

In the Supreme Court of Nevada

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Elizabeth A. Brown
Clerk of Supreme Court

SIERRA HEALTH AND LIFE INSURANCE
COMPANY, INC.,

Appellant,

vs.

SANDRA L. ESKEW, as special administrator of
the Estate of William George Eskew,

Respondent.

Appeal from the Eighth Judicial District Court, Clark County
The Honorable Nadia Krall, District Judge
District Court No. A-19-788630-C

JOINT APPENDIX Volume 3 of 18

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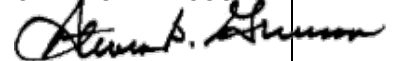
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5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7)
8 SANDRA ESKEW, ET AL.,)

CASE#: A-19-788630-C

9 Plaintiff,)

DEPT. IV

10 vs.)

11 SIERRA HEALTH AND LIFE)
INSURANCE COMPNAY, INC., ET)
AL.,)

12 Defendants.)
13 _____)

14 BEFORE THE HONORABLE NADIA KRALL
DISTRICT COURT JUDGE
15 MONDAY, MARCH 14, 2022

16 **RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 1**

17
18 APPEARANCES

19 For the Plaintiffs:

MATTHEW L. SHARP, ESQ.
DOUGLAS A. TERRY, ESQ.

20
21 For the Defendants:

D LEE ROBERTS, JR., ESQ.
RYAN T. GORMLEY, ESQ.
PHILLIP NELSON SMITH, JR., ESQ.

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23
24
25 RECORDED BY: MELISSA BURGNER, COURT RECORDER

1 Las Vegas, Nevada, Monday, March 14, 2022

2

3 [Case called at 8:47 A.M.]

4 THE COURT: Please be seated. All right. Can we do the

5 ELMO off? Because I don't want the jury to be distracted at first.

6 All right. Counsel, good morning.

7 COUNSEL: Good morning, Your Honor.

8 THE COURT: Have the parties already made their

9 appearances?

10 MR. SHARP: Matthew Sharp for Sandra Eskew.

11 THE COURT: Thank you.

12 MR. TERRY: Doug Terry for Sandy Eskew.

13 THE COURT: Good morning.

14 MR. ROBERTS: Good morning, Your Honor. Lee Roberts for
15 Sierra Health and Life.

16 THE COURT: Good morning.

17 MR. GORMLEY: Ryan Gormley for Sierra Health and Life.

18 THE COURT: Morning.

19 MR. SMITH: Good morning, Your Honor. Phillip Smith for
20 Sierra Health and Life.

21 THE COURT: Good morning. All right. So we should have
22 our jury in about ten minutes. We need to fix that clock, too, because
23 that says eight o'clock and not nine o'clock. Can you email Tia and ask
24 her to have them come fix that at a break?

25 So what was on the board just now was just some

1 preliminary questions the Court would ask the jury panel. And then
2 counsel will have follow up. So the four questions that were provided by
3 each party, the one question from the Defense regarding the insurance
4 company, the Court just kind of switched that and made that number 10,
5 biased against insurance companies, if that made sense. And then
6 everything else was basically the same.

7 The Court received the joint statement to the jury. The Court
8 would like to change it a little bit and just say -- make it a little simpler
9 because the way it now reads, it's a bit -- they're not going to know what
10 proton beam therapy is right now. They're not really going to know
11 what special administrator is. So the Court was inclined to say this is a
12 lawsuit regarding the denial of insurance, either coverage or benefits, for
13 a certain type of cancer treatment. And the claim is being brought by the
14 insured's wife.

15 This can be changed somehow, but I just want to make it
16 simpler, just so they have just a frame of reference of what's going on.
17 Comments?

18 MR. ROBERTS: The Defendant has no objection to the
19 Court's proposed change, Your Honor.

20 THE COURT: Okay.

21 MR. SHARP: I have no problem with the change, Your
22 Honor.

23 THE COURT: Okay. Perhaps I should say surviving wife,
24 because they need to know that he is deceased.

25 MR. SHARP: I agree. That's fine.

1 MR. ROBERTS: No objection, Your Honor.

2 THE COURT: All right. All right. So I'll say surviving wife.

3 Do the parties have anything else we need to discuss outside
4 the presence of the jury?

5 MR. SHARP: Your Honor, are we going to get the
6 questionnaires, like the one-page questionnaires, before they come in?
7 Or do we get anything?

8 THE COURT: Well, the statement about how old they are and
9 their level of education?

10 MR. SHARP: Yeah.

11 THE COURT: Yes. We should be receiving that.

12 THE CLERK: Once they get the random list, they're usually
13 attached.

14 THE COURT: Okay. When can we get that?

15 THE CLERK: I think when they bring up the jury, usually the
16 marshal brings them.

17 THE COURT: All right. So when Marshal Moore gets back,
18 he should have those sheets. Because the Court --

19 MR. SHARP: Okay. Is there an opportunity to get those
20 sheets before they come into the courtroom?

21 THE COURT: No. With the new COVID protocols, the jury
22 commissioner doesn't do that for us.

23 MR. SHARP: Okay.

24 THE COURT: Because she doesn't even know who's here.

25 So she has them fill that out when they're in the jury room, if that makes

1 sense.

2 MR. SHARP: That -- it does. It does.

3 THE COURT: So we don't even have that.

4 MR. SHARP: And then second question, are -- do you want
5 us to identify the witnesses in the trial or are you going to identify them?

6 THE COURT: I want you to.

7 MR. SHARP: Okay.

8 THE COURT: Do you have a printed-up list you can put on
9 the ELMO or the screen?

10 MR. SHARP: I do not. Do you have one, Mr. Roberts?

11 MR. ROBERTS: No.

12 MR. SHARP: A quick list of witnesses.

13 MR. ROBERTS: I'm on it, but we can do it on the -- you can
14 put it on the screen?

15 MS. BONNEY: I can type it really quick and put it up.

16 MR. ROBERTS: The list we have, Your Honor, contains
17 addresses and phone numbers, so we probably don't want to display
18 that. My paralegal, Audra Bonney (phonetic), can create that quickly so
19 that we can put that up.

20 THE COURT: All right. So we have 22 chairs, 22 black chairs
21 and the remaining are green chairs. And so the 22 black chairs are going
22 to be the starting panel. And so normally, we have 20, but since we're
23 going to have 4 alternates, we added 2 more to add those other 2
24 alternates. So the chair against the wall on the left will be number 1. It'll
25 go 1 through 11, and then 12 through 22. And then 45 will end at this

1 green chair right here, if that makes sense to everybody.

2 And when -- so if the person in chair number 3 is excused,
3 we'll pick the person, the first green chair, and put them in that black
4 chair. Also, please be mindful when you're doing voir dire to state their
5 badge number or have them state their badge number. Some attorneys
6 forget. And so then we have to keep reminding counsel to do it.

7 Are there any other issues we need to discuss outside the
8 presence of the jury?

9 MR. ROBERTS: There is one, Your Honor. We have reached
10 an agreement with Plaintiff's counsel for the dismissal of United
11 Healthcare as a Defendant. Sierra Health and Life will remain as the only
12 Defendant. Although, we just have a gentleman's agreement that Sierra
13 Health and Life will not point the finger at the empty chair, attempt to
14 blame United Healthcare based on the fact this was their policy. We've
15 agreed not to blame United Healthcare, and this should streamline and
16 simplify the trial somewhat.

17 THE COURT: Great. Is that your understanding, Mr. Sharp?

18 MR. SHARP: That is correct, Your Honor.

19 THE COURT: Thank you.

20 MR. ROBERTS: And based on that stipulation, Your Honor,
21 we'd also move to amend the caption so that if the jury gets anything,
22 certainly before they get the instructions, that the caption only has the
23 remaining Defendant.

24 MR. SHARP: And the remaining Plaintiff.

25 THE COURT: Okay.

1 MR. SHARP: We can take care of that, obviously, at jury
2 instructions.

3 THE COURT: Are there any other issues the parties need to
4 discuss outside the presence of the jury?

5 MR. ROBERTS: One other thing just the Court should be
6 aware of is that we've reached an agreement to pre-instruct the jury,
7 given that these are unusual issues and we agreed it would be helpful to
8 do that. We have a couple of disputed instructions left we may need the
9 Court's help on. If we cannot reach agreement on those, if the Court
10 could make some time for us, maybe either tomorrow morning or after
11 the jury is dismissed tomorrow.

12 THE COURT: When do you want the pre-instructions to take
13 place?

14 MR. SHARP: Before opening.

15 THE COURT: Before opening?

16 MR. ROBERTS: Yes, Your Honor.

17 THE COURT: All right. How many are there?

18 MR. SHARP: There are ten instructions.

19 MR. ROBERTS: About ten and one or two.

20 MR. SHARP: But there are only two substantive, really.
21 There's only one -- there's only two instructions we have a disagreement
22 on.

23 MR. ROBERTS: And I think we may be able to resolve those,
24 Your Honor.

25 THE COURT: Thank you. Are there any other issues outside

1 the presence of the jury?

2 MR. SHARP: None on the Plaintiffs.

3 MR. ROBERTS: No other issues for the Defendant, Your
4 Honor.

5 THE COURT: Okay. So the parties are aware of our schedule
6 for the next month? Or do they want the Court to go over it again? So
7 the Court has a few things tomorrow, but we should start no later than
8 9:30 tomorrow. And then Wednesday, we'll start at 9:00. Court is dark
9 Thursday and Friday, so no matter what, we have to have our jury picked
10 by Wednesday.

11 We are getting 45 panel members today. So what happens is
12 every hour, a civil trial gets a jury panel, and a criminal trial gets a jury
13 panel. And so if a case settles later on in the day, we could get more
14 jurors, jury panel people. If not, we won't get them until tomorrow, if we
15 need them.

16 So next week, we'll start at 9:00 on Monday, Wednesday,
17 Friday. And we'll start probably around 9:30 on Tuesday and Thursday.
18 The following week, the week of the 28th, Monday, Tuesday, and
19 Wednesday, we'll start at 9:00 and we'll be dark Thursday, Friday. The
20 week of the 4th, we'll start at 9:00 on Monday, Wednesday, Friday. But
21 the week of the -- April 5th, we'll only have afternoon. And then we have
22 to be done with jury deliberations by Friday, April 8th.

23 So we'll usually go for an hour and a half, take a 15-minute
24 break, then do another hour and a half, take our lunch break, and then do
25 the same thing in the afternoon. So just so you can coordinate for your

1 witnesses.

2 If we theoretically picked a jury today or tomorrow or -- are
3 the parties ready for openings this week?

4 MR. SHARP: We are.

5 MR. ROBERTS: We are, Your Honor.

6 THE COURT: Hypothetically, if we got voir dire done really
7 quickly, would you be ready to present any witnesses this week?

8 MR. SHARP: Yes, provided Sierra has got their witnesses
9 ready and available.

10 MR. ROBERTS: And Mr. Sharp has provided us with the
11 name of the first two witnesses that he would like to present. They're
12 both United witnesses, and we have confirmed their availability for
13 Wednesday if they are needed.

14 THE COURT: Okay. Any other issues?

15 MR. SHARP: One question I just thought of, Your Honor. For
16 cause challenges, how do you want us to handle that? Do you want us
17 to do it in the open panel? Do you want to wait until breaks?

18 THE COURT: We can wait until break.

19 MR. SHARP: Okay.

20 MR. ROBERTS: Thanks, Your Honor.

21 THE COURT: So what's normally going to happen is ten of
22 these people are going to say they can't even be here today because
23 they have to work, or they have to care for a child or an elderly parent.
24 And so I'm not going to release them immediately. We will do it at a
25 break. And then we'll replace them. And also, what we do is if we do

1 the challenges for cause, what I want to happen is that once the Court
2 goes through the black chair people and then releases it to Plaintiff's
3 counsel, once we start releasing people for cause, I tell the jury panel,
4 we're only going to ask questions to the new people, because otherwise,
5 the older people just keep dominating the conversation and it goes on
6 forever.

7 So once you've completed your questioning with the 22
8 chairs, then we'll break, do the cause challenges, and then you can ask
9 the questions of the new people in the chairs. It just makes it faster.
10 Does that make sense?

11 MR. SHARP: Yes.

12 MR. ROBERTS: Yes, Your Honor.

13 THE COURT: Okay. Any other issues?

14 MR. SHARP: No, Your Honor.

15 THE COURT: All right. We'll take a recess until Marshal
16 Moore brings the jurors back, which should --

17 MR. SHARP: Thank you.

18 [Recess taken from 9:01 a.m. to 9:11 a.m.]

19 THE COURT: All right. Marshal Moore is getting the panel
20 right now. Does everyone have a copy of the jury group data form?

21 MR. SHARP: Yes.

22 MR. ROBERTS: Yes.

23 THE COURT: Okay.

24 THE MARSHAL: All rise for the jury.

25 [Prospective jurors in at 9:13 a.m.]

1 THE MARSHAL: All right, Judge. All jurors are present.

2 THE COURT: Thank you. Counsel, please be seated. This is
3 the date and time set for the trial of case number A-19-788630-C. The
4 Plaintiff is Sandra Eskew, and the Defendant is Sierra Health and Life
5 Insurance Company. The record will reflect the presence of the parties
6 and their counsels.

7 Are the parties ready to proceed with trial today?

8 MR. SHARP: Yes, Your Honor. We are. Yeah.

9 MR. ROBERTS: Defense is ready, Your Honor.

10 THE COURT: Thank you. Good morning, ladies and
11 gentlemen. The Court appreciates you coming here today. You've been
12 summoned here for a civil jury trial. This is not a criminal trial. This is
13 only a civil trial. I want to tell you a little bit about the case and what we
14 can expect today and who everyone is in the courtroom, so you
15 understand.

16 This civil case, on the one side are the Plaintiffs, and those
17 are the people bringing the lawsuit. On the other side are the
18 Defendants, and those are the people defending the lawsuit. This is a
19 lawsuit regarding the denial of insurance coverage for a certain type of
20 cancer treatment. And the person bringing the lawsuit is the wife of the
21 deceased insured. So the Court just wants you to understand what
22 you're here for, so you understand where we're going in this case.

23 My name is Nadia Krall. I'm the judge in this matter. I'm a
24 general jurisdiction judge, but my docket is all civil. So all of what I do is
25 trials, every week. So every week, we have trials, and we have jurors

1 come in. Next to me is the court clerk. And Ms. Burchfield is the one
2 who will be swearing the witnesses in. She'll be swearing you in as the
3 jury panel. She is the one who will be in charge of all of the exhibits to
4 make sure there's a chain of custody in this case.

5 Next to her is Ms. Burgener. She is the court reporter. The
6 court reporter is very important because in normal, everyday speech, we
7 have a tendency to anticipate what someone is going to say and we kind
8 of jump in to make it go a little bit faster. The court reporter is taking
9 down everything everyone is saying. So what that means is only one
10 person in this room can speak at a time.

11 So if a question is being asked, you can pause for a second
12 to let the question to get on the record, and then do your answer.
13 Because what will happen is there's going to be a transcript of what goes
14 on today and for the rest of trial, and it'll read like a play, with the
15 questions and the answers. So if we start talking over each other, we're
16 not going to have that clear a record.

17 Next to her is Marshal Moore. You've met him already. He's
18 your point of contact regarding parking, lunch, restrooms, smoking
19 break. Anything of that nature, he will be the one that you talk to. Also,
20 you may have met my J.E.A. She's the judicial executive assistant.
21 She's essentially the department manager, record dates, everything for
22 the Court. She may be coming in and out from the back of the house.
23 The Court also has a law clerk who's essentially the staff attorney for the
24 Court. You may see him coming in and out, as well.

25 Now, the Court wants the parties to stand and introduce

1 themselves and let you know which witnesses they intend to call at time
2 of trial.

3 MR. SHARP: Thank you, Your Honor. My name is Matthew
4 Sharp. I'm proudly here representing Sandra Eskew. And Doug Terry is
5 my co-counsel. And do you want me to also name the witnesses, Your
6 Honor, that we intend to call?

7 THE COURT: Yes.

8 MR. SHARP: Tanya's list, you can see it over there as well.
9 Dr. Shamoon Ahmad, Christina Armington, Dr. Andrew Chang, Sandra
10 Eskew, Tyler Eskew, William Eskew, Elliott Flood, Gustavo Guerrero,
11 Janet Holland-Williams, Dr. Zhongxing Liao, Steven Prater, and Shelean
12 Sweet. Thank you, Your Honor.

13 THE COURT: Thank you.

14 MR. ROBERTS: Good morning, Your Honor. Good morning,
15 everyone. My name is Lee Roberts. I am with the law firm of Weinberg,
16 Wheeler, Hudgins, Gunn & Dial here in Las Vegas. We represent Sierra
17 Health and Life, the person who's been sued.

18 With me here at counsel table is my partner, Ryan Gormley
19 and my partner Phillip Smith. All the way down there on the end is our
20 trial paralegal, Audra Bonney. She's in charge of putting stuff up on the
21 screen and keeping track of exhibits. And here on the back row, if you
22 could stand up, this is Mr. David Crump. Mr. Crump is the company
23 representative for Sierra Health and Life.

24 The witnesses are still up on the screen. In addition to the
25 witnesses that Mr. Sharp mentioned, you may also hear through us from

1 Dr. Ana Bhatnagara, and let's see, Matthew Palmer, Dr. Parvesh Kumar,
2 Dr. Amitabh Chandra, and Gary Owens. Did I miss anyone, Ryan?

3 MR. GORMLEY: I think you got them all.

4 MR. ROBERTS: Okay. I think that's it, Your Honor. Thank
5 you very much.

6 THE COURT: Thank you. The clerk will now take a roll call.
7 So what the clerk is going to do now is that she's going to call your
8 name and the last three of your badge number. It can be confusing. You
9 have a badge number, and you have a juror ID number. So what we
10 need are the last three of your badge number. So she's going to say the
11 last three of your badge number and your name.

12 Whenever you're asked questions or whenever you speak,
13 you must state the last three digits of your badge number because
14 otherwise, when we read the transcript, we won't know who was
15 speaking. So this gives us a clear record. So when she calls your name,
16 if you can just say yes, here, present, or any other word you would like to
17 use. We just need an audible response for the record.

18 THE CLERK: Badge number 006, Amber Mae Salvador.

19 PROSPECTIVE JUROR 006: Here.

20 THE CLERK: 010, Rosemarie Manacly.

21 PROSPECTIVE JUROR 010: Here.

22 THE CLERK: 012, Shaylia Martin.

23 PROSPECTIVE JUROR 012: Here.

24 THE CLERK: 020, Irving Gutierrez.

25 PROSPECTIVE JUROR 020: Here.

1 THE CLERK: 022, Aaron Hayes.
2 PROSPECTIVE JUROR 022: Here.
3 THE CLERK: 034, Jacob Castaneda.
4 PROSPECTIVE JUROR 034: Here.
5 THE CLERK: 036, Brad Hufford.
6 PROSPECTIVE JUROR 036: Here.
7 THE CLERK: 057, Tonya Seibert.
8 PROSPECTIVE JUROR 057: Here.
9 THE CLERK: 058, Karen Sidell.
10 PROSPECTIVE JUROR 058: Here.
11 THE CLERK: 062, Michelle Steed.
12 PROSPECTIVE JUROR 062: Here.
13 THE CLERK: 066, Glenn Griger.
14 PROSPECTIVE JUROR 066: Here.
15 THE CLERK: 078, Claude Badaloni?
16 PROSPECTIVE JUROR 078: Badaloni. Here.
17 THE CLERK: 079, Kasandra Peters.
18 PROSPECTIVE JUROR 079: Here.
19 THE CLERK: 084, Rebecca Schlick.
20 PROSPECTIVE JUROR 084: Here.
21 THE CLERK: 086, Gerald Klein.
22 PROSPECTIVE JUROR 086: Here.
23 THE CLERK: 095, James Henry.
24 PROSPECTIVE JUROR 095: Here.
25 THE CLERK: 099, Melissa Alvarez.

1 PROSPECTIVE JUROR 099: Here.
2 THE CLERK: 101, James Kenner.
3 PROSPECTIVE JUROR 101: Here.
4 THE CLERK: 110, Reginald Gayles.
5 PROSPECTIVE JUROR 110: Here.
6 THE CLERK: 118, Anthony Tully.
7 PROSPECTIVE JUROR 118: Here.
8 THE CLERK: 121, Glivell Piloto.
9 PROSPECTIVE JUROR 121: Glivell Piloto. Here.
10 THE CLERK: Thank you. 134, Robert Desmond.
11 PROSPECTIVE JUROR 134: Here.
12 THE CLERK: 135, Mark Hudson.
13 PROSPECTIVE JUROR 135: Here.
14 THE CLERK: 144, Mary Cortes.
15 PROSPECTIVE JUROR 144: Cortes. Here.
16 THE CLERK: Okay. 153, Jeffrey Stone.
17 PROSPECTIVE JUROR 153: Here.
18 THE CLERK: 154, Carmen Castillo-Colindres.
19 PROSPECTIVE JUROR 154: Here.
20 THE CLERK: Thank you. 155, Crystal Alvarez.
21 PROSPECTIVE JUROR 155: Here.
22 THE CLERK: 160, Nicole Russell.
23 PROSPECTIVE JUROR 160: Here.
24 THE CLERK: 161, Robert Cook.
25 PROSPECTIVE JUROR 161: Here.

1 THE CLERK: 164, Brian Selvester.
2 PROSPECTIVE JUROR 164: Here.
3 THE CLERK: 166, Vicki Pleasant.
4 PROSPECTIVE JUROR 166: Here.
5 THE CLERK: 167, Joy MacDaniels.
6 PROSPECTIVE JUROR 167: Here.
7 THE CLERK: 168, Melissa Dymek.
8 PROSPECTIVE JUROR 168: Here.
9 THE CLERK: 187, Gretchen Eisenman.
10 PROSPECTIVE JUROR 187: Here.
11 THE CLERK: 189, Jennifer Nelson.
12 PROSPECTIVE JUROR 189: Here.
13 THE CLERK: 193, Bret Padres.
14 PROSPECTIVE JUROR 193: Here.
15 THE CLERK: 022 [sic], Robert Buchler.
16 PROSPECTIVE JUROR 200: Here.
17 THE CLERK: 063 [sic], Jonathan Ocasio.
18 PROSPECTIVE JUROR 263: Here.
19 THE CLERK: 319, Theodore Nelson.
20 PROSPECTIVE JUROR 319: Here.
21 THE CLERK: 329, Christopher Herrera.
22 PROSPECTIVE JUROR 329: Here.
23 THE CLERK: 504, Gerald Berg.
24 PROSPECTIVE JUROR 504: Here.
25 THE CLERK: 647, Yvonne Magdon-Chow.

1 PROSPECTIVE JUROR 647: Here.

2 THE CLERK: 173, Catherine Jackson.

3 PROSPECTIVE JUROR 173: Here.

4 THE CLERK: 179, Maria DeJonge.

5 PROSPECTIVE JUROR 179: Here.

6 THE CLERK: 307, Daniel Manubag.

7 PROSPECTIVE JUROR 307: Here.

8 THE COURT: Thank you. Was there anyone's name who
9 wasn't called?

10 All right. During this process, we're going to be taking
11 frequent breaks. So every hour and a half, we'll take a restroom break
12 for about 15 minutes so you can have a snack. Also, feel free to bring a
13 drink in. Or if it's cold, if we -- if you do come back, you can bring an
14 extra jacket or a blanket. But when we do take a break, be mindful that
15 the reason why you have a prospective juror tag is, so no one speaks to
16 you.

17 So you have these witness names on the screen, but you
18 don't know what they look like. So if someone talks to you, and it could
19 be a witness in the case, it could contaminate your verdict. And so
20 you're only permitted to speak with someone who has a juror badge on
21 or one of the marshals. So you can speak to Marshal Moore, you can
22 speak to any other marshal.

23 So if you see one of the attorneys in the restroom or the
24 elevator, they're not allowed to speak to you. They're not even allowed
25 to say hello, so they're not trying to be rude. So the same goes for the

1 court staff, aside from the marshal. If you see me, I'm not allowed to
2 speak with you during this process outside of the courtroom. Does that
3 make sense to everybody?

4 All right. So the -- all right. So what's going to happen now
5 is that the Court is going to ask you some preliminary questions to see if
6 you're fit for this jury. And then, the attorneys will ask you the
7 questions. So if you're able to stand, if you can stand, the clerk will
8 swear you in.

9 [The prospective jurors were sworn]

10 THE COURT: Okay. Be seated. Is there anyone here who's
11 not a U.S. citizen?

12 UNIDENTIFIED PROSPECTIVE JUROR: I didn't hear the
13 question.

14 THE COURT: Is there anyone here who's not a U.S. citizen?
15 Is there anyone here who's a felon who has not had their
16 rights restored?

17 Is there anyone here who has trouble understanding the
18 English language.

19 All right. So what we'll do is row number one will be the row
20 farthest away from me, closest to the wall. Then row two, three, four,
21 and five. So anyone in row number one have trouble understanding the
22 English language? Row number two? And row number three?

23 UNIDENTIFIED PROSPECTIVE JUROR: There's a lady.

24 THE COURT: All right. What is your badge number and your
25 name? Put the mic up closer.

1 PROSPECTIVE JUROR 154: 0154.
2 THE COURT: And what is your name?
3 PROSPECTIVE JUROR 154: Carmen.
4 THE COURT: Carmen?
5 PROSPECTIVE JUROR 154: Yeah.
6 THE COURT: And what's your last name?
7 PROSPECTIVE JUROR 154: Castillo.
8 THE COURT: Castillo, badge number 154. And what is your
9 first language?
10 PROSPECTIVE JUROR 154: Espanol.
11 THE COURT: All right. And how long have you lived in the
12 United States?
13 PROSPECTIVE JUROR 154: Thirty -- thirty-three, I think.
14 THE COURT: Thirty-three years. And do you work outside
15 the home?
16 PROSPECTIVE JUROR 154: I'm retired lady.
17 THE COURT: Where did you work before you retired?
18 PROSPECTIVE JUROR 154: I was working Walmart.
19 THE COURT: At Walmart. And what percentage of what I
20 have said have you understood?
21 PROSPECTIVE JUROR 154: What I don't understand?
22 THE COURT: No. Do you know the word percentage? No?
23 PROSPECTIVE JUROR 154: I don't understand it.
24 THE COURT: All right. Ma'am, you're excused. Thank you.
25 PROSPECTIVE JUROR 154: Thank you.

1 THE COURT: Thank you. Is there anyone else who does not
2 understand the English language?

3 Okay. So in this case, because we're a civil case, you're
4 probably more aware of a criminal trial where you have 12 jurors and
5 there has to be a unanimous verdict. In a civil case, it's different. We
6 have eight jurors, and in this particular case, we're going to have four
7 alternates. So in a civil case, eight jurors go back to the jury deliberation
8 room, but only six of the eight have to agree on a verdict. So that's what
9 makes it different.

10 We also need alternates because if something happens to
11 one of the jurors, we can't start this process all over again. We need to
12 make sure that we have someone who's heard all the evidence who can
13 jump in and be one of the final jurors. But you're not going to know who
14 the alternates are because we want to make sure that everyone pays
15 attention.

16 Here, we need to make sure that you're a proper fit for this
17 trial. Both sides are entitled to a fair and impartial jury. And so we don't
18 want you to be silent if there's a question asked and if you thought to
19 yourself, well, if it had just been asked a slightly different way, maybe I
20 would have answered. Err on the side of caution and just let us know
21 what thoughts you have regarding some of the questions that are being
22 posed. Because you might not be a proper fit for this jury, but you might
23 be a better fit for another jury.

24 You'll notice that some of you are in green chairs and some
25 of you are in black chairs. So if you are in a black chair, it means the

1 questions are going to start with you. So the 22 of you in the black
2 chairs are going to go first. The ones who are in the green chairs, I need
3 you to listen because what will happen is if someone in the black chair is
4 excused, you in the green chair will take their place. And it's row three,
5 Mr. Hudson, who would be the first person to take someone's place.
6 And so that means in row five, Mr. Manubag would be the last person to
7 take someone's place, if the parties understand that.

8 Also during this process, the parties will be able to do
9 challenges for cause. So let's say that they find that you're unfit for this
10 trial, they may try and strike you for cause. I know that a lot of
11 you -- every one of you has taken time out of your day. You had to
12 call -- you had to receive the jury summons, you had to call in to see if
13 you were coming in, you had to drive down here, you had to park, you
14 had to walk, you had to go through security, you had to go through the
15 preliminary process with this case.

16 And the Court thanks you for your time, because the truth is
17 we could not be here today without you. I always tell people the most
18 powerful people in the courtroom are not me as the judge, it's not the
19 staff, it's not the lawyers, it's you as jurors who are the most powerful.
20 We are a government by the people, for the people. Without you as the
21 jury, we could not be here today. We could not have this trial.

22 In a civil case, you decide the outcome of the case. I as the
23 judge do not decide the outcome. The lawyers do not decide the
24 outcome. You do. And we are going to ask you questions to see if you
25 can sit on this jury. And we would appreciate it if you would not try to

1 get out of jury service, because I know a lot of you think, well, I have
2 work, I have family commitments, I have better things to do with my
3 time.

4 But I will tell you, every jury trial I do, when the juries are
5 done deliberating and they come back, they ask me, can I come back on
6 Monday and sit as a juror again? They enjoyed the process so much
7 because this is your government. This is your form of government. And
8 the only way we can have a jury trial is with you.

9 So this trial is expected to last one month. So the first week,
10 we are going to only go Monday through Wednesday, then Monday
11 through Friday, then Monday through Wednesday, then Monday through
12 Friday. We'll start no earlier than 9:00 a.m. and end no later than 5:00
13 p.m. We will take a break every hour and a half. We'll have a lunch
14 break. And spring break, we will not be -- the trial will end well before
15 spring break, so we will not go further than Friday, April 8th at 5:00 p.m.

16 So with that in mind, the Court is going to ask some
17 questions about whether you have the ability to sit for a month trial.
18 And be mindful, there's construction defect trials that go on for four to
19 six months, so this is actually quite of a short trial. And remember, if we
20 have to start this process over again with a whole new batch of people,
21 that means the ones remaining have to come back tomorrow, have to
22 come back on Wednesday, and we have to bring a whole new 45 people
23 in and start this process again. So when the Court does ask you the
24 questions, the Court hopes that you understand that although you're
25 making a sacrifice today, we greatly appreciate it. And if you're not

1 picked for this trial, you could be picked for another trial.

2 So is there anyone here who recognizes any of the
3 attorneys? Or any of their staff or any of the people sitting there?

4 Is there anyone who recognized any of the witness names
5 that were listed?

6 Yes. All right. What's your badge number?

7 PROSPECTIVE JUROR 144: 0144.

8 THE COURT: And your name?

9 PROSPECTIVE JUROR 144: Mary Cortes.

10 THE COURT: Yes? Which witness did you recognize?

11 PROSPECTIVE JUROR 144: Dr. Cohen.

12 THE COURT: Can you put the witness list back up?

13 MS. BONNEY: Yes, sorry.

14 THE COURT: Andrew Cohen?

15 PROSPECTIVE JUROR 144: Yes.

16 THE COURT: And how --

17 PROSPECTIVE JUROR 144: I believe he's my father's cancer
18 doctor. And he sort of had to go through a similar -- my father went
19 through a similar situation where he had to fight for cancer treatment.

20 THE COURT: Okay. The Court is just making a note. Anyone
21 else know any of the witnesses?

22 No. All right. Does anyone know anyone else in the jury
23 panel here today? Sometimes, people work together, and they are called
24 for jury duty.

25 No? Oh, go ahead.

1 PROSPECTIVE JUROR 135: Mark Hudson, 135.
2 THE COURT: Who do you know?
3 PROSPECTIVE JUROR 135: I know Jim Henry, James Henry.
4 THE COURT: Mr. Henry. What's your badge number?
5 PROSPECTIVE JUROR 095: 095.
6 THE COURT: And Mr. Hudson, how do you know Mr. Henry?
7 PROSPECTIVE JUROR 135: We used to work together.
8 THE COURT: And where did you work?
9 PROSPECTIVE JUROR 135: Eclipse Gaming.
10 THE COURT: Mr. Henry, badge number 095, do you recollect
11 Mr. Hudson?
12 PROSPECTIVE JUROR 095: Yes. Yes, Your Honor.
13 THE COURT: Okay. And were you -- Mr. Hudson, badge
14 number 135, what was the nature of your employment relationship?
15 Was he your supervisor or?
16 PROSPECTIVE JUROR 135: No. We were both slot techs for
17 the company.
18 THE COURT: Thank you. Would your working relationship
19 with Mr. Henry affect your ability to be fair and impartial in this case?
20 PROSPECTIVE JUROR 135: No.
21 THE COURT: Mr. Henry, badge number 095, would your
22 working relationship with Mr. Hudson affect your ability to be fair and
23 impartial in this case?
24 PROSPECTIVE JUROR 095: No, Your Honor.
25 THE COURT: All right. Thank you. Does anyone know me?

1 No. Does anyone know any court staff?

2 So we'll start on this with row one, and then we'll go
3 forward. Knowing that this is going to be a month-long trial -- we can
4 pass the mic down to row one, which is the row against the wall -- does
5 anyone have a physical or medical hardship with sitting in a trial? And if
6 so, raise your hand for us so we know. Anyone in row one? We'll start
7 with row one.

8 Okay. No one in row one with a physical or medical hardship
9 that prevents them from sitting on this jury. Row two, physical or
10 medical hardship?

11 Row three, physical or medical hardship?

12 Row four, a physical or medical hardship?

13 Yes?

14 PROSPECTIVE JUROR 200: I don't know if it's good for that.
15 I have a --

16 THE COURT: Hold on. Hold on. What's your badge
17 number?

18 PROSPECTIVE JUROR 200: 200.

19 THE COURT: 200. And your name?

20 PROSPECTIVE JUROR 200: Robert, last name is Buchler.

21 THE COURT: All right. Go ahead, sir.

22 PROSPECTIVE JUROR 200: I have a torn ligament in my
23 knee. I'm supposed to -- actually, I just got the -- after waiting six weeks,
24 I got the appointment for Wednesday to see the knee specialist. So I
25 probably could do it, but I'm not sure. I was -- I really wanted to get my

1 knee taken care of.

2 THE COURT: Can you change that appointment to Thursday
3 or Friday?

4 PROSPECTIVE JUROR 200: I would change it, but it wouldn't
5 be -- it would probably be another six weeks. You know how, I'm sure,
6 those appointments are.

7 THE COURT: Okay. Thank you. Anyone else in row four
8 with a physical or medical hardship?

9 Row five, physical or medical hardship?

10 PROSPECTIVE JUROR 647: Badge number 647, Yvonne
11 Magdon-Chow. I have a child who is diagnosed with cancer. He's going
12 through treatment, in remission right now. He is in good health, but in
13 case anything does happen, I might not be able to attend.

14 THE COURT: How long has he been in good health?

15 PROSPECTIVE JUROR 647: He was diagnosed in November
16 of 2018.

17 THE COURT: Okay. Thank you. Ms. DeJonge, badge
18 number 179?

19 PROSPECTIVE JUROR 179: 179, Maria DeJonge.

20 THE COURT: Could you give her the microphone?

21 PROSPECTIVE JUROR 179: I have two things. I need to go to
22 the bathroom almost every hour. I have diabetes. And if I hold it too
23 long, I get the urinary infection.

24 THE COURT: Thank you. Okay. All right. We'll start -- oh,
25 go ahead.

1 PROSPECTIVE JUROR 153: Yeah. I was just at the doctor, I
2 think on --

3 THE COURT: Hold on. Hold on. What's your badge
4 number?

5 PROSPECTIVE JUROR 153: Oh, I'm sorry. 0153, Jeffrey
6 Stone.

7 THE COURT: Yes.

8 PROSPECTIVE JUROR 153: I just saw the doctor Thursday
9 for a physical and they found some blood in my urine. And so I've been
10 waiting to hear, probably sometime this week. Could be cancer, bladder
11 infection, and so on and so forth. So I don't -- you know, I have no idea
12 what might transpire or what they're going to need me to do. So I really
13 don't know at this point.

14 THE COURT: Okay. Thank you. So now we'll go back to row
15 number one. Does anyone have a preplanned trip where they're not
16 going to be here? Nonrefundable tickets to Tahiti.

17 PROSPECTIVE JUROR 066: Badge number 66. I'm an
18 entertainment worker. I work in audio, and I travel a lot for work. So in a
19 couple weeks, I have a couple shows where I'll be leaving the state to
20 work.

21 THE COURT: When do you leave?

22 PROSPECTIVE JUROR 066: Two weeks from today.

23 THE COURT: Okay. Thank you. Does anyone else in row
24 number one have travel plans in the next month, knowing we're going to
25 be done before spring break.

1 Row number two?

2 PROSPECTIVE JUROR 121: Badge number 121. I'll be
3 leaving the country on the 17th, and I'll be back on the 27th.

4 THE COURT: You're leaving the country on Thursday?

5 PROSPECTIVE JUROR 121: Yes.

6 THE COURT: Thank you. Anyone else, row number two,
7 with travel plans in the next month?

8 Row number three? Row number four?

9 PROSPECTIVE JUROR 168: Badge number 168, Melissa
10 Dymek. I have travel plans for Denver the first week of April.

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR 168: Thank you.

13 THE COURT: If you can pass the mic down.

14 PROSPECTIVE JUROR 319: Badge number 319, Theodore
15 Nelson. I have travel plans from the 1st through the 19th of April.

16 THE COURT: Thank you. And row number five, does anyone
17 have travel plans?

18 All right. So now we're going to go back to row number one.
19 Does anyone have an economic hardship that would prevent them from
20 serving as a juror?

21 No? Row number two?

22 THE MARSHAL: We've got one, Judge.

23 THE COURT: Oh, we do?

24 PROSPECTIVE JUROR 057: Badge number 057, Tonya
25 Seibert. I am president of Seibert Design, and a month is not possible.

1 THE COURT: And what are your normal work hours?

2 PROSPECTIVE JUROR 057: Usually from 8:00 until about
3 maybe 9:00 or 10:00 at night.

4 THE COURT: Sure. Thank you. Anyone else in row number
5 one with an economic hardship?

6 Row number two?

7 PROSPECTIVE JUROR 095: Badge 095.

8 THE COURT: Mr. Henry, go ahead.

9 PROSPECTIVE JUROR 095: Yes, ma'am. I work two jobs
10 currently. Neither of them -- well, if I'm here, I can't draw any pay from
11 either of them.

12 THE COURT: What are your -- are you the sole breadwinner
13 of your home?

14 PROSPECTIVE JUROR 095: No, Your Honor.

15 THE COURT: So job number one, what are those days of the
16 week and hours?

17 PROSPECTIVE JUROR 095: Job number one is, let's see,
18 Thursday 7:00 a.m. to 3:00 p.m. And my second job is 4:00 p.m. to 10:00
19 p.m. Friday is 7:00 a.m. to 3:00 p.m. and I don't work the second job
20 Friday night. Saturday night -- or Saturday morning, the second job is
21 6:30 a.m. to 1:00 p.m. and I work my first job from 6:00 p.m. to 2:00 a.m.
22 And Sunday, I work job number one from 3:00 p.m. to 8 -- I'm sorry.
23 Okay. 3:00 p.m. to 11:00 p.m. And then on Monday, it's also 3:00 p.m. to
24 11:00 p.m. for job number one.

