

1 LOS ANGELES, CALIFORNIA; TUESDAY, MAY 15, 2007

2 AFTERNOON SESSION

3
4 DEPARTMENT NO. 3 HON. JOSEPH KALIN, JUDGE

5
6 APPEARANCES: (AS HERETOFORE NOTED.)

7
8 (JUDIE MCASKILL, CSR #4723 OFFICIAL REPORTER.)

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12
13
14 (THE FOLLOWING PROCEEDINGS WERE
15 HELD IN OPEN COURT IN THE
16 PRESENCE OF THE JURY:)

17
18 THE COURT: OKAY. WOULD THE CLERK KINDLY
19 SWEAR THE PANEL.

20 THE CLERK: PROSPECTIVE JURORS, PLEASE STAND.

21
22 (PROSPECTIVE JURORS SWORN)

23
24 THE CLERK: PLEASE BE SEATED.

25 MAY I START?

26 THE COURT: YES, PLEASE.

27 THE CLERK: AS I CALL YOUR NAME STEP FORWARD,
28 PLEASE.

1 BENJAMIN BLATT, LAST NAME B-L-A-T-T.

2 VAHE ARDASHENIAN, LAST NAME

3 A-R-D-A-S-H-E-N-I-A-N, FIRST NAME V-A-H-E.

4 PAUL GREIN, LAST NAME G-R-E-I-N.

5 GERALDINE MAGRUM, LAST NAME M-A-G-R-U-M.

6 JENNIE FOX, LAST NAME F-O-X.

7 ROBERT ORDOUKHANIAN, LAST NAME

8 O-R-D-O-U-K-H-A-N-I-A-N.

9 CAROL SAX, LAST NAME S-A-X.

10 JOHN COHOE, LAST NAME C-O-H-O-E.

11 CHRISTINA PHILIPS, LAST NAME P-H-I-L-I-P-S.

12 HERBERT BAKER, LAST NAME B-A-K-E-R.

13 TALIN KESHISHIAN, LAST NAME

14 K-E-S-H-I-S-H-I-A-N.

15 M.V. STOUGHTON, LAST NAME S-T-O-U-G-H-T-O-N.

16 SAM MC CAY, LAST NAME M-C C-A-Y.

17 WENDY DYTMAN, LAST NAME D-Y-T-M-A-N.

18 THE COURT: LET ME SEE COUNSEL AT THE SIDEBAR
19 ONE SECOND, PLEASE.

20 OKAY. LADIES AND GENTLEMEN OF THE JURY,
21 WE'RE ABOUT TO START JURY SELECTION. A COUPLE OF
22 THINGS I WANT TO GO THROUGH WITH YOU BEFORE WE
23 ACTUALLY DO ANY QUESTIONS OF THE JURY.

24 FIRST OF ALL, WITH REGARD TO JURY DUTY, LET
25 ME EXPLAIN THAT TO A LITTLE EXTENT HERE.

26 OUR COURT, L.A. SUPERIOR COURT, IS THE
27 LARGEST COURT SYSTEM IN THE ENTIRE WORLD. WE HAVE GOT
28 I THINK SOME OVER 20 COURTHOUSES IN THIS COUNTY AND A

1 LARGE NUMBER OF JUDGES. L.A. COUNTY HAPPENS TO BE ONE
2 OF THE COMMERCIAL CENTERS OF THE WORLD AND WE DO ALL
3 KINDS OF BUSINESS LITIGATION FOR THE PACIFIC RIM
4 COUNTRIES AND SOUTH AND CENTRAL AMERICA, AND A GREAT
5 MANY OF THE NATIONAL COMPANIES ARE LOCATED OR HAVE
6 OFFICES IN LOS ANGELES COUNTY AND THAT TYPE OF
7 LITIGATION ENDS UP IN THIS COURT.

8 THE REASON I SAY THAT IS BECAUSE WE USE --
9 ACTUALLY THIS IS JURY APPRECIATION WEEK. YOU KNOW, WE
10 USE THOUSANDS AND THOUSANDS OF JURORS EVERY DAY AND IN
11 ANY GIVEN YEAR WE WILL CALL IN TO SERVE ON JURY DUTY
12 SOMEWHERE CLOSE TO THREE MILLION JURORS.

13 NOW, OUR COURT OVER THE PERIOD OF THE LAST
14 MAYBE TEN OR 20 YEARS HAS BECOME HIGHLY COMPUTERIZED
15 AND AS YOU CAN SEE THE ASSISTANT CLERK HAS A COMPUTER,
16 THE CLERK HAS A COMPUTER, I HAVE ONE HERE, I HAVE ONE
17 ON THE BENCH, I HAVE A LAPTOP AND WE CAN ACCESS
18 ANYTHING THAT'S GOING ON IN THE COURT SYSTEM WITH
19 PUSHING A FEW BUTTONS.

20 HOWEVER, WE HAD NOT BEEN ABLE IN THE PAST TO
21 COMPUTERIZE THE JURY SYSTEM BECAUSE OF THE SHEER SIZE
22 OF IT. WE COULDN'T DEVELOP SOFTWARE THAT WOULD HANDLE
23 THAT MANY PERSONS.

24 AS A RESULT OF THAT, UP UNTIL RECENTLY, WE
25 FIGURED THAT SOMEWHERE BETWEEN 80 AND 85 PERCENT OF
26 THE JURORS WHO RECEIVED THE SUMMONS IGNORED IT. AND,
27 OF COURSE, WE HAD NO WAY TO FOLLOW UP ON THAT BECAUSE
28 WE WEREN'T COMPUTERIZED AND THE SHEER TASK OF TRYING

1 TO FOLLOW UP WITH HUMAN EMPLOYEES WOULD HAVE BEEN AN
2 IMPOSSIBILITY.

3 SINCE THAT TIME, WITHIN THE LAST COUPLE OF
4 YEARS, WE HAVE COMPUTERIZED THE JURY SYSTEM AND WE ARE
5 NOW REQUIRING EVERYONE TO SERVE ON JURIES. AND THE
6 EXCUSES ARE RARE AND FEW AND FAR IN BETWEEN.

7 IF YOU DO HAVE A PROBLEM THAT YOU CAN'T SERVE
8 ON A PARTICULAR JURY, WE CAN CONTINUE YOUR JURY DUTY.
9 SOME OF YOU, IF I LOOK AT THE LIST, PROBABLY HAVE HAD
10 IT CONTINUED AT LEAST ONCE.

11 WHAT HAPPENS NOW IS IF YOU DON'T SHOW UP FOR
12 THE FIRST JURY SUMMONS, YOU GET A SECOND ONE. AND IF
13 THAT ONE IS IGNORED, A THIRD ONE GOES OUT AND SAYS
14 THAT YOU'RE GOING TO BE FINED \$1,500 FOR NOT APPEARING
15 AND YOU MUST APPEAR OR SUBJECT TO BEING HELD IN
16 CONTEMPT OF COURT. AND THAT'S THE WAY IT'S ONLY A
17 FAIR SYSTEM WHERE EVERYBODY SERVES AS OPPOSED TO THE
18 SAME PEOPLE OVER AND OVER.

19 IN THE PAST WHEN I HAVE TRIED JURY CASES
20 NINE, TEN OR 11 OF THE JURORS HAVE PREVIOUSLY SERVED
21 ON TWO, THREE OR FOUR JURIES. NOW WE'RE FINDING THE
22 OPPOSITE OF THAT. WE'RE FINDING THAT NINE OR TEN OF
23 THE JURORS HAVE NEVER SERVED BEFORE.

24 THE SYSTEM IS WORKING BECAUSE IN THE PAST,
25 JURORS GOT CALLED IN EVERY YEAR. WE FEEL NOW BECAUSE
26 EVERYBODY IS SERVING, THAT HOPEFULLY WE CAN EXTEND
27 THAT TO THREE YEARS AND EVENTUALLY FOUR YEARS.

28 SO, IF YOU ARE NOT WHATEVER REASON SELECTED

1 ON THIS CASE BECAUSE OF THE PERSONAL REASON OR
2 WHATEVER ELSE, YOU WILL BE SENT BACK DOWN TO THE JURY
3 ROOM AND SENT ON TO SERVE ON ANOTHER CASE.

4 NOW, LET ME SAY A FEW THINGS HERE. WHEN WE
5 SELECT A JURY AS WE ARE DOING THIS IN A CIVIL CASE AND
6 I WILL BRIEFLY TELL YOU WHAT IT'S ABOUT. WE HAVE TWO
7 SIDES ON THIS CASE, THE PLAINTIFF AND DEFENDANT. EACH
8 SIDE HAPPENS TO HAVE TWO ATTORNEYS, BUT THERE'S STILL
9 TWO SIDES. AND EACH SIDE HAS AN OPPORTUNITY TO
10 EXERCISE UP TO SIX PEREMPTORY CHALLENGES. THAT MEANS
11 THAT AFTER WE HAVE QUESTIONED THE JURY EITHER SIDE CAN
12 EXCUSE UP TO SIX JURORS WITHOUT GIVING ANY REASON TO
13 THE COURT. THOSE ARE PEREMPTORY CHALLENGES.

14 SO, IT'S REASONABLE TO BELIEVE THAT THERE
15 WILL BE ONE OR MORE OR PERHAPS ALL 12 OF THESE
16 PEREMPTORY CHALLENGES EXERCISED. AS A RESULT, SOME OR
17 A PORTION OF YOU WILL NOT BE SERVING ON THIS CASE.
18 YOU WILL BE PEREMPTORY CHALLENGED AND WE'LL BE CALLING
19 PEOPLE FROM THE AUDIENCE TO REPLACE YOU.

20 WE ALREADY HAVE A COMPUTERIZED LIST THAT
21 RANDOMLY SELECTED YOU IN THE ORDER THAT YOU WILL BE
22 SELECTED. WE USE TO PULL THEM OUT OF A HAT, BUT NOW
23 THE COMPUTER SAYS WE CAN DO IT THIS WAY.

24 SO I WOULD APPRECIATE THOSE OF YOU WHO ARE IN
25 THE BACK OF THE COURTROOM WOULD LISTEN ATTENTIVELY TO
26 WHAT I HAVE TO SAY, WHAT COUNSEL HAS TO SAY, AND WHAT
27 THE OTHER JURORS' ANSWERS TO THE QUESTIONS ARE. THE
28 REASON IS, IS BECAUSE WHEN ONE OF THE THEM IS

1 CHALLENGED AND EXCUSED AND YOU'RE ASKED TO REPLACE
2 THAT JUROR, RATHER THAN GO THROUGH EVERY QUESTION THAT
3 HAS ALREADY BEEN ASKED, I AM GOING TO ASK YOU, DID YOU
4 HEAR ALL THE QUESTIONS AND ANSWERS AND WOULD YOU
5 PLEASE VOLUNTEER ANY INFORMATION THAT WOULD BE
6 PERTINENT TO YOUR ABILITY TO SERVE AS A FAIR AND
7 IMPARTIAL JUROR ON THIS CASE.

8 THAT SAVES TIME. THAT DOESN'T MEAN YOU'RE
9 NOT GOING TO BE ASKED MORE QUESTIONS, BUT IT DOES MEAN
10 THAT BY SAVING TIME, THE FASTER WE GET TO THE EVIDENCE
11 AND FINISH THE TRIAL SO THAT YOU CAN DO WHAT YOU DO
12 WHEN YOU'RE NOT HERE DOING WHAT YOU'RE DOING NOW.

13 AND SO, WHAT I'M GOING TO DO IS I'M GOING TO
14 READ A BRIEF STATEMENT OF THE CASE TO YOU.

15 AND INCIDENTALLY, THE QUESTIONS THAT I'M
16 GOING TO BE POSING AND COUNSEL WILL ONLY BE TO THE 14
17 PEOPLE WHO ARE IN THE BOX.

18 NOW, I'M GOING TO READ YOU BASICALLY IT'S TWO
19 PARAGRAPHS WHAT THE CASE IS ABOUT. AND THE REASON I
20 DO THAT IS BECAUSE IT GIVES YOU A CONTEXT IN WHICH TO
21 FIGURE OUT WHAT THE CASE IS ABOUT AND WHAT YOU'RE
22 GOING TO HEAR AND ALSO WHAT IT WILL DO IS IT WILL
23 BRING IN YOUR MIND QUESTIONS THAT YOU MAY WISH TO
24 ANSWER WITH REGARD TO YOUR QUALIFICATIONS AS A FAIR
25 AND IMPARTIAL JUROR IN THIS CASE.

26 NOW, WHAT I READ TO YOU IS NOT EVIDENCE IN
27 THIS CASE. AS I ASK YOU QUESTIONS ABOUT YOUR
28 QUALIFICATIONS AND AS ATTORNEYS ASK YOU QUESTIONS,

1 THAT IS NOT EVIDENCE IN THIS CASE.

2 WHEN WE SELECTED A JURY EITHER SIDE IS GOING
3 TO HAVE AN OPPORTUNITY TO MAKE AN OPENING STATEMENT
4 WHERE THEY WILL, IN MORE DETAIL, EXPLAIN TO YOU WHAT
5 THEY INTEND TO PROVE, PERHAPS WHAT EVIDENCE, WHAT
6 WITNESSES THEY'RE GOING TO CALL AND SO FORTH. THAT'S
7 ALSO NOT EVIDENCE IN THIS CASE.

8 BUT AGAIN, IT GIVES YOU A CONTEXT SO THAT
9 WHEN YOU HEAR THE EVIDENCE YOU WILL HAVE AN IDEA OF
10 HOW TO PUT THE PUZZLE TOGETHER.

11 WITNESSES ARE NOT ALWAYS CALLED IN THE ORDER
12 THAT WE WOULD LIKE TO CALL THEM. COUNSEL, FOR
13 INSTANCE, DIDN'T KNOW THEY WERE GOING TO START TRIAL
14 TODAY. IN FACT, THIS CASE WAS ORIGINALLY OUT IN
15 TORRANCE AND WE DIDN'T HAVE, BECAUSE OF THE CASE LOAD
16 OUT THERE AND JUDGES' CALENDARS, IT WAS SENT DOWNTOWN
17 HERE TO LOS ANGELES TO BE HEARD.

18 AND SO THEY'RE TOLD SORT OF AT THE LAST
19 MINUTE THIS TRIAL IS GOING TO START TOMORROW OR THE
20 NEXT DAY, HAVE YOUR WITNESSES READY AND THEY HAVE TO
21 GET ON THE PHONE AND START CALLING ALL THESE PEOPLE
22 AND LINE THEM UP.

23 SO SOMETIMES THE WITNESSES WILL TESTIFY OUT
24 OF ORDER ALSO. WE MAY EVEN IN SOME CASES BRING A
25 DEFENSE WITNESS IN DURING THE PLAINTIFF'S CASE. I
26 DON'T KNOW IF THAT'S GOING TO HAPPEN, BUT IT'S NOT
27 UNUSUAL TO DO SOMETHING LIKE THAT.

28 WHAT I'M GOING TO DO AT THIS POINT IN TIME

1 IS, IF I CAN FIND IT, THIS CASE IS ENTITLED ASHLEY
2 HARMS VERSUS ROBERT HIGGINS. AND THE -- THIS IS A
3 CIVIL TRIAL BROUGHT BY THE PLAINTIFF, ASHLEY HARMS
4 AGAINST THE DEFENDANT, ROBERT HIGGINS.

5 THE PLAINTIFF LIVED WITH HER PARENTS ACROSS
6 THE STREET FROM THE DEFENDANT AND HIS FAMILY IN
7 REDONDO BEACH. THE PLAINTIFF CONTENDS THAT WHEN SHE
8 WAS 15 YEARS OLD THE DEFENDANT, ROBERT HIGGINS, BEGAN
9 GIVING HER PRESCRIPTION VICODIN AND THEN TOUCHED HER
10 BODY IN A SEXUAL MANNER AND ENGAGED IN INTERCOURSE
11 WITH HER OVER A PERIOD OF APPROXIMATELY FIVE MONTHS
12 WHEN SHE WAS AT THE DEFENDANT'S HOUSE BABY-SITTING,
13 VISITING, AND DOING SOME CLEANING.

14 THE PLAINTIFF ALLEGES THAT SHE HAD BEEN
15 HARMED BY THE DEFENDANT'S ACTIONS AND NOW SUFFERS FROM
16 THE ADDICTION TO VICODIN. THE DEFENDANT DENIES ALL OF
17 THE ALLEGATIONS.

18 AGAIN, THAT'S NOT EVIDENCE IN THIS CASE.
19 IT'S ABOUT WHAT YOU ANTICIPATE WILL BE HEARING.

20 THE COUNSEL FOR THE PLAINTIFF, I'M GOING TO
21 HAVE YOU INTRODUCE YOURSELF, YOUR COCOUNSEL AND YOUR
22 CLIENT.

23 MR. DIMARIA: RYAN DIMARIA. I AM COUNSEL FOR
24 THE PLAINTIFF. THIS IS ASHLEY HARMS, THE PLAINTIFF.
25 AND --

26 MR. RECK: MY NAME IS MICHAEL RECK. I'M
27 COUNSEL FOR PLAINTIFF AS WELL.

28 THE COURT: AND FOR THE DEFENSE, COUNSEL?

1 MR. SPIVAK: GOOD AFTERNOON. MY NAME JOEL
2 SPIVAK. THIS IS MR. SCHONDORF. THIS IS MR. HIGGINS.

3 THE COURT: THANK YOU, COUNSEL.

4 LADIES AND GENTLEMEN OF THE JURY, HAVE ANY OF
5 THE 14 OF YOU SITTING IN THE BOX HEARD ANYTHING ABOUT
6 THIS CASE OTHER THAN WHAT I HAVE READ UP TO THIS
7 POINT, DO YOU KNOW ANY OF THE ATTORNEYS, THEIR LAW
8 FIRMS, THE PLAINTIFF OR THE DEFENDANT?

9 OKAY. IN TERMS -- I'M GOING TO READ YOU A
10 LIST OF WITNESSES. AND COUNSEL ARE REQUIRED TO
11 PROVIDE TO THE COURT UNDER THE COURT RULES A LIST OF
12 POTENTIAL WITNESSES THAT THEY MAY CALL. AND ONE OF
13 THE REASONS FOR THAT IS THAT WE HAVE BEFORE A CASE
14 COMES TO TRIAL THERE IS DISCOVERY WHERE THE PARTIES
15 CAN ASK ABOUT WITNESSES AND EVIDENCE AND SO FORTH,
16 DEPOSE SOME OF THESE WITNESSES, ANOTHER FORM OF
17 DISCOVERY.

18 AND SO THEY LIST ALL OF THE WITNESSES THAT
19 THEY MAY CALL. THE FACT THAT I'M GOING TO READ THEIR
20 NAMES DOESN'T MEAN THAT EVERY ONE OF THESE WITNESSES
21 IS GOING TO TESTIFY AND THE COURT HAS TO MAKE A
22 DETERMINATION SO WE DON'T HAVE THE SAME TOPIC TALKED
23 ABOUT BY, YOU KNOW, SEVERAL WITNESSES BECAUSE THAT'S
24 JUST NOT APPROPRIATE SITUATION.

25 THE COUNSEL WHEN THE CASE CAME FROM TORRANCE,
26 IT WAS INDICATED TO THE COURT THAT THIS WAS A FIVE- TO
27 SEVEN-DAY TRIAL. I WILL GIVE YOU THE COURT'S CALENDAR
28 AND SCHEDULE FOR THE NEXT SEVEN TO TEN DAYS. THE

1 REASON FOR THAT IS, IS THAT I WILL HAVE TO FIGURE OUT
2 WITH COUNSEL THE HOURS THAT WE'RE GOING TO SPEND ON
3 THIS CASE. AND THE REASON FOR THAT IS, IS THAT ONE OF
4 OUR JUDGES WAS ENGAGED IN A TRIAL, A RATHER LENGTHY
5 AND LONG TRIAL. IN FACT, SHE WAS IN TRIAL FOR 71 DAYS
6 ON THE JURY TRIAL AND SHE BECAME ILL AND I HAD TO STEP
7 IN AND FINISH THAT CASE UP, WHICH I FINISHED UP
8 YESTERDAY.

9 BUT I HAVE TO HANDLE THAT OTHER JUDGE'S
10 CALENDAR FOR THE NEXT THREE WEEKS WHEN SHE'S GOING TO
11 BE OUT. SO I'M GOING TO BE HANDLING HER CALENDAR IN
12 THE MORNING, AND THEN COMING DOWN HERE TO DO THIS JURY
13 TRIAL. AND I HAVE TO STRAIGHTEN IT OUT SO I CAN GET
14 THE TIMES SO THAT WE CAN GET AS MUCH TIME AS POSSIBLE
15 THAT WE CAN PUT IN ON THIS CASE.

16 FOR THOSE OF YOU WHO ARE NOT FAMILIAR WITH
17 THE COURT SYSTEM, IN THIS BUILDING WE HAVE SOME 47
18 JUDGES WHO HEAR CIVIL CASE AND EACH ONE OF THOSE
19 JUDGES HAVE SOMEWHERE BETWEEN 300 AND 450 CASES THAT
20 THEY'RE RESPONSIBLE FOR AND EACH ONE GETS ABOUT 40
21 MORE EACH MONTH.

22 AND SO EVERY MORNING A JUDGE IN A PARTICULAR
23 DEPARTMENT WILL BE HEARING ALL KINDS OF MOTIONS AND
24 CONFERENCES AND SO FORTH. I HAVE BEEN HANDLING
25 UPWARDS ABOUT 15 TO 20 EVERY DAY IN THAT OTHER
26 DEPARTMENT BECAUSE IT WAS BACKLOGGED BECAUSE THE JUDGE
27 WAS HEARING A 71-DAY TRIAL.

28 SO, I'LL LET YOU KNOW WHAT TIME I CAN GET

1 HERE IN THE MORNING AND WE'LL START ON THE CASE AS
2 SOON AS I CAN FIGURE THAT OUT.

3 SO THE WITNESS LIST IS AS FOLLOWS. IF YOU
4 RECOGNIZE ANY NAMES ON THIS LIST, PLEASE RAISE YOUR
5 HAND, I WILL PUT AN X BY YOUR NAME AND COME BACK TO
6 IT.

7 WE HAVE ALREADY INTRODUCED ASHLEY HARMS, THE
8 PLAINTIFF.

9 LESLIE HIGGINS -- I'M SORRY. LESLIE HIGGINS
10 IS A WITNESS PERHAPS.

11 ROBBERY HIGGINS YOU MET.

12 BARRY SEAVEY, S-E-A-V-E-Y.

13 JASON BUSPERNET. WILLIAM FOOTE.

14 AND SOME OF THESE WITNESSES MAYBE VERY SHORT,
15 A VERY FEW MINUTES ON THE STAND.

16 JENNA POE, CHRISTINE JOHNSON, MATT EVER,
17 MARCI ASHIOTSUGU, THAT'S A-S-H-I-O-T-S-U-G-U.

18 TRIAMAN DOORMAN. HEATHER HARMS. KAREN
19 HARMS. JAMES HARMS.

20 JOHN T. DUNN. HE'S A PH.D.

21 HOWARD GOLDFARB. PETER FORBUSIS.

22 OFFICER D. BRENNER. CHARLIE CLARK. MARGIE STEINS.
23 JOY SCARCLIFF. DONNA SAMUELS. JEFF MARCIE, PH.D.

24 MARIA AGUILERRA. DAVID LETTERIELLO. THAT'S
25 L-E-T-T-E-R-I-E-L-L-O.

26 KATHLEEN SEIBERT. PHIL BISHOP. MARTY
27 EAGLES. JASON BUSPERNET. VICTOR SAPIEN, S-A-P-I-E-N.
28 MARTY EAGLES. I GUESS WE HAVE HIM ALREADY.

1 DONNA SAMUELS. AND I'M SURE I READ THAT
2 BEFORE.

3 LESLIE WILMONT. JULIE HUNT. GREG SANDERS.
4 SAMMY HEAD. DAVE CHRISTIAN. BARRY SEAVEY. I THINK
5 SOME OF THESE ARE DUPLICATES.

6 DR. SORANIN. SAMMY GRAYA, MEDICAL DOCTOR.
7 JOHN DUNN, PH.D.

8 PHIL IVES, AND I BELIEVE IT'S SANDY ZOES.

9 I DIDN'T SEE ANY HANDS, SO I'LL ASSUME NO ONE
10 KNOWS ANY OF THOSE PARTIES.

11 WITH REGARD TO -- I APPRECIATE WHEN YOU'RE
12 BEING ASKED QUESTIONS IF YOU WOULD SPEAK UP BECAUSE
13 THE COURT REPORTER IS REQUIRED TO TAKE DOWN EVERYTHING
14 THAT IS SAID IN THIS COURTROOM. AND IF SHE CAN'T HEAR
15 WHAT YOU SAY, SHE'LL ASK YOU TO SPEAK UP. AND PLEASE
16 SPEAK UP LOUD ENOUGH SO THE OTHER JURORS, PROSPECTIVE
17 JURORS, CAN HEAR ALSO BECAUSE THEY'RE GOING TO BE
18 ASKED TO PERHAPS COMMENT ON SOME OF THE QUESTIONS AND
19 ANSWERS THAT YOU MAY HAVE GIVEN.

20 WE HAVE A COURTROOM ASSISTANT WHO IS SITTING
21 AGAINST THE FAR WALL WITH THE COMPUTER THERE DOING
22 OTHER WORK NOW AND SHE HAS THE RESPONSIBILITY FOR THE
23 JURY. SO YOU WILL BE -- YOUR CONTACT WILL BE WITH
24 HER. SHE IS THE ONE THAT WILL BRING YOU INTO THE
25 COURTROOM EVERY MORNING AND EVERY AFTERNOON AFTER
26 LUNCH AND AFTER BREAK PERIODS.

27 AND IF YOU HAVE ANY QUESTIONS, PLEASE BRING
28 THEM TO HER ATTENTION AND SHE'LL BRING THEM TO MY

1 ATTENTION AND I'LL ATTEMPT TO RESOLVE THEM IF I CAN.

2 DURING THIS VOIR DIRE -- VOIR DIRE, HOWEVER,
3 IF I'M ASKING YOU QUESTIONS YOU CAN ASK A QUESTIONS OF
4 THE COURT DURING THIS PROCEEDING, BUT ONCE THE TRIAL
5 STARTS THE QUESTIONS HAVE TO GO TO THE ASSISTANT
6 CLERK.

7 AGAIN, AS FAR AS THE TIME THAT WE'LL BE
8 HANDLING THE CASE I WILL ADVISE YOU OF THAT PROBABLY
9 FIRST THING IN THE MORNING.

10 NOW, AS YOU NOTICED WHEN YOU WERE CALLED INTO
11 THIS DEPARTMENT FOR JURY DUTY, YOU WERE SEATED OUT IN
12 THE HALLWAY. WELL, THAT'S THE BEST WE HAVE. SO YOU
13 WILL BE THERE IN THE MORNING AND YOU WILL BE THERE
14 AFTER LUNCH HOUR.

15 IF YOU HEAR ANYONE TALKING ABOUT THIS CASE
16 OUT IN THE HALLWAY, PLEASE WALK AWAY FROM THEM. NOW
17 COUNSEL KNOW THAT THEY ARE TO TELL THEIR WITNESSES AND
18 PARTIES NOT TO TALK NEAR THE JURORS, BUT UNFORTUNATELY
19 SOMETIMES THAT OCCURS.

20 SO IF YOU HEAR SOMETHING OUTSIDE OF THIS
21 COURTROOM ABOUT THIS CASE, AND IT COMES TO THE COURT'S
22 ATTENTION, IF IT WERE AN INDIVIDUAL JUROR I MIGHT HAVE
23 TO CALL YOU INTO CHAMBERS WITH THE COURT REPORTER AND
24 COUNSEL AND FIND OUT WHAT IT WAS THAT YOU HEARD. AND
25 IF IT WAS SOMETHING THAT YOU SHOULDN'T HAVE HEARD FOR
26 WHATEVER REASON IS NOT ADMISSIBLE IN EVIDENCE, IT'S
27 POSSIBLE THAT I HAVE TO EXCUSE YOU AND PUT YOU ON A
28 DIFFERENT CASE AND BRING IN AN ALTERNATE.

1 HOWEVER, IF ENOUGH PEOPLE HEARD THAT, IT
2 MIGHT RESULT IN THE COURT HAVING TO DECLARE A MISTRIAL
3 AND START ALL OVER WITH A BRAND-NEW JURY.

4 AND THAT UNFORTUNATELY WOULD BE A BAD THING
5 BECAUSE AFTER WE FINISH THIS CASE WE HAVE ANOTHER ONE
6 AND ANOTHER ONE AND ANOTHER ONE. AND SO, IT'S TIME
7 THAT WE CAN'T AFFORD TO LOSE.

8 SO PLEASE AVOID ANY WITNESSES IN THE HALLWAY.
9 WITH RESPECT TO COUNSEL, THEY HAVE TO COME TO COURT.
10 THEY'RE GOING TO WALK PAST THE JURORS EVERY MORNING
11 AND EVERY LUNCHTIME TO COME IN THE DOORS. COUNSEL ARE
12 EXPERIENCED TRIAL COUNSEL AND THEY KNOW THAT THEY'RE
13 NOT TO HAVE ANY CONTACT WITH THE JURORS EXCEPT IN VOIR
14 DIRE AND OPENING STATEMENT AND CLOSING ARGUMENTS.

15 DO NOT ATTEMPT TO TALK TO THE JURORS OR TO
16 THE COUNSEL OUT IN THE HALLWAY BECAUSE YOU MAY BE
17 TALKING ABOUT ANYTHING, SPORTS, POLITICS, WEATHER,
18 WHATEVER IT IS, IT DOESN'T LOOK RIGHT. AND WE HAVE A
19 RESPONSIBILITY NOT TO DO WHAT'S RIGHT BUT WE HAVE A
20 RESPONSIBILITY THAT THE JUSTICE SYSTEM APPEARS TO BE
21 FAIR.

22 SO PLEASE STAY WAY FROM THEM. THEY'LL STAY
23 WAY FROM YOU. THEY'RE NOT GOING TO SAY GOOD MORNING.
24 THEY'RE NOT GOING TO HOLD THE DOOR OPEN FOR YOU.

25 WHEN THE TRIAL IS OVER, HOWEVER, IF YOU WISH
26 TO TALK WITH THEM, YOU MAY OUT IN THE HALLWAY. BUT
27 SOMETIMES THEY LIKE TO DISCUSS THE CASE WITH YOU WHEN
28 IT IS ALL OVER, AND IF THAT IS THE CASE, FEEL FREE TO.

1 IF YOU WOULD RATHER NOT TALK WITH THEM, JUST SAY I
2 WOULD RATHER NOT TALK WITH YOU AND MOVE WAY AND THEY
3 WON'T FURTHER BOTHER YOU IN ANY WAY.

4 NOW, BECAUSE OF THE NATURE OF THIS CASE,
5 THERE MAY BE SOME TESTIMONY THAT IS GOING TO DEAL WITH
6 CONDUCT THAT IS GOING TO BE DIFFERENT THAN IN SOME
7 TRIALS WE DO LIKE BUSINESS LITIGATION.

8 THERE IS GOING TO BE TESTIMONY REGARDING
9 ALLEGATIONS BY THE PLAINTIFF THAT SHE WAS SEXUALLY
10 MOLESTED. THERE MAY BE SOME GRAPHIC SEXUAL LANGUAGE
11 IN THIS TRIAL.

12 NOW, WITH REGARD TO JURORS, THERE ARE SOME
13 JURORS WHO WOULD FEEL VERY, VERY UNCOMFORTABLE HEARING
14 THAT TYPE OF TESTIMONY. IF ANYONE HAS THAT FEELING, I
15 WOULD TALK TO THEM SEPARATELY IN THE -- IN THE
16 CHAMBERS WITH COUNSEL AND THE ATTORNEYS TO SEE WHETHER
17 YOU SHOULD BE SET ON ANOTHER TRIAL.

18 ONE OF THE ISSUES IN THIS CASE IS GOING TO BE
19 THAT THE PLAINTIFF IS ALLEGING THAT SHE WAS SEXUALLY
20 MOLESTED. THERE IS A POSSIBILITY OR A PROBABILITY
21 THAT SOMEBODY ON THIS JURY AS A CHILD MAY HAVE HAD AN
22 UNFORTUNATE EXPERIENCE OF A SEXUAL NATURE. THAT IS
23 SOMETHING THAT COUNSEL WOULD BE ENTITLED TO KNOW AND
24 TO HEAR ABOUT IT BECAUSE IT MAY BE THAT BECAUSE OF
25 THAT YOU SHOULDN'T SERVE ON THIS JURY.

26 WE WANT 12 PEOPLE WITH OPEN MINDS THAT CAN
27 JUDGE THE EVIDENCE IN THIS CASE AND MAKE FACTUAL
28 DETERMINATIONS.

1 AGAIN, PLEASE ASK TO TALK TO ME IN CHAMBERS
2 AND WE CAN GO THROUGH THOSE TYPES OF ISSUES UNDER THE
3 CIRCUMSTANCES.

4 IF THERE IS SOMEBODY BECAUSE OF THEIR
5 RELIGION PERHAPS OR WHATEVER UPBRINGING THAT JUST
6 CANNOT DISCUSS SEXUAL SUBJECTS, THEN AGAIN, I WANT YOU
7 TO TELL ME THAT IN CHAMBERS SO THAT THE WHOLE WORLD
8 DOESN'T KNOWN WHAT YOU'RE SAYING.

9 AND WHATEVER YOU MIGHT SAY ON -- IN CHAMBERS
10 WE DO HAVE TO PUT ON THE COURT REPORTER'S TRANSCRIPT.
11 HOWEVER, I CAN SEAL THAT SO IT'S NOT OPEN TO THE
12 PUBLIC EXCEPT BY AN ORDER BY MYSELF.

13 I THINK WITH THAT, I'M GOING TO -- I'M GOING
14 -- WELL, LET ME SEE. OKAY. WITH THAT, I AM GOING TO
15 FIND OUT A LITTLE BIT ABOUT EACH ONE OF THE JURORS
16 NOW.

17 AND THERE IS A BOARD UP THERE ON THE -- WHICH
18 I HOPE YOU CAN ALL READ IT. I CAN'T WITHOUT MY
19 GLASSES.

20 WE'LL START WITH JUROR NUMBER ONE.
21 MR. BLATT, WOULD YOU GIVE US THE INFORMATION ON THE
22 BOARD.

23 PROSPECTIVE JUROR: MY NAME IS BENJAMIN
24 DANIEL BLATT. I LIVE IN EASTERN WEST HOLLYWOOD. I'M
25 SINGLE. I'M A WRITER AND A GRADUATE STUDENT STUDYING
26 MYTHOLOGY. I HAVE NEVER BEEN ON A JURY BEFORE.

27 THE COURT: THANK YOU, SIR.

28 MR. -- OR LET'S SEE, ARDASHENIAN.

1 PROSPECTIVE JUROR: YES. I LIVE IN GLENDALE.
2 I AM SINGLE. I WORK FOR BLUE SHIELD OF CALIFORNIA IN
3 SALES. AND I WAS CHOSEN ONCE ON A JURY BEFORE, BUT IT
4 NEVER GOT STARTED. IT GOT CANCELLED. SO, THAT'S IT.

