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Elizabeth A. Brown  
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**APPELLANTS' APPENDIX**  
**VOLUME 2**  
**CHRONOLOGICAL ORDER**

<b>Document</b>	<b>Index Number</b>	<b>Bates Number</b>
Amended Complaint [Filed 05/06/2016]	1	AA000001 - AA000007
Plaintiffs' Third Motion to Compel Discovery Responses [Filed 02/24/2020]	1	AA000008 - AA000030
Notice of Entry of Order re: Plaintiffs' Third Motion to Compel Discovery Responses [Filed 08/13/2020]	1	AA000031 - AA000037
Jury Instruction No. 21 4.2 Elements of Negligence Claim [05/31/2022 Jury Trial - Day 1]	1	AA000038
Jury Instruction No. 27 8.1 Premises Liability: Essential Factual Elements [05/31/2022 Jury Trial - Day 1]	1	AA000039
Jury Instruction No. 28 8.20 Landowner Liability: Owner Duty to Inspect [05/31/2022 Jury Trial - Day 1]	1	AA000040
Jury Instruction No. 29 8.4 Landowner Liability: Duty [05/31/2022 Jury Trial - Day 1]	1	AA000041

1	Recorder's Transcript of Jury Trial	2	AA000042 -
2	Day 1, Tuesday, 05/31/2022 <i>Pages 1 - 199</i>		AA000240
3	[Filed 08/08/2022]		
4	Recorder's Transcript of Jury Trial	3	AA000241 -
5	Day 1, Tuesday, 05/31/2022 <i>Pages 200 - 257</i>		AA000298
6	[Filed 08/08/2022]		
7	Recorder's Partial Transcript of Jury	4	AA000299 -
8	Trial - Day 2, Wednesday, 06/01/2022		AA000393
9	[Filed 08/08/2022]		
10	Recorder's Partial Transcript of Jury	4	AA000394 -
11	Trial - Day 2, Wednesday, 06/01/2022:		AA000463
12	Testimony of Donald Gifford		
13	[Filed 07/07/2022]		
14	Recorder's Partial Transcript of Jury	5	AA000464 -
15	Trial - Day 3, Thursday, 06/02/2022		AA000559
16	[Filed 08/08/2022]		
17	Recorder's Partial Transcript of Jury	6	AA000560 -
18	Trial - Day 3, Thursday, 06/02/2022:		AA000715
19	Testimony of Jeffrey Myers and Andrew James		
20	[Filed 07/07/2022]		
21	Recorder's Partial Transcript of Jury	7	AA000716 -
22	Trial - Day 4, Friday, 06/03/2022		AA000809
23	[Filed 08/08/2022]		
24	Recorder's Partial Transcript of Jury	7	AA000810 -
25	Trial - Day 4, Friday, 06/03/2022:		AA000854
26	Testimony of Leroy Comstock		
27	[Filed 07/07/2022]		

1	Recorder's Partial Transcript of Jury	8	AA000855 -
2	Trial - Day 5, Monday, 06/06/2022		AA000935
3	[Filed 08/08/2022]		
4	Recorder's Partial Transcript of Jury	8	AA000936 -
5	Trial - Day 5, Monday, 06/06/2022:		AA000942
6	Testimony of Andrew James		
7	[Filed 08/08/2022]		
8	Special Verdict Form	8	AA000943 -
9	[Filed 06/06/2022]		AA000945
10	Motion for New Trial	8	AA000946 -
11	[Filed 07/18/2022]		AA000957
12	Errata to Motion for New Trial	8	AA000958 -
13	[Filed: 7/18/2022]		AA000959
14	Amended Errata to Motion for New Trial	8	AA000960 -
15	[Filed: 7/20/2022]		AA000961
16	Opposition to Plaintiffs' Motion for New Trial by	8	AA000962 -
17	Defendants		AA000976
18	[Filed 8/1/2022]		
19	Plaintiffs' Reply to Defendants' Opposition to	8	AA000977 -
20	Plaintiffs' Motion for a New Trial		AA000984
21	[Filed 8/30/2022]		
22	Order Denying Plaintiffs' Motion for New Trial	8	AA000985 -
23	[Filed: 9/23/2022]		AA000996

1	Notice of Order Denying Plaintiffs' Motion for	8	AA000997 -
2	New Trial		AA001010
3	[Filed: 9/27/2022]		
4	Notice of Appeal	8	AA001011 -
5	[Filed: 9/28/2022		AA001012
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**APPELLANTS' APPENDIX**  
**VOLUME 2**

**ALPHABETICAL ORDER**

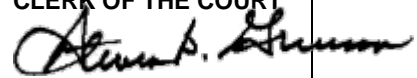
<b>Document</b>	<b>Index Number</b>	<b>Bates Number</b>
Amended Complaint [Filed: 05/06/2016]	1	AA000001 - AA000007
Amended Errata to Motion for New Trial [Filed: 7/20/2022]	8	AA000960 - AA000961
Errata to Motion for New Trial [Filed: 7/18/2022]	8	AA000958 - AA000959
Jury Instruction No. 21 4.2 Elements of Negligence Claim [05/31/2022 Jury Trial - Day 1]	1	AA0000038
Jury Instruction No. 27 8.1 Premises Liability: Essential Factual Elements [05/31/2022 Jury Trial - Day 1]	1	AA0000039
Jury Instruction No. 28 8.20 Landowner Liability: Owner Duty to Inspect [05/31/2022 Jury Trial - Day 1]	1	AA0000040
Jury Instruction No. 29 8.4 Landowner Liability: Duty [05/31/2022 Jury Trial - Day 1]	1	AA0000041
Motion for New Trial [Filed 07/18/2022]	8	AA000946 - AA000957

1	Notice of Appeal	8	AA001011 -
2	[Filed: 9/28/2022]		AA001012
3	Notice of Entry of Order re: Plaintiffs' Third	1	AA000031 -
4	Motion to Compel Discovery Responses		AA000037
5	[Filed: 08/13/2020]		
6	Notice of Order Denying Plaintiffs' Motion for	8	AA000997 -
7	New Trial		AA001010
8	[Filed: 9/27/2022]		
9	Opposition to Plaintiffs' Motion for New Trial by	8	AA000962 -
10	Defendants		AA000976
11	[Filed 8/1/2022]		
12	Order Denying Plaintiffs' Motion for New Trial	8	AA000985 -
13	[Filed: 9/23/2022]		AA000996
14	Plaintiffs' Reply to Defendants' Opposition to	8	AA000977 -
15	Plaintiffs' Motion for a New Trial		AA000984
16	[Filed 8/30/2022]		
17	Plaintiffs' Third Motion to Compel Discovery	1	AA000008 -
18	Responses		AA000030
19	[Filed: 02/24/2020]		
20	Recorder's Transcript of Jury Trial	2	AA000042 -
21	Day 1, Tuesday, 05/31/2022 <i>Pages 1 - 199</i>		AA000240
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25	[Filed: 08/08/2022]		



Recorder's Partial Transcript of Jury Trial - Day 5, Monday, 06/06/2022:  Testimony of Andrew James [Filed 08/08/2022]	8	AA000936 - AA000942
Special Verdict Form [Filed: 06/06/2022]	8	AA000943 - AA000945



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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 JEFFREY MYERS, ET AL.,  
8 Plaintiffs,

) CASE#: A-16-735550-C  
)  
) DEPT. XVII  
)  
)

9 vs.

10 THI OF NEVADA AT CHEYENNE,  
11 LLC, ET AL.,  
12 Defendants.

13  
14 BEFORE THE HONORABLE DAVID BARKER  
DISTRICT COURT JUDGE  
TUESDAY, MAY 31, 2022

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

16  
17 APPEARANCES

18 For the Plaintiffs:

DONALD C. KUDLER, ESQ.

19 For the Defendants:

ALEXANDER F. GIOVANNIELLO, ESQ.  
CHRISTOPHER J. GIOVANNIELLO, ESQ.

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21  
22  
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24  
25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, May 31, 2022

2  
3 [Case called at 8:44 a.m.]

4 THE COURT: All right. We're on the record in A-735550,  
5 Jeffrey Myers, Andrew Myers v. THI of Nevada at Cheyenne, et al.  
6 Record should reflect the presence of representatives for Plaintiff and  
7 Defense.

8 Good morning, gentlemen.

9 MR. A. GIOVANNIELLO: Good morning, Your Honor.

10 THE COURT: Could I have counsel for Plaintiffs state  
11 appearance please?

12 MR. KUDLER: This is Don Kudler, bar number 5041, for the  
13 Plaintiff.

14 THE COURT: Thank you, Mr. Kudler. And could I have  
15 counsel for Defendant state appearance please?

16 MR. A. GIOVANNIELLO: Good morning, Your Honor. Alex  
17 Giovanniello for the Defendant, bar number 11141.

18 MR. C. GIOVANNIELLO: And good morning, Your Honor.  
19 Christopher Giovanniello for the Defendants, bar number 15048.

20 THE COURT: Giovanniello one and two?

21 MR. C. GIOVANNIELLO: Yeah.

22 THE COURT: Are you related?

23 MR. C. GIOVANNIELLO: Yes.

24 MR. A. GIOVANNIELLO: Yes, Your Honor.

25 THE COURT: Father-son?

1 MR. A. GIOVANNIELLO: Yes.

2 THE COURT: Okay. Good to know. Gentlemen, my name is  
3 Barker -- Judge Barker. I don't know if Judge Villani told you that you'd  
4 be seeing my face this morning, but if it's a surprise to you, sorry about  
5 that. I'm a senior judge. I was assigned responsibility of assisting Judge  
6 Villani who's out of the jurisdiction under Supreme Court order 22-00654.  
7 So I will be your trial judge.

8 In preparation for the effort I have reviewed the joint pretrial  
9 memorandum and to the extent that I'm able, I've gone through the  
10 summary of minutes to try to get in front of some of the evidentiary  
11 decisions, motions in limine orders that have already been signed.

12 But you are much more familiar with the action in the first  
13 instance. It was represented to me through staff that this matter is  
14 anticipated to take seven to ten days; is that correct? Seven to ten trial  
15 days?

16 MR. KUDLER: Yeah. We'll be all this week because there's  
17 four days and then a couple days next week probably.

18 THE COURT: Okay. I -- and that's fine. My administrative  
19 order has me here through the 17th of June. So more than enough time  
20 to get the action complete.

21 Just for briefing so you can be prepared on how I do  
22 selection; we're going to put 20 citizens in the box. I use Arizona --  
23 modified Arizona method for selection. I'll give each side an opportunity  
24 to inquire of each juror. They've also each been handed out or in their  
25 chairs basically sampled questions that -- and we should probably give

1 each one of these --

2 THE CLERK: Yeah.

3 THE COURT: -- to counsel so they know what the jurors will  
4 be looking at. It's the standard questions. It's the way Judge Villani has  
5 done. And frankly it's more effective and efficient. Some of the  
6 questions obviously can be ignored but it will be -- it is my intention after  
7 I welcome the panel to go through the questions on an individual basis,  
8 then to give each side an opportunity to respond or inquire of each juror  
9 individually. I'll ask for a waiver for cause or challenge, therefore on  
10 each juror, as you complete your examination of the juror. Your  
11 alternate juror will be in the final chair. That'll be chair -- actually it'll be  
12 nine and 10. You'll get -- you'll have two alternates.

13 Just so you understand what I do. When I put 20 in the chair  
14 that represents the total number of juries -- jurors who eventually will be  
15 passed for cause, and then we'll go into peremptory phase in writing,  
16 and then you'll be able to make your decisions. If one side or the other  
17 should waive a peremptory, it does not mean all peremptories -- all four  
18 of your peremptories are waived as a consequence of the decision to  
19 waive the first.

20 I encourage all litigants, all lawyers to remember that the last  
21 two chairs of your panel are your alternate chairs. So as people shift,  
22 although they not -- won't be removed from the box, you should count --  
23 seriously, count back 10 spaces so you know who's in those final two  
24 chairs. Does that make sense?

25 MR. C. GIOVANNIELLO: Yes, Your Honor.

1 MR. KUDLER: Yes.

2 THE COURT: Okay, good. I give you -- I give the lawyers  
3 leave to speak with the jurors as you feel appropriate, just be mindful  
4 that while you're doing that I'm staring at EDCR 7.70. Don't attempt to  
5 inoculate the jury to your theory of your case, stay general on their  
6 ability to be fair and impartial to the case and you won't hear arguments  
7 from me. Make sense?

8 MR. KUDLER: Yes, Your Honor.

9 MR. A. GIOVANNIELLO: Yes, Your Honor.

10 THE COURT: All right, good. My hope is we can get a jury  
11 today and then we'll start with opening statements tomorrow, but we'll  
12 see how that goes. Depending on what's happening in the room. Each  
13 selection is obviously very different. Makes -- any questions?

14 MR. KUDLER: There are some issues on exhibits.

15 THE COURT: Okay.

16 MR. KUDLER: That we need to go over at some point either  
17 after the jury or --

18 THE COURT: I checked with staff today. Look, you filed a  
19 joint -- you filed joint exhibits.

20 MR. KUDLER: No.

21 MR. A. GIOVANNIELLO: No, Your Honor. We ended up not  
22 filing joint exhibits.

23 THE COURT: Oh, okay. So that's what you're talking about.

24 MR. A. GIOVANNIELLO: The black ones are Defendant's; the  
25 white ones are Plaintiff's.

1 THE COURT: So white are Plaintiff's.

2 MR. A. GIOVANNIELLO: And the black are Defendant's.

3 THE COURT: Black are Defendant's. Are they duplicative?

4 MR. KUDLER: Yes. There's --

5 MR. A. GIOVANNIELLO: Some are, yes.

6 MR. KUDLER: 25 of the Defendants are duplicative of  
7 medical records we have put in.

8 THE COURT: All right. Well, let's get into that not now. Let  
9 me get in front of my other 9:00 responsibilities and then get a panel and  
10 get into the effort. And then we'll start building a record as the  
11 circumstances require.

12 MR. A. GIOVANNIELLO: One question, Your Honor. You  
13 said four peremptories. We get four each on each side or two each?

14 THE COURT: This is civil. It's actually -- you get --

15 THE CLERK: [Indiscernible]

16 THE COURT: I'm sorry?

17 THE CLERK: We do five really because --

18 MR. KUDLER: We do five each.

19 THE COURT: Oh, there's the --

20 THE CLERK: -- four and then plus one.

21 THE COURT: Yeah. That's one with the alternates. So you  
22 get five total. You're going to end up with 10 jurors. So you get five  
23 each, four with one to the alternate, but point well taken. You don't have  
24 to save that fifth for your alternate because your alternates are going to  
25 shift as the consequence of decisions made. So just count it as five. You

1 get to use five.

2 MR. A. GIOVANNIELLO: Okay.

3 THE COURT: Yeah. 16.040, four plus one. So yeah. Any  
4 other questions?

5 MR. KUDLER: No.

6 MR. A. GIOVANNIELLO: No.

7 MR. KUDLER: We'll see you after you finish your morning  
8 calendar.

9 THE COURT: I'll be -- I'll try to be brief. Most of them are  
10 status checks. There isn't any meat on the bone. No evidentiary  
11 hearings. No prove up. So we should be at it. And my marshal's going  
12 to go down and start rallying the panel. We should be first out of the  
13 gate in terms of bringing them up. Okay. All right.

14 And I am in receipt, I guess over the weekend, I got multiple  
15 pictures marked as P1 through, I don't remember, 53. And D -- we'll just  
16 D1 through 10. We'll go through them.

17 MR. KUDLER: I don't know what -- neither of us knows what  
18 those are.

19 MR. A. GIOVANNIELLO: I didn't send those Your Honor.

20 THE COURT: Well, come on up and look at them.

21 MR. A. GIOVANNIELLO: Well, I know what they are. They  
22 were actually in front of Judge Villani on a motion about six months ago.

23 THE COURT: Oh, I just saw them sitting on the desk when I  
24 walked in the door. Plaintiff, Defendant.

25 MR. KUDLER: Banging the gavel.



1 MR. A. GIOVANNIELLO: They're pictures that --

2 MR. KUDLER: Yeah. They --

3 MR. A. GIOVANNIELLO: -- we argued about six months ago.

4 THE COURT: Okay.

5 MR. KUDLER: Yeah. These --

6 THE COURT: So I -- should I just put these kind of away?

7 MR. KUDLER: Yeah. I think whatever's in evidence is in the  
8 evidence books already.

9 THE COURT: Putting them away.

10 MR. A. GIOVANNIELLO: Okay.

11 THE COURT: All right, good.

12 MR. KUDLER: Thank you.

13 MR. A. GIOVANNIELLO: Also, Your Honor, I just want to  
14 bring to the attention of the Court. As you can see, I'm a little on the  
15 handicap side here. I had some recent surgeries and I'm not going to be  
16 able to stand so much. I don't want to be disrespectful.

17 THE COURT: Let's talk about that. And I'm perfectly fine  
18 with that. I tend to be -- I tend to want lawyers to try their case as they  
19 can. I don't stand on ceremony to a great degree, as long as you're  
20 respectful of the process and the people who are giving up their time to  
21 make this decision that you all can't seem to get to. So there you go. All  
22 right.

23 MR. A. GIOVANNIELLO: Thank you, Your Honor.

24 THE COURT: I also was handed by staff this morning, now  
25 that we keep going through this, you've got a pending writ of mandamus

1 in front of the Supreme Court on certain prior evidentiary rulings, but  
2 there's no stay.

3 MR. A. GIOVANNIELLO: I know, Your Honor.

4 THE COURT: I checked with staff. If there's no stay, there's  
5 no stay. This case is going to get tried, okay.

6 MR. A. GIOVANNIELLO: Yeah. I'm well aware of that.

7 THE COURT: All right. Good to go.

8 MR. A. GIOVANNIELLO: If they -- they didn't issue a stay yet.

9 THE COURT: Okay.

10 MR. A. GIOVANNIELLO: And then there's also request for  
11 judicial notice i believe that we filed.

12 THE COURT: I didn't see that one.

13 MR. A. GIOVANNIELLO: Okay. It's --

14 THE COURT: What do you want me to notice?

15 MR. A. GIOVANNIELLO: I want you to notice an OSHA  
16 statute, 1910.

17 THE COURT: As a jury instruction?

18 MR. A. GIOVANNIELLO: There's four of them as jury -- yeah.  
19 That's what it's going to end up being.

20 THE COURT: Well --

21 MR. A. GIOVANNIELLO: It's four of them.

22 THE COURT: -- we'll talk about that when we get to settling  
23 instructions.

24 MR. A. GIOVANNIELLO: Okay.

25 THE COURT: But that's going to be a hill for you to climb.

1 I'm very conservative on my instructions. I don't like elaboration. I don't  
2 like bits and pieces from different cases being brought together, unless I  
3 can get consensus from the parties, but we'll take that when we get  
4 there.

5 MR. A. GIOVANNIELLO: Okay.

6 THE COURT: All right. Good. Thank you.

7 MR. A. GIOVANNIELLO: Thank you.

8 MR. KUDLER: Thank you, Your Honor.

9 [Recess taken from 8:53 a.m. to 9:34 a.m.]

10 THE COURT: A-73555, Myers v. THI of Nevada. Record  
11 should reflect the presence of representative for Plaintiff and Defense.  
12 I've got -- and I've got 40 citizens in the hall.

13 Gentlemen, anything additional before we bring in your  
14 panel?

15 MR. KUDLER: Not at this time.

16 THE COURT: All right.

17 MR. C. GIOVANNIELLO: No, Your Honor.

18 THE COURT: Marshal.

19 THE MARSHAL: Yes. Sir.

20 MR. KUDLER: Are you putting 20 in the box now, Your  
21 Honor?

22 THE COURT: 20 in the box.

23 MR. KUDLER: Okay. Just want to --

24 THE COURT: Balance --

25 MR. KUDLER: -- clear the way so they can go by.

1 THE COURT: Exactly.

2 THE MARSHAL: Please rise for the jury.

3 [Prospective jurors in at 9:39 a.m.]

4 THE MARSHAL: Please be seated.

5 THE COURT: We are on the record in A73550-C, Jeffrey  
6 Myers versus THI of Nevada at Cheyenne LLC. The record should reflect  
7 the presence of representative for the Plaintiff and Defense.

8 Good morning, ladies and gentlemen.

9 IN UNISON: Good morning.

10 THE COURT: My name is Judge David Sr., Judge David  
11 Barker, I'm your presiding judge in this action.

12 You are in Department 17 of the 8th Judicial District Court.

13 And if you didn't notice while walking up looking out those windows,  
14 you're on the 11th floor. 11 Alpha is the courtroom that you're working  
15 out of.

16 You have been summoned here to participate in a jury trial in  
17 a civil lawsuit. Before we get into the basis of a lawsuit I need to make  
18 some introductions so you as new faces to the effort, to this jury effort  
19 know who the parties are, and you know what they're responsibilities are  
20 so you can better follow along as we move into the jury selection  
21 process.

22 My first introductions is Samantha Albrecht. She is my court  
23 clerk. It's her responsibility to maintain the official record of the trial.  
24 She marks exhibits, she swears witnesses and generally helps keep us  
25 pointed in the appropriate and correct direction as the trial proceeds.

1               Next to her is the court record, Kristine Santi. It's her job to  
2 maintain an electronic record of everything that happens here in this  
3 courtroom. If you'll look around the room you might see some cameras  
4 that are pointed in different directions. You see some microphones in  
5 front of me, in front of the litigants, in front of the witness stand and in  
6 front of you in fact. Everything that's said here while we're on the record  
7 is maintained in that electronic record. It's her responsibility to make  
8 sure that's an accurate and complete one. At some points during the  
9 process she may find it necessary to get up and adjust the microphones  
10 or basically make sure that without intruding too much that everything's  
11 being recorded appropriately. If this happens, it's not her intention to  
12 intrude in the process, but she has her responsibilities and she takes  
13 them seriously.

14               We're also going to use an electronic microphone in this  
15 effort, and we'll talk about how that works in a few minutes.

16               You've met Marshal Walker, he's the marshal assigned to  
17 this case. He has an important role for you, ladies and gentlemen. The  
18 marshal is your initial point of contact. In fact, only point of contact as  
19 we move through the jury trial effort. And I'll get closer to his  
20 responsibilities in a few minutes.

21               Let's move to the counsel. Can I have counsel introduce  
22 themselves? Counsel, for Plaintiff introduce yourself. Explain the brief  
23 nature of the case, identify your witnesses. Counsel, you have the floor.

24               MR. KUDLER: Thank you, Your Honor. Good morning,  
25 ladies and gentlemen. My name is Don Kudler. Donald on the books. I

1 have one partner, his name is Allen Cap, C-A-P. There is an Allen Caps  
2 in town, that is not my partner. If you recognize somebody with a strong  
3 Boston accent, that would be Allen Caps and not my partner.

4 My clients are, excuse me, Andrew James and Jeffrey Myers.  
5 This case revolves around an incident where they were working as  
6 electricians repairing a breaker in a box that -- and during that another  
7 piece fell, caused an explosion and they were injured as a result of being  
8 burned by a plasma ball at the Defendant's facility.

9 So during this trial Mr. Myers and Mr. James will testify as  
10 well as Douglas Smith, who is Mr. James' farther-in-law and business  
11 partner with him in the business that they own together.

12 We will also be bringing in Don Gifford, who is an electrical  
13 expert to testify as to what happened here. And then we're going to  
14 have some medical providers. Not all of them might show up, but we  
15 are -- we want to let you know that following these incidents both went  
16 to UMC by way of MedicWest AMR. So we would be bringing in one of  
17 the AMR people, his name is Luke Crawford.

18 We will be bringing in doctors from University Medical  
19 Center, Sam Ozobia [sic] and Michael Richter. We will also bring in --  
20 excuse me. Nathan Ozobia and Michael Richter. Robert Patti, who's an  
21 orthopedic doctor. Sam Zand, who is a psychiatrist. Arthur Taylor,  
22 another orthopedic doctor. Sheryl Cipollini, who is a nurse practitioner  
23 in Pahrump. Lindsey Coombs, who is a psychotherapist. Shanker Dixit,  
24 who is a neurologist.

25 And those will be the witnesses that we'll be possibly calling

1 during this trial. Thank you.

2 THE COURT: We'll have counsel for Defendant, introduce  
3 yourself, explain the nature of the case from your perspective, identify  
4 witnesses, please.

5 MR. A. GIOVANNIELLO: Ladies and gentlemen, my name is  
6 Alexander Giovanniello, I go by Alex Giovanniello. And I want to  
7 introduce my counsel is Christopher Giovanniello and you'll see that he  
8 has the same last name, and yes he is my son.

9 I'm going to be defending the Defendants in this case, which  
10 is College Park. I'm going to be defending Fundamental Administrative  
11 Services and Healthcare Realty.

12 As counsel explained to you, what this case is about is about  
13 an electrical arc that happened while two electricians were working on  
14 an electrical box on -- at College Park and they suffered some burn  
15 injuries because of that. Obviously, College Park is going to maintain  
16 that it wasn't their fault.

17 We're going to present two witnesses really. We're going to  
18 have Roy Comstock, who's the head of maintenance at College Park.  
19 And then there's another is Tim LaFronz, and he's really only going to be  
20 here for a foundational purpose because he is just going to testify as to a  
21 film or a video that he took of Mr. James.

22 And that is the case from our perspective. Thank you so  
23 much.

24 THE COURT: Thank you, lawyers.

25 Ladies and gentlemen, I'm going to now have the clerk call

1 the roll of the prospective panel. She does this to make sure that all who  
2 are summoned by the jury commissioner are present and prepared to  
3 proceed. So when you hear your name just say present, here, whatever  
4 you're comfortable with. Let's call the roll.

5 THE CLERK: Badge number 002, Julianna Aviles-Martinez?

6 PROSPECTIVE JUROR 002: Present.

7 THE CLERK: 010, Carmen Torzon?

8 PROSPECTIVE JUROR 010: Here.

9 THE CLERK: Badge number 019, Christopher Ness?

10 PROSPECTIVE JUROR 019: Here.

11 THE CLERK: 020, Reyna Guzman?

12 PROSPECTIVE JUROR 020: Present.

13 THE CLERK: 032, William Acunto?

14 PROSPECTIVE JUROR 032: Here.

15 THE CLERK: 052, Christopher Gibson?

16 PROSPECTIVE JUROR 052: Here.

17 THE CLERK: 059, John Beckmann?

18 PROSPECTIVE JUROR 059: Here.

19 THE CLERK: 067, Nan Okuda?

20 PROSPECTIVE JUROR 067: Present.

21 THE CLERK: 068, Lisa A Mallinger?

22 PROSPECTIVE JUROR 068: Yes, here.

23 THE CLERK: 075, Bryan McGhee?

24 PROSPECTIVE JUROR 075: Yeah, here.

25 THE CLERK: 082, Jessica Espiritu?



1 PROSPECTIVE JUROR 082: Here.  
2 THE CLERK: 098, Shannon McCallum?  
3 PROSPECTIVE JUROR 098: Present.  
4 THE CLERK: 104, Myra Antonino?  
5 PROSPECTIVE JUROR 104: Present.  
6 THE CLERK: 105, Matthew Mondschein?  
7 PROSPECTIVE JUROR 105: Present.  
8 THE CLERK: 113, Jeffrey Kim?  
9 PROSPECTIVE JUROR 113: Here.  
10 THE CLERK: 124, John Feustel?  
11 PROSPECTIVE JUROR 124: Here.  
12 THE CLERK: 134, Julie Quigley?  
13 PROSPECTIVE JUROR 134: Yes.  
14 THE CLERK: 135, Michel Addley?  
15 PROSPECTIVE JUROR 135: Here.  
16 THE CLERK: 143, Melissa Kan?  
17 PROSPECTIVE JUROR 143: Here.  
18 THE CLERK: 147, Benjamin Bernal?  
19 PROSPECTIVE JUROR 147: Here.  
20 THE CLERK: 150, Donna Foley?  
21 PROSPECTIVE JUROR 150: Right here.  
22 THE CLERK: 154, Joe Cho?  
23 PROSPECTIVE JUROR 154: Here.  
24 THE CLERK: 155, Rebekah Thompson?  
25 PROSPECTIVE JUROR 155: Here.

1 THE CLERK: 156, Rosalind Ele?  
2 PROSPECTIVE JUROR 156: Here.  
3 THE CLERK: 159, Alexander Coussirat?  
4 PROSPECTIVE JUROR 159: Here.  
5 THE CLERK: 161, Luis Diaz?  
6 PROSPECTIVE JUROR 161: Here.  
7 THE CLERK: 168, William Young?  
8 PROSPECTIVE JUROR 168: Here.  
9 THE CLERK: 171, Adrienne Guy?  
10 PROSPECTIVE JUROR 171: Here.  
11 THE CLERK: 192, Tara Pushkin?  
12 PROSPECTIVE JUROR 192: Here.  
13 THE CLERK: 197, Maria Farias?  
14 PROSPECTIVE JUROR 197: Here.  
15 THE CLERK: 224, Jakob Beasley?  
16 PROSPECTIVE JUROR 224: Here.  
17 THE CLERK: 232, Hannah Nagy?  
18 PROSPECTIVE JUROR 232: Here.  
19 THE CLERK: 236, Rolando Sobrepena?  
20 PROSPECTIVE JUROR 236: Present.  
21 THE CLERK: 241, Marcel Poulin?  
22 PROSPECTIVE JUROR 241: Here.  
23 THE CLERK: 245, Felipe Cisneros-Velasco?  
24 PROSPECTIVE JUROR 245: Present.  
25 THE CLERK: 605, Jhon Ortiz-Ortiz?

1 PROSPECTIVE JUROR 605: Here.

2 THE CLERK: 973, Renalda Zamora-Infunte?

3 PROSPECTIVE JUROR 973: Present.

4 THE CLERK: 1503, Ruby-Anne Ramento?

5 PROSPECTIVE JUROR 1503: Here.

6 THE CLERK: 1504, Steven Monroe?

7 PROSPECTIVE JUROR 1504: Here.

8 THE CLERK: 1506, Nancy, I'm not going to be able say your

9 last --

10 PROSPECTIVE JUROR 1506: Here.

11 THE CLERK: -- sorry.

12 THE COURT: All right. Having called the roll, all who have

13 been summoned to participate are present.

14 Ladies and gentlemen, the process of jury selection is done

15 under oath, so I need you all to stand as a group, raise your right hand

16 and be sworn by the clerk.

17 [The prospective jurors were sworn]

18 THE COURT: Please be seated, ladies and gentlemen.

19 As we commence examination of prospective jurors, during

20 this process you will be asked questions by myself and by the lawyers at

21 the time permitting. Those questions should be focused and understand

22 our purpose here is to pick a jury who can sit as fair and impartial jurors.

23 So the questions that you're asked should be focused on that purpose.

24 Sometimes these questions might be somewhat personal, but it's not my

25 intent personally or would I never -- I would never allow the lawyers to

1 ask questions that make you uncomfortable. So if you get to a point in  
2 the process where you either refuse or don't wish to answer, please just  
3 explain why and we'll take each case and each situation individually.  
4 Being fair and impartial, we're looking for people who can be completely  
5 neutral, have no bias, prejudice towards either side.

6 Because each case is unique there will be questions about  
7 your background and life experience to focus on -- they should be -- the  
8 questions should be focused in that area. It is important for you to  
9 provide full, complete and honest answers to all the questions that  
10 you're about to be asked. I caution you to try not to withhold or hide  
11 anything that might indicate a bias or prejudice of any sort. Should you  
12 fail to answer the questions truthfully or hide or withhold anything  
13 touching upon your qualification, that fact may tend contaminate the  
14 verdict and subject you to further inquiry by the Court.

15 Now what we're going to do here, is I have you top 20, I call  
16 you the top 20, we'll be focused on you and depending on how the  
17 questions are asked and answer and decisions made we might have  
18 folks come from the back room to substitute in for those who are in the  
19 top 20. It's important there for the folks in the back, even though you're  
20 not currently in the jury box to listen carefully to the questions that are  
21 asked so you can be prepared to answer the questions if it becomes  
22 necessary for you to do so.

23 Now in order to expedite the process even further, I've had a  
24 general set of questions placed in your chair. So those are the questions  
25 that I'm going to focus on and with the insight drawn from your answers

1 to those questions I'm going to give the lawyers again an opportunity to  
2 inquire.

3 So we're going to start just by circumstance. Ms. Aviles-  
4 Martinez, you're in chair one, so you get to go first, okay?

5 And let me make sure I'm following along with the  
6 appropriate questions here.

7 How long have you been here in Clark County?

8 THE MARSHAL: Hold on just a second, Judge.

9 THE COURT: Oh there we go. Let's talk about the  
10 microphone. We've just all come through a terrible two years of COVID,  
11 so you're going to see -- when you use that microphone, because the  
12 microphones the we -- standard use to pick up what's happening in the  
13 well don't pick in the back. So we need to hand that microphone back  
14 and forth. The marshal, he knows what he needs to do. He's going to  
15 wipe that down as the microphone is handed back and forth so we can  
16 make sure that it's -- that all are comfortable in using it, all right? All  
17 right. Let's begin.

18 How long have you lived in Clark County?

19 PROSPECTIVE JUROR 002: Over 30 years.

20 THE COURT: And how far did you go in school?

21 PROSPECTIVE JUROR 002: I have a master's degree.

22 THE COURT: And -- so a master's degree in what?

23 PROSPECTIVE JUROR 002: Social work.

24 THE COURT: And are you employed?

25 PROSPECTIVE JUROR 002: Yes.

1 THE COURT: What do you do for a living?

2 PROSPECTIVE JUROR 002: I'm a therapist, I'm a licensed  
3 clinical social worker.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 002: So I provide individual talk  
6 therapy.

7 THE COURT: All right. Are you married or in a significant  
8 relationship?

9 PROSPECTIVE JUROR 002: I'm single.

10 THE COURT: Do you have any children?

11 PROSPECTIVE JUROR 002: I do.

12 THE COURT: How old are your children?

13 PROSPECTIVE JUROR 002: 26, 24 and nine.

14 THE COURT: So the nine year old is probably with you still?

15 PROSPECTIVE JUROR 002: They're all with me.

16 THE COURT: All with you. All right. And what are their --  
17 are they working, in school? Give us a little background there.

18 PROSPECTIVE JUROR 002: Yes. My oldest is working at  
19 Dick's Sporting Goods and attending UNLV. And my 24 year old is  
20 working for a CPA office and is going to school to become a nurse.

