

Case Nos. 85525 & 85656

**In the Supreme Court of Nevada**

UNITED HEALTHCARE INSURANCE COMPANY;  
UNITED HEALTH CARE SERVICES, INC.; UMR, INC.;  
SIERRA HEALTH AND LIFE INSURANCE COMPANY,  
INC.; and HEALTH PLAN OF NEVADA, INC.,

Appellants,

*vs.*

FREMONT EMERGENCY SERVICES (MANDAVIA),  
LTD.; TEAM PHYSICIANS OF NEVADA-MANDAVIA,  
P.C.; and CRUM STEFANKO AND JONES, LTD.,

Respondents.

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Case No. 85525

UNITED HEALTHCARE INSURANCE COMPANY;  
UNITED HEALTH CARE SERVICES, INC.; UMR, INC.;  
SIERRA HEALTH AND LIFE INSURANCE COMPANY,  
INC.; and HEALTH PLAN OF NEVADA, INC.,

Petitioners,

*vs.*

THE EIGHTH JUDICIAL DISTRICT COURT of the State  
of Nevada, in and for the County of Clark; and the  
Honorable NANCY L. ALLF, District Judge,

Respondents,

*vs.*

FREMONT EMERGENCY SERVICES (MANDAVIA),  
LTD.; TEAM PHYSICIANS OF NEVADA-MANDAVIA,  
P.C.; and CRUM STEFANKO AND JONES, LTD.,

Real Parties in Interest.

Case No. 85656

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325	Defendants' Reply in Support of Motion to Retax Costs	05/04/22	69	17,122–17,150
457	Defendants' Reply in Support of Motion to Seal Certain Confidential Trial Exhibits (Filed Under Seal)	01/05/22	126	31,259–31,308
37	Defendants' Reply in Support of Their Supplemental Brief in Support of Their Motions to Dismiss Plaintiff's First Amended Complaint	06/03/20	6	1340–1349
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225	Defendants’ Response to TeamHealth Plaintiffs’ Trial Brief Regarding Defendants’ Prompt Pay Act Jury Instruction Re: Failure to Exhaust Administrative Remedies	11/16/21	40	9799–9806
12	Defendants’ Statement of Removal	05/30/19	1	123–126
33	Defendants’ Supplemental Brief in Support of Their Motion to Dismiss Plaintiffs’ First Amended Complaint Addressing Plaintiffs’ Eighth Claim for Relief	05/26/20	5	1173–1187
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481	Exhibits P473_NEW, 4002, 4003, 4005, 4006, 4166, 4168, 4455, 4457, 4774, and 5322 to “Appendix B to Order Granting in Part and Denying in Part Defendants’ Motion to Seal Certain Confidential Trial Exhibits” (Tabs 98, 106, 107, 108, 109, 111, 112, 113, 114, 118, and 119) (Filed Under Seal)	10/07/22	142	35,243–35,247
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326	Health Care Providers’ Reply in Support of Motion for Attorneys’ Fees	05/04/22	69	17,151–17,164
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167	Media Request and Order Allowing Camera Access to Court Proceedings (Dolcefino Communications, LLC)	10/28/21	28 28	6992–6997
168	Media Request and Order Allowing Camera Access to Court Proceedings (Dolcefino Communications, LLC)	10/28/21	28 29	6998–7000 7001–7003
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434	Motion to Seal Certain Confidential Trial Exhibits (Filed Under Seal)	12/13/21	111	27,401–27,495
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128	Notice of Entry of Order Affirming and Adopting Report and Recommendation No. 7 Regarding Defendants' Motion to Compel Responses to Defendants' Amended Third Set of Request for Production of Documents and Overruling Objection	09/16/21	19	4727–4747
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154	Notice of Entry of Order Denying Defendants' Motion for Order to Show Cause Why Plaintiffs Should not be Held in Contempt for Violating Protective Order	10/14/21	22	5309–5322
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173	Notice of Entry of Order Denying Defendants' Motion in Limine No. 3 to Allow Reference to Plaintiffs' Decision Making Processes Regarding Setting Billed Charges	11/01/21	29	7064–7075
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175	Notice of Entry of Order Denying Defendants' Motion in Limine No. 12, Paired with Motion in Limine No. 11, to Preclude Plaintiffs from Discussing Defendants' Approach to Reimbursement	11/01/21	29	7088–7099
176	Notice of Entry of Order Denying Defendants' Motion in Limine No. 5 Regarding Argument or Evidence that Amounts TeamHealth Plaintiffs Billed for Services are Reasonable [An Alternative Motion to Motion in Limine No. 6]	11/01/21	29	7100–7111
177	Notice of Entry of Order Denying Defendants' Motion in Limine No. 7 to Authorize Defendants to Offer Evidence of the Costs of the Services that Plaintiffs Provided	11/01/21	29	7112–7123
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181	Notice of Entry of Order Denying Defendants' Motion in Limine No. 13 Motion to Authorize Defendants to Offer Evidence Relating to Plaintiffs' Collection Practices for Healthcare Claims	11/01/21	29	7160–7171
182	Notice of Entry of Order Denying Defendants' Motion in Limine No. 14: Motion Offered in the Alternative MIL No. 13 to Preclude Plaintiffs from Contesting Defendants' Defenses Relating to Claims that were Subject to a Settlement Agreement Between CollectRx and Data iSight; and Defendants' Adoption of Specific Negotiation Thresholds for Reimbursement Claims Appealed or Contested by Plaintiffs	11/01/21	29	7172–7183
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185	Notice of Entry of Order Denying Defendants' Motion in Limine No. 20 to Exclude Defendants' Lobbying Efforts	11/01/21	29	7208–7219
186	Notice of Entry of Order Denying Defendants' Motion in Limine No. 24 to Preclude Plaintiffs from Referring to Themselves as Healthcare Professionals	11/01/21	29	7220–7231
187	Notice of Entry of Order Denying Defendants' Motion in Limine No. 27 to Preclude Evidence of Complaints Regarding Defendants' Out-Of-Network Rates or Payments	11/01/21	29	7232–7243
188	Notice of Entry of Order Denying Defendants' Motion in Limine No. 29 to Preclude Evidence Only Relating to Defendants' Evaluation and Development of a Company that Would Offer a Service Similar to Multiplan and Data iSight	11/01/21	29 30	7244–7250 7251–7255
189	Notice of Entry of Order Denying Defendants' Motion in Limine No. 32 to Exclude Evidence or Argument Relating to Materials, Events, or Conduct that Occurred on or After January 1, 2020	11/01/21	30	7256–7267
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293	Notice of Entry of Order Denying Defendants' Motion to Apply Statutory Cap on Punitive Damages	03/09/22	53	13,179–13,197
62	Notice of Entry of Order Denying Defendants' Motion to Compel Production of Clinical Documents for the At-Issue Claims and Defenses and to Compel Plaintiff to Supplement Their NRCP 16.1 Initial Disclosures on Order Shortening Time	10/27/20	11	2671–2683
78	Notice of Entry of Order Denying Defendants' Motion to Compel Responses to Defendants' First and Second Requests for Production on Order Shortening Time	02/04/21	15	3703–3713
193	Notice of Entry of Order Denying Defendants' Motion to Strike Supplement Report of David Leathers	11/01/21	30	7355–7366
353	Notice of Entry of Order Denying Defendants' Renewed Motion for Judgment as a Matter of Law	10/12/22	73	18,087–18,114
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203	Notice of Entry of Order Granting Defendants' Motion in Limine No. 25	11/04/21	33	8104–8115
204	Notice of Entry of Order Granting Defendants' Motion in Limine No. 37	11/04/21	33	8116–8127
205	Notice of Entry of Order Granting in Part and Denying in Part Defendants' Motion in Limine No. 9	11/04/21	33	8128–8140
206	Notice of Entry of Order Granting in Part and Denying in Part Defendants' Motion in Limine No. 21	11/04/21	33	8141–8153
207	Notice of Entry of Order Granting in Part and Denying in Part Defendants' Motion in Limine No. 22	11/04/21	33	8154–8165
341	Notice of Entry of Order Granting in Part and Denying in Part Defendants' Motion to Retax Costs	08/02/22	71	17,726–17,739
358	Notice of Entry of Order Granting in Part and Denying in Part Defendants' Motion to Seal Certain Confidential Trial Exhibits	10/18/22	75 76	18,609–18,750 18,751–18,755
215	Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs' Motion in Limine to Exclude Evidence Subject to the	11/12/21	37	9162–9173

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242	Notice of Entry of Order Granting Plaintiffs' Motion for Leave to File Supplemental Record in Opposition to Arguments Raised for the First Time in Defendants' Reply in Support of Motion for Partial Summary Judgment	11/19/21	44	10,954–10,963
192	Notice of Entry of Order Granting Plaintiffs' Motion in Limine to Exclude Evidence, Testimony And-Or Argument Regarding the Fact that Plaintiff have Dismissed Certain Claims	11/01/21	30	7292–7354
63	Notice of Entry of Order Granting Plaintiffs' Motion to Compel Defendants' List of Witnesses, Production of Documents and Answers to Interrogatories on Order Shortening Time	10/27/20	11	2684–2695
335	Notice of Entry of Order Granting Plaintiffs' Motion to Modify Joint Pretrial Memorandum Re: Punitive Damages on Order Shortening Time	06/29/22	71	17,594–17,609
281	Notice of Entry of Order Granting Plaintiffs' Proposed Schedule for Submission of Final Redactions	01/31/22	52	12,969–12,979
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102	Notice of Entry of Order of Report and Recommendation #6 Regarding Defendants' Motion to Compel Further Testimony from Deponents Instructed Not to Answer Question	05/26/21	17	4157–4165
22	Notice of Entry of Order Re: Remand	02/27/20	3	543–552
142	Notice of Entry of Order Regarding Defendants' Objection to Special Master's Report and Recommendation No. 11 Regarding Defendants' Motion to Compel Plaintiffs' Production of Documents about which Plaintiffs' Witnesses Testified on Order Shortening Time	09/29/21	21	5104–5114
66	Notice of Entry of Order Setting Defendants' Production & Response Schedule Re: Order Granting Plaintiffs' Motion to Compel Defendants' List of Witnesses, Production of Documents and Answers to Interrogatories on Order Shortening Time	11/09/20	12	2775–2785
285	Notice of Entry of Order Shortening Time for Hearing Re: Plaintiffs' Motion to Unlock Certain Admitted Trial Exhibits	02/14/22	53	13,029–13,046
354	Notice of Entry of Order Unsealing Trial Transcripts and Restoring Public Access to Docket	10/12/22	73	18,115–18,125
86	Notice of Entry of Report and Recommendation #1	03/16/21	16	3887–3894
120	Notice of Entry of Report and Recommendation #11 Regarding Defendants' Motion to Compel Plaintiffs' Production of Documents About Which Plaintiffs'	08/11/21	18	4487–4497

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95	Notice of Entry of Report and Recommendation #3 Regarding Defendants' Motion to Compel Responses to Defendants' Second Set of Requests for Production on Order Shortening Time	04/15/21	17	4080–4091
104	Notice of Entry of Report and Recommendation #7 Regarding Defendants' Motion to Compel Plaintiffs' Responses to Defendants' Amended Third Set of Requests for Production of Documents	06/03/21	17	4173–4184
41	Notice of Entry of Stipulated Confidentiality and Protective Order	06/24/20	7	1517–1540
69	Notice of Entry of Stipulated Electronically Stored Information Protocol Order	01/08/21	12	2860–2874
289	Notice of Entry of Stipulation and Order Regarding Certain Admitted Trial Exhibits	02/17/22	53	13,074–13,097
360	Notice of Entry of Stipulation and Order Regarding Expiration of Temporary Stay for Sealed Redacted Transcripts	10/25/22	76	18,759–18,769
282	Notice of Entry of Stipulation and Order Regarding Schedule for Submission of Redactions	02/08/22	52	12,980–12,996
111	Notice of Entry Report and Recommendations #9 Regarding Pending Motions	07/01/21	18	4313–4325

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361	Notice of Filing of Writ Petition	11/17/22	76	18,770–18855
24	Notice of Intent to Take Default as to: (1) Defendant UnitedHealth Group, Inc. on All Claims; and (2) All Defendants on the First Amended Complaint's Eighth Claim for Relief	03/13/20	3 4	699–750 751
324	Notice of Posting <i>Supersedeas</i> Bond	04/29/22	69	17,114–17,121
10	Notice of Removal to Federal Court	05/14/19	1	42–100
333	Notice of Supplemental Attorneys Fees Incurred After Submission of Health Care Providers' Motion for Attorneys Fees	06/24/22	70 71	17,470–17,500 17,501–17,578
291	Objection to Plaintiffs' Proposed Judgment and Order Denying Motion to Apply Statutory Cap on Punitive Damages	03/04/22	53	13,161–13,167
345	Objection to Plaintiffs' Proposed Orders Denying Renewed Motion for Judgment as a Matter of Law and Motion for New Trial	09/13/22	72	17,941–17,950
377	Objection to R&R #11 Regarding United's (Filed Under Seal) Motion to Compel Documents About Which Plaintiffs' Witnesses Testified (Filed Under Seal)	08/25/21	84 85	20,864–20,893 20,894–20,898
320	Opposition to Defendants' Motion to Retax Costs	04/13/22	68	16,856–16,864
153	Opposition to Plaintiffs' Motion in Limine to Exclude Evidence, Testimony and/or Argument Regarding the Fact that Plaintiffs have Dismissed Certain Claims and Parties on Order Shortening Time	10/12/21	22	5301–5308



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415	Plaintiffs’ Combined Opposition to Defendants Motions in Limine 1, 7, 9, 11 & 13 (Filed Under Seal)	09/29/21	104	25,786–25,850
416	Plaintiffs’ Combined Opposition to Defendants’ Motions in Limine No. 2, 8, 10, 12 & 14 (Filed Under Seal)	09/29/21	104	25,851–25,868
145	Plaintiffs’ Motion for Leave to File Second Amended Complaint on Order Shortening Time	10/04/21	21	5170–5201
422	Plaintiffs’ Motion for Leave to File Supplemental Record in Opposition to Arguments Raised for the First Time in Defendants’ Reply in Support of Motion for Partial Summary Judgment (Filed Under Seal)	10/17/21	108	26,664–26,673
378	Plaintiffs’ Motion in Limine to Exclude Evidence Subject to the Court’s Discovery Orders (Filed Under Seal)	09/21/21	85	20,899–20,916
380	Plaintiffs’ Motion in Limine to Exclude Evidence, Testimony and/or Argument Relating to (1) Increase in Insurance Premiums (2) Increase in Costs and (3) Decrease in Employee Wages/Benefits Arising from Payment of Billed Charges (Filed Under Seal)	09/21/21	85	21,077–21,089
149	Plaintiffs’ Motion in Limine to Exclude Evidence, Testimony and-or Argument	10/08/21	22	5265–5279

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363	Plaintiffs' Motion to Compel Defendants' List of Witnesses, Production of Documents and Answers to Interrogatories on Order Shortening Time (Filed Under Seal)	09/28/20	78	19,144–19,156
49	Plaintiffs' Motion to Compel Defendants' Production of Claims File for At-Issue Claims, or, in the Alternative, Motion in Limine on Order Shortening Time	08/28/20	7 8	1685–1700 1701–1845
250	Plaintiffs' Motion to Modify Joint Pretrial Memorandum Re: Punitive Damages on Order Shortening Time	11/22/21	47	11,594–11,608
194	Plaintiffs' Notice of Amended Exhibit List	11/01/21	30	7367–7392
208	Plaintiffs' Notice of Deposition Designations	11/04/21	33 34	8166–8250 8251–8342
152	Plaintiffs' Objections to Defendants' Pretrial Disclosures	10/08/21	22	5295–5300
328	Plaintiffs' Opposition to Defendants' Motion for New Trial	05/04/22	69 70	17,179–17,250 17,251–17,335
420	Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment (Filed Under Seal)	10/05/21	107	26,498–26,605
327	Plaintiffs' Opposition to Defendants' Motion for Remittitur and to Alter or Amend the Judgment	05/04/22	69	17,165–17,178
144	Plaintiffs' Opposition to Defendants' Motion in Limine No. 24 to Preclude Plaintiffs from Referring to Themselves as Healthcare Professionals	09/29/21	21	5155–5169
143	Plaintiffs' Opposition to Defendants' Motion	09/29/21	21	5115–5154

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	in Limine Nos. 3, 4, 5, 6 Regarding Billed Charges			
279	Plaintiffs' Opposition to Defendants' Motion to Apply Statutory Cap on Punitive Damages and Plaintiffs' Cross Motion for Entry of Judgment	01/20/22	52	12,773–12,790
374	Plaintiffs' Opposition to Defendants' Motion to Compel Plaintiffs' Production of Documents About Which Plaintiffs' Witnesses Testified on Order Shortening Time (Filed Under Seal)	07/06/21	84	20,699–20,742
25	Plaintiffs' Opposition to Defendants' Motion to Dismiss	03/26/20	4	752–783
34	Plaintiffs' Opposition to Defendants' Motion to Dismiss First Amended Complaint	05/29/20	5 6	1188–1250 1251–1293
349	Plaintiffs' Opposition to Defendants' Motion to Redact Portions of Trial Transcript	10/07/22	72	17,990–17,993
278	Plaintiffs' Opposition to Defendants' Motion to Seal Courtroom During January 12, 2022 Hearing	01/12/22	52	12,769–12,772
369	Plaintiffs' Opposition to Defendants' Motion to Supplement the Record Supporting Objections to Reports and Recommendations #2 and #3 on Order Shortening Time (Filed Under Seal)	06/01/21	81 82	20,066–20,143 20,144–20,151
329	Plaintiffs' Opposition to Defendants' Renewed Motion for Judgment as a Matter of Law	05/05/22	70	17,336–17,373
317	Plaintiffs' Opposition to Defendants' Rule 62(b) Motion for Stay	04/07/22	68	16,826–16,831
35	Plaintiffs' Opposition to Defendants' Supplemental Brief in Support of Their Motion to Dismiss Plaintiffs' First Amended	05/29/20	6	1294–1309

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83	Plaintiffs' Opposition to Motion for Reconsideration of Order Denying Defendants' Motion to Compel Plaintiffs Responses to Defendants' First and Second Requests for Production	03/04/21	16	3833–3862
55	Plaintiffs' Opposition to Motion to Compel Production of Clinical Documents for the At-Issue Claims and Defenses and to Compel Plaintiff to Supplement Their NRCP 16.1 Initial Disclosures on an Order Shortening Time	09/29/20	9-10	2224–2292
72	Plaintiffs' Opposition to Motion to Compel Responses to Defendants' First and Second Requests for Production on Order Shortening Time	01/12/21	14	3420–3438
122	Plaintiffs' Opposition to United's Motion for Order to Show Cause Why Plaintiffs Should Not Be Held in Contempt and Sanctioned for Allegedly Violating Protective Order	08/24/21	19	4528–4609
270	Plaintiffs' Opposition to United's Motion to Seal	12/29/21	50	12,323–12,341
222	Plaintiffs' Proposed Jury Instructions (Contested)	11/15/21	38 39	9496–9500 9501–9513
260	Plaintiffs' Proposed Second Phase Jury Instructions and Verdict Form	12/06/21	49	12,064–12,072
243	Plaintiffs' Proposed Special Verdict Form	11/19/21	44	10,964–10,973
227	Plaintiffs' Proposed Verdict Form	11/16/21	40	9810–9819
84	Plaintiffs' Renewed Motion for Order to Show Cause Why Defendants Should Not Be Held in Contempt and for Sanctions	03/08/21	16	3863–3883

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364	Plaintiffs' Reply in Support of Renewed Motion for Order to Show Cause Why Defendants Should Not Be Held in Contempt and for Sanctions (Filed Under Seal)	04/01/21	78	19,157–19,176
366	Plaintiffs' Response to Defendants Objection to the Special Master's Report and Recommendation No. 2 Regarding Plaintiffs' Objection to Notice of Intent to Issue Subpoena Duces Tecum to TeamHealth Holdings, Inc. and Collect Rx, Inc. Without Deposition and Motion for Protective Order (Filed Under Seal)	04/19/21	78 79	19,389–19,393 19,394–19,532
195	Plaintiffs' Response to Defendants' Objection to Media Requests	11/01/21	30	7393–7403
371	Plaintiffs' Response to Defendants' Objection to Report and Recommendation #6 Regarding Defendants' Motion to Compel Further Testimony from Deponents Instructed Not to Answer Questions (Filed Under Seal)	06/16/21	82	20,212–20,265
376	Plaintiffs' Response to Defendants' Objection to Special Master Report and Recommendation No. 9 Regarding Defendants' Renewed Motion to Compel Further Testimony from Deponents Instructed not to Answer Questions (Filed Under Seal)	07/22/21	84	20,751–20,863
110	Plaintiffs' Response to Defendants' Objection to Special Master's Report and Recommendation #7 Regarding Defendants' Motion to Compel Responses to Amended	06/24/21	18	4281–4312

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	Third Set of Request for Production of Documents			
367	Plaintiffs' Response to Defendants' Objection to the Special Master's Report and Recommendation No. 3 Regarding Defendants' Motion to Compel Responses to Defendants' Second Set of Request for Production on Order Shortening Time (Filed Under Seal)	05/05/21	79	19,533–19,581
426	Plaintiffs' Response to Defendants' Trial Brief Regarding Evidence and Argument Relating to Out-of-State Harms to Non-Parties (Filed Under Seal)	11/08/21	109	26,965–26,997
246	Plaintiffs' Second Supplemental Jury Instructions (Contested)	11/20/21	46	11,255–11,261
261	Plaintiffs' Supplement to Proposed Second Phase Jury Instructions	12/06/21	49	12,072–12,077
236	Plaintiffs' Supplemental Jury Instruction (Contested)	11/17/21	42	10,308–10,313
248	Plaintiffs' Third Supplemental Jury Instructions (Contested)	11/21/21	46	11,267–11,272
216	Plaintiffs' Trial Brief Regarding Defendants' Prompt Payment Act Jury Instruction Re: Failure to Exhaust Administrative Remedies	11/12/21	37	9174–9184
223	Plaintiffs' Trial Brief Regarding Punitive Damages for Unjust Enrichment Claim	11/15/21	39	9514–9521
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428	Preliminary Motion to Seal Attorneys' Eyes Documents Used at Trial (Filed Under Seal)	11/11/21	109	27,004–27,055
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31	Recorder's Transcript of Hearing All Pending Motions	05/15/20	5	1022–1026
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90	Recorder's Transcript of Hearing All Pending Motions	03/25/21	16	3967–3970
96	Recorder's Transcript of Hearing All Pending Motions	04/21/21	17	4092–4095
82	Recorder's Transcript of Hearing Defendants' Motion to Extend All Case Management Deadlines and Continue Trial Setting on Order Shortening Time (Second Request)	03/03/21	16	3824–3832
101	Recorder's Transcript of Hearing Motion for Leave to File Opposition to Defendants' Motion to Compel Responses to Second Set of Requests for Production on Order Shortening Time in Redacted and Partially Sealed Form	05/12/21	17	4155–4156
107	Recorder's Transcript of Hearing Motion for Leave to File Plaintiffs' Response to Defendants' Objection to the Special Master's Report and Recommendation No. 3 Regarding Defendants' Second Set of Request for Production on Order Shortening Time in Redacted and Partially Sealed Form	06/09/21	17	4224–4226
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224	Recorder's Transcript of Jury Trial – Day 12	11/15/21	39 40	9522–9750 9751–9798
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166	Recorder's Transcript of Jury Trial – Day 4	10/28/21	28	6775–6991
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68	Recorder's Transcript of Proceedings Re: Motions (via Blue Jeans)	12/30/20	12	2839–2859
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331	Reply in Support of Defendants’ Renewed Motion for Judgment as a Matter of Law	06/22/22	70	17,386–17,411
332	Reply in Support of Motion for New Trial	06/22/22	70	17,412–17,469
87	Reply in Support of Motion for Reconsideration of Order Denying Defendants’ Motion to Compel Plaintiffs Responses to Defendants’ First and Second Requests for Production	03/16/21	16	3895–3909
344	Reply in Support of Supplemental Attorney’s Fees Request	08/22/22	72	17,935–17,940
229	Reply in Support of Trial Brief Regarding Evidence and Argument Relating to Out-Of-State Harms to Non-Parties	11/16/21	41	10,116–10,152
318	Reply on “Defendants’ Rule 62(b) Motion for Stay Pending Resolution of Post-Trial Motions” ( <i>on Order Shortening Time</i> )	04/07/22	68	16,832–16,836
245	Response to Plaintiffs’ Trial Brief Regarding Punitive Damages for Unjust Enrichment Claim	11/19/21	45 46	11,242–11,250 11,251–11,254

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231	Special Verdict Form	11/16/21	41	10,169–10,197
257	Special Verdict Form	11/29/21	49	12,035–12,046
265	Special Verdict Form	12/07/21	49	12,150–12,152
6	Summons – Health Plan of Nevada, Inc.	04/30/19	1	29–31
9	Summons – Oxford Health Plans, Inc.	05/06/19	1	38–41
8	Summons – Sierra Health and Life Insurance Company, Inc.	04/30/19	1	35–37
7	Summons – Sierra Health-Care Options, Inc.	04/30/19	1	32–34
3	Summons - UMR, Inc. dba United Medical Resources	04/25/19	1	20–22
4	Summons – United Health Care Services Inc. dba UnitedHealthcare	04/25/19	1	23–25
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440	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 2 of 18 (Filed Under Seal)	12/24/21	114 115	28,291–28,393 28,394–28,484
441	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 3 of 18 (Filed Under Seal)	12/24/21	115 116	28,485–28,643 28,644–28,742
442	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 4 of 18 (Filed Under Seal)	12/24/21	116 117	28,743–28,893 28,894–28,938
443	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 5 of 18 (Filed Under Seal)	12/24/21	117	28,939–29,084
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445	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 7 of 18 (Filed Under Seal)	12/24/21	118	29,220–29,384
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448	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial	12/24/21	120 121	29,728–29,893 29,894–29,907

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450	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 12 of 18 (Filed Under Seal)	12/24/21	121 122	30,052–30,143 30,144–30,297
451	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 13 of 18 (Filed Under Seal)	12/24/21	122 123	30,298–30,393 30,394–30,516
452	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 14 of 18 (Filed Under Seal)	12/24/21	123 124	30,517–30,643 30,644–30,677
453	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 15 of 18 (Filed Under Seal)	12/24/21	124	30,678–30,835
454	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 16 of 18 (Filed Under Seal)	12/24/21	124 125	30,836–30,893 30,894–30,952
455	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 17 of 18 (Filed Under Seal)	12/24/21	125	30,953–31,122
456	Supplemental Appendix of Exhibits to Motion to Seal Certain Confidential Trial Exhibits – Volume 18 of 18 (Filed Under Seal)	12/24/21	125 126	30,123–31,143 31,144–31,258

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160	Transcript of Proceedings Re: Motions	10/22/21	24 25	5908–6000 6001–6115
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460	Transcript of Proceedings Re: Motions (Filed Under Seal)	01/20/22	127 128	31,597–31,643 31,644–31,650
461	Transcript of Proceedings Re: Motions (Filed Under Seal)	01/27/22	128	31,651–31,661
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323	Transcript of Proceedings Re: Motions Hearing	04/21/22	69	17,102–17,113
336	Transcript of Proceedings Re: Motions Hearing	06/29/22	71	17,610–17,681
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39	Transcript of Proceedings, All Pending Motions	06/09/20	6	1385–1471
46	Transcript of Proceedings, Plaintiff's Motion to Compel Defendants' Production of Unredacted MultiPlan, Inc. Agreement	07/29/20	7	1644–1663
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492	Transcript Re: Proposed Jury Instructions	11/21/21	146	36,086–36,250
425	Trial Brief Regarding Evidence and Argument Relating to Out-of-State Harms to Non-Parties (Filed Under Seal)	10/31/21	109	26,953–26,964
232	Trial Brief Regarding Jury Instructions on Formation of an Implied-In-Fact Contract	11/16/21	41	10,198–10,231
233	Trial Brief Regarding Jury Instructions on Unjust Enrichment	11/16/21	41	10,232–10,248
484	Trial Exhibit D5499 (Filed Under Seal)		142 143	35,264–35,393 35,394–35,445
362	Trial Exhibit D5502		76 77	18,856–19,000 19,001–19,143
485	Trial Exhibit D5506 (Filed Under Seal)		143	35,446
372	United's Motion to Compel Plaintiffs' Production of Documents About Which Plaintiffs' Witnesses Testified on Order Shortening Time (Filed Under Seal)	06/24/21	82	20,266–20,290
112	United's Reply in Support of Motion to Compel Plaintiffs' Production of Documents About Which Plaintiffs' Witnesses Testified	07/12/21	18	4326–4340



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**CERTIFICATE OF SERVICE**

I certify that on April 18, 2023, I submitted the foregoing appendix for filing *via* the Court's eFlex electronic filing system.

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1 PROSPECTIVE JUROR 308: I understand.

2 THE COURT: -- not right for this case. You have every ability  
3 to be a juror if you want to. I don't want you to think that's foreclosed  
4 from you. But this is not going to be the case for you. And please accept  
5 my apologetic -- apology that you got embarrassed today. That's my  
6 fault.

7 PROSPECTIVE JUROR 308: I'm okay.

8 THE COURT: Thank you. And at this time, you're free to  
9 leave. You're free.

10 PROSPECTIVE JUROR 308: I'm excused? Okay.

11 THE COURT: Yes. You're excused.

12 MR. ZAVITSANOS: Thank you very much, ma'am.

13 PROSPECTIVE JUROR 308: I'm so sorry.

14 MR. ZAVITSANOS: Thank you for trying, ma'am.

15 PROSPECTIVE JUROR 308: I'm so sorry.

16 MR. ROBERTS: Thank you very much. Have a great day.

17 PROSPECTIVE JUROR 308: Thank you.

18 THE COURT: Okay. So the next person we bring up will be  
19 the last person on panel two.

20 MR. BLALACK: I think we're in qualification land, Your  
21 Honor.

22 MR. ROBERTS: Your Honor, if they have a motion on Juror  
23 badge number 346, Ozoa, I think we'd be in a position to stipulate to that.

24 MR. ZAVITSANOS: I'm sorry, which one?

25 MR. ROBERTS: Ozoa.

1 MR. ZAVITSANOS: 346?

2 MR. ROBERTS: 346. Yes. Are we okay with that?

3 MR. ZAVITSANOS: Yes, Your Honor.

4 THE COURT: Let me just find it then.

5 MR. ROBERTS: I think given the Court's view of *Khoury* and  
6 *Jitnan* I think we might as well stipulate to that.

7 THE COURT: All right. So Ms. Tat has been excused, and  
8 Ms. Ozoa, 346. You guys want five minutes?

9 MR. ZAVITSANOS: Your Honor, I -- Mr. McManis actually  
10 had a pretty good suggestion. So I'll let him kind of address it. And  
11 obviously, we'll -- it's at the Court's discretion, obviously. But go ahead,  
12 please.

13 MR. MCMANIS: Yes, Your Honor. I -- just in an effort to  
14 hopefully move things along a little bit more quickly tomorrow, and  
15 because these jurors have been sitting here for a long time, if the Court  
16 was all right with it, I thought it might make sense to release this group  
17 for the day and take up hardships with the third panel so that tomorrow  
18 we can jump right into it. Just not yet.

19 THE COURT: Thank you.

20 MR. ZAVITSANOS: Because I'm probably -- Your Honor, I'm  
21 probably 20 minutes away from being done. But if other people are  
22 going to get excused, then, you know.

23 THE COURT: Do you want to then excuse everyone but the  
24 last set here of the -- of the old people?

25 MR. ZAVITSANOS: I thought Mr. McManis' suggestion made

1 sense to take up the hardships in the event -- because --

2 THE COURT: Oh.

3 MR. ZAVITSANOS: -- because we still have -- we obviously  
4 still have Mr. Roberts, and he may get some people struck for cause.

5 THE COURT: So panels one and two would be excused for  
6 the day to come back tomorrow, and we deal with hardships on panel  
7 three?

8 MR. ZAVITSANOS: That's the suggestion, Your Honor.

9 THE COURT: Any objection to that approach?

10 MR. ROBERTS: No, Your Honor. But I do have a slight  
11 modification --

12 THE COURT: Sure.

13 MR. ROBERTS: -- I'd like to propose. And that is that  
14 someone on panel one, who we'd be requiring to come back tomorrow,  
15 is badge number 401, Santoyo, top, first row to the left. And she stated  
16 that she's already picked a side, the Plaintiffs', leaning toward Plaintiffs.  
17 Believes the doctors should get paid. Also, had a problem with her  
18 teacher insurance. I think applying the same standard to her as we did to  
19 Badge 161 and 217, the Court's probably heard enough. And she can't  
20 come back from that at this point.

21 And since she does have a breast cancer appointment  
22 tomorrow at 3:50, if the Court was inclined to dismiss her, perhaps now  
23 would be the time to deal with it. But we can deal with it in the morning  
24 since her appointment's not until the afternoon. I just thought I'd raise it  
25 in the hopes that we might have a stipulation, Your Honor.

1 MR. ZAVITSANOS: Your Honor, we vigorously disagree.  
2 She was very clear that she could be fair. She did say she's a breast  
3 cancer survivor, and she had issues, but she was clear as a bell that she  
4 could be fair, and neither side was starting out ahead.

5 THE COURT: Hang on. Let me just find her because I make  
6 notes, too.

7 MR. ZAVITSANOS: Yes, Your Honor.

8 THE COURT: Too many lists over here. She did state that  
9 she thinks she can be fair, but her insurance doesn't reimburse her fairly.  
10 So let's revisit that tomorrow, and she can come back in the morning.

11 All right. So everybody from panel one and panel two is  
12 excused for the day to be back here at 9:30?

13 MR. ROBERTS: Yes, Your Honor.

14 THE COURT: Okay. Marshal Allen, is he in the room? I think  
15 somebody from the Plaintiffs' side just went out in the hall to see Mr.  
16 Allen.

17 MS. LUNDVALL: And Your Honor, one additional thing.  
18 With many of the new people that have been called to the box, they  
19 haven't been asked their length of time in the community, their  
20 employment --

21 THE COURT: Oh, I know.

22 MS. LUNDVALL: -- things --

23 THE COURT: We haven't --

24 MS. LUNDVALL: -- things of that nature.

25 THE COURT: -- they haven't even been sworn yet.

1 MS. LUNDVALL: Precisely. Or qualified by which to serve.  
2 So we should probably do that before we return to Plaintiff counsel for  
3 questioning.

4 [Pause]

5 THE COURT: Okay. So Marshal Allen --

6 THE MARSHAL: Your Honor, I have so many more hardships  
7 that --

8 THE COURT: We're going to get to that.

9 THE MARSHAL: Okay.

10 THE COURT: So what we're going to do is we're going to  
11 excuse panels one and two and bring everybody from three in here.  
12 Everybody in panel one and two has to be back here tomorrow at 9:30.  
13 You can tell them that.

14 THE MARSHAL: Everyone that was in this courtroom this  
15 morning?

16 THE COURT: No. Everybody on panel one and two. The  
17 people who joined us today only need to be put in this courtroom. Do  
18 you want me to go over it with them?

19 THE MARSHAL: Yes, please.

20 THE COURT: All right. So let's bring in everybody from  
21 panel one and two, so that it's -- everything's clear on the record to  
22 them.

23 [Pause]

24 [Prospective Jury in at 4:02 p.m.]

25 THE COURT: Thanks, everyone. You may be seated.



1                   Okay. So for everyone who joined us earlier this week, this --  
2 will be excused from -- not -- the people who joined us today have to  
3 stay for the rest of the afternoon so we can look at your schedules. But  
4 for everyone else who has been here this week, and that would be  
5 through Ozoa -- so the group starting with Valles -- or Vayas [sic], will  
6 stay. The rest of you will be excused for today but will come back  
7 tomorrow.

8                   And in the meantime, too, Ms. Ozoa, 401, we are going to ask  
9 you to stand. We're going to thank you and excuse you for coming to  
10 jury service. You won't be selected for this jury. Doesn't mean you don't  
11 qualify to be on one. But we thank you for being willing to serve your  
12 community.

13                  And to all of you, I apologize, I did not realize Ms. Tat had a  
14 language barrier, and I caused her embarrassment. So please, I ask for  
15 your -- I just feel terrible about that because she was embarrassed. So  
16 anyway, so is everybody clear about coming back tomorrow at 9:30?

17                  PROSPECTIVE JURORS: Yes.

18                  MR. ROBERTS: Your Honor?

19                  THE COURT: Yes?

20                  MR. ROBERTS: If I may. I apologize for interrupting.

21                  THE COURT: Yes.

22                  MR. ROBERTS: I may -- I believe you may have misspoken  
23 on Ms. Ozoa's badge number. Her badge number is 346.

24                  THE COURT: 346. Sorry for the confusion. Okay. Good  
25 enough.

1 MR. ROBERTS: Sorry.

2 THE COURT: So Ms. Ozoa, 346. And please don't be  
3 offended that you won't be selected for this jury. But we all wish you the  
4 best and thank you for coming.

5 All right. So you guys are excused. And the Marshal will --  
6 anybody -- the names starting -- who came today, the marshal will help  
7 seat you. And we'll try to go through this procedure about availability.  
8 You guys may --

9 THE MARSHAL: That's pretty much everyone here.

10 THE COURT: You're excused for the day. See you  
11 tomorrow. Have a good night, everybody.

12 THE MARSHAL: What time, Your Honor?

13 THE COURT: 9:30.

14 MR. ROBERTS: Has everyone in the box been sworn?

15 THE COURT: Yes.

16 MR. ROBERTS: Everyone has?

17 THE COURT: Yes.

18 MR. ROBERTS: Okay.

19 THE COURT: Ms. Ozoa is the last person on the second  
20 panel.

21 MR. ROBERTS: Fair enough. Thank you, Your Honor.

22 THE MARSHAL: See you back at 9:30.

23 THE COURT: All right. So let's --

24 THE MARSHAL: I will put them in order, but Your Honor,  
25 how about Mr. Leonard in the wheelchair? How do you want me to put

1 him?

2 THE COURT: Where -- a place where he can see everyone, or  
3 I'd say in front of --

4 THE MARSHAL: In the corner by the counselors?

5 THE COURT: No, because we have to have a lane. I'd put  
6 him in front of this row.

7 THE MARSHAL: In front of this row.

8 THE COURT: Yes, or remove that chair.

9 THE MARSHAL: Okay. Well, move this chair, Your Honor,  
10 I'm just going to put him right here.

11 THE COURT: Whatever works for you.

12 THE MARSHAL: All right.

13 THE COURT: All right, guys.

14 THE MARSHAL: Come on up here, sir.

15 PROSPECTIVE JUROR 020: Right here?

16 THE MARSHAL: Yes.

17 THE COURT: Thank you, sir.

18 PROSPECTIVE JUROR 020: No problem.

19 THE MARSHAL: And Your Honor, he's number 4.

20 THE COURT: And your name and badge?

21 PROSPECTIVE JUROR 020: 020, Leopold.

22 THE COURT: Leonard Leopold?

23 PROSPECTIVE JUROR 020: Yes, ma'am.

24 THE COURT: 20?

25 PROSPECTIVE JUROR 020: Yes, ma'am.

1 THE COURT: Thank you.

2 [Pause]

3 THE COURT: Okay. Can you go get the other people from  
4 3A? Can you get the people from 3A?

5 THE MARSHAL: Yes, ma'am.

6 THE COURT: Thank you. And I'm sure you've already heard  
7 my bad joke about when you watch a trial on TV it takes an hour with  
8 commercials? So thank you very much for your patience with the  
9 process. It's not that we're -- we lack respect for your time, just that we  
10 have to get it right.

11 [Pause]

12 THE COURT: Jury selection -- so that you guys know, jury  
13 selection should conclude by tomorrow afternoon, and if you're selected  
14 for the jury the trial should start Monday.

15 UNIDENTIFIED PROSPECTIVE JUROR: Monday?

16 THE COURT: Monday morning.

17 UNIDENTIFIED PROSPECTIVE JUROR: That's what I heard  
18 and wanted confirmation.

19 [Pause]

20 THE COURT: All right, guys. Everything takes longer.

21 UNIDENTIFIED SPEAKER: It's nice to stand up, Your Honor.

22 [Pause]

23 THE MARSHAL: All rise for the jury.

24 [Prospective jurors in at 4:16 p.m.]

25 [Pause]

1 THE MARSHAL: Fill in all the seats, even though it says do  
2 not sit, fill in the seat, please. Sit in all the seats. Even though it says do  
3 not sit. Fill it in. Fill in the seats, please. Fill in the seat. Fill in the seat.  
4 And then sir, you just go in the back. That's everyone, Your Honor.

5 THE COURT: Thank you. Everyone, please be seated. So let  
6 me start by thanking you all for your patience today. We couldn't get to  
7 you until now, but you've been sent here to serve potentially as jurors in  
8 a case named Freemont Emergency Services - Mandavia, LTD, a Nevada  
9 professional corporation, Team Physicians of Nevada - Mandavia, P.C., a  
10 Nevada professional corporation, Crum, Stefanko and Jones, LTD. Db  
11 Ruby Crest Emergency Medicine, vs. United Healthcare Insurance  
12 Company, a Connecticut corporation, United Health Care Services Inc.,  
13 dba United Healthcare, a Minnesota corporation, UMR Inc., dba United  
14 Medical Resources, a Delaware corporation, Sierra Health and Life  
15 Insurance Company Inc., a Nevada Corporation, and Health Plan of  
16 Nevada Inc., a Nevada Corporation.

17 I'm going to ask that everyone stand to be sworn if you can,  
18 because the questions I'll ask you need to be done under oath.

19 THE CLERK: Stand if you can, raise your right hand.

20 [The prospective jurors were sworn]

21 THE CLERK: Thank you.

22 THE COURT: All right.

23 THE CLERK: Thank you.

24 THE COURT: So usually we have a lot of preliminaries with  
25 you. Because of the lateness of the day I'm just looking today to make

1 sure that you could be here tomorrow for jury selection, and if you're  
2 selected the jury trial will start Monday, and we expect it to go through  
3 Tuesday of Thanksgiving week, which is November 23rd. So the only  
4 question I'm going to ask, and I'm going to start with the back row in the  
5 order you sat down in, and Juror number 4 is out of order, but I will  
6 respect that -- that you are number four. I only need to know then is  
7 your name, badge number, and availability. So your name, please?

8 PROSPECTIVE JUROR 010: Valles, Kathyleen, 010.

9 THE COURT: Thank you.

10 THE MARSHAL: Speak into the mic.

11 THE COURT: Are you available to come back tomorrow?

12 PROSPECTIVE JUROR 010: Tomorrow, yes.

13 THE COURT: Okay. And how about Monday through the  
14 23rd of November?

15 PROSPECTIVE JUROR 010: Next Wednesday I have a  
16 medical appointment.

17 THE COURT: And what time?

18 PROSPECTIVE JUROR 010: It's 1:00.

19 THE COURT: Is it something you could easily reschedule?

20 PROSPECTIVE JUROR 010: I'm sorry?

21 THE COURT: Is it something you could easily reschedule?

22 PROSPECTIVE JUROR 010: I could try but it's a follow-up. I  
23 might have surgery on my wrist.

24 THE COURT: Can you let us know tomorrow?

25 PROSPECTIVE JUROR 010: Yes.

1 THE COURT: Thank you. Next person, name and badge  
2 number, please.

3 PROSPECTIVE JUROR 014: It's Tahtianna Forrester, badge  
4 number is 014.

5 THE COURT: Thank you.

6 PROSPECTIVE JUROR 014: I'm available all day.

7 THE COURT: Thank you. Next please?

8 PROSPECTIVE JUROR 015: William Barbee, 015, and I am  
9 available.

10 THE COURT: Thank you. On the -- from your left to right, in  
11 the next row, please? Mr. Leopold?

12 PROSPECTIVE JUROR 020: Yeah.

13 THE COURT: Number 4.

14 PROSPECTIVE JUROR 020: Yes, I'd be available tomorrow. I  
15 have an appointment next week, but I can make it -- I can probably  
16 change it to a Friday.

17 THE COURT: Let us know tomorrow.

18 PROSPECTIVE JUROR 020: That was my question earlier.

19 THE COURT: Very good. So let us tomorrow about your  
20 availability through the 23rd?

21 PROSPECTIVE JUROR 020: Okay.

22 THE COURT: Thank you. Next, please?

23 PROSPECTIVE JUROR 041: Michael Cabrales, badge number  
24 041. I am available.

25 THE COURT: Thank you. Our next person, please?

1 PROSPECTIVE JUROR 050: Leslie Gualajara, 050. I do have  
2 an appointment on Monday. I will let you know tomorrow.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR 055: Victor Nunez, 055. I'm available.

5 THE COURT: Thank you.

6 PROSPECTIVE JUROR 061: Maria Woehr, 061. I'm available.

7 THE COURT: Thank you. Will you pass the mic down,  
8 please?

9 PROSPECTIVE JUROR 063: My badge number is 063, it's  
10 Sandra Martinez, I'm available but my English not really good so --

11 THE COURT: Thank you for being honest. We can explore  
12 that later if we need to.

13 PROSPECTIVE JUROR 063: Oh, okay.

14 THE COURT: Thank you. I love the attitude here. So far,  
15 everybody's willing to serve the community.

16 PROSPECTIVE JUROR 064: My name is David Jones. My  
17 badge number 064, and I am available tomorrow.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR 064: I'm not sure about the next 30  
20 days or so or just through childcare and work, but I could be available for  
21 that, too.

