Case No. _____

IN THE SUPREME COURT OF NEVADA

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HARVEST MANAGEMENT SUB LLC,
Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, THE HONORABLE LINDA MARIE BELL, DISTRICT COURT CHIEF JUDGE,
Respondent,

- and -

AARON M. MORGAN and DAVID E. LUJAN,
Real Parties in Interest.

District Court Case No. A-15-718679-C, Department VII

APPENDIX TO PETITION FOR EXTRAORDINARY WRIT RELIEF VOLUME 5 OF 14

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VOLUME 5 OF 14

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TAB 11

TAB 11

RTRAN

DISTRICT COURT

CLARK COUNTY, NEVADA

AARON MORGAN, Plaintiff, vs. DAVID LUJAN Defendant.	CASE#: A-15-718679-C DEPT. VII

BEFORE THE HONORABLE **LINDA MARIE BELL**, DISTRICT COURT JUDGE

MONDAY, APRIL 2, 2018

RECORDER'S TRANSCRIPT OF HEARING
CIVIL JURY TRIAL

APPEARANCES:

For the Plaintiff: DOUGLAS GARDNER, ESQ.
DOUGLAS RANDS, ESQ.

For the Defendant: BRYAN BOYACK, ESQ.
BENJAMIN CLOWARD, ESQ.

RECORDED BY: RENEE VINCENT, COURT RECORDER

TheRecordXcha

you see the injury. Do you know what I'm saying?

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 3: So it's not just the outside appearance but also what's going on inside the body.

MR. CLOWARD: Kind of like maybe --

PROSPECTIVE JUROR NUMBER 3: So I would go with if it's a big crash or a small crash, it really doesn't matter. It's you have to be checked. And you have to --

MR. CLOWARD: Case by case?

PROSPECTIVE JUROR NUMBER 3: Yes. The total package.

MR. CLOWARD: Okay, that's a good point. Maybe kind of like when you go to the grocery store and you buy eggs, you can't rely on just the outside of the carton to see if the eggs on the inside are damaged. You got to actually open it up and take a look. Is that kind of what you're getting at?

PROSPECTIVE JUROR NUMBER 3: Yes.

MR. CLOWARD: Okay, that's a great way to put it. So on that issue, would you be willing to listen to the facts and evaluate the facts and listen to what the doctors had to say?

PROSPECTIVE JUROR NUMBER 3: Yes.

MR. CLOWARD: Okay. Just curious, in your treating folks in the hospital setting, have you ever, say for instance, gone outside to evaluate somebody's car?

PROSPECTIVE JUROR NUMBER 3: No.

MR. CLOWARD: Before making a determination as to the

healthcare needs of that individual?

PROSPECTIVE JUROR NUMBER 3: No [indiscernible[.

MR. CLOWARD: Okay. Is that something that the EMTs will come up and tell you?

PROSPECTIVE JUROR NUMBER 3: No.

MR. CLOWARD: Okay. have you ever had any experience in a jury setting? Is this your very first experience?

PROSPECTIVE JUROR NUMBER 3: For possible juror, yes.

MR. CLOWARD: Okay. Have you heard of the difference between say a criminal case and a civil case? Have you heard maybe proof beyond a reasonable doubt? Have you heard those terms?

PROSPECTIVE JUROR NUMBER 3: I've heard it, but I don't really, I didn't pay too much attention to what they mean.

MR. CLOWARD: Okay. Does everybody understand that this is not a criminal case? Do you understand that this is not a criminal case, this is a civil case. So the Judge, when she instructs on the law, she will let you know what the burdens are, but they're not the same as in a criminal case. It's a different burden. So we'll talk about that.

Do you have any, I guess being in the medical field, you probably deal with doctors and so forth on a daily basis. Do you have any feelings one way or another about different types of physicians? Maybe, you know, maybe some types of physicians are not as nice as others. Maybe, you know, surgeons aren't as nice as say hospitalists. Or you know, is there anything along those lines that --

PROSPECTIVE JUROR NUMBER 3: Well, every individual is

different. There might be surgeons that's really nice with a good bedside manner, and some people that they're not. So you know, it's not particularly like surgeons are good, internists are okay.

MR. CLOWARD: Got you.

PROSPECTIVE JUROR NUMBER 3: You know, it depends.

MR. CLOWARD: Okay, fair enough.

PROSPECTIVE JUROR NUMBER 3: It depends on the individual.

MR. CLOWARD: Okay. Do you have any -- are there times in your life where you've served in maybe a leadership capacity, or you've served on, like, a board of directors or things of that nature?

PROSPECTIVE JUROR NUMBER 3: No.

MR. CLOWARD: Do you supervise folks at your current position? Do you have, like, a team or a staff of individuals who are under you?

PROSPECTIVE JUROR NUMBER 3: Yes, we have nursing assistants, we have secretaries.

MR. CLOWARD: Okay. How many people, say, do you supervise in your job?

PROSPECTIVE JUROR NUMBER 3: [indiscernible] I would say two nursing assistant, two secretaries.

MR. CLOWARD: Okay. Some nurses feel that doctors maybe don't respect their expertise enough. How do you feel about that?

PROSPECTIVE JUROR NUMBER 3: Repeat the question again.

MR. CLOWARD: Sure. Some nurses feel that doctors don't respect their expertise as nurses, that kind of doctors have this complex that I'm always right or, you know, I can never be questioned kind of a thing. How do you see that?

PROSPECTIVE JUROR NUMBER 3: Well, there are some doctors that are really like that in reality. But the thing is we're a hospital. They do rounds and they check with the nurses what, you know, what do they think about what's going on with the patient, what do you suggest. So it's like there's a collaboration between the nurses and the doctors. But at the end, it's really the doctor who plans what's, you know, what's the next plan for the patient.

MR. CLOWARD: Got you. It sounds like, and if I ever repeat something back to somebody that's not their truth, please let me know. My intention is not to -- I hope to understand exactly. And so if I ever repeat anything that's not accurate, please let me know. But what I hear is that with you it's a case by case. Maybe there are some doctors that feel that way, but you don't categorize all doctors as that way. Is that fair?

PROSPECTIVE JUROR NUMBER 3: That is correct.

MR. CLOWARD: Okay. Thank you. Have you ever been sued before for anything?

PROSPECTIVE JUROR NUMBER 3: No.

MR. CLOWARD: Have you ever had to sue or make a claim against somebody else?

PROSPECTIVE JUROR NUMBER 3: No.

MR. CLOWARD: Do you have any family members that maybe

have had those experiences, family members or close friends that have had that experience?

PROSPECTIVE JUROR NUMBER 3: No.

MR. CLOWARD: Okay. Did your godmother, did they make a claim or do anything along those lines?

PROSPECTIVE JUROR NUMBER 3: I don't think so.

MR. CLOWARD: Okay. And as far as maybe your personality goes, I'm just curious. If you believe something strongly, say for instance, you know, we fast forward to this time next week or Friday, and you were selected on the case and were the juror, and you felt strongly about something and you felt like you know what, that's the right thing, but you were outnumbered.

MR. GARDNER: Object, Your Honor.

MR. CLOWARD: On what basis?

MR. GARDNER: Using hypotheticals.

MR. CLOWARD: May we approach?

THE COURT: Sure.

MR. RANDS: My point is, he's giving scenarios that -- or imagination, that's all. He's not referring to a particular path

THE COURT: All right. So -

MR. CLOWARD: That's what I'm prohibited from doing, is giving particularized facts. That's what the 770 says I'm --

THE COURT: And talking about a verdict, but talking about --

MR. CLOWARD: -- not supposed to do.

THE COURT: My understanding of the question that he just

asked or what I believe what Mr. Cloward was getting at, I'm sure he'll correct me if I'm wrong, but was whether she would full term ground if the other jurors disagreed with her.

MR. CLOWARD: Yeah.

THE COURT: All right. So I think that's appropriate.

MR. CLOWARD: Yeah. I just want to make sure that people will actually deliberate and talk about the case is --

THE COURT: Please be careful, though. I already asked her the question about whether she was a party or a witness in a lawsuit, and there were a lot of personal stories, but let's just keep going.

MR. CLOWARD: Okay, thanks.

MR. RANDS: Okay. Thank you, Your Honor.

[Bench conference ends at 10:55 a.m.]

MR. CLOWARD: Overruled, Your Honor, for the record.

THE COURT: That objection is overruled.

MR. CLOWARD: Okay.

MR. RANDS: Thank you.

MR. CLOWARD: So, I can't remember if I got the full question out or --

THE COURT: No, You didn't.

MR. CLOWARD: Okay. So let me try again. We'll take two. So imagine, you know, we're a week from now we're -- maybe Friday, and you're selected as a juror in the case and you're back in deliberations. If you have some feelings about an issue and maybe you're outnumbered, I want to just kind of found out a little about your personality. Are you one that will

just say well, okay. You know what, if six other people say that, then I'll just go along with the flow, or are you the type of person that will say you know what, I'm going to going to -- I'm going to at least try and talk to the other folks and let them see my perspective and see if they will at least listen to, you know, my views?

UNIDENTIFIED PROSPECTIVE JUROR: In that situation, I would share my opinions, but at the same time I have to listen to their opinions as I check and see why, you know, how come I'm outnumbered, you know, they're one of mind, you know, because I might be wrong or I might learn something that might persuade me, too, but at the same time, I should share my opinions also.

MR. CLOWARD: Sure. So --

UNIDENTIFIED PROSPECTIVE JUROR: Collaboration, basically.

MR. CLOWARD: If I understand -- if I understood you correctly, you would be willing to listen to another point of view --

UNIDENTIFIED PROSPECTIVE JUROR: Uh-huh.

MR. CLOWARD: -- to see if maybe your point of view is wrong, but you also would want to share your point of view to let them know how you feel?

UNIDENTIFIED PROSPECTIVE JUROR: That's right.

MR. CLOWARD: Perfect. That's the way to -- we all do, everybody's voice to be heard, for everybody to have a seat at the table to hear it all. So, thank you very much.

Your Honor, the Court's indulgence for one moment?

THE COURT: Sure.

[Pause.]

MR. CLOWARD: Is there anything that feel like would be important for me, as the attorney for Mr. Morgan or Mr. Gardner to know on behalf of the Defendants about you?

PROSPECTIVE JUROR NUMBER 003: Well, it's fair to say that to be a juror just have -- I'm just going to do my best and listen on both sides of the story and collaboration by the other jurors and come to a decision about the case.

MR. CLOWARD: Okay, fair enough. And would you feel comfortable if you were seated in either Aaron's spot or the Defendant's spot, would you feel comfortable having jurors with your same frame of mind and same experiences sit on your --

THE COURT: Mr. Cloward, she already answered that question.

MR. CLOWARD: Oh, she did? I'm sorry. I did not know that that was the core question --

THE COURT: The last question I asked her.

MR. CLOWARD: Gotcha. Thank you, Judge. I'm sorry about that.

Okay. Thank you so much. I appreciate it.

THE COURT: Mr. Gardner, Mr. Rands?

MR. GARDNER: Thank you, Your Honor.

Hello, everyone. You're going to find that I'm the Defendant's lawyer. You're going to find that I always go second, so I try not to repeat

things a lot, but sometimes I do.

But I had a couple of couple of question that I'm going to ask -- it seems like you've been on the short end of all the questioning today, doesn't it? Do you feel like you've got the bright, bright lights on you?

PROSPECTIVE JUROR NUMBER 003: Yes, I do.

MR. GARDNER: Let me ask you this, do you know what the difference is between, say, a subjective injury verses an objective injury?

PROSPECTIVE JUROR NUMBER 003: No.

MR. GARDNER: The objective injury is something that you can see, you can feel, you can touch. When the bone pops out, you can all see that. The subjective is there might be something going on, but you can't find it. You run tests, you run trials, and everything else like that, and you can't find it. So that's the difference between those, objective and subjective questions. And where I'm going is, do you have any strong feelings or anything about what the Plaintiff would have to prove? Would he have to prove objective damages or subjective damages? Does that make sense?

PROSPECTIVE JUROR NUMBER 003: I'm going to have to -- I guess both, subjective and objective.

MR. GARDNER: Okay.

If you're injured in an accident and you claim that this accident hurt you to the point where you couldn't work for a while, and then you stopped working just because you can't get a [indiscernible] like you do working someplace, and then you stopped working someplace. Okay? That's [indiscernible].

What I'm wondering is, I'm going to use a fancy term called

mitigation. Mitigation is, even though I'm injured, I'm hurt, I still have to continue to try and live. Okay? Does that make sense to you?

PROSPECTIVE JUROR NUMBER 003: Yeah.

MR. GARDNER: Okay. What do you think a person ought to do -- ought to do to mitigate their damages? Are you familiar [indiscernible] know that?

PROSPECTIVE JUROR NUMBER 003: I watched a person [indiscernible] like a --

MR. GARDNER: Okay. Fair enough.

For example, if you're injured and you've got lots of objective injuries, a bone sticking out, or something like that, that's [indiscernible], and the subjective is there's things that you believe you've got. Okay? Do you think you would give both of those weight, the same weight?

PROSPECTIVE JUROR NUMBER 003: Yes, I would.

MR. GARDNER: Okay. But as far as mitigating the damages, what would you expect a person to do after they've been injured in an accident? Would you anticipate that they would be continuing to work or laying on the bed all night and -- what's your thought on that? Mitigation of damages.

PROSPECTIVE JUROR NUMBER 003: I'm not so sure about that question.

MR. GARDNER: Okay. Let's do it this way now, hypothetic. Hypothetically, you get into an accident. You go to the doctor, you've got some -- you've got some objective injuries, you've got a broken arm, they all get set. Now, with that injury, that broken arm, would you expect that

person to continue to go to work that afternoon or to go to work the next day, or what would your expectation be?

PROSPECTIVE JUROR NUMBER 003: That's the severity of the injury. [indiscernible] work at all. Even though you don't see broken bones, broken hips, or whatever, but internally they're damaged. You don't expect that person to go back to work.

MR. GARDNER: Okay. Now not going back to work indefinitely or would you anticipate that --

PROSPECTIVE JUROR NUMBER 003: Well, it depends on the severity of the injury.

MR. GARDNER: Okay. But one way or another, based on the severity and other factors, would you expect someone to mitigate or help themselves by continuing to work?

PROSPECTIVE JUROR NUMBER 003: Well, I guess they would have to -- [indiscernible] that individual, if they have -- if they have -- they would have to go back to work and earn money to stay alive, then I guess they have to. Some people, even though they're really injured, but if they need the money, they continue to work.

MR. GARDNER: Okay. I agree with that.

Have you ever had injuries that you wanted to tell someone about and then you did and they thought you were lying about it?

PROSPECTIVE JUROR NUMBER 003: [No verbal response].

MR. GARDNER: No? How would that make you feel, though? You've got an injury that you can feel, but it doesn't look like it and the people you tell don't believe you, what would that make you feel like?

PROSPECTIVE JUROR NUMBER 003: You know, I cannot force them, but if that's the truth and I know that's the truth, then I don't care what other people say or think. Just like in the hospital, if a patient say I'm in pain, but then again they're smiling, they're probably two friends, I can't help it, say that the person is not in pain because that's very effective.

MR. GARDNER: Okay.

PROSPECTIVE JUROR NUMBER 003: So I think it's basically [indiscernible] to this one, you cannot judge really.

MR. GARDNER: Okay. Did I write my notes down properly, do you have children?

PROSPECTIVE JUROR NUMBER 003: Uh-huh.

MR. GARDNER: Okay. If someone were to ask you to describe your feelings about your children, could you do that? I'm not going to ask you, could you do it?

PROSPECTIVE JUROR NUMBER 003: Yeah.

MR. GARDNER: Okay. And in the description, would you embellish, would you kind of make it better than they thought it was?

PROSPECTIVE JUROR NUMBER 003: No. I always just say the truth because the truth is it will show. Whether, you know, even if you -- if you sugar coat it, the truth will show. You know what I'm saying?

MR. GARDNER: Yeah.

PROSPECTIVE JUROR NUMBER 008: So just tell the truth.

MR. GARDNER: Well, say, for example, your kid is -- he's not working, he's just laying around [indiscernible] you would still be able to find good things to say about him, wouldn't you?

PROSPECTIVE JUROR NUMBER 008: Uh-huh.

MR. GARDNER: Okay. And that's what we would [indiscernible].

MR. GARDNER: That's all if have, Your Honor.

THE COURT: All right.

Ms. Patra-Martinez, ma'am, if you would introduce yourself?

PROSPECTIVE JUROR NUMBER 008: I'm Laura. I've lived here for about 25 years. I'm back at school for finance and [indiscernible] management. I am employed. I'm a sales manager. Married for, I don't know, 20 years. Spouse is [indiscernible] , electrician. Two kids. My daughter is 18, about to graduate this year, and my son is 12.

THE COURT: Ma'am, what industry are you a sales manager?

PROSPECTIVE JUROR NUMBER 008: Promotional products.

THE COURT: And have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 008: No.

THE COURT: Have you ever been a party to a lawsuit or a witness [indiscernible] before?

PROSPECTIVE JUROR NUMBER 008: No.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 008: No.

THE COURT: Have you or anything close to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 008: Years ago, in like the pharmacy side, but --

THE COURT: Was that you?

PROSPECTIVE JUROR NUMBER 008: That was me.

THE COURT: Okay. So what did you do?

PROSPECTIVE JUROR NUMBER 008: Helped like take prescription orders, look up when their prescriptions were eligible for refill.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 008: No.

THE COURT: Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 008: Yes.

THE COURT: Can you tell me about that?

PROSPECTIVE JUROR NUMBER 008: Yeah. About two years ago, almost two years ago, I was actually in a car accident. Making a turn, a guy ran a light, no witnesses stopped, unfortunately. Neither one of were ticketed, so it was kind of he said, she said type of thing. So I'm still kind of dealing with that right now.

THE COURT: All right. Can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 008: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don't personally agree with it?

PROSPECTIVE JUROR NUMBER 008: Yes.

THE COURT: Could you set aside any sympathy you may have for either side, base your verdict solely on the evidence and the

instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 008: Yes.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 008: I don't think so.

THE COURT: And if you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 008: Yes.

THE COURT: Mr. Cloward?

MR. CLOWARD: Thank you, Your Honor.

Ms. Patras-Martinez?

PROSPECTIVE JUROR NUMBER 008: Yes.

MR. CLOWARD: Did I get it right?

PROSPECTIVE JUROR NUMBER 008: [indiscernible] yes.

MR. CLOWARD: Sweet. Thank you. How are you this morning?

PROSPECTIVE JUROR NUMBER 008: Pretty good. [indiscernible]

MR. CLOWARD: A little hungry? Me, too. I'm always hungry.

Let me, I guess, start off just by asking whether there was anything that was previously discussed by your neighbor there, that, you know, you kind of thought I have strong feelings about that and I should talk to Mr. Cloward or Mr. Gardner about that?

PROSPECTIVE JUROR NUMBER 008: [No response heard]

MR. CLOWARD: Nothing at all?

PROSPECTIVE JUROR NUMBER 008: I don't think so.

MR. CLOWARD: Okay. Do you mind if I kind of go through some of them to see if that might evoke some additional feeling?

PROSPECTIVE JUROR NUMBER 008: Sure.

MR. CLOWARD: Okay. The Judge asked you about the car crash. May I ask you some additional questions on that first?

PROSPECTIVE JUROR NUMBER 008: Yes.

MR. CLOWARD: All right. When you -- you said that you're kind of still dealing with that.

PROSPECTIVE JUROR NUMBER 008: Uh-huh.

MR. CLOWARD: Can you share a little bit more about that?

PROSPECTIVE JUROR NUMBER 008: Yes. So both of us had, I don't know, the minimum insurance required --

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 008: -- I guess, and since either one of us were committed -- or at fault. My insurance didn't pay him, his insurance didn't pay me, so I just kind of okay, good, you know, It wasn't, I want to say huge, like [indiscernible] chiropractor, but that's for myself and my husband, some damage to his vehicle that I was riding [indiscernible] whatever, deal with that.

But he did get a lawyer [indiscernible] insurance company, United. I got a letter, called my insurance [indiscernible] absolutely not hit. They sent it back, so I guess they [indiscernible] to see whether they decided to pursue.

MR. CLOWARD: File a lawsuit?

PROSPECTIVE JUROR NUMBER 008: Yes.

MR. CLOWARD: Gotcha. Okay. Were you injured yourself in that?

PROSPECTIVE JUROR NUMBER 008: I mean I was banged up a little bit.

MR. CLOWARD: You went to the chiropractor and different things?

PROSPECTIVE JUROR NUMBER 008: Yeah.

MR. CLOWARD: Now Mr. Gardner asked some questions about subjective versus objective. Could you, you know, if someone were to look on the outside of your body could they say hey, I can see the pain, it looks like it's right there?

PROSPECTIVE JUROR NUMBER 008: I had a big old bruise on my arm, but --

MR. CLOWARD: Okay. So they could that one.

PROSPECTIVE JUROR NUMBER 008: Absolutely.

MR. CLOWARD: Okay. What about other parts of your body?

PROSPECTIVE JUROR NUMBER 008: No, I would not, just the [indiscernible] , but outside no, I do not.

MR. CLOWARD: Okay. You know some folks, I guess, they have the position that look, you can show me then, okay, but if you can't show me then too bad. And which -- what are you closer to?

PROSPECTIVE JUROR NUMBER 008: I mean both. Some of them are very obvious. I have a bruise on my finger, it hurts, or, you know, you have a broken ankle, you can't see it. That's where I'll show you it's

broken. So it can work both ways.

Q Okay. For some things, you know, we would ask that you take Aaron's word for it. I want to know how you feel about that? Are you the type that says you know what, he can't show me an x-ray or a broken bone or a scar, then I'm not going to take his word for anything? How do you -- how do you feel about that?

PROSPECTIVE JUROR NUMBER 008: I mean based on what happened and, you know, everybody's going to have their side of what happened probably to it.

MR. CLOWARD: Okay. Are you one that would automatically, I guess, discount if you're not able to show something on, you know, an x-ray or a scar? If you're not able to show that, then automatically you're going to -- it would be harder for Aaron with you, or are you one that's willing to just, you know, listen and I'll listen to all the facts and make a decision after I hear everything?

PROSPECTIVE JUROR NUMBER 008: [Indiscernible] decision.

MR. CLOWARD: Okay, you're willing to do that?

PROSPECTIVE JUROR NUMBER 008: Yes.

MR. CLOWARD: Okay. Now, where did I put it? Oh, can I ask kind of a personal question, and this is the one personal question I'll likely ask, you know, the entire voir dire. Voir dire means everybody in the -- the jurors. But, you know, what is the biggest setback or challenge that you have faced in life?

PROSPECTIVE JUROR NUMBER 008: You know, I mean I --

a lot of them. Right now it's probably getting my daughter through college and going in and doing that, put a dog down.

MR. CLOWARD: Oh, I'm sorry.

PROSPECTIVE JUROR NUMBER 008: It depends on the day or --

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 008: -- what happens then.

MR. CLOWARD: There are different things. How -- like when you look back on difficulties in life, how well did you handle those? Were there some that maybe you rose to the occasion, you handled well, and then others that you look back and you say to yourself you know what, I didn't handle that as well as thought I would or as well as other stuff that I should? Did you ever have that?

PROSPECTIVE JUROR NUMBER 008: No. I mean I think I do pretty well. As an example, my dad and my grandmother were in Hospice two doors down from each at the same time.

MR. CLOWARD: Oh, my.

PROSPECTIVE JUROR NUMBER 008: [Indiscernible] my son, daughter's in [Indiscernible] , and finish out my Bachelor's program, you know, I may still -- there's the [indiscernible] .

MR. CLOWARD: You're a very strong individual.

PROSPECTIVE JUROR NUMBER 008: I didn't -- I didn't sleep all night --

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NUMBER 008: -- you know, I was

tired, but I just kind of pulled through and do what you have to do to make it through any [indiscernible], so.

MR. CLOWARD: Wow.

PROSPECTIVE JUROR NUMBER 008: You have to do what you have to do to survive.

MR. CLOWARD: That's a -- [indiscernible] some very difficult things, [indiscernible] through some very difficult things. May I ask you to maybe level with me on an issue? Having had those very difficult experiences, do you think that you might be harder on an individual that maybe didn't rise to the occasion like you did?

PROSPECTIVE JUROR NUMBER 008: Usually.

MR. CLOWARD: You would be harder on them? Okay. Would you maybe be more judgmental toward that person?

PROSPECTIVE JUROR NUMBER 008: I don't know that judgmental is the right word, but I'm managing. You know, people in seeing me trying to find a solution.

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NUMBER 008: If you can't come to work because of this, [indiscernible] got what options are there, because you have to decide an option, you have a family to take care of, you have a job to do, and --

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 008: -- obligations.

MR. CLOWARD: Have you ever had experiences or a time in your life where maybe you did give, even if it was a brief, you know, maybe

just very brief and then you kind of gathered yourselves and -- gathered yourself and got things back together, but that there was a moment where you lost all that?

PROSPECTIVE JUROR NUMBER 008: I don't think so.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 008: You always have to put your next food forward.

MR. CLOWARD: Yeah. I appreciate your willingness to share, and I'm sorry that you experienced those things. You're very tough.

Let me ask, back to the outline, I guess first, do you understand that, you know, maybe there is, you know, with the example of cherry pie, maybe I might not be the best fit for a cherry pie contest, but I would be okay to judge, say a, you know, a barbecue contest or a, you know, a hamburger contest, or something like that. Can you see that?

PROSPECTIVE JUROR NUMBER 008: Yeah.

MR. CLOWARD: Can you see that? And I guess we're just trying to identify the folks that maybe, for whatever reason, their life experiences, they might not be the right fit for this particular case, and I would just ask kind of an open ended broad question, Is there anything that we've talked about so far that you think to yourself, you know what, I probably ought to let him know about my news on this issue?

PROSPECTIVE JUROR NUMBER 008: [No verbal response.]

MR. CLOWARD: How did it set with you when you heard me say, I was standing right here, and you heard me say at the end of this case, we're going to be asking for an amount into the millions of dollars? How did

that hit you?

PROSPECTIVE JUROR NUMBER 008: Oh, my God, something must have really happened.

MR. CLOWARD: Okay. Did you have feelings automatically, hey look, this guy, he's in here, he's trying to -- he's trying to get a -- bowl one over on me?

PROSPECTIVE JUROR NUMBER 008: No. More like oh, my God.

MR. CLOWARD: Okay. So more curiosity than anything else? Okay. Appreciate that. A lot of times I talk to perspective jurors and some individuals, they don't like the idea, the concept of pain and suffering, and money damages for pain and suffering, and just fundamentally, they have an issue about this and couldn't find. I've heard a lot of great examples of why, you know, they're bothered by that, and a lot of them make a lot of sense. How do you feel about that concept, pain and suffering in general and asking somebody else to pay you for what you're going through?

PROSPECTIVE JUROR NUMBER 008: I mean I would have -- personally, have lost somebody or that are they really 100 percent at fault, am I being reasonable.

MR. CLOWARD: Sure. I've seen one of two things happen when somebody has a prior experience like yours, where they weren't treated fairly. I've seen one or two things happen, either a) they try to settle the score, and that would not be fair for the Defendant; but then I also have seen people that they say, you know what, I didn't get anything, so I'm not going to -- I'm not going to do anything for the Plaintiff here, and obviously,

you know, we don't want your prior experience to influence, I guess, one way or another. Do you feel like maybe want you to settle the score based on you not being treated fairly, or do you believe that, you know, you might miss -- this would require you to really drill down deep? What do you think about that?

PROSPECTIVE JUROR NUMBER 008: I mean I think it would be hard, but I don't think I'm a [indiscernible] person and you've got to take yourself out of it.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 008: Everybody's situation is just a little bit different [indiscernible] .

MR. CLOWARD: Sure. And when you say you think it might be hard, can you help me understand a little bit more in [indiscernible]?

PROSPECTIVE JUROR NUMBER 008: Yeah, based on the circumstances and exactly what [indiscernible] hit a little close to home, you know.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 008: [Indiscernible] I would remove myself. [indiscernible] to their individual situation.

MR. CLOWARD: Sure. Can I ask you to elaborate on why it would be hard? I know that it's the experience, but what feelings might come out that would maybe make it difficult?

PROSPECTIVE JUROR NUMBER 008: Well, I mean, you know, sometimes just driving, if I go down that same street, I'll have like a panic attack probably [indiscernible] or you see somebody pulling out a little

bit too -- it just kind of brings you back to that place.

MR. CLOWARD: Okay. And when the Judge asked the question about -- I guess I don't really do share the details, so I'll --

With the Court's permission, I'll re-ask the question based on additional facts.

Do you think that having that experience, that it would make it so that maybe you wouldn't the right fit for this type of a case? That you might allow those experiences to influence the way that you make a decision in this case, whether it be for the Plaintiff or for the Defense, that it might actually influence -- those feelings might influence you?

PROSPECTIVE JUROR NUMBER 008: No. I think that I would be able to remove myself from it, you know, since [indiscernible] different case, different circumstances, different people.

MR. CLOWARD: Okay, great. Fair enough. And fair to say you would feel comfortable in either seat, based on your experience, that you feel like you could compartmentalize that and set those feelings aside and do the job?

PROSPECTIVE JUROR NUMBER 008: [No verbal response.]

MR. CLOWARD: Is that a yes?

PROSPECTIVE JUROR NUMBER 008: Yes.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 008: Sorry.

MR. CLOWARD: Okay. It's okay, and it's just for the record. I apologize. I know that you're saying yes, you're nodding. It's okay, I'm sorry.

PROSPECTIVE JUROR NUMBER 008: [Indiscernible].

MR. CLOWARD: What are your thoughts on just basically frivolous lawsuits? A lot of folks believe that the majority now-a-days, that that's a big problem with society, that the majority of lawsuits are frivolous. How do you feel about that?

PROSPECTIVE JUROR NUMBER 008: I think that a lot of them are, you know, your daytime TV and watch Judge Judy.

MR. CLOWARD: Yeah?

PROSPECTIVE JUROR NUMBER 008: But I brought him to see movie and then he broke up with me, and [indiscernible].

MR. CLOWARD: She don't play.

PROSPECTIVE JUROR NUMBER 008: Right. She's scary.

MR. CLOWARD: She don't play. I don't know if I dare go in front of her ever.

PROSPECTIVE JUROR NUMBER 008: I mean it happens.

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NUMBER 008: Then they contest it, it's just the way it is now-a-days.

MR. CLOWARD: Okay. Do you think that the fact that I'm here with Mr. Morgan, that chances are more likely that his case is frivolous and it is legitimate?

PROSPECTIVE JUROR NUMBER 008: I don't know. I don't know him.

MR. CLOWARD: Okay. And one thing that I'll, you know, it's important for everybody to follow rules, and one of the rules that the

attorneys have in this setting is we're not allowed to talk about the facts for the case. That's a rule that we have to follow and much as I would love to, I want to follow the Court's ruling and they're the court's rules, and it's just not the court's rules, it's all courtrooms, they have a local rule that requires that. So, I'm sorry. I know it's tough to make decisions in a vacuum, but that's the way that they've set it up, so we follow the rules.

PROSPECTIVE JUROR NUMBER 008: I think for millions of dollars, it must have been [indiscernible].

MR. CLOWARD: anything else about you that you feel like it would be important for either myself or Mr. Gardner to know on behalf of his client?

PROSPECTIVE JUROR NUMBER 008: [No verbal response.]

MR. CLOWARD: Okay. And similar to the question that I asked, how do you make decisions? Do you -- you know, if you're kind of outnumbered, are you the type that is just going to fall in line or are you the type that's going to try and talk through and get other people to see your side of things so that you have a voice? How do you set with that?

PROSPECTIVE JUROR NUMBER 008: I usually do when making decisions, I make decisions and that sort of thing, I'll, you know, make sure that I agree with the decision, and I kind of look at everything and I'll plant my feet pretty hard until I've given a third chance to see my side and my thoughts and make sure you understand where I'm coming from, why I'm coming from that way, the angles that I looked at, that I looked at that stuff.