25 THE COURT: Thank you. Anyone else in row number two

1 with an economic hardship?

2 Row number three with an economic hardship?

3 PROSPECTIVE JUROR 144: 0144, Mary Cortes. I'm currently
4 a contractor. I don't get paid if I don't work. And my contract ends on
5 the 31st and I have nothing lined up after that.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR 153: 0153, Jeffrey Stone. I'm a tax
8 accountant and we know what time of the year it is. You know, I don't
9 have a lot of clients, but those that I do have, it's hard to maneuver, et
10 cetera.

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR 155: Crystal, my badge is --

13 THE COURT: 155?

14 PROSPECTIVE JUROR 155: Yeah. I'm sorry. I was trying to
15 find it. But I'm a full-time management as a janitor with KBS. I work 40
16 hours, so graveyards. Then I sleep during the day when I go home.

17 THE COURT: Does your employer pay for you to attend jury
18 duty?

19 PROSPECTIVE JUROR 155: Yeah. He -- basically, I requested
20 a day off to come here.

21 THE COURT: If you were called to serve as a juror, would
22 you get paid even though you weren't working?

23 PROSPECTIVE JUROR 155: I'm not sure.

24 THE COURT: Are you a salaried employee?

25 PROSPECTIVE JUROR 155: Yes.

1 THE COURT: What are your normal hours?

2 PROSPECTIVE JUROR 155: I work from 9:00 to 7:00 in the
3 morning, sometimes double.

4 THE COURT: So 9:00 p.m. to 7:00 a.m.?

5 PROSPECTIVE JUROR 155: Yes.

6 THE COURT: Do you always sleep during the day?

7 PROSPECTIVE JUROR 155: When I get off work, yes.

8 THE COURT: And how long have you worked graveyard?

9 PROSPECTIVE JUROR 155: I started my job in November, so
10 almost a year.

11 THE COURT: November?

12 PROSPECTIVE JUROR 155: Yeah.

13 THE COURT: So it's been six months?

14 PROSPECTIVE JUROR 155: Yeah.

15 THE COURT: Would you have the ability to stay awake
16 during the day if you weren't working?

17 PROSPECTIVE JUROR 155: No. I get too tired when I get off.

18 THE COURT: Okay. Thank you. Anyone else in row number
19 three with an economic hardship?

20 Row number four?

21 PROSPECTIVE JUROR 168: Badge number 168, Melissa
22 Dymek again. I am a bartender at Bellagio, so I work on tips. I just
23 started full-time at the pool. Pool season is here, so.

24 THE COURT: Do you work during the day or at night?

25 PROSPECTIVE JUROR 168: I do, 9:00 to 5:00, 10:00 to 6:00,

1 11:00 to 7:00.

2 THE COURT: Thank you.

3 PROSPECTIVE JUROR 168: Thank you.

4 PROSPECTIVE JUROR 189: 189, Jennifer Nelson. I am a
5 single mom of two. I work for a non-profit organization. I'm hourly and
6 they don't pay for jury duty.

7 THE COURT: Thank you. Anyone else in row number four
8 with an economic hardship?

9 PROSPECTIVE JUROR 329: 0329, Herrera, Christopher. I'm
10 currently unemployed.

11 THE COURT: You're unemployed?

12 PROSPECTIVE JUROR 329: Yeah.

13 THE COURT: So but that -- how would that interfere with
14 your ability to serve on a jury?

15 PROSPECTIVE JUROR 329: Just to pay to get here.

16 THE COURT: Say that again?

17 PROSPECTIVE JUROR 329: Pay for the transportation.

18 THE COURT: Pay for transportation?

19 PROSPECTIVE JUROR 329: Yeah.

20 THE COURT: What area of town do you live in?

21 PROSPECTIVE JUROR 329: The east.

22 THE COURT: Can you pull the mic just a little bit closer?

23 PROSPECTIVE JUROR 329: The east. The east part of town.

24 THE COURT: Where?

25 PROSPECTIVE JUROR 329: East part of town, of Las Vegas.

1 THE COURT: And how did you get here today?
2 PROSPECTIVE JUROR 329: I had to call an Uber.
3 THE COURT: An Uber?
4 PROSPECTIVE JUROR 329: Yeah.
5 THE COURT: Do you ever take the bus?
6 PROSPECTIVE JUROR 329: Yeah. But you know, with the
7 pandemic, I didn't really know about the bus.
8 THE COURT: Because of the pandemic, what?
9 PROSPECTIVE JUROR 329: I didn't really know the rules of
10 the bus. Like, I heard that they were shut down for a while.
11 THE COURT: Oh, they -- yeah, they're not shut down now.
12 Where on the east side? Charleston and Dallas?
13 PROSPECTIVE JUROR 329: Dallas -- yeah. Yes.
14 THE COURT: Okay. Okay. Thank you. Anyone else in row
15 four with an economic hardship?
16 Row number five with an economic hardship?
17 PROSPECTIVE JUROR 647: 647, Yvonne Magdon. I'm the
18 head of the household and I currently don't have a car.
19 THE COURT: You don't have a car?
20 PROSPECTIVE JUROR 647: I do not have a car. We're in the
21 process of getting one right now, but I Ubered here today.
22 THE COURT: What part of town do you live in?
23 PROSPECTIVE JUROR 647: Mountain's Edge.
24 THE COURT: Thank you. Ms. Jackson?
25 PROSPECTIVE JUROR 173: Badge number 173. I work for a

1 small company called Veteran Benefits Guide. They basically help
2 veterans apply for disability benefits. I am hourly, and I feel like because
3 they are a small company, they do not pay us for jury duty. So when
4 we're here, or when I am here, basically it's just going to be the \$40 a
5 day that you guys would pay us, hypothetically, if I was selected. But
6 that \$40 a day is going to create a deficit, because it will take me two
7 days of working. I would have to do minimum seven business days just
8 to make up for the payment of missing two days of work. Do you see
9 what I'm saying? I make \$15.45. And that's all I got.

10 THE COURT: Thank you.

11 PROSPECTIVE JUROR 179: 1179. I work 40 hours. If I take a
12 day off, it's, you know, a hardship for me.

13 THE COURT: Where do you work?

14 PROSPECTIVE JUROR 179: With Avis, with MLS. This is
15 another company that works under Avis Rental Car.

16 THE COURT: What do you do for them?

17 PROSPECTIVE JUROR 179: Transfer cars to the hotels. And
18 they do not pay for to come over here.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 307: 307, Daniel Manubag. I serve in
21 the United States Army, and I'm temporarily stationed in California.

22 So --

23 THE COURT: All right.

24 PROSPECTIVE JUROR 307: Yes.

25 THE COURT: Does anyone else have any other hardship we

1 have not gone over, such as -- and we'll start with row one and then go
2 forward. So any other hardship, like if you're caring for an elderly parent
3 or you're the person who picks up your children from daycare at 3:00
4 p.m. So we'll start with row number one with any other hardship, and
5 we'll go forward.

6 PROSPECTIVE JUROR 022: Badge number 22, Aaron
7 Haynes. And I'm taking care of my child right now. He's one and -- like,
8 one and a half. But I don't really have any other childcare and my
9 girlfriend works full time. So when I do work part time, I'm -- when I'm
10 not working part time, I'm taking care of my child.

11 THE COURT: Thank you. Anyone else in row number one?

12 PROSPECTIVE JUROR 036: 036. Your Honor, my
13 daughter-in-law is expecting her child on Wednesday, is her due date. I
14 don't know if this fits the criteria, but I would like to be part of that if
15 possible.

16 THE COURT: So her due date is Wednesday?

17 PROSPECTIVE JUROR 036: Yes.

18 THE COURT: Do you plan on being there for labor or just
19 delivery?

20 PROSPECTIVE JUROR 036: No. I plan on -- if we get a call,
21 my wife and I will show up to the hospital and be, you know, part of all
22 that. I'm not going to be in the delivery room, no.

23 THE COURT: All right. Thank you. Anyone else in row
24 number one with any other hardship?

25 Row number two?

1 PROSPECTIVE JUROR 086: Badge 086, Gerald Klein. Just to
2 let you know, I'm a truck driver, and if the wheels ain't rolling, I'm not
3 making any money.

4 THE COURT: Thank you. Badge number -- I mean, any other
5 one in row number two?

6 Row number -- okay.

7 PROSPECTIVE JUROR 099: Hi. Badge number 099, Melissa.
8 My job, they say that they do pay for jury duty. But my daughter, she
9 gets off at two o'clock from school. So I'd have to go pick her up.

10 THE COURT: Thank you. Anyone else in row number two?

11 Row number three?

12 PROSPECTIVE JUROR 135: Mark Hudson, number 135. I'm a
13 single guy trying to -- 50 hours a week working at a gaming company.
14 And I get calls all during the night, just trying to fix machines or safes or
15 whatever the case may be.

16 THE COURT: Are you salaried or hourly?

17 PROSPECTIVE JUROR 135: No, I am not. Hourly.

18 THE COURT: Would they pay you jury --

19 PROSPECTIVE JUROR 135: No, they do not.

20 THE COURT: Thank you. Anyone else in row number three?

21 PROSPECTIVE JUROR 160: Nicole Russell, badge 160. I'm
22 the director at a hospital. Over 300 employees are under me. There's no
23 way I can take a month off of work for that. Nothing would function
24 without me. Also, I'm the director, actually, over the graduate medical
25 education program. And this week on Friday is match week. So we'll be

1 onboarding almost 200 -- well, it's like 100-something new residents.

2 THE COURT: Thank you. Anyone else row number three?

3 PROSPECTIVE JUROR 167: Badge 167, Joy MacDaniels. So I
4 help out with my uncle who's 78. He just had two open heart surgeries
5 and he's high-risk. So I help caretake for him. I cook him dinner and
6 everything. And also, I do real estate, and my only source of income is
7 through real estate. So not being able to work with clients that are
8 normally on a time crunch makes it really hard for me to be able to pay
9 my bills.

10 THE COURT: Does it affect it that this week, we're only going
11 Monday through Wednesday, and then the third week, Monday through
12 Wednesday? So you'd have multiple days and evenings?

13 PROSPECTIVE JUROR 167: The hard thing -- I usually make
14 my uncle's dinners for him. I try and do that. So normally, most of my
15 appointments are in the mornings. And then I am usually trying to be
16 done by, like, 2:00 or 3:00 so I can get dinners made for him.

17 THE COURT: Thank you. Row number four, anyone with any
18 other hardship?

19 PROSPECTIVE JUROR 187: Gretchen Eisenman, badge
20 number 187. I'm a middle school teacher at Von Tobel Middle School. I
21 teach English. And as you guys probably know, we have a teacher
22 shortage as well as a sub shortage. And because we're a Title I, we
23 really don't get subs at all at our school. So we hardly ever get subs to
24 cover classes. So if I was out, there would be no one to cover me.
25 They'd have to use other teachers during their prep time, and it would be

1 very difficult.

2 THE COURT: Thank you. Pass the mic down.

3 PROSPECTIVE JUROR 263: Badge number 263, Jonathan
4 Ocasio. I, too, am also a teacher, high school teacher. Same problem. I
5 can't get subs to fill in for my room. It has to be a month long, so.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR 504: Badge 504, Gerald Berg. My wife
8 and I both watch our grandkids -- one is six months old; one is three
9 years old -- Monday through Friday from 7:00 in the morning until about
10 five o'clock.

11 THE COURT: Could your wife do it without you during trial?

12 PROSPECTIVE JUROR 504: For a month, I don't know. I
13 mean, it's pretty hard.

14 THE COURT: Thank you. Anyone in row number five with a
15 hardship we haven't discussed?

16 All right. We're going to take a 15-minute break. The Court's
17 going to give you an admonishment, and at every break, the Court is
18 required by law to give you this admonishment. I'm going to say the
19 admonishment and then I'll discuss it.

20 You are instructed not to talk with each other or with anyone
21 else about any subject or issue connected with this trial. You are not to
22 read, watch, listen to any report of or commentary on the trial by any
23 person connected with the case or by any medium of information,
24 including without limitation newspapers, television, the internet, or
25 radio. You're not to conduct any research on your own relating to this

1 case, such as consulting dictionaries, using the internet, or using
2 reference materials. You're not to conduct any investigation, test any
3 theory of the case, recreate any aspect of the case, or in any other way
4 investigate or learn about the case on your own. You're not to talk with
5 others, text others, tweet others, Google issues, or conduct any other
6 kind of book or computer research with regard to an issue, party,
7 witness, or attorney involved in this case. You're not to form or express
8 any opinion on any subject connected to this trial until the case is finally
9 submitted to you.

10 Please know that what this means is that almost everyone
11 sitting here today has one of these, a smartphone. It's basically a mini
12 computer. You could research any of the attorneys, the parties, the
13 witnesses on this case, but that would be a violation of your oath and it
14 would contaminate your verdict, and we would have to start this process
15 all over again. So is that understood that you are not allowed to talk
16 with anyone or do any research on your own regarding this case?

17 The only thing that you're allowed to tell people is that you
18 are in the process of potentially being selected in a civil jury trial that's
19 expected to last one month. That is the only thing that you can tell
20 people. And if you hear another juror talking to someone else, you're
21 required by law to tell the marshal so the marshal can bring it to the
22 Court's attention. Is that understood?

23 All right. We will take an approximate 15-minute break and
24 come back at 10:15.

25 THE MARSHAL: All rise for the jury.

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[Jury out at 9:58 a.m.]

[Outside the presence of the prospective jurors]

THE COURT: Thank you. All right. So with everyone who said they have an issue, that leaves 18 of them. Does anyone have any issue not releasing any of the people that said they had a hardship? We'll start with you, Mr. Sharp.

MR. SHARP: I can't think of any reason to differentiate any of them.

THE COURT: Okay. Thank you. Mr. Roberts?

MR. ROBERTS: That's fine, Your Honor. I know traditionally, we had not considered working as a teacher to be a hardship, but given the struggles that the school system is going through, that probably needs to change in the short term. I don't have any problem with that.

THE COURT: Okay. So we've asked -- we're going to dismiss all of the jurors, then, who said they had a hardship. What we'll have is the marshal just separate them out and only bring the 18 back. And then we'll start voir dire on those 18. We've asked for potentially more jurors today. The only way that we would get more jurors today is if a case settled. Otherwise, we're getting 45 more jurors tomorrow at 9:00 a.m., so. What makes this hard, it's not just a week trial. We're going for a long time.

Do the parties have any other issues they want to bring up to the Court?

MR. SHARP: No, Your Honor.

MR. ROBERTS: No, Your Honor.

1 THE COURT: Okay. All right. So we'll come back a little bit
2 before 10:15 and finish the process. Hopefully, we'll get more jurors
3 today.

4 [Recess taken from 10:01 a.m. to 10:23 a.m.]

5 [Outside the presence of the prospective jurors]

6 THE MONITOR: We're on the record.

7 THE COURT: So it doesn't look like we're going to get any
8 new jurors today. We've asked. No one else has settled. But if it does
9 happen -- because panels are pulled every hour so there's another panel
10 at 11, another panel at 12, another panel at 1. We're definitely getting
11 another panel of 45 tomorrow morning at 9, and we've asked for an
12 additional panel of 45 at 1 tomorrow, but we won't know that until later
13 today if any of the other courtrooms need more jurors. Does that make
14 sense?

15 MR. ROBERTS: Yes, Your Honor.

16 THE COURT: And if we have to, we'll just pull another 45 on
17 Wednesday morning. So what we'll do is -- is now we have 18 people
18 left. So what we'll do is get through these 18 --

19 THE MARSHAL: How do you want me to sit them, Judge?
20 The same seats?

21 THE COURT: No, just put them all in the black chairs.

22 THE MARSHAL: Everybody in black chairs. Okay.

23 THE COURT: Next to each other. So what we'll do is we're
24 only have them come in tomorrow at 1:00 or 1:15, so we can work on the
25 new 45 tomorrow so they're not waiting around. Does that make sense?

1 MR. SHARP: So if we only have 18, are we doing just the
2 questions from Your Honor or are we doing full voir dire or does that --

3 THE COURT: We're going to do full voir dire since we have
4 all day.

5 MR. SHARP: Okay.

6 THE COURT: Otherwise, it would be a waste of the day. That
7 way you -- if you have any challenges for cause or if we release any of
8 these 18, because we haven't even gotten into their biases against
9 insurance companies or plaintiffs --

10 MR. SHARP: True.

11 THE COURT: -- and we only have 18. So I want to do all of
12 voir dire on these 18. We'll have a new 45 come in tomorrow. And we'll
13 have the -- the remaining come back tomorrow afternoon so they're not
14 waiting around.

15 MR. SHARP: That sounds right.

16 MR. ROBERTS: So if I understand, Your Honor, the Plaintiff
17 will voir dire this 18, make any cause challenges. Once he passes the
18 panel for cause, then I would start on these 18?

19 THE CLERK: It depends. I mean most defense attorneys
20 want to be able to voir dire the panel before the Court rules on
21 challenges for cause.

22 MR. ROBERTS: Yes. I would ask to traverse anyone that I
23 disagree with.

24 THE COURT: But generally, yes. I mean, unless do the
25 parties want those remaining today to come in tomorrow morning so

1 they're there or no? Well, there's not going to be room for them because
2 we're going to have 45 new people.

3 MR. ROBERTS: If they're passed for cause, I see no reason
4 for them to come in; but if I've not yet passed for cause, then we should
5 probably have the whole panel here because often answers from one
6 juror will trigger a thought from another juror. So I tend to like to have
7 the whole panel, at least the first 22, in the box while I'm asking
8 questions to anybody in the box.

9 THE COURT: So maybe we'll have them come in at 10:30 or
10 11 because then we'll have taken our break, and then we will have
11 dismissed the ones who have hardships, and then we can start then with
12 everyone there.

13 MR. SHARP: What -- the only issue, Your Honor, is that puts
14 us at a handicap if we've passed for cause and then now we have 45
15 more people and that sparks conversation amongst the 22. So I mean,
16 whatever rule we decide should be applicable to each the same way.
17 That's --

18 THE COURT: We are only passing for cause for the people
19 who we have here today. We're going to start the process over again
20 tomorrow.

21 MR. SHARP: Okay. But if they all -- if I hear Mr. Roberts
22 right, he wants all -- let's say just 18 as an example that we pass for
23 cause -- he wants all 18 to come back to interact with the four new ones
24 and that puts me at a distinct disadvantage because I don't have that
25 opportunity.

1 THE COURT: No, you won't -- you'd finish first, Mr. Sharp.
2 You're not going to be at a disadvantage.
3 MR. SHARP: Okay.
4 THE COURT: You're going to finish first. So are we ready for
5 our 18?
6 THE MARSHAL: Yes, Your Honor. So do you want all of
7 them in the box? Okay.
8 THE COURT: All in the box.
9 THE MARSHAL: Just want to make sure [indiscernible].
10 THE CLERK: Should we roll call again when we get them
11 here?
12 THE COURT: Yeah.
13 THE MARSHAL: Okay. All right. Hold on a second. One of
14 the jurors that got dismissed left his jacket.
15 THE COURT: Normally, we'd move people one by one. But
16 since we only have 18, the Court doesn't see any purpose. And the
17 Court apologizes we don't have that many jurors.
18 MR. SHARP: It's not --
19 THE COURT: It's a lot of --
20 MR. SHARP: -- it's not something you can control.
21 THE COURT: A lot of trials.
22 THE MARSHAL: All rise for the jury.
23 [Prospective jurors in at 10:31 a.m.]
24 THE MARSHAL: Okay. All jurors present, Judge.
25 THE COURT: Thank you. Counsel, please be seated.

1 Ladies and gentlemen, the Court wants to thank you for
2 coming back and being here today. The Court notes what a sacrifice
3 you're making just to be here, and now there's only 18 of you. So we're
4 going to finish this process with you today, but we have to start this
5 process again with more jury panel members tomorrow at 9 a.m. We'll
6 have you come in a little bit later, probably around this time, 10:30, so
7 you're not waiting.

8 So what we'll do is the Court is going to ask you some
9 specific questions now, then the parties will to see if you're a proper fit
10 for this trial. Then we'll bring in a new 45 batch tomorrow, excuse those
11 who have a hardship, and then we'll combine the two groups of you
12 tomorrow at 10:30. We just don't you waiting here for no reason in the
13 morning while we get more jurors because we have to make sure that
14 every black chair is filled at the end once all the questioning is done.
15 And right now, we're missing four chairs and we haven't even gotten
16 substantively into this process.

17 So the Court knows that even though you didn't raise your
18 hand for a hardship, everyone still has a lot going on in their lives
19 whether it's work or other obligations.

20 So what we're going to do is we're going to -- the Clerk is
21 going to take roll call so if you can just state your badge number starting
22 with the person in seat one and then your name.

23 PROSPECTIVE JUROR 006: 1106, Amber Mae Salvador.

24 THE COURT: Wait. Hold on. So the last three of your badge
25 number should be 006.

1 PROSPECTIVE JUROR 006: 782, Amber Mae Salvador.
2 THE COURT: No, that's your juror ID number. So the last
3 three digits of your badge number.
4 THE MARSHAL: Badge number.
5 THE COURT: Or 006.
6 PROSPECTIVE JUROR 006: 1106, Amber Mae Salvador.
7 THE COURT: Just the last three digits.
8 THE CLERK: It's just two.
9 THE COURT: 006.
10 PROSPECTIVE JUROR 006: 006.
11 THE COURT: All right. Thank you.
12 PROSPECTIVE JUROR 010: 010, Rosemarie Manaclay.
13 THE COURT: Thank you.
14 PROSPECTIVE JUROR 012: 012, Shaylia Martin.
15 PROSPECTIVE JUROR 020: 020, Irving Gutierrez.
16 PROSPECTIVE JUROR 034: 034, Jacob Castaneda.
17 PROSPECTIVE JUROR 058: 058, Karen Sidell.
18 PROSPECTIVE JUROR 062: 062, Michelle Steed.
19 PROSPECTIVE JUROR 078: 078, Claude Badaloni.
20 PROSPECTIVE JUROR 079: 079, Kasandra Peters.
21 PROSPECTIVE JUROR 084: 084, Rebecca Schlick.
22 PROSPECTIVE JUROR 101: 101, James Kenner.
23 PROSPECTIVE JUROR 110: 110, Reginald Gayles.
24 PROSPECTIVE JUROR 118: 118, Anthony Tully.
25 PROSPECTIVE JUROR 134: 134, Rob Desmond.

1 PROSPECTIVE JUROR 161: 161, Robert Cook.

2 PROSPECTIVE JUROR 164: 164, Brian Selvester.

3 PROSPECTIVE JUROR 166: 166, Vicki Pleasant.

4 PROSPECTIVE JUROR 193: 193, Bret Padres.

5 THE COURT: Thank you. So ladies and gentlemen, what
6 we're going to do now is begin the substantive process of questioning of
7 you. And in this process, we want to make sure that we have a fair and
8 impartial jury for both sides. And so, the Court has some preliminary
9 questions, and to make it -- your life easier, we have the questions on the
10 screen so this way if you can listen to the questions and the first part will
11 just relate to yourself, and then the second set of questions will relate to
12 yourself, family, or close family members.

13 So we'll start with Ms. Mae Salvador, badge number 006. So
14 Ms. Salvador, how long have you lived in Las Vegas?

15 PROSPECTIVE JUROR 006: Three years.

16 THE COURT: Three years. Are you currently employed?

17 PROSPECTIVE JUROR 006: No.

18 THE COURT: Have you ever been employed?

19 PROSPECTIVE JUROR 006: Not in this state.

20 THE COURT: In another state where you lived, where were
21 you employed?

22 PROSPECTIVE JUROR 006: In Hawaii. I was a CNA.

23 THE COURT: A CNA. And what type of practice were you in?

24 PROSPECTIVE JUROR 006: Medical, healthcare.

25 THE COURT: Was it OB-GYN, geriatric?

1 PROSPECTIVE JUROR 006: Geriatrics.
2 THE COURT: Geriatrics. Okay. And are you married?
3 PROSPECTIVE JUROR 006: No.
4 THE COURT: Do you have any adult children?
5 PROSPECTIVE JUROR 006: No.
6 THE COURT: And have you ever been a juror before?
7 PROSPECTIVE JUROR 006: No.
8 THE COURT: Have you ever been a plaintiff in a lawsuit
9 before?
10 PROSPECTIVE JUROR 006: No.
11 THE COURT: Have you ever been a defendant in a lawsuit
12 before?
13 PROSPECTIVE JUROR 006: No.
14 THE COURT: Do you have any bias against plaintiff's
15 lawyers?
16 PROSPECTIVE JUROR 006: No.
17 THE COURT: Do you have any bias against defense lawyers?
18 PROSPECTIVE JUROR 006: No.
19 THE COURT: Do you have any bias against insurance
20 companies?
21 PROSPECTIVE JUROR 006: No.
22 THE COURT: All right. So now these -- these questions are
23 on the screen. Marshal, can you turn this screen so the --
24 THE MARSHAL: Yes.
25 THE COURT: -- panel members can see that --

1 THE MARSHAL: Yep.

2 THE COURT: -- who are sitting over here?

3 Can you see that?

4 So Ms. Salvador, these questions now are weighted to
5 yourself, your family, or any close friends. So have you, yourself, or a
6 close friend ever worked for an insurance company?

7 PROSPECTIVE JUROR 006: No.

8 THE COURT: Have you, yourself, or a family or close friend
9 even worked in the healthcare industry except for you being a CNA?

10 PROSPECTIVE JUROR 006: Well, I worked in healthcare as a
11 CNA.

12 THE COURT: Anyone else besides yourself who's worked in
13 healthcare?

14 PROSPECTIVE JUROR 006: My fiancé. He's a PT, a physical
15 therapist.

16 THE COURT: And what is his area of expertise?

17 PROSPECTIVE JUROR 006: Acute care.

18 THE COURT: Have -- are -- have you, yourself, or a family
19 member, or a close friend ever been insured by United Healthcare,
20 Health Plan Nevada, or Sierra Health and Life?

21 PROSPECTIVE JUROR 006: No.

22 THE COURT: And yourself, family, or close member have
23 ever been in the military?

24 PROSPECTIVE JUROR 006: No.

25 THE COURT: Has yourself, a close family member, or -- or a

1 close friend ever had a cancer diagnosis?

2 PROSPECTIVE JUROR 006: Yes. My father passed away five
3 years ago from cancer.

4 THE COURT: What type of cancer?

5 PROSPECTIVE JUROR 006: Pancreatic cancer. It was stage
6 four.

7 THE COURT: Stage four. And did he get treatment?

8 PROSPECTIVE JUROR 006: No, it was too late.

9 THE COURT: Did he -- and he got no radiation?

10 PROSPECTIVE JUROR 006: No, no radiation.

11 THE COURT: Have you, a close family member, or a close
12 friend ever had an insurance company deny coverage for recommended
13 treatment?

14 PROSPECTIVE JUROR 006: I'm not too sure.

15 THE COURT: Okay. Is there anything else that you think is
16 important to tell the Court at this time?

17 PROSPECTIVE JUROR 006: No.

18 THE COURT: All right. You can pass the mike.

19 So if you can state your badge number and your name, and if
20 you can -- you can just answer the questions unless you want the Court
21 to read them to you.

22 PROSPECTIVE JUROR 010: Badge number 11 010.

23 THE COURT: No, it's 010. So don't say the 11. Everyone is
24 11. Just the last three.

25 PROSPECTIVE JUROR 010: 010.

1 THE COURT: Okay. Do you need the Court to read the
2 questions?
3 PROSPECTIVE JUROR 010: No.
4 THE COURT: No. Can you read the questions, or do you
5 want the Court to read them? How long have you lived in Las Vegas?
6 PROSPECTIVE JUROR 010: I don't know that. Like --
7 THE COURT: Do you understand the English language?
8 PROSPECTIVE JUROR 010: Yes.
9 THE COURT: Okay. How long have you lived in Las Vegas?
10 PROSPECTIVE JUROR 010: Because I went to -- to San
11 Francisco when I come here in America, 1985.
12 THE COURT: Okay. And are you currently working?
13 PROSPECTIVE JUROR 010: Right now I'm retired already.
14 THE COURT: And before you retired, what did you do for a
15 living?
16 PROSPECTIVE JUROR 010: I'm working in area as a
17 [indiscernible] and then go to stratosphere.
18 THE COURT: And are you currently married?
19 PROSPECTIVE JUROR 010: Yes.
20 THE COURT: And does your spouse work?
21 PROSPECTIVE JUROR 010: No, retired too.
22 THE COURT: And what did your spouse do before retiring?
23 PROSPECTIVE JUROR 010: [Indiscernible]
24 THE COURT: Do you have any adult children?
25 PROSPECTIVE JUROR 010: Yes.

1 THE COURT: Do they work?
2 PROSPECTIVE JUROR 010: Yes.
3 THE COURT: Where do they work?
4 PROSPECTIVE JUROR 010: Physical therapy right now.
5 THE COURT: Have you ever been a juror before?
6 PROSPECTIVE JUROR 010: No, first time.
7 THE COURT: Have you ever been a plaintiff in a lawsuit
8 before?
9 PROSPECTIVE JUROR 010: No.
10 THE COURT: Have you ever been a defendant in a lawsuit?
11 PROSPECTIVE JUROR 010: No.
12 THE COURT: Do you have any bias against plaintiff's
13 lawyers?
14 PROSPECTIVE JUROR 010: No.
15 THE COURT: Any bias against defense lawyers?
16 PROSPECTIVE JUROR 010: No.
17 THE COURT: Any bias against insurance companies?
18 PROSPECTIVE JUROR 010: No.
19 THE COURT: Have yourself, a family, or close friend ever
20 worked for an insurance company?
21 PROSPECTIVE JUROR 010: No.
22 THE COURT: Yourself, family, or close friend ever worked in
23 the healthcare industry besides the physical therapy?
24 PROSPECTIVE JUROR 010: No.
25 THE COURT: Yourself, family, or close friend ever been

1 insured by United Healthcare, Health Plan Nevada, or Sierra Health and
2 Life?

3 PROSPECTIVE JUROR 010: No.

4 THE COURT: Military service?

5 PROSPECTIVE JUROR 010: No.

6 THE COURT: Cancer diagnosis?

7 PROSPECTIVE JUROR 010: No.

8 THE COURT: Radiation therapy?

9 PROSPECTIVE JUROR 010: No.

10 THE COURT: And denied insurance coverage ever?

11 PROSPECTIVE JUROR 010: No.

12 THE COURT: All right. Anything else you think is important
13 to tell the Court?

14 PROSPECTIVE JUROR 010: No.

15 THE COURT: Okay. You can pass the mike then.

16 PROSPECTIVE JUROR 012: 012, Shaylia Martin.

17 THE COURT: Do you need the Court to read the questions or
18 can you --

19 PROSPECTIVE JUROR 012: Can you read them? I can't see
20 them.

21 THE COURT: Oh, you can't see them?

22 PROSPECTIVE JUROR 012: No.

23 THE COURT: Okay. Can you put the screen closer?

24 THE MARSHAL: Is that better? There you go.

25 THE COURT: Can you make the first questions bigger, and

1 then we can move it?

2 THE CLERK: There -- [indiscernible] on the screen.

3 THE COURT: So we'll just start with questions 1 through 10
4 and then move down.

5 THE CLERK: Is that good or you want it bigger?

6 THE COURT: They're good. Let's just start with 1 through 10
7 so they can all see them.

8 Can everyone read that now? Okay. Can you read that now?

9 PROSPECTIVE JUROR 012: Yeah. I've lived in Las Vegas for
10 six years. Yes, I'm employed. Married, no. Children, no. Five is no. Six
11 is no. Seven is no. Eight is no. Nine is no, and ten is no.

12 THE COURT: So where do you work?

13 PROSPECTIVE JUROR 012: At a pet store, Town Pets.

14 THE COURT: Marshal, can you move it up so she can see 11
15 through 17 now?

16 And 11 through 17 doesn't just relate to you. It relates to
17 yourself, family, or close friend.

18 PROSPECTIVE JUROR 012: Eleven is no, 12 is no, 13 is no,
19 14 is no, 15 is no, 16 is no, and 17 is no.

20 THE COURT: Is there anything else you think is important to
21 tell the Court at this time?

22 PROSPECTIVE JUROR 012: No.

23 THE COURT: All right. You can pass the mike down.

24 PROSPECTIVE JUROR 020: Badge number 020, Irving
25 Gutierrez. I live in Las Vegas for more than 20 years. I am currently

1 employed. I work for electrical company here in Las Vegas. I am
2 married. No adult children. Haven't been a juror before. Haven't been a
3 plaintiff. No for a defendant. No bias, no bias, and no bias.

4 THE COURT: And where does your spouse work?

5 PROSPECTIVE JUROR 020: She works at Sunrise Medical
6 Hospital.

7 THE COURT: She works at Sunrise Hospital?

8 PROSPECTIVE JUROR 020: Yes.

9 THE COURT: What does she do at Sunrise?

10 PROSPECTIVE JUROR 020: She's a radiation tech.

11 THE COURT: She's a radiation tech?

12 PROSPECTIVE JUROR 020: Yes. Oh, x-ray tech.

13 THE COURT: X-ray tech?

14 PROSPECTIVE JUROR 020: Yes.

15 THE COURT: So she doesn't deal with any cancer patients?

16 PROSPECTIVE JUROR 020: No.

17 THE COURT: Go ahead. So the next questions -- if you can
18 move that over just a little, it's cut off -- relate to not only yourself but to
19 a family member or a close friend.

20 PROSPECTIVE JUROR 020: So number 11 --

21 THE COURT: Yes.

22 PROSPECTIVE JUROR 020: -- no. Number 12, yes, my wife
23 works at the hospital. I believe I was previously insured by Health Plan
24 of Nevada through the work I did. No military service. No cancer
25 diagnosis. No radiation therapy, and no to denied insurance coverage.

1 THE COURT: Is there anything else you think is important to
2 tell the Court?

3 PROSPECTIVE JUROR 020: No.

4 THE COURT: Thank you. You can pass the mike down.

5 PROSPECTIVE JUROR 034: Badge number 034, Jacob
6 Castaneda. I've lived in Las Vegas for a year and seven months. I am
7 employed, and I currently -- and I'm working for Cashman Equipment.
8 I'm married, and my spouse is employed, working for Walmart. No adult
9 children. I haven't served in a juror [sic] before. Plaintiff in a lawsuit, no.
10 Defendant in a lawsuit, yes, I have been a defendant --

11 THE COURT: What --

12 PROSPECTIVE JUROR 034: -- in a lawsuit.

13 THE COURT: What -- can you tell us what case that involved?

14 PROSPECTIVE JUROR 034: It involved a rental -- I was
15 behind on my rent.

16 THE COURT: You were behind on your rent?

17 PROSPECTIVE JUROR 034: Yes.

18 THE COURT: And they sued you?

19 PROSPECTIVE JUROR 034: Yes.

20 THE COURT: Okay. Go ahead.

21 PROSPECTIVE JUROR 034: I'm not biased against plaintiff
22 lawyers nor defendant -- defense lawyers. Bias against insurance
23 companies, no. Insurance company, no, none of my close family
24 members, nor friends. Healthcare industry, no. I am insured with Health
25 Plan of Nevada. I am not -- no -- no military service. Cancer diagnosis,

1 no. Radiation therapy, no. Denial -- or denied insurance coverage, no.

2 THE COURT: Is there anything else you think is important to
3 tell the Court?

4 PROSPECTIVE JUROR 034: No.

5 THE COURT: You can pass the mike down.

6 PROSPECTIVE JUROR 058: 058, Karen Sidell. I've lived in
7 Las Vegas for 60 plus years. I'm employed by Sidell Injury Law. That is
8 my husband. My husband is a plaintiff PI attorney. Let's see. I have four
9 adult children. Child number one works in -- in the -- is an attorney and
10 works with my husband. Number two writes iPhone apps. Number
11 three works for a health insurance rehab facility as speech pathologist.
12 Number five is still -- four is still working on his graduate degree.

13 I've not been a juror previously. I've been neither a plaintiff
14 nor a defendant in a lawsuit. I have no biases against plaintiff attorneys,
15 defense attorneys, or insurance companies. None of my family has
16 worked for an insurance company.

17 In the healthcare industry, we have a lot of individuals. As I
18 mentioned, my daughter works in the healthcare industry. My father-in-
19 law was a dermatologist. My nephew is an ear, nose, and throat
20 specialist. My brother-in-law is a thoracic surgeon, does heart surgeries.
21 My grandmother was a nurse. My mother-in-law was a nurse.

22 I have been insured with United Healthcare before. I have no
23 military service, although I was a schoolteacher on the military base.
24 Cancer diagnosis, I had a brother-in-law who died of pancreatic cancer. I
25 have a father who's gone through all kinds of cancer treatment, including

1 radiation and it was successful. I have a sister-in-law who's been denied
2 insurance coverage and had to fight for that coverage for a rare disease
3 that there are very few people in the U.S. that have.

4 Any questions that anyone has about any of those things?

5 THE COURT: Do you have anything else that you think is
6 important to tell the Court?

7 PROSPECTIVE JUROR 058: No.

8 THE COURT: Thank you, Ms. Sidell.

9 PROSPECTIVE JUROR 062: 062, Michelle Steed. I have lived
10 in Las Vegas for 28 years. I am employed. I work for Amazon. I am
11 technically not married, but I have been with someone for 25 years. I
12 have three adult children. My oldest works as a manager for a
13 convenience store. My second is a teacher's aide, and my third is still
14 going to school.

15 I have never previously been a juror. I have never been a
16 plaintiff or a defendant. I have no biases against plaintiff lawyers,
17 defense lawyers, or insurance companies. No one I know of has
18 worked for an insurance company. The -- I have a couple friends that
19 work in the healthcare industry. One is a CT tech. One as just a
20 phlebotomist.

21 I have been insured by Health Plan of Nevada. I currently am
22 no longer. My father was in the military and served during Vietnam.
23 There's been a couple family members with cancer diagnosis, kidney
24 cancer and lung cancer. They may have received radiation therapy. I do
25 not know the specifics. And I know of no one that's been denied

1 insurance coverage.

2 THE COURT: Thank you. Is there anything else you would
3 like to tell the Court at this time?

4 PROSPECTIVE JUROR 062: No, ma'am.

5 THE COURT: Thank you.

6 PROSPECTIVE JUROR 078: 078, Claude Badaloni. Lived in
7 Las Vegas since 1980. I own my own company. Married. My wife does
8 work online. Two adult children. One of them lives here in Las Vegas,
9 works for me and for my wife. The other one in -- lives in San Diego and
10 works for a medical center as an IT person.

11 I was chosen for jury once about 20 some odd years ago, but
12 it never went to trial. We never heard anything. They plea bargained
13 prior to. Never been a plaintiff in a lawsuit or a defendant in a lawsuit.
14 No biases against lawyers or insurance company.

