

1 moment.

2 MS. HOWARD: Your Honor, one of the witnesses who's
3 under the rule on witnesses, um, Megan, or Brittany Renne or
4 Megan Davis is just going to bring in a set of keys for my
5 client.

6 THE COURT: Okay.

7 MS. HOWARD: Bring it up here and then walk out. Would
8 that be okay?

9 THE COURT: That's absolutely fine.

10 MS. HOWARD: Thank you, Your Honor.

11 (Conversations being held simultaneously while waiting
12 for prospective jury panel.)

13 MR. GILLCRIST: Your Honor. With regard to the
14 questions that you'll be started with is there a particular
15 set you're working with just so I can follow you on the
16 questions? (Unclear - two words) have your own.

17 THE COURT: Usually what I do is I take your proposed
18 one and I cor (sic), I kinda' put 'em together. Um, I will
19 have you approach several times, um, before we're done with
20 all the questioning to make sure we've covered everything.

21 MR. GILLCRIST: Okay. Great. Thank you.

22 (Conversations being held simultaneously while waiting
23 for prospective jury panel.)

24 (Prospective jury panel entered the courtroom.)

25 THE COURT: And good morning, ladies and gentlemen, come

1 on in and please have a seat.

2 (Long pause.)

3 THE COURT: And good morning, ladies and gentlemen.
4 We've finally brought you up here, we've been doing all kinds
5 of other stuff while you've been down there waiting. Um, I,
6 you've been called as potential jurors in a civil case that
7 we expect will last at least through Thursday, but may run
8 into Friday. Um, this is, is a civil case. Um, in a moment
9 I'm going to introduce everybody that's involved in this
10 case, um, and, uh, but I'd also like to take a second to go
11 through how things are going to go from this point forward
12 this morning.

13 I know that you've been downstairs and you've seen
14 a video on the jury selection process and how it all goes,
15 but I will tell you every judge does it a little bit
16 differently, so I like to tell you how I conduct, um, my jury
17 selections so that, uh, the next hour or so that, uh, you all
18 will kinda' have an idea what's going on.

19 First of all, my name is Judge Solt, S-O-L-T, and
20 I've been assigned the trial of this case, um, again that we
21 expect at least to last through Thursday, but may run through
22 Friday. And, like I said, this is a civil case.

23 In a moment I'm going to begin the actual jury
24 selection process. The first thing that's going to happen is
25 the clerk will call the roll to see that we have everyone

1 here that was assigned to this case. As you know, there were
2 more to you downstairs then came up for this case, as some
3 folks were assigned to this case, some folks were not. And,
4 also as you know, you should have been given a number from
5 one to 40. We don't call anybody by name anymore, respecting
6 our jurors' privacy. So, we're just gonna' call the number
7 one. If you are Juror Number 1, we're gonna' ask you to
8 stand up and indicate out loud here, present, and then go
9 ahead and have a seat. So, alrighty, just, all right, we're
10 gonna' go through the whole list, make sure that I have
11 everybody here that's supposed to be here.

12 After we make sure that we have all 40 of you here,
13 the clerk will ask you all to stand, raise your right hand
14 and to take an oath to tell us the truth during the jury
15 selection process, then everybody will have a seat again.

16 Then I will start asking you a number of questions,
17 as if do you know any of these folks? Do you know anything
18 about the facts of this case? Um, you know, what's your
19 background with respect to some of the issues that could be
20 relevant in this case? If you believe that that question
21 pertains to you, yes, I know this witness, yes, I might know
22 something about this, I'm gonna' ask you to stand. I'm
23 gonna' then call on everybody that's standing to give me just
24 one thing at that point, and that's your number. So, in
25 other words, when you're out there as a big group I don't

1 wanna', you don't have to tell me who you know or what your
2 issue is. After we're done asking all the questions, and I'm
3 gonna' have everybody that responded come up here and sit in
4 the jury box, and you're gonna' come up here and we're gonna'
5 have an individual private time for you to tell me who you
6 know, what your issue is. Okay? So, no specific
7 information, other than your number, is what you give when
8 you're out there as a group. Okay? After that the lawyers
9 will make some, we'll do some legal stuff, and then we'll
10 actually have the jury seated in this case. And that's how
11 it's gonna' go. Okay? Madam Clerk, if you would call the
12 roll. And, again, just stand up, say yes I'm Juror Number 1
13 and have a seat.

14 (Roll call taken.)

15 THE CLERK: Ladies and gentlemen, please stand and raise
16 your right hands.

17 (Prospective jury panel sworn.)

18 THE CLERK: You may be seated.

19 VOIR DIRE

20 THE COURT: Thank you, ladies and gentlemen. As you
21 know when I spoke to you just a moment ago, you've been
22 called as a potential juror in a civil case, um, which
23 involves a motor vehicle accident that occurred on Route 70
24 here in Frederick County near the exit ramp of Quinn Road,
25 and it happened on or about June 26, 2009. Is there any

1 member of the panel that has read or heard or has any
2 familiarity with that incident on that date? If so, please
3 stand. And I see no responses to that question.

4 In this case the Plaintiff is being rep (sic), is
5 Ms. Jacqueline Exline-Hassler, and she's being represented by
6 Ms. Laura Zois and Mr. John Bratt. Counsel, if you'd stand
7 and face the ladies and gentlemen of the panel.

8 MS. ZOIS: Thank you, Your Honor.

9 MR. BRATT: Good morning, ladies and gentlemen, I'm John
10 Bratt.

11 MS. ZOIS: Good morning, I'm Laura Zois.

12 MS. EXLINE-HASSLER: Hi, I'm Jacqueline Exline-Hassler.

13 THE COURT: Is there any member of the panel that
14 believes they're acquainted in any way with the Plaintiff or
15 Counsel? If so, please stand. Thank you, folks, you can
16 have a seat and I saw no responses to that questions as well.

17 This case the Defendant is Ms. Kirsten Sapp, and,
18 uh, Defense Counsel are Ms. (sic), um, Walter Gillcrist, Anne
19 Howard and Mr. Guido Porcarelli.

20 MR. PORCARELLI: Good morning.

21 THE COURT: Is there any member of the panel that
22 believes they're acquainted in any way with either Defendant
23 or any Counsel? If so, please stand. Thank you, you all may
24 have a seat, and I see no responses from that question
25 either.

1 Ladies and gentlemen, there are a number of
2 potential witnesses that may testify at trial, that may not
3 testify at trial, but I'm gonna' read you a series of names,
4 and the question is the same whether you believe that you're
5 acquainted in any way with these individuals. There are a
6 number of names so I'm gonna' read them in groups of, um,
7 four or five, and then pause to let folks stand if they know
8 anyone. I also, because there's a long list, I'm also gonna'
9 ask Counsel to make sure that I didn't neglect to identify
10 anyone who is a potential witness in this case. And here it
11 goes, um, Maryland State Police officer Scott Chicarelli,
12 Steve Hassler, Sharon Hamilton, and Margaret Esposito. Is
13 there any member of the panel that believes they're
14 acquainted with any of these individuals? And I see no
15 responses.

16 Barb Selner, Carla Bussard, Lisa Cholewczynski, and
17 I'm gonna' spell that last name, C-H-O-L-E-W-C-Z-S-Y-N-S-K-I
18 or a Laura Cron, C-R-O-N. Anyone believes they're acquainted
19 with any of these individuals? If so, please stand. And,
20 again, I see no responses to that.

21 A Kelsey Sapp, Brittany Renne, Megan Davis, or
22 Jeffrey Hagen. Is there any member of the panel that
23 believes they're acquainted with any of these individuals?
24 If so, please stand. And, again, I see no responses to that.

25 A Dr. Neil Neff (sic), N-E-F-F (sic), Dr. Kevin

1 McGrail, M-C-G-R-A-I-L, a Dr. Stephen Sloan or a Dr. Gary
2 London. Is there any member of the panel that believes
3 they're acquainted with any of these individuals? If so,
4 please stand. And I see no responses to that.

5 Counsel, did I neglect to identify any potential
6 witnesses?

7 MS. ZOIS: I don't believe so, Your Honor.

8 MR. PORCARELLI: I don't believe so.

9 MR. GILLCRIST: Just one, Your Honor, Heather Arnold.

10 THE COURT: Heather Arnold. Thank you.

11 MR. GILLCRIST: You're welcome.

12 THE COURT: A Heather Arnold. And, again, no one
13 indicated familiarity. I said I always forget one, so
14 that's why I always ask.

15 Now, ladies and gentlemen, this next question has a
16 couple parts to it, so I'll repeat it at least twice. Is
17 there any member of the panel, or any member of your
18 immediate family, parent, spouse or child, that has ever made
19 any kind of claim for a personal injury, (unclear - one word)
20 for a car accident or a worker's compensation? Any kind of
21 claim like that, or had that kind of claim made against you?
22 You or any member of your family that's ever made any kind of
23 claim for personal injury or worker's compensation or someone
24 has made a personal injury claim or worker's compensation
25 claim against you? If so, please stand. And, again, all I

1 want to know is names and numbers at this point. Okay. And,
2 I'm gonna' start over there, 'cause there are only three over
3 there in that corner. And, sir, if you'd start and then
4 we'll go across.

5 JUROR NUMBER 7: Name?

6 THE COURT: Just your number.

7 JUROR NUMBER 7: Seven.

8 THE COURT: Seven? Thank you, sir.

9 JUROR NUMBER 26: Twenty-six.

10 THE COURT: Twenty-six, thank you, ma'am.

11 JUROR NUMBER 36: Thirty-six.

12 THE COURT: Thirty-six, thank you. And we're gonna'
13 start up here, ma'am, with you in the black and then go
14 across.

15 JUROR NUMBER 30: Thirty.

16 THE COURT: Thirty? Thank you.

17 JUROR NUMBER 21: Twenty-one.

18 THE COURT: Twenty-one, thank you.

19 JUROR NUMBER 33: Thirty-three.

20 THE COURT: I'm sorry, I couldn't hear you.

21 JUROR NUMBER 33: Thirty-three, thank you.

22 JUROR NUMBER 9: Nine.

23 THE COURT: Nine, thank you.

24 JUROR NUMBER 11: Eleven.

25 THE COURT: Eleven.

1 JUROR NUMBER 34: Thirty-four.
2 THE COURT: Thank you.
3 JUROR NUMBER 25: Twenty-five.
4 THE COURT: Twenty-five, thank you.
5 JUROR NUMBER 37: Thirty-seven.
6 THE COURT: Thirty-seven, thank you.
7 JUROR NUMBER 39: Thirty-nine.
8 THE COURT: I'm sorry?
9 JUROR NUMBER 39: Thirty-nine.
10 THE COURT: Thirty-nine, thank you. Yeah, the acoustics
11 in this courtroom aren't very good from back to front anyway.
12 Now, is there any member of the panel or any member, again,
13 of your immediate family, parent, spouse or child, that has
14 received legal training, lawyer, paralegal, legal secretary,
15 legal assistant? Anything like that. If so, please stand.
16 Okay. And yes, ma'am.
17 JUROR NUMBER 36: Thirty-six.
18 THE COURT: Thank you.
19 JUROR NUMBER 11: Eleven.
20 THE COURT: Eleven, thank you, sir.
21 JUROR NUMBER 21: Twenty-one.
22 THE COURT: Twenty-one, thank you, ma'am. Same
23 question, different area, you or any member of your immediate
24 family that is received medical training doctor, nurse,
25 medical assistant, EMT, anything like that? If so, please

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1 stand. Yes, ma'am.
2 JUROR NUMBER 36: Thirty-six.
3 THE COURT: Thank you.
4 JUROR NUMBER 3: Three.
5 THE COURT: Three?
6 JUROR NUMBER 3: Three.
7 THE COURT: Thank you. Eleven?
8 JUROR NUMBER 11: Eleven.
9 THE COURT: Okay.
10 JUROR NUMBER 19: Nineteen.
11 THE COURT: Thank you, ma'am.
12 JUROR NUMBER 33: Thirty-three.
13 THE COURT: Thirty-three.
14 JUROR NUMBER 24: Twenty-four.
15 THE COURT: Twenty-four.
16 JUROR NUMBER 34: Thirty-four.
17 THE COURT: Thirty-four.
18 JUROR NUMBER 35: Thirty-five.
19 THE COURT: Thirty-five.
20 JUROR NUMBER 13: Thirteen.
21 THE COURT: Thirteen.
22 JUROR NUMBER 31: Thirty-one.
23 THE COURT: Thirty-one.
24 JUROR NUMBER 40: Forty.
25 THE COURT: Forty.

1 JUROR NUMBER 16: Sixteen.

2 THE COURT: Sixteen. Now, in this case the Plaintiff
3 has brought suit against the Defendant claiming personal
4 injuries as a result of this automobile accident that
5 occurred, um, on or about June 26th on Route 70. Is there
6 anything about the nature of the claim being made by the
7 Plaintiff that, uh, would cause you to, uh, believe that you
8 could not be a fair or impartial jurors in this case?
9 Anything about the nature of the claim, a claim for personal
10 injury as a result of an automobile accident you believe you
11 could not be fair and impartial? If so, please stand. And
12 your number, ma'am?

13 JUROR NUMBER 30: Thirty.

14 THE COURT: Thank you. And --

15 JUROR NUMBER 34: Thirty-four.

16 THE COURT: Thirty-four? Now, as I said, we are hoping
17 this case will conclude on Thursday, but it may run through
18 Friday. Is there any member of the panel who is selected
19 would be unable to serve through Friday if necessary? If so,
20 please stand. Yes, sir.

21 JUROR NUMBER 1: Juror one.

22 THE COURT: Number one? Okay, thank you. Yes, ma'am.
23 Right --

24 JUROR NUMBER 9: Jury nine.

25 THE COURT: Thank you.

1 JUROR NUMBER 8: Eight.
2 THE COURT: Okay.
3 JUROR NUMBER 25: Twenty-five.
4 THE COURT: Twenty-five.
5 JUROR NUMBER 18: Eighteen.
6 THE COURT: Eighteen.
7 JUROR NUMBER 38: Thirty-eight.
8 THE COURT: Thirty-eight.
9 JUROR NUMBER 23: Twenty three.
10 THE COURT: Twenty-three. (Cough) Excuse me. Is there
11 any member of the panel that has any physical concerns, any
12 medical conditions that you believe could prevent you from
13 serving as a fair and impartial juror in this case? If so,
14 please stand. I see no responses from that. And, Counsel,
15 would you approach for a minute?
16 (Counsel approached the bench and the following
17 occurred:)
18 (Husher turned on.)
19 THE COURT: Make sure we have everybody up here. Um,
20 I'm, of course, I'm going to conclude with any reason you
21 couldn't be fair and impartial, and I'm also going to ask a
22 question if anybody belongs to any advocacy groups for
23 involving allegations of tort reform or anything like that.
24 Um, sp (sic), other specific requests, I'll ask Plaintiff
25 first and then we'll go to Defense.

1 MS. ZOIS: Oh, um --
2 THE COURT: Mh.
3 MS. ZOIS: -- yes, Your Honor, there's a couple.
4 THE COURT: Mm-hmm.
5 MS. ZOIS: Um, I don't believe that the Court asked
6 about, um, have you or any member of your immediate family or
7 close personal friend ever had back problems, treatment for
8 back problems?
9 THE COURT: Okay.
10 MS. ZOIS: Permanent injury, back surgery, um, pain
11 management injections?
12 MR. BRATT: These are our requests nine through 19, Your
13 Honor.
14 THE COURT: So, mm-hmm.
15 MS. ZOIS: Correct. Um, have you (unclear - two words),
16 have you ever served on a jury before? Um, I think that
17 your, one of your questions addressed 22 pretty broadly, pre-
18 conceived notions, because I wasn't sure that was it. Um,
19 does anyone have any experience in the claims adjusting
20 process without using the word insurance, um --
21 THE COURT: I was going to use Defense Counsel --
22 MR. BRATT: I was just checking --
23 THE COURT: -- because I have a way to ask that, and I
24 just wanted to --
25 MS. ZOIS: Okay, sure.

1 THE COURT: -- get their approval before I (unclear -
2 one word) that out.
3 MS. ZOIS: Um, the tort reform question that --
4 THE COURT: Yeah, I'm gonna' cover it.
5 MS. ZOIS: -- um, do I, does anyone have any difficulty
6 following the instructions of the Court of the law?
7 THE COURT: That's, that's my last one --
8 MS. ZOIS: Okay, good.
9 THE COURT: -- that I give is --
10 MS. ZOIS: So, you'll ask that.
11 THE COURT: -- Courts (unclear - two words) give you any
12 instructions on law that applies to this case or any juror
13 that believes that they could not follow the Court's
14 instructions. That's kinda' my last one.
15 MS. ZOIS: Do you know any other member of the panel.
16 THE COURT: Okay.
17 MS. ZOIS: Is that it?
18 MR. BRATT: That is what I was going to ask you, and
19 that's why I was (unclear - two words).
20 MR. GILLCRIST: Just a couple comments on theirs. Um,
21 in terms of the, his claims adjuster I would ask that you ask
22 the jury is any member of the jury --
23 THE COURT: I always.
24 MR. GILLCRIST: -- or has any member of the jury been
25 involved in the investigation --

1 THE COURT: Investigation of --
2 MR. GILLCRIST: -- or evaluation of, um --
3 THE COURT: Evaluating claims or investigating --
4 MR. GILLCRIST: I think that'll be fine, yeah.
5 THE COURT: Issues is, is how I usually do it.
6 MR. GILLCRIST: That'll be fine.
7 THE COURT: But before I did that I, I knew I was going
8 to have you up here so I thought I'd go ahead and just do it
9 that way before I asked them.
10 MS. ZOIS: That works for (unclear - one word).
11 THE COURT: So.
12 MR. GILLCRIST: And then in terms of the injury claims
13 or the injury questions, um, I think we should just qualify
14 it by saying if you've had substantial problems --
15 THE COURT: Mm-hmm.
16 MR. GILLCRIST: -- so that we don't get up the person
17 who --
18 THE COURT: Substantial.
19 MR. GILLCRIST: -- woke up yesterday with a stiff neck
20 or something.
21 THE COURT: So.
22 MR. GILLCRIST: Um, just --
23 MS. ZOIS: I like my questions.
24 THE COURT: So.
25 MR. GILLCRIST: -- keep it (unclear - one word)

1 something more substantial so that, you know . . .

