And yes, I can be fair to both sides.

15 THE COURT: Thank you, Ms. Rutledge.

16 PROSPECTIVE JUROR 238: Angela Derivera, 745. I have  
17 lived in --

18 THE COURT: I'm sorry, hold on a second. Badge Number  
19 238. Go ahead.

20 PROSPECTIVE JUROR 238: I have lived in Clark County for  
21 two years. I graduated college in Michigan. I'm employed for Acelero  
22 Learning. It's a preschool program. I have a significant relationship. We  
23 have three children, 9, 15 and 17. I don't have any close relationships  
24 with the plaintiff or defendant in a lawsuit. No I've never served on a  
25 jury before.

1 THE COURT: Hold on, Ms. Derivera. What does your  
2 significant other do?

3 PROSPECTIVE JUROR 238: Oh, sorry. He's a truck driver.

4 THE COURT: Okay. And you've never been a plaintiff or  
5 defendant, or anyone close to you has ever been a plaintiff or defendant?

6 PROSPECTIVE JUROR 238: No.

7 THE COURT: Okay, go ahead. Thank you.

8 PROSPECTIVE JUROR 238: Number 8 is there anything  
9 about the nature of the case , no. Nothing that I've heard that would  
10 make it difficult to sit as a juror.

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR 238: Number 9, yes I can set aside  
13 sympathy for either side. Yes, I can base my verdict solely on the  
14 evidence presented at a trial. And I can be fair for both sides of this case.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR 282: Lisa Jamison, 282. I've lived in  
17 Clark County for four years. I have a little college for school. I'm a  
18 healthcare worker. I'm not married. I have an adult child, but she  
19 doesn't live with me. Yes, I have been a plaintiff in a lawsuit.

20 THE COURT: What type of lawsuit?

21 PROSPECTIVE JUROR 282: Slip and fall. That was on the  
22 job.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 282: Were you satisfied with the -- no,  
25 I wasn't satisfied on how it was handled. No, there's nothing that would

1 make me impartial or unfair. Is there anything about that experience, no.  
2 Have you ever served as a juror before? No. Is there anything about the  
3 nature of this case. No, it would not. Nothing would make it difficult.  
4 And yes, I can set aside sympathy for either side. Yes, I can base the  
5 evidence of that. And yes I can be fair for both sides.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR 302: Badge Number 0302. How long  
8 have you lived in Clark County? 15 years. How far did you go in school?  
9 I have a technical -- some technical college under medical billing. Yes,  
10 I'm employed. Caesars Entertainment as an accountant. No, I'm not  
11 married. No, I have no children. No, I've not been a plaintiff or a  
12 defendant in a lawsuit. No, I've not been a juror. There's nothing about  
13 this case that would be difficult for me to sit as a juror. Yes, I can set  
14 aside sympathy and listen to the evidence presented in the trial. Yes, I  
15 can base the verdict solely on the evidence presented. And yes, I can be  
16 fair to both sides.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR 255: Pena, Juror 8255. I have lived in  
19 Clark County for 12 years. I have a bachelor's degree in criminal justice,  
20 American family therapy. I'm currently employed with the Department  
21 of Family Services. I am married. My husband is a legal office  
22 supervisor. We have two children. A 7-year-old male and a 6-year-old  
23 female. No, I have not, or anybody I know, have ever been a plaintiff or  
24 defendant in a lawsuit. I have never been a juror before. There is  
25 nothing about the nature of this case that would be difficult for me to sit

1 as a juror. Yes, I can set aside my sympathy for either side. Yes, I can  
2 base my verdict solely on the evidence. And yes, I can be fair to both  
3 sides in this case.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR 335: Okay, Leah Wood, Badge  
6 Number 0335. I have lived in Clark County for 30 years. How far did I go  
7 in school? Just high school. I am not employed. I am married. He -- my  
8 husband works for Southwest Airlines. I have four children. Age 20, 17,  
9 13, and 10. I have never been a plaintiff or defendant in a lawsuit. I have  
10 never served as a juror before. There is nothing about the nature of this  
11 case that would make it difficult to sit as a juror. Yes, I can set aside  
12 sympathy I have for either side. Yes, I can base my verdict solely on the  
13 evidence presented. And yes, I can be fair to both sides.

14 THE COURT: Thank you. Counsel approach.

15 [Sidebar at 12:26 p.m., ending at 12:32 p.m., not transcribed]

16 THE CLERK: Badge Number 238, Angela Derivera; Badge  
17 Number 282, Lisa Jamison; Badge Number 335, Leah Wood, you are  
18 excused.

19 THE COURT: All right. And as for the rest of you, we're  
20 going to take our lunch break. And I'm going to ask that you return to  
21 this courtroom at 1:15. You can wait outside, and my marshal bring you  
22 in. Any time we take a break, I'm going to have to read you an  
23 admonishment.

24 It says that you are instructed not to talk with each other, or  
25 anyone else about any subject or issue connected with this trial. You're

1 not to read, watch or listen to any report or commentary on the trial by  
2 any person connected with this case by any media of information,  
3 including without limitation, newspaper, television, internet or radio.

4           You're not to conduct any research on any matters relating to  
5 this case, such as dictionaries, using the internet or other reference  
6 materials. Test any theory of the case, recreate any aspect of the case or  
7 in any other way learn about the case on your own.

8           You're not to talk with, others, text others, tweet others, or  
9 conduct any research with regard to -- or computer research regarding  
10 any issue, party or attorney involved in this case. And you're not to form  
11 or express any opinion on any subject connected with this trial until it's  
12 finally submitted to you. So I'll see you back at 1:15.

13           THE MARSHAL: All rise for the jury.

14                       [Prospective jurors out at 12:34 p.m.]

15           THE COURT: And thank you.

16           THE MARSHAL: Jury's cleared the floor, Your Honor.

17                       [Outside the presence of the prospective jurors]

18           THE COURT: We're outside the presence of the prospective  
19 panel. These were the additional ten that were sent up by the Jury  
20 Commissioner. The parties have stipulated to the following based on  
21 hardship excuses. Number 2 -- Badge Number 238, Angela Derivera for  
22 a hardship excuse; also Badge Number 282, Lisa Jamison, based on a  
23 hardship excuse; and finally Leah Wood, 335 for her hardship excuse.  
24 We had already previously released 319, Naikiee Bovia, as well as 323  
25 Melissa Harrison. Anything else outside the presence?



1 MR. BREEDEN: I don't think so, Your Honor.

2 THE COURT: All right. So when we return we'll begin with  
3 the Defendant's questioning until the end of the day. Thank you.

4 [Recess taken from 12:35 p.m. to 1:17 p.m.]

5 [Outside the presence of the prospective jurors]

6 THE COURT: All right. We're back on the record in A-18-  
7 773472-C, Taylor vs. Brill. We're outside of the presence of the  
8 prospective panel, but counsel for both sides are present, and we are  
9 going to resume questioning, and we're going to begin with the Defense.

10 Anything outside the presence before I bring them in?

11 MR. BREEDEN: Nothing, Your Honor.

12 MS. HALL: Not from us. Thank you.

13 MS. ALBERTSON: Oh, the ones that you -- the ones that we  
14 were going to talk to individually, remember, when do you -- when are  
15 we going to do that?

16 THE COURT: Who -- I can't -- that's why I was trying to look  
17 on my notes, and I can't remember who it was.

18 MS. ALBERTSON: It was -- I mean, Defendants may want to  
19 talk to them, so correct me if I'm wrong, but I believe it was Jessica Hall  
20 and Robert Grant. No, Jessica Hall might be gone. And so it was Robert  
21 Grant, and I thought there was a second one, right?

22 MR. MCBRIDE: No, Hall is still there.

23 MS. HALL: Hall is still there, and so is Grant.

24 MR. MCBRIDE: Hall and Grant.

25 MS. ALBERTSON: Okay.

1 THE COURT: Did you want to do that outside the presence,  
2 or you want to do that during your questioning, or at the next break?

3 MS. HALL: I would say I need the next break, because  
4 they're lower in the -- you know, on down the line. I would rather get  
5 started with the others. I tend to kind of question everybody individually  
6 as briefly as possible.

7 THE COURT: All right. Anything else?

8 MR. MCBRIDE: No, Your Honor.

9 THE COURT: All right. Ray, you can bring them in.

10 THE MARSHAL: All rise for the jury.

11 [Prospective jurors in at 1:23 p.m.]

12 THE MARSHAL: The jury is all present, Your Honor.

13 THE COURT: Thank you. You may be seated. And we are  
14 going to resume questioning with the -- oh, one second.

15 Ray, I'm sorry, could you come here for a second, please?

16 [Court and Marshal confer]

17 THE CLERK: Badge Number 395, Carla Rascon, you are  
18 excused. Badge Number 585, Nichole Keyes, to replace seat 8.

19 PROSPECTIVE JUROR 585: Badge Number 585, Keyes.

20 THE COURT: Thank you.

21 PROSPECTIVE JUROR 585: I've lived in Clark County my  
22 whole life, born and raised. I did some college. I am employed. I work  
23 at Anthem Blue Cross/Blue Shield. I do Medicare insurance. I'm not  
24 married. I'm single. I have a 19-year-old son. He works in construction.  
25 I don't have anybody that's ever been a plaintiff or a defendant in a

1 lawsuit. I have never served on a jury before. Nothing in the nature of  
2 this case would make it difficult for me to sit as a juror on this case. I can  
3 set aside sympathy for either side. And I can base my verdict solely on  
4 the evidence presented in trial. And I can be fair to both sides in this  
5 case.

6 THE COURT: Thank you, Ms. Keyes.

7 PROSPECTIVE JUROR 585: You're welcome.

8 THE COURT: And now we'll resume questioning on behalf of  
9 Defendant.

10 MS. HALL: Thank you, Your Honor. If I have the mic here,  
11 can you hear me okay? Perfect. Good afternoon, everyone. I did  
12 introduce myself to you yesterday, but that feels like it was quite a while  
13 ago, so for those who have forgotten, my name is Heather Hall, and I'm  
14 here with my partner, Robert McBride, representing Dr. Keith Brill in this  
15 case.

16 You've heard a little bit about what the nature of the case is,  
17 and it's an allegation of medical malpractice. And you were asked -- a lot  
18 of you were asked questions about damages and a lot of things about is  
19 there a certain amount that you couldn't award, and I just want to know  
20 by a show of hands, does everyone understand that before you can  
21 award anything to the Plaintiff in this case, you first must find that Dr.  
22 Brill did something wrong? Does everybody, either a nod of the head, or  
23 everybody understands that?

24 One of the things, the Judge is going to instruct you on the  
25 law in this case, and because this is a civil case, the Plaintiff has the

1 burden of proof. And because of that, the Plaintiff gets to put their case  
2 on first.

3 Does anyone have a concern that they wouldn't be able to  
4 wait until the Defense has an opportunity to put on their case before  
5 making up your mind if you were chosen as a juror? By show of hands,  
6 does anybody have a problem with that concept? Okay. Good. I see no  
7 hands.

8 Another thing I want to make sure that everyone is aware of  
9 and understands is sometimes people feel that if a case has made it to  
10 this point, has made it to a courtroom and we're here, that it must have  
11 merit. Does anyone here today feel that way, that because we are here  
12 and we are about to begin the trial in this case, that Ms. Taylor's case  
13 must have merit? Okay. Good. I don't see any hands.

14 Okay. Well, I'm going to, hopefully not too painfully, but I'm  
15 going to try to speak to each of you, as long as my voice will last. You  
16 may hear a little bit from my partner, Mr. McBride, later this afternoon,  
17 but if I could, I'd like to start with Mr. Hokanson.

18 PROSPECTIVE JUROR 542: Yes.

19 MS. HALL: Perfect. And if you could, sir, if you would just  
20 read us your badge number?

21 PROSPECTIVE JUROR 542: 542, Vinton Hokanson.

22 MS. HALL: I wrote down, Mr. Hokanson, that you said you  
23 are retired military?

24 PROSPECTIVE JUROR 542: Yes.

25 MS. HALL: And how many years of service?

1 PROSPECTIVE JUROR 542: 21 and eight months.

2 MS. HALL: Thank you for your service, first of all. In terms  
3 of your work as a correctional officer, was that after you retired from the  
4 military?

5 PROSPECTIVE JUROR 542: Yes.

6 MS. HALL: And you've been here in Clark County, you said  
7 four years?

8 PROSPECTIVE JUROR 542: Four years.

9 MS. HALL: During those four years, have you had a regular  
10 physician who you see for medical care?

11 PROSPECTIVE JUROR 542: Yes.

12 MS. HALL: Have you had any negative experiences with any  
13 of the medical care you have here?

14 PROSPECTIVE JUROR 542: No.

15 MS. HALL: And I know -- I don't want to get in too much to --  
16 about your wife's medical care, but you did mention that you've been to  
17 some of your wife's medical appointments?

18 PROSPECTIVE JUROR 542: Yes.

19 MS. HALL: Would that have been here in Las Vegas?

20 PROSPECTIVE JUROR 542: Yes.

21 MS. HALL: Has she had any, I guess, negative experiences in  
22 any of the healthcare she's had?

23 PROSPECTIVE JUROR 542: Other than them not being able  
24 to correct whatever is wrong, they -- I mean, they haven't done anything  
25 wrong to her.

1 MS. HALL: And I do remember you telling us about that. Did  
2 any of the doctors she's seen ever recommend a surgery for your wife?

3 PROSPECTIVE JUROR 542: No, just medication.

4 MS. HALL: Okay. Anything about that and any experiences  
5 that your wife has had with that issue, and not being able to figure out  
6 the problem, that you think would make it difficult for you to sit as a juror  
7 in this case?

8 PROSPECTIVE JUROR 542: No, I don't think so.

9 MS. HALL: All right. Thank you so much, Mr. Hokanson. If  
10 you could pass the mic? Oh, I'm sorry, after our Marshal cleans it.

11 PROSPECTIVE JUROR 309: Badge Number 309, Trisha  
12 Difuntorum.

13 MS. HALL: Now, Ms. -- is it D- --

14 PROSPECTIVE JUROR 309: Difuntorum.

15 MS. HALL: Difuntorum. I thought I -- my English is a little --  
16 is a little questionable sometimes. But Ms. Difuntorum, you -- I know  
17 you've been asked a little bit about some of your healthcare, and also  
18 your job, and you work for PIMA?

19 PROSPECTIVE JUROR 309: No, I attended PIMA for medical  
20 school. I work at Ever Gaming [phonetic].

21 MS. HALL: Okay. And the medical school, the training that  
22 you did at PIMA, was that in a specific area of study?

23 PROSPECTIVE JUROR 309: Yes, it was medical assisting and  
24 phlebotomy.

25 MS. HALL: And you no longer -- have you ever worked in the

1 healthcare field?

2 PROSPECTIVE JUROR 309: I did. I was a phlebotomist for  
3 five years, but it's been about six years since I've moved on from that  
4 career path.

5 MS. HALL: And anything at all about the fact that you have  
6 at least, at some point, worked in the healthcare field, that you think  
7 would make it difficult for you to be fair to both Ms. Taylor and Dr. Brill  
8 in this case?

9 PROSPECTIVE JUROR 309: No.

10 MS. HALL: You don't feel like you're favoring one side or the  
11 other as you sit here?

12 PROSPECTIVE JUROR 309: No, not at all.

13 MS. HALL: And you understand, and I guess this is probably  
14 a question for everybody, that if you -- anyone disagrees with this, let me  
15 know, but you understand that you haven't heard any of the evidence yet  
16 in this case, right?

17 PROSPECTIVE JUROR 309: Correct.

18 MS. HALL: Everybody else understand that as well? Thank  
19 you very much, Ms. Difuntorum. That's the only questions that I have for  
20 you.

21 PROSPECTIVE JUROR 342: 342, Meoli.

22 MS. HALL: Good afternoon, Mr. Meoli. I just have a few  
23 questions for you. I don't think you were asked about your experience  
24 with healthcare here in Las Vegas. And I know you said you were born  
25 and raised here, right?

