

**COMMONWEALTH OF KENTUCKY  
PIKE CIRCUIT COURT  
DIVISION II  
CASE NO. 19-CI-00233**

NICKY GAUZE, Individually, and  
NICKY GAUZE, as Administrator of the  
ESTATE of MARY E. GAUZE, Deceased;  
NICKY GAUZE, as Guardian of  
JOEY GAUZE, a Minor; and  
CODY GAUZE,

**PLAINTIFFS**

v.

PIKEVILLE MEDICAL CENTER, INC.  
d/b/a PIKEVILLE MEDICAL CENTER; and  
JOHN DOES 1 through 3, Unknown Defendants

**DEFENDANT**

---

**PLAINTIFFS' MOTION TO RECUSE AND MEMORANDUM OF LAW IN  
SUPPORT**

---

COME NOW Plaintiffs, by and through undersigned counsel and, pursuant to Kentucky Revised Statute Section 26A.015 hereby move the Honorable H. Keith Hall recuse himself from further participation in the above-styled matter. Plaintiffs further sayeth:

**MEMORANDUM**

When a party moves for recusal an affidavit is required.<sup>1</sup> *Abbott, Inc. v. Guirguis*, 626 S.W.3d 475, 484 (Ky. 2021). Whatever their legal import, the Court cannot inquire into the truth or falsity of the actual statements made in the affidavit filed in support. *Neace v. Commonwealth*, 47 S.W.2d 995, 997 (Ky. 1932). It is, from outward appearances, a seemingly minor and explainable—*but* under the circumstances, decisive—slip of the tongue or memory that unfortunately requires Plaintiffs to move for Judge Hall to recuse himself.

---

<sup>1</sup> See **Exhibit 1**.

**STANDARD**

KRS § 26A.015 and SCR 4.300 set forth the standards for recusal and disqualification of a sitting judge. KRS § 26A.015(2) states in part (emphasis added):

Any justice or judge of the Court of Justice or master commissioner *shall disqualify himself* in any proceeding:

(a) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary *facts* concerning the proceedings, or has expressed an opinion concerning the merits of the proceeding;

\* \* \*

(d) Where he or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

\* \* \*

4. Is to the knowledge of the judge or master commissioner *likely to be a material witness* in the proceeding.

(e) Where he has knowledge of any other circumstances in which his impartiality might reasonably be questioned.

\* \* \* \*

SCR4.300 sets forth a canon of the Kentucky Code of Judicial Conduct, stating much the same thing. *See* SCR4.300, Canon 2.11. Additionally, as late as two years ago, the Kentucky Supreme Court has stated:

Against that background, our standard of review for a recusal motion requires revision. Admittedly as recently as four months ago, we stated that a court's denial of a motion for recusal is reviewed for abuse of discretion. \* \* \* To the extent this standard implies appellate deferral to the trial judge and his or her reasoning in not recusing, it is inappropriate. \* \* \* Because an objective standard is appropriate for measuring whether a judge's impartiality might reasonably be questioned from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances, we hold, appropriately, that this determination is to be reviewed on appeal on a *de novo* basis.

*Abbott, Inc. v. Guirguis*, 626 S.W.3d at 483-484.

### A. Partiality

The question is not whether Judge Hall is actually biased or impartial, but simply whether his impartiality might reasonably be questioned. *Sommers v. Commonwealth*, 843 SW.2d 879, 882 (Ky. 1992) (holding that it was an abuse of discretion to deny a motion for recusal where the judge's impartiality might reasonably be questioned, regardless whether he in fact was impartial); *see also Commonwealth v. Barndenburg*, 114 S.W.3d 830, 832-834 (Ky. 2003) (emphasizing that the appearance of impropriety required recusal even absent accusations of actual impropriety). Inquiries in judicial recusal are “objective one[s], made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances.” *Dean v. Bondurant*, 193 S.W.3d 744, 746 (Ky. 2006).

Now, Plaintiffs do not assert that Judge Hall is partial. However, it is at least an abuse of discretion for a judge not to recuse himself when his impartiality might reasonably be questioned. *See Sommers v. Commonwealth, supra*. And review of the surrounding facts and circumstances of the issue will be one performed by the appellate courts *de novo*. *Abbott, Inc. v. Guirguis, supra*.

### B. Judge as witness

Again, Plaintiffs do not assert that Judge Hall is partial, but that a reasonable outside observer might not agree ... particularly given that he holds evidence, and is a potential witness as to a seminal point at trial, or in the appellate record. Recusal is required where particularized facts demonstrate that a judge will likely testify as a material witness. *Arrowood Indem. Co. v. City of Warren, Mich.*, 54 F. Supp. 3d 723, 727 (E.D. Mich. 2014).

[A] judge may not preside if he: \* \* \* (b) has “*personal knowledge of disputed evidentiary facts concerning the proceeding*,” § 455(b)(1); or (c) knows he or she is “*likely to be a material witness* in the proceeding,” § 455(b)(5)(iv). If any of these circumstances exist, *the judge must disqualify*

*himself even if the parties agree that it would be desirable for him to continue to preside.* *United States v. Chantal*, 902 F.2d 1018, 1023 (1st Cir.1990).

*United States v. Salemme*, 164 F.Supp.2d 49, 51 (D. Mass. 1998) (emphasis added).

### FACTS AND ARGUMENT

To remind the Court, following a complete and lengthy trial, on February 10, 2023 (the second day of jury deliberations in the above-styled case) proceedings began by this Court's admonitions to the jury, and the Court was apparently preparing to direct the latter to resume deliberations, when Juror 2 (now known to have been Mr. Little) indicated that he had a question.

(**Exhibit 2** at 10) At the bench, with parties' counsel present, Mr. Little inquired:

If there was a statement made at the *beginning of deliberations* by one of the jurors that would have made them not eligible to be on this jury, is that – that's – I mean [. . .] is that just the way [. . .] it is, right?

(**Exhibit 2** at 10–11)

The Court immediately inquired further, and Mr. Little went on to editorialize to the effect that he had “lost sleep . . . [but] not because of the facts.” He implied thereby that there had been juror misconduct. (*Id.*) The other jurors were unaware of the substance of the substance of this bench colloquy, or why Mr. Little had approached the bench.

At some point Mr. Little returned to his seat, but the Court subsequently invited him back to the bench to continue probing matters—this time, *outside of parties' counsel's hearing*.

(**Exhibit 2** at 18) Mr. Little then apparently stated he held concerns regarding the juror who “volunteered to be the foreperson, *about a few minutes into deliberations*”—later identified as Juror 1, Ms. Kendrick. Mr. Little claimed Ms. Kendrick related to him that she had told her “family” not to take her to Pikeville Medical Center, (**Exhibit 2** at 19), potentially a comment

necessitating striking Ms. Kendrick as a juror. According to transcript, the following exchange then occurred outside of parties' counsel's hearing:

- Judge: Now, did she make that statement based on what she heard in the trial, or did she bring that preconceived feeling into the courtroom?
- Juror 2: Yeah, that's what – that's *what I took it as*.
- Judge:** It was so early in the trial, that she brought that feeling in with her.
- Juror 2: Yeah, *she said that*. That's what I'm saying. *We hadn't started deliberating*. [ . . . ]
- Judge: [ . . . ] Was it based upon what she'd heard during this trial, or was it what she brought in as a preconceived feeling?
- Juror 2: And then we continued to deliberate a few minutes –
- [ . . . ]
- Judge: That – oh, that was – did she say she felt – she mentioned something about the first – *at the very beginning*.
- Juror 2: That was *before we started deliberating*.
- Judge: She said that after the first (Inaudible)?
- Juror 2: *She volunteered to be the foreperson*, which was – I thought was strange somebody *volunteered right off the bat* to be that that, you know. I'm like, dang, I figured nobody --

(Exhibit 2 at 19–23 (emphases added))

Again, this interrogation itself occurred outside of the parties' counsel's hearing. The Judge then *relayed his understanding* of the bench-Little exchange to counsel, and included the comment, “[h]e said she said – that was at the *first day of the trial*.” (*Id.* at 24) The Judge at this juncture entertained Defendant's motion to strike Ms. Kendrick from the jury and declare a mistrial. As this Court knows, Ms. Kendrick was struck as a juror, and a mistrial declared.

Plaintiffs did not object to the striking of Ms. Kendrick, or to the mistrial, but refrained from doing so because *of the parties' belief that the representations made by the Court regarding Mr. Little's statements on when Ms. Kendrick made her comments were accurate*. Given

subsequent information brought to light as well as the transcript of Mr. Little's unaccompanied dialogue at the bench, Plaintiffs are in the unfortunate position of asserting that the representations made by the Court regarding Mr. Little's statements on when Ms. Kendrick made her comments were *not accurate*.

Had the comments of Ms. Kendrick been just as represented to parties' counsel by the Court, the decision to strike her as a juror would have been appropriate. Thus did Plaintiffs not object to the decisive motions in question. One cannot serve as a juror with a bias existent at the outset of trial toward one of the parties. However, if a bias arises only after the presentation of evidence, and at the beginning of deliberations, such a bias is not only permissible; it is appropriate.