15 THE COURT: What type of company do you have?

16 PROSPECTIVE JUROR 078: I'm sorry?

17 THE COURT: What type of company do you own?

18 PROSPECTIVE JUROR 078: I own a security company.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR 078: Alarm systems, cameras, that
21 type of thing.

22 THE COURT: Thank you.

23 PROSPECTIVE JUROR 078: No, I do not work for an
24 insurance company or know anybody who does. Same no on question
25 12. I believe I was insured by Health Plan of Nevada at one time. I am

1 no longer. I am a Veteran --

2 THE COURT: What --

3 PROSPECTIVE JUROR 078: --1975 through '79, United States
4 Marine Corp. I had lung cancer approximately 14 years ago. Had part of
5 my right upper lobe removed. Been clean ever since. No radiation but
6 did go through chemotherapy for about six months. And never been
7 denied insurance.

8 THE COURT: Thank you. Is there anything else that you
9 think is important to tell the Court at this time?

10 PROSPECTIVE JUROR 078: Also, I'm a little hard of hearing.
11 I wear hearing aids, so I didn't hear your question.

12 THE COURT: Can we get him -- can you hear us right now
13 better?

14 THE CLERK: You can turn them up and down.

15 THE MARSHAL: [Indiscernible]

16 PROSPECTIVE JUROR 078: I don't know if it's going to help
17 going over my hearing aids, but we'll find out.

18 THE COURT: Does that help out? You can turn them up or
19 down.

20 PROSPECTIVE JUROR 078: Yeah, I can hear you now.

21 THE COURT: Okay. Is there anything else that you think is
22 important to tell the Court?

23 PROSPECTIVE JUROR 078: I'm the only one in my company
24 other than my son who helps out occasionally. So if one of my
25 customers contact me, I have to respond. But --

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR 078: -- it's not a hardship.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR 079: 079, Kasandra Peters. I've lived
5 in Las Vegas for 20 years. I am employed with Jay's Sharpening Service.
6 My husband works there also. We don't have any adult children. I have
7 never been a juror. I have been a plaintiff in a lawsuit. I have never been
8 a defendant. I am not biased to either eight, nine, or ten.

9 No one works for an insurance company or healthcare
10 industry. I am currently insured by Sierra Health and Life. No to 14, 15,
11 16, or 17.

12 THE COURT: And why were you plaintiff in a lawsuit.

13 PROSPECTIVE JUROR 079: I slipped in a grocery store.

14 THE COURT: Did that go to trial?

15 PROSPECTIVE JUROR 079: No.

16 THE COURT: Okay. Is there --

17 PROSPECTIVE JUROR 079: Your Honor.

18 THE COURT: -- anything else you think is important to tell
19 the Court?

20 PROSPECTIVE JUROR 079: No, Your Honor.

21 THE COURT: Thank you.

22 PROSPECTIVE JUROR 084: 084, Rebecca Schlick. I've been
23 in Las Vegas almost 16 years in August. I am currently retired. I am
24 married. Spouse is also a retiree. We have three children. Child
25 number one is a professor at Bozeman University. Child number two is a

1 physician at Cedars Sinai, Los Angeles. Child number four (sic) is a
2 financial analyst with Morgan Stanley.

3 Have never been a juror. I have never been a plaintiff in any
4 lawsuit nor a defendant. I have no biases against plaintiff or defense
5 lawyers or insurance companies.

6 THE COURT: What did you do before you retired?

7 PROSPECTIVE JUROR 084: Oh, I'm a nurse -- I was a nurse,
8 military nurse with various assignments.

9 THE COURT: Were you ever a cancer nurse?

10 PROSPECTIVE JUROR 084: I have taken care of cancer
11 patients but not an oncology nurse.

12 THE COURT: And what did your spouse do before retiring?

13 PROSPECTIVE JUROR 084: He had his own company with --
14 air freight company.

15 THE COURT: Thank you. Go ahead. Thank you.

16 PROSPECTIVE JUROR 084: Technically, never had an
17 insurance company job. However, in relation to number 17, as part of
18 my military assignment, I had to -- opportunities to either approve or
19 deny certain requests for referrals.

20 THE COURT: What type of referrals were they?

21 PROSPECTIVE JUROR 084: Referrals for different treatments
22 or for different specialties. I was a utilization reviewer for I guess Tricare
23 Military.

24 THE COURT: Thank you.

25 PROSPECTIVE JUROR 084: Healthcare industry as I said,

1 military nurse. I was also a civilian nurse. Number 13, I believe Tricare
2 was once upon a time with United Healthcare, but I'm not quite sure
3 anymore what they're under now but it's Tricare. Military service, I
4 served 21 years.

5 No personal diagnosis for cancer, but my sister just passed
6 away two years ago of cancer. She had no radiation therapy. And
7 number 17, as I referred to earlier.

8 THE COURT: Thank --

9 PROSPECTIVE JUROR 084: That's it.

10 THE COURT: Thank you. You can pass it.

11 PROSPECTIVE JUROR 101: Number 101, James Kenner. I
12 have lived in Las Vegas for almost 19 years. I am currently employed
13 with [indiscernible]. I have never been married. I don't have any
14 children. I've never been a juror before, never been a plaintiff or a
15 defendant. I don't have any bias against plaintiff lawyers, defense
16 lawyers, or insurance companies. I used to work for C3, and they had a
17 contract with United Healthcare that lasted for about a few months. It
18 was about, I think, ten years ago.

19 I'm currently insured with Health Plan of Nevada. My uncle
20 served in the military in the Marine Corp. I have -- I don't know anyone
21 with any cancer diagnosis or radiation therapy or been denied coverage
22 for anything.

23 THE COURT: Thank you. You can pass the mic down to Mr.
24 Gayles.

25 PROSPECTIVE JUROR 110: Juror number 110, Reginald

1 Gayles. I have lived in Las Vegas for six years. I'm currently retired law
2 enforcement. Did 28 years with California Highway Patrol. Married, yes.
3 My spouse is a physical therapist. She's employed by United
4 Healthcare. I have two adult children. One worked with autistic children.
5 The other is a wedding coordinator.

6 Never been a juror. Plaintiff in a lawsuit, no. Defendant, yes,
7 with a -- with a traffic accident with my ex-wife which went to jury trial.
8 Have no biases. Insurance company, yes, my mother is a retired RN and
9 again, my wife is a current -- currently working as a physical therapist.
10 She's been -- she's been working with United Healthcare for
11 approximately five years. My mom is our, who lives with me, she has
12 worked for insurance companies, Blue Cross, United Healthcare and
13 amongst others.

14 Military service, no. I am insured by Health Plan of Nevada
15 along with my wife and my children. My ex-wife has had a cancer
16 diagnosis, breast cancer, and she received radiation therapy. And I
17 personally have been denied insurance coverage for recommended
18 treatment.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR 118: Badge 118, Anthony Tully. I've
21 lived in Las Vegas my whole life, 27 years. Employed at Soffin
22 [phonetic] Industries. It's a mechanical firm. I do fire protection
23 engineering. I am single. No adult children. I have been called for jury
24 service but never actually served on a jury. I was plaintiff in a lawsuit, I
25 believe, for a traffic accident, sued the insurance company. Defendant in

1 a lawsuit, technically, California for a speeding ticket, but -- but it was a
2 speeding ticket. Bias towards plaintiff lawyers, that's a no.
3 Defendant's -- defense lawyers as well as no. Bias against insurance
4 companies, that's a no.

5 As for the next set, insurance company job, that's a no.
6 Healthcare as well is no. I was insured by Health Plan of Nevada through
7 my mother up until 2019. Her job covered me when I was in school, but I
8 am no longer, and neither is she. Military service is a no. Cancer
9 diagnosis, no. Radiation therapy, no. And have I been denied insurance
10 cover or my family, both of those would be a no as far as I know.

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR 134: Robert Desmond, 134. And so
13 I've lived in Las Vegas for about nine years. I am semi-retired, and I have
14 a small consulting practice that I run solo so -- I'm not married, but I
15 have a long-term girlfriend for about the last eight years. I have one
16 adult child. He lives in Salt Lake City, and he attends the University of
17 Utah. I've never been a juror or a plaintiff or a defendant, and I don't
18 have any biases against plaintiff's lawyers, defense lawyers, or insurance
19 companies.

20 THE COURT: What is your consulting business?

21 PROSPECTIVE JUROR 134: I work in the architectural
22 engineering field. I'm a landscape architect.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR 134: Licensed in Nevada.

25 THE COURT: Thank you. Proceed.

1 PROSPECTIVE JUROR 134: I don't have any family members
2 or friends or anybody that works in the insurance industry or healthcare
3 industry. I am currently just as of February insured by Health Plan of
4 Nevada, and I feel like sometime maybe years ago I had United
5 Healthcare, but I'd have to look at my old health cards to see.

6 My son is a retired Marine. Nobody that I know of has any
7 cancer issues, radiation therapy and -- or been denied any insurance
8 coverage for any treatments.

9 THE COURT: Thank you.

10 PROSPECTIVE JUROR 161: 161, Robert Cook. I've lived in
11 Las Vegas for 24 years. I work for a company called Zernosky [phonetic].
12 I do IT. I'm not married. I don't have any children. I was not a juror, nor
13 a plaintiff, nor a defendant. I don't have biases against plaintiff lawyers
14 or defense lawyers. I am unhappy with the healthcare system in
15 America and the role insurance companies take from that.

16 Both my parents work for Aetna. I don't know anybody who
17 has a healthcare industry job currently, but my mom was a labor and
18 delivery nurse. I don't think I've been insured or anybody I know has
19 been insured by the -- any of those. My mother and father -- my mom
20 was Air Force; my father was Army. I had a friend who just recently
21 recovered from cancer. I don't think she went through radiation. And I
22 don't know any denied coverage.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR 164: 164, Brian Selvester. I've lived in
25 Las Vegas for 26 years. I'm employed by Santa Fe Station. I'm married.

1 My wife does not work at this time. I have four adult children. I was on a
2 jury before. The verdict went to the plaintiff. It was in a car accident. No
3 lawsuits and not biased against the lawyers or the insurance company.

4 Nobody works in the insurance field. I am insured by Health
5 Plan of Nevada and was also covered by United Healthcare. I served in
6 the military from '87 to '90, Army.

7 THE COURT: Marshall, you can move that.

8 PROSPECTIVE JUROR 164: And have multiple --

9 THE COURT: Can you --

10 PROSPECTIVE JUROR 164: -- family members that have also
11 served. No cancer diagnosis or radiation therapy. No coverage.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR 166: 0 -- or 166, Vicki Pleasant. I've
14 lived here ten years. I'm retired from computer programming, and I had
15 about 30 to 40 years working with insurance companies, not in the
16 healthcare side. I'm not married. I have three adult children living. One
17 is self-employed. She teaches martial arts and various little things like
18 that. One is a maintenance supervisor in a healthcare facility. And one
19 is homeless, unemployed. I have not been a juror or a plaintiff or a
20 defendant. I have no specific bias against plaintiff lawyers, defense
21 lawyers, or insurance companies.

22 As I stated, I worked with insurance companies for most of
23 my working life. And I believe there's two nieces or nephews that also
24 currently work in insurance companies, but I don't know in what
25 capacity. One niece is a pediatric nurse. A really good friend of mine is

1 a hospitalist in a hospital. I'm not sure if he is affected by cancer
2 patients. I have not been insured by any of those. My father-in-law was
3 in the military. My daughter died of cancer two years ago. She had
4 some radiation. My sister-in-law was just diagnosed with cancer. My
5 daughter was denied some insurance coverage. We had to do
6 fundraisers to get her care. It didn't work anyway.

7 THE COURT: Thank you. Thank you.

8 PROSPECTIVE JUROR 193: 193, Bret Padres. I've lived in Las
9 Vegas for one year now. I am employed with a company called Pellatell
10 [phonetic] Networks. My wife is retired now. She previously worked at
11 the -- in the federal government, FDIC, in the sort of computer security
12 field which is the same field I'm in. I have three children. One is in
13 college, one works for BSP, which I think is a vision insurance company,
14 in customer service, and my other child works in the solar energy
15 industry.

16 I was on a previous jury many years ago. It was criminal.
17 The verdict was guilty. I was not the foreperson. I have not been a
18 plaintiff or a defendant. I work -- I mean, I don't have a bias between
19 Plaintiff or Defense or insurance companies. I work with insurance
20 companies, cyber insurance companies. And I work with plaintiffs and
21 defense lawyers on both civil and criminal cases as an expert witness
22 and have been an expert witness in both civil and criminal on both sides.

23 Insurance company job, again, my -- just other than my
24 daughter and it's not health. Well, yeah it is. Vision. I used to have
25 United Healthcare. I did 17 years in the Air Force. My dad was in the

1 Marines, my brother in the Army. No for cancer or radiation. And I don't
2 believe we've had coverage issues.

3 THE COURT: Thank you. So at this time, Plaintiff's counsel
4 is going to ask you some questions. And then when he's done, then the
5 Defense will have an opportunity. You can take that off.

6 MR. SHARP: Morning, everybody. Can everybody hear me
7 fine? If you can't, sometimes people tell me I have a -- my voice trails
8 off. So if you don't hear me, just raise your hand. And first of all, thank
9 you for being here. On behalf of Sandra Eskew, thank you. On behalf of
10 my co-counsel, Doug Terry, thank you for being here.

11 I mean, one of the things that we don't often think about is
12 that embedded in our United States Constitution is the right to trial by
13 jury. And actually, one of our Founding Fathers, Thomas Jefferson, said
14 this is the most important institution. And it's not just found in our U.S.
15 Constitution. Back when we were born during the Civil War, our State of
16 Nevada, our founding fathers of the State of Nevada embedded in our
17 constitution the right to trial by jury.

18 So what you're doing here today is fulfilling a constitutional
19 obligation. And in these times of peril that we face, you know, our
20 government doesn't require much of us. It requires us to serve in
21 military capacity if we're drafted. It requires us to pay taxes, and it
22 requires us to serve on jury. So what you're doing here is fulfilling our
23 system. So I want to thank you for that.

24 Now, one of the things that we're going to talk about today is
25 bias. And it seems like that's a bad word, you know, when you hear that

1 word bias or another word that we use in jury selection is prejudice. And
2 those are -- they just have a bad feeling in your mouth. But they're really
3 not -- in this courtroom, it's not a bad thing. One of our -- you know, one
4 of our Nevada Supreme Court cases says that the right to trial by jury is
5 only fulfilled if we have fair and impartial jurors.

6 And so what we're trying to figure out on both sides, and
7 with the assistance of Her Honor, is a fair and impartial jury. And that's
8 what we're talking about when you have a bias. It just might make you
9 so you can't be fair in this particular case. You're not the right fit for this
10 case. Doesn't mean you're a bad person. Doesn't mean you're
11 prejudiced. It just means this case isn't your case.

12 So let me kind of give you an example of what we're kind of
13 here to talk about, just in terms of bias. There's a few kinds of bias, and
14 one is called implied bias. Another one is called actual bias. There's
15 another one that's called inferable bias. But let's just talk about implied
16 bias.

17 So let me just give you an example. Let's say my -- let's say I
18 get a drunk driving. Driving down the street, I get charged with drunk
19 driving. I show up for my jury trial, and lo and behold, my sister is in
20 one of the seats occupied by you all. Now, my sister, she's a fair person.
21 She's intellectual. She's, you know, wants to be involved in community
22 activities.

23 But here she is on a jury. And she thinks she can be fair.
24 You know, she can judge things appropriately based upon the evidence.
25 Does anybody see a problem with that, what I'm talking about? Ma'am,

1 you're nodding your head. What do you -- could you just tell your jury
2 number so we know, and if you could then just tell us what you're
3 thinking.

4 PROSPECTIVE JUROR 166: 166. You're always going to be
5 partial to a family member, you know, listen to their side first, I think.

6 MR. SHARP: And your name again was?

7 PROSPECTIVE JUROR 166: Vicki Pleasant.

8 MR. SHARP: Ms. Pleasant. Does anybody have a
9 disagreement with what Ms. Pleasant is saying? Does everybody kind of
10 get the idea that even -- that what we're talking about is just the
11 implication? That, you know, in my example, my wife -- my sister could
12 be the fairest person in the world. She could even be, you know,
13 objective towards me. But the implication is you're not fair. So that's
14 what we're talking about with implied bias.

15 So as we're talking today, if you feel like you've got a
16 situation where, you know, I just don't feel that it's going to look right if
17 I'm on this jury because of my background, my experience, just raise
18 your hand and tell us. One of the things that you all did that I forgot to
19 mention, you all did, you took an oath. And it's pretty -- if you get on this
20 jury, it's similar to the oath that a witness takes. And the reason why you
21 take that oath is it's so important that we have a truthful discussion here
22 today, so we can all be fair, and we all know that we get a fair and
23 impartial jury.

24 So let me -- and one thing I do want to mention as we talk,
25 there's some things that may become personal, because as you heard

1 from Your Honor, that this case involves cancer. So that could become
2 personal. And if we start asking questions and you feel -- we're not
3 asking them to embarrass you. It's just we need the information to know
4 if you're going to be a right fit for this jury.

5 So now, let me give you another example of what is a little
6 bit harder concept, maybe, but it's equally important. And that's what's
7 called actual bias. So I'm just going to give you an example. It may
8 seem simplistic, but the example I think will help you out. Let's say
9 you're at a state fair. And I am picked to be the judge of the pie contest.
10 And there are two pies. There's a cherry pie and apple pie, and I'm the
11 person who's supposed to decide who wins the competition.

12 But it just so happens I don't like cherry pie. Never have,
13 never will. I just don't like it. Now, I like apple pie just fine, but cherry
14 pie just doesn't -- it never appeals to me. It never appealed to me. And
15 so I'm being asked to judge this competition. Now, I could say to myself,
16 look, I'll put aside my biases and try and be fair. I'm a fair-minded
17 person. But I'm always going to have that little sense in my mouth that I
18 just don't really care for cherry pie.

19 So does anybody see a problem with me being the judge of
20 this pie-eating contest? Anybody want to volunteer? I'll just start. I
21 mean, we're at an interesting [indiscernible], so I can just ask people.
22 Sir, you are?

23 PROSPECTIVE JUROR 110: Juror 110.

24 MR. SHARP: 110. And you're Mr. Gayles?

25 PROSPECTIVE JUROR 110: Yes, sir.

1 MR. SHARP: So do you see any problem with my -- what
2 could be implicated by my example?

3 PROSPECTIVE JUROR 110: Yes.

4 MR. SHARP: And what is that?

5 PROSPECTIVE JUROR 110: You've already prejudged. You
6 don't like something, so therefore, it's not a fair competition.

7 MR. SHARP: Even though I can still -- in my mind, I think I
8 can be fair?

9 PROSPECTIVE JUROR 110: Yeah. No. You cannot.

10 MR. SHARP: Does anybody disagree with Mr. Gayles?
11 Everybody kind of get the idea of that's why we're here? If you get a
12 point where you see -- you think of my example and you just say, there's
13 something about this case that gives me a feeling, one side or the other,
14 just raise your hand. We're here to have an open discussion. There's no
15 wrong answers as long as they're truthful.

16 So one of the things we're here about, this is a civil lawsuit.
17 And I represent Sandra Eskew. And you'll find out later, legally, the title
18 of it is as a Special Administrator for the Estate of William Eskew. And
19 that's because her husband, William Eskew, has passed away. So some
20 people think, you know, personal injury lawsuits really don't serve much
21 of a purpose. It's all about transfer of money. It really doesn't do any
22 good to anybody. And other people think, on the other hand, no, you
23 know, personal injury lawsuits are good for society because they bring
24 about, you know, accountability, change in the system.

25 So I'm going to ask you just kind of how you lean on that.

1 And as we just -- part of this is just to go through and we're just going to
2 start at the beginning and kind of work our way around. We may kind of
3 go back and forth. Juror Number 1, Ms. Salvador or Mrs. Salvador, what
4 do you think about my hypothetical? Which way do you lean?

5 PROSPECTIVE JUROR 006: I'm not too sure.

6 MR. SHARP: That's fine. Why? As you sit here today, do
7 you have any thoughts one way or the other?

8 PROSPECTIVE JUROR 006: [Indiscernible]

9 THE COURT: Hold on. Take the microphone.

10 THE CLERK: What was the badge number?

11 PROSPECTIVE JUROR 006: 006. 006, Amber Mae Salvador.

12 MR. SHARP: And do you lean one way or the other? My
13 example is some people think lawsuits just don't serve any purpose.
14 Other people think they do.

15 PROSPECTIVE JUROR 006: I think they do in some ways,
16 yes.

17 MR. SHARP: And why do you think that?

18 PROSPECTIVE JUROR 006: Like you said, it helps with
19 society. It just keeps things in order.

20 MR. SHARP: Can you think of any examples that come to
21 mind?

22 PROSPECTIVE JUROR 006: Not at this moment.

23 MR. SHARP: Now -- and thank you. And a couple follow
24 ups. I had noticed when you were responding to some of the Judge's
25 questions, you had said you had in the past provided end of life care.

1 PROSPECTIVE JUROR 006: Yes.

2 MR. SHARP: Can you tell me what kind? You know, what
3 were you doing?

4 PROSPECTIVE JUROR 006: Well, I'm currently -- I just
5 graduated nursing school and my last clinicals, I did oncology. Yes.

6 MR. SHARP: Okay.

7 PROSPECTIVE JUROR 006: And I did end of life care. I
8 would provide the patients with care.

9 MR. SHARP: So -- and congratulations on getting your --

10 PROSPECTIVE JUROR 006: Thank you.

11 MR. SHARP: -- degree. So when you worked in oncology,
12 can you explain a little bit to me what you were doing?

13 PROSPECTIVE JUROR 006: I would give -- administer
14 medication to the patient, give fluids, stuff like that.

15 MR. SHARP: And for end of life care, was that part of your
16 training to be a nurse or when you were working as a CNA?

17 PROSPECTIVE JUROR 006: Both, actually. Yes.

18 MR. SHARP: Okay. And how long have you been -- were
19 you involved in providing end of life care?

20 PROSPECTIVE JUROR 006: Well, as a CNA, I was working in
21 a -- for ten years. And then just recently -- well, maybe two years ago, I
22 started to become -- I got my BSN, my bachelor's in nursing. Yes.

23 MR. SHARP: And so in this case, you'll -- if you're on the
24 jury, you'll find out that William Eskew passed away from lung cancer. Is
25 there anything about your experience that may affect your, you know,

1 how you perceive the evidence in this case?

2 PROSPECTIVE JUROR 006: Yes.

3 MR. SHARP: And can you explain that to me?

4 PROSPECTIVE JUROR 006: I'm very sympathetic with
5 patients who have cancer from past experiences and also what I'm doing
6 right now.

7 MR. SHARP: Sure. And I mean -- and so let me just kind of
8 veer off and then I'm going to come back to you. But just, as you say
9 things that are important to the entire group, I want to point that out.
10 One of the things that Salvador -- it's Mrs., right?

11 PROSPECTIVE JUROR 006: Yes.

12 MR. SHARP: That Mrs. Salvador pointed out is this concept
13 of sympathy. And you know, look, you'll be instructed by the Judge that
14 this case, you don't make your decisions based on sympathy. You make
15 your decisions based upon the law, the evidence, your own common
16 sense, but not necessarily sympathy. And so obviously, I mean,
17 anybody is going to have sympathy towards cancer patients and such.

18 But in light of that, do you -- I mean, so to kind of clarify, Mrs.
19 Salvador, do you think that that's -- this experience of yours is going to
20 affect your ability to be fair?

21 PROSPECTIVE JUROR 006: To be truthful, yes.

22 MR. SHARP: That's -- and thank you for your truth. Ms.
23 Manaclay?

24 PROSPECTIVE JUROR 010: Sorry it's taking me --

25 MR. SHARP: What's that?

1 THE COURT: What was the badge number?
2 PROSPECTIVE JUROR 010: I'm sorry. Somebody --
3 MR. SHARP: You can't -- that's fine if you're not comfortable
4 with talking.
5 PROSPECTIVE JUROR 010: Yeah. Thank you.
6 MR. SHARP: We'll go to Ms. Martin. And can you --
7 PROSPECTIVE JUROR 012: 012.
8 MR. SHARP: So the question we started out with was
9 do -- some people say lawsuits have no purpose or don't really serve a
10 purpose. Some people say they served a purpose. Which way do you
11 lean in that?
12 PROSPECTIVE JUROR 012: They serve a purpose.
13 MR. SHARP: And why is that? I was going to say,
14 you -- there is no right answer. There is no wrong answer. But if you
15 don't have an answer, that's fair, too.
16 PROSPECTIVE JUROR 012: I don't have an answer.
17 MR. SHARP: I mean, I'm not trying to put you on the spot.
18 It's something it sounds like you never really thought of until I was --
19 PROSPECTIVE JUROR 012: Yeah. I didn't really think of it.
20 It's just I don't have an answer for it.
21 MR. SHARP: Okay. So I know you worked at a pet store. I'm
22 sorry. I don't mean to be rude when I'm coming back this way, but I've
23 got notes here on my iPad. It's easier for me to follow those notes as I'm
24 going through each person.
25 So what do you do at the pet store?

1 PROSPECTIVE JUROR 012: I sell puppies.
2 MR. SHARP: Well, that sounds like a rewarding job.
3 PROSPECTIVE JUROR 012: Yes. Yeah. It can be.
4 MR. SHARP: How long -- how do you like your job?
5 PROSPECTIVE JUROR 012: It's fun.
6 MR. SHARP: And why do you think it's fun?
7 PROSPECTIVE JUROR 012: I work with puppies all day.
8 MR. SHARP: And how long you been doing that?
9 PROSPECTIVE JUROR 012: Two years.
10 MR. SHARP: And you've been in Vegas for -- I think you said
11 six years?
12 PROSPECTIVE JUROR 012: Six years, but I just moved to
13 Pahrump.
14 MR. SHARP: Oh.
15 PROSPECTIVE JUROR 012: So.
16 MR. SHARP: Well, how do you like Pahrump?
17 PROSPECTIVE JUROR 012: I like it.
18 MR. SHARP: And how -- where did you come from to Las
19 Vegas?
20 PROSPECTIVE JUROR 012: Where did I come from?
21 MR. SHARP: Yeah.
22 PROSPECTIVE JUROR 012: California.
23 MR. SHARP: What part of California?
24 PROSPECTIVE JUROR 012: Colton.
25 MR. SHARP: Okay. Do you like Nevada better?

1 PROSPECTIVE JUROR 012: Yes.

2 MR. SHARP: Thank you. Mr. Gutierrez, did I pronounce that
3 right?

4 PROSPECTIVE JUROR 020: [Indiscernible]. Gutierrez, yes.

5 MR. SHARP: And so in terms of this question that I've posed,
6 between lawsuits being something that serve a purpose to lawsuits
7 being, you know, they do serve a purpose, how do you fall on that?
8 Which way do you lean?

9 PROSPECTIVE JUROR 020: I believe they serve a purpose.

10 MR. SHARP: And why is that?

11 PROSPECTIVE JUROR 020: To improve on the quality of the
12 service they provide. Or, you know, the service and things, the benefits.
13 Or -- or in this case, like, if it's an insurance company, so that they can
14 account for different scenarios.

15 MR. SHARP: Okay. And any specific examples that can
16 come to mind?

17 PROSPECTIVE JUROR 020: No.

18 MR. SHARP: Make sure on --

19 THE COURT: Hold on. Before you begin, Ms. Martin, badge
20 number 012, you live in Pahrump currently?

21 PROSPECTIVE JUROR 012: Yes.

22 THE COURT: Are you a resident of Clark County or are you a
23 resident of Nye County?

24 PROSPECTIVE JUROR 012: Nye County.

25 THE COURT: All right. Thank you. Go ahead.

1 MR. SHARP: So now, you work for an electric company, did I
2 get that right?

3 PROSPECTIVE JUROR 020: Yes.

4 MR. SHARP: And what do you do?

5 PROSPECTIVE JUROR 020: I'm an electrician.

6 MR. SHARP: And can you give me an example of what you
7 do, you know, just your daily job requirements?

8 PROSPECTIVE JUROR 020: It's construction electrician, so
9 very much just build the electrical systems on a building, on buildings.
10 Specifically, on the Strip.

11 MR. SHARP: So you work in commercial?

12 PROSPECTIVE JUROR 020: Yes, commercial.

13 MR. SHARP: Okay. And your wife is an X-ray tech at
14 Sunrise?

15 PROSPECTIVE JUROR 020: Yes, that's correct.

16 MR. SHARP: Anything about that -- I mean, obviously, this
17 case is going to -- we're talking about cancer, so it's going to involve
18 some medical issues. Anything about that would affect your ability to be
19 fair and impartial?

20 PROSPECTIVE JUROR 020: No. I don't -- I don't think so.

21 MR. SHARP: Okay. Fair enough. Thank you. If you can pass
22 the mic over to Mr. Castaneda.

23 PROSPECTIVE JUROR 034: Yes, 034.

24 MR. SHARP: And so the question that I had asked was some
25 people think lawsuits really don't serve much of a purpose, other people

1 think they do. Which way do you lean on that question?

2 PROSPECTIVE JUROR 034: I lean towards it does -- lawsuit
3 does serve a purpose.

4 MR. SHARP: And why is that?

5 PROSPECTIVE JUROR 034: I feel that if the Plaintiff is
6 actually doing the lawsuit or whatever, it's -- I mean, they're obviously
7 fighting for a reason. You know, doing -- doing the lawsuit for a reason.
8 I mean, they feel they deserve to, you know, be treated right and --

9 MR. SHARP: Okay. Anything else?

10 PROSPECTIVE JUROR 034: That's all.

11 MR. SHARP: Now, you know, one thing that would, you
12 know, the other to that is do you -- people bringing -- Defendants come
13 into the courtroom a lot.

14 PROSPECTIVE JUROR 034: Vice versa. Yeah. I mean, I -- it
15 leans both ways. It goes both ways. That's how I --

16 MR. SHARP: You're fair in both ways is what you're saying.

17 PROSPECTIVE JUROR 034: Yes. Yes.

18 MR. SHARP: Okay. Great. Let me -- I'll bring my iPad over
19 here. This would work fine. So you work at Cashman. What kind of
20 work do you do?

21 PROSPECTIVE JUROR 034: I'm a EPG technician, electrical
22 power generation. I work on engines and generators.

23 MR. SHARP: That sounds complicated.

24 PROSPECTIVE JUROR 034: Industrial. Yeah.

25 MR. SHARP: Is that a pretty complicated job?

1 PROSPECTIVE JUROR 034: It's -- I mean, if you enjoy what
2 you do, it's -- it's fun.

3 MR. SHARP: And do you enjoy your job?

4 PROSPECTIVE JUROR 034: Yes. I do enjoy what I do.

5 MR. SHARP: How long you been doing this?

6 PROSPECTIVE JUROR 034: Fourteen years.

7 MR. SHARP: Same -- with Cashman the whole time?

8 PROSPECTIVE JUROR 034: Oh, no. I've worked for a -- I've
9 worked -- I was here. I worked for Cashman five years, went back to
10 Guam for seven and a half years and worked for a different Caterpillar
11 dealer. And then just recently moved back here and got back with
12 Cashman.

13 MR. SHARP: Okay.

14 PROSPECTIVE JUROR 034: Yeah.

15 MR. SHARP: Great. Thank you.

16 PROSPECTIVE JUROR 034: Yeah.

17 MR. SHARP: Sidell?

18 PROSPECTIVE JUROR 058: 058.

19 MR. SHARP: You probably have an opinion on my
20 hypothetical given your background. What do you think?

21 PROSPECTIVE JUROR 058: Well, for those of you don't
22 remember, my husband is a plaintiff's PI attorney. So we represent
23 people who have been injured. I find that it really provides a series of
24 checks and balances on both sides. For instance, you -- and it provides
25 safety for us as society members that it happens to be ongoing.

1 So you get a manufacturer. The manufacturer gives you a
2 part. They put in the hip replacement on the wrong side, so they've got
3 a left side going into a right side. The manufacturer then comes back
4 and they -- those parts are now marked more clearly. And the doctors
5 put protocols into place so that doesn't continue, and that makes it safer
6 for any of the rest of us later on that have to have those things that
7 happen.

8 It could be an exploding bottle that goes off in someone's
9 face and puts out their eye. And even though they deserve to be
10 compensated for the injury that they've sustained, frequently, they're not
11 looking so much for themselves as to make it, so it doesn't happen to
12 subsequent people. They don't want the next bottle to explode in
13 people's faces.

14 So they now wrap the exterior of that particular brand of a
15 bottle in a plastic sleeve. So now, when that product that is normally
16 frozen, and when people would touch the bottle, the bottle would
17 explode, it's now wrapped. And it makes every one of us in society
18 much safer than we'd been previously. And that's the case with lots of
19 things.

20 You look, and whether it's services that weren't provided for
21 your client. Not only are they looking for injustices to be solved there,
22 but they don't want it to happen to any other friends or family members.
23 And you've got the other side where you've got insurance companies
24 that want to make sure the appropriate things are in place.

25 MR. SHARP: Yeah.

1 PROSPECTIVE JUROR 058: So it -- I think that the lawsuit
2 system provides a series of checks and balances when done correctly.

3 MR. SHARP: Yeah. And so you obviously work with -- on
4 plaintiff's side of things, the person bringing the lawsuit. And I'm sure
5 the other side is going, well, wait a second. I mean --

6 PROSPECTIVE JUROR 058: Well, and we like the defendants
7 because we have wonderful relationships with the defendant attorneys.
8 And you know, if you play with all your cards on the table, you provide
9 them with the appropriate information, you're able to move things
10 forward. You can keep things out of the court system if it's done
11 correctly. You can make sure that -- that the business isn't necessarily
12 drug through the mud. You don't want that church to be charged and
13 have to be destroyed because of a claim that's made against them.

14 MR. SHARP: Sure. Sure. And but the fact that we're here in
15 court, and you've had that experience yourself with you and your
16 husband, I'm sure, you just want to make sure you can be fair to both
17 sides.

18 PROSPECTIVE JUROR 058: Yes. I think I can be. You know,
19 as I had mentioned, we have all these people in the medical world, in the
20 families. We used to -- years ago -- did med mal work. And you want to
21 make sure that the appropriate thing is occurring for what's happened.
22 You know, we're not going to bring the frivolous lawsuit. We're not
23 going to make a claim against the doctor who did something unjustly.

24 You know, if they've dropped that drill bit down somebody's
25 throat when they've been doing work and it has to be surgically

1 removed, and that individual has gone in and had to -- and has incurred
2 damages, they deserve to be compensated for them.

3 MR. SHARP: And you're -- I was going to say, you're -- like,
4 as I was listening, like the family of overachievers. You have several
5 graduate -- I mean, you have somebody who is in the medical field, right,
6 in your --

7 PROSPECTIVE JUROR 058: There are lots of doctors and lots
8 of attorneys in the family. And you know, I've got child number one
9 that's an attorney, practices with my husband. Number two is an iPhone
10 developer. So if you go to Private Photo Vault, that's his. Fifty
11 million-plus downloads.

12 MR. SHARP: Got it.

13 PROSPECTIVE JUROR 058: And then, the young lady has
14 just finished up her master's in speech pathology and works for, like, a
15 Health South type of rehab facility, did her other work in hospitals. And
16 enjoys it, so we're looking forward to seeing where that goes and
17 whether or not she decides to pursue a medical career. And then, the
18 youngest is still in college finishing up a degree in computer science.

19 MR. SHARP: You must be very proud of your --

20 PROSPECTIVE JUROR 058: It's a lot of hard work. It doesn't
21 matter what anyone selects. They -- they do a wonderful job and
22 contribute to society and there's a spot for everyone. And you just hope
23 that your God-given talents, you can help other people with.

24 MR. SHARP: And you said your brother-in-law died of
25 cancer. I'm sorry for your loss.

1 PROSPECTIVE JUROR 058: Pancreatic cancer. And we're
2 one of the fortunate ones. He made it two years. Frequently, they're in
3 and out in less than three months, as you well know.

4 MR. SHARP: And in the -- I didn't catch whether he had had
5 radiation or not.

6 PROSPECTIVE JUROR 058: I don't know what the protocols
7 were that were in place with him.

8 MR. SHARP: And then, your father had successful radiation
9 treatment?

10 PROSPECTIVE JUROR 058: He did radiation and chemo
11 down at the City of Hope, and they did just a fabulous job. And he's still
12 in the game.

13 MR. SHARP: And what kind of cancer did he have?

14 PROSPECTIVE JUROR 058: His was in his intestinal tract.

15 MR. SHARP: Okay. Was it -- do you remember what the
16 stage was when he --

17 PROSPECTIVE JUROR 058: I don't know.

18 MR. SHARP: Okay. And why is it that you went to City of
19 Hope?

20 PROSPECTIVE JUROR 058: There were specialists in that
21 particular type of cancer and surgery. You know, when -- when -- at least
22 when we proceed in life, we look for the person who's done whatever
23 you need a bazillion times. We want the person who's changing the oil
24 and the car and they're doing it every day and they're doing it 20 times a
25 day, not the person who says, oh, yeah, I think I can do that. And that

1 happens to be their area of specialty, one of them.

2 MR. SHARP: Great. Well, thank you for your --

3 PROSPECTIVE JUROR 058: Anything else I can answer for
4 you?

5 MR. SHARP: No, not right now. I'm sure that we'll be back
6 to you. Ms. Steed. Sorry. I wish I was one of those people that can
7 memorize everybody. Like, you ever wondered how those people do
8 that? I'm not one of those people.

9 PROSPECTIVE JUROR 062: 062.

10 MR. SHARP: Tell us how you're feeling. I mean, we had the
11 question with basically, some people think lawsuits don't serve a
12 purpose, some do. Where do you lean on that position?

13 PROSPECTIVE JUROR 062: Oh, I believe it definitely does. It
14 gives a party that has a grievance an opportunity to try and solve that
15 problem.

16 MR. SHARP: And any specific examples you can think of?

17 PROSPECTIVE JUROR 062: No.

18 MR. SHARP: And Ms. Steed, as we were going through -- oh,
19 what is your -- you said you had had a significant other for 24 years, I
20 think, or around there. What does he do?

21 PROSPECTIVE JUROR 062: He works security for Barclays.

22 MR. SHARP: And what kind of responsibilities does he have?

23 PROSPECTIVE JUROR 062: Keep the building secure from
24 people coming in.

25 MR. SHARP: How about how long has he been doing that?

1 PROSPECTIVE JUROR 062: Oh, not long. Maybe close to a
2 year.
3 MR. SHARP: And then, you work for Amazon.
4 PROSPECTIVE JUROR 062: Yes.
5 MR. SHARP: And what are your -- tell us what your
6 responsibilities are with Amazon.
7 PROSPECTIVE JUROR 062: I shop. I grocery shop all day.
8 MR. SHARP: So it's pretty [indiscernible].
9 PROSPECTIVE JUROR 062: You put an order in online. I get
10 your order. I fulfill your order. Someone else comes and picks it up,
11 takes it away.
12 MR. SHARP: Okay. And how do you like your job?
13 PROSPECTIVE JUROR 062: It's simple, easy, mind-numbing.
14 MR. SHARP: Is that good or bad?
15 PROSPECTIVE JUROR 062: It is. It is.
16 MR. SHARP: Well, thank you for your comment.
17 PROSPECTIVE JUROR 062: Thank you.
18 PROSPECTIVE JUROR 078: 078.
19 MR. SHARP: Mr. Badaloni?
20 PROSPECTIVE JUROR 078: Badaloni.
21 MR. SHARP: Badaloni. Sorry about that.
22 PROSPECTIVE JUROR 078: It's okay.
23 MR. SHARP: Where do you fit on this thing? Do you think
24 lawsuits can serve a purpose or on the other side, they don't really serve
25 a purpose?