1 PROSPECTIVE JUROR 342: Right.

2 MS. HALL: As a native, do you have a regular physician who  
3 you see for healthcare?

4 PROSPECTIVE JUROR 342: I do now, yeah.

5 MS. HALL: Okay.

6 PROSPECTIVE JUROR 342: Only for the past few years it's  
7 been the same person.

8 MS. HALL: That tends to happen when we get in our forties,  
9 right? Do you -- have you had any negative experiences with any of the  
10 healthcare you've received here in Las Vegas?

11 PROSPECTIVE JUROR 342: No, I haven't.

12 MS. HALL: Have any feelings, I guess, good or bad about  
13 healthcare here in Nevada?

14 PROSPECTIVE JUROR 342: It -- I suppose I get the feeling  
15 that physicians -- well, healthcare professionals in general seem to be  
16 overloaded. They seem to be in a -- in a hurry all the time, so it's  
17 common to feel that they don't have much time for you and the  
18 appointments. And I don't find that to be a problem for me at all; it's just  
19 something that I notice. So I try to get -- say as little as possible in my  
20 appointments just because it -- I feel like they're in a rush to get to the  
21 next patient. And that type of, you know, communication, bedside care.  
22 That type of thing is, you know, I'd say is pretty low quality in general.  
23 That's the impression that I get.

24 MS. HALL: And would you say the -- I know you had recently  
25 had rotator cuff surgery.



1 PROSPECTIVE JUROR 342: Right.

2 MS. HALL: Did you have any complications from that  
3 surgery?

4 PROSPECTIVE JUROR 342: No, I didn't.

5 MS. HALL: Were you generally satisfied with the surgery and  
6 the outcome?

7 PROSPECTIVE JUROR 342: The first one, not so much. As I  
8 said, it didn't -- it wasn't effective. But the second one, definitely. But  
9 I'm still in the recovery phase, so we'll see.

10 MS. HALL: And the first one, is that the situation you told us  
11 about where the tear wasn't repaired?

12 PROSPECTIVE JUROR 342: That's right.

13 MS. HALL: Is there anything at all, Mr. Meoli, about that  
14 experience that you think would make it difficult for you to be fair to both  
15 Dr. Brill and Ms. Taylor in this case?

16 PROSPECTIVE JUROR 342: No, I don't think so.

17 MS. HALL: Anything about you as a person that you haven't  
18 already told us that you feel like we should know before deciding  
19 whether you should sit on this jury?

20 PROSPECTIVE JUROR 342: Nothing comes to mind.

21 MS. HALL: Okay. Thank you very much, Mr. Meoli.

22 Is it Mr. Mata? One moment and I'll get you the mic. Good  
23 afternoon.

24 PROSPECTIVE JUROR 360: Good afternoon.

25 MS. HALL: I wrote down that you had mentioned you had

1     been involved in a claim for a motor vehicle accident?

2                 PROSPECTIVE JUROR 360: Yes.

3                 MS. HALL: Were you -- and did you actually file a lawsuit  
4     related to that?

5                 PROSPECTIVE JUROR 360: I think my work did.

6                 MS. HALL: So --

7                 PROSPECTIVE JUROR 360: It's still going on right now, so I  
8     don't know.

9                 MS. HALL: Okay. And I think you answered my question  
10    that I had in my head.

11                PROSPECTIVE JUROR 360: Okay.

12                MS. HALL: So your wife is the plaintiff, or the person suing  
13    in that case?

14                PROSPECTIVE JUROR 360: Well, we were all in the car, so --  
15    but it was on my end. But it's still going on right now. I mean, they -- I  
16    don't think they've filed a complaint yet.

17                MS. HALL: Okay.

18                PROSPECTIVE JUROR 360: It's beginning to, I think, that's  
19    what's happening. I have no idea.

20                MS. HALL: Did you, yourself, have any injury as a result of  
21    that accident?

22                PROSPECTIVE JUROR 360: No, no big injuries.

23                MS. HALL: What about your wife? Was she --

24                PROSPECTIVE JUROR 360: Nothing. None of the -- not  
25    injury.

1 MS. HALL: It's always uncomfortable when we ask these  
2 personal questions. I hope everyone understands, we're not trying to,  
3 you know, embarrass people, or be nosey. Unfortunately, that's just part  
4 of what we have to do to find out, you know, your background and your  
5 experiences.

6 PROSPECTIVE JUROR 360: Sure.

7 MS. HALL: You had mentioned that you had an injury to  
8 your hand?

9 PROSPECTIVE JUROR 360: Yeah.

10 MS. HALL: Could you tell me a little bit about that and --

11 PROSPECTIVE JUROR 360: Well -- okay. Well, this is an  
12 accident doing work. It was so windy in Henderson. I had my hand  
13 outside the door and all of the sudden the door just slammed on my  
14 finger. That's what happened.

15 MS. HALL: And you said --

16 PROSPECTIVE JUROR 360: And it got infected, so they had  
17 to amputate it. So now I'm in recovery. That's why I'm not working right  
18 now.

19 MS. HALL: Did that happen on the job?

20 PROSPECTIVE JUROR 360: Outside.

21 MS. HALL: Was that while you were at work?

22 PROSPECTIVE JUROR 360: While I was at work, yeah.

23 MS. HALL: And did you file any kind of like worker's  
24 compensation claim for that?

25 PROSPECTIVE JUROR 360: No.

1 MS. HALL: And prior to that injury, what were you doing for  
2 your profession?

3 PROSPECTIVE JUROR 360: I'm a pre-inspector for U-Haul  
4 Company fleet.

5 MS. HALL: You've been in Clark County you said three  
6 years?

7 PROSPECTIVE JUROR 360: Yes. More than three years.

8 MS. HALL: During that time, have you had a doctor who you  
9 see for just regular healthcare like a general -- you know, general family  
10 doctor?

11 PROSPECTIVE JUROR 360: Well, I had -- I didn't have any  
12 during that time, but last year to now I do have. Have a doctor that, you  
13 know, I go to every time.

14 MS. HALL: And is that because of the injury that you had or  
15 is it just for general health.

16 PROSPECTIVE JUROR 360: It's for general.

17 MS. HALL: Okay. How has your experience been with  
18 healthcare here in Nevada? Have you had any good or bad experiences

19 PROSPECTIVE JUROR 360: It's pretty typical normal. It's  
20 nothing really to worry about. It seems okay.

21 MS. HALL: Do you have any strong feelings one way or  
22 another about healthcare?

23 PROSPECTIVE JUROR 360: Not really. Most of my family a  
24 nurse. It doesn't really affect me at all.

25 MS. HALL: And who in your family is a nurse?

1 PROSPECTIVE JUROR 360: One of my sisters. My mom, my  
2 brother-in-law.

3 MS. HALL: Do they practice nursing here?

4 PROSPECTIVE JUROR 360: No, they're all -- they're all in Los  
5 Angeles.

6 MS. HALL: Okay. Understanding that they're in Los Angeles,  
7 the fact that you do have nurses in your family, your immediate family,  
8 do you feel that you would be in favor of Dr. Brill because of that?

9 PROSPECTIVE JUROR 360: No. Not at all.

10 MS. HALL: Do you think you could be fair to both sides?

11 PROSPECTIVE JUROR 360: Yes, I could.

12 MS. HALL: Okay, thank you, very much Mr. Matta. Pass the  
13 mic please. And is it Mr. Castro?

14 PROSPECTIVE JUROR 361: Yes.

15 MS. HALL: And can I get your badge number?

16 PROSPECTIVE JUROR 361: 361, Castro.

17 MS. HALL: Now either you've been very quiet, or I didn't  
18 take very good notes.

19 PROSPECTIVE JUROR 361: Nobody asked me anything, so --

20 MS. HALL: Well, I did write down you're a Blackjack dealer?

21 PROSPECTIVE JUROR 361: Yes.

22 MS. HALL: At Caesars?

23 PROSPECTIVE JUROR 361: Yes.

24 MS. HALL: Okay. You been in Clark County 16 years?

25 PROSPECTIVE JUROR 361: 15-16 years, yes.

1 MS. HALL: Do you have a doctor who you see for  
2 healthcare?

3 PROSPECTIVE JUROR 361: Yes.

4 MS. HALL: Have you had any negative experiences with  
5 healthcare here in Clark County?

6 PROSPECTIVE JUROR 361: Not so much as providing the  
7 service, but as far as the billing goes, that's where I have the problem.

8 MS. HALL: Okay. Well, that could open up a whole other --

9 PROSPECTIVE JUROR 361: Right.

10 MS. HALL: -- a whole can of worms. But in terms of the  
11 actual care that you got from a doctor?

12 PROSPECTIVE JUROR 361: It's fine, yes.

13 MS. HALL: You've been really satisfied?

14 PROSPECTIVE JUROR 361: Yes.

15 MS. HALL: Okay. Do you feel like you could wait until all of  
16 the evidence has been submitted in this case before you make up your  
17 mind?

18 PROSPECTIVE JUROR 361: Yes.

19 MS. HALL: Do you feel that you could be fair to both sides?

20 PROSPECTIVE JUROR 361: Yes.

21 MS. HALL: I did have one question for you, though, Mr.  
22 Castro. You mentioned that you were involved in one other lawsuit.

23 PROSPECTIVE JUROR 361: It was an auto accident, and I had  
24 some injuries with that impact, so it was actually the doctor that  
25 suggested that I file for the lawsuit, and then that's what I did.

1 MS. HALL: I'm sorry, I couldn't hear the last part.

2 PROSPECTIVE JUROR 361: The doctor suggested I file a  
3 lawsuit. And then I did. And I was satisfied with the verdict or  
4 whatever.

5 MS. HALL: Okay. So one of the doctors who was treating  
6 you for your injuries had suggested that you bring a lawsuit?

7 PROSPECTIVE JUROR 361: Yes.

8 MS. HALL: And overall that whole experience, it sounds like  
9 overall you had a pretty decent experience?

10 PROSPECTIVE JUROR 361: Yes.

11 MS. HALL: And you're satisfied with the result?

12 PROSPECTIVE JUROR 361: I am.

13 MS. HALL: Anything at all about that incident and what you  
14 experienced, you know, having been a plaintiff in a lawsuit that you think  
15 would make it difficult for you to be fair to Dr. Brill in this case?

16 PROSPECTIVE JUROR 361: Not at all.

17 MS. HALL: Okay. All right Mr. Castro. Thank you, so much.  
18 If you wouldn't mind just passing that. And is it Mr. Derouin?

19 PROSPECTIVE JUROR 376: Yes, very good.

20 MS. HALL: Oh, thank you. And could you please just read  
21 your badge number for us?

22 PROSPECTIVE JUROR 376: Oh, 376. Timothy Derouin.

23 MS. HALL: Thank you. I know you've been talked to quite a  
24 bit during these last two days, so --

25 PROSPECTIVE JUROR 376: No problem.

1 MS. HALL: -- I promise I'll try to keep it brief. But you had  
2 mentioned that you're having treatment, ongoing treatment with Dr.  
3 Vogelzang?

4 PROSPECTIVE JUROR 376: Yes.

5 MS. HALL: And you're generally satisfied with that?

6 PROSPECTIVE JUROR 376: Very satisfied.

7 MS. HALL: Okay. The surgeries that you had mentioned  
8 those, I think you said six times you'd been under anesthesia.

9 PROSPECTIVE JUROR 376: Right.

10 MS. HALL: Were all six times because you were having a  
11 surgery?

12 PROSPECTIVE JUROR 376: Yes.

13 MS. HALL: Okay. Were those all here in Clark County?

14 PROSPECTIVE JUROR 376: No, none of them.

15 MS. HALL: Oh, none of them.

16 PROSPECTIVE JUROR 376: None of them were here.

17 MS. HALL: I know you mentioned the E.R. visit in Detroit.

18 PROSPECTIVE JUROR 376: Detroit, right.

19 MS. HALL: And all the other times that you were under  
20 anesthesia, that was in a different state?

21 PROSPECTIVE JUROR 376: Yeah, the last one was -- well, I'll  
22 explain. We lived here, but there was no doctor in Nevada that would do  
23 the surgery. It was too extensive. So they sent me to USC where there  
24 was a specialist that only did that type of surgery.

25 MS. HALL: Is that cancer related?



1 PROSPECTIVE JUROR 376: Yes.

2 MS. HALL: Okay. In all those surgeries that you've had, Mr.  
3 Derouin, before you had surgery, were you advised of the potential risks  
4 and complications for that surgery?

5 PROSPECTIVE JUROR 376: Oh, yes.

6 MS. HALL: Did you feel -- was there ever a time where you  
7 had questions that your surgeon didn't answer for you before?

8 PROSPECTIVE JUROR 376: No.

9 MS. HALL: Given your experiences and the medical care that  
10 you received, do you have an understanding that every surgery has risks  
11 associated?

12 PROSPECTIVE JUROR 376: Oh, yeah.

13 MS. HALL: Is there anything at all about your background,  
14 the experiences that you had, that you think would make it difficult for  
15 you to sit as a juror in this case?

16 PROSPECTIVE JUROR 376: No, I can be very fair.

17 MS. HALL: All right. Thank you, very much, sir. To make it  
18 easy on you, Marshal, and I'll pass it down to Mr. -- is it Biggerstaff?

19 PROSPECTIVE JUROR 427: 427, Biggerstaff.

20 MS. HALL: Hello, Mr. Biggerstaff, how are you?

21 PROSPECTIVE JUROR 427: Good.

22 MS. HALL: I wrote down quite a bit. I know you were spoken  
23 to yesterday.

24 PROSPECTIVE JUROR 427: Yeah.

25 MS. HALL: And I just had a question. So you've been in

1 Clark County 23 years?

2 PROSPECTIVE JUROR 427: Yes.

3 MS. HALL: During that time, have you formed any opinions  
4 about the medical care here in Las Vegas?

5 PROSPECTIVE JUROR 427: I have no idea for it.

6 MS. HALL: Do you have a regular doctor, who you see?

7 PROSPECTIVE JUROR 427: Yes.

8 MS. HALL: You do. Are you satisfied with the doctor that  
9 you have?

10 PROSPECTIVE JUROR 427: Yes.

11 MS. HALL: Have you had any negative or bad experiences  
12 with healthcare here?

13 PROSPECTIVE JUROR 427: No.

14 MS. HALL: And I apologize if you were already asked this,  
15 but I know that your wife is a pharmacy tech --

16 PROSPECTIVE JUROR 427: Yes.

17 MS. HALL: -- at Sunrise Hospital.

18 PROSPECTIVE JUROR 427: That's correct.

19 MS. HALL: I'll represent to you that none of the medical care  
20 that will be discussed in this case occurred at Sunrise Hospital. Do you  
21 think that will have any impact on your ability to be fair and listen to the  
22 evidence, and weigh it fairly for both sides?

23 PROSPECTIVE JUROR 427: Correct.

24 MS. HALL: You feel you could do that?

25 PROSPECTIVE JUROR 427: Yes.

1 MS. HALL: Okay. All right. Thank you, so much Mr.  
2 Biggerstaff. And then when the mic is clean, if you would pass it to Mr.  
3 Lockhart, please.

4 PROSPECTIVE JUROR 536: 536, Ayman Lockhart.

5 MS. HALL: Mr. Lockhart, how long have you been here in  
6 Clark County?

7 PROSPECTIVE JUROR 536: About three years.

8 MS. HALL: And during that time, do you have a doctor who  
9 you see?

10 PROSPECTIVE JUROR 536: No, I don't.

11 MS. HALL: Any particular reason why not, or just generally  
12 healthy?

13 PROSPECTIVE JUROR 536: Yeah, just never did have an  
14 issue. I mean I have done annual checkups, but I don't have a doctor  
15 that I go to.

16 MS. HALL: Okay.

17 PROSPECTIVE JUROR 536: I choose.

18 MS. HALL: Have you ever considered bringing a medical  
19 malpractice lawsuit against a doctor?

20 PROSPECTIVE JUROR 536: Have I?

21 MS. HALL: Yes.

22 PROSPECTIVE JUROR 536: No.

23 MS. HALL: What about any close family members? Have  
24 you had any family members do that?

25 PROSPECTIVE JUROR 536: I don't know anybody.

1 MS. HALL: Okay. In terms of medicine, do you agree that  
2 medicine is an art, not an exact science?

3 PROSPECTIVE JUROR 536: Yes.

4 MS. HALL: And if I could, Mr. Lockhart, let me ask that of  
5 everyone. By a nod of the head or hand, does everyone agree that  
6 medicine is an art, not an exact science? Anyone disagree with that  
7 would be a better question? Does anyone disagree with that statement?  
8 Seeing no one, so if I could, Mr. Lockhart. Is there anything at all about  
9 you that you think would make it difficult for you to wait until the  
10 Defense has had an opportunity to put on its case before you made up  
11 your mind?