2 THE COURT: What I will probably do is say, um, this
3 issue, this case involves allegations of injuries sustained
4 allegedly to a, to the back. Is there any member of the
5 panel this is sustained significant injury to the back, and
6 then if they answer yes they can come up here and you can do
7 the follow up as to what they know and when. There's
8 something --

9 MR. PORCARELLI: Or a significant medical problem --

10 THE COURT: So.

11 MR. PORCARELLI: -- (unclear).

12 THE COURT: But, something like, (unclear - two words)
13 like, 'cause again, folks that answer are going to come up
14 here and we can do the follow up, and you, so you know then
15 whether I had a stiff neck yesterday verses, you know, I've
16 had three back fusions, so.

17 MR. GILLCRIST: Uh, two others, Your Honor, if we might
18 ask whether anybody's a member of union, a member of a union,
19 because I think the Plaintiff may be a member of a union. I
20 think that she's employed by a union. Just wanted to see if,
21 uh, she's --

22 MS. ZOIS: I don't know if she's a employee, she's a
23 (unclear - two words).

24 MR. BRATT: (Unclear -- two words) she's employed by.

25 MS. ZOIS: She works for, she employed by.

1 MR. GILLCRIST: She's employed by a union. And so, uh,
2 we wanted to see if anybody else was a member of a union.
3 MR. PORCARELLI: We would join in that.
4 MS. ZOIS: I would object to that. I don't know how
5 that would give edification of the Court to strike for cause.
6 MS. HOWARD: Just for purpose (unclear - one word).
7 MR. GILLCRIST: Well, it could be for preemptory too, if
8 we believe that perhaps there's some af, affinity between
9 members of, uh, union organizations.
10 MR. BRATT: (Unclear.)
11 MS. ZOIS: (Unclear - one word). That's not the purpose
12 of voir dire.
13 MR. BRATT: I, I'd, I'd like to point out that the
14 purpose of voir dire is to ferret out bias, it's not to be
15 used for detailing peremptories, which I'm sure you know by
16 the way you looked at me (laugh).
17 THE COURT: I've been doin' this job a while. Um, I'm,
18 I'm not convinced that asking whether they're a member of a
19 union. I'm gonna' ask that, you know, if you belong to any
20 organizations --
21 MR. GILLCRIST: Okay.
22 THE COURT: -- that could affect your --
23 MR. GILLCRIST: That's fair.
24 THE COURT: -- ability to be fair and impartial, rather
25 that specifically target union this or that or that or the

1 other.

2 MR. GILLCRIST: Okay. The only other thing I had, and I
3 don't know if Your Honor has a way of handling this, uh, or
4 whether you think it's even appropriate, but, um, there is
5 going to be a lot of documentation I suspect coming in, I
6 just don't know how you handle whether folks can read and
7 write the English language on medical records that may be put
8 in front of them or anything like that.

9 THE COURT: How about I do this that qualifications to
10 serve as a Maryland juror indicate that you must be a citizen
11 of the United States, a resident of Frederick County and, um,
12 be able to read and write the English language with
13 sufficient understanding. Is there any --

14 MS. HOWARD: (Unclear.)

15 THE COURT: because then it, it's a broad spectrum that
16 --

17 MR. GILLCRIST: Yep.

18 THE COURT: -- so I'd kind of handle it that way.

19 MR. GILLCRIST: That's fine.

20 THE COURT: 'Cause that's also, like sometimes you get a
21 request to ask if anybody's a citizen. And, that again, I
22 kind of just do it --

23 MS. HOWARD: Very nice, Your Honor.

24 THE COURT: -- that's a nice gentle way to --

25 MR. GILLCRIST: No, that works.

1 THE COURT: Okay. Okay, now, what I'll do is I'll go
2 ahead and ask those follow up questions then, um, before
3 we're done I'll bring you up here one more time just to make
4 sure that we, 'cause, we have everything covered.

5 MS. HOWARD: Wonderful.

6 MR. GILLCRIST: Thank you.

7 MR. BRATT: All right, thank you, Your Honor.

8 MR. GILLCRIST: Thank you.

9 MS. ZOIS: Thank you, Your Honor.

10 (Counsel returned to the trial tables and the following
11 occurred:)

12 THE COURT: Okay. Just a couveck (sic), couple more
13 questions, we're moving right along. Is there any member of
14 the panel, or any member of your immediate family that has
15 ever em, um, employed, um, in any kind of occupation where
16 you evaluated or investigated claims? If so, please stand.
17 Yes, numbers, please.

18 JUROR NUMBER 10: Ten.

19 THE COURT: Ten.

20 JUROR NUMBER 19: Nineteen.

21 THE COURT: Ten and 19, thank you.

22 JUROR NUMBER 12: Twelve.

23 THE COURT: And what's your number, sir?

24 JUROR NUMBER 12: Twelve.

25 THE COURT: Twelve? Thank you. Now, ladies and

1 gentlemen, in this case the injuries asserted, um, allegedly
2 occurred to the Plaintiff's, um, back, and, uh, the
3 allegations will include information about, um, injuries to a
4 back and, uh, treatment as a result thereof. Is there any
5 member of the panel, um, that has suffered any, what I'm
6 gonna' call significant back injury? If so, please stand.
7 Okay.

8 (No response.)

9 THE COURT: Is there any member of the panel who belongs
10 to any organization, um, that, uh, has any beliefs in the
11 civil justice system that you believe could affect your
12 ability to be fair or impartial in this case? If so, please
13 stand.

14 (No response.)

15 THE COURT: To qualify as a juror in the state of
16 Maryland one must be a United States citizen, a resident of
17 Frederick County, and, uh, must be able to read and write
18 sufficiently well to understand the proceedings in court. Is
19 there any member of the panel who believes that they could
20 not, they might not possibly meet those basic qualifications?
21 If so, please stand. And I see no responses to that, either.
22 I'm gonna' check my notes.

23 Is there any member of the panel that has ever
24 served as a juror before? Okay, and we're gonna' start over
25 here again and we'll go over . . .

1 JUROR NUMBER 26: Twenty-six.
2 THE COURT: Twenty-six, thank you.
3 JUROR NUMBER 21: Twenty-one.
4 JUROR NUMBER 27: Twenty-seven.
5 THE COURT: Twenty-seven.
6 JUROR NUMBER 6: Six.
7 THE COURT: Six.
8 JUROR NUMBER 19: Nineteen.
9 THE COURT: Nineteen.
10 JUROR NUMBER 8: Eight.
11 THE COURT: Eight.
12 JUROR NUMBER 14: Fourteen.
13 THE COURT: Fourteen.
14 JUROR NUMBER 5: Five, five.
15 THE COURT: Five, thank you. And is there any member of
16 the panel that knows another panel member? Do you have any
17 friends on the panel that are up here with you? Okay, if you
18 could give me your numbers.
19 JUROR NUMBER 18: Eighteen.
20 THE COURT: Eighteen.
21 JUROR NUMBER 23: Twenty-three.
22 THE COURT: And 23, thank you. Now, ladies and
23 gentlemen, when the trial has concluded, um, it's my job, as
24 the judge, to give you instructions on the law to apply in
25 this case. Is there any member of the panel who believes

1 that they could not follow the Court's instructions as to the
2 law for any reason? If so, please stand. And I see no
3 responses to that. And, Counsel, approach one last time and
4 then I'm gonna' have at least one more question for you.

5 (Counsel approached the bench and the following
6 occurred:)

7 (Husher turned on.)

8 THE COURT: I was just gonna' get everybody over here.
9 I always ask my last wrap up question for . . .

10 MS. ZOIS: Um, can you give me the verbiage that you
11 used for the back question again, Your Honor?

12 THE COURT: Is there any member of the panel, I said, I
13 said, this case involves allegations of a back injury and
14 treatment to the back.

15 MS. ZOIS: Mm-hmm.

16 THE COURT: Is there any member of the panel that has
17 sustained a significant back injury?

18 MS. ZOIS: Okay.

19 THE COURT: If so, please stand.

20 MS. ZOIS: And that's what I thought the Court said, and
21 I, I guess I would just ask it to be broader to include your
22 close, immediate personal family member or close friends, and
23 that sort of thing.

24 THE COURT: Okay.

25 MS. ZOIS: And then, and maybe if we could water down

1 significant, I can't imagine that out of a panel of 40 people
2 that not a single person stood up. Um --
3 MR. BRATT: I've never heard of that.
4 MS. ZOIS: -- I think maybe that, I've never ever, ever
5 --
6 THE COURT: So.
7 MS. ZOIS: -- had that happen. So, I think that maybe
8 it was too broadly read, um . . .
9 THE COURT: I'll make that a little narrower.
10 MS. ZOIS: Okay.
11 THE COURT: (Unclear - two words.)
12 MR. BRATT: No problem.
13 MS. ZOIS: A little broader I guess --
14 THE COURT: So.
15 MS. ZOIS: -- is the --
16 THE COURT: Exactly.
17 MS. ZOIS: Okay.
18 MR. BRATT: Thank you, Your Honor.
19 THE COURT: Sure.
20 MS. ZOIS: Thank you. Okay.
21 (Husher turned off.)
22 (Counsel returned to the trial tables and the following
23 occurred:)
24 THE COURT: I'm gonna' slightly rephrase one of my
25 questions and, and make it a little bit broader. Um, with

1 respect to the question regarding injury to the back, any
2 member of the panel or any member of your, um, significant
3 immediate family that has suffered a back injury, more
4 significant than I have a stiff neck this morning, um, but
5 again some back, back injury issues, if so, please stand.
6 Okay, and we'll go th (sic).

7 JUROR NUMBER 21: Twenty-one.

8 THE COURT: Twenty-one.

9 JUROR NUMBER 33: Thirty-three.

10 THE COURT: Thirty-three.

11 JUROR NUMBER 19: Nineteen.

12 THE COURT: Nine teen.

13 JUROR NUMBER 13: Thirteen.

14 THE COURT: Thirteen.

15 JUROR NUMBER 32: Thirty-two.

16 THE COURT: Thirty-two, thank you.

17 JUROR NUMBER 25: Twenty-five.

18 THE COURT: Twenty-five.

19 JUROR NUMBER 27: Twenty-seven.

20 THE COURT: Twenty-seven.

21 JUROR NUMBER 14: Fourteen.

22 THE COURT: Fourteen. Any other reason, ladies and
23 gentlemen, that you believe you couldn't, that we haven't
24 already talked about in my questions, that you believe that
25 you could not be a fair and impartial juror in this case if

1 so, please stand. Okay, and I see no responses to that.

2 Now, ladies and gentlemen, part two of the jury
3 selection is we're gonna' do the follow up here. That means
4 if you stood and you indicated that you had information in
5 response to any of the questions I'm gonna' ask you to, um,
6 and by groups, I'm gonna' start with one through 15 to come
7 up and have a seat in the jury box, and then I will call on
8 the folks in the jury box to come up, come up here and we're
9 cluster at the bench like you saw me do with Counsel and I'll
10 have that husher on, and we'll do all the follow up here, who
11 you know, who's involved with what, and all that stuff, okay?
12 This is the part that gets really boring for you, but it's
13 really important for the lawyers to know what's going on.
14 So, I'm just gonna' ask you if you're out in the audience if
15 you could try to keep your voices down just because even
16 though we're gonna' have the husher on sometimes the, um, it
17 can get a little noisy in the courtroom. We'll try to move
18 through this as quickly and, hopefully, as painlessly as
19 possible.

20 If you're out there sitting and you say, you know,
21 I didn't stand in answer, response to question number three
22 and I should have. If you think that you should have
23 answered and you didn't, please come on up and have a seat
24 and just tell us that at the beginning, hey, I didn't stand
25 when you asked that question, but I wanna' give you this

1 information. Okay?

2 So, Jurors one through 15, if you either stood and
3 answered a question or you're thinking now, you know, I
4 should have stood and I didn't, if you'd come on up and have
5 a seat in the jury box and then we're gonna' do the follow up
6 up here. And, Counsel, if you all wanna' come on up, and...

7 (Prospective juror's approached the bench, and the
8 following occurred:)

9 THE COURT: At least this is better than jury, courtroom
10 number one, it's really tight up by the bench, so.

11 MALE VOICE: Your Honor, is it okay if I (unclear - two
12 words)?

13 THE COURT: Absolutely. You can put your --

14 MALE VOICE: (Unclear.)

15 THE COURT: -- please feel free, just don't cover that,
16 that's the microphone.

17 FEMALE VOICE: (Unclear.)

18 THE COURT: Sure, yeah.

19 (Husher turned on.)

20 THE COURT: Okay, ma'am, you're right here on the end
21 you, you win, why don't you come on up.

22 FEMALE VOICE: Hi there.

23 JUROR NUMBER 15: I didn't actually stand up to any of
24 the questions, because I'm not sure why my concerns fall.

25 THE COURT: Okay, now, first of all --

1 JUROR NUMBER 15: Whisper?

2 THE COURT: -- you need to tell us what your number is.

3 JUROR NUMBER 15: Fifteen. Um, I really don't have any
4 (unclear - one word) I could not be here or be fair. I do
5 have a concern, I have a son who's 17, he's on probation, who
6 over the last two weeks has been to the hospital a few times
7 --

8 THE COURT: Okay.

9 JUROR NUMBER 15: -- saying he's gonna' kill himself,
10 and so I'm a little worried about being out until Friday
11 without eyes on him.

12 THE COURT: Mm-hmm.

13 JUROR NUMBER 15: 'Cause he's home today, tomorrow.

14 THE COURT: Okay.

15 JUROR NUMBER 15: And he has mental health appointments
16 quite frequently. So, that really didn't fall into anything.

17 THE COURT: Counsel.

18 MS. ZOIS: Do you think that maybe if you were here
19 you'd be distracted worrying about your son at home?

20 JUROR NUMBER 15: I'm worried about him, 'cause he's
21 just --

22 MS. ZOIS: Do you think you'd be distracted to the point
23 that you wouldn't be able to pay attention to the evidence,
24 'cause you're worried about him?

25 JUROR NUMBER 15: (Unclear - four words) done quickly.

1 MS. ZOIS: Right.
2 JUROR NUMBER 15: So.
3 THE COURT: Counsel?
4 MR. GILLCRIST: No questions.
5 THE COURT: No questions? Okay, thank you, go ahead and
6 have a seat.
7 JUROR NUMBER 15: Okay.
8 THE COURT: Okay. Hi there, and give me your number
9 again.
10 JUROR NUMBER 4: Number four.
11 THE COURT: Number four.
12 JUROR NUMBER 4: Yes.
13 THE COURT: Okay.
14 JUROR NUMBER 4: There was a question about workmen's
15 comp I didn't quite understand what you were saying.
16 THE COURT: Okay. That means whether if you or any
17 member of your family, like your spouse or your child, ever
18 had to file any kind of workers' compensation claim or
19 somebody filed a claim against you, that was the question.
20 JUROR NUMBER 4: Um, well, I had gotten workman's comp.
21 THE COURT: Okay. And --
22 JUROR NUMBER 4: Through work.
23 THE COURT: -- when was that?
24 JUROR NUMBER 4: About 10 years ago.
25 THE COURT: Okay. And, um, what was the injury?

1 JUROR NUMBER 4: Uh, I broke my foot.
2 THE COURT: Not fun, I broke mine --
3 JUROR NUMBER 4: No.
4 THE COURT: -- a couple months ago. Um, has everything
5 resolved with that?
6 JUROR NUMBER 4: Uh, it's fine.
7 THE COURT: Okay. Now, the question is do you think
8 that experience could in any way affect your ability to be
9 fair and impartial in this case?
10 JUROR NUMBER 4: No.
11 THE COURT: Okay. Counsel, any questions?
12 MS. HOWARD: No follow up, Your Honor.
13 MS. ZOIS: No, thank you.
14 MR. BRATT: No questions.
15 MR. GILLCRIST: No, Your Honor.
16 THE COURT: Okay, thank you, you can go ahead and have a
17 seat out there.
18 MR. BRATT: I'm sorry, Your Honor, the previous juror
19 was that --
20 THE COURT: Uh, 15.
21 MS. ZOIS: Fifteen.
22 MR. BRATT: Was she excused?
23 THE COURT: I'm going to excuse her, I just . . .
24 FEMALE VOICE: Yeah.
25 THE COURT: Yeah, I just -- we're, I think we're gonna'

1 have plenty, so.