22 THE COURT: Thank you, Mr. Jones. Our next person,  
23 please?

24 PROSPECTIVE JUROR 069: My name is Alora Labayog, my  
25 badge number is 069, I am not available tomorrow.



1 THE COURT: And without going into detail, do you have  
2 things that are planned?

3 PROSPECTIVE JUROR 069: I have to bring my kids to school

4 THE COURT: Are you like a stay at home mom or?

5 PROSPECTIVE JUROR 069: I work, too.

6 THE COURT: You work, too.

7 PROSPECTIVE JUROR 069: Yeah.

8 THE COURT: But you also need to get your kids to school?

9 PROSPECTIVE JUROR 069: Yeah. And I have to bring them  
10 to school, so I have to manage my time, work and school.

11 THE COURT: So we can explore that more tomorrow.

12 PROSPECTIVE JUROR 069: Okay.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR 069: Thank you.

15 PROSPECTIVE JUROR 071: 071, Janice Magsanoc. I'm  
16 available tomorrow, but my English is not that good either.

17 THE COURT: I'll make a real effort not to embarrass you if  
18 we get that far. So let's go to the next row, please?

19 PROSPECTIVE JUROR 084: My badge number is 084, 84, and  
20 I'm Elvira David. I'm available tomorrow, but I don't think I'm going to  
21 be fit in this trial because I can't doing [sic] public speaking, because I  
22 have a nervous breakdown, and when it comes to this point, I'm totally  
23 black out and I can't concentrate.

24 THE COURT: If you need privacy for any answer, let's leave it  
25 right there, and I'll consult with the lawyers about that before the end of

1 the day.

2 PROSPECTIVE JUROR 084: Okay.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR 085: My badge number is 85, I'm  
5 Ciar'a Rivas, I am available tomorrow, but for the next 30 days I might  
6 not be due to being in school fulltime.

7 THE COURT: Thank you.

8 PROSPECTIVE JUROR 091: Nicholas Melim, my badge  
9 number is 091, and I should be available.

10 THE COURT: Very good. Thank you. Next, please?

11 PROSPECTIVE JUROR 094: Yes, Paul Reese, 094, and I  
12 should be available.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR 100: Gerardo Aguilar, badge 100, I'll  
15 be -- I'll be available.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR 106: January Brooks, 106, I'm  
18 available tomorrow but for work it might be a tall ask for the month.

19 THE COURT: Have you touched based with your employers?  
20 You guys have all been provided letters for your employers, and I'm  
21 advised that my assistant has sent two to employers now. If anyone  
22 needs something for tomorrow, just ask and we'll provide it tomorrow.  
23 So look into that, Mr. Brooks, if you will, overnight.

24 PROSPECTIVE JUROR 136: Hi, I'm -- my number is 136, my  
25 name is Roberta Saiz, and I am scheduled to have a colonoscopy

1 tomorrow.

2 THE COURT: What time?

3 PROSPECTIVE JUROR 136: It's about 9:00. I don't know if I'd  
4 be able to change it. If I do change, it's going to be further on in the  
5 month.

6 THE COURT: All right. I'll confer with the lawyers about that  
7 before the end of the day.

8 PROSPECTIVE JUROR 136: Okay.

9 PROSPECTIVE JUROR 146: Hi, I'm Wendy Browne, I'm  
10 badge number 146. I could probably be here tomorrow. I'm a small  
11 business owner. I own a photography studio, and a small one, and I am  
12 booked through the whole rest of the month. I'd have to reschedule all  
13 those clients, and it could be a financial hardship for me. I could  
14 possibly lose them if they have to wait that long, but --

15 THE COURT: I'll confer with the lawyers today.

16 PROSPECTIVE JUROR 146: Thank you.

17 THE COURT: Next, please.

18 PROSPECTIVE JUROR 177: Sidney Belingheri, 177. I have  
19 three daughters' appointments scheduled in November.

20 THE COURT: You are age-exempt from jury service.

21 PROSPECTIVE JUROR 177: Thank you.

22 THE COURT: So I will confer with the lawyers about that.

23 PROSPECTIVE JUROR 177: Okay.

24 PROSPECTIVE JUROR 181: John Opsahl, 181. I can be here  
25 tomorrow, but I have to check with my cardiologist. I had open-heart

1 surgery about a year ago, so I try to keep that appointment, but I'll let  
2 you know.

3 THE COURT: Thank you very much.

4 PROSPECTIVE JUROR 082: Your Honor, my name is Xue  
5 Chen, 082.

6 THE COURT: And would you be available through November  
7 23rd?

8 PROSPECTIVE JUROR 082: I don't -- I don't know. I guess.

9 THE COURT: Okay. So do you work outside the home?

10 PROSPECTIVE JUROR 082: No, I don't work.

11 THE COURT: You don't work? You don't work?

12 PROSPECTIVE JUROR 082: I --

13 THE COURT: What is your first language?

14 PROSPECTIVE JUROR 082: Cantonese.

15 THE COURT: Cantonese?

16 PROSPECTIVE JUROR 082: Yeah.

17 THE COURT: Okay. And can you understand everything I've  
18 been saying so far?

19 PROSPECTIVE JUROR 082: No. I don't understand.

20 THE COURT: Thank you for your candor. I don't want to  
21 embarrass you. I'll confer with the lawyers before the end of the day.  
22 Next please?

23 PROSPECTIVE JUROR 209: Hi. My name is Alexander Baun,  
24 badge number 209. I am a college student.

25 THE COURT: What kind of college student?

1 PROSPECTIVE JUROR 209: Serious and part-time.

2 THE COURT: And what are your current hours for  
3 instruction?

4 PROSPECTIVE JUROR 209: Monday is going to be from nine  
5 to noon, and Tuesdays and Thursdays it is 11 to 12:30.

6 THE COURT: Thank you. All right. I'm going to take a  
7 moment to talk to the lawyers out in the hall. Thank you for your  
8 professional courtesy. We are not ignoring you, so please don't be  
9 offended that I didn't get to you yet.

10 [Sidebar at 4:29 p.m., ending at 4:32 p.m., not transcribed]

11 THE COURT: Thanks, everyone, for your professional  
12 courtesy. And this is just a little bit different than how we usually do it.  
13 But I need to give you an orientation to the job just in case you are  
14 selected as jurors.

15 My name is Nancy Allf. I'm the judge who's presiding over  
16 this case. Nicole is our court clerk, and Brynn is our court recorder. And  
17 because everything's being recorded, your phones have to be off in the  
18 courtroom. In the old days, we would bring water in, but I can't let you  
19 do that. Or you can have water, but we have to have our mouths and  
20 nose covered at all times in the courtroom due to the public health crisis.  
21 So thank you for understanding that. Because of that, we try to take  
22 frequent breaks, so you won't get dehydrated.

23 The way you communicate with us during jury selection, and  
24 if you're selected for the jury, is through our marshal, Marshal Allen.  
25 Because if you're selected for the jury, we only want you to listen to the

1 evidence and the testimony during the time of trial, we're not allowed to  
2 talk to you. So if I'm in the same elevator as you or on the escalator or in  
3 the hallway, I can smile and nod, but I don't want to do anything that  
4 might affect your verdict as a jury. So for all of us, we are being -- not  
5 being antisocial.

6 The other thing I ask is when you come tomorrow that you  
7 wear your juror tag. It will help you get through security faster. And  
8 then if you're selected for the jury, again, be careful not to talk to  
9 strangers in the hallway because if one of those people you talk you then  
10 comes in to testify, we wouldn't want you to be influenced except for  
11 what you hear and see in the courtroom.

12 So phones have to be off. We talked about letters for work.  
13 We talked about water. We do take frequent breaks. And so to do that --  
14 because we want to make sure -- these parties have some here for  
15 justice. It is the place they chose to resolve their dispute. And for that  
16 reason, we must respect that and give you them -- both sides equally  
17 fair.

18 Now, is there anyone in the room who is not a citizen of the  
19 U.S.? In the first row, I don't see any hands up. Second row? Third  
20 row? Front row? Front row?

21 Is anyone here not a U.S. citizen? Is anyone in the gallery got  
22 a citizen of the United States?

23 Okay. Is -- and if anyone needs privacy for any of these  
24 questions, just ask for it and we'll give it to you.

25 Is there anyone here who's been convicted of a felony and

1 has not had their civil rights restored? Because that would disqualify  
2 you from jury duty. I see no hands up.

3 Is there anyone here who has a religious or a philosophical  
4 belief that they should never sit in judgment of another person? And if  
5 so, I need to know that because the jury ultimately will determine the  
6 dispute between these parties. Anyone in the back row? Anyone in the  
7 second row? Third row? Fourth row? Fifth?

8 Anyone in the gallery have a belief that you could not stand  
9 in judgment?

10 Okay. Because ultimately our goal is to select a jury that --  
11 what we want is people who are open-minded, who are neutral, who are  
12 objective and unbiased in their thinking. And during the jury selection  
13 process, you'll be asked a lot of questions to see -- to make sure that you  
14 can be equally fair to both sides, and -- because we all have personal  
15 biases, we all have ideas based our family experience, our educational  
16 background, our political beliefs, our religious experience, and financial  
17 situations, and the fact that you have a certain bias or prejudice is not  
18 necessarily a bad thing, but it may affect your ability to be fair to both  
19 sides. And our goal is to find a jury that will be equally fair and weigh  
20 the evidence, and then follow the instructions that are given to you on  
21 the law at the end of the trial. And that's why we swore you under oath  
22 because we don't want you to hide anything. Again, we also don't want  
23 to embarrass you. So if a question is ever embarrassing, then you can  
24 let us know that.

25 So I'm going to talk a little bit about the importance of jury

1 service. This is the greatest system of justice the world has ever seen.  
2 And it's because you showed up today. Because you were willing to  
3 serve your community as a juror. You know, we all vote, and we all may  
4 participate in government, but serving on the jury is the ultimate way  
5 you can serve your community, because the justice system is the  
6 bedrock of a civilized society. And people need to come to court instead  
7 of using help -- self-help.

8           So the fact that you were willing to come is very impressive  
9 to me, and I thank you for your willingness to serve. Whether or not  
10 you're selected for the jury, please don't be offended. You won't be --  
11 don't feel rejected. Some people are just more suited for some kind --  
12 types of jury services or some types of cases.

13           So that all being said, I'm going to release you for the  
14 afternoon so that you're out of here by 5. And I have to give you an  
15 admonition with regard to what you can do or not do overnight. But  
16 please remember do not talk to anyone about the case. No social media  
17 with regard to jury selection process.

18           And during this recess, you're instructed do not talk with  
19 each other or anyone else on any subject connected with the trial. Don't  
20 read, watch, or listen to any report of or commentary on the trial, don't  
21 discuss this case with anyone connected to it by any medium of  
22 information, including, without limitation, newspapers, television, radio,  
23 Internet, cell phones, or texting.

24           Do not conduct any research on your own. Don't speculate  
25 about what it might be about. Don't speculate would who the witnesses



1 are. Don't speculate about the lawyers. And, in the meantime, don't  
2 consult dictionaries, use the Internet, or use reference materials. Don't,  
3 talk, text, Tweet, Google issues, or conduct any type of research with  
4 regard to any potential issue, party, witness, or attorney involved in the  
5 case. Most importantly, throughout the jury selection process, do not  
6 form or express any opinion on any subject connected with the trial  
7 unless you're selected for the jury and the matter is deliberated by the  
8 jury.

9 I really thank you for your kind attention and for that attitude  
10 with everyone being willing to be here. So thank you very much and see  
11 you tomorrow. 9:30. Please line up in the same order. 9:30.

12 [Marshal and Court confer]

13 THE COURT: Now, for tomorrow, some people are going to  
14 be excused tomorrow. Juror number 84, please stand. Juror 136, please  
15 stand. Juror 177, please stand. Juror 182, please stand. Juror 209,  
16 please stand. And Juror 85, please stand. All of you are going to be  
17 excused from serving on this jury for the reasons you gave us. It doesn't  
18 mean you're not qualified for a jury, but we respect your reasons, and  
19 we believe that it would be a hardship to ask you to serve. So thank you  
20 for your honesty today. You do not have to return tomorrow. You can  
21 leave now.

22 GROUP RESPONSE: Thank you.

23 THE COURT: Thank you. All right. The Court is in recess.  
24 You may leave.

25 THE MARSHAL: All rise for the jury.

1 [Prospective jurors out at 4:42 p.m.]

2 [Outside the presence of the prospective jurors]

3 THE COURT: You're pretty good with that.

4 UNIDENTIFIED SPEAKER: I've been doing it for a long time.  
5 Like two-and-a-half years ago.

6 THE COURT: Thanks, everyone. See you tomorrow.

7 MR. ROBERTS: Thank you, Your Honor.

8 MR. BLALACK: Thank you, Your Honor.

9 MR. ZAVITSANOS: Thank you, Your Honor. Are we  
10 excused?

11 THE COURT: Yep. Just one second. I want to go over just a  
12 housekeeping matter for tomorrow.

13 MR. ZAVITSANOS: Okay.

14 THE COURT: Now, the jurors weren't sure they could leave,  
15 so. So I'm going to propose tomorrow that we bring in panel 3 first for  
16 qualification. Although --

17 MR. ZAVITSANOS: I'm sorry, Your Honor?

18 THE COURT: I want to think about what to do tomorrow to  
19 be efficient with our time. Does it make sense to qualify more people on  
20 this panel? Because we just lost a couple. Why don't you guys talk  
21 about it overnight and let me know in the morning --

22 MR. ZAVITSANOS: Okay.

23 THE COURT: -- what you think the best thing is.

24 MR. ZAVITSANOS: Okay.

25 MR. ROBERTS: I'm inclined to move forward and then only

1 qualify the rest if we need them just because I think we more likely than  
2 not have enough. Maybe even clear and convincing have enough. And  
3 that might be more efficient.

4 THE COURT: Does that involve math? So --

5 MR. ZAVITSANOS: I'm going to put a feather on that.

6 MR. BLALACK: That's where I thought we were going,  
7 Your Honor.

8 THE COURT: Okay.

9 MR. BLALACK: A feather.

10 MR. ZAVITSANOS: But isn't beyond a reasonable doubt  
11 enough?

12 MR. BLALACK: Yeah.

13 THE COURT: So -- all right, guys. Confer on that in the  
14 morning and just let me know how you want to proceed.

15 MR. BLALACK: Okay. Thank you, Your Honor.

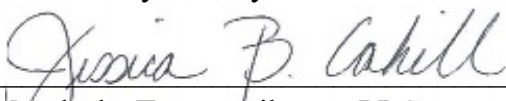
16 MR. ROBERTS: Thank you, Your Honor.

17 MR. ZAVITSANOS: Thank you, Your Honor.

18 MR. ROBERTS: I appreciate it.

19 [Proceedings adjourned at 4:43 p.m.]

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

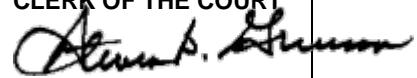
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25 Maukele Transcribers, LLC

Jessica B. Cahill, Transcriber, CER/CET-708

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RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES  
(MANDAVIS) LTD., ET AL.,

Plaintiffs,

vs.

UNITED HEALTHCARE  
INSURANCE COMPANY, ET AL.,

Defendants.

CASE#: A-19-792978-B

DEPT. XXVII

BEFORE THE HONORABLE NANCY ALLF  
DISTRICT COURT JUDGE  
THURSDAY, OCTOBER 28, 2021

**RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 4**

APPEARANCES:

For the Plaintiffs:

PATRICIA K. LUNDVALL, ESQ.  
JOHN ZAVITSANOS, ESQ.  
JASON S. MCMANIS, ESQ.  
JOSEPH Y. AHMAD, ESQ.  
KEVIN LEYENDECKER, ESQ.  
JANE ROBINSON, ESQ.

For the Defendants:

D. LEE ROBERTS, JR., ESQ.  
K. LEE BLALACK, ESQ.

RECORDED BY: BRYNN WHITE, COURT RECORDER

1 Las Vegas, Nevada, Thursday, October 28, 2021

2  
3 [Case called at 9:29 AM]

4 [Outside the presence of the prospective jurors]

5 THE MARSHAL: Department 27 is now in session, the  
6 Honorable Judge Alf presiding.

7 THE COURT: Thanks everyone. Please be seated.

8 Calling the case of Freemont Emergency v. United Healthcare  
9 Insurance Company. Appearances for the record, please.

10 MS. LUNDVALL: Good morning, Your Honor. Pat Lundvall  
11 of McDonald Carano on behalf of the healthcare providers.

12 MR. ZAVITSANOS: Good morning, Your Honor. John  
13 Zavitsanos on behalf of the healthcare providers.

14 MR. AHMAD: Mr. Ahmad, as well.

15 MR. LEYENDECKER: Good morning, Your Honor. Kevin  
16 Leyendecker.

17 MR. MCMANIS: Good morning, Your Honor. Jason  
18 McManis.

19 THE COURT: Thank you.

20 MR. BLALACK: Good morning, Your Honor. Lee Blalack on  
21 behalf of the Defendants.

22 MR. ROBERTS: Good morning, Your Honor. Lee Roberts,  
23 also on behalf of the Defendants.

24 THE COURT: Okay. All right, guys. So the observers in the  
25 gallery were upset and screamed at the Court and Marshal Allen

1 yesterday.

2 Have you guys gotten together to talk about how to proceed  
3 this morning? First, from the Plaintiff?

4 MR. ZAVITSANOS: No, Your Honor. We did not. We have  
5 had a lot of things we were trying to follow with charging everything. So  
6 may we confer for a couple minutes?

7 THE COURT: Please.

8 MR. ZAVITSANOS: And I think we can reach a consensus.

9 THE COURT: That would be great. Thank you.

10 MR. AHMAD: And Your Honor, in the meantime, just wanted  
11 to let the Court know we have Cole Sondrup as representative of the  
12 Plaintiffs here today.

13 THE COURT: The doctor told me yesterday he wouldn't be  
14 here. Welcome.

15 DR. SONDRUP: Thank you.

16 THE COURT: And I -- if you guys object to the candy being  
17 on the podium, I'll take it back.

18 [Pause]

19 THE COURT: So have you guys had a chance to talk?

20 MR. ZAVITSANOS: Yes, Your Honor. I think --

21 THE COURT: I think -- I think the Defendant -- are you still  
22 conferring on the issue?

23 MR. BLALACK: We're ready, Your Honor.

24 THE COURT: Okay.

25 MR. ZAVITSANOS: Yes, Your Honor. I think the consensus

1 is to take up the hardships first.

2 THE COURT: On panel 3?

3 MR. ZAVITSANOS: Yes.

4 THE COURT: Okay. Good enough. So as soon as Marshal  
5 Allen gives me the high sign, I'll direct him to bring in panel 3.

6 MR. BLALACK: Thank you, Your Honor.

7 [Pause]

8 MR. ZAVITSANOS: Your Honor, I was just reminded of  
9 something. If I may raise one issue, Your Honor? I was just reminded of  
10 one of the newer members who is in the box, I think it's Juror number  
11 401, if I recall correctly, has a doctor's appointment this afternoon --

12 THE COURT: Right.

13 MR. ZAVITSANOS: -- around 4:00?

14 THE COURT: Yeah. And that's this note.

15 MR. ZAVITSANOS: So yeah, I am just alerting the Court to  
16 that.

17 THE COURT: She said she needs to leave by 2:30.

18 MR. ZAVITSANOS: Yeah. Okay. I mean, I probably have,  
19 like I said, 20 minutes left, maybe 30 minutes. And so anyhow, I am just  
20 alerting the Court so that we're mindful of that.

21 THE COURT: Good enough. Thank you.

22 THE COURT RECORDER: And I am hearing some feedback,  
23 so there is a phone on or near a microphone.

24 THE COURT: And I am really sorry I had to call out your  
25 client yesterday about the phone.



1 MR. ZAVITSANOS: Oh, no.

2 THE COURT: Sorry.

3 MR. ZAVITSANOS: That was quite all right, Your Honor. It  
4 was an iPad, so it wasn't a phone. But yes. No, that was not a problem  
5 at all.

6 [Pause]

7 THE COURT: So Andrew, we are going to bring in panel 3  
8 first.

9 THE MARSHAL: Panel 3, yes, ma'am.

10 THE COURT: Do you have more notes?

11 THE MARSHAL: I am trying to get them in order. Some of  
12 them are not quite there yet. There are more --

13 THE COURT: More notes?

14 THE MARSHAL: -- statements that they are giving me.

15 THE COURT: Okay, guys. Please approach.

16 THE COURT RECORDER: And I am still getting some  
17 feedback. I'm not sure if someone has a phone on or near a  
18 microphone?

19 [Sidebar at 9:34 a.m., ending at 9:38 a.m. not transcribed]

20 THE MARSHAL: Are you ready for the third group, ma'am?

21 THE COURT: Panel 3, yes. Thank you.

22 THE MARSHAL: All rise for the jury.

23 [Prospective jurors in at 9:43 a.m.]

24 [Pause]

25 THE COURT: Thank you, everyone. Please be seated.

1           Thanks everyone. Please be seated. All right. So I am  
2 calling the case of Freemont Emergency Services v. United Healthcare.  
3 And I note the presence of counsel.

4           So I realized this morning, I heard last night that I owe you  
5 guys a really big apology back in the back. I need to explain why I didn't  
6 ask for your hardships yesterday. This is a county building, and our staff  
7 is all county. The county had big cutbacks in the budget, so we can't  
8 have any overtime. I had to have you out of here by 5. And by doing  
9 that, I disrespected some of you. I offer my sincere apology for that.

10          And I want to give anyone who is in the gallery, in order, a  
11 chance to tell me if they have a hardship. So if some of you can be  
12 excused, we will do that as soon as we can. I did not respect your time  
13 yesterday, but we'll make up for it today. I believe our first person will  
14 be David Ramsey; is that correct?

15               PROSPECTIVE JUROR 219: Yes, Your Honor.

16               THE COURT: Please stand and give us your badge number.

17               PROSPECTIVE JUROR 219: Badge number 219. Available,  
18 Your Honor.

19               THE COURT: You would be available --

20               PROSPECTIVE JUROR 219: Yes.

21               THE COURT: -- to serve your community? Thank you. Our  
22 next person, Mr. -- should be Mr. Rivera.

23               PROSPECTIVE JUROR 221: Badge number 221. My name is  
24 Arturo Rivera. I will not be able to attend.

25               THE COURT: And can you tell me what your hardship would

1 be?

2 PROSPECTIVE JUROR 221: I take care of my five kids that  
3 have to go to school, and I have one, usually, throughout the whole day  
4 from 7 to 4.

5 THE COURT: Okay. It says currently you are not employed?

6 PROSPECTIVE JUROR 221: No. My wife just got her job so  
7 she can train, so she can't really be taking all the days off yet.

8 THE COURT: Thank you. Our next person should be  
9 Maksymiw?

10 PROSPECTIVE JUROR 225: Randall Maksymiw, 225. I'm  
11 disabled. I mean, look at what I am wearing here. I don't even have  
12 money to buy proper clothes for this, you know. I can't afford to keep  
13 coming back, not even getting my money breaking even on this. And I  
14 don't know if it matters or not, but I do have a personal bias towards one  
15 side for personal reasons.

16 THE COURT: Thank you. Thank you for -- if you want  
17 privacy -- anyone who wants privacy, we'll be happy to give it to you.

18 PROSPECTIVE JUROR 225: And if you need me to explain, I  
19 can.

20 THE COURT: No.

21 PROSPECTIVE JUROR 225: Okay.

22 THE COURT: Thank you. Next person, please?

23 PROSPECTIVE JUROR 229: Hello, Your Honor. Fermen  
24 Ledesma, badge number 229. I would not be able to be available for 30  
25 days. I am the only employer -- or I am the only person that has income

1 at my house, and I also have a child to take care of. So I would not be  
2 able to miss work for 30 days, because I don't get paid by my employer  
3 for jury services, so.

4 THE COURT: Thank you.

5 PROSPECTIVE JUROR 229: I would not be able to. Thank  
6 you.

7 THE COURT: Next please.

8 PROSPECTIVE JUROR 234: Good morning, Your Honor. My  
9 name is Darryl Batieste, badge number is 234. By chance, I won't be  
10 able to do the whole month. I mean, if it was like a week or maybe two  
11 weeks at the most, I could have did it. But for a whole month, ma'am, I  
12 can't do it.

13 THE COURT: I just need to know why.

14 PROSPECTIVE JUROR 234: Because I am the only person  
15 that works in my household of four.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR 234: Thank you, ma'am.

18 THE COURT: Our next person please.

19 PROSPECTIVE JUROR 239: Good morning, Your Honor.

20 THE MARSHAL: Speak into the mic, please.

21 PROSPECTIVE JUROR 239: Good morning, Your Honor. My  
22 name is Eileen Joseph. My badge number is 0239. I am a single mom,  
23 and I don't really understand the English. And I don't speak very well  
24 also.

25 THE COURT: Thank you.

1 PROSPECTIVE JUROR 239: Thank you.

2 THE COURT: Our next person, please.

3 PROSPECTIVE JUROR 242: Good morning, Your Honor.

4 Badge number 242. My name is Gene Yee. And I will not be able to  
5 make it due to financial hardship. I am an unemployed U.S. Navy  
6 veteran, and I am no longer getting unemployment benefits and do not  
7 have the means to come here because I do not own a car. And coming  
8 here for 30 days straight Ubering is just too much for me, and I will be  
9 falling behind on my rent.

10 THE COURT: Thank you. And can you please pass -- yes,  
11 pass the microphone.

12 PROSPECTIVE JUROR 254: It's Isis Wynn, 254. I am  
13 available.

14 THE COURT: Thank you. Our next person, please. Will you  
15 pass the mic down?

16 PROSPECTIVE JUROR 263: Hello, Your Honor. My name is  
17 Marlon Mendoza. My badge number is 263. I will not be available for  
18 the whole month due to the fact that I am a full-time student at CSN. I  
19 have two exams, and I need to have a project done for November. Every  
20 Tuesday and Thursday I need to attend class from 9:00 a.m., and I leave  
21 at 1:00 p.m. I will not have time to be able to participate here while  
22 working on exams and projects.

23 THE COURT: Thank you. Our next person, please.

24 PROSPECTIVE JUROR 270: Good morning. My name is  
25 Valerie Herzog. I am badge number 270, and I am available.

1 THE COURT: Thank you. Then I believe that will take us over  
2 to Rivera-Morales?

3 PROSPECTIVE JUROR 279: Yes, good morning. My name is  
4 Oslaida Rivera-Morales, badge 279. I am available but English is my  
5 second language, so.

6 THE COURT: So let me just ask you, it says here that you  
7 work at the post office?

8 PROSPECTIVE JUROR 279: Yes.

9 THE COURT: And do you speak English for your job?

10 PROSPECTIVE JUROR 279: Yes.

11 THE COURT: And do you understand when you go to the  
12 doctor in English?

13 PROSPECTIVE JUROR 279: Yes. Yes, correct.

14 THE COURT: And some medical terms, some legal terms?

15 PROSPECTIVE JUROR 279: It's a little tough.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR 279: But, yeah, I -- most of the time, I  
18 understand. I try to ask questions as I need.

19 THE COURT: Very good. Thank you.

20 PROSPECTIVE JUROR 279: Thank you.

21 THE COURT: Our next person, please.

22 PROSPECTIVE JUROR 280: Good morning, Your Honor. My  
23 name is Mary Vicuna. I am a single parent. I won't be able to make it --

24 THE COURT: Badge number please?

25 PROSPECTIVE JUROR 280: -- because my daughter is

1 disabled, and she depends on me. I am her meals and medications. And  
2 also, I am diabetic and 69 years old, so I cannot be exposed --

3 THE COURT: You are how old?

4 PROSPECTIVE JUROR 280: Oh, I am sorry, 280, my badge.

5 THE COURT: Yes. And what is your age, please?

6 PROSPECTIVE JUROR 280: I was born in '52, so I just turned  
7 69 in October.

8 THE COURT: Okay. Thank you.

9 PROSPECTIVE JUROR 280: Thank you.

10 THE COURT: And happy birthday.

11 PROSPECTIVE JUROR 280: Oh, thank you.

12 THE COURT: Our next person, please.

13 PROSPECTIVE JUROR 284: Good morning, Your Honor. My  
14 name is Stacey Elaine Sharpe, badge number 284. Unfortunately, I will  
15 not be able to sit on this panel at this time. My daughter and I were just  
16 in a near-fatal car accident. We have to see several doctors. My  
17 daughter still has shreds of glass in her eyes from 30 days ago that  
18 they're still trying to take out. So unfortunately, at this time, I cannot sit  
19 on the panel.

20 THE COURT: Thank you.

21 PROSPECTIVE JUROR 284: You're welcome.

22 THE COURT: Our next person, please.

23 PROSPECTIVE JUROR 289: Hi. My name is Stephanie  
24 Murillo, badge number 289. I am a single mother. My employer does  
25 not pay for jury duty. So I would not be able to afford daycare or be able

1 to pay my bills, since they don't pay.

2 THE COURT: Thank you.

3 PROSPECTIVE JUROR 289: Thank you.

4 PROSPECTIVE JUROR 297: Good morning. My name is  
5 Randal David, badge number 297. I am not able to attend for the  
6 duration of the trial, because I am the caregiver for my 86-year-old  
7 mother-in-law who had a stroke about two years ago.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR 298: William Witner, badge number  
10 298. And I am due to start a new full-time job on Monday. I believe that  
11 my employ -- my new employer would be accommodating this, but it  
12 would be somewhat of a financial hardship for me.

13 THE COURT: All right. So Counsel, please meet me out in  
14 the hall.

15 [Recess taken from 9:52 a.m. to 9:58 a.m.]

16 THE COURT: Okay. Court's back in session. Let me go  
17 through this list. Okay. Juror 221, please stand. Juror 225, please  
18 stand. Juror 229, please stand. Juror 234, please stand. Juror 239,  
19 please stand. Juror 242, please stand. Juror 263, please stand. Juror  
20 280, please stand. Juror 284, please stand. Juror 289, please stand.  
21 Juror 297, please stand. And Juror 298, please stand.

22 All of you will be excused from serving on this juror, due to  
23 the hardships that you have told us about. We thank you very much for  
24 being willing to serve your community. I hope you'll accept my apology  
25 about having to come back a second day. And if you want to serve, I



1 hope you get that chance to serve on a jury. So you may leave.

2 PROSPECTIVE JURORS: Thank you, Your Honor.

3 THE COURT: Drew, can we bring them up to the front? Can  
4 we bring everyone up to the front row? Can you guys scoot over a little  
5 bit, so I can see you better?

6 UNIDENTIFIED SPEAKER: Yes.

7 THE COURT: Just scoot over one seat. Thank you.

8 UNIDENTIFIED SPEAKER: Is that good, Your Honor?

9 THE COURT: Yeah. That's great. All right. Thank you so  
10 much. For you guys in the box, some of you had homework. So Ms.  
11 Valles, have you had a chance to see about that appointment next week?

12 PROSPECTIVE JUROR 010: I was not able to --

13 THE CLERK: We need a microphone, please.

14 PROSPECTIVE JUROR 010: -- call last night, because it was  
15 too late, but I called this morning. I was expect -- I'm going to expect a  
16 phone call from my doctor. Actually --

17 THE COURT: You don't have to give up any of your privacy  
18 rights to tell me this.

19 PROSPECTIVE JUROR 010: So I might have surgery, because  
20 the radiologist told me that if there are tears, that would -- I would need  
21 surgery and if I delay it -- I already finished all my deductible. So if I  
22 have to do this next year, it's going to be too much on my out of pocket.

23 THE COURT: Thank you. Okay. And I believe Mr. Leopold?

24 PROSPECTIVE JUROR 020: Yes.

25 THE COURT: You have an appointment next week?

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006787

1 PROSPECTIVE JUROR 020: Been rescheduled.

2 THE COURT: Sorry.

3 PROSPECTIVE JUROR 020: Rescheduled.

4 THE COURT: Very good. Thank you. So you would be  
5 available?

6 PROSPECTIVE JUROR 020: Yes, I am available.

7 THE COURT: Thank you. Okay. And then Gualajara, Juror  
8 50?

9 PROSPECTIVE JUROR 050: I am able to reschedule, but one  
10 of them is school-related and the one's a doctor's appointment. I don't  
11 mind rescheduling, but if I don't have to, then I prefer that.

12 THE COURT: Thank you. Let's see. Mr. Jones, did you get  
13 the chance to follow-up?

14 PROSPECTIVE JUROR 064: Yes. Good morning, Your  
15 Honor. I did. I would not be able to be here for the 30 days.

16 THE COURT: And I just need your reason.

17 PROSPECTIVE JUROR 064: Sorry. For employment. I'm the  
18 only one that works in my house. I would not be able to sustain my  
19 household that whole time.

20 THE COURT: Thank you. And 69, I think we let go. No. Is 69  
21 here? Yes. Did you have a childcare issue?

22 PROSPECTIVE JUROR 069: Yes. Because I only asked my  
23 friend to pick up my kid yesterday, and I really can't afford it to -- as  
24 much as I would like to.

25 THE COURT: Thank you. You have no other way to do

1 childcare?

2 PROSPECTIVE JUROR 069: There's no other way.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR 181: Okay. Was there anyone else  
5 who had to follow-up with something on this today?

6 PROSPECTIVE JUROR 181: Yes.

7 THE COURT: Yes. May I have your name and badge  
8 number?

9 PROSPECTIVE JUROR 181: John Opsahl, 181.

10 THE CLERK: I need you to have the microphone, please.

11 PROSPECTIVE JUROR 181: John Opsahl, 181. I had a  
12 cardiac arrest at home a year ago and --

13 THE COURT: You don't have to give up any privacy rights.  
14 You don't have to -- do you want privacy?

15 PROSPECTIVE JUROR 181: Well, it's just that my memory  
16 isn't completely -- you know, that's the problem that I'm having. This  
17 happened at home, so of course 90 percent of the people don't make it  
18 when they have it at home.

19 THE COURT: Right.

20 PROSPECTIVE JUROR 181: So anyway, that's -- wondering if  
21 I could be excused for that reason.

22 THE COURT: Thank you. Was there anyone else who  
23 indicated a hardship? Name and badge number, please.

24 PROSPECTIVE JUROR 100: I'm sorry. I was not aware of  
25 telling any hardships, but --

1 THE COURT: May I have your name and badge number?

2 PROSPECTIVE JUROR 100: Gerardo Aguilar. Badge number  
3 100.

4 THE COURT: Hang on. Let me find it. Okay.

5 PROSPECTIVE JUROR 100: I have ADHD. I tend to get  
6 distracted by a lot of things, so I was not aware of the -- what situation I  
7 was supposed to tell yesterday, so yeah, I kind of missed out on it.

8 THE COURT: Okay. Thank you. Anyone else who's sitting in  
9 the jury box? Yes. Let's go -- let -- did you need to speak?

10 PROSPECTIVE JUROR 106: Yes. Juror 106. I spoke with my  
11 HR department this morning. They said to let them know how today  
12 goes, but it wouldn't be -- I wouldn't be able to -- for the whole duration  
13 of the trial.

14 THE COURT: You're going to have to repeat that. Can you  
15 slow down just a little?

16 PROSPECTIVE JUROR 106: Oh, sorry. I spoke with our HR  
17 department this morning and they said to let them know how today  
18 goes, but it wouldn't -- like I wouldn't be available for the whole duration  
19 of the trial, that whole month.

20 THE COURT: But why?

21 PROSPECTIVE JUROR 106: They -- we only get so many  
22 hours for jury duty.

23 THE COURT: Okay. And are you the sole breadwinner in  
24 your family?

25 PROSPECTIVE JUROR 106: No.

1 THE COURT: No. Would it be a financial hardship for you to  
2 serve?

3 PROSPECTIVE JUROR 106: Yes.

4 THE COURT: And you make significantly more than the \$40  
5 a day that jurors get?

6 PROSPECTIVE JUROR 106: Yes.

7 THE COURT: Okay. Was there anyone else? I think we have  
8 a couple more hands up.

9 PROSPECTIVE JUROR 071: Hello.

10 THE COURT: I need your name and badge number, please.

11 PROSPECTIVE JUROR 071: 071. Janice Magsanoc. I just  
12 started my work. Also I'm still on probation right now, and I can't afford  
13 to be a jury [sic] for 30 days.

14 THE COURT: And you work at the Postal Service?

15 PROSPECTIVE JUROR 071: Yes. And English is my second  
16 language, also.

17 THE COURT: Yes. You speak English for your work?

18 PROSPECTIVE JUROR 071: Yes.

19 THE COURT: Yes. And what is your first language?

20 PROSPECTIVE JUROR 071: Tagalog.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR 071: Filipino.

23 THE COURT: Right. I know. Our ballots are in Tagalog.

24 PROSPECTIVE JUROR 071: Oh, okay.

25 THE COURT: So tell me -- you have, though, a bachelor's

1 degree. Did you -- was your method of instruction in English?

2 PROSPECTIVE JUROR 071: My degree is bachelor in  
3 accountancy.

4 THE COURT: But where did you receive your degree?

5 PROSPECTIVE JUROR 071: In the Philippines.

6 THE COURT: Was the method of instruction in English or  
7 Tagalog?

8 PROSPECTIVE JUROR 071: It's mixed. Tagalog and English.

9 THE COURT: Okay. Thank you. We have another hand.  
10 Would you please pass the mic over?

11 PROSPECTIVE JUROR 063: My Badge number is 063, Sandra  
12 Martinez.

13 THE COURT: Yes.

14 PROSPECTIVE JUROR 063: I am single mother. Coming  
15 yesterday and today, so I don't -- can't come -- I'm unavailable the rest of  
16 the days.

17 THE COURT: Okay. And yesterday you talked to us about  
18 English as a second language.

19 PROSPECTIVE JUROR 063: Uh-huh. My English not really  
20 good.

21 THE COURT: Okay. And for your work -- do you work  
22 outside the home?

23 PROSPECTIVE JUROR 063: Yes.

24 THE COURT: What kind of work do you do?

25 PROSPECTIVE JUROR 063: I work in the Casino Flamingo

1 department of housekeeping.

2 THE COURT: Do you speak English for that?

3 PROSPECTIVE JUROR 063: Yeah, a little bit. But I am a  
4 single mother.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR 063: I have one kid.

7 THE COURT: How old is your child?

8 PROSPECTIVE JUROR 063: Eight.

9 THE COURT: Okay. Thank you.

10 PROSPECTIVE JUROR 063: My [indiscernible] so I need to  
11 [indiscernible].

12 THE COURT: Okay. Anyone else need to raise their hand?  
13 Okay.

14 Counsel, please see me out in the hall again.

15 [Recess taken from 10:08 a.m. to 10:15 a.m.]

16 THE COURT: Thanks, everyone. Okay. So the following  
17 people, please stand. Juror number 10. Juror 10. Juror 10, Juror 50,  
18 Juror 63 --

19 UNIDENTIFIED SPEAKER: Six-Three?

20 THE COURT: 63, 69, 181, 100, 106, 71 and 64. Okay. You will  
21 be thanked and excused from serving on this jury. We thank you for  
22 your honesty. We hope none of your answers embarrassed you. And I  
23 hope if you get that chance, that you'll get a chance to sit on a jury,  
24 because it becomes one of the most fulfilling and rewarding experiences  
25 some people have. So thank you again for being willing to serve. And

1 you may leave.

2 PROSPECTIVE JUROR: Thank you.

3 PROSPECTIVE JUROR: Thank you, Your Honor.

4 THE COURT: Okay. Andrew, I'd like to reorder. Andrew, if  
5 you could help us reorder. And I'll start with the qualifying questions.  
6 We'll run you through that and then we'll ask you to go back to overflow.

7 THE MARSHAL: Okay. Back row, please. Sir, back row for  
8 me. You're good. Next two. Slide over for me, please. No, no.

9 THE COURT: Mr. Leopold was our Juror 4, so no, no.

10 THE MARSHAL: He should be [indiscernible].

11 THE COURT: Yeah. Thanks.

12 THE MARSHAL: Thanks. Back for me, the last three. No  
13 worries.

14 THE COURT: Whoa. Don't they have to fill up that row up  
15 there.

16 THE MARSHAL: This is for the gentleman.

17 THE COURT: But Mr. Leopold is fourth. The second row can  
18 be filled in.

19 THE MARSHAL: I [indiscernible]. No stop right there, sir.  
20 And then just slide all the way over for me, sir.

21 THE COURT: Well, yeah. You have stay in order.

22 THE MARSHAL: Next row, next to the gentleman there.  
23 Next two in order, please.

24 THE COURT: Yeah. You have to stay in order

25 UNIDENTIFIED PROSPECTIVE JUROR: Okay.



1 THE COURT: Thanks, everyone. So we're going to go  
2 through the prequalifying round at this point. Thank you for your  
3 patience this morning.

4 This is a case where there are three Plaintiffs, who are  
5 professional corporations who staff hospital emergency rooms. They're  
6 suing insurance companies and third party administrators, because they  
7 don't believe they've been reimbursed correctly on their charges. So  
8 that's the nature of the case. I'll ask the Plaintiff to stand, introduce the  
9 team, and we'll see if anyone's familiar with any of the people.

10 MR. ZAVITSANOS: Thank you, Your Honor. Good morning.  
11 My name is John Zavitsanos, and I'm going to introduce the folks here at  
12 the table. I'm going to start first and most importantly with our client  
13 representative here, Dr. Cole Soundrup. He's the Medical Director at  
14 Southern Hills. Next to him is my partner of 35 years, Joe Ahmad. Next  
15 to him is Kevin Leyendecker, another one of my colleagues, and Jason  
16 McManis.

17 In the back there we have Colin Kennedy, our legal assistant  
18 who will be running our exhibits, Michelle Rivers; Michael Killingsworth,  
19 Norm Revis, and last but not least, Pat Lundvall, who practices law here  
20 in Las Vegas.

21 THE COURT: Thank you.

22 MR. ZAVITSANOS: Thank you, Your Honor.

23 THE COURT: Are any of you familiar with any of the names  
24 or people that you were just introduced to? One. May I have your name  
25 and badge number?

1 PROSPECTIVE JUROR 254: Isis Wynn, 254. I'm not  
2 familiar --

3 THE COURT RECORDER: Could you pass the microphone?

4 PROSPECTIVE JUROR 254: Oh, sorry. I wasn't aware -- but  
5 my name is Isis Wynn, 254. I am an employee of Southern Hills Hospital.

6 THE COURT: Thank you. And Defendant, will you please do  
7 the same?

8 MR. ROBERTS: Thank you, Your Honor. Good morning. My  
9 name is Lee Roberts, and I work for the Las Vegas Office of Weinberg  
10 Wheeler Hudgins Gunn and Dial, a law firm. I am counsel for the  
11 Defendants in this case, who as the Judge said are both insurance  
12 companies and claims administrators.

13 I'm here on behalf of several of my clients. I have Dr.  
14 Lambert Wu here on behalf of Health Plan of Nevada, where he is a  
15 medical director. And I also have Mr. Glen Stevens here, on behalf of  
16 Sierra Health and Life.

17 The other Defendants I represent are United Healthcare  
18 Insurance Company, United Healthcare Services, and UMR, Inc. Over  
19 here in the corner, hopefully you can see behind the column, we have  
20 our two trial paralegals for our law firms. First, Ms. Audra Bonney, who  
21 is with my firm and Mr. Dex Pagdilao, who is with the firm of O'Melveny.

22 Here at counsel table with me is my co-counsel, Mr. Lee  
23 Blalack, who is also with the O'Melveny firm. And not here right now,  
24 but if you are selected for the jury, who you will see is Mr. Jeff Gordon,  
25 of the O'Melveny firm. Thank you, Your Honor.

1 THE COURT: Thank you. Any of you familiar with any of the  
2 entities or any of the counsel? Yes, let's start -- I have to go in order.  
3 Let's start in the back please. Your name and badge number? And let's  
4 get that mic.

5 PROSPECTIVE JUROR 014: I'm Tahtianna Forrester, Badge  
6 number 014. I actually used to have HPN, I do not no longer. And I'm  
7 familiar with the rest of the -- the insurance agency that [indiscernible].

8 THE COURT: Would that familiarity, or the fact that you  
9 previously had HPN cause you from being fair equally to both sides?

10 MR. ZAVITSANOS: Your Honor, I'm sorry. I'm having a little  
11 bit of a hard time hearing. My apologies.

12 THE COURT: Hearing me?

13 MR. ZAVITSANOS: No, no, not you --

14 PROSPECTIVE JUROR 014: Sorry.

15 MR. ZAVITSANOS: If you can speak into the microphone,  
16 please.

17 THE COURT: Is there a way to turn that on and off?

18 THE COURT RECORDER: You just have to get really close to  
19 it.

20 PROSPECTIVE JUROR 014: Sorry.

21 MR. ZAVITSANOS: There we go.

22 PROSPECTIVE JUROR 014: I just have familiarity with -- my  
23 grandmother is a medical biller, so I know the names, but I don't really  
24 have any like other information about it. No bias one way or the other.

25 THE COURT: Would it cause you to be more fair to one side

1 than the other?

2 PROSPECTIVE JUROR 014: Huh-uh.

3 THE COURT: Thank you. Our next person, please.

4 PROSPECTIVE JUROR 105: Juror 05 -- or 0105. I don't have  
5 any -- I don't know any of the attorneys or the representatives from the  
6 insurance companies. I currently have UMR Insurance. I have had  
7 United Healthcare in the past and Southwest Medical in the past also. I  
8 don't have any bias whatsoever for either of the representatives or their  
9 insurance companies.

10 THE COURT: Thank you. Next, please. Whoa, whoa, whoa,  
11 we have to go in order, sir. We have to start at this end. Sorry. Did any  
12 of you have your hands up? No. All right. So it goes right back to you.  
13 Sorry about that.

14 PROSPECTIVE JUROR 094: Paul Reese, Badge number 094. I  
15 am currently covered under UMR, both for my workplace and my wife's  
16 secondary. One thing I want to say is I've been hospitalized twice. One  
17 of the bills was well over 100,000, and I never had to pay a dime of it, so.

18 THE COURT: Would it cause you to be more fair to the  
19 insurance company?

20 PROSPECTIVE JUROR 094; I don't know if I can answer that  
21 honestly at this point. You know, without knowing what would happen,  
22 but, you know, I was pleased with them.

