

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

BEFORE THE HONORABLE WINIFRED Y. SMITH, JUDGE PRESIDING

DEPARTMENT NUMBER 21

---oOo---

COORDINATION PROCEEDING)	
SPECIAL TITLE (RULE 3.550))	
)	
ROUNDUP PRODUCTS CASE)	JCCP No. 4953
)	
_____)	
THIS TRANSCRIPT RELATES TO:)	
)	
Pilliod, et al.)	Case No. RG17862702
vs.)	
Monsanto Company, et al.)	Pages 5741 - 5771
_____)	Volume 34

Reporter's Transcript of Proceedings

Monday, May 13, 2019

Reported by: Kelly L. Shainline, CSR No. 13476, RPR, CRR
Stenographic Court Reporter



BAY AREA REPORTING
SOLUTIONS

888.526.8243
www.BayAreaReportingSolutions.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES OF COUNSEL:

For Plaintiffs:

THE MILLER FIRM, LLC
108 Railroad Avenue
Orange, Virginia 22960
(540) 672-4224

BY: MICHAEL J. MILLER, ATTORNEY AT LAW
mmiller@millerfirmllc.com

BAUM HEDLUND ARISTEI & GOLDMAN PC
10940 Wilshire Boulevard, 17th Floor
Los Angeles, California 90024
(310) 207-3233

BY: R. BRENT WISNER, ATTORNEY AT LAW
rbwisner@baumhedlundlaw.com
PEDRAM ESFANDIARY, ATTORNEY AT LAW
pesfandiary@baumhedlundlaw.com

(APPEARANCES CONTINUED ON FOLLOWING PAGE)

1 **APPEARANCES:** (CONTINUED)

2 For Defendants:

3 EVANS FEARS & SCHUTTERT LLP
4 2300 W. Sahara Ave, Suite 950
5 Las Vegas, Nevada 89102
6 (702) 805-0290

7 **BY: KELLY A. EVANS, ATTORNEY AT LAW**
8 kevens@efstriallaw.com

9 HINSHAW
10 One California Street, 18th Floor
11 San Francisco, California 94111
12 (415) 362-6000

13 **BY: EUGENE BROWN JR., ATTORNEY AT LAW**
14 ebrown@hinshawlaw.com

15 GOLDMAN ISMAIL TOMASELLI BRENNAN & BAUM LLP
16 564 West Randolph Street, Suite 400
17 Chicago, Illinois 60661
18 (312) 681-6000

19 **BY: TAREK ISMAIL, ATTORNEY AT LAW**
20 tismail@goldmanismail.com

21 (Multiple other counsel present as reflected in the
22 minutes.)

23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

Monday, May 13, 2019

PAGE VOL.

Verdict

5745 34

1 Monday, May 13, 2019

1:50 p.m.

2

P R O C E E D I N G S

3

---oOo---

4

5

(The following proceedings were heard in the presence of the jury:)

6

7

THE COURT: Good afternoon, ladies and gentlemen.

8

9

10

In the matter of the Pilliods versus Monsanto, please let the record note that counsel are all present and the jurors are seated in the jury box.

11

12

And who is the presiding juror? Please raise your hand. Do you have a verdict?

13

PRESIDING JUROR: Yes.

14

15

THE COURT: Would you please pass the verdict to the Court Attendant.

16

(Pause in the proceedings.)

17

18

THE COURT: Mr. Wright, would you read the verdict, please.

19

VERDICT

20

21

THE CLERK: This is the verdict form for Alberta Pilliod.

22

The claim of design defect.

23

24

25

Question 1: Did Roundup fail to perform as safely as an ordinary consumer would have expected when used or misused in an intended or reasonably foreseeable

1 way. Answer: Yes.

2 Question 2: Was the design of Roundup a
3 substantial factor in causing harm to Alberta Pilliod?

4 Answer: Yes.

5 Claim of strict liability—failure to warn.

6 Question 3: Did Roundup have potential risks
7 that were known or knowable in light of the scientific
8 and medical knowledge that was generally accepted in the
9 scientific community at the time of their manufacture,
10 distribution, or sale? Answer: Yes.

11 Question 4: Did the potential risks of
12 Roundup present a substantial danger to persons when
13 used in accordance with widespread and commonly
14 recognized practice? Answer: Yes.