21 THE COURT: Okay. Question six is more pointed to other  
22 types of cases that we try in this department, but we'll talk about it here.

23 Have you ever been -- you or anyone close to you ever been  
24 the victim of a crime?

25 PROSPECTIVE JUROR 002: Someone close to me.

1 THE COURT: What type of events were those?

2 PROSPECTIVE JUROR 002: I had a friend previously who  
3 had been sexually assaulted.

4 THE COURT: Okay. This is a -- we call this a premise -- it's  
5 premises liability negligence action, it's a civil case. Is there anything  
6 about the nature of that action or that event with your friend that might  
7 affect your ability to be a fair and impartial juror in this kind of case?

8 PROSPECTIVE JUROR 002: No.

9 THE COURT: Has -- we're going to move to eight. Have you  
10 ever served as a juror before?

11 PROSPECTIVE JUROR 002: No, I have not.

12 THE COURT: Is there anything you have heard about this  
13 trial in the public record, not that there would be in the paper, that might  
14 influence your ability to view the evidence independent of that report?

15 PROSPECTIVE JUROR 002: No.

16 THE COURT: Have you ever been a witness or a -- have you  
17 ever been brought to court in any type of context? A criminal case, civil  
18 case, divorce case, anything like that.

19 PROSPECTIVE JUROR 002: Yes. When I was younger I  
20 worked a clothing store, and some individuals stole some merchandise --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR 002: -- and I had to go into court to  
23 testify. I don't even remember how old I was.

24 THE COURT: Okay. Was there anything about the nature of  
25 that event or effort that might affect your ability to be a fair juror in this

1 case?

2 PROSPECTIVE JUROR 002: No.

3 THE COURT: Can you base your verdict in this case -- and I  
4 know you nothing about it and frankly folks that's on purpose. You learn  
5 about the case as you're sworn, and we move forward in the evidence.  
6 Is there anything that you can think of right now that might affect your  
7 ability to be fair and impartial to both sides?

8 PROSPECTIVE JUROR 002: No.

9 THE COURT: All right. Lawyers, we're going to do  
10 individual. I'm going to give plaintiff having the burden first opportunity  
11 to inquire of juror number one.

12 MR. KUDLER: Thank, Your Honor. Just so you know, we've  
13 been given a little bit of sheets, there's a little bit of information about  
14 you and there's some follow-up [indiscernible].

15 THE COURT: Counsel, I need you to work from podium or --

16 MR. KUDLER: Okay.

17 THE COURT: -- if you have a lapel mic, we can mic you up  
18 later, but --

19 MR. KUDLER: I'll work from the podium for now.

20 THE COURT: All right. Fair.

21 COURT REPORTER: Thank you, Your Honor. I'm sorry.

22 MR. KUDLER: Thank, Your Honor.

23 Your master's degree is in social work?

24 PROSPECTIVE JUROR 002: Yes, it is.

25 MR. KUDLER: And we have you working at Desert



1 Behavioral Health?

2 PROSPECTIVE JUROR 002: That's correct.

3 MR. KUDLER: And what do you do there, is it just straight  
4 talk therapy or?

5 PROSPECTIVE JUROR 002: I do talk therapy and I'm also a  
6 clinical supervisor.

7 MR. KUDLER: Okay. So you're supervising other --

8 PROSPECTIVE JUROR 002: Other clinical interns and --

9 MR. KUDLER: Okay.

10 PROSPECTIVE JUROR 002: -- therapists.

11 MR. KUDLER: Okay. And you've been doing that how long?

12 PROSPECTIVE JUROR 002: I've been at Desert Behavioral  
13 Health; it'll be four years in October. I started as a clinical supervisor; it's  
14 been under a year.

15 MR. KUDLER: And how does Desert Behavioral Health get its  
16 patients, are they walk-ins, are they referrals from doctors, are they  
17 required to be there by the state?

18 PROSPECTIVE JUROR 002: They can be referred by  
19 physicians, they can be referred by their health insurance company,  
20 sometimes we get walk-ins, some are mandated. I use -- I work with few  
21 that are mandated though.

22 MR. KUDLER: Okay. And those that are mandated, are they  
23 victims of crimes or charged with crimes?

24 PROSPECTIVE JUROR 002: Generally charged with crimes.

25 MR. KUDLER: In your work do you ever work with patients

1 who are diagnosed with PTSD?

2 PROSPECTIVE JUROR 002: Yes.

3 MR. KUDLER: Do you do that yourself?

4 PROSPECTIVE JUROR 002: Do I diagnose?

5 MR. KUDLER: Yes.

6 PROSPECTIVE JUROR 002: Yes.

7 MR. KUDLER: Okay. That's all I have. I'll the pass for cause.

8 THE COURT: Pass to cause. Defense, you may inquire.

9 MR. A. GIOVANNIELLO: Good morning, Ms. Martinez.

10 PROSPECTIVE JUROR 002: Good morning.

11 MR. A. GIOVANNIELLO: Have you ever worked in a skilled  
12 nursing facility?

13 PROSPECTIVE JUROR 002: No. I've worked in patient  
14 behavioral health facility.

15 MR. A. GIOVANNIELLO: Okay. Have you ever -- let me ask  
16 you this. In your position --

17 PROSPECTIVE JUROR 002: Uh-huh.

18 MR. A. GIOVANNIELLO: -- have you ever worked -- never  
19 mind. Let me ask you not in your position. Have you ever had the need  
20 to ever utilize the services of an electrician?

21 PROSPECTIVE JUROR 002: At home, but it was a family  
22 friend who did the work because they were an electrician.

23 MR. A. GIOVANNIELLO: Okay.

24 PROSPECTIVE JUROR 002: So I never have contracted or  
25 utilized someone.

1 MR. A. GIOVANNIELLO: Okay. Have you ever worked  
2 around any electrical circuits like -- you do -- excuse me. Do you own a  
3 home?

4 PROSPECTIVE JUROR 002: Yeah.

5 MR. A. GIOVANNIELLO: Okay. And you have a junction box  
6 at your home or like wherever you keep all -- where they have all the  
7 circuit breakers?

8 PROSPECTIVE JUROR 002: Uh-huh.

9 MR. A. GIOVANNIELLO: Okay. Have you ever yourself  
10 worked at that by yourself?

11 PROSPECTIVE JUROR 002: No. Have I -- other than  
12 switching them on and off?

13 MR. A. GIOVANNIELLO: Yeah.

14 PROSPECTIVE JUROR 002: No.

15 MR. A. GIOVANNIELLO: Okay. If you ever needed any  
16 electrical services work, would you hire an electrician?

17 PROSPECTIVE JUROR 002: Yes.

18 MR. A. GIOVANNIELLO: Okay. Have you -- in your position  
19 have you ever worked with any burn victims?

20 PROSPECTIVE JUROR 002: Honestly, not that I can recall,  
21 but I'm not 100 percent sure.

22 MR. A. GIOVANNIELLO: Okay. Have you, yourself ever had  
23 a burn?

24 PROSPECTIVE JUROR 002: Not one that has taken me to the  
25 hospital.

1 MR. A. GIOVANNIELLO: Okay. Touch to hot -- something  
2 hot and --

3 PROSPECTIVE JUROR 002: Yes.

4 MR. A. GIOVANNIELLO: -- got you?

5 PROSPECTIVE JUROR 002: Uh-huh.

6 MR. A. GIOVANNIELLO: Okay. You've never had like a first,  
7 second, third degree burn?

8 PROSPECTIVE JUROR 002: No.

9 MR. A. GIOVANNIELLO: In this case the way that the civil  
10 system works, the way lawsuits work is plaintiff goes first, defense goes  
11 second, okay. Will you be able to -- and also, you know, because plaintiff  
12 presents a bunch of witnesses in their case, defense may not present as  
13 many witnesses. Is that going to be prejudice -- excuse me -- will that  
14 prejudice you in anyway if say the defense doesn't present as many  
15 witnesses as the plaintiff?

16 PROSPECTIVE JUROR 002: No. Not if it's not necessary I  
17 guess, no.

18 MR. A. GIOVANNIELLO: Okay. Do you agree with the  
19 statement that it's not the quantity of the witnesses, but the quality of the  
20 testimony that matters?

21 PROSPECTIVE JUROR 002: Yes.

22 MR. A. GIOVANNIELLO: Okay. The other thing is, is I speak  
23 with a bit of an accent as you can tell. I grew up in New York, but I've  
24 lived out here for 38 years and I can't get rid of this accent. Sound like  
25 that guy from My Cousin Vinny. Is that going to prejudice you in any

1 way towards my clients because --

2 PROSPECTIVE JUROR 002: No.

3 MR. A. GIOVANNIELLO: -- of my accent?

4 PROSPECTIVE JUROR 002: No.

5 MR. A. GIOVANNIELLO: Okay. And as you can see, I'm  
6 hobbling a little bit, I have to walk with a cane. And I have to sit  
7 sometimes, and I don't want to be disrespectful to you in that manner if I  
8 can't stand up or if I can't stand for too long. Is that going to prejudice  
9 you in any way --

10 PROSPECTIVE JUROR 002: No.

11 MR. A. GIOVANNIELLO: -- towards myself or my clients?

12 PROSPECTIVE JUROR 002: No.

13 MR. A. GIOVANNIELLO: Okay. As you know the Plaintiff's,  
14 you know, they're human beings, they're real people, okay. I'm  
15 defending a building and I'm defending, you know, some companies  
16 here. They're entitled to the same consideration as the living human  
17 beings are. And can you do that, can you -- and if you were picked as a  
18 juror in this case could you treat my clients fairly without any passion or  
19 prejudice because they're buildings?

20 PROSPECTIVE JUROR 002: Yes.

21 MR. A. GIOVANNIELLO: Okay. Thank you. That's all I have.  
22 Thank you so much.

23 THE COURT: Pass for cause?

24 MR. A. GIOVANNIELLO: Pass for cause. Yes, Your Honor.

25 MR. KUDLER: Your Honor, may we approach real quick?

1 THE COURT: Yes.

2 [Sidebar begins at 10:02 a.m.]

3 MR. KUDLER: I may have missed it, but I didn't hear the  
4 Court ask if they knew counsel.

5 THE COURT: I was going to get there.

6 MR. A. GIOVANNIELLO: Oh, yeah, yeah.

7 THE COURT: I did miss it.

8 MR. A. GIOVANNIELLO: You're right. I was like -- I forgot  
9 about that.

10 THE COURT: But I was [indiscernible].

11 MR. KUDLER: Thank you, Your Honor.

12 MR. A. GIOVANNIELLO: Thank you, Your Honor.

13 [Sidebar ends at 10:02 a.m.]

14 THE COURT: All right. A couple of things ladies and  
15 gentlemen, that's called a sidebar. You're going to see that happen.  
16 Understand that's just me trying to maintain an appropriate record, that I  
17 answer questions that need to be answered that don't require your  
18 attention.

19 First of all, I -- it's been a long weekend, I forgot to ask a  
20 couple important questions of the entire panel of the entire room, so I'm  
21 going to ask them now.

22 Ladies and gentlemen, I want you to look around the room  
23 and tell me if you recognize anybody. If you recognize the lawyers, if  
24 you recognize court staff including myself or fellow jurors. Raise your  
25 hand if you do. It's not a problem. We just need to acknowledge.

1 Usually it's something social, something work related. Anybody raise  
2 your hand. A uniform negative response.

3 There were witness names read to you by both sides during  
4 the introduction. Raise your hand if you recognized any of those witness  
5 names? Uniform negative response.

6 Now at some point in this -- jury selection is a bifurcated  
7 process, there's two sections to it. There's a challenge for cause and a  
8 peremptory challenge phase. Again, bifurcation. We're in the challenge  
9 for cause phase right now. What that means is if -- at a point in the near  
10 future where the lawyers are speaking with you they believe as a  
11 consequence of an answer to a question they asked if they feel that your  
12 services or time might be better spent on a different case, they can  
13 challenge like -- they can do a challenge for cause.

14 If you happen to be associated with that type of challenge  
15 don't feel it's a personal attack upon you, it's not. It's basically again just  
16 an answer to a question. They have a very brief amount of time for  
17 which to engage and talk with you under the rules and so sometimes  
18 they might challenge you for cause. It's my responsibility to rule on that  
19 if there's a disagreement between the parties. If you find yourself in that  
20 discussion and on the jury don't take it -- again, don't take it personally.  
21 Don't get -- take it as a challenge that you can't be fair and impartial.

22 Now it's important for a jury to make a decision based upon  
23 the facts and the evidence that they hear in this courtroom and from no  
24 other source. Is there anyone here who has such sympathy, prejudice or  
25 bias relating to age, religion, race, gender, national origin that they feel

1 that might affect your ability to be a fair and impartial juror? Again,  
2 nobody should be making any decisions on any jury trial based upon  
3 sympathy, prejudice or bias relating to age, religion, race, gender or  
4 national origin, or frankly and more directly to it, for any other reason  
5 than the evidence that you hear in the case and the law I give you at the  
6 appropriate time. Raise your hand if you're concerned about that.

7 Uniform negative response.

8 All right. Now it's been represented to me, jury trials are  
9 very dynamic. That's my fancy way of saying, nobody knows how long  
10 it's going to take to try the case until the case goes to trial. But it's been  
11 represented to me by the lawyers in the case that this matter should take  
12 the balance of this week and maybe shortly into next week. So let's call  
13 that seven days, all right, maybe. Again, no one knows for sure how  
14 long. I want you to understand that your role in making these decisions  
15 is critical and the law says that we have to serve unless that commitment  
16 to the process creates such an undue burden upon you that you don't  
17 believe you could pay attention to the evidence and come to what you  
18 view to be a fair decision based upon the evidence. Raise your hand if  
19 that is a concern to you. Uniform negative response.

20 MR. A. GIOVANNIELLO: Your Honor.

21 THE COURT: Oh I'm sorry, we have in the back.

22 PROSPECTIVE JUROR 1503: Sorry.

23 THE COURT: Let me get the microphone to you.

24 PROSPECTIVE JUROR 1503: Last four of my jury number is  
25 1503.



1 THE COURT: 1503.

2 PROSPECTIVE JUROR 1503: Ruby-Anne Ramento. So my  
3 understanding is we need to be available the duration of the trial?

4 THE COURT: That is correct. You have to be present -- all  
5 have to be hearing all the evidence at the same time.

6 PROSPECTIVE JUROR 1503: I have a surgery scheduled on  
7 Tuesday of next week and I have pre op appointments the day before  
8 and today, which I can't make, so tomorrow.

9 THE COURT: So you have necessary doctor's appointments  
10 that you need to pay attention to?

11 PROSPECTIVE JUROR 1503: Yes, sir.

12 THE COURT: Lawyers, any objection to thanking and  
13 dismissing the juror based upon those grounds?

14 MR. KUDLER: No objection, Your Honor.

15 THE COURT: And what was the last one?

16 MR. A. GIOVANNIELLO: No objection, Your Honor.

17 THE COURT: Thank you. What was the last four?

18 THE MARSHAL: 1503.

19 THE COURT: 1503.

20 PROSPECTIVE JUROR 1503: 1-5-0-3.

21 THE COURT: Thank you. Thank you for your time. We'll -- I  
22 don't have to have you return to jury services. Understand that they're  
23 just going to put you back in the roll and you may be receiving a  
24 summons sooner rather than later. But focus on your own health, all  
25 right?

1 PROSPECTIVE JUROR 1503: Thank you.

2 THE COURT: Thank you. So we'll strike that from -- record  
3 from [indiscernible].

4 Anyone else? I see a couple hands going up. Let's stick with  
5 the back here. What's your name, sir?

6 PROSPECTIVE JUROR 161: Luis Diaz.

7 THE COURT: Mr. Diaz.

8 PROSPECTIVE JUROR 161: 0161.

9 THE COURT: 161. Yes, Mr. Diaz?

10 PROSPECTIVE JUROR 161: I have been having flu symptoms  
11 all week and fighting the flu. Just letting you know. I apologize about  
12 the coughing and it's just my attention span is kind of like not here and I  
13 do apologize about that.

14 THE COURT: And you're suffering flu like symptoms right  
15 now?

16 PROSPECTIVE JUROR 161: Yes, sir.

17 THE COURT: All right. Any objection to thank and excuse  
18 Mr. Diaz?

19 MR. KUDLER: No, Your Honor.

20 MR. A. GIOVANNIELLO: No objection, Your Honor.

21 THE COURT: Mr. Diaz, same situation for you. We'll have to  
22 bring you back at a future date, but I don't want you in the room under  
23 those circumstances, all right?

24 PROSPECTIVE JUROR 161: Yes, sir. Thank you.

25 THE COURT: Anyone else? Sir, your badge number and last

1 name.

2 PROSPECTIVE JUROR 154: My name is Cho. Last four --

3 THE COURT: Do you have his --

4 PROSPECTIVE JUROR 154: -- 0154.

5 THE COURT: 154. Mr. Cho?

6 PROSPECTIVE JUROR 154: Yes, sir.

7 THE COURT: What's your concern?

8 PROSPECTIVE JUROR 154: I don't understand anything.

9 English problems.

10 THE COURT: Okay. How long have you been in the U.S.?

11 PROSPECTIVE JUROR 154: Almost 30 year.

12 THE COURT: 30 years? And what do you do for a living?

13 PROSPECTIVE JUROR 154: Huh?

14 THE COURT: What do you do for work?

15 PROSPECTIVE JUROR 154: I'm cleaner.

16 THE COURT: You're a cleaner. For -- do work in a hotel or  
17 where do you work?

18 PROSPECTIVE JUROR 154: No. I clean restaurant.

19 THE COURT: You clean a restaurant.

20 PROSPECTIVE JUROR 154: Yes, sir.

21 THE COURT: Mr. Cho, how long -- you say you've been here  
22 for a significant period of time. Do you have a bank account?

23 PROSPECTIVE JUROR 154: A bank account?

24 THE COURT: Yes. Do you have a bank account?

25 PROSPECTIVE JUROR 154: No, sir.

1 THE COURT: Do you talk to other people in your -- on your  
2 day or during your day in English? What's your first language, Mr. Cho?

3 PROSPECTIVE JUROR 154: Korea.

4 THE COURT: You're Korean?

5 PROSPECTIVE JUROR 154: Yes, sir.

6 THE COURT: I know you're concerned; I have many citizens  
7 who come in with the same concern. I can tell you that they are many  
8 people who speak only English who are concerned they won't  
9 understand what's said in court either. It's my role as your judge to help  
10 make sure you can. Are you telling me right now that you are so  
11 concerned about the -- Korean being your first language that you won't  
12 understanding anything of this process, is that true?

13 PROSPECTIVE JUROR 154: I don't understand.

14 THE COURT: You don't even understand my convoluted  
15 compound question?

16 PROSPECTIVE JUROR 154: No. I don't understand your  
17 question.

18 THE COURT: That's what I just said. All right, Mr. Cho.  
19 Thank you. I'm going to excuse you.

20 Anyone else? Yes, sir?

21 PROSPECTIVE JUROR 113: Last four 0113, Jeffrey Kim.

22 THE COURT: 113. Yes, Mr. Kim?

23 PROSPECTIVE JUROR 113: You mentioned that the duration  
24 of the trial might be the rest of the week and then part of next week?

25 THE COURT: Correct.

1 PROSPECTIVE JUROR 113: I have a prior obligation next  
2 week, I'm out of town from Wednesday to the following Monday.

3 THE COURT: I think we should be okay if we're --

4 PROSPECTIVE JUROR 113: Okay.

5 THE COURT: -- working two days next week.

6 PROSPECTIVE JUROR 113: Okay.

7 THE COURT: If Wednesday's the concern --

8 PROSPECTIVE JUROR 113: I just wanted to inform you if it  
9 does stretch out that far I won't be able to be here.

10 THE COURT: I appreciate that insight. Hopefully we can get  
11 this complete before you have to move -- take that trip.

12 PROSPECTIVE JUROR 113: Okay. Sounds good.

13 THE COURT: All right. Anyone else in the box?

14 PROSPECTIVE JUROR 082: Good morning.

15 THE COURT: Good morning.

16 PROSPECTIVE JUROR 082: Number is 0464. Last name is  
17 Espiritu.

18 THE COURT: Yes.

19 PROSPECTIVE JUROR 4082: Hi. Good morning, Judge. I  
20 just have a bereavement trip this weekend. Is there any way I could  
21 reschedule?

22 THE COURT: You're just coming off a trip bereavement?

23 PROSPECTIVE JUROR 082: I have a bereavement trip; I'm  
24 going to a trip this Saturday.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 082: Yeah. So I'm wondering if I  
2 could reschedule or is that going to be a conflict?

3 THE COURT: It could be a conflict. Who did you lose?

4 PROSPECTIVE JUROR 082: My grandma.

5 THE COURT: Are you telling me that as a consequence of  
6 your current emotional state that you would be unable to focus on this  
7 case?

8 PROSPECTIVE JUROR 082: I believe so, yes.

9 THE COURT: Counsel, anybody wish to inquire of the juror?

10 MR. KUDLER: No thank you, Your Honor.

11 THE COURT: All right.

12 MR. A. GIOVANNIELLO: No, Your Honor.

13 THE COURT: I need full attention. Sorry for your loss. And  
14 I'm going to excuse you --

15 PROSPECTIVE JUROR 082: Thank you.

16 THE COURT: -- with direction to the jury commissioners to  
17 put on the next available stack, all right?

18 PROSPECTIVE JUROR 082: Absolutely, thank you.

19 THE COURT: All right. We're going to strike Juror 082 from  
20 chair 11. We're going to call -- here we go, ladies and gentlemen. I'll get  
21 to you in just a second. I'm going to call the next name in the roll to fill  
22 seat 11. It'd be Donna Foley. Do you want to call her?

23 THE CLERK: I can call.

24 THE COURT: Okay.

25 THE CLERK: Badge number 150 is Donna Foley.

1 THE COURT: All right, Ms. Foley. Come forward. Welcome  
2 to chair 11.

3 All right. I saw a few other hands up in the box. Folks, put  
4 your hands up again so -- Ms. Aviles-Martinez, yes?

5 PROSPECTIVE JUROR 002: I just had a concern with the  
6 length of time. I have scheduled therapy clients of varying needs.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 002: That are already scheduled  
9 starting tomorrow for the -- and next week. That's my only concern.

10 THE COURT: Is it possible for you to reschedule those for the  
11 time that we won't be actually in court? I generally will start trial around  
12 10:00 in the morning and break right before 5:00. Is there a way you  
13 could work around that so you can help us in this case?

14 PROSPECTIVE JUROR 002: I generally see clients starting at  
15 8:30 in the morning all the way up until 5:00.

16 THE COURT: Is there any way -- I come back around the  
17 important part.

18 PROSPECTIVE JUROR 002: Uh-huh.

19 THE COURT: I want your focus to be here.

20 PROSPECTIVE JUROR 002: Uh-huh.

21 THE COURT: Are you telling me that that responsibility  
22 creates such an undue burden upon you that you can't serve as a fair  
23 juror?

24 PROSPECTIVE JUROR 002: I'm just concerned for my clients.

25 THE COURT: I'm going to take that as, Judge, I'll do the best

1 I can. Fair?

2 PROSPECTIVE JUROR 002: Uh-huh.

3 THE COURT: All right. Thank you.

4 PROSPECTIVE JUROR 002: Okay.

5 THE COURT: Anyone else? You should be -- yes, ma'am.

6 PROSPECTIVE JUROR 020: Guzman, Reyna Guzman.

7 THE COURT: All right, Ms. Guzman. What's your concern?

8 PROSPECTIVE JUROR 020: My concern is because I have  
9 this medical problem, cystitis. So I need to go to the bathroom very  
10 often. So I don't if it's conflict for the Court.

11 THE COURT: We can do -- what I do, and I'll tell you right  
12 now, it usually comes up a little later in the effort. But one of my jobs is  
13 to make sure you're comfortable and able to see everything that  
14 happens in this trial. If you're -- find yourself in this jury box and you  
15 need some time for some private time to go the bathroom --

16 PROSPECTIVE JUROR 020: Uh-huh, yes.

17 THE COURT: -- or take care of personal responsibilities. I'm  
18 not talking about a phone call return; I'm talking about an immediate  
19 need. All I need you to do is raise your hand, I'll take a break and give  
20 you the time, for any juror because again --

21 PROSPECTIVE JUROR 020: Oh okay.

22 THE COURT: -- I want your focus on the evidence in the case,  
23 so long as it's not disruptive of the process, all right?

24 PROSPECTIVE JUROR 020: Yes. Because, you know,  
25 sometimes I go and then five minutes I need to go again, so it's no



1 problem? For me it's no problem.

2 THE COURT: All right. Let's see how we do, all right?

3 PROSPECTIVE JUROR 020: Okay. No problem.

4 THE COURT: Thank you.

5 Next hand. Yes, ma'am.

6 PROSPECTIVE JUROR 134: Okay. Do you need my number

7 or no?

8 THE COURT: Yes, I do.

9 PROSPECTIVE JUROR 134: Okay. It's 0134 or it's 4592.

10 THE COURT: You should be 134. The -- you should be Ms.

11 Kan?

12 PROSPECTIVE JUROR 134: No, Quigley.

13 THE COURT: Oh Quigley.

14 PROSPECTIVE JUROR 134: Okay.

15 THE COURT: Ms. Quigley. All right. 134. Yes?

16 PROSPECTIVE JUROR 134: I'm going to try to be fair as

17 possible, but I think I want to explain the background that I had. When I

18 moved to here, I lived the sky Las -- sky, the tall building. So we had a

19 problem with the building, and we had a battle.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 134: So I'm going to try to be fair, but

22 I just want you to know.

23 THE COURT: All right. I'll tell you what, let's talk about that

24 when we get there, okay?

25 PROSPECTIVE JUROR 134: Okay.

1 THE COURT: With you individually, all right?  
2 PROSPECTIVE JUROR 134: Okay.  
3 THE COURT: Right now I'm just -- I'm trying to stay --  
4 PROSPECTIVE JUROR 134: Okay.  
5 THE COURT: -- broad strokes here.  
6 PROSPECTIVE JUROR 134: I just want to let you know, that's  
7 all.  
8 THE COURT: Very good.  
9 Next. Mr. Bernal?  
10 PROSPECTIVE JUROR 147: Yes.  
11 THE COURT: So 147.  
12 PROSPECTIVE JUROR 147: I do suffer from generalized  
13 anxiety disorder. I do take a couple medications. I've done this before,  
14 and they sent me home last time.  
15 THE COURT: Okay.  
16 PROSPECTIVE JUROR 147: I just wanted to let you know. I  
17 do see a therapist and --  
18 THE COURT: All right. I appreciate that. There's -- I'm sure  
19 there's a lot of anxiety in this room right now, no disrespect. Let's just  
20 see if, as we move through the process you can become comfortable,  
21 grow to the effort. It's important that all participate, all right?  
22 PROSPECTIVE JUROR 147: Yes.  
23 THE COURT: Very good.  
24 Next. Mr. McGhee?  
25 PROSPECTIVE JUROR 075: Yeah.

1 THE COURT: That's badge 75. Yes, sir?

2 PROSPECTIVE JUROR 075: As I understand it we're just

3 going to wait on being impartial until we get --

4 THE COURT: Pretty much.

5 PROSPECTIVE JUROR 075: -- to the questioning?

6 THE COURT: Yes.

7 PROSPECTIVE JUROR 075: Okay. That was my same.

8 THE COURT: Okay. Anyone else? Yes, ma'am?

9 PROSPECTIVE JUROR 143: Yes. I'll be out of town next

10 week Monday if the trial does extend to -- next week Monday I won't be

11 able to be here.

12 THE COURT: That's Ms. Kan?

13 PROSPECTIVE JUROR 143: Yes. Correct.

14 THE COURT: Badge 1-4-3.

15 PROSPECTIVE JUROR 143: 1-4-3.

16 THE COURT: Scheduling issues for Monday. Let's see where

17 we go --

18 PROSPECTIVE JUROR 143: Yes.

19 THE COURT: -- Ms. Kan, all right?

20 PROSPECTIVE JUROR 143: Okay. Thank you.

21 THE COURT: Anyone else? Another hand down front. It

22 should be 13.

23 PROSPECTIVE JUROR 104: Hi, sir.

24 THE COURT: I think you are badge 104 --

25 PROSPECTIVE JUROR 104: Badge 10104.

1 THE COURT: Correct. What's your concern, ma'am?

2 PROSPECTIVE JUROR 104: Okay. I'm a registered nurse and

3 I work nightshift and we're very short staff.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 104: You know, that will --

6 THE COURT: Again, I come around to -- I have had hundreds

7 of jurors who work nights. I want you to be able focus on the case. I've

8 asked them with respect to see if they can change their schedule or take

9 some RDO just so they can focus on this case, if it's a concern to you. Do

10 you believe that the fact that you're working -- do you plan on taking

11 some time off?

12 PROSPECTIVE JUROR 104: No. Not really. I don't have

13 enough PTO --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR 104: -- to cover my --

16 THE COURT: So --

17 PROSPECTIVE JUROR 104: -- time off.

18 THE COURT: -- if you're selected to be on this jury it's your

19 plan to leave the courthouse at around 5:00 and can you get some rest

20 before you have to report for your shift?

21 PROSPECTIVE JUROR 104: Probably hard for me because I

22 work 12 hours, I need to sleep.

23 THE COURT: All right. Let's see where we go, all right?

24 PROSPECTIVE JUROR 104: All right. Thank you, sir.

25 THE COURT: I appreciate that. Anyone else? All right.

1 Good.

2 Let's go back to individual and move to juror number two. It  
3 should be Torzon, Mr. Torzon.

4 PROSPECTIVE JUROR 010: Yes.

5 THE COURT: How long been here in Clark County?

6 PROSPECTIVE JUROR 010: About seven years now.

7 THE COURT: And how far did you go in school?

8 PROSPECTIVE JUROR 010: Bachelor's degree.

9 THE COURT: What do you do for a living?

10 PROSPECTIVE JUROR 010: I retired, but I work part-time one  
11 day a week at a golf course.

12 THE COURT: So what did you do before your retirement?

13 PROSPECTIVE JUROR 010: I was a senior vice president of  
14 operations for a contract food service company.

15 THE COURT: All right. And -- again, how long is -- how long  
16 have you been retired?

17 PROSPECTIVE JUROR 010: Well, I retired three times, so the  
18 last time was about 2012 I think.

19 THE COURT: So they kept dragging you back in and finally  
20 you --

21 PROSPECTIVE JUROR 010: Yeah, that. Plus I was -- I went  
22 on my own and was a consultant for a few years.

23 THE COURT: Okay. And you fill your day now working on a  
24 golf course one day a week?

25 PROSPECTIVE JUROR 010: One day a week and three days

1 on a golf course and --

2 THE COURT: Okay. Are you married, single or in a  
3 significant relationship?

4 PROSPECTIVE JUROR 010: I'm married.

5 THE COURT: And what does your spouse do?

6 PROSPECTIVE JUROR 010: She is a part-time psychoanalyst.  
7 She has a couple of patients.

8 THE COURT: Is there anything about the nature of her work  
9 that might affect your ability to be fair and impartial juror?

10 PROSPECTIVE JUROR 010: No.

11 THE COURT: Is there anything about your prior work that  
12 might affect your ability to be fair and impartial juror?

13 PROSPECTIVE JUROR 010: No.

14 THE COURT: Do you have any children?

15 PROSPECTIVE JUROR 010: I do.

16 THE COURT: Their ages and what they do.

17 PROSPECTIVE JUROR 010: I have a son who's 54 and he  
18 works for Amazon. And I have daughter who's 53, is a homemaker in  
19 Indianapolis.

20 THE COURT: Have you or anyone close to you ever been the  
21 victim of a crime?

22 PROSPECTIVE JUROR 010: No.

23 THE COURT: Have you or anyone close to you ever been  
24 accused of a crime?

25 PROSPECTIVE JUROR 010: No.

1 THE COURT: Have you ever served as a juror before?

2 PROSPECTIVE JUROR 010: No.

3 THE COURT: Is there anything about the nature of this trial  
4 so far that might offer you concern about your ability to be fair and  
5 impartial?

6 PROSPECTIVE JUROR 010: No.

7 THE COURT: Can you base the verdict solely upon the  
8 evidence presented to you in this trial and wait in forming that opinion?

9 PROSPECTIVE JUROR 010: Yes.

10 THE COURT: It's important, that's an important question  
11 because being a juror requires patience, it requires participation and  
12 listening as you let the evidence be presented to you, ultimately argued  
13 about and then ultimately going back into a juror room and reaching a  
14 verdict. Could you do that if asked to do so?

15 PROSPECTIVE JUROR 010: Yes.

16 THE COURT: Thank you. Plaintiff's counsel, you may inquire  
17 of juror number two.

18 MR. KUDLER: Thank, Your Honor.

19 Mr. Torzon, I missed where you worked as a senior VP of  
20 operations.

21 PROSPECTIVE JUROR 010: Yes.

22 MR. KUDLER: Where was that?

23 PROSPECTIVE JUROR 010: Well, it was across the country. I  
24 had several pieces of business -- I traveled about 75 percent of the time.

25 MR. KUDLER: What kind of company was it?

1 PROSPECTIVE JUROR 010: It was a food service leisure  
2 industry companies. They operated stadiums, arenas, convention  
3 centers, amphitheaters, racetracks, any kind of leisure environment.

4 MR. KUDLER: Okay. So if you went to the stadium and  
5 there's a food stand there, you guys run that and supply it. What do you  
6 guys do?

7 PROSPECTIVE JUROR 010: Correct. We would -- once we  
8 secured a long-term contract we would completely staff the facility for all  
9 the food and beverage operations, all the NC service, all the suites, all  
10 the merchandise, et cetera.

11 MR. KUDLER: Okay. In that capacity did you ever get  
12 involved with people making claims for injuries?

13 PROSPECTIVE JUROR 010: Say it again, I'm sorry.

14 MR. KUDLER: Did you ever get involved with people making  
15 claims for injuries?

16 PROSPECTIVE JUROR 010: No. We had a separate  
17 department that dealt with that.

18 MR. KUDLER: Okay. Have you or anybody close to you ever  
19 been injured in an accident? Severe, I'm not talking about a little bump  
20 or bruise. I'm talking about something more severe.