Did Ms. Kendrick have an unfavorable impression of Pikeville Medical Center at the beginning of deliberations, *i.e.*, at the end of the presentation of evidence? This would have been appropriate. She was permitted to have, even necessarily so, some kind of impression of the Pikeville Medical Center at that point. In order to deliberate... in order to have anything upon which to deliberate... each juror on a jury panel must come to the deliberation table with some kind of impression based upon the evidence presented. That is what deliberation is for. There can be no deliberations, if none of the jurors have impressions.

Or at least this would have been Plaintiff's argument in objecting to Defendant's motions, had Plaintiffs been correctly apprised by the Court on Mr. Little's representations. Plaintiffs were effectively denied the ability to make this argument. Had the full facts been known, Plaintiffs would have objected. Plaintiffs were denied this opportunity.

Even had Plaintiffs' objections been overruled,<sup>2</sup> Plaintiffs could have (and would have) filed an emergency petition for an extraordinary writ in the Court of Appeals. This circumstance would have potentially called for a writ of some kind.<sup>3</sup>

Writs issue upon three kinds of showings: *First* is the showing pertaining to a lower court straying from its jurisdiction, which would not have been at issue in this petition. *Second* is the showing of an error that causes both (1) irreparable harm to the petitioner, un-remediable on appeal, and (2) great injustice. As the Kentucky Supreme Court stated in *Hoskins v. Maricle*:

(1) the lower court is proceeding or is about to proceed outside of its jurisdiction and there is no remedy through an application to an intermediate court; or (2) that the lower court is acting or is about to act erroneously, although within its jurisdiction, and there exists no adequate remedy by appeal or otherwise and great injustice and irreparable injury will result if the petition is not granted.

*Hoskins v. Maricle*, 150 S.W.3d 1, 10 (Ky. 2004) (quoting *Southeastern United Medigroup, Inc. v. Hughes*, 952 S.W.2d 195, 199 (Ky. 1997)).

Under the second showing, Plaintiffs could have and would have taken the position that: (1) This Court would have erred in striking Ms. Kendrick and ordering a mistrial, based upon a bias demonstrated only at the beginning of deliberations. (2) There would be no appellate mechanism to remedy such an error later, after an erroneously declared mistrial. (3) A declared mistrial after a full trial had been consummated, would have constituted a grave injustice to Plaintiffs.

---

<sup>2</sup> Plaintiffs recognize that this is speculation, and proceed hereafter *arguendo*.

<sup>3</sup> As an aside, and as this Court is aware, the full jury was allowed to continue deliberations—without knowing of the ordered mistrial or the striking of Ms. Kendrick—to render, in effect, an advisory verdict and presumably assist the parties in future potential negotiations. Later that afternoon the jury returned a \$10 million verdict in favor of the Plaintiffs.

Then there is the *third* kind of showing. This is the showing of a “special case,” justifying the issuance of a writ. See e.g., *Bender v. Eaton*, 343 S.W.2d 799 (Ky. 1961); *The St. Luke Hospitals, Inc. v. Kopowski*, 160 S.W.3d 771 (Ky. 2005). “Special cases” extend to,

situations where the action for which the writ is sought would violate the law... or by contradicting the requirements of a civil rule. In those rare cases, a court may peek behind the curtain, *i.e.*, beyond the petitioner's failure to meet the great and irreparable harm test, at the merits of the petitioner's claim of error by the lower court.

*Grange Mut. Ins. Co. v. Trude*, 151 S.W.3d 803, 808 (Ky. 2004). In a special case, “correction of the error is necessary and appropriate *in the interest of orderly judicial administration.*” *Bender* at 801 (emphasis added). It should go without saying that an erroneous declaration of a mistrial and the ordering of a “do-over,” to include an entire new trial, is far from the interests of “orderly judicial administration.” This would indeed have been a special case for which extraordinary writs are designed.

All of this exposition presents an extraordinary and complex circumstance to place in front of the Court of Appeals later, on a direct appeal. But the bell cannot be un-rung. And, inadvertently, Judge Hall is a holder of material facts and a participant in this matter.<sup>4</sup> Plaintiffs pray Judge Hall recuse himself.

### CONCLUSION

WHEREFORE, Plaintiffs respectfully request that Judge Hall recuse himself.

---

<sup>4</sup> Further, Judge Hall’s judicial assistant made a factual comment on social media regarding a material issue—the substance in such comment Plaintiffs deny—necessitating his recusal. *C.f. Hamid v. Price Waterhouse*, 51 F.3d 1411, 1416 (9<sup>th</sup> Cir.1995) (“Even if the judge has no reason to recuse herself based upon her own circumstances, a law clerk's relationships might cause the impartiality of decisions from that judge's chambers in which the clerk participates reasonably to be questioned.”).



By: /s/ Ross F. Mann  
Ross F. Mann (KY 94616)  
**ROSS MANN LAW PLLC**  
2257 Executive Drive  
Lexington, Kentucky 40505  
Telephone: 606-367-7116  
[Ross@RossMannLaw.com](mailto:Ross@RossMannLaw.com)  
[Kevin@RossMannLaw.com](mailto:Kevin@RossMannLaw.com)  
*Counsel for Plaintiffs*

A. J. Ryan (KY61035)  
130 W. 2nd Avenue  
Williamson, WV 25661  
304-235-7510 Tel.  
304-235-5585 Fax  
aj@wvdsi.net  
*Co-Counsel for Plaintiffs*

Brian M. Jasper  
Thomas Law Offices, PLLC  
9418 Norton Commons Blvd, Suite 200  
Prospect, KY 40059  
502-473-6540 Direct  
Brian.Jasper@ThomasLawOffices.com  
*Co-Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing document was filed with the Pike County Circuit Court Clerk using the ECF system, which will send notification of same to the following counsel of record this 16<sup>th</sup> day of May, 2023:

Dan Brown, Esq.  
dbrown@gazakbrown.com  
Jim Smith, Esq.  
jsmith@gazakbrown.com  
Gazak Brown, P.S.C.  
3220 Office Pointe Pl. #200  
Louisville, KY 40220  
*Counsel for Defendants*

*/s/ Ross F. Mann*  
\_\_\_\_\_  
**ROSS MANN LAW PLLC**

**COMMONWEALTH OF KENTUCKY  
PIKE CIRCUIT COURT  
DIVISION II  
CASE NO. 19-CI-00233**

NICKY GAUZE, Individually, and  
NICKY GAUZE, as Administrator of the  
ESTATE of MARY E. GAUZE, Deceased;  
NICKY GAUZE, as Guardian of  
JOEY GAUZE, a Minor; and  
CODY GAUZE,

**PLAINTIFFS**

**v.**

PIKEVILLE MEDICAL CENTER, INC.  
d/b/a PIKEVILLE MEDICAL CENTER; and  
JOHN DOES 1 through 3, Unknown Defendants

**DEFENDANT**

---

**AFFIDAVIT OF ROSCOE F. MANN**

---

The Affiant, Roscoe F. Mann, having been first duly sworn, hereby deposes and says:

1. The undersigned affiant is Roscoe F. Mann, I am over the age of 18 years, and I have personal knowledge of the matters set forth herein.
2. I am lead trial counsel for Nicky Gauze in the above-styled case.
3. On February 10, 2023, as the Pike Circuit Court began a second day of jury deliberations in the above-styled case, Juror 2 indicated that he wanted to approach the bench.
4. Juror 2 was permitted to approach the bench, at which time Juror 2 stated at bench, and in front of parties' counsel, that Juror 2 held reservations about the continued eligibility of one of the other jurors to serve on the jury.

5. At which point, the Judge directed parties' counsel to return to their seats, and the Judge questioned Juror 2 out of the presence of parties' counsel. Thereafter Juror 2 returned to his seat.
6. The Judge then recalled counsel to the bench, and relayed information regarding what Juror 2 had said at bench.
7. The Judge represented that, according to Juror 2, Juror 1 had insisted on being foreperson, and had otherwise made a prejudicial remark against Defendant at the outset of the trial.
8. Upon Defendant's motion for disqualification of Juror 1 and for mistrial, neither I, nor any of other of Mr. Gauze's counsel, objected to this course of action.
9. On the other hand, neither I nor any other of Plaintiff's counsel agreed to this course of action.
10. Had I known that Juror 2 actually stated that Juror 1's prejudicial remark was made at the outset of deliberations, rather than at the outset of trial, I would have objected to striking Juror 1 and to the order for mistrial.
11. Had the Court denied said objection, I would have filed an emergency petition for an extraordinary writ in the Kentucky Court of Appeals.
12. Further, the Affiant sayeth naught.



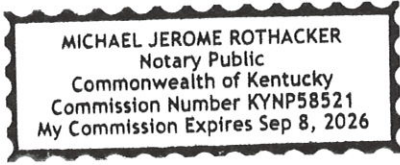
---

Ross F. Mann

**CERTIFICATE OF SERVICE**

**COUNTY OF FAYETTE**

Sworn to and acknowledged before me on this 16 day of May, 2023 by Roscoe F. Mann.



NOTARY PUBLIC

My Commission Expires: September 8th, 2026

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000013 of 000026

EXH : 000003 of 000003

**ORIGINAL**

1 COMMONWEALTH OF KENTUCKY

2 PIKE CIRCUIT COURT

3 DIVISION I

4 CIVIL ACTION NO. 19-CI-00233

5  
6  
7 NICKY GAUZE, INDIVIDUALLY, AND

8 NICKY GAUZE, AS ADMINISTRATOR OF THE

9 ESTATE OF MARY E. GAUZE, DECEASED;

10 NICKY GAUZE, AS GUARDIAN OF JOEY GAUZE, A MINOR;

11 AND CODY GAUZE, INDIVIDUALLY,

12 Plaintiffs

13  
14 V.

