

<p style="text-align: right;">4169</p> <p>IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA</p> <p>CASE NO.: 99-9450-CA 22</p> <p>JOAN HALL-EDWARDS, individually, and as Personal Representative of the Estate of LANCE CROSSMAN HALL, Plaintiff, vs. THE FORD MOTOR COMPANY, a foreign corporation, Defendant.</p> <hr style="width: 20%; margin-left: 0;"/> <p>TRANSCRIPT OF JURY TRIAL PROCEEDINGS TRIAL 3 - VOLUME XXIX (Pages 4169 - 4240)</p> <p>DATE TAKEN: January 25, 2013 TIME: 2:00 p.m. PLACE: Miami-Dade County Courthouse 73 West Flagler Street Miami, Florida BEFORE: JENNIFER LEE BAILEY, Circuit Judge</p> <p>This cause came on to be heard at the time and place aforesaid, when and where the following proceedings were stenographically reported by:</p> <p>Christine Phipps, RPR, FPR, CLR Realtime Systems Administrator</p>	<p style="text-align: right;">4171</p> <p>On behalf of Defendant: COLE, SCOTT & KISSANE, P.A. Dadeland Centre II - Suite 1400 9150 South Dadeland Boulevard Miami, Florida 33156 (305)350-5300 BY: HENRY SALAS, ESQ. henry.salas@csklegal.com BY: ARMANDO P. RUBIO, ESQ. armando.rubio@csklegal.com</p> <p>and HUIE, FERNAMBUCQ & STEWART 2801 Highway 280 South, Suite 200 Birmingham, Alabama 35223-2484 (205)251-1193 BY: GREGORY L. SCHUCK, ESQ. gls@hfsllp.com</p> <p>and CARLTON, FIELDS, P.A. Miami Tower - Suite 4200 100 Southeast 2 Street Miami, Florida 33131-9101 (305)530-0050 BY: WENDY LUMISH, ESQ. wlumish@carltonfields.com BY: CRISTINA ALONSO, ESQ. calonso@carltonfields.com</p>																				
<p style="text-align: right;">4170</p> <p>APPEARANCES:</p> <p>On behalf of Plaintiff: DENNEY & BARRETT, P.C. 870 Copperfield Drive Norman, Oklahoma 73072 (405)364-8600 BY: RICHARD L. DENNEY, ESQ. rdenny@dennbarr.com BY: JASON E. ROBINSON, ESQ. jrobinson@dennbarr.com</p> <p>and KASTER & LYNCH, P.A. P.O. Box 100 Ocala, Florida 34478-0100 (305)622-1600 BY: BRUCE R. KASTER, ESQ. brk@tirefailures.com</p> <p>and GUSTAVO GUTIERREZ, P.A. Grove Place - Suite 300 2964 Aviation Avenue Coconut Grove, FL 33133-3862 (305)372-1313 BY: GUSTAVO GUTIERREZ, ESQ. gus@gutierrez-law.com</p> <p>and BOLDT LAW FIRM 299 Camino Gardens Boulevard Suite 203 Boca Raton, Florida 33432-5822 (561)955-0045 BY: KIMBERLY L. BOLDT, ESQ. kboldt@boldtlawfirm.com</p>	<p style="text-align: right;">4172</p> <p style="text-align: center;">I N D E X</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Examination</th> <th style="text-align: right;">Page</th> </tr> </thead> <tbody> <tr> <td>Closing Argument Mr. Kaster</td> <td style="text-align: right;">4173</td> </tr> <tr> <td>JURY CHARGE</td> <td style="text-align: right;">4203</td> </tr> <tr> <td>DELIBERATIONS BEGAN AT 2:47 P.M.</td> <td style="text-align: right;">4213</td> </tr> <tr> <td>EVIDENCE TAKEN TO JURY ROOM AT 3:22 P.M.</td> <td style="text-align: right;">4222</td> </tr> <tr> <td>JURY QUESTION AT 3:34 P.M.</td> <td style="text-align: right;">4222</td> </tr> <tr> <td>JURY QUESTION AT 4:51 P.M.</td> <td style="text-align: right;">4224</td> </tr> <tr> <td>JURY BREAK 6:04 P.M. TO 6:33 P.M.</td> <td style="text-align: right;">4228</td> </tr> <tr> <td>VERDICT 8:09 P.M.</td> <td style="text-align: right;">4232</td> </tr> <tr> <td>JURY POLLED 8:13 P.M.</td> <td style="text-align: right;">4235</td> </tr> </tbody> </table>	Examination	Page	Closing Argument Mr. Kaster	4173	JURY CHARGE	4203	DELIBERATIONS BEGAN AT 2:47 P.M.	4213	EVIDENCE TAKEN TO JURY ROOM AT 3:22 P.M.	4222	JURY QUESTION AT 3:34 P.M.	4222	JURY QUESTION AT 4:51 P.M.	4224	JURY BREAK 6:04 P.M. TO 6:33 P.M.	4228	VERDICT 8:09 P.M.	4232	JURY POLLED 8:13 P.M.	4235
Examination	Page																				
Closing Argument Mr. Kaster	4173																				
JURY CHARGE	4203																				
DELIBERATIONS BEGAN AT 2:47 P.M.	4213																				
EVIDENCE TAKEN TO JURY ROOM AT 3:22 P.M.	4222																				
JURY QUESTION AT 3:34 P.M.	4222																				
JURY QUESTION AT 4:51 P.M.	4224																				
JURY BREAK 6:04 P.M. TO 6:33 P.M.	4228																				
VERDICT 8:09 P.M.	4232																				
JURY POLLED 8:13 P.M.	4235																				

4173

1 Thereupon,
2 the following proceedings continued at 1:55 p.m.:
3 **THE COURT:** Thank you, ladies and
4 gentlemen. Please be seated. Okay. Ladies
5 and gentlemen, as I told you right before we
6 broke, with closings, the plaintiff goes first,
7 the defense gets an opportunity to respond, and
8 then the plaintiff has the last opportunity to
9 speak to the jury. We are at that point.
10 Giselle, here is the warning request.
11 Remember what I told you earlier, same
12 rules apply. We continue with closing
13 arguments.
14 And, Mr. Kaster, you may proceed.
15 **MR. KASTER:** Thank you, your Honor.
16 **CLOSING ARGUMENT**
17 **MR. KASTER:** You know, somehow it seems
18 appropriate to me that the first person you
19 heard from in this case is going to be the last
20 one you heard from. As I listened, as you did,
21 to Mr. Denney and to Mr. Salas, a lot of
22 thoughts came to mind about what they were
23 saying and what the impact was. And when I
24 listened to Mr. Salas, something came to mind.
25 In my youth, I remember a newsman by the

4174

1 name of Paul Harvey. What Paul Harvey would do
2 is, he would go on after the news and he would
3 do what he called "the rest of the story."
4 Every time I heard Paul Harvey tell the rest of
5 the story, it changed my view of what I heard
6 when I listened to the regular news because
7 he'd remind us of things or told us things that
8 the regular news cast either had forgotten or
9 elected not to tell us.
10 So what I want to do now is kind of do a
11 little rest of the story on the notes I took
12 while Mr. Salas was talking to you and see if I
13 can't help you with some of the evidence that
14 was either overlooked or forgotten.
15 Mr. Salas talked to you about Mr. Parker
16 braking off the road. Well, you'll remember
17 the evidence was that Mr. Parker had the cruise
18 control on, and he had to tap the brake to get
19 the cruise control off. That's not hard
20 braking. And the physical evidence, there was
21 no hard braking. If there had been hard
22 braking off the road, there would have been
23 physical evidence.
24 What do we know about the physical
25 evidence? Mr. Gilbert, who had gone out to the

4175

1 scene and done lot of measurements, came in
2 after the first expert that we had, so he
3 couldn't see everything, but he had all the
4 photographs from the police, and he
5 reconstructed the accident. He is the only
6 accident reconstructionist. Ford didn't bring
7 an accident reconstructionist. And you heard
8 witness after witness after witness say they
9 relied on what Mr. Gilbert did. What Gilbert
10 did, everybody else relied on. If he had done
11 anything that wasn't accurate or inappropriate,
12 then you would have heard from another expert,
13 but you didn't.
14 And Mr. Gilbert reconstructed the accident
15 for you based on the physical evidence. And
16 I'm going to come back and talk a little bit
17 about that. But importantly, that's the only
18 evidence.
19 So when you look at Mr. Denney's scale on
20 the plaintiff's side, the only evidence on
21 accident reconstruction, we put on. And
22 Mr. Gilbert did the diagram for us that
23 everybody used, everybody relied on this.
24 And Mr. Gilbert told us some very
25 important things based on the physical

4176

1 evidence. What's physically present at the
2 scene from the photographs primarily that the
3 police took, how he reconstructed the accident.
4 And remember Mr. Gilbert actually teaches road
5 edge recovery to young people.
6 And based on the physical evidence, he
7 said that Melahn Parker did exactly what he
8 teaches people to do when they go off the road.
9 Melahn Parker did exactly what Mr. Gilbert
10 would have taught him do in road edge recovery,
11 and I think that's an important fact that was
12 overlooked or not mentioned.
13 Now, Mr. Salas kind of brushed by
14 Mr. Mason, didn't talk much about him.
15 Mr. Mason was Ford's corporate representative
16 in this case that I deposed. He represented
17 Ford. Mr. Salas asked why we didn't bring
18 Mr. Campbell and I'm going to explain that to
19 you in a minute. Why didn't they bring
20 Mr. Mason? Why didn't you hear from Mr. Mason,
21 who was such a critical witness, where was he?
22 For that matter, the gentleman who wrote the
23 paper on skate, who understood skate, why
24 didn't Ford bring him? You know, that's
25 questions that your common sense, I think, will

4177	4179
<p>1 answer, but in any event, they didn't bring 2 Mr. Mason, and I'm going to come back and go 3 through some of his testimony with you in a 4 minute. 5 When Mr. Salas started talking, he said to 6 you, and I wrote this down, "The UN46, the 7 UN105, and the UN150 are the same," he said, 8 "Everybody agrees on that, everybody agrees 9 they're the same." But then, a couple of 10 minutes later, he started criticizing 11 Mr. Denney for using documents on the UN46. 12 Well, if they're all the same, what difference 13 would it make and, importantly, and we'll get 14 to Mr. Mason, we're going to talk a lot about 15 Mr. Mason, his recommendations apply to all 16 three of those vehicles, and what did he say? 17 The most important thing he said was to widen 18 the vehicle. And what did Ford do? They said, 19 well, we'll do it in a year. 20 When they revised the vehicle in a year, 21 did they do it? No. Did they do it the next 22 year? No. And I could repeat that ten times, 23 but we know they didn't do it from 1989, when 24 it was recommended, till through 2000, they 25 still hadn't done it. And the testimony is</p>	<p>1 at 51, doesn't. Yes, you could eventually get 2 the modified to tip up, but it's so much safer 3 than the stock model, and that's all he was 4 trying to show you, and he did it very, very 5 effectively. 6 Hold it. Back it up a little bit. Right 7 there. 8 Okay. Stock Explorer that Melahn Parker 9 was driving 44 miles an hour, look at what it's 10 doing, that vehicle is going to tip over. 11 Modified, it slides out, that wasn't mentioned. 12 I thought maybe I should remind you of that. 13 He was criticized for having worn tires, but 14 the tires are the same on both. So that really 15 isn't at issue. What's at issue is what's 16 different about them. And the only thing 17 that's different is the modification is a 18 little bit wider. The same thing that 19 Mr. Mason had said in 1989 they needed to do, 20 and for ten years, they didn't do. 21 And why didn't they do it? Remember that 22 testimony from Mr. Mason? I'll read it to you, 23 but I think you remember it. "They didn't do 24 it because they didn't want to delay Job 1." 25 They were thinking about their profits, is what</p>
4178	4180
<p>1 clear that if they had widened the vehicle 2 sufficiently, we wouldn't be here, and I guess 3 that's why they didn't bring him, I don't know, 4 or why it was brushed by. 5 Mr. Gilbert's tests were criticized and 6 I'm going to show you those tests real quick 7 and explain to you again, remind you what Micky 8 Gilbert told us about what he was doing and why 9 he did it. 10 Can you put that up. 11 (Thereupon, the video clip was played.) 12 MR. KASTER: This is a 1995 Ford Explorer. 13 Okay. Hold it right there. Stop it. 14 Now, on the left, you will remember this 15 vehicle is the same vehicle that Melahn Parker 16 had to try and deal with on the road and off 17 the road recovery, and this is the modified 18 vehicle with the minor modification of this. 19 What Mr. Gilbert explained to, I'll remind you, 20 is that all he was trying to do is compare the 21 stock Explorer with the modified Explorer that 22 was just a little bit wider. They both had the 23 same wear on the tires, both the stock and the 24 modified, and at 44 miles an hour, the stock 25 would have rolled over, clearly. The modified,</p>	<p>1 they were thinking about. 2 Now, another thing I thought was very 3 interesting Mr. Salas said was Ford showed you 4 this testing where the vehicle was not 5 defective. All of our tests, they passed. 6 Again, I think you must have forgotten this, 7 they stopped testing the Ford Explorer in 1990 8 and did not J-turn test it for ten years. The 9 only test you saw were tests that Mr. Tandy did 10 for litigation where he's earning the 11 \$65 million. That's the test that you saw that 12 looks like the vehicle is okay. 13 Well, let's go a little bit further. 14 Remember the ADAMS modeling, they said, oh, we 15 don't have to do the test because we're doing 16 ADAMS modeling. You also saw a document that 17 said the ADAMS model wasn't effective and they 18 ought to be doing testing, but let's put that 19 aside for a minute. They said, okay, for ten 20 years we did ADAMS modeling and we passed all 21 the way from 1990 to 2000. This accident 22 happened in 1997. I wonder, you think if those 23 tests had shown that the Explorer was a safe 24 and stable vehicle that you would have seen 25 them? But they disappeared. Ford says, oh,</p>

4181	<p>1 well, we couldn't store data like that. I</p> <p>2 mean, those days, you could take a floppy disk.</p> <p>3 I suggest to you that a company with the</p> <p>4 resources that Ford has, could have stored all</p> <p>5 that data. If it were good for them and if it</p> <p>6 showed their vehicle was stable, then you</p> <p>7 probably would have seen that data, but</p> <p>8 instead, it disappeared.</p> <p>9 So instead of showing you data that they</p> <p>10 used for sign-off, which was just the ADAMS</p> <p>11 model, they showed you tests done for</p> <p>12 litigation by Mr. Tandy, who told you he can</p> <p>13 make a vehicle do anything. Well, that's after</p> <p>14 the fact. But we know they did not do any</p> <p>15 J-turn testing for ten years. After they found</p> <p>16 the vehicle tipped up and the only ADAMS</p> <p>17 modeling we saw was from Mr. Figliomeni, and at</p> <p>18 that time, we found that the 225 tire that this</p> <p>19 vehicle was built for was on the margin, but</p> <p>20 they elected to go to the larger 235 size tire,</p> <p>21 which was on the subject vehicle. The vehicle</p> <p>22 that Melahn Parker was driving had 235 tires on</p> <p>23 it. Ford made that decision, Melahn didn't.</p> <p>24 And with 235 tires, it tipped up over and over</p> <p>25 and over.</p>	4183	<p>1 have survived?</p> <p>2 "Yes, he would have survived."</p> <p>3 So the seat recline that Ford elected to</p> <p>4 put in is what caused him to come out.</p> <p>5 And as for the integrated seat belts, we</p> <p>6 saw diagrams of integrated seat belts, and even</p> <p>7 Dr. Corrigan agreed, yeah, there was some</p> <p>8 available back at that time. The strange part</p> <p>9 of her testimony that I couldn't understand,</p> <p>10 maybe you do, she said, "Well, on the seat</p> <p>11 recline, he reclined back far enough so it</p> <p>12 wasn't touching his chest. If the seat belt</p> <p>13 had been touching his chest, he wouldn't have</p> <p>14 been ejected."</p> <p>15 Well, if an integrated seat belt is</p> <p>16 touching your chest the whole time, so how do</p> <p>17 you get him out then? That didn't make sense</p> <p>18 to me. I think Dr. Corrigan might have</p> <p>19 explained to us when she said that part of her</p> <p>20 salary is based on how good a job she does</p> <p>21 convincing you that Ford doesn't have a defect.</p> <p>22 So when you talk about incentives, different</p> <p>23 people have different incentives, but her</p> <p>24 incentive was, I thought, was most interesting.</p> <p>25 And I know you-all heard that. But there was</p>
4182	<p>1 And Mr. Mason told us reluctantly that on</p> <p>2 the J-turn test that I made him look at, it's</p> <p>3 Ford's corporate representative, there were</p> <p>4 two-wheel lifts on many, many of those tests.</p> <p>5 Now, that's J-turn tests before they stopped</p> <p>6 doing them. What if they continued to do them,</p> <p>7 what would have happened? I suggest the same</p> <p>8 thing. Anyway, we can't see those. There are</p> <p>9 none in existence.</p> <p>10 Now, Mr. Salas talked about Dr. Corrigan</p> <p>11 and her example and what she did. Dr. Corrigan</p> <p>12 and Dr. Burton agreed on virtually everything.</p> <p>13 Dr. Corrigan actually supports our position.</p> <p>14 Why would we attack her, she's saying the same</p> <p>15 thing that Dr. Burton said, if you lean that</p> <p>16 seat back, you're coming out. And I think</p> <p>17 Mr. Salas' memory may be a little off on this,</p> <p>18 so you just go on your memory. But I recall I</p> <p>19 specifically asked Dr. Burton, the last</p> <p>20 questions I asked him, "If Lance Hall, if his</p> <p>21 seat had been up instead of reclined, if it had</p> <p>22 been not 45 or 47-degree angle, would he have</p> <p>23 been ejected?</p> <p>24 "No, he would not have been ejected.</p> <p>25 "And if he had no been ejected, would he</p>	4184	<p>1 certainly no need for us to do a surrogate</p> <p>2 study, we agreed with her surrogate study.</p> <p>3 Same thing Dr. Burton said, those two agreed on</p> <p>4 virtually everything, except the critical thing</p> <p>5 of the integrated seat belt, which she</p> <p>6 disagreed with, like I say, didn't make sense</p> <p>7 to me, but you'll have to use your own judgment</p> <p>8 on that.</p> <p>9 And then we come to warnings. Mr. Salas</p> <p>10 took a lot of time to criticize Ken Laughery,</p> <p>11 who is one of the leading warning experts in</p> <p>12 the world. Did Ford bring a warnings expert?</p> <p>13 The only warnings expert we heard from was</p> <p>14 Dr. Laughery. And that goes back to what</p> <p>15 Mr. Denney said, did we tilt the scales on</p> <p>16 that? There was no evidence to the contrary,</p> <p>17 there was nothing on this side. Dr. Laughery</p> <p>18 was the only warnings expert. I wonder why.</p> <p>19 You think maybe because every expert in the</p> <p>20 world would agree with him? That's one</p> <p>21 explanation. But what he said sure made a lot</p> <p>22 of sense. And when I heard that he didn't test</p> <p>23 his warnings, I thought, well, that's not what</p> <p>24 I remember, I remember he actually specifically</p> <p>25 talked about going out and testing this warning</p>

