

1 PROSPECTIVE JUROR NO. 925: Yeah.

2 MR. EGLET: Love and Logic?

3 PROSPECTIVE JUROR NO. 925: Uh-huh.

4 MR. EGLET: Okay. Have to find that one.

5 PROSPECTIVE JUROR NO. 925: Yeah.

6 MR. EGLET: What did you want to be when you were in high
7 school, a teacher?

8 PROSPECTIVE JUROR NO. 925: No, I wanted to be a child
9 psychiatrist, psychologist.

10 MR. EGLET: And then what made you choose education
11 instead?

12 PROSPECTIVE JUROR NO. 925: I was failing my psychology
13 courses. And I said to my friend, "What are you doing?" She
14 said, "I'm going to be a teacher." I said, "Okay." So -- it
15 was either nursing or teaching. Then I took that test that
16 tells you what you're going to do. Dumb me, I took teaching.
17 I could be rich and be a nurse, but --

18 MR. EGLET: Well, I think they're underpaid too.

19 PROSPECTIVE JUROR NO. 925: Yeah.

20 MR. EGLET: But they make more than you guys.

21 PROSPECTIVE JUROR NO. 925: Yeah, they make way more than
22 me.

23 MR. EGLET: They're underpaid too. Most lawyers become
24 lawyers because we're not qualified to do anything else, so --
25 but I can remember taking those --

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1 PROSPECTIVE JUROR NO. 925: Yeah.

2 MR. EGLET: -- the same tests. Can you tell us what your
3 five year goals are?

4 PROSPECTIVE JUROR NO. 925: To make sure my daughter
5 graduates and gets to college. And to eventually sell my big
6 house and get a little tiny house so I don't have to go up the
7 stairs anymore.

8 MR. EGLET: Downsize?

9 PROSPECTIVE JUROR NO. 925: Yeah.

10 MR. EGLET: Kids are gone, let's downsize, yeah. We're
11 looking at that right now.

12 PROSPECTIVE JUROR NO. 925: I know.

13 MR. EGLET: We got one left at home. Two are gone, we
14 got one left. Any clubs or organizations you belong to?

15 PROSPECTIVE JUROR NO. 925: Bunco.

16 MR. EGLET: What is that?

17 UNIDENTIFIED SPEAKER: It's a game.

18 MR. EGLET: Oh, that's -- yeah. That's your game. Okay.
19 And you play that regularly?

20 PROSPECTIVE JUROR NO. 925: Once in a while with the
21 teachers.

22 MR. EGLET: Once in a while. Okay, all right. We only
23 played it New Year's Eve at his house. That's the only time
24 I've played. Who -- what are the two most important values
25 that you hold dear to yourself and that you've tried to impart

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1 upon your children, other than honesty and the faith that you
2 practice?

3 PROSPECTIVE JUROR NO. 925: Empathy.

4 MR. EGLET: Empathy.

5 PROSPECTIVE JUROR NO. 925: And independence, to be an
6 independent person.

7 MR. EGLET: All right. What situations do you think
8 you're regarded as a leader?

9 PROSPECTIVE JUROR NO. 925: In the classroom every day.

10 MR. EGLET: Okay.

11 PROSPECTIVE JUROR NO. 925: With my students.

12 MR. EGLET: But outside of work.

13 PROSPECTIVE JUROR NO. 925: Family situations, my
14 daughter's friends.

15 MR. EGLET: Okay.

16 PROSPECTIVE JUROR NO. 925: Mostly at work.

17 MR. EGLET: The worst tragedy you've had to experience?

18 PROSPECTIVE JUROR NO. 925: My father passing when I was
19 11.

20 MR. EGLET: When you were 11. When you hear someone's
21 been injured, killed, become really sick, do you ever think to
22 yourself that probably happened to them because of something
23 bad they did earlier in their life?

24 PROSPECTIVE JUROR NO. 925: No.

25 MR. EGLET: Some people believe that when someone is

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1 injured, killed, and it's as a result of someone else's
2 actions, that it was probably because of fate or bad luck or
3 God's will so they shouldn't bring a lawsuit. Do you feel
4 that way?

5 PROSPECTIVE JUROR NO. 925: No.

6 MR. EGLET: Who's the public figure you admire most in
7 life?

8 PROSPECTIVE JUROR NO. 925: I think Michael Jackson.

9 MR. EGLET: Michael Jackson?

10 PROSPECTIVE JUROR NO. 925: Yeah.

11 MR. EGLET: Okay.

12 PROSPECTIVE JUROR NO. 925: He had so many gifts to give.
13 And when you have such great gifts to give you're always
14 scrutinized. And I feel sad for the gifts he gave and yet
15 what he had to live through.

16 MR. EGLET: Thank you. Thank you very much.

17 Ms. Prince.

18 PROSPECTIVE JUROR NO. 928: Hi.

19 MR. EGLET: Make sure I got this right. Okay.

20 Ms. Prince, you are a new accounts representative for City
21 National Bank?

22 PROSPECTIVE JUROR NO. 928: Correct.

23 MR. EGLET: Do you know me or my firm?

24 PROSPECTIVE JUROR NO. 928: No.

25 MR. EGLET: Okay. How long have you been with City

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1 National Bank?

2 PROSPECTIVE JUROR NO. 928: About seven months. I was
3 with Sun West Bank and the FDIC came in and City National Bank
4 came in and purchased --

5 MR. EGLET: Okay.

6 PROSPECTIVE JUROR NO. 928: -- Sun West Bank. So --

7 MR. EGLET: Are you still --

8 PROSPECTIVE JUROR NO. 928: -- I became an employee of
9 City National Bank.

10 MR. EGLET: All right. Are you still in one of the Sun
11 West Bank --

12 PROSPECTIVE JUROR NO. 928: Locations?

13 MR. EGLET: -- locations?

14 PROSPECTIVE JUROR NO. 928: Yes.

15 MR. EGLET: All right. And are you still dealing
16 primarily with old Sun West --

17 PROSPECTIVE JUROR NO. 928: Yes.

18 MR. EGLET: -- customers, not City National Bank
19 customers?

20 PROSPECTIVE JUROR NO. 928: I would have to say 90
21 percent are old Sun West Bank customers, maybe even a little
22 bit more than that.

23 MR. EGLET: The accounts you work with, are they personal
24 accounts or business accounts?

25 PROSPECTIVE JUROR NO. 928: Both.

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1 MR. EGLET: Both?

2 PROSPECTIVE JUROR NO. 928: Uh-huh.

3 MR. EGLET: Okay. All right. What makes you good at
4 your job?

5 PROSPECTIVE JUROR NO. 928: Attention to detail, the
6 ability to communicate with a wide variety of people,
7 organizational skills.

8 MR. EGLET: And you have children?

9 PROSPECTIVE JUROR NO. 928: No.

10 MR. EGLET: No children.

11 PROSPECTIVE JUROR NO. 928: No.

12 MR. EGLET: Okay. What did you want to be in high
13 school?

14 PROSPECTIVE JUROR NO. 928: A flight attendant.

15 MR. EGLET: Flight attendant?

16 PROSPECTIVE JUROR NO. 928: Uh-huh.

17 MR. EGLET: Okay. Tell us why, travel?

18 PROSPECTIVE JUROR NO. 928: I thought it was going to be
19 glamorous, yeah.

20 MR. EGLET: Did you ever do that?

21 PROSPECTIVE JUROR NO. 928: No, but I did work for an
22 airline. So I achieved part of my goal.

23 MR. EGLET: Okay. Got the free tickets, that kind of
24 thing?

25 PROSPECTIVE JUROR NO. 928: Yes.

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1 MR. EGLET: The standby tickets --
2 PROSPECTIVE JUROR NO. 928: Yeah.
3 MR. EGLET: -- employees?
4 PROSPECTIVE JUROR NO. 928: Standby is not that much fun.
5 MR. EGLET: Yeah. Okay. Your five year goals?
6 PROSPECTIVE JUROR NO. 928: To be healthier and almost
7 debt free.
8 MR. EGLET: Almost debt free.
9 PROSPECTIVE JUROR NO. 928: Probably always have a
10 mortgage, but --
11 MR. EGLET: Good goals.
12 PROSPECTIVE JUROR NO. 928: Yeah.
13 MR. EGLET: Good goals indeed. What are the two most
14 important values that you hold dear to yourself, other than
15 honesty and whatever faith you --
16 PROSPECTIVE JUROR NO. 928: Integrity and goodwill.
17 MR. EGLET: What do you mean by goodwill?
18 PROSPECTIVE JUROR NO. 928: Just being good to others,
19 and I think it will come back to you.
20 MR. EGLET: Tell us what situations that you're regarded
21 as a leader.
22 PROSPECTIVE JUROR NO. 928: In my job, I am cross trained
23 to do other jobs in the office. So I'm not sure if it's so
24 much leadership as teamwork and jumping in when you know
25 others need help, and just helping out the office in general.

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1 MR. EGLET: And if someone offers to send money to the
2 charity of your choice, what charity would that be?

3 PROSPECTIVE JUROR NO. 928: Probably the Red Cross.

4 MR. EGLET: And why the Red Cross?

5 PROSPECTIVE JUROR NO. 928: Because they help so many
6 people all over the world.

7 MR. EGLET: What's the worst tragedy you've ever had to
8 go through?

9 PROSPECTIVE JUROR NO. 928: My grandfather passed away
10 when I was a teenager.

11 MR. EGLET: Do you ever feel that when someone is injured
12 or killed or becomes very sick that it happened because of --
13 might have happened because something they did back earlier?

14 PROSPECTIVE JUROR NO. 928: No, never.

15 MR. EGLET: Some people feel that when someone is injured
16 or killed because of the negligence of someone else that it's
17 God's fate, God -- it's God's will, it's fate, it's bad luck,
18 destiny, so they shouldn't bring a lawsuit. Do you feel that
19 way?

20 PROSPECTIVE JUROR NO. 928: No, I disagree.

21 MR. EGLET: Disagree. Who's a public figure that you
22 admire most?

23 PROSPECTIVE JUROR NO. 928: Well, I was going to say
24 Oprah, but --

25 MR. EGLET: Till I said no --

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1 PROSPECTIVE JUROR NO. 928: Yeah, that was the number one
2 answer. So I'm going to go with Bill Gates, just for his
3 philanthropic -- philanthropy. You know, he gives a lot.

4 MR. EGLET: The Bill and the Linda Gates Foundation.

5 PROSPECTIVE JUROR NO. 928: Yes.

6 MR. EGLET: Pretty amazing.

7 PROSPECTIVE JUROR NO. 928: Uh-huh.

8 MR. EGLET: Like to see people who've made billions of
9 dollars give it all away.

10 PROSPECTIVE JUROR NO. 928: Exactly.

11 MR. EGLET: That's great. Okay, thank you.

12 Okay. Ms. Kunkel.

13 PROSPECTIVE JUROR NO. 051: Koonkel [phonetic].

14 MR. EGLET: Is it --

15 PROSPECTIVE JUROR NO. 051: Koonkel.

16 MR. EGLET: Koonkel.

17 PROSPECTIVE JUROR NO. 051: Yes, close.

18 MR. EGLET: Close enough. All right. Okay. Ms. Kunkel,
19 you work as a valet at the Bellagio.

20 PROSPECTIVE JUROR NO. 051: Yes.

21 MR. EGLET: How long have you been doing that?

22 PROSPECTIVE JUROR NO. 051: Since it's opened.

23 MR. EGLET: Since --

24 PROSPECTIVE JUROR NO. 051: Almost 13 years.

25 MR. EGLET: Were you a valet before that?

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1 PROSPECTIVE JUROR NO. 051: No.

2 MR. EGLET: And tell us what makes you good at your job.

3 PROSPECTIVE JUROR NO. 051: I've always been active, so I
4 fit in real well there. And I work well with others. So we
5 have a great team. We work really good together. We can make
6 those cars move.

7 MR. EGLET: And do you have children?

8 PROSPECTIVE JUROR NO. 051: I do, two.

9 MR. EGLET: Two. And what made you a good parent?

10 PROSPECTIVE JUROR NO. 051: I'm a good listener and I
11 have real good family values.

12 MR. EGLET: Okay. Can you tell us what you wanted to be
13 in high school?

14 PROSPECTIVE JUROR NO. 051: Wanted to be a cosmetologist.

15 MR. EGLET: Okay.

16 PROSPECTIVE JUROR NO. 051: I did.

17 MR. EGLET: And you did for a while.

18 PROSPECTIVE JUROR NO. 051: I did. It wasn't for me.

19 MR. EGLET: Okay. And what are your five year goals?

20 PROSPECTIVE JUROR NO. 051: Focus on family, my faith,
21 good money management, little more focus on retirement plans
22 and make sure I give my kids the tools they need to succeed.

23 MR. EGLET: What are the two most important values to you
24 and that you've tried to impart in your children?

25 PROSPECTIVE JUROR NO. 051: I'd say family and

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1 compassion.

2 MR. EGLET: Tell me what you mean by compassion.

3 PROSPECTIVE JUROR NO. 051: Kindness. I feel for, you
4 know, I could put myself in someone else's situation so when
5 they're talking to me I could -- I like to put myself into
6 that situation. So I, you know, someone was hurt and I have
7 compassion for how they're feeling.

8 MR. EGLET: Can you tell us what situations that you're
9 regarded as a leader?

10 PROSPECTIVE JUROR NO. 051: I'm a good listener. I don't
11 like to speak before I think about what I'm going to say.
12 Like I said, I like to put myself in other people's situations
13 before I make a judgment on anything.

14 MR. EGLET: Okay. Someone offers to send money to the
15 charity of your choice, what charity would that be?

16 PROSPECTIVE JUROR NO. 051: Two. I would pick the Girls
17 and Boys Club and there's a foundation here called -- oh, it's
18 an animal organization.

19 MR. EGLET: Pride?

20 PROSPECTIVE JUROR NO. 051: No, it's -- they care for
21 foster -- feral --

22 MR. EGLET: Okay.

23 PROSPECTIVE JUROR NO. 051: -- feral animals. I forget
24 the name of it offhand right now.

25 MR. EGLET: All right. And why those two organizations?

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1 PROSPECTIVE JUROR NO. 051: Heaven Can Wait Sanctuary.
2 That's it.

3 MR. EGLET: Heaven Can Wait. And why those two
4 organizations?

5 PROSPECTIVE JUROR NO. 051: I love children and I love
6 animals. So --

7 MR. EGLET: What's the worst tragedy you ever went
8 through?

9 PROSPECTIVE JUROR NO. 051: The loss of my father.

10 MR. EGLET: How old were you?

11 PROSPECTIVE JUROR NO. 051: I was 30, and I thought he
12 was going to live forever.

13 MR. EGLET: Do you ever feel when you hear about someone
14 being hurt or injured, killed or become sick that it probably
15 happened to them because of something bad they did earlier in
16 life?

17 PROSPECTIVE JUROR NO. 051: No.

18 MR. EGLET: Some people think that when someone is
19 injured or killed that it was destiny or fate or God's will,
20 and so they -- even if it was someone else's fault, they
21 shouldn't bring a lawsuit because it would have happened
22 anyway. Do you agree with that thinking?

23 PROSPECTIVE JUROR NO. 051: Huh-uh.

24 MR. EGLET: Who's the public figure you admire most?

25 PROSPECTIVE JUROR NO. 051: Two. I'd say Ronald Reagan

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1 and Sarah Palin.

2 MR. EGLET: Okay. Tell us why Sarah Palin.

3 PROSPECTIVE JUROR NO. 051: I love her conservative
4 values. She has the same kind of beliefs I have and she's --
5 she loves her family and she loves her country, and I love
6 both.

7 MR. EGLET: Okay. Thank you very much.

8 PROSPECTIVE JUROR NO. 051: Uh-huh.

9 MR. EGLET: Okay. Mr. Barrett.

10 PROSPECTIVE JUROR NO. 943: Yes.

11 MR. EGLET: How are you, sir?

12 PROSPECTIVE JUROR NO. 943: I'm good, thanks.

13 MR. EGLET: Waiting there patiently or out in the hall.

14 PROSPECTIVE JUROR NO. 943: We all are, so --

15 MR. EGLET: Can you tell us, I know that you -- you're
16 the owner of a bar and restaurant.

17 PROSPECTIVE JUROR NO. 943: I was. I'm retired now.

18 MR. EGLET: Oh, you are. Okay. So you retired -- did I
19 not read your questionnaire right? Did you retire before or
20 after you filled out the questionnaire? Were you in the
21 process?

22 PROSPECTIVE JUROR NO. 943: No, this was before I filled
23 out the questionnaire.

24 MR. EGLET: Okay. All right. So you're retired from
25 that business?

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1 PROSPECTIVE JUROR NO. 943: Yes.

2 MR. EGLET: Okay. Was that a local bar in --

3 PROSPECTIVE JUROR NO. 943: Yes, it was a local one.

4 MR. EGLET: Okay. Was it number of bars and restaurants?

5 PROSPECTIVE JUROR NO. 943: Just one.

6 MR. EGLET: Which one was it?

7 PROSPECTIVE JUROR NO. 943: It's called Hamburger Mary's.

8 It's over by the Hard Rock.

9 MR. EGLET: Okay. And have you sold that business?

10 PROSPECTIVE JUROR NO. 943: Our lease ran out, so I

11 didn't renew it.

12 MR. EGLET: Okay. All right. Can you tell us what made

13 you good at your job?

14 PROSPECTIVE JUROR NO. 943: Well, before that I was an

15 accountant for 13 years with the Howard Keys Corporation.

16 MR. EGLET: Okay.

17 PROSPECTIVE JUROR NO. 943: So that was kind of a totally

18 different job. I was -- that was more attention to detail,

19 being thorough. I'm the kind of person that doesn't like to

20 let anything go. I pursue it to the end. And with the bar it

21 was totally different. It was more like -- the restaurant, it

22 was more like just go with the flow with everything, because

23 -- endurance, because it was a very time-consuming job.

24 MR. EGLET: All right. Do you have children?

25 PROSPECTIVE JUROR NO. 943: No, I don't.

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1 MR. EGLET: Can you tell us what you wanted to be when
2 you were in high school?

3 PROSPECTIVE JUROR NO. 943: Well, that was kind of a
4 problem for me. I kind of found out later what I was best at.
5 In high school I didn't have a very strong idea. So it took
6 me a while to kind of find myself. At the time, I thought I
7 wanted to possibly be a doctor. All over the map, so -- and I
8 started out in college as premed.

9 MR. EGLET: How'd you do in organic chemistry?

10 PROSPECTIVE JUROR NO. 943: That was what did me in.

11 MR. EGLET: Me too. All right.

12 PROSPECTIVE JUROR NO. 943: I said no more.

13 MR. EGLET: I understand. Can you tell us, what are your
14 five year goals?

15 PROSPECTIVE JUROR NO. 943: It's kind of common in Las
16 Vegas. I'd like to sell my house, which is underwater, and
17 just continue. I'm happy with my life now, so just --

18 MR. EGLET: Any clubs or organizations you belong to?

19 PROSPECTIVE JUROR NO. 943: No, I'm not really a joiner.

20 MR. EGLET: The most important values that you hold?

21 PROSPECTIVE JUROR NO. 943: I don't know how to really
22 put it in words, but kind of stick-to-itiveness. I think
23 always try your hardest.

24 MR. EGLET: Persistence?

25 PROSPECTIVE JUROR NO. 943: That and just do your best.

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1 The only real disappointments I've had are when I felt I
2 didn't give it everything I should have and [indiscernible].
3 That and a sense of humor, sense of respect for
4 [indiscernible].

5 MR. EGLET: Are there situations that you think you're
6 regarded as a leader?

7 PROSPECTIVE JUROR NO. 943: I think I'm probably too
8 quiet by nature to lead like large groups, but I am pretty
9 good with small groups. I think I am kind of more of a
10 mediator than a leader. And then I'm practical and get along
11 with most people.

12 MR. EGLET: Okay. If someone offers to send money to the
13 charity of your choice, what's it going to be?

14 PROSPECTIVE JUROR NO. 943: Probably Juvenile Diabetes
15 Foundation because it's had a big impact on my family and on
16 me.

17 MR. EGLET: Okay. And the worst tragedy you've ever had
18 to experience.

19 PROSPECTIVE JUROR NO. 943: Probably when I was seven. I
20 had gone with my family to Florida on a vacation and visited
21 relatives, and we were in a car accident which killed my uncle
22 and my oldest cousin. And my twin sister was -- she had a
23 head injury in the accident which left her paralyzed.

24 MR. EGLET: Okay. So you were all in the vehicle
25 together?

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1 PROSPECTIVE JUROR NO. 943: Yeah.

2 MR. EGLET: All right. And were you injured?

3 PROSPECTIVE JUROR NO. 943: I had a broken wrist and a
4 cracked pelvis, but I recovered pretty --

5 MR. EGLET: How old were you?

6 PROSPECTIVE JUROR NO. 943: Seven.

7 MR. EGLET: You were seven, okay. When you hear someone
8 has been hurt or killed or become sick do you ever think to
9 yourself --

10 PROSPECTIVE JUROR NO. 943: Hardly ever. I think there
11 are the Charlie Sheens of the world that you kind of have to
12 ask yourself; they're bent on destruction. But other than
13 that, no.

14 MR. EGLET: Some people feel that when someone gets hurt
15 or killed that it's destiny or God's will, and even if it's
16 someone else's fault they shouldn't bring --

17 PROSPECTIVE JUROR NO. 943: No.

18 MR. EGLET: -- a lawsuit.

19 PROSPECTIVE JUROR NO. 943: No.

20 MR. EGLET: You don't agree with that. Who's a public
21 figure you admire most?

22 PROSPECTIVE JUROR NO. 943: Probably someone like
23 Lincoln, who was a self-made man, who -- largely self-
24 educated. And I think he placed our country over his own
25 happiness and [indiscernible].

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1 MR. EGLET: Your public figure is a lawyer. You realize
2 that?

3 PROSPECTIVE JUROR NO. 943: Yes.

4 MR. EGLET: Okay, thank you very much.

5 Ms. Lynch, how are you?

6 PROSPECTIVE JUROR NO. 350: Very well, thank you.

7 MR. EGLET: You've been having conversation with Bailiff
8 Diamond over there. Everything okay?

9 PROSPECTIVE JUROR NO. 350: Very well.

10 MR. EGLET: Okay, very good. Can you tell us, you work
11 at Albertsons?

12 PROSPECTIVE JUROR NO. 350: Yes, I do.

13 MR. EGLET: Checker. How long you been doing that?

14 PROSPECTIVE JUROR NO. 350: Thirteen years, sir.

15 MR. EGLET: Okay. And what makes you good at your job?

16 PROSPECTIVE JUROR NO. 350: I try to anticipate my
17 customers' needs. I anticipate their visits, try to get them
18 out of the store as quick as I can.

19 MR. EGLET: Which store do you work at?

20 PROSPECTIVE JUROR NO. 350: Warm Springs [indiscernible].

21 MR. EGLET: Okay. And do you have children?

22 PROSPECTIVE JUROR NO. 350: Yes, I do.

23 MR. EGLET: And what makes you a good parent?

24 PROSPECTIVE JUROR NO. 350: Setting boundaries,
25 listening.

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1 MR. EGLET: And what did you want to be when you were in
2 high school?

3 PROSPECTIVE JUROR NO. 350: Department of Forestry,
4 botany.

5 MR. EGLET: Okay. And did you pursue that?

6 PROSPECTIVE JUROR NO. 350: Yes.

7 MR. EGLET: Okay. What happened with that?

8 PROSPECTIVE JUROR NO. 350: I became involved in botany,
9 cactus and succulent, botanizing most of mainland Mexico and
10 the Baja islands.

11 MR. EGLET: You got out of that eventually?

12 PROSPECTIVE JUROR NO. 350: Yes, I did.

13 MR. EGLET: Okay. And are you happy with your decision
14 to get out of that?

15 PROSPECTIVE JUROR NO. 350: I miss it.

16 MR. EGLET: You miss it?

17 PROSPECTIVE JUROR NO. 350: Learned a lot.

18 MR. EGLET: Okay.

19 PROSPECTIVE JUROR NO. 350: Saw a lot of beautiful
20 things.

21 MR. EGLET: Okay. Can you tell us any clubs or
22 organizations you belong to?

23 PROSPECTIVE JUROR NO. 350: Cactus Succulent Society of
24 America.

25 MR. EGLET: Okay.

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1 PROSPECTIVE JUROR NO. 350: All kinds of cactus succulent
2 societies of different towns in L.A. and the surrounding
3 areas, the shows, use and annual shows. We actually grew
4 cactus for shows, quite a interesting lifestyle.

5 MR. EGLET: Yes. Okay. Can you tell us the two most
6 important values you hold and that you try to teach your
7 children.

8 PROSPECTIVE JUROR NO. 350: Respect and trust.

9 MR. EGLET: Tell me what you mean by trust.

10 PROSPECTIVE JUROR NO. 350: Trusting in yourself to take
11 that next step, the right next -- the next step. Trusting
12 yourself.

13 MR. EGLET: And can you tell us what situations that you
14 feel that you are a leader.

15 PROSPECTIVE JUROR NO. 350: At work.

16 MR. EGLET: Work?

17 PROSPECTIVE JUROR NO. 350: Giving direction. I was a
18 manager.

19 MR. EGLET: You're still a manager?

20 PROSPECTIVE JUROR NO. 350: Well, somebody with more
21 seniority tapped my shift, so --

22 MR. EGLET: Okay.

23 PROSPECTIVE JUROR NO. 350: It happens.

24 MR. EGLET: Sure.

25 PROSPECTIVE JUROR NO. 350: But yeah, I really enjoyed

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1 it.

2 MR. EGLET: Okay. If someone offers to send money to a
3 charity of your choice, who is that?

4 PROSPECTIVE JUROR NO. 350: It would have to be breast
5 cancer research.

6 MR. EGLET: Why?

7 PROSPECTIVE JUROR NO. 350: I lost my mother to breast
8 cancer.

9 MR. EGLET: And is that the answer to the next question?

10 PROSPECTIVE JUROR NO. 350: Yes, sir.

11 MR. EGLET: When you hear someone has been hurt, injured,
12 killed or become sick do you ever think to yourself that well,
13 that probably happened to them because of something they did
14 earlier in life?

15 PROSPECTIVE JUROR NO. 350: No.

16 MR. EGLET: Some people believe that if you are injured
17 or killed that -- by -- as a result of someone else's
18 negligence that it was destiny, fate, God's will. So it was
19 bound to happen anyway so you shouldn't bring a lawsuit. Do
20 you agree with that?

21 PROSPECTIVE JUROR NO. 350: No.

22 MR. EGLET: Okay. Who's the public figure you admire
23 most?

24 PROSPECTIVE JUROR NO. 350: I'd have to agree with Sarah
25 Palin.

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1 MR. EGLET: Okay.

2 PROSPECTIVE JUROR NO. 350: She loves her country.

3 MR. EGLET: And --

4 PROSPECTIVE JUROR NO. 350: She loves her family. She's
5 got great family values. She's got great spunk, great zest
6 for life.

7 MR. EGLET: Do you watch her reality show --

8 PROSPECTIVE JUROR NO. 350: No, I do not.

9 MR. EGLET: -- Alaska there?

10 PROSPECTIVE JUROR NO. 350: No, I do not.

11 MR. EGLET: Okay.

12 PROSPECTIVE JUROR NO. 350: Don't have a lot of time for
13 TV, so --

14 MR. EGLET: Okay. All right. Thank you very much.

15 Mr. Johnston [sic].

16 PROSPECTIVE JUROR NO. 956: Hello.

17 MR. EGLET: How are you?

18 PROSPECTIVE JUROR NO. 956: Pretty well.

19 MR. EGLET: Johnson, I guess, not Johnston; right?

20 PROSPECTIVE JUROR NO. 956: Yeah.

21 MR. EGLET: Mr. Johnson, you work as a barista at
22 Seattle's Best in Borders; right?

23 PROSPECTIVE JUROR NO. 956: Correct.

24 MR. EGLET: Okay. Which Borders do you work at?

25 PROSPECTIVE JUROR NO. 956: The one on Warm Springs and

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1 Sunset.

2 MR. EGLET: Okay. Now is it Borders that is going out of
3 business or is that the other one, Barnes & Noble?

4 PROSPECTIVE JUROR NO. 956: No. Borders filed for a
5 Chapter 11 of some sort, so -- ours is fine for the moment.

6 MR. EGLET: Okay. And tell us what makes you good at
7 your job.

8 PROSPECTIVE JUROR NO. 956: Accuracy and efficiency.

9 MR. EGLET: Okay. What are you reading there?

10 PROSPECTIVE JUROR NO. 956: It's a war novel, The
11 Passage. Very good.

12 MR. EGLET: Okay. Good idea to bring something in to
13 read when you're --

14 PROSPECTIVE JUROR NO. 956: [Simultaneous conversation]
15 little sit down time.

16 MR. EGLET: Right. Can you -- you're single. You don't
17 have any children; right?

18 PROSPECTIVE JUROR NO. 956: Correct.

19 MR. EGLET: Okay. And I know you're young, but what did
20 you want to be in high school?

21 PROSPECTIVE JUROR NO. 956: Computer programmer.

22 MR. EGLET: A computer programmer?

23 PROSPECTIVE JUROR NO. 956: Correct.

24 MR. EGLET: Okay. Is that still something you want to
25 do, or is that --

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1 PROSPECTIVE JUROR NO. 956: No. I've taught myself a lot
2 about it, took a few temp jobs involving it, but it is a very
3 soul crushing line of work.

4 MR. EGLET: Soul crushing.

5 PROSPECTIVE JUROR NO. 956: It is tedious, really,
6 really. I don't think I have the proper mind set to do that
7 for a career.

8 MR. EGLET: Okay. What are your five year goals?

9 PROSPECTIVE JUROR NO. 956: I've gotten pretty doughy, so
10 I'm looking to get back in shape. Then probably go back to
11 college.

12 MR. EGLET: Okay. What do you want to study?

13 PROSPECTIVE JUROR NO. 956: Multimedia, remodeling, film
14 editing, that sort of thing.

15 MR. EGLET: Okay, great. Any clubs or organizations you
16 belong to?

17 PROSPECTIVE JUROR NO. 956: No.

18 MR. EGLET: Okay. You -- what are the two most important
19 values that you hold?

20 PROSPECTIVE JUROR NO. 956: Loyalty, stick by people when
21 they are in need, and tenaciousness or some word of the sort,
22 start something and see it through to the end.

23 MR. EGLET: Okay. And there situations where you think
24 you're regarded as a leader?

25 PROSPECTIVE JUROR NO. 956: At work, yeah. I'm generally

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1 the one that has the answers that people need as far as café
2 business, the prestigious line of work it is.

3 MR. EGLET: If someone offers to send money to the
4 charity of your choice, what's that going to be?

5 PROSPECTIVE JUROR NO. 956: It would have to be some sort
6 of cancer research.

7 MR. EGLET: And why cancer research?

8 PROSPECTIVE JUROR NO. 956: Few people in the family:
9 stepbrother, had an uncle that had pancreatic cancer, got him.
10 And yeah, goes to that.

11 MR. EGLET: The worst tragedy you've had to experience?

12 PROSPECTIVE JUROR NO. 956: My best friend killed himself
13 about two years ago.

14 MR. EGLET: Oh, sorry. Was that here locally?

15 PROSPECTIVE JUROR NO. 956: Yeah.

16 MR. EGLET: And -- all right. Well, I'll let that lie.
17 When you hear someone is hurt or killed or become sick do you
18 ever think to yourself that well, that probably happened
19 because of something they did earlier in their life?

20 PROSPECTIVE JUROR NO. 956: Talking like karma or --

21 MR. EGLET: Yeah.

22 PROSPECTIVE JUROR NO. 956: No.

23 MR. EGLET: Okay. All right. And some people believe
24 that if someone is killed or hurt that it's, even if it's by
25 the negligence of somebody else, that it's probably fate,

1 destiny, God's will. So they shouldn't bring a lawsuit
2 because it would have happened anyway. Do you agree with
3 that?

4 PROSPECTIVE JUROR NO. 956: No, sir.

5 MR. EGLET: Who's a public figure you admire?

6 PROSPECTIVE JUROR NO. 956: I go out of my way to avoid
7 public figures, anything about them. So I -- that's a tough
8 one. I would -- just an example. People like -- we'll say
9 [indiscernible] celebrity who's done very well for himself,
10 good actor, lots of money, but you never see him on the
11 tabloids, you know, making a scene or having all this drama
12 around him. I admire people like that who do what they do and
13 not bother others.

14 MR. EGLET: Not a fan of Charlie Sheen then?

15 PROSPECTIVE JUROR NO. 956: Eh --

16 MR. EGLET: Okay, thank you, Mr. Johnson.

17 Ms. Hubbert, how are you?

18 PROSPECTIVE JUROR NO. 293: Fine.

19 MR. EGLET: Okay. Ms. Hubbert, you are a room service
20 taker, not a waiter, room service taker.

21 PROSPECTIVE JUROR NO. 293: Order taker.

22 MR. EGLET: -- at the Cosmopolitan?

23 PROSPECTIVE JUROR NO. 293: Uh-huh.

24 MR. EGLET: Orderer, okay. And have -- well, that just
25 opened; right?

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1 PROSPECTIVE JUROR NO. 293: Yes.

2 MR. EGLET: What were you doing before that?

3 PROSPECTIVE JUROR NO. 293: I actually got laid off. I
4 was unemployed for two years.

5 MR. EGLET: Okay. What were you doing before you got
6 laid off?

7 PROSPECTIVE JUROR NO. 293: I worked at the Bellagio in
8 room service.

9 MR. EGLET: Same thing.

10 PROSPECTIVE JUROR NO. 293: Uh-huh.

11 MR. EGLET: All right. What makes you good at your job?

12 PROSPECTIVE JUROR NO. 293: Good listener, pay attention
13 to detail, empathy. Lot of people drink, lose a lot of money,
14 they tell you their life story.

15 MR. EGLET: And you're engaged?

16 PROSPECTIVE JUROR NO. 293: Yes.

17 MR. EGLET: Congratulations.

18 PROSPECTIVE JUROR NO. 293: Thank you.

19 MR. EGLET: Okay. You ever been married before?

20 PROSPECTIVE JUROR NO. 293: Yes.

21 MR. EGLET: Have any children?

22 PROSPECTIVE JUROR NO. 293: No.

23 MR. EGLET: Okay. What are your five year goals?

24 PROSPECTIVE JUROR NO. 293: To own a house; not here,
25 somewhere else. To go back to college. That's about it right

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1 now.

2 MR. EGLET: What do you want to study?

3 PROSPECTIVE JUROR NO. 293: I was thinking about
4 education, but I didn't do very well with that. So I was
5 looking to try possibly psychology or business.

6 MR. EGLET: What did you want to be when you were in high
7 school?

8 PROSPECTIVE JUROR NO. 293: Oh my goodness. A
9 firefighter, police officer, astronaut. Of course none of
10 those worked out.

11 MR. EGLET: Okay. What are the two most important values
12 that you hold dear and that you try to impart upon your
13 children?

14 PROSPECTIVE JUROR NO. 293: Loyalty is a big thing with
15 me, standing by the people you care about. And also
16 independence, being independent.

17 MR. EGLET: Are there situations that you think you're
18 regarded as a leader?

19 PROSPECTIVE JUROR NO. 293: Mostly at work. Since I've
20 had the experience, a lot of the new -- the people who work
21 with me haven't had the experience, so they look to me to help
22 them because I've been in it before.

23 MR. EGLET: If someone offers to send money to the
24 charity of your choice?

25 PROSPECTIVE JUROR NO. 293: First one would be cancer

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1 research because my grandmother died from cancer and my mother
2 had breast cancer. And the second one would be to the ASPCA.

3 MR. EGLET: Okay, thank you.

4 PROSPECTIVE JUROR NO. 293: Uh-huh.

5 MR. EGLET: Worst tragedy you've ever had to experience.

6 PROSPECTIVE JUROR NO. 293: The -- my grandmother passing
7 away when I was in my teens.

8 MR. EGLET: When you hear someone's been injured, hurt,
9 killed, becomes sick, do you ever think to yourself that
10 probably happened to them because of something they did
11 earlier in their life?

12 PROSPECTIVE JUROR NO. 293: No.

13 MR. EGLET: Okay. Some people believe that people who
14 are injured or killed, that it's destiny, God's will, fate.
15 So even if it was someone else's fault they shouldn't bring a
16 lawsuit. Do you agree with that?

17 PROSPECTIVE JUROR NO. 293: No.

18 MR. EGLET: Who's the public figure you admire most?

19 PROSPECTIVE JUROR NO. 293: It's a tossup. One was
20 Gandhi for the work that he's done. He's a very -- no matter
21 what happened to him, he was very thankful person, a very
22 charitable person. And he never let adversity make him
23 bitter; he always kept a very good outlook.

24 MR. EGLET: You said there was more than one?

25 PROSPECTIVE JUROR NO. 293: Well, I was tossing it around

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1 and the other one was Buddha.

2 MR. EGLET: Okay.

3 PROSPECTIVE JUROR NO. 293: I like his -- mostly the same
4 way with Gandhi, because of the fact that he's a very tolerant
5 -- he teaches tolerance. He teaches peace, respect, and
6 that's something I like.