15  
16 PIKEVILLE MEDICAL CENTER, INC.

17 D/B/A PIKEVILLE MEDICAL CENTER, ET AL.,

18 Defendants

19  
20  
21 TRIAL EXCERPT

22  
23  
24  
25 DATE: FEBRUARY 10, 2023

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000014 of 000026

EXH : 000001 of 000013

Page 2

APPEARANCES

1

2

3 ON BEHALF OF THE PLAINTIFFS, NICKY GAUZE, INDIVIDUALLY,

4 AND NICKY GAUZE, AS ADMINISTRATOR OF THE ESTATE OF

5 MARY E. GAUZE, DECEASED; NICKY GAUZE, AS GUARDIAN OF

6 JOEY GAUZE, A MINOR; AND CODY GAUZE, INDIVIDUALLY:

7 Ross F. Mann, Esquire

8 Brian Jasper, Esquire

9 Ross Mann Law PLLC

10 2257 Executive Drive

11 Lexington, Kentucky 40505

12 Telephone No.: (606) 367-7116

13

14 ON BEHALF OF THE DEFENDANTS, PIKEVILLE MEDICAL CENTER,

15 INC. D/B/A PIKEVILLE MEDICAL CENTER:

16 Daniel G. Brown, Esquire

17 James E. Smith, Esquire

18 Gazak Brown, PSC

19 3220 Office Pointe Place

20 Suite 200

21 Louisville, Kentucky 40220

22 Telephone No.: (502) 412-5020

23

24

25

Page 4

PROCEEDINGS

1

2

3 JUDGE HALL: Back on record. Case number

4 19-CI-233. Let the record reflect that the jury is

5 returning to the courtroom.

6 (JURY ENTERS THE COURTROOM)

7 JUDGE HALL: Good morning, everyone.

8 JURY PANEL: Good morning.

9 JUDGE HALL: Welcome back. 12 of you,

10 12 -- everybody --

11 BAILIFF: You-all may be seated.

12 JUDGE HALL: Got the same 12?

13 BAILIFF: Thank you-all.

14 JUDGE HALL: Yeah. Oh, that's right. Sorry.

15 Thank you, Jimmy. As you-all noticed, we run

16 different. We -- we're like some basketball teams

17 that play all the players. We run people -- clerks

18 run in and out and cover, and the sheriff's

19 department tags in and out on us as well. We

20 appreciate them, and sometimes the -- if we look a

21 little awkward, it's because we're using a different

22 starting lineup every day, sometimes with the

23 procedures and who says what where, but we

24 get -- that -- that's not the important -- the

25 important part is that you-all -- oh, housekeeping

Page 3

INDEX

1

2

3 PROCEEDINGS

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 5

1 measure here. I need to tell the people on Zoom

2 that I'm holding them up. Let me tell the -- you'll

3 see a bunch of people on here. Are we on the Zoom?

4 If you could go off --

5 CLERK: Sure.

6 JUDGE HALL: -- away from the trial for a

7 second. There we go. There's my name. I knew I'd

8 get there someday. Name up in writing. Come on.

9 Come on. Hey, Tawana, can you hear me? There we go.

10 Hello, those of you -- those of you that are

11 appearing in court for the Zoom docket or for the

12 motion docket, we're going to have about a ten-

13 minute delay. I'm going to call the motion docket

14 at 9:10, at ten minutes after 9:00. But I'm going

15 to leave you on just in case -- or let's see.

16 There's no need for that to be on, is there?

17 That's nothing but a -- there's no reason

18 for -- we'll -- we'll turn you back on here in just

19 a couple minutes. We're going to call the motion

20 docket at nine minute -- or ten minutes after 9:00,

21 a little bit of a delay. Back to the trial, Case

22 number 19-CI-233. When we adjourned yesterday

23 evening, the jury was in the process of

24 deliberation. I don't think there's any other

25 business other than just let them return back to the

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000015 of 000026

EXH : 000002 of 000013

Page 6

1 jury room to continue their deliberations. Ladies  
 2 and gentlemen, we'll going to be in recess.  
 3 The Court -- this trial will be in recess until  
 4 return -- until you notify the bailiff that you have  
 5 reached -- arrived at a verdict. I forgot to  
 6 mention yesterday, did you-all go ahead and take  
 7 cell phones in the room with you as -- deliberations  
 8 yesterday? I was going to say -- I think that's my  
 9 discretion. I like letting you keep them. I don't  
 10 think anybody's going to go in there and go off and  
 11 be talking to somebody while the other 11 are  
 12 deliberating. I think you-all wouldn't do that  
 13 anyway. And I don't -- I can't -- I can't think of  
 14 any other misuse other than somebody trying to  
 15 research information, and I don't think any of you  
 16 would do that. If you've done that, you already  
 17 missed that opportunities [sic] for two weeks.  
 18 The other reason somebody might use a cell phone is  
 19 to call to say, hey, we're at such-and-such number.  
 20 What should I -- I don't think anybody's going to  
 21 call out for an audible, for anybody to help them.  
 22 There -- nobody out there you could call that knows  
 23 as much about this case as you do. Who would  
 24 you -- I mean, you know what I'm saying? Who would  
 25 you call? They're not going to know what two weeks

Page 7

1 of testimony is all about. They're not going to  
 2 know anything about this case more than you-all do.  
 3 So with that in mind, I'd rather you just keep them  
 4 with you. If you-all want to, when you get in  
 5 there, if you want to just avoid the disruption, you  
 6 may want to set them on a separate table yourselves  
 7 and then check them every hour, however you-all want  
 8 to do it. I'm going to let you police yourselves on  
 9 jury -- I mean on the cell phones; is that okay?  
 10 Because some of you might have -- if you're like me,  
 11 I mean, you might get an emergency text or  
 12 something. And most people text these days. They  
 13 don't call. Calls disrupt you. Most people now  
 14 know how to text you. So usually all you have to do  
 15 is go in and take a quick look. And what I did when  
 16 I was on jury, I just texted back, I'm in a jury  
 17 trial. Call you later. Click. Done. I think  
 18 that's what most people do nowadays. Most people  
 19 know how to do that. If I know how to do it, you  
 20 know how to do it, okay? We'll put it like that.  
 21 Oh, you-all see me when there -- when there's a  
 22 technology -- yes, sir?  
 23 JUROR 1: I have a question about --  
 24 JUDGE HALL: Do you want to come around?  
 25 JUROR 1: -- deliberation.

Page 8

1 JUDGE HALL: Come on around. We better take  
 2 that in private. There's not much we can tell you,  
 3 but --  
 4 JUROR 1: Well --  
 5 JUDGE HALL: -- the question might -- the  
 6 question might be something we can tell you.  
 7 Let's scramble if we could.  
 8 (BENCH CONFERENCE)  
 9 JUDGE HALL: We're just going to scramble.  
 10 Okay.  
 11 JUROR 1: We've -- well, I'm going to tell you  
 12 what we've done. We get through number 1, and then  
 13 to number 2, and we can't get any further. We can't  
 14 skip 2 and go onto 3. We have to get 2 done before  
 15 we can --  
 16 JUDGE HALL: The only thing I can tell you is  
 17 continue to talk to each other, continue to  
 18 deliberate. That's all I can really tell you. Is  
 19 there anything else I can tell him that you-all know  
 20 of?  
 21 MALE ATTORNEY: I don't think there's anything  
 22 else, Your Honor.  
 23 JUDGE HALL: The only thing I can tell you  
 24 is --  
 25 JUROR 1: I just wanted to make sure --

Page 9

1 JUDGE HALL: I can just tell you keep trying  
 2 to --  
 3 JUROR 1: Yeah.  
 4 JUDGE HALL: -- to arrive at a verdict. If you  
 5 eventually can't, we'll bring you back in and see  
 6 where you're at. We can't push you one way or the  
 7 other.  
 8 JUROR 1: Oh, no. I was just wondering --  
 9 JUDGE HALL: I mean, I don't mean push you one  
 10 way or the other, but I mean, we can't push  
 11 you -- obviously, we can't push you right or left,  
 12 but we can't push you toward a verdict or away from  
 13 a verdict.  
 14 JUROR 1: Right.  
 15 JUDGE HALL: You know, we can't direct you any  
 16 direction at all.  
 17 JUROR 1: Okay. That's --  
 18 JUDGE HALL: Obviously, we couldn't go right,  
 19 left.  
 20 JUROR 1: That's what we kind of understood,  
 21 but I wanted to make sure.  
 22 JUDGE HALL: Yeah. I can't push you toward a  
 23 verdict or away from a verdict.  
 24 JUROR 1: Yeah.  
 25 JUDGE HALL: But -- and I can't -- obviously,