21 PROSPECTIVE JUROR 010: You're talking about a --

22 MR. KUDLER: Car accident, fall, anything.

23 PROSPECTIVE JUROR 010: Yes. Car accidents?

24 MR. KUDLER: Yeah.

25 PROSPECTIVE JUROR 010: Yes.



1 MR. KUDLER: And you've been injured?

2 PROSPECTIVE JUROR 010: Yes.

3 MR. KUDLER: Okay. That 75 percent of your time, a lot of it  
4 spent driving?

5 PROSPECTIVE JUROR 010: No, not really. It was a -- I had  
6 two automobile accidents. One I broke my arm, and the other was no  
7 injury.

8 MR. KUDLER: Okay. How about your wife or kids?

9 PROSPECTIVE JUROR 010: I'm sorry, I can't hear you.

10 MR. KUDLER: How about your wife or kids, anybody in your  
11 family, close family been injured in an accident?

12 PROSPECTIVE JUROR 010: No.

13 MR. KUDLER: Okay. That's good. Do you ever talk to your  
14 wife about her work?

15 PROSPECTIVE JUROR 010: About my work?

16 MR. KUDLER: About her work.

17 PROSPECTIVE JUROR 010: About her work, a little bit.

18 MR. KUDLER: Okay. What kind of things do you guys talk  
19 about?

20 PROSPECTIVE JUROR 010: We talk about, you know,  
21 psychology in general.

22 MR. KUDLER: Okay. And she's a psychoanalyst, do you  
23 know what her degree is?

24 PROSPECTIVE JUROR 010: I'm --

25 MR. KUDLER: Do you know what her degree is, does she

1 have a master's --

2 PROSPECTIVE JUROR 010: Yes. Doctor's. Yeah.

3 MR. KUDLER: Doctorate. You know, clearly you guys don't

4 talk about patients in specific because --

5 PROSPECTIVE JUROR 010: No.

6 MR. KUDLER: -- she's not allowed to do that.

7 PROSPECTIVE JUROR 010: No.

8 MR. KUDLER: But you just talk about general --

9 PROSPECTIVE JUROR 010: Yes.

10 MR. KUDLER: -- psychology? Okay. Any specific topics or

11 just kind of things going on that --

12 PROSPECTIVE JUROR 010: No. General.

13 MR. KUDLER: Okay. Thank you.

14 PROSPECTIVE JUROR 010: You're welcome.

15 THE COURT: Pass?

16 MR. KUDLER: Pass for cause, Your Honor.

17 THE COURT: Thank you. Defense may inquire.

18 MR. A. GIOVANNIELLO: Thank you, Your Honor.

19 Mr. Torzon, do you remember some of the questions that I

20 asked Ms. Martinez or is that like gone?

21 PROSPECTIVE JUROR 010: Well, not really.

22 MR. A. GIOVANNIELLO: Okay. All right. Let me ask you this,

23 you said you were injured in a car accident?

24 PROSPECTIVE JUROR 010: During an automobile accident?

25 MR. A. GIOVANNIELLO: Yeah. During --

1 PROSPECTIVE JUROR 010: Yes.

2 MR. A. GIOVANNIELLO: -- an automobile accident?

3 PROSPECTIVE JUROR 010: Yes.

4 MR. A. GIOVANNIELLO: Did you file a lawsuit?

5 PROSPECTIVE JUROR 010: Did what?

6 MR. A. GIOVANNIELLO: File -- did you file a lawsuit over it?

7 PROSPECTIVE JUROR 010: No.

8 MR. A. GIOVANNIELLO: Okay. Have you ever filed a lawsuit,

9 personal injury lawsuit?

10 PROSPECTIVE JUROR 010: No.

11 MR. A. GIOVANNIELLO: Okay. Have -- as you know, I

12 represent College Park and I represent two other clients and their

13 entities. They're entitled to the same consideration you would give, you

14 know, the Plaintiffs in this case or, you know, to human beings. Will you

15 be able to be fair and impartial to my clients --

16 PROSPECTIVE JUROR 010: Yes.

17 MR. A. GIOVANNIELLO: -- based on that? Thank you.

18 Let's see. Have you ever suffered a burn injury, in other

19 words have you ever been burned?

20 PROSPECTIVE JUROR 010: No.

21 MR. A. GIOVANNIELLO: No? Okay. In your position at the

22 companies that you worked for did you have to hire vendors?

23 PROSPECTIVE JUROR 010: Have to hire?

24 MR. A. GIOVANNIELLO: Well, you work with vendors like

25 people coming in to do things outside the company?

1 PROSPECTIVE JUROR 010: Yes.

2 MR. A. GIOVANNIELLO: Okay. And what kind of vendors did  
3 you retain?

4 PROSPECTIVE JUROR 010: Well, primarily food suppliers.

5 MR. A. GIOVANNIELLO: Okay. Did you ever have to retain  
6 any electricians?

7 PROSPECTIVE JUROR 010: No.

8 MR. A. GIOVANNIELLO: Did you ever work around  
9 electricity?

10 PROSPECTIVE JUROR 010: No.

11 MR. A. GIOVANNIELLO: Okay. You own a home?

12 PROSPECTIVE JUROR 010: I do.

13 MR. A. GIOVANNIELLO: Okay. Do you work around your  
14 house? In other words do little chores around the house.

15 PROSPECTIVE JUROR 010: Not much.

16 MR. A. GIOVANNIELLO: Okay. Do you hire people to do  
17 that?

18 PROSPECTIVE JUROR 010: I do.

19 MR. A. GIOVANNIELLO: Okay. In other words you have  
20 people?

21 PROSPECTIVE JUROR 010: Yeah.

22 MR. A. GIOVANNIELLO: Okay. Have you ever had an  
23 opportunity to like maybe change a switch in your house, something like  
24 that?

25 PROSPECTIVE JUROR 010: Change what?

1 MR. A. GIOVANNIELLO: You know, like a switch, like you  
2 turn on a light switch. Did you have to take that out --

3 PROSPECTIVE JUROR 010: No.

4 MR. A. GIOVANNIELLO: -- and fix it?

5 PROSPECTIVE JUROR 010: No.

6 MR. A. GIOVANNIELLO: No? Okay. Will you be able to -- as  
7 one of the questions I asked Ms. Martinez, is the plaintiffs go first,  
8 defense goes last. Will you be able to listen to all the evidence before  
9 you reach any kind of opinion in the case?

10 PROSPECTIVE JUROR 010: Yes.

11 MR. A. GIOVANNIELLO: Okay. And I think that's it. Thank  
12 you so much. And I pass for cause.

13 THE COURT: Pass for cause. Let's move to Mr. Ness. Chair  
14 three, badge 19, Mr. Ness.

15 Mr. Ness, how long you been in Clark County?

16 PROSPECTIVE JUROR 019: I've lived here since 2007, so 15  
17 years.

18 THE COURT: And how far did you go in school?

19 PROSPECTIVE JUROR 019: I don't have a degree; I was in  
20 the military. I went to a military school, it focused on nuclear physics  
21 and electrical engineering.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR 019: So while I don't have a degree, it  
24 was pretty intense schooling.

25 THE COURT: All right. And are you working now?

1 PROSPECTIVE JUROR 019: Yes.

2 THE COURT: What do you do?

3 PROSPECTIVE JUROR 019: I'm a -- I still work in the  
4 electrical industry, I'm a field service engineer. So I work for customer  
5 clients. I work at their job sites, in the field. I test their equipment. I  
6 mostly do commissioning testing, so testing electrical equipment to  
7 make sure that it meets reliability standards.

8 THE COURT: Okay. Are you married or in a significant  
9 relationship?

10 PROSPECTIVE JUROR 019: Yeah. I have a live in girlfriend.

11 THE COURT: And what does she do?

12 PROSPECTIVE JUROR 019: She's a middle school teacher.

13 THE COURT: Do you have any children?

14 PROSPECTIVE JUROR 019: No.

15 THE COURT: Have you ever been -- you or anyone close to  
16 you ever been the victim of a crime or accused of a crime?

17 PROSPECTIVE JUROR 019: I was threatened with a knife  
18 when I was a teenager and they demanded money.

19 THE COURT: So you were robbed or mugged?

20 PROSPECTIVE JUROR 019: Yeah. They call it assault with a  
21 deadly weapon, yeah.

22 THE COURT: Sure. Is there anything about the nature of that  
23 event that might affect your ability to be a fair juror in this case?

24 PROSPECTIVE JUROR 019: No.

25 THE COURT: Have you ever served as a juror before?

1 PROSPECTIVE JUROR 019: No.

2 THE COURT: You've listened patiently to my words and  
3 those of fellow potential jurors earlier. Is there anything you've heard  
4 about this trial so far that makes you feel like you couldn't be fair and  
5 impartial to both sides?

6 PROSPECTIVE JUROR 019: No. I can be fair and impartial.

7 THE COURT: Thank you. Plaintiffs, you may inquire.

8 MR. KUDLER: Thank, Your Honor.

9 Mr. Ness, as you've heard this case involves working with an  
10 electric panel. Those are things that you've worked on yourself?

11 PROSPECTIVE JUROR 019: Yes.

12 MR. KUDLER: Okay. Do you supervise people that work on  
13 those?

14 PROSPECTIVE JUROR 019: I do.

15 MR. KUDLER: Are you certified as an electrician in any way?

16 PROSPECTIVE JUROR 019: Yeah. I'm a -- we call it NETA,  
17 which is a National Electric Testing Association.

18 MR. KUDLER: Okay,

19 PROSPECTIVE JUROR 019: I have a level four certification.

20 MR. KUDLER: Okay. And you're familiar with the term  
21 journeyman and master electrician?

22 PROSPECTIVE JUROR 019: Yes.

23 MR. KUDLER: Okay. Where does that fall within --

24 PROSPECTIVE JUROR 019: It's a separate organization, but I  
25 had been a journeyman before.

1 MR. KUDLER: Okay. And you understand that the  
2 knowledge that you have to have in order get to that level?  
3 PROSPECTIVE JUROR 019: Yes.  
4 MR. KUDLER: Okay. And when were you in the service?  
5 PROSPECTIVE JUROR 019: I was in from 1998 to 2004.  
6 MR. KUDLER: Okay. And thank you for that. And what was  
7 your final rank?  
8 PROSPECTIVE JUROR 019: I was an E6.  
9 THE COURT: Okay. And I assume honorably discharged?  
10 PROSPECTIVE JUROR 019: Yes.  
11 MR. KUDLER: Okay. And you spent those years working  
12 with electricity?  
13 PROSPECTIVE JUROR 019: Yes.  
14 MR. KUDLER: What rank?  
15 PROSPECTIVE JUROR 019: U.S. Navy. I was on the USS  
16 Nimitz.  
17 MR. KUDLER: And that explains why the nuclear physics  
18 part?  
19 PROSPECTIVE JUROR 019: Yeah.  
20 MR. KUDLER: Okay. The company that you work for, Vertiv?  
21 PROSPECTIVE JUROR 019: Yes.  
22 MR. KUDLER: Do you have any ownership interest in them?  
23 PROSPECTIVE JUROR 019: No ownership. No.  
24 MR. KUDLER: Okay. And how long have you been working  
25 outside the military, since 2003?



1 PROSPECTIVE JUROR 019: Yeah, 2004. Yeah.

2 MR. KUDLER: 2004 you've been working with electrical  
3 items. You're familiar with the type of VPE that's supposed to be worn?

4 PROSPECTIVE JUROR 019: Yes, I am.

5 MR. KUDLER: Okay. Have you ever been zapped?

6 PROSPECTIVE JUROR 019: I have.

7 MR. KUDLER: Okay. By like 110?

8 PROSPECTIVE JUROR 019: I've taken a 300 volt capacitor  
9 across my chest before.

10 MR. KUDLER: Okay. Were you injured doing that?

11 PROSPECTIVE JUROR 019: Not injured. It just scared me.

12 MR. KUDLER: Okay. You ever seen an arc flash develop?

13 PROSPECTIVE JUROR 019: I have.

14 MR. KUDLER: Okay. You ever been injured by an arc flash?

15 PROSPECTIVE JUROR 019: Just temporary deafness.

16 MR. KUDLER: Okay. But you weren't close enough to get  
17 burned by it?

18 PROSPECTIVE JUROR 019: I was not burned. The incident  
19 energy was not enough.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 019: But I was pretty close.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR 019: If the incident injury had been  
24 higher, yeah. I could have been injured.

25 MR. KUDLER: Okay. And I assume you were wearing PPE at

1 the time?

2 PROSPECTIVE JUROR 019: Yes.

3 MR. KUDLER: Okay. And that's all I have, Your Honor. I  
4 would pass for cause.

5 THE COURT: Defense, you may inquire.

6 MR. A. GIOVANNIELLO: Mr. Ness, I guess you've gathered  
7 by now that this case is about an electrical arc?

8 PROSPECTIVE JUROR 019: Yes.

9 MR. A. GIOVANNIELLO: Okay. Now being that it's about an  
10 electrical arc and you're on this side, you work with -- you're an  
11 electrician and you work electricity, do you think you can be fair and  
12 impartial to my client based upon that?

13 PROSPECTIVE JUROR 019: I can be fair and impartial, yes.

14 MR. A. GIOVANNIELLO: Are you familiar with -- one of the  
15 questions asked was were you wearing PPE. You know what PPE is,  
16 right?

17 PROSPECTIVE JUROR 019: Correct.

18 MR. A. GIOVANNIELLO: Right? Personal protection -- it's  
19 personal protection --

20 PROSPECTIVE JUROR 019: Personal protective equipment,  
21 yeah.

22 MR. A. GIOVANNIELLO: Yes. Okay. Are you also familiar  
23 with any of the federal and state regulations concerning working on an  
24 energized panel?

25 PROSPECTIVE JUROR 019: Yeah. The federal regulation is

1 NFP70E.

2 MR. A. GIOVANNIELLO: Uh-huh. Are you familiar with  
3 OSHA?

4 PROSPECTIVE JUROR 019: Yes.

5 MR. A. GIOVANNIELLO: Okay. Now -- and have you ever  
6 worked on an energized panel?

7 PROSPECTIVE JUROR 019: Yes.

8 MR. A. GIOVANNIELLO: Okay. Is it dangerous to work on an  
9 energized panel?

10 PROSPECTIVE JUROR 019: Yes.

11 MR. A. GIOVANNIELLO: Okay. And when you worked on an  
12 energized panel did you wear PPE?

13 PROSPECTIVE JUROR 019: Yes.

14 MR. A. GIOVANNIELLO: You said that you were subject to an  
15 arc?

16 PROSPECTIVE JUROR 019: Yes.

17 MR. A. GIOVANNIELLO: Okay. How did that happen?

18 PROSPECTIVE JUROR 019: So it ended up being a  
19 manufacturer's -- when they come from the factory, so it was an MCC  
20 bucket, which is basically a motor control unit. There was a breaker  
21 inside the cabinet. That breaker comes with cables that are attached to it  
22 from the factory. The factory did not torque down one of the cables  
23 correctly. When I closed the breaker from the outside of the cabinet one  
24 of the cables shot out the bottom of the breaker and caused an arc flash.

25 MR. A. GIOVANNIELLO: Okay. Your Honor, I would

1 challenge for cause.

2 THE COURT: Okay. There's a contemporaneous challenge  
3 for cause. Do you wish to traverse?

4 MR. KUDLER: No, Your Honor. I don't see that he has any  
5 propensity for either side bias or prejudice.

6 THE COURT: So you oppose the challenge for cause at this  
7 time?

8 MR. KUDLER: Yeah.

9 THE COURT: Mr. Ness, can you be fair to both these sides?

10 PROSPECTIVE JUROR 019: Yes.

11 THE COURT: Challenge for cause is denied.

12 MR. A. GIOVANNIELLO: Thank you.

13 THE COURT: Let's move to Ms. Guzman.

14 Ms. Guzman, how long have you been in Clark County?

15 PROSPECTIVE JUROR 020: 13 years.

16 THE COURT: And what do you do for a living?

17 PROSPECTIVE JUROR 020: I'm retired.

18 THE COURT: Retired from what?

19 PROSPECTIVE JUROR 020: Retired.

20 THE COURT: I know. What did you do before you retired?

21 PROSPECTIVE JUROR 020: A warehouse.

22 THE COURT: A warehouse?

23 PROSPECTIVE JUROR 020: Sorter operator.

24 THE COURT: And what do you do now to fill your day now  
25 that you're retired?

1 PROSPECTIVE JUROR 020: Attending my family.  
2 THE COURT: Oh you take care of your --  
3 PROSPECTIVE JUROR 020: Cook, clean, summer work.  
4 THE COURT: Okay. Are you married, single or in a  
5 partnership?  
6 PROSPECTIVE JUROR 020: I'm married.  
7 THE COURT: What does your spouse do?  
8 PROSPECTIVE JUROR 020: He's a kitchen worker.  
9 THE COURT: Okay.  
10 PROSPECTIVE JUROR 020: And a waitress.  
11 THE COURT: Do you have any children?  
12 PROSPECTIVE JUROR 020: Yes.  
13 THE COURT: You told me you were taking -- it sounded --  
14 PROSPECTIVE JUROR 020: Yeah.  
15 THE COURT: -- like you were taking care of some grandkids?  
16 PROSPECTIVE JUROR 020: No.  
17 THE COURT: No? Not yet?  
18 PROSPECTIVE JUROR 020: Not yet.  
19 THE COURT: You just take care of your kids?  
20 PROSPECTIVE JUROR 020: Yes.  
21 THE COURT: All right. How old are they and what do they  
22 do? Tell us a little bit about that.  
23 PROSPECTIVE JUROR 020: Yeah. My son is 27 and he's  
24 working at Mandalay Bay like assistant manager.  
25 THE COURT: Okay.

1 PROSPECTIVE JUROR 020: And my daughter is in college  
2 and working at tutoring because she want to be a teacher.

3 THE COURT: Okay. Have you or anyone close to you ever  
4 been the victim of a crime or accused of a crime?

5 PROSPECTIVE JUROR 020: DUI is a crime?

6 THE COURT: DUI is a crime.

7 PROSPECTIVE JUROR 020: My husband.

8 THE COURT: Your husband was accused of DUI?

9 PROSPECTIVE JUROR 020: Yeah. One time in '92, I think.

10 THE COURT: Is there anything about that situation involving  
11 your husband that might make you mad at the courts or law  
12 enforcement --

13 PROSPECTIVE JUROR 020: No.

14 THE COURT: -- that --

15 PROSPECTIVE JUROR 020: No.

16 THE COURT: -- you might bring here today?

17 PROSPECTIVE JUROR 020: No.

18 THE COURT: Okay, good. Have you ever been a juror  
19 before?

20 PROSPECTIVE JUROR 020: No.

21 THE COURT: You've heard the lawyers ask questions and  
22 me ask questions of the jurors before you. Is there anything you've  
23 heard so far that makes you think, boy, I can't be fair?

24 PROSPECTIVE JUROR 020: No.

25 THE COURT: All right. Thank you. Plaintiff, you may

1 inquire.

2 MR. KUDLER: Thank, Your Honor.

3 Ms. Guzman, you said you worked in a warehouse?

4 PROSPECTIVE JUROR 020: Uh-huh.

5 MR. KUDLER: What did you do?

6 PROSPECTIVE JUROR 020: A sorter operator in Levi's  
7 company. Sorter.

8 MR. KUDLER: Okay. So were you sorting incoming  
9 materials or outgoing materials?

10 PROSPECTIVE JUROR 020: No. Sorting materials, you  
11 know?

12 THE COURT: Sorting.

13 MR. KUDLER: Yes.

14 PROSPECTIVE JUROR 020: Sorting.

15 MR. KUDLER: Right. But were the things that you were  
16 sorting were they things that were coming to the warehouse or things  
17 that were getting ready to go out of the warehouse?

18 PROSPECTIVE JUROR 020: In and out.

19 THE COURT: Okay. So you did both sides.

20 PROSPECTIVE JUROR 020: Uh-huh.

21 MR. KUDLER: Okay. You did both shipping and receiving?

22 PROSPECTIVE JUROR 020: Uh-huh.

23 MR. KUDLER: Okay. You or your husband or your kids ever  
24 been injured in an accident?

25 PROSPECTIVE JUROR 020: No.

1 MR. KUDLER: Okay. No. Good. Now you say you take care  
2 of the family, you do the cooking, the cleaning?  
3 PROSPECTIVE JUROR 020: Uh-huh.  
4 MR. KUDLER: Okay. Anybody else give you any help with  
5 that?  
6 PROSPECTIVE JUROR 020: Any what?  
7 MR. KUDLER: Anybody give you any help with that around  
8 the house?  
9 PROSPECTIVE JUROR 020: Oh yeah, my husband.  
10 MR. KUDLER: Okay. And is he working full time as -- you  
11 said a waiter and a kitchen worker?  
12 PROSPECTIVE JUROR 020: Uh-huh. Kitchen worker and a  
13 waitress, yes. Full time.  
14 MR. KUDLER: And where does he work, what company?  
15 PROSPECTIVE JUROR 020: In Mandalay Bay.  
16 MR. KUDLER: Okay. Does he work at specific restaurant, or  
17 they move him around?  
18 PROSPECTIVE JUROR 020: No. He's looking around, you  
19 know. They move for every department.  
20 MR. KUDLER: Okay. So he gets a call and --  
21 PROSPECTIVE JUROR 020: Uh-huh, yeah.  
22 MR. KUDLER: -- says go here? Okay. Now if I start going  
23 too fast, and right now I'm going real slow, will you --  
24 PROSPECTIVE JUROR 020: Uh-huh.  
25 MR. KUDLER: -- stop me and say, hey Don, I can't



1 understand what you're saying --

2 PROSPECTIVE JUROR 020: Okay.

3 MR. KUDLER: -- so that --

4 PROSPECTIVE JUROR 020: Yes.

5 MR. KUDLER: -- I can get information to you?

6 PROSPECTIVE JUROR 020: Uh-huh.

7 MR. KUDLER: Okay. Thank you. That's all. I pass for cause,  
8 Your Honor.

9 THE COURT: Pass for cause. Defense, you may inquire.

10 MR. A. GIOVANNIELLO: Ms. Guzman, have you ever been  
11 involved in a lawsuit?

12 PROSPECTIVE JUROR 020: No.

13 MR. A. GIOVANNIELLO: Okay. Anybody close to you  
14 involved in a lawsuit?

15 PROSPECTIVE JUROR 020: No.

16 MR. A. GIOVANNIELLO: Okay. Have you ever had to have  
17 any dealings with lawyers?

18 PROSPECTIVE JUROR 020: Only when I was divorced  
19 before.

20 MR. A. GIOVANNIELLO: Only when you were divorced?

21 PROSPECTIVE JUROR 020: Uh-huh.

22 MR. A. GIOVANNIELLO: Okay. Did you form any opinion  
23 about lawyers?

24 PROSPECTIVE JUROR 020: No. Not really.

25 MR. A. GIOVANNIELLO: Okay. Have you ever suffered a

1 burn injury?

2 PROSPECTIVE JUROR 020: I was working in a kitchen in the  
3 school district, and I burned myself.

4 MR. A. GIOVANNIELLO: How bad?

5 PROSPECTIVE JUROR 020: Not too bad. I have the scar over  
6 here, but --

7 MR. A. GIOVANNIELLO: Okay. Was it like a first degree  
8 burn, a second degree burn?

9 PROSPECTIVE JUROR 020: I think first.

10 MR. A. GIOVANNIELLO: First degree?

11 PROSPECTIVE JUROR 020: Yeah.

12 MR. A. GIOVANNIELLO: Did you get medical attention?

13 PROSPECTIVE JUROR 020: Yes. They send me to the clinic.

14 MR. A. GIOVANNIELLO: Okay. Did you file a Workers'  
15 Compensation claim?

16 PROSPECTIVE JUROR 020: No.

17 MR. A. GIOVANNIELLO: Okay. Have you ever filed a  
18 Workers' Compensation claim?

19 PROSPECTIVE JUROR 020: I don't remember.

20 MR. A. GIOVANNIELLO: Okay. That's fine. Counsel asked if  
21 you did work around the house. I know that you do cooking and  
22 cleaning. Do you do any other work around the house like maintenance?

23 PROSPECTIVE JUROR 020: No. My husband.

24 MR. A. GIOVANNIELLO: Your husband does it?

25 PROSPECTIVE JUROR 020: Yes. He's a handyman.

1 MR. A. GIOVANNIELLO: Your husband's a handyman?

2 PROSPECTIVE JUROR 020: Yeah.

3 MR. A. GIOVANNIELLO: Okay. Is -- does he work as a  
4 handyman?

5 PROSPECTIVE JUROR 020: No, no. Handyman in the house.

6 MR. A. GIOVANNIELLO: Oh okay. So if something breaks  
7 your husband goes and fixes it?

8 PROSPECTIVE JUROR 020: Yes.

9 MR. A. GIOVANNIELLO: Okay. Does your -- has your  
10 husband ever worked around electricity?

11 PROSPECTIVE JUROR 020: No. But he watch on YouTube.  
12 Just little things, you know.

13 MR. A. GIOVANNIELLO: Okay. Just little things?

14 PROSPECTIVE JUROR 020: Like change the breaks and  
15 something like that. But no more.

16 MR. A. GIOVANNIELLO: Okay. Have you ever had to call like  
17 an electrician to the house?

18 PROSPECTIVE JUROR 020: Yes.

19 MR. A. GIOVANNIELLO: Okay. Were you satisfied with their  
20 services?

21 PROSPECTIVE JUROR 020: Yes.

22 MR. A. GIOVANNIELLO: Okay. If you listen to all the  
23 evidence in this case, and if you will listen to all the evidence of the  
24 Plaintiff and the Defense, okay. If you decide that the Plaintiffs did not  
25 prove their case, is that something you could do? Could you look them

1 in the eye and say -- you know, just say look it just didn't -- I didn't vote  
2 for you?

3 PROSPECTIVE JUROR 020: Yes.

4 MR. A. GIOVANNIELLO: Okay. Now do you think just  
5 because somebody brings a lawsuit that they're entitled to  
6 compensation just because of the lawsuit?

7 PROSPECTIVE JUROR 020: No.

8 MR. A. GIOVANNIELLO: Okay. Do you think that they have  
9 to prove their case?

10 PROSPECTIVE JUROR 020: Yes.

11 MR. A. GIOVANNIELLO: Okay. And you know who I  
12 represent. Do you think you'd be -- do you think you could treat my  
13 client without any prejudice and without any bias?

14 PROSPECTIVE JUROR 020: Yes.

15 MR. A. GIOVANNIELLO: Okay. All right. Thank you. I pass  
16 for cause as well.

17 THE COURT: Thank you. Let's move on to, is it Mr. Acunto?  
18 Chair number 5, badge 32.

19 Mr. Acunto, how long have you been here in Clark County?

20 PROSPECTIVE JUROR 032: I've been here since 2011.

21 THE COURT: And how far did you go in school?

22 PROSPECTIVE JUROR 032: High school.

23 THE COURT: What do you do for a living?

24 PROSPECTIVE JUROR 032: I'm a mechanic.

25 THE COURT: What do you -- a mechanic for what?

1 PROSPECTIVE JUROR 032: Mercedes Benz.  
2 THE COURT: All right. Are you married, single, partnership?  
3 PROSPECTIVE JUROR 032: Married.  
4 THE COURT: And what does your spouse do?  
5 PROSPECTIVE JUROR 032: She's a full-time accountant and  
6 a part-time pharmacy tech.  
7 THE COURT: Do you have any children?  
8 PROSPECTIVE JUROR 032: No.  
9 THE COURT: Have you ever -- have you or anyone close to  
10 you ever been the victim of a crime or accused of a crime?  
11 PROSPECTIVE JUROR 032: No.  
12 THE COURT: Have you ever served as a juror before?  
13 PROSPECTIVE JUROR 032: No.  
14 THE COURT: You've been listening patiently I see. Is there  
15 any question or insight you could offer to the lawyers here about  
16 concerns that you can't be fair and impartial?  
17 PROSPECTIVE JUROR 032: No.  
18 THE COURT: Can you?  
19 PROSPECTIVE JUROR 032: What's that?  
20 THE COURT: Can you be fair?  
21 PROSPECTIVE JUROR 032: Yes. I can be fair.  
22 THE COURT: Can you be patient?  
23 PROSPECTIVE JUROR 032: Yes.  
24 THE COURT: Let me do what I have to do so you can do  
25 ultimately what you must?

1 PROSPECTIVE JUROR 032: Absolutely.

2 THE COURT: All right. Very good. Plaintiff, you may inquire.

3 MR. KUDLER: Thank you. Mr. Acunto, when you say you're  
4 a mechanic and you work on Mercedes, do you work front to back, do  
5 you work in a special area, are you an engine guy, are you a  
6 transmission guy?

7 PROSPECTIVE JUROR 032: Front to back.

8 MR. KUDLER: Okay. You work on the electrical on cars?

9 PROSPECTIVE JUROR 032: Yes.

10 MR. KUDLER: Okay. So you'll install and run the harnesses  
11 and stuff?

12 PROSPECTIVE JUROR 032: Yes.

13 MR. KUDLER: Okay. And you've been doing that for how  
14 long?

15 PROSPECTIVE JUROR 032: Since 2002, 2003.

16 MR. KUDLER: Okay. And that's professionally, but you've  
17 been working on cars before that?

18 PROSPECTIVE JUROR 032: Yeah.

19 MR. KUDLER: Okay. How long you've been working on  
20 cars?

21 PROSPECTIVE JUROR 032: Since that time. Yeah.

22 MR. KUDLER: Not when you were a kid and taking care of --

23 PROSPECTIVE JUROR 032: No -- well, I'd do like little, you  
24 know, stuff here and there, but --

25 MR. KUDLER: Okay. And what training did you have to work

1 on cars?

2 PROSPECTIVE JUROR 032: I went to the Mercedes Benz  
3 school.

4 MR. KUDLER: Did the company send you there or did you go  
5 there before you got the job?

6 PROSPECTIVE JUROR 032: The company sends you there.

7 MR. KUDLER: Okay. And was that G&G Autohaus?

8 PROSPECTIVE JUROR 032: Actually this -- I used to work at  
9 the dealership Mercedes and they sent me to school. But the G&G is an  
10 independent Mercedes repair shop.

11 MR. KUDLER: Okay. Which dealership in town?

12 PROSPECTIVE JUROR 032: I used to live -- when I used to  
13 live back east it was Mercedes Benz of Smithtown. And then I came --  
14 when I moved here in 2011 it was Fletcher Jones.

15 MR. KUDLER: Okay. And then you chose to go with a --

16 PROSPECTIVE JUROR 032: An independent job, yeah.

17 MR. KUDLER: Okay. What kind of company does your wife  
18 work for as an accountant?

19 PROSPECTIVE JUROR 032: She works -- it's called Holdings,  
20 LC Holdings I think.

21 MR. KUDLER: A financial company?

22 PROSPECTIVE JUROR 032: It's a -- it's for military insurance.  
23 Deals with --

24 MR. KUDLER: And who does she work for as a pharmacy  
25 tech?

1 PROSPECTIVE JUROR 032: Vons.  
2 MR. KUDLER: And she works back in the pharmacy and fills  
3 the orders and things?  
4 PROSPECTIVE JUROR 032: Yeah.  
5 MR. KUDLER: Okay. You do any work around the house,  
6 electrical work specifically?  
7 PROSPECTIVE JUROR 032: Yes.  
8 MR. KUDLER: Okay. Have you ever been zapped?  
9 PROSPECTIVE JUROR 032: No.  
10 MR. KUDLER: Okay. When you do that work do you have  
11 the power on or off?  
12 PROSPECTIVE JUROR 032: I turn it off.  
13 MR. KUDLER: You turn it off?  
14 PROSPECTIVE JUROR 032: Yeah.  
15 MR. KUDLER: Okay. What are we talking about, like switch  
16 blades and plugs and things like that?  
17 PROSPECTIVE JUROR 032: Yeah. Like outlets and stuff,  
18 that's it. Yeah.  
19 MR. KUDLER: Turn the power off to that room and --  
20 PROSPECTIVE JUROR 032: Yeah.  
21 MR. KUDLER: -- replace it? That's it. Pass for cause, Your  
22 Honor.  
23 THE COURT: Defense, you may inquire.  
24 MR. A. GIOVANNIELLO: I'm going to have to start sitting  
25 down to do this.



1 Mr. Acunto, you said that you worked at Smithtown?  
2 PROSPECTIVE JUROR 032: Yes.  
3 MR. A. GIOVANNIELLO: Is that in Long Island?  
4 PROSPECTIVE JUROR 032: Yes.  
5 MR. A. GIOVANNIELLO: That's in New York, right?  
6 PROSPECTIVE JUROR 032: Uh-huh.  
7 MR. A. GIOVANNIELLO: And how come you don't have the  
8 same accent I do?  
9 PROSPECTIVE JUROR 032: I'm -- some people say I still have  
10 it, but I don't know.  
11 MR. A. GIOVANNIELLO: Did you grow up on Long Island.  
12 PROSPECTIVE JUROR 032: Yes. I was born and raised.  
13 MR. A. GIOVANNIELLO: Oh wow. And how long did you live  
14 in Long Island before you moved out here?  
15 PROSPECTIVE JUROR 032: Since I was -- well, it was 2011,  
16 so --  
17 MR. A. GIOVANNIELLO: Okay.  
18 PROSPECTIVE JUROR 032: -- most of my life. I would say  
19 about 37, 38 around that age I moved out here.  
20 MR. A. GIOVANNIELLO: Okay. Did you go to Jones Beach?  
21 PROSPECTIVE JUROR 032: Oh yeah, all the time.  
22 MR. A. GIOVANNIELLO: Okay. Do you consider yourself a  
23 handyman as well?  
24 PROSPECTIVE JUROR 032: Yeah.  
25 MR. A. GIOVANNIELLO: Okay. Pretty handy around the

1 house?

2 PROSPECTIVE JUROR 032: Pretty much, yeah.

3 MR. A. GIOVANNIELLO: Okay. You've heard some of my  
4 questions that I've asked some of the other jurors?

5 PROSPECTIVE JUROR 032: Yes.

6 MR. A. GIOVANNIELLO: Okay. So you think you could be a  
7 fair and impartial to my client?

8 PROSPECTIVE JUROR 032: Yes.

9 MR. A. GIOVANNIELLO: Okay. Is there any question that I  
10 asked right now, if you can remember them that you want to answer?

