

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 4 of 18

D. LEE ROBERTS, JR. (SBN 8877)
PHILLIP N. SMITH (SBN 10233)
RYAN T. GORMLEY (SBN 13494)
WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC
6385 S. Rainbow Blvd., Ste. 400
Las Vegas, Nevada 89118
(702) 938-3838
rgormley@wwhgd.com

THOMAS H. DUPREE JR.
(*admitted pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Ave. NW
Washington, DC 20036
(202) 955-8500
tdupree@gibsondunn.com

Attorneys for Appellant

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1 PROSPECTIVE JUROR 134: I'm not wanted or I'm not on the
2 run, witness protection, or anything like that. So, yeah. It's --

3 MR. ROBERTS: Anyone with Mr. Desmond, comfortable
4 under 50 percent sure making a major life decision? Okay. All on your
5 own there.

6 And what about 50 percent? I don't think we had anyone,
7 other than Mr. Desmond, at 50 percent.

8 Who's around, what, 70, 75 percent? Okay. A couple of
9 more people.

10 Ms. [Man e klee], or is it [Man e kli]?

11 PROSPECTIVE JUROR 010: Yes, sir.

12 MR. ROBERTS: [Man e kli]. Okay. Thank you. How certain
13 do you have to be?

14 PROSPECTIVE JUROR 010: How [indiscernible]?

15 MR. ROBERTS: Yes. Before you make a major life decision,
16 do you want to be 80 percent sure --

17 PROSPECTIVE JUROR 010: I'm --

18 MR. ROBERTS: -- it's the right decision? Something less?
19 Something more?

20 PROSPECTIVE JUROR 010: So for me, it's good life, because
21 right now I have a good life. Everything is very good. I have my
22 husband and everything. I'm retired -- early retired. I'm 63 -- 62 years
23 old. So I'm already set. And my daughter, the same thing. I already set
24 up, so whenever I pass away, everything is already set whatever I pass
25 away. So I have thank you for the Lord, so that they give me a good life

1 too.

2 MR. ROBERTS: Thank you for sharing that, ma'am.

3 Anyone else have anything to share here? I think I've got
4 everyone in a general category.

5 Another show of hands. And this is how sensitive are you to
6 the suffering of others? Do you think you're more sensitive than most or
7 less sensitive than most? Do you emphasize and really feel it when
8 you -- when someone is suffering in some way?

9 So who thinks that they're probably more empathetic than
10 most people that they know? Big group. Okay.

11 And who thinks they're probably less empathetic than most
12 people they know?

13 PROSPECTIVE JUROR 193: 193. I didn't raise my hand
14 because I think I'm in the middle.

15 PROSPECTIVE JUROR: Yeah, me too.

16 MR. ROBERTS: And I sort of -- there were a few people who
17 didn't raise their hand and I figured everyone who didn't raise their hand
18 to either one is right in the middle, right? Yes?

19 So we talked a little bit about, you know, cancer and loved
20 ones that may have had encounters with it. I'd like to ask a more general
21 question. Who has suffered a major loss in their own family within the
22 last couple of years? Something that you haven't talked about before,
23 but is there anything -- anybody who still -- and I'm not going to ask you
24 to go into details on it, but is anyone here still struggling with maybe a
25 personal loss that's still causing you to have, you know, emotion?

1 Okay. Ms. Schlick, 84.

2 Thank you, sir. And I don't know why I'm having trouble
3 with the EDA. [Kas te] --

4 PROSPECTIVE JUROR 034: [Kas te nay de].

5 MR. ROBERTS: [Kas te nede]?

6 PROSPECTIVE JUROR 034: [Kas te nay de], yeah.

7 MR. ROBERTS: [Nay de]. Okay. I'm so sorry, sir. I don't
8 know what to say it wrong and insult you, so --

9 PROSPECTIVE JUROR 034: It's all right. I've
10 experienced -- that's how it was my whole childhood growing up.

11 MR. ROBERTS: Okay.

12 PROSPECTIVE JUROR 034: It's said as it's spelled, but it's all
13 right.

14 MR. ROBERTS: Thank you so much, sir.

15 All right. So we're winding down here at the end of the day.
16 And I'm just about done. But after having talked to you about some of
17 these issues, other than people who have already shared, is there
18 anyone else here who may be, in thinking about things, has already
19 started to have an opinion about who's right in the lawsuit? Either
20 favoring my client or favoring the Plaintiff? Or is everyone still, you
21 know, have everyone starting at the same place?

22 Okay. I appreciate your time.

23 Your Honor, I'm ready to quit. I think we've got some
24 motions here at the end of the day. And I appreciate it. Thank you.

25 THE COURT: Thank you, Mr. Roberts.

1 Ladies and gentlemen, we're going to take our evening
2 recess. The Court has to discuss some legal issues with the attorneys,
3 and we don't want to waste your time. We will have you come back at
4 12:30 tomorrow.

5 As you can see, we need all the black chairs filled. And we
6 do not have all the black chairs filled. So in the morning, we're going to
7 start without you. We're going to bring in 45 more people and go
8 through this whole process with them. And the ones who can't do the
9 process, because of work or other commitments, we'll let go.

10 So we'll have you come in at 12:30 after our lunch break.
11 And so you can resume with them, as the lawyers go over their
12 questioning so you can hear what's going on. So I'll just give you your
13 admonishment.

14 You are instructed not to talk with each other or with anyone
15 else on any subject or issue connected with this trial. You are not to
16 read, watch, or listen to any report of or commentary on the trial, by any
17 person connected with the case, or by any medium of information,
18 including without limitation, newspapers, television, internet, or radio.
19 Do not conduct any research on your own relating to this case, such as
20 consulting dictionaries, using the internet, or using reference materials.
21 Do not conduct any investigation, test any theory of the case, recreate
22 any aspect of the case, or in any other way investigate or learn about the
23 case on your own.

24 You are not to talk with others, text others, Tweet others,
25 Google issues, or conduct any other kind of book or computer research

1 with regard to any issue, party, witness, or attorney involved in this case.
2 You're not to form or express any opinion on any subject connected with
3 this trial, until the case is finally submitted to you.

4 So we'll see you back here tomorrow at 12:30. Thank you.

5 THE MARSHAL: All rise for the jury.

6 [Prospective jurors out at 4:30 p.m.]

7 THE COURT: We're just going to take a brief recess so the
8 staff can use the restroom real fast and come right back on the record.

9 [Recess taken from 4:31 p.m. to 4:34 p.m.]

10 [Outside the presence of the prospective jurors]

11 THE COURT: Do we have Mr. Sharp?

12 MR. ROBERTS: Would you like us to confer on the motions,
13 Your Honor? Or just go ahead and make them and see if we can hash it
14 out?

15 THE COURT: Hold on. Let's wait for Mr. Sharp to come back
16 in.

17 MR. ROBERTS: Oh, I didn't know -- I'm sorry.

18 THE COURT: All right. So the Court knows the parties
19 haven't had a chance to discuss, but does the Plaintiff have any
20 challenges for cause?

21 MR. SHARP: What's that?

22 THE COURT: Does the Plaintiff have any challenges for
23 cause?

24 MR. SHARP: Yes, we do, Your Honor.

25 THE COURT: Okay. And who are they?

1 MR. SHARP: They are Juror 8 -- or Juror 78 badge and Juror
2 8, Mr. Badaloni. Juror 9 is Mrs. Peters. Juror 12 Mr. Gayles.

3 THE COURT: All right. So that's badge number 078,
4 Badaloni. Badge number 079, Ms. Peters. And badge number 110,
5 Gayles.

6 MR. SHARP: That's correct.

7 THE COURT: Mr. Roberts, any stipulation on those?

8 MR. ROBERTS: Yes, we would stipulate to Mr. Gayles.

9 THE COURT: Okay. Mr. Gayles will be struck. His badge
10 number 110.

11 Any other stipulations?

12 MR. ROBERTS: Not for those three, Your Honor.

13 THE COURT: All right. And who do you have, Mr. Roberts?

14 MR. ROBERTS: I have Juror number 006, Salvador. And 161,
15 Mr. Cook. And then I think it's -- I think their answers demonstrate an
16 actual bias, Your Honor.

17 THE COURT: Hold on. Hold on. So any others besides those
18 two?

19 MR. ROBERTS: No. I was just trying to distinguish those two
20 for actual bias. And then also Ms. Sidell for implied bias, based on her
21 work as a -- as a plaintiff attorney.

22 THE COURT: Okay. We'll get into substance. I just want to
23 see if they're -- who they are first. Anyone else?

24 MR. ROBERTS: Mr. Gutierrez and Mr. Tully.

25 THE COURT: Okay. Any agreement on those, Mr. Sharp?

1 MR. SHARP: Yeah. We agree on Juror 6, Ms. Salvador and
2 Juror 161, Mr. Cook.

3 THE COURT: Okay. So go ahead, Mr. Sharp, on Peters, 079.

4 MR. SHARP: On Ms. Peters?

5 THE COURT: Yes.

6 MR. SHARP: She had expressed, in response to the damage
7 question, inability to go over the 15 million. And then upon questioning,
8 she equivocated a little bit about that, but ultimately, she -- her -- she did
9 agree she would not be a fit for this jury.

10 THE COURT: Thank you. Mr. Roberts.

11 MR. ROBERTS: Yes. When I spoke to her after Mr. Sharp,
12 she indicated that although she would have difficulty and doesn't
13 understand how you put a number on someone's pain and suffering or
14 someone's life. And I adhere that, you know, she was almost thought it
15 was a wrongful death case, based on her answers. And there is no claim
16 for wrongful death. And she's not going to have to put a value on a life;
17 only pain and suffering.

18 And she did say that even though it would be difficult for her,
19 she could work with her other jurors and try to award an amount that
20 was fair and reasonable compensation, you know, based on her own
21 views. And I don't think that she said she had an artificial cap. She was
22 just saying how do you value it. And it's not unusual for jurors to have
23 qualms about how you put a value on these types of things. It's hard for
24 anyone to do. It's the most difficult thing any juror does.

25 THE COURT: Thank you.

1 MR. ROBERTS: And she did say that she thought that she
2 could be fair and impartial and apply the law as provided by the Court.

3 THE COURT: Thank you. Anything rebuttal, Mr. Sharp?

4 MR. SHARP: Yeah. I mean, I think the record on a whole,
5 was more than just that she did have an artificial cap. And then in
6 reference to her own family experience, where she's getting ready to
7 lose her father, and not seek compensation and that's the whole thing,
8 where she agreed she would not be a fit for this jury.

9 So I think on the record on a whole, she's expressed an
10 inability to be fair and impartial. And the fact that, through Mr. Roberts'
11 questions, said essentially she would follow the law, under *Weber v.*
12 *State*, is not sufficient to make her fair and impartial.

13 THE COURT: Given here statements as a whole, the Court is
14 going to strike Ms. Peters, 079.

15 Mr. Gayles, 11 -- oh, the parties agreed to Gayles? Did the
16 parties agree to Gayles or no?

17 MR. SHARP: We did agree to Gayles.

18 THE COURT: Okay. The parties agree to -- oh, Reginald
19 Gayles. All right.

20 So that's it for Plaintiffs then?

21 MR. SHARP: We still have Mr. Badaloni.

22 THE COURT: Oh, Badaloni. Go ahead.

23 MR. SHARP: Yeah, I think -- I think his case is -- or his
24 questioning was clearer than Ms. Peters, because he did express that he
25 did have limitation on 50 million. Was hesitant on 50 million -- or 15.

1 And essentially, expressed a visceral reaction to that kind of number,
2 whether I had said 25, 10. And he had an expressed bias against pain
3 and suffering type damages. And said repeatedly had a bad taste in his
4 mouth. This kind of money I couldn't give to an individual.

5 I note that, you know, Mr. Roberts -- or Mr. Roberts on
6 rehabilitation essentially asked him to follow the law, but, again, for the
7 same reasons stated with Ms. Peters, under the record of haul via *Weber*
8 *v. State*, he's not a fair and impartial juror.

9 THE COURT: Thank you. Mr. Roberts.

10 MR. ROBERTS: Yes. Your Honor, we'd rely on *Tekle v.*
11 *Tecosky-Feldman*, 437 P. 3d 1053, where the court, I think, corrected the
12 misconception that some lawyers had with *Jitnan*. That once a
13 lawyer -- once a prospective juror expresses some sort of bias or
14 prejudice, they can never take that back and it's a totality of the record.

15 And in that case, where the court said the district court must
16 not grant a motion for cause if the juror can set aside his biases and
17 render a verdict based on the evidence presented in court. And even
18 though there was a stated bias, in that case, she affirmed that she could
19 follow the law and render a decision.

20 And in this case, even though he clearly expressed a bias in
21 favor of large verdicts -- and I would argue that it's not patently
22 unreasonable for someone to be skeptical about a \$50 million pain and
23 suffering award. That's a lot of money.

24 When I was questioning, he said, yes, that was his feeling.
25 He had a bias against awards of \$50 million for pain and suffering, but he

1 said, maybe not so much with 15 million. And then he said that he could
2 set aside that personal bias against larger awards and render a verdict
3 based on the law as instructed by this Court. And that he would not
4 come into deliberations with any type of artificial cap on the amount of
5 award he was willing to consider.

6 THE COURT: Thank you. Mr. Sharp.

7 MR. SHARP: I think, per Mr. Roberts' statement, Mr.
8 Badaloni expressed a bias. And the nature -- I mean, once he expresses
9 that bias, he's not a fair and impartial juror. And so on the record of
10 whole, the *Weber v. State*, he should be stricken for cause.

11 THE COURT: Thank you. The Court's not going to strike Mr.
12 Badaloni, badge number 078. He said that he would be able to award a
13 large verdict, if the evidence showed it.

14 All right. The next is Ms. Sidell, Mr. Roberts. 058.

15 MR. ROBERTS: Yes, Your Honor. And we would move to
16 strike her on the basis of implied bias. We agree she did not express any
17 actual bias; however, she works at a plaintiff firm. She strongly
18 advocated for what they did for their clients. And the Nevada Supreme
19 Court has held that although the doctrine of implied bias is reserved for
20 exceptional situations, in which objective circumstances cast concrete
21 doubt on the impartiality of a juror.

22 And I would think that, given her position, with a plaintiff law
23 firm and a plaintiff advocate, that there is that appearance of bias and
24 impropriety that would be unfair to my client, as a Defendant, to keep
25 her on the panel.

1 THE COURT: Thank you. Mr. Sharp.

2 MR. SHARP: Yeah. I mean, she's not -- she doesn't -- she's
3 not affiliated with anybody in this case. It would be essentially -- I mean,
4 if you used that standard, then Ms. Schlick would have to also be
5 disqualified and neither one of them expressed a bias that would rise to
6 either a level of implied bias or actual bias.

7 THE COURT: Mr. Roberts.

8 MR. ROBERTS: We agree that she didn't express any actual
9 bias. But just the -- you know, the -- even though it's exceptional, this is
10 one of those situations where frankly the -- if there are plaintiffs on the
11 jury, they typically get dismissed by agreement of the parties.

12 THE COURT: Juror Number 058, Karen Sidell will be excused
13 for cause.

14 All right. Mr. Gutierrez, 020.

15 MR. ROBERTS: Your Honor, I'll be brief. And with your
16 permission, I'll deal with Mr. Gutierrez and Mr. Tully together because I
17 think they're the same situation. They both said things like, I could try to
18 be fair, I would really try to set aside my biases against corporations and
19 health insurers.

20 They equivocated and then they said they could be fair, but I
21 think the record as a whole cast substantial doubt on their ability to be
22 impartial in the case.

23 THE COURT: Thank you. Mr. Sharp.

24 MR. SHARP: Yeah. I think that both witnesses expressed
25 that they would be fair on this case. I mean, the fact that they had an

1 opinion generally about corporations did not reflect any actual bias that
2 they had in this case against UnitedHealthcare. And both expressed that
3 they would follow the facts, follow the evidence, and follow the law.

4 THE COURT: Thank you. Mr. Roberts, any rebuttal?

5 PROSPECTIVE JUROR 034: The Supreme Court has used the
6 word "unequivocal" before. And I don't think you could really say that
7 either one of them rose to the level that they unequivocally could
8 commit to setting aside their biases and being fair and impartial.

9 THE COURT: Jurors Number 020 Gutierrez and Juror
10 Number 118 Tully, will stand. The Court did not find that they expressed
11 any bias in this case.

12 So that leaves us with ten. The Court knows that we
13 discussed having two additional alternates, but if we're only left with an
14 additional ten tomorrow, that would give us the 20, if we had two
15 alternates. The Court is inclined not to continue voir dire another day if
16 we only have two alternates by the end of the day tomorrow.

17 Is that okay with the parties?

18 MR. SHARP: Yes.

19 THE COURT: Okay.

20 MR. ROBERTS: Yes, Your Honor.

21 THE COURT: Okay. So the Court has a few matters at 9 a.m.,
22 but Court will try and get through that as fast as possible. So do you
23 want to be here at 9:15? We'll have a panel. We were told we could
24 have a new panel of 45 just after 9 a.m. tomorrow, so hopefully we can
25 finish this tomorrow and get the jurors sworn in and have you do

1 openings and, perhaps, presentation of evidence tomorrow -- on
2 Wednesday rather.

3 MR. SHARP: So openings -- presuming we get a jury
4 tomorrow; openings will start Wednesday?

5 THE COURT: Yes.

6 MR. SHARP: Regardless of when we get the jury tomorrow?

7 THE COURT: Yes.

8 MR. SHARP: Okay. Thank you.

9 THE COURT: All right. Any other issues?

10 MR. ROBERTS: Nothing from us, Your Honor.

11 THE COURT: All right. Thank you.

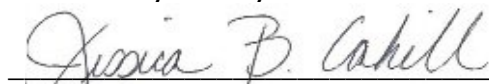
12 MR. SHARP: Thank you, Your Honor.

13 MR. ROBERTS: Have a nice evening, Your Honor.

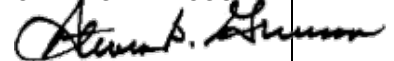
14 THE COURT: See you tomorrow.

15 [Proceedings adjourned at 4:48 p.m.]

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20 ATTEST: I do hereby certify that I have truly and correctly transcribed the
21 audio-visual recording of the proceeding in the above entitled case to the
22 best of my ability.

23 

24 Maukele Transcribers, LLC
25 Jessica B. Cahill, Transcriber, CER/CET-708



1 RTRAN

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4
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
15 DISTRICT COURT JUDGE
TUESDAY MARCH 15, 2022

16 **RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 2**

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.

22
23
24
25 RECORDED BY: MELISSA BURGNER, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, March 15, 2022

2

3 [Case called at 9:23 a.m.]

4 [Outside the presence of the prospective jurors]

5 THE COURT: Morning. Please be seated. Do we have Mr.
6 Roberts?

7 MR. GORMLEY: He's not here right now. Let me go check
8 and see if he's in the hallway or contact him.

9 THE COURT: Okay.

10 MR. GORMLEY: Is that okay, Your Honor?

11 THE COURT: Of course, Mr. Gormley.

12 MR. GORMLEY: Thanks.

13 [Pause]

14 MR. ROBERTS: Good morning, Your Honor.

15 THE COURT: Good morning.

16 MR. ROBERTS: Sorry if I've delayed things.

17 THE COURT: That's okay. So for the new panel that's here,
18 we asked for 45 this morning but we're only getting 40. So hopefully, we
19 have less people who want to get out for hardship. So the Court's going
20 to be a little harder with people today, teachers and grandparents who
21 care for children, because we really need to be left over with 20 or 25
22 people after hardship issues if we're going to get this done.

23 Also, Marshal Moore informed the Court yesterday while we
24 were having our discussion on challenges for cause that Ms. Sidell
25 indicated to him she didn't understand why she had not been struck for

1 cause because she was so biased.

2 MR. SHARP: Well, you made the right call.

3 THE COURT: Yes.

4 MR. SHARP: Maybe she was looking for a way out.

5 THE COURT: So the Court wanted the parties to know what
6 she had said.

7 MR. SHARP: Your Honor, I have a couple questions that are
8 process because I'm confused about what we're doing today in terms
9 of -- so we had ten people left over from yesterday. And so for example,
10 Juror 1 was knocked out for cause. Is somebody going to sit in --

11 THE COURT: No. So because of how we're doing this, at
12 12:30, when we bring in our ten people back in, they're going to take
13 seats 1 through 10.

14 MR. SHARP: Oh, so we're moving everybody up from
15 yesterday?

16 THE COURT: Yes.

17 MR. SHARP: So Juror 2 becomes Juror 1 from yesterday?

18 THE COURT: Yes.

19 MR. SHARP: Okay. Okay. And so basically, we are
20 essentially voir direing, and we have three -- are we having three
21 alternates or two at this point?

22 THE COURT: It depends on how many people we have left
23 over.

24 MR. SHARP: Okay. So we've got ten, so the next eight, and
25 then next four to six, depending on how many people we have as

1 alternates.

2 THE COURT: Yes.

3 MR. SHARP: Okay.

4 THE COURT: Normally, we don't do it this way. But we
5 excused so many people, it would just be too confusing, so we're just
6 going to move everyone up.

7 MR. SHARP: That's fine. I was just confused about how it
8 was going to happen. So I appreciated it. Do I have time to tell one of
9 my partners how we're doing all of this?

10 THE COURT: Yes. Oh, the Court had one more thing to tell
11 him. Well, Mr. Terry, you can tell him.

12 MR. TERRY: What was it?

13 THE COURT: Oh, that's all right.

14 MR. TERRY: Tell him to come in? Okay.

15 MR. SHARP: I'm sorry, Your Honor. I didn't mean to --

16 THE COURT: Oh, just one more issue. Because this is a
17 COVID courtroom, they disabled the ability to record bench conferences.
18 So anytime there's a bench conference, if you want that put on the
19 record, we have to do it during a break.

20 MR. SHARP: Yeah. You had told us that at a hearing.

21 THE COURT: Okay.

22 MR. SHARP: Thank you, though, for reminding us.

23 THE COURT: Are there any other issues?

24 MR. SHARP: Not from the Plaintiff side, Your Honor.

25 MR. ROBERTS: Not from the Defendants, Your Honor.

1 THE COURT: Oh, and if you do approach for a bench
2 conference, if one can stand here and one can stand there where there's
3 the opening. Otherwise, we can't hear each other.

4 MR. ROBERTS: Defeating the purpose of the plexiglass, isn't
5 it, Your Honor?

6 THE COURT: I didn't put it up. And just one more issue on
7 the jurors. Now I forgot what I was going to say. It'll come to me later.
8 There was one issue I wanted to talk to you about the panel.

9 Oh, that's what it was. So if we can get our panel sworn in
10 today and you do openings tomorrow and presentation of witnesses, it
11 would really be two and a half weeks after. So I was going to tell the
12 panel members, instead of a month, say, after tomorrow it would only be
13 two and a half weeks so it's less scary for them.

14 MR. SHARP: That would bring us to what day?

15 THE COURT: Well, it would be -- so after tomorrow, then it
16 would be a full week, a half week, and a full week.

17 MR. SHARP: I got you.

18 THE COURT: Just the language, to change it on them.

19 MR. SHARP: No, that's fine. However you decide to do that,
20 Your Honor, is really at your discretion.

21 THE COURT: Just so you're not surprised when I say that, as
22 if you're getting less time. I didn't want to be a -- yeah. You know
23 what's going on.

24 I don't know why we don't have our panel here right now.
25 They were supposed to be ready at 9:00.

1 MR. SHARP: There was quite a line outside.

2 MR. ROBERTS: Yeah. I heard that some of them are still in
3 line as I was passing by.

4 THE COURT: Is Marshal Scott out there?

5 MR. ROBERTS: I did not see him. I can check.

6 THE COURT: Could you check?

7 MR. ROBERTS: If you'd like me to.

8 THE COURT: Yeah.

9 [Pause]

10 THE COURT: So we found out where he is. Jury Services is
11 having a printing problem. So the thicker packet, they don't have right
12 now. And so Marshal Scott is down there with the panel. But I told Ms.
13 Everett to just have him come up with the panel because we have the list
14 of names. Because we can just start with the hardships and the
15 preliminary matters. You'll have the list of names. So she's going to tell
16 him to come up now and give you the list of the 40 names.

17 Did the parties receive the list of the 22 in the box?

18 MR. SHARP: I'm sorry, Your Honor?

19 THE COURT: No, you haven't? All right. We'll make a copy
20 of this for you, as well.

21 MR. ROBERTS: Thank you, Your Honor.

22 THE COURT: So we'll go off the record for five minutes.

23 [Recess taken from 9:35 a.m. to 9:41 a.m.]

24 THE COURT: All right. So they're outside the courtroom.
25 Wait, this was yesterday's. Oh, it's just added. I see.

1 [Pause]

2 [Prospective jurors in at 9:44 a.m.]

3 THE COURT: Thank you, counsel. Please be seated. This is
4 the date and time set for the trial of case number A-19-788630-C, Sandra
5 Eskew v. Sierra Health and Life Insurance Company.

6 Good morning, ladies and gentlemen. The Court wants to
7 thank you for coming down here today. If you have trouble hearing -- do
8 we have extra headphones? Thank you.

9 Before we begin, I want to let the -- can you hear?

10 UNIDENTIFIED PROSPECTIVE JUROR: Yeah.

11 THE COURT: All right. Thank you. Before we begin, I want
12 to let you know what you've been summoned here for. You've been
13 summoned for a civil jury trial. This is not a criminal trial. This is a civil
14 trial against a Plaintiff, who is on your right, and that's the person who's
15 bringing the lawsuit. And the Defendant is on your left, and that's who is
16 defending the lawsuit.

17 I'm Judge Nadia Krall. I'll be the judge presiding over this
18 trial. I want to introduce you to the staff. Next to me is the court clerk.
19 She is the one who will be swearing all the witnesses, including you
20 potential jurors. And then we have next to her is the court reporter. She
21 is the one who will be recording everything that's taking place. Because
22 this is a trial, we can only speak one at a time because she can only take
23 down one person at a time.

24 And because there are 40 of you, you were given an ID
25 number and a badge number. And so before you speak for the record,

1 we need you to say the last three digits of your badge number. So for
2 example, for Mr. Lane, the last three of his badge number is 149. So if a
3 question is asked, he would just say 149, Keith Lane. Because otherwise,
4 we won't know who's speaking. Because the transcript will read like a
5 play where you see who's speaking and then who's answering. Because
6 there are so many of you, we won't know who's speaking unless we
7 know your badge number.

8 The marshal, you've met already. This is Marshal Scott.
9 He's filling in for the Court's dedicated marshal, Marshal Moore. And so
10 we appreciate him being here. He's going to be your point of contact for
11 parking, restrooms, lunch, and those sorts of matters. Then, you have
12 Ms. Everett. She's the Court's judicial executive assistant. She's
13 essentially the Court's manager. You also might see, he came in, the
14 Court's law clerk is essentially the Court's staff attorney. So they're in
15 the back of the house and you might see them coming in and out.

16 Right now, we're going to have the lawyers stand and
17 introduce themselves and what witnesses they intend to call.

18 MR. SHARP: Thank you, Your Honor. Good morning,
19 everybody. My name is Matthew Sharp. I'm here proudly with my
20 co-counsel, Doug Terry, and our client, Sandra Eskew.

21 MR. ROBERTS: Good morning, everyone. My name is Lee
22 Roberts. I'm with the law firm of Weinberg, Wheeler, Hudgins, Gunn &
23 Dial here in Las Vegas. I represent the Defendant in this matter, the
24 person who's been sued, Sierra Health and Life. They are an insurance
25 company from here in Nevada.

1 Also working with me are two of my partners, Ryan Gormley
2 and Phillip Smith. Right here standing in the back is David Crump. He's
3 the company representative for Sierra Health and Life. And over here in
4 the corner is Riza Villeneuve (phonetic), who is our paralegal, one of two
5 that you may see during the trial who will assist in putting up the
6 exhibits on the screens and keeping track of things for us. Thanks very
7 much, Your Honor.

8 THE COURT: Thank you. So on the screen, there is a list of
9 witnesses who will be called in this case. And so if you see a witness
10 name that you know, when you're being asked questions, just bring that
11 up to the Court. So it's Dr. Ahmad, Ms. Amogawin, Ms. Armington, Ms.
12 Bhatnagara, Dr. Chang, Dr. Cohen, Ms. Eskew, Mr. Eskew, , Mr. Eskew,
13 Mr. Flood, Mr. Guerrero, Ms. Holland-Williams, Dr. Liao, Mr. Palmer, Mr.
14 Prater, Ms. Sweet, Dr. Kumar, Dr. Chandra, and Dr. Owens.

15 So this case, so you have some context, is a lawsuit related
16 to the denial of insurance coverage for a certain type of cancer
17 treatment. And the claim is being brought by the insured's surviving
18 wife, Sandra Eskew. Just so you know what's going on. Also, in this
19 case, after tomorrow, it's expected to last two and a half weeks. So we
20 will be done before spring break. There are some trials that last three to
21 six months, so this is actually not a very long trial. We will end no later
22 than 5:00 p.m., and start no earlier than 9:00 a.m.

23 And we will talk about whether or not you can be excused for
24 cause. But just so you're aware, this is day two of this process.
25 Yesterday, we had 45 people here going through this entire process all

1 day. At the end of the day, we were left with ten. We have to have 20.
2 And so we need to finish this today, so we get the trial done. Your time
3 is very important. I know that everyone took time out of their days to
4 come here. You all have work or family commitments or your own
5 health commitments. You had to drive down here, you had to park, you
6 had to walk, you had to go through security, you had to go through the
7 Jury Services, you had to wait. And so -- and we have done this now all
8 day yesterday. So we're starting again because we did not have enough
9 people who were willing to serve.

10 I mean, the Court tells everyone that the most important
11 people in the room, not me as the Judge, not the attorneys, not the court
12 staff. It's you as potential jurors. We are a government by the people,
13 for the people. These parties have been waiting years for this day. And
14 the only way that we can proceed with this trial is with you. Because at
15 the end of the day, you will be the ones who decide the facts and the
16 outcome of this case. And if we don't have people who are willing to
17 serve, then we have to keep doing this day after day after day, looking
18 for people who can serve as a juror in this case.

19 With that, the court clerk is going to take roll call to make
20 sure that we have everyone. Because there's going to be a written
21 record, if you could just say yes or here or present just so we have a
22 written record, we would appreciate that.

23 THE CLERK: 149, Keith Lane?

24 PROSPECTIVE JUROR 149: Here.

25 THE CLERK: 150, Suzann McGill?

1 PROSPECTIVE JUROR 150: Here.
2 THE CLERK: 161, Ally Rodolfo?
3 PROSPECTIVE JUROR 161: Here.
4 THE CLERK: Okay. 166, Martha Mosquera?
5 PROSPECTIVE JUROR 166: Here.
6 THE CLERK: 169, Frances Sarkett?
7 PROSPECTIVE JUROR 169: Here.
8 THE CLERK: 177, Emily Hamblin?
9 PROSPECTIVE JUROR 177: Here.
10 THE CLERK: 183, Donald Jackson?
11 PROSPECTIVE JUROR 183: Here.
12 THE CLERK: 188, Theresa Patrick?
13 PROSPECTIVE JUROR 188: Here.
14 THE CLERK: 191, Aurora Jon?
15 PROSPECTIVE JUROR 191: Here.
16 THE CLERK: 193, Tammi Haggard?
17 PROSPECTIVE JUROR 193: Here.
18 THE CLERK: 194, Heidi Guinn?
19 PROSPECTIVE JUROR 194: Hello.
20 THE CLERK: 197, Neal Walters?
21 PROSPECTIVE JUROR 197: Waters. Here.
22 THE CLERK: Okay. 206, Sopee Sing-Corcuera?
23 PROSPECTIVE JUROR 206: Here.
24 THE CLERK: 212, Yolanda Oseguera?
25 PROSPECTIVE JUROR 212: Here.

1 THE CLERK: 214, Marites Boado?
2 PROSPECTIVE JUROR 214: Boado, here.
3 THE CLERK: 234, Richard Shelter?
4 PROSPECTIVE JUROR 234: Here.
5 THE CLERK: 244, Ed Kanet?
6 PROSPECTIVE JUROR 244: Here.
7 THE CLERK: 258, Patricia Martinez?
8 PROSPECTIVE JUROR 258: Here.
9 THE CLERK: 261, Pavinee Pawl?
10 PROSPECTIVE JUROR 261: Here.
11 THE CLERK: 264, Kayla Mann?
12 PROSPECTIVE JUROR 264: Here.
13 THE CLERK: 280, Edward Dellapietra?
14 PROSPECTIVE JUROR 280: Here.
15 THE CLERK: 281, Kimberly Kouba?
16 PROSPECTIVE JUROR 281: Here
17 THE CLERK: 284, Arlette Vegas?
18 PROSPECTIVE JUROR 284: Here.
19 THE CLERK: 291, Robin Mullins?
20 PROSPECTIVE JUROR 291: Here.
21 THE CLERK: 293, Levenia Lopardo?
22 PROSPECTIVE JUROR 293: Here.
23 THE CLERK: 301, Jason Nelson?
24 PROSPECTIVE JUROR 301: Here.
25 THE CLERK: 303, Taylor Dubaniewicz?

1 PROSPECTIVE JUROR 303: Here
2 THE CLERK: 311, James Rand?
3 PROSPECTIVE JUROR 311: Here.
4 THE CLERK: 318, Elle Wang?
5 PROSPECTIVE JUROR 318: Here.
6 THE CLERK: 321, Tommy Yi?
7 PROSPECTIVE JUROR 321: Here.
8 THE CLERK: 323, Julie Paulsen-Wall?
9 PROSPECTIVE JUROR 323: Here.
10 THE CLERK: 328, Chloe Stewart?
11 PROSPECTIVE JUROR 328: Here.
12 THE CLERK: 347, Quinn Ayers?
13 PROSPECTIVE JUROR 347: Here.
14 THE CLERK: 358, Arianna Weide?
15 PROSPECTIVE JUROR 358: Here.
16 THE CLERK: 363, Phong Yang?
17 PROSPECTIVE JUROR 363: Here.
18 THE CLERK: 368, Jaren Awong?
19 PROSPECTIVE JUROR 368: Here.
20 THE CLERK: 374, Wendell Smith?
21 PROSPECTIVE JUROR 374: Here.
22 THE CLERK: 389 [sic], Cynthia Fuller?
23 PROSPECTIVE JUROR 379: Here.
24 THE CLERK: 381, Karen Bevan?
25 PROSPECTIVE JUROR 381: Here.

1 THE CLERK: 384, Carey Anderson?

2 PROSPECTIVE JUROR 384: Here.

3 THE COURT: The clerk will now -- well actually, is there
4 anyone's name who wasn't called?

5 No. The clerk will now swear you in. Please stand.

6 THE CLERK: Please raise your right hand.

7 [The prospective jurors were sworn]

8 THE CLERK: Thank you. You may be seated.

9 THE COURT: Thank you. Ladies and gentlemen, at this time,
10 the Court is going to ask you some questions, and it's going to follow up
11 with the parties will be able to ask you some questions to see if you're a
12 proper fit for this trial. As part of this process, the lawyers and none of
13 the parties and not even the court staff is allowed to speak with you
14 outside the presence of the courtroom. So you're wearing the
15 prospective juror badges, and that's so everyone sees that you're a
16 prospective juror in this trial. So the only people that you're allowed to
17 speak to are yourselves, but not about this case, or any marshal that you
18 see, especially Marshal Scott.

19 So as we do this process, the Court has some preliminary
20 questions to ask. One, is there anyone here who's not a U.S. citizen?

21 Is there anyone here who has been convicted of a felony who
22 has not had their rights restored?

23 Is there anyone here who's not a resident of Clark County?

24 Is there anyone here who has difficulty understanding the
25 English language? Okay.

1 THE MARSHAL: We have one hand raised, Your Honor.

2 THE COURT: Oh, we do? Okay. Can we give him the
3 microphone? What's your badge number? Is it Ms. Pawl, badge number
4 261?

5 PROSPECTIVE JUROR 261: 0261.

6 THE COURT: And what is your native language?

7 PROSPECTIVE JUROR 261: Thai.

8 THE COURT: Thai. And how long have you lived in the U.S.?

9 PROSPECTIVE JUROR 261: 1989.

10 THE COURT: Since 1989?

11 PROSPECTIVE JUROR 261: Uh-huh.

12 THE COURT: And do you work outside the home?

13 PROSPECTIVE JUROR 261: Yeah.

14 THE COURT: Where do you work?

15 PROSPECTIVE JUROR 261: Casino, Santa Fe.

16 THE COURT: And what do you do at the Santa Fe?

17 PROSPECTIVE JUROR 261: Dealer.

18 THE COURT: Dealer. What percentage of what I have said
19 have you understood?

20 PROSPECTIVE JUROR 261: I can understand the easy word.

21 THE COURT: What percentage have you not understood?

22 PROSPECTIVE JUROR 261: What you mean percentage?

23 THE COURT: Percentage. All right. Thank you, Ms. Pawl,
24 badge number 261, you're excused. Is there anyone else who does not
25 understand the English language?

1 All right. Marshal Scott, if you can -- can you raise your hand
2 so he can see you?

3 PROSPECTIVE JUROR 318: My badge number is 318.

4 THE COURT: Ms. Wang?

5 PROSPECTIVE JUROR 318: Yes.

6 THE COURT: And what's your native language?

7 PROSPECTIVE JUROR 318: Chinese.

8 THE COURT: And how long have you lived in the U.S.?

9 PROSPECTIVE JUROR 318: Since 2006.

10 THE COURT: And are you currently employed?

11 PROSPECTIVE JUROR 318: Yes.

12 THE COURT: Where do you work?

13 PROSPECTIVE JUROR 318: I work in the restaurant at Aria.

14 THE COURT: Okay. And what percentage of what I've said
15 have you understood?

16 PROSPECTIVE JUROR 318: So far, I understood, like, most of
17 it. But it's just -- my concern is if it involves too much of the medicine
18 vocabulary, like, I might not be catching up, like, really fast.