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000016 of 000026



EXH : 000003 of 000013



Page 10

1 can't go right or left or back or forward.  
 2 You-all are in complete control.  
 3 JUROR 1: That's scary.  
 4 JUDGE HALL: I know. There you go. Okay.  
 5 (END OF BENCH CONFERENCE)  
 6 JUDGE HALL: Let's go back on record. Ladies  
 7 and gentlemen, we're going to let you-all go ahead  
 8 and retire to the jury room. Now, we -- is  
 9 everybody fine as far as food right now?  
 10 Everybody's -- nobody's -- I don't want anybody's  
 11 stomach growling, okay? So you know where I'm  
 12 coming from. As the day progresses, if stomachs  
 13 start growing, we'll address that, without going  
 14 into detail. That in mind, I'll go ahead and let  
 15 the jury be excused to the -- oh, do you want to  
 16 come around?  
 17 JUROR 2: Yeah. I have a question.  
 18 JUDGE HALL: All righty. Back on the scrambler  
 19 if you don't care.  
 20 (BENCH CONFERENCE)  
 21 JUROR 2: If there was a statement made at the  
 22 beginning of deliberations by one of the jurors that  
 23 would have made them not eligible to be on this  
 24 jury, is that -- that's -- I mean, this is  
 25 already -- the case is done now. But is that just

Page 11

1 the way -- that's just the way it is, right?  
 2 I mean --  
 3 JUDGE HALL: Unless it's a violation of one of  
 4 the rules we've laid out -- if it's a violation of  
 5 one of the rules we've laid out --  
 6 JUROR 2: Well, they answered -- they -- I  
 7 mean, that's --  
 8 JUDGE HALL: Huh?  
 9 JUROR 2: That's another --  
 10 JUDGE HALL: If you think it makes this trial  
 11 illegal, we need to know about it.  
 12 JUROR 2: Well, that's -- I mean, you what I'm  
 13 saying? I lost sleep last night because of that,  
 14 not because of the facts -- this facts or that.  
 15 JUDGE HALL: (Inaudible.)  
 16 JUROR 2: There was three people other than me  
 17 that were -- jaws dropped.  
 18 JUDGE HALL: Here's the deal. Here's the deal.  
 19 JUROR 2: And we asked should that be brought  
 20 to the judge and --  
 21 JUDGE HALL: Would have rather it been when we  
 22 had 14 jurors with us, but we're scared now that  
 23 we're down to 12. You-all work as a unit, and we  
 24 don't like to disturb. We don't want to disturb  
 25 you-all as a unit.

Page 12

1 JUROR 2: It was just a -- I mean, you know  
 2 what I'm saying? That's -- it was something that  
 3 was made during the deliberations, and three  
 4 people's jaws hit the floor. And we discussed, you  
 5 know, should this be brought to the judge? I mean,  
 6 it's --  
 7 JUDGE HALL: That's your-all's decision --  
 8 JUROR 2: So I --  
 9 JUDGE HALL: -- whether or not you bring it to  
 10 me. Would you want me to bring -- would you-all  
 11 like them to bring it to me without you-all to  
 12 make a determination or decide whether it's  
 13 something --  
 14 MALE ATTORNEY: Could -- could -- could  
 15 we -- could we talk? Could we talk for a minute?  
 16 MALE ATTORNEY: Yeah.  
 17 MALE ATTORNEY: Thank you.  
 18 JUDGE HALL: Yeah, let's talk about it real  
 19 quick. Okay. Good deal.  
 20 MALE ATTORNEY: So -- Brian (Inaudible) hear  
 21 what he said.  
 22 MALE ATTORNEY: Basically, he said a comment  
 23 was made at the very beginning of deliberations.  
 24 Several people, three people plus him, were very  
 25 upset about it. And he said that it was something,

Page 13

1 correct me if I'm wrong, that would've disqualified  
 2 that juror from the case.  
 3 JUDGE HALL: Well, it being a civil case, we  
 4 have nine out of 12. If it was a criminal case,  
 5 I'd really be more upset. Can they --  
 6 MALE ATTORNEY: I -- I mean --  
 7 JUDGE HALL: Can they work amongst themselves,  
 8 or did he say something to taint the jury?  
 9 MALE ATTORNEY: Can I --  
 10 JUDGE HALL: What's Jimmy doing?  
 11 MALE ATTORNEY: Could I -- Your Honor, could I  
 12 talk to these gentlemen for a second?  
 13 JUDGE HALL: Jimmy probably wants to  
 14 (Inaudible) away from the juror. Like I said,  
 15 I'm more uncomfortable with what's going on there.  
 16 (INAUDIBLE BACKGROUND CONVERSATION)  
 17 JUDGE HALL: I'm more uncomfortable with the  
 18 bailiff back there talking with the jurors.  
 19 I don't...  
 20 MALE ATTORNEY: I'm with you. I'm --  
 21 JUDGE HALL: Jimmy, what you got? Jimmy, you  
 22 got something? Have you got something with the jury  
 23 that needs -- is there some discussions with the  
 24 jury? Okay.  
 25 BAILLIFF: Uh-uh.

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000017 of 000026

EXH : 000004 of 000013

Page 14

1 JUDGE HALL: Okay.

2 BAILIFF: Not when -- not when (Inaudible).

3 JUDGE HALL: Yeah. Well, I -- be careful

4 talking to anybody, I mean even the weather.

5 BAILIFF: No problem.

6 JUDGE HALL: Good deal.

7 MALE ATTORNEY: Hey, Judge. I -- I just think

8 in abundance of caution -- we don't know which way

9 this cuts, right?

10 MALE ATTORNEY: Yeah. I think we --

11 MALE ATTORNEY: No clue. I think we -- the

12 Court needs to know what was said, and we need to

13 figure out what we're going to do about this.

14 MALE ATTORNEY: If you believe it's

15 disqualifying, then we can go from there. I mean,

16 I don't want the -- none of us want the two weeks to

17 be for nothing.

18 MALE ATTORNEY: I think we should probably -- I

19 think -- I think what we should probably do right

20 now is have the jury not deliberate for a few

21 minutes and let's figure this out.

22 JUDGE HALL: Okay.

23 MALE ATTORNEY: I would suggest -- I would

24 suggest this to the group, that -- that the juror

25 talk to the judge. He can find out what it's about.

Page 15

1 MALE ATTORNEY: Yeah, I agree.

2 MALE ATTORNEY: And then you can make a

3 determination as to whether or not it's something

4 that should be -- if it --

5 JUDGE HALL: Should he do it right here at the

6 bench on the record?

7 MALE ATTORNEY: Well, let me -- do you -- do

8 you not think --

9 JUDGE HALL: I think he ought to come here

10 and --

11 MALE ATTORNEY: Do you not think -- do you not

12 think not -- we should know, too? I mean --

13 MALE ATTORNEY: I think --

14 MALE ATTORNEY: I think he makes the decision.

15 If it's just -- if he believes it's disqualifying,

16 then yes. If he believes it's not --

17 MALE ATTORNEY: If it's something that's going

18 to bias somebody like --

19 MALE ATTORNEY: It sounds like that's the only

20 thing it could have been. I'm just...

21 MALE ATTORNEY: -- just someone has -- knows

22 them or knows us or -- or has sued somebody. You

23 know what I mean? Like, if it's a --

24 MALE ATTORNEY: Sure.

25 MALE ATTORNEY: -- disqualifying, then the

Page 16

1 judge can submit it to our attention. If some -- if

2 somebody (Inaudible) last night, then they're --

3 then that's a problem --

4 MALE ATTORNEY: If it's something that we can

5 admonish on, simplify, then we don't need to hear

6 it.

7 MALE ATTORNEY: Yeah. If it's not a

8 disqualifying, bias --

9 MALE ATTORNEY: I mean, it doesn't sound --

10 it -- okay. That's fine. But it doesn't sound like

11 something minor. If -- if -- if three --

12 MALE ATTORNEY: I agree.

13 MALE ATTORNEY: -- if three jurors --

14 MALE ATTORNEY: I -- I agree.

15 JUDGE HALL: Who said it? Yeah. When he said

16 that -- that --

17 MALE ATTORNEY: If three guys (Inaudible).

18 MALE ATTORNEY: Yeah. If three jurors didn't

19 sleep last night --

20 MALE ATTORNEY: Yeah.

21 MALE ATTORNEY: -- it ain't small.

22 MALE ATTORNEY: There's clear frustration and

23 anger last night with some of the jurors. I think

24 we all -- can talk about it all night long. Some of

25 them -- some of them are angry about something.

Page 17

1 I'm not sure, but this might be what it is.

2 MALE ATTORNEY: Yeah.

3 MALE ATTORNEY: So I think you probably need to

4 find out.

5 JUDGE HALL: Well, I don't live in a vacuum.

6 Someone told me last night that one of the jurors

7 was walking up and down Main Street after it was

8 over kind of huffing and puffing.

9 MALE ATTORNEY: Okay.

10 MALE SPEAKER: We have (Inaudible).

11 MALE ATTORNEY: Okay.

12 JUDGE HALL: Okay. So what do you-all think

13 right now -- we're going to -- I'm going to talk to

14 him in private back in my office.

15 MALE ATTORNEY: Yeah --

16 BAILIFF: The juror who just came up here,

17 yes, sir.

18 JUDGE HALL: Just bring him here to me first.

19 BAILIFF: Or which -- wherever you want to do

20 it.