7 MR. EGLET: Thank you very much.

8 Ms. Manful.

9 PROSPECTIVE JUROR NO. 963: Yes.

10 MR. EGLET: How are you?

11 PROSPECTIVE JUROR NO. 963: Very good.

12 MR. EGLET: Good. I see that you are -- you work at
13 Wegastitch [sic]?

14 PROSPECTIVE JUROR NO. 963: Webgistix.

15 MR. EGLET: Webgistix.

16 PROSPECTIVE JUROR NO. 963: Yeah.

17 MR. EGLET: Okay.

18 PROSPECTIVE JUROR NO. 963: I know it's a strange name.

19 MR. EGLET: Well, they didn't spell it right for me.

20 It's okay.

21 PROSPECTIVE JUROR NO. 963: I didn't spell it right?

22 Whoops.

23 MR. EGLET: No, they didn't spell it right, not you.

24 PROSPECTIVE JUROR NO. 963: Okay.

25 MR. EGLET: Not you.

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1 PROSPECTIVE JUROR NO. 963: It's Webgistix.

2 MR. EGLET: This is a summary. So they just didn't spell
3 it right. So Webgistix?

4 PROSPECTIVE JUROR NO. 963: Yes.

5 MR. EGLET: And you are a pack and shipper. It's a
6 packing shipping company?

7 PROSPECTIVE JUROR NO. 963: Right, right. We pack and
8 ship orders for about 100 different companies that sell their
9 products online.

10 MR. EGLET: Okay.

11 PROSPECTIVE JUROR NO. 963: So it's all internet orders.

12 MR. EGLET: Okay. And so do you work on a computer, or
13 on --

14 PROSPECTIVE JUROR NO. 963: I'm physically packing
15 orders --

16 MR. EGLET: Oh, you're physically doing --

17 PROSPECTIVE JUROR NO. 963: -- all day long?

18 MR. EGLET: Are you?

19 PROSPECTIVE JUROR NO. 963: Uh-huh.

20 MR. EGLET: Okay. How long you been doing that?

21 PROSPECTIVE JUROR NO. 963: I've been there a little over
22 a year.

23 MR. EGLET: Okay. What did you do before that?

24 PROSPECTIVE JUROR NO. 963: Well, I was unemployed for a
25 year and worked -- then before that I worked four years in the

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1 gaming industry manufacturing parts for slot machines.

2 MR. EGLET: Okay. What makes you good at your job?

3 PROSPECTIVE JUROR NO. 963: Think probably -- well, I
4 work fast and I'm organized.

5 MR. EGLET: Okay. What'd you want to be when you were in
6 high school?

7 PROSPECTIVE JUROR NO. 963: An accountant.

8 MR. EGLET: An accountant?

9 PROSPECTIVE JUROR NO. 963: That's what my father did.

10 MR. EGLET: Okay. And why did you decide not to go into
11 that field?

12 PROSPECTIVE JUROR NO. 963: Well, I ran out of money
13 halfway through school, so had to get a job. And ended up
14 taking a job as a bookkeeper and decided I didn't like it. I
15 couldn't stand being in an office all day. So --

16 MR. EGLET: Didn't like the number crunching.

17 PROSPECTIVE JUROR NO. 963: Yeah.

18 MR. EGLET: Okay.

19 PROSPECTIVE JUROR NO. 963: So --

20 MR. EGLET: What are your five year goals?

21 PROSPECTIVE JUROR NO. 963: To retire.

22 MR. EGLET: To retire. Good goal. All right. Any clubs
23 or organizations you belong to?

24 PROSPECTIVE JUROR NO. 963: Not currently. I was in the
25 Girl Scouts when I was younger and was in the military for

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1 three years.

2 MR. EGLET: What branch of the military were you in?

3 PROSPECTIVE JUROR NO. 963: Army.

4 MR. EGLET: Okay. And when was that?

5 PROSPECTIVE JUROR NO. 963: That was back in the early
6 80s.

7 MR. EGLET: Okay. And what are the two most important
8 values that you hold dear?

9 PROSPECTIVE JUROR NO. 963: Respect for others and
10 compassion for others.

11 MR. EGLET: Tell me what you mean by compassion.

12 PROSPECTIVE JUROR NO. 963: You know, just caring about,
13 you know, what they're feeling, going through or whatever.

14 MR. EGLET: Is there situations where you think you're
15 regarded as a leader?

16 PROSPECTIVE JUROR NO. 963: Maybe at work. Most of the
17 people that are packing on the line are fairly new.

18 MR. EGLET: Uh-huh.

19 PROSPECTIVE JUROR NO. 963: And so I'm familiar with, you
20 know, how the customers want things packed, what packing
21 materials to use. So I help other people with, you know,
22 deciding how to pack things.

23 MR. EGLET: Sure. Okay. If someone offers to send money
24 to the charity of your choice, what would you pick?

25 PROSPECTIVE JUROR NO. 963: That would be Special

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1 Olympics.

2 MR. EGLET: And why Special Olympics?

3 PROSPECTIVE JUROR NO. 963: Because my mom worked with
4 developmentally disabled for years and I got to know a lot of
5 her clients. And I believe in athletics and I like being
6 athletic, and it's good for them.

7 MR. EGLET: What's the worst tragedy you've had to
8 experience in your life?

9 PROSPECTIVE JUROR NO. 963: Watching both my parents die
10 of cancer.

11 MR. EGLET: How old were you?

12 PROSPECTIVE JUROR NO. 963: Oh, I was 23 when my father
13 died, and then my mom died about 5 years ago.

14 MR. EGLET: Okay. When you hear someone has been hurt,
15 killed or become sick, do you ever think to yourself that
16 well, that probably happened because of something they did
17 earlier in their life?

18 PROSPECTIVE JUROR NO. 963: No.

19 MR. EGLET: Okay. Some people think that when someone is
20 injured or killed by the negligence of someone else that the
21 reason that happened to them was fate, God's will, destiny, so
22 that they shouldn't bring a lawsuit. Do you agree with that?

23 PROSPECTIVE JUROR NO. 963: No, I disagree.

24 MR. EGLET: Who's the public figure you admire most?

25 PROSPECTIVE JUROR NO. 963: Jimmy Carter.

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1 MR. EGLET: Tell us why President Carter.

2 PROSPECTIVE JUROR NO. 963: Well, because of his work
3 with Habitat for Humanity and he believes in giving back to
4 humanity. I just like him because of [indiscernible].

5 MR. EGLET: Thank you very much.

6 PROSPECTIVE JUROR NO. 963: Thank you.

7 THE COURT: It's come to my attention, Mr. Eglet, that
8 one or more of the jurors may need a break. Let's take a 10-
9 minute break.

10 MR. EGLET: I was wondering. That's fine.

11 [Recess]

12 THE MARSHAL: Please remain seated.

13 THE COURT: Okay, we're back in session. Mr. Eglet.

14 MR. EGLET: Thank you, Your Honor.

15 Ms. Meza.

16 PROSPECTIVE JUROR NO. 983: Yes.

17 MR. EGLET: Good afternoon.

18 PROSPECTIVE JUROR NO. 983: Good afternoon.

19 MR. EGLET: Ms. Meza, you used to work for Dr. Desai.

20 PROSPECTIVE JUROR NO. 983: Yes.

21 MR. EGLET: Are you aware that I am the lead trial
22 counsel for all the plaintiff's firms who are suing him?

23 PROSPECTIVE JUROR NO. 983: I know he's being sued. I
24 didn't know you were [indiscernible].

25 MR. EGLET: How long did you work --

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1 PROSPECTIVE JUROR NO. 983: In the 90s.

2 MR. EGLET: Everybody here know who Dr. Desai is, the
3 Hepatitis C [indiscernible] cases?

4 VOICES: Oh.

5 MR. EGLET: Okay. When did you work for him?

6 PROSPECTIVE JUROR NO. 983: Like in the 90s.

7 MR. EGLET: Okay. What did you do there?

8 PROSPECTIVE JUROR NO. 983: Some light back office, front
9 office.

10 MR. EGLET: All right. Now you're aware that I've sued
11 nurses, doctors, Dr. Desai, the drug companies, clinics. Are
12 you aware of that?

13 PROSPECTIVE JUROR NO. 983: No.

14 MR. EGLET: Okay.

15 PROSPECTIVE JUROR NO. 983: I didn't know you sued him
16 [indiscernible], but I'm aware he's being sued, yes.

17 MR. EGLET: Right. Are you friends with anybody who
18 works there who was defendant in any --

19 PROSPECTIVE JUROR NO. 983: No.

20 MR. EGLET: -- in any of these cases?

21 PROSPECTIVE JUROR NO. 983: No.

22 MR. EGLET: Any of the nurse anesthetists or physicians,
23 Dr. Desai himself?

24 PROSPECTIVE JUROR NO. 983: No, no.

25 MR. EGLET: Do you have any friends who were working at

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1 the clinics at the time they were shut down?

2 PROSPECTIVE JUROR NO. 983: No.

3 MR. EGLET: So it's been some time since you worked
4 there?

5 PROSPECTIVE JUROR NO. 983: Yes.

6 MR. EGLET: The fact that my firm and I are lead counsel
7 in those cases, would that have any effect on your ability to
8 be fair and impartial in this case?

9 PROSPECTIVE JUROR NO. 983: No.

10 MR. EGLET: Okay. All right. You wouldn't hold that
11 against us or anything?

12 PROSPECTIVE JUROR NO. 983: No.

13 MR. EGLET: Okay. You also indicate -- I'm not sure if
14 it was you or a family member who worked for an insurance
15 company?

16 PROSPECTIVE JUROR NO. 983: I worked for Health Plan of
17 Nevada and Sierra Health --

18 MR. EGLET: What did you do for them?

19 PROSPECTIVE JUROR NO. 983: I worked in member service
20 giving out medical benefits. And then I worked for Southwest
21 Medical and I worked in patient accounts.

22 MR. EGLET: Okay. Can you tell us what makes you good at
23 your job? I know now you're work -- you're in the -- you're
24 with Bally's now; right?

25 PROSPECTIVE JUROR NO. 983: Uh-huh.

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1 MR. EGLET: What do you do at Bally's?

2 PROSPECTIVE JUROR NO. 983: PBX.

3 MR. EGLET: Okay. What makes you good at your job?

4 PROSPECTIVE JUROR NO. 983: I've been there 11 years, so
5 experience. I'm fast, I speak another language, and I listen
6 to the -- what they need and get them there as fast as I can.

7 MR. EGLET: And do you have children?

8 PROSPECTIVE JUROR NO. 983: Yes.

9 MR. EGLET: And what makes you a good parent?

10 PROSPECTIVE JUROR NO. 983: Discipline and love.

11 MR. EGLET: And what did you want to be when you were in
12 high school?

13 PROSPECTIVE JUROR NO. 983: I wanted to be a psychologist
14 and/or a lawyer.

15 MR. EGLET: Okay. And why did you decide not to pursue
16 either one of those careers?

17 PROSPECTIVE JUROR NO. 983: Because I'm kind of shy and I
18 don't think I could stand in front of people and, you know,
19 prosecute.

20 MR. EGLET: Okay.

21 PROSPECTIVE JUROR NO. 983: And I think I'm too emotional
22 to handle listening to --

23 MR. EGLET: Right.

24 PROSPECTIVE JUROR NO. 983: -- problems on a day-to-day
25 basis. I think it would affect me eventually.

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1 MR. EGLET: Sure. The vast overwhelming percentage of
2 lawyers don't spend any time in the courtroom.

3 PROSPECTIVE JUROR NO. 983: Oh.

4 MR. EGLET: So -- can you tell me what your five year
5 goals are?

6 PROSPECTIVE JUROR NO. 983: Well, I just started trying
7 to go back to school. I just got a FASFA grant to go back to
8 school. I want to be a sociologist. And own a home, raise my
9 daughter.

10 MR. EGLET: Do you belong to any clubs or organizations?

11 PROSPECTIVE JUROR NO. 983: No.

12 MR. EGLET: And what are the two most important values
13 that you hold and want to teach your daughter?

14 PROSPECTIVE JUROR NO. 983: Humility and respect.

15 MR. EGLET: And in what situations, if any, do you think
16 you're regarded as a leader?

17 PROSPECTIVE JUROR NO. 983: I like change for the good,
18 you know, change. And I try to view everyone's perspective in
19 light of the way they feel and then try to make things better.

20 MR. EGLET: If someone offers to send money to a charity
21 of your choice, what charity?

22 PROSPECTIVE JUROR NO. 983: I think for like abused and
23 neglected children.

24 MR. EGLET: Okay. Why that charity?

25 PROSPECTIVE JUROR NO. 983: I just feel really, you know,

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1 bad for that, for children that get abused. They don't really
2 have a voice or, you know. Now that I'm a mother, you know, I
3 just feel sad.

4 MR. EGLET: What's the worst tragedy you've ever had to
5 experience?

6 PROSPECTIVE JUROR NO. 983: The death of my father.

7 MR. EGLET: How old were you?

8 PROSPECTIVE JUROR NO. 983: About 37.

9 MR. EGLET: When you hear that someone's been injured,
10 killed or become sick, do you ever think to yourself that that
11 may have happened to them because of something they did
12 earlier in life?

13 PROSPECTIVE JUROR NO. 983: No.

14 MR. EGLET: Some people feel that when people are
15 injured, killed by the fault or negligence of someone else
16 that they shouldn't bring a lawsuit because it's destiny,
17 God's will or fate; it would have happened anyway. Do you
18 agree with that?

19 PROSPECTIVE JUROR NO. 983: No.

20 MR. EGLET: Who's the public figure you admire most?

21 PROSPECTIVE JUROR NO. 983: It was a tossup between Oprah
22 and Jesus. I'm going to have to say Jesus.

23 MR. EGLET: Okay. Not so bad, was it?

24 PROSPECTIVE JUROR NO. 983: No.

25 MR. EGLET: All right. Mr. Bombino.

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1 PROSPECTIVE JUROR NO. 992: Yes, sir.
2 MR. EGLET: How are you this afternoon?
3 PROSPECTIVE JUROR NO. 992: I'm fine.
4 MR. EGLET: Good. Mr. Bombino, you are a teacher --
5 PROSPECTIVE JUROR NO. 992: Yes.
6 MR. EGLET: -- as well, Clark County School District.
7 What grade do you teach?
8 PROSPECTIVE JUROR NO. 992: Mainly seniors. I have
9 juniors and [indiscernible].
10 MR. EGLET: You teach high school?
11 PROSPECTIVE JUROR NO. 992: Yes, I do.
12 MR. EGLET: Wow. That's challenging; right?
13 PROSPECTIVE JUROR NO. 992: Very enjoyable.
14 MR. EGLET: Yeah?
15 PROSPECTIVE JUROR NO. 992: Very enjoyable.
16 MR. EGLET: What school do you teach at?
17 PROSPECTIVE JUROR NO. 992: At Clark High School. I'm --
18 MR. EGLET: Clark.
19 PROSPECTIVE JUROR NO. 992: [Indiscernible] be a magnet
20 school in [indiscernible] class. We're a math and science
21 magnet.
22 MR. EGLET: Oh, Clark is now?
23 PROSPECTIVE JUROR NO. 992: Clark.
24 MR. EGLET: I didn't realize --
25 PROSPECTIVE JUROR NO. 992: Well, actually we have been

1 for a long time.

2 MR. EGLET: Really?

3 PROSPECTIVE JUROR NO. 992: Yes.

4 MR. EGLET: I didn't realize that. I went to Western.
5 Clark was our big rival.

6 PROSPECTIVE JUROR NO. 992: Oh sure. They still are.

7 MR. EGLET: They didn't have -- yeah. We didn't have any
8 high school like they do now. I don't know what most of them
9 are, but Clark was our big rival. That's when Western and
10 Clark were the farthest west out schools. Okay. So tell us
11 what makes you good at your job?

12 PROSPECTIVE JUROR NO. 992: You have to like kids.
13 That's kind of a very important prerequisite. I think that's
14 one of the qualities I have, plus compassion. They have to
15 know you care.

16 MR. EGLET: Okay. And you don't have children?

17 PROSPECTIVE JUROR NO. 992: No, I do not.

18 MR. EGLET: Okay. And what did you want to be in high
19 school? Did you want to be a teacher?

20 PROSPECTIVE JUROR NO. 992: Lawyer.

21 MR. EGLET: Lawyer. Why did you decide to go into
22 teaching?

23 PROSPECTIVE JUROR NO. 992: I wasn't sure my GPA was good
24 enough to be a lawyer, to go to law school. And that was one
25 concern. The other one was I was mainly going to be a lawyer

1 to be a politician. I -- politicians have a lot of ability to
2 help people. I wanted to do that. But I got away from that
3 because political work is lawyers in and then play for a
4 while. So if you're in office, fine, you're working. But if
5 you're not, you're not working. The in -- unstability of the
6 job got me away from that.

7 MR. EGLET: Plus you have to campaign.

8 PROSPECTIVE JUROR NO. 992: That too.

9 MR. EGLET: Right.

10 PROSPECTIVE JUROR NO. 992: Or work for a campaign. One
11 or the other.

12 MR. EGLET: Right, right. Interesting. Can you tell us
13 what your five year goals are?

14 PROSPECTIVE JUROR NO. 992: I'm towards the end of my
15 career. So as far as my career goes, there really isn't -- I
16 mean I feel that I have the job I've kind of always wanted.
17 So that's not. But I have a very sick mother in Seattle and
18 I'd like to be able to help with her more than I have been
19 doing.

20 MR. EGLET: Now I know you're born in Spokane.

21 PROSPECTIVE JUROR NO. 992: Yes.

22 MR. EGLET: All right. Did your -- do your family live
23 in Seattle, or just your mom?

24 PROSPECTIVE JUROR NO. 992: Actually they lived in
25 Spokane, my entire family. And I went to school in Seattle at

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1 Beck University of Washington. We eventually moved to Seattle
2 to be with my brother.

3 MR. EGLET: No Husky tie?

4 PROSPECTIVE JUROR NO. 992: No Husky tie.

5 MR. EGLET: You know cougars eat husky.

6 PROSPECTIVE JUROR NO. 992: Oh, I know.

7 MR. EGLET: My brother was a UW graduate, so it's okay.

8 Interfamily rivalry. And so you have fam- -- you're from
9 Washington, you have family --

10 PROSPECTIVE JUROR NO. 992: Yes.

11 MR. EGLET: -- all over Washington?

12 PROSPECTIVE JUROR NO. 992: Yeah. Most of my family's
13 all in Washington or northern Idaho.

14 MR. EGLET: Okay. And are you a [indiscernible] fan?

15 PROSPECTIVE JUROR NO. 992: Oh, of course. My older
16 brother graduated from there. So did my father actually.

17 MR. EGLET: Oh, you're gaining points with me. So clubs
18 or organizations?

19 PROSPECTIVE JUROR NO. 992: I belong to the AAA
20 Automobile Club, if you call that a club. You know, I belong
21 to that. I used to belong to some math teacher organizations
22 but I don't anymore.

23 MR. EGLET: And the two most important values that you
24 would -- that you think are most important to you?

25 PROSPECTIVE JUROR NO. 992: Tolerance and compassion.

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1 MR. EGLET: Tell me about compassion. What do you mean?

2 PROSPECTIVE JUROR NO. 992: That kind of ties into --
3 well, tolerance. They both kind of tie in because, you know,
4 we're -- unfortunately, people on political shows, they argue
5 too much and they scream at one another. And instead of
6 actually listening to one another and seeing if they can gain
7 some insight, all they do is yell. And so tolerance goes to
8 tolerate other viewpoints and the compassion goes little along
9 with that too. Even though you don't agree with somebody you
10 have to care and hear them out.

11 MR. EGLET: Do you watch those political shows on TV?

12 PROSPECTIVE JUROR NO. 992: I used to. I don't watch
13 very many of them anymore because all they do is yell at one
14 another.

15 MR. EGLET: Right. Okay. And situations you're regarded
16 as a leader, did I ask you that already?

17 PROSPECTIVE JUROR NO. 992: No. Mainly every day I step
18 in front of the classroom.

19 MR. EGLET: What about outside the classroom?

20 PROSPECTIVE JUROR NO. 992: No.

21 MR. EGLET: Okay.

22 PROSPECTIVE JUROR NO. 992: I'm not a leader --

23 MR. EGLET: If someone offers to send charity of your --
24 to the charity of your choice?

25 PROSPECTIVE JUROR NO. 992: AmeriCares.

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1 MR. EGLET: Bear Cares?

2 PROSPECTIVE JUROR NO. 992: AmeriCares?

3 MR. EGLET: AmeriCares?

4 PROSPECTIVE JUROR NO. 992: Yeah, A-M-E-R-I, AmeriCares.

5 The reason why is the older President Bush was on the board
6 there, and so was Barbara Bush. I admire them and so I
7 figured it probably is good charity. And they do a lot of
8 worldwide [indiscernible].

9 MR. EGLET: And the worst tragedy you've ever had to
10 experience?

11 PROSPECTIVE JUROR NO. 992: My dad died about -- oh,
12 about eight years ago of cancer.

13 MR. EGLET: If you hear someone has been injured, killed
14 or become sick do you think that that may be because of
15 something they did earlier in their life?

16 PROSPECTIVE JUROR NO. 992: No, even though I use the
17 phrase what goes around comes around --

18 MR. EGLET: Some folks feel that if you're injured or
19 killed as a result of the negligence of someone else that you
20 shouldn't sue because it's -- it was God's fate, God's will,
21 fate, destiny; it would have happened anyway. Do you agree
22 with that?

23 PROSPECTIVE JUROR NO. 992: No.

24 MR. EGLET: And the public figure you admire most?

25 PROSPECTIVE JUROR NO. 992: Kind of a tie between former

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1 President Clinton and former -- and the older President Bush,
2 because they've kind of come together --

3 MR. EGLET: They've worked together a lot --

4 PROSPECTIVE JUROR NO. 992: Yes.

5 MR. EGLET: -- since they were --

6 PROSPECTIVE JUROR NO. 992: They've done a lot of good
7 work.

8 MR. EGLET: Yeah.

9 PROSPECTIVE JUROR NO. 992: And former President Clinton
10 came from humble beginnings. He was [indiscernible].

11 MR. EGLET: I'm sure they're going to be working on the
12 tragedy that [indiscernible] experienced last Friday in Japan.
13 Thank you.

14 All right. Ms. Ellis, how are you?

15 PROSPECTIVE JUROR NO. 017: [Indiscernible].

16 MR. EGLET: Okay. You are a teacher too. Can you tell
17 us what grade you teach?

18 PROSPECTIVE JUROR NO. 017: I'm a literacy specialist and
19 I have an intervention grade, K through 5, one. I do the
20 whole gamut.

21 MR. EGLET: And how long have you been teaching?

22 PROSPECTIVE JUROR NO. 017: Twenty years.

23 MR. EGLET: What makes you a good teacher?

24 PROSPECTIVE JUROR NO. 017: I think my commitment. I was
25 there this morning finishing testing, so just my commitment to

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1 it.

2 MR. EGLET: Okay. And you don't have children?

3 PROSPECTIVE JUROR NO. 017: No. Well, I have 40 every
4 day.

5 MR. EGLET: Understand. All right. Now you have some
6 postgraduate work. You have a master's degree?

7 PROSPECTIVE JUROR NO. 017: No.

8 MR. EGLET: Working on your master's?

9 PROSPECTIVE JUROR NO. 017: Trying.

10 MR. EGLET: Trying, okay. And it's a master's in
11 education or --

12 PROSPECTIVE JUROR NO. 017: I think I'm going to go for
13 early childhood.

14 MR. EGLET: Okay. What'd you want to be in high school,
15 a teacher?

16 PROSPECTIVE JUROR NO. 017: Teacher.

17 MR. EGLET: Teacher. You're living your dream?

18 PROSPECTIVE JUROR NO. 017: Uh-huh.

19 MR. EGLET: What are your five year goals?

20 PROSPECTIVE JUROR NO. 017: To get my master's and sell
21 my house.

22 MR. EGLET: Okay. Any clubs or organizations you belong
23 to?

24 PROSPECTIVE JUROR NO. 017: No.

25 MR. EGLET: Ever?

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1 PROSPECTIVE JUROR NO. 017: I was a Brownie.

2 MR. EGLET: You were a Brownie.

3 PROSPECTIVE JUROR NO. 017: I did student council all
4 through middle school and high school.

5 MR. EGLET: The two most important values that you --

6 PROSPECTIVE JUROR NO. 017: I think respect and patience.
7 It's something that I try to instill every day in my students.
8 They have a really hard time with respect and having patience
9 with other people and respecting other people, and we talk
10 about it all the time. It's okay not to like someone, but
11 it's not okay not to be -- not to respect them. And they're
12 very quick to -- I don't know how to say it, like jump on
13 somebody for, you know, listening or -- they react really
14 quick before. So it's something I try to instill in myself
15 too, be patient and -- don't have to like everybody, but you
16 do have to be respectful. So --

17 MR. EGLET: Sure. Situations you think you're regarded
18 as a leader?

19 PROSPECTIVE JUROR NO. 017: I, you know, I heard someone
20 else say it, but I kind of get put in positions at school,
21 like on the leadership team and I'm the head of the response
22 to instruction team. So that's pretty much it. Now outside
23 of school I'm not.

24 MR. EGLET: Okay. The worst -- strike that. The -- if
25 someone offers to send money to the -- your charity of your

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1 choice, what charity would that be?

2 PROSPECTIVE JUROR NO. 017: I think Alzheimer's research.

3 MR. EGLET: Tell me about why.

4 PROSPECTIVE JUROR NO. 017: Well, my grandfather died
5 three years ago and I thought he'd live forever too. And they
6 -- he was almost 91, so -- but we're not quite sure if it was
7 dementia or Alzheimer's. It was kind of a fine line. But I
8 think as my more and more people get older, that's where it's
9 going. So I just want to learn more about it and have the
10 research for it.

11 MR. EGLET: Horrible disease.

12 PROSPECTIVE JUROR NO. 017: Yes, very.

13 MR. EGLET: My mother suffers from it, so --

14 PROSPECTIVE JUROR NO. 017: Yeah. There's no rhyme or
15 reason and everybody's different, you know, with -- that has
16 it, so --

17 MR. EGLET: The worst tragedy you've ever had to
18 experience?

19 PROSPECTIVE JUROR NO. 017: Losing my grandfather.

20 MR. EGLET: And when you hear someone is injured, killed
21 or has become sick do you ever think to yourself that that
22 probably happened because of something bad they did earlier in
23 life?

24 PROSPECTIVE JUROR NO. 017: No.

25 MR. EGLET: Some people feel that if someone is hurt or

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1 killed or injured by the negligence of someone else that it
2 was fate, God's will, destiny; they shouldn't sue because it
3 was going to happen anyway. Do you agree with that?

4 PROSPECTIVE JUROR NO. 017: No.

5 MR. EGLET: Who's the public figure that you admire most?

6 PROSPECTIVE JUROR NO. 017: I've really been struggling
7 with that because I don't really have a [indiscernible]. I
8 would probably say, you know, maybe Martin Luther King, Jr. or
9 Ruby Bridges, you know, I've done a lot of that, studying with
10 my children. So I think that's probably -- just, you know --

11 MR. EGLET: Civil rights movement.

12 PROSPECTIVE JUROR NO. 017: Exactly.

13 MR. EGLET: Have you been to the Civil Rights Museum in
14 Memphis?

15 PROSPECTIVE JUROR NO. 017: No, I haven't.

16 MR. EGLET: You should go.

17 PROSPECTIVE JUROR NO. 017: Yeah.

18 MR. EGLET: It's incredible. Impressive. Thank you very
19 much.

20 Going to try. Ms. Zwelfell [phonetic].

21 PROSPECTIVE JUROR NO. 002: Sweevil [phonetic].

22 MR. EGLET: Sweevil [phonetic]. Ms. Zweifel, how are you
23 today?

24 PROSPECTIVE JUROR NO. 002: Good. How are you today?

25 MR. EGLET: Good. How are you? Ms. Zweifel, you're

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1 currently disabled; is that correct?

2 PROSPECTIVE JUROR NO. 002: Correct.

3 MR. EGLET: Okay. And what is your disability?

4 PROSPECTIVE JUROR NO. 002: I have arthritis in my back
5 [indiscernible].

6 MR. EGLET: Okay. How long have you been disabled?

7 PROSPECTIVE JUROR NO. 002: About four years now.

8 MR. EGLET: Okay. What did you do before you were
9 disabled?

10 PROSPECTIVE JUROR NO. 002: I was an escrow officer.

11 MR. EGLET: And what made you good at your job?

12 PROSPECTIVE JUROR NO. 002: Attention to detail,
13 organizational skills, and a people person.

14 MR. EGLET: And do you have children?

15 PROSPECTIVE JUROR NO. 002: I do.

16 MR. EGLET: And what makes you a good parent?

17 PROSPECTIVE JUROR NO. 002: Love and it's -- the ability
18 to instill in them the desire to learn. They -- both my
19 children went to college and they graduated, so
20 [indiscernible].

21 MR. EGLET: What did you want to be when you were in high
22 school?

23 PROSPECTIVE JUROR NO. 002: I wanted to go in the
24 military.

25 MR. EGLET: Okay. And did you ever do that?

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1 PROSPECTIVE JUROR NO. 002: I did. I was in the United
2 States Navy.

3 MR. EGLET: For how long were you in the Navy?

4 PROSPECTIVE JUROR NO. 002: Two years.

5 MR. EGLET: Okay.

6 PROSPECTIVE JUROR NO. 002: And then I got married and
7 had kids.

8 MR. EGLET: Okay, very good. What are your five year
9 goals right now?

10 PROSPECTIVE JUROR NO. 002: Right now it's to keep a hold
11 of my house and get in better financial situation.

12 MR. EGLET: That's the goal of a lot of people right now.
13 Do you belong to any clubs or organizations?

14 PROSPECTIVE JUROR NO. 002: I used to, an escrow
15 association [indiscernible].

16 MR. EGLET: And what do you hold as the two most
17 important values to yourself and that you want to impart to
18 your children?

19 PROSPECTIVE JUROR NO. 002: Respect and a desire to
20 learn.

21 MR. EGLET: Okay. Any situations that you think you're
22 regarded as a leader?

23 PROSPECTIVE JUROR NO. 002: Not really. I was when I was
24 working because [indiscernible], but I -- away from work, no.

25 MR. EGLET: The charity that you would want money sent

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1 to?

2 PROSPECTIVE JUROR NO. 002: Muscular Dystrophy
3 Association.

4 MR. EGLET: And why is that?

5 PROSPECTIVE JUROR NO. 002: I had an uncle who had
6 [indiscernible] --

7 MR. EGLET: Okay.

8 PROSPECTIVE JUROR NO. 002: -- form of muscular
9 dystrophy.

10 MR. EGLET: The worst tragedy you've ever had to
11 experience?

12 PROSPECTIVE JUROR NO. 002: My parents' divorce when I
13 was 20.

14 MR. EGLET: And when you hear someone has been injured or
15 killed or become sick do you ever think to yourself that well,
16 that probably happened because something bad they did or --

17 PROSPECTIVE JUROR NO. 002: No.

18 MR. EGLET: Okay. Some people think that when a person
19 is injured or killed that it was destiny, God's will, fate.
20 So even if it was caused by someone else's negligence, they
21 shouldn't bring a lawsuit. Do you agree with that?

22 PROSPECTIVE JUROR NO. 002: No.

23 MR. EGLET: Who's the public figure you admire most?

24 PROSPECTIVE JUROR NO. 002: Abraham Lincoln.

25 MR. EGLET: And why President Lincoln?

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1 PROSPECTIVE JUROR NO. 002: Because he freed the slaves.

2 MR. EGLET: Okay. Ms. Dearing.

3 PROSPECTIVE JUROR NO. 841: Hi.

4 MR. EGLET: What's your public figure?

5 PROSPECTIVE JUROR NO. 841: Sorry about that. I like
6 John F. Kennedy.

7 MR. EGLET: Okay. Why JFK?

8 PROSPECTIVE JUROR NO. 841: Young, handsome. He was
9 raising young children and had a beautiful, intelligent wife.
10 And he was liked, you know, by a lot of people, but of course
11 --

12 MR. EGLET: Okay. You were the only one left.

13 Okay. Now I told you that there -- we'd go with
14 this round of individual questioning, but now what we're going
15 to do is we're going to start in to this kind of group
16 discussion I talked about. We're going to jump all around to
17 different people and we're going to talk about different
18 subjects.

19 The first thing I want to do is I want to give you a
20 hypothetical. Give you the following hypothetical: that you
21 are out in the hallway, one of your fellow juror members comes
22 up to you and says to you, "My knee is just killing me today.
23 I'm just having so much pain in my knee." Somebody you've
24 never met before, they're just here in this jury panel. Would
25 you have any reason to disbelieve what they just said to you?

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1 Mr. Dotty -- Doty.

2 PROSPECTIVE JUROR NO. 905: No, obviously unless there's
3 [indiscernible].

4 MR. EGLET: Okay. But you wouldn't have any reason to
5 disbelieve.

6 Ms. Schmidt.

7 PROSPECTIVE JUROR NO. 844: No.

8 MR. EGLET: No? Ms. Kistler?

9 PROSPECTIVE JUROR NO. 864: No, I would have -- I'd
10 believe them.

11 MR. EGLET: Okay. Anybody here -- would anybody here
12 have a reason to doubt what that person is saying to them?

13 UNIDENTIFIED PROSPECTIVE JUROR: No. They're just
14 walking up to you? They --

15 MR. EGLET: Yeah, they're just one of your fellow juror
16 panels and --

17 UNIDENTIFIED PROSPECTIVE JUROR: Who you've had --

18 MR. EGLET: -- you're having a conversation --

19 UNIDENTIFIED PROSPECTIVE JUROR: You've talked to them
20 before, or they just --

21 MR. EGLET: You're just having a conversation with them.
22 They just say that to you. Would you have any reason to
23 disbelieve them?

24 UNIDENTIFIED PROSPECTIVE JUROR: I would believe them.

25 MR. EGLET: Okay. Anybody think they might disbelieve

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1 them? All right, let me change the hypothet- -- yes,
2 Ms. Dearing.

3 PROSPECTIVE JUROR NO. 841: Well, I thought if they were
4 in a lot, a lot a pain, wouldn't they have a reaction or like
5 they couldn't move or they couldn't sit? I mean wouldn't they
6 look like it?

7 MR. EGLET: So you would think well --

8 PROSPECTIVE JUROR NO. 841: Look at their actions.

9 MR. EGLET: -- you'd want to look at them to see if they
10 look like their knee was hurting or not?

11 PROSPECTIVE JUROR NO. 841: Right.

12 MR. EGLET: Okay. One, all right. Anybody else with
13 comment on that?

14 Ms. Frye, do you agree with that?

15 PROSPECTIVE JUROR NO. 050: Yeah.

16 MR. EGLET: No?

17 PROSPECTIVE JUROR NO. 050: I would believe them.

18 MR. EGLET: You would believe them, okay.

19 PROSPECTIVE JUROR NO. 050: Why would they come over to
20 me and lie if they don't know me?

21 MR. EGLET: All right.

22 PROSPECTIVE JUROR NO. 992: Sir.

23 MR. EGLET: Yes. Mr. Bombino.

24 PROSPECTIVE JUROR NO. 992: I have arthritis in my right
25 knee. And you really can't tell if I'm in a lot of pain or

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1 not.

2 MR. EGLET: Sure.

3 PROSPECTIVE JUROR NO. 992: Because it doesn't affect my
4 walking that much.

5 MR. EGLET: Okay. So you would have no reason to
6 disbelieve?

7 PROSPECTIVE JUROR NO. 992: Oh no, not at all.

8 MR. EGLET: All right, let me change the hypothetical. I
9 want you to -- this is the hypothetical now. You're on a jury
10 and a witness takes the stand, is put under oath to tell the
11 truth, sworn to tell the truth, subject to criminal perjury --
12 penalties for perjury if they don't tell the truth. And they
13 tell you my knee is in a lot of pain today. Would you have
14 any reason to doubt them or disbelieve them?

15 Mr. Doty?

16 PROSPECTIVE JUROR NO. 905: Wouldn't have any reason,
17 but, I don't know, just my -- I don't know, I wouldn't say
18 tainted, but I guess maybe with -- maybe the movie industry
19 kind of makes it, you know, they've kind of put a bad, least
20 in my mind, kind of a bad light sometimes of, you know, I
21 don't know what they're referring to, you know, like always
22 talk about oh, it's okay, little white lie, this, that or that
23 other. So in that isolated instance, maybe. I mean obviously
24 there's more factors. You would visit it more than just a
25 stated instance. I would need to hear more, explain further

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1 why, and --

2 MR. EGLET: Right.

3 PROSPECTIVE JUROR NO. 905: -- but just the mere fact --

4 MR. EGLET: You would want to know more information. You
5 would be more skeptical than you --

6 PROSPECTIVE JUROR NO. 905: Right.

7 MR. EGLET: -- you would be just the person out in the
8 hall.

9 PROSPECTIVE JUROR NO. 905: I guess in that setting, I
10 tend to be -- I don't trust the trust -- the integrity of
11 people in general.

