

PROCEEDINGS

AUGUST 15, 2016

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3
4 THE COURT: Good morning everyone. Please be seated.
5 Okay. We are here this morning for trial in Johnson
6 versus Seattle Public Utilities, et.al., 15-2-03013-2,
7 Seattle designation. Can I please have counsel identify
8 themselves for the Court.

9 MR. SHERIDAN: Yes. Good morning, your Honor. I'm
10 Jack Sheridan representing the plaintiffs. With me is
11 Melanie Kent, who is our legal assistant.

12 THE COURT: Good morning.

13 MR. SHERIDAN: Shall I introduce the plaintiffs?

14 THE COURT: Sure. That'd be great.

15 MR. SHERIDAN: Carmelia Davis-Raines.

16 THE COURT: Good morning.

17 MS. DAVIS-RAINES: Good morning.

18 MR. SHERIDAN: And Cheryl Muskelly.

19 THE COURT: Good morning.

20 MS. MUSKELLY: Good morning.

21 MR. SHERIDAN: Careful. Luisa Johnson. Pauline
22 Robinson. Elaine Seay-Davis. And Lynda Jones. And Toni
23 Williamson.

24 THE COURT: Okay. Good morning everyone.

25 MS. MOORE: Good morning, your Honor. Portia Moore,

1 Davis Wright Tremaine, representing the City of Seattle.
2 With me I have Ted Posise, and I have my co-counsel Sarah
3 Tilstra. We also have our client representative
4 Guillemette Regan.

5 THE COURT: Okay. I want to say it correct. Is it
6 Guillemette; is that right?

7 MS. REGAN: Guillemette.

8 THE COURT: Guillemette. Okay. I've seen it in all
9 the court documents and I wasn't familiar with it. So I
10 wanted to make sure. I'm going to try to say everyone's
11 name right at all times but I may fail. Okay.

12 MS. MOORE: Your Honor, I also wanted to introduce you
13 to two additional lawyers. This is Giancarlo Urey and
14 Arthur Simpson.

15 THE COURT: And I'm sorry, Ms. Moore. I'm having a
16 hard time hearing you.

17 MS. MOORE: Oh, shoot. I'm sorry.

18 THE COURT: That's okay. Is the speaker on? The
19 mike?

20 MS. MOORE: Most people haven't told me they can't
21 hear me, your Honor.

22 THE COURT: Yeah, I know. I guess I -- I -- I --
23 okay. Today, I, for some reason. Okay. So...

24 MS. MOORE: Giancarlo Urey and Arthur Simpson.

25 THE COURT: Okay.

1 MS. MOORE: Is that better?

2 THE COURT: Mr. Urey, you are from California, right?

3 MR. UREY: Yes, your Honor.

4 THE COURT: And terrific. Okay. Thank you.

5 MS. MOORE: Thank you, your Honor.

6 THE COURT: Okay. And I wanted to address a couple
7 things. You folks have the signed order, I assume, from
8 -- well, I just signed it. But the one that you gave me
9 that was agreed upon motions in limine, right?

10 MS. MOORE: We don't have it yet, your Honor, but we
11 assume that --

12 THE COURT: But you folks agreed to it. I just signed
13 it this morning.

14 MS. MOORE: Yes. Yes.

15 MR. SHERIDAN: Oh, okay.

16 THE COURT: I just want to make sure you have got a
17 copy of it in front of you, and that we'll deal with the
18 video points later obviously. I do have, but have not
19 yet ruled upon the motion that I got, I guess it was
20 Thursday, for the Court to take judicial notice of this
21 Seattle Times article.

22 MR. SHERIDAN: Right.

23 THE COURT: I can just tell you I'm -- you know, my --
24 I'm inclined to just admit them for the purposes of that
25 they were published on that day on these topics, but

1 anything beyond that, the content of them or even the
2 subheading of the articles, I don't think that they are
3 relevant for any purpose. So it's -- so I need to work
4 through -- rework through your order, Mr. Sheridan,
5 because it's a little broader than that.

6 MR. SHERIDAN: All right.

7 THE COURT: And I will -- sounded like we are not
8 going to need to deal with that this morning.

9 MS. MOORE: No, your Honor.

10 THE COURT: So it's on my list.

11 MR. SIMPSON: We're happy to present argument, if
12 your Honor would like.

13 THE COURT: No. I read the issues. And some of it
14 was -- what I found is kind of like in motions in limine
15 where you folks aren't exactly on the same page. You're
16 thinking that you want to introduce the full content of
17 the articles, and I didn't get that impression that you
18 did from your reply.

19 MR. SHERIDAN: No.

20 THE COURT: So I think there is a happy medium here,
21 and I'm going to tweak the order to reflect that.

22 MR. SHERIDAN: All right. Gotcha.

23 THE COURT: And I'll get that out to you folks today.

24 MR. SIMPSON: Thank you.

25 THE COURT: I assume you folks may have seen the

1 fliers that are being handed out downstairs?

2 MR. SHERIDAN: I didn't.

3 MS. MOORE: No, your Honor.

4 THE COURT: No. Okay. My bailiff has a copy made.
5 It is about juror nullification, and folks have been
6 handing them out now for about a month to prospective
7 jurors. And so it's most -- it deals with the, of course
8 mostly bearing on criminal cases, mass incarceration, and
9 disproportionality, but given that this is, you know,
10 involves allegations of discrimination, I plan to just
11 address it briefly with the jurors because I'm sure they
12 have gotten them. They hand them out to everyone, but of
13 course the target audience is prospective jurors. And so
14 I'll address it with them, and let them know that, you
15 know, it's not a criminal case, but certainly they may
16 want to discuss these issues, and if it's on their mind,
17 and this case involves discrimination, and that'll
18 probably represent a great opportunity for you folks to
19 explore it further during voir dire. Anything else?

20 MS. MOORE: Yes. Your Honor, if I can just have
21 clarification on your order with respect to jury. Does
22 each side get 30 minutes?

23 THE COURT: 30 times two.

24 MS. MOORE: 30 times two. All right. And finally,
25 your Honor, when you question the jury do you question

1 everybody who is seated or is it just that?

2 THE COURT: Yeah. Yep.

3 MS. MOORE: Okay.

4 THE COURT: I do. I treat them all, you know, pod
5 number one, two, three.

6 MS. MOORE: Right. Right.

7 THE COURT: We do motion for cause to strike 1jurors
8 right out in the open. I find it better that way. I
9 don't think we talked about alternates, but two -- two.
10 For sure two. For sure two.

11 MR. SHERIDAN: Maybe more.

12 THE COURT: I'm thinking about three.

13 MS. MOORE: That would be fine, your Honor.

14 THE COURT: I'm just concerned because of summer, and
15 I'm concerned that there does seem to be some kind of
16 weird summer virus going around. So I would hate to lose
17 folks. Let's do this. If we seem to have a generous
18 amount of people, we will opt for three. And if we
19 don't, and I suspect we may not, then we will do two, and
20 keep our fingers crossed.

21 MS. MOORE: All right.

22 MR. SHERIDAN: Okay.

23 THE COURT: And I -- we will select the alternates
24 once we know how many we are going to do, two or three.
25 We will select them in advance.

