

IN THE CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND

THEODORE ERVIN

v.

CINDY YOUNG, et al.

Defendant

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C-07-1783

La Plata, Maryland

June 23, 2008

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
CIVIL JURY TRIAL

BEFORE:

HONORABLE Christopher Henderson,

Associate Judge and a Jury

For The Plaintiff:

John B. Bratt, Attorney

For the Defendant:

Francis Ford, Attorney

Andrew T. Stephenson, Attorney

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1 THE CLERK: The Honorable Christopher C.
2 Henderson presiding.

3 THE COURT: Please be seated.

4 THE CLERK: Civil 07-1783; Theodore Ervin vs.
5 Cindy Young, et al.

6 And I need to go get the file, Your Honor.
7 I'll be right back.

8 THE COURT: Okay.

9 As far as strikes, is each Defendant requesting
10 four?

11 MR. STEPHENSON: Yeah.

12 MR. FORD: Yes, Your Honor.

13 THE COURT: Are there cross claims?

14 MR. FORD: Yes.

15 THE COURT: Okay.

16 THE CLERK: Your Honor, it's not in your
17 chambers.

18 THE COURT: Huh?

19 THE CLERK: It's not in your chambers.

20 THE COURT: We really don't need it.

21 THE CLERK: Okay.

22 I'll see if I can find it. It was transferred
23 to you on Friday so it might be in your law clerk's
24 office. Let me check.

25 THE COURT: Yeah, check that.

1 THE CLERK: It was on the shelf, Your Honor;
2 with the dockets and everything.

3 THE COURT: Okay.

4 THE CLERK: Thank you.

5 THE COURT: You can keep it.

6 THE CLERK: Okay.

7 THE COURT: Okay, anything before I bring the
8 jury in?

9 MR. FORD: No, Your Honor.

10 MR. BRATT: No, Your Honor.

11 THE COURT: When do you want to do the
12 stipulations?

13 MR. STEPHENSON: We can do it now if you'd
14 like.

15 THE COURT: Before opening or after?

16 MR. STEPHENSON: Oh, well, now is fine Your
17 Honor just to put it on the record. I think we're gonna
18 be mentioning the stipulations in opening. I think we're
19 in agreement that Baltimore Tank Lines stipulates to the
20 fact that Danny Quade was it's agent at the time of the
21 accident and was operating the vehicle in the scope and
22 course of his employment.

23 And that -- we stipulate that Danny Quade was
24 the only Baltimore Tank Lines driver that could have been
25 within the vicinity at the time of the accident.

1 THE COURT: Okay.

2 Let's bring in the jury panel.

3 (The jurors are brought into the courtroom at
4 10:13 a.m.)

5 THE CLERK: These are the microphones that
6 ya'll need to use, okay, so that they get a good
7 recording on them. Just --.

8 MR. STEPHENSON: For the opening?

9 THE CLERK: For the whole trial.

10 Okay.

11 This is on. Just make sure when you -- they
12 take a recess or you speak to your client that you kind
13 of cover it or take it off. Turn it off when you go to
14 the restroom.

15 MR. STEPHENSON: It -- it -- it only amplifies,
16 it doesn't record?

17 THE CLERK: It records -- (inaudible).

18 MR. BRATT: Interesting.

19 So I'm to wear this thing -- (unintelligible)?

20 THE CLERK: Yes. Yes.

21 And it is on.

22 Just if you need to speak to your client or
23 anything you don't recorded actually you just cover it
24 and -- and take it off when you walk out.

25 MR. BRATT: Thank you.

1 THE COURT: Go ahead.
2 THE CLERK: Call the case again?
3 THE COURT: Call it; yeah.
4 THE CLERK: Good morning.
5 Civil 07-1783; Theodore Ervin vs. Cindy Young,
6 et al.
7 Good morning, jury.
8 Once your number is called if you'd please
9 raise your right hand and answer here.
10 Juror Number 2.
11 A JUROR: Here.
12 THE CLERK: 4.
13 Number 4.
14 A JUROR: Here.
15 THE CLERK: Juror Number 5.
16 A JUROR: Here.
17 THE CLERK: 7 -- 7.
18 A JUROR: Here.
19 THE CLERK: 8.
20 A JUROR: Here.
21 THE CLERK: 9.
22 A JUROR: Here.
23 THE CLERK: 10.
24 A JUROR: Here.
25 THE CLERK: 11.