12 MR. EGLET: All right.

13 PROSPECTIVE JUROR NO. 905: In those situations.

14 MR. EGLET: Ms. Nolte, how do you feel about that?

15 PROSPECTIVE JUROR NO. 903: I agree with him.

16 MR. EGLET: Why is that?

17 PROSPECTIVE JUROR NO. 903: Well, I think just there's a
18 big difference between sitting out in the hallway talking to
19 somebody, just having a casual conversation, rather than
20 listening to somebody on the stand. I think you'd have to
21 have more information of the background and what have you, and
22 what's going on with that person.

23 MR. EGLET: What's the difference do you think?

24 PROSPECTIVE JUROR NO. 903: Even though I don't know
25 them, the difference is that it's a lawsuit.

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1 MR. EGLET: Okay. So --

2 PROSPECTIVE JUROR NO. 903: You know, these --

3 MR. EGLET: -- what are you -- you're saying about the
4 person on the stand is different than the person out in the
5 hall?

6 PROSPECTIVE JUROR NO. 903: The -- well, we're here in
7 court and there's got to be a reason for behind it. I
8 wouldn't have listened to the reason as to what's going on
9 with his pain and how it occurred and what have you. I, at
10 first, I wouldn't have any reasons to disbelieve him, but I
11 would have to listen to all of the information that was put --
12 presented in front of us.

13 MR. EGLET: Is the word you're searching for is motive,
14 what is their motive behind saying that?

15 PROSPECTIVE JUROR NO. 864: Yeah.

16 PROSPECTIVE JUROR NO. 903: Yeah, I guess, yeah.

17 MR. EGLET: Okay. Who just said yeah?

18 PROSPECTIVE JUROR NO. 864: I did. You didn't ask --

19 MR. EGLET: Ms. Kistler?

20 PROSPECTIVE JUROR NO. 864: You didn't ask us if he just
21 walked up there and said my knee's hurting. It may have been
22 why it took him so long to go from the gallery to the witness
23 box. You never gave us a reason why he might say that. Was
24 he asked a question or did he just say, you know, I'm sorry,
25 my knee hurt. It took too long to get up there. So I would

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1 want to know more of the situation on why he was saying his
2 knee hurt.

3 MR. EGLET: Well, let's assume it's like Mr. Bombino
4 said. Let's assume that you can't, by the way they're moving
5 or anything, actually physically see or judge as to whether
6 they're in this pain. It's totally --

7 PROSPECTIVE JUROR NO. 864: Why did he say his knee hurt?

8 MR. EGLET: It's totally subjective in their mind. And
9 then they were asked a question about how they're feeling and
10 they say "Well, my knee's really hurting today."

11 PROSPECTIVE JUROR NO. 864: Then I would have no problem
12 believing him.

13 MR. EGLET: Okay. You would have no -- even though they
14 may have a motive?

15 PROSPECTIVE JUROR NO. 864: How you feeling today? Well,
16 my knee hurts.

17 MR. EGLET: Okay.

18 PROSPECTIVE JUROR NO. 864: My back hurts.

19 MR. EGLET: Right.

20 PROSPECTIVE JUROR NO. 864: It's conversation. It's not,
21 you know, does your knee still hurt because of blah, blah,
22 blah, blah? Yes. Well, then I might doubt what he has to
23 say. But just --

24 MR. EGLET: Why would you doubt that?

25 PROSPECTIVE JUROR NO. 864: Probably because depending on

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1 what side of the aisle he's on, I would want more proof that
2 his knee would actually be hurting. You know what I mean?

3 MR. EGLET: And when you mean what side of the aisle,
4 what do you mean by that, whether he's the plaintiff or the
5 defendant?

6 PROSPECTIVE JUROR NO. 864: Correct.

7 MR. EGLET: Okay. And let's assume it's the plaintiff,
8 person who's injured.

9 PROSPECTIVE JUROR NO. 864: Then I would probably hold
10 judgment until I heard more about the case.

11 MR. EGLET: Would you have a tendency to be -- to tend to
12 disbelieve that person right off the bat, or --

13 PROSPECTIVE JUROR NO. 864: No, I wouldn't have -- I
14 wouldn't disbelieve him right off the bat, no.

15 MR. EGLET: Okay.

16 PROSPECTIVE JUROR NO. 864: I'm not a doctor. I can -- I
17 can say my back hurts. Who's going to -- no one has x-ray
18 eyes. They're not Superman. They can't see, see why my back
19 hurts. So I would believe him unless something came up to
20 show that there's no way his knee could have been hurting.

21 MR. EGLET: Ms. Frye, you're nodding your head.

22 PROSPECTIVE JUROR NO. 050: Oh, I'm not --

23 MR. EGLET: And I don't know if that's just a nervous
24 habit here, or --

25 PROSPECTIVE JUROR NO. 050: No.

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1 MR. EGLET: -- if you're agreeing or disagreeing, or --

2 PROSPECTIVE JUROR NO. 050: I'm agreeing with a lot. I
3 would want to see more proof.

4 MR. EGLET: Okay. You'd want to see more proof than just
5 them saying that?

6 PROSPECTIVE JUROR NO. 050: Uh-huh.

7 MR. EGLET: Okay. And why is that?

8 PROSPECTIVE JUROR NO. 050: For the same reason. They
9 could just be going up there and saying it, probably hurt at
10 one time, for the whole reason they're having a lawsuit.

11 MR. EGLET: Okay.

12 PROSPECTIVE JUROR NO. 050: But if they're suffering
13 every day, I want to see proof.

14 MR. EGLET: And what do you mean you want to see proof?

15 PROSPECTIVE JUROR NO. 050: I want to see doctor's
16 reports.

17 MR. EGLET: Okay. So other corroborating evidence?

18 PROSPECTIVE JUROR NO. 050: Uh-huh.

19 MR. EGLET: Somebody else saying it. You want to hear
20 that?

21 Ms. Bell, you raised your hand.

22 PROSPECTIVE JUROR NO. 963: I was going to say something
23 about that, along the lines that yesterday when I went home
24 after sitting in this chair for five hours and not being used
25 to sitting in one particular position, it was a little -- I

1 had a little discomfort myself. Would I, you know, after --
2 just walk up to somebody to tell them that? Would I expect
3 somebody to believe me? Yeah, I would.

4 MR. EGLET: Okay. See the problem, these chairs are like
5 perfectly ergonomically designed.

6 PROSPECTIVE JUROR NO. 863: Okay.

7 MR. EGLET: And very, very expensive. The County spent a
8 lot of money on these chairs.

9 PROSPECTIVE JUROR NO. 863: They spared no expense.

10 MR. EGLET: Okay. Ms. Smith.

11 PROSPECTIVE JUROR NO. 925: I think that the majority of
12 us live in some kind of pain every day, just little pains.
13 Maybe your hands hurt; like I have a neck thing, I slept
14 wrong. I wouldn't come up to somebody and say -- I think I
15 did -- somebody and say "Oh, I slept wrong." But it has --

16 MR. EGLET: You didn't?

17 PROSPECTIVE JUROR NO. 925: I think I did today, yeah.

18 MR. EGLET: Oh, it was Mr. Bombino.

19 PROSPECTIVE JUROR NO. 925: Yeah, yeah. I just wanted a
20 little rub. No, and for -- it has to be like a significant
21 pain to come up and say something, you know, that oh, my knee
22 hurts today.

23 MR. EGLET: Right.

24 PROSPECTIVE JUROR NO. 925: It has to be like a
25 significant pain. I think that generally people don't just

1 give their little ailments, you know, oh, my fingernail kind
2 of hurts --

3 MR. EGLET: Sure.

4 PROSPECTIVE JUROR NO. 925: -- a little.

5 MR. EGLET: You were talking about the first hypothetical
6 now. I'm really kind of focused on the second hypothetical,
7 which is the witness or party on the stand saying this. And,
8 you know, let's assume it's something you can't see as a, you
9 know, somebody who's not medically trained, can't see it,
10 observe it, but they're telling you this. Are you going to
11 have a -- do you think that you would have a tendency right
12 off the bat to initially just not believe them, or do you
13 think you would maybe believe them?

14 UNIDENTIFIED PROSPECTIVE JUROR: You said a witness?

15 MR. EGLET: Well, a party, party.

16 UNIDENTIFIED PROSPECTIVE JUROR: Because they're not
17 supposed to talk to the -- to jurors; right?

18 PROSPECTIVE JUROR NO. 925: No, they're under oath.

19 MR. EGLET: Well, this is while they're testifying.

20 UNIDENTIFIED PROSPECTIVE JUROR: Oh, I see.

21 MR. EGLET: The second part of the hypothetical is
22 they're actually put on the stand. They'll be sitting up
23 there in the witness box. That's where the witnesses are
24 going to sit.

25 UNIDENTIFIED PROSPECTIVE JUROR: Uh-huh.

1 MR. EGLET: They're put under oath, sworn to tell the
2 truth, and they're testifying under oath. And so my question
3 is that hypothetical, what's your thought? Do you think you
4 would --

5 UNIDENTIFIED PROSPECTIVE JUROR: I would question it.

6 MR. EGLET: -- tend to believe them initially, or do you
7 think you would be skeptical and question what they're --

8 UNIDENTIFIED PROSPECTIVE JUROR: I'd be a little
9 skeptical.

10 MR. EGLET: Why is that?

11 UNIDENTIFIED PROSPECTIVE JUROR: Well, maybe I'm not
12 understanding.

13 MR. EGLET: No, no. You're --

14 UNIDENTIFIED PROSPECTIVE JUROR: You're saying that --

15 MR. EGLET: I'm sure you're understanding. I just --

16 UNIDENTIFIED PROSPECTIVE JUROR: -- they're the witness
17 --

18 MR. EGLET: Right.

19 UNIDENTIFIED PROSPECTIVE JUROR: -- and I'm a juror.

20 MR. EGLET: You're a juror.

21 UNIDENTIFIED PROSPECTIVE JUROR: And we're not supposed
22 to talk; right?

23 MR. EGLET: Well, you're not supposed to talk outside the
24 courtroom.

25 UNIDENTIFIED PROSPECTIVE JUROR: They're testifying.

1 They're --

2 MR. EGLET: They're testifying.

3 UNIDENTIFIED PROSPECTIVE JUROR: Yeah.

4 MR. EGLET: You're listening to them testify.

5 UNIDENTIFIED PROSPECTIVE JUROR: Okay.

6 MR. EGLET: And they say during their testimony --

7 UNIDENTIFIED PROSPECTIVE JUROR: Oh, during their --

8 okay, I thought we were out having a snack and they came up to
9 me. I'm like no, I don't believe them.

10 MR. EGLET: If that happens --

11 UNIDENTIFIED PROSPECTIVE JUROR: [Indiscernible]

12 MR. EGLET: If that happens, we want to know about it.

13 UNIDENTIFIED PROSPECTIVE JUROR: Okay.

14 MR. EGLET: Okay? So -- we don't think that's going to
15 happen and -- we've only seen that happen a couple of times in
16 24 years of practice and hundreds of jury trials. So -- but
17 if that happens, please notify the bailiff. Okay?

18 UNIDENTIFIED PROSPECTIVE JUROR: Yeah, you would need
19 proof, yeah.

20 MR. EGLET: Right. So my --

21 UNIDENTIFIED PROSPECTIVE JUROR: Medical proof.

22 MR. EGLET: -- question is under those circumstances, are
23 you going to -- do you think you'd tend to just well, I just
24 -- I don't believe them at this point, I'm going to have to
25 have more proof. Or you initially say -- would your initial

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1 thought, well, I'm going to believe him until somebody shows
2 me proof that it's not true.

3 UNIDENTIFIED PROSPECTIVE JUROR: Right.

4 MR. EGLET: Which would you be more inclined to be?

5 UNIDENTIFIED PROSPECTIVE JUROR: I would need proof, more
6 -- I mean --

7 MR. EGLET: Before you believed him, or -- do you
8 understand? Do you understand --

9 UNIDENTIFIED PROSPECTIVE JUROR: Yeah, I do understand.
10 Yeah, because if it's a -- if somebody's getting sued, you'd
11 have to show proof of -- I had back surgery and sometimes it
12 hurts me, sometimes it doesn't. So --

13 MR. EGLET: Right. And that's something only you know;
14 right?

15 UNIDENTIFIED PROSPECTIVE JUROR: Yeah.

16 MR. EGLET: Ms. Kistler, you said right when I said
17 something. What did you mean?

18 PROSPECTIVE JUROR NO. 864: Well, it's like what I mean
19 is when you said would I believe him until proven otherwise.
20 And yeah, I think -- I think typically people are most honest.
21 I don't care if they're sitting or not, they're going to be
22 honest. But if it can be proved otherwise --

23 MR. EGLET: Okay.

24 PROSPECTIVE JUROR NO. 864: -- then you'd have to have --

25 MR. EGLET: All right. So your position is initially

1 you're going to believe that person until there's some proof
2 that shows that they're not being truthful?

3 PROSPECTIVE JUROR NO. 864: Basic -- yeah.

4 MR. EGLET: Okay. All right. Who agrees with what
5 Ms. Kistler just said, that that's the way that they would
6 approach it?

7 Okay. Who agrees with the other side, that initially
8 they're not going to believe that person because they think
9 that there's this motive that we -- there could be this motive
10 that we talked about earlier and they're going to want to hear
11 proof from other people? Who -- raise your hand if that's the
12 way you feel.

13 Okay. What -- Ms. Schmidt, what does that mean?

14 PROSPECTIVE JUROR NO. 844: Well, I might believe him,
15 but it's going to be with a grain of salt. Because if, you
16 know, this entire trial is now focused, you know, on
17 somebody's pain. If you think about your pain you're going to
18 hurt more. You know, so I would probably be taking it with a
19 grain of salt. If someone comes up to me and says "Oh, your
20 back must be hurting terribly today," I have a tendency to go,
21 you know, it is, you know, but I hadn't really noticed it.
22 And I think about it, it actually becomes more painful.

23 MR. EGLET: Right.

24 PROSPECTIVE JUROR NO. 844: So I would be taking that
25 sort of grain of salt, but it wouldn't be that I thought he

1 was lying. I would just think that maybe his attention was
2 brought to it and therefore the pain was magnified.

3 MR. EGLET: Who just raised their hand again in the
4 second scenario? Raise your hand. Who just -- okay.

5 Ms. Frye, tell me why you feel that way.

6 PROSPECTIVE JUROR NO. 050: Well, I see my husband every
7 day after our accident -- after his accident; I wasn't in the
8 accident. And he wakes up every day in pain. And he's going
9 to the doctor, he's doing everything he can to fix his pain.
10 However, I don't expect that if he ever ended up going to
11 court that someone would just believe him, because he can
12 still walk, he can still do everything he was doing before.
13 He's doing it with pain. I would expect that he has to show
14 proof and that he is going to the doctors and he's getting
15 proof. And --

16 MR. EGLET: Do you believe him?

17 PROSPECTIVE JUROR NO. 050: Oh, I do believe him. I saw
18 him after the accident. I totally believe him.

19 MR. EGLET: Mr. Bombino, you raised your hand.

20 PROSPECTIVE JUROR NO. 992: Yes. I think that just
21 because I would try and approach the trial in very analytical
22 things. Whether -- if I heard somebody say well, my back
23 hurts and I was involved in the case, I want to see proof.

24 MR. EGLET: Okay.

25 PROSPECTIVE JUROR NO. 992: Whether I -- my first

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1 impression of that person is that I would believe them or not,
2 if it's a good first impression I kind of want to believe
3 them. But if I don't see proof, I'm going to approach it in
4 that fashion and --

5 MR. EGLET: What do you see -- what do you mean by see
6 proof?

7 PROSPECTIVE JUROR NO. 992: See a doctor testify, see x-
8 rays, something like that.

9 MR. EGLET: Okay.

10 PROSPECTIVE JUROR NO. 992: Some sort of, you know,
11 something on the x-ray.

12 MR. EGLET: Sort of doctor --

13 PROSPECTIVE JUROR NO. 992: Something that the doctor
14 read on the x-rays that caused pain.

15 MR. EGLET: Okay. Would it -- are you saying it would
16 have to be an x-ray, or just the doctor saying this -- they're
17 in pain, this is why?

18 PROSPECTIVE JUROR NO. 992: Probably more than one
19 doctor.

20 MR. EGLET: Okay.

21 PROSPECTIVE JUROR NO. 992: You know, probably more than
22 the one.

23 MR. EGLET: Why's that?

24 PROSPECTIVE JUROR NO. 992: Because I guess I want the
25 most proof possible. If I'm going to approach it in an

1 analytical fashion I want to be convinced. If I'm going to --
2 if I'm not convinced then, you know, I'm not going to believe
3 that person whether I think they're right or not.

4 MR. EGLET: What do you mean by convinced?

5 PROSPECTIVE JUROR NO. 992: Probably if I had a couple
6 doctors testify why they're in pain and some sort of x-ray or
7 something like that that --

8 MR. EGLET: But when you --

9 PROSPECTIVE JUROR NO. 992: -- that they read and that
10 caused the pain --

11 MR. EGLET: When you say convinced, I mean can you give
12 me a percentage? Like you have to be like 99 percent sure or
13 is it something less than that? I mean explain what you mean
14 by I have to be convinced.

15 PROSPECTIVE JUROR NO. 992: Hundred percent sure.

16 MR. EGLET: Hundred percent. So in order to believe that
17 person, either -- you'd have to be 100 percent convinced?

18 PROSPECTIVE JUROR NO. 992: I believe that's how, yeah, I
19 would approach the trial.

20 MR. EGLET: Okay.

21 PROSPECTIVE JUROR NO. 992: [Indiscernible].

22 MR. EGLET: All right. Back to the second scenario where
23 I asked people to raise their hands and -- who said that they
24 would initially be skeptical and not necessarily believe the
25 person who would want to see proof from other sources that

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1 they were actually having problems. Who else raised their
2 hand that I haven't talked with about that?

3 UNIDENTIFIED PROSPECTIVE JUROR: Me.

4 MR. EGLET: I talked to you. Anyone else? Are you just
5 being shy or is everybody [indiscernible]? Okay.

6 All right. In this case, like a lot of cases like
7 this, there are going to be witnesses who testify who are
8 compensated for their time. Both sides are going to have
9 witnesses. They're going to have primarily medical doctors,
10 but there's a couple other type of witnesses too who are
11 compensated for their time, as opposed to just what we call
12 lay witnesses or parties who -- I think they get a witness fee
13 that's less than what you guys get paid every day to sit. So
14 there -- these witnesses are often referred to as expert
15 witnesses, whether it's a medical doctor or an economist or
16 some sort of other type of expert.

17 The fact that these people are being paid for their
18 time, not only to come and testify here in trial, but for
19 their time for evaluating whatever portion of the case they
20 evaluated to provide expert testimony on, is there anybody
21 here who feels like because these particular type of witnesses
22 are being compensated for their time -- and some of them
23 you're going to hear are being compensated a lot of money for
24 their time. Is that going to make any of you think you know
25 what, I just don't believe that person because, you know,

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1 they're getting paid, you know, 5,000, \$7,000 to be here and
2 testify today. Anybody feel that way, that they're going to
3 be skeptical of that? Okay.

4 UNIDENTIFIED PROSPECTIVE JUROR: I don't know, I'm not
5 sure.

6 MR. EGLET: Why is it you don't know, you're not sure?

7 UNIDENTIFIED PROSPECTIVE JUROR: Because of --

8 MR. EGLET: What concerns you about that?

9 UNIDENTIFIED PROSPECTIVE JUROR: Well, I have been in
10 situations where I know that people have testified or been
11 places that were in it for the wrong reason, dealing with my
12 job. But then at the same time you would think that they're a
13 expert. They're expert for a certain -- for a reason. That
14 mean they know exactly what they're talking about and they
15 need to be paid. So it goes both ways, I guess.

16 Would I take it personally if you tell me that the
17 person's up there now telling me that someone is injured and
18 we paid him a million dollars and that's why he's up there
19 telling me that this person is hurt for a million dollars?
20 No, he just got paid. He must be good at what he do to get
21 paid a million dollars.

22 MR. EGLET: No witnesses are getting paid a million
23 dollars.

24 UNIDENTIFIED PROSPECTIVE JUROR: I know they're not going
25 to be a million dollars, but I'm saying they gotta be good at

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1 what they're doing. You only get -- you only -- people only
2 paid --

3 MR. EGLET: Otherwise we're all --

4 UNIDENTIFIED PROSPECTIVE JUROR: -- well when they do
5 well.

6 MR. EGLET: -- in the wrong business.

7 UNIDENTIFIED PROSPECTIVE JUROR: That's how I look at it.

8 MR. EGLET: No, I understand what you're saying. I
9 understand what you're saying.

10 Yes, Ms. Kistler.

11 PROSPECTIVE JUROR NO. 864: Yeah. I think when I have a
12 hard time the whole thing of compensation is because you're
13 not going to pay a doctor that's going to take that side and
14 he's not going to pay for a doctor that's going to take your
15 side. So my question would be how many people did you run
16 through before you got a doctor to say what you wanted him to
17 say.

18 MR. EGLET: Right.

19 PROSPECTIVE JUROR NO. 864: So would I be skeptical? A
20 little bit, yeah, because when my accident my doctor's the one
21 that messed me up. So yeah.

22 MR. EGLET: In your accident your what?

23 PROSPECTIVE JUROR NO. 864: The doctor's the one who
24 messed up my settlement.

25 MR. EGLET: They wanted to mess up your settlement?

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1 PROSPECTIVE JUROR NO. 864: No, he messed up my
2 settlement, the doctor.

3 MR. EGLET: He messed up your settlement. Did we talk to
4 you about your injury?

5 PROSPECTIVE JUROR NO. 864: No.

6 MR. EGLET: Tell us about your injury.

7 PROSPECTIVE JUROR NO. 864: I was -- had my granddaughter
8 in the back seat, my new daughter-in-law in the front seat,
9 and I had a drunk driver hit me four times.

10 MR. EGLET: Four times?

11 PROSPECTIVE JUROR NO. 864: Four times. She backed up,
12 hit me, backed up, hit me, backed up, hit the side of my car,
13 and then hit another car and two other cars.

14 MR. EGLET: Okay.

15 PROSPECTIVE JUROR NO. 864: But when I turned back after
16 the first time she hit me to check on my granddaughter, I was
17 sitting like this and I hurt my back.

18 MR. EGLET: And can you tell us your -- what kind of back
19 injury you had?

20 PROSPECTIVE JUROR NO. 864: Lower back injury.

21 MR. EGLET: And --

22 PROSPECTIVE JUROR NO. 864: I went to a chiropractor for
23 almost a year.

24 MR. EGLET: And since you went to a chiropractor, did you
25 ever go to a surgeon of any kind?

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1 PROSPECTIVE JUROR NO. 864: No, that -- they said the
2 surgery wasn't that bad. I just had to keep myself aligned
3 and upright.

4 MR. EGLET: How is your back now?

5 PROSPECTIVE JUROR NO. 864: I live with back -- that much
6 pain daily, not extremely -- how I can't move? No, I'm fine.
7 I don't do the heavy lifting I used to do and [indiscernible].

8 MR. EGLET: How did your doctor screw up your case?

9 PROSPECTIVE JUROR NO. 864: I guess the attorney asked
10 him the question -- because I asked him the question when I
11 was in the office when he said "I'm releasing you, you're
12 fine." I said, "So I'm back to where I was?" He said,
13 "Anything can throw out your back." He said [indiscernible].
14 I said, "Oh great." I've been constipated since I was born.
15 I just went to my doctor, he gave me some extra fiber pills
16 and I'm fine. Because he wrote in there the reason my back
17 hurt was because of being constipated, I didn't get the
18 settlement.

19 MR. EGLET: Okay. So in other words, your doctor didn't
20 say that it was caused by the accident?

21 PROSPECTIVE JUROR NO. 864: The accident.

22 MR. EGLET: Okay. And --

23 PROSPECTIVE JUROR NO. 864: The insurance company hung
24 onto it like a bad joke.

25 MR. EGLET: A mad dog.

1 PROSPECTIVE JUROR NO. 864: A bad joke.

2 MR. EGLET: Okay. All right. All right, so I can
3 understand.

4 Anybody else have thoughts about these issues of
5 expert witnesses. Mrs. Schmidt?

6 PROSPECTIVE JUROR NO. 844: Oh, I feel somewhat the way
7 she does, is, you know, of course you're going to find a
8 doctor that agrees with your stance, but I don't think that
9 that would necessarily make me disbelieve him. But I don't
10 think I would make a judgment call until I heard witnesses
11 from both sides. That's all.

12 MR. EGLET: Sure.

13 PROSPECTIVE JUROR NO. 844: I'd want to weigh it and
14 balance it.

15 MR. EGLET: Okay.

16 PROSPECTIVE JUROR NO. 844: I wouldn't disbelieve them
17 though.

18 MR. EGLET: Ms. Bell, you raised your hand.

19 PROSPECTIVE JUROR NO. 953: I believe the definition of
20 expert has to come with a classification of pay. And I
21 believe that the classification of pay goes accordingly.

22 MR. EGLET: How much they're paid you mean?

23 PROSPECTIVE JUROR NO. 953: Exactly.

24 MR. EGLET: What do you think about this, Mr. Martinez,
25 these expert witnesses?

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1 PROSPECTIVE JUROR NO. 910: Well, I would have to see
2 like evidence on both sides. I don't want to make any calls
3 without knowing, you know, what's going on on both sides.

4 MR. EGLET: Okay. Mr. Harrison?

5 PROSPECTIVE JUROR NO. 912: Yeah, the -- I was about to
6 say the same thing.

7 MR. EGLET: Okay. Ms. Kunkel, what do you think about
8 this?

9 PROSPECTIVE JUROR NO. 051: They're professionals and
10 they're under oath. I would like to believe they would be
11 telling us the truth.

12 MR. EGLET: Okay. Anybody feel differently than what's
13 been talked about about these expert witnesses? Anybody have
14 a strong opinion that, you know, I just have a hard time with
15 these people coming in and testifying and being compensated,
16 you know, thousands of dollars, whatever? It'll be thousands
17 by the way. it won't be millions or hundreds of thousands or
18 anything like that, so --

19 Yes. Yes, Ms. Smith.

20 PROSPECTIVE JUROR NO. 925: Smith. My stepfather-in-law
21 was -- he's passed now -- an expert witness for the Nevada
22 Power Company. And he was paid, like they'd do travel and
23 stuff, but he spent hours reviewing the cases and the facts.

24 MR. EGLET: Reviewing the records and --

25 PROSPECTIVE JUROR NO. 925: Hours.

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1 MR. EGLET: -- documents, yeah.

2 PROSPECTIVE JUROR NO. 925: And the time compared to the
3 pay, I mean he got his travel paid for and stuff, which I
4 guess is necessary if they're going to call in from another
5 state.

6 MR. EGLET: Sure.

7 PROSPECTIVE JUROR NO. 925: But the time and, you know,
8 the copies, the faxes, everything, I think it's necessary to
9 get an expert in the field that they're in. You have to
10 compensate them for their time.

11 MR. EGLET: All right. Anybody else have any other
12 thoughts on this issue?

13 PROSPECTIVE JUROR NO. 963: Just that I think you have to
14 listen to both sides. They're both --

15 MR. EGLET: Ms. Man --

16 PROSPECTIVE JUROR NO. 963: -- going to say --

17 MR. EGLET: I'm just going to say your name for the
18 record. Ms. Manful; right?

19 PROSPECTIVE JUROR NO. 963: Yes.

20 MR. EGLET: Okay.

21 PROSPECTIVE JUROR NO. 963: They're both going to say
22 they're right, you know. So I think you just have to listen
23 to both sides --

24 MR. EGLET: Okay.

25 PROSPECTIVE JUROR NO. 963: -- and decide for yourself.

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1 MR. EGLET: Weigh the evidence.

2 PROSPECTIVE JUROR NO. 963: Right.

3 MR. EGLET: Look at the motives --

4 PROSPECTIVE JUROR NO. 963: Right.

5 MR. EGLET: -- from both sides. Okay.

6 PROSPECTIVE JUROR NO. 963: Because this expert's going
7 to say he's 100 percent correct, this one's going to say he's
8 100 percent correct, and they're going to have different
9 opinions.

10 MR. EGLET: Okay.

11 PROSPECTIVE JUROR NO. 963: So --

12 MR. EGLET: All right, good enough. Good. Who here --
13 raise your hand if you believe in personal responsibility.
14 Raise your hand if you believe in that. Anyone here does not
15 believe in personal responsibility? Did you raise your hand,
16 Mr. Doty?

17 PROSPECTIVE JUROR NO. 905: Uh-huh.

18 MR. EGLET: Just did it quick, huh?

19 PROSPECTIVE JUROR NO. 905: Uh-huh.

20 MR. EGLET: Okay. All right. Does everybody --
21 everybody who believes in not only responsibility, but
22 accountability, being accountable for your actions, raise your
23 hands. Anybody disagree with that?

24 Okay. Now I want to get into a subject now that's
25 -- that we're going to talk about for a while. And I want to

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1 hear your views on -- basically all your views on this. So
2 raise your hand if you want to comment about what somebody
3 else says. I may ask a few people to start that I -- is
4 willing to start this conversation, but I want to hear whether
5 you agree, disagree, think some other way, what you think
6 about this.

7 Over the last couple of decades or so, maybe longer,
8 we've all been hearing a lot about legal reform. And we've
9 all been hearing about -- a lot about verdicts being too high,
10 things like lawyers taking advantage, frivolous lawsuits.
11 People have heard that term, frivolous lawsuits, jackpot
12 justice, verdicts hurting business, verdicts driving insurance
13 rates up. What does all of that -- all of that stuff, what
14 bothers you about all of that stuff that we hear in the press
15 or in the media, or wherever it might be, politicians,
16 whoever's talking about it?

17 Ms. Schmidt, how -- I know you have some opinions
18 about this so I'm going to start with you.

19 PROSPECTIVE JUROR NO. 844: Yes, I do, got strong
20 opinions about it. I think the frivolous lawsuits, the
21 jackpot lawsuits are undermining what is probably the best
22 justice system in the world. And it's being undermined and
23 it's being destroyed specifically by these lawsuits.

24 MR. EGLET: Tell me more about why you feel that way.

25 PROSPECTIVE JUROR NO. 844: Well, and it takes up court

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1 time for -- and for some of the lawsuits it's ridiculous. You
2 can tell people have gone, you know, oh goody, it's my chance
3 to make money. They want -- they're going after --

4 MR. EGLET: The lawsuit lottery.

5 PROSPECTIVE JUROR NO. 844: The lawsuit is specifically
6 brought to court for the purpose of getting money. And if
7 that happens, then that's taking time, money, effort away from
8 lawsuits that possibly should be brought.

9 MR. EGLET: Okay.

10 PROSPECTIVE JUROR NO. 844: And so -- and I think the --
11 I'm probably in favor of capping. I think they were trying to
12 cap them too low in Texas, but I am in favor of capping
13 lawsuits because I think it is -- it's become a pastime, a
14 national pastime, let's go sue somebody.

15 MR. EGLET: Okay. And tell me why you feel that way.

16 PROSPECTIVE JUROR NO. 844: There's nothing personal
17 that's happened to me. I've never -- like I said, the only
18 lawsuit, I was on the suing side and we didn't -- definitely I
19 feel strongly enough about it that I definitely didn't go
20 after pain and suffering, punitive damages, because I didn't
21 -- I feel strongly that in most cases it's not called for.

22 It's made lawsuits a way of life for some people. There
23 are lawyers that that's what they do, you know, the old
24 ambulance chaser, only now it's an internet chaser, you know.
25 And it's amazing, you're in a -- I was in a traffic accident

1 and I had four or five lawyers who couldn't wait to represent
2 me, until I told them I would -- I absolutely refused to go
3 after anything above medical and any court costs involved, and
4 then they weren't interested. And so you can see where it's
5 putting a different type of man going after the law and a
6 different reason for going into the courtroom. I think it's
7 undermining the system.

8 MR. EGLET: You just said something a moment ago I want
9 to follow up with you.

10 PROSPECTIVE JUROR NO. 844: Uh-huh.

11 MR. EGLET: You said pain and suffering and punitive
12 damages. Do you think pain --

13 PROSPECTIVE JUROR NO. 844: Well --

14 MR. EGLET: Do you think pain and suffering and punitive
15 damages are the same thing?

16 PROSPECTIVE JUROR NO. 844: No, I do not.

17 MR. EGLET: What is it you think pain and suffering
18 damages are?

19 PROSPECTIVE JUROR NO. 844: I think it's compensation for
20 pain and for suffering, that you have been through the
21 wringer, in some cases to hell and back, and so you feel like
22 you are therefore entitled to something in recompense for
23 that.

24 MR. EGLET: Okay. And what is it you think punitive
25 damages are?

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1 PROSPECTIVE JUROR NO. 844: Definitely something -- it's
2 like -- it's as a punishment for somebody having done
3 something wrong.

4 MR. EGLET: Okay. All right. Well, you understand
5 clearly. You understand.

6 Who else feels the way Ms. Schmidt does, or similar
7 to the way Ms. Schmidt does? Raise your hand. Okay.
8 Mr. Doty, tell us about how you feel?

9 PROSPECTIVE JUROR NO. 905: I think -- well, in every
10 industry, in everything, there's a few rotten people that ruin
11 it for everybody. And so I believe, you know, almost
12 everything she said, that, you know, there's a few unethical
13 people in every, you know, business. And just happen we're
14 talking about law, that, you know, they're driven by greed for
15 money. So they will walk on anybody, take advantage of
16 anybody and do anything they have to do to get that.

17 Obviously I totally agree there are probably a whole host
18 of good, honest, you know, attorneys in the whole justice
19 system that do it for, you know, altruistic reasons. They're,
20 you know, they're idealists, they believe in the system, the
21 fairness part of it. But because there have been people that
22 are not like that that have kind of put a, you know, a bad
23 taste in a lot of people's mouths or in their minds, not
24 necessarily because we have personal experience from it but
25 just through, you know, word of mouth or the grapevine. They

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1 just hear stories and so it just throws a bad light again on
2 that.

3 You hear the same thing in corporate world, in every
4 aspect, you know, law enforcement, you know, everything.
5 There's always a few knuckleheads that screw it up. And then
6 so it taints everything and everybody's got to be more
7 skeptical, which is unfortunate.

8 MR. EGLET: Ms. Schmidt, you said something that I want
9 to follow up on. You said that these lawsuits are -- too many
10 of these lawsuits are just about the money, as opposed --

11 PROSPECTIVE JUROR NO. 844: I think frequently they are.

12 MR. EGLET: What do you --

13 PROSPECTIVE JUROR NO. 844: I don't think they always
14 are. That's not --

15 MR. EGLET: All right.

16 PROSPECTIVE JUROR NO. 844: -- my point. I just think --

17 MR. EGLET: But --

18 PROSPECTIVE JUROR NO. 844: -- frequently they are.

19 MR. EGLET: -- the question I have for you, in a civil
20 lawsuit, in a civil lawsuit do you understand that the only
21 compensation or only damage that a jury can put in the verdict
22 for the plaintiff if they decide in plaintiff's favor is
23 money? That's the only -- I mean we can't wave a magic wand
24 and make the person better --

25 PROSPECTIVE JUROR NO. 844: Oh yeah.

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1 MR. EGLET: -- again, we can't put them back in the
2 position they were. Money damages is the only system we have
3 to try to compensate or balance the harms and losses.

4 PROSPECTIVE JUROR NO. 844: Yes, I understand that.

5 MR. EGLET: Do you disagree with that?

6 PROSPECTIVE JUROR NO. 844: No, I do not disagree with
7 it. I just think it's become inflated and out of control.

8 MR. EGLET: And is there any particular cases that you
9 think are inflated, kind of out of control, that comes to
10 mind, that bother you?

11 PROSPECTIVE JUROR NO. 844: Oh, the first one that pops
12 into mind is the woman with the McDonald's coffee cup.

13 MR. EGLET: Sure, yeah. I was waiting for --

14 PROSPECTIVE JUROR NO. 844: That's the famous one.

15 MR. EGLET: -- that to come up.

16 PROSPECTIVE JUROR NO. 844: We all hear about that.

17 MR. EGLET: Always comes up.

18 PROSPECTIVE JUROR NO. 844: Yeah. Yeah, that -- the --
19 cases that you read about that have caused some of the
20 strangest warning labels, you know, on our -- yeah, do not
21 drive with your windshield thing in place, because somebody
22 actually did start their car. You know, somebody -- it's, to
23 me, it's become frivolous in a lot of cases. Not in all
24 cases. I'm not saying that, but in quite a few cases, yeah.
25 And I do think that greed will frequently be --

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1 MR. EGLET: I had to put a sign on my son's dashboard
2 that says don't back the car up before you open the garage
3 door. Understand.

4 Yes, Ms. Kistler.

5 PROSPECTIVE JUROR NO. 864: But see what I don't like is
6 everybody saying frivolous and they're taking the headlines
7 out of the news. And they're not following up on like the
8 lady from McDonalds, because the coffee pot that they put the
9 coffee in malfunctioned. That was hotter than most coffees.
10 Should she have had more diligence because she was ordering
11 hot coffee? Yes. But without the follow-up from the news,
12 you think this woman actually only sued because she spilt some
13 coffee on her. That wasn't the whole case. And I just -- so
14 since I'm not familiar with the entire case because I really
15 didn't -- I can't comment on whether or not that was a
16 frivolous lawsuit.