5 THE COURT: OKAY. THANK YOU, SIR.

6 MR. -- IS IT GREIN OR "GREEN"?

7 PROSPECTIVE JUROR: GREIN.

8 THE COURT: OKAY.

9 PROSPECTIVE JUROR: I'M PAUL GREIN FROM
10 STUDIO CITY. I'M SINGLE. I'M A WRITER. AND I HAVE
11 NEVER GOTTEN THIS FAR IN THE JURY PROCESS. ONCE A FEW
12 YEARS AGO I WAS DISMISSED OUT IN THE MAIN ROOM.

13 THE COURT: WE HAVE A JUDGE WAITING TO SERVE
14 JURY DUTY IN THE JURY ROOM, BUT HE DIDN'T GET ON THIS
15 PANEL.

16 MS. MAGRUM.

17 PROSPECTIVE JUROR: MY NAME IS GERALDINE
18 MAGRUM. I'M SINGLE AND I LIVE IN NORTH HOLLYWOOD.
19 AND I WAS ON A JURY BEFORE. WE DID HAVE A VERDICT.

20 THE COURT: CIVIL OR CRIMINAL, MA'AM?

21 PROSPECTIVE JUROR: CRIMINAL.

22 THE COURT: OKAY. PERHAPS THIS IS A GOOD
23 TIME TO MENTION THIS. IF SOME OF YOU HAVE SERVED ON A
24 JURY BEFORE IN A CRIMINAL NATURE, IN AN CRIMINAL CASE
25 THE PEOPLE OF THE STATE OF CALIFORNIA FILE EITHER
26 THROUGH THE DISTRICT ATTORNEY'S OFFICE OR THE ATTORNEY
27 GENERAL'S OFFICE A CRIMINAL COMPLAINT ALLEGING THAT
28 THE DEFENDANT HAS EITHER COMMITTED A FELONY OR A

1 MISDEMEANOR.

2 NOW, IN THAT TYPE OF A CASE, THE BURDEN OF
3 PROOF IS DIFFERENT THAN IT IS IN A CIVIL CASE WHICH
4 I -- THOSE OF YOU WHO HAVE SERVED ON A CIVIL CASE
5 WOULD HAVE BEEN INSTRUCTED AS TO THE LAW.

6 IN A CRIMINAL CASE, WE HAD JURY TRIALS IN THE
7 UNITED STATES 100 YEARS BEFORE WE HAD A CONSTITUTION
8 AND WE HAD JURY TRIALS IN ENGLAND GOING BACK TO THE
9 11TH CENTURY. SO THE LAW HAS DEVELOPED OVER HUNDREDS
10 AND HUNDREDS OF YEARS AND THE THEORY ON CRIMINAL CASE
11 IS THAT IT'S PERHAPS BETTER TO OCCASIONALLY ACQUIT A
12 GUILTY PERSON THAN TO CONVICT AN INNOCENT PERSON.

13 IF YOU CONVICT AN INNOCENT PERSON YOU CAN
14 DEPRIVE -- THE JUDGE HAS TO SENTENCE THEM, IT COULD BE
15 PROBATION, IT COULD BE A FINE, IT COULD BE PICKING UP
16 TRASH ON THE FREEWAY, IT COULD BE TIME IN THE COUNTY
17 JAIL, IT COULD BE INCARCERATION IN THE STATE
18 PENITENTIARY, LIFE IMPRISONMENT, SPECIAL
19 CIRCUMSTANCES, MURDER CASE DEATH PENALTY.

20 SO, IN THOSE SITUATIONS YOU WOULD HAVE BEEN
21 INSTRUCTED BY THE JUDGE THAT THE PEOPLE HAVE THE
22 BURDEN OF PROVING THE DEFENDANT'S GUILT BEYOND A
23 REASONABLE DOUBT SO THAT YOU HAD AN ABIDING CONVICTION
24 OF THE TRUTH OF THE CHARGES.

25 NOW, IN A CIVIL CASE THERE IS NO
26 INCARCERATION. WHAT HAPPENS IN A CIVIL CASE IS THE
27 PLAINTIFF SUES A DEFENDANT, WHATEVER THE CASE MAY BE,
28 FOR MONEY. AND THAT'S ALL YOU CAN DO AS A JURY IS IF

1 YOU FIND LIABILITY, YOU WILL AWARD DAMAGES, WHATEVER
2 YOU FEEL IS REASONABLE UNDER THE CIRCUMSTANCES.

3 SO THE BURDEN OF PROOF -- I WILL GIVE IT TO
4 YOU IN MORE DETAIL AT THE END OF THIS CASE -- IS NOT
5 BY -- BEYOND A REASONABLE DOUBT, BUT BY A
6 PREPONDERANCE OF EVIDENCE OR BY EVIDENCE MORE LIKELY
7 TO BE TRUE THAN NOT TRUE.

8 SO, I'LL, AGAIN, IT IS A DIFFERENT -- THE
9 PLAINTIFF HAS THE BURDEN OF PROOF AND IF THEY GIVE YOU
10 A SUFFICIENT AMOUNT OF EVIDENCE THAT IS MORE LIKELY TO
11 BE TRUE OR NOT TRUE, PREPONDERANCE OF EVIDENCE, THE
12 PLAINTIFF WOULD BE ENTITLED TO A VERDICT.

13 BUT IF THEIR EVIDENCE WOULD EQUAL THE
14 DEFENDANT'S EVIDENCE AND THE SCALES ARE EVENLY
15 BALANCED, THEN YOU WOULD BRING IN A DEFENSE VERDICT.

16 SO, LET'S MOVE ON THEN TO JENNIE FOX.

17 PROSPECTIVE JUROR: MY NAME IS JENNIE FOX. I
18 LIVE IN SUNLAND AND I AM MARRIED. MY OCCUPATION IS
19 COMPLIANCE AND MY HUSBAND WORKS IN MEDICAL RECORDS. I
20 HAVE NO PREVIOUS JURY EXPERIENCE.

21 THE COURT: OKAY. THANK YOU.

22 MR. ORDOUHKHANIAN.

23 PROSPECTIVE JUROR: YES. I'M ROBERT
24 ORDOUHKHANIAN FROM BURBANK CITY. I AM AN ELECTRICIAN,
25 MARRIED. I HAVE A FOUR-YEAR-OLD SON. AND THIS IS THE
26 FIRST TIME I AM ON JURY DUTY.

27 THE COURT: OKAY. THANK YOU, SIR.

28 MS. SAX.

1 PROSPECTIVE JUROR: YES. I'M CAROL SAX. I
2 LIVE IN WEST LOS ANGELES. I'M A WIDOW. I HAVE TWO
3 ADULT CHILDREN. THEY ARE, ONE IS AN EDUCATOR, AS AM
4 I. MY SON IS A VIDEOTAPE EDITOR. I'VE HAVE HAD NO
5 PREVIOUS JURY EXPERIENCE.

6 THE COURT: OKAY. THANK YOU, MA'AM.
7 IS THAT MR. COHOE?

8 PROSPECTIVE JUROR: COHOE, JOHN COHOE. I
9 LIVE IN LOS ANGELES. I'M MARRIED. I HAVE A LITTLE
10 DAUGHTER. I'M A PRODUCTION ACCOUNTANT AND I HAVE
11 NEVER SERVED ON A JURY BEFORE.

12 THE COURT: THANK YOU, SIR.
13 MS. PHILIPS.

14 PROSPECTIVE JUROR: CHRISTINA PHILIPS. I
15 LIVE IN CENTURY CITY. I'M SINGLE WITHOUT CHILDREN --

16 THE COURT: I'M SORRY.

17 PROSPECTIVE JUROR: I'M SINGLE WITHOUT
18 CHILDREN. AND I'M A 911 MANAGER FOR A PHONE COMPANY.

19 THE COURT: PRIOR JURY DUTY?

20 PROSPECTIVE JUROR: NO.

21 THE COURT: OKAY. THANK YOU.

22 MR. BAKER.

23 PROSPECTIVE JUROR: I'M MARRIED. I LIVE IN
24 MONTROSE. I NEVER SERVED ON JURY. I HAVE BEEN CALLED
25 BEFORE. I WAS SENT HOME.

26 THE COURT: OKAY. MS. KESHISHIAN.

27 PROSPECTIVE JUROR: MY NAME IS TALIN
28 KESHISHIAN. I LIVE IN SUNLAND. I'M SINGLE AND I'M A

1 STUDENT AND I HAVE NEVER SERVED ON A JURY.

2 THE COURT: OKAY. THANK YOU.

3 AND THEN MR. STOUGHTON.

4 PROSPECTIVE JUROR: STOUGHTON. I'M MARRIED,
5 TWO CHILDREN. I RUN A MEDICAL DEVICE COMPANY. I HAVE
6 BEEN CALLED TO SERVE ON A JURY, BUT NEVER SERVED.

7 THE COURT: OKAY. THANK YOU.

8 MR. MC CAY.

9 PROSPECTIVE JUROR: I'M SAM MC CAY. I LIVE
10 IN SILVER LAKE. I AM MARRIED. NO CHILDREN.
11 SELF-EMPLOYED GRAPHIC DESIGNER. AND I HAVE BEEN ON
12 TWO JURIES THAT REACHED VERDICT.

13 THE COURT: CIVIL OR CRIMINAL?

14 PROSPECTIVE JUROR: BOTH I BELIEVE,
15 UNANIMOUS.

16 THE COURT: OKAY. THANK YOU.

17 AND FINALLY, MS. DYTMAN.

18 PROSPECTIVE JUROR: YES. MY NAME IS WENDY
19 DYTMAN. I LIVE IN THE HOLLYWOOD HILLS. I'M MARRIED.
20 I HAVE NO CHILDREN. I WAS A PRODUCER. I'M NOW A
21 GRADUATE STUDENT IN PSYCHOLOGY. MY HUSBAND IS AN
22 AGENT. AND I HAVE SERVED ON A JURY BEFORE THAT
23 REACHED A VERDICT. AND I SERVED LAST YEAR. SO, I --

24 THE COURT: WE GOT YOU FAST AGAIN.

25 PROSPECTIVE JUROR: YOU GOT ME BACK AGAIN IN
26 A YEAR.

27 THE COURT: WELL, THE WAY WE OBTAIN JURORS IS
28 THROUGH EITHER DMV REGISTRATION OR VOTER REGISTRATION,

1 SO THEY MUST HAVE HIT YOU ON BOTH OF THEM. WELL, WHEN
2 THIS TRIAL IS OVER IF YOU SERVE ON THIS JURY WE'LL
3 GIVE YOU A GOLD PLAQUE THAT SAYS --

4 PROSPECTIVE JUROR: A YEAR, PLEASE.

5 THE COURT: OKAY. ONCE AGAIN, LADIES AND
6 GENTLEMEN OF THE JURY, AS I INDICATED THIS CASE WAS
7 SENT UP FROM TORRANCE BECAUSE OF THE OVERCROWDING OF
8 THE DOCKET DOWN THERE. SO, I FIRST HAD AN OPPORTUNITY
9 TO LOOK AT THIS FILE THIS MORNING. SO I PROBABLY KNOW
10 NOT VERY MUCH MORE ABOUT THE CASE THAN EACH ONE OF YOU
11 DO.

12 SO, RATHER THAN MY VOIR DIREING THE JURY WITH
13 REGARD TO QUESTIONS, I'M GOING TO LEAVE THAT UP TO
14 COUNSEL.

15 COUNSEL, I AM NOT PUTTING A TIME LIMITATION
16 ON HOW LONG YOU CAN VOIR DIRE. HOWEVER, YOU KNOW THE
17 TIME LIMITS IN WHICH WE'RE GOING TO FINISH THE CASE,
18 AND IF YOU PUT THE JURY TO SLEEP THAT'S YOUR PROBLEM.

19 SO, COUNSEL FOR PLAINTIFF. COUNSEL, YOU CAN
20 SIT, STAND, USE THE PODIUM, MOVE IT, WHATEVER YOU'RE
21 COMFORTABLE WITH.

22 MR. RECK: THANK YOU, YOUR HONOR.

23 VOIR DIRE EXAMINATION

24 MR. RECK: GOOD AFTERNOON AGAIN. MY NAME IS
25 MICHAEL RECK. AND I'M ONE OF THE ATTORNEYS WHO'S
26 WORKING FOR THE PLAINTIFF, ASHLEY HARMS. AGAIN, MY
27 CO-COUNSEL IS RYAN DIMARIA.

28 THE JUDGE HAS ALREADY THROWN SOME PRETTY BIG

1 WORDS AT YOU. SPECIFICALLY HE SAID "VOIR DIRE,"
2 YOU'RE GOING TO HEAR THAT OVER AND OVER. WHAT THAT
3 MEANS IS IT GIVES US A CHANCE FOR US TO TALK A LITTLE
4 BIT THIS AFTERNOON AND MAKE SURE THAT WE CAN GET A
5 PANEL OF JURORS WHO CAN FAIRLY AND IMPARTIALLY LISTEN
6 TO THE CASE, RENDER A VERDICT, THAT IS IN CONJUNCTION
7 WITH THE EVIDENCE PRESENTED.

8 EVERYBODY UNDERSTAND THAT?

9 OKAY. THE FIRST THING I WANT TO DO IS I'M
10 GOING TO GO THROUGH JUST A LITTLE BIT OF SOME BASIC
11 BACKGROUND FOLLOWING.

12 WE'RE GOING TO HAVE TO GET A LITTLE BIT
13 SPECIFIC. I APOLOGIZE FOR HOW GRAPHIC SOME OF
14 TESTIMONY, SOME OF THE QUESTIONS ARE GOING TO BE. BUT
15 FIRST I'D LIKE TO START OUT WITH JUST SOME BASIC
16 BACKGROUND INFORMATION.

17 AND AGAIN, IF WE DO TOUCH ON A SUBJECT THAT
18 GETS TO BE A LITTLE BIT TOO PRIVATE OR SOMETHING YOU
19 THINK IS BETTER DISCUSSED IN PRIVATE, PLEASE TAKE THE
20 JUDGE UP ON HIS OFFER. WE HAVE NO PROBABLY GOING IN
21 THE BACK AND MEETING WITH YOU OUTSIDE THE PRESENCE OF
22 EVERYONE ELSE. THAT'S SOMETHING THAT IS VERY
23 IMPORTANT THAT WE BE ABLE TO GET OUT.

24 FIRST THING I WANT TO KNOW IS ABOUT SOME
25 EDUCATIONAL BACKGROUND.

26 MR. BLATT, I ASSUME THAT YOU'RE A HIGH SCHOOL
27 GRADUATE?

28 PROSPECTIVE JUROR: YES, I AM.

1 MR. RECK: ANY COLLEGE AFTER THAT?

2 PROSPECTIVE JUROR: I HAVE A BACHELOR'S
3 DEGREE, WILLIAMS COLLEGE. I HAVE A J.D. FROM
4 UNIVERSITY OF VIRGINIA. I HAVE A MASTER'S DEGREE IN
5 MYTHOLOGY AND I'M PURSUING A PH.D. AT THE PRESENT
6 TIME.

7 MR. RECK: WAS THAT IN MYTHOLOGY?

8 PROSPECTIVE JUROR: YES. THERE'S ONE PROGRAM
9 IN THE COUNTRY THAT OFFERS COURSES IN MYTHOLOGY.

10 MR. RECK: IS THAT IN CARPENTERIA?

11 ANYBODY HERE EVER SERVED IN THE MILITARY?

12 WHAT BRANCH WAS THAT, SIR?

13 PROSPECTIVE JUROR: ARMY.

14 MR. RECK: AND THAT IS MR. STOUGHTON, IS THAT
15 THE CORRECT PRONUNCIATION?

16 PROSPECTIVE JUROR: STOUGHTON.

17 MR. RECK: MR. STOUGHTON, WHAT WAS YOUR RANK
18 WHEN YOU LEFT THE SERVICE?

19 PROSPECTIVE JUROR: CAPTAIN.

20 MR. RECK: AND WHEN WAS THAT?

21 PROSPECTIVE JUROR: '68 TO '73.

22 MR. RECK: DID YOU SERVE ANY COMBAT TIME
23 DURING THAT?

24 PROSPECTIVE JUROR: I SERVED DURING A PERIOD
25 OF COMBAT. I PERSONALLY DIDN'T SERVE COMBAT.

26 MR. RECK: ANYBODY ELSE WITH MILITARY
27 EXPERIENCE?

28 MR. GREIN, I APOLOGIZE, WHAT WAS YOUR

1 OCCUPATION, SIR?

2 PROSPECTIVE JUROR: I'M A WRITER.

3 MR. RECK: AND, MS. FOX, YOU TOLD ME THAT YOU
4 WERE INVOLVED IN COMPLIANCE?

5 PROSPECTIVE JUROR: CORRECT.

6 MR. RECK: WHAT KIND OF COMPLIANCE?

7 PROSPECTIVE JUROR: FOR A COLLECTION AGENCY.

8 MR. RECK: IS THAT MOSTLY TELEPHONE WORK?

9 PROSPECTIVE JUROR: MONITORING THE PHONE
10 CALL, BUT THERE IS OTHER QUALITY CONTROL CHECKING ON
11 OTHER DEPARTMENTS.

12 MR. RECK: MAKING SURE THEY'RE DOING THEIR
13 JOB RIGHT?

14 PROSPECTIVE JUROR: WHETHER THE PROCEDURE OR
15 TO THE LAWS THAT GOVERN THE AGENCY.

16 MR. RECK: DO YOU HAVE SOME TRAINING ON THE
17 LEGAL COMPLIANCE THAT YOUR EMPLOYEES HAVE TO FOLLOW?

18 PROSPECTIVE JUROR: ONLY AS IT APPLIES TO
19 COLLECTIONS.

20 MR. RECK: WAS THAT TRAINING PROVIDED BY YOUR
21 EMPLOYER?

22 PROSPECTIVE JUROR: YES.

23 MR. RECK: MS. SAX, I KNOW YOU TOLD ME THAT
24 YOU WERE AN EDUCATOR AND THAT YOUR CHILDREN I BELIEVE
25 WERE EDUCATORS AS WELL, CORRECT?

26 PROSPECTIVE JUROR: YES, MY DAUGHTER IS.

27 MR. RECK: YOUR DAUGHTER IS. AND YOU HAVE A
28 SON AS WELL?

1 PROSPECTIVE JUROR: YES.

2 MR. RECK: WHAT DOES HE DO?

3 PROSPECTIVE JUROR: VIDEOTAPE EDITOR.

4 MR. RECK: AND YOU'RE A WIDOW, MA'AM?

5 PROSPECTIVE JUROR: YES.

6 MR. RECK: WHAT DID YOUR HUSBAND DO?

7 PROSPECTIVE JUROR: HE WAS A FILM EDITOR.

8 MR. RECK: AND, MR. COHOE, WHAT DID YOU DO
9 FOR A LIVING AGAIN?

10 PROSPECTIVE JUROR: PRODUCTION ACCOUNTING.

11 MR. RECK: AND HOW OLD IS YOUR DAUGHTER, SIR?

12 PROSPECTIVE JUROR: FOUR.

13 MR. RECK: OKAY. ANYBODY EVER LIVE IN
14 REDONDO BEACH?

15 ANYBODY EVER BEEN TO REDONDO BEACH?

16 ANYONE HERE EVER WORKED IN A CONSTRUCTION
17 INDUSTRY?

18 PROSPECTIVE JUROR: I'M AN ELECTRICIAN. I
19 USUALLY WORK IN CONSTRUCTION.

20 MR. RECK: ARE YOU -- DO YOU WORK FOR AN
21 ELECTRICAL COMPANY OR DO YOU HAVE YOUR OWN COMPANY,
22 SIR?

23 PROSPECTIVE JUROR: NO, I'M EMPLOYED.

24 MR. RECK: WHO ARE YOU EMPLOYED BY?

25 PROSPECTIVE JUROR: BERG ELECTRIC COMPANY.

26 MR. RECK: AND HOW LONG HAVE YOU WORKED
27 THERE?

28 PROSPECTIVE JUROR: FOURTEEN MONTHS.

1 MR. RECK: AND WERE YOU AN ELECTRICIAN PRIOR
2 TO DOING THAT, SIR?

3 PROSPECTIVE JUROR: YES, SIR.

4 MR. RECK: HOW LONG HAVE YOU BEEN AN
5 ELECTRICIAN?

6 PROSPECTIVE JUROR: FIVE YEARS.

7 MR. RECK: WHAT ABOUT IN -- IN THE AUTOMOBILE
8 FIELD? ANYONE HERE EVER WORKED IN AN AUTO BODY SHOP?
9 ANYONE EVER WORKED IN A MECHANIC SHOP?

10 NOW, THE JUDGE DID TELL YOU ALREADY THAT
11 YOU'RE GOING TO GET SOME INSTRUCTIONS WHEN THIS IS ALL
12 OVER. THOSE INSTRUCTIONS ARE GOING TO ESSENTIALLY ASK
13 YOU TO HAVE LISTENED TO THE EVIDENCE. HOPEFULLY
14 YOU'LL LISTEN TO THAT WITH AN OPEN MIND AND AT THE END
15 OF IT YOU'RE GOING TO NEED TO APPLY THE LAW THAT
16 YOU'RE GIVEN ESSENTIALLY TO THE INSTRUCTIONS AND COME
17 BACK WITH AN ANSWER. EITHER YOU BELIEVE CERTAIN
18 EVIDENCE AND YOU THEN RENDER A VERDICT AND WE THANK
19 YOU FOR YOUR TIME AND YOU GO OFF.

20 DURING THE COURSE OF THAT, THAT LAW IS GOING
21 TO BE PROVIDED TO YOU. EVERYBODY UNDERSTAND THOSE ARE
22 THE RULES YOU HAVE TO WORK WITH, CORRECT?

23 ANYBODY NOT UNDERSTAND THAT?

24 OKAY. SO, WHAT I'M GOING TO DO IS I'M GOING
25 TO KIND OF FLESH THIS OUT A LITTLE BIT AND MAKE SURE
26 THAT EVERYBODY UNDERSTANDS EXACTLY WHAT'S GOING ON
27 HERE.

28 FOR EXAMPLE, I'M GOING TO -- I'M GOING TO ASK

1 MR. BLATT, MR. BLATT, IF WE WERE TO ASK YOU THAT AT
2 THE END OF THIS TRIAL WE GIVE YOU SOME INSTRUCTIONS
3 AND THE INSTRUCTIONS ARE IF YOU FIND THAT THE
4 DEFENDANT HAS VIOLATED A LAW, AND EVIDENCE WAS
5 PRESENTED, REGARDLESS OF WHETHER YOU LIKE THAT
6 EVIDENCE, REGARDLESS OF WHETHER YOU HAD A PERSONAL
7 FEELING ABOUT IT, ARE YOU GOING TO BE WILLING AND ABLE
8 TO FOLLOW THE INSTRUCTIONS THAT THE COURT GIVES YOU?

9 PROSPECTIVE JUROR: I ASSUME THAT I WILL BE.

10 MR. RECK: THAT IS AN IMPORTANT FUNCTION,
11 RIGHT?

12 PROSPECTIVE JUROR: I WENT TO LAW SCHOOL.

13 MR. RECK: OKAY. I THOUGHT SO.

14 AND EVERYBODY UNDERSTANDS THAT THAT MEANS
15 THAT THERE MAY BE SOME ISSUES THAT YOU HEAR THAT MAYBE
16 YOU DON'T AGREE WITH.

17 FOR EXAMPLE, EVERYBODY HERE KNOWS THAT IT'S
18 NOT OKAY, IT'S NOT LEGAL FOR AN ADULT OF SAY MIDDLE
19 AGE TO HAVE SEX WITH A CHILD. ANYBODY BELIEVE THAT
20 THAT'S LEGAL CONDUCT, THAT THAT'S OKAY?

21 IF THE EVIDENCE SHOWS THAT SOMETHING LIKE
22 THAT HAPPENS, YOU'RE GOING TO RECEIVE SOME
23 INSTRUCTIONS. DOES ANYBODY HAVE A PROBLEM APPLYING
24 THOSE RULES IF THEY FIND THAT THAT'S WHAT HAPPENED?

25 NOW, AS THE JUDGE ALSO WENT THROUGH, WE'RE
26 GOING TO BE HERE, WE'RE GOING TO ASK YOU TO LISTEN TO
27 THE EVIDENCE AND AT THE END OF IT, YOU WILL HAVE HEARD
28 TESTIMONY FROM PERCIPIENT WITNESS. THAT MEANS PEOPLE

1 THAT SAW THE FACTS.

2 YOU'RE ALSO GOING TO HEAR TESTIMONY FROM
3 EXPERTS. YOU'RE GOING TO HEAR TESTIMONY FROM A
4 PSYCHOLOGIST. YOU'RE GOING TO HEAR TESTIMONY FROM
5 PROBABLY SOMEONE WHO IS GOING TO DO SOME MATH
6 CALCULATIONS, AND SOMEONE WHO IS GOING TO TALK ABOUT
7 PSYCHOLOGICAL DAMAGE.

8 THE ONLY THING THAT WE CAN DO AT THE END OF
9 THIS IS ASK TO YOU LISTEN TO THAT AND RENDER A
10 VERDICT.

11 THAT VERDICT, WHAT WE'RE GOING TO BE DOING IS
12 ASKING YOU TO APPLY WHAT YOU HEARD FROM BOTH THE
13 PERCIPIENT WITNESSES AND FROM THE OTHER WITNESSES, AND
14 AWARD MONEY DAMAGES.

15 IS THERE ANYBODY WHO DOESN'T BELIEVE THAT
16 PSYCHOLOGICAL DAMAGE EXISTS?

17 OKAY. FOR EXAMPLE, NOW I'M GOING TO ASK YOU,
18 IF A PSYCHOLOGIST SAYS TO YOU THAT A PERSON WENT
19 THROUGH A TRAUMA, EMOTIONAL TRAUMA WHEN THEY WERE
20 YOUNG, AT THE END OF THE TRIAL IF SOMEONE GIVES YOU AN
21 EVALUATION FOR THAT, SAYS, THIS TRAUMA OCCURRED AND
22 THERE IS A MONEY VALUATION FOR THAT, ARE YOU
23 COMFORTABLE AWARDING MONEY DAMAGES IN EXCHANGE FOR
24 THAT TRAUMA? IS THAT SOMETHING THAT YOU FEEL YOU CAN
25 FOLLOW THROUGH WITH IF THE FACTS DICTATED IT.

26 PROSPECTIVE JUROR: (NO AUDIBLE RESPONSE.)

27 MR. RECK: GOOD. NOW ANYBODY DISAGREE WITH
28 THAT STATEMENT? IS THERE ANYBODY OUT HERE WHO SAYS,

1 YOU KNOW, HEY, I DON'T BELIEVE THAT THERE IS SUCH A
2 THING AS PSYCHOLOGICAL DAMAGE. I DON'T BELIEVE A
3 PERSON CAN BE HURT INSIDE THEIR HEAD. ANYBODY THINK
4 THAT THAT'S TRUE?

5 AND YOU ALL UNDERSTAND THAT THE BURDEN ON
6 THIS IS FOR US TO SHOW YOU THAT OUR CASE HAPPENED,
7 RIGHT? EVERYBODY UNDERSTANDS THAT IT'S ESSENTIALLY MY
8 BURDEN, IT'S RYAN'S BURDEN, IT'S MS. HARMS' BURDEN TO
9 PRESENT WITH YOU SOME EVIDENCE.

10 AND IT'S YOUR JOB TO LISTEN TO THAT EVIDENCE
11 WITH AN OPEN MIND AND TO THEN RENDER A DECISION ON
12 THAT.

13 IS THERE ANYBODY WHO BELIEVES THAT THEY CAN'T
14 LISTEN TO IT WITH AN OPEN MIND? IS THERE ANYBODY WHO
15 THINKS, HEY, THERE'S SOMETHING OUT THERE, I'M JUST NOT
16 RIGHT TO BE ABLE TO LISTEN TO EVIDENCE AT ALL?

17 SHOW OF HANDS. IT IS OKAY? WE CAN ASK YOU
18 ABOUT IT LATER ON. ANYBODY FEEL THAT WAY?

19 SIR?

20 PROSPECTIVE JUROR: I DO.

21 MR. RECK: IS THAT SOMETHING THAT YOU'D LIKE
22 TO TALK TO US ABOUT IN A SEPARATE CHAMBER OR IS THAT
23 SOMETHING THAT YOU'D LIKE TO TELL ME ABOUT NOW?

24 PROSPECTIVE JUROR: WE CAN DO THE SEPARATE
25 CHAMBER.

26 MR. RECK: WHAT I'M GOING TO DO THEN IS I'M
27 GOING TO MAKE A MARK AND WE'RE GOING TO COME BACK TO
28 YOU. OKAY? I THANK YOU FOR BRINGING THAT OUT VERY

1 MUCH.

2 THERE IS LOT OF TALK TODAY ABOUT FRIVOLOUS
3 LAWSUITS. THERE'S A LOT OF TALK ABOUT LITIGATION.
4 THERE'S A LOT OF TALK ABOUT PEOPLE FILING LAWSUITS
5 JUST TRYING TO MAKE MONEY. AND I'M SURE THAT
6 EVERYBODY HAS PROBABLY HEARD OF A FRIVOLOUS LAWSUIT OR
7 SOMEBODY HAS HAD AN EXPERIENCE WITH IT. THE STORIES
8 ARE IN THE NEWSPAPER. THEY'RE ON TV. SOME OF YOU MAY
9 EVEN HAVE HAD AN EXPERIENCE WITH IT.

10 IS THERE ANYBODY WHO'S HAD AN EXPERIENCE, IS
11 THERE ANYBODY WHO'S BEEN A VICTIM OF WHAT THEY THINK
12 IS A FRIVOLOUS LAWSUIT?

13 YES, MA'AM. CAN YOU TELL ME ABOUT THAT?

14 PROSPECTIVE JUROR: WHEN I FIRST MOVED TO LOS
15 ANGELES, I GOT INTO A CAR ACCIDENT AND THE OTHER
16 PERSON SUED ME FOR A MILLION DOLLARS.

17 MR. RECK: A MILLION DOLLARS?

18 PROSPECTIVE JUROR: UH-HUH.

19 MR. RECK: AND I ASSUME IT WAS NOT A -- NOT A
20 VERY BIG CAR ACCIDENT?

21 PROSPECTIVE JUROR: I THINK MY CAR COST
22 \$12,000 AT THE TIME AND I WAS PAYING IT OFF. I DIDN'T
23 HAVE ANYTHING. BUT MY INSURANCE COMPANY JUST DEALT
24 WITH IT. EVENTUALLY WENT AWAY.

25 MR. RECK: DID THAT MAKE YOU UPSET?

26 PROSPECTIVE JUROR: YES. LOST A LOT OF
27 SLEEP.

28 MR. RECK: DID THAT CASE ACTUALLY -- WAS THAT

1 A TRIAL IN THAT CASE?

2 PROSPECTIVE JUROR: NO EVENTUALLY. WENT
3 AWAY. THE INSURANCE COMPANY TOOK CARE OF IT.

4 MR. RECK: AND IN THE COURSE OF THAT, DID YOU
5 HAVE TO FILL OUT PAPERWORK PROBABLY AND SEND THINGS,
6 BACK AND FORTH TO THE ATTORNEY?

7 PROSPECTIVE JUROR: (NO AUDIBLE RESPONSE.)

8 MR. RECK: ANYBODY ELSE HAVE AN EXPERIENCE
9 SIMILAR TO THAT?

10 PROSPECTIVE JUROR: THROUGH BUSINESS.

11 MR. RECK: PARDON?

12 PROSPECTIVE JUROR: THROUGH BUSINESS.

13 MR. RECK: THROUGH YOUR BUSINESS?

14 PROSPECTIVE JUROR: ALSO MY WIFE GOT HIT AND
15 EVEN THOUGH SHE GOT HIT, SHE GOT SUED.

16 MR. RECK: SO SHE WAS DRIVING THE CAR, SHE
17 GOT HIT AND SOMEBODY FOUND A LAWYER AND SUED HER,
18 RIGHT?

19 PROSPECTIVE JUROR: THAT'S CORRECT.

20 MR. RECK: DID YOU GUYS END UP -- I MEAN, DID
21 THE INSURANCE COMPANY SETTLE THAT CASE FOR YOU?

22 PROSPECTIVE JUROR: YES.

23 MR. RECK: PROBABLY A LITTLE BIT OF A HASSLE,
24 YOU HAD DO A BUNCH OF PAPERWORK, THINGS LIKE THAT?

25 PROSPECTIVE JUROR: I HAD STRONG FEELINGS
26 ABOUT THE APPROPRIATENESS OF THE WHOLE PROCESS.

27 MR. RECK: MEANING YOU FELT THAT THE
28 PLAINTIFF, THE PERSON IN THE OTHER CAR, PROBABLY

1 SHOULD NOT HAVE BROUGHT THAT LAWSUIT?

2 PROSPECTIVE JUROR: CORRECT.

3 MR. RECK: AND IN YOUR OPINION THE ACCIDENT
4 WAS PROBABLY THE OTHER PERSON'S FAULT?

5 PROSPECTIVE JUROR: SO THE POLICE REPORT
6 SAID.

7 MR. RECK: REALLY? ARE YOU AWARE IF THAT
8 PERSON EVER RECOVERED ANY MONEY OR ANY SETTLEMENT
9 AMOUNT?

10 PROSPECTIVE JUROR: I THINK A SMALL AMOUNT OF
11 MONEY.

12 MR. RECK: AND DID THAT SEEM WRONG TO YOU?

13 PROSPECTIVE JUROR: YES.

14 MR. RECK: WHAT ABOUT THE BUSINESS? WHAT WAS
15 YOUR BUSINESS AGAIN?

16 PROSPECTIVE JUROR: I HAVE BEEN IN HEALTH
17 CARE FOR OVER 20 YEARS.

18 MR. RECK: YOU'RE MANUFACTURING PRODUCTS IN
19 HEALTH CARE?

20 PROSPECTIVE JUROR: YES, NOW.

21 MR. RECK: OKAY. AND IS THAT THE TYPE OF
22 BUSINESS YOU WERE IN AT THE TIME THIS OTHER LAWSUIT
23 OCCURRED?

24 PROSPECTIVE JUROR: SAME KIND OF SERVICE,
25 SOMETIMES PRODUCT.

26 MR. RECK: OKAY. AND I ASSUME SOMEONE SUED
27 YOUR BUSINESS THEN?

28 PROSPECTIVE JUROR: OR SUED SOME LAWYERS

1 REPRESENTING THE BUSINESS ONE TIME.

2 MR. RECK: EVERYBODY FOUND A LAWYER AND THEY
3 JUST START SUING, RIGHT?

4 PROSPECTIVE JUROR: YES.

5 MR. RECK: AND DID THAT LAWSUIT MAKE YOU
6 UPSET?

7 PROSPECTIVE JUROR: I THOUGHT IT WAS
8 FRIVOLOUS AND IT TURNED OUT THAT THE JURY THOUGHT SO
9 ALSO.

10 MR. RECK: SO THERE WAS -- THERE WAS AN
11 ACTUAL TRIAL IN THAT CASE?

12 PROSPECTIVE JUROR: YES.

13 MR. RECK: AND IT WAS FOUND THAT THERE WASN'T
14 LIABILITY?

15 PROSPECTIVE JUROR: NO. THE LAWYERS GOT OFF.

16 MR. RECK: NOW, YOU GUYS HAVE HEARD THESE
17 STORIES AND I'M SURE THAT YOU'VE HEARD OTHER THINGS.
18 THERE IS A LOT OF TALK AND IF ANYBODY READS THE PAPER
19 ABOUT TORT REFORM. THERE IS THINGS THAT ARE GOING UP
20 THROUGH GOVERNMENT THAT ARE IN SACRAMENTO THROUGH EVEN
21 SOME GOVERNMENTS THAT ARE IN WASHINGTON D.C. TALKING
22 ABOUT CURTAILING FRIVOLOUS LAWSUITS.