23 THE COURT: Thank you. And now in this next row. Is  
24 there anyone here that's familiar with the entities or the attorneys? No.  
25 No. No. And you've already made your disclosure, I believe. All right.

1 How about in the front row? No. All right.

2 So Plaintiff please now list out your witnesses for the  
3 potential jurors.

4 MR. ZAVITSANOS: Yes, Your Honor. May I proceed, Your  
5 Honor?

6 THE COURT: Please.

7 MR. ZAVITSANOS: Thank you. Okay. So let me start with  
8 the three -- I'm going to start with the three entities that have brought the  
9 claims. These are the -- these are the groups that employ the physicians  
10 and the nurse practitioners that staff the emergency rooms at certain  
11 hospitals in Nevada.

12 First is Fremont Emergency Services. If you end up on the  
13 jury, we'll refer to them as Fremont. The second one is Team Physicians  
14 of Nevada - Mandavia, and we call them Team Physicians. The third one  
15 which sounds like a law firm is Crum, Stefanko, and Jones, and they go  
16 by Ruby Crest Emergency Medicine. We call them Ruby Crest.

17 Now here are the -- these are the potential witnesses. Not  
18 necessarily -- probably many of these folks will not be called, but they're  
19 on the potential witness list. So here they are. Kent Bristow, Rena  
20 Harris, Leif Murphy, Jennifer Schrader, Dr. Scott Scherr, Daniel Jones,  
21 Mark Kline, Paul Bevilacqua, Paula Dearolf, Joe Carman, Jason  
22 Heuberger, Miles Snowden, Dr. Robert Frantz, Jennifer Behm, Eddie  
23 Ocasio, Rhone D'Errico, Brent Davis, Dan Collard, Dr. Jody Crane, Lisa  
24 Zima, Brad Belvins, Wade Sears, David Greenberg, David Leathers.

25 THE COURT: Thank you. Is anyone familiar with any of the

1 witnesses or potential witnesses' names? I see no hands. Thank you.

2 Defendant please do the same.

3 MR. ROBERTS: Thank you, Your Honor.

4 Fairly long list, so please indulge me for a minute. Tom

5 Ralston, Michael Schill, Jacy Jefferson, Liz Lord, Scott Ziemer, Bruce

6 Singleton, Leslie Hare, Shaun Schoener, Bruce Deal, Chuck Lanier, Susan

7 Mohler, Susan Dominey, Sean Crandell, Mike Bandomer, Jacqueline

8 Kienzle, Karen King, John Haben, Dan Rosenthal, Greg Dosedel,

9 Alexander Mizenko, Angie Nierman, Rebecca Paradise, Dan Schumacher,

10 Emma Johnson, Charles Sims, Jason Schoonover, Jolene Bradley, Lisa

11 Dealy, Melissa Dotson, Vince Zuccarello, Mark Edwards, Kevin Erickson,

12 Marty Millerliele, David Yerich, Jean Stenzel and Joseph Esparraguera.

13 Thank you, Your Honor.

14 THE COURT: Thank you. Is anyone familiar with any of the

15 Defendants witnesses or potential witnesses? I see no hands up.

16 Okay. So I'm going to ask a series of questions to each of

17 you. It will be the same questions. We'll start in the back with -- please

18 give us your name and badge number.

19 PROSPECTIVE JUROR 014: Tahtianna Forrester, 014.

20 THE COURT: How long have you lived in the Las Vegas

21 area?

22 PROSPECTIVE JUROR 014: About 12 years.

23 THE COURT: If you're currently employed, what kind of work

24 do you do?

25 PROSPECTIVE JUROR 014: I do behavioral therapy for kids

1 with autism.

2 THE COURT: If you're married, does your spouse work?

3 PROSPECTIVE JUROR 014: He does. He's an electrician.

4 THE COURT: Have you ever sued anyone or been sued?

5 PROSPECTIVE JUROR 014: No.

6 THE COURT: And have you ever served before in a jury?

7 PROSPECTIVE JUROR 014: I'm sorry. I didn't hear that.

8 THE COURT: Have you ever served before on a jury?

9 PROSPECTIVE JUROR 014: No.

10 THE COURT: Thank you. If you could pass the mic. Your  
11 name and badge number, please.

12 PROSPECTIVE JUROR 015: I'm William Barbee, 015.

13 THE COURT: How long have you lived in the Las Vegas  
14 area?

15 PROSPECTIVE JUROR 015: 35 years.

16 THE COURT: And I see that you're employed at the Paris  
17 Hotel. What kind of work do you do?

18 PROSPECTIVE JUROR 015: I'm in table games.

19 THE COURT: If you're married, does your spouse work?

20 PROSPECTIVE JUROR 015: Yes, I'm married, and she's the  
21 director at the Rampart Casino.

22 THE COURT: Have you ever sued anyone or been sued?

23 PROSPECTIVE JUROR 015: I was involved in a lawsuit about  
24 four years ago. I was rear-ended in a car accident.

25 THE COURT: And the fact -- is it pending now?

1 PROSPECTIVE JUROR 015: No, it's not. It was settled.

2 THE COURT: Were you injured?

3 PROSPECTIVE JUROR 015: Yes, I was.

4 THE COURT: Did your injury resolve?

5 PROSPECTIVE JUROR 015: For the most part I would say it  
6 is, yes.

7 THE COURT: And is there anything about having gone  
8 through that, keep you from being equally fair to both sides?

9 PROSPECTIVE JUROR 015: Absolutely not.

10 THE COURT: And have you ever served before on a jury?

11 PROSPECTIVE JUROR 015: Yes, I have.

12 THE COURT: Here in Clark County?

13 PROSPECTIVE JUROR 015: Yes.

14 THE COURT: What kind of case? Civil or criminal?

15 PROSPECTIVE JUROR 015: Criminal case.

16 THE COURT: Did the jury deliberate?

17 PROSPECTIVE JUROR 015: Yes, and we found the Defendant  
18 guilty.

19 THE COURT: Were -- did you participate in the deliberations?

20 PROSPECTIVE JUROR 015: Yes, I did.

21 THE COURT: Were you the foreperson of the jury?

22 PROSPECTIVE JUROR 015: I was not.

23 THE COURT: Thank you.

24 PROSPECTIVE JUROR 015: You're welcome.

25 THE COURT: My next person, please.



1 PROSPECTIVE JUROR 041: Michael Cabrales, 041.

2 THE COURT: That's good. Okay. So I have to take Mr.

3 Leopold next. I'm sorry for that. I just need to go in order. Okay, Mr.

4 Leopold, how long have you lived in the Las Vegas area?

5 PROSPECTIVE JUROR 020: About 12 years.

6 THE COURT: And are you currently employed?

7 PROSPECTIVE JUROR 020: No.

8 THE COURT: You're retired?

9 PROSPECTIVE JUROR 020: I'm disabled.

10 THE COURT: And what did you retire from?

11 PROSPECTIVE JUROR 020: I was a sales professional.

12 THE COURT: If you're married, does your spouse work?

13 PROSPECTIVE JUROR 020: No.

14 THE COURT: Not married, or no spouse or --

15 PROSPECTIVE JUROR 020: Partner.

16 THE COURT: Okay. Does your partner work?

17 PROSPECTIVE JUROR 020: No, he's also disabled.

18 THE COURT: Okay. And have you ever sued anyone or been

19 sued?

20 PROSPECTIVE JUROR 020: No.

21 THE COURT: Have you ever served before on a jury?

22 PROSPECTIVE JUROR 020: Yes, I have.

23 THE COURT: And where was that?

24 PROSPECTIVE JUROR 020: Los Angeles.

25 THE COURT: And was it a civil or criminal case?

1 PROSPECTIVE JUROR 020: A criminal case.

2 THE COURT: Did the jury deliberate?

3 PROSPECTIVE JUROR 020: Yes, we did.

4 THE COURT: Did the jury reach a verdict?

5 PROSPECTIVE JUROR 020: Yes, we did.

6 THE COURT: And were you the foreperson of the jury?

7 PROSPECTIVE JUROR 020: No, I was not.

8 THE COURT: Okay. Thank you. Now we can go back to you.

9 MR. ZAVITSANOS: May I inquire of the juror number,  
10 please?

11 PROSPECTIVE JUROR 020. 020.

12 THE COURT: Thank you.

13 MR. ZAVITSANOS: Thank you, Your Honor.

14 PROSPECTIVE JUROR 041: Michael Cabrales, 041.

15 THE COURT: Thank you. How long have you lived in Las  
16 Vegas or the area?

17 PROSPECTIVE JUROR 041: 26 years.

18 THE COURT: If you're currently employed, what kind of work  
19 do you do?

20 PROSPECTIVE JUROR 041: Field investigator.

21 THE COURT: For whom do you work?

22 PROSPECTIVE JUROR 041: Goodwill of Southern Nevada.

23 THE COURT: And if you're married, does your spouse work?

24 PROSPECTIVE JUROR 041: No.

25 THE COURT: And --

1 PROSPECTIVE JUROR 041: Not married.

2 THE COURT: Okay. And have you ever served before on a  
3 jury?

4 PROSPECTIVE JUROR 041: Yes.

5 THE COURT: Where was that?

6 PROSPECTIVE JUROR 041: Clark County.

7 THE COURT: Was it a civil or criminal case?

8 PROSPECTIVE JUROR 041: Criminal.

9 THE COURT: Did the jury deliberate?

10 PROSPECTIVE JUROR 041: Yes.

11 THE COURT: Did you participate in the deliberation?

12 PROSPECTIVE JUROR 041: Yes.

13 THE COURT: Did the jury reach a verdict?

14 PROSPECTIVE JUROR 041: Yes.

15 THE COURT: Were you the foreperson of the jury?

16 PROSPECTIVE JUROR 041: No.

17 THE COURT: Have you ever sued anyone or been sued?

18 PROSPECTIVE JUROR 041: No.

19 THE COURT: Thank you. Let's go back here to row two.

20 PROSPECTIVE JUROR 055: Victor Nunez, 055.

21 THE COURT: Thank you. Okay. How long have you lived in  
22 the Las Vegas area?

23 PROSPECTIVE JUROR 055: About five years.

24 THE COURT: And if you're employed, what kind of work do  
25 you do?

1 PROSPECTIVE JUROR 055: Warehouse associate.

2 THE COURT: If you're -- are you married?

3 PROSPECTIVE JUROR 055: No.

4 THE COURT: All right. So have you ever sued anyone or  
5 been sued?

6 PROSPECTIVE JUROR 055: My family together sued a  
7 funeral service about a year ago maybe.

8 THE COURT: Is that pending now?

9 PROSPECTIVE JUROR 055: No.

10 THE COURT: And does the fact that you went through that  
11 with your family cause you to be less than fair or less than equally fair to  
12 both sides?

13 PROSPECTIVE JUROR 055: No.

14 THE COURT: Okay. And did I ask if you've served on a jury?

15 PROSPECTIVE JUROR 055: No.

16 THE COURT: No. Thank you. You can pass the mic, please.

17 PROSPECTIVE JUROR 061: Maria Woehr, 061.

18 THE COURT: Thank you. How long have you lived in the Las  
19 Vegas area?

20 PROSPECTIVE JUROR 061: About 26 years.

21 THE COURT: Are you currently employed?

22 PROSPECTIVE JUROR 061: No. I'm a retired educator.

23 THE COURT: If you're married, does your spouse work?

24 PROSPECTIVE JUROR 061: He is retired recently this year.

25 THE COURT: And what did he retire from?

1 PROSPECTIVE JUROR 061: He retired from a private  
2 company. It's a --

3 THE COURT: We're just looking --

4 PROSPECTIVE JUROR 061: It's --

5 THE COURT: -- for conflicts.

6 PROSPECTIVE JUROR 061: Yeah. It's a military contractor.

7 THE COURT: Have you ever sued anyone or been sued?

8 PROSPECTIVE JUROR 061: No.

9 THE COURT: Have you ever served before on a jury?

10 PROSPECTIVE JUROR 061: No.

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR 091: 091, Nicholas Melim.

13 THE COURT: Hang on just a second here. I've just got to flip  
14 a page. Thank you, Mr. Melim. How long have you lived in the Las  
15 Vegas area?

16 PROSPECTIVE JUROR 091: Over 25 years.

17 THE COURT: If you're currently employed, what kind of work  
18 do you do?

19 PROSPECTIVE JUROR 091: Yes, I am. I am a physical  
20 therapist assistant with ATI Physical Therapy.

21 THE COURT: If you're married, does your spouse work?

22 PROSPECTIVE JUROR 091: I am not married.

23 THE COURT: Have you ever sued anyone or been sued?

24 PROSPECTIVE JUROR 091: No.

25 THE COURT: And have you ever served before on a jury?

1 PROSPECTIVE JUROR 091: No.

2 THE COURT: Thank you.

3 PROSPECTIVE JUROR 091: You're welcome.

4 PROSPECTIVE JUROR 094: Paul Reese, 094.

5 THE COURT: Thank you. How long have you lived in the Las  
6 Vegas area?

7 PROSPECTIVE JUROR 094: 52 years.

8 THE COURT: Are you currently employed?

9 PROSPECTIVE JUROR 094: Yes. I'm a casino floor  
10 supervisor.

11 THE COURT: And if you're married, does your spouse work?

12 PROSPECTIVE JUROR 094: Yes, I'm married. And my wife is  
13 a casino dealer.

14 THE COURT: Have you ever sued or been sued?

15 PROSPECTIVE JUROR 094: No.

16 THE COURT: Have you ever served before on a jury?

17 PROSPECTIVE JUROR 094: No.

18 THE COURT: Thank you. Let's pass the mic, please.

19 PROSPECTIVE JUROR 096: 096, Greg Naso.

20 THE COURT: Give me just a second. What's the number  
21 again?

22 PROSPECTIVE JUROR 096: 096.

23 THE COURT: All right. Let me just get there. Thank you, Mr.  
24 Naso. How long have you lived in the Las Vegas area?

25 PROSPECTIVE JUROR 096: Four years.

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1 THE COURT: Are you currently employed?

2 PROSPECTIVE JUROR 096: Yes.

3 THE COURT: What kind of work do you do?

4 PROSPECTIVE JUROR 096: I'm a vice president of a  
5 construction company.

6 THE COURT: And if you're married, does your spouse work?

7 PROSPECTIVE JUROR 096: I am married, and my spouse  
8 does work.

9 THE COURT: What kind of work?

10 PROSPECTIVE JUROR 096: She works for the same  
11 company.

12 THE COURT: Have you ever sued or been sued?

13 PROSPECTIVE JUROR 096: I've been sued.

14 THE COURT: And is the matter pending now?

15 PROSPECTIVE JUROR 096: No.

16 THE COURT: Does the fact that you were sued in the past  
17 cause you to be less than equally fair to both sides?

18 PROSPECTIVE JUROR 096: I've been at an executive level in  
19 several of their larger companies and my own company. So certainly, I  
20 have biases as it relates to the law.

21 THE COURT: Are you willing to talk about it?

22 PROSPECTIVE JUROR 096: Well, being in the construction  
23 company and the industry for 35 years, I've dealt with the OSHA,  
24 workers' comp, and insurance companies throughout that period of time.  
25 And I have certainly developed my opinions that I'd rather not get into.

1 But they are very strong opinions.

2 THE COURT: Would your experience with insurance  
3 companies cause you to be less than equally fair to both sides?

4 PROSPECTIVE JUROR 096: I would be negative towards  
5 both sides.

6 THE COURT: Well, are -- equally?

7 PROSPECTIVE JUROR 096: I don't know that I -- yeah. I  
8 mean, yes, I'm biased towards the fact that I'm sitting here being an  
9 executive of a big company, taking my time to do my service, which I am  
10 grateful to have the opportunity. And I could have spoke up and said,  
11 hey, I've got -- I'm building the MSG project. But all these other people  
12 had, you know, real life issues about sitting on this. But from a personal  
13 standpoint, I don't understand why this has not been settled outside of  
14 parading the situation with all of us being here. I look at it a little  
15 differently.

16 THE COURT: I understand. Do both sides start out equal in  
17 your mind?

18 PROSPECTIVE JUROR 096: Yes.

19 THE COURT: All right. Thank you. Let's -- our next person,  
20 please.

21 PROSPECTIVE JUROR 146: Wendy Brown, badge 146.

22 THE COURT: Let me get there. Thank you.

23 PROSPECTIVE JUROR 146: I am -- I have two businesses.  
24 I'm a photographer. And I also have a hair salon. I've lived in Las Vegas  
25 for 35 years. I have not been on a jury before.



1 THE COURT: Okay. Have you ever sued or been sued?

2 PROSPECTIVE JUROR 146: When I was young, I was in a car  
3 accident. We did sue then.

4 THE COURT: And that's resolved now?

5 PROSPECTIVE JUROR 146: Oh yes.

6 THE COURT: And if you were injured, is your injury  
7 resolved?

8 PROSPECTIVE JUROR 146: Yes.

9 THE COURT: Okay. Tell us more about your businesses.

10 PROSPECTIVE JUROR 146: I've been a photographer here in  
11 Las Vegas for 35 years with A&W Photography, which I started with my  
12 late husband. And my daughter and I also have a hair salon that we  
13 recently opened like 7 years ago.

14 THE COURT: And tell us about how much time you spend in  
15 both businesses.

16 PROSPECTIVE JUROR 146: All my time. That's what you do  
17 in a small business.

18 THE COURT: Can either of them run without you for a while?

19 PROSPECTIVE JUROR 146: Not the photography business.  
20 I'm it. My daughter does have her own clients, but she is booked all the  
21 time. So my clients I'd have to move or --

22 THE COURT: So do you actually do hair?

23 PROSPECTIVE JUROR 146: Yes.

24 THE COURT: All right. And you are the only photographer at  
25 the photography business?

1 PROSPECTIVE JUROR 146: Yes.

2 THE COURT: Do you have bookings in the next few weeks?

3 PROSPECTIVE JUROR 146: Yes.

4 THE COURT: Would those bookings conflict with the trial?

5 PROSPECTIVE JUROR 146: A little. I have a contract with  
6 CSN Nursing Department for the last 12 years. And I'm in the middle of  
7 that right now. And I have deadlines with them when I have to get the  
8 pictures done, retakes, sent to the graphics person for their upcoming  
9 pending graduation.

10 THE COURT: We normally work every day from 9:30 to 4:45.  
11 Would you have time to do the photographic work outside of court?

12 PROSPECTIVE JUROR 146: Maybe. It's kind of up to them  
13 with their schedules, going to school, and being -- doing their clinicals,  
14 and all that kind of stuff. So it's just getting them in with their schedules.

15 THE COURT: Thank you. You can pass the mic.

16 PROSPECTIVE JUROR 219: David Ramsey, Your Honor,  
17 badge number 219.

18 THE COURT: Let me get there. Just a second. Thank you,  
19 Mr. Ramsey. How long have you lived in the Las Vegas area?

20 PROSPECTIVE JUROR 219: About 27 years.

21 THE COURT: And if you're currently employed, what kind of  
22 work do you do?

23 PROSPECTIVE JUROR 219: I work for Cox Communications  
24 as the field service supervisor.

25 THE COURT: And if you're married, does your spouse work?

1 PROSPECTIVE JUROR 219: She does. Yes.

2 THE COURT: What kind of work?

3 PROSPECTIVE JUROR 219: For Cox Communications on the  
4 business side, access agreements.

5 THE COURT: Have you ever sued or been sued?

6 PROSPECTIVE JUROR 219: I have not either.

7 THE COURT: Have you ever served on a jury?

8 PROSPECTIVE JUROR 219: I have not, Your Honor.

9 THE COURT: Thank you. Please pass the mic.

10 PROSPECTIVE JUROR 254: Isis Wynn, 254.

11 THE COURT: Thank you. How long have you lived in the Las  
12 Vegas area?

13 PROSPECTIVE JUROR 254: Born and raised here for 45  
14 years.

15 THE COURT: Okay. And you're currently employed at --

16 PROSPECTIVE JUROR 254: Currently employed. Yes.

17 THE COURT: -- Southern Hills Hospital?

18 PROSPECTIVE JUROR 254: Yes.

19 THE COURT: What kind of work do you do?

20 PROSPECTIVE JUROR 254: I'm a healthcare unit clerk, or a  
21 coordinator.

22 THE COURT: If you're married, does your spouse work?

23 PROSPECTIVE JUROR 254: Not married.

24 THE COURT: Have you ever served before on a jury?

25 PROSPECTIVE JUROR 254: No.

1 THE COURT: Have you ever sued or been sued?

2 PROSPECTIVE JUROR 254: I have sued. And it's been -- it  
3 was 20-some years ago, and everything's over.

4 THE COURT: And would the fact that you went through that  
5 cause you to be less than equal, equally fair to both sides?

6 PROSPECTIVE JUROR 254: No, it wouldn't conflict.

7 THE COURT: Thank you. Please pass the mic.

8 PROSPECTIVE JUROR 270: Good morning. Valerie Herzog,  
9 badge number 270.

10 THE COURT: How long have you been living in the Las  
11 Vegas area?

12 PROSPECTIVE JUROR 270: Since 1997. I don't know math.

13 THE COURT: And what kind of work do you do?

14 PROSPECTIVE JUROR 270: I'm a COVID contract tracer for  
15 the Southern Nevada Health District.

16 THE COURT: And if you're married, does your spouse work?

17 PROSPECTIVE JUROR 270: Not married.

18 THE COURT: Have you ever served before on a jury?

19 PROSPECTIVE JUROR 270: No. I've been called. I don't  
20 remember ever actually sitting on a jury. I think I was always dismissed.  
21 And that was in St. Louis, before I moved here.

22 THE COURT: Okay. And then have you ever sued or been  
23 sued?

24 PROSPECTIVE JUROR 270: No.

25 THE COURT: Thank you.

1 PROSPECTIVE JUROR 279: 279, Oslaida Rivera-Morales.

2 THE COURT: Yes. And how long have you lived in the Last  
3 Vegas area?

4 PROSPECTIVE JUROR 279: 12 years.

5 THE COURT: And what kind of work do you do?

6 PROSPECTIVE JUROR 279: I'm a delivery support specialist  
7 for USPS.

8 THE COURT: And you're still on your probation?

9 PROSPECTIVE JUROR 279: No.

10 THE COURT: Oh, you're not on -- oh, it's the other person  
11 who was.

12 PROSPECTIVE JUROR 279: Yeah, yeah.

13 THE COURT: Okay. Sorry about that. What kind of work -- if  
14 you're married, what kind of work does your spouse do?

15 PROSPECTIVE JUROR 279: Not married. My partner work  
16 for Uber.

17 THE COURT: And have you ever sued anyone or been sued?

18 PROSPECTIVE JUROR 279: Yes. A car accident like three  
19 years ago. Everything is settled.

20 THE COURT: It's all resolved?

21 PROSPECTIVE JUROR 279: Yes.

22 THE COURT: If you were injured, did you -- are you better  
23 now?

24 PROSPECTIVE JUROR 279: I'm good.

25 THE COURT: Okay. And the fact that you've been through

1 that, would that cause you to be less than equally fair to both sides?

2 PROSPECTIVE JUROR 279: No.

3 THE COURT: Okay. Thank you. Did I ask you about jury  
4 service?

5 PROSPECTIVE JUROR 279: I was called but dismissed.

6 THE COURT: Very good. Thank you, all.

7 Counsel, please approach.

8 [Sidebar at 10:46 a.m., ending at 10:47 a.m., not transcribed]

9 THE COURT: All right. So we're going to take a recess at this  
10 point. And I have to read the admonishment to you. So please wear  
11 your juror badges while you're in the building.

12 Please don't talk to strangers if you get selected for the jury.  
13 We want you if you're selected to base all of your opinions based upon  
14 the testimony and the evidence in the case. And again, if we see you in  
15 the hallway, we can smile but we can't talk. Again, we don't want to do  
16 anything that might affect your verdict in this case.

17 So during the recess, don't talk with each other or anyone  
18 else on any subject connected with the trial. Don't read, watch, or listen  
19 to any report of or commentary on the trial. Don't discuss this case with  
20 anyone connected to it by any medium of information, including without  
21 limitation newspapers, television, radio, internet, cell phones, or texting.

22 Do not conduct any research on your own. Don't speculate  
23 about what the case is about. Don't speculate about the witnesses or the  
24 lawyers. And you can't even use dictionaries, use the internet, or use  
25 reference materials. You are not to talk, text, Tweet, Google, or conduct

1 any other type of book or research. You are not to post on social media  
2 about the fact that you are in jury selection. And don't do any research  
3 with regard to any issue, party, witness, or attorney involved in the case.  
4 Most importantly, do not form or express any opinion on any subject  
5 connected with the trial, unless you're chosen for the jury and the jury  
6 deliberates. You've been great this morning. Thank you for accepting  
7 my apology. There might be a piece of candy for you on the way out.

8 So all rise for the jury, please.

9 THE MARSHAL: All rise.

10 [Prospective jurors out at 10:49 a.m.]

11 [Outside the presence of the prospective jurors]

12 THE COURT: All right, guys. So at 11:05, it was my intent to  
13 bring the other people back from overflow. And hopefully, I think the  
14 room will fit them, as well. So we're there -- do you guys -- why don't  
15 you talk to see if there's anybody you both know you would like to have  
16 excused? And I'll see you at 11:05.

17 MR. ZAVITSANOS: Okay. Thank you.

18 MR. ROBERTS: Thank you, Your Honor.

19 MS. ROBINSON: Your Honor?

20 THE COURT: Yes?

21 MS. ROBINSON: Can I just address one quick matter?

22 THE COURT: Of course.

23 MS. ROBINSON: Jane Robinson for the Plaintiffs. There's a  
24 confusion between the Plaintiffs and Defendants about how to present  
25 the jury instructions on Monday. It had been our understanding that the

1 Court would require an agreed set and a disputed set that would be  
2 jointly submitted, but the Defendants' understanding is that each side  
3 just separately submits.

4 THE COURT: Separately.

5 MS. ROBINSON: Okay.

6 THE COURT: If you have ones you agree on, those will be  
7 proposed agreed instructions. And we have Defendants proposed,  
8 Plaintiffs proposed. And from there, we settle the jury instructions.

9 MS. ROBINSON: So there's no required conference ahead of  
10 time? Because according to the Local Rule, I thought that we had to -- I  
11 was under the impression that we were supposed to confer and figure  
12 out which ones were agreed, and which ones were not. But if we don't  
13 have to do that, then --

14 THE COURT: Well, if -- you should have an agreed set, right?

15 MR. BLALACK: Your Honor, why don't I tell you what the  
16 Defense position is. We will have an agreed set. We'll have a set.  
17 They'll have a set. We will gladly meet and confer before Monday. To  
18 the extent there are agreed instructions, we can share those before  
19 Monday. Where there are differences, we can submit separate. That's  
20 our reply.

21 THE COURT: That's the way I would like to have it handled.

22 MS. ROBINSON: Okay. Yeah. They told me they wouldn't  
23 have them ready before then. So I just wanted to make sure.

24 THE COURT: You know, so many of our --

25 MR. BLALACK: No. I myself said that they would have them



1 over the weekend.

2 MS. ROBINSON: Oh, okay.

3 THE COURT: That's great. You actually looked at the local  
4 rules. Not even -- everybody locally doesn't even do that.

5 MS. ROBINSON: All right. I just want to make sure that  
6 everybody is on the same page.

7 THE COURT: Yeah.

8 MS. ROBINSON: Thank you.

9 THE COURT: And I won't be able -- I won't settle jury  
10 instructions until we're almost done with the evidence --

11 MS. ROBINSON: Understood.

12 THE COURT: -- because I have to know how it's going to  
13 come in. Thanks, everybody.

14 MS. ROBINSON: Thanks.

15 THE COURT: Have a good break.

16 MR. ZAVITSANOS: Thank you, Your Honor.

17 MR. ROBERTS: Thank you, Your Honor.

18 [Recess taken from 10:51:42 to 11:07 a.m.]

19 [Outside the presence of the prospective jurors]

20 THE COURT: All right. Are we ready to bring in the jury?

21 MR. ZAVITSANOS: Yes, Your Honor.

22 THE COURT: Okay. Where's Mr. Blalack?

23 MR. ROBERTS: Oh, the restroom.

24 THE COURT: Andrew give us a minute.

25 THE MARSHAL: Sorry, Your Honor.

1 THE COURT: No problem.

2 MR. ZAVITSANOS: And, Your Honor, I think we do have an  
3 agreement on two folks.

4 THE COURT: No problem. Are they panel one, two or three?

5 MR. ZAVITSANOS: I'm sorry?

6 THE COURT: Panel one, two, or three?

7 MR. ZAVITSANOS: Both. On one and three.

8 THE COURT: Okay. We're going to thank and excuse who  
9 on panel one?

10 MR. ZAVITSANOS: 404. That was the gentlemen who wrote  
11 the note.

12 THE COURT: Let me just get there. Thank you. And?

13 MR. ZAVITSANOS: And, Your Honor, forgive me. I don't  
14 remember her number. It's the lady with the photography and the salon  
15 business.

16 MR. ROBERTS: 146.

17 MR. ZAVITSANOS: Yes, 146. Wendy Browne.

18 THE COURT: Okay. Thanks guys.

19 MR. ZAVITSANOS: Thank you, Your Honor.

20 [Pause]

21 MR. ZAVITSANOS: And with panel one, if we seat too many  
22 people in the front, can we just make sure we get their badge numbers to  
23 make sure I'm following along? It sounds like we're going to reorder  
24 them with Mr. Keith.

25 THE COURT: We will.

1 MR. ZAVITSANOS: Okay.

2 THE COURT: Let's bring them all in, excuse them, and  
3 reorder.

4 MR. ZAVITSANOS: Yes. And I don't need everyone, just the  
5 two new ones. Thank you, Your Honor.

6 THE COURT: I have to have 24 in the box.

7 [Pause]

8 THE COURT: So do you guys -- how -- have your -- for  
9 Monday, I can only put 41 people in Courtroom 3A, and courtroom  
10 sharing is impossible. So can you arrange it so that we'll have the  
11 members of the jury and staff, and we won't overflow that room?

12 MR. ZAVITSANOS: I'm sorry, Your Honor.

13 THE COURT: For Monday.

14 MR. ZAVITSANOS: Yes?

15 THE COURT: Courtroom 3A, the fire marshal only allows 41  
16 people in the room. So you'll have a jury seated, but I can't have more  
17 than 41 people in the room. Can you work around that? It would be  
18 impossible for me to get a courtroom for the length of the trial.

19 MR. ZAVITSANOS: I understand, Your Honor. I -- let me  
20 throw a [indiscernible] here for Your Honor's consideration. I think  
21 there's some possibility that members of the press are going to be  
22 present.

23 THE COURT: I signed a media request. I never deny those.

24 MR. ZAVITSANOS: Yeah. So I have no idea who that is or  
25 how many people are showing up. So, I mean, I guess we can deal with

1 that when we get there but --

2 THE COURT: Well it's just something to think about for  
3 Monday.

4 MR. ZAVITSANOS: Yeah.

5 THE COURT: I'm just planning to see. Did you have  
6 anything to say?

7 MR. ROBERTS: The only thing is that I just wanted to alert  
8 the Court that if it has not already been filed, it will be filed today, and it's  
9 an objection to the media request. And I understand it's your custom as  
10 most judges to allow those.

11 THE COURT: We do the public's business.

12 MR. ROBERTS: But we do have a protective order with  
13 attorney's eyes-only documents and sensitive financial information.

14 THE COURT: When that comes through the law clerk will  
15 alert me to it. I'll make sure you get a chance to argue it. Make sure it  
16 gets served, and if we have to do that first thing Monday we will.

17 MR. ROBERTS: Thank you, Your Honor. Then as far as  
18 staffing, I guess we'll need to figure it out. But if they're --

19 MR. ZAVITSANOS: We'll we're not -- we're going to -- we're  
20 not going to have this many people in the courtroom on Monday. I  
21 mean, but we'll coordinate that.

22 THE COURT: Just work with each other on that.

23 THE CLERK: Counsel, if it helps, anyone not in the courtroom  
24 can listen via BlueJeans also.

25 MR. ZAVITSANOS: Right. We'll cut way down, Your Honor.

1 THE COURT: Great.

2 MR. ZAVITSANOS: And I think -- well, we'll wait to bring the  
3 jury in, so we can deal with that later.

4 THE COURT: Thanks guys.

5 MR. ZAVITSANOS: And a couple other housekeeping things.

6 [Pause]

7 THE MARSHAL: All rise for the jury.

8 [Prospective jurors in at 11:12 a.m.]

9 THE COURT: Good morning guys. Welcome to Thursday  
10 and our last day of jury selection. We're going to bring in the other  
11 people now.

12 [Pause]

13 THE COURT: Thank you everyone. Please be seated. Okay,  
14 well this will be the first time all of us are in the same room together.  
15 And I have a couple of housekeeping things based on a note, Mr. Keith,  
16 that you sent. We're going to thank you for being willing to serve your  
17 community and excuse you from service.

18 And Wendy Browne, Juror 146 -- Mr. Keith's number is 404.  
19 Wendy Browne, number 146. We have determined that for you to be  
20 away from your businesses would be a hardship, so the two of you may  
21 stand. Thank you for being willing to serve your community. You spent  
22 four days here. So we hope if you want to serve as a juror, we hope the  
23 right case will come back through for you. But thank you, you're  
24 excused.

25 Okay. Andrew, we're going to have to reorder.

1 THE MARSHAL: Yes, ma'am.

2 [Pause]

3 THE COURT: And I think that puts Mr. Leopold from panel  
4 three. Okay, so we have 24 people in the box. That's the number of  
5 people we need to start with. So let's continue please Plaintiff with your  
6 voir dire.

7 MR. ZAVITSANOS: Thank you, Your Honor. And may I  
8 proceed, Your Honor?

9 THE COURT: Please.

10 MR. ZAVITSANOS: Thank you, and may it please the Court,  
11 counsel. Good morning.

12 JURORS IN UNISON: Good morning.

13 MR. ZAVITSANOS: All right. Okay. So I'm going to need to  
14 backtrack a little bit with the new folks to cover some of the areas we  
15 covered. But before I do that, I'm going to follow up with some of our  
16 prior folks who were in the courtroom here. And I want to start out with  
17 Juror number 218. There we go. Okay, so -- and forgive me if my notes  
18 are wrong. I thought you said you were involved in medical billing.

19 PROSPECTIVE JUROR 218: That is correct.

20 MR. ZAVITSANOS: Okay. All right. So tell me a little bit  
21 about what you do and who you work for and who you work with. That  
22 kind of thing.

23 PROSPECTIVE JUROR 218: I work for a third-party billing  
24 company. We bill for hospitals across the country. We actually  
25 do -- majority of the claims that I work with are ER claims. We do for

1 physicians as well as the facility, and we deal with the various insurance  
2 companies.

3 MR. ZAVITSANOS: Okay. And what is the name of the  
4 company that you work for?

5 PROSPECTIVE JUROR 218: It's called Firm RCM, Revenue  
6 Cycle Management.

7 MR. ZAVITSANOS: Okay. And so, your company is -- so  
8 doctors and hospitals will outsource the billing to your company then  
9 you process the bills to the insurance company, right?

10 PROSPECTIVE JUROR 218: That is correct. So we're like  
11 representing the facilities and the doctors.

12 MR. ZAVITSANOS: Okay.

13 PROSPECTIVE JUROR 218: As far as submitting bills and  
14 whatnot.

15 MR. ZAVITSANOS: Okay. And do you personally work with  
16 both physicians and facilities or are you limited to one? Do you have a  
17 territory? I mean, tell me a little bit more about what you do.

18 PROSPECTIVE JUROR 218: When I started I was only doing  
19 facilities. But as I moved up, they got me doing both. So I actually  
20 handle both, like professional claims as well as facility claims.

21 MR. ZAVITSANOS: Okay. Do you -- and are these all over  
22 the country or are these just in Nevada?

23 PROSPECTIVE JUROR 218: The ones I've been working with  
24 currently, they're in -- the hospitals are located in Nevada and the  
25 physicians are in Nevada.

1 MR. ZAVITSANOS: Okay. Do you work with any of the  
2 facilities that I mentioned during the jury selection process?

3 PROSPECTIVE JUROR 218: I know our company -- I believe  
4 they do for Southern Hills and Mountain View, but those are not the ones  
5 that I personally work for. But our company, I believe they do.

6 MR. ZAVITSANOS: Okay. So you heard me talk about this  
7 company called TeamHealth?

8 PROSPECTIVE JUROR 218: Yes.

9 MR. ZAVITSANOS: Okay. Do you know TeamHealth?

10 PROSPECTIVE JUROR 218: Not that name.

11 MR. ZAVITSANOS: Okay. So one of the things that  
12 TeamHealth does for these doctors, and these nurse practitioners is they  
13 do billing. All right? Okay. So there's going to be, I believe, quite a bit  
14 of evidence on medical claims, billing, the CPT codes which you're  
15 probably familiar with, very familiar with, right?

16 PROSPECTIVE JUROR 218: Yes.

17 MR. ZAVITSANOS: So you know the CPT codes for  
18 emergency rooms, right? There's five or six of them, right?

19 PROSPECTIVE JUROR 218: For the most part, yes.

20 MR. ZAVITSANOS: Yeah, okay. So, I mean, is there anything  
21 about that that's going to cause you to -- as you're seeing some of these  
22 claims that come through, you might be thinking I would have done it  
23 differently or that's right or -- I mean, is this going to impact us in  
24 any way because of your expertise in doing billing and coding?

25 PROSPECTIVE JUROR 218: As far as like viewing -- like

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1 seeing the actual claim itself?

2 MR. ZAVITSANOS: Yeah.

3 PROSPECTIVE JUROR 218: I mean, I guess if I see errors in  
4 it. You know, in my mind I'll probably be thinking about it.

5 MR. ZAVITSANOS: Well, I don't -- there's not going to be -- I  
6 don't believe there's going to be any issue about errors in the claims.  
7 Okay, I don't -- that's not -- I don't believe that's an issue in the case.

8 PROSPECTIVE JUROR 218: Okay.

9 MR. ZAVITSANOS: I'm struggling a little bit here because it's  
10 not common that -- what you do is very specialized, right?

11 PROSPECTIVE JUROR 218: Right.

12 MR. ZAVITSANOS: And it's not common that someone like  
13 yourself and on a jury involving billing and coding, right?

14 PROSPECTIVE JUROR 218: Right. Right.

15 MR. ZAVITSANOS: It's almost like having an expert in the  
16 box. And so, when you speak, if you end up on the jury, you can  
17 understand a jury's going to be very differential to you because you  
18 know more than they do about this because that's what you do. Do you  
19 understand?

20 PROSPECTIVE JUROR 218: Right.

21 MR. ZAVITSANOS: So I just need to know, is there -- based  
22 on anything you've heard so far, are you kind of leaning one way or  
23 another?

24 PROSPECTIVE JUROR 218: Well to be honest, as a biller, I  
25 have to do the follow-up as well. So when the claim denies, it's my job

1 to figure out -- I have to contact the insurance company and like, you  
2 know, I'm going back and forth with them trying to fight. Like why are  
3 you denying this claim? You know, it shouldn't be denied. So, I mean, I  
4 guess I would lean -- I'm leaning more towards the doctors because  
5 that's who I represent.

6 MR. ZAVITSANOS: Who -- how did -- does your  
7 company -- do you get paid -- how does your company get paid? Do you  
8 get a percentage? Do you get a flat fee? Is there a retainer?

9 PROSPECTIVE JUROR 218: We get a percent --

10 MR. ZAVITSANOS: Of the bills?

11 PROSPECTIVE JUROR 218: Yes.

12 MR. ZAVITSANOS: Okay. Do you process claims with any of  
13 the United companies? And I'm using that umbrella as wide as possible  
14 because there may be United companies that are not in this case, okay.

15 PROSPECTIVE JUROR 218: Correct.

16 MR. ZAVITSANOS: Any company that is either owned  
17 wholly or partially by United, do you process claims with those carriers?

18 PROSPECTIVE JUROR 218: As far as processing, do you  
19 mean like submitting?

20 MR. ZAVITSANOS: Submitting. Yes, sir.

21 PROSPECTIVE JUROR 218: So submitting claims, yes. When  
22 I first started, I was actually dealing with Health Plan of Nevada.

23 MR. ZAVITSANOS: Okay.

24 PROSPECTIVE JUROR 218: United Healthcare. Sierra Health  
25 not -- I've never. I've heard of them later, but I've never dealt with Sierra

1 Health.

2 MR. ZAVITSANOS: Okay. And do you process claims both  
3 in-network and out-of-network?

4 PROSPECTIVE JUROR 218: Majority is -- yeah, it was out-of-  
5 network.

6 MR. ZAVITSANOS: Majority is out-of-network?

7 PROSPECTIVE JUROR 218: Yeah.

8 MR. ZAVITSANOS: Okay. Okay, so could you listen to the  
9 evidence and evaluate everything fairly?

10 PROSPECTIVE JUROR 218: Well, I mean, like is said, I'm a  
11 little -- like coming into this, like I don't know any of the details of the  
12 case and whatnot, but like --

13 MR. ZAVITSANOS: Let -- go ahead. I'm sorry. I didn't mean  
14 to cut you off.

15 PROSPECTIVE JUROR 218: No. Like I know you can't give  
16 any more details, but in my mind already I was like -- I'm leaning  
17 towards who I represent.

18 MR. ZAVITSANOS: Yeah. Let me give you one hypothetical,  
19 okay. So one of the claims that you're going to hear in this case is that  
20 these three groups that we work with, okay, they are seeking their billed  
21 charges. All right?

22 Now, not knowing anything else -- and I can't get into why or  
23 how much or anything like that. Not knowing anything else, is there  
24 anything in your mind that's telling you, oh, you know, I mean they may  
25 be right, but I'm not going to award billed charges, no way, I'm just not

1 going to do it, based on your own experience, rather than the evidence  
2 that's going to come in?

3 PROSPECTIVE JUROR 218: I'm sorry. Could you repeat that?  
4 Like --

5 MR. ZAVITSANOS: Yeah. So the claim in this case, the ten-  
6 and-a-half million dollars that we are seeking, or the ten-plus million  
7 dollars that we're seeking, is the difference between what they paid and  
8 what are billed charges. Okay. That's what I anticipate the evidence is  
9 going to be.

10 Now, not knowing anything else, based on your own  
11 experience, is this a situation where you're thinking, there's no way I'm  
12 going to award a bill of charges, based on your own experience and  
13 based on, you know, your work and things that have nothing to do with  
14 this case but because that's what you do, is that a conclusion that you're  
15 going to reach independent of the evidence?

16 PROSPECTIVE JUROR 218: Well, like, again, so when I -- like  
17 listening to when you explained what the -- kind of the case was, in my  
18 mind already I'm dealing -- I'm -- like my job is to try to get the most  
19 money from -- for --

20 MR. ZAVITSANOS: I know that.

21 PROSPECTIVE JUROR 218: -- as far as billing. So like --

22 MR. ZAVITSANOS: I understand.

23 PROSPECTIVE JUROR 218: -- you know, I want the doctors  
24 to get what they're supposed to get paid and, you know, like -- I don't  
25 know, if that's -- if that's what they're -- you're asking.

1 MR. ZAVITSANOS: No. I'm asking a slightly different  
2 question.

3 PROSPECTIVE JUROR 218: Okay.

4 MR. ZAVITSANOS: Okay? I gather sometimes when you're  
5 processing claims out of network, there may be a little back and forth,  
6 right?

7 PROSPECTIVE JUROR 218: Yes.

8 MR. ZAVITSANOS: Okay. And that -- what you do with other  
9 insurance companies, and maybe even United, does not involve the  
10 claims in this case. Okay. Now, we're seeking billed charges. Not  
11 knowing anything else, based on what you do, do you think you could  
12 listen in the evidence, and if we met that preponderance standard, you  
13 could award billed charges?

14 PROSPECTIVE JUROR 218: Absolutely. Like I --

15 MR. ZAVITSANOS: Okay.

16 PROSPECTIVE JUROR 218: -- I feel like you guys should be  
17 able to get what you're -- what you feel you should be getting paid.

18 MR. ZAVITSANOS: Okay. Let me move on now. All right.  
19 Now, juror -- I think -- and I'm sorry. I can't -- I can't keep the panels  
20 straight, my apologies, because of all the musical chairs here. Is 313  
21 Mr. -- or Dr. Mueller?

22 PROSPECTIVE JUROR 313: Yes.

23 MR. ZAVITSANOS: Yeah. Okay. And forgive me, sir. I don't  
24 mean to put you on the spot. I know you have a medical degree; is that  
25 correct?

1 PROSPECTIVE JUROR 313: No. No. I --

2 MR. ZAVITSANOS: You don't have a medical degree?

3 PROSPECTIVE JUROR 313: No. I'm a human resource  
4 manager for on-site healthcare.

5 MR. ZAVITSANOS: Oh, okay. Okay. I -- because that -- okay.  
6 I must have taken this down wrong. So who -- you're -- tell me what you  
7 do.

8 PROSPECTIVE JUROR 313: I'm a human resource manager  
9 for the Nevada branch of on-site healthcare.

10 THE COURT: I think that was my error. So sorry for the  
11 confusion, everybody.

12 MR. ZAVITSANOS: Oh, no. No, Your Honor. It's  
13 [indiscernible]. Okay. So what is -- what is on-site healthcare?

14 PROSPECTIVE JUROR 313: We provide contracted  
15 nonmedical healthcare services for a number of hospitals throughout  
16 Nevada and nationwide. I'm specifically for Nevada. Particularly Dignity  
17 Health for de Lima, San Martin, and Siena.

18 MR. ZAVITSANOS: Okay. You said you provide non --

19 PROSPECTIVE JUROR 313: Non-medical. So our --

20 MR. ZAVITSANOS: Give me an example.

21 PROSPECTIVE JUROR 313: So non-medical would be people  
22 such as screeners, food service people, things of that nature, people who  
23 aren't CNAs, RNs, or medical type services.