17 But something like the guy suing the pizza place
18 because he didn't take the plastic before he put it in the
19 oven or he didn't take the paper thing from underneath the
20 thing and put it in the oven, paper burns; you put it in an
21 oven, it's going to burn. Some things are common sense. And
22 it burnt down his house. But sometimes it's personal
23 responsibility, sometime it may be a malfunction. But just to
24 write them off as saying frivolous, that's not fair. And I
25 just disagree with your pain and suffering too, so --

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1 MR. EGLET: How do you disagree with pain and suffering?

2 PROSPECTIVE JUROR NO. 864: If I'm -- let's say the
3 accident I had, what if my grandma -- my granddaughter had
4 died instead of being oblivious to the accident. I think the
5 mother and the father should have been compensated for the
6 fact that they lost their child. That's a lot of pain, that's
7 a lot of suffering. Or if she was badly injured and one of
8 them couldn't work anymore. I mean there's different things
9 that have to be taken in account and you just can't sweep
10 everything into one great big bundle and say I don't agree
11 with what the premise is, so therefore it must be frivolous.
12 It seems frivolous to you, it may not be frivolous to me.

13 MR. EGLET: Who agrees with what Ms. Kistler's saying?
14 Okay.

15 Ms. Smith, you raised your hand a minute ago and I
16 kind of jumped over you.

17 PROSPECTIVE JUROR NO. 925: I was just going to make the
18 comments of a couple feelings. I agree with both of them that
19 yeah, you put your coffee cup in your lap and it burns your
20 lap. It may have malfunctioned, but you have to take some
21 accountability for yourself that you made the choice to do
22 that.

23 UNIDENTIFIED PROSPECTIVE JUROR: Coffee --

24 PROSPECTIVE JUROR NO. 925: Yeah, and in that coffee
25 holder. Also, you know, I have a student in my class who said

1 wow, my parents are going to sue you because, you know, you
2 have too much homework. I mean, you know, our society is that
3 way. And, you know, you smoke cigarettes. Why are you suing
4 the tobacco company because you have cancer and then you get
5 billions of dollars. I mean I agree, you know, with both of
6 them. I was just jumping on the bandwagon.

7 MR. EGLET: Okay. Ms. Tatum.

8 PROSPECTIVE JUROR NO. 035: The whole suing thing is
9 since the school district lately has been like in this big
10 dilemma on money and I know a lot of parents are going through
11 a lot with their homes and things, I notice a lot of kids have
12 been involved in accidents on the school bus. They're fine
13 when we first get on there. They get on the cell phone, talk
14 to their mother, everybody's sick. Everybody has a back
15 injury, neck injury. And it's -- now to me, I think that is
16 ridiculous. Because when you first get on the bus, are you
17 okay? They're fine. But as soon as they talk to their mother
18 or their father they have a injury.

19 And somebody can just tap a bus -- and, you know, a
20 school bus is one of the safest vehicles on the road. And
21 they tap the bus, no damage on our school bus, no -- not even
22 a mark, but this young man, we had to get the paramedics out,
23 we had to get the fire department out to escort this young man
24 out, and he was fine 15 minutes ago. So I think the parents
25 are teaching their children the wrong thing, because there's

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1 times that we do have kids that are hurt, but then we have --
2 the majority of our kids, they're not.

3 They -- their parents are teaching them dollar
4 signs. Something happened, like she said at the school, I'm
5 going to -- they -- first thing the kids -- they do say we are
6 going to sue you. They talk to their parents, next thing you
7 know there is a lawsuit. That's why my job is so important.
8 I have to get all the information to take to risk management.
9 And we do pay out a lot of money because of different things
10 that have happened.

11 MR. EGLET: Ms. Rosinski, how do you feel about this
12 issue?

13 PROSPECTIVE JUROR NO. 918: Well, I honestly think I
14 agree with her wholeheartedly, because it is. It's gone way
15 above and beyond the suing thing. If you're hurt then yes,
16 you do get compensation. If you're not hurt, shame on you.
17 Shame on you for bringing it this far. But if you are hurt --
18 and after all that you said it was been a while, then yes, you
19 know, help him, help her or help him. But you can't sit up
20 there, take an oath, and lie through your teeth. It's not
21 right.

22 MR. EGLET: How would you define a -- we've heard the
23 term frivolous lawsuit. How would you define a frivolous
24 lawsuit?

25 PROSPECTIVE JUROR NO. 918: Well, like --

1 MR. EGLET: What's a frivolous lawsuit?

2 PROSPECTIVE JUROR NO. 918: Okay, a frivolous lawsuit.
3 Say you had a car accident, yes. You got hurt, yes. Okay. A
4 week, two weeks, you go to the doctor. You're in the doctor
5 for a month, two months, you're fine. Yeah, the doctor says
6 okay, you need this treatment, you need that treatment. But
7 then if you are all well, nothing wrong with you even though
8 the doctor says oh, you need another treatment, then that is
9 -- that's very frivolous. That's a waste of time.

10 MR. EGLET: Okay. What if they're not okay? What if
11 they're --

12 PROSPECTIVE JUROR NO. 918: Then --

13 MR. EGLET: -- permanently injured?

14 PROSPECTIVE JUROR NO. 918: Then if they're not okay,
15 then yes, that is not frivolous. That's something that needs
16 to be done.

17 MR. EGLET: Okay. Ms. Hubbert, how do you feel about
18 this issue we're talking about?

19 PROSPECTIVE JUROR NO. 293: Well, I think that there are
20 frivolous lawsuits. Well, they brought the coffee, which I
21 didn't think was frivolous mostly.

22 MR. EGLET: The McDonalds coffee cup?

23 PROSPECTIVE JUROR NO. 293: Yeah. The one I thought was
24 frivolous was the woman suing over the happy meal toys.

25 UNIDENTIFIED PROSPECTIVE JUROR: Yeah.

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1 PROSPECTIVE JUROR NO. 293: That one was --

2 UNIDENTIFIED PROSPECTIVE JUROR: That one was extreme.

3 PROSPECTIVE JUROR NO. 293: That part I didn't

4 understand, because that -- I mean someone's in -- if someone,
5 as she said, if someone's injured, I won't look at someone and
6 say I don't believe that you're not injured right away,
7 because if someone was in an accident there is a chance that
8 they could have been -- suffered some type of injury. But at
9 the same point, I do think that there is a limit to what they
10 can ask for or what they should get.

11 MR. EGLET: And what do you mean by you think there's a
12 limit?

13 PROSPECTIVE JUROR NO. 293: Well, I've seen earlier, few
14 years ago on the news, where people were suing for millions of
15 dollars from their insurance company and from the person who
16 hit them. And there may have been moderate damage and they
17 said they had bad neck injury, back injury, leg injuries. And
18 they were suing for well above what I believe they -- because
19 they could still work. I don't know, that doesn't go for
20 everybody of course, but certain people, I think there should
21 be a limit. If they're still able to work and they could
22 still make some type of living, then there should be a cap to
23 what they're able to get.

24 MR. EGLET: And do you have a cap in mind, or is this --

25 PROSPECTIVE JUROR NO. 293: It depends on what -- I don't

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1 know all the details. So once you know the details, then at
2 that point -- because to be fair and unbiased you have to see
3 both sides.

4 MR. EGLET: Uh-huh.

5 PROSPECTIVE JUROR NO. 293: And you have to weigh both
6 sides.

7 MR. EGLET: I guess what I'm getting at is sometimes --
8 and some of you mentioned the caps they put on cases in Texas,
9 they thought that those were too low. You know, sometimes the
10 legislatures will go in and take the decision away from the
11 juries and put a certain limit on an amount the jury is
12 allowed to put in their verdict in certain types of cases. Is
13 that what you're talking about, or are you just talking in
14 general that, you know, it has -- in your mind, the jury
15 should look at the case and evaluate it properly? Which --

16 PROSPECTIVE JUROR NO. 293: Evaluate it properly.

17 MR. EGLET: So you're not talking about the
18 legislature --

19 PROSPECTIVE JUROR NO. 293: No.

20 MR. EGLET: -- putting artificial --

21 PROSPECTIVE JUROR NO. 293: Not that part at all, no.

22 MR. EGLET: Okay.

23 PROSPECTIVE JUROR NO. 293: No.

24 MR. EGLET: Okay. Mr. Johnson, what's your thoughts on
25 this?

1 PROSPECTIVE JUROR NO. 956: Hmm, I think there's a lot of
2 high profile ones that are tainting people's judgments and
3 kind of making it harder. People, you know, like the coffee
4 one, everyone knows the coffee one. I don't think a lot of
5 people know all the details about it, but because the
6 headlines are showing so many over the top, ridiculous ones, a
7 few out of thousands and thousands of civil lawsuits going on,
8 people are starting to look at them more skeptical and making
9 it tougher to get, I don't know, a fair assessment.

10 MR. EGLET: So you think the fact that the press, you
11 know, reports on the more sensationalized or outrageous
12 verdicts, that that skews people's views about these cases and
13 that --

14 PROSPECTIVE JUROR NO. 956: Oh yeah, definitely.

15 MR. EGLET: -- maybe hurts the legitimate cases?

16 PROSPECTIVE JUROR NO. 956: Oh yeah.

17 MR. EGLET: Who agrees with Mr. Johnson on that, that
18 that may be the case? Okay.

19 Ms. Zweifel.

20 PROSPECTIVE JUROR NO. 002: Zweifel.

21 MR. EGLET: Zweifel, I got it. What do you think about
22 this? I mean you're somebody who suffers from a disability,
23 suffers from injuries. How, you know, I don't know, you know,
24 you have any sort of -- have ever had any sort of claim, but
25 how do you feel about this whole issue?

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1 PROSPECTIVE JUROR NO. 002: Well, I think there are some
2 frivolous lawsuits. I do. But there are also legitimate
3 situations where people are injured and through no fault of
4 their own. They should be compensated for that.

5 MR. EGLET: Mr. Barrett, what's your thoughts on this? I
6 mean you are a business owner, you're an accountant.

7 PROSPECTIVE JUROR NO. 943: I can't remember if the
8 problem with the McDonalds coffee cup thing was so much the
9 case or what she was awarded for it. If I remember, I think
10 she got awarded some incredible amount for --

11 UNIDENTIFIED PROSPECTIVE JUROR: Million.

12 PROSPECTIVE JUROR NO. 943: [Indiscernible].

13 UNIDENTIFIED PROSPECTIVE JUROR: No.

14 PROSPECTIVE JUROR NO. 943: But I think that's the issue
15 more with me, is that there are frivolous lawsuits. I think
16 of, you know, somebody staging a fall in a department store or
17 something. But those are usually, I think, caught before they
18 get too far. My issue's more with people should be
19 compensated fairly and in line with what they actually have
20 suffered. And how that's measured is it depends on the case.
21 And also I don't have any problem with punitive damages as
22 long as they're reasonable. I think if they go, you know, in
23 the stratosphere, then that's passed on to everybody
24 eventually, you and I --

25 MR. EGLET: What do you mean by --

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1 PROSPECTIVE JUROR NO. 943: -- in one way or the other.

2 MR. EGLET: -- the stratosphere?

3 PROSPECTIVE JUROR NO. 943: Well, if they're just way out
4 of line with what was actually suffered. I think that's when
5 legislators step in and, you know, draw the line.

6 MR. EGLET: Other than the McDonalds' hot coffee case,
7 are there some cases that come to your mind that are like
8 that, where you just --

9 PROSPECTIVE JUROR NO. 943: I know I've read about a
10 bunch of them, but I can't really think of anything right now
11 that just leaps to my mind.

12 MR. EGLET: Anybody else, any cases, whether locally or
13 nationally, that jumps to mind? Yes, Ms. Nolte.

14 PROSPECTIVE JUROR NO. 903: I remember once one in the
15 media about somebody went to pick up their pants from --

16 UNIDENTIFIED PROSPECTIVE JUROR: Oh, that was --

17 UNIDENTIFIED PROSPECTIVE JUROR: That's what I was
18 thinking.

19 PROSPECTIVE JUROR NO. 903: -- the dry cleaners. And the
20 dry cleaners --

21 MR. EGLET: That's the lawyer in Washington, D.C.

22 PROSPECTIVE JUROR NO. 903: Yeah.

23 UNIDENTIFIED PROSPECTIVE JUROR: Yes.

24 PROSPECTIVE JUROR NO. 903: And they wanted thousands and
25 thousands of dollars --

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1 MR. EGLET: Yeah, he wanted a million.

2 PROSPECTIVE JUROR NO. 903: -- for the pants that only
3 cost him less than a hundred dollars.

4 UNIDENTIFIED PROSPECTIVE JUROR: He wanted more than
5 that.

6 PROSPECTIVE JUROR NO. 903: You know, that's frivolous.

7 MR. EGLET: Right. But you know that judge was -- that
8 case was thrown out.

9 PROSPECTIVE JUROR NO. 903: I know. I know, but still
10 the media was in there and brought it to everybody's attention
11 across the United States. So --

12 MR. EGLET: Yeah.

13 PROSPECTIVE JUROR NO. 903: It just made the whole
14 situation of filing lawsuits, you know, kind of like --
15 sometimes kind of like a laughing matter.

16 MR. EGLET: Okay.

17 PROSPECTIVE JUROR NO. 903: You know.

18 MR. EGLET: And so how do you think when things like that
19 happen, whether it's the lawyer with his dry cleaned pants, or
20 I think a few years ago we had this person fake they had found
21 a thumb or a finger in their chili --

22 UNIDENTIFIED PROSPECTIVE JUROR: Right.

23 UNIDENTIFIED PROSPECTIVE JUROR: Chili, yeah.

24 MR. EGLET: -- you know, things like that. How do you
25 think -- what kind of effect do you think that that has on the

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1 legitimate claims that are brought?

2 PROSPECTIVE JUROR NO. 903: Makes you more -- I think it
3 makes you more aware, or sometimes I think you want to be in
4 disbelief sometimes when -- I mean it's something like that.

5 MR. EGLET: Right.

6 PROSPECTIVE JUROR NO. 903: And you have to really hear
7 everything before you can actually believe what's going on.

8 MR. EGLET: Ms. Prince, how do you feel about this issue,
9 jackpot justice or whatever term --

10 PROSPECTIVE JUROR NO. 928: I think there are frivolous
11 lawsuits, but I don't believe there should be a cap.

12 MR. EGLET: Okay.

13 PROSPECTIVE JUROR NO. 928: Every case is individual.
14 Everyone is unique in their own way. And unless you know the
15 facts in all of them, you shouldn't place judgment until then.

16 MR. EGLET: Who here thinks that there should be caps
17 placed on the amount of money a jury is permitted to put in a
18 verdict on any sort of particular case? Who thinks that that
19 is the way it should be? Raise your hand.

20 Okay. Ms. Hubbert.

21 PROSPECTIVE JUROR NO. 293: Oh. Like I was going to say
22 before, it's not necessarily like for every case. Like
23 certain cases, if you can show that what they're asking for is
24 too high than what they should get, then there should be that
25 cap that the jury sets going a little lower.

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1 MR. EGLET: But you just said that the jury sets; right?

2 PROSPECTIVE JUROR NO. 293: Yes.

3 MR. EGLET: Okay. So I guess my question is who do you
4 think is in the best position to make a determination of how
5 much should be put in a verdict for an injured person who is
6 bringing the lawsuit, how much money should be put in that
7 verdict to compensate them? Do you think it should be the
8 jury who sits and listens to the entire case and all the
9 testimony and sees all the evidence, or do you think it should
10 be some outside legislative body that arbitrarily sets limits
11 for particular kinds of cases? Who do you --

12 PROSPECTIVE JUROR NO. 293: The jury.

13 MR. EGLET: Anybody disagree with that? Anybody think
14 that the legislature should come and put caps on there?

15 UNIDENTIFIED PROSPECTIVE JUROR: I definitely do not
16 think the legislator --

17 MR. EGLET: You do not.

18 UNIDENTIFIED PROSPECTIVE JUROR: -- legislature should
19 have anything to do with the judicial system at all.

20 MR. EGLET: Okay.

21 UNIDENTIFIED PROSPECTIVE JUROR: Stay over there.

22 MR. EGLET: Okay.

23 UNIDENTIFIED PROSPECTIVE JUROR: Yeah.

24 MR. EGLET: All right.

25 UNIDENTIFIED PROSPECTIVE JUROR: Because there may be,

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1 you know, cases that warrant a huge --

2 UNIDENTIFIED PROSPECTIVE JUROR: [Indiscernible]

3 UNIDENTIFIED PROSPECTIVE JUROR: [Indiscernible].

4 UNIDENTIFIED PROSPECTIVE JUROR: I'm thinking of -- what
5 was that case? It was a basis for that movie, A Civil Action,
6 where that company was poisoning --

7 MR. EGLET: Yeah.

8 UNIDENTIFIED PROSPECTIVE JUROR: -- the water.

9 MR. EGLET: [Indiscernible] the water and causing cancer
10 to all the residents, right.

11 UNIDENTIFIED PROSPECTIVE JUROR: Right.

12 MR. EGLET: Course they didn't end up paying that much on
13 that.

14 UNIDENTIFIED PROSPECTIVE JUROR: No.

15 MR. EGLET: Bankrupted the lawyers and didn't pay that
16 much.

17 Okay. All right. Ms. Ellis, how do you feel about
18 this issue?

19 PROSPECTIVE JUROR NO. 017: I kind of agree that you
20 should just -- it should be case by case. You should just
21 listen to it. I mean I don't let the things that happen in
22 the media skew my -- I mean I think if it's warranted suing,
23 it's warranted suing, you know. I don't really have an
24 opinion on -- it doesn't skew my opinion on, you know, if you
25 should sue someone or not.

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1 MR. EGLET: Ms. Colmines, this issue we've been talking
2 about for the last 20 minutes or so, what is your view on
3 this?

4 PROSPECTIVE JUROR NO. 049: I agree with the -- excuse
5 me, I agree with the [indiscernible] the most part.

6 MR. EGLET: And what part? What is it you agree with?

7 PROSPECTIVE JUROR NO. 049: That when people get really
8 hurt, you know, it should be the lawyer man thing, but I -- if
9 you don't get hurt [indiscernible].

10 MR. EGLET: So you think it depends on the nature of
11 their injuries --

12 PROSPECTIVE JUROR NO. 049: It depends the situation.

13 MR. EGLET: -- and how it's affected their lives?

14 PROSPECTIVE JUROR NO. 049: Uh-huh.

15 MR. EGLET: Now, Ms. Hubbert, I think it was you who said
16 well, if they can still work, then they shouldn't get that
17 much.

18 PROSPECTIVE JUROR NO. 293: If they --

19 MR. EGLET: Recall that?

20 PROSPECTIVE JUROR NO. 293: Yeah. If they -- I feel that
21 if a person can still make a living, they -- if they -- it's
22 proven that they do need compensation, that they deserve that
23 compensation. But if they can still work, they can still make
24 a living, then they can't go after certain damages.

25 MR. EGLET: What certain damages?

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1 PROSPECTIVE JUROR NO. 293: Well, it depends. Some
2 people will -- not all, but there's some people that will sue
3 saying that, you know, it wrecked my livelihood, I won't be
4 able to work as well as I did. But in a lot of cases they're
5 -- they can still do -- I don't want to bring up the word
6 fraud mostly per se, but there's been cases where a person
7 says they can't work anymore yet they have them on film
8 picking up heavy furniture or riding a bike or doing all sorts
9 of things. As long as they can still make a living, then they
10 can get compensated for their injuries. If they have pain and
11 suffering, then of course.

12 MR. EGLET: Okay.

13 PROSPECTIVE JUROR NO. 293: And --

14 MR. EGLET: So even if they can still work, if they're
15 suffering pain -- having pain and suffering, you still think
16 they should be compensated for that?

17 PROSPECTIVE JUROR NO. 293: Uh-huh.

18 MR. EGLET: Okay. Anybody feel differently than that,
19 that if they're working they shouldn't get -- I know you feel,
20 Ms. Schmidt, about pain and suffering. But other than
21 Ms. Schmidt, does anyone else feel that they shouldn't get
22 pain and suffering, that that shouldn't be put in the verdict
23 form if they can still work? Anybody else feel that way?

24 Okay. Let me ask you this question. And I'm going
25 to start with you, Mr. Doty, because I've been starting with

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1 you on a lot of things. You're sitting up there in the right
2 corner and you -- your questionnaire tells us you're an
3 extrovert, so you're willing to talk. Okay.

4 If -- what problems would you be have -- would you
5 have, sitting -- not this jury, just sitting on any sort of
6 jury in a injury case? What problems would you have being on
7 a jury that was asked to give -- to put in the verdict form in
8 excess of \$2 million?

9 PROSPECTIVE JUROR NO. 905: That's --

10 MR. ROGERS: Your Honor, is counsel going to -- I'm
11 sorry.

12 THE COURT: Counsel approach please.

13 [Bench Conference Begins]

14 MR. ROGERS: I didn't know what he was going to ask for,
15 but if that's close to the amount then he's arguing the facts
16 of the case. He can't put forward the facts and get a pledge
17 from the jury --

18 MR. EGLET: I'm not arguing the facts.

19 MR. ROGERS: -- to award any given amount.

20 MR. WALL: He's specifically addressing the issue of
21 whether a jury can [indiscernible] voir dire --

22 MR. ROGERS: This is --

23 MR. WALL: Certain jurors obviously --

24 MR. EGLET: There's case law all over the country that
25 says that this is absolutely appropriate. And if a juror does

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1 have a problem being on a jury that awards millions of
2 dollars, that is per se bias and prejudice and they're
3 excused --

4 MR. ROGERS: That --

5 MR. EGLET: That is the law in the country.

6 MR. ROGERS: Easy. The question in the questionnaire was
7 generic. This is specific.

8 MR. EGLET: No, it's not.

9 MR. ROGERS: This is \$2 million. How do you get more
10 specific?

11 MR. EGLET: In excess of \$2 million. I said in excess of
12 \$2 million. And it's not -- you know, I'm allowed to test. I
13 could have said 10, I could have said 50, I could have said
14 100, I could have said one. I can pick whatever number I
15 want. It doesn't matter what number I want to pick. Makes no
16 different.

17 MR. ROGERS: It does if it's factual.

18 MR. EGLET: What do you mean if it's factual?

19 MR. ROGERS: If you --

20 MR. EGLET: I have no idea how much --

21 MR. ROGERS: -- are presenting the facts of the case.

22 MR. EGLET: I have no idea how much money we're going to
23 ask in the case. It depends on the evidence that goes in.
24 But I'm putting a number out there and there's nothing wrong
25 with that. We're entitled to find out if they -- there's a

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1 specific amount that a juror has in mind that they could never
2 go above. The case law which we've cited over and over in
3 briefs to this Court is clear around the country. This is
4 absolutely appropriate questioning and it tests whether a
5 juror is qualified to sit in a case like this.

6 THE COURT: This is fair game so long as there's no
7 pledge --

8 MR. EGLET: I'm not asking for a pledge.

9 MR. ROGERS: All right, thank you.

10 MR. WALL: I just wanted to add if there's an objection
11 [indiscernible] speaking objection. I was concerned about
12 that. So I guess I would prefer that they take place, at
13 least during voir dire, at the bench.

14 THE COURT: Well --

15 MR. ROGERS: That's what I did.

16 THE COURT: -- that's probably appropriate with respect
17 to speaking objections. If you're just stating the nature of
18 the objection, I think that's acceptable.

19 MR. ROGERS: Yeah.

20 [Bench Conference Ends]

21 MR. EGLET: Okay. Mr. Doty, do you remember the
22 question?

23 PROSPECTIVE JUROR NO. 905: Yeah.

24 MR. EGLET: Okay. How do you feel about that?

25 PROSPECTIVE JUROR NO. 905: In my opinion, that's a

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1 pretty heavy award. Obviously I'd have to stick to the case
2 and -- yeah, you have to -- I mean you have to be messed up as
3 far as physically, I mean serious disabilities, unless for
4 some reason what you were doing before you could make that
5 kind of money.

6 MR. EGLET: So you think it should be tied to their
7 ability to work?

8 PROSPECTIVE JUROR NO. 905: I believe so. I don't think
9 any amount -- I don't know, it's kind of hard. It's a hard
10 issue because it's, you know, you're torn. You want to be,
11 you know, just -- have to be just, but at the same time I have
12 strong reservations and feelings of forgiveness at the same
13 time. So I mean it's a tough -- it's give and take for me
14 personally.

15 So I guess getting back to it, you don't expect
16 somebody to go get, you know, T-boned by a semi truck, no,
17 it's okay, man, and they're in a wheelchair for the rest of
18 their life. No. But yeah, for that amount of money, I would
19 have to be -- there'd have to be a lot of evidence brought
20 forth and a pretty good -- dang good case to why -- what
21 reasons are you asking for that amount of money. That's --
22 most people don't make that in their lifetime.

23 MR. EGLET: So is it fair to say that you personally have
24 a -- kind of an idea of if there, you know, there's --
25 regardless of what the case is about, when it comes to multi-

1 million dollar damages there's only so far you'll go. Is that
2 a fair statement?

3 PROSPECTIVE JUROR NO. 905: Yeah, I guess that's pretty
4 fair. I mean there has to -- if it's warranted, yeah, I would
5 go through. But I believe that an amount that high is --
6 takes a lot more warranting, if you will, for somebody who's
7 asking for a thousand bucks.

8 MR. EGLET: And what do you mean by more warranting?

9 PROSPECTIVE JUROR NO. 905: More evidence, more proof.
10 Like I say, along the lines of -- yeah, for me, it is tied to
11 what they were making before.

12 MR. EGLET: Okay. It's tied to their income?

13 PROSPECTIVE JUROR NO. 905: Right.

14 MR. EGLET: Okay.

15 PROSPECTIVE JUROR NO. 905: I mean if they were making --
16 if you're making million dollars a year and -- because of the
17 accident you want couple million, yeah, that's justified. But
18 if you're making \$40,000 a year and you're not completely
19 disabled, kind of along the lines of what I heard before, you
20 can still work. And I think just because somebody was
21 injured, that doesn't, you know, you still got to -- maybe you
22 got to suck it up a little bit. Everybody gets hurt
23 regardless.

24 So I mean [indiscernible] all the questions that were
25 asked before. Everyone gets hurt. And so it's kind of like

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1 there's a give and take. That's, I guess, before we had the
2 jury, the different opinions, trying to be fair, unbiased.
3 But yeah, you got to take, yeah, what they were making.

4 I believe personally you got to suck it up a little
5 bit. Are they just totally wimping out because they had a
6 free ride, where you're getting -- are we talking about
7 frivolous stuff, because, you know, there's a option here?
8 Or, you know, I would think that somebody would have -- like
9 you said, accountability, personal responsibility, to suck it
10 up as best they can to, you know, what would be decided by a
11 jury what should be that level of, you know, kind of getting,
12 you know, getting tenacious and whatnot.

13 But above and beyond, yeah, you got to take in
14 account what they were doing, what their potential was, how
15 disabled the person was. I mean so it's -- that's a -- I mean
16 you asked a question that you could debate for days.

17 MR. EGLET: Well, I'm not trying to debate you. I --

18 PROSPECTIVE JUROR NO. 905: Well, no, not debate, but
19 discuss.

20 MR. EGLET: Right.

21 PROSPECTIVE JUROR NO. 905: You can discuss and we could
22 talk about, you know, get nitty-gritty and -- yeah, I'm not
23 trying to argue with you by any mention.

24 MR. EGLET: No, you're not arguing with me. I asked you
25 a question, you're giving your answer. So are the others.

1 PROSPECTIVE JUROR NO. 905: Right.

2 MR. EGLET: I'm not going to argue with anybody about
3 this. I just want to hear what you have to say.

4 PROSPECTIVE JUROR NO. 905: So -- and I would -- you'd
5 have to sit through and see, you know, what reasons, why the
6 person would be asking for that kind of money. And if it's
7 justified and it's -- and I agree with it, yeah, it's fine.
8 So --

9 MR. EGLET: Let me ask you. You said something in your
10 answer. You said, you know, you talked about -- when you were
11 talking to me, you said -- you mentioned personal
12 responsibility and accountability, and you applied that to
13 this, your discussion here, to the injured person. What about
14 the person who does the injury?

15 PROSPECTIVE JUROR NO. 905: Absolutely.

16 MR. EGLET: Do you think that they should be responsible
17 and be held personally accountable?

18 PROSPECTIVE JUROR NO. 905: Yeah.

19 MR. EGLET: Okay. Now when you were talking you -- it
20 seemed like you kept coming back to how much money they were
21 making, what their income was like. And of course that's, you
22 know, that's obviously part of the element of -- one of the
23 elements of damages in these type of cases. What about the
24 other things that are involved in this? I mean pain and
25 suffering, loss of enjoyment of life. Do you have -- is

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1 there, you know, some amount of money in your mind that geez,
2 you know, I don't care how badly the person was injured, how,
3 you know, what the significant loss of enjoyment of their life
4 was. You know, kind of using your words, you know, everybody
5 gets hurt, you got to kind of suck it up. So, you know, it
6 could never be worth X amount of dollars. You kind of feel
7 that way?

8 PROSPECTIVE JUROR NO. 905: As far as pain and suffering
9 alone is concerned?

10 MR. EGLET: Yeah.

11 PROSPECTIVE JUROR NO. 905: Yeah, I would say so.
12 Because I mean it's all relative.

13 MR. EGLET: Okay. And what's the --

14 PROSPECTIVE JUROR NO. 905: They're not dead.

15 MR. EGLET: What's the max --

16 PROSPECTIVE JUROR NO. 905: So --

17 MR. EGLET: What's the maximum amount you think someone's
18 pain and suffering would be worth?

19 PROSPECTIVE JUROR NO. 905: I have to think about that
20 for a second. I mean on the flip side, my thought I think
21 about is, you know, along the lines we mentioned before of,
22 you know, losing a life. Okay, yeah, there's some money to be
23 entitled. But really, can even a hundred billion dollars
24 replace that life? So it's kind of like I don't know, it's --
25 I'd have to sit down and really think about it for a long

1 time. So -- for the money part of it, at this point I'm kind
2 of drawing a blank. I don't know if I could just think --
3 there'd have to be, you know, I'd have to see the person.
4 Okay, how much pain have you gone through, you know, how much
5 suffering, what can you -- what did you used to like to do,
6 what can you not do, and go forward.

7 But yeah, I guess to be honest, my initial impression
8 until that point, you know, couple -- 2, \$3 million is, I
9 think, is a little bit on the hefty side.

10 MR. EGLET: Okay. So do you think you would have trouble
11 being on a jury that was asked to put in the verdict form in
12 excess of a million or 2 million or \$3 million in the element
13 of damages for pain and suffering --

14 PROSPECTIVE JUROR NO. 905: If I --

15 MR. EGLET: -- regardless of --

16 PROSPECTIVE JUROR NO. 905: -- was -- saw everything and
17 I was convinced that it warranted that, probably not.

18 MR. EGLET: Okay.

19 PROSPECTIVE JUROR NO. 905: So I would have -- I wouldn't
20 have a problem sitting on the jury, no. But yeah, so I would
21 have to see what was going on.

22 MR. EGLET: Okay.

23 PROSPECTIVE JUROR NO. 905: If it came up.

24 MR. EGLET: But as we started here, you don't have some
25 amount of money in your head, geez, I don't care what this --

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1 what case it is that I happen to be on a jury, I could never
2 go amount -- above a certain amount?

3 PROSPECTIVE JUROR NO. 905: No, I guess I do have slight
4 reservation towards that. I mean you can't, you know, you
5 can't go after -- I don't know what would be -- there is an
6 amount.

7 MR. EGLET: Okay.

8 PROSPECTIVE JUROR NO. 905: I mean it would -- I mean
9 maybe it is, you know, 3 or 4 million.

10 MR. EGLET: Okay.

11 PROSPECTIVE JUROR NO. 905: I -- who knows.

12 MR. EGLET: Okay. So you do have --

13 PROSPECTIVE JUROR NO. 905: I do have a cap.

14 MR. EGLET: There is a limit there that --

15 PROSPECTIVE JUROR NO. 905: There is a limit.

16 MR. EGLET: -- regardless --

17 PROSPECTIVE JUROR NO. 905: I mean I guess so, do -- come
18 -- as the case developed or whatnot, that limit would start
19 developing.

20 MR. EGLET: Okay. Ms. Schmidt.

21 PROSPECTIVE JUROR NO. 844: I knew --

22 MR. EGLET: You knew I was coming back to you; right?

23 PROSPECTIVE JUROR NO. 844: Yeah.

24 MR. EGLET: I mean how would you feel being on a jury in
25 an injury case that was asked to put in the verdict form

1 amount of money in excess of \$2 million?

2 PROSPECTIVE JUROR NO. 844: I would be uncomfortable with
3 that if it was just pain and suffering.

4 MR. EGLET: Okay.

5 PROSPECTIVE JUROR NO. 844: I would really try to listen
6 to the case as it stands, but I would be very uncomfortable
7 with that.

8 MR. EGLET: Well, the truth of the matter is you're
9 uncomfortable with really any money for pain and suffering;
10 right?

11 PROSPECTIVE JUROR NO. 844: I really am, I'm sorry.

12 MR. EGLET: Okay. No, you don't have to apologize to me.
13 I appreciate your honesty. I want to hear what you have to
14 say. And there's nothing you're going to say that's going to
15 offend me or anything. Okay? Believe me. Look, my mother
16 doesn't believe in pain and suffering damages. So it's okay,
17 you know. I mean we all have different viewpoints. It's
18 okay.

19 So -- but what I'm trying to get at is, you know, I
20 was asking Mr. Doty there, you know, does he have a certain
21 limit on the amount of money that he would be willing to put
22 in a verdict for in an injury case for pain and suffering.
23 The honest truth is with you, you would have trouble putting
24 any money in that line; correct?

25 PROSPECTIVE JUROR NO. 844: I probably wouldn't if it was

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1 under say 200,000.

2 MR. EGLET: Okay. So 200,000 is a cap --

3 PROSPECTIVE JUROR NO. 844: For pain and -- for just flat
4 pain and suffering.

5 MR. EGLET: Just the pain and suffering. You feel like
6 pain and suffering --

7 PROSPECTIVE JUROR NO. 844: Unless it was a very unusual
8 case. You know, I'm not going to say -- I hate doing
9 anything, you know, solid --

10 MR. EGLET: No, I understand.

11 PROSPECTIVE JUROR NO. 844: -- black and white. Yeah, I
12 don't deal in absolutes at all. I absolutely don't deal in
13 absolutes. But it would take an awful lot to convince me.

14 MR. EGLET: So you would want a higher standard of proof.
15 You'd want more proof of --

16 PROSPECTIVE JUROR NO. 844: Not necessarily more proof.
17 It would have to be an awful lot of suffering.

18 MR. EGLET: Okay.

19 PROSPECTIVE JUROR NO. 844: An awful lot of suffering.

20 MR. EGLET: All right. And when you say unusual cases,
21 you're talking about the real exception here; right?

22 PROSPECTIVE JUROR NO. 844: Yeah.

23 MR. EGLET: Okay.

24 PROSPECTIVE JUROR NO. 844: Where someone's mutilated.

25 MR. EGLET: Right.

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1 PROSPECTIVE JUROR NO. 844: Where a family is
2 destroyed.

3 MR. EGLET: Okay.

4 PROSPECTIVE JUROR NO. 844: You know, we're talking
5 something that you could do the movie of the week --

6 MR. EGLET: Right.

7 PROSPECTIVE JUROR NO. 844: -- on Lifetime with.

8 MR. EGLET: No, I understand. And other -- but otherwise
9 -- and I appreciate your honesty. Otherwise what you're
10 telling us is that, you know, \$200,000 is kind of the
11 number --

12 PROSPECTIVE JUROR NO. 844: It's -- and it would take a
13 lot to even pull that out of me.

14 MR. EGLET: I'm sorry?

15 PROSPECTIVE JUROR NO. 844: And it would take a lot to
16 pull even that --

17 MR. EGLET: Take a lot to even pull that out of you;
18 right? So you --

19 PROSPECTIVE JUROR NO. 844: I'm afraid so, yeah.

20 MR. EGLET: Okay. That's kind of your limit on -- unless
21 it's the very exceptional case --

22 PROSPECTIVE JUROR NO. 844: Yeah, unless --

23 MR. EGLET: -- where somebody's mutilated?

24 PROSPECTIVE JUROR NO. 844: Yeah. Well --

25 MR. EGLET: Okay.

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1 PROSPECTIVE JUROR NO. 844: -- or, you know, there's
2 severe pain, severe suffering, like I said, family's torn
3 apart.

4 MR. EGLET: All right. So -- and I -- look, I appreciate
5 your honesty. We want to hear that. You're not -- it's
6 okay. We want to know how people feel. That's how we, you
7 know, that's how we figure these things out in this jury
8 selection.

9 Ms. Kistler, what -- how do you feel about this?

10 PROSPECTIVE JUROR NO. 864: Based by -- I'd go case by
11 case. I would not put a cap on anything. I don't have any
12 money value in my brain. Like I said, it all depends on the
13 case. It all depends on the circumstances around the case.