1 A JUROR: Here.
2 THE CLERK: 13.
3 A JUROR: Here.
4 THE CLERK: 14.
5 A JUROR: Here.
6 THE CLERK: 15 -- I'm sorry, 16.
7 A JUROR: Here.
8 THE CLERK: 17.
9 A JUROR: Here.
10 THE CLERK: 18.
11 A JUROR: Here.
12 THE CLERK: 19.
13 A JUROR: Here.
14 THE CLERK: 25.
15 A JUROR: Here.
16 THE CLERK: 26.
17 A JUROR: Here.
18 THE CLERK: 27.
19 A JUROR: Here.
20 THE CLERK: 30.
21 A JUROR: Here.
22 THE CLERK: 32.
23 A JUROR: Here.
24 THE CLERK: 34.
25 A JUROR: Here.

1 THE CLERK: 35.
2 A JUROR: Here.
3 THE CLERK: 36.
4 A JUROR: Here.
5 THE CLERK: 41.
6 A JUROR: Here.
7 THE CLERK: 43.
8 A JUROR: Here.
9 THE CLERK: 47.
10 A JUROR: Here.
11 THE CLERK: 49.
12 A JUROR: Here.
13 THE CLERK: 51.
14 A JUROR: Here.
15 THE CLERK: 52.
16 A JUROR: Here.
17 THE CLERK: 53.
18 A JUROR: Here.
19 THE CLERK: 55.
20 A JUROR: Here.
21 THE CLERK: 56.
22 A JUROR: Here.
23 THE CLERK: 63.
24 A JUROR: Here.
25 THE CLERK: 162.

1 Juror 162.

2 A JUROR: Here.

3 THE CLERK: Is there any jurors' number who I
4 did not call?

5 Thank you.

6 And will you please stand and raise your right
7 hand.

8 You do solemnly promise and declare that you
9 shall true answers make to such questions as the Court
10 shall propound to you.

11 THE JURORS: Yes.

12 THE CLERK: Thank you.

13 Please be seated.

14 THE COURT: Okay, mem -- members of the jury,
15 at this stage we're gonna ask certain questions to see if
16 you're qualified to sit as a juror in this case.

17 We'll use the following procedure. I'll ask a
18 question. If you have an affirmative response please
19 stand. We'll take the responses one by one. Always
20 begin your response with your juror number not your name.

21 Some of the questions we'll take at the privacy
22 of the bench. In those cases line up in the center aisle
23 and we'll bring you up one by one.

24 Now, we also have microphones we're gonna pass
25 out so that your responses can be recorded.

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This is a civil case. We're here on the issue of liability only. It concerns an automobile collision involving three vehicles that took place on March the 13th, 2006 in Charles County, Maryland at or near the intersection of Mattawoman Beantown Road and Leonardtown Road.

The accident took place between the Defendants, Cindy Young, Theodore Ervin and Danny Quade who is an employee of Baltimore Tank Lines.

Now, has any member of the jury panel read or heard anything about this case or any of the litigants?

Let the record reflect there's no response.

John B. Bratt is the attorney for Theodore Ervin. Francis Ford is the attorney for Cindy Young and Andrew T. Stephenson is the attorney for Baltimore Tank Lines.

Is any member of the jury panel acquainted with any of these attorneys?

Let the record reflect there's no response.

Now, has any member of the jury panel or member of their immediate family or close personal friend ever been involved in a legal claim even if it did not go to trial as either the party bringing the claim or the party defending the claim.

The claims would include any type injury or

1 damage including a car accident, worker's compensation,
2 assault and battery, slip and fall or products
3 malfunction claim.