11 PROSPECTIVE JUROR 032: No.

12 MR. A. GIOVANNIELLO: Okay. Have you ever filed a  
13 lawsuit?

14 PROSPECTIVE JUROR 032: No.

15 MR. A. GIOVANNIELLO: Ever been called as a witness or  
16 anything like that?

17 PROSPECTIVE JUROR 032: No.

18 MR. A. GIOVANNIELLO: Did you ever have any dealings with  
19 lawyers?

20 PROSPECTIVE JUROR 032: Yes.

21 MR. A. GIOVANNIELLO: Okay. In what capacity?

22 PROSPECTIVE JUROR 032: My divorce --

23 MR. A. GIOVANNIELLO: Okay.

24 PROSPECTIVE JUROR 032: -- back in New York.

25 MR. A. GIOVANNIELLO: All right. Just in your divorce?

1 PROSPECTIVE JUROR 032: Just my divorce, yeah.

2 MR. A. GIOVANNIELLO: Have you formed any opinions  
3 about lawyers?

4 PROSPECTIVE JUROR 032: What was that?

5 MR. A. GIOVANNIELLO: Have you formed any opinions  
6 about lawyers?

7 PROSPECTIVE JUROR 032: No.

8 MR. A. GIOVANNIELLO: Okay. Have you formed any  
9 opinions about this legal system?

10 PROSPECTIVE JUROR 032: No.

11 MR. A. GIOVANNIELLO: Okay. And, you know, as far as  
12 lawsuits are concerned, have you formed any opinions about, you know,  
13 people who bring lawsuits?

14 PROSPECTIVE JUROR 032: No.

15 MR. A. GIOVANNIELLO: Okay. And do you agree that  
16 obviously people have a right to bring a lawsuit if they feel that they  
17 have, you know, a good reason to do so?

18 PROSPECTIVE JUROR 032: Yeah.

19 MR. A. GIOVANNIELLO: Okay. And just because somebody  
20 brings a lawsuit do you think that the very fact that they brought the  
21 lawsuit that they're entitled to compensation?

22 PROSPECTIVE JUROR 032: Yes.

23 MR. A. GIOVANNIELLO: You do?

24 PROSPECTIVE JUROR 032: Oh no, no.

25 MR. A. GIOVANNIELLO: Okay. Do you believe --

1 PROSPECTIVE JUROR 032: Wait. I don't understand the  
2 question. Say it again.

3 MR. A. GIOVANNIELLO: Yeah. Let me ask that question  
4 again. What I'm asking is this. Do you believe -- let me just rephrase it.  
5 Do you think that if somebody brings a lawsuit that they have to prove  
6 their case?

7 PROSPECTIVE JUROR 032: Oh yes.

8 MR. A. GIOVANNIELLO: Okay. What I was asking you is just  
9 because somebody brings a lawsuit do you think that they're entitled to  
10 compensation just because they brought the lawsuit?

11 PROSPECTIVE JUROR 032: No, yeah.

12 MR. A. GIOVANNIELLO: Yeah. In other words like, you  
13 know, they did a lawsuit so somebody must be -- somebody must have  
14 done something wrong.

15 PROSPECTIVE JUROR 032: Yeah.

16 MR. A. GIOVANNIELLO: Right?

17 PROSPECTIVE JUROR 032: Yeah.

18 MR. A. GIOVANNIELLO: Okay. And by the way you  
19 answered that question, obviously it's a no?

20 PROSPECTIVE JUROR 032: Yeah.

21 MR. A. GIOVANNIELLO: Okay.

22 PROSPECTIVE JUROR 032: Yeah.

23 MR. A. GIOVANNIELLO: Yes or no?

24 PROSPECTIVE JUROR 032: Yes. I think do they have a right  
25 to have a lawsuit or whatever they have.

1 MR. A. GIOVANNIELLO: And do you think the person who  
2 they brought the lawsuit against, they have a right to defend against that  
3 lawsuit?

4 PROSPECTIVE JUROR 032: Yes.

5 MR. A. GIOVANNIELLO: Okay. And you're going to listen to  
6 all the evidence in this case?

7 PROSPECTIVE JUROR 032: Yes.

8 MR. A. GIOVANNIELLO: Okay. And you're not going to form  
9 any opinions until --

10 PROSPECTIVE JUROR 032: No.

11 MR. A. GIOVANNIELLO: -- you listen to all the evidence in  
12 this case?

13 PROSPECTIVE JUROR 032: Yeah. No. I'm not going to,  
14 yeah.

15 MR. A. GIOVANNIELLO: Okay. All right. Thank you. Your  
16 Honor, I pass for cause.

17 THE COURT: Thank you. Moving onto chair six. Badge 52,  
18 Mr. Gibson.

19 PROSPECTIVE JUROR 052: Good afternoon, Your Honor.

20 THE COURT: Good afternoon, Mr. Gibson. How long have  
21 you lived in Clark County?

22 PROSPECTIVE JUROR 052: 1993.

23 THE COURT: And how far did you go in school?

24 PROSPECTIVE JUROR 052: High school.

25 THE COURT: What do you do for a living?

1 PROSPECTIVE JUROR 052: Pull orders, food orders for  
2 Albertson's and Smith's.

3 THE COURT: Okay. Married, single, partnership?  
4 PROSPECTIVE JUROR 052: Single.

5 THE COURT: Any kids?  
6 PROSPECTIVE JUROR 052: One.

7 THE COURT: How old?  
8 PROSPECTIVE JUROR 052: 46.

9 THE COURT: What's your child do?  
10 PROSPECTIVE JUROR 052: I don't know.

11 THE COURT: So you're not in contact with them or --  
12 PROSPECTIVE JUROR 052: State of Washington.

13 THE COURT: State of Washington. Have you or anyone  
14 close to you ever been the victim of a crime or accused of a crime?  
15 PROSPECTIVE JUROR 052: I have.

16 THE COURT: Tell me about that.  
17 PROSPECTIVE JUROR 052: My truck was broken into, they  
18 tried to steal it.

19 THE COURT: Okay. How long ago?  
20 PROSPECTIVE JUROR 052: Six months, eight months.

21 THE COURT: Okay. Did that action bring you to court?  
22 PROSPECTIVE JUROR 052: Negative.

23 THE COURT: Is there anything about that event that might  
24 affect your ability to be a fair and impartial juror in this civil case?  
25 PROSPECTIVE JUROR 052: I could tell you I'm really bias

1 against the judicial system; I'm disgusted with it.

2 THE COURT: Okay. That's disappointing. Why?

3 PROSPECTIVE JUROR 052: Because there's so many crimes  
4 being committed, and nobody wants to do anything. Everybody wants  
5 to make sure that there's court, so everybody has a job, but they don't  
6 want to send them to prison. And if they do send them to prison they  
7 send them right back out to commit another crime again.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR 052: For instance, Sisolak and  
10 everybody else in the valley don't want to do anything about the crimes  
11 in the valley that we have. For example, the catalytic converters,  
12 everybody knows that if you have more than two, or three, or four you  
13 know they're stolen. Everybody's just been putting a blind eye; oh we'll  
14 push it off the rug to somebody else. Somebody comes in with ten  
15 catalytic converters, you know they're all stolen. So they should have a  
16 law, but they don't want to do the law. They'd rather have the crime, so  
17 they have a job.

18 THE COURT: All right. Okay. Hang on. I respect that  
19 opinion, but I want to know whether or not that opinion is something  
20 that the lawyers in this case should be concerned about. Can you set  
21 that frustration aside and fill your important rolls, your civic duty here as  
22 a juror?

23 PROSPECTIVE JUROR 052: I can't say yes or no. I just don't  
24 know. I'd have to go through it and --

25 THE COURT: You know the irony of that statement frankly,

1 Mr. Gibson, is that the complaints you have about the system make you  
2 unable to help the system in this unique and very important  
3 responsibility. You follow my drift?

4 PROSPECTIVE JUROR 052: I do.

5 THE COURT: And all we want, all anybody in this effort  
6 wants is a fair decision based upon the evidence and we need citizens to  
7 help us get there. Do you believe -- if you were involved in this lawsuit,  
8 would you want a juror of your mind sitting in decision in this case?

9 PROSPECTIVE JUROR 052: I can't answer that either.

10 THE COURT: Okay. I'm going to allow the lawyers to  
11 inquire. Counsel, you have the witness -- excuse me. You have the  
12 juror. Old habits.

13 MR. KUDLER: Thank, Your Honor. We'll put that aside for a  
14 minute. Want to know a little bit more about you.

15 Now you said that you work for Albertson's and Smith's?

16 PROSPECTIVE JUROR 052: I work for Victory Wholesale  
17 Group.

18 MR. KUDLER: Okay. And when you say you pull orders, is  
19 that in a warehouse?

20 PROSPECTIVE JUROR 052: Yes, sir.

21 MR. KUDLER: Okay. So you do the shipping side?

22 PROSPECTIVE JUROR 052: Yes, sir.

23 MR. KUDLER: Okay. So you -- there's a picklist of some kind  
24 and you pull the right items. Is this all by hand or is this with machines?

25 PROSPECTIVE JUROR 052: Machine.



1 MR. KUDLER: Okay.

2 PROSPECTIVE JUROR 052: Forklift.

3 MR. KUDLER: Okay. One of those self -- where you stand

4 and drive it or is it a forklift that you sit?

5 PROSPECTIVE JUROR 052: Sit down propane.

6 MR. KUDLER: Okay. Ever been injured on a job?

7 PROSPECTIVE JUROR 052: I have when I was a child.

8 MR. KUDLER: Okay. How old?

9 PROSPECTIVE JUROR 052: 17.

10 MR. KUDLER: Okay. When I consider working as a child I

11 consider it like when I was eight, but you were a young man at the point

12 -- at that time.

13 PROSPECTIVE JUROR 052: A young man.

14 MR. KUDLER: What happened?

15 PROSPECTIVE JUROR 052: Got chopped up by a lawn

16 mower.

17 MR. KUDLER: Okay.

18 PROSPECTIVE JUROR 052: The owner's kid fell, let go the

19 lawn mower and it crashed into the back of my foot.

20 MR. KUDLER: Okay. And you were working for a

21 landscaper?

22 PROSPECTIVE JUROR 052: Yes, sir.

23 MR. KUDLER: Okay. Not a family relative?

24 PROSPECTIVE JUROR 052: No, sir.

25 MR. KUDLER: Okay. Was there any lawsuit or claim?

1 PROSPECTIVE JUROR 052: There was.  
2 MR. KUDLER: Okay. Was it a lawsuit or a claim?  
3 PROSPECTIVE JUROR 052: There was a claim.  
4 MR. KUDLER: Okay. Were you compensated?  
5 PROSPECTIVE JUROR 052: For a little while.  
6 MR. KUDLER: Okay. When you say for a little while, you  
7 were paid time off?  
8 PROSPECTIVE JUROR 052: Correct.  
9 MR. KUDLER: Okay. Was there any compensation for  
10 medical bills?  
11 PROSPECTIVE JUROR 052: I was under my parent's  
12 insurance.  
13 MR. KUDLER: Okay. And how about the -- any long term  
14 effects or any pain and suffering, were you compensated for that?  
15 PROSPECTIVE JUROR 052: No. But I have pain and  
16 suffering all through the rest of my life and I had to have a reconstruction  
17 surgery just to keep me walking.  
18 MR. KUDLER: Okay. When you say all through your life, you  
19 still suffer effects?  
20 PROSPECTIVE JUROR 052: Yeah. It still hurts.  
21 MR. KUDLER: Okay. Is there pain, is there numbness, what  
22 do you have going on?  
23 PROSPECTIVE JUROR 052: Pain.  
24 MR. KUDLER: Okay. And where is that pain focused or  
25 where does it move to?

1 PROSPECTIVE JUROR 052: Left foot.

2 MR. KUDLER: Okay. It's all focused in the foot. Have you --  
3 do you wear any like insert or things to try and alleviate that pain?

4 PROSPECTIVE JUROR 052: No. But I have to wear a certain  
5 shoe. It can't be a closed heal, it has to be like wide open.

6 MR. KUDLER: Okay. And that's what you're still wearing  
7 until today?

8 PROSPECTIVE JUROR 052: Uh-huh.

9 MR. KUDLER: Okay. Thank you for that. Now I understand  
10 your issues with the criminal system. We're doing a civil trial that has  
11 nothing to do with crimes and they're kind of separated. Can you keep  
12 your thoughts of the criminal system and your feelings about the  
13 criminal system away from how you feel about this civil case?

14 PROSPECTIVE JUROR 052: I do believe so.

15 MR. KUDLER: Okay. And when the judge reads the  
16 instructions, you'll be able to follow those instructions that he reads to  
17 you?

18 PROSPECTIVE JUROR 052: Yes, sir.

19 MR. KUDLER: Okay. In some case, and I'm not saying this  
20 one, but some cases there are instructions that a juror may not believe or  
21 may feel that it is not the way life should be. If the jury instruction is  
22 something that is contrary to the way that you feel about things, would  
23 you still be able to follow the instruction?

24 PROSPECTIVE JUROR 052: I do believe so.

25 MR. KUDLER: Okay. Thank you. Pass for cause, Your

1 Honor.

2 THE COURT: Defense may inquire.

3 MR. A. GIOVANNIELLO: Mr. Gibson, you're suffering some  
4 lifelong injury?

5 PROSPECTIVE JUROR 052: Yes, sir.

6 MR. A. GIOVANNIELLO: Okay. Now in this case Plaintiffs are  
7 going to argue that they're suffering a lifelong injury as well. Are you  
8 going to be able to really just listen to the evidence and even though that  
9 you have some similarity with the Plaintiffs that you can be fair to the  
10 Defense in this case?

11 PROSPECTIVE JUROR 052: I do believe so.

12 MR. A. GIOVANNIELLO: Okay. I know that you testified --  
13 well, you spoke at length about the criminal side, but the civil side is a  
14 little bit different. Because civil is usually somebody's injured and the  
15 result is really compensation is what they're looking for, okay. Kind of a  
16 completely different mindset, a completely different system. Can you  
17 change your mindset -- well, not really change your mindset, but I guess  
18 can you compartmentalized your mindset concerning the criminal side  
19 and the civil side?

20 PROSPECTIVE JUROR 052: I can keep that separate.

21 MR. A. GIOVANNIELLO: Okay. Have you ever been involved  
22 in the civil side at all? In other words, have you been involved in any  
23 lawsuits in the civil side?

24 PROSPECTIVE JUROR 052: No, sir.

25 MR. A. GIOVANNIELLO: Okay. Anybody you know involved

1 in any lawsuits --

2 PROSPECTIVE JUROR 052: No, sir.

3 MR. A. GIOVANNIELLO: -- on the civil side? Okay. This the  
4 first time you serving as a jury -- as a juror?

5 PROSPECTIVE JUROR 052: Yes.

6 MR. A. GIOVANNIELLO: Okay.

7 PROSPECTIVE JUROR 052: I've been here before, but I never  
8 got this far.

9 MR. A. GIOVANNIELLO: Okay. Now you're pretty close. You  
10 said that you filed a claim, was that a Workers' Compensation?

11 PROSPECTIVE JUROR 052: Correct.

12 MR. A. GIOVANNIELLO: Okay. And that paid for your  
13 wages?

14 PROSPECTIVE JUROR 052: Correct. For a short time.

15 MR. A. GIOVANNIELLO: For a short time? Okay. Did you  
16 feel that that was fair?

17 PROSPECTIVE JUROR 052: No.

18 MR. A. GIOVANNIELLO: Okay. Do you maintain kind of a  
19 grudge against Workers' Compensation?

20 PROSPECTIVE JUROR 052: No. It's not really them. It's  
21 more the law and the written on the books.

22 MR. A. GIOVANNIELLO: Okay. More the way the law's  
23 written?

24 PROSPECTIVE JUROR 052: Uh-huh.

25 MR. A. GIOVANNIELLO: Okay. You're going to be given a

1 set of instructions. Plaintiff's counsel has a set. You're going to be given  
2 a set of instructions, you have to follow those instructions whether you  
3 like them or not. You going to be able to do that?

4 PROSPECTIVE JUROR 052: I do believe so.

5 MR. A. GIOVANNIELLO: Okay. Even if you don't agree with  
6 that instruction?

7 PROSPECTIVE JUROR 052: It's not on me to agree with  
8 anything, I just got to listen to the facts.

9 MR. A. GIOVANNIELLO: Okay. Yeah. And then apply the  
10 instructions to those facts?

11 PROSPECTIVE JUROR 052: Correct.

12 MR. A. GIOVANNIELLO: Okay. And then the question is  
13 whether you agree or not with that instruction you still have to follow it?

14 PROSPECTIVE JUROR 052: Correct.

15 MR. A. GIOVANNIELLO: And you're okay with that?

16 PROSPECTIVE JUROR 052: Yes, sir.

17 MR. A. GIOVANNIELLO: Okay. Have you worked around the  
18 house on any electrical components?

19 PROSPECTIVE JUROR 052: I have.

20 MR. A. GIOVANNIELLO: Okay. And what have you done?

21 PROSPECTIVE JUROR 052: Changed out breakers, switches,  
22 outlets, two ways.

23 MR. A. GIOVANNIELLO: Okay. And in doing so -- you just  
24 did that around the house?

25 PROSPECTIVE JUROR 052: Yes, sir.

1 MR. A. GIOVANNIELLO: Have you done it in any other  
2 capacity, not in your house but someone else's house or someone else's  
3 business?

4 PROSPECTIVE JUROR 052: My brother's house.

5 MR. A. GIOVANNIELLO: Okay. And when you did that did  
6 you work on an energized panel?

7 PROSPECTIVE JUROR 052: Yes, sir.

8 MR. A. GIOVANNIELLO: Okay. And you -- in working on an  
9 energized panel did take any precautions?

10 PROSPECTIVE JUROR 052: Oh yes.

11 MR. A. GIOVANNIELLO: Okay. What did you -- what  
12 precautions did you take?

13 PROSPECTIVE JUROR 052: PPE and make sure the breakers  
14 are off.

15 MR. A. GIOVANNIELLO: Okay. And have you ever been  
16 shocked?

17 PROSPECTIVE JUROR 052: Oh yeah.

18 MR. A. GIOVANNIELLO: And have you ever been burned?

19 PROSPECTIVE JUROR 052: No.

20 MR. A. GIOVANNIELLO: Received a first, second or third  
21 degree burn from --

22 PROSPECTIVE JUROR 052: No.

23 MR. A. GIOVANNIELLO: -- from electrical.

24 PROSPECTIVE JUROR 052: No.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 052: I've been hit a couple times, but  
2 not enough to be burned.

3 MR. A. GIOVANNIELLO: Okay. But you have gotten a little  
4 shock and it was like, whoa, whack?

5 PROSPECTIVE JUROR 052: Oh yeah. A few -- quite a few  
6 times.

7 MR. A. GIOVANNIELLO: Okay. Do you think people should  
8 be held responsible for their own actions?

9 PROSPECTIVE JUROR 052: Absolutely.

10 MR. A. GIOVANNIELLO: You know who my client is, can you  
11 be fair to them?

12 PROSPECTIVE JUROR 052: I can.

13 MR. A. GIOVANNIELLO: Okay. Will you be fair to them?

14 PROSPECTIVE JUROR 052: I can.

15 MR. A. GIOVANNIELLO: Thank you. All right. Thank you,  
16 Your Honor. I'll pass for cause as well.

17 THE COURT: Pass for cause. Ladies and gentlemen, I've  
18 been asked to take a short break and it's my common practice to take a  
19 short break if we've been working for 90 minutes to two hours, and we're  
20 about right there. I don't want to stop this effort; we're making good  
21 progress. But -- so I am going to call for a 10 minute break that'll bring  
22 us back to work at 11:15.

23 Now I need you to look to your left, look to your right and  
24 this goes for you folks in the back as well. Know where you are, this is  
25 going to be a 10 minute recess.



1           The bathrooms are right at the top of the hall when you came  
2 around the elevator, they're right there. Please don't leave the floor. If  
3 you want to bring a drink back like a water or a soda, I let that happen so  
4 long as you're respectful of the process. Obviously try not to spill it on  
5 yourself or anyone else. I wouldn't deny you that basic comfort.

6           Now on each recess before I let you or the jury go I've got to  
7 read an admonishment, it's the law. And here's the admonishment, I'm  
8 going to read slow, we'll have a brief conversation about it. Then if you  
9 find yourself in this effort -- continuing in this effort I'll read it much  
10 quicker, assuming if you're all men and women of reasonable  
11 intelligence and you'll be able to understand the nature and purpose. All  
12 right. Here's the admonition.

13           During this recess you must not discuss or communicate  
14 with anyone including fellow jurors in any way regarding the case or its  
15 merits either by voice, phone, email, text, internet or other means of  
16 communication or social media. You may not read, watch or listen to  
17 any news or media accounts or commentary about the case. Do not do  
18 any research such as consulting dictionaries, using the internet or  
19 reference materials. You cannot make any investigation, test any theory  
20 of the case, recreate any aspect of the case or in any other way  
21 investigate the case or learn about the case until it's finally submitted to  
22 you for your review. You may not form or express any opinion  
23 regarding the case again, until it's submitted to you.

24           That's the admonition. What does it mean? Again, I've  
25 talked about the formal nature of the process. As you get into the

1 evidence, as we get into the case you're going to come, you're going to  
2 listen to witnesses, you're going to review evidence and you're going to  
3 draw your thoughts about that evidence. Any thoughts or concerns that  
4 you have about the evidence you have to keep to yourself. You can't talk  
5 to the fellow jurors about the evidence until the case is submitted to you  
6 for deliberation.

7 Now you're sitting next to perfect strangers as a  
8 consequence of this important effort. You can get to know each other,  
9 you can talk about your lives, you can talk about you're frustrations with  
10 the elevators or anything else, the parking. And we'll talk about all that,  
11 I'll try to loosen that up a little bit, make it a little better for you. You can  
12 get to know each other, but you just cannot talk about any aspect of the  
13 case until, again, you've heard all the evidence, you've listened to the  
14 lawyers do their work and it's submitted to you and my marshal brings  
15 you back in the jury deliberation room. And that is when you talk about  
16 the facts of the case.

17 All right. Ladies and gentlemen, again this is a 10 minute  
18 recess. Take care of personal business all, take care of personal  
19 business so we can work until about noon. Follow the marshal, please.

20 THE MARSHAL: Please rise for the exit of the jury.

21 [Prospective jurors out at 11:05 a.m.]

22 [Outside the presence of the prospective jurors]

23 THE COURT: All right. The record reflects we're outside the  
24 presence of the jury. Is there any additional record that need be made  
25 by either side as a function of jury examination so far, Plaintiff?

1 MR. KUDLER: No. The only issue I have is Workers'  
2 Compensation repeatedly coming up. If that could be -- I mean, I  
3 understand making a claim and I asked those things too, but --

4 THE COURT: Yeah. I think we're -- I'm comfortable where  
5 we are right now in terms of that inquiry.

6 MR. KUDLER: Yeah. I just want to make sure it doesn't come  
7 up later.

8 THE COURT: Okay. Well, let's just take it one step at a time.  
9 I don't see what the questions being asked regarding Workman's Comp  
10 are violating 7.70 at this point.

11 MR. KUDLER: No. I don't think we are.

12 THE COURT: Okay. Anything from the Defense side?

13 MR. A. GIOVANNIELLO: I was just going to respond to that,  
14 but you already did for me.

15 THE COURT: That's fine.

16 MR. A. GIOVANNIELLO: Thank you.

17 THE COURT: Gentlemen, I mean 11:15. I don't mean 11:20.

18 MR. A. GIOVANNIELLO: Okay. I have to hobble to the  
19 restroom.

20 THE COURT: And I'm okay with you using the jury -- the  
21 bathroom in the back.

22 MR. A. GIOVANNIELLO: Okay.

23 THE COURT: But stay away from your panel. Give them all  
24 the room they need. If you need to run a different floor even. The  
25 lawyers you can use the bathroom in the back. The litigants cannot. Go

1 to a different floor. All right? All right. 11:15.

2 [Recess taken from 11:08 a.m. to 11:16 a.m.]

3 THE MARSHAL: Rise for the jury.

4 [Prospective jurors in at 11:18 a.m.]

5 THE COURT: All right. We're on the record. Please be  
6 seated, ladies and gentlemen. We are on the record in A735550,  
7 Myers v. THI of Nevada at Cheyenne. The record shall reflect the  
8 presence of representative, Plaintiff and Defense.

9 All members of the jury panel do appear to be present.

10 Will parties stipulate the presence of the entire panel?

11 MR. KUDLER: Plaintiff does, Your Honor.

12 THE COURT: Thank you. Defense?

13 MR. A. GIOVANNIELLO: Defense does.

14 THE COURT: Thank you record should further reflect  
15 remaining jury selection, moving into juror number, seat 7, badge 59,  
16 Mr. Beckmann?

17 PROSPECTIVE JUROR 059: Correct.

18 THE COURT: Mr. Beckmann, how long have you been in  
19 Clark County?

20 PROSPECTIVE JUROR 059: Twenty-four years.

21 THE COURT: How far did you go in school?

22 PROSPECTIVE JUROR 059: Two years into college.

23 THE COURT: What do you do for a living?

24 PROSPECTIVE JUROR 059: Right now I am helping my wife  
25 with a new company we opened.

1 THE COURT: What kind of work?  
2 PROSPECTIVE JUROR 059: It's a truck driving school.  
3 THE COURT: Truck driving school.  
4 PROSPECTIVE JUROR 059: It's called "Truck U."  
5 THE COURT: Catchy. Very catchy.  
6 PROSPECTIVE JUROR 059: Yes, it is.  
7 THE COURT: I don't want to even ask you what your 1-800  
8 number is, but -- so you and your wife are doing that together?  
9 PROSPECTIVE JUROR 059: Correct?  
10 THE COURT: Do you have any kids?  
11 PROSPECTIVE JUROR 059: No.  
12 THE COURT: Have you or anyone close you ever been the  
13 victim of crime or accused of a crime?  
14 PROSPECTIVE JUROR 059: No.  
15 THE COURT: Have you ever served as a juror before?  
16 PROSPECTIVE JUROR 059: I have.  
17 THE COURT: Tell me, civil or criminal?  
18 PROSPECTIVE JUROR 059: Criminal.  
19 THE COURT: There are different burdens in criminal versus  
20 civil, it's important to acknowledge, and I'll explain those to you at the  
21 appropriate time. But getting further into that, how long ago?  
22 PROSPECTIVE JUROR 059: I'm going to say about 15 years  
23 ago.  
24 THE COURT: All right. Without stating what the verdict in  
25 that case was, if you recall, was that jury able to reach a verdict?

1 PROSPECTIVE JUROR 059: We were.

2 THE COURT: Were you the foreperson of that jury?

3 PROSPECTIVE JUROR 059: I was not.

4 THE COURT: Is there anything about that experience that  
5 might affect your ability to be fair and impartial, if you're asked to do it  
6 again?

7 PROSPECTIVE JUROR 059: No.

8 THE COURT: I've had jurors say, Judge, I've already served  
9 my community once, I don't want to do it again. I hated it. And, you  
10 know, whatever that narrative might be, but your mind is open to serving  
11 again, if called?

12 PROSPECTIVE JUROR 059: Absolutely.

13 THE COURT: You've listened patiently to the other  
14 questions, asked of other potential jurors. Is there anything that you  
15 may have heard in that discussion, or outside this room that might affect  
16 your ability to be fair and Impartial?

17 PROSPECTIVE JUROR 059: No.

18 THE COURT: Can you base your verdict solely upon the  
19 evidence presented in this trial and wait in forming your opinion until the  
20 case is submitted to you?

21 PROSPECTIVE JUROR 059: Absolutely.

22 THE COURT: So you, having done it before, you understand  
23 when I say -- when I say you need to be patient in the effort and let the  
24 formal process work?

25 PROSPECTIVE JUROR 059: Correct. And you you'll bring

1 that skill to this effort too?

2 PROSPECTIVE JUROR 059: Absolutely.

3 THE COURT: Thank you.

4 Plaintiff, you may inquire.

5 MR. KUDLER: Thank you, Your Honor.

6 Mr. Beckmann, before starting this business with your wife,  
7 what kind of work did you do?

8 PROSPECTIVE JUROR 059: I was a casino host for 20 years,  
9 in town.

10 MR. KUDLER: Okay. And it has here that your wife is a CPA?

11 PROSPECTIVE JUROR 059: Come again?

12 MR. KUDLER: It has here that your wife is a CPA?

13 PROSPECTIVE JUROR 059: Yeah, she's a CPA.

14 MR. KUDLER: Is she running that business; is she working  
15 as a CPA as well as running the business?

16 PROSPECTIVE JUROR 059: Correct.

17 MR. KUDLER: Okay. And what kind of company does she  
18 work for?

19 PROSPECTIVE JUROR 059: Well, right now it's a truck  
20 driving school, it's CDL Truck Driving School.

21 MR. KUDLER: Okay. As a CPA what kind of work is she  
22 doing? She -- actually, she was she was -- she was in the casino  
23 business, as well, she was the CFO of Planet Hollywood Casino, before it  
24 sold to Caesar's Palace.

25 MR. KUDLER: Okay. And they merged her out of work?

1 PROSPECTIVE JUROR 059: Correct.

2 MR. KUDLER: Okay. And at that point you guys had a -- had  
3 a talk around the house, and said, let's try let's -- let's take a casino host  
4 and a CPA, and form a truck --

5 PROSPECTIVE JUROR 059: Well, I mean, I -- I stayed at  
6 casino host until 2020 when COVID hit. I was at Texas Station, they  
7 never reopened it. So I haven't been back to work since, and then she  
8 decided to open this truck driving school, and I just lent my support, and  
9 whatever efforts I could to help her.

10 MR. KUDLER: Okay. And what are your duties in the school?

11 PROSPECTIVE JUROR 059: I really don't have any specific  
12 duties, other than just helping my wife with logistics, if she needs  
13 anything done, to go run errands to -- to help. We started out with three  
14 big rigs, then we bought five, or we added two more for five, so I would  
15 look at them, give my opinion to her on those.

16 MR. KUDLER: Okay. You guys are licensed?

17 PROSPECTIVE JUROR 059: I do not.

18 MR. KUDLER: I mean the school is licensed?

19 PROSPECTIVE JUROR 059: Oh, yeah. Oh, yeah.

20 MR. KUDLER: Okay.

21 PROSPECTIVE JUROR 059: Yeah.

22 MR. KUDLER: And was there any process that your wife or  
23 you, or the company had to go through in order to be licensed to do this  
24 kind of teaching?

25 PROSPECTIVE JUROR 059: Yeah. So she handled all that.



1 She's the finance person, she's the -- the business person. She's more of  
2 the pencil pusher. I'm more of the people pleaser, I go out and talk to  
3 vendors and whatnot.

4 MR. KUDLER: How far in the process are you? You actually,  
5 you have students right now?

6 PROSPECTIVE JUROR 059: Oh, yeah. Yeah. It's selling out  
7 quite well, as there is quite a need for truck drivers.

8 MR. KUDLER: So you've got eight trucks total now?

9 PROSPECTIVE JUROR 059: Five.

10 MR. KUDLER: Five total.

11 PROSPECTIVE JUROR 059: Started with three, added two  
12 more.

13 MR. KUDLER: Okay. And you have tractor trailers that are  
14 pulling?

15 PROSPECTIVE JUROR 059: Correct.

16 MR. KUDLER: Okay. And they're all big rigs?

17 PROSPECTIVE JUROR 059: Big rigs, yeah.

18 MR. KUDLER: At the end you guys administer tests?

19 PROSPECTIVE JUROR 059: Yes. Her employees do that, and  
20 the [indiscernible].

21 MR. KUDLER: Right. That same school does?

22 PROSPECTIVE JUROR 059: Correct.

23 MR. KUDLER: And by "people pleaser," that's kind of what  
24 you did as a casino host, you're doing kind of the same thing?

25 PROSPECTIVE JUROR 059: My job was to --

1 MR. KUDLER: Deal with people.

2 PROSPECTIVE JUROR 059: -- get fannies in the seats and  
3 have them gamble. Whether they win or lost wasn't my -- my objective.  
4 My objective was to just get them into the house, and wine and dine  
5 them.

6 MR. KUDLER: Now with the school, what sources did -- the  
7 trucking company would say, hey, we need somebody taught, or is it  
8 like, I -- I decide, you know what, I'm done with the law, instead of being  
9 here in court I want to go drive a truck?

10 PROSPECTIVE JUROR 059: Right. Right. And then you can  
11 either go in and -- and just pay on your own the -- the school fee, or my  
12 wife has a program where there are grants available for those of whom  
13 that can't afford the school.

14 MR. KUDLER: So most of the students are people who just  
15 decide they want to do this for a living?

16 PROSPECTIVE JUROR 059: Correct.

17 MR. KUDLER: Okay. As opposed to a trucking company,  
18 when a big company is saying, hey, we're going to send people to you to  
19 teach them?

20 PROSPECTIVE JUROR 059: Correct. Well, I think she just did  
21 a deal with Metro, because Metro they -- a couple of their big rig drivers  
22 need to have a CDL.

23 MR. KUDLER: Okay.

24 PROSPECTIVE JUROR 059: So --

25 MR. KUDLER: So they had Metro sending over some

1 drivers --

2 PROSPECTIVE JUROR 059: Correct.

3 MR. KUDLER: -- so that they could be qualified and get the  
4 appropriate license?

5 PROSPECTIVE JUROR 059: Correct.

6 MR. KUDLER: And not get the ticket by Metro?

7 PROSPECTIVE JUROR 059: Correct.

8 MR. KUDLER: Your Honor, that's all I have. Pass for cause.

9 THE COURT: Defense may inquire.

10 MR. A. GIOVANNIELLO: Well, Mr. Beckmann, I've learned a  
11 lot about trucking schools.

12 PROSPECTIVE JUROR 059: Yes. Yes. Look up Truck U.

13 MR. A. GIOVANNIELLO: You're from New York, I love it.

14 PROSPECTIVE JUROR 059: My wife is from Long Island.

15 MR. A. GIOVANNIELLO: Yeah. And that's where you get the  
16 Truck U?

17 PROSPECTIVE JUROR 059: Yes.

18 MR. A. GIOVANNIELLO: Okay. Mr. Beckmann, you've heard  
19 the questions I've been asking. Is there anything you want to add to  
20 that?