24 MR. ZAVITSANOS: I see. I see.

25 PROSPECTIVE JUROR 313: But they work --

1 MR. ZAVITSANOS: So --

2 PROSPECTIVE JUROR 313: -- in main areas of the hospital,

3 plus --

4 MR. ZAVITSANOS: Got it.

5 PROSPECTIVE JUROR 313: -- emergency services.

6 MR. ZAVITSANOS: Okay. I'm with you. All right. So -- and

7 you are an HR manager?

8 PROSPECTIVE JUROR 313: I'm an HR manager.

9 MR. ZAVITSANOS: Do you deal with benefits?

10 PROSPECTIVE JUROR 313: I do not deal with benefits.

11 MR. ZAVITSANOS: Okay. So in terms of type of plans and

12 what's the best deal for the employer, what the deductible should be,

13 and how much the employee should pay, all --

14 PROSPECTIVE JUROR 313: Uh-huh.

15 MR. ZAVITSANOS: -- in-network, out-of-network?

16 PROSPECTIVE JUROR 313: Not within our scope.

17 MR. ZAVITSANOS: Okay. That's not --

18 PROSPECTIVE JUROR 313: My scope.

19 MR. ZAVITSANOS: That's not what you do?

20 PROSPECTIVE JUROR 313: No. Correct.

21 MR. ZAVITSANOS: Okay. Do you -- do you have health

22 insurance through your company?

23 PROSPECTIVE JUROR 313: Pardon? I'm sorry.

24 MR. ZAVITSANOS: Do you have health insurance available

25 through your company?

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1 PROSPECTIVE JUROR 313: Absolutely.

2 MR. ZAVITSANOS: Okay. So -- but that's not something you  
3 deal with?

4 PROSPECTIVE JUROR 313: No.

5 MR. ZAVITSANOS: Okay. Got it, sir. Thank you.

6 Okay. 252. Where's 252? Oh, there you are. Okay. Okay.

7 And, sir, you work -- you work for Clark County; is that right?

8 PROSPECTIVE JUROR 252: Yeah, that's correct.

9 MR. ZAVITSANOS: Okay. I've got three notepads her, and  
10 so I took some notes on one, some notes on the other. Please remind  
11 me what you do for them.

12 PROSPECTIVE JUROR 252: I'm like a control officer for the  
13 airports in Clark County.

14 MR. ZAVITSANOS: Okay. Airports?

15 PROSPECTIVE JUROR 252: Yeah. I do all the airports in  
16 Clark County.

17 MR. ZAVITSANOS: Okay. What do you do exactly?

18 PROSPECTIVE JUROR 252: Basically, I'm in charge -- in  
19 charge of the mosquito program and the vendors that do pest control.

20 MR. ZAVITSANOS: Okay. Well, we could probably use you  
21 in Houston. We have mosquitoes there the size of Volkswagens. So it's  
22 -- yeah. All right. So you -- okay. So you're in charge of the -- you're in  
23 charge of the system, I guess, that deal with mosquitoes; is that right?

24 PROSPECTIVE JUROR 252: And other pests, yeah.

25 MR. ZAVITSANOS: And other pests. Okay. Got it. How long



1 have you been doing that?

2 PROSPECTIVE JUROR 252: Going on 14 years.

3 MR. ZAVITSANOS: Okay. All right. Okay. Thank you, sir.

4 Number 14, is it Ms. Forrester?

5 PROSPECTIVE JUROR 014: Uh-huh.

6 MR. ZAVITSANOS: Am I saying that right? Yes. Okay.

7 Again, forgive me if I wrote this down wrong, but I thought at one point  
8 you said you worked in healthcare?

9 PROSPECTIVE JUROR 014: I do behavioral therapy. It's -- I  
10 mean it is technically healthcare, but it's not -- it's more of like teaching  
11 than medical itself.

12 MR. ZAVITSANOS: Okay. So tell me a little bit about that.

13 What --

14 PROSPECTIVE JUROR 014: I am one of the therapists that --  
15 that go in and work with children and -- like in their homes, and we help  
16 them kind of just find different ways to cope with certain situation --

17 MR. ZAVITSANOS: I see.

18 PROSPECTIVE JUROR 014: -- that maybe they're not able to  
19 cope with.

20 MR. ZAVITSANOS: And is this -- forgive my ignorance here.  
21 I'm just not familiar with this.

22 PROSPECTIVE JUROR 014: Income.

23 MR. ZAVITSANOS: Okay? So is this -- is this something -- is  
24 this -- do you -- do you work for a public employer, do you work --

25 PROSPECTIVE JUROR 014: No. A private company.

1 MR. ZAVITSANOS: A private company?

2 PROSPECTIVE JUROR 014: Yeah.

3 MR. ZAVITSANOS: Okay.

4 PROSPECTIVE JUROR 014: Autism Care West.

5 MR. ZAVITSANOS: I'm sorry?

6 PROSPECTIVE JUROR 014: Autism Care West --

7 MR. ZAVITSANOS: Autism --

8 PROSPECTIVE JUROR 014: -- is the name.

9 MR. ZAVITSANOS: -- Care West?

10 PROSPECTIVE JUROR 014: Uh-huh. That's the name of the  
11 company.

12 MR. ZAVITSANOS: Okay. And do you know whether -- I  
13 mean is there insurance for that kind of thing? Is there --

14 PROSPECTIVE JUROR 014: We deal with insurance, but I  
15 don't. My -- they -- it all goes through the owner of the company --

16 MR. ZAVITSANOS: Okay.

17 PROSPECTIVE JUROR 014: -- and his wife.

18 MR. ZAVITSANOS: Got it. So you don't -- you don't really  
19 deal with --

20 PROSPECTIVE JUROR 014: None of it, no.

21 MR. ZAVITSANOS: -- insurance companies?

22 PROSPECTIVE JUROR 014: I just go where I'm told to go.

23 MR. ZAVITSANOS: Got it. Got it. Okay. Okay. And then the  
24 final person I want to talk to before I double-back with these questions is  
25 Juror number 14, who's I think grandmother used to be in medical

1 billing.

2 PROSPECTIVE JUROR 014: Me. Hi.

3 MR. ZAVITSANOS: Oh, that's you. Okay.

4 PROSPECTIVE JUROR 014: My grandma is a medical biller.

5 MR. ZAVITSANOS: Oh, she is a medical biller?

6 PROSPECTIVE JUROR 014: She is, yep.

7 MR. ZAVITSANOS: Okay.

8 PROSPECTIVE JUROR 014: I don't have anything to do with  
9 that though. I just -- I know she's mentioned names of insurance  
10 companies, but that's --

11 MR. ZAVITSANOS: And who does she --

12 PROSPECTIVE JUROR 014: -- as far as it goes.

13 MR. ZAVITSANOS: Does she work for a company like this  
14 gentleman where it's an outsourced company that does it for --

15 PROSPECTIVE JUROR 014: She does it for --

16 MR. ZAVITSANOS: -- hospitals?

17 PROSPECTIVE JUROR 014: -- medical -- a medical office.

18 Dr. Berger [phonetic]. He's like a spine surgeon, neck and spine.

19 MR. ZAVITSANOS: Okay.

20 PROSPECTIVE JUROR 014: But he has his own facility. It's  
21 not --

22 MR. ZAVITSANOS: So she works for his group?

23 PROSPECTIVE JUROR 014: Uh-huh.

24 MR. ZAVITSANOS: I see. I see. Okay. And you said you  
25 used to have Health Plan of Nevada?

1 PROSPECTIVE JUROR 014: Used to, yeah. It's --

2 MR. ZAVITSANOS: Okay.

3 PROSPECTIVE JUROR 014: -- a little -- a few years ago.

4 MR. ZAVITSANOS: I'm sorry?

5 PROSPECTIVE JUROR 014: A few years ago.

6 MR. ZAVITSANOS: A few years ago. Okay. Do you -- do you  
7 currently have private insurance?

8 PROSPECTIVE JUROR 014: I have no insurance.

9 MR. ZAVITSANOS: Okay. When you had the Health Plan of  
10 Nevada, I mean anything about that that's going to cause us to start a  
11 little bit further back?

12 PROSPECTIVE JUROR 014: No. It was -- the -- I didn't pay  
13 for it. It was through my mom's work. I never used it really --

14 MR. ZAVITSANOS: I see.

15 PROSPECTIVE JUROR 014: -- so --

16 MR. ZAVITSANOS: I see. Okay.

17 PROSPECTIVE JUROR 014: Yeah.

18 MR. ZAVITSANOS: Okay. All right. Thank you very much.

19 PROSPECTIVE JUROR 014: Uh-huh.

20 MR. ZAVITSANOS: Thank you.

21 Okay. I'm going to -- before I double-back, let me just get a  
22 couple of last very discreet topics. I then going to cover the things that I  
23 covered with the rest of you all with the new folks, and then I'm done.  
24 Okay.

25 All right. So let's -- I'm going to go row by row. And I'd like

1 you to raise your hand if you believe that we should have free or  
2 government sponsored healthcare, kind of Medicare for all, if you will,  
3 you know, here in the United States. So I'm going to start in the back  
4 row. Anybody believe that we should have free healthcare for everyone  
5 in the United States? Okay. So let's just -- give me your number, please.

6 PROSPECTIVE JUROR 283: 283.

7 MR. ZAVITSANOS: 283. And that -- is that a yes?

8 PROSPECTIVE JUROR 283: Yeah.

9 MR. ZAVITSANOS: Okay.

10 PROSPECTIVE JUROR 401: 401.

11 MR. ZAVITSANOS: 401. Is that a yes?

12 PROSPECTIVE JUROR 401: Yes.

13 MR. ZAVITSANOS: Okay. Second row? Yes?

14 PROSPECTIVE JUROR 522: 522.

15 MR. ZAVITSANOS: 522.

16 PROSPECTIVE JUROR 450: 450.

17 MR. ZAVITSANOS: 450. Third row? Wow, a clean sweep.

18 Okay. Let's go down the row.

19 PROSPECTIVE JUROR 564: 564.

20 MR. ZAVITSANOS: 564.

21 PROSPECTIVE JUROR 593: 593.

22 MR. ZAVITSANOS: 593.

23 PROSPECTIVE JUROR 038: 038.

24 PROSPECTIVE JUROR 049: 049.

25 MR. ZAVITSANOS: Okay. Next row? Okay. So we have --

1 your number, please?

2 PROSPECTIVE JUROR 224: 224.

3 MR. ZAVITSANOS: 224.

4 PROSPECTIVE JUROR 218: 218.

5 MR. ZAVITSANOS: 218. Anybody else in the second row  
6 here? Yes?

7 PROSPECTIVE JUROR 082: 082.

8 MR. ZAVITSANOS: 0 --

9 PROSPECTIVE JUROR 082: 82.

10 MR. ZAVITSANOS: 082. Okay. And in the front row?

11 PROSPECTIVE JUROR 252: 252.

12 MR. ZAVITSANOS: 252.

13 PROSPECTIVE JUROR 014: It's like halfway in between.

14 MR. ZAVITSANOS: Okay. So we're going to give coupons.

15 UNIDENTIFIED PROSPECTIVE JUROR: I want one of the  
16 coupon.

17 MR. ZAVITSANOS: Okay. So you're kind of halfway there?

18 PROSPECTIVE JUROR 014: Yeah.

19 MR. ZAVITSANOS: Okay. Got it.

20 THE COURT RECORDER: Can I have your badge number,  
21 please?

22 THE COURT: Badge number?

23 PROSPECTIVE JUROR 014: 014.

24 MR. ZAVITSANOS: 014. Okay.

25 PROSPECTIVE JUROR 020: I'm about halfway.

1 MR. ZAVITSANOS: You're about halfway there. Okay.

2 THE COURT RECORDER: Badge number?

3 MR. ZAVITSANOS: See, you started a trend.

4 PROSPECTIVE JUROR 014: Hey.

5 MR. ZAVITSANOS: Okay.

6 THE COURT RECORDER: Can I have the badge number of

7 that --

8 MR. ZAVITSANOS: Oh, I'm sorry.

9 PROSPECTIVE JUROR 020: 0 --

10 MR. ZAVITSANOS: 20.

11 PROSPECTIVE JUROR 020: 020.

12 MR. ZAVITSANOS: Thank you. I'm sorry.

13 All right. Okay. So -- okay. So forgive me. I don't know  
14 what you all heard and what you didn't hear in the other room. I know  
15 we had a live feed going. Okay?

16 Did you all hear the explanation about preponderance? Did  
17 you all hear that?

18 PROSPECTIVE JUROR 020: No. That was --

19 PROSPECTIVE JUROR 014: We came in yesterday.

20 MR. ZAVITSANOS: Oh, you came in yesterday. That's right.  
21 That's right. Okay.

22 PROSPECTIVE JUROR 020: Yeah. We've been here --

23 MR. ZAVITSANOS: A while.

24 PROSPECTIVE JUROR 020: -- for several days.

25 MR. ZAVITSANOS: We're almost done. We're almost done.

1 So let me do it this way. Okay. So here's where we are. We have a civil  
2 case. We're seeking -- it's an issue over reimbursement of out-of-  
3 network claims that our doctors and nurse practitioners performed on  
4 United patients. And we believe that the rate that they paid us was too  
5 low and it ought to be at a certain rate. And they disagree, and they  
6 think the rate they gave us was appropriate.

7 Now, in order for us -- and it's a -- it's a number of claims,  
8 but it's over \$10 million. Okay? It's a big number. Over \$10 million. All  
9 right. So in order for us to prevail on that claim, okay, you know, we've  
10 all watched TV and we've heard of beyond a reasonable doubt. Okay?  
11 Well, that's the highest standard under the law. That's -- you know, if we  
12 do it on -- like on a numeric scale, that's like 95 percent certain. Right?  
13 You don't have any reasonable doubt that the person is guilty. Then  
14 below that we have the next standard, which is clear and convincing.  
15 And that's, you know, somewhere 70, 75 percent. And the lowest  
16 standard and the one that applies to almost every civil for most claims is  
17 something called preponderance of the evidence. And what that means  
18 is it's more likely so than not so. So like 51 percent. Okay. Are you with  
19 me?

20 All right. So there are a lot of folks that think when you get  
21 into eight figures, like 10 million plus, I can't award that unless it -- I've  
22 got to be pretty close to either like beyond a reasonable doubt or clear  
23 and convincing. 51 percent, this preponderance anything, is not going to  
24 cut it, especially if I have a lot of doubters, and it was a close call, and  
25 you just got over the line barely, I can't do it for \$10 million. You all



1 understand my question?

2 UNIDENTIFIED PROSPECTIVE JUROR: Uh-huh.

3 MR. ZAVITSANOS: Okay. So let me start with you. And give  
4 me -- give me or juror number, please. How do you feel about that? I  
5 mean would you -- if the Court gave an instruction that the standard here  
6 was preponderance of the evidence and we met that standard in your  
7 mind, like with the evidence that's going to come in, after hearing both  
8 sides, is there anything in your value system or background or beliefs  
9 where you could not find for us for that amount because it just meets the  
10 preponderance standard and not the higher standard?

11 PROSPECTIVE JUROR 014: It's 014. There's nothing that  
12 would stop it --

13 MR. ZAVITSANOS: Okay. You're okay with that?

14 PROSPECTIVE JUROR 014: Yeah.

15 MR. ZAVITSANOS: Okay. All right. Yes, sir? Your number?

16 PROSPECTIVE JUROR 015: 015. And I believe it would have  
17 to be clear and convincing for me to feel confident and comfortable with  
18 that decision.

19 MR. ZAVITSANOS: Okay. So let me follow-up on that, if I  
20 may, sir.

21 PROSPECTIVE JUROR 015: Okay.

22 MR. ZAVITSANOS: So if --

23 THE COURT: Your name and badge --

24 MR. ZAVITSANOS: Oh, I'm sorry.

25 THE COURT: -- badge number?

1 PROSPECTIVE JUROR 015: I beg your pardon. William  
2 Barbee, 015.

3 MR. ZAVITSANOS: I'm sorry. I'm going to get in trouble  
4 before we -- she's got -- we've got to make sure we get it down right. So  
5 I'm -- please forgive me. Just before you speak, if I forget to do it, please  
6 give us your badge number. Okay?

7 All right. All right. Sir, so let me make sure I understand  
8 where we are here. So if you end up on the jury and a bunch of  
9 evidence comes in, and in your mind we met that -- that preponderance  
10 standard but we didn't get up to the higher standard, what you're telling  
11 me is, given the size of the claim, ten-plus million dollars, you would not  
12 be comfortable and you would have a hard time following that  
13 preponderance standard? You'd need something much higher?

14 PROSPECTIVE JUROR 015: Yeah. I think ten-and-a-half  
15 million dollars is a lot of money to be convinced on -- or to be given on  
16 the, you know, more than likely. Or is that -- is that --

17 MR. ZAVITSANOS: Yeah, more than likely.

18 PROSPECTIVE JUROR 015: -- 51 percent? I believe that it  
19 should be higher than that. If you're going to award that kind of  
20 damage, I think that's -- yes --

21 MR. ZAVITSANOS: Okay.

22 PROSPECTIVE JUROR 015: -- I do.

23 MR. ZAVITSANOS: So if the -- if Her Honor gave that kind of  
24 instruction in the questions that goes back to the jury and you were on  
25 the jury, that's something you would struggle with, with the 51 percent

1 standard? The preponderance, more likely so than not?

2 PROSPECTIVE JUROR 015: If it came back to we were  
3 deliberating, then I would listen to the other jurors and have them give  
4 me a reason why I should understand. Maybe I was missing it myself.  
5 Maybe they had a better idea of what it was than I did.

6 MR. ZAVITSANOS: Okay. But my question is a little different  
7 than that.

8 PROSPECTIVE JUROR 015: Okay.

9 MR. ZAVITSANOS: Obviously, there's deliberations and  
10 obviously there would be vigorous discussion and you all can go  
11 through the documents. But let's say at the end of the day, after all these  
12 discussions and all these deliberations, the consensus is that the  
13 Plaintiffs met the preponderance standard, we just got over the line  
14 barely and showed that by the slightest of margin it's more likely so than  
15 not that we're entitled to ten-and-a-half million. Is this a situation where  
16 you would not be comfortable in assessing them ten-and-a-half million  
17 dollars, to go that way, because it's not at a higher standard?

18 PROSPECTIVE JUROR 015: I think it needs to be at a higher  
19 standard, yes.

20 MR. ZAVITSANOS: Okay. And, therefore, you would have a  
21 difficult time following that instruction, if that was the instruction and if  
22 the evidence came in at just the preponderance level?

23 PROSPECTIVE JUROR 015: Yes, sir.

24 MR. ZAVITSANOS: Okay. Thank you, sir. Thank you for  
25 your honesty.

1 PROSPECTIVE JUROR 015: Uh-huh.

2 MR. ZAVITSANOS: All right. Let's pass it over, and let's get  
3 the next gentleman.

4 PROSPECTIVE JUROR 020: Leonard Leopold, 020.

5 MR. ZAVITSANOS: And you heard all my questions, right?

6 PROSPECTIVE JUROR 020: I heard your questions.

7 MR. ZAVITSANOS: Okay. What do you think?

8 PROSPECTIVE JUROR 020: Key point. It's a -- it's a group of  
9 a thousand people, right?

10 MR. ZAVITSANOS: Yes, sir.

11 PROSPECTIVE JUROR 020: You've got a lot of claims. So  
12 when you look at ten-and-a-half million dollars of extra [indiscernible]  
13 people, it isn't as much as people think. So, yeah. If there's  
14 [indiscernible], yeah, I can award that.

15 MR. ZAVITSANOS: Okay. And I'm not -- and just to be clear,  
16 I'm not asking about the number in a vacuum, right? I'm just saying if  
17 you add all those claims and it comes up to ten-and-a-half million, which  
18 is a lot of money, right, are you comfortable with that preponderance  
19 standard if Her Honor gave that instruction as --

20 PROSPECTIVE JUROR 020: Not a problem.

21 MR. ZAVITSANOS: -- part of -- not a problem. Okay. Thank  
22 you, sir.

23 Okay. All right. Now -- okay. So let me just see if I can do  
24 this real quick. And, by the way, if anybody in the back has changed  
25 their mind about any of the questions you're hearing -- you're -- you

1 know, these are the same questions I asked you all. But if any of you  
2 have changed your mind about any of this, please raise your hand and  
3 let me know. Okay? Thank you. Oh, you raised your hand. Okay. Go  
4 ahead.

5 PROSPECTIVE JUROR 313: 313.

6 MR. ZAVITSANOS: Yes, sir?

7 PROSPECTIVE JUROR 313: The issue that I'm kind of  
8 struggling with, with preponderance of the evidence has to do with my  
9 job as a human resource manager for on-site. We do deal with contracts  
10 and such. And as such, my concern and what might be in the back of my  
11 mind is that if a \$10 million settlement, and you had mentioned punitive  
12 damages --

13 MR. ZAVITSANOS: Yeah. I haven't gotten there yet. But,  
14 yes.

15 PROSPECTIVE JUROR 313: -- and such, if that were awarded,  
16 my thought would be how would my 76 people who are employed by --  
17 employed with their contract, when their contract gets reviewed, would  
18 that be an issue? Would it be an issue with Dignity Health when they're  
19 looking to renew contracts, right? Inadvertently, we're putting 76 people  
20 out of a job then by not renewing their -- having their contract renewed.

21 MR. ZAVITSANOS: Okay. So -- okay. So just to couple of  
22 clarifying points, and then I'm going to add one more little variable onto  
23 the next and see if it makes you even more uncomfortable. Okay?

24 So here's the -- here -- here's the issue. So Dignity Health,  
25 there will be some discussion about them, but they don't really have any

1 skin in the game here one way or another. In other words, they're not --  
2 nothing about that organization or that institution is -- they're not making  
3 a claim, they're not being sued here. But there's going to be evidence  
4 about that. Now, let me add another little wrinkle into the mix to follow  
5 up on what you just said. There's some possibility that there will be  
6 members of the press here, and that this case will be covered in the  
7 news. Okay?

8 Now, if that happens and you see the reporters and the  
9 room, okay, is this a situation where you're thinking, oh, man, I've -- I  
10 can't award ten-and-a-half million dollars and have the risk of my name  
11 -- you know, some reporter shoving a microphone in my face after the  
12 trial, given the job that I do, that's just not real comfortable. I have to go  
13 back and explain to the person X, Y, and Z about why I did this. And I'm  
14 going to be on the defensive. And is that going to -- and none of this has  
15 anything to do with the evidence in the case right now that I'm asking  
16 you, right?

17 MR. ROBERTS: May we approach, Your Honor?

18 THE COURT: You may.

19 MR. ROBERTS: Thank you.

20 [Sidebar at 11:47 a.m., ending at 11:50 a.m., not transcribed]

21 THE COURT: Okay. Court will come back to order, please.  
22 All right. So for the purpose of the record, I overruled the objection, but I  
23 want to make it clear to you guys that if there is media for the trial, the  
24 media will never focus on you guys, ever. Okay?

25 MR. ZAVITSANOS: In the courtroom.

1 THE COURT: In the courtroom.

2 MR. ZAVITSANOS: Yes.

3 THE COURT: Do you have a question?

4 PROSPECTIVE JUROR 593: 593. Why in the -- why does he  
5 wait until the fourth day? Like --

6 THE COURT RECORDER: Can we have a microphone,  
7 please?

8 THE COURT: You know, Mr. Nesci, I'm really sorry that it just  
9 came up today. But there was a media request this morning.

10 PROSPECTIVE JUROR 593: Okay. I don't -- I just personally  
11 feel it wasn't full disclosure, so.

12 THE COURT: The -- if there is media they will -- they never  
13 take pictures of anyone on the jury. But after the trial, it's possible that  
14 someone might try to talk to you. Just --

15 PROSPECTIVE JUROR 593: Well, I'm a -- Your Honor, I'm a  
16 private citizen, with the emphasis on private. And this makes me feel  
17 very uncomfortable.

18 THE COURT: Thank you for letting us know.

19 PROSPECTIVE JUROR 593: Thank you.

20 MR. ZAVITSANOS: Okay. And so I'm going to follow-up  
21 with you. So you obviously are privileged not to speak with anyone.

22 PROSPECTIVE JUROR 593: Correct.

23 MR. ZAVITSANOS: If you end up on the jury --

24 PROSPECTIVE JUROR 593: Correct.

25 MR. ZAVITSANOS: Okay? So I am not suggesting in any

1 way, shape, or form that you are obligated to speak to them. I was  
2 simply following up with this gentleman that if there's media in the  
3 courtroom, and they're reporting on the case, is that going to affect, you  
4 know, his thinking and evaluating the evidence, which is something  
5 that's not part of the evidence, okay?

6 Now, I can tell you because of the way the process operates  
7 in Nevada, where, you know, we've been doing this kind of musical  
8 chairs thing where you keep moving, this is a topic I was going to get to.  
9 But because a number of people have been excused, justifiably so over  
10 the last few days, I didn't get to this topic until now. I was hoping to get  
11 to it a couple of days ago. I did not anticipate we were going to have this  
12 many motions. That's why. So my apologies to you for not raising this  
13 sooner, okay?

14 PROSPECTIVE JUROR 593: Well, your term was somebody  
15 could be shoving a microphone in your face; was it not?

16 MR. ZAVITSANOS: After the trial. That's correct. I cannot  
17 control what the media does. And if there are reporters outside the  
18 courtroom, and they approach you, and they come up to you, I cannot  
19 control that.

20 THE COURT: Well, you know --

21 MR. ZAVITSANOS: Yeah.

22 THE COURT: Hang on. Let me control this situation a little  
23 bit. For anyone, if you are selected for the jury, we can make sure that  
24 you are escorted out the back door. You know, we'll take precautions,  
25 too. I don't want you guys to be worried about the possibility that this



1 might be in the news. I'm going to try to allay your fears as much as  
2 possible. The marshal knows the secret entrances and exits to this  
3 building. Okay? We would do everything we could to accommodate  
4 everyone's concerns so that you could actually do your job as jurors. I  
5 don't want you to be sidetracked by that.

6 MR. ZAVITSANOS: May I proceed, Your Honor?

7 THE COURT: Please.

8 MR. ZAVITSANOS: Okay. All right. So getting back to my  
9 question, okay? So you've heard the exchange and all that. So given  
10 what I -- given what we just discussed, is this the kind of situation that  
11 makes you uncomfortable to the point that it may impact what you do  
12 because of what you'd have to explain to your employer later or because  
13 there might be news coverage or no coverage. I mean, I don't know.  
14 There might be a little bit, there may be a lot. I have no idea. Okay? I'm  
15 just -- I just need to know if this is going to impact you as a juror even  
16 just a little bit. Okay?

17 PROSPECTIVE JUROR 313: 313. In all honestly, I think it  
18 would. If something like that were to come up, I'd end up having to fly  
19 out to Nashville and talk to our CEO.

20 MR. ZAVITSANOS: Okay. And I gather what that means is,  
21 let me put a finer point on it if I can, if the verdict was zero, you wouldn't  
22 have to fly out there, right? But if the verdict was over ten million plus  
23 punitives, that's what causes you concerns.

24 PROSPECTIVE JUROR 313: Correct.

25 MR. ZAVITSANOS: Right?

1 PROSPECTIVE JUROR 313: Correct.

2 MR. ZAVITSANOS: Okay. And that's the kind of thing that  
3 you think would put pressure on you to get the zero rather than the 10.5,  
4 because of the concerns you'd have around your career and around your  
5 employment.

6 PROSPECTIVE JUROR 313: Correct.

7 MR. ZAVITSANOS: Right?

8 PROSPECTIVE JUROR 313: I'd have to be brutally honest  
9 with you.

10 MR. ZAVITSANOS: Yeah. We got you. Hey, listen, that is  
11 what we want. That's what we want, okay? So -- okay. So given that,  
12 and of course, that's something happening outside of the witness box or  
13 the exhibits that the Court admits or the instructions that the Court gives.  
14 The Court is not going to give any instructions concerning the media  
15 other than you shouldn't talk to them, and you shouldn't be on social  
16 media and read articles and things like that. There will be a long  
17 instruction on that.

18 But other than that, though, if there's reporting on this, if  
19 there's even a possibility of that, just me saying that, what you're telling  
20 us is you don't think you could be a completely even-levelled juror  
21 because of the potential consequences to you?

22 PROSPECTIVE JUROR 313: Correct.

23 MR. ZAVITSANOS: Okay. And therefore, you'd have a  
24 difficult time following the Court's instructions, given what I've just said.

25 PROSPECTIVE JUROR 313: Correct.

1 MR. ZAVITSANOS: Okay. All right. How about the rest of  
2 you all here in the front row? And then I'm going to get to the other folks  
3 in the back because that is a new question.

4 PROSPECTIVE JUROR 014: Punitives is, like --

5 THE CLERK: Badge number, please.

6 PROSPECTIVE JUROR 014: I'm sorry. 014. Can you explain  
7 punitives a little bit? I --

8 MR. ZAVITSANOS: Yeah. Right now --

9 PROSPECTIVE JUROR 014: Is that where you're at?

10 MR. ZAVITSANOS: Yes. Can I -- can you indulge me and do  
11 me a favor? I promise I'm going to get to that with you all.

12 PROSPECTIVE JUROR 014: Okay.

13 MR. ZAVITSANOS: Right now, I'm just asking about if there  
14 are members of the press in the courtroom --

15 PROSPECTIVE JUROR 014: Okay.

16 MR. ZAVITSANOS: -- is that -- is that going to affect the way  
17 you listen to the evidence or make your decision. That's really the issue.

18 PROSPECTIVE JUROR 014: For me, no.

19 MR. ZAVITSANOS: Okay.

20 PROSPECTIVE JUROR 014: I mean, if you deserve it. If you  
21 don't deserve it, you don't.

22 MR. ZAVITSANOS: Okay. Thank you. All right. Juror,  
23 please? Number.

24 PROSPECTIVE JUROR 015: Juror 015. I don't have any  
25 problem with the media, but I also feel like this gentleman back here said

1 if I'm outside of the courtroom, and I'm, you know, shoving a  
2 microphone and everything, I'm going to be uncomfortable with that  
3 myself.

4 MR. ZAVITSANOS: Got it. Got it. And so I'm -- I don't want  
5 to speak for the Court, but I do understand that arrangements can be  
6 made so that if that's an issue, that the Court will take steps to minimize  
7 that.

8 PROSPECTIVE JUROR 015: Thank you, sir.

9 MR. ZAVITSANOS: Okay. Okay. And Juror number?

10 PROSPECTIVE JUROR 020: I'm not going to have an issue.

11 MR. ZAVITSANOS: You don't have an issue?

12 PROSPECTIVE JUROR 020: No.

13 MR. ZAVITSANOS: Okay. All right. Now, for the rest of the  
14 folks, let me start on the back row. What I just said regarding potentially,  
15 members of the media being in the courtroom or reporting on the case,  
16 would that affect either the way you evaluate the evidence or how you  
17 make a decision? Anybody in the back row?

18 Okay. How about the second row? Okay. The third row?  
19 Yes, sir. Let's pass that microphone.

20 PROSPECTIVE JUROR 593: If there will be guarantees --

21 THE CLERK: Badge number, please.

22 PROSPECTIVE JUROR 593: 593. If there will be guarantees  
23 that I don't have to deal with the media and I can walk safely to my car  
24 and back, I have no issue.

25 MR. ZAVITSANOS: Okay.

1 PROSPECTIVE JUROR 593: If there's guarantees.

2 MR. ZAVITSANOS: I am not -- it's a very dangerous thing for  
3 me to speak for the Court, so I'm not going to do it. Okay? I heard what  
4 Her Honor said, and I understood it. I think you understood it. But I will  
5 let --

6 THE COURT: Yeah. I'll confer with court security over the  
7 lunch break, and I can get back to you on that.

8 PROSPECTIVE JUROR 593: Thank you.

9 MR. ZAVITSANOS: Okay. Thank you, sir. And by the way,  
10 while you're holding the mic, anything else of what I just said that would  
11 impact you one way or another on that?

12 PROSPECTIVE JUROR 593: Of the media issue?

13 MR. ZAVITSANOS: Yeah, yeah, yeah. In other words, is it  
14 going to --

15 PROSPECTIVE JUROR 593: No.

16 MR. ZAVITSANOS: Is it going to affect the way either you  
17 listen to the evidence or how you make a decision?

18 PROSPECTIVE JUROR 593: No.

19 MR. ZAVITSANOS: Or what kind of decision you make?

20 PROSPECTIVE JUROR 593: No.

21 MR. ZAVITSANOS: Okay. All right. Next row, the second  
22 row. Yes? We've got to get juror number, and if you could speak into  
23 the microphone.

24 PROSPECTIVE JUROR 082: 082, and it's not really about the  
25 media.

1 MR. ZAVITSANOS: Yes, ma'am?

2 PROSPECTIVE JUROR 082: But yesterday, I told you I had a  
3 bill from a doctor, and I'd have to pay it because it was out-of-network.  
4 So now, I'm, like, thinking -- well, I was thinking about it last night, but,  
5 like, I guess I'm a little biased because if I rule a certain way, is that going  
6 to now affect how my health plan pays out the bills and stuff like that?

7 MR. ZAVITSANOS: Okay. All right. So let me just ask you a  
8 couple of questions on that. Okay? So I had asked a question yesterday  
9 about if you -- and you all, you listen to this as well because I'm going to  
10 ask. Since the question got asked, I'm going to move to this next. So  
11 forgive me, I'm going to get to punitives in a little bit, okay?

12 All right. So yesterday, we had covered the topic of if you're  
13 on the jury and you -- let's say we meet the preponderance standard and  
14 we, you know, you all award ten-plus million dollars and maybe even  
15 award punitives, you know, with the higher standard. Are you telling me  
16 now that you have a concern about the effect that may have on your  
17 premiums for your health insurance, or your benefits, or it might affect  
18 your health insurance and your qualification for health insurance in any  
19 way?

20 PROSPECTIVE JUROR 082: I don't know if you remember  
21 the -- when you asked us about it, we had a -- what was it?

22 MR. ZAVITSANOS: The balance bill?

23 PROSPECTIVE JUROR 082: The balance bill.

24 MR. ZAVITSANOS: Yes.

25 PROSPECTIVE JUROR 082: And I had mentioned how I had

1 gotten two bills because the doctor was out of network at the ER that I  
2 went to.

3 MR. ZAVITSANOS: Right. Right.

4 PROSPECTIVE JUROR 082: And my insurance decided to not  
5 have to pay for it. So now, I was kind of, like, thinking, well, what if I,  
6 you know, what if they get awarded their ten million and for punitive  
7 damages, and now, going forward, is that going to affect the health  
8 insurances? Like if that were the case going forward, me having to pay  
9 that bill now rather than them letting it --

10 MR. ZAVITSANOS: So -- yeah. I can't answer the question,  
11 but --

12 PROSPECTIVE JUROR 082: But that's, like, my --

13 MR. ZAVITSANOS: Right.

14 PROSPECTIVE JUROR 082: -- my concern, I guess.

15 MR. ZAVITSANOS: I understand. I understand. And look, I  
16 can't answer your question. Okay. Again, because I can't get into the  
17 evidence and I can't get into, you know, what we think the evidence is  
18 going to show. But it's really -- now that you're having that thought and  
19 you're having that concern, and you thought about it last night, right?  
20 You took time out to actually think about it last night.

21 PROSPECTIVE JUROR 082: Yeah.

22 MR. ZAVITSANOS: Okay. Which I appreciate, by the way,  
23 very much, that you're bringing this up. Now that you've thought about  
24 it, do you now find yourself thinking, you know, if I -- you know, because  
25 of my experience, if I find for the United folks, nothing changes,

1 everything is good, I'm not affected, so I'd be better off just finding zero  
2 if I'm on the jury because that keeps everything the same as it is right  
3 now in my life. As opposed to if I award ten and a half million dollars,  
4 there may be some big changes and it may affect me, and that makes me  
5 uncomfortable. Is that what you're thinking?

6 PROSPECTIVE JUROR 082: Yes.

7 MR. ZAVITSANOS: That's what you're thinking?

8 PROSPECTIVE JUROR 082: Yes.

9 MR. ZAVITSANOS: Okay. And as I'm talking and I'm  
10 describing this now, is this the kind of thing where you think, I can't get  
11 that thought out of my head, and it's going to definitely impact the way I  
12 decide this case --

13 PROSPECTIVE JUROR 082: Yes. I do fear it would.

14 MR. ZAVITSANOS: -- because I have a concern about what  
15 that means for me, my family, and the people I care about.

16 PROSPECTIVE JUROR 082: Yeah. I think that would  
17 influence.

18 MR. ZAVITSANOS: That would influence. Okay. And  
19 therefore, would you have a difficult time following the Court's  
20 instructions in that regard and putting all of that out of your mind. You  
21 would not be able to do that; is that correct?

22 PROSPECTIVE JUROR 082: That's correct.

23 MR. ZAVITSANOS: Okay. And therefore, this may not be the  
24 right case for you.

25 PROSPECTIVE JUROR 082: Correct.



1 MR. ZAVITSANOS: Okay. All right. Your Honor, how much  
2 longer would you like me to go?

3 THE COURT: I'd like to go about 12:15 because we only  
4 came back at 11:05.

5 MR. ZAVITSANOS: Got it. Thank you, Your Honor.

6 Okay. So you all heard the questions over here? Okay. The  
7 question is about -- let's get the microphone. So let me frame it up a  
8 little differently, okay? And the question is if, you know, if you end up on  
9 the jury and the jury decides that we met the preponderance standard, is  
10 there a concern that health insurance premiums are going to go up, and  
11 it's going to affect either yourself, your family, or your close friends in a  
12 negative way because of that, and it's going to -- you're going to have,  
13 kind of, heartburn about that and it's going to -- it's going to trouble you.  
14 Okay? Do you understand what I'm saying? Okay. Go ahead.

15 PROSPECTIVE JUROR 014: I don't -- I don't think --

16 MR. ZAVITSANOS: Your number, please?

17 PROSPECTIVE JUROR 014: Oh, sorry. 014. I will remember  
18 eventually. Sorry.

19 MR. ZAVITSANOS: Okay.

20 PROSPECTIVE JUROR 014: I don't think it would be an issue  
21 for me, specifically. I mean, as I said, my family doesn't actually have  
22 insurance. We pay out of pocket for everything anyways, so I mean --

23 MR. ZAVITSANOS: Okay. That's not a thought you have.

24 PROSPECTIVE JUROR 014: No.

25 MR. ZAVITSANOS: Okay. Thank you. Pass it over. Number,

1 please.

2 PROSPECTIVE JUROR 015: 015, William Barbee. It's kind of  
3 hard for me to decide. I'm kind of on the fence there. Since I do believe  
4 that I would want you to prove above a preponderance, I'm not sure  
5 what happens if a large lawsuit is given, and punitive damages are  
6 given. I'm not sure what it does to my insurance, personally, you know?  
7 So I can't really say. I think I could give you an honest answer after I  
8 listen to you guys argue the arguments, and I would be able to have, you  
9 know, a better understanding of it right now. Right now, I'm not really  
10 sure.

11 MR. ZAVITSANOS: So --

12 PROSPECTIVE JUROR 015: I think that's a kind of a weak  
13 answer, but it's really the only one I have.

14 MR. ZAVITSANOS: No, no, no. It's not a weak answer. No,  
15 no. By all means, sir, it's not a weak answer. And here's the problem,  
16 right? So this is we got a chicken and egg problem here because I am  
17 ethically prohibited from going into all the evidence and what I think it's  
18 going to show, which I know if I did that, it would give you more  
19 comfort. And I promise you we'll do that, but the rules don't permit that  
20 right now because we're not at that phase yet, right?

21 So I mean, the fact you're bringing this up right now, the  
22 issue is, regardless of what the facts were, okay, if we met the standard,  
23 is this a thought that would be going through your head as you're  
24 deliberating, like, you know, gosh, you know, okay. You know, they've  
25 met the standard, but you're hearing kind of footsteps in your mind, like

1 hey, what's this going to do to my premiums? What's this going to do  
2 to, you know, people I care about, their premiums? Is this going to make  
3 the whatever healthcare crisis exists worse? Which is all stuff outside of  
4 the evidence. That's really what I'm getting at, okay? Is this going to  
5 impact your decision-making, which is supposed to be based on just the  
6 evidence and the instructions that the Court gives you.

7 And by the way, I'm not looking for what you should do,  
8 right? Because we should all follow the instructions, and we should all  
9 consider just the evidence. This is the only part of the case where we get  
10 to talk to one another, and this is the only part of the case where you get  
11 to even disagree with what the law is. And we're just trying to figure  
12 out, because we don't want people that are going to struggle to get to a  
13 decision based on things outside of the evidence. That's what I'm  
14 getting at. So what do you think? I mean, do you think that would  
15 impact you?

16 PROSPECTIVE JUROR 015: Well, I think based on the  
17 evidence. You guys, you're going to have to sell me. I mean, you guys  
18 are going to really have to prove to me that whatever happened  
19 happened. And I would be willing to listen to the evidence and make my  
20 decision based on that. That's really the only thing I can -- I can say.

21 MR. ZAVITSANOS: And listen, yeah. And I get that. And we  
22 have the burden of proof and anticipate, you know, we're going to do  
23 that. But right now, because I can't get into the evidence, I just need to  
24 know whether you think -- I'm going to put aside this burden of proof.  
25 We've already talked about that.

1 PROSPECTIVE JUROR 015: Okay. Yes.

2 MR. ZAVITSANOS: Right? Right now, I'm just asking kind of  
3 a real discrete thing, which is is the effect of any verdict that you reach,  
4 is that going to trouble you based on an increase of premiums, the effect  
5 on healthcare, which is all stuff outside of the evidence. Is that going to  
6 impact your decision-making if you end up on the jury?

7 PROSPECTIVE JUROR 015: I think I could listen to the law  
8 and just go with that from there.

9 MR. ZAVITSANOS: Okay. Thank you, sir.

10 PROSPECTIVE JUROR 015: You're welcome.

11 MR. ZAVITSANOS: Yes, sir? Same question.

12 PROSPECTIVE JUROR 020: 0020. I don't see any impact.

13 MR. ZAVITSANOS: Thank you, sir.

14 MR. ZAVITSANOS: Okay. All right. So I'm going to do this  
15 real quick. A multiple choice test. You all have heard me. You all  
16 probably can give it yourself. Okay. So here it is. Did you all do the  
17 multiple choice test? I forgot. You did? Okay. So I'm going to go the  
18 four folks here. All right. So here's the question. Healthcare crisis. Here  
19 are the four choices. A, it's the doctor's fault; B, it's the insurance  
20 company's fault; C, it's both of their faults; or D, I don't really have an  
21 opinion on that. I need to hear more. You all with me? Let me do it  
22 again. A -- healthcare crisis. A, it's the doctor's fault; B, it's the  
23 insurance company's fault; C, it's both of their faults; or D, I don't have  
24 an opinion on that. I need to learn more. Okay. Let's start with -- and  
25 you don't need to elaborate. Just your juror number and which letter.

1 PROSPECTIVE JUROR 313: 313. B, bravo.

2 MR. ZAVITSANOS: Okay.

3 PROSPECTIVE JUROR 014: 014. D. Need more information.

4 MR. ZAVITSANOS: Okay. D like David.

5 PROSPECTIVE JUROR 014: Uh-huh.

6 PROSPECTIVE JUROR 015: 015. D as in David.

7 MR. ZAVITSANOS: Thank you, sir.

8 PROSPECTIVE JUROR 020: 020. D as in David.

9 MR. ZAVITSANOS: Thank you. All right. Next multiple  
10 choice test. I'm going to start with you, since you're holding the mic.  
11 Okay. So we've all heard of the ACA Obamacare, okay? So here is the  
12 question on that one. Obamacare. A, it's good for the country; B, it's a  
13 bad idea; C, I'm not really sure. I need more detail.

14 PROSPECTIVE JUROR 020: C. 020.

15 MR. ZAVITSANOS: Okay.

16 PROSPECTIVE JUROR 015: 015. C.

17 PROSPECTIVE JUROR 014: 014. C.

18 PROSPECTIVE JUROR 313: 313. B.

19 MR. ZAVITSANOS: Okay. All right. Your Honor, I'm about  
20 to switch topics. I'm pretty close to being done. I'm probably ten --

21 THE COURT: Let's see if we can get this finished. Everybody  
22 good without a break? Everybody in the back good without a break?  
23 Thank you.

24 MR. ZAVITSANOS: May I continue, Your Honor?

25 THE COURT: Go ahead.

1 MR. ZAVITSANOS: Okay. Great. Okay. So the next topic is  
2 punitive damages. Okay. I promised I'd get back to it.

3 PROSPECTIVE JUROR 014: It just got a little mucky.

4 MR. ZAVITSANOS: That's okay. No, no, no, no. It's good.  
5 Okay. So here's the deal with that. So punitive damages -- now, I'm  
6 going to give you kind of a shorthand way to define it. Only the Court is  
7 going to give the proper, technical instruction and that's what you  
8 should follow. I'm going to give you a real kind of shorthand way. All  
9 right.

10 And so punitive damages are different than the actual  
11 damages. Actual damages are what are required to make someone  
12 whole. Okay. So punitive damages have nothing to do with making  
13 somebody whole. They are designed to punish, make an example of,  
14 and deter it from happening again. Okay. It's totally separate from  
15 making someone whole. Now, there's a bunch of qualifications to meet  
16 punitive damages, and I don't want to get bogged down on that, but I  
17 want to tell you about just one of them.

18 One of the qualifications in order for us to recover punitive  
19 damages is the law in Nevada is not preponderance for that because it's  
20 a different form of damage; it's clear and convincing. It's not beyond a  
21 reasonable doubt, okay, which is usually what's required to punish an  
22 individual when you take their liberty. It's in between beyond a  
23 reasonable doubt and preponderance. You all with me?