14 MR. EGLET: How would you feel sitting on a jury that was
15 asked to put, in an injury case, asked to put in the verdict
16 form in excess of \$2 million?

17 PROSPECTIVE JUROR NO. 864: Once again, it would depend
18 on -- I -- how would I sit? I don't -- if that's what we're
19 looking that might be there, not necessarily what we would
20 come, I don't have a problem with it.

21 MR. EGLET: Okay. All right.

22 It's 5:00. Did you want to break for the day, Your
23 Honor?

24 THE COURT: Think this is a good time to break for the
25 day. Asking you to return, ladies and gentlemen, tomorrow

1 afternoon at 1:00 sharp please. Reminding you of your duty
2 not to discuss this case, not to form or express any opinion,
3 not to do any research on any subject connected with this
4 case.

5 Have a nice evening. We'll see you tomorrow.

6 [Proceedings Concluded at 4:56 p.m.]
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In the Supreme Court of Nevada

Case Nos. 58504, 59208 and 59423

Electronically Filed
Aug 14 2012 04:06 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

JENNY RISH,

Appellant,

vs.

WILLIAM JAY SIMAO, individually, and
CHERYL ANN SIMAO, individually and as
husband and wife,

Respondents.

APPEAL

from the Eighth Judicial District Court, Clark County
The Honorable JESSIE WALSH, District Judge
District Court Case No. A539455

**APPELLANT'S APPENDIX
VOLUME 4
PAGES 706-935**

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1 regarded as a leader do you think?

2 PROSPECTIVE JUROR NO. 005: Some sports, I could say.

3 MR. EGLET: Did you play sports in high school?

4 PROSPECTIVE JUROR NO. 005: Yeah.

5 MR. EGLET: What'd you play?

6 PROSPECTIVE JUROR NO. 005: I was in wrestling and I was
7 a baseball player.

8 MR. EGLET: Okay. If someone were to offer to send money
9 to the charity of your choice, what charity would that be?

10 PROSPECTIVE JUROR NO. 005: It would be the MDA.

11 MR. EGLET: Okay. Why the MDA?

12 PROSPECTIVE JUROR NO. 005: Because I just feel really
13 bad for the kids. And I like to be around kids, and so --

14 MR. EGLET: Do you have someone in your family who
15 suffers from multiple -- muscular dystrophy?

16 PROSPECTIVE JUROR NO. 005: No.

17 MR. EGLET: Have you known someone who suffers from
18 muscular dystrophy? I'm just why -- cause you said the MDA.
19 That's the organization you're talking about --

20 PROSPECTIVE JUROR NO. 005: Yeah.

21 MR. EGLET: -- muscular dystrophy? Okay. You don't know
22 anybody. It's just something that's touched you in your life?

23 PROSPECTIVE JUROR NO. 005: Yeah.

24 MR. EGLET: Okay. All right. What's the worst tragedy
25 that you've had to experience?

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1 PROSPECTIVE JUROR NO. 005: My mother died of cancer when
2 I was eight years old.

3 MR. EGLET: Have you been raised since then by your
4 grandparents?

5 PROSPECTIVE JUROR NO. 005: Yeah. And half of my life by
6 my dad.

7 MR. EGLET: Half of your life by your dad?

8 PROSPECTIVE JUROR NO. 005: Yeah.

9 MR. EGLET: Is your dad here in the United States?

10 PROSPECTIVE JUROR NO. 005: He is.

11 MR. EGLET: How old were you when you moved here from El
12 Salvador?

13 PROSPECTIVE JUROR NO. 005: I was eight years old.

14 MR. EGLET: Eight years old?

15 PROSPECTIVE JUROR NO. 005: Yeah.

16 MR. EGLET: Okay. Cause that's when your mom died?

17 PROSPECTIVE JUROR NO. 005: Yeah.

18 MR. EGLET: All right. So you were living with her in El
19 Salvador?

20 PROSPECTIVE JUROR NO. 005: Mm-hmm.

21 MR. EGLET: Did you -- is your dad in El Salvador now or
22 is he here in the United States?

23 PROSPECTIVE JUROR NO. 005: Oh, he's here.

24 MR. EGLET: He's here. All right. When you heard --
25 when you hear someone's been hurt or killed or becomes

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1 seriously ill, how often do you think it might have happened
2 because of bad things that person may have done in their --
3 earlier in their life? Do you ever feel that way?

4 PROSPECTIVE JUROR NO. 005: No. I really think everyone
5 has their own destiny and some things were meant to happen and
6 some of them aren't.

7 MR. EGLET: Okay. That kind of -- your answer kind of
8 brings me to my next question is, is some people believe that
9 when someone is killed or hurt, it's usually due to fate,
10 destiny, God's will or just plain bad luck, so that that
11 person should not sue anyone or bring a lawsuit because it was
12 bound to happen eventually anyway. Do you agree with that
13 statement or disagree?

14 PROSPECTIVE JUROR NO. 005: I disagree.

15 MR. EGLET: Okay. Why do you disagree?

16 PROSPECTIVE JUROR NO. 005: Well, I got a little bit
17 disoriented a little bit with the question. Can you please
18 ask that again?

19 MR. EGLET: Sure. Sure. There are some people who
20 believe that when someone is killed or hurt, it's usually due
21 to fate or destiny, God's will or just plain bad luck, so that
22 they shouldn't sue anyone who may have been at fault for them
23 being hurt because it was bound to happen anyway. Do you
24 agree with that statement or you disagree?

25 PROSPECTIVE JUROR NO. 005: No comment really because, I

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1 mean, I look at it if it's, like, meant to happen, it happens.
2 And I believe in karma. I mean, if I do good things, it comes
3 back to me. If I do bad things, it comes back to me, too.

4 MR. EGLET: All right. Very good. Who's the public
5 figure, living or dead, that you admire most and why?

6 PROSPECTIVE JUROR NO. 005: Martin Luther King, Jr.

7 MR. EGLET: Okay. And why Dr. King?

8 PROSPECTIVE JUROR NO. 005: Because he was just a noble
9 man and I think he did pretty good [indiscernible].

10 MR. EGLET: Okay. Very good. Thank you. Mr. Kim?

11 PROSPECTIVE JUROR NO. 899: Yes.

12 MR. EGLET: How are you?

13 PROSPECTIVE JUROR NO. 899: I'm good.

14 MR. EGLET: Okay. Can you tell us -- I know that you --
15 well, actually, I don't know what you do. You left your
16 employment blank. Are you currently employed?

17 PROSPECTIVE JUROR NO. 899: No.

18 MR. EGLET: And you're 19 years old, is that correct?

19 PROSPECTIVE JUROR NO. 899: Yes.

20 MR. EGLET: Okay. How long ago was it you graduated from
21 high school? Was it last year?

22 PROSPECTIVE JUROR NO. 899: It was -- yeah, springtime.

23 MR. EGLET: Okay. So last May, I guess. And that was
24 here locally?

25 PROSPECTIVE JUROR NO. 899: Yeah.

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1 MR. EGLET: What have you been doing since then?

2 PROSPECTIVE JUROR NO. 899: Well, I started college. And
3 so I'm still in school right now. And then I used -- I just
4 did part-time jobs before. But then I'm in a program now.

5 MR. EGLET: So you're in college right now?

6 PROSPECTIVE JUROR NO. 899: Yeah.

7 MR. EGLET: Are you in the -- are you at UNLV, the
8 community college?

9 PROSPECTIVE JUROR NO. 899: CSN.

10 MR. EGLET: CSN? Okay. And what are you studying at
11 CSN?

12 PROSPECTIVE JUROR NO. 899: Business.

13 MR. EGLET: And are you a fulltime student?

14 PROSPECTIVE JUROR NO. 899: Part time.

15 MR. EGLET: Part time? Did you just start this semester,
16 or did you go in the fall?

17 PROSPECTIVE JUROR NO. 899: This semester.

18 MR. EGLET: This semester. Okay. So you took the fall
19 off?

20 PROSPECTIVE JUROR NO. 899: Yeah.

21 MR. EGLET: And you still live with your parents then
22 here in town? What do your parents do?

23 PROSPECTIVE JUROR NO. 899: My mom's the dealer and my
24 dad's a [indiscernible] for TI.

25 MR. EGLET: Okay. All right. And what did you want to

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1 be when you were in high school, last year?

2 PROSPECTIVE JUROR NO. 899: Honestly, I, you know, I
3 didn't have -- or I didn't want to be anything. Just -- I
4 just wanted to [indiscernible].

5 MR. EGLET: All right.

6 PROSPECTIVE JUROR NO. 899: Finish school and go to
7 college and be successful in the world.

8 MR. EGLET: Okay. Very good. What are your five year
9 goals right now?

10 PROSPECTIVE JUROR NO. 899: You know, just to finish
11 school and try to build a good life.

12 MR. EGLET: What clubs or organizations do you belong to?

13 PROSPECTIVE JUROR NO. 899: I don't really belong to any
14 clubs or anything.

15 MR. EGLET: What about when you were in high school? Did
16 you belong to any clubs or organizations?

17 PROSPECTIVE JUROR NO. 899: No.

18 MR. EGLET: All right. What are the two most important
19 values that you hold or you think that your parents instilled
20 in you other than honesty and whatever faith you may practice?

21 PROSPECTIVE JUROR NO. 899: I would say, like -- well,
22 for me it's kind of like -- I can't really think of any right
23 now. But one was, like, trust, I guess. I just needed to
24 trust [indiscernible].

25 MR. EGLET: Okay. [Indiscernible].

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1 PROSPECTIVE JUROR NO. 899: No.

2 MR. EGLET: What situations do you think you're regarded
3 as a leader?

4 PROSPECTIVE JUROR NO. 899: Sometimes when my friends
5 just need advice, they seem to always come to me and ask me
6 first.

7 MR. EGLET: Okay. Personal advice?

8 PROSPECTIVE JUROR NO. 899: Yeah.

9 MR. EGLET: Okay. And I know you're awfully young, but
10 what's the worst tragedy that you've ever had to experience?

11 PROSPECTIVE JUROR NO. 899: Just seeing, like, my grandpa
12 pass away.

13 MR. EGLET: Your grandfather passing away? If someone
14 were to offer to send money to the charity of your choice,
15 what charity would that be?

16 PROSPECTIVE JUROR NO. 899: I guess something to do with
17 kids, cause I'm really, like -- cause I go to church. So,
18 like, I really, like, help out with kids and stuff. So I
19 really like just hanging out with kids.

20 MR. EGLET: When you hear someone has been hurt or killed
21 or becomes seriously ill, how often do you think it might have
22 happened to that person because of something they did in their
23 past?

24 PROSPECTIVE JUROR NO. 899: It's kind of like 50/50.
25 Like, it could have. And then I'm just, like, on, like, both

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1 sides of it -- that issue.

2 MR. EGLET: Okay. And some people believe that when
3 someone is killed or hurt it's usually due to fate, destiny,
4 God's will or just bad luck and so even though it may have
5 been someone else's fault, they shouldn't bring a lawsuit for
6 that. Do you agree with that? Do you disagree with that?

7 PROSPECTIVE JUROR NO. 899: Well, the same with that.
8 Like, there's some, like, you should bring a lawsuit and some
9 that you don't need to.

10 MR. EGLET: Okay. Can you give us an example of when you
11 think somebody shouldn't bring a lawsuit?

12 PROSPECTIVE JUROR NO. 899: Like -- it's not like stuff
13 that -- where they don't do it, like, unintentionally and
14 stuff. And people just -- like, I think they over-exaggerate
15 things.

16 MR. EGLET: Okay. So you think some people over-
17 exaggerate -- when you say over-exaggerate, do you talk about
18 what their injuries are?

19 PROSPECTIVE JUROR NO. 899: Yeah.

20 MR. EGLET: Okay.

21 PROSPECTIVE JUROR NO. 899: I guess that'd be fine if
22 just, like, they pay for, like, the expenses. But --

23 MR. EGLET: Okay.

24 PROSPECTIVE JUROR NO. 899: -- [indiscernible].

25 MR. EGLET: And when you use the word -- you said, don't

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1 do it on purpose. Is your -- what are you telling us?

2 Explain what you mean.

3 PROSPECTIVE JUROR NO. 899: Like, I guess, like, people
4 think, like, they -- or I can't really explain. It's kind of
5 hard to explain, so.

6 MR. EGLET: Well, do you -- let me just ask you this way.
7 Do you feel that someone who injures another person and they
8 didn't do it intentionally, they were just negligent --

9 PROSPECTIVE JUROR NO. 899: Yeah.

10 MR. EGLET: -- okay, they didn't set out to hurt the
11 person. They were negligent and as a result of that
12 negligence, another person got hurt. Do you think that that
13 negligent person should be held responsible or not? Do --

14 PROSPECTIVE JUROR NO. 899: Oh, yeah.

15 MR. EGLET: You do?

16 PROSPECTIVE JUROR NO. 899: Yeah.

17 MR. EGLET: Okay. Why?

18 PROSPECTIVE JUROR NO. 899: Just because, like, I guess -
19 - I guess it's not -- well it's -- I guess, like, it is their
20 fault, too. But then I feel like --

21 MR. EGLET: It's whose fault, too?

22 PROSPECTIVE JUROR NO. 899: The -- no, that was the
23 person that [indiscernible] the person that made the injury.

24 MR. EGLET: Okay.

25 PROSPECTIVE JUROR NO. 899: Yeah. I guess they -- I

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1 guess as long as they, like, see if the other person is okay
2 and then they pay for injuries and all that stuff then it's --

3 MR. EGLET: Okay. All right. Okay. Now, who's the
4 public figure living or dead that you admire most?

5 PROSPECTIVE JUROR NO. 899: Honestly, right now I can't
6 think of one.

7 MR. EGLET: You can't think of -- you know I'm going to
8 come back to you? So you gotta keep thinking, all right?
9 Okay. Okay. Very good. Thank you. Ms. Nolte?

10 PROSPECTIVE JUROR NO. 903: Hi.

11 MR. EGLET: How are you?

12 PROSPECTIVE JUROR NO. 903: Good.

13 MR. EGLET: Good. Good. I know that you work at Pride
14 Mobility and Logistics. And I have no idea what that means.
15 Can you explain that for us?

16 PROSPECTIVE JUROR NO. 903: Pride Mobility, we distribute
17 medical equipment such as wheel chairs -- scooters and wheel
18 chairs. And I deal with freight going -- coming in and going
19 out.

20 MR. EGLET: Okay. All right. And tell us what makes you
21 good at your job.

22 PROSPECTIVE JUROR NO. 903: I'm organized. I'm good at
23 research. And the company needs somebody like that for
24 tracking down lost product that out's there in the field.

25 MR. EGLET: Okay. And you have children?

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1 PROSPECTIVE JUROR NO. 903: I do. I have two.

2 MR. EGLET: Well, what makes you a good parent?

3 PROSPECTIVE JUROR NO. 903: I think just being there,
4 supporting them, loving them. I'm showing them that I'm right
5 behind them, whatever their decisions may be in their life.

6 MR. EGLET: Okay. What did you want to be when you were
7 in high school?

8 PROSPECTIVE JUROR NO. 903: I wanted to be a
9 cosmetologist.

10 MR. EGLET: Okay. And did you pursue that?

11 PROSPECTIVE JUROR NO. 903: No.

12 MR. EGLET: Okay. And how do you feel about not pursuing
13 that career?

14 PROSPECTIVE JUROR NO. 903: Well, I don't feel sad at all
15 about that. I married a wonderful man, a military man, had
16 children and went on with my life as that. You know, I just
17 went to work with whatever I could -- felt I could handle.

18 MR. EGLET: What are the two most important values that
19 you hold dear, other than honesty or whatever faith you may
20 practice?

21 PROSPECTIVE JUROR NO. 903: Integrity and trust. I feel
22 that basically you really need to trust the people that you're
23 around and stand behind what decisions you make in life.

24 MR. EGLET: All right. And what are the two most
25 important values you've tried to instill in your children?

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1 PROSPECTIVE JUROR NO. 903: The same thing, integrity and
2 trust. Stand behind your decisions.

3 MR. EGLET: Okay. What are your five-year goals? Did I
4 ask you that already?

5 PROSPECTIVE JUROR NO. 903: Not yet.

6 MR. EGLET: Okay.

7 PROSPECTIVE JUROR NO. 903: Working toward my retirement.

8 MR. EGLET: All right. A little bit harder in these
9 times than it was a few years ago.

10 PROSPECTIVE JUROR NO. 903: It sure is.

11 MR. EGLET: Tell us what situations you're regarded as a
12 leader in.

13 PROSPECTIVE JUROR NO. 903: Well, I have a lot of people
14 coming to me at work whenever our manager is out. I just seem
15 to fall into answering questions coming forward (sic). You
16 know, when somebody comes in the office and needs something,
17 I'm the first one to ask, hey, can I help you. And then
18 following through with them with whatever they need. If they
19 need any training, I step forward and do the training for
20 them, show them what they need to do. And I feel that the
21 more people that know the work and the situations, the process
22 at work, makes everybody's life a lot easier.

23 MR. EGLET: Very good. And if someone offers to send
24 money to the charity of your choice, what charity would that
25 be?

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1 PROSPECTIVE JUROR NO. 903: Celiac Foundation.
2 MR. EGLET: Which Foundation?
3 PROSPECTIVE JUROR NO. 903: Celiac Foundation.
4 MR. EGLET: Celiac (sic). What is that?
5 PROSPECTIVE JUROR NO. 903: It's an allergy towards
6 gluten.
7 MR. EGLET: Okay.
8 PROSPECTIVE JUROR NO. 903: So I think more people need
9 to know about gluten-free products and people that suffer
10 through celiac disease.
11 MR. EGLET: Okay. And have you had someone close to you
12 or -- that has that problem?
13 PROSPECTIVE JUROR NO. 903: My husband does.
14 MR. EGLET: Your husband. Okay. Very good. I think I
15 failed to ask you what clubs or organization you belong to.
16 PROSPECTIVE JUROR NO. 903: I don't.
17 MR. EGLET: You don't. Have you ever?
18 PROSPECTIVE JUROR NO. 903: No.
19 MR. EGLET: Okay. And what's the worst tragedy that
20 you've had to experience in life?
21 PROSPECTIVE JUROR NO. 903: Losing my sister.
22 MR. EGLET: Okay. And how old were you and how old was
23 your sister?
24 PROSPECTIVE JUROR NO. 903: My sister was 49.
25 MR. EGLET: Okay.

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1 PROSPECTIVE JUROR NO. 903: And I was 47.

2 MR. EGLET: And did she pass from an illness or an
3 accident?

4 PROSPECTIVE JUROR NO. 903: She had a heart attack.

5 MR. EGLET: She had a heart attack. Very young.

6 PROSPECTIVE JUROR NO. 903: Mm-hmm.

7 MR. EGLET: I'm sorry to hear that. When you hear
8 someone who's been hurt or killed or becomes seriously ill,
9 how often do you think it might have happened because of bad
10 things that person has done in their life?

11 PROSPECTIVE JUROR NO. 903: I don't believe in that.

12 MR. EGLET: Some people believe that when someone is
13 killed or hurt, it's usually due to fate, destiny, God's will,
14 bad luck, so that if it's someone else's fault that they
15 shouldn't bring a lawsuit because it was bound to happen
16 anyway. Do you agree with that?

17 PROSPECTIVE JUROR NO. 903: No.

18 MR. EGLET: Who's the public figure you admire most and
19 why?

20 PROSPECTIVE JUROR NO. 903: Well, actually, I really
21 don't have one. But I feel that a lot of our celebrities out
22 there -- or movie stars and what have you, I think they need
23 to really set a good example for our young people in the
24 world. And I think that there are some at the top right now
25 that are stepping forward and have stepped forward whenever

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1 there's a natural disaster and stepping forward and donating
2 and leading us with donations to help people out in these
3 crises.

4 MR. EGLET: I assume Charlie Sheen is not at the top of
5 your list.

6 PROSPECTIVE JUROR NO. 903: No. No, no, no.

7 MR. EGLET: All right. Thank you very much.

8 PROSPECTIVE JUROR NO. 903: You're welcome.

9 MR. EGLET: I appreciate it. Mr. Doty.

10 PROSPECTIVE JUROR NO. 905: Doty.

11 MR. EGLET: Doty. I'm going to get it right before we're
12 done here, I promise. Mr. Doty. Is it D-O-T-Y?

13 PROSPECTIVE JUROR NO. 905: Mm-hmm.

14 MR. EGLET: Okay. Mr. Doty.

15 PROSPECTIVE JUROR NO. 905: Yep.

16 MR. EGLET: Mr. Doty, you are self-employed. And can you
17 tell us what you're self-employed as?

18 PROSPECTIVE JUROR NO. 905: Marketing. I have a
19 marketing business and I market [indiscernible] nutritional
20 supplements.

21 MR. EGLET: Okay. And I notice you look like a pretty
22 fit guy. Are you -- you're into training and stuff like that?

23 PROSPECTIVE JUROR NO. 905: Not professionally. But
24 through, I guess, my passion to be healthy. And I'm gifted
25 with strength so I enjoy being in a gym. And I have some

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1 other friends and other people I meet that I help out. And,
2 you know, they tip me a little bit here and there for -- just
3 for fun. But yeah.

4 MR. EGLET: Okay. And how long have you been in this --
5 the nutritional supplement industry?

6 PROSPECTIVE JUROR NO. 905: I guess professionally,
7 since I got laid off from the construction industry, about
8 eight months.

9 MR. EGLET: Okay. And do you have a store or do you --
10 is this -- you do this -- so do you --

11 PROSPECTIVE JUROR NO. 905: It's relationship marketing.

12 MR. EGLET: Relationship marketing.

13 PROSPECTIVE JUROR NO. 905: Yeah. Cause I don't have
14 realty --

15 MR. EGLET: Okay. All right.

16 PROSPECTIVE JUROR NO. 905: -- a store.

17 MR. EGLET: What makes you good at your job?

18 PROSPECTIVE JUROR NO. 905: Vision, determination. I
19 enjoy talking to people. I like getting to know people.
20 Here, I think I've -- I believe I have a genuine interest and,
21 I guess, care and love for that matter for people in general.
22 And so I -- you know, I enjoy meeting new people. That's what
23 I believe helps out.

24 MR. EGLET: Let me ask you because what you do for a
25 profession and what you're into, do you have any feelings

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1 about traditional medicine and traditional medical treatment
2 versus holistic treatment and more natural cures?

3 PROSPECTIVE JUROR NO. 905: Yes.

4 MR. EGLET: Do you have any feelings about that?

5 PROSPECTIVE JUROR NO. 905: Yeah.

6 MR. EGLET: Tell us about that.

7 PROSPECTIVE JUROR NO. 905: I believe that the majority
8 of medical costs in the country today are due to poor
9 lifestyles, poor choices. Not that that's necessarily a fact.
10 Everybody has their agency to choose what they want to do.
11 But given the question, yes, I believe that if people were
12 more educated, understood more possibly, maybe had some more
13 support, that yeah, a lot of the -- all the generative
14 diseases would be [indiscernible].

15 I'm not saying that traditional doctors -- there's always
16 going to be a need for, you know, emergency or triage and that
17 -- you know, things of that nature. But all -- most of the
18 cancers, I believe, a lot of the generative diseases, there's
19 medical literature that -- extensive medical literature that
20 says that proper nutrition, yeah, holistic things throughout
21 life will prevent those things from happening. And so all
22 those things typically don't surface until later in life. But
23 they fly under the radar for a long time, starting in the teen
24 years, even before that. So, yeah. If that's enough
25 explanation.

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1 MR. EGLET: Oh, yeah. Yeah.

2 PROSPECTIVE JUROR NO. 905: I could go on all night if
3 you want me to.

4 MR. EGLET: No, no, no. I think -- I know a lot of
5 people who feel the way you do and have some very good
6 arguments. And, you know, I appreciate you sharing that with
7 us. Do you have children? I know you've been married --

8 PROSPECTIVE JUROR NO. 905: Four.

9 MR. EGLET: -- for seven years. You have four children
10 in seven years?

11 PROSPECTIVE JUROR NO. 905: Mm-hmm.

12 MR. EGLET: Wow, you've been busy.

13 PROSPECTIVE JUROR NO. 905: I grew up in a large family.
14 And we're close together, and I like that.

15 MR. EGLET: Okay.

16 PROSPECTIVE JUROR NO. 905: You know, more like a -- more
17 of a friend relationship with your siblings.

18 MR. EGLET: And you went to University of Utah, but you -
19 -

20 PROSPECTIVE JUROR NO. 905: Southern Utah University.

21 MR. EGLET: Sorry. Is that -- that's in Cedar City,
22 right?

23 PROSPECTIVE JUROR NO. 905: Yes.

24 MR. EGLET: Okay. Did you actually go to class or did
25 you ski every day?

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1 PROSPECTIVE JUROR NO. 905: No, I went to class. All I
2 had time for was class, and then four or five hours of
3 football every day. But --

4 MR. EGLET: Did you play ball up there?

5 PROSPECTIVE JUROR NO. 905: Mm-hmm.

6 MR. EGLET: Okay. All right. Very good. And you -- but
7 you grew up here in Las Vegas. What high school did you go
8 to?

9 PROSPECTIVE JUROR NO. 905: Durango.

10 MR. EGLET: Durango. Okay. So tell us what makes you a
11 good parent.

12 PROSPECTIVE JUROR NO. 905: Consistency, discipline and
13 love.

14 MR. EGLET: Okay. And when you were in high school, what
15 did you want to be?

16 PROSPECTIVE JUROR NO. 905: Military.

17 MR. EGLET: Military. Okay. And you didn't go that
18 route?

19 PROSPECTIVE JUROR NO. 905: No.

20 MR. EGLET: And what changed your mind?

21 PROSPECTIVE JUROR NO. 905: Because I also had a strong
22 desire to be a good father and a husband. And I think it's
23 difficult, extremely difficult if not impossible -- no, I
24 wouldn't say impossible, but very difficult to be the best at
25 what you do in the military and at the same time be the best

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1 parent and spouse.

2 So I decided to kind of, I guess it's not a bad thing,
3 but sacrifice that desire that I had to serve, cause I really
4 love the structure, the whole -- you know, the idealistic
5 military life, I guess, that would be -- I'm sure there's
6 other views and opinions. But yeah. So I guess I sacrificed
7 that because I also had a very strong desire to be a family
8 man. So I think it's difficult. It's a challenge I didn't
9 feel like taking to try to do both.

10 MR. EGLET: What are your goals for the next five years?

11 PROSPECTIVE JUROR NO. 905: To pay off my house.

12 MR. EGLET: That's an ambitious goal.

13 PROSPECTIVE JUROR NO. 905: Save a -- yeah. Save a
14 pretty good chunk of money for my children to help towards
15 their college. I'm not going to pay for it. Even if I had
16 the money, I wouldn't. Yeah, I guess -- I mean, does that
17 sound bad? Maybe they're just financial things. But at this
18 point, yes.

19 MR. EGLET: Tell us why -- you made a comment even if you
20 had the money you wouldn't pay for your kids' college. Why do
21 you -- what makes you feel that way?

22 PROSPECTIVE JUROR NO. 905: Because nothing is free in
23 life. You need to learn. You always hear -- I don't know any
24 personally, but you always hear the stories of the, you know,
25 the spoiled little rich kid that had everything handed to

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1 them. And then also, I've read -- I read a lot of books and,
2 you know, self-development, along those lines, you know. And
3 you hear some of the -- on the flip side, other cool stories
4 of a father who was extremely wealthy and he would do little
5 tests here and there to raise his children. And I agree with
6 that completely that it falls -- it's is a good thing. I
7 mean, it's a good tool to have the money. But to just give
8 everything without any kind of teaching, it would be an
9 extreme detriment to a child, in my opinion.

10 MR. EGLET: Thank you. Clubs or organizations you belong
11 to?

12 PROSPECTIVE JUROR NO. 905: Currently, I would just say
13 my church. I'm involved currently with National Boy Scouts of
14 America, as well. I grew up with that. I went to ROTC in
15 college and high school. Yeah, I think that's all the clubs
16 or organizations that --

17 MR. EGLET: Okay. And what do you think are the two most
18 important values that you want to teach your children?

19 PROSPECTIVE JUROR NO. 905: Valor would be the first one,
20 and probably tenacity, fortitude, perseverance, you know, kind
21 of along those lines.

22 MR. EGLET: And are those the same values you --

23 PROSPECTIVE JUROR NO. 905: Exactly.

24 MR. EGLET: -- hold the most important? All right. Can
25 you tell us what situations that you're regarded as a leader?

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1 PROSPECTIVE JUROR NO. 905: Within my assignment within
2 the church, I'm actually the leader of all the young men in
3 the -- by the church.

4 MR. EGLET: Are you in the bishop [indiscernible]?

5 PROSPECTIVE JUROR NO. 905: No.

6 MR. EGLET: Okay.

7 PROSPECTIVE JUROR NO. 905: We have [indiscernible]?

8 MR. EGLET: Okay.

9 PROSPECTIVE JUROR NO. 905: Most of my friends usually
10 come to me for advice, whether it be, you know, lifestyle
11 advice or health advice. My best friend in particular says
12 like -- oh, I don't mind but he's always been questioning,
13 asking, you know, when I am going to give my advice in a gym,
14 people come up to me or, you know, hey, what's -- you know,
15 what are you doing, you know? So yeah, in a lot of ways,
16 everywhere really. I think that my upbringing, the -- I guess
17 the gifts, if you will, that I've been given and whatnot,
18 contribute to that.

19 MR. EGLET: If someone offers to send money to the
20 charity of your choice, what charity would that be?

21 PROSPECTIVE JUROR NO. 905: It would have to be the
22 welfare division of my church. I'm probably biased to that.
23 But I believe that they are the most well-organized and
24 distribute it where it needs to go. All of the positions are
25 volunteers so there's zero overhead to go to pay anything.

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1 So, yeah.

2 MR. EGLET: What's the worst tragedy that you've had to
3 experience?

4 PROSPECTIVE JUROR NO. 905: Well, like the other guy
5 mentioned, I have -- I've had a good life. But I guess if
6 there was a thing that would be considered a tragedy, probably
7 when I was a kid I got mauled by a dog.

8 MR. EGLET: Okay. And what kind of injuries did you --
9 was it pretty severe injuries?

10 PROSPECTIVE JUROR NO. 905: Yeah. I was -- I'm probably
11 lucky that I'm not blind or dead, but.

12 MR. EGLET: Okay.

13 PROSPECTIVE JUROR NO. 905: It was an Akita, you know,
14 those big old Japanese bear dogs, whatever they used to call
15 them. I had, like, 60 stitches all over my head, but.

16 MR. EGLET: Did your parents bring any sort of claim as a
17 result of that?

18 PROSPECTIVE JUROR NO. 905: No.

19 MR. EGLET: Okay. When you hear someone has been hurt,
20 killed or becomes seriously ill, how often do you think it
21 might have been because of bad things that that person has
22 done earlier in their life?

23 PROSPECTIVE JUROR NO. 905: Well, I don't believe that
24 people have those things happen because of a punishment.

25 MR. EGLET: Some people believe that when someone is

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1 killed or hurt it's usually due to fate, destiny, God's will
2 or bad luck so that even if someone else is negligent or
3 responsible for causing their injuries, they shouldn't bring a
4 lawsuit cause it -- because it was bound to happen anyway. Do
5 you agree, disagree with that?

6 PROSPECTIVE JUROR NO. 905: Probably 50/50.

7 MR. EGLET: Okay. In the middle?

8 PROSPECTIVE JUROR NO. 905: Yeah, I'm in the middle. I
9 mean, I believe -- I guess a good quote, you know, Forrest
10 Gump, you know, a little bit of destiny and -- you know, mixed
11 together. I don't think we're just total haphazardly going
12 through life. I do believe there is a plan. And certain
13 things in general are going to happen. But, I mean, obviously
14 I don't think that if you're sitting in your home and somebody
15 kicks the door down and goes on a shooting rampage, that has
16 anything to do with that. So there's -- you know, other
17 people have their ability to choose and their choices will
18 have an adverse affect on other people. So it's a case by
19 case scenario.

20 MR. EGLET: Okay. Who's the public figure --

21 PROSPECTIVE JUROR NO. 905: Theodore Roosevelt.

22 MR. EGLET: Sorry?

23 PROSPECTIVE JUROR NO. 905: Teddy Roosevelt.

24 MR. EGLET: President Roosevelt. Why Teddy Roosevelt?

25 PROSPECTIVE JUROR NO. 905: He was born kind of like an

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1 underdog, you know, he was frail. His dad -- not like his
2 dad. His dad was a, you know, prominent guy, athletic, tough.
3 And he was told, you know, told to take it easy, you're going
4 to hurt yourself. But out of that, we all know the kind of
5 man he became. You know, him and the rough riders going up,
6 you know, the Spanish American War. He appealed to the cowboy
7 because he was that. He was a cowboy, yet he was still
8 accepted in the aristocrats that were -- where he was born and
9 grown up. And he just was, in my opinion, probably -- yeah,
10 besides maybe the original founding fathers, one of the top
11 two or three greatest American presidents.

12 MR. EGLET: All right. Thank you very much, Mr. Doty.
13 Mr. Martinez.

14 PROSPECTIVE JUROR NO. 910: Hello.

15 MR. EGLET: How are you, sir?

16 PROSPECTIVE JUROR NO. 910: I'm doing fine.

17 MR. EGLET: Good. Mr. Martinez, I know that you work at
18 the Wynn in the construction warehouse as a construction
19 warehouse attendant, correct?

20 PROSPECTIVE JUROR NO. 910: Correct.

21 MR. EGLET: And have you worked there since the Wynn
22 opened?

23 PROSPECTIVE JUROR NO. 910: No. Actually, I got hired
24 about -- I think it was a year after it opened.

25 MR. EGLET: All right. And can you tell us what makes

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1 you good at your job?

2 PROSPECTIVE JUROR NO. 910: I think my hard work and
3 dedication. You know, I've gotta show up to work every day
4 and work hard and be dedicated.

5 MR. EGLET: Okay. Very good. And I know you've been
6 married for three years. Do you have any children yet?

7 PROSPECTIVE JUROR NO. 910: Yes, I do. I have two
8 daughters.

9 MR. EGLET: Okay. And what makes you a good parent?

10 PROSPECTIVE JUROR NO. 910: I think being -- giving them
11 a stable home, you know, giving them discipline when they have
12 to be disciplined. And, I mean, I think the most important
13 thing, though, is giving them something stable where they can
14 have a mom and a dad.

15 MR. EGLET: Okay. And what are your -- what did you want
16 to be when you were in high school?

17 PROSPECTIVE JUROR NO. 910: Actually, when I was in high
18 school I didn't really want to be anything but what I was,
19 which was I got involved in the -- in street gangs in
20 California. So I didn't really have any goals.

21 MR. EGLET: Okay. I know you were born in South Lake
22 Tahoe. Is -- I take it -- did you grow up in South Lake
23 Tahoe?

24 PROSPECTIVE JUROR NO. 910: No. I actually was born
25 there, but I grew up in the southern California area, so.

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1 MR. EGLET: Okay. All right. And tell us about your --
2 I mean, I don't want a whole long history detail, but how long
3 did you get involved in street gangs? It was just when you
4 were in high school, or?

5 PROSPECTIVE JUROR NO. 910: Yeah. I mean, I was involved
6 with them all the way up to -- I was about 20 years old, 'til
7 I had my first daughter.

8 MR. EGLET: How did you get out of that life?

9 PROSPECTIVE JUROR NO. 910: Because of my daughters. I
10 wanted them to have a dad. And the way I was living, I --
11 they might not have a dad after that, you know? So --

12 MR. EGLET: Very good. Congratulations. Tell us, what
13 makes you a good parent?

14 THE COURT: You asked that already.

15 MR. EGLET: Oh, I asked that?

16 THE COURT: Yes, you did.

17 MR. EGLET: I apologize. I asked that, I've been told.

18 THE COURT: Stable home and discipline.

19 MR. EGLET: Oh, you're right. What are your five year
20 goals?

21 PROSPECTIVE JUROR NO. 910: To be married and to be there
22 for my daughters.

23 MR. EGLET: And do you belong to any clubs or
24 organizations?

25 PROSPECTIVE JUROR NO. 910: No.

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1 MR. EGLET: All right. And what are the two most
2 important values that you believe in other than honesty and
3 whatever faith you may practice?

4 PROSPECTIVE JUROR NO. 910: Can you rephrase that again?

5 MR. EGLET: Sure. I mean, what are the things that are
6 most important as far as values or how you want to live your
7 life, the things that you want to exemplify in your life, what
8 are the two most important values that you hold other than
9 honesty and whatever faith you may practice? And at the same
10 time, what are the two most important values you want to pass
11 on to your children?

12 PROSPECTIVE JUROR NO. 910: A strong -- I mean, first of
13 all, love, I think. I mean, if you don't have no love, I
14 mean, you -- it's hard to get anywhere, you know? And that's
15 all I can probably think about right now.

16 MR. EGLET: All right. What situations do you think
17 you're regarded as a leader?

18 PROSPECTIVE JUROR NO. 910: Being a parent. I mean, we
19 have to give discipline. You have to give advice, you know?
20 And they're going to come to you, so I think that's -- that
21 would be being a leader.