21 PROSPECTIVE JUROR 059: Not at all? I own a house. I've  
22 worked on electricity before. I've, you know, I know what the breakers  
23 are. I -- but if there's something that's above my pay grade, I outsource  
24 it to somebody to come in and do it. I watch what they do. It's amazing,  
25 our house is about 30 years old, and I've seen them take out -- you know,

1 I've had dimmers put in instead of just the switch --

2 MR. A. GIOVANNIELLO: Right.

3 PROSPECTIVE JUROR 159: -- and it's amazing how many  
4 times he took that out, there was no ground attached, the ground wire  
5 was there, but wasn't even attached.

6 MR. A. GIOVANNIELLO: And was that an electrician that did  
7 that?

8 PROSPECTIVE JUROR 059: Basically a handyman.

9 MR. A. GIOVANNIELLO: Okay. And you said you've done  
10 some electrical work yourself, around the house?

11 PROSPECTIVE JUROR 059: Minor stuff. Yeah.

12 MR. A. GIOVANNIELLO: Like what kind of minor stuff?

13 PROSPECTIVE JUROR 059: Well, like -- like going out to  
14 check the breakers, if -- if the electricity goes out. I've replaced a -- a  
15 plug socket. And I'll just -- I make sure I turn the power off before I do it,  
16 so -- I have been shocked in the past, but that was probably when I was a  
17 teenager working for my brother-in-law in construction.

18 MR. A. GIOVANNIELLO: Okay. And from that, you getting  
19 shocked, you learned to turn off the power?

20 PROSPECTIVE JUROR 059: Absolutely.

21 MR. A. GIOVANNIELLO: Okay.

22 PROSPECTIVE JUROR 059: And to answer your other  
23 question, I have burned myself on the kitchen stove. No big deal. Just  
24 put it under water, put ice on it, nothing that sent me to the hospital.

25 MR. A. GIOVANNIELLO: Ever been involved in any lawsuits?

1 PROSPECTIVE JUROR 059: I have not.

2 MR. A. GIOVANNIELLO: Okay. Your wife could have been  
3 involved in any lawsuits?

4 PROSPECTIVE JUROR 059: I think she had a car accident one  
5 time, and they sued her, and her, our insurance company paid the gal  
6 \$5,000, or something like that, but she didn't go to court.

7 MR. A. GIOVANNIELLO: But she was the Defendant in that?

8 PROSPECTIVE JUROR 059: Yeah.

9 MR. A. GIOVANNIELLO: Okay. Were you ever -- were you  
10 involved at all in that lawsuit?

11 PROSPECTIVE JUROR 059: No.

12 MR. A. GIOVANNIELLO: Okay. By talking to her, I mean, or  
13 just in general, anything would -- would she have assigned a lawyer?

14 PROSPECTIVE JUROR 059: I think they were suing the  
15 insurance company.

16 MR. A. GIOVANNIELLO: Oh, okay.

17 PROSPECTIVE JUROR 059: The insurance company did it all.  
18 She never had to physically go to court.

19 MR. A. GIOVANNIELLO: Okay.

20 PROSPECTIVE JUROR 059: It's all through depositions.

21 MR. A. GIOVANNIELLO: Okay. Can you be fair to my client?

22 PROSPECTIVE JUROR 059: Come again?

23 MR. A. GIOVANNIELLO: Can you be fair to my clients?

24 PROSPECTIVE JUROR 059: I didn't hear?

25 MR. A. GIOVANNIELLO: Can you be fair -- I'm sorry. Oh, I

1 got to talk into this thing.

2 PROSPECTIVE JUROR 059: Yeah. I can be --

3 MR. A. GIOVANNIELLO: Can you be fair to my client?

4 PROSPECTIVE JUROR 059: Absolutely. I can be fair to  
5 anybody.

6 MR. A. GIOVANNIELLO: Okay, great. So you'll wait until all  
7 the evidence is in before you form any opinions?

8 PROSPECTIVE JUROR 059: Absolutely.

9 MR. A. GIOVANNIELLO: Your Honor, pass for cause.

10 THE COURT: Thank you. Let's move to Ms. Okuda, badge  
11 67, chair 8. Ms. Okuda, thank you for your patience. How long have  
12 you been here in Clark County?

13 PROSPECTIVE JUROR 067: Thirty-one years.

14 THE COURT: What do you do for a living?

15 PROSPECTIVE JUROR 067: I'm an office manager, and an  
16 account manager.

17 THE COURT: How far did you go in school?

18 PROSPECTIVE JUROR 067: Master's Degree.

19 THE COURT: In what?

20 PROSPECTIVE JUROR 067: Business education.

21 THE COURT: Are you married? Single?

22 PROSPECTIVE JUROR 067: Single.

23 THE COURT: Any kids?

24 PROSPECTIVE JUROR 067: No.

25 THE COURT: Have you, or anyone close to you ever been the

1 victim of a crime, or accused of a crime?

2 PROSPECTIVE JUROR 067: I have been mugged.

3 THE COURT: Is there -- about how long ago?

4 PROSPECTIVE JUROR 067: Late '90s?

5 THE COURT: So a little while?

6 PROSPECTIVE JUROR 067: Yeah. It's been a long --

7 THE COURT: Anything about the nature of that difficulty that  
8 might affect your ability to be a fair and impartial juror in this case?

9 PROSPECTIVE JUROR 067: No.

10 THE COURT: Have you ever served as a juror before?

11 PROSPECTIVE JUROR 067: Yes.

12 THE COURT: Civil or criminal?

13 PROSPECTIVE JUROR 067: Criminal.

14 THE COURT: As I explained to the fellow juror, different  
15 burdens, different rules, I'll explain all that to you at the appropriate time.  
16 Without telling us what the -- is that okay with you?

17 PROSPECTIVE JUROR 067: Yes.

18 THE COURT: All right. Without stating what the verdict was  
19 in that case, if you recall, was that jury able to reach a verdict?

20 PROSPECTIVE JUROR 067: Yes.

21 THE COURT: Were you the foreperson of that jury?

22 PROSPECTIVE JUROR 067: No.

23 THE COURT: Is there anything about that experience that  
24 might impact your ability to be a fair and impartial juror here?

25 PROSPECTIVE JUROR 067: No.

1 THE COURT: Is there anything you've heard so far in jury  
2 selection, or outside this room, that might have -- that makes you feel  
3 you could not sit as a fair and impartial juror?

4 PROSPECTIVE JUROR 067: No.

5 THE COURT: Can you base your verdict solely on the  
6 evidence presented in the trial and wait in forming your opinion on the  
7 case until it's finally submitted to you, as I assume you did in your  
8 criminal case?

9 PROSPECTIVE JUROR 067: Yes.

10 THE COURT: Thank you very much.

11 Plaintiff you may inquire.

12 MR. KUDLER: Thank you, Your Honor.

13 What kind of company do you work for?

14 PROSPECTIVE JUROR 067: Alternative Management is a  
15 Trade Association Management Company. Most of our clients are in the  
16 commercial real estate industry.

17 MR. KUDLER: Okay. Do you -- are you involved in staffing  
18 for them, or what do you do for them?

19 PROSPECTIVE JUROR 067: So our company is the -- the  
20 administrative staff for all of these organizations. So they pay us a  
21 monthly fee, and we take care of all their administrative stuff, so that  
22 they don't have to hire somebody to do that separately, or they -- the  
23 volunteer boards don't have to do any of that.

24 MR. KUDLER: Okay. Now you have basically two duties into  
25 that, first as an account manager. You're just making sure that people



1 are satisfied with the work you guys are doing?

2 PROSPECTIVE JUROR 067: Yes. I work with three -- three or  
3 so, clients that I make sure everything works for them.

4 MR. KUDLER: And then on top of that, you're the office  
5 manager?

6 PROSPECTIVE JUROR 067: Yeah. It's kind of a part-time,  
7 yes, can you do this?

8 MR. KUDLER: You don't get extra pay for it, just extra nice?

9 PROSPECTIVE JUROR 067: No. I get a salary to do  
10 whatever.

11 MR. KUDLER: Okay. As the office manager, have you ever  
12 been involved in any claims for injuries?

13 PROSPECTIVE JUROR 067: No.

14 MR. KUDLER: Okay. Have you ever been injured in a car  
15 accident, or any kind of a fall, or anything like that?

16 PROSPECTIVE JUROR 067: No.

17 MR. KUDLER: Okay. Do you guys get involved in handling  
18 electrical issues for your clients?

19 PROSPECTIVE JUROR 067: No.

20 MR. KUDLER: Any of your close family members or friends  
21 been involved in a -- a lawsuit for damages, personal injury kind of  
22 thing?

23 PROSPECTIVE JUROR 067: No.

24 MR. KUDLER: Pass for cause, Your Honor.

25 THE COURT: Thank you very much. Defense may inquire.

1 MR. A. GIOVANNIELLO: Ms. Okuda, I just don't know what  
2 to ask you. Oh, let me think of a few seconds. You know who my clients  
3 are, right?

4 PROSPECTIVE JUROR 067: Yes.

5 MR. A. GIOVANNIELLO: Can you be fair to them?

6 PROSPECTIVE JUROR 067: Yes.

7 MR. A. GIOVANNIELLO: Okay. Have you -- well, let me ask  
8 you this, and you've heard some of the questions I've asked other  
9 people, have you ever been burned?

10 PROSPECTIVE JUROR 067: No.

11 MR. A. GIOVANNIELLO: Okay. Have you ever -- ever been  
12 shocked, got an --

13 PROSPECTIVE JUROR 067: Yes.

14 MR. A. GIOVANNIELLO: -- electrical shock?

15 PROSPECTIVE JUROR 067: Yes.

16 MR. A. GIOVANNIELLO: How did that happen?

17 PROSPECTIVE JUROR 067: I think it was a socket, an  
18 electrical socket in my house. I pulled the plug and it -- it had a little  
19 spark, and then I was -- I had some work done in my house, in the  
20 kitchen and the outlet was kind of sticking out, so I went to push it in  
21 without turning off the breaker. Big mistake.

22 MR. A. GIOVANNIELLO: You got -- you got --

23 PROSPECTIVE JUROR 067: I got zapped, yes.

24 MR. A. GIOVANNIELLO: You got a little zap, huh?

25 PROSPECTIVE JUROR 067: Yeah.

1 MR. A. GIOVANNIELLO: You know not to do that again,  
2 right?

3 PROSPECTIVE JUROR 067: Yeah. It's like next time call an  
4 electrician.

5 MR. A. GIOVANNIELLO: Okay.

6 PROSPECTIVE JUROR 067: Like, don't do that again.

7 MR. A. GIOVANNIELLO: So if you have a problem with  
8 electricity, you don't have to deal with it, you're going to call somebody  
9 to fix it, right?

10 PROSPECTIVE JUROR 067: Yes.

11 MR. A. GIOVANNIELLO: And the right person, you want an  
12 electrician?

13 PROSPECTIVE JUROR 067: Yes.

14 MR. A. GIOVANNIELLO: Okay. In the course of your work  
15 have you ever been hurt on the job?

16 PROSPECTIVE JUROR 067: No.

17 MR. A. GIOVANNIELLO: You've heard Plaintiff is going to  
18 present like maybe seven or eight witnesses. I said I was only going to  
19 present two. Are you going to hold that against my client?

20 PROSPECTIVE JUROR 067: No.

21 MR. A. GIOVANNIELLO: Okay. Do you also believe that it's  
22 not the amount of witnesses, it's the quality of the testimony that's being  
23 presented that matters?

24 PROSPECTIVE JUROR 067: Yes.

25 MR. A. GIOVANNIELLO: Okay. So you'll listen to

1 everything?

2 PROSPECTIVE JUROR 067: I will.

3 MR. A. GIOVANNIELLO: Okay. And then you make a  
4 decision at the end, right?

5 PROSPECTIVE JUROR 067: Yes.

6 MR. A. GIOVANNIELLO: Okay. And you feel that you could  
7 do that and be fair, not only to my client, but also be fair to the Plaintiffs?

8 PROSPECTIVE JUROR 067: Yes.

9 MR. A. GIOVANNIELLO: Okay. And if the Plaintiffs do not  
10 persuade you, will you be able to look them in the eye, you know, just  
11 say, hey, I just -- I didn't, you know, you didn't persuade me, I'm going to  
12 vote for the Defense; is that something you could do?

13 PROSPECTIVE JUROR 067: Yes.

14 MR. A. GIOVANNIELLO: Okay. Do you think that just  
15 because somebody brings a lawsuit that they're entitled to  
16 compensation, just for the fact they're bringing a lawsuit?

17 PROSPECTIVE JUROR 067: No.

18 MR. A. GIOVANNIELLO: Okay. Do you think the Defense is  
19 entitled to defend themselves?

20 PROSPECTIVE JUROR 067: Yes.

21 MR. A. GIOVANNIELLO: Okay. All right, thank you. I pass

22 THE COURT: Thank you.

23 Moving on to Juror Number 68, chair 9. Is it A. Mallinger?

24 PROSPECTIVE JUROR 068: No it's Mallinger.

25 THE COURT: Mallinger?

1 PROSPECTIVE JUROR 068: Uh-huh.

2 THE COURT: All right. Ma'am, how long have you lived in  
3 Clark County?

4 PROSPECTIVE JUROR 068: Thirty-five years.

5 THE COURT: And what do you do for a living?

6 PROSPECTIVE JUROR 068: I'm self-employed, I'm a licensed  
7 marriage and family therapist.

8 THE COURT: Wow. We have three so far. And how far did  
9 that -- how far did you have to go in school to attain that responsibility?

10 PROSPECTIVE JUROR 068: I have a master's degree.

11 THE COURT: A Master's Degree in -- in what?

12 PROSPECTIVE JUROR 068: In marriage and family therapy.

13 THE COURT: Marriage and family therapy. Are you married,  
14 single, or in a significant relationship?

15 PROSPECTIVE JUROR 068: Single.

16 THE COURT: Do you have any children?

17 PROSPECTIVE JUROR 068: Yes.

18 THE COURT: How old?

19 PROSPECTIVE JUROR 068: Fifteen.

20 THE COURT: Home with you?

21 PROSPECTIVE JUROR 068: Home with me.

22 THE COURT: Have you or anyone close to you ever been the  
23 victim of a crime, or accused of a crime?

24 PROSPECTIVE JUROR 068: I've been a victim of a crime.

25 THE COURT: Tell me a little bit about that.

1 PROSPECTIVE JUROR 068: Held up by gunpoint in -- I think  
2 it was 1982.

3 THE COURT: Is there anything about the nature of that  
4 difficulty that might impact your ability to be a fair juror here?

5 PROSPECTIVE JUROR 068: No.

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

7 PROSPECTIVE JUROR 068: No.

8 THE COURT: You've heard the questions asked, and I just  
9 want to know if there's any insight you can offer these parties, that might  
10 -- might concern them, regarding your ability to be a fair and impartial  
11 juror here; is there anything you'd like to say?

12 PROSPECTIVE JUROR 068: No.

13 THE COURT: Can you do that? Can you be patient? Base  
14 your verdict solely upon the evidence presented in the case, be patient in  
15 waiting and forming your opinions until you've heard all the evidence,  
16 retire to the jury deliberation room, and deliberate constructively with  
17 fellow jurors to find an answer to the questions that are -- that bring us  
18 here.

19 PROSPECTIVE JUROR 068: Yes, I can.

20 THE COURT: Thank you very much. Plaintiff, you may  
21 inquire.

22 MR. KUDLER: Thank you, Your Honor.

23 The sheet that we have, has you working at a place called  
24 Evolving Reflections; is that your own company?

25 PROSPECTIVE JUROR 068: It's my own company, yes. I'm a,

1 -- yes, I have my own private practice.

2 MR. KUDLER: And how do you get your clients?

3 PROSPECTIVE JUROR 068: From insurance companies and  
4 also from lawyers.

5 MR. KUDLER: Divorce lawyers?

6 PROSPECTIVE JUROR 068: No. Personal injury lawyers.

7 MR. KUDLER: Okay.

8 PROSPECTIVE JUROR 068: Because 90 percent of my focus  
9 is PTSD.

10 MR. KUDLER: Okay. I'm assuming that those would be the  
11 Plaintiff's lawyers, the people who are claiming the PTSD, that's the  
12 people referring to you?

13 PROSPECTIVE JUROR 068: Yeah. Those are the people that  
14 I treat.

15 MR. KUDLER: Now I know the answer to this question, but  
16 have I ever referred a client to you?

17 PROSPECTIVE JUROR 068: What is that?

18 MR. KUDLER: Have I ever referred a client to you?

19 PROSPECTIVE JUROR 068: No.

20 MR. KUDLER: No. Okay.

21 And my partner's name is Allen Cap, C-A-P, as has he ever  
22 referred a client to you?

23 PROSPECTIVE JUROR 068: No.

24 MR. KUDLER: Do you ever work on the other side and have  
25 defense counsel call you and say, hey, I want you to talk to this client and

1 see if they're really being affected by PTSD?

2 PROSPECTIVE JUROR 068: I'm assuming so. Yeah. I just  
3 treat the PTSD.

4 MR. KUDLER: Okay. So you don't, you don't go into like a  
5 second opinion at the request of the attorney?

6 PROSPECTIVE JUROR 068: No, huh-uh.

7 MR. KUDLER: Do you do second opinions at the request of  
8 Plaintiffs?

9  
10 PROSPECTIVE JUROR 068: No.

11 MR. KUDLER: Okay. Strictly, I get a [indiscernible] fix them?

12 PROSPECTIVE JUROR 068: Yes.

13 MR. KUDLER: You're aware of the eight factors?

14 PROSPECTIVE JUROR 068: The what?

15 MR. KUDLER: Eight factors for determining PTSD?

16 PROSPECTIVE JUROR 068: Oh, yeah. Yeah.

17 MR. KUDLER: Okay. And that's because you've diagnosed  
18 it?

19 PROSPECTIVE JUROR 068: Uh-huh.

20 MR. KUDLER: Okay.

21 PROSPECTIVE JUROR 068: I do diagnose.

22 MR. KUDLER: And that's within your license?

23 PROSPECTIVE JUROR 068: Yeah. Within my scope of  
24 practice.

25 MR. KUDLER: Okay. Being a marriage and family counselor,



1 how does this kind of fit in with people who are affected by PTSD, from  
2 injuries?

3 PROSPECTIVE JUROR 068: Well, I, early on, I decided to  
4 focus on trauma.

5 MR. KUDLER: And early on, about what year are we talking  
6 about?

7 PROSPECTIVE JUROR 068: Well, I graduated in 2010, and so  
8 shortly after that I did a lot of education in trauma.

9 MR. KUDLER: Okay. Thank you.

10 PROSPECTIVE JUROR 068: Uh-huh.

11 MR. KUDLER: Pass for cause, Your Honor.

12 THE COURT: Defense may inquire.

13 MR. A. GIOVANNIELLO: Ms. Mallinger, how much of your  
14 business is dedicated to working with PI attorneys?

15 PROSPECTIVE JUROR 068: Very, very small percent.  
16 Probably maybe three percent.

17 MR. A. GIOVANNIELLO: Three percent?

18 PROSPECTIVE JUROR 068: Maybe two to three. Yeah. I  
19 have a few clients.

20 MR. A. GIOVANNIELLO: All right. So then about 90 to 97  
21 percent of your business is referrals from insurance companies?

22 PROSPECTIVE JUROR 068: Sure. Yes.

23 MR. A. GIOVANNIELLO: Okay. Which insurance companies?

24 PROSPECTIVE JUROR 068: Health Plan of Nevada . I see a  
25 lot of war vets, so the VA Community Care Center.

1 MR. A. GIOVANNIELLO: Uh-huh.  
2 PROSPECTIVE JUROR 068: Aetna, Cigna.  
3 MR. A. GIOVANNIELLO: Uh-huh.  
4 PROSPECTIVE JUROR 068: Medicaid.  
5 MR. A. GIOVANNIELLO: And you decided to specialize in  
6 PTSD from the beginning of your career?  
7 PROSPECTIVE JUROR 068: Pretty much from the beginning.  
8 Yeah.  
9 MR. A. GIOVANNIELLO: And then, you know, that PTSDs is  
10 going to be part of this case, right?  
11 PROSPECTIVE JUROR 068: I do.  
12 MR. A. GIOVANNIELLO: Okay. Now, given that you have  
13 specialized knowledge concerning PTSD, do you believe that you can be  
14 fair and impartial to the Defense in this case?  
15 PROSPECTIVE JUROR 068: I do.  
16 MR. A. GIOVANNIELLO: Do you ever work with defense  
17 attorneys? In other words, has a defendant attorney sent you a retainer  
18 you to deal with anybody -- a client with PTSD?  
19 PROSPECTIVE JUROR 068: Not that I recall.  
20 MR. A. GIOVANNIELLO: Okay. Do you testify in court as an  
21 expert witness?  
22 PROSPECTIVE JUROR 068: No.  
23 MR. A. GIOVANNIELLO: Have you ever testified in court?  
24 PROSPECTIVE JUROR 068: No.  
25 MR. A. GIOVANNIELLO: Okay. Have you ever worked as an

1 expert witness; you know what I mean by that, right?

2 PROSPECTIVE JUROR 068: No. Not exactly.

3 MR. A. GIOVANNIELLO: Okay. In other words, has an  
4 attorney retained you for the purposes of giving them an opinion?

5 PROSPECTIVE JUROR 068: No.

6 MR. A. GIOVANNIELLO: Concerning, you know, the client?

7 PROSPECTIVE JUROR 068: No.

8 MR. A. GIOVANNIELLO: Okay. Then how -- can you explain  
9 to me then, how is it that Plaintiff's attorney send you either -- I guess  
10 their clients --

11 PROSPECTIVE JUROR 068: Yeah.

12 MR. A. GIOVANNIELLO: -- that have PTSD?

13 PROSPECTIVE JUROR 068: Well, the thing is, is usually if an  
14 attorney -- usually they Bighorn Law Firm will refer to me, and it's  
15 usually for clients that have suffered a trauma. So I have, you know, one  
16 client that was kidnapped, so she's got a lot of PTSD around that.  
17 Another client that was bit by a dog, so there's PTSD around that. So if  
18 they send me the client to work with them, to help them work through  
19 the trauma of that.

20 MR. A. GIOVANNIELLO: Okay. And they don't require you to  
21 give them an expert an opinion on that --

22 MR. KUDLER: I don't have --

23 MR. A. GIOVANNIELLO: -- to testify in court?

24 PROSPECTIVE JUROR 068: No. They just -- what they  
25 request is my medical records.

1 MR. A. GIOVANNIELLO: Okay. How long have, have you  
2 been doing that?

3 PROSPECTIVE JUROR 068: Working with attorneys?

4 MR. KUDLER: Yeah.

5 PROSPECTIVE JUROR 068: Probably for about a year.

6 MR. A. GIOVANNIELLO: About a year. Just a little amount?

7 PROSPECTIVE JUROR 068: Yeah. Very new me, yeah.

8 MR. A. GIOVANNIELLO: Okay. Is that something you intend  
9 to pursue?

10 PROSPECTIVE JUROR 068: On a limited basis?

11 MR. A. GIOVANNIELLO: Okay.

12 PROSPECTIVE JUROR 068: I actually prefer not to work with  
13 attorneys. It's a lot easier. I'd rather do my war vets and, you know,  
14 other people coming in using their insurance for PTSD.

15 MR. A. GIOVANNIELLO: Right.

16 PROSPECTIVE JUROR 068: I don't like to get involved in all  
17 the legal stuff.

18 MR. A. GIOVANNIELLO: Okay. Have you ever had to deal  
19 with anybody claiming PTSD, that suffered from an electrical burn?

20 PROSPECTIVE JUROR 068: No.

21 MR. A. GIOVANNIELLO:

22 Does -- no, never mind. I won't ask that question.

23 PROSPECTIVE JUROR 068: Okay.

24 MR. A. GIOVANNIELLO: Your Honor, I would challenge the  
25 cause, just because it's part of -- of a big part of this case.

1 THE COURT: I've had lawyers on juries.  
2 MR. A. GIOVANNIELLO: Yeah.  
3 THE COURT: As long as they pledge to be fair, I believe it.  
4 So challenge for cause is denied.  
5 MR. A. GIOVANNIELLO: Okay. Thank you.  
6 THE COURT: Let's move on to Mr. McGee, badge 75,  
7 chair 10.  
8 Mr. McGee, how long have you been here in Clark County?  
9 PROSPECTIVE JUROR 075: I've lived here 13 years.  
10 THE COURT: And what do you do for a living?  
11 PROSPECTIVE JUROR 075: I'm a union plumber pipe fitter.  
12 THE COURT: How far did you go in school?  
13 PROSPECTIVE JUROR 075: I got two -- about a year and a  
14 half into college.  
15 THE COURT: All right. Married, single, partnership?  
16 PROSPECTIVE JUROR 075: No I'm single, divorced.  
17 THE COURT: Any kids?  
18 PROSPECTIVE JUROR 075: Two children.  
19 THE COURT: Are they with you or their mom?  
20 PROSPECTIVE JUROR 075: We split custody 50/50.  
21 THE COURT: All right. Are they still juveniles, or --  
22 PROSPECTIVE JUROR 075: My oldest just turned 18, in May  
23 and my youngest is 15.  
24 THE COURT: What's the 18-year-old's direction?  
25 PROSPECTIVE JUROR 075: She's graduating this year.

1 THE COURT: So she's still focused on school?

2 PROSPECTIVE JUROR 075: She hasn't really picked a  
3 direction yet.

4 THE COURT: Okay. Have you, or anyone close to you ever  
5 been the victim of a crime or accused of a crime?

6 PROSPECTIVE JUROR 075: Yeah.

7 THE COURT: Tell me about that?

8 PROSPECTIVE JUROR 075: I had my Jeep stolen. And was  
9 2014, I believe.

10 THE COURT: All right. Anything about the nature of that  
11 difficulty that might impact your ability to be a fair juror here?

12 PROSPECTIVE JUROR 075: Nothing about that. No.

13 THE COURT: Let's go to it, because you raised your hand a  
14 little earlier, I want to know what your concerns are; what's your  
15 concern?

16 PROSPECTIVE JUROR 075: Your concern? I do have a bias.

17 THE COURT: Tell me About that?

18 PROSPECTIVE JUROR 075: Just working in the -- in the  
19 trades.

20 THE COURT: A bias for whom or what?

21 PROSPECTIVE JUROR 075:

22 Well, I'm -- I've already made my mind up, honestly, about it.  
23 I don't want to bias anyone else's opinion.

24 THE COURT: So you haven't heard a bit evidence. You  
25 haven't heard a -- you haven't seen a single picture.

1 PROSPECTIVE JUROR 075: You're right.

2 THE COURT: You haven't seen heard a single witness, and  
3 you've already made your mind up?

4 PROSPECTIVE JUROR 075: Pretty much.

5 THE COURT: You know, that's not how this works, right?

6 PROSPECTIVE JUROR 075: I know that's not how, that's why  
7 I rose my hand.

8 THE COURT: Okay. Any way I'm going to persuade you  
9 different that you maybe can be fair to the people in this room?

10 PROSPECTIVE JUROR 075: I don't believe so. That's why it  
11 was my concern.

12 THE COURT: Gentlemen, any traverse on court's inquiry;  
13 Juror 75 McGee, chair 10? Plaintiff?

14 MR. KUDLER: No, I think he's pretty clear.

15 THE COURT: Defense.

16 MR. A. GIOVANNIELLO: I think he's pretty clear, Your Honor,  
17 honor, I think he should be discharged.

18 THE COURT: Mr. McGee, I'm going to excuse you if you  
19 can't -- if you can't -- if your mind's not open now, I'm not going to --  
20 you say I can't way you?

21 PROSPECTIVE JUROR 075: I mean, I apologize for it. I just  
22 want to be honest about it though.

23 THE COURT: I don't want you to waste my time and yours.

24 PROSPECTIVE JUROR 075: Exactly.

25 THE COURT: All right. You're excused.

1 PROSPECTIVE JUROR 075: Thank you.

2 THE COURT: Let's call another name to fill seat number 10.

3 THE CLERK: And that will be badge number 155, Rebekah

4 Thompson,

5 THE COURT: Ms. Thompson. Welcome to chair number 10.

6 aren't you excited?

7 PROSPECTIVE JUROR 155: Super excited.

8 THE COURT: It's all right. Get comfortable.

9 PROSPECTIVE JUROR 155: Okay.

10 THE COURT: How long have you been here in Clark County?

11 PROSPECTIVE JUROR 155: About four years.

12 THE COURT: What do you do for a living?

13 PROSPECTIVE JUROR 155: I am an enterprise program

14 manager.

15 THE COURT: Enterprise program manager?

16 PROSPECTIVE JUROR 155: Yes.

17 THE COURT: How far were -- how did far did you have to go

18 in school to do that?

19 PROSPECTIVE JUROR 155: I didn't have to go too far, but I

20 do have my MBA.

21 THE COURT: MBA. So that's fairly far. Now tell me what

22 that means.

23 PROSPECTIVE JUROR 155: So I work for a radiology

24 company and what I do is basically launch new clinical applications for

25 the radiologist to be able to read more efficient, so on and so forth.



1 THE COURT: Interesting. Are you married, single or in a  
2 significant relationship?

3 PROSPECTIVE JUROR 155: Married?

4 THE COURT: What does your spouse do?

5 PROSPECTIVE JUROR 155: He is a 100 percent disabled vet.

6 THE COURT: A 100 percent disabled vet. Do you have any  
7 children?

8 PROSPECTIVE JUROR 155: Yes. Three.

9 THE COURT: Are they all with you?

10 PROSPECTIVE JUROR 155: Yes.

11 THE COURT: And so none of them work; all in school?

12 PROSPECTIVE JUROR 155: Yeah. All in school.

13 THE COURT: All in school. Have you, or anyone close to  
14 you ever been the victim of a crime or accused of a crime?

15 PROSPECTIVE JUROR 155: No. Thank goodness.

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

17 PROSPECTIVE JUROR 155: No.

18 THE COURT: Have you, or is there anything you've heard as  
19 you've been patiently listening to questions asked for those before you,  
20 that might offer the lawyers insight to your unique life experience and  
21 help them make decisions on whether you can serve here?

22 PROSPECTIVE JUROR 155: No.

23 THE COURT: If you find yourself on this jury can you give it  
24 the full attention it deserves, listen to the evidence with patience, and  
25 deliberate the case with fellow jurors at the appropriate time, and come

1 to a fair and impartial verdict based upon the evidence?

2 PROSPECTIVE JUROR 155: Yes, Your Honor.

3 THE COURT: Thank you very much. Let's have Plaintiff  
4 inquire.

5 MR. KUDLER: Thank you, Your Honor.

6 I just want to be clear on what it is you do for a living. So  
7 you work for a radiologist, which one?

8 PROSPECTIVE JUROR 155: Desert Radiology.

9 MR. KUDLER: Okay. Do you ever get involved on the patient  
10 end?

11 PROSPECTIVE JUROR 155: Uh-huh, no. I'm on the IT side,  
12 the back end.

13 MR. KUDLER: Are we talking about software packages?

14 PROSPECTIVE JUROR 155: Yes.

15 MR. KUDLER: Okay. So they have a new software package  
16 that helps assist the radiologist?

17 PROSPECTIVE JUROR 155: Uh-huh. Dictating, greeting,  
18 send out reports.

19 MR. KUDLER: But it doesn't deal with determining what that  
20 film says?

21 PROSPECTIVE JUROR 155: Correct. It's the radiologist's  
22 responsibility and knowledge of reading the various films and reports  
23 that allows them to --

24 MR. KUDLER: Right.

25 PROSPECTIVE JUROR 155: -- make a decision.

1 MR. KUDLER: So you're not replacing the radiologist, you're  
2 just making it easier for them to --

3 PROSPECTIVE JUROR 155: Correct, to do their job.

4 MR. KUDLER: Correct. And I assume that these packages  
5 have like a standard format of skeleton --

6 PROSPECTIVE JUROR 155: Uh-huh.

7 MR. KUDLER: -- so the date of the film, the number of the  
8 film, the patient number, all that information?

9 PROSPECTIVE JUROR 155: Correct. We try and automate as  
10 much as possible.

11 MR. KUDLER: Okay. Do the radiologists still do original  
12 writing as to what their analysis is?

13 PROSPECTIVE JUROR 155: If there is a downtime, meaning  
14 that their system's down, they have a patient, or the hospital has a  
15 patient right in front of them, then they come from the back office into  
16 the front and they can actually do reading on site, by hand.

17 MR. KUDLER: Okay. What I'm thinking about is, as I've seen  
18 packages for say a chiropractor --

19 PROSPECTIVE JUROR 155: Uh-huh.

20 MR. KUDLER: -- and I've actually seen one that has -- there's  
21 a thing on a wall, they just point, you know, this, this, this, this, and then  
22 the package writes the outcome?

23 PROSPECTIVE JUROR 155: Oh. Yeah. So they have a  
24 dictation system.

25 MR. KUDLER: Okay. So, so they dictate their notes in their

1 system?

2 PROSPECTIVE JUROR 155: Yeah.

3 MR. KUDLER: Okay. Have you ever been involved in a  
4 lawsuit?

5 PROSPECTIVE JUROR 155: No.

6 MR. KUDLER: Okay.

7 PROSPECTIVE JUROR 155: How about, leaving out the  
8 veterans, the VA benefit section, how about your husband or your kids?

9 MR. KUDLER: Besides the VA? No.

10 PROSPECTIVE JUROR 155: Okay.

11 MR. KUDLER: Because the VA system is a whole -- another  
12 mess, correct?

13 PROSPECTIVE JUROR 155: I don't want to get too personal,  
14 especially into your husband's injury. So specifically, was it a burn type  
15 injury, or an electrical injury?

