

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

LINDA DE ROGATIS, INDIVIDUALLY AND)
AS SUCCESSOR-IN-INTEREST TO TARA DE)
ROGATIS; PETER DE ROGATIS,)
INDIVIDUALLY AND AS)
SUCCESSOR-IN-INTEREST TO TARA DE)
ROGATIS,)

PLAINTIFFS-APPELLANTS,)

VS.)

NO. B254024

KAREN MICHELLE SHAINSKY, D.O.,)

DEFENDANT-RESPONDENT.)

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HONORABLE JAN A. PLUIM, JUDGE PRESIDING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

OCTOBER 29, 2013

APPEARANCES:

FOR PLAINTIFFS-
APPELLANTS:

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COURT REPORTER PRO TEMPORE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

DEPARTMENT P

HON. JAN A. PLUIM, JUDGE

LINDA DE ROGATIS, INDIVIDUALLY AND)
AS SUCCESSOR-IN-INTEREST TO TARA DE)
ROGATIS; PETER DE ROGATIS,)
INDIVIDUALLY AND AS)
SUCCESSOR-IN-INTEREST TO TARA DE)
ROGATIS,)

PLAINTIFFS,)

VS.)

KAREN MICHELLE SHAINSKY, D.O., ET)
AL.,)

DEFENDANTS.)

NO. BC457891
(CONSOLIDATED WITH
NO. BC453966)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

OCTOBER 29, 2013

APPEARANCES :

FOR PLAINTIFFS:

BROWN WHITE & NEWHOUSE, LLP
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REPORTED BY:

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M A S T E R I N D E X

OCTOBER 29, 2013; VOLUME 2

CHRONOLOGICAL AND ALPHABETICAL INDEX OF WITNESSES

NONE

EXHIBITS

NONE OFFERED

1 CASE NUMBER: BC457891
2 CASE NAME: DE ROGATIS VS. SHAINSKY
3 PASADENA, CALIFORNIA TUESDAY, OCTOBER 29, 2013
4 DEPARTMENT P HON. JAN A. PLUIM, JUDGE
5 REPORTER: KAREN E. KAY, CSR NO. 3862
6 TIME: A.M. SESSION

7 APPEARANCES:

8 PLAINTIFFS LINDA DE ROGATIS AND PETER DE ROGATIS
9 ARE PRESENT WITH THEIR COUNSEL, GEORGE B. NEWHOUSE,
10 JR., AND KATHERINE C. MC BROOM, ATTORNEYS AT LAW
11 DEFENDANT KAREN MICHELLE SHAINSKY, D.O., IS PRESENT
12 WITH HER COUNSEL, RAYMOND L. BLESSEY ATTORNEY AT
13 LAW

14
15 (THE FOLLOWING PROCEEDINGS WERE HELD
16 IN OPEN COURT, OUTSIDE THE PRESENCE
17 OF THE PROSPECTIVE JURY:)

18
19 THE COURT: ALL RIGHT. WE'RE ON THE RECORD IN THE
20 CASE OF DE ROGATIS VERSUS SHAINSKY.

21 MR. BLESSEY: SHAINSKY, YOUR HONOR.

22 THE COURT: SHAINSKY?

23 MR. BLESSEY: YES.

24 THE COURT: IS YOUR CLIENT HERE?

25 MR. BLESSEY: SHE WILL BE, YOUR HONOR.

26 THE COURT: VERY GOOD. ARE THE PLAINTIFFS HERE?

27 MR. NEWHOUSE: YES, YOUR HONOR, AND IN COURT.

28 THE COURT: THESE ARE THE PARENTS?

1 MR. NEWHOUSE: YES. LINDA DE ROGATIS, YOUR HONOR,
2 AND PETER DE ROGATIS.

3 THE COURT: WELCOME.

4 MR. DE ROGATIS: THANK YOU, YOUR HONOR.

5 MR. NEWHOUSE: YOUR HONOR, THIS IS KAMAN CHOW, WHO
6 IS MY PARALEGAL.

7 THE COURT: VERY GOOD. AND YOUR NAME?

8 MS. CHOW: KAMAN CHOW.

9 THE COURT: YOU WEREN'T HERE YESTERDAY, WERE YOU?

10 MR. NEWHOUSE: SHE WAS NOT HERE YESTERDAY.

11 THE COURT: NO. YOU WERE HERE.

12 MR. NEWHOUSE: I WAS. I'M NOT VERY MEMORABLE, YOUR
13 HONOR.

14 THE COURT: YOU LOOK MORE HANDSOME TODAY.

15 MR. NEWHOUSE: THANK YOU, YOUR HONOR. IT'S MY BLUE
16 SUIT.

17 THE COURT: WELCOME.

18 LET'S GO OVER THE MOTIONS IN LIMINE. THE
19 REASON I GAVE YOU A COPY OF THIS IS BECAUSE I'VE BEEN
20 DOING THIS A LONG TIME. AND IN MOTIONS IN LIMINE, FIRST
21 OF ALL, I LOOK AT THE FRONT PAGE TO GET AN IDEA OF WHAT
22 IT'S ALL ABOUT, AND I TURN RIGHT TO THE DECLARATION.

23 THE DECLARATION LAYS IT OUT BECAUSE LOCAL
24 RULES REQUIRE IT, AND IT WASN'T DONE, AND IT MADE ME
25 IRRITATED AND UNHAPPY, TO BE QUITE FRANK WITH YOU. AND I
26 WAS INCLINED, AFTER LOOKING AT, THE FIRST TWO, JUST TO
27 DENY EVERYTHING BECAUSE IT WASN'T DONE PROPERLY.

28 YOU KNOW, I KNOW WHAT 350 AND 351 AND 352

1 ARE ALL ABOUT, SO YOU DON'T HAVE TO REPEAT THOSE THINGS.
2 BUT I DO LOOK -- IT'S VERY IMPORTANT THAT YOU FILE AN
3 APPROPRIATE DECLARATION LAYING OUT EXACTLY WHAT IT IS AND
4 WHY THE PROBATIVE VALUE IS GOING TO BE OUTWEIGHED BY THE
5 PREJUDICIAL EFFECT. IF I DON'T GET IT, I GET IRRITATED,
6 UNFORTUNATELY.

7 BUT LET'S JUST KIND OF GO THROUGH THESE,
8 BECAUSE AS WE HAD TALKED ABOUT THIS YESTERDAY, YOU KNOW,
9 THE FIRST COUPLE THAT PLAINTIFF HAS FILED WITH THE COURT
10 ESSENTIALLY DEAL WITH WHAT HAS BEEN DESCRIBED AS KIND OF
11 CHARACTER TESTIMONY.

12 LET ME START BY ASKING A COUPLE QUESTIONS.
13 WE ONLY HAVE ONE CAUSE OF ACTION, AND THAT'S PROFESSIONAL
14 NEGLIGENCE?

15 MR. BLESSEY: THAT'S CORRECT.

16 MR. NEWHOUSE: CORRECT.

17 MS. MC BROOM: YES, YOUR HONOR.

18 THE COURT: THAT'S IT. AND IN THE CAUSE OF ACTION
19 BEFORE THE COURT, IT'S ALLEGED THAT THE DEFENDANT DOCTOR
20 KNEW OR SHOULD HAVE KNOWN THAT DECEDENT WAS VULNERABLE TO
21 THIS MEDICATION AND DID NOT CONSIDER THAT FACT.

22 THE OTHER SIDE IS THAT PLAINTIFFS PORTRAY
23 DECEDENT, AT LEAST IN THE PAPERS, AS A VIBRANT AND
24 TALENTED YOUNG LADY. I DON'T KNOW IF SHE WAS AN ARTIST,
25 AN ASPIRING ACTRESS, BUT IT WAS IN THE FINE ARTS.

26 MR. NEWHOUSE: ALL THE ABOVE.

27 THE COURT: ALL THE ABOVE. AND SHE WAS 30 YEARS
28 OLD WHEN SHE DIED?

1 MR. NEWHOUSE: TRUE.

2 THE COURT: THERE'S ANOTHER SIDE OF IT, AND AS BEST
3 AS I CAN FIGURE OUT, IT STARTED ABOUT 2004. SHE HAD A
4 RATHER TUMULTUOUS RELATIONSHIP WITH A GENTLEMAN, AND SHE
5 WAS HOSPITALIZED BECAUSE OF THAT. IT WAS AN ASSAULT. AND
6 BESIDES AN ASSAULT, THERE MAY HAVE BEEN OTHER THINGS.

7 BUT IT'S THE DEFENDANT'S THEORY THAT,
8 OBVIOUSLY, SHE WAS, IN THEIR VIEW, WHAT WE MIGHT CALL A
9 SICK PERSON. SHE DEVELOPED OVER THE YEARS PSYCHOLOGICAL
10 PROBLEMS. NOW, WHETHER THEY ALL STARTED IN 2004 OR
11 PERHAPS SOMETIME SOONER THAN THAT, CERTAINLY, THE DEFENSE
12 WOULD ARGUE THAT THIS INCIDENT OF 2004 WAS PRETTY
13 PROMINENT IN HER LIFE.

14 I DON'T KNOW TOO MUCH MORE ABOUT THAT, AND
15 MAYBE THIS IS THE TIME THAT WE CAN KIND OF TALK ABOUT THIS
16 BECAUSE THIS IS NOT THE FIRST TIME THAT I'VE HAD A SUICIDE
17 CASE IN HERE. WE JUST HAD ONE LESS THAN A YEAR AGO.

18 AND THE UNFORTUNATE THING IS THAT IN A CASE
19 LIKE THIS, THE GOOD, THE BAD, AND THE UGLY ARE GOING TO
20 COME OUT AS TO AN ASSESSMENT OF, YOU KNOW, THE LOSS OF
21 CARE, COMFORT, SOCIETY. WE'RE ONLY TALKING ABOUT
22 NONECONOMIC DAMAGES HERE, AND I DON'T THINK THERE WAS ANY
23 SUPPORT, CORRECT?

24 MR. NEWHOUSE: THERE WAS A SMALL MEASURE OF BURIAL
25 EXPENSES AND OTHER ECONOMIC DAMAGES.

26 THE COURT: OKAY.

27 MR. NEWHOUSE: WE'RE ACTUALLY ENDEAVORING TO
28 STIPULATE WITH THE DEFENSE AS TO WHAT THOSE EXPENSES ARE.

1 MR. BLESSEY: THAT'S CORRECT, YOUR HONOR.

2 THE COURT: SO, YOU KNOW, THE ELEMENTS OF MEDICAL
3 MALPRACTICE ARE NOT ONLY LIABILITY, CAUSATION, BUT
4 DAMAGES, AND DAMAGES ARE PRETTY IMPORTANT IN A CASE LIKE
5 THIS. HOW DOES THE JURY ASSESS DAMAGES WITHOUT GETTING A
6 TOTAL PICTURE OF THIS YOUNG GIRL? DAMAGES WAS REALLY NOT
7 ADDRESSED TOO MUCH BY EITHER SIDE, ALTHOUGH IT'S A VERY
8 PARAMOUNT ISSUE IN THIS CASE.

9 HAVING SAID WHAT I HAVE SAID, THE FIRST ONE
10 I'M LOOKING AT IS MOTION NO. 2.

11 WAS THERE A MOTION NO. 1 OR WAS THAT --

12 MR. BLESSEY: IT WAS WITHDRAWN, YOUR HONOR.

13 THE COURT: WITHDRAWN. OKAY. I DID SEE SOMETHING.
14 YOU REFRESHED MY MEMORY.

15 NO. 2 TALKS ABOUT AN ORDER EXCLUDING
16 EVIDENCE OF ALLEGED ASSAULT ON DECEDENT TARA DE ROGATIS IN
17 MAY 2004, AND I'VE ALREADY KIND OF ALLUDED TO THAT.

18 YOU KNOW, THE DECLARATION THAT I HAVE FROM
19 KATHERINE MC BROOM DOESN'T TELL ME A THING. I GUESS I CAN
20 KIND OF, YOU KNOW, GLEAN THAT THIS WAS A PRETTY VIOLENT
21 SITUATION. SHE WAS HOSPITALIZED. I DON'T KNOW WHETHER IT
22 WAS OVERNIGHT, A WEEK, TWO WEEKS, OR JUST WHAT. I DON'T
23 KNOW THAT MUCH ABOUT IT.

24 MR. NEWHOUSE: 13 HOURS, YOUR HONOR.

25 THE COURT: 13 HOURS. OKAY.

26 MR. NEWHOUSE: NOT OVERNIGHT.

27 THE COURT: WAS SHE TAKING ANY PSYCHOLOGICAL
28 MEDICINE AT THAT POINT IN TIME?

1 MR. NEWHOUSE: I DON'T BELIEVE SO. THERE MAY BE
2 SOME TESTIMONY ABOUT USE OF ILLICIT DRUGS.

3 THE COURT: METHAMPHETAMINES?

4 MR. NEWHOUSE: YES. AND THERE MAY HAVE BEEN -- AND
5 IT'S NOT CLEAR WHETHER OR NOT THAT PRIOR BOYFRIEND, WHO IS
6 A MAN NAMED NIELS KANTOR -- HE'S AN ART DEALER.

7 THE COURT: YES.

8 MR. NEWHOUSE: -- WHETHER OR NOT THERE WAS SOME
9 COCAINE USE. I CAN ADDRESS THIS ONE, YOUR HONOR. IT'S
10 FAIRLY SIMPLE. OUR POSITION IS, WE DON'T HAVE A PROBLEM
11 WITH EVIDENCE SHOWING THAT HER MENTAL ILLNESSES AND HER
12 SLIDE INTO THE PROBLEMS THAT LED EVENTUALLY TO HER SUICIDE
13 WERE CAUSED BY THIS 2004 ASSAULT.

14 THERE WAS A TRAUMATIC HEAD INJURY, AND THERE
15 IS SOME, I BELIEVE, TESTIMONY FROM PSYCHIATRISTS WHO WILL
16 OPINE THAT THAT WAS THE BEGINNING OF WHAT CAUSED ALL THESE
17 PROBLEMS. SO WE DON'T HAVE A PROBLEM WITH THAT.

18 OUR PROBLEM IS THAT THERE ARE SALACIOUS
19 DETAILS ABOUT HER RELATIONSHIP WITH MR. KANTOR THAT GO --
20 THAT ALLEGE RAPE, AND IT MUDDIES THE WATERS. AND OUR
21 CONCERN, FRANKLY, IS THAT THEY NOT BE PERMITTED TO GO INTO
22 THESE GREAT DETAILS IN ORDER TO SULLY THE CHARACTER OF
23 TARA DE ROGATIS. THAT'S REALLY, WE THINK, THE INTENT.

24 THE COURT: AT WHAT POINT DO WE CUT THIS OFF? I
25 MEAN, I DON'T SEE -- THIS IS THE FIRST TIME I'VE HEARD
26 ANYTHING ABOUT A RAPE. I MEAN, IT'S NOT -- IT'S NOT
27 REALLY PORTRAYED IN THESE MOTIONS IN LIMINE. I GATHERED
28 FROM IT THERE WAS AN ASSAULT.

1 MR. NEWHOUSE: ASSAULT.

2 THE COURT: THAT SHE HAD BEEN BEATEN UP BY HER
3 BOYFRIEND --

4 MR. NEWHOUSE: CORRECT.

5 THE COURT: -- THIS ART DEALER.

6 MR. NEWHOUSE: CORRECT.

7 THE COURT: WHO SHE CONTINUED TO HAVE CONTACT WITH
8 UP AND THROUGH, YOU KNOW, THE DAY BEFORE.

9 MR. BLESSEY: ACTUALLY, YOUR HONOR, UP UNTIL THE
10 NIGHT OF.

11 THE COURT: THE NIGHT OF.

12 MR. BLESSEY: SHE'S COMMUNICATING WITH MR. KANTOR
13 TO TRY TO GET HIM TO PURCHASE PAINTINGS SO SHE CAN HAVE A
14 BREAST RECONSTRUCTION, AND THAT DEAL FALLS APART. AND SO
15 THIS IS THE BEGINNING OF THE TIMELINE BETWEEN MR. KANTOR
16 IN 2004 AND 2010 UP UNTIL 8:18 ON THE EVENING OF THE
17 SUICIDE. SHE'S COMMUNICATING WITH MR. KANTOR, AND THERE'S
18 A LOT OF BACK AND FORTH GOING ON BETWEEN THOSE YEARS.

19 SO I THINK IT'S VERY RELEVANT TO HER
20 MIND-SET, AND IT'S RELEVANT, ONCE AGAIN, TO DAMAGES. I'M
21 NOT -- LET ME JUST SAY THIS, YOUR HONOR.

22 THE COURT: SURE.

23 MR. BLESSEY: I DON'T INTEND TO GET INTO THE,
24 QUOTE, SULLIED DETAILS OF THEIR RELATIONSHIP AND THE RAPE
25 AND SO FORTH AND SO ON. THAT'S NOT WHERE I'M GOING WITH
26 THIS. AND I'M NOT HERE TO DISCREDIT THE CHARACTER OF THE
27 DECEDENT, BUT I THINK THE JURY IS ENTITLED TO KNOW THE
28 FULL PICTURE, AND THIS IS PART OF THE FULL PICTURE, AGAIN,

1 OF THIS RELATIONSHIP THAT STARTED OR ENDED ACTUALLY IN
2 SOME WAY IN 2004, BUT SHE CONTINUED TO COMMUNICATE WITH
3 HIM.

4 THE COURT: WHEN DID SHE FIRST START THIS
5 RELATIONSHIP WITH THIS GENTLEMAN?

6 MR. BLESSEY: THEY KNOW BETTER THAN I.

7 THE COURT: SOMETIME PRIOR TO 2004?

8 MS. MC BROOM: YES. 2003.

9 THE COURT: 2003.

10 MS. MC BROOM: SHE WORKED AT -- NIELS KANTOR IS AN
11 ART DEALER, AND SHE WORKED FOR HIM AT THE ART GALLERY.
12 THEY HAD A ROMANTIC RELATIONSHIP.

13 AND THE INCIDENT INVOLVES AN ASSAULT, FALSE
14 IMPRISONMENT. HE PUT HER IN A CLOSET. THERE'S A RAPE
15 ALLEGATION. SHE WAS TAKEN TO THE HOSPITAL THEREAFTER FOR
16 ABRASIONS, BRUISING, A HEAD INJURY, AND THERE WAS A RAPE
17 KIT DONE. AND THEN HER RELATIONSHIP WITH NIELS ENDED AT
18 THAT TIME.

19 YOU KNOW, SOON THEREAFTER, SHE STARTED A
20 RELATIONSHIP WITH HER FIANCE AT THE TIME OF HER SUICIDE.
21 IT'S UNCLEAR WHEN SHE REESTABLISHED CONNECTION WITH NIELS
22 KANTOR.

23 MR. BLESSEY: WELL, YOUR HONOR, THERE'S EVIDENCE
24 FROM THE NEW BOYFRIEND THAT IN 2009 THEY SEPARATED. SHE
25 GOES UP TO MALIBU, AND SHE'S SEEING MR. KANTOR. THE
26 RELATIONSHIP CONTINUES ON AND OFF AND, AGAIN, AS I SAID,
27 RIGHT UP UNTIL 8:18 ON THE EVENING OF HER SUICIDE.

28 THE COURT: SO TAKE ME THROUGH THIS. HELP ME OUT,

1 THEN. AFTER THIS INCIDENT OF 2004, IS SHE BEING SEEN BY A
2 PSYCHOLOGIST, A PSYCHIATRIST ON A REGULAR BASIS OR
3 ANYTHING? IS SHE TAKING ANY TYPE OF MEDICATION,
4 PSYCHIATRIC MEDICATION, AT THAT POINT IN TIME?

5 MS. MC BROOM: YOUR HONOR, SHE WASN'T. SHE REALLY
6 STARTED HER PSYCHIATRIC TREATMENT IN 2007, AND THAT'S WHEN
7 SHE WAS TAKING PSYCHIATRIC MEDS ON A REGULAR BASIS UP AND
8 TO HER DEATH.

9 THERE'S SOME -- THERE WAS SOME RECORDS THAT
10 SHOW SHE MAY HAVE BEEN ON AN ANTIDEPRESSANT DURING
11 COLLEGE. BUT DURING THE TIME OF THIS INCIDENT, THERE'S NO
12 RECORD OF HER BEING ON ANY PSYCHIATRIC MEDS.

13 THE COURT: SO IS THE ARGUMENT GOING TO BE THAT SHE
14 WAS ON SOME SORT OF ANTIDEPRESSANT IN COLLEGE UP THROUGH
15 THE AGE OF 22, 23, AND THEN SHE REALLY GOT BEYOND THAT,
16 AND THEN SHE LAPSED INTO A PERIOD WHERE SHE DID REQUIRE
17 SOME SORT OF PSYCHIATRIC TREATMENT?

18 MS. MC BROOM: YES. YOUR HONOR, OUR --

19 THE COURT: DO WE KNOW WHAT PRECIPITATED IT IN
20 2007?

21 MS. MC BROOM: WELL, I CAN TELL YOU THAT IN 2006,
22 SHE DISCLOSED TO HER FIANCE THAT SHE WAS HEARING VOICES,
23 AND THEY WERE DISTURBING HER, AND SHE COULDN'T COMPLETE
24 DAILY ACTIVITIES ANY LONGER. AND AT THAT POINT THE FIANCE
25 AND LINDA DE ROGATIS GOT TOGETHER AND SAID, "THIS GIRL
26 NEEDS SOME TREATMENT."

27 THE COURT: THAT WAS 2006?

28 MS. MC BROOM: IN EARLY 2007 SHE STARTED SEEING A

1 COUPLE OF PSYCHIATRISTS AND TAKING MEDICATIONS QUITE
2 REGULARLY AFTER THAT.

3 THE COURT: OKAY. PRESCRIBED MEDICATIONS?

4 MS. MC BROOM: YES.

5 MR. BLESSEY: THE OPINION OF THE PSYCHIATRIST,
6 DR. BOHN, WHO I THINK WE'LL HEAR FROM IN TRIAL, IS THAT
7 HER PSYCHIATRIC CONDITION ACTUALLY WAS RELATED TO HER
8 METHAMPHETAMINE USE. HE REFERS TO IT AS
9 METHAMPHETAMINE-INDUCED PSYCHOSIS. AND HE'S AWARE THAT
10 SHE'S ABUSING METHAMPHETAMINES FROM 2007 INTERMITTENTLY UP
11 UNTIL 2010. SO THAT'S THE DIAGNOSIS OF DR. BOHN. HE
12 ACTUALLY DOES NOT RELATE IT TO --

13 THE COURT: WHO IS DR. BOHN?

14 MR. BLESSEY: HE'S THE TREATING PSYCHIATRIST.

15 THE COURT: OH, HE IS. OKAY.

16 MR. NEWHOUSE: AND HE'LL BE A WITNESS. WE HAVE HIS
17 RECORDS. HE WILL TESTIFY. WHICH IS AN INTERESTING
18 ARGUMENT. IF THAT WERE SOLELY THE CASE, IT SHOWS HOW
19 IRRELEVANT THIS 2004 ASSAULT REALLY IS. HER PSYCHIATRIC
20 TREATMENT DIDN'T IMMEDIATELY BEGIN. HER PROBLEMS
21 DEVELOPED SEVERAL YEARS LATER.

22 THERE IS GOING TO BE EVIDENCE OF
23 METHAMPHETAMINE USE, AND THERE IS THIS -- SO MR. BLESSEY
24 HAS MADE AN EXCELLENT ARGUMENT, AND YOU SHOULD GRANT THE
25 MOTION IN LIMINE. WE DON'T NEED TO GO INTO EVERY SORDID
26 DETAIL, ALLEGED SORDID DETAIL, OF THIS YOUNG WOMAN'S LIFE.
27 THIS EVENT OCCURRED REMOTE IN TIME, NO DIRECT CONNECTION
28 TO REALLY --

1 THE COURT: WELL, IT'S NOT THAT REMOTE, 2004. AND
2 SHE TOOK HER LIFE IN 2010, WASN'T IT?

3 MR. NEWHOUSE: 2010.

4 THE COURT: THAT'S A SIX-YEAR PERIOD. IF WE WERE
5 TALKING ABOUT 10 TO 15 YEARS, WE MIGHT.

6 TELL ME ABOUT THE DEFENSE'S POSITION IN
7 REGARDS TO THIS ASSAULT AND THE U.C.L.A. HOSPITALIZATION.

8 MR. BLESSEY: IT SEEMS TO BE THE START OF THE
9 DOWNWARD SPIRAL. AND, AGAIN, WE HAVE A CONNECTION WITH
10 DRUG ABUSE, COCAINE, AND OTHER DRUGS AT THE TIME THAT THIS
11 ALTERCATION TOOK PLACE. SO --

12 THE COURT: ARE THESE IN THE MEDICAL RECORDS OF
13 U.C.L.A. --

14 MR. BLESSEY: YES, YOUR HONOR.

15 THE COURT: -- DRUG USE?

16 MR. BLESSEY: CORRECT. SHE ADMITS TO IT, ACCORDING
17 TO THE TREATERS IN 2004.

18 THE COURT: AND YOUR EXPERTS WOULD OPINE THAT HER
19 ISSUES EMANATED PRINCIPALLY FROM 2004 AND THAT INCIDENT,
20 IF NOT BEFORE?

21 MR. BLESSEY: THAT INCIDENT AND THE THINGS THAT
22 FOLLOWED WILL EXPLAIN HER PSYCHIATRIC CONDITION. THERE'S
23 STILL ISSUES HERE: HER PSYCHIATRIC CONDITION, WHICH SHE'S
24 BEING TREATED FOR BY DR. BOHN. HE BELIEVES IT'S
25 METHAMPHETAMINE ABUSE. AND THIS CONDITION OF
26 FIBROMYALGIA. TWO THINGS GOING ON AT THE SAME TIME.

27 SO OUR EXPERTS WILL OPINE THERE WERE TWO
28 DISTINCT ISSUES THAT, YES, SHE HAD PSYCHIATRIC PROBLEMS,

1 BUT, YES, SHE NEEDED TO BE TREATED FOR HER FIBROMYALGIA
2 PAIN, AND NOT JUST OUR EXPERTS, BUT A SERIES OF DOCTORS
3 THAT SAW HER BEGINNING IN 2009 AND 2010 AND TREATING HER
4 FOR THIS MEDICAL CONDITION OF FIBROMYALGIA.

5 THE COURT: WHY DO WE NOW NEED TO GET INTO THE
6 ASSAULT FOR WHICH SHE'S TREATED AT U.C.L.A.?

7 MR. BLESSEY: BECAUSE THIS IS PART OF HER
8 PSYCHIATRIC BACKGROUND.

9 THE COURT: HOW IS THAT?

10 MR. BLESSEY: WELL, THIS IS THE KIND OF BEHAVIOR
11 THAT -- THIS INCIDENT IS THE KIND OF THING THAT STARTED
12 AGAIN THE CHAIN OF EVENTS LEADING TOWARDS HER NEED FOR
13 PSYCHIATRIC CARE.

14 THE COURT: ARE EXPERTS GOING TO -- DO YOU HAVE A
15 RETAINED EXPERT THAT WILL SAY THAT THIS EVENT IN HER LIFE
16 IN 2004 FOR WHICH SHE WAS TREATED AT U.C.L.A. ON AN
17 ASSAULT THING IS GOING TO BE SOMEHOW IMPORTANT IN THEIR
18 OPINION?

19 MR. BLESSEY: THE WAY YOU PHRASE IT, THE ANSWER TO
20 THE QUESTION WOULD BE "NO."

21 MR. NEWHOUSE: WE AGREE.

22 MR. BLESSEY: AND THEIR SIDE, OBVIOUSLY, ISN'T
23 GOING TO RAISE IT AS AN ISSUE. IT'S JUST PART OF THE
24 HISTORY OF THIS UNFORTUNATE EVENT.

25 THE COURT: I UNDERSTAND THAT SHE HAS A HISTORY.

26 SO THIS PARTICULAR EVENT AT U.C.L.A.,
27 CONSIDERING THE OVERALL CONTEXT OF MEDICATIONS AND ALL OF
28 THAT, IS IT SO PREJUDICIAL THAT IT'S OUTWEIGHED BY

1 WHATEVER VALUE IT MIGHT HAVE, I MEAN, JUST TO SHOW THE
2 TIMELINE OF THIS GIRL AND HOW VULNERABLE SHE MIGHT HAVE
3 BEEN?

4 MR. NEWHOUSE: YOUR HONOR, CANDIDLY, THE
5 PREJUDICIAL VALUE IS NOT GREAT.

6 THE COURT: NO, IT'S NOT.

7 MR. NEWHOUSE: PARTICULARLY, IF THE COURT GIVES A
8 LIMITING INSTRUCTION, BUT ON THE OTHER HAND, IN OUR VIEW,
9 AND MR. BLESSEY STATED IT BETTER THAN I COULD, THE
10 PROBATIVE VALUE ALSO OF GOING INTO THE DETAILS OF THE 2004
11 ASSAULT ARE SO LIMITED THAT THE PREJUDICIAL VALUE STILL
12 OUTWEIGHS THE PROBATIVE VALUE.

13 I MEAN, THE FACT OF THE MATTER IS, DR. BOHN,
14 HER TREATING PSYCHIATRIST WHO BEGINS TREATMENT SOMETIME IN
15 2007, DOESN'T GIVE THE OPINION THAT THE ORIGIN OF HER
16 PSYCHIATRIC ISSUES EMANATED FROM THIS ASSAULT. BUT EVEN
17 IF IT DID, WE COULD STIPULATE TO THERE WAS AN ASSAULT, AND
18 AFTER THE ASSAULT, THERE WAS A SLOW AND GRADUAL DECLINE.

19 WHAT WE DON'T NEED TO DO, RESPECTFULLY, IS
20 GO INTO, AS MR. BLESSEY MAY WANT TO DO -- I DON'T KNOW --
21 GO INTO THE SORDID DETAILS WITH THIS RELATIONSHIP WITH
22 NIELS KANTOR. IT'S JUST A SIDE SHOW, AND IT'S GOING TO
23 DISTRACT THE JURY, CONFUSE THEM, AND CONSUME AN UNDUE
24 AMOUNT OF TIME, RESPECTFULLY.

25 MR. BLESSEY: YOUR HONOR, AS FAR AS HIS PROPOSED
26 STIPULATION, I'M FINE WITH THAT; THAT IS, TO STIPULATE
27 THAT THIS WAS THE BEGINNING OF HER -- I DON'T KNOW HOW TO
28 PHRASE IT -- BUT UNRAVELING IN TERMS OF HER PSYCHIATRIC

1 PROBLEMS AND LEAVE IT AT THAT AND NOT GET INTO IT.

2 THE COURT: TO THAT EXTENT, YOU KNOW, I'M INCLINED
3 TO GRANT THIS MOTION AND JUST SAY THAT SHE HAD BEEN
4 HOSPITALIZED FOR A SHORT PERIOD OF TIME ON WHATEVER DATE
5 IT WAS IN 2004 WITHOUT GETTING INTO THE ASSAULT ASPECTS.

6 MR. NEWHOUSE: THAT WOULD BE AGREEABLE, YOUR HONOR.

7 THE COURT: IS THAT AGREEABLE?

8 MR. BLESSEY: THAT'S FINE, YOUR HONOR.

9 MR. NEWHOUSE: IT'S A FAIR RESULT.

10 THE COURT: IT'S GRANTED IN THAT REGARD.

11 MR. NEWHOUSE: THANK YOU.

12 THE COURT: NEXT ONE I HAVE IS MOTION NO. 3 FOR AN
13 ORDER EXCLUDING IMPROPER CHARACTER EVIDENCE.

14 AGAIN, I DON'T KNOW WHAT THIS IS ALL ABOUT.
15 OBVIOUSLY, CHARACTER EVIDENCE IS GOING TO BE A BIG FACTOR
16 IN THIS CASE. WE'RE TALKING ABOUT THIS WOMAN AND THE
17 MAKEUP OF HER, THE GOOD, THE BAD, AND SO ON. I MEAN, I
18 DON'T KNOW HOW ELSE TO ASSESS DAMAGES.

19 MS. MC BROOM: WELL, YOUR HONOR, THIS PARTICULAR
20 MOTION ADDRESSES A VERY TUMULTUOUS TIME THAT OCCURRED, THE
21 HOLIDAYS OF 2009.

22 THE COURT: WHERE IS THAT SET FORTH? I DON'T SEE
23 ANYTHING ABOUT THE HOLIDAYS OF 2009 IN THIS.

24 MS. MC BROOM: IT'S ON PAGE 3 UNDER THE
25 "INTRODUCTION," IT GOES INTO TWO SPECIFIC -- TWO SPECIFIC
26 INSTANCES THAT WE HAD IN MIND.

27 MR. BLESSEY: THE TWO INCIDENTS, YOUR HONOR, THAT
28 SHE'S REFERRING TO --

1 THE COURT: YOU'RE TALKING ABOUT DECEMBER 2009?

2 MS. MC BROOM: YES, YOUR HONOR. SHE HAD A
3 PARTICULARLY --

4 THE COURT: WHO IS THE FIANCEE?

5 MS. MC BROOM: DAVID MAC EACHERN, WHO WAS HER
6 FIANCEE AT THE TIME SHE TOOK HER LIFE.

7 MR. BLESSEY: WE EXPECT HIM -- I'VE BEEN TOLD THAT
8 HE WILL BE CALLED IN THEIR CASE IN CHIEF, AND WE EXPECT
9 HIM TO BE A WITNESS IN THIS CASE.

10 MR. NEWHOUSE: FIRST WITNESS.

11 THE COURT: ALL RIGHT. SO OUT OF THE BOX, IT'S
12 GOING TO COME OUT THAT HE'S INVOLVED --

13 MR. NEWHOUSE: YES.

14 THE COURT: -- IN METHAMPHETAMINES AND SHE LIKEWISE
15 WAS INVOLVED, RIGHT?

16 MR. BLESSEY: AND DR. BOHN WILL TESTIFY, TOO, THAT
17 WHEN THEY WOULD GO JOINTLY TO THE APPOINTMENTS, THERE WERE
18 ADMISSIONS ON BOTH THEIR BEHALVES THAT THEY WERE FROM TIME
19 TO TIME ABUSING METHAMPHETAMINES.

20 SO THIS FIRST ISSUE IN 2009, THE ISSUE OF
21 METHAMPHETAMINE ABUSE BETWEEN THE COUPLE IS GOING TO BE
22 OUT THERE, AND SO HER ALLEGATION ABOUT HIM MANUFACTURING
23 THE MEDICATION IS PART OF THE PICTURE.

24 NUMBER TWO, THIS ALLEGED ASSAULT BY THE
25 STEPMOTHER -- AND I THINK IT ACTUALLY GOES BEYOND THAT,
26 AND I THINK THERE'S AN ALLEGATION THAT HER FATHER WAS
27 INVOLVED. I KNOW NOTHING ABOUT THE ACTUAL SPECIFICS, BUT
28 THAT CERTAINLY GOES TO THE DAMAGE PICTURE OF THIS CASE,

1 THAT IS, THE NATURE OF THE RELATIONSHIP BETWEEN --

2 THE COURT: WELL, IS THE STEPMOTHER ONE OF THE
3 PARTIES?

4 MR. BLESSEY: NO. THE FATHER IS.

5 THE COURT: THE FATHER IS. WAS HE DEPOSED?

6 MR. BLESSEY: YES.

7 THE COURT: DID HE KNOW ANYTHING ABOUT THIS
8 INCIDENT?

9 MR. BLESSEY: HE WAS AWARE OF IT.

10 THE COURT: HE WAS AWARE OF IT.

11 MS. MC BROOM: YOUR HONOR, IF I MAY.

12 THE COURT: WHAT WAS THE SUBSTANCE OF THE PHYSICAL
13 ALTERCATION?

14 MR. BLESSEY: WELL, ALL I KNOW IS HER ALLEGATIONS
15 AND WHICH SHE TOLD THE TREATERS AT THE HOSPITAL.

16 BY THE WAY, THIS IS AN IMPORTANT INCIDENT,
17 BECAUSE SHORTLY AFTER THIS INCIDENT, HER MOTHER BELIEVES
18 THAT SHE'S THREATENING TO TAKE HER LIFE, ALTHOUGH THE
19 DECEDENT DENIES IT, AND WINDS UP GOING IN ON THE 5150,
20 INVOLUNTARILY HOLD, BASED ON THE MOTHER'S REPRESENTATION
21 THAT THIS YOUNG WOMAN WAS GOING TO TAKE HER OWN LIFE. SO
22 IT'S PART AND PARCEL.

23 THE COURT: THIS IS 2009?

24 MR. BLESSEY: THAT'S CORRECT.

25 MS. MC BROOM: YOUR HONOR, MAY I RESPOND? MAYBE I
26 CAN SHED SOME LIGHT. I CAN TELL YOU THERE WERE THREE
27 HOSPITALIZATIONS OVER THIS TRIP. WHAT HAPPENED WAS TARA
28 WAS IN PARTICULARLY BAD SHAPE DURING THIS TRIP.

1 THE COURT: WAS WHAT?

2 MS. MC BROOM: IN PARTICULARLY BAD SHAPE MENTALLY.

3 THE COURT: MENTALLY.

4 MS. MC BROOM: SHE WAS IN AN ARGUMENT WITH HER
5 FIANCÉ OVER THE PHONE WHILE SHE WAS AT HER FATHER'S HOUSE.
6 SHE WAS MAKING RIDICULOUS STATEMENTS. SHE TOLD HIM, "IF
7 YOU DON'T COME OUT HERE, I'M GOING TO CALL THE POLICE.
8 I'M GOING TO TELL THEM YOU HAVE A METH LAB."

9 DAVID MAC EACHERN DOESN'T MANUFACTURE
10 METHAMPHETAMINE. HE DOESN'T HAVE A METH LAB. SHE WAS
11 THREATENING HIM, AND THEY WERE TRYING TO GET THE PHONE
12 AWAY FROM HER BECAUSE IT WAS LATE AT NIGHT. SHE WAS BEING
13 DISRUPTIVE. AND DURING A STRUGGLE FOR THE PHONE, SHE FELL
14 OVER. THAT'S THE ASSAULT INVOLVING THE STEPMOTHER.

15 SHE WAS THEN TAKEN TO A HOSPITAL AT HER
16 MOTHER'S DIRECTION AND RELEASED SHORTLY THEREAFTER. SHE
17 WAS BROUGHT TO A HOSPITAL DAYS LATER BECAUSE HER MOTHER
18 BELIEVED HER TO BE SUICIDAL. SHE WAS --

19 THE COURT: LET'S BACK UP. SO YOU'RE TELLING ME
20 SOME THINGS THAT IN THE CONTEXT OF A TEN-DAY TRIAL ABOUT
21 THIS YOUNG LADY, I'M THINKING, "YEAH, SO WHAT?" I MEAN,
22 WE'RE GOING TO GET A FULL PICTURE. THERE'S NO DOUBT THIS
23 JURY IS GOING TO HAVE A FULL PICTURE. AND SHE HAD A
24 TROUBLED PAST. THIS IS JUST ONE INCIDENT, AND I'M SURE
25 THERE ARE OTHERS.

26 BUT, YOU KNOW, I DON'T SEE THE GREAT
27 PREJUDICIAL EFFECT OF THIS, I MEAN, TO BE QUITE FRANK WITH
28 YOU. I MEAN, IT'S PART OF HER MAKEUP. AND SO IT'S

1 DENIED.

2 MR. NEWHOUSE: THANK YOU, YOUR HONOR. WE WERE
3 ABOUT TO SAY, "SUBMIT ON THE ARGUMENT."

4 THE COURT: PARDON ME?

5 MR. NEWHOUSE: WE WERE ABOUT TO SAY, "SUBMIT ON THE
6 ARGUMENT." THANK YOU.

7 THE COURT: MOTION NO. 4 FOR AN ORDER EXCLUDING
8 IMPROPER CHARACTER EVIDENCE, I PRESUME, CONCERNING WITNESS
9 DAVID MAC EACHERN. NOW, WAS THAT THE BOYFRIEND THAT SHE
10 WAS ENGAGED TO AT THE TIME OF THE --

11 MS. MC BROOM: YES, YOUR HONOR.

12 THE SUBJECT OF THIS MOTION IS, DURING DAVID
13 MAC EACHERN'S DEPOSITION, HE REVEALED THAT ON A COUPLE OF
14 OCCASIONS, HE USED METHAMPHETAMINE WITH TARA. I DON'T
15 THINK IT'S PARTICULARLY PROBATIVE. WE DON'T DENY THAT
16 TARA DE ROGATIS HAD A DRUG PROBLEM. WE THINK THAT'S A
17 RELEVANT PART OF HER PSYCH HISTORY.

18 THE COURT: WELL, IT ALMOST WORKS TO YOUR ADVANTAGE
19 IN SOME WAYS. I MEAN, THIS WAS A YOUNG LADY THAT HAD SOME
20 ISSUES. SHE WAS VULNERABLE, AND THE JURY -- WHICH MAKES
21 YOUR CASE EVEN STRONGER, THAT SHE SHOULDN'T HAVE BEEN
22 PRESCRIBED 100 PILLS OF PERCOCET. I MEAN --

23 MS. MC BROOM: I AGREE WITH YOU, AND WE DON'T DENY
24 THERE WAS A DRUG PROBLEM.

25 WE DO BELIEVE THAT FACTS CONCERNING DAVID
26 MAC EACHERN'S DRUG USE WITH TARA WOULD TEND TO PORTRAY HIM
27 IN A POOR LIGHT.

28 THE COURT: WELL, WHAT'S HE GOING TO SAY? SO IS HE

1 SUPPOSED TO BE PORTRAYED IN A GREAT LIGHT?

2 MS. MC BROOM: I JUST DON'T THINK IT'S RELEVANT.

3 THE COURT: WHAT?

4 MS. MC BROOM: I DON'T THINK HIS DRUG USE OR THE
5 FACT THAT HE USED DRUGS ON A COUPLE OF OCCASIONS WITH TARA
6 IS RELEVANT. THERE'S NO -- THERE'S NO DEBATE THAT TARA
7 DE ROGATIS USED METHAMPHETAMINE, BUT I JUST DON'T --

8 THE COURT: WHAT DO YOU WANT TO DO? DO YOU WANT TO
9 STIPULATE TO THE JURY THAT ON OCCASION SHE USED IT AND SHE
10 USED IT WITH HIM OR --

11 MR. NEWHOUSE: YOUR HONOR, OUR CONCERN IS THIS:
12 DAVID MAC EACHERN IS OUR FIRST WITNESS, AND HE IS GOING
13 TO -- BECAUSE HE CAN TELL THE WHOLE STORY ABOUT THE
14 GRADUAL SLIDE OF TARA AND HER PROBLEMS.

15 THE COURT: RIGHT.

16 MR. NEWHOUSE: AND THERE'S NO QUESTION THAT THERE
17 WILL BE EVIDENCE THAT TARA HAD A METHAMPHETAMINE PROBLEM,
18 AS WELL AS A PRESCRIPTION DRUG PROBLEM.

19 BUT BRINGING OUT THE FACT AND TRYING TO
20 IMPEACH THE CHARACTER OF DAVID BY SHOWING HE MAY HAVE USED
21 METHAMPHETAMINE WITH TARA, ALL THAT DOES IS, IT MAKES THE
22 JURY DISLIKE DAVID, AND THEY THINK IF THEY DISLIKE DAVID,
23 THEY'RE NOT GOING TO BELIEVE DAVID. THAT'S IRRELEVANT.

24 THE COURT: SO WHAT ELSE IS HE GOING TO TESTIFY TO?
25 LET ME KNOW -- I DON'T KNOW ENOUGH ABOUT THE GUY OTHER
26 THAN SHE WAS ENGAGED TO HIM. WAS HE A HARD-WORKING GUY?
27 WAS HE --

28 MS. MC BROOM: I CAN HELP YOU WITH THAT.

1 DAVID AND TARA LIVED TOGETHER -- I THINK
2 THEY STARTED LIVING TOGETHER IN 2004, AND THEY LIVED
3 TOGETHER UP UNTIL TARA'S DEATH.

4 HE ACCOMPANIED HER ON MOST OF HER DOCTORS'
5 VISITS, ESPECIALLY IN THE LAST TWO YEARS, AND HE IS REALLY
6 THE BEST PERSON TO TELL US ABOUT TARA'S DECLINE OVER THE
7 LAST THREE YEARS OF HER LIFE. HE SPENT MORE TIME WITH
8 HER, FRANKLY, THAN ANYBODY ELSE. AND THAT'S THE PURPOSE
9 OF HIS TESTIMONY, IS SORT OF LAY OUT WHAT WAS GOING ON
10 WITH TARA IN THOSE THREE YEARS, AND HE CAN TESTIFY THAT,
11 YES, SHE WAS USING METHAMPHETAMINES.

12 THE COURT: AND HE WAS USING METHAMPHETAMINES ALONG
13 WITH HER. SO DO YOU WANT ME TO KEEP IT OUT FOR ONE
14 PURPOSE BUT NOT THE OTHER? IF HE SAW IT AND HE DIDN'T DO
15 ANYTHING ABOUT IT -- BUT IF HE JOINTLY WAS USING IT WITH
16 HER, MAYBE THAT EVEN MAKES HIM MORE CREDIBLE.

17 MS. MC BROOM: HE WASN'T USING DRUGS WITH HER ON A
18 CONSISTENT BASIS. HE MENTIONED IN DEPOSITION THAT ON AT
19 LEAST ONE OCCASION, HE SAID, "YOU KNOW WHAT? IF YOU'RE
20 GOING TO DO DRUGS, I'M GOING TO DO DRUGS."

21 HE DIDN'T WANT HER TO DO DRUGS, BUT HE -- WE
22 JUST DON'T THINK THAT THAT ONE INSTANCE OF DOING DRUGS
23 WITH TARA IS PARTICULARLY RELEVANT. HE CAN TESTIFY --

24 THE COURT: SO IN THE PERIOD OF 2004 TO 2010, THERE
25 WAS ONLY ONE INCIDENT IN WHICH THE TWO OF THEM USED
26 METHAMPHETAMINES?

27 MS. MC BROOM: EXCUSE ME. HE ONLY TESTIFIED TO ONE
28 AT DEPOSITION. SHE, HOWEVER, WAS USING IT MORE

1 FREQUENTLY.

2 MR. NEWHOUSE: AND HE WILL SAY ON THE STAND, WE
3 BELIEVE, THAT HE DISAPPROVED OF METHAMPHETAMINE USE. HE
4 TOLD HER SHE SHOULDN'T USE IT, BUT AT LEAST ON ONE
5 OCCASION, HE SAID TO HER, "IF YOU'RE GOING TO DO THIS,
6 THEN I'LL DO IT WITH YOU. I'M GOING TO DO IT WITH YOU."
7 FOR SOME REASON HE THOUGHT THAT WAS A MEASURE OF
8 DISAPPROBATION. I'M NOT SURE I UNDERSTAND THE REASONING.

9 BUT OUR CONCERN IS THAT WE DON'T THINK THIS
10 EVIDENCE SHOULD BE ALLOWED TO ATTACK THE CHARACTER OF
11 DAVID MAC EACHERN, AND THAT'S WHAT THE DEFENSE WOULD LIKE
12 TO DO, RESPECTFULLY.

13 MR. BLESSEY: YOU KNOW, IT'S INTERESTING. I'M
14 SITTING HERE, AND MR. NEWHOUSE SEEMS TO KNOW WHAT THE
15 DEFENSE IS GOING TO DO AND WANTS TO DO. HE'S 180 DEGREES
16 OFF BASE ON THIS ONE AND SOME OF THE OTHER COMMENTS, WITH
17 ALL DUE REGARD.

18 THAT FACT IS DR. BOHN IS GOING TO TESTIFY
19 THAT HE SPOKE TO BOTH OF THEM ABOUT THEIR METHAMPHETAMINE
20 ABUSE AND HIS FEELING THAT THIS WAS THE TRIGGER FOR HER
21 PSYCHOSIS. SO IN DR. BOHN'S TESTIMONY, I THINK THE JURY
22 IS GOING TO LEARN ANYWAY THAT THEY WERE BOTH
23 INTERMITTENTLY USING METHAMPHETAMINE.

24 SO I'M NOT USING IT TO ATTACK HIS CHARACTER.
25 IN FACT, MR. MAC EACHERN IS GOING TO HELP THE DEFENSE'S
26 CASE TO A GREAT EXTENT, I BELIEVE. WHEN ALL OF THIS
27 TESTIMONY IS OUT, I THINK THE JURY WILL GET A LITTLE
28 DIFFERENT PICTURE ABOUT WHAT WAS GOING ON IN THE DAYS AND

1 MONTHS BEFORE AND THE NIGHT OF THE SUICIDE.

2 THE COURT: WELL, I HOPE THAT THE AIM OF THE
3 DEFENSE IS NOT TO PORTRAY HIM AS SOME NARK, BUT HE WAS
4 USING METH ON OCCASION OR MORE THAN ONE OCCASION, AND HE
5 WAS DOING IT WITH THE DECEDENT.

6 MR. BLESSEY: THAT'S THE EVIDENCE I'M AWARE OF,
7 YOUR HONOR.

8 THE COURT: THE MOTION IS DENIED.

9 MOTION NO. 5 FOR ORDER EXCLUDING TEXT
10 MESSAGES ALLEGEDLY EXCHANGED BETWEEN TARA DE ROGATIS AND
11 NIELS KANTOR.

12 SO I GUESS IT'S MAC EACHERN THAT GOES TO HER
13 TELEPHONE AND FINDS THESE MESSAGES EITHER THE NIGHT OF OR
14 THE DAY BEFORE OR SOMETHING?

15 MR. NEWHOUSE: AFTER THE DEATH.

16 THE COURT: NO, NO, NO, NO. BUT -- I'M SORRY. HE
17 GOES AFTER THE DEATH INTO HER PHONE BUT FINDS THESE
18 MESSAGES TALKING ABOUT A CONVERSATION THAT SHE HAD
19 APPARENTLY ON MORE THAN ONE OCCASION THE NIGHT BEFORE
20 ABOUT TRYING TO SELL SOME PAINTINGS, ANDY WARHOL
21 PAINTINGS, ONE OR TWO, OR SOMETHING, AND SO WHAT'S THE
22 POINT OF THIS?

23 MR. NEWHOUSE: WELL, YOUR HONOR, AGAIN, THIS IS OUR
24 CONCERN THAT WE LIMIT THE EXTRANEIOUS REFERENCES TO --
25 WELL, TWO THINGS, ACTUALLY: FIRST, TO NIELS KANTOR,
26 BECAUSE THIS FORMER BOYFRIEND IS A DISREPUTABLE CHARACTER,
27 AND WE'RE CONCERNED THAT THEY'RE GOING TO TRY TO DISPARAGE
28 THE CHARACTER OF TARA BY SHOWING SHE HAD THESE CONTINUING

1 MESSAGES -- AND THEY WERE VERY INFREQUENT.

2 BUT BASICALLY WHAT HAPPENED IS THIS: AFTER
3 HER DEATH, DAVID MAC EACHERN FOUND HER CELL PHONE AND
4 FOUND THIS TEXT MESSAGES APPARENTLY BETWEEN -- IT'S NOT
5 100 PERCENT CLEAR.

6 THE COURT: NOW, THEY WERE LIVING TOGETHER AT THE
7 TIME?

8 MR. NEWHOUSE: SHE AND MAC EACHERN WERE LIVING
9 TOGETHER. SHE REALLY HAD VERY INFREQUENT CONTACT WITH
10 NIELS KANTOR. THE TEXT MESSAGES TEND TO SUPPORT THAT TARA
11 WAS, WITHOUT DAVID KNOWING ABOUT IT, TEXTING KANTOR, AN
12 ART DEALER, BECAUSE SHE WANTED TO SELL SOME OF HER
13 PAINTINGS TO HIM.

14 THE COURT: RIGHT. TO PAY FOR SOME SURGERY.

15 MR. NEWHOUSE: AND THAT'S THE OTHER MOTION IN
16 LIMINE. WE WANT TO CALL IT ELECTIVE SURGERY. OF COURSE,
17 THE DEFENSE WOULD LIKE TO BRING OUT --

18 THE COURT: YOU KNOW, LET'S JUST BACK UP HERE. I
19 KNOW THAT THAT'S ANOTHER ONE.

20 MR. NEWHOUSE: THAT'S THE ISSUE.

21 THE COURT: AND I'M JUST KIND OF WONDERING, YOU
22 KNOW, IS THE JURY GOING TO LOOK AT THIS ELECTIVE
23 SURGERY -- EITHER THEY'RE GOING TO SAY -- PUTTING YOURSELF
24 AS A JUROR, THEY'RE GOING TO SPECULATE AND SAY, "WELL, WAS
25 THIS A FACELIFT OR WAS IT BREAST AUGMENTATION?" AND THEN
26 WHAT? I MEAN, THE FACT IS THAT SHE HAD TWO PRIOR
27 SURGERIES. SHE WAS AN ASPIRING ACTRESS THAT NEEDED A
28 PARTICULAR ROLE, FROM WHAT I COULD GATHER, THAT, YOU KNOW,

1 INSPIRED HER TO WANT TO DO THE SURGERY.

2 AND I DON'T KNOW IF WE'RE KIND OF PLAYING
3 GAMES WITH THE JURY. I MEAN, YOU KNOW, JURORS WANT TO
4 KNOW. THEY DON'T WANT TO BE LEFT IN THE DARK. AND IF
5 THEY THINK THAT SOMEBODY IS KIND OF PULLING THE WOOL OVER
6 THEIR EYES, THEY'RE GOING TO BEGIN TO LOOK AT THIS AND
7 SAY, "JEEZ, WHAT'S ALL THIS? YOU KNOW, WE TALK ABOUT
8 ELECTIVE SURGERY, BUT WHAT IS IT?"

9 IN THIS DAY AND AGE -- 20 YEARS AGO, YOU
10 MIGHT HAVE SAID, "WELL, YOU KNOW, WHY DOES ANYBODY NEED
11 IT?" IN THIS DAY AND AGE, IT'S SO PREVALENT THAT I LOOK
12 AT THIS AS SAYING, "SO WHAT? SO SHE WANTED IT. SHE
13 WANTED IT. SO BE IT."

14 YOU KNOW, ANYHOW GOING BACK TO THIS, THE
15 DEFENSE'S EXPERTS ARE GOING TO RELY UPON THIS IN PART,
16 SAYING SHE WAS A FRAGILE INDIVIDUAL WHO IN EFFECT -- THIS
17 IS THE STRAW THAT BROKE THE BACK OF THE CAMEL. THIS IS
18 THE STICK THAT DID IT. SHE WAS DESPERATE AND COULDN'T GET
19 THE MONEY AND FIGURED THAT SHE WOULDN'T HAVE A CAREER.

20 MR. BLESSEY: KIND OF.

21 THE TEXT MESSAGES, ESPECIALLY ON THE NIGHT
22 OF THE SUICIDE, HELP THE DEFENSE'S ARGUMENT -- THIS IS NOT
23 A SURPRISE TO THEM -- THAT THIS WOMAN, ON THE DAY OF
24 DR. SHAINSKY'S LAST VISIT AND THE HOURS BEYOND, IS LOOKING
25 AHEAD, PLANNING HER LIFE. SHE'S GOING TO HAVE PLASTIC
26 SURGERY. SHE'S TRYING TO BROKER A DEAL TO PAY FOR THAT
27 SURGERY. SHE'S TALKING WITH MR. DAVID MAC EACHERN, AS
28 LATE AS NINE O'CLOCK IN THE EVENING, ABOUT ACTING CLASSES

1 TOMORROW. SHE'S TALKING ABOUT GOING TO DINNER WITH HER
2 LIFE COACH IN A COUPLE OF DAYS.

3 SO THESE TEXT MESSAGES AND THIS SURGERY THAT
4 SHE'S PLANNING TO HAVE, THE TWO MOTIONS THAT WE'VE KIND OF
5 BEEN TALKING ABOUT, GO TO THE DEFENSE THEORY THAT THIS
6 WOMAN WASN'T PLANNING TO TAKE HER LIFE. IN FACT, SHE IS
7 DENYING IT OVER AND OVER AND OVER AGAIN IN HER ACTIONS.

8 I MEAN, YOUR HONOR, I DON'T KNOW WHAT A
9 JUROR IS GOING TO THINK, BUT HOW MANY PEOPLE PLAN ON A
10 THIRD BREAST SURGERY WHO ARE CONTEMPLATING, SERIOUSLY
11 CONTEMPLATING, SUICIDE? HOW MANY PEOPLE PLAN ON MEETING
12 IN A DAY OR TWO WITH THEIR LIFE COACH IF THEY'RE GOING TO
13 TAKE THEIR OWN LIFE?

14 SO THE TEXT MESSAGES AND THIS SURGERY ARE
15 RELEVANT TO HER MIND-SET, NOT ONLY AT DR. SHAINSKY'S
16 APPOINTMENT BUT BEYOND, NUMBER ONE.

17 NUMBER TWO, THIS WOMAN HAD TWO PRIOR BREAST
18 SURGERIES AND WAS TREATED WITH PAIN MEDICATIONS, IN FACT,
19 PERCOCET, AFTER ONE OF THEM, ONE OF THE BREAST SURGERIES.
20 SO IT TIES INTO A NUMBER OF DIFFERENT ISSUES, YOUR HONOR.

21 BUT THE MOST IMPORTANT ISSUE IS THAT, IN
22 FACT, SHE WASN'T FRAGILE TO THE EXTENT THAT SHE WAS
23 PLANNING OR INTENDING TO TAKE HER OWN LIFE, AND
24 MR. MAC EACHERN WILL SUPPORT THAT, AS WILL DR. SHAINSKY,
25 AS WILL THE EXPERTS.

26 SO I THINK IT'S HIGHLY RELEVANT. I THINK
27 BOTH THE TEXT MESSAGES AND THE PLAN FOR THE SURGERY ARE
28 HIGHLY RELEVANT TO THE DEFENSE'S THEORY IN THIS CASE.

1 MR. NEWHOUSE: SOMETHING, YOUR HONOR, CAUSED HER TO
2 TAKE HER LIFE THE NIGHT OF MARCH 22ND, SOME EVENT. THERE
3 IS NO DOUBT THAT -- AND THERE WILL BE PLENTY OF
4 EVIDENCE -- THIS WAS A YOUNG WOMAN WHO VERY MUCH WANTED TO
5 LIVE, WHO HAD POTENTIAL, WHO HAD PROMISE, WHO WAS
6 ARTISTIC, BUT IT'S JUST FOLLY TO SAY IT'S ONE OR THE
7 OTHER. THERE WERE BOTH.

8 AND OUR POSITION IS THAT DR. SHAINSKY KNEW
9 OF THE POTENTIAL SUICIDALITY AND WHATEVER. SO SOMETHING
10 SET HER OFF, AND THIS MAY HAVE SET HER OFF.

11 OUR MAIN CONCERN IS REALLY A 352 CONCERN,
12 WHICH IS WE'RE CONCERNED THAT THE DEFENSE IS GOING TO TRY
13 TO PAINT HER AS NARCISSISTIC, VAIN. SHE'S HAVING ALL
14 THESE BREAST SURGERIES, YOU KNOW. AND WHEN -- IF THESE
15 TEXT MESSAGES ARE AUTHENTICATED, AND WE'RE NOT SURE THE
16 DEFENSE CAN AUTHENTICATE THEM; BUT IF THEY ARE, THEN SHE'S
17 PAINTED AS THIS PICTURE OF SOMEONE WHO IS -- YOU KNOW,
18 WHEN SHE CAN'T HAVE THE THIRD BREAST SURGERY, THAT'S IT.

19 MY CONCERN REALLY IS THAT IT PAINTS TARA IN
20 A DISPARAGING LIGHT UNNECESSARILY SO, AND THAT'S WHY WE
21 WOULD LIKE TO EXCLUDE IT. AND THAT'S WHY WE HAVE THE
22 PARALLEL MOTION. WE DON'T WANT TO CALL THEM BREAST
23 SURGERIES. WE WANT TO CALL THEM ELECTIVE SURGERIES. AND
24 WE THINK THAT'S THE APPROPRIATE BALANCING THAT THE COURT
25 SHOULD DO. LET THE PROBATIVE EVIDENCE COME IN, BUT WE
26 DON'T NEED THE DISPARAGING IMPACT. THAT'S OUR CONCERN.

27 THE COURT: ARE PEOPLE DISPARAGED BECAUSE THEY HAVE
28 A BREAST ENHANCEMENT OR WHAT? I GUESS --

1 MR. NEWHOUSE: I DON'T KNOW, YOUR HONOR, AND I'M
2 OKAY WITH IT.

3 THE COURT: IS THAT SOMETHING WE CAN FLESH OUT ON
4 VOIR DIRE? I MEAN --

5 MR. NEWHOUSE: PERHAPS, ALTHOUGH I'D RATHER NOT
6 SPEND MY TIME TALKING ABOUT BREAST SURGERY, BUT YOUR HONOR
7 MAKES A POINT, WHICH IS, IT'S TRUE. THEY'RE MORE WIDELY
8 ACCEPTED TODAY THAN THEY WOULD HAVE BEEN, YOU KNOW, IN OUR
9 PARENTS' ERA.