MR. CLOWARD: Gotcha.

PROSPECTIVE JUROR NUMBER 008: Sure.

MR. CLOWARD: So your voice will be heard, that's great, great. Thank you very much.

PROSPECTIVE JUROR NUMBER 008: You're welcome.

MR. CLOWARD: Let me -- Your Honor, the Court's indulgence for one moment to confer with counsel?

THE COURT: Sure.

[Plaintiff's counsel confer]

MR. CLOWARD: Thank you.

THE COURT: Mr. Gardner?

MR. GARDNER: Thank you, Your Honor.

You know, something you just said kind of made something pop up in my mind. What is your feeling about -- I mean are you pre-disposed to think that since there's a lawsuit that's been filed, there must be some legitimacy to what they want? Did I say that right? Do you understand?

PROSPECTIVE JUROR NUMBER 008: Yes.

MR. GARDNER: Just because they filed, there must be something that they right. How do you feel about that?

PROSPECTIVE JUROR NUMBER 008: I mean I don't -- most people, generally, they don't file unless without feeling I'm right and I need to get some sort of a solution.

MR. GARDNER: Okay. What about a Defendant, a Corporation Defendant, would they be given the same equal opportunity to fairness?

PROSPECTIVE JUROR NUMBER 008: I mean I -- if I'm going to sue him for X reason, I don't think he has much of a say, he just has to

come and ask the Court whether he feels he's innocent or guilty.

MR. GARDNER: That's true. In this case, we're going to see if we're liable or not liable, okay? And what that means is, you know, if he caused an accident or did something, that means we caused it, right? But you understand there's two parts to this, there's the causal part and then there's the damages. You know, you've seen -- have you ever heard of people being in pretty bad car accidents and then not being able to win or -- that wasn't a good question. I'm sorry.

What I'm trying to figure out is, are you predisposed to believe that there must be something wrong, otherwise the Plaintiff would not have brought this case? What do you think about that?

PROSPECTIVE JUROR NUMBER 008: I think that would be fair to --

MR. GARDNER: That would be fair?

PROSPECTIVE JUROR NUMBER 008: Yes.

MR. GARDNER: Well, you heard me talking to your neighbor about objective and subjective damages. Did you understand where we were going with that?

PROSPECTIVE JUROR NUMBER 008: Yes.

MR. CLOWARD: Okay. If somebody doesn't look like they're injured, but they say they are, that's subjective, right?

PROSPECTIVE JUROR NUMBER 008: Yes.

MR. GARDNER: And then if they break their arm and they've got a bone poking out, that objective. Have you ever -- have you ever thought about what a person should do after a lawsuit to -- whether it's about

subjective or objective damages, what do you think a person should do after that? Say they've got an subjective injury, would you expect them to just stop working? Would you expect them to just stop being in society, or anything like that?

PROSPECTIVE JUROR NUMBER 008: It depends on how great it was. I would probably say, you know, are there different things that can prevent it working, like [indiscernible] .

MR. GARDNER: Okay. But you would do anything you could to survive, right?

PROSPECTIVE JUROR NUMBER 008: Absolutely.

MR. GARDNER: Even if it meant working through pain?

PROSPECTIVE JUROR NUMBER 008: Yes.

MR. GARDNER: All right.

One moment, Your Honor?

THE COURT: All right.

[Pause.]

MR. GARDNER: I'll pass, Your Honor.

THE COURT: Okay.

[Indiscernible] , if you will introduce yourself, please?

PROSPECTIVE JUROR NUMBER 009: My name is Patrick Elmore. I've been living in Clark County since 1983, after being transferred here from the military. I graduated from high school and have a lot of college, a lot of credits. I probably have a degree somewhere, but I never looked for it.

I am employed and work for the --

MR. CLOWARD: Judge?

PROSPECTIVE JUROR NUMBER 009: -- Southern Desert Correctional Center in Indian Springs.

MR. CLOWARD: Your Honor, I'm having a hard time hearing. I just want to -- it's super important that I can hear what you're saying. Can you speak up just a little bit?

PROSPECTIVE JUROR NUMBER 009: Oh, sure.

MR. CLOWARD: I'm sorry to ask. Thank you.

THE COURT: He works for --

PROSPECTIVE JUROR NUMBER 009: I work for Southern Desert Correctional Center --

MR. GARDNER: -- Okay.

PROSPECTIVE JUROR NUMBER 009: -- in Indian Springs.

MR. GARDNER: Great.

PROSPECTIVE JUROR NUMBER 009: I've been working there about 12 months, 15 months, or something like that. I am married. My wife works at the VA on a ward on the third floor [indiscernible] .

I do have a daughter, she's 38. She lives somewhere on the east coast, and I have no idea where she lives.

THE COURT: All right. Sir, what do you do for the Department of Corrections?

PROSPECTIVE JUROR NUMBER 009: I'm a logistics buyer. I just spend the State's money and keep going.

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

PROSPECTIVE JUROR NUMBER 009: No.

THE COURT: Have you ever been a party to a lawsuit or a witness to a lawsuit?

PROSPECTIVE JUROR NUMBER 009: No, ma'am.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 009: No, ma'am.

THE COURT: Have you or anyone close to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 009: No.

THE COURT: Have you or anyone close to you had a serious injury?

PROSPECTIVE JUROR NUMBER 009: No.

THE COURT: Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 009: I'm sorry, the question before, yes, I do. I'm sorry.

THE COURT: I'm sorry?

PROSPECTIVE JUROR NUMBER 009: The question you just asked before?

THE COURT: The medical --

PROSPECTIVE JUROR NUMBER 009: It was my brother. He served -- he had a really bad injury, but he said it was a bicycle wreck, but we're pretty sure he was messing around with his late wife, he got beat up. He just wasn't telling the truth and we never found out, but I'm pretty sure.

THE COURT: So what kind of injury did he have?

PROSPECTIVE JUROR NUMBER 009: His face. His face kind of swelled up like two or three times the size. They had to sedate him because he was [indiscernible] concrete. So they sedated him for several days because he -- one of [indiscernible] an RN, so she will know he's pulling all the stuff out, and then they got to go back and keep putting it in, so they just sedated him at that time [indiscernible].

THE COURT: All right. Is he all right now?

PROSPECTIVE JUROR NUMBER 009: Oh, yes. This was about a year ago, two years ago.

THE COURT: You or anyone close to you that's been in a car crash?

PROSPECTIVE JUROR NUMBER 009: No.

THE COURT: Can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 009: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don’t personally agree with them?

PROSPECTIVE JUROR NUMBER 009: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 009: Yes.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror?

PROSPECTIVE JUROR NUMBER 009: No.

THE COURT: If you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 009: Absolutely.

MR. CLOWARD: Thank you, Your Honor. Thank you. Mr. Elmore, how are you today?

PROSPECTIVE JUROR NUMBER 009: Groovy.

MR. CLOWARD: Good. So you're the third one in, you're kind of getting to see the drill of how this goes, and I guess first off, I'll just -- I'll ask, is there anything that was previously discussed that you have some sort of strong feelings about that you would be willing to share with me?

PROSPECTIVE JUROR NUMBER 009: The only thing I would add is just because you see somebody and they or may not be disabled, because I don't look like I'm disabled, but I am. I can walk and stuff, but I'm 70 percent disabled due to the military, so you can't judge it just by looking at somebody to see if they're disabled. I used to do that for years, why do you have a placard, you can walk pretty much straight up, but there's other injuries other than the obvious ones.

MR. CLOWARD: Okay. So for you, it's maybe -- you have some personal experience with that, that --

PROSPECTIVE JUROR NUMBER 009: With it, yes.

MR. CLOWARD: -- you can't necessarily -- I mean to me, you look like you're in pretty shape and --

PROSPECTIVE JUROR NUMBER 009: [Indiscernible], but yes, you're right.

MR. CLOWARD: Yeah. Okay. Well, I appreciate you sharing

that. Thank you. Can I talk to you a little bit about, you know, some of the important issues? You know, I'll be brutally honest again, you know, the only thing that a Plaintiff really can do in a case like this is ask for money, and so we spend a lot of time talking about it, and there's always something that's kind of tough to talk about. So I want to get your feelings and your views on that.

PROSPECTIVE JUROR NUMBER 009: Well, as far as money's concerned, the monetary value really does make them [[indiscernible]. It's a lot easier suing for whatever the reason is, which we don't know yet, but as far as the money value is, I don't care what the -- if it's a hundred million or two million.

MR. CLOWARD: Or nothing, right?

PROSPECTIVE JUROR NUMBER 009: Or nothing.

MR. CLOWARD: Yeah. I don't want there to be any implication that we're not going to prove our case. It's true we filed a lawsuit, but we're going to prove it. Okay? But I don't want anybody to assume that just because we're here that that means something, it doesn't, it doesn't.

So let me ask a -- I guess your feelings or views on pain and suffering. You know, if you've got a disability, you don't use -- you probably experience that on a daily basis.

PROSPECTIVE JUROR NUMBER 009: I do.

MR. CLOWARD: How do you feel about someone coming in to court and asking for money for that?

PROSPECTIVE JUROR NUMBER 009: Well, if they file a lawsuit and they believe that the other party was in the wrong, I don't have a

problem with that, because I believe that the other side's wrong and the other side believes the other side is, so you have to listen to all the evidence and go from there. [Indiscernible] this decision for you [indiscernible] , so.

MR. CLOWARD: Okay. Are you a sports fan at all?

PROSPECTIVE JUROR NUMBER 009: I am.

MR. CLOWARD: What's your favorite sport?

PROSPECTIVE JUROR NUMBER 009: Football.

MR. CLOWARD: Football? Who's your favorite team?

PROSPECTIVE JUROR NUMBER 009: [Indiscernible].

MR. CLOWARD: So, do you watch other sports?

PROSPECTIVE JUROR NUMBER 009: A little bit.

MR. CLOWARD: You know, it's the final for championship games tonight, it's kind of a time that's exciting. I remember a couple of years ago, I think maybe three years ago, there was a player, I believe he was from Kansas, he jumped up for a jump shot and when he landed, he broke his leg right in half. And, you know, you look at that and you say how did that happen? That exact jump shot was made thousands of times during this tournament, but for some reason, you know, it did happen then.

Did you remember that story?

PROSPECTIVE JUROR NUMBER 009: I do.

MR. CLOWARD: So, in car crashes, some folks believe look, you've got to have something crazy happen, like unless somebody kicked that guy's leg, I don't believe that that actually happened to him It just was simple, he jumped up and he broke his leg. And I've talked to thousands of jurors, and some say look, unless it's a head on crash, unless it's a rollover,

unless somebody's ejected, I don't think people could get hurt. Other people say, you know what, I don't feel that way.

MR. GARDNER: I need to object, Your Honor. It's going into a narrative now. All we're doing is voir dire.

THE COURT: Sustained. If you would ask a question, Mr. Cloward, please?

MR. CLOWARD: My question is how do you feel on that topic?

PROSPECTIVE JUROR NUMBER 009: Well, with a car crash, the way they're building cars now, because I [indiscernible] cars, they're not really making them very well, in my opinion, but you're taking your chances in some of these cars that I've driven around. Anything could happen. Just because you walk away doesn't mean you weren't hurt , if you roll over or anything like that.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 009: You could get hurt going ten miles-an-hour.

MR. CLOWARD: Okay. Are you the type of an individual that is quick to make a judgment or are you someone that's willing to listen to the facts and the evidence and hear all sides of an argument?

PROSPECTIVE JUROR NUMBER 009: I try to listen to all the facts because you [indiscernible] both sides. [Indiscernible] make an opinion on something, you're going to take the -- whatever, it doesn't matter, it's only the evidence that you can go by. If the evidence isn't there, it isn't there. If it is, you have to consider it [indiscernible] .

MR. CLOWARD: Okay. Thank you for that. I had another

question, but then I lost it.

MR. CLOWARD: What is the biggest challenge or setback that you have in life?

PROSPECTIVE JUROR NUMBER 009: I think my biggest challenge [indiscernible] would be my relationship with my daughter because she doesn't talk to me. I probably should have done more as a parent because when you're a child, you don't know all the facts. I think she's just mad at me because me and her mother aren't together anymore. Sometimes what it is is what it is, but I got hurt for a lot of -- well, she's 38 now, so a lot of years. So that was a setback that I haven't been able to overcome yet because it's still an issue.

MR. CLOWARD: I'm going to ask -- may I ask you some questions about that?

PROSPECTIVE JUROR NUMBER 009: Sure.

MR. CLOWARD: And I appreciate it. I know these are tough things to talk about, so I respect and honor what you have to tell me.

PROSPECTIVE JUROR NUMBER 009: Okay.

MR. CLOWARD: Looking back on that, you mentioned something, you said as I look back on it, maybe I didn't do things the way I should do. At the time, did you feel like you were doing your best?

PROSPECTIVE JUROR NUMBER 009: Yeah.

MR. CLOWARD: So you knew that maybe you weren't --

PROSPECTIVE JUROR NUMBER 009: I knew that I should have done more as a parent. My child [indiscernible] responsibility [indiscernible] a day, and one of them is actually using your head

sometimes, and I should have done better. It's [indiscernible] her fault, it is mine.

MR. CLOWARD: So you're in a place that you've recognized maybe you could have handled it a little bit differently?

PROSPECTIVE JUROR NUMBER 009: Sure, absolutely. It, you know, when you sit down and look at the whole picture, not just a piece of it or this part or that part, but you look at the whole thing. I should have done more. I mean -- that's it, I didn't.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 009: I didn't.

MR. CLOWARD: And I think, you know, most parents feel like that at some period.

PROSPECTIVE JUROR NUMBER 009: Bringing up kids, it's not easy.

MR. CLOWARD: Well, thank you for sharing those thoughts. I know that's something that's close to you and I appreciate your willingness to share it. Thank you.

One thing that always, always worries me, my biggest fear in cases like these is that for whatever reason, somebody is unwilling to tell me how they feel about an important issue. They're put on the spot or whatever the reason is, but I always worry about finding that out after the fact. Is there anything that we've discussed that you felt like, you know what, I probably ought to at least tell him about it and have some discussion. Anything along those lines?

PROSPECTIVE JUROR NUMBER 009: Well, not really. Me

and the local -- not the DA, himself, but one of the District attorney's out of the office that I've had a few conversations about Criminal Justice, because that's what they teach you in college. And we had a little bit of a disagreement that didn't turn out too well. I mean a big problem, but I'm pretty sure we won't be speaking anymore anytime soon. Okay? I just felt that some things that they do in court, or at the court, I told him, I said [indiscernible] because, unfortunately, wants an I.D. and all that kind of stuff, but that is a TV show, that's not --

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NUMBER 009: That's edited and controlled environment, and all of that.

MR. CLOWARD: Well, I'm sure you're already learning, given the fact that it's quarter to noon and the show's not over.

PROSPECTIVE JUROR NUMBER 009: Right.

MR. CLOWARD: And this isn't like Evine, right?

PROSPECTIVE JUROR NUMBER 009: That's right. Evine's all in an hour and a whole year in an hour or so.

MR. CLOWARD: And I mean no disrespect to Mr. Gardner, but we're not actors, we're, you know, we're not as slick as, what's the word, polished as those TV lawyers, so do you hold that against us?

PROSPECTIVE JUROR NUMBER 009: No.

MR. CLOWARD: Okay, good.

Is there anything else about you that you feel would be important to share?

PROSPECTIVE JUROR NUMBER 009: No, nothing I can think

of, no.

MR. CLOWARD: Okay.

Your Honor, the Court's indulgence one moment?

THE COURT: Sure.

MR. CLOWARD: Thank you.

THE COURT: Mr. Gardner?

MR. GARDNER: Thank you.

All right. Tell me your name one more time, I --

PROSPECTIVE JUROR NUMBER 009: Patrick Elmore.

MR. GARDNER: Okay. I've been trying to take notes as quickly as I could, but when I heard that thing about cherry pie and McDonalds, it kind of made me hungry, so I may be on edge now, so.

You have a daughter that's 38 years-old?

PROSPECTIVE JUROR NUMBER 009: I do, sir.

MR. GARDNER: Okay. What did you have her, like ten years-old or something? [Indiscernible] still play.

PROSPECTIVE JUROR NUMBER 009: No, I'm 57, so we were right at the -- when I first the military, I was in the [indiscernible] .

MR. GARDNER: Oh, boy. That's a -- you might need to sell your secret to someone.

You commented that you are completely physically fit; is that right?

PROSPECTIVE JUROR NUMBER 009: True.

MR. GARDNER: And there's some -- for the condition you're in, you could still do the job at the Correctional Center?

PROSPECTIVE JUROR NUMBER 009: I can.

MR. GARDNER: Okay. It doesn't interfere with your work out there at all or --

PROSPECTIVE JUROR NUMBER 009: No.

MR. GARDNER: No. Do you ever -- do you ever get physical with the inmates or anything or --

PROSPECTIVE JUROR NUMBER 009: No, no.

MR. GARDNER: Do you have contact with them?

PROSPECTIVE JUROR NUMBER 009: I do. We have several inmates that work at the warehouse where I'm at. We have about six or seven.

MR. GARDNER: Oh, okay. That's great. Is that like a work release?

PROSPECTIVE JUROR NUMBER 009: Something like that. The folks that are with us are on their way out. So for [indiscernible] they're actually outside the brick, so they can like walk away any time they wanted. They don't because most of them are leaving in a few months and if they do that, they add like either five or seven more years, so. But somebody -- they do do it still.

MR. GARDNER: That's good motivation.

PROSPECTIVE JUROR NUMBER 009: Seven years with no TV.

MR. GARDNER: Do you feel like you're paid less than you should be because you got this injury?

PROSPECTIVE JUROR NUMBER 009: No.

MR. GARDNER: Now when we talked about objective versus subjective, you -- I could see you were watching very closely. Are we clear on what that is, subjective and objective?

PROSPECTIVE JUROR NUMBER 009: Yes.

MR. GARDNER: Okay. And what would you say about -- I want to go back to the part where you said you needed work to survive, right?

PROSPECTIVE JUROR NUMBER 009: Right.

MR. GARDNER: Yeah. How would you feel if there was someone in front of you that said they can't work, and so they're -- and so they don't try to get a job or anything? How would you feel about that?

PROSPECTIVE JUROR NUMBER 009: I would feel really bad for them because let's face it, in this world, if you don't have a job, it's -- you have issues. I mean unfortunately, we have to work. I really wish I didn't have to work because I really like [indiscernible] . All I have to do is -- it's really overrated for me, but.

MR. GARDNER: You show up every day and yeah, oh yeah, we're -- really overrated.

PROSPECTIVE JUROR NUMBER 009: You work at it a long time, you're retired next week.

MR. GARDNER: You are retired?

PROSPECTIVE JUROR NUMBER 009: No. I retired from the military, but I'm just tired. I was ready to stay home and watch the Price is Right or [indiscernible].

MR. GARDNER: And I don't know what counsel was talking

about, we do it just exactly the way they do it.

So if someone is injured, do you believe that they have a duty to mitigate their damages. Do you know what that means?

PROSPECTIVE JUROR NUMBER 009: Mitigate, yes, I do. I don't know if they have a duty, but I would say an option. You know, I think you have to sue them, right, unless you want to. Something happens, then you are [indiscernible]. Just like that [indiscernible] one about they have a [indiscernible] episode in LA, which I thought was -- because they're reeling those people over a pair of slacks. They lost everything over a pair of slacks. That's crazy, they lost everything.

MR. GARDNER: What position do you hold?

PROSPECTIVE JUROR NUMBER 009: I'm just a Supply Tech II. I just research and step in line [indiscernible]. Some of them are mandated by the State, but for the most part, I try to achieve a step anywhere in the service [indiscernible].

MR. GARDNER: And what branch of the military were you in?

PROSPECTIVE JUROR NUMBER 009: I was in the Air Force.

MR. GARDNER: Air Force? Honorable discharge?

PROSPECTIVE JUROR NUMBER 009: Yes.

MR. GARDNER: Court's indulgence?

[Defendant's counsel confer.]

MR. GARDNER: Nothing further.

THE COURT: All right.

Okay, folks, we're going to go ahead and break for lunch . During this break you are admonished not to talk or converse among

yourselves or with anyone else on any subject connected with this trial, or read, watch, or listen to any report or commentary on the trial or any person connected with this trial, by any medium of information, including, without limitation, newspapers, television, internet and radio, or express any opinion on any subject connected with the trial until the case is finally submitted to you. I ask you not to do any independent research.

Also, during the course of the trial, the lawyers, parties, witnesses, and court staff, other than the Marshall here, are not permitted to talk to you at all. We can't say hello, we can't tell you where the elevator is, we're not allowed to talk to you at all. It's just to protect the integrity of the jury process. So if you see one of us and we ignore you, please understand we are not being rude, we're just not allowed to talk to you.

We'll see you folks back at 1:00.

THE MARSHAL: Please rise for the jury.

[Jury exits courtroom for lunch break.]

THE COURT: Counsel approach for a second?

UNIDENTIFIED SPEAKER: I'm hurrying.

THE BAILIFF: Take your time.

[Bench Conference]

MR. CLOWARD: Hi.

THE COURT: Is that your client right there, folks?

MR. GARDNER: Yeah.

THE COURT: All right. What does your client prefer to be called?

MR. GARDNER: Erica.

THE COURT: Okay. Thank you. So the case is captioned, do it the way in which I'm assuming is her legal name.

MR. GARDNER: No, she's the representative of the --

THE COURT: She's the representative. Oh, okay.

MR. GARDNER: -- of the corporation.

THE COURT: I thought --

MR. GARDNER: Mr. Lujan is the --

THE COURT: Got it. Okay. It's a different -- different person.

MR. CLOWARD: Mr. Lujan is not in court today, but he's --

THE COURT: Got it.

MR. GARDNER: Harris, that is a creative way of saying David, it's just a different way of pronouncing it.

MR. CLOWARD: Yeah.

THE COURT: I'm just trying to be sensitive to the issue, so got it. That's embarrassing.

Okay. We have a motion, too, that didn't get a result yet. When would you like to do that, because I think maybe -- let's not do it during the trial so we can just focus on the trial.

MR. GARDNER: What was it?

THE COURT: A motion for fees.

MR. CLOWARD: For fees. I think it's scheduled for next week.

THE COURT: Oh. Oh, is it?

MR. CLOWARD: Yeah.

THE COURT: Oh, yeah. [Indiscernible] I confuse myself. I had it on today, actually. So we can --

MR. BOYACK: The thing I had was for the 10th, because the --

MR. CLOWARD: Yeah, on their notice it was for the 10th.

UNIDENTIFIED SPEAKER: I'm easy, Judge. Whatever you want, we'll do.

THE COURT: Nope, that is not the motion I had. So I had -- I confused myself. Your motion for questionnaire was on today.

UNIDENTIFIED SPEAKER: Today, gotcha.

THE COURT: Which got filed a little late, so.

UNIDENTIFIED SPEAKER: Yeah, it was a little late.

THE COURT: Okay. But I just got confused --

UNIDENTIFIED SPEAKER: Yeah.

THE COURT: -- because I saw a motion and then I saw that motion.

UNIDENTIFIED SPEAKER: Okay.

THE COURT: Okay. So we'll leave that on the 10th, and then I'll just -- deny that on the record, so we have that.

UNIDENTIFIED SPEAKER: Okay. Thanks, Judge.

THE COURT: All right. Thanks, folks.

UNIDENTIFIED SPEAKER: Sounds good. Thank you.

[End of bench conference.]

THE COURT: So the motion for questionnaire is denied as it filed a little bit untimely. And then the motion for fees and costs will be heard on the 10th.

[Recess taken at 11:55 a.m.]

THE MARSHAL: Please rise for the jury.

[Jury in at 1:02 p.m.]

THE MARSHAL: Please be seated.

THE COURT: We're back on the record in Case Number A-718679, Morgan versus Lujan. Let the record reflect the presence of all of our prospective jurors and counsel.

And we were -- Mr. Carter, sir, if you would please introduce yourself?

PROSPECTIVE JUROR NUMBER 12: My name is Ryan Carter. I've lived in Clark County since 1976. I completed high school. I am an IT professional. I work for a credit union. I'm married. I've been married since 1997. My wife stays home with our children. My children are 10, that is my son; my daughter is 16; and my oldest son is 18.

THE COURT: All right. Does your 18-year-old go to college, or is out of -- are they still in school?

PROSPECTIVE JUROR NUMBER 12: He is currently working at a movie theater with plans to go in the Air Force.

THE COURT: All right. Sir, have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 12: No, ma'am.

THE COURT: Have you ever been a party to a lawsuit or a witness in a Las Vegas court?

PROSPECTIVE JUROR NUMBER 12: No.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 12: No.

THE COURT: Have you or anyone close to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 12: My mother is a [indiscernible] doctor, but [indiscernible].

THE COURT: Okay. Can you tell me just a little bit about what she does?

PROSPECTIVE JUROR NUMBER 12: Homeopathy [indiscernible], herbs, that kind of stuff.

THE COURT: Did she go to school for that?

PROSPECTIVE JUROR NUMBER 12: She did.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 12: I guess that would depend on the definition of "serious."

THE COURT: Well, what you would consider a serious injury.

PROSPECTIVE JUROR NUMBER 12: I'll say no.

THE COURT: Okay. Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 12: Yes.

THE COURT: Can you tell me about that?

PROSPECTIVE JUROR NUMBER 12: I have been hit or I've hit other people in a car.

THE COURT: How many times?

PROSPECTIVE JUROR NUMBER 12: I've been hit three times. I've hit other people twice.

THE COURT: Okay. And how long ago was the last accident?

PROSPECTIVE JUROR NUMBER 12: Six years?

THE COURT: Was anyone injured in any of the accidents?

PROSPECTIVE JUROR NUMBER 12: I was rear-ended on a motorcycle. I wasn't injured badly, but I still suffer effects from it.

THE COURT: Sir, can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 12: Yes, ma'am.

THE COURT: Can you follow the instructions of the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 12: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 12: Absolutely.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 12: No.

THE COURT: And if you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 12: Yes, ma'am.

THE COURT: Mr. Cloward?

MR. CLOWARD: Thank you, Your Honor.

Good afternoon, Mr. Carter. How are you? Five accidents.

PROSPECTIVE JUROR NUMBER 12: Yeah.

MR. CLOWARD: That's quite a few. Is your vehicle like magnetic or --

PROSPECTIVE JUROR NUMBER 12: For a while, it seemed so. It seemed like it, yeah.

MR. CLOWARD: Were those in short duration or short succession as far as like a bunch of them all at once?

PROSPECTIVE JUROR NUMBER 12: Two of them were. The rest were spread out over 10 years.

MR. CLOWARD: Gotcha. What are your feelings after having five accidents? It sounds like you were -- you were rear-ended in a couple and maybe a couple were -- were possibly your fault? Were some of them your fault?

PROSPECTIVE JUROR NUMBER 12: There were two that were my fault.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: I didn't stop in time. There were extenuating circumstances like [indiscernible], but the end result was that I didn't stop in time. I had been following too close -- closely. And then I've been rear-ended a couple of times. It was never pleasant.

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 12: My feeling is that the world is a dangerous place, and sometimes this stuff happens.

MR. CLOWARD: Okay. Did -- did anyone that you rear-ended, did they claim injury or file a claim or a suit against you?

PROSPECTIVE JUROR NUMBER 12: Against me personally,

no. If they filed against my insurance, I didn't know.

MR. CLOWARD: You didn't know. Okay. What about you, did you -- were you injured as a result of the -- I mean, it sounds like the motorcycle one for sure.

PROSPECTIVE JUROR NUMBER 12: I was injured in that. I still have muscle spasms in my back from it. I did not file suit. I was in the care of a doctor for a little while, and got as good as I figured I could get and, you know, moved on.

MR. CLOWARD: What kind of treatment did you receive?

PROSPECTIVE JUROR NUMBER 12: Chiropractic and pain management.

MR. CLOWARD: Okay. And you got some injections to stop the pain?

PROSPECTIVE JUROR NUMBER 12: Yes.

MR. CLOWARD: When is the last time that you received any treatment for that?

PROSPECTIVE JUROR NUMBER 12: Specifically for that injury, probably five years ago.

MR. CLOWARD: Okay. May I ask why you didn't present your bills to the other -- the other party?

PROSPECTIVE JUROR NUMBER 12: I did.

MR. CLOWARD: Did they take care of those for you?

PROSPECTIVE JUROR NUMBER 12: They did.

MR. CLOWARD: Okay. It sounds like you did not -- it didn't go to court, though.

PROSPECTIVE JUROR NUMBER 12: It did not.

MR. CLOWARD: How does -- how do you feel about someone like Aaron that, you know, he is here and he's -- we're -- obviously, we're in court. This isn't out of court.

PROSPECTIVE JUROR NUMBER 12: Mm-hmm.

MR. CLOWARD: How do you feel about that?

PROSPECTIVE JUROR NUMBER 12: If he was injured bad enough to need more care beyond what he was able to get on his own, then I would seek care as well.

MR. CLOWARD: Okay. How do you feel about the system, the way that it's set up that individuals can sue one another if they feel like they're not being treated fairly, or they bring it and have jurors decide for them? How do you feel about it?

PROSPECTIVE JUROR NUMBER 12: Isn't that the whole point of the legal system?

MR. CLOWARD: Do you feel like it's -- it's a good system? Some folks would say, "Well, it's a terrible system." Other folks say, "Well, it's the best we've got." Where do you fall in that?

PROSPECTIVE JUROR NUMBER 12: I'm probably towards it's the best we've got.

MR. CLOWARD: Okay. What are some problems that you think are with the system?

PROSPECTIVE JUROR NUMBER 12: Well, you brought up one, for example. We have the slacks.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: The company that was sued got put out of business for their slacks. I don't think that's fair or right. But for all the other ones that were fair and right, you're going to have an equal amount of [indiscernible] more on the right side than the wrong.

MR. CLOWARD: Okay. You raise a good point. You raise a good point about I guess the potential concern that somebody -- that folks have is, you know, who is being sued, and is it going to put them out of business, those types of consideration, those types of things.

PROSPECTIVE JUROR NUMBER 12: I don't think it's so much as who.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: I think it's more along the reasons of why or if it's a valid argument. But sometimes valid is very subjective.

MR. CLOWARD: Okay. Staying along those lines, there has been a lot of discussion about subjective versus objective. How do you feel about that?

PROSPECTIVE JUROR NUMBER 12: I've experienced both subjective and objective pain in my life, and I believe that they are both real.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: And because of that, I would have to evaluate each thing on its merits and decide if I believe it or not.

MR. CLOWARD: Okay. So you're not going to -- you're not one that is just going to take maybe somebody's word for it, but then on the

other hand you're not somebody that is going to maybe ignore their word? You want to listen to the facts and kind of flesh out the details and -- is that fair?

PROSPECTIVE JUROR NUMBER 12: Absolutely.

MR. CLOWARD: Okay. On sympathy and fairness, sympathy and fairness are kind of a two-way street. Some folks may feel bad for Aaron; other folks may feel bad for the defendants in the case. And I asked a question if -- you know, if this were a case where somebody drove a car into a building and damaged the electrical system in the building, and there's an invoice for the repairs, I think that is -- for some reason, it's easier for folks to wrap their mind around that than maybe an individual that's injured. And do you -- I want to get your thoughts on that. Do you agree with that or disagree with that?

PROSPECTIVE JUROR NUMBER 12: Well, I think driving into a building and severing the power for the building, having to pay the repairs for that, that's a very cut-and-dry thing.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: There is no subjective or objective about it. It's all objective.

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 12: You drove into the building, you caused damage, you're now on the hook for it.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: Hopefully you have insurance. Whereas, you know, in a traffic accident, there is always two

parts involved. And one of those is going to be right; one of them is going to be wrong. The end result is it's very -- there's good potential for both of them to be injured.

MR. CLOWARD: Okay. Now, I want to ask a question. Hypothetically, let's say that the damage to that building is 7 million. Do you think that it should come into the consideration that the decision-making -- let's assume that -- that everybody agrees that's the damage, 7 million. Do you think it should matter if -- if say, for instance, Steve Wynn, who, you know, has a lot of money is the person that -- that did that, or -- that ran into the building or maybe it's a college student. Do you think --

PROSPECTIVE JUROR NUMBER 12: Well, the damage is the damage.