23 AND I'M -- I'LL BE THE FIRST ONE TO AGREE
24 WITH YOU. I THINK THERE'S TOO MANY LAWSUITS OUT
25 THERE. DOES ANYBODY HERE THINK THERE'S TOO MANY
26 LAWSUITS OUT THERE? JUST SHOW OF HANDS. IT'S TOTALLY
27 OKAY. I'M NOT GOING TO GET UPSET WITH YOU.

28 OKAY. ALMOST EVERY SINGLE ONE OF YOU DID

1 THAT AND THAT'S OKAY TO HAVE THAT OPINION.

2 WHAT IS IMPORTANT TO RECOGNIZE, THOUGH, AND
3 IT'S SOMETHING THAT'S IMPORTANT FOR ALL OF US HERE TO
4 KNOW IS THAT YOU UNDERSTAND AMIDST THIS SEA THAT'S OUT
5 THERE OF FRIVOLOUS LAWSUITS, OF, YOU KNOW, AUTO
6 ACCIDENTS WHERE SOMEBODY RUNS INTO SOMEBODY ELSE AND
7 THEN SUES, THERE ARE STILL RIGHTEOUS CASES.

8 DOES ANYBODY BELIEVE THAT THERE ARE SIMPLY NO
9 RIGHTEOUS LAWSUITS OUT THERE?

10 SO EVERYBODY BELIEVES THAT, YOU KNOW, THERE
11 ARE STILL RIGHTEOUS LAWSUITS, RIGHT? EVERYBODY
12 BELIEVES THAT THERE CAN BE A GOOD LAWSUIT?

13 OKAY. AND EVERYBODY BELIEVES THAT COURTS ARE
14 IMPORTANT, RIGHT?

15 ANYBODY HERE THINK COURTS ARE NOT IMPORTANT?
16 IT'S OKAY. THE JUDGE WON'T COME AFTER YOU. AT LEAST
17 I HOPE NOT.

18 AND YOUR ROLE HERE IS IMPORTANT, SO IT'S
19 IMPORTANT THAT WE UNDERSTAND THAT WE CAN DO THAT.

20 NOW, WITH THAT SAID, ASSUMING WE CAN GET PAST
21 THIS SEA OF FRIVOLOUS LAWSUITS, WE GET DOWN TO A
22 LAWSUIT THAT'S ACTUALLY HERE, WHAT WE'RE GOING TO ASK
23 TO YOU DO AGAIN IS LISTEN TO THAT TESTIMONY, LISTEN TO
24 IT FAIRLY AND THEN COME WITH A DECISION.

25 AND DOING THAT IS GOING TO REQUIRE YOU TO SET
26 ASIDE THESE PRECONCEIVED NOTIONS ABOUT FRIVOLOUS
27 LAWSUITS, THAT PEOPLE ARE OUT THERE AND PEOPLE ARE
28 SUING FOR NO REASON. IS THERE ANYBODY WHO FEELS THAT

1 THEY CAN'T SET THAT PART ASIDE?

2 THANK YOU. I APPRECIATE THAT.

3 IS THERE ANYONE HERE WHO HAS ANY TRAINING IN
4 THE EFFECTS OF CHILDHOOD SEXUAL ABUSE? AND BY THAT I
5 MEAN, HAS ANYONE EVER BEEN TRAINED AS A SOCIAL WORKER,
6 MAYBE SOME INSTRUCTION CAME AS A TEACHER, MAYBE YOU
7 HAD SOME PSYCHOLOGY CLASSES, ANYTHING LIKE THAT?
8 THAT'S WHAT I WANT TO TALK ABOUT.

9 YES, MA'AM.

10 PROSPECTIVE JUROR: I'M HALFWAY THROUGH A
11 GRADUATE PROGRAM WITH A MASTER'S IN PSYCHOLOGY.
12 ACTUALLY TOOK THE WORKSHOP AND STUDIED IN SCHOOL.

13 MR. RECK: AND DOES THE MASTER'S PROGRAM HAVE
14 A SPECIALIZATION OR IS THAT A GENERAL PSYCHOLOGY TYPE
15 OF DEGREE, HOW DOES THAT WORK?

16 PROSPECTIVE JUROR: IT'S A MASTER'S IN
17 PSYCHOLOGY WITH THE IDEA OF BECOMING A MARRIAGE AND
18 FAMILY THERAPIST.

19 MR. RECK: AND IN THE COURSE OF THAT, SOME OF
20 YOUR CLASSES AND COURSEWORK CONCERN EFFECTS OF
21 CHILDHOOD SEXUAL ABUSE?

22 PROSPECTIVE JUROR: IN ORDER TO GRADUATE YOU
23 HAVE TO TAKE THREE WORKSHOPS, ONE ON ELDER ABUSE, ONE
24 ON SPOUSAL ABUSE AND ONE ON CHILD ABUSE. AND I HAVE
25 TO DO THE TWO-DAY ON CHILD ABUSE.

26 MR. RECK: A TWO-DAY WORKSHOP?

27 PROSPECTIVE JUROR: UH-HUH.

28 MR. RECK: AND IN THE COURSE OF THAT

1 WORKSHOP, PART OF THE TRAINING IS THAT THERE ARE
2 PSYCHOLOGICAL CHANGES THAT OCCUR IF ONE IS ABUSED AS A
3 CHILD SEXUALLY, CORRECT?

4 PROSPECTIVE JUROR: YES.

5 MR. RECK: ANYBODY ELSE HAVE ANY TRAINING
6 ALONG THOSE LINES, EVEN IF IT'S NOT FORMAL TRAINING?

7 YES, MA'AM.

8 PROSPECTIVE JUROR: IN THE COURSE OF
9 EDUCATIONAL EXPERIENCES, THERE HAVE BEEN SITUATIONS
10 WHERE WE HAVE WORKED WITH FAMILIES AND CHILDREN WHO
11 HAVE HAD DIFFERENT PROBLEMS AND WE HAVE WORKED THROUGH
12 THEM. SO THERE IS AN AWARENESS, BUT NOT A DIRECT
13 STUDY INVOLVEMENT.

14 MR. RECK: SO THIS IS SOMETHING --

15 PROSPECTIVE JUROR: I AM A TEACHER.

16 MR. RECK: HOW LONG HAVE YOU BEEN A TEACHER?

17 PROSPECTIVE JUROR: FORTY-ODD YEARS, BUT I
18 HAVEN'T BEEN A PRACTICING TEACHER FOR ABOUT 20 YEARS
19 AND I HAVE RETURNED TO IT.

20 BUT I WAS -- I TAUGHT THE MENTALLY RETARDED,
21 NURSERY SCHOOL, ELEMENTARY SCHOOL, AND HIGH SCHOOL.

22 SO I HAVE A RANGE OF EXPERIENCE AND I AM BACK
23 DOING IT AGAIN.

24 MR. RECK: MS. SAX, HAVE YOU EVER BEEN
25 PERSONALLY INVOLVED IN ANY TYPE OF AN ALLEGATION
26 BETWEEN A STUDENT AND ANY SCHOOL OFFICIAL REGARDING
27 SEXUAL ACTIVITY?

28 PROSPECTIVE JUROR: NO.

1 MR. RECK: AND YOU'VE BEEN AWARE OF
2 ALLEGATIONS OR YOU'VE PERSONALLY PROBABLY HAD SOME
3 EXPERIENCE WITH STUDENTS WHO WERE ABUSED AS CHILDREN?

4 PROSPECTIVE JUROR: WE JUST WERE AWARE OF
5 DIFFICULT SITUATIONS, BUT THEY WERE VERY -- I CAN SAY
6 THAT I REALLY HAVE BEEN IN THAT REGARD, SPECIFICALLY.
7 THERE IS AN AWARENESS WHEN THERE IS A SITUATION IN THE
8 SCHOOL AND EVERYONE IS MADE AWARE OF IT. SO I WAS NOT
9 DIRECTLY INVOLVED NOR WERE ANY OF MY STUDENTS.

10 MR. RECK: BUT YOU WERE AWARE THERE WERE SOME
11 STUDENTS WHO HAD BEEN INVOLVED WITH SOME TYPE OF
12 SEXUAL ABUSE?

13 PROSPECTIVE JUROR: FAMILY SITUATIONS, YES.

14 MR. RECK: AND DID YOU EVER WITNESS THE
15 EFFECTS OF THAT KIND OF ABUSE? DID YOU EVER SEE THOSE
16 STUDENTS?

17 PROSPECTIVE JUROR: DID I EVER SEE THOSE
18 STUDENTS, NO.

19 MR. RECK: CAN YOU UNDERSTAND THAT IF
20 CHILDREN -- IF THOSE STUDENTS WERE SEXUALLY ABUSED,
21 THERE WOULD BE SOME EFFECT ON THEM, RIGHT?

22 THE COURT: COUNSEL, YOU'RE GETTING INTO THE
23 EVIDENCE IN THE CASE HERE. THAT'S FOR WITNESSES.

24 MR. RECK: THANK YOU, YOUR HONOR.

25 ONE OF THE OTHER THINGS THAT -- THE OTHER
26 SUBJECT AREAS THAT ARE GOING TO COME UP IN THIS CASE
27 IS DRUG ADDITION. SPECIFICALLY THERE IS GOING TO BE A
28 LOT OF TALK ABOUT PRESCRIPTION MEDICATION.

1 EVERYBODY HERE UNDERSTANDS WHAT PRESCRIPTION
2 MEDICATION IS, RIGHT?

3 ANYBODY HERE NEVER BEEN PRESCRIBED A
4 MEDICATION BY A DOCTOR?

5 EVERYBODY HAS GONE TO A DOCTOR, YOU'VE BEEN
6 SICK FOR ONE REASON OR ANOTHER. THEY GIVE YOU A
7 PRESCRIPTION. YOU GO TO THE PHARMACY AND YOU PICK UP
8 THAT MEDICATION, RIGHT? SHOW OF HANDS WHO HERE HAS
9 EVER RECEIVED A PRESCRIPTION.

10 OKAY. AND YOU ALL UNDERSTAND THAT THAT
11 PRESCRIPTION IS FOR YOU, CORRECT?

12 ANYBODY EVER GONE TO A DOCTOR AND RECEIVED A
13 PRESCRIPTION FOR ANYBODY ELSE?

14 ANYBODY GONE TO A DOCTOR TO GET A
15 PRESCRIPTION FOR SOMEONE ELSE'S NAME? ANYBODY EVER
16 HAD THAT HAPPEN TO THEM?

17 PROSPECTIVE JUROR: WHEN MY MOM WAS LIVING, I
18 GOT HER PRESCRIPTIONS FOR HER. I DON'T THINK THAT'S
19 WHAT YOU MEAN.

20 MR. RECK: NO, THAT'S NOT REALLY WHAT I MEAN,
21 BUT IT DOES BRING UP A GOOD POINT. THE DOCTOR WHO YOU
22 SAW FOR YOUR MOTHER, THAT WAS YOUR MOTHER'S PHYSICIAN,
23 CORRECT? AND SHE WAS WRITING THOSE PRESCRIPTIONS OUT
24 FOR -- HE OR SHE WAS WRITING THE PRESCRIPTION FOR YOUR
25 MOTHER, RIGHT?

26 PROSPECTIVE JUROR: YES.

27 MR. RECK: AND YOU GAVE THOSE MEDICINES TO
28 YOUR MOTHER AND SHE TOOK THEM, RIGHT?

1 PROSPECTIVE JUROR: YES.

2 MR. RECK: ANYBODY HERE HAVE AN UNDERSTANDING
3 OF TOXICOLOGY? ANYBODY BEEN TRAINED ON MEDICINES, ON
4 PRESCRIPTIONS, ON TOXICOLOGY, ANYTHING ALONG THOSE
5 LINES?

6 WHAT ABOUT MR. STOUGHTON, YOU -- YOUR COMPANY
7 CREATES MEDICAL SUPPLIES, CORRECT?

8 PROSPECTIVE JUROR: MEDICAL DEVICES. BUT IN
9 THE PAST I HAVE RUN A BLOOD TESTING SERVICE THAT DID
10 TOXICOLOGY EXAMINATIONS.

11 MR. RECK: OKAY. AND WERE YOU ACTUALLY
12 RUNNING THAT SERVICE OR IS IT SOMETHING YOU GUYS
13 DID --

14 PROSPECTIVE JUROR: I WAS RUNNING THE
15 BUSINESS, NOT THE SERVICE.

16 MR. RECK: OKAY. SO DO YOU -- YOU DIDN'T GET
17 ANY TRAINING ON ANYTHING LIKE THAT?

18 PROSPECTIVE JUROR: I HAVE AN UNDERGRADUATE
19 DEGREE IN CHEMISTRY, BUT NO SPECIFIC TRAINING IN
20 TOXICOLOGY.

21 MR. RECK: AND THAT BRINGS UP A GOOD POINT.
22 WE'VE HEARD TALK ABOUT SOME COLLEGE EXPERIENCE AND
23 SOME DEGREES. SOME OF THEM, PARTICULARLY INTERESTING
24 AND ABOUT MYTHOLOGY AND THINGS LIKE THAT, SOME OF THEM
25 ABOUT CHEMISTRY WHICH I AM GOING TO INTERJECT A LITTLE
26 BUILT. I PERSONALLY HAVE A DEGREE IN BIOLOGY AND I
27 THINK THAT BIOLOGY AND CHEMISTRY ARE QUITE BORING, BUT
28 I FEEL YOUR PAIN, SIR.

1 ANYBODY ELSE HERE HAVE A COLLEGE DEGREE?

2 GOOD PORTION OF THE PANEL.

3 MR. BLATT, WE ALREADY SPOKE WITH YOU.

4 MR. GREIN, WHAT IS -- WHAT'S YOUR DEGREE IN?

5 PROSPECTIVE JUROR: COMMUNICATIONS STUDIES
6 FROM UCLA.

7 MR. RECK: AND THAT'S A BACHELOR OF ARTS?

8 PROSPECTIVE JUROR: YES.

9 MR. RECK: ANY OTHER DEGREE, SIR?

10 PROSPECTIVE JUROR: ME, NO.

11 MR. RECK: AND MS. MAGRUM, I BELIEVE, DID I
12 SEE YOUR HAND AS WELL?

13 PROSPECTIVE JUROR: NO.

14 MR. RECK: NO? OKAY. I APOLOGIZE.

15 WHO ELSE HAS A DEGREE HERE?

16 MR. MC CAY, WHAT WAS YOUR DEGREE IN?

17 PROSPECTIVE JUROR: JOURNALISM, LONG BEACH
18 STATE.

19 MR. RECK: ANY OTHER DEGREES, SIR?

20 PROSPECTIVE JUROR: WELL, AA DEGREE. DOES
21 THAT COUNT?

22 MR. RECK: SURE, IT COUNTS.

23 PROSPECTIVE JUROR: LIBERAL ARTS DEGREE,
24 SANTA MONICA COLLEGE.

25 MR. RECK: THANK YOU.

26 WHO ELSE? WELL, START OVER ON THE LEFT AND
27 WORK OUR WAY OVER.

28 MS. SAX?

1 PROSPECTIVE JUROR: BACHELOR OF SCIENCE AND
2 EDUCATION FROM UNIVERSITY OF MINNESOTA.

3 MR. RECK: OKAY.

4 PROSPECTIVE JUROR: AND GRADUATE WORK AT UCLA
5 WHAT USED TO BE SAN FERNANDO VALLEY STATE COLLEGE
6 TOWARD MY M.F.A. WHICH I NEVER DID ACCOMPLISH, BUT I'M
7 OVER CREDITS, BUT NOT DEGREED.

8 MR. RECK: MA'AM WHAT'S AN M.F.F.A.?

9 PROSPECTIVE JUROR: MASTER OF FINE ARTS.

10 MR. RECK: SIR?

11 PROSPECTIVE JUROR: B.A. IN COMMUNICATIONS AT
12 CALL STATE NORTHRIDGE.

13 MR. RECK: ANYBODY ELSE? YES, MA'AM.

14 PROSPECTIVE JUROR: B.A. IN ENGLISH AND
15 SPANISH FROM AZUSA PACIFIC.

16 MR. RECK: ANYONE ELSE? YES, MA'AM.

17 PROSPECTIVE JUROR: EDUCATION.

18 MR. RECK: SO WERE YOU A TEACHER BEFORE YOU
19 WENT BACK TO SCHOOL?

20 PROSPECTIVE JUROR: ACTUALLY, NO. I WAS A
21 PRODUCER.

22 MR. RECK: GETTING BACK TO PRESCRIPTION
23 MEDICATION THAT'S USED HERE. DOES ANYBODY HERE
24 BELIEVE THAT IT'S POSSIBLE TO BECOME ADDICTED TO
25 PRESCRIPTION MEDICATION? SHOW OF HANDS. ANYBODY EVER
26 HEARD ANYTHING ABOUT THAT? MAYBE YOU SAW IT IN THE
27 TABLOIDS, CELEBRITIES POPPING PILLS AND THEN GO INTO
28 REHAB.

1 ANYBODY HERE BELIEVE THAT THAT'S NOT
2 POSSIBLE? ANYBODY HERE THINK THAT JUST BECAUSE IT'S A
3 PRESCRIPTION, YOU CAN'T BE ADDICTED TO IT?

4 MS. PHILIPS, WHAT -- WHY DO YOU THINK THAT?

5 PROSPECTIVE JUROR: BECAUSE I THINK YOU'RE
6 PERSONALLY RESPONSIBLE AND ACCOUNTABLE FOR YOUR OWN
7 THING, I MEAN, YOU KNOW.

8 THE COURT: I DON'T THINK THE OTHER JURORS
9 CAN HEAR YOU.

10 PROSPECTIVE JUROR: I'M SORRY. I JUST -- I
11 DON'T BELIEVE -- I THINK MENTALLY PEOPLE ARE CAPABLE
12 OF STOPPING THINGS THAT ARE NOT NECESSARILY GOOD FOR
13 THEM. MIND OVER MATTER.

14 MR. RECK: SO, ESSENTIALLY IF YOU'RE A STRONG
15 PERSON AND YOU'VE GOT A FREE WILL YOU SHOULD BE ABLE
16 TO REGULATE THAT AND OVERCOME THAT, RIGHT?

17 PROSPECTIVE JUROR: YES.

18 MR. RECK: ANYBODY -- ANYBODY THINK THAT IT'S
19 NOT POSSIBLE TO BECOME ADDICTED TO ALCOHOL? EVERYBODY
20 THINKS THAT, YOU KNOW, ALCOHOLISM EXISTS, RIGHT? SO
21 YOU THINK ALCOHOLISM EXISTS. SHOW OF HANDS.

22 ANYBODY ELSE HAVE EXPERIENCE DEALING WITH --
23 WITH ADDICTION OR WITH ADDICTION MEDICINE? ANYBODY
24 EVER VOLUNTEERED IN A CLINIC? ANYBODY EVER HAD A
25 FAMILY MEMBER GO THROUGH ONE OF THOSE SITUATION?

26 YES.

27 PROSPECTIVE JUROR: WE HAVE A YOUNG ATTORNEY
28 IN OUR BUILDING IN HER LATE 30S WHO IS ADDICTED TO

1 PRESCRIPTIONS. AND IT IS A VERY SAD CASE.

2 MR. RECK: DO YOU HAVE ANY IDEA WHAT SHE IS
3 ADDICTED TO?

4 PROSPECTIVE JUROR: PARDON ME? WHAT SHE'S
5 ADDICTED TO?

6 MR. RECK: DO YOU HAVE ANY IDEA WHAT SHE IS
7 ADDICTED TO?

8 PROSPECTIVE JUROR: NO. SLEEPING PILLS AND I
9 DON'T KNOW SPECIFICALLY WHAT ELSE, BUT A NUMBER OF
10 PILLS. IT'S ONGOING FOR OVER TEN YEARS. AND I HAD
11 CONTACT WITH HER AS RECENTLY AS YESTERDAY WHEN SHE
12 CALLED ME. SHE JUST IS AN ADDICT. HAS BEEN IN AND
13 OUT OF DRUG REHABILITATION. AND IT'S A VERY SAD CASE.

14 MR. RECK: ONE OF THE OTHER AREAS THAT WE
15 NEED TO TALK ABOUT, AND IF IT COMES UP AND YOU'RE
16 COMFORTABLE SPEAKING WITH ME ABOUT IT NOW, I
17 APPRECIATE THAT. IF IT'S SOMETHING THAT YOU WANT TO
18 TALK ABOUT IN ANOTHER ARENA, THAT'S FINE, TOO. I NEED
19 TO KNOW, EVERYBODY HERE, JUST PURELY SO WE CAN HAVE AN
20 IDEA BOTH SIDES OF THIS CASE, WHO CAN FAIRLY LISTEN TO
21 THE CASE, HAS ANYBODY HERE EVER BEEN SUBJECT TO
22 ACCUSATIONS OF SEXUAL MISCONDUCT?

23 NOW, HOLD YOUR HAND. I'M NOT GOING TO ASK
24 YOU TO DO THAT RIGHT NOW. WHAT I WANT YOU GUYS TO DO
25 IS THINK ABOUT THAT AND SAY HAS ANYTHING LIKE THAT
26 EVER HAPPENED? HAVE I BEEN AT WORK, HAS ANYBODY EVER
27 SAID, HEY, I DID SOMETHING INAPPROPRIATE, REGARDLESS
28 OF WHETHER YOU DID IT OR NOT. THAT'S JUST SOMETHING

1 THAT WE NEED TO KNOW ABOUT LIFE EXPERIENCE THAT YOU'VE
2 BEEN SUGGESTED TO.

3 OKAY. SO IS THERE ANYBODY HERE WHO NEEDS TO
4 BE ABLE TO TALK US ABOUT THAT? ANYBODY WANTS TO TALK
5 IN PRIVATE ABOUT THAT, YOU KNOW, PLEASE JUST LET ME
6 KNOW. I KNOW THAT ISSUES COME UP. AND PLEASE LET ME
7 KNOW THAT YOU HAVE THAT THOUGHT OUT THERE.

8 AND THAT'S JUST IN FAIRNESS FOR EVERYBODY TO
9 KNOW. OKAY.

10 MS. FOX, GOING BACK TO SOME OF THE -- SOME OF
11 THE EXPERIENCES THAT -- I APOLOGIZE, I USED THE WRONG
12 WORD. MS. SAX. THANK YOU.

13 MS. SAX, GOING BACK TO SOME OF YOUR
14 EXPERIENCE. YOU ARE IN A UNIQUE POSITION BECAUSE
15 YOU'RE A SCHOOL TEACHER. DO YOU HAVE ANY
16 UNDERSTANDING THAT IT'S MORE DAMAGING, THAT IT'S WORSE
17 FOR A PERSON IN A POSITION OF POWER TO CONDUCT A
18 SEXUAL ABUSE? HAVE YOU EVER HEARD ANYTHING ABOUT THAT
19 IN ANY OF YOUR TEACHER TRAINING?

20 PROSPECTIVE JUROR: THAT IT'S MORE --

21 MR. RECK: THAT IT'S WORSE FOR A PERSON IN A
22 POSITION OF POWER --

23 PROSPECTIVE JUROR: I THINK IT'S TERRIBLE.
24 YOU'RE ENTRUSTED -- SOMEONE IS ENTRUSTING YOU WITH
25 THEIR CHILDREN. YOU HAVE A TREMENDOUS RESPONSIBILITY
26 TO SET A PROPER EXAMPLE AND CONDUCT YOURSELF
27 RESPONSIBLY.

28 THE COURT: LET ME MAKE A COMMENT. AS A

1 TEACHER, OBVIOUSLY, YOU HAVE THOSE SUBSTANTIAL
2 RESPONSIBILITIES. BUT, LADIES AND GENTLEMEN OF THE
3 JURY, I DO NOT KNOW WHO'S GOING TO END UP ON THIS
4 JURY, BUT WE ALL HAVE LIFE EXPERIENCES. WE ALL ARE A
5 PRODUCT OF THOSE LIFE EXPERIENCES. THE THINGS WE'VE
6 READ, WE'VE SAID, WE'VE DONE AND SO FORTH.

7 NOW, FOR INSTANCE, WE HAVE A POTENTIAL JUROR
8 WHO IS VERY CLOSE TO BECOMING A PSYCHOLOGIST. WE HAVE
9 HAD MEDICAL DOCTORS ON JURIES. WE HAVE HAD JUDGES ON
10 JURIES, ATTORNEYS ON JURIES, EVERY POSSIBLE
11 PROFESSION.

12 WHEN YOU GO INTO THE JURY ROOM TO DELIBERATE
13 THIS CASE, YOU ARE NOT ASKED TO LET YOUR COMMON SENSE
14 OUT HERE WHEN YOU GO INTO THE JURY ROOM. WE EXPECT
15 YOU TO USE YOUR COMMON SENSE.

16 HOWEVER, IF YOU HAVE ANY SPECIAL TRAINING
17 THAT YOU CANNOT LECTURE TO THE OTHER JURORS. FOR
18 INSTANCE, AS A SCHOOL TEACHER YOU CANNOT SAY TO THE
19 OTHER JURORS, WELL, WE RECEIVED THIS TRAINING AND AS A
20 RESULT OF THIS TRAINING I KNOW THIS TO BE TRUE AND SO
21 FORTH.

22 THAT WOULD BE IMPROPER BECAUSE THAT IS NOT
23 EVIDENCE IN THIS CASE. THE EVIDENCE HAS TO COME FROM
24 THE JURY -- FROM THE WITNESS BOX, FROM WITNESSES WHO
25 ARE UNDER OATH AND SUBJECT TO CROSS-EXAMINATION, OR
26 ANY DOCUMENTARY EVIDENCE THAT WE GIVE YOU OR EVIDENCE
27 FROM EXPERTS IN THIS PARTICULAR CASE.

28 SO, AGAIN WHAT YOUR PERSONAL EXPERIENCES ARE

1 YOU HAVE TO SHOVE THOSE ASIDE AND LISTEN TO THE FACTS
2 OF THE CASE.

3 SO, COUNSEL, WITH REGARD TO PRECONCEIVED
4 IDEAS ABOUT CERTAIN THINGS, YOU CAN CERTAINLY ASK THEM
5 ABOUT THAT, BUT NOT IN TERMS OF WHAT THE PARTICULAR
6 PERSON MAY DO.

7 YOU MAY PROCEED.

8 MR. RECK: THANK YOU, YOUR HONOR.

9 MR. BLATT, DURING YOUR FREE TIME WHAT DO YOU
10 LIKE TO DO?

11 PROSPECTIVE JUROR: GO HIKING, WATCH MOVIES,
12 READ BOOKS, HAVE CONVERSATIONS WITH MY FRIENDS, I
13 BLOG.

14 MR. RECK: AND I APOLOGIZE, YOU'RE GOING TO
15 HAVE TO GIVE ME AT LEAST ONE TRY WITH THIS NAME,
16 MR. ARDASHENIAN.

17 PROSPECTIVE JUROR: YES.

18 MR. RECK: IS THAT RIGHT?

19 PROSPECTIVE JUROR: YES.

20 MR. RECK: ALL RIGHT. FIRST TRY.

21 WHAT DO YOU LIKE TO DO IN YOUR FREE TIME,
22 SIR?

23 PROSPECTIVE JUROR: I AM INTO SPORTS.

24 MR. RECK: WHAT SPORTS DO YOU LIKE?

25 PROSPECTIVE JUROR: PLAY, NOW NOT AS MUCH,
26 BUT PLAY BASKETBALL, BASEBALL, FOOTBALL.

27 MR. RECK: ARE YOU A MEMBER OF ANY CLUBS OR
28 ANY TEAMS OR ANYTHING LIKE THAT RIGHT NOW?

1 PROSPECTIVE JUROR: I ACTUALLY COACH
2 BASKETBALL TO KIDS THAT ARE RIGHT OUT OF HIGH SCHOOL,
3 AGES 18 TO 24. NONPROFIT ORGANIZATION.

4 MR. RECK: REALLY? WHAT ORGANIZATION IS
5 THAT?

6 PROSPECTIVE JUROR: IT IS ACTUALLY AN
7 ARMENIAN ORGANIZATION CALLED ARARAT.

8 MR. RECK: AND IF I ASKED YOU WHAT THAT STOOD
9 FOR, WOULD IT MAKE ANY SENSE TO ME?

10 PROSPECTIVE JUROR: IT'S JUST A NAME. I
11 DON'T KNOW IF IT STANDS FOR ANYTHING.

12 MR. RECK: OKAY. AND MR. GREIN, WHAT DO YOU
13 LIKE TO DO IN YOUR FREE TIME?

14 PROSPECTIVE JUROR: I READ A LOT, MAGAZINES
15 AND NEWSPAPERS. AND I HAVE A DOG, WALK HIM A LOT.

16 MR. RECK: DO YOU HAPPEN TO READ THE NEW YORK
17 TIMES BY ANY CHANCE?

18 PROSPECTIVE JUROR: I DON'T. I SOMETIMES GO
19 TO THEIR WEBSITE AND I DON'T CARRY IT.

20 MR. RECK: ANYBODY ELSE HERE TAKE NEW YORK
21 TIMES OR READ THE NEW YORK TIMES? ANYBODY SEE IT
22 TODAY?

23 REASON I ASK IS THERE WAS AN ARTICLE TODAY
24 ABOUT THE EFFECTS OF SEXUAL ABUSE AND I WANTED TO KNOW
25 IF ANYBODY HAD A CHANCE TO READ THAT. ANYBODY HAVE A
26 CHANGE TO TAKE A LOOK AT THAT TODAY?

27 PROSPECTIVE JUROR: WE HAD TO BE HERE AT
28 7:30.

1 MR. RECK: WAS TRAFFIC AS BAD FOR YOU AS IT
2 WAS FOR US? OKAY.

3 MS. MAGRUM, HOW ABOUT YOU, WHAT DO YOU LIKE
4 TO DO IN YOUR FREE TIME?

5 PROSPECTIVE JUROR: I WALK AND TAKE EXERCISE
6 CLASSES. THAT'S IT.

7 MR. RECK: DO YOU SUBSCRIBE TO ANY
8 PERIODICALS?

9 PROSPECTIVE JUROR: NO.

10 MR. RECK: NO MAGAZINES, NOTHING LIKE THAT?

11 PROSPECTIVE JUROR: HEALTH MAGAZINES.

12 MR. RECK: HEALTH MAGAZINES?

13 PROSPECTIVE JUROR: NO.

14 MR. RECK: HOW ABOUT YOU, MS. FOX. WHAT DO
15 YOU LIKE TO DO IN YOUR FREE TIME?

16 PROSPECTIVE JUROR: I READ A LOT.

17 MR. RECK: WHAT TYPES OF THINGS DO YOU READ?

18 PROSPECTIVE JUROR: MAGAZINES, BOOKS. LOT OF
19 BOOKS.

20 MR. RECK: WHAT KIND OF BOOKS?

21 PROSPECTIVE JUROR: ANYTHING FROM FANTASY TO
22 HISTORICAL FICTION, BIOGRAPHIES, EVERYTHING.

23 MR. RECK: SOME FICTION, SOME NONFICTION?

24 PROSPECTIVE JUROR: YES.

25 MR. RECK: SIR, I'M GOING TO ASK YOU TO
26 PRONOUNCE YOUR NAME AGAIN FOR ME, PLEASE.

27 PROSPECTIVE JUROR: ROBERT ORDOUKHANIAN.

28 MR. RECK: AND I KNOW YOU'RE PROBABLY PRETTY

1 BUSY AS AN ELECTRICIAN. IN ADDITION TO THAT, YOU
2 KNOW, OUTSIDE OF ANY TRADE PUBLICATIONS OR THINGS
3 LIKES THAT, DO YOU HAVE ANY PERIODICALS THAT YOU READ
4 ON A REGULAR BASIS, MAGAZINES?

5 PROSPECTIVE JUROR: NO.

6 MR. RECK: WHAT DO YOU LIKE TO DO IN YOUR
7 FREE TIME, SIR?

8 PROSPECTIVE JUROR: TAKE CARE OF MY CAR.

9 MR. RECK: WHAT KIND OF CAR?

10 PROSPECTIVE JUROR: TRUCK.

11 MR. RECK: SAME TRUCK YOU USE FOR WORK?

12 PROSPECTIVE JUROR: YES.

13 MR. RECK: AND MR. MC CAY?

14 PROSPECTIVE JUROR: WHAT FREE TIME? I REALLY
15 DON'T HAVE A LOT OF FREE TIME BECAUSE I'M SORT OF
16 STARTING UP A BUSINESS. WHAT I DO IN MY FREE TIME IS
17 UPGRADE MY COMPUTER SOFTWARE. I DO READ AS WELL,
18 MAGAZINES AND NEWSPAPER.

19 MR. RECK: MOSTLY MAGAZINES RELATED TO
20 TECHNICAL ISSUES?

21 PROSPECTIVE JUROR: YES. I WOULD SAY MOST OF
22 THEM, YES.

23 MR. RECK: ANY NEWSPAPER THAT YOU RECEIVE?

24 PROSPECTIVE JUROR: L.A. TIMES.

25 MR. RECK: AND MS. SAX, I'M NOT IGNORING YOU,
26 BUT WE HAVE ALREADY SPOKEN TO YOU A LOT AND I WANT TO
27 GIVE EVERYBODY ELSE A CHANCE TO SPEAK UP HERE.