1 MR. SHERIDAN: Okay.

2 THE COURT: That's how we do that.

3 MR. SHERIDAN: How many peremptories dependent on
4 alternates?

5 THE COURT: So if we do three alternates, then that
6 would be -- I allow seven each.

7 MR. SHERIDAN: Seven peremptories?

8 MS. MOORE: Seven peremptories.

9 THE COURT: Yeah.

10 MR. SHERIDAN: And are the peremptories only targeting
11 the alternate or can you perempt anybody?

12 THE COURT: Anyone. Anyone.

13 MR. SHERIDAN: Okay.

14 THE COURT: I select the alternate first, and I think
15 that's really what the law requires, frankly. The local
16 rules, I should say. So we do it that way. But you
17 folks are not limited with your peremptories to just --
18 you don't have to designate one for the alternate. You
19 can do any one, and I don't seat people in the box until
20 right before we move on to peremptories. Just easier.

21 MS. MOORE: Okay.

22 MR. SHERIDAN: Okay.

23 MS. MOORE: So everybody will be back here?

24 THE COURT: Yeah. Yeah. So...

25 MS. MOORE: Okay.

1 THE COURT: So, you know, typically we bring everyone
2 in, and then you folks usually stay where you are for
3 now, and then when we start with formal voir dire, you
4 know, hardships, I find most attorneys stay where they
5 are, and then I go through the initial hardships, and
6 then when we start to do more substantive questions I
7 find that you folks over here at least usually want to
8 sit on the other side. You are welcome to move around
9 however as you would like.

10 MR. SHERIDAN: After hardships, if you are going to
11 leave the box empty, would you mind if my clients fill
12 the box so that they can watch the jury. I'm a little --

13 THE COURT: We will leave it empty. I'm sorry. I
14 didn't explain it well.

15 MR. SHERIDAN: All right. Then they will just do the
16 best they can.

17 THE COURT: Yeah, it's going to be crowded. I think
18 the most we have had is 60 before, right?

19 THE BAILIFF: Yeah, 60.

20 THE COURT: And it's tight.

21 MR. SHERIDAN: Okay.

22 THE COURT: And we've not had 60 with seven
23 plaintiffs. So it's going to be a little tight.

24 MR. SHERIDAN: Your Honor, I also have a couple
25 housekeeping things to raise. First is --

1 MS. MOORE: Before we move on, your Honor, can I just
2 ask one more question?

3 THE COURT: Sure.

4 MS. MOORE: For cause.

5 THE COURT: Yes, ma'am. Yep.

6 MS. MOORE: If we have three peremptories, is it still
7 just three challenges for cause?

8 MR. SHERIDAN: It's unlimited.

9 THE COURT: Unlimited.

10 MS. MOORE: Oh, never mind.

11 THE COURT: No worries.

12 MS. MOORE: Seven peremptories.

13 MR. SHERIDAN: Okay. So number one is -- is the just
14 to have one guy in the box, and we picked Hoffman. We
15 have subpoenaed him. And he is retired now. We were
16 told by the defendant he is unavailable, but we feel a
17 little like we may be -- he should be available. We
18 haven't been told where he is. Just that he is out of
19 town. And it seems like a guy's got a subpoena on him
20 ought to be here. So we want him as our first witness,
21 and we would like to see if the Court agrees with us.

22 MS. MOORE: Your Honor, on August 4th, we sent
23 Mr. Sheridan a list telling him about people's
24 availability. I have these e-mails for you. We told him
25 that Mr. Hoffman would not be available tomorrow the 16th

1 because we assumed that we would be picking a jury, and
2 doing opening statements, and that we wouldn't get to
3 witnesses the first day. But we let Mr. Sheridan know
4 that Mr. Hoffman was not available tomorrow.

5 Mr. Sheridan did not -- did not object to that in any
6 way. Since that time, your Honor, I have sent
7 Mr. Sheridan three e-mails asking him to identify the
8 three witnesses that he considers adverse. He has not
9 done that yet. And asking him to please tell me the
10 first three witnesses he intends to call so that we can
11 have them ready. But Mr. Hoffman is vacationing with his
12 son. Mr. Sheridan knew that on the 4th. Didn't say
13 anything. And now is accusing us of doing something
14 wrong.

15 MR. SHERIDAN: If I can just correct that just a
16 little bit. So the list that we got didn't show Hoffman
17 unavailable today. We subpoenaed him for today. I
18 figured he was at the dentist appointment tomorrow
19 because they just had one day. People who were
20 unavailable through the weekend, because they were gone,
21 they listed those people, and said, you know, nobody's
22 described can't be -- Carl can't be here from the 13th
23 through the 16th to whatever. So I'm sympathetic that he
24 is with his son, but I don't know if he is in Bellevue
25 with his son or where he is with his son, but it seems to

1 me that he is a very important witness, and we ought to
2 be able to call him as our first witness. So we would
3 like that privilege.

4 THE COURT: Well, I have no idea when we are going to
5 get to a first witness. It could be today. It probably
6 wouldn't the -- problem, I guess, is later in the day.
7 So I can't -- I can't get him here today. Wherever he
8 may be, even if I wanted to --

9 MS. MOORE: He's camping with his family, your Honor.

10 THE COURT: Okay. So he is -- he is -- he can't be
11 here today.

12 MR. SHERIDAN: Then you are -- then just to --

13 THE COURT: What would you like the Court to do?

14 MR. SHERIDAN: I will let that go.

15 THE COURT: Okay.

16 MR. SHERIDAN: And I will just let everyone know that
17 our first three witnesses will be Ms. Sumitani, Ms. Howe
18 and Paula Robinson. And that should take us through the
19 day.

20 THE COURT: Okay. Terrific. Okay. Anything else?

21 MR. SHERIDAN: Yes. The other thing is, I think it
22 was last night, maybe Friday, last night a second Word
23 version of the joint statement was sent to the Court.

24 THE COURT: Yes.

25 MR. SHERIDAN: It contains a bunch of exhibits that

1 have never been listed on the witness and exhibit list,
2 and never been provided to us. We have a hard copy this
3 morning, but we have not even -- we haven't objected. We
4 haven't seen them. So we can't really comment on them,
5 but I wanted to bring that to the Court's attention.

6 THE COURT: Right. Okay. And you folks both know
7 that with regard to, you know, so-called surprise
8 evidence, I'm just going to use that word surprise, that,
9 you know, I am strictly bound of course by recent case
10 law, Jones versus City of Seattle, and which applies the
11 Burnett factors. So before I can exclude anybody or
12 anything be prepared to go through the required elements
13 of, you know, whether a less severe sanction would
14 suffice, whether the violation was willful or deliberate,
15 and whether there is substantial prejudice. I'm hoping
16 that -- you folks seem very organized. I know you
17 couldn't agree on your statements. But there is a lot of
18 documents here. They are all here. They seem very
19 organized. I would imagine that people aren't going to
20 be deliberately attempting to introduce things that are
21 brand new and that cause prejudice and surprise.

22 MR. SHERIDAN: Right. And so we would ask that
23 counsel provide us with PDF copies. And -- and then the
24 last thing that I have housekeeping wise is since the
25 defense will be calling their expert witness on their

1 case far down the road, I would just request the expert
2 where they bring the original that is the, I forgot what
3 they call those things that -- that the expert looked at.
4 Because the original is what he based his opinion on.

5 MS. MOORE: Your Honor, we have no problem bringing
6 the original.

7 THE COURT: Is original meaning file? Is that the
8 missing word? Original what?

9 MR. SHERIDAN: Yeah, what do you call that thing that
10 they -- exemplar or whatever they call them.

11 MS. MOORE: The document that he examined?

12 MR. SHERIDAN: Yeah. That's right.

13 MS. MOORE: Yeah, we will bring that, your Honor.

14 MR. SHERIDAN: That's all I have, your Honor.

15 THE COURT: The missing word is -- it's like a
16 mystery. Okay.

17 MS. MOORE: Your Honor, a couple of things.
18 Mr. Sheridan is asking for PDFs of the documents. These
19 have all been produced to him numerous times. We're
20 happy to send them to him again. These were just
21 documents that we inadvertently left off of the list.
22 It's nothing that has not been produced to him.