MR. CLOWARD: Okay. Do you think that there should be some consideration at least that -- or do you think you'd just set those things aside?

PROSPECTIVE JUROR NUMBER 12: Well, I think for the most part companies that own property have some type of property insurance.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: And they purchase that to protect themselves from those eventualities that, you know, if someone drives into your building, they may not have enough coverage to pay for it, and they may be a college student, so suing is not going to do you any good. And if they can write you a check for $5 for the rest of their life, that's still not going to make it any better. So, at that point, you've got to cut your

losses and move on with life.

MR. CLOWARD: Okay. Thank you. How do you feel about the -- what was going inside of you in your thoughts and feelings when the client discussed that we would be asking for a very large amount at the end of this case, into the millions? What were some things -- were you thinking, no way, or were you thinking you'd like to see what happened?

PROSPECTIVE JUROR NUMBER 12: I was thinking along the lines of I'd like to see what happened.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: And see if there is an explanation for that large of an amount.

MR. CLOWARD: And what are some other things that maybe you were thinking about at that moment when you first heard that earlier this morning?

PROSPECTIVE JUROR NUMBER 12: I really can't think of anything specific.

MR. CLOWARD: Okay. Do you think there is a way to figure out what lawsuits are frivolous and which ones are meritorious or valid?

PROSPECTIVE JUROR NUMBER 12: I think they all should be judged on their merit.

MR. CLOWARD: Okay. Do you think there is a way that -- that it's -- I guess and are there certain things that you would look to to figure out, hey, this is -- I mean, some cases like the suit case, I mean, it -- I think anybody, you take 100 people out of 100 people and ask them about that case, and everyone is going to say that's -- that's BS. You know, that

shouldn't -- that has no place in our society.

But, you know, other cases -- and you're going to hear one side of view from our doctor, so you're going to hear another side of view from -- from their side, and I'm just curious to know, you know, what you would look to to help you make the decision as to whether or not this is a legitimate case, or whether this is frivolous, or whether the defenses are frivolous.

PROSPECTIVE JUROR NUMBER 12: I think a lot of people are going to have a reputation -- a reputation.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: And if you bring up doctors and people that have a reputation of -- forgive the term -- of chasing -- ambulance chasers --

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 12: -- and those are probably not the kind of people that you want as your experts. But if they're well-known in their field and they're good doctors, and they've seen a lot and have a lot of experience, and they're not known for being frivolous or, you know, chasing the easy buck, then you're going to lend more weight to their testimony.

MR. CLOWARD: Okay. And you bring up a good point about reputation. I think folks have probably heard my partner's commercials on TV. The Richard Harris Law Firm is an advertising firm. How about them?

PROSPECTIVE JUROR NUMBER 12: I've lived in this town for a long time, so [indiscernible] Harris.

MR. CLOWARD: That is -- that is a long time ago.

PROSPECTIVE JUROR NUMBER 12: So I think you'd have to live under a rock to not hear the ads for the law offices.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: And there is law offices that advertise for divorce and for cash settlements and all kinds of other things, so it is what it is. You've got to find a way to -- to make it in the world and to generate business.

MR. CLOWARD: Okay. Do you -- do you believe -- I guess you have feelings or thoughts about the type of law firm that we are based on the fact that we advertise. Do you have any preconceived ideas about me?

PROSPECTIVE JUROR NUMBER 12: No, sir.

MR. CLOWARD: Okay. And you'd let me know if you did?

PROSPECTIVE JUROR NUMBER 12: Absolutely.

MR. CLOWARD: I appreciate that.

PROSPECTIVE JUROR NUMBER 12: I mean, I would ask why you would be a judge in a cherry pie-eating contest? Or in a pie-eating contest if you don't like cherry pie?

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 12: That seems like something you should step down from?

MR. CLOWARD: We'd like to -- we'd like to actually have a discussion about what the right thing for someone would be to do in that situation, and I'm with you. I think that that individual should -- should tell the contestants, and at least let the contestants know, so they can make a

decision as to what should be done in that, especially if there were other folks that could -- could step in.

PROSPECTIVE JUROR NUMBER 12: If you're in a pie-eating contest and there's that one guy that makes snake pie, and you don't like snake pie, I get it. You probably don't announce that. But in a pie-eating contest, cherry pie, that's a pretty popular pie. You probably shouldn't be --

MR. CLOWARD: It's nasty, though. It's [indiscernible].

PROSPECTIVE JUROR NUMBER 12: Then you shouldn't be judging pie.

MR. CLOWARD: Oh, I like a lot of other pies, trust me, banana cream, coconut cream, pumpkin, pecan.

PROSPECTIVE JUROR NUMBER 12: Banana cream [indiscernible].

MR. CLOWARD: I agree with you. I would never judge a cherry pie. I would never do that. I'd take myself out of the -- out of it because I couldn't be fair. Despite my best efforts, I could not be fair.

So let me ask a personal question, if I might.

PROSPECTIVE JUROR NUMBER 12: Sure.

MR. CLOWARD: It's a question I've asked others. What is something, you know, maybe the biggest challenge that you've had in life; how did you deal with that?

PROSPECTIVE JUROR NUMBER 12: In, you know, 2008, a lot of bad stuff happened to a lot of people in this town.

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NUMBER 12: And it happened to me,

too. I lost a substantial amount of my income, and eventually I had to leave my property and move into a rental property, and things of that nature. And that was hard. I wouldn't want to go through that again.

MR. CLOWARD: Yeah. That was a tough part of time. It was. I remember those -- those were tough days.

When you look back on I guess the way that you handled, though, some of those things are obviously out of your -- out of your control. Do you feel like you've dealt with that? Were you happy with the way that you dealt with that looking back on it? Would you have done things differently?

PROSPECTIVE JUROR NUMBER 12: I don't think that I would have done things differently.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: Was I happy about it? No. But sometimes that's what happens in life.

MR. CLOWARD: Sure. Had you -- had you -- I guess did you have a different perception of what that would be like?

PROSPECTIVE JUROR NUMBER 12: Before as opposed to after?

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NUMBER 12: Sure.

MR. CLOWARD: Was the reality of the situation different than maybe what you had anticipated it would be like?

PROSPECTIVE JUROR NUMBER 12: Yeah.

MR. CLOWARD: Okay. Thank you.

PROSPECTIVE JUROR NUMBER 12: You're welcome.

MR. CLOWARD: Has there ever been a situation in your life where you've faced adversity, where you kind of look back on that time of life and you're disappointed with the way that you handled it, and you wish that maybe you would have done things a little differently?

PROSPECTIVE JUROR NUMBER 12: I think that's probably true for everybody. It's true for me, too. But I also think that a lot of the good things that have happened in my life happened because of a decision about [indiscernible] together, and to go back and change a poor decision that ended up resulting in some good things, you might eliminate those good things. So I don't know that I would go back and change anything. You kind of have to take things as they come as well with the [indiscernible].

MR. CLOWARD: Thank you. Okay. Ms. Patras-Martinez [phonetic] kind of mentioned that -- that she might judge someone that has struggled or gave up because she is -- she has obviously faced some very difficult challenges. How do you feel having faced the financial crisis of 2008 that -- you know, you got through that, and, you know, would you maybe judge somebody harshly based on your ability to rise to the occasion?

PROSPECTIVE JUROR NUMBER 12: I think everyone has got their own -- own circumstances. So I try not to judge them.

MR. CLOWARD: You're on the other end of that now. So you have -- you have perspective.

PROSPECTIVE JUROR NUMBER 12: Mm-hmm.

MR. CLOWARD: You have perspective. But looking back, was

it easy going through that while you were in the middle of it?

PROSPECTIVE JUROR NUMBER 12: No.

MR. CLOWARD: Did you ever lose hope?

PROSPECTIVE JUROR NUMBER 12: No. I just kind of assumed things would be all right if I did what I could to make them all right.

MR. CLOWARD: May I ask your age?

PROSPECTIVE JUROR NUMBER 12: 42. Well, in July, 42.

MR. CLOWARD: Do you think you would have handled that situation differently if you were in your twenties?

PROSPECTIVE JUROR NUMBER 12: Easily.

MR. CLOWARD: Okay. Now, I'm kind of bouncing around. Marge [phonetic] always has some -- some great questions that I -- I miss, and I'd like to ask those, but how do you think that juries get off of track? How do you think it happens -- we've all heard the term "runaway jury." How do you think that happens?

PROSPECTIVE JUROR NUMBER 12: I think that maybe something that come up -- can come up in the course of the trial that could be inflammatory for many people.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 12: And that they may focus on that one item and not hear the rest of it because they're too [indiscernible] when they heard it earlier.

MR. CLOWARD: How do you think that the -- what's the best way to make sure that -- that that doesn't happen?

PROSPECTIVE JUROR NUMBER 12: That's a good question.

I don't know.

MR. CLOWARD: Thank you. Do you think that me being here, representing Aaron, that I'm a greedy lawyer?

PROSPECTIVE JUROR NUMBER 12: No.

MR. CLOWARD: Can you understand that I have a job to do for my client?

PROSPECTIVE JUROR NUMBER 12: Absolutely.

MR. CLOWARD: Is there anything that has been said so far that you feel like, you know what, I probably should -- I should tell them about my views on this or on that?

PROSPECTIVE JUROR NUMBER 12: I already have. I shared with you the accidents that I've been in and --

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 12: -- and the results of those. So beyond that, not really, no.

MR. CLOWARD: Okay. No views on any of the -- any of the subjects that we've talked about that we haven't covered?

PROSPECTIVE JUROR NUMBER 12: No, sir.

MR. CLOWARD: Okay. Your Honor, one moment. Court's indulgence.

[Pause.]

MR. CLOWARD: Your Honor, thank you. Thank you.

PROSPECTIVE JUROR NUMBER 12: You're welcome.

MR. GARDNER: Well, right off the bat, I want to get this cherry pie controversy settled, okay?

PROSPECTIVE JUROR NUMBER 12: Appreciate that.

MR. GARDNER: I was scribbling down notes as quickly as I could. Did you say that you were in an accident to where you got injections for chiropractic?

PROSPECTIVE JUROR NUMBER 12: Yes, sir.

MR. GARDNER: Okay. What was your experience with the injections? Did they help you?

PROSPECTIVE JUROR NUMBER 12: They are terrible. Worst pain I've experienced in my life. Worse than the pain I was in when I started.

MR. GARDNER: Really.

PROSPECTIVE JUROR NUMBER 12: Yes, sir.

MR. GARDNER: Maybe that's the beauty of them. It takes your mind off the real pain.

PROSPECTIVE JUROR NUMBER 12: Not for me. The doctor determined that I probably shouldn't have any more because I'm probably allergic to it based on previous experiences.

MR. GARDNER: Oh. So what was it, was it the needle going in, or was it the food going in, or what -- what was so painful? What part of that?

PROSPECTIVE JUROR NUMBER 12: The needle didn't bother me so much. It was the fluid. It was very painful.

MR. GARDNER: Okay.

PROSPECTIVE JUROR NUMBER 12: I don't know exactly what it is, but I've had it in my back and my knee, and both were

excruciating.

MR. GARDNER: Okay. Was that frustrating to you?

PROSPECTIVE JUROR NUMBER 12: Absolutely. Something that should help made it worse.

MR. GARDNER: I'll ask the same question. When you look at everything so far, has there been anything offensive to you or anything like that?

PROSPECTIVE JUROR NUMBER 12: No, sir.

MR. GARDNER: Okay. I used to ask potential jurors what they thought about lawyers. I stopped asking it because I didn't want to hear it anymore. That's all I have. Thank you.

PROSPECTIVE JUROR NUMBER 12: I've done IT work for a long time. I've done it for lawyers, I've done it for doctors, and I've done it for [indiscernible]. And people are just people. They're all doing a job, and usually they are more suited to that job than something else.

MR. GARDNER: Fair enough. Early in my marriage, I let my wife know that I wasn't handy with my hands. No woodwork. None of that. So some people can do it; some people can't.. Anyway, thank you.

PROSPECTIVE JUROR NUMBER 12: You're welcome.

THE COURT: Thanks.

Ma'am, how do you pronounce your last name?

PROSPECTIVE JUROR NUMBER 29: Paolo.

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 29: And I've been in Clark County for seven years. I'm originally from Hawaii. Went to cosmetology

schools and I'm a hair stylist. I'm not married, no kids.

THE COURT: All right. And have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 29: No.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 29: No.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 29: No.

THE COURT: Have you or anyone close to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 29: My sister just graduated nursing school, but isn't practicing it right now.

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 29: And -- yeah, that's about it.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 29: No.

THE COURT: Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 29: No.

THE COURT: Have you or -- can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 29: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 29: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 29: Yes.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 29: No.

THE COURT: And if you were either party to the case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 29: Sure.

THE COURT: Mr. Cloward?

MR. CLOWARD: Thank you.

Ms. Paolo, how are you?

PROSPECTIVE JUROR NUMBER 29: Good.

MR. CLOWARD: Good. So I'm going to switch gears a little bit. What do you want to talk about first? I'm kidding.

PROSPECTIVE JUROR NUMBER 29: How nervous I am right now.

MR. CLOWARD: You don't need to be nervous.

PROSPECTIVE JUROR NUMBER 29: I know. Just this is my first time.

MR. CLOWARD: It's no fun to speak in front of a crowd, is it?

PROSPECTIVE JUROR NUMBER 29: Yeah. I'm not very good at public speaking.

MR. CLOWARD: I know that's the number one fear of most people. So, what are your thoughts so far on this -- everything that everybody has said? Anything that sticks out to you that you are kind of like, you know what, I feel pretty strongly about that issue?

PROSPECTIVE JUROR NUMBER 29: I'm pretty biased. I mean, I agree with everybody with what they have said.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 29: So nothing that really stands out to me where I should strongly I guess talk about.

MR. CLOWARD: Okay. What do you think about lawsuits, in general? Do you think they're a good thing, a bad thing?

PROSPECTIVE JUROR NUMBER 29: I mean, if something went wrong, then of course it -- I mean, it is a good thing, because it's your right as a person, you know, we have rights, yeah. So --

MR. CLOWARD: Okay. What do you think the biggest problem with the court system is?

PROSPECTIVE JUROR NUMBER 29: I'm not too sure.

MR. CLOWARD: Well, maybe I'll broaden that question. What do you think the biggest problem in America is today?

PROSPECTIVE JUROR NUMBER 29: Money.

MR. CLOWARD: Money? Tell me about that. Tell me more.

PROSPECTIVE JUROR NUMBER 29: I mean, if somebody is

going to sue you for millions of dollars, and you don't even make that, how are you going to pay that person that -- you know, that sues you? It's just that's --

MR. CLOWARD: Tell me a little bit more about that. Do you have experience with that, or friends or --

PROSPECTIVE JUROR NUMBER 29: No.

MR. CLOWARD: -- family that --

PROSPECTIVE JUROR NUMBER 29: I had a [indiscernible] that just [indiscernible].

MR. CLOWARD: What are some of the things that you heard?

PROSPECTIVE JUROR NUMBER 29: Just like with the [indiscernible] or -- or even smaller companies as well.

MR. CLOWARD: Okay. Is it a concern of yours about whether or not the -- I guess how -- if there was a verdict, how that would get paid? Is that a concern that you have?

PROSPECTIVE JUROR NUMBER 29: Yeah. Because if I were to be sued, I wouldn't know how I would pay it.

MR. CLOWARD: Is that something that would I guess influence the way that you saw a case?

PROSPECTIVE JUROR NUMBER 29: Maybe.

MR. CLOWARD: Tell me more about that.

PROSPECTIVE JUROR NUMBER 29: I mean, I guess I would have to know the evidence for the actual problem, you know, what really went on.

MR. CLOWARD: When you -- when you say you've heard

things about companies, small or big companies, what are some of the things that maybe you've heard that would cause you to worry about that?

PROSPECTIVE JUROR NUMBER 29: [No audible response.]

MR. CLOWARD: It's okay. Do you think it's too easy for people to come into court and ask for a lot of money?

PROSPECTIVE JUROR NUMBER 29: Of course not, because they have to pay you, too. So, I mean, it's not easy.

MR. CLOWARD: Do you think that there's a problem with the [indiscernible], that maybe it would be better if we didn't have these types of lawsuits?

PROSPECTIVE JUROR NUMBER 29: Not necessarily.

MR. CLOWARD: Other than I guess your -- maybe if I understand, I want to make sure that I understand whether -- that you would have concern about how a verdict was -- was paid. Other than that concern, are there other concerns that you have with a lawsuit?

PROSPECTIVE JUROR NUMBER 29: No. Not that I can [indiscernible].

MR. CLOWARD: On a scale of 1 to 10, with 10 being the very most important, and 1 being not as important, where does that fall for you, the worry that you might have about how a verdict would -- would get paid or taken care of?

PROSPECTIVE JUROR NUMBER 29: I guess like a 7.

MR. CLOWARD: So pretty -- more important than not; is that fair?

PROSPECTIVE JUROR NUMBER 29: [No audible response.]

MR. CLOWARD: Is that a yes?

PROSPECTIVE JUROR NUMBER 29: Yes.

MR. CLOWARD: Okay. Just for the record, we've got to make sure we -- we do that.

Do you think that there is a chance, even if it's a small chance, that -- that your verdict, even if Aaron proved the damages were what he said they were, that you would reduce that out of fear of how the defendant would --

PROSPECTIVE JUROR NUMBER 29: Yeah, of course.

MR. CLOWARD: Okay. I sincerely appreciate you telling me that. I always -- one of my big worries is when people don't say they have these types of fears, because when I talk to jurors most of them do have some kind of fears like this. So I appreciate you sharing, and everybody else that has shared their feelings and fears as well.

Are there any other things about the lawsuit or a lawsuit or the system that you worry about, that you think is broken?

PROSPECTIVE JUROR NUMBER 29: No.

MR. CLOWARD: Okay. What do you think about this concept, nebulous concept of pain and suffering?

PROSPECTIVE JUROR NUMBER 29: Well, I mean, that's going to happen, especially in this situation.

MR. CLOWARD: How do you feel about somebody that comes to court, though, and asks fellow jurors to be paid for that? Does it bug you?

PROSPECTIVE JUROR NUMBER 29: Yeah. Kind of [indiscernible].

MR. CLOWARD: Tell me how -- how it does. And it's okay if it does. It's really and truly okay. You're entitled to your views, just like everyone else. Your voice is important.

PROSPECTIVE JUROR NUMBER 29: [Indiscernible] being a juror.

MR. CLOWARD: Okay. Is it a concern that you have that maybe -- that that's part of the problem, the pain and suffering -- people asking for pain and suffering is part of the problem?

PROSPECTIVE JUROR NUMBER 29: I guess so.

MR. CLOWARD: I don't want to I guess put words in your mouth. You know, if it is, I'd like to know. If it's not, then that's cool, too. I'm just trying to find out if you have other concerns with that.

PROSPECTIVE JUROR NUMBER 29: No, I don't.

MR. CLOWARD: Okay. Those are usually the areas that most folks that have concerns are -- they also have those, too. So those are the reason why I'm drilling down on those, just based on experience.

Have you ever had something in your life that was -- was maybe difficult for you to overcome?

PROSPECTIVE JUROR NUMBER 29: Not super difficult, but it was bearable.

MR. CLOWARD: Okay. Do you mind sharing with me what that was?

PROSPECTIVE JUROR NUMBER 29: Just my grandma passing away.

MR. CLOWARD: I'm sorry to hear that. Was that tough for you

to deal with, obviously?

PROSPECTIVE JUROR NUMBER 29: Yeah.

MR. CLOWARD: Did you deal with it -- may I ask some questions about this?

PROSPECTIVE JUROR NUMBER 29: Mm-hmm.

MR. CLOWARD: And if it gets too -- too personal, just let me know. Okay? But I am interested to know how people deal with things in their life, and how they deal with circumstances that maybe are unexpected. As you look back on how you deal with it, do you feel like you could have done things differently or that you handled it the way that you thought you might?

PROSPECTIVE JUROR NUMBER 29: I think I held in a lot of my emotion, and so like now, as I'm talking about it, like it will come out, and I just feel like maybe I could have shown more of it I guess. I'm not sure.

MR. CLOWARD: [Indiscernible] your feelings, and I appreciate you sharing them. I'm going to move on. Okay? Thank you. Thank you.

There were some questions about objective versus subjective, I guess complaints, and the doctors are all here to come and talk about those. They're going to talk about the differences between what a subjective complaint is versus an objective complaint. And what are your thoughts on that? Are you someone that thinks, you know what, look, you've got to show it to me on a screen, I'm not taking anybody's word for anything, or do you see things differently?

PROSPECTIVE JUROR NUMBER 29: I would want to have the evidence I guess, yeah.

MR. CLOWARD: Okay. Are you willing to take someone's word for it or not?

PROSPECTIVE JUROR NUMBER 29: Sure. Depending on the situation.

MR. CLOWARD: Okay. Have you ever had any injuries to yourself?

PROSPECTIVE JUROR NUMBER 29: Not major ones.

MR. CLOWARD: Okay. Is there anything else that you think might be important for either myself or Mr. Gardner or our clients to know about you?

PROSPECTIVE JUROR NUMBER 29: No.

MR. CLOWARD: Okay. Let me ask Court's indulgence one moment.

[Pause.]

MR. CLOWARD: Your Honor, no more questions. Thank you.

THE COURT: Okay. Mr. Gardner?

MR. GARDNER: I just want to make sure I get this in the right order. Now, you could -- you could wait -- could you wait for all the evidence to come in before you made a decision on what you were going to do? You could wait for all of the evidence; couldn't you?

PROSPECTIVE JUROR NUMBER 29: Yeah.

MR. GARDNER: Okay. That's what I thought. What is your occupation again?

PROSPECTIVE JUROR NUMBER 29: I am a cosmetologist.

MR. GARDNER: Okay. How long have you been doing that?

PROSPECTIVE JUROR NUMBER 29: Ten years.
MR. GARDNER: Did you have to go to school to do that?
PROSPECTIVE JUROR NUMBER 29: Yes.
MR. GARDNER: Where was the school?
PROSPECTIVE JUROR NUMBER 29: In Hawaii.
MR. GARDNER: Okay. Is that something you always wanted to do, be a cosmetologist?
PROSPECTIVE JUROR NUMBER 29: I actually wanted to be a psychologist first, and then I went to college and I was like, this is not for me. So then I went to --
MR. GARDNER: Don't just --
[Laughter.]
PROSPECTIVE JUROR NUMBER 29: But I feel like I am a psychologist [indiscernible].
MR. GARDNER: Oh. You know what? That's a good point.
PROSPECTIVE JUROR NUMBER 29: Yeah. So -- so like --
MR. GARDNER: You know more about people's lives than they do sometimes.
PROSPECTIVE JUROR NUMBER 29: Yeah.
MR. GARDNER: Okay. [Indiscernible]. Are there any concerns you've got right now based on what you've been hearing about -- about the process or about evidence or things like that? Have you been following that pretty closely?
PROSPECTIVE JUROR NUMBER 29: [No audible response.]
MR. GARDNER: Do you think it's important to have all the

evidence in front of you before making a decision?

PROSPECTIVE JUROR NUMBER 29: Yes.

MR. GARDNER: Okay. Thank you.

THE COURT: All right. Ma'am, can you help me pronounce your last name?

PROSPECTIVE JUROR NUMBER 14: It's Epifania.

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 14: Yeah. I live in Clark County for -- since 2005. I went to college for [indiscernible], and employed -- I'm employed in a hotel. I got laid off. I've been collecting unemployment. In the last two weeks, I got hired by another hotel full-time, and I'll be starting work tomorrow, hopefully.

[Laughter.]

PROSPECTIVE JUROR NUMBER 14: My husband works in the airport. He's a TSA screener. And no children.

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

PROSPECTIVE JUROR NUMBER 14: I'm a retail, retail worker.

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

PROSPECTIVE JUROR NUMBER 14: No.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 14: No.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 14: No.

THE COURT: Have you or anyone close to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 14: No, ma'am.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 14: No.

THE COURT: Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 14: It's not a car crash. Actually, we rear-ended -- not me, my husband, as a passenger. We rear-ended a car behind MGM Hotel. The thing is, my husband did see that the car in front of us stopped suddenly, so we rear-ended it.

The funny thing is, we're the ones who got more damage than the car in front of us. So no case filed. So --

THE COURT: Okay. Could you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 14: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 14: Yes.

THE COURT: Could you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 14: Yes. But I have more

sympathy on the aggrieved party. I don't know, I'm [indiscernible].

THE COURT: All right. So that's why we ask if you can set that aside. So, you know, it's possible that you will feel sympathetic towards one side or the other side, but we want you to make the decision based on the evidence. That's really what the question is.

PROSPECTIVE JUROR NUMBER 14: Based on the evidence, yeah, I can set aside sympathy.

THE COURT: Okay. Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 14: Can you repeat the question?

THE COURT: Yep. Is there any reason you couldn't be fair and impartial if you were selected as a juror?

PROSPECTIVE JUROR NUMBER 14: Yes.

THE COURT: You think you can be fair?

PROSPECTIVE JUROR NUMBER 14: Yes.

THE COURT: If you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 14: Yes.

THE COURT: Mr. Cloward?

MR. CLOWARD: Thank you, Your Honor.

I don't even know how to pronounce your last name.

PROSPECTIVE JUROR NUMBER 14: It's Epifania.

MR. CLOWARD: Epifania. Okay.

PROSPECTIVE JUROR NUMBER 14: It's [indiscernible].

MR. CLOWARD: Okay. Epifania. Did I get it right? Okay.

PROSPECTIVE JUROR NUMBER 14: Correct.

MR. CLOWARD: So you -- it sounded like you might have sympathy or you're worried about that.

PROSPECTIVE JUROR NUMBER 14: I may -- I have -- I wouldn't feel bad. That's how I would say it.

MR. CLOWARD: Okay. Is there a particular side that you feel like you might be -- you might feel bad for?

PROSPECTIVE JUROR NUMBER 14: I feel that for people who are treated unfairly.

MR. CLOWARD: Just either -- it could be either -- either party.

PROSPECTIVE JUROR NUMBER 14: Either party, yes. Correct.

MR. CLOWARD: Okay. I think that Mr. Gardner would agree that nobody wants anybody to have any -- anything to do with the decision in the case. Assuming that at, you know, the end of this, you did feel bad for one party [indiscernible], do you feel comfortable that you could set those feelings aside and make the decision based just on the facts?

PROSPECTIVE JUROR NUMBER 14: Yes.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 14: Based on the facts, yes.

MR. CLOWARD: Okay. Great. Now, Ms. Paolo was kind enough to share some of her views on I guess maybe her concerns. You heard some of those concerns. She is a little worried, you know, that if there

was a verdict, how that would get paid and different things. Is that a concern that you would have?

PROSPECTIVE JUROR NUMBER 14: About what? About like --

MR. CLOWARD: Let's just say that we did prove our case.

PROSPECTIVE JUROR NUMBER 14: Yes.

MR. CLOWARD: And that the value of Aaron's injuries wasn't to the [indiscernible]. Would you feel bad about entering that amount into the verdict?

PROSPECTIVE JUROR NUMBER 14: I don't think so. If it's -- if it's fair enough, I mean --

MR. CLOWARD: As long as the facts supported the --

PROSPECTIVE JUROR NUMBER 14: Yes. The facts supported it, yeah.

MR. CLOWARD: Okay. How do you feel about the idea of somebody coming into court and, you know, filing a lawsuit against somebody else? Just let's start there.

PROSPECTIVE JUROR NUMBER 14: If there is a case, a strong case, why not?

MR. CLOWARD: How do you feel about the fact of -- of somebody coming in and asking for money damages?

PROSPECTIVE JUROR NUMBER 14: I mean, it's -- I mean, pain, suffering is not cheap, so -- because you don't live a normal life. I mean, you lost work. I mean, they need to be compensated.

MR. CLOWARD: Okay. What do you think is -- what are some

problems with the system that we have?

PROSPECTIVE JUROR NUMBER 14: I don't know. Not that I -- I don't think there's a problem.

MR. CLOWARD: What do you think a big problem in America is today?

PROSPECTIVE JUROR NUMBER 14: Probably money.

MR. CLOWARD: Okay. That was similar to your neighbor.

PROSPECTIVE JUROR NUMBER 14: Yeah.

MR. CLOWARD: What she shared.

PROSPECTIVE JUROR NUMBER 14: Yeah.

MR. CLOWARD: Can you share with me why you feel that that's a problem?

PROSPECTIVE JUROR NUMBER 14: I don't know. I mean, I don't know why people sued for a million dollars when the -- when it's not that worth it. I mean, it's too much.

MR. CLOWARD: Do you feel that the amounts being asked for are too much?

PROSPECTIVE JUROR NUMBER 14: I think so. It depends on the case.

MR. CLOWARD: Okay. How would you determine whether what is being asked for is fair versus, you know what, somebody is trying to get -- get a quick dollar; somebody is being greedy?

PROSPECTIVE JUROR NUMBER 14: It depends on the evidence, the facts. I can tell. I can see it.

MR. CLOWARD: Are there things that you might look for?

PROSPECTIVE JUROR NUMBER 14: I'm not sure.

MR. CLOWARD: Not sure. Okay. Fair enough. Appreciate it. Going along the lines of a question that I've asked others, what is a [indiscernible] or setback in life that you have experience?

PROSPECTIVE JUROR NUMBER 14: My personal experience?

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 14: Yeah. It's just that my hours got cut also. My -- I experienced hardship, so --

MR. CLOWARD: Due to --

PROSPECTIVE JUROR NUMBER 14: -- financial hardships or --

MR. CLOWARD: Due to your job?

PROSPECTIVE JUROR NUMBER 14: Yes.

MR. CLOWARD: Okay. Was that something that was difficult for you to deal with or --

PROSPECTIVE JUROR NUMBER 14: Kind of, because I can't pay the bills, everyday bills, the power, electricity -- power, water, the basic stuff.

MR. CLOWARD: When you were placed into that situation, was it what you expected it to be? Or was it a little different?

PROSPECTIVE JUROR NUMBER 14: It's a little different.

MR. CLOWARD: Did you -- do you feel like you handled that the best that you could?

PROSPECTIVE JUROR NUMBER 14: Yeah, I did. I tried to

look for jobs.

MR. CLOWARD: Okay. Thank you.

PROSPECTIVE JUROR NUMBER 14: Thanks.

MR. CLOWARD: Have you heard of the term “runaway jury”?

PROSPECTIVE JUROR NUMBER 14: No.

MR. CLOWARD: Never heard that before? Have you ever heard of the term “jackpot justice” or “lawsuit lottery”?

PROSPECTIVE JUROR NUMBER 14: No.

MR. CLOWARD: Never heard those terms?

PROSPECTIVE JUROR NUMBER 14: Never.

MR. CLOWARD: Okay. I think we’ve talked about this a lot, and I apologize that I have to keep asking the same -- the same questions, but it’s important for me to know how everybody views these -- these issues. What is your feeling about objective versus subjective? That’s something that the defense brought up. Are you the type of an individual that, look, I’ve got to see it on the TV screen or --

PROSPECTIVE JUROR NUMBER 14: Yeah. Objective is what you see, what everybody see. Subjective is that you don’t see it. Something invisible.

MR. CLOWARD: Okay. And how do you feel about that?

PROSPECTIVE JUROR NUMBER 14: How do I feel -- what?

MR. CLOWARD: Well --

PROSPECTIVE JUROR NUMBER 14: I need to see the -- I need to see it.

MR. CLOWARD: Like, for instance, let’s say that you were out

in the hall, before coming back in here for lunch, and one of the fellow jurors told you, "You know, I've got a headache." You wouldn't be able to actually see the headache. Would you believe them or would you say, "You know what? Unless I can see an MRI that shows a tumor, I'm not going to believe that they've got a headache"?

PROSPECTIVE JUROR NUMBER 14: If you don't act normally, probably I'd believe him that he has a headache.