28 MR. COHOE, WHAT DO YOU LIKE TO DO IN YOUR

1 FREE TIME?

2 PROSPECTIVE JUROR: WHEN I DO HAVE FREE TIME,
3 I TAKE MY FAMILY CAMPING, SPEND A LOT OF TIME IN THE
4 OUTDOORS.

5 MR. RECK: AND YOU HAVE ONE CHILD, RIGHT?

6 PROSPECTIVE JUROR: YES.

7 MR. RECK: THAT'S YOUR FOUR-YEAR-OLD SON?

8 PROSPECTIVE JUROR: DAUGHTER.

9 MR. RECK: DAUGHTER.

10 AND, MS. PHILIPS, WHAT DO YOU LIKE TO DO IN
11 YOUR FREE TIME?

12 PROSPECTIVE JUROR: I GO DANCING AND READ.

13 MR. RECK: WHAT TYPE OF -- WHAT TYPE OF
14 THINGS DO YOU READ?

15 PROSPECTIVE JUROR: BOOKS AND MAGAZINES.
16 BLOGS ONLINE.

17 MR. RECK: DO YOU GET SUBSCRIPTIONS TO ANY OF
18 THOSE MAGAZINES?

19 PROSPECTIVE JUROR: COSMOPOLITAN AND SPORTS
20 ILLUSTRATED.

21 MR. RECK: AND, MR. BAKER, WHAT DO YOU LIKE
22 TO DO IN YOUR FREE TIME, SIR?

23 PROSPECTIVE JUROR: PARDON?

24 MR. RECK: WHAT DO YOU DO IN YOUR FREE TIME,
25 SIR?

26 PROSPECTIVE JUROR: I READ A LOT.

27 MR. RECK: WHAT KIND OF -- WHAT DO YOU READ?

28 PROSPECTIVE JUROR: MOTORCYCLE AND

1 WOODWORKING MAGAZINES AND OTHER MAGAZINES, TOO.

2 MR. RECK: YOU SOUND LIKE A MAN WITH A SHOP
3 AT HOME. DO YOU HAVE A SHOP AT YOUR HOME?

4 PROSPECTIVE JUROR: I GOT MAGAZINES THAT
5 HIGH. MOTORCYCLES.

6 MR. RECK: EXCELLENT. AND DO YOU HAPPEN TO
7 OWN ANY MOTORCYCLES, SIR?

8 PROSPECTIVE JUROR: WHAT?

9 MR. RECK: DO YOU OWN ANY MOTORCYCLES?

10 PROSPECTIVE JUROR: YES.

11 MR. RECK: HOW MANY?

12 PROSPECTIVE JUROR: TWO.

13 MR. RECK: AND MR. KESHISHIAN -- OR
14 MS. KESHISHIAN, WHAT DO YOU LIKE TO DO IN YOUR FREE
15 TIME?

16 PROSPECTIVE JUROR: WHEN I HAVE FREE TIME I
17 GO SHOPPING, CATCH UP ON SOCIAL LIFE, GO OUT WITH
18 FRIENDS.

19 MR. RECK: WHAT DO YOU GUYS LIKE TO DO?

20 PROSPECTIVE JUROR: DINE OUT A LOT, DINNER AT
21 RESTAURANTS. GO OUT TO CLUBS. MEET NEW PEOPLE.

22 MR. RECK: DO YOU HAVE ANY MAGAZINES THAT YOU
23 LIKE IN PARTICULAR?

24 PROSPECTIVE JUROR: JUST THE FASHION ONES.

25 MR. RECK: FASHION ONES? VOGUE?

26 PROSPECTIVE JUROR: VOGUE, STYLE.

27 MR. RECK: STYLE.

28 AND, MR. STOUGHTON, WHAT DO YOU LIKE TO DO?

1 I KNOW YOU ARE PRETTY BUSY. WHAT DO YOU LIKE TO DO
2 WHEN YOU HAVE FREE TIME?

3 PROSPECTIVE JUROR: SPEND TIME WITH FAMILY,
4 TRAVEL, EXERCISE, SOME READING.

5 MR. RECK: WHAT TYPES OF THINGS DO YOU READ,
6 SIR?

7 PROSPECTIVE JUROR: L.A. TIMES, NEW YORK
8 SUNDAY TIMES, NEWSWEEK, YOU KNOW, CURRENT EVENTS.
9 SPORTS ILLUSTRATED.

10 MR. RECK: AND, MS. DYTMAN, I'M NOT GOING TO
11 ASK YOU IF YOU HAVE FREE TIME BECAUSE I KNOW YOU'RE IN
12 GRAD SCHOOL RIGHT NOW. BUT I ASSUME YOU HAVE SOME
13 PERIODICALS THAT YOU READ. WHAT TYPES OF THINGS DO
14 YOU READ?

15 PROSPECTIVE JUROR: L.A. TIMES. WE GET THE
16 WALL STREET JOURNAL. WE GET VOGUE. I GET BAZAAR. I
17 GET MARTHA STEWART. I GET TIME, ESQUIRE. WE GET
18 EVERYTHING.

19 MR. RECK: YOUR POSTMAN MUST LOVE YOU.

20 PROSPECTIVE JUROR: YES. HOUSE MAGAZINE.

21 MR. RECK: WHEN WE FIRST STARTED THIS, THE
22 JUDGE WAS TALKING TO YOU A LITTLE BIT ABOUT -- ABOUT
23 THE PROTOCOLS AND ABOUT BEING ABLE TO SPEAK TO EACH
24 OTHER AND RUNNING INTO EACH OTHER IN THE HALLWAY. AND
25 I JUST WANT TO REITERATE THAT YOU UNDERSTAND IF ANY OF
26 US, IF I, IF OPPOSING COUNSEL, IF ANY OF THE PARTIES,
27 IF WE RUN INTO YOU, WE'RE NOT TRYING TO BE RUDE TO
28 YOU. YOU ALL UNDERSTAND IF WE END UP ON THE ELEVATOR

1 WITH YOU, WE DON'T STOP, DON'T TALK TO YOU, YOU
2 UNDERSTAND WE'RE NOT RUDE, RIGHT? WE'RE NOT ALLOWED
3 TO.

4 ONE SECOND, PLEASE, YOUR HONOR.

5 THE COURT: WE'LL TAKE OUR AFTERNOON BREAK
6 WHEN YOU FINISH, COUNSEL.

7 MR. RECK: WE'RE DONE. THANK YOU, YOUR
8 HONOR.

9 THE COURT: THANK YOU.

10 LADIES AND GENTLEMEN, WE'LL TAKE A 20-MINUTE
11 RECESS AND BE BACK IN SESSION IN 20 MINUTES. THANK
12 YOU.

13

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

17

18 THE COURT: OKAY. COUNSEL, I THINK DEFENSE
19 COUNSEL WANTED TO BRING SOMETHING UP. NOT TOO LONG
20 BECAUSE I WANT TO GIVE THE REPORTER A BREAK.

21 MR. SPIVAK: I JUST WANT THAT PHOTOGRAPH
22 TURNED COMPLETELY AROUND SO IT CAN'T BE SEEN AT ALL,
23 YOUR HONOR. THAT'S ALL.

24 THE COURT: TURN IT AROUND, COUNSEL.

25 MR. SPIVAK: THANK YOU, YOUR HONOR.

26 (BREAK TAKEN.)

27 THE COURT: OKAY. VOIR DIRE BY THE DEFENSE.

28

1 VOIR DIRE EXAMINATION

2 MR. SPIVAK: THANK YOU.

3 GOOD AFTERNOON, LADIES AND GENTLEMEN. IN
4 CASE YOU'VE FORGOTTEN, MY NAME IS JOE SPIVAK. IT'S MY
5 PLEASURE TO REPRESENT MR. HIGGINS IN THIS MATTER.6 COUNSEL REFERRED TO AN ARTICLE IN THE NEW
7 YORK TIMES TODAY.8 BEFORE YOU LEAVE THE COURT WILL GIVE YOU AN
9 INSTRUCTION, BUT IN NO EVENT ARE YOU TO READ THAT
10 ARTICLE TODAY AS SOON AS YOU GET HOME. IT'S VERY,
11 REALLY IMPORTANT. I KNOW THAT SOUNDS FUNNY, BUT IT'S
12 REALLY SERIOUS.13 I HAD TO THE PLEASURE OF SERVING AS JURY DUTY
14 TWO WEEKS AGO IN THE CRIMINAL COURTS BUILDING, SO
15 BELIEVE ME, I APPRECIATE WHAT YOU'RE GOING THROUGH. I
16 WILL TRY TO MAKE IT AS PLEASANT AS HUMANLY POSSIBLE.17 BY A SHOW OF HANDS CAN EVERYONE TELL ME
18 WHETHER OR NOT THEY'VE BEEN EVER ACCUSED OF SOMETHING
19 THAT THEY HADN'T DONE?20 BY A SHOW OF HANDS, CAN ANYONE TELL ME
21 WHETHER OR NOT THEY HAVE BEEN ACCUSED OF SOMETHING
22 THAT THEY HAVEN'T DONE, IN GENERAL. YES, IN GENERAL.23 MS. SAX, I BELIEVE YOU TESTIF- -- OR STATED
24 THAT YOU WERE A TEACHER.25 PROSPECTIVE JUROR: YES, I AM CURRENTLY
26 TEACHING.

27 MR. SPIVAK: BEG YOUR PARDON?

28 PROSPECTIVE JUROR: YES, I AM CURRENTLY

1 TEACHING.

2 MR. SPIVAK: VERY GOOD. DID YOU EVER HAVE
3 TWO PEOPLES COME TO YOU WITH TWO DIFFERENT STORIES AND
4 POINTING FINGERS AT EACH OTHER?

5 PROSPECTIVE JUROR: OF COURSE.

6 MR. SPIVAK: HAPPENS ON A REGULAR BASIS?

7 PROSPECTIVE JUROR: FAIRLY REGULARLY.

8 MR. SPIVAK: BY A SHOW OF HANDS, HOW MANY
9 PEOPLE LOVE ATTORNEYS?

10 EVERYTHING THAT I SAY, EVERYTHING THAT THESE
11 ATTORNEYS SAY, THAT'S NOT EVIDENCE. THAT'S JUST
12 VERBIAGE. THE EVIDENCE COMES FROM THE WITNESS STAND.

13 HOW MANY OF YOU ARE PREPARED TO LISTEN TO THE
14 WITNESSES AND BASE YOUR DECISION BASED ON WHAT THE
15 WITNESSES TESTIFIED TO IN THIS CASE?

16 I DIDN'T SEE SOME PEOPLE. LET'S TRY THAT ONE
17 MORE TIME.

18 IS EVERYONE -- LET'S MAKE IT EASIER. WHO IS
19 NOT PREPARED TO LISTEN TO THE WITNESSES TESTIFY AND
20 BASE THE DECISION IN THIS CASE ON WHAT THE WITNESSES
21 SAY UNDER OATH FROM THE WITNESS STAND? VERY GOOD.

22 I ASSUME EVERYONE UNDERSTANDS THAT THE
23 PLAINTIFF HAS THE BURDEN OF PROOF. IF THE PLAINTIFF
24 DOESN'T MEET ITS BURDEN OF PROOF, THEN THE DEFENDANT
25 DOESN'T HAVE TO DO ANYTHING. DOES EVERYONE UNDERSTAND
26 THAT?

27 NOW, BY A SHOW OF HANDS, DOES ANYONE IN THE
28 JURY -- HAS ANYONE IN THE JURY EVER HAD A FAMILY

1 MEMBER OR A FRIEND ACCUSED OF SOME HORRENDOUS ACTION?
2 JUST ONE.

3 IN THIS CASE, YOU'RE GOING TO BE FACED WITH
4 BASICALLY A HE SAID/SHE SAID STORY. HAS ANYONE EVER
5 GOTTEN INTO AN ARGUMENT WITH SOMEONE AND BASICALLY
6 THERE WAS NO ONE OTHER THAN YOU AND THE OTHER PERSON
7 WHO WITNESSED SOMETHING AND THERE WAS NO ONE TO
8 BASICALLY SERVE AS A SETTLEMENT OFFICER? EVER HAD
9 THAT EXPERIENCE? YOU EVER HAD THAT EXPERIENCE?

10 DOES ANYONE BELIEVE THAT ONE CAN TELL WHETHER
11 OR NOT SOMEONE DID SOMETHING BY THE WAY THEY LOOK?
12 RAISE YOUR HAND IF YOU BELIEVE THAT.

13 HAS ANYONE EVER KNOWN, OTHER THAN MS. SAX, A
14 PERSON WHO IS ADDICTED TO ANY SUBSTANCE? LET ME --
15 SHOW YOUR HAND IF YOU HAVE SEEN THAT.

16 DOES ANYONE BELIEVE THAT EVEN IF SOMETHING
17 HORRIBLE HAPPENS TO YOU THAT YOU HAVE A RESPONSIBILITY
18 TO TRY TO MOVE FORWARD AND GET BETTER? DOES EVERYONE
19 BELIEVE THAT OR NOT?

20 IN SEEMS TO BE IN THE PRESS IN THE LAST TEN
21 YEARS A PANOPLY OF SEXUAL MATTERS IN THE PAPER, NOT SO
22 MUCH AS WHEN I WAS A YOUNG MAN, BUT I GUESS I'M
23 GETTING OLD.

24 IS THERE ANYONE YOU KNOW, EITHER A CLOSE
25 FAMILY MEMBER OR A FRIEND, WHO HAS HAD PSYCHOLOGICAL
26 COUNSELLING? IS THERE ANYONE THAT YOU KNOW -- I'M
27 SORRY. IF I GO TOO QUICKLY, THAT'S MY FAULT. LET'S
28 TRY THAT ONE MORE TIME.

1 IS THERE ANYONE YOU'VE KNOWN, EITHER A CLOSE
2 FAMILY MEMBER OR A FRIEND, RECEIVED PSYCHOLOGICAL
3 COUNSELING?

4 VERY SIMILAR QUESTION, A LITTLE DIFFERENT:
5 DO YOU KNOW OF ANYONE, EITHER A CLOSE FAMILY MEMBER OR
6 A FAMILY MEMBER, WHO HAS RECEIVED COUNSELING FOR OVER
7 FIVE YEARS?

8 MS. DYTMAN? DYTMAN, I APOLOGIZE. HOW LONG
9 DID YOUR FAMILY FRIEND OR FAMILY MEMBER RECEIVE
10 COUNSELING FOR?

11 PROSPECTIVE JUROR: HE IS STILL IN
12 COUNSELING. HE STARTED IN 1980 AND HE IS IN HIS 60S.

13 MR. SPIVAK: HAS HE EXPRESSED GETTING ANY
14 BENEFIT OUT OF COUNSELING?

15 PROSPECTIVE JUROR: ABSOLUTELY.

16 MR. SPIVAK: GOOD FOR HIM.

17 HOW MANY PEOPLE DO YOU KNOW, EITHER A CLOSE
18 FAMILY FRIEND -- FAMILY MEMBER OR A FAMILY FRIEND, HAS
19 RECEIVED PSYCHIATRIC COUNSELING?

20 DOES EVERYONE -- DOES EVERYONE KNOW THE
21 DIFFERENCE BETWEEN PSYCHIATRIC COUNSELING AND
22 PSYCHOLOGICAL COUNSELING?

23 NOW, YOU'RE GOING TO HEAR SOME TESTIMONY THAT
24 IS VERY DISTURBING. I'LL TELL YOU RIGHT NOW IT'S
25 DISTURBED ME. IS THERE ANYONE ON THIS PANEL WHO HAS A
26 PROBLEM WITH HEARING ABOUT SEXUAL MATTERS?

27 YOU'RE MS. KESHISHIAN?

28 PROSPECTIVE JUROR: YES.

1 MR. SPIVAK: WHAT DIFFICULTY DO YOU HAVE --
2 YOU DON'T HAVE TO DISCLOSE IT. IF YOU'D LIKE TO DO IT
3 IN CHAMBERS, WE CAN ACCOMMODATE YOU.

4 PROSPECTIVE JUROR: I PREFER TO DO IT IN
5 CHAMBERS.

6 THE COURT: OKAY.

7 MR. SPIVAK: OKAY. AND YOU'RE
8 MR. ORDOUKHANIAN?

9 PROSPECTIVE JUROR: ORDOUKHANIAN.

10 MR. SPIVAK. THANK YOU. WOULD YOU LIKE TO
11 ALSO GO INTO CHAMBERS AND DISCUSS THAT ISSUE?

12 PROSPECTIVE JUROR: YES, SIR.

13 MR. SPIVAK: BY A SHOW OF HANDS, DOES ANYONE
14 KNOW OF A FAMILY MEMBER OR CLOSE FAMILY FRIEND WHO
15 CLAIMS TO HAVE BEEN MOLESTED SEXUALLY?

16 YOU ARE MR. COHOE, CORRECT?

17 PROSPECTIVE JUROR: YES.

18 MR. SPIVAK: DO YOU WANT TO DISCUSS THAT IN
19 OPEN COURT OR WANT THAT DONE IN CHAMBERS?

20 PROSPECTIVE JUROR: WE CAN GO INTO THE
21 CHAMBERS.

22 MR. SPIVAK: VERY GOOD.

23 THE COURT: IS THAT THE SAME INCIDENT?

24 PROSPECTIVE JUROR: IT IS.

25 THE COURT: THANK YOU.

26 MR. SPIVAK: DOES ANYONE BELIEVE THAT IF TWO
27 PEOPLE TESTIFY AND THEY ARE THE ONLY TWO PEOPLE
28 PRESENT WHEN THE INCIDENT OCCURRED, THAT ONE SIDE --

1 YOU CAN BELIEVE ONE SIDE OVER THE OTHER, DOES EVERYONE
2 BELIEVE THAT OR NOT? CAN I SEE YOUR HANDS?

3 MS. PHILIPS, WOULD SERVING ON THIS JURY CAUSE
4 YOU INCONVENIENCE?

5 PROSPECTIVE JUROR: FINANCIALLY. MY JOB
6 DOESN'T PAY FOR ME TO BE HERE.

7 MR. SPIVAK: YOU HAVE TO SPEAK UP.

8 PROSPECTIVE JUROR: FINANCIALLY. MY JOB
9 DOESN'T PAY FOR ME TO BE HERE.

10 MR. SPIVAK: THAT'S WHAT I TOLD THE JUDGE,
11 TOO. GUESS WHAT? I HAD TO SIT THERE FOR FOUR DAYS.

12 MR. SPIVAK: MR. STOUGHTON, HOW OLD ARE YOUR
13 CHILDREN?

14 PROSPECTIVE JUROR: NINETEEN AND 22 ALMOST.

15 MR. SPIVAK: ARE THEY FEMALES, MALES?

16 PROSPECTIVE JUROR: ONE OF EACH.

17 MR. SPIVAK: IF YOUR DAUGHTER HAD COME TO YOU
18 WHEN SHE WAS 15 YEARS OLD AND SAID THE NEIGHBOR HAD
19 DONE SOME DESPICABLE ACT UPON HER, WHAT WOULD YOU HAVE
20 DONE?

21 PROSPECTIVE JUROR: PROBABLY DETERMINED
22 WHETHER I CAN BRING THE NEIGHBOR UP ON CRIMINAL
23 CHARGES.

24 MR. SPIVAK: WHAT HAPPENS IF YOU COULDN'T DO
25 THAT?

26 PROSPECTIVE JUROR: I WOULD HAVE BEEN
27 CONCERNED ABOUT HER AND GOT HER INTO THERAPY,
28 COUNSELING AND EVERYTHING ELSE SHE NEEDED.

1 THE COURT: COUNSEL, I'M NOT GOING TO HAVE
2 YOU GO ANY FURTHER. THIS IS GOING TO BE EVIDENCE.

3 MR. SPIVAK: THAT'S VERY GOOD, YOUR HONOR. I
4 WASN'T GOING ANY FURTHER.

5 NOW, I SAW EVERYONE'S HANDS RISE WHEN COUNSEL
6 ASKED YOU WHO HAD HAD A PRESCRIPTION. DID ANYONE --
7 RAISE YOUR HAND IF ANYONE HAS HAD A PRESCRIPTION FOR
8 WHAT I'M GOING TO CALL A HEAVY NARCOTIC.

9 OF THOSE -- I'M SORRY. YOU HAVE?

10 PROSPECTIVE JUROR: AFTER DENTAL WORK,
11 VICODIN. I CONSIDER THAT HEAVY.

12 MR. SPIVAK: HOW LONG DID YOU TAKE VICODIN
13 FOR?

14 PROSPECTIVE JUROR: I NEVER TOOK IT. BUT IT
15 WAS PRESCRIBED TO ME.

16 MR. SPIVAK: VERY GOOD.

17 BY A SHOW OF HANDS, IF YOU FEEL THAT YOU HAVE
18 A PROBLEM, DOES EVERYONE AGREE THAT YOU NEED TO GO AND
19 SEEK SOME HELP TO ADDRESS YOUR PROBLEM? RAISE YOUR
20 HAND IF YOU BELIEVE THAT TO BE THE CASE.

21 MR. COHOE, YOU DIDN'T RAISE YOUR HAND.

22 PROSPECTIVE JUROR: I DIDN'T REALLY
23 UNDERSTAND THE QUESTION. IF EVERYBODY THINKS YOU HAVE
24 A PROBLEM --

25 MR. SPIVAK: NO, NO. IF YOU THINK YOU HAVE A
26 PROBLEM, DO YOU THINK YOU HAVE AN OBLIGATION TO GO OUT
27 AND TRY TO GET SOME ASSISTANCE TO DEAL WITH YOUR
28 PROBLEM?

1 PROSPECTIVE JUROR: I DON'T THINK YOU HAVE AN
2 OBLIGATION. I THINK IT'S YOUR OWN CHOICE.

3 MR. SPIVAK: OKAY.

4 PROSPECTIVE JUROR: I WOULD SAY NO.

5 MR. SPIVAK: OKAY. SO IF YOU HAVE A PROBLEM
6 AND YOU DIDN'T GO OUT TO SEEK ADVICE OR ASSISTANCE TO
7 ADDRESS YOUR PROBLEM, IT GOT WORSE, WOULD THAT BE DUE
8 TO SOMEONE ELSE OR DUE TO YOURSELF DO YOU BELIEVE?

9 PROSPECTIVE JUROR: DUE TO YOURSELF.

10 MR. SPIVAK: OKAY. YOU'RE GOING TO HEAR FROM
11 SOME PEOPLE, QUOTE, EXPERTS AND THEY'RE GOING TO HAVE
12 A BUNCH OF LETTERS FOLLOWING THEIR NAME.

13 DOES ANYONE BELIEVE -- HERE BELIEVE THAT JUST
14 BECAUSE SOMEONE HAS A DEGREE THAT THEY HAVE MORE
15 KNOWLEDGE THAN YOUR COMMON SENSE? DOES ANYONE BELIEVE
16 THAT?

17 MR. STOUGHTON, WHY DO YOU RAISE YOUR HAND IN
18 RESPONSE TO THAT QUESTION?

19 PROSPECTIVE JUROR: THEY HAVE LOOKED AT THE
20 TOPIC IN MUCH MORE DETAIL, LOOKED AT THE LITERATURE,
21 LOOKED AT THE STUDIES. JUST HAVE A BROADER KNOWLEDGE
22 BASE. I THINK YOU HAVE TO PAY ATTENTION TO THAT.

23 MR. SPIVAK: I THINK THAT'S A GOOD RESPONSE.
24 WHAT I'M TRYING TO GET AT, THOUGH, IS WHEN I HEAR
25 SOMEBODY TELL YOU THAT, I'VE RESEARCHED, I'VE
26 ANALYZED, I HAVE LOOKED AT THE REPORTS, BUT THEY
27 WEREN'T -- THEY WEREN'T THERE AT THE PARTICULAR TIME
28 OF THE CIRCUMSTANCE AND THEY'RE USING THEIR EXPERTISE

1 TO TRY TO CONVINCING YOU, CORRECT?

2 PROSPECTIVE JUROR: CORRECT.

3 MR. SPIVAK: OKAY. YOU DON'T THROW YOUR
4 COMMON SENSE OUT THE WINDOW, CORRECT?

5 PROSPECTIVE JUROR: HOPEFULLY NOT.

6 MR. SPIVAK: I CARRY THAT HOPE AS WELL.

7 THE -- THE QUESTION I AM ASKING IS: IF YOU
8 HEAR SOME EXPERT TESTIFY TO X, Y AND Z, HOW MANY ARE
9 GOING TO AUTOMATICALLY GO, OH, HE'S AN EXPERT, WE'VE
10 GOT TO GO WITH HIS SIDE OF THE CASE? ANYONE GOING TO
11 RAISE THEIR HAND ON THAT ONE?

12 YOU'RE GOING TO HEAR SOME MEDICAL TESTIMONY.
13 HOW MANY BELIEVE THAT DOCTORS, MEDICAL DOCTORS ARE
14 INFALLIBLE? RAISE YOUR HAND.

15 HOW MANY PEOPLE BELIEVE THAT MEDICAL DOCTORS
16 ARE CAPABLE OF MAKING MISTAKES?

17 THE COURT: LADIES AND GENTLEMEN, LET ME READ
18 YOU THE JURY INSTRUCTION NOW SO WE CAN GET PAST THIS.

19 DURING THE TRIAL YOU WILL HEAR TESTIMONY FROM
20 EXPERT WITNESSES. THE LAW ALLOWS AN EXPERT TO STATE
21 OPINIONS ABOUT MATTERS IN HIS OR HER FIELD OF
22 EXPERTISE EVEN IF HE OR SHE HAS NOT WITNESSED ANY OF
23 THE EVENTS INVOLVED IN THE TRIAL.

24 YOU DO NOT HAVE TO ACCEPT AN EXPERT'S
25 OPINION. AS WITH ANY OTHER WITNESS, IT IS UP TO YOU
26 TO DECIDE WHETHER YOU BELIEVE THE EXPERT'S TESTIMONY
27 AND CHOOSE TO USE IT AS A BASIS FOR YOUR DECISION.

28 YOU MAY BELIEVE ALL, PART, OR NONE OF AN

1 EXPERT'S TESTIMONY.

2 IN DECIDING WHETHER TO BELIEVE AN EXPERT'S
3 TESTIMONY, YOU SHOULD CONSIDER, ONE, THE EXPERT'S
4 TRAINING AND EXPERIENCE; TWO, THE FACTS THE EXPERT
5 RELIED UPON; AND, THREE, THE REASONS FOR THE EXPERT'S
6 OPINION.

7 SO THEY'RE THERE PERHAPS TO HELP YOU, BUT YOU
8 ARE THE FINAL DECIDERS. I THINK BUSH SAID THAT,
9 DIDN'T HE?

10 MR. SPIVAK: YES, SOMETHING LIKE THAT. HE
11 MEANT TO SAY SOMETHING ELSE, YOUR HONOR. GLAD WE GOT
12 THAT CLARIFIED.

13 MR. BLATT, I BELIEVE YOU STATED THAT YOU HAVE
14 A JURIS DOCTORATE DEGREE?

15 PROSPECTIVE JUROR: I DO.

16 MR. SPIVAK: HAVE YOU EVER PRACTICED LAW?

17 PROSPECTIVE JUROR: NO, I WENT TO LAW SCHOOL
18 BECAUSE MY DAD WANTED ME TO GO.

19 MR. SPIVAK: HOW MANY YEARS AGO DID YOU TO GO
20 LAW SCHOOL?

21 PROSPECTIVE JUROR: I GRADUATED IN 1994.

22 MR. SPIVAK: WAS THAT IN THE STATE OF
23 CALIFORNIA OR SOMEPLACE ELSE?

24 PROSPECTIVE JUROR: NO, I WENT TO UNIVERSITY
25 OF VIRGINIA.

26 MR. SPIVAK: GOOD FOR YOU. DO YOU STAY UP ON
27 THAT OR YOU DID THAT --

28 PROSPECTIVE JUROR: I'VE ALWAYS HAD AN

1 INTELLECTUAL INTEREST IN THE LAW AND I, YOU KNOW, I
2 FOLLOW THAT OCCASIONALLY, READING STUFF ON THE WEB AND
3 THE MAGAZINES THAT I SUBSCRIBE TO. BUT I TOOK THE BAR
4 ONCE, DID NOT PASS AND I DID NOT -- I ACTUALLY NOT
5 INTENDED TO TAKE THE BAR, I WAS KIND OF FORCED INTO
6 IT.

7 MR. SPIVAK: IN THIS CASE, IF THE
8 CONCLUSION -- IF YOU SERVE ON THE JURY HERE, YOU'LL BE
9 PROVIDED A WHOLE LIST OF INSTRUCTIONS TO FOLLOW. ALL
10 OF YOU, NOT JUST MR. BLATT.

11 AS A SHOW OF HANDS, IF YOU SERVE ON THIS JURY
12 PANEL ARE YOU CAPABLE OF FOLLOWING THOSE INSTRUCTIONS?

13 AS WE SIT HERE RIGHT NOW, HAS ANYONE MADE A
14 DETERMINATION AS TO WHO'S RIGHT OR WRONG IN THIS
15 PRESENT CASE? NO ONE HAS? EXCELLENT.

16 MS. MAGRUM, YOU SERVED ON A CRIMINAL JURY?

17 PROSPECTIVE JUROR: YES.

18 MR. SPIVAK: WHAT WAS THE NATURE OF THE CASE?

19 PROSPECTIVE JUROR: PROSTITUTION.

20 MR. SPIVAK: AND YOU DIDN'T REACH A VERDICT I
21 BELIEVE YOU SAID?

22 THE COURT: WE DON'T WANT TO KNOW WHAT THE
23 VERDICT WAS.

24 MR. SPIVAK: I DIDN'T ASK THAT, YOUR HONOR.
25 YOU DID REACH A VERDICT, THOUGH, CORRECT?

26 PROSPECTIVE JUROR: YES.

27 MR. SPIVAK: OTHER THAN THAT, YOU HAVE NO
28 OTHER JURY EXPERIENCE, CORRECT?

1 PROSPECTIVE JUROR: YES, CORRECT.

2 MR. SPIVAK: I MISSED WHAT YOU DO FOR A
3 LIVING.

4 PROSPECTIVE JUROR: LEGAL ADMINISTRATOR.

5 MR. SPIVAK: IS THAT FOR A PRIVATE ENTITY?

6 PROSPECTIVE JUROR: FOR THE DIRECTORS GUILD.

7 MR. SPIVAK: WHAT DO YOU DO EXACTLY IN THAT
8 JOB?

9 PROSPECTIVE JUROR: I JUST OVERSEE THE
10 SECRETARIES AND THE LAW CLERKS.

11 MR. SPIVAK: IS THERE ANY LEGAL ANALYSIS AS
12 PART OF THAT JOB?

13 PROSPECTIVE JUROR: NOT FOR ME.

14 MR. SPIVAK: MS. PHILIPS, I BELIEVE YOU
15 RAISED YOUR HAND WITH RESPECT TO BEING PRESCRIBED HARD
16 DRUGS?

17 PROSPECTIVE JUROR: YES.

18 MR. SPIVAK: WAS THAT FOR ANY PARTICULAR
19 AILMENT?

20 PROSPECTIVE JUROR: I HAD SURGERY IN 1980, SO
21 PAINKILLERS FOR THAT.

22 MR. SPIVAK: HOW LONG DID YOU TAKE THOSE FOR?

23 PROSPECTIVE JUROR: I DIDN'T.

24 MR. SPIVAK: YOU WERE PRESCRIBED THEM, BUT
25 YOU ELECTED NOT TO TAKE THEM?

26 PROSPECTIVE JUROR: I DIDN'T TAKE THEM AFTER
27 THE SURGERY. NO.

28 MR. SPIVAK: YOU RECOVERED?

1 PROSPECTIVE JUROR: UH-HUH.

2 MR. SPIVAK: GOOD.

3 PROSPECTIVE JUROR: THANK YOU.

4 MR. SPIVAK: MR. BAKER, I BELIEVE YOU STATED
5 THAT YOU ARE MARRIED?

6 PROSPECTIVE JUROR: PARDON?

7 MR. SPIVAK: YOU'RE MARRIED?

8 PROSPECTIVE JUROR: YES.

9 MR. SPIVAK: DO YOU HAVE ANY CHILDREN?

10 PROSPECTIVE JUROR: NO. STEPDAUGHTER.

11 MR. SPIVAK: HOW OLD IS SHE? I'M SORRY, HOW
12 OLD IS SHE?

13 PROSPECTIVE JUROR: THIRTY.

14 MR. SPIVAK: HOW LONG HAS SHE BEEN LIVING
15 WITH YOU -- OR WITHDRAW THAT.

16 PROSPECTIVE JUROR: SHE DOES.

17 MR. SPIVAK: SHE STILL DOES? HOW LONG HAS
18 SHE BEEN LIVING WITH YOU, APPROXIMATELY?

19 PROSPECTIVE JUROR: TWENTY-FIVE.

20 MR. SPIVAK: TWENTY-FIVE YEARS.

21 PROSPECTIVE JUROR: YES.

22 MR. SPIVAK: I'M GOING TO ASK A SIMILAR
23 QUESTION I ASKED ANOTHER JUROR IS IF SOMEONE CAME OR
24 YOUR DAUGHTER CAME TO YOU WHEN SHE WAS 15 YEARS OLD
25 AND SAID A NEIGHBOR HAD DONE SOME DESPICABLE THINGS TO
26 HER, WHAT WOULD YOU HAVE DONE?

27 THE COURT: COUNSEL, I'M NOT GOING TO --
28 THERE'S GOING TO BE EVIDENCE HERE IN THIS CASE WHAT

1 MAY OR MAY NOT HAVE BEEN DONE AND THAT'S
2 PRECONDITIONING THE JURORS.

3 MR. SPIVAK: WITHDRAW THE QUESTION, YOUR
4 HONOR.

5 I HAVE NO FURTHER QUESTIONS AT THIS TIME,
6 YOUR HONOR.

7 THE COURT: OKAY. I WILL SEE THE COURT
8 REPORTER AND COUNSEL IN CHAMBERS AND THE REST OF THE
9 JURORS RELAX AND WHILE WE'RE NOT IN SESSION AND I'M IN
10 CHAMBERS, YOU CAN STAND UP, YOU CAN STRETCH, YOU CAN
11 TALK TO EACH OTHER. DON'T DISCUSS THE CASE.

12 SO WE'RE GOING TO SEE FIRST MR. COHOE AND
13 THEN MR. KESHISHIAN AND THEN MR. ORDOUKHANIAN.

14 MR. RECK: PARTIES REMAIN AT THE TABLE?

15 THE COURT: YES.

16

17 (THE FOLLOWING PROCEEDINGS WERE HELD.
18 IN CHAMBERS.)

19

20 THE COURT: IF YOU'LL KINDLY HAVE A SEAT.
21 AND WE KNOW WHO YOU ARE, BUT JUST STATE YOUR NAME FOR
22 THE RECORD, PLEASE.

23 PROSPECTIVE JUROR: JOHN COHOE.

24 THE COURT: OKAY. YOU INDICATED, SIR, THAT
25 YOU WANTED TO TALK TO THE COURT IN CHAMBERS AND AS I
26 INDICATED I -- THE RECORD WILL BE SEALED AS TO WHAT
27 YOU SAY IN HERE, BUT WHAT WAS IT YOU'D LIKE TO
28 CHALLENGE?

1 PROSPECTIVE JUROR: I THINK THE QUESTION CAME
2 UP WAS IF I HAVE ANY ILL FEELINGS ON THIS CASE AND I
3 DON'T HAVE ANY PROBLEMS SERVING -- SERVING AS JURY --
4 A JUROR ON CASES, BUT THIS CASE I JUST FEEL A LITTLE
5 SICKENED BY IT BECAUSE THE MATTER OF THE CASE. IT'S
6 NOT SO MUCH HAVING THE SEX, BUT IT'S HAVING THE SEX
7 WITH THE UNDERAGE GIRL. AND I JUST FEEL STRONGLY
8 ABOUT, YOU KNOW, I HAVE A DAUGHTER. MY WIFE AND I
9 JUST FEEL LIKE IF THE GUY DID IT, WHICH PROBABLY I
10 CAN'T SAY HE DID OR DIDN'T DO IT, BUT IF HE DID DO IT,
11 I THINK THE BOOK SHOULD BE THROWN AT HIM AND THEN
12 SOME.