10 THE COURT: I GUESS THE CONVERSE OF THAT IS WE CALL
11 IT ELECTIVE, AND WHO ARE WE KIDDING? I MEAN --

12 MR. NEWHOUSE: THEY MAY FIGURE IT OUT.

13 THE COURT: YOU KNOW --

14 MR. NEWHOUSE: BUT I DOESN'T -- BUT WHEN YOU'RE
15 CALLING IT ELECTIVE, AT LEAST YOU'RE SAYING SHE WAS HAVING
16 A MEDICAL PROCEDURE THAT WAS IMPORTANT TO HER, BUT IT
17 DOESN'T -- WHAT DIFFERENCE DOES IT MAKE WHETHER IT WAS
18 BREAST SURGERY OR SOME OTHER FORM?

19 THE COURT: YOU KNOW, I MUST TELL YOU, YOU KNOW, MY
20 INCLINATION WAS TO LIMIT IT TO ELECTIVE SURGERY. THAT WAS
21 MY INCLINATION AFTER REVIEWING THESE YESTERDAY AFTERNOON.
22 BUT THE MORE AND MORE I TALK ABOUT IT, I JUST SEE WOMEN
23 HAVING BREAST ENHANCEMENT OR REDUCTION ALL THE TIME. AND
24 IT'S SO PREVALENT THAT I THINK THAT NOT TO JUST TALK ABOUT
25 IT IN THE OPEN WITH THIS JURY IS GOING TO BE HIGHLY
26 PREJUDICIAL TO YOU. I MEAN, THEY'RE GOING TO GO BACK AND
27 SAY, "WELL, WHAT THE HELL IS ALL THIS STUFF ABOUT?" I
28 MEAN, YOU KNOW, BUT --

1 MR. NEWHOUSE: YOUR HONOR, I HAVE A COMPROMISE. WE
2 COULD AGREE TO LIMIT IT AND REFER TO IT ONLY AS COSMETIC
3 SURGERY.

4 THE COURT: THAT'S FINE.

5 MR. BLESSEY: YOUR HONOR, LET ME JUST BE HEARD ON
6 THE RELEVANCE OF KNOWING THAT IT'S BREAST SURGERY. SHE'S
7 HAD TWO BEFORE. SHE'S HAD PERCOCET FOR AT LEAST ONE OF
8 THEM BEFORE. DR. SHAINSKY -- THE REASON FOR HER
9 APPOINTMENT, AND THIS WILL BE CLEAR WHEN IT COMES INTO
10 EVIDENCE, FOR THIS LAST APPOINTMENT BEING SCHEDULED AT THE
11 TIME WAS IS BECAUSE MS. DE ROGATIS KNEW SHE WAS GOING TO
12 HAVE BREAST SURGERY AGAIN, AND SHE WANTED -- AND HER OTHER
13 PAIN MEDICATION, IN HER VIEW, WAS NOT WORKING, AND SHE
14 WANTED TO TALK TO DR. SHAINSKY ABOUT HER PAIN PROBLEMS,
15 HER UPCOMING SURGERY. NOW, IF WE JUST LIMIT IT TO
16 ELECTIVE SURGERY, THERE'S A PATTERN. SHE'S HAD TWO PRIOR
17 SURGERIES.

18 THE COURT: THE OTHER PART OF THIS WHOLE THING,
19 WASN'T SHE ABOUT READY TO AUDITION FOR A ROLE IN WHICH SHE
20 HAD TO HAVE BIGGER BOOBS OR SOMETHING LIKE THAT? I MEAN,
21 ISN'T THAT PART OF THIS WHOLE THING?

22 MS. MC BROOM: DAVID MADE A COMMENT -- I DON'T
23 RECALL IF IT WAS TO DR. BOHN OR IN DEPOSITION -- SOMETHING
24 TO THAT EFFECT, THAT SHE FELT SHE NEEDED TO CHANGE HER
25 BODY TO ACHIEVE CERTAIN ROLES.

26 I THINK REFERRING TO THE SURGERY AS COSMETIC
27 SURGERY ACCOMPLISHES WHAT MR. BLESSEY WANTS TO DO. HE
28 WANTS TO SAY THAT, "LOOK, WHEN SHE CAME IN THE OFFICE THE

1 LAST DAY, SHE SAID TO DR. SHAINSKY, 'I HAVE A COSMETIC
2 SURGERY COMING UP. I'M CONCERNED ABOUT PAIN.'"

3 THE COURT: IF HER RECORDS INDICATE THAT IT WAS FOR
4 BREAST ENHANCEMENT, WHAT DO WE DO, REDACT THAT OUT?

5 MR. NEWHOUSE: REDACT THAT OUT.

6 MR. BLESSEY: YOUR HONOR, THAT WOULD BE IMPROPER.

7 THE COURT: YOU KNOW, I'M GOING TO JUST TELL YOU, I
8 JUST DON'T SEE THAT THE PREJUDICIAL EFFECT OUTWEIGHS THE
9 PROBATIVE VALUE. I THINK THAT WE CAN WORK ON THIS IN VOIR
10 DIRE, OKAY?

11 MR. NEWHOUSE: THANK YOU, YOUR HONOR.

12 THE COURT: SO THAT ONE IS DENIED.

13 WE STILL NEED TO GO BACK TO THIS ONE, THIS
14 EXCHANGE OF THE TEXT MESSAGES. I GUESS NIELS KANTOR CAN
15 PROBABLY AUTHENTICATE THESE.

16 MR. NEWHOUSE: HE COULD, BUT HE'S NOT GOING TO BE
17 CALLED AS A WITNESS, SO THEY'RE GOING TO FIND IT DIFFICULT
18 TO AUTHENTICATE THROUGH A WITNESS WHO DOESN'T TESTIFY.
19 OUR ISSUE IS DAVID MAC EACHERN DOESN'T KNOW WHO THE OTHER
20 PERSON NECESSARILY WAS.

21 THE COURT: HE HAS IT KIND OF FIGURED OUT.

22 MR. NEWHOUSE: HE --

23 MR. BLESSEY: WELL, YOUR HONOR -- I'M SORRY. HE
24 TESTIFIED AT DEPOSITION AND HE PRODUCED THEM AT
25 DEPOSITION. HE AUTHENTICATED THEM. HE SAID, "THESE ARE
26 FROM TARA'S PHONE."

27 THE COURT: AND HE WAS THERE WHEN HE HEARD THE
28 CONVERSATION?

1 MR. BLESSEY: NO. HE WAS THERE THE DAY AFTER.

2 THE TRUTH IS THAT THE DAY AFTER, HE CHECKED
3 HER PHONE OUT AND SAW THESE MESSAGES FROM THAT NIGHT AND
4 ACTUALLY PRIOR. AND HE SAID -- AND IT'S PRETTY CLEAR IN
5 THE TEXT MESSAGES WHO THEY'RE FROM, BUT HE CONFIRMED THAT
6 THEY WERE FROM MR. KANTOR, AND THERE WAS THIS BACK AND
7 FORTH BETWEEN THE DECEDENT AND MR. KANTOR.

8 THE COURT: AND HE COULD TALK ABOUT THIS IS ON HER
9 CELL PHONE?

10 MR. BLESSEY: YES, YOUR HONOR.

11 THE COURT: AND IS THERE ANY OTHER INFORMATION THAT
12 HE'S GOING TO PRODUCE TO THE COURT, MEANING
13 MR. MAC EACHERN, ABOUT, YOU KNOW, SHE HAD DISCUSSED THE
14 FACT THAT SHE WAS GOING TO NEED MONEY --

15 MR. BLESSEY: YES, YOUR HONOR.

16 THE COURT: -- AND THAT SHE HAD THESE PICTURES?

17 MR. BLESSEY: AS COUNSEL SAID -- I'M SORRY.

18 THE COURT: SO HE'LL AUTHENTICATE SOME OF THE
19 THINGS.

20 MR. BLESSEY: RIGHT. AS COUNSEL SAID, MS. MC BROOM
21 SAID, THERE'S A CONVERSATION BETWEEN MR. MAC EACHERN AND
22 JUDGE BOHN -- PSYCHIATRIST BOHN. HE'S NOT A JUDGE YET.

23 THE COURT: WE CAN'T INTERCHANGE THOSE.

24 MR. NEWHOUSE: SOMETIMES, YOUR HONOR, I THINK --

25 MR. BLESSEY: BUT HE DOES TELL THE PSYCHIATRIST THE
26 NEXT DAY WHEN HE REPORTS THE SUICIDE THAT, YOU KNOW, HE
27 WAS AWARE SHE WAS TRYING TO SELL THE PAINTINGS. SHE
28 COULDN'T DO IT, AND HE FELT THAT SHE WAS DEVASTATED

1 BECAUSE SHE COULDN'T NOW GET THE SURGERY SHE NEEDED, SHE
2 FELT, TO PURSUE HER ACTING CAREER. I MEAN, I'M
3 PARAPHRASING, BUT THAT'S THE EVIDENCE.

4 THE COURT: ALL RIGHT. WE NEED TO MOVE ON. I'M
5 NOT GOING TO PRECLUDE THIS UNDER 352, BUT I AM GOING TO
6 REQUIRE THAT THERE BE AUTHENTICATION, PROPER
7 DOCUMENTATION, TO GET THIS INTO EVIDENCE. SO DON'T
8 MENTION IT IN THE OPENING.

9 MR. BLESSEY: THAT'S FINE, YOUR HONOR.

10 MR. NEWHOUSE: THANK YOU, YOUR HONOR.

11 THE COURT: ALL RIGHT. NEXT ONE I HAVE IS
12 PLAINTIFFS' MOTION NO. 6 EXCLUDING LAY OPINION OF DAVID
13 MAC EACHERN AND LINDA DE ROGATIS. THERE WAS NO OPPOSITION
14 THAT I COULD FIND, SO I GUESS THAT'S GRANTED.

15 MR. NEWHOUSE: IT'S GRANTED. IT SHOULD BE GRANTED,
16 YOUR HONOR. IT'S UNOPPOSED.

17 MR. BLESSEY: YOUR HONOR, IRONICALLY, THIS WOULD BE
18 A MOTION THE DEFENSE WOULD USUALLY BRING.

19 THE COURT: OKAY. MOTION NO. 7 FOR AN ORDER
20 EXCLUDING DEFENSE EXPERT WITNESS TESTIMONY. I UNDERSTAND
21 THERE WAS SOME ISSUE ABOUT A 2039 EXCHANGE OR SOMETHING,
22 BUT THE EXPERTS HAVE ALL TESTIFIED NOW. THEIR DEPOSITIONS
23 HAVE BEEN TAKEN. I DON'T KNOW HOW THINGS ARE DONE
24 DOWNTOWN PARTICULARLY. THIS IS NOT THE FIRST CASE I'VE
25 GOTTEN FROM DAN BUCKLEY, BUT IT LOOKS LIKE THERE'S A BIG
26 GAP OF TIME BETWEEN THE FINAL STATUS CONFERENCE AND TRIAL,
27 WHICH I NORMALLY DON'T DO, BUT --

28 MS. MC BROOM: WE CAN SAVE YOU SOME TIME.

1 MR. NEWHOUSE: WE'LL WITHDRAW THAT. IT'S NOT A
2 RELATED ISSUE.

3 THE COURT: IT SAID "DENIED" ON IT.

4 MR. NEWHOUSE: WE WITHDREW IT FIRST, YOUR HONOR.

5 THE COURT: YES, YOU DID.

6 MR. NEWHOUSE: NO. 8?

7 THE COURT: YEAH, NO. 8.

8 MR. NEWHOUSE: WE TALKED ABOUT IT.

9 THE COURT: WE TALKED ABOUT THAT ONE, AND WE'VE
10 DECIDED TO GO JUST AHEAD WITH THE BREAST ENHANCEMENT,
11 OKAY?

12 MR. NEWHOUSE: OKAY. 9 IS WITHDRAWN, I THINK.

13 THE COURT: 9 IS WITHDRAWN?

14 MR. BLESSEY: YES, WITHDRAWN.

15 MR. NEWHOUSE: YES.

16 THE COURT: 11, FOR AN ORDER EXCLUDING EVIDENCE OF
17 PLAINTIFFS' LAWSUIT AGAINST THE SETTLEMENT --

18 MR. BLESSEY: WE SKIPPED 10, I BELIEVE, YOUR HONOR.

19 MS. MC BROOM: AND 11 IS UNOPPOSED, YOUR HONOR.

20 MR. NEWHOUSE: 10 IS A --

21 THE COURT: NO OPPOSITION. THIS IS NO. 11?

22 MS. MC BROOM: YES.

23 THE COURT: MOTION NO. 11 FOR AN ORDER EXCLUDING
24 EVIDENCE OF PLAINTIFFS' LAWSUIT AGAINST AND SETTLEMENT
25 WITH DEFENDANT DR. BOHN.

26 MR. BLESSEY: HE WAS DISMISSED, YOUR HONOR.

27 MS. MC BROOM: YES. BUT THE PLAINTIFFS --

28 THE COURT: WAS HE IN THIS CASE?

1 MS. MC BROOM: IT WAS A RELATED CASE.

2 THE COURT: OH, IT WAS.

3 MR. BLESSEY: IT WAS NOT BROUGHT BY THIS FIRM. IT
4 WAS BROUGHT BY THE PLAINTIFFS IN PRO PER.

5 MR. NEWHOUSE: AND IT WAS DISMISSED.

6 THE COURT: ANYHOW, THERE'S NO OPPOSITION.
7 GRANTED.

8 MS. MC BROOM: I THINK WE SKIPPED NO. 10.

9 THE COURT: THE NEXT ONE I HAVE IS -- THAT
10 COMPLETES PLAINTIFFS'.

11 MR. BLESSEY: NO. 10.

12 MR. NEWHOUSE: WE STILL HAVE ONE LEFT, YOUR HONOR.

13 MR. BLESSEY: I'M NOT SURE WHAT THEIR CONCERN IS
14 WITH THAT.

15 THE COURT: WHAT IS 10?

16 MS. MC BROOM: THIS IS A MOTION TO EXCLUDE EVIDENCE
17 THAT PLAINTIFF LINDA DE ROGATIS WAS INVOLUNTARILY HELD IN
18 DECEMBER OF 2009 AT THE TIME THAT TARA WAS HOME FOR HER
19 VISIT. IT'S IRRELEVANT AND IT IS PREJUDICIAL.

20 THE COURT: ARE WE GOING TO GET INTO THAT?

21 MR. BLESSEY: NO, YOUR HONOR.

22 THE COURT: ALL RIGHT. GRANTED.

23 MR. NEWHOUSE: EXCELLENT. THANK YOU.

24 THE COURT: MAKES IT EASIER. ALL RIGHT.

25 DEFENSE 1 -- DR. SHAINSKY?

26 MR. BLESSEY: CORRECT, YOUR HONOR.

27 THE COURT: SHAINSKY. ALL RIGHT. IT IS TO
28 PRECLUDE PLAINTIFF FROM INTRODUCING PHOTOGRAPHS DEPICTING

1 THE DECEDENT DURING HER LIFETIME.

2 WE'RE NOT GOING TO HAVE ANY PICTURES AFTER
3 HER DEATH?

4 MR. NEWHOUSE: NO.

5 THE COURT: SO WE'RE GOING TO HAVE LIKE ONE PICTURE
6 THAT WAS TAKEN OR A COUPLE FAMILY PICTURES? ARE YOU AWARE
7 OF WHAT THE PICTURES ARE?

8 MR. BLESSEY: WELL, I BECAME MORE AWARE LAST NIGHT
9 BECAUSE COUNSEL WAS KIND ENOUGH TO SEND OVER WHAT SHE'S
10 PROPOSING TO USE AS A POWERPOINT OPENING, WHICH I'LL
11 OBJECT TO, BUT THAT'S ANOTHER ISSUE FOR ANOTHER MINUTE.

12 SO THERE WERE LIKE SIX OR SEVEN PHOTOGRAPHS
13 THAT WERE IN THIS POWERPOINT. MY UNDERSTANDING FROM WHAT
14 THE COURT IS SAYING THAT THERE SHOULD BE SOME LIMIT,
15 BECAUSE BEYOND SOME POINT, IT BECOMES MORE PREJUDICIAL IN
16 THE SENSE THAT IT'S GOING TO POTENTIALLY EVOKE SYMPATHY
17 FROM THE JURY ABOUT CERTAIN THINGS.

18 THE COURT: OBVIOUSLY, THEY'RE ENTITLED TO KNOW WHO
19 SHE IS AND WHAT SHE LOOKS LIKE.

20 MR. BLESSEY: I AGREE.

21 THE COURT: AND PERHAPS, YOU KNOW, CERTAINLY A
22 PICTURE OF SHE AND HER PARENTS TOGETHER OR SOMETHING.
23 THAT'S IMPORTANT.

24 MR. NEWHOUSE: MAY I ADDRESS THIS, YOUR HONOR?

25 THE COURT: YES.

26 MR. NEWHOUSE: WE'RE NOT PUTTING IN THE FAMILY
27 PHOTO ALBUM. WE'RE NOT PUTTING IN --

28 THE COURT: WELL, CERTAINLY YOU KNOW, RUN IT BY --

1 I'M MORE CONCERNED ABOUT A CUMULATIVE EFFECT OF A WHOLE
2 BUNCH OF PICTURES.

3 MR. NEWHOUSE: WE'VE WON THIS FIGHT. THESE
4 PHOTOGRAPHS HAVE BEEN IN THE JOINT EXHIBIT BOOK FOR THE
5 LAST SIX MONTHS, SO HE KNOWS WHAT THE PHOTOS ARE. LET ME
6 EXPLAIN.

7 WE HAVE TO SHOW THAT THERE WAS A REALLY GOOD
8 RELATIONSHIP BETWEEN PETER AND LINDA, SO WE HAVE PHOTOS --
9 LIKE HERE IS TARA WITH HER MOM. I THINK IT'S PERFECTLY
10 APPROPRIATE TO START OFF WITH SHOWING HERE IS TARA AS A
11 LITTLE GIRL WITH HER BROTHER. HERE IS TARA WITH HER MOM
12 AND BROTHER. PETER, WHO IS BEHIND ME, WANTS TO SHOW A
13 PHOTOGRAPH OF TARA. THESE ARE NOT PREJUDICIAL.

14 THE COURT: HOW MANY DO YOU HAVE?

15 MR. NEWHOUSE: WE HAVE SEVEN OR EIGHT, AND THEY
16 WILL CONSUME, YOUR HONOR, 5 MINUTES.

17 THE COURT: SEVEN OR EIGHT IS FINE. I DON'T WANT
18 ANY MORE THAN THAT, OKAY?

19 MR. NEWHOUSE: GREAT.

20 THE COURT: SO THIS IS DENIED. LIMITED TO SEVEN OR
21 EIGHT.

22 NO. 3, DEFENDANTS TO PRECLUDE PLAINTIFFS
23 FROM MAKING PUBLIC POLICY ARGUMENTS. THERE WAS NO
24 OPPOSITION. IN FACT, THERE WAS NOT AN OPPOSITION, SO IT'S
25 GRANTED.

26 MR. NEWHOUSE: WELL, WE DON'T EVEN KNOW --

27 THE COURT: POLICY ARGUMENTS --

28 MR. NEWHOUSE: I TRIED TO SAY, WE DON'T EVEN KNOW

1 WHAT THAT REFERS TO, BUT I'M NOT GOING TO GET UP AND
2 SAY -- AS I UNDERSTAND IT, WE'RE NOT GOING TO ARGUE THAT
3 THEY -- THAT THE JURY NEEDS TO SEND A MESSAGE TO
4 DR. SHAINSKY ABOUT WHATEVER OR THE MEDICAL COMMUNITY. SO
5 THAT'S NOT GOING TO HAPPEN. IT WOULDN'T HAPPEN.

6 MR. BLESSEY: WELL, THERE WAS A MENTION IN THE
7 MOTION ABOUT OVERPRESCRIBING PAIN MEDICATIONS AS A PUBLIC
8 POLICY ISSUE. THERE'S BEEN A LOT OF INFORMATION IN THE
9 PRESS IN THE LAST SEVERAL YEARS, AND IT'S NOT A NEW TOPIC.

10 MR. NEWHOUSE: IT'S NOT PUBLIC POLICY, YOUR HONOR.

11 MR. BLESSEY: AND I THINK THERE'S SOME CONCERN
12 ABOUT M.I.C.R.A. IN FACT, THEIR BRIEF --

13 THE COURT: M.I.C.R.A.?

14 MR. BLESSEY: YES. IT'S UNCONSTITUTIONAL, YOUR
15 HONOR, ACCORDING TO THE PLAINTIFFS.

16 MR. NEWHOUSE: IT IS.

17 THE COURT: THAT'S NOT GOING TO BE PRESENTED TO THE
18 JURY.

19 MR. NEWHOUSE: WELL, OF COURSE WE'RE NOT.

20 THE COURT: I MEAN, THEY CAN MAKE THAT ARGUMENT
21 ANYTIME THEY WANT.

22 MR. NEWHOUSE: WE'RE TAKING IT TO YOUR HONOR, NOT
23 TO THE JURY. IT'S NOT THE JURY'S CONCERN.

24 THE COURT: WELL, THAT'S NOT BEFORE ME NOW.

25 MR. NEWHOUSE: AT SOME POINT --

26 THE COURT: OKAY.

27 MR. NEWHOUSE: I'M SAYING IT MAY BE THAT WE
28 SUCCEED, AND THERE IS A JUDGMENT THAT EXCEEDS 250-, AND WE

1 WILL ARGUE THAT.

2 MS. MC BROOM: AND IT'S INCLUDED IN OUR RESPONSE TO
3 THE TRIAL BRIEF.

4 MR. NEWHOUSE: BUT, OF COURSE, WE'RE NOT GOING TO
5 ARGUE M.I.C.R.A. TO THE JURY, AND COUNSEL KNOWS THAT.

6 THE COURT: YOU WON'T EVEN TALK TO THE JURY ABOUT
7 THAT.

8 MR. NEWHOUSE: WE WON'T.

9 MR. BLESSEY: ACTUALLY, YOUR HONOR, COUNSEL DOESN'T
10 KNOW, AND THAT'S WHY I BROUGHT THE MOTION. I'VE NEVER
11 TRIED A CASE WITH THESE FINE LAWYERS BEFORE. I DON'T KNOW
12 WHAT THEIR STRATEGIES ARE. SO KNOWING ABOUT THESE
13 UNDERLYING ISSUES, I JUST WANTED TO MAKE SURE THAT WE'RE
14 ALL ON THE SAME PAGE.

15 MR. NEWHOUSE: WE'RE ALL ON THE SAME PAGE.

16 THE COURT: ALL RIGHT. WE'RE ALL ON THE SAME PAGE.

17 MOTION NO. 4 TO EXCLUDE WITNESSES WHO WERE
18 NOT DISCLOSED IN DISCOVERY, IN PARTICULAR, A GINNI
19 CUMMINGS AND MARCIA RIPALDI.

20 MR. BLESSEY: I THINK WE CAN SHORTCUT THIS.

21 THE COURT: SURE.

22 MR. BLESSEY: AND THEY WILL CORRECT ME IF I AM OFF
23 BASE ON THIS. WE'VE BEEN TALKING ABOUT THIS ISSUE, AND
24 THEY ARE TWO INDIVIDUALS WHO KNOW THE PLAINTIFFS, AND THEY
25 BELIEVE THAT THEY KNOW THE RELATIONSHIP BETWEEN THE
26 DECEDENT AND THE PARENTS. AND IT'S MY UNDERSTANDING THAT
27 THEY WERE GOING TO BE CALLED TO TESTIFY TO HELP ESTABLISH
28 THE LOVING RELATIONSHIP BETWEEN THE DECEDENT AND THE

1 PARENTS. THEY ARE COMING OUT FROM THE EAST COAST, I
2 BELIEVE.

3 NOW, I GOT AN E-MAIL LAST NIGHT FROM
4 MS. MC BROOM PROPOSING A STIPULATION, THAT RATHER THAN
5 HAVE THEM TESTIFY, THAT THEY WOULD EXECUTE A DECLARATION
6 ATTESTING TO THEIR KNOWLEDGE OF THE RELATIONSHIP, I THINK
7 WAS THE E-MAIL. SO LET ME TURN IT BACK OVER TO
8 MS. MC BROOM AND SEE IF THAT'S ACCURATE.

9 MS. MC BROOM: THAT'S RIGHT. AS YOU MENTIONED
10 EARLIER, NONECONOMIC DAMAGES ARE REALLY THE MAJOR DAMAGES
11 THAT LINDA AND PETER DE ROGATIS CAN RECOVER, AND WHAT
12 THEY'RE SEEKING IS RECOVERY FOR THE LOST OF COMPANIONSHIP
13 AND RELATIONSHIP WITH THEIR DAUGHTER.

14 THE COURT: CARE, COMFORT, SOCIETY.

15 MS. MC BROOM: TRUE. AND THESE TWO WITNESSES,
16 THEY'RE NOT -- THEY DON'T HAVE A STAKE IN THE RESULT.
17 THEY'RE UNBIASED, AND THEY HAVE AN OPINION ABOUT THIS TYPE
18 OF -- THE TYPE OF RELATIONSHIP.

19 THE COURT: LET ME JUST DO THIS. LET ME CUT TO THE
20 CHASE. I'LL DEFER RULING ON THIS. YOU GUYS, IF YOU CAN
21 WORK OUT A DECLARATION, FINE; IF NOT, THEN I'LL BE
22 PREPARED TO RULE.

23 MR. NEWHOUSE: PERFECT.

24 THE COURT: ALL RIGHT. REMIND ME ON NO. 4, TO COME
25 BACK TO IT.

26 NO. 5 -- LET'S SEE. WAS THERE A 5? I'VE
27 GOT NO. 6.

28 MR. BLESSEY: 5 IS WITHDRAWN, YOUR HONOR.

1 MR. NEWHOUSE: 5 IS WITHDRAWN.

2 NO. 6 IS THE FINAL ONE.

3 THE COURT: NO. 6, TO PRECLUDE USE OF PUBLICATIONS,
4 MEDICAL JOURNAL, ARTICLES, TEXTBOOKS IN ORDER TO TREAT AND
5 OTHER SIMILAR MATERIAL ON DIRECT OR CROSS-EXAMINATION.
6 IT'S HARDLY A MOTION IN LIMINE, BUT IT'S GRANTED. THAT'S
7 THE LAW.

8 MR. NEWHOUSE: WELL, YOUR HONOR, CAN I JUST -- OUR
9 EXPERTS WILL MAKE -- MAY SAY, "I RELIED ON CERTAIN
10 TREATISES." THE TREATISES ARE NOT GOING TO BE OFFERED AS
11 EVIDENCE. WE NEVER SAID THAT THEY WOULD BE.

12 THE COURT: RIGHT.

13 MR. NEWHOUSE: BUT OUR EXPERTS ARE GOING TO SAY,
14 "YOU KNOW, IN REACHING THIS OPINION, I REVIEWED THE
15 FOLLOWING RECORDS. I RELIED ON TREATISES. FOR EXAMPLE,
16 ONE OF THE" --

17 THE COURT: YOU CAN'T GET INTO THE CONTEXT OF
18 WHAT'S IN THAT TREATISE.

19 MR. NEWHOUSE: WELL, EXCEPT TO SAY, FOR EXAMPLE --

20 THE COURT: "WELL, I RELIED UPON NEWHOUSE ON
21 MEDICINE."

22 MR. NEWHOUSE: AND THAT WOULD BE A FIRST.

23 BUT, YOUR HONOR, ONE OF THEM MAY SAY, FOR
24 EXAMPLE, IN TOXICOLOGY -- JUST SO WE'RE CLEAR ON THIS, THE
25 TOXICOLOGIST IS GOING TO SAY "AND TO DETERMINE THE LETHAL
26 LEVEL OF TRAMADOL IN THE BLOODSTREAM, I RELIED ON THE
27 FOLLOWING TREATISE, WHICH IS THE ESTABLISHED MEDICAL
28 TEXTBOOK, AND THE LEVEL IS 0.8 MILLIGRAMS WHATEVER,

1 WHATEVER THE LEVEL IS, AND HE, I THINK, SHOULD BE
2 PERMITTED TO SAY THAT. AND WE'RE NOT INTRODUCING THE
3 TEXTBOOK, BUT HE CAN SAY, "THAT SOLID TREATISE IS WHAT I
4 RELIED ON IN DETERMINING" --

5 THE COURT: HE CAN SAY, "I RELIED UPON CERTAIN
6 MEDICAL TEXTBOOKS AND SAY WHAT THEY ARE IN HELPING TO FORM
7 MY OPINION, BUT HE CAN'T TALK ABOUT WHAT'S CONTAINED
8 THEREIN EXCEPT ON CROSS-EXAMINATION.

9 MR. BLESSEY: RIGHT. AND THAT'S WHAT I JUST HEARD
10 MR. NEWHOUSE INTENDING TO DO.

11 THE COURT: RIGHT. THAT'S WHY I'M PREPARED TO
12 GRANT THIS.

13 MR. BLESSEY: THANK YOU, YOUR HONOR.

14 HE JUST SAID, "I RELIED ON TEXT "A," IN
15 WHICH IT SAID, "THE LETHAL LEVEL IS 0.8." THAT'S WHAT THE
16 LAW DOES NOT ALLOW. HE'S GOT TO RENDER -- ACTUALLY, HE'S
17 NOT A TOXICOLOGIST. HE'S A CHEMICAL PHARMACIST IS WHAT HE
18 IS. AND BECAUSE HE DOESN'T KNOW THE MEDICINE AND THE
19 CLINICAL PICTURE, HE READ A LOT OF STUFF, AND HE CHARGED A
20 LOT OF MONEY TO DO IT.

21 AND HE'S ANXIOUS TO COME IN HERE AND TELL
22 THIS JURY WHAT ARE IN THESE DIFFERENT MEDICAL TREATISES.
23 IN FACT, HE'S PREPARED A POWERPOINT, AND THREE-QUARTERS OF
24 THE POWERPOINT THAT HAS BEEN SHARED WITH ME HAS NAMES OF
25 MEDICAL TEXTS AND ARTICLES THAT HE THINKS SUPPORTS HIS
26 OPINION, AND I'LL OBJECT TO THE POWERPOINT. BUT IT GOES
27 TO THE ISSUES WE'RE TALKING ABOUT.

28 I THINK COUNSEL NEEDS TO BE VERY CLEAR OR

1 THE COURT NEEDS TO BE VERY CLEAR WITH COUNSEL WHAT THE
2 LIMITATIONS ARE BECAUSE I'M STILL HEARING THAT HIS EXPERT
3 TOXICOLOGIST WANTS TO CITE A FINDING IN A MEDICAL
4 TREATISE, AND THAT'S IMPROPER.

5 THE COURT: I AGREE. GRANTED.

6 MR. NEWHOUSE: OKAY. THANK YOU, YOUR HONOR.

7 THE COURT: OKAY. NOW, LET'S TALK ABOUT SOME
8 EASIER THINGS, PROCEDURALLY, HOW WE'RE GOING TO AT LEAST
9 OPERATE FOR TODAY.

10 MR. BLESSEY: CAN I INTERRUPT, YOUR HONOR --

11 THE COURT: YEAH.

12 MR. BLESSEY: -- REAL QUICK? BECAUSE IT'S ON THE
13 MOTION IN LIMINE. JUST FOR THE RECORD -- IT'S NOT AN
14 ISSUE IN DISPUTE -- WE EXCHANGED THE PROPOSED LIST OF
15 MOTIONS IN LIMINE, THEN PREPARED REPLIES, OPPOSITIONS; BUT
16 WE AGREED, THEY AGREED, THAT A MOTION IN LIMINE WAS
17 PROPOSED ON NOT REFERENCING, MENTIONING, PUTTING BEFORE
18 THE JURY ANY PRIOR LAWSUITS, CASES, SETTLEMENTS, MEDICAL
19 BOARD MATTERS INVOLVING DR. SHAINSKY. THAT'S AGREED.

20 THE COURT: OKAY.

21 MR. BLESSEY: UNOPPOSED.

22 A MOTION IN LIMINE WAS ALSO NOT OPPOSED BY
23 THE PLAINTIFFS AS TO CIVIL CODE SECTION 3333.2 AND CIVIL
24 CODE SECTION -- CODE OF CIVIL PROCEDURE 667.7.

25 AND LAST BUT NOT LEAST, THERE WAS AN
26 AGREEMENT THAT THERE WOULD NOT BE ANY MENTION TO THE JURY
27 ABOUT ANY EVIDENCE OF DR. SHAINSKY'S LIABILITY INSURANCE.

28 SO THOSE THREE MOTIONS ARE STIPULATED TO BY

1 PLAINTIFFS.

2 MR. NEWHOUSE: WE TOLD MR. BLESSEY'S OFFICE SOME
3 TIME AGO IT WOULD NOT BE AN ISSUE IN THE CASE.

4 THE COURT: SO STIPULATED?

5 MR. NEWHOUSE: SO STIPULATED.

6 THE COURT: ALL RIGHT. IT'S DONE.

7 MR. BLESSEY: HE DID TELL US, BUT I'M JUST MAKING A
8 RECORD SO THAT WE DON'T HAVE A SLIP-UP DURING TRIAL.

9 THE COURT: LET'S JUST KIND OF TALK ABOUT SOME
10 PROCEDURAL THINGS.

11 SO I DO USE A SIX PACK.

12 EACH SIDE WILL HAVE SIX PEREMPTORIES.

13 AS YOU CAN SEE FROM THE NUMBERING, THE FIRST
14 CHAIR WOULD BE TO THE FAR RIGHT, ONE THROUGH SIX. FRONT
15 ROW BEHIND THE RAIL WOULD BE 7 TO 12 AND THEN 13 THROUGH
16 18.

17 MR. NEWHOUSE: 13 BEING RIGHT HERE TO MY LEFT?

18 THE COURT: NO. 13 IS DOWN HERE.

19 MR. NEWHOUSE: IT'S HERE. OKAY.

20 THE COURT: THEY'RE NUMBERED 13 TO 18.

21 I DO PUT LIMITATIONS ON VOIR DIRE, TIME
22 LIMITATIONS. I TRY TO DO AS MUCH VOIR DIRE AS I CAN DO.
23 AND IF THERE ARE ANY PARTICULAR QUESTIONS THAT EITHER SIDE
24 WOULD LIKE ME TO ASK THAT I HAVE NOT COVERED WHEN I ASK
25 QUESTIONS, LET ME KNOW, AND I'LL BE GLAD TO DO IT.

26 SOMETIMES IF THERE ARE SENSITIVE THINGS
27 ABOUT COSMETIC SURGERY AND WHAT KIND HAVE THEY UNDERTAKEN
28 OR ANYTHING OF THAT NATURE, I'LL BE GLAD TO DO THAT. I'M

1 JUST USING THAT AS AN EXAMPLE.

2 BUT, YOU KNOW, I DON'T SEE THIS AS A
3 SIX-MONTH CASE TO ALLOW THREE DAYS OF VOIR DIRE. SO I
4 GENERALLY FIND THAT WITH 18, YOU KNOW, I WOULD THINK 45
5 MINUTES TO AN HOUR. AND YOU DON'T HAVE TO ASK EACH AND
6 EVERY ONE OF THEM. I DO IT ROW BY ROW, YOU KNOW, RATHER
7 THAN ONE BY ONE, AND THEN COME BACK TO THE ONES THAT
8 RAISED THEIR HAND IN REGARDS TO -- I'LL ASK ABOUT PRIOR
9 LAWSUITS, PARTIES TO LAWSUITS, THINGS OF THAT NATURE.
10 HAVE THEY BEEN A PARTY TO A LAWSUIT, ANY FAMILY MEMBERS.
11 AND I'LL TALK ABOUT MEDICAL MALPRACTICE AND THINGS OF THAT
12 NATURE.

13 IS THAT GOING TO BE SUFFICIENT?

14 MR. NEWHOUSE: YES.

15 MR. BLESSEY: YES, YOUR HONOR.

16 THE COURT: YOU'VE GOT AN HOUR, THEN -- LET'S JUST
17 SAY UP TO AN HOUR FOR INITIAL 18. FOR EVERY SIX PACK
18 THEREAFTER, WE EXHAUST THE SIX PACK. WE KNOW WHO'S
19 COMING. AND I WOULD THINK 20 MINUTES, THEN, FOR THAT SIX
20 PACK. FAIR ENOUGH?

21 MR. BLESSEY: YES, YOUR HONOR.

22 MR. NEWHOUSE: YES, YOUR HONOR.

23 THE COURT: AND LET'S -- WE DID -- WE WERE ABLE TO
24 GET 45 JURORS. SO HOPEFULLY OUT OF 45, AS I MENTIONED
25 YESTERDAY, THE POLICY IS THAT FOR SEVEN OR MORE DAYS OF A
26 JURY, I PRETTY MUCH HAVE TO LET THEM GO, YOU KNOW, IF
27 THERE'S ANY HARDSHIP OR IMPOSSIBILITY. IT'S UNFORTUNATE,
28 BUT THAT'S KIND OF THE WAY IT IS. I JUST CAN'T KEEP

1 PEOPLE HERE THAT RUN A BUSINESS FOR TEN DAYS.

2 MR. NEWHOUSE: RIGHT.

3 THE COURT: SO THAT'S GOING TO LIMIT, YOU KNOW, OUT
4 OF THE BOX RIGHT AWAY THE 45. I SUSPECT WE'LL BE DOWN TO
5 25. AND IF I NEED MORE JURORS, I'LL GET THEM TOMORROW.

6 NOW, I'M FROM THE OLD SCHOOL, I MUST TELL
7 YOU. BUT ON OPENING STATEMENTS, IT'S CALLED A STATEMENT.
8 IT'S NOT TIME TO ARGUE. IT'S A STATEMENT, AND IT'S AN
9 ORAL STATEMENT AND ONLY AN ORAL STATEMENT. SO I DON'T --
10 YOU KNOW, I AM JUST TELLING YOU UP FRONT, LAWYERS COME IN,
11 AND THEY WANT TO START SHOWING EXHIBITS THAT HAVE NEVER
12 BEEN RECEIVED AND, IN FACT, MAY NOT EVER BE RECEIVED, IN
13 THEIR OPENING OR USE A POWERPOINT. WELL, YOU KNOW, IT'S
14 JUST AN ORAL STATEMENT TO THE JURY. I DON'T MIND THINGS
15 DONE AT THE END OF THE TRIAL IN CLOSING.

16 I'M A FIRM BELIEVER IN YOU DO NOT WIN OR
17 LOSE YOUR CASE WITH OPENING STATEMENTS. I HEAR THIS FROM
18 BIG-TIME TRIAL LAWYERS, "THAT'S WHEN YOU WIN YOUR CASE."
19 WELL, I DON'T SEE IT. I HAVEN'T SEEN IT IN 22 YEARS, BUT
20 ANYHOW, SOME LAWYERS THINK THAT THEY DO.

21 BUT CLOSING ARGUMENT, YOU KNOW, I HAVE A
22 FAIR AMOUNT OF LATITUDE AND PRETTY MUCH GIVE YOU AS MUCH
23 TIME AS YOU NEED AS LONG AS IT'S WITHIN REASON. SO
24 ANYHOW --

25 MR. NEWHOUSE: NO POWERPOINT DURING THE OPENING?

26 THE COURT: NO POWERPOINT. YOU CAN USE A
27 POWERPOINT IN ARGUMENT, YOU KNOW, IN THE CLOSING ARGUMENT,
28 BUT NOT IN THE OPENING STATEMENT. JUST BARE BONES, WHAT

1 YOU'RE GOING TO TALK ABOUT.

2 MR. NEWHOUSE: THANK YOU.

3 THE COURT: ALL RIGHT.

4 MR. BLESSEY: JUST TO CLARIFY, YOUR HONOR,
5 SOMETIMES THERE ARE TERMS THAT AREN'T FAMILIAR TO THE
6 JURY. CAN WE WRITE ON THE BUTCHER PAPER DURING OPENING?

7 THE COURT: YEAH, YOU CAN.

8 MR. NEWHOUSE: YOUR HONOR, ONE CLARIFICATION.
9 WOULD IT BE ALL RIGHT IF WE AT LEAST SHOWED THE JURY A
10 PHOTOGRAPH OF TARA IN THE OPENING STATEMENT?

11 THE COURT: IF YOU'LL STIPULATE, THAT'S FINE.

12 MR. NEWHOUSE: I THINK IT'S HELPFUL FOR THEM TO SEE
13 WHAT SHE LOOKED LIKE.

14 MR. BLESSEY: THAT'S FINE, YOUR HONOR.

15 THE COURT: YOU'VE GOT IT.

16 MR. NEWHOUSE: THANKS.

17 THE COURT: ALL RIGHT. ANYTHING ELSE I NEED TO
18 KNOW AT THIS POINT OR YOU NEED TO KNOW?

19 MR. NEWHOUSE: I DON'T THINK SO, YOUR HONOR. THANK
20 YOU VERY MUCH.

21 THE COURT: OKAY. NOW, HOURS OF THE COURT.

22 BECAUSE OF ALL THIS COMMOTION THAT'S
23 OCCURRED, SOMEBODY THAT THEIR GREAT WISDOM DECIDED TO MAKE
24 THREE JUDGES HERE IN PASADENA -- JUDGE DE VANON HAS SINCE
25 RETIRED. HE PROBABLY SAW THE WRITING ON THE WALL, AND THE
26 OTHER TWO OF US ARE JUST STICKING AROUND.

27 BUT ANYHOW, WE HAVE BECOME TRIAL COURTS. SO
28 I DON'T HAVE A CALENDAR IN THE MORNING OTHER THAN THIS

1 MORNING. I HAD A COUPLE MATTERS. AND FRIDAY I GUESS
2 THEY'RE COMING BACK, BUT THAT SHOULD BE FAIRLY SHORT. SO
3 WHAT I'M REALLY SAYING IS THAT WITH A CALENDAR, I CAN
4 GENERALLY GET STARTED ABOUT 9:30.

5 I HAVE FOUND OVER THE YEARS THAT ABOUT 5
6 HOURS OF TESTIMONY IS ABOUT AS MUCH AS A JURY CAN TAKE,
7 YOU KNOW, 2-1/2 IN THE MORNING AND 2-1/2 IN THE AFTERNOON.
8 BY 4:15 THEY'RE DONE. I MEAN, THEY'RE JUST GOING BONKERS.
9 AND REALLY TO ASK MORE THAN 5 HOURS IS TOO MUCH.

10 NOW, IF WE NEED TO GET STARTED AT NINE
11 O'CLOCK IN THE MORNING, I'LL DO IT, TAKE AN HOUR AND A
12 HALF FOR LUNCH, AND YOU KNOW --

13 MR. NEWHOUSE: I'D LIKE TO START AT NINE O'CLOCK IF
14 IT'S ALL RIGHT WITH THE COURT.

15 THE COURT: ANY PROBLEM?

16 MR. BLESSEY: THAT'S FINE, YOUR HONOR.

17 THE COURT: AND THEN FINISH UP, YOU KNOW, IN THE
18 AFTERNOON BY, YOU KNOW, CERTAINLY 4:30, QUARTER AFTER
19 4:00 --

20 MR. NEWHOUSE: GREAT.

21 THE COURT: -- WITHOUT, YOU KNOW, GOING OVER TILL
22 SIX O'CLOCK OR FIVE O'CLOCK. I DON'T REALLY LIKE TO DO
23 THAT. CLERKS DON'T LIKE IT EITHER. COURT REPORTERS DON'T
24 LIKE IT. OTHER THAN THAT, WE'LL GO FROM DAY TO DAY.

25 MR. NEWHOUSE: OH, YOUR HONOR, ONE OTHER MATTER
26 BEFORE WE GET STARTED. THERE ARE A NUMBER OF EXHIBITS,
27 JOINT EXHIBITS, AS TO WHICH THERE IS NO OBJECTION, AND I
28 THINK WE'VE AGREED IN THE INTEREST OF JUDICIAL ECONOMY TO

1 ELIMINATE TWO CUSTODIANS OF RECORDS WHO WE DON'T HAVE TO
2 CALL.

3 THE COURT: THAT'S FINE.

4 MR. NEWHOUSE: SO WHAT I'D LIKE TO DO IS MOVE
5 BEFORE THE TRIAL STARTS -- NOT AT THIS JUNCTURE. BEFORE
6 THE TRIAL STARTS, I'D LIKE TO MOVE ALL OF THE NON-OBJECTED
7 EXHIBITS INTO EVIDENCE.

8 MR. BLESSEY: I WOULD OBJECT TO THAT. HOW CAN WE
9 DO THAT?

10 THE COURT: I MEANT, YOU KNOW, LET'S JUST SAY WE
11 DON'T NEED FOUNDATION. BOTH SIDES CAN WAIVE FOUNDATION ON
12 THE EXHIBITS THAT HAVE BEEN EXCHANGED, AND THEN WE'LL DEAL
13 WITH THEM BEING RECEIVED DURING THE COURSE OF THE TRIAL.

14 MR. NEWHOUSE: BUT WE DO HAVE A STIPULATION ON THE
15 RECORD THAT THE TWO CUSTODIANS OF RECORDS DO NOT NEED TO
16 BE CALLED. I'D LIKE TO RELEASE THEM FROM THEIR SUBPOENAS.
17 CORRECT, MR. BLESSEY?

18 MR. BLESSEY: THAT IS CORRECT, MR. NEWHOUSE.

19 MR. NEWHOUSE: THANK YOU. GREAT.

20 THE COURT: SO THE ONLY ISSUE, THEN, BECOMES ONE OF
21 RELEVANCE.

22 MR. NEWHOUSE: I UNDERSTAND.

23 THE COURT: WE DON'T HAVE TO DEAL WITH FOUNDATION,
24 OKAY?

25 MR. NEWHOUSE: THANK YOU.

26 THE COURT: ALL RIGHT. IS THERE ANYTHING? DO I
27 HAVE A JOINT STATEMENT OF WHAT THIS CASE IS ALL ABOUT?

28 MR. BLESSEY: YES. WE GAVE ONE TO YOUR STAFF LAST

1 NIGHT .

2 THE COURT: WHICH ONE IS IT?

3 THE CLERK: I PUT IT RIGHT THERE. IT WAS ON TOP.

4 THE COURT: THIS IS A PROPOSED STATEMENT.

5 THE CLERK: THAT'S IT.

6 THE COURT: THIS IS FROM MR. BLESSEY.

7 MR. BLESSEY: THAT'S CORRECT.

8 THE COURT: DO YOU AGREE TO IT?

9 MR. NEWHOUSE: WE'VE AGREED TO IT, YOUR HONOR.

10 THE COURT: OH, GREAT.

11 MR. NEWHOUSE: YOUR HONOR, I ALSO I HAVE AN AMENDED
12 WITNESS LIST FOR THE COURT THAT PUTS THE WITNESSES MORE OR
13 LESS IN THE ORDER WE EXPECT TO CALL THEM.

14 THE COURT: ARE WE STILL LOOKING AT PERHAPS EIGHT
15 DAYS OF TESTIMONY?

16 MR. NEWHOUSE: WE'RE TRYING TO CUT IT DOWN, YOUR
17 HONOR, AS MUCH AS WE CAN.

18 MR. BLESSEY: I THINK WE'RE CLOSER TO SEVEN NOW.

19 THE COURT: SEVEN DAYS OF TESTIMONY? I'LL JUST
20 TELL THEM IT'S A TEN-DAY JURY TRIAL.

21 MR. NEWHOUSE: WE'VE CUT IT DOWN TO 20 WITNESSES,
22 AND WE MAY BE ABLE TO DO BETTER THAN THAT.

23 THE COURT: ALL RIGHT. GOOD.

24 MR. NEWHOUSE: WITH THAT WE'RE GOOD TO GO.

25 THE COURT: CALL FOR THE JURORS, AND WE'LL GET
26 STARTED.

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(RECESS.)

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(THE FOLLOWING PROCEEDINGS WERE HELD
IN OPEN COURT, OUTSIDE THE PRESENCE
OF THE PROSPECTIVE JURY:)

THE COURT: BEFORE WE INVITE THE JURORS IN, HAVE
ALL COUNSEL LOOKED AT THE LIST OF PROSPECTIVE JURORS?

MR. BLESSEY: YES, YOUR HONOR.

THE COURT: ANYBODY THAT SOMEBODY WANTS TO BRING TO
MY ATTENTION AS KNOWING?

MR. BLESSEY: NOT ON THE DEFENSE SIDE.

MR. NEWHOUSE: YOUR HONOR, WE DON'T -- I DON'T
BELIEVE WE KNOW ANY OF THE JURORS OR HAVE ANY COMMENTS
ABOUT THEM AT LEAST AT THIS POINT.

THE COURT: OKAY. ALL RIGHT. LET'S BRING IN THE
JURORS.

(THE FOLLOWING PROCEEDINGS WERE HELD
IN OPEN COURT, IN THE PRESENCE OF
THE PROSPECTIVE JURY:)

THE WITNESS: GOOD MORNING, LADIES AND GENTLEMEN.
WELCOME TO DEPARTMENT P. I HAVE AN INTERESTING CASE WITH
SOME REALLY FINE LAWYERS. THE TITLE OF THIS CASE IS THE
FOLLOWING: LINDA DE ROGATIS, INDIVIDUALLY AND AS
SUCCESSOR-IN-INTEREST TO TARA DE ROGATIS; AND PETER
DE ROGATIS, INDIVIDUALLY AND AS SUCCESSOR-IN-INTEREST TO
TARA DE ROGATIS. THEY ARE THE PLAINTIFFS. PLAINTIFFS SIT

1 CLOSEST TO THE JURY, SO THEY WOULD BE ON YOUR LEFT. THEY
2 HAVE SUED KAREN MICHELLE SHAINSKY, D.O.

3 THIS IS CASE NO. BC457891.

4 BEFORE I CAN TELL YOU ANYTHING MORE ABOUT
5 THIS, LADIES AND GENTLEMEN, YOU NEED TO STAND AND BE
6 SWORN. WILL YOU PLEASE DO SO.

7 THE CLERK: PLEASE RAISE YOUR RIGHT HANDS.

8 DO YOU AND EACH OF YOU UNDERSTAND AND AGREE
9 THAT YOU WILL ACCURATELY AND TRUTHFULLY ANSWER UNDER
10 PENALTY OF PERJURY ALL QUESTIONS PROPOUNDED TO YOU
11 CONCERNING YOUR QUALIFICATIONS AND COMPETENCY TO SERVE AS
12 A TRIAL JUROR IN THE MATTER PENDING BEFORE THIS COURT AND
13 THAT FAILURE TO DO SO MAY SUBJECT YOU TO CRIMINAL
14 PROSECUTION? IF YOU UNDERSTAND AND AGREE, PLEASE ANSWER
15 "YES."

16
17 (THE PROSPECTIVE JURORS ANSWERED IN
18 THE AFFIRMATIVE.)

19
20 THE CLERK: IS THERE ANYONE WHO DOES NOT UNDERSTAND
21 OR AGREE? PLEASE HAVE A SEAT.

22 THE COURT: AND THERE WAS NO RESPONSE TO THE LAST
23 QUESTION.

24 ALL RIGHT. LADIES AND GENTLEMEN, THIS CASE
25 IS LIKELY TO TAKE UP TO TEN DAYS TO TRY WITH TODAY BEING
26 INCLUDED, HOPEFULLY NINE DAYS; IS THAT GOING TO CREATE A
27 HARDSHIP OR IMPOSSIBILITY ON THE PART OF ANYONE? PLEASE
28 RAISE YOUR HAND.

1 ALL RIGHT. AND I'LL START ON THE LEFT. SO
2 WE'RE LOOKING UP TO TEN DAYS. AND STARTING IN THE BACK
3 WORKING FORWARD, PLEASE STAND, GIVE ME YOUR NAME FOR THE
4 RECORD AND TELL ME WHY IT WOULD BE A HARDSHIP OR
5 IMPOSSIBILITY.

6 PROSPECTIVE JUROR GARCIA: I'M STEVEN GARCIA.

7 THE COURT: SPEAK UP. IT'S A LONG WAYS BETWEEN YOU
8 AND ME. YOUR NAME AGAIN?

9 PROSPECTIVE JUROR GARCIA: STEVEN GARCIA.

10 THE COURT: COULD YOU SPELL YOUR LAST NAME?

11 PROSPECTIVE JUROR GARCIA: G-A-R-C-I-A.

12 THE CLERK: GARCIA.

13 THE COURT: I'M SORRY. I CAN'T FIND YOUR NAME.

14 THE CLERK: G-A-R- --

15 THE COURT: STEVEN GARCIA?

16 PROSPECTIVE JUROR GARCIA: YES.

17 THE COURT: ALL RIGHT. AND YOU'RE NOT PAID?

18 PROSPECTIVE JUROR GARCIA: MY EMPLOYER DON'T PAY
19 FOR IT.

20 THE COURT: WHY IS THAT?

21 PROSPECTIVE JUROR GARCIA: I DON'T KNOW.

22 THE COURT: WHO IS YOUR EMPLOYER?

23 PROSPECTIVE JUROR GARCIA: U.S. AIR CONDITIONING IN
24 THE CITY OF INDUSTRY.

25 THE COURT: WELL, YOU WOULDN'T MIND TAKING SOME
26 VACATION TIME TO HELP US OUT, WOULD YOU?

27 PROSPECTIVE JUROR GARCIA: MAYBE A WEEK BUT NOT TWO
28 WEEKS.

1 THE COURT: MR. GARCIA, HAVE A SEAT.

2 ANYBODY ELSE ON MY LEFT, WORKING FORWARD,
3 THE NEXT ROW ON MY RIGHT, YOUR LEFT?

4 PROSPECTIVE JUROR KURDOGHLIAN: LAST NAME
5 KURDOGHLIAN K-U-R-D-O-G-H-L-I-A-N.

6 THE COURT: FIRST NAME IS MIKAEL?

7 PROSPECTIVE JUROR KURDOGHLIAN: MIKAEL.

8 THE COURT: OKAY.

9 PROSPECTIVE JUROR KURDOGHLIAN: I'M A SMALL
10 BUSINESS OWNER. TEN DAYS, I JUST CAN'T SEE MYSELF BEING
11 HERE FOR TEN DAYS, KNOWING THAT MY PLACE IS --

12 THE COURT: WHAT KIND OF BUSINESS DO YOU HAVE?

13 PROSPECTIVE JUROR KURDOGHLIAN: AUTOMOTIVE.

14 THE COURT: EVER SERVED ON A JURY BEFORE?

15 PROSPECTIVE JUROR KURDOGHLIAN: NO, I HAVEN'T.

16 THE COURT: HAVE A SEAT.

17 ANYBODY ELSE IN THAT ROW, THAT ROW, PLEASE,
18 THAT ROW, YES.

19 PROSPECTIVE JUROR NERI: LAST NAME NERI. FIRST
20 NAME ANDREU.

21 THE COURT: PLEASE. I CAN'T HEAR YOU.

22 PROSPECTIVE JUROR KURDOGHLIAN: LAST NAME NERI.
23 FIRST NAME ANDREU.

24 THE COURT: OKAY. THAT'S N-E-R-I?

25 PROSPECTIVE JUROR NERI: YES.

26 THE COURT: YES, MR. NERI?

27 PROSPECTIVE JUROR NERI: I PAY ABOUT \$1,200 PER
28 MONTH IN STUDENT LOANS. TEN DAYS OF NOT BEING THERE TO

1 WORK, WHILE I'M NOT GETTING PAID FOR DAYS THAT I MISS, IS
2 GOING TO BE A HUGE ISSUE FOR ME.

3 THE COURT: AND WHO DO YOU WORK FOR?

4 PROSPECTIVE JUROR NERI: THE HOUSING DEPARTMENT FOR
5 LOS ANGELES. BUT I'M ON A TEMPORARY SERVICE, SO I HAVE A
6 MAXIMUM NUMBER OF HOURS. AND ANY DAYS I'M NOT THERE AND
7 HOLIDAYS I DON'T GET PAID FOR.

8 THE COURT: REALLY. HOW LONG HAVE YOU BEEN WITH
9 HOUSING?

10 PROSPECTIVE JUROR NERI: SINCE THE 1ST.

11 THE COURT: AND THEY DON'T GIVE YOU TIME OFF FOR
12 JURY DUTY?

13 PROSPECTIVE JUROR NERI: NO. BECAUSE I'M A
14 TEMPORARY, AS-NEEDED POSITION, SO I'M NOT FULL TIME, AND I
15 DON'T GET BENEFITS.

16 THE COURT: HAVE A SEAT.

17 ANYBODY ELSE? NEXT ROW UP. SIR, DID YOU
18 HAVE YOUR HAND UP? ANYBODY?

19 PROSPECTIVE JUROR FACTOR: HI. MY NAME IS RUTH
20 FACTOR.

21 THE COURT: YES, MA'AM?

22 PROSPECTIVE JUROR FACTOR: I'M A MEDIATOR, AN
23 ATTORNEY, JUST ME, A SOLO PRACTITIONER. TEN DAYS OF NOT
24 BEING ABLE TO GET TO MY CLIENTS' WORK WOULD BE REALLY
25 CHALLENGING.

26 THE COURT: YOU'RE A MEDIATOR AND A LAWYER?

27 PROSPECTIVE JUROR FACTOR: YES. BUT I'M A SOLO
28 PRACTITIONER. I HAVE NO ASSISTANTS.

1 THE COURT: HOW LONG HAVE YOU BEEN PRACTICING LAW?

2 PROSPECTIVE JUROR FACTOR: ABOUT 27 YEARS.

3 THE COURT: SO YOU'RE KIND OF SEMIRETIRED?

4 PROSPECTIVE JUROR FACTOR: NO, NO. I'VE GOT A
5 CHILD STILL. I'M A VERY-LATE-IN-LIFE MOTHER. I'M STILL
6 SUPPORTING A CHILD.

7 THE COURT: YOU KNOW, THIS MIGHT BE THE GREATEST
8 EXPERIENCE YOU COULD EVER HAVE. HAVE YOU EVER SAT ON A
9 JURY?

10 PROSPECTIVE JUROR FACTOR: I'M NOT USUALLY CHOSEN,
11 YOUR HONOR, BECAUSE --

12 THE COURT: HOW MANY TIMES HAVE YOU COME FOR JURY
13 DUTY?

14 PROSPECTIVE JUROR FACTOR: I WAS HERE ABOUT THREE
15 YEARS AGO.

16 THE COURT: WERE YOU IN MY COURT?

17 PROSPECTIVE JUROR FACTOR: YOU KNOW, I DON'T RECALL
18 WHAT COURTROOM I WAS IN.

19 THE COURT: OR THE JUDGE, PROBABLY.

20 PROSPECTIVE JUROR FACTOR: PROBABLY. MY MEMORY IS
21 NOT THAT GOOD. YOU GOT THAT PIECE OF IT RIGHT.

22 THE COURT: OHO. WELL, THIS IS KIND OF A CLOSE
23 CALL. I'M KIND OF WEIGHING UNDER 352 WHETHER YOU OUGHT TO
24 BE HERE. GOSH.

25 PROSPECTIVE JUROR FACTOR: YOUR HONOR, I HAVE TO
26 TELL YOU, I HAVE REALLY STRONG FEELINGS ABOUT ATTORNEYS
27 SITTING AS JURORS. I DON'T FEEL IT'S FAIR.

28 THE COURT: YOUR DON'T?

1 PROSPECTIVE JUROR FACTOR: NO, SIR, I DON'T.

2 THE COURT: WHY IS THAT?

3 PROSPECTIVE JUROR FACTOR: BECAUSE I AM NOT -- MY
4 TIME IS NO MORE VALUABLE THAN ANYBODY ELSE'S HERE, BUT I'M
5 NOT A JURY OF ONE'S PEERS. I'VE BEEN TRAINED -- I DON'T
6 DO LITIGATION, BUT I HAVE BEEN TRAINED TO BE VERY
7 PERSUASIVE. MY WAY OF LOOKING AT THE LAW AND ANALYZING
8 IT, IT'S JUST NOT GOING TO BE QUITE THE SAME.

9 THE COURT: SO YOU JUST WOULDN'T BE A GOOD JUROR?

10 PROSPECTIVE JUROR FACTOR: I DON'T THINK IT'S A
11 FAIR MIX, YOUR HONOR. I DON'T. AND I SERVE THE COURT.
12 I'M AN OFFICER OF THE COURT. AS A MEDIATOR, I TRY TO KEEP
13 PEOPLE OUT OF COURT.

14 THE COURT: WHAT IF THIS WERE A LEGAL MALPRACTICE
15 CASE? WOULD YOU -- HOW WOULD YOU LIKE TO HAVE -- YOU
16 KNOW, WOULDN'T YOU LIKE IT IF IT'S LEGAL MALPRACTICE?
17 YOU'D LIKE TO HAVE 12 JURORS THAT ARE YOUR PEERS. WOULD
18 THAT BE GOOD?

19 PROSPECTIVE JUROR FACTOR: WELL, I DON'T THINK THAT
20 WOULD BE FAIRLY SERVING THE SYSTEM. I'M A LIBRA.
21 EVERYTHING FOR ME IS ABOUT FAIRNESS.

22 THE COURT: OKAY. WELL, I'M KIND OF GETTING THE
23 PICTURE. HAVE A SEAT.

24 PROSPECTIVE JUROR FACTOR: THANK YOU.

25 THE COURT: LET'S SEE. SOMEBODY ELSE IN THAT ROW,
26 OUR NEXT ROW UP? YES, SIR. RAISE YOUR HAND. YES, SIR?

27 PROSPECTIVE JUROR DE SANTIS: YOUR HONOR, MY NAME
28 IS VINCENT DE SANTIS.

1 THE COURT: YES, MR. DE SANTIS?

2 PROSPECTIVE JUROR DE SANTIS: YOUR HONOR, I'M A
3 PROPERTY OWNER, AND I HAVE SEVERAL BUILDINGS THAT I
4 OPERATE. TEN DAYS WITHOUT BEING ABLE TO OVERSEE THE WORK
5 THAT'S BEING DONE WOULD BE RATHER A HARDSHIP FOR ME.