MR. CLOWARD: Okay. So you're willing to take somebody's word on certain things, if they act appropriately; is that fair?

PROSPECTIVE JUROR NUMBER 14: Yes.

MR. CLOWARD: Okay. We talked earlier about property damage, and it sounds like in the case that -- for your husband, ran into somebody and did more damage to your vehicle than --

PROSPECTIVE JUROR NUMBER 14: Yes.

MR. CLOWARD: -- how do you explain that?

PROSPECTIVE JUROR NUMBER 14: It was an accident.

MR. CLOWARD: But why do you think there was more damage to your vehicle, though, than theirs?

PROSPECTIVE JUROR NUMBER 14: Because they only had a scratch.

MR. CLOWARD: They only had a scratch?

PROSPECTIVE JUROR NUMBER 14: Yeah.

MR. CLOWARD: What happened to yours?

PROSPECTIVE JUROR NUMBER 14: Our car is an old Civic, 2000 year. So we got -- the hood was -- went straight through the glass.

MR. CLOWARD: Whoa.

PROSPECTIVE JUROR NUMBER 14: Yeah.

MR. CLOWARD: Whew.

PROSPECTIVE JUROR NUMBER 14: It's an old car [indiscernible].

MR. CLOWARD: It sounds pretty bad, though.

PROSPECTIVE JUROR NUMBER 14: Yeah.

MR. CLOWARD: And nobody was hurt in that --

PROSPECTIVE JUROR NUMBER 14: Not -- no, we were wearing seatbelts during that.

MR. CLOWARD: Okay. Did that experience cause you to have any feelings or beliefs about car crash cases that --

PROSPECTIVE JUROR NUMBER 14: Yeah. I'm scared to drive.

MR. CLOWARD: You're scared to drive? That wouldn't influence your decision, though? Would you be able to set that aside and listen to the evidence; it wouldn't affect you, would it?

PROSPECTIVE JUROR NUMBER 14: I don't know.

MR. CLOWARD: Do you think it might?

PROSPECTIVE JUROR NUMBER 14: It might, yeah.

MR. CLOWARD: Can you tell me how it -- how it might?

PROSPECTIVE JUROR NUMBER 14: It's -- I know how -- I'm scared of driving here, so I'm not sure.

MR. CLOWARD: Okay. Well, thank you for you -- for sharing. Okay. Thank you very much. Thank you.

THE COURT: Mr. Gardner?

MR. GARDNER: Thank you, Your Honor. All right. I appreciated your answers. You were open and honest, and I appreciated that. Let me ask you this: did you just say that pain and suffering doesn't come cheap?

PROSPECTIVE JUROR NUMBER 14: Yeah. Because you don't lead a normal life.

MR. GARDNER: Okay.

PROSPECTIVE JUROR NUMBER 14: Yeah.

MR. GARDNER: How do you know if someone is suffering pain and suffering?

PROSPECTIVE JUROR NUMBER 14: Because you're not normal. You -- you do things that -- how they say it? You're depressed and like you can't work, so --

MR. GARDNER: Okay.

PROSPECTIVE JUROR NUMBER 14: Yeah.

MR. GARDNER: Okay. I think I also heard you say -- I'm maybe paraphrasing this, but actions speak louder than words. Did you say that?

PROSPECTIVE JUROR NUMBER 14: Yes.

MR. GARDNER: Okay. That's very deep. What do you mean by that?

PROSPECTIVE JUROR NUMBER 14: What you see is what you get.

MR. GARDNER: Can you explain that?

PROSPECTIVE JUROR NUMBER 14: Yeah. That's --

MR. GARDNER: If you can.

PROSPECTIVE JUROR NUMBER 14: I mean, that's it.

MR. GARDNER: All right. Let's just use a hypothetical here. If someone is injured, how would you expect that person to make -- make a living at that point? Would you expect them to go back to work?

PROSPECTIVE JUROR NUMBER 14: No. If it's he's injured, like he can't walk, he can't move his head, so --

MR. GARDNER: Okay.

PROSPECTIVE JUROR NUMBER 14: Yeah. Can't do anything.

MR. GARDNER: Okay. Now, have you -- have you experienced something like that?

PROSPECTIVE JUROR NUMBER 14: No.

MR. GARDNER: No? Okay. Family members, relatives?

PROSPECTIVE JUROR NUMBER 14: No.

MR. GARDNER: No? You are lucky.

PROSPECTIVE JUROR NUMBER 14: Yeah. Thank you.

MR. GARDNER: I think I'd ride in the car with you.

PROSPECTIVE JUROR NUMBER 14: Oh.

MR. GARDNER: One [indiscernible] this way.

PROSPECTIVE JUROR NUMBER 14: [Indiscernible].

MR. GARDNER: That's all I have, Your Honor.

THE COURT: Liza Parascando-Baranski? All right. Ma'am, if you'd introduce yourself, please?

POTENTIAL JUROR PARASCANDO-BARANSKI: I'm sorry?

THE COURT: If you could introduce yourself, please.

POTENTIAL JUROR PARASCANDO-BARANSKI: Oh. My name is Liza Baranski. I have lived in Clark County for -- for 25 years. I have some college credits. I haven't graduated. [Indiscernible]. I'm married, and I have no kids.

THE COURT: What does your spouse do?

POTENTIAL JUROR PARASCANDO-BARANSKI: He is -- I don't know.

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

POTENTIAL JUROR PARASCANDO-BARANSKI: No.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

POTENTIAL JUROR PARASCANDO-BARANSKI: Yes.

THE COURT: Can you tell me about that?

POTENTIAL JUROR PARASCANDO-BARANSKI: I really don't want to talk about it.

THE COURT: Okay. You can come up --

POTENTIAL JUROR PARASCANDO-BARANSKI: I'm still going through it, yeah.

THE COURT: All right. So why don't you come up here.

POTENTIAL JUROR PARASCANDO-BARANSKI: Okay.

THE COURT: Approach, please.

[Bench conference begins at 1:59 p.m.]

POTENTIAL JUROR PARASCANDO-BARANSKI: Do you want

to know about it?

THE COURT: Hang on. Just let the lawyers come on up here. Okay?

POTENTIAL JUROR PARASCANDO-BARANSKI: Hmm?

THE COURT: Just let the lawyers come on up here, so they can hear you. Okay?

POTENTIAL JUROR PARASCANDO-BARANSKI: Yeah. I'm still involved in it. I've been in the courtroom for 20 years in San Francisco, in California, [indiscernible] going. And I've been involved with the Department of Homeland Security for 20 years, so I've been on both sides of that. And I wouldn't want me as a juror because I've been the plaintiff, and I've been on the other side of it, too. I don't trust the system, and I don't think I would want someone that has been through so much deciding nothing.

THE COURT: Do you have follow-up questions you would like to ask?

MR. CLOWARD: I don't think so. I mean, I appreciate your --

POTENTIAL JUROR PARASCANDO-BARANSKI: All I'm saying is --

MR. CLOWARD: -- willingness to share that.

POTENTIAL JUROR PARASCANDO-BARANSKI: -- I understand there is pain here that's mental that you can't put a price on. But I also wouldn't want to devastate someone's life.

MR. CLOWARD: Sure.

POTENTIAL JUROR PARASCANDO-BARANSKI: Because

I've had friends that didn't come back -- my voice is so bad.

MR. GARDNER: You're fine.

POTENTIAL JUROR PARASCANDO-BARANSKI: That didn't come back from serving, and they're still in one piece.

MR. GARDNER: Sure.

POTENTIAL JUROR PARASCANDO-BARANSKI: But they're not okay.

MR. GARDNER: Sure.

POTENTIAL JUROR PARASCANDO-BARANSKI: And they don't get paid for it.

MR. GARDNER: Yeah.

POTENTIAL JUROR PARASCANDO-BARANSKI: So, you know, do you understand?

MR. GARDNER: I understand.

POTENTIAL JUROR PARASCANDO-BARANSKI: I don't really -- I don't think it works out fair most of the time.

THE COURT: All right.

MR. CLOWARD: I mean, I think what I understand is it sounds like you don't feel like you could be fair to either side. Is that -- is that --

POTENTIAL JUROR PARASCANDO-BARANSKI: I don't feel I have it in me to care enough to -- to have empathy for them. Do you understand that?

MR. CLOWARD: Sure.

MR. GARDNER: Thank you for sharing.

MR. CLOWARD: Appreciate it.

POTENTIAL JUROR PARASCANDO-BARANSKI: Thank you.

THE COURT: I'm just going to have you return to Jury Services. Okay? Thank you.

POTENTIAL JUROR PARASCANDO-BARANSKI: To do what?

MR. CLOWARD: Downstairs.

THE COURT: You're going to go back to Jury Services, so you may --

POTENTIAL JUROR PARASCANDO-BARANSKI: When do I go there?

MR. CLOWARD: Right now.

POTENTIAL JUROR PARASCANDO-BARANSKI: Now?

THE COURT: You can go there now, right, because [indiscernible].

POTENTIAL JUROR PARASCANDO-BARANSKI: I forgot. Is that on the same floor?

THE COURT: It's on the third floor.

POTENTIAL JUROR PARASCANDO-BARANSKI: I can't remember. Thank you.

[Bench conference ends at 2:01 p.m.]

THE CLERK: Batch Number 36, Tracy Pederson.

THE COURT: Ma'am, if you'll just come up and take that seat. Ma'am, if you would, please introduce yourself?

PROSPECTIVE JUROR NUMBER 36: Hello. I'm Tracy Pederson. I have lived in Clark County for six years now. I am currently enrolled in UNLV. I am going for computer engineering. I'm employed for a

mail order pharmacy. I'm also a pharmacy technician. And I'm married, and I have three children.

THE COURT: You have a lot on your plate. All right. Go on and have a seat, ma'am. Oh. What does your spouse do?

PROSPECTIVE JUROR NUMBER 36: My spouse, he is a manager of a restaurant.

THE COURT: How old are your kids?

PROSPECTIVE JUROR NUMBER 36: They are 14, 10, and seven. Three girls.

THE COURT: Go ahead and have a seat. Ma'am, have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 36: Yes, I have.

THE COURT: How many times?

PROSPECTIVE JUROR NUMBER 36: Once.

THE COURT: Was that here in Clark County?

PROSPECTIVE JUROR NUMBER 36: No. In Florida.

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

PROSPECTIVE JUROR NUMBER 36: Civil case.

THE COURT: Without telling us what the verdict was, was the jury able to reach a verdict?

PROSPECTIVE JUROR NUMBER 36: Yes.

THE COURT: And were you the foreperson?

PROSPECTIVE JUROR NUMBER 36: No.

THE COURT: Is there anything about that experience that would impact your ability to sit as a juror in this case?

PROSPECTIVE JUROR NUMBER 36: No.

THE COURT: And you understand that Florida law may be significantly different from Nevada law. So to the extent that you remember any of those instructions, the ones here are probably going to be different.

PROSPECTIVE JUROR NUMBER 36: That's right.

THE COURT: You won't have any problem following the instructions here?

PROSPECTIVE JUROR NUMBER 36: No.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit?

PROSPECTIVE JUROR NUMBER 36: No.

THE COURT: Have you or anyone close to you ever worked in the legal field?

PROSPECTIVE JUROR NUMBER 36: My brother-in-law is an [indiscernible].

THE COURT: Is he here in Clark County?

PROSPECTIVE JUROR NUMBER 36: No.

THE COURT: Have you or anyone close to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 36: I work for a pharmacy.

THE COURT: Okay. Anyone else?

PROSPECTIVE JUROR NUMBER 36: No.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 36: My husband.

THE COURT: Tell me about that.

PROSPECTIVE JUROR NUMBER 36: Yes. He was younger, a teenager, and he got run over by a car while he was working.

THE COURT: Okay. Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 36: Yes. I have been in -- I've been rear-ended three times.

THE COURT: Okay. When was the last time?

PROSPECTIVE JUROR NUMBER 36: Probably about 10 years ago.

THE COURT: And was anyone injured?

PROSPECTIVE JUROR NUMBER 36: No.

THE COURT: Can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 36: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 36: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 36: Yes.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected as a juror?

PROSPECTIVE JUROR NUMBER 36: There is no reason.

THE COURT: And if you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 36: Yes.

THE COURT: Mr. Cloward?

MR. CLOWARD: Thank you. Good afternoon, Ms. Pederson.

PROSPECTIVE JUROR NUMBER 36: Hello.

MR. CLOWARD: Welcome to the -- welcome to the party.

PROSPECTIVE JUROR NUMBER 36: Thank you.

MR. CLOWARD: They say out of the fire -- or out of the frying pan, into the fire, right?

PROSPECTIVE JUROR NUMBER 36: Yes.

MR. CLOWARD: So you've kind of had a front row seat to the morning's questions, and what are some things that you've thought about that you wanted to talk about?

PROSPECTIVE JUROR NUMBER 36: For me, I guess, of course when it comes to car accidents, you always have a person who is at fault and a person who gets a ticket. That's why there's rules of the road.

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 36: Whether or not there is damages or not, should they be shared or paid for by one party, I mean, a lot of us have insurance and that's what your insurance is for, to protect your vehicle. But as far as pain and suffering goes, it's hard for me to put a dollar sign on that. It's hard for me to say -- you know, both of you had pain and suffering, and so should one person basically end up with more pain and suffering because it was their fault.

MR. CLOWARD: So if I understand correctly, you can see how it would affect both parties?

PROSPECTIVE JUROR NUMBER 36: Yes.

MR. CLOWARD: Not just one.

PROSPECTIVE JUROR NUMBER 36: Correct.

MR. CLOWARD: Okay. Do you think that pain and suffering is a bad thing in general, or do you think it's just something that is -- it's kind of this nebulous, abstract idea that's difficult to grapple with. Is there some difference there?

PROSPECTIVE JUROR NUMBER 36: I think that we all, unfortunately, have things that, you know, kind of go bad in our lives.

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 36: And we all kind of have our own pain and suffering [indiscernible] or if it's physical or not. And I don't know that there could be a dollar amount. I don't know that someone else should have to pay for you because you -- you are suffering the -- you know, and it's kind of abstract.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 36: Yes. When you have -- you know, you have bills and you have to pay bills, it's really easy to say, okay, it costs $100,000 to pay this bill. But then on top of that, for you to have, you know, just I guess the pain of it, both parties are going through it. And one person shouldn't be able to be paid for what both parties are having to suffer through.

MR. CLOWARD: Okay. And that would be maybe the

emotional -- the emotional part of it.

PROSPECTIVE JUROR NUMBER 36: Mm-hmm.

MR. CLOWARD: What about the physical part of it, the pain? Say, for instance, if one party that maybe caused the accident, they weren't necessarily in pain, they weren't injured.

PROSPECTIVE JUROR NUMBER 36: Mm-hmm. Yeah. But everyone makes mistakes in life, and I don't think that -- I mean, I guess you can say you made this mistake, and that you have ultimately to pay the price. But I don't -- I don't know that it should be extravagant.

MR. CLOWARD: Sure. When you say "extravagant," tell me about that? What do you think --

PROSPECTIVE JUROR NUMBER 36: I mean, what it boils down to, you -- you know, kind of about math. So it would be how many years couldn't you work, what will be -- how much -- you know, how much you would have to get paid a year in order to not work, blah, blah, blah, stuff like that. It wouldn't be just like, oh, I think I'm going to give someone $100 million because I got that number.

MR. CLOWARD: Sure. It wouldn't be a dark horse. It should be more of a systematic mathematical approach.

PROSPECTIVE JUROR NUMBER 36: Yes. Just like, if it costs $100,000 to fix a building that you crash into, then it's [indiscernible] the building.

MR. CLOWARD: Okay. I think that's all reasonable. Very reasonable. Thank you for -- for sharing your feelings on that and for being willing to open up right after that. Appreciate it. It makes the process go a

lot faster.

Can I ask you to level with me?

PROSPECTIVE JUROR NUMBER 36: Sure.

MR. CLOWARD: If you were injured, and you were sitting in the plaintiff's chair, and you knew that you had had certain injuries, and you had been dealing with them, would you feel comfortable having someone with your views, if you knew that you were going to ask for a dollar amount for the suffering and the pain that you had been through, would you feel comfortable having someone with your same mind frame on that issue and --

PROSPECTIVE JUROR NUMBER 36: Probably not.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 36: But then again, I probably wouldn't put myself in the position to go to court either.

MR. CLOWARD: Do you feel that pain and suffering damages, that just that aspect of a lawsuit should not be allowed?

PROSPECTIVE JUROR NUMBER 36: Not that it necessarily -- well, I guess to an extent, yeah, so to a point. I don't know exactly what that point would be. I would have to have, you know, more [indiscernible] sense of the case.

But I don't feel that -- everyone deals with pain and suffering, regardless if they got in a car accident, regardless if they had -- they were born with it, they got cancer. And should someone else have to pay for it? I don't know. I don't think so.

MR. CLOWARD: Okay. You've been very open, and I

appreciate it. I'm going to ask you a question just to search within and level with me.

PROSPECTIVE JUROR NUMBER 36: Mm-hmm.

MR. CLOWARD: I guess I'm not. I'm going to ask you this question instead. What do you mean when you say you wouldn't put yourself in a position to go to court?

PROSPECTIVE JUROR NUMBER 36: I have been rear-ended, and I wouldn't have -- I accepted their apology. I was like, "Oh, I understand, you know, something happened and you ran into me." And, you know, we parted or we took their insurance. Their insurance paid for my claim. I wasn't severely hurt, thankfully, and I -- neither were they. But 100 percent they were at fault, but I don't -- even if I was hurt, as long as their insurance had paid for my damages, I don't think that I would have gone into court for it, no.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 36: I mean, if I couldn't have gone back to work or anything like that, it wouldn't have been the great -- greatest thing, but I would have dealt with it.

MR. CLOWARD: Okay. Fair enough. Do you feel, based on your views of this particular issue, that my client might start off at an uneven spot on just -- and we're talking just the one issue of pain and suffering.

PROSPECTIVE JUROR NUMBER 36: No. Because he probably did suffer damages, and he -- there is probably bills that needed to be paid. I'm sure he was out of work for a certain amount of time, probably has lots of doctor bills, and I'm not saying that the defendant wouldn't be

responsible for covering those bills.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 36: But as far as pain and suffering goes, for what might happen for him 20 years from now and having to pay for that, I don't know that I would be like, okay, for the next 20 years, you -- you need $10 million, and so she should pay $10 million because you can't work for the next 20 years. I don't think I would say that.

But, again, there's always facts in a case. There is always, you know -- there is always something that might open my eyes to say, you know what? This is [indiscernible].

MR. CLOWARD: Okay. I appreciate that. If, hypothetically, the doctors came in and they -- they gave you a picture, they gave you an idea of what the life that Aaron could expect would be, and it actually -- it did -- the damages did go into year 20, year 25, year whatever, would it be difficult for you to evaluate that? Is it something that you would just at some point, you know, I'm just going to cut this off no matter what the evidence shows?

PROSPECTIVE JUROR NUMBER 36: No. The evidence is always going to be -- the facts are always what is going to persuade my opinion.

MR. CLOWARD: I always get nervous up here, but I don't know what to do with my hands.

Fold them, or like hold them like this, or -- now everyone is going to be like looking at my hands. This is terrible. I shouldn't have pointed that out, but you know what's going through my head, like what do I do with my hands here? So now I'm really worried about.

Well, I appreciate your -- your thoughts on this. And is there anything else that came up in the discussion that you felt like, you know, I -- I ought to talk to them about that? I ought to tell them the way that I see this or that issue?

PROSPECTIVE JUROR NUMBER 36: Not that I can think of, no.

MR. CLOWARD: Okay. Have you ever faced a big challenge in life that, you know, maybe when you got into the challenge, it was a little different than what you thought?

PROSPECTIVE JUROR NUMBER 36: My daughter has cleft lip and palate, and I found out while I was pregnant, and I kind of -- she has had like nine surgeries. She's 10. So I've had a lot of things that I've had to go through.

MR. CLOWARD: Okay. I have three nephews that do. I understand what they go through, and it's tough.

PROSPECTIVE JUROR NUMBER 36: Yes.

MR. CLOWARD: It's tough.

PROSPECTIVE JUROR NUMBER 36: And you just move on.

MR. CLOWARD: Is that something that -- that when you were in the middle of it was different than what you expected or thought that it might be? Because I know that you probably -- you go to the doctor's and they tell you, "This is the first surgery, and then this is going to be the second one, we've got to repair the soft palate, then the hard," and so forth.

PROSPECTIVE JUROR NUMBER 36: Mm-hmm.

MR. CLOWARD: But then when you're actually in the middle of

it, did it change?

PROSPECTIVE JUROR NUMBER 36: It changed mostly because of my child's reaction.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 36: Because you're always scared for your kids.

MR. CLOWARD: Yeah. How is she now?

PROSPECTIVE JUROR NUMBER 36: She's fine. I mean, she is due for two more surgeries, but she is great, and she is -- she is happy.

MR. CLOWARD: Was it bilateral or --

PROSPECTIVE JUROR NUMBER 36: She is unilateral.

MR. CLOWARD: Unilateral.

PROSPECTIVE JUROR NUMBER 36: Mm-hmm.

MR. CLOWARD: Okay. Thank you for sharing about that.

PROSPECTIVE JUROR NUMBER 36: Mm-hmm.

MR. CLOWARD: So you have three children.

PROSPECTIVE JUROR NUMBER 36: Yes.

MR. CLOWARD: She is your --

PROSPECTIVE JUROR NUMBER 36: Second.

MR. CLOWARD: -- second. You also had a child that was a couple years older.

PROSPECTIVE JUROR NUMBER 36: Mm-hmm.

MR. CLOWARD: Do you think that your reaction or the way that you've dealt with that would have been differently had it been your first child versus --

PROSPECTIVE JUROR NUMBER 36: Absolutely.

MR. CLOWARD: -- second?

PROSPECTIVE JUROR NUMBER 36: Mm-hmm.

MR. CLOWARD: Okay. Thank you. Appreciate that.

PROSPECTIVE JUROR NUMBER 36: Yes.

MR. CLOWARD: Your Honor, thank you.

THE COURT: Mr. Gardner?

MR. CLOWARD: Oh, I'm sorry. Can I ask one more question?

THE COURT: Oh, sure.

MR. CLOWARD: I'm sorry. False start.

MR. GARDNER: You pulled a muscle doing it.

MR. CLOWARD: And I ask this question because I got an answer one time that was unexpected.

PROSPECTIVE JUROR NUMBER 36: Okay.

MR. CLOWARD: Is there anything else that you feel like might be important for the Judge to know about you in this case?

PROSPECTIVE JUROR NUMBER 36: I don't think so. Thank you.

MR. GARDNER: I need to pay you a compliment.

PROSPECTIVE JUROR NUMBER 36: All right.

MR. GARDNER: With an attitude like yours, you're going to put me out of business.

PROSPECTIVE JUROR NUMBER 36: Sorry.

MR. GARDNER: You used the phrase "vested interest" when you were talking to counsel. Do you remember that?

PROSPECTIVE JUROR NUMBER 36: Vaguely.

MR. GARDNER: What would you mean -- what did you mean by “vested interest”?

PROSPECTIVE JUROR NUMBER 36: So what I said was -- for my -- their best interest?

MR. GARDNER: Just -- or vested interest.

PROSPECTIVE JUROR NUMBER 36: Vested interest.

MR. GARDNER: Vested interest. Vested. Interest. What -- I could have sworn you said that.

PROSPECTIVE JUROR NUMBER 36: Did I?

MR. GARDNER: It’s all mushy out here.

PROSPECTIVE JUROR NUMBER 36: It is.

MR. GARDNER: I don’t know.

PROSPECTIVE JUROR NUMBER 36: No. I don’t remember saying that in context, but --

MR. GARDNER: Do you know what it means, vested interest?

PROSPECTIVE JUROR NUMBER 36: Their vested interest?

MR. GARDNER: Yeah.

PROSPECTIVE JUROR NUMBER 36: Yeah. I mean, the interest of -- well, I am assuming I meant it by the interest of both parties or interest of one party.

MR. GARDNER: Okay. Could it mean perhaps that someone is going to present something to you or to a jury that they have a vested interest in, so they are going to testify to help themselves? Did I lose you on that one?

PROSPECTIVE JUROR NUMBER 36: No, you didn't lose me. I just don't recall saying that.

MR. GARDNER: Oh, well.

PROSPECTIVE JUROR NUMBER 36: That being [indiscernible].

MR. GARDNER: Would you expect everyone that comes on this witness stand to tell the truth?

PROSPECTIVE JUROR NUMBER 36: Of course.

MR. GARDNER: Of course.

PROSPECTIVE JUROR NUMBER 36: Of course.

MR. GARDNER: Okay. Okay. Let's clean up that attitude, though. Okay?

PROSPECTIVE JUROR NUMBER 36: [Indiscernible].

MR. GARDNER: Thank you. No more questions.

THE COURT: All right. Is it Sidiaren?

PROSPECTIVE JUROR NUMBER 16: I'm sorry?

THE COURT: How do you pronounce your last name?

PROSPECTIVE JUROR NUMBER 16: Sidiaren-Bacud.

THE COURT: Okay. Thank you, sir. If you could introduce yourself.

PROSPECTIVE JUROR NUMBER 16: Bryson. Live in Clark County pretty much my whole life. Didn't go to college. Just finished high school. Not employed right now, not married, and no children.

THE COURT: What have you done in the past for work?

PROSPECTIVE JUROR NUMBER 16: Fast food.

THE COURT: All right. Have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 16: No.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 16: No.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 16: No.

THE COURT: Have you or anyone close to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 16: Yes. My older brother, older sister, and my aunt.

THE COURT: What do they do?

PROSPECTIVE JUROR NUMBER 16: Nurse.

THE COURT: What kind of nursing?

PROSPECTIVE JUROR NUMBER 16: That I do not know.

THE COURT: Don't know? Do they work here in Clark County?

PROSPECTIVE JUROR NUMBER 16: Yes.

THE COURT: Do you know where they work?

PROSPECTIVE JUROR NUMBER 16: No.

THE COURT: Have you or anyone close to you had a serious injury?

PROSPECTIVE JUROR NUMBER 16: No.

THE COURT: Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 16: Me. Two.

THE COURT: How long ago were they?

PROSPECTIVE JUROR NUMBER 16: One -- actually, they were both two years ago.

THE COURT: Was anyone injured?

PROSPECTIVE JUROR NUMBER 16: No.

THE COURT: Can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 16: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 16: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 16: Yes.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror?

PROSPECTIVE JUROR NUMBER 16: No. No reason.

THE COURT: And if you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 16: I believe so. Yes.

THE COURT: All right. Mr. Cloward?

MR. CLOWARD: Thanks, Judge.

Sidiaren-Bacud?

PROSPECTIVE JUROR NUMBER 16: Sidiaren-Bacud.

MR. CLOWARD: Sidiaren-Bacud. I was close, though. Right? Close only counts in, what do they say, hand grenades and horseshoes.

How are you today?

PROSPECTIVE JUROR NUMBER 16: [Indiscernible].

MR. CLOWARD: Are you getting tired of all of these questions, the same ones over and over?

PROSPECTIVE JUROR NUMBER 16: Yeah. Yeah, I guess.

MR. CLOWARD: What are your thoughts on all of them? Tell me what you think about it.

PROSPECTIVE JUROR NUMBER 16: My thoughts, I mean, I -- I mean, I do agree with what pretty much everyone has said on the whole situation. But the whole -- just like the money issue, too much.

MR. CLOWARD: Tell me more.

PROSPECTIVE JUROR NUMBER 16: I can't really -- I can't [indiscernible] right now.

MR. CLOWARD: That's okay. We can -- we're going to work through it. Is it just the money part of lawsuits that you have a problem with?

PROSPECTIVE JUROR NUMBER 16: Yeah.

MR. CLOWARD: Okay. What about that? Do you think that people take advantage of the system?

PROSPECTIVE JUROR NUMBER 16: Yeah. I believe so.

Like -- sort of like, everyone -- everyone always wants -- wants money in the easiest way possible.

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 16: You know --

MR. CLOWARD: Want to make a quick buck.

PROSPECTIVE JUROR NUMBER 16: Mm-hmm.

MR. CLOWARD: People sometimes are greedy.

PROSPECTIVE JUROR NUMBER 16: Yeah.

MR. CLOWARD: Do you agree with that? Do you think that most lawyers in these types of cases are greedy?

PROSPECTIVE JUROR NUMBER 16: Yeah, I do believe so. I mean -- I mean, they've got to do what they've got to do, you know. It's their job.

MR. CLOWARD: Do you think that most -- most plaintiffs, most people like Aaron, in his -- in his shoes, are just here for the money and just out of greed?

PROSPECTIVE JUROR NUMBER 16: And like the certain -- like the amount of money they are -- they are trying to get, I believe so.

MR. CLOWARD: Okay. You heard what I said at the very first of the day. At the very end of this case, we will be asking for [indiscernible]. How did that hit you?

PROSPECTIVE JUROR NUMBER 16: I was [indiscernible].

MR. CLOWARD: Tell me how you left. Please do. I appreciate your willingness to -- to embrace it and talk to me about it. I sincerely do. You don't know how much it means to me.

PROSPECTIVE JUROR NUMBER 16: I just -- I just think that -- [indiscernible]. I was just -- I was just kind of like upset at the situation, like why so much.

MR. CLOWARD: Sure. Were you upset at me initially?

PROSPECTIVE JUROR NUMBER 16: No. I don't think it's you.

MR. CLOWARD: Can you be brutally honest with me? Brutally honest. It's okay.

PROSPECTIVE JUROR NUMBER 16: Yeah.

MR. CLOWARD: It's okay if you're upset with me. It really is.

PROSPECTIVE JUROR NUMBER 16: Yeah, it's you.

MR. CLOWARD: Okay.

THE COURT: Yeah, it's you.

MR. CLOWARD: Sincerely. Thank you. I really appreciate and applaud you for having the courage to tell me that. Thank you. That's when we know we have real communication, when you're brutally honest with me. So thank you.

Is there anything else that -- that has been said, whether that be about the objective or subjective or -- and I know that these questions, it gets monotonous.

PROSPECTIVE JUROR NUMBER 16: Like I was just always taught that, don't believe anything you hear, about half of what you see.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 16: So I've got -- I've got to see the whole [indiscernible]. But even in that, you still can't believe the

whole thing. Your eyes still play tricks on you.

MR. CLOWARD: Sure. Do you agree that people can spin the facts?

PROSPECTIVE JUROR NUMBER 16: Oh, yes. Of course.

MR. CLOWARD: Do you agree that people can take things wildly out of perspective?

PROSPECTIVE JUROR NUMBER 16: Mm-hmm. Yes.

MR. CLOWARD: I do, too.

PROSPECTIVE JUROR NUMBER 16: Because I hear the same thing.

MR. CLOWARD: Are you the type that, even if a point is proved, that you still -- you're not going to allow yourself to be persuaded, just based on your natural skepticism?

PROSPECTIVE JUROR NUMBER 16: Yes.

MR. CLOWARD: Okay. Even if one of the parties in the case maybe proved a point that was pretty clear, you would -- you would still have a difficult time believing that; is that fair?

PROSPECTIVE JUROR NUMBER 16: Yeah.

MR. CLOWARD: Okay. I appreciate it. Is there anything that can affect the way that -- the way that you see this? Or do you think that one side or another is just going to lie to you to try and get what they want?

PROSPECTIVE JUROR NUMBER 16: I believe that one side is going to lie to get what they want.

MR. CLOWARD: Okay. From your perspective, based on so far you believe that -- that we're the ones, because we're in here asking for

money, is that fair?

PROSPECTIVE JUROR NUMBER 16: [Indiscernible].

MR. CLOWARD: Thank you. I appreciate it. Is there anything else about I guess the way that maybe you see things that you feel like might be important for us to know?

PROSPECTIVE JUROR NUMBER 16: Not that I can think of.

MR. CLOWARD: Okay. I appreciate your -- your brutal honestly.

PROSPECTIVE JUROR NUMBER 16: Yeah.

MR. CLOWARD: I really do. Thank you.