13 I MEAN, THE QUESTION CAME UP, YOU ASKED IF
14 SOMEONE CAME IN YOUR HOUSE AND RAPED YOUR DAUGHTER OR
15 SOMETHING, WHAT WOULD YOU DO? ONE GUY SAID I WOULD GO
16 AFTER HIM IN COURT. I WOULD PROBABLY SHOOT THE GUY
17 BECAUSE I WOULD GO AFTER SELF-DEFENSE.

18 I MEAN, I JUST HAVE REALLY STRONG FEELINGS IN
19 THAT MATTER. LIKE I SAID, I DON'T HAVE A PROBLEM
20 BEING A JUROR ON OTHER, CAR ACCIDENTS OR WHATEVER, BUT
21 IF SOMEBODY IS GOING TO DO SOMETHING TO MY FAMILY OR,
22 IN THIS CASE, AN UNDERAGE GIRL, I JUST, THAT'S --

23 THE COURT: LET ME ASK YOU THIS AND I'LL --
24 COUNSEL CAN ASK YOU SOME QUESTIONS.

25 I HAVE NOT HEARD ANY EVIDENCE IN THIS CASE
26 NOR HAVE YOU. AND SO IF THE CASE GOES TO THE JURY,
27 WHAT WOULD HAPPEN, OF COURSE, IS THAT YOU WOULD BE
28 GIVEN SOME QUESTIONS TO ANSWER. AND PROBABLY ONE OF

1 THOSE FIRST FEW QUESTIONS IS YOU'RE GOING TO HAVE TO
2 DECIDE, IN FACT, DID THE DEFENDANT SEXUALLY MOLEST THE
3 PLAINTIFF IN THIS CASE.

4 AND I DON'T KNOW WHAT THE EVIDENCE WILL SHOW.
5 IF YOU BELIEVE THAT THE EVIDENCE SHOWED THAT HE DID
6 NOT, THEN OF COURSE, THERE WOULD BE A DEFENSE VERDICT.

7 IF YOU MADE THE DECISION THAT HE DID, THEN
8 THE SECOND PHASE WOULD BE YOU HAVE TO DETERMINE THE
9 AMOUNT OF THE DAMAGES.

10 SO, IT WOULD BE UP TO YOU, OF COURSE, AS ONE
11 OF THE JURORS, ONE OF THE 12 JURORS, TO MAKE THAT
12 DECISION AS TO WHETHER HE DID OR DID NOT DO THOSE
13 THINGS THAT HE IS BEING ACCUSED OF BY THE PLAINTIFF.

14 SO, WE GET THROUGH THAT AND IF YOU FOUND OR
15 THE JURORS FOUND THAT HE DID DO WHAT HE WAS ACCUSED
16 OF, THEN YOU WOULD HAVE TO SET DAMAGES AND THE LAW
17 REQUIRES THAT THEY BE FAIR, JUST AND REASONABLE BASED
18 ON THE EVIDENCE.

19 AND THAT IS, IN OTHER WORDS, WHETHER YOU
20 WOULD GAVE A MINIMAL AMOUNT OF DAMAGES OR A
21 SUBSTANTIAL AMOUNT OF DAMAGES IS A DISCRETIONARY
22 QUESTION WITH YOU.

23 NOW, IF YOU'RE TELLING ME THAT AUTOMATICALLY
24 JUST IF YOU FOUND THAT HE DID DO THESE THINGS THAT YOU
25 WOULD AWARD A HUNDRED MILLION DOLLARS IN DAMAGES AND
26 NOTHING LESS, THEN PROBABLY YOU SHOULDN'T SERVE ON
27 THIS CASE. BUT YOU WOULD BE SETTING DOWN WITH 11
28 OTHER JURORS AND IF YOU FIND LIABILITY, DETERMINING

1 WHAT WOULD BE FAIR AND REASONABLE DAMAGES.

2 AND IT MAY BE THAT YOU, AS A JUROR, WOULD
3 THINK THAT THEY SHOULD BE VERY SUBSTANTIAL. AND
4 ANOTHER JUROR MAY FEEL, WELL, MAYBE NOT, MAYBE IT
5 SHOULD BE, YOU KNOW, JUST SOME LESSER AMOUNT. AND YOU
6 HAVE TO REACH A CONSENSUS WHERE NINE JURORS CAN AGREE.

7 PROSPECTIVE JUROR: IS THIS CASE ONLY ABOUT
8 MONEY? IS THAT WHAT SHE'S ASKING FOR OR IS IT ALSO
9 ABOUT GOING TO JAIL?

10 THE COURT: NO, IT'S ONLY MONEY.

11 PROSPECTIVE JUROR: SEE THAT, HE SHOULD BE IN
12 JAIL.

13 THE COURT: WELL, THAT'S ANOTHER SITUATION.
14 THIS IS NOT A CRIMINAL TRIAL AND WE WILL NOT BE
15 GETTING INTO THAT SITUATION. WHATEVER HAPPENED BEFORE
16 OR WHAT WOULD HAPPEN IN THE FUTURE, THIS IS ONLY A
17 CIVIL CASE TO DETERMINE WHETHER HE -- SHE SHOULD BE
18 AWARDED DAMAGES. IF IT WERE A CRIMINAL CASE THEN THAT
19 WOULD BE A DIFFERENT SITUATION.

20 PROSPECTIVE JUROR: RIGHT, RIGHT. I JUST --
21 I HAVE A REALLY GOOD FRIEND AS WELL WHO WAS MOLESTED
22 BY HER DAD AND SHE WENT THROUGH THERAPY FOR MANY
23 YEARS. I THINK THE QUESTION CAME UP HOW MANY YEARS
24 WAS THE PERSON IN THERAPY? I HONESTLY DON'T KNOW
25 BECAUSE A LOT OF PEOPLE DON'T DISCLOSE THAT. IT'S
26 KIND OF PERSONAL. I JUST KNOW SHE HAS BEEN TO THERAPY
27 PROBABLY THE GOOD MAJORITY OF HER LIFE.

28 AND, YOU KNOW, THE HUSBAND WAS ONE OF MY

1 GROOMSMEN, SO HE WAS LIKE MY BEST FRIEND AND I JUST
2 HAVE A REALLY STRONG -- BECAUSE I FEEL HOW IT SCREWED
3 HER UP. SO THAT'S WHY I JUST --

4 THE COURT: NO, I UNDERSTAND THAT. BUT THE
5 QUESTION HERE IS WHETHER, AND ONLY YOU CAN ANSWER
6 THIS, WHETHER YOU CAN LISTEN TO THE EVIDENCE AND JUDGE
7 THE EVIDENCE FAIRLY AND REASONABLY AND THAT, AT THIS
8 POINT IN TIME, YOU HAVE NO BIASES OR PREJUDICES EITHER
9 FOR THE PLAINTIFF OR AGAINST THE DEFENDANT --
10 PLAINTIFF, OR FOR THE DEFENDANT OR AGAINST THE
11 DEFENDANT. IF YOU FEEL THAT YOUR BIASES ARE SO
12 INHERENT THAT YOU CAN'T BE FAIR, THEN YOU TELL ME THAT
13 AND WE'LL PUT YOU ON ANOTHER TRIAL.

14 PROSPECTIVE JUROR: I FEEL LIKE I WOULD BE
15 TOO BIASED.

16 THE COURT: ANYTHING FOR THE PLAINTIFF?

17 MR. RECK: I MEAN, VERY BRIEFLY. ALL OF YOUR
18 OPINIONS THAT ARE ABOUT THIS WOMAN WHO WAS ABUSED WHEN
19 SHE WAS YOUNG, THOSE ARE BASED BECAUSE THOSE
20 ALLEGATIONS WERE TRUE, THAT REALLY HAPPENED --

21 PROSPECTIVE JUROR: HER OR MY FRIEND?

22 MR. RECK: YOUR FRIEND.

23 PROSPECTIVE JUROR: OKAY. YES.

24 MR. RECK: AS FAR AS YOU KNOW, THOSE REALLY
25 HAPPENED?

26 PROSPECTIVE JUROR: ABSOLUTELY, YES.

27 MR. RECK: AS YOU SIT HERE RIGHT NOW, YOU
28 DON'T REALLY KNOW IF THE DEFENDANT ACTUALLY DID THIS

1 OR NOT YET.

2 PROSPECTIVE JUROR: ABSOLUTELY NOT. EXACTLY,
3 NO, I DO NOT.

4 MR. RECK: SO UNTIL YOU KNOW THAT HE DID IT,
5 THERE IS NO REASON TO IMPOSE ANY DAMAGES YET, RIGHT?

6 PROSPECTIVE JUROR: TRUE. YES.

7 I JUST FEEL, THOUGH, WITH THE OPENING
8 STATEMENTS OF WHAT YOU SAID THE CASE WAS -- THE
9 SUMMARY PLOT OR WHATEVER, HOW YOU CALL IT, THAT
10 OUTLINE OF THE CASE, WHEN WE START GETTING INTO THE
11 WITNESSES AND SOMEBODY'S UP THERE SAYING IT AND I KNOW
12 I'M JUST GOING TO HAVE HARBORING THE FEELINGS OF THIS
13 GUY IS SCUM.

14 SO I DON'T WANT TO SAY -- AS OF RIGHT NOW, IF
15 IT GOES THE WAY WHERE EVERYTHING, ALL THE EVIDENCE HAS
16 SHOWN THAT HE DIDN'T DO IT, THAT SHE'S FABRICATING THE
17 LIES, THEN I'M GOING TO BE LIKE, OKAY, SHE'S LYING.

18 I'M JUST SAYING IF IT GETS TO THE POINT WHERE
19 I KNOW THAT HE DID, THEN THAT'S NOT A MATTER OF PAYING
20 HER \$5,000 OR \$20,000. IT'S LIKE, THE GUY SHOULD BE
21 ARRESTED. THAT'S WHAT I AM TRYING TO SAY.

22 MR. RECK: OKAY.

23 THE COURT: FROM THE DEFENSE.

24 MR. SPIVAK: NOTHING, YOUR HONOR.

25 THE COURT: THANK YOU, SIR. IF YOU'LL KINDLY
26 RETURN TO THE JURY BOX. I HAVE TO DISCUSS THIS WITH
27 COUNSEL.

28 AND LET'S BRING IN JUROR NO. 11.

1 WE'LL DEAL WITH ALL THREE AND THEN WE'LL...

2 ALL RIGHT. COME ON IN AND HAVE A SEAT, IF
3 YOU WOULD, PLEASE.

4 YOU ASKED PERHAPS -- OR ONE OF THE ISSUES
5 CAME UP HERE IS WHETHER YOU WOULD BE UNCOMFORTABLE OF
6 THERE WERE SEXUAL MATTERS DISCUSSED IN THIS TRIAL.

7 UNQUESTIONABLY THERE ARE GOING TO BE SEXUAL
8 MATTERS DISCUSSED IN THIS TRIAL AND YOU WILL HAVE
9 TO -- BESIDES HEARING THEM FROM THE WITNESS STAND, YOU
10 WILL HAVE TO DISCUSS THEM IF YOU'RE A JUROR WITH THE
11 OTHER 11 JURORS.

12 AND WHAT WE ARE CONCERNED WITH, MYSELF AS A
13 JUDGE, AND THE ATTORNEYS AS THEIR DUTIES AS OFFICER OF
14 THE COURT, WE HAVE TO MAKE A DETERMINATION THAT BOTH
15 THE PLAINTIFF AND THE DEFENDANT GET A FAIR TRIAL.

16 PROSPECTIVE JUROR: UH-HUH.

17 THE COURT: SO MY CONCERN IS, IS THAT --
18 WELL, TWO. ONE, IF THE TESTIMONY WOULD BE SO
19 DEVASTATING TO YOU THAT IT WOULD PUT YOU IN A POSITION
20 WHERE YOU WOULD BECOME UPSET --

21 PROSPECTIVE JUROR: EXACTLY.

22 THE COURT: -- PHYSICALLY OR EMOTIONALLY
23 ILL, THEN WE WOULD PUT YOU ON A DIFFERENT TRIAL THAN
24 THIS ONE.

25 BUT, YOU KNOW, WE'D LIKE YOU TO SERVE ON THIS
26 TRIAL IF YOU COULD AND IF IT WOULDN'T, YOU KNOW,
27 PERSONALLY HURT YOU.

28 PROSPECTIVE JUROR: IT'S A HARD TRIAL BECAUSE

1 I'M JUST -- FIRST OF ALL, IT'S CULTURALLY SHUNNED
2 UPON -- SHUNNED UPON. AND THE FACT THAT I CAN'T
3 DISCUSS IT WITH MY FAMILY, IT'S LIKE I'M GOING TO
4 CARRY THAT BURDEN AND I DON'T THINK I CAN DO THAT.

5 SO MAYBE IF IT WAS A DIFFERENT CASE, IT WAS
6 LIKE A SEXUAL HARASSMENT CASE, I WOULD BE ABLE TO
7 HANDLE IT. BUT THIS IS LIKE EMOTIONALLY TOO MUCH.

8 THE COURT: COUNSEL FOR THE PLAINTIFF, ANY
9 QUESTIONS?

10 MR. RECK: NO. WE DON'T HAVE ANY QUESTIONS.

11 MR. SPIVAK: NO QUESTIONS.

12 THE COURT: IF YOU WOULD KINDLY RETURN TO
13 YOUR SEAT. THANK YOU VERY MUCH.

14 MR. RECK: FOR THE RECORD, DO WE GET HER
15 JUROR NUMBER OR HER NAME?

16 MR. SPIVAK: THAT WAS 11, MS. KESHISHIAN.

17 THE COURT: YES, I'M SORRY. NUMBER 11, TALIN
18 KESHISHIAN.

19 ALL RIGHT. SIR, IF YOU'D KINDLY HAVE A SEAT,
20 PLEASE. AND THIS IS JUROR NUMBER SIX.

21 WOULD YOU GIVE YOUR NAME FOR THE RECORD?

22 PROSPECTIVE JUROR: ROBERT ORDOUKHANIAN.

23 THE COURT: OKAY. I THINK THE QUESTION THAT
24 WAS ASKED IS WHETHER YOU WOULD BE UNCOMFORTABLE IF
25 THERE WERE SEXUAL MATTERS DISCUSSED IN THIS TRIAL.
26 THERE WILL BE SEXUAL MATTERS DISCUSSED BY THE VARIOUS
27 WITNESSES, INCLUDING THE PLAINTIFF AND VARIOUS OTHER
28 WITNESSES THAT ARE GOING TO BE CALLED IN IN THIS IN

1 CASE.

2 ADDITIONALLY, WHEN YOU GO INTO THE JURY ROOM
3 YOU'RE GOING TO HAVE TO DISCUSS THESE ISSUES WITH THE
4 OTHER 11 JURORS.

5 NOW, I'M CONCERNED AND COUNSEL ARE CONCERNED
6 THAT BOTH SIDES GET A FAIR TRIAL AND THAT YOU DON'T
7 START OUT THIS CASE BELIEVING EITHER THE PLAINTIFF HAS
8 BEEN WRONGED ON THE DEFENDANT HAS BEEN WRONGED. THEY
9 HAVE TO BOTH START OUT ON AN EVEN PLACE.

10 NOW, TELL US A LITTLE ABOUT YOUR SITUATION.

11 PROSPECTIVE JUROR: I AM NOT COMFORTABLE WITH
12 THE NATURE OF THE CASE BECAUSE BASED ON MY BACKGROUND,
13 I'M COMING FROM ITALY.

14 I'VE BEEN IN USA FOR SIX YEARS AND WE HAVE
15 HAVEN'T SEEN AND WE HAVEN'T THESE KIND OF STORY. IT
16 IS SOMETIME DISTURBING ME. AND I HAVE DIFFERENT
17 OPINION ON BOTH SIDES, THE PLAINTIFF AND DEFENDANT.

18 IT'S KIND OF DISTURBING ME ACTUALLY ON THAT
19 KIND OF WITNESSES OR THE WHOLE STORY, IT REALLY
20 BOTHERS ME. I'M SURE IT IS GOING TO AFFECT MY
21 RELATION WITH MY WIFE IF SOMEONE WHO TRIES TO LIKE MY
22 SON AND PLAY WITH HIM. MY SON HAS DIAGNOSED WITH
23 AUTISM, WE HAVE DIFFERENT TRAINER, THEY COME OVER.
24 AND THEY ARE -- THE WAY THEY ARE WORKING IS PLAY.
25 THEY ARE PLAYING DIFFERENT STUFF. IT'S NOT
26 INSTRUCTOR.

27 HE START READING SOMETIMES, BUT THEY ARE
28 DOING COLORING, PAINTING, THAT KIND OF STUFF. IT

1 MAKES ME IS SOME -- MAKES ME SOME OTHER PLACES THAT I
2 DON'T WANT TO GO THERE. I DON'T WANT TO HAVE THAT
3 KIND OF OPINION ABOUT THESE PEOPLE WHO TRYING TO HELP
4 ME TO TRAIN MY SON TO GET BETTER. THAT IS MY TOTAL
5 OPINION.

6 THE COURT: FOR THE PLAINTIFF?

7 MR. RECK: THANK YOU. NO QUESTIONS.

8 THE COURT: FOR THE DEFENSE?

9 MR. SPIVAK: NO QUESTIONS.

10 THE COURT: WOULD YOU KINDLY RETURN TO YOUR
11 SEAT IN THE JURY BOX. WE'LL TALK ABOUT THAT.

12 PROSPECTIVE JUROR: THANK YOU VERY MUCH.

13 THE COURT: COUNSEL, THE PEREMPTORIES YOU DO
14 IN OPEN COURT, CHALLENGES FOR CAUSE ARE HERE IN THE
15 CHAMBERS.

16 DOES THE PLAINTIFF HAVE ANY CHALLENGES FOR
17 CAUSE AS TO ANY THREE OF THESE.

18 MR. RECK: NO, YOUR HONOR.

19 THE COURT: DOES THE DEFENDANT HAVE ANY
20 CHALLENGE FOR CAUSE?

21 MR. SPIVAK: YES, YOUR HONOR. SIX, EIGHT AND
22 11.

23 THE COURT: YOU MEAN TWO, SIX AND 11?

24 MR. SPIVAK: NO --

25 THE COURT: I'M SORRY.

26 MR. SPIVAK: EIGHT IS COHOE, AND KESHISHIAN
27 IS 11 AND UNLESS MY SCORECARD IS WRONG.

28 THE COURT: NO, YOU'RE RIGHT.

1 MR. SPIVAK: OKAY.

2 THE COURT: I WAS THINKING ABOUT THE JURY BOX
3 IN THE OTHER COURT ROOM.

4 MR. SPIVAK: I HAVEN'T BEEN THERE YET. YES,
5 I HAVE ACTUALLY.

6 THE COURT: COUNSEL, HOW DO YOU GET AROUND
7 THE CHALLENGE FOR CAUSE ON THIS?

8 MR. RECK: WELL, CERTAINLY WITH RESPECT TO
9 THE LAST TWO, WITH RESPECT TO JUROR NUMBER SIX AND
10 NUMBER 11, THEY DIDN'T -- THEY DIDN'T SAY ANYTHING
11 THAT HAD ANY BIAS IN THEIR OPINION. THEY EXPRESSED
12 SOME DISTASTE FOR THE NATURE OF THE CASE.

13 WELL, THE REALITY IS, IS THAT ANY REASONABLE
14 PERSON, ANY TRIER OF FACT, IF THESE ALLEGATIONS ARE
15 TRUE, ARE GOING TO FIND THE CASE DISTASTEFUL. IT IS
16 WHAT IT IS.

17 IT'S GOING TO BE HARD FOR THEM TO SIT THERE.
18 IT'S GOING TO BE HARD FOR ME TO TALK ABOUT IT. IT'S
19 GOING TO BE HARD FOR OUR CLIENT TO TALK ABOUT IT. YOU
20 KNOW IT'S GOING TO BE HARD -- IT'S EVEN GOING TO BE
21 HARD FOR THE DEFENDANT TO HEAR IT. THAT DOESN'T MEAN
22 THAT THEY'RE BIASED. DOESN'T MEAN THEY CAN'T DO THEIR
23 JOB.

24 IF THEY DON'T TAKE IT SERIOUS, THEY'RE
25 PROBABLY NOT AN APPROPRIATE JUROR. THEY DIDN'T
26 EXPRESS ANY BIAS, ANY REASON WHY THEY SHOULD BE
27 EXCUSED FOR CAUSE.

28 THE COURT: WELL, I DON'T -- MY CONCERN ISN'T

1 BIAS. MY CONCERN IS, IS THEIR PERSONAL EMOTIONAL
2 STATE.

3 MR. RECK: IF WE ELIMINATE FOR CAUSE ANY
4 JUROR WHO COMES IN AND EXPRESSES AN EMOTIONAL DISGUST
5 AT SEXUAL ABUSE OF A MINOR, WE'VE GOT -- WE END UP
6 WITH, BY THAT VERY NATURE, A BIASED JURY. YOU END UP
7 WITH A DECK AUTOMATICALLY STACKED AGAINST THE
8 PLAINTIFF.

9 IF WE ONLY HAVE PEOPLE WHO AREN'T OFFENDED BY
10 ADULTS HAVING SEX WITH IS 15-YEAR-OLD GIRLS, WHAT KIND
11 OF AN AWARD ARE WE GOING TO GET? SHE IS DENIED HER
12 DUE PROCESS.

13 THE COURT: I'M NOT SURE IT'S A QUESTION OF
14 THE WAY YOU'RE PRESENTING IT AS TO HOW IT'S GOING TO
15 EFFECT THEM EMOTIONALLY AS OPPOSED TO THEIR VOTING ONE
16 WAY OR THE OTHER.

17 MR. RECK: NOT ONE OF THEM SAID THEY HAD A
18 PRECONCEIVED NOTION AS TO WHO DID IT OR WHO DIDN'T DO
19 IT. THEY SAID THE NATURE OF THE CASE THEY FOUND IT
20 DIFFICULT TO TALK ABOUT. WELL, IT'S GOING TO BE
21 DIFFICULT TO TALK ABOUT. IF THEY DON'T THINK IT'S
22 DIFFICULT TO TALK ABOUT, THEN THEY'RE PROBABLY ALREADY
23 BIASED.

24 MR. SPIVAK: YOUR HONOR, I BELIEVE JUROR
25 NUMBER EIGHT ARTICULATED PREDILECTION TO, QUOTE, THROW
26 THE BOOK AT HIM.

27 THE COURT: I DON'T HAVE A PROBLEM WITH
28 EIGHT. I WILL GRANT THE CHALLENGE FOR CAUSE AS TO

1 NUMBER EIGHT. HE WAS DEFINITELY -- THE SITUATION WITH
2 THE OTHER TWO JURORS IS I DON'T KNOW -- I'VE ALREADY
3 TOLD THEM THAT THEY WILL HAVE TO SERVE ON ANOTHER
4 JURY. IN FACT, I WILL HAVE THE -- IF I WERE TO EXCUSE
5 THEM OR EVEN WITH A PEREMPTORY, I WOULD HAVE THE
6 ASSISTANT CLERK CALL THE JURY ROOM TO SEE THAT THEY
7 ARE NOT EXCUSED. BECAUSE I DON'T KNOW IF THEY'RE
8 TRYING TO GET OFF THIS CASE OR THEY'RE SERIOUSLY
9 HAVING PROBLEMS WITH SITTING ON IT.

10 MR. SPIVAK: WELL, I THINK KESHISHIAN WAS
11 AUTHENTIC, BUT WHO KNOWS FOR SURE, YOUR HONOR. I
12 MEAN, SHE WAS CRYING.

13 MR. RECK: FOR THE RECORD, I DON'T BELIEVE
14 SHE WAS CRYING.

15 THE COURT: SHE WAS CRYING.

16 MR. DIMARIA: AND, YOUR HONOR, IN THE CASES
17 THAT WE HAVE DONE BEFORE, IF WE DO THEM RIGHT,
18 EVERYBODY ENDS UP CRYING OR AT LEAST 80 PERCENT OF THE
19 JURY BECAUSE IT IS A SEXUAL ABUSE CASE OF A CHILD.
20 THEY'RE VERY SERIOUS.

21 THEY DO GET HUNDRED MILLION DOLLAR VERDICTS.
22 IF, YOU KNOW, AGAIN, IF YOU ASKED EVERYONE TO RAISE
23 THEIR HAND WHO ISN'T BOTHERED BY THIS, YOU WOULD HAVE
24 A JURY FULL OF ZOMBIES OR PEOPLE WHO WEREN'T --

25 MR. RECK: WHO THINK IT'S OKAY TO HAVE SEX
26 WITH KIDS. WE'RE NOT TRYING TO CREATE A JURY THAT
27 THINKS THAT.

28 MR. SPIVAK: NEITHER AM I, YOUR HONOR. I

1 ASKED THE PREDETERMINED DECISION WHO IS RIGHT AND
2 WRONG.

3 MR. RECK: NOT ONE OF THEM EXPRESSED A
4 PREDETERMINED DECISION.

5 MR. SPIVAK: MR. COHOE CAME IN HERE. I AM
6 NOT GOING TO REPEAT THAT.

7 MR. RECK: HE ALREADY GRANTED THAT ON THE
8 OTHER TWO.

9 MR. SPIVAK: IT'S FINISHED.

10 THE COURT: OKAY. WHAT I'M GOING TO DO IS ON
11 KESHISHIAN, MY OBSERVATION OF THE -- IT WOULD BE
12 DETRIMENTAL TO HER EMOTIONALLY TO SERVE ON THIS CASE.
13 I THINK SHE MADE IT PRETTY CLEAR AND SHE DID CRY. I
14 WILL GRANT THAT ONE.

15 BUT I AM GOING TO DENY IT AS TO ORDOUKHANIAN.
16 ON THAT ONE, I DON'T THINK THERE IS SUFFICIENT AMOUNT
17 THERE FOR CHALLENGE FOR CAUSE.

18 WHAT WE'RE GOING TO DO AT THIS POINT IN TIME
19 IS WE'RE GOING TO EXCUSE JUROR NUMBER EIGHT AND JUROR
20 NUMBER 11. AND I'LL ADVISE THE REST OF THE JURORS IF
21 THEY'RE GOING TO HAVE TO SERVE ON JURY DUTY IN ANOTHER
22 CASE.

23 WE WILL THEN BRING IN THE TWO ALTERNATES, AND
24 HAVE THE PLAINTIFF EXERCISE THEIR FIRST CHALLENGE FOR
25 CAUSE. THEN WE'LL ONLY HAVE 11 PEOPLE. WE'LL PUT
26 THREE MORE IN THE BOX.

27 MR. SPIVAK: YOU MEAN PEREMPTORY, YOUR HONOR?

28 THE COURT: PEREMPTORY. AND THEN WE'LL PUT

1 THREE MORE IN THE BOX AND WE'LL VOIR DIRE THOSE THREE.

2 MR. RECK: DO YOU WANT TO HEAR ANYTHING --
3 ANY OTHER REQUEST FOR CAUSE ASIDE FROM THE THREE THAT
4 WERE IN HERE?

5 THE COURT: I WILL HEAR THEM. BUT I -- PUT
6 THEM ON THE RECORD.

7 MR. RECK: WE WOULD REQUEST THAT JUROR NUMBER
8 NINE BE EXCUSED FOR CAUSE.

9 THE COURT: WHAT'S HER BASIS?

10 PROSPECTIVE JUROR: SHE EXPRESSED AN OPINION,
11 AN INABILITY TO FOLLOW THE INSTRUCTIONS AND AN
12 INABILITY TO ACCEPT THE EVIDENCE AS IT WAS READ TO
13 HER. BASICALLY SHE SAID THAT SHE DOESN'T BELIEVE IT'S
14 POSSIBLE TO BE ADDICTED TO ANYTHING. I MEAN, IF WE
15 NEED TO, WE CAN HAVE A MOTION TO TAKE JUDICIAL NOTICE
16 OF THE FACT THAT ADDICTION MEDICINE EXISTS IN THE
17 WORLD.

18 THE COURT: I DIDN'T HEAR IT THAT WAY,
19 COUNSEL.

20 MR. SPIVAK: NEITHER DID I, YOUR HONOR.

21 THE COURT: DENIED.

22 ANY OTHERS?

23 MR. RECK: THAT'S ALL I'VE GOT.

24 THE COURT: LET'S GO.

25

26 (THE FOLLOWING PROCEEDINGS WERE
27 HELD IN OPEN COURT IN THE
28 PRESENCE OF THE JURY:)

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THE COURT: OKAY. I'M GOING TO HAVE THE ASSISTANT CLERK CALL THE JURY ROOM AND ADVISE THEM THAT WE'RE SENDING DOWN MR. COHOE AND TALIN KESHISHIAN AND THEY ARE NOT EXCUSED FROM JURY DUTY, THEY WILL BE REQUIRED TO SERVE ON ANOTHER CASE.

SO KINDLY, MR. COHOE AND MS. KESHISHIAN, PLEASE SEE THE JURY COMMISSIONER FOR A FURTHER ASSIGNMENT TO A DIFFERENT TRIAL.

AND MR. MC CAY WOULD YOU KINDLY TAKE SEAT NUMBER EIGHT, PLEASE. ARE YOU WITH US? WE NEED YOU ON SEAT NUMBER EIGHT.

AND MS. DYTMAN, IF YOU WOULD KINDLY TAKE THE OTHER EMPTY SEAT WHICH IS NUMBER 11.

WE'RE NOW IN A SITUATION, COUNSEL, WHERE WE'LL BEGIN THE EXERCISE, THE PEREMPTORY CHALLENGES. THE FIRST PEREMPTORY CHALLENGE WILL BE WITH THE PLAINTIFF.

MR. RECK: PLAINTIFF WOULD REQUEST THE COURT THANK AND EXCUSE JUROR NUMBER NINE, MS. PHILIPS.

THE COURT: OKAY. MS. PHILIPS, PLEASE SEE THE JURY COMMISSIONER.

WITH THAT, WE'LL HAVE TO PUT THREE MORE PEOPLE IN THERE.

THE CLERK: AS YOU I CALL YOUR NAME STEP FORWARD, PLEASE.

MARILYN -- MARILYN BRETT, LAST NAME B-R-E-T-T.

1 JOEY XOLBER, LAST NAME X-O-L-B-E-R.

2 PROSPECTIVE JUROR: IT'S ACTUALLY WITH A "K."

3 DAVID BROWN, LAST NAME B-R-O-W-N.

4 THE COURT: WE'LL START WITH MS. BRETT. IF
5 YOU WOULD PLEASE, THE INFORMATION ON THE BOARD.

6 PROSPECTIVE JUROR: MY NAME IS MARILYN BRETT.
7 I RESIDE IN NORTH HOLLYWOOD. I AM SINGLE. MY
8 OCCUPATION IS UNEMPLOYED
9 ACTRESS/BACKGROUND/DRIVER/WHATEVER THEY WANT ME TO DO
10 IN THE FILM INDUSTRY.

11 I HAVE NO CHILDREN. AND I HAVE SERVED ON A
12 CRIMINAL JURY.

13 THE COURT: OKAY. FROM ALL OF THE PRIOR
14 QUESTIONING BY MYSELF AND FROM BOTH COUNSEL, IS THERE
15 ANYTHING THAT COMES TO YOUR MIND THAT YOU WOULD LIKE
16 TO TELL COUNSEL ABOUT FROM ALL OF THOSE QUESTIONS?

17 PROSPECTIVE JUROR: UMM. I --

18 THE COURT: THEY'RE PROBABLY GOING TO ASK YOU
19 SOME QUESTIONS ANYWAY.

20 PROSPECTIVE JUROR: OKAY. UMM, WELL, I'VE
21 HAD ABOUT SEVEN YEARS OF INTENSIVE PSYCHOLOGY.
22 RELATING TO WHAT --

23 THE COURT: WOULD YOU -- SOMETHING YOU WANT
24 TO DISCUSS IN CHAMBERS?

25 PROSPECTIVE JUROR: I HAVE NO -- I HAVE NO
26 SHAME ABOUT IT, BUT YOU MAY WANT ME TO DISCUSS IT IN
27 CHAMBERS BECAUSE OF WHAT WOULD I SAY.

28 THE COURT: LET'S PASS ON RIGHT NOW TO

1 MR. KOLBER. IF YOU WOULD PLEASE THE INFORMATION ON
2 THE BOARD.

3 PROSPECTIVE JUROR: MY NAME IS JOEY KOLBER.
4 I CURRENTLY LIVE IN CULVER CITY. I AM NOT MARRIED. I
5 AM SINGLE.

6 I AM BOTH A STUDENT AND I HAVE A PART-TIME
7 JOB. NO CHILDREN. AND I HAVE NO PREVIOUS JURY
8 EXPERIENCE.

9 THE COURT: OKAY. FROM ALL OF THE PRIOR
10 QUESTIONING, ANYTHING THAT YOU WOULD CARE TO VOLUNTEER
11 BEFORE COUNSEL QUESTIONS YOU?

12 PROSPECTIVE JUROR: YES. I ACTUALLY -- THERE
13 ARE SOME ISSUES WITH THIS CASE THAT ARE VERY PERSONAL
14 TO ME. I WOULD LIKE TO DISCUSS THIS IN CHAMBERS.

15 THE COURT: MR. BROWN, INFORMATION ON THE
16 BOARD, PLEASE.

17 PROSPECTIVE JUROR: DAVID WILLIAM BROWN. I
18 LIVE IN LOS ANGELES. I AM MARRIED. NO CHILDREN. I
19 AM AN INSTRUCTOR AND NO PREVIOUS JURY EXPERIENCE.

20 THE COURT: AND FROM ALL OF THE PRIOR
21 QUESTIONS?

22 PROSPECTIVE JUROR: YEAH. I HAVE SOME
23 PROBLEMS. LIKE ONE OF THE FIRST QUESTIONS ABOUT
24 RENDERING A FINANCIAL VERDICT FOR EMOTIONAL TRAUMA, I
25 WOULD HAVE A PROBLEM WITH THAT.

26 THE COURT: WELL, IN TERMS OF -- I'VE
27 INDICATED BEFORE THERE ARE TWO PHASES OF THE TRIAL,
28 ALTHOUGH THEY'RE AT THE SAME TIME. ONE OF THEM IS

1 FINDING OF LIABILITY AS TO WHETHER THE ALLEGATIONS ARE
2 TRUE OR UNTRUE. YOU MAKE THAT DETERMINATION.

3 IF YOU MAKE THE DETERMINATION THAT
4 PLAINTIFF'S ALLEGATIONS ARE TRUE, THEN YOU HAVE TO
5 AWARD DAMAGES.

6 AND THERE ARE TWO TYPES OF DAMAGES. THERE IS
7 ECONOMICS DAMAGES. FOR INSTANCE, AS A RESULT OF THE
8 AUTOMOBILE ACCIDENT IF YOU HAVE TO HAVE MEDICAL
9 TREATMENT, YOU ARE ENTITLED TO THE MEDICAL BILLS FOR
10 PAST AND FUTURE MEDICAL BILLS. THAT'S ECONOMIC.