22 MR. EGLET: Very good. What's the worst tragedy that
23 you've had to experience in your life?

24 PROSPECTIVE JUROR NO. 910: Losing childhood friends
25 because of the road that we took together, you know? And them

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1 dying at a early age, they really never got to live what I got
2 to live and have a family and, you know, have a stable home.

3 MR. EGLET: Okay. Very good. When you hear someone has
4 been hurt or killed or becomes seriously ill, how often do you
5 think it might have happened because of bad things that person
6 may have done earlier in their life? Do you agree with that
7 or disagree with that?

8 PROSPECTIVE JUROR NO. 910: I agree and disagree.

9 MR. EGLET: Okay. Explain what you mean.

10 PROSPECTIVE JUROR NO. 910: I could have had -- I mean, a
11 lot of -- I could have died doing the things that I was doing,
12 you know. But I mean, there's accidents, you know? So I'm
13 50/50 with it.

14 MR. EGLET: Okay. All right. Some people believe that
15 someone -- when someone is killed or hurt that it's usually
16 due to fate, destiny, God's will, bad luck, so that even if it
17 was someone else's fault, that they shouldn't bring a lawsuit
18 because it was bound to happen anyway. Do you agree with that
19 or do you disagree with that?

20 PROSPECTIVE JUROR NO. 910: Oh, I disagree. That's why
21 there's laws, you know? So --

22 MR. EGLET: Okay. All right. Thank you. Who is the
23 public figure you admire most?

24 PROSPECTIVE JUROR NO. 910: I would have to -- I think I
25 heard it earlier. I would have to say Jesus Christ because of

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1 his self-discipline.

2 MR. EGLET: All right. Thank you very much, Mr.
3 Martinez. Mr. Harrison?

4 PROSPECTIVE JUROR NO. 912: Mm-hmm.

5 MR. EGLET: How are you?

6 PROSPECTIVE JUROR NO. 912: Doing good.

7 MR. EGLET: Okay. Now, you are a fulltime student at CC
8 -- CSN, correct?

9 PROSPECTIVE JUROR NO. 912: No. I work at CSN.

10 MR. EGLET: Oh, you work there. I see. I'm sorry. You
11 work there in -- for the College of Southern Nevada. I see
12 that.

13 PROSPECTIVE JUROR NO. 912: Yeah.

14 MR. EGLET: Okay. What makes you good at your job?

15 PROSPECTIVE JUROR NO. 912: I'm reliable. I'm a hard
16 worker. Yeah.

17 MR. EGLET: How long have you been working there?

18 PROSPECTIVE JUROR NO. 912: It's going on five years.

19 MR. EGLET: Five years. And since you got out of high
20 school?

21 PROSPECTIVE JUROR NO. 912: Pretty much, yeah.

22 MR. EGLET: Okay. And I see you lived in Sacramento for
23 a period of time.

24 PROSPECTIVE JUROR NO. 912: Yeah. My -- well, we were
25 stationed over at -- in Sacramento. And then we got -- he got

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1 -- my dad got stationed back over here, so.

2 MR. EGLET: Okay. So your dad's the (sic) Air Force?

3 PROSPECTIVE JUROR NO. 912: Yeah.

4 MR. EGLET: All right. Okay. And is he still in the Air
5 Force?

6 PROSPECTIVE JUROR NO. 912: No, he's retired.

7 MR. EGLET: Okay. Can you tell us what -- you are
8 single, so you have no children?

9 PROSPECTIVE JUROR NO. 912: No.

10 MR. EGLET: All right. Can you tell us what you wanted
11 to be when you were in high school?

12 PROSPECTIVE JUROR NO. 912: What I wanted to be? I
13 wanted to be a firefighter.

14 MR. EGLET: Okay. And tell us why you didn't pursue that
15 career.

16 PROSPECTIVE JUROR NO. 912: I don't know. The economy
17 got -- I guess the economy was too bad and school was
18 expensive. So I just went with whatever was available.

19 MR. EGLET: All right. Good. What are your five year
20 goals right now?

21 PROSPECTIVE JUROR NO. 912: To purchase a home and -- I
22 don't know. Just keep a job, I guess.

23 MR. EGLET: Well, that's a good goal in this economy,
24 keep your job. It's a good time to purchase a home, not the
25 best time to sell a home.

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1 PROSPECTIVE JUROR NO. 912: Yeah. Yeah.

2 MR. EGLET: Okay. Can you tell us what clubs or
3 organizations you belong to or have belonged to in the past?

4 PROSPECTIVE JUROR NO. 912: None.

5 MR. EGLET: What about when you were in high school?

6 PROSPECTIVE JUROR NO. 912: None.

7 MR. EGLET: None? All right. What are the most
8 important values that you hold that -- or that your parents
9 attempted to instill in you?

10 PROSPECTIVE JUROR NO. 912: I guess integrity. I don't
11 know. Reliability.

12 MR. EGLET: Reliability and integrity? Okay.

13 PROSPECTIVE JUROR NO. 912: Yeah. Trust, I guess, so to
14 speak.

15 MR. EGLET: Okay. All right. And can you tell us in
16 what situations you think you're regarded as a leader?

17 PROSPECTIVE JUROR NO. 912: I'm a -- I don't know. I'm
18 mostly a follower. And then once I get to know what I'm
19 doing, I usually pick it up pretty quick, so.

20 MR. EGLET: Okay. All right. If someone offers to send
21 money to the charity of your choice, what charity would that
22 be?

23 PROSPECTIVE JUROR NO. 912: I don't know. Probably Red
24 Cross.

25 MR. EGLET: And why the Red Cross?

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1 PROSPECTIVE JUROR NO. 912: They just seem like they help
2 the most, I guess.

3 MR. EGLET: Okay. And what's the worst tragedy that
4 you've ever gone through?

5 PROSPECTIVE JUROR NO. 912: Shoot, probably my parents'
6 divorce.

7 MR. EGLET: Okay. And how old were you?

8 PROSPECTIVE JUROR NO. 912: I was 20.

9 MR. EGLET: You were 20.

10 PROSPECTIVE JUROR NO. 912: Yeah.

11 MR. EGLET: Okay. When you hear someone has been hurt or
12 killed or becomes seriously ill, how often do you think it
13 might have happened because of bad things the person may have
14 done earlier in life?

15 PROSPECTIVE JUROR NO. 912: I don't know. I'm kind of
16 50/50 on that. I guess -- some people, I guess, choose the
17 life they want to choose and they go the way they want to go.
18 And other people -- I don't know. I don't know. I guess,
19 yeah. I guess, yeah. I would say 50/50 on that. I don't
20 know.

21 MR. EGLET: Okay. And some people believe that when
22 someone is killed or hurt it's usually due to fate, destiny,
23 God's will, bad luck, so that even if it was someone else's
24 fault, they shouldn't sue because it was bound to happen
25 anyway. Do you agree or disagree with that?

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1 PROSPECTIVE JUROR NO. 912: I disagree.

2 MR. EGLET: And tell us why.

3 PROSPECTIVE JUROR NO. 912: Because, I don't know, some
4 people might have, like, I don't know, illnesses before that
5 or something and they, I don't know, wanted to -- if something
6 happened, they probably wanted to sue or something. Or --
7 yeah. I guess --

8 MR. EGLET: Okay. Can you tell us the public figure you
9 admire most and why?

10 PROSPECTIVE JUROR NO. 912: Can I say my mom?

11 MR. EGLET: No. Unless she's a public figure. Do we
12 know her?

13 PROSPECTIVE JUROR NO. 912: Sure. No. Probably --

14 MR. EGLET: Cause everybody would be saying their mom.

15 PROSPECTIVE JUROR NO. 912: I know. But there's not --
16 no really people (sic) I look up to right now that's in my
17 head, so.

18 MR. EGLET: Well, is there someone out there that is in
19 the public that you admire for whatever reason?

20 PROSPECTIVE JUROR NO. 912: I can't think of nobody right
21 now.

22 MR. EGLET: Okay.

23 PROSPECTIVE JUROR NO. 912: I don't know. Probably like
24 a president or something.

25 MR. EGLET: A president now or some former president?

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1 PROSPECTIVE JUROR NO. 912: Probably Clinton.
2 MR. EGLET: Clinton?
3 PROSPECTIVE JUROR NO. 912: Yeah.
4 MR. EGLET: Why President Clinton?
5 PROSPECTIVE JUROR NO. 912: Cause he was a strong person.
6 He got a lot of grief over the whole deal, but -- I guess --
7 MR. EGLET: The Monica Lewinski deal?
8 PROSPECTIVE JUROR NO. 912: Yeah. I don't know.
9 MR. EGLET: But you admire President Clinton?
10 PROSPECTIVE JUROR NO. 912: Yeah. Out of all -- well,
11 out of the presidents, I guess.
12 MR. EGLET: And he's done remarkable things since he's
13 been out of office. I don't think anybody can dispute that,
14 right? All right. Thank you very much. Ms. Rosinski?
15 PROSPECTIVE JUROR NO. 918: Yes?
16 MR. EGLET: How are you?
17 PROSPECTIVE JUROR NO. 918: I'm fine.
18 MR. EGLET: Okay. Are you getting tired of hearing these
19 same questions over and over and over again?
20 PROSPECTIVE JUROR NO. 918: Yes.
21 MR. EGLET: Different answers, but same questions.
22 PROSPECTIVE JUROR NO. 918: Yes.
23 MR. EGLET: You are employed at the Bellagio as a PBX
24 operator, right?
25 PROSPECTIVE JUROR NO. 918: Yes, sir.

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1 MR. EGLET: And how long have you been doing that?
2 PROSPECTIVE JUROR NO. 918: I've been doing that about 30
3 years.
4 MR. EGLET: Thirty years?
5 PROSPECTIVE JUROR NO. 918: Yes.
6 MR. EGLET: Okay. Not all at the Bellagio, though?
7 PROSPECTIVE JUROR NO. 918: No.
8 MR. EGLET: What makes you good at your job?
9 PROSPECTIVE JUROR NO. 918: I listen to the guests and
10 then I try to help them with what they need.
11 MR. EGLET: Okay. And I know you've been married for --
12 well, you were married for 27 years and you've been divorced
13 for a few years, right?
14 PROSPECTIVE JUROR NO. 918: Yes.
15 MR. EGLET: Okay. And you have children?
16 PROSPECTIVE JUROR NO. 918: Four of them.
17 MR. EGLET: Four. And what made you a good parent?
18 PROSPECTIVE JUROR NO. 918: Teaching them love and
19 respect and care for [indiscernible] I. Family is always
20 important.
21 MR. EGLET: Okay. And what did you want to be when you
22 were in high school?
23 PROSPECTIVE JUROR NO. 918: A vet.
24 MR. EGLET: A veterinarian?
25 PROSPECTIVE JUROR NO. 918: Yes.

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1 MR. EGLET: Okay. And why didn't you pursue that?
2 PROSPECTIVE JUROR NO. 918: I had kids.
3 MR. EGLET: You had kids. You got married, you had kids?
4 PROSPECTIVE JUROR NO. 918: I had kids, yes.
5 MR. EGLET: And life happened?
6 PROSPECTIVE JUROR NO. 918: It did happen.
7 MR. EGLET: How do you feel about not being able to
8 pursue that career?
9 PROSPECTIVE JUROR NO. 918: I wish I could have.
10 MR. EGLET: Yeah.
11 PROSPECTIVE JUROR NO. 918: Yeah. I really like animals.
12 MR. EGLET: Do you have a lot of animals?
13 PROSPECTIVE JUROR NO. 918: My whole family does, yes.
14 MR. EGLET: Okay.
15 PROSPECTIVE JUROR NO. 918: We have quite a few dogs and
16 cats and birds. Yes.
17 MR. EGLET: Very good. Can you tell us what your five-
18 year goals are?
19 PROSPECTIVE JUROR NO. 918: To be here.
20 MR. EGLET: To be here.
21 PROSPECTIVE JUROR NO. 918: Living. And to watch my
22 grandchildren grow up.
23 MR. EGLET: How many grandchildren do you have?
24 PROSPECTIVE JUROR NO. 918: Five.
25 MR. EGLET: Five. And then how old are they?

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1 PROSPECTIVE JUROR NO. 918: From ten down to -- I have
2 twins that are four months.

3 MR. EGLET: Okay. Lots of fun.

4 PROSPECTIVE JUROR NO. 918: Yes.

5 MR. EGLET: The clubs or organizations you've belonged to
6 over your life?

7 PROSPECTIVE JUROR NO. 918: None now. I was in Girl
8 Scouts and Brownies. I also was leaders of them. I was also
9 secretary and treasurer of the Cub Scouts.

10 MR. EGLET: And the two most important values that you
11 hold dear?

12 PROSPECTIVE JUROR NO. 918: Love and respect.

13 MR. EGLET: Love and respect. And what are the two most
14 important values you tried to impart on your children?

15 PROSPECTIVE JUROR NO. 918: Those.

16 MR. EGLET: Love and respect?

17 PROSPECTIVE JUROR NO. 918: Definitely.

18 MR. EGLET: All right. What situations do you think
19 you're regarded as a leader?

20 PROSPECTIVE JUROR NO. 918: My family, my friends, their
21 friends. They all come to me for help [indiscernible].

22 MR. EGLET: Personal counseling?

23 PROSPECTIVE JUROR NO. 918: Personal, yeah.

24 MR. EGLET: With personal issues?

25 PROSPECTIVE JUROR NO. 918: Yes.

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1 MR. EGLET: If someone offers to send money to the
2 charity of your choice, what charity is that?
3 PROSPECTIVE JUROR NO. 918: There would be two of them.
4 MR. EGLET: Okay.
5 PROSPECTIVE JUROR NO. 918: Juvenile diabetes.
6 MR. EGLET: Okay.
7 PROSPECTIVE JUROR NO. 918: And the ASPCA.
8 MR. EGLET: Okay. I know why the ASPCA. Tell us about
9 the --
10 PROSPECTIVE JUROR NO. 918: Juvenile diabetes?
11 MR. EGLET: -- juvenile diabetes. Why?
12 PROSPECTIVE JUROR NO. 918: My family is infested with
13 it.
14 MR. EGLET: Okay.
15 PROSPECTIVE JUROR NO. 918: And we're -- from the little
16 ones on up.
17 MR. EGLET: Children and grandchildren?
18 PROSPECTIVE JUROR NO. 918: Yes.
19 MR. EGLET: Okay. Understandable. What's the worst
20 tragedy you've ever had to experience?
21 PROSPECTIVE JUROR NO. 918: My mother died when I was
22 five. My father died when I was 12.
23 MR. EGLET: I'm sorry. Were you raised by grandparents?
24 PROSPECTIVE JUROR NO. 918: Sisters.
25 MR. EGLET: Sisters. When you hear someone has been

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1 killed, hurt or becomes seriously injured, how often do you
2 think it might have happened because of bad things that person
3 did --

4 PROSPECTIVE JUROR NO. 918: Never.

5 MR. EGLET: -- previous (sic) in their life?

6 PROSPECTIVE JUROR NO. 918: Never.

7 MR. EGLET: Okay. Some people believe that when someone
8 is killed or hurt, it's usually due to fate, destiny, God's
9 will, bad luck, so that even if it was someone else's fault,
10 it's wrong for them to sue.

11 PROSPECTIVE JUROR NO. 918: I disagree.

12 MR. EGLET: You disagree?

13 PROSPECTIVE JUROR NO. 918: I do not agree.

14 MR. EGLET: Who's the public figure you admire most?

15 PROSPECTIVE JUROR NO. 918: If I pick one, that would
16 have to be Oprah.

17 MR. EGLET: Oprah? Number one answer.

18 PROSPECTIVE JUROR NO. 918: She helps so much.

19 MR. EGLET: I've been doing this 24 years --

20 PROSPECTIVE JUROR NO. 918: You're kidding.

21 MR. EGLET: -- number one answer.

22 PROSPECTIVE JUROR NO. 918: Well, she helps so many
23 people.

24 MR. EGLET: I met her two years ago.

25 PROSPECTIVE JUROR NO. 918: Did you?

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1 MR. EGLET: And I told her that.

2 PROSPECTIVE JUROR NO. 918: Very good.

3 MR. EGLET: And she was -- that I always ask this

4 question and she's the number one answer. She's a very

5 gracious lady. [Indiscernible]. I've been waiting for that,

6 so. I've never had a jury that that doesn't happen, so. All

7 right. Thank you very much.

8 PROSPECTIVE JUROR NO. 918: You're welcome.

9 MR. EGLET: I appreciate it. Mr. Leonard?

10 PROSPECTIVE JUROR NO. 922: Yes.

11 MR. EGLET: How are you, sir?

12 PROSPECTIVE JUROR NO. 922: A little tired.

13 MR. EGLET: Okay. I know. It's getting late in the day.

14 And you may be the last person for today, so.

15 PROSPECTIVE JUROR NO. 922: I was hoping you'd say that.

16 UNIDENTIFIED PROSPECTIVE JUROR: We all were.

17 MR. EGLET: Did you hear that, Your Honor?

18 THE COURT: Me, too. Me, too.

19 MR. EGLET: Okay. I know that you are the club manager

20 and food and beverage manager -- Vegas Valley food and

21 beverage manager and club manager. Can you -- am I getting

22 that right? What do you do?

23 PROSPECTIVE JUROR NO. 922: I'm a club manager of a

24 gentlemen's club.

25 MR. EGLET: Okay. And you're --

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1 PROSPECTIVE JUROR NO. 922: The name of it is --

2 MR. EGLET: Which gentlemen's club?

3 PROSPECTIVE JUROR NO. 922: The old Seamless Club across
4 the street from the Orleans.

5 MR. EGLET: I'm sorry. Say again?

6 PROSPECTIVE JUROR NO. 922: The old Seamless Club
7 across the street from the Orleans. I'm sorry. I have the
8 flu.

9 MR. EGLET: Okay. That's okay. All right. And how long
10 have you had that -- how long have you had that position?

11 PROSPECTIVE JUROR NO. 922: With this company, about a
12 year and four months.

13 MR. EGLET: And what did you do before that? Did you
14 have the same position --

15 PROSPECTIVE JUROR NO. 922: Same thing.

16 MR. EGLET: -- with a different company? And was that --
17 that was here in Las Vegas?

18 PROSPECTIVE JUROR NO. 922: Correct.

19 MR. EGLET: Okay. And what was the other company?

20 PROSPECTIVE JUROR NO. 922: D&I Food and Beverage.

21 MR. EGLET: Okay. All right. Very good. And what makes
22 you good at your job?

23 PROSPECTIVE JUROR NO. 922: I've always been, I guess, a
24 little lucky figuring out what people can and can't do pretty
25 quickly. Sometimes I can almost tell. So usually I have

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1 pretty good luck putting people in the proper positions.

2 MR. EGLET: And I know that you were married for a while.
3 Do you have children?

4 PROSPECTIVE JUROR NO. 922: No.

5 MR. EGLET: Okay. What did you want to be when you were
6 in high school?

7 PROSPECTIVE JUROR NO. 922: Race car driver.

8 MR. EGLET: A racecar driver. Okay. And what happened
9 with that ambition?

10 PROSPECTIVE JUROR NO. 922: Just never really pursued it.

11 MR. EGLET: Okay. Do you have any regrets about that?

12 PROSPECTIVE JUROR NO. 922: Not really, no.

13 MR. EGLET: Okay. And it's never too late. My general
14 contractor at the age of 43 just became a racecar driver
15 actually, so. Quite a career change.

16 PROSPECTIVE JUROR NO. 922: Yeah.

17 MR. EGLET: What are your five year goals right now?

18 PROSPECTIVE JUROR NO. 922: Probably spend the next five
19 years in Vegas and then the rest in Texas. My brother and
20 family -- rest of the family is planning on moving to Texas.

21 MR. EGLET: Okay. And why are they planning on moving to
22 Texas?

23 PROSPECTIVE JUROR NO. 922: He likes it there. I visited
24 quite a few times and I like it, too.

25 MR. EGLET: Okay. Very good. And any clubs or

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1 organizations you belong to?

2 PROSPECTIVE JUROR NO. 922: Currently, no.

3 MR. EGLET: Currently, no? What about in the past?

4 PROSPECTIVE JUROR NO. 922: Boxing clubs, things like
5 that.

6 MR. EGLET: Okay. Did you use to box?

7 PROSPECTIVE JUROR NO. 922: Yes.

8 MR. EGLET: Okay. And did you box professionally or
9 amateur?

10 PROSPECTIVE JUROR NO. 922: Kick box professionally, yes.

11 MR. EGLET: Okay. And how long did you do that?

12 PROSPECTIVE JUROR NO. 922: Until I was about 24.

13 MR. EGLET: And the two most important values that are
14 important to you?

15 PROSPECTIVE JUROR NO. 922: Probably honesty and respect.

16 MR. EGLET: Okay. Other than honesty?

17 PROSPECTIVE JUROR NO. 922: Love.

18 MR. EGLET: Love? Okay. What situations are you
19 regarded as a leader?

20 PROSPECTIVE JUROR NO. 922: What situations? I'm stuck
21 there now. Can you be more specific? My job makes me that.

22 MR. EGLET: All right. So in your work, cause you're in
23 management, you're a leader. But let's say outside of work,
24 are there situations in life where you think you're a leader?

25 PROSPECTIVE JUROR NO. 922: I pretty much keep to myself,

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1 so no.

2 MR. EGLET: Okay. If someone offers to send money to the
3 charity of your choice, what charity would that be?

4 PROSPECTIVE JUROR NO. 922: Humane society.

5 MR. EGLET: Humane society?

6 PROSPECTIVE JUROR NO. 922: Mm-hmm.

7 MR. EGLET: Are you an animal lover?

8 PROSPECTIVE JUROR NO. 922: Yes.

9 MR. EGLET: A bunch of dogs?

10 PROSPECTIVE JUROR NO. 922: Yes, a couple dogs, birds,
11 all that.

12 MR. EGLET: All right. Great. And what's the worst
13 tragedy you've ever had to experience?

14 PROSPECTIVE JUROR NO. 922: I pass on that question.

15 MR. EGLET: You'll pass on that question?

16 PROSPECTIVE JUROR NO. 922: Please.

17 MR. EGLET: Okay. When you think or when you hear that
18 someone has been hurt, killed or becomes seriously ill, how
19 often do you think it might have happened because of bad
20 things that person may have done earlier in their life?

21 PROSPECTIVE JUROR NO. 922: Boy, that's a loaded
22 question. I think if the -- I think fate has something to do
23 with it. And [indiscernible] also, so I think 50/50.

24 MR. EGLET: Some people believe that when someone is
25 killed or hurt, it's usually due to fate, destiny, God's will

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1 or bad luck and so that even if it was someone else's fault,
2 they shouldn't bring a lawsuit because it was bound to happen
3 anyway. Do you agree with that?

4 PROSPECTIVE JUROR NO. 922: I disagree.

5 MR. EGLET: You disagree with that?

6 PROSPECTIVE JUROR NO. 922: Yes.

7 MR. EGLET: And the public figure that you admire most?

8 PROSPECTIVE JUROR NO. 922: Jesus Christ.

9 MR. EGLET: And why do you admire Jesus Christ?

10 PROSPECTIVE JUROR NO. 922: You shouldn't even ask me
11 that one.

12 MR. EGLET: Well, I know. But we like to get an answer
13 why you do, not necessarily why -- maybe why I would or
14 someone else would. I need to know why you would.

15 PROSPECTIVE JUROR NO. 922: Why I admire Jesus Christ?
16 He forgave us for our sins.

17 MR. EGLET: Thank you. Your Honor, did you want to stop
18 here today?

19 THE COURT: I think this might be a good time to break
20 for the day. I don't hear anybody objecting.

21 UNIDENTIFIED PERSPECTIVE JUROR: No.

22 THE COURT: Ladies and gentlemen, I remind you of your
23 obligation not to discuss this case with anyone, not to form
24 or express an opinion about this case, not to do any research
25 on any subject connected with this case. Let's ask you to

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1 meet back here promptly at 1:00 in the afternoon tomorrow so
2 that we can resume. Please if you're all here at 1:00, we can
3 resume promptly. Thank you. Have a nice afternoon.

4 JURY PANEL: You, too.

5 [Jury Panel Out]

6 [Proceedings Concluded at 4:53 P.M.]

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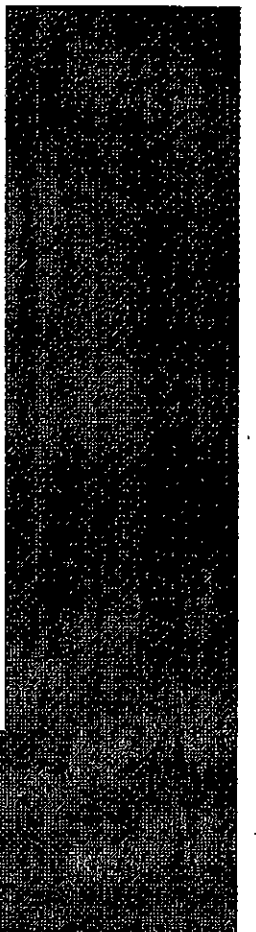
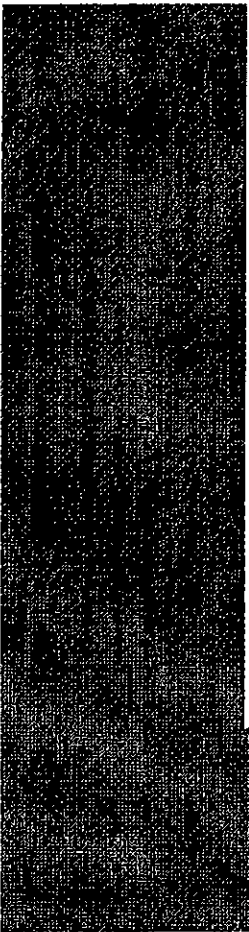
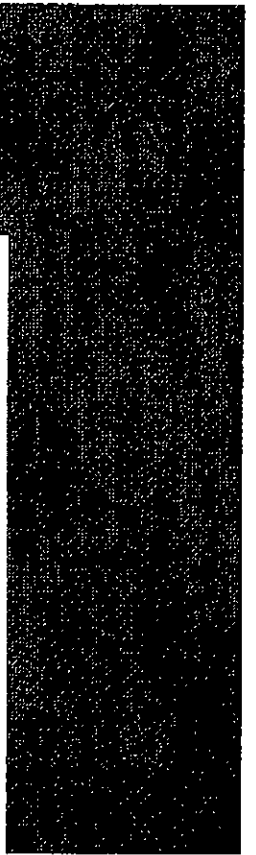
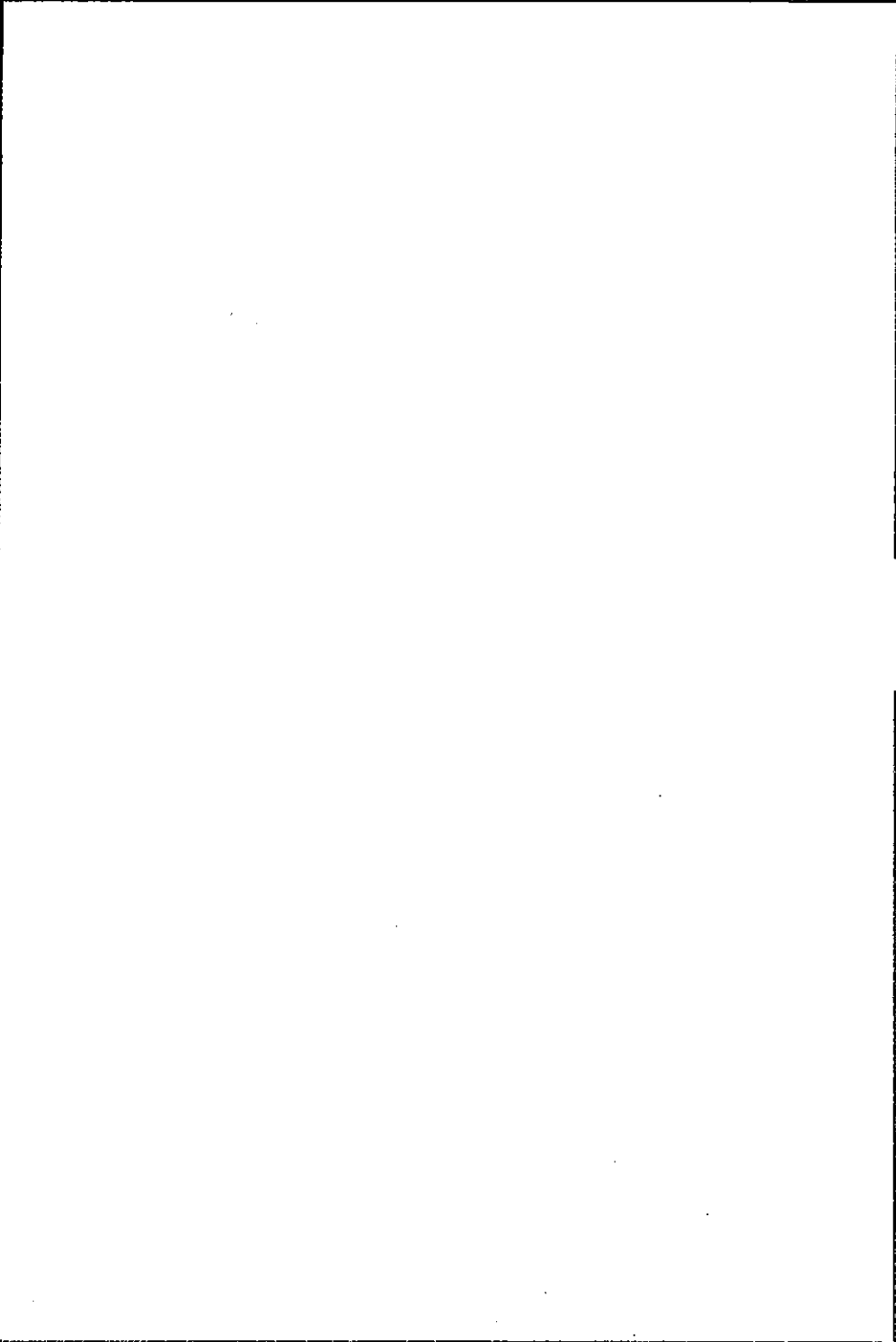
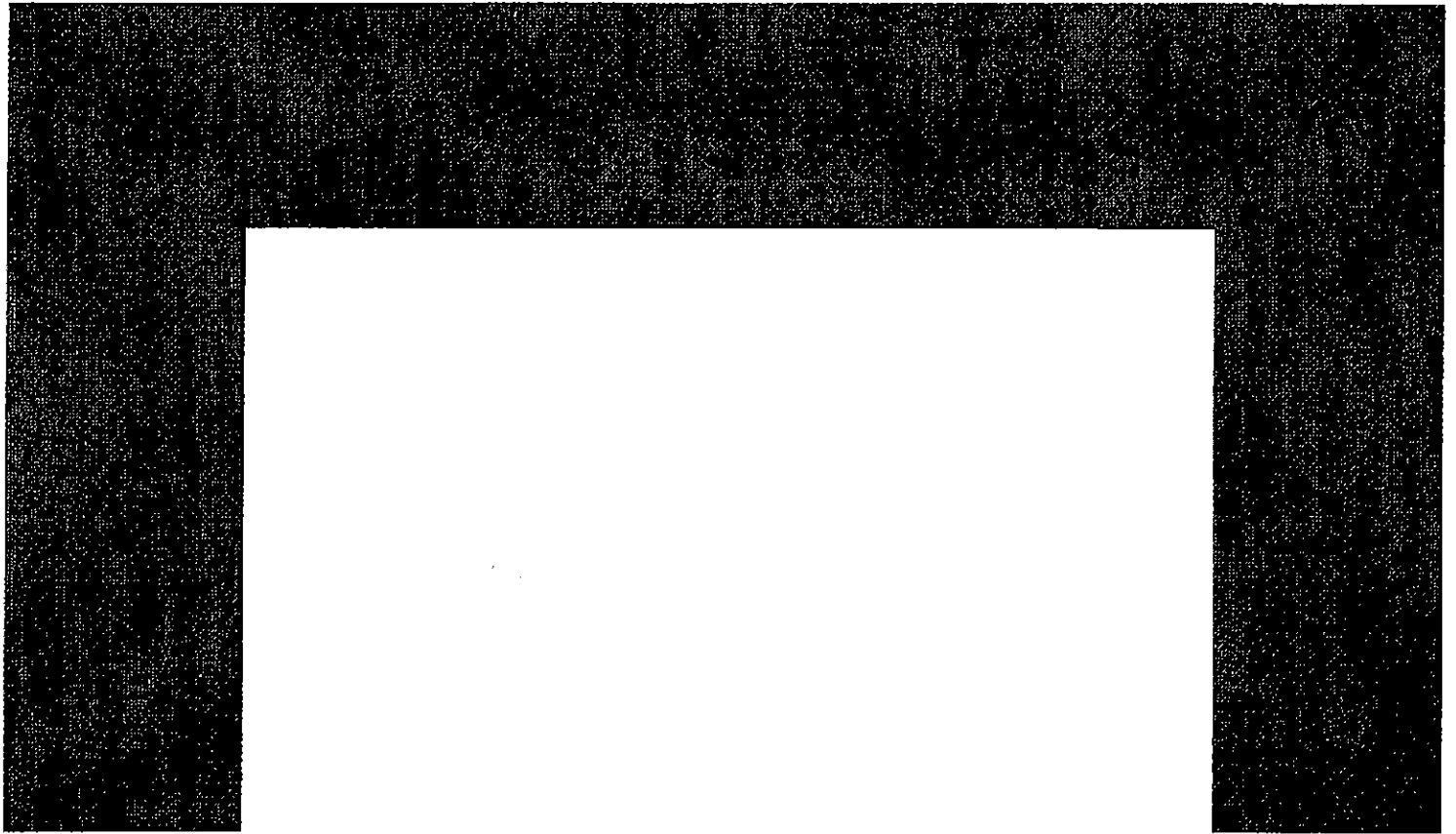
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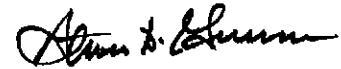
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DISTRICT COURT



CLARK COUNTY, NEVADA

CLERK OF THE COURT

CHERYL A. SIMAO and
WILLIAM J. SIMAO,

Plaintiffs,

CASE NO. A-539455

v.

DEPT. X

JAMES RISH, LINDA RISH
and JENNY RISH,

Defendants.

BEFORE THE HONORABLE JESSIE WALSH, DISTRICT COURT JUDGE

TUESDAY, MARCH 15, 2011

REPORTER'S TRANSCRIPT
JURY PANEL VOIR DIRE

APPEARANCES:

For the Plaintiffs:

DAVID T. WALL, ESQ.
ROBERT M. ADAMS, ESQ.
ROBERT T. EGLET, ESQ.
Mainor EgletFor the Defendant
Jenny Rish:STEVEN M. ROGERS, ESQ.
Hutchison & Steffen, LLC

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1 TUESDAY, MARCH 15, 2011 AT 1:16 P.M.

2 THE MARSHAL: Please remain in order. Department 7 is
3 now in session, the Honorable Jessie Walsh presiding.

4 THE COURT: Please be seated. Okay, outside the presence
5 of the jury. Mr. Eglet?

6 MR. EGLET: Yes, Your Honor. I discussed this with
7 Mr. Rogers. We have a scheduling problem for Friday. Our --
8 one of our chief doctors who we're going to be calling it's --
9 is -- has to -- we have to start his testimony at 12 noon on
10 Friday instead of 1:00 because we've got to have him out of
11 here at 3:45. He's got a flight, I guess. And so I was
12 hoping that we could start at 12 and just have your staff and
13 everybody eat lunch early, and then we'll probably be done by
14 4 that day then, on Friday.

15 THE COURT: Mr. Rogers, do you agree?

16 MR. ROGERS: I don't have a problem with starting at
17 noon.

18 THE COURT: Very well, that's what we'll do. As long as
19 we can stop at 4, that would be great.

20 MR. EGLET: Okay. And then the other issue, I think Matt
21 has talked to you about this, Your Honor, is there's a number
22 of people that I haven't addressed this issue. I've actually
23 only gotten to two on the panel. They're the last two people
24 I did who are claiming on their questionnaire significant
25 hardships. I didn't question about that -- them about that

1 because I didn't want to lose the entire panel. So what I'd
2 like to do is I'd like to bring these people in individually,
3 go through their hardship. On paper their hardships look
4 pretty legitimate to me, but I think it's appropriate to
5 question them on them and we could bring them in one at a
6 time. And I guess there's another -- I didn't put on my -- I
7 -- the only ones I put on my hardship are the clear
8 significant financial. People who said they had to take their
9 kids back and forth to school, my view is well, you can get
10 other people to do this.