4 Okay, one this we'll -- if you line up in the
5 center aisle we'll hear from you one by one.

6 (Counsel approaches the bench.)

7 THE COURT: For the record Juror Number 15 was
8 excused because of a conviction.

9 (UNKNOWN ATTORNEY): He was kind of vague but
10 he remembered doing 60 days.

11 THE COURT: Also this morning I had to excuse a
12 grand juror because they raided her house on Sunday
13 morning for drugs.

14 (Laughter.)

15 Yes, ma'am. Come up here.

16 And your juror number?

17 A JUROR: I'm Number 7.

18 THE COURT: And your response.

19 A JUROR: It was a -- it was a slip and fall
20 accident for Giant Food Store back in -- it's been about
21 ten years ago.

22 THE COURT: And what was the result of the
23 case?

24 A JUROR: They gave me like a claim for like
25 maybe \$2,000.00.

1 THE COURT: Okay.

2 And was that here in Charles County?

3 A JUROR: Charles County.

4 It was the Waldorf Giant.

5 THE COURT: Okay.

6 Okay.

7 Did you feel that was adequate compensation?

8 A JUROR: Yes.

9 THE COURT: Okay.

10 In light of that experience do you feel you can

11 be fair and impartial as a juror in this case?

12 A JUROR: I -- I think I can serve as a juror.

13 THE COURT: Well, you said you think. Can you

14 unequivocally state you can be fair and impartial?

15 A JUROR: Ummm.

16 THE COURT: In other words, would your past

17 experience carry over into this case?

18 Or --.

19 A JUROR: Yes.

20 THE COURT: It would carry over?

21 A JUROR: Yes.

22 THE COURT: Okay.

23 I understand.

24 A JUROR: Cause I've been dealt with.

25 THE COURT: What we're gonna do is excuse you.

1 But you'll have to remain here till the other jurors are
2 excused. But don't answer any other questions, okay?

3 A JUROR: Okay.

4 Thank you very much.

5 THE COURT: Thank you.

6 THE BAILIFF: 19.

7 THE COURT: Yes, ma'am.

8 A JUROR: Good morning.

9 Juror Number 19.

10 I had a car accident in '93; was settled out of
11 court in Virginia.

12 THE COURT: Okay.

13 And were you injured in the case?

14 A JUROR: Soft tissue injury.

15 THE COURT: And did you feel you were treated
16 fairly by all the people involved in the case?

17 A JUROR: I'm sorry.

18 THE COURT: Did you feel you were treated
19 fairly by all the people involved in the case?

20 A JUROR: Yes.

21 THE COURT: In light of that experience do you
22 feel you could be fair and impartial as a juror in this
23 case?

24 A JUROR: Yes.

25 THE COURT: Okay.

1 Thank you.

2 A JUROR: Thank you.

3 THE BAILIFF: 16.

4 A JUROR: Good morning.

5 THE COURT: Yes, your response.

6 A JUROR: Just that I'm a manager of a law
7 office in La Plata and my husband and he does a lot of
8 civil and --.

9 THE COURT: He basically does -- a lot of real
10 estate doesn't he?

11 A JUROR: A lot of real estate but a lot of
12 civil too.

13 THE COURT: Okay.

14 A JUROR: And does settlement conferences in
15 the office as well.

16 THE COURT: And are you employed in the office?

17 A JUROR: Um hum. I'm the office manager.

18 THE COURT: Do you feel that that would prevent
19 you from being fair and impartial?

20 A JUROR: No.

21 THE COURT: Any questions?

22 MR. STEPHENSON: Your Honor, may I inquire as
23 to (unintelligible) side of civil action is more
24 plaintiffs or more defendants?

25 THE COURT: He -- he does -- he does a lot --

1 he does a lot of real estate type work. He does --.

2 A JUROR: Some accident cases through
3 settlement conferences but he's a mediator so.

4 THE COURT: He's a mediator; yeah.

5 MR. STEPHENSON: Okay.

6 Got it.

7 Thank you.

8 THE COURT: Okay.

9 A JUROR: Thanks.

10 THE COURT: Yeah, his name is Jim Gorney. He's
11 down here but he's basically a real -- a really top notch
12 real estate.