11 THE LAW ALSO PROVIDES FOR NON-ECONOMIC
12 DAMAGES OR PAIN AND SUFFERING, EMOTIONAL DISTRESS.
13 AND THE INSTRUCTION THAT I WILL GIVE YOU AT THE END OF
14 THE CASE THERE IS NO SET MANNER IN WHICH TO DETERMINE
15 THE AMOUNT OF DAMAGES FOR EMOTIONAL DISTRESS. YOU
16 HAVE TO BASE IT ON WHAT IS JUST AND REASONABLE FROM
17 THE EVIDENCE AND USE YOUR COMMON SENSE.

18 AND IN THE JURY ROOM YOU HAVE TO DISCUSS THIS
19 WITH 11 OTHER PEOPLE AND NINE OF YOU WOULD HAVE TO
20 REACH A CONSENSUS ON WHAT THE DAMAGES WOULD BE.

21 NOW, THAT'S NOT EASY. THAT'S DIFFICULT.

22 BUT IF YOU'RE THERE AND SAYING, WELL, I KNOW
23 IT'S VERY DIFFICULT AND I WILL TRY TO DO IT, BUT IF
24 YOU'RE SAYING THAT UNDER NO CIRCUMSTANCES WOULD I EVER
25 AWARD DAMAGES FOR EMOTIONAL DISTRESS, THEN PERHAPS YOU
26 SHOULD BE ON A CRIMINAL CASE WHERE YOU MAKE A DECISION
27 OF GUILT OR INNOCENCE AND THE JUDGE DOES THE
28 SENTENCING.

1 SO YOU CAN TELL ME IF YOU JUST CANNOT OR WILL
2 NOT OR CAN'T FOLLOW THE LAW AND DAMAGES FOR EMOTIONAL
3 DISTRESS, THEN AS I SAY WE CAN SEND YOU OVER TO THE
4 CRIMINAL COURTS.

5 PROSPECTIVE JUROR: YES. I THINK THAT WOULD
6 HAVE TO BE THE CASE. IF IT WAS BY THE WOMAN'S
7 PARENTS, IT MIGHT BE A DIFFERENT MATTER. BUT IT HAS
8 BEEN SOMETIME NOW. I DON'T THINK THIS IS THE FORUM
9 FOR HER TO REDRESS THESE ISSUES.

10 THE COURT: CALL THE JURY COMMISSIONER AND
11 SEND THIS GENTLEMAN TO -- FOR A CRIMINAL TRIAL.

12 THANK YOU, SIR. SEE THE JURY COMMISSIONER.
13 LET'S FIND ANOTHER JUROR HERE.

14 THE CLERK: DANIEL MEDINA, LAST NAME M-E-D-I
15 NA.

16 THE COURT: PLEASE HAVE A SEAT MR. MEDINA.
17 IF YOU WOULD, SIR, PLEASE, THE INFORMATION ON THE
18 BOARD.

19 PROSPECTIVE JUROR: MY NAME IS DANIEL MEDINA.
20 I LIVE IN LOS ANGELES. I AM MARRIED WITH FOUR
21 CHILDREN. I WORK IN A GOLF COURSE, LIKE MACHINE
22 OPERATOR. I AM MARRIED. AND I HAVE BEEN BEFORE ON A
23 CIVIL CASE.

24 THE COURT: CIVIL CASE?

25 PROSPECTIVE JUROR: CORRECT.

26 THE COURT: AND WAS IT SIMILAR TO THIS CASE
27 OR DIFFERENT?

28 PROSPECTIVE JUROR: NO, DIFFERENT.

1 THE COURT: OKAY. THANK YOU. FROM ALL OF
2 THE PRIOR QUESTIONING THAT WAS ASKED OF ALL OF THE
3 WITNESSES -- OR ALL OF THE PROTECTIVE JURORS, DOES
4 ANYTHING COME TO YOUR MIND THAT YOU SHOULD TELL
5 COUNSEL?

6 PROSPECTIVE JUROR: EXCUSE ME?

7 THE COURT: FROM ALL OF THE PRIOR QUESTIONS
8 AND ANSWERS, IS THERE ANYTHING, THOSE QUESTIONS, IF
9 THEY WERE ASKED TO YOU, THAT YOU WOULD ANSWER THEM ANY
10 DIFFERENTLY? IN OTHER WORDS, DO YOU KNOW ANYBODY WHO
11 HAS ALLEGED THAT THEY WERE SEXUALLY HARASSED? DO YOU
12 KNOW ANY PROBLEM WITH DAMAGES?

13 PROSPECTIVE JUROR: NO. NO.

14 THE COURT: OKAY. OKAY, LADIES AND GENTLEMEN
15 OF THE JURY, I'M GOING TO HAVE TO TALK TO TWO OF THE
16 JURORS RIGHT NOW. MS. BRETT AND MR. KOLBER. THAT
17 WILL PROBABLY TAKE A SHORT PERIOD OF TIME. WE
18 NORMALLY WOULD RECESS SOMEWHERE BETWEEN 4:15 AND 4:30,
19 SO WE'RE GOING TO EXCUSE ALL OF THE JURORS UNTIL
20 TOMORROW WITH THE EXCEPTION OF THOSE TWO.

21 LADIES AND GENTLEMEN OF THE JURY, DO NOT
22 DISCUSS ANYTHING ABOUT THIS CASE EITHER AMONGST
23 YOURSELVES OR ANY THIRD PARTIES OR FORM ANY OPINION AS
24 TO ITS FINAL OUTCOME.

25 AS I INDICATED, I HAVE TO HANDLE ANOTHER
26 COURTROOM TOMORROW MORNING, AND LAST I SAW THERE WAS
27 AT LEAST A DOES MATTERS I'VE GOT TO APPEAR BETWEEN
28 8:30 AND 10:00.

1 YES?

2 PROSPECTIVE JUROR: WE -- THE MAN WHO DID THE
3 JURY LIST OUTSIDE SAID IF WE HAD A PROBLEM WITH THE
4 SEVEN-DAY TRIAL WE WOULD BE ABLE TO DISCUSS IT WITH
5 YOU. I CHANGED MY JURY DUTY FROM NEXT WEEK TO THIS
6 WEEK BECAUSE I AM UNAVAILABLE NEXT WEEK.

7 THE COURT: I UNDERSTAND, MA'AM, BUT
8 THAT'S -- WE -- THERE IS PROBABLY NOT A JUROR IN THIS
9 ROOM THAT DOESN'T HAVE SOME PROBLEMS WITH SERVING ON
10 JURY DUTY. IF I START EXCUSING EVERYBODY, WE DON'T
11 HAVE A JURY.

12 PROSPECTIVE JUROR: I MEAN, I CAN SHOW YOU MY
13 THING. IT WAS SUPPOSED TO BE MAY 21ST, I TOLD THEM I
14 CAN'T DO IT THAT WEEK. THEN DO IT THE WEEK AHEAD,
15 WHICH I DID.

16 THE COURT: I UNDERSTAND, MA'AM. WHEN THEY
17 SEND YOU DOWN HERE YOU HAVE TO SERVE ON A TRIAL AND
18 THE TRIAL IS HERE.

19 SO, EVERYONE WITH THE EXCEPTION OF MS. BRETT
20 AND MR. KOLBER ARE EXCUSED UNTIL TOMORROW MORNING.

21 THE BEST THAT I CAN MAKE IT TOMORROW MORNING,
22 COUNSEL, IS 10:30 BECAUSE I HAVE LARGE NUMBER OF
23 MATTERS TO HANDLE IN THE MORNING. SO WE'LL RECONVENE
24 THIS CASE AT 9:30 TOMORROW MORNING.

25 AND, PLEASE, MS. BRETT AND --

26 MR. SPIVAK: YOU SAID 9:30, YOUR HONOR.

27 THE COURT: I MEAN 10:30. 10:30 TOMORROW
28 MORNING ON THIS CASE. FOR ME, IT'S 8:30 IN ANOTHER

1 COURTROOM.

2 MR. KOLBER AND MS. BRETT PLEASE STAY BY AND
3 THE REST OF THE JURORS --

4
5 (THE FOLLOWING PROCEEDINGS WERE
6 HELD IN OPEN COURT OUTSIDE THE
7 PRESENCE OF THE PROSPECTIVE
8 JURY:)

9
10 THE COURT: OKAY. MS. KOLBER -- SORRY,
11 MS. BRETT, YOU INDICATED SOMETHING TO BE DONE OUTSIDE
12 THE PRESENCE OF THE PROTECTIVE JURORS. AND AGAIN, I
13 CAN SEAL THIS PORTION OF THE RECORD. WHAT WAS IT YOU
14 WANTED TO TELL US?

15 PROSPECTIVE JUROR: I WAS SEXUALLY ABUSED AS
16 A CHILD. I HAVE DEALT WITH IT ALL MY LIFE. I HAVE NO
17 SHAME ABOUT IT. BUT I AM SO ANGRY.

18 THE COURT: LET ME JUST ASK YOU THIS BECAUSE
19 I DON'T WANT TO PUT YOU THROUGH ALL OF THE EMOTIONAL
20 TRAUMA OF THIS. BOTH THE PLAINTIFF AND THE DEFENDANT
21 ARE ENTITLED TO A FAIR TRIAL AND THAT MEANS THAT AT
22 THIS POINT IN TIME, YOU ARE NEITHER IN FAVOR OF THE
23 PLAINTIFF OR IN FAVOR OF THE DEFENDANT OR OPPOSED TO
24 THE PLAINTIFF OR OPPOSED TO THE DEFENDANT.

25 I CAN UNDERSTAND THAT IF YOU'VE HAD A
26 SITUATION THAT WAS VERY TRAUMATIC, IT WOULD MAKE IT
27 VERY DIFFICULT FOR YOU TO HEAR A CASE LIKE THIS.

28 BUT I CAN'T DECIDE THAT. ONLY YOU.

1 IF THIS IS GOING TO CAUSE YOU EMOTIONAL
2 TRAUMA, IF IT'S GOING TO CAUSE YOU PERSONAL PROBLEMS
3 AND IF YOU ARE LEANING TOWARD ONE SIDE OR THE OTHER
4 BECAUSE OF THE EXPERIENCE THAT YOU HAD --

5 PROSPECTIVE JUROR: DEFINITELY.

6 THE COURT: COUNSEL, DO YOU HAVE ANY
7 QUESTIONS YOU WANT TO ASK?

8 MR. RECK: NO QUESTIONS, YOUR HONOR.

9 MR. SPIVAK: NO QUESTIONS.

10 THE COURT: MA'AM, THEN PLEASE SEE THE JURY
11 COMMISSIONER. YOU ARE EXCUSED FROM THIS CASE.

12 MR. KOLBER, IF YOU WOULD, YOU INDICATED THAT
13 YOU WANT TO BRING SOMETHING --

14 PROSPECTIVE JUROR: I SPENT 14 YEARS IN
15 FOSTER CARE AND IN THAT TIME BOTH EXPERIENCED CHILD
16 ABUSE AND HAVE PERSONAL RELATIONS WITH PEOPLE WHO
17 EXPERIENCED ABUSE AND SEXUAL ABUSE.

18 THE COURT: OKAY. AGAIN, AND I -- WITH
19 REGARD TO THIS CASE, BOTH THE PLAINTIFF AND THE
20 DEFENDANT ARE ENTITLED TO A FAIR TRIAL BY A JUROR WHO
21 CAN GIVE BOTH SIDES A FAIR TRIAL.

22 NOW, THE FACT THAT YOU HAVE BEEN THROUGH
23 FOSTER CARE AND HAVE SEEN ABUSE OR BEEN ABUSED CAN
24 CERTAINLY HAVE A TREMENDOUS EMOTIONAL IMPACT ON YOU.

25 AND THE COURT DOES NOT WANT TO PUT YOU IN A
26 POSITION WHERE YOU PERSONALLY EMOTIONALLY HARMED BY
27 SITTING ON THIS JURY.

28 BUT WE WOULD LIKE TO HAVE YOU ON THIS JURY OR

1 ANYONE IN THIS BOX OUT HERE THAT CAN SERVE ON THIS
2 JURY, BUT YOU'RE THE ONLY ONE THAT CAN TELL US WITH
3 REGARD TO HOW IT WILL EMOTIONALLY IMPACT YOU AND
4 WHETHER YOU CAN GIVE BOTH THE PLAINTIFF AND THE
5 DEFENDANT A FAIR TRIAL.

6 PROSPECTIVE JUROR: WELL, FROM THE WAY THAT
7 IT WAS DESCRIBED THAT THERE WOULD BE SOME FAIRLY
8 GRAPHIC DISCUSSIONS GOING ON, I FEEL THAT IT MIGHT BE
9 A LITTLE TOO MUCH FOR ME TO LISTEN TO. AND I DON'T
10 WANT TO MAKE -- I DON'T WANT TO MAKE A BIASED JUDGMENT
11 BECAUSE OF SOME OF THE THINGS THAT I WOULD HEAR.

12 THE COURT: YOU'RE GOING TO HEAR TESTIMONY
13 THAT THE PLAINTIFF, AND HER WITNESSES ARE GOING TO
14 SAY, THAT SHE WAS SEXUALLY ABUSED INCLUDING SEXUAL
15 INTERCOURSE AS I UNDERSTAND. AND THE DEFENDANT, OF
16 COURSE, IS GOING TO DENY THAT THIS OCCURRED AND THAT
17 IT'S NOT TRUE.

18 AND YOU'RE GOING TO HAVE TO WEIGH THAT
19 TESTIMONY AND MAKE A DETERMINATION AS TO WHO IS BEING
20 TRUTHFUL IN THIS CASE.

21 IF YOU'VE GOT SOME PRECONCEIVED BIASES IN
22 THIS CASE THAT YOU CAN'T OVERCOME, THEN WE HAVE TO PUT
23 YOU ON A DIFFERENT CASE. ONLY YOU CAN TELL US THAT.

24 PROSPECTIVE JUROR: I DON'T AT THE MOMENT,
25 BUT I FEEL THAT THAT I MOSTLY WOULD.

26 THE COURT: I'M SORRY.

27 PROSPECTIVE JUROR: I FEEL THAT I, AS THE
28 TRIAL GOES ON, I MOST LIKELY WOULD.

1 THE COURT: PLAINTIFF?

2 MR. RECK: THANK YOU, YOUR HONOR.

3 MR. MEDINA, AGAIN, MY NAME IS MIKE RECK. I'M
4 ONE OF THE ATTORNEYS FOR THE PLAINTIFF, ASHLEY HARMS.
5 AND LET ME SAY FIRST OFF, THAT MY HEART GOES OUT FOR
6 THE STORY THAT YOU HAVE TOLD US. AND THE JUDGE
7 BROUGHT UP SOME IMPORTANT ISSUES HERE AND I THINK YOU
8 TOUCHED ON THEM ON YOUR -- ON YOUR RESPONSE.

9 WHAT WE REALLY NEED TO GET IS PEOPLE WHO CAN
10 LISTEN TO THE EVIDENCE FAIRLY, LISTEN TO IT
11 OBJECTIVELY AND BASED UPON THE EVIDENCE, GO AHEAD AND
12 MAKE A RULING AND IF WARRANTED MAKE A DETERMINATION ON
13 DAMAGES.

14 THE FACT THAT YOU HAVE HAD TO ENDURE WHAT YOU
15 HAD TO ENDURE, WHILE THAT MAY BE A HARDSHIP FOR YOU,
16 OUR QUESTION IS REALLY DOES THAT MEAN THAT YOU CAN'T
17 FAIRLY LISTEN TO THE EVIDENCE AND MAKE A DECISION.

18 SO, ESSENTIALLY AS YOU SIT HERE RIGHT NOW DO
19 YOU KNOW IF IT HAPPENED OR NOT?

20 PROSPECTIVE JUROR: NO.

21 MR. RECK: OKAY.

22 PROSPECTIVE JUROR: I CAN'T SAY FOR RIGHT NOW
23 BECAUSE RIGHT NOW IT'S PURELY ON AN INTELLECTUAL
24 BASIS, ACTUALLY ON LOGIC, BUT I FEEL THAT BECAUSE I AM
25 SO EMOTIONALLY ATTACHED TO THAT TYPE OF SITUATION, I
26 FEEL THAT IT MIGHT IMPAIR MY JUDGMENT.

27 MR. RECK: OKAY. ONCE YOU HEAR THE
28 TESTIMONY, THAT'S RIGHT.

1 PROSPECTIVE JUROR: YES. I FEEL THAT IT
2 COULD EFFECT ME EMOTIONALLY.

3 MR. RECK: OKAY. AND I'M NOT AT ALL
4 SUGGESTING THAT YOU IT SHOULDN'T EFFECT YOU
5 EMOTIONALLY. I'M NOT SUGGESTING IT SHOULDN'T
6 EFFECTIVE EVERYONE EMOTIONALLY. REALLY WHAT WE NEED
7 TO KNOW IS, BEFORE YOU GET TO THAT EMOTIONAL LEVEL,
8 THAT EMOTIONAL LEVEL THAT EVERYONE IS GOING TO ENDURE
9 BASED ON THEIR OWN -- THEIR OWN LIFE EXPERIENCES, WE
10 JUST NEED TO KNOW THAT YOU CAN BE FAIR. WE JUST NEED
11 TO KNOW THAT BEFORE YOU GET TO THE EMOTIONAL LEVEL YOU
12 CAN LISTEN TO THE EVIDENCE AND WHEN IT'S DONE IT'S
13 EITHER GOING TO FALL IN FAVOR OF ONE SIDE OR THE
14 OTHER.

15 RIGHT NOW, YOU HAVE HAVEN'T HEARD ANY
16 EVIDENCE IN THIS CASE, RIGHT?

17 PROSPECTIVE JUROR: NO.

18 MR. RECK: AND ONCE YOU HEAR THAT EVIDENCE,
19 THEN YOU WILL BE ABLE TO MAKE A DECISION AS TO WHETHER
20 THE PLAINTIFF'S CLAIM ARE VALID OR NOT, RIGHT?

21 PROSPECTIVE JUROR: YES.

22 MR. RECK: OKAY. SO, AS YOU SIT HERE RIGHT
23 NOW, YOU DON'T HAVE ANY PRECONCEIVED NOTION AS TO
24 ANYTHING THAT'S ACTUALLY HAPPENED, RIGHT?

25 PROSPECTIVE JUROR: NO.

26 MR. RECK: OKAY. AND YOU THINK YOU'RE GOING
27 TO BE ABLE TO LISTEN TO THE EVIDENCE AND FAIRLY DECIDE
28 WHETHER THOSE EVENTS HAPPENED OR NOT BASED UPON ONLY

1 THE TESTIMONY YOU HEAR?

2 PROSPECTIVE JUROR: I CAN'T SAY THAT I WOULD
3 OR WOULDN'T. I HONESTLY DON'T KNOW.

4 THE COURT: FROM THE DEFENSE.

5 MR. SPIVAK: BRIEFLY, YOUR HONOR.

6 GOOD AFTERNOON, MR. KOLBER. YOU'VE BEEN IN
7 COURT ALL AFTERNOON TODAY, CORRECT?

8 PROSPECTIVE JUROR: YES.

9 MR. SPIVAK: DID YOU SEE THE PLAINTIFF
10 CRYING?

11 PROSPECTIVE JUROR: YES.

12 MR. SPIVAK: DID THAT SOLICIT EMPATHY FROM
13 YOU?

14 PROSPECTIVE JUROR: A LITTLE, BUT NOT
15 ANYTHING TO INTERFERE WITH MY JUDGMENT.

16 MR. SPIVAK: BASED ON YOUR EXPERIENCES, DO
17 YOU THINK YOU ARE MORE INCLINED TO SIDE WITH THE
18 PLAINTIFF THAN THE DEFENDANT IN THIS CASE?

19 PROSPECTIVE JUROR: I THINK I WOULD BE.

20 MR. SPIVAK: JUST OFF THE START, RIGHT?

21 PROSPECTIVE JUROR: YES.

22 MR. SPIVAK: NOTHING FURTHER, YOUR HONOR.

23 THE COURT: OKAY. YOU WILL BE EXCUSED, SIR.
24 PLEASE CALL THE JURY COMMISSIONER. SEE THE JURY
25 COMMISSIONER.

26 COUNSEL, WE ARE GOING TO PUT DANIEL MEDINA IN
27 THE SEAT NUMBER NINE. THAT WAS MR. KOLBER, SORRY.
28 MR. MEDINA WAS JUROR NUMBER 14. WE NOW HAVE 12

1 PEOPLE. WHEN WE COME IN TOMORROW WE'LL HAVE TO PUT
2 TWO MORE IN. WELL, NO, WE'LL HAVE A -- WE MIGHT AS
3 WELL DO IT RIGHT NOW. WE'LL HAVE TO DO IT IN THE
4 MORNING.

5 SO THE PEREMPTORY CHALLENGE TOMORROW WILL BE
6 WITH THE DEFENSE. BUT COUNSEL, YOU SEE THE PROBLEM WE
7 HAVE NOW? EVERYBODY WANTS TO GET OFF THE JURY.

8 MR. DIMARIA: YOUR HONOR, MAY BE HEARD
9 MOMENTARILY?

10 THE COURT: PARDON?

11 MR. DIMARIA: MAY BE HEARD MOMENTARILY?

12 THE COURT: YES. MAKES A RECORD BECAUSE
13 COUNSEL CAN HAVE AN EXCELLENT RECORD.

14 MR. DIMARIA: I HAVE A GRAVE CONCERN THAT THE
15 JURY IS ESSENTIALLY GOING TO BE NOW STACKED AGAINST
16 US.

17 THE COURT: IN WHAT SENSE, COUNSEL?

18 MR. DIMARIA: WELL, I BELIEVE EVERY VICTIM
19 THAT HAS COME UP OR ANYONE WHO EXPRESSED ANY EMOTIONAL
20 ISSUES WITH THIS HAS BEEN DISMISSED.

21 YOU KNOW, IN THE OTHER JURY POOLS THAT WE
22 HAVE DONE 30 TO 40 PERCENT OF THE JURORS ARE VICTIMS.
23 YOU KNOW, AS A VICTIM MYSELF, I DON'T WANT TO PUT THEM
24 THROUGH ANY HARM. BUT IF YOU START REMOVING EVERYONE
25 WHO WOULD GET EMOTIONAL ABOUT CHILDHOOD RAPE, YOU'RE
26 REALLY GOING TO KICK OFF I THINK MOST OF THE PEOPLE
27 THAT WE WOULD WANT ON. AND AT BEST ALL WE GET IS
28 SOMEONE WHO IS EITHER COMPLACENT OR DOESN'T CARE.

1 AND I JUST HAVE MAYBE MORE OF A DETAILED
2 CONCERN ABOUT ASKING THE QUESTION AND THEN LEADING
3 INTO WOULD YOU BE BIASED, WOULD THIS BOTHER YOU?
4 BECAUSE I THINK IT'S GOING TO BOTHER EVERYONE. AND,
5 YOU KNOW, WE'VE SEEN THE POTENTIAL JURORS SAY, YES, IT
6 BOTHERS ME AND THEN THEY GO INTO, YES, I WOULD BE
7 BIASED.

8 AND I JUST HAVE A CONCERN THAT WE HAVE KICKED
9 OFF EVERY SINGLE VICTIM. AND ANYONE WHO GETS
10 EMOTIONAL ABOUT THIS STUFF.

11 THE COURT: COUNSEL, I THINK WE EXCUSED ONE
12 JUROR, MS. TALIN KESHISHIAN BECAUSE HOW IT WOULD
13 EFFECT HER PERSONALLY. THE REST OF THEM ADMITTED THEY
14 COULDN'T BE FAIR. THAT'S THE SITUATION.

15 SO, YOU'VE GOT YOUR RECORD, COUNSEL.

16 MR. DIMARIA: OKAY. THANK YOU.

17 THE COURT: 10:30 TOMORROW FOR THE TRIAL.

18 MR. SPIVAK: THANK YOU, YOUR HONOR.

19 MR. RECK: JUST HOUSEKEEPING MATTER BEFORE WE
20 BREAK, DO WE HAVE AN IDEA ON WHAT JUDGE BRUGUERA'S
21 CALENDAR IS FOR THE REST OF --

22 THE COURT: I'LL LET YOU KNOW TOMORROW. WHAT
23 I'M GOING TO TRY TO DO IF IT'S NOT TOO HEAVY IN
24 MORNINGS IS TO MOVE IT BACK.

25 WE'RE OFF THE RECORD.

26
27 (THE NEXT PAGE NUMBER IS 301)
28

1 CASE NUMBER: YC052780
2 CASE NAME: DOE V. HIGGINS
3 LOS ANGELES, CALIFORNIA; WED. MAY 16, 2007
4 DEPARTMENT: 3 HON. J. KALIN, JUDGE
5 REPORTER: JUDIE MCASKILL, CSR #4723
6 TIME: 9:30 A.M.
7

8 APPEARANCES:
9

10 (AS HERETOFORE INDICATED)
11

12 ---O---
13

14 THE COURT: WILL THE CLERK KINDLY PLACE TWO
15 ADDITIONAL PEOPLE IN THE JURY BOX.

16 THE CLERK: ELISE RICHARDSON, LAST NAME
17 R-I-C-H-A-R-D-S-O-N.

18 HEATHER VINIAN, LAST NAME V-I-N-I-A-N.

19 MR. SPIVAC: YOUR HONOR, BEFORE WE PROCEED
20 MAY I BE HEARD BRIEFLY?

21 THE COURT: AT SIDE-BAR?

22 MR. SPIVAC: YES, PLEASE.
23

24 (BENCH CONFERENCE, NOT REPORTED)
25

26 THE COURT: OKAY. LET'S START WITH
27 MS. RICHARDSON. IF YOU WOULD PLEASE, MA'AM, THE
28 INFORMATION ON THE BOARD.

1 PROSPECTIVE JUROR: MY NAME IS ELISE
2 RICHARDSON, I LIVE IN TEJUNGA. I AM A LAWYER.

3 I AM SELF EMPLOYED AS AN ATTORNEY. I HAVE
4 TWO GROWN CHILDREN AND FIVE GRANDCHILDREN. I HAVE
5 BEEN ON ONE OTHER JURY CASE. IT WAS A CRIMINAL CASE
6 AND IT WAS -- WE RENDERED A VERDICT.

7 THE COURT: OKAY. MA'AM, WHAT TYPE OF LAW --
8 IF YOU'RE PRACTICING AT THE PRESENT TIME, WHAT IS THE
9 NATURE OF YOUR PRACTICE?

10 PROSPECTIVE JUROR: I AM PERSONAL INJURY
11 MOSTLY AND GENERAL CIVIL LITIGATION.

12 THE COURT: IS THAT A GENERAL PRACTICE OR IS
13 IT BENT TOWARD PLAINTIFFS OR DEFENDANTS?

14 PROSPECTIVE JUROR: IT'S PRETTY MUCH GENERAL.
15 I DO PROBABLY MORE PERSONAL INJURY THAN ANYTHING ELSE.
16 BUT I HAVE, YOU KNOW, OCCASIONAL NATURE OF DISPUTES OR
17 CONTRACT OR KIND OF WHAT COMES IN THE DOOR.

18 THE COURT: OKAY. ON PERSONAL INJURY CASES
19 DO YOU HANDLE BOTH PLAINTIFF AND DEFENDANT CASES?

20 PROSPECTIVE JUROR: MOSTLY PLAINTIFF. I DID
21 SPEND TEN YEARS ON THE DEFENSE SIDE WORKING AS HOUSE
22 COUNSEL FOR VARIOUS INSURANCE COMPANIES. I'VE BEEN
23 THE LAST 11 YEARS IN SOLE PRACTICE AND I THINK I
24 HANDLED A COUPLE OF DEFENSE BUT ALMOST 95 PERCENT
25 PLAINTIFF.

26 THE COURT: OKAY. THANK YOU, MA'AM. AND
27 MS. VANIAN, IF YOU WOULD PLEASE IF YOU HAVEN'T
28 FINISHED?

1 PROSPECTIVE JUROR: AND IT'S V-A-N NOT V-I-N.

2 THE COURT: OH, IT'S V-E-N?

3 PROSPECTIVE JUROR: V-A-N-I-A-N, VANIAN.

4 THE COURT: VANIAN, OKAY. COMPUTERS GOOF UP,
5 A GIVEN.

6 PROSPECTIVE JUROR: I LIVE IN LOS ANGELES. I
7 AM SINGLE. I'M A SOCIAL WORKER. I HAVE NO CHILDREN.
8 AND I DON'T HAVE ANY OTHER PREVIOUS JURY EXPERIENCE.

9 THE COURT: AND FROM ALL OF THE PRIOR
10 QUESTIONING, ANYTHING COME TO YOUR MIND THAT THE COURT
11 SHOULD KNOW?

12 PROSPECTIVE JUROR: I WORKED WITH FAMILIES
13 AND CHILDREN FOR 11 YEARS WITH SOCIAL WORKERS AND HEAR
14 A LOT. I'VE WORKED WITH LOTS OF DIFFERENT CHILD ABUSE
15 CASES AND I WAS EMPLOYED BY THE COUNSEL ALCOHOL AND
16 DRUG ABUSE FOR FOUR YEARS. SO I HAVE EXPERIENCE ON
17 BOTH SIDES.

18 THE COURT: OKAY. THANK YOU.
19 MS. RICHARDSON, I DIDN'T ASK YOU THE SAME QUESTION.
20 FROM ALL THE PRIOR --

21 PROSPECTIVE JUROR: I WILL TELL YOU QUITE
22 FRANKLY THAT I HAD TROUBLE HEARING THE PLAINTIFF'S
23 ATTORNEY QUESTIONS WHEN HE WAS FACING THE JURY SO, I
24 CAN'T FOR SURE ANSWER THAT BASED ON WHAT'S BEEN SAID,
25 I DON'T THINK I HAVE ANYTHING MORE TO OFFER EXCEPT ONE
26 THING, I HAVE A TIME PROBLEM. I WAS HOSPITALIZED A
27 COUPLE OF WEEKS AGO FOR TEN DAYS AND I HAD TO CONTINUE
28 A BUNCH OF CASES. I SPECIFICALLY KEPT THIS WEEK OPEN

1 FOR JURY DUTY BUT I'VE GOT CASES STARTING NEXT WEEK
2 THAT WERE CONTINUED FROM TWO WEEKS AGO THAT I CAN'T
3 CONTINUE AGAIN. AND I'M -- I WOULD HAVE A REAL
4 PROBLEM IF THIS CASE WENT PAST MONDAY.

5 THE COURT: WELL, COUNSEL, I --

6 PROSPECTIVE JUROR: I DON'T HAVE ANYONE THAT
7 CAN COVER. I USED UP MY COVERAGE WHEN I WAS IN
8 HOSPITAL.

9 THE COURT: THE SITUATION IS I DON'T KNOW IF
10 YOU'RE GOING TO BE ON THIS JUROR OR NOT. THAT'S HOW
11 COUNSEL EXERCISES THEIR PEREMPTORIES. BUT IF YOU HAVE
12 A TRIAL FOR NEXT WEEK, IT WILL BE NO PROBLEM FOR THIS
13 COURT TO CALL THAT COURT AND TELL THEM WE HAVE YOU.

14 PROSPECTIVE JUROR: I DON'T HAVE A TRIAL. I
15 JUST HAVE APPEARANCES.

16 THE COURT: OKAY. WELL, ANY KIND OF COURT
17 APPEARANCES. ANYWAY COUNSEL FOR THE PLAINTIFF YOU
18 WANT TO VOIR DIRE THE THREE NEW PROSPECTIVE
19 ALTERNATES, ACTUALLY TWO. MR. MEDINA HAS ALREADY BEEN
20 I BELIEVE. HAS HE OR HAS HE NOT?

21 MR. RECK: I BELIEVE THE COURT INQUIRED
22 MR. MEDINA BUT I DON'T BELIEVE COUNSEL HAS.

23 THE COURT: OKAY. THEN ALL THREE OF THEM,
24 COUNSEL.

25 MR. RECK: THANK YOU. GOOD MORNING AGAIN.
26 MY NAME IS MICHAEL RECK. I AM ONE OF THE ATTORNEYS ON
27 BEHALF OF ASHLEY HARMS IN CASE SOMEBODY FORGOT.
28 CO-COUNSEL IS RYAN DIMARIA.

1 FIRST OF ALL, MS. RICHARDSON, YOU DON'T KNOW
2 ME, RIGHT?

3 PROSPECTIVE JUROR: NO.

4 MR. RECK: YOU DON'T KNOW MR. DIMARIA?

5 PROSPECTIVE JUROR: NO.

6 MR. RECK: YOU DON'T KNOW DEFENSE COUNSEL?

7 PROSPECTIVE JUROR: NO.

8 MR. RECK: YOU NEVER HEARD ANYTHING ABOUT ANY
9 OF US?

10 PROSPECTIVE JUROR: NO.

11 MR. RECK: THANK YOU.

12 NO ONE'S EVER TOLD ME THAT I HAVE BEEN TOO
13 QUIET BEFORE. I'LL TAKE IT AS A COMPLIMENT.

14 PROSPECTIVE JUROR: NO ONE'S TOLD ME WHAT?

15 MR. RECK: THAT I'VE BEEN TOO QUIET BEFORE.

16 PROSPECTIVE JUROR: OH, I HAVE A HEARING AID
17 BUT THEY'RE NOT WORKING THAT WELL AND THAT'S ANOTHER
18 PROBLEM I'VE GOT. I'M HAVING TROUBLE HEARING YOU AND
19 I'VE HAD TROUBLE HEARING SOME OF THE JURORS. I
20 HAVEN'T HAD TROUBLE WITH DEFENSE COUNSEL.

21 MR. RECK: I WILL MOVE ON TO ANOTHER AREA.

22 MR. MEDINA, I APOLOGIZE. I DIDN'T CATCH WHAT YOU DID
23 FOR A LIVING, SIR.

24 PROSPECTIVE JUROR: I WORK IN A GOLF COURSE
25 LIKE EQUIPMENT OPERATOR.

26 MR. RECK: AND HOW OLD ARE YOUR CHILDREN?

27 PROSPECTIVE JUROR: OLDER IS 18; 16, SECOND
28 ONE; 10, THE THIRD ONE AND SIX, THE LAST ONE.

1 MR. RECK: AND THEY ALL LIVE WITH YOU?

2 PROSPECTIVE JUROR: ALL BOYS. YEAH.

3 MR. RECK: THANK YOU. I HAVE NO QUESTIONS AT
4 THIS TIME, YOUR HONOR.

5 THE COURT: THANK YOU. FOR THE DEFENSE.

6 MR. SPIVAC: THANK YOU, YOUR HONOR. GOOD
7 MORNING, LADIES AND GENTLEMEN OF THE JURY. I DON'T
8 MEAN TO BE SHOUTING AT YOU.

9 MR. MEDINA, YOU HEARD SOME DISCUSSION OF WHAT
10 YOU EXPECT TO HEAR IN THIS CASE. HAVE YOU MADE ANY
11 DECISIONS AS YOU SIT HERE TODAY?

12 PROSPECTIVE JUROR: NO, NOT YET.

13 MR. SPIVAC: MS. RICHARDSON, BASED ON YOUR
14 EXPERIENCE AS A PRACTICING PERSONAL INJURY ATTORNEY,
15 HAVE YOU MADE ANY DECISIONS ABOUT THIS CASE SO FAR?