Judge, thank you.

THE COURT: All right. Mr. Gardner?

MR. GARDNER: Well, I don't even have that many questions. I like your attitude about, you know, the -- with the damages and they really need to be proven. So that's good.

If I called something an injury versus a substantial in jury, what -- what does that conjure up in your mind? Injury versus substantial injury.

PROSPECTIVE JUROR NUMBER 16: What's substantial?

MR. GARDNER: What's that?

PROSPECTIVE JUROR NUMBER 16: What's substantial?

MR. GARDNER: Oh. Injury. You can call it an injury or you can call it a severe injury.

PROSPECTIVE JUROR NUMBER 16: Oh, okay.

MR. GARDNER: Or significant injury. Is there any difference to you?

PROSPECTIVE JUROR NUMBER 16: I think so. But I guess only as like a cut is an injury. But if someone loses a leg, that's severe.

MR. GARDNER: Okay. Okay. Fair enough. That's all I have.

THE COURT: Ma'am, if you will introduce yourself, please.

PROSPECTIVE JUROR NUMBER 17: My name is Gale. I'll be 10 years here in Vegas come September. I'm a nurse. I work as one of the critical supervisors in the Intensive Care Unit. I'm married. My husband works as a QA in one of the home health facilities here in the Valley. We have one daughter. She's turning 17 next month, and she is an active trial by peers, you know, student. So she --

THE COURT: Nice.

PROSPECTIVE JUROR NUMBER 17: -- wants to be a lawyer. So she is asking me to go -- go, Mom. Go look what I am going to [indiscernible]. So I didn't want to go there, but she said go and look how she's going to be in -- a few years from now.

MR. GARDNER: I'll get you a business card when you're --

[Laughter.]

THE COURT: All right. Ma'am, have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 17: No.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 17: No.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 17: No. Not yet.

THE COURT: So you and your husband both work in the medical field. Anyone else who is close to you who has had medical training or works in the medical field?

PROSPECTIVE JUROR NUMBER 17: Yeah. My mom is a doctor. My husband is actually a surgeon back home in the Philippines, but is a QA here. I have several family members who are doctors and nurses as well, but not in the Valley.

THE COURT: What type of physician is your mother?

PROSPECTIVE JUROR NUMBER 17: Family physician.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 17: No.

THE COURT: Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 17: My husband and myself. We were rear-ended 10 years ago back in New York. We were not injured, and the insurance of the other driver paid for everything.

THE COURT: Can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 17: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 17: Yes.

THE COURT: Can you set aside any sympathy you may have

for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 17: Yes.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 17: No.

THE COURT: If you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 17: Yes.

THE COURT: Mr. Cloward?

MR. CLOWARD: Thank you. Ms. Glepa, what is -- what is a QA?

PROSPECTIVE JUROR NUMBER 17: Quality assurance.

MR. CLOWARD: Oh.

PROSPECTIVE JUROR NUMBER 17: Like the nurses visit the patients at home, and he makes sure that they are doing what they are supposed to do.

MR. CLOWARD: I gotcha. So basically whatever -- what QA means in every other field. I didn't know whether that was like a special type of a physician or something. You say your husband was a surgeon --

PROSPECTIVE JUROR NUMBER 17: Yeah.

MR. CLOWARD: -- in the Philippines? What kind of a surgeon was he?

PROSPECTIVE JUROR NUMBER 17: General.

MR. CLOWARD: General surgeon. Okay. And then your

Mom, she is a family --

PROSPECTIVE JUROR NUMBER 17: Physician.

MR. CLOWARD: -- family physician, and you work in the ICU. What hospital?

PROSPECTIVE JUROR NUMBER 17: Summerlin?

MR. CLOWARD: Summerlin Hospital? Have you heard of Dr. Muir before?

PROSPECTIVE JUROR NUMBER 17: Yeah. I've heard -- I haven't met him. I just, you know, take care of -- not really, because I'm a clinical supervisor, so my nurses, you know, they take care of his patients.

MR. CLOWARD: Okay. Have you ever heard anything about his patients, good, bad, indifferent?

PROSPECTIVE JUROR NUMBER 17: Not really.

MR. CLOWARD: I believe he is the chief of surgery and orthopedic spine surgery at Summerlin Hospital.

PROSPECTIVE JUROR NUMBER 17: I am actually working nights, so most of the doctors come in during dayshift. So I don't him.

MR. CLOWARD: Okay. If you heard the -- if you heard that, would that make you give him more credibility or less credibility knowing that he is at the same hospital that you're at?

PROSPECTIVE JUROR NUMBER 17: What do you mean?

MR. CLOWARD: Well, if you found out that -- you know, that he -- he was the chief of spine surgery at Summerlin Hospital, in your mind, is that going to make you believe him more than somebody else just based solely on that fact?

PROSPECTIVE JUROR NUMBER 17: Yeah, sure.

MR. CLOWARD: Would you treat his testimony unfairly? Would you be willing to at least listen to their doctor as well?

PROSPECTIVE JUROR NUMBER 17: Listen to their doctor as well.

MR. CLOWARD: Okay. You're not going to I guess -- the fact that you guys work at the same hospital, you're not going to give him undue influence; is that fair?

PROSPECTIVE JUROR NUMBER 17: Yeah, it's fair. Yeah.

MR. CLOWARD: Okay. Have you ever assisted with any of his patients?

PROSPECTIVE JUROR NUMBER 17: Not as a beside nurse.

MR. CLOWARD: In some other capacity, have you?

PROSPECTIVE JUROR NUMBER 17: If you -- if the patients are on the unit, then maybe I'll -- I will have something to do with him, since I'm overseeing the nurses taking care of his patients.

MR. CLOWARD: Okay. Do you hear about his patients being in the ICU?

PROSPECTIVE JUROR NUMBER 17: Most of them are in the intermediate care unit, because I handle two units, the immediate care and the critical care. So I handle mostly like there -- we have 16, plus the overflow, so like 48 to 50 patients all in all, with 20 nurses.

MR. CLOWARD: Okay. So it's a different department -- is it a different department, intermediate care?

PROSPECTIVE JUROR NUMBER 17: Yeah. The intermediate

care is less critical than the ones in the critical care, and then this normal med/surg floor is different as well. So some of his patients do come in the intermediate care. But not long, you know, just for transition.

MR. CLOWARD: Okay. Okay. Fair enough. Do you have any views or thoughts about him as a surgeon?

PROSPECTIVE JUROR NUMBER 17: None.

MR. CLOWARD: Okay. Have you always worked at Summerlin Hospital?

PROSPECTIVE JUROR NUMBER 17: Here, yes, in Vegas.

MR. CLOWARD: Have you ever worked at UMC Hospital?

PROSPECTIVE JUROR NUMBER 17: No. But I have friends, lots of friends, in UMC.

MR. CLOWARD: Okay. Do you know anything about any of the other doctors -- Dr. Cash or Dr. Sanders or Dr. Kittusamy?

PROSPECTIVE JUROR NUMBER 17: I've heard about Dr. Kittusamy.

MR. CLOWARD: Do you have any feelings one way or another about her?

PROSPECTIVE JUROR NUMBER 17: No.

MR. CLOWARD: Okay. Mr. Sidiaren-Bacud was kind enough to be brutally honest with me. And he let me know how he feels about this case and about me and my client. Do you share any of those views?

PROSPECTIVE JUROR NUMBER 17: No.

MR. CLOWARD: What do you think about lawsuits? How do you feel about them?

PROSPECTIVE JUROR NUMBER 17: I'm not particularly -- particularly fond of lawsuits or, you know, court cases.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 17: My daughter is, but --

[Laughter.]

PROSPECTIVE JUROR NUMBER 17: -- I have been to several of her trial by peers thing in the Family Court, and it's interesting, giving those kids a chance to have a clean slate when they turn 18 years old. It's interesting and, you know, it gives people hope that at least we have justice in our country.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 17: But, yeah, not really overly fond of them.

MR. CLOWARD: Tell me more. How come?

PROSPECTIVE JUROR NUMBER 17: It's just -- I'm just not interested.

MR. CLOWARD: Do you think we have a problem with the system, the legal system and these lawsuits?

PROSPECTIVE JUROR NUMBER 17: They take a long time.

MR. CLOWARD: What else?

PROSPECTIVE JUROR NUMBER 17: But other than that, I don't think -- I can't think of anything.

MR. CLOWARD: Do you think people take advantage of it?

PROSPECTIVE JUROR NUMBER 17: Maybe some, because there are -- there are people who will take advantage of the system. But

there are also well-intentioned people that really use the system well.

MR. CLOWARD: Do you think that it's only the plaintiffs that take advantage of the system, or do you think that -- can you make room for the possibility that there is another side to that coin?

PROSPECTIVE JUROR NUMBER 17: There might be another side -- side of that coin.

MR. CLOWARD: Do you have any perceptions yourself reaching within and being brutally honest with me? Do you have any perceptions about which side you think takes advantage of it more often?

PROSPECTIVE JUROR NUMBER 17: I think it's the ones who are suing.

MR. CLOWARD: Okay. Why do you --

PROSPECTIVE JUROR NUMBER 17: But the thing is, I'm exposed to a lot of patients who are dealing with the pain and the suffering, like we have patients who are quadriplegic because of a motor vehicle accident that happened like 10, 20 years previously, and then they're bedridden and suffering.

So, I don't know, maybe -- and I don't know if they sued or if the insurance of those -- of -- that did, you know -- I'm sorry, sometimes my English and my Filipino tends to like just -- I cannot really express it very well.

MR. CLOWARD: Well, you're doing great.

PROSPECTIVE JUROR NUMBER 17: And I lose my train of thoughts very [indiscernible].

MR. CLOWARD: You're doing great. Thank you.

PROSPECTIVE JUROR NUMBER 17: But, anyway, yeah, the -- you know, if -- I don't know if the ones that made those people suffer paid for it already or not. But they are -- they are suffering.

MR. CLOWARD: Okay. Did you have any perceptions, or do you have any perceptions as you sit here right now, about the type of lawsuit this is based on the fact that we're here? Just us simply being here. And what I said at the very first of the day of -- can ask for an amount into the millions, just hearing me say that, does that cause you to think that this is one type of a case versus another?

PROSPECTIVE JUROR NUMBER 17: It would be good to see the end of it. It would be very interesting to know why that much amount.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 17: But there must be a very good reason why it's going to be that amount.

MR. CLOWARD: Do you believe that the fact that we're here means anything?

PROSPECTIVE JUROR NUMBER 17: It should mean something, because I don't think we will be wasting anybody's time, money, and effort, just being here.

MR. CLOWARD: But in complete fairness to the defendant, in complete fairness to the defendant, just the fact that Aaron filed a lawsuit doesn't mean that he is going to win, right? He has to --

PROSPECTIVE JUROR NUMBER 17: That's why we have to like listen to everything.

MR. CLOWARD: He has to prove his case.

PROSPECTIVE JUROR NUMBER 17: Correct. Yes.

MR. CLOWARD: Okay. Do you think that doctors sue -- get sued a lot, more than they should, doctors and nurses and hospitals?

PROSPECTIVE JUROR NUMBER 17: I think so, because to be brutally honest to you --

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 17: -- the doctors here in the Valley are not very -- not very good.

[Laughter.]

PROSPECTIVE JUROR NUMBER 17: Sorry.

MR. CLOWARD: Does Dr. Muir fit into that category?

PROSPECTIVE JUROR NUMBER 17: That I don't know, actually, but I am just generally speaking of, you know.

MR. CLOWARD: Get your health care elsewhere?

PROSPECTIVE JUROR NUMBER 17: [Indiscernible].

MR. CLOWARD: Where would you go if you were [indiscernible] health care?

PROSPECTIVE JUROR NUMBER 17: Maybe New York.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 17: Or California. But the nurses are great.

[Laughter.]

MR. CLOWARD: Anything else that we've talked about that you feel like might be important to share?

PROSPECTIVE JUROR NUMBER 17: No.

MR. CLOWARD: Okay. I've asked about -- a personal question about adversity and how you've dealt maybe with adversity in your life when you were faced with it. Is there -- are there any times in your life where you look back on the way you handled something and maybe you were disappointed or thought that you could have handled it better?

PROSPECTIVE JUROR NUMBER 17: I can think of two. First was when I was diagnosed with breast cancer --

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 17: -- when I was 40. But I didn't ask why I had it. I just didn't lose hope, and I -- you know, I passed through it, so I'm good now, thank God. And then last year my Dad was very sick of Stage 4 cancer. And I was just blessed to have -- to be given the chance to take care of him for two weeks prior to his passing away.

So it was also, you know, painful, but it was -- the whole family got together, and we were there for him, so his death was -- we term as Catholics as a provided death. So he prepared us, the family, and he prepared himself. So I think that's how I deal with issues with my life. I always seek divine guidance and it helps -- helps me a lot.

MR. CLOWARD: I'm sorry to hear about the passing of your father, but glad to hear about you beating cancer. Thank you for -- for sharing that. Can I ask just one more question? Do you think that you would handled having a diagnosis like that differently in your twenties than being 40?

PROSPECTIVE JUROR NUMBER 17: I guess -- I actually don't know, because my spiritual growth started when I was in my twenties.

So maybe I'd handle it the same way.

MR. CLOWARD: Okay. Fair enough. Thank you very much. Is there anything else? Thank you.

MR. GARDNER: Hello. Do you speak Gali [phonetic]?

PROSPECTIVE JUROR NUMBER 17: I speak Tibawni [phonetic].

MR. GARDNER: Tibawno [phonetic].

PROSPECTIVE JUROR NUMBER 17: Tibawani.

MR. GARDNER: Oh. I think you just said something.

Normally, when a lawyer says one more question, buckle up; it's going to be a while. This guy, true to his word there and that's good. I always fear those words, one quick one.

Now, you work in intensive care, correct?

PROSPECTIVE JUROR NUMBER 17: Yes.

MR. GARDNER: Is that for pediatrics, or is that everybody?

PROSPECTIVE JUROR NUMBER 17: Adults.

MR. GARDNER: Adults? Do you do any pediatric work?

PROSPECTIVE JUROR NUMBER 17: [Indiscernible].

MR. GARDNER: And, generally, the type of individuals that are in intensive care, are they there because of cancer or because of accidents?

PROSPECTIVE JUROR NUMBER 17: Most of them are -- it's a mix, because it's a general intensive care.

MR. GARDNER: Yes.

PROSPECTIVE JUROR NUMBER 17: And we don't usually do heart, so it's pneumonia, like severe sepsis. I think those people who are

with accidents typically go to UMC, you know, the trauma center.

MR. GARDNER: Yeah. Have you ever worked there?

PROSPECTIVE JUROR NUMBER 17: No.

MR. GARDNER: The trauma center? No? Have you ever wanted to work there?

PROSPECTIVE JUROR NUMBER 17: Maybe when I would have been, you know, younger. But now I'm --

MR. GARDNER: Things slow down when you get a little older, don't they?

PROSPECTIVE JUROR NUMBER 17: [Indiscernible].

MR. GARDNER: Now, if I do something to offend you, would you have the ability to take it out on me rather than my client? If I -- if I offend you during trial, and I do something really wrong, you would hold that against me, not my client.

PROSPECTIVE JUROR NUMBER 17: Yes.

MR. GARDNER: Is that true? Okay. I'm not planning on doing anything stupid, but you never know. That's all I have. Thank you.

PROSPECTIVE JUROR NUMBER 17: Okay.

MR. GARDNER: Thank you.

THE COURT: Ms. Hillard, ma'am, if you would introduce yourself, please?

PROSPECTIVE JUROR NUMBER 18: My name is Jenice. I have lived in Clark County for five years. Prior to that, I was in Michigan. I did do some college before I realized it wasn't for me, so then I went into the retail world and never escaped. So I'm -- but I work part-time now at

Justice. I am married, and my husband works for the State, the Welfare Department, and we have one son who is three.

THE COURT: All right. Have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 18: No.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 18: No.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 18: No.

THE COURT: Have you or anyone else to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 18: My brother-in-law is an ER nurse in Michigan.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 18: No.

THE COURT: Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 18: Yes. It was probably maybe 15 years ago. My friend and I were rear-ended, but there were no injuries.

THE COURT: No one was injured?

PROSPECTIVE JUROR NUMBER 18: No.

THE COURT: Can you wait to form an opinion until you have heard all of the evidence?

PROSPECTIVE JUROR NUMBER 18: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 18: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 18: Yes.

THE COURT: Is there any reason why you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 18: No.

THE COURT: And if you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 18: Yes.

THE COURT: Mr. Cloward?

MR. CLOWARD: Thank you, Judge.

Ms. Hilliard [phonetic]? Hillard?

PROSPECTIVE JUROR NUMBER 18: Hillard, yes.

MR. CLOWARD: Hillard. Where in Michigan are you from?

PROSPECTIVE JUROR NUMBER 18: Ann Arbor area.

MR. CLOWARD: So --

PROSPECTIVE JUROR NUMBER 18: No.

MR. CLOWARD: What's that?

PROSPECTIVE JUROR NUMBER 18: If you're going to ask me the question about the basketball game --

MR. CLOWARD: Is it that [indiscernible].

PROSPECTIVE JUROR NUMBER 18: Oh.

MR. CLOWARD: [Indiscernible]. I have a friend that's from there, and that's --

PROSPECTIVE JUROR NUMBER 18: It's kind of right around here, like a half-hour from Detroit. Not far from [indiscernible].

MR. CLOWARD: Okay. So you don't -- you're not -- it doesn't matter which way, who wins the game?

PROSPECTIVE JUROR NUMBER 18: I just don't like Michigan.

MR. CLOWARD: You're in good company, Mark [indiscernible]. So let me kind of get rearranged again, and just ask you some follow-up questions.

PROSPECTIVE JUROR NUMBER 18: Sure.

MR. CLOWARD: You were in an accident 15 years ago.

PROSPECTIVE JUROR NUMBER 18: Yes.

MR. CLOWARD: With a friend.

PROSPECTIVE JUROR NUMBER 18: Yeah.

MR. CLOWARD: No injuries. You were rear-ended.

PROSPECTIVE JUROR NUMBER 18: Yeah, we were rear-ended.

MR. CLOWARD: Okay. Anything about that experience that I

guess would be important for us to know?

PROSPECTIVE JUROR NUMBER 18: No.

MR. CLOWARD: You didn't -- you weren't injured.

PROSPECTIVE JUROR NUMBER 18: No.

MR. CLOWARD: Now, your brother-in-law, he is an ER nurse?

PROSPECTIVE JUROR NUMBER 18: Yes.

MR. CLOWARD: How long has he been an ER nurse?

PROSPECTIVE JUROR NUMBER 18: Oh, let's see, probably about six, maybe seven years, I believe.

MR. CLOWARD: Does he enjoy that?

PROSPECTIVE JUROR NUMBER 18: Yeah.

MR. CLOWARD: Is there anything that has been said so far that you feel like you would important for us to know?

PROSPECTIVE JUROR NUMBER 18: I guess it's more along the line of like the difference between objective and subjective --

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 18: -- injury.

MR. CLOWARD: Tell me about that.

PROSPECTIVE JUROR NUMBER 18: Just, in general, like people that I have dealt with that have had like pain or anything like that. I feel like I need to see more -- like I need to see it, I guess.

A girl that -- she was a manager where I work, too. She got in a car accident.

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 18: She broke her arm, so

-- and I know you're hurt, and then she had back pain, but then on social media -- like so she couldn't work, you know, she is at a concert, she's at road trips, like it just -- so, for me, like the people that I've known, when they said they have pain, it's more like in their personal life it's kind of --

MR. CLOWARD: Kind of [indiscernible].

PROSPECTIVE JUROR NUMBER 18: Yeah, and I don't expect people to be laid up and just sit in a room, by any means. But it's -- you know, I kind of feel like if you can go out and do something [indiscernible], you could maybe work for a couple hours or so.

MR. CLOWARD: Absolutely. Absolutely. Does that experience cause you to believe that most people that claim injury after an accident are just trying to game the system?

PROSPECTIVE JUROR NUMBER 18: No. My -- my former boss, when I was full-time, she was also in a car accident. She still has like neck pain. She still goes to the chiropractor for her back as well, but she still works full-time. So, I mean, I know she's in pain, but, no, I don't think that everybody that -- who says, "I have pain, but you can't see it" isn't telling the truth.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 18: There's a few people that I have known, I mean --

MR. CLOWARD: They have taken advantage of it.

PROSPECTIVE JUROR NUMBER 18: -- taken advantage, yes. Yes.

MR. CLOWARD: Okay. And that's fair. I think we all know

those folks. We've all got people that we can -- that we can say have done that.

Do you believe I guess that more than 50 percent, based on that experience, that more people than not are taking advantage of the system?

PROSPECTIVE JUROR NUMBER 18: Yes, I think that's --

MR. CLOWARD: Okay. Do you believe that you can tell the difference between somebody that is full of BS and somebody that is actually a legitimate person?

PROSPECTIVE JUROR NUMBER 18: No. I mean, I -- you know, I don't know the pain they're in, or, I mean, if you can't physically see it, I mean, I don't -- I don't think that everyone is full of BS for it.

MR. CLOWARD: How do you think with your -- with the manager that had the neck pain that went to the chiropractor, you said that, you know, you knew she was in pain. How was her circumstance different than maybe the other co-worker that was out messing around and doing different things like that?

PROSPECTIVE JUROR NUMBER 18: Yeah, sure. There has been a couple of times where she has called out, just, you know, she has been in bed with her back pain, like it's too much for her to like go to work. So, I mean, she has called out for it, but still also works when it's not, like it just kind of flares up every so often for her.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 18: The pain.

MR. CLOWARD: I don't know anything about her types of

injuries. Can you actually look at -- you know, does she have something that you can see?

PROSPECTIVE JUROR NUMBER 18: No.

MR. CLOWARD: So it's under the skin?

PROSPECTIVE JUROR NUMBER 18: Yeah.

MR. CLOWARD: Okay. But you feel like with her circumstance that it's credible.

PROSPECTIVE JUROR NUMBER 18: Yeah.

MR. CLOWARD: Okay. Okay. And I appreciate you -- you sharing these experiences. What would be important -- if you were selected to sit on this jury, what would be important to help you make a decision as to whether this is a legitimate case or whether this is BS?

PROSPECTIVE JUROR NUMBER 18: I mean, just listening to both sides, the doctors, and what they have to say, or, you know, hearing the extent of the injuries, because obviously I don't know what they are, like what is causing pain right now. So I would just have to hear about it.

MR. CLOWARD: Okay. Are there any type of witnesses that would be important for you to hear?

PROSPECTIVE JUROR NUMBER 18: I guess just the doctor.

MR. CLOWARD: Just the --

PROSPECTIVE JUROR NUMBER 18: Yeah. Or maybe, you know, a therapist, a chiropractor involved.

MR. CLOWARD: You bring up chiropractic care. Some folks have a negative view on that. Other folks, they say, no, it has helped me or friends or family. What are your views on this?

PROSPECTIVE JUROR NUMBER 18: I don't really have any because I don't -- I mean, I don't go to a chiropractor personally, so I don't really have enough info to say --

MR. CLOWARD: One way or the other?

PROSPECTIVE JUROR NUMBER 18: -- you know, yeah, [indiscernible]. I don't have any personal experience with them.

MR. CLOWARD: Okay. Now, earlier I kind of touched a teeny bit on, you know, whether more lawsuits, you know, if you were to take 100 of them, how many of them would be kind of BS or frivolous versus how many are legit? I think you said you felt like more than half would be frivolous or BS, made up. How far --

PROSPECTIVE JUROR NUMBER 18: I mean, not like, you know, 90 percent or anything. But I do think like more than half, so maybe between 50 and 60.

MR. CLOWARD: Okay. Fair enough. But you're -- if I understand -- I want to make sure that we communicate -- you're not the type that is going to close your mind off.

PROSPECTIVE JUROR NUMBER 18: No.

MR. CLOWARD: You're not the type that automatically, just the fact that we're here together, you've already made a determination about the merits of this case, you're willing to listen to the facts.

PROSPECTIVE JUROR NUMBER 18: Yes.

MR. CLOWARD: Is that fair?

PROSPECTIVE JUROR NUMBER 18: Yes.

MR. CLOWARD: Okay. Cool. That's all we want. What about

the money damages? That's a touchy subject for a lot of people.

PROSPECTIVE JUROR NUMBER 18: Yeah.

MR. CLOWARD: And rightfully so. I think nobody in society wants people to get something for nothing.

PROSPECTIVE JUROR NUMBER 18: Right.

MR. CLOWARD: It's not deserved. How do you feel about that?

PROSPECTIVE JUROR NUMBER 18: I have the same thoughts, like, oh, that's a lot of money. So, yeah, there must be some substantial bills or something, loss of work, wages, those kind of things.

MR. CLOWARD: Do you feel that the fact that I've told you that's what we're going to ask for, that this case already is one that is not meritorious or not valid?

PROSPECTIVE JUROR NUMBER 18: No.

MR. CLOWARD: Are you willing to listen to the facts and evidence?

PROSPECTIVE JUROR NUMBER 18: Yeah. Yes.

MR. CLOWARD: Okay. How do you feel about the concept of money for pain and suffering?

PROSPECTIVE JUROR NUMBER 18: I mean, I -- again, it's a -- like I'm more of a person that for me to give you like an honest opinion about it --

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 18: -- I feel like I would have to be like in that -- you know, that situation I guess.

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NUMBER 18: I mean, I see why people do it. But at the same time, I don't see why people do it. Does that kind of make sense?

MR. CLOWARD: Being brutally honest with me, it sounds like to me you might have some problems with the concept of pain and suffering.

PROSPECTIVE JUROR NUMBER 18: Yeah. But, again, it's -- it's more like what is it? Like what -- why are you asking for it, I guess. More so like that. That's where I guess I would need to know like why.

MR. CLOWARD: The "why" would be important for you?

PROSPECTIVE JUROR NUMBER 18: Yeah. Yeah.

MR. CLOWARD: Okay. And as far as the -- if the evidence justified that, is that something that -- that, you know, you -- you would be able to enter an amount into the verdict form, or is that something that you would just say, "You know what? I don't care what the evidence is. I'm not going to be able to do it," and --

PROSPECTIVE JUROR NUMBER 18: No.

MR. CLOWARD: Anything else that we've [indiscernible] as a group that you feel like might be important for me to know or for the defense to know?

PROSPECTIVE JUROR NUMBER 18: No.

MR. CLOWARD: Okay. May I ask about a setback in your life, a setback or a challenge in your life that -- that you look back on and maybe you, when actually faced with that challenge, didn't handle it the way that you thought that you would? Maybe you handled it better; maybe you

handled it worse.

PROSPECTIVE JUROR NUMBER 18: No.

MR. CLOWARD: Nothing comes to mind?

PROSPECTIVE JUROR NUMBER 18: I've been very fortunate, so --

MR. CLOWARD: Good. Are you the type of person that is I guess understanding of other folks, or do you believe that people should kind of act a certain way? And that if they don't act a certain way, then that's going to cause a problem for you?

PROSPECTIVE JUROR NUMBER 18: No. I'm understanding.

MR. CLOWARD: You're willing to listen to --

PROSPECTIVE JUROR NUMBER 18: Yeah.

MR. CLOWARD: -- maybe why people do the things that they do and --

PROSPECTIVE JUROR NUMBER 18: Yes.

MR. CLOWARD: -- that there might be an explanation; is that fair?

PROSPECTIVE JUROR NUMBER 18: Yeah. Yes.

MR. CLOWARD: Okay. When I asked earlier a question about somebody outside, if somebody had a headache, if one of your fellow jurors told you, "Man, I've got a splitting headache," are you the type of person that would automatically say, "BS," or are you the type of person that would think, "You know what? I wonder how come?"

PROSPECTIVE JUROR NUMBER 18: No. I would automatically think yes. I wouldn't really have a reason not to, unless it's

somebody that I know that's constantly like "I have a headache, I have a headache" kind of thing. And I don't [indiscernible].

MR. CLOWARD: Okay. Thank you very much. Any other [indiscernible]? Thank you.

Judge, thank you.

THE COURT: All right. Mr. Gardner?

MR. GARDNER: Thank you, Your Honor. Did I write it down correctly that you -- you work right now with pain? Did I --

PROSPECTIVE JUROR NUMBER 18: No.

MR. GARDNER: Do you have people that work with you --

PROSPECTIVE JUROR NUMBER 18: Co-workers.

MR. GARDNER: Co-workers.

PROSPECTIVE JUROR NUMBER 18: Previous ones, yes. Yes.

MR. GARDNER: How do you know that they are in pain? They tell you?

PROSPECTIVE JUROR NUMBER 18: Yes.

MR. GARDNER: Okay. Normally, these co-workers of yours, do they -- are these just diseases, or were they in an accident, or something?

PROSPECTIVE JUROR NUMBER 18: Accident.

MR. GARDNER: Accident?

PROSPECTIVE JUROR NUMBER 18: Mm-hmm.

MR. GARDNER: Okay. Here in Las Vegas, right?

PROSPECTIVE JUROR NUMBER 18: Yes. Both, yeah.

MR. GARDNER: Okay. Regarding pain and suffering, there is really no way to calculate it perfectly. But if you were to determine pain and suffering, what kind of things would you be looking for?

PROSPECTIVE JUROR NUMBER 18: I think it's what someone had said before. It's like lost wages, medical bills, things of that nature.

MR. GARDNER: Okay. If the medical bills were $100,000, what would you do with that?

PROSPECTIVE JUROR NUMBER 18: As far as?

MR. GARDNER: I mean, would you -- would you double it, triple it, keep it lower, or --

PROSPECTIVE JUROR NUMBER 18: Just keep it what it is.

MR. GARDNER: Okay.

PROSPECTIVE JUROR NUMBER 18: [Indiscernible].

MR. GARDNER: Okay. And I think I heard that you don't -- you haven't been involved in an accident?

PROSPECTIVE JUROR NUMBER 18: It has been like 15 years.

MR. GARDNER: Fifteen years?

PROSPECTIVE JUROR NUMBER 18: It was minor, yes.

MR. GARDNER: Okay. Thank you.

THE COURT: All right. We're going to go ahead and take a break. During this break, you are admonished not to talk or converse among yourselves or with anyone else on any subject connected with this trial, or read, watch, or listen to any reporter or commentary on the trial, or

any person connected with this trial by any medium of information, including, without limitation, newspapers, television, internet, and radio, or form or express any opinion on any subject connected with the trial until the case is finally submitted to you. I remind you you are not to do any independent research.

And we will come back at 3:20.

THE MARSHAL: Please rise for the jury.

[Jury out at 3:00 p.m.]

[Recess taken from 3:03 p.m.]

MR. CLOWARD: Your Honor, could we address something outside the presence real quick?

THE COURT: Sure.

MR. CLOWARD: You know, we've kind of determined that Robin Matsen (phonetic) with her issue that she's going to have to be excused, I would ask that that be done now because she's -- quite frankly, she's just disrupting other people. She's vocally saying things to her neighbors, you know, like, these questions are annoying and, you know, I'm tired of this. And there's no reason to have her continue to disrupt the process, if we already know that she's going to be gone. I'd just as soon boot her now so that she doesn't continue to --

MR. RANDS: Which one is Robin Matsen?

MR. CLOWARD: She's the one --

UNIDENTIFIED SPEAKER: The one who leaves late last after everybody.

MR. GARDNER: Oh, yeah.

MR. RANDS: The one that you guys represent.

MR. CLOWARD: I don't know whether we do or don't.

MR. RANDS: Well, she said you did. I'm not trying to be facetious, but that was the one.

MR. BOYACK: Correct. It's that one.

MR. CLOWARD: People get our firm confused with Harris and Harrison, other Harris named firms.

THE COURT: It is all confusing, isn't it?

All right. Well, I think maybe what I'll do is, for right now, perhaps I'll just have her take a seat where she's not going to bother anybody.

MR. GARDNER: Your Honor, I would think that they would need to be using a preemptory challenge on her. I know that he says she's poisoning the jury, but she's someone I want on the jury.