15 Question 5: Would ordinary consumers have
16 recognized the potential risks? Answer: No.

17 Question 6: Did Monsanto fail to adequately
18 warn of the potential risks? Answer: Yes.

19 Question 7: Was the lack of sufficient
20 warnings a substantial factor in causing harm to Alberta
21 Pilliod. Answer: Yes.

22 Claim of negligence.

23 Question 8: Was Monsanto negligent in
24 designing, manufacturing, or supplying Roundup?

25 Answer: Yes.

1 Question 9: Was Monsanto's negligence a
2 substantial factor in causing harm to Alberta Pilliod?

3 Answer: Yes.

4 Claim of negligent failure to warn.

5 Question 10: Did Monsanto know or should it
6 reasonably have known that Roundup was dangerous or was
7 likely to be dangerous when used in accordance with
8 widespread and commonly recognized practice?

9 Answer: Yes.

10 Question 11: Did Monsanto know or should
11 reasonably have known that users would not realize the
12 danger? Answer: Yes.

13 Question 12: Did Monsanto fail to adequately
14 warn of the danger or instruct on the safe use of
15 Roundup? Answer: Yes.

16 Question 13: Would a reasonable manufacturer,
17 distributor, or seller under the same or similar
18 circumstances have warned of the danger or instructed on
19 the safe use of Roundup? Answer: Yes.

20 Question 14: Was Monsanto's failure to warn a
21 substantial factor in causing harm to Alberta Pilliod?

22 Answer: Yes.

23 Claim of damages.

24 Question 15: What are Alberta Pilliod's
25 damages?

1 For past economic loss, the amount of
2 \$201,166.76.

3 Future economic loss, \$2,957,710.

4 Past noneconomic loss, \$8 million.

5 Future noneconomic loss, \$26 million.

6 Punitive damages.

7 Question 16: Did Monsanto engage in conduct
8 with malice, oppression, or fraud committed by one or
9 more officers, directors, or managing agents of Monsanto
10 acting on behalf of Monsanto? Answer: Yes.

11 Question 17: What amount of punitive damages,
12 if any, do you award to Alberta Pilliod?

13 One billion dollars.

14 Dated 5/13/2019.

15 The verdict form for Alva Pilliod:

16 Claim of design defect.

17 Question 1: Did Roundup fail to perform as
18 safely as an ordinary consumer would have expected when
19 used or misused in an intended or reasonably foreseeable
20 way? Answer: Yes.

21 Question 2: Was the design of Roundup a
22 substantial factor in causing harm to Alva Pilliod?

23 Answer: Yes.

24 Claim of strict liability—failure to warn.

25 Question 3: Did Roundup have potential risks

1 that were known or knowable in the light of scientific
2 and medical knowledge that was generally accepted in the
3 scientific community at the time of the manufacture,
4 distribution, or sale? Answer: Yes.

5 Question 4: Did the potential risks of
6 Roundup present a substantial danger to persons when
7 used in accordance with widespread and commonly
8 recognized practice? Answer: Yes.

9 Question 5: Would ordinary consumers have
10 recognized the potential risks? Answer: No.

11 Question 6: Did Monsanto fail to adequately
12 warn of the potential risks? Answer: Yes.

13 Question 7: Was the lack of sufficient
14 warnings a substantial factor in causing harm to Alva
15 Pilliod? Answer: Yes.

16 Claim of negligence.

17 Question 8: Was Monsanto negligent in
18 designing, manufacturing, or supplying Roundup?
19 Answer: Yes.

20 Question 9: Was Monsanto's negligence a
21 substantial factor in causing harm to Alva Pilliod?
22 Answer: Yes.

23 Claim of negligent failure to warn.

24 Question 10: Did Monsanto know or should it
25 reasonably have known that Roundup was dangerous or was

1 likely to be dangerous when used in accordance with
2 widespread and commonly recognized practice?

3 Answer: Yes.

4 Question 11: Did Monsanto know or should it
5 reasonably have known that users would not realize the
6 danger? Answer: Yes.

7 Question 12: Did Monsanto fail to adequately
8 warn of the danger or instruct on the safe use of
9 Roundup? Answer: Yes.