1 PROSPECTIVE JUROR 078: I think it can do it, to a degree.

2 MR. SHARP: In which way? That it can serve a purpose?

3 PROSPECTIVE JUROR 078: Yeah, hold people responsible
4 for their actions.

5 MR. SHARP: And you said that to a degree. So why do you
6 qualify that?

7 PROSPECTIVE JUROR 078: Because I hear about a lot of
8 frivolous lawsuits that just basically out of hate or bias.

9 MR. SHARP: Anything that comes to mind?

10 PROSPECTIVE JUROR 078: Not specifically.

11 MR. SHARP: Okay. And you are -- you run your own security
12 company; is that right?

13 PROSPECTIVE JUROR 078: Yes.

14 MR. SHARP: And how long have you been doing that?

15 PROSPECTIVE JUROR 078: I've been in the business for
16 about 36 years. I've owned my own company for eight.

17 MR. SHARP: And how many people do you supervise or --

18 PROSPECTIVE JUROR 078: It's just me.

19 MR. SHARP: Just you and --

20 PROSPECTIVE JUROR 078: My son.

21 MR. SHARP: And just the two of you have been running this
22 thing. So anything about your views on lawsuits that you think could
23 affect your ability to be fair in this type of case?

24 PROSPECTIVE JUROR 078: Can you repeat that a little bit
25 louder, please?

1 MR. SHARP: I'm sorry. You had said, you know, you -- I
2 wouldn't say hesitancy, but then you brought the other side of the
3 debate up, that there are lawsuits that you had described were frivolous.

4 PROSPECTIVE JUROR 078: Yes.

5 MR. SHARP: And so I'm here as -- and you know,
6 representing the person bringing the lawsuit.

7 PROSPECTIVE JUROR 078: Right.

8 MR. SHARP: In a case against the health insurance company.
9 In a case like this, anything that you have that can affect your -- that you
10 think I should know about? Like, these views you're talking about?

11 PROSPECTIVE JUROR 078: Not really. I mean, not
12 specifically. I don't know anything about the case or --

13 MR. SHARP: Sure.

14 PROSPECTIVE JUROR 078: -- or the loss. You know, I mean,
15 was it the insurance company? Was it the doctor? I don't know. You
16 know? It's who's being held accountable for her loss.

17 MR. SHARP: Yeah. And I mean, my question probably
18 wasn't very good because it wasn't very well-worded. I mean,
19 obviously, you don't know. Nobody knows really anything about the
20 case other than what the Judge explained to you in the couple
21 sentences.

22 And I guess my question is a little broader. Do you feel like
23 your views about there being frivolous lawsuits out there could affect
24 your ability to be fair to Sandra Eskew?

25 PROSPECTIVE JUROR 078: It's -- it's not going to affect the

1 way I decide. I decide based on what I see and what I hear.

2 MR. SHARP: Sure.

3 PROSPECTIVE JUROR 078: You know? I mean, having had
4 cancer, I think the only one sitting here right now who's -- who's had it, I
5 know what it -- what people go through.

6 MR. SHARP: And I -- you had a lung cancer? Is that?

7 PROSPECTIVE JUROR 078: Had, yes.

8 MR. SHARP: I mean, do you mind telling and sharing a little
9 bit with me? I mean, I don't want to put you -- I just have a few
10 questions because this case involves lung cancer.

11 PROSPECTIVE JUROR 078: All right. Well, not to put it in a
12 long story, anything like that, I smoked for 35 years. I quit smoking. A
13 few weeks later, I went and got a physical. A few weeks after that, I was
14 called back in. They had found a spot on my lung. Through needle
15 biopsies, blood tests, and all kinds of other tests, they couldn't figure out
16 what it was.

17 So the decision was made while I was on the operating table
18 to open me up, remove what was there. If it was cancerous, then to
19 remove the upper right lobe so that it wouldn't affect the rest of my
20 organs, and as well as a bunch of lymph nodes in the surrounding area,
21 which is what happened.

22 I didn't go through any radiation because I was -- they said
23 that they got it all. I did go through chemotherapy for six months. A lot
24 of pain involved, struggles, and other physical ailments that followed it.
25 But I've been clean for 14 years.

1 MR. SHARP: So is there anything about that experience
2 which would affect your ability to be fair and impartial to
3 UnitedHealth -- or to Sierra Health?

4 PROSPECTIVE JUROR 078: It would not -- it would not affect
5 me, no.

6 MR. SHARP: Okay. Thank you. I'm sure I'll have questions
7 coming back to you as we get further in. Oh, I did have one question.
8 Did you have any symptoms before they diagnosed you?

9 PROSPECTIVE JUROR 078: None. No, I -- it was just blind
10 chance that I had quit smoking when I did. And it was right before my
11 50th birthday, and it was a promise to my wife that I would quit smoking.
12 And then, having been a former Marine, I went to go and get a physical
13 to see what kind of shape I was in. And it was just luck of the draw. I
14 don't know. But they -- they saw it, they found it, they caught it, got rid
15 of it. And I've -- like I said, I've been clean for 14 years now, so.

16 MR. SHARP: Well, that's great. Thank you.

17 PROSPECTIVE JUROR 079: 079, Kasandra Peters.

18 MR. SHARP: Ms. Peters, same question. Let's go back to the
19 first question, which was some people think lawsuits really don't serve a
20 purpose, frivolous ones out there. Some people say lawsuits serve a
21 purpose. Which way do you kind of lean?

22 PROSPECTIVE JUROR 079: I think they serve a purpose. I
23 think it holds people accountable if they need to be held accountable. I
24 do see -- you know, I -- I run a company. I'm just an office, but we -- I've
25 been doing it with my husband for ten years and we've had employees

1 file Workmen's Comp things against us that weren't true. So I mean,
2 there are people out there that just want to be greedy and get the
3 money. I don't think that would -- would change my opinion here, but.

4 MR. SHARP: Give me an example when you say, like, I take it
5 that from your view, employees were filing false claims for Work Comp.
6 Can you give me an example?

7 PROSPECTIVE JUROR 079: So on claims that the day they
8 got let go from our company, they slipped, and it wasn't true. And we
9 did go to court. You know, there was a lawsuit against us. Fortunately,
10 we won. They didn't slip on our walk.

11 MR. SHARP: So is that an employee that was suing you?

12 PROSPECTIVE JUROR 079: Yeah. That's just an example of
13 one, yes.

14 MR. SHARP: Oh, okay. And tell me a little bit about how
15 that -- I mean, you went through a whole -- sounds like --

16 PROSPECTIVE JUROR 079: We had to hire a private
17 investigator, and they were lifting heavy things when their back was hurt
18 because they fell. On our clock, they slipped and fell. So the person that
19 was doing this had done this to other employers in the past. It was just,
20 you know, getting all our ducks in a row to prove that he was guilty and
21 we -- he didn't get hurt on the job, to get money.

22 MR. SHARP: Okay. Okay. And so you've had other
23 experiences like this?

24 PROSPECTIVE JUROR 079: A few. Yeah. He showed up
25 with a knife to throw. You know, the guy showed up with a knife to

1 throw at me. So [indiscernible] can get hurt on the job or say they got
2 hurt on the job.

3 MR. SHARP: So tell me a little bit more about that. So is
4 that -- tell me what you and your husband do.

5 PROSPECTIVE JUROR 079: I run the office and do the
6 bookkeeping, and he manages -- you know, we go to different properties
7 around town and sharpen the knives for them. Hotels, little restaurants.
8 Mom and pop places around town.

9 MR. SHARP: Oh, wow. That's interesting. I mean, it's kind
10 of -- and how long you been --

11 PROSPECTIVE JUROR 079: I've been doing it ten years. He's
12 been doing it 22 years.

13 MR. SHARP: And how many employees do you --

14 PROSPECTIVE JUROR 079: We have 12.

15 MR. SHARP: It's amazing that you -- when you get involved
16 in these lawsuits and you do voir dire, it's amazing to me all the different
17 ways people make a living. I would never have thought of that.

18 PROSPECTIVE JUROR 079: Yeah.

19 MR. SHARP: It's -- and how long have you been working
20 with your husband?

21 PROSPECTIVE JUROR 079: Ten years.

22 MR. SHARP: Okay. Congratulations for your --

23 PROSPECTIVE JUROR 079: Thank you.

24 MR. SHARP: Sounds like your business is very successful.

25 PROSPECTIVE JUROR 079: Thank you.

1 MR. SHARP: Let me just make sure. I think I -- you were
2 insured by Sierra Health and Life.

3 PROSPECTIVE JUROR 079: Yeah.

4 MR. SHARP: Have you filed claims with Sierra Health and
5 Life?

6 PROSPECTIVE JUROR 079: Not recently, no.

7 MR. SHARP: So any problems with Sierra Health and Life?

8 PROSPECTIVE JUROR 079: Not with them themselves. I've
9 had problems with doctors charging me for things that shouldn't have
10 been charged. And I had to take it up with Sierra Health and Life.

11 MR. SHARP: And tell me a little bit about that.

12 PROSPECTIVE JUROR 079: Just a medical thing with my
13 son. They tried to -- you know, it was we went in because he got a
14 procedure done, and he got -- and had a fever and I thought he had an
15 infection. And they claimed they did other things in the medical room
16 when they didn't. They just looked and said, you know, he's okay, go
17 home. Just keep an eye on it. Well, they charged me a ridiculous
18 amount of money when those -- when things -- procedures weren't done
19 that they said.

20 MR. SHARP: And who -- was this at the hospital or --

21 PROSPECTIVE JUROR 079: The -- at the pediatrician.

22 MR. SHARP: Okay. And what did you do to resolve that,
23 this --

24 PROSPECTIVE JUROR 079: Call the insurance company and
25 they had me file a claim against the doctor. And it wasn't a big deal.

1 MR. SHARP: Okay. And so you know, in terms of Sandra
2 Eskew, she's bringing a lawsuit against Sierra Health and Life, and
3 you're insured by them. Does that make you feel anything in terms of
4 how you can be fair?

5 PROSPECTIVE JUROR 079: No. I don't think -- I -- no. I don't
6 think so.

7 MR. SHARP: And you've had these experiences with
8 employees that have filed fraud -- it sounds like fraudulent claims or
9 wrongful claims, I guess. And Sandra Eskew is here bringing a lawsuit
10 against Sierra Health and Life. Does anything about that, your
11 experience, affect that?

12 PROSPECTIVE JUROR 079: No. I think
13 everything -- everybody is different. Every situation is different. I don't
14 think so.

15 MR. SHARP: So when I go back to my example, you know,
16 back to the cherry pie, you don't feel like you have a bad taste in your
17 mouth against people bringing lawsuits? Like, you know --

18 PROSPECTIVE JUROR 079: No. I -- I mean, I get where
19 you're going with this, but I think I -- I would be fair.

20 MR. SHARP: And I appreciate that. But I just notice there's
21 kind of a hesitancy.

22 PROSPECTIVE JUROR 079: Okay.

23 MR. SHARP: I just want to explore that.

24 PROSPECTIVE JUROR 079: Maybe. I mean, like I said, you
25 don't like the cherry pie, so -- I don't know.

1 MR. SHARP: Well, and you know, that's -- I appreciate that,
2 you know, part of this is being honest both, you know, you and I as we're
3 discussing, but also with yourself. I mean, I'm not suggesting anything.
4 I'm just going through your experience. In light of your experience, does
5 it feel like you kind of might have a bad taste in your mouth, just on the
6 concept of people bringing the lawsuit?

7 PROSPECTIVE JUROR 079: I filed a lawsuit, so no.

8 MR. SHARP: Okay. This woman --

9 PROSPECTIVE JUROR 079: I slipped in a grocery store. I
10 filed a lawsuit because they were at wrong. So no.

11 MR. SHARP: Tell me about that lawsuit, because I had
12 forgotten about that.

13 PROSPECTIVE JUROR 079: I slipped and fell in a grocery
14 store, and they didn't -- they were -- they knew it was there. They didn't
15 mark it correctly, and I slipped, and I fell. And so I filed a lawsuit.

16 MR. SHARP: And did it go -- it didn't go to court?

17 PROSPECTIVE JUROR 079: No. It got resolved before then.

18 MR. SHARP: And you -- were you dissatisfied, satisfied with
19 it?

20 PROSPECTIVE JUROR 079: I was fine. Yeah. I didn't want
21 much out of it. I just wanted the doctor bills covered and, you know,
22 things checked out so I wouldn't have long-term problems with my back.

23 MR. SHARP: Okay. Okay. So did that -- just -- I just want to
24 make sure. I don't mean to pick on you in any way.

25 PROSPECTIVE JUROR 079: No, you're fine.

1 MR. SHARP: But if -- given your experience with the falls
2 claim, can -- does Sandra Eskew come in at the same starting point as
3 Sierra Health and Life? Or is she a little bit behind?

4 PROSPECTIVE JUROR 079: She comes in at the same point.

5 MR. SHARP: Okay.

6 THE CLERK: I can barely hear you.

7 PROSPECTIVE JUROR 079: She comes in at the same point.

8 THE CLERK: Thank you.

9 MR. SHARP: Thank you.

10 PROSPECTIVE JUROR 084: 084.

11 MR. SHARP: And Ms. Schlick.

12 PROSPECTIVE JUROR 084: Yeah.

13 MR. SHARP: So we were talking about this issue, lawsuits,
14 some people say they don't serve much purpose with the frivolous
15 lawsuits out there. Other people say they serve a purpose. Which way
16 do you kind of lean?

17 PROSPECTIVE JUROR 084: It always serves a purpose.

18 MR. SHARP: Okay.

19 PROSPECTIVE JUROR 084: It's a fact finder. So -- so that's
20 the main purpose of a lawsuit is to find out the facts. And based on the
21 facts, then there will be accountability.

22 MR. SHARP: Okay.

23 PROSPECTIVE JUROR 084: That's how I feel about it.

24 MR. SHARP: Okay. That's -- anything about that view that
25 would affect your ability to be fair and impartial to either side?

1 PROSPECTIVE JUROR 084: No.

2 MR. SHARP: I believe you were the retired military nurse?

3 PROSPECTIVE JUROR 084: Yeah.

4 MR. SHARP: Thank you for your service. How long were you
5 a military nurse?

6 PROSPECTIVE JUROR 084: I served 21 years.

7 MR. SHARP: And your husband -- and what kind of work did
8 you do as the military nurse?

9 PROSPECTIVE JUROR 084: Oh, I -- all types of jobs. I was
10 referring earlier, as part of that job, I was looking at different requests for
11 referrals, approve or disapprove certain referrals for specialty treatments
12 or specialty physicians and so forth. That's one job. But you know, in
13 the military, you rotate through different kinds of jobs. And since I was
14 21 years, I had served from clinical nurse up to chief nurse. So I also -- I
15 also served in Afghanistan as a chief nurse of the base hospital there.

16 And so being a military nurse, you just have different types
17 of positions as you progress.

18 MR. SHARP: So let me talk about the -- how long did you do
19 the referrals?

20 PROSPECTIVE JUROR 084: I did -- let me just think back, the
21 year. About two years.

22 MR. SHARP: And do you remember the time period where
23 you were doing that?

24 PROSPECTIVE JUROR 084: The time period? Yeah.

25 MR. SHARP: Yes.

1 PROSPECTIVE JUROR 084: 2003.

2 MR. SHARP: Okay. And were you -- what kind of things
3 would you use to make the decision on whether or not to grant the
4 referral?

5 PROSPECTIVE JUROR 084: We had protocols. And you have
6 to know basically what the benefits are and what -- what are not in the
7 benefits. And there's always a recourse if you disapprove something
8 based on the protocols and based on the specific benefits. The -- the
9 requests can go through -- it's not really an arbitration, but you can get a
10 secondary review and find out the reasons why, you know, the basis of
11 the primary disapproval. Most of the time, when it's approved, there's
12 really no issue about it.

13 MR. SHARP: Sure.

14 PROSPECTIVE JUROR 084: But when something is
15 disapproved, you have to justify why. And it doesn't mean that that's
16 going to be the basis, the final -- the final -- what do you call this? The
17 final decision. So you could go do different reviews and try to kind of
18 argue it and so forth.

19 MR. SHARP: Okay. Okay. And so in this case, I mean, that's
20 one of the things we're going to be dealing with is utilization
21 management.

22 PROSPECTIVE JUROR 084: Right.

23 MR. SHARP: And that's what you were a part of,
24 preauthorization.

25 PROSPECTIVE JUROR 084: Correct. Yeah.

1 MR. SHARP: And we're going to be -- that's one of the center
2 parts of the dispute in this case.

3 PROSPECTIVE JUROR 084: Right. Sounds like it, yeah.

4 MR. SHARP: Applies to the preauthorization. So based upon
5 that experience, how do you feel serving on a jury where that's, you
6 know, going to be the issue?

7 PROSPECTIVE JUROR 084: Well, decisions are usually based
8 on facts. And you base it on what the protocols are. And I might have
9 not been the final decision-maker because it goes through different
10 levels.

11 MR. SHARP: Yeah. And I'm not -- this case will have
12 different facts --

13 PROSPECTIVE JUROR 084: Right.

14 MR. SHARP: -- than your experience. But obviously, you've
15 had an experience accepting and denying claims. And that's one of the
16 issues we're going to be dealing with. So that's what I'm trying to
17 explore is how is that going to affect your ability to be fair and impartial?

18 PROSPECTIVE JUROR 084: I've always been fair in anything,
19 so I don't see any reason why it would affect me negatively.

20 MR. SHARP: Well, and I think, like one of the things that
21 certainly concerns me is that you might have -- an affinity is probably a
22 strong word. But you might have a commonality with Sierra Health and
23 Life when I represent somebody who is saying you didn't do it right on
24 utilization management. Do you see what I'm getting at?

25 PROSPECTIVE JUROR 084: Right.

1 MR. SHARP: So that's a concern of mine. And so I just
2 want --

3 PROSPECTIVE JUROR 084: Sure. But I am also a medical
4 personnel, so to speak. The utilization review was 2 years of my over 40
5 years in the medical field. So I've had many other jobs. I can basically
6 kind of think about when I have three kids, right? And something
7 happen and you have to kind of investigate what happened and make a
8 decision on what the best decision is.

9 MR. SHARP: Okay. So we've given an example earlier when
10 I talked about my sister being part of my case. Remember, I talked about
11 the implied bias. And so I just want to know, is that -- I mean, the fact
12 that you used to do this job, the preapproving and denying or
13 authorizing care, does that put my client in a situation where, you know,
14 maybe we can't trust the process? See what I'm getting at?

15 PROSPECTIVE JUROR 084: I understand that there's a
16 minute implied bias because of my two years' work. But having said
17 that, I've had many years of other work. So I don't think it's an issue for
18 me.

19 MR. SHARP: Okay. It should be an issue for Sandra Eskew.

20 PROSPECTIVE JUROR 084: Correct.

21 MR. SHARP: So let me -- tell me a little bit more about what
22 you did as a nurse. I mean, we've talked about, I guess a small portion
23 of your career.

24 PROSPECTIVE JUROR 084: Sure.

25 MR. SHARP: Two years.

1 THE COURT: Counsel, actually, before we get into that, we're
2 going to take our lunch recess. You're instructed not to talk with each
3 other or with anyone else about any subject or issue connected with this
4 trial. You're not to read, watch, or listen to any report of or commentary
5 on the trial by any person connected with the case or via any medium of
6 information, including without limitation newspapers, television, and
7 radio.

8 You're not to conduct any research on your own relating to
9 this case, such as consulting dictionaries, using the internet, or using
10 reference materials. You're not to conduct any investigation, test any
11 theory of the case, recreate any aspect of the case, or in any other way
12 investigate the case on your own. You're not to talk with others, text
13 others, tweet others, Google issues, or conduct any other kind of
14 research regarding any issue, party, witness, or attorney involved in this
15 case. You're not to form or express any opinion on any subject
16 connected with this trial until the case is finally submitted to you.

17 So ladies and gentlemen, what this means is that you can't,
18 over lunch, start talking about the case substantively. Go, oh, what do
19 you think about this question that was asked or that question or the
20 claims being made. Do you understand that? And if you find out
21 someone has been talking about it, you must report it to the marshal.

22 So we'll return at 1:00 p.m.

23 THE MARSHAL: All rise for the jury.

24 [Jury out at 12:01 p.m.]

25 [Outside the presence of the prospective jurors]

1 THE COURT: So it's the Court's understanding that the
2 Defense wants their own court reporter to be in trial?

3 MR. ROBERTS: Yes. We tried to arrange through the Court
4 to get dailies done, and there was no one available. So we've asked to
5 bring in someone from outside who's worked in the courts previously
6 and was an official reporter.

7 THE COURT: Okay. That's fine. Just any -- for appeal
8 purposes, the transcript from Ms. Berger will be the official record.

9 MR. ROBERTS: That's fine.

10 THE COURT: Any other issues outside the presence?

11 MR. SHARP: None, Your Honor.

12 MR. ROBERTS: Your Honor, I believe that our Nye County
13 juror, she's probably not eligible for service under NRS 6.010.

14 THE COURT: Yeah. Yes. Mr. Sharp, any objection?

15 MR. SHARP: None, Your Honor.

16 THE COURT: Wes, can you release Ms. Martin, badge
17 number 12?

18 THE MARSHAL: Okay. Absolutely.

19 THE CLERK: Mr. Sharp, also, when you're speaking, can you
20 stand either closer to that speaker there that's got the red light --

21 MR. SHARP: Oh, sure.

22 THE CLERK: -- or right here because when you get this way, I
23 can't hear you as well.

24 MR. SHARP: Sure. Sure.

25 THE CLERK: Thank you.

1 MR. SHARP: If I forget, just yell at me or whatever.

2 THE COURT: So we'll restart at one o'clock.

3 [Recess taken from 12:03 p.m. to 1:02 p.m.]

4 THE COURT: Thank you, please be seated, Counsel.

5 Defense, ready for the panel?

6 MR. ROBERTS: Yes.

7 MR. SHARP: Yes.

8 THE COURT: All right.

9 THE MARSHAL: All rise for the Jury.

10 [Prospective jurors in at 1:04 p.m.]

11 THE COURT: Thank you. Please be seated, Counsel.

12 Mr. Sharp?

13 MR. SHARP: Thank you, Your Honor.

14 So, the Judge mentioned to you the first, most important
15 people in the courtroom are you all.

16 The second-most important person is the Court Reporter.
17 Sorry, Your Honor.

18 THE COURT: That's okay.

19 MR. SHARP: And she had asked me to stand next to this
20 microphone, so she could pick me up. So, I'm not going to move
21 around. I'm vertically challenged, but I pretty much see everybody.

22 So, when we took the break, we were talking with Miss
23 Steed, or Mrs. Steed. I think we were in the middle of you explaining to
24 us what, what your -- what you did as a nurse.

25 PROSPECTIVE JUROR: Well, I used to be that.

1 MR. SHARP: Well, that's all right. You -- it's been a long
2 time.

3 THE COURT: Badge number, again, Counsel?

4 THE CLERK: Badge number 0-8-4.

5 PROSPECTIVE JUROR 084: Oh, I'm sorry, 0-8-4.

6 THE COURT: Thank you.

7 MR. SHARP: So, you -- just give us a quick, kind of
8 background of what you did as a nurse?

9 PROSPECTIVE JUROR 084: Oh, I did clinical medical,
10 surgical, chemo analysis, [indiscernible], orthopedics. Thank you.

11 After orthopedics, I did case management, utilization
12 management, deputy chief nurse, population health chief, education.
13 I was an instructor in Bethesda. And chief nurse.

14 MR. SHARP: So, in the -- in your long career, when you had
15 mentioned case management, what were you doing as the case
16 manager?

17 PROSPECTIVE JUROR 084: Well, as part of the utilization
18 management group, that I was referring to earlier in 2000 to 2003, in
19 Ohio.

20 MR. SHARP: Okay.

21 PROSPECTIVE JUROR 084: So, it's an assignment that was
22 given to me coming from -- well, I take it back. I had another utilization
23 management in Germany. So, that was a year. So, in addition to the
24 2000, 2003, I did one year in Germany.

25 MR. SHARP: Okay.

1 PROSPECTIVE JUROR 084: As part of a career progression
2 track.

3 MR. SHARP: And then you went into case management for?

4 PROSPECTIVE JUROR 084: It's part, it's part.

5 MR. SHARP: Part of it?

6 PROSPECTIVE JUROR 084: It's part of the whole utilization
7 management group. So, you did case management, discharge planning,
8 and as well as utilization review.

9 So, because I was second in command, I had to do all the
10 other work.

11 MR. SHARP: So, you did all --

12 PROSPECTIVE JUROR 084: Also.

13 MR. SHARP: -- all of those things at once?

14 PROSPECTIVE JUROR 084: Yeah, you kind of have to know
15 the -- different facets of the job.

16 MR. SHARP: And so, when you say case management,
17 I have an understanding.

18 PROSPECTIVE JUROR 084: Uh-huh.

19 MR. SHARP: And I want to make sure your understanding's
20 the same as mine.

21 PROSPECTIVE JUROR 084: Uh-huh.

22 MR. SHARP: So, what do you mean by case management?

23 PROSPECTIVE JUROR 084: Well, basically, because I was on
24 the -- a different level, we had different case managers, so to speak, that
25 managed different sets of patients regarding the -- whatever issues they

1 have.

2 MR. SHARP: So, would those be like level of care decisions,
3 whether somebody should be in ICU, or general for --

4 PROSPECTIVE JUROR 084: That's a part of it. It's a very
5 complicated system.

6 MR. SHARP: Uh-huh.

7 PROSPECTIVE JUROR 084: But it's more on the discharge
8 planning thing, also, as part of -- it's kind of related together. But the
9 case managers usually would have a group of patients that they manage.
10 And they basically take care of all their needs.

11 MR. SHARP: And what -- you were doing in the pre -- well,
12 I guess, all of this case management utilization management, were you,
13 let's just say a doctor recommends a certain type of surgery, would you
14 then decide whether the doctor was right or wrong? Explain to me what
15 your role would be.

16 PROSPECTIVE JUROR 084: Well, that is part of the utilization
17 review. So, let's say a patient sees a primary care doctor, and the
18 primary care doctor refers the patient to a specialist, so to speak. Let's
19 say, oh, orthopedics, for example. And they have to write exactly what
20 they are sending the patient for. And because you have protocols and
21 requirements for certain -- for certain orthopedic procedure.

22 So, you either question or if they need some more
23 information, you ask that. And then you go back and forth. And if it's
24 not a covered benefit for the particular patient's plan, so to speak, then
25 our reviewers will say, sorry, it's not covered benefits.

1 MR. SHARP: Okay. And so, would that include medical
2 necessity decisions?

3 PROSPECTIVE JUROR 084: Correct. Yes.

4 MR. SHARP: Would you be the one making the -- let's say,
5 would you be the one making the medical necessity decisions?

6 PROSPECTIVE JUROR 084: If -- it's clearly outlined that it is
7 or it's not, yes. But if there is a question and you needed more
8 information, and then you discussed that with the providers and so forth
9 and the higher level of approval group.

10 MR. SHARP: Meaning, somebody that you report to?

11 PROSPECTIVE JUROR 084: Somebody else above me.

12 MR. SHARP: Okay.

13 PROSPECTIVE JUROR 084: Yeah.

14 MR. SHARP: And did you, did you enjoy that job?

15 PROSPECTIVE JUROR 084: You know, any job is a matter of
16 enjoyment, it's what you make out of it.

17 MR. SHARP: Uh-huh.

18 PROSPECTIVE JUROR 084: It's your job, you learn it, and do
19 the best you can. So, you know, it's --

20 MR. SHARP: Well, were you involved at all in the
21 development of the policies that you -- used?

22 PROSPECTIVE JUROR 084: Yes.

23 MR. SHARP: Explain that to me.

24 PROSPECTIVE JUROR 084: Well, there were cases whereby
25 sometimes -- how do I say this. When there's certain situations where

1 sometimes it doesn't make sense, right? So, you go above my pay
2 grade. You go to different people and -- it's discussed.

3 MR. SHARP: Okay. And my question, probably, it wasn't
4 quite clear. Where I envisioned it, is that you had certain policies that
5 Tri-Care provided to you that -- to follow?

6 PROSPECTIVE JUROR 084: Right.

7 MR. SHARP: Okay. And were you involved in writing those
8 policies or were you just charged with implementing them?

9 PROSPECTIVE JUROR 084: I've been part of the group that
10 we're not -- we're the DC level (phonetic) to make policies.

11 MR. SHARP: Okay. Okay, and did any of those deal with
12 cancer?

13 PROSPECTIVE JUROR 084: Not specifically.

14 MR. SHARP: Oh.

15 PROSPECTIVE JUROR 084: It's a general policy.

16 MR. SHARP: General policies, okay. Not specific, like
17 medical policies?

18 PROSPECTIVE JUROR 084: No.

19 MR. SHARP: So, like did -- would -- you have implemented,
20 say, a medical policy on particular types of cancer radiation therapies?

21 PROSPECTIVE JUROR 084: Well, in the medical field, you
22 have different specialties, right? You don't go above your specialty that
23 you don't know about. So, that's why you have specialists.

24 So, we, ourselves, just from the -- implementation of certain
25 policies, so to speak, for the medical field, I'm not a physician.

1 MR. SHARP: Uh-huh.

2 PROSPECTIVE JUROR 084: So, you talk to physicians
3 regarding, you know, potential issues but you don't seek.

4 MR. SHARP: Oh, I get it.

5 PROSPECTIVE JUROR 084: Or they may not see.

6 MR. SHARP: If it was like an orthopedic surgery question,
7 you would not --

8 PROSPECTIVE JUROR 084: Right, I'm not an orthopedic
9 surgeon, so I cannot tell what an orthopedic surgeon would like to do,
10 right?

11 MR. SHARP: So, you would consult with an orthopedic
12 surgeon, as an example?

13 PROSPECTIVE JUROR 084: Well, we could -- we could
14 consult a second opinion.

15 MR. SHARP: Got it.

16 PROSPECTIVE JUROR 084: On the same specialist.

17 MR. SHARP: And -- or you could contact the treating
18 orthopedic specialist.

19 PROSPECTIVE JUROR 084: Of course, that's the first, first
20 line.

21 MR. SHARP: And when you would get an independent
22 physician, would it be like, say, or orthopedic surgeon, would you go get
23 a general practitioner?

24 PROSPECTIVE JUROR 084: No, specialty to specialty.

25 MR. SHARP: Got it.

1 PROSPECTIVE JUROR 084: So, a GP won't do anything
2 about, you know, orthopedic surgery.

3 MR. SHARP: Okay. Okay. Thank you.

4 Mr. Kenner?

5 PROSPECTIVE JUROR 101: 1-0-1.

6 MR. SHARP: So, before lunch, we'd been talking about this
7 issue of how you, basically, how you feel about lawsuits. Are you kind of
8 in the camp of saying, yeah, they're -- lawsuits don't serve a purpose or
9 too many frivolous ones, or lawsuits serve a purpose, I mean, which way
10 do you lean?

11 PROSPECTIVE JUROR 101: I believe that it, I believe that
12 they're necessary. You've got to try to find the truth. So, even if they
13 are frivolous, they still need to go through the motions, if you will, to see
14 if it's a serious issue or it's something that can be thrown out.

15 MR. SHARP: Sure, I mean, so in other words, it's a fact-
16 based inquiry?

17 PROSPECTIVE JUROR 101: Yeah.

18 MR. SHARP: Yeah, so, and obviously, in this case, you don't
19 really know anything about the case, so --

20 PROSPECTIVE JUROR 101: Correct.

21 MR. SHARP: -- it's a fact-based analysis?

22 PROSPECTIVE JUROR 101: Correct.

23 MR. SHARP: Is that -- I'm not trying to put words in your
24 mouth, so is that right or?

25 PROSPECTIVE JUROR 101: No, that's correct. It's definitely

1 a fact-finding thing. We've got to get more information and see what's
2 going on to properly assist.

3 MR. SHARP: Okay. And so, tell me what you did for -- what,
4 tell me about your job?

5 PROSPECTIVE JUROR 101: I work at Tommy Bahama, on the
6 retail side. They have like a -- Marlin Bar, which is like appetizers and
7 drinks and stuff. But I work on the retail side in the stock room. I also
8 help out on the floor with sales.

9 MR. SHARP: Uh-huh.

10 PROSPECTIVE JUROR 101: So, I work at the Town Square
11 location and the Fashion Square location. And I just help them receive
12 shipment, process online orders that come in, organize the stock room,
13 receive shipment, replenish the floor, and help guests with -- help
14 customers with anything they need.

15 MR. SHARP: Okay. Your voice kind of trailed right off at the
16 end, so I didn't pick that up.

17 PROSPECTIVE JUROR 101: Oh, I'm sorry. I help customers
18 that come into the store like find like the sizes that they want and --

19 MR. SHARP: Oh, got you, got you.

20 PROSPECTIVE JUROR 101: -- things like that.

21 MR. SHARP: And how long have you been doing that job?

22 PROSPECTIVE JUROR 101: About five -- months now. It
23 started off as a temporary thing and then went to full-time.

24 MR. SHARP: And do you enjoy the job?

25 PROSPECTIVE JUROR 101: I do. I'm around some good

1 people, and it's -- good. Like, both locations are -- good.

2 MR. SHARP: Now, I had a note, and I'm going to pull it up,
3 which is like you had mentioned, I thought you had mentioned
4 something about how you had done some type of consulting with a prior
5 employer with United Healthcare?

6 PROSPECTIVE JUROR 101: Oh, right. With United
7 Healthcare, I did, I worked in their call center, receiving calls, for their,
8 their -- members, helping them out with changing their PCP, and things
9 like that.

10 MR. SHARP: And so, you were -- who were you employed by
11 when you were doing that?

12 PROSPECTIVE JUROR 101: I was employed by C3. They had
13 a contract with United Healthcare and we -- because, yeah, we took those
14 calls.

15 MR. SHARP: So, you were helping insureds with United
16 Healthcare through another company?

17 PROSPECTIVE JUROR 101: Correct.

18 MR. SHARP: And how long did you do that?

19 PROSPECTIVE JUROR 101: That was -- for about three
20 months.

21 MR. SHARP: And so, obviously, this case, Sandra Eskew is
22 going to be asking for money at the end of the day from -- Sierra Health
23 and Life, which is part of United Healthcare. Is there something I should
24 be worried about in terms of your experience with United Healthcare?

25 PROSPECTIVE JUROR 101: No.

1 MR. SHARP: Do you feel like you could be fair and impartial?

2 PROSPECTIVE JUROR 101: I do.

3 MR. SHARP: Okay, thank you. If we could pass up the mike
4 over to Mr. Gayles.

5 THE MARSHAL: Thank you, sir.

6 PROSPECTIVE JUROR 110: Juror 1-1-0, Reginald Gayles.

7 MR. SHARP: Hold on just a moment, Mr. Gayles.

8 And so back to you listened and have listened, so the
9 question being basically, lawsuits really don't serve much of a purpose,
10 versus lawsuits do serve a purpose, which way do you kind of lean?

11 PROSPECTIVE JUROR 110: I believe that every lawsuit has
12 its, should be judged on its own merit. There are some lawsuits that are,
13 you know, I think are merit-based. Some are -- can be without merit.
14 So, I just, it depends on the lawsuit.

15 MR. SHARP: And on the facts.

16 PROSPECTIVE JUROR 110: On the facts, yes.

17 MR. SHARP: And so, as you sit here today, do you feel like
18 you have an affinity one way or the other to a particular party?

19 PROSPECTIVE JUROR 110: Well, like I mentioned earlier, my
20 wife is a current employer -- employee of United Healthcare, so.

21 MR. SHARP: So, let's talk about that a little bit.

22 PROSPECTIVE JUROR 110: All right.

23 MR. SHARP: What -- does she do for United Healthcare?

24 PROSPECTIVE JUROR 110: She's a physical therapist. She
25 does in-home healthcare.

1 MR. SHARP: And so, is -- is she, it's she provides care to,
2 to patients?

3 PROSPECTIVE JUROR 110: That is correct.

4 MR. SHARP: So, I'm not -- I'm just -- I'm not, that doesn't
5 seem like a silly question, but I -- Ms. Schlick was, we were talking about
6 part of her job at one point in her career was authorizing care, and so
7 that's why I was trying to distinguish as to what your wife does.

8 And who does she -- does she work for Optum?

9 PROSPECTIVE JUROR 110: Yes, sir.

10 MR. SHARP: And how long has she worked for Optum?

11 PROSPECTIVE JUROR 110: For approximately five years.

12 MR. SHARP: Okay. And so, you know, look, I guess, the
13 obvious question we talked about is -- bias, so earlier, does the fact that
14 your wife works for Optum create a problem to you as being a juror in
15 this case?

16 PROSPECTIVE JUROR 110: I think the best way to answer
17 that is, does it provide a problem for, you know, for the Plaintiff and the
18 Defendant. I mean, as far as putting myself in that position, to be able to
19 render a verdict or -- you know, as a juror, and my -- you know, for my
20 wife's employment. I don't know if that's an -- you know, a fair thing to
21 put somebody in that position.

22 MR. SHARP: Well, I just wanted to ask you.

23 PROSPECTIVE JUROR 110: Yeah, I don't know. I mean, it's,
24 I would say it's a challenge, to be honest.

25 MR. SHARP: Yeah, and I appreciate -- I appreciate that.

1 PROSPECTIVE JUROR 110: Yes.

2 MR. SHARP: And it seems like, I mean, I can sense the
3 struggling that you're going through.

4 PROSPECTIVE JUROR 110: Sure.

5 MR. SHARP: And I guess, what I'm saying is, you know,
6 everybody should be at the same start. If we're running a track race,
7 everybody should be at the same starting spot. And is the fact that your
8 wife works for Optum providing you concern that, you know, maybe,
9 even if it's a little bit, maybe Sandra Eskew isn't starting on the same
10 spot. Just for that fact alone.

11 PROSPECTIVE JUROR 110: No, I don't -- you know, again,
12 like I said, every lawsuit should be judged on its own merits on its own
13 facts.

14 MR. SHARP: True. And that --

15 PROSPECTIVE JUROR 110: Yeah.

16 MR. SHARP: -- nobody's going to dispute that. I just want to
17 make sure that -- this jury is the right fit for you, because that's going
18 impact both parties.