4185	<p>1 on people and finding out that it actually did</p> <p>2 some good. Now, he didn't put it on the seat</p> <p>3 belt, but you don't have to do that to figure</p> <p>4 out whether people read it, it would do good.</p> <p>5 And surely if you had it on your seat belt,</p> <p>6 it's there to read.</p> <p>7 But probably, more importantly, he told</p> <p>8 us, one of the leading warnings experts in the</p> <p>9 world, that warning is not the first choice,</p> <p>10 you design it out. And if they designed it out</p> <p>11 by not having that seat go back past 25 degrees</p> <p>12 or maybe 30 degrees, Mr. Hall would still be</p> <p>13 with us.</p> <p>14 And there's something about Lance Hall</p> <p>15 that I think is worth mentioning. And I talked</p> <p>16 to Dr. Burton about this, I said, "How big was</p> <p>17 his chest?"</p> <p>18 "He's a swimmer, an athlete, 44 degrees."</p> <p>19 Now, that seat belt, at 25 degrees, would</p> <p>20 be on me, I'm sure, probably 30 you'd start</p> <p>21 maybe still on, but 40, it's going to be off</p> <p>22 me. But if I had 44-inch chest, at 40 degrees,</p> <p>23 it probably would still be on. They don't know</p> <p>24 because they didn't even check that out. But</p> <p>25 Corrigan didn't do that. But the point is that</p>	4187	<p>1 and went over your testimony today?"</p> <p>2 And he said, "Yes, sir."</p> <p>3 And I said, "I assume, since it's been</p> <p>4 eight years since the accident, they helped you</p> <p>5 kind of remembering things and in helping you</p> <p>6 with your testimony today?"</p> <p>7 "Answer: As far as helping, yes."</p> <p>8 Well, that was one meeting. He told you</p> <p>9 from the stand he met with them three or four</p> <p>10 times, three or four lawyers. He was very</p> <p>11 friendly with them. Is there anything wrong</p> <p>12 with that? There's nothing wrong with it,</p> <p>13 unless them helping him remember changes</p> <p>14 things. And when I asked him the first time he</p> <p>15 was ever asked about this accident under oath,</p> <p>16 what did he report?"</p> <p>17 "The vehicle was sliding around in the</p> <p>18 grass and when it hit the pavement, it started</p> <p>19 rolling."</p> <p>20 Well, that's quite a bit different than</p> <p>21 what he's saying now. Now, he's saying a hard</p> <p>22 braking, he didn't say that right after the</p> <p>23 accident, he didn't have any hard braking right</p> <p>24 after the accident, and he had it sliding</p> <p>25 around, which is consistent with skate.</p>
4186	<p>1 Lance can lean the seat back further than the</p> <p>2 25 degrees and it still would have been on his</p> <p>3 chest. So if 40, even had the seat limited to</p> <p>4 30 degrees or 35, we probably wouldn't be here.</p> <p>5 But we don't really know, all we know is that</p> <p>6 they didn't limit it and now they want to blame</p> <p>7 him for leaning the seat back.</p> <p>8 Well, let me go to a little bit of the</p> <p>9 testimony, and I want to start with</p> <p>10 Mr. Campbell. I heard us criticized repeatedly</p> <p>11 for not bringing Mr. Campbell. Mr. Salas knows</p> <p>12 I can't force Mr. Campbell to come here, but he</p> <p>13 came here for Ford, he voluntarily came for</p> <p>14 Ford, I had to read his testimony. But why did</p> <p>15 he voluntarily come for Ford, why did he come</p> <p>16 all the way from Naples for them? I think</p> <p>17 that's explained, in part, by the testimony</p> <p>18 that we read to you where I ask him about the</p> <p>19 Ford lawyers, and I started out by asking if</p> <p>20 they helped him remember things.</p> <p>21 And he said, "No, no."</p> <p>22 And I had to go back through his sworn</p> <p>23 testimony, and then I'll just quote that to</p> <p>24 you.</p> <p>25 "And you met with Ford lawyers last night</p>	4188	<p>1 He also said, when I ask him, "Could you</p> <p>2 see the rear axle?"</p> <p>3 "No, sir."</p> <p>4 Now, let's look at some other things he</p> <p>5 said, which I think are important when you</p> <p>6 start trying to evaluate his testimony,</p> <p>7 regardless of whether he was friendly with</p> <p>8 Ford, and that had some influence on his</p> <p>9 testimony. Let's look at some of the things he</p> <p>10 said.</p> <p>11 Raise it up just a little bit, please.</p> <p>12 Okay. "Let's see, you would agree with me</p> <p>13 that physical evidence probably more reliable</p> <p>14 than someone's memory?"</p> <p>15 "Okay.</p> <p>16 "You would agree with me?"</p> <p>17 "Yes."</p> <p>18 The physical evidence is contrary to his</p> <p>19 memory, and he agrees we should rely on the</p> <p>20 physical evidence, not his memory, and that's</p> <p>21 an honest answer.</p> <p>22 Next question: "This was an emergency</p> <p>23 situation that you were trying to guide your</p> <p>24 vehicle down the road, correct?"</p> <p>25 "Yes."</p>

4189	4191
<p>1 Now, I propose this to you, you're in an 2 emergency situation and you think there's 3 another vehicle close to you and you think it's 4 going to come back on the road. What are you 5 doing? You're holding onto to your -- this is 6 he -- he's going to admit as we go further on. 7 He's paying attention to what he's doing, he's 8 not staring at Mr. Parker's vehicle and driving 9 like this, that would be crazy. What's he 10 doing? He's trying to control his own vehicle. 11 What he perceives now, after being helped to 12 remember, is a hard steer is really the effect 13 of skate, and that makes sense when you put all 14 this together. 15 Okay. And I asked, "When you see the 16 vehicle going along and it's not tracking 17 straight, it's gradually turning and the 18 gradual turn continues until it gets on the 19 road? 20 "Yes, sir." 21 There's no hard turn there, gradual turn 22 is what you get from skate. 23 "And you saw the vehicle as it makes its 24 gradual turn over to the right and it rolled 25 over somewhere on the dry pavement?"</p>	<p>1 center 2 inches. And increase the roll 2 stiffness. Does it say that? 3 "Yes. 4 "But you were not involved in that, is 5 that what your testimony is? 6 "Right, I was not involved in that." 7 And as we go on and I struggle with him, I 8 go back and he gives four proposals, and I go 9 through them again. 10 "First to lower? 11 "Yes. 12 "Second to widen? 13 "Correct. 14 "Third to lower the front roll center 15 2 inches? 16 "Yes. 17 "Final one to increase roll stiffness? 18 "Yes." 19 And then I said, "Do you recall those 20 answers to those questions being given by you 21 under oath? 22 "Yes, I do." 23 So first he denies it, and then when he 24 gets caught, he admits it, but there's some 25 things he says that were important where he's</p>
4190	4192
<p>1 "Yes." 2 Now, there's no question about dry 3 pavement, that's right in front of you, you're 4 going to see that. 5 Thank you. 6 So, you know, you got to put this thing in 7 the context of the whole picture, not one -- 8 not just one part. What's the whole picture 9 tell us. And we started this case with 10 Mr. Mason, and I'm going to remind you of some 11 of the things he told us as Ford's corporate 12 representative in this case. First of all, 13 Mr. Mason told us he had been there for over 30 14 years, he had been at Ford for over 30 years, 15 so he was very knowledgeable about the 16 Explorers. And he told us that he worked in 17 1989 on the chassis design of the Explorer, he 18 was head of that group, just a guy who had 19 some -- quite a bit of knowledge. 20 But then I asked him, and I know you-all 21 paid attention to this because I was watching. 22 I said, "On this third page of this document, 23 it lists four things: Lower the vehicle 1 24 inch, 1/2 inch front and rear. And widen the 25 track width 2 inches. Lower the front roll</p>	<p>1 just being straightforward. For example, there 2 was no work done, as far as widening the track, 3 they never did that. And you know that, and 4 you also know, from what you have just seen 5 Mr. Gilbert did, what the effect would be. 6 Now, Mr. Gilbert admittedly widened the 7 track more than Mr. Mason suggested. But he 8 was just trying to make a point. If you widen 9 the track, what happens? It's more stable, 10 it's not going to roll on dry pavement. 11 I also asked him, "What do you know today 12 about stability index, widening the track width 13 would have improved the stability index, 14 wouldn't it? 15 "Yes." 16 Widening the track width improves the 17 stability index, you heard a lot about that, 18 that's what keeps these vehicles stable. 19 I go on, "Based on what you know today and 20 your 30-something years at Ford in design and 21 testing and experience that you have, would not 22 increasing the roll resistance have a positive 23 effect on stability index? 24 "Yes." 25 So the two things they didn't do would</p>

4193

1 have increased the stability index and we
2 probably wouldn't be here.
3 I went on to say, "You knew during the
4 development of the Explorer that the four
5 proposals all had a positive effect on
6 stability index?"
7 He says, "According to the document, yes."
8 That's the document with his initials on
9 it.
10 If we go on with Mr. Mason, he had one
11 other thing that's very significant that I want
12 to remind you of. When we talked about there
13 being two-wheel lift, remember I went through
14 those tests with him and said, "Is there
15 two-wheel lift?"
16 And he says, "Yes."
17 So up until time that they were still
18 doing it in 1989, and you'll have that
19 document, they were getting two-wheel lift when
20 they were doing J-turns, and then they stopped
21 for reasons we don't know.
22 Again, "Was the track width on the vehicle
23 extended by 2 inches in accordance with the
24 proposal that you have in the documents in
25 front of you before the Explorer went into

4194

1 production?
2 "No, it was not."
3 He also admitted that they got two-wheel
4 lift on the CU testing. You know, CU testing
5 was just dodging those -- we talked about that
6 a lot, dodging those cones. And if you make it
7 through the cones, that's fine. But with the
8 Explorer, I say, "Isn't it true that the lists
9 we looked at, there's a lot of the two-wheel
10 lift over the right-hand side on the Consumer
11 Union test Ford was running?"
12 And he answered, "Yes."
13 So they're getting two-wheel lift on tests
14 that's not even designed to do that. No wonder
15 they stopped doing J-turns, is what I would say
16 that would indicate to me.
17 One other quote. I started asking him
18 about the tires, "And you were aware, say, for
19 example, the difference between a 235, 245, 225
20 tire would have an effect on handling or
21 stability?"
22 "Yes, it would have an effect on
23 handling."
24 But then I went on and said, "But the
25 document said Job 1 released four-door only

4195

1 with 225 AS tires."
2 So initially, they had the right tire on
3 there, he admitted that. But when it came
4 out -- but then it goes on to say, "Add the 235
5 after you incorporate lowering the front roll
6 center and widen the wheel track."
7 They added the 235, they didn't do either
8 of those things. They put the 235 tire on
9 without doing what he suggested they do.
10 "Let me ask you this simply, if the test
11 result" -- this is the question, you all
12 remember because I played this. "Let me ask
13 you simply, if the test results showed that in
14 the J-turn testing, Consumer Union testing, and
15 ADAMS modeling the 225 tire did not have
16 two-wheel lift and the larger size did have
17 two-wheel lift, if you accept that as accurate,
18 then would it not be appropriate to make
19 whatever modifications were necessary in the
20 tire or the vehicle to reduce the potential for
21 two-wheel lift before you release that tire
22 with the vehicle?
23 "Yes, that would be reasonable."
24 But they didn't do that. If they had
25 listened to Mr. Mason or he had come here and

4196

1 you had heard him, you would find that we
2 would -- Ms. Hall wouldn't be sitting over
3 here, Lance Hall wouldn't be dead if they had
4 done what their engineers said to do. But when
5 he went to work for the legal department, he
6 denied that he did all that.
7 Mr. Mason is a critical witness and it
8 comes to this point of bias. You know, all
9 the -- every retained witness is going to have
10 some bias, I think we have to just face that
11 reality. If you're paid, you're going to be
12 more favorable to the side that pays you, I
13 mean, that just makes sense, whether they try
14 to be or not. But Mr. Mason was a hostile
15 witness, he wasn't my witness. The witness who
16 establishes everything we need to establish in
17 this case was the designer for Ford, and even
18 though he tried to mislead me, when he finally
19 came down to it and we got the truth out of
20 him, we found that everything that I told you
21 in opening, he said they should do and they
22 didn't do it. And that goes not only to
23 widening the vehicle and increasing the
24 stability index, but also putting the correct
25 tires on there.

4197	4199
<p>1 So you could really ignore every expert on 2 stability and handling and just go on Mr. Mason 3 and what have we done, that's where Mr. Denney 4 talks about we bottomed out the scale. 5 Mr. Mason is the one who establishes what we 6 need to establish. 7 I guess I need to talk about skate just 8 briefly. Mr. Kramer, you heard Mr. Kramer, 9 he's the one who told us what skate is and what 10 it does, and he didn't limit it to Power Hop 11 Hill. What was in Mr. Mason's report and 12 testimony was that you get skate on uneven 13 surfaces, dirt roads, things like shoulders. 14 And Mr. Campbell even said, yes, it was uneven 15 there. You didn't have to go out and measure 16 it to know. 17 When you see the photo, I won't pull it 18 again, the police photo, that's classic skate, 19 and that's the physical evidence of skate. We 20 established that without any question. And 21 Mr. Kramer from Ford is our primary witness on 22 that. Again, he was not somebody we retained, 23 but you didn't hear him from the stand. If you 24 had, I think we could have just not ever 25 brought an expert.</p>	<p>1 with 235 tires. And that's what the actual 2 testing showed, they could just get by with the 3 225, but 235 caused it to lift up. They're 4 just talking about CU, the same thing that was 5 in the J-turn test. Same thing in the Allen's 6 model. 7 They go on, "All tires meet engineering 8 J-turn tests." 9 Well, I don't know how they figure that 10 when the tests you're going to take back with 11 you are getting two-wheel lift with 235 tires. 12 Unless they're at 26 pounds, and the test you 13 will have when they're at 26 pounds, they can 14 pass. They fully load it and put it at 15 35 pounds, it lifts off. Anyway, that's their 16 kind of self-serving statement. 17 I believe the new info is that our 18 competitors are recognizing CU tests as a 19 requirement and have designed their new utility 20 vehicles to meet. Office of general counsel, 21 Ford lawyers is concerned we will be the only 22 original equipment manufacturer with a vehicle 23 that has a significant chance of failing the CU 24 test. 25 We know from Mason that they were failing</p>
4198	4200
<p>1 Now, I want to discuss briefly the jury 2 instruction and the verdict form and that -- 3 you're going to get this to take back with you, 4 and let me just read it to you, and you heard 5 it once already. 6 In order to be regarded as a legal cause 7 of injury or death, a defect in a product need 8 not be the only cause. A defect in a product 9 may be a legal cause of injury or death even 10 though it operates in combination with the act 11 of another, some natural cause, or some other 12 cause if the defect contributes substantially 13 to producing such injury or death. 14 So it doesn't really matter that we start 15 this whole sequence by someone dozing off and 16 going off the road. If you listen to this 17 instruction, any one of the four defects in the 18 Explorer, any one of them, then Ford's 19 responsible. 20 There's one other document I want to show 21 you. You know, in opening, I talked about this 22 document. 23 Move it to the left, left a little bit. 24 Our tests indicate a high degree of 25 passing CU with 225 tires and less confidence</p>	<p>1 the CU test. I believe that management is 2 aware of the potential risk the P235 tires and 3 has accepted the risk. If they accepted the 4 risk, they accept the responsibility. They 5 accepted the risk, Lance Hall didn't know it, 6 Ms. Hall didn't know it, Melahn Parker didn't 7 know it. But the office of general counsel and 8 the management at Ford decided to accept the 9 risk. Even though their engineers told him, if 10 you do this, it's going to lift off, it's going 11 to roll over. 12 Let's put the verdict form up. 13 If you take the Judge's instruction on 14 legal cause of injury, check "yes" there, "yes" 15 there. 16 Let's see, did Ford Motor Company place 17 the '96 Explorer on the market with a design 18 defect with respect to its handling or 19 stability -- and/or stability, which was a 20 legal cause of Lance Hall's death. Clearly, 21 that's "yes." 22 Did defendant Ford Motor Company place the 23 '96 Explorer on the market with a design defect 24 with respect to its seat and seat belt 25 restraint system, which was a legal cause of</p>