10 Question 13: Would a reasonable manufacturer,
11 distributor, or seller under the same or similar
12 circumstances have warned of the danger or instructed on
13 the safe use of Roundup? Answer: Yes.

14 Question 14: Was Monsanto's failure to warn a
15 substantial factor in causing harm to Alva Pilliod?
16 Answer: Yes.

17 Claim of damages.

18 Question 15: What are Alva Pilliod's damages?

19 Past economic loss, \$47,296.01.

20 Past noneconomic loss, \$8 million.

21 Future noneconomic loss, \$10 million.

22 Punitive damages.

23 Question 16: Did Monsanto engage in conduct
24 with malice, oppression, or fraud committed by one or
25 more officers, directors, or managing agents of Monsanto

1 acting on behalf of Monsanto? Answer: Yes.

2 Question 17: What amount of punitive damages,
3 if any, do you award Alva Pilliod?

4 Answer: One billion dollars.

5 Dated 5/13/2019.

6 **THE COURT:** Well, ladies and gentlemen of the
7 jury, is this your verdict?

8 **ALL:** Yes.

9 **THE COURT:** Okay. So is there a request for
10 polling of the jury?

11 **MR. ISMAIL:** Yes, Your Honor.

12 **THE COURT:** So in one of the instructions I
13 gave, I'm polling to ask you for each question and how
14 you voted on each question. So I also indicated through
15 the Court Attendant that you could bring your draft
16 sheets in, and some of you may have. You're certainly
17 fine using those if you want to.

18 So I'm going to start with -- so what I'm
19 going to do is I'm going to ask regarding question
20 number 1, and start with Alberta Pilliod's verdict form,
21 and I'm going to ask you how many of you voted yes on
22 the first question. I would like for you to raise your
23 hands and keep them raised because my clerk is going to
24 count the number of people and which jurors voted which
25 way.

1 And I'm going to ask both yes and no for each
2 question, and then when we get to damages I will ask how
3 many voted for damages and have you raise your hand. So
4 does everybody understand what we're about to do?

5 Okay. Excellent.

6 First question is did Roundup fail to perform
7 as safely as an ordinary consumer would have expected
8 when used or misused in an intended or reasonably
9 foreseeable way.

10 How many of you voted yes on that question?

11 (All hands raised.)

12 **THE COURT:** You can put your hands down.

13 Number 2: Was the design of Roundup a
14 substantial factor causing harm to Alberta Pilliod?

15 How many of you voted yes?

16 (All hands raised.)

17 **THE COURT:** How many of you voted no?

18 Did I miss you the first time?

19 **JUROR NO. 11:** No.

20 **THE COURT:** Question number 3. Are you ready?

21 **THE CLERK:** Yes.

22 **THE COURT:** Did Roundup have potential risks
23 that were known or knowable in light of the scientific
24 and medical knowledge that was generally accepted in the
25 scientific community at the time of the manufacture,

1 distribution, or sale?

2 How many of you voted yes?

3 (All hands raised.)

4 **THE COURT:** Just to be sure -- you may lower
5 your hands -- did anyone vote no?

6 (No hands raised.)

7 **THE COURT:** Question number 4: Did the
8 potential risk of Roundup present a substantial danger
9 to persons when used in accordance with the widespread
10 and commonly recognized practice?

11 How many of you voted yes? Please raise your
12 hands.

13 (All hands raised except that of
14 Juror No. 11.)

15 **THE COURT:** How many voted no?

16 (Juror No. 11 raised hand.)

17 **THE COURT:** Question number 5: Would ordinary
18 consumers have recognized the potential risk?

19 How many voted yes?

20 (No hands raised.)

21 **THE COURT:** Please raise your hand if you
22 voted no.

23 (All hands raised.)

24 **THE COURT:** Question number 6: Did Monsanto
25 fail to adequately warn of the potential risks?

1 Please raise your hand if you voted yes.

2 (All hands raised.)

3 **THE COURT:** Did anyone -- you may lower your
4 hands. Did anyone vote no?

5 (No hands raised.)

6 **THE COURT:** Question number 7: Was the lack
7 of sufficient warning a substantial factor in causing
8 harm to Alberta Pilliod?