19 PROSPECTIVE JUROR 110: Yeah, and I think it goes back to
20 your initial example as far as your sister being on a jury -- you know, for
21 her brother, regarding a DUI. Do I think I can be impartial? Yes. But is it
22 a great example of, you know, a great appearance for appearance sake?
23 You know, that's for you to decide.

24 MR. SHARP: Well, so, basically, without putting words in
25 your mouth, you feel like you have an implied bias, that's what I --

1 PROSPECTIVE JUROR 110: Well, to go by your example that
2 you stated earlier.

3 MR. SHARP: So, you would -- using my terminology, talk,
4 terminology, excuse me, you feel like you would have an implied bias?

5 PROSPECTIVE JUROR 110: I think I fit your example that you
6 used earlier.

7 MR. SHARP: Right, which was implied bias.

8 PROSPECTIVE JUROR 110: Yes.

9 MR. SHARP: Okay, thank you. You worked for the highway
10 patrol?

11 PROSPECTIVE JUROR 110: That is correct.

12 MR. SHARP: And how long did you work for them?

13 PROSPECTIVE JUROR 110: Twenty-eight years.

14 MR. SHARP: And what kind of -- I mean, was there an area of
15 specialty you had and kind of tell me a little bit about your career?

16 PROSPECTIVE JUROR 110: I retired as a sergeant, which
17 was, you know, supervising officers. Some of the responsibilities I had
18 was personnel evaluations, certifying officers, and officer safety. It was a
19 field training officer, training new officers coming from the academy to,
20 you know, field service.

21 I was also a range officer. And, you know, I handled various
22 assignments and came to investigations, field patrol, and administrative
23 positions.

24 MR. SHARP: Okay. And where, where were you a highway
25 patrolman at?

1 PROSPECTIVE JUROR 110: I started in L.A. I worked the
2 majority of my career in the Bay Area, San Francisco, Oakland. And
3 I retired outside of that commercial's facility outside of Prime [phonetic].

4 MR. SHARP: And how long ago, it sounds like you
5 supervised a fair amount of people, is that accurate?

6 PROSPECTIVE JUROR 110: Yes.

7 MR. SHARP: How many -- at various points, I mean, you can
8 just give me a range.

9 PROSPECTIVE JUROR 110: I would say at some point in
10 time, in San Francisco, I may have like 40 officers underneath my charge.
11 When I was in Martinez, maybe around twenty-five. And then when
12 I came out here, a much smaller area, it was about twenty.

13 MR. SHARP: Okay. Did you enjoy supervising people?

14 PROSPECTIVE JUROR 110: At times.

15 MR. SHARP: Overall, like?

16 PROSPECTIVE JUROR 110: Yeah, I mean, it -- you know, it's
17 a rewarding career. I loved the job, you know, with anything, dealing
18 with people, you know, you have people that you enjoy working with,
19 and some people not so much.

20 MR. SHARP: One thing I didn't ask, and I don't need, I mean,
21 some of you, I had forgotten to ask this question. And how many of you
22 supervise people at work, that I've already asked questions for?

23 If you could just keep your hand up. Did we get -- could you
24 guys get those?

25 Did we get everybody? I'm sorry, my computer's -- I've had a

1 lot of problems --

2 [Counsel confer]

3 MR. SHARP: You had -- you had mentioned that your wife,
4 I think, if I got my notes right, your wife was a defendant in a car accident
5 case?

6 PROSPECTIVE JUROR 110: Yeah, yes, sir.

7 MR. SHARP: Can you tell me a little bit about that?

8 PROSPECTIVE JUROR 110: Yes. My wife was involved in a
9 rear-end collision. This is my ex-wife. And so, it was about 20-plus
10 years ago. And in that particular lawsuit, the plaintiff -- and in my
11 insurance company's opinion, asked for a, you know, an exorbitant
12 amount for the damage that was -- that she sustained in a property
13 damage collision. And so, therefore, it went to trial.

14 MR. SHARP: Okay. And what happened at the trial?

15 PROSPECTIVE JUROR 110: Oh, we were found liable, but for
16 not as much as the plaintiff desired.

17 MR. SHARP: Is there -- and does that experience affect
18 anything here today?

19 PROSPECTIVE JUROR 110: No, I've -- obviously, through my
20 career, I've been in civil trials regarding the department, regarding the
21 State. I've been on -- depositions for traffic accidents and things of that
22 nature, so.

23 MR. SHARP: I imagine if, do you -- have you served as an
24 expert witness in the past?

25 PROSPECTIVE JUROR 110: In criminal cases.

1 MR. SHARP: And do you -- so do you do that currently?
2 PROSPECTIVE JUROR 110: No. When I retired, I retired.
3 MR. SHARP: Good for you.
4 PROSPECTIVE JUROR 110: Yeah.
5 MR. SHARP: All right, well, thank you, sir.
6 PROSPECTIVE JUROR 110: All right.
7 MR. SHARP: I should also I say, thank you for your service.
8 And I'm glad you're in Nevada.
9 Mr. Tully?
10 PROSPECTIVE JUROR 118: Yes. Badge 1-1-8, Anthony Tully.
11 MR. SHARP: So, we were having the discussion to begin all
12 this with which way do you lean?
13 PROSPECTIVE JUROR 118: Yes.
14 MR. SHARP: Lawsuits don't really serve much of a purpose,
15 or lawsuits do serve a purpose?
16 PROSPECTIVE JUROR 118: Yeah, I have to agree that it
17 depends on the -- situation, the facts. There are plenty of, you know,
18 frivolous lawsuits that occur. You see companies or people file for
19 bankruptcy or being sued repeatedly for whatever. But the majority of
20 cases, I would say, do serve a purpose.
21 MR. SHARP: Okay, and do any come to mind? You had
22 mentioned some of the ones that are more extreme?
23 PROSPECTIVE JUROR 118: I mean, anywhere where
24 precedents could be set from whatever that may be, I believe those do
25 serve purposes, yeah.

1 MR. SHARP: Okay. And then tell me a little bit about your
2 job?

3 PROSPECTIVE JUROR 118: So, I am a fire protection
4 engineer designer for a company here in town. We do fire protection
5 and HVAC work.

6 MR. SHARP: Oh, okay.

7 PROSPECTIVE JUROR 118: I graduated in 2019 with a
8 mechanical engineering degree from UNLV.

9 MR. SHARP: Uh-huh.

10 PROSPECTIVE JUROR 118: And then just been working ever
11 since, yeah.

12 MR. SHARP: So, tell me the kind of things that you're
13 responsible for?

14 PROSPECTIVE JUROR 118: I do mostly design work through
15 3D modeling, CAD work, for fire suppression systems here in the Valley.
16 We work mostly on larger things like large casinos or warehouses, things
17 like that.

18 MR. SHARP: So, I imagine you've got to be pretty careful
19 with the type of work you're dealing with?

20 PROSPECTIVE JUROR 118: Yeah, yeah. Yes. Although
21 I don't have a license, I work under someone who does have a license,
22 who can be held liable for things that may be not done correctly.

23 MR. SHARP: Yeah, yeah. And what would kind of things
24 could happen if you didn't do your job correct?

25 PROSPECTIVE JUROR 118: Well, there'd be, you know,

1 improper mathematics or whatever, maybe that would cause a failure or
2 just simply since we also do the contract work on our side, any, you
3 know, stuff with financial things whether we're stealing, getting
4 kickbacks or stuff like that. You can lose a license, you can be sued,
5 you'd be held liable, both personally, as well as the corporation itself
6 could be held, yeah.

7 MR. SHARP: Can people be injured?

8 PROSPECTIVE JUROR 118: Yeah, especially, with fire
9 suppression systems. It's a life or death situation, so, yeah.

10 MR. SHARP: So, it's, I mean, you've got a very important
11 job.

12 PROSPECTIVE JUROR 118: Yeah, I believe so.

13 MR. SHARP: Let me ask you -- and go through my iPad.
14 I apologize, some of these and it's just like -- let me just stop for a
15 minute. Well, that's pretty funny, I have nothing else on that topic.
16 Sorry.

17 PROSPECTIVE JUROR 118: Thank you, no worries.

18 MR. SHARP: Thank you.

19 Mr. Desmond?

20 PROSPECTIVE JUROR 134: That's me.

21 MR. SHARP: As I'm sitting here and like looking at some of
22 the -- I'm going to ask you the question first about the job, then we'll get
23 back to the lawsuit. But, if that's okay?

24 PROSPECTIVE JUROR 134: Yes, and my number's 134.

25 MR. SHARP: Thank you. You're all doing a very good job at

1 that. I'm not doing a good job of making sure you have mentioned your
2 juror numbers. So, you are semi-retired, congratulations. What did you
3 do in --

4 PROSPECTIVE JUROR 134: Boring.

5 MR. SHARP: -- your full-time job? I mean, when -- before
6 you became semi-retired, what did you do full-time?

7 PROSPECTIVE JUROR 134: Well, sir, for most of my career
8 since graduate school, I've been a licensed landscape architect.

9 MR. SHARP: Uh-huh.

10 PROSPECTIVE JUROR 134: I was licensed in Massachusetts
11 and Utah. I've been licensed in Nevada for 20 years. I've worked in
12 Massachusetts, Utah, and Nevada and California. And -- that's what I do,
13 so.

14 MR. SHARP: And what kind of -- what kind of projects did
15 you work on?

16 PROSPECTIVE JUROR 134: All kinds. Developer-driven,
17 client-driven, like, you know, homeowners sometimes. But most of what
18 I do is public works types of stuff drive by like Clark County, for instance,
19 like real property management or an entity like that. Parks, recreation
20 facilities, trails, you know, some commercial development, some master-
21 planned communities, doing things like that as well.

22 MR. SHARP: Uh-huh.

23 PROSPECTIVE JUROR 134: Lots of interesting stuff, really.
24 Probably pretty much every aspect of the profession is something I've
25 worked in at one time or another.

1 MR. SHARP: So, have you brought in to any of -- I hear these
2 stories about construction defect cases, have you been brought into
3 these cases, and you didn't do -- when you didn't do anything wrong?

4 PROSPECTIVE JUROR 134: It's surprising, I've never been
5 taken to Court on anything. And I've never been brought in as an expert
6 witness in that. However, I was brought in as an expert witness on a
7 different matter that was related to that stuff, so.

8 MR. SHARP: And, well, yeah, tell me a little bit about that.

9 PROSPECTIVE JUROR 134: It was actually, it was a highway
10 patrol gentleman, who had a -- essentially, he was walking across a
11 planter bed at the DMV and he fell and broke his wrist. And because he
12 broke his wrist, he couldn't qualify for his range time or shooting or
13 whatever he had to do for his qualifying stuff. This was some years ago,
14 so I might not have it all down a hundred percent.

15 But, anyway, he was filing a lawsuit against the State of
16 Nevada for negligence in terms of their maintenance of the facility. And
17 I was brought in by him and his attorney team as part of their expert
18 witness against the State.

19 MR. SHARP: So, you were testifying for the injured man?

20 PROSPECTIVE JUROR 134: That's correct, yes.

21 MR. SHARP: Okay. And what did -- how did -- what did you
22 think of that? I mean, did you enjoy it, was it --

23 PROSPECTIVE JUROR 134: It was fine, yeah.

24 MR. SHARP: And did you -- have you done that since, have
25 you been --

1 PROSPECTIVE JUROR 134: No -- enough, you know, that
2 was it.

3 MR. SHARP: And then I take it you've done -- how many
4 employees did you have working for you?

5 PROSPECTIVE JUROR 134: At various times? I have one
6 now. I'm a one-man shop right now. So, it's -- but over years, I've had
7 many. I've been a president of a company, a general manager in a
8 construction company. I've had dozens of people under my supervision
9 at times.

10 MR. SHARP: So, in addition to doing just -- doing the
11 landscape architecture, you did -- general construction as well?

12 PROSPECTIVE JUROR 134: Yes, I worked for a company up
13 in Reno that was probably the largest landscape construction company
14 up in Reno. And they also had general architecture and engineering
15 construction licenses as well, so they could build pretty much anything,
16 and they did.

17 And then I also worked over in California for a large design-
18 build operation, also. They specialized mostly in parks, though.

19 MR. SHARP: And did -- do you remember the name of the
20 construction company that you worked for in Reno?

21 PROSPECTIVE JUROR 134: Yes, it was Moana Nursery.

22 MR. SHARP: Okay. It's been there a long time.

23 PROSPECTIVE JUROR 134: Yeah.

24 MR. SHARP: Okay, let's go to the -- to the -- well, let me ask
25 you this. If anything in the experience that we've talked a little bit, either

1 as an expert or a landscape architect that would affect your ability to be
2 fair and impartial in a case between Mrs. Eskew and Sierra Health and
3 Life?

4 PROSPECTIVE JUROR 134: I don't think there's anything that
5 would affect my ability.

6 MR. SHARP: Okay. So, back to the lawsuit question, the
7 initial question I'm dealing with, which way do you lean in terms of, too
8 many, you know, is it lawsuits don't serve much of a purpose, versus
9 they do serve a purpose?

10 PROSPECTIVE JUROR 134: Yeah, I mean, I work in an
11 industry where a lot of that goes on. I've not -- like I said, been subject to
12 that personally, but just part of the dispute resolution process, you know.
13 I mean, there's lots of avenues and this is one of them, and that's the
14 goal is to get a dispute resolved, so.

15 MR. SHARP: So, you're basically kind of agnostic. You
16 don't --

17 PROSPECTIVE JUROR 134: Yeah.

18 MR. SHARP: -- have a stake one way or the other?

19 PROSPECTIVE JUROR 134: That's correct, yeah.

20 MR. SHARP: And by the way, if I make these kind of like
21 leading questions, and you don't agree with me, just --

22 PROSPECTIVE JUROR 134: I would tell you straight up, yeah.

23 MR. SHARP: -- I appreciate that. You look like somebody
24 who would. Okay, I think that's all I have, thank you.

25 PROSPECTIVE JUROR 134: You're welcome.

1 Mr. Cook?

2 PROSPECTIVE JUROR 161: Yep, badge 1-6-1.

3 MR. SHARP: Okay. So, let me -- just for -- as I think I have,
4 well, let's see this because I'm going to have to scroll down. Oh, there
5 we go. You do IT work?

6 PROSPECTIVE JUROR 161: I do.

7 MR. SHARP: Can you tell us what you do?

8 PROSPECTIVE JUROR 161: I'm help desk and networking for
9 a company called Zarnowski [phonetic], that does, they build displays for
10 trade shows.

11 MR. SHARP: Oh, okay. So, like tell me how you, how you've
12 fit in to getting that --

13 PROSPECTIVE JUROR 161: So, if you have a problem with
14 your computer or if servers go down, then I fix it.

15 MR. SHARP: So, you're -- you're the guy I find in my office,
16 and it doesn't work --

17 PROSPECTIVE JUROR 161: Yeah, if your iPad's going slow.

18 MR. SHARP: -- yeah. Maybe I should have you look at it. So,
19 and what other kind of stuff do you do for that company?

20 PROSPECTIVE JUROR 161: That's about it. I do travel
21 between here and Vegas, St. George, and L.A. And I take care of offices
22 all over.

23 MR. SHARP: Oh, great. How many offices do you --

24 PROSPECTIVE JUROR 161: Three. Just -- yeah, one in each
25 city.

1 MR. SHARP: Do you supervise people as well?
2 PROSPECTIVE JUROR 161: I do not, no.
3 MR. SHARP: Okay. How long have you been doing this job?
4 PROSPECTIVE JUROR 161: A little over six months.
5 MR. SHARP: And in the course -- so did you ever get a
6 degree to do this job?
7 PROSPECTIVE JUROR 161: No.
8 MR. SHARP: Okay, how did you -- how did you get into this?
9 PROSPECTIVE JUROR 161: I was just at the right place, right
10 time. I was working restaurants and then talked to somebody.
11 MR. SHARP: Okay, it sounds like you enjoy your job?
12 PROSPECTIVE JUROR 161: I do, yeah, I love IT.
13 MR. SHARP: Now, one of the comments you made which
14 I'm just going to follow up on, now I lost my spot. But it was something
15 to the fact of you have issues with the healthcare system?
16 PROSPECTIVE JUROR 161: Yes.
17 MR. SHARP: Can you explain what you meant by that?
18 PROSPECTIVE JUROR 161: I think health care is a basic
19 human right. And it is, you know, it hurts to see people go into medical
20 debt for any reason, especially if it's outside your control.
21 MR. SHARP: Okay.
22 PROSPECTIVE JUROR 161: And I think it should be supplied
23 by the government.
24 MR. SHARP: And so, this is a dispute, I mean, obviously,
25 we're geared -- we're sitting here --

1 PROSPECTIVE JUROR 161: Right.

2 MR. SHARP: -- good, bad, or indifferent, we have a private
3 healthcare system --

4 PROSPECTIVE JUROR 161: Right.

5 MR. SHARP: -- with health insurance companies and --

6 PROSPECTIVE JUROR 161: Uh-huh.

7 MR. SHARP: -- private doctors. And we've got a dispute
8 between a private citizen and a private health insurance company.

9 PROSPECTIVE JUROR 161: Right.

10 MR. SHARP: So, is your view about the way health
11 insurance, or the healthcare system should work, does that affect your
12 ability to be fair and impartial in this case?

13 PROSPECTIVE JUROR 161: Truthfully, a little bit, yes.

14 MR. SHARP: Okay, tell me about that?

15 PROSPECTIVE JUROR 161: I think the insurance companies
16 have a major role to play in the costs of health care, and a lot of the
17 reason why medical debt exists.

18 MR. SHARP: Okay, and that's -- so, in this -- lawsuit, we're
19 not here about --

20 PROSPECTIVE JUROR 161: True.

21 MR. SHARP: -- healthcare debt. Nothing, I can tell you that
22 Mr. and Mrs. Eskew didn't end up in bankruptcy or anything like that.
23 And we're not really here about when you say costs --

24 PROSPECTIVE JUROR 161: Uh-huh.

25 MR. SHARP 161: -- well, first, let me just say that. Does that

1 kind of change your -- how does that impact your view?

2 PROSPECTIVE JUROR 161: A little bit.

3 MR. SHARP: Okay. And when you say health care costs,
4 what do you mean by that?

5 PROSPECTIVE JUROR 161: I just think the costs of health
6 care individually is astronomical in this country, especially compared to
7 others.

8 MR. SHARP: And so, there's kind of two components, and
9 I'm just going to break them down. Obviously, if you've got health
10 insurance --

11 PROSPECTIVE JUROR 161: Right, which is linked to your
12 employer. And I don't think your access to healthcare should be linked
13 to your employment status.

14 MR. SHARP: Okay. And so, are you talking about healthcare
15 costs in terms of a premium, for example, like your employer's paying,
16 or the costs --

17 PROSPECTIVE JUROR 161: Or both, or the uninsured, or,
18 yeah. It's all a mess.

19 MR. SHARP: So, it's -- part of it is the cost of premium?

20 PROSPECTIVE JUROR 161: Right.

21 MR. SHARP: The number of uninsureds?

22 PROSPECTIVE JUROR 161: Right, and the ability to deny
23 certain treatments to people based on --

24 MR. SHARP: Okay. Okay, so in this case, the -- you know,
25 we're dealing -- we're going to be dealing --

1 PROSPECTIVE JUROR 161: Yeah.

2 MR. SHARP: -- and obviously, I can only talk in generalities.
3 I mean, I can't -- we're talking about a health insurance contract at the
4 base, the root of this case.

5 PROSPECTIVE JUROR 161: Right.

6 MR. SHARP: And so, would you -- be able to basically apply
7 the evidence to the part which is the contract --

8 PROSPECTIVE JUROR 161: Absolutely.

9 MR. SHARP: -- fairly and impartially?

10 PROSPECTIVE JUROR 161: I like to think I'd be able to.

11 MR. SHARP: And we kind of go back to Mr. Gayles, who is
12 struggling -- I don't mean to put words in your mouth, but I'm just
13 commenting on your body language. So, you're kind of -- you know,
14 you're kind of struggling.

15 PROSPECTIVE JUROR 161: Right.

16 MR. SHARP: So, basically, the role here today is to be
17 honest.

18 PROSPECTIVE JUROR 161: Yeah, I mean, it's -- I don't like
19 the cherry pie, you know what I mean? So, it's --

20 MR. SHARP: So, you've got a bad taste in your mouth --

21 PROSPECTIVE JUROR 161: Right.

22 MR. SHARP: -- against insurance companies?

23 PROSPECTIVE JUROR 161: Right.

24 MR. SHARP: And would it be any way I could change that?

25 PROSPECTIVE JUROR 161: Not before the trial. Maybe over

1 time.

2 MR. SHARP: Okay, thank you for being honest.

3 PROSPECTIVE JUROR 161: Absolutely.

4 MR. SHARP: Mr. Selvester, it's --

5 PROSPECTIVE JUROR 164: Yeah, badge number 164.

6 MR. SHARP: And, okay, so let's start out with the lawsuit
7 question. Lawsuits really don't do much, versus lawsuits do, or do
8 something for society, which way do you kind of lean?

9 PROSPECTIVE JUROR 164: They do, do something for
10 society. They keep basically a check and balance of -- keep people's,
11 honest and also the companies. So, I think they do need to be here for
12 us.

13 MR. SHARP: Okay. And any examples you can think of?

14 PROSPECTIVE JUROR 164: No, I just -- well, mine was
15 through an -- car insurer -- or car company. Nissan had issues with their
16 transmissions. And I had a 2015 car, and in 2018, I had to replace the
17 transmission, and it cost me over -- \$3100. And it didn't fall underneath
18 their warranty.

19 MR. SHARP: So, that's kind of like an example.

20 PROSPECTIVE JUROR 164: An example, yeah. So, if it
21 wasn't for that lawsuit, then I'd have been out that money. And I got it
22 back through a class action lawsuit.

23 MR. SHARP: So, you were a beneficiary of a class action
24 lawsuit?

25 PROSPECTIVE JUROR 164: Correct.

1 MR. SHARP: And so, kind of like, you basically didn't get
2 what you bargained for at the factory, right?

3 PROSPECTIVE JUROR 164: Right, when I buy a brand-new
4 vehicle, I think it should last more than, you know, five years.

5 MR. SHARP: Fair enough. I can't argue with that. So, in this
6 case, given that experiences, could you be fair and impartial to both
7 sides?

8 PROSPECTIVE JUROR 164: I think I can.

9 MR. SHARP: Okay. Let's -- I mean, I probably have some
10 questions that -- sometimes, I'm going through those -- why don't you
11 tell us what you --

12 PROSPECTIVE JUROR 164: About my job?

13 MR. SHARP: -- what do you do for work?

14 PROSPECTIVE JUROR 164: I'm an assistant shift manager at
15 Santa Fe Station. I have about 35 people underneath me.

16 MR. SHARP: Oh, I'm sorry, I didn't --

17 PROSPECTIVE JUROR 164: I work at the Santa Fe Station as
18 an assistant slot shift manager. And I got 30 people that work
19 underneath me.

20 MR. SHARP: Oh, okay. How many years have you been
21 doing that job?

22 PROSPECTIVE JUROR 164: Manager's been two years,
23 supervisor at Mandalay was seven years. In the industry, about
24 25 years.

25 MR. SHARP: Wow. And how long, you're at Santa Fe now,

1 you said?

2 PROSPECTIVE JUROR 164: Yes.

3 MR. SHARP: How long have you been with the Santa Fe?

4 PROSPECTIVE JUROR 164: Well, I was -- with them before
5 the pandemic, and then I got laid off. And then hired back at Palace, and
6 then moved back over there, almost a year ago.

7 MR. SHARP: Oh. You've seen a lot develop in this town.
8 Let's see. Your mother was a labor and delivery nurse?

9 PROSPECTIVE JUROR 164: No.

10 PROSPECTIVE JUROR: That was my mother.

11 MR. SHARP: Oh, I'm sorry, it can go wrong. Sorry about
12 that, to both of you.

13 What did you do in the Army, sir?

14 PROSPECTIVE JUROR 164: I was a finance accounting
15 specialist.

16 MR. SHARP: And thank you for your service, as well. Thank
17 you, I don't have anything else at this time. I apologize for the -- falling
18 of my laptop which was --

19 PROSPECTIVE JUROR 164: One thing they could add as for
20 the Judge is that I found out that my employer only pays for three days
21 for jury duty.

22 THE COURT: Without payment from your employer, are you
23 able to sit as a juror?

24 PROSPECTIVE JUROR 164: No, because I'm a sole
25 proprietor.

1 THE COURT: Thank you.

2 MR. SHARP: Ms. Pleasant?

3 PROSPECTIVE JUROR 166: 1-6-6.

4 MR. SHARP: How are you today?

5 PROSPECTIVE JUROR 166: Fine.

6 MR. SHARP: Okay, so, where do you fall on this lawsuit
7 question?

8 PROSPECTIVE JUROR 166: I think they're necessary.

9 MR. SHARP: And any particular examples?

10 PROSPECTIVE JUROR 166: No, I don't have any specific
11 experience with it.

12 MR. SHARP: And as I recall from your talking about with the
13 Judge, you have some -- you, was it a dental office that you ran or am
14 I confusing you?

15 PROSPECTIVE JUROR 166: No, I was just in -- I did
16 databases for insurance industry.

17 MR. SHARP: Oh, okay. So, what did you do?

18 PROSPECTIVE JUROR 166: Just took care of the data. It
19 didn't have anything to do with their policies or their contracts or the
20 claims or anything.

21 MR. SHARP: So, give me an example of what kind of work
22 you were doing?

23 PROSPECTIVE JUROR 166: So, you buy an insurance policy,
24 and then I would give them the tools to keep track of that information to
25 send out bills, things like that.

1 MR. SHARP: Okay, so like some -- I mean, and who did you
2 work for?

3 PROSPECTIVE JUROR 166: Myself, I was self-employed.

4 MR. SHARP: Oh, wow. How long did you do this?

5 PROSPECTIVE JUROR 166: Thirty-five years.

6 MR. SHARP: Wow. So, and you were importing -- you were
7 creating databases for basically computer programs for --

8 PROSPECTIVE JUROR 166: Well, first, a specific company.
9 And then I worked for state insurance agencies where they could take,
10 keep track of the companies in their state and their book of business.

11 MR. SHARP: And who at the State would you then be
12 working with?

13 PROSPECTIVE JUROR 166: Every state has an insurance
14 institute, and that's who I worked for.

15 MR. SHARP: So, you would work for like the Nevada
16 Insurance Commissioner?

17 PROSPECTIVE JUROR 166: Right. And did --

18 MR. SHARP: But they weren't our client. So, what kind of
19 client -- and if did you operate the business in Las Vegas only or --

20 PROSPECTIVE JUROR 166: No, I worked in Washington.

21 MR. SHARP: Washington. Okay, so did you -- how is it that
22 you got --

23 PROSPECTIVE JUROR 166: Retired now, yeah.

24 MR. SHARP: And is it that you got the relationship with the
25 industry of health care?

1 PROSPECTIVE JUROR 166: I don't have a relationship with
2 them.

3 MR. SHARP: But you were doing -- well, oh, no, for
4 insurance industry?

5 PROSPECTIVE JUROR 166: Insurance companies in general.
6 Not a specific company.

7 MR. SHARP: Got it. So, what -- I'm sorry, what insurance
8 companies did you work for?

9 PROSPECTIVE JUROR 166: I started out in high school
10 working for State Farm Insurance in their office. And that's how
11 I learned how to -- learned about insurance. And I took classes in
12 insurance.

13 MR. SHARP: And did you get any licenses in insurance?

14 PROSPECTIVE JUROR 166: [No audible response].

15 MR. SHARP: And so these data bases, who would they, what
16 type of insurance companies would you be working for?

17 PROSPECTIVE JUROR 166: Property casualty mostly.

18 MR. SHARP: Uh-huh. And you say mostly, any other types?

19 PROSPECTIVE JUROR 166: I didn't work on what they
20 insured. I only worked on giving them the tools to do the job. So,
21 I didn't have any specifics on that.

22 MR. SHARP: So, you didn't like, I -- and I appreciate is how
23 you weren't making decisions about what was covered or not covered?

24 PROSPECTIVE JUROR 166: No, no idea.

25 MR. SHARP: You would be given like a parameter of this is

1 what we need and --

2 PROSPECTIVE JUROR 166: We need a report based on how
3 many people buy this insurance and, you know, give them numbers.
4 That was it.

5 MR. SHARP: That was it. And you would -- did you set tasks,
6 in any way, with analyzing those numbers?

7 PROSPECTIVE JUROR 166: No. Just doing it in the format
8 that they could read it.

9 MR. SHARP: And how long did you work with the insurance
10 industry in this kind of work?

11 PROSPECTIVE JUROR 166: Probably 20 years.

12 MR. SHARP: So is that -- I mean, is this something that if you
13 were Sandra Eskew, would you be concerned of somebody like you with
14 20 years of experience in the insurance industry judging her case against
15 an insurance company?

16 PROSPECTIVE JUROR 166: That wouldn't be why.

17 MR. SHARP: What's that?

18 PROSPECTIVE JUROR 166: That wouldn't be why.

19 MR. SHARP: And why is that?

20 PROSPECTIVE JUROR 166: I have other experiences with
21 insurance companies.

22 MR. SHARP: Okay. Why don't you tell us those?

23 PROSPECTIVE JUROR 166: Yes. My daughter had cancer.

24 MR. SHARP: And I'm so sorry for that.

25 PROSPECTIVE JUROR 166: And her husband's employer had

1 an HMO, and they wouldn't even cover some of her diagnostic testing.
2 And so the family chipped in to help her. And she had to actually go
3 somewhere where she wasn't covered to get help.

4 MR. SHARP: And so -- and it -- I don't mean to pry because, I
5 mean, obviously, it's emotional. What kind of cancer did she have?

6 PROSPECTIVE JUROR 166: Colorectal.

7 MR. SHARP: And can you tell me a little bit about treatment
8 that was not --

9 PROSPECTIVE JUROR 166: She --

10 MR. SHARP: -- what was being denied?

11 PROSPECTIVE JUROR 166: Well, certain of her diagnostic
12 tests they said weren't necessary, although, the cardiac specialist -- or
13 the oncologist said that she needed them. I don't know specifically. She
14 was in Washington. I was here. So I got it secondhand. But I know that
15 we had to raise a lot of money so that she could do the things that her
16 oncologist wanted to have done.

17 MR. SHARP: So she ultimately -- she was able -- she had to
18 get a fund in order to pay for the care?

19 PROSPECTIVE JUROR 166: Yeah.

20 MR. SHARP: Were you involved, at all, in dealing with the
21 insurance company --

22 PROSPECTIVE JUROR 166: She was.

23 MR. SHARP: -- over the denial? So, I mean, you know, this
24 case involves an insurance company and family -- or Mrs. Eskew -- and
25 one of the issues is a denial of a what they call a "prior-authorization

1 claim". So given your life experience -- one hand, you've been with the
2 insurance industry for a long time, the other hand, you had this
3 experience -- can you be fair and impartial to both sides?

4 PROSPECTIVE JUROR 166: No, I don't think so.

5 MR. SHARP: Okay. Is it --

6 PROSPECTIVE JUROR 166: Not after listening to
7 other -- everybody, I -- I don't think so.

8 MR. SHARP: So you just -- I mean, do you believe that you
9 just are not the right fit for this jury?

10 PROSPECTIVE JUROR 166: Yeah.

11 MR. SHARP: Okay. I thank you for being honest.

12 Mr. Padres, how are you today?

13 PROSPECTIVE JUROR 193: Yes. 193.

14 MR. SHARP: So I'm going to start off with the lawsuit
15 question. How is it -- you know, which way do you lean, if at all, lawsuits
16 aren't really -- don't really do much versus lawsuits are good for the
17 public?

18 PROSPECTIVE JUROR 193: I think lawsuits sort of serve a
19 purpose. I think I would lean that -- that way, but -- but, again, it would
20 be based on the individual facts of the case.

21 MR. SHARP: Sure. I appreciate that. And what do you do?
22 Like, what -- tell us a little bit about your job?

23 PROSPECTIVE JUROR 193: So currently I'm a vice president
24 with Palo Alto. It sells network hardware and services. And so I run the
25 consulting arm. But I got that position because Palo Alto bought my

1 company in 2020 so I was a CEO and about 300 people.

2 MR. SHARP: Wow. And what kind of work -- what kind of
3 business did you create?

4 PROSPECTIVE JUROR 193: Computer security, consulting,
5 like, a company experiences ransomware and they're trying to figure out
6 should they pay the ransom --

7 MR. SHARP: Oh, yeah.

8 PROSPECTIVE JUROR 193: -- you know, how to recover,
9 how did it happen, who did it.

10 MR. SHARP: Wow. And so -- and did you create this
11 business in Las Vegas?

12 PROSPECTIVE JUROR 193: No. McLean, Virginia. So
13 moved out here last year.

14 MR. SHARP: And you created a business. You sold it. Is
15 that -- am I getting that right?

16 PROSPECTIVE JUROR 193: So I didn't create the business. I
17 was hired to run the business --

18 MR. SHARP: Got it. Okay. And you had 300 people that you
19 were supervising. What kind of things did they -- did they do -- did you
20 have to supervise?

21 PROSPECTIVE JUROR 193: Most of them are consultants so
22 going out and looking at computer systems, investigating, find out what
23 happened, writing reports.

24 MR. SHARP: And so through that, you would deal with -- and
25 obviously, deal with insurance companies on cyber security type claims?

1 PROSPECTIVE JUROR 193: Yeah. So I've been in the field
2 about 35 years, but only recently got into taking cases from insurance
3 with the company starting in, like, 2017.

4 MR. SHARP: And when you say taking the case, what do you
5 mean by that?

6 PROSPECTIVE JUROR 193: So we get referrals from a claims
7 departments that have cyber insurance. You have cyber insurance. You
8 call your insurance company. And they have panels typically of 10 or 15
9 companies that they can send those claims to or send their insureds
10 to -- to help them investigate. And then we have negotiated rates with
11 the insurance.

12 MR. SHARP: So what do you -- so I -- if I'm a business -- if
13 I'm -- if my business has a cybersecurity breach, I file a claim and they
14 send me to you, what do you -- what is it you're doing for me and what
15 is it you're doing for the insurance company?

16 PROSPECTIVE JUROR 193: Ultimately, we're solving your
17 problem. So it's a lot like an auto body shop, right? Like, you call your
18 insurance company, and they say go to Bob's, because we have
19 negotiated rates. I mean, it's also like medical insurance too, because
20 you can -- you can decide to go find your own provider. The insurance
21 may or may not cover it or may only cover part of it.

22 So not everybody that comes to us is doing so because they
23 have insurance. Sometimes even have insurance and they're going
24 against what the insurance company pointed them in the direction, but
25 maybe they have a relationship with us. Usually, it's like a pre-existing

1 relationship, but they still want us to handle the issue.

2 There's a lot of different parties involved. Not -- in fact, most
3 of the time that we get work, that is because their insured, it's not
4 necessarily the insurance company making the decision to send us. It's a
5 lot of times the law firms because the law firms are the first ones to sort
6 of -- in -- in many of the cases, to -- to start consulting with the victims.
7 And then -- then there's a -- there's a education process of, well, you
8 really need to bring in some experts to help you with this. And -- and we
9 have a relationship with this firm. So it's -- it's kind of a three party, with
10 the victim, themselves, the insurance company, and the law firm, that
11 ultimately decide to bring us in.

12 MR. SHARP: So you're kind of, like -- if this put words -- puts
13 words in your mouth, let me know -- but it seems like you're kind of
14 working on behalf of all -- both the victim, who's got a lawyer, and then
15 the insurance company, who's got the insured risk?

16 PROSPECTIVE JUROR 193: Ultimately, when we get
17 engaged, we are -- it's, like, a three party. So we're working for the
18 victim, but also at the direction of counsel. So everything we do is for
19 the victim. We're not going to do anything -- even if the insurance
20 company says to us, we want you to do this, we don't want you to do
21 this, we're going to work with the victim and take advice from counsel.
22 And we may disagree. And we don't have to agree, because we don't
23 have any agreement about what we're going to do. Just we have
24 negotiated rates.

25 Now, over time, if our company is higher priced, then

1 another company might lose our slot on the panel or they might get mad
2 at us in a certain case, where we think it's going to cost X amount at the
3 beginning. And it ultimately is 5X or something. But they don't actually
4 influence our work, once we're engaged. They just kind of point
5 it -- point it to us.

6 MR. SHARP: So you're kind of, like -- I mean, your client is
7 the victim, regardless of what the insurance company says to you,
8 sounds like?

9 PROSPECTIVE JUROR 193: Exactly. We're going to do what
10 we need to help the client.

11 MR. SHARP: So it seem -- is it just kind of -- it's kind of a way
12 of drawing business to you, like --

13 PROSPECTIVE JUROR 193: Exactly.

14 MR. SHARP: So if I came through -- like, I -- let's say my law
15 firm has a cybersecurity problem, I could find you independently,
16 through referrals --

17 PROSPECTIVE JUROR 193: Uh-huh.

18 MR. SHARP: -- or what have you? Or I could find you
19 through the insurance company?

20 PROSPECTIVE JUROR 193: Right.

21 MR. SHARP: Either way, you're going to do the same service
22 for me?

23 PROSPECTIVE JUROR 193: Correct. Or you -- or, again,
24 the -- the other part is, or you might hire counsel that specialize in that
25 area, and they may bring us in.

1 MR. SHARP: Yeah, I got -- yeah. And I see that. Okay. All
2 right. Anything about that that would -- about your experience with the
3 insurance industry, would affect your ability to be fair and impartial?

4 PROSPECTIVE JUROR 193: No.

5 MR. SHARP: Okay. Thank you. So one of the things
6 that -- I'm going to turn to next -- and this is -- this is semi a group
7 discussion, so like if you have -- these aren't like I was going around
8 asking individual questions. This is more or less kind of a group
9 discussion. I may pick up -- follow up with some of you, but if you have
10 a feeling, just raise your hand. And then we'll have somebody over here
11 writing your name down and we'll be able to come back and ask you
12 questions.

13 So what I want to talk about is damages. Is basically what is
14 the harms and losses that are created by somebody's wrongful conduct.
15 And obviously, I mean, you'll hear the evidence, as to whether or not
16 UnitedHealthcare did anything wrong and caused any injury. I'm not
17 here to debate about that or talk about that.

18 I'm just here to talk about concepts. So the first kind of -- and
19 it all boils down -- I'll ask you -- it all boils down to money. We're in a
20 civil situation and it all boils down to money. At the end of the day, you
21 have to decide whether or not to award money or to award no money.
22 To -- you know, and how much.

23 So the first type of damages are what they call "economic
24 losses". You know, the -- they couldn't go to work. I lost money at
25 work. I couldn't do my job in the future. So because of that, I lost, you

1 know, millions of dollars or whatever it is. And that's, you know, a semi
2 easily calculated number. You've been working and this is how
3 many -- this is how many months you've been off or years you've been
4 off. It's all -- it's all calculable.

5 Then there's another kind of damage that's called -- I mean,
6 the law refers to in a weird way -- it's called "general damages". It's kind
7 of a weird terminology, but basically, it's for the stuff that we live for.
8 You know, the absence of pain in your life. The absence of mental
9 suffering in your life. The enjoyment of your life. Those kind of things.
10 In the absence of anxiety. The absence of emotional distress. So you
11 kind of have an idea.