13 THE BAILIFF: 53.

14 MR. FORD: 53?

15 THE COURT: 53.

16 Yes, ma'am, your response.

17 A JUROR: Yes, I -- my husband was involved in
18 a car accident.

19 THE COURT: And how long ago was that and
20 where?

21 A JUROR: About ten years ago.

22 THE COURT: In Charles County?

23 A JUROR: P.G. County.

24 THE COURT: And was he injured?

25 A JUROR: Yes.

1 THE COURT: What type of injury was it?
2 A JUROR: Back injury.
3 THE COURT: Did the case go to trial?
4 A JUROR: No.
5 THE COURT: Was it settled?
6 A JUROR: Yes.
7 THE COURT: Did everyone feel he was treated
8 fairly throughout the process involving the case?
9 A JUROR: I couldn't -- I guess yes; I really
10 don't know.
11 He hasn't complained about it so I'll say yes.
12 THE COURT: He hasn't.
13 In light of that fact do you feel you can be
14 fair and impartial as a juror in this case?
15 A JUROR: Yes.
16 THE COURT: Okay.
17 Thank you.
18 A JUROR: All right.
19 Thank you.
20 THE BAILIFF: 34.
21 MR. FORD: 34?
22 THE COURT: 34.
23 Yes, sir.
24 A JUROR: I wasn't very clear about the
25 question. I haven't been to court but -- had an accident

1 recently.

2 THE COURT: Okay.

3 A JUROR: Pending court action or pending not
4 necessarily court action but pending -- claim I guess.

5 THE COURT: Okay.

6 And how long ago was that?

7 A JUROR: June 4th.

8 THE COURT: Oh, just June the 4th.

9 And were you injured?

10 A JUROR: Yes.

11 THE COURT: And are you represented by an
12 attorney in the case?

13 A JUROR: Yes.

14 THE COURT: Okay.

15 And in light of that experience do you feel you
16 can be fair and impartial as a juror in this case?

17 A JUROR: Yes.

18 THE COURT: Okay.

19 Thank you.

20 THE BAILIFF: 26.

21 A JUROR: Good morning.

22 THE COURT: Your response.

23 A JUROR: I was in a car accident, 1987.

24 THE COURT: And were you injured?

25 A JUROR: Yes.

1 THE COURT: And what happened with the claim?
2 Did it go to trial or was it settled?

3 A JUROR: It was settled -- it was settled
4 before.

5 THE COURT: Did you feel you were treated
6 fairly by the people involved in the process?

7 A JUROR: Yes.

8 THE COURT: In light of that experience do you
9 feel you can be fair and impartial as a juror in this
10 case?

11 A JUROR: Yes.

12 THE COURT: Okay.

13 Thank you.

14 A JUROR: Um hum.

15 THE BAILIFF: 41.

16 THE COURT: And your response.

17 A JUROR: My stepson was involved in a
18 automobile accident that -- was -- a liable case was
19 brought against him for -- personal injury.

20 THE COURT: Was -- was he injured?

21 A JUROR: No, he -- I guess he was the --
22 defendant.

23 THE COURT: Defendant.

24 What happened with the case?

25 A JUROR: I believe they settled for what the

1 insurance company would pay.

2 THE COURT: Did you feel he was treated fairly
3 by everyone involved in the process?

4 A JUROR: Yes.

5 THE COURT: In light of that fact do you feel
6 you could be fair and impartial as a juror in this case?

7 A JUROR: Yes I do.

8 THE COURT: Okay.

9 Thank you.

10 A JUROR: Thank you.

11 THE BAILIFF: 51.

12 THE COURT: Yes, sir.

13 Your response.

14 A JUROR: Oh, yes -- my father has -- he is in
15 court with the U.S. Government for -- oh what'd they say
16 -- workman compensation.

17 THE COURT: Okay.

18 A JUROR: He hurt his back and then all -- I
19 also appear in court in July for child support if that's
20 part of it.