24 Okay. Now, I'm going to put two questions together, all  
25 right, because we've been here a long time and so I just want to -- I want

1 to get done here. So two questions are as follows. Number one --  
2 number one is do you just have a conceptual problem with punitive  
3 damages regardless of the standard? I'm okay with making someone  
4 whole but to award additional money on top of that or to assess  
5 additional money on top of that to punish, I'm not good with that. That's  
6 the first question. The second question is if you're okay with punitive  
7 damages, is it the kind of thing where well, if you're going to punish  
8 someone, it ought to be beyond a reasonable doubt, at the highest  
9 standard before I could be comfortable in awarding those types of  
10 damages? Are you with me?

11 So the first one is, do I just have a philosophical problem  
12 with punitive damages based on my values? And the second one is,  
13 would I require a -- if I'm okay with it, would I require a higher burden of  
14 proof than clear and convincing? Okay. What do you think? Juror  
15 number?

16 PROSPECTIVE JUROR 313: 313. And no, I don't have a  
17 problem with punitive damages, but I do feel it needs to be a higher  
18 standard.

19 MR. ZAVITSANOS: So you would require beyond a  
20 reasonable doubt?

21 PROSPECTIVE JUROR 313: Correct.

22 MR. ZAVITSANOS: Okay. And if the Court instructed clear  
23 and convincing, you would have a hard time following that?

24 PROSPECTIVE JUROR 313: I still would.

25 MR. ZAVITSANOS: Yeah. You would require beyond a

1 reasonable doubt?

2 PROSPECTIVE JUROR 313: I would prefer that.

3 MR. ZAVITSANOS: Thank you, sir. Next?

4 PROSPECTIVE JUROR 014: 014. I have no philosophical  
5 reasons against it. I actually do that for work. I --

6 MR. ZAVITSANOS: Okay. You punish people?

7 PROSPECTIVE JUROR 014: Behavior. I mean, behavior --  
8 that's how you change behavior. I mean, and it's not as bad as it  
9 sounds. But yeah, I'm all for it if it's earned. If it's needed.

10 MR. ZAVITSANOS: Okay. So you're okay with -- you're okay  
11 with both?

12 PROSPECTIVE JUROR 014: Yes.

13 MR. ZAVITSANOS: Okay. Thank you. Thank you very much.

14 PROSPECTIVE JUROR 015: 015. I don't have any problem  
15 with punitive damages, but I do believe in a higher standard also.

16 MR. ZAVITSANOS: Beyond a reasonable doubt?

17 PROSPECTIVE JUROR 015: That is correct.

18 MR. ZAVITSANOS: Okay. And so the same questions I  
19 asked this gentleman, if the Court gives an instruction and it's clear and  
20 convincing, you would not be comfortable with that. You would require  
21 beyond a reasonable doubt?

22 PROSPECTIVE JUROR 015: That is correct.

23 MR. ZAVITSANOS: Okay. And therefore -- and that's the  
24 kind of thing where maybe you'd be better on a case that did not involve  
25 punitive damages or a different kind of case, right?



1 PROSPECTIVE JUROR 015: That's possible, sir.

2 MR. ZAVITSANOS: Okay. But you would absolutely require  
3 beyond a reasonable doubt though, in your mind?

4 PROSPECTIVE JUROR 015: At least clear and convincing. I  
5 mean, it definitely would have to be strong clear -- I'd have to really feel  
6 comfortable with it.

7 MR. ZAVITSANOS: Well, it is clear and convincing. That's  
8 the standard for punitives and so I just --

9 PROSPECTIVE JUROR 015: Okay.

10 MR. ZAVITSANOS: -- I don't want to trip you up here.

11 PROSPECTIVE JUROR 015: Okay.

12 MR. ZAVITSANOS: Okay. So like this gentleman said, he  
13 would require beyond a reasonable doubt because if you're going to  
14 punish, we ought to use a criminal-type standard to assess that kind of  
15 punishment, okay. So would you require beyond a reasonable doubt in  
16 your mind before you could award punitives above clear and  
17 convincing?

18 PROSPECTIVE JUROR 015: Clear and convincing would do it  
19 for me.

20 MR. ZAVITSANOS: Okay. So you're okay with the standard?

21 PROSPECTIVE JUROR 015: I think so.

22 MR. ZAVITSANOS: Okay. Thank you, sir. All right. Next?

23 PROSPECTIVE JUROR 020: 020. Philosophically, I don't have  
24 any problem with it.

25 MR. ZAVITSANOS: Okay. And you could follow the

1 standard?

2 PROSPECTIVE JUROR 020: Yes.

3 MR. ZAVITSANOS: Okay. Thank you, sir. All right. So --  
4 okay. Here is my last question. You're all supposed to applaud. Okay.  
5 So here's my last question. So we've visited it about a bunch of times,  
6 okay, is there something that I have not asked you that you think either  
7 of these parties should know that would affect your ability to make a  
8 decision, what kind of a decision you're going to make that is different  
9 and apart from the evidence and the instructions that the Court gives  
10 you.

11 In other words, you know, like, you're thinking Mr.  
12 Zavitsanos, I wish you would have asked me this because I -- you should  
13 know this. Okay. Or United should know this. Is there anything like that  
14 that we have not covered that you think is important? Let me start with  
15 the back row. Any hands in the back row? How about the second row?  
16 The third row? Fourth row? And finally the first row? Yes, sir? Juror  
17 number?

18 PROSPECTIVE JUROR 313: 313. It wasn't asked of me about  
19 balance billing --

20 MR. ZAVITSANOS: Yeah.

21 PROSPECTIVE JUROR 313: -- though --

22 MR. ZAVITSANOS: Oh, yes. Okay. Yeah.

23 PROSPECTIVE JUROR 313: -- and I've been dealing with for  
24 17 years now with my son, who has major issues where he has major  
25 medical types of things. So every two months, \$5,824 in prescription

1    meds that we deal with issues of balance billing. Will the allowable hit  
2    it? Will the allowable not hit it, whatever it happens to be? And my  
3    concern is then going back to the idea of the actual premiums and such.  
4    A ten-million-dollar settlement with an issue that we're continually  
5    dealing with appeals and various things of that nature to try to get things  
6    covered. Would that change that?

7               MR. ZAVITSANOS: So balance billing is going to be -- I  
8    anticipate there's going to be a fair amount of evidence about balance  
9    billing in this case from both sides. Okay. As that evidence is coming in,  
10   is that the kind of thing where it would trigger the thoughts about the  
11   situation with your son and because the bill is coming from the doctor's  
12   group and not the insurance company on this balance billing issue, is  
13   this the kind of thing where you find yourself that you're just naturally  
14   gravitating towards the insurance company because of your own  
15   experience with your son?

16              PROSPECTIVE JUROR 313: Correct.

17              MR. ZAVITSANOS: Okay. And therefore, in addition to the  
18   reason we talked about earlier, this is yet another reason why you would  
19   have a very difficult time following the Court's instructions here?

20              PROSPECTIVE JUROR 313: Correct.

21              MR. ZAVITSANOS: Okay. Anybody else? Okay. Well, thank  
22   you very much. Thank you. You've been very attentive and if you end  
23   up on the jury, I do think you're going to find the case very interesting,  
24   and we look forward to trying this case. Thank you.

25              THE COURT: All right. And that -- did you pass the panel for

1 cause --

2 MR. ZAVITSANOS: Oh, I'm sorry, Your Honor --

3 THE COURT: -- or will you have a motion to make?

4 MR. ZAVITSANOS: No, not passing for cause, Your Honor --

5 THE COURT: You have a motion to make?

6 MR. ZAVITSANOS: We do have a motion.

7 THE COURT: Thank you. All right. Let's take a lunch recess.

8 We have some matters to take up outside your presence. I'll confer with  
9 the marshal over the noon hour. He's trained -- highly trained, and he's  
10 one of the most respected marshals in this building. I have also sent an  
11 email while I was up here to the chief of security and the public  
12 information officer for the courts so that I can give you more information  
13 this afternoon.

14 All right. So -- and because of that we're going to take a little  
15 bit longer lunch. I'm going to say that we should come back -- well, let's  
16 say 1:15. So it's a little over 45 minutes.

17 During the recess, do not talk with each other or anyone else  
18 on any subject connected with the trial. Don't read, watch, or listen to  
19 any report of or commentary on the trial. Don't discuss it with anyone  
20 connected to the case by any medium of information including without  
21 limitation newspapers, television, radio, internet, cell phones, or texting.

22 Don't conduct any research on your own. Don't speculate  
23 about the witnesses, the lawyers, or the issues. You may not use  
24 dictionaries, internet, or any reference materials. Don't post on social  
25 media about jury selection. Don't text, tweet, Google, or conduct any

1 type of research with regard to any issue, party, witness, or attorney  
2 involved in the case. Most importantly, do not form or express any  
3 opinion on any subject connected to the trial until the matter is  
4 submitted to the jury for a decision.

5 It's 12:22. See you at 1:15. Have a great lunch.

6 [Prospective jurors out at 12: 22 p.m.]

7 [Court and clerk confer]

8 [Outside the presence of the prospective jurors]

9 THE COURT: So it's 12:23 and my inclination is to ask you  
10 guys to come back at one o'clock, see what you can talk about. That  
11 gives you a half-an-hour maybe to get a bite of lunch. And I know that  
12 you will make motions. I'd like to take them up when we come back.

13 MR. ZAVITSANOS: Yes. And that will give us a chance to  
14 confer with opposing counsel as well.

15 THE COURT: So 1 p.m., please. Thanks, everybody.

16 [Recess from 12:23 p.m. to 1:03 p.m.]

17 [Outside the presence of the prospective jurors]

18 THE COURT: So let's go on the record, please. So 313, we  
19 are going to agree to --

20 MR. ROBERTS: To excuse, Your Honor.

21 THE COURT: To excuse?

22 MR. ROBERTS: And the challenge was for cause, and we do  
23 not oppose it.

24 THE COURT: Got it.

25 MR. ZAVITSANOS: And then we have two more, Your

1 Honor. 15 and 82, Your Honor.

2 THE COURT: And is 82 the balanced bill?

3 MR. ZAVITSANOS: Yes. Yes, Your Honor.

4 THE COURT: Okay. All right. And on Barbee?

5 MR. ZAVITSANOS: Yeah. Oh, I'm sorry.

6 THE COURT: So --

7 MR. ZAVITSANOS: And on Barbee, it was the  
8 preponderance, that he would require clear and convincing for the actual  
9 damages.

10 THE COURT: Oh, for the actual damages.

11 MR. ZAVITSANOS: Yes.

12 THE COURT: And your response, please? I thought at the  
13 end he said he would go to the law.

14 MR. ROBERTS: Agreed.

15 MR. ZAVITSANOS: He said, no, at the end when I was  
16 questioning about putatives, he said he would follow that -- he was good  
17 with that. But he clearly said he could not follow the Court's instructions  
18 on actual damages, compensatory and [indiscernible]. And that was --  
19 because as soon as he said that, I knew.

20 THE COURT: Okay. And?

21 MR. ROBERTS: And Your Honor, the one word I have in  
22 quotes is he described his mental state as being uncomfortable. I think  
23 uncomfortable was the exact word that some of the jurors used in  
24 *Khoury v. Seastrand*, where the Court found that they should not have  
25 been disqualified for cause. And again in my notes, it may be out of

1 context, but I thought that after struggling with this issue and saying he  
2 was uncomfortable, saying I think I could give you an honest answer  
3 after I hear the evidence but we're not going to get to do that. He said, I  
4 think I could listen to the law and go from there.

5 MR. ZAVITSANOS: Your Honor, that -- I'm sorry. May I  
6 respond, Your Honor?

7 THE COURT: Please.

8 MR. ZAVITSANOS: He did say that. That was in response to  
9 the question on putatives. He was clear as a bell. He said unequivocally  
10 without hesitation he could not follow the Court's instructions on actual  
11 damages using a preponderance standard.

12 THE COURT: You know, I think he tried to walk it back, but  
13 he did start by saying that he thought he needed more evidence than a  
14 preponderance, so -- because with the amount. So I am going to grant  
15 the challenge.

16 THE CLERK: That was 82?

17 THE COURT: That was 15, Mr. Barbee. And that takes us to  
18 82, whose name I don't recall.

19 MR. ZAVITSANOS: The other gentleman was the --

20 THE COURT: Zakahi?

21 MR. ROBERTS: Nepomuceno, Your Honor?

22 THE COURT: Wait hang on. What's her badge number?

23 MR. BLALACK: 82.

24 THE COURT: 32?

25 MR. ZAVITSANOS: 82. 082.

1 THE COURT: Let me get there. Okay, yes. And she --

2 MR. ZAVITSANOS: She is the lady that unsolicited, raised  
3 her hand and said she was thinking last night -- thinking about the  
4 balanced bill issue. And ultimately said that she could not be a fair juror.  
5 She would be better off serving on another jury.

6 She was concerned about the effect that it would have on her  
7 that it might -- that she would be motivated to find zero, just to keep the  
8 status quo. And yeah. I mean, and she clearly, unequivocally said the  
9 words, she could not follow the Court's instructions on that.

10 THE COURT: And the response, please?

11 MR. ROBERTS: Yes, once again, she said that makes me  
12 uncomfortable. She -- I believe she did agree that it would impact the  
13 way she decided the case, but that was in response to a leading  
14 question. And I just thought I needed to inquire more because yesterday  
15 she very clearly said that she was grateful for UHC Insurance paying her  
16 bill and that she didn't have to pay the balanced bill she got. But she  
17 said, quote, "It would not color her view of the evidence." That was just  
18 yesterday.

19 THE COURT: Now, I think she meets the threshold to be  
20 excused based upon the volunteering today.

21 So were those the only three motions you had, Plaintiff?

22 MR. ZAVITSANOS: Yes, Your Honor. Those are.

23 THE COURT: All right. So we'll have to bring three more up.  
24 What are we going to do about this juror who wants to leave at 2:30,  
25 401?



1 MR. ROBERTS: Your Honor, I'm going to move to excuse her  
2 for cause whenever it's my turn to do that. And I'd be happy to make my  
3 motion. I know we discussed her briefly yesterday.

4 THE COURT: Let me get to her page because I keep notes  
5 too.

6 MR. ROBERTS: But I do have a deposition transcript for the  
7 Court. Sorry, a voir dire transcript. This is part of it.

8 THE COURT: Thank you.

9 MR. ZAVITSANOS: Your Honor, I would suggest that  
10 counsel just question her.

11 THE COURT: Yeah. I'll give you a chance just to confirm  
12 that.

13 MR. ROBERTS: Well, Your Honor, with all due respect, I  
14 didn't get to talk to Juror 82. I didn't get to talk to 15 because they had  
15 gone too far and met the standard. This certainly is just as unequivocal  
16 as what 15 and 82 said.

17 MR. ZAVITSANOS: Except that -- my apologies.

18 THE COURT: Yeah.

19 MR. ZAVITSANOS: May I respond?

20 THE COURT: Please.

21 MR. ZAVITSANOS: Except she said a lot more than them  
22 and she was clear as a bell she could follow the Court's instructions. She  
23 did not have a problem with it, in later questioning. I -- during my  
24 questioning. He omitted that. He only included the part at the very  
25 beginning, and then as we flushed that out, she not only walked it back.

1 She walked it all the way back and repeatedly said that she could be fair.  
2 I would propose that counsel just question her. On this one, it's --

3 THE COURT: You know, and then he says -- but then it  
4 makes me think well, if I cut him off from trying to rehabilitate people.  
5 And I am conscious of the time, but I don't want that to create error --

6 MR. ZAVITSANOS: Right.

7 THE COURT: -- in this case. So. She has to leave at 2:30. I  
8 would say, let's give Mr. Roberts a chance to talk to 313, 15, 82 and 401,  
9 so 401 doesn't feel that she's been singled out.

10 MR. ROBERTS: Thank you, Your Honor. Okay.

11 THE COURT: But I'm going to ask you to hit the high points if  
12 you can, and if you think you get there, you can give me a high sign.

13 MR. ROBERTS: And Your Honor, certainly you can bring 313  
14 in, but I didn't see any doubt in 313. So I don't -- I didn't want to waste  
15 the Court's time.

16 THE COURT: 313. You both agree? 313. All right.

17 MR. ROBERTS: 313, we stipulated to.

18 MR. ZAVITSANOS: And Your Honor, one thing -- I did not  
19 object yesterday but if we can avoid the closing argument, you know. I  
20 mean, I understand some leeway is appropriate but with the coaching, I  
21 -- anyway I -- anyway.

22 THE COURT: That's something I love about the Nevada  
23 Constitution, so just so you know.

24 MR. ZAVITSANOS: Yeah.

25 THE COURT: All right. Are we ready to bring in the jury? As

1 soon as --

2 MR. ROBERTS: Yes, Your Honor.

3 THE COURT: As soon as Andrew -- I'll give him a high sign.

4 MR. BLALACK: Your Honor, just to be clear, we're bringing  
5 in just these three; am I correct?

6 THE COURT: I think I'm going to excuse 313, so we'll bring in  
7 three now.

8 MR. BLALACK: Okay.

9 THE COURT: So let me write this on a sticker for him.

10 So we're going to bring in 401, 15 and 82. And I'll have this  
11 up here for the marshal.

12 MR. ZAVITSANOS: Your Honor, may I confer with counsel  
13 for a second?

14 THE COURT: Of course.

15 [Counsel confer]

16 MR. ZAVITSANOS: I'm sorry, Your Honor. My apologies.

17 MR. ROBERTS: We have a stipulation?

18 MR. ZAVITSANOS: Huh?

19 MR. ROBERTS: We have a stipulation on that.

20 MR. ZAVITSANOS: On which one?

21 MR. BLALACK: On what you're proposing.

22 MR. ZAVITSANOS: No, I don't -- I don't -- I'm just --

23 MR. BLALACK: You speaking with authority here.

24 MR. ZAVITSANOS: Yes.

25 MR. BLALACK: Is that what we got going on?

1 MR. ZAVITSANOS: I'm sorry. I'm sorry.

2 MR. BLALACK: Get yours over here.

3 MR. ZAVITSANOS: I'm so sorry. They -- I misunderstood. I  
4 apologize for that.

5 THE COURT: So is this something you need to correct with  
6 me?

7 MR. ZAVITSANOS: No, Your Honor.

8 MR. BLALACK: We thought we might have a deal that would  
9 obviate all of this, but we don't actually.

10 THE COURT: Good enough.

11 MR. BLALACK: Proceed.

12 THE COURT: Okay. Did you all get any lunch at all? No.

13 MR. ZAVITSANOS: We did, thank you.

14 THE COURT: We're going to bring in three jurors, Marshal  
15 Allen. And I've told them about our meeting with the director of security.

16 THE MARSHAL: Bring all three of them at the same time?

17 THE COURT: All three at the same time.

18 THE MARSHAL: All rise for the jury.

19 [Prospective jurors in at 1:17:52 p.m.]

20 THE COURT: Okay. So we've brought the three of you in for  
21 some additional questioning. Thanks, guys. Mr. Roberts.

22 MR. ROBERTS: Thank you, Your Honor.

23 THE COURT: Ms. Santoyo, we are aware of your medical  
24 appointment this afternoon.

25 MR. ROBERTS: Good afternoon. So I'd like to talk first to

1 you, Ms. Santoyo.

2 PROSPECTIVE JUROR 401: Okay.

3 MR. ROBERTS: And as you recall, I represent the insurance  
4 companies and plan administrators in the lawsuit, the people who've  
5 been sued. And I wanted to follow up on something you said way back.  
6 It may have even been the first day of voir dire when you were talking to  
7 Mr. Zavitsanos. And one of the things you said was that you have  
8 insurance as a teacher, and that you've been having problems. And was  
9 that problems having the insurance company pay your claims?

10 PROSPECTIVE JUROR 401: Yes. 401, yes.

11 MR. ROBERTS: And looking first, just at that issue, has that  
12 caused you to develop a little bit of a bias about the way insurance  
13 companies handle claims?

14 PROSPECTIVE JUROR 401401: It has. But well after hearing  
15 that it - the problems I'm not having is not out-of-network, it's within  
16 network. So now that I see that they're two different -- the case here is  
17 about out-of-network.

18 I mean, I still feel that they should, you know, they should be  
19 paying for our -- my doctor's visits and everybody else's doctor visits.  
20 But I don't have any trouble with the out-of-network. It's all in-network  
21 that I'm having troubles with.

22 MR. ROBERTS: Right. And setting aside the context -- your  
23 context versus the context that may be involved in this case, my  
24 question is, are you biased against the insurance companies themselves  
25 as an industry?

1 PROSPECTIVE JUROR 401: I don't think so. Because I've got  
2 -- my husband has another insurance, which is awesome, and we've  
3 never had a problem. But no, I --

4 MR. ROBERTS: And who is your insurance with, if you  
5 could --

6 PROSPECTIVE JUROR 401: My insurance?

7 MR. ROBERTS: Yes.

8 PROSPECTIVE JUROR 401: As a teacher, it's UMR. I think  
9 it's a third party with Teachers Health Trust.

10 MR. ROBERTS: But UMR is the administrator of your claims.

11 PROSPECTIVE JUROR 401: Yes.

12 MR. ROBERTS: And were you aware that UMR is one of the  
13 defendants in this case?

14 PROSPECTIVE JUROR 401: Yes. On Monday I found that  
15 out.

16 MR. ROBERTS: Okay. And I understand that, you know, all  
17 good citizens want to be fair but does the fact that UMR, one of the  
18 defendants, is the one who's denied claims that you felt should have  
19 been paying in your personal life, have us starting a little bit behind the  
20 plaintiffs in this case?

21 PROSPECTIVE JUROR 401: I think so.

22 MR. ROBERTS: Okay. And although you're willing to listen  
23 to the evidence and try to be fair, that might color your perception of the  
24 evidence as it comes in, as the talk about the underpaying the claim  
25 might trigger those feelings inside you?

1 PROSPECTIVE JUROR 401: Possibly. Possibly, yes.

2 MR. ROBERTS: And you can't really assure me that it won't  
3 at this point, correct?

4 PROSPECTIVE JUROR 401: Correct.

5 MR. ROBERTS: Now, turning to the other issue that I wanted  
6 to inquire about, and that is you understand that doctors need to get  
7 paid.

8 PROSPECTIVE JUROR 401: Yes, I do.

9 MR. ROBERTS: And that's really a separate issue from the  
10 insurance claims issue, right?

11 PROSPECTIVE JUROR 401: My?

12 MR. ROBERTS: Or is that all tied together?

13 PROSPECTIVE JUROR 401: Can you repeat that?

14 MR. ROBERTS: Yes. Your personal belief that doctors need  
15 to get paid.

16 PROSPECTIVE JUROR 401: Uh-huh.

17 MR. ROBERTS: Is that -- does that go beyond the  
18 underpayment of claims issue? Is that sort of a separate issue for you, or  
19 is it all tied together?

20 PROSPECTIVE JUROR 401: I'm not sure. I mean, I know they  
21 need to get paid. I don't know if it's tied in or not. I'm not sure.

22 MR. ROBERTS: Okay. And before you hear any evidence,  
23 are you already learning toward the doctors probably need to get paid  
24 more than they did?

25 PROSPECTIVE JUROR 401: A little bit, yeah.

1 MR. ROBERTS: Yeah?

2 PROSPECTIVE JUROR 401: Yes.

3 MR. ROBERTS: Okay. Thank you, Ms. Santoyo. If you could  
4 pass the mic, and I'll probably -- Nepomuceno? Muceno?

5 PROSPECTIVE JUROR 082: Nepomuceno.

6 MR. ROBERTS: Thank you. Yes. I wanted to talk about what  
7 you shared with us this morning. And I do appreciate -- both parties  
8 appreciate it when jurors share things like this. The -- what I want to  
9 understand is are these things about maybe I will get treated differently  
10 next time if there's a big award in this case? Is it concern about your  
11 premiums going up? Could you explain that a little bit more?

12 PROSPECTIVE JUROR 082: Number 082. Yeah, I just -- I  
13 guess I'm a little hesitant, if I make the wrong choice or decision. It's not  
14 going to affect the way now that the health insurance is going to take  
15 care of claims in regards to like the members, you know, calling and  
16 complaining, are they going to change the way that they handle that  
17 now, or, you know, they're not going to be so nice, I guess, and not have  
18 to pay those bills, or are they going to be now, you know, more strict,  
19 because, you know, the doctors have to get paid.

20 MR. ROBERTS: Sure. And those are things that you thought  
21 about overnight, right?

22 JUROR 082: Yes. Because, I mean, I've had health insurance  
23 since I was 19 years old, and I have a chronic condition, so I go at least  
24 every six months, and so, you know, health insurance is a big part of my  
25 life and of course I think about that.



1 MR. ROBERTS: Okay. And one of the things we've been  
2 talking about, is people have concerns, we have beliefs, life experiences,  
3 such as yours. The thing that the Court needs to know is whether you  
4 can sort of set those aside and assure both parties that you'll decide this  
5 case based on the evidence you hear in the courtroom, and the law that  
6 the Judge gives you, and not on the basis of making your personal  
7 concerns about what might happen to you.

8 JUROR 082: I would like to say that it's not going to affect  
9 me, but I feel like it's -- I mean, yesterday I said I didn't have a problem  
10 with it, and then overnight I started thinking about it, so maybe I think  
11 that it is there, in the back of my mind, it will affect.

12 MR. ROBERTS: You think it will affect, so it's --

13 JUROR 082: As much as I would want it not to, yes, I think it  
14 -- I think that it's --

15 MR. ROBERTS: Okay.

16 JUROR 082: -- something I think about.

17 MR. ROBERTS: And we both appreciate you being sincere  
18 about that with us. Thank you.

19 MR. ROBERTS: Okay. If you could pass the mic to badge  
20 313. Is it Mueller?

21 THE COURT: No, Mr. Barbee, 15.

22 PROSPECTIVE JUROR 015: That's right.

23 MR. ROBERTS: I'm sorry, Mr. Barbee.

24 PROSPECTIVE JUROR 015: That's okay.

25 MR. ROBERTS: I apologize, sir.

1 PROSPECTIVE JUROR 015: Not a problem.

2 MR. ROBERTS: It's been a long week, lots of names.

3 PROSPECTIVE JUROR 015: I'm sure it has.

4 MR. ROBERTS: So as I recall one of the things you were  
5 struggling with was the burden of proof?

6 PROSPECTIVE JUROR 015: That's correct.

7 MR. ROBERTS: And the standard that has to be met?

8 PROSPECTIVE JUROR 015: Yes, sir.

9 MR. ROBERTS: And I don't think that you were in the room  
10 when I talked about the preponderance standard.

11 PROSPECTIVE JUROR 015: I had never heard you speak  
12 about anything at all.

13 MR. ROBERTS: Okay. Very good. And the -- sort of the  
14 shorthand description, that Mr. Zavitsanos gave the panel, you know,  
15 51 percent I think he called it?

16 PROSPECTIVE JUROR 015: Uh-huh.

17 MR. ROBERTS: So assume that the Judge is going to  
18 instruct you on the law, and the Judge may not say anything about 51  
19 percent, but instead says something that a preponderance means that  
20 evidence, when considered and weighed against that opposed to it, has  
21 more convincing force and produces in your mind a belief that when it's  
22 sought to be proved is more likely true than not true. Okay.

23 PROSPECTIVE JUROR 015: Uh-huh.

24 MR. ROBERTS: So after hearing all the evidence in the trial,  
25 in your mind you're convinced that what they are trying to prove is more

1 likely true than not true, would you be comfortable giving them a verdict  
2 based on that standard?

3 PROSPECTIVE JUROR 015: Well, if the Judge gives me the  
4 instructions, and you said likely, which to me -- I'm a gambling guy, I'm a  
5 percentage guy, 51 percent has never been all that comfortable for me in  
6 -- for anything. But if that's the instruction and that's all they had to  
7 prove, then I would be okay with it?

8 MR. ROBERTS: Then you would be okay following that?

9 PROSPECTIVE JUROR 015: That is correct.

10 MR. ROBERTS: And you could set aside your personal  
11 beliefs about what you think the law ought to require them to prove, and  
12 base your verdict on the standard given to you by the Court?

13 PROSPECTIVE JUROR 015: Yeah.

14 MR. ROBERTS: Okay. Is there any other reason you couldn't  
15 be fair to both parties in this case?

16 PROSPECTIVE JUROR 015: I'm looking for you guys to  
17 convince me. It is my opinion you've got a stable full of lawyers here,  
18 you've got eight on each side, and it's your job to make me believe the  
19 right side. I'm not going to let anything sway my view, anything at all.  
20 So, I mean, I can't put it any plainer than that, guys.

21 MR. ROBERTS: When you say that you're not going to let  
22 anything sway your view, could you clarify? Does that mean you have  
23 some view about the evidence that exists in your mind right now, that  
24 would cause you to be unable to decide the case, based on what you're  
25 going to hear in the Court and instructions from the Judge?

1 PROSPECTIVE JUROR 015: I don't know. I sat and had  
2 lunch, and I tried to figure where I stood in this, because I'm very  
3 interested in it. However, I just don't know, because I haven't been given  
4 any information. So it's all based on, if the Court gives me the  
5 instructions, am I to believe this? I'm sorry, it's really hard for me to  
6 make that decision.

7 MR. ROBERTS: Okay.

8 PROSPECTIVE JUROR 015: I'm going to be a pain.

9 MR. ROBERTS: No, it's okay. Let me just focus back on the  
10 two issues I wanted to talk to you about.

11 PROSPECTIVE JUROR 015: Okay.

12 MR. ROBERTS: One is, you can apply a preponderance of  
13 the evidence standard, such as the one I just read to you?

14 PROSPECTIVE JUROR 015: Yes.

15 MR. ROBERTS: And the clear and convincing standard that  
16 you discussed with Mr. Zavitsanos, the way you ended with that, is that  
17 clear and convincing would do it for me, correct?

18 PROSPECTIVE JUROR 015: I believe so, Yes.

19 MR. ROBERTS: Okay. Thank you, sir. I appreciate it.

20 PROSPECTIVE JUROR 015: Thank you.

21 THE COURT: Mr. Zavitsanos, do you have anything to  
22 follow-up?

23 MR. ZAVITSANOS: Yes, Your Honor. Very briefly. Okay.  
24 Mr. Barbee, I'm going to start with you.

25 PROSPECTIVE JUROR 015: Okay.

1 MR. ZAVITSANOS: I'm sorry for all these questions.

2 PROSPECTIVE JUROR 015: No, hey, you're doing your job.

3 MR. ZAVITSANOS: Yeah. Okay. So counsel just read to you  
4 the preponderance standard, more likely so than not.

5 PROSPECTIVE JUROR 015: That's correct.

6 MR. ZAVITSANOS: Okay, sir. So you're a gambling guy,  
7 right?

8 PROSPECTIVE JUROR 015: Yes, sir.

9 MR. ZAVITSANOS: Okay. So more likely so than not on a  
10 numeric scale means what?

11 PROSPECTIVE JUROR 015: Well, 51 percent is not a very  
12 good percentage.

13 MR. ZAVITSANOS: Okay. Now let me read to you the  
14 definition of clear and convincing.

15 PROSPECTIVE JUROR 015: Okay.

16 MR. ZAVITSANOS: All right. And I'm not speaking for the  
17 Court, okay. I anticipate, though, maybe, something like this. Let me  
18 rephrase it. If something like this was read, my question is, is this the  
19 level that you would want before you would award \$10.5 million? Let  
20 me read it to you, okay?

21 PROSPECTIVE JUROR 015: Yes, sir.

22 MR. ZAVITSANOS: Okay. Clear and convincing evidence is  
23 that measure or degree of proof which will produce in your mind a firm  
24 belief or conviction as to the allegations sought to be established. It is  
25 an intermediate degree of proof being more than a mere preponderance,

1 but not to the extent of such certainty as is required to prove an issue  
2 beyond a reasonable doubt. Proof by clear and convincing evidence is  
3 proof which persuades you that the truth of the contentions is highly  
4 likely. Do you understand that?

5 PROSPECTIVE JUROR 015: Yes, sir.

6 MR. ZAVITSANOS: Okay. Now as between what I just read,  
7 okay, and what my esteemed opposing counsel just read, which one  
8 would you apply, in your mind, before you could award \$10.5 million,  
9 not having heard any evidence right now?

10 PROSPECTIVE JUROR 015: I'd say clear --

11 MR. ZAVITSANOS: The one I just read?

12 PROSPECTIVE JUROR 015: Yes, sir.

13 MR. ZAVITSANOS: Okay. If the Court did not give this  
14 instruction, but gave the preponderance, the lower standard, this is the  
15 question I asked you earlier -- earlier today --

16 PROSPECTIVE JUROR 015: I understand.

17 MR. ZAVITSANOS: -- you're saying for you to award that  
18 kind of money you would need what I just read?

19 PROSPECTIVE JUROR 015: Well, I may be confused when  
20 we were talking about the punitive damages, because I definitely would  
21 need that for punitive damages.

22 MR. ZAVITSANOS: I'm talking about actuals.

23 PROSPECTIVE JUROR 015: Okay. You're just talking about  
24 the straight, either --

25 MR. ZAVITSANOS: To make them whole.

1 PROSPECTIVE JUROR 015: To make the whole?

2 MR. ZAVITSANOS: Yes, sir. So let me ask it again, okay, and  
3 I'm not trying to put words in my mouth and if I --

4 PROSPECTIVE JUROR 015: I get it.

5 MR. ZAVITSANOS: Okay. So my question is, to make  
6 someone whole, given the amount that we're seeking here, okay, in your  
7 mind, is this what you're going to require, this clear and convincing  
8 definition that I just read?

9 PROSPECTIVE JUROR 015: I believe it would be, yes.

10 MR. ZAVITSANOS: Okay. And if the Court, if Her Honor  
11 gave something that was lower than this, the one that counsel read, that  
12 wouldn't be good enough?

13 PROSPECTIVE JUROR 015: I don't believe so, no.

14 MR. ZAVITSANOS: Okay. Thank you. All right. Now let me  
15 move, ma'am, to you. Okay. All right. So you actually spoke three  
16 different days, okay. All right. So let me just -- I'm going to read the  
17 notes here, and you tell me if you said that or not, okay?

18 PROSPECTIVE JUROR 401: Okay.

19 MR. ZAVITSANOS: All right. So the first day I think that it  
20 was just on the 25th, and Your Honor, for the record, it's transcript page  
21 142, lines 4 to 14. I think you said you had problems with rising  
22 premiums, but it would not change your view?

23 PROSPECTIVE JUROR 401: 401. Yes, I did say that.

24 MR. ZAVITSANOS: The next day, on the 26th, page 24, lines  
25 6 to 15, did you say you thought you could set aside your beliefs and

1 follow the Court's instructions?

2 PROSPECTIVE JUROR 401: I did say that.

3 MR. ZAVITSANOS: The next day, on the 27th, did you say  
4 that -- at line -- on page 77, lines 22 through 78, line 8, that you thought  
5 you could take a look at the evidence and could be fair, and you don't  
6 think you would put your thumb on the scale?

7 PROSPECTIVE JUROR 401: I believe I did say that.

8 MR. ZAVITSANOS: Okay. Now, do you stand by those  
9 comments?

10 PROSPECTIVE JUROR 401: Yes.

11 MR. ZAVITSANOS: Okay. Now here's the thing. So it's okay  
12 -- like, I think Your Honor said, the first day it's okay to have certain  
13 biases, experiences --

14 PROSPECTIVE JUROR 401: Uh-huh.

15 MR. ZAVITSANOS: -- and beliefs, the question is, if you end  
16 up in the jury box would you be able to set aside whatever bias or  
17 experience you had and evaluate the case based on the evidence, and  
18 the law that the Court gives you?

19 PROSPECTIVE JUROR 401: I would try. I mean, I'd say, yes,  
20 but in the back of mind, like I said, from personal experience, that as I  
21 mentioned, some of my medical bills haven't been paid, and we're  
22 having trouble with doctors cancelling my appointments and things  
23 because they haven't been paid, I would have that in the back of my  
24 mind, but I would think I could set it aside and --

25 MR. ZAVITSANOS: Let me ask one final question, okay? So



1 you heard this 51 percent that we talked about, right?

2 PROSPECTIVE JUROR 401: Right.

3 MR. ZAVITSANOS: All right. Let's say you're in the jury, we  
4 get to the end, okay, and you have presentations from our side, and  
5 presentations from Mr. Roberts' side, And it was dead even, 50/50. I  
6 mean, like we did not get the 51 percent, could you find, if that was the  
7 case, could you find for the Defendants?

8 PROSPECTIVE JUROR 401: No.

9 MR. ZAVITSANOS: Do you understand my question?

10 PROSPECTIVE JUROR 401: Repeat your -- well --

11 MR. ZAVITSANOS: Yeah. If it's 50/50 --

12 PROSPECTIVE JUROR 401: Uh-huh.

13 MR. ZAVITSANOS: -- and if we did not satisfy our burden,  
14 we did not get to 51 --

15 PROSPECTIVE JUROR 401: Uh-huh.

16 MR. ZAVITSANOS: -- it's dead even, if you were a juror, and  
17 we did not meet the burden, we didn't get to 51, could you find for the  
18 insurance Defendants? In other words will you --

19 PROSPECTIVE JUROR 401: Be on their side, is that what  
20 you're --

21 MR. ZAVITSANOS: Yes. If it was 50/50 --

22 PROSPECTIVE JUROR 401: No.

23 MR. ZAVITSANOS: -- and we did not meet the burden?

24 PROSPECTIVE JUROR 401: No. I don't think so.

25 MR. ZAVITSANOS: You would find for the Plaintiffs?

1 PROSPECTIVE JUROR 401: Yes.

2 MR. ZAVITSANOS: Okay. I understand. Okay. Okay. Your  
3 Honor, I think we're done. Thank you.

4 THE COURT: Thank you. All right. You're excused to go  
5 back to the hall. Please go get in line in your number order, and if you'll  
6 leave the --

7 PROSPECTIVE JUROR 401: Okay.

8 THE COURT: Yes. Thank you.

9 [Pause]

10 [Outside the presence of the prospective jurors]

11 THE COURT: All right. So 113, 15, 82 and 401 will be  
12 excused for cause. And we only have eight more people back here. That  
13 takes away our problem about this afternoon, however.

14 And, Marshal Allen, we can bring everybody in now.

15 THE CLERK: Judge, what were the numbers again?

16 THE COURT: It's 313, 15, 82 and 401.

17 THE CLERK: Thank you.

18 THE COURT: Thank you.

19 [Pause]

20 THE MARSHAL: All rise for the jury.

21 [Prospective jurors in at 1:37 p.m.]

22 THE COURT: Thanks everyone. Please be seated.

23 For the members of the venire, the Marshal and I met with  
24 the head of security and the two deputies, they have plans in place that I  
25 was not aware of, to make sure that anyone who serves on the jury will

1 have the ability to leave the building and not have to deal with the press,  
2 so that you know. I'm not going to explain it now, because if there was  
3 somebody listening they would know how I'm going to avoid that, but if  
4 you get selected for the jury I'll make sure that you know about that  
5 before deliberations begin.

6 Now, okay. So we came back at one o'clock, we've been  
7 working here while you guys got to have a lunch, so it's not that we  
8 disrespected your time today, just that we needed to move forward in  
9 the selection process. That being said I'll ask the following people to  
10 stand. 313, 15, 82, and 401. We want to thank you for being willing to  
11 serve your community. We hope that if you want to serve on a jury there  
12 will be one where you can make a difference in your community, but it  
13 just won't be this.

14 It doesn't mean you're unqualified for jury duty, just that we  
15 hope you get a second chance. Thank you, and you're excused. And  
16 we're going to have to reorder, so thank you for your patience.

17 [Pause]

18 THE COURT: Thanks everyone.

19 Plaintiff, you may inquire of the last four members of the  
20 venire.

21 MR. ZAVITSANOS: Thank you, Your Honor. I don't know  
22 what movie it is, but you know, I'm back. Okay. So let me say this  
23 before I start, this is really directed to the other folks, I will get to you in  
24 just a second. So the lawyers are chomping at the bit to start the case,  
25 but this is very important, this is probably the most important part of the

1 trial, right, because we've all been on both sides and have been  
2 preparing for a very long time for this case, and we want the case  
3 decided on the evidence, not on your experiences. That's why we are so  
4 careful and that's why we're delving into, you know, what otherwise  
5 might be personal questions sometimes about your beliefs and your  
6 views, okay?

7           So I'm just going to get started. Let me begin by asking the  
8 four of you if anybody did not hear the explanation I gave on what  
9 preponderance of the evidence means. Did you all hear that today?  
10 Would somebody like me to explain it again? Okay. All right.

11           So let me do that. So this case is a dispute between three  
12 companies that have doctors and nurse practitioners, and they are  
13 assigned at -- give me one second, please. So I want to give you the  
14 names of the facilities where we are located. I don't know if I did that  
15 earlier or not. So this is directed to the other folks, as well. All right?

16           Here we go. These are the ones in Clark County. So it's  
17 Aliante, The Lakes, Mountainview Hospital, Dignity Health -- and we've  
18 got three of those. The Rosa de Lima Campus, San Martin Campus, and  
19 the Siena Campus. Southern Hills Hospital and Sunrise Hospital. That's  
20 where our doctors and nurse practitioners work in the emergency rooms,  
21 okay?

22           Now, for Team -- that was for Freemont. Team Physicians,  
23 which is in Fallon, we have folks there at Banner Churchill Community  
24 Hospital. And finally, the last group, Ruby Crest, they are in Elko, and  
25 they are at Northeastern Nevada Regional Hospital. Okay.

1 So to the folks that did not -- actually, let me ask the four of  
2 you. Have you all been to any of those facilities? Let me see a show of  
3 hands. Have you been to any of those facilities, sir?

4 UNIDENTIFIED PROSPECTIVE JUROR: I have not.

5 MR. ZAVITSANOS: Okay. So let's get -- number, please?

6 PROSPECTIVE JUROR 041: 041.

7 MR. ZAVITSANOS: 041.

8 PROSPECTIVE JUROR 055: 055.

9 MR. ZAVITSANOS: 055.

10 PROSPECTIVE JUROR 061: 061.

11 MR. ZAVITSANOS: 061. Okay. Tell me which facility. And  
12 either you, a family member, or a close friend. So tell me which  
13 facilities. All right. We're going to start over here on the end.

14 PROSPECTIVE JUROR 041: Just to clarify, are you talking  
15 also about the Freemont?

16 MR. ZAVITSANOS: Yes.

17 THE COURT RECORDER: Can I get the badge number,  
18 please?

19 PROSPECTIVE JUROR 041: 041.

20 MR. ZAVITSANOS: Yes, sir.

21 PROSPECTIVE JUROR 041: To Aliante, but not recently.

22 MR. ZAVITSANOS: Okay. How long ago?

23 PROSPECTIVE JUROR 041: Two years ago.

24 MR. ZAVITSANOS: Two years ago.

25 PROSPECTIVE JUROR 041: Approximately.

1 MR. ZAVITSANOS: Okay. And in the emergency room?

2 PROSPECTIVE JUROR 041: No, not myself, but someone  
3 that I know.

4 MR. ZAVITSANOS: In the emergency room?

5 PROSPECTIVE JUROR 041: No.

6 MR. ZAVITSANOS: Oh, not in the emergency room. Okay.  
7 Our folks are emergency room doctors. They only work in the  
8 emergency room, okay? And the thing about emergency room doctors  
9 at many hospitals, they are not employees of the hospital, okay? One of  
10 the hospitals will make arrangements to have independent contractors or  
11 groups like us come in to basically staff the doctors and nurse  
12 practitioners, and physician assistants, in the emergency room. Okay.  
13 So you have not dealt with the emergency room physicians at any of  
14 those facilities?

15 PROSPECTIVE JUROR 041: Correct.

16 MR. ZAVITSANOS: Okay. Let's pass it over. How about  
17 you? You, a family member, or a close friend, have you been to any of  
18 those facilities for the emergency room?

19 PROSPECTIVE JUROR 055: 055, and just a family member.

20 MR. ZAVITSANOS: Emergency room?

21 PROSPECTIVE JUROR 055: No.

22 MR. ZAVITSANOS: Okay. Okay, let's move down.

23 PROSPECTIVE JUROR 061: 061. No emergency.

24 MR. ZAVITSANOS: No emergency. Okay.

25 PROSPECTIVE JUROR 091: 091, and yes, I was actually in the

968900

006890

1 ER a couple of years ago.

2 MR. ZAVITSANOS: Which ER?

3 PROSPECTIVE JUROR 091: At Mountainview Hospital.

4 MR. ZAVITSANOS: Mountainview? Okay.

5 PROSPECTIVE JUROR 091: Yes.

6 MR. ZAVITSANOS: Okay. So chances are, whoever the  
7 doctor was that treated you is one of our folks, okay? So I'm just going  
8 to start here. Good experience or bad experience?

9 PROSPECTIVE JUROR 091: I would say it was fairly good.

10 MR. ZAVITSANOS: Fairly good?

11 PROSPECTIVE JUROR 091: Yeah. I mean, I had no major  
12 problems at all. I mean --

13 MR. ZAVITSANOS: Okay. All right. Anything about that  
14 experience that's going to cause you to lean one way or another?

15 PROSPECTIVE JUROR 091: Not at all.

16 MR. ZAVITSANOS: Okay. So let me get back now to this  
17 preponderance issue I was about to get to. Okay. So we are primarily  
18 emergency room doctors, we are out-of-network, okay? Meaning we  
19 don't have a written deal with United, and we've treated a bunch of  
20 United insurers, people that have United insurance. United paid us a  
21 certain amount, and we believe that that amount was not reasonable,  
22 okay? What they should've paid the amount of the bill, they paid  
23 something substantially less than that. And there's a dispute about what  
24 an appropriate amount is. You all with me? Okay. If you add the claims  
25 together, all the folks, all the members, all the United members that

1 we've treated, it comes out to over ten and a half million dollars or about  
2 ten and a half million dollars.

3 Now, this is a civil case, not a criminal case. In a criminal  
4 case, in order to put someone in prison, you've got to prove it beyond a  
5 reasonable doubt to convict someone, okay? And that means, you know,  
6 on a numerical scale, that you're 95 percent certain. There is a standard  
7 right below that. It's called clear and convincing. Numerically, that's like  
8 70 to 75 percent certain, okay. The lowest one is what's called the  
9 preponderance of the evidence, and there's a definition that the Court  
10 will give on that, but what that means is it's more likely so than not so.  
11 Meaning on a number scale, it's like 51. Okay. You just passed the 50  
12 yard line, okay.