23 THE COURT: All right. So you've got a -- you've got
24 a -- probably Bates Stamps. If they are not -- if
25 they're not new, and they have Bates Stamps just tell

1 them what the Bates Stamps are. No need to make new
2 copies if people already have them.

3 MS. MOORE: And, your Honor, I have been -- just been
4 told Ms. Howe, who is one of his witnesses, was in the
5 hospital last night. So I don't know if she is going to
6 be available. So she was in the hospital last night. So
7 she is apparently unavailable.

8 MR. SHERIDAN: Okay.

9 THE COURT: Well, hopefully you can get an update. We
10 don't make people come to court when they are in the
11 hospital.

12 MR. SHERIDAN: Right.

13 THE COURT: At least we haven't gotten to that point
14 yet.

15 MR. SHERIDAN: As a backup then, if I can find -- I
16 forgot. Who is the director? Of SPU? Of the Seattle
17 Water...

18 MS. TILSTRA: David Jones.

19 MR. SHERIDAN: Jones. That's it. I'll have him as a
20 substitute for us.

21 THE COURT: Great. And tell me how you folks are
22 going to -- are you going to split up your voir dire?

23 MS. MOORE: Yes.

24 THE COURT: Okay.

25 MS. MOORE: Sarah and I will be splitting it up.

1 THE COURT: Okay. Terrific. Terrific. So let's
2 bring up some bios. Seat 55 people. And hope for the
3 best.

4 MS. MOORE: And, your Honor, can you hear me better
5 now?

6 THE COURT: Yes. Yep. Yep. But just know that when
7 it gets really busy in here, packed, you need to speak
8 even louder. I do have a mike that we usually will use
9 for -- during voir dire just because I want everyone to
10 be able to hear everything perfectly. If people are, you
11 know, really good about speaking up, then we won't make
12 them use it. I know everyone hates using the mike, but
13 if there's a continuing issue with folks not being able
14 to hear, then we will have to use the, mike. All right.
15 Anything else?

16 MS. MOORE: No, your Honor. Not from us.

17 MR. SHERIDAN: Yes.

18 THE COURT: Okay, folks. I'll come back out when we
19 get the bios.

20 THE BAILIFF: Please rise. Court is in recess.

21 (Off the record.)

22 THE COURT: Okay. Please be seated everyone. Just a
23 quick update on my math being wrong. We will have -- if
24 we do three alternates, you will have six peremptories.
25 If we do two, then we will have five. Okay. And my

1 guess we will probably end up with two because I get a
2 cheat sheet that I can look at, and I see a lot of folks
3 who already said this is a bad time for them. So I'm
4 anticipating we may have a lot of folks requesting
5 hardship but we will see. Maybe not.

6 MR. SHERIDAN: Oh, okay. Got it.

7 THE BAILIFF: Are you ready for the jury, your Honor?

8 THE COURT: I am. Thank you very much.

9 (Prospective jury panel present.)

10 THE COURT: Good morning everyone. And please be
11 seated. We're standing for you out of respect, but you
12 don't have to stand for your fellow jurors. Even though
13 we know you respect them too. Okay. Please be seated
14 everyone. Good morning everyone. Come on, folks. Yay.
15 It's sunny out. It's summer. You're not at work people.
16 Right? I heard some of those coughs of sarcasm.

17 Anyway, welcome. Welcome. Thank you already for your
18 service with us. We so appreciate it. I'm sure you saw
19 the video downstairs, right? And had a presentation from
20 a judge? Yeah? You already feel appreciated? Good.
21 Because you are. Really. That's what we are here to do.

22 So we are going to -- my name is Judge Parisien, by
23 the way. We are going to take part in a very important
24 part of every single trial, which is the selection of
25 jurors. It's called, fancy French word is voir dire.

1 And that means to speak the truth. So that's what we are
2 going to do. So to do that I will have you all please
3 stand, and my clerk will swear you in.

4 THE CLERK: You and each of you do solemnly swear or
5 affirm that you will truthfully answer all questions that
6 may be asked concerning your qualifications to act as
7 jurors in this cause. If so, please say I do.

8 THE COURT: Okay. Go ahead and please sit down.
9 Thank you very much. So the first thing we do during
10 voir dire -- can everyone hear me okay? It's so
11 important. If at any time you can't hear me or anybody
12 else, either the attorneys or anyone, my lower bench, if
13 you are having a hard time hearing, if you can't hear
14 your fellow jurors, please, please raise your hand. We
15 need to make sure that everyone can be heard. We need to
16 have a very clean record of everything that goes on in
17 this courtroom. And as you -- probably some of you
18 already have been jurors in the past, I'm sure, and you
19 know that as we go through the jury process, comments
20 made by other jurors will feed off of other questions.
21 So everyone needs to be able to hear everyone else. If
22 we need to use the microphone, we certainly can. I know
23 that most folks don't like using the microphones, but I
24 will use it if we have. There's always a few jurors that
25 seem to really like microphones, and those are people

1 that you know are hoping at some point to be on some
2 reality show, but for the most part most of you don't
3 like them.

4 Let me start out with hardships. That's where we are
5 going to start this morning. And every judge has a
6 different definition of hardship. Let me tell you my
7 definition of hardship. So then you will understand when
8 I ask you to raise your card what I'm thinking of.

9 Let me first tell you a little bit about this case
10 because that will certainly come to mind for you when I
11 ask you whether service will create a hardship for you.
12 This is a civil case as opposed to a criminal case. The
13 allegations in this case are of a workplace
14 discrimination. That's the allegation. This trial is
15 expected to last four weeks. So that's certainly
16 something to think about. We expect that we will be
17 finishing with all the testimony and evidence sometime
18 around September 8th or so. Maybe even 9th. Probably
19 the 8th. And then folks would be deliberating either the
20 8th or the 9th that Friday. We will certainly be done in
21 all likelihood by that time.

22 Trials are funny things. Sometimes they go shorter
23 than I think. Sometimes they go longer. But this is the
24 best estimate right now, and I realize that's a large
25 block of time. But that's what this case is going to

1 take given that the claims, and the number of parties who
2 are involved. So think about that.

3 Let me tell you what hardship means for me. First,
4 look around you. I know you can't see very well because
5 they are far away. But on my walls I have beautiful
6 sketches done by a wonderful sketch artist who has since
7 passed away, but he did this for many, many years. And
8 these are all originals. And I love them because they do
9 two things. One, I think they are very artistic. But
10 also for me they show how important jury duty is. These
11 are mostly juror photographs from major cases that went
12 on before we were allowed to have cameras in the
13 courtroom, and were the only time people could see what
14 was happening was through sketches. So I have them up
15 because I hope it's a reminder for everyone that I
16 believe jury service is so incredibly important, and I
17 hope that you will too. It's one of the few things that
18 we ask of our citizens. Most of us are not going to be
19 eligible to serve in the Armed Forces for a lot of
20 reasons, but this is something that we can all do. And I
21 hope that (A) you feel appreciated already. But (B) that
22 you understand how important it is. And that's why my
23 take on hardship is fairly on the rigid side.

24 Let me tell you what hardship is. If you have
25 vacation, we realize it's the summer months. And a lot

1 of you folks have already prepaid, preplanned vacation.
2 Now, if you have a ticket, that's something you can't get
3 rid of, that counts as a hardship. If you were thinking
4 about you might want to go camping, but you're not really
5 sure, and you might go next week but you're not really
6 sure, that wouldn't be a hardship to miss that. Jurors
7 miss those kinds of things all the time. I'm always
8 humbled by how many people say, well, I really wanted to
9 serve. You know I can't. I have this and that, but I
10 think I can move that. Let me call my mother and see if
11 she can't watch that kids. And people will go to great
12 lengths to serve, and I'm so grateful for that. And
13 we're going to ask if you'd do that as well.