16 MR. KUDLER: No.

17 PROSPECTIVE JUROR 155: Okay. So that's good enough.  
18 Pass the cause, Your Honor?

19 THE COURT: Defense may inquire.

20 MR. A. GIOVANNIELLO: Hello, Ms. Thompson. How old are  
21 your kids?

22 PROSPECTIVE JUROR 155: So I have a five-year-old. I have  
23 a seven-year-old, and I have a 10-year-old.

24 MR. A. GIOVANNIELLO: Okay. And they're all in school?

25 PROSPECTIVE JUROR 155: Yes.

1 MR. A. GIOVANNIELLO: And do you take care of them?  
2 PROSPECTIVE JUROR 155: Yes.  
3 MR. A. GIOVANNIELLO: Okay. Are you working full-time?  
4 PROSPECTIVE JUROR 155: Yes.  
5 MR. A. GIOVANNIELLO: Okay. While you're working full  
6 time, do you have a caretaker for your children?  
7 PROSPECTIVE JUROR 155: No. They go to a magnet school.  
8 MR. A. GIOVANNIELLO: Oh, okay. And then you said your  
9 husband is 100 percent disabled?  
10 PROSPECTIVE JUROR 155: Correct.  
11 MR. A. GIOVANNIELLO: Okay. I'm not sure exactly what that  
12 means other than can he get around himself?  
13 PROSPECTIVE JUROR 155: Yes. He can get around himself.  
14 MR. A. GIOVANNIELLO: Okay. Can he take care of himself to  
15 some degree?  
16 PROSPECTIVE JUROR 155: For the most part? Yes.  
17 MR. A. GIOVANNIELLO: Okay. Does he need constant  
18 supervision?  
19 PROSPECTIVE JUROR 155: Not constant supervision, but I  
20 do work from home remote, so --  
21 MR. A. GIOVANNIELLO: Oh.  
22 PROSPECTIVE JUROR 155: -- I am there to help assist if he  
23 needs.  
24 MR. A. GIOVANNIELLO: Oh, okay. So you don't go into the  
25 office you're at home?

1 PROSPECTIVE JUROR 155: Correct, yes.

2 MR. A. GIOVANNIELLO: Okay. So I guess that way you're  
3 able to --

4 PROSPECTIVE JUROR 155: Do everything.

5 MR. A. GIOVANNIELLO: If you become a juror, Miss, you're  
6 going to be here for a couple days full time. Is that something that you  
7 could do?

8 PROSPECTIVE JUROR 155: Yes. I actually have siblings that  
9 also live in the area, so --

10 MR. A. GIOVANNIELLO: Okay. Then they'll --

11 PROSPECTIVE JUROR 155: -- they'll be able to assist as well.

12 MR. A. GIOVANNIELLO: -- then they'll take over?

13 PROSPECTIVE JUROR 155: Uh-huh.

14 MR. A. GIOVANNIELLO: Okay. So this is not going to be like  
15 something big problem in your life, working on this jury?

16 PROSPECTIVE JUROR 155: No. It is not --

17 MR. A. GIOVANNIELLO: -- or serving the jury, I said work --

18 PROSPECTIVE JUROR 155: It's my civic duty.

19 MR. A. GIOVANNIELLO: We're going to call it working,  
20 because I think you get paid something here.

21 PROSPECTIVE JUROR 155: Right.

22 MR. A. GIOVANNIELLO: All right. You've heard, you know,  
23 you've heard a lot my questions. Do you have anything to add to them?

24 PROSPECTIVE JUROR 155: Nothing to add. I'm not biased. I  
25 will give your client a fair, you know, decision. I'll listen to all the facts

1 before deciding.

2 MR. A. GIOVANNIELLO: Uh-huh.

3 PROSPECTIVE JUROR 155: Never been burned or been in a  
4 civil suit. I have owned my own house, so I have hired an electrician.

5 MR. A. GIOVANNIELLO: Okay. Have you tinkered with any  
6 of the electrical outlets?

7 PROSPECTIVE JUROR 155: No, I know better. I've always  
8 hired a contractor to replace fixtures, ceiling fans, things of that nature.  
9 So --

10 MR. A. GIOVANNIELLO: Okay. And what service was your  
11 husband in?

12 PROSPECTIVE JUROR 155: He was the Marines.

13 MR. A. GIOVANNIELLO: Well, I'm sure we all thank him for  
14 his service, everybody here. Okay. I have no other questions. Thank  
15 you so much. I pass for cause, Your Honor.

16 THE COURT: Thank you very much.

17 We're moving down to chair number 11, that would be  
18 Ms. Foley, I hope. And I believe you are badge number 150. As long as  
19 you're Foley, you're 150.

20 PROSPECTIVE JUROR 150: Yeah. All good. I'm Foley.

21 THE COURT: All right. Good. I just want to make sure I'm  
22 making appropriate notes.

23 Ms. Foley, how long have you been here in Clark County?

24 PROSPECTIVE JUROR 150: Oh, about a year and a half.

25 THE COURT: And what do you do for a living?

1 PROSPECTIVE JUROR 150: Well, I'm retired, but now I'm  
2 working part-time

3 THE COURT: What did you retire from?

4 PROSPECTIVE JUROR 150: I worked in a  
5 telecommunication's office in the accounting department.

6 All right. And what are you, what are you doing now to fill  
7 your day then? Sounds like you're partially retired?

8 PROSPECTIVE JUROR 150:

9 Yeah. So now I work as a host at a restaurant.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 150: And I'm ushering at Caesar's in  
12 their showroom.

13 THE COURT: Okay. How far did you go in school?

14 PROSPECTIVE JUROR 150: I have an associate's degree.

15 THE COURT: Are you married, single or in a significant  
16 relationship?

17 PROSPECTIVE JUROR 150: I am married.

18 THE COURT: And what does your spouse do?

19 PROSPECTIVE JUROR 150: He is disabled.

20 THE COURT: What did he do before he became disabled?

21 He actually was born with multiple -- okay, if I can say it right.  
22 arthrogryposis multiplex congenita, and it's several birth defects.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 150: So he's been disabled from birth.

25 THE COURT: All right. Thank you for that information.



1 Children, any children?

2 PROSPECTIVE JUROR 150: I have two.

3 THE COURT: How old are they?

4 PROSPECTIVE JUROR 150: Thirty-five and 36.

5 THE COURT: And what do they do?

6 PROSPECTIVE JUROR 150: My son works for the EPA. He's  
7 an urban planner, and my daughter, she is a -- she works in  
8 management. She just got a new job, and she helps manage building  
9 maintenance people.

10 THE COURT: All right. Have you, or anyone close to you,  
11 ever been the victim of a crime or accused of a crime?

12 PROSPECTIVE JUROR 150: Yes.

13 THE COURT: Tell me about that?

14 PROSPECTIVE JUROR 150: When I was a teenager, I had a  
15 friend that was stabbed and killed.

16 THE COURT: Is there anything about the nature of that  
17 difficulty that might impact your ability to be a fair juror?

18 PROSPECTIVE JUROR 150: No.

19 THE COURT: Have you ever served as a juror before?

20 PROSPECTIVE JUROR 150: No.

21 THE COURT: Is there any -- you've heard questions asked for  
22 the ten prior jurors. Is there any insight you wish to offer, or can offer  
23 the lawyers here, in this effort to determine whether you're fair and  
24 impartial?

25 PROSPECTIVE JUROR 150: I -- I feel I can be fair and

1 impartial.

2 THE COURT: Good. So you can do that.

3 PROSPECTIVE JUROR 150: Yes.

4 THE COURT: So no bias that you can think of -- you pledge  
5 to keep an open mind, I hope?

6 PROSPECTIVE JUROR 150:

7 THE COURT: Yes. Pledge to be on time patient with the  
8 effort, let the process work, and participate in deliberations at the end  
9 with fellow jurors, if, if you're sworn to do so?

10 PROSPECTIVE JUROR 150: Yes.

11 THE COURT: Thank you very much.

12 PROSPECTIVE JUROR 150: Thank you.

13 THE COURT: Plaintiff's counsel may inquire.

14 MR. KUDLER: Thank you, Your Honor.

15 Does your daughter live in Las Vegas area?

16 PROSPECTIVE JUROR 150: No. She's actually in Kansas  
17 City.

18 MR. KUDLER: Okay. Do you guys speak often?

19 PROSPECTIVE JUROR 150: Every day.

20 MR. KUDLER: And do you have any grandkids from her?

21 PROSPECTIVE JUROR 150: Two.

22 MR. KUDLER: One from each, or both or --

23 PROSPECTIVE JUROR 150: One from each.

24 MR. KUDLER: One from each. They're both fulfilling their  
25 duty. Do you ever talk to your daughter about her work in building

1 maintenance?

2 PROSPECTIVE JUROR 150: Occasionally, nothing too deep.

3 MR. KUDLER: Okay. Just an occasional, gripe, if somebody  
4 didn't get something done, or --

5 PROSPECTIVE JUROR 150: Well, she just got this job. She  
6 used to work on the HOA side, so she was an HOA manager. So we -- I  
7 have more experience talking to her about that, than the maintenance  
8 side.

9 MR. KUDLER: In the HOA side, did you deal with  
10 maintenance and electrical people, plumbers and such?

11 PROSPECTIVE JUROR 150: Not so much. It was more, she  
12 would go to the meetings of the HOA boards, and then keep their  
13 minutes and do the treasury, and -- and that type of thing.

14 MR. KUDLER: Was she involved in like the fines, and things  
15 like that, collecting money for those -- the fees?

16 PROSPECTIVE JUROR 150: Not that we talked about.

17 MR. KUDLER: Okay. So her work as of today, doesn't affect  
18 your opinion on maintenance, or electricians, or plumbers --

19 PROSPECTIVE JUROR 150: No.

20 MR. KUDLER: -- or anything?

21 PROSPECTIVE JUROR 150: No.

22 MR. KUDLER: Is that correct?

23 PROSPECTIVE JUROR 150: That's correct.

24 MR. KUDLER: Thank you. Here is has you as working for  
25 DeSimone Gaming, at the hotel.

1 PROSPECTIVE JUROR 150: That's the restaurant? Yes. It's  
2 at the pass in Henderson on Water Street.

3 MR. KUDLER: Okay. And is that where you serve as a host?

4 PROSPECTIVE JUROR 150: Yes.

5 MR. KUDLER: Okay. And then you said you work for another  
6 place?

7 PROSPECTIVE JUROR 150: Yes. The name of the company  
8 is "We Serve" and they contract with different venues for ushering  
9 services.

10 MR. KUDLER: Okay. And so you're kind of a part-time  
11 worker, you call in and you make yourself available, or don't make  
12 yourself available --

13 PROSPECTIVE JUROR 150: Right. They sent us a schedule  
14 for the month, and then we pick the dates that we're available, and then  
15 they call you.

16 MR. KUDLER: Okay. And then they staff different venues?

17 PROSPECTIVE JUROR 150: Right?

18 MR. KUDLER: Okay.

19 PROSPECTIVE JUROR 150: My primary venue is at Cesar's  
20 Palace, at the Coliseum.

21 MR. KUDLER: You worked in telecommunications?

22 PROSPECTIVE JUROR 150: Yes. In the accounting  
23 department.

24 MR. KUDLER: Okay. In office.

25 PROSPECTIVE JUROR 150: Yes. Until COVID, then I worked

1 from my kitchen table.

2 MR. KUDLER: Okay. Were there like accounts' receivable,  
3 accounts payable, general accounting?

4 PROSPECTIVE JUROR 150: Accounts receivable.

5 MR. KUDLER: And I would take it you would not be involved  
6 in any collections for delinquent payments --

7 PROSPECTIVE JUROR 150: No.

8 MR. KUDLER: -- other than, you say, hey, this person hasn't  
9 paid, was that extent of it?

10 PROSPECTIVE JUROR 150: People that owed us money, that  
11 were maybe working with our collections' person, they would call and  
12 maybe make a payment with me.

13 MR. KUDLER: Okay. But that's okay, there's a collections'  
14 department --

15 PROSPECTIVE JUROR 150: Yeah.

16 MR. KUDLER: -- and then if that doesn't work it goes  
17 outside?

18 PROSPECTIVE JUROR 150: Right.

19 MR. KUDLER: That's all if have. Pass for cause now.

20 THE COURT: Thank you. Defense may inquire.

21 MR. A. GIOVANNIELLO: Ms. Foley, I can officially say "good  
22 afternoon." Do you work from home?

23 PROSPECTIVE JUROR 150: Do I now?

24 MR. A. GIOVANNIELLO: Yeah.

25 PROSPECTIVE JUROR 150: No.

1 MR. A. GIOVANNIELLO: Okay. You said that your spouse is  
2 disabled?

3 PROSPECTIVE JUROR 150: Yes.

4 MR. A. GIOVANNIELLO: Does he need a caretaker?

5 PROSPECTIVE JUROR 150: No.

6 MR. A. GIOVANNIELLO: If you were to serve in this jury,  
7 would present any kind of problem, taking care of your husband?

8 PROSPECTIVE JUROR 150: No.

9 MR. A. GIOVANNIELLO: Okay. You are currently employed,  
10 correct?

11 PROSPECTIVE JUROR 150: Yes.

12 MR. A. GIOVANNIELLO: And I'm sorry, I missed it. Is that  
13 full-time, or part-time?

14 PROSPECTIVE JUROR 150: I have two part-time gigs.

15 MR. A. GIOVANNIELLO: Okay. And does that keep you busy  
16 all day long?

17 PROSPECTIVE JUROR 150: For three days I work full shifts,  
18 and then the other two I just work like six hours, or four hours.

19 MR. A. GIOVANNIELLO: Okay. Is serving on this jury going  
20 to present any hardship for you?

21 PROSPECTIVE JUROR 150: Probably more for my employer,  
22 than for me.

23 MR. A. GIOVANNIELLO: Okay. Have you ever been involved  
24 in a lawsuit?

25 PROSPECTIVE JUROR 150: No.

1 MR. A. GIOVANNIELLO: Okay. Never sued anybody, or  
2 never got sued?

3 PROSPECTIVE JUROR 150: No.

4 MR. A. GIOVANNIELLO: Okay. First time as a juror?

5 PROSPECTIVE JUROR 150: Yes.

6 MR. A. GIOVANNIELLO: Okay. Have you ever had to be a  
7 witness in any kind of a legal proceeding?

8 PROSPECTIVE JUROR 150: Yes.

9 MR. A. GIOVANNIELLO: Well, when?

10 PROSPECTIVE JUROR 150: Oh, back in my teens I had to be  
11 a witness.

12 MR. A. GIOVANNIELLO: Okay. Was it criminal or civil?

13 PROSPECTIVE JUROR 150: Criminal.

14 MR. A. GIOVANNIELLO: Okay. And can you tell me a little  
15 bit about that, what was that about?

16 PROSPECTIVE JUROR 150: It was a murder trial --

17 MR. A. GIOVANNIELLO: Uh-huh.

18 PROSPECTIVE JUROR 150: -- and I -- I knew the person that  
19 was being sent to jail, eventually.

20 MR. A. GIOVANNIELLO: Okay. And I noticed that you, and  
21 actually some of the other jurors are wearing a mask, and you've noticed  
22 that we're not. Is that going to create any problems for you?

23 PROSPECTIVE JUROR 150: As long as you stay back I'm fine.

24 MR. A. GIOVANNIELLO: So as long as I don't come right up  
25 to you would you succeed?

1 PROSPECTIVE JUROR 150: Right.

2 MR. A. GIOVANNIELLO: You're okay with like us not wearing  
3 a mask?

4 PROSPECTIVE JUROR 150: Yes.

5 MR. A. GIOVANNIELLO: Okay. You've heard many of my  
6 questions. Have you ever been burned?

7 PROSPECTIVE JUROR 150: No.

8 MR. A. GIOVANNIELLO: Okay. Do you work around  
9 electricity?

10 PROSPECTIVE JUROR 150: No.

11 MR. A. GIOVANNIELLO: Do you own a home?

12 PROSPECTIVE JUROR 150: Yes.

13 MR. A. GIOVANNIELLO: Okay. Have you ever tinkered with  
14 any of the switches, any of the -- anything --

15 PROSPECTIVE JUROR 150: Heck --

16 MR. A. GIOVANNIELLO: -- with the electricity --

17 PROSPECTIVE JUROR 150: -- no.

18 MR. A. GIOVANNIELLO: -- in the house? Any with breakers  
19 or anything?

20 PROSPECTIVE JUROR 150: No.

21 MR. A. GIOVANNIELLO: No. Have you ever had to work with  
22 electricians?

23 PROSPECTIVE JUROR 150: No.

24 MR. A. GIOVANNIELLO: Okay. Have you ever used an  
25 electrician?



1 PROSPECTIVE JUROR 150: Oh, I think when we bought our  
2 house and we had to get some -- they put the small fan in the living  
3 room, and the big fan in the bedroom, and we had to call somebody to  
4 switch those.

5 MR. A. GIOVANNIELLO: Okay.

6 PROSPECTIVE JUROR 150: I will add, my husband had been  
7 burned before I knew him.

8 MR. A. GIOVANNIELLO: Okay. How badly?

9 PROSPECTIVE JUROR 150: How badly. He fell into a 400  
10 degree fryer.

11 MR. A. GIOVANNIELLO: Oh.

12 PROSPECTIVE JUROR 150: His hands went in.

13 MR. A. GIOVANNIELLO: His hand went in?

14 PROSPECTIVE JUROR 150: Yeah.

15 MR. A. GIOVANNIELLO: And is that why he's disabled?

16 PROSPECTIVE JUROR 150: No. he was disabled from  
17 birth --

18 MR. A. GIOVANNIELLO: Oh.

19 PROSPECTIVE JUROR 150: -- and fortunately he had had  
20 surgery on his hands, they were club, and they had surgery on his hands  
21 to straighten them. And if he hadn't had that surgery when he went into  
22 the fryer his face would have went in, but he was able to hold himself up.

23 MR. A. GIOVANNIELLO: Okay. Good.

24 Do you listen to the news?

25 PROSPECTIVE JUROR 150: Oh, yes.

1 MR. A. GIOVANNIELLO: What do you require in your news?

2 PROSPECTIVE JUROR 150: Oh, usually I watch some of the  
3 local channels, because I want to make sure and get the weather, and  
4 you know, what's going on in the traffic, especially when I have to drive  
5 down to the strip. Otherwise, I listen to Pod Casts, like MPR. Mostly  
6 HGTV, but for other news.

7 MR. A. GIOVANNIELLO: Do you have any hobbies?

8 PROSPECTIVE JUROR 150: Yes, I do. I do yoga, and I run,  
9 and love music. I attend a lot of concerts.

10 MR. A. GIOVANNIELLO: Have you ever -- did you attend  
11 the -- who just played? Never mind, I forgot the name of the band, it just  
12 escaped me.

13 Have you ever been to a skilled nursing facility?

14 PROSPECTIVE JUROR 150: A what?

15 MR. A. GIOVANNIELLO: A nursing home?

16 PROSPECTIVE JUROR 150: Have I been to --

17 MR. A. GIOVANNIELLO: Yeah. Have you ever --

18 PROSPECTIVE JUROR 150: -- to a nursing home?

19 MR. A. GIOVANNIELLO: Yeah. Have you ever had any  
20 dealings with nursing homes?

21 PROSPECTIVE JUROR 150: Yes. My mother was in a  
22 nursing home for about a week, before she passed away.

23 MR. A. GIOVANNIELLO: Oh, okay.

24 PROSPECTIVE JUROR 150: Oh, and I also worked a nursing  
25 home for about two months.

1 MR. A. GIOVANNIELLO: Okay. When did you work for a  
2 nursing home?

3 PROSPECTIVE JUROR 150: When I first moved to Kansas, so  
4 I had to have been in my 40s or so, and I worked in the accounting  
5 department.

6 MR. A. GIOVANNIELLO: Okay. that was in Kansas?

7 PROSPECTIVE JUROR 150: Yes.

8 MR. A. GIOVANNIELLO: Okay. And you said your mother  
9 was in a nursing home?

10 PROSPECTIVE JUROR 150: Yes.

11 MR. A. GIOVANNIELLO: Was that here in Las Vegas?

12 PROSPECTIVE JUROR 150: No. That was in Kansas, as well.

13 MR. A. GIOVANNIELLO: Okay. Did you have a positive  
14 experience?

15 PROSPECTIVE JUROR 150: Yes.

16 MR. A. GIOVANNIELLO: All right. Well, thank you so much.  
17 Your Honor, I pass for cause.

18 THE COURT: Thank you.

19 All right, ladies and gentlemen. We're going to take our  
20 afternoon -- our luncheon recess, not our afternoon recess. A couple of  
21 things. It's going to be an hour and 15 minutes, so that's going to bring  
22 us back to work about 20 minutes after 1:00. I find an hour and 15 is  
23 about as long as people need to get their personal situation, get  
24 themselves fed. But there's options here.

25 Downstairs there's a Capriati's on the first floor. You can go

1 out the same doors you came in, and to the left, across the street, there  
2 are a couple of little restaurants. Downtown, frankly, hasn't recovered  
3 from COVID for restaurants, but there are a few limited options.

4           There's also usually a truck out front. You can go anywhere  
5 you want. You're going to have to stay on the floor, but I do need you  
6 back at 12:20, everybody needs to be in their chair --

7           THE COURT: I'm sorry. Boy, I get anxious, don't I, 1:20. I  
8 promise you, I pledge to you this, that if you are sworn on this jury, and  
9 focus on the separate -- if I say 1:20, I mean 1:20. I will be sitting in this  
10 chair, calling for the next effort, or the next step, at the time that I tell  
11 you. I know that there's been a complaint many times that some aren't  
12 as focused on that, I am, frankly, because I know you're surrendering  
13 time to us, and I want to be respectful of that to you.

14           So absent something extraordinary you'll know I'm here, and  
15 I need you to be equally as respectful to the process and be where you  
16 need to be. So remember, admonition:

17           During this recess you must not discuss or communicate  
18 with anyone, to wit any fellow juror, in any way, regarding this case or  
19 its merits, by either voice, telephone, email, text, internet, or other  
20 means of communication or social media. You may not read, watch, or  
21 listen to any news' reports, media accounts, or commentary about this  
22 case.

23           Do not do any research, such as consulting dictionaries,  
24 using internet or reference materials. Make no investigation. You may  
25 not test theories, recreate any aspect of the case, or in any way

1 investigate the case, or learn about the case on your own. You may not  
2 form or express any opinion on any subject regarding this case, until it's  
3 finally submitted to you.

4 Again, after lunch, if you wish to bring a water or soda, no  
5 food, but something that you can take advantage of, please don't  
6 hesitate to do that if that's what you'd like.

7 Ladies and gentlemen, we're in recess until 1:20, follow the  
8 Marshal, please.

9 THE MARSHAL: Please rise for the jury.

10 [Prospective jurors out at 12:09 p.m.]

11 [Outside the presence of the prospective jurors]

12 THE COURT: All right. The record should reflect we're  
13 outside the presence of the jury. Any additional record may be made by  
14 either side of function, jury selection, so far. Plaintiff?

15 MR. KUDLER: No, Your Honor.

16 THE COURT: Defense?

17 MR. A. GIOVANNIELLO: No, Your Honor.

18 THE COURT: All right. You heard it, 1:20, gentlemen. Have  
19 a good lunch.

20 MR. KUDLER: Thank you.

21 [Luncheon recess taken from 12:10 p.m. to 1:22 p.m.]

22 [Prospective jurors in at 1:23 p.m.]

23 THE COURT: Ladies and gentlemen, we're back on the  
24 record, A-735550, Myers v. THI Nevada at Cheyenne, LLC. The record  
25 will reflect the presence of the representative, Plaintiff and Defense.

1 All members of the jury panel do appear to be present. Will  
2 parties stipulate the presence of the entire panels?

3 MR. KUDLER: Yes, Your Honor.

4 THE COURT: Thank you, Plaintiff.

5 MR. A. GIOVANNIELLO: Thank you.

6 The record shall further reflect, we remain in jury selection  
7 challenge for cause. I think we're on Juror Number 98, chair 12,  
8 Ms. McCallum, if my notes are accurate.

9 Ms. McCallum, how long --

10 PROSPECTIVE JUROR 098: McCallum, yes.

11 THE COURT: How are you?

12 PROSPECTIVE JUROR 098: Good. Thank you.

13 THE COURT: How long have you been in Clark County?

14 PROSPECTIVE JUROR 098: Twelve years.

15 THE COURT: And what do you do for a living?

16 PROSPECTIVE JUROR 098: I'm Vice President of hotel  
17 operations at a strip casino.

18 THE COURT: All right. How far did you go in school?

19 PROSPECTIVE JUROR 098: Bachelor's.

20 THE COURT: Are you married, single or in a significant  
21 relationship?

22 PROSPECTIVE JUROR 098: Married.

23 THE COURT: What does your spouse do?

24 PROSPECTIVE JUROR 098: He works in technology sales.

25 THE COURT: Do you have any children?

1 PROSPECTIVE JUROR 098: Two stepchildren?  
2 THE COURT: Their ages?  
3 PROSPECTIVE JUROR 098: Eighteen and 29.  
4 THE COURT: Are they out of the house, or --  
5 PROSPECTIVE JUROR 098: They're both.  
6 THE COURT: So they're --  
7 PROSPECTIVE JUROR 098: Don't live with us.  
8 THE COURT: Are they in the world in terms of work, or  
9 anything that might be relevant to a more of an adult experience?  
10 PROSPECTIVE JUROR 098: No.  
11 THE COURT: Okay. Have you or anyone close to you ever  
12 been a victim of a crime, or accused of a crime?  
13 PROSPECTIVE JUROR 098: One of my colleagues actually  
14 was in a crime, was held up by gunpoint --  
15 THE COURT: Okay.  
16 PROSPECTIVE JUROR 097: -- in a parking garage.  
17 THE COURT: Is there anything about the nature of that  
18 experience, or difficulty, that might affect your ability to be a fair and  
19 impartial juror in this case?  
20 PROSPECTIVE JUROR 098: No.  
21 THE COURT: Have you ever been a juror before?  
22 PROSPECTIVE JUROR 098: No.  
23 THE COURT: Is there anything you've heard questions asked  
24 of the 11 citizens before you, or is there anything in those questions  
25 asked that you might think are relevant to your unique life experience

1 that the attorneys might want to know?

2 PROSPECTIVE JUROR 098: No.

3 THE COURT: Do you believe you can, if you're sworn on this  
4 jury, you can bring to it, the time, and patience, and focus that requires  
5 to come to what you view to be a fair decision, based upon the merits?

6 PROSPECTIVE JUROR 098: Yes.

7 THE COURT: Thank you. Plaintiff, if you may inquire.

8 MR. KUDLER: Thank you, Your Honor.

9 Ms. McCallum, I'm looking at you, right? They have here  
10 that you work at Resorts World?

11 PROSPECTIVE JUROR 098: Correct.

12 MR. KUDLER: Okay. What are you doing every day, as the  
13 VP of Operations?

14 PROSPECTIVE JUROR 098: I oversee probably 3,000  
15 employees that are in the hotel operations.

16 MR. KUDLER: Okay. Do you oversee any of the  
17 maintenance?

18 PROSPECTIVE JUROR 098: No. Maintenance does not fall  
19 under my umbrella.

20 MR. KUDLER: Okay. Operations includes casino and hotel,  
21 or --

22 PROSPECTIVE JUROR 098: No. Just hotel operations.  
23 Okay.

24 MR. KUDLER: Maintenance issues, someone under your  
25 area brought some maintenance issue, reported it to the maintenance



1 people and they fix it?

2 PROSPECTIVE JUROR 098: Anything that affects the guest  
3 experience we report out to maintenance for repair.

4 MR. KUDLER: What is your Bachelor's in?

5 PROSPECTIVE JUROR 098: Sociology.

6 MR. KUDLER: Okay. And, your husband, what kind of  
7 technology sales does he do?

8 PROSPECTIVE JUROR 098: Printers, copiers, shipping,  
9 postal, the company's Quadient.

10 MR. KUDLER: Have you ever been involved in an accident  
11 with injuries?

12 PROSPECTIVE JUROR 098: No.

13 MR. KUDLER: Okay. How about your husband?

14 PROSPECTIVE JUROR 098: No.

15 MR. KUDLER: Okay. You said the kids live away from the  
16 home?

17 PROSPECTIVE JUROR 098: Correct.

18 MR. KUDLER: Okay. Did they ever live with you?

19 PROSPECTIVE JUROR 098: The older one did. Uh-huh.  
20 That's 29.

21 MR. KUDLER: Were any of the kids injured in an accident?

22 PROSPECTIVE JUROR 098: No.

23 MR. KUDLER: Okay. As VP of Operations, do you have any  
24 duties to interact with the Risk Management Department?

25 PROSPECTIVE JUROR 098: Yes.

1 MR. KUDLER: Okay. What do you do when someone is,  
2 regardless of what kind of -- whether it's an employee, a guest, a vendor,  
3 what happens when there's an injury, as far as you do?

4 PROSPECTIVE JUROR 098: If there's an accident with injury  
5 or property damage it gets referred to the risk management department  
6 for their follow up, directly.

7 MR. KUDLER: Okay. And that's pretty much all your side of  
8 the business does, somebody spots it, or is injured, and it goes over to  
9 the risk management?

10 PROSPECTIVE JUROR 098: Yeah. We might deal with it  
11 from a guest service standpoint, if it was something that may have  
12 affected their guest experience, but risk management will do any  
13 compensation for injury, or work with them directly.

14 MR. KUDLER: Okay. So if someone falls in the bathroom,  
15 you might say, hey, I'll give you this comp tonight, or do something of  
16 that nature?

17 PROSPECTIVE JUROR 098: We normally don't comp if  
18 there's an injury, it will go to risk management. However, if the guest is  
19 unhappy about waiting for compensation through risk, we might say,  
20 you know, your stay hasn't been what it -- what it was meant to be. You  
21 know, we're going to take care of dinner for you, but we won't do it as a  
22 result of any injury, more for guest satisfaction,

23 MR. KUDLER: Right? Just for the inconvenience --

24 PROSPECTIVE JUROR 098: Correct.

25 MR. KUDLER: Okay. Pass for cause, Your Honor.

1 THE COURT: Defense may inquire.

2 MR. A. GIOVANNIELLO: I'm going to move this thing  
3 around, Judge.

4 [Pause]

5 MR. A. GIOVANNIELLO: Good afternoon, Ms. McCullum. Do  
6 you remember the questions I've been asking?

7 PROSPECTIVE JUROR 098: Most of them?

8 MR. A. GIOVANNIELLO: Most of them. Do you have any --  
9 do you want to elaborate on some of them for me --

10 PROSPECTIVE JUROR 098: [Indiscernible]

11 MR. A. GIOVANNIELLO: -- or do you want to ask them all  
12 over again?

13 PROSPECTIVE JUROR 098: [Indiscernible]

14 MR. A. GIOVANNIELLO: Well, let me ask you, this burn, have  
15 you --.

16 THE COURT: Hang on. We don't have a mic; we might have  
17 lost the battery.

18 MR. A. GIOVANNIELLO: Whoops.

19 [Pause]

20 THE COURT: That happens. They're pretty energy intensive.

21 MR. A. GIOVANNIELLO: Hello.

22 THE COURT: Yeah. There you go.

23 PROSPECTIVE JUROR 098: That was a no, to electrical work.  
24 I don't do any electrical work.

25 MR. A. GIOVANNIELLO: Okay. Have you ever had a burn

1 injury?

2 PROSPECTIVE JUROR 098: No. Nothing that's needed  
3 medical attention.

4 MR. A. GIOVANNIELLO: What about your husband?

5 PROSPECTIVE JUROR 098: No.

6 MR. A. GIOVANNIELLO: Okay. You know, I represent the  
7 Defense. Where am I starting with you; am I on an equal basis with the  
8 Plaintiff?

9 PROSPECTIVE JUROR 098: Absolutely.

10 MR. A. GIOVANNIELLO: Okay. And do you think you could  
11 wait until the end of all the testimony before you reach any opinions in  
12 this case?

13 PROSPECTIVE JUROR 098: Yes.

14 MR. A. GIOVANNIELLO: Okay. And do you think that -- do  
15 you agree that it's not the quantity of witnesses, but the quality of the  
16 testimony that matters?

17 PROSPECTIVE JUROR 098: Correct? Yes.

18 MR. A. GIOVANNIELLO: Okay. So if I only put on two  
19 witnesses, you're not going to think that, oh, well, the guy must have  
20 done something wrong, because he only put on two witnesses.

21 PROSPECTIVE JUROR 098: No.

22 MR. A. GIOVANNIELLO: Okay. Do you listen to the news?

23 PROSPECTIVE JUROR 098: Yes.

24 MR. A. GIOVANNIELLO: What news channels do you listen  
25 to?

1 PROSPECTIVE JUROR 098: Normally local news and then  
2 also National News, CNN and MSNBC.

3 MR. A. GIOVANNIELLO: Okay. And I asked this of your  
4 fellow juror, and you wearing a mask, as well? And as you can see most  
5 of us are not. Is that going to be present the problem to you?

6 PROSPECTIVE JUROR 098: No, I traveled to Orlando last  
7 week. So I'm protecting other people as well as myself.

8 MR. A. GIOVANNIELLO: All right. And you've never been  
9 part of a lawsuit, correct?

10 PROSPECTIVE JUROR 098: No.

11 MR. A. GIOVANNIELLO: Have you ever dealt with attorneys  
12 before?

13 PROSPECTIVE JUROR 098: Yes. Through work.

14 MR. A. GIOVANNIELLO: Through work?

15 PROSPECTIVE JUROR 098: Uh-huh.

16 MR. A. GIOVANNIELLO: In what capacity?

17 PROSPECTIVE JUROR 098: Arbitration, hours off, and guest  
18 issues.

19 MR. A. GIOVANNIELLO: Arbitration resolving a death issue?

20 PROSPECTIVE JUROR 098: No. guest issues.

21 MR. A. GIOVANNIELLO: Guest issue, guest issues?

22 PROSPECTIVE JUROR 098: Correct.

23 MR. A. GIOVANNIELLO: Okay. Were you part of the  
24 arbitration?

25 PROSPECTIVE JUROR 098: Yes.

1 MR. A. GIOVANNIELLO: And what -- in what manner?

2 PROSPECTIVE JUROR 098: As a representative on behalf of  
3 the hotel.

4 MR. A. GIOVANNIELLO: Okay. How many arbitrations have  
5 you been involved in?

6 PROSPECTIVE JUROR 098: Just the one.

7 MR. A. GIOVANNIELLO: Just the one. Okay. How long ago  
8 was that?

9 PROSPECTIVE JUROR 098: It probably was about five or six  
10 years ago.

11 MR. A. GIOVANNIELLO: Sure. And how was that  
12 experience?

13 PROSPECTIVE JUROR 098: It was positive.

14 MR. A. GIOVANNIELLO: Okay. Have you ever been in a  
15 skilled nursing facility?

16 PROSPECTIVE JUROR 098: Yes. I volunteered in a nursing  
17 facility when I was a teenager, and then both my grandmothers in  
18 nursing homes.