12 And some people think, you know, look, I get in a lawsuit
13 why you would be able to recover economic damages, but I don't get
14 why you would be able to recover these general damages. So does
15 anybody have a feeling, like, as I'm sitting here, in any way, that I just
16 don't -- I kind of have a bad taste in my mouth, when it comes to this
17 concept of pain and suffering damages?

18 Okay. So looks like everybody is on the -- nobody really has
19 a problem with that concept. And so in this particular case, at the end of
20 the -- at the end of the trial, we will ask for an amount of money. And the
21 law doesn't say you have to accept the amount we're proposing. It gives
22 you the discretion, as jurors, to assess damages.

23 But what I'm trying to figure out is, does anybody have, like,
24 in their mind, an amount of money that I can't -- you know, for this pain
25 and suffering, these general damages, there's no way I could award that

1 amount? And let me just give you an example. If we were to come in
2 and say, we're going to ask for \$15 million. Is there anybody here who
3 would say, that's just too much money?

4 Okay. Mr. --

5 PROSPECTIVE JUROR 078: Badaloni, badge --

6 MR. SHARP: -- Badaloni.

7 PROSPECTIVE JUROR 078: -- 078.

8 THE COURT: What's the number? What's your number?

9 MR. SHARP: Juror number, please?

10 PROSPECTIVE JUROR 078: 078.

11 THE COURT: 078.

12 MR. SHARP: And so tell me about that?

13 PROSPECTIVE JUROR 078: It's excessive.

14 MR. SHARP: Okay. And you -- and you have that opinion
15 without hearing any evidence in the case?

16 PROSPECTIVE JUROR 078: I think awarding somebody \$50
17 million is excessive.

18 MR. SHARP: Well, and I -- sir, I said 15, but 50, 15, it doesn't
19 really -- it doesn't sound like that matters much to you?

20 PROSPECTIVE JUROR 078: It -- it just sort of depends. How
21 can put a price on something?

22 MR. SHARP: Well, and that's -- I mean, that's -- that's
23 understandable, because obviously we can't bring things back. I mean, if
24 I broke somebody's leg -- and they broke their leg, I can't go back in time
25 and void that or, you know -- but the only way we have to transfer

1 responsibility and accountability is through money. Do you see what I'm
2 saying?

3 PROSPECTIVE JUROR 078: Yeah.

4 MR. SHARP: So in light of that, I mean, you just said 50
5 million, 15 million is excessive. Tell me a little bit about that?

6 PROSPECTIVE JUROR 078: I mean, I can understand a
7 person going through pain. I've been through a lot of pain in my life. I
8 think everybody goes through it. Loss is -- is hard. Deep. It's emotional.
9 Putting a -- a price tag on it, I think that -- that's even more difficult. I
10 mean, how much money do you need to live the rest of your life
11 comfortably. Right? How much are they going to award you based
12 upon, say, the breadwinner that was bringing home the bacon, you
13 know. It's -- you know, and now he's not there.

14 So how do you compensate for that? I mean, I can
15 understand that to a degree, but putting a -- saying somebody -- we want
16 \$50 million for damages, to -- to me, would seem excessive. \$15 million
17 would be somewhat acceptable, depending on the circumstances.

18 MR. SHARP: So basically, the idea is it had -- it leaves a bad
19 taste in your mouth? Whether I say 15 or 50, it leaves kind of a bad taste
20 in your mouth?

21 PROSPECTIVE JUROR 078: It would to a degree. Yes.

22 MR. SHARP: Well, I mean, to any degree, right?

23 PROSPECTIVE JUROR 078: Well, no. I mean, if -- if I lost my
24 life when I was working for the larger alarm company. I was there for 27
25 years. I -- I would -- I had enough life insurance to compensate my wife

1 to last her for the rest of her life. At least, what I would expect her life to
2 be, as well as my kids, at the time. I made sure that I took care of that.
3 And my company matched whatever I did. So I know that they were well
4 taken care of.

5 If I suffered injury or something like that, that would prevent
6 me from doing my job, while I was on the job, and I could no longer do
7 it, I had insurance to cover that as well. And -- but it wasn't excessive. It
8 was what I thought was fair. You know, --

9 MR. SHARP: Okay. So let me just kind of follow up on that,
10 because we're not -- when we talk about how much money is being
11 awarded in damages, the judge will instruct you on this, we don't take
12 into account insurance. I mean, obviously, in this case, we have a
13 Defendant who is an insurance company. We have a dispute with an
14 insurance company. But when it comes to the amount that's awarded,
15 we don't -- the judge will tell you, it is -- you don't take insurance into
16 account.

17 So let me -- with that in mind, let me just kind of follow up on
18 that, because I'm just exploring this issue of your views on damages
19 generally. And it sounds like just it leaves you with a bad taste in your
20 mouth.

21 PROSPECTIVE JUROR 078: Uh-huh.

22 MR. SHARP: Is that fair?

23 PROSPECTIVE JUROR 078: Yeah. It's -- I mean, the easiest
24 way that I could put it is, if -- if I did something wrong, that based upon
25 the law I should pay for that wrongdoing, right, if I killed somebody, I'd

1 go to jail for the rest of my life, or put me in the electric chair, or
2 whatever the death sentence thing is now. Right? And that's acceptable
3 under the law.

4 Now, if, say, I -- I was responsible for somebody's death,
5 from a backdoor point of view, if the insurance company denied, say, a
6 test that would have saved somebody's life, then they have to pay for
7 those damages. Now, when you -- when you think about the
8 compensation for that, that's where you'd have to look at -- at the
9 guy's -- what his life experience would have been. That type of thing.
10 What would he have made to keep his family comfortable. Keep himself
11 comfortable. Going into retirement, up until the day of his natural death.

12 I don't know. It just -- but -- but punishing a company just by
13 fining them and allowing them to continue to go and do what they did
14 before, I don't think is enough. And I think you should go for further, you
15 know. Change the laws. Whatever the case may be, but, you know,
16 giving somebody \$50 million because, you know, somebody else did
17 something wrong, it just -- I don't know.

18 MR. SHARP: Seems -- I mean, in your words, kind of seems
19 absurd or frivolous. Is that -- is that right?

20 PROSPECTIVE JUROR 078: Well, like I said, it depends on
21 the lawsuit.

22 MR. SHARP: Okay.

23 PROSPECTIVE JUROR 078: There are frivolous lawsuits out
24 there.

25 MR. SHARP: Sure. What I'm getting back to -- because I'm

1 not here to advocate that -- to advocate my client's position. And I hope
2 you appreciate that. I'm just here to learn about you all. To figure out if
3 this is -- for you to all figure out, if this jury is the right fit for you.

4 PROSPECTIVE JUROR 078: Uh-huh.

5 MR. SHARP: And so when I was -- started this is, is there an
6 amount that you could never award? And yours seems like 50 million is
7 just something, no matter what the evidence showed, is just not
8 something you're going to award?

9 PROSPECTIVE JUROR 078: Probably.

10 MR. SHARP: And no matter what I told you or what the
11 judge told you, I mean, that's a view that you hold?

12 PROSPECTIVE JUROR 078: Yes.

13 MR. SHARP: And it's a view you strongly hold?

14 PROSPECTIVE JUROR 078: One more time?

15 MR. SHARP: It's a -- it's a -- it seems like a strong view that
16 you have?

17 PROSPECTIVE JUROR 078: It -- it's very strong. Yes.

18 MR. SHARP: And so in that context, when I was talking
19 about this concept of bias of the cherry pie, I mean, on this one issue of
20 damages, you have a bad taste in your mouth about, you know, my
21 case -- \$50 million in damages?

22 PROSPECTIVE JUROR 078: Yeah, but I like cherry pie.

23 MR. SHARP: So this one point, if we're not on a -- on a -- you
24 know, we're getting ready to start a race on this one issue, my client
25 is -- Sandra Eskew is a little bit behind UnitedHealthcare; is that right?

1 PROSPECTIVE JUROR 078: No. No. I'm still -- the only thing
2 that would -- that you and I may disagree on is the amount of damages.
3 Whether somebody is responsible for the death of somebody else, or
4 they're responsible for damages, that's a totally different thing.

5 MR. SHARP: Well, and I appreciate that. But you're nodding
6 your head as you -- as you then sought -- and then -- and then you said,
7 no. So I want to just kind of explore this issue. Because it's not -- I
8 mean, it's not my -- whether you disagree with me is not the point. The
9 point is, without hearing any evidence, no matter what the evidence is, in
10 this particular instance, you couldn't award \$50 million in this case or
11 any other case?

12 PROSPECTIVE JUROR 078: Not to any one individual. No.

13 MR. SHARP: Okay. And so on that one issue of damages,
14 you have a preconception of that puts Sandra Eskew just a little bit
15 behind UnitedHealthcare?

16 PROSPECTIVE JUROR 078: If that's what you were asking
17 for, then probably, yes.

18 MR. SHARP: Okay. Thank you. Can you hear me when I get
19 this far away?

20 THE CLERK: So I'm having a little harder time, but it's --

21 MR. SHARP: Okay. Ms. Peters, you had raised your hand.
22 So -tell me what --

23 THE COURT: Which number?

24 MR. SHARP: -- you think?

25 PROSPECTIVE JUROR 079: 079.

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR 079: I probably shouldn't have raised
3 my hand [indiscernible] just came up. I think that -- because I need to
4 back it up. So it's more of a personal matter for me, with something
5 going on in my life that just -- I don't think you can put a number on it.
6 Whether it's 50 million or 15, and I don't want to discredit anyone's
7 feelings, but you just can't put a number on it. I don't know. So --

8 MR. SHARP: Well, and I -- and, you know, look, I've -- we're
9 all here to be honest. So don't feel like you're, you know, hurting
10 anybody's feelings or anything like that. I mean, it's your -- it's your job
11 to talk and we appreciate that. So I'm just going to kind of explore it.

12 When you said, I couldn't award that amount. And you
13 raised your hand. I mean, I'm just trying to figure out what you meant?

14 PROSPECTIVE JUROR 079: I just heard -- yeah, there's pain
15 and suffering. I have, like I said, a personal issue with my father right
16 now that I've been dealing with for five years and taking care of him.
17 And I have a lot of anxiety and, you know, depression, and all these
18 things because of it, but when he goes, I can't put a number on his life
19 and expect -- I'm not going to be in a lawsuit, but I just when you say an
20 amount of money it's, like, how can we get that number. I don't know.
21 It's hard to explain where I'm coming from.

22 And do I think your client and the insurance company
23 are -- you know, they're still at the same start at the race. It's, like, not
24 putting anyone ahead of anyone. I just -- it's hard to put a number on
25 someone's life.

1 MR. SHARP: Well, and I appreciate --

2 PROSPECTIVE JUROR 079: [Indiscernible]--

3 MR. SHARP: -- that. And it's -- I mean, that's a different issue
4 because I think anybody would agree. I mean, I would agree that -- I
5 mean, how do -- you know, pricing life or pricing suffering, loss of
6 enjoyment of life. I mean, it's, you know, it seems untoward because we
7 are pricing it in money. That's the only thing we can do.

8 And so I appreciate that, but really what we're -- what I'm
9 saying is, you'll be instructed at this end of this case on what things you
10 look -- you know, how you apply your judgment for pain and suffering,
11 mental distress. It ultimately is going to be your judgment using your
12 common sense. But the bigger issue is, is there a -- is there a number in
13 mind that you just can't go over?

14 PROSPECTIVE JUROR 079: No.

15 MR. SHARP: So when you --

16 PROSPECTIVE JUROR 079: I don't think so.

17 MR. SHARP: All right. So when I said 15 million, you raised
18 your hand, as have -- I just -- I just need to know was that a --

19 PROSPECTIVE JUROR 079: I guess I need to hear the facts
20 and -- I don't -- I don't know the facts and what happened exactly.

21 MR. SHARP: Sure, sure. Nobody knows any -- and
22 nobody -- well, I know the facts, but -- and our table know the facts, but
23 of course you don't know the fact because we're just here learning
24 information. But I get the sense that you're conflicted. I'm just watching
25 your body language.

1 PROSPECTIVE JUROR 079: Yeah, a little bit.

2 MR. SHARP: And can you tell me a little bit about how
3 you're feeling conflicted?

4 PROSPECTIVE JUROR 079: I don't know. I just -- I don't
5 know how to explain my feelings.

6 MR. SHARP: Okay. That's fair. And I don't want to get into
7 what your father is going through. That sounds horrible. But given that
8 experience, does it -- does it feel to you like this is just the type of jury
9 you may not be a right -- the right fit for?

10 PROSPECTIVE JUROR 079: Uh-huh. Yes.

11 MR. SHARP: And that you'd be a good fit for another jury,
12 but not this one?

13 PROSPECTIVE JUROR 079: Correct.

14 MR. SHARP: Thank you.

15 PROSPECTIVE JUROR 079: Uh-huh. You're welcome.

16 MR. SHARP: Did anybody -- I don't -- did any -- I think there
17 was only two people who raised their hand, but I could be wrong.

18 So the next thing I want to talk about is in a lawsuit there's
19 three things that the person bringing the lawsuit has to prove. And the
20 first one is, we have to prove that the insurance -- that in this case, the
21 insurance company did something wrong. And the second thing we
22 have to prove is, that the insurance company caused an injury and then
23 caused damage. So injury and damage are kind of similar.

24 But in the law, you don't have to show, under the law, that
25 your injury was the sole cause of the wrongdoer's conduct. Does

1 anybody, with just that concept, bother them?

2 And so, you know, if you can -- you can envision -- I can't
3 really think of a very good example right now, but you can have two
4 events causing the same injury. And if somebody did it wrongfully,
5 they'd pay the price for that full injury. I don't know if that makes sense.

6 But does that concept bother anybody? Like, no, that just
7 doesn't seem fair. It bugs me without hearing any of the evidence. Yes.

8 PROSPECTIVE JUROR 118: I'm sorry. Can you state the
9 question again?

10 THE COURT: What's your badge number?

11 PROSPECTIVE JUROR 118: Oh, 118.

12 MR. SHARP: That was a bad question. So let me see if I can
13 give an example that may seem extreme. Let's say I'm coming back,
14 leaving the courtroom and I'm going through a stop sign and I'm in the
15 intersection. I should be in the intersection and simultaneously two
16 people hit me. Just one of those freak things. And what the law would
17 say is, that both people are responsible, regardless of how that
18 happened.

19 So I'm just trying to get if that bugs you. Do you
20 understand? Did I -- hopefully I explained it a little bit.

21 PROSPECTIVE JUROR 118: Yeah.

22 MR. SHARP: Thank you. Okay. So the next type of damage
23 that you may be asked to pass upon is a --

24 THE COURT: Is someone's phone ringing?

25 PROSPECTIVE JUROR: I'm so sorry.

1 MR. SHARP: That's okay. That's okay.

2 PROSPECTIVE JUROR 118: I'll turn it off. I thought it was.
3 So sorry.

4 MR. SHARP: So there's another type of damage, I talked
5 about, was called -- I think the law calls it compensatory damages,
6 meaning, to compensate, to make whole. And that's one kind of
7 damage. And we talked about that. Pain and suffering.

8 The other type of damage is called punitive damages.
9 Anybody heard of punitive damages?

10 Some of you are nodding your head. Basically, the concept
11 of punitive damages is to punish the wrongdoer for their conduct. And
12 it's -- there's legal standards of how one gets to that point. And it's a
13 high standard.

14 Does anybody have, just on the face of it, an idea that
15 punitive damages just that doesn't make sense? Punishing somebody
16 for what they did to one person.

17 Now, yeah. Yeah.

18 PROSPECTIVE JUROR 020: 020. Juror 020. I think
19 the -- everything that the -- like, punitive damage you're saying?

20 MR. SHARP: Yes.

21 PROSPECTIVE JUROR 020: Which is -- should be, like,
22 [indiscernible]. I understand it's an amount of money.

23 MR. SHARP: Yes.

24 PROSPECTIVE JUROR 020: I think it's -- or I believe that it
25 should also be directed to have a positive effect, not just to punish the

1 company, but also to change the law to make it so that the company
2 does something not to keep doing the same thing wrong over and over.
3 So if -- if the only thing that is going to be -- the -- the only -- only thing
4 that they're going to have is to pay money to fix a problem. I'd rather
5 have fixed problem.

6 MR. SHARP: Okay. So let me kind of give you a little bit
7 more information. Punitive damages are designed to punish and deter.
8 Do you understand so far?

9 But it comes back to the same thing. I mean, you -- the civil
10 justice system can only award money. That's it. We're not, you
11 know -- so does that add anything to it?

12 PROSPECTIVE JUROR 020: Now -- now that you're saying
13 that, if the punitive damages is also -- if there's a change on the -- on
14 the -- so, like, if -- if the company -- if -- if the company gets a slap on the
15 hand, right, and say okay you're going to pay this much money, but then
16 the company doesn't do anything about that. And then they do it again
17 and again, it's another slap on the hand. And say, okay, you can do it
18 again or try not to do it again, but there's nothing [indiscernible] say
19 okay. After this many times or after the first time, you should do
20 something about it, so it doesn't happen again. That's all.

21 MR. SHARP: Okay. So I understand. We had -- does
22 anybody -- after Mr. Gutierrez talk, does anybody have any feelings they
23 want to talk about with regard to punitive damages?

24 That's how you, sir -- you'd agree?

25 PROSPECTIVE JUROR 118: Yeah.

1 MR. SHARP: Mr. Tully.

2 PROSPECTIVE JUROR 118: Yeah, I mean, my badge 118. I
3 raised my hand, but I'd like to rescind that. I do believe in punitive
4 damages. I just believe they should be appropriate. That's all.

5 MR. SHARP: Sure. And that's the next thing I was going to
6 get in. It's the same question I had with the concept of general damages.
7 And basically, without hearing any evidence, is there a number that you
8 have in mind that you couldn't go past, no matter the evidence? So for
9 example, if we asked, say, \$50 million, is there anybody here who would
10 say, no, that's just too much money for punitive damages. You
11 know -- you know, without hearing any evidence. It's just too much.
12 Anybody? Yes.

13 PROSPECTIVE JUROR 118: 118, again. Not for that question.
14 This is -- yeah.

15 MR. SHARP: There's another concept that I want to just talk
16 about in relation to this whole issue of causation. Remember I said you
17 first have to prove somebody did something wrong that caused injury.
18 And has anybody heard of the concept of individual susceptibility?

19 So let me kind of explain this. Some of the other cases we
20 do involve asbestos. And basically the background is asbestos, no
21 matter -- no matter the amount you take in, is considered harmful. But
22 you could have two construction workers working every day side-by-side
23 being exposed to the same amount of asbestos at the job. One doesn't
24 get asbestos, one does. So that's what I talk about individual
25 susceptibility. For whatever reason, this person who got it was more

1 susceptible to asbestos.

2 And so does anybody have a problem with the concept if a
3 person, who has individual susceptibility to injury, being able to seek
4 compensation?

5 Okay. Couple of general questions. Can anybody -- anybody
6 who is -- been an officer, or a leader in an organization, whether it's a
7 business oriented organization, a non-profit, a church -- anybody been
8 involved as a leader?

9 Yes, sir. Well, let me -- everybody raise their hand. We'll get
10 y'all.

11 Okay. I saw you, Mr. Desmond, raise your hand first.

12 PROSPECTIVE JUROR 134: Yes.

13 MR. SHARP: So tell me what type of organization you were
14 involved in or are involved in?

15 PROSPECTIVE JUROR 134: So I don't know if this is what
16 you're looking for or not --

17 THE COURT: Well, hold on. What's your badge number?

18 PROSPECTIVE JUROR 134: Oh, I'm sorry, 134.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR 134: So I'm not sure whether this is
21 what you're looking for or not, but over the years I was -- landscape
22 architects have a national and state chapters for society, which is the
23 American Society of Landscape Architects. And for some years -- about
24 six years, I think it was -- over in Utah, I was on the board of directors for
25 that. And I was the president of the Utah chapter of the American

1 Society of Landscape Architects.

2 I was also, when I lived in Reno, I was on the Recreation and
3 Parks Commission, and I was a two-term chair of that.

4 And I was also a founding member of Political Action
5 Committee.

6 MR. SHARP: And what Political Action Committee?

7 PROSPECTIVE JUROR 134: It was Parks and Recreation
8 oriented. It was to try and help get a bill passed that would fund
9 development of the new recreation center.

10 MR. SHARP: And what -- was that -- was this in Nevada?

11 PROSPECTIVE JUROR 134: That was up in Reno as well.
12 Yes.

13 MR. SHARP: Oh, really?

14 PROSPECTIVE JUROR 134: Yes.

15 MR. SHARP: And when was that?

16 PROSPECTIVE JUROR 134: That was back in, I believe, the
17 early 2000s, 2002 maybe, something in that range.

18 MR. SHARP: Interesting. What was -- what was the success
19 or --

20 PROSPECTIVE JUROR 134: It was unsuccessful.

21 MR. SHARP: Too bad. So you were out raising political
22 money --

23 PROSPECTIVE JUROR 134: Yeah. We tried. We -- you know,
24 it was a -- it didn't get it in.

25 MR. SHARP: What were you trying to do?

1 PROSPECTIVE JUROR 134: Get the bill passed that would
2 fund a [indiscernible] for the construction of the -- of the recreation
3 center. It was like a \$30 million recreation center.

4 MR. SHARP: Oh. And how many people did you have to
5 work with to do that?

6 PROSPECTIVE JUROR 134: There were 12 of us that founded
7 the PAC, so it -- it was lots of people beyond that. I mean, each one of us
8 probably had, you know, 100 people that we knew and worked with and
9 different things to try and get various aspects of fundraising and people
10 onboard with just the idea of voting to support, you know, a tax increase
11 essentially. So, yeah.

12 MR. SHARP: And so it was -- it sounds like kind of part of
13 your professional life, because you were devoted to the Parks and
14 Recreation. And then -- so then you were also head of your professional
15 organizations?

16 PROSPECTIVE JUROR 134: Yes, sir. Yeah.

17 MR. SHARP: Anything else?

18 PROSPECTIVE JUROR 134: I was a lobbyist to the U.S.
19 Congress for a while --

20 MR. SHARP: Wow.

21 PROSPECTIVE JUROR 134: -- on -- on -- on behalf of those
22 same interests and things.

23 MR. SHARP: When did you do that?

24 PROSPECTIVE JUROR 134: Again, back in the '90s. It was a
25 long time ago.

1 MR. SHARP: Wow. This is -- this is exactly the type of thing I
2 was asking for, is these kind of, like, back there where a volunteer
3 organizations that people are involved in.

4 So we had -- thank you, sir.

5 PROSPECTIVE JUROR 134: Sure.

6 MR. SHARP: Mr. Tully, you had raised your hand.

7 PROSPECTIVE JUROR 118: Yes. Badge 118. I served on a
8 board for a student organization at UNLV for Engineering, ASE,
9 American Society of Solar Engineers. And was a youth group leader in
10 high school -- throughout high school for my church.

11 MR. SHARP: And, if you don't mind me asking, what church?

12 PROSPECTIVE JUROR 118: Dioceses of St. Thomas Catholic
13 Church here in Las Vegas. Yeah.

14 MR. SHARP: And how long did you do that?

15 PROSPECTIVE JUROR 118: Five years probably. I don't
16 know. Five years.

17 MR. SHARP: And tell me a little bit about what you were
18 responsible for?

19 PROSPECTIVE JUROR 118: So we would do youth centered
20 activities. We did, like, cookouts. We did -- they had a backyard, we did,
21 like, different, like, field days, games, things like that for the kids
22 throughout the week or on Sundays, during church. Just to keep them
23 active and having fun.

24 I also led the youth group band. We had a service
25 specifically for the youth that I would play music in. Yeah.

1 MR. SHARP: And that was part of the St. Thomas?

2 PROSPECTIVE JUROR 118: Correct.

3 MR. SHARP: It was separate? And then you were involved
4 with the engineering organization at UNLV?

5 PROSPECTIVE JUROR 118: Correct. I served as a events
6 coordinator, I believe, on their board for a full year and then helped out
7 with conferences and such, through the remainder of my time at UNLV,
8 so three or four years.

9 MR. SHARP: Okay. And thank you.

10 THE COURT: Counsel, we're going to take a 15-minute
11 recess.

12 Ladies and gentlemen, you are instructed not to talk with
13 each other, or anyone else, about any subject or issue connected with
14 this trial.

15 You are not to read, watch, listen to any report of or
16 commentary on the trial, any person connected with the case, or by any
17 medium of information, including without limitation, newspapers,
18 television, internet, or radio. Do not conduct any research on your own
19 relating to this case, such as consulting dictionaries, using the internet,
20 or using reference materials. Do not conduct any investigation, test any
21 theory of the case, recreate any aspect of the case, or in any other way
22 investigate or learn about the case on your own.

23 You are not to talk with others, text others, Tweet others,
24 Google issues, or conduct any other kind of book or computer research
25 with regard to any issue, party, witness, or attorney involved in this case.

1 You're not to form or express any opinion on any subject connected with
2 this trial, until the case is finally submitted to you.

3 We'll come back at 2:45.

4 THE MARSHAL: All rise for the jury.

5 THE COURT: Just leave that on your chair.

6 [Prospective jurors out at 2:29 p.m.]

7 [Outside the presence of the prospective jurors]

8 THE COURT: Do the parties stipulate to the striking of any of the panel
9 members?

10 I believe Juror Number 164, Brian Selvester, says he now has
11 an economic hardship.

12 MR. SHARP: So we're on Selvester?

13 THE COURT: He's the one who said his employer is only
14 going to cover three days.

15 MR. ROBERTS: Defense would stipulate, Your Honor. His
16 hardship is probably as good as the others we've let go.

17 MR. SHARP: I agree with that.

18 THE COURT: All right. So Juror Number 164, Brian
19 Selvester will be released.

20 Do the parties have any stipulations as to any other jurors for
21 cause?

22 MR. SHARP: Without talking to Mr. Roberts, I'm not sure.

23 MR. ROBERTS: We'll talk over the break, Your Honor. I'm
24 generally reluctant to stipulate to someone until I've talked to them in my
25 charge, but I know there are two I would stipulate to.

1 THE COURT: All right. Marshal Moore, we're going to let
2 Juror Number 164, Brian Selvester go.

3 THE MARSHAL: I'm sorry, which one, Judge?

4 THE COURT: 164.

5 THE MARSHAL: 164. Okay.

6 THE COURT: All right. So we'll resume at 2:45.

7 [Recess taken from 2:31 p.m. to 2:45 p.m.]

8 [Outside the presence of the prospective jurors]

9 THE COURT: Did the parties come to any agreements
10 regarding striking any jurors for cause?

11 MR. SHARP: Your Honor, firstly, Mr. Roberts and I haven't
12 had a chance to talk. I mean we were going -- both of us were going
13 collectively through our notes. So I guess we can do one of two things:
14 We can either -- Mr. Roberts and I can confer, or we can finish -- I'm
15 almost done. I do have a question -- well, so those are the two options. I
16 mean, I can finish my voir dire and then we can meet. It's up to you.

17 THE COURT: Well, I don't want to take another break again.
18 So let's just go -- we'll just go over it one-by-one. So Juror Number 078,
19 Claude Badaloni. Are there -- does anyone want to strike them for
20 cause?

21 MR. SHARP: Number who? Which one?

22 UNIDENTIFIED SPEAKER: 118.

23 THE COURT: 078.

24 MR. SHARP: Yes. We would move to challenge for cause.

25 THE COURT: Is there any stipulation to that, Mr. Roberts?

1 MR. ROBERTS: No, Your Honor. There might be after I talk
2 to him briefly.

3 THE COURT: Okay. So Juror Number 110, Reginald Gayles.

4 MR. ROBERTS: No stipulation on that one, Your Honor.

5 THE COURT: All right. 161, Robert Cook.

6 MR. ROBERTS: We would stipulate to Mr. Cook.

7 THE COURT: Mr. Sharp?

8 MR. SHARP: No stipulation on that.

9 THE COURT: 166, Vicki Pleasant.

10 MR. ROBERTS: We would stipulate Ms. Pleasant, Your
11 Honor.

12 THE COURT: All right. Mr. Sharp?

13 MR. SHARP: We'll stipulate.

14 THE COURT: All right. Juror 166, Vicki Pleasant will be
15 excused.

16 THE MARSHAL: 166, Your Honor.

17 THE COURT: 166, Vicki Pleasant. And what about Bret
18 Padres, 193?

19 MR. ROBERTS: No stipulation for Mr. Padres.

20 MR. SHARP: I don't recall him.

21 MR. ROBERTS: I didn't recall. He was not on my list either
22 way. Maybe there's something [indiscernible].

23 MR. SHARP: We had -- we had Kasandra Peters on our list.

24 THE COURT: Is there any stipulation to Ms. Peters, Badge
25 Number 079?

1 MR. ROBERTS: No, Your Honor.

2 THE COURT: All right. So the only one that'll be struck is
3 166, Vicki Pleasant.

4 THE MARSHAL: Okay. Do you want me to send her right
5 now?

6 THE COURT: Yeah.

7 THE MARSHAL: Let her go?

8 THE CLERK: The room or just send her home?

9 THE COURT: Just send her home.

10 THE MARSHAL: Okay.

11 THE COURT: Thank you, Counsel.

12 How much longer do you think you have, Mr. Sharp?

13 MR. SHARP: What's that, Your Honor?

14 THE COURT: How much more do you think you have?

15 MR. SHARP: Probably -- depending on how much they talk,
16 probably about 25, 30 minutes.

17 THE COURT: Thank you.

18 MR. SHARP: Now, one thing I'm confused about is when I'm
19 done questioning the jurors -- I mean, obviously, we haven't filled all the
20 chairs of the 20. So I don't intend to pass for cause until I have every --
21 all 20 --

22 THE COURT: You're not going to.

23 MR. SHARP: Okay. I just was making sure. Now, when they
24 come back tomorrow, are we starting off with the jurors who are being
25 replaced?

1 THE COURT: Yes. So we're going to delay these jurors from
2 coming back.

3 MR. SHARP: Okay. And then I'll have an opportunity to start
4 with their questioning and --

5 THE COURT: Yes.

6 MR. SHARP: -- okay. I got you. Thank you.

7 THE COURT: And then we'll blend them together.

8 MR. SHARP: Yes. Thank you.

9 THE MARSHAL: Are all set, Judge?

10 THE COURT: Yes.

11 THE MARSHAL: Okay. Rise for the jury, please.

12 [Prospective jurors in at 2:50 p.m.]

13 THE MARSHAL: All jurors are present. Thank you, Counsel.
14 Please be seated.

15 Mr. Sharp.

16 MR. SHARP: Thank you, Your Honor.

17 Okay. So when we left, we were going through people that
18 had been leaders in organizations. And the next person I have is -- on
19 my list is Mr. Padres.

20 PROSPECTIVE JUROR 193: Yes. 193. Were you -- were you
21 talking about, like, business organizations?

22 MR. SHARP: Yeah. Business, non-profit, whatever,
23 volunteer. Do you have --

24 PROSPECTIVE JUROR 193: It was really mainly my role in
25 running the company that I ultimately sold. Yeah.

1 MR. SHARP: Explain that to me? I mean, you were head of
2 the organization, so I understand that part. And maybe my question
3 won't [indiscernible]. Like, you know, president of the rotary club and
4 things like --

5 PROSPECTIVE JUROR 193: No.

6 MR. SHARP: -- of that regard. Okay.

7 PROSPECTIVE JUROR 193: No, nothing there really.

8 MR. SHARP: Ms. Steed.

9 PROSPECTIVE JUROR 062: Yes. Pretty much the same
10 thing. I was just -- I was just a manager of people at a business.

11 MR. SHARP: Okay. So --

12 PROSPECTIVE JUROR 062: I didn't really -- I'm -- I'm very
13 sorry, 062.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR 062: Yeah, I didn't really do anything
16 extracurricular.

17 MR. SHARP: Okay. So for those of you who've raised your
18 hand, let me make sure my question was clear. I apologize. I'm looking
19 for being involved in a leadership in a volunteer type organization, such
20 as rotary, church vestry. You know, Mr. Desmond had talked about
21 some of his experience -- those kind of professional groups.

22 Anybody? Okay. Great. Thank you.

23 Now, I'm getting ready to close down my part of the
24 examination. There's a few things I want to talk about, however. And
25 the first thing -- and I'm going to go over to Ms. Salvador, because I

1 don't think I did a very good job of explaining this concept. And I just
2 want to make sure everybody is clear.

3 So when you're instructed, as a jury, you're instructed you
4 can't use sympathy to make decisions, per se. You use common sense,
5 but that doesn't mean that we divorce ourselves when we walk into the
6 courtroom of sympathy. There's a difference. And so I wanted to go
7 back to you, Ms. Salvador -- Mrs. Salvador.

8 And you had -- you know, we had talked about your work as
9 an end-of-life care. You'd have sympathy for cancer patients, obviously,
10 you care for them. But in light of what I'm saying, can you set aside the
11 concept of fairness and be fair and impartial to both sides?

12 PROSPECTIVE JUROR 006: Honest --

13 THE COURT: What's your badge number?

14 PROSPECTIVE JUROR 006: Oh, badge number is 006.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR 006: No. Because I also have a
17 personal experience with my father passing away from cancer too.

18 MR. SHARP: So in that context, if the evidence comes in,
19 which side are you kind of favoring right now?

20 PROSPECTIVE JUROR 006: Sandra's side.

21 MR. SHARP: And is there anything that I could say to set
22 those things aside?

23 PROSPECTIVE JUROR 006: No.

24 MR. SHARP: Okay. Thank you for your honesty.

25 Mr. Gayles, there was a question I had, as I was thinking

1 about it. And I felt at the break, when I was thinking about our
2 exchange, did he feel like I was -- I didn't want you to feel like I was
3 putting words into your mouth.

4 PROSPECTIVE JUROR 110: [Indiscernible] --

5 MR. SHARP: You were talking about -- you don't seem like
6 that kind of guy, but I want to get to the point that worries
7 me -- okay -- on behalf of Sandra Eskew. And you've heard that
8 this -- that this lawsuit involves a lot of money. And so I guess my -- to
9 you, is assuming we prove our case, as instructed to you by the
10 jury -- still haven't heard any evidence, but assuming we did that, and we
11 ask for \$15 million, would you feel uncomfortable coming home and
12 telling your wife that because of her employment with UnitedHealthcare?

13 PROSPECTIVE JUROR 110: I don't have a problem

14 THE COURT: Number, sir?

15 PROSPECTIVE JUROR 110: I'm sorry, Juror 110. I'm sorry.

16 I don't have a problem determining a verdict, when it comes
17 if there's damages that need to be paid --

18 THE COURT: Can we give him the microphone?

19 PROSPECTIVE JUROR 110: -- in general.

20 MR. SHARP: You need to raise the mic up so we can hear
21 you.

22 PROSPECTIVE JUROR 110: Oh, I'm sorry.

23 MR. SHARP: Thank you.

24 PROSPECTIVE JUROR 110: Is this better? I'm sorry. I don't
25 have a problem when it comes to the -- the value of a verdict or, you

1 know, compensatory damages or anything like that. I guess my only
2 issue would be, you know, the conflict of interest that it is my wife's
3 current employer. It's -- that would be it.

4 MR. SHARP: And you're -- I mean, you're the only one that
5 can answer this for us. When you talk about a conflict of interest, is it
6 fair to say that this is not -- you don't -- this jury is not the right fit for
7 you?

8 PROSPECTIVE JUROR 110: I would agree with that. Yes.

9 MR. SHARP: And that there is an appearance that you may
10 not be fair and impartial in this jury?

11 PROSPECTIVE JUROR 110: I don't think it would be fair to
12 either side to put myself or, you know, my -- my wife to consider that, to
13 decide any type of verdict regarding her employer.

14 MR. SHARP: Okay. And anything else you wanted to add? I
15 didn't mean to cut you off.

16 PROSPECTIVE JUROR 110: No -- no. That was it.

17 MR. SHARP: I appreciate your honesty.

18 Before I take -- before I get to the next part, is there anybody,
19 as we've been going through, does anybody want to add anything to the
20 questions that they're feeling, like, hey, now I've thought about things,
21 and I've got kind of a pit in my stomach that I should tell the lawyers
22 about?

23 Great. So I think we can all agree that just because Sandra
24 Eskew has filed this lawsuit doesn't mean she's right. Are we all in
25 agreement with that?

1 Similarly, just because UnitedHealthcare is in here defending
2 the case doesn't mean it's right. Can we all agree with that?

3 One of the things that's interesting about the process is if
4 you're on the jury you'll find out that the Plaintiff, Sandra Eskew, the
5 people bringing the lawsuit, they go first. And the Defense, in many
6 ways, gets what we call the last word. And so there's concern on both
7 parts, right?

8 There's the concept of primacy, what you hear first, so that
9 concerns the Defense. So everybody can agree with me that you're not
10 going to make any decisions against the Defense, until you hear all of the
11 evidence? Is that fair?

12 Well, the equally it's a flip. So the other concept is recency,
13 what you hear most recently may be most persuasive. So on behalf of
14 Mrs. Eskew, can I get your commitment that just because the Defense
15 goes last, you won't give them -- you know, their evidence more
16 credibility, just on that fact alone?

17 Your Honor, we don't have anything else, subject to what we
18 had talked about outside the presence of the jury.

19 THE COURT: Thank you, Mr. Sharp.

20 Mr. Roberts.

21 MR. ROBERTS: Thank you, Your Honor.

22 Good afternoon. Again, I'm Lee Roberts and I represent the
23 Defendants Sierra Health and Life. And it's my turn to ask you some
24 questions now. We're doing this a little bit different because we need to
25 fill up some of these chairs in the morning. So I'm going to get to go for

1 a while this afternoon and then we'll start over with some of the new
2 jurors in the morning. And then both of us will get a chance at the entire
3 box again, as I understand how things are going to work. But I would
4 like to get as much done with you this afternoon as I can, before we
5 move on.

6 And where I'd like to start is with Mr. Cook. Is that okay, sir?

7 PROSPECTIVE JUROR 161: 161.

8 MR. ROBERTS: Is that on, Your Honor?

9 PROSPECTIVE JUROR 161: 161.

10 MR. ROBERTS: There we go. Okay. And, Mr. Cook, you
11 know, I took some notes here, while you were, you know, talking about
12 some of your issues --

13 PROSPECTIVE JUROR 161: Sure.

14 MR. ROBERTS: -- with the healthcare system --

15 PROSPECTIVE JUROR 161: Yes.

16 MR. ROBERTS: -- in general. And the insurance company's
17 role in that.

18 PROSPECTIVE JUROR 161: Yes.

19 MR. ROBERTS: And do you think that the insurance
20 company's role is a product of the system? Or do you find fault with
21 them for creating that role?

22 PROSPECTIVE JUROR 161: I find fault with them continuing
23 the role. It may have been a product originally, but the -- the money they
24 made and used for lobbying, has made it worse and continuing.

25 MR. ROBERTS: So you feel like the healthcare insurance

1 companies, in general, have made the system worse, through their
2 conduct?