19 THE COURT: Okay. Thank you.

20 PROSPECTIVE JUROR 318: Yeah.

21 THE COURT: Does anyone else have trouble with the English
22 language? Thank you.

23 Here, during this questioning, you'll be asked questions by
24 the Court. Some of them are on the screen. The Court will start and
25 then the parties will go. And you might be asked a question and you

1 might think to yourself, well, if the question was asked slightly
2 differently, maybe I would say something. But we want you to err on the
3 side of caution and if there's anything that you think is important to tell
4 the Court or the parties, just err on the side of caution and let us know
5 because the parties are entitled to a fair and impartial jury.

6 So what we're going to start with now is anyone who has a
7 hardship. And the row that's closest to the wall, furthest from me, is
8 going to be row one, then row two, three, and four. And so we're going
9 to start with row number one. So does anyone in row number one have
10 a hardship for serving on this jury? So starting after tomorrow, it's only
11 going to be two and a half weeks.

12 So hardships would be if you have non-refundable tickets to
13 Tahiti, knowing that we're going to be done before spring break, or if you
14 have a medical condition that prevents you from serving. And if you
15 have another hardship that you would like the Court to consider, the
16 Court can consider it. However, because this is day two, we must have
17 our jury picked today.

18 So raise your hand in row one if you have any hardship to
19 serve on this jury. And we'll just go row by row. Remember to state
20 your badge number and your name.

21 PROSPECTIVE JUROR 166: My badge number is 166. My
22 name is Martha Mosquera.

23 THE COURT: And what's your hardship?

24 PROSPECTIVE JUROR 166: I have four children under the
25 age of ten, one that's nonverbal autistic, and he requires -- I'm his sole

1 caretaker, so I need -- I don't have anybody to babysit him or anything
2 like that.

3 THE COURT: Who's watching him now?

4 PROSPECTIVE JUROR 166: His dad. He was able to drop
5 him off at school, but once he's out of school, there's nobody that can
6 watch him. And he doesn't take the bus because he's nonverbal.

7 THE COURT: Thank you.

8 PROSPECTIVE JUROR 166: And my other children go to a
9 different school. That's a charter school that doesn't have a bus. So I'm
10 the only one that drops him off, picks them up, and takes care of them.

11 THE COURT: Thank you, Ms. Mosquera. Anyone else in row
12 number one?

13 PROSPECTIVE JUROR 177: My badge number is 177. And I
14 have three children, but my youngest just turned one. He had
15 emergency surgery over the weekend and his follow-up appointments
16 are in the next week or two.

17 THE COURT: When are his appointments?

18 PROSPECTIVE JUROR 177: The first one is next week.

19 THE COURT: What day?

20 PROSPECTIVE JUROR 177: I can't remember. It's the
21 Wednesday.

22 THE COURT: And are you married?

23 PROSPECTIVE JUROR 177: I am married.

24 THE COURT: Could your husband take your child to the
25 doctor appointment?

1 PROSPECTIVE JUROR 177: My husband's in medical school
2 and doesn't have a lot of time.

3 THE COURT: Do you have any other family that could take
4 your child to the appointment?

5 PROSPECTIVE JUROR 177: Potentially, yes.

6 THE COURT: All right. Thank you. Anyone else in row
7 number one with a hardship?

8 Row number two, anyone with a hardship?

9 PROSPECTIVE JUROR 280: Badge number 280, Edward
10 Dellapietra. My hardship is you don't pay my bills that if I'm here for two
11 weeks or longer, that I can pay my bills. I'm a single father, and I run my
12 household myself. And 3.65 cents a mile and \$40 a day does not
13 compute to pay anything at the end of the month that I need to do.

14 THE COURT: And where do you work?

15 PROSPECTIVE JUROR 280: DPL Enterprises.

16 THE COURT: Are you salary or hourly?

17 PROSPECTIVE JUROR 280: Hourly.

18 THE COURT: What do you do there?

19 PROSPECTIVE JUROR 280: I'm a -- I do a bunch of things. I
20 do chemicals. I take care of the fleet. I take care of the building. I do
21 everything.

22 THE COURT: Thank you. Anyone else in row number two
23 with a hardship?

24 Row number three, anyone with a hardship?

25 PROSPECTIVE JUROR 303: Hi. My badge number is 303.

1 My name is Taylor Dubaniewicz. My hardship is that I have a
2 two-year-old son. I don't have guaranteed childcare for the coming
3 weeks of this trial. I'm a single mother and I don't have any family that
4 could watch after him.

5 THE COURT: Are you employed outside the home?

6 PROSPECTIVE JUROR 303: Yes.

7 THE COURT: And who watches your son when you're
8 working?

9 PROSPECTIVE JUROR 303: He goes to daycare, but he's only
10 approved for the certain days that I work each week, which is three days
11 out of the week.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR 303: Okay.

14 PROSPECTIVE JUROR 311: Badge 311, James Rand. I have
15 medical on Friday. I have to go to an appointment for a CT scan.

16 THE COURT: Okay. We won't be in trial on Friday.

17 PROSPECTIVE JUROR 311: No? Okay.

18 THE COURT: No.

19 PROSPECTIVE JUROR 311: Thank you.

20 PROSPECTIVE JUROR 318: Badge number 318, Wang. Like I
21 said earlier, I'm a food server in a restaurant. And we just got informed
22 that, like, the following week that we're going to be really busy. So first,
23 it will be really hard for me to request off at the last minute. And also, I
24 work on tips, so, like, the pay thing compared to what I get from work,
25 it's probably going to give me some trouble. Like, financially.

1 THE COURT: Thank you. Anyone else in row number three?
2 PROSPECTIVE JUROR 321: My badge number is 321,
3 Tommy Yi. I have my father-in-law. He has a medical problem right
4 now. You know, I have to watching him. You know?
5 THE COURT: Are you employed?
6 PROSPECTIVE JUROR 321: Yes.
7 THE COURT: And where do you work?
8 PROSPECTIVE JUROR 321: I do construction work.
9 THE COURT: Construction work. And who watches your
10 father-in-law when you're working?
11 PROSPECTIVE JUROR 321: Right now, my wife. And she's
12 working two, you know, or three. We check -- you know, couple days, as
13 she work, watching him. And couple days when I have to watch him.
14 THE COURT: What are your normal work hours?
15 PROSPECTIVE JUROR 321: I work about two weeks, about
16 30 hours.
17 THE COURT: What time do you normally go to work in the
18 morning?
19 PROSPECTIVE JUROR 321: In the morning? 8:00 to 4:00, I
20 work.
21 THE COURT: 8:00 to 4:00?
22 PROSPECTIVE JUROR 321: Yeah.
23 THE COURT: So you watch him at night?
24 PROSPECTIVE JUROR 321: Yes.
25 THE COURT: Okay. Well, we won't have trial at night. All

1 right. Thank you. Anyone else in row number three with a hardship?

2 In row four, anyone with a hardship?

3 PROSPECTIVE JUROR 360: Badge number 360, Wendell
4 Smith. I was on videoconference last night with my doctor. I have a
5 herniated disk, compression broken bone in my hand, and I have a lung
6 problem that they have to address, plus some other problems. So I don't
7 think with my disk, I could go through the trial this long.

8 THE COURT: Thank you. Can you pass the mic to --

9 PROSPECTIVE JUROR 381: 381, Karen Bevan. I have a
10 fractured ankle. So coming in and out of the building is a little
11 uncomfortable, but I think I can do that. But I have to get to my medical
12 on the 29th. That's my concern I have because it's Department of Labor.
13 They don't let you miss your appointments. I had some discomfort.
14 They suspect gall stones. But I think I'm doing okay on the meds, but I
15 may need a CT.

16 THE COURT: What time is your appointment on March 29th?

17 PROSPECTIVE JUROR 381: One o'clock, ma'am.

18 THE COURT: Thank you. Mr. Anderson?

19 PROSPECTIVE JUROR 384: Financially, I'm not going to
20 get -- oh, sorry about that. 384, Carey Anderson. Financially, not going
21 to be able to pay -- make that mortgage if I do this for two weeks.

22 THE COURT: Where do you work?

23 PROSPECTIVE JUROR 384: At North Vista Hospital.

24 THE COURT: And what do you do there?

25 PROSPECTIVE JUROR 384: I'm a chef at the hospital.

1 THE COURT: They don't pay you if you have jury duty?
2 PROSPECTIVE JUROR 384: Yeah, they pay me there. Yeah, I
3 get paid.
4 THE COURT: If you're on jury duty.
5 PROSPECTIVE JUROR 384: I'm not sure. I didn't ask. She
6 wanted me to get this signed. I mean, that's how much she trusts me, to
7 get the summons signed. I'm like, by who?
8 THE COURT: Okay. Is there anyone else who has a hardship
9 that hasn't spoken yet?
10 THE MARSHAL: One more, Your Honor.
11 THE COURT: Yeah.
12 PROSPECTIVE JUROR 214: Badge number 214. My name is
13 Marites Boado. I have a medical problem. I have vertigo and I don't
14 drive.
15 THE COURT: How did you get here today?
16 PROSPECTIVE JUROR 214: My husband just dropped me
17 because it's -- he's off.
18 THE COURT: And what part of town do you live in?
19 PROSPECTIVE JUROR 214: Henderson.
20 THE COURT: You ever take the bus?
21 PROSPECTIVE JUROR 214: I don't know how to take the bus.
22 THE COURT: How do you get around normally? Do you
23 work?
24 PROSPECTIVE JUROR 214: Come again?
25 THE COURT: Do you work outside the home?

1 PROSPECTIVE JUROR 214: Yes. I work at the hospital.
2 THE COURT: How do you get to the hospital?
3 PROSPECTIVE JUROR 214: My friend. She pick me up and
4 drop me home because my husband is working, too, the same time.
5 THE COURT: Which hospital do you work at?
6 PROSPECTIVE JUROR 214: St. Rose Hospital.
7 THE COURT: Thank you. Is there anyone else who has a
8 hardship who hasn't spoken yet?
9 Is there anyone here who knows myself or any of the court
10 staff?
11 Is there anyone here who knows any of the attorneys or any
12 of the other people sitting at counsel tables?
13 Sometimes, we have coworkers here. Does any jury panel
14 member know each other? So -- oh, go ahead.
15 PROSPECTIVE JUROR 303: I'm sorry. I don't --
16 THE MARSHAL: Oh, hold on. Badge number and name
17 again.
18 PROSPECTIVE JUROR 303: Badge number is 303, name is
19 Taylor Dubaniewicz. The lady who just spoke, I don't know her, but we
20 work at the same place, the same hospital.
21 THE COURT: You work at St. Rose?
22 PROSPECTIVE JUROR 303: Yeah.
23 THE COURT: Are you a nurse?
24 PROSPECTIVE JUROR 303: I'm a CNA.
25 THE COURT: Okay. Does anyone else know any other panel

1 members?

2 Of the witness names that were put on the screen, does
3 anyone know any of those doctors or any of those witnesses?

4 We have one person, Mr. Waters.

5 PROSPECTIVE JUROR 197: 197. Neal Waters. I'm a broker
6 for Sierra Health and Life.

7 THE COURT: You're a broker for Sierra Health and Life?

8 PROSPECTIVE JUROR 197: I am. I'm an insurance agent.

9 THE COURT: Thank you. Is there anyone else who knows
10 any of the witnesses that are on screen?

11 So in this case, what's going to happen is that the Court is
12 going to ask you some questions, and we're going to put that on the
13 screen so you can see it so we can make this process go quicker. And
14 we started around 9:45. We'll take a break every hour and a half or so. If
15 for some reason you need to take a break earlier, just raise your hand
16 and we will.

17 But in this case, we wanted to ask you some questions to see
18 if you're a proper fit for this jury. So we're going to start with Mr. Lane,
19 badge number 149. And so what we're going to do is we're going to go
20 left to right. So we'll start with row number one and then row number
21 two. And then, everyone who's in a black chair is going to go first. And
22 if you're in a green chair, you're going to go last.

23 So actually, what we're going to do is we have one empty
24 black chair, and so we're going to fill it with the person who's in the first
25 green chair. If you can state your name and badge number.

1 PROSPECTIVE JUROR 284: My name is Arlette Vegas.
2 THE COURT: Ms. Vegas, if you could --
3 PROSPECTIVE JUROR 284: 284 is my badge.
4 THE COURT: 284. So we're going to put you in that black
5 chair. So people in the green chairs, you can see what's going to
6 happen. So we'll start with you, Mr. Lane, badge number 149. How long
7 have you lived in Las Vegas?
8 PROSPECTIVE JUROR 149: Twenty-two years.
9 THE COURT: Are you currently employed?
10 PROSPECTIVE JUROR 149: No.
11 THE COURT: And have you been employed before?
12 PROSPECTIVE JUROR 149: Yes.
13 THE COURT: And what area did you work in?
14 PROSPECTIVE JUROR 149: Health care.
15 THE COURT: What did you do?
16 PROSPECTIVE JUROR 149: I was a certified surgical
17 technologist.
18 THE COURT: Was any of that related to cancer treatments?
19 PROSPECTIVE JUROR 149: It did involve resecting cancers,
20 yes.
21 THE COURT: And how long have you not been working?
22 PROSPECTIVE JUROR 149: Three to four years.
23 THE COURT: Is that due to retirement?
24 PROSPECTIVE JUROR 149: Disability.
25 THE COURT: Are you currently married?

1 PROSPECTIVE JUROR 149: Yes.
2 THE COURT: Does your spouse work?
3 PROSPECTIVE JUROR 149: Yes.
4 THE COURT: And where do they work?
5 PROSPECTIVE JUROR 149: She was a nurse.
6 THE COURT: What area?
7 PROSPECTIVE JUROR 149: Surgery.
8 THE COURT: Did she ever deal with cancer patients?
9 PROSPECTIVE JUROR 149: Yes, she did.
10 THE COURT: Do you have any adult children?
11 PROSPECTIVE JUROR 149: Seven.
12 THE COURT: Okay. And are any of them employed?
13 PROSPECTIVE JUROR 149: Several of them are. Not health
14 care agencies. Like Amazon.
15 THE COURT: Have you ever been a juror before?
16 PROSPECTIVE JUROR 149: No.
17 THE COURT: Have you ever been a plaintiff in a lawsuit?
18 PROSPECTIVE JUROR 149: No.
19 THE COURT: Have you ever been a defendant in a lawsuit?
20 PROSPECTIVE JUROR 149: Yes.
21 THE COURT: What gave rise to that lawsuit?
22 PROSPECTIVE JUROR 149: It was a motor vehicle accident.
23 THE COURT: Did it go to trial?
24 PROSPECTIVE JUROR 149: Yes.
25 THE COURT: And do you have any bias against plaintiff's

1 lawyers?

2 PROSPECTIVE JUROR 149: Repeat that?

3 THE COURT: Do you have any bias against plaintiff's
4 attorneys?

5 PROSPECTIVE JUROR 149: No.

6 THE COURT: Do you have any bias against defense lawyers?

7 PROSPECTIVE JUROR 149: Yeah, no.

8 THE COURT: Do you have any bias against insurance
9 companies?

10 PROSPECTIVE JUROR 149: Yes.

11 THE COURT: What bias is that?

12 PROSPECTIVE JUROR 149: I -- I have been denied several
13 things due to my disability and have had to fight for coverage.

14 THE COURT: So the next set of questions, these relate to
15 yourself, family, or close friends. Have you ever had an insurance
16 company job?

17 PROSPECTIVE JUROR 149: Yes.

18 THE COURT: And what was that?

19 PROSPECTIVE JUROR 149: I worked for Optum Healthcare
20 doing referrals.

21 THE COURT: And again, these questions relate not just to
22 yourself but to your spouse or significant other or a close family
23 member. You have a job in the healthcare industry, you did, and have
24 you been insured by United Healthcare, Health Plan Nevada, or Sierra
25 Health and Life?

1 PROSPECTIVE JUROR 149: United Healthcare, yes. And
2 Health Care of Nevada -- Health Plan of Nevada.

3 THE COURT: Have you ever served in the military or your
4 spouse or any close --

5 PROSPECTIVE JUROR 149: No.

6 THE COURT: Okay. Any cancer diagnosis for you, your
7 spouse, or a close friend?

8 PROSPECTIVE JUROR 149: No.

9 THE COURT: And so no radiation therapy.

10 PROSPECTIVE JUROR 149: No.

11 THE COURT: And then, we know you've been -- have you
12 been denied insurance coverage for recommended treatment or just
13 denied benefits?

14 PROSPECTIVE JUROR 149: Denied benefits.

15 THE COURT: All right. Thank you. If you can pass the mic
16 down.

17 PROSPECTIVE JUROR 150: Badge number 150, Suzann
18 McGill.

19 THE COURT: Okay. Do you need the Court to repeat the
20 questions, or can you read them?

21 PROSPECTIVE JUROR 150: I can read.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR 150: I've been in Vegas for -- it'll be
24 three years this June. I am employed with HH Entertainment. It's a
25 lingerie boutique. I am married. My spouse does -- he works for Goettl

1 Plumbing and Air. And he's a supervisor, a field supervisor there. And I
2 do have three sons and a stepdaughter. And one works for a -- for the oil
3 company. And then one owns his own landscaping business -- this is all
4 in California. And my youngest works with my oldest son who owns his
5 own landscaping business. And my stepdaughter is a stay-at-home
6 mother for my two grandchildren.

7 And never have been a juror before. Never have been a
8 plaintiff in a lawsuit or a defendant. I have no bias against plaintiff,
9 defense lawyers or insurance companies.

10 THE COURT: So now this set of questions relates not just to
11 yourself but to family or close friends.

12 PROSPECTIVE JUROR 150: Okay. Insurance company job,
13 no. Healthcare industry, no. Insured by United Healthcare, Health Plan,
14 none of those. I've never been in the military. No cancer diagnosis
15 or -- never had radiation therapy or any family members. And have
16 never been denied insurance coverage for myself or any family
17 members.

18 THE COURT: Thank you. If you can pass the mic.

19 PROSPECTIVE JUROR 161: 161, Ally Rodolfo. So I've lived
20 in Vegas for about -- I want to say 15 years now. I've been -- I'm
21 employed at Mandalay Bay. I'm not married. No children. Never been a
22 juror. Never been a plaintiff in a lawsuit. Never been a defendant in a
23 lawsuit. No bias. No bias against plaintiff lawyers. No bias against
24 defense lawyers. No bias against insurance companies, either.

25 Never had an insurance company job. No healthcare

1 industry job, as well. Not insured by any of those. I have served in the
2 military.

3 THE COURT: Which branch?

4 PROSPECTIVE JUROR 161: The Army National Guard.

5 THE COURT: Are you still a member of the National Guard?

6 PROSPECTIVE JUROR 161: Yes, I am.

7 THE COURT: Thank you.

8 PROSPECTIVE JUROR 161: I've never been diagnosed with
9 cancer or any of my family members. No radiation therapies and I've
10 never been denied insurance coverage.

11 THE COURT: Okay. Can you pass the mic?

12 PROSPECTIVE JUROR 166: Juror 166, Martha Mosquera.
13 I've lived in Vegas since 2001. I'm not employed. I am married. I have
14 four children under the age of ten. I have a set of triplets and an
15 eight-year-old, just two. Because everybody kind of, when I say four.
16 I've never been a juror. I've never been a plaintiff in a lawsuit or a
17 defendant in a lawsuit. I'm not biased to plaintiff lawyers or biased to
18 defense lawyers.

19 I am biased to insurance companies. As I mentioned earlier,
20 my -- one of my sons does have autism. And he has been denied several
21 services. And I do have Sierra Health currently, and he was on HPN
22 before. I do work in healthcare. I work for a veterinary hospital. Never
23 served in the military. My father has had cancer diagnosed and my
24 grandparents. Haven't had any radiation therapy that I know of for any
25 of them. And I have not been denied -- or any of my family members

1 have been denied the insurance coverage, but services.

2 THE COURT: Thank you. Pass the mic.

3 PROSPECTIVE JUROR 169: Badge 169, Francis Sarkett. I
4 have been in Vegas 22 years. Not employed. I do a lot of volunteer
5 work. Not married, no adult children. Never been on a jury. Plaintiff in
6 lawsuit, no. Defendant in lawsuit, no. Bias against the plaintiff
7 attorneys, defense attorneys, or insurance companies is no to all three.

8 I have not had an insurance job or a healthcare industry job.
9 I have been insured in the past by United Healthcare. No military. I
10 personally have cancer diagnosed. I did not do radiation therapy. And I
11 have not been denied insurance coverage.

12 THE COURT: What type of cancer was it?

13 PROSPECTIVE JUROR 169: Breast.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR 177: Badge 177. My name is Emily
16 Hamblin. I have lived in Vegas almost two years. I am not employed. I
17 am married. My spouse does not work. I do not have any adult children.
18 I have never been a juror. I have never been a plaintiff or a defendant in
19 a lawsuit. I do not have a bias against plaintiff or defense lawyers. And I
20 am not biased against insurance companies.

21 I have not had an insurance company job. I have worked in
22 the healthcare industry and have several family members that work in
23 the healthcare industry. I have not been insured by any of those
24 insurance companies. I have not served in the military. I have a sister
25 that was diagnosed with cancer and did receive radiation therapy. And I

1 have not been denied coverage for any recommended.

2 THE COURT: Thank you.

3 PROSPECTIVE JUROR 183: My name is Donald Jackson,
4 badge number 183. I've lived in Las Vegas 53 years, employed with
5 United Parcel Service. I am married. My wife does not work. I do have
6 two adult children, one 31, one 29. One works for Amazon. The other
7 one is unemployed. Never served as a juror. Never been a plaintiff in a
8 lawsuit or a defendant in a lawsuit. I have no bias against anyone.

9 Never had an insurance company job. Never worked in the
10 healthcare industry. Never insured by any of those. Never served in the
11 military. Wife is a two-time cancer survivor. She has been through
12 radiation. I've never been denied insurance -- never denied insurance
13 coverage.

14 THE COURT: Thank you. Will you pass the mic?

15 PROSPECTIVE JUROR 188: Hi. Badge number 188. I've
16 lived in Vegas since 1985. I'm employed. I work at the LINQ casino in
17 the account room. I'm married. My husband works with NV
18 Transportation. I have two adult children. My daughter is in Arizona.
19 She's a bartender at the Edgewater. And my son is currently going
20 through the academy for Metro. And what is it? Never been in a lawsuit.
21 I have been on a jury. I got --

22 THE COURT: Was it civil or criminal?

23 PROSPECTIVE JUROR 188: I'm sorry?

24 THE COURT: When you were on the jury, was it civil case or
25 criminal?

1 PROSPECTIVE JUROR 188: It was criminal. It was a long
2 time ago, probably about 30 years ago.

3 THE COURT: Were you the foreperson?

4 PROSPECTIVE JUROR 188: No, ma'am.

5 THE COURT: All right. Was a verdict reached?

6 PROSPECTIVE JUROR 188: Yes, ma'am.

7 THE COURT: All right. Thank you.

8 PROSPECTIVE JUROR 188: Yes, ma'am. I'm not biased
9 against -- I have no prejudice against any insurance companies. My
10 parents were -- my dad was military. Cancer diagnosis, my
11 mother-in-law and my brother-in-law both passed from cancer years
12 ago. And I think they got radiation therapy, but I have no problem with
13 insurances and never been denied coverage.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR 191: My badge number is 191. My
16 name is Aurora Jon, and I live in Vegas for 11 years. I work for Caesar's,
17 and I don't have husband or kids. And the questions down there, no, no,
18 no, no, no, yeah. Five noes. And I think that's it, right?

19 THE COURT: For 1 through 10, yes. Marshal Scott will move
20 that up now.

21 PROSPECTIVE JUROR 191: What?

22 THE COURT: Yeah. See?

23 PROSPECTIVE JUROR 191: Insurance company job, no.
24 Healthcare industry, no. I think all of them no.

25 THE COURT: All right. Thank you.

1 PROSPECTIVE JUROR 191: Yeah.

2 PROSPECTIVE JUROR 193: Badge number 193, Tammy
3 Haggard. I have lived in Las Vegas 30 years. Currently employed at
4 Optum Care as a pharmacy technician. Not married. My adult son
5 works at RC Willy's. Never been -- served as a juror. Not -- have not
6 been a plaintiff or a defendant in a lawsuit. No bias against plaintiff
7 lawyers, defense lawyers, or insurance companies.

8 Insurance company job, no. Healthcare industry, yes.
9 Currently employed in the healthcare industry. Currently insured by
10 Health Plan of Nevada. No military service. Cancer diagnosis, yes. My
11 sister, my dad, and two close friends. Radiation therapy, only one of
12 them had radiation therapy. And never been denied insurance coverage
13 for recommended treatment.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR 194: Badge number 194, Heidi Guinn.
16 I've lived in Las Vegas for 12 years. I am employed by Anthem Blue
17 Cross Blue Shield. Not married, no children. Never served as a juror.
18 Never been a plaintiff or defendant. No bias against plaintiff lawyers or
19 defense lawyers. I may have a bias against insurance companies just
20 because I work for one.

21 THE COURT: What do you do for Anthem?

22 PROSPECTIVE JUROR 194: I am customer service. I do
23 process claims.

24 THE COURT: You have a bias against insurance companies
25 or for insurance companies?

1 PROSPECTIVE JUROR 194: I -- I guess -- I guess for.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR 194: And like I said, I do have an
4 insurance company job currently. I did work in the healthcare industry
5 for about eight years in nursing for hospice care. I did work with many
6 cancer patients. And I was insured by United Healthcare for many years,
7 but I am currently with Anthem. So no, not anymore. Never served in
8 the military. My uncle did have brain cancer. No radiation therapy there
9 and I've never been denied insurance coverage.

10 THE COURT: Thank you. So we're going to give the mic
11 back to Mr. Waters.

12 PROSPECTIVE JUROR 197: Badge 197, Neal Waters. I've
13 lived in Las Vegas for 57 years. I'm employed with -- self-employed. I'm
14 a broker for insurance companies, including Sierra Health and Life. I'm
15 married. My wife is a homemaker. I have adult children, four of them,
16 two of which are homemakers and two that work in IT.

17 Never been a juror. I was a plaintiff at one point in time
18 many years ago.

19 THE COURT: What type of case were you a plaintiff in?

20 PROSPECTIVE JUROR 197: Midas.

21 THE COURT: For what?

22 PROSPECTIVE JUROR 197: It was a lawsuit for -- they
23 basically destroyed my engine in my car. So they had to replace it. No
24 on defendant. And I have no bias of any of the three. Insurance
25 company job, broker for insurance companies, including Sierra Health

1 and Life. And I have been insured by United Healthcare in the past. Not
2 currently. Military service for me is none. No cancer or radiation and no
3 treatment denial.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR 206: Hello. Badge number 206, Sopee
6 Sing-Corcuera. I've lived in Las Vegas for four years. I am currently
7 employed with OptumRx. I am married. My husband works at
8 Albertson's. I don't have adult children. Never served as a juror. Never
9 was a plaintiff or a defendant in a lawsuit. Not biased against plaintiff
10 lawyers, defense lawyers, or insurance companies.

11 Insurance company job, no. Healthcare industry job, yes.
12 Insured by United Healthcare. I don't have any military service. My
13 brother was in the Army. No cancer diagnosis. No radiation therapy,
14 and I have never been denied insurance coverage.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR 212: Hello. My badge number is 212.
17 I've lived in Las Vegas for 22 years. I work at Aria. I am married. My
18 husband is a commercial truck driver. I don't have adult children. I've
19 never been a juror before. No to 6 through 9. Number 10, yes, denied
20 services for my special need daughter.

21 I've worked -- insurance company, like a third party
22 Northwest Administrators previously. I have worked pediatric office
23 before. I've been insured by Health Plan of Nevada. Father served as a
24 Marine, in the Marines. I have had aunts and uncles with a cancer
25 diagnosis. One has passed away from lung cancer. The other one is a

1 survivor for breast cancer. One of them did receive radiation therapy.
2 And I have been denied insurance coverage for my daughter for
3 services.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR 212: Uh-huh.

6 PROSPECTIVE JUROR 214: Badge 0214. My name is Marites
7 Boado. I live in Las Vegas for 11 years. I'm employed, yes, St. Rose
8 Hospital. Married. My husband works at Mandalay Bay. I have two
9 adult children. One is working at Da Vita and the other one at St. Rose.
10 I've never been a juror before. Plaintiff, no, as well as defendant. Never
11 been biased to any of them.

12 Insurance job, no. Healthcare industry job, yes. I worked
13 healthcare in UK. Insured by the Health Plan of Nevada in
14 [indiscernible]. Never been in the military. I was diagnosed with thyroid
15 cancer. Never been on radiation and never been denied.

16 PROSPECTIVE JUROR 234: Badge number 234, Richard
17 Shelter. I've lived in Vegas 27 years, born and raised. Yes, I'm
18 employed at Walgreens. No -- not married. No children. Never been on
19 a jury --

20 THE CLERK: Can you pull it away a little bit? I'm sorry.

21 PROSPECTIVE JUROR 234: Never been a plaintiff in a
22 lawsuit. Not a defendant. Never been biased against all three, no.
23 Insurance company job, no. Healthcare industry, no. Insured by United
24 Healthcare. Military service, no. No cancer or radiation therapy. Never
25 been denied insurance.

1 PROSPECTIVE JUROR 244: 244, Ed Kanet. Lived here in the
2 valley 33 years. I currently am a professor at the College of Southern
3 Nevada. My wife works for CCSD as a first grade teacher. Six children,
4 all grown up, moved away except for one. She's still here in the valley.
5 They're a pilot, dentist, IT, businessperson. All the others are work at
6 home. Never been on a jury before and no, firmly, to all the 6 through
7 10.

8 Never worked for an insurance company. My brother has
9 worked in -- as a nuclear medical technologist. He also had eye and
10 thyroid cancer. My daughter used to be a nurse. She had -- she's a
11 survivor of breast cancer, had radiation therapy. Been insured by
12 United, currently with HPN. Never been in the service. No one in the
13 family. And the two cancer diagnoses I've already mentioned. I had a
14 dad, though, had lung cancer, too. He passed away from that one a
15 while back. And never been denied service.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR 258: Sorry, forgot my number. 258,
18 Patricia Martinez. I've lived in Vegas off and on for 18 years. I am
19 employed with Goettl. I'm a permit technician. I actually work directly
20 with her husband every single day. I am married. My husband is a
21 disabled stay-at-home dad with our disabled daughter. My adult son
22 works for Eye Care of Nevada. I've never been a juror. I don't have any
23 bias with plaintiffs, sorry, defendants. I have no bias against plaintiffs'
24 lawyers or defense lawyers.

25 I think insurance companies suck, but that's just -- I think we

1 all feel that way. Sorry. I've never had an insurance company job. I
2 have a lot of family members who work in the healthcare industry.
3 Health Plan of Nevada is the only one that I'm familiar with for myself
4 and my family. No military and a lot of cancer diagnoses, and there's
5 some radiation therapy. And multiple denied insurance claims, coverage
6 things that I've had to deal with, with my disabled daughter and my
7 husband.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR 284: Hi. My name is Juror 284,
10 Arlette Vegas. I've been here in Vegas for 11 years. Currently employed
11 with the airport overnight. And I'm currently married. Also, separated. I
12 have two girls who are older, tattoo artists. One just had a baby that's
13 five months old. I'm a new grandmother. Never been a juror. Never
14 been a plaintiff, defendant. Not biased to 8, 9, or 10.

15 Never worked for an insurance company, healthcare. Never
16 been in the military. No cancer in my family. No radiation. And never
17 been denied.

18 THE COURT: Thank you.

19 PROSPECTIVE JUROR 264: My badge number is 264. My
20 name is Kayla Mann. I'm born and raised in Vegas, been here 24 years.
21 I'm employed. I'm a hairstylist at the Parlor. I'm not married. No
22 children. I've never been a juror. Never been a plaintiff or a defendant
23 in a lawsuit. I'm biased towards the Defense. My grandma was actually
24 dying of cancer, and she was denied insurance. So she was denied.

25 So with that, yeah, I'm biased against insurance companies.

1 I also had a friend who had cancer. She was stage 4 pancreatic, and she
2 was denied as well. Insurance company job, no. Healthcare industry, a
3 lot of my family is nurses -- nurses, medical doctor. I'm currently insured
4 by the Health Plan of Nevada. Military service, as well. My family has
5 served in the military and my boyfriend is a Marine. Cancer diagnosis,
6 not myself but obviously family and friends. I have a lot of diagnoses.
7 Radiation therapy, they went through it. And they've been denied
8 multiple times for insurance coverage with cancer. Me, personally, I've
9 never been denied.

10 THE COURT: Thank you.

11 PROSPECTIVE JUROR 280: Juror 280. Fifty years in Las
12 Vegas. Employed PPL Enterprises. Married, no. Two children. One is in
13 the Air Force. One is 18, going in the Air Force. Plaintiff, lawsuits, none.
14 6 through 10, no. 11 through 17, no. 14, kids in the Air Force, overseas.

15 THE COURT: Thank you. Pass it that way. Yeah. There you
16 go.

17 PROSPECTIVE JUROR 281: Juror 281, Kimberly Kouba. Born
18 and raised in Las Vegas, 52 years. Employed, yes, with Caesar's
19 Entertainment as an EMT/security. Married, no. I'm divorced. Both of
20 my children are deceased. I haven't been on a jury before. I've been a
21 plaintiff in a lawsuit. I've been a defendant in a lawsuit. Do I have bias
22 against attorneys? Probably.

23 THE COURT: Why were you a plaintiff in a lawsuit?

24 PROSPECTIVE JUROR 281: It was a United States federal
25 lawsuit against the Pat Clark Estate. And I was the defendant in that one.

1 And the plaintiff, I'm currently in a lawsuit against a female who
2 assaulted me at the Cromwell Hotel. A lovely patron who physically
3 assaulted me in September. I'm dealing with the insurance company
4 now, so I'm not really biased as of yet.

5 Insurance company job, no. Healthcare industries job, yeah.
6 I'm an EMT. I'm not insured by any of those companies. Military
7 service, my ex was Air Force, so I was 19 years married to him. Cancer
8 diagnosis, just precancer for myself and cancer in my family. My fiancé
9 is currently battling cancer for seven years and has gone through
10 radiation therapy. And as of right now, I have not been denied insurance
11 coverage as of yet.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR 281: Still ongoing.

14 THE COURT: So ladies and gentlemen, we're going to take a
15 break because the Court needs to discuss some legal issues with the
16 lawyers. And so the Court's going to give you an admonishment, and
17 the Court's required by law to give this to you. So the Court's going to
18 read it to you and then explain it to you.

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

1 using reference materials.

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

9 What this means, ladies and gentlemen, is that almost every
10 single one of you sitting here today has one of these. And this is a
11 smartphone. And it's essentially a mini computer. And so what you
12 could do is that you could start Googling the Plaintiff, or you could start
13 Googling the Defendant or researching some of the witnesses' names
14 that you saw on the screen. But you stood up and you took an oath, and
15 it would be a violation of your oath if you were to do that.

16 The only thing that you're allowed to say is that you are
17 currently being in the process of potentially being a juror in a civil trial
18 that's expected to last an additional two and a half weeks after
19 tomorrow. And that's all you can say to employers or family members.
20 If you hear another panel member or a juror speaking about this case to
21 anyone, you are required by law to tell the marshal because we can't
22 have a situation where we go through this trial for weeks and you go into
23 the jury deliberation room, and then you find out another juror has been
24 doing things they're not supposed to, and we have to start this process
25 all over again.

1 This is just day one for you, and it's been a lot. And imagine
2 going through this for weeks, and then we have to restart the process.
3 So can everyone agree that if they hear a fellow juror doing one of these
4 things, they'll alert the marshal?

5 PROSPECTIVE JURORS: Yes.

6 THE COURT: All right. So we'll take a 20-minute break
7 because the Court needs to discuss some issues with counsel. So we'll
8 come back at 11:05.

9 [Prospective jurors out at 10:44 a.m.]

10 [Outside the presence of the prospective jurors]

11 THE COURT: All right. So the Court wants to talk to the
12 parties about excusing people for hardship and then some other cause
13 issues. So with -- we'll start with the hardship first. So badge number
14 166, Martha Mosquera. She's the one who has an autistic son and needs
15 to care for him. The Court's inclined to let her go for hardship. Any
16 objection?

17 MR. ROBERTS: No objection, Your Honor.

18 MR. SHARP: None, Your Honor.

19 THE COURT: Thank you. Marshal, did you get that?

20 THE MARSHAL: No, I didn't, ma'am. I was grabbing the
21 board. What number?

22 THE COURT: So 166.

23 THE MARSHAL: Got it. She can be released?

24 THE COURT: Yes. The next -- so this next one is 177, Emily
25 Hamblin. She's the one who said that she has a son who has a

1 post-surgical appointment next week. She's a stay-at-home mother with
2 three children and her husband is in medical school. The Court's
3 inclined to let her go for cause.

4 MR. SHARP: No objection.

5 MR. ROBERTS: No objection, Your Honor.

6 THE COURT: All right. So Marshal, we're going to let Juror
7 Number 177 go, Emily Hamblin.

8 THE MARSHAL: Got that one.

9 THE COURT: All right. The next is badge number 194, Heidi
10 Guinn. Actually, that's not for this. For a different issue. I want to talk
11 about that separately. The next, we'll go to badge number 214, Marites
12 Boado. She's the one who has vertigo. She lives in Henderson, but she
13 works in Henderson at St. Rose. The Court's inclined to let her go. Any
14 objection?

15 MR. ROBERTS: No objection, Your Honor.

16 MR. SHARP: No objection, Your Honor.

17 MR. ROBERTS: That was 214?

18 THE COURT: Yes. Marites Boado.

19 MR. ROBERTS: Got it.

20 THE COURT: The next is badge number 280, Edward
21 Dellapietra. He's a single father and he works hourly. The Court's
22 inclined to let him go for hardship.