21 JUDGE HALL: I'm going to bring him here so I

22 can make a record, but I don't hear -- I mean,

23 I don't want them to hear --

24 MALE ATTORNEY: Let me -- let me say this.

25 I think we -- I think he -- you need to ask him if

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000018 of 000026

EXH : 000005 of 000013

Page 18

1 he's comfortable to say it right here, or would he  
 2 rather --  
 3 MALE ATTORNEY: Yeah.  
 4 JUDGE HALL: Right.  
 5 MALE ATTORNEY: -- or -- or -- or would he  
 6 rather be on the record?  
 7 MALE ATTORNEY: What's his name?  
 8 MALE ATTORNEY: I think Christian Little.  
 9 I think he was --  
 10 MALE SPEAKER: Mr. Little.  
 11 MALE ATTORNEY: I think he needs to --  
 12 MALE ATTORNEY: Christian Little, L-I-T-T-L-E.  
 13 MALE ATTORNEY: I think he -- I think you need  
 14 to ask him --  
 15 JUDGE HALL: Mr. Little, would you come right  
 16 up?  
 17 MALE ATTORNEY: Your Honor, I would ask him if  
 18 he would rather make it to you on record or  
 19 chambers.  
 20 JUDGE HALL: Okay. I'm going to let you tell  
 21 me a little bit about it --  
 22 JUROR 2: Okay.  
 23 JUDGE HALL: -- a little bit about it, outside  
 24 of the attorneys.  
 25 JUROR 2: Okay.

Page 19

1 JUDGE HALL: We can do it one of three ways.  
 2 We're on the record right now.  
 3 JUROR 2: Okay.  
 4 JUDGE HALL: There's a record being made.  
 5 I can either talk to you about it back in my office  
 6 with the other jurors or just you individually, you  
 7 as the person carrying the message. We can do it  
 8 back in my office. We can leave it out here with  
 9 the tape running where it's all aired out. It'll be  
 10 this recording, but that's the scrambler.  
 11 JUROR 2: Yeah.  
 12 JUDGE HALL: Want to go back in my office --  
 13 wherever you feel more -- where do you think would  
 14 be the most comfortable way to address it?  
 15 JUROR 2: I mean, I can tell you right here.  
 16 JUDGE HALL: Okay. Go ahead.  
 17 JUROR 2: It's not -- the -- the -- I'll tell  
 18 you exactly what happened. The person that  
 19 volunteered to be the foreperson --  
 20 JUDGE HALL: Uh-huh.  
 21 JUROR 2: -- okay, volunteered to be the  
 22 foreperson, about a few minutes into the  
 23 deliberations, she stated, "I've told my family that  
 24 if anything ever happens to me, never take me to  
 25 PMC." And three people -- like I said, three --

Page 20

1 they were -- they were -- I saw three peoples' eyes  
 2 get -- immediately.  
 3 JUDGE HALL: Uh-huh.  
 4 JUROR 2: And I immediately raised my hand and  
 5 I said, "Why -- can I ask why you let yourself be on  
 6 this jury?" And two other people questioned, and  
 7 then --  
 8 JUDGE HALL: Uh-huh.  
 9 JUROR 2: -- she changed her story and said,  
 10 "Well, I -- I know -- I didn't tell my family.  
 11 I told my husband that after the trial started."  
 12 And I said, "Me and -- so you're basing your  
 13 decision on the first day of trial, you know,  
 14 because you -- you" -- so she backtracked then.  
 15 And then another person, not me, another person,  
 16 a juror said, "Do you -- you know, do you think that  
 17 we should take this to the judge?"  
 18 JUDGE HALL: Right. There is no such thing as  
 19 a perfect juror. There's no -- none of us are  
 20 perfect. I have to look at myself mirror when I come  
 21 in here. If I've got to hear a case that I feel a  
 22 little uncomfortable, I wouldn't hear the case.  
 23 JUROR 2: Right. Exactly. I just --  
 24 JUDGE HALL: Everybody's allowed to bring their  
 25 biases into the room.

Page 21

1 JUROR 2: Yeah, I agree.  
 2 JUDGE HALL: And she probably should have  
 3 answered that during the voir dire if that question  
 4 was directly asked. I don't remember.  
 5 JUROR 2: That's what that was, the question we  
 6 asked her was --  
 7 JUDGE HALL: Uh-huh. Keep in mind --  
 8 JUROR 2: We asked if anybody --  
 9 JUDGE HALL: -- that this isn't a criminal case  
 10 that requires all 12 of you.  
 11 JUROR 2: Right.  
 12 JUDGE HALL: One person can roadblock it.  
 13 JUROR 2: And that -- this is my problem.  
 14 This is -- my next problem is that -- and I can tell  
 15 you because -- I can tell you --  
 16 JUDGE HALL: Do you feel comfortable -- do you  
 17 feel comfortable -- and I don't shouldn't even be  
 18 making any comments back to you. Do you feel  
 19 comfortable right now going forward with the case  
 20 with that person in there once you disclosed it to  
 21 me?  
 22 JUROR 2: Well, I mean, it's -- I mean, I just  
 23 wanted to say that's how --  
 24 JUDGE HALL: Uh-huh.  
 25 JUROR 2: I mean, I just want -- I'm not

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000019 of 000026

EXH : 000006 of 000013

Page 22

1 going -- I don't want go --  
 2 JUDGE HALL: Sure.  
 3 JUROR 2: -- leave here --  
 4 JUDGE HALL: You want me -- now, I can take  
 5 what you said to the attorneys.  
 6 JUROR 2: I'm not leaving it on my conscience.  
 7 JUDGE HALL: I can take what you said to the  
 8 attorneys and let them see how they want to handle  
 9 it.  
 10 JUROR 2: Okay.  
 11 JUDGE HALL: If they say go forward, we're  
 12 going to go forward.  
 13 JUROR 2: Yeah.  
 14 JUDGE HALL: I think we can go forward.  
 15 JUROR 2: Okay. And that's just my -- my  
 16 concern, was that --  
 17 JUDGE HALL: Right.  
 18 JUROR 2: -- the first question -- this is  
 19 between me and you.  
 20 JUDGE HALL: Now, did she make that statement  
 21 based on what she heard in the trial, or did she  
 22 bring that preconceived feeling into the courtroom?  
 23 JUROR 2: Yeah, that's what -- that's what I  
 24 took it as.  
 25 JUDGE HALL: It was so early in the trial,

Page 23

1 that she brought that feeling in with her.  
 2 JUROR 2: Yeah, she said that. That's what I'm  
 3 saying. We hadn't started deliberating. This is  
 4 after we --  
 5 JUDGE HALL: I feel -- well, I won't tell you  
 6 how I feel. I've only got one question. Was it  
 7 based upon what she'd heard during this trial, or  
 8 was it what she brought in as a preconceived  
 9 feeling?  
 10 JUROR 2: And then we continued to deliberate a  
 11 few minutes --  
 12 JUDGE HALL: That was on --  
 13 JUROR 2: -- and I --  
 14 JUDGE HALL: That -- oh, that was -- did she  
 15 say she felt -- she mentioned something about the  
 16 first -- at the very beginning.  
 17 JUROR 2: That was before we started  
 18 deliberating.  
 19 JUDGE HALL: She said that after the first  
 20 (Inaudible)?  
 21 JUROR 2: She volunteered to be the foreperson,  
 22 which was -- I thought was strange somebody  
 23 volunteered right off the bat to be that, you know.  
 24 I'm, like, dang, I figured nobody --  
 25 JUDGE HALL: You-all are a sacred body.

Page 24

1 You-all were on your own. But that -- that -- that  
 2 probably needed to be brought to -- out of the jury  
 3 room to us. I'll let the attorneys see how they want  
 4 to handle that, okay? Appreciate it.  
 5 JUROR 2: Okay.  
 6 (END OF BENCH CONFERENCE)  
 7 JUDGE HALL: Okay. Let's go back.  
 8 Oh, scram -- oh, if the attorneys could come up.  
 9 I think we're okay.  
 10 (BENCH CONFERENCE)  
 11 JUDGE HALL: Apparently, the lady insisted on  
 12 becoming foreperson --  
 13 MALE ATTORNEY: Do what now?  
 14 JUDGE HALL: He said the one lady -- this is  
 15 when they deliberating -- who wanted to be  
 16 foreperson and after she got to be foreperson she  
 17 said, "I've told my family don't ever take me to  
 18 Pikeville Medical Center." I'm paraphrasing.  
 19 There's a record made of it. She said, "I -- never  
 20 take me to Pikeville Medical Center." And I quizzed  
 21 him a little bit about was that a preconceived  
 22 feeling she brought in, or did she did learn that  
 23 here. He said she said -- that was at the first day  
 24 of the trial. She told her -- she said, "Well, I  
 25 didn't tell all my family, just my husband."