9 Please raise your hand if you voted yes.

10 (All hands raised.)

11 **THE COURT:** Lower your hands.

12 Did anybody vote no?

13 (No hands raised.)

14 **THE COURT:** Question number 8: Was Monsanto
15 negligent in designing, manufacturing, or supplying
16 Roundup?

17 Please raise your hand if you voted yes.

18 (All hands raised.)

19 **THE COURT:** You may lower your hands.

20 Did anyone vote no?

21 (No hands raised.)

22 **THE COURT:** Question number 9: Was Monsanto's
23 negligence a substantial factor in causing harm to
24 Alberta Pilliod?

25 Please raise your hand if you voted yes.

1 (All hands raised except that of
2 Juror No. 11.)

3 **THE COURT:** You may lower your hands.
4 Please raise your hand if you voted no.
5 (Juror No. 11 raised hand.)

6 **THE COURT:** Thank you.

7 Question number 10: Did Monsanto know or
8 should it reasonably have known that Roundup was
9 dangerous or was likely to be dangerous when used in
10 accordance with widespread and commonly recognized
11 practice?

12 Please raise your hands if you voted yes.
13 (All hands raised.)

14 **THE COURT:** You may lower your hands.
15 Please raise your hand if you voted no.
16 (No hands raised.)

17 Question number 11: Did Monsanto know or
18 should reasonably have known that users would not
19 realize the danger?

20 If you voted yes, please raise your hand.
21 (All hands raised.)

22 **THE COURT:** Question number 12: Did Monsanto
23 fail to adequately warn of the danger or instruct on the
24 safe use of Roundup?

25 If you voted yes, please raise your hand.

1 (All hands raised.)

2 **THE COURT:** You may lower your hands.

3 If anybody voted no, please raise your hand.

4 (No hands raised.)

5 **THE COURT:** Question number 13: Would a
6 reasonable manufacturer, distributor, or seller under
7 the same or similar circumstances have warned of the
8 danger or instructed on the safe use of Roundup?

9 If you voted yes to that question, please
10 raise your hand.

11 (All hands raised.)

12 **THE COURT:** If you voted no, please raise your
13 hand.

14 (No hands raised.)

15 **THE COURT:** Question number 14: Was
16 Monsanto's failure to warn a substantial factor in
17 causing harm to Alberta Pilliod?

18 If you voted yes on that question, please
19 raise your hand.

20 (All hands raised that of except
21 Juror No. 11.)

22 **THE COURT:** You can lower your hands.

23 Anybody voted no, please raise your hand.

24 (Juror No. 11 raised hand.)

25 **THE COURT:** With respect to damages, with

1 respect to past economic loss, how many of you voted in
2 favor of damages for past economic loss?

3 (All hands raised.)

4 **THE COURT:** You may lower your hands. Sorry.

5 With respect to future economic loss, how many
6 voted in favor of damages for Alberta Pilliod's future
7 economic loss?

8 (All hands raised.)

9 **THE COURT:** You may lower your hands.

10 With respect to past noneconomic loss, how
11 many of you voted in favor of damages for past
12 noneconomic loss?

13 (All hands raised.)

14 **THE COURT:** You may lower your hands.

15 With respect to future noneconomic loss, those
16 of you who voted in favor of noneconomic damages for
17 future noneconomic loss, please raise your hands.

18 (All hands raised.)

19 **THE COURT:** With respect to question
20 number 16: Did Monsanto engage in conduct with malice,
21 oppression, or fraud committed by one or more officers,
22 directors, or managing agents of Monsanto acting on
23 behalf of Monsanto?

24 If you voted yes on this question, please
25 raise your hand.

1 (All hands raised.)

2 **THE COURT:** You may lower your hands.

3 If anybody voted no, please raise your hand.

4 (No hands raised.)

5 **THE COURT:** Question number 17: Damages
6 awarded in the amount of one billion dollars.

7 If you voted in favor of punitive damages,
8 please raise your hand.

9 (All hands raised except that of Juror No. 2.)

10 **THE COURT:** Keep your hands raised.

11 You may lower your hands.

12 **JUROR NO. 8:** I'm sorry, Your Honor, we're
13 saying whether we voted yes or no, not on the amount?