6 THE COURT: AND THAT'S YOUR PRINCIPAL OCCUPATION IS
7 MAINTAINING THE PROPERTIES?

8 PROSPECTIVE JUROR DE SANTIS: YES.

9 THE COURT: HAVE A SEAT. YES, SIR?

10 PROSPECTIVE JUROR ALKES: MY NAME IS JOEL ALKES.
11 MINE ISN'T ECONOMIC PARTICULARLY.

12 THE COURT: OKAY. JOEL A-L-K-E-S?

13 PROSPECTIVE JUROR ALKES: YES. I ACTUALLY HAD A
14 MEDICAL EXCUSE, BUT I CAME ANYWAY BECAUSE I WANTED TO BE
15 OF SOME SERVICE. I'M RETIRED, BUT I ALSO STILL WORK.
16 NOBODY CAN RETIRE TODAY.

17 I DON'T KNOW IF I CAN MAKE TEN DAYS. I
18 THOUGHT I COULD GET THREE TO FIVE.

19 THE COURT: BECAUSE OF THE MEDICAL CONDITION?

20 PROSPECTIVE JUROR ALKES: YEAH. IT'S PANCREATITIS.
21 I GET UP VERY HARD IN THE MORNING, AND IT WOULD INCREASE
22 MY DRUG INTAKE, MY MEDICATION INTAKE, A GREAT DEAL. I
23 DON'T KNOW IF I COULD DEAL WITH IT. I'VE HAD FIVE
24 EMERGENCIES OVER THE LAST FIVE YEARS BY AMBULANCE. I JUST
25 DON'T KNOW. I WOULD LIKE TO BE OF SERVICE, BUT --

26 THE COURT: I UNDERSTAND.

27 PROSPECTIVE JUROR ALKES: I JUST DON'T KNOW IF I
28 CAN DO TEN.

1 THE COURT: I UNDERSTAND.

2 ANYBODY ELSE ON MY LEFT? HAVE A SEAT. YES?

3 PROSPECTIVE JUROR EBRIGHT: MY NAME IS STASHIA
4 EBRIGHT.

5 THE COURT: FIRST NAME IS STASHIA?

6 PROSPECTIVE JUROR EBRIGHT: STASHIA.

7 THE COURT: YES, MA'AM?

8 PROSPECTIVE JUROR EBRIGHT: I DON'T MIND BEING
9 HERE, BUT I'M A SINGLE MOTHER OF TWO MINOR CHILDREN, AND I
10 DON'T HAVE CHILDCARE.

11 THE COURT: WHERE ARE THEY TODAY?

12 PROSPECTIVE JUROR EBRIGHT: SCHOOL. SO BY 2:30,
13 IT'S ME --

14 THE COURT: HOW OLD ARE THEY?

15 PROSPECTIVE JUROR EBRIGHT: SIXTH GRADE AND TENTH
16 GRADE. THEY'RE 11 AND 15.

17 THE COURT: YOU HAVE NOBODY THAT CAN PICK THEM UP?

18 PROSPECTIVE JUROR EBRIGHT: IT'S ME. TODAY I
19 ARRANGED FOR SOMEBODY, BUT MY MOM IS IN SAN DIEGO, AND MY
20 SISTER IS IN PALM SPRINGS.

21 THE COURT: WHO DID YOU ARRANGE FOR TODAY?

22 PROSPECTIVE JUROR EBRIGHT: TODAY I ARRANGED FOR
23 THEIR FATHER BECAUSE HE TOOK OFF WORK, BUT HE'S NOT -- I
24 HAVE ALMOST FULL CUSTODY, SO IT'S ME. I CAN'T -- I WOULD
25 LIKE TO DO IT. I CAN'T UNLESS I CONFIRM WITH HIM THAT HE
26 CAN TAKE MORE TIME OFF WORK. I DON'T KNOW WHAT TO DO.

27 THE COURT: OKAY. HAVE A SEAT.

28 ANYBODY ELSE? YES, SIR?

1 PROSPECTIVE JUROR VINSON: MY NAME IS ANDREW
2 VINSON, V-I-N-S-O-N.

3 THE COURT: YES, MR. VINSON?

4 PROSPECTIVE JUROR VINSON: YES, YOUR HONOR. I'M A
5 GRADUATE STUDENT, AND SO I'M IN CLASSES RIGHT NOW. I'M
6 CURRENTLY MISSING A CLASS RIGHT NOW. I'M MISSING A COUPLE
7 OF CLASSES IS OKAY, BUT TEN DAYS' WORTH OF CLASSES WOULD
8 BE VERY BAD.

9 THE COURT: SO WHY DIDN'T YOU ASK THE JURY
10 COMMISSIONER TO POSTPONE IT FOR THE SUMMER MONTHS OR
11 SOMETHING?

12 PROSPECTIVE JUROR VINSON: OH, I ALSO GO TO CLASS
13 IN THE SUMMERS, TOO. IF IT WAS A COUPLE OF DAYS, I WOULD
14 BE ABLE TO WORK IT OUT, BUT --

15 THE COURT: AND THE SAME WITH EBRIGHT. DID YOU ASK
16 TO POSTPONE IT WHEN IT WOULD BE MORE CONVENIENT?

17 PROSPECTIVE JUROR EBRIGHT: I WAS TOLD THAT HAVING
18 MINOR CHILDREN IS NOT AN EXCUSE, SO --

19 THE COURT: SO YOU'RE GOING TO THE HIGHER AUTHORITY
20 WITH ME.

21 PROSPECTIVE JUROR EBRIGHT: THAT'S WHAT I WAS TOLD.
22 ALL THE WAY THROUGH. I'M SORRY. NOT --

23 THE COURT: NOT WITH THE COURT OF APPEAL, BUT ALL
24 RIGHT. UNDERSTOOD.

25 PROSPECTIVE JUROR EBRIGHT: THE FIRST ROUND.

26 THE COURT: ALL RIGHT. I UNDERSTAND.

27 HAVE A SEAT.

28 PROSPECTIVE JUROR VINSON: THANK YOU.

1 THE COURT: ANYBODY ELSE NOW? ON MY LEFT, PLEASE.
2 NOW IS THE TIME.

3 PROSPECTIVE JUROR BUCHOK: JOHN BUCHOK.

4 THE COURT: IS THAT WITH A "P"?

5 PROSPECTIVE JUROR BUCHOK: A "B."

6 THE COURT: "B"?

7 PROSPECTIVE JUROR BUCHOK: YEAH.

8 THE COURT: OKAY, JOHN.

9 PROSPECTIVE JUROR BUCHOK: I HAVE -- I HAVE A SMALL
10 COMPANY, AND I HAVE FOUR EMPLOYEES THAT WORK FOR ME. SO
11 IT WOULD BE TOUGH, TEN DAYS NOT WORKING.

12 THE COURT: GOT YOU. OKAY.

13 LET ME START ON THE RIGHT. IS THERE
14 SOMEBODY IN THE BACK ROW? ARE YOU NOT A JUROR?

15 THE CLERK: HE'S NOT A JUROR.

16 THE COURT: OKAY. LET'S START, THEN, IN THE BACK
17 ROW.

18 UNIDENTIFIED PROSPECTIVE JUROR: I'M A JUROR.

19 THE COURT: YOU ARE A JUROR?

20 UNIDENTIFIED PROSPECTIVE JUROR: YES.

21 THE COURT: YOU'RE OKAY?

22 UNIDENTIFIED PROSPECTIVE JUROR: I'M OKAY.

23 THE COURT: IS THERE ANYBODY THAT'S NOT OKAY ON THE
24 RIGHT SIDE? OH, I SEE THREE, FOUR HANDS. OKAY. VERY
25 GOOD. LET ME START IN THAT BACK ROW.

26 SIR, IF YOU CAN STAND AND GIVE ME YOUR NAME.

27 PROSPECTIVE JUROR ESCUDERO: MY NAME IS DANIEL
28 ESCUDERO.

1 THE COURT: AND IS THAT WITH AN "S"?

2 PROSPECTIVE JUROR ESCUDERO: "E." E-S-C-U- --

3 THE COURT: E-S- --

4 PROSPECTIVE JUROR ESCUDERO: E-S-C-U-D-E-R-O.

5 THE COURT: OKAY. YES, MR. ESCUDERO?

6 PROSPECTIVE JUROR ESCUDERO: I'M A STUDENT. I JUST
7 GOT INTO GRADUATE SCHOOL, AND I NEED TO START WORKING ON
8 MY -- I'M GOING TO CLASSES RIGHT NOW, TOO, NINE CLASSES.
9 BUT DURING THE WEEK, LIKE ON MONDAY, LIKE I HAVE CLASSES
10 DURING THE DAY, AND I CAN'T MISS ANY CLASSES RIGHT NOW.

11 THE COURT: WHERE ARE YOU GOING?

12 PROSPECTIVE JUROR ESCUDERO: PASADENA ART CENTER.

13 THE COURT: OKAY. HAVE A SEAT. ANYBODY ELSE IN
14 THAT ROW? NEXT ROW UP, PLEASE. YES, MA'AM?

15 PROSPECTIVE JUROR DANIEL: HI. LAST NAME DANIEL,
16 FIRST NAME LILIBETH. MY COMPANY ONLY PAYS --

17 THE COURT: HOLD ON. DANIEL, LILIBETH?

18 PROSPECTIVE JUROR DANIEL: LILIBETH. MY COMPANY
19 ONLY PAYS TWO DAYS, AND I ACTUALLY TRAVEL A LOT. IN
20 BETWEEN THE TEN DAYS, I DO HAVE TO GO TO SAN DIEGO. I
21 ACTUALLY HELPED LAUNCH THEIR E-FILING SYSTEM.

22 THE COURT: SO ARE YOU TRAVELING IN THE NEXT TEN
23 DAYS?

24 PROSPECTIVE JUROR DANIEL: TO SAN DIEGO.

25 THE COURT: WE CAN FINISH UP PROBABLY EVERY DAY
26 ABOUT FOUR O'CLOCK. YOU CAN HIT THE ROAD AND BE BACK THE
27 NEXT DAY. THAT'S NOT GOING TO WORK?

28 PROSPECTIVE JUROR DANIEL: YEAH, IT'S NOT GOING TO

1 WORK.

2 THE COURT: WHAT DO YOU DO?

3 PROSPECTIVE JUROR DANIEL: I ACTUALLY DO SALES AND
4 MARKETING FOR A LEGAL SUPPORT COMPANY.

5 THE COURT: A LEGAL SUPPORT COMPANY.

6 PROSPECTIVE JUROR DANIEL: E-FILING IS THE WAY TO
7 GO, BUT I'M HELPING LAUNCH THE WILL E-FILING AND PROBATE
8 E-FILING IN SAN DIEGO.

9 THE COURT: OH, REALLY?

10 PROSPECTIVE JUROR DANIEL: YEAH.

11 THE COURT: WHEN ARE YOU GOING TO DO L.A.?

12 PROSPECTIVE JUROR DANIEL: IT COULD BE -- YOU COULD
13 LOBBY THAT, JUDGE. WE ARE HOPING IN THREE YEARS.

14 THE COURT: I'M ALL IN FAVOR OF E-FILING. LET'S
15 GET IT DONE.

16 PROSPECTIVE JUROR DANIEL: LET'S GET IT DONE. IF
17 YOU WANT TO TALK TO OUR PRESIDENT, I'D BE MORE THAN
18 WELCOME TO CONNECT YOU.

19 THE COURT: ALL RIGHT. THANK YOU. WELL, I DON'T
20 MAKE THOSE DECISIONS; THEY'RE TOO IMPORTANT.

21 ANYBODY ELSE IN THAT ROW? NEXT ROW UP,
22 THEN, PLEASE.

23 PROSPECTIVE JUROR BEDOLLA: ANGELICA BEDOLLA.

24 THE COURT: COULD YOU SPELL YOUR LAST NAME?

25 PROSPECTIVE JUROR BEDOLLA: "B" AS IN BOY,
26 -E-D-O-L-L-A.

27 THE COURT: B-E-D-O-L-L-A?

28 PROSPECTIVE JUROR BEDOLLA: UH-HUH.

1 THE COURT: BEDOLLA?

2 PROSPECTIVE JUROR BEDOLLA: BEDOLLA.

3 THE COURT: ALL RIGHT. YES, MA'AM?

4 PROSPECTIVE JUROR BEDOLLA: MY BROTHER IS NOT GOING
5 TO BE --

6 THE COURT: I'M SORRY?

7 PROSPECTIVE JUROR BEDOLLA: I WORK FOR THE L.A.
8 UNIFIED DISTRICT.

9 THE COURT: YEAH, I SEE YOU GET 20 DAYS PAID.

10 PROSPECTIVE JUROR BEDOLLA: EXACTLY. BUT THAT --

11 THE COURT: WONDERFUL.

12 PROSPECTIVE JUROR BEDOLLA: NO. BUT MY -- MY
13 BROTHER WORKS AS A SPECIAL EDUCATION TRAINEE, AND I'M
14 ONE-ON-ONE. SO I WORK WITH ONE OR TWO KIDS WITH EMOTIONAL
15 PROBLEMS. SO YOU WORK WITH -- LIKE YOU ARE JUST YOURSELF
16 OR YOU -- YOU WORK WITH THE CURRICULUM, THEIR NEEDS, YOU
17 KNOW. SO TO BRING A SUBSTITUTE, I'M JUST THINKING, OH, MY
18 GOD, TEN DAYS. WE ARE GOING TO LOSE THE TRACK OF THE
19 WORK.

20 THE COURT: REALLY?

21 PROSPECTIVE JUROR BEDOLLA: THAT'S IT.

22 THE COURT: JUST CAN'T BE REPLACED?

23 PROSPECTIVE JUROR: I'M JUST THINKING FOR THE KIDS,
24 NOT BECAUSE THEY LAY OFF -- OR THE TIME OFF FOR MY WORK.
25 I'M JUST THINKING ABOUT THEM.

26 THE COURT: YEAH. THAT'S VERY HONORABLE OF YOU.
27 HAVE A SEAT.

28 WAS THERE SOMEBODY ELSE IN THAT ROW DOWN AT

1 THE END? YES, SIR?

2 PROSPECTIVE JUROR FLORES: MY NAME IS JESUS FLORES.

3 THE COURT: ALL RIGHT. MR. FLORES, LET ME -- YES.

4 PROSPECTIVE JUROR FLORES: I'M A GARDENER. I'M
5 SELF-EMPLOYED, SO I DON'T HAVE NOBODY HELPING ME RIGHT
6 NOW. I START MY OWN BUSINESS, AND I HAVE LIKE 28
7 CUSTOMERS, SO I HAVE TO BE THERE EVERY DAY.

8 THE COURT: OKAY. UNDERSTOOD. ALL RIGHT. NEXT
9 ROW UP, FRONT ROW. YES, MA'AM?

10 PROSPECTIVE JUROR ALAVI: MANDANA ALAVI.

11 THE COURT: I'M SORRY?

12 PROSPECTIVE JUROR ALAVI: A-L-A-V-I. PROBABLY THE
13 FIRST ONE WITH AN "A."

14 THE COURT: OKAY. FIRST NAME MANDANA?

15 PROSPECTIVE JUROR ALAVI: YOUR HONOR, I'M
16 UNEMPLOYED CURRENTLY, AND I'M GETTING UNEMPLOYMENT. AND I
17 SHOULD BE LOOKING FOR A JOB, AND IF I'M NOT AVAILABLE
18 TO --

19 THE COURT: LOOK AT THE GREAT EXPERIENCE YOU'RE
20 GOING TO HAVE HERE.

21 PROSPECTIVE JUROR ALAVI: I KNOW.

22 THE COURT: HAVE YOU EVER BEEN ON A JURY BEFORE?

23 PROSPECTIVE JUROR ALAVI: YES, I HAVE.

24 THE COURT: WHAT DID YOU THINK ABOUT IT?

25 PROSPECTIVE JUROR ALAVI: I WAS AN ALTERNATE, SO IT
26 WASN'T --

27 THE COURT: BUT IT'S A PRETTY FAIR WAY TO SETTLE
28 CASES, ISN'T IT?

1 PROSPECTIVE JUROR ALAVI: YEAH, IT IS. I AGREE.

2 THE COURT: SHE AGREES BUT DOESN'T WANT TO HELP.
3 ALL RIGHT.

4 PROSPECTIVE JUROR ALAVI: YOU KNOW, I WON'T GET
5 PAID, I GUESS, IF I'M NOT AVAILABLE TO GO FOR INTERVIEWS
6 BY UNEMPLOYMENT --

7 THE COURT: YOU MEAN YOU WON'T GET YOUR
8 UNEMPLOYMENT BENEFITS --

9 PROSPECTIVE JUROR: BECAUSE I'M NOT AVAILABLE.

10 THE COURT: -- IF YOU'RE SERVING ON A JURY? BUT
11 YOU GET PAID AS A JUROR.

12 PROSPECTIVE JUROR ALAVI: YEAH.

13 THE COURT: YEAH. OKAY. HAVE A SEAT.

14 ANYBODY ELSE?

15 PROSPECTIVE JUROR SMART: I HAVE A QUESTION.

16 THE COURT: I NEED YOUR NAME.

17 PROSPECTIVE JUROR SMART: OH, SORRY. KRISTI SMART.

18 THE COURT: SMART. YES?

19 PROSPECTIVE JUROR SMART: AND I'M ALSO
20 SELF-EMPLOYED. MY CONCERN WAS THAT TRIALS -- I DON'T KNOW
21 HOW LONG -- HOW MANY HOURS OF THE DAY A TRIAL WOULD TAKE
22 UP, BUT YOU MENTIONED THAT WE WRAP UP AT 4:00?

23 THE COURT: 4:00, 4:15.

24 PROSPECTIVE JUROR SMART: THEN THAT'S MY QUESTION.

25 THE COURT: WOULD THAT BE OKAY?

26 PROSPECTIVE JUROR SMART: I CAN WORK AT HOME.

27 THE COURT: GREAT.

28 PROSPECTIVE JUROR SMART: OKAY. THANKS.

1 THE COURT: THANK YOU.

2 HOW MANY JURORS DO WE HAVE, 45?

3 THE CLERK: YES, SIR.

4 THE COURT: LET ME SEE COUNSEL AT THE SIDEBAR.

5

6 (UNREPORTED PROCEEDINGS WERE HELD AT
7 SIDEBAR.)

8

9 THE COURT: SOMETIMES MY JOB BECOMES VERY EASY, AND
10 AT THIS PARTICULAR CASE, THE LAWYERS HAVE STIPULATED TO
11 THE FOLLOWING: THE FOLLOWING JURORS ARE THANKED AND
12 EXCUSED:

13 STEVEN GARCIA, THANK YOU. YOU MAY RETURN TO
14 THE JURY ASSEMBLY ROOM.

15 MICHAEL KURDOGHLIAN?

16 PROSPECTIVE JUROR KURDOGHLIAN: YES.

17 THE COURT: THANK YOU.

18 ANDREU NERI, THANK YOU.

19 RUTH FACTOR, THANK YOU.

20 PROSPECTIVE JUROR FACTOR: THANK YOU.

21 THE COURT: VINCENT DE SANTIS, THANK YOU.

22 JOEL ALKES, THANK YOU.

23 PROSPECTIVE JUROR ALKES: THANK YOU, SIR.

24 THE COURT: STASHIA EBRIGHT, THANK YOU.

25 PROSPECTIVE JUROR ALKES: THANK YOU.

26 THE COURT: ANDREW VINCENT, THANK YOU.

27 PROSPECTIVE JUROR VINSON: THANK YOU.

28 THE COURT: JOHN -- IS IT BUCHOK, B-U-C-H-O-K?

1 PROSPECTIVE JUROR BUCHOK: BUCHOK.

2 THE COURT: THANK YOU.

3 PROSPECTIVE JUROR BUCHOK: THANK YOU.

4 THE COURT: DANIEL ESCUDERO, THANK YOU.

5 PROSPECTIVE JUROR ESCUDERO: THANK YOU.

6 THE COURT: LILIBETH DANIEL, THANK YOU.

7 PROSPECTIVE JUROR DANIEL: THANK YOU.

8 THE COURT: ANGELICA BEDOLLA, THANK YOU.

9 JESUS FLORES, THANK YOU.

10 MANDANA ALAVI, THANK YOU.

11 YOU ARE EXCUSED. YOU MAY RETURN TO THE JURY
12 ASSEMBLY ROOM AT THIS TIME.

13 ALL RIGHT. LET ME READ TO YOU WHAT THE CASE
14 IS ALL ABOUT, LADIES AND GENTLEMEN. THIS IS A CIVIL
15 LAWSUIT. IN CRIMINAL CASES THE ISSUE BECOMES --
16 BASICALLY, THEY'RE FIGHTING OVER TIME IN JAIL FOR THE MOST
17 PART.

18 IN CIVIL CASES WHAT WE'RE LOOKING AT ARE
19 DOLLAR BILLS, OKAY? IT'S MONEY DAMAGES. THERE ARE CIVIL
20 LAWSUITS, AND THIS ONE IS IN WHICH THE PLAINTIFFS ARE
21 SEEKING MONEY DAMAGES.

22 THIS IS WHAT THE CASE READS:

23 THE PARTIES -- AND I'VE INTRODUCED THE
24 PLAINTIFFS. THEY SIT CLOSEST TO THE JURY; AND THE
25 DEFENSE, FARTHER AWAY -- THROUGH THEIR RESPECTIVE
26 ATTORNEYS OF RECORD, REQUEST THAT THE COURT READ THE
27 FOLLOWING STATEMENT PRIOR TO JURY SELECTION:

28 "THIS CASE ARISES OUT OF A COMPLAINT

1 FOR WRONGFUL DEATH," SLASH, "MEDICAL
2 MALPRACTICE.

3 "PLAINTIFFS LINDA DE ROGATIS AND PETER
4 DE ROGATIS CONTEND THAT KAREN SHAINSKY,
5 D.O.," THAT'S DR. SHAINSKY, "ACTED
6 NEGLIGENTLY IN HER CARE AND TREATMENT OF THE
7 DECEDENT, TARA DE ROGATIS, CAUSING HER DEATH
8 BY SUICIDE."

9 "DEFENDANT KAREN SHAINSKY CONTENDS
10 THAT HER CARE AND TREATMENT OF TARA
11 DE ROGATIS WAS AT ALL TIMES WITHIN THE
12 APPLICABLE STANDARD OF CARE AND THAT HER CARE
13 AND TREATMENT NEITHER CAUSED NOR CONTRIBUTED
14 TO TARA DE ROGATIS' DEATH OR TO ANY INJURIES
15 ALLEGED BY PLAINTIFFS."

16 LADIES AND GENTLEMEN, HAVE ANY OF YOU HEARD
17 OF OR HAVE ANY KNOWLEDGE OF THE FACTS OR EVENTS IN THIS
18 LAWSUIT AS I READ THEM TO YOU? PLEASE RAISE YOUR HAND. I
19 SEE NO HANDS.

20 DO ANY OF YOU BELIEVE THAT A CASE OF THIS
21 NATURE SHOULD NOT BE BROUGHT INTO COURT FOR DETERMINATION
22 BY A JURY? PLEASE RAISE YOUR HAND. I SEE NO HANDS.

23 WAS THERE ANYTHING I'VE READ REGARDING THE
24 NATURE OF THIS CASE OR THE PARTIES INVOLVED THAT WOULD NOW
25 CAUSE YOU TO BE BIASED, PREJUDICED, OR NOT FAIR TO EACH
26 PARTY? PLEASE RAISE YOUR HAND. I SEE NO HANDS.

27 AT THIS TIME I'M GOING TO HAVE THE LAWYERS
28 INTRODUCE THEMSELVES. READ OFF YOUR LIST OF PROSPECTIVE

1 WITNESSES. AND, LADIES AND GENTLEMEN, I WILL ASK YOU A
2 FOLLOW-UP QUESTION, WHETHER YOU KNOW THE LAWYERS OR ANY
3 WITNESSES IN THIS CASE, OKAY?

4 MR. NEWHOUSE: YOUR HONOR, THANK YOU. LADIES AND
5 GENTLEMEN OF THE JURY, MY NAME IS GEORGE NEWHOUSE, AND
6 THIS IS MY ASSOCIATE, KATHERINE MC BROOM.

7 MS. MC BROOM: GOOD MORNING.

8 MR. NEWHOUSE: AND WE REPRESENT PETER DE ROGATIS,
9 WHO IS SEATED TO MY LEFT; AND LINDA DE ROGATIS, WHO IS
10 SEATED RIGHT THERE.

11 AND, YOUR HONOR, SHOULD I READ THE
12 ANTICIPATED WITNESSES?

13 THE COURT: JUST YOUR WITNESSES.

14 MR. NEWHOUSE: JUST MY WITNESS?

15 THE COURT: JUST YOUR WITNESSES. WE GIVE EQUAL
16 TIME.

17 MR. NEWHOUSE: THANK YOU. DAVID MAC EACHERN,
18 DR. SHAINSKY, LINDA DE ROGATIS, PETER DE ROGATIS, ANTHONY
19 LOPEZ, DR. RAFFI DJABOURIAN, GINNI CUMMINGS, MARCIA
20 RIPALDI, DR. RODNEY BLUESTONE, DR. MANFRED WOLFF,
21 DR. DAVID RUDNICK, DR. BRUCE STARK, DR. PAUL BOHN,
22 DR. DAVID RAMIN, AND DR. BRADLEY SPIEGEL, AND THAT WOULD
23 BE THE WITNESSES WE'D BE CALLING, YOUR HONOR.

24 THE COURT: THANK YOU. DEFENSE COUNSEL?

25 MR. BLESSEY: THANK YOU, YOUR HONOR.

26 GOOD MORNING, LADIES AND GENTLEMEN. MY NAME
27 IS RAYMOND BLESSEY, AND I HAVE THE PRIVILEGE AND THE HONOR
28 OF REPRESENTING DR. KAREN SHAINSKY.

1 THE WITNESSES I INTEND TO CALL, INCLUDING
2 DR. SHAINSKY, WILL BE THE FOLLOWING: DR. ALAN WEINBERGER,
3 DR. MICHAEL SAFANI, DR. LUKAS ALEXANIAN, AND DR. LAURA
4 AUDELL.

5 THANK YOU, YOUR HONOR.

6 THE COURT: LET ME JUST SEE COUNSEL BRIEFLY,
7 QUICKLY AT THE SIDEBAR WITHOUT THE COURT REPORTER.

8
9 (UNREPORTED PROCEEDINGS WERE HELD AT
10 SIDEBAR.)

11
12 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN, HAS
13 ANYONE HEARD OF OR IS IN ANY WAY ACQUAINTED WITH ANY OF
14 THE ATTORNEYS, WITNESSES, OR PARTIES TO THIS CASE? AGAIN,
15 THE ATTORNEYS, WITNESSES, OR PARTIES TO THIS CASE?
16 ANYBODY THAT KNOWS THEM OR IS ACQUAINTED WITH ANY OF THEM?
17 PLEASE RAISE YOUR HAND. I SEE ONE HAND.

18 YES, SIR? YOU CAN STAND AND GIVE ME YOUR
19 NAME.

20 PROSPECTIVE JUROR SHIRVANIAN: MY NAME IS ALLEN
21 SHIRVANIAN.

22 THE COURT: PLEASE SPELL YOUR LAST NAME.

23 PROSPECTIVE JUROR SHIRVANIAN: S-H-I-R- -- I DON'T
24 KNOW IF I'M ACQUAINTED WITH HIM. I JUST WANT TO --

25 THE COURT: I'M SORRY. I COULDN'T HEAR YOU.

26 PROSPECTIVE JUROR SHIRVANIAN: I DON'T KNOW IF I'M
27 ACQUAINTED WITH ANY OF THE PARTIES, BUT I DID HEAR A LOT
28 OF DOCTORS. I WORK AT U.C.L.A. MEDICAL CENTER, SO I DON'T

1 KNOW IF --

2 THE COURT: WHAT DO YOU DO THERE?

3 PROSPECTIVE JUROR SHIRVANIAN: I WORK ON THE BACK
4 END AS WHAT'S CALLED APPLICATION COORDINATOR AT U.C.L.A.'S
5 ELECTRONIC HEALTH RECORDS SYSTEM, AND I BUILD AND MAINTAIN
6 IT FOR THE DOCTORS. SO I JUST WANTED TO MAKE THAT CLEAR.

7 THE COURT: LET ME ASK YOU THIS: IF WE HAVE A
8 DOCTOR THAT COMES IN AND TESTIFIES THAT IS ASSOCIATED WITH
9 OR WORKS OUT OF U.C.L.A., IS THAT GOING TO AFFECT YOUR
10 ABILITY TO BE FAIR AND IMPARTIAL?

11 PROSPECTIVE JUROR SHIRVANIAN: NONE WHATSOEVER.

12 THE COURT: YOU WOULDN'T GIVE THAT PERSON ANY
13 GREATER CREDIBILITY THAN YOU WOULD SOMEBODY ELSE?

14 PROSPECTIVE JUROR SHIRVANIAN: I'VE HAD A GREAT
15 EXPERIENCE WITH THE DOCTORS AT U.C.L.A. WE'VE SUPPORTED
16 THEM FOR A LONG TIME NOW. THAT'S ALL I CAN SAY.

17 THE COURT: WELL, I'M MORE CONCERNED THAT BECAUSE
18 OF YOUR CONNECTION WITH U.C.L.A., THAT IF THERE'S SOMEBODY
19 THAT COMES IN AND IS AFFILIATED WITH U.C.L.A., THAT YOU
20 MIGHT GIVE THEM, JUST BECAUSE OF THAT ASSOCIATION, GREATER
21 CREDIBILITY THAN YOU WOULD SOMEBODY ELSE.

22 PROSPECTIVE JUROR SHIRVANIAN: ALL I CAN SAY, WE
23 THINK VERY HIGHLY OF OUR DOCTORS THERE. I DON'T KNOW ANY
24 MORE THAN THAT, IF I WOULD GIVE THEM MORE OR LESS, BUT
25 U.C.L.A. --

26 THE COURT: HAVE YOU EVER WORKED, FOR EXAMPLE, AT
27 THE CITY OF HOPE?

28 PROSPECTIVE JUROR SHIRVANIAN: I HAVE NOT.

1 THE COURT: HAVE YOU EVER WORKED AT ANY OTHER
2 MEDICAL FACILITY?

3 PROSPECTIVE JUROR SHIRVANIAN: NO. JUST U.C.L.A.
4 MEDICAL CENTER.

5 THE COURT: AND YOU'VE BEEN THERE HOW LONG?

6 PROSPECTIVE JUROR SHIRVANIAN: WE STARTED LAST
7 YEAR.

8 THE COURT: YOU STARTED LAST YEAR. OKAY. BUT AS
9 FAR AS ANY PARTICULAR DOCTOR THAT YOU'VE HEARD, YOU DON'T
10 PARTICULARLY KNOW THEM OR ARE ACQUAINTED WITH THEM AS
11 BEING ASSOCIATED WITH U.C.L.A.?

12 PROSPECTIVE JUROR SHIRVANIAN: THE NAMES DIDN'T
13 RING A BELL. I JUST WANTED TO MAKE THE COURT AWARE OF IT.

14 THE COURT: ALL RIGHT. WELL, I JUST WANT THE
15 ASSURANCE FROM YOU THAT YOU'RE NOT GOING TO GIVE GREATER
16 CREDIBILITY WHEN SOMEBODY WALKS IN AND SAYS, "WELL, I WORK
17 OUT OF U.C.L.A.," AND YOU WILL SAY, "WOW, THAT'S GREAT.
18 THIS GUY IS REALLY CREDIBLE" JUST BECAUSE OF THAT, WITHOUT
19 LISTENING TO THE TESTIMONY, THE REASONS FOR THE TESTIMONY.
20 THAT'S WHAT'S REALLY IMPORTANT.

21 PROSPECTIVE JUROR SHIRVANIAN: I KNOW THAT.

22 THE COURT: CAN YOU DO THAT?

23 PROSPECTIVE JUROR SHIRVANIAN: YES, SIR.

24 THE COURT: ALL RIGHT. THANK YOU.

25 WAS THERE SOMEBODY ELSE THAT HAD THEIR HAND
26 UP? YES, MA'AM?

27 PROSPECTIVE JUROR COOPER: STACY COOPER.

28 THE COURT: I'M SORRY?

1 PROSPECTIVE JUROR COOPER: STACY COOPER.

2 THE COURT: YES?

3 PROSPECTIVE JUROR COOPER: AGAIN, IT'S NOT THAT I
4 KNOW ANYBODY. IT'S JUST -- I WORKED IN THE WORKERS' COMP
5 INDUSTRY, AND ONE OF THE DOCTORS SOUNDS VERY FAMILIAR.

6 THE COURT: AND WHO WAS THAT?

7 PROSPECTIVE JUROR COOPER: RODNEY BLUESTONE.

8 THE COURT: AND WHAT DO YOU DO IN WORKERS' COMP?

9 PROSPECTIVE JUROR COOPER: DEFENSE.

10 THE COURT: PARDON?

11 PROSPECTIVE JUROR COOPER: WE REPRESENT EMPLOYERS
12 FOR THE INSURANCE COMPANIES.

13 THE COURT: SO IT WOULD BE LIKE REPRESENTING
14 U.C.L.A. OR SOME MEDICAL PROVIDER THAT HAS DOCTORS THAT
15 ARE WORKING THERE. DO YOU RECOGNIZE THIS AS GOOD, BAD, OR
16 INDIFFERENT OR JUST A NAME RECOGNITION?

17 PROSPECTIVE JUROR COOPER: I MEAN, JUST THE NAME
18 RECOGNITION RIGHT NOW.

19 THE COURT: ALL RIGHT. OKAY. THANK YOU.

20 DOES ANYONE HAVE A BELIEF OR A FEELING
21 TOWARDS ANY OF THE PARTIES, ATTORNEYS, OR WITNESSES THAT
22 MIGHT NOW BE REGARDED AS A BIAS OR PREJUDICE AGAINST ANY
23 OF THEM? PLEASE RAISE YOUR HAND.

24 LASTLY -- YES, SIR?

25 PROSPECTIVE JUROR BOTHWELL: GRAHAM BOTHWELL.

26 THE COURT: COULD YOU SPELL YOUR LAST NAME?

27 PROSPECTIVE JUROR BOTHWELL: B-O-T-H-W-E-L-L.

28 THE COURT: GRAHAM, FIRST NAME?

1 PROSPECTIVE JUROR BOTHWELL: YES.

2 THE COURT: YES, MR. BOTHWELL?

3 PROSPECTIVE JUROR BOTHWELL: WELL, THE THING I
4 WANTED TO SAY IS THAT I'M A PRACTICING CHRISTIAN
5 SCIENTIST. I RELY ON SPIRITUAL HEALING ENTIRELY, AND I
6 NORMALLY DON'T DEAL WITH MEDICAL PEOPLE. I HAVE A GREAT
7 DEAL OF RESPECT FOR THE MEDICAL FACULTY, BUT SOMEONE MIGHT
8 REGARD ME AS BEING, SHALL WE SAY, NOT IN TUNE WITH THEM IN
9 SOME WAY.

10 THE COURT: I'M SORRY. REPEAT THAT AGAIN.

11 PROSPECTIVE JUROR BOTHWELL: SOMEONE MAY REGARD ME
12 AS NOT BEING A RELIABLE PERSON TO JUDGE ON A MEDICAL CASE
13 BECAUSE I GENERALLY RELY ENTIRELY ON SPIRITUAL HEALING FOR
14 ALL MY HEALTH PRACTICES. IF I'M SELECTED, I'LL DO MY
15 BEST.

16 THE COURT: WELL, YOU UNDERSTAND THAT THERE'S
17 OTHERS THAT MAY HAVE A BELIEF THAT'S DIFFERENT THAN YOURS,
18 AND YOU RESPECT THEM FOR THEIR BELIEF?

19 PROSPECTIVE JUROR BOTHWELL: ABSOLUTELY.

20 THE COURT: OKAY.

21 PROSPECTIVE JUROR BOTHWELL: YES.

22 THE COURT: THANK YOU, SIR.

23 ANYBODY ELSE?

24 THE LAST QUESTION I HAVE, LADIES AND
25 GENTLEMEN, DO ANY OF YOU HAVE A FINANCIAL INTEREST IN THE
26 OUTCOME OF THIS LAWSUIT? PLEASE RAISE YOUR HAND. I SEE
27 NO HANDS.

28 ALL RIGHT. AT THIS TIME, CLERK, IF I CAN

1 HAVE 18 NAMES.

2 THE CLERK: IF I CALL YOUR NAME, YOU'LL COME UP AND
3 HAVE A SEAT IN THE JURY BOX.

4 RITA BARANIAN, B-A-R-A-N-I-A-N.

5 THE COURT: JUST ONE SECOND. IS THIS JILLIAN?

6 THE CLERK: OH, YOU KNOW WHAT? I'M SORRY. HAVE A
7 SEAT. I'M ON THE WRONG LIST.

8 THE COURT: ALL RIGHT.

9 THE CLERK: JILLIAN JAIME, J-A-I-M-E, YOU'RE JUROR
10 NO. 1. STACY COOPER, C-O-O-P-E-R; YOU'RE NO. 2. JAIRO
11 ESPINOZA, E-S-P-I-N-O-Z-A; NO. 3. AARON GOLDICH,
12 G-O-L-D-I-C-H, GOLDICH. JON TROCHEZ, T-R-O-C-H-E-Z.
13 BENJAMIN STANGLE, S-T-A-N-G-L-E. SYLVIA HSU, H-S-U;
14 YOU'RE JUROR NO. 7. MARGARET GREEN, G-R-E-E-N. STEPHANIE
15 SIM, S-I-M. ALLEN SHIRVANIAN, S-H-I-R-V-A-N-I-A-N. TEVYA
16 DALE, D-A-L-E.

17 THE COURT: MR. DALE?

18 PROSPECTIVE JUROR DALE: YES.

19 THE COURT: YOU'RE MR. DALE.

20 PROSPECTIVE JUROR DALE: YES, I AM.

21 THE COURT: THANK YOU.

22 THE CLERK: SCOTT PLUMER, P-L-U-M-E-R. MARY LYON,
23 L-Y-O-N; YOU'RE IN THE FIRST ROW, FARTHEST TO YOUR RIGHT.

24 MR. NEWHOUSE: CYRIL CHARLES, C-H-A-R-L-E-S; HE
25 WOULD LIKE TO USE THE RESTROOM BEFORE HE SITS.

26 THE COURT: GO AHEAD.

27 THE CLERK: JOHN KENNEDY, K-E-N-N-E-D-Y. RUBEN
28 HOLGUIN, H-O-L-G-U-I-N. ANDREW VON AH, V-O-N A-H. RITA

1 BARANIAN, B-A-R-A-N-I-A-N.

2 THE COURT: LET ME START WITH JUROR NO. 1. YOU CAN
3 REMAIN SEATED. YOU'RE JILLIAN JAIME?

4 PROSPECTIVE JUROR JAIME: JAIME OR JAIME,
5 WHICHEVER.

6 THE COURT: HOW WOULD YOU LIKE IT?

7 PROSPECTIVE JUROR JAIME: JAIME.

8 THE COURT: JAIME. WELCOME. IF YOU COULD PROVIDE
9 TO THE COURT AND COUNSEL THE INFORMATION ON THE BOARD. DO
10 YOU SEE THAT ON THE WALL TO YOUR LEFT?

11 PROSPECTIVE JUROR JAIME: YES. THIS ONE?

12 THE COURT: ON THE PLACARD. AND SPEAK UP SO
13 EVERYBODY CAN HEAR YOU.

14 PROSPECTIVE JUROR JAIME: MY FULL NAME IS JILLIAN
15 MICHELLE JAIME. MY AREA OF RESIDENCE, ARCADIA,
16 CALIFORNIA. I AM SINGLE. I HAVE ONE CHILD. I AM A CASE
17 MANAGER FOR THE STATE.

18 THE COURT: I'M SORRY?

19 PROSPECTIVE JUROR JAIME: I'M A CASE MANAGER FOR
20 STATE OF CALIFORNIA. I'VE NEVER EVER BEEN ON A JURY
21 BEFORE.

22 THE COURT: HOW LONG HAVE YOU BEEN WITH THE STATE
23 OF CALIFORNIA?

24 PROSPECTIVE JUROR JAIME: OVER A YEAR, 14 MONTHS OR
25 SO.

26 THE COURT: ALL RIGHT. AND PRIOR TO THAT, WHAT
27 TYPE OF WORK?

28 PROSPECTIVE JUROR JAIME: DRUG AND ALCOHOL REHAB.

1 THE COURT: FOR WHOM?

2 PROSPECTIVE JUROR JAIME: RIDGEVIEW RANCH TREATMENT
3 FACILITY IN ALTADENA, CALIFORNIA.

4 THE COURT: AND WHAT DID YOU DO THERE?

5 PROSPECTIVE JUROR JAIME: I WAS A RESIDENT TECH
6 SUPERVISOR.

7 THE COURT: I'M SORRY. RESIDENT --

8 PROSPECTIVE JUROR JAIME: A RESIDENT TECHNICIAN
9 SUPERVISOR.

10 THE COURT: OKAY. WHAT IS YOUR EDUCATION?

11 PROSPECTIVE JUROR JAIME: I HAVE A BACHELOR'S
12 DEGREE IN PSYCHOLOGY.

13 THE COURT: IN PSYCHOLOGY?

14 PROSPECTIVE JUROR JAIME: YES.

15 THE COURT: HAVE YOU BEEN WORKING IN THE FIELD OF
16 ALCOHOL REHABILITATION, DRUG REHABILITATION, FOR A WHILE?

17 PROSPECTIVE JUROR JAIME: PRIOR TO THAT, I WORKED
18 IN A REHABILITATION CENTER, RESIDENTIAL AS WELL, BUT IT
19 WAS FOR A DIFFERENT TYPE OF ADDICTION. IT WAS FOR EATING
20 DISORDERS. AND THEN BEFORE THAT, I WAS IN SCHOOL AND
21 PREGNANT, SO --

22 THE COURT: AND TELL ME ABOUT YOUR CURRENT WORK.

23 PROSPECTIVE JUROR JAIME: MY CURRENT WORK, I WORK
24 FOR THE EAST L.A. REGIONAL CENTER.

25 THE COURT: I CAN BARELY YOU HEAR YOU. YOU WORK AT
26 EAST L.A. --

27 PROSPECTIVE JUROR JAIME: EAST LOS ANGELES REGIONAL
28 CENTER.

1 THE COURT: YES.

2 PROSPECTIVE JUROR JAIME: SO I MANAGE ABOUT 90
3 CASES OF CHILDREN AND ADULTS WITH DEVELOPMENTAL
4 DISABILITIES. SO WE JUST --

5 THE COURT: DUE TO A PARTICULAR FACTOR OR FACTORS
6 THAT YOU'RE FAMILIAR WITH OR WHAT?

7 PROSPECTIVE JUROR JAIME: WELL, A DEVELOPMENT
8 DISABILITY MEANING IF THEY HAVE AUTISM, IF THEY'RE
9 DIAGNOSED WITH AUTISM OR MILD MENTAL RETARDATION.

10 THE COURT: OKAY. WOULD THESE GENERALLY BE
11 PHYSICAL DISABILITIES?

12 PROSPECTIVE JUROR JAIME: SOME OF THEM ARE, LIKE I
13 DO HAVE SOME CEREBRAL PALSY PATIENTS. I DO HAVE CLIENTS
14 WHO HAVE DIFFICULTY WITH MOTOR FUNCTION. WE DO RENDER
15 OCCUPATIONAL THERAPY SERVICES FOR THEM, DEPENDING ON AGE.
16 THE SCHOOL DISTRICT PROVIDES SOME OF THAT IF THEY'RE OVER
17 A CERTAIN AGE. WE HELP RENDER THAT.

18 THE COURT: AND IS THAT SOMETHING THAT YOU'VE BEEN
19 DOING FOR THE LAST 14 MONTHS WHICH YOU'RE NOW TALKING
20 ABOUT?

21 PROSPECTIVE JUROR JAIME: YES.

22 THE COURT: WHY DID YOU LEAVE YOUR PRIOR EMPLOYMENT
23 TO COME TO THE STATE?

24 PROSPECTIVE JUROR JAIME: THERE WAS -- I WAS TOLD
25 THAT IF I DIDN'T WANT TO SAY SOMETHING OUT LOUD, I COULD
26 SAY IT --

27 THE COURT: PARDON?

28 PROSPECTIVE JUROR JAIME: I WAS TOLD THAT IF I

1 DIDN'T WANT TO SAY SOMETHING OUT LOUD, THAT I COULD
2 TALK --

3 THE COURT: TALK TO ME PRIVATELY?

4 PROSPECTIVE JUROR JAIME: YEAH.

5 THE COURT: WE NEED NOT DO THAT, BUT WAS THE IDEA
6 THAT YOU WANTED TO DO SOMETHING DIFFERENT?

7 PROSPECTIVE JUROR JAIME: NO. I REALLY LIKE DRUG
8 AND ALCOHOL REHAB.

9 THE COURT: OKAY.

10 PROSPECTIVE JUROR JAIME: IT WAS SEXUAL HARASSMENT,
11 SO --

12 THE COURT: I SEE. FAIR ENOUGH. I UNDERSTAND.
13 YOU HAVE ONE CHILD. HOW OLD?

14 PROSPECTIVE JUROR JAIME: HE JUST TURNED FOUR LAST
15 WEEK.

16 THE COURT: GREAT AGE, HUH.

17 PROSPECTIVE JUROR JAIME: YEAH, IT'S WONDERFUL.

18 THE COURT: SO IF WE WERE TO QUIT A LITTLE EARLY
19 ON -- WHAT DAY IS HALLOWEEN? IS THAT THURSDAY? -- YOU'RE
20 GOING TO GO OUT TRICK-OR-TREATING, I BET.

21 PROSPECTIVE JUROR JAIME: THAT'S WHAT I'M KIND OF
22 WORRIED BECAUSE I WANT TO BE ABLE TO SEE HIM.

23 THE COURT: WHAT TIME DO THEY START TRICK OR
24 TREATING? WHEN IT GETS DARK OR EARLIER?

25 PROSPECTIVE JUROR JAIME: EARLIER THAN THAT WHEN
26 THEY'RE SMALLER. SO I WANT TO SAY WE PROBABLY START ABOUT
27 5:30 WHEN IT STARTS GETTING, YOU KNOW --

28 THE COURT: SO WE FINISHED UP, SAY, BY 3:30,

1 QUARTER TO 4:00, WOULD THAT BE OKAY FOR YOU?

2 PROSPECTIVE JUROR JAIME: THAT WOULD BE BECAUSE I
3 WOULD HAVE TO DRIVE TO ALHAMBRA TO PICK HIM UP AND THEN TO
4 COVINA TO MY MOM'S HOUSE TO TAKE HIM TRICK OR TREATING.

5 THE COURT: I SEE. TELL ME ABOUT YOUR INTERESTS OR
6 HOBBIES.

7 PROSPECTIVE JUROR JAIME: INTERESTS AND HOBBIES? I
8 WRITE. I LIKE TO WRITE A LOT. I WANT TO WRITE A BOOK.
9 HOBBY OF MINE.

10 THE COURT: WHAT SUBJECT MATTER DO YOU LIKE WRITING
11 ABOUT?

12 PROSPECTIVE JUROR JAIME: MY LIFE EXPERIENCES, I
13 GUESS.

14 THE COURT: WHAT?

15 PROSPECTIVE JUROR JAIME: MY LIFE EXPERIENCES.

16 THE COURT: SO THE TITLE OF THE BOOK WOULD BE WHAT,
17 "MY LIFE EXPERIENCES"? BUY THE BOOK --

18 PROSPECTIVE JUROR JAIME: I RECENTLY HAD A
19 TRAUMATIC EVENT. MY BOYFRIEND PASSED AWAY.

20 THE COURT: YES.

21 PROSPECTIVE JUROR JAIME: AND HE WAS AN ADDICT, AND
22 WE STRUGGLED WITH HIS ADDICTION FOR A VERY LONG TIME. AND
23 I WANTED TO WRITE KIND OF MY EXPERIENCE WITH THAT AND USE
24 IT ALSO AS A COPING MECHANISM. I'M SURE I WON'T BE THE
25 FIRST OR THE LAST PERSON TO EXPERIENCE SOMETHING LIKE
26 THAT. SO HOPEFULLY MY WRITING WILL ASSIST OTHERS.

27 THE COURT: IS THIS SOMEBODY THAT YOU MET AT YOUR
28 PRIOR EMPLOYMENT OR IN AN EMPLOYMENT SITUATION?

1 PROSPECTIVE JUROR JAIME: I MET HIM THROUGH JUST
2 BEING IN THE NETWORK OF A.A. MEETINGS AND SEEING HIM
3 AROUND.

4 THE COURT: ARE YOU A MEMBER OF A.A.?

5 PROSPECTIVE JUROR JAIME: NO.

6 THE COURT: YOU'VE HEARD SOMETHING ABOUT THIS CASE.
7 REMEMBER, I READ SOMETHING ABOUT THIS?

8 PROSPECTIVE JUROR JAIME: YEAH. EARLIER.

9 THE COURT: RIGHT, EARLIER. WHAT ARE YOUR FEELINGS
10 ABOUT SITTING ON A JURY LIKE THIS? THIS IS A YOUNG GIRL,
11 30 YEARS OLD.

12 PROSPECTIVE JUROR JAIME: I'M SORRY?

13 THE COURT: THIS INVOLVED A YOUNG GIRL, 30 YEARS
14 OLD.

15 PROSPECTIVE JUROR JAIME: OKAY. WHAT ARE MY
16 FEELINGS?

17 THE COURT: YEAH. IT WAS AN OVERDOSE SITUATION,
18 I'LL TELL YOU. IN OTHER WORDS, YOU OBVIOUSLY HAVE SOME
19 FAMILIARITY WITH PEOPLE THAT ARE DEPENDENT UPON ALCOHOL OR
20 DRUGS.

21 PROSPECTIVE JUROR JAIME: YES, I HAVE A LOT OF
22 FAMILIARITY ACTUALLY WITH THAT, OVERDOSE.

23 THE COURT: I GUESS WHAT I'M REALLY KIND OF GETTING
24 AT AND MAYBE IN AN INDIRECT WAY IS THAT THIS CASE NEEDS TO
25 BE DECIDED BY THE EVIDENCE PRESENTED IN THIS COURTROOM AND
26 ONLY IN THIS COURTROOM. I WON'T PERMIT JURORS TO USE THE
27 INTERNET OR TO USE PERSONAL EXPERIENCES. LIFE EXPERIENCES
28 ARE IMPORTANT, BUT TO GO INTO A JURY ROOM AND INTERJECT

1 SOMEBODY'S PERSONAL EXPERIENCE AND SAY, "WELL, THESE FOLKS
2 DON'T KNOW WHAT THEY'RE TALKING ABOUT. LET ME TELL YOU
3 THE REAL ANSWER," THAT WOULD NOT BE FAIR.

4 PROSPECTIVE JUROR JAIME: ABSOLUTELY. WELL, I
5 WANTED TO DISCLOSE TO THE COURT NOW THAT THE -- MY
6 BOYFRIEND'S DEATH WAS AN OVERDOSE.

7 THE COURT: IT WAS OR WASN'T?

8 PROSPECTIVE JUROR JAIME: IT WAS --

9 THE COURT: WAS?

10 PROSPECTIVE JUROR JAIME: IT WAS AN OVERDOSE. I
11 DON'T THINK THAT IT WOULD PLAY A PART ON MY JUDGMENT,
12 BUT --

13 THE COURT: BUT IT'S PART OF YOUR BACKGROUND.

14 PROSPECTIVE JUROR JAIME: -- IT'S PART OF MY
15 BACKGROUND, SO --

16 THE COURT: I UNDERSTAND. YOU KNOW, IT'S
17 INTERESTING. YOU KNOW, WE ALL HAVE OUR LIFE EXPERIENCES,
18 AND THAT'S WHAT MAKES A COLLECTIVE JURY OF 12 SO REALLY
19 GOOD, IS THAT EVERYBODY BRINGS IN A LITTLE BIT OF
20 DIFFERENT EXPERIENCE.

21 BUT WE CAN'T ALLOW SOMEBODY TO SUBSTITUTE
22 THEIR EXPERIENCE IN PLACE OF THE TESTIMONY. WE HAVE TO
23 JUDGE THIS CASE BY THE TESTIMONY UNDER OATH AND SUBJECT TO
24 CROSS-EXAMINATION, AND THAT'S IMPORTANT IN THE COURTROOM.
25 YOU UNDERSTAND THAT?

26 PROSPECTIVELY JUROR JAIME: ABSOLUTELY.

27 THE COURT: AND YOU WOULD DO THAT?

28 PROSPECTIVE JUROR JAIME: ABSOLUTELY.

1 THE COURT: YOU BELIEVE THAT YOU CAN FAIR AND
2 IMPARTIAL?

3 PROSPECTIVE JUROR JAIME: YES.

4 THE COURT: THANK YOU.

5 NEXT JUROR, PLEASE.

6 PROSPECTIVE JUROR COOPER: MY NAME IS STACY ANN
7 COOPER. I LIVE IN ARCADIA. I'M MARRIED WITH TWO
8 CHILDREN. I'M A LEGAL SECRETARY AT A WORKERS' COMP LAW
9 FIRM. MY SPOUSE, HE WORKS AS A FINANCIAL CONTROLLER FOR A
10 PRODUCE COMPANY. MY SON IS CURRENTLY AN E.M.T. AND A
11 VOLUNTARY FIREFIGHTER. MY DAUGHTER IS IN SCHOOL. AND
12 THIS IS THE FIRST JURY I'VE BEEN ON.

13 THE COURT: FIRST TIME ON JURY DUTY?

14 PROSPECTIVE JUROR COOPER: NOT THE FIRST TIME ON
15 JURY DUTY BUT THE FIRST BEING --

16 THE COURT: BUT BEING THIS FAR, HUH?

17 PROSPECTIVE JUROR COOPER: YES.

18 THE COURT: HOW DOES THE SEAT FEEL, COMFORTABLE?
19 SO ARE YOU GOING TO HAVE A LOT OF TRICK-OR-TREATERS COMING
20 TO YOUR HOUSE, DO YOU THINK?

21 PROSPECTIVE JUROR COOPER: YES, WE DO. WE HAVE A
22 HOUSE AT THE CORNER THAT PUTS A LITTLE MINI HALLOWEEN
23 MANSION OUT IN FRONT OF THEIR YARD, AND --

24 THE COURT: SO OUT IN ARCADIA THERE'S SUPPOSED TO
25 BE SOME HAUNTED HOUSE. DO YOU KNOW ANYTHING ABOUT THAT?

26 PROSPECTIVE JUROR COOPER: I THINK THAT'S THE ONE
27 AT THE END OF MY BLOCK.

28 THE COURT: OH, REALLY. OHO. AND DO YOU PAY TO GO

1 THROUGH IT OR SOMETHING OR WHAT?

2 PROSPECTIVE JUROR COOPER: I DON'T THINK THEY PAY
3 TO GO THROUGH IT. I THINK IT'S ALL FREE.

4 THE COURT: ALL RIGHT. YOU UNDERSTAND THAT THIS IS
5 NOT A WORKERS' COMP CASE?

6 PROSPECTIVE JUROR COOPER: I DO.

7 THE COURT: YOU'VE HAD EXPOSURE TO WORKERS' COMP
8 CASES?

9 PROSPECTIVE JUROR COOPER: YES.

10 THE COURT: AND YOU PROBABLY KNOW SOMETHING ABOUT
11 THE PROCEDURES IN WORKERS' COMP --

12 PROSPECTIVE JUROR COOPER: YES.

13 THE COURT: -- CERTAIN CAPS. AND SO THIS IS KIND
14 OF A FOREIGN LANGUAGE PERHAPS TO YOU, A TORT CASE LIKE
15 THIS IN WHICH WE'RE TALKING ABOUT LEGAL MALPRACTICE.

16 HOW LONG HAVE YOU BEEN EXPOSED TO WORKERS'
17 COMPENSATION?

18 PROSPECTIVE JUROR COOPER: ALMOST 25 YEARS.

19 THE COURT: 25 YEARS. DO YOU GET INVOLVED IN
20 READING ANY OF THE WORKERS' COMP WRITE-UPS?

21 PROSPECTIVE JUROR COOPER: AS IN INDIVIDUAL CASES
22 OR --

23 THE COURT: IN INDIVIDUAL CASES.

24 PROSPECTIVE JUROR COOPER: NO. LIKE PUBLISHED
25 CASES OR --

26 THE COURT: WELL, I GUESS MAYBE LET ME TRY THIS:
27 WHAT DO YOU DO AS A LEGAL SECRETARY?

28 PROSPECTIVE JUROR COOPER: I WORK FOR ONE OF THE

1 PARTNERS OF THE FIRM AND THEN HANDLE HIS CASELOAD WITH
2 HIM.

3 THE COURT: AND MORE SPECIFICALLY, DO YOU WORK ON
4 THE CASES?

5 PROSPECTIVE JUROR COOPER: I MEAN, I TRANSCRIBE HIS
6 DICTATION. I, YOU KNOW, COME IN CONTACT WITH DOCTORS'
7 REPORTS, THINGS LIKE THAT.

8 THE COURT: AND DO YOU REVIEW DOCTORS' REPORTS OR
9 DO YOU DISCUSS THEM WITH THE LAWYER?

10 PROSPECTIVE JUROR COOPER: NOT FOR THE PURPOSE OF
11 HOW A CASE IS GOING TO BE HANDLED.

12 HAVE I READ DOCTORS' REPORTS? YES.

13 THE COURT: OKAY. NOW, YOU WORK ON THE DEFENSE
14 SIDE?

15 PROSPECTIVE JUROR COOPER: YES.

16 THE COURT: AND ARE YOU INVOLVED IN RETAINING ANY
17 EXPERTS AT ALL, YOU PERSONALLY?

18 PROSPECTIVE JUROR COOPER: NO.

19 THE COURT: DO YOU HAVE A LIST OF RETAINED EXPERTS?

20 PROSPECTIVE JUROR COOPER: NO.

21 THE COURT: IS THAT SOMETHING THAT THE LAWYER WOULD
22 BE INVOLVED IN?

23 PROSPECTIVE JUROR COOPER: THAT WOULD BE -- I MEAN,
24 IT'S VERY RARE THAT IT HAPPENS, BUT --

25 THE COURT: I'M SORRY. WHAT WILL HAPPEN?

26 PROSPECTIVE JUROR COOPER: THAT WE HAVE -- YOU
27 KNOW, EXPERTS GOING INTO COURT OR ANYTHING ON A CASE.

28 THE COURT: THERE IS THE WORKERS' COMP APPEALS

1 BOARD AND THINGS OF THAT NATURE, RIGHT?

2 PROSPECTIVE JUROR COOPER: THERE IS, BUT THEY RELY
3 GENERALLY ON THE DOCTORS' REPORTS.

4 THE COURT: THEY RELY ON THE DOCTORS' REPORTS?

5 PROSPECTIVE JUROR COOPER: RIGHT.

6 THE COURT: AND THOSE ARE SOMETIMES, STRICTLY ON
7 THE DEFENSE SIDE, GENERATED BY THE LAWYERS?

8 PROSPECTIVE JUROR COOPER: CORRECT.

9 THE COURT: RIGHT? SO ANY OF THE NAMES THAT WERE
10 MENTIONED ABOUT DOCTORS TESTIFYING IN THIS CASE THAT RANG
11 TRUE WITH YOU AT ALL?

12 PROSPECTIVE JUROR COOPER: JUST THE ONE THAT I SAID
13 EARLIER.

14 THE COURT: OKAY. BUT THAT'S SOMEBODY YOU'VE NEVER
15 MET?

16 PROSPECTIVE JUROR COOPER: I'VE NEVER PERSONALLY,
17 NO.

18 THE COURT: AND IF THIS WERE THE SAME PERSON, YOU
19 WOULDN'T GO BACK TO CHECK YOUR NOTES TO SEE WHETHER THIS
20 IS THE PERSON THAT WAS RETAINED IN THE PAST?

21 PROSPECTIVE JUROR COOPER: NO. I COULDN'T TELL YOU
22 WHAT CASE THAT HE'S BEEN ON OR --

23 THE COURT: YOUR INTERESTS OR HOBBIES?

24 PROSPECTIVE JUROR COOPER: I LIKE TO READ, WATCH
25 MOVIES. WE DO ACTIVITIES, HIKING, OR, YOU KNOW, THINGS
26 LIKE THAT.

27 THE COURT: DO YOU BELIEVE THAT YOU CAN BE A FAIR
28 AND IMPARTIAL JUROR?

1 PROSPECTIVE JUROR COOPER: I WILL TRY. I MEAN, I
2 THINK SO. I MEAN, YOU KNOW, I WILL BE HONEST. AND MY
3 BOSS ALWAYS TELL ME, YOU KNOW, THAT I HAVE A JADED POINT
4 OF VIEW NOW. I MEAN, I SEE A LOT OF FRAUD IN WORKERS'
5 COMP. I SEE IT ON THE DOCTORS' END, ON THE LAWYERS' END,
6 AND ALL THAT KIND OF STUFF.