Page 25

1 MALE ATTORNEY: So she --  
 2 JUDGE HALL: Came in with a preconceived --  
 3 MALE ATTORNEY: And she's the foreperson?  
 4 MALE ATTORNEY: She's the foreperson.  
 5 JUDGE HALL: And -- but now, you've got three  
 6 saying, you know, I -- it doesn't sound like -- I  
 7 mean, I don't know, and I'm not going to make  
 8 opinions. That was what's said to me. I didn't go  
 9 any further. I think it would have been  
 10 inappropriate for me to ask what impact did that  
 11 have. There's so many things I would like to ask,  
 12 but I can't.  
 13 MALE ATTORNEY: Yeah, I know.  
 14 JUDGE HALL: I hope I didn't ask anything  
 15 further. I just kind of asked him a little bit  
 16 about it.  
 17 MALE ATTORNEY: Your Honor, I don't think we  
 18 can make a decision --  
 19 MALE ATTORNEY: Yeah. We've got to talk --  
 20 MALE ATTORNEY: -- without talking to our  
 21 clients. We're going to have to be recessed for a  
 22 little while?  
 23 JUDGE HALL: Sure. Okay.  
 24 (INAUDIBLE BACKGROUND CONVERSATION)  
 25 JUDGE HALL: Oh --

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000020 of 000026  
EXH : 000007 of 000013

Page 26

1 MALE ATTORNEY: Can we dismiss the jury  
 2 for --  
 3 JUDGE HALL: Now, I need to tell Mister -- hold  
 4 just a second. Do I need to tell him not to discuss  
 5 with them what he told me?  
 6 MALE ATTORNEY: Yes.  
 7 JUDGE HALL: Do I need to let him know that  
 8 he --  
 9 MALE ATTORNEY: Yes.  
 10 MALE ATTORNEY: Yeah.  
 11 JUDGE HALL: -- doesn't need to tell them,  
 12 that it was private?  
 13 MALE ATTORNEY: Yeah.  
 14 JUDGE HALL: Okay. Mister -- could I have you  
 15 come back up real quick? To protect the integrity  
 16 of the entire -- make sure -- to protect the  
 17 entire -- integrity of the whole process, because I  
 18 want you-all to work as a body, not -- to protect  
 19 the integrity of the process, anything you said up  
 20 here, I think we all agree, should not be discussed  
 21 with the jury in general. What did you tell the  
 22 judge? What did they say? What - - what's the  
 23 hold-up?  
 24 JUROR 2: Okay.  
 25 JUDGE HALL: I think you need to tell them

Page 27

1 to -- you know, that -- that -- that under direct  
 2 orders of the judge, direct orders, it not be  
 3 discussed what -- anything said up here. That's  
 4 why the scrambler is on.  
 5 JUROR 2: Okay.  
 6 JUDGE HALL: So that's why the scrambler was  
 7 put off so that they -- it was -- if I wanted them  
 8 to hear it, we would've turned that off.  
 9 JUROR 2: Right.  
 10 JUDGE HALL: We're going to keep that body  
 11 sacred.  
 12 JUROR 2: Okay.  
 13 JUDGE HALL: Appreciate it. Thank you.  
 14 (END OF BENCH CONFERENCE)  
 15 JUDGE HALL: All right. Back on record. Ladies  
 16 and gentlemen of the jury, we're -- we've got a full  
 17 day ahead of us, so nobody get too excited. We've  
 18 got a couple of administrative matters we have to  
 19 take care of. We're going to go ahead and let the  
 20 jury be returned to the -- what's the best way?  
 21 You-all want to return -- should we have them return  
 22 back to the gallery -- back to the jury room? What  
 23 would be the most appropriate way?  
 24 MALE ATTORNEY: Oh, when they come back?  
 25 JUDGE HALL: No. Or should they be -- should

Page 28

1 they be free to go about?  
 2 MALE ATTORNEY: Probably free to go about --  
 3 MALE ATTORNEY: Yeah. I think that -- yeah --  
 4 JUDGE HALL: Okay. Ladies --  
 5 MALE ATTORNEY: I think -- I think not the  
 6 deliberating room.  
 7 MALE ATTORNEY: Definitely -- yeah.  
 8 I think --  
 9 JUDGE HALL: Okay. Ladies and gentlemen of the  
 10 jury, we're not going to let you start your  
 11 deliberations on this day yet. You've been  
 12 informally in there a while ago, and that was  
 13 you-all -- obviously, the only -- the only reason we  
 14 didn't want you to start deliberation then is  
 15 because they've not had all 12 together. I know  
 16 that from watching the school board battles. They  
 17 say you can't meet until everybody's here. If only  
 18 11 of you met in there, it would be improper. So  
 19 you know where I'm coming from. You have to have  
 20 the 12 of you as a group before you begin -- do any  
 21 deliberating. So this break is not going to be a  
 22 deliberate -- for you to go back and deliberate.  
 23 This break is going to be like we just generally  
 24 had. The only problem is you've already started  
 25 deliberation. That makes it even more important than

Page 29

1 ever that you not discuss anything amongst  
 2 yourselves or others. Anything that was brought  
 3 before the bench with a scrambling with one juror  
 4 present, that is not evidence or anything that needs  
 5 to be discussed, okay? Those are things that  
 6 were -- the three of us -- both sides and me agree  
 7 aren't things that need to be carried back into the  
 8 jury room. Those are not evidence or anything that  
 9 would relate to the arriving at a decision about the  
 10 case. That's not evidence, okay? With that in  
 11 mind, let's go ahead and take a -- 15 minutes.  
 12 Let's go take a 15 minutes. Let's take -- let's let  
 13 the jury come back at 9:40 to begin deliberation.  
 14 Now -- well, on the return, should we have everybody  
 15 brought from the hallway in at once? The reason I  
 16 brought them in here earlier was -- is because I  
 17 knew the attorneys and everybody would be going  
 18 right by you out the hallway. So on this break,  
 19 they're all going to be in here. So if you-all want  
 20 to go that way -- if you have to have a cup of  
 21 coffee, though, you go -- it'd be best if you went  
 22 into the hallway. If you need a cup of coffee,  
 23 grab it, and take it on out with you and -- because  
 24 we've got a couple things we need to bring up in  
 25 here. It would be best if you weren't going from

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000021 of 000026

EXH : 000008 of 000013

<p style="text-align: right;">Page 30</p> <p>1 that door to that door. It'd be best if you were  2 out of the room completely. And I know it's hard to  3 go to the coffee room and back out there without  4 coming back through here. I figured that out,  5 but anyway... So with that in mind, let's go ahead.  6 If you need to grab a cup of coffee, go ahead and  7 grab it now in there and take it on out. If you  8 need a cigarette, take it outside. Then we're going  9 to come back here at 9:40 and let you-all begin your  10 deliberation. This Court will be in recess until  11 9:40.  12 (END OF RECORDING)  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	
<p style="text-align: right;">Page 31</p> <p>1 CERTIFICATE OF REPORTER  2 COMMONWEALTH OF KENTUCKY AT LARGE  3  4 I do hereby certify that the the said matter was reduced  5 to type written form under my direction, and constitutes  6 a true record of the recording as taken, all to the best  7 of my skill and ability. I certify that I am not a  8 relative or employee of either counsel, and that I am in  9 no way interested financially, directly or indirectly,  10 in this action.  11  12  13  14  15  16  17  18  19  20 <i>Sameen Shabbir</i>  21  22 SHAFaq SAMEEN SHABBIR,  23 COURT REPORTER/NOTARY  24 COMMISSION EXPIRES ON: 01/07/2027  25 SUBMITTED ON: 02/16/2023</p>	