4201	<p>1 Lance Hall's death? That would be clear they 2 did that, and I think that would be "yes." 3 The third one: Did defendant Ford Motor 4 Company place the '96 Explorer on the market 5 with a defect with respect to warning about the 6 dangers associated with reclining seats which 7 was a legal cause of Lance Hall's death? If 8 you go to there, "yes," you don't need to get 9 to this one. 10 But if you check any of those three yes, 11 then Ford is responsible, they don't have to be 12 responsible for all of them, they have to be 13 responsible for any of them. That's part of 14 what the Judge is going to explain to you. 15 Can I see the rest of it. 16 Okay. If you go to the next page, after 17 you answer yes to any one of the first three, 18 "What is the amount of the damages sustained by 19 Joan Hall-Edwards for pain and suffering as a 20 result of Lance Crossman Hall's death?" In the 21 past, and in the future, and then the total. 22 Mr. Denney suggested a range of numbers to 23 you, and I'm not going to disagree with that. 24 As a matter of fact, Mr. Salas didn't disagree 25 with it, he didn't disagree with the numbers.</p>	4203	<p>1 courtroom once again for the final charging. 2 Can I see Ms. Boldt and Ms. Lumish sidebar 3 for one second for jury instructions. 4 (Thereupon, an off-the-record discussion 5 was held sidebar, after which the following 6 proceedings were held:) 7 THE COURT: Thank you for your patience. 8 Okay. 9 Now, I need you. 10 Members of the jury, you have now heard 11 all the evidence, my instructions on the law 12 that you must apply in reaching your verdict, 13 and the closing arguments of the attorneys. 14 You will shortly retire to the jury room to 15 decide this case. Before you do so, I have a 16 few last instructions for you. It is important 17 that you remember these instructions to assist 18 you in evaluating the final attorney 19 presentation and during your deliberations to 20 help you correctly sort through the evidence to 21 reach your decision. 22 During deliberations jurors must 23 communicate about the case only with one 24 another and only when all jurors are present in 25 the jury room. You will have in the jury room</p>
4202	<p>1 He just said, you got to find on our side, but 2 if you find that there's a defect, the only 3 numbers you heard come from Mr. Denney. I 4 suggest in consideration of the fact that's all 5 that you've heard, that's the only reasonable 6 thing you can do. But that's up to you, that's 7 entirely up to you what amount of damages would 8 be after having heard what kind of person Lance 9 Hall was, what kind of family he's got, his 10 mama and her suffering. That's something 11 that's entirely in your purview and your 12 decision. It's not a decision for me or 13 Mr. Denney or for anybody else. That's 14 entirely your decision. So I'm going to leave 15 that to you, and I'm not going to comment on 16 it. 17 And, your Honor, I don't think I used my 18 time up. You want me to keep talking? I'm not 19 gonna. 20 THE COURT: You want me to ask? 21 MR. KASTER: I think you've heard enough 22 to make your decision, and I thank you -- as 23 everybody else has, I thank you for your 24 attention. 25 THE COURT: Mark, if you would secure the</p>	4204	<p>1 all the evidence received during the trial. In 2 reaching your decision, do not do any research 3 on your own or as a group. Do not use 4 dictionaries, the Internet, or other reference 5 materials. Do not investigate the case or 6 conduct any experiments, do not visit or view 7 the scene of any event involved in this case if 8 we recess or look at maps or pictures on the 9 Internet. If you happen to pass by the scene, 10 do not stop or investigate. 11 All jurors must see and hear the same 12 evidence at the same time. Do not read, listen 13 to, or watch any news accounts of this trial. 14 You are not to communicate with any person 15 outside this jury about this case. Until you 16 have reached a verdict, you must not talk about 17 this case in person or through the telephone, 18 writing, or electronic communication such as a 19 blog, Twitter, e-mail, or text message, or any 20 other means. Do not contact anyone to assist 21 you, such as a family accountant, doctor, or 22 lawyer. These communication rules apply until 23 I discharge you at the end of the case. If you 24 become aware of any violation of these 25 instructions or any other instruction I've</p>

4205	<p>1 given in this case, you must tell me by giving</p> <p>2 a note to the bailiff.</p> <p>3 Any notes you have taken during the trial</p> <p>4 may be taken to the jury room for use during</p> <p>5 your discussions. Your notes are simply an aid</p> <p>6 to your own memory. Neither your notes nor</p> <p>7 those of any other juror are binding or</p> <p>8 conclusive. Your notes are not a substitute</p> <p>9 for your own memory or that of other jurors.</p> <p>10 Instead, your verdict must result from the</p> <p>11 collective memory and judgment of all jurors,</p> <p>12 based on the evidence and testimony presented</p> <p>13 during the trial.</p> <p>14 At the conclusion of the trial, the</p> <p>15 bailiff will collect all your notes and</p> <p>16 immediately destroy them. No one, including</p> <p>17 me, will ever read your notes. In reaching</p> <p>18 your verdict, do not let bias, sympathy,</p> <p>19 prejudice, public opinion, or any other</p> <p>20 sentiment for or against any party influence</p> <p>21 your decision. Your verdict must be based on</p> <p>22 the evidence that has been received and the law</p> <p>23 in which I instructed you.</p> <p>24 Reaching a verdict is exclusively your</p> <p>25 job. I cannot participate in that decision in</p>	4207	<p>1 deliberations. The foreperson should see to it</p> <p>2 that your discussions are orderly and that</p> <p>3 everyone has a chance to be heard. It is your</p> <p>4 duty to talk with one another in the jury room</p> <p>5 and to consider the views of all the jurors.</p> <p>6 Each of you must decide the case for yourself</p> <p>7 but only after you've considered the evidence</p> <p>8 with the other members of the jury. Feel free</p> <p>9 to change your mind if you're convinced that</p> <p>10 your position should be different. You should</p> <p>11 all try to agree, but do not give up your</p> <p>12 honest belief just because the others think</p> <p>13 differently. Keep an open mind so you and your</p> <p>14 fellow jurors can easily share ideas about the</p> <p>15 case.</p> <p>16 I will give you a verdict form with</p> <p>17 questions you must answer. I've already</p> <p>18 instructed you on the law. You must follow my</p> <p>19 instructions and the form carefully. You must</p> <p>20 consider each question separately. Please</p> <p>21 answer the questions in the order they appear.</p> <p>22 After you answer a question on the verdict</p> <p>23 form, the form tells you what to do next. I</p> <p>24 will now read the form to you.</p> <p>25 The top part of this case is called the</p>
4206	<p>1 any way, and you should not guess what I think</p> <p>2 your verdict should be from something I may</p> <p>3 have said or done. You should not think that I</p> <p>4 prefer one verdict over another. Therefore, in</p> <p>5 reaching your verdict, you should not consider</p> <p>6 anything that I have said or done except for my</p> <p>7 specific instructions to you. Pay careful</p> <p>8 attention to all the instructions I gave you,</p> <p>9 for that is the law you must follow.</p> <p>10 You have a copy of my instructions with</p> <p>11 you. When you go to the jury room to</p> <p>12 deliberate, all the instructions are important</p> <p>13 and you must consider all of them together.</p> <p>14 There are no other laws that apply to this</p> <p>15 case, and even if you do not agree with those</p> <p>16 laws, you must use them in reaching your</p> <p>17 decision in this case. After you have decided</p> <p>18 what the facts are, you may find that some</p> <p>19 instructions do not apply. In that case,</p> <p>20 follow the instructions that do apply and use</p> <p>21 them, together with the facts, to reach your</p> <p>22 verdict.</p> <p>23 When you go to the jury room, the first</p> <p>24 thing you should do is choose a presiding juror</p> <p>25 to act as a foreperson during your</p>	4208	<p>1 style of this, the top part of the verdict form</p> <p>2 has what's called the style of the case, the</p> <p>3 name of the court, the circuit court for the</p> <p>4 11th Judicial Circuit, the plaintiff's name,</p> <p>5 Joan Hall-Edwards, and Ford Motor Company.</p> <p>6 It reads: Verdict Form.</p> <p>7 Question No. 1. "Did defendant Ford Motor</p> <p>8 Company place the 1996 Explorer on the market</p> <p>9 with a design defect with respect to its</p> <p>10 handling or stability which was a legal cause</p> <p>11 of Lance Crossman Hall's death?"</p> <p>12 There is a line for "yes," a line for</p> <p>13 "no," check one.</p> <p>14 Question 2. "Did defendant Ford Motor</p> <p>15 Company place the 1996 Explorer on the market</p> <p>16 with a design defect with respect to its seat</p> <p>17 and seat belt restraint system which was a</p> <p>18 legal cause of Lance Crossman Hall's death?"</p> <p>19 There's a line for "yes," a line for "no,"</p> <p>20 check one.</p> <p>21 Question No. 3. "Did defendant Ford Motor</p> <p>22 Company place the 1996 Explorer on the market</p> <p>23 with a defect with respect to warning about the</p> <p>24 dangers associated with reclining seats which</p> <p>25 was a legal cause of Lance Crossman Hall's</p>

4209	<p>1 death?"</p> <p>2 There's a line for "yes," a line for "no,"</p> <p>3 check one.</p> <p>4 Turn it over. Go to page 2.</p> <p>5 The instructions are here on bold. If</p> <p>6 your answers to question 1, 2, and 3, are all</p> <p>7 no, your verdict is for the defendant and you</p> <p>8 should not proceed further except to date and</p> <p>9 sign this verdict form and return it to the</p> <p>10 courtroom, down here.</p> <p>11 If you answered "yes" to questions 1, 2,</p> <p>12 or 3, please answer question 4.</p> <p>13 Question 4 says: "What is the amount of</p> <p>14 any damages sustained by Joan Hall-Edwards for</p> <p>15 pain and suffering as a result of Lance</p> <p>16 Crossman Hall's death?"</p> <p>17 Now, there's two categories; past and</p> <p>18 future, and there's a line for each. The total</p> <p>19 damages are the third line. So if you</p> <p>20 determine that damages are appropriate, you</p> <p>21 fill out question A in the past, question B in</p> <p>22 the future, and add those together. It says</p> <p>23 add lines 4A and B to get the total.</p> <p>24 "So say we all this blank date of blank</p> <p>25 2013," it's the 25th day of January. And then</p>	4211	<p>1 like we did during the trial, knock on the</p> <p>2 door, hand it out. I'm going to have the</p> <p>3 bailiff sitting right here, right outside this</p> <p>4 door, so hand it out this door. Hand it out,</p> <p>5 and then we'll shut the door and take the</p> <p>6 question.</p> <p>7 Now, I don't make everybody stay in the</p> <p>8 courtroom while you-all are deliberating, so it</p> <p>9 may take a couple of minutes for everybody to</p> <p>10 get back in here and answer your question. You</p> <p>11 are permitted and directed to continue</p> <p>12 deliberating while you're waiting for the</p> <p>13 answer to your question, but that's how you do</p> <p>14 it, and you will get a written response that I</p> <p>15 write in response to your question. The</p> <p>16 bailiff will knock on door and hand it back in.</p> <p>17 When you reach a verdict, don't throw it</p> <p>18 away, leave it on the table with everything</p> <p>19 else. You're going to get all the evidence in</p> <p>20 the case. Now, it's going to take a couple of</p> <p>21 minutes because I'm going to have everybody go</p> <p>22 through it to make sure everything that's been</p> <p>23 admitted in evidence goes back in through an</p> <p>24 appropriate way. If an item was referred in</p> <p>25 the trial for identification, it was not</p>
4210	<p>1 there's a signature line here. The foreperson</p> <p>2 should sign your verdict. I would request the</p> <p>3 foreperson -- we can't always read everybody's</p> <p>4 signature -- please print your name underneath</p> <p>5 so if we ever need to tell who the foreperson</p> <p>6 was, we can tell by who signed the verdict.</p> <p>7 Let me give you some additional</p> <p>8 instructions. As I mentioned to you earlier,</p> <p>9 as you file in, Mark will take custody of your</p> <p>10 cell phones and computers. I'm specifically</p> <p>11 prohibiting you from taking any cell phones,</p> <p>12 computers, communication devices into the jury</p> <p>13 room with you. If you would like us to answer</p> <p>14 your phone, just think of us as your answering</p> <p>15 service. If there's anything that's an</p> <p>16 emergency, we will bring you out and come get</p> <p>17 you and deal with it. Otherwise, if you don't</p> <p>18 tell us to do that, we'll let it ring and roll</p> <p>19 to voice mail.</p> <p>20 If you have a question during</p> <p>21 deliberations, here's the procedure for a</p> <p>22 question: You should take a blank piece of</p> <p>23 paper, write the question out, please print it</p> <p>24 because sometimes I can't read everybody's</p> <p>25 writing. Print the question out, fold it over</p>	4212	<p>1 admitted in evidence and will not be sent back.</p> <p>2 So if you don't get it, that means you're not</p> <p>3 going to get it. So I'm just trying to save a</p> <p>4 question if you ask to see something that was</p> <p>5 admitted. Everything that was admitted is</p> <p>6 going to be back there with you, it will</p> <p>7 probably take us 15 or 20 minutes to get it all</p> <p>8 back there.</p> <p>9 Once you've reached a verdict, just knock</p> <p>10 on the door, tell the bailiff you've reached a</p> <p>11 verdict, that's all we need to know. Don't</p> <p>12 hand anything out. Just stay back there, pile</p> <p>13 up the evidence, take time to go to the</p> <p>14 bathroom. I'll get everybody back into the</p> <p>15 courtroom and bring everyone back in to take</p> <p>16 your verdict.</p> <p>17 Ladies and gentlemen, your verdict must be</p> <p>18 unanimous; that is, your verdict must be agreed</p> <p>19 to by each of you. When you agree on your</p> <p>20 verdict, the foreperson must write the date and</p> <p>21 sign it at the bottom and ultimately return the</p> <p>22 verdict to the bailiff, that's once we have you</p> <p>23 in open court. If any of you need to</p> <p>24 communicate with me for any reason, write a</p> <p>25 note. Don't sign the bottom of the note. I</p>

4213	<p>1 don't need the foreperson to sign it, whatever 2 you're trying to communicate with me. In your 3 note do not disclose any vote or split or the 4 reason for the communication.</p> <p>5 I ask the following jurors to please stand 6 with your notes: Marie Angela Arguedas, David 7 Joseph, Deurys Cano, Chantal Victor, Jobeth 8 Ramirez, Eduardo Garcia.</p> <p>9 In any trial of this length, we seat the 10 actual jury and we also seat alternates, 11 because we frequently lose jurors in a long 12 trial. You are the jury who will decide this 13 case. You may now please follow Mark out and 14 retire to the jury room to consider your 15 verdict.</p> <p>16 Mr. Valladares, Mr. Howard, Mr. Talley, 17 and Mr. Marin, I need you to remain in the 18 courtroom.</p> <p>19 (Thereupon, the jury exited the courtroom 20 to begin their deliberations, after which the 21 following proceedings were held:)</p> <p>22 THE COURT: Any objection to the 23 instructions as read? 24 MS. LUMISH: No. 25 MS. BOLDT: No, Judge.</p>	4215	<p>1 back and certainly every bit as important to 2 myself, the judge, the parties, and the 3 lawyers, and the people of the State of 4 Florida, who are responsible for ensuring the 5 right to a jury trial to the folks of our 6 state.</p> <p>7 Let me tell you about your rights. 8 Giselle, would you go get their notes.</p> <p>9 We're going to destroy your notes, I'm not 10 going to read them, nobody is going to read 11 them, but I'm going to get those from you at 12 this point in time. You have very special 13 privileges that are enjoyed by jurors. No 14 juror can be required to talk about -- oh, 15 that's not right because you didn't go in the 16 jury room. Hang on one second.</p> <p>17 The lawyers and their representatives are 18 not permitted to initiate any communication 19 with you about the trial. You, however, have 20 the right to elect to speak to the lawyers or 21 anyone else about the trial. You also have the 22 right to refuse to speak with anyone. A 23 request may come from those who are simply 24 curious or those that may seek to find fault 25 with you. It will be up to you to decide</p>
4214	<p>1 THE COURT: They are a little out of 2 order, as we discussed, in the pile. Is it 3 okay if I send them back, Ms. Boldt? 4 MS. BOLDT: Yes. 5 THE COURT: Ms. Lumish? 6 MS. LUMISH: Yes. 7 THE COURT: Please be seated. There is 8 just no greater feeling of deflation sitting 9 through a long case and finding out you're an 10 alternate, and the moment has come to decide 11 the case, and you're not going to participate 12 in that, and we get that. But what I really 13 need you-all to understand is your presence was 14 absolutely essential in this case.</p> <p>15 This is a very unusual case for a lot of 16 reasons. It's a really old case, it's taken a 17 lot of effort to get it to this point, and 18 frankly I consider it nothing short of a 19 miracle that we made it through four weeks of 20 this case and didn't lose a single juror. But 21 had we lost a juror, you were the ones that 22 guaranteed that the case would not mistry, and 23 we could continue to go forward. And to that 24 respect, your service here was every bit as 25 valuable as everybody that just went into the</p>	4216	<p>1 whether to preserve your privacy as a juror. 2 They cannot ask to talk to you. You can 3 talk to them as much as you want. I suspect, 4 given the tortured history that this case has 5 had, that all the lawyers would love the 6 opportunity to talk to you. And if you want to 7 remain in the courtroom and quietly, because I 8 don't want anybody back there to hear you, 9 quietly talk about this case, I'm sure they 10 would be appreciative.</p> <p>11 I also equally recognize you-all have 12 served long and hard in this case. If you 13 choose not to participate in that and just want 14 to leave, you have every right to do so. 15 Neither the lawyer nor the parties' 16 representatives can contact you in any way 17 without getting prior permission from the 18 Court. So you have a right of privacy, and you 19 may decline to speak with anyone about this 20 case.</p> <p>21 We have certificates of appreciation for 22 each of you. Normally I know who everybody is 23 because I do jury selection. I didn't do jury 24 selection in this case. 25 Mr. Marin?</p>

4217

1 **JUROR MARIN:** Yes.
2 **THE COURT:** I'd like to thank you very
3 much for your service. On the back here is a
4 letter from the Clerk of the Court that
5 specifies every day you spent with us in trial.
6 Mr. Talley, thank you very much.
7 **JUROR TALLEY:** Thank you.
8 **THE COURT:** Mr. Howard.
9 Thank you for your service.
10 I'll come over there.
11 Mr. Valladares, thank you very much.
12 So here's where we're at. You're done,
13 you're free to go. You can leave out that
14 door. I'll make sure nobody bothers you. If
15 you'd like to stay, you're welcome to stay and
16 talk to these folks. But the right to trial by
17 jury is absolutely contingent upon citizens
18 like you giving up your time, your employers
19 giving up having you at work, this is how we
20 have the right to trial by jury. On behalf of
21 the parties, the lawyers, myself, my staff, and
22 the people of the State of Florida, we thank
23 you for your service.
24 **MR. KASTER:** Judge, before you leave, if
25 they don't want to talk to us and stay and see

4218

1 the result, can they do that?
2 **THE COURT:** They can, or we have phone
3 numbers, we'll call them. If they want to know
4 what happens at the end, Mark, you have their
5 phone numbers. I don't know how soon or how
6 long this is going to take. Okay. Thank you.
7 **THE BAILIFF:** All rise. If you want to
8 stay, you can stay, if you want to go, go. Now
9 is your chance.
10 **THE COURT:** If you leave the courtroom,
11 give Giselle your cell phone.
12 **MR. DENNEY:** Judge, unfortunately
13 Mr. Robinson and I have another appointment.
14 **THE COURT:** I understand.
15 **MR. DENNEY:** I want to thank you for your
16 patience with me and having us in court.
17 **THE COURT:** You know, I never know in
18 these situations. I know some judges like to
19 say they know what a jury is going to do. I
20 never do. All I can say is it has taken -- and
21 this is heartfelt, it has taken a long time to
22 get this case here, probably longer on behalf
23 of the 11th Circuit than it ever should have
24 taken, and so I'm just glad that we got the
25 case to this point. I hope we're at the point

4219

1 where it will offer a resolution to this case,
2 although you never know. I thought all the
3 attorneys involved did a professional and
4 outstanding job in presenting each of their
5 client's positions to this jury. So God speed.
6 **MR. ROBINSON:** Thank you.
7 **THE COURT:** So for the record, just so
8 we're clear, we're in the process of marshaling
9 the evidence. The procedure everyone has
10 agreed upon for purposes of the video/DVD
11 evidence is, we will have the screen set up in
12 the courtroom. If the jury wishes to see a
13 DVD, they need to request us to have a player
14 in the courtroom. Agreed?
15 **MS. BOLDT:** Agreed.
16 **MS. LUMISH:** Agreed.
17 **MR. SALAS:** Agreed.
18 **THE COURT:** Do we need to tell them that?
19 **MR. SCHUCK:** I would think so, at some
20 point, that's usually one of the first things
21 that happens.
22 **THE COURT:** Maybe you should draft an
23 instruction to say: We are sending back the
24 video evidence. If you wish to see any
25 evidence, you need to knock on the door. We