14 **THE COURT:** No, just on the question of are
15 they to be awarded. Did you vote for damages?

16 **JUROR NO. 8:** Yes.

17 **THE COURT:** Okay. And did anybody vote -- no,
18 the question was did you vote to award the damages, not
19 did they engage in conduct. Did you vote in favor of
20 awarding damages?

21 Anybody that did not vote in favor of awarding
22 damages, if so raise your hand. I'm sorry if I confused
23 you.

24 (No hands raised.)

25 **MR. ISMAIL:** I think there's a question about

1 whether they agreed with the amount that was awarded.

2 **THE COURT:** Okay. Of those of you who
3 voted -- you all voted in favor of punitive damages.
4 Raise your hand if you voted in favor of the amount of
5 damages awarded.

6 (All hands raised except those of Juror No. 2
7 and Juror No. 8.)

8 **THE COURT:** You may lower your hands.
9 Those of you who disagreed with the amount of
10 the damages awarded, please raise your hands.

11 (All hands raised except Juror No. 2,
12 Juror No. 6, Juror No. 11.)

13 **JUROR NO. 11:** I did.

14 **THE COURT:** All right. Just to be clear,
15 those of you raising your hands, the last three, did not
16 agree with the amount of punitive damages awarded; am I
17 right about that? Okay. Just wanted to be clear for
18 the record. Thank you.

19 All right. Moving on to Alva Pilliod's
20 verdict form.

21 Starting with question number 1: Did Roundup
22 fail to perform as safely as an ordinary consumer would
23 have expected when used or misused in an intended or
24 reasonably foreseeable way?

25 If you voted yes to question 1, please raise

1 your hand.

2 (All hands raised.)

3 **THE COURT:** You may lower your hands.

4 Anybody who voted no?

5 (No hands raised.)

6 **THE COURT:** Question number 2: Was the design
7 of Roundup a substantial factor in causing harm to Alva
8 Pilliod?

9 If you voted yes in favor of that question,
10 please raise your hand.

11 (All hands raised except that of
12 Juror No. 11.)

13 **THE COURT:** If you voted no, please raise your
14 hand.

15 (Juror No. 11 raised hand.)

16 **THE COURT:** Question number 3: Did Roundup
17 have potential risks that were known or knowable in
18 light of the scientific and medical knowledge that was
19 generally accepted in the scientific community at the
20 time of their manufacture, distribution, or sale?

21 If you voted yes to this question, please
22 raise your hand.

23 (All hands raised.)

24 **THE COURT:** You may lower your hands.

25 Question number 4: Did the potential risks of

1 Roundup present a substantial danger to persons when
2 used in accordance with widespread and commonly
3 recognized practice?

4 If you voted yes on this question, please
5 raise your hand.

6 (All hands raised except that of
7 Juror No. 11.)

8 **THE COURT:** You may lower your hands.

9 If you voted no on this question, please raise
10 your hand.

11 (Juror No. 11 raised hand.)

12 **THE COURT:** Question number 5: Would an
13 ordinary consumer have recognized the potential risk?

14 If you voted yes for this question, please
15 raise your hand.

16 (No hands raised.)

17 **THE COURT:** If you voted no, please raise your
18 hand.

19 (All hands raised.)

20 **THE COURT:** Question number 6: Did Monsanto
21 fail to adequately warn of the potential risks?

22 If you voted yes, please raise your hand.

23 (All hands raised.)

24 **THE COURT:** Okay. Thank you. You may lower
25 your hands.

1 Anybody vote no on this question?

2 (No hands raised.)

3 Question number 7: Was the lack of sufficient
4 warning a substantial factor in causing harm to Alva
5 Pilliod?

6 If you voted yes on this question, please
7 raise your hand.

8 (All hands raised.)

9 **THE COURT:** You may lower your hand.

10 Anybody vote no on this question?

11 (No hands raised.)

12 **THE COURT:** Question number 8: Was Monsanto
13 negligent in designing, manufacturing, or supplying
14 Roundup?

15 If you voted yes on this question, please
16 raise your hand.

17 (All hands raised.)

18 **THE COURT:** Thank you. You may lower your
19 hands.

20 Anybody vote no?

21 (No hands raised.)

22 **THE COURT:** Question number 9: Was negligence
23 a substantial factor in causing harm to Alva Pilliod?