23 MR. SHARP: No objection, Your Honor.

24 MR. ROBERTS: No objection.

25 THE COURT: The next is badge number 303, Taylor

1 Dubaniewicz. She has a two-year-old son and only has daycare
2 coverage when she works three days a week. So the Court's inclined to
3 let her go.

4 MR. SHARP: No objection.

5 MR. ROBERTS: No objection, Your Honor.

6 THE COURT: The next is badge number 318, Elle Wang.
7 She's the one who's a food server who works on tips. The Court's
8 inclined to let her go.

9 MR. SHARP: No objection.

10 MR. ROBERTS: No objection, Your Honor.

11 THE COURT: All right. The next is badge number 374,
12 Wendell Smith. He has the herniated disc, and he looks like he's very
13 uncomfortable.

14 MR. SHARP: I'd have to trust you because we can't see him,
15 so I have no objection if that's what you're saying.

16 MR. ROBERTS: I could see him, Your Honor, okay. And I
17 agree.

18 THE COURT: All right. The next is badge number 381, Karen
19 Bevan. She has a fractured ankle, and her appointment is next Tuesday
20 at 1:00 p.m. The Court's just inclined to let her go. Any objection?

21 MR. SHARP: None.

22 MR. ROBERTS: No objection, Your Honor.

23 THE COURT: All right. The next one is badge number 384,
24 Carey Anderson. He's the one who works at North Vista Hospital, and he
25 gets paid hourly. The Court's inclined to let him go for hardship. Any

1 objection?

2 MR. ROBERTS: No objection, Your Honor.

3 THE COURT: All right. So marshal, just so we have this,
4 we'll just go over it again. So you have 166 -- or I can -- do you have the
5 list? I can write it down.

6 THE MARSHAL: I have one, yeah. I have 166.

7 THE COURT: All right.

8 THE MARSHAL: 177.

9 THE COURT: Yeah.

10 THE MARSHAL: 214.

11 THE COURT: Yes.

12 THE MARSHAL: 280.

13 THE COURT: Yes.

14 THE MARSHAL: 303.

15 THE COURT: Yes.

16 THE MARSHAL: 318.

17 THE COURT: Yes.

18 THE MARSHAL: 374.

19 THE COURT: Yes.

20 THE MARSHAL: 381 and 84.

21 THE COURT: Yes. So that's one, two, three, four, five, six,
22 seven -- that's nine people. So that leaves us with 31. So the Court now
23 wants to talk about a few other people. The first one is Keith Lane,
24 badge number 149. He's the one who his wife works for Optum and has
25 been denied insurance benefits.

1 These next people, what the Court -- the Court's issue is we
2 don't want to spend all day on people who are clearly biased.

3 MR. SHARP: Yeah. I --

4 THE COURT: You know, that's just the reality.

5 MR. SHARP: I have no objection. He said he was biased
6 against insurance companies. He works for Optum. I mean, I completely
7 agree.

8 MR. ROBERTS: I agree, Your Honor. We would move to
9 excuse him for cause.

10 THE COURT: All right. So Mr. Lane, badge number 149, is
11 going to be excused for cause. The next is badge number 194, Heidi
12 Guinn. She works for Anthem Blue Cross, and she said she's
13 pro-insurance company. The Court's inclined to excuse her for cause.
14 Any objection?

15 MR. SHARP: No, none, Your Honor. And can we also talk
16 about 193?

17 THE COURT: Yes, we can.

18 MR. SHARP: As I recall, she was employed by Optum. So
19 that's essentially employed by the Defendant. Dr. Ahmad is employed
20 by Optum. I think she should be excused for cause.

21 THE COURT: Okay. Any objection to 193?

22 MR. ROBERTS: No objection, Your Honor.

23 THE COURT: All right. So 193 will be removed for cause.
24 194 will be removed for cause. 197, Neal Waters. He works for Sierra
25 Health and Life as an insurance agent.

1 MR. SHARP: I think it's clear he should be removed for
2 cause.

3 THE COURT: All right. Any objection, Mr. Roberts?

4 MR. ROBERTS: Your Honor, I think he said he was a broker,
5 and brokered contracts for multiple insurance companies, including
6 Sierra Health and Life. But based on the Court's expression, I'm going to
7 sit down.

8 THE COURT: Thank you, Mr. Roberts. The Court appreciates
9 that, greatly. The next is badge number 206, Sopee Sing-Corcuera. She
10 also works at Optum.

11 MR. SHARP: I think it's the same thing, Your Honor.

12 MR. ROBERTS: No objection, Your Honor.

13 THE COURT: All right. She'll be removed for cause. The
14 next is badge number 212, Yolanda Oseguera. Denied insurance
15 coverage for her daughter. She seems quite hostile to insurance
16 companies.

17 MR. SHARP: I think --

18 MR. ROBERTS: I agree, Your Honor. We'd move to excuse
19 her for cause.

20 MR. SHARP: No objection.

21 THE COURT: All right. The next is badge number 258,
22 Patricia Martinez. She says she thinks insurance companies suck and
23 that her husband and daughter both have been denied insurance
24 coverage due to their disabilities. Any objection to removing her for
25 cause?

1 MR. ROBERTS: No, Your Honor. We would move to excuse
2 her for cause.

3 THE COURT: Okay. MR. Sharp, any objection?

4 MR. SHARP: No, Your Honor.

5 THE COURT: Okay. The next is badge 264, Kayla Mann. She
6 said that her grandmother and friend died because of the insurance
7 company refusing to pay for services and she was biased against
8 insurance companies. Any objection to excusing her for cause?

9 MR. SHARP: No.

10 MR. ROBERTS: Thank you, Your Honor.

11 THE COURT: All right. So the additional ones, Marshal, are
12 149, Keith Lane.

13 THE MARSHAL: Yes, 149.

14 THE COURT: 193, Tammy Haggard.

15 THE MARSHAL: Yes.

16 THE COURT: 194, Heidi Guinn.

17 THE MARSHAL: Yes.

18 THE COURT: 197, Neal Waters.

19 THE MARSHAL: Yes.

20 THE COURT: 206, rather, Sopee Sing-Corcuera.

21 THE MARSHAL: Yes.

22 THE COURT: Yolanda Oseguera, badge 212.

23 THE MARSHAL: Yes.

24 THE COURT: 258, Patricia Martinez.

25 THE MARSHAL: Yes.

1 THE COURT: 264, Kayla Mann.

2 THE MARSHAL: Yes.

3 THE COURT: All right. So that's an additional one, two,
4 three, four, five, six, seven, eight. That's an additional eight. So that
5 leaves us with 23, which was more than we had left over yesterday
6 because we had about 17 left over yesterday. So let's just put everyone
7 where they're going to be, so we know.

8 [Pause]

9 THE COURT: All right. So now, we'll just cross off who -- I
10 was going to talk about who's in the box. So -- all right. So this means
11 badge number 284, Arlette Vegas, is going to be in seat number 1. Robin
12 Mullins, badge number 291, is going to be in seat number 10. Badge
13 number 293 will be in seat number 11, and that's Levenia Lopardo.
14 Badge number 301 will be in seat number 12, Jason Nelson. In seat
15 number 13 will be badge number 311, James Rand.

16 MR. SHARP: Excuse me, Your Honor. Did we -- I didn't pick
17 up who's going to be in seat 6 and 10.

18 THE COURT: Oh.

19 MR. SHARP: I think we might have jumped a --

20 THE COURT: I didn't cross those out. Oh, I didn't cross
21 enough people out. We're going to redo it. This is why we're doing it
22 without them here. So Robin Mullins is going to be seat number 4,
23 badge number 291. Badge number 293, Levenia Lopardo, is going to be
24 seat number 6. In seat number 10 will be Jason Nelson, badge number
25 301. In seat number 11, badge number 311, James Rand. In seat

1 number 12 will be Tommy Yi, badge number 321. In seat number 13,
2 badge number 323, Julie Paulsen-Wall.

3 In seat number 14 will be badge number 328, Chloe Stewart.
4 In seat number 18 will be badge number 347, Quinn Ayers. Seat number
5 19 will be badge number 358, Arianna Weide. And in seat number 20,
6 badge number 363, Phong Yang.

7 Do the parties need the Court to repeat that?

8 MR. SHARP: Yes, please.

9 THE COURT: All right. Seat 1, badge number 284, Arlette
10 Vegas. Seat 2, badge number 150, Suzann McGill. Seat 3, badge
11 number 161, Ally Rodolfo. Seat 4, badge number 291, Robin Mullins.
12 Seat 5, badge number 169, Frances Sarkett. Seat 6, badge number 293,
13 Levenia Lopardo. Seat 7, badge number 183, Donald Jackson. Seat 8,
14 badge number 188, Theresa Patrick.

15 Seat 9, badge number 191, Aurora Jon. Seat 10, badge
16 number 301, Jason Nelson. Seat 11, badge number 311, James Rand.
17 Seat 12, badge number 321, Tommy Yi. Seat 13, badge number 323,
18 Julie Paulsen-Wall. Seat 14, badge number 328, Chloe Stewart. Seat 15,
19 badge number 214, Marites Boado -- or did we strike her? No.

20 MR. SHARP: She was stricken.

21 THE COURT: She was stricken. So we have to move this
22 now. So seat 15 will actually be Quinn Ayers.

23 THE CLERK: What's the new badge number?

24 THE COURT: Quinn Ayers --

25 MR. ROBERTS: 347.

1 THE CLERK: 347. Thank you.

2 THE COURT: All right. That's seat 15. All right. Then seat
3 16 will be badge number 234, Richard Shelter. Seat 17, badge number
4 244, Ed Kanet. Seat 19 will be badge number 358, Arianna Weide.

5 MR. SHARP: Who's in seat --

6 THE COURT: That's seat 18, rather.

7 MR. SHARP: Okay.

8 THE COURT: And seat 19 will be Phong Yang's. Normally, I
9 make a large line. I didn't do that. I apologize. That's my fault. And seat
10 20 will be badge number 368, Jaren Awong. Seat 21, badge number
11 280, Edward -- no, we struck him. So seat 21 will be Cynthia Fuller,
12 badge number 379. And then seat 22, badge number 281, Kimberly
13 Kouba. And that's everybody. That's 22. There's no other people.

14 [Pause]

15 THE COURT: Does anyone have any questions about these
16 people?

17 MR. SHARP: No, Your Honor.

18 MR. ROBERTS: No.

19 THE COURT: All right. We'll take a quick five-minute break
20 and then come back.

21 MR. SHARP: Thank you.

22 THE COURT: So the Court will restart these questions and
23 then, depending on the time, we might break for lunch. Or depending
24 not, we'll -- Mr. Sharp, you'll go. And our old ten from yesterday will
25 come back. And so we'll move them. So the old ten will take seats 1

1 through 10.

2 MR. SHARP: But the questioning is only going to be to --

3 THE COURT: Everybody.

4 MR. SHARP: So the questioning can be to everybody again?

5 THE COURT: Yes. Because right now, we only have 22 left
6 over.

7 MR. SHARP: Okay.

8 THE COURT: So with the 22 left over, we'll put them in their
9 seats. Although, that they're going to be moved again after lunch. Do
10 the parties have a preference on not moving them? I think we do need to
11 move them because otherwise, we won't know who's where.

12 MR. SHARP: Yeah. So --

13 THE COURT: So what we can do -- go ahead.

14 MR. SHARP: So just so I understand, the idea is everybody
15 yesterday moves up. So Juror 2 yesterday is now Juror 1?

16 THE COURT: Madam Clerk, can we do this? Can we put our
17 old ten -- can we create a seat that has 32 people?

18 THE CLERK: Yes.

19 THE COURT: And that the old ten takes seats 1 through 10
20 and then Ms. Vegas takes seat 11. This way, there's no additional
21 movement. Does that make sense?

22 MR. SHARP: Yes.

23 MR. ROBERTS: It does, Your Honor.

24 THE COURT: All right. So we'll do that. So Arlette Vegas
25 will actually be seat 11, and then everyone will be after her.

1 MR. ROBERTS: Yeah.

2 THE COURT: You look confused, Mr. Sharp. Was that okay?

3 MR. SHARP: No, I'm fine. I'm just -- that's fine.

4 THE COURT: All right. All right. So we'll take just a quick
5 minute break. It's already 11:03.

6 [Recess taken from 11:03 a.m. to 11:11 a.m.]

7 THE COURT: Okay. So everyone has a new copy of the
8 seating chart?

9 MR. SHARP: Yes.

10 THE COURT: All right.

11 [Pause]

12 THE COURT: So counsel, if you can just ask the -- the Court's
13 going to finish with the people who haven't done the Court's voir dire.
14 And then if we have time prior to lunch, then you can just voir dire these
15 initial 22.

16 MR. SHARP: Okay.

17 THE COURT: This way, if there's any additional challenges
18 for cause, we don't have to redo voir dire again. But considering the
19 time, you probably won't be able to do any voir dire prior to lunch.

20 MR. SHARP: I could do the initial introduction. However you
21 want to handle it, Your Honor.

22 THE COURT: Okay. But the other jurors are coming back at
23 12:30, so we have to be -- we're going to restart at 12:30.

24 MR. SHARP: However you want to do it. We're ready to go.

25 THE COURT: Okay.

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[Pause]

[Prospective jurors in at 11:17 a.m.]

THE COURT: Thank you, please be seated. Ladies and gentlemen, thank you for your patience. Because this is day two of this process, the reason why we left the seats 1 through 10 open is that we have people from yesterday coming back at 12:30. We just didn't want them waiting around all morning while we did this process over with you again.

So what we're going to do is now we're going to resume with badge number 284, Ms. Vegas.

PROSPECTIVE JUROR 284: Yes.

THE COURT: So we're going to do the same thing that we did with the other panel members. So can you read the screen?

PROSPECTIVE JUROR 284: I can.

THE COURT: All right.

PROSPECTIVE JUROR 284: Juror 284, Arlette Vegas. I've lived here in Las Vegas 11 years. I am employed with Harry Reid Airport. I work overnight as a cabin cleaner. I'm fairly tired. I am married but currently separated. I do have two children. My oldest is a tattoo artist here in Las Vegas for six years. My youngest is 26 and she's working for Fed Ex. And I have a brand new grandbaby, five months old. Never been a juror. I've never been a plaintiff, but I was a defendant. Earlier, I was a little tired. I do apologize for that. For 8, 9, and 10, I am not biased to any insurance, plaintiff, defense, or anything like that.

I have never worked for an insurance company or healthcare.

1 Never been in the military. What is that? Insured by -- never been
2 insured with Nevada or Sierra Health or Life Insurance. Never been in
3 the military. No cancer with any of my family members. No radiation
4 and I have never been denied on any insurance.

5 THE COURT: Thank you. And if you've already spoken, you
6 can just pass the mic.

7 PROSPECTIVE JUROR 291: Robin Mullins, Juror Number
8 0291. I've lived in Vegas for four years. I am employed with -- I'm the
9 HR director for Chick-fil-A. I'm also a substitute school teacher here in
10 Clark County. I am married. My husband is a pastor. He also works for
11 Chick-fil-A as well. I have two adult children. Both of them own
12 Chick-fil-A's. I've never -- yeah, I know, people. I know. And no, I'm not
13 taking you to lunch. I know.

14 Jury, I've never been a juror before. Six through ten is no. I
15 have not worked for an insurance company before, but I worked for nine
16 years at the University of Utah where I helped, and I was on the
17 committee who got insurance plans for the University of Utah. We had
18 five different plans. I've never been insured by health insurance from
19 Nevada. Right now, I have Anthem Blue Cross Blue Shield.

20 No military service. I've had multiple people with cancer.
21 Radiation. And none of them -- well, my son was denied insurance
22 coverage. When he was small and he had asthma, he was denied.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR 293: Juror Number 293, Levenia
25 Lopardo. I've lived two years here in Las Vegas. I am not employed. I'm

1 retired. My husband is also retired. I have two adult children. One that
2 lives here, and she works at the Golden Nugget. And my son works in
3 Illinois in IT. I have been on a jury before. It was in DuPage County,
4 Illinois. Never a foreperson and we did reach a verdict.

5 Plaintiff, no. Defendant, no. No bias against the plaintiff,
6 defense lawyers. No bias against insurance companies. I've never
7 worked for an insurance company. I was a director for IT in healthcare at
8 Northwestern Healthcare in Chicago for 24 years. Insured right now with
9 United Healthcare. No military. A lot of cancer diagnosis, which I can't
10 talk about because they're very active. Radiation therapy, yes. Denied
11 insurance coverage, no.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR 301: 301, Jason Nelson. I've lived
14 here for 25 years. I'm employed by a CPA firm, Calder and Brown. I am
15 married. My wife is a hairdresser. I have no adult children. Never been
16 a juror. I've never been a plaintiff or defendant. No biases against
17 plaintiff lawyers, defense lawyers, insurance companies. Never had an
18 insurance company job. No healthcare job.

19 I have not been insured by the following. And no military
20 service, no cancer, no radiation, and I've never been denied coverage.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR 311: I'm Juror 311, James Rand. And
23 I've lived here 22 years. Employed, Commerce Towing. Married, yes.
24 My wife works at Towbin Dodge. Adult children, yes, one. She works
25 for a chip company putting up stands at Walmart or whatever. Never

1 been a juror. Plaintiff, yes. Child support in family court. Defendant, no.
2 Bias against neither one -- none -- not defendant, not plaintiff, but yes
3 against insurance.

4 Insurance company, no. I've never worked for healthcare.
5 Grandparent and aunt worked for one. Insured with Health Plan of
6 Nevada and had United Healthcare. Military service. My mom, cancer
7 diagnosis. My uncle and my grandma. Radiation therapy, no. Denied
8 insurance coverage, no.

9 PROSPECTIVE JUROR 321: 321, Tommy Yi. I live 39 years
10 Las Vegas. My job is a handyman, home service. My wife work in home
11 mortgage and loan service.

12 THE COURT: Have you ever been a juror before?

13 PROSPECTIVE JUROR 321: Pardon me?

14 THE COURT: Have you ever been a juror before?

15 PROSPECTIVE JUROR 321: No.

16 THE COURT: Ever been a plaintiff in a lawsuit before?

17 PROSPECTIVE JUROR 321: Plaintiff, no. No --

18 THE COURT: A defendant in a lawsuit?

19 PROSPECTIVE JUROR 321: -- business. No. No plain.

20 THE COURT: No biases?

21 PROSPECTIVE JUROR 321: No.

22 THE COURT: Yes to any of these other questions?

23 PROSPECTIVE JUROR 321: Each -- no. I never have the
24 insurance company job. No. Healthcare, no. Insurance, no.

25 THE COURT: All right. Thank you. You can pass.

1 PROSPECTIVE JUROR 321: Everything -- to 17, no.

2 THE COURT: All right. Thank you. So pass the mic down.

3 PROSPECTIVE JUROR 323: Number 323, Julie Paulsen-Wall.

4 I lived in Vegas since '97. I am employed at the JW Marriott. I'm
5 married and he also works at the JW Marriott. No adult children. I've
6 never been a juror previously. No, no, no, biases against lawyers and
7 defense attorneys and insurance companies.

8 No insurance company job. And the healthcare industry, my
9 friend is an emergency room nurse at UMC. I used to be insured by
10 Health Plan of Nevada. No military service. Cancer diagnosis, my
11 husband was when he was 18. He had chemo, but I don't think radiation.
12 And never denied insurance coverage.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR 328: Badge number 328. I've lived in
15 Las Vegas for two years. I'm employed at the Animal Foundation. My
16 answer is no to questions 3 through 10. I think my mom works at an
17 insurance company as an agent. And not insured by any of those. And
18 then I have a friend in the Navy. My mom had cancer diagnosis. No
19 radiation therapy. And I have not been denied coverage.

20 PROSPECTIVE JUROR 347: Badge number 347, Quinn Ayers.
21 I've lived in Vegas for 18 years. I'm currently employed at Meow Wolf
22 here in Las Vegas, where I do work graveyards, 11:00 p.m. to 7:00 a.m. I
23 didn't know if that was considered a hardship, but I just thought I'd
24 mention that here. I'm not married, no adult children. No to 6 through
25 10. No to insurance company, no to healthcare. I am currently insured

1 by United Healthcare. Military services, my sister's husband is in the
2 military. Cancer diagnosis, my grandfather lived with us for ten years.
3 He passed away. Which, he also had radiation therapy as well. And I
4 haven't been denied.

5 THE COURT: Thank you.

6 PROSPECTIVE JUROR 358: I'm Juror Number 358, Arianna
7 Weide. I've lived in Vegas off and on 27 years, born and raised. I'm
8 employed as a therapist at Landmark Recovery. I am not married. I have
9 no adult children. I've never been a juror. I've never been a plaintiff or a
10 defendant. My mom does work as a family court judge here, so I
11 thought I should disclose that. But I don't have any bias against plaintiff
12 or defense lawyers.

13 Bias against insurance companies, depends on the
14 circumstance. But coming from a clinical perspective, sometimes we
15 have to get them approved and sometimes our clients are denied for
16 residential care for substance use and mental health. Insurance
17 company job, no. Healthcare industry, no. Used to be insured by United
18 Healthcare, not anymore. My cousin is in the Air Force. And then, my
19 grandma was diagnosed with cancer two times. She's a survivor. And
20 then, she had radiation therapy. And then, have never been denied
21 insurance coverage.

22 PROSPECTIVE JUROR 363: Badge number 363, Phong Yang.
23 I've lived in Vegas for seven years. Employed for Nevada [indiscernible].
24 Married, no. Adult children, no, 5 through 10, no. Insurance company,
25 no. Healthcare, no. Insured, just by Health Plan of Nevada. Military

1 service, no. Cancer diagnosis, no. My mom was treated for radiation
2 therapy, and number 17, no.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR 368: Juror Number 368. My name is
5 Jaren Awong. I've lived in Vegas for 23 years. I'm currently employed. I
6 run a restaurant here in Las Vegas called Paella Café. I'm not married. I
7 do not have any adult children. I have never been a juror before. I've
8 never been a plaintiff nor a defendant. I have no bias against all three.

9 Never had a job in insurance or healthcare industry. I'm
10 currently insured under United Healthcare. No military service. Cancer
11 diagnosis, I do not but a number of my family members have. None of
12 them have received radiation therapy and we've never been denied
13 insurance coverage.

14 THE COURT: Thank you.

15 PROSPECTIVE JUROR 379: Badge number 379, Cynthia
16 Fuller. I've lived in Las Vegas for 25 years. I am employed at MSTs. Not
17 married. My daughter works for Clark County School District. I have
18 been a juror before, and the verdict was not reached because it was
19 declared a mistrial. And I was not the foreman. Never been a plaintiff,
20 never a defendant. Not biased against the lawyers and defendants, but I
21 would say yes for the insurance company.

22 And never had an insurance company job nor healthcare job.
23 And never been insured by any of those. Twenty years in the military.
24 My mother had cancer. And yes, she had radiation therapy. And I don't
25 think anybody was denied any insurance coverage.

1 THE COURT: Thank you. All right. So at this time, what
2 we're going to do is counsel for the Plaintiff is going to ask you some
3 questions for about 30 minutes. And then, we'll take a quick lunch break
4 at around noon and come back around 12:30. And then when we come
5 back, the ten people who were here yesterday will be joining you in the
6 back ten seats. Just so you have an idea of what's going to happen
7 today.

8 Mr. Sharp?

9 MR. SHARP: Thank you, Your Honor. Good morning,
10 everybody. Can everybody hear me fine? If you don't hear me, just
11 raise your hand. Sometimes my voice will trail off. So first of all, I want
12 to thank you for being here today on behalf of Sandra Eskew and my
13 co-counsel with me, Doug Terry, who will be trying the case with me.
14 And we proudly are here on behalf of Sandra Eskew. And I want to
15 thank you on behalf of her. What you're doing today is really, really
16 important.

17 So you know, in these kind of perilous times that we are
18 facing throughout the world, one of the things a lot of people, you know,
19 don't always know about is that our Founding Fathers thought the right
20 to trial by jury was so important, they put it in the Seventh Amendment
21 to the Bill of Rights. Our battle-born state, our Founding Fathers of this
22 state thought that the right to trial by jury was so important, they put it in
23 our state constitution.

24 So today, you are fulfilling your constitutional right and a
25 constitutional obligation. If you think about it, in our society, our

1 government really doesn't ask a lot of us. I mean, we have to pay our
2 taxes. If you're of a certain age and we're at war, you have to register for
3 the draft and potentially go into service. And the third item is being here
4 today. So that's why this is so important.

5 And what I'm going to be doing today and what Mr. Roberts
6 will be doing for United Healthcare is really just exploring things to make
7 sure that you are all fair and impartial, that you're the right fit for this
8 jury. There's actually a Nevada Supreme Court case that's so important.
9 Nevada Supreme Court has said the right to trial by jury means nothing
10 if you have impartial jurors. And if you think about it, it makes sense.
11 We all want to be on a clean slate.

12 So let me give you a couple of examples as we start through
13 today. As you heard -- I mean, you've all taken an oath. And the oath
14 you've taken is as important as the oath the witnesses will take during a
15 trial, which is to swear to tell the truth and nothing but the truth. So
16 that's your job today. It's all your job is today is to tell the truth, to be
17 open. You don't need to worry about insulting me or anybody else. It's
18 important that you talk.

19 And so what we're kind of here to talk about, and the Judge
20 had pointed it out in some of her questions, is we're here to talk about
21 bias. And a lot of times, we think of the concept of bias as a bad thing or
22 another word that I'll use is prejudice. And we think of that in a kind of,
23 you know, outside the courtroom, that's a bad thing. But here in the
24 courtroom, it isn't. It's just who you are and whether you're a right fit for
25 this jury.

1 So kind of let me give you a couple of examples. One
2 example is what they call implied bias. Now, if I were -- let's say, for
3 example, I stayed out late one night. I was driving down the street. I get
4 pulled over for a DUI. I get charged with a DUI. I show up to the jury
5 trial and one of the jurors that's called is my best friend. And my best
6 friend is a fair person. They're open-minded. They don't have opinions
7 about, you know, whether or not I've committed the DUI. They think
8 they can be fair.

9 Let's say that my best friend ends up on the seat right over
10 here. I think it's juror 13. Does anybody see a problem with that? I
11 mean, it seems obvious, but what do you think? You're nodding your
12 head. When you talk, I'm pointing at you because you're Juror 15. If you
13 could just say your Juror Number?

14 PROSPECTIVE JUROR 291: 291.

15 MR. SHARP: Thank you.

16 PROSPECTIVE JUROR 291: 291.

17 MR. SHARP: And so what's the problem with that?

18 PROSPECTIVE JUROR 291: Well, I think they would try to be
19 partial as much as they can. But then after a while, if you're their best
20 friend, they're going to just go with you no matter what the results are.

21 MR. SHARP: Yeah. I mean, it creates an --

22 PROSPECTIVE JUROR 291: Right.

23 MR. SHARP: -- the appearance of a conflict.

24 PROSPECTIVE JUROR 291: Right.

25 MR. SHARP: And so you can see -- I mean, does everybody

1 agree? I know I still have people who are nodding. Does anybody
2 disagree?

3 Great. It creates the appearance of -- that there's not
4 fairness. And that's what's called implied bias. If you have an
5 experience in your life, it makes it -- it just doesn't seem like you can be
6 fair, like my best friend judging me. That just doesn't seem fair. So
7 that's one form of bias, and that's kind of easy to see.

8 The other form of bias is a little different. Interestingly, they
9 call it actual bias. But it's not, like, necessarily actual in your mind. But
10 it's an important bias. And let me give you kind of an example of how
11 that would work. Let's say I'm at a state fair, and I've been appointed to
12 be the judge for the pie eating contest -- for the pie contest. And it
13 comes up to two pies, and I'm the chief -- I'm the judge. And there's an
14 apple pie and a cherry pie.

15 And you know, I just don't really like cherry pie. I never have
16 throughout my entire life. My sisters used to try and trick me into eating
17 cherries. Never liked cherries, never liked cherry pie. I like apple pie.
18 Now, I think I'm a fair-minded person. I won't walk in -- I don't have a
19 stake in either person who's making this pie. I feel like I'm a fair-minded,
20 open-minded person. But when I taste that cherry pie, no matter how
21 much I can put it aside, I always kind of have a bad taste in my mouth.

22 Does anybody see that there would be a problem with me
23 judging this pie contest? Sir, you're nodding your head at --

24 PROSPECTIVE JUROR 183: Yeah. Absolutely.

25 THE CLERK: Badge number?

1 PROSPECTIVE JUROR 183: 183.
2 THE CLERK: Thank you.
3 MR. SHARP: Mr. Jackson, right?
4 PROSPECTIVE JUROR 183: Yes.
5 MR. SHARP: What's your thought about that?
6 PROSPECTIVE JUROR 183: It's absolutely a problem
7 because no matter what, I'm just not going to sit right with a cherry pie.
8 So the apple pie is going to be the one.
9 MR. SHARP: Yep. That's -- does everybody see -- does
10 anybody disagree with Mr. Jackson on that?
11 Okay. So that's what we're talking about, actual bias. I
12 mean, it sounds like a bad word, but really, it isn't. It's about your life
13 experience and whether your life experience is such that you can't be fit
14 for this kind of case. And we've learned a little bit about you, but we
15 haven't learned much about any of you.
16 And so we're kind of relying upon your honesty to say, you
17 know, as we go through this questioning, and Mr. Roberts will get up
18 and he'll have an opportunity to question you. If you feel at a certain
19 point, like, you got that bad taste in your mouth, just raise your hand.
20 There's no wrong answer on this thing as long as you're truthful.
21 So what I'm going to talk about in the next 20 minutes,
22 before -- it's 20? We're taking a break at 12:00, Your Honor?
23 THE COURT: Yes.
24 MR. SHARP: Okay. So the next thing I'm going to talk about
25 is kind of -- I mean, why we're here. We're here over a civil lawsuit. Mrs.

1 Eskew is making allegations against United Healthcare and she's seeking
2 monetary damages. Does anybody have a problem, first, just with the
3 concept of somebody coming into court and asking for money? Just that
4 concept. Obviously, you've heard none of the evidence.

5 Do you have the idea that just because somebody comes into
6 court, that making an allegation, it must be true? Does anybody believe
7 that?

8 So now on the reverse side, just because the Defense is in
9 here, does anybody think they must be right?

10 Great, because that's what we want. We want everybody to
11 be at equal footing, equal starting point. So one of the things I'm going
12 to ask today a little bit about is your feelings about lawsuits generally.
13 Some people think that, you know, lawsuits don't serve any purpose.
14 They're frivolous. You know, McDonald's, whatever. They're frivolous.
15 They don't serve a purpose. And other people think, no, lawsuits serve
16 an important purpose, like Ford Pinto. I think some of you remember
17 that.

18 And others may have, you know, no -- might be in the middle
19 or somewhere around that. So I'm just going to go through and ask you
20 kind of where you lean and what your thoughts are about that issue. So
21 if we could start over with Juror 15 -- no, Juror 11. Sorry, Ms. Vegas.
22 You're, like, out in an island.

23 PROSPECTIVE JUROR 284: I'm here.

24 MR. SHARP: So if you feel like you're being ignored, just
25 raise your hand.

1 PROSPECTIVE JUROR 284: I'm here. I'm listening.

2 THE CLERK: What's your badge number?

3 PROSPECTIVE JUROR 284: Juror 284.

4 THE CLERK: Thank you, Your Honor

5 MR. SHARP: So the question is which way do you lean?

6 Lawsuits really don't serve a purpose; lawsuits do serve a purpose?

7 PROSPECTIVE JUROR 284: Lawsuits do serve a purpose.

8 MR. SHARP: And do you have anything in mind? Do you
9 have any reason for that?

10 PROSPECTIVE JUROR 284: I would say car accidents here in
11 Las Vegas. I went through one myself. And it took about eight months
12 for everything to go through. And it's just a, really, hardship here in Las
13 Vegas. A lot of people don't drive very well. And I was at a stoplight and
14 just got jammed behind me. And it took a long time to -- didn't have a
15 car for a long time. It was a hardship on me and my family. And I would
16 say, you know, you do have to go to court and proceed any type of
17 lawsuit in any type of matter.

18 MR. SHARP: Now, in your lawsuit, did you -- it sounds like
19 you -- did you retain a lawyer or hire a lawyer?

20 PROSPECTIVE JUROR 284: Well, it went through my
21 insurance company, and they took care of it. Yeah.

22 MR. SHARP: And so did any -- any experience about that
23 which could impact your ability to be fair in this kind of a case?

24 PROSPECTIVE JUROR 284: Well you know, anything that has
25 to do with tragedy, you know, in a car accident or anything like that, can

1 be very, very difficult on your family. And that's what happened to mine.

2 MR. SHARP: Sure. Sure.

3 PROSPECTIVE JUROR 284: Yes.

4 MR. SHARP: And you know, one of the things -- I mean,
5 we're all human, so we feel sympathy. I mean, if I wasted everybody's
6 time and asked everybody, we would all agree, yeah, we feel sympathy
7 to others.

8 PROSPECTIVE JUROR 284: Right.

9 MR. SHARP: There's nothing wrong with that. One of the
10 things you'll be instructed about is that you can't necessarily use that
11 sympathy to make decisions in court. In court, it has to be -- you have to
12 make your decisions based on the evidence and the law as instructed by
13 the judge.

14 PROSPECTIVE JUROR 284: Yes.

15 MR. SHARP: So do you understand where I'm going with
16 that?

17 PROSPECTIVE JUROR 284: Oh, yes. Definitely, yes.

18 MR. SHARP: So just based on that, is there anything, you
19 know, your experience having been in a car accident and injured and
20 such, does that experience prevent you from being fair in this particular
21 case?

22 PROSPECTIVE JUROR 284: I would be completely fair. Yes.

23 MR. SHARP: Okay.

24 PROSPECTIVE JUROR 284: Yes.

25 MR. SHARP: Great. Let me -- as I'm going through here, so

1 you all know what I'm doing, I'm just looking at my computer screen. It's
2 from some of your answers that we got earlier, we had questions to just
3 kind of follow up on. So I had in my notes that you were a defendant in
4 a civil case. Is that -- did I just mistype that?

5 PROSPECTIVE JUROR 284: I was a defendant in a domestic
6 case.

7 MR. SHARP: Oh, okay.

8 PROSPECTIVE JUROR 284: It was a fighting case. It was a
9 misdemeanor. It was in a fight, an altercation.

10 MR. SHARP: Got it. Got it. Okay. Anything about that
11 experience which would affect you in this case?

12 PROSPECTIVE JUROR 284: No. No. Not at all.

13 MR. SHARP: And what do you -- you work at the airport as a
14 cabin cleaner. What do you --

15 PROSPECTIVE JUROR 284: Yes. I work overnight with the
16 airport. I've been there almost a year in August. And I've been a cabin
17 cleaner and I'm also training for supervisor currently. So I got off work
18 at five o'clock and came here to make sure that I arrived on time. And I
19 do enjoy my job. So hopefully in the future, I can progress with that.

20 MR. SHARP: And so what is it that you do specifically?

21 PROSPECTIVE JUROR 284: I clean the planes as well as
22 supervise the team to coordinate American Airlines.

23 MR. SHARP: Okay.

24 PROSPECTIVE JUROR 284: Yes.

25 MR. SHARP: And how many people do you supervise?

1 PROSPECTIVE JUROR 284: It's about 22.
2 MR. SHARP: Wow.
3 PROSPECTIVE JUROR 284: Yeah.
4 MR. SHARP: How do you like that?
5 PROSPECTIVE JUROR 284: I actually love it. I do. I was a
6 housekeeper on the Strip for nine years. And after the pandemic, I chose
7 not to go back. And hopefully, this will work out for me.
8 MR. SHARP: And where did you work at out at the Strip?
9 PROSPECTIVE JUROR 284: I was working for Hilton as a
10 housekeeper and cleaning timeshares for a long time.
11 MR. SHARP: Great.
12 PROSPECTIVE JUROR 284: Yeah.
13 MR. SHARP: Well, thank you.
14 PROSPECTIVE JUROR 284: Well, thank you.
15 MR. SHARP: And then, we'll pass the mic over to Ms. -- is it
16 Ms. Or Mrs. McGill?
17 PROSPECTIVE JUROR 150: Mrs. McGill.
18 MR. SHARP: And again, just state your Juror Number.
19 PROSPECTIVE JUROR 150: 150.
20 THE CLERK: What was it?
21 MR. SHARP: 150.
22 THE CLERK: Thank you.
23 MR. SHARP: So back to the first question, which was, you
24 know, kind of your feeling about lawsuits. Some people think don't
25 serve much purpose. Some people think they do. Which way do you

1 land?

2 PROSPECTIVE JUROR 150: I've never been involved in one,
3 so I'm -- and they're there for a reason, I'm sure. I mean, for, you know,
4 legal purposes, so. But I don't lean either way.

5 MR. SHARP: Yeah. That's fair.

6 PROSPECTIVE JUROR 150: Sorry.

7 MR. SHARP: No, no. I wouldn't -- no. It's one of the things,
8 too, that you're free to say.

9 PROSPECTIVE JUROR 150: I don't have an opinion, I guess.
10 I don't know.

11 MR. SHARP: No, that's fine. Look, I mean, I'm asking your
12 opinion. If the answer that you don't have one --

13 PROSPECTIVE JUROR 150: No, I don't. Sorry. Like, I've
14 never been involved in one or know anybody who's been involved in
15 one, so.

16 MR. SHARP: And that's fair. I mean, I'm asking a question
17 and some of you might not have ever thought about it. And that's a fair
18 response.

19 PROSPECTIVE JUROR 150: Okay.

20 MR. SHARP: So let me ask you, what do you do for a living?

21 PROSPECTIVE JUROR 150: I'm an area manager in retail.

22 MR. SHARP: And what -- for whom?

23 PROSPECTIVE JUROR 150: For HH Entertainment. It's an
24 adult lingerie boutique.

25 MR. SHARP: Oh, okay. And how long you been doing that?

1 PROSPECTIVE JUROR 150: For four years. I started in
2 California, that location, and then relocated to Vegas and oversee five
3 different stores, soon to be seven, so.