2 MR. BRATT: Okay.

3 THE COURT: Okay. Then you're, you're next.

4 JUROR NUMBER 3: Number three.

5 THE COURT: Number three. Okay. And what would you
6 like to tell us?

7 JUROR NUMBER 3: Uh, I'm a nurse.

8 THE COURT: Okay. And is that it?

9 JUROR NUMBER 3: Um, I do recall my, there was a claim
10 made against my husband for an automobile accident.

11 THE COURT: Okay.

12 JUROR NUMBER 3: The woman was claiming injury and loss
13 of consortium. I think that was also named on the claim
14 secondary, but it was settled by the insurance company.

15 THE COURT: Okay. And about when was that?

16 JUROR NUMBER 3: Um, last year.

17 THE COURT: Okay. Now, what Counsel wants to know is do
18 you think any of that would affect your ability to be fair
19 and impartial in this case?

20 JUROR NUMBER 3: Not that I'm aware.

21 THE COURT: Counsel?

22 MS. HOWARD: Um, just one more question, Your Honor, I
23 noticed that she's also an RN, so you, did you respond to the
24 medical question also.

25 THE COURT: Yeah. She said she was a nurse.

1 MS. HOWARD: Okay. Are we taking each one of their
2 responses at the bench at the same time or do they come up
3 (unclear - two words)?
4 THE COURT: No, no, no, we, they come up once.
5 MS. HOWARD: Okay. Um, what kind of nurse are you?
6 JUROR NUMBER 3: Um, I work at Children's National
7 Medical Center, and my specialty was pediatric oncology --
8 MS. HOWARD: Okay.
9 JUROR NUMBER 3: -- (unclear - three words.)
10 MS. HOWARD: Okay.
11 MR. BRATT: No questions, Your Honor.
12 MR. PORCARELLI: No questions.
13 THE COURT: Okay. Thank you.
14 JUROR NUMBER 3: That's it?
15 THE COURT: Go ahead and have a seat. Yeah, we do
16 everything (unclear - three words.)
17 MS. HOWARD: Okay, okay. Thank you, Your Honor.
18 THE COURT: Okay. And whoever's next. There you go.
19 Hi there.
20 JUROR NUMBER 13: Hello.
21 THE COURT: And, just, yeah, give me your number again.
22 Number --
23 JUROR NUMBER 13: Thirteen.
24 THE COURT: -- thirteen, okay.
25 MR. GILLCRIST: What number?

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MS. ZOIS: Thirteen.

THE COURT: Thirteen.

JUROR NUMBER 13: Thirteen.

MR. BRATT: Thank you.

JUROR NUMBER 13: Mm-hmm.

THE COURT: And what would you like to tell us?

JUROR NUMBER 13: I've never done this before, I don't know if I have anything to tell.

THE COURT: Okay.

JUROR NUMBER 13: I have no idea what's goin' on.

THE COURT: Did, um, did you stand up in response to any of the questions?

JUROR NUMBER 13: Yeah, with a back injury.

THE COURT: Okay. Well, who has the back injury?

JUROR NUMBER 13: My dad.

THE COURT: Okay. And what kind of injury is it?

JUROR NUMBER 13: Uh, he's broken his back four times.

THE COURT: Okay. And has he had a lot of surgery as a result of that?

JUROR NUMBER 13: Yes.

THE COURT: Okay. And, um, when's the last time that he had that kind of injury?

JUROR NUMBER 13: Uh, it was eight plus years ago, he died about --

THE COURT: Oh, I'm sorry.

CIRCUIT COURT FOR FREDERICK COUNTY

COURT HOUSE

FREDERICK, MARYLAND 21701

1 JUROR NUMBER 13: Fine, it's --
2 THE COURT: I'm sorry.
3 JUROR NUMBER 13: -- he, he died in '06 --
4 THE COURT: Mm-hmm.
5 JUROR NUMBER 13: -- so it's, it's been a while ago.
6 THE COURT: Okay.
7 JUROR NUMBER 13: But when he was a around there was a
8 lot of motorcycle accidents.
9 THE COURT: Mm-hmm.
10 JUROR NUMBER 13: So, a lot of back surgeries nonstop
11 with that.
12 THE COURT: Okay. And is that how he kept, he hurt
13 himself was on a motorcycle?
14 JUROR NUMBER 13: Yes, ma'am.
15 THE COURT: Okay. Now, why we ask all these questions
16 is the lawyers want to select jurors who will listen to this
17 evidence impartially, like you hope an umpire will during a
18 baseball game.
19 JUROR NUMBER 13: (Chuckles.)
20 THE COURT: Call it as you see it, okay? So, what
21 Counsel wants to do is do you think any of those experiences
22 could affect your ability to be fair --
23 JUROR NUMBER 13: Nope.
24 THE COURT: -- and impartial in this case?
25 JUROR NUMBER 13: I don't think it'd have anything to do

1 with that.

2 THE COURT: Okay.

3 JUROR NUMBER 13: I think I'm perfectly capable of
4 answering any kind of questions that I would need being any
5 kind of help. I don't, I don't see any problems.

6 THE COURT: Okay. Counsel.

7 MS. ZOIS: That's all, no --

8 THE COURT: Any questions?

9 MS. ZOIS: -- no, thank you.

10 JUROR NUMBER 13: That's it?

11 MR. BRATT: Sir --

12 THE COURT: Hold on.

13 MR. BRATT: -- I'm sorry.

14 JUROR NUMBER 13: Yes, sir.

15 MR. BRATT: You mentioned the, uh, motorcycle accidents
16 was that your dad?

17 JUROR NUMBER 13: Yes, sir.

18 MR. BRATT: Do you ride?

19 JUROR NUMBER 13: Uh, no.

20 MR. BRATT: You don't, you don't ride.

21 JUROR NUMBER 13: No.

22 MR. BRATT: Okay, that's all.

23 THE COURT: Okay. Hi there.

24 JUROR NUMBER 6: Hi. Juror Number 6.

25 THE COURT: Juror Number 6.

1 JUROR NUMBER 6: I served in Washington County, um, as a
2 juror for, I think it was a civil --
3 THE COURT: Civil case.
4 JUROR NUMBER 6: -- I can't remember, if it was a bar
5 fight or something.
6 THE COURT: (Snicker.)
7 JUROR NUMBER 6: (Laugh.)
8 MS. HOWARD: I'm sorry, I missed that.
9 THE COURT: She served as a juror in Washington County -
10 -
11 MS. HOWARD: Oh, okay. All I heard was bar fight.
12 THE COURT: -- in a bar fight.
13 MS. HOWARD: I was like, (unclear - two words.)
14 JUROR NUMBER 6: I think it was a bar fight. Um, and
15 then I, I didn't answer the one with the back injury.
16 THE COURT: Right.
17 JUROR NUMBER 6: My father in law had a severe back
18 injury and had that back surgery.
19 THE COURT: Okay. And when, about when was that?
20 JUROR NUMBER 6: Um, six years ago, round about.
21 THE COURT: Okay.
22 JUROR NUMBER 6: And then I don't know if this pertained
23 to any of your questions or not, but I just had a sister that
24 got beat up by her boyfriend and it was in court.
25 THE COURT: Mm, I'm sorry.

1 JUROR NUMBER 6: And that was in November.
2 THE COURT: I'm sorry.
3 JUROR NUMBER 6: So, I wasn't sure if that pertained to
4 anything or not, but...
5 THE COURT: Well, why we get to all of this is do you
6 think any of that would affect your ability to be fair and
7 impartial in this case?
8 JUROR NUMBER 6: No.
9 MS. ZOIS: Um, follow, Your Honor?
10 THE COURT: Mm-hmm.
11 MS. ZOIS: She mentioned, um, where did your father in
12 law hurt his back?
13 JUROR NUMBER 6: Um, it was work related. He fell off a
14 ladder (unclear - one word).
15 MS. ZOIS: Okay. Was his surgery a success?
16 JUROR NUMBER 6: Um, I don't think (unclear - one word)
17 about half. He couldn't go back to work afterwards.
18 MS. ZOIS: But it did?
19 JUROR NUMBER 6: It helped a little bit, and then he
20 had, ended up having open heart surgery and then passed away
21 --
22 THE COURT: Oh, I'm sorry.
23 JUROR NUMBER 6: -- two weeks after the surgery.
24 MS. ZOIS: Oh, gosh. Do you know, um, specifically what
25 kind of back surgery he had (unclear - one word) --

1 JUROR NUMBER 6: No I don't.
2 MS. ZOIS: -- know if he had instrumentation or hardware
3 or anything?
4 JUROR NUMBER 6: I was there when he had it done, but I
5 don't know what it was --
6 MS. ZOIS: Okay, (unclear - one word).
7 JUROR NUMBER 6: -- exactly.
8 MS. ZOIS: Okay. Thank you.
9 THE COURT: Hold on a second.
10 JUROR NUMBER 6: Oh.
11 THE COURT: We've got all these lawyers up here, some of
12 them, somebody else --
13 JUROR NUMBER 6: Sorry.
14 THE COURT: -- might have a question. (Chuckles.)
15 MR. GILLCRIST: I have no questions.
16 THE COURT: Any questions? Okay.
17 JUROR NUMBER 6: Okay.
18 THE COURT: Thanks.
19 JUROR NUMBER 6: Thanks.
20 THE COURT: See, all that for nothing.
21 (Laughter.)
22 JUROR NUMBER 9: Hi there.
23 THE COURT: Hi there, juror number nine. Okay. Of
24 course, I'm gonna' have to turn to the right page.
25 JUROR NUMBER 9: Sure.

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THE COURT: Okay.

JUROR NUMBER 9: You had asked about workmen's comp. My husband is a driver for UPS for the last 22 years. He's had a few injuries.

THE COURT: So.

JUROR NUMBER 9: So, that's been one. And, actually, one I didn't stand for, he did have a back injury when I was thinking about it, but it was a while ago.

THE COURT: Okay.

JUROR NUMBER 9: So, um, and then the other question was about Friday. Um, just, it's, it's all job related. We're going through an accreditation process at work so this has been kind of crunch week.

THE COURT: If we really needed you.

JUROR NUMBER 9: Yeah, I mean, I would figure something out.

THE COURT: Okay. Now, with respect to, um, your husband's --

JUROR NUMBER 9: Mm-hmm.

THE COURT: -- issues, do you think that would in any way affect your ability to be fair and impartial in this case?

JUROR NUMBER 9: No, mm-mm.

MS. ZOIS: May I proceed, Your Honor?

THE COURT: Mm-hmm, mm-hmm.

1 MS. ZOIS: Do you know specifically what his back injury
2 was?
3 JUROR NUMBER 9: He has a, um, well, I mean, you know,
4 he's lifting packages, but it is, uh, he had slipped on some
5 ice getting out of a truck, and, um, slipped on ice.
6 THE COURT: Slipped on ice.
7 JUROR NUMBER 9: Pulled his back.
8 MS. HOWARD: So, um, (unclear - two words) related, not
9 disc, um --
10 JUROR NUMBER 9: Right.
11 MS. HOWARD: Okay. He did it (unclear - two words) --
12 THE COURT: Muscular not disc.
13 MS. HOWARD: -- and all that?
14 JUROR NUMBER 9: Uh, yeah, he had to (unclear -
15 approximately 10 words), but yeah.
16 MS. HOWARD: Okay. (Unclear - three words.)
17 THE COURT: Counsel, any questions?
18 MR. GILLCRIST: Sorry.
19 MR. PORCARELLI: Is he still having problems, I didn't
20 hear that.
21 JUROR NUMBER 9: No, no.
22 MR. PORCARELLI: Thank you.
23 THE COURT: Okay?
24 JUROR NUMBER 9: Okay.
25 FEMALE VOICE: (Unclear - four words.)

1 THE COURT: I think that's everybody in the front row.
2 Up, no, one more. Hi there.
3 JUROR NUMBER 8: Yes. I provide daycare for my
4 granddaughter on Mondays and Fridays.
5 THE COURT: Okay.
6 JUROR NUMBER 8: That was my only concern.
7 MR. GILLCRIST: What number?
8 THE COURT: Number eight.
9 MR. BRATT: Number eight.
10 THE COURT: Now, if we really needed you could you make
11 other arrangements for Fri (sic) --
12 JUROR NUMBER 8: I, probably.
13 THE COURT: -- for this Friday?
14 JUROR NUMBER 8: But it, it's, I'm free, you know.
15 THE COURT: It, it, it, that's --
16 JUROR NUMBER 8: They're not.
17 THE COURT: -- exactly right. So. Counsel, any
18 questions?
19 MS. ZOIS: (Unclear.)
20 MR. BRATT: No questions, Your Honor.
21 MR. GILLCRIST: No questions.
22 THE COURT: Okay. Okay, thank you. Sir.
23 MALE VOICE: (Unclear.)
24 THE COURT: Juror Number 11. Okay, and what would you
25 like to tell us, sir? You answered a couple questions.

1 JUROR NUMBER 11: Yeah, I, I know the, well, one was
2 about a lawyer.
3 THE COURT: Okay, somebody in the family's a lawyer?
4 JUROR NUMBER 11: Yeah, my, uh, daughter's in law school
5 --
6 THE COURT: Okay.
7 JUROR NUMBER 11: -- currently. And my wife is a legal
8 secretary.
9 THE COURT: Okay.
10 JUROR NUMBER 11: Or a legal assistant, I guess is the
11 proper terminology now.
12 THE COURT: Okay. And I think you also answered a
13 question that somebody had made some kind of claim or had a
14 claim made against them for personal injury or something like
15 that?
16 JUROR NUMBER 11: Yes.
17 THE COURT: Okay, why don't you tell us about that?
18 JUROR NUMBER 11: Uh, I was, I had a (sic) injury, and,
19 on the job, workman's compensation claim.
20 THE COURT: Okay. And when was that?
21 JUROR NUMBER 11: It was about, I think it's two years
22 now, almost.
23 THE COURT: Okay.
24 JUROR NUMBER 11: About two years.
25 THE COURT: And, um, what got hurt?

1 JUROR NUMBER 11: I strained a, pulled a muscle in my
2 back.

3 THE COURT: In your back, okay. And, um, have, uh, has
4 the treatment, has it resolved or are you still having
5 issues?

6 JUROR NUMBER 11: Yes.

7 THE COURT: Okay, it's resolved?

8 JUROR NUMBER 11: Yes.

9 THE COURT: Okay. Let me just check my notes and make
10 sure. I think those were the only ones.

11 JUROR NUMBER 11: Yeah, there was one that you asked,
12 uh, I'd ask you to ask again, about the back injuries.

13 THE COURT: Mm-hmm.

14 JUROR NUMBER 11: What was that question again?

15 THE COURT: It was just --

16 JUROR NUMBER 11: Is it any family members that may have

17 --

18 THE COURT: Yeah, (unclear - one word) --

19 JUROR NUMBER 11: Yeah, 'cause I, after I, the question
20 was over, I remember my brother hurt his back --

21 THE COURT: Okay.

22 JUROR NUMBER 11: -- in a motor cycle injuries five to
23 12 years ago or so.

24 THE COURT: Okay. And, um, what happened with that? I
25 mean, how did he, is he gotten better or?

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JUROR NUMBER 11: Oh, yeah, he's, he's better.

THE COURT: He's fine?

JUROR NUMBER 11: Yeah.

THE COURT: Now, what Counsel wants to know, why we ask all these nosey questions is do you believe any of that would affect your ability to be fair and impartial in this case?

JUROR NUMBER 11: No.

THE COURT: Counsel?

MS. ZOIS: Thank you, Your Honor. Um, where does your wife work?

JUROR NUMBER 11: In Rockville.

MS. ZOIS: Who's she work for?

JUROR NUMBER 11: (Unclear - two words.)

MS. ZOIS: Oh, okay. All right. And your daughter, she, she's in law school?

JUROR NUMBER 11: Yes.

MS. ZOIS: Does she know what she wants to do with her law degree?

JUROR NUMBER 11: Uh, you know --

THE COURT: Get a job (chuckles).

MS. ZOIS: What kind of practice she wants to (unclear - one word) to?

MS. HOWARD: Right, get a job, right, exactly.

MR. BRATT: Pay, pay back the loans.

JUROR NUMBER 11: She's kind of, uh, kind of on the

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fence --

MS. ZOIS: Okay.

JUROR NUMBER 11: -- as far as I know. She's got her life on hold right now. She just had a little baby.

MS. ZOIS: Oh, congratulations.

JUROR NUMBER 11: So, she took a little break from law school.

MS. ZOIS: Okay, fair enough.

JUROR NUMBER 11: She's gotta' (unclear - three words).

MR. GILLCRIST: Any break from law school is good.

MS. ZOIS: Right, thank you. (Unclear - two words.)

JUROR NUMBER 11: Is that it?

MR. BRATT: No questions.

THE COURT: No questions? All right. Thank you, sir.
Hi there.

JUROR NUMBER 12: Juror Number 12.

THE COURT: Juror Number 12. Okay, let me see. I know you answered (unclear - three words). Um, somebody's worked as a claims evaluator, investigator?

JUROR NUMBER 12: No. What I wanted to mention. The reason I wanted to come up -- (clearing throat) -- excuse me, was I was a police officer.

THE COURT: Okay.

JUROR NUMBER 12: And I didn't know if that was . . .

THE COURT: You probably investigated a few things as a

1 policy officer.