3 PROSPECTIVE JUROR 161: They're partially responsible.
4 Yes.

5 MR. ROBERTS: Okay. And as I understood your questions,
6 that you're trying to be as honest with us as you could.

7 PROSPECTIVE JUROR 161: Of course.

8 MR. ROBERTS: And because of that, you might have a bias
9 in this case against the healthcare insurance company?

10 PROSPECTIVE JUROR 161: Yes.

11 MR. ROBERTS: And I think Mr. Sharp asked you if you could
12 change your mind about that and you said probably not before the trial
13 starts?

14 PROSPECTIVE JUROR 161: Right. I am -- I am open minded.
15 I'm willing to discuss it, but --

16 MR. ROBERTS: But not before Wednesday, in any event?

17 PROSPECTIVE JUROR 161: Right. Yeah, that's a little soon.

18 MR. ROBERTS: And as I -- as I was listening, one of the
19 things I don't believe you followed up on is that you just generally had a
20 problem with the ability of health insurance company to deny approval
21 of certain treatments?

22 PROSPECTIVE JUROR 161: Correct.

23 MR. ROBERTS: And tell me a little bit more about those
24 feelings?

25 PROSPECTIVE JUROR 161: It's, like the lady who was sitting

1 here with her daughter -- or, yeah -- I think it was her daughter -- the fact
2 that she had to go to GoFundMe and go ask people for money in order to
3 get basic -- what seemed like basic healthcare -- diagnosis healthcare is
4 absurd. Out of control.

5 MR. ROBERTS: And I don't want to overstate your feelings,
6 but --

7 PROSPECTIVE JUROR 161: Sure.

8 MR. ROBERTS: -- is it fair to say that even though you
9 haven't heard any evidence in this case, you are already feeling like the
10 health insurance company should not have denied coverage for the
11 benefits that were being sought by Mr. Eskew?

12 PROSPECTIVE JUROR 161: Correct. Yeah.

13 MR. ROBERTS: Okay. Thank you, sir. I appreciate you being
14 honest.

15 PROSPECTIVE JUROR 161: Absolutely.

16 MR. ROBERTS: Could you pass the mic back to Ms. Sidell.

17 PROSPECTIVE JUROR 058: 058.

18 MR. ROBERTS: Very good. Thank you. Thank you so much,
19 ma'am. You're actively part of your family's law firm; is that correct?

20 PROSPECTIVE JUROR 058: That is correct. I've worked in
21 the business for about 30 years.

22 MR. ROBERTS: Okay. And as I understand, that firm they do
23 all plaintiffs work, right?

24 PROSPECTIVE JUROR 058: We do only plaintiff's work. That
25 is correct.

1 MR. ROBERTS: That's what -- that's what I thought. Now, in
2 this case, I'm a defense lawyer. And all I've got over here is cherry pie.
3 If you like the plaintiff's apple pie better --

4 PROSPECTIVE JUROR 058: I like defense people. The
5 defense people are what -- who pay my income. And generally
6 speaking, if the case has validity, they come in and they're fair. You
7 know, it's when you get the sides that are presenting things that aren't
8 what are legitimate. There's not the medical backing. You don't have
9 the diagnostics. You don't have those things. And then they come back.
10 But there are instances -- typically, they're governmental instances,
11 where it's blatant and they should come back fairly, and they don't. And
12 that's when other actions have to be taken.

13 MR. ROBERTS: And you're talking --

14 PROSPECTIVE JUROR 058: But -- go ahead.

15 MR. ROBERTS: Oh, and I didn't mean to interrupt. I thought
16 you were done. But when you say, you know, you're okay with defense
17 attorneys -- and I appreciate that -- but now you're sitting as the juror in a
18 case, where you're going to have to decide, as a juror. You're going to
19 be the judge of the facts, if you are sworn into this panel. And deciding
20 a case, either in favor of the plaintiff or in favor of the defendant.

21 Do you think all of your years of working for and advocating
22 for plaintiffs might make you favor the Plaintiff in this case, even self-
23 consciously?

24 PROSPECTIVE JUROR 058: No, I don't. Because I'm the
25 person that when I get the phone call and it's the inquiry, says, oh,

1 you've got to be kidding. You're going to make a claim on that, is what's
2 going through my head. Now, obviously, I don't say that to the person
3 on the phone. And I think there are legitimate cases and I think there are
4 cases where people are just full of it and they're looking to make the next
5 dime. And then the question becomes, what is appropriate and what's
6 appropriate compensation within a case.

7 MR. ROBERTS: And I don't want to get into any specifics
8 with you, but are you familiar with your firm's website?

9 PROSPECTIVE JUROR 058: Yes, I am.

10 MR. ROBERTS: Okay. Did you draft any of the -- of the about
11 us type of language and what your firm does?

12 PROSPECTIVE JUROR 058: I did not.

13 MR. ROBERTS: Okay. Are you generally familiar with it?

14 PROSPECTIVE JUROR 058: Maybe. What -- what questions
15 do you want to know about? And I'll fill you in.

16 MR. ROBERTS: Okay. I was just asking generally if you
17 agreed with most of the stuff that's on your firm website?

18 PROSPECTIVE JUROR 058: Well, I think you can -- I think if
19 you were to look at our Yelp reviews, you would see we're very family
20 oriented. We're a very caring about the individuals. My husband
21 graduated out of the top law school at the top of his class. Worked for a
22 huge international law firm that represented Robert Reagan, Robert
23 Wagner. Licensed in three states. And we are very family oriented.

24 And that's how we feel about our clients. We're there to do
25 the best job we can for them and get them to the end result they

1 deserve. I mean, and there are people who think that it's up here and
2 quite frankly, part of our job becomes to indicate that -- that to them that,
3 you know, really, fair compensation is down here.

4 MR. ROBERTS: Would it be fair for me to say that your
5 website for your firm expresses a bias against insurance companies?

6 PROSPECTIVE JUROR 058: Not that I know of, but that
7 doesn't mean it doesn't say that, because frankly I'm not the one that's
8 looked at it probably in 15 years. So it could be that way exactly.

9 MR. ROBERTS: Do you get frustrated in working with
10 insurance companies and trying to get compensation for your clients?

11 PROSPECTIVE JUROR 058: No. The -- the insurance
12 companies aren't the frustrating component. For me, the frustrating
13 component is dealing with the hospital, who doesn't want to give me a
14 discount because the client doesn't have health insurance. So the client
15 goes in with health insurance, they have -- they're -- they're paying their
16 \$.20 on the dollar. You get the client that goes in without it and the
17 hospital only wants to give you a third discount. That's not fair.

18 But life isn't fair. Life is the way it is, and you play the game
19 according to the cards that are dealt.

20 MR. ROBERTS: Thank you, Ms. Sidell. Could you pass the
21 mic up front here to Mr. Gayles.

22 Did I say that correctly? Is it Mr. [Ga less]?

23 PROSPECTIVE JUROR 110: Juror 110. Yes, sir.

24 MR. ROBERTS: Thank you. And I'd like to talk to you a little
25 bit more. One thing that Mr. Sharp mentioned toward the end is this

1 idea that, you know, a lot of people have life experiences. They have
2 biases and prejudices; in the sense we talk about them in the law. But
3 for serving on a jury, my question is not whether or not you believe that
4 there might be an implied bias, the way Mr. Sharp defined the term,
5 during his voir dire.

6 But let's talk about actual bias. Do you have an actual bias in
7 favor of Sierra Health and Life?

8 PROSPECTIVE JUROR 110: I don't believe so.

9 MR. ROBERTS: And just so I can make sure I heard. Does
10 your wife work for Sierra Health and Life Insurance Company,
11 Incorporated?

12 PROSPECTIVE JUROR 110: She worked for Optum Health
13 Care, which is a subsidiary of UnitedHealth.

14 MR. ROBERTS: And Sierra is also a subsidiary of
15 UnitedHealth, that's your understanding?

16 PROSPECTIVE JUROR 110: Yes.

17 MR. ROBERTS: Okay. So would it be fair to say that your
18 wife is not an employee of the Defendant in this case, which is a separate
19 corporation?

20 PROSPECTIVE JUROR 110: Well, based upon the question
21 there that was listed on the board, seems like she -- that was earlier this
22 morning, that UnitedHealthcare, you know, that's -- you know, the
23 main -- you know, Optum is a part of that, so --

24 MR. ROBERTS: So the questions on the board were from the
25 judge to find out about your own life experiences, whether any of you

1 have ever been insured by these entities, because bad experiences or
2 good experiences with those entities might possibly affect your ability to
3 serve fairly and impartially. But the only Defendant in this case is Sierra
4 Health and Life. UnitedHealthcare is not a defendant. Optum is not a
5 defendant. That's not even an insurance company, right?

6 PROSPECTIVE JUROR 110: No, it's the -- I guess where
7 they -- the service that provides medical care.

8 MR. ROBERTS: Okay. So let's just talk about you and your
9 feelings and your ability. If you were selected to serve for this jury,
10 could you set aside your wife's employment with an affiliate of the
11 Defendant and decide the case fairly and impartially, based on the facts
12 that you hear in the courtroom and the law, as instructed by the judge?

13 PROSPECTIVE JUROR 110: I think it would be a challenge. I
14 think -- to be totally honest, I think it would be -- I'll put it bluntly, kind of
15 unfair -- unfair to my wife. Unfair, I think, to -- to you. And unfair to the
16 Plaintiff. You know, when you -- I think -- like I stated earlier, I think
17 there's a conflict of interest. If you're related to a company, they're the
18 main deal -- you know, I wouldn't want to testify against my former
19 department, if called upon. You know, even though -- you know, I -- I
20 would like to think I could provide a biased [indiscernible], but there's, I
21 think, a conflict -- conflict of interest. And I think it ultimately would be
22 unfair to the parties involved. I think it would be unfair to my fellow
23 jurors.

24 MR. ROBERTS: So what you're saying is you probably
25 couldn't set that aside and it might infect your process?

1 PROSPECTIVE JUROR 110: I think it would -- I think it would
2 be unfair. I mean, I think that, you know, the one thing that we want, we
3 want a fair and impartial jury, right. Fairness being one of the first
4 components of that.

5 MR. ROBERTS: Absolutely.

6 PROSPECTIVE JUROR 110: And I think it would be unfair to
7 place that burden upon myself, my wife, and all of the parties involved.

8 MR. ROBERTS: I understand. Thank you, sir. Appreciate
9 you being honest with us. Could you pass the microphone up -- let's
10 talk to Ms. Peters first, if that's okay.

11 PROSPECTIVE JUROR 079: 079.

12 MR. ROBERTS: And, Ms. Peters, going back to, I think, the
13 point that was raised by Mr. Gayles, do you think you could be fair to
14 both parties in this case, based on your own personal experiences that
15 you're dealing with right now?

16 PROSPECTIVE JUROR 079: Yes, sir.

17 MR. ROBERTS: You think you could be fair?

18 PROSPECTIVE JUROR 079: Yes.

19 MR. ROBERTS: And the -- if hypothetically, this case didn't
20 involve trying to put damages on a wrongful death, would that relieve
21 some of your feelings about what your father is going through right
22 now?

23 PROSPECTIVE JUROR 079: Yes.

24 MR. ROBERTS: And with regard to damages, I know you
25 said that, you know, it's how do you put a number on that. It's difficult.

1 Right?

2 PROSPECTIVE JUROR 079: Yes.

3 MR. ROBERTS: And the court really doesn't give any
4 guidance on that. And it's just up to a group of members of the
5 community to try to get together and talk and whatever they feel is in
6 their conscious, based on the evidence that they hear. Can you keep an
7 open mind and try to work with your fellow jurors to reach a number, if
8 you're picked for this jury?

9 PROSPECTIVE JUROR 079: Definitely.

10 MR. ROBERTS: Okay. And do you have any artificial limits
11 that you can't go over right now?

12 PROSPECTIVE JUROR 079: No.

13 MR. ROBERTS: Okay. Thank you, Ms. Peters.

14 PROSPECTIVE JUROR 079: You're welcome.

15 MR. ROBERTS: I appreciate it.

16 And, Mr. Badaloni, did I say that correctly?

17 PROSPECTIVE JUROR 078: Yes.

18 MR. ROBERTS: I've heard a few different --

19 THE COURT: Badge number?

20 MR. ROBERTS: Badge number, sir?

21 PROSPECTIVE JUROR 078: One more time, please?

22 THE COURT: Badge number?

23 PROSPECTIVE JUROR 078: 078. Sorry.

24 MR. ROBERTS: And I want to get a better understanding
25 about what you said about damages. And I certainly understand the idea

1 that some of these numbers are a bit [indiscernible]. Although, you may
2 feel, in your mind, that you can't imagine any evidence justifying \$50
3 million in damage, right? To one individual. Did I get that right?

4 PROSPECTIVE JUROR 078: Correct.

5 MR. ROBERTS: My question is: Can you set that general
6 feeling aside and listen to the evidence in this case and try to determine,
7 in your own heart, what the damages are, if the jury were to get to
8 damages? And try to reach an award in accordance with the instructions
9 of the court and keep an open mind, as to the amount of damages that
10 you could award, without any type of artificial cap, whether it's 15
11 million or 50 million or 100 million?

12 PROSPECTIVE JUROR 078: Yeah. Just follow the court's
13 instructions, whatever the judge instructs us to do, I'm -- I'm good at
14 taking orders.

15 MR. ROBERTS: And the judge is not going to instruct you
16 what the number is going to be, for pain and suffering. That's going to
17 be just a number that you would reach with the other members of the
18 jury, if you get to damages, in this case.

19 PROSPECTIVE JUROR 078: I wouldn't have any problem
20 with that.

21 MR. ROBERTS: Okay. And are you open to the possibility
22 that there might be facts you could hear that would justify higher
23 damages than you originally thought were reasonable?

24 PROSPECTIVE JUROR 078: Like I told the other gentleman, it
25 depends on what is brought up, what the circumstances are, and what

1 the evidence is to prove that.

2 MR. ROBERTS: And you're willing to listen to the evidence
3 and try to be fair to both sides?

4 PROSPECTIVE JUROR 078: Yes. Fair and I'll be impartial.

5 MR. ROBERTS: Okay. Thanks very much.

6 PROSPECTIVE JUROR 078: You're welcome.

7 MR. ROBERTS: I'd like to talk to you in general about your
8 feelings about corporations in America. You know, my client is a
9 corporation. And some people have very strong feelings about
10 corporations. So you've got the mic, Mr. Badaloni. Do you think that
11 corporations are a problem in America because they put profits over
12 people?

13 PROSPECTIVE JUROR 078: I can -- I can only speak on my
14 own experience. I worked for a large corporation for 27 years. And the
15 answer to that question would probably be yes. I lost a lot of good
16 people who used to work for me. I had a great feel -- I had anywhere
17 between 50 and 350 people working for me at any one time directly.
18 And policies would come down from the corporate office that I didn't
19 agree with. And because of some of those policies, people lost benefits.
20 People lost their livelihood -- lost their jobs. Things that they depended
21 on for their family. So, yeah.

22 MR. ROBERTS: Do you think that corporations should be
23 policed more by the government? Regulated more?

24 PROSPECTIVE JUROR 078: I think to some degree,
25 regulations are -- are needed. I think that some of the things that larger

1 corporations do don't have anything to do with the people that they
2 affect. They look too much at spreadsheets, instead of how those
3 spreadsheets affect those people that work for them and, subsequently,
4 their customers.

5 As an example, the corporation that I worked for -- I won't
6 name them -- used to come up with policies that affected the customers.
7 When you get rid of the customer service department and you create a
8 customer retention team, customer service is gone. They don't care how
9 the customer feels, only their revenue that they get in response to
10 whatever it is that they do. And when you cut back on services, such as
11 overhead, people that take care of those customers, that affects the
12 customers at the bottom line.

13 And when you're looking at a spreadsheet, you don't think
14 about that. And my whole thing was, if you affect the customer, it's
15 going to affect your spreadsheet in a negative way, so --

16 MR. ROBERTS: So those are beliefs you formed working for
17 a specific company, right?

18 PROSPECTIVE JUROR 078: Couple of companies. Yes.

19 MR. ROBERTS: Couple of companies. Do you believe that
20 that's the way most corporations are in America?

21 PROSPECTIVE JUROR 078: Not -- I'm not going to say all of
22 them. I'm going to say -- I would say that a majority of the larger
23 corporations, yes.

24 MR. ROBERTS: Do you think most corporations would lie to
25 increase profits, if they could get away with it?

1 PROSPECTIVE JUROR 078: Would they lie? I'd -- I'd say, yes,
2 because I think it's been done. Will most of them lie? No. I would think
3 that instead of telling a lie they would just avoid telling the truth.

4 MR. ROBERTS: What do you think the best solution is? How
5 would you propose that we could fix this problem?

6 PROSPECTIVE JUROR 078: I don't know. I'm not the
7 president of the United States.

8 MR. ROBERTS: Thank you -- thank you for sharing that.

9 Is there anyone else who agrees strongly with Mr. Badaloni's
10 views on corporations?

11 Yes. So if we could pass the mic down to Mr. Cook.

12 PROSPECTIVE JUROR 161: 161.

13 MR. ROBERTS: Thank you. And, Mr. Cook, you agree with
14 Mr. Badaloni, as he is?

15 PROSPECTIVE JUROR 161: Yes. Absolutely.

16 MR. ROBERTS: Now, what about his question? How -- that
17 he wasn't sure about. How would you fix this?

18 PROSPECTIVE JUROR 161: I think labor unions are a strong
19 move in the right direction. Taking healthcare away from employment
20 status is a strong move in the right direction. There's a lot --

21 MR. ROBERTS: Well, what do you think labor unions would
22 do to help these issues?

23 PROSPECTIVE JUROR 161: It helps with collective
24 bargaining, so you get better maternity, paternity time, stuff that like that
25 are pay, cost of living. It's a match cost living and inflation.

1 MR. ROBERTS: Thank you, Mr. Cook.

2 PROSPECTIVE JUROR 161: Of course.

3 MR. ROBERTS: Could you pass the microphone down
4 to -- it's Mr. Tully, right?

5 PROSPECTIVE JUROR 118: Correct. 118.

6 MR. ROBERTS: Tell me more about that, how you feel the
7 same as Mr. Badaloni?

8 PROSPECTIVE JUROR 118: Yeah, on the basis of the
9 question, I believe all corporations, from the founding, favor the
10 shareholder and profits over probably everything else, including their
11 customer retention, customer satisfaction, and even employee retention.
12 Are there corporations that value their people? I would say, yes, but
13 they are rare and few in between, so those are my beliefs, yeah.

14 MR. ROBERTS: Do you think corporations should be policed
15 more by the government? Is that solution?

16 PROSPECTIVE JUROR 118: Depends on the policing. You
17 know, there's many ways to police -- the additional taxes, the oversight,
18 whatever -- I'm not sure. But I would say something needs to be done.

19 MR. ROBERTS: Do you feel that the profit motive can also
20 create incentives to do -- for corporations to do the right thing because
21 they want to have a good reputation? They want to increase business?
22 How do you think that factors in?

23 PROSPECTIVE JUROR 118: It -- it should. I believe it should;
24 however, based on the history, I would argue it doesn't, purely because
25 you can see most cases corporations spend more on -- what is

1 it -- lobbying for new laws, advertising, and public relations control over
2 actually doing the right things.

3 MR. ROBERTS: Do you think that these issues are bigger for
4 corporation than for an individually owned business -- someone who is
5 in business has the same motivations? Is it somehow worse with
6 corporations?

7 PROSPECTIVE JUROR 118: I -- I would say so. I -- I couldn't
8 for sure make a conclusion on that, but I would say that, yes, once the
9 corporation becomes that -- some sort of conglomerate, it takes away
10 the -- the -- the personal aspects of, let's say, a small business or
11 someone who owns a business, where they know their employees. They
12 see their employees. They see their families. And they're able to make
13 those judgment calls with the employee in mind, rather than spreadsheet
14 and numbers.

15 MR. ROBERTS: Okay. Do you think a corporation is more
16 likely to have an officer lie than an individual would be likely to lie?

17 PROSPECTIVE JUROR 118: Yes. Per se, I would say that a
18 person working at a corporation, understanding the day-to-day relations,
19 would feel more inclined to lie on behalf of that corporation, than
20 someone who works -- that's not true. They would be more likely
21 to -- yeah, feel the need to run with the corporation and lie than they
22 would at a small business, where my first belief would be that they
23 would be less inclined to lie because the small business would be less
24 inclined to lie.

25 MR. ROBERTS: Anyone else fell the same way?

1 Could we go to the back, Mr. Gutierrez? Badge number?

2 PROSPECTIVE JUROR 020: 020. Yeah, I just strongly agree
3 with two previous individuals.

4 MR. ROBERTS: Okay. Can you tell me more about it in your
5 own words? Why do you think this is a problem?

6 PROSPECTIVE JUROR 020: Like has been stated, they -- they
7 just look at the numbers more than the personal or the employees, as
8 people. So I will -- I will say that.

9 MR. ROBERTS: What about going beyond corporations and
10 their dealing with their employees and in their dealing with the public
11 and with their customers? Do you think that's also a problem?

12 PROSPECTIVE JUROR 020: I wouldn't know how to answer
13 that.

14 MR. ROBERTS: Do you believe that the government should
15 be more active in policing corporations? How would you propose to
16 solve what you see as a problem with corporations in America?

17 PROSPECTIVE JUROR 020: I would say that corporations
18 should be able -- well, there should be some policing, but also
19 corporations should be doing their own policing to not just look at the
20 bottom line but look at the general everything.

21 MR. ROBERTS: Thank you, Mr. Gutierrez.

22 Anyone else wan to speak on this issue?

23 So all the way down here at the end, Mr. Kenner. And your
24 badge number, sir?

25 PROSPECTIVE JUROR 101: 101. Are you able to hear me?

1 MR. ROBERTS: Yes.

2 PROSPECTIVE JUROR 101: Oh, okay. I agree with them as
3 well, but I don't think that the government needs to police large
4 corporations more. It just needs to be more -- it just needs to be more
5 family oriented. It seem like with large corporations they start off small
6 and everybody knew each other. Then it got too big and then all of a
7 sudden now nobody knows anyone -- anyone else. So if there's just
8 more of a family vibe in -- a family atmosphere and -- like -- like you were
9 saying, like, work with the community more, that type of thing
10 would -- would be more beneficial.

11 MR. ROBERTS: Do you think that corporations, as a general
12 rule, tend to put profits over people?

13 PROSPECTIVE JUROR 101: Yes.

14 MR. ROBERTS: The mic stopped with you, and I believe
15 you're the last person with your hand raised. And I appreciate you doing
16 that.

17 Here's sort of a question for me, in this case, because I
18 represent a corporation. Incorporated is our last name. Is the fact that
19 we're a corporation and you're going to be judging our actions, is that
20 going to be influenced by the general feeling that you have that
21 corporations can be bad actors in American society?

22 PROSPECTIVE JUROR 101: No. I believe there's two sides to
23 everything, so if I'm selected, I'll, you know, look at the facts and will
24 see -- will see what's going. I guess the only concern I might have is,
25 the -- the medical speak, because I saw on the witness list there's a lot of

1 doctors on the list. So I -- I'm just -- I just hoping not to get lost with the
2 language. That's the only thing, but if -- if selected, I'll be -- I'll be fair
3 about it, in terms of getting the facts and seeing what's going on.

4 MR. ROBERTS: None of us are doctors so we'll do our best
5 to, you know, make people explain things, you know, for the jury. And I
6 think you're going to be on the same page as everyone else, except for a
7 few our people with medical training. But we'll try to make sure that you
8 understand this. I'm sure Mr. Sharp will too.

9 PROSPECTIVE JUROR 101: Okay.

10 MR. ROBERTS: I appreciate that.

11 What about the others? Mr. Badaloni, can you set aside
12 some of these feelings about corporations and put us right at the starting
13 line at the same place as the Plaintiff in this case?

14 PROSPECTIVE JUROR 078: Yeah, I --

15 THE COURT: Badge number .

16 PROSPECTIVE JUROR 078: 078.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR 078: Yes. Like I said, I could be
19 impartial. Okay. I mean, the fact that it's a large corporation has nothing
20 to do with it, as far as I'm concerned. You've -- you've got two sides to
21 the case. One person is saying one thing. The other person has to
22 defend what that person is saying. Evidence has to be shown. That's the
23 only way I'm going to look at it.

24 MR. ROBERTS: Thank you, sir.

25 Mr. Gutierrez? I apologize, I don't recall your badge number.

1 It's 20.

2 PROSPECTIVE JUROR 020: 02 -- yes.

3 MR. ROBERTS: 020. Okay. What about you? Can you set
4 aside the feelings you have about corporations and treat us equally at
5 the beginning of the case?

6 PROSPECTIVE JUROR 020: Well, I'll say I'll try to do my best.
7 I -- I don't know.

8 MR. ROBERTS: And I appreciate it. This is something that
9 we've all been trying to do. And I know these are hard questions
10 because we're not saying anyone here isn't a fair individual and fair
11 aspects of their life, but sometimes a case is just not the right fit for one
12 reason or another. And while you say you can try is -- are we going to
13 start out a little bit behind, because we're a big corporation that's denied
14 a request from an individual?

15 PROSPECTIVE JUROR 020: Just -- just going to have to deal
16 with the facts. I cannot say that anybody is ahead or behind the curve,
17 but --

18 MR. ROBERTS: Okay.

19 PROSPECTIVE JUROR 020: -- it would have to be the facts
20 percentage.

21 MR. ROBERTS: And if the judge were to tell you you've got
22 to treat corporations the same, under the law, as you treat an individual,
23 you could do that for us?

24 PROSPECTIVE JUROR 020: I think I could, yes.

25 MR. ROBERTS: And can you promise the court you could do

1 that for us -- follow the instruction?

2 PROSPECTIVE JUROR 020: I'll follow the instructions, yes,
3 sir.

4 MR. ROBERTS: Okay.

5 PROSPECTIVE JUROR 020: Sure. The judge, yes.

6 MR. ROBERTS: So you can set that aside and be fair?

7 PROSPECTIVE JUROR 020: Yes, I think I can.

8 MR. ROBERTS: Not going to -- is it going to be in the back of
9 your mind? Well, they're a big corporation, so maybe --

10 PROSPECTIVE JUROR 020: I can't tell you in all honesty
11 that --you know, I mean, given the facts presented, yes, I'll have to put
12 everything in -- into consideration. I cannot say that one or the other
13 is -- I can't say ahead or behind, so --

14 MR. ROBERTS: Okay. Well, that's good. And then getting to
15 the corporation, not to beat a dead horse here, but you can set that aside
16 and treat us equally to an individual and apply the law to us just as you
17 would to an individual, say?

18 PROSPECTIVE JUROR 020: Yes, I would say, yes.

19 MR. ROBERTS: Okay. Thank you, Mr. Gutierrez.

20 And I know your answer already, Mr. Cook. So I'm going to
21 go to Mr. Tully.

22 What about you, Mr. Tully? Can you set aside your feelings
23 about corporations? They seem pretty strong.

24 PROSPECTIVE JUROR 118: Badge 118. Yes. So I think in
25 regards to the first step of the trial of determining fault, I guess you could

1 say, I would not take any -- I -- I could be unbiased I believe in
2 determining whether or not the Defendant would be at fault.

3 In regards to what the Plaintiff line of questioning was and
4 my comment on punitive damages, I do believe that I would be biased
5 and because of the corporate status of the Defense, I would say it
6 would -- if I found personally that the Defense was at fault, that would
7 affect my reasoning in regards to any damages.

8 MR. ROBERTS: The corporate status would?

9 PROSPECTIVE JUROR 118: Correct. If it were, for example, a
10 smaller practice or something like that, I would view the damages
11 associated with that in a different light.

12 MR. ROBERTS: Could you explain a little bit more too?

13 PROSPECTIVE JUROR 118: Yeah. I believe that any
14 damages -- punitive, economic -- I'm sorry I forgot the other
15 terms -- should be both applicable to the case, as well as in the -- in the
16 circumstance of punitive damages, I would argue that they should be
17 substantial. And if it's a small practice, a substantial amount to a small
18 practice would be very different than that of a -- you know, a large
19 business or corporation that might be national or international, what
20 have you.

21 MR. ROBERTS: So putting aside the amount of the award, if
22 you got to the punitive phase in the trial, it might be more if it was a big
23 corporation?

24 PROSPECTIVE JUROR 118: Correct.

25 MR. ROBERTS: Do you feel like you're more biased in favor

1 of awarding punitive damages against a large corporation?

2 PROSPECTIVE JUROR 118: Would it be, as in it would drive
3 me to be biased in the decision?

4 MR. ROBERTS: Yes. And just so you're clear -- and Mr.
5 Sharp, I think, explained this, but, you know, the first step would be did
6 the Defendant do anything wrong.

7 PROSPECTIVE JUROR 118: Uh-huh.

8 MR. ROBERTS: Are they -- did they breach a duty they had
9 under the law. The second phase would be compensation damages.

10 PROSPECTIVE JUROR 118: Yes.

11 MR. ROBERTS: Awarding for the harms and losses Mr.
12 Sharp called a basically the economic damages and the noneconomic
13 damages, such as pain and suffering.

14 PROSPECTIVE JUROR 118: Correct.

15 MR. ROBERTS: And then the jury would have the right to say
16 we want to go to a punitive phase.

17 PROSPECTIVE JUROR 118: Correct.

18 MR. ROBERTS: So the judge would instruct you, as to what
19 you had to find to get there. All cases don't go to a punitive phase. The
20 jury has to find certain things by clear and convincing evidence to get
21 there.

22 PROSPECTIVE JUROR 118: Okay.

23 MR. ROBERTS: So my question for you: Are you more likely
24 to want to get there in this case? Not having heard the facts, but are you
25 more likely to want to award punitive damages against the Defendant

1 just because it's a big corporation?

2 PROSPECTIVE JUROR 118: Possibly.

3 MR. ROBERTS: Okay.

4 PROSPECTIVE JUROR 118: Yeah.

5 MR. ROBERTS: And when you say "possibly", I'm going to
6 turn it around on a you a little bit, by do you know what equivocating is?

7 PROSPECTIVE JUROR 118: No.

8 MR. ROBERTS: It's sort of going back and forth.

9 PROSPECTIVE JUROR 118: Okay.

10 MR. ROBERTS: Can you sort of unequivocally state without
11 going back and forth, state positively that you can put our corporate
12 status out of your mind, when it comes to following the instructions of
13 the court? Or is it possible that's going to enter your mind that you're
14 more likely to want to award punitive damages against a big corporation
15 because of your personal beliefs and life experiences?

16 PROSPECTIVE JUROR 118: I do believe that, yes, I could put
17 that aside and logically determine the outcomes, based on both direction
18 and the facts laid out. Yes.

19 MR. ROBERTS: Okay. Thank you. Because we're all trying
20 to get a fair jury here.

21 PROSPECTIVE JUROR 118: Uh-huh.

22 MR. ROBERTS: Thank you, sir.

23 PROSPECTIVE JUROR 118: Yes.

24 MR. ROBERTS: All right. Just a second. So let's talk a little
25 bit just about the fact that my client is an insurance company. And I

1 know that the court asked you at the beginning -- and I think everyone
2 here said I think you don't have any bias generally against insurance
3 companies.

4 But what I'd like to know is who has had a bad experience
5 with an insurance company?

6 We've heard from a few people on that earlier today, but
7 who's -- and you've got the mic and you've got your hand up. So, Mr.
8 Tully.

9 PROSPECTIVE JUROR 118: Yes.

10 MR. ROBERTS: All right. Tell me a little bit about that.

11 PROSPECTIVE JUROR 118: Badge 118. So I touched on this
12 earlier, as well, I actually was in a car accident with a -- someone ran a
13 red light and hit my car. Broke my hip in two places, pulverized a portion
14 of it. and sent me to the hospital with a concussion as well. Their
15 insurance said they weren't going to do anything -- pay any damages or
16 even talk to me, until -- I forgot do a police report or something. And I
17 had a \$20,000 medical bill.

18 So I got a lawyer. And they were able to get everything paid
19 for and -- yeah. So that was a thing that was negative, I guess you could
20 say, in that the insurance company wouldn't even talk to me, as the
21 person who was, you know, injured.

22 MR. ROBERTS: So my notes say that when you were first
23 telling us about it, that you sued the insurance company?

24 PROSPECTIVE JUROR 118: Correct.

25 MR. ROBERTS: Did you actually sue them, as a main

1 defendant or were you suing the person who hit you?

2 PROSPECTIVE JUROR 118: I could not honestly tell you. I'm
3 not sure. But when I spoke with my defense lawyer -- or I guess not -- in
4 the case -- it would be the -- my lawyer. They -- I told him I didn't want to
5 sue the person. I just wanted the compensation for everything that was
6 done. And so from what I saw from the payout, it was all insurance.

7 So I don't know if the -- the -- the person driving the car was
8 named in the lawsuit. All I know is that -- that happened.

9 MR. ROBERTS: Did it get to this stage of the trial?

10 PROSPECTIVE JUROR 118: No. I believe it was settled out of
11 court.

12 MR. ROBERTS: Okay. Do you know if a lawsuit was actually
13 filed in court?

14 PROSPECTIVE JUROR 118: I could not tell you that.

15 MR. ROBERTS: Okay. That experience, you know, on top of
16 your feelings about corporations, do you think you could still set that
17 aside and be fair to us?

18 PROSPECTIVE JUROR 118: I -- I would try my best. I -- I
19 believe I could be fair, but, again, I mean, unpleasant -- what is
20 it -- implicit biases are a thing and, you know.

21 MR. ROBERTS: It would be fair to say that based on your
22 own experiences with insurance companies, you've sort of got an
23 implicit bias against them in general?

24 PROSPECTIVE JUROR 118: I wouldn't say -- I wouldn't say
25 with insurance companies because I do believe insurance companies do

1 have a large role to play. But perhaps with health insurance companies
2 you can make that argument. Yes.

3 MR. ROBERTS: Okay. So you're saying that you view health
4 insurance companies a little different than the type of company you were
5 dealing with?

6 PROSPECTIVE JUROR 118: No. That was -- no. Yeah. No.
7 I -- I shouldn't have said that. I would say that I believe I could, although,
8 I understand, similar to some of the other people here, that if that
9 wouldn't seem fair, I guess you could say. And the fact that I don't view
10 insurance companies negatively. I view more, I guess, corporations
11 negatively, but I don't think that would add a bias to this. Until we get to
12 those, you know, damages phase, if the corporation -- the insurance
13 company was not at fault, then they should not be held accountable.

14 MR. ROBERTS: There's something I wanted to follow up on.
15 And sometimes I miss body language or someone's talking to another
16 juror, but when Mr. Cook was talking about his beliefs about the
17 healthcare system is wrong and the insurance company's role and it just
18 made it worse. I thought I saw you sort of nodding in agreement to a lot
19 of what he was saying. Did I get that right?

20 PROSPECTIVE JUROR 118: I would have to remember what
21 was said, but probably I've nodded to quite a few people here, so, yeah.

22 MR. ROBERTS: Do you feel that the healthcare system is
23 flawed in America?

24 PROSPECTIVE JUROR 118: Yes.

25 MR. ROBERTS: Do you feel like insurance companies are

1 partially to blame to the fact that our system is not what you would want
2 it to be?

3 PROSPECTIVE JUROR 118: Yes.

4 MR. ROBERTS: And do you have a problem with the fact that
5 an insurance company gets to say in whether to preauthorize medical
6 treatment in some cases?

7 PROSPECTIVE JUROR 118: Yes.

8 MR. ROBERTS: Do you understand why I might be
9 concerned about, you know, a person with your beliefs on a jury trying
10 to decide the facts in this case?

11 PROSPECTIVE JUROR 118: Yes, I do.

12 MR. ROBERTS: Do you think you might be a better fit for a
13 different jury that didn't involve these areas, where you felt so strongly?

14 PROSPECTIVE JUROR 118: If we follow that chain of logic,
15 yes. My personal belief would be that I wouldn't because I don't believe
16 that would disqualify me from any jury selection personally. I
17 understand that that's not the case, but, you know.

18 MR. ROBERTS: Thank you, sir. I appreciate you being
19 honest with me. And I know -- I know it's a big town, but it's also a small
20 town. You wouldn't be related to Martin and Deborah Tully, would you?

21 PROSPECTIVE JUROR 118: No, not that I'm aware of, but I
22 have met a lot of people with my last name, so --

23 MR. ROBERTS: Okay. All right. Thank you, sir.

24 So can we go back to the -- to the back row and Ms.
25 Manaclay. Your badge number, ma'am?

1 THE COURT: 010; is that right?

2 PROSPECTIVE JUROR 010: 010.

3 MR. ROBERTS: Okay. Thank you so much, ma'am. And I
4 don't mean to pry or ask personal questions, but are you able to
5 understand what's going on here and follow the questioning?

6 PROSPECTIVE JUROR 010: Yes, sir.

7 MR. ROBERTS: Yes? Are you comfortable serving on a -- on
8 a jury?

9 PROSPECTIVE JUROR 010: Yes.

10 MR. ROBERTS: Yes? Okay. Can you tell me a little bit about
11 your feelings in this case? Are you already favoring one party or
12 another? Are you favoring Ms. Sandra Eskew? Or leaning in favor of the
13 insurance company? Are you already having feelings?

14 PROSPECTIVE JUROR 010: Well, the insurance company it's
15 okay. I agree.

16 MR. ROBERTS: So you could be fair to both parties, as you
17 sit here today?

18 PROSPECTIVE JUROR 010: Yes, sir.

19 MR. ROBERTS: Yes? So you -- when you first came to
20 America, was that 1985? Did I get that right?

21 PROSPECTIVE JUROR 010: Yes, sir.

22 MR. ROBERTS: And you started out in San Francisco?

23 PROSPECTIVE JUROR 010: Yes, sir.

24 MR. ROBERTS: And when did you move to Las Vegas?

25 PROSPECTIVE JUROR 010: I think 1979.

1 MR. ROBERTS: Okay. And where did you move to Las
2 Vegas from?
3 PROSPECTIVE JUROR 010: From California first. And then
4 we move here in Las Vegas.
5 MR. ROBERTS: Okay.
6 PROSPECTIVE JUROR 010: Then transfer here.
7 MR. ROBERTS: So but you've been here since 1979? Of did
8 you go back and forth?
9 PROSPECTIVE JUROR 010: Back and forth, sir.
10 MR. ROBERTS: Okay. And prior to your job at the -- let's
11 see -- at the ARIA --
12 PROSPECTIVE JUROR 010: Yes, sir.
13 MR. ROBERTS: -- where did you work at?
14 PROSPECTIVE JUROR 010: In the [indiscernible] food
15 service.
16 MR. ROBERTS: Was that at the Stratosphere or did you also
17 work at other hotels?
18 PROSPECTIVE JUROR 010: Yeah.
19 MR. ROBERTS: Okay.
20 PROSPECTIVE JUROR 010: I moved to ARIA first and then I
21 moved to the STRAT.
22 MR. ROBERTS: Okay. And are those the only two hotels
23 you've worked in?
24 PROSPECTIVE JUROR 010: No.
25 MR. ROBERTS: Okay.