4220


1 will bring you out, and we will play it.
2 **MS. BOLDT:** We can do that. We'll do that
3 right now.
4 **THE COURT:** Because there's no way to play
5 a section of it, is there?
6 **MS. BOLDT:** I don't think so.
7 **THE COURT:** You have to play the whole
8 thing. Say they want to play Run 6.
9 **MS. BOLDT:** We can do that.
10 **MR. SCHUCK:** They have to tell us what
11 they want to see.
12 **THE COURT:** Everyone is comfortable with
13 that procedure?
14 **MS. BOLDT:** Yes.
15 **THE COURT:** Can you draft some kind of
16 instruction telling them what they need to do
17 in this instance, like now?
18 (Thereupon, a recess was taken while
19 deliberations continued from 2:59 p.m. until
20 3:14 p.m., after which the following
21 proceedings were held:)
22 **THE COURT:** For the record, certain issues
23 have come up with regard to redaction of prior
24 court event notations on exhibits. Those are
25 in the process of being redacted. I'm going to

4221	<p>1 send back to the jury those items that have 2 already been reviewed by plaintiffs and defense 3 and are clear to go back to the jury. 4 On behalf of the plaintiff, the exhibits 5 have been examined? 6 MR. KASTER: Yes. 7 THE COURT: On behalf of the defense, 8 Mr. Schuck, you're finishing it, but with 9 regarded to items that are going to be sent 10 back, now we're good? 11 MR. SCHUCK: Correct. 12 THE COURT: So, Mark, start with the boxes 13 take those back. 14 Also, Christine, for the record we are 15 giving the jury written instructions that says 16 we are sending back video evidence. If you 17 wish to view any of it, please knock on the 18 door, and we will bring you out to see what you 19 want to see. 20 Correct, Ms. Boldt? 21 MS. BOLDT: Yes. 22 THE COURT: Correct, Ms. Lumish? 23 MS. LUMISH: Yes. 24 THE COURT: Okay. We are sending back the 25 set of defendant's exhibits, those have all</p>	4223	<p>1 jury, "Hey, can we have the big board, 2 Gilbert's reconstruction?" 3 It's marked for I.D., for some reason it 4 never went into evidence. This is one the one 5 they're talking about, everybody agrees with 6 that? 7 MR. KASTER: Plaintiffs say it's okay. 8 It's up to the defendants. 9 THE COURT: This is what we're talking 10 about? And I save the questions and mark the 11 questions. 12 MR. SALAS: Judge, if it's not in, it's 13 not in. 14 MR. KASTER: Can you say Ford says you 15 can't have it but plaintiffs says it's okay? 16 THE COURT: The item in question is not in 17 evidence. I don't want to say it was not 18 admitted into evidence. 19 MS. BOLDT: Is not in evidence. 20 THE COURT: Then I would say you have all 21 the evidence. 22 MR. KASTER: Whatever, I trust you, Judge. 23 THE COURT: Fold it in half and give it to 24 them. 25 Hey, how are you, nice to meet you.</p>
4222	<p>1 been reviewed those are all okay, correct? 2 MS. BOLDT: Yes. 3 MS. LUMISH: Correct. 4 THE COURT: For the record, the -- both 5 parties have completed their review of the 6 evidence and have identified that only the 7 evidence that has been marked into evidence, no 8 I.D. exhibits, are going back to the jury and 9 all the evidence is being submitted to the jury 10 has been appropriately marked and redacted. Is 11 that correct? 12 MR. KASTER: Yes, ma'am. 13 THE COURT: Mr. Schuck? 14 MR. KASTER: Just say agree. 15 THE COURT: Everything that's going back 16 should go back, it's all properly marked and 17 redacted; there are no I.D. exhibits going back 18 and everything is good with the evidence? 19 MR. SCHUCK: Correct. 20 THE COURT: Thank you. 21 (Thereupon, a recess was taken while 22 deliberations continued from 3:22 p.m. until 23 3:34 p.m., after which the following 24 proceedings were held:) 25 THE COURT: We have a question from the</p>	4224	<p>1 (Thereupon, a recess was taken while 2 deliberations continued from 3:54 p.m. until 3 4:51 p.m., after which the following 4 proceedings were held:) 5 THE COURT: All parties are present before 6 the Court, we have a question from the jury. 7 "Can we watch Mr. Bond's video depo again, 8 please?" 9 MR. SALAS: I think the proper procedure 10 for that is -- 11 THE COURT: The reason why I was asking -- 12 asked her to set up my question for you-all is, 13 is the Bond video is in evidence or did it just 14 get played? 15 MR. SALAS: Just got played. 16 THE COURT: Let's figure out how to 17 explain this to them. 18 MR. KASTER: If it's available, you have 19 to rely on your memory. 20 MR. SALAS: Something along the lines, 21 treat it like you would any other witness. 22 THE COURT: A little more satisfying than 23 a complete blow-off. 24 I'm going to extemporize, and then I'm 25 going to edit, because I think it will be so</p>

4225	<p>1 messy and say just something like, a live 2 witness who testified and left, the video 3 deposition is not available for you. 4 MS. BOLDT: Rely on your recollection of 5 the evidence. 6 THE COURT: Something like that. 7 MR. RUBIO: That's fine, Judge. 8 THE COURT: Does that work for everybody? 9 MS. BOLDT: Yes. 10 MS. LUMISH: Yes. 11 THE COURT: I'm going to write it down. 12 Now, I guess we should address this from 13 the standpoint of they could request a 14 read-back. Christine is right, I gave it a 15 second thought in my brain, she could read back 16 Bond's if you wanted it read back. 17 MR. GUTIERREZ: Or provide the transcript 18 if it's written up. 19 THE COURT: I don't know if you guys want 20 to go there, but I'm throwing it out. 21 Did you hear what I just said about 22 read-back? 23 MS. LUMISH: That's what we were just -- 24 Cristina was looking in her magic box of law. 25 MR. KASTER: We all agree that initial</p>	4227	<p>1 agreement to just do something along the lines 2 of what you had suggested initially and not get 3 into reading back all or parts or anything 4 else. 5 THE COURT: Everybody? 6 MS. BOLDT: Yes. 7 MR. KASTER: Yes, ma'am, plaintiffs agree. 8 THE COURT: Let me write it and let's make 9 sure it's okay. 10 Okay. This is what it says: Just like a 11 live witness who testifies and leaves, the 12 video testimony of Mr. Bond is not available. 13 You should rely on your collective memory of 14 the evidence. 15 MS. BOLDT: Perfect. 16 MS. LUMISH: Perfect. 17 THE COURT: I'm just going to write it 18 again. 19 Just like a live witness who testifies and 20 leaves, the video testimony of Mr. Bond is not 21 available. You should rely on your collective 22 memory of the evidence. 23 MS. BOLDT: Plaintiff agrees with that 24 instruction. 25 MR. SCHUCK: Defendant agrees.</p>
4226	<p>1 thing you were going to say is all we should 2 say at this point. 3 THE COURT: Hang on just a second. 4 Here is what the read-back instruction 5 says, if you guys want that to reference. We 6 could give them a read-back. The court 7 reporter is going to read back. Then there is 8 one called "read-back preferred" that says, 9 "Members of the jury, I discussed with the 10 attorneys a request to have certain testimony 11 read back to you. It will take approximately 12 (amount of time) to have the court reporter 13 prepare and read back the requested testimony. 14 I now direct you to return to the jury room and 15 discuss your request further. If you are not 16 able to resolve the question about the 17 requested testimony by relying on your 18 collective memory, then you should write down a 19 more specific description of the part of the 20 witness' testimony which you want to hear 21 again. Make your request for reading back 22 testimony as specific as possible." 23 Then there's another one for read-back 24 denied. 25 MR. SCHUCK: I think we're all in</p>	4228	<p>1 THE COURT: Back it goes. 2 (Thereupon, a recess was taken while 3 deliberations continued from 4:58 p.m. until 4 6:04 p.m., after which the following 5 proceedings were held:) 6 THE COURT: If I can ask you to have a 7 seat over here in the jury box. I just need to 8 give you some basic instructions. Thank you. 9 Please be seated. 10 Couple of things. I just -- I don't know 11 how late we're going to go tonight. I don't 12 want you to give me any indication of that. I 13 don't want anybody to have to walk far to their 14 car. As I said in the note, there's a deputy 15 downstairs. Mark is going to walk all of you 16 downstairs on the elevator, and he's going to 17 tell you exactly where you can park your cars 18 right next to the courthouse so that whenever 19 we leave tonight, you-all don't have to go far 20 to get to your cars. Can I just see a show of 21 hands, how many took the train? Anybody? 22 JUROR RAMIREZ: (Indicating.) 23 THE COURT: One. Everybody else parked? 24 We're going to move your cars. That's why 25 we're taking this break.</p>

4229	4231
<p>1 We also thought we would order pizza. The 2 question we have for you all is when you get 3 back, we just need you to tell us -- we're 4 going to put you back in there, and just send 5 me a note out saying what kind of pizza you 6 want and when you want us to order it. My 7 guess is, just like when you order it from 8 home, it takes about an hour. Tell us what you 9 want and when you want us to order it. 10 While you're out moving your car, don't 11 talk to anybody about the case. I am not even 12 going to give you your cell phones. For those 13 of you who have your purses, I'm going to give 14 you your car keys only, and if you get pulled 15 over by a cop between the parking lot and here, 16 tell them that Judge Bailey has your driver's 17 license, and they can walk over here and see 18 us. I'm not going to give you your cell 19 phones. Somebody wanted to text something? 20 We'll give you your phone, but you need to show 21 the text to Mark before you send it. 22 JUROR CANO: I need the ticket on the car 23 to pay. 24 THE COURT: Get whatever you need out, but 25 no cell phone. You can take your wallets.</p>	<p>1 JUROR GARCIA: Almost. 2 THE COURT: Just hand it to Mark. We have 3 a box for you. 4 THE BAILIFF: Back on silent? 5 JUROR: Yeah. 6 THE COURT: This is where we all show our 7 age, because if it was our kids, they would be 8 done ten minutes ago because they can text so 9 fast. They can text faster than they can talk. 10 THE BAILIFF: Okay. Okay. One more. 11 THE COURT: Okay. I'm the guardian of the 12 purses and the phones and the wallets. You'll 13 take them downstairs, please, and then just 14 wait for everybody downstairs and then bring 15 them all up together. 16 Everybody go move your cars, and see you 17 back. 18 Patrick is who you're looking for, Mark. 19 (Thereupon, the jury exited the courthouse 20 to move their cars at 6:10 p.m. and returned at 21 6:33 p.m., after which the following 22 proceedings were held:) 23 THE BAILIFF: All rise, please, jury 24 entering court. 25 THE COURT: Okay. Thank you, ladies and</p>
4230	4232
<p>1 JUROR ARGUEDAS: Debit card we can take? 2 THE COURT: Yeah, right, you got to pay. 3 That's called the Judge not thinking it all the 4 way through. Anything else? Let's just do the 5 text real quick, and then I'm going to let you 6 go downstairs. 7 JUROR CANO: I'm going to send a text. 8 THE COURT: He has to see the text before 9 you send it. 10 JUROR ARGUEDAS: I'm going to send one, 11 too. 12 THE COURT: "Still in deliberations with 13 charming judge." 14 JUROR GARCIA: It's turning on. 15 THE BAILIFF: Got your cash, your ticket 16 for the parking? 17 THE COURT: This procedure is acceptable 18 to all the parties? 19 MR. KASTER: Yes, ma'am. 20 THE COURT: I just want to make sure. 21 JUROR RAMIREZ: You can press "send." 22 THE COURT: He's an all-utility bailiff. 23 JUROR ARGUEDAS: Right. He's awesome. 24 THE BAILIFF: It's slow. What is it, 25 iPhone 2?</p>	<p>1 gentlemen, now I have the important next set of 2 directions. We're going to send you back into 3 the jury room. I need you to write down what 4 kind of pizza you want and how many pieces you 5 want so we know how many pizzas to get, and I 6 guess a drink, tell us what kind of drink you 7 want. Try not to get too exotic, okay? You 8 know, diet cranberry, ginger ale, not so much. 9 Diet coke, fine. 10 So we're going to send you back in the 11 jury room in a couple of minutes, Mark will 12 knock, take the pizza order, you just continue 13 deliberating, we'll bring in the pizza as soon 14 as we get it. 15 Thank you very much. You're excused to 16 continue your deliberations. 17 THE BAILIFF: All rise, jury exiting 18 court. 19 THE COURT: Just write it on a blank sheet 20 of paper, the pizza, all in one piece. 21 (Thereupon, a recess was taken while 22 deliberations continued from 6:34 p.m. until 23 8:09 p.m., after which the following 24 proceedings were held:) 25 THE COURT: We've been apprised that the</p>

4233	<p>1 jury has reached a verdict. 2 Christine, are you ready? 3 THE COURT REPORTER: Yes. 4 (Thereupon, the jury entered the 5 courtroom, after which the following 6 proceedings were held:) 7 THE COURT: Thank you, please be seated. 8 Ladies and gentlemen of the jury, have you 9 reached a verdict? If so, if the foreperson 10 will stand and indicate you have. 11 JUROR ARGUEDAS: Yes, we have. 12 THE COURT: Please hand up the verdict. 13 Ask the Clerk to publish the verdict, please. 14 THE CLERK: "In the Circuit Court of the 15 11th Judicial Circuit, in and for Miami-Dade 16 County, Florida, General Jurisdiction Division, 17 Case No. 99-9450-CA 22. Joan Hall-Edwards, as 18 Personal Representative of the Estate of Lance 19 Crossman Hall, Plaintiff vs. The Ford Motor 20 Company, a foreign corporation, Defendant. 21 "Verdict. Question No. 1: Did defendant, 22 Ford Motor Company, place the 1996 Explorer on 23 the market with a design defect with respect to 24 its handling and/or stability which was a legal 25 cause of Lance Crossman Hall's death?"</p>	4235	<p>1 MR. SALAS: Yes, please. 2 THE CLERK: Ladies and gentlemen of the 3 jury, as your names are called, if the verdict 4 just read is your verdict, please answer, "That 5 is my verdict." 6 Mary Arguedas? 7 JUROR ARGUEDAS: Yes, it's my verdict. 8 THE CLERK: David Joseph? 9 JUROR JOSEPH: Yes, it's my verdict. 10 THE CLERK: Deurys Cano? 11 JUROR CANO: Yes, it's my verdict. 12 THE CLERK: Chantal Victor? 13 JUROR VICTOR: Yes, my verdict. 14 THE CLERK: Jobeth Ramirez? 15 JUROR RAMIREZ: Yes, it's my verdict. 16 THE CLERK: Eduardo Garcia? 17 JUROR GARCIA: Yes, that's my verdict. 18 THE COURT: The jury having acceded to the 19 verdict, the Court accepts the verdict. 20 Ladies and gentlemen, on behalf of the 21 parties, the lawyers, and the people of the 22 State of Florida, I wish to thank you for your 23 time and consideration of this case. 24 I also wish to advise you of some very 25 special privileges enjoyed by jurors. No juror</p>
4234	<p>1 "Yes. 2 "Question 2: Did defendant, Ford Motor 3 Company, place the 1996 Explorer on the market 4 with a design defect with respect to its seat 5 and seat belt restraint system which was a 6 legal cause of Lance Crossman Hall's death? 7 "No. 8 Question 3: Did defendant, Ford Motor 9 Company, place the 1996 Explorer on the market 10 with a defect with respect to warning about the 11 dangers associated with reclining seats which 12 was a legal cause of Lance Crossman Hall's 13 death? 14 "No. 15 "Question 4: What is the amount of any 16 damages sustained by Joan Hall-Edwards for pain 17 and suffering as a result of Lance Crossman 18 Hall's death? 19 "In the past: \$10 million. In the 20 future: \$9 million. Total damages of Joan 21 Hall-Edwards: \$19 million. 22 "So say we all this 25th day of January 23 2013. Signed by foreperson, Mary Arguedas." 24 THE COURT: Is there a request to poll the 25 jury?"</p>	4236	<p>1 can be required to talk about the discussions 2 that occurred in the jury room except by court 3 order. For many centuries, our society has 4 relied upon juries for consideration of 5 difficult cases. We have recognized for 6 hundreds of years that a jury's deliberations, 7 discussions, and vote should remain their 8 private affair as long as they wish it; 9 therefore, the law gives you a unique privilege 10 not to speak about the jury's work. 11 The lawyers and their representatives are 12 not permitted to initiate any communications 13 with you about the trial. However, you may 14 speak to the lawyers or anyone else about the 15 trial. You also have the right to refuse to 16 speak with anyone. A request may come from 17 those who are simply curious or from those who 18 might seek to find fault with you. It will be 19 up to you to decide whether to preserve your 20 privacy as a juror. 21 Let me explain what that means in everyday 22 language. The lawyers and the parties cannot 23 initiate communication with you, they can't 24 contact you. You can talk to them now and 25 anybody else as much as you want, you can talk,</p>

4237	<p>1 text, blog, chat, tweet, Facebook post, chat, 2 whatever you want to do, you're free to talk 3 about this case with people at home and talk 4 about your experience in this trial, but if you 5 don't want to talk to anyone, it is your 6 absolute right to decline to speak with anyone 7 and you cannot be compelled to do so. 8 Mark, if you will give their phones back. 9 We're going to give your phones back. I'm 10 also, because it's late, I think somebody took 11 the train, you're with me because we're going 12 to walk to the train together. Okay? 13 Is there anything further before I excuse 14 the jury? 15 MR. KASTER: Not on behalf of the 16 plaintiff, your Honor, no, ma'am. 17 THE COURT: Ladies and gentlemen, this has 18 been a long and difficult case. This case has 19 taken a long time to get to this point. On 20 behalf of the parties, the lawyers, my staff, 21 myself, and the people of the State of Florida, 22 we thank you for your service. I have 23 certificates of appreciation and letters to 24 your employers that certify you have been here. 25 There you go. Thank you very much for</p>	4239	<p>1 everybody a copy? 2 (Thereupon, the proceedings concluded at 3 8:17 p.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
4238	<p>1 your service. 2 Mr. Joseph, thank you so much. 3 Ms. Cano, I didn't pick you, so I don't 4 know exactly who's who. Thank you so much. 5 Ms. Victor, thank you very much for your 6 service. 7 Ms. Ramirez, thank you very much. 8 Mr. Garcia, I hope you are feeling better. 9 Thank you very much for toughing it out. 10 Anything further before I excuse the jury? 11 MR. SALAS: No, your Honor. 12 THE COURT: Ladies and gentlemen, see 13 Mark, get your stuff, go downstairs, let the 14 officers know so they can walk you to your 15 cars, even though they're right by the 16 courthouse. You are excused with our thanks, 17 thank you very much for your service. 18 THE BAILIFF: All rise, jury exiting 19 court. 20 THE COURT: And I'll be right out with you 21 in one second. 22 (Thereupon, the jury exited the courtroom, 23 after which the following proceedings were 24 held:) 25 THE COURT: Yes, sir, will you make</p>	4240	<p>1 COURT CERTIFICATE 2 3 4 STATE OF FLORIDA 5 COUNTY OF MIAMI-DADE 6 7 I, CHRISTINE PHIPPS, Registered 8 Professional Reporter, certify that I was 9 authorized to and did stenographically report 10 the foregoing proceedings and that the 11 transcript is a true and complete record of my 12 stenographic notes. 13 14 Dated this 25th day of January, 2013. 15 16 17  18 CHRISTINE PHIPPS, RPR, RCR, CLR 19 Realtime Systems Administrator 20 21 22 23 24 25</p>