11 But apparently Ms. Reed, who's in seat number 6
12 right now, informed Matt --

13 THE MARSHAL: Not yet.

14 MR. EGLET: What?

15 THE MARSHAL: She's not in seat 6 yet.

16 MR. EGLET: Okay, you're right. She's not in the --
17 she's subject to be called up, I guess. She has a childcare
18 -- she's a single mother, and apparently from her
19 questionnaire I see her son is in Marine Corps training and is
20 not back yet, and she's the only one who can take her child to
21 and from school and has to pick her up at 2:40 --

22 THE MARSHAL: 2:15.

23 MR. EGLET: 2:15 every day. I just thought we'd bring
24 her in, question her, see if there's anybody else she has to
25 pick up her child, and make a decision. Then these other

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1 people, I've given Matt -- we need to bring these other people
2 in one at a time to question them on their hardships.

3 THE COURT: Mr. Rogers?

4 MR. ROGERS: That's fine with me. I want to go back to
5 the scheduling issue. We can maybe discuss that right before
6 we close today if that's all right with you, just because
7 we're having difficulty coordinating our witnesses, but I
8 suspect you want to get to this jury right now.

9 THE COURT: I do.

10 MR. ROGERS: Yeah. So is that something we can address
11 at the close of the day?

12 THE COURT: Sure.

13 MR. ROGERS: Okay, thanks.

14 [Counsel and Marshal Confer]

15 [Prospective Juror No. 918 Enters Courtroom]

16 THE MARSHAL: This is Ms. Rosinski.

17 THE COURT: Okay, we're on record?

18 THE MARSHAL: [Indiscernible]

19 THE COURT: Very well. Mr. Eglet.

20 MR. EGLET: Thanks.

21 Hi, Ms. Rosinski.

22 PROSPECTIVE JUROR NO. 918: Hi.

23 MR. EGLET: The reason we brought you in separately is
24 that on your jury questionnaire --

25 PROSPECTIVE JUROR NO. 918: Yes.

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1 MR. EGLET: We don't like to do this in front of the
2 entire panel because then it gives other panel members the
3 idea of how to get out of jury service. Okay?

4 PROSPECTIVE JUROR NO. 918: Oh, okay.

5 MR. EGLET: But -- and that's why I didn't question you
6 about this when I was --

7 PROSPECTIVE JUROR NO. 918: All right.

8 MR. EGLET: -- questioning you yesterday, but --

9 PROSPECTIVE JUROR NO. 918: All right.

10 MR. EGLET: -- I noticed on your jury questionnaire that
11 you indicate that you'd have a significant hardship in this
12 case. It would be --

13 PROSPECTIVE JUROR NO. 918: Yes, I do.

14 MR. EGLET: -- significantly hard for you to serve. You
15 indicated that you're the sole provider and that you work
16 part-time and call -- on-call and if you don't work you don't
17 get paid, that you live paycheck to paycheck and you will not
18 be able to pay your condo payment, your car payment or your
19 other bills if you have to serve on this jury.

20 PROSPECTIVE JUROR NO. 918: Yeah. But since then -- if I
21 can say something?

22 MR. EGLET: Sure.

23 PROSPECTIVE JUROR NO. 918: I've checked into it and my
24 work does pay.

25 MR. EGLET: Oh, okay.

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1 PROSPECTIVE JUROR NO. 918: Okay. So --
2 MR. EGLET: Wonderful. All right, so then you're okay to
3 serve?
4 PROSPECTIVE JUROR NO. 918: Yes.
5 MR. EGLET: Okay, great.
6 Thank you, Your Honor.
7 THE COURT: Okay, thank you. That's all we needed to
8 know.
9 PROSPECTIVE JUROR NO. 918: Okay.
10 MR. EGLET: Thank you.
11 THE COURT: I'd ask you not discuss this interchange --
12 PROSPECTIVE JUROR NO. 918: Oh, I --
13 THE COURT: -- with the other jurors.
14 PROSPECTIVE JUROR NO. 918: Okay, thanks.
15 [Prospective Juror No. 918 Exits Courtroom]
16 MR. EGLET: Is she still with us?
17 THE MARSHAL: She's still with us.
18 MR. EGLET: Okay. Mr. Leonard will be next.
19 THE MARSHAL: Okay.
20 [Prospective Juror No. 922 Enters Courtroom]
21 THE COURT: Whenever you're ready, Mr. Eglet.
22 MR. EGLET: Thank you.
23 Good afternoon, Mr. Leonard.
24 PROSPECTIVE JUROR NO. 922: Hi.
25 MR. EGLET: The reason we brought you in separately and I

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1 didn't ask you these questions yesterday is because we like to
2 do these questions outside the presence of a jury so we don't
3 give the other juror members the idea of how to get out of
4 jury service. That's why I didn't ask you these questions
5 yesterday.. And -- you ready?

6 PROSPECTIVE JUROR NO. 922: Trying to get this phone off.
7 For some reason -- I apologize -- it will not shut off.

8 MR. EGLET: Okay.

9 PROSPECTIVE JUROR NO. 922: Sorry.

10 MR. EGLET: On your jury questionnaire you indicated that
11 you had a significant hardship. And I notice that reading it
12 prior to jury selection that your supervisor at the club has
13 just been let go; you've been elevated to that position.
14 There's no one to replace you and that you work nights until
15 10 a.m. every morning, and you have the flu. Okay. Under
16 those circumstances, I take it you're going to have to be
17 working at night and not sleeping and then coming here to jury
18 service; is that correct?

19 PROSPECTIVE JUROR NO. 922: Yeah. A little bit, yeah.

20 MR. EGLET: Okay. Under those circumstances, do you feel
21 it's going to be a significant hardship under these
22 circumstances?

23 PROSPECTIVE JUROR NO. 922: Yes.

24 MR. EGLET: We have no objection to him being excused,
25 Your Honor.

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1 THE COURT: Mr. Rogers?
2 MR. ROGERS: No, no objection.
3 PROSPECTIVE JUROR NO. 922: No, Judge? Thank you.
4 THE COURT: You may be excused, sir.
5 PROSPECTIVE JUROR NO. 922: Thank you.
6 [Prospective Juror No. 922 Exits Courtroom]
7 THE MARSHAL: Corporal Michael Webster, who's the next on
8 the list.
9 [Counsel Confer]
10 MR. EGLET: Who's the next one, Webster? Okay.
11 THE MARSHAL: Yeah, Sellers is excused already. He
12 doesn't answer up I'll [indiscernible] and the next one up
13 will be Ms. Reed.
14 MR. EGLET: Oh, Webster's not here?
15 THE MARSHAL: He hasn't answered up yet.
16 MR. EGLET: Okay.
17 THE MARSHAL: But he might be downstairs getting
18 something.
19 [Pause]
20 [Prospective Juror No. 043 Enters Courtroom]
21 THE MARSHAL: Maria Reed.
22 THE COURT: Whenever you're ready, Mr. Eglet.
23 MR. EGLET: Thank you.
24 Good afternoon, Ms. Reed.
25 PROSPECTIVE JUROR NO. 043: Good afternoon.

1 MR. EGLET: Reason we're questioning you -- you're not in
2 trouble or anything. The reason we're questioning you
3 individually is because there's some stuff on your
4 questionnaire that we don't want to question you in front of
5 the rest of the juror members because it might give them the
6 idea of how they get out of service. So we like to do these
7 questions individually. In your jury questionnaire you
8 indicated that for you to serve on this jury it would be a
9 significant hardship because you're a single mother and you
10 have a 13-year-old daughter you have to pick up from school
11 every day, and that your son is in training with the Marine
12 Corps, who normally could help you; is that correct?

13 PROSPECTIVE JUROR NO. 043: Yeah.

14 MR. EGLET: My question is is there anyone else? Do you
15 have any other family members here in Las Vegas?

16 PROSPECTIVE JUROR NO. 043: They're in California.

17 MR. EGLET: I'm sorry?

18 PROSPECTIVE JUROR NO. 043: They live in California.

19 MR. EGLET: Do you have any friends or neighbors or
20 anyone, or your daughter's friends or anyone?

21 PROSPECTIVE JUROR NO. 043: It's just when she goes to
22 her friend's house or -- they need the car. And I don't
23 [indiscernible] you know, they go in the car. [Indiscernible]
24 instead of doing their homework.

25 MR. EGLET: Okay.

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1 PROSPECTIVE JUROR NO. 043: So like after school I have
2 to make sure that I'm home with her.

3 MR. EGLET: Okay.

4 PROSPECTIVE JUROR NO. 043: If the -- if her brother is
5 home I have no problem, but he doesn't come back until next
6 month --

7 MR. EGLET: Okay.

8 PROSPECTIVE JUROR NO. 043: -- from training.

9 MR. EGLET: So your -- it sounds like your concern isn't
10 so much of having someone to pick her up every day. Your
11 concern is being there in the afternoons when she's home.
12 You're concerned about her not having your supervision?

13 PROSPECTIVE JUROR NO. 043: Yeah, because I'm the only
14 one --

15 MR. EGLET: Okay.

16 PROSPECTIVE JUROR NO. 043: -- that takes care of her
17 right now.

18 MR. EGLET: Is there any after school program she can go
19 in that you're aware of during this period of time?

20 PROSPECTIVE JUROR NO. 043: Sometimes she does -- like I
21 have to pick her up later because she does the honor society.

22 MR. EGLET: Uh-huh.

23 PROSPECTIVE JUROR NO. 043: Until like 5 or 6.

24 MR. EGLET: And that's my question. Is there an after
25 school program at her school where she can stay late every day

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1 and so she's got teachers there supervising her?

2 PROSPECTIVE JUROR NO. 043: I have no --

3 MR. EGLET: What school does she go to?

4 PROSPECTIVE JUROR NO. 043: Canarelli, by Jones and
5 Robindale.

6 MR. EGLET: I'll pass the juror to Mr. Rogers for
7 questioning.

8 MR. ROGERS: Okay. You mentioned that after school,
9 since you're not around, she goes to a friend's house?

10 PROSPECTIVE JUROR NO. 043: No, because after school, if
11 I won't be there, I won't let anyone -- she won't be home by
12 herself. She has to go to like her classmate's house until --
13 if I'm going to be here -- until I get home. They go to the
14 park. That's my concern.

15 MR. ROGERS: Instead of getting to their work?

16 [Prospective Juror Nods Affirmatively]

17 MR. ROGERS: Right. Does the friend have a parent who's
18 available to supervise, to watch --

19 PROSPECTIVE JUROR NO. 043: They're not --

20 MR. ROGERS: -- over the children?

21 PROSPECTIVE JUROR NO. 043: They're working. They're at
22 work.

23 MR. ROGERS: And I'm sorry, how old is your child again?

24 PROSPECTIVE JUROR NO. 043: Thirteen.

25 MR. ROGERS: So in the eighth grade?

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1 PROSPECTIVE JUROR NO. 043: She's in --

2 MR. ROGERS: Okay. Let me make sure I've got everything
3 straight. So after school, if you're not around she goes to
4 the park with her friend or to a --

5 PROSPECTIVE JUROR NO. 043: Yes.

6 MR. ROGERS: -- friend's house? And there are no parents
7 to --

8 PROSPECTIVE JUROR NO. 043: No.

9 MR. ROGERS: -- watch over them?

10 PROSPECTIVE JUROR NO. 043: Just, you know, just them
11 kids. And I don't like her going with her friends in the park
12 like -- just like that, you know. I don't know what they do,
13 but if they -- because there's boys there too, you know. I
14 don't like that.

15 MR. ROGERS: All right. Okay, thank you.

16 THE COURT: With the thanks of the Court, ma'am, you may
17 be excused.

18 PROSPECTIVE JUROR NO. 043: Thank you.

19 THE COURT: You're welcome.

20 [Prospective Juror No. 043 Exits Courtroom]

21 MR. EGLET: You're excusing her, Your Honor?

22 THE COURT: Yes.

23 [Pause]

24 [Prospective Juror No. 055 Enters Courtroom]

25 THE MARSHAL: This is Elaine Krause.

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1 THE COURT: Whenever you're ready, Mr. Eglet.

2 MR. EGLET: Thank you, Your Honor.

3 Good afternoon, Ms. Krause. How are you?

4 PROSPECTIVE JUROR NO. 055: Good.

5 MR. EGLET: Ms. Krause, we are -- we ask these questions
6 outside the presence of the jury, these particular questions,
7 because we don't want the whole panel figuring out how to get
8 out of jury service. Okay? But we noticed on your jury
9 questionnaire you indicated that you had a significant
10 hardship, that your husband lost his job three weeks ago and
11 if you don't work you don't get paid.

12 PROSPECTIVE JUROR NO. 055: Correct.

13 MR. EGLET: Have you checked with your employer to find
14 out if you get paid for jury service?

15 PROSPECTIVE JUROR NO. 055: Actually I have three
16 part-time jobs. And one I would get paid, the other two I
17 would not.

18 MR. EGLET: Okay.

19 PROSPECTIVE JUROR NO. 055: I did federal four weeks ago,
20 and so now this is my fifth day in a month.

21 MR. EGLET: Oh, you did federal jury service four weeks
22 ago?

23 PROSPECTIVE JUROR NO. 055: I wasn't chosen, but I did
24 have federal.

25 MR. EGLET: Went through this process?

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1 PROSPECTIVE JUROR NO. 055: Yes.

2 MR. EGLET: Okay, fine. Can you tell us what this would
3 mean to your family financially if you sit on this jury?

4 PROSPECTIVE JUROR NO. 055: Well, no paycheck, because my
5 husband, he is getting unemployment, but it's not anywhere
6 near what he was making after 27 years. And he got no
7 pension, no nothing. And so it would be extreme hardship.

8 MR. EGLET: Are you going to be able to make your
9 mortgage, your car payments, things like that?

10 PROSPECTIVE JUROR NO. 055: Not if I sat here for three
11 weeks, I could not.

12 MR. EGLET: Thank you.

13 PROSPECTIVE JUROR NO. 055: I'm willing to do -- I could
14 do a week, but --

15 MR. EGLET: We understand.

16 THE COURT: Mr. Rogers.

17 MR. EGLET: Do you have questions?

18 MR. ROGERS: No objection.

19 MR. EGLET: No objection, Your Honor.

20 THE COURT: The Court is inclined to thank and excuse
21 you, ma'am.

22 PROSPECTIVE JUROR NO. 055: Thank you very much.

23 [Prospective Juror No. 055 Exits Courtroom]

24 [Pause]

25 [Prospective Juror No. 056 Enters Courtroom]

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1 THE MARSHAL: This is Donald Anderson.

2 THE COURT: Whenever you're ready, Mr. Eglet.

3 MR. EGLET: Thank you.

4 Good afternoon, Mr. Anderson. How are you?

5 PROSPECTIVE JUROR NO. 056: Good.

6 MR. EGLET: Mr. Anderson, the reason we called you in
7 separately is that we don't want to ask these questions in
8 front of the jury because -- the panel -- because it gives
9 everybody else the idea of how to get out of jury service.
10 Okay? We noticed in your jury questionnaire that you
11 indicated that this would be a significant hardship for you
12 financially to serve on this jury because of lack of income.
13 Could you elaborate on that please?

14 PROSPECTIVE JUROR NO. 056: Yeah. I work -- yes. What
15 it is is I am on a commission basis. Work for a property
16 management firm and I'm on just a weekly salary. They're not
17 paying for any of this whatsoever, you know, time off. If I
18 take it, tough luck.

19 MR. EGLET: Okay. And so you wouldn't get paid for three
20 weeks if you were on this jury?

21 PROSPECTIVE JUROR NO. 056: Correct.

22 MR. EGLET: Okay. And what kind of financial hardship
23 would that put on you and your family?

24 PROSPECTIVE JUROR NO. 056: Lots.

25 MR. EGLET: Would it --

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1 PROSPECTIVE JUROR NO. 056: As of right now, it would
2 really hurt just because, you know, how the bills are running.

3 MR. EGLET: Sure.

4 PROSPECTIVE JUROR NO. 056: I have had some hardship
5 problems. I was working for a different real estate agency
6 and I've almost lost my house, but now I'm actually almost
7 through a loan mod to get it back.

8 MR. EGLET: And I suspect not working for three weeks
9 would hamper that loan modification?

10 PROSPECTIVE JUROR NO. 056: Yeah. That would put me
11 right back into the hole.

12 MR. EGLET: We have no objection to Mr. Anderson being
13 excused, Your Honor.

14 THE COURT: Mr. Rogers?

15 MR. ROGERS: Me either, Your Honor.

16 THE COURT: Well, with the thanks of the Court, sir, you
17 may be excused.

18 PROSPECTIVE JUROR NO. 056: Thanks.

19 [Prospective Juror No. 056 Exits Courtroom]

20 [Pause]

21 [Prospective Juror No. 298 Enters Courtroom]

22 THE MARSHAL: This is Gerardo Marquez-Quintero, badge
23 number 1298.

24 THE COURT: Whenever you're ready, Mr. Eglet.

25 MR. EGLET: Thank you.

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1 Good afternoon, Mr. Quintero.

2 PROSPECTIVE JUROR NO. 298: Hello.

3 MR. EGLET: How are you?

4 PROSPECTIVE JUROR NO. 298: Good, thank you. How are
5 you?

6 MR. EGLET: Thank you for coming in. We are bringing you
7 in to question you separately on this one issue so -- we don't
8 want the rest of the jury to figure out how to get off jury
9 service.

10 PROSPECTIVE JUROR NO. 298: Okay.

11 MR. EGLET: Okay? And -- but we noticed that in your
12 questionnaire that you wrote that this would be an extreme
13 hardship for you to serve on this jury. You indicated that
14 you work for USPS, but you're not a regular carrier, that you
15 sub, and that you're scheduled to work Friday of this week and
16 three days a week. And I -- you don't get paid for attending
17 jury duty; is that correct?

18 PROSPECTIVE JUROR NO. 298: Right, that's correct.

19 MR. EGLET: And can you tell us what kind of financial
20 hardship this would place on you and your family?

21 PROSPECTIVE JUROR NO. 298: Okay. I'm already behind on
22 one payment of my mortgage, my house. And I also work for
23 Walmart, but it's not like a full-time deal. And then my wife
24 works, but I mean we, as it is, we don't make enough money to
25 make our mortgage payment. And then -- I mean and the driving

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1 too. It's --

2 MR. EGLET: All right. So if you had to be on this jury
3 for three weeks, you wouldn't be able to make your mortgage
4 payment?

5 PROSPECTIVE JUROR NO. 298: Right.

6 MR. EGLET: Okay. I have no objection, Your Honor.

7 MR. ROGERS: Me either, Your Honor.

8 THE COURT: You may be excused, sir --

9 PROSPECTIVE JUROR NO. 298: Okay.

10 THE COURT: -- with the thanks of the Court.

11 PROSPECTIVE JUROR NO. 298: Thank you very much.

12 MR. EGLET: Thank you.

13 [Prospective Juror No. 298 Exits Courtroom]

14 [Pause]

15 THE MARSHAL: The next one will be Harvey, Scott.

16 MR. ROGERS: Oh, Scott Harvey.

17 [Pause]

18 [Prospective Juror No. 331 Enters Courtroom]

19 THE MARSHAL: This is Scott Harvey, badge number 1331.

20 THE COURT: Whenever you're ready, Mr. Eglet.

21 MR. EGLET: Thank you.

22 Good afternoon, Mr. Harvey. How are you?

23 PROSPECTIVE JUROR NO. 331: Good afternoon.

24 MR. EGLET: Thanks for coming in. We're asking -- we
25 asked you to come in because we're going to ask you about

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1 something we don't want the other jurors to hear because they
2 might get the idea how exactly to get out of jury service.
3 And, you know, we try to prevent that. But in your
4 questionnaire you indicated that this would be a significant
5 financial hardship to you. You indicated that you run your
6 own business with seven employees as -- some of it wasn't
7 legible to us, a sales and --

8 PROSPECTIVE JUROR NO. 331: I'm sorry.

9 MR. EGLET: -- service manager.

10 PROSPECTIVE JUROR NO. 331: Nervous writing things.

11 MR. EGLET: That's okay. And you're the customer contact
12 person for the auto shop, and that you would lose significant
13 income if you had to serve on this jury for three weeks. You
14 also indicated in your questionnaire that you didn't think
15 you could be fair and impartial because you lost your son,
16 your 18-year-old son in a wreck, in a car wreck; is that
17 correct?

18 PROSPECTIVE JUROR NO. 331: That's true.

19 MR. EGLET: Okay. You still feel that way, that in a car
20 wreck case you don't think you could be fair and impartial?

21 PROSPECTIVE JUROR NO. 331: My son was killed in July of
22 2000. I had a daughter that was injured three years ago in a
23 car crash, two back surgeries.

24 MR. EGLET: You've had two back surgeries?

25 PROSPECTIVE JUROR NO. 331: No, my daughter has.

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1 MR. EGLET: Okay.

2 PROSPECTIVE JUROR NO. 331: I mean it's just, especially
3 the thing with my son, even yesterday while I was sitting back
4 here in the chair thinking about the situation, every time I
5 did I'd picture my son on the side of the road and just -- it
6 drives me crazy.

7 MR. EGLET: And your financial situation.

8 PROSPECTIVE JUROR NO. 331: I own an auto repair center.
9 I am the contact. I am everything that happens there. I have
10 a trainee in because I didn't expect this to go on, having
11 somebody a little more adept. But it's like we did almost
12 \$4,000 worth of sales yesterday morning, yesterday afternoon
13 we did 233. It's just --

14 MR. EGLET: Do you want to question him?

15 MR. ROGERS: No.

16 MR. EGLET: No objection, Your Honor.

17 THE COURT: Court is inclined to thank you and excuse
18 you, sir.

19 PROSPECTIVE JUROR NO. 331: Thank you.

20 MR. EGLET: Thank you.

21 PROSPECTIVE JUROR NO. 331: Appreciate it very much.

22 [Prospective Juror No. 331 Exits Courtroom]

23 [Pause]

24 [Prospective Juror No. 361 Enters Courtroom]

25 THE MARSHAL: This is Aphixa Inthichack, badge number

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1 1361. Have a seat in one of the folding chairs.

2 THE COURT: Whenever you're ready, Mr. Eglet.

3 MR. EGLET: Thank you.

4 Is it okay if I call you Aphixa, because I don't
5 think I can --

6 PROSPECTIVE JUROR NO. 361: That's fine.

7 MR. EGLET: -- pronounce your last name.

8 PROSPECTIVE JUROR NO. 361: It's all right, I get it all
9 the time. It's okay.

10 MR. EGLET: Okay. We brought you in, Aphixa, because we
11 had some questions for you that we didn't want to ask you in
12 front of the rest of the panel members --

13 PROSPECTIVE JUROR NO. 361: Okay.

14 MR. EGLET: -- because we didn't want to give them any
15 idea of how to get out of jury service.

16 PROSPECTIVE JUROR NO. 361: Okay.

17 MR. EGLET: On your jury questionnaire you indicated that
18 this would be a significant financial hardship for you to
19 serve on this jury. You said that you just started a new job
20 as a -- and that you need money to take care of your daughter
21 and pay the bills for you to live. Could you elaborate for us
22 on your financial hardship.

23 PROSPECTIVE JUROR NO. 361: Yes. I know that it's hard
24 to get a job here, but I got really lucky. I got a job at
25 Texas Station recently. And it's only on-call, so I only work

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1 a certain amount of days of the week. You know, so I don't
2 get really paid much on my paycheck. And I just started, so
3 for me missing it, it just -- it looks kind of -- it looks
4 bad. Although I have jury duty and they understand it, but it
5 just looks bad though, you know, because I just started and
6 I'm missing like all this work and they really need me there.
7 So --

8 MR. EGLET: What is -- I guess my question isn't so much
9 them, because --

10 PROSPECTIVE JUROR NO. 361: Oh, me?

11 MR. EGLET: -- as a juror, they, you know, they can't
12 penalize you for serving on a jury.

13 PROSPECTIVE JUROR NO. 361: Oh, I understand that, yeah.

14 MR. EGLET: But what is this going to mean to you and
15 your family financially?

16 PROSPECTIVE JUROR NO. 361: I can even go to jail if I
17 don't pay my child support. I probably won't have a roof over
18 my head if I don't make my rent. And I got to pay for my car
19 too, so I might have to start taking the bus.

20 MR. EGLET: Would missing three weeks cause any of those
21 things --

22 PROSPECTIVE JUROR NO. 361: Yes. It would dramatically
23 put me in a tough spot I would say.

24 MR. EGLET: Any questions?

25 MR. ROGERS: I have no questions.

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1 MR. EGLET: No objection, Your Honor.

2 THE COURT: With the thanks of the Court, sir, you may be
3 excused.

4 PROSPECTIVE JUROR NO. 361: Thank you.

5 THE COURT: You're welcome.

6 [Prospective Juror No. 331 Exits Courtroom]

7 [Counsel and Marshal Confer]

8 THE MARSHAL: Deborah D'Agostino, 1350, but she's --

9 MR. WALL: Well, because of what -- what'd she tell you?
10 She told you --

11 THE MARSHAL: She can't do this. She -- you saw her cry.
12 She was just -- she was ready to go down. You want to speak
13 to her or not?

14 UNIDENTIFIED PLAINTIFF ATTY: No, I don't want to.

15 MR. EGLET: No, not really.

16 MR. WALL: Not really.

17 MR. EGLET: I mean --

18 UNIDENTIFIED PLAINTIFF ATTY: You trust her?

19 MR. EGLET: Basically --

20 THE MARSHAL: Well, she was fine yesterday and then she -

21 -

22 MR. EGLET: . We saw her in the elevator --

23 UNIDENTIFIED PLAINTIFF ATTY: I know --

24 MR. EGLET: -- she was fine.

25 UNIDENTIFIED PLAINTIFF ATTY: She did, but I mean --

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1 THE MARSHAL: I know. They told me that, but then when
2 they came to the door, she was --

3 UNIDENTIFIED PLAINTIFF ATTY: Oh, no, she did. I saw
4 that when we walked in. I made a comment to David that --

5 THE MARSHAL: She was just disturbed.

6 UNIDENTIFIED PLAINTIFF ATTY: -- she was -- that she

7 THE MARSHAL: I can't do this. I spent a hundred dollars
8 in cabs from Nellis and --

9 UNIDENTIFIED PLAINTIFF ATTY: Oh, she took cabs?

10 MR. EGLET: What's her badge number again?

11 THE MARSHAL: 1 --

12 MR. WALL: 1350.

13 UNIDENTIFIED PLAINTIFF ATTY: 1350.

14 THE MARSHAL: 1-3-5-0.

15 UNIDENTIFIED PLAINTIFF ATTY: Isn't there a -- there's
16 not a bus?

17 THE MARSHAL: Yeah, she has -- she's listed here as
18 Deborah D'Agostino, but her badge is listed as Deborah Lynch.
19 So -- but that's her maiden name, Lynch. So --

20 MR. ROGERS: I'm trying to -- where is she?

21 MR. EGLET: She does claim a hardship --

22 UNIDENTIFIED PLAINTIFF ATTY: She's 1350.

23 MR. EGLET: -- of transportation costs.

24 THE MARSHAL: She's on page 4 of 4, sir.

25 THE COURT: She's the second one down on page 4 of 4.

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1 MR. ROGERS: Okay.

2 THE MARSHAL: Second name.

3 [Counsel Confer]

4 UNIDENTIFIED PLAINTIFF ATTY: She's 1350. You're not
5 finding her name because it's wrong.

6 MR. ROGERS: Oh.

7 UNIDENTIFIED PLAINTIFF ATTY: 1350 is the badge number.

8 MR. EGLET: The badge number's 1350. In her jury
9 questionnaire she does say hardship, transportation costs. I
10 guess she's having to take a cab it sounds like.

11 THE MARSHAL: Hundred bucks the last two days.

12 MR. ROGERS: Oh, I misunderstood. Okay. That's --

13 THE MARSHAL: But she's also -- she just broke down in
14 front of the door when I opened the door this afternoon with
15 everybody and she just came up -- she was in tears and she
16 just -- I said calm down.

17 MR. ROGERS: Well, do you guys -- do you want to let the
18 judge question her --

19 UNIDENTIFIED PLAINTIFF ATTY: Yeah, I totally --

20 MR. ROGERS: -- find out what's going on?

21 THE COURT: Let's bring her in. We could have her
22 examined by now.

23 [Pause]

24 [Prospective Juror No. 350 Enters Courtroom]

25 PROSPECTIVE JUROR NO. 350: Here?

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1 THE MARSHAL: Just be -- anywhere in that area. The
2 potential juror is listed as Deborah D'Agostino on page 4 of
3 4, badge 1350. Her badge actually reads Deborah Lynch. She
4 has explained to me that D'Agostino is her married name; is
5 that correct?

6 PROSPECTIVE JUROR NO. 350: Yes.

7 THE MARSHAL: And Lynch is her maiden name.

8 THE COURT: Ma'am, we called you in separately from the
9 others because I understood that there may be some hardship
10 issues and I wanted to explore those apart from the others.
11 So can you tell us what they are?

12 PROSPECTIVE JUROR NO. 350: I just -- I can't sleep ever
13 since this has been going on. I don't like to be enclosed in
14 areas and questioned in front of people. It makes me a
15 nervous wreck.

16 THE COURT: Are there also some transportation issues?

17 PROSPECTIVE JUROR NO. 350: Yes. I've been taking a cab
18 every time and I -- it's cost me over a hundred dollars, and I
19 don't make that much.

20 THE COURT: Either side want to question her?

21 MR. EGLET: No, Your Honor. No objection.

22 MR. ROGERS: No questions, Your Honor.

23 THE COURT: With the thanks of the Court, ma'am, you may
24 be excused.

25 PROSPECTIVE JUROR NO. 350: Thank you.

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1 THE COURT: You're welcome.

2 [Prospective Juror No. 350 Exits Courtroom]

3 THE MARSHAL: And Michael Webster showed up.

4 [Pause]

5 [Prospective Juror No. 959 Enters Courtroom]

6 THE MARSHAL: Okay. This is -- let's see, this is
7 Michael Webster, badge number 959 on page 2.

8 THE COURT: Whenever you're ready, Mr. Eglet.

9 MR. EGLET: Thank you, Your Honor.

10 Good afternoon, Mr. Webster.

11 PROSPECTIVE JUROR NO. 959: How you doing?

12 MR. EGLET: Mr. Webster, we called you in separately
13 outside the presence of the jury because you indicated on your
14 questionnaire that you have a financial hardship that -- in
15 fact this was when we thought it was a seven or so, eight --
16 seven or eight day trial. You said missing seven days of work
17 will put me behind on my mortgage and utility bills. Can you
18 elaborate for us what this would mean to you financially --

19 PROSPECTIVE JUROR NO. 959: Well, I work --

20 MR. EGLET: -- if you had to serve on the jury for three
21 weeks.

22 PROSPECTIVE JUROR NO. 959: I work overnight, from 10 at
23 night to 7 in the morning. And the way it's set up, I guess I
24 wouldn't have no conflict with my schedule. So I would have
25 to come in, do jury duty and then go to work. So it's either

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1 I come to jury duty or I can call off and miss work, but I
2 can't call too many days and, you know, miss money by that
3 way. So that would be my conflict.

4 MR. EGLET: So what time do you get off in the morning?

5 PROSPECTIVE JUROR NO. 959: 7 a.m.

6 MR. EGLET: 7?

7 PROSPECTIVE JUROR NO. 959: Uh-huh.

8 MR. EGLET: That would give you -- wouldn't give you
9 enough time to get more than about three or four hours sleep
10 then?

11 PROSPECTIVE JUROR NO. 959: That's basically about it, if
12 that, because --

13 MR. EGLET: All right.

14 PROSPECTIVE JUROR NO. 959: -- in order for me to even
15 get sleep, I have to try to pay bills or, you know, make a
16 little grocery here and there, come back and get sleep.

17 MR. EGLET: Okay. And would you be able to afford
18 financially to not go to work?

19 PROSPECTIVE JUROR NO. 959: No.

20 MR. EGLET: What would that mean to you financially?

21 PROSPECTIVE JUROR NO. 959: I'd be behind. If I miss
22 payments on my motorcycle bill, for instance, I'm going to
23 lose my motorcycle. If I'm late on my house I'm going to lose
24 my house. So that would be my conflict right there. Like I
25 say, I would have to come to jury duty and still go to work.

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1 And right now I'm actually tired right now. I barely got
2 sleep yesterday. Because when I was here yesterday I got off
3 7 that morning and I came here for 11:30, so I only got a few
4 hours of sleep. And I lasted through the day, but I was
5 tired.

6 MR. EGLET: Understand. No objection, Your Honor.

7 MR. ROGERS: No objection.

8 THE COURT: You may be excused, sir. Thank you.

9 [Prospective Juror No. 959 Exits Courtroom]

10 [Pause]

11 [Prospective Juror No. 396 Enters Courtroom]

12 THE MARSHAL: Please take one of the folding chairs on
13 the floor. This is Lina Tennille, badge number 1396. Sit
14 closer to the attorneys; they're not going to bite.

15 MR. EGLET: Good afternoon, Ms. Tennille. How are you?

16 PROSPECTIVE JUROR NO. 396: I'm good, sir.

17 MR. EGLET: Thank you for coming in individually. The
18 reason we're -- we brought you in individually is we have some
19 questions we want to ask you about your jury questionnaire.

20 PROSPECTIVE JUROR NO. 396: Okay.

21 MR. EGLET: And we don't want to do it in front of the
22 rest of the panel because so they're not getting any idea of
23 how to get off jury --

24 PROSPECTIVE JUROR NO. 396: Okay.

25 MR. EGLET: -- service. Okay? I see in your jury

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1 questionnaire that you indicated that this would be a
2 significant financial hardship for you to serve --

3 PROSPECTIVE JUROR NO. 396: Yes.

4 MR. EGLET: -- because your employer does not pay for
5 jury service.

6 PROSPECTIVE JUROR NO. 396: No.

7 MR. EGLET: And that you just started last year --

8 PROSPECTIVE JUROR NO. 396: Yes.

9 MR. EGLET: -- 2010 in this job? And that you already
10 have some credit issues and this could cause them to get
11 worse?

12 PROSPECTIVE JUROR NO. 396: Yes.

13 MR. EGLET: Could you tell us how this would affect --

14 PROSPECTIVE JUROR NO. 396: Yeah.

15 MR. EGLET: -- financially if you had to serve.

16 PROSPECTIVE JUROR NO. 396: Because my mother is
17 [indiscernible] severe pneumonia. And the medicine
18 [indiscernible]. I have to help with the buying of those
19 medicine. So honestly, I send money [indiscernible].

20 MR. EGLET: So how would this -- if you had to miss three
21 weeks of work, how would this affect you financially?

22 PROSPECTIVE JUROR NO. 396: It would really affect me
23 because they are -- they're expecting money [indiscernible].

24 MR. EGLET: And you wouldn't be able to pay those?

25 PROSPECTIVE JUROR NO. 396: No.

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1 MR. EGLET: Okay. Thank you, Your Honor. No objection.

2 MR. ROGERS: No objection, Your Honor.

3 THE COURT: You may be excused, ma'am, with the thanks of
4 the Court.

5 PROSPECTIVE JUROR NO. 396: Thank you, ma'am.

6 THE COURT: You're welcome.

7 [Prospective Juror No. 396 Exits Courtroom]

8 THE MARSHAL: Mr. Rogers has a person he wants to --

9 MR. ROGERS: All I have -- yes, thank you. All I have is
10 a shorthand. And I'm not sure what criteria we're using to
11 select the people we're talking to about hardships, but
12 Ms. Frye, who is badge --

13 THE MARSHAL: She's number 10 --

14 MR. ROGERS: -- 50.

15 THE MARSHAL: -- 50.

16 MR. ROGERS: Right. I saw the -- her hardship by my note
17 appears to be similar to one of the ones we've just addressed
18 and it has to do with her child.

19 MR. EGLET: Yeah, but she hasn't bought -- I mean the
20 only reason we brought the other lady in is because she was
21 bothering Matt. I didn't bring her in because of the
22 childcare.

23 MR. ROGERS: Oh.

24 MR. EGLET: So she approached him. I just brought people
25 in for significant financial hardships. Until somebody says

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1 hey -- speaks up and says I don't have anyone in front of us
2 to pick up our kid, I mean people have family members,
3 neighbors, wherever. So she was here yesterday for the whole
4 day; somebody picked up the kid. So --

5 MR. ROGERS: Is this the criteria we're using, is if the
6 juror approaches the marshal then we -- I'm not sure how
7 we're --

8 MR. EGLET: No, I --

9 MR. ROGERS: -- going through this process.

10 MR. EGLET: I wanted to bring the ones in who talked
11 about severe financial hardship, that they're going to --
12 wrote in there they can't pay their bills, they can't pay
13 their mortgage, they don't get paid for jury service. There
14 were two people that I'm aware of said they had childcare
15 purposes. One of them is the one that approached Matt and
16 said she really wants to come in, and we agreed to let her
17 come in.

18 MR. ROGERS: Okay.

19 MR. EGLET: But I don't -- no, I don't normally agree on
20 that in trial; people can make arrangements.

21 MR. ROGERS: So your criteria then for this process is
22 whether they approach the marshal or complain of severe
23 financial hardship. Okay, got it.

24 MR. EGLET: Okay.

25 THE COURT: Well, let me say this. Let me say this. I

1 mean probably we could have addressed these issues before we
2 began yesterday, but it's the Court's view that if somebody's
3 got a childcare issue -- and not everybody has family that can
4 pick a child up. Some people really are sort of on their own
5 without immediate family nearby. But I think until that
6 person is over here in the box -- and I don't think this
7 person is -- is Jacqueline Frye been placed over here among
8 the 24?