14 So another kind of hardship would be a financial one.
15 Many employers pay for jury service, and I think all
16 employers should, but no one asked my opinion on that.
17 But many employers don't. And if you work for yourself
18 that may create a hardship for you. Let me just explain
19 what I mean by that. So it's not just that oh, gosh, if
20 I serve on this jury I'm going to have less money. I
21 mean, I won't be able to do my usual X, Y or Z. That's
22 not a hardship. That's an inconvenience. And that's a
23 sacrifice that we ask that you make.

24 If, however, serving means that you couldn't pay your
25 primary bills. You can't pay your rent bill. You can't

1 pay your food. You can't pay your childcare. That's a
2 hardship. And we don't expect anyone to go to that
3 length to serve. So difference between inconvenience and
4 having a little less money at the end of the month than
5 actual hardship.

6 The other thing I would say is that many of you I'm
7 sure work outside of the home, and you are very valued by
8 your employer. In fact, I'm sure everyone that works
9 here is valued by their employer, but a lot of folks say,
10 well, you know, what, we are working on a big rollout.
11 My employer -- I'm very important. I do this and that,
12 and they can't survive without me. That's not a
13 hardship. Your employer's perspective of being, you
14 know, in bad shape because you are not being here is not
15 a hardship. It's an inconvenience for them, but it's not
16 a personal hardship for you. That said, if you work for
17 yourself or a very small company, then you being gone for
18 a month may very well be a hardship. But if you work for
19 a very large employer, even if you have a very, you know,
20 highly valued position, that's not a hardship because
21 your supervisor is going to be annoyed with you for being
22 gone. So these are nuance things. I understand that.
23 We will flush them out as we go.

24 The other thing that could certainly be a hardship is
25 if you are a primary caretaker for young children and/or,

1 you know, your parents, adults that need help, people
2 that you caretake for, and you don't have any respite
3 care, you can't call anyone to help you out. That
4 certainly would be a hardship. If you have some medical
5 procedure coming up or your spouse has one you need to be
6 there to take care of them. That's a hardship. But just
7 having a doctor's appointment, you know, for a --
8 something that you can reschedule, that's not a hardship.

9 Here's the other thing to keep in mind. We won't be
10 in session on Fridays. So you would have all your
11 Fridays off. Except for perhaps I'm thinking the last
12 day, the 12th. September 12th. I'm sorry. I'm reading
13 it wrong. September 9th is a good, high likelihood that
14 you might be deliberating. We allow jurors to deliberate
15 on Fridays, but we're not in trial on Fridays. So no
16 testimony. No evidence would be in. So you have Fridays
17 off to do whatever you might want to do. So keep that in
18 mind when you think about serving whether that would be a
19 hardship for you. I think I have covered most of the
20 grounds of hardship.

21 So here's what we are going to do. I am going to
22 start with the folks in our -- in our box, and ask you to
23 raise your cards for me, if you think you have a
24 hardship. And please hold them up really nice and high,
25 and don't put them down until I have rattled off your

1 number. So all right. So we have got one, three,
2 four --

3 THE JUROR: Sorry. Only if we have a hardship?

4 THE COURT: If you have a hardship, please.

5 THE JUROR: Okay. Sorry.

6 THE COURT: 1, 4, 6, 9, 10, 12, 13, 14. Thank you
7 very much. 1, 4, 6, 9, 10, 12, 13, and 14. Okay. And
8 folks over here to my left. If you can raise your card,
9 if you believe you have a hardship, and please hold it up
10 until I call your number. Wow. Holy smokes. Well,
11 okay. So 17, 18, 19, 20, 27, 28, 29, 30, 32, 44, 54, 43,
12 42, 41, 40, and 51. Okay. Thank you. And on this side
13 over here. Okay. We have got 21, 22, 23, 24, 26, 33,
14 34, 35, 36, 37. Please put your card down, if I call
15 you. 37, 36. Got you. Thank you. 56, 45, 58, 59, 48
16 and 49. Okay. Okay.

17 So starting with -- starting with juror number one.
18 Just tell us a brief synopsis of what your hardship is.

19 THE PROSPECTIVE JUROR NO. 1: We recently sold our
20 home. Moving out of state that Labor Day weekend.

21 THE COURT: Okay. Thank you very much. And juror
22 number four. Nice and loud. I'm sorry.

23 THE PROSPECTIVE JUROR NO. 4: I'm only working
24 part-time so I can't afford to miss four weeks of work.

25 THE COURT: Okay. So it would be a financial hardship

1 for you?

2 THE PROSPECTIVE JUROR NO. 4: Yeah.

3 THE COURT: Okay. Thank you. Six.

4 THE PROSPECTIVE JUROR NO. 6: Actually I have a
5 clarifying question about hardship.

6 THE COURT: Sure.

7 THE PROSPECTIVE JUROR NO. 6: I'm a college student,
8 and I'm returning on the 19th of September. Is there any
9 chance that this trial will affect my return to college?

10 THE COURT: No. We will be done by the 9th. That's
11 an absolute promise.

12 THE PROSPECTIVE JUROR NO. 6: Then I will excuse my
13 hardship then. I will be available.

14 THE COURT: Okay. And that's juror number six; is
15 that right?

16 THE PROSPECTIVE JUROR NO. 6: Yes.

17 THE COURT: Terrific. Thank you. Okay. Juror number
18 nine.

19 THE PROSPECTIVE JUROR NO. 9: I think I'm okay, but
20 the thing is if I'm selected today I would like to check
21 with my employer.

22 THE COURT: Sure. So at lunch time?

23 THE PROSPECTIVE JUROR NO. 9: Yeah.

24 THE COURT: We are going to still be in this, I'm
25 sure.

1 THE PROSPECTIVE JUROR NO. 9: I'm most likely okay,
2 but I just want to make sure like they don't die or go
3 belly up. They shouldn't be but...

4 THE COURT: Okay. I'm going to leave you as you are
5 for now and --

6 THE JUROR: Sounds good.

7 THE COURT: During lunch call your employer and just
8 make sure. Okay. Thank you.

9 THE JUROR: Good.

10 THE COURT: Juror number ten.

11 THE PROSPECTIVE JUROR NO. 10: Financial hardship. My
12 employer only covers about ten days of the court.

13 THE COURT: Okay. That's actually very generous.
14 Okay. But so -- but the other two weeks would be a
15 financial hardship for you so you couldn't pay primary
16 bills?

17 THE PROSPECTIVE JUROR NO. 10: Yes.

18 THE COURT: Okay. Thank you. Juror number twelve.

19 THE PROSPECTIVE JUROR 12: Yes. I just moved from the
20 south end of Mercer Island to the northend, and we are
21 right in the middle of all the boxes getting unpacked and
22 all of that, and I don't even have any clothes. That's
23 why I look so shabby.

24 THE COURT: We won't watch people wear the same thing
25 everyday, and we won't even notice.

1 THE PROSPECTIVE JUROR NO. 12: It's really
2 inconvenient because we need to get this unpacked and
3 squared away so that we can resume taking childcare for
4 my daughter. So...

5 THE COURT: Okay. Okay. Thank you, juror number
6 twelve. Juror number 13.

7 THE PROSPECTIVE JUROR NO. 13: I have travel plans for
8 the last week of August -- I have travel plans for the
9 last week of August. And my wife's seven months
10 pregnant, and I take her to doctor's appointments a
11 couple times this week.