MR. CLOWARD: She's disrupting the process. I mean, didn't we already determine that she has some --

THE COURT: Well, I mean let me address it Mr. Cloward.

THE MARSHAL: Please rise for the jury.

Please be seated.

THE COURT: We're back on the record in Case Number A-718679, Morgan vs. Lujan. Let the record reflect the presence of all of our prospective jurors and counsel.

Ladies and Gentlemen of the jury, I'm going to ask you to do me -- or the prospective jury -- I'm going to ask you to do me a favor. So I know this process is long and a little bit tedious, and I appreciate your

patience with it. If you have thoughts or comments when someone else is being asked a question, I'm going to ask if you could please keep those to yourself so that -- and you can talk to the attorneys whenever, or me, whenever we get to you, but it will make the process go a little bit faster. It's just a little bit disruptive and it's hard for us to hear if people are making comments whenever other people are talking.

Ms. Weferling, ma'am?

PROSPECTIVE JUROR NUMBER 19: Yes.

THE COURT: All right. If you would, introduce yourself, please.

PROSPECTIVE JUROR NUMBER 19: Duanelle Weferling. I have lived in Clark County not quite ten years, and I moved here from Central California. I've had some college. I have a technical certificate, not a degree. I am employed. I work in merchandising. I am not married. I have five children. Couldn't tell you their ages. If you want to figure out, I'll tell you the year they were born.

THE COURT: How about just what they do if they're adults?

PROSPECTIVE JUROR NUMBER 19: Okay. I have one daughter in California who's a stay-at-home mom, a daughter in California who is the wine hospitality industry, a son in California who's in heating and air conditioning, a son in Michigan who's in maintenance management for a cement plant, and then I have a daughter here in the convention industry who is [indiscernible].

THE COURT: So you said you had a technical certificate. What is that in?

PROSPECTIVE JUROR NUMBER 19: I would have to bring that up to you. It's in medical administrative assisting and then also in phlebotomy.

THE COURT: Okay. But you don't not work in that area any longer?

PROSPECTIVE JUROR NUMBER 19: No, I don't.

THE COURT: Did you work in that area?

PROSPECTIVE JUROR NUMBER 19: I did not.

THE COURT: And have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 19: No.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 19: Yes.

THE COURT: Can you tell me about that?

PROSPECTIVE JUROR NUMBER 19: My daughter was involved in an accident in California when she was still a minor. And because she was on our insurance, the lawsuit went through the insurance and then it was resolved.

THE COURT: All right. Was she at fault in the accident?

PROSPECTIVE JUROR NUMBER 19: Yes, technically, because if you're the last one in the line of a pile-up.

THE COURT: All right. Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 19: No.

THE COURT: Now you have medical training. Anyone else

who's close to you who has medical training or has worked in the medical field?

PROSPECTIVE JUROR NUMBER 19: No.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 19: No audible response.

THE COURT: Now, other than the accident of your daughter's that you already mentioned, have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 19: I was in a fender bender kind of car crash about nine months ago.

THE COURT: And no one was injured?

PROSPECTIVE JUROR NUMBER 19: No.

THE COURT: Can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR WEFERLING: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 19: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 19: [Indiscernible].

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 19: Only because I do have -- I have -- did not realize it coming in here, but I am against personal injury cases --

THE COURT: Okay.

PROSPECTIVE JUROR NUMBER 19: -- and asking for millions of dollars.

THE COURT: If you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 19: No.

THE COURT: All right. Mr. Cloward, I'm going to let you follow-up on that?

MR. CLOWARD: Okay. Your Honor, thank you.

MR. GARDNER: We'll pass for cause.

MR. CLOWARD: I don't know whether he's teasing me or --

MR. GARDNER: No, I was teasing you.

MR. CLOWARD: I don't know what's going on. It's late in the day. It's 3:30. I get tired in the afternoon.

Ms., is it Weferling?

PROSPECTIVE JUROR NUMBER 19: Mm-hmm (affirmative).

MR. CLOWARD: Did I pronounce that okay?

PROSPECTIVE JUROR NUMBER 19: You did.

MR. CLOWARD: All right. Well let's get right to the, I guess the issue you just talked about. How come you feel like maybe you're against PI cases?

PROSPECTIVE JUROR NUMBER 19: Because I think that

bad things happen to us in life and that we have to get past them, and that's a part of growth, and that we have to be responsible for our own recoveries and growth regardless of what they are.

MR. CLOWARD: Okay. You indicated to the Judge that you would not feel comfortable with someone with your frame of mind sitting in judgment for the case, is that fair?

PROSPECTIVE JUROR NUMBER 19: [Indiscernible] very fair.

MR. CLOWARD: Okay. And I'm assuming that, despite your best efforts to set those views aside, you would just not be able to do that based on your core values and beliefs.

PROSPECTIVE JUROR NUMBER 19: Yes, because that's why I bring it up to you.

MR. CLOWARD: Okay. And I appreciate the candor. I sincerely do.

Your Honor, I don't think that we would have any other questions.

THE COURT: Okay.

MR. CLOWARD: Thank you, Ms. Weferling. Thank you.

THE COURT: Mr. Gardner, do you have any questions?

MR. GARDNER: Maybe one.

You've been very patient today. All of you have. Spent a morning with lawyers, how fun is that?

Why is it that you -- tell me just one more time, why do you think you'd be a bad juror in this case?

PROSPECTIVE JUROR NUMBER 19: Because I am against

personal injury cases and asking for millions of dollars.

MR. GARDNER: Okay. How about the other way? If the evidence didn't show that the Plaintiff had proven their case, would you have a hard time giving a defendant's verdict?

PROSPECTIVE JUROR NUMBER 19: No, not at all. But that's why it would be unfair to the Plaintiff.

MR. GARDNER: Well, just between us, I don't need it fair with the Plaintiff.

That's all I have. Thank you.

THE COURT: All right. Thank you, ma'am.

Ms. Humphries, if you could, please introduce yourself.

PROSPECTIVE JUROR NUMBER 94: Yes, hi. Good morning -- or afternoon. My name's Charisse [phonetic] Humphries. I've been back in Clark County since '94. I did go to some college. I have a AA degree in paralegal [indiscernible] California. I did follow-up on that. I did some internships. But the school wasn't accredited at the time, so it was a waste.

I am employed at McCarran Airport for the last 20 years. I'm a change person in gaming slots. Single. No kids.

THE COURT: Ma'am, have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 94: No, ma'am.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 94: Yes.

THE COURT: Can you tell me about that?

PROSPECTIVE JUROR NUMBER 94: I was in a accident 2016. I got rear-ended. We settled out of court, but it was long and drawn out. I had medical issues. I had whiplash, neck and back injury, concussion. I went through so much -- MRIs, [indiscernible], chiropractic, two -- two rounds of therapy. Yeah, it was -- it was bad. My car got totaled.

THE COURT: Okay. Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 94: No.

THE COURT: Have you or anyone close to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 94: Yes.

THE COURT: Can you tell me about that?

PROSPECTIVE JUROR NUMBER 94: I have a cousin, she's a nurse, pediatrics. My best friend, she's in pediatrics at UMC for over 25 years.

THE COURT: In what area of pediatrics?

PROSPECTIVE JUROR NUMBER 94: Yeah, pediatrics trauma.

THE COURT: Other than what you've already described, have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 94: No.

THE COURT: And, again, other than the accident that you already told me about, have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 94: I'm sorry. I didn't hear.

THE COURT: Have you or anyone close to you been in a car crash, other than the one that we already talked about?

PROSPECTIVE JUROR NUMBER 94: No.

THE COURT: Can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 94: Yes.

THE COURT: Can you follow the instructions on the law that I give you even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 94: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 94: Yes.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 94: No.

THE COURT: If you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 94: Yes.

THE COURT: Mr. Cloward.

MR. CLOWARD: Thank you, Judge.

Ms. Humphries, how are you? Are you doing okay with your wisdom teeth?

PROSPECTIVE JUROR NUMBER 94: Yeah, I just -- after I ate, I took some medicine, but I'm still, like, you know, I have [indiscernible]

like a little tenderness and swelling and, well issues.

MR. CLOWARD: Did you have all four of them taken out?

PROSPECTIVE JUROR NUMBER 94: No, just the one. I have one already taken out. Just the one that was totally impacted, so. They took it out last week, but I'm still like on soups and soft foods, so --

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NUMBER 94: --- still on medication.

MR. CLOWARD: Doing okay?

PROSPECTIVE JUROR NUMBER 94: Yeah. I only got three hours sleep before I came in this morning because I worked yesterday. I got off at like 1:00. I went to sleep at 3:00. So I was super sleepy [indiscernible], so I apologize. I probably was dozing on and off.

MR. CLOWARD: Yeah, you were snoring. We didn't want to wake you up.

PROSPECTIVE JUROR NUMBER 94: I'm sorry.

MR. CLOWARD: I'm totally joking. You weren't. I'm totally joking.

So you got your paralegal certificate. Was that in California?

PROSPECTIVE JUROR NUMBER 94: Yeah, that was a AA degree.

MR. CLOWARD: And you said that that was a waste, how come?

PROSPECTIVE JUROR NUMBER 94: Because at the time, the school wasn't accredited. So I finished up on my degree, but when I tried to apply for different positions, they said, well, you know, it's like you

wasted your time and your money because, you know, the school isn't accredited and we couldn't transfer any credits or anything. It was a -- a little technical school, so.

MR. CLOWARD: Got you. I know it's a little more formal in California than here in Nevada. If that's something that you like, I would encourage you to continue to pursue that. Most of the paralegals that work in our office don't have that.

PROSPECTIVE JUROR NUMBER 94: That was like 20 -- over 20 plus years ago. I'm 45 now, I know I don't look it, but -- and now, I'm 45. I was like -- I was like 20 -- 20 years old, 19, 20, at that time. That was a long time ago.

MR. CLOWARD: Yeah.

Well, let me ask, I guess, some questions following up on the repetitive we've asked everybody. But if I don't ask everybody individually, I really have no way of knowing, and everybody's voice is very important. So what are your thoughts on the whole lawsuit situation? I guess, a better question might be, is there anything that we've talked about as a group that, you know, you felt strongly about, that you wanted to talk about?

PROSPECTIVE JUROR NUMBER 94: No, not necessarily. I just think that if you're suing for millions, then it must be something very severe, something traumatic must have really happened because that's a large amount of money.

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 94: So, yeah. I think it's a big case.

MR. CLOWARD: No question, it's a lot of money.

PROSPECTIVE JUROR NUMBER 94: Yeah.

MR. CLOWARD: No question about it. Does that upset you?

PROSPECTIVE JUROR NUMBER 94: No, not all, because, like what I went through and through all my pain and suffering, you know. It was a kid on his cellphone that ran into the back of me, not paying attention. And I went through a lot. So if you're liable, you know, if evidence if found, yes, then that person should be responsible.

MR. CLOWARD: Okay. So I guess with the general principle, you don't have necessarily strong feelings one way or another --

PROSPECTIVE JUROR NUMBER 94: No.

MR. CLOWARD: -- as long as it's based on the evidence.

PROSPECTIVE JUROR NUMBER 94: Right.

MR. CLOWARD: Okay. Fair enough. And you would give me the opportunity to prove Aaron's case?

PROSPECTIVE JUROR NUMBER 94: Yes, of course.

MR. CLOWARD: Okay. What about some of the other things that we've discussed? Say, for instance, the objective versus subjective? When you got injured, say, for instance, when you had a concussion, did you crack your head open?

PROSPECTIVE JUROR NUMBER 94: No, I was -- didn't know what was going on at first. I was having these, like, weird [indiscernible] headaches and sharp jolting pain in -- in my head, and my vision was blurred and off, and I was having dizzy spells, and I was -- I was jacked up. I didn't know what was going on.

MR. CLOWARD: Was there anything that, say, somebody on the outside -- obviously, you're the only one that can feel what's going on inside. Was there anything that people could look at from the outside that could say, oh yeah, you know what, I can see that on her head that she's got a problem?

PROSPECTIVE JUROR NUMBER 94: No.

MR. CLOWARD: Was it all based on kind of what you were feeling?

PROSPECTIVE JUROR NUMBER 94: Yeah. It was based on what I was feeling. And people -- they saw a difference in my eyes, like, what's wrong? What's going on with you? Something's off with you. So they saw it, you know, in my face, but as far as [indiscernible], no, couldn't tell.

MR. CLOWARD: And you know what you felt, is that fair?

PROSPECTIVE JUROR NUMBER 94: Yeah.

MR. CLOWARD: If somebody were to say, you know what, you're not being truthful about that, how would that have made you feel?

PROSPECTIVE JUROR NUMBER 94: That would make me feel bad because, you know, if I tell you something, then it's true, so you know, you should believe it.

MR. CLOWARD: Thank you.

Is there anything about the 2016 crash that you were in that is going to cause you to maybe be more favorable to either side? We want a fair fight.

PROSPECTIVE JUROR NUMBER 94: [Indiscernible]. No, not

all. I mean, after, you know, you hear both sides and we get the evidence, then the evidence will speak for itself.

MR. CLOWARD: Okay. You're willing to listen to the evidence.

PROSPECTIVE JUROR NUMBER 94: Yes.

MR. CLOWARD: And listen to the doctors.

PROSPECTIVE JUROR NUMBER 94: No audible response.

MR. CLOWARD: Ms. Humphries, could you tell me of maybe an experience that you had in life that was kind of a setback or a challenge that, looking back on it, maybe you handled it a little better or a little worse than what you thought you would?

PROSPECTIVE JUROR NUMBER 94: Well, in 2016, when I had got into the accident -- well, let me just backtrack. In 2015, I lost my last parent -- my dad.

MR. CLOWARD: I'm sorry about that.

PROSPECTIVE JUROR NUMBER 94: So two weeks after that, our Godmother passed away, and then -- and then in December 2015, our cousin got killed in the military. So I had three back-to-back deaths. And then, on Mother's Day, I get into the accident. Still, you know, feeling the depression of the loss of my family.

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 94: And like I said, that was my last parent. So, my mom's already passed, my sister, my brother's already passed, and my dad. So I've had great loss in my family.

MR. CLOWARD: Yeah, that doesn't sound [indiscernible]. Sorry for --

PROSPECTIVE JUROR NUMBER 94: That's a lot of pain and hurt.

MR. CLOWARD: And you didn't really necessarily have a support system when you were in your crash.

PROSPECTIVE JUROR NUMBER 94: I mean, not really, no. I mean, I had a few friends, but it was just me and God. That's what got me through.

MR. CLOWARD: I'm sorry for your loss and I appreciate your willingness to talk to me a little bit about it. Thank you.

So kind of moving to the next area, is there anything that you think might be important for either party to know about you that when you're kind of sitting there, you're hearing maybe some other responses and you're thinking to yourself, you know what, I ought to tell them this? Anything along those lines?

PROSPECTIVE JUROR NUMBER 94: No, nothing I can think of.

MR. CLOWARD: Okay. Well, thank you for sharing. I appreciate it.

PROSPECTIVE JUROR NUMBER 94: You're welcome.

MR. GARDNER: Did you ever have an opportunity to work as a paralegal?

PROSPECTIVE JUROR NUMBER 94: I did some internships at Long Beach City Courthouse in, like, family, divorce. And I did another internship in Los Angeles for a short period of time.

MR. GARDNER: What did you do in these internships?

PROSPECTIVE JUROR NUMBER 94: Just like dissolution of marriage, family law, just [indiscernible] that.

MR. GARDNER: Okay. When you say family law, what were your tasks? I mean, did you file --

PROSPECTIVE JUROR NUMBER 94: Yeah, I did some filing for Long Beach Courthouse, ran some errands, dropping off files, answering the phones, getting the, you know, the gest of the stories, or the cases for the lawyers.

MR. GARDNER: You don't realize this, but a lawyer is only as good as the people that are helping --

PROSPECTIVE JUROR NUMBER 94: You're right.

MR. GARDNER: -- her, him. Yeah. It's true. The organization. Now do you have any intention at all of picking that up again later?

PROSPECTIVE JUROR NUMBER 94: I've thought about it down through the years, but I -- I don't know. Like I said, I've been at the airport for so long. You know, my job is secure there. I've been there 20 years. Yeah, I started when I was 25, so, I mean, it's kind of scary out there, you know, to leave your -- your nest [indiscernible] --

MR. GARDNER: Absolutely.

PROSPECTIVE JUROR NUMBER 94: You know what I'm saying, so. I don't know.

MR. GARDNER: And just, I'm sorry, I didn't write this down. What do you do at the airport again?

PROSPECTIVE JUROR NUMBER 94: I work in gaming. Airport slots -- slot machines.

MR. GARDNER: What do you do?

PROSPECTIVE JUROR NUMBER 94: I'm a change girl.

MR. GARDNER: Change Girl?

PROSPECTIVE JUROR NUMBER 94: Yeah.

MR. GARDNER: Okay. This 2016 accident that you had, how did that affect your life?

PROSPECTIVE JUROR NUMBER 94: Well, I -- I was going to, like, therapy like three times a week, and going to work, and trying to work in pain because my job is not so understanding where I can take off, you know. So, yeah, it was tough. You know, again, I was carless, so I was trying to catch the bus and depending on people for rides and just, you know, just sick and on medication, and still trying to work, because it's only me. I don't have a husband, you know, so I -- I depend on me for my income, you know, and my bills. So if I don't work, my bills don't get paid.

MR. GARDNER: Fair enough. Yeah.

I'll pass. Thank you.

THE COURT: Ms. Hobbs, ma'am, if you'll introduce yourself, please.

PROSPECTIVE JUROR NUMBER 21: I'm Lesli Hobbs. I have lived here -- I moved here in 2010. I went to UNLB. I have a bachelor's in -- it's called -- technically, it's called comprehensive medical imaging, ultrasound option. I'm a sonographer. I work at a big hospital here in town. I'm married, and I have no kids.

THE COURT: Where did you live before you lived here?

PROSPECTIVE JUROR NUMBER 21: Alaska.

THE COURT: And do you work in a particular area in the hospital?

PROSPECTIVE JUROR NUMBER 21: I would work all over the hospital.

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

PROSPECTIVE JUROR NUMBER 21: No.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 21: No.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 21: Does a security director count?

THE COURT: Sure.

PROSPECTIVE JUROR NUMBER 21: My brother-in-law is a security director at a casino.

THE COURT: You have had medical training and work in the medical field. Anyone else who is close to you who's had medical training and works in the medical field?

PROSPECTIVE JUROR NUMBER 21: I have a good friend living with me who's a -- a roommate - a physical therapist.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 21: No.

THE COURT: Have you or anyone close to you been in a car

crash?

PROSPECTIVE JUROR NUMBER 21: I don't talk to him, but I have a half-brother that was in a bad accident, like, four or five years ago.

THE COURT: Can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 21: Yes.

THE COURT: Can you follow the instructions on the law that I give you even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 21: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 21: Yes.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 21: No.

THE COURT: If you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 21: Yes.

THE COURT: Okay. Mr. Cloward.

MR. CLOWARD: Thanks.

Ms. Hobbs, could you tell me one more time what your degree was in?

PROSPECTIVE JUROR NUMBER 21: Well, UNLB offers a bachelor's program for ultrasound, but you can get an associates. So

[indiscernible] medical imaging ultrasound option [indiscernible].

MR. CLOWARD: And what was -- you said something like a sonographer?

PROSPECTIVE JUROR NUMBER 21: Ultrasound tech or sonographer.

MR. CLOWARD: Okay. What does that do? That sounds --

PROSPECTIVE JUROR NUMBER 21: Well, everybody thinks babies, but we scan the whole body. I don't do hearts though. That's a -- a different department.

MR. CLOWARD: So you basically, you scan the image and be able to --

PROSPECTIVE JUROR NUMBER 21: Yeah. I mean, we have protocols, so the typical -- the most common ones are abdomens, renals, legs, arms, necks, and [indiscernible].

MR. CLOWARD: Okay. On that machine, can you -- can you see pain?

PROSPECTIVE JUROR NUMBER 21: Yeah, sure.

MR. CLOWARD: Where at?

PROSPECTIVE JUROR NUMBER 21: You know, ultrasound's very specific, but we do diagnose a range of conditions. But, you know, specific ones, yeah, you can tell when people are in pain.

MR. CLOWARD: How do you tell that?

PROSPECTIVE JUROR NUMBER 21: You know, by what you see, what you're diagnosing.

MR. CLOWARD: Does it actually show up on the screen,

though? Like, does it have a certain color or --

PROSPECTIVE JUROR NUMBER 21: Yeah. You just pick out what's abnormal. If something is abnormal, then you know they're in pain. They have to be in pain because --

MR. CLOWARD: Okay. Have you ever heard of what's called a discography study, or a post-discogram CT study? Do you have any experience with that?

PROSPECTIVE JUROR NUMBER 21: No.

MR. CLOWARD: What about MRIs or --

PROSPECTIVE JUROR NUMBER 21: Yeah.

MR. CLOWARD: Do you have experience?

PROSPECTIVE JUROR NUMBER 21: [Indiscernible] MRIs, CAT scans, too.

MR. CLOWARD: As part of your job, do you actually do those?

PROSPECTIVE JUROR NUMBER 21: No, we just compare, you know, the images to the -- so we can scan the patient and make sure we pick up what the MRI or CAT scan saw. But, you know, that kind of CAT scan, I'm not sure.

MR. CLOWARD: Do you help with the MRIs and things like that?

PROSPECTIVE JUROR NUMBER 21: [Indiscernible] just look at the images sometimes.

MR. CLOWARD: Okay. What about x-rays? Do you assist with those?

PROSPECTIVE JUROR NUMBER 21: No. Just, again, look at

images.

MR. CLOWARD: Okay. So are you -- do you actually interpret the images and then tell -- how does that work?

PROSPECTIVE JUROR NUMBER 21: No, the radiologist does. So we write up a worksheet about what we -- we just describe what we see and then the radiologist -- that's ultimately their call.

MR. CLOWARD: Comes in and sees the --

PROSPECTIVE JUROR NUMBER 21: They just -- they sit in a dark room and -- and, you know, read a book, scan.

MR. CLOWARD: Do you like working -- do you like doing that?

PROSPECTIVE JUROR NUMBER 21: Oh, yeah. It's very interesting.

MR. CLOWARD: Have you worked with Dr. Kittusamy?

PROSPECTIVE JUROR NUMBER 21: No. I work for a different hospital system than that.

MR. CLOWARD: And I think I heard -- you said you worked at a large hospital. Did you give the name?

PROSPECTIVE JUROR NUMBER 21: Sunrise.

MR. CLOWARD: Sunrise. Okay. And how long have you been at Sunrise?

PROSPECTIVE JUROR NUMBER 21: It'll be eight years in May.

MR. CLOWARD: And I'm assuming if you've stayed there for eight years you must like it?

PROSPECTIVE JUROR NUMBER 21: Yeah, it's good.

MR. CLOWARD: Okay. Do you ever work with any of the physicians in this case? Do you know anything about them?

PROSPECTIVE JUROR NUMBER 21: None of them ring a bell. If there was a radiologist, that's who I would know, and I don't know that one, so.

MR. CLOWARD: You don't know Dr. Kittusamy?

PROSPECTIVE JUROR NUMBER 21: Hm-mmm.

MR. CLOWARD: Okay. Other than that training, do you have any other medical training one way or another?

PROSPECTIVE JUROR NUMBER 21: Besides the basic, like, BLS, like, you know, no.

MR. CLOWARD: Okay. Tell me your views on these types of cases, personal injury cases. What do you think about them?

PROSPECTIVE JUROR NUMBER 21: We've heard all they -- asked us questions, so. You know, I just went to Australia and a friend there told me that it's -- they don't allow lawyers to advertise like that, like they do here. I thought that was interesting.

MR. CLOWARD: Do you think that's a good thing or a bad thing?

PROSPECTIVE JUROR NUMBER 21: Well, I think -- our -- I mean, just because they can't advertise, I don't know the rest of their restrictions on that. You could still probably sue, but I think it's -- it's a -- a system with good intentions. But anything that's good, someone's -- people are going to try to abuse that.

MR. CLOWARD: Sure. Do you believe that there are more

people that abuse it versus use the system legitimately the way that it's intended?

PROSPECTIVE JUROR NUMBER 21: I think -- I think it's used legitimately. I mean, when it's a -- it's -- when it's a large corporation that's being sued, I mean, then you're more partial to that. Like, they have enough money and they have caused harm to this person, they can give up. You know, they can share the wealth really. But when it's individual cases, my question comes -- where does this money come from? Because -- does the state pay for that, or, I mean, does the defendant have that kind of money?

MR. CLOWARD: Sure. Is that something that would be, I guess, important for you -- that you would kind of have as a lingering thought in the back of your mind, is how is this going to be paid?

PROSPECTIVE JUROR NUMBER 21: I mean, it's a large sum of money. Does -- if the state pays for it, then our taxes might connect with it [indiscernible].

MR. CLOWARD: Sure. If you were instructed that that's something that you really don't get to consider, that you just get to enter the verdict, and then from there, the Judge enters it as a judgment and how that gets paid, whether it gets paid, is something that you don't even get to think about, would that bother you?

PROSPECTIVE JUROR NUMBER 21: I don't know. No, I guess not.

MR. CLOWARD: Do you think it might influence what you ultimately did?

PROSPECTIVE JUROR NUMBER 21: I mean, given the

Plaintiff's list of, you -- you know, bills or whatever that need to be paid for, maybe not. I mean, we need to know the circumstances like why the insurance wouldn't pay more of -- or --

MR. CLOWARD: Okay. Would you be concerned about, I guess, the flip side to that that maybe if you didn't award a full verdict that Aaron might be down to your hospital trying to seek treatment for free if somebody wasn't held accountable for their actions?

PROSPECTIVE JUROR NUMBER 21: That wouldn't be good, either, but I mean, you work in an ER and you see people in and out that are in pain. Like, we live in a wonderful country, it's free. If you don't want to pay for it, it's free. So if he had to do that [indiscernible], but -- but it's not good.

MR. CLOWARD: Would it be hard for you if you weren't allowed to consider any of that stuff in determining and evaluating this case, or evaluating this case? Would that present a problem for you if you couldn't even think about it?

PROSPECTIVE JUROR NUMBER 21: Think about what -- what was the question again?

MR. CLOWARD: Think about who's going to pay for anything, whether it be the treatment, whether it be a verdict, whether it be, you know, any of those issues, that they are just something that you're not even allowed to think about. Would that be hard for you?

PROSPECTIVE JUROR NUMBER 21: I mean, you cannot think about it, but in the back of your mind you're still kind of wondering where is this coming from. I mean, maybe the defendant has [indiscernible].

I don't know.

MR. CLOWARD: Do you think that maybe that concern would influence the verdict?

PROSPECTIVE JUROR NUMBER 21: No, I mean, we need to hear the facts and why it's this large.

MR. CLOWARD: Well, let me ask this. You know, assuming that -- let's pretend that this was -- we were a couple courtrooms down and this was like a, you know, a breach of contract case, and they had proved damages, you know, $8, $9 million dollars. It was proved. Would you potentially reduce that amount based on your worry and thought process of well, where is this going to even come from? Would that influence your decision one way or another? Or could you set those things aside and just evaluate the damages?

PROSPECTIVE JUROR NUMBER 21: I could evaluate the damages.

MR. CLOWARD: Is there a small possibility that that might influence the way that you arrived at a decision?

PROSPECTIVE JUROR NUMBER 21: Yeah. I mean --

MR. CLOWARD: Knowing that part about yourself, would you feel comfortable -- if you were a Plaintiff, would you be comfortable having jurors with your same frame of mind, same concerns, sit on a case like this?

PROSPECTIVE JUROR NUMBER 21: I guess -- yeah, maybe you wouldn't want someone who was worried about where the money's coming from on this type of case.

MR. CLOWARD: Would you yourself worry about having

yourself on a jury like this?

PROSPECTIVE JUROR NUMBER 21: No.

MR. CLOWARD: Okay. Because you know maybe in your mind that, yeah, I'd be worried about it, but I could set that aside; is that why?

PROSPECTIVE JUROR NUMBER 21: Yes. I mean, maybe the money shouldn't have even been brought up, really, but it can be settled in lower -- you know, a lower amount eventually if that's what it comes to, right?

MR. CLOWARD: Okay. Is there anything else that you feel like you know maybe we would want to know about you, or your history, or your experiences, your life experiences?

PROSPECTIVE JUROR NUMBER 21: I don't think so.

MR. CLOWARD: Okay. Fair enough. I think I covered the majority of the questions.

When you evaluate patients before you're able to look, I guess, on the machines that you're able to look at, are you able to usually just look at the outside of a person and say, you know what, I think that there's pain in their hip?

PROSPECTIVE JUROR NUMBER 21: Mm-hmm (affirmative). Depending on their actions, yeah.

MR. CLOWARD: Well, say for instance, if I'm standing right here, are you able to tell whether I'm in pain or not?

PROSPECTIVE JUROR NUMBER 21: No.

MR. CLOWARD: Are there times in your profession where

people are complaining of pain and the doctors just can't find anything?

PROSPECTIVE JUROR NUMBER 21: All the time. Every day.

MR. CLOWARD: Do they kick those folks out?

PROSPECTIVE JUROR NUMBER 21: No, they treat them really well. Actually, most of the time.

MR. CLOWARD: Why don't they just say, you know what, there's nothing on the screen over there, so see you later?

PROSPECTIVE JUROR NUMBER 21: Because they genuinely care about the person. It does -- other factors take into account though, if they're frequent fliers, and you know, or they're -- that's all they ask for is pain meds. But if they're -- they seem like they really are in pain, even if they can't find anything wrong, I'd say 90 percent of people get pain meds that ask for it, so.

MR. CLOWARD: Are there times where it takes several tests to figure out what's going on with somebody?

PROSPECTIVE JUROR NUMBER 21: Yeah. All the time.

MR. CLOWARD: Why is that? How come we can't live in a world where you just take one test and we got it figured out?

PROSPECTIVE JUROR NUMBER 21: Because different tests are good at diagnosing different problems.

MR. CLOWARD: All right. Could you tell me maybe one of the biggest setbacks or challenges that you have faced in life and whether you feel like you handled that well [indiscernible]?

PROSPECTIVE JUROR NUMBER 21: I think I realize it now it was a setback, as I [indiscernible] -- my mom was alcoholic when I was

growing up. And she got sober when I was about 25, and now she's just, you know, a new person I had -- I had got to -- I got to get to know. She's wonderful now, but looking back at that, she functioned but I realize now how abnormal that was.

MR. CLOWARD: How long was that?

PROSPECTIVE JUROR NUMBER 21: She says she lost a good 20 years of her life, but I mean, it got bad when I was a teenager.

MR. CLOWARD: I'm sorry to hear that. [Indiscernible] people that struggle with that.

PROSPECTIVE JUROR NUMBER 21: Thank you.

MR. CLOWARD: Are you compassionate toward individuals with that problem, or are you angry toward those types of folks?

PROSPECTIVE JUROR NUMBER 21: I'm definitely compassionate. I can be angry at her for, you know, missing some of my childhood, or be happy that she's still here, so. I'm glad she's still here.

MR. CLOWARD: Okay. I appreciate your thoughts. Thank you, very much. No more questions.

THE COURT: Mr. Gardner?

MR. CLOWARD: Your Honor, I'm sorry. Can I approach just real quick?

THE COURT: Sure.

MR. CLOWARD: Thanks.

[Bench conference begins]

MR. CLOWARD: Are we planning on leaving about 4:45?

THE COURT: No, I was going to go until about 6:00.

MR. CLOWARD: 6:00?

THE COURT: Mm-hmm .

MR. CLOWARD: Okay.

THE COURT: So we can try to get this jury.

MR. CLOWARD: Okay.

THE COURT: [Indiscernible] picked.

MR. CLOWARD: That's not the real reason that I came up here.

THE COURT: Okay.

MR. CLOWARD: I just know that they watch everything we do, so I wanted to point to the clock. That juror is still doing that. She's covering her face and she's being disruptive. She needs to get out of here.

THE COURT: Okay.

MR. CLOWARD: Because there's --

MR. GARDNER: [Indiscernible].