7 THE COURT: SO WHAT'S YOUR MIND-SET AS YOU SIT HERE
8 NOW?

9 PROSPECTIVE JUROR COOPER: I SIT HERE AND TRY TO
10 THINK, YOU KNOW, OKAY, I HOPE TO, YOU KNOW BE OPEN AND
11 FREE MY MIND AND DO WHAT I CAN.

12 THE COURT: YOU DON'T HAVE THE MIND-SET AS YOU SIT
13 HERE NOW THAT YOU PREJUDGE THIS CASE IN SAYING, "WELL,
14 I'VE SEEN SO MANY OF THESE, THAT THIS CASE PROBABLY HAS NO
15 MERIT OR OTHERWISE IT WOULD HAVE SETTLED?

16 PROSPECTIVE JUROR COOPER: NO, I DON'T THINK SO.

17 THE COURT: ALL RIGHT. THANK YOU. NEXT JUROR.

18 PROSPECTIVE JUROR ESPINOZA: MY NAME IS JAIRO
19 ESPINOZA. I LIVE IN MONROVIA, CALIFORNIA. I'M SINGLE, NO
20 CHILDREN. I WORK FOR A WAREHOUSE FOR 3M UNITEK IN
21 MONROVIA. THIS IS MY FIRST TIME.

22 THE COURT: TELL ME ABOUT YOUR INTERESTS OR
23 HOBBIES.

24 PROSPECTIVE JUROR ESPINOZA: I LIKE WORKING ON
25 CARS.

26 THE COURT: CARS?

27 PROSPECTIVE JUROR ESPINOZA: YEAH.

28 THE COURT: LIKE OLD CARS OR --

1 PROSPECTIVE JUROR ESPINOZA: MOSTLY HONDAS.

2 THE COURT: PARDON?

3 PROSPECTIVE JUROR ESPINOZA: HONDAS MOSTLY.

4 THE COURT: HONDAS. DO YOU DRIVE A HONDA?

5 PROSPECTIVE JUROR ESPINOZA: YES.

6 THE COURT: CAN YOU CHANGE THE OIL?

7 PROSPECTIVE JUROR ESPINOZA: I CAN CHANGE THE OIL,
8 BRAKES, TAKE THE MOTOR OUT, PUT IT BACK IN.

9 THE COURT: REALLY. SO HONDA IS TYPICALLY A FOUR
10 CYLINDER?

11 PROSPECTIVE JUROR ESPINOZA: FOUR CYLINDER.

12 THE COURT: EVER WORKED ON AN EIGHT CYLINDER?

13 PROSPECTIVE JUROR ESPINOZA: V8, YEAH, SOME TYPE OF
14 V8'S, YEAH.

15 THE COURT: DO YOU HAVE ANY THOUGHTS ABOUT BEING A
16 MECHANIC?

17 PROSPECTIVE JUROR ESPINOZA: YES.

18 THE COURT: DID YOU HAVE TO GO TO SCHOOL FOR THAT?

19 PROSPECTIVE JUROR ESPINOZA: YES, I DID.

20 THE COURT: IS THAT --

21 PROSPECTIVE JUROR ESPINOZA: JUST TO GET CERTIFIED,
22 GET THE A.S.E. CERTIFICATION.

23 THE COURT: I UNDERSTAND IF YOU'RE A CERTIFIED
24 TECHNICIAN, IT PAYS PRETTY GOOD.

25 PROSPECTIVE JUROR ESPINOZA: YEAH. MY JOB PAYS
26 WELL, TOO. IT'S A HARD DECISION BECAUSE I DON'T THINK YOU
27 SHOULD -- A MECHANICAL MOTOR IS LIKE A HOBBY, SO YOU DON'T
28 WORK YOUR HOBBY, BECAUSE THEN IT WOULDN'T BE A HOBBY NO

1 MORE. IT WOULD BE A JOB. SO YOU CAN DO BOTH.

2 THE COURT: THE MOST IMPORTANT QUESTION -- YOU'VE
3 HEARD SOMETHING ABOUT THIS CASE?

4 PROSPECTIVE JUROR ESPINOZA: YES.

5 THE COURT: IT'S A MEDICAL MALPRACTICE, SLASH,
6 WRONGFUL DEATH. COULD YOU BE A FAIR AND IMPARTIAL JUROR?

7 PROSPECTIVE JUROR ESPINOZA: YES.

8 THE COURT: THANK YOU.

9 NEXT JUROR, PLEASE.

10 PROSPECTIVE JUROR GOLDICH: MY NAME IS AARON
11 GOLDICH. I LIVE IN LA CRESCENTA, CALIFORNIA. NO SPOUSE
12 OR CHILDREN. I WORK AS AN AUDIO-VIDEO TECHNICIAN. AND
13 THIS IS MY FIRST JURY EXPERIENCE.

14 THE COURT: I'M SORRY. WHAT?

15 PROSPECTIVE JUROR GOLDICH: AND THIS IS MY FIRST
16 TIME ON A JURY.

17 THE COURT: OH, OKAY. SO WHAT DOES AN AUDIO-VIDEO
18 TECHNICIAN DO? I KIND OF GET A LITTLE BIT OF THE IDEA,
19 BUT TELL ME MORE SPECIFICALLY ABOUT YOUR JOB.

20 PROSPECTIVE JUROR GOLDICH: I DO MOSTLY LIKE
21 RESTAURANTS, LIKE B.J.'S BREWHOUSES AND STUFF LIKE THAT,
22 KIND OF MAKING THE T.V.'S AND THE SOUND WORK AND
23 EVERYTHING.

24 THE COURT: DO YOU WORK FOR A COMPANY?

25 PROSPECTIVE JUROR GOLDICH: YEAH. I WORK FOR MY
26 FATHER'S COMPANY.

27 THE COURT: WHAT'S THE NAME OF THAT?

28 PROSPECTIVE JUROR GOLDICH: IT'S D.G.A.V. IT'S

1 JUST AN AUDIO-VIDEO COMPANY, VERY SMALL, BUT WE WORK FOR
2 OTHER COMPANIES.

3 THE COURT: SO THERE'S A NEW B.J.'S, I HAVEN'T
4 BEEN, HERE IN PASADENA.

5 PROSPECTIVE JUROR GOLDICH: YEAH. I DID ALL THE --
6 THE WHOLE AUDIO-VIDEO RACK FOR THAT ONE.

7 THE COURT: SO WHAT WOULD YOU DO? DO YOU HAVE A
8 GUY BEHIND THE CAMERA?

9 PROSPECTIVE JUROR GOLDICH: NO. IT'S -- I JUST --
10 IT'S A BUNCH OF WIRING, TECHNICAL STUFF KIND OF IN THE
11 BACK WHERE NO ONE SEES IT, MAKING THE T.V.'S WORK AND --

12 THE COURT: OH, I SEE. WITHIN IT.

13 PROSPECTIVE JUROR GOLDICH: YEAH, YEAH, WITHIN
14 THE --

15 THE COURT: OH, OKAY. I THOUGHT YOU WERE MAKING A
16 COMMERCIAL OR SOMETHING, BUT YOU DON'T DO THAT.

17 PROSPECTIVE JUROR GOLDICH: NO. THAT PARTICULAR
18 B.J.'S HAS THE BIGGEST -- THE BIGGEST PLASMA SCREEN OUT OF
19 ANY RESTAURANT IN THE COUNTRY, I'M PRETTY SURE, RIGHT NOW.

20 THE COURT: THE LARGEST PLASMA SCREEN. I THOUGHT
21 THAT THAT WAS DOWN IN TEXAS OR SOMETHING.

22 PROSPECTIVE JUROR GOLDICH: THERE MIGHT BE -- THERE
23 MIGHT BE ANOTHER ONE DOWN THERE. THE ONE THAT THEY'RE
24 USING FOR THE PASADENA ONE IS ACTUALLY -- THEY GOT IT
25 SECONDHAND. THEY USED THAT ON THE OLYMPICS, ON THE MORE
26 RECENT OLYMPICS.

27 THE COURT: HOW BIG IS IT?

28 PROSPECTIVE JUROR GOLDICH: IT'S REALLY BIG.

1 ACTUALLY, THE OLYMPIC LOGO IS STILL KIND OF BURNED INTO IT
2 FROM WHEN THEY WERE USING IT FOR THAT.

3 THE COURT: I MEAN, IS IT AS BIG AS ONE OF THESE
4 WALLS?

5 PROSPECTIVE JUROR GOLDICH: NO. BUT IT'S LIKE
6 150 -- 151 INCHES, I'M PRETTY SURE.

7 THE COURT: OH, GOSH. AND WHAT DO THEY DISPLAY ON
8 THAT, SPORTS?

9 PROSPECTIVE JUROR GOLDICH: YEAH, PRETTY MUCH
10 SPORTS.

11 THE COURT: HOW LONG HAVE YOU BEEN DOING THAT TYPE
12 OF WORK?

13 PROSPECTIVE JUROR GOLDICH: A COUPLE YEARS.

14 THE COURT: WHERE DO YOU SEE YOURSELF IN FIVE
15 YEARS?

16 PROSPECTIVE JUROR GOLDICH: HOPEFULLY, DOING, YOU
17 KNOW, SOMETHING IN THE SAME FIELD, BUT I'M STILL SOMEWHAT
18 OF AN AMATEUR.

19 THE COURT: YOU TALK LIKE A PROFESSIONAL.

20 PROSPECTIVE JUROR GOLDICH: WELL, THANK YOU.

21 THE COURT: EVER BEEN ON A JURY BEFORE?

22 PROSPECTIVE JUROR GOLDICH: NEVER.

23 THE COURT: INTERESTS OR HOBBIES?

24 PROSPECTIVE JUROR GOLDICH: I DO MUSIC COMPOSITION.
25 I PLAY PIANO.

26 THE COURT: DO YOU BELIEVE YOU COULD BE A FAIR AND
27 IMPARTIAL JUROR ON THIS MATTER?

28 PROSPECTIVE JUROR GOLDICH: YES.

1 THE COURT: THANK YOU.

2 JON TROCHEZ?

3 PROSPECTIVE JUROR TROCHEZ: TROCHEZ, YES.

4 THE COURT: OKAY. THANK YOU.

5 PROSPECTIVE JUROR TROCHEZ: GOOD MORNING, YOUR
6 HONOR.

7 THE COURT: GOOD MORNING.

8 PROSPECTIVE JUROR TROCHEZ: JON TROCHEZ. I LIVE IN
9 THE CITY OF L.A., NEIGHBORHOOD OF EAGLE ROCK. I'M MARRIED
10 SIX YEARS. I HAVE TWO YOUNG CHILDREN, AGES NINE MONTHS
11 AND THREE YEARS OLD. I'M ADMINISTRATIVE MANAGER FOR THE
12 COUNTY OF LOS ANGELES WITH THE H.R. DIVISION.

13 THE COURT: I'M SORRY. HOLD ON. YOU'RE THE WHAT?

14 PROSPECTIVE JUROR TROCHEZ: ADMINISTRATIVE MANAGER.

15 THE COURT: ADMINISTRATIVE MANAGER.

16 PROSPECTIVE JUROR TROCHEZ: THAT'S RIGHT.

17 THE COURT: FOR WHOM?

18 PROSPECTIVE JUROR TROCHEZ: THE COUNTY OF
19 LOS ANGELES.

20 THE COURT: SO YOU'RE LIKE THE CHIEF ADMINISTRATOR?

21 PROSPECTIVE JUROR TROCHEZ: NO. MORE SPECIFICALLY,
22 WITHIN THE DEPARTMENT OF PUBLIC WORKS.

23 THE COURT: SO ARE YOU DOWN IN ALHAMBRA?

24 PROSPECTIVE JUROR TROCHEZ: YES, I AM.

25 THE COURT: OKAY. AND YOU'VE GOT A HIGH POSITION
26 THERE?

27 PROSPECTIVE JUROR TROCHEZ: RELATIVELY.

28 THE COURT: AND YOU DEAL WITH NUMBERS AND ALL THAT,

1 I'LL BET.

2 PROSPECTIVE JUROR TROCHEZ: I DEAL WITH STRATEGIC
3 PLANNING, POLICY DEVELOPMENT, POLICY ANALYSIS, MANAGING A
4 GROUP OF TEN AND ANY OTHER EXECUTIVE SPECIAL PROJECTS
5 COMING OUR WAY.

6 THE COURT: I SEE. HOW LONG HAVE YOU BEEN WITH THE
7 COUNTY?

8 PROSPECTIVE JUROR TROCHEZ: SEVEN YEARS.

9 THE COURT: AND ALWAYS AT THE SITE IN ALHAMBRA?

10 PROSPECTIVE JUROR TROCHEZ: YES. THAT'S OUR
11 HEADQUARTERS.

12 THE COURT: SO YOU'RE HIRED THERE FROM WHEREVER YOU
13 CAME FROM?

14 PROSPECTIVE JUROR TROCHEZ: THAT'S CORRECT.

15 THE COURT: AND YOU HAVE A GROUP OF TEN. YOU'RE
16 ONE OF THE TEN?

17 PROSPECTIVE JUROR TROCHEZ: YEAH. THEY ALL DO
18 DIFFERENT ASSIGNMENTS. SOME OF THEM SUPPORT ME. SOME OF
19 THEM DO OTHER THINGS, BUT YEAH, I OVERSEE TEN.

20 THE COURT: SOUNDS INTERESTING.

21 PROSPECTIVE JUROR TROCHEZ: CAN BE.

22 THE COURT: DO YOU ENJOY YOUR WORK?

23 PROSPECTIVE JUROR TROCHEZ: I LOVE IT, YEAH.

24 THE COURT: WHAT WOULD YOU LIKE TO BE DOING IN,
25 SAY, FIVE TO TEN YEARS FROM NOW?

26 PROSPECTIVE JUROR TROCHEZ: WELL, MY CAREER IS
27 PRETTY FLUID, SO I'M -- MORE THAN LIKELY, I WILL PROBABLY
28 END UP, YOU KNOW, DOWN AT THE C.E.O.'S OFFICE MAYBE

1 OVERSEEING A BRANCH OF SOME SORT AS MAYBE AN
2 ADMINISTRATIVE DEPUTY OF SOME SORT.

3 THE COURT: SO YOU'D LIKE TO STAY WITH THE COUNTY
4 BUT MOVE UP?

5 PROSPECTIVE JUROR TROCHEZ: YEAH. I ENJOY THE
6 COUNTY, YEAH.

7 THE COURT: BEFORE I BECAME A JUDGE, I WAS WITH THE
8 COUNTY COUNSEL'S OFFICE.

9 PROSPECTIVE JUROR TROCHEZ: OKAY. I WORK VERY
10 CLOSELY WITH THEM.

11 THE COURT: AND I DON'T KNOW IF THEY HAVE ANY
12 IN-HOUSE COUNTY COUNSEL DOWN AT THE ALHAMBRA FACILITY OR
13 THEY'RE ALL DOWNTOWN.

14 PROSPECTIVE JUROR TROCHEZ: NO. WE DO HAVE SOME
15 THAT ARE FARMED OUT TO OUR DEPARTMENT.

16 THE COURT: WHO ARE THEY?

17 PROSPECTIVE JUROR TROCHEZ: WELL, ONE IS CAROLE
18 SUZUKI, WHO DEALS WITH CONTRACTS. WE HAVE -- I DON'T KNOW
19 IF YOU WANT MORE, BUT THEY DEAL WITH ANYTHING FROM REAL
20 ESTATE TO SUPERFUND ISSUES, YOU KNOW, WATER-QUALITY
21 ISSUES, TRASH MANAGEMENT. IT ALL DEPENDS ON WHAT THE
22 ISSUE IS. THERE'S A SPECIAL LIST FOR EACH OF OUR BUSINESS
23 INTERESTS.

24 THE COURT: AND YOU'VE NEVER BEEN ON A JURY BEFORE
25 OR HAVE YOU?

26 PROSPECTIVE JUROR TROCHEZ: NEVER HAVE, NEVER HAD
27 THE PLEASURE.

28 THE COURT: OKAY. YOU'RE PRETTY BUSY WITH A

1 NINE-MONTH AND A -- IS IT A THREE-YEAR-OLD?

2 PROSPECTIVE JUROR TROCHEZ: THREE-YEAR-OLD, YEAH.

3 THE COURT: SO IS THE NINE-MONTH GOING TO GO OUT
4 TRICK OR TREATING?

5 PROSPECTIVE JUROR TROCHEZ: YEAH. SHE'S FEARLESS.
6 SHE'S GOING TO BE A LITTLE CHICKEN, SO --

7 THE COURT: THAT'S GREAT. YOUR INTERESTS OR
8 HOBBIES?

9 PROSPECTIVE JUROR TROCHEZ: YOU KNOW, SPENDING TIME
10 WITH MY CHILDREN, GARDENING. PRIOR TO CHILDREN,
11 TRAVELING.

12 THE COURT: DO YOU BELIEVE THAT YOU COULD BE A FAIR
13 AND IMPARTIAL JUROR?

14 PROSPECTIVE JUROR TROCHEZ: YES.

15 THE COURT: THANK YOU VERY MUCH.

16 NEXT JUROR, PLEASE.

17 PROSPECTIVE JUROR STANGLE: MY NAME IS BENJAMIN
18 STANGLE. I LIVE IN LOS ANGELES, NEIGHBORHOOD OF EAST
19 HOLLYWOOD. I'M UNMARRIED, NO CHILDREN, AND I WORK AS A
20 SOFTWARE ENGINEERING CONSULTANT. PRIOR TO THAT, I WAS AN
21 UNDERGRAD, AND I'VE NEVER BEEN ON A JURY BEFORE.

22 THE COURT: SOFTWARE ENGINEERING CONSULTANT. SO
23 DOES THAT MEAN YOU DO PROGRAMMING AND THINGS LIKE THAT
24 RATHER THAN THE HARDWARE?

25 PROSPECTIVE JUROR STANGLE: PROGRAMMING, YEAH,
26 MOSTLY FOR VIDEO GAMES.

27 THE COURT: NOW, DO YOU WORK IN-HOUSE FOR A COMPANY
28 OR DO YOU CONSULT OR --

1 PROSPECTIVE JUROR STANGLE: YEAH. RIGHT NOW I'M
2 WORKING IN-HOUSE FOR A COMPANY IN DOWNTOWN L.A.

3 THE COURT: BUT YOU WORK FOR ACTUALLY ANOTHER
4 COMPANY THAT'S HIRED TO --

5 PROSPECTIVE JUROR STANGLE: ACTUALLY, I'M A 1099.

6 THE COURT: PARDON?

7 PROSPECTIVE JUROR STANGLE: I'M A 1099.

8 THE COURT: OKAY. I SEE. CONTRACT EMPLOYEE.

9 PROSPECTIVE JUROR STANGLE: YEP.

10 THE COURT: DO YOU LIKE YOUR WORK?

11 PROSPECTIVE JUROR STANGLE: YEAH, I LOVE IT. IT'S
12 FASCINATING.

13 THE COURT: AND PRIOR TO THAT YOU WERE AN
14 UNDERGRADUATE?

15 PROSPECTIVE JUROR STANGLE: YES.

16 THE COURT: AND WHAT WAS THAT IN?

17 PROSPECTIVE JUROR STANGLE: MATH.

18 THE COURT: WHEREABOUTS?

19 PROSPECTIVE JUROR STANGLE: CALTECH.

20 THE COURT: SO IN ORDER TO ADD, DO YOU NEED, YOU
21 KNOW, FINGERS AND TOES AND ALL THAT?

22 PROSPECTIVE JUROR STANGLE: YES.

23 THE COURT: YOU CAN DO THAT IN YOUR HEAD, I'LL BET.

24 PROSPECTIVE JUROR STANGLE: I DON'T USE NUMBERS
25 MUCH.

26 THE COURT: SO YOU MAJORED IN MATH AT CALTECH?

27 PROSPECTIVE JUROR STANGLE: YES.

28 THE COURT: DO YOU HAVE SOME DESIRE TO EVENTUALLY

1 GET A MASTER'S OR A PH.D. OR ANYTHING?

2 PROSPECTIVE JUROR STANGLE: I'VE BEEN CONSIDERING
3 IT. GRADUATE SCHOOL TAKES A VERY LONG TIME. I REALLY
4 ENJOY THE WORK, THOUGH.

5 THE COURT: WELL, GOOD. SO WHEN YOU'RE NOT
6 WORKING, TELL ME ABOUT YOUR INTERESTS OR HOBBIES.

7 PROSPECTIVE JUROR STANGLE: I READ AND I RIDE A
8 BICYCLE A LOT.

9 THE COURT: MOST IMPORTANTLY, COULD YOU BE A FAIR
10 AND IMPARTIAL JUROR?

11 PROSPECTIVE JUROR STANGLE: I THINK SO.

12 THE COURT: OKAY. THANK YOU.

13 SYLVIA HSU?

14 PROSPECTIVE JUROR CRAW: YES. IT'S ACTUALLY SYLVIA
15 CRAW. I HAVE MY MARRIAGE CERTIFICATE. MY LAST NAME HAS
16 BEEN CHANGED.

17 THE COURT: OH, SO THIS IS WRONG?

18 PROSPECTIVE JUROR CRAW: YEAH.

19 THE COURT: AND WHAT SHOULD THE LAST NAME BE?

20 PROSPECTIVE JUROR CRAW: CRAW, C-R-A-W.

21 THE COURT: I'M SORRY?

22 PROSPECTIVE JUROR CRAW: C-R-A-W. I HAVE THE FLU
23 RIGHT NOW, SO --

24 THE COURT: WELL, THAT'S OKAY.

25 PROSPECTIVE JUROR CRAW: -- I'M KIND OF OUT OF IT.
26 I TOOK --

27 THE COURT: WE'LL CALL YOU SYLVIA CRAW. I DON'T
28 HAVE A PROBLEM WITH THAT.

1 HELP US OUT WITH SOME INFORMATION.

2 PROSPECTIVE JUROR CRAW: I LIVE IN ARCADIA. I'M
3 MARRIED. I HAVE A TWO-AND-A-HALF-YEAR-OLD. I'M AN OFFICE
4 MANAGER FOR AN ORTHODONTIC OFFICE. MY HUSBAND IS AN
5 EDITOR. I HAVE NO PRIOR JURY EXPERIENCE.

6 THE COURT: AND YOU HAVE ONE CHILD, DID YOU SAY?

7 PROSPECTIVE JUROR CRAW: YEAH.

8 THE COURT: HOW OLD?

9 PROSPECTIVE JUROR CRAW: TWO-AND-A-HALF.

10 THE COURT: TWO-AND-A-HALF. WHAT DO YOU THINK
11 ABOUT TRICK OR TREATING? IS HE GOING TO -- THIS
12 TWO-AND-A-HALF-YEAR-OLD, IS HE/SHE --

13 PROSPECTIVE JUROR CRAW: THIS WILL BE HER FIRST
14 TIME.

15 THE COURT: -- LOOKING FORWARD TO IT?

16 PROSPECTIVE JUROR CRAW: WE'RE GOING TO MONROVIA.
17 THEY HAVE AN EVENT FROM 3:00 TO 6:00.

18 THE COURT: 3:00 TO 6:00. WHEREABOUTS IN MONROVIA?

19 PROSPECTIVE JUROR CRAW: IT'S NEAR A PARK. I
20 FORGOT THE NAME OF IT. LANGLEY PARK OR -- SOMEWHERE BY
21 THE 210 IS A PARK THAT HAS A HALLOWEEN EVENT.

22 THE COURT: OKAY. AND YOUR OCCUPATION, AGAIN, IS
23 WHAT?

24 PROSPECTIVE JUROR CRAW: OFFICE MANAGER FOR AN
25 ORTHODONTIC OFFICE.

26 THE COURT: OKAY. WHERE IS THAT LOCATED?

27 PROSPECTIVE JUROR: ARCADIA.

28 THE COURT: WHAT DO YOU DO THERE?

1 PROSPECTIVE JUROR CRAW: PRETTY MUCH TAKE CARE OF
2 INSURANCE, PAPERWORK, CONTRACTS, FINANCES, BILLS, THINGS
3 LIKE THAT.

4 THE COURT: OKAY. DO YOU GET INVOLVED IN ANY
5 PRESCRIPTIONS?

6 PROSPECTIVE JUROR CRAW: NO.

7 THE COURT: THE DOCTOR ISSUES A PRESCRIPTION FOR
8 SOME SORT OF PILL OR SOMETHING, A PAINKILLER?

9 PROSPECTIVE JUROR CRAW: NO. IN AN ORTHO OFFICE,
10 WE DON'T REALLY PRESCRIBE ANY MEDICATION.

11 THE COURT: EVEN THOUGH IT HURTS SOMETIMES? DO
12 THEY STILL USE BRACES? IN THE OLD DAYS, THEY TIGHTENED
13 THEM UP, AND YOUR TEETH WOULD HURT FOR TWO OR THREE DAYS.

14 PROSPECTIVE JUROR CRAW: USE TYLENOL.

15 THE COURT: TELL ME ABOUT YOUR INTERESTS OR
16 HOBBIES.

17 PROSPECTIVE JUROR CRAW: HIKING, RUNNING OUTDOORS.

18 THE COURT: DO YOU BELIEVE YOU COULD BE A FAIR AND
19 IMPARTIAL JUROR?

20 PROSPECTIVE JUROR CRAW: I THINK SO. I'M NOT
21 REALLY CLEAR HEADED RIGHT NOW. I'M FUZZY. THAT'S ALL.

22 THE COURT: ARE YOU GETTING OVER A COLD?

23 PROSPECTIVE JUROR CRAW: YEAH. I HAVE THE FLU
24 RIGHT NOW, AND I HAVE TO GO TO THE BATHROOM, BUT I DON'T
25 WANT TO INTERRUPT.

26 THE COURT: DO YOU WANT TO GO USE THE RESTROOM?
27 I'M ALL DONE TALKING TO YOU, SO I'LL GO ON TO THE NEXT
28 JUROR. WE'RE GOING TO BE DONE IN ABOUT 10 MINUTES, BUT GO

1 AHEAD. I DON'T WANT ANY PROBLEMS HERE.

2 ALL RIGHT. NEXT JUROR, PLEASE. MARGARET
3 GREEN?

4 PROSPECTIVE JUROR GREEN: YES. MY NAME IS MARGARET
5 GREEN. I LIVE IN LA CANADA. I'M MARRIED AND I HAVE THREE
6 CHILDREN, 24 AND TWO 17-YEAR-OLDS. I'M A COSTUME
7 DESIGNER.

8 THE COURT: I'M SORRY. A WHAT?

9 PROSPECTIVE JUROR GREEN: A COSTUME DESIGNER --

10 THE COURT: COSTUME.

11 PROSPECTIVE JUROR GREEN: -- AND BUILDER. MY
12 HUSBAND MANAGES OUR FAMILY FOUNDATION. I'VE NEVER MADE IT
13 PAST THOSE SEATS OVER THERE FROM JURY DUTY.

14 THE COURT: OKAY. SO IS THIS A BIG TIME OF YEAR
15 FOR YOU OR WAS IT LIKE TWO OR THREE MONTHS AGO WITH
16 HALLOWEEN?

17 PROSPECTIVE JUROR GREEN: ACTUALLY, IT'S MOSTLY FOR
18 THEATER AND OPERA. SO I'VE GOT SOME SHOWS COMING UP,
19 SO --

20 THE COURT: OKAY. WHERE? IN LOS ANGELES OR
21 BROADWAY OR --

22 PROSPECTIVE JUROR GREEN: IN LOS ANGELES, YEAH, AND
23 IN PASADENA AS WELL.

24 THE COURT: OKAY. SO DO YOU KEEP UP WITH PLAYS ON
25 BROADWAY THAT COME TO LOS ANGELES AND THINGS OF THAT
26 NATURE AT ALL OR --

27 PROSPECTIVE JUROR GREEN: MOSTLY, I LOOK AT THE
28 PICTURES, BUT IT'S ALWAYS INTERESTING TO SEE WHAT PEOPLE

1 ARE DOING, YEAH.

2 THE COURT: WELL, JUST AS A SIDELINE HERE, MY WIFE
3 AND I JUST GOT BACK FROM A VACATION TO ISRAEL AND JORDAN
4 ON THURSDAY, SO I'M STILL KIND OF IN MIDDLE EAST TIME,
5 ACTUALLY. BUT BEFORE WE WENT, LEFT ON THE TRIP, WE WENT
6 TO NEW YORK AND SAW A COUPLE PLAYS, ONE OF WHICH WAS
7 PIPPIN. I DON'T KNOW IF YOU'VE EVER HEARD OF PIPPIN, A
8 BROADWAY SHOW.

9 PROSPECTIVE JUROR GREEN: YES. IT'S A GREAT
10 COSTUME SHOW.

11 THE COURT: THE COSTUMING AND -- A GREAT PLAY.

12 PROSPECTIVE JUROR GREEN: I WOULD LOVE TO DESIGN
13 THAT SOMETIME.

14 THE COURT: HOW LONG HAVE YOU BEEN IN DESIGN?

15 PROSPECTIVE JUROR GREEN: ONLY ABOUT FOUR YEARS.

16 THE COURT: AND PRIOR TO THAT?

17 PROSPECTIVE JUROR GREEN: I WAS A HOMEMAKER. I
18 ALSO WORKED FOR MY HUSBAND AS A SECRETARY.

19 THE COURT: SO TELL ME ABOUT THIS FOUNDATION. WHAT
20 ARE WE TALKING ABOUT?

21 PROSPECTIVE JUROR GREEN: IT'S CALLED THE NICHOLAS
22 GREEN FOUNDATION. OUR SON WAS KILLED AND BECAME AN ORGAN
23 DONOR.

24 THE COURT: I'M SORRY. WAS WHAT?

25 PROSPECTIVE JUROR GREEN: AFTER OUR SON WAS KILLED,
26 HE BECAME AN ORGAN DONOR IN ITALY. AND SINCE THEN, WE'VE
27 WORKED PROMOTING AWARENESS OF ORGAN DONATION.

28 THE COURT: OKAY. SO THIS PARTICULAR CASE, YOU

1 KNOW, I DESCRIBED IT. ANYTHING ABOUT THE NATURE OF THIS
2 CASE THAT TROUBLES YOU AS BEING A JUROR OR --

3 PROSPECTIVE JUROR GREEN: IT SOUNDS LIKE IT WOULD
4 BE A PAINFUL CASE. MY FATHER COMMITTED SUICIDE WHEN I WAS
5 A CHILD, BUT I DON'T THINK THAT WOULD --

6 THE COURT: ANYTHING ABOUT THE MATTER THAT WE'RE
7 GOING TO BE TALKING ABOUT IN THIS COURTROOM FOR THE NEXT
8 SEVEN TO EIGHT DAYS THAT WOULD BRING BACK MEMORIES OR
9 ANYTHING THAT WOULD MAKE IT VERY UNCOMFORTABLE FOR YOU TO
10 SIT AS A JUROR?

11 PROSPECTIVE JUROR GREEN: PROBABLY BE UNCOMFORTABLE
12 FOR ALL OF US.

13 THE COURT: WELL, THAT'S PROBABLY TRUE. OKAY.

14 MOST IMPORTANTLY, COULD YOU BE A FAIR AND
15 IMPARTIAL JUROR?

16 PROSPECTIVE JUROR GREEN: I'LL DO MY BEST.

17 THE COURT: THANK YOU. AND I DON'T KNOW IF I ASKED
18 YOU THIS. INTERESTS OR HOBBIES?

19 PROSPECTIVE JUROR GREEN: WELL, I MADE THE MISTAKE
20 OF GOING PROFESSIONAL WITH MY HOBBY, COSTUMES.

21 THE COURT: OKAY. FAIR ENOUGH. THANK YOU VERY
22 MUCH.

23 NEXT CHAIR, PLEASE.

24 PROSPECTIVE JUROR SIM: MY NAME IS STEPHANIE SIM.
25 I'M LIVING IN PASADENA, CALIFORNIA. I'M MARRIED AND HAVE
26 A BABY ON THE WAY. I'M A SOFTWARE ENGINEERING MANAGER.
27 MY HUSBAND IS A FINANCIAL ANALYST. AND NO PRIOR JURY
28 EXPERIENCE.

1 THE COURT: A SOFTWARE --

2 PROSPECTIVE JUROR SIM: -- ENGINEERING MANAGER.

3 THE COURT: SO WE HAVE A SOFTWARE CONSULTANT AND A
4 SOFTWARE ENGINEERING MANAGER. HELP ME OUT HERE. WHAT'S
5 THE DIFFERENCE? YOU MANAGE PEOPLE?

6 PROSPECTIVE JUROR SIM: YEAH, I MANAGE PEOPLE IN
7 OUR PROGRAM, TOO, BUT I'M A FULL-TIME EMPLOYEE, SO I'M NOT
8 A 1099.

9 THE COURT: WITH WHOM ARE YOU EMPLOYED?

10 PROSPECTIVE JUROR SIM: WITH OPEN X, AN ONLINE
11 ADVERTISING COMPANY. THEY'RE BASED IN PASADENA.

12 THE COURT: OKAY. AND WHO DOES YOUR HUSBAND WORK
13 FOR?

14 PROSPECTIVE JUROR SIM: HAYDEN & REGAL IN DOWNTOWN
15 L.A.

16 THE COURT: I'M SORRY. THE NAME?

17 PROSPECTIVE JUROR SIM: HAYDEN & REGAL.

18 THE COURT: WHAT IS THAT?

19 PROSPECTIVE JUROR SIM: SOME FINANCIAL FIRM.

20 THE COURT: WHAT DO THEY DO? IS IT LIKE FINANCIAL
21 PLANNING?

22 PROSPECTIVE JUROR SIM: FINANCIAL PLANNING FOR LIKE
23 CORPORATIONS, DEALING WITH BUYING MUTUAL FUNDS AND STUFF
24 FOR THEM. I'M NOT QUITE SURE.

25 THE COURT: OKAY. NEVER BEEN ON A JURY BEFORE?

26 PROSPECTIVE JUROR SIM: NO.

27 THE COURT: YOUR INTERESTS OR HOBBIES?

28 PROSPECTIVE JUROR SIM: I LIKE TO DO ARTS AND

1 CRAFTS AND READING.

2 THE COURT: WOULD YOU BE A FAIR AND IMPARTIAL
3 JUROR?

4 PROSPECTIVE JUROR SIM: I BELIEVE SO, BUT I JUST
5 WANTED TO DISCLOSE THAT --

6 MR. BLESSEY: I'M SORRY?

7 PROSPECTIVE JUROR SIM: I BELIEVE SO, BUT I JUST
8 WANT TO DISCLOSE THAT MY DAD IS A DOCTOR, AND I DID HAVE
9 AN AUNT WHO COMMITTED SUICIDE AS WELL.

10 THE COURT: AND YOU HAD A WHAT?

11 PROSPECTIVE JUROR SIM: AN AUNT WHO COMMITTED
12 SUICIDE AS WELL.

13 THE COURT: YOU KNOW, I'LL GET INTO ALL THAT AFTER
14 I FINISH UP WITH JUST KIND OF GENERIC QUESTIONS AT THIS
15 POINT IN TIME. THANK YOU FOR VOLUNTEERING THAT.

16 LET ME TAKE ONE MORE JUROR, AND THEN WE'LL
17 BREAK FOR OUR LUNCH.

18 NEXT JUROR, PLEASE.

19 PROSPECTIVE JUROR SHIRVANIAN: HI. MY NAME IS
20 ALLEN SHIRVANIAN. I LIVE IN THE CITY OF PASADENA. I'M
21 SINGLE. I DO NOT HAVE ANY CHILDREN.

22 I WORK, AS I SAID EARLIER, AS AN APPLICATION
23 COORDINATOR AT U.C.L.A. HEALTH SYSTEMS. WHAT THAT MEANS
24 IS THAT WE AT U.C.L.A. ROLLED OUT A LARGE ELECTRONIC
25 HEALTH RECORDS SYSTEM. BEFORE THEY MANY SMALLER ONES.
26 THIS ONE SWALLOWED THEM ALL UP UNDER ONE UMBRELLA. AND
27 WHAT I DO IS I BUILD OUT THE SYSTEM, AS NEEDED, BY THE
28 DOCTORS, BY, FOR INSTANCE, RESPIRATORY THERAPY BY THE

1 DIFFERENT ANCILLARY DEPARTMENTS THAT NEED THEM PER THEIR
2 REQUESTS.

3 PRIOR JURY EXPERIENCE, I HAD THE OPPORTUNITY
4 TO BE A JUROR ABOUT THREE YEARS AGO ON A CRIMINAL TRIAL.
5 IT WAS ATTEMPTED RAPE TRIAL.

6 THE COURT: HERE IN PASADENA OR --

7 PROSPECTIVE JUROR SHIRVANIAN: I'M SORRY?

8 THE COURT: WAS THAT HERE IN PASADENA?

9 PROSPECTIVE JUROR SHIRVANIAN: NO. AT THAT TIME I
10 WAS IN THE DOWNTOWN COURTHOUSE.

11 THE COURT: OKAY. CRIMINAL COURTS BUILDING?

12 PROSPECTIVE JUROR SHIRVANIAN: CORRECT.

13 THE COURT: OKAY. SO, AGAIN, TELL ME ABOUT WHAT
14 YOU DO AT U.C.L.A. IS THIS MORE DEALING WITH COMPUTERS?

15 PROSPECTIVE JUROR SHIRVANIAN: IT'S -- ACTUALLY,
16 THE ROLE HAS EVOLVED. FROM THE BEGINNING I WAS A TRAINER,
17 WHICH MEANS I TRAINED THE DOCTORS HOW TO USE THE SYSTEM.

18 THE COURT: "THE SYSTEM" MEANING A COMPUTER SYSTEM?

19 PROSPECTIVE JUROR SHIRVANIAN: CORRECT. AFTER THE
20 SYSTEM WENT LIVE, WE SUPPORTED THE DOCTORS ON THE FLOOR.

21 THE COURT: LET ME STOP YOU THERE. THERE'S A
22 FEDERAL LAW THAT REQUIRES EVERYTHING BE ONLINE, ALL
23 RECORDS AND ALL THAT. IS IT LIKE NEXT YEAR OR THE YEAR
24 AFTER? DO YOU KNOW?

25 PROSPECTIVE JUROR SHIRVANIAN: I BELIEVE IT'S BY
26 2015. IT'S NOT THAT THEY'RE REQUIRED. IT'S THAT IF THE
27 INSTITUTIONS DO NOT ADAPT -- ADOPT THE ELECTRONIC HEALTH
28 RECORDS SYSTEM AND USE IT -- WHAT'S CALLED MEANINGFULLY,

1 THEY WILL RECEIVE A PENALTY FROM MEDICARE, THE CENTER OF
2 MEDICARE, MEDICAID. AND IT WILL BE PROGRESSIVELY -- IT
3 WILL BE 1 PERCENT LESS THAT THEY WILL BE PAID. AND AS
4 TIME GOES ON, UP TO 5 PERCENT.

5 THE COURT: IS THAT THE DRIVING FORCE BEHIND WHAT
6 YOU DO?

7 PROSPECTIVE JUROR SHIRVANIAN: BEHIND WHAT I DO
8 SPECIFICALLY?

9 THE COURT: YES.

10 PROSPECTIVE JUROR SHIRVANIAN: YOU MEAN WHY THE --

11 THE COURT: WHY YOU'RE DOING WHAT YOU'RE DOING.

12 PROSPECTIVE JUROR SHIRVANIAN: MY ROLE -- I MEAN,
13 THE WHOLE GOAL OF THIS IS TO BASICALLY IMPROVE PATIENT
14 CARE. IT'S MUCH MORE HELPFUL FOR THE DOCTORS TO HAVE
15 ACCESS TO THE RECORDS ON HAND; WHEREAS, AT U.C.L.A. THEY
16 HAVE SO MANY PATIENTS THAT RECORDS ARE KEPT IN A FACILITY
17 THAT'S OFF-SITE, PAPERWORK CAN BE MISSED OR HANDWRITING
18 COULD BE MADE ILLEGIBLE, YOU KNOW, ESPECIALLY WHEN A
19 DOCTOR IS PRESSED ON TIME. SO THIS REDUCES THE LIKELIHOOD
20 OF MISTAKES BEING MADE IN THE SYSTEM AND BASICALLY MAKES
21 ALL THE PATIENT'S INFORMATION AVAILABLE AT THE DOCTORS'
22 FINGERTIPS, WHETHER THEY'RE ON THE FLOOR, WHETHER THEY'RE
23 AT HOME.

24 IN FACT, WHEN I WAS IN THE JURY ROOM, I WAS
25 ACTUALLY WORKING ON A BILL WHILE I WAS WAITING TO GET
26 CALLED UP.

27 THE COURT: OKAY. SO TELL ME ABOUT YOUR
28 BACKGROUND. ARE YOU -- DID YOU TAKE CLASSES,

1 UNDERGRADUATE, IN COMPUTERS AND --

2 PROSPECTIVE JUROR SHIRVANIAN: OH, I WAS ORIGINALLY
3 INTERESTED IN GOING TO INTO COMPUTER SCIENCE, BUT THANKS
4 TO MY PARENTS, I WENT INTO A DIFFERENT -- WENT INTO A
5 DIFFERENT DIRECTION. THEY HAD ORIGINALLY WANTED ME TO GO
6 INTO MEDICINE. AS A COMPROMISE, I WENT INTO CLINICAL
7 PSYCHOLOGY. SO I WORKED AS A CLINICIAN FOR SEVERAL YEARS
8 BEFORE REALIZING THIS IS WHAT I REALLY WANTED TO DO. IT'S
9 A LITTLE TOO LATE FOR ME TO GO BACK TO GRADUATE SCHOOL TO
10 PURSUE A DEGREE IN COMPUTER SCIENCE, AND THIS WAS A
11 COMPROMISE, AND I LIKE IT.

12 THE COURT: YOU KNOW, SOMETIMES I GET A LITTLE
13 LEERY OF PSYCHOLOGISTS BECAUSE I THINK, YOU KNOW, THEY'RE
14 LOOKING AT ME AND THEY HAVE GOT ME ALL FIGURED OUT, YOU
15 KNOW. THIS GUY IS COMING FROM THE LEFT FIELD OR RIGHT
16 FIELD AND -- YOU KNOW, HOPEFULLY, THAT'S NOT THE CASE. IS
17 IT?

18 PROSPECTIVE JUROR SHIRVANIAN: NO.

19 THE COURT: YOU DON'T THINK ABOUT THAT ANYMORE?

20 PROSPECTIVE JUROR SHIRVANIAN: MOST OF THE TIME
21 WE'VE ALL GOT OUR OWN THINGS TO THINK ABOUT.

22 THE COURT: FAIR ENOUGH. INTERESTS OR HOBBIES?

23 PROSPECTIVE JUROR SHIRVANIAN: I LIKE READING.
24 RIGHT NOW MOST OF MY TIME, THOUGH, IS REALLY WRAPPED UP
25 WITH MY WORK BECAUSE THIS IS A NEW -- AS I SAID BEFORE, I
26 WAS WORKING AS A TRAINER AND THEN IN SUPPORT. AND NOW IN
27 THIS ROLE AS APPLICATION COORDINATOR, I AM VERY BUSY
28 LEARNING THE SYSTEM. SO I DON'T HAVE TIME FOR MUCH ELSE.

1 IT WOULD BE READING OR MOVIES.

2 THE COURT: WOULD YOU BE FAIR AND IMPARTIAL?

3 PROSPECTIVE JUROR SHIRVANIAN: I THINK SO.

4 THE COURT: ALL RIGHT. LET'S TAKE OUR NOON RECESS,
5 AND OUR NOON RECESS IS FROM 12:00 TO 1:30. EVERYBODY,
6 INCLUDING THOSE OUT IN THE AUDIENCE, PLEASE, INCLUDING
7 THOSE JURORS TO MY RIGHT, REPORT HERE AT 1:30 OUTSIDE THE
8 DOORS.

9 AND LET ME KIND OF MAKE THIS PERFECTLY
10 CLEAR. I DO NOT TOLERATE JURORS THAT COME IN LATE. THIS
11 ISN'T GRAMMAR SCHOOL OR HIGH SCHOOL OR WHEREVER YOU CAN
12 STROLL IN WHEN YOU WANT. UNFORTUNATELY, I HAVE HELD
13 JURORS IN CONTEMPT OF COURT IF THEY WALK IN LATE. SO,
14 PLEASE, YOU KNOW, TRY TO GET HERE AT LEAST 5, 10 MINUTES
15 EARLY BECAUSE I WILL TRY TO START ON TIME. THAT WAY WE
16 CAN FINISH THE CASE ON TIME.

17 IN FACT, I REMEMBER I WAS DOWN AT THE
18 CRIMINAL COURTS BUILDING. THIS WAS -- I DON'T KNOW -- 18
19 YEARS AGO OR SO. AND LITERALLY WE HAD A COUPLE JURORS
20 THAT WALKED IN AT 5 MINUTES TO 2:00 FROM THEIR LUNCH BREAK
21 WITH NO PARTICULAR EXCUSE. WE COULDN'T GET STARTED. AND
22 IT DELAYED EVERYTHING. SO, PLEASE, JUST DON'T BE LATE. I
23 JUST, YOU KNOW, CAN'T TOLERATE THAT.

24 A COUPLE ADMONITIONS THAT I NEED TO ISSUE.
25 YOU'VE HEARD SOMETHING ABOUT THIS CASE. PLAINTIFF WILL GO
26 FIRST AND THEN THE DEFENSE AND THEN THEY HAVE REBUTTAL.

27 YOU WILL HEAR SOMETHING ABOUT THIS CASE.
28 OBVIOUSLY, YOU ALREADY KNOW SOMETHING ABOUT THIS CASE.

1 BY ORDER OF THE COURT, YOU ARE ORDERED
2 NOT -- THAT'S N-O-T -- TO DISCUSS THE FACTS OF THIS CASE
3 AMONGST YOURSELVES OR WITH ANYBODY ELSE. IN OTHER WORDS,
4 YOU CAN'T GO HOME TONIGHT AND TELL THE SPOUSE. YOU CAN
5 TELL THEM, "I'M ON A JURY" AND ABOUT HOW LONG IT'S GOING
6 TO TAKE, BUT YOU CANNOT TALK ABOUT THE CASE. YOU CANNOT
7 GO TO THE INTERNET AND LOOK UP TERMS OR ANYTHING ELSE ON
8 THE INTERNET.

9 EVERYTHING HAS TO BE DECIDED -- I KNOW THIS
10 SEEMS KIND OF ARCHAIC. BUT EVERYTHING IS DECIDED BY THE
11 WITNESSES THAT TAKE THE WITNESS STAND UNDER OATH AND ARE
12 SUBJECT TO CROSS-EXAMINATION.

13 WE'RE GOING TO HAVE A LOT OF DOCTORS IN THIS
14 CASE, SO IT'S IMPORTANT THAT YOU DECIDE THE CASE BASED
15 UPON EVIDENCE PRESENTED ONLY IN THIS COURTROOM.

16 SO, AGAIN, YOU'RE ORDER ORDERED NOT TO
17 DISCUSS THE FACTS OF THIS CASE AMONGST YOURSELVES OR WITH
18 ANYBODY ELSE. YOU CAN'T GO HOME AND TALK TO A NEIGHBOR
19 AND SAY, "OH, I'M ON THIS CASE," BECAUSE I GUARANTEE, IF
20 YOU TALK TO SOMEBODY, THEY'RE GOING TO SAY, "YOU KNOW, I
21 WAS ON A CASE LIKE THAT, AND LET ME TELL YOU HOW WE
22 DECIDED IT." THAT WOULDN'T BE FAIR. WHEN THE CASE IS ALL
23 DONE AND OVER WITH, 12 JURORS SIT DOWN TALK ABOUT THE CASE
24 AT THAT TIME. ALL RIGHT.

25 LASTLY, YOU'RE NOT TO FORM ANY OPINIONS OR
26 CONCLUSIONS ON THIS CASE UNTIL IT'S FINALLY SUBMITTED TO
27 YOU, MEANING YOU WANT TO HEAR AS A JUROR BOTH SIDES. YOU
28 WANT TO HEAR THE PLAINTIFFS' SIDE. YOU WANT TO HEAR THE

1 DEFENSE SIDE, ALL RIGHT?

2 IF YOU HAPPEN TO SEE THE LAWYERS, ANY
3 WITNESSES IN THE HALLWAY, IT'S ONE THING TO SAY, "GOOD
4 MORNING" OR "GOOD AFTERNOON," BUT, AGAIN, ON ORDER OF THE
5 COURT, YOU'RE NOT TO ENGAGE ANY OF THEM IN ANY TYPE OF
6 CONVERSATION, OKAY?

7 HAVE A NICE LUNCH. YOU'RE NOW EXCUSED UNTIL
8 1:30, AND I'LL SEE YOU AT THAT TIME.

9

10 (THE FOLLOWING PROCEEDINGS WERE HELD
11 IN OPEN COURT, OUTSIDE THE PRESENCE
12 OF THE PROSPECTIVE JURY:)

13

14 THE COURT: COUNSEL, CAN I HAVE A STIPULATION THAT
15 THE COURT, HAVING ONCE GIVEN THE ADMONITION, AS REQUIRED
16 BY LAW, MAY NOT GIVE IT EACH AND EVERY BREAK?

17 MR. NEWHOUSE: SO STIPULATED, YOUR HONOR.

18 MR. BLESSEY: YES, YOUR HONOR.

19 THE COURT: SEE YOU AT 1:30.

20 MR. NEWHOUSE: THANK YOU, YOUR HONOR.

21

22 (THE NOON RECESS WAS TAKEN UNTIL
23 1:32 P.M. OF THE SAME DAY.)

24

25

26

27

28

1 CASE NUMBER: BC457891
2 CASE NAME: DE ROGATIS VS. SHAINSKY
3 PASADENA, CALIFORNIA TUESDAY, OCTOBER 29, 2013
4 DEPARTMENT P HON. JAN A. PLUIM, JUDGE
5 APPEARANCES: (AS HERETOFORE NOTED)
6 REPORTER: KAREN E. KAY, CSR NO. 3862
7 TIME: P.M. SESSION
8

9 (THE FOLLOWING PROCEEDINGS WERE HELD
10 IN OPEN COURT, OUTSIDE THE PRESENCE
11 OF THE PROSPECTIVE JURY:)
12

13 THE COURT: COUNSEL, ANYTHING WE NEED TO TAKE UP?

14 MR. NEWHOUSE: NO, YOUR HONOR.

15 MR. BLESSEY: NO, YOUR HONOR.

16 THE COURT: ALL RIGHT.

17 THE CLERK: I'M MISSING LIKE THREE.

18 JUROR NO. 14, CYRIL CHARLES --

19 THE COURT: CYRIL CHARLES.

20 THE CLERK: -- HE SAYS HE TAKES MEDICATION THAT
21 MAKES HIM GO TO THE BATHROOM LIKE SIX TIMES A DAY, AND HE
22 DIDN'T KNOW IF THAT WOULD BE DISRUPTIVE IF HE HAS TO GET
23 UP ALL THE TIME.

24 THE COURT: WELL, THAT IS GOING TO BE DISRUPTIVE
25 ONCE WE START THE DAYS. WHY DON'T YOU HAVE HIM COME IN
26 AND HAVE ME TALK TO HIM.

27 MR. CHARLES, WE'RE NOT ON THE RECORD HERE.
28

1 (DISCUSSION HELD OFF THE RECORD.)

2
3 THE COURT: LET'S GO BACK ON THE RECORD.

4 JUROR NO. 14, MR. CYRIL CHARLES, HAS
5 REPORTED TO THE COURT WITH COUNSEL PRESENT THAT HE'S
6 TAKING A MEDICATION THAT REQUIRES HIM TO USE THE BATHROOM
7 FACILITIES ON A PRETTY IRREGULAR SCHEDULE. HE NEVER KNOWS
8 WHEN. BUT HE FELT UNCOMFORTABLE ABOUT TALKING ABOUT IT,
9 AND HE FELT UNCOMFORTABLE ABOUT SERVING ON A JURY OR ON
10 THIS JURY, I SHOULD SAY. BEING THAT IT WAS GOING TO BE
11 NINE OR TEN DAYS. BY STIPULATION OF COUNSEL, ACCEPTED BY
12 THE COURT, HE'S BEEN EXCUSED. OKAY. ANYTHING ELSE,
13 CLERK?

14 THE CLERK: NO. LET ME GO SEE IF THEY'RE ALL HERE
15 NOW.

16 THE COURT: WHAT I'LL DO IS, I'LL HAVE ALL THE
17 JURORS MOVE ONE CHAIR DOWN IN THE FRONT ROW, AND I'LL GET
18 ANOTHER JUROR.

19 MR. NEWHOUSE: SO THEY'RE ALL GOING TO SLIDE OVER?

20 THE COURT: SLIDE OVER, YEAH.

21 THEY'RE ALL HERE. ALL RIGHT. BRING THEM
22 IN.

23
24 (THE FOLLOWING PROCEEDINGS WERE HELD
25 IN OPEN COURT, IN THE PRESENCE OF
26 THE PROSPECTIVE JURY:)

27
28 THE COURT: WELCOME BACK, LADIES AND GENTLEMEN.

1 WE'RE BACK ON THE RECORD IN THE CASE OF
2 DE ROGATIS VERSUS SHAINSKY. ALL JURORS ARE PRESENT IN
3 PLACE AND THE PARTIES ARE PRESENT. LAWYERS ARE PRESENT.

4 I HAD TO EXCUSE MR. CHARLES, AND SO THOSE IN
5 THE FRONT ROW, IF YOU COULD ALL MOVE DOWN ONE CHAIR, AND
6 I'LL HAVE THE CLERK THEN GIVE ME A NEW NAME.

7 THE CLERK: JULIAN DELGADO, D-E-L-G-A-D-O. PLEASE
8 COME UP AND TAKE THAT LAST SEAT. THANKS.

9 THE COURT: WHICH JUROR NUMBER IS THAT, CINDY?

10 THE CLERK: DELGADO.

11 THE COURT: LET'S SEE. WHEN WE LEFT OFF, WE WERE
12 GOING TO START WITH MR. DALE. WELCOME. IF YOU COULD
13 PROVIDE US WITH THE INFORMATION ON THE BOARD TO YOUR LEFT.

14 PROSPECTIVE JUROR DALE: MY NAME IS TEVYA DALE. I
15 LIVE IN EAGLE ROCK. I'M UNMARRIED [SIC]. I'M A PUBLIC
16 SCHOOLTEACHER. AND I HAVE SERVED ON A JURY BEFORE.

17 THE COURT: I'M SORRY. DID YOU SAY YOU WERE NOT
18 MARRIED?

19 PROSPECTIVE JUROR DALE: I'M MARRIED, CORRECT.

20 THE COURT: YOU'RE MARRIED. OKAY.

21 AND WHAT GRADE DO YOU TEACH?

22 PROSPECTIVE JUROR DALE: THIRD GRADE.

23 THE COURT: CHILDREN?

24 PROSPECTIVE JUROR DALE: NO.

25 THE COURT: WHAT DOES YOUR SPOUSE DO?

26 PROSPECTIVE JUROR DALE: HE IS AN ASSISTANT MANAGER
27 FOR HERTZ.

28 THE COURT: I'M SORRY. FOR WHO?

1 PROSPECTIVE JUROR DALE: HERTZ.

2 THE COURT: HERTZ, OKAY.

3 HOW LONG HAVE YOU BEEN A TEACHER?

4 PROSPECTIVE JUROR DALE: THIS IS MY 21ST YEAR.

5 THE COURT: GOOD FOR YOU. WHAT SCHOOL DISTRICT?

6 PROSPECTIVE JUROR DALE: EL MONTE CITY.

7 THE COURT: EVER SERVED ON A JURY?

8 PROSPECTIVE JUROR DALE: YES, I HAVE.

9 THE COURT: HOW MANY TIMES?

10 PROSPECTIVE JUROR DALE: JUST ONCE.

11 THE COURT: CRIMINAL, CIVIL?

12 PROSPECTIVE JUROR DALE: CRIMINAL.

13 THE COURT: OKAY. REACH A VERDICT?

14 PROSPECTIVE JUROR DALE: YES.

15 THE COURT: MULTIPLE COUNTS?

16 PROSPECTIVE JUROR DALE: SINGLE COUNT.

17 THE COURT: SINGLE COUNT. OKAY.

18 WHEN DID YOU SERVE ON THAT JURY?

19 PROSPECTIVE JUROR DALE: TEN OR 12 YEARS AGO.

20 THE COURT: WAS THAT DOWNTOWN?

21 PROSPECTIVE JUROR DALE: YES, IT WAS.

22 THE COURT: FROM YOUR EXPERIENCE ON THAT JURY, DO
23 YOU THINK THAT THE JURY SYSTEM WORKS?

24 PROSPECTIVE JUROR DALE: YES, I DO.

25 THE COURT: OKAY. WOULD YOU LIKE TO HELP US ON
26 THIS CASE?

27 PROSPECTIVE JUROR DALE: SURE.

28 THE COURT: TELL ME ABOUT YOUR INTERESTS OR

1 HOBBIES.

2 PROSPECTIVE JUROR DALE: MY INTERESTS ARE WORKING
3 ON MY HOME, LANDSCAPING, TRAVELING.

4 THE COURT: YOU BELIEVE THAT YOU COULD BE A FAIR
5 AND IMPARTIAL JUROR?

6 PROSPECTIVE JUROR DALE: I DO.

7 THE COURT: THANK YOU VERY MUCH.

8 NEXT JUROR, PLEASE.

9 PROSPECTIVE JUROR PLUMER: SCOTT PLUMER. I LIVE IN
10 PASADENA. I AM SINGLE. RIGHT NOW I AM UNEMPLOYED.
11 BEFORE THAT, I WAS A GENERAL MANAGER OF AN ICE RINK IN
12 HUNTINGTON BEACH, AND I COACHED ICE HOCKEY FOR 24 YEARS.
13 I'VE NEVER SERVED ON A JURY BEFORE.

14 THE COURT: I'M SORRY. WHAT TYPE OF WORK HAD YOU
15 DONE?

16 PROSPECTIVE JUROR PLUMER: GENERAL MANAGER OF AN
17 ICE-SKATING RINK --

18 THE COURT: ICE-SKATING RINK?

19 PROSPECTIVE JUROR PLUMER: IN HUNTINGTON BEACH.

20 THE COURT: IN HUNTINGTON BEACH?

21 PROSPECTIVE JUROR PLUMER: YEAH.

22 THE COURT: WHILE LIVING IN PASADENA?

23 PROSPECTIVE JUROR PLUMER: NO. I LIVED IN
24 HUNTINGTON BEACH.

25 THE COURT: OH, OKAY.

26 PROSPECTIVE JUROR PLUMER: I LIVE IN PASADENA NOW.

27 THE COURT: WHAT TYPE OF WORK ARE YOU LOOKING FOR?

28 PROSPECTIVE JUROR PLUMER: CURRENTLY, I'M NOT

1 LOOKING. I HAVE ENOUGH MONEY SAVED UP TO LAST FOR A
2 WHILE.

3 THE COURT: OH, OKAY. SO WHAT ARE YOU DOING IN
4 YOUR FREE TIME?

5 PROSPECTIVE JUROR PLUMER: WELL, I HAVE BEEN IN
6 IDAHO. MY DAD HAS A HOUSE THERE, SO I VISITED HIM FOR THE
7 SUMMER. I JUST GOT BACK.

8 THE COURT: OKAY. HAVE YOU EVER SERVED ON A JURY?

9 PROSPECTIVE JUROR PLUMER: NO.

10 THE COURT: AND YOUR INTERESTS OR HOBBIES?

11 PROSPECTIVE JUROR PLUMER: I LIKE TO READ AND --
12 FISHING, STUFF LIKE THAT.

13 THE COURT: DO YOU BELIEVE YOU CAN BE A FAIR AND
14 IMPARTIAL JUROR?

15 PROSPECTIVE JUROR PLUMER: YEAH, I THINK SO. I GOT
16 TWO POINTS.

17 THE COURT: SURE.

18 PROSPECTIVE JUROR PLUMER: ONE, I'M A DIABETIC.

19 THE COURT: YEAH.

20 PROSPECTIVE JUROR PLUMER: SO I TOLD THE CLERK.
21 SHE SAID TO TELL YOU IN CASE I HAVE A LOW BLOOD SUGAR OR
22 SOMETHING.

23 AND SECOND OF ALL, I JUST WANTED TO LET BOTH
24 SIDES KNOW THAT TWO PLAYERS THAT USED TO PLAY FOR ME
25 KILLED THEMSELVES; ONE FROM AN OVERDOSE, THE OTHER WAS A
26 HANDGUN. I WANTED TO LET THEM KNOW THAT.

27 THE COURT: ARE YOU THE GENERAL MANAGER OF THE TEAM
28 OR --

1 PROSPECTIVE JUROR PLUMER: I'VE COACHED LIKE OVER
2 100 TEAMS.

3 THE COURT: I SEE. OKAY. AND WAS THIS --

4 PROSPECTIVE JUROR PLUMER: BOYS' AND GIRLS' ICE
5 HOCKEY.

6 THE COURT: WAS THIS IN THE SAME YEAR?

7 PROSPECTIVE JUROR PLUMER: 25 YEARS, SINCE 1987.

8 THE COURT: BUT THEY BOTH OCCURRED IN THE SAME
9 YEAR?

10 PROSPECTIVE JUROR PLUMER: NO, NO. THESE HAPPENED
11 IN THE '90S.

12 THE COURT: OH, OKAY. ALL RIGHT. HOW DOES THAT
13 MAKE YOU FEEL ABOUT SITTING ON THIS JURY?

14 PROSPECTIVE JUROR PLUMER: I'LL DO THE BEST I CAN.
15 I BELIEVE I CAN BE IMPARTIAL, SO I JUST WANTED BOTH SIDES
16 TO KNOW THAT.