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able 4226:16	4195:3	4234:15	4195:18	4203:13
absolute 4237:6	4211:23	angela 4213:6	4209:20	4219:3
absolutely	4212:1,5,5	angle 4182:22	4211:24	4226:10
4214:14	4223:18	answer 4177:1	appropriately	authorized
4217:17	admittedly	4187:7	4222:10	4240:9
acceded 4235:18	4192:6	4188:21	approximately	available 4183:8
accept 4195:17	advise 4235:24	4201:17	4226:11	4224:18
4200:4,8	affair 4236:8	4207:17,21,22	arguedas 4213:6	4225:3
acceptable	aforesaid	4209:12	4230:1,10,23	4227:12,21
4230:17	4169:21	4210:13	4233:11	avenue 4170:15
accepted 4200:3	age 4231:7	4211:10,13	4234:23	aviation
4200:3,5	ago 4231:8	4235:4	4235:6,7	4170:15
accepts 4235:19	agree 4184:20	answered	argument	aware 4194:18
accident 4175:5	4188:12,16	4194:12	4172:5	4200:2
4175:6,7,14,21	4206:15	4209:11	4173:16	4204:24
4176:3	4207:11	answering	arguments	awesome
4180:21	4212:19	4210:14	4173:13	4230:23
4187:4,15,23	4222:14	answers	4203:13	axle 4188:2
4187:24	4225:25	4191:20	armando 4171:5	
accountant	4227:7	4209:6	4171:6	B
4204:21	agreed 4182:12	anybody	aside 4180:19	back 4175:16
accounts	4183:7 4184:2	4202:13	asked 4176:17	4177:2 4179:6
4204:13	4184:3	4216:8	4182:19,20	4182:16
accurate	4212:18	4228:13,21	4187:14,15	4183:8,11
4175:11	4219:10,14,15	4229:11	4189:15	4184:14
4195:17	4219:16,17	4236:25	4190:20	4185:11
act 4198:10	agreement	anyway 4182:8	4192:11	4186:1,7,22
4206:25	4227:1	4199:15	4224:12	4189:4 4191:8
actual 4199:1	agrees 4177:8,8	appear 4207:21	asking 4186:19	4198:3
4213:10	4188:19	appearances	4194:17	4199:10
adams 4180:14	4223:5	4170:1	4224:11	4211:10,16,23
4180:16,17,20	4227:23,25	apply 4173:12	assist 4203:17	4212:1,6,8,12
4181:10,16	aid 4205:5	4177:15	4204:20	4212:14,15
4195:15	alabama 4171:9	4203:12	associated	4214:3 4215:1
add 4195:4	ale 4232:8	4204:22	4201:6	4216:8 4217:3
4209:22,23	allens 4199:5	4206:14,19,20	4208:24	4219:23
added 4195:7	allutility	appointment	4234:11	4221:1,3,10,13
additional	4230:22	4218:13	assume 4187:3	4221:16,24
4210:7	alonso 4171:16	appreciation	athlete 4185:18	4222:8,15,16
address 4225:12	alternate	4216:21	attack 4182:14	4222:17
administrator	4214:10	4237:23	attention 4189:7	4225:15,16
4169:23	alternates	appreciative	4190:21	4226:7,11,13
4240:17	4213:10	4216:10	4202:24	4226:21
admit 4189:6	amount 4201:18	apprised	4206:8	4227:3 4228:1
admits 4191:24	4202:7	4232:25	attorney	4229:3,4
admitted 4194:3	4209:13	appropriate	4203:18	4231:4,17
	4226:12	4173:18	attorneys	4232:2,10

4237:8,9	bit 4175:16	4171:3	camino 4170:20	4216:24
bailey 4169:18	4178:22	box 4170:10	campbell	4218:22,25
4229:16	4179:6,18	4225:24	4176:18	4219:1
bailiff 4205:2,15	4180:13	4228:7 4231:3	4186:10,11,12	4229:11
4211:3,16	4186:8	boxes 4221:12	4197:14	4233:17
4212:10,22	4187:20	brain 4225:15	cano 4213:7	4235:23
4218:7	4188:11	brake 4174:18	4229:22	4237:3,18,18
4230:15,22,24	4190:19	braking 4174:16	4230:7	cases 4236:5
4231:4,10,23	4198:23	4174:20,21,22	4235:10,11	cash 4230:15
4232:17	4214:24	4187:22,23	4238:3	cast 4174:8
4238:18	4215:1	break 4172:11	cant 4174:13	categories
barrett 4170:4	blame 4186:6	4228:25	4182:8	4209:17
based 4175:15	blank 4209:24	briefly 4197:8	4186:12	caught 4191:24
4175:25	4209:24	4198:1	4210:3,24	cause 4169:20
4176:6	4210:22	bring 4175:6	4223:15	4198:6,8,9,11
4183:20	4232:19	4176:17,19,24	4236:23	4198:12
4192:19	blog 4204:19	4177:1 4178:3	car 4228:14	4200:14,20,25
4205:12,21	4237:1	4184:12	4229:10,14,22	4201:7
basic 4228:8	blowoff 4224:23	4210:16	card 4230:1	4208:10,18,25
bathroom	board 4223:1	4212:15	careful 4206:7	4233:25
4212:14	boca 4170:21	4220:1	carefully	4234:6,12
began 4172:7	bold 4209:5	4221:18	4207:19	caused 4183:4
behalf 4170:3	boldt 4170:19	4231:14	carlton 4171:12	4199:3
4171:1	4170:22	4232:13	carltonfields	cell 4210:10,11
4217:20	4203:2	bringing	4171:15,16	4218:11
4218:22	4213:25	4186:11	cars 4228:17,20	4229:12,18,25
4221:4,7	4214:3,4	brk 4170:12	4228:24	center 4191:1,14
4235:20	4219:15	broke 4173:6	4231:16,20	4195:6
4237:15,20	4220:2,6,9,14	brought	4238:15	centre 4171:2
belief 4207:12	4221:20,21	4197:25	case 4169:2	centuries 4236:3
believe 4199:17	4222:2	bruce 4170:12	4173:19	certain 4220:22
4200:1	4223:19	brushed	4176:16	4226:10
belt 4183:12,15	4225:4,9	4176:13	4190:9,12	certainly 4184:1
4184:5 4185:3	4227:6,15,23	4178:4	4196:17	4215:1
4185:5,19	boldtlawfirm	built 4181:19	4203:15,23	certificate
4200:24	4170:22	burton 4182:12	4204:5,7,15,17	4240:1
4208:17	bond 4224:13	4182:15,19	4204:23	certificates
4234:5	4227:12,20	4184:3	4205:1	4216:21
belts 4183:5,6	bonds 4224:7	4185:16	4206:15,17,19	4237:23
better 4238:8	4225:16		4207:6,15,25	certify 4237:24
bias 4196:8,10	bothers 4217:14	C	4208:2	4240:8
4205:18	bottom 4212:21	call 4218:3	4211:20	chance 4199:23
big 4185:16	4212:25	called 4174:3	4213:13	4207:3 4218:9
4223:1	bottomed	4207:25	4214:9,11,14	change 4207:9
binding 4205:7	4197:4	4208:2 4226:8	4214:15,16,20	changed 4174:5
birmingham	boulevard	4230:3 4235:3	4214:22	changes 4187:13
4171:9	4170:20	calonso 4171:16	4216:4,9,12,20	chantal 4213:7

4235:12	closings 4173:6	4215:18	consistent	4233:20
charge 4172:6	clr 4169:22	4236:23	4187:25	correct 4188:24
charging 4203:1	4240:17	communicatio...	consumer	4191:13
charming	coconut 4170:16	4236:12	4194:10	4196:24
4230:13	coke 4232:9	company 4169:8	4195:14	4221:11,20,22
chassis 4190:17	cole 4171:2	4181:3	contact 4204:20	4222:1,3,11,19
chat 4237:1,1	collect 4205:15	4200:16,22	4216:16	correctly
check 4185:24	collective	4201:4 4208:5	4236:24	4203:20
4200:14	4205:11	4208:8,15,22	context 4190:7	corrigan
4201:10	4226:18	4233:20,22	contingent	4182:10,11,13
4208:13,20	4227:13,21	4234:3,9	4217:17	4183:7,18
4209:3	com 4170:6,7,12	compare	continue	4185:25
chest 4183:12,13	4170:17,22	4178:20	4173:12	couldnt 4175:3
4183:16	4171:5,6,10,15	compelled	4211:11	4181:1 4183:9
4185:17,22	4171:16	4237:7	4214:23	counsel 4199:20
4186:3	combination	competitors	4232:12,16	4200:7
choice 4185:9	4198:10	4199:18	continued	county 4169:1
choose 4206:24	come 4175:16	complete	4173:2 4182:6	4169:17
4216:13	4177:2 4183:4	4224:23	4220:19	4233:16
christine	4184:9	4240:11	4222:22	4240:5
4169:22	4186:12,15,15	completed	4224:2 4228:3	couple 4177:9
4221:14	4189:4	4222:5	4232:22	4211:9,20
4225:14	4195:25	computers	continues	4228:10
4233:2 4240:7	4202:3	4210:10,12	4189:18	4232:11
4240:17	4210:16	concerned	contrary	court 4169:1
circuit 4169:1,1	4214:10	4199:21	4184:16	4173:3
4169:18	4215:23	concluded	4188:18	4202:20,25
4208:3,4	4217:10	4239:2	contributes	4203:7 4208:3
4218:23	4220:23	conclusion	4198:12	4208:3
4233:14,15	4236:16	4205:14	control 4174:18	4212:23
citizens 4217:17	comes 4196:8	conclusive	4174:19	4213:22
classic 4197:18	comfortable	4205:8	4189:10	4214:1,5,7
clear 4178:1	4220:12	conduct 4204:6	convinced	4216:18
4201:1 4219:8	coming 4182:16	cones 4194:6,7	4207:9	4217:2,4,8
4221:3	comment	confidence	convincing	4218:2,10,14
clearly 4178:25	4202:15	4198:25	4183:21	4218:16,17
4200:20	common	consider 4206:5	cop 4229:15	4219:7,18,22
clerk 4217:4	4176:25	4206:13	copperfield	4220:4,7,12,15
4233:13,14	communicate	4207:5,20	4170:4	4220:22,24
4235:2,8,10,12	4203:23	4213:14	copy 4206:10	4221:7,12,22
4235:14,16	4204:14	4214:18	4239:1	4221:24
clients 4219:5	4212:24	consideration	corporate	4222:4,13,15
clip 4178:11	4213:2	4202:4	4176:15	4222:20,25
close 4189:3	communication	4235:23	4182:3	4223:9,16,20
closing 4172:5	4204:18,22	4236:4	4190:11	4223:23
4173:12,16	4210:12	considered	corporation	4224:5,6,11,16
4203:13	4213:4	4207:7	4169:8	4224:22

4225:6,8,11,19	4177:10	death 4198:7,9	4223:8	deposition
4226:3,6,12	crossman	4198:13	defense 4173:7	4225:3
4227:5,8,17	4169:4	4200:20	4221:2,7	deputy 4228:14
4228:1,6,23	4201:20	4201:1,7,20	deflation 4214:8	description
4229:24	4208:11,18,25	4208:11,18	degree 4198:24	4226:19
4230:2,8,12,17	4209:16	4209:1,16	degrees 4185:11	design 4185:10
4230:20,22	4233:19,25	4233:25	4185:12,18,19	4190:17
4231:2,6,11,24	4234:6,12,17	4234:6,13,18	4185:22	4192:20
4231:25	cruise 4174:17	debit 4230:1	4186:2,4	4200:17,23
4232:18,19,25	4174:19	decide 4203:15	delay 4179:24	4208:9,16
4233:3,7,12,14	csklegal 4171:5	4207:6	deliberate	4233:23
4234:24	4171:6	4213:12	4206:12	4234:4
4235:18,19	cu 4194:4,4	4214:10	deliberating	designed
4236:2	4198:25	4215:25	4211:8,12	4185:10
4237:17	4199:4,18,23	4236:19	4232:13	4194:14
4238:12,19,20	4200:1	decided 4200:8	deliberations	4199:19
4238:25	curious 4215:24	4206:17	4172:7	designer
4240:1	4236:17	decision	4203:19,22	4196:17
courthouse	custody 4210:9	4181:23	4207:1	destroy 4205:16
4169:17		4202:12,12,14	4210:21	4215:9
4228:18	D	4202:22	4213:20	determine
4231:19	dadeland	4203:21	4220:19	4209:20
4238:16	4171:2,3	4204:2	4222:22	deurys 4213:7
courtroom	damages	4205:21,25	4224:2 4228:3	4235:10
4203:1	4201:18	4206:17	4230:12	development
4209:10	4202:7	decline 4216:19	4232:16,22	4193:4
4211:8	4209:14,19,20	4237:6	4236:6	devices 4210:12
4212:15	4234:16,20	defect 4183:21	denied 4196:6	diagram
4213:18,19	dangers 4201:6	4198:7,8,12	4226:24	4175:22
4216:7	4208:24	4200:18,23	denies 4191:23	diagrams
4218:10	4234:11	4201:5 4202:2	dennbarr	4183:6
4219:12,14	data 4181:1,5,7	4208:9,16,23	4170:6,7	dictionaries
4233:5	4181:9	4233:23	denney 4170:4,6	4204:4
4238:22	date 4169:16	4234:4,10	4173:21	didnt 4175:6,13
cranberry	4209:8,24	defective 4180:5	4177:11	4176:14,17,19
4232:8	4212:20	defects 4198:17	4184:15	4176:20,24
crazy 4189:9	dated 4240:14	defendant	4197:3	4177:1,23
cristina 4171:16	david 4213:6	4169:9 4171:1	4201:22	4178:3
4225:24	4235:8	4200:22	4202:3,13	4179:20,21,23
critical 4176:21	day 4209:25	4201:3 4208:7	4218:12,15	4179:24
4184:4 4196:7	4217:5	4208:14,21	denneys	4181:23
criticize 4184:10	4234:22	4209:7	4175:19	4183:17
criticized	4240:14	4227:25	department	4184:6,22
4178:5	days 4181:2	4233:20,21	4196:5	4185:2,24,25
4179:13	dead 4196:3	4234:2,8	depo 4224:7	4186:6
4186:10	deal 4178:16	defendants	deposed	4187:22,23
criticizing	4210:17	4221:25	4176:16	4192:25

4195:7,24	disk 4181:2	4212:10	effort 4214:17	4197:6
4196:22	division 4233:16	4217:14	eight 4187:4	established
4197:10,15,23	doctor 4204:21	4219:25	either 4174:8,14	4197:20
4200:5,6,6	document	4221:18	4195:7	establishes
4201:24,25	4180:16	downstairs	ejected 4182:23	4196:16
4214:20	4190:22	4228:15,16	4182:24,25	4197:5
4215:15	4193:7,8,19	4230:6	4183:14	estate 4169:4
4216:23	4194:25	4231:13,14	elect 4215:20	4233:18
4238:3	4198:20,22	4238:13	elected 4174:9	evaluate 4188:6
diet 4232:8,9	documents	dozing 4198:15	4181:20	evaluating
difference	4177:11	dr 4182:10,11	4183:3	4203:18
4177:12	4193:24	4182:12,13,15	electronic	event 4177:1
4194:19	dodging 4194:5	4182:19	4204:18	4204:7
different	4194:6	4183:7,18	elevator	4220:24
4179:16,17	doesnt 4179:1	4184:3,14,17	4228:16	eventually
4183:22,23	4183:21	4185:16	eleventh 4169:1	4179:1
4187:20	4198:14	draft 4219:22	email 4204:19	everybody
4207:10	doing 4178:8	4220:15	emergency	4175:10,23,23
differently	4179:10	drink 4232:6,6	4188:22	4177:8,8
4207:13	4180:15,18	drive 4170:4	4189:2	4202:23
difficult 4236:5	4182:6 4189:5	drivers 4229:16	4210:16	4211:7,9,21
4237:18	4189:7,10	driving 4179:9	employers	4212:14
direct 4226:14	4193:18,20	4181:22	4217:18	4214:25
directed	4194:15	4189:8	4237:24	4216:22
4211:11	4195:9	dry 4189:25	engineering	4223:5 4225:8
directions	dont 4178:3	4190:2	4199:7	4227:5
4232:2	4180:15	4192:10	engineers	4228:23
dirt 4197:13	4185:3,23	duty 4207:4	4196:4 4200:9	4231:14,16
disagree	4186:5	dvd 4219:10,13	enjoyed 4215:13	4239:1
4201:23,24,25	4193:21		4235:25	everybodys
disagreed	4199:9 4201:8	E	ensuring 4215:4	4210:3,24
4184:6	4201:11	earlier 4173:11	entered 4233:4	everyday
disappeared	4202:17	4210:8	entering	4236:21
4180:25	4210:17	earning 4180:10	4231:24	evidence 4172:8
4181:8	4211:7,17	easily 4207:14	entirely 4202:7	4174:13,17,20
discharge	4212:2,11,25	edge 4176:5,10	4202:11,14	4174:23,25
4204:23	4213:1 4216:8	edit 4224:25	equally 4216:11	4175:15,18,20
disclose 4213:3	4217:25	eduardo 4213:8	equipment	4176:1,6
discuss 4198:1	4218:5 4220:6	4235:16	4199:22	4184:16
4226:15	4223:17	effect 4189:12	esq 4170:6,7,12	4188:13,18,20
discussed	4225:19	4192:5,23	4170:17,22	4197:19
4214:2 4226:9	4228:10,11,13	4193:5	4171:4,5,10,15	4203:11,20
discussion	4228:19	4194:20,22	4171:16	4204:1,12
4203:4	4229:10	effective	essential	4205:12,22
discussions	4237:5 4238:3	4180:17	4214:14	4207:7
4205:5 4207:2	door 4211:2,4,4	effectively	establish	4211:19,23
4236:1,7	4211:5,16	4179:5	4196:16	4212:1,13