12 PROSPECTIVE JUROR 536: No.

13 MS. HALL: You feel you could do that --

14 PROSPECTIVE JUROR 536: Yes.

15 MS. HALL: -- and give Dr. Brill and myself and Mr. McBride  
16 an opportunity to present our side of the facts of the case?

17 PROSPECTIVE JUROR 536: Yes.

18 MS. HALL: All right, thank you so much, Mr. Lockhart.

19 PROSPECTIVE JUROR 582: 582, Trevor Prindiville.

20 MS. HALL: Now, I since your wife just had a baby that you  
21 probably -- or at least with respect to the baby, he's probably been seen  
22 a lot, right --

23 PROSPECTIVE JUROR 582: Yes.

24 MS. HALL: -- by a doctor. Have you had any issues, any  
25 negative experiences with healthcare here in Las Vegas?

1 PROSPECTIVE JUROR 582: No.

2 MS. HALL: And your wife she is -- you mentioned she's a  
3 server?

4 PROSPECTIVE JUROR 582: Yes.

5 MS. HALL: Is she currently on maternity leave?

6 PROSPECTIVE JUROR 582: No, because of being laid off last  
7 year, she didn't qualify, so she's on medical leave.

8 MS. HALL: Okay.

9 PROSPECTIVE JUROR 582: She goes back to work.

10 MS. HALL: Anything at all about, you know, your home  
11 situation, the fact that you have a six week old that would make it a  
12 hardship or a difficulty for you to be here every day if this trial goes eight  
13 to nine days like we think it will?

14 PROSPECTIVE JUROR 582: Well, I'm the only one working  
15 right now, so.

16 MS. HALL: Do you know -- and have you had a chance to ask  
17 -- we can discuss that, but have you had -- do you know if MGM, the  
18 Arai, if they give you any kind of --

19 PROSPECTIVE JUROR 582: They do. They do compensate,  
20 yeah.

21 MS. HALL: Okay.

22 PROSPECTIVE JUROR 582: But it will be after the trial, so.

23 MS. HALL: Do you think that you could be fair to both the  
24 Plaintiff and Dr. Brill in this case?

25 PROSPECTIVE JUROR 582: Yes, I do.

1 MS. HALL: Okay. Mr. Prindiville, thank you very much. 396,  
2 Cecilia Caudle. I know I have a lot of notes, Ms. Caudle, so I'm going to  
3 try to find them, so I don't repeat anything. I know you had the pleasure  
4 of talking to us for a while yesterday.

5 I had written down that you have a lot of family in the  
6 medical field --

7 PROSPECTIVE JUROR 396: Yes.

8 MS. HALL: -- is that correct?

9 PROSPECTIVE JUROR 396: Yes, correct.

10 MS. HALL: Can you tell me a little bit about that? Do you  
11 have any, like, doctors or nurses, or anything like that?

12 PROSPECTIVE JUROR 396: Yes, I have an uncle that's an  
13 anesthesiologist. And I have another uncle that's an optometrist, but  
14 they're all in California.

15 MS. HALL: Okay.

16 PROSPECTIVE JUROR 396: All of my family is there. And  
17 then I have various aunts and uncles that are RNs.

18 MS. HALL: Well, from, you know, sitting here the last two  
19 days, you understand that this is a case against a medical provider?

20 PROSPECTIVE JUROR 396: Yes.

21 MS. HALL: Do you have any difficulty being fair to Ms.  
22 Taylor in this case because the Defendant is a doctor?

23 PROSPECTIVE JUROR 396: No.

24 MS. HALL: The medical company that your spouse works  
25 for, you said is MedCorp.

1 PROSPECTIVE JUROR 396: Correct.

2 MS. HALL: Anything about the fact that your spouse works  
3 for MedCorp or that you used to work for MedCorp that would cause you  
4 to favor a medical person?

5 PROSPECTIVE JUROR 396: No.

6 MS. HALL: The amount of time that you've been here in  
7 Clark County, is that five years?

8 PROSPECTIVE JUROR 396: Correct.

9 MS. HALL: During that time, have you had a regular  
10 physician in the city?

11 PROSPECTIVE JUROR 396: Yes.

12 MS. HALL: What about a female doctor, and OB/GYN?

13 PROSPECTIVE JUROR 396: No, I haven't had one since I've  
14 been here.

15 MS. HALL: Okay. With respect to the general [indiscernible]  
16 that you have, are you satisfied with the care you've received?

17 PROSPECTIVE JUROR 396: I am.

18 MS. HALL: And I also wrote down, and I don't know if I was  
19 just tired yesterday afternoon, but I wrote down that you had some  
20 training as a CNA?

21 PROSPECTIVE JUROR 396: Yes.

22 MS. HALL: And did you complete the program for a CNA?

23 PROSPECTIVE JUROR 396: I did. I worked several years as  
24 one, and then I also did medical records at a hospital in California, and  
25 switchboard operator, and registration in the emergency room.

1 MS. HALL: And so I think you answered my question, but  
2 you never worked as a -- you never practiced as a CNA here?

3 PROSPECTIVE JUROR 396: I did. Not here.

4 MS. HALL: That was all in California?

5 PROSPECTIVE JUROR 396: Yes.

6 MS. HALL: And you didn't recognize any of the names of the  
7 doctors?

8 PROSPECTIVE JUROR 396: No.

9 MS. HALL: All right. Thank you very much, Ms. Caudle. Is it  
10 Ms. Keyes?

11 PROSPECTIVE JUROR 585: Uh-huh.

12 MS. HALL: And could you please just read your badge  
13 number for us?

14 PROSPECTIVE JUROR 585: Nichole Keyes.

15 MS. HALL: I do remember yesterday we all asked you some  
16 questions about the work that you do with Blue Cross Blue Shield. Is  
17 that -- in terms of that, do you review matters to determine if there is  
18 coverage for it?

19 PROSPECTIVE JUROR 585: Yes. Yes, because when they  
20 want to go over their benefits, we could decide if there's coverage.

21 MS. HALL: Okay. And that's all related to Medicare?

22 PROSPECTIVE JUROR 585: Yes.

23 MS. HALL: And I'll represent to you that there's no Medicare  
24 involved in this case or at issue. Do you feel like you would be able to  
25 weigh the evidence fairly for both the parties?



1 PROSPECTIVE JUROR 585: Yes.

2 MS. HALL: Do you feel like there's anything about your job  
3 that would make it difficult for you to sit as a juror in a medical  
4 malpractice case?

5 PROSPECTIVE JUROR 585: No.

6 MS. HALL: I wrote down also that you said you are a native  
7 of Las Vegas?

8 PROSPECTIVE JUROR 585: Yes.

9 MS. HALL: Do you have a regular doctor?

10 PROSPECTIVE JUROR 585: Yes.

11 MS. HALL: And how has your experiences -- how have they  
12 been

13 PROSPECTIVE JUROR 585: They've been good.

14 MS. HALL: Have you had any negative experiences with any  
15 of the healthcare that you had here in Las Vegas?

16 PROSPECTIVE JUROR 585: No.

17 MS. HALL: Now that I know you're -- for sure now that I  
18 know you're a native, I have to ask you if you heard any, I guess,  
19 negative opinions in the media about healthcare here in Las Vegas?

20 PROSPECTIVE JUROR 585: Yeah.

21 MS. HALL: But in terms of what you've experienced and the  
22 healthcare and medical treatment that you received; you feel that you're  
23 satisfied with that?

24 PROSPECTIVE JUROR 585: Yes.

25 MS. HALL: Your son was -- he delivered here in Las Vegas?

1 PROSPECTIVE JUROR 585: Yes, he was. The same hospital.

2 MS. HALL: Okay. And now a doctor who practices with  
3 Women's Health Associates?

4 PROSPECTIVE JUROR 585: No.

5 MS. HALL: Do you know, Ms. Keyes, has anyone close to  
6 you ever considered bringing a medical malpractice case?

7 PROSPECTIVE JUROR 585: No, not to my knowledge.

8 MS. HALL: Do you feel that -- are you okay with the concept  
9 that in order for you to award anything to Ms. Taylor, that Plaintiff would  
10 first need to prove that Dr. Brill did something wrong?

11 PROSPECTIVE JUROR 585: Yes.

12 MS. HALL: And I'm going to -- I'll ask this of you, Ms. Keyes,  
13 and then I'll open it up to everyone. But do you have a problem if at the  
14 conclusion of this case you feel that Plaintiff did not prove her case,  
15 awarding nothing to Ms. Taylor?

16 PROSPECTIVE JUROR 585: It would depend on the  
17 circumstances and what kind of evidence they were able to bring forth.

18 MS. HALL: And that's a good point, and I know you haven't  
19 heard any of the evidence yet in this case. But if at the conclusion of this  
20 case you feel that Plaintiff has not proven her case, would you be able to  
21 award her nothing?

22 PROSPECTIVE JUROR 585: Again, I think that would be  
23 based off of the evidence and the circumstances of things. I don't think I  
24 could answer that.

25 MS. HALL: Okay. And sure, Ms. Keyes. Let me open that up,

1 if I can, to everyone else. Does anyone have a problem with the idea or  
2 the concept that if at the conclusion of this case Ms. Taylor has not  
3 proven her claim, and you feel the evidence has not established her  
4 claim, would anyone have a problem awarding her nothing? By show of  
5 hands. Does anybody have a problem with that?

6 Okay. Great. Thank you very much, Ms. Keyes. And I'll go  
7 ahead and pass the microphone. Is it Spann?

8 PROSPECTIVE JUROR 509: Yes.

9 MS. HALL: Ms. Spann.

10 PROSPECTIVE JUROR 509: Badge Number 509, Sachiko  
11 Spann.

12 MS. HALL: You also, Ms. Spann, you're a native?

13 PROSPECTIVE JUROR 509: Yes.

14 MS. HALL: And I know you see Dr. Glassman at Women's  
15 Health Associates. Have you ever -- you've never heard of the name Dr.  
16 Keith Brill before today?

17 PROSPECTIVE JUROR 509: No.

18 MS. HALL: Or before yesterday?

19 PROSPECTIVE JUROR 509: No.

20 MS. HALL: Okay. And I'll represent to you Dr. Glassman is in  
21 a different office than Dr. Brill. As you sit here, though, you don't think  
22 you've ever had medical treatment from Dr. Brill, correct?

23 PROSPECTIVE JUROR 509: No.

24 MS. HALL: That's correct?

25 PROSPECTIVE JUROR 509: Yes.

1 MS. HALL: Okay. In terms of the healthcare that you've had  
2 here, have you had any negative experiences?

3 PROSPECTIVE JUROR 509: Yes.

4 MS. HALL: Can you tell me about that?

5 PROSPECTIVE JUROR 509: So I had a gynecologist for about  
6 ten years, and she never really treated me, but she just like treated my  
7 symptoms. And so when I switched over to Dr. Glassman, him and  
8 another doctor just went through all these tests, and they figured out  
9 what was wrong with me and treated it. I'm doing so much better than I  
10 was doing with my other gynecologist.

11 MS. HALL: Part of that, did you feel like it was because Dr.  
12 Glassman was listening to you and talking it through with you?

13 PROSPECTIVE JUROR 509: Yeah. And then like -- so I have  
14 endometriosis, and he said that whenever, you know, I do get my period,  
15 like take me to the hospital, so that's what happened. They figured out  
16 what's wrong with me. With my old gynecologist, she just gave me like  
17 ibuprofen and that was it. Like she's crazy.

18 MS. HALL: What about surgery? Has anyone ever  
19 recommended surgery for --

20 PROSPECTIVE JUROR 509: No.

21 MS. HALL: -- the condition?

22 PROSPECTIVE JUROR 509: No.

23 MS. HALL: Would you say, though, that since you found Dr.  
24 Glassman --

25 PROSPECTIVE JUROR 509: Uh-huh.

1 MS. HALL: Are you satisfied with --  
2 PROSPECTIVE JUROR 509: So happy.  
3 MS. HALL: -- the care?  
4 PROSPECTIVE JUROR 509: Yeah.  
5 MS. HALL: The person you used to see --  
6 PROSPECTIVE JUROR 509: Whenever --  
7 MS. HALL: -- was that a doctor with WHASN?  
8 PROSPECTIVE JUROR 509: I don't know. I was young, so I  
9 just -- you know, I never really looked into it, but I would never go back  
10 to her again.  
11 MS. HALL: In terms of being an advocate for yourself, do  
12 you feel that you had to do that in your healthcare?  
13 PROSPECTIVE JUROR 509: Yes.  
14 MS. HALL: Do you feel that as a patient, that you have a  
15 responsibility to listen to the options that are presented to you?  
16 PROSPECTIVE JUROR 509: Yes.  
17 MS. HALL: And by that same token, you feel that as a  
18 patient, you have a right to hear those options?  
19 PROSPECTIVE JUROR 509: Yes.  
20 MS. HALL: Anything at all about that experience -- because  
21 as you kind of gathered, I'm sure, this is a case about a gynecologic  
22 procedure. Do you feel like your own experience, would that have any  
23 impact on your ability to judge this case solely on the evidence?  
24 PROSPECTIVE JUROR 509: It's like yes and no. Like every  
25 situation is different, you know, but yeah.

1 MS. HALL: And that's a fair point. But in terms of, you know,  
2 your unique situation.

3 PROSPECTIVE JUROR 509: Yeah.

4 MS. HALL: Because it sounds like you had some kind of  
5 similar, I think, medical conditions.

6 PROSPECTIVE JUROR 509: Yeah.

7 MS. HALL: Do you think it will be difficult for you? Do you  
8 think you'll already be kind of starting maybe favoring Ms. Taylor a little,  
9 given that you had a similar experience?

10 PROSPECTIVE JUROR 509: I feel like I have empathy for her,  
11 because I've kind of like went through that early on. But it was never this  
12 severe. You know, I never thought of suing her, my doctor. You know,  
13 just, you know --

14 MS. HALL: Okay.

15 PROSPECTIVE JUROR 509: Yeah. Maybe I didn't speak up or  
16 I was yelling, you know. So I never pressed it on her. Just like oh, thank  
17 you, you know.

18 MS. HALL: Well and our Judge, of course, will instruct you  
19 on the law, but -- and I think this has been mentioned throughout the  
20 past two days, but a verdict can't be based on sympathy. Do you think  
21 you could set aside any sympathy that you might feel for Ms. Taylor and  
22 judge the case on the evidence?

23 PROSPECTIVE JUROR 509: Yes.

24 MS. HALL: You do feel you could --

25 PROSPECTIVE JUROR 509: Yes.

1 MS. HALL: -- do that?

2 PROSPECTIVE JUROR 509: Yeah.

3 MS. HALL: Do you feel you could be fair to my client, Dr.

4 Brill, in this case?

5 PROSPECTIVE JUROR 509: Yes.

6 MS. HALL: And also fair to Ms. Taylor?

7 PROSPECTIVE JUROR 509: Yes.

8 MS. ALBERTSON: All right, Ms. Spann, thank you very

9 much. I think to be -- for ease, I'll pass it down to -- is it Ouellett?

10 PROSPECTIVE JUROR 583: Ouellett.

11 MS. HALL: Ouellett.

12 PROSPECTIVE JUROR 583: Ouellett.

13 MS. HALL: Perfect.

14 PROSPECTIVE JUROR 583: 583, Rachel Ouellett.

15 MS. HALL: I wish hadn't even tried, because I'm so sorry I

16 butchered your last name. You said it's Ms. Ouellett?

17 PROSPECTIVE JUROR 583: Close enough.

18 MS. HALL: Okay. Close enough. Okay. Will you say it one

19 more time for me?