17 THE COURT: FAIR ENOUGH. THANK YOU VERY MUCH.
18 APPRECIATE THAT. FRONT ROW, PLEASE.

19 PROSPECTIVE JUROR LYON: MARY LYON. I LIVE IN
20 PASADENA. I'M MARRIED WITH TWO COLLEGE-AGE CHILDREN. I'M
21 HEAVILY INVOLVED WITH SOME VOLUNTEER ORGANIZATIONS
22 WHICH -- ONE OF WHICH I'M CHAIRMAN OF.

23 I'VE BEEN ON A CRIMINAL CASE THAT -- TWO
24 YEARS AGO THAT WAS A MISTRIAL.

25 THE COURT: WAS THAT HERE IN PASADENA?

26 PROSPECTIVE JUROR LYON: NO. DOWNTOWN.

27 THE COURT: YOUR INTERESTS OR HOBBIES?

28 PROSPECTIVE JUROR LYON: GARDENING, HIKING,

1 WALKING, WORKING OUT, READING, GOING TO MOVIES, TRAVELING.

2 THE COURT: AND SOUNDS LIKE YOU BELONG TO A NUMBER
3 OF VOLUNTEER ORGANIZATIONS.

4 PROSPECTIVE JUROR LYON: YES.

5 THE COURT: AND THEY TAKE A FAIR AMOUNT OF YOUR
6 TIME?

7 PROSPECTIVE JUROR LYON: WELL, BEING CHAIRMAN OF
8 THIS ONE THEATER GROUP, WE PUT ON --

9 THE COURT: WHAT GROUP IS THAT?

10 PROSPECTIVE JUROR LYON: IT'S NINE O'CLOCK PLAYERS,
11 AND WE'RE AN AUXILIARY OF THE ASSISTANCE LEAGUE OF
12 LOS ANGELES, AND WE PUT ON CHILDREN'S THEATER TWICE A YEAR
13 FOR SCHOOL-AGE CHILDREN. AND WE JUST OPENED WITH SNOW
14 WHITE LAST WEEK, SO IT'S A VERY BUSY TIME.

15 THE COURT: NOW, DO YOU HAVE A BARKIE BOX?

16 PROSPECTIVE JUROR LYON: A BARKIE BOX? I DON'T
17 KNOW WHAT THAT MEANS.

18 THE COURT: ALL RIGHT. A THRIFT STORE, ANYTHING
19 LIKE THAT?

20 PROSPECTIVE JUROR LYON: WE USED TO. WE USED TO.

21 THE COURT: I SEE. COULD YOU BE FAIR AND
22 IMPARTIAL?

23 PROSPECTIVE JUROR LYON: WELL, I JUST WANT TO BRING
24 UP ONE THING. A FAMILY MEMBER OF MINE IS MICHAEL
25 FLANAGAN, AND HE REPRESENTED CONRAD MURRAY IN HIS CASE
26 WITH MICHAEL JACKSON. AND JUST -- YOU KNOW, I MEAN,
27 FAMILIES TALK AFTER THE TRIAL, AND THERE WAS A LOT OF
28 DISCUSSION ABOUT THAT CASE AFTERWARDS.

1 SO, YOU KNOW, I THINK I COULD BE FAIR.
2 IMPARTIAL, I'M NOT SO SURE.

3 THE COURT: OKAY. BUT YOU KNOW THE FACTS ARE
4 DIFFERENT IN THIS CASE THAN THEY WERE IN THAT.

5 PROSPECTIVE JUROR LYON: RIGHT.

6 THE COURT: NOW, THAT WAS A CRIMINAL CASE?

7 PROSPECTIVE JUROR LYON: THAT WAS A CRIMINAL CASE.

8 THE COURT: CRIMINAL CASE. THIS IS A CIVIL CASE.
9 THE STANDARDS ARE A LOT DIFFERENT.

10 PROSPECTIVE JUROR LYON: OKAY. I'M JUST --

11 THE COURT: I'LL EXPLAIN THE LAW TO YOU WHEN WE GET
12 TO THAT POINT.

13 PROSPECTIVE JUROR LYON: OKAY. JUST INFORMING THE
14 COURT.

15 THE COURT: OKAY. ANY OTHER LAWYERS IN THE FAMILY?

16 PROSPECTIVE JUROR LYON: WELL, A LOT THROUGH MY
17 HUSBAND'S SIDE OF THE FAMILY. THEY WERE ALL PATENT
18 ATTORNEYS, BUT ASIDE FROM THAT, NO CIVIL DEFENSE,
19 WHATEVER.

20 THE COURT: FAIR ENOUGH. THANK YOU VERY MUCH.

21 NEXT JUROR, PLEASE.

22 PROSPECTIVE JUROR KENNEDY: MY NAME IS JOHN
23 KENNEDY. I LIVE IN EAGLE ROCK. I AM NOT MARRIED AND HAVE
24 NO CHILDREN. I AM A SECURITY SUPERVISOR FOR A.E.G. AT
25 STAPLES CENTER AND A U.S. ARMY VETERAN. AND MY PRIOR JURY
26 EXPERIENCE, I'VE BEEN -- GONE TO JURY DUTY TWICE BEFORE
27 BUT NEVER SERVED ON A JURY TRIAL.

28 THE COURT: OKAY. SO TELL ME ABOUT YOUR

1 OCCUPATION. YOU'RE A SECURITY SUPERVISOR?

2 PROSPECTIVE JUROR KENNEDY: FOR A.E.G. OUT OF THE
3 STAPLES CENTER.

4 THE COURT: STAPLES CENTER?

5 PROSPECTIVE JUROR KENNEDY: YES.

6 THE COURT: AND YOU SAID SOMETHING ABOUT A
7 VETERANS' GROUP?

8 PROSPECTIVE JUROR KENNEDY: I'M A U.S. ARMY
9 VETERAN.

10 THE COURT: OKAY. AND WHAT DOES THAT HAVE TO DO
11 WITH BEING A SECURITY OFFICER? ANYTHING AT ALL OR --

12 PROSPECTIVE JUROR KENNEDY: WE LEARN VARIOUS WAYS
13 TO DISCIPLINE, WAYS TO DO MY JOB.

14 THE COURT: OKAY. HOW MANY YEARS DID YOU SERVE IN
15 THE SERVICE?

16 PROSPECTIVE JUROR KENNEDY: SIX YEARS TOTAL.

17 THE COURT: OKAY. WHAT WAS YOUR M.O.S.?

18 PROSPECTIVE JUROR KENNEDY: 11 BRAVO. IT'S
19 INFANTRY.

20 THE COURT: INFANTRY. DID YOU DO ANY TYPE OF
21 POLICE OR SECURITY-TYPE WORK WHILE IN THE SERVICE?

22 PROSPECTIVE JUROR KENNEDY: IN THE SERVICE WE -- I
23 SPENT 16 MONTHS IN AFGHANISTAN.

24 THE COURT: YOU'VE HEARD SOMETHING ABOUT THIS CASE?

25 PROSPECTIVE JUROR KENNEDY: NO.

26 THE COURT: THIS CASE. REMEMBER, I READ TO YOU
27 WHAT THIS CASE WAS ABOUT?

28 PROSPECTIVE JUROR KENNEDY: YES, YES.

1 THE COURT: A DOCTOR IS BEING SUED FOR MEDICAL
2 MALPRACTICE. DO YOU BELIEVE YOU CAN BE FAIR AND
3 IMPARTIAL?

4 PROSPECTIVE JUROR KENNEDY: YES, SIR.

5 THE COURT: THANK YOU VERY MUCH.

6 NEXT CHAIR.

7 PROSPECTIVE JUROR HOLGUIN: MY NAME IS RUBEN
8 HOLGUIN. MY RESIDENCE IS IN PASADENA.

9 THE COURT: I'M SORRY. WHERE DO YOU RESIDE?

10 PROSPECTIVE JUROR HOLGUIN: PASADENA.

11 THE COURT: OKAY.

12 PROSPECTIVE JUROR HOLGUIN: NO KIDS. OCCUPATION IS
13 CAREGIVER FOR THE STATE OF CALIFORNIA. AND I HAVE NO KIDS
14 AND NO PRIOR JURY EXPERIENCE.

15 THE COURT: SPOUSE, HAVE A SPOUSE, HUSBAND, WIFE?

16 PROSPECTIVE JUROR HOLGUIN: NO WIFE, NO KIDS, NO
17 NOTHING.

18 THE COURT: OKAY. HOW LONG HAVE YOU BEEN DOING
19 WORK AS A CAREGIVER?

20 PROSPECTIVE JUROR HOLGUIN: PROBABLY SEVEN YEARS.

21 THE COURT: OKAY. IS THIS GENERALLY WITH OLDER
22 PEOPLE?

23 PROSPECTIVE JUROR HOLGUIN: I HAD A PATIENT, BUT HE
24 KIND OF LOST HIS MIND AND OVERDOSED. WELL, HE USED A LOT
25 OF MEDS, SO I HAD TO GET HIM OUT OF MY MOM'S HOUSE. STUFF
26 LIKE THAT.

27 THE COURT: WHERE DO YOU DO THE CAREGIVING, IN YOUR
28 MOTHER'S --

1 PROSPECTIVE JUROR HOLGUIN: IT'S AT OTHER PEOPLE'S
2 HOUSES. IN-HOME SUPPORT SERVICES.

3 THE COURT: IS THIS AN 8:00-TO-5:00-TYPE JOB?

4 PROSPECTIVE JUROR HOLGUIN: I JUST LOST MY CLIENT,
5 SO I DON'T HAVE REALLY A CLIENT RIGHT NOW. JUST RECENT,
6 SO --

7 THE COURT: DOES THE STATE ASSIGN YOU A CLIENT?

8 PROSPECTIVE JUROR HOLGUIN: NO. I HAVE TO GO
9 THROUGH ORIENTATION ALL OVER AGAIN AND JUST A LOT OF -- A
10 LOT OF STUFF.

11 THE COURT: IF WE WERE TO GO OUT ABOUT FIVE YEARS,
12 WHAT TYPE WORK WOULD YOU LIKE TO BE DOING IN FIVE YEARS?

13 PROSPECTIVE JUROR HOLGUIN: ACTUALLY, THE OPPOSITE.
14 I WOULD ACTUALLY TRY TO GET INTO LAW ENFORCEMENT.

15 THE COURT: WHY IS THAT?

16 PROSPECTIVE JUROR HOLGUIN: I WANT A DIFFERENT A
17 ROUTE IN MY LIFE, SOMETHING WITH MORE STRUCTURE.

18 THE COURT: HOW OLD ARE YOU?

19 PROSPECTIVE JUROR HOLGUIN: 25.

20 THE COURT: YOU CERTAINLY HAVE TIME, THEN, DON'T
21 YOU?

22 PROSPECTIVE JUROR HOLGUIN: UH-HUH.

23 THE COURT: YOUR INTERESTS OR HOBBIES?

24 PROSPECTIVE JUROR HOLGUIN: HIKING, ART, PAINTING.

25 THE COURT: DO YOU BELIEVE YOU CAN BE A FAIR AND
26 IMPARTIAL JUROR?

27 PROSPECTIVE JUROR HOLGUIN: YES.

28 THE COURT: THANK YOU.

1 NEXT CHAIR, PLEASE.

2 PROSPECTIVE JUROR VON AH: MY NAME IS ANDREW VON
3 AH. I LIVE IN EAGLE ROCK. I'M MARRIED WITH NO CHILDREN.
4 I'M ASSISTANT DIRECTOR OF PHYSICAL INFRASTRUCTURE ISSUES
5 AT THE GOVERNMENT ACCOUNTABILITY OFFICE. MY WIFE IS AN
6 ADMINISTRATIVE HEAD OF THE WOMEN'S STUDIES DEPARTMENT AT
7 U.C.L.A. AND I HAVE SERVED ON A CRIMINAL JURY A FEW YEARS
8 AGO DOWNTOWN.

9 THE COURT: AND THE JURY REACHED A VERDICT?

10 PROSPECTIVE JUROR VON AH: IT DID.

11 THE COURT: OKAY. SO YOU'RE THE ASSISTANT DIRECTOR
12 OF WHAT?

13 PROSPECTIVE JUROR VON AH: PHYSICAL INFRASTRUCTURE
14 ISSUES.

15 THE COURT: PHYSICAL INFRASTRUCTURE?

16 PROSPECTIVE JUROR VON AH: PLANES, TRAINS,
17 AUTOMOBILES, TELECOMMUNICATIONS SYSTEMS.

18 THE COURT: I SEE. WITH WHOM, THE FEDERAL
19 GOVERNMENT?

20 PROSPECTIVE JUROR VON AH: FEDERAL GOVERNMENT,
21 GOVERNMENT ACCOUNTABILITY OFFICE.

22 THE COURT: AND SO, I MEAN, FOR EXAMPLE, WE'VE GOT
23 ARMED SERVICES. YOU'RE NOT INVOLVED IN THAT?

24 PROSPECTIVE JUROR VON AH: NO.

25 THE COURT: OKAY. SO YOU WOULD BE MORE LIKE
26 G.A.O.?

27 PROSPECTIVE JUROR VON AH: WE ARE G.A.O.

28 THE COURT: YOU ARE G.A.O., ALL RIGHT. OKAY. VERY

1 GOOD. AND YOU'RE LOCATED WHERE?

2 PROSPECTIVE JUROR VON AH: DOWNTOWN LOS ANGELES.

3 THE COURT: YOU KNOW, THEY'RE SUPPOSED TO START
4 BUILDING A NEW FEDERAL COURTHOUSE DOWNTOWN? WHEN IS THAT
5 GOING TO START?

6 PROSPECTIVE JUROR VON AH: I'M NOT SURE. THAT'S --
7 SOME FOLKS IN MY OFFICE DID SOME WORK ON THAT PARTICULAR
8 PROJECT, BUT I'M NOT SURE WHEN IT'S STARTING.

9 THE COURT: OKAY. LET'S SEE. YOU WERE ON A
10 CRIMINAL CASE?

11 PROSPECTIVE JUROR VON AH: I WAS.

12 THE COURT: JURY REACHED A VERDICT?

13 PROSPECTIVE JUROR VON AH: IT DID.

14 THE COURT: IT WAS ONE COUNT?

15 PROSPECTIVE JUROR VON AH: SEVERAL COUNTS.

16 THE COURT: INTERESTS OR HOBBIES?

17 PROSPECTIVE JUROR VON AH: I PLAY CHESS. I PLAY
18 MUSIC. BIKE RIDING, HIKING.

19 THE COURT: DO YOU BELIEVE YOU COULD BE A FAIR AND
20 IMPARTIAL JUROR?

21 PROSPECTIVE JUROR VON AH: I BELIEVE SO.

22 THE COURT: NEXT CHAIR PLEASE.

23 PROSPECTIVE JUROR BARANIAN: RITA BARANIAN. I
24 RESIDE IN LA CANADA, CALIFORNIA. MARRIED. TWO HIGH
25 SCHOOLERS. I WORK AS AN ACCOUNTANT FOR MY HUSBAND'S
26 STRUCTURAL ENGINEERING FIRM.

27 THE COURT: I'M SORRY. HIS WHAT?

28 PROSPECTIVE JUROR BARANIAN: ACCOUNTANT. I WORK AS

1 AN ACCOUNTANT --

2 THE COURT: I UNDERSTAND THAT.

3 PROSPECTIVE JUROR BARANIAN: -- FOR MY HUSBAND'S
4 STRUCTURAL ENGINEERING FIRM.

5 THE COURT: SOFTWARE?

6 PROSPECTIVE JUROR BARANIAN: STRUCTURAL
7 ENGINEERING.

8 THE COURT: STRUCTURAL ENGINEERING?

9 PROSPECTIVE JUROR BARANIAN: YES.

10 THE COURT: OKAY.

11 PROSPECTIVE JUROR BARANIAN: AND SERVED AS A JUROR
12 IN A CRIMINAL CASE.

13 THE COURT: DO YOU HAVE FORMAL TRAINING IN
14 ACCOUNTING, LIKE, YOU KNOW, BEING A C.P.A. OR --

15 PROSPECTIVE JUROR BARANIAN: YES.

16 THE COURT: YOU DO?

17 PROSPECTIVE JUROR BARANIAN: YES.

18 THE COURT: SO YOU'RE A C.P.A. IN THE STATE OF
19 CALIFORNIA?

20 PROSPECTIVE JUROR BARANIAN: YES.

21 THE COURT: OKAY. AND HOW LONG HAVE YOU BEEN A
22 C.P.A.?

23 PROSPECTIVE JUROR BARANIAN: TWO YEARS.

24 THE COURT: CHILDREN, DID YOU SAY TWO?

25 PROSPECTIVE JUROR BARANIAN: TWO HIGH SCHOOLERS.

26 THE COURT: YOUR INTERESTS OR HOBBIES?

27 PROSPECTIVE JUROR BARANIAN: MOVIES, FAMILY, AND
28 YOGA.

1 THE COURT: EVER SERVED ON A JURY?

2 PROSPECTIVE JUROR BARANIAN: YES.

3 THE COURT: YOU DID. DID THE JURY REACH A VERDICT?

4 PROSPECTIVE JUROR BARANIAN: HE PLEADED GUILTY, SO
5 WE DIDN'T GO TOO LONG.

6 THE COURT: DO YOU BELIEVE THAT YOU CAN BE FAIR AND
7 IMPARTIAL JUROR ON THIS CASE?

8 PROSPECTIVE JUROR BARANIAN: I'LL TRY.

9 THE COURT: WHEN YOU SAY YOU'LL TRY, MOST PEOPLE
10 SAY, "YES, I WILL" OR "I CAN'T" OR -- WHEN PEOPLE SAY "I
11 WILL TRY," THAT KIND OF -- TO ME I'M THINKING THERE MIGHT
12 BE SOME DOUBT HERE.

13 PROSPECTIVE JUROR BARANIAN: I HAVE NO REAL
14 INFORMATION ABOUT THE CIVIL COURT, SO THAT'S WHY I DON'T
15 KNOW WHAT IT REALLY ENTAILS. CRIMINAL, I HAVE MORE IDEA
16 ABOUT, BUT CIVIL I DON'T KNOW. I DON'T KNOW IF IT'S ALL
17 ABOUT MONEY.

18 THE COURT: WELL, WE EXPECT YOU TO KIND OF BE A
19 BLANK SHEET OF PAPER, ACTUALLY. I HATE TO, YOU KNOW -- I
20 MEAN, WE KIND OF TOLD YOU WHAT THE CASE IS ALL ABOUT. WE
21 WILL EDUCATE YOU HOPEFULLY TOMORROW MORNING. WE'RE GOING
22 TO HAVE OPENING STATEMENTS THAT WILL TELL YOU MORE ABOUT
23 THE CASE.

24 THE STANDARD OF PROOF IS DIFFERENT IN CIVIL
25 CASES. I WILL EXPLAIN ALL THAT TO YOU. I THINK BY THE
26 TIME WE GET THROUGH WITH THE CASE, YOU'LL BE THOROUGHLY
27 EDUCATED, OKAY?

28 PROSPECTIVE JUROR BARANIAN: OKAY.

1 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

2 NEXT CHAIR, PLEASE.

3 PROSPECTIVE JUROR DELGADO: YES. MY NAME IS JULIAN
4 DELGADO. I LIVE IN THE CITY OF MONROVIA. MARRIED. TWO
5 CHILDREN. MY WIFE IS A SCHOOLTEACHER. I'M KIND OF
6 SEMIRETIRE, BUT I STILL WORK. I HAVE MY OWN BUSINESS.
7 AND I'VE NEVER BEEN ON JURY DUTY. BEEN CALLED, BUT NEVER
8 REALLY GOT ON JURY DUTY.

9 THE COURT: WHAT KIND OF BUSINESS DO YOU HAVE?

10 PROSPECTIVE JUROR DELGADO: IT'S DEMOLITION. NEW
11 DRIVEWAYS, BLOCK WALLS, HARDSCAPES, CLEANUPS. PEOPLE CALL
12 US FOR DIFFERENT THINGS.

13 THE COURT: IS THIS YOUR OWN BUSINESS?

14 PROSPECTIVE JUROR DELGADO: YEAH, YEAH. I WAS
15 FORCED TO RETIRE KIND OF EARLY, AND I FELL INTO THIS
16 PARTICULAR KIND OF WORK, SO IT KIND OF WORKED WELL WITH
17 WHAT I WAS DOING PREVIOUS.

18 THE COURT: WHAT KIND OF WORK DID YOU DO
19 PREVIOUSLY?

20 PROSPECTIVE JUROR DELGADO: I WAS A CONCRETE MIXER
21 DRIVER. I DROVE IN DOWNTOWN L.A. FOR 27 YEARS, SO IT KEPT
22 ME BUSY.

23 THE COURT: GOOD FOR YOU. TELL ME ABOUT YOUR
24 INTERESTS OR HOBBIES.

25 PROSPECTIVE JUROR DELGADO: I ENJOY WORKING ON
26 ANTIQUE CARS, TRUCKS. SOME PEOPLE LIKE TO DO FISHING,
27 CAMPING, BOATING. I COULD GO TO THE OLD CAR SWAP MEET AND
28 SPEND THE WHOLE DAY THERE. I COULD SIT AND PICK APART THE

1 WHOLE DAY.

2 THE COURT: NOW, WHEN YOU SAY "ANTIQUE CARS," TELL
3 ME, WHAT DO YOU CLASSIFY AS AN ANTIQUE? ARE YOU TALKING
4 ABOUT 1950'S?

5 PROSPECTIVE JUROR DELGADO: YEAH. YOU KNOW, I'VE
6 GOT A 1956 TWO-DOOR HARDTOP BEL AIR, A COUPLE OF OLD CARS.
7 I'VE GOT A '41 SITTING IN THE GARAGE.

8 THE COURT: '41 FORD?

9 PROSPECTIVE JUROR DELGADO: PICKUP TRUCK,
10 CHEVROLET, SO -- BUT MY WIFE HAS MORE IMPORTANT THINGS FOR
11 ME TO DO, SO --

12 THE COURT: WHAT THINGS COULD BE MORE IMPORTANT
13 THAN YOUR HOBBY?

14 PROSPECTIVE JUROR DELGADO: OH, YOU'D BE SURPRISED.

15 THE COURT: WE WON'T GET INTO ALL THAT. BUT, MOST
16 IMPORTANTLY, YOU'VE HER HEARD SOMETHING ABOUT THIS CASE.
17 COULD YOU BE FAIR AND IMPARTIAL?

18 PROSPECTIVE JUROR DELGADO: I THINK SO. AND I'LL
19 SAY "I THINK SO," BECAUSE EVEN THOUGH I'M RETIRED AND I
20 STILL WORK PART TIME, WE'RE REALLY SLOW RIGHT NOW. BUT,
21 YOU KNOW, IF SOMEBODY CALLS ME AND SAYS, "I'VE GOT A JOB,
22 20,000 OR 30,000, CAN YOU DO IT NEXT WEEK?"

23 I'M LIKE EVERYBODY ELSE, "OH, YEAH. WELL, I
24 GOT JURY DUTY. COME ON, FOLKS. LET'S HURRY UP WITH THIS
25 BECAUSE I'VE GOT A \$30,000 JOB WAITING FOR ME."

26 THE COURT: I KNOW. BUT YOU WOULD HAVE TO GO OUT
27 AND BID IT AND ALL THAT.

28 PROSPECTIVE JUROR DELGADO: WELL, WE DO HAVE BIDS,

1 YOU KNOW, ON FILE FOR DIFFERENT THINGS, BUT THEY HAVEN'T
2 COME IN YET BECAUSE IT'S GETTING TO THE SLOW SEASON. THE
3 HOLIDAYS ARE COMING UP, BUT YOU NEVER KNOW.

4 THE COURT: IT'S NICE TO HAVE YOU HERE.

5 PROSPECTIVE JUROR DELGADO: WELL, IT'S NICE TO BE
6 HERE.

7 THE COURT: GOOD. ALL RIGHT. I'VE GOT SOME
8 QUESTIONS I WANT TO ASK OF EVERYBODY, AND SOME OF THESE I
9 NEED TO HAVE YOU, AS ONE LAWYER SAID, BE BRUTALLY HONEST
10 WITH THE COURT.

11 THIS IS A MEDICAL MALPRACTICE CASE IN WHICH
12 THE PLAINTIFFS ARE THE PARENTS OF A YOUNG GIRL WHO WAS 30
13 YEARS OLD THAT OVERDOSED ON PERCOCET AS PRESCRIBED BY THE
14 DEFENDANT DOCTOR.

15 I'M GOING TO ASK YOU SOME QUESTIONS DEALING
16 WITH THE SUBJECT MATTER. YOU'VE ALREADY HEARD ONE JUROR
17 MENTIONED THAT THERE WAS A SUICIDE IN THE FAMILY. BUT
18 FIRST OF ALL, LET ME ASK YOU SOME PRELIMINARY QUESTIONS.

19 HAVE ANY OF YOU EVER BEEN A PARTY TO A
20 LAWSUIT, A CIVIL LAWSUIT, IN WHICH YOU HAVE EITHER BEEN
21 SUED OR SOMEBODY BE HAS SUED YOU, WHETHER IT BE A CAR
22 ACCIDENT OR OTHERWISE? LET ME START WITH THE TOP ROW.
23 ANY OF YOU EVER BEEN A PARTY TO A LAWSUIT?

24 MIDDLE ROW, SAME QUESTION. PARTY, EITHER AS
25 A PLAINTIFF OR A DEFENDANT? NO.

26 FRONT ROW. YES, SIR, MR. DELGADO?

27 PROSPECTIVE JUROR DELGADO: WELL, YES. WE HAD A
28 CAR IN THE SHOP ONCE, AND THE SHOP BURNED DOWN, AND THE

1 OWNER SAID, "I'M SORRY. I CAN'T HELP YOU. OUR INSURANCE
2 DOESN'T COVER. YOU'RE RESPONSIBLE FOR YOUR OWN VEHICLE
3 EVEN IF IT'S IN MY SHOP." EVEN THE OWNER TOLD ME, HE
4 SAYS, "IN ORDER FOR OUR INSURANCE TO PAY, YOU'RE GOING TO
5 HAVE TO TAKE ME TO COURT." SO I DID. I DIDN'T WANT TO,
6 BUT I TOOK HIM TO COURT.

7 THE COURT: SMALL CLAIMS COURT?

8 PROSPECTIVE JUROR DELGADO: YEAH. IT WAS FOR
9 \$1200, YOU KNOW.

10 THE COURT: OKAY. DID IT GET RESOLVED?

11 PROSPECTIVE JUROR DELGADO: YEAH. WENT FAVORABLY
12 TOWARD ME, AND I GOT THE SETTLEMENT.

13 THE COURT: HOW LONG AGO WAS THAT?

14 PROSPECTIVE JUROR DELGADO: OH, MY GOODNESS. IT
15 WAS ABOUT 20 YEARS AGO, 15, 20 YEARS AGO.

16 THE COURT: OKAY. WE'RE GOING TO START TO GET INTO
17 SOME AREAS THAT ARE GOING TO BE A LITTLE MORE DIFFICULT
18 HERE.

19 HAVE ANY OF YOU EVER CONSULTED WITH A LAWYER
20 IN REGARDS TO A POTENTIAL CIVIL LAWSUIT AGAINST SOMEBODY?
21 TOP ROW, ANYBODY? MIDDLE ROW?

22 PROSPECTIVE JUROR DALE: YES.

23 THE COURT: TELL ME ABOUT YOUR EXPERIENCE.

24 PROSPECTIVE JUROR DALE: I WAS HIT BY AN M.T.A.
25 BUS.

26 THE COURT: AND I TAKE IT YOU DID NOT PURSUE THE
27 MATTER OR --

28 PROSPECTIVE JUROR DALE: WELL, IT WENT A LITTLE BIT

1 FAR, BUT I HAD TO DROP IT. MY LAWYER ADVISED ME THAT HE
2 COULD NOT GET ENOUGH EVIDENCE.

3 THE COURT: ANYBODY IN THE MIDDLE ROW? FRONT ROW?
4 YES, SIR, MR. KENNEDY?

5 PROSPECTIVE JUROR KENNEDY: WITH MY JOB, SOMETIMES
6 DURING AN EVENT WE HAVE A PATRON, MOST OF THE TIME FEMALE,
7 WHO MIGHT SLIP AND FALL ON SOMETHING. AND THEN LATER ON,
8 A LAWYER FROM OUR LEGAL DEPARTMENT OR FROM THE PLAINTIFF'S
9 LEGAL -- OR PLAINTIFF'S LAWYER, IF IT'S OKAYED BY MY
10 MANAGEMENT, WILL GIVE ME A CALL, AND I TELL THEM MY STORY
11 OF WHAT TRANSPIRED.

12 THE COURT: WHAT HAD HAPPENED?

13 PROSPECTIVE JUROR KENNEDY: WHAT HAD HAPPENED
14 PRETTY MUCH.

15 THE COURT: FROM YOUR PERSPECTIVE. NOW, DO YOU
16 HAVE TO WRITE UP AN INCIDENT REPORT?

17 PROSPECTIVE JUROR KENNEDY: UH-HUH, EVERY TIME.

18 THE COURT: HAVE YOU EVER TESTIFIED UNDER OATH IN A
19 DEPOSITION?

20 PROSPECTIVE JUROR KENNEDY: NO, NOT YET.

21 THE COURT: FAMILY MEMBERS OR CLOSE PERSONAL
22 FRIENDS THAT HAVE EVER BEEN A PARTY TO A MEDICAL
23 MALPRACTICE CASE? FAMILY MEMBERS, CLOSE PERSONAL FRIENDS
24 EVER A PARTY TO A MEDICAL MALPRACTICE CASE? COULD BE, YOU
25 KNOW, A LEGAL MALPRACTICE, BUT I'M REALLY PROBABLY LOOKING
26 AT MEDICAL MALPRACTICE. TOP ROW, ANYBODY? MIDDLE ROW,
27 ANYBODY? YES, MA'AM?

28 PROSPECTIVE JUROR CRAW: MY FATHER.

1 THE COURT: PARDON?

2 PROSPECTIVE JUROR CRAW: MY FATHER.

3 THE COURT: TELL ME ABOUT THAT.

4 PROSPECTIVE JUROR CRAW: HE'S A FAMILY PHYSICIAN,
5 SO HE OCCASIONALLY GETS MALPRACTICED.

6 THE COURT: IS HE STILL PRACTICING MEDICINE?

7 PROSPECTIVE JUROR CRAW: YES, STILL PRACTICING.

8 THE COURT: SO HE WAS NAMED A DEFENDANT IN A CASE?

9 PROSPECTIVE JUROR CRAW: I BELIEVE SO, AT LEAST
10 ONCE THAT I KNOW OF.

11 THE COURT: ALL RIGHT. ANYTHING ABOUT THAT
12 PARTICULAR INCIDENT THAT WOULD AFFECT YOUR ABILITY TO BE
13 FAIR TO BOTH SIDES?

14 PROSPECTIVE JUROR CRAW: POSSIBLY.

15 THE COURT: HOW IS THAT?

16 PROSPECTIVE JUROR CRAW: BECAUSE THE PATIENT WAS IN
17 THE WRONG AT THE TIME, SO --

18 THE COURT: I'M SORRY. I COULDN'T HEAR YOU.

19 PROSPECTIVE JUROR CRAW: THE PATIENT WAS IN THE
20 WRONG AT THE TIME FROM THE BARE FACTS THAT MY FATHER TOLD
21 ME, BUT USUALLY I TRUST MY FATHER, SO --

22 THE COURT: YOU KNOW THIS IS A SEPARATE, DISTINCT
23 LAWSUIT?

24 PROSPECTIVE JUROR CRAW: YES.

25 THE COURT: AND WE NEED TO JUDGE THIS CASE BASED
26 UPON THE EVIDENCE PRESENTED IN THIS COURTROOM. YOU
27 UNDERSTAND THAT?

28 PROSPECTIVE JUROR CRAW: YES.

1 THE COURT: YOU WOULDN'T ALLOW THAT CASE TO AFFECT
2 YOUR ABILITY TO BE FAIR TO BOTH SIDES IN THIS CASE, WOULD
3 YOU?

4 PROSPECTIVE JUROR CRAW: I DON'T THINK SO.

5 THE COURT: OKAY. FAIR ENOUGH.

6 ANYBODY ELSE? FAMILY MEMBERS, CLOSE
7 PERSONAL FRIENDS? YES?

8 PROSPECTIVE JUROR CRAW: WELL, MY AUNT HELPING MY
9 GRANDFATHER. HE PASSED AWAY, BUT I DON'T REALLY KNOW THE
10 DETAILS.

11 THE COURT: OKAY. YOU JUST KNEW THAT THERE WAS A
12 LAWSUIT.

13 PROSPECTIVE JUROR CRAW: YEAH.

14 THE COURT: WAS IT BROUGHT AGAINST A MEDICAL
15 PRACTITIONER?

16 PROSPECTIVE JUROR CRAW: YES.

17 THE COURT: DO YOU KNOW THE OUTCOME OF THE CASE OR
18 ANYTHING?

19 PROSPECTIVE JUROR CRAW: I DON'T THINK IT WENT
20 THROUGH. I THINK IT STOPPED AT MEDIATION.

21 THE COURT: OKAY. WAS IT IN THE STATE OF
22 CALIFORNIA?

23 PROSPECTIVE JUROR CRAW: YEAH.

24 THE COURT: IT WAS. OKAY. HOW LONG AGO?

25 PROSPECTIVE JUROR CRAW: MAYBE 20 YEARS AGO.

26 THE COURT: 20 YEARS AGO. SO YOU JUST HEARD ABOUT
27 THIS THROUGH YOUR PARENTS?

28 PROSPECTIVE JUROR CRAW: YEAH.

1 THE COURT: FRONT ROW, ANYBODY? FAMILY MEMBERS,
2 CLOSE PERSONAL FRIENDS PARTY TO A MALPRACTICE CASE? NO?
3 NOBODY.

4 I WANT TO TALK ABOUT THE MEDICINE INVOLVED
5 HERE, PERCOCET. IS THERE ANYBODY FAMILIAR WITH PERCOCET
6 AS A MEDICINE? TOP ROW? RAISE YOUR HAND, PLEASE.

7 AND TELL ME, JUROR NO. 1, WHAT DO YOU KNOW
8 ABOUT PERCOCET?

9 PROSPECTIVE JUROR JAIME: I KNOW THAT IT'S AN
10 OPIATE PAIN RELIEVER.

11 THE COURT: DO YOU KNOW ABOUT THIS BECAUSE OF YOUR
12 PAST EMPLOYMENT EXPERIENCE?

13 PROSPECTIVE JUROR JAIME: UH-HUH.

14 THE COURT: OKAY. DID YOU EVER WORK WITH DOCTORS
15 IN WHICH IT WAS PRESCRIBED?

16 PROSPECTIVE JUROR JAIME: I WORKED WITH DOCTORS
17 THAT PRESCRIBED THINGS THAT WERE STRONGER.

18 THE COURT: WE'RE TALKING ABOUT A PAIN MEDICATION.

19 PROSPECTIVE JUROR JAIME: PAIN MEDICATION. BUT THE
20 GOAL AT THE RESIDENTIAL TREATMENT FACILITY WAS TO HAVE OUR
21 PATIENTS OFF THE OPIATES. SO THERE WAS ONLY ONE CLIENT IN
22 PARTICULAR THAT WE WERE TRYING TO TITRATE DOWN AND -- BUT
23 IT WASN'T PERCOCET THAT SHE WAS -- THAT WAS BEING
24 PRESCRIBED. IT WAS SOMETHING STRONGER. BUT I KNOW OF
25 PERCOCET BECAUSE I'M FAMILIAR WITH THE -- THAT ARENA, I
26 SUPPOSE.

27 THE COURT: WAS THERE SOMEBODY ELSE WHO HAD THEIR
28 HAND UP? JUROR NO. 3, YOU HAD YOUR HAND UP. TELL ME

1 ABOUT WHAT YOU KNOW.

2 PROSPECTIVE JUROR ESPINOZA: I KNOW IT'S A REAL
3 STRONG PAIN MEDICATION. MY FATHER TOOK IT AFTER SURGERY.

4 THE COURT: YOUR FATHER TOOK IT FOR A WHILE?

5 PROSPECTIVE JUROR ESPINOZA: WELL, HE DIDN'T -- HE
6 DIDN'T LIKE IT BECAUSE OF THE WAY IT MADE HIM FELT, I
7 GUESS, BUT HE HAD TO TAKE IT. THEY PRESCRIBED IT TO HIM
8 AFTER HE HAD HIS SURGERY.

9 THE COURT: HOW LONG AGO WAS THAT?

10 PROSPECTIVE JUROR ESPINOZA: ABOUT SIX MONTHS AGO.

11 THE COURT: OKAY.

12 PROSPECTIVE JUROR ESPINOZA: ABOUT SIX TO EIGHT
13 MONTHS AGO.

14 THE COURT: OKAY. ANYBODY ELSE? JUROR NO. 6.

15 PROSPECTIVE JUROR STANGLE: I KNOW THAT IT'S AN
16 OPIATE ANALGESIC. MY FATHER TOOK PAIN -- OR CONTINUES TO
17 TAKE PAIN MEDICATION FOR CHRONIC BACK PAIN. HE HAS FOR
18 ABOUT TEN YEARS. I DON'T THINK HE'S EVER TAKEN PERCOCET
19 SPECIFICALLY BUT, OTHER OPIOIDS I'VE READ A LITTLE BIT
20 ABOUT THEM.

21 PROSPECTIVE JUROR COOPER: I MEAN, I HAVE TAKEN IT.
22 IT WAS PRESCRIBED AFTER THE BIRTH OF MY FIRST CHILD.

23 THE COURT: I'M SORRY. YOU TOOK IT AS A PAIN
24 MEDICATION?

25 PROSPECTIVE JUROR COOPER: UH-HUH.

26 THE COURT: HOW LONG AGO WAS THAT?

27 PROSPECTIVE JUROR COOPER: OH, HE'S 22 NOW, SO --

28 THE COURT: ANYBODY ELSE IN THE TOP ROW? MIDDLE

1 ROW? AN UNDERSTANDING OF PERCOCET. YES, SIR?

2 PROSPECTIVE JUROR SHIRVANIAN: I WAS PRESCRIBED --
3 I DON'T KNOW IF IT WAS PERCOCET OR ANOTHER PAIN MEDICATION
4 SOME TIME AGO, AND I HAD A SITUATION THAT OCCURRED WITH
5 THIS, LIFE-THREATENING AT ONE POINT. I WAS IN A --

6 THE COURT: I'M SORRY. LIFE-THREATENING?

7 PROSPECTIVE JUROR SHIRVANIAN: WELL, WHAT HAD
8 HAPPENED WAS, I TOOK THE MEDICATION. I WAS IN A GREAT
9 DEAL OF PAIN, AND IT WAS NIGHTTIME, AND I WAS KIND OF
10 GROGGY, AND THE PAIN WAS NOT CEASING. SO IN MY
11 MIND-SET -- I DON'T KNOW IF I WAS THINKING CLEARLY -- I
12 ENDED UP TAKING MORE. AND THE PAIN WAS STILL CONTINUING.
13 SO I ENDED UP TAKING SOMETHING ELSE. AND I STOOD UP TO
14 GO, AND I COLLAPSED TO THE FLOOR. SO I WAS UNCONSCIOUS
15 FOR SOME TIME. I DON'T KNOW HOW LONG IT WAS. WHEN I
16 RETAINED CONSCIOUSNESS, IT WAS MORNING AT THAT POINT. SO
17 IT WAS FRIGHTENING.

18 THE COURT: DID YOU GO TO SEE A DOCTOR ABOUT THE
19 SITUATION?

20 PROSPECTIVE JUROR SHIRVANIAN: I DIDN'T. I HAD
21 WORK TO GET TO, SO I JUST -- I CALLED THEM TO LET THEM
22 KNOW. I COULDN'T COME IN THAT DAY. I WAS MORE -- I WAS
23 BESIDE MYSELF THAT IT HAD HAPPENED. SO IT WAS ON ME
24 BECAUSE I -- LIKE I SAID, IT WAS NIGHTTIME. I WAS IN
25 PAIN. I WAS HALF AWAKE, HALF ASLEEP. I JUST WAITED
26 AROUND TO SEE -- I WAS LUCKY. MY HEAD HADN'T HIT ANYTHING
27 WHEN I'D FALLEN TO THE FLOOR.

28 THE COURT: HAD YOU THOUGHT ABOUT GOING TO THE

1 EMERGENCY OR ANYTHING LIKE THAT?

2 PROSPECTIVE JUROR SHIRVANIAN: I DIDN'T HAVE ANY
3 PAIN AT THAT POINT WHEN WOKE UP. IN FACT, IT WAS QUITE
4 THE OPPOSITE WITH MEDICATION. BUT IT WAS JUST A SHOCKER
5 THAT I'D BEEN -- THAT WAS THE FIRST TIME IN MY LIFE THAT I
6 WAS EVER UNCONSCIOUS OR LOST CONSCIOUSNESS.

7 THE COURT: AND NEXT JUROR, DID YOU HAVE AN
8 EXPERIENCE?

9 PROSPECTIVE JUROR DALE: IT'S BEEN PRESCRIBED TO ME
10 AT LEAST TWICE BEFORE FOR DENTAL WORK.

11 THE COURT: FOR DENTAL WORK. WHEN WAS THE LAST
12 TIME YOU GOT A PRESCRIPTION FOR IT?

13 PROSPECTIVE JUROR DALE: I CAN'T RECALL. IT WOULD
14 HAVE HAD TO HAVE BEEN TEN OR 15 YEARS AGO.

15 THE COURT: ANYBODY ELSE IN THE MIDDLE ROW? FRONT
16 ROW? YES, SIR?

17 PROSPECTIVE JUROR HOLGUIN: I HAD A PATIENT OF MINE
18 THAT WOULD USE PERCOCET A LOT BECAUSE HE HAD A BACK
19 FUSION. SO HE HAD TO TAKE PERCOCET, MORPHINE, EVERYTHING.
20 I KNOW A LITTLE BIT OF WHAT IT DOES TO A PERSON.

21 THE COURT: I WANT TO TALK ABOUT SOMETHING THAT MAY
22 OR MAY NOT COME ABOUT IN THIS TRIAL, BUT HAVE ANY OF YOU
23 OR ANY FAMILY MEMBERS EVER BEEN ADDICTED TO A NARCOTIC?
24 TOP ROW? JUROR NO. 1?

25 PROSPECTIVE JUROR JAIME: FAMILY MEMBER.

26 THE COURT: I'M SORRY. FAMILY MEMBER?

27 PROSPECTIVE JUROR JAIME: YES.

28 THE COURT: AND HOW WAS THIS FAMILY MEMBER ABLE TO

1 RESOLVE THE ISSUE?

2 PROSPECTIVE JUROR JAIME: HE WASN'T. HE WAS
3 MURDERED.

4 THE COURT: PARDON?

5 PROSPECTIVE JUROR JAIME: HE WASN'T. HE WAS
6 MURDERED.

7 THE COURT: MURDERED. OKAY.

8 ANYBODY ELSE IN THE TOP ROW? YES, SIR?

9 PROSPECTIVE JUROR GOLDICH: MY MOTHER FOR A LONG
10 TIME HAS TAKEN AROUND-THE-CLOCK OPIATE MEDICATION, BUT
11 THAT'S BEEN FOR ALMOST 30 YEARS, AND IT DATED BACK TO WHEN
12 SHE WAS HIT BY A CAR AND KIND OF TRIED TO FIX THAT PAIN,
13 BUT IT'S BEEN THERE SINCE.

14 THE COURT: SHE'S STILL ALIVE?

15 PROSPECTIVE JUROR GOLDICH: SHE'S STILL ALIVE, YES.

16 THE COURT: OKAY. IS SHE STILL TAKING THE
17 NARCOTIC?

18 PROSPECTIVE JUROR GOLDICH: YES, BUT WEANING
19 HERSELF OFF.

20 THE COURT: PARDON?

21 PROSPECTIVE JUROR GOLDICH: YES, BUT SLOWLY WEANING
22 HERSELF OFF.

23 THE COURT: I SEE. OKAY. MIDDLE ROW. DID I MISS
24 ANYBODY IN THE TOP? LET'S TALK ABOUT THE SAME ISSUE IN
25 THE MIDDLE ROW. ANYBODY? FRONT ROW? MR. KENNEDY?

26 PROSPECTIVE JUROR KENNEDY: I HAD A FAMILY MEMBER
27 WHO WAS ADDICTED TO A LOT OF DIFFERENT PAINKILLERS, A LOT
28 OF THEM NARCOTICS, AND LOST HER NURSE PRACTITIONER JOB

1 BECAUSE OF IT, BUT SINCE THEN WENT TO REHAB AND RECOVERED.

2 THE COURT: OKAY. JUROR NO. --

3 PROSPECTIVE JUROR LYON: I HAVE A FAMILY MEMBER WHO
4 HAS HAD ISSUES WITH METH, AND HE'S BEEN IN AND OUT OF
5 REHAB, SOBER LIVING. HOPEFULLY, THE FOURTH TIME AROUND IN
6 SOBER LIVING, HE'S ON THE ROAD TO RECOVERY, BUT IT'S BEEN
7 TOUGH.

8 THE COURT: JUROR NO. 1, DID YOU --

9 PROSPECTIVE JUROR JAIME: YEAH, I'D LIKE TO ADD --

10 THE COURT: I'M SORRY? I CAN'T HEAR YOU.

11 PROSPECTIVE JUROR JAIME: I'D JUST LIKE TO ADD AS
12 WELL, THAT FAMILY MEMBER, THAT WAS MY UNCLE. BUT MY
13 BOYFRIEND, MY PARTNER, THAT I SPOKE OF EARLIER WAS A
14 POLY-OPIATE ABUSER, AND THAT WAS THE CAUSE OF HIS DEATH.
15 SO I WANTED THE COURT TO BE AWARE OF THAT.

16 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

17 YES, SIR?

18 PROSPECTIVE JUROR HOLGUIN: MY NEPHEW WAS TAKING A
19 VARIETY OF DIFFERENT DRUGS AND WENT INTO REHAB AFTER SOME
20 LEGAL ISSUES.

21 THE COURT: OKAY. THE LAST SUBJECT THAT I WANT TO
22 TOUCH BASE ON, THE DECEDENT IN THIS CASE TOOK AN OVERDOSE
23 OF PERCOCET AND DIED. WE CALL IT A SUICIDE.

24 ANYBODY IN THE TOP ROW, FAMILY MEMBERS,
25 CLOSE PERSONAL FRIENDS, THAT HAVE HAD A SIMILAR-TYPE
26 SITUATION THAT YOU KNOW OF? MIDDLE ROW? I'M SORRY.
27 NO. 1?

28 PROSPECTIVE JUROR JAIME: I HAVE SIMILAR TYPES OF

1 SITUATIONS. AS FAR AS SUICIDE?

2 THE COURT: YES.

3 PROSPECTIVE JUROR JAIME: YES. IMMEDIATE FAMILY
4 MEMBER ATTEMPTED SUICIDE.

5 THE COURT: HOW LONG AGO WAS THAT?

6 PROSPECTIVE JUROR JAIME: I WANT TO SAY SEVEN YEARS
7 AGO. NOT OPIATES. BENZODIAZEPINES.

8 MR. BLESSEY: I'M SORRY, YOUR HONOR. I DIDN'T HEAR
9 THE DRUG.

10 THE COURT: MAYBE YOU CAN SPEAK UP.

11 PROSPECTIVE JUROR JAIME: IT WASN'T OPIATE-BASED.
12 IT WAS BENZODIAZEPINES THAT WAS USED.

13 THE COURT: MIDDLE ROW, ANYBODY?

14 PROSPECTIVE JUROR CRAW: AUNT COMMITTED SUICIDE.

15 THE COURT: I'M SORRY? I CAN'T HEAR.

16 PROSPECTIVE JUROR CRAW: AUNT COMMITTED SUICIDE.

17 THE COURT: AN AUNT?

18 PROSPECTIVE JUROR CRAW: IT WAS DUE TO A MENTAL
19 DISORDER.

20 THE COURT: JUROR NO. 11, DID YOU HAVE YOUR HAND
21 UP?

22 PROSPECTIVE JUROR DALE: YES. MY BEST FRIEND
23 COMMITTED SUICIDE THREE -- THREE OR FOUR YEARS AGO -- FOUR
24 YEARS AGO.

25 THE COURT: ON AN OVERDOSE?

26 PROSPECTIVE JUROR DALE: YES.

27 THE COURT: OKAY. DO YOU KNOW THE DRUG?

28 PROSPECTIVE JUROR DALE: IT WAS A VARIETY OF MIXED

1 WITH ALCOHOL.

2 THE COURT: YES, SIR?

3 PROSPECTIVE JUROR PLUMER: LIKE I SAID BEFORE, ONE
4 OF MY PLAYERS I COACHED FOR FIVE YEARS --

5 THE COURT: RIGHT.

6 PROSPECTIVE JUROR PLUMER: -- OVERDOSED.

7 THE COURT: YOU MENTIONED TWO PLAYERS, I THINK.

8 PROSPECTIVE JUROR JAIME: YEAH. ONE NOT BY
9 OVERDOSE. METHAMPHETAMINES WAS THE OVERDOSE.

10 THE COURT: FRONT ROW, SAME QUESTION. YES, SIR?

11 PROSPECTIVE JUROR DALE: I HAVE A GOOD FRIEND WHO
12 ATTEMPTED SUICIDE RECENTLY, TRYING TO OVERDOSE, BUT I
13 DON'T KNOW WHAT THE --

14 THE COURT: WHAT IF WE WERE TO ASK JUST ONE MORE
15 QUESTION, AND THAT IS, NOT ONLY -- WE TALKED ABOUT
16 ATTEMPTED SUICIDE USING A NARCOTIC. TOP ROW? MIDDLE ROW,
17 FRONT ROW? OKAY.

18 MR. NEWHOUSE: YOU DID GET A HAND ON THE SECOND
19 ROW, YOUR HONOR.

20 THE COURT: YES?

21 PROSPECTIVE JUROR DALE: YES. MY FATHER HAS TRIED
22 SEVERAL TIMES.

23 THE COURT: THANK YOU VERY MUCH. ALL RIGHT.

24 VOIR DIRE, COUNSEL?

25 MR. NEWHOUSE: YES, YOUR HONOR.

26 CAN I MOVE THE PODIUM?

27 THE COURT: YES, PLEASE. YOU CAN USE THE PODIUM AT
28 ALL TIMES.

1 MR. NEWHOUSE: A LITTLE CRAMPED IN HERE.

2 MAY I PROCEED, YOUR HONOR?

3 THE COURT: YOU MAY.

4 MR. NEWHOUSE: THANK YOU. GOOD AFTERNOON,
5 EVERYONE. MY NAME, AGAIN, IS GEORGE NEWHOUSE, AND I'LL
6 INTRODUCE MY CO-COUNSEL, KATHERINE MC BROOM, ONE MORE TIME
7 TO YOU.

8 WE INTRODUCED -- WE REPRESENT THE
9 PLAINTIFFS. THE COURT HAS ALREADY INDICATED TO YOU LINDA
10 AND PETER DE ROGATIS ARE THE PARENTS OF TARA DE ROGATIS
11 WHO TRAGICALLY KILLED HERSELF, AND THEY ARE HERE AS THE
12 PLAINTIFFS IN THIS CASE.

13 NOW, THE COURT HAS HAD AN OPPORTUNITY, AN
14 OPPORTUNITY, TO HAVE THIS DISCUSSION WITH YOU. WE CALL
15 THIS VOIR DIRE. AND THIS IS A UNIQUE OPPORTUNITY REALLY
16 IN THE TRIAL BECAUSE THIS IS THE ONLY OPPORTUNITY WE GET
17 TO ACTUALLY SPEAK TO YOU AND ENGAGE THE JURORS. SO IT'S
18 YOUR OPPORTUNITY, AS YOU'VE DONE VERY WELL WITH THE COURT,
19 TO EXPRESS YOUR FEELINGS AND VIEWS.

20 YOU HAVEN'T HEARD THE EVIDENCE, BUT YOU'VE
21 BEEN, IF YOU WILL, INTRODUCED TO THE CASE, SOME OF THE
22 ISSUES IN THE CASE, THAT THE JUDGE HAS GONE OVER WITH YOU
23 IN EXTENSIVE DETAIL.

24 THE REASON WE DO THIS, SO YOU UNDERSTAND,
25 THIS IS AN IMPORTANT CASE TO MY CLIENTS; IT'S AN IMPORTANT
26 CASE, I'M SURE, TO DR. SHAINSKY. AND WE WOULD LIKE, THE
27 PARTIES WOULD LIKE, TO SELECT AS JURORS, JURORS WHO HAVE
28 THE RIGHT PERSONAL VIEWS AND EXPERIENCES OR RATHER

1 DESELECT THOSE OF YOU WHO, FOR WHATEVER REASON -- NOT YOUR
2 FAULT -- BUT BASED UPON YOUR EXPERIENCES MIGHT HAVE A
3 PROBLEM, A BIAS BECAUSE OF PAST EXPERIENCES. SO THAT'S
4 THE REASON WE'RE ASKING THESE QUESTIONS.

5 AS THE JUDGE INDICATED, WE VERY MUCH
6 APPRECIATE YOUR COMPLETE HONESTY, AND LET ME SAY --
7 ACTUALLY, I'M GOING TO ASK YOU SOME FOLLOW-UP QUESTIONS.
8 IF I ASK A QUESTION THAT YOU FIND EMBARRASSING OR
9 PROBLEMATIC, PLEASE TELL ME, AND IT'S NOT MY INTENT TO
10 EMBARRASS ANYONE; BUT ON BEHALF OF MY CLIENTS, WE NEED TO
11 FIND OUT AND SELECT A JURY THAT WOULD BE FAIR AND
12 IMPARTIAL IN THIS CASE.

13 THE NATURE OF THE LAWSUIT THE JUDGE HAS ALSO
14 EXPLAINED TO YOU -- IT'S NOT A CRIMINAL CASE. IT'S A
15 CIVIL LAWSUIT. NO ONE IS CLAIMING HERE IN THIS LAWSUIT
16 THAT DR. SHAINSKY ACTED MALICIOUSLY OR CRIMINALLY.
17 RATHER, THIS SUIT IS ABOUT ESTABLISHING WHAT WE CALL
18 LIABILITY. SO YOUR VERDICT, FOR EXAMPLE, MOST PEOPLE
19 SERVE ON CRIMINAL JURIES. YOU'RE NOT GOING TO BE
20 DETERMINING GUILT OR INNOCENCE. THAT'S NOT THE QUESTION.
21 THE QUESTION IS GOING TO BE LIABILITY, AND SPECIFICALLY,
22 WAS THE DEFENDANT DOCTOR NEGLIGENT? DID SHE ACT BELOW THE
23 STANDARD OF CARE IN PRESCRIBING, YOU WILL HEAR, 316
24 TABLETS OF PERCOCET, A VERY POWERFUL NARCOTIC, TO OUR
25 CLIENT --

26 MR. BLESSEY: YOUR HONOR --

27 MR. NEWHOUSE: -- WITHIN A 40-DAY PERIOD.

28 MR. BLESSEY: -- I'LL OBJECT. THIS SOUNDS LIKE

1 CLOSING ARGUMENT. I HAVEN'T HEARD A QUESTION YET.

2 MR. NEWHOUSE: I'M GETTING TO THE QUESTION.

3 THE COURT: HE'S GETTING TO IT.

4 MR. NEWHOUSE: SO THAT'S THE QUESTION YOU'RE GOING
5 TO GET. IT'S NOT GOING TO BE JUDGMENTAL. ONLY IN THE
6 SENSE THAT WAS NEGLIGENCE INVOLVED HERE.

7 DOES ANYONE HAVE A PROBLEM AS A
8 PHILOSOPHICAL MATTER WITH IF THE EVIDENCE -- IF WE PRESENT
9 SUFFICIENT EVIDENCE -- AND THE JUDGE WILL INSTRUCT YOU ON
10 THE LAW -- DOES ANYONE HAVE A PHILOSOPHICAL PROBLEM WITH
11 AWARDED MONEY DAMAGES TO INDIVIDUALS WHO WERE -- MAY HAVE
12 BEEN HARMED BY THIS ACTION? SO IF YOU HAVE AN ISSUE WITH
13 THAT OR A PROBLEM, PLEASE RAISE YOUR HAND. I SEE NO
14 HANDS.

15 THE BURDEN OF PROOF -- THE COURT WILL AGAIN
16 INSTRUCT YOU AT THE END OF THE CASE, BUT IN A CIVIL CASE,
17 THE BURDEN OF PROOF IS DIFFERENT. IT'S LOWER THAN IN A
18 CRIMINAL CASE. IN A CIVIL CASE, THE BURDEN IS ON THE
19 PLAINTIFF, AND WE WILLINGLY ACCEPT THAT BURDEN TO PRODUCE
20 SUFFICIENT EVIDENCE. BUT THAT EVIDENCE IS A
21 PREPONDERANCE. SO 51 PERCENT OF 49 PERCENT AS OPPOSED TO
22 THE MUCH HIGHER BURDEN OF PROOF THAT THOSE OF YOU WHO SAT
23 ON CRIMINAL JURIES ARE ACCUSTOMED TO.

24 DOES EVERYONE UNDERSTAND AND ACCEPT THAT --
25 AS JURORS IN A CIVIL CASE, THERE CAN BE A REAL QUESTION,
26 BUT IF YOU FIND MORE LIKELY THAN NOT THAT THE DEFENDANT
27 WAS NEGLIGENT IN PRESCRIBING HUNDREDS OF PERCOCET TABLETS,
28 DOES ANYONE HAVE A PROBLEM WITH FINDING LIABILITY ON

1 BEHALF OF THE PLAINTIFF? I SEE NO HANDS.

2 I THINK THE COURT HAS ALREADY ASKED THE
3 QUESTION ABOUT LAWSUITS.

4 OBVIOUSLY, FRONT AND CENTER IN THIS CASE,
5 THE DEFENDANT IS A DOCTOR. AND IN FACT, I READ TO YOU
6 FROM OUR WITNESS LIST. BOTH SIDES ARE GOING TO CALL A LOT
7 OF PHYSICIANS, DOCTORS, IN THIS CASE. SO A DOCTOR IS
8 FRONT AND CENTER IN THIS CASE. AND IN THIS SOCIETY, WE
9 TEND TO PLACE DOCTORS ON PEDESTALS. WE LOOK UP TO THEM.
10 WE RESPECT THEM GENERALLY. WE CALL THEM "DOCTOR," AS WE
11 CALL THE COURT "YOUR HONOR." THAT'S EMBLEMATIC OF OUR
12 RESPECT, AND THAT'S A GOOD THING. I SHARE THAT VIEW. MY
13 DAUGHTER IS ACTUALLY IN MEDICAL SCHOOL. SO IT'S A GOOD
14 THING GENERALLY.

15 BUT HERE IS MY QUESTION: IS THERE ANYONE IN
16 THIS LAWSUIT -- OR IF YOU WERE TO SERVE AS A JUROR, WHO
17 WOULD BE RELUCTANT TO AWARD DAMAGES AGAINST A DOCTOR,
18 DR. SHAINSKY, EVEN IF IT WAS PROVEN THAT THE DOCTOR ACTED
19 NEGLIGENCE, WHICH IS TO SAY, BELOW THE RELEVANT STANDARD
20 OF CARE? IS THERE ANYONE WHO WOULD HAVE ANY DIFFICULTY
21 SETTING ASIDE THE TRADITIONAL RESPECT WE AFFORD DOCTORS
22 AND RETURN THAT VERDICT? I SEE NO HANDS.

23 NOW, LET ME TO YOU, MS. SIM. I THINK YOU
24 SAID YOUR FATHER IS A DOCTOR?

25 PROSPECTIVE JUROR CRAW: YES.

26 MR. NEWHOUSE: I THINK YOU INDICATED IN RESPONSE TO
27 ONE OF THE QUESTIONS THAT HE HAD BEEN INVOLVED IN A
28 LAWSUIT?

1 PROSPECTIVE JUROR CRAW: YES. AT LEAST ONE THAT I
2 KNOW OF.

3 MR. NEWHOUSE: HE WAS SUED?

4 PROSPECTIVE JUROR CRAW: I BELIEVE SO. I DON'T
5 KNOW WHAT THE OUTCOME WAS. I JUST REMEMBER IT.

6 MR. NEWHOUSE: WAS HE UNHAPPY ABOUT THAT LAWSUIT?

7 PROSPECTIVE JUROR CRAW: I CAN'T REMEMBER. IT WAS
8 A WHILE AGO.

9 MR. NEWHOUSE: WAS A JUDGMENT RENDERED AGAINST HIM?

10 PROSPECTIVE JUROR CRAW: I DON'T KNOW THE DETAILS
11 OF THE CASE AT THE TIME.

12 MR. NEWHOUSE: THAT'S FAIR ENOUGH. IS THERE
13 ANYTHING ABOUT THAT EXPERIENCE THAT MIGHT MAKE YOU JUST A
14 LITTLE BIT MORE RELUCTANT TO BE FAIR AND IMPARTIAL TO THE
15 DE ROGATISES AS OPPOSED TO DR. SHAINSKY BECAUSE YOUR
16 FATHER IS A DOCTOR AND PHYSICIAN?