4 MR. SHARP: Wow. You're here in Vegas or do you have a
5 territory?

6 PROSPECTIVE JUROR 150: Two -- I have a territory. Yes, an
7 area. Phoenix, Colorado, both Vegas stores, and where's my other one?
8 Soon to have Salt Lake and Reno.

9 MR. SHARP: And so tell me what your -- like, what's your
10 role in the whole store?

11 PROSPECTIVE JUROR 150: I manage direct store managers,
12 all together, collectively. I manage over -- I manage 42 sales associates
13 all together.

14 MR. SHARP: So you're making sure everything is running
15 properly?

16 PROSPECTIVE JUROR 150: Correct.

17 MR. SHARP: And you've been doing that for four years?

18 PROSPECTIVE JUROR 150: I've been in retail for 30-plus
19 years.

20 MR. SHARP: Oh, wow.

21 PROSPECTIVE JUROR 150: But for this company, four. Four
22 years.

23 MR. SHARP: How long have you been management in retail?

24 PROSPECTIVE JUROR 150: For 30-plus years.

25 MR. SHARP: Oh, okay. So --

1 PROSPECTIVE JUROR 150: Started off in the cosmetic
2 industry. And then now, I'm with HH Entertainment.
3 MR. SHARP: And that -- HH Entertainment brought you here
4 to Vegas?
5 PROSPECTIVE JUROR 150: They did.
6 MR. SHARP: And how do you like it?
7 PROSPECTIVE JUROR 150: I love it. I'm never going back to
8 California. I love it here.
9 MR. SHARP: Well, I'm glad to have you here.
10 PROSPECTIVE JUROR 150: Thank you.
11 MR. SHARP: The -- and your husband, what does he do?
12 PROSPECTIVE JUROR 150: He is a supervisor for Goettl
13 Plumbing and Air.
14 MR. SHARP: And what kind of -- is that commercial?
15 PROSPECTIVE JUROR 150: It's construction. Plumbing.
16 MR. SHARP: Anything about his experience where he's, you
17 know, supervised somebody or something that you can think of that
18 might affect you here?
19 PROSPECTIVE JUROR 150: No. No. I mean, he has a crew
20 he supervises, and he loves it, so. Yeah. I mean, no.
21 MR. SHARP: Great. Great. Well, thank you.
22 PROSPECTIVE JUROR 150: You're welcome.
23 MR. SHARP: Ms. Rodolfo?
24 PROSPECTIVE JUROR 161: Yes. Yeah, 161. Yeah.
25 MR. SHARP: How do you -- which way do you lean?

1 Lawsuits don't serve a purpose or lawsuits serve a purpose?

2 PROSPECTIVE JUROR 161: So I'm kind of with her. I don't
3 really have an opinion because I've never really been in a lawsuit before.
4 Neither anyone of my loved ones, either. So I'm kind of just in the
5 middle of it.

6 MR. SHARP: So you're a clean slate?

7 PROSPECTIVE JUROR 161: Yeah. Pretty much, yeah.

8 MR. SHARP: Okay. And tell me a little bit about yourself.

9 PROSPECTIVE JUROR 161: I work at Mandalay Bay as a
10 count team member. And other than that, I am going to school at UNLV.

11 MR. SHARP: And what are you studying at UNLV?

12 PROSPECTIVE JUROR 161: Radiography.

13 MR. SHARP: Radiography?

14 PROSPECTIVE JUROR 161: Yes.

15 MR. SHARP: And what do you do with that degree?

16 PROSPECTIVE JUROR 161: Oh, to become an X-ray
17 technician.

18 MR. SHARP: Oh, okay.

19 PROSPECTIVE JUROR 161: Yeah. Yeah.

20 MR. SHARP: Okay. And how long is that going to take?

21 PROSPECTIVE JUROR 161: I still have, like, three years to do,
22 so yeah.

23 MR. SHARP: And were you the one who said you were in
24 the --

25 PROSPECTIVE JUROR 161: National Guard, yes.

1 MR. SHARP: National Guard. Thank you for being in the
2 National Guard.

3 PROSPECTIVE JUROR 161: Yeah. Of course.

4 MR. SHARP: How long have you been in the National
5 Guard?

6 PROSPECTIVE JUROR 161: For about four years now.

7 MR. SHARP: And what do you do for them?

8 PROSPECTIVE JUROR 161: I'm a healthcare specialist.

9 MR. SHARP: Okay. What kind of things do you do as a
10 healthcare specialist?

11 PROSPECTIVE JUROR 161: We pretty much treat any injured
12 soldiers that come our way, pretty much. Provide, like, first aid. We're
13 kind of like the EMT in the Army side.

14 MR. SHARP: Oh, okay. So, like, this would be on the front?
15 You have to be on the front? Or is it just training?

16 PROSPECTIVE JUROR 161: Yeah. Training-wise, yeah.

17 MR. SHARP: Okay. How do you like that?

18 PROSPECTIVE JUROR 161: I like it so far, yeah. I chose to be
19 in a medical field, so yeah.

20 MR. SHARP: So this case involves -- I mean, obviously it
21 involves a health insurance company and one of their insured
22 customers.

23 PROSPECTIVE JUROR 161: Yeah.

24 MR. SHARP: It's health insurance that's going to involve
25 some medical issues.

1 PROSPECTIVE JUROR 161: Yeah.

2 MR. SHARP: Anything about -- I mean, it's involving cancer
3 issues. I don't mean to get into details. But anything about your
4 experience which could affect you to be fair and impartial in this case?

5 PROSPECTIVE JUROR 161: No.

6 MR. SHARP: Okay. Well, thank you.

7 PROSPECTIVE JUROR 161: Of course.

8 PROSPECTIVE JUROR 291: Hi, my name is Robin. I'm 291.

9 MR. SHARP: Mrs. Mullins?

10 PROSPECTIVE JUROR 291: Yes.

11 MR. SHARP: How -- which way do you lean?

12 PROSPECTIVE JUROR 291: Both.

13 MR. SHARP: Lawsuits don't serve a purpose, lawsuits do.

14 PROSPECTIVE JUROR 291: Both.

15 MR. SHARP: Both?

16 PROSPECTIVE JUROR 291: Both, yes.

17 MR. SHARP: Okay.

18 PROSPECTIVE JUROR 291: I'm the HR director for Chick-fil-A
19 right now. We have multiple lawsuits that come. They tripped over a
20 straw. They tripped in the parking lot. Those are frivolous. Healthcare
21 ones tend to be a little bit different. When I worked at the University of
22 Utah, I worked with people that would call me and ask how come their
23 claims weren't paid. And I said most insurance companies will deny it
24 three times before they actually approve the plan. So I think it is just
25 knowing. Some of the lawsuits are good, some of them are not. Some

1 of the money is way too much and some of the money is not enough.

2 MR. SHARP: All right.

3 PROSPECTIVE JUROR 291: So.

4 MR. SHARP: You're blank on both sides.

5 PROSPECTIVE JUROR 291: I am.

6 MR. SHARP: Right in the middle.

7 PROSPECTIVE JUROR 291: Yes, because I've been on both
8 sides.

9 MR. SHARP: [Indiscernible - simultaneous speaking]

10 PROSPECTIVE JUROR 291: Yes. Absolutely.

11 MR. SHARP: So I guess if I were -- if Sandra Eskew were
12 suing Chick-fil-A, that might be a different issue.

13 PROSPECTIVE JUROR 291: I'm the HR director. It absolutely
14 would be.

15 MR. SHARP: So I mean, obviously, you know, you're here
16 and we're suing an insurance company.

17 PROSPECTIVE JUROR 291: Yes.

18 MR. SHARP: And you know, you've got to tell me, can you
19 be fair and impartial in this case where we're suing an insurance
20 company?

21 PROSPECTIVE JUROR 291: You know, I'd have to hear the
22 facts of the case.

23 MR. SHARP: Sure.

24 PROSPECTIVE JUROR 291: Of what is presented. I've done
25 this for a long time, so it's strictly the facts. What people present is what

1 my opinion will be based on. It's not from the news media because I
2 don't have time for the news media or the television hardly. But you
3 know, I am impartial. Once the facts are presented, then I would go with
4 that.

5 MR. SHARP: Okay. And that's -- and when I preface my
6 questions, because I'm not here to advocate. If you're on the jury, you'll
7 get sick of me advocating because, you know, that's what lawyers do.
8 We advocate. But today, we're just talking. So I'm not here to, you
9 know, tell you about what facts. We might have certain things that come
10 up. But you know, not to the substance of the case.

11 So the real question is, is the insurance company and Mrs.
12 Eskew the same? If you imagine a starting -- running a race. So
13 everybody -- are they both at the same starting point?

14 PROSPECTIVE JUROR 291: They're both at the same starting
15 point. And then, the facts would say who moves ahead and what it
16 would present. Again, I don't know anything about the case. But you
17 know, working with insurance companies a long time, they always have
18 the big lawyers who present their side of the story. But I also listen to
19 the facts because being what I do, my job is HR, I have to listen to
20 everything before I make a decision.

21 MR. SHARP: Okay.

22 PROSPECTIVE JUROR 291: And even working at the
23 University of Utah on the committee that brought in the insurance
24 companies, we had five different plans that we brought in to see which
25 would provide the best service for our team members.

1 MR. SHARP: And so you were -- explain to me what you
2 were exactly doing for the University of Utah.

3 PROSPECTIVE JUROR 291: Well, I paid all the bills for the
4 insurance company when they would send us a bill, because we were
5 self-insured up to \$250,000. And then after that, we had a reinsurance
6 plan that kicked in. But we paid all the claims up to \$225,000 for each
7 client that -- or patient that came in that we paid the -- and I paid those
8 bills.

9 MR. SHARP: So were you the one making the decisions on
10 the claims or paying them?

11 PROSPECTIVE JUROR 291: No. I just paid the claim. Yeah, I
12 just paid them. I didn't -- yeah. I didn't have anything with that. But I
13 was on the committee that brought the plans in. We were big a Blue
14 Cross Blue Shield and the PEHP of Utah. We also did with that plan, as
15 well.

16 MR. SHARP: And when you say when they brought them in,
17 are you talking like they would give bids to see if they could get the
18 business?

19 PROSPECTIVE JUROR 291: Yes. Yes.

20 MR. SHARP: And you were on that committee with --

21 PROSPECTIVE JUROR 291: Yes.

22 MR. SHARP: -- how many people?

23 PROSPECTIVE JUROR 291: We probably had 60,000
24 employees.

25 MR. SHARP: Wow.

1 PROSPECTIVE JUROR 291: So.

2 MR. SHARP: And how many were you responsible for
3 supervising?

4 PROSPECTIVE JUROR 291: Well, I wasn't -- I was my own
5 person. I didn't do anybody else.

6 MR. SHARP: Okay.

7 PROSPECTIVE JUROR 291: But I was the assistant to the
8 department chair.

9 MR. SHARP: And how long did you do this job?

10 PROSPECTIVE JUROR 291: Twelve years.

11 MR. SHARP: Any other experience in your work in either
12 insurance or healthcare?

13 PROSPECTIVE JUROR 291: No.

14 MR. SHARP: And how many people in Chick-fil-A in human
15 resources are you kind of responsible for?

16 PROSPECTIVE JUROR 291: I have about 120 right now, but
17 we're getting ready to open up a second store. So it'll be about 250.

18 MR. SHARP: And I mean, what kind of things are you
19 responsible for?

20 PROSPECTIVE JUROR 291: I do all the hiring paperwork. If
21 there's any write-ups, any terminations, doctor's notes. I handle FMLA,
22 EEOC, all of those. I handle all those if there any questions that come up.

23 MR. SHARP: And anything about that experience that could
24 affect you here?

25 PROSPECTIVE JUROR 291: No.

1 MR. SHARP: Okay. Thank you.

2 PROSPECTIVE JUROR 291: Yeah.

3 THE COURT: Counsel, it's almost noon. So we're going to
4 take our lunch recess. Ladies and gentlemen, what's going to happen is
5 that the Court wants you to return just before one o'clock. We're actually
6 getting 11 new people. And so the Court wants to handle some
7 preliminary matters with them so you're not waiting around while the
8 Court handles that with them. So you can have a longer lunch.

9 So when you come back from lunch, be here a little bit
10 before one o'clock. There'll be ten people behind you who were here
11 yesterday. And then, there may be a few more people in row number
12 four, as well. So we want to make sure that we can pick our jury today.

13 You are instructed not to talk with each other or with anyone
14 else about any subject or issue connected with this trial. You're not to
15 read, watch, listen to a report of or commentary on the trial by any
16 person connected with the case or by any medium of information,
17 including without limitation newspapers, television, the internet, or
18 radio. You're not to conduct any research on your own relating to this
19 case, such as consulting dictionaries, using the internet, or using
20 reference materials.

21 You're not to conduct any investigation, test any theory of
22 the case, recreate any aspect of the case, or in any other way investigate
23 or learn about the case on your own. You're not to talk with other, text
24 others, tweet others, Google issues, or conduct any other kind of book or
25 computer research with regard to any issue, party, witness, or attorney

1 involved in this case. You're not to form or express any opinion on any
2 subject connected with this trial until the case is finally submitted to you.

3 So if you can come back a little bit before 1:00, we'd greatly
4 appreciate it.

5 THE MARSHAL: All rise for the exiting jury.

6 [Prospective jurors out at 11:59 a.m.]

7 [Outside the presence of the prospective jurors]

8 THE COURT: So we asked for an additional 45 this afternoon
9 and we were given 11. So if you can come back at 12:30, we'll start with
10 those 11 and see who has any hardship issues. And we'll release the
11 ones who have hardship issues. And then, we'll resume with everyone
12 at one o'clock.

13 MR. SHARP: Okay. Can I ask one question or a couple of
14 questions?

15 THE COURT: Of course.

16 MR. SHARP: Juror 22, Mr. Yi.

17 THE COURT: Yes.

18 MR. SHARP: I'm not sure that he's capable of reading
19 English. Just looking at how you were helping him through the
20 questionnaire, and that's -- as you know, that can be a problem in a case
21 like this.

22 THE COURT: Mr. Roberts?

23 MR. ROBERTS: I didn't really notice that. He seemed to
24 communicate well. But certainly, if he doesn't -- if he is not able to
25 comprehend the English language in the written form, I would agree that

1 he should be dismissed for cause.

2 THE COURT: Let's just wait for now since we have so few
3 people, and see what happens with these 11, how many of the 11
4 actually end up staying.

5 MR. SHARP: And the other one, probably the same thing,
6 but Ms. Lopardo. I mean, she became quite emotional when she was
7 talking about her own cancer experience.

8 THE COURT: Yeah. Mr. Roberts? She's badge number 293.

9 MR. ROBERTS: I believe I did have a note, Your Honor, that I
10 thought she probably should be dismissed, not the right case for her.
11 She did seem very emotional.

12 THE COURT: All right. So we'll dismiss badge number 293,
13 Levenia Lopardo.

14 MR. ROBERTS: Yeah. She was unable to discuss the
15 situation because it was still active.

16 THE COURT: All right. And so she'll be replaced by Julie
17 Paulsen-Wall, badge number 323.

18 MR. ROBERTS: What was that badge number again, Your
19 Honor?

20 THE COURT: 323.

21 MR. ROBERTS: Thank you.

22 THE COURT: All right. So come back a little bit before 12:30.

23 [Recess taken from 12:04 p.m. to 12:31 p.m.]

24 [Outside the presence of the prospective jurors]

25 THE COURT: So Marshal Scott informed the Court that

1 badge number 321, Tommy Yi was a potential juror in front of Judge
2 Leavitt. And during that voir dire he expressed many racist comments.
3 And so given the fact that the Defense is -- corporate representative is
4 black, the Court feels that he needs to be struck for cause based upon his
5 comments.

6 MR. SHARP: No objection at all.

7 MR. ROBERTS: No objection, Your Honor.

8 THE COURT: All right. So badge number 321 Tommy Yi will
9 be released for cause. So he will be replaced with Chloe Stewart, badge
10 number 328.

11 THE CLERK: Judge --

12 THE COURT: Yeah.

13 THE CLERK: -- we're only going to have 10, they can't find
14 badge number 633, Alejandro Delgado-Munoz.

15 THE COURT: Okay. Thank you.

16 THE CLERK: You're welcome. Are we ready?

17 THE COURT: We're ready.

18 THE CLERK: Okay.

19 THE MARSHAL: Alejandro was not present.

20 THE COURT: Thank you, Marshal.

21 [Prospective jurors in at 12:33 p.m.]

22 THE COURT: Thank you, counsel. Please be seated. Ladies
23 and gentlemen, thank you for being here today. I'm Judge Nadia Krall
24 and you've been summoned here today for a civil jury trial. We have
25 been going through this process now, this is day two. And so you've

1 been called in because we haven't had enough jurors.

2 This is a case where there's a lawsuit regarding the denial of
3 insurance coverage benefits for cancer treatment and the Plaintiff who's
4 bringing the lawsuit is the wife of the late insured and then the
5 Defendant is the insurance company.

6 So aside from tomorrow this case is expected to last two and
7 a half weeks. So we all know what a sacrifice you've made just to be
8 here today to park, go through security and have to go to jury services
9 and be here today. So what's the Court's going to ask you right is if you
10 have any hardship issues. And everyone's going to have a job, everyone
11 has family.

12 So what we're going to do briefly is that the clerk is going to
13 take roll call. And so you were all given a badge number and an ID
14 number. So before you speak if you could just state your badge number,
15 the last three digits. This way we know who's speaking for our record
16 purposes.

17 So just so we have a record, when she calls your name and
18 badge number if you can just say yes, here, present just so we have an
19 audible response.

20 THE CLERK: 652, Kim Chiu?

21 PROSPECTIVE JUROR 652: Yes.

22 THE CLERK: 653, Rachel Rosario?

23 PROSPECTIVE JUROR 653: Here.

24 THE CLERK: 656, Karina Sanchez?

25 PROSPECTIVE JUROR 656: Here.

1 THE CLERK: 662, Dawn Anderson?
2 PROSPECTIVE JUROR 662: Here.
3 THE CLERK: 664, Fernan Danganan?
4 PROSPECTIVE JUROR 664: Here. Danganan.
5 THE CLERK: 675, Charisse Duenas?
6 PROSPECTIVE JUROR 675: Here.
7 THE CLERK: 677, David Gray?
8 PROSPECTIVE JUROR 677: Here.
9 THE CLERK: 683, Adam Townsend?
10 PROSPECTIVE JUROR 683: Here.
11 THE CLERK: 695, Parker Brooks?
12 PROSPECTIVE JUROR 695: Here.
13 THE CLERK: 699, Catherine Coney?
14 PROSPECTIVE JUROR 699: Here.
15 THE COURT: Was there anyone's name who wasn't called?
16 No.
17 Could you please stand, the clerk is going to swear you in.
18 THE CLERK: Okay. Everybody raise your right hand.
19 [The prospective jurors were sworn]
20 THE CLERK: Thank you, you may be seated.
21 THE COURT: Is there anyone here who is not a US citizen?
22 No.
23 Is there anyone here who's not a resident of Clark County?
24 Where do you live? What's your badge number first?
25 PROSPECTIVE JUROR 683: My badge number is 12-1683 and

1 then my name is Adam Townsend. I'm currently employed and enrolled
2 at the University of Nevada Reno, and I have work on Friday. And I live
3 there -- I'm living there right now in Reno.

4 THE COURT: You live in Reno?

5 PROSPECTIVE JUROR 683: Yeah.

6 THE COURT: Did you fly down here just for the summons?

7 PROSPECTIVE JUROR 683: No. I have spring break so it kind
8 of lined up for that. But yeah. I flew down here for that.

9 THE COURT: All right. And so you start school -- when does
10 your spring break end?

11 PROSPECTIVE JUROR 683: The end of this week, so Monday
12 I'm going to be back in school.

13 THE COURT: All right. Thank you. Is there anyone else
14 who's not a resident of Clark County? No.

15 Is there anyone who is a convicted felon who has not had
16 their rights restored?

17 Is there anyone who has difficulty understanding the English
18 language? If you could state badge number and name.

19 THE MARSHAL: Badge number and name.

20 PROSPECTIVE JUROR 652: My name is Kim Chiu and my
21 badge number 1652.

22 THE COURT: And what's your native language?

23 PROSPECTIVE JUROR 652: Vietnam.

24 THE COURT: And how long have you lived in the US?

25 PROSPECTIVE JUROR 652: I been here I think 30 year, but I

1 can understand English about 50 percent not more than that, you know.

2 THE COURT: What percentage of what I have said have you
3 understood?

4 PROSPECTIVE JUROR 652: I'm Vietnamese so I can speak
5 Vietnamese.

6 THE COURT: Oh.

7 PROSPECTIVE JUROR 652: You know, yes.

8 THE COURT: All right. Thank you. All right. So in this case
9 trial will begin no earlier than 9:00 a.m. and end no later than 5:00 p.m.
10 We'll take a break every hour and half with a lunch break as well.

11 And so after tomorrow, we'll go tomorrow but after that it's
12 just two and a half weeks. A full week, a half week and a full week. We'll
13 be done before spring break.

14 So we'll start from the beginning. Does anyone have a
15 hardship that prevents them from serving as a juror during this time
16 period? Just raise your hand if you do.

17 PROSPECTIVE JUROR 656: Juror ID number 102909889.

18 THE COURT: Oh wait no, it's your badge number. The last
19 three digits of your badge.

20 PROSPECTIVE JUROR 656: Okay. It's 656.

21 THE COURT: Yes.

22 PROSPECTIVE JUROR 656: I don't know what you mean by
23 hardship, but I'm a stay at home and I have a three year old boy and I
24 have three girls that go to a school that is like 12 miles from my house
25 and I have to pick them up. Like it would be impossible for me to stay

1 that long. I don't know if that's what you mean by hardship.

2 THE COURT: Yes, thank you. Anyone else who has a
3 hardship who cannot serve as a juror for two and a half weeks? For any
4 reason, medical, childcare. Mr. Townsend, badge number 683.

5 PROSPECTIVE JUROR 683: As I said before I have school
6 and attendance is required.

7 THE COURT: Okay. Thank you. Does anyone else have a
8 hardship?

9 THE MARSHAL: Badge number and name.

10 PROSPECTIVE JUROR 664: 664, Fernan Dangan. I'm a
11 retired navy, so I've got like 60 percent disability, and I've got neck and
12 back problems. I also have knee problems too, so. I don't know if that
13 counts for hardship, but I'm at a 60 percent disability. Been 22 years in
14 the Navy.

15 THE COURT: Would that interfere with your ability to sit and
16 listen to the trial?

17 PROSPECTIVE JUROR 664: That's the thing is I've been
18 going to a chiropractor, so I'm not sure how that's going to play out, so.

19 THE COURT: When's your next chiropractor appointment?

20 PROSPECTIVE JUROR 664: I usually have it on Sunday's and
21 Monday's, so. That's the time I go because I'm paying out of pocket
22 because the VA's not paying for it, so I've got to pay out of pocket.

23 THE COURT: And are you able to sit for an hour and a half at
24 a time?

25 PROSPECTIVE JUROR 664: I get uneasy and unrested

1 because again I've got neck and back issues from the Navy.

2 THE COURT: All right. Thank you.

3 PROSPECTIVE JUROR 664: And I told you I'm 60 percent
4 disability.

5 THE COURT: Thank you. Does anyone else have a hardship
6 that would prevent them from sitting as a juror in this case if they were
7 selected for an additional two and a half weeks? Financial, travel or
8 otherwise, medical or children? No. All right.

9 Ms. Chiu, badge number 652, you're released.

10 Ms. Sanchez, badge number 656, you'll be released.

11 Mr. Dangan, badge number 664, you'll be released.

12 And Mr. Townsend, badge number 683, you'll be released.

13 Thank you.

14 So ladies and gentlemen -- are you okay?

15 UNIDENTIFIED SPEAKER: Yeah, this chair like is going to --

16 THE COURT: You can move chairs, just move chairs.

17 UNIDENTIFIED SPEAKER: Thank you. That's scary.

18 THE COURT: All right. For those of you who have remained,
19 so what happened is that from Monday we have 10 potential jurors that
20 are coming back at 1:00 o'clock today and they'll be in the first row and
21 the first row is the row that's furthest away from the Court against the
22 wall. So right now you're in the fourth row.

23 And so from today rows two and three, we have additional
24 21 people that are being questioned here today. And so this way you
25 can hear what's going on. So what will happen is, if there is a juror

1 who's struck for cause you who are in the green seats in order would
2 take the place of someone in the black seats. But obviously there's going
3 to be people behind you as well. We just wanted to give them a longer
4 lunch break so we could go over this with you.

5 But the Court is going to give you some preliminary issues
6 first. I'm Judge Nadia Krall, I'm an all civil judge. Next to me is the court
7 clerk, she's the one who swore you in who will be charge of the
8 evidence. Next is Ms. Burgener who is the court recorder who will be
9 having the official transcript. Because she can only take one person at a
10 time, we can only speak one at a time. And because there's going to be
11 more people in here in about 20 minutes, when you do speak if you are
12 asked questions if you could state your badge number first each time,
13 just so we know who's speaking because otherwise we're not going to
14 know whose speaking.

15 You've met the marshal; this is Marshal Scott. He is filling in
16 for Marshal Moore. If you are selected to be a juror there will be a
17 different marshal tomorrow. You're allowed to speak the marshal or any
18 marshal in the building, but you're not allowed to speak to the court staff
19 or the attorneys. Please wear your prospective juror badges because if
20 you don't no one that you're a prospective juror.

21 Also what we're going to have you do, is we're going to have
22 the lawyers stand and introduce themselves and the witnesses they
23 intend on calling. And so if you're familiar with one of the lawyers or the
24 witnesses we'll ask you questions about that.

25 MR. SHARP: Good afternoon, my name is Matthew Sharp,

1 and I'm here representing with Doug Terry who's my co-counsel, we're
2 representing Sandra Eskew.

3 THE COURT: Thank you.

4 MR. SHARP: And do you want Mr. Roberts introduce himself
5 and then go through the witness list?

6 THE COURT: No. The Court can go through the witness list.

7 MR. SHARP: Okay.

8 MR. ROBERTS: Good afternoon, my name is Lee Roberts.
9 I'm an attorney for the Defendant, the party that's been sued, which is
10 Sierra Health and Life an insurance company from here in Nevada. Also
11 representing the Defendant with me is Mr. Ryan Gormley. In front of
12 him where that brief case is sitting right now is my partner Phillip Smith,
13 another lawyer that's representing Sierra Health and Life will be sitting.
14 Standing behind Mr. Smith's chair is David Crump, he's the company
15 representative for Sierra Health and Life. And on the far back corner is
16 Riza Villeneuve [phonetic], I'm just not very good at that name. And she
17 will be in charge of the graphics and putting things up on the screen for
18 me. Thank you.

19 THE COURT: Thank you. And so what you see on the screen
20 if you can read it, these are the witnesses who will be called in this case.
21 Does anyone recognize any of these witness names? If so, raise your
22 hand. No.

23 Does anyone recognize any of the attorneys or any of the
24 other people at counsel table? Yes?

25 THE CLERK: What's your badge number?

1 THE MARSHAL: Badge number and name.

2 PROSPECTIVE JUROR 695: 695, Parker Brooks. Phillip
3 Smith.

4 THE COURT: Phillip Smith?

5 MR. ROBERTS: That's my partner, Your Honor. He's closing
6 on a house, so he's a little bit late over the lunch break. But he should be
7 here shortly. But he is my partner. He's a former AUSA and former
8 district attorney here in Clark County.

9 THE COURT: So you use to work with Mr. Phillips?

10 PROSPECTIVE JUROR 695: I don't know that Mr. Smith
11 would know me. I know that when I first joined the district attorney's
12 office I did a couple of his appeals. And what I mean by that is I was an
13 appellate law clerk at that point in time. He was the trial attorney. I don't
14 think me, and Mr. Smith have ever exchanged words or anything, I just
15 know that I've seen his name on transcripts and I know who he is if he
16 had walked by. That's it.

17 THE COURT: Thank you. Do you think that would affect your
18 ability to be fair and impartial in this case?

19 PROSPECTIVE JUROR 695: No. And I just know his name
20 more than I know anything else.

21 THE COURT: Thank you. Does anyone know myself or the
22 court staff? No. All right.

23 So this case involves insurance coverage dispute regarding
24 cancer treatment. So has anyone here whether themselves, a family
25 member or a close friend ever gone through cancer treatments? All

1 right.

2 And so what we're going to ask you is you state your badge
3 number and your name and if they've gone through cancer treatments if
4 there's been any radiation therapy and if they've ever been denied
5 insurance coverage.

6 PROSPECTIVE JUROR 653: My badge number is 12-01653.
7 My grandma had cancer, esophageal cancer. She didn't have any
8 radiation treatments and she wasn't denied from her insurance.

9 THE COURT: Okay. Can you pass the mic down?

10 PROSPECTIVE JUROR 662: My badge number is 662. And
11 both my parents have dealt with cancer over the last five years, but
12 they've not be denied insurance.

13 THE COURT: All right. Thank you. Pass the mic down.

14 PROSPECTIVE JUROR 675: 675, Charisse Duenas. My mom
15 passed away of breast cancer. I was young so I'm not really sure. I
16 know she had chemo and radiation, but I'm not sure if she was ever
17 denied by insurance.

18 THE COURT: Thank you.

19 PROSPECTIVE JUROR 699: Badge number 699, my name is
20 Catherine Coney. My mother is currently battling her second round of
21 breast cancer. She's had radiation and chemotherapy and she's never
22 been denied insurance.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR 695: 695, Parker Brooks. My dad has
25 bladder cancer. For that I don't think they do the radiation, they did the

1 situation where they shoot live tuberculous culture up the urethra and
2 into the bladder, so I don't know that that would qualify for radiation.
3 But that's all.

4 THE COURT: Has any family member ever been denied
5 treatment by insurance company?

6 PROSPECTIVE JUROR 695: No.

7 THE COURT: Does anyone here have any biases against
8 health insurance companies?

9 Does anyone have any bias against plaintiffs' lawyers?

10 Does anyone have any bias against defense lawyers? No.

11 Does anyone here work in the healthcare industry?

12 THE MARSHAL: Badge number and name again.

13 PROSPECTIVE JUROR 699: Badge number 699, name
14 Catherine Coney. I'm a certified nursing assistant, PCA, TMA and home
15 health aide.

16 THE COURT: Do you treat any cancer patients?

17 PROSPECTIVE JUROR 699: Yes.

18 THE COURT: Okay. Thank you. Does anyone here
19 themselves or a family member or close friend work for Optum? Sierra
20 Health and Life? United Healthcare? Health Plan of Nevada? No. Okay.
21 All right.

22 So what we're going to do is, we're going to let you take a
23 short break. The Court just wanted to see if there was any hardship
24 issues or if anyone was completely biased against insurance companies
25 because we want fair and impartial jurors in this case. And so if you had

1 a preconceived notion against one side or the other we wanted you to let
2 us know right now.

3 So what's going to happen is, we'll take a quick five minute
4 break, then the room will be filled with more people. So we'll have
5 about 30 people behind you. And so they're going to continue
6 questioning those people. And if any of them are struck for cause you'll
7 replace their seats potentially. But we'll go in order, so Ms. Coney will
8 be last and there's about 10 people in front of you. So we just wanted to
9 start this process first with just you.

10 So we'll just take a five minute break. What we're going to
11 do is we're also going to give you an instruction that the Court is
12 required to instruct by law each time. So the Court will read it to you
13 and then I'll explain it to you.

14 You are instructed not talk with each other or with anyone
15 else about any subject or issue connected with this trial. You're not to
16 read, watch or listen to any report of or commentary on the trial by any
17 person connected with the case or any medium of information including
18 without limitation newspaper, television, internet, radio. You're not to
19 conduct any research on your own relating this case such as consulting
20 dictionaries, using the internet or any other reference materials. You're
21 not to conduct any investigation, test any theory of the case, recreate
22 any aspect of the case or in any other investigate or learn about the case
23 on your own. You're 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 the case.

1 You're not to form or express any opinion on any subject connected with
2 the trial until the case is finally submitted to you.

3 Ladies and gentlemen, what this means is that almost
4 everyone sitting here has one of these, a smart phone which is
5 essentially a minicomputer and with this you could google the Plaintiff,
6 you could google the Defendant, you could google the witnesses. If
7 you're selected as a juror you could research some of the cancer
8 treatments that come up here. But you stood up and you took an oath
9 that wouldn't do that. And if you find out that a fellow juror has, you're
10 required by law to tell the marshal, because we don't want a situation
11 where we go through this trial for two and a half weeks and in the jury
12 deliberation room at the end we're told that there has been a
13 contamination and that means we have to start this process all over
14 again. So is that understood?

15 All right. So we'll do the quick five minute recess and come
16 back with everyone. And then when we come back, we'll be in the
17 middle of what we started. So just so you're aware. All right? So we'll
18 take five minutes.

19 THE MARSHAL: All rise for the exit of the jury.

20 [Prospective jurors out at 12:52 p.m.]

21 [Outside the presence of the prospective jurors]

22 THE COURT: So we're just going to line everybody up. And
23 Mr. Yi, he's been released.

24 THE MARSHAL: So Julie got moved to 16. Julie 323.

25 THE COURT: Yes.

1 THE MARSHAL: Am I moving 328 to Tommy's spot?

2 THE COURT: Yes. And then whoever else was in row three
3 will stay there and then row four will be our new six people.

4 THE MARSHAL: Okay.

5 THE COURT: So counsel, what the Court would prefer is if
6 we just stick with seats 12 through 22. And then we do challenges for
7 cause on those and then fill the seats up.

8 MR. SHARP: So individual voir dire on 12 through 22, is that
9 what you're saying?

10 THE COURT: Yes.

11 MR. SHARP: Yeah. That's fine with us.

12 THE COURT: Okay. All right. We'll take a quick just a couple
13 minute break and then come back with everybody.

14 MR. ROBERTS: Your Honor, did I miss -- isn't Ms. Vegas seat
15 11?

16 THE COURT: Yes.

17 MR. SHARP: Yeah. It's 11 to your right. 11 through 22.

18 THE COURT: So 11 through 22?

19 MR. SHARP: Yes.

20 MR. ROBERTS: That's what I have, Your Honor.

21 THE COURT: Yes.

22 MR. ROBERTS: Okay, great.

23 THE COURT: Normally we have just one through 10, so. All
24 right. So we'll just take a couple minutes and come right back.

25 [Recess taken from 12:54 p.m. to 12:58 p.m.]

1 THE MARSHAL: All rise for the incoming jury.

2 [Prospective jurors in at 1:00 p.m.]

3 THE COURT: Thank you. Okay. Please be seated, counsel.

4 Ladies and gentlemen, thank you for coming back. The Court
5 appreciates it. So as you see we have more people here. So people --
6 do we have another headset?

7 THE CLERK: He's got it.

8 THE COURT: Okay. Thank you. So the people we have in
9 the black chairs, that's -- the row furthest to the Court is row one, then
10 row two, row three and then row four.

11 So people who are in the black chairs, seats one through 10,
12 they have already gone through this whole process yesterday and
13 they've graciously come back today to serve as potential jurors on this
14 case.

15 So right now we're in the process of Plaintiff's counsel Mr.
16 Sharp asking questions of those in seats 11 through 22. So that's Ms.
17 Vegas, and then in seat 12 is Ms. McGill, and then seat 22 is Ms. Stewart.
18 And so Mr. Sharp's questions is going to be for those seated in seats 11
19 through 22.

20 Those of you who are in the green chairs, please pay
21 attention because if someone in a black chair is released you'll be taking
22 their spot. And so Mr. Ayers would be the next person to take the spot
23 and then Ms. Coney would be the last person to take the spot. So we'll
24 just go in order.

25 So Mr. Sharp, go ahead.

1 MR. SHARP: Thank you, Your Honor. So when we took the
2 break for lunch I think finished and was leading to Ms. Sarkett. And so
3 the question had been, you know, which way do you lean, lawsuits not
4 serving much of a purpose to lawsuits serving a purpose?

5 PROSPECTIVE JUROR 169: My number is 169. Lawsuits
6 serve a purpose. Lawsuits that take weeks and months I don't
7 understand why it takes so long. Once the -- everything is presented
8 why does it take that long. And my other thing about lawsuits is when
9 they award millions of dollars for something that shouldn't be that much.

10 MR. SHARP: So tell me a little bit about that, what are your
11 feelings?

12 PROSPECTIVE JUROR 169: I understand the -- losing
13 someone, it's -- you can't put a value on it. But how do they put a value
14 when somebody has to pay \$8 million dollars or \$5 million or whatever
15 this huge amount is.

16 MR. SHARP: Okay.

17 PROSPECTIVE JUROR 169: I mean, they're not going to
18 make that in their lifetime. I don't understand that part.

19 MR. SHARP: So does that --

20 PROSPECTIVE JUROR 169: And I previously worked at a
21 finance company, and I have sued a lot of people in the name of the
22 company in the past, so I don't particular care for that part of the system.

23 MR. SHARP: And what part of when you say you sued
24 people, what are you talking --

25 PROSPECTIVE JUROR 169: I worked for a finance company.

1 When they didn't pay --

2 MR. SHARP: Oh okay.

3 PROSPECTIVE JUROR 169: -- I had to sue them or I'd have to
4 take their house or their car or whatever. I mean, they made the
5 commitment that they would pay back and some I understand couldn't
6 because of medical reasons, out of work. But some people just chose
7 not to.

8 MR. SHARP: And that --

9 PROSPECTIVE JUROR 169: That bothers me.

10 MR. SHARP: -- obviously bothered you?

11 PROSPECTIVE JUROR 169: Yeah.

12 MR. SHARP: And so you've made some comments about
13 money and those sorts of things. I'm going to be the one asking you on
14 behalf of Sandra Eskew for money. And so --

15 PROSPECTIVE JUROR 169: A reasonable amount of money I
16 can understand. Now what the definition of reasonable is, that varies.