12 THE COURT: Okay. Thank you. Thank you very much.
13 Okay. Juror number 14.

14 THE PROSPECTIVE JUROR NO. 14: My husband and I have
15 prior scheduled vacation from September 1 to 8th for a
16 40th wedding anniversary.

17 THE COURT: Okay. Okay. So September 1st through the
18 8th prepaid. All ready to go?

19 THE PROSPECTIVE JUROR NO. 14: It isn't prepaid
20 because we are driving, but it does involve other people.

21 THE COURT: Okay. Okay. Understood. Okay. So --
22 okay. Juror number 17. Nice and loud.

23 THE PROSPECTIVE JUROR NO. 17: I'm an occupational
24 therapist. I see people with trauma brain injuries
25 daily. It's my own practice. And I would be financially

1 hardshipped. Plus the treatment plan for these folks who
2 cannot afford to lose progress daily.

3 THE COURT: Okay. Thank you very much. Juror 18.

4 THE PROSPECTIVE JUROR NO. 18: It's financial -- I'm a
5 freelance musician. I work in Seattle. I'm a French
6 horn player. I play at the Fifth Avenue. The recording
7 sessions is my only source of income, and missing a whole
8 month of work would be out of the question money wise.

9 THE COURT: Okay. So you don't get any compensation
10 from any of your employers?

11 THE PROSPECTIVE JUROR NO. 18: No. Completely
12 independent.

13 THE COURT: Okay. Thank you. So, folks, nice and
14 loud. I know it's hard, but it's absolutely essential.
15 We have a court reporter here taking every word down. So
16 really belt it out. Okay. Juror number 19.

17 THE PROSPECTIVE JUROR NO. 19: I have airline tickets
18 next Thursday through Saturday. It's already paid for.

19 THE COURT: Okay. Thank you. Juror number 20.

20 THE PROSPECTIVE JUROR NO. 20: I work as a temporary
21 hourly staff at UW. I work as a temporary hourly staff.
22 So if I don't work I don't get paid.

23 THE COURT: Okay. That would impact --

24 THE PROSPECTIVE JUROR NO. 20: For a month, yeah.

25 THE COURT: -- your ability to pay for primary bills

1 that you need to survive?

2 THE PROSPECTIVE JUROR NO. 20: Yes. I'm a single head
3 of the household.

4 THE COURT: Okay. Thank you very much. Okay. Juror
5 number 27.

6 THE PROSPECTIVE JUROR NO. 27: As it turns out --

7 THE COURT: Can I get you to ask -- can I have you
8 folks actually stand when they -- that might help us hear
9 you better.

10 THE PROSPECTIVE JUROR NO. 27: As it turns out, I'm in
11 the same position as juror number six, and I will not be
12 continuing this hardship.

13 THE COURT: I'm so sorry. You're going to withdraw
14 your hardship?

15 THE PROSPECTIVE JUROR NO. 27: (Nods.)

16 THE COURT: Oh, terrific. Juror number 28.

17 THE PROSPECTIVE JUROR NO. 28: Hi. I'm currently
18 unemployed, but in my last two interviews I mention that
19 I'm serving. I will be returning for jury duty. It left
20 a sour impression to them. Even though I was a top
21 candidate for the position.

22 THE COURT: Okay. So you are fearful that this would
23 end up not getting you the job?

24 THE PROSPECTIVE JUROR NO. 28: Correct.

25 THE COURT: Okay. Thank you, juror 28. Juror 29.

1 THE PROSPECTIVE JUROR NO. 29: Yes, I have weekly
2 allergy shots, and if I miss more than two weeks it sets
3 me back in my, sort of, the three year thing that we have
4 for the allergy program. And then on the week of the
5 29th, that week before school, I have both my kids. My
6 ex-husband is travelling so I wouldn't have childcare for
7 that week.

8 THE COURT: Okay. Thank you. Juror number 30.

9 THE PROSPECTIVE JUROR NO. 30: I'm flying out of the
10 country on September 8th. Planned it eleven months ago.
11 All paid for.

12 THE COURT: September 8th. Thursday. Okay. So let
13 me say this as well, folks, that we are going to be
14 impanelling a couple of alternates. So if you have given
15 me what sounds like a very good reason, and you still
16 don't get taken off for hardship it's because I'm
17 factoring in that, you know, it may be that, you know,
18 someone's got a vacation very close to our end date. I
19 may not let that person go because I know that if we do
20 end up going a little bit over or that person still has
21 to catch their flight, we will have alternates. So don't
22 be surprised if I have -- we have a little bit of cushion
23 that you may not be factoring in. Wait, I told you I
24 have this. So that's I want folks to know that we have a
25 built in cushion as well. Okay. Juror number 30. We

1 did 30, right? We did 30. Thank you very much. Juror
2 number 32.

3 THE PROSPECTIVE JUROR NO. 32: I'm an ICU nurse. I'm
4 the sole provider for my household. I feel it would be a
5 financial hardship.

6 THE COURT: Okay. And do you work -- your employer --
7 have you confirmed with them that they do not cover jury
8 service?

9 THE PROSPECTIVE JUROR NO. 32: I'm not sure of that.
10 I'd have to confirm with them. I really didn't inquire
11 anything about it.

12 THE COURT: Sure. Okay. So if you are not sure, then
13 I'm going to -- I will probably not take you out yet, and
14 I will ask that you, during our lunch hour, that you call
15 your employer and confirm and report back to us at 1:30.
16 And if you say hey, talked to my boss. No coverage.
17 Then we will let you out. No one's going to miss a rent
18 payment for jury service. But if you are not sure I may
19 have folks -- I will ask you to call your employer.
20 Okay. So juror -- that was juror number 32; is that
21 right, sir?

22 THE PROSPECTIVE JUROR NO. 32: (Nods.)

23 THE COURT: Thank you. Juror number 44.

24 THE PROSPECTIVE JUROR NO. 44: Yes. My employer gives
25 me three days of pay for jury duty, and it would cause

1 financial hardship to miss four weeks of salary beyond
2 three days.

3 THE COURT: Thank you very much. 54.

4 THE PROSPECTIVE JUROR NO. 54: I am a school teacher.
5 Missing the first two weeks of school could have a long
6 term impact on my job.

7 THE COURT: What about substitutes? My kids love
8 substitute teachers. Just kidding.

9 THE PROSPECTIVE JUROR NO. 54: They can get
10 substitutes. It's just difficult missing the beginning
11 of the year.

12 THE COURT: Okay.

13 THE PROSPECTIVE JUROR NO. 54: Thank you.

14 THE COURT: And juror number 43.

15 THE PROSPECTIVE JUROR NO. 43: I'm a student/part-time
16 worker. And my employer doesn't pay.

17 THE COURT: And by missing work you would not be able
18 to pay your --

19 THE PROSPECTIVE JUROR NO. 43: Correct.

20 THE COURT: -- financial, your primary bills, correct?
21 Okay. Thank you. Juror number 42.

22 THE PROSPECTIVE JUROR NO. 42: So I'm self-employed,
23 and a counselor. And I have all kinds of appointments
24 set up for the next month. So it would be an
25 inconvenience for the counselings.

1 THE COURT: Okay. So it's inconvenient for the people
2 that you serve?

3 THE PROSPECTIVE JUROR NO. 42: (Nods.)

4 THE COURT: Okay. Thank you. Juror number 41.

5 THE PROSPECTIVE JUROR NO. 41: My husband is not
6 working right now. My employer does not cover jury duty.
7 So that would be a financial. We wouldn't be able to
8 meet our primary bills.