20 PROSPECTIVE JUROR 583: Ouellett.

21 MS. HALL: Ouellett. Now, you had mentioned that you've

22 had quite a few experiences where you've had anesthesia?

23 PROSPECTIVE JUROR 583: Yes.

24 MS. HALL: And you said you had no complications with

25 those?

1 PROSPECTIVE JUROR 583: No. I'm satisfied.

2 MS. HALL: And I know you've been here long enough to be  
3 considered a native. You said you've been here since 1987?

4 PROSPECTIVE JUROR 583: Yes.

5 MS. HALL: And do you have a doctor who you see for  
6 regular healthcare?

7 PROSPECTIVE JUROR 583: He recently retired, so I'm with a  
8 group now, but I'm not seeing one doctor in particular.

9 MS. HALL: Okay. But you do have a practice that you go to?

10 PROSPECTIVE JUROR 583: Yes.

11 MS. HALL: And when you go to that practice, do they -- do  
12 you see whomever is available or how does that work?

13 PROSPECTIVE JUROR 583: I've only been once, so yes.

14 MS. HALL: Okay. And your stepdaughter, you mentioned  
15 that she's a nurse practitioner?

16 PROSPECTIVE JUROR 583: I believe so.

17 MS. HALL: And that's in another state, right?

18 PROSPECTIVE JUROR 583: Boston.

19 MS. HALL: Okay.

20 THE COURT: Can you hold the mic up a little?

21 PROSPECTIVE JUROR 583: Sorry.

22 THE COURT: Thank you.

23 MS. HALL: One of the things that I wrote down that you  
24 mentioned that kind of stuck with me is that you feel you could give an  
25 award in this case, if the evidence warranted it?



1 PROSPECTIVE JUROR 583: Yes.

2 MS. HALL: That's correct?

3 PROSPECTIVE JUROR 583: Yes.

4 MS. HALL: Do you -- the reverse of that, Ms. Ouellett. Do  
5 you believe that if the evidence in this case does not warrant an award  
6 for the Plaintiff, would you have any problems telling Ms. Taylor that  
7 she's getting no award?

8 PROSPECTIVE JUROR 583: I wouldn't have a problem. If the  
9 evidence states that it's not warranted, then that is the case. It depends  
10 upon the evidence.

11 MS. HALL: And kind of the same question that I had asked of  
12 everybody when no one had a mic and no one could answer me, so I had  
13 to make it especially difficult. The idea that damages to be awarded, do  
14 you have any problem with the idea that in order for you to award  
15 anything, Plaintiff would first need to prove her case?

16 PROSPECTIVE JUROR 583: I agree that's true.

17 MS. HALL: Okay. You don't have any problem with that  
18 concept?

19 PROSPECTIVE JUROR 583: No.

20 MS. HALL: Okay. All right. Thank you very much. If I could,  
21 when the mic is clean I will go to Mr. Blanche.

22 PROSPECTIVE JUROR 435: 435, Kenneth Blanche.

23 MS. HALL: Now, Mr. Blanche, good afternoon.

24 PROSPECTIVE JUROR 435: Good afternoon.

25 MS. HALL: You work as a -- well, tell me your exact job title?

1 PROSPECTIVE JUROR 435: Director of safety and worker's  
2 compensation.

3 MS. HALL: As part of that job, do you have to -- whenever  
4 you're trying to -- you said you validate a claim?

5 PROSPECTIVE JUROR 435: Correct.

6 MS. HALL: When you do that, do you have to kind of look at  
7 both sides of the issue?

8 PROSPECTIVE JUROR 435: Yes.

9 MS. HALL: And kind of figure out what's the best, I guess,  
10 path forward?

11 PROSPECTIVE JUROR 435: Well, you gotta basically look at  
12 all the evidence that's presented. That could be the actual injury report,  
13 witness statements, surveillance, tools and equipment. You know,  
14 whatever was, you know, the nature of the actual claim.

15 MS. HALL: Okay. And then as a result of that, are you the  
16 one who makes the final say as to whether there's --

17 PROSPECTIVE JUROR 435: No. I presented it to our third  
18 party administrator, and they name [indiscernible] client, so --

19 MS. HALL: Okay.

20 PROSPECTIVE JUROR 435: -- I just put the pieces together,  
21 so to speak.

22 MS. HALL: And present that, you said?

23 PROSPECTIVE JUROR 435: Correct.

24 MS. HALL: Do you feel like -- I know that you do that on  
25 behalf of the employer --

1 PROSPECTIVE JUROR 435: Yes.

2 MS. HALL: -- who is investigating, correct?

3 PROSPECTIVE JUROR 435: Correct.

4 MS. HALL: Do you feel like that would cause you to be in  
5 favor of one side or another in this case?

6 PROSPECTIVE JUROR 435: No, because it really is not in the  
7 best interests of the company to, you know, go after something that's --  
8 you know, valid, a claim that's valid. We -- I kind of work for the  
9 employee also in that case, because if the claim is valid, then of course,  
10 you know, that will justify -- how do I want to say it? That would justify  
11 the claim to be accepted.

12 MS. HALL: So in other words, you're not trying to prevent  
13 people who actually have an injury from being compensated?

14 PROSPECTIVE JUROR 435: That's correct.

15 MS. HALL: You're just trying to determine if there was an  
16 injury that's related to the employer in the situation?

17 PROSPECTIVE JUROR 435: Correct.

18 MS. HALL: Okay. And do you feel like you would be able to  
19 wait until both sides have had an opportunity to present their case  
20 before you made up your mind, if you were picked as a juror?

21 PROSPECTIVE JUROR 435: Yes.

22 MS. HALL: Do you think the medical issues that I know  
23 you've talked about; do you think that those would impact your ability to  
24 be fair to both sides?

25 PROSPECTIVE JUROR 435: Yeah. I think it would enable me

1 to understand it a little bit better, being going through some -- you  
2 know --

3 MS. HALL: I got you. You mean in terms of the medical  
4 stuff?

5 PROSPECTIVE JUROR 435: Yes.

6 MS. HALL: But in terms of whether you would favor Dr. Brill  
7 or the Plaintiff, do you think that your medical care -- your personal  
8 experiences. Do you think that would prevent you from being fair to  
9 both sides?

10 PROSPECTIVE JUROR 435: No. I think I could be fair to both  
11 sides.

12 MS. HALL: Okay. Thank you very much, Mr. Blanche. If you  
13 could give that now to Ms. Solomon.

14 PROSPECTIVE JUROR 456: Badge 456, Kirsten Solomon.

15 MS. HALL: Good afternoon. You've been here 15 years?

16 PROSPECTIVE JUROR 456: Yes.

17 MS. HALL: How has your experience been with medical care  
18 here?

19 PROSPECTIVE JUROR 456: I haven't had any issues.

20 MS. HALL: And I know you work as a respiratory therapist?

21 PROSPECTIVE JUROR 456: Physical therapist.

22 MS. HALL: I'm sorry. Physical therapist. And that's at  
23 Summerlin Hospital?

24 PROSPECTIVE JUROR 456: Yes. I should mention I also  
25 work at St. Rose Siena.

1 MS. HALL: Okay.

2 PROSPECTIVE JUROR 456: Primarily at Summerlin, though.

3 MS. HALL: Did you know Dr. Brill before this jury selection?

4 PROSPECTIVE JUROR 456: No.

5 MS. HALL: Had you ever heard his name?

6 PROSPECTIVE JUROR 456: No.

7 MS. HALL: And anything at all about the fact that you are a

8 physical therapist? Clearly you're in the medical community. Do you

9 think that that would make it difficult for you to be fair to Ms. Taylor in

10 this case?

11 PROSPECTIVE JUROR 456: No. I don't think it would make it

12 difficult.

13 MS. HALL: And I wrote down that you said you would be

14 comfortable with compensation for pain and suffering, if you felt it was

15 warranted by the evidence?

16 PROSPECTIVE JUROR 456: Correct.

17 MS. HALL: And that's something that -- would you be able to

18 agree to wait until we both had an opportunity to present our case

19 before you made up your mind on any of the issues?

20 PROSPECTIVE JUROR 456: Yes.

21 MS. HALL: Is there anything at all, Ms. Solomon, about you

22 that you feel would make it difficult for you to sit and be a fair juror in

23 this case?

24 PROSPECTIVE JUROR 456: No.

25 MS. HALL: All right. Ms. Solomon, thank you very much.

1 Oh, wait. I'm so sorry. I have one more question.

2 THE WITNESS: Yes.

3 MS. HALL: Sorry. The juror service that you did -- you said  
4 you were on a civil jury in 2010?

5 PROSPECTIVE JUROR 456: Correct.

6 MS. HALL: And did that jury reach a verdict?

7 PROSPECTIVE JUROR 456: We did.

8 MS. HALL: Without telling me what it was?

9 PROSPECTIVE JUROR 456: We did.

10 MS. HALL: Okay. And you were not the foreperson?

11 PROSPECTIVE JUROR 456: No, I was not.

12 MS. HALL: And then the jury service that you had Juneau,  
13 Alaska, was that where it was?

14 PROSPECTIVE JUROR 456: It was, yes.

15 MS. HALL: Okay.

16 PROSPECTIVE JUROR 456: It was grand jury.

17 MS. HALL: Correct. Okay. That was my question. I wrote  
18 down grand jury.

19 PROSPECTIVE JUROR 456: Yes.

20 MS. HALL: So that was a criminal matter, completely, not a  
21 civil case?

22 PROSPECTIVE JUROR 456: It was all different kinds of cases.  
23 We just chose whether to indict people or not.

24 MS. HALL: And as a member of the grand jury, you heard a  
25 lot of different cases and decided whether to issue an indictment?

1 PROSPECTIVE JUROR 456: Correct.

2 MS. HALL: Okay. Okay. Thank you very much --

3 PROSPECTIVE JUROR 456: Yes.

4 MS. HALL: -- Ms. Solomon.

5 PROSPECTIVE JUROR 458: Badge Number 458, Samuel

6 Martinez.

7 MS. HALL: Good afternoon.

8 PROSPECTIVE JUROR 458: Afternoon.

9 MS. HALL: The 23 years that you've been in Las Vegas, have

10 you had any negative experiences with any of the healthcare you

11 received?

12 PROSPECTIVE JUROR 458: No.

13 MS. HALL: Do you have a regular doctor?

14 PROSPECTIVE JUROR 458: Yes.

15 MS. HALL: And I wrote down that you said you're neutral on

16 lawsuits. Do you feel that you could be fair to both the Plaintiff and the

17 Defendant in this case?

18 PROSPECTIVE JUROR 458: Yes.

19 MS. HALL: Do you have any physicians in your family,

20 nurses, anything like that?

21 PROSPECTIVE JUROR 458: No.

22 MS. HALL: No? Your sister, what does she do for a living?

23 PROSPECTIVE JUROR 458: Human resources.

24 MS. HALL: And is she here in Las Vegas or --

25 PROSPECTIVE JUROR 458: Yes.

1 MS. HALL: Do you know if anyone close to you has ever  
2 considered bringing a medical malpractice case?

3 PROSPECTIVE JUROR 458: No.

4 MS. HALL: To your knowledge, no one has?

5 PROSPECTIVE JUROR 458: No.

6 MS. HALL: I know I've asked this question of a lot of people,  
7 Mr. Martinez, but mostly because I think it's one of the most important.  
8 In terms of the duty and the decisions that a juror has to make, do you  
9 think you could wait until both sides have had an opportunity to present  
10 their evidence in their case before you made a decision, if you were  
11 picked as a juror?

12 PROSPECTIVE JUROR 458: Yes.

13 MS. HALL: Is there anything at all about your background or  
14 the experiences that you've had that you think would make it difficult for  
15 you to sit as a juror in this type of a case?

16 PROSPECTIVE JUROR 458: No.

17 MS. HALL: All right. Thank you very much, Mr. Martinez. Is  
18 your Badge 537?

19 PROSPECTIVE JUROR 537: Badge Number 537.

20 MS. HALL: And it's Mr. Rodriquez?

21 PROSPECTIVE JUROR 537: Yes.

22 MS. HALL: Good afternoon.

23 PROSPECTIVE JUROR 537: Good afternoon.

24 MS. HALL: You have been in Clark County, you said 18  
25 years?



1 PROSPECTIVE JUROR 537: Yes, ma'am.

2 MS. HALL: During those 18 years -- and I know you have a  
3 son and a daughter. Have you or your children or your wife had any  
4 negative experiences with healthcare here in Las Vegas?

5 PROSPECTIVE JUROR 537: My fiancé has, yes.

6 MS. HALL: Could you tell me just a little bit about that?

7 PROSPECTIVE JUROR 537: Well, she went in to her primary  
8 care physician complaining of a cough, just a dry cough. And they just  
9 said, you know, well just take regular medicine, cough drop. It should,  
10 you know, subside. Well, it went on for almost three weeks and  
11 eventually she went to Quick Care, and they did an x-ray. Well, the  
12 coughing -- it went on so long that she had a hairline fracture in her rib.  
13 So -- you know -- and they took the time to do the x-ray and find out  
14 what was really happening, and they prescribed her medication to  
15 subside the coughing and it was actually -- the fracture went away.

16 MS. HALL: The first person that your wife was seeing, was  
17 that her regular doctor?

18 PROSPECTIVE JUROR 537: Correct.

19 MS. HALL: Does she still see that doctor?

20 PROSPECTIVE JUROR 537: No, ma'am.

21 MS. HALL: How recently did this situation happen?

22 PROSPECTIVE JUROR 537: I would say probably six to seven  
23 months ago.

24 MS. HALL: And after she got the diagnosis that she had the  
25 hairline fracture, you said they gave her some medicine?

1 PROSPECTIVE JUROR 537: Yes. It was like a cough  
2 suppressant.

3 MS. HALL: Okay. And now, how's she doing? Is she okay?

4 PROSPECTIVE JUROR 537: She's perfect now.

5 MS. HALL: It sounds like, I'm sure was not a very fun  
6 experience.

7 PROSPECTIVE JUROR 537: Right.

8 MS. HALL: But a very different experience than what this  
9 case is about. Is there anything at all about your wife went through in  
10 that situation that you think would cause you to be in favor of one side or  
11 the other here?

12 PROSPECTIVE JUROR 537: No, ma'am. I would be very fair.

13 MS. HALL: Has your wife, to your knowledge -- or your  
14 fiancé. Excuse me. Has your fiancé ever had any negative experiences  
15 with an OB/GYN doctor?

16 PROSPECTIVE JUROR 537: Not to my knowledge, no.

17 MS. HALL: And the -- and I promise I'm not going to tell your  
18 fiancé, if you don't know the answer, but you your two children, do you  
19 know if the doctor who delivered your two children were doctors with  
20 Women's Health Associates?

21 PROSPECTIVE JUROR 537: I don't believe so, no.

22 MS. HALL: Okay. Don't worry. She's not -- I don't have her  
23 hidden in the courtroom, so she's not going to know. Okay. You are a  
24 civilian for the military?

25 PROSPECTIVE JUROR 537: Correct.

1 MS. HALL: Okay. Can you -- how long have you done that?

2 PROSPECTIVE JUROR 537: It's pretty recently. I've only had  
3 this job for about two years. Originally I was working for the MGM  
4 warehouse for 16, 17 years and then of course, COVID hit and shut  
5 everything down, I had to, you know, find other means of supporting my  
6 family.

7 MS. HALL: What about your fiancé? Does she work outside  
8 the home?

9 PROSPECTIVE JUROR 537: Well, she was employed for NV  
10 Energy, but you know, they've cut back, so they eliminated her position,  
11 so now she's home full time with the kids.

12 MS. HALL: And is that because of COVID or is that a planned  
13 thing?

14 PROSPECTIVE JUROR 537: I believe it was a planned thing,  
15 because they went ahead, and they just eliminated her whole position.

16 MS. HALL: Given that you've been here for a number of  
17 years, do you have any good or bad opinions about the healthcare here  
18 in Las Vegas?