19 MR. A. GIOVANNIELLO: Okay. Recently?

20 PROSPECTIVE JUROR 098: No. Probably 10 or 15 years ago

21 MR. A. GIOVANNIELLO: In Nevada?

22 PROSPECTIVE JUROR 098: No. In Canada, where I grew  
23 up.

24 MR. A. GIOVANNIELLO: Oh, okay. You grew up in Canada?

25 PROSPECTIVE JUROR 098: Correct.

1 MR. A. GIOVANNIELLO: Oh, where?  
2 PROSPECTIVE JUROR 098: In British Columbia.  
3 MR. A. GIOVANNIELLO: Oh, okay. And what made you  
4 come to the United States?  
5 PROSPECTIVE JUROR 098: I transferred for work when I  
6 worked with Fairmont Hotels and Resorts.  
7 MR. A. GIOVANNIELLO: Okay. Were you a hockey fan?  
8 PROSPECTIVE JUROR 098: Absolutely. VJK first, but  
9 Vancouver Canucks, second.  
10 MR. A. GIOVANNIELLO: I was going to say, the Las Vegas  
11 Knights?  
12 PROSPECTIVE JUROR 098: [Laughing].  
13 MR. A. GIOVANNIELLO: Okay. Thank you so much.  
14 I'm going to pass for cause.  
15 THE COURT: Let's move on to Juror Number 104, chair 13.  
16 Is it Antonino? Ms. Antonino, how long have you been here in Clark  
17 County?  
18 PROSPECTIVE JUROR 104: Six years.  
19 THE COURT: What do you do for a living?  
20 PROSPECTIVE JUROR 104: I'm a registered nurse.  
21 THE COURT: Right. You mentioned that earlier. So do you  
22 have a Bachelor's?  
23 PROSPECTIVE JUROR 104: I do.  
24 THE COURT: In nursing.  
25 PROSPECTIVE JUROR 104: Nursing.

1 THE COURT: Are you married, single or --  
2 PROSPECTIVE JUROR 104: Married.  
3 THE COURT: What does your spouse do?  
4 PROSPECTIVE JUROR 104: Uber driver.  
5 THE COURT: Okay. Do you have any children?  
6 PROSPECTIVE JUROR 104: I have two children.  
7 THE COURT: How old?  
8 PROSPECTIVE JUROR 104: Twenty-five and 20.  
9 THE COURT: And what are they doing now in the world?  
10 PROSPECTIVE JUROR 104: My 25 years old is in Philippines,  
11 in college.  
12 THE COURT: Okay.  
13 PROSPECTIVE JUROR 104: And my 20 year old son is here  
14 in school.  
15 THE COURT: In school? Have either of them pointed to  
16 something that might involve electricity?  
17 PROSPECTIVE JUROR 104: No.  
18 THE COURT: Okay. Have you or anyone close to you ever  
19 been a victim of a crime, or accused of a crime?  
20 PROSPECTIVE JUROR 104: No.  
21 THE COURT: Have you ever been a juror before?  
22 PROSPECTIVE JUROR 104: No.  
23 THE COURT: You've been listening. You're a nurse, so  
24 attention to detail is critical. You've been listening, I'm sure, to the other  
25 witnesses as they've outlined their unique life experience. Is there any



1 insight you can offer the lawyers here about you, to help them make  
2 decisions? Do you want me to be a little more specific than that?

3 PROSPECTIVE JUROR 104: No.

4 THE COURT: They're going to ask you about electricity.  
5 They're going to ask you about nursing homes. Now let's try that.

6 You're a nurse. What kind of nurse? What, what is your practice there?

7 PROSPECTIVE JUROR 104: A med-surg, medical surgical.

8 THE COURT: Med-surg?

9 PROSPECTIVE JUROR 104: Yeah.

10 THE COURT: Okay. Ever worked in a nursing home?

11 PROSPECTIVE JUROR 104: No.

12 THE COURT: And I'm going to let the lawyers do what they  
13 must. So I just want to know if you can be fair to both sides? Can you?  
14 Be honest, tell me yes, or no, it's okay. I just want the truth, the whole  
15 truth and nothing but the truth --

16 PROSPECTIVE JUROR 104: Okay.

17 THE COURT: -- you probably heard that before. I know  
18 you're working nights. Now that I'm thinking about your face, I  
19 remember you telling me earlier that you're working grave?

20 PROSPECTIVE JUROR 104: Yes.

21 THE COURT: Right? Is that what you're thinking about now?

22 PROSPECTIVE JUROR 104: That's -- that's --

23 THE COURT: You don't want to upset the Judge, but you  
24 want to tell the Judge the truth?

25 PROSPECTIVE JUROR 104: That's just my concern because

1 we're really short staff, and I work nights. They even ask us to work  
2 extra. So I'm afraid when they get to this court, like, you know, I work  
3 nights and I can't really attend.

4 THE COURT: So there's no way that your employer would  
5 give you a few days off, so you could do this important work?

6 PROSPECTIVE JUROR 104: They can, but --

7 THE COURT: With a letter from --

8 PROSPECTIVE JUROR 104: -- you know, my pay, I don't have  
9 enough PTO to pay for my time off.

10 THE COURT: They would require you to take your personal  
11 time off in order to serve the community in this role?

12 PROSPECTIVE JUROR 104: I guess they will -- they will give  
13 me the time off. It's okay --

14 THE COURT: Okay. Would a letter from --

15 PROSPECTIVE JUROR 104: It's just that --

16 THE COURT: -- a difficult District Judge help that? You can  
17 say, you know, boss, I did the best I could, but the Judge was persistent  
18 and -- and there's nothing I could do. So this is -- I even have a letter.  
19 And I'm not trying to pressure you more than what's necessary, because  
20 I just want everybody's participation. Would that help you?

21 PROSPECTIVE JUROR 104: Yeah, I guess.

22 THE COURT: Okay. So I can have a letter by tomorrow, if  
23 you find yourself on this jury. Now we're only early in the process, many  
24 are called few will serve.

25 PROSPECTIVE JUROR 104: Okay.

1 THE COURT: But if I can give you that letter and maybe  
2 make arrangements, so you can actually have some time to sleep, would  
3 that be better?

4 PROSPECTIVE JUROR 104: Okay.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR 104: Sure.

7 THE COURT: A now, Plaintiff, you may inquire.

8 MR. KUDLER: Thank you, Your Honor.

9 Ms. Antonino, do you work in a surgery center?

10 PROSPECTIVE JUROR 104: Medical surgical floor.

11 MR. KUDLER: Okay. Do you work within the surgery itself,  
12 or do you work the patients before and after the surgery?

13 PROSPECTIVE JUROR 104: It's like pre-op and post-op, like  
14 before and after.

15 MR. KUDLER: Okay. So you're not actually --

16 PROSPECTIVE JUROR 104: And then medical -- medical  
17 patients. So they're -- it's all mixed.

18 MR. KUDLER: So you're not actually in the room during  
19 surgery?

20 PROSPECTIVE JUROR 104: No. No. No.

21 MR. KUDLER: Okay. So you're taking, making sure that  
22 they're comfortable before and after surgery?

23 PROSPECTIVE JUROR 104: After? Yeah. Before and after.

24 MR. KUDLER: Have either you or your husband ever been  
25 injured?

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PROSPECTIVE JUROR 104: No.

MR. KUDLER: No car accidents? No falls, no -- no cuts?

PROSPECTIVE JUROR 104: Oh, my husband, it's been a while ago, when he was a truck driver back in Utah.

MR. KUDLER: Okay.

PROSPECTIVE JUROR 104: Broke his wrist.

MR. KUDLER: Okay. Does he still have problems with his wrist, or is it all --

PROSPECTIVE JUROR 104: Huh?

MR. KUDLER: Does he still have problems with his wrist, or is it all better?

PROSPECTIVE JUROR 104: It's -- it's okay.

MR. KUDLER: Okay. You have a lot of procedures you have to follow as a nurse?

PROSPECTIVE JUROR 104: Say that again?

MR. KUDLER: There's a lot of procedures to follow as a nurse; like safety procedures to make sure there's no needle, sticks counting them when put things away?

PROSPECTIVE JUROR 104: Oh, yeah, yeah. We do. We do,

MR. KUDLER: Right. There's a lot of --

PROSPECTIVE JUROR 104: We have a lot of procedures.

MR. KUDLER: A lot of rules, you've got to follow --

PROSPECTIVE JUROR 104: A lot of -- a lot of rules, a lot of procedures.

MR. KUDLER: Okay. and when you follow those rules and

1 things are safe, it's a good thing?

2 PROSPECTIVE JUROR 104: We do.

3 MR. KUDLER: Okay. That's all I have Your Honor. Pass for  
4 cause.

5 THE COURT: Pass for cause. Defense may inquire.

6 MR. A. GIOVANNIELLO: It's Antonino?

7 PROSPECTIVE JUROR 104: Antonino.

8 MR. A. GIOVANNIELLO: Okay. Ms. Antonino, you said your  
9 husband's a truck driver?

10 PROSPECTIVE JUROR 104: He was before.

11 MR. A. GIOVANNIELLO: He was?

12 PROSPECTIVE JUROR 104: Yeah.

13 MR. A. GIOVANNIELLO: Did he go to Truck U? You, work  
14 med-surg, right?

15 PROSPECTIVE JUROR 104: Uh-huh. Med-surg.

16 MR. A. GIOVANNIELLO: And have you always worked a  
17 graveyard shift?

18 PROSPECTIVE JUROR 104: Graveyard?

19 MR. A. GIOVANNIELLO: Always.

20 PROSPECTIVE JUROR 104: Always.

21 MR. A. GIOVANNIELLO: How do you like that? I guess you  
22 do, because you always worked it right? Do you like?

23 PROSPECTIVE JUROR 104: I like it. I like it.

24 MR. A. GIOVANNIELLO: Okay. And you never worked at a  
25 skilled nursing facility, right?

1 PROSPECTIVE JUROR 104: No.

2 MR. A. GIOVANNIELLO: How long have you been a nurse?

3 PROSPECTIVE JUROR 104: Twenty -- 20 years.

4 MR. A. GIOVANNIELLO: Twenty years, huh? Have you

5 always worked med-surg?

6 PROSPECTIVE JUROR 104: Med-surg, and I have part-time, I

7 work hospice.

8 MR. A. GIOVANNIELLO: And do some hospice part-time?

9 PROSPECTIVE JUROR 104: Hospice visit, just for part-time.

10 MR. A. GIOVANNIELLO: Okay. And you -- you work 7:00 to

11 7:00, right? Seven P to seven A?

12 PROSPECTIVE JUROR 104: Three -- yeah, yeah, yeah. Three

13 12.

14 MR. A. GIOVANNIELLO: It's a --

15 PROSPECTIVE JUROR 104: 7:00 to --

16 MR. A. GIOVANNIELLO: -- 12-hour shift.

17 PROSPECTIVE JUROR 104: -- 7:30, 12 hour.

18 MR. A. GIOVANNIELLO: So Seven P to seven A. okay.

19 PROSPECTIVE JUROR 104: That's correct, 7:00 to 7:30.

20 MR. A. GIOVANNIELLO: 7:30? Because you have to do a

21 report, right?

22 PROSPECTIVE JUROR 104: Yeah.

23 MR. A. GIOVANNIELLO: Yeah. Have you treated any burn

24 victims?

25 PROSPECTIVE JUROR 104: They don't usually go to our

1 hospital.

2 MR. A. GIOVANNIELLO: Okay.

3 PROSPECTIVE JUROR 104: I work at Desert Spring.

4 MR. A. GIOVANNIELLO: Okay. You work at Desert Springs  
5 Hospital.

6 PROSPECTIVE JUROR 104: Okay.

7 MR. A. GIOVANNIELLO: Is that where you've worked for the  
8 last 20 years?

9 PROSPECTIVE JUROR 104: St. George Utah, for adults.

10 MR. A. GIOVANNIELLO: Okay. All right. I don't have any  
11 other questions for you, ma'am, I pass for cause.

12 THE COURT: Thank you. Moving on the Juror 105, seat 14.  
13 Is it Mondschein?

14 PROSPECTIVE JUROR 105: Mondschein.

15 THE COURT: Mondschein, sorry.

16 PROSPECTIVE JUROR 105: You were close.

17 THE COURT: Sir, how long have you lived in Clark County?

18 PROSPECTIVE JUROR 105: I was born and raised, and I just  
19 moved back this year.

20 THE COURT: And what do you do for a living?

21 PROSPECTIVE JUROR 105: I just left my last job. So right  
22 now I'm just going to school.

23 THE COURT: What was your last job?

24 PROSPECTIVE JUROR 105: I was in the Navy.

25 THE COURT: What did you do in the Navy?

1 PROSPECTIVE JUROR 105: I was a Hospital Corpsman,  
2 medical.

3 THE COURT: And what's your focus now that you're coming  
4 back for some education?

5 PROSPECTIVE JUROR 105: It was going to be nursing, but  
6 now it's, I want to go in the film -- filmmaking.

7 THE COURT: Okay. Are you married, single, or in a  
8 significant relationship?

9 PROSPECTIVE JUROR 105: I'm in a significant relationship.

10 THE COURT: And what does your partner do?

11 PROSPECTIVE JUROR 105: She's a teacher and a digital  
12 artist.

13 THE COURT: All right. Do you have any children?

14 PROSPECTIVE JUROR 105: No.

15 THE COURT: Have you or anyone close to you ever been the  
16 victim of crime, or accused of the crime?

17 PROSPECTIVE JUROR 105: No.

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

19 PROSPECTIVE JUROR 105: No.

20 THE COURT: And you've heard all the questions asked and  
21 answered before. Is there any insight you can offer to me as the lawyers  
22 listen on, about your unique life experience that you think they might  
23 want to know, relevant to this case?

24 PROSPECTIVE JUROR 105: No, sir.

25 THE COURT: Okay. Can you be fair? Can you base your



1 verdict solely upon the evidence presented in the trial, be patient in the  
2 effort, wait in forming your opinions until you've heard all the evidence,  
3 I've instructed you on the law, and you are retired to deliberate the case  
4 with fellow jurors?

5 PROSPECTIVE JUROR 105: Of course. Yes, sir.

6 THE COURT: Plaintiff, you may inquire.

7 MR. KUDLER: Thank you, Your Honor.

8 Mr. Mondschein, during your time as a hospital corpsman,  
9 did you ever have to treat people who had burns?

10 PROSPECTIVE JUROR 105: Yes, sir.

11 MR. KUDLER: Okay. Okay. What exactly did you do when  
12 you -- when you had people come in with burns?

13 PROSPECTIVE JUROR 105: What did we do?

14 MR. KUDLER: Just in general? I mean, were you hands-on?

15 PROSPECTIVE JUROR 105: Oh yeah. When I was with the  
16 Marines they had a truck flip over, and there was a big fire and a lot of  
17 them got burned, sent to the hospital, and I was hands-on for the first  
18 day, but I just took care of the other ER patients the next day.

19 MR. KUDLER: Okay. And of course you were trained to  
20 handle burns, along with the other wounds?

21 PROSPECTIVE JUROR 105: Yes, sir.

22 MR. KUDLER: Okay. The job -- again, anytime, I guess  
23 you're working with -- not anytime, I guess, but anytime you're working  
24 with patients, you have to follow all the procedures, and you understand  
25 the importance of following procedures?

1 PROSPECTIVE JUROR 105: Yes, sir.

2 MR. KUDLER: And you know that it helps for safety?

3 PROSPECTIVE JUROR 105: Yes, sir.

4 MR. KUDLER: Okay. And you said you -- did you start doing

5 school in nursing, or did you just --

6 PROSPECTIVE JUROR 105: My -- after I was with the

7 Marines I went to a hospital where I worked in labor and delivery,

8 postpartum, and that kind of got me into nursing, because I was working

9 on the medical ward, so -- but now I'm going to school for filmmaking

10 and film

11 MR. KUDLER: That is at UNLV?

12 PROSPECTIVE JUROR 105: Yes, sir.

13 MR. KUDLER: Okay. And your wife is a digital artist, and

14 what else?

15 PROSPECTIVE JUROR 105: My girlfriend's a digital artist and

16 a teacher. Uh-huh.

17 MR. KUDLER: What does she teach?

18 PROSPECTIVE JUROR 105: She teaches English. She's

19 French. So she teaches English.

20 MR. KUDLER: Okay. English to French speaking people, or --

21 PROSPECTIVE JUROR 105: Yes. Yeah. English to French

22 speakers.

23 MR. KUDLER: Okay. So ESL kind of courses?

24 PROSPECTIVE JUROR 105: Yeah.

25 MR. KUDLER: Okay.

1 That's all I have, Your Honor. Thank you. Pass for cause.

2 THE COURT: Defense may inquire.

3 PROSPECTIVE JUROR 105: Mondschein.

4 MR. A. GIOVANNIELLO: Mondschein. I was just going to  
5 say, I can pronounce it right, Mondschein.

6 PROSPECTIVE JUROR 105: I saw -- I saw you almost had it.  
7 Yeah. It was about to come out.

8 MR. A. GIOVANNIELLO: People have been mispronouncing  
9 my name my whole life.

10 PROSPECTIVE JUROR 105: Yeah, exactly.

11 MR. A. GIOVANNIELLO: You'd know. Mr. Mondschein, did  
12 you serve what, four years in the Navy?

13 PROSPECTIVE JUROR 105: Six years.

14 MR. A. GIOVANNIELLO: Six years in the Navy. Okay. Where  
15 were you stationed,

16 PROSPECTIVE JUROR 105: I was stationed in Marine Corps  
17 Base Camp Pendleton, and then San Diego.

18 MR. A. GIOVANNIELLO: Down in San Diego.

19 PROSPECTIVE JUROR 105: Uh-huh.

20 MR. A. GIOVANNIELLO: Pendleton?

21 PROSPECTIVE JUROR 105: Yeah.

22 MR. A. GIOVANNIELLO: Okay. Did you go overseas?

23 PROSPECTIVE JUROR 105: No, sir.

24 MR. A. GIOVANNIELLO: No. Okay. And when you got out of  
25 the Navy, you thought about going to nursing school?

1 PROSPECTIVE JUROR 105: Yes, sir.

2 MR. A. GIOVANNIELLO: So what changed your mind?

3 PROSPECTIVE JUROR 105: I got a GI bill and I wanted to do  
4 something I really want to do, so that's filmmaking instead of nursing.

5 MR. A. GIOVANNIELLO: Okay. Just -- did it, been there,  
6 done that, just so --

7 PROSPECTIVE JUROR 105: Yeah. Yeah, exactly. Kind of  
8 burnout from it too.

9 MR. A. GIOVANNIELLO: Okay. Well, you've heard the  
10 questions I've been asking?

11 PROSPECTIVE JUROR 105: Yes, sir.

12 MR. A. GIOVANNIELLO: Do you have anything to add to  
13 that, do you think?

14 PROSPECTIVE JUROR 105: No, I haven't done anything with  
15 electricity. Of course I'll be fair, and to both you, both parties. I don't  
16 know that, I've kind of forgot. I -- I've been sitting here trying to get this  
17 spiel down, but kind of forgot it, but yeah, of course I'll be fair to both  
18 you and both parties here.

19 MR. A. GIOVANNIELLO: Yeah. That's the most important  
20 thing we ask of you is, is to listen to the evidence --

21 PROSPECTIVE JUROR 105: Uh-huh.

22 MR. A. GIOVANNIELLO: -- wait until it's all in and then, you  
23 know, go back, talk to the jurors, and that's when you form your opinion;  
24 you could do that, right?

25 PROSPECTIVE JUROR 105: Yes, sir.

1 MR. A. GIOVANNIELLO: Okay. You could be fair to my  
2 clients for this [indiscernible], right, because they're actual people?

3 PROSPECTIVE JUROR 105: Yes, sir.

4 MR. A. GIOVANNIELLO: Okay. Now have do you ever --  
5 have you ever been in a nursing home?

6 PROSPECTIVE JUROR 105: No, sir.

7 MR. A. GIOVANNIELLO: Do you know anybody who's been  
8 in nursing home?

9 PROSPECTIVE JUROR 105: No, sir.

10 MR. A. GIOVANNIELLO: Okay. And worked around  
11 electricity, I think you just said you have not?

12 PROSPECTIVE JUROR 105: No, sir.

13 MR. A. GIOVANNIELLO: Okay. Do you do any -- anything at  
14 your -- do you rent or -- do you have an apartment or a house?

15 PROSPECTIVE JUROR 105: Apartment, sir.

16 MR. A. GIOVANNIELLO: Okay. Do you ever mess around  
17 with anything --

18 PROSPECTIVE JUROR 105: No.

19 MR. A. GIOVANNIELLO: -- in the apartment?

20 PROSPECTIVE JUROR 105: No.

21 MR. A. GIOVANNIELLO: Change a light bulb?

22 PROSPECTIVE JUROR 105: Yeah. Oh yeah, but --

23 MR. A. GIOVANNIELLO: I don't know if that counts, though.

24 PROSPECTIVE JUROR 105: Yeah. Yeah, yeah.

25 MR. A. GIOVANNIELLO: Okay. Do you listen to news?

1 PROSPECTIVE JUROR 105: Sometimes sir. Yeah.

2 MR. A. GIOVANNIELLO: What do you listen to when you  
3 listen to the news?

4 PROSPECTIVE JUROR 105: It's mostly online. So BBC,  
5 Al Jazeera, things like that.

6 MR. A. GIOVANNIELLO: Do you get it like on your phone,  
7 too --

8 PROSPECTIVE JUROR 105: Yes, sir.

9 MR. A. GIOVANNIELLO: -- and then read it?

10 PROSPECTIVE JUROR 105: Uh-huh. What was that?

11 MR. A. GIOVANNIELLO: Then you read it from your phone?

12 PROSPECTIVE JUROR 105: Yes, sir. yeah.

13 MR. A. GIOVANNIELLO: Let me see, what else? Do you have  
14 any hobbies?

15 PROSPECTIVE JUROR 105: Photography.

16 MR. A. GIOVANNIELLO: Photography.

17 Okay. Thank you so much.

18 PROSPECTIVE JUROR 105: Thank you, sir.

19 MR. A. GIOVANNIELLO: Pass for cause.

20 THE COURT: Thank you. Bringing on Mr. Kim, 113, chair 15.  
21 Mr. Kim?

22 PROSPECTIVE JUROR 113: Good afternoon.

23 THE COURT: Good afternoon. How long have you been here  
24 in Clark County?

25 PROSPECTIVE JUROR 113: A little less than a year.

1 THE COURT: And what do you do for a living?

2 PROSPECTIVE JUROR 113: I'm a gourmet food server at Aria  
3 Hotel and Casino.

4 THE COURT: How long -- how far did you go in school?

5 PROSPECTIVE JUROR 113: Bachelor's, I double majored in  
6 business economics and communications of binary accounting at UCLA.

7 THE COURT: Okay. Married, single, or in a significant  
8 relationship?

9 PROSPECTIVE JUROR 113: I'm married.

10 THE COURT: Do you -- what does your spouse do?

11 PROSPECTIVE JUROR 113: She works for Ambu  
12 Incorporated, in sales and hospitality.

13 THE COURT: All right. Do you have any children?

14 PROSPECTIVE JUROR 113: No children.

15 THE COURT: Have you or anyone close to you ever been the  
16 victim of the crime, or accused of a crime?

17 PROSPECTIVE JUROR 113: Victim of the crime, not me, my  
18 uncle and my grandmother.

19 THE COURT: Anything about the nature of those difficulties  
20 for your family that might impact your ability to be a fair juror here?

21 PROSPECTIVE JUROR 113: No.

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

23 PROSPECTIVE JUROR 113: Yes, I have.

24 THE COURT: Civil or criminal?

25 PROSPECTIVE JUROR 113: Criminal.

1 THE COURT: Again, the standards are different. I'll explain  
2 all that with at the appropriate time. Without telling us what the verdict  
3 was in that case, and if you recall, was that jury able to reach a verdict?

4 PROSPECTIVE JUROR 113: No. It was a hung jury.

5 THE COURT: A hung jury. Were you the foreperson of that  
6 jury?

7 PROSPECTIVE JUROR 113: No, I was not.

8 THE COURT: Is there anything about that experience that  
9 might affect your ability to be fair and impartial, if you're asked to do it  
10 again?

11 PROSPECTIVE JUROR 113: No, I don't think so. Maybe the  
12 outcome, it was kind of frustrating on my -- on like what I wanted the  
13 decision to be, but the hung jury, I mean, I -- I respected it. That's --  
14 that's what the outcome was.

15 THE COURT: Was that here or in California.

16 PROSPECTIVE JUROR 113: California.

17 THE COURT: When you were going to school?

18 PROSPECTIVE JUROR 113: No, no. This was -- this was  
19 during COVID, so it was near the end of 2020.

20 THE COURT: Wow. And you were, and you and you were in  
21 impaneled?

22 PROSPECTIVE JUROR 113: Yes.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 113: Yeah. They -- they kind of  
25 spread out the jury box into all spectator area --



1 THE COURT: Yeah. We were --

2 PROSPECTIVE JUROR 113: -- as well.

3 THE COURT: -- we were trying that here, too, for a while.

4 PROSPECTIVE JUROR 113: Yeah.

5 THE COURT: All right. I appreciate that answer. Appreciate  
6 that service. You've heard the lawyers ask questions of prospective  
7 fellow jurors; is there any insight you could offer them in the areas that  
8 concern the most?

9 PROSPECTIVE JUROR 113: No, I don't think so.

10 THE COURT: All right. Any experience or expertise with  
11 electricity in the sense that they've been asking?

12 PROSPECTIVE JUROR 113: Not to their extent, no.

13 THE COURT: And nursing homes --

14 PROSPECTIVE JUROR 113: No.

15 THE COURT: -- any experiences there?

16 PROSPECTIVE JUROR 113: No experience there.

17 THE COURT: Okay. Can you pledge to be fair and listen to  
18 the evidence with patients, and focus, and come look to what you view  
19 to be a fair and just decision based upon the evidence and the law after  
20 considering the evidence with fellow jurors?

21 PROSPECTIVE JUROR 113: Yes.

22 THE COURT: The Plaintiff may inquire.

23 MR. KUDLER: Thank you, Your Honor.

24 Mr. Kim, you said you are leaving town on Wednesday?

25 PROSPECTIVE JUROR 113: That is correct.

1 MR. KUDLER: Morning or evening?  
2 PROSPECTIVE JUROR 113: Morning.  
3 MR. KUDLER: You got flights booked and everything?  
4 PROSPECTIVE JUROR 113: Yeah. We're actually, but  
5 Airbnb, Non-Refundable all that stuff.  
6 MR. KUDLER: Okay.  
7 PROSPECTIVE JUROR 113: It's a close friend's wedding up  
8 in Northern California.  
9 MR. KUDLER: A long drive.  
10 PROSPECTIVE JUROR 113: Yeah. About 10, 11 hours. We  
11 just got a new car, so we wanted to kind of break it in.  
12 MR. KUDLER: There you go. Have ever been involved in a  
13 lawsuit?  
14 PROSPECTIVE JUROR 113: No.  
15 MR. KUDLER: Okay. How about your wife?  
16 PROSPECTIVE JUROR 113: No.  
17 MR. KUDLER: Anybody close to you ever been involved in a  
18 lawsuit?  
19 PROSPECTIVE JUROR 113: No.  
20 MR. KUDLER: Okay. How long have you been in food  
21 service?  
22 PROSPECTIVE JUROR 113: Quite some time. Since up like,  
23 it was like part-time during college, and it kind of slowly took over my  
24 main occupation. Corporate world kind of burned me out, so I felt this  
25 was a lot better for my -- for my needs.

1 THE COURT: And what did you do in the corporate world?

2 PROSPECTIVE JUROR 113: I was an intern at Merrill Lynch  
3 and then I ended up getting my Series 6, Series 7 licenses from there,  
4 doing day trading on my own, outside. So it's kind of my own practice. I  
5 had clients and then my own portfolio as well. And then just the whole  
6 Eastern time zone, you know, just long hours, just, yeah, it burned me  
7 out.

8 MR. KUDLER: Did you trade -- did you trade international  
9 Markets, as well?

10 PROSPECTIVE JUROR 113: No, I -- I was thinking about it,  
11 but then at that point I was like, okay, I value sleep more. So --

12 MR. KUDLER: Didn't want it to be 24 hour a day job?

13 PROSPECTIVE JUROR 113: Exactly.

14 MR. KUDLER: Okay. Do you have any position on lawyers  
15 or lawsuits, or both?

16 PROSPECTIVE JUROR 113: No. No position.

17 MR. KUDLER: Okay. The, the experience in California, was  
18 that in Northern California or Southern California?

19 PROSPECTIVE JUROR 113: Southern.

20 MR. KUDLER: Okay.

21 PROSPECTIVE JUROR 113: Are you talking about when I was  
22 on the jury there?

23 MR. KUDLER: Yeah.

24 PROSPECTIVE JUROR 113: Yes. It was Southern California.

25 MR. KUDLER: Yeah. And you said that doesn't affect how

1 you're going to feel about this?

2 PROSPECTIVE JUROR 113: I mean, just like the Judge  
3 mentioned, how criminal and civil is different, how you guys mentioned  
4 it as well. I mean, I -- I, you know, every case is kind of, you know,  
5 separate on its own, so of course, yeah, it's not going to affect it. It  
6 was -- it was just frustrating, the outcome of it, but, you know, the time  
7 spent, but it's okay.

8 MR. KUDLER: How long was it?

9 PROSPECTIVE JUROR 113: It went -- it went on for maybe  
10 about two weeks.

11 MR. KUDLER: Okay. And then how long did you guys sit in  
12 the jury room and argue about it?

13 PROSPECTIVE JUROR 113: Maybe a day and a half.

14 MR. KUDLER: Okay.

15 PROSPECTIVE JUROR 113: And then just no one would  
16 budge, so it just --

17 MR. KUDLER: So was that feeling of, hey, I spent two weeks  
18 here --

19 PROSPECTIVE JUROR 113: Yeah, exactly. Yeah. Yeah, it  
20 just felt like a stalemate, stalemate, and with no outcome, and kind of --  
21 yeah.

22 MR. KUDLER: I take it you work evenings, the dinner, the  
23 dinners?

24 PROSPECTIVE JUROR 113: It depends. Depends on if they  
25 need me right now, right now I'm on call, but before this job, I was bar

1 lead on my -- back in California. So those were more evenings than  
2 days.

3 MR. KUDLER: So you're working your way up here because  
4 you're newer here than some of the fellows?

5 PROSPECTIVE JUROR 113: Oh yeah. The first union job. So  
6 yeah, like learning, learning as I go, and the whole pecking order thing  
7 here.

8 MR. KUDLER: Now when you say union, are you on-calls  
9 through the union, or you strictly at the --it looks like -- it looks like  
10 Din Tai Fung?

11 PROSPECTIVE JUROR 113: Yeah, Din Tai Fung, at -- so  
12 strictly there, but because it's a restaurant on the strip it's -- the culinary  
13 union is kind of like the umbrella over everything.

14 MR. KUDLER: Right. So you're, you're there, but you're low  
15 on the totem pole?

16 PROSPECTIVE JUROR 113: Exactly.

17 MR. KUDLER: Yeah. And so the senior people get choice  
18 first?

19 PROSPECTIVE JUROR 113: Exactly. Okay

20 MR. KUDLER: Have you ever gotten a bad burn, doing that  
21 job doing that job?

22 PROSPECTIVE JUROR 113: Doing that job, no. So it's  
23 serving, no. Nothing in particular from -- for burns, but my early  
24 childhood, yeah. I did suffer a -- a really bad burn when I was like seven.

25 MR. KUDLER: What happened?

1 PROSPECTIVE JUROR 113: I guess I wasn't supposed to be  
2 roller skating in the house, and my great-aunt had one of those electric,  
3 like skillets on the ground and I fell, and I fell and -- I fell, half my face fell  
4 on it.

5 MR. KUDLER: Okay.

6 PROSPECTIVE JUROR 113: Yeah. And I burned half my face.

7 MR. KUDLER: Okay.

8 PROSPECTIVE JUROR 113: Yeah. Did you require surgery  
9 or?

10 PROSPECTIVE JUROR 113: No. No skin grafting, nothing  
11 like that. I -- I think it was just considered first and second degree burns.

12 MR. KUDLER: Okay.

13 PROSPECTIVE JUROR 113: But according to my mom,  
14 whenever I get a haircut, she sees the scar behind my ear. It could be a  
15 phantom injury, I guess, to my mom, but I don't see it.

16 MR. KUDLER: Okay. Thank you. Pass for cause.

17 THE COURT: Defense may inquire.

18 MR. A. GIOVANNIELLO: I keep forgetting to use this thing.  
19 Mr. Kim, you recovered from that burn, I take it?

20 PROSPECTIVE JUROR 113: Yes.

21 MR. A. GIOVANNIELLO: How long did it take you to recover  
22 from that burn?

23 PROSPECTIVE JUROR 113: A little under two years, I  
24 remember we had a family portrait with me, like with bandages on my  
25 head. But, yeah, I think about two years.

1 MR. A. GIOVANNIELLO: Okay. Do you have any flashbacks  
2 from that burn?

3 PROSPECTIVE JUROR 113: I can't go near roller skates, it  
4 kind of freaks me out.

5 MR. A. GIOVANNIELLO: So your roller skating days are  
6 over?

7 PROSPECTIVE JUROR 113: Oh, yeah. Exactly, yeah.

8 MR. A. GIOVANNIELLO: Is that the -- the only thing?

9 PROSPECTIVE JUROR 113: Yeah. That would be the only  
10 thing.

11 MR. A. GIOVANNIELLO: Okay. And what news channels do  
12 you listen to? If you listen to the news, I guess I should ask that question  
13 first?

14 PROSPECTIVE JUROR 113: Yeah. For local stuff -- I mean,  
15 we don't have cable in the house, I don't see a need for it. So it would be  
16 like review journal on YouTube, or if I'm at work, I'll be watching CNN, or  
17 MSNBC, that's on like in the employee breakroom, and whatnot.