21 THE COURT: For -- for what?

22 A JUROR: Child support.

23 THE COURT: Okay.

24 Is your father's claim still pending?

25 A JUROR: Yes.

1 THE COURT: Okay.

2 In light of that fact do you feel you could be
3 fair and impartial as a juror in this case?

4 A JUROR: Yes.

5 THE COURT: Okay.

6 Thank you.

7 A JUROR: Um hum.

8 THE COURT: That's it.

9 THE BAILIFF: 43.

10 THE COURT: Was that 43?

11 MR. FORD: 43, I think.

12 THE COURT: Yes, sir.

13 A JUROR: Hi.

14 I was involved in a workmen's comp claim. I
15 believe it was 1995. I had a piece of electrical
16 equipment -- exploded in my face. Had some damage to my
17 eyes but everything was settled.

18 THE COURT: Okay.

19 Did you feel you were treated fairly throughout
20 the process?

21 A JUROR: Yes, sir.

22 THE COURT: In light of that experience do you
23 feel you can be fair and impartial as a juror in this
24 case?

25 A JUROR: Yes, sir.

1 THE COURT: Okay.

2 Thank you.

3 THE BAILIFF: 4.

4 MR. FORD: What?

5 MR. STEPHENSON: 4.

6 THE COURT: 4.

7 Yes, ma'am.

8 A JUROR: My son owns his own dump truck
9 business and he did some damage to a lady's car. I think
10 it was last year or the year before. And they settled
11 and he had to pay for the repairs.

12 THE COURT: Did he feel he was treated fairly
13 by the peoples involved in the pro -- process?

14 A JUROR: Oh, yeah. Very much so.

15 THE COURT: In light of that fact do you feel
16 you can be fair and impartial as a juror in this case?

17 A JUROR: I think so.

18 THE COURT: Well, is there any reason you can't
19 be?

20 A JUROR: No.

21 THE COURT: Okay.

22 Thank you.

23 You're free to go.

24 A JUROR: Okay.

25 THE BAILIFF: 49.

1 THE COURT: Yes, sir.

2 A JUROR: About ten years ago my wife was
3 actually robbed at -- at gunpoint and -- there was a
4 trial for the -- three people that did it and she didn't
5 go or didn't have to participate but.

6 THE COURT: Okay.

7 Did she feel she was treated fairly by the
8 people involved in the process of the case?

9 A JUROR: Yes.

10 THE COURT: In light of that fact do you feel
11 you can be fair and impartial as a juror in this case?

12 A JUROR: Yes.

13 THE COURT: Thank you.

14 Your Number 7 basically is a duplicate of
15 Number 6, isn't it?

16 MR. BRATT: I'm sorry, Your Honor. I don't
17 have a copy (unintelligible).

18 MR. FORD: I don't have a 6.

19 MR. STEPHENSON: I don't have a 6 either.

20 MR. FORD: Oh, I'm sorry. You're talking about
21 -- I thought you meant the jury list.

22 MR. STEPHENSON: Oh.

23 THE COURT: No.

24 MR. BRATT: I would say they're similar enough,
25 Your Honor.

1 THE COURT: Yeah, I'm not gonna ask about it.

2 Okay.

3 Has any member of the jury panel or member of
4 their immediate family or close personal friend ever
5 worked in the legal profession?

6 Okay, once again we'll hand around the
7 microphones and we'll take the responses one by one
8 starting from the front of the jury section.