19 PROSPECTIVE JUROR 537: I believe somebody else touched  
20 upon, as patients, we're being rushed out the door, so you know, I can  
21 definitely, you know, back up, you know, that statement of you know,  
22 having my regular physician, doing my annual checkups and just you  
23 know, feeling like another number, so --

24 MS. HALL: Yeah. Have you -- you've never had a surgery  
25 before, right?

1 PROSPECTIVE JUROR 537: No, ma'am.

2 MS. HALL: Okay. And your wife -- or excuse me, your  
3 fiancé, has she ever had surgery, to your knowledge?

4 PROSPECTIVE JUROR 537: No, ma'am.

5 MS. HALL: Anything about, you know, just that situation that  
6 your fiancé experienced, where it sounds like for a few weeks, they  
7 weren't able to diagnose what was really going on, do you feel that that  
8 situation would cause you to be against Dr. Brill without having heard  
9 any of the evidence yet in this case?

10 PROSPECTIVE JUROR 537: It was infuriating, but you know,  
11 that was a separate instance that had nothing to do with Dr. Brill at all, so  
12 you know, I have no ill will towards him as a physician.

13 MS. HALL: And you could set that aside?

14 PROSPECTIVE JUROR 537: Correct.

15 MS. HALL: Okay. All right. Thank you so much, sir.

16 PROSPECTIVE JUROR 537: Your Honor.

17 MS. HALL: Your Honor, may we approach?

18 THE COURT: Yes.

19 [Sidebar at 2:16 p.m., ending at 2:17 p.m., not transcribed]

20 THE COURT: We're going to take a brief ten minute recess,  
21 give everybody a break to regroup.

22 During the break, you're instructed not to talk with each other  
23 or anyone else about any subject or issue connected with this trial.  
24 You're not to read, watch or listen to any report or commentary on the  
25 trial by any person connected with this case, by any medium of

1 information, including without limitation, newspapers, television,  
2 internet or radio.

3 Do not conduct any research on your own related to this  
4 case, such as consulting dictionaries, using the internet, reference  
5 material, test any theory of the case, recreate any aspect of the case or in  
6 any other way investigate or learn about the case on your own. You're  
7 not to talk with others, text others, tweet others, Google issues or  
8 conduct any other kind of book or computer research with regard to any  
9 issue, party, witness or attorney involved with this case. And finally, do  
10 not form or express any opinion on any subject connected with this trial  
11 until the case is submitted to you. We'll be back in ten minutes. Thank  
12 you.

13 THE MARSHAL: All rise for the jury.

14 [Prospective jurors out at 2:18 p.m.]

15 THE MARSHAL: Jury is clear of the courtroom, Your Honor.

16 [Outside the presence of the prospective jurors]

17 THE COURT: Thank you. We're outside the presence of the  
18 prospective panel. We'll take a ten minute break.

19 MS. HALL: Thank you, Your Honor.

20 [Recess taken from 2:19 p.m. to 2:28 p.m.]

21 [Outside the presence of the jury]

22 THE COURT: Back on the record in case number  
23 A-18-773472-C, Taylor vs. Brill. Counsel for both sides are present.  
24 We're outside the presence of the prospective panel.

25 Do you guys want to go ahead and call in Hall and Grant

1 individually before we start? Or do you -- what do you want to do?

2 MS. ALBERTSON: Might as well get it over with. Yeah, it's  
3 fine. Because if we're going to -- if there's a possibility of going home,  
4 we'd like them to go home today, right?

5 THE COURT: Yeah. Okay, we'll --

6 MR. MCBRIDE: We're making good progress, so. I think  
7 we're getting this jury [indiscernible] today.

8 MS. HALL: That's a clip for me, Your Honor.

9 THE COURT: Well, we'll see where Ray is.

10 MR. BREEDEN: Heather, you and I could pick the jury in 45  
11 minutes a piece.

12 MS. HALL: I've never done it that fast. I've been accused of  
13 being longwinded.

14 MR. BREEDEN: Not by me.

15 MS. ALBERTSON: Who did you [indiscernible] with?

16 MR. MCBRIDE: Not by me.

17 THE COURT: Can you bring in Hall 505 and Grant -- one at a  
18 time? Hall 505 first.

19 THE MARSHAL: All rise.

20 PROSPECTIVE JUROR 505: Here?

21 THE MARSHAL: Just right here is good.

22 PROSPECTIVE JUROR 505: Okay.

23 THE MARSHAL: And you can stay there. Please be seated.

24 THE COURT: Thank you. Ms. Hall, we just had a couple  
25 follow-up questions for you.

1 PROSPECTIVE JUROR 505: Sure.

2 THE COURT: Go ahead.

3 MR. MCBRIDE: Hi, Ms. Hall. I'm going to take over for that  
4 Ms. Hall. Okay, so a couple of question I needed to follow up on. Earlier  
5 in this morning or this afternoon, there were some questions that were  
6 posed to you about whether you were anti-sue ; do you remember that?

7 PROSPECTIVE JUROR 505: Yes.

8 MR. MCBRIDE: Okay. And you heard a little bit about the  
9 questions and the answers from some of the jurors that Ms. Hall elicited  
10 the answers. And at this point, you understand you have not heard any  
11 evidence in this case?

12 PROSPECTIVE JUROR 505: That's correct.

13 MR. MCBRIDE: Okay. So given the fact that you have not  
14 heard any evidence and you know that you are going to be instructed to  
15 follow the law, would the fact that you mentioned that you didn't file a  
16 lawsuit in your own instance, does that mean that you would be against  
17 an award of damages if you felt the evidence supported an award for Ms.  
18 Taylor?

19 PROSPECTIVE JUROR 505: No, I wouldn't be against it if it  
20 was supporting Ms. Taylor.

21 MR. MCBRIDE: Okay. And it's just very important because I  
22 think there was concern. And I think I had notes that you said the  
23 mistakes, and it depends on the severity, and it depends on the evidence.

24 PROSPECTIVE JUROR 505: Right.

25 MR. MCBRIDE: Okay. Could you explain what you mean by

1 that?

2 PROSPECTIVE JUROR 505: Right. I guess it would just have  
3 to be convincing enough for me. I can't say particularly what would  
4 exactly make me agree with awarding Ms. Taylor. But yeah, it would  
5 just have to be convincing for me.

6 MR. MCBRIDE: Well, and do you understand the burden of  
7 proof the Plaintiff has? It's not beyond a reasonable doubt, it's not  
8 something in a criminal case. That it's the preponderance of the  
9 evidence; it's more than 50 percent?

10 MS. ALBERTSON: I'm just going to object. He's explaining  
11 the law.

12 THE COURT: I'll sustain it. Go ahead and move on.

13 MR. MCBRIDE: Okay. Do you have an understanding that in  
14 this case, you're going to be given instructions as to what the law is  
15 going to be in this case and what the preponderance -- what the burden  
16 is in this case?

17 PROSPECTIVE JUROR 505: Yes.

18 MR. MCBRIDE: And you're willing to follow the law as the  
19 judge instructs you?

20 PROSPECTIVE JUROR 505: Yes.

21 MR. MCBRIDE: So if the Plaintiff has been shown -- based on  
22 the evidence, based on the instruction you're given that it's shown that  
23 the Plaintiff has met its burden -- has met her burden of proving the case,  
24 are you willing to award damages if they have met that burden?

25 PROSPECTIVE JUROR 505: Yeah, I don't see why not.



1 MR. MCBRIDE: Okay. And I just want to make sure. Based  
2 on your own personal experiences, are you willing to set those aside  
3 from the case involving Ms. Taylor and Dr. Brill and judge them equally?

4 PROSPECTIVE JUROR 505: Yeah, I think I can do that.

5 MR. MCBRIDE: Okay. Well, you think you can, or you can do  
6 that?

7 PROSPECTIVE JUROR 505: I can do that.

8 MR. MCBRIDE: All right. And again, I think that -- is there  
9 anything that you've heard so far that would cause you any concerns  
10 about your ability to be fair and impartial?

11 PROSPECTIVE JUROR 505: No.

12 MR. MCBRIDE: Okay. And we haven't gotten to the  
13 evidence. That's going to come next week. So given your mindset now,  
14 would you want someone with your frame of mind if you were either the  
15 Plaintiff, Mrs. Taylor, or Dr. Brill sitting where you are?

16 MS. ALBERTSON: Objection, Your Honor.

17 THE COURT: I'm going to go ahead and allow it.

18 Go ahead.

19 MR. MCBRIDE: Would you -- did you want me to rephrase  
20 that?

21 PROSPECTIVE JUROR 505: Yes, please.

22 MR. MCBRIDE: Yeah. If you were someone with your same  
23 mindset right now, would you want someone in either Ms. Taylor's  
24 position or Dr. Brill's position judging the evidence in this case?

25 PROSPECTIVE JUROR 505: Yeah, yeah. Just because I did

1 state that I am for non-sue, that doesn't mean that I don't think I could  
2 fairly judge the evidence.

3 MR. MCBRIDE: Right. And you would give the Plaintiff the  
4 opportunity to produce evidence they believe is going to support their  
5 case and wait until the Defendants put on their case before making any  
6 sort of judgment?

7 PROSPECTIVE JUROR 505: Yes.

8 MR. MCBRIDE: Okay. That's all the questions I have.

9 THE COURT: Do you want to question her?

10 MS. ALBERTSON: Yeah, I have a couple. Okay. I want to  
11 talk to you about a couple things. [Indiscernible] should not be there.

12 PROSPECTIVE JUROR 505: I can't hear you.

13 THE COURT: I think she was talking to herself.

14 MR. MCBRIDE: Yeah, the mic's --

15 MS. ALBERTSON: Right there? All I said is I don't want to  
16 invade your space, so I don't want to push him too quickly, but I'll talk  
17 close to this side. Okay. So you -- there's a couple things that I want to  
18 just ask you a little more about. One of them -- and I didn't ask you  
19 about this today, but I know you were asked about it yesterday was your  
20 school schedule.

21 PROSPECTIVE JUROR 505: Right.

22 MS. ALBERTSON: Because you know this trial is going to go  
23 all next week and probably into the next week one or two days as well,  
24 correct?

25 PROSPECTIVE JUROR 505: Yes.

1 MS. ALBERTSON: Is that going to create a hardship for you?

2 PROSPECTIVE JUROR 505: Yes. That's my only concern  
3 about serving. I definitely will have a hard time balancing school and  
4 work. I work in the mornings and then I go to my classes. And work is  
5 fine; I can call out of that. But definitely my school, I'm paying for it out  
6 of pocket, I'm taking four classes, and it will definitely be an issue  
7 considering I do have exams next week.

8 MS. ALBERTSON: Next week are your exams?

9 PROSPECTIVE JUROR 505: Yes.

10 MS. ALBERTSON: How are you going to take your exams if  
11 you get selected?

12 PROSPECTIVE JUROR 505: I'll -- if I get selected, then I'll  
13 have to ask my professor for a make-up, but I'm not sure when I'll be  
14 able to make it up. They allow make-ups, but I would have to take it  
15 earlier and before the class takes it.

16 MS. ALBERTSON: Okay. So you have to take it, what, this  
17 evening? Like, to take it before they give it next week.

18 PROSPECTIVE JUROR 505: Not this evening. Yeah, I haven't  
19 spoken to them because I'm not sure if I am selected or not. But I would  
20 definitely have to let them know, and I'm not sure exactly what they'll  
21 allow me to do.

22 MS. ALBERTSON: Well, I guess my question is are you  
23 actually going to be able to make up the exams or is there a chance  
24 you're going to essentially get a zero or a failing grade because you're  
25 not able to take it next week?

1 PROSPECTIVE JUROR 505: Well, I would hope that I am able  
2 to take it. I'm just -- I'm not sure. I haven't really -- I didn't think that I  
3 really would get selected. This is my first time on jury duty, so I kind of  
4 came into this blind and not sure what was going to happen. But I guess  
5 depending on how today goes and if I get selected, then I'll definitely  
6 have to reach out to them immediately and try to figure out something.  
7 I'm just not sure how lenient they'll be because for exams, you have  
8 to -- if you are going to make it up or you're not going to take it on that  
9 day, you have to take it before everyone else does. That's just their  
10 policy. You can't take it a day late after the majority of the class takes it.

11 MS. ALBERTSON: Okay. But if the exams are next week.

12 PROSPECTIVE JUROR 505: Right. Not on Monday. I have  
13 an exam on Wednesday and an exam on Friday.

14 MS. ALBERTSON: Okay. I think Monday, we're dark, so.  
15 Okay. But you would essentially have to take your exams on Monday?

16 PROSPECTIVE JUROR 505: Right.

17 MS. ALBERTSON: Do you know if that's even possible?

18 PROSPECTIVE JUROR 505: No, I don't. I don't even  
19 know -- because today, I had class. And I'm not sure -- is it 2, 3? 2:00?

20 MS. ALBERTSON: It's 2:30 -- 2:40.

21 PROSPECTIVE JUROR 505: Yeah, I'm sure their office hours  
22 are closed. I'm not even sure they'll get back to me over the weekend.

23 MS. ALBERTSON: What time were you supposed to be in  
24 class today?

25 PROSPECTIVE JUROR 505: 8:30.

1 MS. ALBERTSON: Did you let them know you weren't going  
2 to be there?

3 PROSPECTIVE JUROR 505: Yes.

4 MS. ALBERTSON: For this?

5 PROSPECTIVE JUROR 505: Yes.

6 MS. ALBERTSON: What did they say?

7 PROSPECTIVE JUROR 505: They said it was okay.

8 MS. ALBERTSON: Did they say -- did you ask them what will  
9 happen if you weren't going to be there next week too?

10 PROSPECTIVE JUROR 505: No.

11 MS. ALBERTSON: Okay. But is it fair to say you're not sure  
12 if it's going to be okay but you think you'll be able to make up the  
13 exams?

14 MR. MCBRIDE: Your Honor, that's been asked and answered  
15 several times.

16 THE COURT: Sustained.

17 PROSPECTIVE JUROR 505: Yeah, I'm not sure.

18 MS. ALBERTSON: Okay. It's fine. Okay. Let's talk about  
19 some of the other stuff that you said today. And essentially, I  
20 understand that you can get to a verdict. But what I want to know,  
21 because of some of the stuff you said earlier, is if there's a possibility,  
22 especially as you sit here right now, that you're leaning toward one side  
23 or the other. Because as I said earlier, it's not that I'm looking -- that I'm  
24 going to be upset with anybody or the judge is going to be upset with  
25 anybody. It's that we're looking for people that are going to walk into

1 this with a real open mind. And both Kim and Dr. Brill are going to be on  
2 even ground in the beginning.

3 PROSPECTIVE JUROR 505: Okay.

4 MS. ALBERTSON: So I guess my question to you because of  
5 some of the stuff you said about the lawsuit, Kim filed this lawsuit. So is  
6 she on even ground with Dr. Brill for you or is he a little ahead of her  
7 because she's the one who filed the lawsuit, in your mind?

8 PROSPECTIVE JUROR 505: Sorry. I'm --

9 MS. ALBERTSON: No, take your time. I'd rather you think  
10 about it and give us an honest answer --

11 PROSPECTIVE JUROR 505: Right, right.

12 MS. ALBERTSON: -- than you answer quickly and then have  
13 to tell us later, like, that's not really what I think when you get picked for  
14 the jury.

15 PROSPECTIVE JUROR 505: Right.

16 MS. ALBERTSON: And then you have to -- you say  
17 something somewhere in the middle, like --

18 PROSPECTIVE JUROR 505: Right, okay. In all honesty, yeah,  
19 they are -- they are even in my eyes because they're settling a dispute,  
20 right? I don't think that any party has a higher advantage.

21 MS. ALBERTSON: Okay. So it doesn't matter to you that  
22 Kim is the one that filed the lawsuit?

23 PROSPECTIVE JUROR 505: No.

24 MS. ALBERTSON: Okay. You're still going to give her a fair  
25 shake?

1 PROSPECTIVE JUROR 505: Yes.

2 MS. ALBERTSON: Okay. And there's no reason for her to be  
3 at all worried that you'll be -- if you're selected for this jury?