2 JUROR NUMBER 12: Yes.

3 THE COURT: Okay. And --

4 JUROR NUMBER 12: So, I (unclear - two words), when you
5 said legal that made me want stand up, but I had to have some
6 legal training.

7 THE COURT: You definitely have had some legal training.
8 Um, let me just check my notes. I think those were it,
9 right? Were those the only ones that you stood for?

10 JUROR NUMBER 12: Yeah.

11 THE COURT: Okay. Do you think any of that could affect
12 your ability to be a fair and impartial juror in this case?

13 JUROR NUMBER 12: I think I can do it.

14 THE COURT: Counsel.

15 MS. ZOIS: Thank you. Where were you (unclear - two
16 words)?

17 JUROR NUMBER 12: Uh, NOVA Junior Community College in
18 Loudon County, Sterling, Virginia.

19 MS. ZOIS: Okay.

20 JUROR NUMBER 12: Twenty-two and a half years.

21 MS. ZOIS: Wow. Okay, thank you.

22 THE COURT: Counsel?

23 MR. BRATT: No questions.

24 MR. GILLCRIST: No questions.

25 THE COURT: Okay. Thank you, sir.

1 MS. HOWARD: Thank you, sir.

2 THE COURT: Juror Number 7, okay.

3 JUROR NUMBER 7: That's it?

4 THE COURT: What was your -- (chuckles) -- darn, what
5 are they doin' up there?

6 JUROR NUMBER 7: Um, yeah, right, right, right. You
7 mentioned about back injuries, but wanted to extend it.

8 THE COURT: Right.

9 JUROR NUMBER 7: I've been hit by a vehicle that led to
10 some pretty serious injuries before.

11 THE COURT: Okay.

12 JUROR NUMBER 7: As a pedestrian.

13 THE COURT: Okay. And back injuries or just . . .

14 JUROR NUMBER 7: Nothing life-long --

15 THE COURT: Mm-hmm.

16 JUROR NUMBER 7: -- but I, I've broken legs, broken
17 arms, metal plates, stuff like that.

18 THE COURT: Mm-hmm, okay.

19 JUROR NUMBER 7: Good stuff, yeah.

20 THE COURT: Okay. Okay. Now, I think that that's, is
21 that the only thing that you?

22 JUROR NUMBER 7: Yes, ma'am.

23 THE COURT: Okay. Now, this case, of course, involves
24 allegations of injuries as a result of an automobile
25 accident.

1 JUROR NUMBER 7: Mm-hmm.

2 THE COURT: Do you believe that your experiences could
3 in any way affect your ability --

4 JUROR NUMBER 7: No, ma'am.

5 THE COURT: -- to be fair in this case?

6 JUROR NUMBER 7: No, ma'am.

7 THE COURT: You got it out before I finished my
8 question. Follow up.

9 MS. ZOIS: Yes, please, thank you. Just as a follow up,
10 um, you're a pedestrian, you were struck by a vehicle. Did
11 you have (unclear - two words)?

12 JUROR NUMBER 7: Yes.

13 MS. ZOIS: Okay. Were you happy with the end result?

14 JUROR NUMBER 7: No.

15 MS. ZOIS: What didn't you like about it?

16 JUROR NUMBER 7: Uh, basically, for as a long I was in
17 the hospital and what I have to deal with metal and stuff I
18 just thought it should have been a little bit more, but . . .

19 MS. ZOIS: Do you still have the hardware in?

20 JUROR NUMBER 7: Oh, yeah.

21 MS. ZOIS: Where is it?

22 JUROR NUMBER 7: Legs.

23 MS. ZOIS: (Unclear - one word) and pins?

24 JUROR NUMBER 7: Mm-hmm, yeah.

25 MS. ZOIS: And you did injure your back in that

1 incident?

2 JUROR NUMBER 7: But it (unclear - three words).

3 MS. ZOIS: But that wasn't the big, significant injury?

4 JUROR NUMBER 7: No.

5 MS. ZOIS: That got better?

6 JUROR NUMBER 7: Sure.

7 MS. ZOIS: All right. Thank you.

8 JUROR NUMBER 7: Mm-hmm.

9 THE COURT: Okay. Any questions, Counsel?

10 MALE VOICE: (Unclear.)

11 THE COURT: Hi there. Juror Number 14.

12 JUROR NUMBER 14: Yes, ma'am.

13 THE COURT: Okay. Let me just check my -- that, um, you

14 served on a jury before.

15 JUROR NUMBER 14: Yes, I have.

16 THE COURT: Okay. And why don't you tell us a little

17 bit.

18 JUROR NUMBER 14: Uh, it was a domestic violence case I

19 served on previously.

20 THE COURT: Okay. So, it was a criminal case?

21 JUROR NUMBER 14: Yeah, it was in Frederick County a few

22 years ago.

23 THE COURT: Okay.

24 JUROR NUMBER 14: I also stood up when it came for the

25 back injury, because I had been rear ended a few years ago in

1 an auto accident, and still, still suffer from that --

2 THE COURT: Okay.

3 JUROR NUMBER 14: -- as well.

4 THE COURT: Now, do you think that either of those
5 experiences could in any way affect your ability to be a fair
6 and impartial juror in this case?

7 JUROR NUMBER 14: As far as the auto accident, yes,
8 ma'am, I do. I believe, I believe it'd be partial,
9 considering every day I wake up and still in pain, so.

10 THE COURT: Okay. So, is it fair to say you'd be more
11 comfortable sitting as a juror in another kind of case?

12 JUROR NUMBER 14: I think it would be more fair to the,
13 to the folks here, yes, ma'am.

14 THE COURT: Counsel, any questions?

15 MS. HOWARD: No.

16 MR. BRATT: No, Your Honor.

17 MR. GILLCRIST: No, Your Honor.

18 THE COURT: Okay. Thank you.

19 MR. GILLCRIST: Can we move him for cause (unclear - one
20 word)?

21 THE COURT: So, last, but not least.

22 JUROR NUMBER 10: Uh, Juror Number 10.

23 THE COURT: Number 10. Okay. I've got stuff sprawled
24 all over the place.

25 JUROR NUMBER 10: So, my answer was, um, for the

1 investigation of claims.

2 THE COURT: Right.

3 JUROR NUMBER 10: Um, I work for an insurance broker and
4 I investigate claims more from the standpoint of how the
5 employer could have prevented the injury from a worker's
6 compensation standpoint.

7 THE COURT: Okay.

8 JUROR NUMBER 10: So, I wasn't sure if that applied, but
9 I still wanted to further explain.

10 THE COURT: Still wanted to -- but, now, say what
11 Counsel wants to ask, do you think that could in any way
12 affect your ability to be fair and impartial in this case?

13 JUROR NUMBER 10: No.

14 THE COURT: Counsel?

15 MS. ZOIS: So, your (unclear - two words) the risk
16 management perspective of it --

17 JUROR NUMBER 10: Yes.

18 MS. ZOIS: -- and say, okay, we're gonna' go back and
19 look at see what they did wrong, and how this -- can you
20 (unclear - two words) --

21 JUROR NUMBER 10: Exactly, yes, mm-hmm.

22 MS. ZOIS: -- Got it.

23 MR. BRATT: Thank you, no questions.

24 MR. GILLCRIST: No questions.

25 THE COURT: Thank you. Um, before we call the next

1 group up, um, I, uh, Number 14, Juror Number 14 had indicated
2 that --

3 MS. HOWARD: Yeah.

4 THE COURT: -- he could not be impartial, definitely,
5 um, strike him for cause, as well as, uh -- does anybody
6 object to me striking Number 15 --

7 MS. ZOIS: Not at all, Your Honor.

8 THE COURT: -- the lady who believes her son is in --

9 MS. ZOIS: Not at all, Your Honor.

10 MR. GILLCRIST: We know people (unclear - one word) pay
11 attention.

12 THE COURT: Exactly, those seem very clear to me, and
13 we'll, we'll deal with all the rest later, but I'll (unclear
14 - one word) those. Okay, I'm gonna' call up the next group
15 of 15.

16 MS. HOWARD: Thank you, Your Honor,

17 MS. ZOIS: Thank you, Your Honor.

18 THE COURT: Okay?

19 (Husher turned off.)

20 THE COURT: Okay, now, if we could have, um, numbers 16
21 through 30. If you answered a question, or if you're
22 thinking well, I didn't stand up, but maybe I should have.
23 You folks in the box.

24 (Husher turned on.)

25 MS. HOWARD: May I step away from the bench for one

1 moment?

2 THE COURT: Sure, mm-hmm.

3 MS. HOWARD: Thank you, Your Honor.

4 MR. BRATT: Is, is it okay if the Plaintiff steps out to
5 the ladies room, Your Honor?

6 THE COURT: Sure, that's fine. And, certainly, your
7 client may, if she wants to go out to the ladies room.

8 MR. GILLCRIST: Okay, thank you.

9 MS. HOWARD: What do you think about going at the same
10 time? Do you recommend them (unclear - one word)?

11 THE COURT: All right, leave that up to you, but she
12 certainly --

13 (Laughs.)

14 MR. GILLCRIST: Your Honor, uh, just a quick question.
15 From the last group, I didn't see Juror Number 1 come up, and
16 I think he did say that he had a problem that he couldn't
17 serve for (unclear - one word)?

18 THE COURT: If, what we'll do is we'll, I'll call him up
19 --

20 MR. GILLCRIST: Okay.

21 THE COURT: -- when we get to the end, because that'll
22 happen sometimes, but, and, and it might happen with this
23 group as well, so I was waiting and have them come up.

24 MR. GILLCRIST: Great, thank you.

25 THE COURT: So you get to eyeball everybody.

1 MS. ZOIS: Polling the jury again? Is that what you're
2 doing?
3 THE COURT: Juror Number 1 didn't come up, but he stood
4 for a question.
5 MS. ZOIS: Oh.
6 THE COURT: So, I'm -- there might be somebody else that
7 does the same thing --
8 MS. ZOIS: Oh.
9 THE COURT: -- so, I will, I always wait until the end.
10 That's in the -- it doesn't follow the instructions category,
11 but they're all, they all get so nervous when I come up here
12 and do this. Okay, yep, you're our winner, you looked up
13 first.
14 JUROR NUMBER 30: Hi.
15 MS. HOWARD: Hello.
16 MR. GILLCRIST: Hi.
17 THE COURT: Hi there. Number 30.
18 MR. GILLCRIST: Thirty.
19 THE COURT: Okay. (Unclear - two words.) Now, I know
20 that you answered the one that, um, you had concerns about
21 the nature of the claim that you thought that it could affect
22 your ability to be a fair and impartial juror.
23 JUROR NUMBER 30: I've been rear ended twice since I've
24 moved to Maryland. One of them was, I mean, both times at a
25 red light.

1 THE COURT: Mm-hmm.

2 JUROR NUMBER 30: And, um, I, uh, the most recent one
3 was two months ago, and I had a bad time collecting from the
4 other person's insurance those, it was a pretty serious one,
5 and it was just a rear end, but it was \$4,000 worth of damage
6 to my car. And I did have to go to the doctor's.

7 THE COURT: Mm-hmm.

8 JUROR NUMBER 30: So, I'm still kind of -- (chuckles) --
9 angry about it.

10 THE COURT: Mm-hmm.

11 JUROR NUMBER 30: I'm actually unemployed so I wouldn't
12 mind being a juror right now, but I thought it was only fair
13 to let you guys know.

14 THE COURT: Now, this case, of course, is an automobile
15 accident, and I believe will in, um, involve a, a rear end
16 type of collision. Do you think that you would be able to,
17 based on your experiences, to be able to put your experiences
18 out of your mind and be fair to everyone in this case?

19 JUROR NUMBER 30: Yeah, I think I probably could.

20 THE COURT: 'Cause that, that's the big question.

21 JUROR NUMBER 30: Yeah.

22 THE COURT: Again, your job would be to, like I said,
23 call it as you see it.

24 JUROR NUMBER 30: Okay.

25 THE COURT: Okay? Let me just see -- and, uh, so that

1 has, is that with the claims, 'cause you stood for the --
2 JUROR NUMBER 30: Yeah.
3 THE COURT: -- so, that's all related to . . .
4 JUROR NUMBER 30: Yeah. I think those are the only two.
5 THE COURT: I think, yeah, I think those are the only
6 two. Counsel?
7 MS. ZOIS: No follow up, Your Honor.
8 MR. GILLCRIST: Ma'am, could I just ask you?
9 JUROR NUMBER 30: Mm-hmm.
10 MR. GILLCRIST: Um, you had been rear ended on two
11 occasions, is that right?
12 JUROR NUMBER 30: Yeah.
13 MR. GILLCRIST: And in each of those you were injured?
14 JUROR NUMBER 30: No.
15 MR. GILLCRIST: In one of them you were injured?
16 JUROR NUMBER 30: Right.
17 MR. GILLCRIST: And did, what kind of injury did you
18 have?
19 JUROR NUMBER 30: I just had a lot of soreness --
20 MR. GILLCRIST: Soreness.
21 JUROR NUMBER 30: -- and all, and I, I went to the
22 doctor's one time. It wasn't like a major.
23 MR. GILLCRIST: Okay. But you mentioned, uh, having
24 trouble with the insurance company?
25 JUROR NUMBER 30: This last one I had a lot of

1 difficulty with, um, getting the car correctly repaired.

2 MR. GILLCRIST: Okay. Um, initially you had indicated
3 when you stood up that that might, that you might not be able
4 to be fair. If this case --

5 JUROR NUMBER 30: Just that I'm still pretty angry about
6 it.

7 MR. GILLCRIST: Okay. You're angry about --

8 JUROR NUMBER 30: 'Cause it was so -- well, it was only,
9 uh, it was right before Christmas.

10 MR. GILLCRIST: Okay. And you're angry about having to
11 go through that process with, uh, with this (unclear - one
12 word)?

13 JUROR NUMBER 30: Yeah.

14 MR. GILLCRIST: Okay. And if you find out in this case
15 that the evidence is is that the Defendant rear ended the
16 Plaintiff in the case, um, do you feel like you'd have a
17 tendency to maybe more favor the Plaintiff as, as you went
18 through deliberations or your (unclear - one word)?

19 JUROR NUMBER 30: I think it really depends on all the
20 rest of the information.

21 MR. GILLCRIST: Okay. Do you think though through your
22 own experience of what you went through recently you'd be
23 more inclined or less inclined to favor one side or the
24 other?

25 JUROR NUMBER 30: I couldn't tell you without hearing,

1 you know, what the, what her conditions were --
2 MR. GILLCRIST: Okay.
3 JUROR NUMBER 30: -- what happened --
4 MR. GILLCRIST: Okay.
5 JUROR NUMBER 30: -- what . . .
6 MR. GILLCRIST: Fair enough, thank you.
7 JUROR NUMBER 30: Okay. Is that it?
8 THE COURT: What -- hold on.
9 MS. ZOIS: Thank you.
10 THE COURT: Okay. Okay. Hi there, and your number?
11 JUROR NUMBER 27: Twenty-seven.
12 THE COURT: Twenty-seven. Okay, 27. Somebody has back
13 problems?
14 JUROR NUMBER 27: Yes, my mother did.
15 THE COURT: Okay.
16 JUROR NUMBER 27: She had chronic back problems, and had
17 three major surgeries.
18 THE COURT: Okay. And, um, I'm just checking to see, I
19 don't think you stood for anything else is that --
20 JUROR NUMBER 27: Yeah, I was in a --
21 THE COURT: -- oh, you did.
22 JUROR NUMBER 27: -- you asked if we'd been in, on a
23 jury --
24 THE COURT: Okay.
25 JUROR NUMBER 27: -- before. I had. It was four or

1 five years ago here in Frederick County. It was a civil
2 trial.

3 THE COURT: Okay.

4 JUROR NUMBER 27: I'm not sure . . . I'm gonna' say four
5 or five years --

6 THE COURT: (Unclear - one word.)

7 JUROR NUMBER 27: -- it may be have been six years.

8 THE COURT: Okay.

9 JUROR NUMBER 27: It's been a while.

10 THE COURT: Okay. Now, what Counsel wants to know is do
11 you think any of that could affect your ability to be fair
12 and impartial in this case?

13 JUROR NUMBER 27: No, I don't think any of it would
14 affect me.

15 THE COURT: Counsel?

16 MS. ZOIS: Thank you, Your Honor. Um, your mom's back
17 problem, (unclear - four words)?

18 JUROR NUMBER 27: Yes, she had a fall.

19 MS. ZOIS: Okay. And you said that she had three major
20 surgeries --

21 JUROR NUMBER 27: Yes.

22 MS. ZOIS: -- (unclear - three words)? What kind, do
23 you know what kind of surgeries they were?

24 JUROR NUMBER 27: (Unclear - one word) --

25 MS. ZOIS: Did they have hardware?

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JUROR NUMBER 27: Um, it was, um, a disc, she had a shattered disc --

MS. ZOIS: Mm-hmm.

JUROR NUMBER 27: -- (unclear - one word) replaced.

MS. ZOIS: Mm-hmm.

JUROR NUMBER 27: And then she had two where they, um, fused the discs.

MS. ZOIS: Mm-hmm, (unclear - three words)?

JUROR NUMBER 27: Over probably 15 years.

MS. ZOIS: Okay. Did the surgeries help? After she had surgery was she (unclear - one word)?

JUROR NUMBER 27: A little bit, but it was something that she had till she died.