17 MR. SHARP: Okay. So I just want to explore this a little bit
18 more and we'll get into the amount. But I mean, this is going to be a
19 large amount of money. Yesterday I was talking 15 to 50 million. Okay.
20 I see your reaction.

21 PROSPECTIVE JUROR 169: Yeah, that's outrageous.

22 MR. ROBERTS: And so that's just how you feel without
23 hearing any of the evidence?

24 PROSPECTIVE JUROR 169: That's the same way I feel about
25 baseball players that make \$30 million.

1 MR. SHARP: Fair enough. We probably all have that feeling.

2 PROSPECTIVE JUROR 169: Yeah, so.

3 MR. SHARP: Except the baseball players.

4 PROSPECTIVE JUROR 169: Yeah.

5 MR. SHARP: But -- I mean, back to the question. I mean, I'm
6 here representing Sandra Eskew and that -- I mean, I'm being honest
7 with you, we see this as a serious case and the evidence will be judged
8 by people like you and what I'm worried about is you seem like you have
9 a bad taste in your mouth when it comes to large awards?

10 PROSPECTIVE JUROR 169: Yes, extremely.

11 MR. SHARP: And that's just the bias you have that you
12 brought into this courtroom?

13 PROSPECTIVE JUROR 188: Uh-huh.

14 MR. SHARP: And it's not something I'm going to change?

15 PROSPECTIVE JUROR 169: No.

16 MR. SHARP: It's not something the judge is going to change,
17 it's just the way you feel?

18 PROSPECTIVE JUROR 169: Yes.

19 MR. SHARP: Okay. Thank you.

20 PROSPECTIVE JUROR 323: Juror 323, Julie Paulsen-Wall.

21 MR. SHARP: Ms. Paulsen-Wall, the same question over to
22 you, how do you feel about lawsuits? Some say they're good, some say
23 they're bad. Which way do you lean?

24 PROSPECTIVE JUROR 323: I think they're good. I would go
25 off of fairness after hearing both sides of the story. I think the plaintiff

1 has the right to be heard and their stories heard, and I want them to get a
2 fair outcome. I mean, to be fair for both sides.

3 MR. SHARP: Yeah.

4 PROSPECTIVE JUROR 323: Yeah.

5 MR. SHARP: I mean --

6 PROSPECTIVE JUROR 323: Of course.

7 MR. SHARP: As we stand here right now --

8 PROSPECTIVE JUROR 323: Yeah.

9 MR. SHARP: -- you've heard really nothing about the case?

10 PROSPECTIVE JUROR 323: Yeah.

11 MR. SHARP: Does anything about your view of lawsuits
12 impact your ability to be fair to either Sierra Health and Life or to Ms.
13 Eskew?

14 PROSPECTIVE JUROR 323: I don't think so. You said to be --

15 MR. SHARP: To be fair.

16 PROSPECTIVE JUROR 323: To be fair, yeah.

17 MR. SHARP: Yeah.

18 PROSPECTIVE JUROR 323: Yeah.

19 MR. SHARP: So basically we talked about being on the
20 same --

21 PROSPECTIVE JUROR 323: Uh-huh.

22 MR. SHARP: -- same starting line.

23 PROSPECTIVE JUROR 323: Yeah.

24 MR. SHARP: And that both parties are on the same starting
25 line.

1 PROSPECTIVE JUROR 323: Right.

2 MR. SHARP: So tell me a little bit about what you do?

3 PROSPECTIVE JUROR 323: I'm a cocktail waitress at the
4 Marriott Casino.

5 MR. SHARP: And what -- just tell me a little bit about what
6 that entails? I mean, obviously we've all been to a casino --

7 PROSPECTIVE JUROR 323: Yeah.

8 MR. SHARP: -- at one time.

9 PROSPECTIVE JUROR 323: I work in a casino, and we serve
10 drinks. My husband's a bar tender and I'm the waitress there. And I've
11 been there for 22 years and I'm in the hospitality and business I guess.

12 MR. SHARP: Do you enjoy it?

13 PROSPECTIVE JUROR 323: I do. I'm getting a little older for
14 it, my backs not holding up the way it was, but that's all right.

15 MR. SHARP: Let me just -- I just noticed that -- is it -- your
16 husband had cancer it sounds like when he was younger --

17 PROSPECTIVE JUROR 323: 18.

18 MR. SHARP: -- 18? Anything about that which would affect
19 your ability to be fair and impartial in this case?

20 PROSPECTIVE JUROR 323: No. I don't think it would. I
21 mean, I would hope it wouldn't sway. I know a lot of people get cancer
22 and it's a shame.

23 MR. SHARP: Yeah. And you know -- I mean, Mr. Eskew got
24 cancer, but nobody to blame -- nobody could or is blaming Sierra
25 Health --

1 PROSPECTIVE JUROR 323: Right.

2 MR. SHARP: -- and Life for that.

3 PROSPECTIVE JUROR 323: Right, right.

4 MR. SHARP: But I did -- you know, it's just kind of like the
5 same thing with Mr. Sarkett, just kind of following up because you kind
6 of nodded your -- you shake your head and then you said yeah. So I'm
7 just going to follow up. I mean, what are your feelings?

8 PROSPECTIVE JUROR 323: I mean, still a fair trial and -- I
9 mean, going to decide with the side that I feel is right.

10 MR. SHARP: And basically like what we're just saying is, you
11 know, people can have sympathy as I talked about early --

12 PROSPECTIVE JUROR 323: Uh-huh.

13 MR. SHARP: -- for somebody with cancer. We all would
14 have sympathy.

15 PROSPECTIVE JUROR 323: Yeah.

16 MR. SHARP: But basically the questions here is what we're
17 dealing with today, is everybody in the same starting line?

18 PROSPECTIVE JUROR 323: Yeah, yeah.

19 MR. SHARP: Okay.

20 PROSPECTIVE JUROR 323: I feel that way.

21 MR. SHARP: Okay. All right. Thank you.

22 PROSPECTIVE JUROR 323: Yeah, you're welcome.

23 PROSPECTIVE JUROR 183: 183. I think in the purest sense it
24 brings about balance. I think when you guys are going through and
25 trying to take all the biases away and people could hear the evidence

1 presented before them, I think it brings balance because in everything
2 that we do there's rules and regulations and guidelines and if those are
3 followed, they're followed. If they're not followed, they're not followed.

4 MR. SHARP: Sure, sure. So let me ask you, you work for
5 UPS?

6 PROSPECTIVE JUROR 183: Yes, sir.

7 MR. SHARP: And how long have you worked for UPS?

8 PROSPECTIVE JUROR 183: 31 years.

9 MR. SHARP: And that's a long time.

10 PROSPECTIVE JUROR 183: Uh-huh.

11 MR. SHARP: Doesn't happen very often and, you know,
12 statistically speaking anymore --

13 PROSPECTIVE JUROR 183: Uh-huh.

14 MR. SHARP: -- people staying in the same job. So what
15 have you been doing for UPS?

16 PROSPECTIVE JUROR 183: Well, I'm the station manager,
17 basically everything. We -- the station manager's in charge of the hiring,
18 making sure everybody's paid right, making sure the drivers are
19 following the rules and regulations, making sure everybody gets paid --
20 is paid right and makes it home safe.

21 MR. SHARP: And how many people do you supervise?

22 PROSPECTIVE JUROR 183: Well, I have 13 managers, and
23 probably about 20 something supervisors and 160 drivers.

24 MR. SHARP: Oh. So one of the things -- and I'm going to
25 kind of address this particular question to the group that's here today.

1 The group yesterday had heard some of this. Sierra Health and Life is a
2 corporation, just like UPS is a corporation. And under the law whether
3 you like it or not, I mean, under the law a corporation is treated like a
4 person. Does anybody have a problem with that?

5 So just like a person they can be responsible or irresponsible
6 or what have you. Does anybody have a problem with that?

7 So you know, Mr. Jackson, the question I have is we're suing
8 Sierra Health and Life, they're a large corporation and part of a bigger
9 corporation with United Healthcare. You've spent 31 years working for
10 UPS. Does that -- should I be concerned about that? Would that affect
11 your fairness and impartiality, your experience with UPS and Sandra
12 Eskew asking for money from UP -- or from Sierra Health and Life?

13 PROSPECTIVE JUROR 183: I don't think it would affect me. I
14 don't know if it's like union, nonunion. When in the big scheme of things
15 supposed to have the same vision. It's not one way or the other. It's like
16 what's the right thing.

17 MR. SHARP: Okay. So it sounds like you can judge the case
18 based upon the facts?

19 PROSPECTIVE JUROR 183: Absolutely.

20 MR. SHARP: And [indiscernible] to me that just because
21 you've worked for a corporation for many years that doesn't create any
22 sort of bias against my client?

23 PROSPECTIVE JUROR 183: I've worked for people for many
24 years.

25 MR. SHARP: That's a good point. Your wife's -- I noticed

1 your wife survived cancer twice?

2 PROSPECTIVE JUROR 183: Two times, yes.

3 MR. SHARP: That's -- congratulations. I guess that's a weird

4 congratulations, but --

5 PROSPECTIVE JUROR 183: Uh-huh.

6 MR. SHARP: -- do you mind me asking you a couple of

7 follow up questions about that?

8 PROSPECTIVE JUROR 183: Not at all.

9 MR. SHARP: So what kind of cancer?

10 PROSPECTIVE JUROR 183: Breast cancer.

11 MR. SHARP: And did it metastasize either time?

12 PROSPECTIVE JUROR 183: Don't understand what you just

13 said, but she's been through a lot of surgeries. Is -- she's doing fine now.

14 The ups and downs of cancer.

15 MR. SHARP: So when I say metastasize, which fair and -- for

16 everybody else who don't understand anything I say, you tell me.

17 Sometimes I don't -- one, sometimes I don't ask the clearest questions --

18 PROSPECTIVE JUROR 323: Right.

19 MR. SHARP: -- and sometimes I use something -- words that

20 people don't understand. Metastasize, it just spreads from the original

21 tumor site. So like for breast it could go to bone and whatever. That's a

22 metastasis.

23 PROSPECTIVE JUROR 183: Right. But it did and, you know,

24 she's had different things removed, but you know, she's doing fine now.

25 MR. SHARP: And what -- do you remember what kind of

1 radiation she had?

2 PROSPECTIVE JUROR 183: I don't. I know she had the
3 chemo; you know.

4 MR. SHARP: Did she have radiation if you know?

5 PROSPECTIVE JUROR 183: She did have radiation.

6 MR. SHARP: Okay. And was it -- do you remember if it was
7 either -- if anybody considered proton beam therapy?

8 PROSPECTIVE JUROR 183: I couldn't tell you which one it
9 was.

10 MR. SHARP: Okay. Or IMRT or x-rays --

11 PROSPECTIVE JUROR 183: I couldn't tell you.

12 MR. SHARP: Fair enough. Anything about that experience --
13 she's going to -- you know, you're wife's had cancer, anything about that
14 experience which would affect your ability to be fair and impartial to
15 both sides?

16 PROSPECTIVE JUROR 183: No.

17 MR. SHARP: Okay. Thank you, sir.

18 PROSPECTIVE JUROR 183: All right.

19 MR. SHARP: Ms. Patrick?

20 PROSPECTIVE JUROR 188: Yes, sir.

21 THE CLERK: Badge number.

22 PROSPECTIVE JUROR 188: I'm sorry, 188.

23 MR. SHARP: What are your feelings about the original
24 question, lawsuits? Some people say they don't work, some people say
25 they do. What are your feelings?

1 PROSPECTIVE JUROR 188: I'm kind of with what they said,
2 just as long as it's fair and impartial and we hear both sides. We have to
3 make a judgement on what we hear. Being as we're new to this, it's all
4 new, we have to listen to --

5 MR. SHARP: Sure.

6 PROSPECTIVE JUROR 188: -- each side because we don't
7 know who's -- we don't know anything about it yet, so we have to make
8 our own judgement according to what we hear.

9 MR. SHARP: Yeah, exactly. And --

10 PROSPECTIVE JUROR 188: I don't know.

11 MR. SHARP: So just to kind of follow up on that. So you can
12 be -- you don't seem like you really have an opinion really one way or
13 the other?

14 PROSPECTIVE JUROR 188: Not really because I feel the
15 Defendant and the prosecutors have both -- they both have their sides.
16 So we have to figure out, you know, what hers is and what his -- you
17 know, what the insurance company is. We just have to listen and see.

18 MR. SHARP: Yeah.

19 PROSPECTIVE JUROR 188: There's nothing we can do today
20 to make any decision until we hear everything.

21 MR. SHARP: That's a fair point. And so nothing about your
22 views on lawsuit --

23 PROSPECTIVE JUROR 188: No, sir. I mean, no. I agree with
24 you.

25 MR. SHARP: I don't mean to cut you off.

1 PROSPECTIVE JUROR 188: You're cool.

2 MR. SHARP: The weird thing when we're in a courtroom, the
3 court recorder over here is taking down everything we say and so she
4 won't get mad at you --

5 PROSPECTIVE JUROR 188: Okay.

6 MR. SHARP: -- because you don't know the rules. She might
7 get mad at me because I -- you know, so I didn't mean to interrupt you.
8 But it's hard when we're speaking over one and other --

9 PROSPECTIVE JUROR 188: Yeah.

10 MR. SHARP: -- for her to get everything. So just go back to
11 the question I was going to ask, which was nothing about your views on
12 lawsuit is going to affect your ability to be fair and impartial in this case?

13 PROSPECTIVE JUROR 188: No.

14 MR. SHARP: Okay. You work at the -- in the count room?

15 PROSPECTIVE JUROR 188: Yes, sir.

16 MR. SHARP: And where -- at what casino?

17 PROSPECTIVE JUROR 188: I work at the LINQ.

18 MR. SHARP: And what kind of things do you do? I mean, I
19 know generally, but I don't know specifically --

20 PROSPECTIVE JUROR 188: Well --

21 MR. SHARP: -- what you do.

22 PROSPECTIVE JUROR 188: -- we start -- we work from 3:00
23 a.m. to 11:00 a.m. And in the morning we pull out all the cans of certain
24 sections of the casino and we count the slots. And then we go, and we
25 do the same thing with the table games. And then we do the same thing

1 with like all the parking kiosks. We just count all the money from each
2 area of the casino.

3 MR. SHARP: So you've got to be very accurate in your job
4 like --

5 PROSPECTIVE JUROR 188: Yes, sir.

6 MR. SHARP: And --

7 PROSPECTIVE JUROR 188: Yes.

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

9 PROSPECTIVE JUROR 188: I've actually been there for -- in
10 May 7th it'll be a year. I got laid off at the Reno, actually this day two
11 years ago, I got laid off from the Reno after 20 years. So --

12 MR. SHARP: And then you got -- now you've --

13 PROSPECTIVE JUROR 188: And I stayed with Caesars
14 Entertainment because I wanted stay with that company.

15 MR. SHARP: Uh-huh. Do you like that company?

16 PROSPECTIVE JUROR 188: Yes, I do.

17 MR. SHARP: And so the same thing I'd ask of Mr. Jackson, I
18 mean, it sounds like to me you've had a long history with the company
19 that's been good to you as an employer?

20 PROSPECTIVE JUROR 188: Yeah.

21 MR. SHARP: Is that going to affect your ability to be fair in a
22 case like this?

23 PROSPECTIVE JUROR 188: No. Because that has nothing to
24 do with -- I'd still do my job correctly and I still want this to be a fair trial.

25 MR. SHARP: Okay.

1 PROSPECTIVE JUROR 188: So it's all -- the hours are hard,
2 it's 3:00 a.m. to 11:00, I'm not used to that, but I'll get there.

3 MR. SHARP: And your husband works at NV Transportation?

4 PROSPECTIVE JUROR 188: My husband is a city bus driver,
5 yeah, for NV.

6 MR. SHARP: Oh, okay.

7 PROSPECTIVE JUROR 188: Yes, sir.

8 MR. SHARP: And how has that been?

9 PROSPECTIVE JUROR 188: Very good, very good. He's been
10 there for about, I don't even know now, maybe 12, 13 years probably.

11 MR. SHARP: Any experience about that which would affect
12 your ability to --

13 PROSPECTIVE JUROR 188: No. That's just getting people to
14 the correct destination and --

15 MR. SHARP: Okay.

16 PROSPECTIVE JUROR 188: -- just taking care of people, so.
17 Which he does well, so.

18 MR. SHARP: Okay. Thank you.

19 PROSPECTIVE JUROR 188: You're welcome, sir.

20 PROSPECTIVE JUROR 191: Jury number 191.

21 MR. SHARP: And is it Ms. --

22 PROSPECTIVE JUROR 191: Aurora Jon.

23 MR. SHARP: Aurora?

24 PROSPECTIVE JUROR 191: Yes.

25 MR. SHARP: So what are your views about lawsuits? Some

1 say --

2 PROSPECTIVE JUROR 191: I mean, I think it all depends.
3 Some cases just wasting time and money.

4 MR. SHARP: Uh-huh.

5 PROSPECTIVE JUROR 191: Yeah. It all depends.

6 MR. SHARP: And so can you think of any instance where
7 you're saying it's a waste of time or money?

8 PROSPECTIVE JUROR 191: Oh just like before one of my
9 friend he fight for custody or something. I think it just wasting time and
10 wasting money. They should just sit down and figure it out.

11 MR. SHARP: Okay.

12 PROSPECTIVE JUROR 191: Yeah.

13 MR. SHARP: Now that's involving a child or children.

14 PROSPECTIVE JUROR 191: Yeah. But I mean, they were
15 together, they should just sit down and talk to each other. Not just
16 fighting on the court and like make everything ugly. I think just wasting
17 time and money.

18 MR. SHARP: Sure.

19 PROSPECTIVE JUROR 191: Yeah.

20 MR. SHARP: So -- and that's in a, what they call family court
21 setting.

22 PROSPECTIVE JUROR 191: Uh-huh.

23 MR. SHARP: And here we're in a civil setting where we're
24 not fighting over something as important as children. We're fighting --

25 PROSPECTIVE JUROR 191: So it should be different, right?

1 MR. SHARP: Well, I'm just asking you, you're -- how do you
2 feel about that? That's what I'm following up on.

3 PROSPECTIVE JUROR 191: I mean, I don't really know this
4 court thing. I don't really know what is civil court.

5 MR. SHARP: Well, that's okay.

6 PROSPECTIVE JUROR 191: Sorry.

7 MR. SHARP: No. I just -- I don't mean to put you on the spot,
8 I'm just kind of following up on your questions because -- do you have a
9 feeling, like for example that because Sandra Eskew is here in court,
10 she's the one who brought the lawsuit that maybe she's wasting your
11 time or --

12 PROSPECTIVE JUROR 191: No. I mean if it's involved like
13 somebody's life, right?

14 MR. SHARP: Uh-huh.

15 PROSPECTIVE JUROR 191: So probably more important.

16 MR. SHARP: Okay. So let me just go back to, I mean, you
17 gave us an example, I asked you to give an example. And is your
18 personal experience with this friend of yours, is that going to affect your
19 ability to be fair and impartial in this case?

20 PROSPECTIVE JUROR 191: I think I can be fair, I think, yeah.

21 MR. SHARP: So when you say think, you know, I -- lawyers
22 are trained to pick up on the nuances of things and any sort of
23 equivocation, even you might not mean it, you know, it triggers
24 something in my brain. So when you say think, it kind of equivocates.
25 So I just want to follow up on that.

1 PROSPECTIVE JUROR 191: Well, I never did anything like
2 this before, so I mean, I don't even trust myself, so.

3 MR. SHARP: Well --

4 PROSPECTIVE JUROR 191: I mean, I can try my best but --

5 MR. SHARP: I'm sure a lot of people feel in similar
6 situations.

7 PROSPECTIVE JUROR 191: Yeah. It's like I probably say I
8 want to quit smoking for like 100 times. Yeah, still. But, yeah.

9 MR. SHARP: And I mean -- and we're in -- you know, you're
10 brought into a foreign position. What do you do -- what are you doing
11 for a living? I'm looking back. You work at Caesars?

12 PROSPECTIVE JUROR 191: Yes. Bartender.

13 MR. SHARP: Bartender?

14 PROSPECTIVE JUROR 191: Yeah.

15 MR. SHARP: So if I showed up tonight to be a bartender, I'd
16 feel uncomfortable and I wouldn't know what to do, so that's
17 understandable. But basically what I'm kind of gathering from you is
18 that your experiences with your friend and this custody battle is not
19 going to affect your ability to be fair and impartial in this case?

20 PROSPECTIVE JUROR 191: I think I should be okay.

21 MR. SHARP: Okay. I mean, you keep saying that word think,
22 but I get what you're saying. Let me -- how long have you worked at
23 Caesars?

24 PROSPECTIVE JUROR 191: Since 2019.

25 MR. SHARP: And how long have you been a bartender?

1 PROSPECTIVE JUROR 191: Since 2019.
2 MR. SHARP: Uh-huh.
3 PROSPECTIVE JUROR 191: Yeah.
4 MR. SHARP: And where -- is there a particular bar that
5 you're at, at Caesar's?
6 PROSPECTIVE JUROR 191: No, I'm HR board.
7 MR. SHARP: What's that?
8 PROSPECTIVE JUROR 191: I'm HR board.
9 MR. SHARP: Uh-huh.
10 PROSPECTIVE JUROR 191: So it basically -- that means I
11 work everywhere.
12 MR. SHARP: Okay.
13 PROSPECTIVE JUROR 191: Yeah.
14 MR. SHARP: Do you enjoy your job?
15 PROSPECTIVE JUROR 191: It's okay.
16 MR. SHARP: Thank you. Mr. Nelson?
17 PROSPECTIVE JUROR 301: Yes, 301.
18 MR. SHARP: So the question to you that we've been asking
19 the group is, how do you feel about lawsuits? Some say they're not -- or
20 serve no purpose, some say they do. Which way do you lean?
21 PROSPECTIVE JUROR 301: They serve a purpose; I would
22 say it's unfortunate that this is what grieving family members have to go
23 through to get settlement sometimes from insurance companies or
24 lawsuits from bigger corporations.
25 MR. SHARP: Okay. Let me follow up a little bit on that. Well,

1 what do you mean by when you say bigger corporation?

2 PROSPECTIVE JUROR 301: Well, you know, lawsuits protect
3 people who don't have, you know, all-star lawyer teams. It's their one
4 chance if they get injured to have someone defend them. Because in the
5 real world they're not level. You know, a corporation's a person, but
6 you're talking a person with billions of dollars of assets, teams. And you
7 know, just sorry I forgot the name, but like whoever this is against, you
8 know, this is their last line, they've been grieving for years probably.
9 Sounds like it's been a long time. And so it's sad that this is what the
10 system's come to. I mean, it's okay. It's what it is, but in my opinion it's
11 sad.

12 MR. SHARP: Okay. So a couple of things. We -- you know,
13 Sandra Eskew brought this lawsuit, so we bear what's called the burden
14 of proof. In another words we have to prove the client and the Judge is
15 going to instruct you on what we would have to prove. And when I say
16 burden of proof it's generally preponderance of the evidence, which is
17 basically more likely than not.

18 PROSPECTIVE JUROR 301: Uh-huh.

19 MR. SHARP: And so I just point that out to you because we
20 came -- we come into the courtroom, and we haven't proven anything.
21 So in your mind is Sandra Eskew at the same starting point as Sierra
22 Health and Life?

23 PROSPECTIVE JUROR 301: I mean, I would say she's at a
24 disadvantage.

25 MR. SHARP: Well, disadvantage meaning the system creates

1 a disadvantage?

2 PROSPECTIVE JUROR 301: No. I would say the courts are
3 fair. I mean, that's what this whole process is about and ideally we have
4 a fair and trial balance, or sorry, fair and balanced trial.

5 MR. SHARP: Okay. So are -- let me just kind of get to it. I
6 mean, you've got some opinions that you've expressed.

7 PROSPECTIVE JUROR 301: Uh-huh.

8 MR. SHARP: Is that going to affect your ability to be fair in
9 this case?

10 PROSPECTIVE JUROR 301: There's probably better -- like
11 you know, I work for a corporation. I don't think they're bad. But you
12 know, when this is all done I still have to go home, work -- get my work
13 done. It's been like that every day for a week. So I'm not -- I don't think
14 they're a bad company, I just know firms need to protect their assets and
15 their profits and they're here for their profits, which is okay. They have
16 to make money and that's how this all works. But I'll always be
17 sympathetic to the small person who, you know, I can't imagine what
18 they went through. And I'm not saying that Sierra's wrong, you know. It
19 could go either way. But just me personally I'm a sympathetic person
20 and, yeah. I'd probably support the little guy.

21 MR. SHARP: Okay. So we -- you heard when I asked Ms.
22 Sarkett some questions and --

23 PROSPECTIVE JUROR 301: Uh-huh.

24 MR. SHARP: -- I'm just going to ask you. This is kind of, you
25 might be in reverse to where she's at.

1 PROSPECTIVE JUROR 301: Okay.

2 MR. SHARP: And so basically can you be fair and impartial
3 to both sides, in other words is both sides going to get a clean slate with
4 you as juror?

5 PROSPECTIVE JUROR 301: Yeah. I'll do my best. But I'm
6 just telling you where I'm coming from and how I'm going to get to it.
7 You're talking about biases and so these are inherent biases where I
8 can't change them. This is just kind of my background. You know, I was
9 19 during 2008. So like I -- you know, I'm an accountant, which is funny I
10 work with big companies, but that doesn't mean I necessarily support
11 them getting all these tax breaks when, you know, the only people get
12 these tax breaks are people who pay for these CPA firms to come help
13 them out. And so -- I mean, I'm a good worker and I'll always work my
14 client, but you know, I don't know if I could tell you that honestly.

15 MR. SHARP: Well, you're the only person that can. So I
16 mean, it's just like Mrs. Eskew wants a fair trial. Sierra Health and Life
17 wants a fair trial. And so I'm just posing it back to you --

18 PROSPECTIVE JUROR 301: Uh-huh.

19 MR. SHARP: -- do you think you can be fair and impartial
20 given the experiences and your views and you're talking about?

21 PROSPECTIVE JUROR 301: Yeah. Again, I would like to think
22 that, but I already came in here hearing that this was up against an
23 insurance company, and I was like, oh, you know, screw those guys. It's
24 -- I don't know, I think I already answered this three times, so I don't think
25 I could be more clear about this.

1 MR. SHARP: Well -- or maybe I'm not understanding. I'm
2 not trying to pick on you, I'm just trying to get -- Ms. Sarkett was honest
3 and said, you know, this just isn't -- I don't mean to put words in your
4 mouth. But basically said this jury is not her fit because of her views.

5 PROSPECTIVE JUROR 301: Uh-huh.

6 MR. SHARP: And it's really back to you the same kind of
7 question, honestly is this the kind of case where you have a bad taste in
8 your mouth?

9 PROSPECTIVE JUROR 301: I'm just trying -- I would always --
10 again, if I was assigned to be the jury I would do a good job of being
11 impartial because that's my job and I'd do a good job.

12 MR. SHARP: Okay. You've said you worked as an
13 accountant?

14 PROSPECTIVE JUROR 301: Uh-huh.

15 MR. SHARP: How long have you been an accountant?

16 PROSPECTIVE JUROR 301: Two years.

17 MR. SHARP: Do you enjoy it?

18 PROSPECTIVE JUROR 301: When I -- I'm almost to my CPA
19 and I'll be out of public accounting, and I think I'll enjoy it a lot more
20 when I'm in industry. But public accounting is a little rough, especially
21 right now it's tax season.

22 MR. SHARP: Is that --

23 PROSPECTIVE JUROR 301: So come ask me April 15th and --

24 MR. SHARP: Is that going to create a problem for you being
25 in tax season as we're trying the case?

1 PROSPECTIVE JUROR 301: I mean, I'm a little stressed with
2 two and a half weeks, I'm not going to lie because I mean, I still have to
3 go home and work. And so they don't care, I mean, I might get some
4 hours off, but I still got jobs that have to get done. And so, yeah.

5 MR. SHARP: So that could affect your ability to hear the -- I
6 mean, I'm not saying you would --

7 PROSPECTIVE JUROR 301: No.

8 MR. SHARP: -- fry in a pinch --

9 PROSPECTIVE JUROR 301: No. But trust me, I understand
10 like it's stressful.

11 MR. SHARP: Yeah. No I can sense --

12 PROSPECTIVE JUROR 301: Yeah. It's a lot.

13 MR. SHARP: I can sense it.

14 PROSPECTIVE JUROR 301: Yeah.

15 MR. SHARP: Okay. Well, thank you.

16 PROSPECTIVE JUROR 301: Thank you.

17 MR. SHARP: Mr. Rand.

18 PROSPECTIVE JUROR 311: 311.

19 MR. SHARP: So the question that we've been discussing.

20 PROSPECTIVE JUROR 311: No opinion.

21 MR. SHARP: No opinion one way or the other. Anything
22 about your experience that, you know, we should understand in a case
23 like this?

24 PROSPECTIVE JUROR 311: Experience meaning what?

25 MR. SHARP: Your life experiences.

1 PROSPECTIVE JUROR 311: No.

2 MR. SHARP: Have you -- you work for a tow company?

3 PROSPECTIVE JUROR 311: Yes.

4 MR. SHARP: Anything about that that should affect your
5 ability to be fair in a case like this?

6 PROSPECTIVE JUROR 311: No.

7 MR. SHARP: So I had noted in my [indiscernible] that you
8 said you had a bias against insurance companies, I don't --

9 PROSPECTIVE JUROR 311: Yeah. It's referral this, referral
10 that. You have to chase people and it's just how it always is.

11 MR. SHARP: So this case involves that concept. I mean it's --
12 if you get on the jury it's generally called a utilization management is the
13 concept, preauthorization. So that'll be part of this case.

14 PROSPECTIVE JUROR 311: Do they preauthorize the
15 payment when they take it every month?

16 MR. SHARP: So that's why I'm asking you. I mean, and I'm
17 sure that, you know, Sierra would follow up. Is your view going to affect
18 your ability to be fair and impartial?

19 PROSPECTIVE JUROR 311: It could, yes.

20 MR. SHARP: Okay. So only you would be able to tell us, just
21 are you the right fit for this type of jury?

22 PROSPECTIVE JUROR 311: Probably not.

23 MR. SHARP: Okay. All right. Thank you.

24 PROSPECTIVE JUROR 328: Badge number 328.

25 MR. SHARP: Ms. Stewart or is it Mrs. Stewart? How do you

1 feel about lawsuits?

2 PROSPECTIVE JUROR 328: So I don't have a bias against or
3 for them. I think that they're very helpful in a lot of situations involving
4 like legal professionals. I think it helps a lot of people.

5 THE COURT: Can you pull the mic closer to you?

6 PROSPECTIVE JUROR 328: Oh yeah. Just -- so in legal
7 situations I think it's very helpful. And in certain situations it could help
8 deescalate issues and then also resolve ongoing problems, so. As long
9 as it's fair.

10 MR. SHARP: Okay. And anything about your views that
11 would affect your ability to be fair and impartial in this case?

12 PROSPECTIVE JUROR 328: No.

13 MR. SHARP: Now you are at -- are you studying at UNLV
14 right now?

15 PROSPECTIVE JUROR 328: Yeah. I'm going to go in the
16 summer. I'm going to study civil engineering.

17 MR. SHARP: Okay. And are you working right now or are
18 you in school?

19 PROSPECTIVE JUROR 328: Yeah. So right now I'm working
20 at the animal foundation.

21 MR. SHARP: Okay. And what do you do for the animal
22 foundation?

23 PROSPECTIVE JUROR 328: I'm a part of their enrichment
24 team.

25 MR. SHARP: And what does that mean?

1 PROSPECTIVE JUROR 328: So it basically means I help turn
2 around the animals that have been through a lot of negative life
3 experiences and I help them. Basically it's enriching their life while
4 they're there at the shelter. And so that they can either go to a rescue or
5 have a better chance of getting adopted.

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

7 PROSPECTIVE JUROR 328: For about four months.

8 MR. SHARP: And what drew your interest to that?

9 PROSPECTIVE JUROR 328: I just -- I mean, I grew up with
10 animals, so. And I like the purpose, so I decided to work there.

11 MR. SHARP: And your mom had had cancer?

12 PROSPECTIVE JUROR 328: Yes.

13 MR. SHARP: And I'm sorry about that. Is she recovered?

14 PROSPECTIVE JUROR 328: She's in the process.

15 MR. SHARP: Do you mind me asking a couple questions
16 about that?

17 PROSPECTIVE JUROR 328: Sure.

18 MR. SHARP: What type of cancer?

19 PROSPECTIVE JUROR 328: It was -- I don't know the exact
20 name but it was regarding stem cells.

21 MR. SHARP: And did she have a dispute with her insurance
22 company, or did they pay for everything as far as you know?

23 PROSPECTIVE JUROR 328: They paid for everything, yeah.

24 MR. SHARP: Okay. Your -- and your mom also works as an
25 insurance agent?

1 PROSPECTIVE JUROR 328: Yeah.

2 MR. SHARP: And who is she an insurance agent for?

3 PROSPECTIVE JUROR 328: For Aetna.

4 MR. SHARP: Aetna.

5 PROSPECTIVE JUROR 328: Yeah.

6 MR. SHARP: So anything about that -- I mean, Aetna's a
7 health insurance company. Anything about that that could affect you in
8 this case?

9 PROSPECTIVE JUROR 328: No.

10 MR. SHARP: Thank you, thank you. So the next issue I'm
11 going to get into and we've kind of explored it a little bit with Ms. -- am I
12 pronouncing your correctly, Sarkett?

13 PROSPECTIVE JUROR 169: Sarkett.

14 MR. SHARP: Sarkett, I apologize. I've been -- I think I've
15 been mispronouncing your name and that's not very nice on my part.

16 So we've been talking a little bit with Ms. Sarkett about
17 damages and some of the questions I had. So I want to kind of follow
18 that up with the entire group.

19 And in this -- in a case like this there are two types of
20 damages and -- generally, I mean these are just in injury type cases, not
21 maybe this particular case. There's two types of damages, one type if
22 what they call economic damages. And economic damages are, you
23 know, how much money did you lose because you couldn't work. They
24 are more or less black and white concrete, how much were your medical
25 bills, that sort of thing.

1 And then there's another type of damage that's called -- the
2 law calls it general damages, which is weird because -- I guess they are
3 kind of -- it's basically all the other reasons you live, you know, we're not
4 all just a paycheck. And so the other type of damages are physical pain,
5 mental suffering, mental anxiety, anguish, distress, loss of enjoyment of
6 life, those sorts of things.

7 And so the first question I have is, some people just have a
8 view that that just -- you know, they just don't believe in damages to
9 recover physical and mental pain and suffering. Does anybody have that
10 view?

11 Others people in there -- you know, have in their mind that,
12 you know, there has to be some type of limitation on those types of
13 damages. Does anybody have a belief here that there should be a
14 limitation on pain and suffering? Sarkett?

15 PROSPECTIVE JUROR 169: Uh-huh.

16 MR. SHARP: Do you have that view?

17 PROSPECTIVE JUROR 169: Yeah.

18 THE CLERK: Badge number

19 THE MARSHAL: Badge number.

20 PROSPECTIVE JUROR 169: Badge number is 169.

21 MR. SHARP: And we talked about your views on these -- I
22 mean, on damage in generally --

23 PROSPECTIVE JUROR 169: Right.

24 MR. SHARP: -- and I think we're -- you were kind of getting
25 to concept of pain and suffering.

1 PROSPECTIVE JUROR 169: Right.

2 MR. SHARP: So tell me, you have a belief of that there

3 should be a cap?

4 PROSPECTIVE JUROR 169: Yes.

5 MR. SHARP: And --

6 PROSPECTIVE JUROR 169: I mean, I don't know or

7 understand how -- pain and suffering, yes. Totally understand that and it

8 should be -- something should be given for that. Millions of dollars? No.

9 I believe in the cap. What the number is, I don't know.

10 MR. SHARP: But you -- in your mind you have --

11 PROSPECTIVE JUROR 169: In my mind there's a limit.

12 MR. SHARP: And no matter what the evidence where to be

13 that would be your limit?

14 PROSPECTIVE JUROR 169: Yes.

15 MR. SHARP: Okay.

16 PROSPECTIVE JUROR 169: And even with an insurance

17 company they -- while they are a large corporation they can pay out big

18 money. Unfortunately then they turn around and increase our rates, so

19 it's --

20 MR. SHARP: Yeah.

21 PROSPECTIVE JUROR 169: -- you know.

22 MR. SHARP: And that's your view on the counter that --

23 PROSPECTIVE JUROR 169: Yes.

24 MR. SHARP: -- you know, you might have to pay more in

25 insurance?

1 PROSPECTIVE JUROR 169: Yeah.

2 MR. SHARP: So here's the question I have to the other --
3 does anybody else have a view similar to Ms. Sarkett?

4 So here's kind of the deal about it. I mean, before you hear
5 any evidence in this case we're required -- I mean, we tell you how much
6 money we're seeking in this lawsuit. The only way you settle -- you
7 resolve a civil lawsuit is through the payment of money. You as the
8 jurors make the ultimate decision one, whether we're entitled to any
9 money or whether we proved our case and we're entitled to money. So
10 do you get that so far?

11 So in this case we're going to ask somewhere between 15 to
12 50 million. Just that number does that -- any -- that -- 15 or anything
13 between 50 is that just -- without hearing any evidence any of you 11 just
14 give you a bad taste in your mouth and say I can't do it? I knew you
15 would be the --

16 THE MARSHAL: And we have one over here. Badge
17 number.

18 THE COURT: Hold on. What we're going to do is, we're --
19 this is going to be limited to those sitting in seats 11 through 22. And so
20 just pay attention if you're in the green chairs. So this right now is just
21 11 through 22.