MR. CLOWARD: And he thought that I was talking about somebody else.

THE COURT: [Indiscernible] Turner, go ahead.

MR. GARDNER: You mentioned something about you can't tell if someone hurts just from looking at them, and you mentioned that you would have to go through some -- several tests to determine whether they were hurting or not. Did I get that right?

PROSPECTIVE JUROR NUMBER 21: Not necessarily. I mean you could be in pain without a test. I did.

MR. GARDNER: Okay. What I was going to ask you is what

kind of testing would you do or have you seen that may have been a good indicator that there was pain?

PROSPECTIVE JUROR NUMBER 21: I would, you know, I get about ten ultrasounds a day, so we do a lot of pelvic ultrasounds on somebody, so over in probably [indiscernible] , and then yeah, I can image that would be painful. I would know that --

MR. GARDNER: Okay.

PROSPECTIVE JUROR NUMBER 21: -- [indiscernible]

MR. GARDNER: So if someone's got a broken bone, you would -- you've added in an x-ray or just a scan?

MR. GARDNER: We don't typically deal with broken bones. You know, I might look at an x-ray for a neafusion and see that it -- I mean I'm not a trained radiologist, so I just -- it might look odd by just looking at what the radiologist wrote, you know.

MR. GARDNER: Okay. Okay. Now am I to assume that before you made a decision in this case, that you would listen to all the evidence first? Is that true?

PROSPECTIVE JUROR NUMBER 21: [Indiscernible] .

MR. GARDNER: And follow the Judges orders on what the instructions were?

PROSPECTIVE JUROR NUMBER 21: Yes,

MR. GARDNER: Okay. Thank you.

Pass.

THE COURT: Sir, if you will introduce yourself, please?

PROSPECTIVE JUROR NUMBER 22: Oh, I'm Edwin Leong.

I've been here 25 years, originally from Okinawa, Japan, from there I went to Hawaii, came here. I used to be self-employed, but am currently employed at the Orleans as a bowling mechanic. I've been married for 33 years with paper, eight before that, and I have three kids, all born here.

THE COURT: All right. How old are your kids

PROSPECTIVE JUROR NUMBER 22: My eldest is -- will be 24 in November, and my second one is 20, and my baby is 16.

THE COURT: All right. What are the -- the older two, what do they do?

PROSPECTIVE JUROR NUMBER 22: They are attending UNLV.

THE COURT: Are they studying anything particular?

PROSPECTIVE JUROR NUMBER 22: Pardon?

THE COURT: Are they studying anything in particular?

PROSPECTIVE JUROR NUMBER 22: My son is studying to be an accountant, and my daughter is learning to -- what do they call it, theatrical engineering.

THE COURT: And what does your spouse do?

PROSPECTIVE JUROR NUMBER 22: Pardon?

THE COURT: What does your spouse do?

PROSPECTIVE JUROR NUMBER 22: She is basically unemployed. She just does temporary jobs here and there.

THE COURT: So what has she done in the past, what kind of areas of work?

PROSPECTIVE JUROR NUMBER 22: Oh, before we moved

here? She used to be a -- what do you call it, executive secretary.

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

PROSPECTIVE JUROR NUMBER 22: Yes, I have.

THE COURT: How many times?

PROSPECTIVE JUROR NUMBER 22: Once.

THE COURT: And where was that?

PROSPECTIVE JUROR NUMBER 22: In [Indiscernible] , Hawaii, and it was not a very good experience.

THE COURT: I'm sorry to hear that. Was it a civil case or a criminal case?

PROSPECTIVE JUROR NUMBER 22: It was a criminal case.

THE COURT: And without telling us what the verdict was, was the jury able to reach a verdict?

PROSPECTIVE JUROR NUMBER 22: Yes.

THE COURT: Were you the foreperson?

PROSPECTIVE JUROR NUMBER 22: No, I was not.

THE COURT: All right. And you said it wasn't a very good experience. Was that because of how the jury got along or because of something else that happened with the trial?

PROSPECTIVE JUROR NUMBER 22: Basically, it was -- I used to work graves, so I worked all night and went straight to the jury, and the two attorneys excused me, but the Judge said no, and I was forced to stay on the trial.

THE COURT: Okay. How was the trial, itself, once you were there?

PROSPECTIVE JUROR NUMBER 22: I did everything that the Judge said about obeying what the law was to the law, and even if I had a doubt -- if I had a doubt, I was supposed to say not guilty, but to me, attorneys -- the prosecution did not prove his case to me.

THE COURT: Sir, have you ever been a party to a lawsuit or a witness in a lawsuit?

PROSPECTIVE JUROR NUMBER 22: No.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 22: No.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 22: No.

THE COURT: Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 22: Yes.

THE COURT: Tell me about --

PROSPECTIVE JUROR NUMBER 22: Myself and my wife.

THE COURT: When was that?

PROSPECTIVE JUROR NUMBER 22: I was involved in an accident in 2006. A car passed me on my left and decided to make a right turn right in front of me, so I ended up T-boning him.

THE COURT: Were you injured?

PROSPECTIVE JUROR NUMBER 22: I went to the hospital, I had a mild concussion and sprained my back.

THE COURT: You said your wife had an accident as well?

PROSPECTIVE JUROR NUMBER 22: In 2006, a year after mine, she got T-boned, and I was just glad that my daughter wasn't in the car, because if my daughter was in the car, she would have been hurt. A guy made a -- the road was coned off, she was making a left turn, and the guy didn't want to wait in traffic, so he decided to get out of the lane and T-boned my wife.

THE COURT: Was she injured?

PROSPECTIVE JUROR NUMBER 22: She was injured, yes, but not seriously, but as they said, what was it, not objective, but subjective injury. She had a spinal injury and the driver admitted fault to me, said he was sorry he did it. To me, it was a cut and dry case, but no. We tried to get the money so we can pay for the hospital bills and stuff like that, and I have a very bad taste with that one either -- that one, too.

THE COURT: Okay. Sir, can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 22: Normally, I could, yes.

THE COURT: All right. And you said normally, so what do you mean by that?

PROSPECTIVE JUROR NUMBER 22: Well, this is a accident case, a civil case, and I've had bad experience on both sides, during my accident and my wife's.

THE COURT: Okay. Could you follow the instructions on the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 22: Yes, I can do that.

THE COURT: You understand that the facts of this case are different, too, than whatever happened --

PROSPECTIVE JUROR NUMBER 22: To me, yes.

THE COURT: -- to either you or your wife?

PROSPECTIVE JUROR NUMBER 22: I understand that.

THE COURT: Could you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 22: I can do that.

THE COURT: Is there any reason you couldn't be completely fair and impartial if your selected to serve as a juror in this case, other than what you've already explained?

PROSPECTIVE JUROR NUMBER 22: I would say no.

THE COURT: And if you're a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 22: I would say no.

THE COURT: Okay.

MR. CLOWARD?

MR. CLOWARD: Thanks, Judge.

PROSPECTIVE JUROR NUMBER 22:

MR. CLOWARD: Mr. Leong, how are you?

PROSPECTIVE JUROR NUMBER 22: I'm okay. Thank you.

MR. CLOWARD: You would not feel comfortable having yourself as a juror?

PROSPECTIVE JUROR NUMBER 22: No.

MR. CLOWARD: Is that -- there were a lot of questions, I was trying to scribble down notes to make sure that I understood, but it sounds like your wife, her crash was not her fault; is that fair?

PROSPECTIVE JUROR NUMBER 22: That's correct.

MR. CLOWARD: And was your crash your fault or --

PROSPECTIVE JUROR NUMBER 22: No.

MR. CLOWARD: So both of them were the other person's fault?

PROSPECTIVE JUROR NUMBER 22: Yes.

MR. CLOWARD: Okay. And you would, I guess, not be fair to the Defendant because of that? You would kind of want to --

PROSPECTIVE JUROR NUMBER 22: In my wife's case, yes.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 22: And I can -- in my case, too. In my case, the other party was not insured, did not have insurance.

MR. CLOWARD: And so that would actually make it -- maybe you would try to settle the score; is that right?

PROSPECTIVE JUROR NUMBER 22: I had to sue my own insurance company so that I can pay the hospital bills.

MR. CLOWARD: Okay. And I'm sure that wasn't pleasant for you to do.

PROSPECTIVE JUROR NUMBER 22: No, it was not.

MR. CLOWARD: Well, it's important for me to have a fair trial for everybody, so --

PROSPECTIVE JUROR NUMBER 22: Yes.

MR. CLOWARD: -- I appreciate you sharing. Thank you. [Indiscernible].

THE COURT: All right.

Mr. Gardner, you want to ask any questions?

MR. GARDNER: Yes. Thank you, Your Honor.

Could you be a little bit more specific on why you wouldn't be a good witness -- or a good juror in a case like you talked about?

PROSPECTIVE JUROR NUMBER 22: Well, there was stuff that -- to me, it was cut and dry. The other party admitted fault to me, even the police reports show that he was at fault, yet the case got dragged out for three years, and it got to the point where I was going mentally cuckoo, and I was going in a bad place, and it was only because of the defensive training with the insurance company.

MR. GARDNER: Okay.

PROSPECTIVE JUROR NUMBER 22: And I had to go through arbitration after three years, because I told me wife I'm going to a place where I don't like myself, so we went to arbitration.

MR. GARDNER: Okay. That frustrates me to hear about that.

PROSPECTIVE JUROR NUMBER 22: I'm sorry about that, but --

MR. GARDNER: No, not [indiscernible], but it frustrates me that you have had such a negative experience with it. And without telling me about -- did you and your wife settle your cases or did you -- I mean you went to arbitration, did that resolve your case?

PROSPECTIVE JUROR NUMBER 22: Yes.

MR. GARDNER: Okay. And what about your wife, did she go to arbitration?

PROSPECTIVE JUROR NUMBER 22: Yes. Well, my case, no. I just had to sue my own insurance company. My wife's case, we went through arbitration.

MR. GARDNER: Okay. Okay. Did you -- would you be able to sit here and hear about an accident and be objective?

PROSPECTIVE JUROR NUMBER 22: I could.

MR. GARDNER: Okay. I knew you were going to say that. So, good, I'm glad you could. And thanks very much.

THE COURT: All right. Mr. Forster, if you would introduce yourself, please?

PROSPECTIVE JUROR NUMBER 23: I'm Matt Forster. I've lived in Clark County basically since about '98. There was a couple years I lived North Carolina and [indiscernible] there, but now I'm back. I went to school in Toledo, Ohio as a pharmacist. I'm employed by CVS here in Las Vegas. I'm a District Manager. I'm married for about ten years. My wife is a pharmacist. And I have a daughter who's eight.

THE COURT: All right. Thank you, sir. Have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 23: Served as a juror?

THE COURT: Yeah.

PROSPECTIVE JUROR NUMBER 23: No.

THE COURT: Have you ever been a party to a lawsuit or a

witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 23: Once.

THE COURT: Can you tell me about that?

PROSPECTIVE JUROR NUMBER 23: It was through my work. We were sued and I was part of it for a wrongful termination.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 23: I have an uncle who's a Judge.

THE COURT: Where?

PROSPECTIVE JUROR NUMBER 23: In the State of California.

THE COURT: Have you or anyone up to -- you and your wife both work in -- have medical training, and anyone else who's close to you has medical training or works in the medical field?

PROSPECTIVE JUROR NUMBER 23: My mother and sister are nurses, and my sister-in-law is a nurse, and I think that's it.

THE COURT: What area of nursing do they work in?

PROSPECTIVE JUROR NUMBER 23: My sister-in-law is trauma, and then my mother was a regular nurse and then mental health, and my sister is -- was a regular nurse and then like NR stoma therapy.

THE COURT: Any of them work here?

PROSPECTIVE JUROR NUMBER 23: No.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 23: No.

THE COURT: Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 23: I've been in car crashes before, but they're all minor.

THE COURT: Can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 23: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 23: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 23: Yes.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 23: No.

THE COURT: And if you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 23: Yes.

THE COURT: Mr. Cloward?

MR. CLOWARD: Thanks.

Mr. Forster, so you're a pharmacist, you work at CVS?

PROSPECTIVE JUROR NUMBER 23: Yes.

MR. CLOWARD: And what did you do in North Carolina?

PROSPECTIVE JUROR NUMBER 23: Basically, I worked for Walgreens for 18 years, half as a supervisor, half as a pharmacist. Moved to North Carolina for them to do a buyout of the drug store chain, and then moved back.

MR. CLOWARD: So, CVS --

PROSPECTIVE JUROR NUMBER 23: I just switched to CVS a couple of years ago.

MR. CLOWARD: Did -- they bought Walgreens?

PROSPECTIVE JUROR NUMBER 23: No, no. I just switched over from Walgreens.

MR. CLOWARD: Oh. I was like I didn't know that that happened. It just got me kind of a little bit confused there. So you've been a pharmacist for quite a while then?

PROSPECTIVE JUROR NUMBER 23: Yes, 20-some-odd years.

MR. CLOWARD: Do you enjoy that?

PROSPECTIVE JUROR NUMBER 23: Not really. I wouldn’t have my daughter do it, let's put it that way.

MR. CLOWARD: How come?

PROSPECTIVE JUROR NUMBER 23: It's a really tough industry and it deteriorates year after year.

MR. CLOWARD: Well, I'm sorry to hear that. Let me ask you a couple of questions. It sounds like you were part of a lawsuit? Were you actually a named Defendant?

PROSPECTIVE JUROR NUMBER 23: Yeah. I was taken off of it rather quickly because it didn't make sense. We were -- I was the person terminating -- or being a witness to a termination, and they named that District Manager, as well as myself. So then they ended up just going after the company, which was Walgreens.

MR. CLOWARD: How did that experience -- does that make you upset toward lawsuits? Was it --

PROSPECTIVE JUROR NUMBER 23: That particular one, yes.

MR. CLOWARD: How do you feel about lawsuits in general?

PROSPECTIVE JUROR NUMBER 23: I think they're all unique. I mean, you know, it just depends on the particular lawsuit.

MR. CLOWARD: Okay. Did that experience in any way maybe color the way that you view lawsuits, that maybe now you kind of think that all of them are suspect?

PROSPECTIVE JUROR NUMBER 23: No.

MR. CLOWARD: Okay. Other than that lawsuit, were there any were there any other instances where you were involved in the legal system as a Defendant or as a Plaintiff, or anything like that?

PROSPECTIVE JUROR NUMBER 23: Just in depositions for like for Walgreens and for CVS.

MR. CLOWARD: Okay. Would that be like as a corporate spokesperson with them?

PROSPECTIVE JUROR NUMBER 23: Yes.

MR. CLOWARD: Like a 36(b), I think. How many times have

you done that?

PROSPECTIVE JUROR NUMBER 23: Probably about five to ten.

MR. CLOWARD: Five [indiscernible], that's a lot. Do you enjoy that?

PROSPECTIVE JUROR NUMBER 23: Not really, it's a little stressful, because usually it involves a mis-fill, so.

MR. CLOWARD: Yeah. Are the lawyers nice to you --

PROSPECTIVE JUROR NUMBER 23: Always, yeah.

MR. CLOWARD: -- or are they jerks? Okay, good. Do you have a perception one way or another about lawyers because of that experience?

PROSPECTIVE JUROR NUMBER 23: No.

MR. CLOWARD: All right. Anybody ever -- were they a jerk to you?

PROSPECTIVE JUROR NUMBER 23: No.

MR. CLOWARD: Good. Is there anything about those experiences, giving those depositions that caused you to believe a certain thing about lawsuits?

PROSPECTIVE JUROR NUMBER 23: I would say just to the extent that the monetary piece --

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 23: -- a far as like hearing it from the company side or the company's lawyer's side, what constitutes a large amount of money versus what injury would constitute a small amount

of money, meaning like, you know, how many years does the person left to work, do they have multiple people that they're taking care of, that type of thing.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 23: So it's not so much the injury versus some other factors also.

MR. CLOWARD: So maybe the way that it's -- a case is discussed a little bit different, depending on who is discussing it, right?

PROSPECTIVE JUROR NUMBER 23: Correct.

MR. CLOWARD: Did I understand that?

PROSPECTIVE JUROR NUMBER 23: Well, just based on like if I have, you know, four kids and I'm the primary income for those kids and my wife, then it would be a larger lawsuit than if I was, you know, a single 20 year-old kid.

MR. CLOWARD: Sure. I can see that. How do you feel about the concept of money for pain and suffering?

PROSPECTIVE JUROR NUMBER 23: It would have to be proven to me.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NUMBER 23: And not really on the subjective side.

MR. CLOWARD: Okay. Help me understand your feelings on that a little more.

PROSPECTIVE JUROR NUMBER 23: I would just say I would want to see, you know, real medical evidence. I would have a tough time

being okay with awarding somebody millions of dollars without significant proof.

MR. CLOWARD: And when you say significant proof, can you give me an idea of what you mean by that?

PROSPECTIVE JUROR NUMBER 23: I guess, you know, through medical reports and whatever -- whatever we would be able to view in that sense, you know, what supports the injuries or what supports the dollar figure.

MR. CLOWARD: Okay. So you're not in the category that they just take people for their word? Is that correct?

PROSPECTIVE JUROR NUMBER 23: Correct.

MR. CLOWARD: Okay, that's fair. I appreciate that. Do you have any experience with certain physicians here in town? Are there some physicians that maybe are nicer versus some that are not, or do you have any perceptions on that?

PROSPECTIVE JUROR NUMBER 23: Only with regard to prescribing controls and the problem here in Nevada.

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 23: It's a huge piece of my job.

MR. CLOWARD: Is it just here in Nevada or is it kind of nationwide?

PROSPECTIVE JUROR NUMBER 23: Nevada and New Jersey are the two biggest States, and I guess Florida, but Nevada's at the very top.

MR. CLOWARD: Really? As far as total prescriptions?

PROSPECTIVE JUROR NUMBER 23: As far as prescription abuse.

MR. CLOWARD: Why do you think that is?

PROSPECTIVE JUROR NUMBER 23: I'm honestly not sure.

MR. CLOWARD: Are our laws more or less strict than other States?

PROSPECTIVE JUROR NUMBER 23: I don't think so.

MR. CLOWARD: Just there's a problem here. Is it a south versus north issue, meaning is Reno and Carson City, is it also bad there?

PROSPECTIVE JUROR NUMBER 23: Yes.

MR. CLOWARD: Really? So it's a statewide -- I did not know that. Learn something new every day.

Ms. Glepa talked about that medical care here in Nevada is not really that great. Do you think that that's part of the problem? Do you think we're discussing bad doctors?

PROSPECTIVE JUROR NUMBER 23: I think that she's absolutely right. You know, it's probably just living here 20 years, you always hear, you know, something goes wrong with you, you need to leave, if something serious goes wrong with you, and then seeing it from the side of the pharmacy, where we have constant prescriptions that are not necessarily legitimate, meaning, you know, if you go into the office you could pay the doctor 300 cash, and then 300 cash for a written prescription, and then receive prescriptions. I mean you've heard -- I've heard reports for the last ten years. I mean just because it's part of my job. So I guess you would

say some bad doctors maybe gave me an opinion for the group --

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 23: -- or ruined it for everybody.

MR. CLOWARD: That's a fair assessment. That's a fair assessment, it's quite introspective. Can you make room for the possibility that there are some good doctors still left here?

PROSPECTIVE JUROR NUMBER 23: Absolutely.

MR. CLOWARD: Okay. Do you have any experience with any of the doctors that were named, Dr. Cash, Dr. Muir, Dr. Coppel, Dr. Kittusamy on the Plaintiff's side, and then Dr. Sanders on the Defense side. I know Dr. Coppel, a pain management doctor, and I know he has several clinics throughout the town, so do you have any specific dealings with him one way or another?

PROSPECTIVE JUROR NUMBER 23: Other than, you know, other than seeing the prescriptions, no.

MR. CLOWARD: Okay. Do you know any of the doctors by reputation, including Dr. Sanders?

PROSPECTIVE JUROR NUMBER 23: No.

MR. CLOWARD: What about any of the -- I guess we talked about all of the other witnesses you may have heard of, heard of them.

Anything else about the system or lawsuits that you feel like would be important for us to know about you?

PROSPECTIVE JUROR NUMBER 23: I don't think so.

MR. CLOWARD: Okay. Is there anything else that you

thought about that was a strong -- you had a strong feeling about that we haven't talked about?

PROSPECTIVE JUROR NUMBER 23: I don't think.

MR. CLOWARD: Okay. Well, thank you.

No other questions.

THE COURT: Mr. Gardner?

MR. GARDNER: Now you said that pharmacies are becoming a tough industry. Is that right? Have I got that right?

PROSPECTIVE JUROR NUMBER 23: Yes.

MR. GARDNER: Tell me why. What's going on?

PROSPECTIVE JUROR NUMBER 23: There's continual pressure on the reimbursement rates, so it's kind of a miserable profession to be in, meaning you're trying to fill five, six, seven, 800 prescriptions and not make a mistake, with no help. So, it's not what it was when I started.

MR. GARDNER: Okay. Which CVS location are you stationed?

PROSPECTIVE JUROR NUMBER 23: I don't really have one. I'm just the District Manager of basically the west side of Las Vegas.

MR. GARDNER: Okay. You mean that would be manager for the East side?

PROSPECTIVE JUROR NUMBER 23: Yes.

MR. GARDNER: Is there -- are there other flags that come up when a certain kind of medication is prescribed?

PROSPECTIVE JUROR NUMBER 23: Yes.

MR. GARDNER: Which ones?

PROSPECTIVE JUROR NUMBER 23: Oxycodone, Hydrocodone, basically all your narcotics for the most part.

MR. GARDNER: Okay. How do you become a pharmacist?

PROSPECTIVE JUROR NUMBER 23: Just go to school, really.

MR. GARDNER: Okay. Now where did you go to school for --

PROSPECTIVE JUROR NUMBER 23: Toledo, Ohio.

MR. GARDNER: Where?

PROSPECTIVE JUROR NUMBER 23: Toledo, Ohio.

THE COURT: Okay. And you've been living here for 20 years?

PROSPECTIVE JUROR NUMBER 23: Yes.

MR. GARDNER: That almost makes you a native, sorry to say. That's all I have. Thank you.

THE COURT: Good morning. If you will introduce yourself?

PROSPECTIVE JUROR NUMBER 32: Sure. My name is Shannon Kehoe. I was born and raised here in Las Vegas. I have my Bachelors of Economics Degree. I am self-employed. I am a financial advisor, 15 years now. I have a staff of people that -- underneath me that I do manage, three people. I've been married 12 years and I have seven-year-old twins.

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

PROSPECTIVE JUROR NUMBER 32: No.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 32: No.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 32: No.

THE COURT: Have you or anyone close to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 32: Right out of high school, I went to a medical tech school, and I worked in the medical field for about two years.

THE COURT: What area of --

PROSPECTIVE JUROR NUMBER 32: Medical Assistant, working in family practice/urgent care.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NUMBER 32: Yes.

THE COURT: Can you tell me about that?

PROSPECTIVE JUROR NUMBER 32: My grandmother was hit in a DUI accident and killed.

THE COURT: I'm sorry to hear that.

PROSPECTIVE JUROR NUMBER 32: Thank you.

THE COURT: How long ago was that?

PROSPECTIVE JUROR NUMBER 32: 2010.

THE COURT: And besides that, have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NUMBER 32: I've been in two

accidents and no major injuries or lawsuits, or anything like that.

THE COURT: Do you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 23: Yes.

THE COURT: Could you follow the instructions on the law that I give you even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 32: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 32: Yes.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 32: I feel that if alcohol is involved, I could not be fair.

THE COURT: All right.

PROSPECTIVE JUROR NUMBER 32: But I don't know the case details.

THE COURT: If you were a party to this case, other than what you just said, is there -- would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 32: Other than that, no.

THE COURT: I'm assuming this is just sort of an ordinary car crash with no extenuating substance -- circumstances.

THE COURT: Mr. Cloward?

MR. CLOWARD: Thank you, Your Honor.

Ms. Kehoe, you are a financial advisor?

PROSPECTIVE JUROR NUMBER 32: I'm sorry?

MR. CLOWARD: You are a financial advisor?

PROSPECTIVE JUROR NUMBER 32: Yes.

MR. CLOWARD: Tell me what does that entail?

PROSPECTIVE JUROR NUMBER 32: Helping individuals, families, and business owners with their investments, college planning, retirement, risk management, [indiscernible] planning with attorneys --

MR. CLOWARD: Wow.

PROSPECTIVE JUROR NUMBER 32: -- managing their financial life.

MR. CLOWARD: So what the heck is going on with the [Indiscernible] ?

PROSPECTIVE JUROR NUMBER 32: Very well until this year. It was a great year last year.

MR. CLOWARD: [Indiscernible] it's like -- it's crazy. That's not normal, right?

PROSPECTIVE JUROR NUMBER 32: No.

MR. CLOWARD: Do you do a lot of investing in stocks, that kind of thing?

PROSPECTIVE JUROR NUMBER 32: I have a team of investment people that do all that. I've [indiscernible] most of the time in the relationships.

MR. CLOWARD: Oh, cool. All right. And you've been doing

that for how long?

PROSPECTIVE JUROR NUMBER 32: Fifteen years in November.

MR. CLOWARD: Good for you. That's great. You sound like you're very successful. What does your spouse do?

PROSPECTIVE JUROR NUMBER 32: My husband is a Corrections Officer across the street.

MR. CLOWARD: That's C --

PROSPECTIVE JUROR NUMBER 32: CCSD.

MR. CLOWARD: CCSD?

PROSPECTIVE JUROR NUMBER 32: Yes.

MR. CLOWARD: Does he like that?

PROSPECTIVE JUROR NUMBER 32: He hates it.

MR. CLOWARD: He hates it.

PROSPECTIVE JUROR NUMBER 32: And I get the brunt of it every evening. It's pretty bad.

MR. CLOWARD: How long has he been there?

PROSPECTIVE JUROR NUMBER 32: Five years.

MR. CLOWARD: Okay. What did he do before that?

PROSPECTIVE JUROR NUMBER 32: He was a pirate at Treasure Island.

MR. CLOWARD: Oh, really?

PROSPECTIVE JUROR NUMBER 32: So, he had a really, really good fun job and now he says he's serving time.

MR. CLOWARD: He's serving time, gotcha. So he does not --

he does not like it?

PROSPECTIVE JUROR NUMBER 32: No.

MR. CLOWARD: Well, that's too bad.

PROSPECTIVE JUROR NUMBER 32: Yeah.

MR. CLOWARD: You -- it sounds like you've got your Bachelor's in economics, but before that, you did Medical Tech School?

PROSPECTIVE JUROR NUMBER 32: I thought I wanted to be a nurse, and then just went a different direction.

MR. CLOWARD: How come? Was there something that happened or just --

PROSPECTIVE JUROR NUMBER 32: I just kind of -- I wanted smaller classes in college and that was kind of the direction I was going.

MR. CLOWARD: Where did you go to school?

PROSPECTIVE JUROR NUMBER 32: UNLD.

MR. CLOWARD: Okay. And you grew up here?

PROSPECTIVE JUROR NUMBER 32: Yes.

MR. CLOWARD: What high school did you go to?

PROSPECTIVE JUROR NUMBER 32: Western and Cimarron.

MR. CLOWARD: Western and Cimarron, all right.

Let me ask some follow-up questions about the crash, couple crashes that you, personally, were in. There were no injuries?

PROSPECTIVE JUROR NUMBER 32: Huh-uh.

MR. CLOWARD: Were those your fault, their fault?

PROSPECTIVE JUROR NUMBER 32: No, they were both -- I was rear-ended and then I was T-boned.

MR. CLOWARD: And was that here in town?

PROSPECTIVE JUROR NUMBER 32: In town.

MR. CLOWARD: What were the circumstances surrounding --

PROSPECTIVE JUROR NUMBER 32: Just I was on the 15, the first one, and a guy rear-ended me, but thank goodness he swerved last minute so he crushed my car, but if he would have hit me head on, it would been, you know, full impact with my [indiscernible]. So I was fine there, and then -- I had bad experiences with insurance companies saying that it was my fault and that I cut off -- cut him off last minute, which was a joke. And then T-boned, and he had very, very little insurance, the car's totaled, some bad experiences, you know, overall, but no lawsuits.

MR. CLOWARD: Did you have medical bills for either of those?

PROSPECTIVE JUROR NUMBER 32: No.

MR. CLOWARD: Okay. Difficulty getting your car repaired, is that --

PROSPECTIVE JUROR NUMBER 32: Yep.

MR. CLOWARD: -- what it sounds like?

PROSPECTIVE JUROR NUMBER 32: Yep.

MR. CLOWARD: Okay. Did that put a bad taste in your mouth on the system as a whole or is it confined to --

PROSPECTIVE JUROR NUMBER 32: Not my accidents, my grandmother's accident did, yes.

MR. CLOWARD: Okay. May I discuss that with you?

PROSPECTIVE JUROR NUMBER 32: Sure.

MR. CLOWARD: First, I'm very sorry.

PROSPECTIVE JUROR NUMBER 32: Thank you.

MR. CLOWARD: What a tragic thing when [indiscernible] .

PROSPECTIVE JUROR NUMBER 32: Yeah.

MR. CLOWARD: It's terrible. Thank you for being willing to talk to us --

PROSPECTIVE JUROR NUMBER 32: Sure.

MR. CLOWARD: -- about that. Can you share --

PROSPECTIVE JUROR NUMBER 32: She was out on the northwest part of time, not very many lights on the road, and a lady was drunk, crossed over, there was a median, and hit her, basically, and she pretty much got off, the lady got off for some reason. So --

MR. CLOWARD: Yeah, the laws here suck.

PROSPECTIVE JUROR NUMBER 32: Yeah. It's pretty sad, and none of her -- the medical bills, all her estate was gone.

MR. CLOWARD: Yeah. I'm sorry about that.

PROSPECTIVE JUROR NUMBER 32: Thanks.

MR. CLOWARD: I have other clients that experienced that. Thank you for sharing that. Does that experience -- do you think that would impair your ability to sit as a juror in this case, even if there was no evidence that anybody was impaired in this case?

PROSPECTIVE JUROR NUMBER 32: I honestly don't know the answer to that. I feel like I could be objective, but I haven't been in that position, so I don't -- I don't know.

MR. CLOWARD: Okay. You mentioned you felt like you could probably be fair unless alcohol was involved.

PROSPECTIVE JUROR NUMBER 32: Yeah.

MR. CLOWARD: Explain to me what you mean.

PROSPECTIVE JUROR NUMBER 32: I would hope that I could be. There's a lot of emotion there that's kind of been buried and I don't know because just car accidents just -- it's a lot.

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 32: Especially losing a family member like that, but I would hope that I could be objective.

MR. CLOWARD: Okay. Do you -- how do you feel about the use of alcohol at all?

PROSPECTIVE JUROR NUMBER 32: In -- at all --

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NUMBER 32: -- or drinking and driving?

MR. CLOWARD: Just the use of alcohol.

PROSPECTIVE JUROR NUMBER 32: I drink, so -- and I just don't drive and I don't get behind a vehicle. So I will overt even if it's one mile down the street. It's crazy for what we have in our fingerprints. If you're going to drink, there's absolutely no reason you should be driving.

MR. CLOWARD: Sure. Uber or --

PROSPECTIVE JUROR NUMBER 32: Or walking across the street on your cellphone or whatever --

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NUMBER 32: -- you're doing.

MR. CLOWARD: Okay. Well, I appreciate your thoughts on

that. What about some of the other issues that we've discussed as a group, you know, what are your thoughts on --

PROSPECTIVE JUROR NUMBER 32: Yeah. I have to be honest, my mind, I'm really in the middle of a huge transition in my life and I have a huge deadline at the end of the month. And I know that's -- everyone has problems and [indiscernible], but I'm literally sitting here like I have one month to get a million things done, and I want to be present.

I've actually enjoyed this, but I'm like literally half checked out, like oh, my gosh, I have until -- I work from 9:00 to midnight. I have three hours to get something done that I have to have done by the end of April. So I'm trying to be physically and mentally present, but I'm, to be honest with you, I feel like I would be like rushing through this if I were chose on a jury, because I have so much going on over here.