17 PROSPECTIVE JUROR CRAW: POSSIBLY, BUT I'D TRY NOT
18 TO BE BIASED.

19 MR. NEWHOUSE: I APPRECIATE THAT YOU WOULD TRY, BUT
20 YOU MIGHT POSSIBLY FEEL JUST SLIGHTLY INCLINED TO GIVE THE
21 BENEFIT OF THE DOUBT TO THE DOCTOR JUST IN THE BACK OF
22 YOUR MIND?

23 PROSPECTIVE JUROR CRAW: POSSIBLY, YEAH.

24 MR. NEWHOUSE: I APPRECIATE YOUR HONESTY VERY MUCH.
25 DO ANY OTHER -- I TAKE IT NO ONE ELSE HAS A
26 PHYSICIAN IN THEIR IMMEDIATE FAMILY? I SEE -- RAISE YOUR
27 HAND IF YOU DO. I SEE SHAKES OF HEAD. NO ONE IS RAISING
28 THEIR HAND.

1 DOES ANYONE HAVE A FAMILY MEMBER, MAYBE A
2 COUSIN OR AN UNCLE CLOSE BY WHO IS A PHYSICIAN?

3 YES, MA'AM?

4 PROSPECTIVE JUROR GREEN: I HAVE A STEPSISTER WHO
5 IS A OBSTETRICIAN.

6 MR. NEWHOUSE: MS. GREEN, SO YOUR STEPSISTER IS AN
7 OBSTETRICIAN. HAS SHE EVER BEEN SUED, AS FAR AS YOU KNOW?

8 PROSPECTIVE JUROR GREEN: NOT THAT I KNOW OF.

9 MR. NEWHOUSE: IS THERE ANYTHING ABOUT YOUR
10 RELATIONSHIP WITH HER -- AGAIN, SHE'S A DOCTOR. WE
11 RESPECT DOCTORS -- THAT MIGHT CAUSE YOU TO BE A LITTLE BIT
12 MORE INCLINED TO FAVOR THE DEFENSE AS OPPOSED TO THE
13 PLAINTIFF?

14 PROSPECTIVE JUROR GREEN: I DON'T THINK SO.

15 MR. NEWHOUSE: GREAT. DOES ANYONE IN THE JURY POOL
16 EVER WORKED FOR A DOCTOR OR A HOSPITAL, DENTIST, BEEN
17 AFFILIATED IN AN EMPLOYMENT CAPACITY? LET'S START WITH --
18 IS IT CRAW?

19 PROSPECTIVE JUROR CRAW: YES.

20 MR. NEWHOUSE: OKAY. START WITH MS. CRAW. YES?

21 PROSPECTIVE JUROR CRAW: ORTHODONTIST. I WORK WITH
22 AN ORTHODONTIST.

23 MR. NEWHOUSE: AND WHAT DO YOU DO AT THE
24 ORTHODONTIST'S --

25 PROSPECTIVE JUROR CRAW: OFFICE MANAGER. I HELP
26 RUN THE BUSINESS. PATIENT CONTRACTS, FINANCE, INSURANCE,
27 THINGS LIKE THAT.

28 MR. NEWHOUSE: AND YOU LIKE THAT ORTHODONTIST,

1 RIGHT?

2 PROSPECTIVE JUROR CRAW: YES.

3 MR. NEWHOUSE: A MAN OR A WOMAN?

4 PROSPECTIVE JUROR CRAW: WOMAN.

5 MR. NEWHOUSE: A WOMAN. NICE PERSON?

6 PROSPECTIVE JUROR CRAW: MY SISTER.

7 MR. NEWHOUSE: YOUR SISTER. HAS SHE EVER BEEN THE
8 SUBJECT OF A LAWSUIT?

9 PROSPECTIVE JUROR CRAW: NO. BUT SHE HAD TO --
10 SHE'S PART OF THE SAN GABRIEL BOARD WHERE SHE ACTUALLY --
11 WITH HER AND A FEW OTHER ORTHODONTISTS HAVE TO JUDGE OTHER
12 ORTHOPEDIC CASES TO SEE IF THEY DID IT CORRECT BECAUSE THE
13 PATIENTS COMPLAIN. SHE HAS TO JUDGE OTHER PEOPLE'S WORK.

14 MR. NEWHOUSE: ANYTHING ABOUT THOSE EXPERIENCES YOU
15 THINK MIGHT INCLINE YOU JUST A LITTLE BIT MORE IN THE
16 NATURE OF FAVORING THE DEFENDANT DOCTOR AS OPPOSED TO THE
17 PLAINTIFFS?

18 PROSPECTIVE JUROR CRAW: NO. BECAUSE I'VE SEEN
19 GOOD DOCTORS AND BAD DOCTORS WORKING, AND YOU CAN JUST
20 TELL. YOU KNOW, YOU PAY ATTENTION MORE.

21 MR. NEWHOUSE: NOW, MS. CRAW JUST MADE AN
22 INTERESTING STATEMENT. "THERE ARE GOOD DOCTORS"
23 UNDOUBTEDLY, AND I'M SURE THERE ARE A FEW BAD DOCTORS.

24 DOES EVERYONE IN THE PANEL ACCEPT THAT
25 DOCTORS, BEING HUMAN BEINGS, IT'S ONLY NATURAL THAT THEY
26 MAKE MISTAKES LIKE THE REST OF US? ANYONE DISAGREE WITH
27 THAT STATEMENT? I SAW ANOTHER HAND. YES, SIR,
28 MR. SHIRVANIAN?

1 PROSPECTIVE JUROR SHIRVANIAN: YES. I WORK FOR
2 U.C.L.A., SO I WORK WITH THE DOCTORS, BOTH TRAINING THEM
3 TO USE THE NEW SYSTEMS, WORK WITH THEM ON THE FLOOR WITH
4 THEIR USAGE AND SUPPORT THEM ON THE PHONES. AND NOW I
5 WORK AS A BUILDER IN BUILDING OUT THE APPLICATION AS THE
6 SYSTEM IS USED FOR THEIR USE.

7 MR. NEWHOUSE: AND, OF COURSE, WORKING WITH
8 U.C.L.A., YOU'RE WORKING WITH ONE OF THE TRULY GREAT
9 MEDICAL CENTERS IN THE WORLD, CORRECT?

10 PROSPECTIVE JUROR SHIRVANIAN: IT IS.

11 MR. NEWHOUSE: YOU HOLD DOCTORS THAT YOU WORK WITH
12 IN HIGH ESTEEM, DO YOU NOT?

13 PROSPECTIVE JUROR SHIRVANIAN: ABSOLUTELY.

14 MR. NEWHOUSE: NOW, WE MAY ACTUALLY HAVE ONE OR
15 MORE OF THE WITNESSES -- A LOT OF THE DOCTORS WHO WILL BE
16 TESTIFYING -- IT'S A LONG LIST -- WILL BE TESTIFYING AS
17 MEDICAL EXPERTS.

18 ARE YOU GOING TO BE INFLUENCED AT ALL
19 WHETHER SOMEONE IS AT U.C.L.A. OR U.S.C. OR SOME OTHER
20 INSTITUTION? YOU'LL BE ABLE TO JUDGE THEM THE SAME WAY?

21 PROSPECTIVE JUROR SHIRVANIAN: I'D LIKE SAY "YES."
22 I KNOW WE PRIDE OURSELVES ON OUR DOCTORS, SO I'D LIKE TO
23 SAY "YES," BUT I ALSO KNOW HOW WE LOOK UP TOWARD DOCTORS.

24 MR. NEWHOUSE: WHAT YOU'RE SAYING IS, YOU, WITH
25 FULL JUSTIFICATION, HOLD U.C.L.A. WITH GREAT RESPECT?

26 PROSPECTIVE JUROR SHIRVANIAN: ABSOLUTELY.

27 MR. NEWHOUSE: BUT IF A DOCTOR IS AN EXPERT COMING
28 FROM ANOTHER INSTITUTION, YOU CAN STILL ACCEPT, JUDGE THAT

1 CREDIBILITY OF THAT WITNESS THE WAY YOU WOULD ANY OTHER
2 WITNESS?

3 PROSPECTIVE JUROR SHIRVANIAN: I BELIEVE SO.

4 MR. NEWHOUSE: ANYONE ELSE? I'M SORRY. IN THE
5 BACK. YES? MS. JAIME.

6 PROSPECTIVE JUROR JAIME: YES. AT THE RESIDENTIAL
7 TREATMENT FACILITY THAT I WORKED AT, I WAS WASN'T EMPLOYED
8 BY THE PHYSICIANS, BUT I WORKED CLOSELY WITH THE
9 PSYCHIATRISTS THEY HIRED TO CREATE TITRATE PLANS FOR THE
10 PATIENTS. I WORKED CLOSELY WITH HIM. AND I ALSO DID LIKE
11 MEDICATION PROTOCOL, AS FAR AS ADMINISTERING MEDICATION TO
12 THE CLIENT AND MAKING SURE THEIR MEDICATION UPDATES
13 WERE -- STATUS UPDATES OR PRESCRIPTIONS WERE FILLED. I
14 WORKED CLOSELY WITH THE PSYCHIATRISTS AND THEIR PLANS FOR
15 THE NEW CLIENTS TO COME OFF CERTAIN MEDS, SO --

16 MR. NEWHOUSE: IS IT FAIR TO SAY, BASED ON THAT
17 EXPERIENCE, THAT YOU RESPECT THOSE DOCTOR AND, IN THE
18 SENSE, PUT THEM ON THE PEDESTAL I SPOKE OF EARLIER OR NOT?

19 PROSPECTIVE JUROR JAIME: RESPECT, YES. PEDESTAL,
20 I'M NOT QUITE SURE. THAT'S AN EXTREME STATEMENT.

21 MR. NEWHOUSE: IT'S A VAGUE QUESTION. MY FOLLOW-UP
22 QUESTION IS, IS THERE ANYTHING ABOUT YOUR EXPERIENCE WITH
23 THOSE DOCTORS THAT MIGHT CAUSE YOU TO FAVOR THE DEFENSE
24 SIDE EVER SO SLIGHTLY IN THIS CASE OR CAN YOU BE FAIR AND
25 IMPARTIAL IN JUDGING THE EVIDENCE AS IT COMES IN?

26 PROSPECTIVE JUROR JAIME: I CAN BE FAIR BECAUSE I
27 THINK EVERY SITUATION -- I THINK EVERY SITUATION IS
28 DIFFERENT. I THINK THE INFORMATION WILL BE DIFFERENT.

1 MR. NEWHOUSE: DOES ANYONE DISAGREE WITH THAT
2 STATEMENT? EVERY SITUATION, DIFFERENT INDIVIDUALS. EVERY
3 SITUATION SHOULD BE JUDGED ON ITS INDIVIDUAL MERITS. AND
4 THAT WILL BE IN THIS CASE AS THE EVIDENCE COMES IN AND YOU
5 HEAR IT AS JURORS. DOES ANYONE DISAGREE WITH THAT OR
6 THINK THEY MIGHT NOT BE ABLE TO DO THAT?

7 THE LAW IN CALIFORNIA -- AND THE JUDGE WILL
8 INSTRUCT YOU AT THE CLOSE OF THE CASE. HE'LL GIVE YOU
9 JURY INSTRUCTIONS THAT WILL TELL YOU EVERYTHING THAT YOU
10 NEED TO KNOW ABOUT THE LAW, AND YOU'LL BE, OF COURSE, THE
11 JUDGES OF THE FACTS.

12 THE LAW IN CALIFORNIA PROVIDES THAT IF A
13 DOCTOR DOES SOMETHING BELOW THE STANDARD OF CARE, WHICH IS
14 REALLY A LEGAL TERM THAT MEANS THE DEFENDANT WAS
15 NEGLIGENT, AND HIS OR HER PATIENT DIES OR IS INJURED AS A
16 RESULT, THAT THE DOCTOR IS LEGALLY RESPONSIBLE AND MAY BE
17 LIABLE FOR DAMAGES TO A PERSON, SUCH AS THE FAMILY OF THE
18 DECEASED. DOES ANYONE DISAGREE WITH THAT AS A STATEMENT
19 OF THE LAW?

20 MR. BLESSEY: YOUR HONOR, I'LL JUST OBJECT. THAT
21 IS NOT A STATEMENT OF THE LAW.

22 THE COURT: SUSTAINED.

23 MR. NEWHOUSE: DOES ANYONE -- WILL ANYONE HAVE ANY
24 PROBLEM FOLLOWING THE LAW THAT THE COURT WILL GIVE YOU AT
25 THE CLOSE OF THE CASE IN TERMS OF INSTRUCTIONS ABOUT UNDER
26 WHAT CIRCUMSTANCES IT'S APPROPRIATE TO FIND FOR THE
27 PLAINTIFF? SEEING NO HANDS, THANK YOU.

28 AND THEN, AGAIN, AS I SAID, THERE ARE GOING

1 TO BE A NUMBER OF PHYSICIANS, DOCTORS, WHO WILL TESTIFY.
2 DR. SHAINSKY, IN FACT, WILL BE CALLED TO THE STAND AND
3 PROBABLY QUESTIONED BY BOTH SIDES.

4 DO YOU ALL UNDERSTAND GENERALLY THAT
5 DOCTORS, LIKE ANYONE ELSE, SHOULD BE JUDGED -- THEIR
6 CREDIBILITY SHOULD BE JUDGED THE WAY ANY WITNESS'S
7 CREDIBILITY IS JUDGED, MEANING YOU DON'T NECESSARILY
8 AFFORD THEM HIGHER OR LOWER CREDIBILITY JUST BECAUSE
9 THEY'RE A DOCTOR? DOES ANYONE DISAGREE WITH THAT OR HAVE
10 A DIFFERENT VIEW? ALL RIGHT. SO THAT TOUCHES UPON THAT
11 AREA.

12 LET'S TALK A LITTLE BIT ABOUT -- AND THE
13 COURT HAS EXTENSIVELY COVERED THIS, SO I CAN GO MORE A
14 LITTLE MORE QUICKLY. BUT AS YOU HAVE ALREADY HEARD, WE'RE
15 GOING TO HEAR A LOT OF EVIDENCE ABOUT MENTAL ILLNESS,
16 MENTAL DISORDERS, DRUG ADDICTION, THE PLAGUE THAT PLAGUES
17 THIS SOCIETY, AS WELL AS SUICIDE; BECAUSE WHAT ULTIMATELY
18 HAPPENED IN THIS CASE -- I DON'T THINK THERE'S ANY
19 DISPUTE -- THAT TARA COMMITTED SUICIDE AFTER BEING GIVEN
20 100 OR MORE PERCOCET TABLETS.

21 SO YOU'RE GOING TO HEAR EVIDENCE THAT TARA
22 WAS A DRUG ADDICT. SHE HAD ABUSED SUCH DRUGS AS
23 METHAMPHETAMINE IN THE PAST AND THAT SHE HAD SOME SERIOUS
24 PSYCHIATRIST ISSUES THAT WERE PLAGUING HER LIFE.

25 DOES ANYONE HERE FEEL THAT MENTAL ILLNESS IS
26 SOMEHOW THE FAULT OF THE PATIENT? YES?

27 PROSPECTIVE JUROR CRAW: YEAH.

28 MR. NEWHOUSE: MS. CRAW. WHAT ARE YOUR VIEWS ON

1 THAT?

2 PROSPECTIVE JUROR CRAW: I THINK THAT -- THAT
3 DEFINES CHARACTER.

4 MR. NEWHOUSE: SORRY?

5 PROSPECTIVE JUROR CRAW: DEFINES CHARACTER. IF
6 THEY HAVE MENTAL ISSUES, THEY'RE GOING TO DRUGS. THAT
7 MEANS THERE'S SOME TYPE OF PROBLEM THAT'S HAPPENING.

8 MR. NEWHOUSE: AND I APPRECIATE THAT. I UNDERSTAND
9 WHAT YOU'RE SAYING.

10 BUT DO YOU THINK THAT, FOR EXAMPLE, SOMEONE
11 WHO BECOMES A DRUG ADDICT OR SOMEONE WHO DEVELOPS
12 PSYCHIATRIC CONDITIONS BECAUSE OF ADDICTION TO DRUGS, DO
13 YOU THINK THAT WAS A LIFE CHOICE THEY MADE OR IS IT MORE
14 LIKE AN ILLNESS?

15 PROSPECTIVE JUROR CRAW: I DON'T HAVE MUCH
16 EXPERIENCE ON THIS AT ALL. I DON'T KNOW. I WOULD THINK
17 IT WOULD BE AN ILLNESS.

18 MR. NEWHOUSE: MS. JAIME, DO YOU AGREE OR DISAGREE
19 WITH MS. CRAW'S STATEMENT?

20 PROSPECTIVE JUROR JAIME: I -- IN MY EXPERIENCE,
21 IT'S A COMBINATION OF BOTH. MENTAL ILLNESS IS AN ILLNESS.
22 ADDICTION IS A DISEASE. BUT THERE ARE POINTS IN OUR LIFE
23 WE HAVE TO MAKE CHOICES AND MAKE CHANGES. SO IT'S 50-50
24 FOR ME.

25 MR. NEWHOUSE: I APPRECIATE THAT.

26 DOES ANYONE DISAGREE THAT MOST MEDICAL
27 PROFESSIONALS -- MOST MEDICAL PROFESSIONALS TELL US THAT
28 DRUG ADDICTS ARE SUFFERING FROM ILLNESS? ANYONE DISAGREE

1 WITH THAT? THANK YOU. NO HANDS.

2 IF YOU HEARD THAT TARA SUFFERED FROM VARIOUS
3 FORMS OF MENTAL ILLNESS, INCLUDING DRUG ADDICTION, DOES
4 ANYONE ON THE JURY THINK THAT THAT MIGHT MAKE HER LESS
5 DESERVING OF QUALITY MEDICAL CARE BY HER PHYSICIANS? I
6 SEE SHAKES OF THE HEAD. NO ONE IS SPEAKING UP.

7 OKAY. SO THE LAST TOPIC, AND THEN I WILL
8 SIT DOWN, WE'VE OBVIOUSLY SPOKEN A LOT ABOUT THIS, BUT
9 SUICIDE -- AND, FOR EXAMPLE, MS. JAIME YOU'VE INDICATED
10 THAT YOU PERSONALLY EXPERIENCED A SUICIDE TO YOUR LOVED
11 ONE?

12 PROSPECTIVE JUROR JAIME: SUICIDE ATTEMPT.

13 MR. NEWHOUSE: ATTEMPT.

14 PROSPECTIVE JUROR JAIME: MY IMMEDIATE FAMILY AND
15 MY PARTNER THAT PASSED AWAY RECENTLY, THEY SUSPECTED
16 SUICIDE, SO I WILL NEVER KNOW WHAT HAPPENED.

17 MR. NEWHOUSE: AND IS THERE ANYTHING ABOUT -- WOULD
18 YOU AGREE ME, THAT'S A HORRIBLE EXPERIENCE TO GO THROUGH
19 AS THE FAMILY MEMBER?

20 PROSPECTIVE JUROR JAIME: I'M SORRY?

21 MR. NEWHOUSE: THAT'S A HORRIBLE EXPERIENCE FOR YOU
22 TO GO THROUGH AS A FAMILY MEMBER?

23 PROSPECTIVE JUROR JAIME: ABSOLUTELY, YES.

24 MR. NEWHOUSE: IS THERE ANYTHING ABOUT THAT
25 EXPERIENCE THAT MIGHT MAKE IT HARD FOR YOU TO SIT IN
26 JUDGMENT IN THIS CASE IN WHICH WE'RE GOING TO HEAR A LOT
27 OF TESTIMONY ABOUT SUICIDE AND ABOUT MEDICAL CARE DIRECTED
28 TO THAT? IS THAT GOING TO AFFECT YOU ONE WAY OR ANOTHER?

1 PHILOSOPHICALLY TO AWARDING FAIR AND REASONABLE
2 COMPENSATION TO A FAMILY OF A MENTALLY TROUBLED YOUNG
3 PERSON WHO COMMITTED SUICIDE IF -- WE INTEND TO PRODUCE
4 THIS PROOF -- YOU HAVE SUFFICIENT PROOF THAT THE
5 DEFENDANTS' PRESCRIPTION OF 100 TABLETS OF THE POWERFUL
6 NARCOTIC PERCOCET WAS A SUBSTANTIAL FACTOR IN CAUSING HER
7 SUICIDE? IS ANYONE GOING TO HAVE DIFFICULTY IN RENDERING
8 THAT VERDICT IF THAT PROOF IS DELIVERED? RAISE YOUR HAND.
9 YES, MA'AM? MS. BARANIAN?

10 PROSPECTIVE JUROR BARANIAN: BARANIAN, YES.

11 MR. NEWHOUSE: BARANIAN. PLEASE.

12 PROSPECTIVE JUROR BARANIAN: I INTENDED TO ANSWER
13 YOUR FIRST QUESTION ABOUT MONEY, AND I MISSED IT, AND THEN
14 THIS COMES UP AGAIN. I HAVE SOMEHOW DIFFICULTY IN HAVING
15 COMPARISON BETWEEN THAT AND MONEY, MONETARY COMPENSATION.
16 I CAN'T FIND ANY AMOUNT THAT WOULD JUSTIFY, SO THAT'S
17 WHERE MY PROBLEM IS.

18 MR. NEWHOUSE: THAT'S AN EXCELLENT POINT, AND LET'S
19 JUST RESTATE IT SO EVERYONE HAS IT AND CAN TALK ABOUT IT.

20 NO AMOUNT OF MONEY, IS WHAT YOU'RE SAYING --

21 PROSPECTIVE JUROR BARANIAN: YES.

22 MR. NEWHOUSE: -- CAN -- WOULD COMPENSATE ME FOR
23 THE LOSS OF ONE OF MY CHILDREN. IT'S IMPERFECT. THAT
24 SAID, WOULD YOU HAVE A PHILOSOPHICAL ISSUE AND SAY,
25 "BECAUSE IT ISN'T A PERFECT COMPENSATION, WE'RE NOT
26 INCLINED TO AWARD ANY COMPENSATION"? THAT'S WHAT I'D LIKE
27 TO KNOW. IF THAT'S YOUR REACTION, WHICH IS
28 UNDERSTANDABLE, LOGICAL, WE'D LIKE TO KNOW THAT. IT'S AN

1 IMPERFECT REMEDY, BUT IS IT -- MAYBE THE BEST REMEDY THAT
2 THE LAW AFFORDS IS IF EVERYONE HERE -- IF WE PRODUCE THAT
3 PROOF AND IT'S CONSISTENT WITH THE COURT'S INSTRUCTIONS,
4 IS EVERYONE WHO IS HERE TODAY CAPABLE OF RENDERING THAT
5 VERDICT? IF NOT, IF YOU HAVE AN ISSUE, PLEASE RAISE YOUR
6 HAND AND LET'S TALK ABOUT IT. MS. COOPER?

7 PROSPECTIVE JUROR COOPER: I MEAN, BASICALLY,
8 YOU'RE JUST SAYING, IF YOU PROVE THAT, BECAUSE THIS
9 PRESCRIPTION WAS WRITTEN FOR 100, CAN I SEE -- I MEAN, TO
10 ME THERE HAS TO BE MORE THAT GOES WITH IT THAN JUST SAYING
11 THAT.

12 MR. NEWHOUSE: WELL, WHAT MORE WOULD YOU REQUIRE?

13 PROSPECTIVE JUROR COOPER: WELL, I MEAN, TO ME, YOU
14 KNOW, I WOULD NEED TO KNOW WHAT THIS PERSON'S RELATIONSHIP
15 WITH THE DOCTOR WAS, YOU KNOW, WHAT WAS SHE GETTING THE
16 PRESCRIPTION FOR, WHAT -- YOU KNOW, TO ME THERE'S JUST A
17 LOT MORE THAN JUST TO SAY, YOU KNOW --

18 MR. NEWHOUSE: IT'S A FAIR POINT, AND LET ME ASSURE
19 YOU THAT YOU WILL HEAR AMPLE EVIDENCE ON EVERY ONE OF
20 THOSE POINTS. WHILE WE HAVE YOU, LET ME JUST TOUCH UPON
21 YOU BECAUSE I THINK YOU INDICATED, MS. COOPER, THAT YOU
22 WORK FOR A LAW FIRM?

23 PROSPECTIVE JUROR COOPER: YES.

24 MR. NEWHOUSE: AND AM I RIGHT, IS THE NATURE OF
25 YOUR LAW FIRM'S PRACTICE DEFENSE-ORIENTED AS OPPOSED TO
26 PLAINTIFF?

27 PROSPECTIVE JUROR COOPER: YES.

28 MR. NEWHOUSE: AND IT'S WORKERS' COMPENSATION?

1 PROSPECTIVE JUROR COOPER: CORRECT.

2 MR. NEWHOUSE: AND I THINK YOU INDICATED THAT YOU
3 MAY HAVE RECOGNIZED THE NAME OF MR. RODNEY BLUESTONE.

4 PROSPECTIVE JUROR COOPER: CORRECT.

5 MR. NEWHOUSE: HAS HE ACTUALLY TESTIFIED AS AN
6 EXPERT IN ONE OF YOUR -- ON A CASE THAT YOU HAD CONTACT
7 WITH?

8 PROSPECTIVE JUROR COOPER: I BELIEVE IN ONE OF THE
9 CASES, HE WAS A DOCTOR USED. WHETHER IT WAS ON THE
10 APPLICANT SIDE OR THE DEFENSE SIDE, I DON'T KNOW.

11 MR. NEWHOUSE: ALL OF THE WORK THAT YOUR LAW FIRM
12 WORK IS DEFENSE; IS THAT RIGHT?

13 PROSPECTIVE JUROR COOPER: YES.

14 MR. NEWHOUSE: NOW, IS THAT -- AND YOU LIKE THE LAW
15 FIRM; IT'S BEEN A GOOD EXPERIENCE RIGHT?

16 PROSPECTIVE JUROR COOPER: YES.

17 MR. NEWHOUSE: IS THERE ANYTHING ABOUT THAT -- IT
18 WOULD BE A NATURAL BIAS -- THAT WOULD MAKE YOU MORE
19 INCLINED TO FAVOR MR. BLESSEY? HE'S A VERY FINE LAWYER,
20 AND HE'S A DEFENSE LAWYER. WOULD YOU BE MORE INCLINED TO
21 LISTEN TO HIM AND SIDE WITH HIM BECAUSE THAT'S KIND OF
22 YOUR NATURAL -- YOU KNOW, WHAT YOU DO AT WORK?

23 PROSPECTIVE JUROR COOPER: NO. I MEAN MY BIG
24 PROBLEM IS THAT I SEE, YOU KNOW, IN THE LAW THAT I DO, YOU
25 HAVE THE DOCTORS ON THIS SIDE AND THE DOCTORS ON THIS
26 SIDE. AND FROM WHAT I SEE, A LOT IS -- IT'S JUST DOCTORS
27 ARE WRITING REPORTS ORIENTED TO THIS SIDE TO GET THIS, YOU
28 KNOW OUTCOME IN THIS CASE; AND THESE DOCTORS ARE, YOU

1 KNOW -- AND IT'S KIND OF LIKE YOU'RE TRYING TO FIND THIS
2 MIDDLE SOMEWHERE.

3 MR. NEWHOUSE: YOU'VE SEEN SOME DOCTORS WHO ARE
4 EXPERTS WHO ARE OUTCOME-ORIENTED IS WHAT YOU'RE SAYING?

5 PROSPECTIVE JUROR COOPER: CORRECT.

6 MR. NEWHOUSE: WELL, CAN YOU PUT THAT ASIDE AND
7 LISTEN TO THE WITNESSES WHO WILL BE TESTIFYING IN THIS
8 CASE OBJECTIVELY, UNDERSTANDING AS THE JUDGE HAS CORRECTLY
9 POINTED OUT -- THIS IS A DIFFERENT CASE. MR. BLUESTONE
10 MAY BE TESTIFYING, BUT HE'S NOT TESTIFYING ABOUT ANYTHING
11 IN ANY MANNER. YOU'RE NODDING AFFIRMATIVELY. YOU CAN DO
12 THAT?

13 PROSPECTIVE JUROR COOPER: I MEAN, YES, I
14 UNDERSTAND. I MEAN, BUT I CAN HONESTLY STILL SAY I FEEL
15 LIKE -- YOU KNOW, IT'S LIKE I KNOW THESE DOCTORS YOU ARE
16 GOING TO BE PRESENTING ARE ALL FOR YOUR SIDE; AND THESE
17 DOCTORS ARE ALL GOING TO BE PRESENTING FOR THEIR SIDE, AND
18 SO, YOU KNOW --

19 MR. NEWHOUSE: I APPRECIATE THAT.

20 COULD I HAVE ONE MOMENT, YOUR HONOR?

21 THE COURT: YES.

22 MR. NEWHOUSE: NO FURTHER QUESTIONS, YOUR HONOR.

23 THE COURT: OKAY. DEFENSE?

24 MR. BLESSEY: THANK YOU, YOUR HONOR. GOOD
25 AFTERNOON, LADIES AND GENTLEMEN. WE WERE INTRODUCED AT
26 THE BEGINNING OF THE CASE. I AM RAY BLESSEY AND I
27 REPRESENT DR. SHAINSKY.

28 SO YOU HEARD FROM MR. NEWHOUSE THAT THE

1 PURPOSE OF THIS QUESTIONING IS TO GET SOME MORE INSIGHT
2 INTO YOUR POTENTIAL BIASES, AND THAT'S NOT GOOD OR BAD.
3 YOU HEARD HIM SAY THAT, CORRECT, EVERYBODY?

4 SO THE FIRST QUESTION I'M GOING TO ASK YOU
5 IS, DO ANY OF YOU HAVE A BIAS IN FAVOR OF ATTORNEYS WHO
6 HAVE FULL FACIAL HAIR AS OPPOSED TO THOSE WHO HAVE
7 PARTIAL? OKAY.

8 SERIOUSLY, LADIES AND GENTLEMEN, YOU HEARD
9 SOME QUESTIONS ABOUT THE DRUG PERCOCET FROM HIS HONOR,
10 CORRECT? AND LET ME ASK YOU A DIFFERENT QUESTION.

11 HOW MANY OF YOU HAVE HEARD OF THE DRUG
12 TRAMADOL? OKAY. HOW MANY OF YOU HAVE HEARD ABOUT THE
13 DRUG AMBIEN? HOW MANY OF YOU HEARD ABOUT THE DRUG
14 LUNESTA? AND HOW MANY OF YOU HAVE HEARD ABOUT THE DRUG
15 SEROQUEL? I SEE AT LEAST FIVE, SIX JURORS RESPONDING IN
16 THE AFFIRMATIVE IN RAISING YOUR HANDS.

17 HOW MANY OF YOU SITTING HERE RIGHT NOW KNOW
18 EXACTLY WHAT DRUGS MS. DE ROGATIS TOOK ON THE NIGHT OF HER
19 SUICIDE? RAISE YOUR HAND IF YOU THINK YOU KNOW.

20 HOW MANY OF YOU KNOW WHO PRESCRIBED THE
21 MULTIPLE DRUGS SHE INGESTED ON THE NIGHT OF THE SUICIDE?
22 RAISE YOUR HAND IF YOU THINK YOU KNOW RIGHT NOW. HOW
23 MANY -- NO HANDS IN RESPONSE TO THAT QUESTION AND THE
24 PRIOR QUESTION.

25 HOW MANY OF YOU KNOW AS YOU SIT HERE RIGHT
26 NOW WHAT IN FACT CAUSED THE DEATH OF MS. DE ROGATIS IN
27 THIS CASE? SEEING NO HANDS.

28 ARE ALL OF YOU WILLING TO WAIT UNTIL ALL THE

1 EVIDENCE IS IN BEFORE MAKING UP YOUR MINDS ON THE QUESTION
2 OF WHETHER OR NOT DR. SHAINSKY WAS NEGLIGENT? ARE ALL OF
3 YOU WILLING TO WAIT FOR ALL THE EVIDENCE TO COME IN? YES?
4 ANYBODY NOT WILLING? PLEASE RAISE YOUR HAND.

5 ARE ALL OF YOU WILLING TO SIT AND LISTEN TO
6 ALL OF THE EVIDENCE AND WAIT UNTIL THE DEFENSE FINISHES
7 THEIR CASE TO DECIDE WHAT IN FACT CAUSED THE DEATH IN THIS
8 CASE? ANYBODY NOT WILLING, PLEASE RAISE YOUR HAND.
9 SEEING NO HANDS.

10 OKAY. LET ME SHIFT GEARS A LITTLE BIT. A
11 GENERAL QUESTION ON THE ISSUE OF SUICIDE, AND IT SOUNDS
12 LIKE THERE HAVE BEEN A FAIR NUMBER OF YOU THAT HAVE HAD AN
13 EXPERIENCE OF A CLOSE FAMILY MEMBER, A PARTNER, SOMEBODY
14 ELSE SIGNIFICANT IN YOUR LIFE THAT COMMITTED SUICIDE.

15 SO LET ME ASK YOU THIS QUESTION: HOW MANY
16 OF YOU BELIEVE THAT IN EACH AND EVERY CASE OF SUICIDE,
17 THAT SUICIDE WAS FORESEEABLE, MEANING SOMETHING YOU COULD
18 HAVE ANTICIPATED? HOW MANY OF YOU BELIEVE IN EVERY
19 SITUATION WHEN SOMEBODY COMMITTED SUICIDE, THE SUICIDE IS
20 FORESEEABLE OR PREDICTABLE? PLEASE RAISE YOUR HAND. DOES
21 EVERYBODY UNDERSTAND THE QUESTION?

22 MR. DALE, SIR?

23 PROSPECTIVE JUROR DALE: YES.

24 MR. BLESSEY: IF I CAN JUST ASK YOU A QUESTION.

25 IN YOUR SITUATION, AND I DON'T WANT TO PRY
26 INTO YOUR PRIVATE LIFE, YOUR PERSONAL LIFE, BUT I BELIEVE
27 IT WAS SIGNIFICANT FRIEND OF YOURS --

28 PROSPECTIVE JUROR DALE: YES.

1 MR. BLESSEY: -- IS THAT CORRECT?

2 PROSPECTIVE JUROR DALE: YES.

3 MR. BLESSEY: IN YOUR MIND DID YOU BELIEVE THAT
4 THAT ACT OF SUICIDE WAS PREDICTABLE IN THIS CLOSE PERSONAL
5 FRIEND OF YOURS?

6 PROSPECTIVE JUROR DALE: NO.

7 MR. BLESSEY: WHY DO YOU SAY THAT?

8 PROSPECTIVE JUROR DALE: I HAD SPOKEN TO HER THE
9 DAY BEFORE, AND I HAD NO INDICATION, NOR DID ANY OF MY
10 OTHER FRIENDS HAVE ANY INDICATION.

11 MR. BLESSEY: ON THAT POINT, HOW MANY OF YOU HAVE
12 FORMED AN IMPRESSION OR A CONCLUSION THAT IN THIS CASE
13 MS. DE ROGATIS HAD SIGNALLED THAT SHE WAS GOING TO COMMIT
14 SUICIDE ON THE NIGHT OF HER DEATH?

15 MR. NEWHOUSE: OBJECTION, YOUR HONOR. THESE WHOLE
16 LINES OF QUESTIONS ARE ARGUMENTATIVE. NO EVIDENCE HAS
17 BEEN PRESENTED. I DON'T UNDERSTAND THE POINT OF THE
18 QUESTION.

19 MR. BLESSEY: THESE ARE BIAS QUESTIONS, YOUR HONOR.
20 I'M JUST TRYING TO SEE --

21 THE COURT: OVERRULED.

22 MR. BLESSEY: THANK YOU, YOUR HONOR.

23 DO YOU HAVE THE QUESTION IN MIND? HOW MANY
24 OF YOU HAVE FORMED A CONCLUSION OR IMPRESSION IN YOUR MIND
25 THAT MS. DE ROGATIS SIGNALLED BEFORE SHE COMMITTED SUICIDE
26 THAT SHE WAS GOING TO IN FACT CARRY OUT THAT ACT? HOW
27 MANY OF YOU HAVE COME TO THAT CONCLUSION? SEEING NO
28 HANDS.

1 WHO ELSE HAD THEIR HAND UP ABOUT THE CONCEPT
2 OF PREDICTABILITY OF SUICIDE? I THINK THERE WERE A NUMBER
3 OF YOU. MS. JAIME, CAN I ASK YOU, IN YOUR SITUATION IT
4 WAS YOUR PARTNER -- CORRECT? --

5 PROSPECTIVE JUROR JAIME: UH-HUH.

6 MR. BLESSEY: -- THAT COMMITTED SUICIDE? YOU DON'T
7 KNOW; IS THAT THE ACCURATE STATEMENT?

8 PROSPECTIVE JUROR JAIME: SUSPECTED SUICIDE.

9 MR. BLESSEY: I'M SORRY?

10 PROSPECTIVE JUROR JAIME: SUSPECTED SUICIDE FROM
11 THE INFORMATION WE GATHERED.

12 MR. BLESSEY: WAS THERE ANOTHER PERSON IN YOUR LIFE
13 THAT COMMITTED SUICIDE?

14 PROSPECTIVE JUROR JAIME: NO. BUT OTHER PEOPLE IN
15 MY LIFE HAVE ATTEMPTED SUICIDE.

16 MR. BLESSEY: IN ANY OF THOSE -- WELL, LET ME ASK
17 IT THIS WAY: IN ALL OF THOSE SITUATIONS WHERE THERE WAS
18 AN ATTEMPT OF SUICIDE, WAS THERE FOREWARNING THAT THIS
19 INDIVIDUAL WAS GOING TO ACTUALLY DO WHAT THEY DID?

20 PROSPECTIVE JUROR JAIME: IN THE ATTEMPTS, YES. IN
21 THE ACTUAL EVENT OF THE DEATH, NO.

22 MR. BLESSEY: HAD YOU SEEN YOUR PARTNER SHORTLY
23 BEFORE HIS DEATH?

24 PROSPECTIVE JUROR JAIME: WHAT DO YOU MEAN BY
25 "SHORTLY"?

26 MR. BLESSEY: WELL, THE DAY BEFORE, HOURS BEFORE?

27 PROSPECTIVE JUROR JAIME: NO.

28 MR. BLESSEY: HOW LONG HAD IT BEEN SINCE YOU

1 COMMUNICATED WITH HIM BEFORE THE DEATH?

2 PROSPECTIVE JUROR JAIME: I HAD SPOKEN WITH HIM
3 EARLIER THAT DAY. HE DECIDED TO LEAVE HIS REHAB CENTER
4 AND COME HOME FOR WHATEVER REASON, AND HE NEVER MADE IT
5 HOME.

6 MR. BLESSEY: DID HE SIGNAL TO YOU IN SOME WAY, AS
7 FAR AS YOU'RE CONCERNED, BEFORE HIS DEATH THAT HE WAS
8 GOING TO TAKE HIS OWN LIFE?

9 PROSPECTIVE JUROR JAIME: ABSOLUTELY NOT. IN FACT,
10 QUITE THE OPPOSITE.

11 MR. BLESSEY: "QUITE THE OPPOSITE" --

12 PROSPECTIVE JUROR JAIME: YES.

13 MR. BLESSEY: -- WHAT DO YOU MEAN BY THAT?

14 PROSPECTIVE JUROR JAIME: HE MADE SURE THAT HE KNEW
15 I WAS GOING TO BE -- HE MADE SURE I KNEW HE WAS COMING
16 HOME.

17 MR. BLESSEY: DID HE EXPRESS TO YOU ANYTHING ABOUT
18 PLANS THAT HE HAD FOR THE NEXT DAY OR NEXT WEEK OR
19 SOMETHING IN THE FUTURE?

20 PROSPECTIVE JUROR JAIME: YES.

21 MR. BLESSEY: AND DID THAT SUGGEST TO YOU THAT HE
22 WAS PLANNING ON LIVING?

23 PROSPECTIVE JUROR JAIME: YES. I MEAN, I DIDN'T
24 THINK OF IT AND ANALYZE IT IN THAT MOMENT THAT WAY, THAT
25 HE WAS PLANNING ON IT, BUT IN RETROSPECT, OF COURSE.

26 MR. BLESSEY: WHAT KIND OF THINGS DID HE TELL YOU
27 HE WAS PLANNING ON DOING?

28 MR. NEWHOUSE: OBJECTION, YOUR HONOR. THIS IS NOT

1 A FAIR VOIR DIRE. HE'S ATTEMPTING TO ELICIT WHAT SOUNDS
2 LIKE TESTIMONY FROM A JUROR.

3 THE COURT: OVERRULED, COUNSEL.

4 MR. BLESSEY: I'M SORRY.

5 PROSPECTIVE JUROR JAIME: I'M SORRY.

6 MR. BLESSEY: YOU CAN ANSWER THE QUESTION.

7 PROSPECTIVE JUROR JAIME: WHAT WAS IT, AGAIN?

8 MR. BLESSEY: THE QUESTION WAS, WHAT KINDS OF
9 THINGS WAS HE SHARING WITH YOU THAT HE HAD PLANS FOR?

10 PROSPECTIVE JUROR JAIME: HE WAS SUPPOSED TO
11 CONTINUE HIS REHABILITATION IN FLORIDA. HE -- ALLEGEDLY,
12 ACCORDING TO WHAT HE WAS TELLING ME, HE JUST WANTED TO
13 COME OUT AND SEE US ONE MORE TIME BEFORE HE WAS GOING TO
14 FLY OUT.

15 MR. BLESSEY: LET ME ASK -- I THINK THERE WERE A
16 FEW OTHER HANDS, BUT LET ME CHANGE THE QUESTION.

17 HOW MANY OF YOU THAT HAVE HAD A SUICIDE
18 OCCUR OF A CLOSE FAMILY MEMBER IN WHICH IN YOUR MIND THAT
19 SUICIDE WAS NOT PREDICTABLE, OTHER THAN MS. JAIME AND
20 MR. DALE? ANYBODY ELSE HAVE THAT EXPERIENCE? PLEASE
21 RAISE YOUR HAND.

22 MS. GREEN, TELL US ABOUT YOUR SITUATION.

23 PROSPECTIVE JUROR GREEN: WELL, THIS IS MY FATHER
24 WHEN I WAS A CHILD, SO, OBVIOUSLY, I KNEW -- I WAS ONLY A
25 CHILD WHEN MY FATHER DIED, BUT AS FAR AS I KNOW, IT WASN'T
26 ANYTHING -- IT WASN'T CLEAR.

27 MR. BLESSEY: IT WASN'T ANYTHING THAT --

28 PROSPECTIVE JUROR GREEN: IT WASN'T CLEAR,

1 EXPECTED.

2 MR. BLESSEY: WAS THAT SOMETHING THAT YOU THAT
3 LEARNED FIRSTHAND OR HOW DID YOU COME TO THAT REALIZATION?

4 PROSPECTIVE JUROR GREEN: I WASN'T EVEN TOLD IT WAS
5 SUICIDE UNTIL I WAS AN ADULT.

6 MR. BLESSEY: ANYBODY ELSE WITH THAT SITUATION
7 WHERE A CLOSE FAMILY MEMBER OR A LOVED ONE COMMITTED
8 SUICIDE, AND AS FAR AS YOU WERE CONCERNED, THIS WAS AN
9 UNPREDICTABLE EVENT? RAISE YOUR HAND. SEEING NO HANDS.
10 THANK YOU.

11 THERE WAS A QUESTION ASKED EARLIER ABOUT
12 PATIENTS WITH MENTAL ILLNESS ISSUES AND WHETHER OR NOT
13 THEY WERE ENTITLED TO GOOD MEDICAL CARE. MOST OF YOU
14 REMEMBER THAT QUESTION. LET ME CHANGE IT A LITTLE BIT.

15 DO YOU BELIEVE THAT PATIENTS WITH MENTAL
16 HEALTH ISSUES ARE ENTITLED TO TREATMENT FOR COMPLAINTS OF
17 PAIN? ANYBODY NOT BELIEVE THEY'RE ENTITLED TO HAVE PAIN
18 TREATMENT JUST BECAUSE THEY HAVE A MENTAL ILLNESS? PLEASE
19 RAISE YOUR HAND. SEEING NO HANDS.

20 HOW MANY OF YOU HAVE HEARD THE TERM
21 "FIBROMYALGIA"? I SEE A NUMBER OF JURORS.

22 MS. LYON?

23 PROSPECTIVE JUROR LYON: YES.

24 MR. BLESSEY: GOOD AFTERNOON.

25 PROSPECTIVE JUROR LYON: GOOD AFTERNOON.

26 MR. BLESSEY: WHERE DID YOU HEAR THAT TERM,
27 "FIBROMYALGIA"?

28 PROSPECTIVE JUROR LYON: WELL, COMMERCIALS AND

1 PEOPLE I KNOW WHO SUFFER FROM IT. IT'S SEVERE MUSCLE --
2 NERVOUS ISSUES WITH THE MUSCLES AND SEVERE PAIN.

3 MR. BLESSEY: SO YOU'VE HAD FRIENDS -- I'M SORRY.
4 YOU HAVE FRIENDS WHO HAVE BEEN DIAGNOSED WITH THE
5 CONDITION?

6 PROSPECTIVE JUROR LYON: UH-HUH.

7 MR. BLESSEY: IT INVOLVED SEVERE PAIN?

8 PROSPECTIVE JUROR LYON: UH-HUH.

9 MR. BLESSEY: "YES"?

10 PROSPECTIVE JUROR LYON: YES.

11 MR. BLESSEY: I'M PROMPTING YOU FOR "YES" JUST SO
12 SHE GETS IT DOWN ON THE RECORD, OKAY?

13 PROSPECTIVE JUROR LYON: I'M SORRY.

14 MR. BLESSEY: DO YOU KNOW WHETHER OR NOT YOUR
15 FRIEND WAS TREATED FOR THE PAIN THAT SHE WAS EXPERIENCING
16 WITH FIBROMYALGIA?

17 PROSPECTIVE JUROR LYON: YES, SHE'S ON MEDICATION
18 FOR IT, BUT I CAN'T RECALL WHAT SPECIFICALLY.

19 MR. BLESSEY: WHO ELSE HAS HAD EITHER A PERSONAL
20 EXPERIENCE WITH FIBROMYALGIA OR KNOWS SOMEBODY WHO HAS HAD
21 IT?

22 MS. JAIME, TELL US ABOUT THAT, IF YOU DON'T
23 MIND. DO YOU FEEL COMFORTABLE TELLING US ABOUT IT?

24 PROSPECTIVE JUROR JAIME: YEAH. I JUST -- MY
25 COUSIN IS DIAGNOSED WITH FIBROMYALGIA. I'M DIAGNOSED WITH
26 FIBROMYALGIA.

27 MR. BLESSEY: HAVE YOU EXPERIENCED PAIN SYMPTOMS
28 THAT YOU BELIEVE ARE RELATED TO YOUR FIBROMYALGIA?

1 PROSPECTIVE JUROR JAIME: ALL THE TIME.

2 MR. BLESSEY: ARE YOU UNDERGOING TREATMENT FOR THAT
3 PAIN SYNDROME THAT YOU BELIEVE IS RELATED TO YOUR
4 FIBROMYALGIA?

5 PROSPECTIVE JUROR JAIME: YES. ALL SORTS OF -- ALL
6 SORTS OF THINGS.

7 MR. BLESSEY: ALL SORTS OF MEDICATIONS?

8 PROSPECTIVE JUROR JAIME: NO. MEDICATION.
9 ALTERNATIVE METHODS: YOGA, PHYSICAL THERAPY, VITAMINS,
10 DIET CHANGE, EATING GLUTEN-FREE.

11 MR. BLESSEY: HAVE YOU BEEN PRESCRIBED SPECIFICALLY
12 PAIN MEDICATION FOR YOUR FIBROMYALGIA PAIN?

13 PROSPECTIVE JUROR JAIME: I HAVE.

14 MR. BLESSEY: WHO ELSE KNOWS ABOUT FIBROMYALGIA AND
15 PAIN SYMPTOMS EITHER PERSONALLY OR THROUGH A CLOSE FAMILY
16 MEMBER OR FRIEND? ANYBODY ELSE?

17 ANYBODY HERE IN THE PANEL, PROSPECTIVE
18 PANEL, EVER UNDERGONE TREATMENT BY A DOCTOR WHO
19 SPECIALIZES IN RHEUMATOLOGY? MS. JAIME, I'LL GET TO YOU
20 IN A MINUTES. MS. CRAW?

21 PROSPECTIVE JUROR CRAW: MY FATHER HAS RHEUMATOID
22 ARTHRITIS.

23 MR. BLESSEY: ARE YOU SOMEHOW INVOLVED WITH THIS
24 CARE OR TREATMENT?

25 PROSPECTIVE JUROR CRAW: NO.

26 MR. BLESSEY: ANYTHING ABOUT -- YOU WILL LEARN THAT
27 DR. SHAINSKY IS BOARD-CERTIFIED IN INTERNAL MEDICINE AND
28 RHEUMATOLOGY, AND SHE PRACTICES AS A RHEUMATOLOGIST, AND

1 PART OF HER PRACTICE IS TREATING PAIN SYNDROMES .

2 ANYTHING ABOUT YOUR FATHER'S CONDITION AND
3 HIS TREATMENT WITH A RHEUMATOLOGIST THAT SOMEHOW WOULD
4 COLOR YOUR THINKING IN THIS CASE?

5 PROSPECTIVE JUROR CRAW: NO. I KNOW HE DID SEE
6 THREE DOCTORS, AND THEY WERE ALL REALLY GOOD, AND ONE
7 DOCTOR RECOMMENDED SOME TYPE OF INJECTION. AND HE'S GOOD
8 NOW. HE'S REALLY GOOD NOW. I MEAN, HE HAS BACK PAIN FROM
9 SOMETHING ELSE, BUT NOTHING WITH ARTHRITIS. HE'S GOOD.

10 MR. BLESSEY: THANK YOU. MS. JAIME, ARE YOU OKAY?
11 YOU HAD YOUR HAND UP ABOUT THE RHEUMATOLOGIST, I BELIEVE,
12 CORRECT?

13 PROSPECTIVE JUROR JAIME: YEAH.

14 MR. BLESSEY: WHAT ABOUT THAT?

15 PROSPECTIVE JUROR JAIME: I SEE A RHEUMATOLOGIST.

16 MR. BLESSEY: ANYTHING ABOUT -- HAVE YOU HAD A GOOD
17 EXPERIENCE OR NOT SO GOOD EXPERIENCE WITH YOUR
18 RHEUMATOLOGIST?

19 PROSPECTIVE JUROR JAIME: EXCELLENT EXPERIENCE WITH
20 MY RHEUMATOLOGIST.

21 MR. BLESSEY: IS ANYTHING ABOUT THAT EXCELLENT
22 EXPERIENCE SOMEHOW GOING TO COME INTO PLAY IN THIS CASE AS
23 FAR AS LISTENING TO THE EVIDENCE AND MAKING A DECISION AT
24 THE END OF THE CASE?

25 PROSPECTIVE JUROR JAIME: BEING SINCE IT'S MY FIRST
26 EXPERIENCE WITH THE RHEUMATOLOGIST, I DON'T -- I DON'T
27 KNOW WHAT TO -- I DIDN'T KNOW WHAT TO EXPECT GOING INTO
28 IT. SO MAYBE HEARING A SECOND -- I GUESS, ANOTHER DOCTOR

1 AND THEIR PRACTICES, I MIGHT COMPARE MAYBE. I MEAN, LIKE
2 MY OWN, LIKE -- "OH, WELL, THIS IS WHAT MY RHEUMATOLOGIST
3 DID." I MIGHT HAVE MY OWN -- I'M BEING HONEST.

4 MR. BLESSEY: THAT'S EXACTLY WHAT WE WANT YOU TO
5 DO. THANK YOU.

6 ANYBODY ELSE WITH RHEUMATOLOGY EXPERIENCE
7 EITHER DIRECTLY OR WITH A CLOSE FRIEND OR FAMILY MEMBER?
8 SEEING NO HANDS.

9 THERE'S GOING TO BE SOME EVIDENCE IN THIS
10 CASE ABOUT MULTIPLE PLASTIC SURGERIES AND SO LET ME JUST
11 ASK: DO ANY OF YOU HAVE SOME STRONG FEELINGS EITHER FOR
12 OR AGAINST PEOPLE WHO UNDERGO PLASTIC SURGERY? PLEASE
13 RAISE YOUR HAND. NO HANDS.

14 HOW MANY OF YOU HAVE EITHER DABBLED IN OR
15 BEEN INVOLVED IN THE ACTING PROFESSION? PLEASE RAISE YOUR
16 HAND. MR. DALE, I THINK YOU MENTIONED A LITTLE BIT ABOUT
17 THAT. MAYBE I MISSED IT. BUT WHAT WAS YOUR INVOLVEMENT
18 IN THAT REGARD?

19 PROSPECTIVE JUROR DALE: EXCUSE ME. THAT WAS MY
20 UNDERGRADUATE INTEREST.

21 MR. BLESSEY: OKAY. AND IF YOU WERE TO LEARN IN
22 THIS CASE THAT THE DECEDENT IN THIS CASE WAS PURSUING AN
23 ACTING CAREER AND SINCE YOU HAD YOUR UNDERGRADUATE MAJOR
24 IN ACTING, WOULD THAT SOMEHOW COME INTO PLAY IN THIS CASE?

25 PROSPECTIVE JUROR DALE: IT MAY.

26 MR. BLESSEY: TELL ME WHY YOU SAY THAT.

27 PROSPECTIVE JUROR DALE: WELL, IT'S A DIFFICULT
28 PROFESSION. THAT MIGHT BE WHY I'M A THIRD-GRADE TEACHER

1 AND NOT AN ACTOR. SO, YOU KNOW, IT'S A DIFFICULT LIFE.
2 ASPECTS OF IT AND PEOPLE INVOLVED IN THAT INDUSTRY ARE
3 AROUND A LOT OF ALCOHOL AND A LOT OF DRUGS, AND IT MAY.

4 MR. BLESSEY: WOULD IT -- I DON'T KNOW. IT'S HARD
5 FOR ALL OF YOU SITTING HERE BECAUSE YOU DON'T KNOW WHAT
6 THE EVIDENCE, SO THESE QUESTIONS ARE BEING ASKED OF YOU IN
7 A VACUUM, SO TO SPEAK. WE'RE JUST TRYING TO GET YOUR
8 BIASES.

9 SO THIS POSSIBILITY AND UNDERSTANDING HOW
10 ACTING IS A DIFFICULT PROFESSION, WOULD THAT TEND TO FAVOR
11 THE PARENTS IN THE CASE OR DR. SHAINSKY OR DO YOU SEE IT
12 PLAYING A ROLE FOR EITHER PARTY?

13 PROSPECTIVE JUROR DALE: I DON'T THINK IT WOULD
14 PLAY A ROLE FOR EITHER PARTY.

15 MR. BLESSEY: ANYBODY ELSE WITH SOME INVOLVEMENT IN
16 SOME LEVEL IN THE ACTING PROFESSION?

17 MS. LYON, I WOULD HAVE GUESSED YOU WOULD
18 HAVE BECAUSE YOU'RE VERY INVOLVED IN THE THEATER.

19 PROSPECTIVE JUROR LYON: RIGHT.

20 MR. BLESSEY: TELL ME ABOUT YOUR EXPERIENCE.

21 PROSPECTIVE JUROR LYON: WE ARE A VOLUNTEER
22 ORGANIZATION, ALL WOMEN, AND WE PUT ON TWO STAGE PLAYS A
23 YEAR, CLASSIC CHILDREN'S FAIRY TALES. THEY'RE
24 ADAPTATIONS. THEY'RE MUSICALS. SO WE SING AND WE DANCE,
25 AND WE'RE JUST A BUNCH OF CRAZY LADIES. BUT WE DO HIRE
26 PROFESSIONAL DIRECTORS, SET DESIGNERS, LIGHTING DIRECTORS,
27 TECHNICAL DIRECTORS WHO ARE IN THE BUSINESS, AND THEY'RE
28 ALL STRUGGLING.

1 AND THEN WE DO HAVE SOME WOMEN IN THE GROUP
2 WHO HAVE BEEN ON BROADWAY AND HAVE HAD ACTUAL TRAINING.
3 I'M NOT ONE OF THEM. BUT IT'S, YOU KNOW -- AND WE ARE
4 BASED IN HOLLYWOOD, SO WE'RE PRETTY PRESENT IN THE
5 COMMUNITY.

6 MR. BLESSEY: AGAIN, IF YOU WERE TO LEARN THAT
7 MS. DE ROGATIS WAS PURSUING AN ACTING CAREER, WOULD THAT
8 SOMEHOW INFLUENCE YOUR THINKING IN THIS CASE --

9 PROSPECTIVE JUROR LYON: NO, I DON'T THINK SO.

10 MR. BLESSEY: -- AGAIN, NOT KNOWING ANY OF THE
11 EVIDENCE?

12 PROSPECTIVE JUROR LYON: NO.

13 MR. BLESSEY: YOUR HONOR, I'VE GOT A COUPLE MORE
14 POINTS. IS THIS A GOOD TIME TO BREAK OR SHOULD WE
15 CONTINUE?

16 THE COURT: WELL, I'LL TELL YOU WHAT, WHY DON'T WE
17 GO ANOTHER 5 MINUTES AND SEE IF WE CAN'T FINISH UP.

18 MR. BLESSEY: OKAY. ALL RIGHT.

19 YES, MS. JAIME?

20 PROSPECTIVE JUROR JAIME: I'M REALLY SORRY TO
21 INTERRUPT. AS FAR AS THE ACTING YOU BROUGHT UP, IT'S
22 FUNNY THAT YOU MENTION THAT. MY SISTER, WHO HAD ATTEMPTED
23 SUICIDE, ALSO PURSUED AN ACTING CAREER VERY EARLY ON.

24 AND SO MY WORRY THAT I BRING TO YOU GUYS
25 RIGHT NOW IS THAT IN MY EXPERIENCE WITH MY FAMILY AND WITH
26 HER AND HER PURSUING HER ACTING AND HER PLASTIC SURGERY
27 AND HER ATTEMPTED SUICIDE AND THE COMORBIDITY WITH HER
28 MENTAL ILLNESS AND B.D.D., BODY DYSMORPHIC DISORDER, LIKE

1 THERE'S ALL THIS STUFF THAT I HAVE THIS PREDISPOSED
2 KNOWLEDGE OF, AND I'M AFRAID IF THAT'S AN ISSUE FOR YOU.
3 YOU KNOW, I JUST WANT TO LET YOU GUYS KNOW THAT I DO HAVE
4 THAT KNOWLEDGE POOL.

5 MR. BLESSEY: HERE IS THE QUESTION FOR YOU. THANK
6 YOU FOR SHARING THAT.

7 THE QUESTION HIS HONOR HAS ASKED YOU AND ALL
8 OF YOU A COUPLE OF TIMES, WITH THAT KNOWLEDGE THAT YOU
9 THINK YOU HAVE, AND I'M SURE YOU DO, ABOUT THOSE ISSUES,
10 DO YOU THINK THAT'S GOING TO PREVENT YOU FROM BEING A FAIR
11 AND IMPARTIAL JUROR FOR EITHER SIDE IN THIS CASE?

12 PROSPECTIVE JUROR JAIME: FAIR? FAIR? IT WON'T
13 PREVENT ME FROM BEING FAIR, BUT I MIGHT BE MORE SENSITIVE.

14 MR. BLESSEY: WHAT DO YOU MEAN BY THAT?

15 PROSPECTIVE JUROR JAIME: AFFECTIVELY, LIKE, YOU
16 KNOW, I MAY BE -- IT MIGHT -- I MIGHT NOT -- ACTUALLY, I
17 MIGHT NOT BE -- I DON'T KNOW. I MIGHT NOT BE THE BEST
18 PERSON TO BE HERE.

19 MR. BLESSEY: WELL, LET ME ASK YOU FROM A LITTLE
20 DIFFERENT STANDPOINT, AND I'M GOING TO TRY TO WRAP THIS
21 UP, FOLKS. TRY TO BEAR WITH ME.

22 IF YOU WERE SITTING IN DR. SHAINSKY'S CHAIR
23 OR FOR THAT MATTER THE DE ROGATISES' CHAIR, WOULD YOU WANT
24 SOMEBODY, A JUROR, WITH YOUR MIND-SET AND YOUR LIFE
25 EXPERIENCES TO HEAR THEIR CASE?

26 PROSPECTIVE JUROR JAIME: I WOULD, YEAH.

27 MR. BLESSEY: YOU WOULD?

28 PROSPECTIVE JUROR JAIME: I WOULD, YEAH.

1 MR. BLESSEY: SO YOU'RE TELLING ME THAT YOU BELIEVE
2 YOU CAN BE FAIR AND IMPARTIAL; IS THAT A FAIR STATEMENT?

3 PROSPECTIVE JUROR JAIME: YEAH. I JUST WANT TO BE
4 HONEST ABOUT EVERYTHING.

5 MR. BLESSEY: AND I THINK YOU HAVE, AND I THANK YOU
6 FOR THAT, BOTH SIDES.

7 NOW, YOU DID BRING UP AN ISSUE.

8 HOW MANY -- IF YOU'RE INSTRUCTED BY HIS
9 HONOR TO SET ASIDE IN REACHING YOUR VERDICT ANY SYMPATHY
10 THAT YOU MIGHT NORMALLY HAVE FOR PARENTS WHO HAVE LOST A
11 DAUGHTER, IS THERE ANYBODY ON THIS PROSPECTIVE PANEL WHO
12 THINKS YOU COULD NOT FOLLOW THAT INSTRUCTION, THAT IS, TO
13 SET ASIDE THE SYMPATHY THAT YOU MAY NATURALLY FEEL FOR A
14 FAMILY THAT'S LOST A LOVED ONE, AND BASE YOUR VERDICT ON
15 THE EVIDENCE FROM THE CASE? DOES ANYBODY THINK YOU'D HAVE
16 A HARD TIME WITH THAT ISSUE? IT'S SOMETHING TO REALLY
17 THINK ABOUT. AND LIKE MS. JAIME HAS BEEN SAYING, TRY TO
18 BE REALLY BRUTALLY HONEST ABOUT IT.