22 MR. SHARP: Yeah. We're just in the second row. So if you
23 get bumped up then --

24 THE COURT: And Ms. Vegas.

25 MR. SHARP: So Ms. Sarkett, you've given us your strong

1 views about it. Anything else you want to care to add?

2 PROSPECTIVE JUROR 169: No.

3 MR. SHARP: It's just fair enough to say that no matter what I
4 would prove that would be you had that view coming into court?

5 PROSPECTIVE JUROR 169: No -- 169. No matter what you
6 present I would say an award is due, but not in that dollar range.

7 MR. SHARP: Okay. That's fair. Thank you. So the next type
8 of damage that you can recover in a case like this is called -- they're
9 called punitive damages. And what those damages are is they're
10 designed to punish and deter, and totally separate from the other types
11 of damages that I was talking about. So they're called -- your physical
12 pain and suffering, that's compensatory damages. That's what the law
13 calls them. And you have a separate category of punitive damages
14 which are just to punish and deter.

15 So just understanding kind of background, does anybody
16 have a bad taste in their mouth just thinking the idea of awarding
17 punitive damages?

18 Now in order to get punitive damages the Judge will be
19 instructing you on the law as to what we will have to prove, but
20 generally speaking it's a higher level of proof. And so does anybody
21 have a problem with that, that in order to punish somebody you should
22 have a little higher proof than what I was talking about, the 50/50? Does
23 that bother anybody?

24 Punitive damages, if you award them you're going to be
25 giving a jury instruction that tells you the things you should consider or

1 may consider, and you'll be given testimony to help you. But as we sit
2 here today, does anybody have in their mind a preconceived amount of
3 punitive damages, there's no way I could give any more than that? So
4 I'd used my 50 million dollars example. I know you have an issue, Ms. --

5 PROSPECTIVE JUROR 169: 169. Yes.

6 MR. SHARP: Yeah. And for the same reasons we've already
7 discussed?

8 PROSPECTIVE JUROR 169: Absolutely.

9 MR. SHARP: So I should have prefaced that as anybody
10 other than Mr. Sarkett? So does anybody else have a view, like in their
11 mind there's no way, \$50 million for example, that's too much? That's
12 just too much money. Anybody have that particular view?

13 PROSPECTIVE JUROR 284: I do.

14 MR. SHARP: Okay. What's your feeling about that?

15 UNIDENTIFIED SPEAKER: What's your badge number?

16 PROSPECTIVE JUROR 284: To me there's no price on --

17 THE COURT: Hold on, what's your badge number?

18 PROSPECTIVE JUROR 284: My badge number is 284, Arlette
19 Vegas. I believe in lawsuits, and I believe that there's really not a price
20 on life --

21 MR. SHARP: Just hold on a moment so the court recorder
22 can hear you. So if you can just kind of start --

23 PROSPECTIVE JUROR 284: Juror 284.

24 MR. SHARP: Great.

25 PROSPECTIVE JUROR 284: Arlette Vegas. I personally

1 believe my own opinion that there is no price on life if there was a death
2 involved.

3 MR. SHARP: So I mean, let me just follow up on that
4 because -- I mean, obviously that's a true statement.

5 PROSPECTIVE JUROR 284: Right.

6 MR. SHARP: I mean, there's no -- you were injured?

7 PROSPECTIVE JUROR 284: I was.

8 MR. SHARP: And there's no price on that --

9 PROSPECTIVE JUROR 284: Right.

10 MR. SHARP: -- I mean, you went through that suffering.

11 PROSPECTIVE JUROR 284: Yeah. It's god's gift to be alive.

12 MR. SHARP: And so the only way in our civil justice system
13 that we can resolve this is through money.

14 PROSPECTIVE JUROR 284: Yes.

15 MR. SHARP: Okay. So when you say it's priceless, are you
16 saying, no. I can't award money for --

17 PROSPECTIVE JUROR 284: No. I'm saying you should be
18 awarded money if the policy is followed correctly and that's what's
19 awarded to the Defendant, or the Plaintiff or whatever the case may be.
20 But for me when it's being said, you know, oh so much money is too
21 much money. I mean, I'm kind of conflicted with that.

22 MR. SHARP: So you're on the other end, you don't have --

23 PROSPECTIVE JUROR 284: I'm on the other side of the
24 fence, yes. Yeah.

25 MR. SHARP: You don't have cap in mind if you will, like --

1 PROSPECTIVE JUROR 284: No, I wouldn't. No.

2 MR. SHARP: -- like Mrs. Sarkett did?

3 PROSPECTIVE JUROR 284: Right, yes.

4 MR. SHARP: Okay. I get it. So you're just -- you're in a
5 position where you're going to judge whether or not punitive damages
6 are appropriate based on the evidence?

7 PROSPECTIVE JUROR 284: Right.

8 MR. SHARP: And based on how the Judge instructs you as a
9 juror?

10 PROSPECTIVE JUROR 284: Yes.

11 MR. SHARP: And not upon some preconceived belief as to
12 whether there should be a certain amount awarded against Sierra Health
13 and Life without any evidence, right? You're not thinking that?

14 PROSPECTIVE JUROR 284: No.

15 MR. SHARP: Okay.

16 PROSPECTIVE JUROR 284: Not at all.

17 MR. SHARP: Okay. Thank you.

18 PROSPECTIVE JUROR 284: Thank you.

19 MR. SHARP: Anybody else have a view on this either pro or
20 con?

21 So sometimes I'm going to come back and explain a little bit
22 about burden of proof and I'm going to -- so one of the things -- like you
23 -- like any of you in a profession, I mean, all of you in your job, you're
24 trained in different things. And so lawyers are trained too. We go to
25 seminars and such. And some people talk about how you're supposed

1 to talk about burden of proof, and I've never really found it all that
2 helpful.

3 But basically the idea for preponderance, beyond a
4 reasonable doubt we all know what that is from the criminal area. In a
5 civil case you have what's called preponderance of the evidence, which
6 is basically more likely than not. And then you have for punitive
7 damages what they call clear and convincing evidence, which is more
8 than preponderance. But it's not reasonable doubt. Okay. So you kind
9 of following me this far?

10 Now some people would say in order to make an important
11 decision in life I would need 90 percent certainty. Is anybody like that,
12 like you're buying a house, or buying a car or something like that, major
13 life decision?

14 Anybody feel like when they make a major life decision such
15 as, you know, buying a car, or having children, getting married, whatever
16 it is, that they need -- you need to be almost absolutely certain?
17 Anybody like that? You're nodding your head over there Mr. --

18 PROSPECTIVE JUROR 301: No.

19 MR. SHARP: -- Nelson. Did I just catch when you're --

20 PROSPECTIVE JUROR 301: Yeah.

21 MR. SHARP: Okay. So I guess what I'm just asking for
22 commitment from you all is that regardless of how you make decisions
23 in your life whether it's some fictional 50 percent certainty, 75 percent
24 certainty, 100 percent certainty that you'll agree to follow the law as the
25 judge instructs you when it comes to the burden of proof; is that fair?

1 And as you -- and just so -- I think I mentioned this before,
2 but we bear the burden, in other words we brought the lawsuit, so we
3 bear the burden of proof as instructed by the Judge. Nobody has a
4 problem with that? With committing to -- or agreeing to follow the
5 Judge's instructions?

6 Now has anybody been involved in -- when you were asked -
7 - the Judge had asked about being a defendant on a lawsuit. So this
8 question's a little broader, has anybody filed a claim for recovery, like a
9 person injury claim or a worker's comp claim? Yes.

10 PROSPECTIVE JUROR 291: 291, my name is Robin. Yeah. I
11 filed three Workers' Comp claims. I fell and broke my arm at work.

12 MR. SHARP: And --

13 PROSPECTIVE JUROR 291: They paid for everything.

14 MR. SHARP: Any experience about that that would affect
15 your ability to --

16 PROSPECTIVE JUROR 291: No.

17 MR. SHARP: -- be fair?

18 PROSPECTIVE JUROR 291: No.

19 MR. SHARP: Okay. The next question, which you may have
20 had experience with given that you're in human resources. Has anybody
21 assisted in defending a claim, like as an employee or, you know, a friend
22 or something like that?

23 PROSPECTIVE JUROR 291: Have I helped someone defend a
24 client?

25 MR. SHARP: No -- yes, yes.

1 PROSPECTIVE JUROR 291: No. I've been on the other side
2 of the table where they've been coming after me.

3 MR. SHARP: That's what I mean.

4 PROSPECTIVE JUROR 291: Yes.

5 MR. SHARP: So like you're the -- you're like in the position of
6 Sierra Health and Life?

7 PROSPECTIVE JUROR 291: Yes.

8 MR. SHARP: Okay. That's what I mean, has anybody other
9 than yourself, assisted in defending somebody against a claim? It looks
10 like you're the one -- I wanted to ask you about that though, Ms. Mullins.
11 So tell me a little bit about your experience.

12 PROSPECTIVE JUROR 291: 291. I'm the HR director at
13 Chicken Filet. We've had several unemployment suits come in. I'm
14 extremely detailed, so I had all the backup paperwork. I have a 24 page
15 handbook that they have to sign. It's mandatory that they bring in
16 doctor's notes. So I keep everything in order. If it's not in order they no
17 longer work for us. And that's it.

18 MR. SHARP: That's it?

19 PROSPECTIVE JUROR 291: That's it.

20 MR. SHARP: Anything about that would affect your ability to
21 be fair and impartial?

22 PROSPECTIVE JUROR 291: No. As long the evidence is
23 presented, and I can understand it clearly. If not I ask questions, that's
24 my job.

25 MR. SHARP: Okay.

1 PROSPECTIVE JUROR 291: But I'm good at what I do. I've
2 done it, HR for about 20 years, so I'm good at what I do. Some of this
3 stuff might be a little bit if I don't understand the verbiage, but I will ask
4 questions. So I've been on the side of the insurance side and on the
5 other side. It's -- you just have to ask question if you don't understand
6 what's going on.

7 MR. SHARP: Okay. Your Honor, can I have the Court's
8 indulgence for a few minutes? I need to check and there maybe
9 something I'd like to take up either at sidebar or outside the juror's
10 presence.

11 THE COURT: We'll take a 10 minute recess.

12 You are instructed not talk with each other or with anyone
13 else about any subject or issue connected with this trial. You're not to
14 read, watch or listen to any report of or commentary on the trial by any
15 person connected with the case or by any medium of information
16 including without limitation newspaper, television, internet, radio.
17 You're not to conduct any research on your own relating this case such
18 as consulting dictionaries, using the internet or using reference
19 materials. You're not to conduct any investigation, test any theory of the
20 case, recreate any aspect of the case or in any other way investigate or
21 learn about the case on your own.

22 You're not to talk with others, text others, tweet others,
23 google issues or conduct any other kind of book or computer research
24 with regard to any issue, party, witness or attorney involved in this case.
25 You're not to form or express any opinion on any subject connected with

1 the trial until the case is finally submitted to you.

2 So we'll come back at 2:10.

3 THE MARSHAL: All rise for the exiting jury.

4 [Prospective jurors out at 1:54 p.m.]

5 THE COURT: All right. Take a recess and come back.

6 [Recess from 1:56 p.m. to 2:07 p.m.]

7 [Outside the presence of the prospective jurors]

8 THE COURT: Thank you. Mr. Sharp.

9 MR. SHARP: So Your Honor, Mr. Roberts and I talked at the
10 break. And so we reached an agreement that Juror 169 Ms. Sarkett,
11 should be stricken for cause. She's in seat 15.

12 THE COURT: So release Juror 169, Ms. Sarkett with
13 Preliminary Badge number 347.

14 MR. SHARP: Juror 301, Mr. Nelson. He's in seat 20.

15 THE COURT: Is it agreement?

16 MR. SHARP: Yes.

17 MR. ROBERTS: Yes, Your Honor.

18 THE COURT: Thank you.

19 MR. SHARP: And by agreement Juror 311 Mr. Rand, who's
20 in seat 21.

21 THE COURT: So Mr. Ayers, badge number 347 will be in seat
22 15. And then badge number 234 Richard Shelter, will be in seat 20, and
23 badge number 244 Ed Kanet, will be in seat 21.

24 THE MARSHAL: So just to double check Sarkett released.
25 Release Nelson and Rand? And I'm moving Ayers to 15, Shelter to 20,

1 and Kanet to 21?

2 THE COURT: Yes.

3 THE MARSHAL: Okay.

4 THE COURT: So Mr. Sharp, here you go. Is he here?

5 MR. SHARP: I'm sorry, Your Honor. Yes, Your Honor. I'm
6 sorry.

7 THE COURT: That's okay. So are you done with everyone
8 else except for those seats?

9 MR. SHARP: I just have a few questions, and I won't take
10 more than ten minutes for the panel and then however long these three
11 jurors take.

12 THE COURT: Okay.

13 MR. ROBERTS: And Your Honor, just to clarify, I know
14 yesterday we considered just going back to two alternates. Are we -- so
15 the way we're shooting for 22 pass for cause, that would be each side
16 getting one additional strike, two alternates, and then seeing four
17 alternates, is that --

18 THE COURT: No. If we have 22 leftover after cause, you get
19 four peremptory challenges each, and still it's one strike for alternates.

20 MR. ROBERTS: Okay.

21 MR. SHARP: Well, are we doing four alternates, or two?

22 THE COURT: If we have 22 after cause, we'll do four
23 alternates.

24 MR. SHARP: So my understanding of the rules is you get
25 one strike per two alternates.

1 THE COURT: Well, then we would need more people.

2 MR. SHARP: I mean, I'm fine --

3 MR. ROBERTS: That's why I brought it up, Your Honor. Just
4 so we can be clear on this. Because if we do need more people then we
5 might want to know it now so we could continue to voir dire in the next
6 two chairs, but --

7 THE COURT: Are we okay? I'm fine.

8 MR. SHARP: Are you fine by two alternates?

9 MR. ROBERTS: I'm fine with two alternates. We're fine with
10 two alternates, Your Honor.

11 THE COURT: If you're fine with two alternates then we only
12 need 20 people, because you'll each get five strikes; four regulars and
13 one each for the alternate. So with two alternates, 1 through 16 and
14 those chairs will be -- and you each get four peremptory
15 challenges -- actually now -- yeah, 1 through 16.

16 MR. SHARP: That would be 20.

17 THE COURT: 1 through 16 and then 17 through 20 will be the
18 alternate pool, and you each will strike who's sitting in 17 through 20.

19 MR. SHARP: That's fine with us, Your Honor.

20 THE COURT: Are the parties ready for the panel?

21 THE MARSHAL: I just need to line them up. I just was
22 waiting for all this --

23 MR. SHARP: Do you want me to come up before they come
24 in, or --

25 THE COURT: It's up to you.

1 MR. SHARP: Is this up to me? Some judges don't like
2 anybody standing while the jury is coming, so I just wanted to make sure
3 I wasn't breaching any protocol for your department.

4 THE COURT: We're flexible here.

5 MR. SHARP: I can see that.

6 THE COURT: I don't think you'll be in the way. That would
7 be the only issue probably. We're in trial all the time.

8 THE MARSHAL: All rise for the incoming jury.

9 [Jury in at 2:15 p.m.]

10 THE MARSHAL: Are the original ten still here?

11 THE COURT: Yes. Thank you. Counsel, please be seated.
12 Mr. Sharp.

13 MR. SHARP: Thank you, Your Honor.

14 So welcome to the new members of the second round. I'm
15 going to go back to those of you who have just been seated and follow
16 up with questions that you've already been listening to.

17 So Mr. Ayers, first question is your view on lawsuits. Do
18 they serve a purpose, don't really serve a purpose?

19 PROSPECTIVE JUROR 347: Yeah. I'm badge number 347. I
20 think I got to have a sour taste in my mouth with lawsuits just because
21 recently my brother is going through one actually in this same event
22 building. I think they do -- I think people do deserve the right to be
23 asking for something and granted whatever it may be if they're
24 disadvantaged or they got taken advantage of for that matter, but I feel
25 some people kind of go into court with have a different mindset to kind

1 of get -- well, in terms of just like finding that quick penny out of it, but
2 no disrespect to anyone on this panel. It's nothing -- it's more of just a
3 personal thing.

4 MR. SHARP: Yeah. No, I get it. This is not a case that
5 you're -- I mean, this not the right fit for you as a juror. You've
6 made -- you have opinions about lawsuits, and you know --

7 PROSPECTIVE JUROR 347: Yeah. Because my family is still
8 paying for the lawyers that we had to hire. And we were found not
9 guilty, my brother, so thank God, but we're still paying off this.

10 MR. SHARP: It doesn't sound like a nice word, but in this
11 particular case, this type of case you have a bias.

12 PROSPECTIVE JUROR 347: Yeah.

13 MR. SHARP: And it's against Mrs. Eskew that happens to be
14 in this case.

15 PROSPECTIVE JUROR 347: Yeah. Nothing against Ms.
16 Eskew, because she has her points as well.

17 MR. SHARP: Thank you for being honest, and there's not
18 anything I'm going to change about that.

19 PROSPECTIVE JUROR 347: Unfortunately, no.

20 MR. SHARP: Thank you.

21 Mr. Shelter.

22 PROSPECTIVE JUROR 234: Badge number is 234, Richard
23 Shelter.

24 MR. SHARP: And what are your views on lawsuits? Some
25 people say they're good. Some people say they're -- they don't serve

1 any purpose.

2 PROSPECTIVE JUROR 234: I don't know. I agree with both
3 sides, and I have no issues of which one is right or wrong.

4 MR. SHARP: Okay. So anything about those views that
5 could it affect your ability to be fair and impartial in this case?

6 PROSPECTIVE JUROR 234: Not really.

7 MR. SHARP: And so there's a question that I had asked
8 about damages. You remember that where I was talking about 15 to 50
9 million?

10 PROSPECTIVE JUROR 234: Yes.

11 MR. SHARP: Does that amount -- like I can't. No matter the
12 evidence, I'm just not -- that's too much.

13 PROSPECTIVE JUROR 234: Well, it doesn't matter to me at
14 all which way it goes.

15 MR. SHARP: Okay. Thank you.

16 PROSPECTIVE JUROR 234: You're welcome.

17 MR. SHARP: And then I do have some questions, however
18 about your job and it's probably just easier for me to just ask them and
19 look for the right number. What is your job?

20 PROSPECTIVE JUROR 234: I work at Walgreen's, and I am a
21 customer service associate. And it's an all right job, but I don't really like
22 it all.

23 MR. SHARP: How long you've been doing it?

24 PROSPECTIVE JUROR 234: About five years.

25 MR. SHARP: And what kind of job are you looking to get

1 into?

2 PROSPECTIVE JUROR 234: I want to get out of it.

3 MR. SHARP: Well, good for you. I hope you can.

4 PROSPECTIVE JUROR 234: Maybe in a couple of years.

5 MR. SHARP: Thank you for your time, sir.

6 PROSPECTIVE JUROR 234: You're welcome.

7 MR. SHARP: And, Mr. Kanet.

8 PROSPECTIVE JUROR 244: 244.

9 MR. SHARP: Tell us your views about lawsuits. Some say

10 they aren't worth it. They don't serve any productivity in society. Some

11 say they do.

12 PROSPECTIVE JUROR 244: The what? The lawsuits?

13 MR. SHARP: The lawsuits, yeah.

14 PROSPECTIVE JUROR 244: Yes and no. It can go both ways.

15 It really depends on the lawsuit, I guess. But they serve a purpose,

16 obviously, and the purpose is to come to the truth of the matter. But I'm

17 not swayed one way or the other. Every lawsuit is different.

18 MR. SHARP: So you don't have -- I mean, you don't have a

19 strong view one way or the other.

20 PROSPECTIVE JUROR 244: No.

21 MR. SHARP: Okay. And phased -- so nothing about your

22 views about lawsuits should affect your ability to be fair and impartial?

23 PROSPECTIVE JUROR 244: I don't know of anyone, I haven't

24 been the victim or the victor of anything that has gone through the

25 courts, so I'm speaking from no experience, and --

1 MR. SHARP: Sure.

2 PROSPECTIVE JUROR 244: -- any bias that I might have is
3 only from what I learned on television, and, you know, you can't take
4 that with much credibility --

5 MR. SHARP: Okay.

6 PROSPECTIVE JUROR 244: -- as to representing the truth, so.

7 MR. SHARP: So let me follow up on that. When you say
8 bias, that just triggers something in my mind because we're here --

9 PROSPECTIVE JUROR 244: Well, the way you look at
10 something.

11 MR. SHARP: Yeah.

12 PROSPECTIVE JUROR 244: Yeah, we all have them. The
13 tragedy is when you don't realize you have one.

14 MR. SHARP: Sure.

15 PROSPECTIVE JUROR 244: And sometimes we don't realize
16 that we don't have one, but for the most part, I think if you're honest with
17 yourself you can realize -- I mean, I was raised with some biases that I
18 learned very early. I got them from my mother. And I realized that was
19 wrong. And I kind of changed it towards my view of someone from a
20 different race. But I know I inherited some things.

21 I did want to say since I got the mic, I never did serve on a
22 jury one time, but that's not true. When I was going to school, I served
23 like on a moot court or a mock trial for the law school at the school
24 where I was going, and we served there and, you know, couple of hours
25 and all that, and it was pretty interesting. It was a civil suit. And at the

1 results, we've made the verdict. And then afterwards we asked -- all the
2 members of the jury wanted to know what was the answer? And they
3 said, you just gave the answer. You know, what do you mean?

4 This wasn't a trial that happened, this was just kind of made
5 up. And the circumstances and people argued both sides. And you the
6 jury decided what was right. And wow, it hit me like that's a big
7 responsibility. Now, we did a responsible job in that, but we thought
8 there would be an answer, but realizing that this body is coming up with
9 the answer to this question, which is unlike any other question. I mean,
10 it might be similar to other trials, but it's unique. And you have to look it
11 that way.

12 MR. SHARP: So you have to basically look at the facts of a
13 particular case.

14 PROSPECTIVE JUROR 244: Yes.

15 MR. SHARP: And you will be -- if you're on the jury, will be
16 the person judging those facts.

17 PROSPECTIVE JUROR 244: No, that's no problem. But, you
18 know, when the issue came up with a cap and price and all that. You
19 mentioned something like if the court says, here are the rules, and would
20 you follow what the law says? Absolutely.

21 MR. SHARP: Okay.

22 PROSPECTIVE JUROR 244: Yeah.

23 MR. SHARP: Okay. So does the fact that I put out the 15 to
24 50 million, is that something that just rubs you the wrong way? Like,
25 they're just not going to get that much money?

1 PROSPECTIVE JUROR 244: Well, I think most people realize
2 I'm not going to make that much money in my entire life and what I have
3 to do to be deserving of that. However, I haven't heard why that figure
4 was even used. So you know, I hear a lot of fabulous out there facts and
5 it sounds outrageous, but then when you hear the explanation like okay,
6 that makes sense.

7 MR. SHARP: Fair enough.

8 PROSPECTIVE JUROR 244: Yeah.

9 MR. SHARP: So basically, you're saying I haven't made any
10 decisions without hearing the evidence.

11 PROSPECTIVE JUROR 244: I don't think you really can if
12 you're honest with yourself at this point, and that's what I'm saying.
13 Yeah.

14 MR. SHARP: Okay. And you're a professor?

15 PROSPECTIVE JUROR 244: Yes.

16 MR. SHARP: And what are you a professor in?

17 PROSPECTIVE JUROR 244: Graphic communications.

18 MR. SHARP: And how long you've been doing that?

19 PROSPECTIVE JUROR 244: 31 years.

20 MR. SHARP: And so --

21 PROSPECTIVE JUROR 244: At CSN.

22 MR. SHARP: I take it you had to get your doctorate for that,
23 or --

24 PROSPECTIVE JUROR 244: No, you don't need a doctorate.

25 MR. SHARP: Okay.

1 PROSPECTIVE JUROR 244: You have to have master's.
2 MR. SHARP: Master's.
3 PROSPECTIVE JUROR 244: Yeah.
4 MR. SHARP: So what is your professional background that
5 allows you to be a --
6 PROSPECTIVE JUROR 244: Publications, graphics, that's the
7 same field.
8 MR. SHARP: Master's or doctorate?
9 PROSPECTIVE JUROR 244: No, just a master's.
10 MR. SHARP: Okay.
11 PROSPECTIVE JUROR 244: I got an MBA to qualify to get
12 master's to teach at the college.
13 MR. SHARP: And how long --
14 PROSPECTIVE JUROR 244: Over at UNLV.
15 MR. SHARP: Sure. Sure. I didn't mean to interrupt you.
16 PROSPECTIVE JUROR 244: No.
17 MR. SHARP: And how long have you been teaching at
18 college?
19 PROSPECTIVE JUROR 244: Yeah, 31 years at CSN.
20 MR. SHARP: Wow.
21 PROSPECTIVE JUROR 244: Yeah.
22 MR. SHARP: Same class, graphics?
23 PROSPECTIVE JUROR 244: Same area. Uh-huh.
24 MR. SHARP: How many classes do you teach?
25 PROSPECTIVE JUROR 244: The typical five a semester.

1 MR. SHARP: Okay.

2 PROSPECTIVE JUROR 244: Tutor in the summer. Some
3 online, some in person.

4 MR. SHARP: Okay. Thank you.

5 PROSPECTIVE JUROR 244: Uh-huh.

6 MR. SHARP: Your Honor, can I approach?

7 THE COURT: Yes. Mr. Roberts.

8 [Sidebar at 2:26 p.m., ending at 2:26 p.m., not recorded]

9 THE COURT: All right. Badge number 347 Mr. Ayers, you're
10 released. Thank you for your service. Ms. Weide, badge number 358, if
11 you can take his seat.

12 PROSPECTIVE JUROR 358: Okay.

13 THE COURT: Mr. Sharp, go ahead.

14 PROSPECTIVE JUROR 358: Okay. Badge number 358.

15 MR. SHARP: Is it Ms. Weide?

16 PROSPECTIVE JUROR 358: Weide.

17 MR. SHARP: Weide.

18 PROSPECTIVE JUROR 358: It's confusing.

19 MR. SHARP: That's all right. Somebody like me that has a
20 speech impediment, it doesn't really matter.

21 PROSPECTIVE JUROR 358: It's okay.

22 MR. SHARP: So Ms. Weide, we've been talking throughout
23 this afternoon about views on lawsuits. Some people say they don't
24 serve a purpose. Some people say they do. Which way do you lean?

25 PROSPECTIVE JUROR 358: I don't think I have a bias one

1 way or the other. I think it just depends on the circumstances. And I
2 think it depends on the facts, right, and the evidence. So I think just
3 depends on what the case is.

4 MR. SHARP: Okay.

5 PROSPECTIVE JUROR 358: Uh-huh.

6 MR. SHARP: Nothing about what you've heard so far that
7 would affect your ability to be fair and impartial based upon your views
8 on lawsuits?

9 PROSPECTIVE JUROR 358: I don't think so.

10 MR. SHARP: The numbers that we've been talking about, 15
11 to 50 million does that just -- that amount just say there's no way I can
12 award that?

13 PROSPECTIVE JUROR 358: I think it's a lot of money, but I
14 don't think it would change my decision one way or the other.

15 MR. SHARP: Okay.

16 PROSPECTIVE JUROR 358: Yeah.

17 MR. SHARP: But you said -- I mean, obviously that's a lot of
18 money.

19 PROSPECTIVE JUROR 358: Right.

20 MR. SHARP: It's just a question of whether or not you have a
21 preconceived belief that it doesn't matter the evidence, there's no way I
22 can award that.

23 PROSPECTIVE JUROR 358: Huh-uh.

24 MR. SHARP: So the court reporter had asked me to make
25 sure everybody says yes or no.

1 PROSPECTIVE JUROR 358: No.

2 MR. SHARP: And again, and so we're not trying to be rude
3 when we do that, but the court reporter picks up everything audibly.
4 And so nods of head, shaking, Uh-huh, it's difficult for her to pick up. So
5 let me ask you a few questions. You worked as a clinical therapist.

6 PROSPECTIVE JUROR 358: So I work as a mental health
7 therapist right now. It's called Landmark Recovery.

8 MR. SHARP: Uh-huh.

9 PROSPECTIVE JUROR 358: And it's for adults that have
10 substance use and mental health issues.

11 MR. SHARP: Okay.

12 PROSPECTIVE JUROR 358: Uh-huh.

13 MR. SHARP: And you at one point, were you working with
14 inpatient people, or do you continue to work with inpatient --

15 PROSPECTIVE JUROR 358: So they're residential.

16 MR. SHARP: Okay.

17 PROSPECTIVE JUROR 358: Sometimes you drop them down
18 to PHP. And we also have intensive outpatient program too.

19 MR. SHARP: Okay. How long you been doing that?

20 PROSPECTIVE JUROR 358: I've been a therapist for six
21 years, and then I've been here since September.

22 MR. SHARP: And how much education do you have to get to
23 become a therapist?

24 PROSPECTIVE JUROR 358: So I have my master's right now,
25 and then I'm getting my PhD right now in social work.

1 MR. SHARP: Okay. And you made it -- well, let me just ask
2 you this. This case doesn't involve anything to do with mental health
3 issues --

4 PROSPECTIVE JUROR 358: Right.

5 MR. SHARP: -- or addiction. It involves cancer.

6 PROSPECTIVE JUROR 358: Uh-huh.

7 MR. SHARP: Can you be fair and impartial to both sides,
8 given your experience?

9 PROSPECTIVE JUROR 358: Yes.

10 MR. SHARP: No doubt about that?

11 PROSPECTIVE JUROR 358: Uh-huh.

12 MR. SHARP: Okay.

13 PROSPECTIVE JUROR 358: No doubt. Yeah.

14 MR. SHARP: Thank you.

15 PROSPECTIVE JUROR 358: You're welcome.

16 MR. SHARP: And so I have a few more questions. Is
17 anybody within the second row, has anybody been a leader? Or it's
18 sometimes it can be a nonprofit organization? A professional
19 organization? Church? You know, anybody been a leader on a -- for
20 example, a church group or anything like that? Yes, sir? Mr. --

21 PROSPECTIVE JUROR 244: 244. Kanet.

22 MR. SHARP: Mr. Kanet.

23 PROSPECTIVE JUROR 244: I've served in lots of leadership
24 positions in my church.

25 MR. SHARP: And do you mind me asking questions about

1 that?

2 PROSPECTIVE JUROR 244: You can ask whatever you want.

3 MR. SHARP: Okay. So what type of leadership position?

4 PROSPECTIVE JUROR 244: Well, this is for the Church of
5 Jesus Christ of Latter Day Saints.

6 MR. SHARP: Uh-huh.

7 PROSPECTIVE JUROR 244: And elder's quorum president,
8 high priest group. These groups of all the men in the ward, so -- and my
9 wife's been over all the women in that. But over the years, I been in
10 quite a few high leadership positions in the local level. Just at the local
11 unit.

12 MR. SHARP: And what leadership positions within the
13 church? I mean, I know a little bit about the various --

14 PROSPECTIVE JUROR 244: Elders quorum president. High
15 priest group leader.

16 MR. SHARP: Okay.

17 PROSPECTIVE JUROR 244: Yeah.

18 MR. SHARP: So that's pretty important within --

19 PROSPECTIVE JUROR 244: Well, yes, it's very important. It's
20 over all the -- half the ward, half the unit.

21 MR. SHARP: Okay.

22 PROSPECTIVE JUROR 244: Like in Catholic parish, it would
23 be over a ward.

24 MR. SHARP: Yeah. And anybody else had any similar kind
25 of leadership experience? Mr. Jackson?

1 PROSPECTIVE JUROR 183: Well --

2 THE COURT: Badge number?

3 PROSPECTIVE JUROR 183: 183.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR 183: Over a group working with at-
6 risk youth, in the church over the Sunday school department, state
7 Sunday school department. On the job itself, just the leadership role as
8 the station manager.

9 MR. SHARP: Well, sure.

10 PROSPECTIVE JUROR 183: That's pretty much it.

11 MR. SHARP: Yeah. And my question -- because I know
12 some of you within this row do you supervise people, and my question
13 was only non -- or you know, volunteer type stuff.

14 PROSPECTIVE JUROR 183: Right.

15 MR. SHARP: And you worked at your church?

16 PROSPECTIVE JUROR 183: Yes.

17 MR. SHARP: And do you mind me asking a little bit about
18 that?

19 PROSPECTIVE JUROR 183: Well, being over the Sunday
20 school department, the state Sunday school department, pretty much
21 any conventions, putting the study material together. Working with the
22 teachers. I actually preached for a while minister -- Minister's license.

23 MR. SHARP: Do you mind me asking what denomination or
24 what church you were a minister for?

25 PROSPECTIVE JUROR 183: I came up in Church of God in

1 Christ, but right now it's nondenominational.

2 MR. SHARP: Uh-huh.

3 PROSPECTIVE JUROR 183: Right.

4 MR. SHARP: Nice. And I know that, ma'am, your husband,
5 right, is Ms. Mullins --

6 THE MARSHAL: Badge number and name.

7 PROSPECTIVE JUROR 291: 291.

8 MR. SHARP: Okay. Your husband's a pastor?

9 PROSPECTIVE JUROR 183: He is.

10 MR. SHARP: And is it a particular denomination?

11 PROSPECTIVE JUROR 183: Yeah. We're Independent
12 Baptist.

13 MR. SHARP: Okay. And do you hold any leadership roles in
14 the church?

15 PROSPECTIVE JUROR 183: I do. I'm over the ladies'
16 ministries, over the kids' ministries. I've done it all in the church but
17 preach. My husband won't let me do that. No, I'm just kidding. But
18 yeah.

19 MR. SHARP: Anybody else have any similar experiences?
20 Okay, thank you. So there's a couple things. I'm just getting ready to
21 finish up. And I won't be -- after this, I won't be talking to you as a
22 group. And if you're lucky enough to be on this jury, you'll -- you won't
23 talk to any lawyers as the judge has instructed. So one of the things I
24 just want to make sure is does everybody agree -- I mean, Mrs. Eskew
25 has the right to bring this lawsuit. And does everybody agree just

1 because she a right to bring it doesn't mean she's right. I mean, she's
2 got to prove the evidence. Does everybody agree with that generally?

3 PROSPECTIVE JURORS: Yes.

4 MR. SHARP: And so the reverse same thing. So the defense
5 has a right to bring a defense. But just because they're here in court
6 defending the case, everybody agree that doesn't just mean that they're
7 right. They have to prove their defenses with evidence. Everybody kind
8 of agree with those two concepts?

9 And I hope that the purpose of voir dire is to get information.
10 So I hope I was doing that. I wasn't advocating for my client. This is not
11 the time you'll hear us if you're on this jury. But one of the things that
12 kind of sometimes just worries me, and I want to make sure you
13 understand my concern. Is that usually in these kinds of cases, the
14 Plaintiff, Sandy Eskew, Sandra Eskew, she goes first. And defense,
15 Sierra Health and Life, they go second. So there's a benefit to going first
16 in terms of like what people call primacy. And what I'm asking is you
17 make sure that you won't use that, the primacy aspect against Sierra
18 Health and Life. Do you agree to do that? Don't make decision until the
19 evidence comes in?

20 So the reverse is also true. Because there's a concept of
21 recency. So when the defense gets up, they're more recent in time. And
22 so I'm just asking you to commit as well, that you won't make any
23 decision till you hear all of the evidence. Is that fair? Okay. Thank you
24 very much for your time. Your Honor.

25 MR. SHARP: Thank you, Mr. Sharp.

1 Mr. Roberts.

2 MR. ROBERTS: Thank you, Your Honor. How long would
3 you like me to shoot for going here in this first session, Your Honor?
4 When is my next break, is what I was wondering from the clock, just so I
5 can try to time it a little bit. I'll play it by ear.

6 THE COURT: Maybe another hour.

7 MR. ROBERTS: Okay. Very good. Hello again, everyone.
8 I'm Lee Roberts one of the attorneys representing Sierra Health and Life.
9 And I'd like to talk to you now about some of the same things that
10 Plaintiff's counsel discussed with you, except try to explore things from
11 our point of view to see if you're the right fit for this case.

12 The one thing I want to start out by doing is thanking all of
13 you, including the group that's come back and sitting through this this
14 afternoon, for giving us so much your time. We really do appreciate it
15 because just to echo what the Court and Plaintiff's counsel have said, we
16 can't do it without you. This is how we resolve our disputes in our
17 system. I think it's the best way to resolve things that anyone has in the
18 world.

19 One thing that the Court said yesterday that struck me, and I
20 don't think the Court mentioned it again today. But as she was thanking
21 everyone and explaining the importance of this process, she mentioned
22 jury service and government of the people and by the people, which is
23 really what this is. And I wanted to bring that up again in case the new
24 group didn't hear that because that is exactly what your service is about.

25 One of the primary roles of government is to administer

1 justice between its citizens, and under the American system it's the jury
2 that ultimately gets to do that. And the Gettysburg Address, Abraham
3 Lincoln, November 1863, that's where that phrase came from, that
4 government of the people, by the people, for the people shall not perish
5 from the earth. And it's a great phrase, that was less than a year before
6 Nevada joined the union and put jury -- the right to trial by jury in our
7 state constitution. So this is the foundation of how our system works.
8 And we can't do it without you.

9 And the other thing that makes it work is this process where
10 you're honest with us, because the justice system can't work unless
11 everyone is really starting from a clean slate. If anyone's already hoping
12 someone's going to win, if anyone is already having negative feelings
13 toward one of the parties, or one of the claims, then now is the time to
14 tell us, so that both sides get that fair jury that they're entitled to. And
15 this process is called voir dire. And this goes all the way back to old
16 French, but it basically means to say the truth. Because that was so
17 important, that oath that you took in the beginning to share your feelings
18 with us, truthfully. It's so important, that's what the process is named
19 for.