9 MR. EGLET: Not yet, Your Honor.

10 THE MARSHAL: Not yet.

11 THE COURT: Until she shows up over here and it becomes
12 an issue, then I don't know that we need to address it. But I
13 see that as a valid issue.

14 MR. ROGERS: Okay.

15 THE COURT: At least as valid as the economic hardship
16 issues.

17 THE MARSHAL: Okay. So we need to recap who's not coming
18 back.

19 MR. ROGERS: All right.

20 THE MARSHAL: So that we can start getting our calendar -
21 - our seating arrangements. And so the first person we
22 excused was Kenneth Leonard, 922. From the first page I mean.
23 Correct?

24 MR. EGLET: Uh-huh.

25 MR. ROGERS: Correct.

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1 THE MARSHAL: On the second page we excused Mr. Sellers.

2 MR. EGLET: Uh-huh.

3 THE MARSHAL: Top of the page. We excused Michael
4 Webster, number 959. We excused -- that's it for that page.
5 Page 3 we excused Maria Reed, top of the page; correct?

6 MR. ROGERS: Yes.

7 THE MARSHAL: Elaine Krause, 1055; Donald Anderson, 1056;
8 Marquez Quintero, 1298; Scott Harvey, 1331. Jerome Lewis at
9 the bottom of the page did not respond on summon; I'll try one
10 more time. Deborah D'Agostino on page 4, 1350; Aphixa
11 Inthichack, 1361; and Lina Tennille, 1396. Is that all of our
12 excusals?

13 MR. EGLET: That's my understanding.

14 MR. ROGERS: Yes.

15 THE MARSHAL: Okay.

16 MR. EGLET: So --

17 THE MARSHAL: So we have to discuss how we want to fill
18 these seats now.

19 MR. EGLET: -- we need to figure out who's going in what
20 seats?

21 THE MARSHAL: Yes.

22 THE COURT: Well, we need to replace Leonard first of
23 all. I think we should replace --

24 THE MARSHAL: Well, we have the two that -- there were
25 two that were released yesterday, Your Honor.

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1 MR. ROGERS: Correct.

2 THE COURT: Which ones were they?

3 MR. ROGERS: That's --

4 THE MARSHAL: It was Ken -- Jonathan Kim and the
5 defendant [sic] Jose Villafane.

6 MR. EGLET: Yes, seats 5 and 6, Your Honor.

7 THE COURT: So which one was released -- well, we
8 replaced --

9 MR. EGLET: Villafane was first and then Jonathan Kim was
10 --

11 THE COURT: Okay.

12 THE MARSHAL: -- let go after that.

13 THE COURT: So seats 5, 6 and 12, in that order we need
14 to replace then.

15 THE MARSHAL: Okay.

16 MR. WALL: Actually 5, 6, 12 and 15, and 19.

17 THE COURT: Right. 5, 6, 12, 15 and 19, in that order.

18 THE MARSHAL: All right. So in seat number 5, who's the
19 next one up?

20 MR. EGLET: Should be Trina Tatum.

21 THE MARSHAL: Ms. Tatum; right?

22 MR. EGLET: Yes.

23 MR. WALL: Right.

24 THE MARSHAL: Okay, so that'll be Tatum. Okay. And seat
25 number -- the next one will be seat number 15.

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1 MR. WALL: No.
2 UNIDENTIFIED PLAINTIFF ATTY: 6.
3 THE MARSHAL: Oh, 6.
4 THE COURT: 6.
5 THE MARSHAL: I'm sorry, you're right, 6. Next name
6 should be Colmines.
7 MR. EGLET: So she goes into seat 6?
8 THE MARSHAL: Correct. Okay. So now the next seat
9 should be 15; is that correct?
10 MR. WALL: 12.
11 THE COURT: 12.
12 THE MARSHAL: Who's in 12? No --
13 MR. WALL: Mr. Leonard.
14 THE COURT: Leonard was in 12.
15 THE MARSHAL: Okay.
16 THE CLERK: That should be Jacqueline Frye.
17 THE MARSHAL: Jacqueline Frye, okay.
18 MR. EGLET: Jacqueline Frye goes into --
19 MR. WALL: 12.
20 MR. EGLET: -- seat 12. Seat 12, okay. Okay, now we get
21 to 15; right?
22 MR. WALL: Correct.
23 THE CLERK: Now we need Kunkel.
24 THE MARSHAL: Kunkel, number 15.
25 MR. EGLET: Kunkel goes into 15; is that right?

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1 THE MARSHAL: That's correct.

2 THE COURT: Yes.

3 THE MARSHAL: The next seat should be 19; is that
4 correct?

5 MR. WALL: Correct.

6 THE CLERK: That should be Larry Hubbert.

7 THE MARSHAL: Larry Hubbert, seat number 19. Right, seat
8 19's Hubbert. Now we get down to -- that's it.

9 MR. EGLET: That's it.

10 THE MARSHAL: That's it, okay. So --

11 THE COURT: Are you exhausted, Marshal Diamond?

12 THE MARSHAL: No, no. I may have just got kick started.
13 That's it.

14 THE COURT: Good, good.

15 THE MARSHAL: Are we ready to go?

16 THE COURT: I think so. I'm going to step down for two
17 seconds.

18 THE MARSHAL: There's some papers here --

19 MR. EGLET: Can we take a two-minute break?

20 THE COURT: Yeah, let's take a five-minute break.

21 [Recess]

22 THE MARSHAL: Same seats, all right.

23 [Pause]

24 THE COURT: Please --

25 THE MARSHAL: Here you are.

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1 THE COURT: All right. We need some replacements. First
2 we need to fill seat number 5. Madam clerk.
3 THE CLERK: Oliver-Tatum, badge number 1036.
4 [Pause]
5 THE COURT: And next we need to fill seat number 6.
6 THE CLERK: Maria Colmines, badge number 1049.
7 [Pause]
8 THE COURT: And we need to fill seat number 12 please.
9 THE CLERK: Jacqueline Frye, badge number 1050.
10 [Pause]
11 THE COURT: And we need to fill seat number 15 please.
12 THE CLERK: Melanie Kunkel, badge number 1051.
13 [Pause]
14 THE COURT: Okay. And finally seat number 19 please.
15 THE CLERK: Larry Hubbert, badge number 1293.
16 THE MARSHAL: Is that Laree [phonetic] or Larry?
17 PROSPECTIVE JUROR NO. 1045: Laree.
18 THE MARSHAL: Laree?
19 THE CLERK: Laree?
20 PROSPECTIVE JUROR NO. 1450: Yes.
21 THE CLERK: Okay.
22 THE COURT: Okay.
23 THE MARSHAL: Think that does it.
24 THE COURT: All right, thank you for returning, ladies
25 and gentlemen.

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1 Mr. Eglet --

2 MR. EGLET: Yes.

3 THE COURT: -- Mr. Rogers.

4 MR. ROGERS: We were going to approach for just a --

5 THE COURT: Sure.

6 MR. ROGERS: -- moment.

7 [Bench Conference Begins]

8 MR. ROGERS: Okay. I got your rulings yesterday on the
9 defense objections to the voir dire questions. We'll honor
10 those, but I just wanted to log a running objection. as
11 they're going to each new juror I don't want to have to re-
12 approach and --

13 THE COURT: What do you mean? What are you talking
14 about?

15 MR. EGLET: He wants to -- the objections he made
16 yesterday that you overruled, that he just wants to have a
17 running objection --

18 THE COURT: Oh.

19 MR. EGLET: -- to all those.

20 THE COURT: Sure.

21 MR. EGLET: And I said fine, that's --

22 THE COURT: No problem.

23 MR. ROGERS: Great.

24 THE COURT: That'll be the order.

25 [Bench Conference Ends]

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1 THE COURT: All right. Mr. Eglet, we're -- whenever
2 you're ready.

3 MR. EGLET: Thank you.

4 We have some new faces up here, so I have to go
5 through and ask those new questions. And I know that one
6 question that, you know, for the ladies, sometimes they don't
7 like that question, what's your date of birth.
8 [Indiscernible] apologize for that.

9 So let me start with Ms. Tatum.

10 PROSPECTIVE JUROR NO. 036: Yes.

11 MR. EGLET: Good afternoon.

12 PROSPECTIVE JUROR NO. 036: Afternoon.

13 MR. EGLET: Ms. Tatum, could you tell us your date of
14 birth?

15 PROSPECTIVE JUROR NO. 036: 5/28/70, May 28th, 1970.

16 MR. EGLET: Okay. And have you been known by any other
17 names?

18 PROSPECTIVE JUROR NO. 036: Yes.

19 MR. EGLET: And those names?

20 PROSPECTIVE JUROR NO. 036: Of course Oliver and Brown
21 and Vorise.

22 MR. EGLET: The second name you said?

23 PROSPECTIVE JUROR NO. 036: Mrs. Trina Brown.

24 MR. EGLET: Brown?

25 PROSPECTIVE JUROR NO. 036: Yes.

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1 MR. EGLET: And the last --

2 PROSPECTIVE JUROR NO. 036: And last was Vorise. It is
3 V-O-R-I-S-E.

4 MR. EGLET: Okay. And which one of those is your maiden
5 name?

6 PROSPECTIVE JUROR NO. 036: I believe on the birth
7 certificate is Vorise.

8 MR. EGLET: Vorise, okay. Very good, thank you. And how
9 often do you wash your car?

10 PROSPECTIVE JUROR NO. 036: Twice a month.

11 MR. EGLET: Twice a month. Okay, thank you.

12 Ms. Colmines, did I say that correctly?

13 PROSPECTIVE JUROR NO. 049: Yes.

14 MR. EGLET: Good afternoon, Ms. Colmines.

15 PROSPECTIVE JUROR NO. 049: Hello.

16 MR. EGLET: Would you tell us your date of birth.

17 PROSPECTIVE JUROR NO. 049: 10/28/54.

18 MR. EGLET: October 28th, 1964.

19 PROSPECTIVE JUROR NO. 049: 5-4.

20 MR. EGLET: '54.

21 PROSPECTIVE JUROR NO. 049: Yes, '54.

22 MR. EGLET: Okay, thank you. And any other names you've
23 been known by?

24 PROSPECTIVE JUROR NO. 049: Martinez, Angelino.

25 MR. EGLET: And which of those is your maiden name?

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1 PROSPECTIVE JUROR NO. 049: Martinez.

2 MR. EGLET: Martinez, okay. How often do you wash your
3 car?

4 PROSPECTIVE JUROR NO. 049: Once a month.

5 MR. EGLET: Once a week [sic). Okay, very good.

6 PROSPECTIVE JUROR NO. 049: Month.

7 MR. EGLET: Month. Once a month, sorry. Thank you.

8 Ms. Frye, there you are. Your date of birth?

9 PROSPECTIVE JUROR NO. 050: February 19th, 1967.

10 MR. EGLET: February 19th, 1967. And any other names
11 you've been known by?

12 PROSPECTIVE JUROR NO. 050: My maiden name was Ms. Levy,
13 L-E-V-Y.

14 MR. EGLET: L-E-V-Y. How often do you wash your car?

15 PROSPECTIVE JUROR NO. 050: Once or twice a month.

16 MR. EGLET: Okay. Ms. Kunkel. There you are.

17 Ms. Kunkel, your date of birth?

18 PROSPECTIVE JUROR NO. 051: December 7th, 1965.

19 MR. EGLET: Okay. And any other names that you're known
20 by?

21 PROSPECTIVE JUROR NO. 051: My maiden, Seigenfuse.
22 Seigenfuse.

23 MR. EGLET: Can you spell that for us?

24 PROSPECTIVE JUROR NO. 051: S-E-I-G-E-N-F-U-S-E.

25 MR. EGLET: Okay. And how often do you wash your car?

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1 PROSPECTIVE JUROR NO. 051: It gets washed every three
2 months when I take it for an oil change.

3 MR. EGLET: Okay, very good. And, Ms. Hubbert.

4 PROSPECTIVE JUROR NO. 293: Yes.

5 MR. EGLET: Good afternoon. Ms. Hubbert, can you tell us
6 what your date of birth is?

7 PROSPECTIVE JUROR NO. 293: June 16th, 1971.

8 MR. EGLET: Okay. And any other names you've been known
9 by?

10 PROSPECTIVE JUROR NO. 293: My maiden name, Pappageorge,
11 P --

12 MR. EGLET: Pappageorge?

13 PROSPECTIVE JUROR NO. 293: Yeah. P-A-P-P-A-G-E-O-R-G-E.

14 MR. EGLET: Okay. And are you related to the Pappageorge
15 who is with the fire department?

16 PROSPECTIVE JUROR NO. 293: Yes.

17 MR. EGLET: And is that your husband?

18 PROSPECTIVE JUROR NO. 293: Oh, no. John -- my Uncle
19 John used to be with the fire department years ago.

20 MR. EGLET: Okay. Do you have a cousin or your Uncle
21 John's son who's with the fire --

22 PROSPECTIVE JUROR NO. 293: Michael. No, my cousin
23 Michael isn't with the fire department.

24 MR. EGLET: He's not?

25 PROSPECTIVE JUROR NO. 293: No.

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1 MR. EGLET: Okay. All right. And any other -- I'm
2 sorry. How often do you wash your car?

3 PROSPECTIVE JUROR NO. 293: Once every two months.

4 MR. EGLET: Okay. All right, great.

5 I'm going to come back in the row and -- so I can
6 keep track of this, it's easier to me to [indiscernible] and
7 start back with the other questions. Ms. Tatum, can you tell
8 us, I see that you work for the Clark County School District?

9 PROSPECTIVE JUROR NO. 036: Yes.

10 MR. EGLET: And you were a transportation investigator.
11 What is that?

12 PROSPECTIVE JUROR NO. 036: I am the person that deals
13 with accidents and incidents that happen on the school bus.
14 If there's a problem on the bus with students, I deal with
15 those students. If there's a problem with a parent who want
16 to move a bus stop, I deal with the parents. I'm the middle
17 person. I get the information and send it in to other people.

18 MR. EGLET: Okay. When you say accident investigation,
19 as a lawyer I think well, are you the person that goes out to
20 the scene and investigates the accident, takes witness
21 statements and reports and things like that?

22 PROSPECTIVE JUROR NO. 036: Yes, sir.

23 MR. EGLET: Have you had any special training in accident
24 investigation?

25 PROSPECTIVE JUROR NO. 036: We have training during our

1 down time. And also like in teacher staff meetings, we have
2 different training. We have training for -- Metro have come
3 in and trained us, and different things like that.

4 MR. EGLET: Okay. Have you had any training in what's
5 called accident reconstruction, where you have to try to
6 reconstruct what happened in the accident?

7 PROSPECTIVE JUROR NO. 036: Yes.

8 MR. EGLET: Where did you get that training?

9 PROSPECTIVE JUROR NO. 036: From the -- our TIs that are
10 higher up than us. They came --

11 MR. EGLET: Your TIs?

12 PROSPECTIVE JUROR NO. 036: Yes. That's short for
13 investigators, transportation --

14 MR. EGLET: Okay.

15 PROSPECTIVE JUROR NO. 036: -- investigators. We call
16 ourself TIs.

17 MR. EGLET: Okay.

18 PROSPECTIVE JUROR NO. 036: And so they will -- we have a
19 session where they ask us to reconstruct an accident. Or if
20 they do an accident they want to know how can we tell who was
21 at fault or, you know, give our information, different things
22 like that.

23 MR. EGLET: Okay. Do you do the accident investigation
24 where there's injuries?

25 PROSPECTIVE JUROR NO. 036: Yes.

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1 MR. EGLET: Do you get involved in that?

2 PROSPECTIVE JUROR NO. 036: Yes, but mainly Metro. We go
3 on scene because we got to take care of our insurance
4 information. If it's an incident that happened or accident
5 that happened that is off school campus, Metro comes if they
6 have students.

7 MR. EGLET: Okay.

8 PROSPECTIVE JUROR NO. 036: If it's on school campus,
9 school police come. We go and do our own investigation. That
10 way we can submit all information into our risk management.

11 MR. EGLET: How long have you been doing this for a
12 living?

13 PROSPECTIVE JUROR NO. 036: I've been doing it for five
14 years. I've been at the district for almost 18 years. I
15 drove a school bus for 13.

16 MR. EGLET: Okay. So you have hands-on experience as
17 well?

18 PROSPECTIVE JUROR NO. 036: Yes, sir.

19 MR. EGLET: Okay, very good. Can you tell us what makes
20 you good at your job?

21 PROSPECTIVE JUROR NO. 036: My personality and the way I
22 talk to people. Even though drivers get into accidents and
23 I'll have incidents with them, I still treat them as human
24 beings. I do not treat them any less though. And so I
25 believe that's a benefit for me, is how I approach and how I

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1 talk to them. I'm usually be able to find out information
2 just by talking to them.

3 MR. EGLET: Okay. And do you have children?

4 PROSPECTIVE JUROR NO. 036: Yes, I do.

5 MR. EGLET: And what makes you a good parent?

6 PROSPECTIVE JUROR NO. 036: Probably my structure. I'm a
7 true believer of discipline. And I have no problem dealing
8 with -- I have no problem telling my kids that [indiscernible]
9 and plus I like kids.

10 MR. EGLET: Okay. What are your five year goals?

11 PROSPECTIVE JUROR NO. 036: To own another house.

12 MR. EGLET: Own another house.

13 PROSPECTIVE JUROR NO. 036: Yes.

14 MR. EGLET: Very good. And any clubs or organizations
15 you belong to?

16 PROSPECTIVE JUROR NO. 036: When I was younger I was a
17 Girl Scout. I also was a police's four when I was younger.
18 I'm in different clubs and organizations at my church. And
19 that's about it.

20 MR. EGLET: What are the two most important values that
21 you hold dear and that you've tried to impart upon your
22 children other than honesty and whatever faith you practice?

23 PROSPECTIVE JUROR NO. 036: Structure.

24 MR. EGLET: Okay.

25 PROSPECTIVE JUROR NO. 036: I definitely believe in

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1 structure. And giving. I love to give, so I try to teach my
2 children how to give.

3 MR. EGLET: All right. Can you tell us what situations
4 you're regarded as a leader?

5 PROSPECTIVE JUROR NO. 036: I never thought of myself as
6 being a leader, but I've always been put in leadership roles.
7 I believe it's the way I carry myself and the way I talk to
8 people and the way I communicate with people. And I believe
9 -- I don't take things personally. When someone's angry and
10 or upset, I won't take that cuss out personal to me. So I
11 think that's how I'm able to become a leader. I look past
12 that and go straight to the point of the issue that's going
13 on.

14 MR. EGLET: All right. If someone offers to send money
15 to the charity of your choice, what charity is that going to
16 be?

17 PROSPECTIVE JUROR NO. 036: It'll be breast cancer.

18 MR. EGLET: Why breast cancer?

19 PROSPECTIVE JUROR NO. 036: I have no -- I know three
20 wonderful women that have battled with breast cancer and they
21 have so far been able to talk about it. And just to watch
22 their strength, how they was able to overcome breast cancer I
23 think is remarkable.

24 MR. EGLET: And can you tell me the worst tragedy you've
25 ever had to experience in your life?

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1 PROSPECTIVE JUROR NO. 036: The death of my father.

2 MR. EGLET: How old were you?

3 PROSPECTIVE JUROR NO. 036: I was four, but just to lose
4 a father and not to have a father.

5 MR. EGLET: Now there are -- when you hear someone has
6 been injured or killed or become deathly ill do you ever think
7 to yourself that well, that may have happened to that person
8 because of some bad thing they did earlier in their life?

9 PROSPECTIVE JUROR NO. 036: No.

10 MR. EGLET: Okay. And some people believe that when
11 someone is injured or killed as a result of the negligence or
12 fault of someone else that, you know, it was fate or God's
13 will or bad luck or destiny, and so they shouldn't bring a
14 lawsuit because it was bound to happen anyway. Do you agree
15 with that?

16 PROSPECTIVE JUROR NO. 036: That they should not do a
17 lawsuit?

18 MR. EGLET: Yeah, right.

19 PROSPECTIVE JUROR NO. 036: No.

20 MR. EGLET: You don't agree with that?

21 PROSPECTIVE JUROR NO. 036: No.

22 MR. EGLET: Can you tell me the public figure you admire
23 most?

24 PROSPECTIVE JUROR NO. 036: I was thinking about that
25 yesterday when you was asking everybody. I believe it's

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1 Michelle Obama.

2 MR. EGLET: Okay. And why Michelle Obama?

3 PROSPECTIVE JUROR NO. 036: Because she's a mother and
4 she's also a educated woman. She have no problem putting her
5 hair back and get on the soccer field and run up and down with
6 her children. That's how I look at myself. And also she is
7 the, to me, the strong figure behind her husband, because her
8 husband wouldn't be who he is without a strong woman behind
9 him.

10 MR. EGLET: Thank you very much.

11 PROSPECTIVE JUROR NO. 036: Uh-huh.

12 MR. EGLET: Ms. Colmines, did I say that right again?

13 PROSPECTIVE JUROR NO. 049: Yes.

14 MR. EGLET: Colmines?

15 PROSPECTIVE JUROR NO. 049: Yes.

16 MR. EGLET: How are you this afternoon?

17 PROSPECTIVE JUROR NO. 049: I'm okay.

18 MR. EGLET: I see that you work at the New York New York
19 as a dealer, blackjack dealer; is that right?

20 PROSPECTIVE JUROR NO. 049: Yes, sir.

21 MR. EGLET: Okay. Can you tell us what makes you good at
22 your job?

23 PROSPECTIVE JUROR NO. 049: I want to tell you that go
24 very slow with me because I [indiscernible].

25 MR. EGLET: Okay.

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1 PROSPECTIVE JUROR NO. 049: So [indiscernible] okay.

2 MR. EGLET: Okay.

3 PROSPECTIVE JUROR NO. 049: [Indiscernible] and --

4 MR. EGLET: Sure. Did you understand my last question?

5 PROSPECTIVE JUROR NO. 049: Yeah. Will you repeat again
6 please.

7 MR. EGLET: Sure. What makes you good at your job as a
8 blackjack dealer?

9 PROSPECTIVE JUROR NO. 049: Oh. I like to talk to
10 people, you know, make them feel good when they're winning and
11 stuff like that.

12 MR. EGLET: Okay. Do you have children?

13 PROSPECTIVE JUROR NO. 049: Yes, I do.

14 MR. EGLET: And what makes you a good parent?

15 PROSPECTIVE JUROR NO. 049: Good parent would be good
16 mom. I raising my daughter by myself.

17 MR. EGLET: Okay.

18 PROSPECTIVE JUROR NO. 049: And lot of love, time, and
19 believing in God.

20 MR. EGLET: Okay. Now you were born in Ecuador?

21 PROSPECTIVE JUROR NO. 049: Yes.

22 MR. EGLET: Is that where you grew up?

23 PROSPECTIVE JUROR NO. 049: Yes.

24 MR. EGLET: Did you go to high school there?

25 PROSPECTIVE JUROR NO. 049: Yes.

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1 MR. EGLET: What did you want to be when you were in high
2 school?

3 PROSPECTIVE JUROR NO. 049: I want to be business
4 administration.

5 MR. EGLET: Okay. Why did you not go into that field?
6 What -- why did you go into gaming instead?

7 PROSPECTIVE JUROR NO. 049: Because when I came I was 24
8 years old and always be the language that I never went to
9 school. And so I [indiscernible] do something.

10 MR. EGLET: What are your five year goals? What do you
11 want to accomplish over the next five years?

12 PROSPECTIVE JUROR NO. 049: Be retired.

13 MR. EGLET: Be retired. Okay, very good.

14 PROSPECTIVE JUROR NO. 049: I've been working straight
15 for 22 years so I'm tired.

16 MR. EGLET: All right. Do you belong to any clubs or
17 organizations?

18 PROSPECTIVE JUROR NO. 049: What do you mean?

19 MR. EGLET: Well, I mean do you belong to any -- outside
20 of work, do you belong to any clubs or organizations that --

21 PROSPECTIVE JUROR NO. 049: Church, church.

22 MR. EGLET: Just your church?

23 PROSPECTIVE JUROR NO. 049: Yeah.

24 MR. EGLET: Okay. All right. And can you tell us the
25 two most important values that you have and you've tried to

1 impart upon your daughter other than honesty and whatever
2 faith you may practice.

3 PROSPECTIVE JUROR NO. 049: Lovely and thankful.

4 MR. EGLET: What was the last thing you said, thankful?
5 Okay. Love and thankfulness.

6 PROSPECTIVE JUROR NO. 049: Yes.

7 MR. EGLET: Okay. All right, great. Is there -- are
8 there situations where you think that you are regarded as a
9 leader?

10 PROSPECTIVE JUROR NO. 049: I don't know how
11 [indiscernible].

12 MR. EGLET: Do you know what we mean by leaders? Are
13 there situations at home -- well, obviously with your children
14 you're a leader, but are there situations outside of work or
15 at work where you think you're a leader of other people?

16 PROSPECTIVE JUROR NO. 049: I can't answer. I'm sorry.

17 MR. EGLET: Okay, that's fine.

18 MR. ROGERS: It's -- try (Spanish word).

19 MR. EGLET: What?

20 MR. ROGERS: (Spanish words).

21 PROSPECTIVE JUROR NO. 049: Oh.

22 MR. EGLET: Your Honor, I --

23 MR. ROGERS: That's leader. I just --

24 PROSPECTIVE JUROR NO. 049: I'm sorry.

25 MR. EGLET: Oh, okay.

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1 MR. ROGERS: That -- I don't she was getting it.

2 THE COURT: Yeah. One at a time, I think. One at a
3 time.

4 MR. EGLET: Okay, thank you.

5 PROSPECTIVE JUROR NO. 049: I'm sorry.

6 MR. EGLET: That's okay, that's okay. Not everybody sees
7 themselves in a situation as a leader. And so if you don't,
8 that's fine. We just want to know if you think you're -- any
9 situations where you're regarded as a leader.

10 If someone offers to send money to the charity of your
11 choice, what charity would you pick?

12 PROSPECTIVE JUROR NO. 049: Kids with cancer.

13 MR. EGLET: Okay. And why kids with cancer?

14 PROSPECTIVE JUROR NO. 049: I lose my niece. She was
15 only 35 years old. So I know what she went [indiscernible],
16 you know. So you can always get it for your kids.

17 MR. EGLET: All right, very good. Can you tell us the
18 worst tragedy that you've ever had to experience.

19 PROSPECTIVE JUROR NO. 049: I lost my niece.

20 MR. EGLET: Your niece. If someone is -- if you hear
21 about someone being hurt or killed or becoming seriously ill,
22 sick, do you ever think to yourself that well, that probably
23 happened to that person because of something bad they did
24 earlier in their life?

25 PROSPECTIVE JUROR NO. 049: No.

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1 MR. EGLET: Okay. Some people think that if someone is
2 injured because of someone else's negligence hurting them that
3 they -- that it was just fate or bad luck or God's will, so
4 they shouldn't bring a lawsuit because it would have happened
5 eventually anyway. Do you agree with that?

6 PROSPECTIVE JUROR NO. 049: No.

7 MR. EGLET: No? Okay. Who's the public figure you
8 admire most, and why?

9 PROSPECTIVE JUROR NO. 049: God.

10 MR. EGLET: Who?

11 PROSPECTIVE JUROR NO. 049: Jesus Christ.

12 MR. EGLET: Jesus Christ, okay. All right. Now can you
13 tell me why Jesus Christ is the person you admire?

14 PROSPECTIVE JUROR NO. 049: He's my savior.

15 MR. EGLET: He's your savior. Okay, thank you. Okay.

16 Ms. Frye, hi. Ms. Frye, you're a recruiter for
17 American Capital Preservation. Can you tell us what that is?

18 PROSPECTIVE JUROR NO. 050: Yeah.

19 MR. EGLET: What do you do?

20 PROSPECTIVE JUROR NO. 050: My husband is in -- is a
21 wholesaler and a retailer in the insurance industry, and we
22 recruit insurance agents to wholesale through us. And I
23 basically am in contact with the people and talk to them and
24 market for him and get insurance agents to come and work with
25 us. We do wholesale and retail.

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1 MR. EGLET: What kind of insurance do you --

2 PROSPECTIVE JUROR NO. 050: We do estate and business
3 planning through life insurance. And he also does disability
4 and -- gosh, health.

5 MR. EGLET: So this is personal financial type insurance
6 --

7 PROSPECTIVE JUROR NO. 050: Yes.

8 MR. EGLET: -- as opposed to liability insurance?

9 PROSPECTIVE JUROR NO. 050: Yes.

10 MR. EGLET: Okay. And how long have your husband and you
11 been -- had this business?

12 PROSPECTIVE JUROR NO. 050: I -- we just started this
13 business. He used to run estate for The Hartford for about
14 seven and a half, eight years. And we got out of that and we
15 started this business not too long ago, maybe a few months
16 ago. So we're just in the process of building it right now.

17 MR. EGLET: Okay. He ran The Hartford?

18 PROSPECTIVE JUROR NO. 050: Uh-huh.

19 MR. EGLET: Okay. He left The Hartford?

20 PROSPECTIVE JUROR NO. 050: Yeah.

21 MR. EGLET: Do you know Jeff Clemmons [phonetic]?

22 PROSPECTIVE JUROR NO. 050: I've heard the name.

23 MR. EGLET: Is that who, when your husband left, took his
24 position with Hartford, do you know?

25 PROSPECTIVE JUROR NO. 050: I don't have any idea.

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1 MR. EGLET: So you never met --

2 PROSPECTIVE JUROR NO. 050: At that point I was working
3 in real estate and I had nothing to do with it.

4 MR. EGLET: Okay, sure. All right. Can you tell us what
5 makes you good at your job?

6 PROSPECTIVE JUROR NO. 050: I'm a people person. So he
7 puts me in front of the people to get them in. And I'm a
8 talker and social, so that's why I do what I do.

9 MR. EGLET: All right. And you have children?

10 PROSPECTIVE JUROR NO. 050: Yes.

11 MR. EGLET: And what makes you a good parent?

12 PROSPECTIVE JUROR NO. 050: Love first, unconditional
13 love, discipline, and stability.

14 MR. EGLET: Okay. And what are your five year goals?

15 PROSPECTIVE JUROR NO. 050: Five year goals is to get our
16 business off the ground and get that as successful as we were
17 when we were with The Hartford. And also to get my son
18 through school into law school. He's --

19 MR. EGLET: Law school.

20 PROSPECTIVE JUROR NO. 050: -- going to be a lawyer. And
21 my other one will be going into college in five years, so
22 being able to pay for both of them.

23 MR. EGLET: Yeah, okay. Not cheap.

24 PROSPECTIVE JUROR NO. 050: No, it's not.

25 MR. EGLET: Okay. Can you tell us any clubs or

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1 organizations you belong to?

2 PROSPECTIVE JUROR NO. 050: I'm involved in our synagogue
3 in several different areas.

4 MR. EGLET: Okay. And what are the two most important
5 values to you and that you've tried to instill in your
6 children other than honesty or your faith?

7 PROSPECTIVE JUROR NO. 050: Well, to be good people, good
8 citizens, do well in school, treat people like they want to be
9 treated.

10 MR. EGLET: Okay, good. Can you tell us the situations
11 where you think you're regarded as a leader.

12 PROSPECTIVE JUROR NO. 050: I head up some committees.
13 They've asked me to head up committees and I get things done
14 when I'm asked to do things. So --

15 MR. EGLET: And that's with your synagogue?

16 PROSPECTIVE JUROR NO. 050: Yeah. Or even with school.

17 MR. EGLET: In school.

18 PROSPECTIVE JUROR NO. 050: Whenever I get involved with
19 the kids' school with them.

20 MR. EGLET: If someone offers to send money to the
21 charity of your choice, what charity is it going to be?

22 PROSPECTIVE JUROR NO. 050: Would be children with
23 cancer.

24 MR. EGLET: Okay. And why children with cancer?

25 PROSPECTIVE JUROR NO. 050: My son last year was

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1 diagnosed with cancer. But he's okay now, thank God, but went
2 through several surgeries before.

3 MR. EGLET: Doing well now though?

4 PROSPECTIVE JUROR NO. 050: He's doing okay.

5 MR. EGLET: I probably don't have to ask you the next
6 question, do I? That's it; right?

7 PROSPECTIVE JUROR NO. 050: That's it.

8 MR. EGLET: Okay. When you hear that someone's been hurt
9 or killed or become sick do you ever think to yourself well,
10 that probably happened because of something they did in their
11 past life, earlier life? Okay. Is that a no? You have to
12 say it out loud.

13 PROSPECTIVE JUROR NO. 050: I'm sorry. No, I do not
14 think that.

15 MR. EGLET: Okay. Some people think that if someone is
16 injured or killed that it's just fate, God's will, bad luck,
17 and that so they shouldn't bring a lawsuit even if it was the
18 fault of someone else. Do you agree with that?

19 PROSPECTIVE JUROR NO. 050: I do not. My husband was
20 just recently hit by a car three months ago and we are
21 actively involved right now in a suit.

22 MR. EGLET: Okay. It's an actual lawsuit that's been
23 filed?

24 PROSPECTIVE JUROR NO. 050: Yeah. We're working with the
25 attorneys now, yes.

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1 MR. EGLET: Okay. And how severely was your husband
2 injured?

3 PROSPECTIVE JUROR NO. 050: He had back injuries and he
4 hit his head on the rear-view mirror. Had a knot in his head
5 and a eye injury, but that's all healed. It's his back. It
6 will never be healed.

7 MR. EGLET: Okay. Has he had to have surgery?

8 PROSPECTIVE JUROR NO. 050: He does not have to have
9 surgery. We're still in the process of going through all the
10 doctor stuff, because this only happened three months ago.
11 And yesterday he went to the pain management doctor and got
12 shots for now. He refuses to go on narcotics though.

13 MR. EGLET: And who is the pain management doctor?

14 PROSPECTIVE JUROR NO. 050: I don't know who.

15 MR. EGLET: You don't know? It's none of the names of
16 doctors that were mentioned by Mr. Wall, was it?

17 PROSPECTIVE JUROR NO. 050: I don't think so.

18 MR. EGLET: Okay.

19 PROSPECTIVE JUROR NO. 050: I don't remember.

20 MR. EGLET: All right. Okay. Who's the public figure
21 you admire most?

22 PROSPECTIVE JUROR NO. 050: I was thinking about that. I
23 don't really admire that many -- anyone. I mean I've looked
24 up to people. But I think Ronald Reagan was a great
25 president.

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1 MR. EGLET: Okay. And tell us why you admire President
2 Reagan.

3 PROSPECTIVE JUROR NO. 050: Because he was a good leader,
4 got things done.

5 MR. EGLET: A charismatic guy and got things done.

6 PROSPECTIVE JUROR NO. 050: Yeah, that's about -- I was
7 nervous about that question.

8 MR. EGLET: Okay. That's fine. Listen, we've heard,
9 believe me, some of the things we've heard would -- are pretty
10 -- that's a very common one. Believe me, we've heard some odd
11 ones before, but that one's very good. Thank you.

12 Okay. Ms. Frye.

13 PROSPECTIVE JUROR NO. 050: No, that was me.

14 MR. EGLET: That was you. Sorry.

15 PROSPECTIVE JUROR NO. 050: That was me.

16 MR. EGLET: Ms. Smith.

17 PROSPECTIVE JUROR NO. 925: Yes, hello.

18 MR. EGLET: How are you?

19 PROSPECTIVE JUROR NO. 925: Fine. Ready to rock and
20 roll.

21 MR. EGLET: I'm sorry?

22 PROSPECTIVE JUROR NO. 925: Ready to rock and roll.

23 MR. EGLET: You ready to rock and roll. Okay. You've
24 probably got these questions memorized; right? Okay. You
25 work at City National Bank?

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1 PROSPECTIVE JUROR NO. 925: No.
2 MR. EGLET: Not anymore?
3 PROSPECTIVE JUROR NO. 928: That's me.
4 MR. EGLET: I'm just really messing this up. Okay, here
5 we go. You're a teacher --
6 PROSPECTIVE JUROR NO. 925: I am.
7 MR. EGLET: -- with the school district. What grade do
8 you teach?
9 PROSPECTIVE JUROR NO. 925: Third grade.
10 MR. EGLET: Third grade, okay. How long you been a
11 teacher?
12 PROSPECTIVE JUROR NO. 925: Sixteen years.
13 MR. EGLET: Okay. And what makes you good at your job?
14 PROSPECTIVE JUROR NO. 925: I'm creative, flexible,
15 sensitive, sympathetic.
16 MR. EGLET: You have children?
17 PROSPECTIVE JUROR NO. 925: I do.
18 MR. EGLET: And what makes you a good parent?
19 PROSPECTIVE JUROR NO. 925: Love and logic.
20 MR. EGLET: Love and logic.
21 PROSPECTIVE JUROR NO. 925: It's a philosophy. It works.
22 MR. EGLET: Okay.
23 PROSPECTIVE JUROR NO. 925: It's by Fay and Fay. You
24 should read it.
25 MR. EGLET: Did you want to be a -- it's a book?

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