24 If you voted yes on this question, please
25 raise your hand.

1 (All hands raised except that of
2 Juror No. 11.)

3 **THE COURT:** You may lower your hands.
4 If you voted no on this question, please raise
5 your hand.

6 (Juror No. 11 raised hand.)

7 **THE COURT:** You may lower your hand.

8 Question number 10: Did Monsanto know or
9 should have reasonably known that Roundup was dangerous
10 or was likely to be dangerous when used in accordance
11 with widespread and commonly recognized practice?

12 If you voted yes on this question, please
13 raise your hand.

14 (All hands raised.)

15 **THE COURT:** Thank you. You may lower your
16 hands.

17 Question number 11 --

18 Sorry. Did anybody vote no on that question?
19 Just to be sure.

20 (No hands raised.)

21 **THE COURT:** Question number 11: Did Monsanto
22 know or should reasonably have known that users would
23 not realize the danger?

24 If you voted yes on this question, please
25 raise your hand.

1 (All hands raised.)

2 **THE COURT:** Thank you. You may lower your
3 hands.

4 Did anybody vote no on this question?

5 (No hands raised.)

6 **THE COURT:** Question number 12: Did Monsanto
7 fail to adequately warn of the danger or instruct on the
8 safe use of Roundup?

9 If you voted yes on this question, please
10 raise your hand.

11 (All hands raised.)

12 **THE COURT:** You may lower your hands.

13 Anybody vote no on this question?

14 (No hands raised.)

15 **THE COURT:** Question number 13: Would a
16 reasonable manufacturer, distributor, or seller under
17 the same or similar circumstances have warned of the
18 danger or instructed on the safe use of Roundup?

19 If you voted yes on this question, please
20 raise your hand.

21 (All hands raised.)

22 **THE COURT:** You may lower your hands.

23 Anybody vote no on this question, please raise
24 your hand.

25 (No hands raised.)

1 **MS. MIKACICH:** 14: Was Monsanto's failure to
2 warn a substantial factor in causing harm to Alva
3 Pilliod?

4 If you voted yes on this question, please
5 raise your hand.

6 (All hands raised except that of
7 Juror No. 11.)

8 **THE COURT:** You may lower your hands.

9 If you voted no on this question, please raise
10 your hand.

11 (Juror No. 11 raised hand.)

12 **THE COURT:** Thank you.

13 Question 15: What are Alva Pilliod's damages?

14 With respect to past economic loss, if you
15 voted to award past economic loss, please raise your
16 hand.

17 (All hands raised.)

18 **THE COURT:** And if you voted to award past
19 noneconomic loss, please raise your hand.

20 (All hands raised.)

21 **THE COURT:** Thank you.

22 If you voted to award future noneconomic
23 damages, please raise your hand.

24 (All hands raised.)

25 **THE COURT:** Thank you.

1 Okay. With respect to question number 16:
2 Did Monsanto engage in conduct with malice, oppression,
3 or fraud committed by one or more officers, directors,
4 or managing agents of Monsanto acting on behalf of
5 Monsanto?

6 If you voted yes on this question, please
7 raise your hand.

8 (All hands raised.)

9 **THE COURT:** You may lower your hands.

10 Question number 17: If you voted to award the
11 amount of one billion dollars, please raise your hand.

12 (All hands raised except those of Juror No. 2,
13 Juror No. 8, and Juror No. 11.)

14 **THE COURT:** Thank you, ladies and gentlemen.

15 Let me just repoll on one question. The clerk
16 is unclear.

17 With respect to punitive damages, question 16,
18 if you voted yes on question 16, could you raise your
19 hand and keep it raised high.

20 **JUROR NO. 7:** Yes or no?

21 **THE COURT:** This is, yes, I'm asking if you
22 voted yes on 16, which is: Did Monsanto engage in
23 conduct with malice, oppression, or fraud committed by
24 one or more officers, directors, or managing agents of
25 Monsanto acting on behalf of Monsanto?

1 So I just want to make sure we counted
2 correctly.

3 (All hands raised.)

4 **THE COURT:** All right. Thank you.