20 So please be open with me, please share with me. And it
21 doesn't matter which side you're leaning toward or which side you're
22 biased against, I want to know. Because that's what we're -- both sides
23 are entitled to hear, is really a jury who not only thinks they can be fair
24 and hopes they can be fair, but is not already having feelings before
25 they've heard the evidence. Is that fair enough?

1 What I'd like to start out doing is to talk with you one-by-one,
2 about a couple of different issues just to get your feelings and thoughts
3 on them. And one of those issues is what you think about the American
4 healthcare system. Some people think that, oh my gosh, you know, the
5 American system is the best in the world. We have the best quality
6 health care in the world. And there are other folks who think, you know,
7 our system is broken. That medical care is a basic human right, and that
8 our system isn't fair the way it distributes healthcare in our society. And
9 different people have formed feelings about insurance companies and
10 their role in that system. And that's something that we'd like to know
11 about in order to try to help determine if you're the right fit for this case.

12 So let me start back with Ms. Vegas, badge number 284.
13 Where do you come down on that?

14 PROSPECTIVE JUROR 284: I'm Juror 284. Arlette Vegas.
15 For healthcare, you said?

16 MR. ROBERTS: Yes. What do you think about our health
17 care system, and the way that we have to go about getting health care in
18 America?

19 PROSPECTIVE JUROR 284: Well, we have to work really hard
20 to get the proper health care if you have children to support. Some
21 people don't have the means to make good money to get good health
22 care. They have to apply for Medicaid or the government -- what the
23 government gives. But can you hear me?

24 MR. ROBERTS: You're a little bit low, ma'am. If you could
25 maybe move the microphone up?

1 PROSPECTIVE JUROR 284: I'm too low? Can you hear me
2 now? Now, I'm too high.

3 MR. ROBERTS: Right in between.

4 PROSPECTIVE JUROR 284: Is that good?

5 MR. ROBERTS: Yes.

6 PROSPECTIVE JUROR 284: Okay. I just believe we have to
7 work for a living and take care of our families properly, to make sure we
8 have all the medical benefits that we need.

9 MR. ROBERTS: What do you think about this concept that
10 under a contract of insurance, someone might have to ask the insurance
11 company to approve a certain type of treatment? How are you -- that
12 concept in general, how do you feel about that? Do you think that's fair?

13 PROSPECTIVE JUROR 284: I do. There are insurance
14 companies that have -- like say for instance, if you break your arm, and
15 then the insurance company doesn't pay for a partial of it, then it comes
16 out of your pocket. I don't know. Yeah.

17 MR. ROBERTS: One other thing that I want to talk to you as
18 long as you have the mic to try to move more efficiently, is one other
19 area, and that's how you feel about corporations. And some folks think
20 that corporations put profit over safety, put profits over people. That
21 they would act unethically to increase their profits. Other people think
22 that, you know, capitalism is great, and what makes our economy thrive.
23 How do you feel about that?

24 PROSPECTIVE JUROR 284: Well, for me, it's just about how
25 much money you're going to be paying out every month. That's how I

1 look at it.

2 MR. ROBERTS: When you were talking with Mr. Sharp.

3 PROSPECTIVE JUROR 284: Yeah.

4 MR. ROBERTS: One of the things you said is, you know,
5 tragedy can be very difficult and make it difficult to be completely fair.
6 Did I capture that about right?

7 PROSPECTIVE JUROR 284: You did. Yes.

8 MR. ROBERTS: And I assume what you were saying is that
9 it's hard not to empathize and feel sympathy for someone who's had
10 tragedy in their life.

11 PROSPECTIVE JUROR 284: Right. Exactly.

12 MR. ROBERTS: And what they've gone through.

13 PROSPECTIVE JUROR 284: Yes.

14 MR. ROBERTS: And with what her husband obviously went
15 through.

16 PROSPECTIVE JUROR 284: Right.

17 MR. ROBERTS: We're not disputing that he went through
18 pain and suffering before he died.

19 PROSPECTIVE JUROR 284: Right.

20 MR. ROBERTS: Were you saying that can make it hard to be
21 fair and to put those things out of your mind?

22 PROSPECTIVE JUROR 284: I wouldn't say that it would be
23 hard to put it out of my mind. I would say I would want to be fair to both
24 parties, you know, to an instant of what the evidence is and what's
25 correct. You know, there could be something that would be said that I

1 wouldn't agree with, but I would want to be fair.

2 MR. ROBERTS: And do you think you can do that? Do you
3 think you can set aside the sympathy that you may feel for the family
4 that's suing here and decide the case based on the facts and the law?

5 PROSPECTIVE JUROR 284: Yeah, I think so. I would try my
6 best to my knowledge.

7 MR. ROBERTS: One of the things that, you know, the jury is
8 going to do here, and we talked about the oath that you took already --

9 PROSPECTIVE JUROR 284: Yes.

10 MR. ROBERTS: -- to speak the truth today, to be honest with
11 us.

12 PROSPECTIVE JUROR 284: Yes.

13 MR. ROBERTS: If you're selected you'll take another oath,
14 and that oath includes following the law as the judge gives you, and to
15 decide the case based on the law of Nevada and not what you think the
16 law should be.

17 PROSPECTIVE JUROR 284: Right.

18 MR. ROBERTS: Can you do that?

19 PROSPECTIVE JUROR 284: Oh, yes. Definitely.

20 MR. ROBERTS: And I'll come back to this, but is there
21 anyone here who maybe has trouble following the rules or thinks that
22 maybe they might have trouble following the law as the judge tells you
23 about this case? Everyone here can agree to do that?

24 All right. Marshal -- thank you very much, Ms. Vegas.

25 PROSPECTIVE JUROR 284: Sure.

1 THE MARSHAL: I need to change the battery real quick in the
2 mic.

3 MR. ROBERTS: Okay. And then we'll go to Ms. McGill, right?
4 Okay. It used to be easy. Yesterday the badge numbers were all in a
5 row, and now it's all back and forth.

6 THE MARSHAL: Would you want to start right here?

7 MR. ROBERTS: Yes, please. Thank you, Marshal. All right.
8 Ms. McGill, badge 150.

9 PROSPECTIVE JUROR 150: Yes, badge 150.

10 MR. ROBERTS: So where do you come down on the
11 American system of distributed medical care?

12 PROSPECTIVE JUROR 150: I mean, you work for medical
13 care. I mean, I've always had medical care, good medical care, so -- but
14 you have to work to get it. I believe in it, if that's what you want to know.

15 MR. ROBERTS: Are you okay with the fact that under our
16 system, medical care is provided often through insurance companies
17 that have profit, to make profit?

18 PROSPECTIVE JUROR 150: Yeah, everybody -- yes.
19 Everybody works to make a profit of some sort. But yeah. I mean, I have
20 a husband who is Type 1 diabetic, so I -- and I probably should have
21 mentioned that earlier. But he is Type 1 diabetic and has been since he
22 was seven years of age, so 40 something years. So yeah. And I
23 provide -- through my job I provide really good insurance so that he's
24 able to get the medications he needs to stay alive basically. So yeah.
25 And I've -- he's not ever been denied or with -- for whatever he needs,

1 and I've never had any type of situation where he's, you know, not been
2 able to get his medication or been denied or anything, nor myself.

3 MR. ROBERTS: What about corporations?

4 PROSPECTIVE JUROR 150: What about --

5 MR. ROBERTS: You have anything against corporations in
6 general?

7 PROSPECTIVE JUROR 150: No.

8 MR. ROBERTS: You can treat a corporation the same way
9 you can treat an individual under law?

10 PROSPECTIVE JUROR 150: Sure.

11 MR. ROBERTS: Give it the same equal treatment?

12 PROSPECTIVE JUROR 150: Absolutely. Uh-huh.

13 MR. ROBERTS: What about decision making? Do you -- are
14 you an emotional decision maker, or would you say you're more
15 intellectual, careful decision maker?

16 PROSPECTIVE JUROR 150: Careful. I to have to be in my job
17 to be careful. Especially with managing people, numerous people. I
18 have to set the emotions aside because they can be very emotional
19 sometimes. And I have to get all the facts before I can make any
20 decisions.

21 MR. ROBERTS: And did I hear you say that you manage four
22 different states?

23 PROSPECTIVE JUROR 150: Yeah. I manage -- it's here I
24 manage two stores here in Vegas. A store in Albuquerque, Colorado,
25 and Phoenix, Arizona.

1 MR. ROBERTS: And would you consider yourself a leader in
2 your job role?
3 PROSPECTIVE JUROR 150: Yes. Uh-huh.
4 MR. ROBERTS: Yes.
5 PROSPECTIVE JUROR 150: Yeah.
6 MR. ROBERTS: And does that carry over into personal role?
7 PROSPECTIVE JUROR 150: Sort of. He knows my husband,
8 but yeah, sort of.
9 MR. ROBERTS: Who usually gets their way if you and your
10 husband --
11 PROSPECTIVE JUROR 150: Well, I do.
12 MR. ROBERTS: -- had to disagree?
13 PROSPECTIVE JUROR 150: I do. But you can ask him.
14 MR. ROBERTS: Thanks very much for sharing with me.
15 PROSPECTIVE JUROR 150: You're welcome.
16 MR. ROBERTS: Thank you, Ms. McGill.
17 PROSPECTIVE JUROR 150: You're welcome.
18 MR. ROBERTS: And Ms. Rodolfo?
19 PROSPECTIVE JUROR 161: Yes.
20 THE COURT: Badge number?
21 THE MARSHAL: Badge number?
22 PROSPECTIVE JUROR 161: Oh, 161.
23 THE COURT: Thank you.
24 MR. ROBERTS: Thanks. Tell us about your views of the
25 American medical system. Do you think it's fair or unfair?

1 PROSPECTIVE JUROR 161: I do think it's fair. Everybody has
2 to work for it, definitely. But I guess some people just have to work
3 harder for it, I guess.

4 MR. ROBERTS: Do you have any problem with the fact that
5 under certain insurance company agreements, the insurance company
6 gets to authorize treatment or deny treatment as far as reimbursement
7 goes?

8 PROSPECTIVE JUROR 161: No. Personally, I haven't had
9 any problems with that, or have known anyone that had problems with
10 that, so no.

11 MR. ROBERTS: How do you feel about corporations?

12 PROSPECTIVE JUROR 161: They're good. I don't know what
13 do you mean by that.

14 MR. ROBERTS: Do you think they're generally unethical?

15 PROSPECTIVE JUROR 161: No. I mean, personally, I don't
16 have really much of an experience with them, so --

17 MR. ROBERTS: You know, it was over 100 years ago, one of
18 our presidents said the biggest problem in America is corporations. And
19 there's still a lot of people who feel that way. And there's some people
20 who don't, and that's just one of the things we're trying to learn. Tell us
21 about your decision making. Are you a quick decision maker? Do you
22 take a long time? Are you emotional? Intellectual?

23 PROSPECTIVE JUROR 161: I definitely take a long time to
24 make my decisions before anything. I don't really want to involve my
25 emotions into any of my decisions, so --

1 MR. ROBERTS: Tell me why you decided that you want to go
2 into radiography?

3 PROSPECTIVE JUROR 161: One of the reasons why is
4 because I honestly just wanted to get into the medical field just to help
5 more people around I guess. I don't want to become a nurse, so. That's
6 what my mom wants me to be, so.

7 MR. ROBERTS: So I know you mentioned that the National
8 Guard and --

9 PROSPECTIVE JUROR 161: Uh-huh.

10 MR. ROBERTS: -- you talked to Mr. Sharp about it. And the
11 fact that you're like a first responder EMT equivalent to National Guard?

12 PROSPECTIVE JUROR 161: Yeah, pretty much. Yes.

13 MR. ROBERTS: And just curious do you mainly just train, or
14 have you been needed in the field to actually provide medical care?

15 PROSPECTIVE JUROR 161: For now it's just training. Yeah.
16 Hopefully, yeah.

17 MR. ROBERTS: And was the National Guard the one who did
18 the training out at the speedway? No?

19 PROSPECTIVE JUROR 161: No.

20 MR. ROBERTS: Okay.

21 PROSPECTIVE JUROR 161: I don't believe so. I wasn't there,
22 so.

23 MR. ROBERTS: Yeah. That may have been the air force
24 base.

25 PROSPECTIVE JUROR 161: Yeah, probably.

1 MR. ROBERTS: Thanks very much.
2 PROSPECTIVE JUROR 161: Okay.
3 MR. ROBERTS: Could you pass the microphone?
4 PROSPECTIVE JUROR 161: Yeah, of course.
5 MR. ROBERTS: Right next door to Ms. Mullins.
6 PROSPECTIVE JUROR 291: I'm 291.
7 MR. ROBERTS: So I'm curious with the accent and the Chick-
8 -fil-A owner, are you from Hapeville or somewhere within about 60 miles
9 of there?
10 PROSPECTIVE JUROR 291: I have my moments.
11 MR. ROBERTS: That's the first Chick-fil-A restaurant back in
12 Georgia.
13 PROSPECTIVE JUROR 291: Yeah.
14 MR. ROBERTS: So tell me about how you feel about the
15 American medical system?
16 PROSPECTIVE JUROR 291: Geez, it's probably one of the
17 biggest rackets in the country.
18 MR. ROBERTS: And tell me why you think that?
19 PROSPECTIVE JUROR 291: Oh because everything's way too
20 expensive. I mean, you go to ER they send you a \$15,000 bill and you
21 were in there for two hours. And I know you have to pay for equipment,
22 but some of that stuff is absolutely ridiculous. Yes. People work for their
23 insurance, but also as a company I know what I have to pay for my
24 employees to get the insurance. Due to the affordable care act I pay tons
25 of money for my people to have insurance. Some people go for a

1 hangnail, some people go because they actually need to go, but like I
2 said to me it's one of the biggest rackets in the country.

3 MR. ROBERTS: And assuming that, you know, you believe
4 that healthcare is overpriced --

5 PROSPECTIVE JUROR 291: It is.

6 MR. ROBERTS: -- who do you blame that for, is it the doctors
7 and the hospitals and the facilities --

8 PROSPECTIVE JUROR 291: Well, I believe --

9 MR. ROBERTS: -- is it the insurance companies or is it a
10 combination?

11 PROSPECTIVE JUROR 291: I think it's a combination. But I
12 think it's also to people taking advantage of the system. There's -- I
13 know doctors, you know, they go to school, they get their education and
14 I'm paying for that. Well, they didn't pay for me to go to school, so
15 they're not helping me any. So I don't think I have to turn around and
16 pay \$15,000 to go to the emergency room because I didn't leave the
17 hospital with any drugs because I don't like them.

18 But, you know, \$15,000 bill, the insurance paid 12,000 and
19 I'm still stuck with a \$3,000 bill. So you know, why? I have no idea. But
20 been working in the insurance for over 12 years at the university, I've
21 seen a lot of stuff come in that I didn't understand. A lot of it is charges
22 because they tack it on. You've got the nurses and the doctors and yes.
23 They have to paid, but then there are tons of people who don't have
24 health insurance and they come in and the people who have the health
25 insurance are kind of getting the raw end of the deal to pay for those that

1 don't have health insurance due to whatever reason good or bad.

2 MR. ROBERTS: You brought up the insurance program at
3 the University of Utah, right?

4 PROSPECTIVE JUROR 291: Yes.

5 MR. ROBERTS: That you helped to administer?

6 PROSPECTIVE JUROR 291: Yes.

7 MR. ROBERTS: You mentioned 250,000 as they -- you would
8 pay the medical bills up to 250,000 --

9 PROSPECTIVE JUROR 291: Right. And then reinsurance
10 kicked in after that.

11 MR. ROBERTS: Was that per insured member or --

12 PROSPECTIVE JUROR 291: Yes.

13 MR. ROBERTS: Okay.

14 PROSPECTIVE JUROR 291: Yes.

15 MR. ROBERTS: For 60,000 people?

16 PROSPECTIVE JUROR 291: Yes.

17 MR. ROBERTS: Okay.

18 PROSPECTIVE JUROR 291: Yes.

19 MR. ROBERTS: One of the things that you mentioned maybe
20 off hand was that, you know, sometimes insurance companies will deny
21 things three times before they approve it.

22 PROSPECTIVE JUROR 291: They do.

23 MR. ROBERTS: And is that based on your personal
24 experience?

25 PROSPECTIVE JUROR 291: Yes. And also people working at

1 the university would call me and say, hey, they denied my claim. And I'd
2 say, claim it again, file it again. And then it never failed about the third
3 time they filed it the insurance claim was paid. And something that's
4 due to clerical error, encoding was wrong, the wrong -- they didn't know
5 what they were doing and a lot of it is due to that. But yeah. A lot of it, it
6 usually takes three times before the insurance company would pay the
7 claims.

8 MR. ROBERTS: And how did that make you feel about
9 insurance companies when you encountered that?

10 PROSPECTIVE JUROR 291: They suck.

11 MR. ROBERTS: So I'm assuming that -- so you know what
12 my next question's going to be, right?

13 PROSPECTIVE JUROR 291: Sure.

14 MR. ROBERTS: So if insurance companies suck and my
15 client is an insurance company, are we really starting at the same line as
16 the Plaintiff?

17 PROSPECTIVE JUROR 291: Absolutely because I give people
18 the benefit of the doubt. I'm not one to make quick decisions because
19 I've always had a job where I have to sit back and have all the facts.
20 Does it make me mad sometimes that people have the advantage?
21 Sometimes they have a better lawyer, sometimes they have better
22 evidence. But I think I'd give everybody the fair benefit of the doubt of
23 saying, okay.

24 You know what -- you show me what you got, let the other
25 side show me what you got and then I'll make a decision from that.

1 Regardless of what my personal belief is because being a very ultra
2 conservative person 95 percent of the people aren't going to agree with
3 me and I don't care if they agree with me because I'm right. But once I
4 hear the facts, I give them that chance to prove -- what have you got,
5 show me what you got and then that's when I go from there. Not my
6 personal opinion.

7 MR. ROBERTS: Okay. So even though you probably think
8 my client sucks right along with all the other insurance companies, you
9 can kind of set that aside and --

10 PROSPECTIVE JUROR 291: I can.

11 MR. ROBERTS: -- let us start at the beginning?

12 PROSPECTIVE JUROR 291: Yeah. Because you're not
13 change. So I look at it like when you come to the table show me what
14 you got. It doesn't -- just because I believe that doesn't mean you're
15 wrong or I'm wrong, or your right or I'm right. It's just show me what
16 you got and that's personal opinion. And I'm able to have my personal
17 opinion, I just happen to be one vocal enough to say it.

18 MR. ROBERTS: Are you open to the fact that sometimes
19 insurance companies deny things that should be denied under the
20 insurance contract --

21 PROSPECTIVE JUROR 291: Absolutely because they are,
22 some of them are that need to be denied. Sometimes I think on the
23 insurance where they deny some claims, you know, they -- you know,
24 you give us a manual for insurance that's 500 pages, but you give me a
25 handbook that's 12. And so I see one the back page, you know, see

1 further -- if you have further questions see, you know, page 9,821 section
2 IIAABBO. But if you look at it and say, okay. I'm going to call my rep
3 and say, okay. Tell me what you pay for this. And I know up front then I
4 know what you're going to pay. And it also says what you're going to
5 deny. Sometimes I think people just don't understand the process
6 enough to what people need to know if they're going to file a claim for,
7 hey, I need this paid.

8 THE CLERK: Really quick, someone's phone keeps ringing.
9 Can you make sure all of your phones are on silent, please? Thank you.

10 MR. ROBERTS: You work for I guess someone who's
11 franchised from a big corporation, right?

12 PROSPECTIVE JUROR 291: Yes.

13 MR. ROBERTS: And how do you feel about corporations?
14 Do they operate ethically in your opinion or do most operate unethically?

15 PROSPECTIVE JUROR 291: No. I think most of them
16 operate ethically. Sometimes I think you have bad apple in every bunch
17 no matter what you work for, whether it's a good company or a bad
18 company. But I think most people truly try to go out and do a good job.
19 I think sometimes insurance companies get a bad rep because, you
20 know, they want to make a buck and I'm absolutely okay with that until it
21 interferes with me getting the health that I need or the surgery that I
22 need for you to make a buck, I come before you do, so.

23 MR. ROBERTS: What about the comment you made about
24 your son, and I believe he was initially denied or ultimately denied --

25 PROSPECTIVE JUROR 291: Right. When he was younger.

1 MR. ROBERTS: -- preapproval for asthma treatment when he
2 was younger?

3 PROSPECTIVE JUROR 291: Yeah, he was. Yeah.

4 MR. ROBERTS: And this --

5 PROSPECTIVE JUROR 291: We couldn't get life insurance
6 because he had asthma. Yeah.

7 MR. ROBERTS: And this was one of your children who now
8 owns a franchise?

9 PROSPECTIVE JUROR 291: Yes.

10 MR. ROBERTS: And was that a bad experience for you?

11 PROSPECTIVE JUROR 291: You don't know, because they
12 just said -- basically they said, you know what if he dies he's too little
13 we're not going to pay for it. They didn't quite say it that way, but that's
14 the way that I took it. So I just went out and got it with another
15 company.

16 MR. ROBERTS: And that was a life insurance company --

17 PROSPECTIVE JUROR 291: Life insurance, right.

18 MR. ROBERTS: -- not a health insurance --

19 PROSPECTIVE JUROR 291: Right.

20 MR. ROBERTS: -- company?

21 PROSPECTIVE JUROR 291: Right.

22 MR. ROBERTS: And your family has had people diagnosed
23 with cancer?

24 PROSPECTIVE JUROR 291: Yes, they have.

25 MR. ROBERTS: And some have received radiation

1 treatment?

2 PROSPECTIVE JUROR 291: They have.

3 MR. ROBERTS: Did you observe any effects of the radiation
4 treatment with your family members?

5 PROSPECTIVE JUROR 291: No. I didn't even know they had
6 cancer until they had already passed. I did not know it at all.

7 MR. ROBERTS: Okay. Anything about the cancer in your
8 family that might makes this emotional for you or --

9 PROSPECTIVE JUROR 291: No. Because again it's all about
10 the facts. When you look at it, yes. You know, that person is devastated,
11 she's lost a family member. But there are issues that are going to come
12 up to explain why these issues came up and it's your job and his job to
13 convince me why I should go with either side. So right now it's a blank
14 slate, you're both starting on the starting line and I'm going to see who
15 finishes with the checkered flag.

16 MR. ROBERTS: So you brought up you're going to listen to
17 both sides and one thing I'm going to comment on that Mr. Sharp said
18 right there at the end that we have the burden of proving our defenses.
19 The Judge is going to explain this to you at the end of the case, but as a
20 general rule the defense doesn't have the burden of proof. We can just
21 sit in our chair and do nothing and if they don't prove their case then you
22 can't award a verdict in their favor.

23 But there's certain things called affirmative defenses, which
24 mean even if what they say is true we still win because of this. And
25 there may be some affirmative defenses in the case. But when we're just

1 talking about defending the case, meaning they can't prove their case, is
2 everyone okay with the fact that we don't have a burden of proving our
3 defenses other than the specific affirmative defense the Court may tell
4 you about?

5 Some folks in cases like this say, well if you denied
6 something you ought to have to prove that what you did was right. And
7 is everyone okay with the Judge maybe tell you that's the way it is here
8 in the courtroom? Anyone disagree with that idea?

9 Let's pass the mic down. Ms. Weide?

10 PROSPECTIVE JUROR 358: Uh-huh. 358.

11 MR. ROBERTS: Okay. Thank you. Let's talk about the
12 medical system here in America. What do you think about it?

13 PROSPECTIVE JUROR 358: I think it's a double edge sword.
14 I think it's probably more of a systemic issue that's not going to get
15 changed overnight. Just because sometimes I do see with my own
16 clients, right, even in the clinical field where they will get denied
17 probably the treatment that they -- you know, they deserve because they
18 don't have -- they can't afford insurance, right.

19 However, I do understand -- I mean, I've never been denied,
20 so I don't have any, you know, personal experiences with it. I do
21 understand it's one of those things where we work and sometimes you
22 have to work for it and you get insurance, but I also think sometimes it's
23 difficult, right, for people to have those jobs that can get them insurance.

24 MR. ROBERTS: Now one of the things I recall you saying is --

25 PROSPECTIVE JUROR 358: Uh-huh.

1 MR. ROBERTS: -- is you're a therapist at a rehabilitation
2 center?

3 PROSPECTIVE JUROR 358: Yes.

4 MR. ROBERTS: And you mentioned that sometimes you see
5 people who are denied coverage for the residential care that -- is this
6 denied coverage for residential care you've recommended and think they
7 need?

8 PROSPECTIVE JUROR 358: Right. So sometimes we as
9 therapists will have to the utilization reviews and so a lot of our reviews
10 will go peer to peer. We have to do what's called a SANS and that's
11 basically to justify the level of care that we believe our patients need. So
12 sometimes we do have the insurance companies call us and then
13 basically from a clinical prospective have to justify why they should be at
14 that level of care.

15 MR. ROBERTS: Okay. And sometimes insurance companies
16 have disagreed with your recommendation?

17 PROSPECTIVE JUROR 358: Yes. Which I understand it's part
18 of the job, so.

19 MR. ROBERTS: Is there anything about that that would make
20 this case difficult for you, that would make you favor the --

21 PROSPECTIVE JUROR 358: I don't think so. And I get
22 sometimes -- I mean, it just happens that way, sometimes they just get
23 reduced to a lower level or whatever it is. But it's just part of the job, so.

24 MR. ROBERTS: So they may disapprove one level of care but
25 approve --

1 PROSPECTIVE JUROR 358: Yes.
2 MR. ROBERTS: -- a different level?
3 PROSPECTIVE JUROR 358: Uh-huh.
4 MR. ROBERTS: To the best of your recollection have you
5 ever been involved in a denial by Sierra Health and Life?
6 PROSPECTIVE JUROR 358: Not that I know of.
7 MR. ROBERTS: Okay. So nothing about that experience that
8 would cause you to --
9 PROSPECTIVE JUROR 358: No.
10 MR. ROBERTS: -- to hold that against us?
11 PROSPECTIVE JUROR 358: No.
12 MR. ROBERTS: Okay. Good. How do you feel about
13 corporations, ethical, unethical, too profit driven?
14 PROSPECTIVE JUROR 358: I think I feel indifferent one way
15 or the other. I think -- I mean, you can have nonprofits and you can have,
16 you know, small agencies and things like that that can be unethical. So I
17 think it just depends on the circumstance and probably the corporation
18 and how they run it, so.
19 MR. ROBERTS: Okay. So it's all about the people making
20 good decisions?
21 PROSPECTIVE JUROR 358: I guess so.
22 MR. ROBERTS: So is your master's degree in therapy?
23 PROSPECTIVE JUROR 358: It's in social work.
24 MR. ROBERTS: Social work?
25 PROSPECTIVE JUROR 358: Uh-huh.

1 MR. ROBERTS: And born and raised, where did you go to
2 high school?

3 PROSPECTIVE JUROR 358: Faith Lutheran.

4 MR. ROBERTS: Right there in Summerlin?

5 PROSPECTIVE JUROR 358: Yeah.

6 MR. ROBERTS: Yeah. All right. Thank you, Ms. Weide.

7 PROSPECTIVE JUROR 358: Uh-huh.

8 MR. ROBERTS: I appreciate it. Right. And do you prefer to
9 go by Ms. Paulsen?

10 PROSPECTIVE JUROR 323: Wall.

11 MR. ROBERTS: Paulsen-Wall or just --

12 PROSPECTIVE JUROR 323: Just Wall.

13 MR. ROBERTS: Just wall?

14 PROSPECTIVE JUROR 323: Preferably, yeah.

15 MR. ROBERTS: Okay.

16 THE CLERK: Your badge number.

17 MR. ROBERTS: The dash is there, so.

18 PROSPECTIVE JUROR 323: 323.

19 THE CLERK: Thank you.

20 PROSPECTIVE JUROR 323: Sorry.

21 MR. ROBERTS: Okay. Let's talk about the American health
22 care system, Ms. Wall. What do you think?

23 PROSPECTIVE JUROR 323: I think I pay an awful lot a month
24 for our health insurance. And the doctor that my child had the surgery
25 from, when we he did a follow up surgery or a follow up for the surgery,

1 we had insurances and he's like, I've never even heard of these. He
2 goes, I take almost ever -- he said he takes like all the insurance
3 companies and he's like, I never even heard of this one. That was
4 disturbing, so I had to pay cash for that one.

5 MR. ROBERTS: Was that your employer who switched --

6 PROSPECTIVE JUROR 323: Yeah.

7 MR. ROBERTS: -- companies?

8 PROSPECTIVE JUROR 323: Yeah, that's why.

9 MR. ROBERTS: Okay.

10 PROSPECTIVE JUROR 323: Uh-huh.

11 MR. ROBERTS: Who -- is your -- your employer is it the
12 Marriot or --

13 PROSPECTIVE JUROR 323: Yeah.

14 MR. ROBERTS: -- is it the franchise?

15 PROSPECTIVE JUROR 323: It's the Marriot.

16 MR. ROBERTS: Okay.

17 PROSPECTIVE JUROR 323: Yeah.

18 MR. ROBERTS: And that sound like it was a tough
19 experience for you to learn that?

20 PROSPECTIVE JUROR 323: Yeah. Yeah, it was. It's
21 frustrating.

22 MR. ROBERTS: And when you say you paid a lot, what I
23 really heard is I pay too much?

24 PROSPECTIVE JUROR 323: It seems like too much for me.

25 MR. ROBERTS: Do you find fault with anyone for that, is it

1 the medical care providers, is it the insurance companies, is it someone
2 else? Whose --

3 PROSPECTIVE JUROR 323: I don't know.

4 MR. ROBERTS: -- fault is it that it's so expensive?

5 PROSPECTIVE JUROR 323: I want to say more the insurance
6 companies I believe.

7 MR. ROBERTS: And why do you feel that way?

8 PROSPECTIVE JUROR 323: I don't know how much the
9 doctors have to do with it, but I don't know too much about it though.

10 MR. ROBERTS: Premiums are high and --

11 PROSPECTIVE JUROR 323: Yeah.

12 MR. ROBERTS: -- not enough is covered?

13 PROSPECTIVE JUROR 323: Yeah. I feel like that, yeah. One
14 time I took my other son to the emergency room, he was like had hives
15 and he was just swelling up all over and I thought it was going to be
16 covered and then they told me it wasn't by like -- you know, I had to pay
17 the hospital fee and the doctor fee and the, I don't know, emergency
18 room fee or whatever. But I ended up fighting that and won because I
19 had pictures. When I went to the follow up with the doctor, the
20 pediatrician they said why did they give you that, he shouldn't be taking
21 that, that's not the right thing. So the fact that they kind of prescribed
22 him the wrong stuff kind of went in my favor too.

23 MR. ROBERTS: And just those two experiences or is there
24 even more that you could probably talk about if you wanted to?

25 PROSPECTIVE JUROR 323: That's about it.

1 MR. ROBERTS: That's about it?

2 PROSPECTIVE JUROR 323: Yeah.

3 MR. ROBERTS: And based on those experiences and the fact
4 that this has been a problem in your life and that you kind of feel like the
5 insurance companies are mainly to blame for these problem, is that
6 going to make it hard to start out --

7 PROSPECTIVE JUROR 323: No. I don't think so. I think I
8 would go fair. I mean, I don't want to say I think I would be fair; I would
9 be fair.

10 MR. ROBERTS: Okay.

11 PROSPECTIVE JUROR 323: Yeah. No. I'd be fair and listen
12 and hear all the facts and see which side I feel is entitled I guess is the
13 word.

14 MR. ROBERTS: And if you hear testimony and it's going to
15 be sad, it's going -- people are in pain and have cancer and dying, is that
16 going to --

17 PROSPECTIVE JUROR 323: I am emotional.

18 MR. ROBERTS: -- be hard?

19 PROSPECTIVE JUROR 323: I am emotional, but --

20 MR. ROBERTS: Yes.

21 PROSPECTIVE JUROR 323: -- I mean, this is a court of law,
22 like we're going to do -- see both sides and yeah. I think I'm getting kind
23 of red right now like talking. I'm a little nervous.

24 MR. ROBERTS: No, it's hard. And I appreciate you sharing
25 with me. And a lot of people who are emotional can still be intellectual

1 decision makers because --

2 PROSPECTIVE JUROR 323: Oh yeah. No. I do take a long
3 time to reach a decision as well, but it doesn't mean it's the right
4 decision, but it takes me a while to like come up with what I feel is the
5 right thing and the wrong thing.

6 MR. ROBERTS: Okay. And this is what the process is for and
7 as Mr. Sharp said you're the only one who can tell us.

8 PROSPECTIVE JUROR 323: Uh-huh.

9 MR. ROBERTS: But if you're seated on this jury despite these
10 feelings --

11 PROSPECTIVE JUROR 323: Oh yeah.

12 MR. ROBERTS: -- can you be fair to my client?

13 PROSPECTIVE JUROR 323: Absolutely.

14 MR. ROBERTS: Listen to the evidence?

15 PROSPECTIVE JUROR 323: Of course.

16 MR. ROBERTS: Apply the law?

17 PROSPECTIVE JUROR 323: Uh-huh.

18 MR. ROBERTS: Mr. Sharp talked about punitive damages
19 and the fact that, you know, the Court is going to instruct as to the
20 burden of proof on punitive damages.

21 PROSPECTIVE JUROR 323: Uh-huh.

22 MR. ROBERTS: It's higher for other damages. Are you okay
23 with the fact that punitive damages can't be awarded in every case, only
24 the cases that meet the criteria set by the Court?

25 PROSPECTIVE JUROR 323: Oh there's -- no. There's only

1 certain cases and I get that, not all?

2 MR. ROBERTS: The Court's going to instruct you what you
3 have to find in order to award punitive damages.

4 PROSPECTIVE JUROR 323: Okay.

5 MR. ROBERTS: Are you okay with that or do you think a jury
6 ought to be able to award punitive damages whenever they want to?

7 PROSPECTIVE JUROR 323: No. I'm okay with that.

8 MR. ROBERTS: You're okay with that?

9 PROSPECTIVE JUROR 323: Uh-huh.

10 MR. ROBERTS: And you can hold them to their burden of
11 proof on that issue too?

12 PROSPECTIVE JUROR 323: Yes.

13 MR. ROBERTS: Okay.

14 PROSPECTIVE JUROR 323: Okay.

15 MR. ROBERTS: Thank you, ma'am.

16 PROSPECTIVE JUROR 323: Uh-huh. Thank you.

17 MR. ROBERTS: Mr. Jackson.

18 PROSPECTIVE JUROR 183: 183.

19 MR. ROBERTS: Okay. Let's talk --

20 PROSPECTIVE JUROR 323: Good morning.

21 MR. ROBERTS: Let's talk about the health care system first,
22 sir.

23 PROSPECTIVE JUROR 183: All right. Well, in a perfect world
24 I think you -- whether it's a city, state, country it should be judged by
25 how it treats its people. So with that being said I think everybody

1 deserves insurance or health care. But then we also have an obligation
2 to do right by ourselves and right by other people from an individual
3 standpoint and from a company standpoint. But in America, I mean, it is
4 what it is. So you have to accept or go to legislator and do something
5 about it if you think something's wrong with it. That's my view.

6 MR. ROBERTS: And speaking of the legislator, do you think
7 the system was improved by the affordable care act?

8 PROSPECTIVE JUROR 183: I think it allowed some people
9 who wouldn't otherwise have the chance to see a doctor see a doctor
10 and I think that's a good thing.

11 MR. ROBERTS: What do you think about the role of
12 insurance companies in the American health care system and the fact
13 that they can profit from being involved in the medical industry?

14 PROSPECTIVE JUROR 183: It is what it is. I mean, they set
15 up a company, we patronize that company. It is what it is.

16 MR. ROBERTS: And talking about corporations, you
17 obviously work for a big corporation. What do you think about
18 corporations in general? Let's go beyond UPS and your personal
19 experience. Do you think most corporations are ethical and try to do the
20 right thing?

21 PROSPECTIVE JUROR 183: I think corporations are a
22 reflection of the people that they are. And after you hire the people it's a
23 reflection of how you hold them to the guidelines. So that being said it's
24 about what they do and not what they say, you know, and I think there's
25 going to be some good and there's going to be some bad.

1 MR. ROBERTS: I appreciate that, sir. One of the things that I
2 wrote down that you said was that we have lots of rules, regulations,
3 guidelines in American. People got to follow the rules, right?

4 PROSPECTIVE JUROR 183: Right.

5 MR. ROBERTS: So the Court has rules too. Big old book of
6 rules and it talks about what attorneys can argue, what evidence comes
7 in. And part of our job is going to be to make objections. That's what
8 we have to do if we feel like -- you know, we're trying to follow the rules
9 and asking the other side to follow the rules. So someone might be
10 talking, and I might jump up and say, objection, Your Honor and cite a
11 rule. And then the Court would make a ruling as to whether my
12 objection is sustained or whether it's overruled. Are you okay with that
13 role of an attorney and making objection, are you going to hold it against
14 the attorney's if they make objections?

15 PROSPECTIVE JUROR 183: No. It's the rule.

16 MR. ROBERTS: Okay. Everyone here okay with that?

17 You know, some jurors think when attorneys are objecting
18 and they're trying to hide things from them, is there anyone maybe think
19 that a little bit?

20 Okay. And then the rules are also going to be given to the
21 jury by the Judge, this is the law in Nevada, this is what you have to find.
22 And then the jury follows those rules, but makes findings of fact. You
23 are the judges of the fact. Are you comfortable with that role?

24 PROSPECTIVE JUROR 183: Yes.

25 MR. ROBERTS: All right. You have about 200 people that

1 work for you, as I was adding them up?

2 PROSPECTIVE JUROR 183: Yes, sir.

3 MR. ROBERTS: Are you a leader?

4 PROSPECTIVE JUROR 183: Yes, sir.

5 MR. ROBERTS: Outside of work are you a leader?

6 PROSPECTIVE JUROR 183: I think we all are whether
7 positive or negative.

8 MR. ROBERTS: Yes. I'm going to assume you're positive
9 leadership?

10 PROSPECTIVE JUROR 183: I try to be.

11 MR. ROBERTS: All right. Thank you so much, sir. Pleasure
12 talking to you. If you could pass the mic down. Okay. Ms. Patrick?