MS. ZOIS: Okay. Thank you.

JUROR NUMBER 27: (Unclear - three words.)

MS. ZOIS: I'm sorry I have to ask that.

THE COURT: Counsel?

MR. BRATT: Your Honor, may I ask a question about employment?

JUROR NUMBER 27: Mm-hmm.

MR. BRATT: Um, the list indicates that you were employed by the United States Postal Service?

JUROR NUMBER 27: Twenty years.

MR. BRATT: Oh, and how long, um, what do you do for them?

1 JUROR NUMBER 27: I'm a supervisor.
2 MR. BRATT: Supervisor. Okay. Um, if there is evidence
3 in this case that one of the parties is associated with the
4 postal service do you think you'd be able to set that aside
5 and base your decision solely on the evidence?
6 JUROR NUMBER 27: Yeah, I believe I can.
7 MR. BRATT: Okay. All right, thank you.
8 THE COURT: Any more questions?
9 (No response.)
10 THE COURT: Okay, thank you.
11 JUROR NUMBER 16: Hi.
12 THE COURT: Hi there.
13 JUROR NUMBER 16: Sixteen.
14 THE COURT: Sixteen.
15 JUROR NUMBER 16: Yeah.
16 THE COURT: Okay, let me just check here.
17 MR. GILLCRIST: Sixty or 16, Your Honor?
18 THE COURT: Sixteen.
19 JUROR NUMBER 16: It's the questions about the --
20 THE COURT: It's about, uh --
21 JUROR NUMBER 16: Yeah.
22 THE COURT: -- medical --
23 JUROR NUMBER 16: Yeah.
24 THE COURT: -- somebody has medical training.
25 JUROR NUMBER 16: What's that, I'm sorry?

1 THE COURT: Somebody has some --
2 JUROR NUMBER 16: Uh, yeah, my sister just graduated
3 nursing school.
4 THE COURT: Ah, a sister. Okay. Now, I think that's --
5 JUROR NUMBER 16: That was it.
6 THE COURT: That was it?
7 JUROR NUMBER 16: That was it, yeah.
8 THE COURT: Now, do you think any of that, that could in
9 any way affect your ability to be fair and impartial in this
10 case?
11 JUROR NUMBER 16: No, I don't think so.
12 MS. ZOIS: Can you tell me about the (unclear - one
13 word) Foundation?
14 JUROR NUMBER 16: Yes, we raise money for seniors who
15 outlive their resources.
16 MS. ZOIS: Oh, okay, good. Thank you.
17 JUROR NUMBER 16: Okay.
18 THE COURT: Counsel?
19 MR. BRATT: No questions, Your Honor.
20 MR. GILLCRIST: No questions.
21 THE COURT: Mm-hmm, all right, thank you, sir. (Unclear
22 - two words) back row. Okay, ma'am, (unclear - one word).
23 JUROR NUMBER 21: Twenty-one.
24 THE COURT: Twenty-one. Okay, somebody has back
25 problems.

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JUROR NUMBER 21: I'm sorry?
THE COURT: Back problems?
JUROR NUMBER 21: Uh-huh.
THE COURT: Who, um, what do you want to tell us about
somebody --
JUROR NUMBER 21: Probably --
THE COURT: -- having a back injury.
JUROR NUMBER 21: -- myself.
THE COURT: Okay.
JUROR NUMBER 21: Two car accidents.
THE COURT: Okay.
JUROR NUMBER 21: One in my teens, one two years ago.
THE COURT: Okay. Um, and, um, are you still receiving
treatment right now for your back?
JUROR NUMBER 21: Not right now, no.
THE COURT: Okay. And --
JUROR NUMBER 21: (Cough) -- excuse me.
THE COURT: -- um, you also, you stood up where somebody
had made a claim for, for some kind of damage or been sued
for some kind of damage?
JUROR NUMBER 21: Or that I had made --
THE COURT: Made claim --
JUROR NUMBER 21: -- a claim against someone.
THE COURT: -- yeah, right. Yeah.
JUROR NUMBER 21: I think there's a car accident one

1 from back in my 20's.

2 THE COURT: Okay.

3 JUROR NUMBER 21: Thirty years ago.

4 THE COURT: Okay. Now, this case involves allegations
5 of a car accident --

6 JUROR NUMBER 21: Mm-hmm.

7 THE COURT: -- resulting in, um, in back injuries. Do
8 you think your experiences could in any way affect your
9 ability to be --

10 JUROR NUMBER 21: No.

11 THE COURT: -- fair in this case? No. Counsel?

12 MS. ZOIS: Um, just a (unclear - one word). So, you've
13 had two car accidents, is that correct? One in your teens
14 and one two years ago?

15 JUROR NUMBER 21: Oh, gosh, probably more than that.

16 MS. ZOIS: Okay. Just two where you were injured?

17 JUROR NUMBER 21: One a month, uh, one a month after I
18 started driving --

19 MS. ZOIS: Oh, dear.

20 JUROR NUMBER 21: -- um --

21 MS. ZOIS: Let me ask you the question differently.

22 JUROR NUMBER 21: I'm like, I'm old.

23 MS. ZOIS: I'm sorry (chuckles).

24 THE COURT: (Chuckles.)

25 JUROR NUMBER 21: You know, I mean, every seven years I

1 think is the national average.

2 MS. ZOIS: No, no, no, you, you can't say that, you
3 can't say that. Um, can you tell me if you were ever injured
4 in a car accident?

5 JUROR NUMBER 21: Yes.

6 MS. ZOIS: The two that you discussed?

7 JUROR NUMBER 21: Uh-huh.

8 MS. ZOIS: Okay. And you said that you weren't
9 currently in treatment now --

10 JUROR NUMBER 21: Mm-hmm.

11 MS. ZOIS: -- do you, you still have back problems from
12 --

13 JUROR NUMBER 21: Mm-hmm.

14 MS. ZOIS: -- car accident? Okay, you're just not
15 engaged in your regular treatment?

16 JUROR NUMBER 21: Mm-hmm.

17 MS. ZOIS: Okay, do you know what your diagnosis was for
18 your injury? What the actual injury (unclear - two words)?

19 JUROR NUMBER 21: No, I really don't know (unclear - two
20 words).

21 MS. ZOIS: Okay. Did you, did you have any surgeries or
22 --

23 JUROR NUMBER 21: God, no. No, I would have stood up
24 for that --

25 MS. ZOIS: -- physical therapy.

1 JUROR NUMBER 21: -- (unclear - three words).
2 MS. ZOIS: Okay. Got it. Okay.
3 JUROR NUMBER 21: Okay. And then what about the other
4 questions --
5 MALE VOICE: Legal questions.
6 JUROR NUMBER 21: -- I stood up for --
7 THE COURT: I was just gonna' say --
8 JUROR NUMBER 21: -- do they not matter?
9 THE COURT: -- no, we were gonna', 'cause I just, goin'
10 through my notes, but you have served on a jury before?
11 JUROR NUMBER 21: Yes.
12 THE COURT: Okay. And where was that?
13 JUROR NUMBER 21: In D.C.
14 THE COURT: Okay. And do you remember was it a civil or
15 a criminal?
16 JUROR NUMBER 21: It's criminal.
17 THE COURT: Okay. And, just a second, I'm just
18 checking. And somebody's a lawyer, legal training?
19 JUROR NUMBER 21: My deceased, my now deceased father
20 was an attorney for the Interstate Commerce Commission --
21 THE COURT: Okay.
22 JUROR NUMBER 21: -- so transportation law.
23 THE COURT: Okay.
24 MR. GILLCRIST: And, I'm sorry, the, the claims that you
25 made were related to the injuries from the car accidents

1 (unclear - three words) claim? Do you, do you remember?

2 JUROR NUMBER 21: I'm thinking there might have been a
3 claim back in my early 20's.

4 MR. GILLCRIST: Okay.

5 JUROR NUMBER 21: Late teens or early 20's.

6 MR. GILLCRIST: Oh, I gotcha'. Okay, thank you.

7 JUROR NUMBER 21: Mm-hmm.

8 THE COURT: Okay. Thank you.

9 MS. ZOIS: Thank you.

10 JUROR NUMBER 21: Mm-hmm.

11 (Brief conversations being held off the record.)

12 THE COURT: Hi there, Number 24. Okay, (unclear - four
13 words). Somebody has had some medical training.

14 JUROR NUMBER 24: Yes, my mother was a nurse at Walter
15 Reed for 30 years.

16 THE COURT: Okay.

17 JUROR NUMBER 24: And also my wife is a biologist at
18 Fort Detrick.

19 THE COURT: Okay.

20 MR. BRATT: At where? Fort Detrick.

21 THE COURT: Fort Detrick.

22 JUROR NUMBER 24: Fort Detrick, mm-hmm.

23 THE COURT: Let me just check, and I think that's the
24 only one you stood for?

25 JUROR NUMBER 24: Mm-hmm, yep.

1 THE COURT: Do you think any of that would affect your
2 ability to be fair and impartial in this case?
3 JUROR NUMBER 24: I don't think so, no.
4 THE COURT: Counsel?
5 MS. ZOIS: None at this time, thank you.
6 JUROR NUMBER 24: Oh, okay.
7 THE COURT: Mm-hmm.
8 MR. GILLCRIST: No questions, sir.
9 JUROR NUMBER 24: Okay.
10 THE COURT: Thank you. Hi there.
11 JUROR NUMBER 23: Hi.
12 THE COURT: And your number?
13 JUROR NUMBER 23: Twenty-three.
14 THE COURT: Twenty-three.
15 JUROR NUMBER 23: I think that's right. Yeah.
16 THE COURT: Okay. So, my very scientific way I have of
17 --
18 FEMALE VOICE: (Chuckles.)
19 THE COURT: -- keeping track.
20 JUROR NUMBER 23: It was I knew someone else, and --
21 THE COURT: You knew, you know --
22 JUROR NUMBER 23: -- I knew somebody else --
23 THE COURT: -- you know somebody on the jury.
24 JUROR NUMBER 23: -- and, um, I forget the other one.
25 Ah, God, I'm sorry, I forgot the first question. Oh, it was

1 something along the lines of if I could be here Thursday and
2 Friday.

3 THE COURT: Okay.

4 JUROR NUMBER 23: And I have family issues to attend to,
5 um, on Friday. Um, so, other than that, but, yeah.

6 THE COURT: Okay. And you do know Juror Number 18?

7 JUROR NUMBER 23: Yes.

8 THE COURT: Okay. And how?

9 JUROR NUMBER 23: I mean, we're not like best friends, I
10 work with her husband, um, at an old restaurant that I used
11 to work at.

12 THE COURT: Okay. So, you're just kind of acquainted
13 with each other. (Unclear - four words.) Now, um, what
14 (unclear - one word), my (unclear - one word) is this, if we
15 really needed you as a juror --

16 JUROR NUMBER 23: All right.

17 THE COURT: -- could you make arrangements to be
18 available on Friday?

19 JUROR NUMBER 23: Um, the only thing is I'm the closest
20 family member to my, um, my grandmother within a 50/60 mile
21 radius, and, um, she usually has people looking after her,
22 because we can't really afford, um --

23 THE COURT: Mm-hmm.

24 JUROR NUMBER 23: -- but, um, Friday's usually the day,
25 day that I go --

1 THE COURT: Okay.

2 JUROR NUMBER 23: -- help her out. Um, I don't really
3 think there's any way around it.

4 THE COURT: Counsel?

5 MS. ZOIS: If we did go through Friday --

6 JUROR NUMBER 23: Mm-hmm.

7 MS. ZOIS: -- um, do you think maybe you could get
8 someone to help her? Or would you be here, and she'd be
9 there, and you'd be worried?

10 JUROR NUMBER 23: Um, it's just that if my uncle and his
11 family weren't out of town as of right now it wouldn't be an
12 issue --

13 MS. ZOIS: Right.

14 JUROR NUMBER 23: -- um, other than that, I mean, my
15 dad's not really in the picture as far as family goes, so --

16 MS. ZOIS: Okay.

17 JUROR NUMBER 23: I don't know if I'd be able to do it.

18 MS. ZOIS: Okay.

19 JUROR NUMBER 23: Thursday wouldn't be an issue, but
20 Friday I can't.

21 MS. ZOIS: You can't miss Friday.

22 JUROR NUMBER 23: Yeah.

23 MS. ZOIS: Okay. Nothing else based on that (unclear -
24 one word).

25 THE COURT: Okay.

1 JUROR NUMBER 23: No, I just, sorry, guys.

2 MR. BRATT: Thank you.

3 THE COURT: Thank you.

4 MR. BRATT: Your Honor, in light of the fact that we
5 seem to have plenty of jurors could we just move him?

6 THE COURT: What I'm gonna' do is we'll go through it,
7 but the ones that are indicating that they can't get out,
8 I'll probably, we'll probably go ahead and let out. I just
9 like to get through the whole process. I was just counting,
10 I think we're gonna' be fine.

11 MR. BRATT: Okay.

12 THE COURT: But, uh --

13 MS. HOWARD: (Unclear - two words.)

14 THE COURT: -- so.

15 JUROR NUMBER 18: Number 18.

16 THE COURT: Number 18. And you know Juror Number 23.

17 JUROR NUMBER 18: Yes, he worked with my husband.

18 THE COURT: Okay. Um, and I'm just gonna' check back in
19 my . . . um, and you can sit through Friday?

20 JUROR NUMBER 18: Um, I could pull enough daycare to get
21 through Thursday. I don't have anybody to watch my kids
22 Friday afternoon.

23 THE COURT: Okay. And I think those were the only ones
24 that you answered? Counsel?

25 MS. ZOIS: Um, do you think if you had enough (unclear -

1 one word) you could get coverage for Friday (unclear - many
2 words?)

3 JUROR NUMBER 18: I probably could, I'd have to --

4 MS. ZOIS: You'd have to scramble?

5 JUROR NUMBER 18: -- I'd have to scramble, but maybe.

6 MS. ZOIS: (Unclear.)

7 JUROR NUMBER 18: Trying (chuckles) (unclear - three
8 words), but probably be able to pull something somewhere.

9 MS. ZOIS: Okay. All right. (Unclear - three words.)

10 THE COURT: Okay.

11 MR. GILLCRIST: Nothing.

12 THE COURT: No questions. You can go ahead and have a
13 seat. And whoever's next.

14 JUROR NUMBER 25: Hi there.

15 THE COURT: Hi there, you're Number 25.

16 JUROR NUMBER 25: Uh-huh.

17 THE COURT: And you stood up that you can't sit through
18 Friday?

19 JUROR NUMBER 25: Uh, I have a chiropractor appointment
20 for my back.

21 THE COURT: Okay. And when's that?

22 JUROR NUMBER 25: It's on Friday.

23 THE COURT: It's on Friday, what time?

24 JUROR NUMBER 25: Um, I believe it's at 11:00.

25 THE COURT: Is that the only thing?

1 JUROR NUMBER 25: Hmm.

2 THE COURT: Is that the only --

3 JUROR NUMBER 25: Yeah.

4 THE COURT: -- reason you couldn't sit through Friday?

5 So, if we needed you and could work around your appointment

6 you could sit?

7 JUROR NUMBER 25: Yeah.

8 THE COURT: Um, and what's going on with your back?

9 JUROR NUMBER 25: Uh, I was in a car accident like a

10 month and a half ago, and like the curvature of my neck is

11 messed up, and the vertebrae is, like, uh, unaligned.

12 THE COURT: Mm-hmm.

13 JUROR NUMBER 25: And curved, yeah.

14 THE COURT: Now, of course, this case involves an

15 allegation of a back injury from a car accident.

16 JUROR NUMBER 25: Mm-hmm.

17 THE COURT: Do you think you could put your experiences

18 out of your mind and be a fair and impartial juror in this

19 case?

20 JUROR NUMBER 25: I think so.

21 THE COURT: Okay. I'm gonna' let Counsel follow up.

22 MS. HOWARD: Is it working for ya'?

23 JUROR NUMBER 25: The chiropractor?

24 MS. HOWARD: Yes.

25 JUROR NUMBER 25: Yeah.

1 MS. HOWARD: Okay, it's getting better.
2 JUROR NUMBER 25: Mm-hmm.
3 MS. HOWARD: Where you going?
4 JUROR NUMBER 25: Um, it's in Waynesboro.
5 MS. HOWARD: Okay.
6 JUROR NUMBER 25: Pennsylvania.
7 MS. HOWARD: Um, okay.
8 JUROR NUMBER 25: Mm-hmm.
9 MS. HOWARD: And, um, as a result of the car accident do
10 you know if any personal injury (unclear - two words) from
11 the person that hit you?
12 JUROR NUMBER 25: Nuh-uh.
13 MS. HOWARD: You're not?
14 JUROR NUMBER 25: Nuh-uh.
15 MS. HOWARD: Okay. Gotcha'.
16 JUROR NUMBER 25: Mm-hmm.
17 MS. HOWARD: Uh, any other injuries on your back?
18 JUROR NUMBER 25: (Unclear.)
19 MS. HOWARD: How would you describe how the accident
20 happened?
21 JUROR NUMBER 25: Um, I was driving on the highway, and
22 like the car in front of me hit the car in front of them.
23 MS. HOWARD: Mm.
24 JUROR NUMBER 25: And then I hit them.
25 MS. HOWARD: Mm.