16 PROSPECTIVE JUROR: NO.

17 MR. SPIVAC: IF YOU WERE TO BE IMPANELED AS A
18 JUROR ON THIS CASE, COULD YOU GIVE US A FAIR AND
19 IMPARTIAL DECISION ON THE CASE?

20 PROSPECTIVE JUROR: YES.

21 MR. SPIVAC: WOULD THE FACT THAT THIS IS
22 IMPINGING UPON YOUR INCOME EFFECT YOUR PROPENSITY TO
23 DECIDE QUICKLY?

24 PROSPECTIVE JUROR: I DON'T THINK SO, NO.
25 NO, IT WOULDN'T.

26 MR. SPIVAC: THANK YOU. MS. VANIAN, BASED ON
27 THE TYPE OF WORK THAT YOU HAVE BEEN EXPOSED TO, DO YOU
28 BELIEVE THAT MIGHT CHARACTERIZE YOUR CONSIDERATION

1 FROM THE EVIDENCE IN THIS CASE?

2 PROSPECTIVE JUROR: I DON'T THINK SO. BUT IT
3 IS HARD TO HEAR THE GRAPHIC, I THINK, EVIDENCE.

4 MR. SPIVAC: WELL, BASED ON THE KIND OF WORK
5 THAT YOU'VE DONE AND THE STORIES YOU HAVE HEARD, DO
6 YOU BELIEVE THAT THAT MIGHT CREATE SOME KIND OF
7 SYMPATHY TOWARDS THE PLAINTIFF?

8 PROSPECTIVE JUROR: I MEAN I THINK I CAN BE
9 IMPARTIAL AND, YOU KNOW, VIEW THE EVIDENCE AS CLEARLY
10 AS POSSIBLE.

11 MR. SPIVAC: I UNDERSTOOD THAT. BUT I'M
12 ASKING A SLIGHTLY DIFFERENT QUESTION THOUGH.

13 PROSPECTIVE JUROR: OKAY.

14 MR. SPIVAC: BASED ON YOUR WORK EXPERIENCE,
15 YOU'RE GENERALLY SYMPATHETIC TO THE PEOPLE YOU
16 COUNSEL, CORRECT?

17 PROSPECTIVE JUROR: SURE.

18 MR. SPIVAC: AND BASED ON THAT EXPERIENCE, DO
19 YOU BELIEVE THAT THAT WOULD LEAD YOU TO GIVE MORE
20 SYMPATHY TOWARDS THE PLAINTIFF IN THIS CASE?

21 PROSPECTIVE JUROR: I DON'T THINK SO.

22 MR. SPIVAC: OKAY.

23 MR. MEDINA, I BELIEVE YOU STATED THAT YOU HAD
24 SAT ON A CIVIL JURY?

25 PROSPECTIVE JUROR: CORRECT.

26 MR. SPIVAC: WHAT KIND OF CASE WAS THAT?

27 PROSPECTIVE JUROR: IT WAS, UMM -- I THINK IT
28 WAS FOUR YEARS AGO. YEAH. YEAH, THE PROBLEM WAS THE

1 GUY, YOU KNOW, COMING FROM SOME STORE, GETTING OUTSIDE
2 AND THEN THE OTHER GUY HIT HIS CAR AND HE SUFFERED
3 SOME INJURY ON HIS BACK.

4 MR. SPIVAC: SO IT WAS AN AUTOMOBILE ACCIDENT
5 CASE?

6 PROSPECTIVE JUROR: KIND OF, YES.

7 MR. SPIVAC: DID YOU REACH A VERDICT IN THAT
8 CASE?

9 PROSPECTIVE JUROR: YES.

10 MR. SPIVAC: WERE YOU IN A COURTROOM SIMILAR
11 TO THIS KIND OF COURTROOM?

12 PROSPECTIVE JUROR: CORRECT.

13 MR. SPIVAC: WAS THAT AN ENJOYABLE
14 EXPERIENCE?

15 PROSPECTIVE JUROR: YES.

16 MR. SPIVAC: I HAVE NOTHING FURTHER AT THIS
17 TIME, YOUR HONOR.

18 THE COURT: THANK YOU. THE PEREMPTORY IS
19 WITH THE DEFENSE.

20 MR. SPIVAC: WE WOULD LIKE TO THANK AND
21 EXCUSE MR. BAKER.

22 THE COURT: OKAY. LET'S SEE. MR. BAKER,
23 JUROR NUMBER TEN, PLEASE SEE THE JURY COMMISSIONER.
24 OH, MR. BAKER?

25 PROSPECTIVE JUROR: YES.

26 THE COURT: PLEASE REPORT TO THE JURY
27 COMMISSIONER DOWNSTAIRS. IN OTHER WORDS, WE'RE
28 SENDING YOU BACK TO THE JURY ROOM. AND

1 MS. RICHARDSON, WOULD YOU KINDLY TAKE THAT SEAT
2 PLEASE. PEREMPTORIES WITH THE PLAINTIFF.

3 MR. RECK: THANK YOU, YOUR HONOR. PLAINTIFF
4 REQUESTS THAT THE COURT THANK AND EXCUSE JUROR NUMBER
5 TWO, MR. ARDASHENIAN.

6 THE COURT: MR. ARDASHENIAN, PLEASE SEE THE
7 JURY COMMISSIONER. AND MS. VANIAN, WOULD YOU KINDLY
8 TAKE SEAT NUMBER TWO PLEASE. OKAY, PEREMPTORY PASSES
9 AGAIN TO THE DEFENDANT.

10 MR. SPIVAC: YES, YOUR HONOR. I'D LIKE TO
11 THANK AND EXCUSE MR. ORDOUKHANIAN.

12 THE COURT: OKAY. THAT'S JUROR NUMBER SIX.
13 MR. ORDOUKHANIAN, PLEASE SEE THE JURY COMMISSIONER.

14 PROSPECTIVE JUROR: OKAY. THANK YOU.

15 THE COURT: YOU CAN PUT THREE MORE PEOPLE IN
16 THE BOX PLEASE.

17 THE CLERK: JOHN KOBASHIGAWA, LAST NAME
18 K-O-B-A-S-H-I-G-A-W-A.

19 SEAN KENNEDY, LAST NAME K-E-N-N-E-D-Y.

20 JOELLEN SKINNER, LAST NAME S-K-I-N-N-E-R.

21 THE COURT: OKAY. LET'S START WITH
22 MR. KOBASHIGAWA. IF YOU WOULD PLEASE START THE
23 INFORMATION ON THE BOARD.

24 PROSPECTIVE JUROR: MY NAME IS JOHN
25 KOBASHIGAWA. I LIVE IN WEST LOS ANGELES. I'M
26 MARRIED. I HAVE ONE SON. I'M A COMPUTER SYSTEMS
27 OPERATOR. I HAVE SERVED ON A CASE.

28 THE COURT: CIVIL OR CRIMINAL?

1 PROSPECTIVE JUROR: FOUR CRIMINAL, THREE
2 CIVIL AND ONE TRAFFIC.

3 THE COURT: WHAT ABOUT ALL OF THE PRIOR
4 QUESTIONS? DOES ANYTHING COME TO YOUR MIND THAT
5 COUNSEL SHOULD KNOW?

6 PROSPECTIVE JUROR: NO.

7 THE COURT: THANK YOU, SIR. MR. KENNEDY, IF
8 YOU WOULD PLEASE, THE INFORMATION ON THE BOARD.

9 PROSPECTIVE JUROR: SEAN KENNEDY. SUNLAND.
10 SINGLE. EPA TESTING FACILITY OPERATOR AND FIRST TIME
11 ON JURY.

12 THE COURT: OKAY.

13 AND FROM ALL OF THE PRIOR QUESTIONS, ANYTHING
14 THAT COUNSEL SHOULD KNOW.

15 PROSPECTIVE JUROR: NO.

16 THE COURT: THANK YOU, SIR. AND MS. SKINNER,
17 IF YOU WOULD PLEASE, THE INFORMATION ON THE BOARD.

18 PROSPECTIVE JUROR: MY NAME IS JOELLEN
19 SKINNER. I LIVE IN HIGHLAND PARK. I'M MARRIED. ONE
20 DAUGHTER, TEN MONTHS OLD. I MAKE COSTUMES FOR LOS
21 ANGELES OPERA AND I HAVE NEVER SERVED ON A JURY
22 BEFORE.

23 THE COURT: AND FROM ALL OF THE PRIOR
24 QUESTIONING, ANYTHING THAT YOU WANT TO VOLUNTEER FOR
25 COUNSEL.

26 PROSPECTIVE JUROR: NO, SIR.

27 THE COURT: OKAY. THANK YOU. FOR THE
28 PLAINTIFF.

1 MR. RECK: THANK YOU, YOUR HONOR. SIR,
2 KOBASHIGAWA; IS THAT CORRECT?

3 PROSPECTIVE JUROR: KOBASHIGAWA.

4 MR. RECK: KOBASHIGAWA? THANK YOU, SIR.
5 MR. KOBASHIGAWA, DID YOU REACH A VERDICT IN ALL OF THE
6 CASES YOU SERVED ON?

7 PROSPECTIVE JUROR: THREE CASES.

8 MR. RECK: AND WHAT HAPPENED ON THE OTHER
9 CASES? YOU DIDN'T REACH A VERDICT AT ALL?

10 PROSPECTIVE JUROR: ONE CRIMINAL CASES ENDED
11 UP IN HUNG JURY. THE OTHER CRIMINAL CASE PLEA
12 BARGAINED. AND CIVIL CASE THEY SETTLED. ALL THREE
13 SETTLED DURING THE CASE.

14 MR. RECK: SO YOU NEVER GOT TO ENTER ANY
15 DELIBERATION ON THOSE CASES, RIGHT?

16 PROSPECTIVE JUROR: ON THE CIVIL CASES,
17 RIGHT.

18 MR. RECK: CAN YOU TELL ME A LITTLE BIT MORE
19 ABOUT YOUR WORK IN THE INFORMATION TECHNOLOGY FIELD?

20 PROSPECTIVE JUROR: BASICALLY, I'M A SYSTEMS
21 OPERATOR ON A MAIN FRAME COMPUTER. I PRINT OUT LOG
22 REPORTS AND ALSO BACKUP THE SYSTEMS AT NIGHT.

23 MR. RECK: ARE YOU -- DO YOU DO YOUR OWN
24 BUSINESS THAT YOU OPERATE OR ARE YOU EMPLOYED BY
25 SOMEONE ELSE?

26 PROSPECTIVE JUROR: EMPLOYED BY SOMEONE ELSE.

27 MR. RECK: WHAT COMPANY IS THAT?

28 PROSPECTIVE JUROR: SUFFER MANUFACTURING

1 COMPANY.

2 MR. RECK: DO YOU HAVE ANY TRAINING, SIR, IN
3 PSYCHOLOGICAL EFFECTS OF (INAUDIBLE)?

4 PROSPECTIVE JUROR: NO, I DON'T.

5 MR. RECK: DO YOU HAVE ANY TRAINING IN THE
6 AREA OF DRUG ADDICTION?

7 PROSPECTIVE JUROR: NO, I DON'T.

8 MR. RECK: DO YOU HAVE ANY FAMILY MEMBERS WHO
9 ARE IN THE MEDICAL FIELD?

10 PROSPECTIVE JUROR: NO.

11 MR. RECK: CLOSE FRIENDS?

12 PROSPECTIVE JUROR: NO.

13 MR. RECK: WHAT DO YOU LIKE TO DO IN YOUR
14 FREE TIME, SIR?

15 PROSPECTIVE JUROR: I LIKE WATCHING TO
16 MOVIES, PLAYING AND WATCHING SPORTS, FISHING.

17 MR. RECK: YOU LIKE FISHING?

18 PROSPECTIVE JUROR: YES.

19 MR. RECK: DO YOU SUBSCRIBE TO ANY MAGAZINES
20 THAT RELATE TO THOSE?

21 PROSPECTIVE JUROR: NO.

22 MR. RECK: DO YOU TAKE ANY MAGAZINES AT ALL?

23 PROSPECTIVE JUROR: NO.

24 MR. RECK: MR. KENNEDY, YOU TOLD US THAT YOU
25 WERE EPA WHO EMPLOYS YOU OR WAS IT A PRIVATE COMPANY
26 EMPLOYS YOU?

27 PROSPECTIVE JUROR: PRIVATE COMPANY.

28 MR. RECK: AND YOU'RE HIRED TO GO OUT AND DO

1 ENVIRONMENTAL TESTING?

2 PROSPECTIVE JUROR: I WORK FOR THE COMPANY
3 THAT DOES THE TESTING. I CLEAN THE VESSELS THAT TAKE
4 THE SAMPLES.

5 MR. RECK: SO YOU WORK AT A LOCATION AND THEY
6 COME BACK TO YOU WITH THE VESSEL AND YOU FIX IT.

7 PROSPECTIVE JUROR: YES.

8 MR. RECK: DO YOU HAVE ANY TRAINING WITH
9 RESPECT TO TOXICOLOGY?

10 PROSPECTIVE JUROR: NO.

11 MR. RECK: DO YOU HAVE ANY TRAINING OR
12 EXPERIENCE WITH RESPECT TO THE PSYCHOLOGICAL EFFECT OF
13 PSYCHO ABUSE?

14 PROSPECTIVE JUROR: I DO NOT.

15 MR. RECK: AND WHAT DO YOU LIKE TO DO IN YOUR
16 FREE TIME, SIR?

17 PROSPECTIVE JUROR: WORK ON MY CAR.

18 MR. RECK: WHAT KIND OF CAR IS IT?

19 PROSPECTIVE JUROR: WELL, CURRENTLY IT'S A
20 '71 GMC TRUCK.

21 MR. RECK: YOU'RE RESTORING IT?

22 PROSPECTIVE JUROR: I'M GOING TO TRY.

23 MR. RECK: AND MS. SKINNER, YOUR EMPLOYMENT
24 AS A COSTUME MAKER, IS THAT COMPANY A BUSINESS THAT
25 YOU RUN OR DO YOU HAVE AN ACTUAL EMPLOYER THAT UH --

26 PROSPECTIVE JUROR: I'M EMPLOYED BY THE LOS
27 ANGELES OPERA.

28 MR. RECK: AND DO YOU DO YOUR WORK ON

1 LOCATION THERE OR IS SOMETHING YOU DO ON ANOTHER
2 LOCATION AND YOU BRING TO THEM?

3 PROSPECTIVE JUROR: I WORK DOWN ON ALAMEDA AT
4 THE OPERA COFFEE SHOP.

5 MR. RECK: AND HOW LONG HAVE YOU BEEN
6 EMPLOYED IN THAT CAPACITY?

7 PROSPECTIVE JUROR: OVER TWO YEARS.

8 MR. RECK: AND YOU'RE MARRIED, MA'AM?

9 PROSPECTIVE JUROR: YES.

10 MR. RECK: WHAT DOES YOUR HUSBAND DO?

11 PROSPECTIVE JUROR: HE'S A CIVIL ENGINEER FOR
12 RAYTHEON AERO SPACE COMPANY.

13 MR. RECK: I'M SORRY I ASKED. THANK YOU. NO
14 FURTHER QUESTIONS.

15 THE COURT: THANK YOU, COUNSEL. FOR THE
16 DEFENSE.

17 MR. SPIVAC: THANK YOU, YOUR HONOR.
18 MS. SKINNER, YOU'VE HEARD SOMEWHAT YOU EXPECT TO HEAR
19 IF YOU'RE IMPANELED ON THIS JURY. HAVE YOU HAD ANY
20 DECISION WITH RESPECT TO WHO'S RIGHT AND WRONG IN THIS
21 CASE YET?

22 PROSPECTIVE JUROR: NO, SIR.

23 MR. SPIVAC: DURING THE -- YOUR LIFE
24 EXPERIENCE HAVE YOU EVER KNOWN ANYONE TO HAVE A DRUG
25 PROBLEM?

26 PROSPECTIVE JUROR: NOT THAT I'M AWARE OF.

27 MR. SPIVAC: DURING YOUR LIFE EXPERIENCE HAS
28 SOMEONE EVER ACCUSED OF YOU SOMETHING YOU HAVEN'T DONE

1 BEFORE?

2 PROSPECTIVE JUROR: I'M SURE SOMEBODY HAS.

3 MR. SPIVAC: HOW DID THAT MAKE YOU FEEL?

4 PROSPECTIVE JUROR: UNHAPPY.

5 MR. SPIVAC: YOU SAY YOUR DAUGHTER IS TEN
6 YEARS OLD.

7 PROSPECTIVE JUROR: TEN MONTHS OLD.

8 MR. SPIVAC: TEN MONTHS. I'M SORRY. PRETTY
9 SOON SHE'LL BE TEN YEARS. YOU'D BE SURPRISED. THE
10 FACT THAT YOU HAVE A YOUNG DAUGHTER DO YOU THINK THAT
11 MIGHT INFLUENCE YOUR DECISION IN THIS CASE?

12 PROSPECTIVE JUROR: NO, I DON'T.

13 MR. SPIVAC: MR. KENNEDY, HAVE YOU EVER KNOWN
14 ANYONE IN YOUR LIFE TO HAVE A DRUG PROBLEM?

15 PROSPECTIVE JUROR: NO.

16 MR. SPIVAC: HAVE YOU EVER KNOWN ANYONE TO
17 ALLEGE THAT THEY'VE BEEN SEXUALLY MOLESTED?

18 PROSPECTIVE JUROR: NO.

19 MR. SPIVAC: YOU'VE HEARD SOME OF THE
20 PROSPECTIVE HAPPENINGS IN THIS CASE. HAVE YOU MADE
21 ANY DECISIONS WITH RESPECT TO THE MATTERS BEFORE YOU?

22 PROSPECTIVE JUROR: NO, I HAVE NOT.

23 MR. SPIVAC: IS THERE ANYTHING WE SHOULD KNOW
24 AS TO WHY YOU WOULD NOT BE ABLE TO SERVE AND GIVE YOUR
25 IMPARTIAL DECISION IN THIS CASE?

26 PROSPECTIVE JUROR: NO, NOT RIGHTLY.

27 MR. SPIVAC: MR. KOBASHIGAWA?

28 PROSPECTIVE JUROR: KOBASHIGAWA.

1 MR. SPIVAC: I'M SORRY. I'LL PROBABLY JUST
2 TRIP OVER SEVERAL TIMES. I APOLOGIZE. DO YOU HAVE
3 ANY CHILDREN?

4 PROSPECTIVE JUROR: YES, I HAVE ONE SON.

5 MR. SPIVAC: HOW OLD IS YOUR SON?

6 PROSPECTIVE JUROR: 13 YEARS OLD.

7 MR. SPIVAC: I'M GOING TO ASK YOU SAME
8 SIMILAR QUESTIONS. SURPRISE, SURPRISE. DURING YOUR
9 LIFE HAVE YOU EVER KNOWN ANYONE TO HAVE A DRUG
10 PROBLEM?

11 PROSPECTIVE JUROR: NO.

12 MR. SPIVAC: HAVE YOU EVER KNOWN ANYONE WHO
13 ALLEGED THAT THEY'VE BEEN SEXUALLY ABUSED.

14 PROSPECTIVE JUROR: THERE WAS A CASE OF
15 SEXUAL HARASSMENT AT MY COMPANY.

16 MR. SPIVAC: DO ME A FAVOR. I CAN BARELY
17 HEAR YOU. CAN YOU SPEAK UP AND I HAVE A POWERFUL
18 VOICE.

19 PROSPECTIVE JUROR: I WORK FOR A COMPANY
20 WHERE THERE WAS A CASE OF SEXUAL HARASSMENT.

21 MR. SPIVAC: THAT WASN'T ALLEGED AGAINST YOU;
22 WAS IT?

23 PROSPECTIVE JUROR: NO.

24 MR. SPIVAC: YOU GOT THE INTRODUCTORY PLAY SO
25 TO SPEAK OF WHAT YOU EXPECT TO SEE IN THIS CASE. HAVE
26 YOU MADE ANY DECISIONS YET?

27 PROSPECTIVE JUROR: NO.

28 MR. SPIVAC: ANY LEANS TOWARD ONE PARTY?

1 PROSPECTIVE JUROR: NO.

2 MR. SPIVAC: IF YOU WERE TO SIT ON THIS JURY,
3 THE FACT THAT YOU HAVE A YOUNG SON WOULD THAT
4 INFLUENCE YOUR SYMPATHY ONE SIDE OR THE OTHER?

5 PROSPECTIVE JUROR: NO.

6 MR. SPIVAC: HAVE YOU EVER BEEN FALSELY
7 ACCUSED OF ANYTHING IN YOUR LIFE?

8 PROSPECTIVE JUROR: I CAN'T THINK OF ANYTHING
9 RIGHT NOW.

10 MR. SPIVAC: WHAT EXACTLY DO YOU DO,
11 MS. SKINNER?

12 PROSPECTIVE JUROR: I'M SORRY?

13 MR. SPIVAC: WHAT EXACTLY DO YOU DO FOR THE
14 OPERA?

15 PROSPECTIVE JUROR: OH, I MAKE PATTERNS. I
16 ASSIST IN FITTINGS. I GO BACK STAGE DURING REHEARSALS
17 AND I HELP MAKE SURE THE COSTUMES ARE CORRECTLY
18 FITTED. I SEW. I HELP MANAGE THE TEAM OF STITCHERS.

19 MR. SPIVAC: DID YOU GO TO SCHOOL FOR
20 SOMETHING LIKE THAT?

21 PROSPECTIVE JUROR: I HAVE A DEGREE IN
22 THEATER.

23 MR. SPIVAC: ARE YOU ALSO AN ACTRESS?

24 PROSPECTIVE JUROR: NO.

25 MR. SPIVAC: DO YOU HAVE A DESIRE TO BE AN
26 ACTRESS?

27 PROSPECTIVE JUROR: NO.

28 MR. SPIVAC: HOW ABOUT A SINGER?

1 PROSPECTIVE JUROR: NO.

2 MR. SPIVAC: WHAT DO YOU DO ON YOUR FREE TIME
3 SO TO SPEAK?

4 PROSPECTIVE JUROR: I LIKE TO GO TO THE BEACH
5 WITH MY FAMILY. WE EXPLORE L.A. AND I WANT TO DO
6 THINGS THAT WE'RE INTERESTED IN.

7 MR. SPIVAC: ARE YOU A NATIVE TO LOS ANGELES?

8 PROSPECTIVE JUROR: NO.

9 MR. SPIVAC: WHERE ARE YOU FROM ORIGINALLY?

10 PROSPECTIVE JUROR: MONTANA.

11 MR. SPIVAC: HOW LONG HAVE YOU BEEN IN LOS
12 ANGELES APPROXIMATELY?

13 PROSPECTIVE JUROR: THREE YEARS. I THINK.
14 YES, THREE YEARS.

15 MR. SPIVAC: GETTING USE TO LOS ANGELES?

16 PROSPECTIVE JUROR: YES.

17 MR. SPIVAC: NOTHING FURTHER AT THIS TIME,
18 YOUR HONOR.

19 THE COURT: OKAY. LADIES AND GENTLEMEN OF
20 THE JURY, THERE ARE TWO KINDS OF CHALLENGES. THE
21 PEREMPTORY CHALLENGES WHICH I'VE INDICATED TO EACH
22 COUNSEL HAS -- EACH SIDE HAS SIX. COUNSEL CAN ALSO
23 CHALLENGE SOMEBODY FOR CAUSE. AND WHEN THERE IS A
24 CHALLENGE FOR CAUSE, THE COURT HAS TO DECIDE WHETHER
25 THE PERSON WHO IS BEING CHALLENGED FOR CAUSE, SUCH AS
26 SOMEBODY BEING BIASED OR PREJUDICED, AND THOSE DON'T
27 COUNT AS PART OF THE PEREMPTORIES. THE REASON I
28 MENTION THIS TO YOU IS BECAUSE FOR COUNSEL NOW I AM

1 ASSUMING THAT THERE ARE NO CHALLENGES FOR CAUSE AS TO
2 ANY OF THESE NEW PEOPLE UNLESS SOMEBODY ASKS TO SEE ME
3 AT THE SIDE-BAR. I'M NOT GOING TO ASK YOU
4 SPECIFICALLY IF YOU CHALLENGE FOR CAUSE. SO, WE'RE
5 NOW TO THE PEREMPTORY, PLAINTIFF'S PEREMPTORY NUMBER
6 THREE.

7 MR. RECK: PLAINTIFF WOULD REQUEST THAT THE
8 COURT THANK AND EXCUSE JUROR NUMBER 13, MR. KENNEDY.

9 THE COURT: OH, COUNSEL, WE CAN'T DO THAT.
10 WE GO WITH THE FIRST TWELVE.

11 MR. RECK: WE REQUEST THAT THE COURT THANK
12 AND EXCUSE JURY NUMBER SIX -- EXCUSE ME -- JUROR
13 NUMBER EIGHT, MR. KENNEDY.

14 THE COURT: THAT'S MR. MCCAY.

15 MR. RECK: MR. MCCAY. THANK YOU.

16 THE COURT: MR. MCCAY, PLEASE SEE THE JURY
17 COMMISSIONER AND MR. KENNEDY, WOULD YOU KINDLY TAKE
18 SEAT NUMBER EIGHT PLEASE. FOR THE BENEFIT OF COUNSEL,
19 WE WILL HAVE TWO ALTERNATES DURING THIS TRIAL AND YOU
20 WILL HAVE EACH TWO PEREMPTORIES FOR THE ALTERNATES
21 WHICH YOU CAN EXERCISE AGAINST EITHER OR BOTH CHAIRS.
22 IN TERMS OF ALTERNATES, IF WE WERE TO LOSE A JUROR
23 DURING TRIAL AND THAT'S NOT UNUSUAL, WE DO NOT PUT THE
24 ALTERNATES IN THE BOX AS NO. 13 OR 14. THE LAW
25 REQUIRES THAT WE DRAW JURORS BY LOT. SO IF WE HAVE
26 TWO ALTERNATES AND WE NEED ONE OF THEM, WE PUT TWO
27 NAMES IN THE HAT AND PULL ONE OUT.

28 SO WITH THAT, THE PEREMPTORY IS NOW WITH THE

1 DEFENSE.

2 MR. SPIVAC: THANK YOU, YOUR HONOR. I'D LIKE
3 TO THANK AND EXCUSE MS. RICHARDSON.

4 THE COURT: OKAY. MS. RICHARDSON, PLEASE SEE
5 THE JURY COMMISSIONER. THAT'S JUROR NUMBER TEN. AND
6 MS. SKINNER, WOULD YOU KINDLY TAKE THAT SEAT PLEASE.
7 AND PEREMPTORY IS ONCE AGAIN WITH THE PLAINTIFF.

8 MR. RECK: THANK YOU, YOUR HONOR. WE WOULD
9 LIKE TO THANK AND EXCUSE JUROR NUMBER EIGHT,
10 MR. KENNEDY.

11 THE COURT: MR. KENNEDY, PLEASE SEE THE JURY
12 COMMISSIONER. OKAY. THREE MORE PLEASE.

13 THE CLERK: GEVORG NAZARETYAN. LAST NAME
14 N-A-Z-A-R-E-T-Y-A-N, FIRST NAME G-E-V-O-R-G.

15 NAOMI HAYNES, LAST NAME H-A-Y-N-E-S.

16 ERIC R. SHOSTAK, LAST NAME S-H-O-S-T-A-K.

17 THE COURT: OKAY. MR. NAZARETYAN, IF YOU
18 WOULD PLEASE, THE INFORMATION ON THE BOARD.

19 PROSPECTIVE JUROR: MY NAME IS GEVORG
20 NAZARETYAN. I LIVE IN HOLLYWOOD. I'M MARRIED. I
21 HAVE TWO DAUGHTERS. AND I WORK IN SMOKEHOUSE PET PRO
22 COMPANY. MY OCCUPATION IS MANAGER.

23 THE COURT: AND FROM ALL OF THE -- ANY PRIOR
24 JURY DUTY?

25 PROSPECTIVE JUROR: NO.

26 THE COURT: AND FROM ALL OF THE QUESTIONS
27 ASKED BY COUNSEL, IS THERE ANYTHING THAT YOU WOULD
28 CARE TO VOLUNTEER TO THEM BEFORE THEY QUESTION YOU?

1 PROSPECTIVE JUROR: NO.

2 THE COURT: THANK YOU, SIR. MS. HAYNES, IF
3 YOU WOULD PLEASE THE INFORMATION ON THE BOARD.

4 PROSPECTIVE JUROR: MY NAME IS NAOMI HAYNES.
5 I LIVE IN CULVER CITY. I AM MARRIED. I HAVE TWO
6 ADULT CHILDREN AND A STEP CHILD. THEY'RE ALL GROWN.

7 I HAVE THREE GRANDCHILDREN AND ONE COMING ANY
8 MINUTE.

9 I AM A COUNSELOR WITH L.A. COUNTY OFFICE OF
10 EDUCATION. I HAVE BEEN TO JUVENILE COURT COMMUNITY
11 SCHOOLS, THE JUVENILE MENTAL HEALTH COURT FOR TWO AND
12 A HALF YEARS AND I AM CURRENTLY A COUNSELOR.

13 THE COURT: AND FROM ALL OF PRIOR JURY DUTY,
14 ANY?

15 PROSPECTIVE JUROR: I WAS ON PANEL BUT I
16 HAVEN'T BEEN --

17 THE COURT: OKAY. AND ANY QUESTIONS THAT
18 HAVE BEEN PREVIOUSLY ASKED, DO YOU HAVE ANY ANSWERS
19 THAT COUNSEL SHOULD KNOW BEFORE THEY QUESTION YOU?

20 PROSPECTIVE JUROR: I'VE ATTENDED WORKSHOPS
21 ON DRUG AND ALCOHOL ABUSE AND MOST OF THE STUDENTS
22 THAT I SERVE ARE DRUG INVOLVED BUT I DON'T PERSONALLY
23 COUNSEL THEM.

24 THE COURT: OKAY. THANK YOU, MA'AM.
25 MR. SHOSTAK, IF YOU WOULD PLEASE THE INFORMATION ON
26 THE BOARD.

27 PROSPECTIVE JUROR: MY NAME IS S. RICHARD
28 SHOSTAK. I'M FROM MENDOCINO. I'M MARRIED, 54 YEARS.

1 I HAVE THREE CHILDREN. NOT CHILDREN ANYMORE.
2 YOUNGEST IS 40. THREE GRAND CHILDREN. I'M A
3 PRACTICING ATTORNEY AND I'LL KEEP PRACTICING UNTIL I
4 GET IT RIGHT. I'VE BEEN ON A JURY THIS FAR ONCE LAST
5 YEAR.

6 THE COURT: WHAT TYPE OF CASE, SIR?

7 PROSPECTIVE JUROR: I DIDN'T SERVE ON IT.

8 THE COURT: OKAY. AND LET ME ASK YOU IN
9 TERMS OF THE NATURE OF YOUR LAW PRACTICE, WOULD YOU
10 LET US KNOW.

11 PROSPECTIVE JUROR: CUSTOMS LAW. VERY
12 SPECIALIZED, FIGHTING THE GOVERNMENT FOR IMPORTERS.

13 THE COURT: OKAY. WELL, WE HAVE OUR SHARE OF
14 CASES COMING OUT OF THE PACIFIC RIM AND SOUTH AND
15 CENTRAL AMERICA SO -- ANYTHING ELSE YOU WOULD CARE TO
16 VOLUNTEER TO THE COUNSEL?

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

18 THE COURT: THANK YOU, SIR. MR. NAZARETYAN,
19 IF YOU WOULD PLEASE -- I'M SORRY. I'M GOING
20 BACKWARDS. TRYING TO PUSH TOO HARD, TOO FAST.
21 COUNSEL FOR THE PLAINTIFF, DO YOU WANT TO VOIR DIRE
22 THE THREE?

23 MR. RECK: THANK YOU, YOUR HONOR.

24 MR. NAZARETYAN, HOW OLD ARE YOUR DAUGHTERS?

25 PROSPECTIVE JUROR: OLDEST ONE IS 12; THE
26 YOUNGEST SIX.

27 MR. RECK: AND THEY BOTH LIVE WITH YOU?

28 PROSPECTIVE JUROR: YES.

1 MR. RECK: AND MR. SHOSTAK?

2 PROSPECTIVE JUROR: YES.

3 MR. RECK: I KNOW IT SOUNDS LIKE YOU'VE GOT A
4 TREMENDOUS AMOUNT OF EXPERIENCE AS A LAWYER. YOU'VE
5 PROBABLY GOT A TREMENDOUS AMOUNT OF KNOWLEDGE YOU
6 HAVE. YOU'RE GOING TO KNOW THAT ONE OF THE
7 INSTRUCTIONS YOU'RE GOING TO GET IS TO SET ASIDE SOME
8 OF YOUR OWN PERSONAL OPINIONS AND FOLLOW THE LAW AS IT
9 IS GIVEN; IS THAT SOMETHING YOU THINK YOU CAN DO?

10 PROSPECTIVE JUROR: SURE.

11 MR. RECK: AND YOU DON'T HAVE ANY
12 PRECONCEIVED NOTIONS ABOUT THE VALIDITY OF THE CASE AT
13 THIS POINT; RIGHT?

14 PROSPECTIVE JUROR: NONE.

15 MR. RECK: WHAT BUT YOU, MS. HAYNES, HAVE YOU
16 MADE ANY DECISIONS YET?

17 PROSPECTIVE JUROR: NO.

18 MR. RECK: AND YOU HAVEN'T DONE THAT BECAUSE
19 YOU HAVEN'T HEARD ANY EVIDENT, RIGHT?

20 PROSPECTIVE JUROR: RIGHT.

21 MR. RECK: AND CONSIDERING YOUR LIFE HISTORY
22 AND YOUR BACKGROUND, DO YOU THINK THAT YOU COULD
23 FAIRLY LISTEN TO THE EVIDENCE AND RENDER A VERDICT
24 THAT IS IN LINE WITH THE EVIDENCE YOU HEAR IN THE
25 COURTROOM?

26 PROSPECTIVE JUROR: YES.

27 MR. RECK: MR. NAZARETYAN, WHAT DO YOU LIKE
28 TO DO IN YOUR FREE TIME, SIR?

1 PROSPECTIVE JUROR: IF HAVE I SPEND IT WITH
2 FAMILY.

3 MR. RECK: WHAT TYPE OF THINGS DO YOU AND
4 YOUR FAMILY DO?

5 PROSPECTIVE JUROR: I TAKE THEM TO BEACH,
6 PARK.

7 MR. RECK: DO YOUR CHILDREN PLAY SPORTS?

8 PROSPECTIVE JUROR: MY OLDEST DAUGHTER
9 PLAYING WITH THE BASKETBALL TEAM SAME SCHOOL AS SHE IS
10 GOING.

11 MR. RECK: AND IT SOUNDS LIKE YOU PUT IN A
12 LOT OF HOURS AT WORK. YOU SPEND A LOT OF TIME
13 WORKING?

14 PROSPECTIVE JUROR: YEAH, 80 HOURS IN A WEEK.

15 MR. RECK: WOW. DURING ALL THAT TIME WHEN
16 YOU'RE WORKING, I ASSUME YOUR CHILDREN ARE HOME WITH
17 YOUR WIFE, CORRECT?