19 LET ME MAKE SURE I GET YOUR NAME CORRECT,
20 AND HOPEFULLY I'LL PRONOUNCE IT CORRECTLY MS. BARANIAN.

21 PROSPECTIVE JUROR BARANIAN: BARANIAN.

22 MR. BLESSEY: TELL ME. YOUR HAND WENT UP. TELL ME
23 ABOUT THAT.

24 PROSPECTIVE JUROR BARANIAN: I'M NOT CONFIDENT THAT
25 I COULD SET ASIDE MY SYMPATHY TO A PARENT THAT LOST A
26 CHILD.

27 MR. BLESSEY: LET ME MAKE SURE I'M CLEAR. I'M NOT
28 ASKING YOU IF YOU CANNOT FEEL SYMPATHY FOR THE PARENTS.

1 BUT IF HIS HONOR INSTRUCTS YOU THAT IN THIS CASE YOU'RE TO
2 DECIDE WHETHER OR NOT DR. SHAINSKY WAS NEGLIGENT, AND
3 YOU'RE TO DECIDE WHAT THE CAUSES OF THE DEATH WAS IN THIS
4 CASE, THAT YOU WOULD SET ASIDE THE SYMPATHY THAT YOU MIGHT
5 NATURALLY FEEL AND BASE YOUR VERDICT ON THE EVIDENCE FROM
6 THE EXPERTS AND OTHER WITNESSES IN THIS CASE. HOPEFULLY,
7 THAT CLEARS IT UP.

8 DOES ANYBODY THINK YOU'D HAVE A PROBLEM WITH
9 THAT? LET ME ILLUSTRATE.

10 I WANT YOU TO ASSUME THAT SOME OF THE
11 WITNESSES GET ON THE STAND AND TALK ABOUT THE DECEDENT AND
12 GET EXTREMELY EMOTIONAL ABOUT HER AND THE FACT THAT SHE'S
13 NO LONGER WITH US. CAN YOU ENVISION THAT?

14 MY QUESTION TO YOU IS: CAN YOU SET ASIDE
15 THE SYMPATHY THAT WOULD BE GENERATED BY OBSERVING
16 WITNESSES ON THE STAND BEING VERY EMOTIONAL ABOUT THE LOSS
17 OF A DAUGHTER OR LOVED ONE AND FOCUS ON THE ISSUES IN THIS
18 CASE; THAT IS, WHETHER OR NOT DR. SHAINSKY WAS NEGLIGENT
19 VERSUS WHETHER OR NOT HER CARE WAS REASONABLE UNDER THE
20 CIRCUMSTANCES IN WHICH SHE TREATED MS. DE ROGATIS?
21 ANYBODY THINK YOU'D HAVE TROUBLE? SYMPATHETIC TESTIMONY
22 VERSUS TO FOCUSING ON THE ISSUES IN THE CASE. PLEASE
23 RAISE YOUR HAND. SEEING NO HANDS.

24 LAST ISSUE. I THINK YOU TOUCHED ON IT,
25 MS. COOPER. THERE ARE GOING TO BE TWO SETS OF EXPERTS.
26 AND IT WOULDN'T SURPRISE YOU, WOULD IT, THAT THEIR EXPERTS
27 ARE GOING TO SAY ONE THING, AND OUR EXPERTS ARE GOING TO
28 SAY SOMETHING 180 DEGREES DIFFERENT, CORRECT?

1 PROSPECTIVE JUROR COOPER: CORRECT.

2 MR. BLESSEY: DO YOU FEEL -- I'M GOING TO ASK YOU
3 DIRECTLY, AND THEN I'M GOING TO ASK THE REST OF THE
4 JURORS. DO YOU FEEL COMFORTABLE SITTING THERE AND JUDGING
5 THE CREDIBILITY OF THESE WELL-CREDENTIALLED, IN SOME CASES,
6 EXPERTS IN TRYING TO DECIDE REALLY WHO HAS GOT IT RIGHT?
7 ARE YOU COMFORTABLE WITH THAT?

8 PROSPECTIVE JUROR COOPER: I MEAN, IT'S HARD TO
9 SAY. TO ME, IT'S GOING TO COME DOWN, I GUESS, TO JUST OUT
10 OF ALL THE DOCTORS INVOLVED, WHO COMES OFF TO ME AS MOST
11 KNOWLEDGEABLE OR SAYS SOMETHING THAT I SAY, "OKAY. I
12 AGREE WITH THAT" OR SOMETHING, AND I DON'T KNOW IF THAT'S
13 THE RIGHT WAY TO LOOK AT IT OR NOT.

14 MR. BLESSEY: WELL, LET ME ASK IT THIS WAY: YOU'RE
15 GOING TO GET INSTRUCTIONS FROM HIS HONOR ABOUT HOW TO
16 ASSESS WITNESSES IN THE CASE, INCLUDING EXPERTS.

17 AND I GUESS THE QUESTION TO YOU IS, WOULD
18 YOU FOLLOW THE INSTRUCTIONS, THE LAW IN CALIFORNIA, ON HOW
19 A JURY SHOULD ASSESS THE CREDIBILITY OF A WITNESS? ARE
20 YOU WILLING TO DO THAT.

21 PROSPECTIVE JUROR COOPER: YES.

22 MR. BLESSEY: EVERYBODY ELSE WILLING TO DO THAT;
23 THAT IS, LISTEN TO THE INSTRUCTIONS BY HIS HONOR IN TERMS
24 OF ASSESSING CREDIBILITY OF EXPERTS AND USING THAT AS YOUR
25 GUIDE IN THIS CASE? EVERYBODY IS SHAKING THEIR HEADS
26 "YES." I DON'T SEE A DIFFERENCE OF OPINION BASED ON THE
27 GESTURES OF THE JURORS.

28 FOR THOSE OF YOU -- FOR ANY OF YOU -- I WANT

1 TO KNOW FROM ANY OF YOU THAT HAVE HAD A CLOSE LOVED ONE, A
2 FAMILY MEMBER, SOMEONE IN YOUR LIFE SIGNIFICANT TO YOU
3 THAT COMMITTED SUICIDE, IS THERE ANYBODY IN THAT GROUP OF
4 JURORS WHO HAS RIGHT NOW, SITTING HERE IN THIS COURTROOM
5 RIGHT NOW, FEEL A LITTLE BIT OF A BIAS TOWARDS THE
6 DE ROGATISES BECAUSE THEY HAVE EXPERIENCED A SIMILAR
7 SITUATION? IS THERE ANYBODY IN THAT POSITION? BECAUSE
8 YOU HAD A SIMILAR EXPERIENCE, IN YOUR MIND, THEY'RE
9 STARTING OUT A LITTLE BIT AHEAD OF DR. SHAINSKY IN THIS
10 CASE? YES, SIR?

11 PROSPECTIVE JUROR PLUMER: I MEAN, I'VE HAD KIND OF
12 THE SAME EXPERIENCE WHERE I'VE HAD A KID THAT I COACHED
13 FOR A LONG TIME WHERE --

14 MR. BLESSEY: I'M SORRY. MR. PLUMER?

15 PROSPECTIVE JUROR PLUMER: YES.

16 MR. BLESSEY: THAT WAS JUST FOR THE RECORD. I WANT
17 TO MAKE SURE.

18 GO AHEAD. SORRY.

19 PROSPECTIVE JUROR PLUMER: A KID THAT I COACHED FOR
20 A LONG TIME THAT HAD HUGE FUTURE, IT JUST, YOU KNOW, ENDED
21 LIKE THAT, SO I DO HAVE SYMPATHY FOR THEM ON THAT ASPECT.

22 MR. BLESSEY: HOW OLD WAS THIS YOUNG PERSON?

23 PROSPECTIVE JUROR PLUMER: 17.

24 MR. BLESSEY: 17?

25 PROSPECTIVE JUROR PLUMER: YES.

26 MR. BLESSEY: AND IN THAT SITUATION, DID YOU FEEL
27 THAT THAT WAS A PREDICTABLE EVENT?

28 PROSPECTIVE JUROR PLUMER: JUST SURPRISED THAT IT

1 HAPPENED.

2 MR. BLESSEY: I UNDERSTOOD WHAT YOU JUST SAID, THAT
3 YOU FEEL SYMPATHY BECAUSE THEY HAVE GONE THROUGH A SIMILAR
4 EXPERIENCE, CORRECT?

5 PROSPECTIVE JUROR PLUMER: RIGHT.

6 MR. BLESSEY: AGAIN, I'M GOING TO ASK THE QUESTION.
7 I HATE TO SOUND LIKE A BROKEN RECORD.

8 CAN YOU SET ASIDE WHATEVER SYMPATHY YOU HAVE
9 FOR THESE PARENTS AND FOCUS ON THE ISSUES IN THIS CASE IN
10 REACHING YOUR VERDICT; THAT IS, WHETHER OR NOT
11 DR. SHAINSKY'S CARE WAS REASONABLE UNDER THE CIRCUMSTANCES
12 AND WHAT CAUSED THE DEATH IN THIS CASE?

13 PROSPECTIVE JUROR PLUMER: IT WILL BE HARD, BUT
14 I'LL DO MY BEST TO DO THAT, YES.

15 MR. BLESSEY: WELL, DO YOU -- LET ME ASK IT A
16 DIFFERENT WAY. BECAUSE OF YOUR SIMILAR EXPERIENCE --

17 PROSPECTIVE JUROR PLUMER: IT'S EMOTIONAL BECAUSE
18 IT'S HARD WHEN SOMEONE YOUNG ENDS THEIR LIFE. YOU KNOW,
19 IT'S JUST LIKE FOR NO REASON. SO IT'S LIKE -- THE
20 QUESTION IS: DO I HAVE SYMPATHY? I DO BECAUSE I'VE BEEN
21 THROUGH IT TWICE WHERE -- SO I MEAN, I'LL DO MY BEST. I
22 THINK I CAN BE IMPARTIAL. THAT'S ALL I CAN TELL YOU IS
23 I'LL DO MY BEST.

24 MR. BLESSEY: OKAY. AND I THINK YOU SAID THAT YOU
25 FEEL YOU CAN BE FAIR AND IMPARTIAL; IS THAT CORRECT?

26 PROSPECTIVE JUROR PLUMER: I FEEL I COULD BE.

27 MR. BLESSEY: AND YOU WILL BE, CORRECT?

28 PROSPECTIVE JUROR PLUMER: YES.

1 MR. BLESSEY: THANK YOU. YOUR HONOR, AT THIS
2 POINT --

3 THE COURT: OKAY. LADIES AND GENTLEMEN, LET'S TAKE
4 OUR AFTERNOON RECESS, 15 MINUTES.

5 AGAIN, PLEASE REMEMBER THE ADMONITION OF THE
6 COURT. DO NOT DISCUSS THE FACTS OF THIS CASE AMONGST
7 YOURSELVES OR WITH ANYBODY ELSE. DO NOT FORM ANY OPINIONS
8 OR CONCLUSIONS ON THIS MATTER UNTIL IT'S FINALLY SUBMITTED
9 TO YOU. THE COURT IS IN RECESS FOR 15 MINUTES.

10 COUNSEL, IF YOU COULD RETURN IN 10 MINUTES.

11 MR. NEWHOUSE: THANK YOU, YOUR HONOR.

12
13 (RECESS.)

14
15 (THE FOLLOWING PROCEEDINGS WERE HELD
16 IN OPEN COURT, OUTSIDE THE PRESENCE
17 OF THE PROSPECTIVE JURY:)

18
19 THE COURT: ALL COUNSEL ARE PRESENT. PLAINTIFF
20 PASS FOR CAUSE?

21 MR. NEWHOUSE: NO, YOUR HONOR. I WOULD
22 RESPECTFULLY CHALLENGE JUROR NO. 9, STEPHANIE SIM, FOR
23 CAUSE. SHE'S THE DAUGHTER OF A PHYSICIAN WHO HAS BEEN
24 SUED, AND SO SHE HAS EXPRESSED I THINK, A CONSIDERABLE
25 DOUBT ABOUT HER ABILITY TO BE FAIR AND IMPARTIAL.

26 THE COURT: OKAY. ANYBODY ELSE?

27 MR. NEWHOUSE: NO. PASS FOR CAUSE OTHERWISE.

28 MR. BLESSEY: AS TO JUROR NO. 9, I THINK SHE SAID

1 THE MAGIC WORDS; SHE FELT SHE COULD BE FAIR AND IMPARTIAL
2 DESPITE HER FATHER BEING A PHYSICIAN. I HAVE NO OTHER
3 JUROR THAT I WANT TO ADDRESS IN TERMS OF CAUSE.

4 THE COURT: MOTION IS DENIED.

5 DEFENSE PASS FOR CAUSE?

6 MR. BLESSEY: YES, YOUR HONOR.

7 THE COURT: OKAY. ALL RIGHT.

8 MR. NEWHOUSE: WHAT ARE YOU GOING TO DO? ARE WE
9 GOING TO PROCEED TO DO THE PEREMPTORIES AT THIS POINT,
10 YOUR HONOR?

11 THE COURT: YES, WITH THE SIX. AND THEN ONCE I
12 EXHAUST THE SIX, THEN WE'LL GET SIX MORE.

13 MR. NEWHOUSE: BUT HOW DO WE DO THAT? DO WE SEAT
14 THE JURORS?

15 THE COURT: I DON'T QUITE FOLLOW. WE HAVE 12.

16 MR. NEWHOUSE: RIGHT.

17 THE COURT: SO YOU USE YOUR PEREMPTORY ONLY ON THE
18 12, OKAY?

19 MR. NEWHOUSE: YES.

20 THE COURT: AND THEN WHEN YOU USE YOUR PEREMPTORY,
21 WE TAKE JUROR NO. 13 AND REPLACE THEM IN THE ORDER IN
22 WHICH THEY'RE SEATED.

23 MR. BLESSEY: ONE OTHER CLARIFICATION QUESTION.

24 THE COURT: YES?

25 MR. BLESSEY: I ASSUME WE'RE GOING TO BE SELECTING
26 TWO ALTERNATES?

27 THE COURT: RIGHT. THAT'S NORMALLY -- ONE PER WEEK
28 IS WHAT I LOOK AT.

1 THE CLERK: READY?

2 MR. NEWHOUSE: YES.

3

4 (THE FOLLOWING PROCEEDINGS WERE HELD
5 IN OPEN COURT, IN THE PRESENCE OF
6 THE JURY:)

7

8 THE COURT: WELCOME BACK, LADIES AND GENTLEMEN.

9 WE'RE BACK ON THE RECORD. ALL JURORS ARE PRESENT IN THEIR
10 PLACE. PARTIES ARE PRESENT. LAWYERS ARE PRESENT.

11 FIRST PEREMPTORY CHALLENGE LIES WITH --

12 THE CLERK: YOUR HONOR?

13 THE COURT: I'M SORRY. NOW WE HAVE ALL JURORS
14 PRESENT.

15 PROSPECTIVE JUROR STANGLE: SORRY, YOUR HONOR.

16 THE COURT: I THOUGHT I COUNTED SIX IN THE TOP ROW,
17 BUT NOW WE HAVE ALL JURORS PRESENT. OKAY.

18 FIRST PEREMPTORY CHALLENGE LIES WITH
19 PLAINTIFF, PLEASE.

20 MR. NEWHOUSE: THANK YOU, YOUR HONOR. THE
21 PLAINTIFF WOULD ASK THE COURT TO THANK AND EXCUSE JUROR
22 NO. 2, MS. COOPER.

23 THE COURT: MS. COOPER, THANK YOU VERY MUCH. YOU
24 MAY RETURN TO THE JURY ASSEMBLY ROOM AT THIS TIME.

25 AND AT THIS TIME, WE BEGIN MUSICAL CHAIRS.

26 MARY LYON, I'LL HAVE YOU TAKE THE EMPTY CHAIR, PLEASE.

27 THANK YOU.

28 DEFENSE?

1 MR. BLESSEY: THANK YOU, YOUR HONOR. AT THIS POINT
2 WE'D LIKE TO THANK AND EXCUSE JUROR NO. 11, MR. DALE.

3 THE COURT: YOU ARE EXCUSED. YOU MAY RETURN TO THE
4 JURY ASSEMBLY ROOM.

5 MR. KENNEDY, I'LL HAVE YOU TAKE THE EMPTY
6 CHAIR, PLEASE. SEAT NO. 11. THANK YOU.

7 PLAINTIFF?

8 MR. NEWHOUSE: YOUR HONOR, THANK YOU. WE WOULD ASK
9 THE COURT TO THANK AND EXCUSE JUROR NO. 9, MS. SIM.

10 THE COURT: THANK YOU VERY MUCH. YOU'RE THANKED
11 AND EXCUSED. YOU MAY RETURN TO THE JURY ASSEMBLY ROOM.

12 MR. HOLGUIN, I'LL HAVE YOU TAKE THE EMPTY
13 CHAIR, PLEASE.

14 DEFENSE?

15 MR. BLESSEY: THANK YOU, YOUR HONOR. THE DEFENSE
16 WOULD LIKE TO THANK AND EXCUSE JUROR NO. 3, MR. ESPINOZA.

17 THE COURT: SIR, THANK YOU VERY MUCH. YOU'RE
18 THANKED AND EXCUSED. YOU MAY RETURN TO THE JURY ASSEMBLY
19 ROOM. THANK YOU, SIR.

20 PROSPECTIVE JUROR ESPINOZA: YOU'RE WELCOME. HAVE
21 A GOOD DAY.

22 THE COURT: PLAINTIFF?

23 MR. NEWHOUSE: YOUR HONOR, THE PLAINTIFFS WOULD ASK
24 THE COURT TO THANK AND EXCUSE JUROR NO. 2, MS. LYON.

25 THE COURT: MARY LYON, THANK YOU VERY MUCH. YOU
26 MAY BE EXCUSED. YOU MAY RETURN TO THE JURY ASSEMBLY ROOM.

27 MA'AM, I'LL HAVE YOU TAKE THE EMPTY SEAT,
28 PLEASE.

1 MR. BLESSEY: THE DEFENSE WOULD LIKE TO THANK AND
2 EXCUSE JUROR NO. 9, MR. HOLGUIN.

3 THE COURT: THANK YOU VERY MUCH. YOU'RE THANKED
4 AND EXCUSED, SIR.

5 MR. DELGADO, I'LL HAVE YOU TAKE THE EMPTY
6 CHAIR.

7 CINDY, JUST ONE.

8 THE CLERK: KAREN LIAO, L-I-A-O. MARTIN SMITH,
9 S-M-I-T-H. GRAHAM BOTHWELL, B-O-T-H-W-E-L-L. KRISTI
10 SMART, S-M-A-R-T. CIJI LINARES, L-I-N-A-R-E-S. MARIA
11 ROMERO, R-O-M-E-R-O.

12 THE COURT: GOOD AFTERNOON, KAREN LIAO. IF YOU
13 COULD PROVIDE US WITH THE INFORMATION ON THE BOARD TO YOUR
14 LEFT.

15 PROSPECTIVE JUROR LIAO: MY NAME IS KAREN LIAO. I
16 LIVE IN ARCADIA. I AM MARRIED WITH THREE CHILDREN. MY
17 OCCUPATION IS A SYSTEM ENGINEER.

18 THE COURT: I'M SORRY. I COULDN'T HEAR YOU.

19 PROSPECTIVE JUROR LIAO: SYSTEM ENGINEER. MY
20 SPOUSE IS A NETWORK ENGINEER. MY CHILDREN ARE ALL IN
21 SCHOOL STILL, IN MIDDLE SCHOOL AND ELEMENTARY. AND I DO
22 HAVE PRIOR JURY EXPERIENCE. THERE WERE TWO CASES IN
23 CRIMINAL, AND WE DID COME TO A VERDICT.

24 THE COURT: IN EACH CASE?

25 PROSPECTIVE JUROR LIAO: IN BOTH, YES.

26 THE COURT: OKAY. TELL ME ABOUT YOUR INTERESTS OR
27 HOBBIES.

28 PROSPECTIVE JUROR LIAO: LET'S SEE. WHEN I DO FIND

1 SPARE TIME, I LIKE TO WATCH T.V. SITCOMS AND SPEND TIME
2 WITH THE KIDS.

3 THE COURT: BASED UPON WHAT YOU'VE HEARD ABOUT THIS
4 CASE, COULD YOU BE FAIR AND IMPARTIAL?

5 PROSPECTIVE JUROR LIAO: YES, I BELIEVE I CAN.

6 THE COURT: THANK YOU VERY MUCH.

7 PROSPECTIVE JUROR LIAO: I DID WANT TO DISCLOSE
8 SOME INFORMATION, THOUGH.

9 THE COURT: SURE.

10 PROSPECTIVE JUROR LIAO: I DO HAVE A LOT OF
11 PHYSICIANS IN MY FAMILY.

12 THE COURT: PHYSICIANS?

13 PROSPECTIVE JUROR LIAO: YES. MEDICAL DOCTORS. MY
14 BROTHER AND HIS WIFE ARE BOTH MEDICAL DOCTORS, AND MY
15 BROTHER-IN-LAW AND HIS WIFE AND MY SISTER-IN-LAW AND HER
16 HUSBAND ARE ALL MEDICAL DOCTORS.

17 THE COURT: WELL, I'M GLAD YOU BROUGHT THAT UP. AS
18 YOU KNOW, THIS IS A MEDICAL MALPRACTICE CASE.

19 PROSPECTIVE JUROR LIAO: RIGHT.

20 THE COURT: AND WOULD IT BE DIFFICULT FOR YOU TO
21 SIT HERE AS A JUROR, LISTEN TO THE CASE, NO MATTER HOW YOU
22 VOTED OR WHATEVER CAME OUT, TO DISCUSS IT, ASSUMING --
23 LET'S JUST SAY HYPOTHETICALLY YOU WERE TO FIND THAT THE
24 DEFENDANT COMMITTED MALPRACTICE, TO DISCUSS THAT WITH YOUR
25 RELATIVES THAT ARE DOCTORS?

26 PROSPECTIVE JUROR LIAO: WOULD IT BE DIFFICULT?

27 THE COURT: WOULD IT BE DIFFICULT? COULD YOU DO
28 THAT OR WOULD YOU JUST NOT EVEN BRING IT UP?

1 PROSPECTIVE JUROR LIAO: MEANING AFTER THE CASE IS
2 OVER?

3 THE COURT: YEAH. IN OTHER WORDS, WOULD YOU BE
4 EMBARRASSED TO TALK ABOUT THE CASE?

5 PROSPECTIVE JUROR LIAO: NO, NO, NOT AT ALL.

6 THE COURT: WHEN THE CASE IS DONE AND OVER WITH, IF
7 YOU'RE A JUROR, YOU COULD TALK TO ANYBODY --

8 PROSPECTIVE JUROR LIAO: RIGHT.

9 THE COURT: -- WHEN THE CASE IS DONE WITH.

10 PROSPECTIVE JUROR LIAO: RIGHT, RIGHT. NO, I WOULD
11 NOT FIND IT DIFFICULT.

12 THE COURT: FAIR ENOUGH. SO YOU COULD BE FAIR?

13 PROSPECTIVE JUROR LIAO: YES.

14 THE COURT: THANK YOU. NEXT JUROR.

15 PROSPECTIVE JUROR SMITH: MY NAME IS MARTIN SMITH.
16 I LIVE IN SAN GABRIEL. MARRIED, TWO CHILDREN. I'M A
17 PRINCIPAL ENGINEER, MECHANICAL. AND MY WIFE'S A NURSE
18 AND -- LET'S SEE. MY KIDS, ONE IS AN ENTREPRENEUR. ONE
19 IS A NURSE. AND I'M AN ENGINEER. PRIOR JURY EXPERIENCE,
20 OVER 40 YEARS, SEVERAL TIMES.

21 THE COURT: EVER SAT ON A HUNG JURY?

22 PROSPECTIVE JUROR SMITH: I THINK MAYBE ONCE, BUT I
23 MAY HAVE ONLY BEEN AN ALTERNATE. IT WOULD HAVE BEEN YEARS
24 AGO. THE LAST, MOST RECENT CASE WAS TEN YEARS AGO.

25 THE COURT: HAVE YOU EVER SAT ON A CIVIL CASE
26 SIMILAR IN NATURE TO THIS ONE?

27 PROSPECTIVE JUROR SMITH: NO. I DON'T KNOW THAT
28 I'VE EVEN SAT ON A CIVIL CASE. IF I DID, IT WAS WAY --

1 THE COURT: YOU JUST DON'T REMEMBER?

2 PROSPECTIVE JUROR SMITH: -- THREE DECADES AGO OR
3 SOMETHING, VERY LONG AGO.

4 THE COURT: ALL RIGHT. SO YOU HAVE A WIFE AND A
5 DAUGHTER IN THE MEDICAL PROFESSION?

6 PROSPECTIVE JUROR SMITH: YEAH.

7 THE COURT: AND LET'S TALK ABOUT THAT. WE HAVE A
8 DOCTOR WHO IS A DEFENDANT IN THIS CASE --

9 PROSPECTIVE JUROR SMITH: YEAH.

10 THE COURT: -- BEING CHARGED WITH MALPRACTICE.
11 DOES THAT BOTHER YOU?

12 PROSPECTIVE JUROR SMITH: NO.

13 THE COURT: AND WOULD IT CAUSE YOU ANY
14 EMBARRASSMENT TO TALK ABOUT THIS CASE WHEN IT'S ALL DONE
15 AND OVER WITH?

16 PROSPECTIVE JUROR SMITH: NO, NOT AT ALL.

17 THE COURT: YOU COULD BE FAIR AND IMPARTIAL TO BOTH
18 SIDES?

19 PROSPECTIVE JUROR SMITH: YES, I THINK SO. NO, I
20 COULD. NOT "I THINK SO." I COULD.

21 THE COURT: YOU'D FOLLOW THE LAW?

22 PROSPECTIVE JUROR SMITH: YEAH.

23 THE COURT: YOUR INTERESTS OR HOBBIES?

24 PROSPECTIVE JUROR SMITH: PHILOSOPHY, APOLOGETICS,
25 MARKSMANSHIP.

26 THE COURT: THANK YOU VERY MUCH. NEXT CHAIR,
27 PLEASE.

28 PROSPECTIVE JUROR BOTHWELL: MY NAME IS GRAHAM

1 BOTHWELL. I LIVE IN PASADENA. I'M MARRIED. I HAVE NO
2 CHILDREN. I WAS OFFICIALLY RETIRED FIVE YEARS AGO,
3 WHATEVER THAT MEANS, BUT I HAD A CAREER IN THE ASTRONOMY
4 AND AEROSPACE AREA. MY WIFE WAS ALSO RETIRED FROM A
5 SIMILAR SORT OF AREA. SHE'S NOW A CHRISTIAN SCIENCE
6 PRACTITIONER, AND I HAVE NO PREVIOUS JURY EXPERIENCE.

7 THE COURT: SO YOU SAID YOU'RE OFFICIALLY RETIRED.

8 PROSPECTIVE JUROR BOTHWELL: WELL, YEAH, BECAUSE
9 THE ONLY PEOPLE -- I HAVE A NEIGHBOR, WHEN I RETIRED, WHO
10 SAY, "NOW YOU ARE RETIRED, YOU CAN READ THE L.A. TIMES AND
11 LIE IN BED UNTIL 10:00 IN THE MORNING. THAT'S RETIRED."

12 THE COURT: AND WHAT DO YOU DO IN RETIREMENT?

13 PROSPECTIVE JUROR BOTHWELL: I'M VERY ACTIVE IN
14 MANY VOLUNTARY TYPES OF THINGS.

15 THE COURT: TELL ME ABOUT THAT.

16 PROSPECTIVE JUROR BOTHWELL: WELL, ONE OF THE
17 THINGS I DECIDED TO DO WHEN I RETIRED WAS TO GET INTO --
18 GET MY RADIO AMATEUR LICENSE. I'M ON THE BOARD OF THE
19 PASADENA RADIO CLUB. I'M BUILD WEBSITES. I ACTUALLY DO
20 QUITE A LOT OF WORK BUILDING WEBSITES. I'M ACTIVE IN THE
21 CALIFORNIA NATIVE PLANT SOCIETY, A CHAPTER. ON THE BOARD
22 I'M THE TREASURER OF THE LOCAL CHAPTER. I'VE BEEN
23 INVOLVED IN A MAJOR BOTANICAL STUDY IN THE MOUNTAINS HERE
24 THAT JUST FINISHED IN THE LAST YEAR. I'M VERY ACTIVE IN
25 MY CHURCH. I'VE DONE A LOT OF THINGS WITH THAT. AND I'M
26 CURRENTLY HEADING A LITTLE TEAM THAT'S LOOKING AT THINGS
27 WE'RE GOING TO BE DOING IN THE FUTURE THERE AND VARIOUS
28 ALSO THINGS.

1 THE COURT: HARDLY SOUNDS LIKE YOU'RE RETIRED.

2 PROSPECTIVE JUROR BOTHWELL: THAT'S WHY I USED THAT
3 TERM.

4 THE COURT: THAT'S WHY I ASKED THAT.

5 YOU'VE HEARD SOMETHING ABOUT THIS CASE?

6 PROSPECTIVE JUROR BOTHWELL: UH-HUH.

7 THE COURT: AND YOU HAD BROUGHT UP THE ISSUE WITH
8 YOUR RELIGION.

9 PROSPECTIVE JUROR BOTHWELL: RIGHT.

10 THE COURT: BASED UPON NOW THINGS THAT YOU'VE HEARD
11 FROM VOIR DIRE, FROM THE JUDGE, THE COURT, MYSELF, DO YOU
12 BELIEVE YOU COULD BE FAIR AND IMPARTIAL TO BOTH SIDES?

13 PROSPECTIVE JUROR BOTHWELL: OH, YES.

14 THE COURT: THANK YOU VERY MUCH.

15 NEXT JUROR.

16 PROSPECTIVE JUROR SMART: I'M KRISTI SMART, AND I
17 LIVE IN PASADENA. SINGLE, NO CHILDREN. I'M A COSTUMER.
18 AND I'VE HAD NO PRIOR JURY EXPERIENCE.

19 THE COURT: I'M SORRY. WHAT DO YOU DO?

20 PROSPECTIVE JUROR SMART: I'M A COSTUMER.

21 THE COURT: COST- --

22 PROSPECTIVE JUROR SMART: COSTUMER. I MAKE
23 COSTUMES.

24 THE COURT: YOU MAKE COSTUMES?

25 PROSPECTIVE JUROR SMART: LIKE MARGARET HERE.

26 THE COURT: DO YOU KNOW EACH OTHER?

27 PROSPECTIVE JUROR SMART: WE DO NOW.

28 THE COURT: OKAY. SO WHEN YOU SAY YOU MAKE

1 COSTUMES, TELL ME SOMETHING ABOUT THAT.

2 PROSPECTIVE JUROR SMART: I HAVE KIND OF A NICHE
3 MARKET WHERE I MAKE VERY ELABORATE COATS FOR MEN, LIKE FOR
4 STRANGE SCIENCE FICTION WEDDINGS. I LOVE DOING IT. I GET
5 TO BE VERY CREATIVE.

6 THE COURT: SO ARE YOU KIND OF LIKE A TAILOR OR DO
7 YOU DESIGN IT AND SOMEBODY ELSE --

8 PROSPECTIVE JUROR SMART: I DESIGN THEM. I SEE
9 MYSELF MORE AS A PAINTER. I GET TO DECORATE -- I HAVE ONE
10 PATTERN I ALWAYS USE THAT I JUST DECORATE THE BEJESUS OUT
11 OF IT SO THEY ALL LOOK DIFFERENT. DON'T TELL ANYBODY.

12 THE COURT: AND YOU MAKE AN INCOME DOING THIS?

13 PROSPECTIVE JUROR SMART: SORT OF, SOMEDAY.

14 THE COURT: INTERESTS OR HOBBIES?

15 PROSPECTIVE JUROR SMART: ARTS AND CRAFTS AND
16 READING.

17 THE COURT: HAVE YOU EVER BEEN ON A JURY BEFORE?

18 PROSPECTIVE JUROR SMART: NO.

19 THE COURT: NO PRIOR JURY. DO YOU BELIEVE YOU CAN
20 BE FAIR AND IMPARTIAL?

21 PROSPECTIVE JUROR SMART: I THINK SO.

22 THE COURT: ANY HESITANCY THERE, TO BOTH SIDES,
23 FAIR AND IMPARTIAL TO BOTH SIDES?

24 PROSPECTIVE JUROR SMART: IT'S A HARD SUBJECT.

25 THE COURT: THIS GOING TO BE A DIFFICULT CASE.
26 WE'RE GOING TO HEAR A LOT OF THINGS THAT SOMETIMES MAY NOT
27 BE PLEASANT.

28 PROSPECTIVE JUROR SMART: RIGHT. I LOST A FRIEND,

1 SO --

2 THE COURT: OKAY. AND I KNOW IT'S GOING TO BE
3 DIFFICULT FOR JURORS, BUT WE HAVE THE LAWSUIT. WE CALL IT
4 A MEDICAL MALPRACTICE, AND WE'RE HERE TO DECIDE IT WITH 12
5 JURORS.

6 PROSPECTIVE JUROR SMART: I'LL DO MY BEST.

7 THE COURT: AND YOU CAN DO THAT?

8 PROSPECTIVE JUROR SMART: YES.

9 THE COURT: BOTH SIDES, BE FAIR?

10 PROSPECTIVE JUROR SMART: YES.

11 THE COURT: OKAY. THANK YOU.

12 NEXT JUROR, PLEASE.

13 PROSPECTIVE JUROR LINARES: MY NAME IS CIJI
14 LINARES.

15 THE COURT: I CAN BARELY HEAR YOU.

16 PROSPECTIVE JUROR LINARES: MY NAME IS CIJI
17 LINARES. I LIVE IN SAN GABRIEL. I'M SINGLE, NO CHILDREN.
18 I'M A SOCIAL WORKER FOR AN INSURANCE COMPANY. AND I HAVE
19 NO PRIOR JURY EXPERIENCE.

20 THE COURT: YOU KNOW, GENERALLY, WHEN I GET SOCIAL
21 WORKERS, THEY WORK FOR THE COUNTY.

22 PROSPECTIVE JUROR LINARES: NOT ME.

23 THE COURT: BUT YOU WORK FOR AN INSURANCE COMPANY?

24 PROSPECTIVE JUROR LINARES: YES.

25 THE COURT: AND WHAT DO YOU DO?

26 PROSPECTIVE JUROR LINARES: I WORK AT -- IT'S A
27 RESOURCE LINE. SO IT SERVES AS A 24-HOUR CRISIS LINE, AS
28 WELL AS VERY LIGHT INTAKE AND RESOURCE REFERRALS.

1 THE COURT: NOW, WHEN YOU SAY "CRISIS LINE," ARE WE
2 TALKING ABOUT MEDICAL ISSUES?

3 PROSPECTIVE JUROR LINARES: I WORK WITH MENTAL
4 HEALTH AND SUBSTANCE ABUSE ONLY.

5 THE COURT: I SEE. SO SOME OF THE STUFF THAT WE'VE
6 BEEN TALKING ABOUT, YOU UNDERSTAND?

7 PROSPECTIVE JUROR LINARES: YES.

8 THE COURT: OKAY. AND TELL ME ABOUT YOUR
9 BACKGROUND THAT QUALIFIES YOU FOR THE TYPE OF WORK YOU DO.

10 PROSPECTIVE JUROR LINARES: I HAVE A BACHELOR'S
11 DEGREE IN SOCIAL WORK FROM AZUSA PACIFIC UNIVERSITY. I'VE
12 DONE GERIATRICS SOCIAL WORK FOR TWO YEARS PRIOR OR A YEAR
13 AND A HALF PRIOR TO MY CURRENT ROLE WITH SUBSTANCE ABUSE
14 AND MENTAL HEALTH. AND I'VE ALSO WORKED WITH PROBATION
15 YOUTH.

16 THE COURT: OKAY. HOW LONG HAVE YOU BEEN DOING
17 WHAT YOU'RE CURRENTLY DOING?

18 PROSPECTIVE JUROR LINARES: JUST UNDER A YEAR,
19 ABOUT TWO MONTHS SHY.

20 THE COURT: OKAY. SO GIVE ME A TYPICAL SCENARIO OF
21 THE THINGS THAT YOU MIGHT HEAR ON THE PHONE.

22 PROSPECTIVE JUROR LINARES: ANY SUBSTANCE ABUSE
23 REHABILITATION; INPATIENT, OUTPATIENT SERVICES;
24 WITHDRAWALS; SOMETIMES JUST MEDICATION MANAGEMENT; THERAPY
25 REFERRALS. IT'S A REALLY BROAD SPECTRUM. I HANDLE ALL
26 SUBSTANCE ABUSE.

27 THE COURT: HOW WOULD ANYBODY KNOW TO CALL YOU?

28 PROSPECTIVE JUROR LINARES: IT'S ON THE BACK OF

1 YOUR INSURANCE CARD.

2 THE COURT: OH, IT IS.

3 PROSPECTIVE JUROR LINARES: IF THEY ARE YOUR MENTAL
4 HEALTH CARRIER, THEN YOU WOULD CALL ME. BECAUSE OF THE
5 NATURE OF THE TYPE OF CALLS, THAT'S WHY IT'S LIGHT INTAKE
6 AS WELL AS RESOURCE REFERRAL.

7 THE COURT: LET'S TALK ABOUT SUICIDE. HAS THAT
8 EVER BEEN A SUBJECT MATTER THAT YOU'VE HAD TO DEAL WITH?

9 PROSPECTIVE JUROR LINARES: NOT ON MY PERSONAL SIDE
10 BUT PROFESSIONALLY, YES.

11 THE COURT: WELL, I'M REALLY TALKING ABOUT
12 PROFESSIONAL.

13 PROSPECTIVE JUROR LINARES: YES, YES.

14 THE COURT: AND WHAT DO YOU DO IN SITUATIONS LIKE
15 THAT?

16 PROSPECTIVE JUROR LINARES: I JUST HANDLE THE
17 BEGINNING, THE LIGHT INTAKE. SO IF THERE IS SUICIDAL
18 IDEATION, I GET THE INITIAL WHEN, WHO, WHERE, HOW. AND
19 THEN I GET IT TO A LICENSED CLINICIAN SO THEY CAN GO
20 FURTHER.

21 THE COURT: OKAY. DO YOU EVER FOLLOW UP ON THAT AT
22 ALL --

23 PROSPECTIVE JUROR LINARES: NO, FOLLOW UP, NO.

24 THE COURT: -- PERSONALLY? I TAKE IT YOU'RE NOT IN
25 AN ADVISORY ROLE SUCH THAT YOU COULD COUNSEL PEOPLE?

26 PROSPECTIVE JUROR LINARES: OH, NO, NO.

27 THE COURT: SO YOU JUST TAKE THE INTAKE --

28 PROSPECTIVE JUROR LINARES: YES.

1 THE COURT: -- AND THEN REFER IT OFF TO SOMEBODY
2 ELSE?

3 PROSPECTIVE JUROR LINARES: WHO IS QUALIFIED AND
4 CREDENTIALLED.

5 THE COURT: SO ALL PEOPLE THAT CALL, YOU MAKE A
6 REFERENCE TO SOMEBODY ELSE?

7 PROSPECTIVE JUROR LINARES: YES, I -- YES.

8 THE COURT: DO YOU EVER MAKE A DETERMINATION,
9 "WELL, THIS JUST DOESN'T SOUND LIKE IT'S AN APPROPRIATE
10 THING," AND YOU KNOW? "I CAN'T HELP YOU" OR --

11 PROSPECTIVE JUROR LINARES: NO, IT'S NOT -- NO,
12 IT'S NOT MY JOB TO MAKE THAT CLINICAL DECISION.

13 THE COURT: I SEE. OKAY. WHERE DO YOU SEE
14 YOURSELF FIVE YEARS FROM NOW, WHAT KIND OF WORK?

15 PROSPECTIVE JUROR LINARES: I'D LIKE TO BE A
16 LICENSED CLINICAL SOCIAL WORKER.

17 THE COURT: OKAY. AND IS THAT SOMETHING THAT
18 YOU'RE WORKING ON?

19 PROSPECTIVE JUROR LINARES: IN THE NEXT COMING YEAR
20 HOPEFULLY IF I SAVE ENOUGH.

21 THE COURT: DOES THAT MAKE MORE EDUCATION?

22 PROSPECTIVE JUROR LINARES: YES. I WOULD NEED TO
23 GO FOR MY MASTER'S AND THEN TAKE A STATE LICENSING TEST,
24 EVENTUALLY MAYBE PURSUE A PH.D. I DON'T KNOW.

25 THE COURT: INTERESTS OR HOBBIES?

26 PROSPECTIVE JUROR LINARES: MY LATEST IS EXTREME
27 COUPONING.

28 THE COURT: WHAT?

1 PROSPECTIVE JUROR LINARES: EXTREME COUPONING. AND
2 I LIKE TO GET LIKE THRIFT STORE FURNITURE AND D.I.Y. IT,
3 DO-IT-YOURSELF CRAFTING.

4 THE COURT: OKAY.

5 PROSPECTIVE JUROR LINARES: IT HELPS TAKE MY MIND
6 OFF MY JOB.

7 THE COURT: DO YOU WORK IN THE EVENING?

8 PROSPECTIVE JUROR LINARES: 8:00 TO 5:00.

9 THE COURT: 8:00 TO 5:00. OKAY. IS THERE SOMEBODY
10 THAT WOULD REPLACE YOU IN THE EVENINGS?

11 PROSPECTIVE JUROR LINARES: OH, YES. IT'S A
12 24-HOUR CRISIS LINE.

13 THE COURT: IT'S OPEN?

14 PROSPECTIVE JUROR LINARES: IT'S A NATIONWIDE
15 SERVICE.

16 THE COURT: LASTLY, COULD YOU BE FAIR AND
17 IMPARTIAL?

18 PROSPECTIVE JUROR LINARES: YES.

19 THE COURT: NEXT JUROR, PLEASE.

20 PROSPECTIVE JUROR ROMERO: MARIA ROMERO. I LIVE IN
21 PASADENA. I HAVE FOUR CHILDREN AND GRANDCHILDREN. I WORK
22 AS AN OFFICE MANAGER. I'VE NEVER BEEN A JUROR. AND I
23 DON'T THINK I'M GOING TO BE VERY GOOD HERE.

24 THE COURT: ARE YOU PRETTY EMOTIONAL ABOUT THIS?

25 PROSPECTIVE JUROR ROMERO: YES.

26 THE COURT: REALLY --

27 PROSPECTIVE JUROR ROMERO: I HAVE A SON WHO WAS IN
28 COMA FOR FIVE DAYS AND FOUR MONTHS IN A HOSPITAL DUE TO

1 MEDICAL NEGLIGENCE, SO --

2 THE COURT: STIPULATION OF COUNSEL?

3 MR. NEWHOUSE: YES, YOUR HONOR. THANK YOU.

4 MR. BLESSEY: YES, YOUR HONOR.

5 THE COURT: THANK YOU VERY MUCH. YOU CAN RETURN TO
6 THE JURY ASSEMBLY ROOM.

7 THE CLERK: DANIEL KEMPTON, K-E-M-P-T-O-N.

8 THE COURT: GOOD AFTERNOON, MR. KEMPTON. HOW ABOUT
9 YOU?

10 PROSPECTIVE JUROR KEMPTON: GOOD AFTERNOON. I'M
11 GOOD.

12 THE COURT: GOOD. PROVIDE US WITH THE INFORMATION.
13 CAN YOU SEE UP THERE?

14 PROSPECTIVE JUROR KEMPTON: YEAH, I CAN SEE IT. MY
15 NAME IS DANIEL KEMPTON. I LIVE IN ALTADENA. UNMARRIED.
16 NO KIDS. AND I WORK AS A CHEF.

17 THE COURT: I'M SORRY. YOU WORK WHERE?

18 PROSPECTIVE JUROR KEMPTON: AS A CHEF.

19 THE COURT: AS A CHEF. WHAT DO YOU COOK?

20 PROSPECTIVE JUROR KEMPTON: I GUESS OUR RESTAURANT
21 IS MEDITERRANEAN CUISINE.

22 THE COURT: OKAY. WHAT RESTAURANT DO YOU WORK FOR?

23 PROSPECTIVE JUROR KEMPTON: IT'S CALLED TAVERN IN
24 BRENTWOOD.

25 THE COURT: IN BRENTWOOD. NOW, DID YOU GO TO
26 SCHOOL, CULINARY SCHOOL?

27 PROSPECTIVE JUROR KEMPTON: I DID NOT. I WENT TO
28 U.C.L.A. FOR FINE ART.

1 THE COURT: OKAY. AND DECIDED THAT YOU'D RATHER BE
2 COOKING?

3 PROSPECTIVE JUROR KEMPTON: YEAH. JUST KIND OF
4 SORT OF HAPPENED ALONG THE WAY.

5 THE COURT: DO YOU LIKE YOUR WORK?

6 PROSPECTIVE JUROR KEMPTON: SOMETIMES.

7 THE COURT: OKAY. HOW LONG HAVE YOU BEEN A CHEF?

8 PROSPECTIVE JUROR KEMPTON: ABOUT FIVE YEARS NOW.

9 THE COURT: EVER BEEN ON JURY DUTY BEFORE?

10 PROSPECTIVE JUROR KEMPTON: NEVER.

11 THE COURT: NEVER. WHAT DO YOU THINK ABOUT SERVING
12 ON THIS JURY?

13 PROSPECTIVE JUROR KEMPTON: I DON'T KNOW. IT
14 SOUNDS -- IT SOUNDS PRETTY INTERESTING.

15 THE COURT: OKAY. IT WILL BE FACT INTENSIVE. CAN
16 YOU BE FAIR AND IMPARTIAL?

17 PROSPECTIVE JUROR KEMPTON: YEAH.

18 THE COURT: YOUR INTERESTS OR HOBBIES.

19 PROSPECTIVE JUROR KEMPTON: ASIDE FROM COOKING, I'M
20 A MUSICIAN.

21 THE COURT: PARDON?

22 PROSPECTIVE JUROR KEMPTON: I'M A MUSICIAN. I LIKE
23 TO MAKE AND RECORD MUSIC.

24 THE COURT: OKAY. THANK YOU VERY MUCH.

25 FOR THE NEW SIX, LET ME GO OVER THESE
26 ADDITIONAL QUESTIONS THAT I HAVE. HAVE ANY OF YOU EVER
27 BEEN A PARTY TO A LAWSUIT? TELL ME ABOUT YOUR EXPERIENCE,
28 SIR.

1 PROSPECTIVE JUROR SMITH: IT'S A FENDER BENDER, AND
2 THE INSURANCE COMPANY -- MY INSURANCE COMPANY WENT AFTER
3 THE OTHER PEOPLE AND GOT ALMOST READY TO GO TO A TRIAL,
4 AND THEY SAID, "BE READY, BE READY," AND THEN THERE WAS
5 SOME SETTLEMENT.

6 THE COURT: ALL RIGHT. SO IF DURING THE COURSE OF
7 THIS TRIAL WE HAPPEN TO BE TALKING ABOUT INTERROGATORIES
8 OR DEPOSITIONS, YOU WOULD PROBABLY KNOW WHAT WE'RE TALKING
9 ABOUT?

10 PROSPECTIVE JUROR SMITH: YEAH.

11 THE COURT: I TAKE IT YOU WERE DEPOSED?

12 PROSPECTIVE JUROR SMITH: NO. I'M NOT SURE.
13 BECAUSE WE -- NO, I'M NOT SURE. IT WAS A VERY SIMPLE
14 CASE, AND MY DEALINGS WERE ONLY WITH THE -- THE ONLY TIME
15 I'VE BEEN IN THAT -- ANYTHING SIMILAR TO THAT WAS IN A
16 CIVIL DISPUTE WITH MY COMPANY WHERE THERE WAS -- WHERE
17 THERE WAS A DISAGREEMENT OVER A LARGE MACHINE THAT, YOU
18 KNOW -- THAT DIDN'T FUNCTION PROPERLY. IT WAS A
19 COUPLE-HUNDRED-THOUSAND-DOLLAR DISPUTE.

20 THE COURT: ANYBODY ELSE IN THE FRONT ROW, YES,
21 SIR. MR. KEMPTON?

22 PROSPECTIVE JUROR KEMPTON: I WAS A PART OF A
23 CLASS-ACTION LAWSUIT AGAINST B.P.

24 THE COURT: AGAINST WHO.

25 PROSPECTIVE JUROR KEMPTON: AGAINST BRITISH
26 PETROLEUM AFTER THE GULF OIL SPILL.

27 THE COURT: HOW WAS THAT? WERE YOU WORKING DOWN
28 HERE OR WHAT?

1 PROSPECTIVE JUROR KEMPTON: YEAH. I WAS -- I WAS
2 AN EMPLOYEE AT A RESTAURANT IN NEW ORLEANS, AND WE WERE
3 ALL AFFECTED BY THE OIL SPILL. WE ALL LOST A BUNCH OF
4 HOURS OF WORK AND WERE PART OF A CLASS-ACTION LAWSUIT.

5 THE COURT: AND DID THAT GET RESOLVED?

6 PROSPECTIVE JUROR KEMPTON: IT DID.

7 THE COURT: IT DID. AND WERE YOU PLEASED WITH THE
8 RESULT?

9 PROSPECTIVE JUROR KEMPTON: YEAH. I RECEIVED
10 COMPENSATION.

11 THE COURT: OKAY. WHAT RESTAURANT WERE YOU WORKING
12 FOR DOWN THERE?

13 PROSPECTIVE JUROR KEMPTON: I WORKED AT SEVERAL
14 RESTAURANTS DOWN THERE, MOSTLY FOR CHEF JOHN BESH. HE'S
15 GOT A BUNCH OF RESTAURANTS. I WORKED FOR HIM.

16 THE COURT: HAVE YOU EVER BEEN THE CHEF IN A
17 RESTAURANT?

18 PROSPECTIVE JUROR KEMPTON: ALMOST. I'M SOUS-CHEF
19 RIGHT NOW, SO I'M SECOND IN LINE. SOUS-CHEF.

20 THE COURT: WELL, GOOD FOR YOU.

21 ANYBODY ELSE PARTY TO A LAWSUIT? FAMILY
22 MEMBERS, CLOSE PERSONAL FRIENDS EVER A PARTY TO A
23 MALPRACTICE CASE, LEGAL-MEDICAL? ANYBODY?

24 WELL, THE NEXT QUESTION I HAVE IS DEALING
25 WITH PERCOCET. ANYBODY FAMILIAR WITH THAT? OKAY. ALL OF
26 YOU OR JUST A FEW OR -- BUT SOME OF YOU ARE FAMILIAR WITH
27 THE TERM AS A PAIN MEDICATION? ANYBODY? OKAY.

28 ADDICTION TO NARCOTICS. HAVE ANY OF YOU

1 EVER BEEN ADDICTED TO NARCOTICS IN THE PAST OR ANY FAMILY
2 MEMBERS THAT YOU KNOW OF THAT HAVE BEEN ADDICTED TO
3 NARCOTICS OF SOME SORT? OKAY.

4 MR. KEMPTON, LET ME START WITH YOU?

5 PROSPECTIVE JUROR KEMPTON: I'VE HAD FAMILY MEMBERS
6 THAT WERE ADDICTED TO AMPHETAMINES. IN FACT, CLOSE
7 FRIENDS THAT HAVE BEEN ADDICTED TO AN ARRAY OF DIFFERENT
8 SUBSTANCES, INCLUDING OPIATES.

9 THE COURT: ANYTHING ABOUT YOUR EXPERIENCES IN THAT
10 REGARD THAT WOULD AFFECT YOUR ABILITY TO BE FAIR TO BOTH
11 SIDES IN THIS CASE?

12 PROSPECTIVE JUROR KEMPTON: NO.

13 THE COURT: OKAY. NEXT JUROR. DID YOU HAVE YOUR
14 HAND UP?

15 PROSPECTIVE JUROR LINARES: YES. I DO HAVE FAMILY
16 MEMBERS THAT HAVE HAD ISSUES WITH SUBSTANCE ABUSE OF
17 VARIOUS KINDS, ALL KINDS.

18 THE COURT: OKAY. ANYTHING ABOUT THAT EXPERIENCE
19 THAT YOU'RE AWARE OF THAT WOULD AFFECT YOUR ABILITY TO BE
20 FAIR?

21 PROSPECTIVE JUROR LINARES: NO.

22 THE COURT: THE LAST SUBJECT MATTER IS SUICIDE.
23 HAVE ANY OF YOU BEEN -- I'M NOT TALKING ABOUT PERSONALLY
24 INVOLVED BUT FAMILY MEMBERS, CLOSE PERSONAL FRIENDS, THAT
25 WOULD BARE ON YOUR JUDGMENT IN THIS CASE.

26 TELL ME ABOUT YOUR SITUATION.

27 PROSPECTIVE JUROR SMITH: OH, MY -- I HAVE AN AUNT.
28 I WASN'T REAL CLOSE WITH HER, BUT SHE LIVED IN -- AND MY

1 FOLKS WENT OUT TO VISIT HER. AND WHILE THEY WERE THERE,
2 SHE SHOT HERSELF IN THE HEAD. SO IT WAS -- IT HAD A HUGE
3 EFFECT ON THEM. IT WAS SOMEWHAT DISPLACED. THIS WOULD
4 HAVE BEEN IN THE LATE '80'S. AND I DON'T SEE HOW THAT
5 WOULD -- THAT WOULDN'T AFFECT -- IN THIS CASE, IT WOULDN'T
6 AFFECT MY -- ANYTHING ON THIS CASE.

7 THE COURT: OKAY. DID WE HAVE ANOTHER JUROR WHO
8 HAD THEIR HAND UP?

9 PROSPECTIVE JUROR SMART: I LIVE IN A REALLY
10 CLOSE-KNIT COMMUNITY, A COURTYARD. AND ONE OF OUR
11 NEIGHBORS TOOK HIS LIFE ABOUT FOUR YEARS AGO. IT WAS
12 PRETTY ROUGH ON ALL OF US, BUT I DON'T THINK IT WOULD
13 AFFECT --

14 THE COURT: WAS IT DUE TO AN OVERDOSE?

15 PROSPECTIVE JUROR SMART: NO. HE SHOT HIMSELF.

16 THE COURT: OKAY. MR. KEMPTON?

17 PROSPECTIVE JUROR KEMPTON: YEAH. I HAD A CLOSE
18 FRIEND BACK IN SCHOOL WHO TOOK HIS LIFE. IT WASN'T FROM
19 NARCOTICS OR ANYTHING. I DON'T THINK IT WOULD AFFECT MY
20 JUDGMENT.

21 THE COURT: FAIR ENOUGH. THANK YOU VERY MUCH.

22 INQUIRE, COUNSEL?

23 MR. NEWHOUSE: YES, YOUR HONOR. THANK YOU.

24 GOOD AFTERNOON AGAIN.

25 IS IT MR. -- LET ME START OFF WITH

26 MR. KENNEDY. THANK YOU FOR YOUR SERVICE.

27 THE COURT: OH, I'M SORRY. WE'RE GOING TO VOIR
28 DIRE ONLY --

1 MR. NEWHOUSE: I KNOW. I JUST WANTED TO --

2 THE COURT: OH, ALL RIGHT.

3 MR. NEWHOUSE: SORRY, YOUR HONOR. I'M ONLY GOING
4 TO VOIR DIRE THESE HERE.

5 THE COURT: RIGHT, RIGHT.

6 MR. NEWHOUSE: LET ME START WITH MS. LIAO. SO YOU
7 HAVE A NUMBER OF DOCTORS IN THE FAMILY?

8 PROSPECTIVE JUROR LIAO: YES.

9 MR. NEWHOUSE: AND YOU HEARD THE PRIOR QUESTIONS?

10 PROSPECTIVE JUROR LIAO: YES.

11 MR. NEWHOUSE: AND YOU AGREE, DO YOU NOT, THAT WE
12 GENERALLY HOLD DOCTORS IN VERY HIGH ESTEEM IN THIS
13 COUNTRY?

14 PROSPECTIVE JUROR LIAO: GENERALLY.

15 MR. NEWHOUSE: IS IT SAFE TO SAY THAT DOCTORS IN
16 YOUR EXPERIENCE DON'T PARTICULARLY LIKE BEING SUED?

17 PROSPECTIVE JUROR LIAO: YES.

18 MR. NEWHOUSE: IS IT FAIR TO SAY DOCTORS IN
19 PARTICULAR DON'T LIKE LAWYERS VERY MUCH FOR SUING THEM?
20 YOU'VE HEARD THESE DISCUSSIONS?

21 PROSPECTIVE JUROR LIAO: NOT FIRSTHAND, NOT MUCH,
22 BUT I'M SURE THEY PROBABLY WOULDN'T LIKE THEM.

23 MR. NEWHOUSE: HERE IS MY QUESTION: IF YOU WERE TO
24 SERVE, AND AS THE JUDGE HAS CORRECTLY INDICATED, AFTER
25 THIS IS ALL OVER AND YOU'VE RETURNED A VERDICT, THEN
26 YOU'RE ALL FREE TO DISCUSS THIS WITH ANYONE, INCLUDING
27 YOUR FAMILY MEMBERS.

28 HOW WOULD YOU THINK YOUR PHYSICIAN FAMILY

1 MEMBERS WOULD TREAT YOU IF THEY LEARNED THAT YOU WERE ON A
2 JURY THAT RETURNED A VERDICT IN FAVOR OF THE PLAINTIFF?
3 WOULD THAT HAVE A IMPACT?

4 PROSPECTIVE JUROR LIAO: NO, I DON'T THINK IT WOULD
5 BE ANY IMPACT.

6 MR. NEWHOUSE: WHAT ARE THE PRACTICES OF THE
7 DOCTORS THAT ARE IN YOUR FAMILY?

8 PROSPECTIVE JUROR LIAO: INFECTIOUS DISEASES,
9 PSYCHIATRY, OPHTHALMOLOGY, UROLOGIST, AND FAMILY MEDICINE.

10 MR. NEWHOUSE: IMPRESSIVE.

11 NOW, ONE OR MORE OF THE DOCTORS THAT WILL BE
12 TESTIFYING FROM THAT WITNESS STAND WILL BE PSYCHIATRISTS.

13 WILL YOU BE ABLE TO REFRAIN GOING BACK HOME
14 DURING THE BREAK OR WHATEVER AND DISCUSSING THE TESTIMONY
15 OF THE PSYCHIATRY HERE ON THE STAND?

16 PROSPECTIVE JUROR LIAO: YES, DEFINITELY.

17 MR. NEWHOUSE: LET ME ASK A QUESTION. MR. BLESSEY
18 IS A VERY CAPABLE LAWYER. SO HE ASKED THIS QUESTION, AND
19 I'M GOING TO ASK IT OF ALL OF YOU BECAUSE IT'S A FAIR
20 QUESTION.

21 IF YOU WERE EITHER THE DEFENDANT OR MY
22 CLIENTS, WOULD YOU BE COMFORTABLE HAVING ONE OF THE SIX OF
23 YOU SITTING ON THIS JURY? LET ME START WITH YOU. WOULD
24 YOU BE COMFORTABLE?

25 PROSPECTIVE JUROR LIAO: YES, I WOULD.

26 MR. NEWHOUSE: MR. SMITH?

27 PROSPECTIVE JUROR SMITH: YES, I DO.

28 MR. NEWHOUSE: MR. BOTHWELL?

1 PROSPECTIVE JUROR BOTHWELL: FINE.

2 MR. NEWHOUSE: MS. SMART?

3 PROSPECTIVE JUROR SMART: YES.

4 MR. NEWHOUSE: AND MS. LINARES?

5 PROSPECTIVE JUROR LINARES: LINARES.

6 MR. NEWHOUSE: WOULD YOU BE COMFORTABLE?

7 PROSPECTIVE JUROR LINARES: YES.

8 MR. NEWHOUSE: AND MR. KEMPTON?

9 PROSPECTIVE JUROR KEMPTON: YES.

10 MR. NEWHOUSE: MR. SMITH, NOW, YOU LIKEWISE HAVE --
11 THEY'RE NOT PHYSICIANS BUT THEY'RE --

12 PROSPECTIVE JUROR SMITH: NO.

13 MR. NEWHOUSE: BUT THEY'RE FAMILY MEMBERS, WIFE AND
14 DAUGHTER, IN THE MEDICAL PROFESSION?

15 PROSPECTIVE JUROR SMITH: YEAH.

16 MR. NEWHOUSE: HAVE YOU TALKED TO THEM ABOUT
17 LAWSUITS AND LAWYERS AGAINST --

18 PROSPECTIVE JUROR SMITH: ALL THE TIME ABOUT
19 VARIOUS THINGS LIKE THAT. AND MR. BLESSEY MENTIONED A
20 WHOLE BUNCH OF -- A WHOLE STRING OF DRUGS. YEAH, I'VE
21 HEARD OF JUST ABOUT ALL OF THEM AND TAKEN A BUNCH OF THEM
22 AT VARIOUS -- AT VARIOUS TIMES. AND THEY'RE AROUND THE
23 HOUSE, AND -- YOU KNOW, PERCOCET, TRAMADOL, AMBIEN. WHAT
24 WERE SOME OF THE OTHERS? YOU KNOW, YEAH.