13 Now, here's the question. And since you're holding the mic,  
14 I'm going to direct my comments to you first. I'm not picking on you.  
15 It's just that you have the mic, okay? All right. So given how much  
16 we're seeking, which is over \$10 million, is this a situation where in your  
17 mind, you're going to need something substantially more than a  
18 preponderance standard of 51 percent. You're going to need like beyond  
19 a reasonable doubt or clear and convincing before you would feel  
20 comfortable in awarding that kind of money?

21 PROSPECTIVE JUROR 091: Yes.

22 MR. ZAVITSANOS: Okay. So let me make sure that we  
23 understand each other here. And thank you very much for your honesty,  
24 okay? So let's make sure we understand each other. Let's say we -- both  
25 sides -- if you're on the jury, both sides submit persuasive evidence, but



1 our evidence is just a little bit more persuasive. That much, okay? Fifty-  
2 one to 41, okay? Are you telling me that if we met that preponderance  
3 standard, you would not feel comfortable awarding \$10 million because  
4 it was so close?

5 PROSPECTIVE JUROR 091: I mean, based on the evidence  
6 for both sides, basically, I mean, I'm just going to have to kind of see the  
7 amount in order for me to give an actual opinion, but I mean, \$10 million  
8 is a whole lot of money, so I just kind of need to look at everything,  
9 granted if I'm on this case or not, so I think it's going to take a lot of  
10 convincing to be honest with you.

11 MR. ZAVITSANOS: Okay. So let me make sure that I'm not  
12 misunderstanding you, okay? I can't show you the evidence right now,  
13 right?

14 PROSPECTIVE JUROR 091: Yeah.

15 MR. ZAVITSANOS: And you've heard me say this. This is a  
16 little bit of a chicken and egg thing, right? Okay. So my question is, not  
17 having heard any of the evidence yet, not knowing what this case is  
18 about, what the issues are, who the witnesses are, and what they're  
19 going to say, not having heard any of that, is this a situation where you  
20 just hear that we're seeking over \$10 million, if the Court gives an  
21 instruction that the appropriate standard is the preponderance standard,  
22 more likely so than not, in your mind, you're not going to be able to  
23 consider awarding \$10 million, because you need something more than  
24 that?

25 PROSPECTIVE JUROR 091: Correct.

1 MR. ZAVITSANOS: Okay. And therefore, you would have a  
2 hard time following the Court's instructions on the preponderance  
3 standard; is that correct?

4 PROSPECTIVE JUROR 091: Yes.

5 MR. ZAVITSANOS: Okay. You would need like clear and  
6 convincing or beyond a reasonable doubt --

7 PROSPECTIVE JUROR 091: Yes.

8 MR. ZAVITSANOS: -- because of the amount of money?

9 PROSPECTIVE JUROR 091: Yes.

10 MR. ZAVITSANOS: Okay. All right. Thank you, sir. Okay,  
11 let's pass it over. And your juror number, please?

12 PROSPECTIVE JUROR 061: 061.

13 MR. ZAVITSANOS: Yes, ma'am. Did you hear all my  
14 questions?

15 PROSPECTIVE JUROR 061: Yes.

16 MR. ZAVITSANOS: Do you understand it, or do you need me  
17 to explain it?

18 PROSPECTIVE JUROR 061: No, I understand. I --

19 MR. ZAVITSANOS: Great. Fabulous. Great.

20 PROSPECTIVE JUROR 061: I feel the same way as he does.

21 MR. ZAVITSANOS: Okay. So you would need more than  
22 preponderance?

23 PROSPECTIVE JUROR 061: Correct.

24 MR. ZAVITSANOS: You would need something like clear and  
25 convincing or beyond a reasonable doubt?

1 PROSPECTIVE JUROR 061: Correct.

2 MR. ZAVITSANOS: Given the amount we're seeking?

3 PROSPECTIVE JUROR 061: Yes.

4 MR. ZAVITSANOS: Okay. And if the Court gave an  
5 instruction that preponderance is the appropriate standard, you couldn't  
6 -- I mean, it would be very difficult for you to follow that?

7 PROSPECTIVE JUROR 061: Correct.

8 MR. ZAVITSANOS: Okay. And therefore, you might be  
9 better on another jury?

10 PROSPECTIVE JUROR 061: Correct.

11 MR. ZAVITSANOS: Okay. Okay. Let's pass it over. Number,  
12 please?

13 PROSPECTIVE JUROR 055: 055.

14 MR. ZAVITSANOS: How do you feel?

15 PROSPECTIVE JUROR 055: I would probably need a little bit  
16 more convincing.

17 MR. ZAVITSANOS: Okay. And that's a little different than  
18 what these two folks said. Okay. I'm talking about this burden of proof  
19 that I'm -- that we're talking about right now. So given that we're  
20 seeking like \$10 million, if we met that burden, if we showed that what  
21 we were saying was more likely so than not, 51 percent, are you saying  
22 you would need to get to the higher standard before you could award  
23 that kind of money, like the clear and convincing or beyond a reasonable  
24 doubt?

25 PROSPECTIVE JUROR 055: Yes.

1 MR. ZAVITSANOS: Okay. And therefore, would you have a  
2 hard time following the Court's instructions?

3 PROSPECTIVE JUROR 055: Yes.

4 MR. ZAVITSANOS: Okay. And you could not consider -- you  
5 would not consider awarding that kind of money if you just met the  
6 preponderance standard, but didn't meet the higher standard?

7 PROSPECTIVE JUROR 055: Correct.

8 MR. ZAVITSANOS: Okay. All right. Let's go over to the next  
9 one.

10 PROSPECTIVE JUROR 041: 041.

11 MR. ZAVITSANOS: Okay. How do you feel?

12 PROSPECTIVE JUROR 041: The amount, per se, is not what I  
13 have an issue with.

14 MR. ZAVITSANOS: Okay.

15 PROSPECTIVE JUROR 041: It's more, are we just talking  
16 about making whole or punitive?

17 MR. ZAVITSANOS: Okay. That's a great question. So right  
18 now, we're talking about making whole, okay? So if we're talking about  
19 making whole, would you have a problem with the preponderance  
20 standard?

21 PROSPECTIVE JUROR 041: Given the situation, no.

22 MR. ZAVITSANOS: Okay. Now, let's go to your question  
23 because there's also a claim for punitive damages in the case. Okay.  
24 And Mr. Roberts is dying to get up here and talk to you all, so I'm going  
25 to try to double up here, okay? The poor guy has been sitting here for

1 four days.

2 So here's the deal on the punitive damages. I'm going to ask  
3 you in two forms, okay? So first, punitive damages are damages not  
4 designed to make someone whole. They're not designed to give back  
5 what someone thinks was taken from them. They are primarily to  
6 punish, to deter, and to make an example. It's above and beyond what it  
7 takes to make someone whole. Now, that's not the technical definition.  
8 The Court will give a definition, but that's essentially kind of what it is,  
9 okay?

10 The law in Nevada says that in order to recover punitive  
11 damages, preponderance is not enough. You have to meet that clear  
12 and convincing standard, which is below beyond a reasonable doubt.  
13 Now, some people have philosophical problems with the wording  
14 punitive damages. They just don't think it's appropriate. They're okay  
15 with making people whole, but not to award punitives. And other people  
16 think, well, if I'm going to award punitives, since it's kind of a  
17 punishment, it should be more like a criminal thing, and it should be  
18 beyond a reasonable doubt. You all understand?

19 Okay. So first question is, do you have kind of a conceptual  
20 problem with punitive damages?

21 PROSPECTIVE JUROR 041: No.

22 MR. ZAVITSANOS: You don't. Do you have a problem with  
23 the standard being clear and convincing rather than beyond a  
24 reasonable doubt?

25 PROSPECTIVE JUROR 041: I would need more clarification

1 on clear and convincing. I understand that it's a higher standard than  
2 just preponderance, but in what way is it higher?

3 MR. ZAVITSANOS: Judge, do you have that definition?  
4 She's going to pull it up. Okay.

5 Now, the amount is entirely up to the jury. We can suggest  
6 an amount, but it's entirely up to the jury. And just let me make sure on  
7 your first answer. Are you saying that if we met the standard, this clear  
8 and convincing standard, would you just close off the opportunity for us  
9 to recover punitive because you don't believe in it?

10 PROSPECTIVE JUROR 041: No.

11 MR. ZAVITSANOS: Okay. All right. So let me read to you  
12 the standard. And just bring it over whenever you got it. Okay, I'm  
13 going to keep going and we'll get back to that in just a minute, okay?

14 Now, a lot of you asked me about punitives earlier. Was  
15 there something else that I'm not covering with you that was on your  
16 mind?

17 PROSPECTIVE JUROR 041: Well, I'm perfectly comfortable  
18 with saying that I'm willing to stick to the standard of clear and  
19 convincing. It's just that behaviorally, I feel like I might impose a stricter  
20 standard, given the situation.

21 MR. ZAVITSANOS: Okay. Let me read to you -- I'm going to  
22 read to you a definition. Now I'm not representing to you that this is  
23 what the Court will say. It's what the Court may say, okay, and the Court  
24 is going to decide on its own what the standard is going to be, but let me  
25 give you one. And let's say, hypothetically, this was the standard, okay?

1 If this was the standard, would you have a problem awarding punitive?

2 Okay. Here we go.

3           So clear and convincing evidence is the measure or degree  
4 of proof, which will produce in your mind belief or conviction as to the  
5 allegations sought to be established. It is an intermediate degree of  
6 proof being more than a mere preponderance, but not to the extent of  
7 such certainty as is required to prove an issue beyond a reasonable  
8 doubt, and proof by clear and convincing evidence is proof which  
9 persuades you that the truth of the contentions is highly likely.

10           You got that? And I know that's kind of a long definition,  
11 okay, but that is absolutely higher than a preponderance standard, but  
12 lower than beyond a reasonable doubt.

13           Okay. Now, having heard that, the question is, do you have  
14 -- would you feel -- would you have a problem being on the jury  
15 following something like the instruction I just read, if that was the  
16 instruction, before you could consider awarding punitive damages?

17           PROSPECTIVE JUROR 041: I'd like to say I wouldn't have a  
18 problem, but behaviorally, I don't know.

19           MR. ZAVITSANOS: Okay. So here's the deal. I'm not asking  
20 what you should do.

21           PROSPECTIVE JUROR 041: Yeah.

22           MR. ZAVITSANOS: Okay?

23           PROSPECTIVE JUROR 041: Yeah.

24           MR. ZAVITSANOS: We should eat Brussel sprouts.

25           PROSPECTIVE JUROR 041: Yeah.

1 MR. ZAVITSANOS: Even though they stink, right? All right,  
2 I'm asking what you would do. And look, this is really important, okay,  
3 because I mean, you know, having a jury that's going to consider  
4 everything is really what kind of both sides want, right?

5 So I'm asking here, forget what you should do. And this -- by  
6 the way, this -- right now, you have -- you are perfectly entitled to  
7 disagree with anything I say, to disagree even with the Court at this  
8 point, but if you end up on the jury, you have to follow the Court's  
9 instructions. So we recognize there's this tension, and so that's why we  
10 get the question now is to avoid that tension, okay?

11 So do you think you would require something like beyond a  
12 reasonable doubt because punitive damages are punishment?  
13 Punishment has kind of a criminal feel to it. The criminal law requires  
14 beyond a reasonable doubt, and therefore, you ought to match that  
15 beyond a reasonable doubt.

16 PROSPECTIVE JUROR 041: Yeah. Because it is a  
17 punishment, yeah.

18 MR. ZAVITSANOS: Okay. And therefore, would you have a  
19 problem following the Court's instructions?

20 PROSPECTIVE JUROR 041: No. I would do -- I would follow  
21 the Court's instructions.

22 MR. ZAVITSANOS: So here's a question. If the Court gave  
23 an instruction like this --

24 PROSPECTIVE JUROR 041: Yeah.

25 MR. ZAVITSANOS: -- okay, and we met that standard of



1 clear and convincing, but we did not meet beyond a reasonable doubt,  
2 would you be able to consider awarding punitive damages if that was  
3 the instruction from the Court or would you need something higher?

4 PROSPECTIVE JUROR 041: No, I would consider it.

5 MR. ZAVITSANOS: Okay. Because you've given me -- it  
6 feels a little bit -- those two answers you gave me are a little bit different.  
7 So instead of me just leading you, you tell me, straight up, are you okay  
8 with this definition and could you consider awarding punitive with this  
9 standard, the clear and convincing, or would you need something  
10 higher?

11 PROSPECTIVE JUROR 041: I'm okay with that definition.

12 MR. ZAVITSANOS: You're okay with that definition. Okay.  
13 Your Honor, may I confer with counsel for one second?

14 THE COURT: You may.

15 [Counsel confer]

16 MR. ZAVITSANOS: Can we approach, Your Honor?

17 THE COURT: You may.

18 [Sidebar at 2:03 p.m., ending at 2:04 p.m., not transcribed]

19 THE COURT: Mr. Roberts.

20 MR. ROBERTS: Thank you, Your Honor.

21 THE COURT: Mr. Zavitsanos, you have a follow-up chance  
22 later --

23 MR. ZAVITSANOS: Thank you, Your Honor.

24 THE COURT: -- to finish.

25 MR. ROBERTS: Good afternoon again. I'm Lee Roberts and

1 represent the Defendants, and I have few follow-up questions just right  
2 here on the front row, Mr. Martinez, Ms. Woehr and Mr. Nunez. And it  
3 deals with the -- this preponderance standard. And you know, the Court  
4 is going to instruct you on the preponderance standard, if you are  
5 chosen for this jury. But I'd like to just sort of explore the answer you  
6 gave and ask you to think about it perhaps just a little differently, very  
7 close, but a little differently.

8 And that is, after you hear all the evidence, evidence that  
9 both parties put on, you weigh the evidence against each other, and you  
10 decide in your mind that the Plaintiff's evidence has more convincing  
11 force in your mind and actually produces in your mind a belief that what  
12 they're trying to prove is more likely true than not true. So here's my  
13 question to you first, Mr. Martinez.

14 THE COURT: Mr. Jones. Mr. Jones.

15 MR. ZAVITSANOS: Mr. Jones. I'm sorry.

16 PROSPECTIVE JUROR 091: 091. My name is Nicholas  
17 Melim.

18 THE COURT: Oh. I have your name wrong. Wait. Give me  
19 your badge number again.

20 PROSPECTIVE JUROR 091: 091.

21 THE COURT: Thank you.

22 MR. ROBERTS: Mr. Melim. Thank you.

23 PROSPECTIVE JUROR 091: Yes. Can you repeat the  
24 question again, please?

25 MR. ROBERTS: Yes. Assume that the Judge instructs you

1 that a preponderance standard means that when you consider and weigh  
2 all the evidence that you hear at end of the trial and their evidence has  
3 more convincing force than ours and produces in your mind a belief that  
4 what they're trying to prove is more likely true than not true. For  
5 example, that they're owed \$10 million. If it's more likely true than not  
6 true, does that sound more fair than perhaps the way you were thinking  
7 about it before?

8 PROSPECTIVE JUROR 091: No.

9 MR. ROBERTS: No. You think it ought to be higher than  
10 that?

11 PROSPECTIVE JUROR 091: Just based on what you were  
12 just telling me, if it was more true than not?

13 MR. ROBERTS: Yes.

14 PROSPECTIVE JUROR 091: I mean, I wouldn't think that's  
15 fair. I mean, that's just kind of like what I'm being led into or at least  
16 what they're trying to --

17 MR. ROBERTS: Right.

18 PROSPECTIVE JUROR 091: -- make me think here.

19 MR. ROBERTS: And I understand that your personal belief  
20 may be that --

21 PROSPECTIVE JUROR 091: Yeah.

22 MR. ROBERTS: -- the burden of proof should be higher to  
23 recover money damages that high.

24 PROSPECTIVE JUROR 091: I would say.

25 MR. ROBERTS: Can -- but can you set aside that belief and

1 follow the instructions by the Court, if she tells you that that's the  
2 preponderance standard and if you believe it's more likely true than not  
3 true, you gotta given them a verdict? Could you follow that?

4 PROSPECTIVE JUROR 091: To basically clear my mind, yeah,  
5 yeah, I could give it a try, yes.

6 MR. ROBERTS: Okay. And everyone wants to try to be fair  
7 and following instructions by the Court. That's what all good citizens  
8 want to do. But can you give them an assurance that you could do that?

9 PROSPECTIVE JUROR 091: I could, yes.

10 MR. ROBERTS: Yes?

11 PROSPECTIVE JUROR 091: Yes.

12 MR. ROBERTS: Okay. Thank you very much, sir.

13 PROSPECTIVE JUROR 091: You're welcome.

14 MR. ROBERTS: Okay. And my chart must be messed up, but  
15 you are Badge 061, Ms. Woehr, right?

16 PROSPECTIVE JUROR 061: Correct.

17 MR. ROBERTS: Okay. The same question to you. Listening  
18 to our dialogue and thinking about it that way, that the evidence has  
19 formed in your mind a belief that what they're trying to prove is more  
20 likely true than not true, could you set aside your personal belief that the  
21 standard should be higher and apply the law given to you by the Judge  
22 to the facts?

23 PROSPECTIVE JUROR 061: I think more likely is very slight  
24 to me. It'd have to really sit well with me, the evidence would.

25 MR. ROBERTS: And I totally understand that's your personal

1 belief. Lots of people believe that way. Can you set it aside, if you  
2 cannot assure the Plaintiffs that you can set that aside and give them a  
3 verdict, if they prove their case, to a preponderance standard?

4 PROSPECTIVE JUROR 061: That's kind of hard to judge  
5 when you say slightly more. I think I'd need more than slightly. Does  
6 that make sense?

7 MR. ROBERTS: Sure. Let's leave out slightly. Let's just say  
8 you believe in your mind it's true, more likely true than not true.

9 PROSPECTIVE JUROR 061: So could I follow the directions  
10 of the Judge, you mean?

11 MR. ROBERTS: Yes.

12 PROSPECTIVE JUROR 061: Yes.

13 MR. ROBERTS: And decide it under that standard?

14 PROSPECTIVE JUROR 061: Yes. If I had to, yes.

15 MR. ROBERTS: And set aside your personal belief and  
16 decide it that way?

17 PROSPECTIVE JUROR 061: I think so.

18 MR. ROBERTS: Okay. Thank you, ma'am. I appreciate that.  
19 Mr. Nunez?

20 PROSPECTIVE JUROR 055: Yes.

21 MR. ROBERTS: Badge 055?

22 PROSPECTIVE JUROR 055: Yes.

23 MR. ROBERTS: What about you? Can you set aside your  
24 personal belief the standard should be higher and decide this case, if  
25 you're chosen for the jury, based on the standard you get from the Court

1 and her instructions as to what that standard is under the law?

2 PROSPECTIVE JUROR 055: Yes, but it is a lot of money. But  
3 yeah, I would be able to.

4 MR. ROBERTS: Would it make you feel better if the --  
5 hypothetically, the jury was able to choose something between zero and  
6 \$10 million?

7 PROSPECTIVE JUROR 055: Depending on the evidence, yes.

8 MR. ROBERTS: Okay. All right. Thank you, sir. Thank you,  
9 Your Honor.

10 THE COURT: And did counsel wish to approach?

11 MR. ZAVITSANOS: May I ask a couple of follow-up  
12 questions, Your Honor?

13 THE COURT: You may.

14 MR. ZAVITSANOS: Thank you. All right. Could you pass the  
15 mic down? We'll start on the end. Okay. So I just wrote down a couple  
16 things you all said. And I think as Mr. Roberts was questioning you all, I  
17 think you said you would give it a time in terms of following the Court's  
18 instructions?

19 PROSPECTIVE JUROR 091: Yes.

20 MR. ZAVITSANOS: So we have a very honorable Judge  
21 sitting on the bench wearing a black robe, sitting higher than the rest of  
22 us, right? Representing the great state of Nevada, right? And nobody  
23 wants to not follow what the Judge says, right?

24 PROSPECTIVE JUROR 091: Correct.

25 MR. ZAVITSANOS: Okay. Let's pretend the Judge is not

1 here for one second, okay? My question is -- and this is real important to  
2 us. My question is, if you are on the jury and you get an instruction that  
3 we are entitled to recover 10 and a half million dollars, if that meets the  
4 preponderance, the lowest standard in your mind, is this a situation  
5 where you're going to struggle to award that kind of money, if we meet  
6 the standard of preponderance, if we have not reached a higher standard  
7 of clear and convincing?

8 PROSPECTIVE JUROR 091: I would see myself as struggling  
9 with it, yes.

10 THE CLERK: Badge Number?

11 PROSPECTIVE JUROR 091: 091.

12 MR. ZAVITSANOS: And therefore, would you have difficulty  
13 following those instructions?

14 PROSPECTIVE JUROR 091: Yes.

15 MR. ZAVITSANOS: Okay. Let's go to the next one. And I  
16 think you said -- I think --

17 PROSPECTIVE JUROR 061: 061.

18 MR. ZAVITSANOS: Yeah. Do you agree with this gentleman,  
19 because I wrote down you said, I think so, in terms of whether you would  
20 follow the instructions. And same scenario I just gave this gentleman.  
21 Would you struggle in following the Court's instructions on what I just  
22 said?

23 PROSPECTIVE JUROR 061: Yes.

24 MR. ZAVITSANOS: Okay. Okay. And let's go over. Okay.  
25 And sir, I think -- couldn't see. I was sitting back there. It sounded like

1 you hesitated a little bit and you said it's a lot of money, right? I mean,  
2 10 million is a lot of money. No doubt. And if the Court gave an  
3 instruction the preponderance standard applies, the lowest standard, we  
4 satisfied that standard for 10 million, would you require a higher  
5 standard, in your mind and therefore have difficulty following those  
6 instructions?

7 PROSPECTIVE JUROR 055: Yes. I probably would have --

8 THE CLERK: Badge, please?

9 PROSPECTIVE JUROR 055: 055. Sorry.

10 MR. ZAVITSANOS: Finish your answer, sir.

11 PROSPECTIVE JUROR 055: Yeah, I probably would have  
12 difficulty with it.

13 MR. ZAVITSANOS: Okay. That concludes questioning on  
14 those topics, Your Honor.

15 THE COURT: Is this a good time for a recess?

16 MR. ZAVITSANOS: Yes, Your Honor.

17 THE COURT: All right. I know that you guys were out front  
18 at 1:15, but we started at 1:00, so it's been a little over an hour. So I  
19 apologize for the inconvenience, but we do need to take something up  
20 outside your presence.

21 During the recess, you're instructed do not talk with each  
22 other or anyone else on any subject connected with the trial. Don't read,  
23 watch or listen to any report of or commentary on the trial. Don't  
24 discuss this case with anyone connected to it by any medium of  
25 information, including without limitation newspapers, television, radio,



1 internet, cell phone or texting.

2           You are not to conduct any research on your own relating to  
3 this case. You can't consult dictionaries, use the internet or use  
4 reference materials. Don't post on social media that you're in jury  
5 selection. Don't text, tweet, Google or conduct any other type of  
6 research with regard to any issue, party, witness or attorney involved in  
7 the case. Most importantly, do not form express any opinion on any  
8 subject with the matter unless you're selected for the jury and the jury  
9 deliberates. Thank you again for understanding that it was only an hour  
10 with you guys.

11           And I will ask -- it's 2:15. I'll ask you to line up at 2:30, please.

12           THE MARSHAL: All rise for the jury, please.

13           THE COURT: No, let me make that 2:35, because we'll need a  
14 break, too. 2:35.

15                           [Prospective jurors out at 2:16 p.m.]

16                           [Outside the presence of the prospective jurors]

17           THE COURT: Thanks, guys. Okay. The room is clear. I'm  
18 going to ask the two of you to consult with each other. I'm going to step  
19 in the hallway and drink some water.

20           MR. ROBERTS: And Your Honor, we're not going to  
21 stipulate, so we can state that.

22           THE COURT: Oh, all right. So then let's talk. Let's take  
23 Melim, first, 091.

24           MR. ZAVITSANOS: Is this -- Your Honor, is this gentleman  
25 on the far --

1 THE COURT: Yes.

2 MR. ZAVITSANOS: -- far left.

3 THE COURT: Who I called Mr. Jones. That was my error.

4 MR. ZAVITSANOS: Okay.

5 THE COURT: Juror 91's name is Melim.

6 MR. ZAVITSANOS: Yeah, I -- Your Honor, he affirmed and  
7 reaffirmed that he would require a clear and convincing or higher on the  
8 actual damages.

9 THE COURT: Thank you. And the opposition, please?

10 MR. ROBERTS: Yes, Your Honor. I think the record will  
11 indicate that again, the lines are blurred to what he would want and what  
12 he would require, if it was up to him versus could he follow the  
13 instructions of the Court. And that's the issue as to whether or not he's a  
14 proper juror. And when I asked him those direct questions, he and the  
15 other two jurors indicated that they could follow the instructions of the  
16 Court. And when Mr. --

17 THE COURT: No. He said he didn't say unequivocally that he  
18 would. He said he would give it a try.

19 MR. ROBERTS: Well, he said I'll give it a try and then I asked  
20 him a little bit firmer than that and he gave an assurance to them. I said  
21 give it a try is not enough. I think the record will reflect he did more than  
22 that. But I think the key here is when Mr. Zavitsanos got up and all three  
23 jurors, he had to say they would have difficulty, or they would struggle.

24 And under *Khoury*, that's the exact word the jurors used.  
25 They would have difficulty awarding a large verdict. And the Court said,

1 "difficulty in awarding a large verdict is insufficient to demonstrate they  
2 would be unable to substantially impaired in applying the law and the  
3 instructions of the Court deciding the verdict and thus actually biased  
4 against awarding large jury -- large amounts."

5 And I think that's exactly what we've got here, Your Honor.  
6 They've all expressed they would have difficulty, but none have said that  
7 they would not follow the instructions of the Court.

8 MR. ZAVITSANOS: Brief reply, Your Honor?

9 THE COURT: I'm just reading part of *Khoury*.

10 MR. ROBERTS: Thank you, Your Honor. And I'm at head  
11 note 13.

12 THE COURT: Okay. Your response, please.

13 MR. ZAVITSANOS: Your Honor, all three of them indicated  
14 they would -- all three of them indicated they would struggle and be  
15 unable to follow the Court's instructions, okay? That is qualitatively over  
16 the line and more -- I mean, I believe that's sufficient. I -- and it -- my  
17 presentation is the same for all three of them, because all three of them  
18 said the same thing.

19 THE COURT: I just don't think their answers were that they  
20 could follow the law. They had to be prodded there. They would  
21 struggle. They would give it a try. I think so. I'd have difficulty. So all  
22 three are going to be removed from the venire. Now, why don't you  
23 guys take a quick break and talk about how you're going to get a jury  
24 sworn today, because we promised today.

25 MR. ROBERTS: Well, I understand that, Your Honor, but the

1 Court also indicated that you'd give me equal time --

2 THE COURT: I did.

3 MR. ROBERTS: -- which is why I've never objected to the  
4 length --

5 THE COURT: And that's why --

6 MR. ROBERTS: -- of voir dire.

7 THE COURT: -- I want you to talk, because if we have to  
8 bring them back Monday, I have to be the bad guy. And if you think  
9 that's -- talk about it now.

10 MR. ROBERTS: Well, Your Honor --

11 THE COURT: You already know that we have to --

12 UNIDENTIFIED SPEAKER: Oh, yeah.

13 THE COURT: -- finish Monday?

14 MR. ROBERTS: I'm not going to finish today.

15 THE COURT: Good enough. All right. Then I'll let them  
16 know on the next break. Go have a break. I'll see you at 2:35.

17 MR. ROBERTS: All right. Thank you, Your Honor.

18 THE CLERK: Judge, what numbers were those?

19 THE COURT: 91 --

20 THE CLERK: That was 91.

21 THE COURT: -- 61, 55.

22 THE CLERK: 61 and 55.

23 THE COURT: And also think about the possibility of needing  
24 a new venire Monday morning. Talk about that.

25 MR. ROBERTS: Your Honor, I think we've only got six left,

1 so --

2 [Recess taken from 2:20 p.m. to 2:36 p.m.]

3 [Outside the presence of the prospective jurors]

4 THE COURT: Please remain seated. So Debra will put  
5 letters together for the jurors. I'll tell them at the next break, and we'll  
6 have letters for them.

7 THE CLERK: What time are we going to start on Monday?

8 THE COURT: 9:30 on Monday okay?

9 MR. ZAVITSANOS: Yes, Your Honor.

10 MR. ROBERTS: Yes, Your Honor.

11 THE COURT: Okay.

12 MR. ZAVITSANOS: Thank you.

13 THE COURT: Are we ready to bring in the jury, or the venire?

14 MR. ROBERTS: We are.

15 MR. ZAVITSANOS: Yes, Your Honor. I'm sorry. Oh, Your  
16 Honor, again, I'm just trying to think of ways to afford my opposing  
17 counsel more time. The one gentleman that qualified this morning, the  
18 construction worker who was -- he said I hate both sides or whatever.  
19 Number 096. I'm just wondering -- I get the sense that it's not going to  
20 take much to get him over the line based on how angry he sounded. It's  
21 just a thought, but maybe we could bring him in separately. And if he  
22 gets excused, you know, we have to avoid whatever -- I'm just thinking  
23 out loud.

24 THE COURT: Good enough.

25 MR. ROBERTS: I'm fine with that. And I would propose we

1 bring Mr. Zakahi, 218 in at the same time, but I understand it's not my  
2 turn yet, so.

3 MR. ZAVITSANOS: Counsel, who's that?

4 MR. ROBERTS: He's the guy in medical billing who said it's  
5 his job to get doctors paid as much as possible, and he's favoring you.  
6 He wants to --

7 THE COURT: He did say that.

8 MR. ZAVITSANOS: May I visit with counsel for a second?

9 THE COURT: You may.

10 [Counsel confer]

11 MR. ZAVITSANOS: Okay. Your Honor, we've got a horse  
12 trade here. We're going to -- we're going to stipulate to what number is  
13 he?

14 MR. ROBERTS: 218.

15 MR. ZAVITSANOS: 218 and to the gentleman we were just  
16 talking about, Michael, which is what?

17 MR. ROBERTS: 96.

18 MR. ZAVITSANOS: 96.

19 THE COURT: Okay.

20 MR. ZAVITSANOS: Okay. Thank you, Your Honor.

21 [Pause]

22 THE MARSHAL: All rise for the jury.

23 [Prospective jurors in at 2:40 p.m.]

24 THE COURT: Thank you, please be seated. Okay. So we're  
25 getting to the next stage here. Will the following people please stand.

1 91, Melim; 61 Woehr; Nunez 55; Zakahi 218; and 96 - Juror number 96.  
2 In consultation with the attorneys, we determined that you'll be released  
3 from this jury pool. Please don't be offended that you're not being  
4 selected, but thank you for being here and being willing to serve your  
5 community. It doesn't mean you wouldn't be a good juror for another  
6 case. It's not a disqualifier in any way. But thank you, and you may  
7 leave.

8 Okay, we're going to have to reorder again.

9 [Pause]

10 THE MARSHAL: Next four please in order.

11 THE COURT: Okay. Plaintiff you may voir dire the new  
12 members of the panel.

13 MR. ZAVITSANOS: Thank you, Your Honor.

14 THE COURT: And you may continue also with 41.

15 MR. ZAVITSANOS: Thank you.

16 THE COURT: I'm sorry I didn't get your name.

17 MR. ZAVITSANOS: So I'm going to be limiting my questions  
18 to the five of you, so let me just let you hold on to this. So let me --  
19 again my name is John Zavitsanos. Let me -- let me get the four of you  
20 caught up with this gentleman, the questions that I asked him. So were  
21 you all in the courtroom and heard the discussion about preponderance  
22 and the different standards?

23 Okay. Does anybody need me to explain that again? Would  
24 you like a clarification? You all think you understand it? Okay. So let  
25 me -- why don't you hand the microphone to this gentleman here and if

1 you can give your -- please give your juror number before you talk. And  
2 my question to you, sir, is I think you heard the discussion. I saw all of  
3 you were paying attention.

4 The question is if we're seeking ten and a half million dollars,  
5 would you require something higher than a preponderance standard?  
6 Would you require something like clear and convincing or beyond a  
7 reasonable doubt in order to award that kind of money?

8 PROSPECTIVE JUROR 094: 094, Paul Reese. My inner  
9 feelings tell me that yeah, I would like to see more. But if the Court ruled  
10 or told me I needed to go by preponderance of evidence, I could take  
11 that. I could live with that.

12 MR. ZAVITSANOS: Okay.

13 PROSPECTIVE JUROR 094: For the compensatory. I don't  
14 know if that's the right word.

15 MR. ZAVITSANOS: For the compensatory.

16 PROSPECTIVE JUROR 094: The compensatory, yeah.

17 MR. ZAVITSANOS: Yes. So here's the deal right. In our life  
18 when we -- when we make decisions or we evaluate certain risks, we  
19 want to get as close to certain as possible, right. Okay. This is a little  
20 different, right. Okay. And so it's a much, much lower standard. It's a  
21 preponderance standard. And so I mean, for example, okay, if you either  
22 get married or have a partner, you don't go into it thinking well, we've  
23 got a 51 percent chance of making this. Okay.

24 PROSPECTIVE JUROR 094: Okay.

25 MR. ZAVITSANOS: So life doesn't -- life doesn't work like



1 that, right. So, okay, so that's why, you know, a lot of people -- that's  
2 why some people take their -- take those values and put them into court.

3 Well, this is -- it's a different world here, right. And so the  
4 question is, sir, would you -- if the Court gave an instruction that it was  
5 preponderance, and that's all we met, we didn't get to the 75 percent  
6 because they made some really compelling arguments, and we got over  
7 the line, and, you know, close to them, would you struggle with that?

8 PROSPECTIVE JUROR 094: Not if the Court instructed me  
9 to -- if they instruct me to go with the preponderance then I would do  
10 that.

11 MR. ZAVITSANOS: You're okay with that.

12 PROSPECTIVE JUROR 094: For the compensatory.

13 MR. ZAVITSANOS: Yes, sir. And now on the punitives -- I'm  
14 just going to double up the questions here, okay.

15 PROSPECTIVE JUROR 094: Yes, sir.

16 MR. ZAVITSANOS: On the punitive damages, if the standard  
17 was clear and convincing, that's that next standard. That's the one that I  
18 read earlier, okay. So that's between preponderance and beyond a  
19 reasonable doubt, two questions here. Number one, do you have a  
20 problem in awarding punitive damages, which is something above and  
21 beyond making someone whole. It's designed to punish. So if you have  
22 a problem with punitive damages, and if you don't have a problem with  
23 punitive damages, would you require beyond a reasonable doubt?

24 PROSPECTIVE JUROR 094: Well, to me punitive damages, I  
25 have no problem with it, but -- and I don't know if this is the right word. I

1 would need to know that they were in default with malice. With, you  
2 know --

3 MR. ZAVITSANOS: Okay.

4 PROSPECTIVE JUROR 094: -- okay. Like I said, I don't know if  
5 that's the right word.

6 MR. ZAVITSANOS: No, you're very close.

7 PROSPECTIVE JUROR 094: But having said that, my  
8 question is, when it comes to punitive damages is there a minimum  
9 amount?

10 MR. ZAVITSANOS: Nope.

11 PROSPECTIVE JUROR 094: Okay. Well, that would be my  
12 out there. We gave punitive damages, I'm going to vote for \$1.00, right.

13 MR. ZAVITSANOS: If the jury -- if that's what the jury  
14 decided, absolutely. No doubt about it. Okay. We're going to suggest  
15 an amount, but the amount is entirely up to the jury and there's no -- it's  
16 completely within the jury's discretion, and we do have to meet a bunch  
17 of elements to get there. And there's something very similar to what you  
18 just said. And the standard there is that clear and convincing. So with  
19 that said, any problem with punitives?

20 PROSPECTIVE JUROR 094: No. Like I said, you know, you  
21 got other ways out.

22 THE COURT: Okay. Thank you. All right. Let's pass the mic  
23 over. Number please.

24 PROSPECTIVE JUROR 219: 219 David Ramsey.

25 THE COURT: Okay. Mr. Ramsey, so let's start with the

1 compensatory first, okay. With the ten point -- ten plus million dollars.  
2 Would you require something higher than the preponderance standard  
3 for that?

4 PROSPECTIVE JUROR 219: I would not -- I prefer not to  
5 know the dollar amount. I mean it's been talked about, 10 plus million.

6 MR. ZAVITSANOS: Yep.

7 PROSPECTIVE JUROR 219: It's irrelevant to me, as far as the  
8 dollar amount. I reside in the State of Nevada. Whatever the guidelines  
9 set by the Judge, that's what I'm going to follow. No personal opinion,  
10 one way or the other.

11 MR. ZAVITSANOS: Okay. We're going to take a picture of  
12 you and put you up on the wall. Okay. You're like the ideal juror. Okay.  
13 All right. So how about the second question. The -- on the punitives.  
14 Same two questions I asked this gentleman.

15 PROSPECTIVE JUROR 219: Ditto, because the dollar amount  
16 is irrelevant to me.

17 MR. ZAVITSANOS: Got it, okay.

18 PROSPECTIVE JUROR 219: It's either a win or a loss.

19 MR. ZAVITSANOS: Thank you, sir. All right. Let's go on.  
20 Your number, please.

21 PROSPECTIVE JUROR 254: Number 254, Isis Wynn.

22 MR. ZAVITSANOS: Okay. And now on the compensatory  
23 damages, would you require something greater than a preponderance,  
24 or are you okay with that, if that was in the Court's instruction?

25 PROSPECTIVE JUROR 254: If that's in the Court's instruction

1 I have no problem with that.

2 MR. ZAVITSANOS: Okay. And the amount doesn't scare you  
3 off if you require a higher amount?

4 PROSPECTIVE JUROR 254: No.

5 MR. ZAVITSANOS: Okay. And how about on the punitive  
6 damages? Same question I asked these two gentlemen. Any  
7 philosophical problems with punitive damages or would you require an  
8 even higher standard that's above clear and convincing, if the Court gave  
9 that common instruction?

10 PROSPECTIVE JUROR 254: The Court -- whatever the Court  
11 gives an instruction, the evidence is put out there, and I have time to  
12 deliberate, then and I have no problem with it.

13 MR. ZAVITSANOS: Thank you, ma'am. And let's go to the  
14 next one. Okay. And your juror number, please?

15 PROSPECTIVE JUROR 270: 270.

16 MR. ZAVITSANOS: 270, okay. So let me just take those in  
17 order. Let's start with the compensatory damages first. Would you  
18 require something greater than preponderance of the evidence?

19 PROSPECTIVE JUROR 270: No.

20 MR. ZAVITSANOS: Okay. And --

21 PROSPECTIVE JUROR 270: Whatever the Judge says, I'm  
22 with him. You can put my picture next to his.

23 MR. ZAVITSANOS: Deal. Deal. Okay. All right. That's  
24 great. Now and is it the same thing on the punitives, or any issue there?

25 PROSPECTIVE JUROR 270: No issues.

1 MR. ZAVITSANOS: Okay. Thank you, very much. All right.  
2 Okay. So let me see if I can do this quickly. All right. So this is a case --  
3 so I can't -- I can't get into the facts other than to tell you this. There's a  
4 number of claims, a bunch of them, of United members who were  
5 treated by our emergency room doctors and nurse practitioners at the  
6 facilities that I read. Did you all hear those facilities?

7 PROSPECTIVE JUROR 094: Yes.

8 MR. ZAVITSANOS: Okay. You have a number of them here  
9 in Clark County, okay. So to -- actually all five here. Has anybody been  
10 to the emergency room at any of those facilities, either yourself, a family  
11 member, or a close friend?

12 PROSPECTIVE JUROR 254: Can you repeat the facilities  
13 again?

14 MR. ZAVITSANOS: Yes, let me --

15 UNIDENTIFIED SPEAKER: Let me know where I need to  
16 [indiscernible].

17 MR. ZAVITSANOS: Hand it to this lady right here. Because  
18 that's who -- the first one we're speaking right now, let me read them off  
19 to you again. And would you like all of them or just the ones in Clark  
20 County?

21 PROSPECTIVE JUROR 254: Just the ones in Clark County.

22 MR. ZAVITSANOS: Okay. So here's what we have. We have  
23 Aliante, the Lakes, Mountainview Hospital, Dignity Health. There's three  
24 of those. Rose de Lime Campus, San Martin Campus, Sienna Campus.  
25 Southern Hills Hospital and Sunrise Hospital.

1 PROSPECTIVE JUROR 254: Okay. No I have not been --

2 MR. ZAVITSANOS: Okay. Have the five of you, any of you  
3 been to the emergency room or had a family member or close friend go  
4 to the emergency room at any time?

5 PROSPECTIVE JUROR 254: Yes.

6 MR. ZAVITSANOS: Okay. So how long ago, ma'am?

7 PROSPECTIVE JUROR 254: Back in December.

8 THE CLERK: Badge, please.

9 PROSPECTIVE JUROR 254: Oh, that would be 254.

10 MR. ZAVITSANOS: Okay. Was that yourself, a family  
11 member, or a friend? Now I'm not going to get into it.

12 PROSPECTIVE JUROR 254: A family member.

13 MR. ZAVITSANOS: Okay. And a positive experience, or a  
14 negative experience, or neutral?

15 PROSPECTIVE JUROR 254: It was a sad moment for them,  
16 but the billing part was no issue.

17 MR. ZAVITSANOS: Okay. I'm really more concerned about  
18 the level and the quality of care you received.

19 PROSPECTIVE JUROR 254: Oh, they received exceptional  
20 care.

21 MR. ZAVITSANOS: Okay. So nothing about that experience  
22 is going to cause you to lean one way or another here?

23 PROSPECTIVE JUROR 254: No, it was none of the hospitals  
24 mentioned.

25 MR. ZAVITSANOS: Okay, thank you. Okay. All right. Do

1 any of you have insurance with Health Plan of Nevada, Sierra or United  
2 Healthcare? Okay. Let's pass the microphone down. Give us your juror  
3 number, please.

4 PROSPECTIVE JUROR 041: 041. Healthcare of Nevada and  
5 United Healthcare.

6 MR. ZAVITSANOS: I'm sorry, can you speak up just a little  
7 bit.

8 PROSPECTIVE JUROR 041: Healthcare of Nevada for dental  
9 and eyes and Healthcare of Nevada for --

10 MR. ZAVITSANOS: For medical?

11 PROSPECTIVE JUROR 041: For medical, yes.

12 MR. ZAVITSANOS: Okay. Okay. So here's the question,  
13 and I'm going to start with you, since you're holding the microphone,  
14 okay. This is really to all five of you. If you ended up on the jury and the  
15 jury felt we met the preponderance standard or the actual damages,  
16 whatever amount the jury decided on. And let's say even that the jury  
17 awarded punitive damages. We met that higher standard in whatever  
18 amount the jury determined. Okay. Is this a situation where because  
19 you have -- you have insurance that is issued by these defendants, that  
20 you would have concerns that would be so high about the effect on your  
21 premiums going up, because of the verdict?

22 PROSPECTIVE JUROR 041: No.

23 MR. ZAVITSANOS: Okay. You would be -- that would not  
24 enter your mind. You would be able to evaluate it on the evidence?

25 PROSPECTIVE JUROR 041: Yes.

1 MR. ZAVITSANOS: Okay. How about the rest of the four of  
2 you? Any concern that -- about kind of the effect on premiums in  
3 general, whether it be you, members of the community in general about  
4 -- that would impact your decision-making on the evidence in this case  
5 on either whose going to win, how much they're going to win, whether  
6 they get punitive, any of that? Let's pass it down. Just one at a time real  
7 quick.

8 PROSPECTIVE JUROR 094: 094. No, I wouldn't have any  
9 issues with making a decision.

10 MR. ZAVITSANOS: Okay. Next?

11 PROSPECTIVE JUROR 219: 219. No, I would not.

12 MR. ZAVITSANOS: Okay. Next?

13 PROSPECTIVE JUROR 254: 254. No.

14 MR. ZAVITSANOS: Okay.

15 PROSPECTIVE JUROR 270: 270. No, it would not impact my  
16 decisions.

17 MR. ZAVITSANOS: You guys must be in a club or  
18 something. All right. This is great. Okay. We're going to get done, I  
19 think, faster than I thought.

20 All right. So next. I don't know if you all were in the room  
21 when we did the test. I'm going to give you guys a multiple choice test,  
22 all right? We'll start with you, ma'am. All right. Here it is. The  
23 healthcare crisis. A, it's the doctor's fault; B, it's the insurance  
24 company's fault; C, it's both of their faults; or D, I don't really have an  
25 opinion on that. I need to learn more about it before I could have an



1 opinion.

2 PROSPECTIVE JUROR 270: 270. And it's D.

3 MR. ZAVITSANOS: D like David?

4 PROSPECTIVE JUROR 270: D like David.

5 MR. ZAVITSANOS: Yes. Okay. I'm sorry. With the mask, it's

6 --

7 PROSPECTIVE JUROR 270: It's -- I know.

8 MR. ZAVITSANOS: Okay. Let's pass it down. Let me just  
9 repeat those one more time. Healthcare crisis. A, it's the doctor's fault;  
10 B, the insurance company's fault; C, both of their faults; or D, I don't have  
11 an opinion. I need to learn more about it before I could give you what I  
12 think about it.