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000022 of 000026

EXH : 000009 of 000013

<p style="text-align: center;"><u>1</u></p> <p><b>1</b> 7:23,25 8:4, 11,12,25 9:3,8, 14,17,20,24 10:3</p> <p><b>11</b> 6:11 28:18</p> <p><b>12</b> 4:9,10,12 11:23 13:4 21:10 28:15,20</p> <p><b>14</b> 11:22</p> <p><b>15</b> 29:11,12</p> <p><b>19-CI-233</b> 4:4 5:22</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p><b>2</b> 8:13,14 10:17, 21 11:6,9,12, 16,19 12:1,8 18:22,25 19:3, 11,15,17,21 20:4,9,23 21:1, 5,8,11,13,22,25 22:3,6,10,13, 15,18,23 23:2, 10,13,17,21 24:5 26:24 27:5,9,12</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p><b>3</b> 8:14</p> <hr/> <p style="text-align: center;"><u>9</u></p> <p><b>9:00</b> 5:14,20</p> <p><b>9:10</b> 5:14</p> <p><b>9:40</b> 29:13 30:9,11</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p><b>abundance</b> 14:8</p> <p><b>address</b> 10:13 19:14</p>	<p><b>adjourned</b> 5:22</p> <p><b>administrative</b> 27:18</p> <p><b>admonish</b> 16:5</p> <p><b>agree</b> 15:1 16:12,14 21:1 26:20 29:6</p> <p><b>ahead</b> 6:6 10:7, 14 19:16 27:17, 19 29:11 30:5,6</p> <p><b>aired</b> 19:9</p> <p><b>allowed</b> 20:24</p> <p><b>anger</b> 16:23</p> <p><b>angry</b> 16:25</p> <p><b>anybody's</b> 6:10,20 10:10</p> <p><b>Apparently</b> 24:11</p> <p><b>appearing</b> 5:11</p> <p><b>arrive</b> 9:4</p> <p><b>arrived</b> 6:5</p> <p><b>arriving</b> 29:9</p> <p><b>attention</b> 16:1</p> <p><b>ATTORNEY</b> 8:21 12:14,16, 17,20,22 13:6, 9,11,20 14:7, 10,11,14,18,23 15:1,2,7,11,13, 14,17,19,21,24, 25 16:4,7,9,12, 13,14,17,18,20, 21,22 17:2,3,9, 11,15,24 18:3, 5,7,8,11,12,13, 17 24:13 25:1, 3,4,13,17,19,20 26:1,6,9,10,13 27:24 28:2,3,5, 7</p> <p><b>attorneys</b> 18:24 22:5,8 24:3,8 29:17</p>	<p><b>audible</b> 6:21</p> <p><b>avoid</b> 7:5</p> <p><b>awkward</b> 4:21</p> <hr/> <p style="text-align: center;"><u>B</u></p> <p><b>back</b> 4:3,9 5:18,21,25 7:16 9:5 10:1,6,18 13:18 17:14 19:5,8,12 21:18 24:7 26:15 27:15,22,24 28:22 29:7,13 30:3,4,9</p> <p><b>BACKGROUN D</b> 13:16 25:24</p> <p><b>backtracked</b> 20:14</p> <p><b>bailiff</b> 4:11,13 6:4 13:18,25 14:2,5 17:16,19</p> <p><b>based</b> 22:21 23:7</p> <p><b>Basically</b> 12:22</p> <p><b>basing</b> 20:12</p> <p><b>basketball</b> 4:16</p> <p><b>bat</b> 23:23</p> <p><b>battles</b> 28:16</p> <p><b>begin</b> 28:20 29:13 30:9</p> <p><b>beginning</b> 10:22 12:23 23:16</p> <p><b>believes</b> 15:15,16</p> <p><b>bench</b> 8:8 10:5,20 15:6 24:6,10 27:14 29:3</p> <p><b>bias</b> 15:18 16:8</p> <p><b>biases</b> 20:25</p> <p><b>bit</b> 5:21 18:21,</p>	<p>23 24:21 25:15</p> <p><b>board</b> 28:16</p> <p><b>body</b> 23:25 26:18 27:10</p> <p><b>break</b> 28:21,23 29:18</p> <p><b>Brian</b> 12:20</p> <p><b>bring</b> 9:5 12:9, 10,11 17:18,21 20:24 22:22 29:24</p> <p><b>brought</b> 11:19 12:5 23:1,8 24:2,22 29:2, 15,16</p> <p><b>bunch</b> 5:3</p> <p><b>business</b> 5:25</p> <hr/> <p style="text-align: center;"><u>C</u></p> <p><b>call</b> 5:13,19 6:19,21,22,25 7:13,17</p> <p><b>Calls</b> 7:13</p> <p><b>care</b> 10:19 27:19</p> <p><b>careful</b> 14:3</p> <p><b>carried</b> 29:7</p> <p><b>carrying</b> 19:7</p> <p><b>case</b> 4:3 5:15, 21 6:23 7:2 10:25 13:2,3,4 20:21,22 21:9, 19 29:10</p> <p><b>caution</b> 14:8</p> <p><b>cell</b> 6:7,18 7:9</p> <p><b>Center</b> 24:18, 20</p> <p><b>chambers</b> 18:19</p> <p><b>changed</b> 20:9</p> <p><b>check</b> 7:7</p> <p><b>Christian</b> 18:8, 12</p>	<p><b>cigarette</b> 30:8</p> <p><b>civil</b> 13:3</p> <p><b>clear</b> 16:22</p> <p><b>CLERK</b> 5:5</p> <p><b>clerks</b> 4:17</p> <p><b>Click</b> 7:17</p> <p><b>clients</b> 25:21</p> <p><b>clue</b> 14:11</p> <p><b>coffee</b> 29:21, 22 30:3,6</p> <p><b>comfortable</b> 18:1 19:14 21:16,17,19</p> <p><b>comment</b> 12:22</p> <p><b>comments</b> 21:18</p> <p><b>complete</b> 10:2</p> <p><b>completely</b> 30:2</p> <p><b>concern</b> 22:16</p> <p><b>CONFERENC E</b> 8:8 10:5,20 24:6,10 27:14</p> <p><b>conscience</b> 22:6</p> <p><b>continue</b> 6:1 8:17</p> <p><b>continued</b> 23:10</p> <p><b>control</b> 10:2</p> <p><b>CONVERSATI ON</b> 13:16 25:24</p> <p><b>correct</b> 13:1</p> <p><b>couple</b> 5:19 27:18 29:24</p> <p><b>court</b> 5:11 6:3 14:12 30:10</p> <p><b>courtroom</b> 4:5,6 22:22</p> <p><b>cover</b> 4:18</p>
---	---	---	--	---

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000023 of 000026

EXH : 000010 of 000013



<b>criminal</b> 13:4 21:9	<b>disclosed</b> 21:20	<b>excited</b> 27:17	<b>Good</b> 4:7,8 12:19 14:6	<b>hey</b> 5:9 6:19 14:7
<b>cup</b> 29:20,22 30:6	<b>discretion</b> 6:9	<b>excused</b> 10:15	<b>grab</b> 29:23 30:6,7	<b>hit</b> 12:4
<b>cuts</b> 14:9	<b>discuss</b> 26:4 29:1	<b>eyes</b> 20:1	<b>group</b> 14:24 28:20	<b>hold</b> 26:3
<hr/> <b>D</b> <hr/>	<b>discussed</b> 12:4 26:20 27:3 29:5	<hr/> <b>F</b> <hr/>	<b>growing</b> 10:13	<b>hold-up</b> 26:23
<b>dang</b> 23:24	<b>discussions</b> 13:23	<b>facts</b> 11:14	<b>growling</b> 10:11	<b>holding</b> 5:2
<b>day</b> 4:22 10:12 20:13 24:23 27:17 28:11	<b>dismiss</b> 26:1	<b>family</b> 19:23 20:10 24:17,25	<b>guys</b> 16:17	<b>Honor</b> 8:22 13:11 18:17 25:17
<b>days</b> 7:12	<b>disqualified</b> 13:1	<b>feel</b> 19:13 20:21 21:16,17, 18 23:5,6	<hr/> <b>H</b> <hr/>	<b>hope</b> 25:14
<b>deal</b> 11:18 12:19 14:6	<b>disqualifying</b> 14:15 15:15,25 16:8	<b>feeling</b> 22:22 23:1,9 24:22	<b>HALL</b> 4:3,7,9, 12,14 5:6 7:24 8:1,5,9,16,23 9:1,4,9,15,18, 22,25 10:4,6,18 11:3,8,10,15, 18,21 12:7,9,18 13:3,7,10,13, 17,21 14:1,3,6, 22 15:5,9 16:15 17:5,12,18,21 18:4,15,20,23 19:1,4,12,16,20 20:3,8,18,24 21:2,7,9,12,16, 24 22:2,4,7,11, 14,17,20,25 23:5,12,14,19, 25 24:7,11,14 25:2,5,14,23,25 26:3,7,11,14,25 27:6,10,13,15, 25 28:4,9	<b>hour</b> 7:7
<b>decide</b> 12:12	<b>disrupt</b> 7:13	<b>figure</b> 14:13,21	<b>illegal</b> 11:11	<b>housekeeping</b> 4:25
<b>decision</b> 12:7 15:14 20:13 25:18 29:9	<b>disruption</b> 7:5	<b>figured</b> 23:24 30:4	<b>huffing</b> 17:8	<b>husband</b> 20:11 24:25
<b>delay</b> 5:13,21	<b>disturb</b> 11:24	<b>find</b> 14:25 17:4	<hr/> <b>I</b> <hr/>	<b>immediately</b> 20:2,4
<b>deliberate</b> 8:18 14:20 23:10 28:22	<b>docket</b> 5:11, 12,13,20	<b>fine</b> 10:9 16:10	<b>impact</b> 25:10	<b>important</b> 4:24,25 28:25
<b>deliberating</b> 6:12 23:3,18 24:15 28:6,21	<b>door</b> 30:1	<b>floor</b> 12:4	<b>improper</b> 28:18	<b>inappropriate</b> 25:10
<b>deliberation</b> 5:24 7:25 28:14,25 29:13 30:10	<b>dropped</b> 11:17	<b>food</b> 10:9	<b>inaudible</b> 11:15 12:20 13:14,16 14:2 16:2,17 17:10 23:20 25:24	<b>individually</b> 19:6
<b>deliberations</b> 6:1,7 10:22 12:3,23 19:23 28:11	<hr/> <b>E</b> <hr/>	<b>foreperson</b> 19:19,22 23:21 24:12,16 25:3,4	<b>informed</b> 29:15, 18,22	<b>informally</b> 28:12
<b>department</b> 4:19	<b>earlier</b> 29:16	<b>forgot</b> 6:5	<b>hand</b> 20:4	<b>information</b> 6:15
<b>detail</b> 10:14	<b>early</b> 22:25	<b>forward</b> 10:1 21:19 22:11,12, 14	<b>handle</b> 22:8 24:4	<b>insisted</b> 24:11
<b>determination</b> 12:12 15:3	<b>eligible</b> 10:23	<b>free</b> 28:1,2	<b>happened</b> 19:18	<b>integrity</b> 26:15,17,19
<b>dire</b> 21:3	<b>emergency</b> 7:11	<b>frustration</b> 16:22	<b>hard</b> 30:2	
<b>direct</b> 9:15 27:1,2	<b>END</b> 10:5 24:6 27:14 30:12	<b>full</b> 27:16	<b>hear</b> 5:9 12:20 16:5 17:22,23 20:21,22 27:8	
<b>direction</b> 9:16	<b>ENTERS</b> 4:6	<hr/> <b>G</b> <hr/>	<b>heard</b> 22:21 23:7	
<b>directly</b> 21:4	<b>entire</b> 26:16,17	<b>gallery</b> 27:22		
	<b>evening</b> 5:23	<b>general</b> 26:21		
	<b>eventually</b> 9:5	<b>generally</b> 28:23		
	<b>everybody's</b> 10:10 20:24 28:17	<b>gentlemen</b> 6:2 10:7 13:12 27:16 28:9		
	<b>evidence</b> 29:4, 8,10			