4 PROSPECTIVE JUROR 505: Correct.

5 MS. ALBERTSON: Okay. And you'll be able to give your full  
6 attention to the case if you're selected for the jury?

7 PROSPECTIVE JUROR 505: Correct.

8 MS. ALBERTSON: Okay. Thank you.

9 THE COURT: Thank you. You may be excused. We'll see  
10 you in a minute.

11 PROSPECTIVE JUROR 505: Okay.

12 THE COURT: And, Ray, 495, Grant, please.

13 THE MARSHAL: Yes, Your Honor. Please be seated.

14 THE COURT: Mr. Grant, we just have a few follow-up  
15 questions for you

16 PROSPECTIVE JUROR 495: Sure.

17 MR. MCBRIDE: Call the badge number?

18 THE COURT: 495, Grant.

19 MR. MCBRIDE: 495. Good afternoon, Mr. Grant. I'm taking  
20 over for Ms. Hall while she recovers from her voice. But I had a couple  
21 of questions to ask in follow-up to this morning's questions.

22 PROSPECTIVE JUROR 495: Okay.

23 MR. MCBRIDE: And I understand you had a prior experience  
24 at work that you explained with a box cutter and a coworker who  
25 accidentally cut you with a box cutter?

1 PROSPECTIVE JUROR 495: Yes.

2 MR. MCBRIDE: All right. And that was a personal experience  
3 that you had involving an injury that occurred, right?

4 PROSPECTIVE JUROR 495: Yes.

5 MR. MCBRIDE: Again, you have -- you understand that we  
6 have not even gotten into the case, we haven't presented any evidence  
7 either side. So based on the fact you know nothing about the  
8 circumstances other than what we've told you, that that case, that  
9 personal experience, is different from this one entirely?

10 PROSPECTIVE JUROR 495: Yes.

11 MR. MCBRIDE: Okay. And do you think that because it  
12 was -- that your personal experience was different than this one that you  
13 can set aside any issues you might have had or reasons why you didn't  
14 file a lawsuit, and you could set it aside in this case?

15 PROSPECTIVE JUROR 495: Yes. Because it's -- what  
16 happened to me was personal. It wasn't involving a doctor or anything.  
17 I just brought it up because it was regarding suing, and I didn't want to  
18 sue the person.

19 MR. MCBRIDE: Right. And -- I'm sorry to interrupt. Go  
20 ahead if there was more.

21 PROSPECTIVE JUROR 495: No. Yeah, it -- yeah. So like I  
22 said, I was just saying that he did cut me, it was an accident. It hurt. It  
23 bleed. Stitches and no stitches. I could have sued; I just chose not to.

24 MR. MCBRIDE: Right.

25 PROSPECTIVE JUROR 495: If the situation was he was being



1 stupid or playing around and I told him and he still cut me, then yeah, it's  
2 his fault and that would be something different. But it was just a pure  
3 accident, so I didn't have the need to -- he felt bad, so I just -- yeah, I just  
4 forgave him. That was it.

5 MR. MCBRIDE: Right. And fair enough. And I just wanted to  
6 ask you. In fact, you've served as a juror before on a civil case, right?

7 PROSPECTIVE JUROR 495: Yeah.

8 MR. MCBRIDE: Back in 2014 or thereabouts?

9 PROSPECTIVE JUROR 495: Yeah, about. Yeah, yeah.

10 MR. MCBRIDE: Yeah. But that was something where you  
11 were actually chosen and you -- did you feel that you were fair and  
12 impartial in that case?

13 PROSPECTIVE JUROR 495: Well, yeah. Based on the --

14 MR. MCBRIDE: Based on the evidence?

15 PROSPECTIVE JUROR 495: Yes.

16 MR. MCBRIDE: All right. And that's all you're being asked  
17 too in this case. You understand that both sides want to make sure that  
18 you're going to be fair and impartial. Can you tell us both that you will  
19 be fair and impartial in this case and wait until all the evidence is in?

20 PROSPECTIVE JUROR 495: If I'm chosen, yeah, I'll try to.  
21 The only thing in the back of my mind is -- be perfectly honest is  
22 this -- it's been over a year and six months, and being in this room, like,  
23 with over 30 people.

24 MR. MCBRIDE: Right.

25 PROSPECTIVE JUROR 495: And I had COVID twice. And God

1 bless everyone here who has to do this. But being in this room two days  
2 in a row with over 30 people, being in this building, you know, on a daily  
3 basis knowing what's going on? I see people -- some people have their  
4 nose uncovered; I saw somebody coughing.

5 MR. MCBRIDE: Right.

6 PROSPECTIVE JUROR 495: So yeah. I'm just a little -- and I  
7 got high blood pressure, so I'm a little hyped right now because I'm  
8 thinking like if I'm picked, I got do this 8, 9, 10 days coming to this  
9 building, be in this room. But I can try to set that aside. I'm just telling  
10 you that in the back of my mind, I'm like, personally, I really don't want  
11 to be here.

12 MR. MCBRIDE: Yeah, no. And I --

13 PROSPECTIVE JUROR 495: That's all.

14 MR. MCBRIDE: I understand that completely. And you said  
15 you had COVID twice?

16 PROSPECTIVE JUROR 495: Yes, twice.

17 MR. MCBRIDE: Twice. And --

18 PROSPECTIVE JUROR 495: And --

19 MR. MCBRIDE: And you've recovered both times okay?

20 PROSPECTIVE JUROR 495: Yeah. I'm not trying to get it a  
21 third time.

22 MR. MCBRIDE: Yeah, yeah.

23 PROSPECTIVE JUROR 495: Because I would -- am I  
24 vaccinated?

25 MR. MCBRIDE: Right.

1 PROSPECTIVE JUROR 495: Well, yeah, I'm vaccinated. But  
2 there's cases where people vaccinated get it again.

3 MR. MCBRIDE: Yeah.

4 PROSPECTIVE JUROR 495: So you know, I'm just --

5 THE MARSHAL: Hey, you guys, just to -- sorry to interrupt,  
6 but we have to have a clear record.

7 MR. MCBRIDE: Clear record.

8 THE MARSHAL: One talking at a time.

9 MR. MCBRIDE: Yeah.

10 PROSPECTIVE JUROR 495: Okay.

11 MR. MCBRIDE: No, and I apologize; that's my fault. So Mr.  
12 Grant, I understand. And do you think that would be too much for you if  
13 you were here in this jury for the next two weeks or 10 days? That that  
14 would be too much for you to handle that you could not concentrate on  
15 the facts of this case?

16 PROSPECTIVE JUROR 495: Do you want me to be perfectly  
17 honest?

18 MR. MCBRIDE: I need you to be perfectly honest.

19 PROSPECTIVE JUROR 495: Okay. Honestly, yes. I would -- I  
20 would try to, but in the back of my mind, I'm hoping that this gets done  
21 sooner or later so I can get back home and be safe.

22 MR. MCBRIDE: Right.

23 PROSPECTIVE JUROR 495: That's it.

24 MR. MCBRIDE: Understood, Mr. Grant. And I appreciate  
25 your honesty here today. That's what we want to hear. Thank you.

1 PROSPECTIVE JUROR 495: Okay.

2 MR. MCBRIDE: No questions.

3 THE COURT: Ms. Albertson?

4 MS. ALBERTSON: Yeah, I'm going to ask a couple questions.

5 I'll try to be quick.

6 MR. MCBRIDE: Can we approach before --

7 THE COURT: Uh-huh.

8 MR. MCBRIDE: -- this might make things easy?

9 THE COURT: Sure.

10 [Sidebar at 2:48 p.m., ending at 2:48 p.m., not transcribed]

11 THE COURT: All right. We're good, Mr. Grant, thank you.

12 You're going to be released from service. It's going to be agreed upon

13 that you're released from service. So go ahead, you can head home

14 now.

15 [Juror and Marshal confer]

16 THE COURT: Thank you. Take care.

17 MR. BREEDEN: Thank you for your service.

18 MR. MCBRIDE: Good luck to you, sir.

19 MR. BREEDEN: God bless.

20 MR. MCBRIDE: Thank you.

21 THE COURT: All right. So who is moving into 20?

22 THE CLERK: That would be 52 -- no, 592, Stephanie

23 Castaneda.

24 MR. MCBRIDE: Oh, and Your Honor?

25 THE COURT: Yes?

1 MR. MCBRIDE: Just -- I don't know, and maybe we might  
2 want to do this when they come back. Is Ms. Keyes -- I don't think that  
3 the Plaintiffs got an opportunity to ask any questions of Ms. Keyes as  
4 they would be expected to go first and ask any questions before Ms. Hall  
5 started asking --

6 THE COURT: Oh, okay.

7 MS. HALL: Yeah, that's my fault, Your Honor.

8 MR. MCBRIDE: So maybe --

9 MS. HALL: I'm sorry.

10 MR. MCBRIDE: Maybe if we --

11 MS. ALBERTSON: I don't mind waiting till after and see if  
12 we're even going to have any, because we might not.

13 MR. MCBRIDE: What if -- whatever, that's fine.

14 THE COURT: Okay.

15 MS. ALBERTSON: I mean, I appreciate you having our back,  
16 but --

17 MR. MCBRIDE: Yeah.

18 MS. ALBERTSON: -- I don't mind waiting. I mean, as long as  
19 you're willing to give me just a little bit of indulgence afterwards if we  
20 need to. It might not even be necessary --

21 THE COURT: Okay.

22 MS. ALBERTSON: -- depending on what comes out.  
23 Because we did talk to Keyes a little bit yesterday, I believe, because she  
24 was the one who works in -- yeah.

25 Now, as far as Stephanie Castaneda, I'll do the same thing.

1 MR. MCBRIDE: Okay.

2 MS. ALBERTSON: If you're okay with it?

3 MR. MCBRIDE: Yeah.

4 MS. ALBERTSON: Just so we don't have to ruin the flow so  
5 you can keep going.

6 MR. MCBRIDE: Totally fine.

7 THE COURT: Did we already go through the individual with  
8 her?

9 MS. HALL: With miss -- no.

10 THE COURT: Okay. And what about as to -- what about as to  
11 Hall?

12 MS. ALBERTSON: I'm sorry?

13 THE COURT: As to Hall? The one we questioned first?

14 MR. BREEDEN: Jessica Hall? What concerns me there, Your  
15 Honor, is the -- is the hardship.

16 MR. MCBRIDE: Well, and again, Your Honor, you've already  
17 indicated hardship is not an issue. It seems like she is capable or will be  
18 of getting makeup exams, if possible. And I think that that's -- clearly,  
19 she's acknowledged that she'd be fair and impartial. That's no longer  
20 the issue. The issue is if she's on the jury and if she has to make up  
21 exams. But again, there's nothing indicating she was going to fail any  
22 courses. Certainly, she can make up exams.

23 THE COURT: Yeah, and I mean, I don't think she would be  
24 stricken for cause. I think -- and normally, it wouldn't be a hardship, but  
25 I'm concerned that it's exams and its next week and we're on Friday. So

1 I'm going to go ahead and release her for the hardship only because it's  
2 exams. Otherwise, I wouldn't do it. And I don't think it's an appropriate  
3 cause challenge. I think she was -- and I think I mentioned this before we  
4 even called everyone back in that I thought that it wasn't a cause  
5 challenge. And I think she reconfirmed it here, but I don't want to have  
6 her have issues with finals exams, so --

7 MR. MCBRIDE: That's fine, Your Honor.

8 THE COURT: So we'll release -- what's her number?

9 MR. BREEDEN: Jessica Hall.

10 THE COURT: Who is going into that spot?

11 THE CLERK: That'll be 601, Hollie Cardinal will be 23.

12 THE MARSHAL: So Judge, do you want me to dismiss her  
13 out there and then [indiscernible]?

14 THE COURT: Yes, please.

15 THE MARSHAL: Okay.

16 THE COURT: And then we'll do the individual questions.  
17 Hopefully, really quickly.

18 THE MARSHAL: All rise for the jury.

19 [Prospective jurors in at 2:54 p.m.]

20 THE MARSHAL: The jury is all present, Your Honor.

21 THE COURT: Thank you. You may be seated. And we're  
22 going to start with -- going down with Ms. Castaneda with the list,  
23 please.

24 PROSPECTIVE JUROR 592: 592, Castaneda. I was born and  
25 raised in Clark County. For school, I went to a trade school for dental

1 assisting. I am employed. I am a dental assistant. I am not married or  
2 have any children. No one that I know or am close to has been Plaintiff  
3 or Defendant in a lawsuit. I've never served as juror before. It's my first  
4 time. There is nothing in this case or anything that would make it  
5 difficult for me to sit as juror. And then I can set aside any sympathy for  
6 either side. And I can base my verdict based solely on the evidence  
7 presented at the trial and then I can be fair to both sides in the case.

8 THE COURT: Thank you. And Ms. Cardinal?

9 PROSPECTIVE JUROR 601: Hollie Cardinal, 601. I've lived in  
10 Clark County for nine years. I went to some college. I am employed as a  
11 photographer, a sales manager for an event company, and on the board  
12 of the Las Vegas Wedding Chamber of Commerce. My husband is a  
13 stay-at-home provider. We have five children ages 17, 15, 12 tomorrow,  
14 7, and 4. I have been a plaintiff in a lawsuit. A car accident, along with  
15 my sister. I was very satisfied with how the case was handled. There  
16 isn't any experiences that I can recollect that would cause me not to be  
17 fair or impartial in this case. Let's see -- I've never served as a juror  
18 before. There's nothing about the nature of this case or anything that  
19 I've heard today that would make it difficult for me to sit as a juror on a  
20 case. I can set aside any sympathy for either side and base my verdict  
21 solely on the evidence and instructions on the law presented in the trial.  
22 Wait? Did I say that right?

23 THE COURT: Yes, you did.

24 PROSPECTIVE JUROR 601: Okay. Good.

25 THE COURT: It's just a little bit --



1 PROSPECTIVE JUROR 601: And then I can be fair and  
2 impartial to both sides.

3 THE COURT: Thank you. All right, Mr. McBride. Go ahead.

4 MR. MCBRIDE: Thank you, Your Honor. And I'm going to  
5 give Ms. Hall a break for her voice and take over this afternoon.

6 Good afternoon, everyone. So I'm going to start -- actually,  
7 we went -- we went through with Ms. Martinez, so if we can give the  
8 microphone to Ms. Martinez? And can you give your badge number,  
9 please?

10 PROSPECTIVE JUROR 518: 518, Elizabeth Martinez.

11 MR. MCBRIDE: And Ms. Martinez, I have just a couple of  
12 follow up questions with you. You had had some experiences with  
13 anesthesia in the past, correct?

14 PROSPECTIVE JUROR 518: Yes, I had a c-section this year.

15 MR. MCBRIDE: Okay. And how long ago?

16 PROSPECTIVE JUROR 518: Eight months ago.

17 MR. MCBRIDE: Eight months ago? Wow. Well,  
18 congratulations.

19 PROSPECTIVE JUROR 518: Thank you.

20 MR. MCBRIDE: And so with -- and you have also three other  
21 children? 17, 12, 9, and then 8 months, right?

22 PROSPECTIVE JUROR 518: Yes.

23 MR. MCBRIDE: Wow. And you had mentioned -- I think one  
24 of the things that I wrote down that your son was in a malpractice case a  
25 while back or --

1 PROSPECTIVE JUROR 518: No, it wasn't malpractice. It was  
2 inappropriate behavior with a minor.

3 MR. MCBRIDE: Okay. All right. So you have not been  
4 involved in any medical malpractice actions?

5 PROSPECTIVE JUROR 518: No.

6 MR. MCBRIDE: And in fact the -- I think you mentioned that  
7 you would be willing to listen to both sides of the case. And you haven't  
8 heard any evidence in this case?

9 PROSPECTIVE JUROR 518: Correct.

10 MR. MCBRIDE: And you work in coding for Steinberg  
11 Diagnostic?

12 PROSPECTIVE JUROR 518: I'm a payment poster, so I post  
13 the insurance checks to the claims.

14 MR. MCBRIDE: Oh, all right. So -- and then how long have  
15 you been in that position at Steinberg?

16 PROSPECTIVE JUROR 518: Four years.

17 MR. MCBRIDE: Before that, what did you do?

18 PROSPECTIVE JUROR 518: I was a refund clerk, also with  
19 Steinberg and --

20 MR. MCBRIDE: Okay. So --

21 PROSPECTIVE JUROR 518: -- I've been with them over five  
22 years.

23 MR. MCBRIDE: Okay. And so -- and you indicated, I think,  
24 before, given the fact that you work for Steinberg Diagnostic, you  
25 understand they're not involved in this case as a Defendant. You could

1 set aside that relationship or your working relationship and be fair and  
2 impartial in this case?