9 THE COURT: Okay. Thank you. Juror number 40.

10 THE PROSPECTIVE JUROR NO. 40: We have prepaid air
11 travel departing the 30th. Beginning of the 30th through
12 the 3rd.

13 THE COURT: Okay. Thank you very much. Juror number
14 51. Can't hear you, sir. Sorry. Nice and loud.

15 THE PROSPECTIVE JUROR NO. 51: Prepaid travel on
16 September 9th.

17 THE COURT: On the 9th of September. That Friday?

18 THE PROSPECTIVE JUROR NO. 51: Yes.

19 THE COURT: Okay. Okay. Thank you. Juror number 21.

20 THE PROSPECTIVE JUROR NO. 21: I have a prepaid
21 vacation. I'm flying out of town from September 1st
22 until the 8th.

23 THE COURT: Okay. Thank you. Juror number 22.

24 THE PROSPECTIVE JUROR NO. 22: My father recently
25 passed, and I will be out of town next week to attend the

1 memorial service.

2 THE COURT: I'm very sorry to hear of your father.
3 Thank you for telling us. That was juror number 22; is
4 that right, sir?

5 THE PROSPECTIVE JUROR NO. 22: Correct.

6 THE COURT: Okay. Thank you. Juror 23.

7 THE PROSPECTIVE JUROR NO. 23: I just need to check
8 with my employer and see if they cover.

9 THE COURT: Okay. Terrific. Thank you. Juror number
10 24.

11 THE PROSPECTIVE JUROR NO. 24: We are planning to
12 leave on the 31st for a family reunion out of state.

13 THE COURT: Okay. And for -- you said what day? The
14 31st?

15 THE PROSPECTIVE JUROR NO. 24: Yes.

16 THE COURT: That Wednesday?

17 THE PROSPECTIVE JUROR NO. 24: Yeah.

18 THE COURT: And for how long?

19 THE PROSPECTIVE JUROR NO. 24: A week.

20 THE COURT: A week. Okay. Thank you. And that was
21 juror number 23? Are you 23? Your jury number?

22 THE PROSPECTIVE JUROR NO. 24: 24.

23 THE COURT: 24. Thank you. And juror number 26.

24 THE PROSPECTIVE JUROR NO. 24: I'm 38 weeks pregnant
25 with an estimated delivery date of 27th of August.

1 THE COURT: Okay. Anybody here a midwife? Any
2 doctors? No? Okay. Shoot. I guess you get to go.
3 Okay. Just kidding. Okay. Juror number 33.

4 THE PROSPECTIVE JUROR NO. 33: I have paid for, signed
5 up to take the LSAT on September 24th, and missing four
6 weeks of studying. I've been studying full-time, working
7 part-time, and studying. That would be difficult for me.

8 THE COURT: Okay. That's juror 33; is that right?

9 THE PROSPECTIVE JUROR NO. 33: Yes.

10 THE COURT: Thank you very much. Juror 34.

11 THE PROSPECTIVE JUROR NO. 34: I'm a stay-at-home dad.
12 I have a three month old and a three year old, and we're
13 leaving town for a week starting August 3.

14 THE COURT: Thank you very much. Juror 35.

15 THE PROSPECTIVE JUROR NO. 35: My employer covers ten
16 days of jury duty service, but missing two weeks I
17 wouldn't be able to pay rent.

18 THE COURT: Okay. Thank you. Juror number 37.

19 THE PROSPECTIVE JUROR NO. 37: I'm a college student
20 out-of-state in Wisconsin, and I leave for school the
21 25th of August.

22 THE COURT: The 25th of August. Okay. Thank you.
23 And I must have missed juror number 39 before. Nice and
24 loud. I'm sorry, ma'am.

25 THE PROSPECTIVE JUROR NO. 39: I have to leave in

1 couple weeks to Paris to visit my parent and family.

2 THE COURT: Okay. When are you leaving?

3 THE PROSPECTIVE JUROR NO. 39: The end of the August.

4 THE COURT: End of August. Okay. Thank you.

5 THE PROSPECTIVE JUROR NO. 39: And be a month.

6 THE COURT: A month you will be gone.

7 THE PROSPECTIVE JUROR NO. 39: Visit all my family
8 over. And second one I can speak little English, but
9 English is my second language.

10 THE COURT: Well, you are doing great so far. But I
11 understand that you have family obligations. Thank you
12 very much. Juror number 36. Nice and loud. I'm sorry.
13 I can't hear you.

14 THE PROSPECTIVE JUROR NO. 36: I cannot sit down for
15 all day.

16 THE COURT: So it'll be hard on your body, sounds
17 like.

18 THE PROSPECTIVE JUROR NO. 36: Yeah. Sometimes I feel
19 good. Sometimes no. I'm not feeling good.

20 THE COURT: Okay. Okay. Thank you. Thank you.
21 Juror number 56.

22 THE PROSPECTIVE JUROR NO. 56: I'm working in an
23 office of five, and I don't think anyone would be able to
24 cover me for the entire month.

25 THE COURT: Okay. What kind of work do you do?

1 THE PROSPECTIVE JUROR NO. 56: I'm an office manager.
2 I do all the accounts, billing, and accounts receivable.

3 THE COURT: Okay. So when you go on vacation...

4 THE PROSPECTIVE JUROR NO. 56: Well, not for more than
5 a week. So, yeah.

6 THE COURT: Okay. Thank you very much. Juror number
7 45.

8 THE PROSPECTIVE JUROR NO. 45: For me it's a financial
9 hardship because my dad is not working right now, and I'm
10 the only one like working. So I think that is like a
11 hardship.

12 THE COURT: Okay. Thank you very much. Juror number
13 58. Can't hear you. I'm so sorry. Nice and loud.

14 THE PROSPECTIVE JUROR NO. 58: I work for a small
15 company. It'd be a financial hardship not only for
16 myself but my three employees as well.

17 THE COURT: Okay. Thank you. Juror number 59.

18 THE PROSPECTIVE JUROR NO. 59: My employer will pay
19 for just five days of jury duty. So three weeks would be
20 a financial hardship.

21 THE COURT: Okay. Thank you. Juror number 48.

22 THE PROSPECTIVE JUROR NO. 48: I have a question,
23 please. Do you anticipate we will be done by the 12th of
24 September?

25 THE COURT: Yes, I do.

1 THE PROSPECTIVE JUROR NO. 48: Okay. I then I can
2 withdraw. Thank you.

3 THE COURT: Terrific. Thank you very much. Juror
4 number 49.

5 THE PROSPECTIVE JUROR NO. 49: Yes. I'm taking my son
6 down to college in California, and I won't get back this
7 Friday. So I will be gone on Monday.

8 THE COURT: So you are -- you would not -- Friday no
9 big deal. But so you would be gone on Monday just this
10 -- the first Monday coming up being the 22nd?

11 THE PROSPECTIVE JUROR NO. 49: Yeah.

12 THE COURT: Okay. Okay. Thank you. Thank you. And
13 you were juror number 49, right?

14 THE PROSPECTIVE JUROR NO. 49: Yes.

15 THE COURT: Okay. So I am going to now call out
16 numbers for folks who have been excused for hardship. If
17 I call your number, just -- you can leave your card right
18 back down on your chair, and then head back down to the
19 jury assembly room, and perhaps they have a shorter trial
20 for you or a different case. We thank you very much for
21 your service so far, and hope that maybe a different case
22 is better for you. Okay.

23 Jurors number 1, 4 -- I'm sorry. 10, 12, 13, 14, 17,
24 18, 19, 20, 28, 29, 30, 44, 54, 43, 41, 40, 51, 21, 22,
25 24, 26, 33, 34, 35, 37, 36, 56, 45, 58, 59, 39, and 49.