5 Mr. Wright, you may record the verdicts.

6 So, ladies and gentlemen, you have finished
7 your work. And I just want to say thank you very much.
8 You've completed your duties, you delivered a verdict,
9 and you worked very hard over the past six weeks, I
10 guess, coming every day on time, listening attentively
11 and following directions.

12 And I want to say that I appreciate everything
13 that you've done. And I'm sure I also speak on behalf
14 of the lawyers in terms of your being the jury that I
15 think anybody would want which is to promise to be fair
16 and impartial, and I think you've delivered on that
17 promise.

18 So I say that because I'm going to release you
19 from all of the admonitions that I have been repeating
20 day in and day out that you can't talk about the case,
21 that I don't want you to think about the case, I want
22 you to have juror amnesia. I came up with several
23 different tricks, but it was really just to try to
24 impress upon you how important it was for you to
25 withhold judgment until you'd heard the evidence of both

1 the plaintiffs and the defense and the jury instructions
2 and argument. And you did that. You were very patient
3 and were very flexible when you needed to be and you did
4 everything I asked.

5 So you do now have the right to discuss or not
6 discuss any aspect of your jury service with anyone you
7 would like to talk with about it.

8 So I'm going to ask you to -- what I want to
9 do is I understand that some of you would like to leave
10 and I'm going to ask the gallery to stay for five
11 minutes to give those of you who don't want to talk to
12 anyone the opportunity to leave.

13 The lawyers always want to talk to the jurors
14 about their experience, about your experience with the
15 case, whatever your thoughts are. They're free to ask
16 whatever questions they would like to ask. I know they
17 would like to talk to you. So those of you who are
18 willing to and interested to talking about the case to
19 the lawyers or the press or whoever, then you can stick
20 around and do that as well.

21 But it's with my thanks that I now release you
22 from jury duty. And I hope that it was a good
23 experience and that you will serve as a juror on a case
24 in the future. So thank you very much. You are excused
25 and you may leave the courtroom. And I'm going to ask

1 the gallery to wait and remain in the courtroom for five
2 minutes to allow the jurors who would like to leave an
3 opportunity to do so.

4 So I'm also going to leave the bench so if any
5 of you would like to talk to the jurors before you
6 leave, they're free to do that. And I'm going to make
7 some contact with them for a brief conversation.

8 **MR. ISMAIL:** Will they remain in the jury
9 room, Your Honor?

10 **THE COURT:** There are a few people who just
11 don't want to talk. But when everybody leaves -- those
12 who do, you're free to talk to them, and I would like to
13 give you that opportunity before everyone wants to
14 leave. So I'm fine waiting about 30 minutes to give you
15 a chance to --

16 **MR. EVANS:** Are they coming back here or in
17 the hall, or where will they be?

18 **THE COURT:** They're just going to be leaving
19 so catch them as they walk out. I didn't ask them to do
20 anything. But they did say that a few of them wanted to
21 leave and they didn't want to be approached. So I said,
22 sure, I'll ask the gallery to stay for a few minutes
23 just to give those people a chance to leave.

24 **MR. MILLER:** Your Honor, if I could. Thank
25 you so much for your time the last two months. You've

1 been very patient.

2 **THE COURT:** You're very welcome. It was a
3 pleasure to have all of you in my courtroom.

4 We'll come back, just to wrap it up and close
5 out the record. I just want to give anyone who wants to
6 speak to the jurors a chance to do that. And we'll
7 reconvene in 20 or 30 minutes.

8 (Proceedings adjourned at 2:22 p.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 State of California)
2 County of Alameda)

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Kelly L. Shainline, Court Reporter at the Superior Court of California, County of Alameda, do hereby certify:

That I was present at the time of the above proceedings;

That I took down in machine shorthand notes all proceedings had and testimony given;

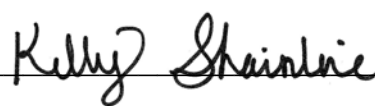
That I thereafter transcribed said shorthand notes with the aid of a computer;

That the above and foregoing is a full, true, and correct transcription of said shorthand notes, and a full, true and correct transcript of all proceedings had and testimony taken;

That I am not a party to the action or related to a party or counsel;

That I have no financial or other interest in the outcome of the action.

Dated: May 13, 2019



Kelly L. Shainline, CSR No. 13476