13 PROSPECTIVE JUROR 188: Yes, sir.

14 MR. ROBERTS: All right.

15 PROSPECTIVE JUROR 188: Yes, sir.

16 MR. ROBERTS: And let's start out with what do think --

17 THE CLERK: What's your badge number?

18 PROSPECTIVE JUROR 188: Oh sorry, 188. Sorry.

19 MR. ROBERTS: My fault, I forget to remind you.

20 PROSPECTIVE JUROR 188: Sorry about that.

21 MR. ROBERTS: Let's talk about the healthcare system, I
22 noticed you nod your head at least to a couple things.

23 PROSPECTIVE JUROR 188: I agree because it has got
24 expensive, you know. When I got laid off from Caesar's Entertainment I
25 worked at the Rio from 2001 until, you know, '19 when I got laid off. And

1 they paid my insurance for a year. Caesars was kind enough they paid it
2 for us, which I appreciate that, that helped a lot because it was really a
3 struggle, you know. So come this -- when they finally made a stop in '21
4 I had to get a job, so I wanted to go to Caesar's Entertainment because
5 they're insurance is very good. It's a little -- getting a little bit more, but
6 it's good. It's well worth the company, it's a good company to work for.
7 Caesars is very good. They got good insurance. My prescriptions aren't
8 really very high, they're not very costly at all. That's why I wanted to go
9 back to Caesar's. I enjoy it.

10 My niece and nephew unfortunately COVID took both of
11 them within five weeks of each other this year and -- sorry. My niece
12 died July 24th and my nephew five weeks later from COVID. One
13 worked with Flamingo, one was with MGM and thank god for the
14 insurance because it helped my sister get through -- you know, they
15 were in the hospital for months, you know, before that, so it was a good -
16 - you know, my sister thank god didn't have to pay a lot out of pocket, so
17 we're thankful for that.

18 MR. ROBERTS: How old were they?

19 PROSPECTIVE JUROR 188: They were both 39, they were
20 Irish twins. One was born in January, and one was in December. But
21 you know two kids in five weeks is a lot to lose, so. Sorry about that, but
22 it's been a rough year. But anyways, thank god for like say the MGM is
23 very good for their, you know, their insurance and it helped my sister-in-
24 law a lot.

25 MR. ROBERTS: And you mentioned that you've been with

1 the Rio for 20 years?

2 PROSPECTIVE JUROR 188: I was there from 2002 until like
3 '17. I got -- or '19 I got laid off.

4 MR. ROBERTS: And wasn't there a big change in ownership
5 in Caesar's way back then --

6 PROSPECTIVE JUROR 188: Yeah. It was going Eldorado,
7 you know, and everything. We just had a meeting at the LINQ the other
8 day, it went to Eldorado, and we had a meeting to discuss the changes
9 and stuff. And we had to change insurances at the beginning of the year.
10 We had been on one for quite a while, about maybe six, seven years
11 after Cigna had gone and now we had to change it. January we all had
12 to decide which insurance we want to go with, so we had to look at the
13 costs and what the prescriptions would run and, you know, the
14 deductibles and such. You know, so everything changed as of January
15 '22.

16 MR. ROBERTS: Anything about those experiences that's
17 caused you to have negative feelings about insurance companies?

18 PROSPECTIVE JUROR 188: No. I've always -- no. We --
19 Caesar's Entertainment I don't know if your familiar, but they have a
20 doctor it's called Wellness Center. It's what all Caesar's Entertainment,
21 Flamingo, LINQ, everybody can go to them. It's a very nice little clinic,
22 it's inside the LINQ now. And you pay like \$10 a visit. It's really, really --
23 it's really convenient for us, you know, it's good. They manage -- our
24 insurance is based on we have to do like well visits and like screenings
25 every six months to -- or once a year to -- they're called wellness

1 screenings you have to do a bloodwork and see how you -- you know, as
2 far as if the insurance is raised or what you have to do control your -- it's
3 just a program you have to go through when you're with Caesar's.

4 MR. ROBERTS: And for us old people, is the LINQ, is that
5 Imperial Palace?

6 PROSPECTIVE JUROR 188: I guess it was Imperial Palace
7 and then it was the QUAD, I don't know.

8 MR. ROBERTS: Okay.

9 PROSPECTIVE JUROR 188: I don't know.

10 MR. ROBERTS: Somewhere right in there, right?

11 PROSPECTIVE JUROR 188: I just wanted to find a job at
12 Caesar's because a lot of the jobs when I got laid off was part time and it
13 was very hard to get insurance with part time, so you have to get a
14 fulltime job to get your insurance. So that was another -- after the
15 pandemic it was hard to get a fulltime job. But I found one that was 40
16 hours, so I was thankful, you know, to get back on my feet again, so.
17 But Caesar's is very good with their healthcare.

18 MR. ROBERTS: Thank you very much, ma'am.

19 PROSPECTIVE JUROR 188: You're welcome, sir.

20 MR. ROBERTS: And by the way congratulations on your son
21 getting into Metro.

22 PROSPECTIVE JUROR 188: Oh yeah. He started the
23 academy on the 22nd, yeah.

24 MR. ROBERTS: That's great. That's --

25 PROSPECTIVE JUROR 188: Yeah. He's going through the --

1 he goes through August I believe, so. Thank you, sir. I appreciate that.

2 MR. ROBERTS: Thank you. All right. Ms. Jon?

3 PROSPECTIVE JUROR 191: Number 191, Aurora Jon. So the
4 question is my opinion about insurance and corporation?

5 MR. ROBERTS: Yes.

6 PROSPECTIVE JUROR 191: So I'm going to lose my
7 insurance May, in May because February I only work four days. Caesar's
8 they got a new owner, I don't know what's going on. Everything just
9 changed. I mean, in December I work like four days to five days a week,
10 but February just four days for the entire whole month. So I'm going to
11 lose my insurance and it's just -- I don't know, I don't know what to think
12 and -- I'm sorry.

13 THE COURT: Let's take a break.

14 You are instructed not talk with each other or with anyone
15 else about any subject or issue connected with this trial. You're not to
16 read, watch or listen to any report of or commentary on the trial by any
17 person connected with the case or by any medium of information
18 including without limitation newspaper, television, internet, radio.
19 You're not to conduct any research on your own relating this case such
20 as consulting dictionaries, using the internet or using reference
21 materials. You're not to conduct any investigation, test any theory of the
22 case, recreate any aspect of the case or in any other investigate or learn
23 about the case on your own. You're not to talk with others, text others,
24 tweet others, google issues or conduct any other kind of book or
25 computer research with regard to any issue, party, witness or attorney

1 involved in this case. You're not to form or express any opinion on any
2 subject connected with the trial until the case is finally submitted to you.

3 So we'll come back in approximately 15 minutes.

4 THE MARSHAL: All rise for the outgoing jury.

5 [Prospective jurors out at 3:23 p.m.]

6 [Outside the presence of the prospective jurors]

7 THE COURT: All right.

8 MR. ROBERTS: Sorry, Your Honor. I would maybe purpose
9 that we bring her in outside the presence of the other jurors. If she's
10 going to lose her insurance because she's sitting on jury duty and can't
11 work then this may be a hardship that we didn't see before.

12 THE COURT: The Court's understanding is she's already lost
13 the insurance because she didn't have enough days in February.

14 MR. SHARP: She said she already lost

15 MR. ROBERTS: That's what I heard her say.

16 MR. SHARP: She already lost it.

17 THE COURT: Mr. Sharp, what are your thoughts?

18 MR. SHARP: Yeah. I'll just defer to you. I mean, I -- you
19 know, I'm -- we can bring her back in with Mr. Roberts and ask her if she
20 can put it aside. I mean, obviously that's a very emotional reaction, so.

21 MR. ROBERTS: I'd just hate to put her on the spot again in
22 front of everybody that's --

23 MR. SHARP: You know, it's going to be a case about
24 insurance, so.

25 THE COURT: The Court's inclined to just let it go because

1 this is very painful for her.

2 MR. ROBERTS: Yeah.

3 MR. SHARP: Yeah. I don't disagree.

4 THE COURT: All right. So we're going to let Juror 191 go,
5 Aurora Jon in seat number 19. So if the parties only want two alternates
6 then we don't need seats 21 and 22. So we can either replace Aurora
7 Jon with Ed Kanet or we can replace Ms. Jon with Phong Yang. It's up to
8 the parties.

9 MR. ROBERTS: The way we've been doing is the green
10 chairs to the black chairs, so I'm okay with us continuing to do it that
11 way, but obviously we'll defer to the Court.

12 THE COURT: Mr. Sharp?

13 MR. SHARP: Yeah, that's fine. I mean, that's the way we've
14 been doing it, so.

15 THE COURT: Okay. So this means that we won't be
16 questioning Mr. Kanet or Mr. Stewart then. We'll just focus on the 20.
17 Are there any other challenges for cause?

18 MR. ROBERTS: I don't have any down, Your Honor. Mr.
19 Sharp and I stipulated to the ones that we both saw, so I think we're okay
20 so far.

21 THE COURT: All right. So it's 3:30 right now. Jury's going
22 to come back in less than 10 minutes. How much longer do you have,
23 Mr. Roberts?

24 MR. ROBERTS: Well, from what I planned I've probably got
25 another hour and a half left. I understand that our goal is to try to get

1 done today and I can try to cut things short if the Court wants to, you
2 know, get the jury picked today.

3 THE COURT: Can you be done by 4:15? So it'll probably take
4 half an hour to do peremptory challenges with alternates and have the
5 jury come back in before 5:00.

6 MR. ROBERTS: I think so, Your Honor, if you'll give me
7 maybe a five minute cushion.

8 THE COURT: Okay.

9 MR. ROBERTS: I'll do my best to make it 4:15.

10 THE COURT: Okay.

11 THE MARSHAL: So Your Honor, I'm releasing Aurora?

12 THE COURT: Yes.

13 THE MARSHAL: And who am I moving there?

14 THE COURT: Phong Yang, badge number 363.

15 MR. SHARP: So Your Honor, how do you want me to
16 address Mr. Yang? Do you want me to wait until the conclusion of Mr.
17 Roberts then I ask. How do you want to do that?

18 MR. ROBERTS: I'd prefer to let Mr. Sharp jump in and clear
19 pass the panel for cause then I can know how much long I've got until I
20 got to quit.

21 THE COURT: All right. That's fine. But we're going to quit
22 around 4:15 or five minutes afterwards so we can do peremptory
23 challenges. All right. So come back in about five minutes.

24 MR. ROBERTS: Thank you, Your Honor.

25 THE COURT: Thank you.

1 [Recess taken from 3:29 p.m. to 3:37 p.m.]

2 THE COURT: All right. Where's the marshal?

3 THE CLERK: Probably outside.

4 THE COURT: All right. We're ready. Are the parties ready
5 for the panel? Mr. Roberts?

6 MR. ROBERTS: Yes, Your Honor.

7 THE COURT: Thank you. Mr. Sharp?

8 MR. SHARP: Yes, Your Honor.

9 THE COURT: Thank you.

10 THE CLERK: Ready, Judge?

11 THE COURT: Yes.

12 THE CLERK: Here they come.

13 THE MARSHAL: All rise for the incoming jury.

14 [Prospective jurors in at 3:37 p.m.]

15 THE COURT: Thank you, counsel. Please be seated. Mr.
16 Sharp.

17 MR. SHARP: Welcome, Mr. -- is it Mr. Yang?

18 PROSPECTIVE JUROR 363: Yeah. Badge 363.

19 MR. SHARP: So welcome to our group. And so you'd heard
20 my questions earlier about lawsuits. You know, which way do you lean,
21 lawsuits don't serve much of a purpose, or they do serve a purpose?

22 PROSPECTIVE JUROR 363: I'm on equal side.

23 MR. SHARP: Okay.

24 PROSPECTIVE JUROR 363: Like everybody's been saying,
25 just got to listen to what you guys bring up and go from there.

1 MR. SHARP: So we've been -- I mean, we've been going a
2 long time today and yesterday and so I don't -- is there anything that you
3 heard from my questioning whether it was damages, questions
4 regarding insurance from Mr. Roberts, is there anything you've heard
5 that would say, you know, this might not be the right jury for me?

6 PROSPECTIVE JUROR 363: To tell the truth I don't know.
7 This is my first time being a jury.

8 MR. SHARP: Well, that's fair.

9 PROSPECTIVE JUROR 363: So --

10 MR. SHARP: So nothing surprised you --

11 PROSPECTIVE JUROR 363: Yeah.

12 MR. SHARP: -- like you weren't sitting there going -- hearing
13 some question that either Mr. Roberts and I asked and said, oh my god I
14 got to --

15 PROSPECTIVE JUROR 363: Yeah.

16 MR. SHARP: I got to give my view on it.

17 PROSPECTIVE JUROR 363: Uh-huh.

18 MR. SHARP: Is that fair?

19 PROSPECTIVE JUROR 363: That's fair.

20 MR. SHARP: Okay. So I mean, on behalf of Sandy Eskew
21 can you assure me you'll be fair and impartial?

22 PROSPECTIVE JUROR 363: Yes.

23 MR. SHARP: Okay. Thank you.

24 PROSPECTIVE JUROR 363: Uh-huh.

25 MR. SHARP: Thank you, Your Honor.

1 THE COURT: Thank you, Mr. Sharp. Mr. Roberts?

2 MR. ROBERTS: Thank you, Your Honor. Getting to the end
3 of the last day everything starts to move quicker. We're going to finish
4 up this afternoon with the selection of the jury I believe. So you were
5 listening along while I was talking to the other people about the
6 American medical system?

7 PROSPECTIVE JUROR 363: Yeah.

8 MR. ROBERTS: Tell me your thoughts about it.

9 PROSPECTIVE JUROR 363: To tell the truth I think it could be
10 better, but like they say you got to work for it.

11 MR. ROBERTS: Okay.

12 PROSPECTIVE JUROR 363: Yeah.

13 MR. ROBERTS: How could it be better? What changes
14 would you make if you were in charge?

15 PROSPECTIVE JUROR 363: To me there should be a certain
16 age that you could work to and retire and have full benefits. Just
17 because when you hit that age around let's say 55 and then you could
18 just -- let's go 60 then. To me if you work your whole entire life from say
19 you started working at 18 and once you hit 60 you don't -- you should be
20 able to get full benefit as a retirement; any health care should be cover
21 for you. When you go -- I think here you should be first in line as an
22 elderly person.

23 MR. ROBERTS: What do you feel about the role of insurance
24 companies in the health care system?

25 PROSPECTIVE JUROR 363: I think they're good. Like with

1 my company, Nevada [indiscernible] they do get good health care
2 company and it's good. I can't complain about it until after COVID hit
3 and then everything went up. Because I was paying out of pocket
4 nothing, but now I'm paying about 30, 40 bucks a month -- a paycheck.

5 MR. ROBERTS: Still pretty good though?

6 PROSPECTIVE JUROR 363: That's still good, yes, because
7 I'm single and I don't have a kid. Yeah.

8 MR. ROBERTS: You okay with the fact that health insurance
9 companies are for profit organizations?

10 PROSPECTIVE JUROR 363: Yes. I'm okay with it.

11 MR. ROBERTS: Do I see a but?

12 PROSPECTIVE JUROR 363: No.

13 MR. ROBERTS: No but?

14 PROSPECTIVE JUROR 363: No.

15 MR. ROBERTS: Okay. What do you think about
16 corporations? Do you think most corporations try to act ethically or do
17 you think most corporations would do or say whatever they needed to
18 do to make money?

19 PROSPECTIVE JUROR 363: I think they do ethically because
20 they are here to serve the people.

21 MR. ROBERTS: Are you an emotional decision maker or an
22 intellectual decision maker?

23 PROSPECTIVE JUROR 363: I'm more intellectual.

24 MR. ROBERTS: And how certain would you prefer to be to
25 be comfortable making a major life decision, over 50 percent, 70 percent,

1 90 percent, 100 percent. What -- at what point do you get comfortable
2 making that decision?

3 PROSPECTIVE JUROR 363: I'm going to go with around 80.

4 MR. ROBERTS: Okay.

5 PROSPECTIVE JUROR 363: To be sure.

6 MR. ROBERTS: Thank you, sir. Can you be fair in a case like
7 this?

8 PROSPECTIVE JUROR 363: Yes.

9 MR. ROBERTS: All right. I appreciate that.

10 PROSPECTIVE JUROR 363: Yeah

11 MR. ROBERTS: All right. Mr. Shelter; is that right?

12 PROSPECTIVE JUROR 234: Yeah.

13 MR. ROBERTS: Okay. Let's talk about the American health
14 care system, what are your thoughts --

15 THE MARSHAL: Badge number.

16 PROSPECTIVE JUROR 234: Okay. My badge number is 234.
17 And the health care system to me is going downhill because too much
18 politicians and some of these big time corporations are using everything
19 to their advantage and small people are using the health care system to
20 their advantage too and not working for it. But it's making us pay for it.

21 MR. ROBERTS: And you sort of mentioned some blame on
22 both sides there. Who do you think is mainly at fault for your view the
23 system is going downhill?

24 PROSPECTIVE JUROR 234: It's everyone. Everyone is not
25 organized. They're just putting pencils with the paper.

1 MR. ROBERTS: What about the world of health insurance
2 companies? Do you specifically feel they may have contributed to the
3 problem or even helped make the problem better than it otherwise
4 would be?

5 PROSPECTIVE JUROR 234: Not exactly. But they're just
6 raising up their prices and they're not being affordable to everyone.
7 They just want to get more expensive.

8 MR. ROBERTS: And when you say raising prices and more
9 expensive, are you talking about premiums or healthcare or both?

10 PROSPECTIVE JUROR 234: Just all of it.

11 MR. ROBERTS: And do your feelings about the healthcare
12 system and the world of health insurance companies in it, has that made
13 you leaning against us in this case a little bit, kind of?

14 PROSPECTIVE JUROR 234: Yes and no. In between.

15 MR. ROBERTS: Okay. Can you explain to me a little bit more
16 about how you're feeling so we can all understand?

17 PROSPECTIVE JUROR 234: When I was growing up, my
18 mom was abusing the system. And I just don't like the negativity of
19 people abusing it.

20 MR. ROBERTS: Okay. And are you -- you know, I know it's
21 your mom. Are you comfortable explaining more about how you think
22 your mom was abusing the system?

23 PROSPECTIVE JUROR 234: No. It's just only between the
24 family. I don't like bringing up personal things.

25 MR. ROBERTS: Okay. And that's fine. So is -- if it's a little in

1 between, is there a part of you that really, the thought of health
2 insurance companies doesn't leave a good taste in your mouth? You
3 don't like the cherry pie we're selling?

4 PROSPECTIVE JUROR 234: Yes. Sometimes, I see the
5 insurance pay going up. I'm like, I'll still pay it. But I just -- I don't like -- I
6 like it where it was.

7 MR. ROBERTS: And when it comes to listening to the facts in
8 this case, are you going to have sort of those thoughts in your mind?
9 And you know, people hear stuff, like evidence on the stand, they
10 sometimes hear it through the filter of their own personal experiences
11 and seize on things that they can connect with. Do you think that might
12 happen to you here?

13 PROSPECTIVE JUROR 234: It's not going to have an effect.
14 It's just going to be different listening to other people's opinions.

15 MR. ROBERTS: Okay. Are you open to listening to people's
16 testimony?

17 PROSPECTIVE JUROR 234: Yes, I am.

18 MR. ROBERTS: And can you be fair to my client? That's the
19 ultimate question.

20 PROSPECTIVE JUROR 234: I just need to see what the
21 evidence is against your client.

22 MR. ROBERTS: And you could judge the case based on the
23 evidence you actually hear in court, not any past experiences you had in
24 your life?

25 PROSPECTIVE JUROR 234: No. I just need to see the

1 evidence that's right in front of me.

2 MR. ROBERTS: How do you feel about corporations?

3 PROSPECTIVE JUROR 234: I work for a big corporation,
4 Walgreens, and to me, in the stores, we don't feel safe.

5 MR. ROBERTS: You don't feel safe working in stores?

6 PROSPECTIVE JUROR 234: Yeah.

7 MR. ROBERTS: Is it a 24-hour Walgreens?

8 PROSPECTIVE JUROR 234: Well, I work in a 24-hour
9 Walgreens. And I really don't feel safe because anybody could come in
10 here and point a weapon at you and do something harm, and you can't
11 do anything about it.

12 MR. ROBERTS: Do you feel Walgreens should do more to try
13 to keep its employees safe?

14 PROSPECTIVE JUROR 234: Yes. They keep their other
15 employees safe in the back, the pharmacy. But they don't keep the
16 people that work on the floor or in the register safe.

17 MR. ROBERTS: What would you propose that they do?

18 PROSPECTIVE JUROR 234: I would say have armed guards
19 at every shift.

20 MR. ROBERTS: Do you feel that this is part of a bigger
21 problem where corporations don't do what they should in care of their
22 people?

23 PROSPECTIVE JUROR 234: Yeah. That's in my head.

24 MR. ROBERTS: And do you think that most corporations not
25 only don't take care of their people, but would act unethically to increase

1 their profits?

2 PROSPECTIVE JUROR 234: Yes.

3 MR. ROBERTS: Is that, you know, dealing with this separate
4 from the insurance company issue, is this something that you're going to
5 hold against my client, who's a larger corporation?

6 PROSPECTIVE JUROR 234: No.

7 MR. ROBERTS: Okay. And you can set that aside and treat
8 us fairly?

9 PROSPECTIVE JUROR 234: Yes.

10 MR. ROBERTS: Are you an emotional decisionmaker or an
11 intellectual decisionmaker?

12 PROSPECTIVE JUROR 234: No. I just think for myself.

13 MR. ROBERTS: How certain do you need to be before you
14 make a major life decision, like changing careers?

15 PROSPECTIVE JUROR 234: I have to think about it a lot.

16 MR. ROBERTS: Okay. And then, at what level do you think
17 you become comfortable making that decision? When you're how
18 certain it's the right one? Sixty, seventy, eighty, ninety?

19 PROSPECTIVE JUROR 234: About at 90.

20 MR. ROBERTS: Thank you, sir. Appreciate it.

21 PROSPECTIVE JUROR 234: You're welcome.

22 MR. ROBERTS: So let me ask this to the whole group, 11 to
23 20 here. If you raise your hand, just a couple more big topics. Is there
24 anyone here who they feel has been cheated, scammed, or defrauded in
25 a financial investment?

1 Anyone who's been taken advantage of by a bank?

2 What is the most important role of a jury, to help the victim,
3 protect the community, to judge the facts, or to teach people a lesson?

4 All right. So let's see hands for helping the victim. Judging
5 the facts. All right. I don't need to ask any more of those.

6 So Mr. Sharp talked a little bit about damages. And it's
7 going to be our position in this case, as you've probably figured out, that
8 you're never going to get the damages because they are not going to be
9 able to meet their burden of proof. But I have to talk about damages a
10 little bit because Mr. Sharp asked you some questions about being
11 comfortable awarding some large amounts.

12 I need to ask the opposite question. You know, we've got a
13 case here with an individual who's had a tragic situation against a big
14 insurance company. And we're going to ask this jury to put \$0 on the
15 form and send the Plaintiffs home with nothing. And that can be hard to
16 do in a case that evokes sympathy and emotion.

17 I'd like you to raise your hand if you can write zero on the
18 line if you're selected for the jury and if they don't prove their case. Can
19 you do that?

20 Is there anyone who did raise their hand who has a doubt
21 about whether they can do that? I saw a couple hands down, but I don't
22 know if you just weren't raising or if you're actually uncomfortable with
23 the idea of doing that.

24 Mr. Shelter, I'll ask you. I didn't see, is your hand just down
25 low? So Mr. Shelter, badge 234. If the Plaintiffs don't meet their burden,

1 can you write zero on the line and award them no damages?

2 PROSPECTIVE JUROR 234: I have to think about it.

3 MR. ROBERTS: So it's a pretty simple question. I'm not
4 arguing the facts. You don't know the facts. I'm just assuming they
5 don't meet their burden of proof and the Judge gives you instructions
6 which says what they have to prove, and they don't do it, can you write
7 zero on the form?

8 PROSPECTIVE JUROR 234: I might have to write the zero.

9 MR. ROBERTS: Think you can do it?

10 PROSPECTIVE JUROR 234: I could try.

11 MR. ROBERTS: We talked about equivocating a little bit. Mr.
12 Sharp mentioned that word. Can you unequivocally make that promise
13 that if they don't prove their case, you won't give them money? That's
14 what everything is about. Can you promise?

15 PROSPECTIVE JUROR 234: Time will tell if I can promise, but
16 I don't know yet.

17 MR. ROBERTS: Is there anyone else who feels a little bit the
18 same way as Mr. Shelter?

19 Ms. Rodolfo, you okay?

20 PROSPECTIVE JUROR 161: Yes.

21 MR. ROBERTS: All right. May we approach, Your Honor?

22 THE COURT: Yes.

23 [Sidebar at 3:56 p.m., ending at 3:57 p.m., not recorded]

24 MR. ROBERTS: So I've completed my questioning. Thank
25 you again for your time and your attention. And if you're selected for the

1 jury, you're going to hear my partner, Phillip Smith, give opening
2 statement. And I'll get to talk to you again in closing argument. Thank
3 you very much for sharing with me and being honest with me.
4 Appreciate it. Thank you, Your Honor.

5 THE COURT: Thank you. Ladies and gentlemen, we are
6 going to take a 30-minute break. During this time, the Judge and the
7 lawyers will be working, actually, so we just have to discuss some things
8 outside the presence. When you do come back in, you will know
9 whether or not you were selected to be a juror in this case.

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

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

21 You're not to talk with others, text others, tweet others,
22 Google issues, or conduct any other kind of book or computer research
23 with regard to any issue, party, witness, or attorney involved in this case.
24 You're not to form or express any opinion on any subject connected with
25 this trial until the case is finally submitted to you.

1 So you will come back at 4:30, and at that time, you will be
2 advised whether or not you've been chosen to be a juror on this case.

3 THE MARSHAL: All rise for the jury.

4 [Prospective jurors out at 3:58 p.m.]

5 [Outside the presence of the prospective jurors]

6 THE COURT: Okay. Counsel, this is the peremptory
7 challenge sheet, starting with Mr. Sharp first.

8 MR. SHARP: Your Honor, can we have five minutes to go
9 over our strikes?

10 THE COURT: Yeah. I mean, you have to be done, both of
11 you, by 4:30.

12 MR. SHARP: Well, we've got -- I mean, the striking part I
13 don't think is going to take very long. It'll be out in ten minutes to talk
14 with our respective parties as to how they want to prioritize their strikes.

15 MR. ROBERTS: I've gifted us with 15 minutes, Your Honor.

16 THE COURT: Okay.

17 MR. ROBERTS: Thank you, Your Honor.

18 THE COURT: Thank you all.

19 MR. SHARP: Thank you, Your Honor.

20 THE COURT: Thank you. We're off the record.

21 [Recess taken from 4:00 p.m. to 4:17 p.m.]

22 [Outside the presence of the prospective jurors]

23 THE COURT: All right. Please be seated, Counsel. Juror
24 badge number 10, Rosemarie Manacly, she's in seat number 1, has just
25 advised the marshal she doesn't understand what's going on. So we

1 need to replace her.

2 MR. SHARP: Why don't we just move everybody up one?

3 THE COURT: All right. So that means Ed Kanet would then
4 be in seat 20?

5 MR. SHARP: Yeah.

6 THE COURT: All right. Mr. Roberts?

7 MR. ROBERTS: Can I confer with the team, Your Honor, at
8 this time?

9 THE COURT: Of course.

10 [Defense counsel confer]

11 MR. ROBERTS: That's fine, Your Honor.

12 THE COURT: Okay. Thank you. So your four strikes are
13 going to be for seats, on your chart, 2 through 17. And then, you each
14 get to strike one who are in seats 18 through 21.

15 MR. SHARP: Okay.

16 THE COURT: So that's Theresa Patrick, Phong Yang, Richard
17 Shelter, and Ed Kanet. So the two remaining will be our two alternates
18 in those seats.

19 MR. SHARP: Okay. So --

20 THE COURT: Which strike are you on, Mr. Sharp?

21 MR. SHARP: We're on strike three. We've been passing it
22 back and forth.

23 THE COURT: Thank you.

24 THE MARSHAL: You want me to go release her, Your
25 Honor?

1 THE COURT: No, we can just wait.

2 THE MARSHAL: Okay.

3 THE COURT: Thank you for telling us, Marshal.

4 THE MARSHAL: Yes, ma'am.

5 THE CLERK: Can we go back off?

6 THE COURT: Can we go off the record?

7 MR. SHARP: Yeah.

8 [Recess taken from 4:20 p.m. to 4:26 p.m.]

9 THE COURT: Before we move forward, does any party wish
10 to assert a Batson challenge?

11 MR. SHARP: There's no Batons challenge at this time.

12 MR. ROBERTS: No, Your Honor.

13 THE COURT: Is there any *JEB v. Alabama* challenge? *JEB v.*
14 *Alabama* challenge?

15 MR. ROBERTS: No, Your Honor.

16 MR. SHARP: None, Your Honor.

17 THE COURT: Okay. So based upon this, we'll have badge
18 number 034, Jacob Castaneda, in seat number 1. In seat number 2, we'll
19 have badge number 062, Michelle Steed. In seat number 3, which is
20 going to be our first alternate seat, we're going to have badge number
21 188, Theresa Patrick. In seat number 4, we'll have badge number 101,
22 James Kenner. In seat number 5, we'll have badge number 134, Robert
23 Desmond.

24 In seat number 6, we'll have badge number 150, Suzann
25 McGill. In seat number 7, badge number 161, Ally Rodolfo.

1 THE MARSHAL: We have them all, Your Honor.

2 THE COURT: Say that again?

3 THE MARSHAL: We have them all now.

4 THE COURT: Okay. Thank you. Just give us a couple more
5 minutes.

6 THE MARSHAL: Okay.

7 THE COURT: In seat number 8 will be our second alternate
8 seat, and that will be badge number 363, Phong Yang. In seat number 9
9 will be badge number 358, Arianna Weide. And in seat number 10 will
10 be badge number 183, Donald Jackson.

11 Is that the parties' understanding of the jurors?

12 MR. SHARP: That's correct, Your Honor, from my notes.

13 MR. ROBERTS: Yes, Your Honor.

14 THE COURT: Okay. Before we bring the panel back in --

15 THE MARSHAL: Bring them in?

16 THE COURT: No, no. Hold on. Hold on. Before we do, do
17 the parties need to discuss the pre-instructions to the jury tomorrow
18 morning?

19 MR. SHARP: I haven't talked to Mr. Roberts since all of that,
20 so I'm not sure. But we may.

21 MR. ROBERTS: Can we come in maybe 15 minutes before in
22 case we need the Court?

23 THE COURT: So we'll tell the jury to be here tomorrow at
24 9:30, then. So if you want to be here at 9:00 so we have a buffer.

25 MR. SHARP: Yeah. That --

1 MR. ROBERTS: That sounds perfect, Your Honor.

2 THE COURT: Okay. You can bring the jury in.

3 THE MARSHAL: Yes, ma'am. All rise for the incoming jury.

4 [Prospective jurors in at 4:30 p.m.]

5 THE COURT: Thank you, Counsel. Please be seated. Ladies
6 and gentlemen, thank you so much for your time and attention today.
7 And if you were here yesterday, yesterday as well. We could not do this
8 without you. Right now, the Court is going to call badge numbers and
9 names. If your badge number and name is called, it means you are
10 chosen to be a juror in this trial. If you do not hear your name or do not
11 hear your badge number, the Court thanks you for your service and you
12 will be excused.

13 Badge number 034, Jacob Castaneda. Badge number 062,
14 Michelle Steed. Badge number 188, Theresa Patrick. Badge number
15 101, James Kenner. Badge number 134, Robert Desmond. Badge
16 number 150, Suzann McGill. Badge number 161, Ally Rodolfo. Badge
17 number 363, Phong Yang. Badge number 358, Arianna Weide. Badge
18 number 183, Donald Jackson.

19 If your name was not called, thank you, you're excused. If
20 you are called, please stay.

21 THE MARSHAL: All rise for the jury.

22 THE COURT: Do the parties stipulate this is their jury?

23 MR. SHARP: Yes, Your Honor.

24 MR. ROBERTS: Yes, Your Honor.

25 THE COURT: Thank you. Ladies and gentlemen, thank you.

1 So what we're going to do is we're going to put you in your seats. We're
2 going to have five people in the row closest to the wall and then we're
3 going to have five people in the second row in the black chairs.

4 So in the first chair, badge number 034, Jacob Castaneda.
5 You can sit in the first black chair. So what we're going to do is we're
6 just going to space you out, so you're not crammed. So in the third
7 black chair, badge number 062, Michelle Steed. And then, two chairs
8 from her, badge number 188, Theresa Patrick. Badge number 101,
9 James Kenner. You're already in your seat.

10 Badge number 134, Robert Desmond. You're already there.
11 Perfect. Badge number 150, Suzann McGill. You're there. Badge
12 number 161, Ally Rodolfo. If you just move one seat over. Badge
13 number 363, Phong Yang. You'll be -- right. Badge number 358, Arianna
14 Weide. One more. And then badge number 183, Donald Jackson.

15 And tomorrow, what may happen is we may -- some of the
16 chairs may be moved out. Or if they are moved out, you'll just be 1
17 through 5 in that order. But if they aren't moved out, just seat every
18 other chair. So tomorrow, what's going to happen, too, is you're going
19 to have notebooks and pens that you will leave there. No one will look at
20 them while you're gone. Those will be your personal notes during the
21 trial.

22 So Madam Clerk, can you raise the right hand for the jury
23 and swear them in?

24 THE CLERK: Please stand and raise your right hand. Thank
25 you.

1 [The jury was sworn in by the Clerk]

2 THE CLERK: Thank you. You may be seated.

3 THE COURT: So tomorrow, we'll begin at 9:30. The Court
4 has some preliminary issues it has to address with the lawyers. And
5 then what will happen tomorrow is they are going to give their opening
6 statements. The Court may instruct you on some pre-instructions of law
7 and you will hear some witness testimony as well. We're going to be
8 dark Thursday and Friday and we'll resume on Monday.

9 I'm going to give you your evening admonishment. You are
10 instructed not to talk with each other or with anyone else about any
11 subject or issue connected with this trial. You are not to read, watch, or
12 listen to any report of or commentary on the trial by any person
13 connected with the case or by any medium of information, including
14 without limitation newspapers, television, the internet, and radio.

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

20 You're not to talk with others, text others, tweet others,
21 Google issues, or conduct any other kind of book or computer research
22 with regard to any issue, party, witness, or attorney involved in this case.
23 You're not to form or express any opinion on any subject connected with
24 the trial until the case is finally submitted to you.

25 So what this means is please do not research the Defendant

1 or the Plaintiff or any of the issues that were brought up here today. Do
2 you understand that?

3 Okay. And if you find out someone has been doing that, you
4 need to alert the marshal. Is that understood?

5 All right. And so for some of you who weren't here
6 yesterday, there will be a different marshal. Marshal Moore will be here
7 tomorrow morning. He's the Court's permanently assigned marshal.
8 Marshal Scott was filling in for Marshal Moore today. Okay?

9 So we'll see you tomorrow at 9:30. Thank you.

10 [Jury out at 4:36 p.m.]

11 [Outside the presence of the prospective jurors]

12 THE COURT: Any issues that we have to address outside the
13 presence of the jury?

14 MR. SHARP: I don't think so.

15 MR. ROBERTS: None for the Defendants, Your Honor, or
16 Defendant.

17 MR. SHARP: Your Honor, can I make one small suggestion?
18 Just, I've had this happen in the past where jurors stop paying attention
19 to the admonition. And you talk very fast. And I'm just asking if you
20 could kind of slow down, so it reaffirms the social media and such.

21 THE COURT: Well, the Court speaks fast but then usually, the
22 Court adds more to it and reminds them.

23 MR. SHARP: I understand. It's just constructive criticism,
24 which is more of a concern as to what the jurors are hearing and how
25 they react.

1 THE COURT: Okay. Thank you, Mr. Sharp. Any other issues
2 the parties want to bring up?

3 MR. ROBERTS: Not for us, Your Honor.

4 MR. SHARP: None here, Your Honor.

5 THE COURT: Okay.

6 MR. SHARP: Thank you.

7 THE COURT: Who do you plan on calling tomorrow?

8 MR. SHARP: Dr. Ahmad and I think -- I'm going to talk to Mr.
9 Roberts afterwards. But I think if we have time left over, we'll have
10 Dr. -- or Shelean Sweet. And we also have Holland-Williams, but I'm
11 coordinating with her lawyer and I'm not -- there's still issues on her
12 motion in limine as to what her, you know, could affect what she testifies
13 to and doesn't testify to.

14 THE COURT: How long is your opening, Mr. Sharp?

15 MR. SHARP: Oh, you know, around an hour, I would say.
16 Maybe a little bit more.

17 THE COURT: And how long is your opening, Mr. Roberts?

18 MR. ROBERTS: Mr. Smith will be doing opening, Your
19 Honor. And based on our review, I'd say it's probably about 45 minutes
20 long.

21 MR. SMITH: That's probably right. Maybe 40, 40 to 45
22 minutes, Your Honor.

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THE COURT: Okay. Thank you.

MR. ROBERTS: Thank you, Your Honor.

THE COURT: And counsels, I will see you here tomorrow at 9:00 a.m. to go over some pre jury instruction issues that the parties may have.

[Proceedings adjourned at 4:39 p.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-visual recording of the proceeding in the above entitled case to the best of my ability.


Maukele Transcribers, LLC
Jessica B. Cahill, Transcriber, CER/CET-708