1 THE PROSPECTIVE JUROR NO. 24: Can I confirm that you
2 said 24?

3 THE COURT: I said 24. Yes. Thank you. So folks, we
4 are going to do the following, we are going to dismiss
5 you for now. Just a little early lunch so that we can
6 supplement our panel, and bring up some additional
7 people. We don't think we are going to have enough after
8 we go through the rest of this voir dire process. And we
9 don't want to make you listen to a bunch of other
10 hardships that don't affect you. So go ahead and go to
11 lunch, and come back to the jury assembly room at 1:20.
12 1:20. Back to the jury assembly room. And then they are
13 going to send you back up here at 1:30, and we will
14 continue on with the process. Please leave your card
15 right here on your chair. Someone had a question. Juror
16 number 57.

17 THE PROSPECTIVE JUROR NO. 57: 57. Can I check with
18 my employer too?

19 THE COURT: Yes, please. Anyone who has a question
20 about coverage now's the time to call your employer, and
21 tell them how inspired you were to see photos of jurors,
22 and that you are important that they allow you to do your
23 civic obligation. And folks, don't talk about the case.
24 Not that you know very much, but don't talk amongst
25 yourselves about what you heard so far. Don't talk about

1 any of this with anyone else.

2 THE PROSPECTIVE JUROR: Do we have to check out with
3 the jury assembly room before we leave?

4 THE COURT: Oh, no. Just check back in. Yes.

5 THE PROSPECTIVE JUROR: I just have a clarifying
6 question. Court would not be held Friday, Saturday or
7 Sunday?

8 THE COURT: No. No one has ever asked about
9 Saturdays. I like your attitude. No. We won't be here
10 Saturday or Sunday. Okay. Thank you.

11 THE BAILIFF: Please rise for the jury.

12 (Jury not present.)

13 THE COURT: Okay. Please be seated everyone. I'm not
14 sure if there's -- hoping that there is enough folks
15 downstairs to supplement with. But I don't really know.
16 I'm sure we can probably get another ten. I'm going to
17 ask for 20 and see what we get. Anything...

18 MS. MOORE: Your Honor, you were so quick for me.
19 Would you mind just quickly going through...

20 THE COURT: Yeah. Who is gone?

21 MS. MOORE: Yes.

22 THE COURT: Sure. Of course. We have 1, 4, 10, 12,
23 14 -- I'm sorry. 13, 14, 17, 18, 19, 20, 28, 29, 30, 44,
24 54, 43, 41, 40, 51, 21, 22, 24, 26, 33, 34, 35, 37, 36,
25 56, 45, 58, 59, 39, 49.

1 MS. MOORE: All right. Thank you so much, your Honor.

2 THE COURT: Yeah. You bet. Is that what you have as
3 well? You weren't listening? Okay.

4 THE BAILIFF: Did you want 20?

5 THE COURT: Yes, if they have it. Let's see what they
6 say.

7 THE BAILIFF: And I'm just waiting to hear back.

8 THE COURT: Okay. Terrific.

9 THE BAILIFF: The jury room is collecting 20
10 additional bios.

11 THE COURT: Okay. Great. And I'm going to step down,
12 and when they come in you guys can look through them.
13 Try to do a quick once over on them, and we will get them
14 up as soon as we can.

15 THE BAILIFF: Please rise.

16 (Off the record.)

17 THE COURT: All right. Please be seated everyone.
18 Let's bring in the next batch.

19 THE BAILIFF: Ready to bring in the jurors,
20 your Honor?

21 THE COURT: Okay.

22 MS. MOORE: We do have a missing juror, your Honor.

23 THE COURT: I'm so sorry?

24 MS. MOORE: We do have a missing juror.

25 THE COURT: A missing juror. Okay. Great.

1 (Second prospective jury panel present.)

2 THE COURT: Folks, please be seated. We are standing
3 to honor you. You don't have to stand and honor your
4 fellow jurors. We assume that you respect them.

5 Okay. Good morning everyone. Thank you so much for
6 your service. Hopefully you have so far enjoyed your
7 morning and found it interesting. You are part of a
8 supplemental batch of folks that we have already gone
9 through about 60 people. So we are running a little
10 short, and we have some people who already started our
11 process who are out to lunch now, and hoping to
12 supplement our original panel.

13 My name is Judge Parisien. And again thank you so
14 much for your service. We are going to start out by just
15 doing hardship requests, and to do that I'm going to
16 first have you folks stand so we can swear you in,
17 please.

18 THE CLERK: Do you and each of you do solemnly swear
19 or affirm that you will truthfully answer all questions
20 that may be asked concerning your qualifications to act
21 as jurors in this case. If so, please say I do.

22 THE COURT: Okay. Great. Please be seated everyone.
23 I don't know. Have any of you folks been impaneled yet
24 in any other courtrooms? No? Okay. So let me tell you
25 a little bit about hardships and that every judge is

1 different. I'm going to ask you soon whether or not
2 serving would be a hardship for you.

3 Let me tell you a little bit about this case, and then
4 you can use that to filter in in your mind whether or not
5 serving would be a hardship. If you look around, you
6 will see pictures of jurors on my wall. These are all
7 original sketches. And I have them up there because I
8 think they're beautiful, but also because I wanted to
9 make a point that jury service is a fabulously important,
10 wonderful thing, and so much so that I have it framed in
11 my courtroom, and that's how important I find it to be.
12 So just know that.

13 So a hardship would be if you have tickets somewhere.
14 Preplanned. Prepaid tickets. You are going out of town.
15 That's a hardship. If you work for yourself or an
16 employer that does not compensate you, that -- and
17 missing that money would mean that you couldn't pay your
18 primary bills. Your rent. Your utilities. Your food.
19 That's a hardship. Having less money at the end of the
20 month for, you know, discretionary spending, not a
21 hardship. Similarly, if you stay home to take care of
22 children or vulnerable adults, your parents, whoever it
23 might be, and there's no one who provides coverage for
24 you, that's probably a hardship. A medical procedure
25 already planned, that's hardship. But things that are

1 inconveniences is not a hardship. I know, and we all
2 know that serving is certainly inconvenience for
3 everyone. But we ask you to do that as citizens of our
4 country.

5 This case is a civil case. It will take four weeks.
6 So that's what you need to know. We anticipate being
7 done no later than September 9th, which is a Friday, and
8 you would have -- while you are on service for the next
9 four weeks you would be off on Fridays. We are not in
10 session on Fridays. In the event though that you folks
11 are deliberating on that last final Friday the 9th, then
12 you would be called in to do that. But the rest of the
13 time, you know, this Friday, next Friday, the Friday
14 after would be your day off. So just know that.

15 And this is a case involving allegations of
16 discrimination. So just give you some idea, and, again,
17 it's a four week trial. So with that, having described
18 to you what I consider to be hardships, please raise your
19 card really, really high, and keep it raised until I call
20 out your number, then you can lower it if you believe
21 that serving would be a hardship for you. Okay. So I
22 have got 62, 72, 74, 76, 77, 78, 66, 68, 69, 70. And 70.
23 I think I already got 77. And I got 69. Okay.

24 THE PROSPECTIVE JUROR: I have a question. I haven't
25 called HR so I don't know if it's a hardship or not.

1 THE COURT: Okay. I'll keep you on for now, and then
2 when we break for lunch you can call. That would be
3 terrific. Okay. So juror number 62 tell me about your
4 hardship.