And like my husband works 12-hour shifts, so I'm a single parent, today, tomorrow, through Wednesday. So I'm scrambling in the morning, I'm scrambling -- you know what I mean?

MR. CLOWARD: Yeah, it's tough.

PROSPECTIVE JUROR NUMBER 32: But everyone has issues. I'm not saying poor me at all, but I'm just trying to be honest.

MR. CLOWARD: No, I -- and that's all that we can ask --

PROSPECTIVE JUROR NUMBER 32: Okay.

MR. CLOWARD: -- is brutal honesty. I mean but it sounds like, despite your efforts to be here and be present --

PROSPECTIVE JUROR NUMBER 32: Yeah.

MR. CLOWARD: -- that work is influencing, kind of affecting -- I appreciate your candor. I sincerely do.

PROSPECTIVE JUROR NUMBER 32: If this was maybe, in like three months, I would be completely present. It's just the timing, it's just --

MR. CLOWARD: Bad timing? Does it have to do with taxes at all?

PROSPECTIVE JUROR NUMBER 32: No. A little bit, yes, tax time, yeah.

MR. CLOWARD: Gotcha.

PROSPECTIVE JUROR NUMBER 32: Just with my business.

MR. CLOWARD: Gotcha. Okay. How do you feel about the concept of pain and suffering damages?

PROSPECTIVE JUROR NUMBER 32: I don't -- [indiscernible] drugs. I've had a [indiscernible] about experience with that. One of my clients was in a [indiscernible] lawsuit, was injured severely, and it has changed attorneys three times because they can't come to an agreement. The other side or his side, I don't know, and he's continuing to have to work because he -- they can't figure out -- they can't come to a conclusion on this back and forth. And I see him every six months and he's like it's still going on, it's still going on, it's still going on. Now they want this much money, then they want this much money, so I do have a bad taste in my mouth, but that's just one case and I don't know the specifics of it.

MR. CLOWARD: Has he considered going to the State Bar?

PROSPECTIVE JUROR NUMBER 32: Maybe I should

suggest that. I don't know.

MR. CLOWARD: Maybe you could do that and then look into it. Would that experience, I guess, affect --

PROSPECTIVE JUROR NUMBER 32: Probably not.

MR. CLOWARD: Just kind of one experience that --

PROSPECTIVE JUROR NUMBER 32: Uh-huh.

MR. CLOWARD: -- wouldn't necessarily change --

PROSPECTIVE JUROR NUMBER 32: No.

MR. CLOWARD: Is that fair? Okay. Anything else that we would want to know about you?

PROSPECTIVE JUROR NUMBER 32: I think in mental [indiscernible] . I wish I could say I was in a better -- I was in that Route 99 concert shooting, which was such horrific. If anybody was there, I'm sorry, but it changes you and you try to go -- and it's only been six months, like it was yesterday. It's a lot to deal with and just your mind's kind of away from your normal everyday life; but other than that, I mean just --

MR. CLOWARD: Sorry that you went through that.

PROSPECTIVE JUROR NUMBER 32: I'm here, so that's --

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NUMBER 32: Thank you.

MR. CLOWARD: Yeah. Thank you for sharing.

PROSPECTIVE JUROR NUMBER 32: Yeah.

MR. CLOWARD: I appreciate it.

[Indiscernible] with counsel for one moment.

THE COURT: Sure.

[Counsel confer]

MR. CLOWARD: Your Honor, thank you. Thank you.

MR. GARDNER: I'm intrigued with what your husband does. Did he -- was he one of the high divers?

PROSPECTIVE JUROR NUMBER 32: Yeah.

MR. GARDNER: Was he really?

PROSPECTIVE JUROR NUMBER 32: Uh-huh.

MR. GARDNER: That's scary.

PROSPECTIVE JUROR NUMBER 32: They kicked him off the boat.

MR. GARDNER: Well, I hear you're a financial planner with -- what's the name of your company?

PROSPECTIVE JUROR NUMBER 32: Wealth Consulting Group.

MR. GARDNER: Wealth Consulting Group? Do you have a physical location that you work out of?

PROSPECTIVE JUROR NUMBER 32: Yes.

MR. GARDNER: Where is that?

PROSPECTIVE JUROR NUMBER 32: Sunset and 215.

MR. GARDNER: Sunset and 215?

PROSPECTIVE JUROR NUMBER 32: Up by KIA.

MR. GARDNER: Oh, okay. It sounds good. You got an [indiscernible] degree?

PROSPECTIVE JUROR NUMBER 32: Yes.

MR. GARDNER: Okay. Did your husband go to school here?

PROSPECTIVE JUROR NUMBER 32: For a little bit. He went to the -- he was born and raised here, yes. Went to Elverado.

MR. GARDNER: Oh, okay.

PROSPECTIVE JUROR NUMBER 32: No college.

MR. GARDNER: How is it being a financial planner these days?

PROSPECTIVE JUROR NUMBER 23: It's great when the market's gone up for the last nine years. It's great.

UNIDENTIFIED SPEAKER: Knock on wood.

MR. GARDNER: That will keep you busy. I think that's all I have.

PROSPECTIVE JUROR NUMBER 32: Thanks.

THE COURT: [[Indiscernible], ma'am. If you will introduce yourself, please?

PROSPECTIVE JUROR NUMBER 025: Yeah, my name is Robyn Matson. I've lived in Clark County 25 years. Let's see, how far did I go in school? I have a little bit of college, not much, but I worked for Clark County School District. I work with special needs children. I'm, right now, driving a school bus for them. I pick them up at their home and drop them off at -- right -- I do door to door service.

And let's see, I'm married to my darling husband, who I met when I was 14 years-old, and he was 16. We got a divorce when I was 20, and then we remarried about 25 years ago. We have -- I have six stepchildren that I've raised since the 25 years. They range in age from, wait, hold it, 42 to 30.

They -- okay, let's see, John is a -- he works for Coca-Cola, he's in charge of all the heavy trucks that haul all the -- no, Budweiser, he stopped working for Coke. He works for Budweiser now, drink Bud. I have a paramedic daughter, her husband is a flight, Life Flight. So that two medical. I have a son in the Army -- no, yeah, Navy, sorry. I have a trucker, a long haul truck driver, a school teacher -- wait, hold it. How many am I -- how many am I now? School teacher -- oh, I have one that works at the Bellagio as a crap dealer. I think that's all.

THE COURT: Okay. I think that was six.

PROSPECTIVE JUROR NUMBER 025: Okay.

THE COURT: All right, ma'am. Have you ever served as a juror before?

PROSPECTIVE JUROR NUMBER 025: Pardon me?

THE COURT: Have you ever served as a --

PROSPECTIVE JUROR NUMBER 025: I did get called for jury duty, but I was bounced because I work for the School District.

THE COURT: Have you ever been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NUMBER 025: Yes. I was tripped on a bus and it ruined my leg. I had an artificial knee. And the child tripped me. I went to Richard Harris Law Firm at the coaxing of one of my co-workers, and they started a lawsuit so they could -- so I could have the School District reimbursed for a huge, huge sum of money that it costs to fix my leg, and I'm -- eight years later, I'm -- and six operations later, I'm still having issues with my leg. They couldn't get reimbursed because the

parents were separated and had no money after two-and-half years of trying to track down these parents.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 025: Pardon me?

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NUMBER 025: No.

THE COURT: Have you or anyone close to you had medical training or worked in the medical field?

PROSPECTIVE JUROR NUMBER 025: My daughter is paramedic, and her husband is a Life Flight nurse -- well, not nurse, but paramedic.

THE COURT: Have you or anyone close to you, other than what you've already described, had a serious injury?

PROSPECTIVE JUROR NUMBER 025: I've been rear-ended three times. The second time, I didn't realize I was hurt, but I had really, really severe whiplash.

THE COURT: All right. Any other car crashes?

PROSPECTIVE JUROR NUMBER 025: No, just the rear-ending.

THE COURT: Would you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NUMBER 025: Yes.

THE COURT: Can you follow the instructions on the law that I

give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NUMBER 025: Yes.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NUMBER 025: Pretty much like -- unless there was drugs and alcohol involved.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror in this case?

PROSPECTIVE JUROR NUMBER 025: Yes.

THE COURT: And what's that?

PROSPECTIVE JUROR NUMBER 025: Pardon me?

THE COURT: Is there a reason you couldn't be fair?

PROSPECTIVE JUROR NUMBER 025: No, there is no reason. I'm sorry.

THE COURT: If you were -- that's all right. If you were a party to this case would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NUMBER 025: Oh, yes. I mean I would like somebody like me.

THE COURT: Mr. Cloward?

MR. CLOWARD: Your Honor, may I approach really quick?

THE COURT: Sure.

MR. CLOWARD: I've been going for about two hours.

[Bench conference begins at 4:49 p.m.]

THE COURT: It's been 90 minutes.
MR. CLOWARD: I just need to use the restroom.
THE COURT: Oh, all right.
MR. CLOWARD: And I would like to talk about something outside the presence of this jury.
THE COURT: Okay.
MR. CLOWARD: Is that okay?
THE COURT: All right. All right. Okay.
[Bench conference ends at 4:49 p.m.]
THE COURT: Mr. Cloward.
PROSPECTIVE JUROR NO. 27: Sorry, I'm like down a person.
MR. CLOWARD: I'm very sorry.
PROSPECTIVE JUROR NO. 27: Thank you.
MR. CLOWARD: I'm very truly sorry.
PROSPECTIVE JUROR NO. 27: Thanks.
MR. CLOWARD: We're just going to respect and honor that and not ask you any questions about that, okay?
PROSPECTIVE JUROR NO. 27: Okay.
MR. CLOWARD: Your husband is a dentist though?
PROSPECTIVE JUROR NO. 27: Yes.
MR. CLOWARD: Tell me about that. And you say you feel like a doctor?
PROSPECTIVE JUROR NO. 27: Well, my daughter had -- she was born with spina bifida, so she had ten surgeries in her nine years --
MR. CLOWARD: Wow.

PROSPECTIVE JUROR NO. 27: -- of life. So it was constant emergency --

MR. CLOWARD: Got you.

PROSPECTIVE JUROR NO. 27: -- room visits and we had like eight doctors and it was very -- yeah, I had to manage a lot, so I feel like -- yeah. I became friends with all the doctors and physical therapists and so --

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NO. 27: But --

MR. CLOWARD: So does your -- does your husband, did he have a specialty or is he --

PROSPECTIVE JUROR NO. 27: He likes to pull teeth out, but -- that's his favorite thing to do.

MR. CLOWARD: Is he like an endodontic, is that what kind?

PROSPECTIVE JUROR NO. 27: No, he just general, but he does implants and stuff like that. So he was at CSN for, I don't know, like 23 years and he just -- he's a UNLV Dental School now.

MR. CLOWARD: Oh, so he's a professor then?

PROSPECTIVE JUROR NO. 27: Yeah.

MR. CLOWARD: Oh, is he trying to offer to pull out all the teeth and --

PROSPECTIVE JUROR NO. 27: Yeah, yeah.

MR. CLOWARD: Has he ever told you why he likes to do that?

PROSPECTIVE JUROR NO. 27: I don't know why.

MR. CLOWARD: Just a guilty pleasure?

PROSPECTIVE JUROR NO. 27: He just -- yeah, he worked at

the detention center for a while on the prisoners and he'd line them all up and say which three hurt you the most and he tried to get a record. I think his record was 90 in like four hours.

MR. CLOWARD: Oh, my goodness.

THE COURT: Whoa.

PROSPECTIVE JUROR NO. 27: Yeah.

MR. CLOWARD: When you say he likes to pull teeth, he really likes to pull teeth.

PROSPECTIVE JUROR NO. 27: So, I mean, he doesn't do it for fun. If you don't need it pulled, he won't pull it.

The issue I have is --

MR. CLOWARD: Thank you for --

PROSPECTIVE JUROR NO. 27: -- you know in Nevada there's a cap --

MR. CLOWARD: Yeah, yeah.

PROSPECTIVE JUROR NO. 27: -- and so that's the hard part for me is she was paralyzed from the brainstem down basically, so cognitively she was there, but she couldn't talk, she couldn't eat. She could communicate by blinking with her eyes. And so there was five weeks before she passed away of pain and suffering. So that's -- do you understand where I'm coming from?

MR. CLOWARD: Yes.

PROSPECTIVE JUROR NO. 27: So for monetary value, it's hard to say how much -- you know, I don't know. And it wasn't about the money or anything like that, but --

MR. CLOWARD: It's hard to say that people up in Carson City should determine what's fair. Better way is a jury --

PROSPECTIVE JUROR NO. 27: Well, I mean, it's because --

MR. CLOWARD: -- members --

PROSPECTIVE JUROR NO. 27: -- you know, all the other -- but yeah. Anyways, so. But that's just where I have the hard issue coming from is compare -- she couldn't move, she couldn't do all of -- you know what I mean?

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NO. 27: Like I saw pain and suffering.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NO. 27: So not to say someone else doesn't have it, that's very real and legit and justice needs to be served, but the amount of justice is -- so.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NO. 27: But you can ask me whatever.

MR. CLOWARD: Do you believe that it would be difficult for you to serve as a juror based on your experiences?

PROSPECTIVE JUROR NO. 27: I think it would be hard, because I do, I watch the news and I see incidences and they're suing for $3 million, a policeman hit them. And I think, really, seriously, you want to know what pain and suffering is? Like I know what that is.

MR. CLOWARD: Yeah.

PROSPECTIVE JUROR NO. 27: And so that's -- you know,

that's hard for me. And I have a niece who just is 7. She was diagnosed with cancer, went through a year of chemotherapy and every three months my brother calls me, you know, panicked. Okay, she's having a seizure and what's the symptom of leukemia, because that's likely now that she's had the treatment. And then she just had the last MRI and they said they can't use her arm anymore because the scar tissue is too bad.

MR. CLOWARD: Geez.

PROSPECTIVE JUROR NO. 27: So like that's pain. That's hard, you know?

MR. CLOWARD: Yeah, that's --

PROSPECTIVE JUROR NO. 27: That's -- and that's a lifelong. He asked the doctor, "When can I stop worrying?" And he said, "You never can." So --

MR. CLOWARD: That's tough.

PROSPECTIVE JUROR NO. 27: But that's why my daughter is going to be -- she's doing genetics because we have bad genes apparently. But, you know, there's so much good that comes out of it, so you can either let it pull you down, and like I'm not going to fight, I'm not going to function, or you can do the opposite and serve each other, and try to better yourself --

MR. CLOWARD: Sure.

PROSPECTIVE JUROR NO. 27: -- and everyone around you, so.

MR. CLOWARD: Well, I appreciate you sharing. Is there anything else that you think might be important for us to know you'd care to share about?

PROSPECTIVE JUROR NO. 27: No, I don't think so.
MR. CLOWARD: Okay.
PROSPECTIVE JUROR NO. 27: I'm trying. I really am trying. I'm not say that to get out or anything, but --
MR. CLOWARD: No, those are serious things to go through. We appreciate your willingness to talk. So thank you.
Thank you, Judge.
THE COURT: All right. Mr. Gardner.
MR. GARDNER: A couple of things I wrote down here. Is being in this trial going to be a hardship for you?
PROSPECTIVE JUROR NO. 27: Like to come and sit here?
MR. GARDNER: Yeah.
PROSPECTIVE JUROR NO. 27: No, that's not going to be. Mentally it might be hard.
MR. GARDNER: That's what -- yeah.
PROSPECTIVE JUROR NO. 27: But -- yeah, I mean, I normally don't cry. That's -- I don't cry in church. I don't cry -- I'm just -- don't cry, but I feel myself, it's that wave of emotion that you just think just comes on and you don't want to think about it, you don't want to deal with it, so.
MR. GARDNER: Okay. And that's tough, very tough. That's all I needed. Thank you.
THE COURT: All right. Mrs. Malany, ma'am?
PROSPECTIVE JUROR NO. 28: Uh-huh.
THE COURT: All right. If you could introduce yourself, please.

PROSPECTIVE JUROR NO. 28: I'm Margaret Malany. I've lived in Clark County for 20 years. I have an associate's degree in TV directing. I am not employed. I'm retired. I was in the automotive business for 45 years.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 28: I'm not married and I have no children.

THE COURT: Ma'am, have you ever served as a juror before?

PROSPECTIVE JUROR NO. 28: No, but I'd sure like to before this life ends.

THE COURT: Have you been a party to a lawsuit or a witness in a lawsuit before?

PROSPECTIVE JUROR NO. 28: I have, but it was 60 years ago.

THE COURT: All right. So tell me about it.

PROSPECTIVE JUROR NO. 28: I don't remember that much about it. It was my parents that did it and it had something to do with my dancing.

THE COURT: Okay. Do you remember, did you go court or --

PROSPECTIVE JUROR NO. 28: It went to court. I don't remember what happened.

THE COURT: Have you or anyone close to you worked in the legal field?

PROSPECTIVE JUROR NO. 28: Yes.

THE COURT: Tell me about that.

PROSPECTIVE JUROR NO. 28: My brother is a retired attorney. He also is an EMT. And my niece is a nurse.

THE COURT: All right. So you've got them all for me. Anyone else who has medical training or worked in the medical field?

PROSPECTIVE JUROR NO. 28: No.

THE COURT: Have you or anyone close to you suffered a serious injury?

PROSPECTIVE JUROR NO. 28: No.

THE COURT: Have you or anyone close to you been in a car crash?

PROSPECTIVE JUROR NO. 28: I have.

THE COURT: And --

PROSPECTIVE JUROR NO. 28: It was minor.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 28: Nobody was hurt, except my car.

THE COURT: Can you wait to form an opinion until you've heard all of the evidence?

PROSPECTIVE JUROR NO. 28: Yes.

THE COURT: Can you follow the instructions on the law that I give you, even if you don't personally agree with them?

PROSPECTIVE JUROR NO. 28: Right.

THE COURT: Can you set aside any sympathy you may have for either side and base your verdict solely on the evidence and the instructions on the law presented during the trial?

PROSPECTIVE JUROR NO. 28: Uh-huh.

THE COURT: Is there any reason you couldn't be completely fair and impartial if you were selected to serve as a juror?

PROSPECTIVE JUROR NO. 28: No.

THE COURT: And if you were a party to this case, would you be comfortable having someone like yourself as a juror?

PROSPECTIVE JUROR NO. 28: I would.

MR. CLOWARD: Thank you. Ms. Malany?

PROSPECTIVE JUROR NO. 28: Malany.

MR. CLOWARD: Malany. So it sounds like your parents filed a lawsuit on your behalf like 60 years ago, is that -- did I hear that right?

PROSPECTIVE JUROR NO. 28: Yeah.

MR. CLOWARD: Okay.

PROSPECTIVE JUROR NO. 28: So what happened back 60 years ago, who knows.

MR. CLOWARD: Yeah. I wasn't even born then, so I don't know what happened 60 years ago.

PROSPECTIVE JUROR NO. 28: I was 15 years old or something.

MR. CLOWARD: Yeah, okay. Was that here? I guess you moved here, I think, 20 years ago?

PROSPECTIVE JUROR NO. 28: Yeah, I'm from Chicago.

MR. CLOWARD: Chicago?

PROSPECTIVE JUROR NO. 28: Uh-huh.

MR. CLOWARD: Okay. Did you live there for basically until

you moved here?

PROSPECTIVE JUROR NO. 28: Right.

MR. CLOWARD: So you lived in Vegas and then Chicago?

PROSPECTIVE JUROR NO. 28: Uh-huh.

MR. CLOWARD: Okay. What brought you out here?

PROSPECTIVE JUROR NO. 28: Well, I had a business and computers came in, and my business started to go downhill, so I decided to get out of Chicago and the weather. And I came out here because I love shows.

MR. CLOWARD: Got you. Do you miss the cold, snow, and --

PROSPECTIVE JUROR NO. 28: I do not and I do not miss the humidity.

MR. CLOWARD: Negative.

PROSPECTIVE JUROR NO. 28: I gave my snow shovel to my neighbor when I moved.

MR. CLOWARD: So you don't miss like the negative ten degrees?

PROSPECTIVE JUROR NO. 28: I do not.

MR. CLOWARD: I don't blame you.

PROSPECTIVE JUROR NO. 28: And then you had an associate's degree in TV directing? That's interesting.

PROSPECTIVE JUROR NO. 28: Yeah, I wanted to be a TV director.

MR. CLOWARD: Tell me about that.

PROSPECTIVE JUROR NO. 28: TV production.

MR. CLOWARD: What kind of shows?

PROSPECTIVE JUROR NO. 28: Well, I knew television when you had live shows and it was so much fun. I mean, if you made a mistake, everybody saw it. So it would just -- I was in a junior achievement company and we did our own TV show, and we started it, and we produced it, and directed it, and acted in it, and wrote it, and I just loved it.

MR. CLOWARD: The whole thing, that's cool. What was your business that you had before you moved here and you say that the computers kind of were --

PROSPECTIVE JUROR NO. 28: Yeah. Well, I was in the automotive business and I had a company doing automotive warranty claims.

MR. CLOWARD: Okay. And you were the president of that company, I guess?

PROSPECTIVE JUROR NO. 28: I was the president and the only person working there.

MR. CLOWARD: President and everything else, every other position?

PROSPECTIVE JUROR NO. 28: Yeah.

MR. CLOWARD: Okay. Well, it sounds like you've led a very interesting life, with the desire to serve on a jury.

PROSPECTIVE JUROR NO. 28: I'd love to before, you know -- I mean, I'm getting to that age where --

MR. CLOWARD: We might be able to make that happen. I'll talk to the Defense lawyer and the Judge and we'll see about that.

Is there anything -- I guess, you know, if you were selected, is there anything that you feel like would prevent you from being fair to both parties?

PROSPECTIVE JUROR NO. 28: No.

MR. CLOWARD: Anything you're heard about the pain and suffering or the objective or subjective that, you know, causes you to think that, you know what, I probably wouldn't be fair on this issue or that issue?

PROSPECTIVE JUROR NO. 28: Not really. The only thing I think about, as the one lady down here said, is that, you know, there's a lot of times you can't tell if somebody is suffering. I mean, when you take that October 1st shooting, there are a lot of people that weren't shot or anything else, but God, they've got to be suffering --

MR. CLOWARD: Yeah, yeah. It's --

PROSPECTIVE JUROR NO. 28: -- you know, from being there and seeing all that.

MR. CLOWARD: Yeah, definitely. Anything else about what we've discussed that you felt [sic] like would be important to share?

PROSPECTIVE JUROR NO. 28: Not really.

MR. CLOWARD: Okay. Anything else? Thank you very much. I appreciate it.

PROSPECTIVE JUROR NO. 28: Okay.

MR. GARDNER: Your Honor, thank you.

THE COURT: Mr. Gardner.

MR. GARDNER: Can you just tell me why you've got a desire to be on a jury?

PROSPECTIVE JUROR NO. 28: Well, because I find it interesting.

MR. GARDNER: Okay.

PROSPECTIVE JUROR NO. 28: I've talked to my brother off and on through the years, you know.

MR. GARDNER: Okay.

PROSPECTIVE JUROR NO. 28: But he doesn't tell me very much. He just says, well, pain and suffering, tell them how much pain and suffering I've been through from you. So I said okay.

MR. GARDNER: I never talk to my sister either. Well, you know what, you're delightful. Thank you.

That's all I need.

THE COURT: All right, folks. So we're going to ahead and break for the evening. During this break, you are not -- admonished not to talk or converse among yourselves or with anyone else on any subject connected with this trial. Or read, watch, or listen to any report or commentary on the trial, or any person connected with this trial by any medium of information, including without limitation newspapers, television, the internet, and radio.

Or form or express any opinion on any subject connected with the trial until the case is finally submitted to you.

I ask you not to do any independent research. We will see you tomorrow at 10 a.m.

THE MARSHAL: Please rise for the jury.

PROSPECTIVE JUROR: Judge, do we come here at 10 a.m.

or down to jury services?

THE COURT: Yeah, the Officer Walker will let you know when you go out there, but you'll meet him up here at 10.

PROSPECTIVE JUROR: Thank you.

[Prospective Jury out at 5:43 p.m.]

THE COURT: All right. Let's go ahead and go through the cause challenges right now so that when we come in, I can excuse those folks, and then we can hopefully get the jury picked before lunch.

MR. CLOWARD: Okay.

THE COURT: So we had Number 7?

MR. CLOWARD: Ms. Pedersen, Tracy Pedersen, 036. Miss --

THE COURT: Seat 7, sorry. Yeah.

MR. CLOWARD: -- I'm sorry, what was that, Judge?

THE COURT: It's seat 7, but it's Juror Number 36, right.

MR. CLOWARD: She indicated, on four -- no less than four occasions that she wouldn't give pain and suffering damages. She wouldn't personally go to court. Doesn't believe in lawsuits. Both parties suffer, it's not fair for only the Plaintiff to get pain and suffering damages. She clearly had a fundamental issue with pain and suffering itself, the whole concept, because both parties would suffer and so how is it fair for just one party to get.

Juror Number 016, Bryson Sidiaren-Bacud, indicated that one side would lie to get what they want, and it's me, the Plaintiff. That it's -- lawsuits are easy money. That he -- he was specifically upset with me, that

he had made the decision, right off the bat, with me just talking -- simply talking about large amount in pain and suffering, that I was trying to work the system.

Juror Number 11, Duanelle Weferling, 019. She indicates that she is, against PI cases. This was actually on the Court's questioning, not even on my questioning. She said she's against them, that she would not be a good fit, that she would not fair. Yeah, stuff happens and you should just get over it. And that's her attitude.

And then Edwin Leong, this is more of a Defense challenge, you know, so I'll let Mr. Gardner make the challenge. But I wouldn't object to him. I mean, he would be a great juror for me, but he probably wouldn't be fair to the Defense. And so I wouldn't object to him.

THE COURT: All right.

MR. GARDNER: Your Honor, as far as Mr. Leong, clearly, we would agree that he should be stricken for cause.

THE COURT: Okay.

MR. RANDS: And I really don't have a significant argument on Juror Number 16, seat number 8. I kind of agree with what counsel said on him and wouldn't oppose that one for cause either.

The other two, however, I believe, in Mr. Gardner's voir dire of them, they all indicated that they could listen to the evidence and make the decision only after they've heard all the evidence. So they did say some things and, clearly, counsel stated what they did say, but that's why we have peremptory challenges. I think they were sufficiently rehabilitated and they should not be stricken for cause.

MR. CLOWARD: And, Your Honor, just in response. I know the Court is well-versed on the case law, but it *Sears v. Sanders-Page* [sic] case indicates expressly that you've got to look at the totality of the circumstances, look at all of the discussion, not just the last thing that they said. And I think Jitnan v. Oliver talks about how you've got to be unequivocal. And an individual that says, yeah, I don't like pain and suffering and I don't feel right about it. Five minutes later, if they say, well, you know what, okay. I guess you twisted my arm enough.

You know, and I personally believe that's why EDCR 770 says don't ask questions that have already been answered. I don't think that the Court and that our Supreme Court should allow rehab questions. Once an individual has said what they've said, to me, it just seems crazy that people get up, then try and say, well, you know, could you put all those things aside. And, you know, I know that you said you hate Plaintiff's counsel, but can you put it aside and be fair to him. And it just is --

THE COURT: Well, I mean, I think sometimes there are situations where a juror has a personal opinion. I know I have those situations as a judge, where a juror has those -- a personal opinion, but they are willing to follow the rules and put aside their personal opinion to do what the right thing is. So, you know, it's -- the question is where that falls and I think sometimes it is appropriate to ask follow-up questions. Sometimes it is not -- it just -- you know, there -- it's hard to, you know, fix the, you know, I'm angry at you that I'm here sort of thing. You, specifically, right? So --

MR. CLOWARD: Yeah.

THE COURT: -- Gardner -- or Mr. Rands?

MR. RANDS: No, I was just going to say, Your Honor, using the same analogy counsel used, I mean, the Court asked each of them if they could be fair and impartial jurors and listen to the evidence. And then he asked question that elicited the other things, so I mean, if he can do that, why can't I come in -- or Mr. Gardner come and rehabilitate at the end?

THE COURT: Oh, yeah, of course. Of course. But with respect to -- all right. So the -- and I'm sorry, I'm going to use the right numbers for now, Juror Number 16, Prospective Juror Number 16 and Prospective Juror Number 22, then I will grant the cause challenges on those two.

With respect to Mister -- or Ms. Weferling, Juror Number 19, I am also going to grant the challenge for cause with respect to her. She said from the beginning that she didn't think she could be fair because she had developed a sudden opinion against personal injury suits. You know, whether that is a lack of interest of serving on the jury or an actual bias, I'm not really sure. But she expressed concerns. I mean, frankly, it concerns me either way, but I -- her -- she could not state unequivocally that she could be fair.

Ms. Pedersen is a little closer call, I think, of the group; however, she did express some strong personal opinions and a general unwillingness to consider pain and suffering damages, which I think is required by the law. So I'm going to grant the challenge for cause for her as well.

So when we come in tomorrow, we'll excuse those folks, and then we'll call four jurors in, and then we'll ask them questions and see

where we get with that. And hopefully we won't go through too many more.

MR. CLOWARD: Your Honor, what time are we starting tomorrow?

THE COURT: 10:00; although, Mr. Cloward, I'm going to tell you that's a little bit of an aspirational goal given my calendar in the morning, but --

MR. CLOWARD: Okay.

THE COURT: -- I have a lot of status checks and it just -- I should be able to get through them quickly, but I hopeful -- I'm really hoping I can get done by 10. I want to get done by 10.

MR. CLOWARD: Perfect.

THE COURT: I'll start a little early and see if we can get some of them out of the way, but I have just a couple of things where the people might be longer than they should be. How's that? We told the jury 10.

MR. CLOWARD: Okay.

THE COURT: Is there anything else we need to take care of now, though, so we're ready to go right when we get in tomorrow?

MR. CLOWARD: We can -- we could openings and call the first witness tomorrow, no issues with that --

THE COURT: Oh, yeah, absolutely.

MR. CLOWARD: -- assuming we pick the -- okay.

THE COURT: No, I'm hoping we'll have -- I am hopeful that we will have a jury by lunchtime.

MR. CLOWARD: Perfect.

THE COURT: Hopeful, we'll see, but -- and then you all would

have, you know, lunchtime to get sorted out everything you need to for your openings and we'll do openings and start with witnesses.

MR. CLOWARD: Great. Thank you, Judge.

MR. RANDS: Sounds good.

THE COURT: That's the plan right now. We know how that goes with trials though. You've got to be a little flexible.

MR. RANDS: Thank you, Your Honor.

THE COURT: Thank you, everyone. Have a good evening.

MR. CLOWARD: You too.

MR. RANDS: You too.

THE COURT: Oh, Mr. Cloward, did you -- I just want to make sure we have it sorted out because we didn't have Mr. Gardner here. So we have Dr. Coppel and then Dr. Muir on Wednesday morning, and then you had Dr. Cash and the other doctor. I wrote Dr. K.

MR. CLOWARD: Kittusamy.

THE COURT: Thank you.

MR. RANDS: On?

MR. CLOWARD: Thursday.

THE COURT: On Thursday at 10 and then 1?

MR. CLOWARD: Yes.

THE COURT: Okay. So -- and that was it with your doctor, yes?

MR. CLOWARD: Yes.

THE COURT: You have --

MR. CLOWARD: Those four, yeah.

THE COURT: Okay. And then do you know when your doctor is coming, Mr. Gardner?

MR. GARDNER: No, I was kind of playing it by ear, depending on what they did.

THE COURT: Okay. So I would hope -- if we stay on schedule, I would hope that we'll finish with the Plaintiff's case by the end of the day Thursday. Is that doable, Mr. Cloward, do you think?

MR. CLOWARD: I think so, Judge. That's our aspiration.

THE COURT: And so just be prepared for Friday morning with your doctor. That's, anyway --

MR. GARDNER: Thank you.

THE COURT: -- the current state of the sticky. All right. Thank you, everyone.

[Proceedings adjourned]

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

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