1 JUROR NUMBER 25: So, that's what happened.
2 MS. HOWARD: I gotcha'. Okay.
3 JUROR NUMBER 25: Yeah.
4 MS. HOWARD: (Unclear - two words). Sounds great, thank
5 you. Nothing further based on that, Your Honor.
6 THE COURT: Counsel?
7 MR. GILLCRIST: Um, do you think it would be more likely
8 that you might favor one side in the case because of having
9 gone through what you have or you're just not sure, or, or do
10 you think you can be completely fair despite what you've gone
11 through?
12 JUROR NUMBER 25: I mean, I think I read, like,
13 circumstances different. So, like, it doesn't really relate
14 to me.
15 MR. GILLCRIST: Okay.
16 JUROR NUMBER 25: Yeah.
17 MR. GILLCRIST: So, you think you can be fair then?
18 JUROR NUMBER 25: Yeah.
19 MR. GILLCRIST: Okay. All right.
20 JUROR NUMBER 25: Pretty sure.
21 MR. GILLCRIST: Thank you.
22 JUROR NUMBER 25: Okay.
23 THE COURT: And what was your number again?
24 JUROR NUMBER 25: Uh, 25.
25 THE COURT: Twenty-five? Thanks.

1 JUROR NUMBER 25: Mm-hmm.
2 JUROR NUMBER 26: Twenty-six.
3 THE COURT: Number 26. Okay. You've been a juror
4 before.
5 JUROR NUMBER 26: I have.
6 THE COURT: Okay. And, uh, where, where was it?
7 JUROR NUMBER 26: It was right here in Frederick County.
8 THE COURT: Okay. And tell me what kind of case it was.
9 JUROR NUMBER 26: It was a civil case --
10 THE COURT: Civil case.
11 JUROR NUMBER 26: -- personal injury automobile.
12 THE COURT: And when was it, do you remember?
13 JUROR NUMBER 26: Oh, my, it was late 1990's I would
14 think.
15 THE COURT: Okay.
16 JUROR NUMBER 26: (Unclear - one word) determine what
17 job I was working then, yeah.
18 THE COURT: And, uh, someone has made some kind of claim
19 for damages or had a claim in?
20 JUROR NUMBER 26: No, no, no.
21 THE COURT: No?
22 JUROR NUMBER 26: I filed a workmen's comp.
23 THE COURT: Okay.
24 JUROR NUMBER 26: Yes, uh, back 15 years ago.
25 THE COURT: Okay. And did that matter all get resolved?

1 JUROR NUMBER 26: Oh, yeah, it was a very minor filing.

2 THE COURT: Now, the question is do you think any of
3 those experiences could affect your ability to be a fair and
4 impartial juror in this case?

5 JUROR NUMBER 26: No, I do not think that they affect
6 it.

7 THE COURT: Counsel.

8 MS. ZOIS: Did you like sitting on a jury --

9 JUROR NUMBER 26: Absolutely.

10 MS. ZOIS: -- for your civil case?

11 JUROR NUMBER 26: Yes.

12 MS. ZOIS: Were you happy with, uh, the jury
13 deliberations and how the case came out eventually?

14 JUROR NUMBER 26: Yes, I was.

15 MR. BRATT: And, and I'm sorry, I didn't hear the
16 beginning part of that. It was a civil case --

17 JUROR NUMBER 26: Mm-hmm.

18 MR. BRATT: -- that you sat on --

19 JUROR NUMBER 26: Mm-hmm.

20 MR. BRATT: -- for automobile tort? Automobile
21 accident?

22 JUROR NUMBER 26: Mm-hmm, yes, mm-hmm.

23 MR. BRATT: And then you mentioned that you had a
24 reverse compensation injury, but it --

25 JUROR NUMBER 26: Uh --

1 MR. BRATT: -- was years and years ago?
2 JUROR NUMBER 26: -- yes, it wasn't really an injury, it
3 was a case of poison ivy.
4 MR. BRATT: Oh, okay.
5 THE COURT: (Chuckles.)
6 JUROR NUMBER 26: Caused me to miss some work
7 (chuckles).
8 MR. BRATT: I assume that resolved without problems --
9 JUROR NUMBER 26: Yes, absolutely (chuckles).
10 MR. BRATT: -- I take it?
11 THE COURT: (Chuckles.)
12 MR. BRATT: Great, thank you.
13 THE COURT: Okay, thanks.
14 JUROR NUMBER 26: Thank you.
15 JUROR NUMBER 19: Number 19.
16 THE COURT: Okay. Somebody has some medical training?
17 JUROR NUMBER 19: I was a certified EMT, but I've worked
18 in the medical field probably 16 years.
19 THE COURT: Okay.
20 FEMALE VOICE: Medical (unclear - three words.)
21 THE COURT: Oh, see, right there, occupation, medical
22 billing specialist.
23 JUROR NUMBER 19: Mm-hmm.
24 THE COURT: Okay. Um, I'm just checking to see my
25 (unclear - three words.) And you've served on a jury before?

1 JUROR NUMBER 19: Actually, I stood up faster than that,
2 I've got to this point (chuckles.)
3 THE COURT: (Chuckles.)
4 JUROR NUMBER 19: At another, in Montgomery County.
5 THE COURT: Okay.
6 JUROR NUMBER 19: Mm-hmm.
7 THE COURT: And what kind of case was that, do you
8 remember?
9 JUROR NUMBER 19: Uh, it had something to do with drugs.
10 THE COURT: Okay so --
11 JUROR NUMBER 19: So a drug case.
12 THE COURT: Okay, it's a criminal case.
13 JUROR NUMBER 19: Yes.
14 THE COURT: Okay. Now, do you think any of that could
15 affect your ability to be a fair and impartial juror?
16 JUROR NUMBER 19: Well, without knowing --
17 THE COURT: Okay.
18 JUROR NUMBER 19: -- I mean, I file worker's comp and
19 personal injury claims now.
20 THE COURT: Mm-hmm.
21 JUROR NUMBER 19: Reviewing medical records and access
22 to the hospital systems so, you know, I just have to soak it
23 all in, but I don't think so.
24 THE COURT: 'Cause your job, if you were selected as a
25 juror would be to evaluate the evidence --

1 JUROR NUMBER 19: Mm-hmm.
2 THE COURT: -- and partially not favor one side or the
3 other side.
4 JUROR NUMBER 19: Absolutely, mm-hmm.
5 THE COURT: Counsel.
6 MS. HOWARD: Um, so, you were an EMT?
7 JUROR NUMBER 19: I was, yes.
8 MS. HOWARD: Okay, um, (unclear - two words) events
9 showing up car crashes?
10 JUROR NUMBER 19: I was more, I worked in a, in, in a
11 doctor's office for years, and you had to do, you know, uh,
12 triage on the sight, and then I did a, a week or t (sic), two
13 weeks (unclear - three words.)
14 MS. HOWARD: Okay, all right. And, um, as far as the
15 medi (sic), the medical billing --
16 JUROR NUMBER 19: Mm-hmm.
17 MS. HOWARD: -- I think you said you processed loans?
18 JUROR NUMBER 19: Yeah, I actually work for a billing
19 office now that process anesthesia claims.
20 MS. HOWARD: Mm-hmm.
21 JUROR NUMBER 19: So, it's, we have to determine, based
22 on the medical record, (unclear - three words) and things
23 like that (unclear - approximately 10 words.)
24 MS. HOWARD: Okay. Do you so go so far into the
25 detailed medical reports to say (unclear - two words) this

1 has to be a lot better than this? This isn't a job with
2 (unclear - two words) procedure rules or do you --

3 JUROR NUMBER 19: Dissect it? Well we're more on that,
4 more of the cut (sic), coding end.

5 MS. HOWARD: Okay.

6 JUROR NUMBER 19: Um, but we do have to (unclear - four
7 words) based on the operative report. So, (unclear - three
8 words.)

9 MS. HOWARD: So, you're familiar with the (unclear - one
10 word) medical records and (unclear - five words?)

11 JUROR NUMBER 19: Yes.

12 MS. HOWARD: I see (unclear - one word) codes and I see
13 the two codes and that's (unclear - six words) works out?

14 JUROR NUMBER 19: Correct.

15 MS. HOWARD: Got it.

16 JUROR NUMBER 19: Okay.

17 MS. HOWARD: Great, thanks.

18 MR. GILLCRIST: I think it sounds like you also, uh, as
19 part of that you do regularly try and decide whether, for
20 example an anesthesiology charge or an objection charge --

21 JUROR NUMBER 19: Mm-hmm.

22 MR. GILLCRIST: -- or something along those lines would
23 be related to the (unclear - two words) verses maybe (unclear
24 - two words?)

25 JUROR NUMBER 19: An underlying diagnosis.

1 MR. GILLCRIST: Or if the (unclear - one word) you see
2 something along those lines?

3 JUROR NUMBER 19: Correct.

4 MR. GILLCRIST: When you worked at their doctor's office
5 what, what, what (unclear - three words)?

6 JUROR NUMBER 19: Uh, it was an internal medicine
7 general practice group. So, kind of a little bit of
8 everything.

9 MR. GILLCRIST: Okay. Thank you very much.

10 MS. HOWARD: Thank you.

11 THE COURT: Thank you.

12 JUROR NUMBER 19: Okay.

13 (Husher turned off.)

14 THE COURT: Okay, folks, the balance 31 through 40, and
15 also, Juror Number 1, we need to talk to for a second. So,
16 if you all would come up and sit in the box, we're almost
17 done, folks.

18 (Husher turned on.)

19 THE COURT: They're being really good and quiet.
20 Sometimes they get laughing back there so loud you can't hear
21 anything, but . . .

22 (Juror Number 1 approached the bench and the following
23 occurred:)

24 THE COURT: You just forgot to come up and tell us why
25 you couldn't sit through the whole week?

1 JUROR NUMBER 1: Oh, cause I have, we have, me and my
2 dad have to work. We had plans all week. I'm startin'
3 school on Monday and we're openin' up an ice cream shop, so I
4 gotta' finish everything there before school starts, 'cause I
5 won't have any time.

6 THE COURT: Okay. Counsel?

7 MS. ZOIS: Um, do you think if (unclear - five words)
8 sit through Friday you could (unclear - three words)?

9 JUROR NUMBER 1: How long, 'cause it's already been a
10 while today?

11 MS. ZOIS: Mm-hmm, this would be every day from now
12 until Friday afternoon maybe (unclear - three words).

13 JUROR NUMBER 1: For this long it's been since --

14 MS. ZOIS: It would be all day.

15 THE COURT: It'd be day.

16 JUROR NUMBER 1: I don't think so, no way, no way.

17 THE COURT: You couldn't do that?

18 JUROR NUMBER 1: Nuh-uh. I'm sorry.

19 THE COURT: Counsel, any questions?

20 MR. GILLCRIST: No questions.

21 MR. BRATT: No questions.

22 MS. ZOIS: (Unclear.)

23 JUROR NUMBER 1: Thank you.

24 THE COURT: Mm-hmm.

25 MR. BRATT: We have, uh, we've gone through 30. Do we

1 have enough to --
2 MS. ZOIS: Thirty-nine?
3 JUROR NUMBER 39: Yes.
4 THE COURT: We probably do, but we'll --
5 MS. ZOIS: Thank you.
6 THE COURT: -- we'll just wait (unclear - one word).
7 JUROR NUMBER 39: Thank you. Thirty-nine.
8 THE COURT: Thirty-one.
9 JUROR NUMBER 39: Good afternoon, 39.
10 THE COURT: Thirty-nine?
11 JUROR NUMBER 39: Thirty-nine.
12 THE COURT: Okay, I -- let me see, which -- I had very
13 clearly marked where everybody was from, and now I can't find
14 -- somebody's made some kind of claim?
15 JUROR NUMBER 39: My six (sic) --
16 THE COURT: Personal injury?
17 JUROR NUMBER 39: -- my son was in an automobile
18 accident the 12th of January this year.
19 THE COURT: Ooh.
20 JUROR NUMBER 39: And, uh, it's an open claim with the
21 gentlemen's insurance company.
22 THE COURT: Okay. Now how, how old is your son?
23 JUROR NUMBER 39: Sixteen.
24 THE COURT: So, even though it's claims in his name it's
25 really you and your --

1 JUROR NUMBER 39: I'm responsible for all of the --
2 THE COURT: For all of that.
3 JUROR NUMBER 39: Yeah.
4 THE COURT: Okay. Counsel, any questions?
5 MS. ZOIS: Um, is he is okay?
6 JUROR NUMBER 39: He is.
7 MS. ZOIS: Okay.
8 JUROR NUMBER 39: Thankfully.
9 MS. ZOIS: Yeah. How did (unclear - two words)?
10 JUROR NUMBER 39: Uh, my son's friend his uncle was
11 driving the vehicle, he's 37-years-old, he was driving at a
12 high rate of speed, 100 miles per hour, rolled the vehicle,
13 no one else was involved except the boys in the vehicle, no
14 other outside party.
15 MS. ZOIS: Mm-hmm. Well, he's lucky he (unclear - one
16 word), he's okay?
17 JUROR NUMBER 39: My son's fine, he walked away. They
18 were lucky to walk away, except for the (unclear - one word).
19 MS. ZOIS: (Unclear - two words), and it was the driver
20 of your son and other children (unclear - four words)?
21 JUROR NUMBER 39: One other, there was two minors, my
22 son and (unclear - one word) and an 18-year-old in the
23 vehicle.
24 MS. ZOIS: Okay. Thank you.
25 JUROR NUMBER 39: Mm-hmm.

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MR. GILLCRIST: No questions.

THE COURT: Thank you, sir. Hi, you're Juror Number 34.

JUROR NUMBER 34: Yes.

THE COURT: Um, someone made some kind of a claim for personal injury?

JUROR NUMBER 34: Yes.

THE COURT: And who was that?

JUROR NUMBER 34: That was me.

THE COURT: Okay.

JUROR NUMBER 34: I was about in, around 2004 I was involved in an auto accident where somebody rear ended me.

THE COURT: Okay.

JUROR NUMBER 34: So, I filed a claim with my insurance company and his insurance company, and I wound up having legal counsel and we decided, I decided not to go through the hassle of a court claim, and so we settled out of court with whatever the insurance company gave me. It resulted in, not back injury, but neck and shoulder injury.

THE COURT: Mm-hmm.

JUROR NUMBER 34: Which I still have today, and sitting in the chair when you said could anybody be fair and impartial, I want to be fair and impartial, but I can relate to somebody who's maybe still having some discomfort because of an auto accident.

THE COURT: Because, and if you were selected as a

1 juror, you job would be to put all of that --
2 JUROR NUMBER 34: I know.
3 THE COURT: -- aside. Then to --
4 JUROR NUMBER 34: I know.
5 THE COURT: Do you think you could do that?
6 JUROR NUMBER 34: I want to, I want to --
7 THE COURT: But you have some concerns?
8 JUROR NUMBER 34: Yes, I do.
9 THE COURT: Would it be fair to say you'd be more
10 comfortable sitting as a juror in another kind of case?
11 JUROR NUMBER 34: Uh, yes, I would.
12 THE COURT: Counsel?
13 MS. ZOIS: Just briefly.
14 THE COURT: Mm-hmm.
15 MS. ZOIS: Do you think that you could listen to all the
16 evidence presented by the Plaintiff and from the Defense and
17 weigh this case on (unclear - three words) experiences and
18 keep an open mind?
19 JUROR NUMBER 34: Yes, I could. Yes.
20 MS. ZOIS: Yes?
21 JUROR NUMBER 34: Okay.
22 THE COURT: Counsel?
23 MR. GILLCRIST: Just in response to Judge's questions it
24 sounds like you want to keep an open mind, and you'll do your
25 best to, but your experience that you went through my have an

1 influence? Or --

2 JUROR NUMBER 34: I, well, I, I can keep an open mind,
3 but I also think I'll be influenced by still having pain and
4 being unhappy --

5 MR. GILLCRIST: Okay.

6 JUROR NUMBER 34: -- with the settlement that I got.

7 MR. GILLCRIST: Okay. Great, thank you.

8 THE COURT: Thank you.

9 JUROR NUMBER 33: Juror 33.

10 THE COURT: Number 33. Okay. And, uh, I know you, uh,
11 stood on the question about someone either having a claim or
12 making a claim, or having --

13 JUROR NUMBER 33: I had a workmen's comp claim.

14 THE COURT: A comp claim?

15 JUROR NUMBER 33: Mm-hmm.

16 THE COURT: Okay. And, um, what was that about?

17 JUROR NUMBER 33: It was an injury at work. I fell on
18 water and had impacted on my knees, but there was like a
19 whiplash effect on my neck.

20 THE COURT: Yeah, mm-mm, okay. And, um, has that all
21 been resolved?

22 JUROR NUMBER 33: It was, it resolved years ago.

23 THE COURT: Okay. Okay. Um, and back injury, back
24 issues.

25 JUROR NUMBER 33: Um, first, I didn't stand. I had an

1 injury at work one time with my back. I had a, um, bulging
2 herniated disc, but it, that's resolved, and it's been fine,
3 but the biggest impact is my husband has had significant back
4 injuries, um, it was has significantly impacted my life
5 emotionally and financially.

6 THE COURT: Mm-hmm. Now, um, and also you answered the
7 question, uh, about having familiarity with, uh, somebody
8 who's in the medical field?