3 PROSPECTIVE JUROR 518: Yes, correct.

4 MR. MCBRIDE: All right. Your doctor, also, Tami Reynolds  
5 [phonetic] at WHASN; how has your experience been with Dr. Reynolds?

6 PROSPECTIVE JUROR 518: It's been really good. I really like  
7 her.

8 MR. MCBRIDE: Was Dr. Reynolds the one who delivered  
9 your son?

10 PROSPECTIVE JUROR 518: My daughter, yes.

11 MR. MCBRIDE: Oh, your daughter.

12 PROSPECTIVE JUROR 518: Yeah.

13 MR. MCBRIDE: I'm sorry. And so, were there any  
14 complications that happened as a result of that c-section?

15 PROSPECTIVE JUROR 518: I did have bleeding throughout  
16 that day, so I had to be taken back into the emergency. They had to do  
17 something with the vacuum for blood clots.

18 MR. MCBRIDE: Okay. Did you ever -- and again, I don't want  
19 to give any personal details of that, but was there anything about that  
20 experience that caused you to question the doctors or the hospital?

21 PROSPECTIVE JUROR 518: No.

22 MR. MCBRIDE: Okay. Before that -- you had a c-section, did  
23 you have to -- did Dr. Reynolds explain to you the potential risks and  
24 complications of a c-section?

25 PROSPECTIVE JUROR 518: Yes.

1 MR. MCBRIDE: Had you had other c-sections before?  
2 PROSPECTIVE JUROR 518: No. First one.  
3 MR. MCBRIDE: Okay. So this was a new experience for you?  
4 PROSPECTIVE JUROR 518: Yes.  
5 MR. MCBRIDE: All right. A little scary?  
6 PROSPECTIVE JUROR 518: Yeah, it was pretty traumatizing.  
7 MR. MCBRIDE: Yeah.  
8 PROSPECTIVE JUROR 518: Yeah.  
9 MR. MCBRIDE: And -- but did Dr. Reynolds explain things to  
10 you before that procedure?  
11 PROSPECTIVE JUROR 518: Yes, I kind of knew I might have  
12 one. But at the end I didn't need one, but she turned so -- I was kind of  
13 expecting it throughout the whole pregnancy.  
14 MR. MCBRIDE: Okay. Well, I'm glad things turned out okay.  
15 And based on any of the questions that -- that the other jurors were  
16 asked by either Ms. Hall or Plaintiff's counsel, anything that comes to  
17 your mind that you think we should know about?  
18 PROSPECTIVE JUROR 518: Like regarding --  
19 MR. MCBRIDE: Regarding anything -- oh, you know,  
20 something that maybe you forgot to mention before that we should  
21 know about?  
22 PROSPECTIVE JUROR 518: Uh, no.  
23 MR. MCBRIDE: Okay. You think you can be fair and  
24 impartial to both sides?  
25 PROSPECTIVE JUROR 518: Yes.

1 MR. MCBRIDE: All right. Thank you so much. I appreciate  
2 that. Can we have the microphone handed down -- actually, let's hand it  
3 down to the end here to Ms. Glad, since she's been waiting patiently to  
4 be talked to. And I know she loves talking in public.

5 PROSPECTIVE JUROR 522: Badge Number 522, Glad.

6 MR. MCBRIDE: Now, Ms. Glad, I promise I'm not going to  
7 spend too much time --

8 PROSPECTIVE JUROR 522: Okay.

9 MR. MCBRIDE: -- questioning you, but I had some -- I had  
10 some questions though that just came up. Just in terms of -- you're born  
11 and raised in Las Vegas, right?

12 PROSPECTIVE JUROR 522: Correct.

13 MR. MCBRIDE: And you indicated some issues that you felt  
14 that because you're -- non-confrontational, I think, is a word --

15 PROSPECTIVE JUROR 522: Correct.

16 MR. MCBRIDE: -- that you used, that you felt that you might  
17 be -- it might be hard for you to decide. Is -- given that nature -- given  
18 that your nature, you -- do you think you're willing though to view this  
19 case -- because both sides will want to have someone who can be fair  
20 and impartial, and that's really the biggest factor that we want is  
21 someone who can be fair and impartial. Do you think you could listen to  
22 the evidence and be fair and impartial in this case and follow the rules of  
23 law? I mean, the judge is going to give you instructions at the end of the  
24 case.

25 PROSPECTIVE JUROR 522: I believe I could do that, yes.

1 MR. MCBRIDE: Okay. So you can get over any issues in that  
2 regard and do your duty to follow the law and just listen to the evidence?  
3 And if Plaintiff proves their case, you have no problem awarding  
4 damages?

5 PROSPECTIVE JUROR 522: No, I'm good.

6 MR. MCBRIDE: And similarly, if -- Dr. Brill -- if we prove that  
7 Dr. Brill did not do anything wrong and that he met the standard of care  
8 that that's something you can -- you would feel comfortable or you're  
9 okay in not awarding damages?

10 PROSPECTIVE JUROR 522: Yes, I believe I could do that.

11 MR. MCBRIDE: All right. Thank you so much.

12 PROSPECTIVE JUROR 522: You're welcome.

13 MR. MCBRIDE: And I told you I wasn't going to take too  
14 much.

15 PROSPECTIVE JUROR 522: I appreciate that.

16 MR. MCBRIDE: All right. And Ms. Castaneda.

17 PROSPECTIVE JUROR 592: 592, Castaneda.

18 MR. MCBRIDE: Ms. Castaneda, you're new to the panel.  
19 Welcome.

20 PROSPECTIVE JUROR 592: Thank you.

21 MR. MCBRIDE: You've been sitting in the back listening to  
22 people tell their life stories, so based on what you've heard over the last  
23 two days, is there anything of the questions that have come across from  
24 any of the attorneys that comes to mind that's -- that maybe you think  
25 we should know about you?

1 PROSPECTIVE JUROR 592: No. There's not much, no.

2 MR. MCBRIDE: You're Vegas born, right?

3 PROSPECTIVE JUROR 592: Yes.

4 MR. MCBRIDE: Okay. So do you have a doctor who you see  
5 regularly here in Las Vegas?

6 PROSPECTIVE JUROR 592: I do, but I just haven't gone for  
7 like a year.

8 MR. MCBRIDE: Okay.

9 PROSPECTIVE JUROR 592: Yeah.

10 MR. MCBRIDE: Overall, what has been your experience with  
11 physicians and doctors in Las Vegas?

12 PROSPECTIVE JUROR 592: Everything's been good, but, like,  
13 some have said that they do, like -- they make you wait a while and then  
14 once they get to you it'll be just rushed. So it just feels rushed  
15 sometimes.

16 MR. MCBRIDE: And that personal experience you're talking  
17 about, was it related to your primary care physician or was it in a -- in a  
18 hospital setting?

19 PROSPECTIVE JUROR 592: It was a primary care.

20 MR. MCBRIDE: Okay. And is it something that you think you  
21 can set aside any issues or concerns you have about that when you're  
22 looking at the evidence in this case?

23 PROSPECTIVE JUROR 592: Yeah.

24 MR. MCBRIDE: Okay. You think you can be fair and  
25 impartial?

1 PROSPECTIVE JUROR 592: Uh-huh.

2 MR. MCBRIDE: Okay. Is that a yes?

3 PROSPECTIVE JUROR 592: Yes.

4 MR. MCBRIDE: Okay. And also that you had been working  
5 for -- as a dental hygienist?

6 PROSPECTIVE JUROR 592: Dental assistant.

7 MR. MCBRIDE: Dental assistant.

8 PROSPECTIVE JUROR 592: Uh-huh.

9 MR. MCBRIDE: What's the difference between the two?

10 PROSPECTIVE JUROR 592: Well, I help the doctors, and then  
11 the dental hygienist cleans people's teeth. They have a license to do  
12 that, yeah. I just help the doctors.

13 MR. MCBRIDE: Do you have any desire to go do that?

14 PROSPECTIVE JUROR 592: I do, yeah.

15 MR. MCBRIDE: Okay. And at this point, how long have you  
16 been working for a dentist?

17 PROSPECTIVE JUROR 592: I've been doing this for, like, five  
18 years.

19 MR. MCBRIDE: Okay. And given your experience working  
20 for a dentist's office, do you feel that, again, you understand this isn't a  
21 dental procedure?

22 PROSPECTIVE JUROR 592: Yes. Of course.

23 MR. MCBRIDE: We're talking about an OB/GYN.

24 PROSPECTIVE JUROR 592: Uh-huh.

25 MR. MCBRIDE: Do you feel you can set that apart, your work



1 for a dentist, when viewing the evidence in this case?

2 PROSPECTIVE JUROR 592: Yes.

3 MR. MCBRIDE: Okay. Thank you, Ms. Castaneda. I  
4 appreciate it.

5 PROSPECTIVE JUROR 592: You're welcome.

6 MR. MCBRIDE: Mr. Nalley.

7 PROSPECTIVE JUROR 497: Uh-huh.

8 MR. MCBRIDE: We'll get you the microphone. And can you  
9 state your badge number, please?

10 PROSPECTIVE JUROR 497: 497, Michael Nalley.

11 MR. MCBRIDE: Now, Mr. Nalley, you're a math teacher?

12 PROSPECTIVE JUROR 497: Correct.

13 MR. MCBRIDE: Okay. But you actually -- I had written down  
14 that you have a master's degree in mechanical engineering.

15 PROSPECTIVE JUROR 497: I do.

16 MR. MCBRIDE: Wow. Would you -- did you spend some  
17 time working as a mechanical engineer for a period of time?

18 PROSPECTIVE JUROR 497: Only as a student intern while  
19 still in college, during the summertime.

20 MR. MCBRIDE: Okay. And then, so how long have you been  
21 teaching?

22 PROSPECTIVE JUROR 497: My 11th year. It's kind of my  
23 second career.

24 MR. MCBRIDE: Your second career. For a high school, right?

25 PROSPECTIVE JUROR 497: I'm currently teaching math at a

1 high school, yes.

2 MR. MCBRIDE: Which high school?

3 PROSPECTIVE JUROR 497: Southeast Career Technical  
4 Academy. It used to be the old vo-tech, if you've been in Vegas for a  
5 while.

6 MR. MCBRIDE: Yeah. I have. Born and raised, as well.

7 PROSPECTIVE JUROR 497: Uh-huh.

8 MR. MCBRIDE: So as well as some of the group. And in  
9 terms of your work there, what do you like about that particular job, the  
10 career as a teacher?

11 PROSPECTIVE JUROR 497: Influencing young people.

12 MR. MCBRIDE: Okay.

13 PROSPECTIVE JUROR 497: Kind of the first priority or joy of  
14 the job and the -- teaching math is kind of the vehicle to accomplish that.

15 MR. MCBRIDE: Well, I went into law, so there's a reason why  
16 I didn't study math very well. So the -- one of the things I think you  
17 talked about, you had indicated that you would have no problem  
18 awarding damages if you felt the evidence supported it and if there was  
19 a way to determine the -- you know, the value of what that case would be  
20 worth, right?

21 PROSPECTIVE JUROR 497: Correct.

22 MR. MCBRIDE: All right. So in other words, the Court's  
23 going to give you the law at the conclusion of this case and is going to  
24 instruct you on what the law provides. Are you willing to follow the law  
25 as the Court instructs you?

1 PROSPECTIVE JUROR 497: Certainly.

2 MR. MCBRIDE: Okay. And you think you would be favor --  
3 you could -- you would be fair to both sides, Plaintiff and Defense in this  
4 case?

5 PROSPECTIVE JUROR 497: Correct. I feel I'm as bias-free as  
6 I could possibly be at this moment.

7 MR. MCBRIDE: Right. And -- because you -- we don't have  
8 any information other than the information the attorneys relay to you,  
9 correct?

10 PROSPECTIVE JUROR 497: Correct.

11 MR. MCBRIDE: And so something like being a math teacher,  
12 I'm sure you want things evidence-based.

13 PROSPECTIVE JUROR 497: Yes.

14 MR. MCBRIDE: All right. And thank you. I appreciate your  
15 honesty, Mr. Nalley. And then, Mr. Barao.

16 PROSPECTIVE JUROR 504: : Alex.

17 MR. MCBRIDE: Alex. I was trying to get the name right,  
18 but --

19 PROSPECTIVE JUROR 504: I've got a letter, but it's not a  
20 name on top of it, so.

21 PROSPECTIVE JUROR 504: Alexandre Barao, 504.

22 MR. MCBRIDE: Now, Alex, again, I think you have also  
23 experienced anesthesia in surgery, but that was in Europe.

24 PROSPECTIVE JUROR 504: Yes.

25 MR. MCBRIDE: And how have your experiences been with

1 medical care in Las Vegas?

2 PROSPECTIVE JUROR 504: Same as every other country.  
3 I've traveled the world.

4 MR. MCBRIDE: Okay.

5 PROSPECTIVE JUROR 504: Very normal.

6 MR. MCBRIDE: Yeah. And the experiences in Europe, any  
7 different?

8 PROSPECTIVE JUROR 504: Not really.

9 MR. MCBRIDE: Really? That's good to hear. Do you have a  
10 regular doctor you see?

11 PROSPECTIVE JUROR 504: Yes, here in Vegas.

12 MR. MCBRIDE: Okay. Yeah.

13 PROSPECTIVE JUROR 504: The only thing different from  
14 Europe is the price.

15 MR. MCBRIDE: Right. Right. That is pretty different.

16 PROSPECTIVE JUROR 504: I'm sorry that I failed at --

17 MR. MCBRIDE: And you said that -- I think your -- is it your  
18 wife who has had -- who has been at the WHASN facility out in  
19 Centennial Hills?

20 PROSPECTIVE JUROR 504: No.

21 MR. MCBRIDE: Oh, I'm sorry. I'm sorry, I'm reading the  
22 wrong thing. Your wife is currently -- is she unemployed?

23 PROSPECTIVE JUROR 504: Yes, she's studying.

24 MR. MCBRIDE: She's a --

25 PROSPECTIVE JUROR 504: Yes, at CSN. Web development.

1 A change of career.

2 MR. MCBRIDE: Okay. What did she do before?

3 PROSPECTIVE JUROR 504: Front desk receptionist at a hotel.

4 MR. MCBRIDE: All right. And then, so you've been here now  
5 for five years.

6 PROSPECTIVE JUROR 504: Yes, sir.

7 MR. MCBRIDE: And in terms of your experience with -- how  
8 about your wife's care? Has she had any medical care that she's  
9 experienced that has been poor or --

10 PROSPECTIVE JUROR 504: No.

11 MR. MCBRIDE: All right.

12 PROSPECTIVE JUROR 504: Satisfactory, as well.

13 MR. MCBRIDE: Okay. And you could be fair to both sides in  
14 this case?

15 PROSPECTIVE JUROR 504: Always, above everything else.

16 MR. MCBRIDE: Okay. Excellent. Thank you so much,  
17 appreciate it. Ms. Cardinal, now we get to you. And Ms. Cardinal,  
18 welcome to the panel. So --

19 PROSPECTIVE JUROR 601: Badge Number 601, Cardinal.

20 MR. MCBRIDE: Thank you. So Ms. Cardinal, have you had  
21 any prior experiences with undergoing anesthesia or surgery?

22 PROSPECTIVE JUROR 601: Yes, three times.

23 MR. MCBRIDE: Three times? Was that here in Las Vegas?

24 PROSPECTIVE JUROR 601: Twice in Las Vegas.

25 MR. MCBRIDE: And in general, were there any complications

1 that resulted from any of those surgeries?

2 PROSPECTIVE JUROR 601: No.

3 MR. MCBRIDE: Were you -- how have you been -- have you  
4 been satisfied with the medical care you've received here in Las Vegas?