9 Why don't you stand up if you have an answer.
10 It'll be easier to pass around the --.

11 A JUROR: Juror Number 47. I used to work as a
12 legal secretary.

13 THE COURT: Okay.

14 Thank you.

15 A JUROR: Juror Number 19. I'm an Assistant
16 Public Defender in Prince George's County.

17 THE COURT: Okay.

18 Thank you.

19 A JUROR: Juror Number 43. My wife was --
20 worked in Accounts Payable and Receivable for a law -- a
21 law firm.

22 THE COURT: Okay.

23 Thank you.

24 A JUROR: Juror Number 4. My nephew was an
25 attorney.

1 THE COURT: Okay.

2 A JUROR: My sister, brother and (inaudible).

3 THE COURT: Could you repeat that? I couldn't
4 catch that.

5 A JUROR: Juror Number 26. Brother and sister
6 and cousin are police officers.

7 THE COURT: Okay.

8 Thank you.

9 A JUROR: Juror Number 5. My wife works as a
10 legal secretary.

11 THE COURT: Okay.

12 A JUROR: Juror Number 34. 27 -- military
13 (inaudible).

14 THE COURT: Okay.

15 Thank you.

16 Has any member of the jury panel or member of
17 their immediate family or close personal friend ever
18 worked in the accident investigation profession including
19 work as a claim's adjuster?

20 A JUROR: Oh, 162.

21 I got two nephews that are police.

22 THE COURT: Oh.

23 A JUROR: And I got one niece (unintelligible)
24 work for the FBI.

25 THE COURT: Okay.

1 Thank you.

2 A JUROR: My husband was a -- claim's adjuster
3 for about five years.

4 THE COURT: Okay, and that was juror number?

5 A JUROR: (Inaudible.)

6 THE COURT: Okay.

7 Has any member of the jury panel or member of
8 their immediate family or close personal friend ever
9 worked in or for a police department?

10 If you've previously answered because of the
11 prior questions don't answer again.

12 Okay.

13 A JUROR: Juror Number 47. My husband was a
14 Prince George's police officer for 27 years.

15 THE COURT: Okay.

16 Thank you.

17 A JUROR: Juror Number 19. I have a cousin
18 who's currently a Maryland State Trooper.

19 THE COURT: Okay.

20 A JUROR: Juror Number 13. My sister is a
21 Capitol Hill police officer.

22 THE COURT: Okay.

23 A JUROR: Juror Number 43. My father --
24 (inaudible) Department of Defense.

25 THE COURT: Okay.

1 Has any member of the jury panel ever served as
2 a juror in a trial before?

3 Okay, in this response just give your juror
4 number and say whether it was criminal or civil, okay.
5 So we'll start at the front.

6 A JUROR: Juror Number 35. Civil.

7 A JUROR: Juror Number 17. Civil.

8 A JUROR: Juror Number 52. Criminal.

9 A JUROR: Juror Number 16. Criminal and civil.

10 A JUROR: Juror Number 2. Civil.

11 A JUROR: Juror Number 43. Criminal.

12 THE COURT: Okay.

13 Does any member of the jury panel have any
14 preconceived notations, prejudice or feelings about
15 people who bring lawsuits or make claims for injuries
16 they have sustained arising out of someone else's
17 negligence?

18 Let the record reflect there's no response.

19 Does any member of the jury panel support or
20 are you a member of any group that supports a change in
21 the current law regarding the rights of persons injured
22 due to the negligence of others?

23 Let the record reflect there's no response.

24 Is there any member of the jury panel who feels
25 that they would have any difficulty in following the

1 Court's instructions as to the law?

2 Let the record reflect there's no response.

3 Has any member of the jury panel had any
4 personal experiences that you believe would prevent you
5 from rendering a fair and impartial verdict?

6 Let the record reflect there's no response.

7 Now, we anticipate that this case will be
8 completed today. In the -- in the event that it does
9 carry over until tomorrow is there any member of the jury
10 panel who's been excused from service tomorrow or for
11 whom service would be an extreme hardship?

12 Let the record reflect there's no response.

13 Is there any member of the jury panel who has
14 any bias at all towards the Plaintiff for bringing the
15 lawsuit against the Defendants or any bias towards the
16 Defendants for defending the claim?

17 Let the record reflect there's no response.

18 Is any member of the jury panel related to,
19 acquainted with, know of any other member of the panel
20 either in a business or social relationship?