9 JUROR NUMBER 33: I'm a registered nurse.

10 THE COURT: Okay. Now, this case involves allegations
11 arising (unclear - four words) alleged back injuries.

12 JUROR NUMBER 33: Mm-hmm.

13 THE COURT: Do you believe that you could yours and your
14 husband's experience out of your mind and be a fair and
15 impartial juror in this case?

16 JUROR NUMBER 33: Um, I think of myself as an honest,
17 fair person, but his injuries have been, his back injuries
18 have led to addiction problems, which have had a significant
19 impact on my life.

20 THE COURT: Mm-hmm.

21 JUROR NUMBER 33: I mean, including a foreclosure, and a
22 lot of, I mean, like 20 years of working with --

23 THE COURT: Mm-hmm.

24 JUROR NUMBER 33: -- someone with back problems. Um, I
25 would try my best to be fair and impartial, but I, I also

1 work with a lot of patients at work both, both who have, I
2 mean, pain is, is perceived, there is not right or wrong, you
3 cannot say if it's real or not, but I, I have had life
4 experiences where I've had a lot of pain issues that I have
5 to deal with at work and at home, so I would be as impartial
6 as I possibly could, humanly could.

7 THE COURT: Counsel.

8 MS. ZOIS: Thank you, Your Honor. Um, one of the
9 instructions in the case is that you, you, you draw on your
10 common sense and your everyday life experiences --

11 THE COURT: Mm-hmm.

12 MS. ZOIS: -- so that would certainly be appropriate,
13 'cause that's the instruction you get at the end of the case,
14 but do you think you could be fair to both the Plaintiff and
15 the Defendant in this case in looking at all the evidence as
16 a whole?

17 JUROR NUMBER 33: I think where I would have problems is
18 knowing how real the pain is. That's where I would have a
19 problem.

20 MS. ZOIS: Okay. And that would be up to you to
21 determine what you thought (unclear - two words) was.

22 JUROR NUMBER 33: And I would have to listen to what the
23 medical records were and what the findings were.

24 MS. ZOIS: Right.

25 JUROR NUMBER 33: And how she conducted her life and

1 what physical activities she can --

2 MS. ZOIS: Right.

3 JUROR NUMBER 33: -- and cannot do.

4 MS. ZOIS: Right. And you would be open to receiving
5 all of that evidence in considering all of the evidence in
6 total and then making decisions based --

7 JUROR NUMBER 33: I would, I would be, like I said, I
8 would do it to the best of my humanly possible abilities.

9 MS. ZOIS: Okay.

10 JUROR NUMBER 33: But it has impacted my life
11 tremendously --

12 MS. ZOIS: Right.

13 JUROR NUMBER 33: -- and my, my experiences.

14 MS. ZOIS: (Unclear - two words.)

15 JUROR NUMBER 33: Mm-hmm.

16 MS. ZOIS: Okay.

17 JUROR NUMBER 33: I mean, if I had to pick anything I
18 would say the back in, the back problems, not injuries, but
19 back issues has affected my life on a, a great (unclear - one
20 word).

21 MS. ZOIS: Okay. Thank you.

22 JUROR NUMBER 33: Mm-hmm.

23 MR. GILLCRIST: Could, could I just ask you?

24 JUROR NUMBER 33: Sure.

25 MR. GILLCRIST: There's an allegation in this case that

1 the Plaintiff has significant back problems due to this car
2 accident.

3 JUROR NUMBER 33: Mm-hmm.

4 MR. GILLCRIST: And there will testimony from doctors
5 and witnesses on that issue, um, do you feel that if she has
6 ongoing pain in her back that you'll be sympathetic to what
7 she's going through based on your own life's experience with
8 your husband and seeing what you see at work, or do you think
9 (unclear - two words)?

10 JUROR NUMBER 33: No, I'm, I'm worried I would be not as
11 sympathetic, that's what my concern would be.

12 MR. GILLCRIST: Oh, okay.

13 JUROR NUMBER 33: I mean, I'm sympathetic to (unclear -
14 one word) patients, I have, I work with mostly cancer
15 patients with own metastasis, I'm very compassionate to
16 people with pain.

17 MR. GILLCRIST: Okay.

18 JUROR NUMBER 33: I think because I've had such a
19 negative impact on my life with my husband's back issues I
20 would have to make myself be completely honest and non-
21 judgmental that her injuries, I'd have to feel like are they
22 real, is she trying to get money, are they --

23 MR. GILLCRIST: Okay. I see what you're saying.

24 JUROR NUMBER 33: I would be as open as I could --

25 MR. GILLCRIST: Okay.

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25

JUROR NUMBER 33: -- possibly be --

MR. GILLCRIST: All right, thank you.

JUROR NUMBER 33: -- honestly.

MR. GILLCRIST: I appreciate it.

MS. ZOIS: Can I ask a follow up to that?

THE COURT: Mm-hmm, sure.

MS. ZOIS: Um, you've been able to observe the Plaintiff
for a while --

JUROR NUMBER 33: Mm-hmm.

MS. ZOIS: -- and for, um, have you formed any questions
yet?

JUROR NUMBER 33: And I all, and I notice I do that
already.

MS. ZOIS: Mm-hmm.

JUROR NUMBER 33: I notice that (unclear - one word) in
her back.

MS. ZOIS: Mm-hmm.

JUROR NUMBER 33: I know she's sitting down, she's
standing up.

MS. ZOIS: Mm-hmm.

JUROR NUMBER 33: You know, it makes me wonder why don't
you lean against the wall. That puts more pressure on your
back, it relieves the pain --

MS. ZOIS: Mm-hmm.

JUROR NUMBER 33: -- are you trying to get (unclear -

1 three words) you're holding it back.

2 MS. ZOIS: Mm-hmm.

3 JUROR NUMBER 33: But I'm trying not to do that, but I
4 know that this is a problem that I'm gonna' have. Yet, I do
5 know peep (sic), I had a real, a real injury myself, and I
6 know what it's like to have your back or your neck hurt. So,
7 I know there is significant pain you do experience from
8 injuries.

9 MS. ZOIS: Mm-hmm.

10 JUROR NUMBER 33: So, I, I know that that's a
11 possibility, too.

12 MS. ZOIS: Okay.

13 JUROR NUMBER 33: I would have more problem, too, if
14 there's an addiction if there's chronic medication involved,
15 which there probably is, 'cause that's a typical route of
16 treatment, so.

17 MS. ZOIS: Mm-hmm. So, if the evidence would have shown
18 that she was, um, right now at a point where she's in chronic
19 pain management and that's all they're doing for her right
20 now --

21 JUROR NUMBER 33: Mm-hmm.

22 MS. ZOIS: -- is treating her medically with --

23 JUROR NUMBER 33: Mm-hmm.

24 MS. ZOIS: -- chronic pain medications. Would you be
25 able to (unclear - three words).

1 JUROR NUMBER 33: I mean, I would be forward, I'm not
2 going to judge what the doctors think her treatment should
3 be. Like I said, I'm gonna' try to be as open as I can, but
4 I do notice, like you said, I do, I, I (unclear - two words)
5 watching her.

6 MS. ZOIS: Right, I figured.

7 JUROR NUMBER 33: Mm-hmm.

8 MS. ZOIS: That's what you're trained to do.

9 JUROR NUMBER 33: Well, I'm standing in front of her,
10 I'm sitting right behind her, so.

11 MS. ZOIS: (Unclear - one word) okay. As you sit her
12 have you formed a, or leaning one way or the other?

13 JUROR NUMBER 33: Not really.

14 MS. ZOIS: Okay.

15 JUROR NUMBER 33: 'Cause I know I haven't heard any
16 facts --

17 MS. ZOIS: Right.

18 JUROR NUMBER 33: -- and I know people are injured, and
19 I know people do have . . . I, I real (sic), I don't know the
20 case.

21 MS. ZOIS: Okay. (Unclear - two words.)

22 THE COURT: Okay.

23 JUROR NUMBER 33: That's --

24 MS. ZOIS: Thank you.

25 JUROR NUMBER 33: Mm-hmm.

1 MS. HOWARD: Thank you.
2 THE COURT: Mm-hmm.
3 JUROR NUMBER 35:
4 THE COURT: Number 35. Okay. (Unclear - two words.)
5 Um, somebody has a background in medicine.
6 JUROR NUMBER 35: Um, my son in law is with the, uh,
7 fire department.
8 THE COURT: Okay. And, um, I'm just looking. And did
9 you answer any other questions today?
10 JUROR NUMBER 35: Um, you named a Sharon Hamilton as a
11 witness, and I know a Sharon Hamilton, I don't know if it's
12 the same woman.
13 THE COURT: Okay. Where does your Sharon Hamilton live,
14 if you know?
15 JUROR NUMBER 35: Uh, I think she lives in Johnsville.
16 She's the leader of our 4-H, and I went to school with her.
17 THE COURT: In Johnsville, Pennsylvania?
18 JUROR NUMBER 35: No, in Johns (sic) --
19 THE COURT: In Johnsville, Maryland.
20 JUROR NUMBER 35: Maryland, yeah.
21 THE COURT: Okay. So.
22 MS. ZOIS: I don't think it's the same person, but I'll
23 ask one follow up. Can you describe what she looks like?
24 JUROR NUMBER 35: Um, she's a little bit taller than me,
25 she's probably in her late 40's, short hair.

1 MS. ZOIS: Okay. Okay.
2 JUROR NUMBER 35: Okay, that's it.
3 THE COURT: Okay. Any questions?
4 MS. ZOIS: (Unclear - one word.)
5 THE COURT: So.
6 JUROR NUMBER 36: Hi.
7 THE COURT: Hi there. Juror Number 36. Okay. And
8 somebody has made some kind of claim, a worker's compensation
9 claim right? Okay.
10 JUROR NUMBER 36: It was, I, I did for workman's comp.
11 I ripped my Achilles training to be a self defense
12 instructor.
13 THE COURT: Ooh.
14 JUROR NUMBER 36: Yes.
15 THE COURT: Ooh, ooh, ooh.
16 JUROR NUMBER 36: As a police officer (chuckles).
17 THE COURT: (Chuckles.)
18 JUROR NUMBER 36: Yes.
19 THE COURT: Oh.
20 JUROR NUMBER 36: Yeah, it hurt, bad.
21 THE COURT: Exactly. And I'm just looking.
22 JUROR NUMBER 36: I'm also trained to be a paralegal,
23 but never studied as a paralegal.
24 THE COURT: Okay.
25 JUROR NUMBER 36: Uh, the other one was I'm a first

1 responder --

2 THE COURT: Mm-hmm.

3 JUROR NUMBER 36: -- training as a police officer.

4 THE COURT: Mm-hmm.

5 JUROR NUMBER 36: Um, so, that was, those ones.

6 THE COURT: (Unclear.)

7 JUROR NUMBER 36: Is that all the questions?

8 THE COURT: (Chuckles.) Any of that, do you think, would

9 any of that affect your ability to be fair and impartial?

10 JUROR NUMBER 36: No, Your Honor.

11 THE COURT: Counsel.

12 MS. HOWARD: Um, I see that you work (unclear - three

13 words) pharmaceutical sales rep.

14 JUROR NUMBER 36: Pharmaceutical sales rep.

15 MS. HOWARD: There is going to be a lot of (unclear -

16 two words) and communications (unclear - one word) schedules

17 what's on it, what's not on it.

18 JUROR NUMBER 36: Mm-hmm.

19 MS. HOWARD: What's the (unclear - two words) if you

20 need meds, what's the (unclear - two words) of meds?

21 JUROR NUMBER 36: Right.

22 MS. HOWARD: Um, do you think that with your experience

23 in that you, you, have you, have any concern about (unclear -

24 two words) your own personal experience that (unclear - three

25 words) communications?

1 JUROR NUMBER 36: No, I'm trained as a respiratory sales
2 rep, so I (unclear - three words) --
3 MS. HOWARD: Okay, so not even --
4 JUROR NUMBER 36: -- (unclear - two words) so that is
5 not (unclear - one word) to me --
6 MS. HOWARD: Okay.
7 JUROR NUMBER 36: -- to me.
8 MS. HOWARD: Okay.
9 THE COURT: Okay.
10 MR. GILLCRIST: Thank you.
11 JUROR NUMBER 36: Okay.
12 THE COURT: Okay.
13 FEMALE VOICE: (Unclear - four words.)
14 THE COURT: This is number 32.
15 JUROR NUMBER 32: Yeah.
16 THE COURT: Okay. And in, is familiar or has --
17 JUROR NUMBER 32: Back, me.
18 THE COURT: -- back injuries, mm-hmm.
19 JUROR NUMBER 32: Yeah.
20 THE COURT: Okay. And kind, what kind of problems are
21 --
22 JUROR NUMBER 32: Um, when I was in sixth grade I
23 collided with girl that was like three times my size
24 (chuckles).
25 THE COURT: Mm-hmm.

1 JUROR NUMBER 32: And I had severe whip, whiplash --
2 THE COURT: Mm-hmm.
3 JUROR NUMBER 32: -- and my back was messed up. I
4 still, like that was '88, I still, like every day I have back
5 pain. So, it's not debilitating --
6 THE COURT: Mm-hmm.
7 JUROR NUMBER 32: -- (unclear - one word), but I know
8 what it's like to live with back pain.
9 THE COURT: Okay.
10 JUROR NUMBER 32: So.
11 THE COURT: And I think that's the only one.
12 JUROR NUMBER 32: That's the only one I stood up for.
13 THE COURT: Now, do you believe . . . this case involves
14 allegations of back injuries --
15 JUROR NUMBER 32: Right.
16 THE COURT: -- as a result of an automobile accident. Do
17 you think that you could put your experiences out of your
18 mind and be fair and impartial to everybody --
19 JUROR NUMBER 32: I think I --
20 THE COURT: -- in this case?
21 JUROR NUMBER 32: -- could. Like I'd, but (unclear -
22 one word) with everybody think I could.
23 THE COURT: Counsel.
24 MS. ZOIS: Thank you. Do you know what your diagnosis
25 is?

1 JUROR NUMBER 32: Um, no.

2 MS. ZOIS: Okay. You (unclear - four words)?

3 JUROR NUMBER 32: (Unclear - two words) I know there's
4 stuff messed, like out of place.

5 MS. ZOIS: Okay, (unclear - two words).

6 JUROR NUMBER 32: But I work at a small Christian
7 school, and don't make a lot of money, so I can't afford to
8 go to a chiropractor all the time.

9 MS. ZOIS: Okay.

10 JUROR NUMBER 32: And once you start you pretty go
11 forever, so.

12 MS. ZOIS: Okay. So, you're --

13 JUROR NUMBER 32: Yeah.

14 MS. ZOIS: -- resisting the temptation to start?

15 JUROR NUMBER 32: Exactly. 'Cause I don't really know
16 what it feels like to not be in pain --

17 MS. ZOIS: Ah.

18 JUROR NUMBER 32: -- and then not be able to keep it up,
19 so.

20 MS. ZOIS: Yeah. Okay, thank you.

21 JUROR NUMBER 32: Yep, thank you.

22 THE COURT: Hi there. And, I'm sorry.

23 JUROR NUMBER 37: Thirty-seven.

24 THE COURT: Thirty-seven.

25 MALE VOICE: Thirty-seven?

1 THE COURT: Thirty-seven. Um, somebody's made some kind
2 of claim or worker's comp?
3 JUROR NUMBER 37: I, I did.
4 THE COURT: Okay.
5 JUROR NUMBER 37: Um, I was in a car accident and, and I
6 had to make a claim for my shoulder and neck injury.
7 THE COURT: Okay. And when, when was that?
8 JUROR NUMBER 37: May of 2011.
9 THE COURT: Okay. Now, has the claim been resolved?
10 JUROR NUMBER 37: Yes.
11 THE COURT: Excuse me. And are still receiving any
12 treatment?
13 JUROR NUMBER 37: No, ma'am.
14 THE COURT: Okay. Now, I'm just gonna' check to see
15 whether you . . . do you remember, did you stand for any
16 other questions?
17 JUROR NUMBER 37: I didn't stand for any other, and, um,
18 my only concern is that it's pretty obvious, I seem to be a
19 little bit sick, so I just want that on --
20 THE COURT: (Chuckles.)
21 JUROR NUMBER 37: -- the record.
22 THE COURT: That's --
23 JUROR NUMBER 37: I don't know how that works.
24 THE COURT: So.
25 JUROR NUMBER 37: So.

1 THE COURT: Okay. Right now, you're feeling okay, but
2 just not great?

3 JUROR NUMBER 37: Um, I'm getting, feeling a little,
4 it's, it's very hot in here, so it's making me feel a little
5 bit worse, but I was okay this morning.