5 PROSPECTIVE JUROR 601: Yes.

6 MR. MCBRIDE: Okay. Do you have a regular physician who  
7 you see?

8 PROSPECTIVE JUROR 601: Yes.

9 MR. MCBRIDE: And prior to those other surgeries, did you  
10 feel that the doctors provided you with sufficient information to make a  
11 decision as to whether to go forward with those surgeries?

12 PROSPECTIVE JUROR 601: Yes. One was an emergency  
13 situation, so I didn't get a lot of opportunity.

14 MR. MCBRIDE: But you were satisfied with how that turned  
15 out?

16 PROSPECTIVE JUROR 601: I will say that I was okay that I  
17 was alive. I lost a child.

18 MR. MCBRIDE: Oh, I am --

19 PROSPECTIVE JUROR 601: So yeah.

20 MR. MCBRIDE: I am so sorry to hear that. And --

21 PROSPECTIVE JUROR 601: It's okay. Don't worry, I have five  
22 others. We're fine.

23 MR. MCBRIDE: Okay, well --

24 PROSPECTIVE JUROR 601: We have lots of them. We're  
25 good. We made up.

1 MR. MCBRIDE: It's still -- and again --  
2 PROSPECTIVE JUROR 601: Yeah.  
3 MR. MCBRIDE: -- this is a very difficult time to ask  
4 questions --  
5 PROSPECTIVE JUROR 601: Yeah.  
6 MR. MCBRIDE: And I --  
7 PROSPECTIVE JUROR 601: It's okay.  
8 MR. MCBRIDE: -- don't mean to be insensitive. But I  
9 apologize. Anyway. That situation, did you understand that the  
10 emergency that happened, that, you know, there were reasons why they  
11 had to operate at the time?  
12 PROSPECTIVE JUROR 601: Absolutely.  
13 MR. MCBRIDE: Okay.  
14 PROSPECTIVE JUROR 601: It was life-saving.  
15 MR. MCBRIDE: Okay. And so given that experience -- and  
16 again, we're not talking about that same situation here -- do you feel you  
17 could be fair and impartial in this case, given that it is involving an  
18 obstetrician/gynecologist, Dr. Brill, in this case?  
19 PROSPECTIVE JUROR 601: Absolutely.  
20 MR. MCBRIDE: Okay. And you can set aside any feelings of  
21 sympathy that you might experience for the Plaintiff?  
22 PROSPECTIVE JUROR 601: Absolutely.  
23 MR. MCBRIDE: Okay. Willing to look at both sides of the  
24 evidence and wait until Plaintiff --  
25 PROSPECTIVE JUROR 601: Yes.

1 MR. MCBRIDE: -- proves their case, and if they have proven  
2 their case, then award damages?

3 PROSPECTIVE JUROR 601: If that is the course that is  
4 deemed to be the right choice --

5 MR. MCBRIDE: Right.

6 PROSPECTIVE JUROR 601: -- with the evidence that's  
7 presented, absolutely.

8 MR. MCBRIDE: And similarly, if the evidence reflects that Dr.  
9 Brill met the standard of care, would you have a problem giving a  
10 Defense verdict for Dr. Brill and not awarding damages if the evidence  
11 and the law suggested?

12 PROSPECTIVE JUROR 601: Exactly, yes.

13 MR. MCBRIDE: Okay. And you could be fair and impartial?

14 PROSPECTIVE JUROR 601: Yes.

15 MR. MCBRIDE: Thank you so much.

16 PROSPECTIVE JUROR 601: No problem.

17 MR. MCBRIDE: I appreciate it. Thank you. Pass for cause.

18 THE COURT: Thank you. That's either going to be Ms.  
19 Albertson or Mr. Breeden with regards to the two additional.

20 MS. ALBERTSON: Okay. I just have a couple of questions  
21 for the two additional jurors.

22 THE COURT: Yes.

23 MS. ALBERTSON: I'll try to make it quick. Since the mic was  
24 already over there, Ms. Castaneda?

25 PROSPECTIVE JUROR 592: Uh-huh. 592, Castaneda.



1 MS. ALBERTSON: Okay. I had some questions about taking  
2 responsibility earlier and holding people responsible for mistakes. Even  
3 if those mistakes were not intentional, even if they might feel sorry about  
4 those mistakes, do you have any problem holding somebody  
5 responsible for a mistake?

6 PROSPECTIVE JUROR 592: No.

7 MS. ALBERTSON: And I asked some questions earlier about  
8 verdict amounts. Specifically, if you have any problem issuing a large  
9 verdict. Do you have any problem issuing a large verdict if evidence  
10 supports it?

11 PROSPECTIVE JUROR 592: No.

12 MS. ALBERTSON: Oh, you need me to come closer? Sorry.  
13 And then, finally, I don't think that opposing counsel just asked you  
14 questions that were asked some of the other people in the venire, which  
15 is do you have any opinion about medical practice in general in Nevada?  
16 Have you heard anything in the news? Do you remember hearing about  
17 anything that affects your opinion?

18 PROSPECTIVE JUROR 592: No, I haven't.

19 MS. ALBERTSON: Okay. And did you say whether or not  
20 you or anybody you love had ever been injured or hurt due to someone  
21 else's behavior?

22 PROSPECTIVE JUROR 592: No.

23 MS. ALBERTSON: No, they haven't?

24 PROSPECTIVE JUROR 592: No, they haven't.

25 MS. ALBERTSON: No car accidents, nothing like that?

1 PROSPECTIVE JUROR 592: No.

2 MS. ALBERTSON: Okay. Thank you very much. Ms.  
3 Cardinal?

4 PROSPECTIVE JUROR 601: Cardinal, 601.

5 MS. ALBERTSON: Thanks. First of all, thank you for sharing  
6 something so personal earlier, and I really am sorry for your loss. I can  
7 only imagine what that was like. We're here not because of something  
8 exactly like that, but because of an issue that my client has. And I'm sure  
9 you've heard it over and over again. Do you have any reason that you  
10 could think of that we should hesitate to pick you for this jury?

11 PROSPECTIVE JUROR 601: Not that I can think of, no.

12 MS. ALBERTSON: Okay. And the questions that you just  
13 heard me ask Ms. Castaneda about taking responsibility for mistakes, do  
14 you have any problem holding somebody responsible for a mistake?

15 PROSPECTIVE JUROR 601: Absolutely not.

16 MS. ALBERTSON: Okay. Even if it was unintentional?

17 PROSPECTIVE JUROR 601: That's not a factor, I think, when  
18 the responsibility needs to be -- I mean, somebody needs to be  
19 accountable for their actions, regardless if it was intentional or not. I feel  
20 like there's two sides to every coin, and if someone is not whole from the  
21 actions of another person, regardless of their intention, that person  
22 needs to be made whole.

23 MS. ALBERTSON: Okay. So the examples I gave earlier, the  
24 baseball --

25 PROSPECTIVE JUROR 601: Yeah.

1 MS. ALBERTSON: -- you --

2 PROSPECTIVE JUROR 601: I--

3 MS. ALBERTSON: -- throw it at my house, you break my  
4 window, my husband ends up being --

5 PROSPECTIVE JUROR 601: Sorry, my kid's going to have to  
6 pay for your husband's hospital bill, because he should -- it was -- we  
7 were playing, and I was -- it was an accident caused by our actions.

8 MS. ALBERTSON: Okay. Even though it was unintentional,  
9 right?

10 PROSPECTIVE JUROR 601: Regardless.

11 MS. ALBERTSON: Okay.

12 PROSPECTIVE JUROR 601: Because it wasn't the  
13 gentleman's intentions to get hit by the ball, either.

14 MS. ALBERTSON: Okay. And then my next question, any  
15 problem with a larger verdict?

16 PROSPECTIVE JUROR 601: No.

17 MS. ALBERTSON: Okay. And any thoughts in general about  
18 medical practice, medical malpractice cases, based on stuff you might  
19 have heard in the news, in the media?

20 PROSPECTIVE JUROR 601: No.

21 MS. ALBERTSON: Or any large cases that you can think of  
22 that have shaped your view?

23 PROSPECTIVE JUROR 601: No.

24 MS. ALBERTSON: Okay. Okay. Thank you very much.

25 THE COURT: Counsel, approach.

1 [Sidebar at 3:19 PM, ending at 3:21 PM, not transcribed]

2 THE COURT: All right, ladies and gentlemen. We are  
3 moving to the point where we're doing peremptory challenges. So we're  
4 just going to kind of -- I'm going to give you a chance to stand up and  
5 stretch, but you -- I just ask that you stay in your spot. This is a chance to  
6 where the attorneys pass the list back and forth and determine who they  
7 want to be on the jury. And again, there doesn't need to be any basis for  
8 them to choose you or not choose you. So if you would just be at ease,  
9 feel free to have a drink, get a snack if you need to, and we'll just be at  
10 ease here while they do this process.

11 MS. ALBERTSON: Your Honor, can we approach for just a  
12 second?

13 [Sidebar at 3:23 p.m., ending at 3:24 p.m., not transcribed]

14 [Peremptory challenges from 3:24 p.m. to 3:41 p.m.]

15 [Sidebar at 3:41 p.m., ending at 3:53 p.m., not transcribed]

16 THE COURT: All right. I'm going to ask my Court Clerk to  
17 read the names and numbers of the badges, and please raise your hand  
18 if we call your name and badge number.

19 THE CLERK: Badge Number 309, Trisha Difuntorum. Badge  
20 Number 342 Don Meoli. Badge Number 361, Nicholo Castro. Badge  
21 Number 585, Nichole Keyes. Badge Number 396, Cecilia Caudle. Badge  
22 Number 582, Trevor Prindiville. Badge Number 536, Ayman Lockhart.  
23 Badge Number 427, Thom Biggerstaff. Badge Number 458, Samuel  
24 Martinez. Badge Number 537, Vincent Rodriquez. Badge Number 518,  
25 Elizabeth Martinez.

1 THE COURT: All right. And should be 11 of you. Counsel  
2 stipulate that this is the final number based on our chart that we just  
3 went over?

4 MR. MCBRIDE: So stipulated, Your Honor, from Defense.

5 MR. BREEDEN: Yeah. Stipulated from Plaintiff.

6 THE COURT: Okay. Thank you.

7 All right, ladies and gentlemen, if we did not call your  
8 number, again, you have not been chosen for this jury, those 11 will be  
9 on our jury. We appreciate your service and your willingness to answer  
10 our questions, and for your patience, and all the time and delays that we  
11 had, we greatly appreciate your service. And if you have any questions  
12 my marshal will direct to the appropriate place you need to go, and  
13 parking information; and the 11 of you please remain seated. Thank you  
14 so much.

15 THE MARSHAL: All rise for the jury.

16 [Prospective jurors excused at 3:55 p.m.]

17 THE COURT: All right. You may be seated. Ladies and  
18 gentlemen, you are our remaining jurors for this trial, and we're going to  
19 now put you in order where you'll be sitting for the rest of the time with  
20 us, so please listen.

21 THE CLERK: Badge number 309, Trisha Difuntorum, you'll be  
22 in seat 1.

23 THE COURT: So you can move to seat 1.

24 THE CLERK: Badge number 342, Don Meoli, you will be in  
25 seat 2. Badge number 361, Nicholo Castro, seat 3. Badge number 585,

1 Nichole Keyes, you'll be in seat 4. Badge number 396, Cecilia Caudle,  
2 you will be in seat 5. Badge number 582, Trevor Prindiville, you will be  
3 in seat 6. Badge number 536, Ayman Lockhart you will be in seat 7.  
4 Badge number 427, Thom Biggerstaff staff, you will be in seat 8. Badge  
5 number 458, Samuel Martinez, you will be in seat 9. Badge number 537,  
6 Vincent Rodriquez, you will be in seat 10. Badge number 518, Elizabeth  
7 Martinez, will be in seat 11.

8 THE COURT: Thank you. And now that you are officially our  
9 jurors, we're going to have to swear you in with the juror oath, so please  
10 stand and raise your right hand.

11 [The jury panel was sworn]

12 THE COURT: Thank you. You may be seated.

13 All right, ladies and gentlemen. It's been a little bit longer  
14 process than we thought for jury selection, but we're still ending a little  
15 early. We are actually going to be dark on Monday, meaning we won't  
16 come Monday, because I have some matters that I have to attend to. So  
17 I'll ask you to be back here Tuesday morning at 11:00 a.m., in the  
18 Courtroom 11C. You have notepads and, Ray, did you already pass out  
19 the juror badges, as well?

20 THE MARSHAL: Yes, Your Honor.

21 THE COURT: Okay. And you have juror badges that we  
22 would like you to wear anytime you are in this courthouse, so you are  
23 readily identifiable by any attorneys or staff that are walking around, and  
24 that they're aware that you are an active juror in a pending case. So in  
25 the meantime you will use those notepads while you're here, but daily

1 you will leave them here at night, and Ray will pass them out to you  
2 every morning.

3 So I'm going to read you the last admonishment of the night,  
4 and then we will see you back on Tuesday at 11:00. If you have any  
5 questions, go ahead and ask Ray, and then he'll relay any information  
6 that I need to know.

7 So thank you so much. During this break and this recess for  
8 over the long weekend, you're instructed not to talk with each other, or  
9 anyone else about any subject or issue connected with this trial. You're  
10 not to read, watch or listen to any report or commentary on the trial by  
11 any person connected with this case, by any medium of information,  
12 including, without limitation, newspapers, television, radio, or internet.

13 You're not to conduct any research on your own relating to  
14 this case, such as consulting dictionaries, using the internet, or  
15 reference materials, test any theory of the case, recreate any aspect of  
16 the case, or in any other way learn about the case on your own.

17 You're not to talk with others, text others, Tweet others,  
18 Google issues, or conduct any other kind of book or computer research  
19 with regard to any issue, party, or attorneys in this case, and you're not  
20 to form or express any opinion on any subject connected with this trial  
21 until the matter is submitted to you. Thank you, ladies and gentlemen.  
22 I'll see you Tuesday at 11:00 a.m.

23 THE MARSHAL: All rise for the jury.

24 THE COURT: Guys have a good weekend.

25 [Jury out at 4:00 p.m.]

1 THE MARSHAL: The jury is clear of the courtroom, Your  
2 Honor.

3 [Outside the presence of the jury]

4 THE COURT: Thank you. You can have a seat. We're  
5 outside the presence of prospective panel, any additional matters?

6 MR. BREEDEN: Judge, I just wanted to mention we still have  
7 a witness who's expected to appear by BlueJeans on Wednesday  
8 morning, and I am trying to get the appropriate paperwork and tests  
9 done as fast as I can submitted. But we had an issue communicating  
10 with this doctor, but he's still expected to be a BlueJeans' appearance.

11 THE COURT: Okay. Just remind me Tuesday so that I can  
12 get a different link, or I don't know, she might use the same one as the  
13 civil that morning, but just remind me so I can get you the appropriate  
14 BlueJeans' link.

15 MR. BREEDEN: Okay.

16 THE COURT: Anything else?

17 MR. MCBRIDE: Nothing more, Your Honor, other than to  
18 apologize for the confusion.

19 THE COURT: No worries. Okay. And we put all the  
20 objections on the record, correct?

21 MR. MCBRIDE: I believe so.

22 THE COURT: And just for the record, when we were up here,  
23 and we went through the seating chart and the peremptory challenges, I  
24 did ask counsel if there were any additional challenges based on  
25 peremptory challenges, and both sides said no; is that correct?



1 MR. BREEDEN: Correct.

2 MR. MCBRIDE: Correct.

3 THE COURT: Okay. And then if nothing else, then we'll be  
4 here 10:30 Tuesday. We have a civil calendar that morning, but  
5 hopefully it'll be done by then, and then we can address any issues at  
6 that time.

7 MR. MCBRIDE: Thank you.

8 THE COURT: Have a good weekend.

9 MR. BREEDEN: All right. Thank you, Your Honor, you too.

10 THE COURT: Thank you.

11 MR. MCBRIDE: You two, and everyone else have a good  
12 weekend.

13 [Proceedings adjourned at 4:02 p.m.]

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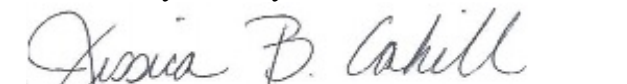
20 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
21 audio-visual recording of the proceeding in the above entitled case to the  
best of my ability.

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