21 In other words is anyone acquainted with any of
22 the other jurors on the jury panel?

23 Well, narrows it down; go ahead.

24 A JUROR: Juror Number 36. My boss.

25 THE COURT: Okay.

1 Let -- let me guess what the next response is
2 gonna be.

3 Go ahead.

4 A JUROR: Juror Number 4. I'm her boss.

5 (Laughter.)

6 THE COURT: Thank you.

7 A JUROR: Juror Number 18. We all (inaudible)
8 work for Charles County Public Schools.

9 THE COURT: Okay.

10 Has any member of the jury panel ever testified
11 as a witness in any case whether criminal or civil?

12 Let the record reflect there's no response.

13 Okay, will Counsel approach please.

14 (Counsel approaches the bench.)

15 Plaintiff satisfied with voir dire?

16 MR. BRATT: Yes, Your Honor.

17 THE COURT: Defense?

18 They're basically the same questions -- I mean.

19 MR. FORD: Yeah, (inaudible).

20 THE COURT: Okay.

21 Challenges for cause. We have Number 7 knocked
22 off.

23 Any -- any others?

24 Okay, we'll start from the top. Write down
25 four numbers, give them to the Clerk and then we'll tell

1 you -- we'll pick one alternate just to be safe.

2 Okay.

3 (Counsel returns to trial tables.)

4 THE COURT: Yes, approach sir.

5 Counsel, want to come up?

6 (Counsel approaches the bench.)

7 A JUROR: In response to that --.

8 THE COURT: Wait -- wait a second. I want -- I
9 want to get the attorney's here.

10 Okay. Your Juror Number?

11 A JUROR: 41.

12 I was thinking about it. About 11 years ago I
13 was a witness in a breaking and entering in my own house.
14 Does that count?

15 THE COURT: Yeah it does.

16 In light of that do you feel you could be fair
17 and impartial as a juror in this case?

18 A JUROR: Sure.

19 THE COURT: Okay.

20 Thank you.

21 (Counsel returns to trial tables.)

22 THE CLERK: Jurors as your number is called
23 would you please stand up and have a seat in the box.

24 Juror Number 9.

25 Number 11.

1 Number 16.

2 25.

3 26.

4 27.

5 And Juror Number 30.

6 Is the Plaintiff satisfied with the special
7 panel as now seated?

8 MR. BRATT: Yes, Your Honor.

9 THE CLERK: Is the Defendant Number 1 satisfied
10 with the special panel as now seated?

11 MR. FORD: Yes.

12 THE CLERK: Defendant Number 2 satisfied with
13 the special panel?

14 MR. STEPHENSON: Yes, Madame Clerk.

15 THE CLERK: Thank you.

16 THE COURT: Okay.

17 Those of you who were fortunate enough not to
18 be chosen we'll excuse for the -- today and you'll call
19 at -- is it after 5:00?

20 THE CLERK: Yes, sir.

21 THE COURT: Call after 5:00 to see if you're
22 needed tomorrow.

23 Have a pleasant day.

24 Okay, members of the jury we're gonna take
25 about an eight minute recess. During that eight minutes

1 Mr. Swann, our Bailiff, will show you where the jury
2 deliberation room is located.

3 Additionally if you've left anything in the
4 jury assembly room this would be the time to retrieve it.

5 Number -- Juror Number 16 has been chosen as
6 the Foreman. I ask that she sit in the chair closest to
7 the entry to the jury box. The other jurors can sit
8 where they -- in which ever chairs they feel comfortable
9 in.

10 Mr. Swann, please show them out.

11 (The jurors are excused at 10:47 a.m.)

12 Counsel I would remind you that your
13 microphones are on so if you don't want to be overheard
14 at the counsel table, turn them off.

15 Okay.

16 MR. FORD: I'll never remember it.

17 THE CLERK: All rise.

18 (Court is in session at 11:04 a.m.)

19 THE COURT: Please be seated.

20 Okay, anything before we bring the jury in?

21 MR. BRATT: No, Your Honor.

22 THE COURT: Let's bring them in.

23 (Jurors are brought into the courtroom at 11:04
24 a.m.)

25 Let the record reflect the jury's returned.