4219:9,11,24	experts 4184:11	4228:13,19	4169:18	4201:3,11
4219:25	4185:8	fast 4231:9	4170:11,21	4208:5,7,14,21
4221:16	explain 4176:18	faster 4231:9	4171:3,14	4223:14
4222:6,7,7,9	4178:7	fault 4215:24	4215:4	4233:19,22
4222:18	4201:14	4236:18	4217:22	4234:2,8
4223:4,17,18	4224:17	favorable	4233:16	fords 4176:15
4223:19,21	4236:21	4196:12	4235:22	4182:3
4224:13	explained	feel 4207:8	4237:21	4190:11
4225:5	4178:19	feeling 4214:8	4240:4	4198:18
4227:14,22	4183:19	4238:8	fold 4210:25	foregoing
exactly 4176:7,9	4186:17	fellow 4207:14	4223:23	4240:10
4228:17	explanation	fernambucq	folks 4215:5	foreign 4169:8
4238:4	4184:21	4171:8	4217:16	4233:20
examination	explorer	fields 4171:12	follow 4206:9,20	foreperson
4172:4	4178:12,21,21	figliomeni	4207:18	4206:25
examined	4179:8 4180:7	4181:17	4213:13	4207:1 4210:1
4221:5	4180:23	figure 4185:3	following	4210:3,5
example	4190:17	4199:9	4169:21	4212:20
4182:11	4193:4,25	4224:16	4173:2 4203:5	4213:1 4233:9
4192:1	4194:8	file 4210:9	4213:5,21	4234:23
4194:19	4198:18	fill 4209:21	4220:20	forgotten
exclusively	4200:17,23	final 4191:17	4222:23	4174:8,14
4205:24	4201:4 4208:8	4203:1,18	4224:3 4228:4	4180:6
excuse 4237:13	4208:15,22	finally 4196:18	4231:21	form 4198:2
4238:10	4233:22	find 4196:1	4232:23	4200:12
excused 4232:15	4234:3,9	4202:1,2	4233:5	4207:16,19,23
4238:16	explorers	4206:18	4238:23	4207:23,24
exhibits 4220:24	4190:16	4215:24	force 4186:12	4208:1,6
4221:4,25	extemporize	4236:18	ford 4169:8	4209:9
4222:8,17	4224:24	finding 4185:1	4175:6	forward
existence 4182:9	extended	4214:9	4176:17,24	4214:23
exited 4213:19	4193:23	fine 4194:7	4177:18	found 4181:15
4231:19		4225:7 4232:9	4178:12	4181:18
4238:22	F	finishing 4221:8	4180:3,7,25	4196:20
exiting 4232:17	face 4196:10	firm 4170:19	4181:4,23	four 4187:9,10
4238:18	facebook 4237:1	first 4173:6,18	4183:3,21	4190:23
exotic 4232:7	fact 4176:11	4175:2 4185:9	4184:12	4191:8 4193:4
experience	4181:14	4187:14	4186:13,14,15	4198:17
4192:21	4201:24	4190:12	4186:19,25	4214:19
4237:4	4202:4	4191:10,23	4188:8	fourdoor
experiments	facts 4206:18,21	4201:17	4190:14	4194:25
4204:6	failing 4199:23	4206:23	4192:20	fpr 4169:22
expert 4175:2	4199:25	4219:20	4194:11	4240:17
4175:12	family 4202:9	fl 4170:16	4196:17	frankly 4214:18
4184:12,13,18	4204:21	flagler 4169:17	4197:21	free 4207:8
4184:19	far 4183:11	floppy 4181:2	4199:21	4217:13
4197:1,25	4187:7 4192:2	florida 4169:1	4200:8,16,22	4237:2

frequently 4213:11	4178:8,19 4192:5,6	4218:8,8 4221:3	4228:11,15,16 4228:24	half 4223:23 hall 4169:5
friendly 4187:11 4188:7	gilberts 4178:5 4223:2	4222:16 4225:20	4229:4,12,13 4229:18	4182:20 4185:12,14
front 4190:3,24 4190:25 4191:14 4193:25 4195:5	ginger 4232:8 giselle 4173:10 4215:8 4218:11	4228:11,19 4230:6 4231:16 4237:25 4238:13	4230:5,7,10 4232:2,10 4237:9,11 gonna 4202:19 good 4181:5	4196:2,3 4200:5,6 4202:9 4233:19
fully 4199:14 further 4180:13 4186:1 4189:6 4209:8 4226:15 4237:13 4238:10	give 4207:11,16 4210:7 4218:11 4223:23 4226:6 4228:8 4228:12 4229:12,13,18 4229:20 4237:8,9	god 4219:5 goes 4173:6 4184:14 4195:4 4196:22 4211:23 4228:1	4183:20 4185:2,4 4221:10 4222:18 gradual 4189:18 4189:21,24 gradually 4189:17	halledwards 4169:3 4201:19 4208:5 4209:14 4233:17 4234:16,21
future 4201:21 4209:18,22 4234:20	given 4191:20 4205:1 4216:4 gives 4191:8 4236:9	going 4173:19 4175:16 4176:18 4177:2,14 4178:6 4179:10 4184:25 4185:21 4189:4,6,16 4190:4,10 4192:10 4196:9,11 4198:3,16 4199:10 4200:10,10 4201:14,23 4202:14,15 4211:2,19,20 4211:21 4212:3,6 4214:11 4215:9,10,10 4215:11 4218:6,19 4220:25 4221:9 4222:8 4222:15,17 4224:24,25 4225:11 4226:1,7 4227:17	group 4190:18 4204:3 grove 4170:15 4170:16 guaranteed 4214:22 guardian 4231:11 guess 4178:2 4197:7 4206:1 4225:12 4229:7 4232:6 guide 4188:23 gus 4170:17 gustavo 4170:14 4170:17 gutierrez 4170:14,17 4225:17 gutierrezlaw 4170:17 guy 4190:18 guys 4225:19 4226:5	halls 4200:20 4201:1,7,20 4208:11,18,25 4209:16 4233:25 4234:6,12,18 hand 4211:2,4,4 4211:16 4212:12 4231:2 4233:12 handling 4194:20,23 4197:2 4200:18 4208:10 4233:24 hands 4228:21 hang 4215:16 4226:3 happen 4204:9 happened 4180:22 4182:7 happens 4192:9 4218:4 4219:21 hard 4174:19,21 4174:21 4187:21,23 4189:12,21 4216:12
G				
garcia 4213:8 4230:14 4231:1 4235:16,17 4238:8	giving 4205:1 4217:18,19 4221:15 glad 4218:24 gls 4171:10 go 4174:2 4176:8 4177:2 4180:13 4181:20 4182:18 4185:11 4186:8,22 4189:6 4191:7 4191:8,8 4192:19 4193:10 4197:2,15 4199:7 4201:8 4201:16 4206:11,23 4209:4 4211:21 4212:13 4214:23 4215:8,15 4217:13			
gardens 4170:20 general 4199:20 4200:7 4233:16 gentleman 4176:22 gentlemen 4173:4,5 4212:17 4232:1 4233:8 4235:2,20 4237:17 4238:12 getting 4193:19 4194:13 4199:11 4216:17 gilbert 4174:25 4175:9,9,14,22 4175:24 4176:4,9				
H				
			hadnt 4177:25	

harvey 4174:1,1 4174:4	4189:6,7,7,7 4189:10	4186:23 4212:14	incentive 4183:24	4205:23 4207:18
head 4190:18	4191:25	4217:10,14	incentives 4183:22,23	instruction 4198:2,17
hear 4176:20 4197:23 4204:11 4216:8 4225:21 4226:20	4197:9 4202:9 4228:16 4230:22,23 hey 4223:1,25 hfsllp 4171:10 high 4198:24 highway 4171:8	im 4175:16 4176:18 4177:2 4178:6 4185:20 4190:10 4201:23 4202:14,15,18 4210:10 4211:2,21 4212:3 4215:9 4215:11 4216:9 4218:24 4220:25 4224:24,24 4225:11,20 4227:17 4229:13,18 4230:5,7,10 4231:11 4237:9	inch 4190:24,24 inches 4190:25 4191:1,15 4193:23 including 4205:16 incorporate 4195:5 increase 4191:1 4191:17 increased 4193:1 increasing 4192:22 4196:23 index 4192:12 4192:13,17,23 4193:1,6 4196:24 indicate 4194:16 4198:24 4233:10 indicating 4228:22 indication 4228:12 individually 4169:3 influence 4188:8 4205:20 info 4199:17 initial 4225:25 initially 4195:2 4227:2 initials 4193:8 initiate 4215:18 4236:12,23 injury 4198:7,9 4198:13 4200:14 instance 4220:17 instructed	4200:13 4204:25 4219:23 4220:16 4226:4 4227:24 instructions 4203:3,11,16 4203:17 4204:25 4206:7,8,10,12 4206:19,20 4207:19 4209:5 4210:8 4213:23 4221:15 4228:8 integrated 4183:5,6,15 4184:5 interesting 4180:3 4183:24 internet 4204:4 4204:9 investigate 4204:5,10 involved 4191:4 4191:6 4204:7 4219:3 iphone 4230:25 isnt 4179:15 4194:8 issue 4179:15,15 issues 4220:22 item 4211:24 4223:16 items 4221:1,9 ive 4204:25 4207:17
heard 4169:20 4173:19,20 4174:4,5 4175:7,12 4183:25 4184:13,22 4186:10 4192:17 4196:1 4197:8 4198:4 4202:3 4202:5,8,21 4203:10 4207:3	hill 4197:11 history 4216:4 hit 4187:18 hold 4178:13 4179:6 holding 4189:5 home 4229:8 4237:3 honest 4188:21 4207:12 honor 4173:15 4202:17 4237:16 4238:11 hop 4197:10 hope 4218:25 4238:8 hostile 4196:14 hour 4178:24 4179:9 4229:8 howard 4213:16 4217:8 huie 4171:8 hundreds 4236:6	4202:14,15,18 4210:10 4211:2,21 4212:3 4215:9 4215:11 4216:9 4218:24 4220:25 4224:24,24 4225:11,20 4227:17 4229:13,18 4230:5,7,10 4231:11 4237:9 immediately 4205:16 impact 4173:23 important 4175:25 4176:11 4177:17 4188:5 4191:25 4203:16 4206:12 4215:1 4232:1 importantly 4175:17 4177:13 4185:7 improved 4192:13 improves 4192:16 inappropriate 4175:11	incorporate 4195:5 increase 4191:1 4191:17 increased 4193:1 increasing 4192:22 4196:23 index 4192:12 4192:13,17,23 4193:1,6 4196:24 indicate 4194:16 4198:24 4233:10 indicating 4228:22 indication 4228:12 individually 4169:3 influence 4188:8 4205:20 info 4199:17 initial 4225:25 initially 4195:2 4227:2 initials 4193:8 initiate 4215:18 4236:12,23 injury 4198:7,9 4198:13 4200:14 instance 4220:17 instructed	instructions 4203:3,11,16 4203:17 4204:25 4206:7,8,10,12 4206:19,20 4207:19 4209:5 4210:8 4213:23 4221:15 4228:8 integrated 4183:5,6,15 4184:5 interesting 4180:3 4183:24 internet 4204:4 4204:9 investigate 4204:5,10 involved 4191:4 4191:6 4204:7 4219:3 iphone 4230:25 isnt 4179:15 4194:8 issue 4179:15,15 issues 4220:22 item 4211:24 4223:16 items 4221:1,9 ive 4204:25 4207:17
heartfelt 4218:21	honor 4173:15 4202:17 4237:16 4238:11	4231:11 4237:9	indicate 4194:16 4198:24 4233:10 indicating 4228:22 indication 4228:12 individually 4169:3 influence 4188:8 4205:20 info 4199:17 initial 4225:25 initially 4195:2 4227:2 initials 4193:8 initiate 4215:18 4236:12,23 injury 4198:7,9 4198:13 4200:14 instance 4220:17 instructed	integrated 4183:5,6,15 4184:5 interesting 4180:3 4183:24 internet 4204:4 4204:9 investigate 4204:5,10 involved 4191:4 4191:6 4204:7 4219:3 iphone 4230:25 isnt 4179:15 4194:8 issue 4179:15,15 issues 4220:22 item 4211:24 4223:16 items 4221:1,9 ive 4204:25 4207:17
hed 4174:7	hop 4197:10	4237:9	indicate 4194:16 4198:24 4233:10 indicating 4228:22 indication 4228:12 individually 4169:3 influence 4188:8 4205:20 info 4199:17 initial 4225:25 initially 4195:2 4227:2 initials 4193:8 initiate 4215:18 4236:12,23 injury 4198:7,9 4198:13 4200:14 instance 4220:17 instructed	integrated 4183:5,6,15 4184:5 interesting 4180:3 4183:24 internet 4204:4 4204:9 investigate 4204:5,10 involved 4191:4 4191:6 4204:7 4219:3 iphone 4230:25 isnt 4179:15 4194:8 issue 4179:15,15 issues 4220:22 item 4211:24 4223:16 items 4221:1,9 ive 4204:25 4207:17
held 4203:5,6 4213:21 4220:21 4222:24 4224:4 4228:5 4231:22 4232:24 4233:6 4238:24	hope 4218:25 4238:8 hostile 4196:14 hour 4178:24 4179:9 4229:8 howard 4213:16 4217:8 huie 4171:8 hundreds 4236:6	immediately 4205:16 impact 4173:23 important 4175:25 4176:11 4177:17 4188:5 4191:25 4203:16 4206:12 4215:1 4232:1 importantly 4175:17 4177:13 4185:7 improved 4192:13 improves 4192:16 inappropriate 4175:11	indicate 4194:16 4198:24 4233:10 indicating 4228:22 indication 4228:12 individually 4169:3 influence 4188:8 4205:20 info 4199:17 initial 4225:25 initially 4195:2 4227:2 initials 4193:8 initiate 4215:18 4236:12,23 injury 4198:7,9 4198:13 4200:14 instance 4220:17 instructed	integrated 4183:5,6,15 4184:5 interesting 4180:3 4183:24 internet 4204:4 4204:9 investigate 4204:5,10 involved 4191:4 4191:6 4204:7 4219:3 iphone 4230:25 isnt 4179:15 4194:8 issue 4179:15,15 issues 4220:22 item 4211:24 4223:16 items 4221:1,9 ive 4204:25 4207:17
help 4174:13 4203:20	helped 4186:20 4187:4 4189:11	4206:12 4215:1 4232:1 importantly 4175:17 4177:13 4185:7 improved 4192:13 improves 4192:16 inappropriate 4175:11	indicate 4194:16 4198:24 4233:10 indicating 4228:22 indication 4228:12 individually 4169:3 influence 4188:8 4205:20 info 4199:17 initial 4225:25 initially 4195:2 4227:2 initials 4193:8 initiate 4215:18 4236:12,23 injury 4198:7,9 4198:13 4200:14 instance 4220:17 instructed	integrated 4183:5,6,15 4184:5 interesting 4180:3 4183:24 internet 4204:4 4204:9 investigate 4204:5,10 involved 4191:4 4191:6 4204:7 4219:3 iphone 4230:25 isnt 4179:15 4194:8 issue 4179:15,15 issues 4220:22 item 4211:24 4223:16 items 4221:1,9 ive 4204:25 4207:17
helped 4186:20 4187:4 4189:11	helping 4187:5,7 4187:13 henry 4171:4,5 heres 4210:21 4217:12	id 4217:2 ideas 4207:14 identification 4211:25 identified 4222:6 ignore 4197:1 ii 4171:2 ill 4178:19 4179:22	indicate 4194:16 4198:24 4233:10 indicating 4228:22 indication 4228:12 individually 4169:3 influence 4188:8 4205:20 info 4199:17 initial 4225:25 initially 4195:2 4227:2 initials 4193:8 initiate 4215:18 4236:12,23 injury 4198:7,9 4198:13 4200:14 instance 4220:17 instructed	integrated 4183:5,6,15 4184:5 interesting 4180:3 4183:24 internet 4204:4 4204:9 investigate 4204:5,10 involved 4191:4 4191:6 4204:7 4219:3 iphone 4230:25 isnt 4179:15 4194:8 issue 4179:15,15 issues 4220:22 item 4211:24 4223:16 items 4221:1,9 ive 4204:25 4207:17
hes 4180:10 4185:18 4187:21,21	id 4217:2 ideas 4207:14 identification 4211:25 identified 4222:6 ignore 4197:1 ii 4171:2 ill 4178:19 4179:22	id 4217:2 ideas 4207:14 identification 4211:25 identified 4222:6 ignore 4197:1 ii 4171:2 ill 4178:19 4179:22	indicate 4194:16 4198:24 4233:10 indicating 4228:22 indication 4228:12 individually 4169:3 influence 4188:8 4205:20 info 4199:17 initial 4225:25 initially 4195:2 4227:2 initials 4193:8 initiate 4215:18 4236:12,23 injury 4198:7,9 4198:13 4200:14 instance 4220:17 instructed	integrated 4183:5,6,15 4184:5 interesting 4180:3 4183:24 internet 4204:4 4204:9 investigate 4204:5,10 involved 4191:4 4191:6 4204:7 4219:3 iphone 4230:25 isnt 4179:15 4194:8 issue 4179:15,15 issues 4220:22 item 4211:24 4223:16 items 4221:1,9 ive 4204:25 4207:17
	I			J
	january 4169:16			