18 PROSPECTIVE JUROR: YES.

19 MR. RECK: AND DO YOU HAVE FAMILY, FRIENDS,
20 AN INFRASTRUCTURE THAT HELPS TAKE CARE OF YOUR FAMILY
21 WHILE YOU'RE GONE?

22 PROSPECTIVE JUROR: NO.

23 MR. RECK: THANK YOU. NO OTHER QUESTIONS.

24 THE COURT: COUNSEL FOR DEFENSE.

25 MR. SPIVAC: THANK YOU, YOUR HONOR.

26 MR. SHOSTAK IN YOUR CAREER AS AN ATTORNEY HAVE YOU HAD
27 MANY TRIALS?

28 PROSPECTIVE JUROR: WHAT'S THAT?

1 MR. SPIVAC: IN YOUR CAREER AS AN ATTORNEY
2 HAVE YOU HAD MANY TRIALS?

3 PROSPECTIVE JUROR: MY FIRST THREE YEARS I
4 WAS A PROSECUTOR AT SONOMA COUNTY. I HAD SEVERAL
5 THERE. I'VE HAD A FEW IN CUSTOMS COURT.

6 MR. SPIVAC: GENERALLY PROCESS APPLICATION
7 AND THINGS OF THAT NATURE?

8 PROSPECTIVE JUROR: GENERALLY FIGHT THE
9 GOVERNMENT, ADMINISTRATIVE.

10 MR. SPIVAC: ALWAYS A GOOD PRACTICE.

11 PROSPECTIVE JUROR: TOUGH GUY BUT SOMETIMES
12 WE WIN.

13 MR. SPIVAC: YOU'VE HEARD BASICALLY A PRELUDE
14 TO THIS CASE?

15 PROSPECTIVE JUROR: I'M SORRY?

16 MR. SPIVAC: YOU'VE HEARD SOME DISCUSSIONS
17 WHAT YOU EXPECT TO SEE IN THIS CASE, CORRECT?

18 PROSPECTIVE JUROR: YES.

19 MR. SPIVAC: HAVE YOU MADE UP ANY OPINIONS
20 YET?

21 PROSPECTIVE JUROR: NO.

22 MR. SPIVAC: YOU'VE SEEN THE PLAINTIFF,
23 CORRECT?

24 PROSPECTIVE JUROR: YES.

25 MR. SPIVAC: YOU'VE SEEN THE DEFENDANT,
26 CORRECT?

27 PROSPECTIVE JUROR: YES.

28 MR. SPIVAC: REACH ANY CONCLUSIONS ABOUT

1 THEM?

2 PROSPECTIVE JUROR: NO.

3 MR. SPIVAC: MS. HAYNES, SAME QUESTION TO
4 YOU. YOU'VE SEEN THE PLAINTIFF AND DEFENDANT. HAVE
5 YOU REACHED ANY CONCLUSIONS ABOUT THE PARTIES?

6 PROSPECTIVE JUROR: NO.

7 MR. SPIVAC: BEG PARDON?

8 PROSPECTIVE JUROR: NO.

9 MR. SPIVAC: I'M SORRY. WHAT EXACTLY DO YOU
10 DO IN YOUR JOB?

11 PROSPECTIVE JUROR: SO, AS A COUNSELOR WITH
12 FOSTER YOUTH. I DO SIGN LANGUAGE, ACADEMIC COUNSELING
13 AND VOCATIONAL COUNSELING.

14 SO I'M KIND OF THE LIAISON BETWEEN PROJECT
15 YOUTH AND GROUP HOMES AND THE SCHOOLS, MAKE SURE
16 THEY'RE ON TRACK TO GRADUATE AND HELP THEM TO DEVELOP
17 A PLAN FOR THE FUTURE.

18 MR. SPIVAC: DO YOU HAVE ANY DEGREES IN
19 SOCIAL WORK?

20 PROSPECTIVE JUROR: I HAVE A MASTERS DEGREE
21 IN COUNSELING AND GUIDANCE.

22 MR. SPIVAC: HOW LONG HAVE YOU BEEN DOING
23 THAT JOB?

24 PROSPECTIVE JUROR: THIS PARTICULAR JOB FOR
25 FOSTER YOUTH, YOU MEAN? JUST SINCE DECEMBER BUT I
26 HAVE BEEN WITH LEBO AND JUVENILE COURTS SCHOOLS AND
27 THEN I'VE BEEN A SPEECH THERAPIST FOR ABOUT THREE
28 YEARS.

1 MR. SPIVAC: NOW, WHEN YOU SAY JUVENILE COURT
2 SCHOOLS, WHAT EXACTLY DO YOU MEAN BY THAT?

3 PROSPECTIVE JUROR: JUVENILE COURT SCHOOLS.
4 L.A. COUNTY OFFICE OF EDUCATION PROVIDES THE
5 EDUCATIONAL AND COUNSELING SERVICES FOR JUVENILES ON
6 EXTENDED PROBATION COUNSELING IN THE -- COURTS IN
7 THE --

8 MR. SPIVAC: I KNOW WHAT YOU'RE TALKING
9 ABOUT. HAVE YOU EVER BEEN TO THE FACILITY OFF OF THE
10 10 OVER BY THE --

11 PROSPECTIVE JUROR: EASTLAKE?

12 MR. SPIVAC: YES.

13 PROSPECTIVE JUROR: I'VE WORKED THERE FOR TWO
14 AND A HALF YEARS. I WAS THE EDUCATIONAL LIAISON FOR
15 THE JUVENILE COURT.

16 MR. SPIVAC: OF THE, WHAT I'M GOING TO REFER
17 TO AS TROUBLED YOUTH YOU INTERACT WITH, ARE DRUGS,
18 MAJORS AND PORTIONS OF THOSE MATTERS?

19 PROSPECTIVE JUROR: MOST OF THE OFFENDERS
20 THAT I'VE WORK WITH HAVE NOT BEEN ARRESTED FOR THOSE
21 THINGS BUT I WOULD VENTURE TO GUESS 99.9 PERCENT OF
22 THEM HAVE DRUG INVOLVEMENT.

23 MR. SPIVAC: DO YOU KNOW WHAT DRUG WAS THE
24 DRUG OF CHOICE?

25 PROSPECTIVE JUROR: WELL, THEY ALWAYS START
26 WITH MARIJUANA BECAUSE IN 9TH GRADE THEIR GRADES DROP
27 SO THAT IS WHAT USUALLY HAPPENS. BUT I DON'T KNOW. I
28 DON'T KNOW IF THEY -- WHETHER THAT'S THE DRUG AND JUST

1 VARIOUS MIXTURES WITH MARIJUANA.

2 MR. SPIVAC: TYPICAL DRUG COCKTAIL?

3 PROSPECTIVE JUROR: YES.

4 MR. SPIVAC: MR. NAZARETYAN, IS THAT IT,
5 COUNSEL, NAZARETYAN?

6 PROSPECTIVE JUROR: YES.

7 MR. SPIVAC: THE FACT THAT YOU HAVE TWO
8 DAUGHTERS, IS THAT GOING TO LEAD YOU TO BE BIASED TO
9 ONE PART OR NOT IN THIS MATTER?

10 PROSPECTIVE JUROR: NO.

11 MR. SPIVAC: YOU HAVE TO SAY YES. SPEAK UP.
12 I'M SORRY. I CAN'T HEAR YOU.

13 PROSPECTIVE JUROR: NO.

14 MR. SPIVAC: WHAT ARE THE AGES OF YOUR
15 DAUGHTERS?

16 PROSPECTIVE JUROR: EXCUSE ME?

17 MR. SPIVAC: WHAT ARE THE AGES OF YOUR
18 DAUGHTERS?

19 PROSPECTIVE JUROR: TWELVE AND SIX.

20 MR. SPIVAC: HAVE YOU EVER KNOWN ANYONE TO
21 HAVE A DRUG ADDITION PROBLEM?

22 PROSPECTIVE JUROR: NO.

23 MR. SPIVAC: HAVE YOU EVER KNOWN ANYONE WHO
24 ALLEGED THEY HAD BEEN SEXUALLY ABUSED?

25 PROSPECTIVE JUROR: NO.

26 MR. SPIVAC: SAME QUESTION TO YOU,
27 MR. SHOSTAK, THOSE TWO QUESTIONS?

28 PROSPECTIVE JUROR: NO.

1 MR. SPIVAC: SAME QUESTION TO YOU,
2 MS. HAYNES?

3 PROSPECTIVE JUROR: IN DRUG PROBLEMS?

4 MR. SPIVAC: OTHER THAN PEOPLE YOU ARE
5 WORKING WITH?

6 PROSPECTIVE JUROR: YEAH.

7 MR. SPIVAC: ANYONE YOU KNOW WHO CLAIMED TO
8 BE SEXUALLY ABUSED?

9 PROSPECTIVE JUROR: NOT IN MY PERSONAL LIFE
10 BUT IN MY WORK.

11 MR. SPIVAC: OKAY.

12 PROSPECTIVE JUROR: I TAKE IT BACK I HAVE A
13 NIECE BUT NOTHING SEXUAL ABOUT IT. HAD A DRUG
14 PROBLEM.

15 MR. SPIVAC: HAD A DRUG PROBLEM. THERE'S NO
16 TEST. NOTHING FURTHER AT THIS TIME, YOUR HONOR.

17 THE COURT: THANK YOU, COUNSEL. PEREMPTORY
18 NUMBER FOUR WITH THE DEFENSE.

19 MR. SPIVAC: WE WOULD LIKE TO THANK AND
20 EXCUSE MS. VANIAN.

21 THE COURT: JUROR NUMBER TWO, MS. VANIAN, YOU
22 ARE EXCUSED. PLEASE SEE THE JURY COMMISSIONER. AND
23 MS. HAYNES, WILL YOU KINDLY TAKE THAT SEAT PLEASE.
24 THANK YOU. PEREMPTORY NUMBER FIVE IS WITH THE
25 PLAINTIFF.

26 MR. RECK: THANK YOU, YOUR HONOR. PLAINTIFF
27 ACCEPTS THE JURY AS PRESENTLY CONSTITUTED.

28 THE COURT: OKAY. PEREMPTORY PASSES TO THE

1 DEFENSE.

2 MR. SPIVAC: I'D LIKE TO THANK AND EXCUSE
3 MS. DYTMAN.

4 THE COURT: OKAY. MS. DYTMAN, KINDLY SEE THE
5 JURY COMMISSIONER. AND, MR. SHOSTAK, IF YOU WOULD
6 KINDLY TAKE SEAT NO. 11.

7 OKAY. PEREMPTORY IS ONCE AGAIN WITH THE
8 PLAINTIFF.

9 MR. RECK: PLAINTIFF WILL ACCEPT THE JURY AS
10 IT'S PRESENTLY CONSTITUTED.

11 THE COURT: OKAY. PEREMPTORY NUMBER SIX IS
12 WITH THE DEFENDANT.

13 MR. SPIVAC: I'D LIKE TO THANK AND EXCUSE
14 MS. SAX PLEASE.

15 THE COURT: OKAY. THANK YOU, MS. SAX. LET'S
16 PUT THREE MORE PEOPLE IN THE BOX.

17 THE CLERK: ILYA BERNARD GRIGOROV, LAST NAME
18 G-R-I-G-O-R-O-V.

19 CLAUSE CASTENSKIOLD, LAST NAME
20 C-A-S-T-E-N-S-K-I-O-L-D.

21 LOREN FITZGERALD, LAST NAME
22 F-I-T-Z-G-E-R-A-L-D.

23 THE COURT: OKAY. MR. GRIGOROV, YOU SHOULD
24 KNOW THE DRILL BY NOW, THE INFORMATION ON THE BOARD.

25 PROSPECTIVE JUROR: I'M DR. WILLIAM GRIGOROV.
26 I LIVE IN HOLLYWOOD. I HAVE A FIVE YEAR OLD DAUGHTER.
27 AND I DO MARKETING FOR MEDICAL DEVICE COMPANY.

28 THE COURT: HAVE YOU EVER SERVED ON A JURY

1 BEFORE?

2 PROSPECTIVE JUROR: NO.

3 THE COURT: FROM ALL OF THE PRIOR
4 QUESTIONING, ANYTHING COUNSEL SHOULD KNOW?

5 PROSPECTIVE JUROR: I HAVE DEGREES IN PHYSICS
6 AND PHYSICAL CHEMISTRY.

7 THE COURT: OKAY. THANK YOU, SIR.
8 MR. CASTENSKIOLD, IF YOU WOULD THE INFORMATION ON THE
9 BOARD PLEASE.

10 PROSPECTIVE JUROR: MY NAME IS CLAUS
11 CASTENSKIOLD. I LIVE IN SILVER LAKE. I'M MARRIED.
12 NO CHILDREN. I AM AN ARTIST. AND I HAVE NO PREVIOUS
13 JURY EXPERIENCE.

14 THE COURT: AND FROM ALL OF THE PRIOR
15 QUESTIONING, ANYTHING COUNSEL SHOULD KNOW?

16 PROSPECTIVE JUROR: NO.

17 THE COURT: OKAY. THANK YOU, SIR. AND
18 MR. FITZGERALD, IF YOU WOULD THE INFORMATION ON THE
19 BOARD.

20 PROSPECTIVE JUROR: I'M LOREN FITZGERALD. I
21 LIVE IN BURBANK, SINGLE. I'M A SECURITY OFFICER AT
22 THE U.S. COURTHOUSE IN PASADENA. NO PREVIOUS JURY
23 EXPERIENCE.

24 THE COURT: AND ANYTHING COUNSEL SHOULD KNOW?

25 PROSPECTIVE JUROR: NO.

26 THE COURT: OKAY. THANK YOU. FOR THE
27 PLAINTIFF.

28 MR. RECK: THANK YOU, YOUR HONOR.

1 MR. -- IS IT CASTENSKIOLD?

2 PROSPECTIVE JUROR: YES.

3 MR. RECK: CAN YOU TELL ME A LITTLE BIT ABOUT
4 YOUR WORK AS ARTIST?

5 PROSPECTIVE JUROR: YES. I PAINT OIL
6 PAINTINGS.

7 MR. RECK: IS THAT SOMETHING THAT YOU DO FREE
8 LANCE AND THEY GET SOLD IN GALLERIES AND THINGS LIKE
9 THAT?

10 PROSPECTIVE JUROR: YEAH.

11 MR. RECK: AND YOU DO THAT -- YOU HAVE A
12 STUDIO TO DO THAT IN I ASSUME?

13 PROSPECTIVE JUROR: YES, I WORK FROM HOME.

14 MR. RECK: AND HOME IS IN SILVER LAKE,
15 CORRECT?

16 PROSPECTIVE JUROR: THAT'S CORRECT.

17 MR. RECK: SIR, HAVE YOU EVER BEEN TO REDONDO
18 BEACH?

19 PROSPECTIVE JUROR: NO.

20 MR. RECK: DO YOU KNOW WHERE REDONDO BEACH
21 IS?

22 PROSPECTIVE JUROR: ORANGE COUNTY?

23 MR. RECK: I THINK IT'S IN L.A. COUNTY BUT
24 I'M --

25 (LAUGHTER)

26 PROSPECTIVE JUROR: THERE YOU GO.

27 MR. RECK: I COULD BE WRONG. AND WHAT DOES
28 YOUR WIFE DO, SIR?

1 PROSPECTIVE JUROR: SHE'S THE ASSISTANT ARTS
2 MANAGER.

3 MR. RECK: IS THAT FOR A GALLERY?

4 PROSPECTIVE JUROR: NO, IT ACTUALLY -- SHE
5 WORKS IN THE COMMERCIAL FILM INDUSTRY.

6 MR. RECK: AND WHAT DOES SHE DO FOR THEM?

7 PROSPECTIVE JUROR: SHE ASSISTS THE ART
8 DIRECTOR.

9 MR. RECK: AND DO YOU HAVE ANY TYPE OF AN ART
10 DEGREE OR ANYTHING LIKE THAT?

11 PROSPECTIVE JUROR: YES, I HAVE A BACHELOR'S
12 IN ART.

13 MR. RECK: AND WHERE IS THAT FROM?

14 PROSPECTIVE JUROR: BINGHAMPTON COLLEGE.

15 MR. RECK: VERMONT, CORRECT?

16 PROSPECTIVE JUROR: YES.

17 MR. RECK: AND DO YOU HAVE ANY TRAINING, SIR,
18 IN DRUG ADDITION?

19 PROSPECTIVE JUROR: I HAVE THE PHARMACY TECH
20 DEGREE FOR CERTIFICATION.

21 MR. RECK: AND DID YOU HAVE WORK IN THE
22 PHARMACY FIELD?

23 PROSPECTIVE JUROR: I HAVE WORKED IN L.A.
24 COUNTY HOSPITALS AND I'VE WORKED AT A COUPLE OF OTHER
25 HOSPITALS.

26 MR. RECK: AND WHAT WERE YOUR JOBS THERE?

27 PROSPECTIVE JUROR: IN-PATIENT PHARMACY
28 DELIVERY.

1 MR. RECK: SO BASICALLY YOU WOULD DELIVER THE
2 MEDICATIONS TO THE PATIENT WHO WERE SICK?

3 PROSPECTIVE JUROR: THAT'S CORRECT, YES.

4 MR. RECK: AND AS A PART OF THE DUTIES WERE
5 YOU EVER IN CHARGE OF PRESCRIBING MEDICINE?

6 PROSPECTIVE JUROR: NO. NEVER.

7 MR. RECK: AND DID YOU EVER COUNSEL PATIENTS
8 ON THE EFFECTS OF MEDICINE?

9 PROSPECTIVE JUROR: NO.

10 MR. RECK: THAT WOULD BE FOR DOCTOR'S AND
11 PHARMACISTS?

12 PROSPECTIVE JUROR: CORRECT.

13 MR. RECK: AND, SIR, DO YOU HAVE ANY TRAINING
14 OR EXPERIENCE IN THE EFFECTS OF SEXUAL ABUSE?

15 PROSPECTIVE JUROR: NOT REALLY, NO.

16 MR. RECK: AND YOU HAVEN'T MADE UP YOUR MIND
17 AS TO ANY PARTY'S FAULT IN THIS CASE?

18 PROSPECTIVE JUROR: NO, I HAVEN'T.

19 MR. RECK: MR. FITZGERALD, WHERE DO YOU WORK
20 AS A SECURITY OFFICER, SIR?

21 PROSPECTIVE JUROR: AT THE U.S. COURTHOUSE IN
22 PASADENA.

23 MR. RECK: AND IN ORDER TO BECOME A SECURITY
24 OFFICER AT THE COURTHOUSE DID YOU HAVE TO GO THROUGH
25 SOME TRAINING?

26 PROSPECTIVE JUROR: YES.

27 MR. RECK: AND DID ANY OF THAT TRAINING
28 ENTAIL EDUCATION ON DRUGS?

1 PROSPECTIVE JUROR: SOME. SOME.

2 MR. RECK: CAN YOU TELL ME A LITTLE BIT ABOUT
3 THAT.

4 PROSPECTIVE JUROR: PLAIN TRAINING FILMS BUT
5 ALSO WHAT THE INSTRUCTORS TOLD US ABOUT.

6 MR. RECK: AND AS FAR AS THAT RECOGNIZE THE
7 EFFECTS AND APPEARANCE OF DRUGS?

8 PROSPECTIVE JUROR: YES.

9 MR. RECK: IN PEOPLE AS WELL AS THEIR
10 PHYSICAL APPEARANCE?

11 PROSPECTIVE JUROR: YES.

12 MR. RECK: AND HOW LONG HAVE YOU WORKED IN
13 YOUR CAPACITY AS A SECURITY OFFICER?

14 PROSPECTIVE JUROR: TWENTY YEARS.

15 MR. RECK: ALWAYS AS A GOVERNMENT EMPLOYEE?

16 PROSPECTIVE JUROR: MOSTLY.

17 MR. RECK: WHERE ELSE?

18 PROSPECTIVE JUROR: SOME PRIVATE SECURITY
19 COMPANIES THAT WORKED -- I TAKE THAT BACK. THAT WAS
20 GOVERNMENT TOO SO YEAH.

21 MR. RECK: AND WHAT DO YOU LIKE TO DO IN YOUR
22 FREE TIME, SIR?

23 PROSPECTIVE JUROR: MOVIES. READING. MUSIC.

24 MR. RECK: WHAT MOVIES HAVE YOU SEEN LATELY?

25 PROSPECTIVE JUROR: OH GEEZ, I'M DRAWING A
26 BLANK.

27 MR. RECK: DON'T MEAN TO PUT YOU ON THE SPOT.
28 SOMETIMES PEOPLE REMEMBER THE WRITTEN WORDS A LITTLE

1 BIT BETTER. HAVE YOU -- WHAT TYPES OF BOOKS DO YOU
2 LIKE TO READ?

3 PROSPECTIVE JUROR: I'M READING BOOKS ABOUT
4 ABRAHAM LINCOLN LATELY.

5 MR. RECK: MOSTLY NON FICTION READINGS, TOO?

6 PROSPECTIVE JUROR: CORRECT.

7 MR. RECK: AND OUTSIDE OF YOUR READING AND
8 STUDY, ANY HOBBIES INTEREST YOU NOW?

9 PROSPECTIVE JUROR: MUSIC, THEATER. I'VE
10 DONE SOME ACTING.

11 MR. RECK: WERE YOU EMPLOYED AS AN ACTOR?

12 PROSPECTIVE JUROR: YES.

13 MR. RECK: ARE YOU A MEMBER OF THE SCREEN
14 ACTORS GUILD?

15 PROSPECTIVE JUROR: YES.

16 MR. RECK: MR. -- I APOLOGIZE FOR YOUR NAME.
17 IS IT GRIGOROV?

18 PROSPECTIVE JUROR: GRIGOROV.

19 MR. RECK: GRIGOROV. MR. GRIGOROV, CAN YOU
20 TELL ME AGAIN WHAT YOUR DEGREES ARE?

21 PROSPECTIVE JUROR: PHYSICS AND PHYSICAL
22 CHEMISTRY.

23 MR. RECK: AND BOTH OF THOSE ARE BACHELOR'S
24 DEGREES.

25 PROSPECTIVE JUROR: A BACHELOR'S OF PHYSICAL
26 CHEMISTRY; A DOCTOR OF PHYSICS.

27 MR. RECK: AND YOU WORK IN THE MEDICAL FIELD?

28 PROSPECTIVE JUROR: THAT'S CORRECT.

1 MR. RECK: AND WHAT DO YOU DO IN THAT FIELD,
2 SIR?

3 PROSPECTIVE JUROR: STRATEGIC MARKETING.

4 MR. RECK: PARDON ME?

5 PROSPECTIVE JUROR: STRATEGIC MARKETING.

6 MR. RECK: MARKETING OF MEDICAL SUPPLIES,
7 DEVICES?

8 PROSPECTIVE JUROR: NO, I'M EVALUATING
9 MEDICAL TECHNOLOGIST FOR APPLICATION IN SPECIFIC
10 FIELD.

11 MR. RECK: I MAY JUST NOT BE BRIGHT ENOUGH TO
12 FOLLOW YOU. WHAT DOES THAT MEAN?

13 PROSPECTIVE JUROR: WELL, THE COMPANY I'M
14 WITH BUILDS INFLATABLE PACEMAKERS AND DEFIBRILLATORS
15 AND SERVES BASICALLY PHYSIOLOGY AND ELECTRIC
16 PHYSIOLOGY MARKETS.

17 MY JOB IS TO LOOK AT THE PATHOLOGIST FROM THE
18 MEDICAL SIDE AND ON THE DEVICE SIDE TO FIT INTO THE
19 MARKET.

20 MR. RECK: OKAY. AND WHAT DOES YOUR WIFE DO,
21 SIR?

22 PROSPECTIVE JUROR: SHE IS A PRACTICING CIVIL
23 ENGINEER.

24 MR. RECK: DOES SHE HAVE HER OWN PRACTICE?

25 PROSPECTIVE JUROR: SHE CONSULTS. SHE IS
26 WITH THE CONSULTING COMPANY.

27 MR. RECK: AND WHAT DO YOU LIKE TO DO WITH
28 YOUR FREE TIME?

1 PROSPECTIVE JUROR: READ MOSTLY.

2 MR. RECK: IS IT ALL TECHNICAL MATERIAL OR DO
3 YOU READ ANYTHING FOR PLEASURE?

4 PROSPECTIVE JUROR: BUSINESS MAGAZINES,
5 OPERATION RESEARCH.

6 MR. RECK: ALL WORK AND NO PLAY, HUH? SIR,
7 ARE YOU AWARE OF THE RECENT STORM OF LITIGATION, I'LL
8 CALL IT REGARDING THE PACEMAKERS, SOME PEOPLE REFER TO
9 AS THE GUIDANT LAWSUIT?

10 PROSPECTIVE JUROR: YES.

11 MR. RECK: DO YOU HAVE AN OPINION ABOUT THAT?

12 PROSPECTIVE JUROR: YES.

13 MR. RECK: WHAT IS THAT OPINION?

14 PROSPECTIVE JUROR: THE COMPANY DIDN'T
15 HAVE -- THEY KNEW THEY HAD A PROBLEM AND THEY
16 COMPLETELY MISHANDLED THE SITUATION.

17 MR. RECK: AND IF SOMEBODY KNOWS THAT A
18 PROBLEM EXISTS, THEY CAN HARM SOMEONE, DO YOU THINK
19 IT'S WRONG TO NOT TAKE ACTION?

20 PROSPECTIVE JUROR: THEY -- IT WAS NOT
21 FIDUCIARY TO TAKE THE APPROPRIATE ACTION.

22 MR. RECK: AND, SIR, DO YOU HAVE ANY TRAINING
23 IN ALCOHOL OR DRUGS?

24 PROSPECTIVE JUROR: NO.

25 MR. RECK: DO YOU HAVE ANY TRAINING IN THE
26 AFFECTS OF SEXUAL ABUSE?

27 PROSPECTIVE JUROR: NO.

28 MR. RECK: THANK YOU, YOUR HONOR.

1 THE COURT: THANK YOU. COUNSEL, FOR THE
2 DEFENDANT.

3 MR. SPIVAC: THANK YOU, YOUR HONOR.

4 MR. GRIGOROV, YOU'VE HEARD BASICALLY A
5 PRELUDE OF WHAT WE ANTICIPATE TO HAPPEN IN THIS TRIAL.
6 HAVE YOU MADE ANY DECISION REGARDING THE PARTIES IN
7 THIS MATTER?

8 PROSPECTIVE JUROR: NOT SPECIFICALLY.

9 MR. SPIVAC: HAVE YOU EVER KNOWN ANYONE TO BE
10 ADDICTED TO DRUGS IN YOUR LIFE?

11 PROSPECTIVE JUROR: NO.

12 MR. SPIVAC: DO YOU KNOW ANYONE WHO'S EVER
13 MADE AN ALLEGATION THAT THEY'VE BEEN SEXUALLY ABUSED?

14 PROSPECTIVE JUROR: NO.

15 MR. SPIVAC: THE FACT THAT THE PLAINTIFF IS A
16 RELATIVELY YOUNG LADY AND THE FACT THAT MY CLIENT IS
17 AN OLDER MAN IS THAT GOING TO EFFECT YOUR INCLINATION
18 TO SIDE IN FAVOR OF ONE PARTY OR THE OTHER IN THIS
19 CASE?

20 PROSPECTIVE JUROR: I DON'T THINK SO.

21 MR. SPIVAC: YOU DON'T LIKE ATTORNEYS; DO
22 YOU?

23 PROSPECTIVE JUROR: PARDON ME?

24 MR. SPIVAC: YOU DON'T LIKE ATTORNEYS; DO
25 YOU?

26 PROSPECTIVE JUROR: I HAVE NO PARTICULAR
27 OPINION OF ATTORNEYS.

28 MR. SPIVAC: GOOD FOR YOU. YOU ARE ONE OF

1 THE FEW.

2 MR. CASTENSKIOLD, HAVE YOU EVER KNOWN ANYONE
3 TO HAVE A DRUG ADDITION PROBLEM?

4 PROSPECTIVE JUROR: YES, I HAVE.

5 MR. SPIVAC: MORE THAN ONE?

6 PROSPECTIVE JUROR: PROBABLY, YES.

7 MR. SPIVAC: HAVE YOU EVER KNOWN ANYONE TO BE
8 A PLAINTIFF IN AN ALLEGEDLY SEXUALLY ABUSED?

9 PROSPECTIVE JUROR: NO.

10 MR. SPIVAC: AGAIN, I'M ASKING SIMILAR
11 QUESTIONS. THIS IS NOT BRAIN SURGERY. YOU'VE HEARD
12 BASICALLY A PRELUDE OF WHAT WE EXPECT TO DISPLAY IN
13 THIS CASE. IS THERE ANYTHING YOU'VE HEARD SO FAR THAT
14 HAS GIVEN YOU CAUSE TO MAKE A DECISION ONE WAY OR THE
15 OTHER WITH REGARD TO THE PARTIES IN THIS MATTER?

16 PROSPECTIVE JUROR: NO.

17 MR. SPIVAC: IS THERE ANYTHING IN YOUR LIFE
18 EXPERIENCES THAT WOULD LEAD YOU TO HAVE MORE SYMPATHY
19 TO ONE PARTY OR ANOTHER IN THIS CASE?

20 PROSPECTIVE JUROR: NO.

21 MR. SPIVAC: MR. FITZGERALD, IN YOUR JOB AS A
22 SECURITY OFFICER, HAVE YOU EVER WRONGFULLY ACCUSED
23 SOMEONE?

24 PROSPECTIVE JUROR: HAVE I EVER WRONGFULLY
25 ACCUSED SOMEONE?

26 MR. SPIVAC: YES.

27 PROSPECTIVE JUROR: NO.

28 MR. SPIVAC: DURING YOUR LIFE HAVE YOU EVER

1 KNOWN ANYONE TO HAVE BEEN WRONGLY ACCUSED OF
2 SOMETHING?

3 PROSPECTIVE JUROR: YES.

4 MR. SPIVAC: HAVE YOU EVER BEEN WRONGFULLY
5 ACCUSED OF ANYTHING?

6 PROSPECTIVE JUROR: PROBABLY.

7 MR. SPIVAC: HOW DID THAT MAKE YOU FEEL?

8 PROSPECTIVE JUROR: NOT SO HOT.

9 MR. SPIVAC: AGAIN, I'M GOING TO ASK YOU A
10 VERY SIMILAR QUESTION. YOU'VE HEARD THIS CASE
11 DISCUSSED IN BROAD TERMS. HAVE YOU COME TO ANY
12 DECISION ABOUT THIS MATTER YET?

13 PROSPECTIVE JUROR: NO.

14 MR. SPIVAC: DOES THE FACT THAT THE DISPARITY
15 BETWEEN THE PLAINTIFF AND THE DEFENDANT EFFECT YOUR OR
16 WILL EFFECT YOUR JUDGMENT IN THIS MATTER?

17 PROSPECTIVE JUROR: NO.

18 MR. SPIVAC: OKAY. I BELIEVE YOU SAID YOU
19 DON'T HAVE ANY JURY EXPERIENCE?

20 PROSPECTIVE JUROR: NO.

21 MR. SPIVAC: WHAT PART OF THE GOVERNMENT DO
22 YOU WORK FOR?

23 PROSPECTIVE JUROR: THE U.S. COURTHOUSE IN
24 PASADENA. I WORK FOR A PRIVATE CONTRACTOR.

25 MR. SPIVAC: SO YOU'RE ACTUALLY NOT A
26 GOVERNMENT EMPLOYEE?

27 PROSPECTIVE JUROR: NO.

28 MR. SPIVAC: HAVE YOU EVER KNOWN ANYONE TO BE

1 ADDICTED TO DRUGS?

2 PROSPECTIVE JUROR: YES.

3 MR. SPIVAC: ANYONE WHO'S EVER MADE AN
4 ALLEGING OF SEXUAL ABUSE?

5 PROSPECTIVE JUROR: YES.

6 MR. SPIVAC: WHAT DO YOU THINK OF PEOPLE WHO
7 TAKE DRUGS?

8 PROSPECTIVE JUROR: I'VE GOT NO OPINION.

9 MR. SPIVAC: NOTHING FURTHER, YOUR HONOR.

10 THE COURT: THANK YOU, COUNSEL. THE
11 PEREMPTORY IS WITH THE PLAINTIFF.

12 MR. RECK: YOUR HONOR, THE PLAINTIFF ACCEPTS
13 THE JURY AS PRESENTLY CONSTITUTED.

14 THE COURT: OKAY. WOULD THE 12 JURORS, FIRST
15 12 JURORS PLEASE STAND TO BE SWORN.

16

17 (THE JURORS WERE SWORN)

18

19 THE CLERK: THANK YOU. PLEASE BE SEATED.

20 THE COURT: OKAY.

21 COUNSEL -- EACH COUNSEL HAS TWO PREMPTORIES
22 FOR EACH SIDE AND HAS TWO PEREMPTORY CHALLENGES AS TO
23 THE ALTERNATES. DOES THE PLAINTIFF WISH TO EXERCISE A
24 PEREMPTORY CHALLENGE TO EITHER OF THE ALTERNATES.

25 MR. RECK: YOUR HONOR, THE PLAINTIFF DOES NOT
26 WISH TO.

27 THE COURT: ANY DEFENDANT?

28 MR. SPIVAC: DEFENDANT ACCEPTS THE PANEL,

1 YOUR HONOR.

2 THE COURT: PLEASE SWEAR THE TWO ALTERNATES.

3 THE CLERK: TWO ALTERNATES PLEASE STAND.

4

5 (ALTERNATS SWORN)

6

7 THANK YOU. PLEASE BE SEATED.

8 THE COURT: WOULD THE BALANCE OF THE
9 PROSPECTIVE JURORS PLEASE REPORT BACK TO THE JURY
10 COMMISSIONER.

11 LADIES AND GENTLEMEN OF THE JURY, I'M GOING
12 TO GIVE YOU SOME PRELIMINARY JURY INSTRUCTIONS SO THAT
13 IT WILL HELP PERHAPS EXPLAINING A LITTLE BIT ABOUT HOW
14 THE CASE WILL RUN.

15 YOU'VE BEEN NOW SWORN AS JURORS AND I WANT TO
16 IMPRESS UPON YOU THE SERIOUSNESS OF THE IMPORTANCE OF
17 SERVING ON A JURY.

18 TRIAL BY JURY IS A FUNDAMENTAL RIGHT IN
19 CALIFORNIA AND THE PARTIES HAVE A RIGHT TO A JURY THAT
20 IS SELECTED FAIRLY, THAT COMES TO THE CASE WITHOUT
21 BIAS, AND WILL ATTEMPT TO REACH A VERDICT BASED ON THE
22 EVIDENCE PRESENTED.

23 AND BEFORE WE BEGIN, I NEED TO EXPLAIN TO YOU
24 HOW YOU MUST CONDUCT YOURSELF DURING THE TRIAL.

25 DO NOT ALLOW ANYTHING THAT HAPPENS OUTSIDE
26 THIS COURTROOM TO EFFECT YOUR DECISION. DURING THE
27 TRIAL DO NOT TALK ABOUT THIS CASE OR THE PEOPLE
28 INVOLVED IN IT WITH ANYONE INCLUDING FAMILY AND