6 THE COURT: Counsel, any questions?

7 MS. ZOIS: Just a quick follow up. The pains in your
8 neck and shoulder, did it go away?

9 JUROR NUMBER 37: Mm-hmm.

10 MS. ZOIS: Okay. And your (unclear - one word) claim
11 got completely resolved --

12 JUROR NUMBER 37: Yeah.

13 MS. ZOIS: -- to your satisfaction?

14 JUROR NUMBER 37: Mm-hmm.

15 MS. ZOIS: You're happy with how it worked out?

16 JUROR NUMBER 37: Mm-hmm, mm-hmm.

17 MS. ZOIS: Okay. All right. Great, thanks.

18 MR. GILLCRIST: No questions.

19 THE COURT: Okay. Thank you.

20 MR. PORCARELLI: No questions.

21 THE COURT: Hi there, you're number 38. Okay, and how
22 are you feeling?

23 JUROR NUMBER 38: Good (chuckles.)

24 THE COURT: (Chuckles.) Let me just -- and you don't
25 think you can sit through Friday?

1 JUROR NUMBER 38: No.
2 THE COURT: Okay.
3 JUROR NUMBER 38: (Chuckles.)
4 THE COURT: (Chuckles) Any questions?
5 MS. ZOIS: No.
6 MS. HOWARD: That's something you could get off of jury
7 duty for right?
8 MR. BRATT: You may have an extra juror.
9 THE COURT: Exactly (chuckles.)
10 MS. ZOIS: Plus one.
11 THE COURT: Hi there.
12 JUROR NUMBER 40: Number 40.
13 THE COURT: Juror Number 40. Gettin' near the end.
14 Okay, let me just check and see (unclear.) Do you remember
15 which one you --
16 MS. HOWARD: Medical.
17 THE COURT: Medical? Ah, medical training.
18 JUROR NUMBER 40: Yes. Uh, half way through med school
19 and I currently work at a medical practice.
20 THE COURT: Okay. And what kind of medical practice?
21 JUROR NUMBER 40: A podiatry practice.
22 THE COURT: Okay. Now, this, of course, this case
23 involves injuries (unclear - one word) to the back, 'cause it
24 was an automobile accident. Do you think your experiences
25 could in any way affect your ability to be fair and impartial

1 in this case?

2 JUROR NUMBER 40: Um, I don't, I don't think so.

3 THE COURT: Okay. Counsel.

4 MS. ZOIS: No follow up.

5 THE COURT: Questions?

6 MR. PORCARELLI: No follow up.

7 MR. GILLCRIST: No questions.

8 THE COURT: Okay. Thank you.

9 JUROR NUMBER 31: Thirty-one.

10 THE COURT: Thirty-one. (Unclear - three words.)

11 Somebody has some medical training?

12 JUROR NUMBER 31: Yeah, I've been a GNA for 39 years.

13 THE COURT: Okay. For a little while?

14 JUROR NUMBER 31: Yeah, for a little while.

15 THE COURT: Okay. And --

16 JUROR NUMBER 31: That was it.

17 THE COURT: GNA -- that was it? Do you think that fact
18 could in any way affect your ability to be a fair or
19 impartial juror in this case?

20 JUROR NUMBER 31: I don't see how, but . . .

21 THE COURT: Any questions?

22 MS. ZOIS: No, Your Honor. Thank you.

23 MR. GILLCRIST: (Unclear - two words) my hearing's bad,
24 but what have, what have you been doing for 39 years?

25 JUROR NUMBER 31: I'm a GNA.

1 MR. GILLCRIST: (Unclear - one word.)

2 JUROR NUMBER 31: I work in a nursing home.

3 MR. GILLCRIST: All right, a nursing home, okay. Thank
4 you.

5 JUROR NUMBER 31: Uh-huh.

6 THE COURT: Okay. Now, um, I'd like to propose since we
7 have plenty of jurors that the jurors that indicated that
8 they would have concerns sitting through Friday that we go
9 ahead and grant those challenges for cause. Are there any
10 objections from anybody?

11 MR. GILLCRIST: No, Your Honor.

12 MS. ZOIS: No, Your Honor.

13 THE COURT: Okay. And then we'll go through and make
14 sure that we all have the same ones --

15 MR. GILLCRIST: Okay (unclear - one word.)

16 THE COURT: -- listed. Juror Number 1 indicated that he
17 would difficulty. Juror Number 8, daycare issues on Friday.

18 MR. BRATT: I'm sorry, that was eight?

19 MS. ZOIS: Yes.

20 THE COURT: Eight. Juror Number 9 has job related,
21 could sit if we really needed to. (Unclear - two words), um,
22 Juror Number 18, daycare issues on Friday. Juror Number 23,
23 helps his grandmother on Fridays. Okay. And the Court also
24 indicated from the first batch that Juror Number 14 would be
25 stricken for cause.

1 MS. ZOIS: Your Honor, I'm sorry, could you go back to
2 the time constraint on Friday. Um, I think that Juror Number
3 38 stood up for that, and I believe she was the --

4 THE COURT: I, I just didn't --

5 MS. ZOIS: -- pregnant lady.

6 THE COURT: -- call her, because we're not gonna' get to
7 thir (sic) --

8 MS. ZOIS: We're gonna' --

9 THE COURT: -- we're, yeah, we're not gonna' get to 38.

10 MS. ZOIS: So, I'm crossing her off, correct, Your
11 Honor.

12 THE COURT: Yeah, go ahead and cross her off, yeah.

13 MS. ZOIS: Okay. Thank you. I just wanted for
14 completeness, accuracy.

15 THE COURT: Yeah.

16 MALE VOICE: (Unclear.)

17 THE COURT: We're not --

18 MS. ZOIS: (Unclear -- two words.)

19 THE COURT: -- we're not gonna' get there, which is
20 kinda' why --

21 MALE VOICE: (Unclear - two words.)

22 THE COURT: -- yeah.

23 MR. GILLCRIST: So, 14 is out?

24 THE COURT: Fourteen is out.

25 MS. HOWARD: And 15 is (unclear - one word)?

1 THE COURT: Fourteen and 15 will both be excused.

2 (Conversations being held off the record.)

3 THE COURT: Now, let's also . . .

4 (Long pause.)

5 THE COURT: I don't think we're gonna' go past Juror
6 Number 25.

7 MS. HOWARD: Yeah, same six, two alternates, five
8 strikes each.

9 THE COURT: Right. So, so between Jurors Number 1 and
10 25, right now hear any additional challenges for cause from
11 Plaintiff then I'll ask for Defense and we'll go from there.

12 (Long pause.)

13 MS. ZOIS: You okay? (Unclear - two words?)

14 MR. BRATT: (Unclear - three words.)

15 MR. GILLCRIST: No, Your Honor, but --

16 MS. ZOIS: Wait, we're not done yet.

17 MR. GILLCRIST: Oh, right.

18 MS. ZOIS: Right?

19 MR. BRATT: Right.

20 MS. ZOIS: No strikes for cause, Your Honor.

21 MR. GILLCRIST: I apologize to do this, Your Honor, but
22 can I just go over who's being stricken again I just wanna'
23 make sure I have it right?

24 THE COURT: Absolutely.

25 MR. GILLCRIST: Number 1, Number 8, Number 9, Number 14,

1 15, 18 and 23?

2 THE COURT: Yes.

3 MS. ZOIS: Yes.

4 MR. GILLCRIST: All right. Thank you. And (unclear -
5 three words) cause (unclear - two words.)

6 THE COURT: All right. Okay. We, um, you wanna' just
7 pick five each?

8 MR. GILLCRIST: Mm-hmm, sure.

9 THE COURT: And bring 'em up. They'll go in order.
10 When you bring the list up and (unclear - two words), I'll
11 call you up and I'll tell you who the eight are, the first
12 six, and who the two alternates are. Usually, when I put 'em
13 in the box I just put 'em all in as jurors, I don't designate
14 who's an alternate and who is a main juror. Okay?

15 MR. BRATT: And there you want to know who we want to
16 strike, not who we want to keep, right?

17 THE COURT: Who you want to strike.

18 MR. BRATT: Okay.

19 FEMALE VOICE: Unless you want (unclear - three words.)

20 THE COURT: I know everybody, everybody does it
21 differently. I, uh --

22 MR. BRATT: You'd like us to write the juror number, not
23 the badge number?

24 THE COURT: Uh, yeah, the juror number, the, the 1, 2, 3
25 the short number.

1 MS. ZOIS: (Unclear - three words), and just as a matter
2 of housekeeping, Your Honor, because we have some audio
3 visual things we need to set up for opening are we, we going
4 to seat the jury and then take a lunch break?

5 THE COURT: Seat, seat the jury and I'll give them about
6 two instructions and then go to lunch and then we'll go from
7 there.

8 MR. BRATT: All right. Thank you, Your Honor.

9 MS. HOWARD: Thank Your Honor,

10 MS. ZOIS: Thank you, Your Honor.

11 (Husher turned off.)

12 THE COURT: Ladies and gentlemen, we're almost done. In
13 a moment we'll be actually putting the jurors in the box.
14 So, just a few more minutes that you have to listen to that
15 nasty husher, and then, um, some of you will sitting and some
16 of you will be getting excused. So, just hang with us for a
17 few more minutes. And, Counsel, I'm gonna' turn the husher
18 on so that you can confer.

19 (Husher turned on.)

20 (Long pause while Counsel confer off the record.)

21 MR. GILLCRIST: Sorry about taking so long.

22 THE COURT: That's all right.

23 (Long pause while Counsel confer off the record.)

24 FEMALE VOICE: Okay, Your Honor, thanks.

25 (Long pause while Counsel confer off the record.)

1 THE COURT: Counsel, if you'd approach one last time.

2 (Counsel approached the bench and the following
3 occurred:)

4 THE COURT: Almost done folks, promise. The jury is
5 Number 2, Number 4, Number 7, Number 10, Number 12, Number
6 16. Our alternates are 24 and 25.

7 MS. ZOIS: Twenty-four and 25?

8 THE COURT: Yes.

9 MR. BRATT: Thank you, Your Honor.

10 MR. GILLCRIST: Thank you, Your Honor.

11 MR. PORCARELLI: Thank you.

12 MS. ZOIS: Thank you, Your Honor.

13 THE COURT: Mm-hmm.

14 (Husher turned off.)

15 (Counsel returned to the trial tables and the following
16 occurred:)

17 THE CLERK: Ladies and gentlemen, when I call your
18 number please come forward and take a seat in the jury box.
19 Juror Number 2, Juror Number 4, Juror Number 7, Juror Number
20 10, Juror Number 12, Juror Number 16, Juror Number 24 and
21 Juror Number 25.

22 THE COURT: And are the Plaintiffs satisfied?

23 MS. ZOIS: Yes, Your Honor.

24 THE COURT: Defendants?

25 MR. GILLCRIST: Yes, Your Honor, thank you.

1 MR. PORCARELLI: Yes, Your Honor.

2 THE COURT: Swear the ladies and gentlemen of the jury.

3 THE CLERK: Ladies and gentlemen, please stand and raise
4 your right hands.

5 (Jury sworn.)

6 THE COURT: Thank you, please be seated. First of all,
7 the balance of the panel, I want to excuse you from here with
8 our thanks. I know it's been a long morning for everyone.
9 Um, and I'm pretty sure that, that, uh, you're excused, but
10 you might just want to check with Gloria downstairs, um, and
11 I can't give you any promises for the rest of the week, but I
12 want to thank you for your time and attention today, and
13 you're at least excused from here.

14 And, folks, I'm just gonna' talk to you a very
15 brief period of time then give you a break, 'cause I know
16 it's been a long morning for you as well and then get lunch,
17 a lunch break. We'll let them all clear out, because these
18 courtrooms are not the most acoustically sophisticated, shall
19 we say.

20 (Prospective jury panel excused from the courtroom.)

21 THE COURT: I also, I always like to say
22 congratulations, ladies and gentlemen, I know if you've not
23 sat on a jury before you're going to find that it is a very
24 worthwhile and rewarding experience. And if you have sat on
25 a jury before you know, um, how important your role is. I'm

1 not going to talk to you very long, because it's been a long
2 morning.

3 In a moment we're gonna' take a break, let you go
4 out for lunch. Um, my law clerk, this is, um -- (cough)_--
5 excuse me, poor Dan, Dan Salem, as I say his name as I choke.
6 That's nothing on you Dan I promise.

7 (Laughter.)

8 THE COURT: Um, but he'll show you into the jury room,
9 and he will, either he or my deputy will take you from the
10 jury room out to the main body of the courthouse, because
11 back here it's a little bit of a maze, so folks get lost, and
12 rather than dropping breadcrumbs we have, um, somebody take
13 you out and bring you back.

14 Um, and when I ask you to come back, which will be
15 in about an hour, um, to have you meet down in the jury
16 assembly room where you were this morning, and then somebody
17 will bring you back up so you don't have to find your way
18 back up here.

19 I'm going to give you a whole lot of instructions
20 before we do opening statements after we get back from lunch,
21 but the most important things are, one, now that you're
22 members of the jury you're not to talk to anybody about
23 anything involving this case, um, right now you don't know
24 anything about, and I'll give you more instructions on what
25 that includes, um, until you've actually had the case

1 concluded for all the evidence you're given instructions and,
2 and all that.

3 Um, and, um, just couple other housekeeping things.
4 We'll (sic) will, we will give you notepads, we will have
5 water for you, if you want to take notepads, and I will need
6 someone to serve as a foreperson. I like to ask for a
7 volunteer first, um, if somebody really wants to do it it's a
8 lot easier to ask for a volunteer, but if not, when we get
9 back for lunch and nobody wants to volunteer I will pick
10 somebody. It's usually an eenie, meenie, miney, mo kind of
11 thing. I'd like for it to be, um, one of the first four
12 jurors to, you know, and if somebody else really wants to
13 jump, we'll go there, but ask for a volunteer.

14 Um, when we get back we'll begin with my
15 instructions on how the case will proceed from this point
16 forward. Counsel will make their opening statements, and,
17 uh, we'll get rolling.

18 If you're wondering how late we go, usually we'll
19 probably start between 9:30 and 10 o'clock, and we'll try to
20 conclude between 4:30 and 5:00. If for some reason I know
21 we're gonna' run way early or way late I will let you know so
22 you can plan accordingly. And I obviously will tell you at
23 the end of every session when you need to be back, um, for
24 the next time, try to make things as easy as possible. But,
25 once again, I say congratulations. I know you've been

1 sittin' a long time so I'm gonna' go ahead and, and break for
2 lunch now. And, so, Mr. Salem will show you into the jury
3 room. I will tell you the jury room has two bathrooms, it
4 has a sink, it has a refrigerator, um, and you can get comfy
5 in there, and then go ahead and take you out to lunch.
6 Downstairs, back downstairs at 2:30. Okay? Thank you.

7 (Jury excused from the courtroom.)

8 THE COURT: Okay. And everybody have a nice lunch
9 break, we'll, uh, get back on at 2:30.

10 MR. BRATT: Thank you, Your Honor.

11 MS. HOWARD: Thank you, Your Honor.

12 THE COURT: Okay. And you can leave everything in here.

13 MS. ZOIS: Can we --

14 MR. BRATT: Will this room be locked.

15 MS. ZOIS: -- leave ourselves in, can we stay in the
16 courtroom?

17 THE COURT: Um, it's fine with me.

18 MR. BRATT: Is there a place to get a coke around here?

19 MS. ZOIS: There's a canteen downstairs on the first
20 floor.

21 THE COURT: Down the canteen, there's down in the
22 basement, so.

23 MR. BRATT: Great. Thank you, Your Honor.

24 THE COURT: Okay?

25 MR. GILLCRIST: Your Honor?

1 THE COURT: Yes.

2 MR. GILLCRIST: One other real quick thing, if I could.
3 Um, we're going to be here for several days. We're (unclear
4 - two words) seeing the folks in the elevators and hallways.
5 Um, if it's okay with Your Honor, just let them know if we're
6 not engaging them in any way not to read into it. We just
7 wanna' respect the process, and . . .

8 THE COURT: I'm, I'm gonna' go through --

9 MR. GILLCRIST: Okay.

10 THE COURT: -- all of that, they all kinda' looked a
11 little --

12 (Chuckles.)

13 THE COURT: It's been a long, long morning for them,
14 that's why I was like . . .

15 MR. GILLCRIST: That's no problem.

16 THE COURT: Yeah, but no, I, I go through, you know, you
17 can say hello or not, and just don't take, read anything into
18 it. And I also have the new improved, um, don't Google
19 anything instruction, they --

20 MR. GILLCRIST: Oh, good.

21 THE COURT: -- they, um, have a new pattern on the
22 criminal, but it looks appropriate, and I'm obviously gonna'
23 give that, so . . .

24 MR. GILLCRIST: Thank you.

25 THE COURT: Everybody have a good lunch.

1 MR. BRATT: Thank you.

2 THE COURT: We'll see you in an hour.

3 MS. ZOIS: Thank you, Your Honor.

4 MS. HOWARD: Thanks, Your Honor.

5 THE CLERK: All rise.

6 (Whereupon, from 1:32 o'clock, p.m. until 2:38 o'clock,
7 p.m., a luncheon recess was taken.)

8 THE COURT: And good afternoon, everyone. Please be
9 seated. We're back on the record in the matter of Exline-
10 Hassler v. Sapp, this is civil number 12-0410. And, uh, are
11 we, uh, ready to bring in the ladies and gentlemen?

12 MR. GILLCRIST: Your Honor, I'm sorry, just one
13 preliminary matter. I think it will be very brief, um, I
14 checked with counsel as far as their opening statements go.
15 They indicated that they were going to argue that, uh, or
16 state that my client pled guilty to a traffic offense, um, as
17 a result of this accident. I wanted to just quickly move in
18 limine to bar, uh, that, or at the very least, prevent them
19 from doing it in opening statements until you have more of a
20 record what's before you. I, I will say that, uh, she
21 apparently pled guilty with an explanation to a traffic
22 offense, but she received a probation before, before
23 judgment, so she was not convicted or found guilty ultimately
24 of that offense.

25 Um, moreover, uh, this is a classic area where the