4209:25	4233:15	4223:1 4224:6	knew 4193:3	4238:12
4234:22	juries 4236:4	4226:9,14	knock 4211:1,16	lance 4169:4
4240:14	jurisdiction	4228:7	4212:9	4182:20
jason 4170:7	4233:16	4231:19,23	4219:25	4185:14
jennifer 4169:18	juror 4205:7	4232:3,11,17	4221:17	4186:1 4196:3
joan 4169:3	4206:24	4233:1,4,8	4232:12	4200:5,20
4201:19	4214:20,21	4234:25	know 4173:17	4201:1,7,20
4208:5	4215:14	4235:3,18	4174:24	4202:8
4209:14	4216:1 4217:1	4236:2	4176:24	4208:11,18,25
4233:17	4217:7	4237:14	4177:23	4209:15
4234:16,20	4228:22	4238:10,18,22	4178:3	4233:18,25
job 4179:24	4229:22	jurys 4236:6,10	4181:14	4234:6,12,17
4183:20	4230:1,7,10,14		4183:25	language
4194:25	4230:21,23	K	4185:23	4236:22
4205:25	4231:1,5	kaster 4170:10	4186:5,5	larger 4181:20
4219:4	4233:11	4170:12	4190:6,20	4195:16
jobeth 4213:7	4235:7,9,11,13	4172:5	4192:3,4,11,19	late 4228:11
4235:14	4235:15,17,25	4173:14,15,17	4193:21	4237:10
joseph 4213:7	4236:20	4178:12	4194:4 4196:8	laughery
4235:8,9	jurors 4203:22	4202:21	4197:16	4184:10,14,17
4238:2	4203:24	4217:24	4198:21	law 4170:19
jrobinson	4204:11	4221:6	4199:9,25	4203:11
4170:7	4205:9,11	4222:12,14	4200:5,6,7	4205:22
jturn 4180:8	4207:5,14	4223:7,14,22	4212:11	4206:9
4181:15	4213:5,11	4224:18	4216:22	4207:18
4182:2,5	4215:13	4225:25	4218:3,5,17,17	4225:24
4195:14	4235:25	4227:7	4218:18,19	4236:9
4199:5,8	jury 4169:13	4230:19	4219:2	laws 4206:14,16
jturns 4193:20	4172:6,8,9,10	4237:15	4225:19	lawyer 4204:22
4194:15	4172:11,13	kboldt 4170:22	4228:10	4216:15
judge 4169:18	4173:9 4198:1	keep 4202:18	4232:5,8	lawyers 4186:19
4201:14	4203:3,10,14	4207:13	4238:4,14	4186:25
4213:25	4203:25,25	keeps 4192:18	knowledge	4187:10
4215:2	4204:15	ken 4184:10	4190:19	4199:21
4217:24	4205:4	keys 4229:14	knowledgeable	4215:3,17,20
4218:12	4206:11,23	kids 4231:7	4190:15	4216:5
4223:12,22	4207:4,8	kimberly	knows 4186:11	4217:21
4225:7	4210:12	4170:22	kramer 4197:8	4235:21
4229:16	4213:10,12,14	kind 4174:10	4197:8,21	4236:11,14,22
4230:3,13	4213:19	4176:13		4237:20
judges 4200:13	4215:5,16	4187:5	L	leading 4184:11
4218:18	4216:23,23	4199:16	ladies 4173:3,4	4185:8
judgment	4217:17,20	4202:8,9	4212:17	lean 4182:15
4184:7	4218:19	4220:15	4231:25	4186:1
4205:11	4219:5,12	4229:5 4232:4	4233:8 4235:2	leaning 4186:7
judicial 4169:1	4221:1,3,15	4232:6	4235:20	leave 4202:14
4208:4	4222:8,9	kissane 4171:2	4237:17	4211:18

4216:14	litigation	lowering 4195:5	4201:4 4208:8	4182:17,18
4217:13,24	4180:10	lumish 4171:15	4208:15,22	4188:14,19,20
4218:10	4181:12	4203:2	4233:23	4205:6,9,11
4228:19	little 4174:11	4213:24	4234:3,9	4224:19
leaves 4227:11	4175:16	4214:5,6	marshaling	4226:18
4227:20	4178:22	4219:16	4219:8	4227:13,22
lee 4169:18	4179:6,18	4221:22,23	mary 4234:23	mentioned
left 4178:14	4180:13	4222:3	4235:6	4176:12
4198:23,23	4182:17	4225:10,23	mason 4176:14	4179:11
4225:2	4186:8	4227:16	4176:15,20,20	4210:8
legal 4196:5	4188:11	lynch 4170:10	4177:2,14,15	mentioning
4198:6,9	4198:23		4179:19,22	4185:15
4200:14,20,25	4214:1	M	4182:1	message
4201:7	4224:22	maam 4222:12	4190:10,13	4204:19
4208:10,18,25	live 4225:1	4227:7	4192:7	messy 4225:1
4233:24	4227:11,19	4230:19	4193:10	met 4186:25
4234:6,12	load 4199:14	4237:16	4195:25	4187:9
length 4213:9	long 4213:11	magic 4225:24	4196:7,14	miami 4169:18
letter 4217:4	4214:9	mail 4210:19	4197:2,5	4171:3,13,14
letters 4237:23	4216:12	mama 4202:10	4199:25	miamidade
license 4229:17	4218:6,21	management	masons 4197:11	4169:1,17
lift 4193:13,15	4236:8	4200:1,8	materials	4233:15
4193:19	4237:18,19	manufacturer	4204:5	4240:5
4194:4,10,13	longer 4218:22	4199:22	matter 4176:22	micky 4178:7
4195:16,17,21	look 4175:19	maps 4204:8	4198:14	miles 4178:24
4199:3,11	4179:9 4182:2	margin 4181:19	4201:24	4179:9
4200:10	4188:4,9	marie 4213:6	mean 4181:2	million 4180:11
lifts 4182:4	4204:8	marin 4213:17	4196:13	4234:19,20,21
4199:15	looked 4194:9	4216:25	means 4204:20	mind 4173:22
limit 4186:6	looking 4225:24	4217:1	4212:2	4173:24
4197:10	4231:18	mark 4202:25	4236:21	4207:9,13
limited 4186:3	looks 4180:12	4210:9	measure	minor 4178:18
line 4208:12,12	lose 4213:11	4213:13	4197:15	minute 4176:19
4208:19,19	4214:20	4218:4	measurements	4177:4
4209:2,2,18,19	lost 4214:21	4221:12	4175:1	4180:19
4210:1	lot 4173:21	4223:10	meet 4199:7,20	minutes 4177:10
lines 4209:23	4175:1	4228:15	4223:25	4211:9,21
4224:20	4177:14	4229:21	meeting 4187:8	4212:7 4231:8
4227:1	4184:10,21	4231:2,18	melahn 4176:7,9	4232:11
listen 4198:16	4192:17	4232:11	4178:15	miracle 4214:19
4204:12	4194:6,9	4237:8	4179:8	mislead 4196:18
listened 4173:20	4214:15,17	4238:13	4181:22,23	mistry 4214:22
4173:24	4229:15	marked 4222:7	4200:6	model 4179:3
4174:6	love 4216:5	4222:10,16	members	4180:17
4195:25	lower 4190:23	4223:3	4203:10	4181:11
lists 4190:23	4190:25	market 4200:17	4207:8 4226:9	4199:6
4194:8	4191:10,14	4200:23	memory	modeling

4180:14,16,20	needed 4179:19	oh 4180:14,25	outstanding	4222:5 4224:5
4181:17	neither 4205:6	4215:14	4219:4	4230:18
4195:15	4216:15	okay 4173:4	overlooked	4235:21
modification	never 4192:3	4178:13	4174:14	4236:22
4178:18	4218:17,20	4179:8	4176:12	4237:20
4179:17	4219:2 4223:4	4180:12,19		parts 4227:3
modifications	new 4199:17,19	4188:12,15	P	party 4205:20
4195:19	news 4174:2,6,8	4189:15	p235 4200:2	pass 4199:14
modified	4204:13	4201:16	page 4172:4	4204:9
4178:17,21,24	newsman	4203:8 4214:3	4190:22	passed 4180:5
4178:25	4173:25	4218:6	4201:16	4180:20
4179:2,11	nice 4223:25	4221:24	4209:4	passing 4198:25
moment	night 4186:25	4222:1 4223:7	pages 4169:14	patience 4203:7
4214:10	normally	4223:15	paid 4190:21	4218:16
motor 4169:8	4216:22	4227:9,10	4196:11	patrick 4231:18
4200:16,22	norman 4170:5	4231:10,10,11	pain 4201:19	paul 4174:1,1,4
4201:3 4208:5	notations	4231:25	4209:15	pavement
4208:7,14,21	4220:24	4232:7	4234:16	4187:18
4233:19,22	note 4205:2	4237:12	paper 4176:23	4189:25
4234:2,8	4212:25,25	oklahoma	4210:23	4190:3
move 4198:23	4213:3	4170:5	4232:20	4192:10
4228:24	4228:14	old 4214:16	park 4228:17	pay 4206:7
4231:16,20	4229:5	once 4198:5	parked 4228:23	4229:23
moving 4229:10	notes 4174:11	4203:1 4212:9	parker 4174:15	4230:2
	4205:3,5,6,8	4212:22	4174:17	paying 4189:7
N	4205:15,17	ones 4214:21	4176:7,9	pays 4196:12
name 4174:1	4213:6 4215:8	open 4207:13	4178:15	people 4176:5,8
4208:3,4	4215:9	4212:23	4179:8	4183:23
4210:4	4240:12	opening 4196:21	4181:22	4185:1,4
names 4235:3	numbers	4198:21	4200:6	4215:3
naples 4186:16	4201:22,25	operates	parkers 4189:8	4217:22
natural 4198:11	4202:3 4218:3	4198:10	parking 4229:15	4235:21
necessary	4218:5	opinion 4205:19	4230:16	4237:3,21
4195:19		opportunity	part 4183:8,19	perceives
need 4184:1	O	4173:7,8	4186:17	4189:11
4196:16	oath 4187:15	4216:6	4190:8	perfect 4227:15
4197:6,7	4191:21	order 4198:6	4201:13	4227:16
4198:7 4201:8	objection	4207:21	4207:25	permission
4203:9 4210:5	4213:22	4214:2 4229:1	4208:1	4216:17
4212:11,23	ocala 4170:11	4229:6,7,9	4226:19	permitted
4213:1,17	occurred 4236:2	4232:12	participate	4211:11
4214:13	offer 4219:1	4236:3	4205:25	4215:18
4219:13,18,25	office 4199:20	orderly 4207:2	4214:11	4236:12
4220:16	4200:7	original 4199:22	4216:13	person 4173:18
4228:7 4229:3	officers 4238:14	ought 4180:18	parties 4215:2	4202:8
4229:20,22,24	offtherecord	outside 4204:15	4216:15	4204:14,17
4232:3	4203:4	4211:3	4217:21	personal 4169:4

phipps 4169:22 4240:7,17	4237:16	4200:2	4218:22	pulled 4229:14
phone 4210:14 4218:2,5,11 4229:20,25	plaintiffs 4175:20 4208:4 4221:2 4223:7,15 4227:7	pounds 4199:12 4199:13,15	procedure 4210:21 4219:9 4220:13 4224:9 4230:17	purposes 4219:10
phones 4210:10 4210:11 4229:12,19 4231:12 4237:8,9	play 4220:1,4,7 4220:8	power 4197:10	proceed 4173:14 4209:8	purses 4229:13 4231:12
photo 4197:17 4197:18	played 4178:11 4195:12 4224:14,15	prefer 4206:4	proceedings 4169:13,21 4173:2 4203:6 4213:21 4220:21 4222:24 4224:4 4228:5 4231:22 4232:24 4233:6 4238:23 4239:2 4240:10	purview 4202:11
photographs 4175:4 4176:2	player 4219:13	preferred 4226:8	present 4176:1 4214:13 4203:24 4224:5	put 4175:21 4178:10 4180:18 4183:4 4185:2 4189:13 4190:6 4195:8 4199:14 4200:12 4229:4
physical 4174:20,23,24 4175:15,25 4176:6 4188:13,18,20 4197:19	please 4173:4 4188:11 4207:20 4209:12 4210:4,23 4213:5,13 4214:7 4221:17 4224:8 4228:9 4231:13,23 4233:7,12,13 4235:1,4	presence 4214:13	presentation 4203:19	putting 4196:24
physically 4176:1	point 4173:9 4185:25 4192:8 4196:8 4214:17 4215:12 4218:25,25 4219:20 4226:2 4237:19	presented 4205:12	presenting 4219:4	<hr/> Q <hr/>
pick 4238:3	police 4175:4 4176:3 4197:18	preserve 4216:1 4236:19	process 4219:8 4220:25	question 4172:9 4172:10 4188:22 4190:2 4195:11 4197:20 4207:20,22 4208:7,14,21 4209:6,12,13 4209:21,21 4210:20,22,23 4210:25 4211:6,10,13 4211:15 4212:4 4222:25 4223:16 4224:6,12 4226:16 4229:2 4233:21 4234:2,8,15
picture 4190:7,8	point 4173:9 4185:25 4192:8 4196:8 4214:17 4215:12 4218:25,25 4219:20 4226:2 4237:19	presiding 4206:24	producing 4198:13	questions 4176:25 4182:20 4191:20 4207:17,21 4209:11
pictures 4204:8	police 4175:4 4176:3 4197:18	press 4230:21	product 4198:7 4198:8	
piece 4210:22 4232:20	polled 4172:13	primarily 4176:2	production 4194:1	
pieces 4232:4	position 4182:13 4207:10	primary 4197:21	professional 4219:3 4240:8	
pile 4212:12 4214:2	positions 4219:5	print 4210:4,23 4210:25	profits 4179:25	
pizza 4229:1,5 4232:4,12,13 4232:20	positive 4192:22 4193:5	prior 4216:17 4220:23	prohibiting 4210:11	
pizzas 4232:5	possible 4226:22	privacy 4216:1 4216:18 4236:20	proper 4224:9	
place 4169:17 4169:21 4170:15 4200:16,22 4201:4 4208:8 4208:15,22 4233:22 4234:3,9	post 4237:1	privilege 4236:9	properly 4222:16	
plaintiff 4169:6 4170:3 4173:6 4173:8 4221:4 4227:23 4233:19	potential 4195:20	privileges 4215:13 4235:25	proposal 4193:24	
		probably 4181:7 4185:7,20,23 4186:4 4188:13 4193:2 4212:7	proposals 4191:8 4193:5	
			propose 4189:1	
			provide 4225:17	
			public 4205:19	
			publish 4233:13	
			pull 4197:17	

4223:10,11 quick 4178:6 4230:5 quietly 4216:7,9 quite 4187:20 4190:19 quote 4186:23 4194:17	4227:3 reads 4208:6 ready 4233:2 real 4178:6 4230:5 reality 4196:11 really 4179:14 4186:5 4189:12 4197:1 4198:14 4214:12,16 realtime 4169:23 4240:17 rear 4188:2 4190:24 reason 4212:24 4213:4 4223:3 4224:11 reasonable 4195:23 4202:5 reasons 4193:21 4214:16 recall 4182:18 4191:19 received 4204:1 4205:22 recess 4204:8 4220:18 4222:21 4224:1 4228:2 4232:21 recline 4183:3 4183:11 reclined 4182:21 4183:11 reclining 4201:6 4208:24 4234:11 recognize 4216:11 recognized 4236:5 recognizing	4199:18 recollection 4225:4 recommendat... 4177:15 recommended 4177:24 reconstructed 4175:5,14 4176:3 reconstruction 4175:21 4223:2 reconstructio... 4175:6,7 record 4219:7 4220:22 4221:14 4222:4 4240:11 recovery 4176:5 4176:10 4178:17 redacted 4220:25 4222:10,17 redaction 4220:23 reduce 4195:20 reference 4204:4 4226:5 referred 4211:24 refuse 4215:22 4236:15 regard 4220:23 regarded 4198:6 4221:9 regardless 4188:7 registered 4240:7 regular 4174:6,8 release 4195:21 released 4194:25 reliable 4188:13	relied 4175:9,10 4175:23 4236:4 reluctantly 4182:1 rely 4188:19 4224:19 4225:4 4227:13,21 relying 4226:17 remain 4213:17 4216:7 4236:7 remember 4173:11,25 4174:16 4176:4 4178:14 4179:21,23 4180:14 4184:24,24 4186:20 4187:13 4189:12 4193:13 4195:12 4203:17 remembering 4187:5 remind 4174:7 4178:7,19 4179:12 4190:10 4193:12 repeat 4177:22 repeatedly 4186:10 report 4187:16 4197:11 4240:9 reported 4169:21 reporter 4226:7 4226:12 4233:3 4240:8 representative 4169:4 4176:15	4182:3 4190:12 4233:18 representatives 4215:17 4216:16 4236:11 represented 4176:16 request 4173:10 4210:2 4215:23 4219:13 4225:13 4226:10,15,21 4234:24 4236:16 requested 4226:13,17 required 4215:14 4236:1 requirement 4199:19 research 4204:2 resistance 4192:22 resolution 4219:1 resolve 4226:16 resources 4181:4 respect 4200:18 4200:24 4201:5 4208:9 4208:16,23 4214:24 4233:23 4234:4,10 respond 4173:7 response 4211:14,15 responsibility 4200:4 responsible 4198:19 4201:11,12,13
R				
raise 4188:11 ramirez 4213:8 4228:22 4230:21 4235:14,15 4238:7 range 4201:22 raton 4170:21 rdenney 4170:6 reach 4203:21 4206:21 4211:17 reached 4204:16 4212:9,10 4233:1,9 reaching 4203:12 4204:2 4205:17,24 4206:5,16 read 4179:22 4185:4,6 4186:14,18 4198:4 4204:12 4205:17 4207:24 4210:3,24 4213:23 4215:10,10 4225:15,16 4226:7,11,13 4235:4 readback 4225:14,22 4226:4,6,8,23 reading 4226:21				