5 THE PROSPECTIVE JUROR NO. 62: I'm --

6 THE COURT: Okay. I'm sorry. I should have told you
7 folks. I need everyone to talk really loudly. We
8 obviously have a court reporter recording every single
9 thing that's being stated in this courtroom, and we need
10 to be able to hear and get it done accurately. Okay.
11 You are going to Astoria?

12 THE PROSPECTIVE JUROR NO. 62: Yeah, in Oregon for
13 four days. This weekend for a fishing derby. And then I
14 start school back up in Vancouver, BC. So I won't be
15 here after the 6th of September.

16 THE COURT: Okay. Thank you. Juror 72.

17 THE PROSPECTIVE JUROR NO. 72: I'm a teacher, and we
18 start up on the 7th. So I would miss the first couple
19 days of school along with all the planning that I need to
20 do to get my classroom set up.

21 THE COURT: And we are done here at 4:00 everyday.
22 Sometimes 4:15. Would that mean that you wouldn't be
23 able to get it done between a four o'clock dismissal and
24 Fridays and a weekend?

25 THE PROSPECTIVE JUROR NO. 72: I might be able to do

1 that, yeah.

2 THE COURT: Okay. We do love our teachers. 74.

3 THE PROSPECTIVE JUROR NO. 74: Oh, yeah. My mom.

4 THE COURT: I'm sorry. I can barely hear you. Sorry.
5 Speak up.

6 THE PROSPECTIVE JUROR NO. 74: So my mom is 84. She
7 lives in California, and I'm the primary, you know,
8 person that's taking care of her. So she is going in for
9 a medical procedure. She's had coronary problems. So
10 she's having trouble breathing. She had a stroke about
11 two years ago.

12 THE COURT: Okay.

13 THE PROSPECTIVE JUROR NO. 74: So I don't know if they
14 are going to operate or not. She just said be ready
15 because she is going in for testing.

16 THE COURT: So when will you know?

17 THE PROSPECTIVE JUROR NO. 74: She's already been
18 through the tests. So they are going to report back in a
19 few days.

20 THE COURT: Okay. Thank you. Juror number 76.

21 THE PROSPECTIVE JUROR NO. 76: Hello, your Honor. I'm
22 the sole provider for my family. I have a two year old
23 son, and my fiance that I provide for. I have no
24 compensation, if I don't go to work.

25 THE COURT: Okay. Thank you very much. Juror number

1 77.

2 THE PROSPECTIVE JUROR NO. 77: I have tickets to Boise
3 on Monday. So I will be gone for four days, and then I
4 take care of my twelve year old.

5 THE COURT: Okay. Thank you. Juror number 78.

6 THE PROSPECTIVE JUROR NO. 78: We have tickets for
7 going to Alaska on the 30th of this month.

8 THE COURT: Okay. Thank you. Juror number 66.

9 THE PROSPECTIVE JUROR NO. 66: I would not be able to
10 pay my rent, if I'm unable to go to work.

11 THE COURT: Okay. Thank you. Juror number 68.

12 THE PROSPECTIVE JUROR NO. 68: I have plane tickets to
13 Charleston, South Carolina. Coming back the 19th of
14 August. Wait. Yeah. Or no, we leave the 19th of
15 August. Coming back the 3rd.

16 THE COURT: Oh, okay. Thank you. Juror 69.

17 THE PROSPECTIVE JUROR NO. 69: I'm the sole provider
18 for my family of four, and I work in Olympia and I'm not
19 able to take that much time off.

20 THE COURT: Okay. Thank you. Juror 70.

21 THE PROSPECTIVE JUROR NO. 70: I'm a single dad, and
22 we have no coverage for my son. All my relatives are in
23 Mississippi.

24 THE COURT: Okay. So childcare issues?

25 THE PROSPECTIVE JUROR NO. 70: Yeah.

1 THE COURT: Okay. Thank you. Okay. So I'm going to
2 excuse jurors number 62, 74, 76, 77, 78, 70, 69, 68 and
3 66. And you can leave your card on your seat, and then
4 head back on down to the jury assembly room. And we
5 thank you very much for your service. Okay. Folks, so
6 we are going to excuse the remaining folks now for lunch.
7 Have a great lunch. Do they need to go back down to the
8 jury assembly room?

9 THE BAILIFF: They can leave directly from here. Just
10 leave their cards here.

11 THE COURT: Okay. So leave your cards here, and then
12 report back to the jury assembly room where you just came
13 from at 1:20. And then we will have you come back up
14 here at 1:30, and continue on joining your larger group
15 of fellow prospective jurors, and we will continue on
16 with the voir dire process. I think there were one of
17 you or so need to call your employer. If anyone needs to
18 do that, lunchtime is a great time to do it. And we
19 thank you so much for your service. And don't talk with
20 each other about this case or anything else or anything
21 that's happened so far in your exciting experience as a
22 prospective juror. Have a great lunch, and we will see
23 you back down at the jury assembly room at 1:20.

24 THE BAILIFF: Please rise for the jury. Go ahead and
25 leave your cards there, and I'll have a few words for you

1 here out here in the hallway.

2 (Jury not present.)

3 THE COURT: Okay. Everyone please be seated. So I
4 think we have about 37 people. Hopefully that --

5 MR. SHERIDAN: I have 38.

6 THE COURT: You have 38? You are probably right.

7 Craig said we had 37.

8 MS. MOORE: 37?

9 THE COURT: 37.

10 MR. SHERIDAN: You have 42 on there?

11 THE COURT: I have 42 is still with us.

12 MR. SHERIDAN: Okay. All right.

13 THE COURT: Yeah, I think maybe he or she was going to
14 call out to an employer. I'm not sure.

15 MR. SHERIDAN: Okay.

16 THE COURT: And so 37, which is a little bit low to
17 start out with before anything else. But...

18 MR. SHERIDAN: We go with three?

19 THE COURT: No. We are going to go definitely with
20 two. Yeah. We are not going to make it with three. I'm
21 hoping to get a jury out of this many people. We will
22 have to wait and see.

23 MR. SHERIDAN: Right.

24 THE COURT: Anything else before we break for lunch?

25 No? No?

1 MR. SHERIDAN: Thanks.

2 THE COURT: No? Okay. Great.

3 MR. SHERIDAN: Thanks, Judge. That was very fast.

4 THE COURT: No fooling around. No fooling around. We
5 are here for business. Okay. So of course you can leave
6 anything here. And you're free to stay until 12:00. I
7 know you might want to look at those. You can't take the
8 bio sheets out of the courtroom. So if you need to stay
9 a little bit longer to work on them a few extra ten
10 minutes or so I'm sure somebody in here can stay.
11 Otherwise see everyone back at 1:30. Thank you.

12 (A lunch recess was taken.)

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C E R T I F I C A T E

STATE OF WASHINGTON)

) SS.

COUNTY OF KING)

I, Kimberly H. Girgus, Certified Court Reporter; in and for the State of Washington, do hereby certify:

That to the best of my ability, the foregoing is a true and correct transcription of my shorthand notes as taken in the cause of MARIA LUISA JOHNSON, CARMELIA DAVIS-RAINES, CHERYL MUSKELLY, PAULINE ROBINSON, ELAINE SEAY-DAVIS, TONI WILLIAMSON, and LYNDA JONES versus SEATTLE PUBLIC UTILITIES, a department of the CITY OF SEATTLE, a municipality, on the date and at the time and place as shown on page one hereto;

That I am not a relative or employee or attorney or counsel of any of the parties to said action, or a relative or employee of any such attorney of counsel, and that I am not financially interested in said action or the outcome thereof;

Dated this 15th day of August, 2016.

Kimberly H. Girgus
Certified Court Reporter