1 PROSPECTIVE JUROR 010: In Luxor too -- Luxor and then
2 ARIA and STRAT. When they opened the ARIA, I moved until since open
3 six years in ARIA.

4 MR. ROBERTS: And let me just ask you about your children.
5 You have a child who is in physical therapy; is that right?

6 PROSPECTIVE JUROR 010: Yes, sir.

7 MR. ROBERTS: And do you ever talk to them about their
8 job?

9 PROSPECTIVE JUROR 010: Yes.

10 MR. ROBERTS: Okay. And how do you feel about the work
11 they do in healthcare?

12 PROSPECTIVE JUROR 010: Good benefit too. She -- she
13 work good. And very good to -- to the company.

14 MR. ROBERTS: Okay. So your children enjoys their work in
15 the healthcare field?

16 PROSPECTIVE JUROR 010: Yes, sir.

17 MR. ROBERTS: And do you -- do you have any feeling about
18 health insurance companies, one way or another?

19 PROSPECTIVE JUROR 010: My insurance is Farmers
20 Insurance Company. It's okay too.

21 MR. ROBERTS: Okay. Have you ever had any problems with
22 your insurance company?

23 PROSPECTIVE JUROR 010: No, sir.

24 MR. ROBERTS: No. Okay. Thank you very much, ma'am. I
25 appreciate --

1 PROSPECTIVE JUROR 010: Thank you.

2 MR. ROBERTS: -- you talking to me.

3 So and, Mr. Gutierrez, as long as you have the mic there. I
4 didn't ask you any questions about your spouse. As I understand it she's
5 an X-ray tech, but she wasn't in many radiation oncology field; is that
6 correct?

7 PROSPECTIVE JUROR 020: 020. No, she's never been
8 on -- on oncology. No.

9 MR. ROBERTS: Does she talk to you about her work in the
10 healthcare field?

11 PROSPECTIVE JUROR 020: Yes.

12 MR. ROBERTS: Is she generally happy with her job?

13 PROSPECTIVE JUROR 020: I think so.

14 MR. ROBERTS: Okay. Are there any aspects of her job that
15 frustrate her about being in the healthcare industry?

16 PROSPECTIVE JUROR 020: I think that's a question that
17 she'd better answer than me. I don't know.

18 MR. ROBERTS: So you mentioned that she worked at
19 Sunrise Hospital?

20 PROSPECTIVE JUROR 020: That's correct. Yes.

21 MR. ROBERTS: And has she ever worked for any other
22 healthcare providers in the Las Vegas area?

23 PROSPECTIVE JUROR 020: I think she worked for -- it was
24 another X-ray company that she worked for, but I don't recall the name.
25 It was a brief period of time.

1 MR. ROBERTS: Okay. Like a private company? Like Desert
2 Radiology, SimonMed, something like that?

3 PROSPECTIVE JUROR 020: Something like that, yes.

4 MR. ROBERTS: Okay. Does she prefer the hospital?

5 PROSPECTIVE JUROR 020: No. I don't think she prefers -- I
6 think she prefers the private sector.

7 MR. ROBERTS: Okay. You mentioned that you have an
8 associate's degree. What did it -- was that in a particular major?

9 PROSPECTIVE JUROR 020: I didn't mention any associate's
10 degree.

11 MR. ROBERTS: Oh, okay.

12 PROSPECTIVE JUROR 020: I just -- I'm an electrician. I work
13 for the union as a journeyman electrician. So I -- I did get a degree on
14 that through the college -- through community college.

15 MR. ROBERTS: Okay.

16 PROSPECTIVE JUROR 020: Yes.

17 MR. ROBERTS: In doing electrical contracting?

18 PROSPECTIVE JUROR 020: That's correct. Yes.

19 MR. ROBERTS: And Bombard Electric, have you worked for
20 any other companies, other than Bombard?

21 PROSPECTIVE JUROR 020: Yes, I've worked for other
22 companies.

23 MR. ROBERTS: Okay.

24 PROSPECTIVE JUROR 020: Yes.

25 MR. ROBERTS: So does the union just send you to who has

1 the work?

2 PROSPECTIVE JUROR 020: That's correct. Yes.

3 MR. ROBERTS: Okay. Anything else you think I should

4 know?

5 PROSPECTIVE JUROR 020: No.

6 MR. ROBERTS: Thank you, Mr. Gutierrez. I appreciate it.

7 If you could pass the mic to Mr. Castaneda.

8 PROSPECTIVE JUROR 034: [Kas te nee eh].

9 MR. ROBERTS: Castaneda.

10 PROSPECTIVE JUROR 034: 034.

11 MR. ROBERTS: And installation maintenance Cashman

12 Equipment?

13 PROSPECTIVE JUROR 034: Generator technician.

14 MR. ROBERTS: Okay. So you repair generators?

15 PROSPECTIVE JUROR 034: Engine generators. Yeah.

16 MR. ROBERTS: The portable ones on the wheels -- the big

17 ones?

18 PROSPECTIVE JUROR 034: Stationary and portable ones.

19 MR. ROBERTS: Okay. I didn't know Cashman rented the

20 stationary ones.

21 PROSPECTIVE JUROR 034: Yeah. We're at the EPG side.

22 They've got the heavy equipment side. The earth moving side, so I'm on

23 the electrical power generation side.

24 MR. ROBERTS: Okay. And how long have you worked there,

25 again, sir?

1 PROSPECTIVE JUROR 034: I'm there for a year and six
2 months already.

3 MR. ROBERTS: And was that the first job you got in Vegas?

4 PROSPECTIVE JUROR 034: No. I was with them previously
5 before I moved back home to Guam.

6 MR. ROBERTS: Okay. And then you've gone back and forth,
7 if I remember?

8 PROSPECTIVE JUROR 034: No. I -- I've been gone for 12
9 years and then just moved back recently. So a year and seven months
10 I'll be here in Vegas now.

11 MR. ROBERTS: Okay. Tell me about your lawsuit?

12 PROSPECTIVE JUROR 034: It was a rent -- rental -- I was
13 behind on my rent.

14 MR. ROBERTS: And you don't have to get into the specifics
15 of the suit.

16 PROSPECTIVE JUROR 034: Yeah.

17 MR. ROBERTS: What I really mean --

18 PROSPECTIVE JUROR 034: I was taken to court because I -- I
19 wasn't paying my rent and they wanted their money so.

20 MR. ROBERTS: And what I was really interested in is, is
21 whether you felt you were treated fairly by the justice system?

22 PROSPECTIVE JUROR 034: I was. I mean, I -- it was my
23 wrongdoing, so I felt it was fair -- it was fair.

24 MR. ROBERTS: Did the case resolve in front of the judge or --

25 PROSPECTIVE JUROR 034: Yes, it did.

1 MR. ROBERTS: So you never got to any type of proceeding
2 like this, right?

3 PROSPECTIVE JUROR 034: No -- no.

4 MR. ROBERTS: And you had or have health plan with
5 Nevada Insurance?

6 PROSPECTIVE JUROR 034: I -- I am currently with Health
7 Plan of Nevada.

8 MR. ROBERTS: And you have any bad experience with
9 them?

10 PROSPECTIVE JUROR 034: No, I don't. The wife handles all
11 of the insurance stuff with the kids and stuff. And I haven't had any bad
12 experience.

13 MR. ROBERTS: Okay.

14 PROSPECTIVE JUROR 034: I'm pretty satisfied so far with
15 my experience.

16 MR. ROBERTS: So nothing about any of your life
17 experiences that would make it hard for you to be a juror in this case?

18 PROSPECTIVE JUROR 034: No, sir.

19 MR. ROBERTS: All right. Great. Thank you so much.

20 PROSPECTIVE JUROR 034: Yeah.

21 MR. ROBERTS: Okay. We're going to -- I've talked to you
22 already, so we're going to pass that on down.

23 PROSPECTIVE JUROR 062: 062.

24 MR. ROBERTS: and it's Ms. Steed, correct?

25 PROSPECTIVE JUROR 062: Yes, sir.

1 MR. ROBERTS: And so what I wanted to ask you about is,
2 first, just your -- you have friends in the healthcare industry? CT tech, I
3 think you mentioned.

4 PROSPECTIVE JUROR 062: Yeah.

5 MR. ROBERTS: And then a phlebotomist?

6 PROSPECTIVE JUROR 062: Uh-huh.

7 MR. ROBERTS: You're a phlebotomist. Do you ever talk to
8 them about their work?

9 PROSPECTIVE JUROR 062: No. I try not to ever.

10 MR. ROBERTS: Okay.

11 PROSPECTIVE JUROR 062: It's -- it's boring.

12 MR. ROBERTS: So you never talk to them about insurance
13 or --

14 PROSPECTIVE JUROR 062: No -- no, not at all.

15 MR. ROBERTS: Okay. What about your experience with
16 cancer? I've got kidney and lung here.

17 PROSPECTIVE JUROR 062: Uh-huh.

18 MR. ROBERTS: Have you had some experience there?

19 PROSPECTIVE JUROR 062: In both cases it was found. They
20 had insurance. It was just their time.

21 MR. ROBERTS: So in both of those cases, they passed due to
22 their --

23 PROSPECTIVE JUROR 062: Yes.

24 MR. ROBERTS: -- cancer?

25 PROSPECTIVE JUROR 062: Uh-huh.

1 MR. ROBERTS: Do you feel like that it was just their time?
2 Or do you feel like anyone contributed to their passing in any way?

3 PROSPECTIVE JUROR 062: No. It was just their time.

4 MR. ROBERTS: The fact that this case is going to be about
5 someone who died of cancer, is that going to be difficult for you?

6 PROSPECTIVE JUROR 062: No.

7 MR. ROBERTS: Okay. Anything I should know?

8 PROSPECTIVE JUROR 062: No, sir.

9 MR. ROBERTS: [Indiscernible] to my client, even though
10 they're insurance company and a corporation?

11 PROSPECTIVE JUROR 062: No. I -- I have four children. My
12 three oldest are daughters and they fight constantly -- verbally. And it's
13 up to me to sit -- and I love both equally, but I have to sit, and I have to
14 listen, and which one is wrong, which one is right. How do we deal with
15 it, you know. I -- I have -- I've had to be impartial for 25 years now with
16 my kids.

17 MR. ROBERTS: Okay. So you've got kids, and you're trying
18 to be impartial.

19 PROSPECTIVE JUROR 062: Uh-huh.

20 MR. ROBERTS: Do you ever form an opinion about who's at
21 fault after you've talked to the first kid?

22 PROSPECTIVE JUROR 062: No, because they're -- they're
23 both equally devious.

24 MR. ROBERTS: But you'd like to hear both of their stories
25 before --

1 PROSPECTIVE JUROR 062: Yes.

2 MR. ROBERTS: -- you make up your mind?

3 PROSPECTIVE JUROR 062: That's -- that's what I tell my kids
4 all the time because, well, mommy, mommy, mommy, and mommy.
5 No, let's get to the root of the problem. How did this start.

6 MR. ROBERTS: Okay. So this case is sort of like that
7 because the Plaintiffs are going to get to go first. They get to go first
8 with opening statements. They go first with closing argument. They go
9 first with putting on the witnesses they want you to hear first.

10 So my question for you is, can you keep an open mind until
11 you hear all of the evidence and try not to form any opinions about who
12 is right and who is wrong until you hear all of the evidence?

13 PROSPECTIVE JUROR 062: I believe so.

14 MR. ROBERTS: Okay. Everyone here okay with that? Is
15 there anyone who doesn't think they can keep an open mind?

16 And the Plaintiffs get to go first because they have the
17 burden of proof, so that's fair to them. And I'm not complaining about
18 that. I just want to make sure you can all keep an open mind. Yes?

19 PROSPECTIVE JUROR 062: Yes.

20 MR. ROBERTS: Okay. Fantastic. All right. Let's -- actually,
21 go down to Ms. Schlick.

22 PROSPECTIVE JUROR 084: Yes, sir. 084.

23 MR. ROBERTS: Okay. And Mr. Sharp talked to you for a long
24 time about your job and the fact that it relates to some of the issues that
25 we're going to be dealing with in this trial.

1 PROSPECTIVE JUROR 084: Right.

2 MR. ROBERTS: So thinking about everything that you've
3 talked about with Mr. Sharp, can you listen to the evidence in this case
4 and fairly and impartially apply the law to the facts, as a juror, if you're
5 selected?

6 PROSPECTIVE JUROR 084: I always do.

7 MR. ROBERTS: And there's nothing about your own life
8 experiences in the field of nursing, for that short period of time, where
9 you did utilization review, that would cause you to form opinions -- you
10 don't have any opinions yet in this case?

11 PROSPECTIVE JUROR 084: I have lots of opinions, but not in
12 this particular case.

13 MR. ROBERTS: Fair enough. And you did not work in
14 oncology in your -- in your nursing career?

15 PROSPECTIVE JUROR 084: Not as a specialty.

16 MR. ROBERTS: But sometimes you dealt with it
17 peripherally?

18 PROSPECTIVE JUROR 084: Sure. Because the majority of
19 patients that have cancer sometimes end up on the medical surgical
20 floor. And depending on the type of hospitals, they might not have an
21 oncology unit, so a lot of nurses also take care of patients with cancer.
22 And my sister just died of cancer.

23 MR. ROBERTS: But you never had to prove or deny or make
24 a recommendation on a request for cancer treatment, right?

25 PROSPECTIVE JUROR 084: It wasn't a cancer treatment, but

1 in the previous years they -- there was a request, for example, whereby a
2 patient was requesting for a tattoo on the areola. And that was a very
3 controversial issue at that time. But since then, I think it's -- it's an okay
4 deal now. But at that time, it needed a lot of exploration, so to speak.

5 MR. ROBERTS: And was that related to cancer or is this a --

6 PROSPECTIVE JUROR 084: Yes -- yes, because the -- the
7 patient had mastectomy and -- yeah, and, like, I -- I think she had an
8 implant of some sort. And for that to look better, the request was to
9 have an areola tattoo. Yeah.

10 MR. ROBERTS: I understand.

11 PROSPECTIVE JUROR 084: Yeah.

12 MR. ROBERTS: But that really is pretty far afield of anything
13 we might be deciding here I think?

14 PROSPECTIVE JUROR 084: Well, it's completely different
15 case. Yeah.

16 MR. ROBERTS: And so nothing about that has caused you to
17 prejudge the request for treatment in this case, right?

18 PROSPECTIVE JUROR 084: Well, the -- the disapproval is
19 based on what was covered benefit. And at that time, it wasn't. But as I
20 said earlier, you have secondary review and so on, and they finally get
21 approved.

22 MR. ROBERTS: I understand. You have a child who is a
23 physician at Cedar Sinai?

24 PROSPECTIVE JUROR 084: Yes.

25 MR. ROBERTS: And what specialty, if any, does your child

1 have?

2 PROSPECTIVE JUROR 084: He's a neurologist.

3 MR. ROBERTS: And as a neurologist, I assume he doesn't
4 have anything to do with cancer treatment or does he sometimes go into
5 that field?

6 PROSPECTIVE JUROR 084: Well, he's had -- he's had
7 patients with cancer, with neurological problems, but he doesn't have
8 anything to do in prescribing cancer treatments.

9 MR. ROBERTS: Okay. Does he talk to you about the
10 insurance side of health care at all?

11 PROSPECTIVE JUROR 084: No, because I know more than
12 him.

13 MR. ROBERTS: Thank you so much.

14 PROSPECTIVE JUROR 084: You're welcome.

15 MR. ROBERTS: So, Mr. Kenner, let's see badge number 101.

16 PROSPECTIVE JUROR 101: Yes.

17 MR. ROBERTS: The question I wanted to come back to you
18 on was about your with C3, I believe.

19 PROSPECTIVE JUROR 101: Yes.

20 MR. ROBERTS: And you mentioned that C3 had a -- had a
21 contract, where you dealt with insurance?

22 PROSPECTIVE JUROR 101: Correct.

23 MR. ROBERTS: Did you have any good or bad experiences
24 with Sierra Health and Life Company, Health Plan of Nevada, or
25 UnitedHealthcare, in your work with C3?

1 PROSPECTIVE JUROR 101: No.

2 MR. ROBERTS: Did you form any impressions about those
3 companies?

4 PROSPECTIVE JUROR 101: No.

5 MR. ROBERTS: Anything about that experience that causes
6 you to be biased against one side or the other here?

7 PROSPECTIVE JUROR 101: No, I don't think so.

8 MR. ROBERTS: You are a current HPN member?

9 PROSPECTIVE JUROR 101: Yes.

10 MR. ROBERTS: Do you feel -- how do you feel about HPN, in
11 your own dealings with them?

12 PROSPECTIVE JUROR 101: They're okay so far. Sometimes
13 it's hard to get through to a -- speak to a representative sometimes, but
14 overall they're -- they're okay.

15 MR. ROBERTS: Okay. So nothing about your personal
16 experiences there would affect this case?

17 PROSPECTIVE JUROR 101: No.

18 MR. ROBERTS: Anything else that you feel like you want to
19 tell me?

20 PROSPECTIVE JUROR 101: No, I don't think so.

21 MR. ROBERTS: Okay. Thank you, sir.

22 So if you could pass the mic just right here to -- and is it like
23 the baseball team, sir?

24 PROSPECTIVE JUROR 193: It is.

25 MR. ROBERTS: Mr. Padres. Excellent.

1 PROSPECTIVE JUROR 193: 193.

2 MR. ROBERTS: So as I understand your relationship with
3 insurance companies is kind of complex, but in doing your work for
4 insurance companies, one thing I didn't understand is you talked about
5 sometimes the decision is made to pay ransom; is that fair?

6 PROSPECTIVE JUROR 193: That is correct.

7 MR. ROBERTS: And is the ransom ever paid by the
8 insurance company?

9 PROSPECTIVE JUROR 193: Yeah. I think when I -- when I
10 said it, I was generally saying that the victim would be paying the
11 ransom, but, yes, actually, it is true that many times they are reimbursed
12 by insurance.

13 MR. ROBERTS: So as part of your work, are you sometimes
14 involved in trying to persuade the insurance company to pay money?

15 PROSPECTIVE JUROR 193: No.

16 MR. ROBERTS: Okay. So you wouldn't make a
17 recommendation for the insurance company to pay ransom?

18 PROSPECTIVE JUROR 193: No.

19 MR. ROBERTS: Your recommendation would just be to your
20 client and sometimes they're reimbursed for that?

21 PROSPECTIVE JUROR 193: It gets much more complicated
22 because of the legalities of paying ransom. So many -- that could be a
23 leap -- that could be a legal advice, right, like, are we paying a sanctioned
24 entity. Do -- do you know who you're paying. Or are you just paying to
25 some anonymous person with a bitcoin wallet, who ultimately could be a

1 sanctioned entity. And that certainly has happened before.

2 So for a lot of reasons, we don't advise them on whether to
3 pay. We answer a lot of questions about what -- what do we see happen
4 when they pay. What can they expect. You know, are they going to get
5 their data decrypted. How does the process work. What are the
6 alternatives. How long is that going to take because sometimes they can
7 pay the ransom. It's \$10 million. Or they have -- they can recover from
8 backups, if they have backups. But the backup recovery will take two
9 weeks, but \$10 million would be, like, one day out of them being shut
10 down, so they decide to pay. So it's -- it's that sort of, you know,
11 conversation around the things that go into the decision, but ultimately
12 we don't tell them one way or another.

13 MR. ROBERTS: You give them advice. They'll make their
14 own decision?

15 PROSPECTIVE JUROR 193: Exactly.

16 MR. ROBERTS: Okay. Have you ever had someone pay \$10
17 million and not get their data decrypted?

18 PROSPECTIVE JUROR 193: I have to think about that one.
19 We've had ransoms as high as \$50 million, but typically, they do get
20 their data decrypted. And when they don't, it's either one of two
21 reasons: They make the threat actor really mad; or a mistake, literally,
22 the -- the bad guys screw something up and they can't decrypt their data.
23 Those are very rare. It's unfortunate, but most of the time they pay and
24 most of the time they get their data back.

25 MR. ROBERTS: So sounds like you wouldn't have any

1 interactions with insurance companies that have -- would cause you to
2 be biased against them in any way or am I missing something?

3 PROSPECTIVE JUROR 193: Not that I can think of. No.

4 MR. ROBERTS: Okay. And you could be fair to my client, as
5 a health insurer and a big corporation?

6 PROSPECTIVE JUROR 193: Yes. I mean, my thoughts on
7 corporations are they're people. I mean, they have -- maybe their
8 motive -- maybe they -- when you grow to a certain size, it is true
9 you -- you may not know everybody by name and all their
10 circumstances, but at the end of the day, I guess there's two parts to that:
11 One, is you're a person, and therefore, they're good people and bad
12 people. People who do things leaning one way or the other or have
13 different sort of morals, but also if you can't retain your employees or
14 your customers, you're not going to last very long, so that's a
15 consideration as well, so --

16 MR. ROBERTS: So you view sort of corporations as only
17 being able [indiscernible] people and they're good people and bad
18 people?

19 PROSPECTIVE JUROR 193: I think that's correct.

20 MR. ROBERTS: Okay. You know, unlike some of the other
21 people we've heard from, do you think corporations are more likely to be
22 bad actors and to cheat and lie and steal?

23 PROSPECTIVE JUROR 193: I -- I would have to acknowledge
24 that that happens, but I don't think they're more likely.

25 MR. ROBERTS: Good and bad people in all walks of life?

1 PROSPECTIVE JUROR 193: Exactly.

2 MR. ROBERTS: Okay. Thank you, sir. Do you like Las Vegas
3 better than McLean --

4 PROSPECTIVE JUROR 193: I love Las Vegas.

5 MR. ROBERTS: -- Northern Virginia.

6 PROSPECTIVE JUROR 193: Yeah.

7 MR. ROBERTS: Less traffic here.

8 PROSPECTIVE JUROR 193: I like it for a lot of reasons and
9 that's one of them.

10 MR. ROBERTS: What are some of the other reasons why you
11 like Vegas?

12 PROSPECTIVE JUROR 193: Less state taxes. The weather.

13 MR. ROBERTS: I note you had UnitedHealthcare insurance in
14 the past?

15 PROSPECTIVE JUROR 193: I was with the government
16 and -- and some of my other employers, I'm pretty sure we had
17 UnitedHealthcare, at least one -- more than once, actually, during certain
18 employment periods.

19 MR. ROBERTS: Were you on TRICARE or a different branch
20 of the government?

21 PROSPECTIVE JUROR 193: I believe I was on TRICARE
22 during -- when I was in the Air Force.

23 MR. ROBERTS: Okay. Anything about those experiences
24 that cause you to be biased against a UnitedHealthcare company or
25 insurance companies in general?

1 PROSPECTIVE JUROR 193: No.
2 MR. ROBERTS: No. Thank you, sir.
3 PROSPECTIVE JUROR 193: Uh-huh.
4 MR. ROBERTS: Okay. Let's -- Mr. Desmond?
5 PROSPECTIVE JUROR 134: Yes.
6 MR. ROBERTS: Let's talk. We haven't talked much.
7 PROSPECTIVE JUROR 134: 134.
8 MR. ROBERTS: All right. What's your master's degree in?
9 PROSPECTIVE JUROR 134: Landscape architecture.
10 MR. ROBERTS: Okay. Well, that makes sense. And you
11 have lived up in Reno?
12 PROSPECTIVE JUROR 134: That's correct. Yes.
13 MR. ROBERTS: And you've lived in Vegas.
14 PROSPECTIVE JUROR 134: That is correct.
15 MR. ROBERTS: Which do you prefer?
16 PROSPECTIVE JUROR 134: Well, I'm kind of cold adverse
17 these days so Las Vegas. I came down here hoping it'd be 120 every
18 day, so it's --
19 MR. ROBERTS: So you've been disappointed a little over the
20 last month?
21 PROSPECTIVE JUROR 134: Oh, [indiscernible].
22 MR. ROBERTS: With regard to your work for the PAC, tell
23 me a little bit more about what your leadership role was in the PAC and
24 the fundraising? Were you more on the fundraising side or more on the
25 this is what we would do if we got the money side?

1 PROSPECTIVE JUROR 134: It was a little bit more on the
2 leadership side. Yeah, it was back when I was also involved in the City
3 of Reno Recreation and Parks Commission, so I was basically serving
4 as -- in a way a liaison between the Recreation and Parks Commission
5 and the PAC, by being a member of both. It wasn't a conflict of interest
6 in any way. They both have the same goals and objectives. It's just I
7 was able to better make a little connection there that worked, in terms of
8 getting community support and getting word out. And, you know, you
9 have a lot of connections and stuff in both government and public, so --

10 MR. ROBERTS: There seems to be a connection between
11 your parks and landscape architecture?

12 PROSPECTIVE JUROR 134: That's correct.

13 MR. ROBERTS: And how did you get into deciding you
14 wanted to serve on the parks commission authority?

15 PROSPECTIVE JUROR 134: It was presented to me as an
16 opportunity and so I was kind of recruited to do it in a way. Yeah. And
17 it -- it seemed like a natural fit. I've always, you know, I've worked on
18 lots of park projects all over the country, so, yeah, why not. I enjoyed it.

19 MR. ROBERTS: Tell me about your child in Utah?

20 PROSPECTIVE JUROR 134: Well, he's 34 years old, so not
21 quite a child. He's my child, but not childlike. Yeah, he's 34 years old.
22 He's retired from the Marine Corps. He's currently studying at the
23 University of Utah in psychology.

24 MR. ROBERTS: Oh, that's what I was going to ask -- what his
25 major was.

1 PROSPECTIVE JUROR 134: Yeah. He has a -- a wife, who is
2 also studying psychology. And a 12-year-old son.

3 MR. ROBERTS: How long was he in the Marine Corps before
4 he went back to school?

5 PROSPECTIVE JUROR 134: Good question. His retirement
6 was an unusual circumstance. So that's not the norm. He's
7 obviously -- probably if you know anything about the military, you
8 probably sit there and go how could he be, you know, 34 years old and
9 have a retired. He does, but -- but that's unusual.

10 MR. ROBERTS: So he enlisted at 14?

11 PROSPECTIVE JUROR 134: Yeah, almost, yeah. Not quite.
12 No, he went in right out of high school pretty much, so, yeah.

13 MR. ROBERTS: Okay. So I've got one more question for this
14 group. And it's kind of fun. Learn a little bit about you. What I'd like you
15 to do is all tell me who your most admired public figure is -- living or
16 dead? Can't be a relative. Can't be mom or dad. Just tell me who it is
17 and why?

18 And you've got the mic, so the pressure -- the pressure is on.

19 PROSPECTIVE JUROR 134: Yeah. That's tough right out of
20 the shoe. Most admired public figure. Boy, that's a stumper. Most
21 admired public figure. Are you talking about like a politician or are you
22 talking about somebody whose, like, in public service?

23 MR. ROBERTS: I get everything from Gandhi to Abraham
24 Lincoln, Martin Luther King.

25 PROSPECTIVE JUROR 134: Yeah, this is -- this is what I

1 didn't know. Yeah. What -- whether --

2 MR. ROBERTS: Oprah.

3 PROSPECTIVE JUROR 134: -- you wanted somebody alive or
4 what. Yeah. So -- okay -- so, yeah. I would probably say George
5 Washington.

6 MR. ROBERTS: Okay. And why?

7 PROSPECTIVE JUROR 134: I think they just had an
8 enormous challenge on their hand, and somebody had to take leadership
9 and do the things that needed to be done, you know. He was -- he was
10 one of those people.

11 MR. ROBERTS: What did you think about how he was
12 portrayed in Hamilton?

13 PROSPECTIVE JUROR 134: How he was what, sir?

14 MR. ROBERTS: How he was portrayed in Hamilton.

15 PROSPECTIVE JUROR 134: I never saw it.

16 MR. ROBERTS: Did you see the play?

17 PROSPECTIVE JUROR 134: No. I never saw it.

18 MR. ROBERTS: Okay. All right. Thank you.

19 PROSPECTIVE JUROR 134: Do you want it this way or this
20 way?

21 MR. ROBERTS: Who wants to go?

22 PROSPECTIVE JUROR 161: 161.

23 MR. ROBERTS: Thank you, Mr. Cook.

24 PROSPECTIVE JUROR 161: I'd say MLK because of his views
25 on the redistribution of wealth.

1 MR. ROBERTS: Okay. Thank you, sir.
2 Mr. Padres.
3 PROSPECTIVE JUROR 193: My kids always ask me my
4 favorite -- 193 -- my kids always -- or ask me to pick favorite this, favorite
5 that. I -- I always have a hard time with these questions, but I like a lot of
6 people. So I would even pick MLK for, you know, maybe sort of, you
7 know, racial justice issues. But -- but also Paul McCartney.
8 MR. ROBERTS: Okay.
9 PROSPECTIVE JUROR 193: I'm just a big fan. And he's got a
10 lot of talent.
11 MR. ROBERTS: Just based on his music?
12 PROSPECTIVE JUROR 193: Exactly.
13 MR. ROBERTS: Okay. Thank you, Mr. Padres.
14 Go back to Mr. Kenner.
15 PROSPECTIVE JUROR 101: 101. I would probably go with
16 MLK, as well, just because he was a master communicator and made
17 millions of people follow him and to do it in the time period that he did,
18 it was just amazing, so --
19 MR. ROBERTS: Thank you, sir.
20 PROSPECTIVE JUROR 084: I have several, but at the
21 moment and time --
22 THE COURT: Badge number? Hold on. Your badge number.
23 MR. ROBERTS: Badge number?
24 PROSPECTIVE JUROR 084: Oh, I'm sorry, 084.
25 MR. ROBERTS: Thank you, Ms. Schlick.

1 PROSPECTIVE JUROR 084: But currently, at this moment in
2 time, I really admire the president of Ukraine for leadership and
3 resistance.

4 PROSPECTIVE JUROR 079: 079. I was going to say the same
5 thing as her -- the leader of Ukraine.

6 PROSPECTIVE JUROR 078: 078. I would say President
7 Reagan.

8 MR. ROBERTS: What is it about President Reagan, sir?

9 PROSPECTIVE JUROR 078: He ended the Cold War. He was
10 very -- he stood up for what he believed. He stood up for America. He
11 ended the Cold War. He did a lot of good things. And he had a lot of
12 support.

13 MR. ROBERTS: Thank you.

14 PROSPECTIVE JUROR 062: 062. I agree with both ladies,
15 President Zelenskyy. He's showing what it takes to be a true leader right
16 now and stand up for his people.

17 PROSPECTIVE JUROR 058: 058. Mr. Rogers because he
18 encouraged people to be -- to feel good about themselves just the way
19 they were.

20 MR. ROBERTS: Did you see the movie?

21 PROSPECTIVE JUROR 058: I did.

22 MR. ROBERTS: Tom Hanks did a good job, right?

23 PROSPECTIVE JUROR 058: Yeah, I think so.

24 MR. ROBERTS: Thank you.

25 PROSPECTIVE JUROR 034: 034. I don't -- I can't think of one

1 at the moment, so --

2 MR. ROBERTS: Mr. Gutierrez, looks like it's to you.

3 PROSPECTIVE JUROR 020: 020. Yes. I will say the same,
4 the president of Ukraine. Just because he was brought up, but
5 otherwise, I don't -- I wouldn't know.

6 MR. ROBERTS: Thank you, sir.

7 PROSPECTIVE JUROR 010: 010. Whoever the good one.
8 That's it.

9 PROSPECTIVE JUROR 006: 006. And I would say the leader
10 of Ukraine because of his resilience.

11 PROSPECTIVE JUROR 110: My boyhood idol was
12 Muhammad Ali. His ability to overcome adversity.

13 THE COURT: Sir, you just need to say your badge number.

14 PROSPECTIVE JUROR 110: Oh, I'm sorry. Badge number
15 110. You know, to change people's minds, where he was once a hated
16 figure and then became a beloved figure.

17 PROSPECTIVE JUROR 118: 118. I would say JFK just
18 because, you know, he did what he believed in, up until the last day, so,
19 yeah.

20 MR. ROBERTS: Thanks so much, everyone, for doing that for
21 me.

22 I've got a couple of questions to the group now. This is one
23 dealing with property taxes. So I'm going to ask you raise your
24 hands -- and you've got three answers coming: One, is my property
25 taxes are fair; two, my property taxes are too high; or C, I don't pay

1 property taxes, I don't have an opinion. Okay.

2 Raise your hands. Okay. Who thinks their property taxes are
3 fair?

4 Okay. And, Ms. Salvador, that was it. Yes, they're fair?

5 PROSPECTIVE JUROR 006: Yeah.

6 MR. ROBERTS: Okay. Thank you, ma'am.

7 Who thinks their property taxes are too high? Okay. We've
8 got three here.

9 And who doesn't pay them and don't have an opinion?

10 We've talked about lawsuits a little bit, but is there anyone
11 here, who has filed a complaint, a grievance, a claim, anything like that,
12 whether it's a union grievance, a claim against a company -- not a
13 lawsuit, but just made a formal complaint against someone asking for
14 something? I don't like what's going on here. I want you to give me my
15 money back. I want you to pay me for this. Anyone filed anything like
16 that in their past?

17 Okay. Ms. Schlick.

18 PROSPECTIVE JUROR 084: Yes. 084. I filed a claim with my
19 car insurance.

20 MR. ROBERTS: Okay. Were you treated fairly?

21 PROSPECTIVE JUROR 084: Not to my thinking, but it's okay.
22 Somebody rear ended my car. That's fine.

23 MR. ROBERTS: And you filed it with your own insurance?

24 PROSPECTIVE JUROR 084: So I had to file with my car
25 insurance, and they had to charge her car insurance.

1 MR. ROBERTS: Okay. Thank you.

2 Anyone else got anything to share?

3 Up here on the front row, Mr. Desmond.

4 PROSPECTIVE JUROR 134: Yeah, I did really apply for my --

5 THE COURT: Wait.

6 PROSPECTIVE JUROR 134: 134, yeah. But same

7 thing -- fender benders and stuff, filed claims with the insurance

8 companies and they all were fine.

9 MR. ROBERTS: Okay. And that was a, yes, you too, Mr.
10 Gayles?

11 PROSPECTIVE JUROR 110: Certainly.

12 MR. ROBERTS: Same type of thing?

13 PROSPECTIVE JUROR 110: Yes. 110.

14 MR. ROBERTS: Okay. All right. Here's another one. And
15 that's decision making. Who here is an emotional decision maker, when
16 it comes to big decisions in your personal lives?

17 Okay. So Mr. Cook, Mr. Desmond, and Ms. Salvador in the
18 back.

19 And who feels like they are more of a -- of an intellectual, I'm
20 going to think this out and analyze things decision maker? Okay. A
21 whole lot more.

22 So let me ask you this -- and it's kind of a tough thing to put a
23 percentage on, but if you're making a really big decision in your personal
24 life, and you're moving to a new state, you're getting a new job. You're
25 deciding whether or not to get married. How certain do you need to be

1 that it's the right decision before you're comfortable making it.

2 Okay. So let's see. Can we get the mic for you, as long
3 as -- as long as you've spoken up here.

4 PROSPECTIVE JUROR 062: 90 percent. I have to be pretty
5 sure that everything is all on the up and up before I can make that
6 decision.

7 MR. ROBERTS: Okay. And would that be, do you think, for
8 just about every major decision in your life?

9 PROSPECTIVE JUROR 062: Not every, no. You know,
10 somethings have to be 100 percent, like --

11 MR. ROBERTS: So 90 is a minimum?

12 PROSPECTIVE JUROR 062: Yes. 90 is the minimum.

13 MR. ROBERTS: Okay. What types of things would go up to
14 100?

15 PROSPECTIVE JUROR 062: Getting married. Maybe having
16 another child. I'm almost zero -- 100 percent that that will be 0 percent.
17 Yeah, just, you know, things that are going to be major, life changing.

18 MR. ROBERTS: Okay. Thank you for sharing that.

19 Just by a show of hands, who feels about the same way? It's
20 going to take 90 to 100 percent sure before you're comfortable making a
21 major life decision? Yes?

22 PROSPECTIVE JUROR 193: 193.

23 MR. ROBERTS: Could you pass it forward to Mr. Padres?

24 PROSPECTIVE JUROR 193: I'm just -- I would -- I -- I don't
25 necessarily think about it that way really. It's, I mean, I do try to be sort

1 of logical or at least I'm accused of it a lot, but I try to -- we -- we just
2 went through this when we moved to Nevada. It's -- but -- you know,
3 should it be Texas. Should it be Florida. Put a spreadsheet together and
4 tried to look at things, but sometimes you can't make the math come out
5 to 90 percent or above. You just sort of have to make a decision with
6 what you have.

7 So I -- I guess I would say I always try to look at everything
8 and evaluate it. And come -- and -- and sort of look -- almost like let the
9 data sort of tell you what you should do. But sometimes you can't really
10 get there, and you have to sort of, you know, maybe approach it a little
11 bit differently, but it's hard to remove also emotion from it completely,
12 but I always try. So I don't know if that answered your question.

13 MR. ROBERTS: It does. I've got a feeling. Just trying to
14 learn a little bit more about people and the way they approach decision
15 making. Thank you.

16 Anyone else want to -- want to share in that group?

17 So what about the hands that weren't up? Where are you on
18 decision making? Who here is comfortable making a major life decision
19 if you're 50 percent sure? If you're -- once you get a little over 50
20 percent. Anyone comfortable that low?

21 PROSPECTIVE JUROR 134: I'd go lower.

22 MR. ROBERTS: You'd go lower.

23 PROSPECTIVE JUROR 134: Yeah. I think [indiscernible] on
24 almost anything.

25 THE COURT: Badge number.

1 MR. ROBERTS: Pass the microphone to Mr. Desmond.
2 THE COURT: What's his badge number?
3 MR. ROBERTS: 134
4 PROSPECTIVE JUROR 134: 134.
5 THE COURT: Thank you.
6 MR. ROBERTS: So how low would you go?
7 PROSPECTIVE JUROR 134: Depends on if I thought it was a
8 life or death thing, you know, I mean, I don't know. It's -- I've moved 23
9 times in my life so make -- I don't want to move anymore. I'm too old
10 now, but, you know, it's -- I'd pack a box and go somewhere at the drop
11 of a hat. So you never know until you get there whether it's going to be
12 a better decision or worse one.
13 MR. ROBERTS: What about marriage?
14 PROSPECTIVE JUROR 134: Well, I've been married and
15 divorced twice. And I have a long-term girlfriend now. We've been
16 together eight years. Best move not getting married, so that's a --
17 MR. ROBERTS: And new jobs? Might just --
18 PROSPECTIVE JUROR 134: I'm [indiscernible] with moves,
19 yes. So it's -- yeah.
20 MR. ROBERTS: And are you guessing at 23 or do you --
21 PROSPECTIVE JUROR 134: Well, I actually tallied it up one
22 time and -- yeah. Somebody -- somebody was asking me about it. We
23 were having a conversation. I thought, man, I've -- I've moved a lot. And
24 I said, what -- you know, made a list and 23 it was.
25 MR. ROBERTS: Okay. Thank you, sir.