25 MR. NEWHOUSE: NOW, WITH THAT DETAILED KNOWLEDGE,
26 ONE OF THE THINGS THE COURT IS GOING TO INSTRUCT EVERYONE
27 ON THE JURY IS THAT YOU SHOULD DECIDE THE FACTS OF THIS
28 CASE BASED SOLELY UPON WHAT YOU HEAR FROM THAT WITNESS

1 STAND, THE EVIDENCE THAT COMES IN, NOT -- YOU SHOULDN'T
2 IMPORT NECESSARILY YOUR PERSONAL EXPERIENCES, FOR EXAMPLE,
3 YOUR EXPERIENCES WITH THESE NARCOTICS. WOULD YOU BE ABLE
4 TO DO THAT?

5 PROSPECTIVE JUROR SMITH: YES. YOU'RE SAYING
6 RATIONALLY -- RATIONALLY WEIGH THE EVIDENCE --

7 MR. NEWHOUSE: RATIONALLY WEIGH THE EVIDENCE.

8 PROSPECTIVE JUROR SMITH: -- AND THE TESTIMONY. OF
9 COURSE.

10 MR. NEWHOUSE: I MEAN, IT'S POSSIBLE -- LET ME ASK
11 YOU. DO YOU HAVE FEELINGS ONE WAY OR ANOTHER ABOUT THESE
12 POWERFUL NARCOTICS, THESE OPIATES? ARE THEY GOOD? ARE
13 THEY BAD? DO YOU HAVE ANY OPINIONS ABOUT THEM?

14 PROSPECTIVE JUROR SMITH: WELL, WHEN YOU NEED THEM,
15 THEY'RE PRETTY GOOD; AND WHEN YOU DON'T, THEY'RE FAIRLY
16 BAD.

17 MR. NEWHOUSE: SO WHEN YOU SAY "THEY'RE FAIRLY
18 BAD," WHAT DO YOU MEAN BY THAT?

19 PROSPECTIVE JUROR SMITH: WELL, FOR EXAMPLE, I
20 THINK PERCOCET -- IT DEPRESSES RESPIRATION. WHEN MY WIFE
21 WAS TAKING IT AFTER SOME BACK SURGERY, THE DOCTOR SAID --
22 THE DOCTOR SAID, "NO, DON'T TAKE MORE THAN THIS AMOUNT IN
23 A GIVEN DAY. IT COULD WEIGH ON RESPIRATION.

24 MR. NEWHOUSE: AND IT COULD BE VERY ADDICTIVE OVER
25 THE LONG TERM, CORRECT?

26 PROSPECTIVE JUROR SMITH: YES. BUT MY WIFE DOESN'T
27 HAVE AN ADDICTIVE PERSONALITY.

28 MR. NEWHOUSE: GOOD FOR YOU.

1 THERE HAS RECENTLY ACTUALLY BEEN NEWS. HAS
2 ANYONE IN THE JURY READ ANY ARTICLES IN THE NEW YORK TIMES
3 ABOUT THE F.D.A. TAKING ACTION REGULATING THE PRESCRIPTION
4 OF OPIATES? RAISE YOUR HAND IF YOU'VE HEARD THOSE
5 STORIES.

6 SO I'M GOING TO START WITH YOU, MS. SMART?
7 WHAT HAVE YOU READ?

8 PROSPECTIVE JUROR SMART: IT WAS JUST THE FRONT
9 PAGE, STANDING AT STARBUCKS. JUST THAT THEY WERE GOING --
10 IT WAS FOUR YEARS IN THE MAKING, THAT THEY WERE GOING TO
11 HAVE TITLE RESTRICTIONS ON ADDICTIVE PAINKILLERS.

12 MR. NEWHOUSE: TITLE RESTRICTIONS ON THE
13 PRESCRIPTION OF THESE POWERFUL OPIATES?

14 PROSPECTIVE JUROR SMART: YEAH.

15 MR. NEWHOUSE: AND IS THERE ANYTHING ABOUT THAT
16 ARTICLE THAT INFLUENCED YOU THAT YOU WOULDN'T BE ABLE TO
17 PUT OUT OF YOUR MIND?

18 PROSPECTIVE JUROR SMART: NO. BECAUSE I ONLY READ
19 WHAT WAS ON THE FRONT, THE LITTLE BLURB, THE FIRST
20 PARAGRAPH. I DIDN'T BUY THE PAPER.

21 MR. NEWHOUSE: SO YOU READ JUST A LITTLE ENOUGH
22 THAT IT DIDN'T INFLUENCE YOU; IS THAT FAIR TO SAY?

23 PROSPECTIVE JUROR SMART: YEAH.

24 MR. NEWHOUSE: YOU AND THE REST OF THE AMERICAN
25 PUBLIC.

26 MR. SMITH, I ALSO HAVE TO ASK YOU, YOU HAVE
27 AN INTEREST IN PHILOSOPHY?

28 PROSPECTIVE JUROR SMITH: YES.

1 MR. NEWHOUSE: AND WHAT, PRAY TELL, IS APOLOGETICA?

2 PROSPECTIVE JUROR SMITH: APOLOGETICS?

3 MR. NEWHOUSE: APOLOGETICS.

4 PROSPECTIVE JUROR SMITH: IT'S DEFENSE OF FAITH.

5 FOR EXAMPLE, C.S. LEWIS, HAVE YOU HEARD OF HIM, OR G.K.
6 CHESTERTON?

7 MR. NEWHOUSE: I HAVE INDEED.

8 PROSPECTIVE JUROR SMITH: YEAH. THAT SORT OF
9 STUFF.

10 MR. NEWHOUSE: NOTHING THAT WOULD HAVE AN IMPACT ON
11 THIS CASE?

12 PROSPECTIVE JUROR SMITH: NO.

13 MR. NEWHOUSE: OKAY. MR. BOTHWELL, WERE YOU
14 AFFILIATED WITH CALTECH, DID YOU SAY?

15 PROSPECTIVE JUROR BOTHWELL: YEAH. I WORKED FOR
16 J.P.L. FOR 24 YEARS.

17 MR. NEWHOUSE: THANK YOU FOR YOUR SERVICE. A GREAT
18 INSTITUTION. AS A CHRISTIAN SCIENTIST, YOU'VE NEVER SEEN
19 A PHYSICIAN, A DOCTOR FOR MEDICAL CARE?

20 PROSPECTIVE JUROR BOTHWELL: NO. I HAVE -- I HAVE
21 FOR, I THINK, ONLY WHEN I'VE HAD TO DO THAT FOR A -- LONG
22 AGO IN ORDER TO QUALIFY FOR AN INSURANCE POLICY, I HAD TO
23 GET A MEDICAL EXAM.

24 MR. NEWHOUSE: IS THERE ANYTHING ABOUT YOUR FAITH
25 WHICH ARE IMPORTANT VIEWS TO YOU THAT WOULD HAVE A FACTOR
26 AND INFLUENCE ONE WAY OR ANOTHER IN THIS CASE? WOULD YOU
27 TEND TO BE BIASED IN FAVOR OF THE DOCTOR, AGAINST THE
28 DOCTOR? WOULD IT HAVE ANY IMPACT, THE FACT THAT YOU,

1 YOURSELF, BECAUSE OF YOUR FAITH AND YOUR PRINCIPLES, WOULD
2 NOT CONSULT WITH A PHYSICIAN?

3 PROSPECTIVE JUROR BOTHWELL: WELL, TO ME DRUGS ARE
4 NOT GOOD THINGS. THERE'S A BETTER WAY. BUT I HAVE FULL
5 RESPECT FOR THE PEOPLE WHO DO AND WHO PRESCRIBE THEM AND
6 WHO USE THEM AND FOR WHAT HAPPENS. AND I BELIEVE THAT ON
7 BASIS I CAN BE PRETTY RATIONAL ABOUT LOOKING AT THINGS.

8 MR. NEWHOUSE: YOU'RE A SCIENTIST AFTER ALL?

9 PROSPECTIVE JUROR BOTHWELL: YEAH.

10 MR. NEWHOUSE: MS. SMART, YOU MENTIONED THAT -- THE
11 JUDGE WAS INQUIRING THAT YOU LOST A FRIEND AT SOME POINT.
12 WAS THIS LOST A FRIEND TO SUICIDE?

13 PROSPECTIVE JUROR SMART: YEAH.

14 MR. NEWHOUSE: WHAT WERE THE CIRCUMSTANCES?

15 PROSPECTIVE JUROR SMART: HIS GIRLFRIEND WAS
16 THROWING HIM OUT OF THE HOUSE. HE HAD A LITTLE GIRL WITH
17 HER. I GUESS THEY HAD BEEN HAVING A ROUGH TIME, AND HE
18 HAD BEEN DRINKING AND SHOT HIMSELF.

19 MR. NEWHOUSE: HOW LONG AGO WAS THIS?

20 PROSPECTIVE JUROR SMART: IT WAS LIKE THREE OR FOUR
21 YEARS AGO.

22 MR. NEWHOUSE: AND, AGAIN, YOU'VE HEARD THAT
23 THERE'S -- THIS CASE IS GOING TO BE DEALING WITH EXTENSIVE
24 TESTIMONY ABOUT PHYSICIANS, ABOUT NARCOTICS, ABOUT -- AND
25 ULTIMATELY ENDED IN THE TRAGEDY OF A SUICIDE.

26 YOU'LL BE ABLE TO LEAVE YOUR PERSONAL
27 EXPERIENCE ASIDE AND DECIDE THE CASE ONLY BASED UPON THE
28 EVIDENCE AND THE INSTRUCTIONS BY THE COURT?

1 PROSPECTIVE JUROR SMART: YES.

2 MR. NEWHOUSE: THANK YOU.

3 MS. LINARES, CURRENTLY, DID YOU SAY YOU'RE A
4 SOCIAL WORKER FOR AN INSURANCE COMPANY?

5 PROSPECTIVE JUROR LINARES: MY TITLE IS PERSONAL
6 ADVOCATE, BUT IT IS DEPENDENT ON MY SOCIAL WORK DEGREE.

7 MR. NEWHOUSE: YOU'VE HAD, BY VIRTUE OF YOUR
8 TRAINING AND EXPERIENCE, IT SOUNDS LIKE SUBSTANTIAL
9 BACKGROUND IN DEALING WITH SUBSTANCE ABUSE?

10 PROSPECTIVE JUROR LINARES: YES.

11 MR. NEWHOUSE: THINGS LIKE METHAMPHETAMINE ABUSE?

12 PROSPECTIVE JUROR LINARES: YES. NOT IN A CLINICAL
13 MANNER, BUT, YES, I HAVE EXPERIENCE.

14 MR. NEWHOUSE: AND AT ONE POINT I THINK YOU SAID
15 SOMETHING ABOUT HOW SOMETIMES -- CAN THIS WORK WEIGH
16 HEAVILY ON YOU? DOES IT CAUSE YOU -- LEAVE YOU WITH
17 FEELINGS OF DEPRESSION OR SADNESS?

18 PROSPECTIVE JUROR LINARES: I WOULD SAY IT'S MORE
19 OF THE RAPID PACE OF MY JOB BECAUSE IT'S A CALL CENTER
20 RATHER THAN THE NATURE OF THE JOB.

21 MR. NEWHOUSE: BUT YOU ENJOY YOUR JOB?

22 PROSPECTIVE JUROR LINARES: I DO.

23 MR. NEWHOUSE: AND YOU'RE CONFIDENT, I TAKE IT,
24 THAT THERE'S NOTHING, AGAIN, ABOUT YOUR PERSONAL
25 EXPERIENCES THAT WOULD IN ANY WAY INTERFERE WITH YOUR
26 OBJECTIVITY AS A JUROR?

27 PROSPECTIVE JUROR LINARES: I DON'T BELIEVE SO.

28 MR. NEWHOUSE: AND THAT YOU'RE CONFIDENT YOU COULD

1 BE FAIR AND IMPARTIAL TO EITHER SIDE?

2 PROSPECTIVE JUROR LINARES: I DO BELIEVE SO.

3 MR. NEWHOUSE: THANK YOU.

4 MR. KEMPTON?

5 PROSPECTIVE JUROR KEMPTON: YES.

6 MR. NEWHOUSE: YOU WENT TO U.C.L.A. UNDERGRAD?

7 PROSPECTIVE JUROR KEMPTON: I DID.

8 MR. NEWHOUSE: ACTUALLY, I HAVE NO FURTHER
9 QUESTIONS FOR YOU OTHER THAN THAT. THANK YOU.

10 THE COURT: DEFENSE?

11 MR. BLESSEY: THANK YOU, YOUR HONOR.

12 GOOD AFTERNOON, LADIES AND GENTLEMEN. I'LL
13 TRY TO MAKE THIS BRIEF. YOU'VE HEARD QUESTIONS AND
14 COMMENTS FROM -- MORE QUESTIONS FROM THE COURT AND FROM
15 MR. NEWHOUSE ABOUT THIS CONCEPT OF ADDICTION TO NARCOTICS.

16 HOW MANY OF THE SIX OF YOU NOW THAT ARE
17 SITTING HERE HAVE ASSUMED OR REACHED A CONCLUSION THAT THE
18 DECEDENT IN THIS CASE WAS ADDICTED TO NARCOTICS, INCLUDING
19 PERCOCET? HOW MANY -- RAISE YOUR HAND IF YOU HAVE REACHED
20 THAT CONCLUSION, BASED ON THE QUESTIONS THAT HAVE BEEN
21 ASKED OF YOU? OKAY. SEEING NO HANDS.

22 LET ME ASK ALL OF YOU -- I THINK I'LL GO
23 DOWN THE LINE HERE. WHEN YOU FIRST HEARD FROM HIS HONOR
24 THAT THIS WAS A CASE ABOUT SUICIDE, WHAT WAS THE FIRST
25 THOUGHT THAT WENT THROUGH YOUR MIND?

26 PROSPECTIVE JUROR LIAO: SAD.

27 MR. BLESSEY: SAD?

28 PROSPECTIVE JUROR LIAO: YEAH.

1 MR. BLESSEY: ANYTHING ELSE?

2 PROSPECTIVE JUROR LIAO: I FEEL BAD FOR THE
3 PARENTS.

4 MR. BLESSEY: SINCE YOU'VE RESPONDED THAT WAY, LET
5 ME ASK YOU -- I WAS ASKING THE OTHER FOLKS, AND I'M SURE
6 YOU HEARD ME. IF HIS HONOR SAYS TO YOU, YOU'RE TO SET
7 ASIDE THE SYMPATHY IN THIS CASE -- AND, AGAIN, YOU MIGHT
8 HEAR EMOTIONAL TESTIMONY -- AND YOU'RE TO DECIDE THE CASE
9 BASED ON THE MERITS OF THE CASE, THAT IS, WHETHER OR NOT
10 DR. SHAINSKY WAS REASONABLE IN HER CARE OF THE DECEDENT
11 UNDER THE CIRCUMSTANCES, COULD YOU SET ASIDE THE SYMPATHY
12 TO DECIDE THAT QUESTION?

13 PROSPECTIVE JUROR LIAO: YES.

14 MR. BLESSEY: YOU FEEL CONFIDENT ABOUT THAT?

15 PROSPECTIVE JUROR LIAO: YES.

16 MR. BLESSEY: YOU UNDERSTAND I'M NOT ASKING YOU TO
17 NOT FEEL SYMPATHY, CORRECT?

18 PROSPECTIVE JUROR LIAO: YES, I UNDERSTAND.

19 MR. BLESSEY: MR. SMITH, HE FIRST THOUGHT THAT WENT
20 THROUGH YOUR MIND WHEN YOU HEARD THAT THIS CASE WAS ABOUT
21 A SUICIDE?

22 PROSPECTIVE JUROR SMITH: A LOST OPPORTUNITY. I
23 MEAN, IT'S A LIFE THAT COULD HAVE GONE ON AND DONE A WHOLE
24 LOT IN ITS REMAINING YEARS. IT WAS CUT SHORT.

25 MR. BLESSEY: AND DID YOU MAKE AN ASSUMPTION IN
26 YOUR MIND WHEN YOU HEARD ABOUT SUICIDE WHETHER OR NOT THIS
27 LOST OPPORTUNITY WAS PREVENTABLE?

28 PROSPECTIVE JUROR SMITH: THE LOST OPPORTUNITY WAS

1 PREVENTABLE?

2 MR. BLESSEY: DO YOU UNDERSTAND WHAT I'M ASKING?

3 PROSPECTIVE JUROR SMITH: I MEAN, SOMETHING LIKE
4 THAT, I MEAN, IS ALWAYS POTENTIALLY -- POTENTIALLY
5 PREVENTABLE, BUT WHO WOULD KNOW THAT IN ADVANCE, RIGHT? I
6 MEAN, HOW COULD -- HOW COULD YOU KNOW THAT, RIGHT? MAYBE
7 RETROSPECTIVELY YOU'D SAY THIS, THIS, THIS, AND THIS, BUT
8 EVERYBODY KNOWS THE ANSWER AFTER THE TEST. IT'S BEFORE
9 THE TEST YOU HAVE TO KNOW THE ANSWER.

10 MR. BLESSEY: YOU BRING UP A GOOD POINT.

11 IN THIS CASE YOU'RE GOING TO HEAR A LOT OF
12 MEDICAL EVIDENCE ABOUT THE DECEDENT AND HER TREATMENT,
13 INCLUDING THE TREATMENT BY DR. SHAINSKY. AND YOU
14 UNDERSTAND, IT SOUNDS LIKE, THAT WHEN DOCTORS TREAT
15 PATIENTS, THEY'RE TREATING THEM IN THE CURRENT POINT IN
16 TIME; THEY DON'T HAVE THE BENEFIT OF A RETROSPECTIVE
17 ANALYSIS, CORRECT?

18 PROSPECTIVE JUROR SMITH: OF COURSE. I MEAN, IT'S
19 OBVIOUS.

20 MR. BLESSEY: IT'S AN OBVIOUS QUESTION.

21 PROSPECTIVE JUROR SMITH: YEAH.

22 MR. BLESSEY: I JUST WANT TO MAKE SURE YOU AND I
23 WERE ON THE SAME PAGE.

24 PROSPECTIVE JUROR SMITH: YEAH.

25 MR. BLESSEY: THANK YOU, SIR.

26 MR. BOTHWELL, FIRST THOUGHT WHAT WENT
27 THROUGH YOUR MIND ABOUT SUICIDE?

28 PROSPECTIVE JUROR BOTHWELL: WELL, IT'S A TRAGIC

1 CIRCUMSTANCE, AND AT THE SAME TIME, A FEELING THAT, WOW,
2 THIS SOUNDS LIKE A PRETTY CHALLENGING CASE.

3 MR. BLESSEY: CHALLENGING IN WHAT WAY?

4 PROSPECTIVE JUROR BOTHWELL: IT'S NOT A SUBJECT I'M
5 USED TO THINKING ABOUT, AND I THOUGHT THIS WILL TAKE A
6 CONSIDERABLE EFFORT IN THINKING OUT. SO IT'S A
7 COMPLICATED ISSUE.

8 MR. BLESSEY: IT SOUNDS LIKE, BASED ON YOUR
9 EDUCATIONAL BACKGROUND AND THE OTHER THINGS YOU'VE SAID,
10 THAT YOU'RE CAPABLE OF DOING THAT; WOULD YOU AGREE?

11 PROSPECTIVE JUROR BOTHWELL: OH, I'M SURE.

12 MR. BLESSEY: I DETECT --

13 PROSPECTIVE JUROR BOTHWELL: IT DOESN'T MEAN TO SAY
14 I WON'T ENJOY IT NECESSARILY, BUT IT HAS TO BE DONE.

15 MR. BLESSEY: AND YOU UNDERSTAND THAT THIS, AS WE
16 ASKED EARLIER, THAT THIS IS AN IMPORTANT CASE, NOT ONLY
17 FOR THE PARENTS BUT FOR DR. SHAINSKY, CORRECT?

18 PROSPECTIVE JUROR BOTHWELL: VERY MUCH SO.

19 MR. BLESSEY: THANKS.

20 MS. SMART, FIRST THOUGHT THAT WENT THROUGH
21 YOUR MIND WHEN YOU HEARD THIS WAS A SUICIDE CASE?

22 PROSPECTIVE JUROR SMART: I FELT TERRIBLE FOR THE
23 PARENTS.

24 MR. BLESSEY: ANYTHING ELSE?

25 PROSPECTIVE JUROR SMART: AND I WOULDN'T WANT TO BE
26 IN EITHER PARENTS' OR THE DOCTOR'S POSITION.

27 MR. BLESSEY: WHY DO YOU SAY THAT? I'M SORRY. WHY
28 DO YOU SAY YOU WOULDN'T WANT TO BE IN EITHER OF THEIR

1 POSITIONS?

2 PROSPECTIVE JUROR SMART: A LOSS IS SO GREAT, AND I
3 WOULDN'T WANT TO -- I'M NOT ARTICULATING IT WELL.

4 MR. BLESSEY: I THINK YOU'RE DOING FINE. LET ME
5 ASK YOU THIS, MS. SMART: AT THE END OF THE -- YOU'VE
6 HEARD THAT -- I THINK YOU HEARD SOME DISCUSSION ABOUT THE
7 BURDEN OF PROOF. MR. NEWHOUSE TALKED A LITTLE BIT ABOUT
8 THAT. THEY HAVE GOT THE BURDEN OF PROOF. HIS HONOR WILL
9 INSTRUCT YOU ON WHAT THAT MEANS LEGALLY.

10 BUT LET'S ASSUME AT THE END OF THE CASE --
11 YOU HEAR THEIR EXPERTS, YOU HEAR OUR EXPERTS, AND YOU GO,
12 "YOU KNOW, I JUST -- I JUST CAN'T DECIDE. BOTH SIDES WERE
13 EQUALLY CONVINCING, AND I THINK THEY COME OUT AS A TIE."

14 DO YOU HAVE THAT CONCEPT IN MIND?

15 PROSPECTIVE JUROR SMART: UH-HUH.

16 MR. BLESSEY: BECAUSE OF THE HORRIBLE LOSS THAT THE
17 PARENTS SUFFERED, WOULD YOU FOLLOW THE LAW IF THEY DON'T
18 FOLLOW -- IF THEY DON'T MEET THEIR BURDEN AND RULE IN
19 FAVOR OF DR. SHAINSKY, OR BECAUSE OF THE LOSE, WOULD YOU
20 RULE IN FAVOR OF THE DE ROGATISES?

21 PROSPECTIVE JUROR SMART: WOULD I --

22 MR. BLESSEY: HERE IS WHAT I'M ASKING --

23 PROSPECTIVE JUROR SMART: FOLLOW THE LAW.

24 MR. BLESSEY: OKAY. WHAT I'M REALLY TRYING TO SAY
25 TO YOU OR ASK YOU IS: LIKE ALL OF US IN THIS COURTROOM,
26 LOSING A CHILD -- THIS IS AN ADULT, OBVIOUSLY -- BUT YOUR
27 OFFSPRING IS PROBABLY ONE OF THE WORST THINGS THAT CAN
28 HAPPEN TO A PARENT. I THINK WE ALL AGREE ON THAT.

1 SETTING THAT ASIDE FOR A SECOND, IF YOU'RE
2 NOT CONVINCED BY THE PLAINTIFFS' EVIDENCE AT THE END OF
3 THE CASE, NOTWITHSTANDING THAT HORRIBLE LOSS, ARE YOU
4 GOING TO FOLLOW THE LAW IN REACHING YOUR VERDICT?

5 PROSPECTIVE JUROR SMART: YES.

6 MR. BLESSEY: OKAY. YOU UNDERSTAND WHAT I'M
7 ASKING?

8 PROSPECTIVE JUROR SMART: YES.

9 MR. BLESSEY: OKAY. THANK YOU. THIS NEW YORK
10 TIMES ARTICLE THAT YOU DIDN'T READ THE WHOLE THING, YOU
11 UNDERSTAND GLANCING AT A NEWSPAPER AND READING A HEADLINE
12 DOESN'T TELL YOU THE FULL STORY?

13 PROSPECTIVE JUROR SMART: EXACTLY.

14 MR. BLESSEY: YOU DON'T KNOW THE CIRCUMSTANCES OF
15 WHAT THAT ARTICLE WAS ADDRESSING ITSELF TO, DO YOU?

16 PROSPECTIVE JUROR SMART: NO. I MENTIONED IT
17 BECAUSE HE HAD ASKED, AND I DIDN'T HAVE AN OPINION ABOUT
18 IT.

19 MR. BLESSEY: UNDERSTOOD. HERE IS MY QUESTION:
20 IT'S KIND OF AN ANALOGY. ARE YOU WILLING TO HEAR THE
21 WHOLE STORY IN THIS CASE BEFORE YOU DECIDE IN TERMS OF
22 WHAT YOU THINK HAPPENED?

23 PROSPECTIVE JUROR SMART: YES.

24 MR. BLESSEY: THANK YOU.

25 MS. LINARES, GOOD AFTERNOON.

26 PROSPECTIVE JUROR LINARES: GOOD AFTERNOON.

27 MR. BLESSEY: YOU MENTIONED THE TERM "SUICIDE
28 IDEATION." WHAT DID YOU MEAN BY THAT?

1 PROSPECTIVE JUROR LINARES: WHEN SOMEBODY HAS
2 THOUGHTS OF CONTEMPLATING SUICIDE OR SELF-HARM.

3 MR. BLESSEY: OKAY. AND THEN BASED ON YOUR
4 TRAINING, EDUCATION, EXPERIENCE, IS THERE A DIFFERENCE
5 BETWEEN SUICIDE IDEATION, HAVING THESE THOUGHTS, AND
6 INTENT TO ACTUALLY COMMIT SELF-HARM?

7 PROSPECTIVE JUROR LINARES: IS THERE A DIFFERENCE?

8 MR. BLESSEY: YES.

9 PROSPECTIVE JUROR LINARES: YES, THERE IS.

10 MR. BLESSEY: AND DO YOU KNOW HOW ONE ASSESSES
11 THAT, THAT IS, WHETHER IT'S JUST -- LET'S SAY SOMEBODY
12 SAYS, "YOU KNOW, I HAVE SO MUCH PAIN, I WANT TO DIE."
13 WOULD YOU CONSIDER THAT SUICIDE IDEATION?

14 PROSPECTIVE JUROR LINARES: CAN YOU REPEAT IT?

15 MR. BLESSEY: SURE. "I'M HAVING SO MUCH PAIN, I
16 WANT TO DIE." DOES THAT SOUND LIKE SUICIDE IDEATION TO
17 YOU?

18 PROSPECTIVE JUROR LINARES: IT SOUNDS LIKE IT
19 POSSIBLY, SOME THOUGHTS OF SELF-HARM. SO IT'S MORE --

20 MR. BLESSEY: HOW DO YOU DISTINGUISH THAT FROM AN
21 ACTUAL INTENT?

22 PROSPECTIVE JUROR LINARES: THERE WOULD BE AN
23 ACTION OR A PLAN.

24 MR. BLESSEY: AND HOW WOULD YOU KNOW WHETHER OR NOT
25 THERE WAS AN ACTION OR PLAN?

26 PROSPECTIVE JUROR LINARES: YOU ASK DIRECTLY IF
27 THEY HAVE AN ACTION OR A PLAN.

28 MR. BLESSEY: AND IF THEY TELL YOU THEY DON'T, THEN

1 WHAT?

2 PROSPECTIVE JUROR LINARES: THEN YOU GET THEM TO
3 SOMEONE WHO IS GOING TO STOP THEM OR GET TO THEM TO THE
4 PROPER AUTHORITIES. IT'S BEYOND MY EXPERTISE.

5 MR. BLESSEY: OKAY. IT'S BEYOND YOUR EXPERTISE.

6 LET ME ASK YOU THIS: YOU'RE GOING TO HEAR
7 SEVERAL PSYCHIATRISTS THAT ARE GOING TO BE TESTIFYING IN
8 THIS CASE ABOUT THE CONCEPTS OF SUICIDE IDEATION VERSUS
9 SUICIDE INTENT.

10 WOULD YOU BE BILLING TO SET ASIDE WHAT YOU
11 KNOW ABOUT THESE TERMS AND BASE YOUR DECISION IN THIS CASE
12 IN PART FROM THE PSYCHIATRY TESTIMONY IN THIS CASE --

13 PROSPECTIVE JUROR LINARES: YES.

14 MR. BLESSEY: -- AND WHETHER OR NOT THE DECEDENT IN
15 THIS CASE HAD SUICIDE IDEATION VERSUS SUICIDE INTENT?

16 PROSPECTIVE JUROR LINARES: I'M VERY OPEN. YES.

17 MR. BLESSEY: BECAUSE HIS HONOR HAS ASKED A COUPLE
18 OTHER JURORS THE QUESTION, ARE YOU REALLY WILLING TO SET
19 ASIDE YOUR KNOWLEDGE IN REACHING YOUR VERDICT VERSUS
20 DEPENDING ON WHAT THE EXPERTS SAY IN THIS CASE? ARE YOU
21 WILLING TO DO THAT?

22 PROSPECTIVE JUROR LINARES: YES.

23 MR. BLESSEY: YOU'RE WILLING TO DO THAT?

24 PROSPECTIVE JUROR LINARES: YES. I UNDERSTAND,
25 ALSO, THAT FROM WHAT I KNOW, IT'S VERY MINIMAL COMPARED TO
26 WHAT I HAVE TO GROW INTO IN THE FIELD.

27 MR. BLESSEY: LET ME ASK YOU THIS SPECIFIC
28 QUESTION: I WANT YOU TO ENVISION YOURSELF IN THE

1 DELIBERATION ROOM, AND THE CONCEPT OF SUICIDE IDEATION
2 COMES UP, AND ALL 11 PEOPLE TURN TO YOU AND GO, "YOU'VE
3 HAD EXPERIENCES WITH THAT. WHAT DO YOU THINK?" HOW WOULD
4 YOU DEAL WITH IT?

5 PROSPECTIVE JUROR LINARES: OPEN AND HONEST ANSWER
6 FROM WHAT I'VE HEARD IN THE COURTROOM BECAUSE YOU'RE
7 ASKING ME TO JUDGE ON WHAT I'VE HEARD IN THIS CASE.

8 MR. BLESSEY: THANK YOU.

9 MR. KEMPTON, GOOD AFTERNOON.

10 PROSPECTIVE JUROR KEMPTON: GOOD AFTERNOON.

11 MR. BLESSEY: FIRST OFF, WHAT WENT THROUGH YOUR
12 MIND WHEN YOU HEARD THIS WAS A CASE ABOUT SUICIDE?

13 PROSPECTIVE JUROR KEMPTON: JUST THAT IT'S TERRIBLE
14 FOR EVERYONE. IT'S TERRIBLE FOR EVERYBODY. REALLY I'M
15 GOOD.

16 MR. BLESSEY: AND YOU'VE BEEN THROUGH IT WITH A
17 CLOSE FRIEND, CORRECT?

18 PROSPECTIVE JUROR KEMPTON: THAT'S CORRECT.

19 MR. BLESSEY: HOW CLOSE WAS THIS FRIEND? WAS IT
20 SOMEBODY YOU SAW FREQUENTLY?

21 PROSPECTIVE JUROR KEMPTON: YEAH. JUST A PART OF
22 OUR CLOSE CIRCLE OF FRIENDS IN COLLEGE.

23 MR. BLESSEY: THIS WAS WHEN YOU WERE GOING TO
24 U.C.L.A.?

25 PROSPECTIVE JUROR KEMPTON: UH-HUH.

26 MR. BLESSEY: "YES"?

27 PROSPECTIVE JUROR KEMPTON: YES.

28 MR. BLESSEY: DID YOU HAVE ANY INKLING THAT YOUR

1 FRIEND WAS GOING TO TAKE HIS LIFE?

2 PROSPECTIVE JUROR KEMPTON: NONE WHATSOEVER, NO.

3 MR. BLESSEY: ALL RIGHT. YOUR HONOR, AT THIS POINT
4 I THINK I'VE FINISHED MY QUESTIONING.

5 THE COURT: PLAINTIFF PASS FOR CAUSE?

6 MR. NEWHOUSE: PASS FOR CAUSE, YOUR HONOR.

7 THE COURT: DEFENSE PASS FOR CAUSE?

8 MR. BLESSEY: YES, YOUR HONOR.

9 THE COURT: ALL RIGHT. BOTH SIDES, HAVING PASSED
10 FOR CAUSE, THE NEXT PEREMPTORY CHALLENGE LIES WITH
11 PLAINTIFF, PLEASE.

12 MR. NEWHOUSE: MAY I HAVE A MOMENT TO CONFER, YOUR
13 HONOR?

14 THE COURT: SURE.

15 MR. NEWHOUSE: YOUR HONOR, WE WOULD ASK THE COURT
16 TO THANK AND EXCUSE JUROR NO. 13 MS. LIAO.

17 THE COURT: WELL, WE ONLY DO OUR PEREMPTORIES ON
18 THE 12.

19 MR. NEWHOUSE: OH, I'M SORRY. ON THE 12?

20 THE COURT: THE FIRST 12 SITTING IN THE BOX.

21 MR. NEWHOUSE: OH, I'M SORRY.

22 THE COURT: BEHIND THE RAIL.

23 MR. NEWHOUSE: OH. THEN WE WOULD ASK THE COURT AND
24 THANK AND EXCUSE JUROR NO. 10, MR. SHIRVANIAN.

25 THE COURT: SIR, THANK YOU VERY MUCH. YOU ARE
26 EXCUSED AND YOU MAY RETURN TO THE JURY ASSEMBLY ROOM.

27 AND NOW, MS. LIAO, I'LL HAVE YOU TAKE THE
28 EMPTY CHAIR, PLEASE.

1 DEFENSE?

2 MR. BLESSEY: DEFENSE WOULD LIKE TO THANK AND
3 EXCUSE JUROR NO. 4, MR. GOLDICH.

4 THE COURT: SIR, THANK YOU VERY MUCH. YOU'RE
5 THANKED AND EXCUSED. YOU MAY RETURN TO THE JURY ASSEMBLY
6 ROOM AT THIS TIME.

7 AND, MR. SMITH, I'LL HAVE YOU TAKE THE EMPTY
8 CHAIR. THANK YOU, SIR.

9 MR. NEWHOUSE: I'LL TRY TO GET IT RIGHT THIS TIME,
10 YOUR HONOR. THE PLAINTIFF WOULD THANK AND EXCUSE
11 MS. LIAO, JUROR NO. 10.

12 THE COURT: VERY GOOD.

13 MR. NEWHOUSE: AND APOLOGIZE AS WELL.

14 THE COURT: THANK YOU, MA'AM. YOU MAY RETURN TO
15 THE JURY ASSEMBLY ROOM.

16 MR. BOTHWELL, I'LL HAVE YOU TAKE THE CHAIR
17 NO. 10. THANK YOU, SIR.

18 DEFENSE?

19 MR. BLESSEY: YOUR HONOR, THE DEFENSE WOULD ACCEPT
20 THE JURY AS CONSTITUTED.

21 THE COURT: DEFENSES PASS?

22 PLAINTIFF, PLEASE?

23 MR. NEWHOUSE: MAY I HAVE A MOMENT, YOUR HONOR, TO
24 CONFER?

25 THE COURT: YOU MAY:

26 MR. NEWHOUSE: YOUR HONOR, THANK YOU. THE
27 PLAINTIFF WOULD ASK THE COURT TO THANK AND EXCUSE JUROR
28 NO. 2, MS. BARANIAN.

1 THE COURT: THANK YOU VERY MUCH. YOU'RE EXCUSED.
2 YOU MAY RETURN TO THE JURY ASSEMBLY ROOM.

3 PLAINTIFF, YOU HAVE USED YOUR SIX
4 PEREMPTORIES. THANK YOU, MS. SMART.

5 DEFENSE?

6 MR. BLESSEY: YOUR HONOR, THE DEFENSE WOULD ACCEPT
7 THE JURY AS CONSTITUTED.

8 THE COURT: ALL RIGHT. WILL THE 12 IN THE BOX
9 PLEASE STAND, NOT IN THE FRONT OF THE RAIL, BUT THE 12.
10 PLEASE RAISE YOUR RIGHT HANDS.

11 THE CLERK: DO YOU AND EACH OF YOU UNDERSTAND AND
12 AGREE THAT YOU WILL WELL AND TRULY TRY THE CAUSE NOW
13 PENDING BEFORE THIS COURT AND A TRUE VERDICT RENDER
14 ACCORDING ONLY TO THE EVIDENCE PRESENTED TO YOU AND TO THE
15 INSTRUCTIONS OF THE COURT? IF YOU UNDERSTAND AND AGREE,
16 PLEASE ANSWER "YES."

17
18 (THE JURORS ANSWERED IN THE
19 AFFIRMATIVE.)

20
21 THE CLERK: PLEASE HAVE A SEAT.

22 THE COURT: ALL RIGHT. LET ME SEE COUNSEL, PLEASE,
23 AT SIDEBAR.

24
25 (UNREPORTED PROCEEDINGS WERE HELD AT
26 SIDEBAR.)

27
28 THE COURT: WILL THE TWO PLEASE MOVE DOWN TO THE

1 END, AND I'LL HAVE YOU TAKE SEATS 13 AND 14. JUST MAKES
2 IT EASIER WHEN WE CALL SOME MORE JURORS. AND, CLERK, CAN
3 I HAVE FOUR MORE NAMES, PLEASE? JUST ONE SECOND. LET ME
4 GET MY STICKUMS TOGETHER HERE. OKAY.

5 THE CLERK: KEVIN WILLIAMS, W-I-L-L-I-A-M-S.
6 MICHAEL SYCZ, S-Y-C-Z. ELAINE DAVIS, D-A-V-I-S. EDWARD
7 STEVENS, S-T-E-V-E-N-S.

8 THE COURT: WE HAVE ONE POTENTIAL JUROR LEFT, THAT
9 WOULD BE JOEL SHIELDS. CONGRATULATIONS, SIR. GLAD TO
10 HAVE YOU STILL HERE. ALL RIGHT.

11 GOOD AFTERNOON, MR. WILLIAMS. IF YOU COULD
12 PROVIDE US WITH THE INFORMATION ON THE BOARD.

13 PROSPECTIVE JUROR WILLIAMS: YES. MY NAME IS KEVIN
14 WILLIAMS. I LIVE IN PASADENA. I AM SINGLE. I AM AN
15 ASSISTANT GOLF PROFESSIONAL AT ALHAMBRA GOLF COURSE. AND
16 I HAVE NO PRIOR JURY EXPERIENCE.

17 THE COURT: SO DID YOU PLAY COLLEGE GOLF?

18 PROSPECTIVE JUROR WILLIAMS: I DID NOT.

19 THE COURT: DID NOT. AND WHAT WOULD YOU LIKE TO BE
20 DOING FIVE YEARS FROM NOW?

21 PROSPECTIVE JUROR WILLIAMS: PROBABLY BE DIRECTOR
22 OF A GOLF FACILITY.

23 THE COURT: AT A GOLF FACILITY. YOU KNOW THERE'S
24 THIS SCHOOL FOR GOLF DOWN IN SAN DIEGO. DID YOU ATTEND
25 THAT?

26 PROSPECTIVE JUROR WILLIAMS: I DID NOT.

27 THE COURT: DID NOT. HOW DID YOU GET INTO YOUR
28 PROFESSION, THEN?

1 PROSPECTIVE JUROR WILLIAMS: I JUST DECIDED I
2 WANTED TO BE A TEACHER AND DECIDED TO TEACH SOMETHING THAT
3 I ENJOY.

4 THE COURT: OKAY. AND HOW LONG HAVE YOU BEEN DOING
5 THIS?

6 PROSPECTIVE JUROR WILLIAMS: ABOUT FIVE YEARS NOW.

7 THE COURT: OKAY. INTERESTS OR HOBBIES? GOLF,
8 GOLF, GOLF?

9 PROSPECTIVE JUROR WILLIAMS: NO. GOING TO
10 CONCERTS, HANGING OUT WITH FRIENDS, READING.

11 THE COURT: I'M SORRY. THE LAST ONE?

12 PROSPECTIVE JUROR WILLIAMS: READING.

13 THE COURT: READING. OKAY. COULD YOU BE A FAIR
14 AND IMPARTIAL JUROR?

15 PROSPECTIVE JUROR WILLIAMS: I BELIEVE SO, YES.

16 THE COURT: YOU'VE HEARD ME ASK A NUMBER OF
17 QUESTIONS. I ASKED ABOUT LAWSUITS. I ASKED ABOUT
18 PERCOCET. I ASKED ABOUT ADDICTION TO NARCOTICS, FAMILY
19 MEMBERS, PERSONAL FRIENDS OF THAT SORT, SUICIDE. WHAT
20 WOULD YOUR ANSWERS BE TO THOSE QUESTIONS?

21 PROSPECTIVE JUROR WILLIAMS: MY ONLY KNOWLEDGE OF
22 PERCOCET IS THAT IT IS A PRESCRIPTION MEDICATION. I DON'T
23 HAVE ANY FAMILY TIES TO SUICIDE OR MEDICAL MALPRACTICE.

24 THE COURT: HOW ABOUT OXYCONTIN; EVER HEARD OF
25 THAT?

26 PROSPECTIVE JUROR WILLIAMS: I HAVE.

27 THE COURT: IN WHAT ROLE, IN WHAT CONTEXT?

28 PROSPECTIVE JUROR WILLIAMS: ONLY THAT IT'S ANOTHER

1 PAIN MEDICATION.

2 THE COURT: COULD YOU BE FAIR AND IMPARTIAL?

3 PROSPECTIVE JUROR WILLIAMS: I BELIEVE SO, YES.

4 THE COURT: NEXT JUROR.

5 PROSPECTIVE JUROR SYCZ: MY NAME IS MICHAEL SYCZ.

6 I LIVE IN SIERRA MADRE, CALIFORNIA. I AM MARRIED WITH NO
7 CHILDREN. MY OCCUPATION IS THAT I'M A CLINICAL SUPERVISOR
8 FOR EASTER SEALS OF SOUTHERN CALIFORNIA.

9 THE COURT: I'M SORRY. YOU'RE A WHAT?

10 PROSPECTIVE JUROR WILLIAMS: CLINICAL SUPERVISOR.

11 THE COURT: CLINICAL -- I LOVE SOME OF THESE
12 TITLES. CLINICAL SUPERVISOR. JUST ONE SECOND. I JUST
13 RAN OUT OF INK. OKAY. CLINICAL SUPERVISOR. GO AHEAD.

14 PROSPECTIVE JUROR WILLIAMS: AT EASTER SEALS.

15 THE COURT: BEFORE YOU DO, TELL ME WHAT CLINICAL
16 SUPERVISOR IS.

17 PROSPECTIVE JUROR WILLIAMS: PRIMARILY, I WORK IN
18 THE APPLIED BEHAVIOR ANALYSIS. SO I'M A BOARD-CERTIFIED
19 BEHAVIORAL ANALYST, AND I WORK WITH KIDS WITH AUTISM. AND
20 THE COMPANY THAT I WORK FOR, EASTER SEALS, WHAT THEY DO IS
21 THEY'RE CONTRACTED OUT THROUGH A PRIVATE MEDICAL
22 INSURANCE, AND WE PROVIDE CARE IN VARIOUS DEGREES TO KIDS
23 WITH AUTISM. SO I'M A SUPERVISOR FOR THE WEST HALF OF
24 SAN FERNANDO VALLEY.

25 THE COURT: ARE YOU LICENSED?

26 PROSPECTIVE JUROR WILLIAMS: I'M NOT LICENSED BUT
27 BOARD CERTIFIED.

28 THE COURT: WHAT DOES THAT MEAN, BOARD CERTIFIED,

1 IN YOUR ROLE?

2 PROSPECTIVE JUROR WILLIAMS: IT MEANS THAT I COULD
3 PUT TOGETHER THERAPIES FOR KIDS OR FOR ANYONE WITH ANY
4 KIND OF BEHAVIORAL ISSUES.

5 THE COURT: OKAY. AND YOUR MEDICAL TRAINING?

6 PROSPECTIVE JUROR WILLIAMS: I HAVE SOME MEDICAL
7 TRAINING, BUT IT'S IN THE PAST. I WAS AN E.M.T. FOR TWO
8 YEARS IN LOS ANGELES COUNTY. AND AFTER THAT, I DECIDED TO
9 GO GET MY MASTER'S IN PSYCHOLOGY. AND THEN I WENT AND GOT
10 INVOLVED WITH BEHAVIOR-INTERVENTION SERVICES.

11 THE COURT: TELL ME ABOUT YOUR INTERESTS OR
12 HOBBIES.

13 PROSPECTIVE JUROR WILLIAMS: I LIKE TO READ. I
14 LIKE TO DO A LOT OF STUFF OUTSIDE. I LIKE TO BREW MY OWN
15 BEER.

16 THE COURT: WELL, THAT SOUNDS LIKE SOMEBODY THAT
17 MIGHT LIVE IN SIERRA MADRE.

18 PROSPECTIVE JUROR WILLIAMS: WE'RE A WEIRD BUNCH UP
19 THERE.

20 THE COURT: YOU HEARD MY QUESTIONS?

21 PROSPECTIVE JUROR WILLIAMS: YES.

22 THE COURT: AND CERTAINLY YOU'RE FAMILIAR WITH A
23 LOT OF THE THINGS THAT WE'RE GOING TO BE TALKING ABOUT?

24 PROSPECTIVE JUROR WILLIAMS: YES.

25 THE COURT: DRUG ADDICTION, ADDICTION TO NARCOTICS.
26 PERCOCET, ARE YOU FAMILIAR WITH THAT?

27 PROSPECTIVE JUROR WILLIAMS: I AM FAMILIAR WITH
28 THOSE DRUGS.

1 THE COURT: OXYCONTIN?

2 PROSPECTIVE JUROR WILLIAMS: I'M FAMILIAR WITH
3 OXYCONTIN.

4 THE COURT: AND IN YOUR JOB AND IN YOUR TRAINING,
5 HAVE YOU DEALT WITH SUICIDE AT ALL?

6 PROSPECTIVE JUROR WILLIAMS: I'VE DEALT WITH IT ON
7 THE JOB AS A MEDICAL TECHNICIAN. I'VE DEALT WITH IT
8 PERSONALLY AS WELL.

9 THE COURT: TELL ME ABOUT THE PERSONAL END OF IT.

10 PROSPECTIVE JUROR WILLIAMS: AT 17 YEARS OLD, I HAD
11 A FAMILY FRIEND WHO SHOT HIMSELF, AND HE CALLED US OVER.

12 THE COURT: HOW ABOUT SUICIDE DUE TO AN OVERDOSE OF
13 NARCOTICS.

14 PROSPECTIVE JUROR WILLIAMS: NONE WHATSOEVER.

15 THE COURT: BASED UPON EVERYTHING THAT YOU KNOW
16 ABOUT THIS CASE, COULD YOU BE FAIR AND IMPARTIAL?

17 PROSPECTIVE JUROR WILLIAMS: YES.

18 THE COURT: THANK YOU, SIR.

19 NEXT JUROR, PLEASE.

20 PROSPECTIVE JUROR DAVIS: I'M ELAINE DAVIS. I LIVE
21 IN LA CANADA. I'M MARRIED AND HAVE TWO CHILDREN. MY
22 CURRENT OCCUPATION IS I'M AN EXECUTIVE WITH XEROX
23 CORPORATION. MY PREVIOUS OCCUPATION WAS, I WAS AN
24 EXECUTIVE FOR A BRITISH PHARMACEUTICAL COMPANY CALLED
25 GLAXO SMITH KLINE. I DO NOT HAVE MILITARY EXPERIENCE.

26 MY HUSBAND IS THE PRESIDENT OF SOUTHERN
27 CALIFORNIA PUBLIC RADIO, KNOWN LOCALLY AS 89.3. MY
28 CHILDREN ARE FRESHMEN AND JUNIORS IN HIGH SCHOOL. THEY

1 ARE BOTH GIRLS. THEY DON'T HAVE ANY MILITARY EXPERIENCE
2 EITHER.

3 I GOT TO THIS STAGE IN MY LAST JURY
4 EXPERIENCE AND DIDN'T MAKE IT ANY FARTHER.

5 THE COURT: WOULD YOU LIKE TO HELP US DECIDE THIS
6 CASE?

7 PROSPECTIVE JUROR DAVIS: I'M OPINIONATED, SO I
8 DON'T KNOW.

9 THE COURT: I SUSPECT YOU DIDN'T GET TO WHERE YOU
10 ARE IN LIFE WITHOUT BEING OPINIONATED.

11 PROSPECTIVE JUROR DAVIS: YEAH. THE QUESTION IS,
12 AM I INFORMED?

13 THE COURT: YOU MEAN YOU CAN BE OPINIONATED WITHOUT
14 BEING INFORMED?

15 PROSPECTIVE JUROR DAVIS: AREN'T MOST PEOPLE?

16 THE COURT: I HOPE WHEN OUR JURY REACHES OPINIONS
17 THAT THEY'RE INFORMED.

18 PROSPECTIVE JUROR DAVIS: YEAH, ONE HOPES.

19 THE COURT: TELL ME, WHAT IS YOUR BACKGROUND IN
20 REGARDS TO BUSINESS? ARE YOU IN MARKETING, FINANCE,
21 WHAT --

22 PROSPECTIVE JUROR DAVIS: I'VE BEEN IN MARKETING.
23 MOST OF MY EXPERIENCE WAS IN HUMAN RESOURCES. CURRENTLY,
24 I DIRECT MOST OF THE CORPORATE COMMUNICATIONS FOR XEROX
25 FOR THE PRESIDENT AND C.E.O., BUT I ALSO DO A FAIR AMOUNT
26 OF HUMAN RESOURCES WORK AS WELL.

27 THE COURT: OKAY. INTERESTS OR HOBBIES?

28 PROSPECTIVE JUROR DAVIS: I'M A COMPETITIVE

1 EQUESTRIAN AND I SHOW HORSES WHEN I'M NOT WORKING AND
2 RAISING CHILDREN.

3 THE COURT: SO DO YOU BELONG TO THE FLINTRIDGE
4 RIDING --

5 PROSPECTIVE JUROR DAVIS: YOU KNOW, I DO, I DO.

6 THE COURT: IT'S RIGHT NEARBY, LA CANADA, RIGHT?

7 PROSPECTIVE JUROR DAVIS: IT IS.

8 THE COURT: IS THIS SOMETHING BEING ENJOYED BY THE
9 WHOLE FAMILY, RIDING?

10 PROSPECTIVE JUROR DAVIS: WE DON'T TALK ABOUT THAT
11 AT MY HOUSE. IT STARTED WITH THE GIRLS.

12 THE COURT: NO, NO, NO. I MEANT DO YOUR CHILDREN
13 RIDE HORSES?

14 PROSPECTIVE JUROR DAVIS: THEY STARTED, AND THEN
15 THEY GOT INTERESTED IN OTHER THINGS, AND I WAS LEFT WITH
16 THE DAMN HORSE. SO THAT'S HOW I GOT STARTED, RIGHT?

17 THE COURT: ALL RIGHT. IN REGARDS TO THE QUESTIONS
18 THAT I'D ASKED, A PARTY TO A LAWSUIT, HAVE YOU EVER BEEN A
19 PARTY TO A LAWSUIT?

20 PROSPECTIVE JUROR DAVIS: NO.

21 THE COURT: AND WE'VE TALKED ABOUT DRUG ADDICTION.
22 WE'VE TALKED ABOUT SUICIDE, SOME OF THE THINGS THAT SOME
23 PEOPLE MAY NOT FEEL COMFORTABLE ABOUT, BUT THAT'S WHAT
24 THIS CASE IS ABOUT.

25 PROSPECTIVE JUROR DAVIS: RIGHT.

26 THE COURT: GIVE ME YOUR THOUGHTS AND IDEAS ABOUT
27 ALL OF THAT. ANY FAMILY MEMBERS?

28 PROSPECTIVE JUROR DAVIS: NO, I DON'T HAVE ANY

1 PERSONAL EXPERIENCE WITH SUICIDE BY ANY MEANS, AND I DON'T
2 HAVE ANY PERSONAL EXPERIENCE WITH DRUG ABUSE AND ANYBODY
3 RELATED TO ME EITHER.

4 I'M VERY FAMILIAR WITH THE DRUGS THAT
5 DEFENSE --

6 THE COURT: PERCOCET?

7 PROSPECTIVE JUROR DAVIS: ALL OF THEM. TRAMADOL --

8 THE COURT: HOW IS IT THAT YOU'RE FAMILIAR WITH IT?

9 PROSPECTIVE JUROR DAVIS: WELL, I WORKED FOR A DRUG
10 COMPANY FOR 16 YEARS. I WAS AN EXECUTIVE, SO I'M VERY
11 FAMILIAR. AND I HAVE SOME OF THOSE DRUGS IN MY OWN HOME.

12 THE COURT: PRESCRIBED, OBVIOUSLY. I MEANT THESE
13 ARE PAIN MEDICATIONS --

14 PROSPECTIVE JUROR DAVIS: YEAH. I DIDN'T BUY THEM
15 ON THE STREET. THEY WERE PRESCRIBED. AND I GOT IT FROM A
16 PHARMACIST.

17 THE COURT: I DON'T KNOW IF THEY GIVE FREE SAMPLES
18 OR WHAT.

19 PROSPECTIVE JUROR DAVIS: NO.

20 THE COURT: ALL RIGHT. LASTLY, COULD YOU BE FAIR
21 AND IMPARTIAL?

22 PROSPECTIVE JUROR DAVIS: I THINK SO.

23 THE COURT: THANK YOU. LAST JUROR.

24 PROSPECTIVE JUROR STEVENS: MY NAME IS EDWARD
25 STEVENS. I LIVE IN LOS ANGELES, IN EAGLE ROCK. AND I
26 HAVE TWO YOUNG DAUGHTERS. MARRIED. AND I JUST FINISHED
27 GRADUATE SCHOOL. I'M RECENTLY CERTIFIED AS AN
28 OCCUPATIONAL THERAPIST. MY STATE LICENSE IS PENDING, SO

1 I'M LOOKING FOR WORK RIGHT NOW. AND MY WIFE WORKS FOR THE
2 L.A. COUNTY ARTS COMMISSION. I DO HAVE A SIGNIFICANT
3 PERSONAL EXPERIENCE THAT RELATES TO THIS CASE.

4 THE COURT: LET'S TAKE THIS IN ORDER. HAVE YOU
5 EVER SERVED ON A JURY?

6 PROSPECTIVE JUROR STEVENS: NO. CALLED FOR JURY
7 DUTY BUT NEVER SELECTED.

8 THE COURT: TELL ME YOUR RESPONSE TO THE QUESTIONS
9 THAT I'VE ASKED.

10 PROSPECTIVE JUROR STEVENS: I KNOW OTHER PEOPLE
11 HAVE HAD EXPERIENCES WITH SUICIDE. BUT MY BEST FRIEND
12 FROM CHILDHOOD PASSED AWAY TEN YEARS AGO, AND SHE WAS A
13 SINGLE MOM WHO HAD A VERY HARD TIME, AND IT WAS THE RESULT
14 OF A COMBINATION OF DRUGS. SHE WAS HAVING PROBLEMS WITH
15 ADDICTION AND WAS RECEIVING OUTPATIENT REHABILITATION BUT
16 PASSED AWAY. WHETHER IT WAS A SUICIDE OR NOT WAS UNKNOWN.
17 BUT IT WAS TEN YEARS AGO. BUT I'M IN VERY CLOSE CONTACT
18 WITH HER MOM, AND I'M ONE OF THE PEOPLE THAT SHE KIND OF
19 RELIES ON MOST OF THESE DAYS.

20 THE COURT: LET ME ASK YOU, AS I HEAR YOU TALK,
21 IT'S STILL UPSETTING TO YOU. IS THIS GOING TO BE A
22 DIFFICULT CASE FOR YOU?

23 PROSPECTIVE JUROR STEVENS: I THINK IT WOULD BE.

24 THE COURT: WOULD YOU PREFER NOT TO BE ON IT?

25 PROSPECTIVE JUROR STEVENS: I JUST DON'T THINK I
26 COULD BE IMPARTIAL.

27 THE COURT: FAIR ENOUGH.

28 MR. NEWHOUSE: STIPULATED.

1 MR. BLESSEY: SO STIPULATED.

2 THE COURT: THANK YOU VERY MUCH.

3 PROSPECTIVE JUROR STEVENS: ALL RIGHT.

4 PROSPECTIVE JUROR SMITH: AFTER I WAS -- AFTER THAT
5 EXAMINATION, THERE WAS ONE THING THAT CAME TO MY MIND WHEN
6 YOU STARTED TALKING ABOUT IDEATION AND STUFF. I HAVE A
7 CLOSE FRIEND. SHE'S A QUASI FAMILY MEMBER. I'VE KNOWN
8 HER FOR 35 YEARS. LAST THREE OR FOUR YEARS, SHE'S BEEN
9 THROUGH THE MENTAL HEALTH RINGER. SHE'S IN HER MID-70'S.
10 BASICALLY, WE WOULD SAY SHE'S NOT EVEN VERY WELL ATTACHED
11 WITH REALITY, BUT SHE WENT THROUGH THIS STUFF. SHE WAS
12 TAKING SEROQUEL, AND SHE WOULD TAKE ALL THAT SORT OF
13 STUFF, IN AND OUT OF VARIOUS MENTAL HEALTH FACILITIES,
14 ET CETERA. NOW, I DON'T THINK ANY OF THAT WOULD BEAR ON
15 MY ABILITY TO BE FAIR AND IMPARTIAL. IT HAS DOING NOTHING
16 TO DO WITH THIS CASE, BUT YOU HAVE ASKED ABOUT SUCH
17 THINGS.

18 THE COURT: ALL RIGHT. FAIR ENOUGH. THANK YOU
19 VERY MUCH.

20 YES?

21 PROSPECTIVE JUROR JAIME: I WOULD LIKE TO KNOW IF I
22 CAN --

23 THE COURT: I CAN'T HEAR YOU, MA'AM.

24 PROSPECTIVE JUROR JAIME: I NEED TO HAVE SOMEBODY
25 PICK UP MY SON. HE'S -- I DIDN'T KNOW I WAS GOING TO BE
26 IN COURT THIS LONG. I NEED TO AT LEAST CALL SOMEBODY TO
27 MAKE A PICKUP TIME. IS THERE ANY WAY THAT I CAN STEP
28 OUT -- I'M REALLY SORRY -- OR JUST SEND A TEXT MESSAGE.

1 THE COURT: MR. SHIELDS, COME ON UP, TAKE A CHAIR.
2 LET'S TAKE OUR EVENING RECESS AT THIS TIME.
3 HAVE A SEAT. ALL RIGHT. LET'S TAKE OUR EVENING RECESS.
4 WE DO WORK TILL 4:30 OR QUARTER AFTER 4:00. I'LL TRY TO
5 DO WHAT I CAN. I CAN'T ACCOMMODATE EVERY JUROR, BUT I'LL
6 DO THE BEST I CAN.

7 PROSPECTIVE JUROR JAIME: I JUST NEED TO SHOOT A
8 TEXT TO SOMEONE TO COME PICK HIM UP.

9 THE COURT: I UNDERSTAND. WE'VE GOT FAMILY
10 OBLIGATIONS. ALL RIGHT.

11 LADIES AND GENTLEMEN, THE COURT IS GOING TO
12 BE IN RECESS UNTIL NINE O'CLOCK, 9:00 A.M. TOMORROW
13 MORNING. AGAIN, PLEASE BE ON TIME. I'M HOPING THAT I
14 HAVE NOTHING THAT WALKS IN MY DOOR AT 8:30 THAT IS GOING
15 TO TAKE UP ANY OF MY TIME, BUT WE WILL FINISH WHAT WE CALL
16 VOIR DIRE, THE JURY SELECTION PROCESS, PRETTY QUICKLY, I
17 ASSUME, BY 9:30, AND WE'LL BE MOVING ON WITH THE CASE.

18 I'VE GOT SOME PRE-INSTRUCTIONS FOR YOU ON
19 THE LAW, AND THEN WE'LL HAVE OPENING STATEMENTS, AND I'LL
20 TELL YOU ALL ABOUT OPENING STATEMENTS AND CLOSING
21 ARGUMENTS TOMORROW.

22 HAVE A GOOD EVENING, BUT, PLEASE, REMEMBER
23 THE ADMONITION OF THE COURT. THIS REMAINS. DO NOT
24 DISCUSS THE FACTS OF THIS CASE AMONGST YOURSELVES OR WITH
25 ANYBODY ELSE. YOU CAN'T GO HOME AND TALK TO A SPOUSE OR
26 FRIEND. DO NOT FORM ANY OPINIONS OR CONCLUSIONS ON THIS
27 UNTIL YOU'VE HEARD ALL THE EVIDENCE FROM BOTH SIDES, OKAY?
28 HAVE A GOOD EVENING. THE COURT IS IN RECESS UNTIL 9:00

1 A.M.

2 LET ME SEE COUNSEL IN CHAMBERS.
3 COURT REPORTER, I DON'T THINK WE'LL NEED TO PUT ANYTHING
4 ON THE RECORD.

5

6 (AN UNREPORTED CONFERENCE WAS HELD
7 IN CHAMBERS.)

8

9 (AT 4:27 P.M. THE PROCEEDINGS WERE
10 ADJOURNED UNTIL WEDNESDAY, OCTOBER
11 30, 2013, AT 9:00 A.M.)

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