13 PROSPECTIVE JUROR 254: Badge 254. D.

14 MR. ZAVITSANOS: D like --

15 PROSPECTIVE JUROR 254: D like David.

16 MR. ZAVITSANOS: Okay. Okay. Yes, sir?

17 PROSPECTIVE JUROR 219: Badge 219. D. I would need to  
18 know more.

19 MR. ZAVITSANOS: Okay.

20 PROSPECTIVE JUROR 094: Badge 094. I'd say C.

21 MR. ZAVITSANOS: C. Okay.

22 PROSPECTIVE JUROR 041: 041. D, David.

23 MR. ZAVITSANOS: Okay. All right. Hold on. Now, we're  
24 going to do one more multiple choice. So the ACA, otherwise known as  
25 Obamacare, we've all heard about that. Three choices here. A, it's good

1 for the country; B, it's a bad idea; or C, I'm not sure. I need to know more  
2 about it.

3 PROSPECTIVE JUROR 041: C.

4 MR. ZAVITSANOS: Okay. And I'm sorry. What's your  
5 number?

6 PROSPECTIVE JUROR 041: 041.

7 MR. ZAVITSANOS: Thank you.

8 PROSPECTIVE JUROR 094: 094. B.

9 MR. ZAVITSANOS: Okay.

10 PROSPECTIVE JUROR 219: 219. C.

11 MR. ZAVITSANOS: Okay.

12 PROSPECTIVE JUROR 254: 254. C.

13 MR. ZAVITSANOS: Okay. Thank you.

14 PROSPECTIVE JUROR 270: 270. B --

15 MR. ZAVITSANOS: Yeah, A, it's good for the country; B, it's  
16 a bad idea; C, I'm not sure. I need to know more about it.

17 PROSPECTIVE JUROR 270: C.

18 MR. ZAVITSANOS: Okay. Thank you. Okay. Is anyone on  
19 Medicare or Medicaid? Okay. In the first row here? Okay. Yes, sir. Can  
20 you hand that [indiscernible]?

21 PROSPECTIVE JUROR 020: 020.

22 MR. ZAVITSANOS: Yes, sir?

23 PROSPECTIVE JUROR 020: Medicare.

24 MR. ZAVITSANOS: Medicare? Okay. Do you have any kind  
25 of general opinions on the Medicare system?

1 PROSPECTIVE JUROR 020: Everyone would like to see it  
2 better but it's enough.

3 MR. ZAVITSANOS: Everyone would like to --

4 PROSPECTIVE JUROR 020: Like to see things better but it --  
5 it's good the way it works now.

6 MR. ZAVITSANOS: Okay. Okay. Thank you, sir. What do  
7 you understand the difference to be between Medicare and say, an  
8 insurance company like United Healthcare?

9 PROSPECTIVE JUROR 020: United Healthcare has insurance  
10 through Medicare. They offer Medicare plans. So it's a matter that --  
11 whether or not they negotiate with Medicare instead of with other  
12 organizations to know what the coverage is. We all know going in -- and  
13 it's open season right now -- we all know going in what the coverages  
14 are going to be, what the cost is going to be.

15 MR. ZAVITSANOS: Let me ask a slightly different question.

16 PROSPECTIVE JUROR 020: Okay.

17 MR. ZAVITSANOS: That was a bad question. What do you  
18 understand the difference to be between commercial insurance, okay,  
19 and Medicare?

20 PROSPECTIVE JUROR 020: Quite a few differences.  
21 Commercial insurance, you know, it's a matter that the consumer  
22 basically, or the employer, negotiates with the company to say okay, this  
23 is what it's going to cost. Pure and simple. With the Medicare it's a  
24 matter that the government does that.

25 MR. ZAVITSANOS: Okay. Okay. Thank you, sir. Okay. So

1 to the new folks that I didn't ask this previously, so our three practice  
2 groups are managed and supported by a company called TeamHealth.  
3 Has anyone heard of TeamHealth? And they work with emergency  
4 physicians and nurse practitioners all across the country. TeamHealth in  
5 turn, is owned by a company called Blackstone. Has anybody heard of  
6 Blackstone? I'm sorry?

7 PROSPECTIVE JUROR 270: I have.

8 MR. ZAVITSANOS: Okay. What do you know about  
9 Blackstone?

10 PROSPECTIVE JUROR 270: I think at one time -- 270. I think  
11 at one time they owned Caesar's Palace if they still do. I worked -- I  
12 spent some time working at Caesar's.

13 MR. ZAVITSANOS: Okay. Any opinions about --

14 PROSPECTIVE JUROR 270: No opinion more than that.

15 MR. ZAVITSANOS: Okay. All right. And by the way, they're  
16 not a party. They're not -- there's not going to be any Blackstone  
17 witnesses or anything like that. That's just a part of the structure, okay?  
18 The corporate structure.

19 PROSPECTIVE JUROR 270: Uh-huh.

20 MR. ZAVITSANOS: Any -- does that impact with anything  
21 you've heard so far?

22 PROSPECTIVE JUROR 270: Not one bit.

23 MR. ZAVITSANOS: Okay. Now -- okay. So let's see if I can  
24 speed this up a little bit. All right. So one of the -- there's a number of  
25 different claims in this case. One of the claims in the case is breach of

1 implied contract. Now, here's where it gets a little confusing at first. But  
2 if you end up on the jury, it'll be very clear probably after the first day.  
3 So many doctors in this country with an insurance company are either  
4 in-network or out-of-network. Okay. In-network means that they have  
5 signed a specific contract, and they've agreed on every possible term  
6 including how much they're going to get paid, when they're going to get  
7 paid, and they get to be in the book of the providers and all that, okay.

8           Then you have doctors that are out-of-network where they  
9 did not -- you know, they don't have a written agreement with the  
10 insurance company and -- but they still can treat members of the  
11 insurance company. Everybody understand the difference? They're not  
12 in the book. They never -- so this case involves out-of-network  
13 emergency room doctors and nurse practitioners. Got me? Now, one of  
14 the claims is breach of implied contract. We treated their members, and  
15 they paid a certain amount. We believe we get our bill charges, the  
16 amount of the charge.

17           Okay. So the analogy would be like if you get in a taxi at the  
18 airport -- let's say you go out of town, you get in a taxi at the airport, taxi  
19 driver turns the meter on. You go to your destination and then whatever  
20 is on the -- you have a contract that you're going to pay them. You  
21 haven't agreed on a price yet because you don't know what the price is.  
22 When you get to the destination, you pay what's on the meter.  
23 Everybody with me? So here's what I want to know. And I know  
24 everybody takes Uber and all that now. I still take cabs. All right. So  
25 here's the deal.

1                   So when you take a cab -- here's what I want to know -- not  
2 what you should do but what you actually did. When you took a cab, did  
3 you just get in the cab, tell the driver where you're going and then when  
4 you got there, you paid it, or is it a situation where before you got in the  
5 cab, you asked him hey, what's this going to cost me? Okay. And not  
6 what you should do but what you actually do. Okay. So let me start with  
7 you, ma'am.

8                   PROSPECTIVE JUROR 270: 270.

9                   MR. ZAVITSANOS: Yeah.

10                  PROSPECTIVE JUROR 270: I don't ask the -- I just get in the  
11 cab, and I pay the bill. I pay for it when I'm -- when I get to my  
12 destination.

13                  MR. ZAVITSANOS: Okay. Okay.

14                  PROSPECTIVE JUROR 270: Yeah.

15                  MR. ZAVITSANOS: All right. Thank you. And of you you  
16 have -- we actually had some people say I've never taken a cab, okay. So  
17 I'm showing my age here. Okay. Go ahead.

18                  PROSPECTIVE JUROR 254: I have taken a cab, and I've done  
19 Uber before also.

20                  MR. ZAVITSANOS: I'm not talking about Uber. That's a  
21 different deal because --

22                  PROSPECTIVE JUROR 254: Okay. So with the cab, I just paid  
23 whatever when we got to the destination by what's on the meter and got  
24 out of the car.

25                  MR. ZAVITSANOS: Okay. Thank you.

1 PROSPECTIVE JUROR 219: 219. Last cab ride, paid him, and  
2 I tipped him.

3 PROSPECTIVE JUROR 094: 094. Every cab ride I've ever  
4 taken I just got in and paid him whatever was on the fair when we got to  
5 the destination.

6 MR. ZAVITSANOS: Okay. Thank you.

7 PROSPECTIVE JUROR 041: 041. Get in and pay.

8 MR. ZAVITSANOS: Okay. Do any of you think that -- so this  
9 is an implied contract that we're suing on. In other words, you know,  
10 kind of like the cab deal where it's not in writing. Does anybody here  
11 think I can't pay attention to the evidence if you're going to sue  
12 somebody for breach of an implied contract, unless you have a written  
13 agreement signed by both sides, I just can't consider it? You should  
14 have gotten it in writing.

15 If the Court instructs otherwise and says, if you meet these  
16 elements, you can have breach of an implied contract, is this a situation  
17 where you're going to be thinking, I can't consider that claim because it's  
18 got to be in writing? Anyone? Let me get it -- okay. I don't see any  
19 hands here. Anybody feel that way? Okay.

20 All right. So I'm going to move on. Does anybody -- any of  
21 the folks that I've not asked this question to already, anybody have either  
22 a family member, yourself now or in the past, or a close friend that is in  
23 the medical field as a provider, whether it's an acupuncturist, an M.D., a  
24 chiropractor, podiatrist, anything in the healthcare field? Okay. Yes, sir?  
25 Number?

1 PROSPECTIVE JUROR 041: 041.

2 MR. ZAVITSANOS: Okay. Or nurse? Tell me what you got?

3 PROSPECTIVE JUROR 041: My mom and aunt are retired  
4 registered nurses.

5 MR. ZAVITSANOS: Okay. Where did they work, sir?

6 PROSPECTIVE JUROR 041: UMC.

7 MR. ZAVITSANOS: I'm sorry?

8 PROSPECTIVE JUROR 041: University Medical Center.

9 MR. ZAVITSANOS: Oh, University Medical Center. Okay.  
10 And how long were they there?

11 PROSPECTIVE JUROR 041: Oh, man, decades.

12 MR. ZAVITSANOS: Okay.

13 PROSPECTIVE JUROR 041: I don't know the exact number.

14 MR. ZAVITSANOS: Okay. Did they -- I'm not asking you to  
15 tattle on them here, but did they ever complain about any of the doctors  
16 they worked with?

17 PROSPECTIVE JUROR 041: Not professionally, no.

18 MR. ZAVITSANOS: Okay. I don't know what that means, but  
19 okay.

20 PROSPECTIVE JUROR 041: They didn't have any complaints  
21 about their work.

22 MR. ZAVITSANOS: Okay. So I guess here's what I'm asking,  
23 okay. Sometimes -- you know, sometimes it's true that nurses end up  
24 handling 90 percent of the patient care, and they get two percent of the  
25 credit, right?



1 PROSPECTIVE JUROR 041: Yes.

2 MR. ZAVITSANOS: Okay. so I'm -- so I just want to know,  
3 because most of these billed charges involve doctors, not nurse  
4 practitioners. Is this a situation where we're starting behind a little bit  
5 because you know, your aunt and your mom were nurses?

6 PROSPECTIVE JUROR 041: No.

7 MR. ZAVITSANOS: Okay. Anybody else have any family  
8 members -- let me pass it back, please.

9 PROSPECTIVE JUROR 014: 014. My mom is a CNA at  
10 Henderson Hospital. She was at Sunrise before that.

11 MR. ZAVITSANOS: Okay. Anything -- same question I just  
12 asked this gentleman. Anything going to impact one way or another?

13 PROSPECTIVE JUROR 014: No. I mean, she complained  
14 about things but never doctors specifically. So --

15 MR. ZAVITSANOS: Okay. Thank you. Thank you. Okay. All  
16 right. Now balance billing. Next topic. All right. So have you all gotten  
17 a bill from a doctor where the insurance covered part of it and then you  
18 get a bill later that says, okay, the insurance paid this much; you now  
19 owe the balance? Here's what you owe, right? We've all seen those.  
20 Okay.

21 So this gets a little -- and if you end up on the jury, you'll  
22 hear -- I think you're going to hear a fair amount of evidence about this  
23 balance billing which is, this is the bill. The insurance company paid so  
24 much and here is the balance that is owed. It's called balance billing for  
25 patients. All right. Has anybody of the new folks -- has anybody

1 received one of these balance bills that -- where you felt it was unfair, it  
2 was a surprise, you were disappointed in any way, it wasn't what you  
3 expected, anything like that? Anyone in the front row on that, or the new  
4 folks? Okay. Let's pass the mic back. Okay.

5 PROSPECTIVE JUROR 020: 020.

6 MR. ZAVITSANOS: Yes, tell me about that?

7 PROSPECTIVE JUROR 020: I've gotten billed from doctors  
8 from the hospital, okay. They show the different amounts and the  
9 amount that's left over is significantly more than what I expected. So at  
10 that point, I call the doctor and they look at it and say, you know, you're  
11 right, and they dropped it down. I paid the difference.

12 MR. ZAVITSANOS: Okay. So -- all right. So you're about  
13 two questions ahead of me and so thank you. That's okay. So thank  
14 you. So you've gotten a balance bill --

15 PROSPECTIVE JUROR 020: Yeah.

16 MR. ZAVITSANOS: -- and what you did was -- did you -- is  
17 this while you were on Medicare or were you on private insurance?

18 PROSPECTIVE JUROR 020: Medicare.

19 MR. ZAVITSANOS: Medicare. All right. So when you got  
20 the balance of the bill, you would call either the hospital or the  
21 physician --

22 PROSPECTIVE JUROR 020: I called the provider directly.

23 MR. ZAVITSANOS: The provider directly and then they  
24 ended up cutting it?

25 PROSPECTIVE JUROR 020: Yes.

1 MR. ZAVITSANOS: Okay.

2 PROSPECTIVE JUROR 020: And I paid the difference --

3 MR. ZAVITSANOS: Okay --

4 PROSPECTIVE JUROR 020: -- as we agreed.

5 MR. ZAVITSANOS: Did they -- why do you think they cut it?

6 PROSPECTIVE JUROR 020: Before I had a procedure done, I  
7 asked what's it going to cost. Okay. I look at that. My insurance comes  
8 back and says this is how much is going to be your responsibility. Okay.  
9 The bill comes back, takes 30 percent more than what the insurance  
10 company said my responsibility was going to be. So I sent them a copy  
11 that explains my benefit. They looked at it and say, yep. They're right.  
12 And we can cut it down from that and that's' what I paid.

13 MR. ZAVITSANOS: Okay. So do you think they made a  
14 mistake, or do you think that they intended to charge you that --

15 PROSPECTIVE JUROR 020: I don't think --

16 MR. ZAVITSANOS: -- and they cut it only when you asked?

17 PROSPECTIVE JUROR 020: I don't think they did it  
18 maliciously. I think they had a normal billing rate. They just took the  
19 insurance company amount, cut it off the top and mathematically came  
20 up with the difference.

21 MR. ZAVITSANOS: Okay. So like I said, there's going to be a  
22 fair amount of discussion about balance billing in this case. Okay.  
23 Anything about that experience that is going to cause you to maybe put  
24 us a little bit further back because this balance billing --

25 PROSPECTIVE JUROR 020: If anything, the way that it was

1 handled, I think you could almost -- it's a level playing field, but it would  
2 almost be the other way.

3 MR. ZAVITSANOS: Okay. But it's a level playing field we're  
4 on. You're not going to --

5 PROSPECTIVE JUROR 020: Absolutely.

6 MR. ZAVITSANOS: Okay. All right. Anybody else balance  
7 billing issues? Okay. I mean, we're sailing through this. Okay.

8 Oh, has anybody have either yourself, now or in the past,  
9 family member or close friend work on behalf of insurance companies in  
10 any way? And I mean either as an employee of the insurance company,  
11 as a contractor, working as an appraiser. I mean I'm using as broad of  
12 an umbrella as possible where your income, you family member's  
13 income or your friend's income came from -- ultimately from an  
14 insurance company?

15 PROSPECTIVE JUROR 020: May I ask a question?

16 MR. ZAVITSANOS: Yes, sir.

17 PROSPECTIVE JUROR 020: 020. Are you talking about  
18 medical insurance company or any insurance --

19 MR. ZAVITSANOS: Any insurance company.

20 PROSPECTIVE JUROR 020: Yes.

21 MR. ZAVITSANOS: Any insurance company.

22 PROSPECTIVE JUROR 020: Then, yes.

23 MR. ZAVITSANOS: Okay. Tell me about that one.

24 PROSPECTIVE JUROR 020: I actually worked for an  
25 insurance company, property casualty, as an underwriter.

1 MR. ZAVITSANOS: You did?

2 PROSPECTIVE JUROR 020: Yeah.

3 MR. ZAVITSANOS: Wow.

4 PROSPECTIVE JUROR 020: Way back towards the northern  
5 half of the county. But right. Yeah.

6 MR. ZAVITSANOS: Would you do me just a little favor,  
7 okay?

8 PROSPECTIVE JUROR 020: Sure.

9 MR. ZAVITSANOS: You're going to break her fingers. Okay.  
10 So --

11 PROSPECTIVE JUROR 020: All right.

12 MR. ZAVITSANOS: So just speak a little bit slower. And  
13 just -- I -- just so she can take it down.

14 PROSPECTIVE JUROR 020: Like I said, I worked for a  
15 property casualty company in California as an underwriter.

16 MR. ZAVITSANOS: Okay.

17 PROSPECTIVE JUROR 020: Back during -- way back when  
18 the northern turnpike happened.

19 MR. ZAVITSANOS: Okay. So as an underwriter, this is a  
20 property and casualty company?

21 PROSPECTIVE JUROR 020: That's correct. Auto insurance.

22 MR. ZAVITSANOS: So let me -- let me make sure I  
23 understand what you did. So as an underwriter, you didn't handle  
24 claims. You helped set the premium rates?

25 PROSPECTIVE JUROR 020: I basically determined whether

1 or not a claim was capable of being covered by us. I made the decision  
2 yes or no, yes, we give coverage, no, we do not.

3 MR. ZAVITSANOS: Okay. So Mr. Ahmad told me not to ask  
4 questions about movies that are too obscure, but I'm going to do it  
5 anyways. You ever see the movie About Schmidt?

6 PROSPECTIVE JUROR 020: Absolutely.

7 MR. ZAVITSANOS: That's a great movie.

8 PROSPECTIVE JUROR 020: That's a favorite.

9 MR. ZAVITSANOS: Okay. Yeah. That was an underwriter,  
10 right?

11 PROSPECTIVE JUROR 020: Yup.

12 MR. ZAVITSANOS: See, Joe? People have seen it. Okay.  
13 So how long did you do that, sir?

14 PROSPECTIVE JUROR 020: About two years.

15 MR. ZAVITSANOS: Okay. And at any other time that you did  
16 that line of work?

17 PROSPECTIVE JUROR 020: No.

18 MR. ZAVITSANOS: Okay. So -- okay. So obviously, your  
19 income was derived from an insurance company. We've got an  
20 insurance company here now. It's not property and casualty. It's health.  
21 But anything about that that's going to cause us to be further back?

22 PROSPECTIVE JUROR 020: No.

23 MR. ZAVITSANOS: Okay.

24 PROSPECTIVE JUROR 020: Not at all.

25 MR. ZAVITSANOS: All right. And ma'am, did you raise your

1 hand?

2 PROSPECTIVE JUROR 270: I did.

3 MR. ZAVITSANOS: Okay. Will you pass the microphone to  
4 her?

5 PROSPECTIVE JUROR 020: Yeah.

6 PROSPECTIVE JUROR 270: 270. My sister is a senior VP at a  
7 reinsurance company.

8 MR. ZAVITSANOS: Okay.

9 PROSPECTIVE JUROR 270: Which I don't even really know  
10 what that means. So it -- doubt that it really impacts anything I would  
11 have to decide.

12 MR. ZAVITSANOS: Okay. So -- and that's your sister?

13 PROSPECTIVE JUROR 270: Yes.

14 MR. ZAVITSANOS: How long -- and who --

15 PROSPECTIVE JUROR 270: She lives out of state.

16 MR. ZAVITSANOS: Okay. Who -- do you know the name of  
17 the reinsurance company she works for?

18 PROSPECTIVE JUROR 270: RGA. It's initials, R something. I  
19 think it's RGA.

20 MR. ZAVITSANOS: Okay.

21 PROSPECTIVE JUROR 270: I can find out for sure.

22 MR. ZAVITSANOS: All right. So anything about that that's  
23 going to cause you to lean one way or the other here?

24 PROSPECTIVE JUROR 270: No.

25 MR. ZAVITSANOS: Okay.

1 PROSPECTIVE JUROR 270: No.

2 MR. ZAVITSANOS: Anyone else have friends, family, or  
3 yourself work for any insurance -- on the insurance side of the equation  
4 here or anything? Okay.

5 Okay. Last question. So I know you all were in here listening  
6 to the questions I asked these folks. And I tried to compress it each time.  
7 You know, we've done musical chairs. And so I'm just trying to get  
8 through this so I can let these fine lawyers ask you questions, as well.

9 Is there anything that either as you were sitting there hearing  
10 the other questions, or maybe a question I didn't ask that you wish I had  
11 asked, something that you think we should know, both us and them, that  
12 we should know about your background, your beliefs, on the very limited  
13 amount of information you've heard about this case so far? Anyone?  
14 Yes, ma'am?

15 PROSPECTIVE JUROR 254: 254. My previous job, I did have  
16 Health Plan of Nevada as insurance. But at this time I don't have it. And  
17 it wouldn't make -- for me, for evidence wise, it wouldn't bother or do  
18 anything for it. I don't know how to word it. But --

19 MR. ZAVITSANOS: Okay. No. No, you did great.

20 PROSPECTIVE JUROR 254: Just that I want to let them know  
21 I did have that insurance --

22 MR. ZAVITSANOS: Yeah.

23 PROSPECTIVE JUROR 254: -- before in the past.

24 MR. ZAVITSANOS: Okay. Thank you. Anybody else?

25 Okay. Your Honor, I think I'm -- I think I'm done.



1 THE COURT: So you -- do you pass the panel for cause, or  
2 do you have a motion to bring?

3 MR. ZAVITSANOS: No, I do, Your Honor --

4 THE COURT: Thank you.

5 MR. ZAVITSANOS: -- pass for cause.

6 THE COURT: All right. It hasn't been quite an hour. Mr.  
7 Roberts, you may inquire of the venire.

8 MR. ROBERTS: Thank you, Your Honor. How long would  
9 you like me to go before the break, Your Honor?

10 THE COURT: I would say -- we last came back at 2:35. So I  
11 would say about 3:45.

12 MR. ROBERTS: Very well.

13 THE COURT: And that will be out -- that will be then our last  
14 break.

15 MR. ROBERTS: All right. Good afternoon, again.

16 IN UNISON: Good afternoon.

17 MR. ROBERTS: Thank you. Thank you. All right. Just to  
18 remind you again, Lee Roberts. And there are five different defendants  
19 in this case. Sometimes the -- we've just been referring to them as  
20 Defendants, or Plaintiffs' counsel referred to them as United. But I just  
21 wanted to remind you that I'm representing five different companies in  
22 this case, who have all been sued by the Plaintiffs.

23 And here at counsel table with me is Mr. Lee Blalack, who  
24 you'll hear from when it comes time to do opening statements, and Dr.  
25 Lambert Wu and Mr. Glen Stevens. We appreciate everyone's time that

1 they have devoted so far in jury selection. And I know it's a big  
2 imposition on your life to give us an entire week and still not be done  
3 here on Thursday afternoon. I don't regret the fact that tomorrow is a  
4 holiday.

5 But what I do want to inquire and make sure that the fact that  
6 you've been here this long -- and now, I don't intend to take the same  
7 amount of time because I've been making notes, and hopefully I've  
8 learned a lot about all of you. But I do still have the duty to my clients to  
9 continue to inquire, ask the questions that were on my list, and take up  
10 some more of your time. Is anyone going to hold it against my clients  
11 that I'm going to keep the show going? Okay. Thanks. Thank you for  
12 that. I appreciate it.

13 And I really do want to know -- just like Plaintiffs' counsel did,  
14 I really want to know how you think about things and not just go along  
15 and sort of keep things to yourself. It's my job to figure out whether  
16 you're the right fit for this case from my client's point of view. And I can  
17 only do that if you share. And if you're ever in doubt about whether to  
18 share or not share, I'd ask you to share with me because we all have  
19 different experiences in life that are unique to us. And they do have the  
20 potential to impact the way you view the evidence and the claims in this  
21 case, the way you look at my clients. And I'd like you to share those with  
22 me. Even if you could still be fair despite those believes, I'd still like to  
23 know about them.

24 One of my first questions that I wanted to ask you sort of  
25 goes back to the burden of proof. And I don't think some of you were in

1 the room, or many of you, when Plaintiffs' counsel asked this question.  
2 And I thought, that's a question. Matt's here, tab on us.

3 So you sit here, we go through trial. Both sides put on all of  
4 their evidence. And you weigh the evidence in your mind, and you're  
5 just not convinced. They didn't get quite enough for you to believe that  
6 it's more likely true than not true. In fact, it's exactly tied. You're right  
7 there 50/50.

8 Is there anyone here, who might be tempted to give them  
9 some money? Even though they're at 50/50 and didn't quite get over the  
10 line and convince you it's more likely true than not true that we owe  
11 them the money? Mr. Reese?

12 PROSPECTIVE JUROR 094: No. No, because --

13 THE CLERK: Badge number, please?

14 PROSPECTIVE JUROR 094: 094. At that point, they haven't --  
15 they haven't complete -- the burden of proof thing. They haven't, you  
16 know, accomplished their goal with the burden of proof.

17 MR. ROBERTS: Yes. Exactly. And the judge is going to  
18 instruct you on the burden of proof. She's going to tell you what a  
19 preponderance is. And she's going to tell you, you can write a number  
20 on the line for damages only if they meet their burden on that amount.  
21 But if there's 10 million at issue and it's at 50/50, can everyone really  
22 send them home with nothing?

23 What about you, Mr. Leopold? I know you had absolutely no  
24 problem with the burden. Can you flip that burden and have absolutely  
25 no problem with sending the Plaintiffs home with nothing if they don't

1 meet it, even if it's tied in your mind?

2 PROSPECTIVE JUROR 020: The point is that the burden of  
3 proof says --

4 THE CLERK: Badge number, please?

5 PROSPECTIVE JUROR 020: -- it's got to be more. Sure. The  
6 burden of proof is preponderance.

7 THE CLERK: Can I have your badge number, please?

8 PROSPECTIVE JUROR 020: 020. Sorry. It means that they  
9 have to be more than just 50/50. If it's 50.6 versus 49.4, that's not 50.  
10 That's not preponderance of evidence. See what I'm saying?

11 MR. ROBERTS: I do.

12 PROSPECTIVE JUROR 020: So under those circumstances,  
13 they didn't meet the -- what the burden of proof requires, so they don't  
14 deserve anything.

15 MR. ROBERTS: Okay. And you're okay with that?

16 PROSPECTIVE JUROR 020: Absolutely.

17 MR. ROBERTS: And you'll follow that?

18 PROSPECTIVE JUROR 020: Absolutely.

19 MR. ROBERTS: And if you're on the jury and you're back in  
20 the jury room and someone says, well, they didn't really quite meet their  
21 burden, but we ought to give them some money, you going to agree?

22 PROSPECTIVE JUROR 020: Would I go along with that? No.

23 MR. ROBERTS: Okay. Anyone here that would be tempted  
24 to go along with that type of argument? Thank you.

25 Going back to another thing Mr. Zavitsanos says -- said, you

1 know, out-of-network means we don't have a deal, right. And he asked  
2 all of you, does that mean would anyone just send them home, they  
3 don't have the deal, I'm not going to consider it no matter what the  
4 evidence is? I've got a flip side of that question I'd like to ask you about.  
5 And that is, does anyone think that if there is no contract, there is no  
6 written contract, there is no deal, that my clients, the insurance  
7 companies and claims administrator, have to pay what they say, even  
8 though you don't know yet any evidence or what that amount is?  
9 Anyone think that if there's no deal, then you've got to pay what the  
10 doctor says? Anyone feel that even a little bit?

11 PROSPECTIVE JUROR 020: 020. Yeah. It's -- in my mind, it's  
12 real simple. Okay. If there isn't a deal, then, you know, at that point in  
13 time, the insurance companies know, the doctors know they don't have a  
14 deal. So they're going to basically have to take what they get because  
15 you know, otherwise -- if it was an amount they felt they needed to make  
16 sure they got 100 percent, then they should have had a deal.

17 MR. ROBERTS: Anyone disagree with that?

18 PROSPECTIVE JUROR 094: My -- 094. My belief is, you  
19 know, if somebody goes to an emergency room, they don't have a  
20 choice of doctors. It's an emergency. I honestly believe that whatever  
21 the insurance company wouldn't pay, the in-network providers should be  
22 paid too, the out-of-network amount.

23 MR. ROBERTS: Anyone else have a thought based on what  
24 Mr. Leopold said? Disagree with it? Have an opinion related to that?

25 And I'm sorry, Ms. Forrester?

1 PROSPECTIVE JUROR 014: Yes.

2 MR. ROBERTS: Yes. Thank you.

3 PROSPECTIVE JUROR 014: 014. I don't really know about  
4 like; you have to take what you get because that's kind of the whole  
5 point. It's a back and forth and finding that middle ground, right. That's  
6 kind of more of what it is than this is what it is, this is what it is, because  
7 there's no contract that says -- there is nothing saying this is what it is.  
8 So can you really take, you know -- just say, hey, this is it, and go with it  
9 either way? You know what I mean? Does that make sense? Based off  
10 of what he said, does that make sense?

11 MR. ROBERTS: It does. And --

12 PROSPECTIVE JUROR 014: Okay.

13 MR. ROBERTS: -- there are no right answers or wrong  
14 answers.

15 PROSPECTIVE JUROR 014: I just wanted to make sure it  
16 made sense --

17 MR. ROBERTS: I'm just trying --

18 PROSPECTIVE JUROR 014: -- to what I was trying to get at.

19 MR. ROBERTS: The Court will tell you what the law is. But  
20 right now we're just, you know, what do you think is the right thing?  
21 What do you think?

22 PROSPECTIVE JUROR 014: I don't necessarily know enough  
23 to really understand how that out-of-network situation works yet to really  
24 have an idea of how --

25 MR. ROBERTS: Yeah.

1 PROSPECTIVE JUROR 014: -- the out-of-network doctor  
2 should be paid versus having a written contract that says, this is exactly  
3 what we're going to pay you. I don't really know enough to say how I  
4 would feel. Doctors should get paid on that aspect.

5 MR. ROBERTS: Thank you.

6 Anyone else have any thoughts they'd be willing to share  
7 with us on what Mr. Leopold said his opinion was?

8 Yes, sir? Mr. Ramsey?

9 PROSPECTIVE JUROR 219: Yes, sir. 219. I just think there's  
10 too many variables. Not knowing exactly how the system works to say  
11 either way whether you take what you're offered. I think it's negotiable.  
12 And that's above my pay grade, so.

13 MR. ROBERTS: Yeah.

14 MR. ZAVITSANOS: Your Honor, I'm sorry. Could I ask  
15 counsel to just use the juror's numbers, please?

16 THE COURT: Yes, please. Yeah. Let's make sure you  
17 introduce yourself with your numbers.

18 MR. ROBERTS: And I apologize, sir. And I apologize to the  
19 Court and clerk.

20 MR. ZAVITSANOS: Listen, I violate it all the time. So --

21 MR. ROBERTS: Okay. Anyone else willing to share a  
22 thought on that?

23 PROSPECTIVE JUROR 020: I'd like to clarify one thing.

24 MR. ROBERTS: Thank you, Mr. Leopold.

25 Badge number 020.

1 PROSPECTIVE 020: Yes. 020, yeah. You got me.

2 Anyways, I just wanted to come out -- like, out of the sand. It  
3 falls below, it falls above. Okay. All I'm saying is that if there was an  
4 amount that was paid to them, if they complained about it, and it was  
5 then relocated, that's fine. I'm fine with that.

6 MR. ROBERTS: Okay.

7 PROSPECTIVE JUROR 020: I'm not saying, oh, there couldn't  
8 have been some interpretations by other individuals that may mean that  
9 that agreed rate wasn't exactly correct. So it would take having to see  
10 the evidence to make up my mind.

11 MR. ROBERTS: Okay. Thank you, sir. We've talked a lot  
12 with a lot of you about the balance billing, and the negative experience  
13 that. We talked about the fact some of you have -- currently have or  
14 have had insurance, either provided by some of my clients, or  
15 administered by some of my clients. I want to broaden that question a  
16 little bit.

17 Now that you know the five clients I've represented, who  
18 here has had a really bad experience with one of my clients in their  
19 personal life? Other than the balance billing situations we've been  
20 talking about, has anyone had a bad experience with one of my clients?  
21 No one? Great. What about insurance companies in general? Other  
22 than the balance billing that we've talked about, has anyone had a really  
23 negative life experience with an insurance company in general? No?  
24 What about just biases? Is there anyone here who just doesn't like  
25 dealing with an insurance company for any reason?



1 PROSPECTIVE JUROR 014: 014. It's not really a bias. It's  
2 just -- I mean, as I've said before, we don't have insurance, specifically  
3 because we can't afford it in our family. Our income just doesn't --

4 MR. ROBERTS: Yes.

5 PROSPECTIVE JUROR 014: -- allow for it. So not really a  
6 bias, and it doesn't sway my vision either way. It's just so you guys  
7 know. It's not necessarily negative. It's just we can't afford the rate, so.

8 MR. ROBERTS: So it's not necessarily negative, or --

9 PROSPECTIVE JUROR: It's not negative at all. I mean, either  
10 way, we just don't have it. You know, it's --

11 MR. ROBERTS: Right.

12 PROSPECTIVE JUROR: -- that's the way we see it. We are  
13 more able to pay out of pocket than we would be able to pay the  
14 insurance, so.

15 MR. ROBERTS: And is there anyone that you blame for the  
16 fact that the insurance premiums are so expensive?

17 PROSPECTIVE JUROR 014: No. Just it's medical. It's  
18 expensive. Things happen. You know, you have to be able to cover it.  
19 And that's how we make it even between insurance.

20 MR. ROBERTS: Before I call on anyone specific, do I got any  
21 volunteer? We got any volunteers? Okay. Could you pass the mic to  
22 Badge 283? Ms. Landau. Ms. Landau. How do you feel about insurance  
23 companies?

24 PROSPECTIVE JUROR 283: I don't have any opinions. I'm on  
25 my parents' insurance, so I don't really have to deal with them or

1 anything.

2 MR. ROBERTS: Okay. So no good experiences, no bad  
3 experiences?

4 PROSPECTIVE JUROR 283: No. I mean, my dad has had bad  
5 experiences, but that doesn't really affect me.

6 MR. ROBERTS: Has he told you any details about his bad  
7 experiences?

8 PROSPECTIVE JUROR 283: No. Not too many details.

9 MR. ROBERTS: Knowing nothing more than the fact that the  
10 Plaintiffs say they're here on behalf of the doctors and I'm here on behalf  
11 of an insurance company, is there anything about that that causes you to  
12 lean more toward them than the insurance company?

13 PROSPECTIVE JUROR 283: No. I don't think so, no.

14 MR. ROBERTS: Okay. Thank you. I appreciate that. Badge  
15 522? Okay. And Friedrich?

16 PROSPECTIVE JUROR 522: Friedrich.

17 MR. ROBERTS: Friedrich. Thank you. Ms. Friedrich, what do  
18 you think about insurance companies?

19 PROSPECTIVE JUROR 522: I think they're very important.  
20 But I have -- I would not go either way. I'm fine with them.

21 MR. ROBERTS: I did want to ask you a follow-up question.

22 PROSPECTIVE JUROR 522: Yes.

23 MR. ROBERTS: You said you did not think there should be  
24 networks. There should be no in network, no out of network.

25 PROSPECTIVE JUROR 522: Yes.

1 MR. ROBERTS: Can you explain to me a little bit more why  
2 you don't think there should be networks?

3 PROSPECTIVE JUROR 522: Well, just because I feel  
4 that -- that there should be equal pay for equal -- whatever activity, you  
5 know, condition you're getting or treatment you're getting. If you have  
6 Dr. A and Dr. B and I go to Dr. A and the insurance company pays him,  
7 but Dr. B, I see, and they don't, and so I -- now I'm paying him. They  
8 should -- even if it's something that I copay, it should be equal pay for  
9 whatever treatment I'm receiving from both doctors. It shouldn't have  
10 one insurance company be in network and I can see him, and they pay,  
11 and one doctor be out of network and then I have to pay him.

12 MR. ROBERTS: So you resent the fact that it takes away  
13 some of your freedom of choice.

14 PROSPECTIVE JUROR 522: And the amount. You know,  
15 the -- what we're -- what we're paying. So like I said, if you went to Dr. A  
16 and B, and both -- insurance paid both of them and you paid both of  
17 them, that would be more fair. It's more the fairness of it, yes.

18 MR. ROBERTS: Okay. And you're in the healthcare industry,  
19 right?

20 PROSPECTIVE JUROR 522: Yes. I'm a retired registered  
21 nurse.

22 MR. ROBERTS: Do you have an opinion as to why networks  
23 exist?

24 PROSPECTIVE JUROR 522: No, I don't. I really am more  
25 patient care, so I didn't really have to deal with billing or insurance. Not

1 that questions didn't come up from the patients, but we didn't really  
2 have to handle a lot of that. So no. Just more of the fairness value of it.

3 MR. ROBERTS: Okay. Thank you so much. Can you pass  
4 the mic up to the second row? And let's go with Badge 116.

5 THE COURT: Up or down?

6 MR. ROBERTS: Trambulo?

7 THE COURT: Up or down? Down.

8 PROSPECTIVE JUROR 116: Other second row.

9 MR. ROBERTS: I'm sorry. Second row from me. Ms.  
10 Trambulo, tell me about any experiences you've had, positive or  
11 negative, with an insurance company.

12 PROSPECTIVE JUROR 116: So I guess with my insurance  
13 company, it's all positive. But I also don't really go for treatment for  
14 much. I guess anything negative I would have to say is maybe just the  
15 process and not necessarily the insurance company. So for example, my  
16 partner has gone to get treatment for certain things and it's always  
17 confusing, like, what's covered. And sometimes, it's a surprise what the  
18 bill is. So it -- yeah, it is interesting, the process of, like, real-time  
19 eligibility and what is covered, what's not.

20 MR. ROBERTS: And I apologize if I missed this, but when  
21 you've personally been surprised, have you blamed it on the doctors or  
22 the insurance company or both?

23 PROSPECTIVE JUROR 116: I would say neither. Like, I think  
24 it's just the process of it. Like, it's -- I'm sure the insurance company has  
25 that information available and it's almost like the onus is on the patient

1 to find out what is covered. So it's -- I don't know.

2 MR. ROBERTS: Well, thank you for sharing. Let's see. Could  
3 we -- let's just go right next door to Badge Number 224, Ms. Dudley. Ms.  
4 Dudley, do you have any thoughts about insurance companies, positive  
5 or negative?

6 PROSPECTIVE JUROR 224: With regards to my personal  
7 experiences, I've only ever been to UNC emergency care for a situation  
8 that is still unbeknownst to me in my own health. So as far as negative  
9 experience with the healthcare -- fractured system that it is, I can't  
10 genuinely say I can give a well-informed opinion either way.

11 MR. ROBERTS: What do you mean by fractured?

12 PROSPECTIVE JUROR 224: So when we speak of the  
13 healthcare crisis, is it the patient, is it the physicians, or insurance  
14 companies, I don't feel I can give a genuine, well-informed opinion on  
15 any of it, to be honest with you.

16 MR. ROBERTS: Based on --

17 PROSPECTIVE JUROR 224: Just because I don't have  
18 enough experience in my own regard or understanding. I can't in all  
19 actuality give you guys a well-informed opinion. That's how I feel.

20 MR. ROBERTS: Do you have enough personal experience --

21 PROSPECTIVE JUROR 224: I do not. I don't have --

22 MR. ROBERTS: -- both yourself and what you've read to  
23 even form an opinion about whether you think there is a healthcare  
24 crisis?

25 PROSPECTIVE JUROR 224: I think clearly, for there to be a

1 session today, that there would be a healthcare crisis. Clearly, there is  
2 something not working for us to even have to worry about \$10 million  
3 and in network and out of network. None of it just doesn't make sense to  
4 me to begin with.

5 MR. ROBERTS: Do you resent in any way the fact that these  
6 parties have not been able to work it out, are calling upon a jury to  
7 resolve our disputes?

8 PROSPECTIVE JUROR 224: I wish -- I wish that disputes  
9 could be directly communicated and handled appropriately outside the  
10 courtroom. Unfortunately, that's not the world we always live in. So I  
11 respect that you have such an amazing judge and attorneys to do so with  
12 today. Unfortunately, I don't feel I'm that particular juror that you would  
13 hang on the wall. But I'm honest.

14 MR. ROBERTS: And that's the most important thing. We've  
15 got a section on the wall for honest answers. Anyone here resent the  
16 fact that we're taking up your time because we couldn't work it out  
17 ourselves? No. And again, I thank you for your time in doing this. Can  
18 you pass the mic next door to Mr. Roberts, Badge 252? Tell me about  
19 your positive or negative views about insurance companies in general.

20 PROSPECTIVE JUROR 252: I don't have any opinion about  
21 it -- about it.

22 MR. ROBERTS: You have insurance, as I recall, through your  
23 employer?

24 PROSPECTIVE JUROR 252: Yeah. Yeah. I haven't had any  
25 bad experience with it. It's always been a positive experience.

1 MR. ROBERTS: Okay. Fantastic. Let me switch subjects, just  
2 to mix it up a little bit for you guys. Mr. Zavitsanos talked to you about  
3 levels of proof and certainty about making decisions. And we talked  
4 about movies involving underwriters, I believe. So I'm going to throw in  
5 my own. Who here saw Something About Polly? The risk master. So  
6 there's a computer program in that movie where you type in the answers  
7 to a bunch of questions, positive and negative, and it would pop up a  
8 percentage for you of the amount of risk involved in that decision, the  
9 probability it was right.

10 And you know, I don't think there is such a machine in real  
11 life where you can actually assign 51 percent or 70 percent or 95 percent  
12 with any type of mathematical certainty or formula. But now that we're  
13 -- we've been talking about those percentages, what I'd like to do is --  
14 where is the microphone? Here? Let's -- we'll start right here with Ms.  
15 Herzog. And this is what I'd like you to do for me now that we're talking  
16 about percentages.

17 MR. BLALOCK: Badge number, please?

18 MR. ROBERTS: Badge number 270.

19 PROSPECTIVE JUROR 270: 270.

20 MR. BLALOCK: Thank you.

21 PROSPECTIVE JUROR 270: I'm going to write it right here on  
22 my forehead. I'll make sure you know.

23 MR. ROBERTS: I'm Lee and my co-counsel, Lee.

24 PROSPECTIVE JUROR 270: Yeah.

25 MR. ROBERTS: So this is what I'd like you to do for me:

1 you've got a very important decision in your own personal life; however  
2 you'd like to interpret that. Maybe it's moving to a new job, marrying  
3 someone, moving out of state, deciding whether to have kids. How  
4 certain, using that ambiguous numerical scale, do you like to be for  
5 personal decisions in your own life before you're comfortable making  
6 that decision? Right? You're thinking about moving to Florida. I hear  
7 it's nice down there. How certain do you have to be that that's the right  
8 thing? Fifty-one percent? Seventy-five percent? Something higher?

9 PROSPECTIVE JUROR 270: I'm pretty spontaneous, so I  
10 would say more like 50 percent is fine. Maybe less. I would never go to  
11 Florida, so that is a really bad example. That is a really bad example.  
12 Yeah. There's way too many bugs.

13 MR. ROBERTS: Okay. So they're not even close to 50  
14 percent.

15 PROSPECTIVE JUROR 270: Not even close.

16 MR. ROBERTS: Okay.

17 PROSPECTIVE JUROR 270: It would be like five.

18 MR. ROBERTS: Okay.

19 PROSPECTIVE JUROR 270: So that's -- yeah. But important  
20 decisions, I take some time to weigh everything. For sure. I mean, I  
21 recently changed jobs. That was a big decision for me. I mean, it wasn't  
22 actually a big decision because we were in the middle of COVID, so I was  
23 able to get a job when nobody was -- you know. Jobs were pretty  
24 scarce. But I do. I weigh things.

25 MR. ROBERTS: And after you weigh things, how certain do



1 you have to be before you're comfortable making the jump?

2 PROSPECTIVE JUROR 270: I'm not sure I put a -- I can figure  
3 a percentage. I'm not sure -- I'm not sure my brain thinks that way.

4 MR. ROBERTS: Okay.

5 PROSPECTIVE JUROR 270: I don't -- I don't -- you know, big  
6 decisions, I either decide or I -- you know, I don't know that I put  
7 percentage to the pros and cons of it.

8 MR. ROBERTS: Now for example, you've heard sort of a  
9 shorthand from Plaintiff's counsel, great lawyer, talking about 70, 75  
10 percent.

11 PROSPECTIVE JUROR 270: Right.

12 MR. ROBERTS: And then you've heard a more detailed  
13 instruction from both me and Mr. Zavitsanos.

14 PROSPECTIVE JUROR 270: Okay.

15 MR. ROBERTS: You were more comfortable with the words  
16 than the numbers; is that fair to say?

17 PROSPECTIVE JUROR 270: I'm more comfortable with the  
18 words than the numbers, yes.

19 MR. ROBERTS: Okay. Thank you. Go ahead and pass the  
20 mic down. Badge Number 255 [sic], Ms. Wynn?

21 PROSPECTIVE JUROR 254: 254, yes.

22 MR. ROBERTS: Okay. Very good. Just a number if you can  
23 give me one, but if you want to explain, go for it.

24 PROSPECTIVE JUROR 254: A number as in, like, my  
25 personal life?

1 MR. ROBERTS: Yes. Important decisions in your personal  
2 life. How certain do you want to be to be comfortable making that  
3 important decision?

4 PROSPECTIVE JUROR 254: I would have to say I'd probably  
5 be 50 percent, but then I got to look at the pros and cons. And then I  
6 have to do some research and -- to determine what I'm going to do.  
7 Like, moving, I tried that. I came right back, less than a month. And I did  
8 weigh a lot, and still, I came back to Vegas. I was only gone for 22 days.