4215:4	4194:10	4194:11	schuck 4171:10	4220:11
rest 4174:3,4,11	rights 4215:7		4219:19	4221:18,19
4201:15	ring 4210:18	S	4220:10	4228:20
restraint	rise 4218:7	safe 4180:23	4221:8,11	4229:17
4200:25	4231:23	safer 4179:2	4222:13,19	4230:8
4208:17	4232:17	salary 4183:20	4226:25	4231:16
4234:5	4238:18	salas 4171:4,5	4227:25	4238:12
result 4195:11	risk 4200:2,3,4,5	4173:21,24	scott 4171:2	seek 4215:24
4201:20	4200:9	4174:12,15	screen 4219:11	4236:18
4205:10	road 4174:16,22	4176:13,17	seat 4182:16,21	seen 4180:24
4209:15	4176:4,8,10	4177:5 4180:3	4183:3,5,6,10	4181:7 4192:4
4218:1	4178:16,17	4182:10,17	4183:12,15	selection
4234:17	4188:24	4184:9	4184:5 4185:2	4216:23,24
results 4195:13	4189:4,19	4186:11	4185:5,11,19	selfserving
retained 4196:9	4198:16	4201:24	4186:1,3,7	4199:16
4197:22	roads 4197:13	4219:17	4200:24,24	send 4214:3
retire 4203:14	robinson 4170:7	4223:12	4208:16,17	4221:1 4229:4
4213:14	4218:13	4224:9,15,20	4213:9,10	4229:21
return 4209:9	4219:6	4235:1	4228:7 4234:4	4230:7,9,10,21
4212:21	roll 4190:25	4238:11	4234:5	4232:2,10
4226:14	4191:1,14,17	satisfying	seated 4173:4	sending 4219:23
returned	4192:10,22	4224:22	4214:7 4228:9	4221:16,24
4231:20	4195:5	save 4212:3	4233:7	sense 4176:25
review 4222:5	4200:11	4223:10	seats 4201:6	4183:17
reviewed 4221:2	4210:18	saw 4180:9,11	4208:24	4184:6,22
4222:1	rolled 4178:25	4180:16	4234:11	4189:13
revised 4177:20	4189:24	4181:17	second 4191:12	4196:13
richard 4170:6	rolling 4187:19	4183:6	4203:3	sent 4212:1
right 4173:5	room 4172:8	4189:23	4215:16	4221:9
4178:13	4203:14,25,25	saying 4173:23	4225:15	sentiment
4179:6	4205:4	4182:14	4226:3	4205:20
4187:22,23	4206:11,23	4187:21,21	4238:21	separately
4189:24	4207:4	4229:5	section 4220:5	4207:20
4190:3 4191:6	4210:13	says 4180:25	secure 4202:25	sequence
4195:2 4211:3	4213:14	4191:25	see 4174:12	4198:15
4211:3 4215:5	4215:16	4193:7,16	4175:3 4182:8	served 4216:12
4215:15,20,22	4226:14	4209:13,22	4188:2,12	service 4210:15
4216:14,18	4232:3,11	4221:15	4189:15	4214:24
4217:16,20	4236:2	4223:14,15	4190:4	4217:3,9,23
4220:3	rpr 4169:22	4226:5,8	4197:17	4237:22
4225:14	4240:17	4227:10	4200:16	4238:1,6,17
4228:18	rubio 4171:5,6	scale 4175:19	4201:15	set 4219:11
4230:2,23	4225:7	4197:4	4203:2	4221:25
4236:15	rules 4173:12	scales 4184:15	4204:11	4224:12
4237:6	4204:22	scene 4175:1	4207:1 4212:4	4232:1
4238:15,20	run 4220:8	4176:2 4204:7	4217:25	share 4207:14
righthand	running	4204:9	4219:12,24	sheet 4232:19

shes 4182:14	sitting 4196:2 4211:3 4214:8	spent 4217:5	4240:12	4192:7 4195:9
short 4214:18	situation 4188:23 4189:2	split 4213:3	stenographica... 4169:21 4240:9	4201:22 4227:2
shortly 4203:14	situations 4218:18	stability 4192:12,13,17 4192:23 4193:1,6 4194:21 4196:24 4197:2 4200:19,19 4208:10 4233:24	stewart 4171:8	suite 4170:15,20 4171:2,8,13
shoulders 4197:13	size 4181:20 4195:16	stable 4180:24 4181:6 4192:9 4192:18	stiffness 4191:2 4191:17	supports 4182:13
show 4178:6 4179:4 4198:20 4228:20 4229:20 4231:6	skate 4176:23 4176:23 4187:25 4189:13,22 4197:7,9,12,18 4197:19	staff 4217:21 4237:20	stock 4178:21 4178:23,24 4179:3,8	sure 4184:21 4185:20 4211:22 4216:9 4217:14 4227:9 4230:20
showed 4180:3 4181:6,11 4195:13 4199:2	slides 4179:11	stand 4187:9 4197:23 4213:5 4233:10	stop 4178:13 4204:10	surely 4185:5
showing 4181:9	sliding 4187:17 4187:24	standpoint 4225:13	stopped 4180:7 4182:5 4193:20 4194:15	surfaces 4197:13
shown 4180:23	slow 4230:24	staring 4189:8	store 4181:1	surrogate 4184:1,2
shut 4211:5	society 4236:3	start 4185:20 4186:9 4188:6 4198:14 4221:12	stored 4181:4	survived 4183:1 4183:2
side 4175:20 4184:17 4194:10 4196:12 4202:1	somebody 4197:22 4229:19 4237:10	state 4215:3,6 4217:22 4235:22 4237:21 4240:4	story 4174:3,5 4174:11	suspect 4216:3
sidebar 4203:2,5	someones 4188:14	started 4177:5 4177:10 4186:19 4187:18 4190:9 4194:17	straight 4189:17	sustained 4201:18 4209:14 4234:16
sign 4209:9 4210:2 4212:21,25 4213:1	soon 4218:5 4232:13	statement 4199:16	straightforward 4192:1	swimmer 4185:18
signature 4210:1,4	sort 4203:20	stay 4211:7 4212:12 4217:15,15,25 4218:8,8	strange 4183:8	sworn 4186:22
signed 4210:6 4234:23	south 4171:3,8 4171:13	stenographic	street 4169:17 4171:13	sympathy 4205:18
significant 4193:11 4199:23	southeast 4171:13		struggle 4191:7	system 4200:25 4208:17 4234:5
signoff 4181:10	speak 4173:9 4215:20,22 4216:19 4236:10,14,16 4237:6		study 4184:2,2	systems 4169:23 4240:17
silent 4231:4	special 4215:12 4235:25		stuff 4238:13	
simply 4195:10 4195:13 4205:5 4215:23 4236:17	specific 4206:7 4226:19,22		style 4208:1,2	T
single 4214:20	specifically 4182:19 4184:24 4210:10		subject 4181:21	table 4211:18
sir 4187:2 4188:3 4189:20 4238:25	speed 4219:5		submitted 4222:9	take 4181:2 4198:3 4199:10 4200:13 4210:9,22 4211:5,9,20 4212:7,13,15 4218:6

4221:13	tap 4174:18	4180:18	4186:17	4184:3,4
4226:11	taught 4176:10	4181:15	4187:20	4190:6
4229:25	teaches 4176:4,8	4184:25	4188:20	4193:11
4230:1	telephone	4192:21	4190:3	4199:4,5
4231:13	4204:17	4194:4,4	4192:18	4202:6
4232:12	tell 4174:4,9	4195:14,14	4193:8,11	4206:24
taken 4169:16	4190:9 4205:1	4199:2	4194:7,14	4220:8 4226:1
4172:8 4205:3	4210:5,6,18	tests 4178:5,6	4197:3,18,19	things 4174:7,7
4205:4	4212:10	4180:5,9,23	4199:1,15	4175:25
4214:16	4215:7	4181:11	4200:21	4186:20
4218:20,21,24	4219:18	4182:4,5	4201:13	4187:5,14
4220:18	4220:10	4193:14	4202:4,5,6,6	4188:4,9
4222:21	4228:17	4194:13	4202:10,11,13	4190:11,23
4224:1 4228:2	4229:3,8,16	4198:24	4210:15	4191:25
4232:21	4232:6	4199:8,10,18	4211:13,22	4192:25
4237:19	telling 4220:16	text 4204:19	4212:11,22	4195:8
takes 4229:8	tells 4207:23	4229:19,21	4215:15	4197:13
talk 4175:16	ten 4177:22	4230:5,7,8	4219:20	4219:20
4176:14	4179:20	4231:8,9	4222:15	4228:10
4177:14	4180:8,19	4237:1	4225:7,23	think 4176:11
4183:22	4181:15	thank 4173:3,15	4228:24	4176:25
4197:7	4231:8	4190:5	4230:3	4179:23
4204:16	test 4180:8,9,11	4202:22,23	4235:17	4180:6,22
4207:4	4180:15	4203:7 4217:2	theres 4185:14	4182:16
4215:14	4182:2	4217:6,7,9,11	4187:12	4183:18
4216:2,3,6,9	4184:22	4217:22	4189:2,21	4184:19
4217:16,25	4194:11	4218:6,15	4190:2	4185:15
4229:11	4195:10,13	4219:6	4191:24	4186:16
4231:9 4236:1	4199:5,12,24	4222:20	4194:9	4188:5 4189:2
4236:24,25	4200:1	4228:8	4198:20	4189:3
4237:2,3,5	testified 4225:2	4231:25	4202:2	4196:10
talked 4174:15	testifies 4227:11	4232:15	4208:19	4197:24
4182:10	4227:19	4233:7	4209:2,17,18	4201:2
4184:25	testimony	4235:22	4210:1,15	4202:17,21
4185:15	4177:3,25	4237:22,25	4220:4	4206:1,3
4193:12	4179:22	4238:2,4,5,7,9	4226:23	4207:12
4194:5	4183:9 4186:9	4238:17	4228:14	4210:14
4198:21	4186:14,17,23	thanks 4238:16	theyre 4177:9	4219:19
talking 4174:12	4187:1,6	thats 4174:19	4177:12	4220:6 4224:9
4177:5 4199:4	4188:6,9	4175:17	4194:13	4224:25
4202:18	4191:5	4176:11,24	4199:3,12,13	4226:25
4223:5,9	4197:12	4178:3 4179:3	4223:5	4237:10
talks 4197:4	4205:12	4179:17	4238:15	thinking
talley 4213:16	4226:10,13,17	4180:11	thing 4177:17	4179:25
4217:6,7	4226:20,22	4181:13	4179:16,18	4180:1 4230:3
tandy 4180:9	4227:12,20	4182:5	4180:2 4182:8	third 4190:22
4181:12	testing 4180:4,7	4184:20,23	4182:15	4191:14

4201:3	4170:12	treat 4224:21	un46 4177:6,11	4199:22
4209:19	tires 4178:23	trial 4169:13,14	unanimous	vehicles 4177:16
thought 4179:12	4179:13,14	4204:1,13	4212:18	4192:18
4180:2	4181:22,24	4205:3,13,14	underneath	4199:20
4183:24	4194:18	4211:1,25	4210:4	verdict 4172:12
4184:23	4195:1	4213:9,12	understand	4198:2
4219:2	4196:25	4215:5,19,21	4183:9	4200:12
4225:15	4198:25	4217:5,16,20	4214:13	4203:12
4229:1	4199:1,7,11	4236:13,15	4218:14	4204:16
thoughts	4200:2	4237:4	understood	4205:10,18,21
4173:22	today 4187:1,6	tried 4196:18	4176:23	4205:24
three 4177:16	4192:11,19	true 4194:8	uneven 4197:12	4206:2,4,5,22
4187:9,10	told 4173:5,11	4240:11	4197:14	4207:16,22
4201:10,17	4174:7	trust 4223:22	unfortunately	4208:1,6
throw 4211:17	4175:24	truth 4196:19	4218:12	4209:7,9
throwing	4178:8	try 4178:16	union 4194:11	4210:2,6
4225:20	4181:12	4196:13	4195:14	4211:17
ticket 4229:22	4182:1 4185:7	4207:11	unique 4236:9	4212:9,11,16
4230:15	4187:8	4232:7	unusual 4214:15	4212:17,18,20
till 4177:24	4190:11,13,16	trying 4178:20	use 4184:7	4212:22
tilt 4184:15	4196:20	4179:4 4188:6	4204:3 4205:4	4213:15
time 4169:16,20	4197:9 4200:9	4188:23	4206:16,20	4233:1,9,12,13
4174:4	tonight 4228:11	4189:10	usually 4219:20	4233:21
4181:18	4228:19	4192:8 4212:3	utility 4199:19	4235:3,4,5,7,9
4183:8,16	top 4207:25	4213:2		4235:11,13,15
4184:10	4208:1	turn 4189:18,21	V	4235:17,19,19
4187:14	tortured 4216:4	4189:21,24	valladares	victor 4213:7
4193:17	total 4201:21	4209:4	4213:16	4235:12,13
4202:18	4209:18,23	turning 4189:17	4217:11	4238:5
4204:12	4234:20	4230:14	valuable	video 4178:11
4212:13	touching	tweet 4237:1	4214:25	4219:10,24
4215:12	4183:12,13,16	twitter 4204:19	vehicle 4177:18	4221:16
4217:18	toughing 4238:9	two 4184:3	4177:20	4224:7,13
4218:21	tower 4171:13	4192:25	4178:1,15,15	4225:2
4226:12	track 4190:25	4209:17	4178:18	4227:12,20
4235:23	4192:2,7,9,12	twowheel	4179:10	view 4174:5
4237:19	4192:16	4182:4	4180:4,12,24	4204:6
times 4177:22	4193:22	4193:13,15,19	4181:6,13,16	4221:17
4187:10	4195:6	4194:3,9,13	4181:19,21,21	views 4207:5
tip 4179:2,10	tracking	4195:16,17,21	4187:17	violation
tipped 4181:16	4189:16	4199:11	4188:24	4204:24
4181:24	train 4228:21		4189:3,8,10,16	virtually
tire 4181:18,20	4237:11,12	U	4189:23	4182:12
4194:20	transcript	ultimately	4190:23	4184:4
4195:2,8,15,20	4169:13	4212:21	4193:22	visit 4204:6
4195:21	4225:17	un105 4177:7	4195:20,22	voice 4210:19
tirefailures	4240:11	un150 4177:7	4196:23	volume 4169:14

voluntarily 4186:13,15	4185:8	4192:12,16	writing 4204:18	4214:9,11
vote 4213:3	wasnt 4175:11	4193:22	4210:25	4217:12,13,15
4236:7	4179:11	wish 4219:24	written 4211:14	4221:8
vs 4169:7	4180:17	4221:17	4221:15	4229:10
4233:19	4183:12	4235:22,24	4225:18	4231:18
	4196:15	4236:8	wrong 4187:11	4232:15
	watch 4204:13	wishes 4219:12	4187:12	4237:2,11
	4224:7	witness 4175:8,8	wrote 4176:22	youth 4173:25
W	watching	4175:8	4177:6	youve 4202:5,21
wait 4231:14	4190:21	4176:21		4207:7 4212:9
waiting 4211:12	way 4180:21	4196:7,9,15,15	X	4212:10
walk 4228:13,15	4186:16	4196:15	xxix 4169:14	
4229:17	4206:1	4197:21		Z
4237:12	4211:24	4224:21		
4238:14	4216:16	4225:2	Y	
wallets 4229:25	4220:4 4230:4	4226:20	yeah 4183:7	0
4231:12	wear 4178:23	4227:11,19	4230:2 4231:5	00 4169:16
want 4174:10	weeks 4214:19	wlumish	year 4177:19,20	04 4172:11
4179:24	welcome	4171:15	4177:22	4228:4
4186:6,9	4217:15	wonder 4180:22	years 4179:20	09 4172:12
4193:11	wendy 4171:15	4184:18	4180:8,20	4232:23
4198:1,20	went 4187:1	4194:14	4181:15	
4202:18,20	4193:3,13,25	wont 4197:17	4187:4	1
4216:3,6,8,13	4194:24	work 4192:2	4190:14,14	1 4173:2
4217:25	4196:5	4196:5	4192:20	4179:24
4218:3,7,8,15	4214:25	4217:19	4236:6	4190:23,24
4220:8,11	4223:4	4225:8	youall 4183:25	4194:25
4221:19	west 4169:17	4236:10	4190:20	4208:7 4209:6
4223:17	weve 4232:25	worked 4190:16	4211:8	4209:11
4225:19	whats 4176:1	world 4184:12	4214:13	4233:21
4226:5,20	4179:15,15	4184:20	4216:11	10 4231:20
4228:12,13	4189:9 4190:8	4185:9	4224:12	4234:19
4229:6,6,9,9	4208:2	worn 4179:13	4228:19	100 4170:10
4230:20	wheel 4195:6	worth 4185:15	youd 4185:20	4171:13
4232:4,5,7	whos 4238:4	wouldnt 4178:2	4217:15	11th 4208:4
4236:25	widen 4177:17	4183:13	youll 4174:16	4218:23
4237:2,5	4190:24	4186:4	4184:7	4233:15
wanted 4225:16	4191:12	4192:14	4193:18	13 4172:13
4229:19	4192:8 4195:6	4193:2 4196:2	4231:12	14 4220:20
warning	widened 4178:1	4196:3	young 4176:5	1400 4171:2
4173:10	4192:6	write 4210:23	youre 4182:16	15 4212:7
4184:11,25	widening 4192:2	4211:15	4189:1,5	17 4239:3
4185:9 4201:5	4192:12,16	4212:20,24	4190:3	19 4234:21
4208:23	4196:23	4225:11	4196:11,11	1989 4177:23
4234:10	wider 4178:22	4226:18	4198:3	4179:19
warnings	4179:18	4227:8,17	4199:10	4190:17
4184:9,12,13	width 4190:25	4232:3,19	4207:9	4193:18
4184:18,23			4211:12,19	1990 4180:7,21
			4212:2 4213:2	1995 4178:12

1996 4208:8,15 4208:22 4233:22 4234:3,9 1997 4180:22	25th 4209:25 4234:22 4240:14 26 4199:12,13 280 4171:8 2801 4171:8 2964 4170:15 299 4170:20	4 4 4172:10 4209:12,13 4224:3 4228:3 4234:15 40 4185:21,22 4186:3 405 4170:5 4169 4169:14 4173 4172:5 4200 4171:13 4203 4172:6 4213 4172:7 4222 4172:8,9 4224 4172:10 4228 4172:11 4232 4172:12 4235 4172:13 4240 4169:14 44 4178:24 4179:9 4185:18 44inch 4185:22 45 4182:22 47 4172:7 47degree 4182:22 4a 4209:23	65 4180:11
2 2 4169:16 4171:13 4172:7 4190:24,25 4191:1,15 4193:23 4208:14 4209:4,6,11 4220:19 4230:25 4234:2 20 4212:7 200 4171:8 2000 4177:24 4180:21 2013 4169:16 4209:25 4234:23 4240:14 203 4170:20 205 4171:9 22 4169:2 4172:8 4222:22 4233:17 225 4181:18 4194:19 4195:1,15 4198:25 4199:3 235 4181:20,22 4181:24 4194:19 4195:4,7,8 4199:1,3,11 245 4194:19 25 4169:16 4185:11,19 4186:2 2511193 4171:9	3 3 4169:14 4172:8,9 4208:21 4209:6,12 4220:20 4222:22,23 4224:2 4234:8 30 4185:12,20 4186:4 4190:13,14 300 4170:15 305 4170:11,16 4171:4,14 30something 4192:20 33 4172:11 4231:21 331319101 4171:14 331333862 4170:16 33156 4171:3 334325822 4170:21 34 4172:9 4222:23 4232:22 344780100 4170:11 35 4186:4 4199:15 3505300 4171:4 352232484 4171:9 3648600 4170:5 3721313 4170:16	7 73 4169:17 73072 4170:5	8 8 4172:12,13 4232:23 4239:3 870 4170:4
		9 9 4234:20 9150 4171:3 9550045 4170:21 96 4200:17,23 4201:4 999450ca 4169:2 4233:17	
		5 51 4172:10 4179:1 4224:3 5300050 4171:14 54 4224:2 55 4173:2 561 4170:21 58 4228:3 59 4220:19	
		6 6 4172:11,11 4220:8 4228:4 4231:20,21 4232:22 6221600 4170:11	