18 MR. A. GIOVANNIELLO: Okay.

19 PROSPECTIVE JUROR 113: But, yeah. And then whatever  
20 news updates that show up on my phone.

21 MR. A. GIOVANNIELLO: Okay. Well, the Judge asked you  
22 most of the questions I was going to ask you, so I'll spare you from that,  
23 but do you have any hobbies?

24 PROSPECTIVE JUROR 113: Hobbies? I like to go to shows  
25 movies. I'm a huge movie buff. I -- I'm into gaming, as well.

1 MR. A. GIOVANNIELLO: And what games do you play?  
2 PROSPECTIVE JUROR 113: All sorts of.  
3 MR. A. GIOVANNIELLO: Do you play Call to Duty?  
4 PROSPECTIVE JUROR 113: No, no. I -- war games, I kind of  
5 stay away from.  
6 MR. A. GIOVANNIELLO: Okay.  
7 PROSPECTIVE JUROR 113: Yeah. I guess because of my  
8 history of being a military brat, I just -- I got enough of it. Enough of the  
9 stories from my -- from my relatives.  
10 MR. A. GIOVANNIELLO: Your father was military?  
11 PROSPECTIVE JUROR 113: My -- my dad, was grandfather,  
12 all the guys on my dad's side of the family. Yeah.  
13 MR. A. GIOVANNIELLO: Okay. What service?  
14 PROSPECTIVE JUROR 113: My dad was in the air force.  
15 MR. KUDLER: Okay. And your grandfather?  
16 PROSPECTIVE JUROR 113: Grandfather was a -- he was a  
17 Navy Seal before they were Navy Seals.  
18 MR. A. GIOVANNIELLO: Oh, wow. Okay.  
19 MR. KUDLER: So I forgot what they called them special --  
20 MR. A. GIOVANNIELLO: They were called frogmen.  
21 PROSPECTIVE JUROR 113: Yeah. Well, there you go. Yeah.  
22 I heard that before.  
23 MR. A. GIOVANNIELLO: They were frogmen at the time, yes  
24 PROSPECTIVE JUROR 113: Yes. Yes.  
25 MR. A. GIOVANNIELLO: Okay. Then you decided not to --



1 PROSPECTIVE JUROR 113: No, I'm the -- I guess considered  
2 the black sheep on my dad's side of the family.

3 MR. A. GIOVANNIELLO: Okay. Do you have siblings?

4 PROSPECTIVE JUROR 113: I have one sister, and two half-  
5 brothers.

6 MR. A. GIOVANNIELLO: Okay. And I know the judge asked  
7 you this, but I forgot what you had to say. But have you ever worked  
8 with electrical devices, or --

9 PROSPECTIVE JUROR 113: Just odd jobs are around the  
10 house.

11 MR. A. GIOVANNIELLO: Yeah.

12 PROSPECTIVE JUROR 113: But nothing where, if I knew I  
13 can't tackle it, I'd always call a contractor, or an electrician to take care of  
14 it.

15 MR. A. GIOVANNIELLO: Okay.

16 PROSPECTIVE JUROR 113: But like odd jobs, like for  
17 example, you know, things that have like directions to them, like  
18 installing like a ring doorbell, like, you know, those kind of things. Yeah.

19 MR. A. GIOVANNIELLO: All right. But what about like  
20 dealing with electricity itself? Like taking out a receptacle?

21 PROSPECTIVE JUROR 113: No. No, I've never done that.  
22 No.

23 MR. A. GIOVANNIELLO: No.

24 PROSPECTIVE JUROR 113: No.

25 MR. A. GIOVANNIELLO: Okay. Did you ever have an

1 opportunity to go to your junction box there and [indiscernible]?

2 PROSPECTIVE JUROR 113: Oh yeah, of course. Yeah.

3 Yeah. Like, you know, there were certain things that had to  
4 do with the ring doorbell, for example, that had to kind of shut off  
5 electricity on the part of the house, just to make -- make sure, you know, I  
6 don't get shocked or anything like that, yeah.

7 MR. A. GIOVANNIELLO: Okay. And if you took the breaker  
8 or something, you went out and --

9 PROSPECTIVE JUROR 113: Yes. I would know what to do.

10 MR. A. GIOVANNIELLO: Yeah. Okay.

11 All right. Well, thank you so much. And I pass for cause.

12 THE COURT: Okay. Moving on to -- is it Mr. Feustel?

13 Badge 124, chair16. Mr. Feustel, how long have you been  
14 in -- how long have you lived in Clark County?

15 PROSPECTIVE JUROR 124: Thirty-one years.

16 THE COURT: And what do you live for a living?

17 PROSPECTIVE JUROR 124: I'm a general contractor.

18 THE COURT: How far did you go in school?

19 PROSPECTIVE JUROR 124: Associates? Two of them.

20 THE COURT: As far as being a contractor, what kind of work  
21 do you generally contract for?

22 PROSPECTIVE JUROR 124: I do high end retail. I do -- I build  
23 Tiffany Stores, Prada, Louis Vuitton, Cartier, stuff like that.

24 THE COURT: Okay. So commercial.

25 PROSPECTIVE JUROR 124: All commercial.

1 THE COURT: All commercial. Are you married or in a  
2 married, single or in a significant relationship?  
3 PROSPECTIVE JUROR 124: Married.  
4 THE COURT: What does your spouse do?  
5 PROSPECTIVE JUROR 124: She's retired.  
6 THE COURT: Retired from what?  
7 PROSPECTIVE JUROR 124: The Las Vegas Valley Water  
8 District.  
9 THE COURT: Okay. Do you have any children?  
10 PROSPECTIVE JUROR 124: I have one son and five  
11 stepchildren.  
12 THE COURT: And are they out in the world at all?  
13 PROSPECTIVE JUROR 124: All? Yeah, my oldest is 20 -- |  
14 38-years-old, he's an electrician. Second oldest is 34 years old. He's into  
15 the HVAC, and my daughter's, one's a manager at Subaru. The other  
16 one's moved back into my house, brought her kids and two dogs.  
17 My youngest son is in Flagstaff. He just graduated from NAU.  
18 THE COURT: All right. Have you, or anyone close to you  
19 ever been the victim of a crime or accused of a crime?  
20 PROSPECTIVE JUROR 124: No.  
21 THE COURT: Have you ever been a juror before?  
22 PROSPECTIVE JUROR 124: No. Just in [indiscernible].  
23 THE COURT: Did you get this far, or --  
24 PROSPECTIVE JUROR 124: I got this far --  
25 THE COURT: -- or close to this?

1 PROSPECTIVE JUROR 124: I came this far, and that was it.  
2 and that was it?

3 THE COURT: It was a thank you and you're excused.

4 PROSPECTIVE JUROR 124: Thank you for your service.

5 THE COURT: All right. Is there anything you've heard about  
6 this trial, that the lawyers have asked, that you believe is relevant, to  
7 your unique life experience, that you think the lawyers want to hear?

8 PROSPECTIVE JUROR 124: No, not really. But I have worked  
9 on electrical stuff.

10 THE COURT: Well, and I'm sure the lawyers will have follow-  
11 up on that, I appreciate that insight. My focus right now is, can you be  
12 fair?

13 PROSPECTIVE JUROR 124: Absolutely.

14 THE COURT: Can you be patient listen to the evidence and  
15 come to what you agree to be a fair and just decision based upon the  
16 evidence?

17 PROSPECTIVE JUROR 124: Yes, sir. Your Honor.

18 THE COURT: Can you work constructively with fellow jurors  
19 in deliberation?

20 PROSPECTIVE JUROR 124: Yes.

21 THE COURT: Plaintiff may inquire.

22 MR. KUDLER: Thank Your Honor.

23 Mr. Feustel, you're a GC?

24 PROSPECTIVE JUROR 124: Yes.

25 MR. KUDLER: Okay. And so you hire subcontractors?

1 PROSPECTIVE JUROR 124: Correct.

2 MR. KUDLER: Okay. Have you done any work here in the  
3 Valley?

4 PROSPECTIVE JUROR 124: Yes.

5 MR. KUDLER: Okay. What electrical companies have you  
6 worked with?

7 PROSPECTIVE JUROR 124: A variety of them, in the union,  
8 G&G Electric, Mohave, MD Electric, Hansen, McCann, or no, not Hansen,  
9 a whole -- there's a whole variety of electrical contractors, yes. Whoever  
10 gets this, the smaller bid.

11 MR. KUDLER: Did you ever work with an ILP?

12 PROSPECTIVE JUROR 124: Yes.

13 MR. KUDLER: You have worked for an ILP?

14 PROSPECTIVE JUROR 124: Uh-huh.

15 MR. KUDLER: Do you know Andrew?

16 PROSPECTIVE JUROR 124: I do not.

17 MR. KUDLER: Okay. And how about Mr. Myers?

18 PROSPECTIVE JUROR 124: Uh-huh.

19 MR. KUDLER: Okay. The bids that you do, I'm sure you've  
20 done change orders?

21 PROSPECTIVE JUROR 124: Yes.

22 MR. KUDLER: Are you working on brand new buildings or  
23 remodels, or both?

24 PROSPECTIVE JUROR 124: Mostly remodeled TIs, tenant  
25 improvements. We'll demo and bring it back to gray shale, and then

1 build it according to the architect.

2 MR. KUDLER: Okay. So there's preexisting electrical, but  
3 that may need to be modified?

4 PROSPECTIVE JUROR 124: They're usually all the time we  
5 demo all electrical and then bring it back to code.

6 MR. KUDLER: So you -- when you guys start, it's basically  
7 there's hot wires coming in from outside.

8 PROSPECTIVE JUROR 124: Yeah. We bring it all the way  
9 back to -- on the switch gear, and then rerun new home runs for new  
10 panels.

11 MR. KUDLER: I guess new store, new lighting --

12 PROSPECTIVE JUROR 124: Exactly.

13 MR. KUDLER: -- different setup, different rooms.

14 PROSPECTIVE JUROR 124: And most stores are over ten  
15 years old, so their code is gone, so you have to bring it up.

16 MR. KUDLER: Okay. And that's a matter of, because there's  
17 a new building there --

18 PROSPECTIVE JUROR 124: Correct.

19 MR. KUDLER: -- and new business? Okay. Okay. Did you  
20 train your son?

21 PROSPECTIVE JUROR 124: I did not.

22 MR. KUDLER: Okay.

23 PROSPECTIVE JUROR 124: He's actually a four-year  
24 apprentice in the union right now.

25 MR. KUDLER: Okay.

1 PROSPECTIVE JUROR 124: He's been in it for seven years.

2 MR. KUDLER: And you work with journeymen and master  
3 electricians?

4 PROSPECTIVE JUROR 124: Yes. All the time.

5 MR. KUDLER: Okay. Do you ever have them work on stuff  
6 hot?

7 PROSPECTIVE JUROR 124: If they need to, yes. But most of  
8 the time it's not.

9 MR. KUDLER: Okay. But there are times that it needs to be  
10 hot?

11 PROSPECTIVE JUROR 124: Usually. Yes.

12 MR. KUDLER: Okay. That's all I have. Pass for cause, Your  
13 Honor.

14 THE COURT: Defense may inquire.

15 MR. A. GIOVANNIELLO: So I keep thinking I don't need this  
16 thing. Mr. Feustel, being that you're a general contractor you're kind of  
17 on the other side of what my client is, do you think you could be fair to  
18 my client?

19 PROSPECTIVE JUROR 124: Absolutely.

20 MR. A. GIOVANNIELLO: Okay. And you have worked on hot  
21 panels yourself?

22 PROSPECTIVE JUROR 124: Yes.

23 MR. A. GIOVANNIELLO: Okay. What would be the reason  
24 you work on a hot panel?

25 PROSPECTIVE JUROR 124: That you can't turn it down. For

1 example?

2 MR. A. GIOVANNIELLO: Which is?

3 PROSPECTIVE JUROR 124: Well, you can, if you saw -- the  
4 moist -- the only time you really need to really work on a hot panel is if  
5 you -- if you shut it down and it affects something that needs to stay  
6 running.

7 MR. A. GIOVANNIELLO: Okay.

8 PROSPECTIVE JUROR 124: Most of the time, 90 percent of  
9 the time you're able to shut it down, but there are occasions where you  
10 can't shut it down, and you must then use the proper procedures and the  
11 PPE, and -- and to be safe. And then you work on the panel as fast as  
12 you can.

13 MR. A. GIOVANNIELLO: What are all the proper procedures?

14 PROSPECTIVE JUROR 124: Well, you have to have your  
15 proper PPE. You have your OSHA; you have your safety. You dress  
16 accordingly. You're in a flash suit, whatnot, the electricians they take all  
17 prior priority as far as safety is number one. So they're -- they don't --  
18 well, especially with the properties out here, after the MGM fire,  
19 everything is very, very safety conscious. OSHA's on our side and they  
20 don't want anything to happen.

21 MR. A. GIOVANNIELLO: Okay. And you mentioned OSHA,  
22 so you're aware of OSHA?

23 PROSPECTIVE JUROR 124: Yes, I -- I hold an OSHA 30  
24 certificate.

25



1 MR. A. GIOVANNIELLO: Oh, okay. And you're aware of  
2 regulations that OSHA issues concerning safety for working on a hot  
3 panel?

4 PROSPECTIVE JUROR 124: Yes.

5 MR. A. GIOVANNIELLO: Okay. And you aware of arc  
6 flashes?

7 PROSPECTIVE JUROR 124: I have never seen one, but I've  
8 heard of them? Yes.

9 MR. A. GIOVANNIELLO: Okay. All right. You've never had  
10 in your work as -- in your work in any of these panels, you were never  
11 subject to an arc flash?

12 PROSPECTIVE JUROR 124: I never have personally, no. I've  
13 been zapped a couple times, but nothing -- nothing major

14 MR. A. GIOVANNIELLO: Sounds to me like all electricians  
15 get zapped a couple times.

16 PROSPECTIVE JUROR 124: Well, you're not doing right if  
17 you're not zapped, because it humbles you every time you do it.

18 MR. A. GIOVANNIELLO: About how many times do you think  
19 you've been zapped?

20 PROSPECTIVE JUROR 124: More than I can count on my  
21 fingers.

22 MR. A. GIOVANNIELLO: Okay. Sort of I guess for the trade,  
23 right?

24 PROSPECTIVE JUROR 124: You can get used to it.

25 MR. A. GIOVANNIELLO: All for the course for the trade?

1 PROSPECTIVE JUROR 124: Exactly. Okay. Okay. I have no  
2 further question, Your Honor; pass for cause.

3 THE COURT: We're moving on to Ms. Quigley, Badge 134,  
4 chair 17. Ms. Quigley, ow long have you been in Clark County?

5 PROSPECTIVE JUROR 134: Six, seven years.

6 THE COURT: And what do you do for a living?

7 PROSPECTIVE JUROR 134: I -- I'm not working now.

8 THE COURT: What kind of work do you do when you're in  
9 your chosen profession?

10 PROSPECTIVE JUROR 134: I was working for 1199  
11 investment department.

12 THE COURT: And what did you do for that organization?

13 PROSPECTIVE JUROR 134: I was a manager nine. Oh, wow.  
14 With the other colleagues, and \$9 billion.

15 THE COURT: So you, if I understood correctly, you were you  
16 were part of a team that manage funds?

17 PROSPECTIVE JUROR 134: Yes.

18 THE COURT: And you're not doing that now?

19 PROSPECTIVE JUROR 134: No.

20 THE COURT: How far did you go in school?

21 PROSPECTIVE JUROR 134: MBA.

22 THE COURT: MBA. Are you married, single or in a  
23 significant relationship?

24 PROSPECTIVE JUROR 134: I'm married.

25 THE COURT: What does your spouse do?

1 PROSPECTIVE JUROR 134: He's a substitute teacher now.  
2 THE COURT: For CCSP?  
3 PROSPECTIVE JUROR 134: Uh-huh.  
4 THE COURT: Do you have any children?  
5 PROSPECTIVE JUROR 134: No.  
6 THE COURT: Have you or anyone close to, ever been the  
7 victim of a crime, or accused of a crime?  
8 PROSPECTIVE JUROR 134: I was a -- a crime, but nothing  
9 had to do with this.  
10 THE COURT: So you were a victim of crime?  
11 PROSPECTIVE JUROR 134: Uh-huh. Yeah.  
12 THE COURT: It had nothing to do with what we're talking  
13 about here?  
14 PROSPECTIVE JUROR 134: Yeah, no.  
15 THE COURT: Is that as far as you'd like to go on that issue?  
16 PROSPECTIVE JUROR 134: Yeah.  
17 THE COURT: Is there anything about that experience that  
18 might impact your ability to be a fair juror?  
19 PROSPECTIVE JUROR 134: No.  
20 THE COURT: Did that experience ever require you to go to  
21 Court, or testify in Court?  
22 PROSPECTIVE JUROR 134: No, just report to police, that's  
23 all.  
24 THE COURT: Okay. Have you -- I apologize if I already asked,  
25 but I don't think I did. Have you ever served as a juror before?

1 PROSPECTIVE JUROR 134: Yes.  
2 THE COURT: Civil or criminal?  
3 PROSPECTIVE JUROR 134: Criminal.  
4 THE COURT: Without telling us what the verdict was in that  
5 case, was that jury able to reach a verdict?  
6 PROSPECTIVE JUROR 134: Yes.  
7 THE COURT: Were you the foreperson of that jury?  
8 PROSPECTIVE JUROR 134: No.  
9 THE COURT: Okay. You understand that the burdens of  
10 proof and the instructions are different between civil and criminal, and  
11 I'll explain that to you, what the burdens and responsibilities are here.  
12 PROSPECTIVE JUROR 134: Uh-huh.  
13 THE COURT: Does that make sense to you?  
14 PROSPECTIVE JUROR 134: Yeah.  
15 THE COURT: Is there anything about that experience, the  
16 prior jury service that might impact your ability to serve your  
17 community, again in this role?  
18 PROSPECTIVE JUROR 134: No.  
19 THE COURT: Good. You've heard the lawyers ask many  
20 questions. Is there any insight you can offer them, now, that will help  
21 them understand where you come from, your unique life experience?  
22 PROSPECTIVE JUROR 134: Yeah. I just have one thing I  
23 think I raised a hand for, but I don't know it's relevant. Because we lived  
24 -- when we just moved to Vegas, we lived the Sky Las Vegas.  
25 THE COURT: Yeah.

1 PROSPECTIVE JUROR 134: That building, and that building  
2 is such a mess. And we lived there for one year. We got two flood, and  
3 so I have some bias against the contractor, or, you know, and then we  
4 went to like battles. We didn't -- eventually we didn't go to the Court, but  
5 we -- we moved out away. So --

6 THE COURT: Okay. So if I understand you correctly you  
7 were frustrated with how the property owner or manager dealt with  
8 you --

9 PROSPECTIVE JUROR 134: Yeah.

10 THE COURT: -- in your struggles to live your life in that --

11 PROSPECTIVE JUROR 134: Yeah.

12 THE COURT: In that building?

13 PROSPECTIVE JUROR 134: Yeah.

14 THE COURT: And ultimately it sounds like it was so  
15 frustrating -- or might have been so frustrating to you, that you had to  
16 move?

17 PROSPECTIVE JUROR 134: Yeah.

18 THE COURT: Did it have to do with electrical? You said  
19 "flood," I heard flood. Anything --

20 PROSPECTIVE JUROR 134: Yeah. It's -- it's flood, nothing to  
21 do with the electrical.

22 THE COURT: Was anybody ultimately hurt as a consequence  
23 of how you were treated there? Like you had to -- or you had to file a  
24 lawsuit of some sort?

25 PROSPECTIVE JUROR 134: We eventually didn't file a

1 lawsuit, we just moved away, because it, we -- our apartment got flood  
2 twice, and there was a lot of corruption in there. So --

3 THE COURT: So the HOA, or something you were frustrated  
4 with?

5 PROSPECTIVE JUROR 134: Not just that, the builders.

6 THE COURT: Okay. You've listened to the questions I've  
7 asked, both you and other fellow jurors, potential jurors. You've listened  
8 to the lawyers. Based upon your unique life experience, do you believe  
9 that you can, if sworn to do so, listen to the evidence presented in this  
10 trial and come to what you view to be a fair decision?

11 PROSPECTIVE JUROR 134: I'm going to try.

12 THE COURT: You're going to try?

13 PROSPECTIVE JUROR 134: Uh-huh.

14 THE COURT: Okay. Plaintiff, you may inquire.

15 MR. KUDLER: Thank you, Your Honor.

16 Ms. Quigley, I just wanted to make sure I'm certain on this.  
17 Were you the first owner of that unit?

18 PROSPECTIVE JUROR 134: No.

19 MR. KUDLER: Okay. Because you had mentioned it, it  
20 sounded like you were having an issue with the way the contractor  
21 performed and built the unit?

22 PROSPECTIVE JUROR 134: Yeah. Because that building was  
23 seven year old, and I live in New York. I have, you know, I live in the  
24 building, and I live in building for 10 years, nothing happens. And that  
25 building's seven year old, and I would live there for two -- one -- one or

1 two years, in the flood twice.

2 MR. KUDLER: Okay.

3 PROSPECTIVE JUROR 134: And something's -- and I heard  
4 rumor, I have no proof, but I heard something's going on.

5 MR. KUDLER: Okay. And your issue was with the way that it  
6 was built, the construction people, as opposed to the way it was  
7 managed?

8 PROSPECTIVE JUROR 134: Eventually we sue the  
9 construction, and they -- they pay -- they didn't pay me individually, but  
10 they pay the buildings.

11 MR. KUDLER: Okay. So there was a construction defect --

12 PROSPECTIVE JUROR 134: Uh-huh.

13 MR. KUDLER: -- claim being -- claim made?

14 PROSPECTIVE JUROR 134: Yeah.

15 MR. KUDLER: And then that settled at some point --

16 PROSPECTIVE JUROR 134: Yeah.

17 MR. KUDLER: -- and the construction company, or their  
18 insurance?

19 PROSPECTIVE JUROR 134: But, yeah, it didn't help me,  
20 because when I was living there it was -- I had to go to my insurance to  
21 claim everything and --

22 MR. KUDLER: Right.

23 PROSPECTIVE JUROR 134: And when we bring up these  
24 things, and they get suppressed by the Board, and by the lawyer, or  
25 whatever, you know.

1 MR. KUDLER: Okay. So there was an issue with the Board --  
2 PROSPECTIVE JUROR 134: Yeah. Yeah.  
3 MR. KUDLER: -- in not helping you get this resolved.  
4 PROSPECTIVE JUROR 134: Yeah.  
5 MR. KUDLER: Did you have to like leave the apartment after  
6 the flood to take care of clean up and water removal and all that stuff?  
7 PROSPECTIVE JUROR 134: No, I live in that.  
8 MR. KUDLER: Okay.  
9 PROSPECTIVE JUROR 134: That situation for like two or  
10 three week.  
11 MR. KUDLER: Okay. Did they do any mold remediation or  
12 anything like that?  
13 PROSPECTIVE JUROR 134: No. I have to pay -- use my  
14 insurance to pay all this --  
15 MR. KUDLER: Right.  
16 PROSPECTIVE JUROR 134: -- [indiscernible] there. I have to  
17 call --  
18 MR. KUDLER: Right. But at some point they did mold  
19 remediation, whether it was --  
20 PROSPECTIVE JUROR 134: Yeah.  
21 MR. KUDLER: -- just putting fans in there.  
22 PROSPECTIVE JUROR 134: Yes.  
23 MR. KUDLER: Or --  
24 PROSPECTIVE JUROR 134: I had to, yeah. I had to do that.  
25 MR. KUDLER: Okay. Did they have to open holes in the



1 walls, to make sure they were dry?

2 PROSPECTIVE JUROR 134: Yes. Yes. They, they was going,  
3 but that that's another nightmare. They want to take it every single piece  
4 of it, and when they put together never be the same.

5 MR. KUDLER: Right.

6 PROSPECTIVE JUROR 134: So --

7 MR. KUDLER: So they wanted to pull all the drywall off?

8 PROSPECTIVE JUROR 134: Yeah. All the like vanity and all  
9 the stuff that was -- that was nightmare.

10 MR. KUDLER: Was there -- do you know if there was actually  
11 a lawsuit with construction defect?

12 PROSPECTIVE JUROR 134: I think if they -- they paid out, the  
13 lawsuit is done, we moved away 2016. So the lawsuit got done, I think at  
14 2017 or 2018 --

15 MR. KUDLER: Okay.

16 PROSPECTIVE JUROR 134: -- or something like that.

17 MR. KUDLER: Did anybody take your deposition, or give you  
18 any written questions to do?

19 PROSPECTIVE JUROR 134: No. Actually no, it -- that year  
20 was a -- was a nightmare. We -- I think my husband went to the  
21 mediation of the -- you know, between the HOA or the Government; that  
22 was no help either. So we -- afterwards we just say, you know, we just --  
23 we just moved.

24 MR. KUDLER: Other than that. Whether or not there was  
25 actually the lawsuit filed, have you been involved in any, any other

1 lawsuits?

2 PROSPECTIVE JUROR 134: No.

3 MR. KUDLER: Okay. Ever been injured, like in a car accident  
4 or a fall?

5 PROSPECTIVE JUROR 134: No.

6 MR. KUDLER: Okay. How about your husband?

7 PROSPECTIVE JUROR 134: No.

8 MR. KUDLER: Okay. I may have missed this. Do you have  
9 kids?

10 PROSPECTIVE JUROR 134: No.

11 MR. KUDLER: Okay. You say your husband's a substitute  
12 teacher now; what did he do before?

13 PROSPECTIVE JUROR 134: He's a financial advisor.

14 MR. KUDLER: Okay. It's kind of the same thing you did?

15 PROSPECTIVE JUROR 134: Yeah. It's different. I'm manager  
16 money there. I'm in the salary base. He's a financial advisor --

17 MR. KUDLER: Right.

18 PROSPECTIVE JUROR 134: He's a commission base.

19 MR. KUDLER: Okay. And he's dealing face-to-face with the  
20 customers?

21 PROSPECTIVE JUROR 134: Yes.

22 MR. KUDLER: And you're making sure that people like him  
23 are dealing face-to-face with the customer?

24 PROSPECTIVE JUROR 134: Well, I -- I work for 1199, which is  
25 a union, so they -- they taking the union, I managing the pension funds.

1 MR. KUDLER: Okay. So you're making sure that --  
2 PROSPECTIVE JUROR 134: The pension funds --  
3 MR. KUDLER: -- the money's going to be there when the  
4 guy's retired.  
5 PROSPECTIVE JUROR 134: Right.  
6 MR. KUDLER: Okay. Thank you for your time, Ms. Quigley.  
7 Your Honor, I pass for cause.  
8 THE COURT: Defense may inquire.  
9 MR. A. GIOVANNIELLO: Ms. Quigley, do you listen to the  
10 news?  
11 PROSPECTIVE JUROR 134: Do I listen to news?  
12 MR. A. GIOVANNIELLO: Yeah.  
13 PROSPECTIVE JUROR 134: We don't have a cable, but I  
14 listen podcasts, and you know, sometimes some news, yeah.  
15 MR. A. GIOVANNIELLO: Oh, so, you --  
16 PROSPECTIVE JUROR 134: Local news --  
17 MR. A. GIOVANNIELLO: -- mostly podcasts?  
18 PROSPECTIVE JUROR 134: Mostly. Yeah.  
19 MR. A. GIOVANNIELLO: Okay. Do you have an iPhone?  
20 PROSPECTIVE JUROR 134: I do.  
21 MR. A. GIOVANNIELLO: Do you -- Ms., do you watch or read  
22 the news from your iPhone?  
23 PROSPECTIVE JUROR 134: Yeah, I do.  
24 MR. A. GIOVANNIELLO: Okay. And you heard a lot of the --  
25 do you remember some of the questions I've been asking?

1 PROSPECTIVE JUROR 134: Yeah, I don't do electric, but  
2 except my husband's not very handy. So sometimes I try to --

3 MR. A. GIOVANNIELLO: It sounds familiar.

4 PROSPECTIVE JUROR 134: Yeah. So -- so he's -- like, I'm  
5 getting [indiscernible]. Sometimes I look at, you know, some electric,  
6 like at electric pop, or pops. I go, and I just pop back --

7 MR. A. GIOVANNIELLO: Okay.

8 PROSPECTIVE JUROR 134: -- we have a switch.

9 MR. A. GIOVANNIELLO: So if you have a problem with that,  
10 would you just call somebody in?

11 PROSPECTIVE JUROR 134: Yeah.

12 MR. A. GIOVANNIELLO: Okay. Have you ever been to a  
13 nursing home?

14 PROSPECTIVE JUROR 134: No.

15 MR. A. GIOVANNIELLO: No. Know anybody, anybody in the  
16 nursing home?

17 PROSPECTIVE JUROR 134: No.

18 MR. A. GIOVANNIELLO: Okay. Do you think it would be fair  
19 to my clients?

20 PROSPECTIVE JUROR 134: Do I think I would be fair to  
21 client?

22 MR. A. GIOVANNIELLO: Yeah. To me, the Defense on this  
23 side?

24 PROSPECTIVE JUROR 134: Yeah. I think I -- I --

25 MR. A. GIOVANNIELLO: You think, or, you know?

1 PROSPECTIVE JUROR 134: I -- I just have to -- I -- I think I  
2 will.

3 MR. A. GIOVANNIELLO: Okay. You hesitated there, so  
4 you're kind of making me nervous; why did you hesitate?

5 PROSPECTIVE JUROR 134: Well, I mean, I'm going to try, I'm  
6 going to try to be fair to your client.

7 MR. A. GIOVANNIELLO: Okay. All right. Thank you.  
8 Pass for cause.

9 THE COURT: Moving on to chair 18, badge 135. Is it --

10 PROSPECTIVE JUROR 135: Mike is fine.

11 THE COURT: Thank you. How long have you been in Clark  
12 County?

13 PROSPECTIVE JUROR 135: Two or three years.

14 THE COURT: And what do you do for a living?

15 PROSPECTIVE JUROR 135: Construction manager working  
16 for a casino right now as an owner's rep, on the project management  
17 side.

18 THE COURT: Okay. How far did you go in school?

19 PROSPECTIVE JUROR 135: I graduated with construction  
20 management with a Bachelor's, and then did some post-graduate with --  
21 towards my MBA.

22 THE COURT: Are you married, single or in a significant  
23 relationship?

24 PROSPECTIVE JUROR 135: Married with two step-kids; 9 and  
25 13.

1 THE COURT: So they're home, they're not in the world on  
2 their own?

3 PROSPECTIVE JUROR 135: They're currently living with their  
4 father, moving in with us the middle of the summer.

5 THE COURT: Okay. Have you or anyone close to you ever  
6 been the victim of a crime or accused of a crime?

7 PROSPECTIVE JUROR 135: My uncle was -- had a run-in with  
8 a law back in early '90s.

9 THE COURT: Anything about the nature of that difficulty that  
10 might impact your ability to be a fair juror?

11 PROSPECTIVE JUROR 135: Not at all.

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

13 PROSPECTIVE JUROR 135: No, sir.

14 THE COURT: You've heard the questions ask and answered.  
15 You're kind of the back end of this whole effort today. You work in a  
16 field that's of interest obviously to the lawyers.

17 PROSPECTIVE JUROR 135: Yes, sir.

18 THE COURT: Can you offer any insight and kind of take them  
19 where they might need to go?

20 PROSPECTIVE JUROR 135: I've worked on, I think all levels  
21 of the construction from the contractor, subcontractor and owner side,  
22 working for the boss, to the bosses to all ends. I do my own home stuff  
23 that's anything in the 120 range. I put a -- I'll install, a fan I'll change the  
24 plugs, but if I did hire electrician when we needed a 270 for our hot tub  
25 ran, I wasn't going to play with the junction box.

1 THE COURT: What about the nursing home concerns and  
2 the discussion?

3 PROSPECTIVE JUROR 135: Had a grandmother in the  
4 nursing home and grandfather in the nursing home, he since passed.

5 THE COURT: What about involved in litigation? Has your  
6 personal professional life taken you to court at all? .

7 PROSPECTIVE JUROR 135: First time in a courtroom, sir.

8 THE COURT: Okay. Based upon everything you've heard  
9 here; do you believe that you can be fair to both sides?

10 PROSPECTIVE JUROR 135: Yes, sir.

11 THE COURT: Do you believe you can be patient, listen to the  
12 evidence and deliberate the case with fellow jurors, and come to that fair  
13 decision?

14 PROSPECTIVE JUROR 135: Yes, sir.

15 THE COURT: Plaintiff, you may inquire.

16 MR. KUDLER: Thank you, Your Honor.

17 The paper here said, "architecture and engineering."

18 PROSPECTIVE JUROR 135: Close enough.

19 MR. KUDLER: Okay. Yeah, I just, I just wanted to see --

20 PROSPECTIVE JUROR 135: It's -- construction management  
21 is what the degree was in.

22 MR. KUDLER: Okay. And so you're onsite?

23 PROSPECTIVE JUROR 135: Yes, sir.

24 MR. KUDLER: Okay. And now you work for --

25 PROSPECTIVE JUROR 135: I work for a consultant company

1 that's hired by Fountain Blue. So I'm on -- I'm on site, full-time as an  
2 owner's rep for design and construction for them.

3 MR. KUDLER: Okay. So you're basically protecting the  
4 owner's interest?

5 PROSPECTIVE JUROR 135: Yes, sir.

6 MR. KUDLER: Okay. And you're making sure that everything  
7 is being followed?

8 PROSPECTIVE JUROR 135: Yes, sir.

9 MR. KUDLER: Okay. You don't want to end up with a mess,  
10 like they had down the south end of the strip, where they had to implode  
11 the building?

12 PROSPECTIVE JUROR 135: Yes, sir.

13 MR. KUDLER: You obviously work with electricians?

14 PROSPECTIVE JUROR 135: Yes, sir.

15 MR. KUDLER: Okay. And you work -- well, let me ask you,  
16 have you ever worked with ILP?

17 PROSPECTIVE JUROR 135: No, sir.

18 MR. KUDLER: Okay. Do you work with any of the other  
19 companies in town?

20 PROSPECTIVE JUROR 135: Yes, sir.

21 MR. KUDLER: Which companies, can you recall?

22 PROSPECTIVE JUROR 135: Currently Bombard Electric, is on  
23 site with us, and other electricians. Actually, most electricians that's,  
24 who I've been in contact with. They've been on, honestly, the -- when  
25 I've been on the owner's side, those have been the three -- the three