9 MR. ROBERTS: And I bet you were more certain about the  
10 decision to come back than you were about the decision to go.

11 PROSPECTIVE JUROR 254: Yes. Work-wise, I've done the  
12 same and what was best for me. Court-wise, it would have to be see the  
13 evidence, hear it all, and then make a decision. But with my different  
14 things in life, I couldn't say everything is going to be 50 percent.

15 MR. ROBERTS: Okay.

16 PROSPECTIVE JUROR 254: But that would be maybe a start.

17 MR. ROBERTS: Thank you, ma'am.

18 PROSPECTIVE JUROR 254: You're welcome.

19 MR. ROBERTS: Badge 219, Mr. Ramsey.

20 PROSPECTIVE JUROR 219: Yes, sir. 219, Mr. Ramsey. I'm  
21 more comfortable with the verbiage, also, weighing the positive and the  
22 negative. But for courtroom sake, 51 percent.

23 MR. ROBERTS: What about a personal decision? You go to  
24 a new job. How certain do you want to be before you're comfortable.  
25 You're going to stew on it until you're how certain?

1 PROSPECTIVE JUROR 219: Somewhere in the 60s.

2 MR. ROBERTS: Okay. Thank you, sir. Next?

3 PROSPECTIVE JUROR 094: Badge 094. For major personal  
4 decisions, I'd say 75 percent.

5 MR. ROBERTS: Thank you, sir.

6 PROSPECTIVE JUROR 041: 041. If time permits, high, 85  
7 percent.

8 MR. ROBERTS: Okay.

9 PROSPECTIVE JUROR 041: If not more.

10 MR. ROBERTS: If not more?

11 PROSPECTIVE JUROR 041: Yeah. If -- if time permits.

12 MR. ROBERTS: If time permits.

13 PROSPECTIVE JUROR 041: Yeah.

14 MR. ROBERTS: All right. Thank you for sharing that. Could  
15 you pass it back to Badge 95, Ms. Wilson, on the back row -- second row.

16 PROSPECTIVE JUROR 095: So I'm a person that's moved  
17 five, six times. I've lived all over the country. When we've made those  
18 decisions, I would have to say it's probably -- it's just a little over 50  
19 percent when we've made those decisions, my husband and I. But I'm  
20 also in a professional -- my professional life, I assess risk every day.  
21 That's what I do when I'm helping my clients, especially with dealing  
22 with their money. Right? So I'm assessing risk all the time. Part of that  
23 is a high percentage of, like, knowing, like, the facts. But there is part of  
24 it that's a gut feeling as well. So I have to see the facts, right? But at the  
25 same time, I always say you have to operate in the grey a little bit

1 because not everything is as straightforward as you would think it would  
2 be when it comes to those kind of things. I hope that was clear.

3 MR. ROBERTS: Oh, it was.

4 PROSPECTIVE JUROR 095: Yeah.

5 MR. ROBERTS: Let me ask you this question.

6 PROSPECTIVE JUROR 095: Sure.

7 MR. ROBERTS: You mentioned assessing risk for clients.

8 PROSPECTIVE JUROR 095: Yes.

9 MR. ROBERTS: Do you feel more comfortable with a higher  
10 degree of certainty when assessing risk for someone else than you do for  
11 yourself?

12 PROSPECTIVE JUROR 095: Absolutely. Yeah. Absolutely.

13 MR. ROBERTS: And making an important for your decision  
14 for your clients, how certain do you want to be of that?

15 PROSPECTIVE JUROR 095: Again, when you're talking about  
16 money, okay, and people's finances, it's between 80 and 90 percent  
17 because you can't always be a hundred percent. But between 80 and 90  
18 percent, yeah.

19 MR. ROBERTS: Thank you very much, ma'am.

20 PROSPECTIVE JUROR 095: You're welcome.

21 MR. ROBERTS: And Your Honor, would this be an  
22 appropriate time?

23 THE COURT: It is.

24 MR. ROBERTS: And can I ask the jury to think about one  
25 thing before I go?

1 THE COURT: Go ahead.

2 MR. ROBERTS: And this is something I want to ask you right  
3 away, but I don't like to put people on the spot and it's an interesting  
4 question. And that is I'm going to ask you who your most admired  
5 person is. Public person, living or dead, and a quick explanation for why.  
6 It has to be a public person. No cheating and saying it's your mom. A  
7 public person who we would all know. Okay. So think about that, and  
8 I'll ask you that later.

9 THE COURT: Okay.

10 MR. ROBERTS: Thanks, Your Honor.

11 THE COURT: Okay. So we'll be on recess until 4:05. It'll be  
12 our last recess. And you are instructed, do not talk with each other or  
13 anyone else on any subject connected to the trial. Don't read, watch, or  
14 listen to any report of or commentary on the trial. Don't discuss this  
15 case with anyone connected to it by any medium of information,  
16 including without limitation newspapers, television, radio, internet, cell  
17 phones, texting.

18 Don't conduct any research on your own. Don't speculate  
19 about anything. You may not consult dictionaries, use the internet, or  
20 use reference materials. Do not post on social media that you are in jury  
21 selection. You may also not text, tweet, Google issues, or conduct any  
22 other type of research with regard to any issue, party, witness, or  
23 attorney involved in the case. Do not form or express any opinion on  
24 any subject connected with the trial until the jury is selected and the jury  
25 deliberates.

1 See you at 4:05.

2 THE MARSHAL: All rise for the jury.

3 [Prospective jurors out at 3:51 p.m.]

4 [Outside the presence of the prospective jurors]

5 THE COURT: Okay. The room is clear. Plaintiff, do you have  
6 anything for the record?

7 MR. ZAVITSANOS: No, Your Honor.

8 THE COURT: Defendant, anything for the record?

9 MR. ROBERTS: Nothing for the record, Your Honor.

10 THE COURT: And there's no possible way we'll get done  
11 today?

12 MR. ROBERTS: No. No, Your Honor.

13 THE COURT: No. All right. Because I've got letters. I think  
14 we have one more juror still in the back. The first panel that can come  
15 Monday would be at 11:00, but we can start at 9:30 for you to continue  
16 voir dire.

17 MR. ROBERTS: Perfect, Your Honor.

18 THE COURT: Okay.

19 MR. ROBERTS: Thank you, Your Honor. I appreciate that,  
20 and I apologize.

21 THE COURT: We have the letters up here. And I will tell  
22 them when they come back from the next break. Oh. I know that we will  
23 not be in this courtroom Monday. Hey, gentlemen. I know that we will  
24 not have the use of this courtroom Monday. Denton has a Monday  
25 calendar. So we're probably going to be in 3A, so that's going to be a

1 pretty tight squeeze. So let me know about how you can do that when I  
2 come back.

3 MR. ZAVITSANOS: Your Honor, will the number of jurors  
4 that are here -- obviously, you do it all the time there. Will the number of  
5 jurors that we have here, will they fit?

6 THE COURT: In 3A?

7 MR. ZAVITSANOS: In 3A.

8 THE COURT: We'll find a way to get 24 in the box.

9 MR. ZAVITSANOS: Okay.

10 THE COURT: We'll find a way.

11 MR. ZAVITSANOS: Okay.

12 THE COURT: My magic works more -- I mean, my marshal  
13 works magic all the time.

14 MS. PERACH: He's your magic marshal.

15 THE COURT: He is magic.

16 MR. ZAVITSANOS: Thank you, Your Honor.

17 MR. ROBERTS: Thank you.

18 MR. BLALOCK: Thank you, Judge.

19 [Recess from 3:53 p.m. to 4:06 p.m.]

20 [Prospective jurors in at 4:11 p.m.]

21 THE COURT: Thank you. Please be seated.

22 Okay. I have to interrupt before you can start. We are not  
23 going to finish jury selection today. And, you know, I asked for this job,  
24 so I have to tell you. If you are angry, be angry at me. Do not be angry  
25 at the lawyers. They both are very concerned about having the most fair

1 jury possible. So it's a fairly big case, and it's important to them.

2 Now, I have letters her for you. We will have a jury Monday.  
3 You will all need to come back. If anyone needs a letter for an employer,  
4 say your name and where it needs to be sent. We will get them out  
5 today. Because tomorrow is Nevada Day, the court is closed, or we'd be  
6 finishing up tomorrow. So the Marshal will hand these out to you now.  
7 But I do ask that you listen to Mr. Roberts and focus on his questions  
8 rather than filling out these pages.

9 THE MARSHAL: Hand them out now?

10 THE COURT: If you will? And Mr. Roberts, when you're  
11 ready, go ahead.

12 MR. ROBERTS: Thank you, Your Honor. And Ms. Wilson,  
13 had you finished sharing with us on that answer?

14 PROSPECTIVE JUROR 095: Yes.

15 MR. ROBERTS: Okay, great. And I believe that, let's see, Ms.  
16 Hortillas is next on that. Badge number 114. Could you share with us  
17 how certain in a percentage, if you feel comfortable doing it that way,  
18 you'd like to be making important decisions in your own personal life?

19 PROSPECTIVE JUROR 114: Oh, I guess, like 50 percent.

20 MR. ROBERTS: Okay.

21 PROSPECTIVE JUROR 114: Or less. Something like that.  
22 Because I like to take my time in every decision I make.

23 MR. ROBERTS: Take your time? But then when you -- so  
24 there's no time limit, and you're thinking about things and weighing it.  
25 When you stop weighing it and make the call, when you're how certain



1 that it's the right thing to do. As soon as you're over 50 percent or do  
2 you try to get more certain than that in your personal life?

3 PROSPECTIVE JUROR 114: Like just over 50 percent.

4 MR. ROBERTS: Okay. Thank you.

5 PROSPECTIVE JUROR 116: 116. I guess in my personal life, I  
6 would say somewhere between 55 and 65 percent.

7 MR. ROBERTS: Thanks, Ms. Trambulo.

8 PROSPECTIVE JUROR 224: 224. I'd agree. Between 55 and  
9 65 percent sounds reasonable.

10 MR. ROBERTS: Thank you, Ms. Dudley.

11 PROSPECTIVE JUROR 224: Thank you, sir.

12 PROSPECTIVE JUROR 252: 252. I would have to be about 98  
13 percent sure. I'm a Virgo.

14 MR. ROBERTS: Thank you, Mr. Roberts. Me, too.

15 PROSPECTIVE JUROR 014: I am an all over the place person  
16 when I make decision. I mean, I got engaged within six months of  
17 knowing my husband, but it took two years to buy a house. So I just  
18 kind of -- between like 45 percent sure to 80 percent sure, depending on  
19 the issue.

20 MR. ROBERTS: Are you comfortable sharing which issue got  
21 you up to about 80 percent that you wanted to be?

22 PROSPECTIVE JUROR 014: 80 percent was buying my  
23 house.

24 MR. ROBERTS: Okay. And what about 45 percent was good  
25 enough?

1 PROSPECTIVE JUROR 014: Marrying my husband. He's  
2 awesome, by the way.

3 PROSPECTIVE JUROR 020: 020. I like to take items and list  
4 them down in plus and minus, and trying to figure out what the weight  
5 is, and if it hits 51 percent, I'm done.

6 MR. ROBERTS: So weighing things, once you get to 51  
7 percent, you'll make the jump?

8 PROSPECTIVE JUROR 020: Yeah.

9 MR. ROBERTS: Okay. Thank you, sir. Could you pass it back  
10 to Ms. Ross, badge number 93?

11 PROSPECTIVE JUROR 093: I have to be pretty certain. Like, I  
12 don't want to say 100. But if I'm going to make a life decision, you know,  
13 I have to be really, you know, certain on life.

14 MR. ROBERTS: Beyond a reasonable doubt?

15 PROSPECTIVE JUROR 093: I'm not saying that.

16 MR. ROBERTS: Okay.

17 PROSPECTIVE JUROR 093: Like, I have to be certain that  
18 they met preponderance. Like, you know what I mean?

19 MR. ROBERTS: Oh, we're not talking about them.

20 PROSPECTIVE JUROR 093: If that's what you're talking  
21 about, like --

22 MR. ROBERTS: We're not talking about them.

23 PROSPECTIVE JUROR 093: Okay.

24 MR. ROBERTS: We're talking about you.

25 PROSPECTIVE JUROR 093: No, I mean, I just have to nr

1 certain. Yeah.

2 MR. ROBERTS: Okay. You like to be really certain?

3 PROSPECTIVE JUROR 093: Yeah. I'm not going to, you  
4 know, make a decision unless --

5 MR. ROBERTS: Okay.

6 PROSPECTIVE JUROR 093: -- it's the right one.

7 MR. ROBERTS: Thank you, ma'am.

8 PROSPECTIVE JUROR 049: Badge 049. In my personal life,  
9 decisions are made on gut instinct more than anything. In the  
10 workspace, I have been -- for my company, I've been an internal auditor  
11 and in a position where I have investigated suspicion of fraud. And it's  
12 kind of funny in relevance to this case specifically. If we can get to where  
13 I can prove 50 percent of what the suspicion is where someone's job is  
14 literally hanging on the line and I can find the pattern and the evidence to  
15 really say, no, this person has done what you suspect they are doing.  
16 Maybe not coming to the exact dollar amount, but they have -- you  
17 know, think people might have stolen.

18 But if I can establish beyond the shadow -- to 51 percent. So  
19 yes, the pattern is there. Yes, they have stolen. Yes, this is what they  
20 have done. Then that's kind of where my brain goes to.

21 MR. ROBERTS: You're getting out the whistle at that point?

22 PROSPECTIVE JUROR 049: Yes. And I'm comfortable with  
23 that.

24 MR. ROBERTS: Okay. Thank you, Ms. Carr. You can pass it  
25 down.

1 PROSPECTIVE JUROR 038: 038. I'm going to go with 80  
2 percent. There's no guarantee or promise, but 80 percent.

3 MR. ROBERTS: Thank you, sir. I appreciate that. Mr. Torres,  
4 right?

5 PROSPECTIVE JUROR 038: Yes.

6 MR. ROBERTS: Okay. Thank you.

7 PROSPECTIVE JUROR 593: 953[sic]. I want to hear you  
8 pronounce my name.

9 MR. ROBERTS: Mr. Nesci?

10 PROSPECTIVE JUROR 593: Yes, there you go.

11 MR. ROBERTS: Sort of like the Loch Ness Monster, right?

12 PROSPECTIVE JUROR 953: Yeah, kinda. Yeah. Anyway,  
13 personal life 95 percent. I have to be absolutely sure.

14 MR. ROBERTS: Okay. Thank you, sir. I appreciate that.

15 PROSPECTIVE JUROR 593: You're welcome.

16 PROSPECTIVE JUROR 494: Personal life, ideally --

17 THE CLERK: [Indiscernible]

18 MR. ROBERTS: Badge number?

19 PROSPECTIVE JUROR 494: 494. And four of five, 80 percent  
20 I think is ideal. Doesn't always -- life doesn't always work on that  
21 number. But that's, I think, at a good spot to be.

22 MR. ROBERTS: Thank you, Mr. Zabinski. But that would be  
23 your goal? That's where you're comfortable?

24 PROSPECTIVE JUROR 494: Yeah.

25 MR. ROBERTS: Okay. Thank you.

1 PROSPECTIVE JUROR 522: 522. And I'm going to go with 85  
2 percent.

3 MR. ROBERTS: Thank you, Ms. Friedrich.

4 PROSPECTIVE JUROR 532: 532. If it's an extremely  
5 important life decision, I would probably have to go 75, 80 percent.

6 MR. ROBERTS: Okay. But you would be comfortable once  
7 you got there?

8 PROSPECTIVE JUROR 532: Once I got there, I would be  
9 comfortable.

10 MR. ROBERTS: Okay, thanks. Mr. Meyer, right?

11 PROSPECTIVE JUROR 532: Yes.

12 MR. ROBERTS: Okay. Thank you, sir.

13 PROSPECTIVE JUROR 564: 564. You don't remember my  
14 name, huh? It's okay.

15 MR. ROBERTS: You are Mr. Rucker, the trucker.

16 PROSPECTIVE JUROR 564: Anyway. 75 percent because to  
17 me, I don't believe in 100 percent anymore. The last time I was 100  
18 percent sure about anything, it cost me 50 percent.

19 PROSPECTIVE JUROR 450: 450. I have to say probably like  
20 65 percent. Once I'm pretty sure, I usually go forth on it.

21 MR. ROBERTS: Thank you, Mr. Walker.

22 PROSPECTIVE JUROR 283: 283. And I kind of just jump into  
23 things. Like, if I want to do something, then I just go ahead and do it and  
24 hope it works out.

25 MR. ROBERTS: Thank you, Ms. Landau.

1 PROSPECTIVE JUROR 141: 141. I'm opposite. 80, 85  
2 percent I need to be sure. I need to weigh everything with major life  
3 decisions.

4 MR. ROBERTS: Thank you, Ms. Springberg.

5 PROSPECTIVE JUROR 074: 074. About 60 percent.

6 MR. ROBERTS: Thank you. And is it like the school, or?

7 PROSPECTIVE JUROR 074: Everything.

8 MR. ROBERTS: No, I meant Gonzaga.

9 PROSPECTIVE JUROR 074: Yes.

10 MR. ROBERTS: Do you pronounce it like the school?

11 PROSPECTIVE JUROR 074: Yes, like the school.

12 MR. ROBERTS: Okay. Very good. All right. Keep the mic.  
13 We're going to go -- we're going to do another poll. I like Mr. Zavitsanos'  
14 -- you see, he told me by the end of the trial, I'd be able to pronounce it.  
15 I'm going to work on it.

16 I'm going to do a poll. I like these polls. And I've written  
17 something over here on the board, just so you don't have to memorize  
18 all the answers. But here is my question. And that is thinking about all  
19 the various functions that a jury has in American society, which best  
20 describes the most important function of a jury to you?

21 THE COURT: Can everyone see that? Because I can't, so.

22 MR. ROBERTS: Can I bring this up right here, Your Honor?

23 THE COURT: Normally, the marshal would do that.

24 MR. ROBERTS: Oh, okay. We'll put it wherever the Court  
25 normally likes it.

1 THE COURT: Thank you.

2 THE MARSHAL: Do you want it by the TV or in that corner?

3 THE COURT: Just so long as everyone can see it, and I can  
4 see it.

5 THE MARSHAL: TV, ma'am?

6 THE COURT: On the board on the left.

7 THE MARSHAL: You need to see it too; don't you?

8 THE COURT: Yeah. You can put it right over there, right in  
9 front of the TV. I'm so sorry. I'm so sorry for delaying this. This isn't  
10 our normal courtroom, so. Thank you.

11 MR. ROBERTS: Is that better, everyone?

12 THE COURT: Everybody's good? Thank you. Go ahead,  
13 please.

14 MR. ROBERTS: Thank you for that, Your Honor. I appreciate  
15 it. So in your personal view -- and you got to pick the best answer. You  
16 can't say none of these. Which is closest to your belief as the most  
17 important function of a jury? A, helping the victim; B, protecting the  
18 community; C, judging disputed facts; D, giving both parties a fair trial  
19 and administering justice; or E, punishing wrongdoers.

20 PROSPECTIVE JUROR 074: 074. D as in David.

21 PROSPECTIVE JUROR 141: 141. D, justice.

22 PROSPECTIVE JUROR 283: 283. D as in David.

23 PROSPECTIVE JUROR 450: Number 450. D as in David.

24 PROSPECTIVE JUROR 564: 564. D as in David.

25 PROSPECTIVE JUROR 532: 532. D, justice.

1 PROSPECTIVE JUROR 522: 522. D, justice.  
2 PROSPECTIVE JUROR 494: 494. D, justice.  
3 PROSPECTIVE JUROR 593: 593. B as in boy.  
4 PROSPECTIVE JUROR 038: 038. D as in David. Justice.  
5 PROSPECTIVE JUROR 049: 049. D, justice.  
6 PROSPECTIVE JUROR 093: 093. D, justice.  
7 PROSPECTIVE JUROR 020: 020. D, justice.  
8 PROSPECTIVE JUROR 014: 014. I know you said pick one,  
9 but I think C and D are equally important in our job.

10 MR. ROBERTS: Thank you.

11 PROSPECTIVE JUROR 252: 252. A.  
12 PROSPECTIVE JUROR 224: 224. B as in boy.  
13 PROSPECTIVE JUROR 116: 116. C.  
14 PROSPECTIVE JUROR 114: 114. D as in David.  
15 PROSPECTIVE JUROR 095: 095. D as in David.  
16 PROSPECTIVE JUROR 041: 041. C.  
17 PROSPECTIVE JUROR 094: 094. B as in bravo.  
18 PROSPECTIVE JUROR 219: 219. D as in justice.  
19 PROSPECTIVE JUROR 094: Good thing he can spell.  
20 PROSPECTIVE JUROR 219: I did say justice.

21 MR. ROBERTS: Yes, you did. We got it.

22 PROSPECTIVE JUROR 254: 254. D as in David.

23 PROSPECTIVE JUROR 270: 270. D, justice.

24 MR. ROBERTS: Okay. Ms. Herzog, Badge 270, we'll keep the  
25 mic with you for a while. I got a couple questions for you that I want to



1 ask everyone. And we'll start with you since you're the lucky one with  
2 the mic.

3 PROSPECTIVE JUROR 270: Great.

4 MR. ROBERTS: Do you feel that most things that happen to  
5 you in your personal life are in your control or out of your control?

6 PROSPECTIVE JUROR 270: In my -- I'm still 270. I don't  
7 know if she needs the number. I think they're in my control.

8 MR. ROBERTS: And when you make important decisions  
9 such as one we were talking about earlier.

10 PROSPECTIVE JUROR 270: Right.

11 MR. ROBERTS: Do you make -- do emotions factor heavily  
12 into those decisions or are you looking at things more from a non-  
13 emotional standpoint?

14 PROSPECTIVE JUROR 270: I think I tend to look at things  
15 practically more than emotionally.

16 MR. ROBERTS: Okay. And in mentioning practically, when  
17 you're making these decisions in your personal life --

18 PROSPECTIVE JUROR 270: Uh-huh.

19 MR. ROBERTS: -- do you look more at what's practical? Do  
20 you -- like what's morally the right thing to do? Which one would weigh  
21 more heavily? The moral right versus wrong, or what's the most  
22 practical thing for you to do here?

23 PROSPECTIVE JUROR 270: What's right versus wrong.

24 MR. ROBERTS: Okay. Thank you, ma'am.

25 PROSPECTIVE JUROR 270: Yeah. I was raised on guilt, so --

1 MR. ROBERTS: We're not supposed to talk about relations,  
2 but --

3 PROSPECTIVE JUROR 270: Yeah. Yeah, I'm just saying.

4 MR. ROBERTS: Very good. What about you, miss? Badge  
5 254.

6 PROSPECTIVE JUROR 254: Badge 254. And can you repeat  
7 with what --

8 MR. ROBERTS: Sure. So let's start out. Do you feel that  
9 most things that happen to you in your life are within your control or are  
10 they out of your control?

11 PROSPECTIVE JUROR 254: Within my control.

12 MR. ROBERTS: Within your control.

13 PROSPECTIVE JUROR 254: Yes.

14 MR. ROBERTS: Okay. How big a factor do emotions play in  
15 your important personal decisions in your life?

16 PROSPECTIVE JUROR 254: It depends on the situation. If it's  
17 going to hurt me, then of course I'm not going to do it, but if it's going to  
18 work out for me, help me and help my family, then I'm for it. So that's  
19 about all I can say.

20 MR. ROBERTS: How often do your feelings on what's the  
21 morally right thing to do cause you to do something, even though -- like  
22 not to do something, even though it might be the most practical thing for  
23 you to do?

24 PROSPECTIVE JUROR 254: If it's wrong, I'm not going to do  
25 it, and if I know it's right, and it's going to work to help me, then I'm

1 going to do it. So I do what's right, and if it's wrong, then I'm not. I'm  
2 not that type of person, like some people say. I look at the bad things  
3 and the good things, and I prefer the good things because I don't want  
4 anything bad to happen to me or anybody else.

5 MR. ROBERTS: Thank you very much, ma'am.

6 PROSPECTIVE JUROR 254: You're welcome.

7 PROSPECTIVE JUROR 219: David Ramsey, 219. By far, the  
8 majority, within my control.

9 MR. ROBERTS: Practical versus emotional decision-making  
10 on your part?

11 PROSPECTIVE JUROR 219: For a split second, emotional, but  
12 once I rationalize everything and calm down, then practical.

13 MR. ROBERTS: And do you usually wait until you calm down  
14 before you pull the trigger on a personal decision?

15 PROSPECTIVE JUROR 219: Absolutely.

16 MR. ROBERTS: How often do you take into account what's  
17 morally right when you make your decisions?

18 PROSPECTIVE JUROR 219: Always.

19 MR. ROBERTS: Always. Thank you, sir.

20 PROSPECTIVE JUROR 094: 094, and definitely in my control.

21 MR. ROBERTS: Practical or emotional decision-making?

22 PROSPECTIVE JUROR 094: I'd have to lean more toward  
23 emotional.

24 MR. ROBERTS: Okay. And what about morals versus  
25 practical? Which one usually weighs more heavily in your decision-

1 making?

2 PROSPECTIVE JUROR 094: I'd say morals, definitely.

3 MR. ROBERTS: Okay. Thank you, Mr. Ramsey. Badge 041?

4 PROSPECTIVE JUROR 041: Out of my control, mostly.

5 MR. ROBERTS: Okay.

6 PROSPECTIVE JUROR 041: I try to deal with it as best as I

7 can.

8 MR. ROBERTS: Could you hold the mic up a little bit further?

9 PROSPECTIVE JUROR 041: What was the second question?

10 MR. ROBERTS: So most things out of your control?

11 PROSPECTIVE JUROR 041: Most of them, yeah, out of my

12 control.

13 MR. ROBERTS: And then your answer to the second

14 question was?

15 PROSPECTIVE JUROR 041: Can you repeat the second

16 question?

17 MR. ROBERTS: Yes. Emotional decision-making or practical  
18 decision-making? Which one more best describes you?

19 PROSPECTIVE JUROR 041: Practical, but emotions are a  
20 factor to consider.

21 MR. ROBERTS: And what about morals? How often does  
22 what's morally right factor into your personal decision-making?

23 PROSPECTIVE JUROR 041: All the time.

24 MR. ROBERTS: All the time. Okay, thank you. If we can go  
25 back to Ms. Wilson, badge 095.

1 PROSPECTIVE JUROR 095: Within my control. And  
2 practical. And then the third is about morals, always. Always. Thank  
3 you.

4 MR. ROBERTS: Thank you.

5 PROSPECTIVE JUROR 114: 114. Within my control, then  
6 practical, and always. Okay.

7 MR. ROBERTS: Thank you, Ms. Hortillas.

8 PROSPECTIVE JUROR 116: 116. In my control, practical, and  
9 morals. Yep.

10 PROSPECTIVE JUROR 224: 224. I can say my entire life has  
11 felt out of my control and continues to feel out of my control, but  
12 optimistically, I would say moving forward can be in my control. I like to  
13 find a middle path of both emotionality and practicality. To me, a  
14 beautiful path of morality.

15 MR. ROBERTS: Thank you. I appreciate it.

16 PROSPECTIVE JUROR 224: Thank you.

17 MR. ROBERTS: I appreciate the response.

18 PROSPECTIVE JUROR 252: 252. In my control, logically, and  
19 with morals.

20 MR. ROBERTS: Thank you, sir. I appreciate the response.

21 PROSPECTIVE JUROR 014: 014. I think it's a good mix of out  
22 of control and in control. You know, I have a husband, I have kids, I have  
23 other factors that do affect my life. You know, my work kids. That  
24 affects things I have to decide on, too, so I do think it's a good mix of out  
25 of my control and in my control. I think -- I'm just like our friend Davis

1 over here. I definitely think I would start off with an emotional kind of  
2 view on what I need to have happen, and then have to calm down and  
3 wait a little bit until I can really think about all the outcomes and where I  
4 want it to go and be more practical. I definitely --

5 MR. ROBERTS: Let me ask you before you go onto the next  
6 one. Do you sometimes pull the trigger when you're still making  
7 emotional decisions or do you --

8 PROSPECTIVE JUROR 014: No. Not like --

9 MR. ROBERTS: -- make yourself --

10 PROSPECTIVE JUROR 014: I always start on the emotional  
11 foot, but I always end up in practical. You know, like I always at least get  
12 to somewhat practical before I even go that way, and I've got my  
13 husband to help with that. Get 45 percent. As far as moral versus  
14 practicality, I definitely lean more on my moral judgment than practical,  
15 but I definitely think practicality needs to be in there somewhere, so  
16 more moral, but some practicality in there.

17 MR. ROBERTS: Thank you.

18 PROSPECTIVE JUROR 020: 020. I'd like to think of myself as  
19 a very logical person. In that respect, logic basically tells me that  
20 practically and emotional each have their bearings. Okay. So it's a  
21 matter of weighing which one is better. As far as your first question, I  
22 didn't forget.

23 MR. ROBERTS: I noticed that.

24 PROSPECTIVE JUROR 020: For the most part, things are in  
25 our control. There are some items that happen just like every day that

1 are out of our control. What then we do is to bring it back in our control  
2 is choose whether or not to show up.

3 MR. ROBERTS: Okay.

4 PROSPECTIVE JUROR 020: As far as the morality question, I  
5 have a personal belief that if it's morally wrong, it's wrong.

6 MR. ROBERTS: Okay.

7 PROSPECTIVE JUROR 020: Nothing that is morally wrong  
8 can be right. Even --

9 MR. ROBERTS: It doesn't matter how beneficial or practical  
10 that decision might be?

11 PROSPECTIVE JUROR 020: No. If it's morally wrong, it's  
12 wrong.

13 MR. ROBERTS: Okay, thank you. And just to make sure I  
14 understand, though, when it comes to practical or emotional decision-  
15 making, you feel that both things ought to factor into your decisions --

16 PROSPECTIVE JUROR 020: Absolutely.

17 MR. ROBERTS: -- in your personal life?

18 PROSPECTIVE JUROR 219: Absolutely.

19 MR. ROBERTS: Okay. Thank you, sir.

20 PROSPECTIVE JUROR 093: 093. For the most part, I think it's  
21 in my control. And then your next question was what? Practical -- what  
22 was it?

23 MR. ROBERTS: Emotional decisionmaker or practical  
24 decisionmaker?

25 PROSPECTIVE JUROR 093: Practical.

1 MR. ROBERTS: Which one best describes you?

2 PROSPECTIVE JUROR 093: Practical.

3 MR. ROBERTS: Practical?

4 PROSPECTIVE JUROR 093: Yeah.

5 MR. ROBERTS: Thank you. And what about what's practical  
6 for you versus whether it's morally right?

7 PROSPECTIVE JUROR 093: I think both.

8 MR. ROBERTS: Both. Okay, thank you.

9 PROSPECTIVE JUROR 049: 049. Can you repeat the  
10 questions? I'm sorry. I'm so focused on what --

11 MR. ROBERTS: Of course, of course.

12 PROSPECTIVE JUROR 049: -- everybody's answers are and  
13 listening.

14 MR. ROBERTS: I'm sorry, I should be doing that anyway. I  
15 didn't mean to put you on the spot.

16 PROSPECTIVE JUROR 049: Okay, wait. The first question --

17 MR. ROBERTS: Most things that happen in your life, do you  
18 think they're within your control or out of your control?

19 PROSPECTIVE JUROR 049: For the most part, within my  
20 control.

21 MR. ROBERTS: Okay.

22 PROSPECTIVE JUROR 049: I feel like I react practically and  
23 need to adhere to a moral compass. Does that answer all three?

24 MR. ROBERTS: It does.

25 PROSPECTIVE JUROR 049: Okay.



1 MR. ROBERTS: Yeah. Thank you, Ms. Carr

2 PROSPECTIVE JUROR 038: 038. I'm going to have to say the  
3 scales go both ways.

4 MR. ROBERTS: And tell me a little bit more what you mean  
5 by that. The emotional and practical, you think --

6 PROSPECTIVE JUROR 038: For the emotional, it's gonna be  
7 weighing -- you just have to deal with them.

8 MR. ROBERTS: So you factor both things into your decision-  
9 making? Sometimes, you make an emotional decision, sometimes  
10 practical, but usually both?

11 PROSPECTIVE JUROR 038: Yes.

12 MR. ROBERTS: Do most things that happen to you in your  
13 life, do you feel they're within your control or --

14 PROSPECTIVE JUROR 038: Well, I would say most of them  
15 are gonna be within the --

16 MR. ROBERTS: Okay.

17 PROSPECTIVE JUROR 038: You've got to be honest.

18 MR. ROBERTS: Yes, absolutely. And then how heavily does  
19 what's morally right factor into your personal decision-making?

20 PROSPECTIVE JUROR 038: Heavily moral.

21 MR. ROBERTS: Is that something you always think about?

22 PROSPECTIVE JUROR 038: I try to make sure.

23 MR. ROBERTS: Yes.

24 PROSPECTIVE JUROR 038: I can't really stick with that.

25 Things change, so -- but I'm gonna go with moral.

1 MR. ROBERTS: Thank you, Mr. Torres.

2 PROSPECTIVE JUROR 593: 593. I believe most things in my  
3 life, I can control. Is that what you're asking?

4 MR. ROBERTS: Yes, yes.

5 PROSPECTIVE JUROR 593: Yes, are within my control. I'm,  
6 unfortunately, very, very practical, and I try to be very moral, but I  
7 struggle with morality when I drive.

8 MR. ROBERTS: So move out of my way?

9 PROSPECTIVE JUROR 494: 494. Most of life is within your  
10 control. The part you can't control, you can control how you react and  
11 how you respond to it. You always have a choice. I'd say more towards  
12 practicality. Sometimes, morals are -- my ex-wife would say I haven't  
13 always been the most moral, so I'll leave it at that.

14 PROSPECTIVE JUROR 522: 522. In my control. I think  
15 practical and emotional are on an even balance. And morals.

16 MR. ROBERTS: Thank you, Ms. Friedrich.

17 PROSPECTIVE JUROR 532: 532. I would say for the most  
18 part, in control, but there's always something. A wrench gets thrown  
19 into it that takes it out of control, and I try to use practicality to get back  
20 into control. There's always some emotions involved, too, but I look at  
21 the moral side of it and try to solve the problems that way.

22 MR. ROBERTS: Thank you, Mr. Meyer.

23 PROSPECTIVE JUROR 564: 564.

24 MR. ROBERTS: Mr. Rucker, yes.

25 PROSPECTIVE JUROR 564: Yes. What was the question

1 again? Can you repeat it?

2 MR. ROBERTS: Yes. Most things that happen to you in your  
3 life --

4 PROSPECTIVE JUROR 564: Oh, gotcha.

5 MR. ROBERTS: -- are within your control or do you think  
6 they're out of your control, most things?

7 PROSPECTIVE JUROR 564: Mostly in my control. I'm a  
8 pretty practical person because I used to be very emotional, and emotion  
9 always comes with an error trigger, which can make you make bad  
10 decisions, but we're human. There's a little emotion in everything that  
11 we do, you know, but it all boils down to, with me, am I going to be able  
12 to sleep at night with the decision that I made. And I like to sleep.

13 MR. ROBERTS: Thank you, Mr. Rucker. Mr. Walker.

14 PROSPECTIVE JUROR 450: 450. I'd have to say that most  
15 things in my life, they are in my control, and I do tend to try to stay  
16 levelheaded and logical whenever I make a decision, but there are times  
17 I do have -- you know, emotions do take place, but for the most part, I try  
18 to stay levelheaded and make a moral decision so that way I won't feel  
19 bad about it.

20 MR. ROBERTS: Thank you, Mr. Walker.

21 PROSPECTIVE JUROR 283: 283. I would say most things are  
22 out of my control, and I'm a pretty emotional person, but I do try to make  
23 decisions based on morals and stuff.

24 MR. ROBERTS: Thank you, Ms. Landau.

25 PROSPECTIVE JUROR 141: 141. I think it's a mix of in my

1 control and things that aren't in my control, and I agree that it's how you  
2 react and how you respond to those things that aren't in your control. I  
3 think decision-making is a combination of practical and emotions. I don't  
4 think you can ignore the emotions, but I strive to be practical in  
5 decisions. And yeah, I think morals should play a part in most decisions.

6 MR. ROBERTS: Thank you, Ms. Springberg. Ms. Gonzaga.

7 PROSPECTIVE JUROR 074: 074. In my control, practical, and  
8 morals.

9 MR. ROBERTS: Thank you so much.

10 THE COURT: Mr. Roberts, this is a good time to take our  
11 afternoon recess.

12 MR. ROBERTS: I think it would be. That's why I was just  
13 checking my watch.

14 THE COURT: Great. So here's the schedule for next week for  
15 those of you who are selected on Monday for the jury, and if any of you  
16 need letters for your employers, get them from Marshal. We will make  
17 sure that they are done by email or fax.

18 And during the recess, until Monday at 9:30, you're  
19 instructed do not talk with each other or anyone else on any subject  
20 connected with the trial. Don't read, watch, or listen to any report of or  
21 commentary on the case. Don't discuss this case with anyone connected  
22 to it by any medium of information, including without limitation,  
23 newspapers, television, radio, internet, cell phones, or texting.

24 Don't conduct any research on your own relating to the case,  
25 don't consult dictionaries, use the internet, or use reference materials.

1 Don't speculate with regard to the issues, the lawyers, or the parties. Do  
2 not talk, do not post on social media that you are in jury selection. Don't  
3 text, tweet, Google issues or conduct any other type of book or computer  
4 research with regard to any issue, party, witness, or an attorney involved  
5 in the case. Most importantly, do not form or express any opinion on  
6 any subject connected with the trial until the jury is selected and the jury  
7 deliberates.

8               You've been great this week. Thank you for not throwing a  
9 fit about having to come back Monday. Have a good three days off and  
10 see you then.

11               THE MARSHAL: All rise for the jury.

12                               [Prospective jurors out at 4:42 p.m.]

13               THE COURT: Okay, everybody. Room is clear. Plaintiff, do  
14 you have anything for the record?

15               MR. ZAVITSANOS: Not on the record, Your Honor.

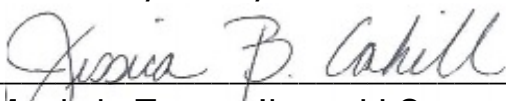
16               THE COURT: Defendant, anything for the record?

17               MR. ROBERTS: Nothing for the record from the Defendants,  
18 Your Honor.

19               THE COURT: Okay.

20                               [Proceedings concluded at 4:43 p.m.]

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

24 

25               Maukele Transcribers, LLC

                  Jessica B. Cahill, Transcriber, CER/CET-708

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EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA*Heather S. Smith*  
CLERK OF THE COURT

State of Nevada

PLAINTIFF

-VS-

United Health Care Insurance Co. / UNITED NY

DEFENDANT

CASE NO: A-19-792978-B

DEPT. NO: XXVII

MEDIA REQUEST AND ORDER ALLOWING  
CAMERA ACCESS TO COURT PROCEEDINGS\* Please fax to (702) 671-4548 to ensure that  
the request will be processed as quickly as possible.

Carter McCormack (name), of Dolcefino Communications, LLC (media organization),

hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in

Dept. No. XXVII, the Honorable Judge Nancy Allf Presiding, on the 1-23 day of  
November, 2021.I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-246, inclusive. If this request is being  
submitted less than twenty-four (24) hours before the above-described proceedings commence, the following facts provide good  
cause for the Court to grant the request on such short notice:It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be  
arranged prior to coverage, without asking for the Court to mediate disputes.

Dated this 26th day of October, 2021.

SIGNATURE:

*Carter McCormack*

PHONE: 713-898-6591

\*\*\*\*\*

## IT IS HEREBY ORDERED THAT:

☐ The media request is **denied** because it was submitted less than 24 hours before the scheduled proceeding was to  
commence, and no "good cause" has been shown to justify granting the request on shorter notice.☐ The media request is **denied** for the following reasons: \_\_\_\_\_☒ The media request is **granted**. The requested media access remains in effect for each and every hearing in the above-  
entitled case, at the discretion of the Court, and unless otherwise notified. This order is made in accordance with  
Supreme Court Rules 229-246, inclusive, at the discretion of the judge, and is subject to reconsideration upon motion  
of any party to the action. Media access may be revoked if it is shown that access is distracting the participants,  
impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.☐ OTHER: \_\_\_\_\_

IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceedings in this case.

Dated this 28th day of October, 2021

Dated this 28th day of October, 2021.

*Nancy L Allf*  
DISTRICT COURT JUDGE

TW

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Nancy Allf  
District Court Judge

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# EIGHTH JUDICIAL DISTRICT COURT

## CLARK COUNTY, NEVADA

State of Nevada

PLAINTIFF

-VS-

United Health Care Insurance Co. / UNITED NY

DEFENDANT

CASE NO: A-19-792978-B

DEPT. NO: XXVII

MEDIA REQUEST AND ORDER ALLOWING  
CAMERA ACCESS TO COURT PROCEEDINGS\* Please fax to (702) 671-4548 to ensure that  
the request will be processed as quickly as possible.

Wayne Dolcefino (name), of Dolcefino Communications, LLC (media organization),

hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in

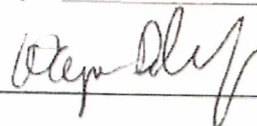
Dept. No. XXVII, the Honorable Judge Nancy Allf Presiding, on the 1-23 day of  
November, 2021.

I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-246, inclusive. If this request is being submitted less than twenty-four (24) hours before the above-described proceedings commence, the following facts provide good cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be arranged prior to coverage, without asking for the Court to mediate disputes.

Dated this 26th day of October, 2021.

SIGNATURE:



PHONE: 713-389-0810

\*\*\*\*\*

## IT IS HEREBY ORDERED THAT:

[ ] The media request is **denied** because it was submitted less than 24 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.[ ] The media request is **denied** for the following reasons: \_\_\_\_\_[ ] The media request is **granted**. The requested media access remains in effect for each and every hearing in the above-entitled case, at the discretion of the Court, and unless otherwise notified. This order is made in accordance with Supreme Court Rules 229-246, inclusive, at the discretion of the judge, and is subject to reconsideration upon motion of any party to the action. Media access may be revoked if it is shown that access is distracting the participants, impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.[ ] **OTHER:** \_\_\_\_\_

IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceedings in this case.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DISTRICT COURT JUDGE

006993

006993



1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Fremont Emergency Services  
7 (Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

8 vs.

DEPT. NO. Department 27

9 United Healthcare Insurance  
10 Company, Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12  
13 This automated certificate of service was generated by the Eighth Judicial District  
14 Court. The foregoing Media Request and Order was served via the court's electronic eFile  
15 system to all recipients registered for e-Service on the above entitled case as listed below:

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168

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**EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

*Hannah S. Linn*  
CLERK OF THE COURT

FREMONT EMERGENCY SERVICES, LTD.

PLAINTIFF

-VS-

UnitedHealth Group, Inc

DEFENDANT

CASE NO: A-19-792978-B

DEPT. NO: XXVII

**MEDIA REQUEST AND ORDER ALLOWING  
CAMERA ACCESS TO COURT PROCEEDINGS**

\* Please fax to (702) 671-4548 to ensure that  
the request will be processed as quickly as possible.

Wayne Dolcefino (name), of Dolcefino Communications, LLC (media organization),

hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in

Dept. No. XXVII, the Honorable Judge Nancy Ailf Presiding, on the 1st day of  
November, 2021.

I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-246, inclusive. If this request is being submitted less than twenty-four (24) hours before the above-described proceedings commence, the following facts provide good cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be arranged prior to coverage, without asking for the Court to mediate disputes.

Dated this 28th day of October, 2021.

SIGNATURE: *Wayne Dolcefino*

PHONE: 7133896810

\*\*\*\*\*

**IT IS HEREBY ORDERED THAT:**

[ ] The media request is **denied** because it was submitted less than 24 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.

[ ] The media request is **denied** for the following reasons: \_\_\_\_\_

[X] The media request is **granted**. The requested media access remains in effect for each and every hearing in the above-entitled case, at the discretion of the Court, and unless otherwise notified. This order is made in accordance with Supreme Court Rules 229-246, inclusive, at the discretion of the judge, and is subject to reconsideration upon motion of any party to the action. Media access may be revoked if it is shown that access is distracting the participants, impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.

[ ] **OTHER:** \_\_\_\_\_

**IT IS FURTHER ORDERED** that this document shall be made a part of the record of the proceedings in this case.

Dated this 28th day of October, 2021

Dated this 28th day of October, 2021.

Nancy L Ailf  
DISTRICT COURT JUDGE TW

42A 1C9 D052 E9FB  
Nancy Ailf  
District Court Judge

# EIGHTH JUDICIAL DISTRICT COURT

## CLARK COUNTY, NEVADA

FREMONT EMERGENCY SERVICES, LTD.

\_\_\_\_\_  
**PLAINTIFF**  
 -VS-  
 UnitedHealth Group, Inc  
 \_\_\_\_\_  
**DEFENDANT**  
 \_\_\_\_\_

CASE NO: A-19-792978-BDEPT. NO: XXVII

**MEDIA REQUEST AND ORDER ALLOWING  
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Dated this 28th day of October, 2021.

SIGNATURE:



PHONE:

713-898-6591

\*\*\*\*\*

### IT IS HEREBY ORDERED THAT:

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[ ] **OTHER:** \_\_\_\_\_

**IT IS FURTHER ORDERED** that this document shall be made a part of the record of the proceedings in this case.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DISTRICT COURT JUDGE

1 **CSERV**

2 **DISTRICT COURT**  
3 **CLARK COUNTY, NEVADA**

4  
5  
6 Fremont Emergency Services  
(Mandavia) Ltd, Plaintiff(s)

CASE NO: A-19-792978-B

7 vs.

DEPT. NO. Department 27

8  
9 United Healthcare Insurance  
Company, Defendant(s)

10  
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12  
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system to all recipients registered for e-Service on the above entitled case as listed below:

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