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000024 of 000026  
EXH : 000011 of 000013





<p style="text-align: center;"><b>J</b></p> <p><b>jaws</b> 11:17 12:4</p> <p><b>Jimmy</b> 4:15 13:10,13,21</p> <p><b>judge</b> 4:3,7,9, 12,14 5:6 7:24 8:1,5,9,16,23 9:1,4,9,15,18, 22,25 10:4,6,18 11:3,8,10,15, 18,20,21 12:5, 7,9,18 13:3,7, 10,13,17,21 14:1,3,6,7,22, 25 15:5,9 16:1, 15 17:5,12,18, 21 18:4,15,20, 23 19:1,4,12, 16,20 20:3,8, 17,18,24 21:2, 7,9,12,16,24 22:2,4,7,11,14, 17,20,25 23:5, 12,14,19,25 24:7,11,14 25:2,5,14,23,25 26:3,7,11,14, 22,25 27:2,6, 10,13,15,25 28:4,9</p> <p><b>juror</b> 7:23,25 8:4,11,25 9:3,8, 14,17,20,24 10:3,17,21 11:6,9,12,16,19 12:1,8 13:2,14 14:24 17:16 18:22,25 19:3, 11,15,17,21 20:4,9,16,19,23 21:1,5,8,11,13, 22,25 22:3,6, 10,13,15,18,23 23:2,10,13,17, 21 24:5 26:24 27:5,9,12 29:3</p> <p><b>jurors</b> 10:22 11:22 13:18 16:13,18,23 17:6 19:6</p>	<p><b>jury</b> 4:4,6,8 5:23 6:1 7:9,16 10:8,15,24 13:8,22,24 14:20 20:6 24:2 26:1,21 27:16, 20,22 28:10 29:8,13</p> <p style="text-align: center;"><b>K</b></p> <p><b>kind</b> 9:20 17:8 25:15</p> <p><b>knew</b> 5:7 29:17</p> <p style="text-align: center;"><b>L</b></p> <p><b>L-I-T-T-L-E</b> 18:12</p> <p><b>Ladies</b> 6:1 10:6 27:15 28:4,9</p> <p><b>lady</b> 24:11,14</p> <p><b>laid</b> 11:4,5</p> <p><b>learn</b> 24:22</p> <p><b>leave</b> 5:15 19:8 22:3</p> <p><b>leaving</b> 22:6</p> <p><b>left</b> 9:11,19 10:1</p> <p><b>letting</b> 6:9</p> <p><b>lineup</b> 4:22</p> <p><b>live</b> 17:5</p> <p><b>long</b> 16:24</p> <p><b>lost</b> 11:13</p> <p style="text-align: center;"><b>M</b></p> <p><b>made</b> 10:21,23 12:3,23 19:4 24:19</p> <p><b>Main</b> 17:7</p> <p><b>make</b> 8:25 9:21 12:12 15:2 17:22 18:18 22:20 25:7,18</p>	<p>26:16</p> <p><b>makes</b> 11:10 15:14 28:25</p> <p><b>making</b> 21:18</p> <p><b>MALE</b> 8:21 12:14,16,17,20, 22 13:6,9,11,20 14:7,10,11,14, 18,23 15:1,2,7, 11,13,14,17,19, 21,24,25 16:4, 7,9,12,13,14, 17,18,20,21,22 17:2,3,9,10,11, 15,24 18:3,5,7, 8,10,11,12,13, 17 24:13 25:1, 3,4,13,17,19,20 26:1,6,9,10,13 27:24 28:2,3,5, 7</p> <p><b>matters</b> 27:18</p> <p><b>measure</b> 5:1</p> <p><b>Medical</b> 24:18, 20</p> <p><b>meet</b> 28:17</p> <p><b>mention</b> 6:6</p> <p><b>mentioned</b> 23:15</p> <p><b>message</b> 19:7</p> <p><b>met</b> 28:18</p> <p><b>mind</b> 7:3 10:14 21:7 29:11 30:5</p> <p><b>minor</b> 16:11</p> <p><b>minute</b> 5:13,20 12:15</p> <p><b>minutes</b> 5:14, 19,20 14:21 19:22 23:11 29:11,12</p> <p><b>mirror</b> 20:20</p> <p><b>missed</b> 6:17</p> <p><b>Mister</b> 26:3,14</p> <p><b>misuse</b> 6:14</p> <p><b>morning</b> 4:7,8</p>	<p><b>motion</b> 5:12, 13,19</p> <p style="text-align: center;"><b>N</b></p> <p><b>needed</b> 24:2</p> <p><b>night</b> 11:13 16:2,19,23,24 17:6</p> <p><b>nobody's</b> 10:10</p> <p><b>noticed</b> 4:15</p> <p><b>notify</b> 6:4</p> <p><b>nowadays</b> 7:18</p> <p><b>number</b> 4:3 5:22 6:19 8:12, 13</p> <p style="text-align: center;"><b>O</b></p> <p><b>office</b> 17:14 19:5,8,12</p> <p><b>opinions</b> 25:8</p> <p><b>opportunities</b> 6:17</p> <p><b>orders</b> 27:2</p> <p style="text-align: center;"><b>P</b></p> <p><b>PANEL</b> 4:8</p> <p><b>paraphrasing</b> 24:18</p> <p><b>part</b> 4:25</p> <p><b>people</b> 4:17 5:1,3 7:12,13, 18 11:16 12:24 19:25 20:6</p> <p><b>people's</b> 12:4</p> <p><b>peoples'</b> 20:1</p> <p><b>perfect</b> 20:19, 20</p> <p><b>person</b> 19:7,18 20:15 21:12,20</p>	<p><b>phone</b> 6:18</p> <p><b>phones</b> 6:7 7:9</p> <p><b>Pikeville</b> 24:18,20</p> <p><b>play</b> 4:17</p> <p><b>players</b> 4:17</p> <p><b>PMC</b> 19:25</p> <p><b>police</b> 7:8</p> <p><b>preconceived</b> 22:22 23:8 24:21 25:2</p> <p><b>present</b> 29:4</p> <p><b>private</b> 8:2 17:14 26:12</p> <p><b>problem</b> 14:5 16:3 21:13,14 28:24</p> <p><b>procedures</b> 4:23</p> <p><b>PROCEEDING</b></p> <p><b>S</b> 4:1</p> <p><b>process</b> 5:23 26:17,19</p> <p><b>progresses</b> 10:12</p> <p><b>protect</b> 26:15, 16,18</p> <p><b>puffing</b> 17:8</p> <p><b>push</b> 9:6,9,10, 11,12,22</p> <p><b>put</b> 7:20 27:7</p> <p style="text-align: center;"><b>Q</b></p> <p><b>question</b> 7:23 8:5,6 10:17 21:3,5 22:18 23:6</p> <p><b>questioned</b> 20:6</p> <p><b>quick</b> 7:15 12:19 26:15</p> <p><b>quizzed</b> 24:20</p>
---	---	--	--	--

20EC1EF3-32EF-4B08-909F-EC3D8F2E4F5C : 000025 of 000026

EXH : 000012 of 000013



<b>R</b>	<b>S</b>	<b>statement</b> 10:21 22:20	<b>thought</b> 23:22	<b>weather</b> 14:4
<b>raised</b> 20:4	<b>sacred</b> 23:25 27:11	<b>stomach</b> 10:11	<b>told</b> 17:6 19:23 20:11 24:17,24 26:5	<b>weeks</b> 6:17,25 14:16
<b>reached</b> 6:5	<b>scared</b> 11:22	<b>stomachs</b> 10:12	<b>trial</b> 5:6,21 6:3 7:17 11:10 20:11,13 22:21, 25 23:7 24:24	<b>wondering</b> 9:8
<b>real</b> 12:18 26:15	<b>scary</b> 10:3	<b>story</b> 20:9	<b>turn</b> 5:18	<b>work</b> 11:23 13:7 26:18
<b>reason</b> 5:17 6:18 28:13 29:15	<b>school</b> 28:16	<b>strange</b> 23:22	<b>turned</b> 27:8	<b>would've</b> 13:1 27:8
<b>recess</b> 6:2,3 30:10	<b>scram</b> 24:8	<b>Street</b> 17:7	<b>U</b>	<b>writing</b> 5:8
<b>recessed</b> 25:21	<b>scramble</b> 8:7,9	<b>submit</b> 16:1	<b>Uh-huh</b> 19:20 20:3,8 21:7,24	<b>wrong</b> 13:1
<b>receded</b>	<b>scrambler</b> 10:18 19:10 27:4,6	<b>such-and-such</b> 6:19	<b>Uh-uh</b> 13:25	<b>Y</b>
<b>record</b> 4:3,4 10:6 15:6 17:22 18:6,18 19:2,4 24:19 27:15	<b>scrambling</b> 29:3	<b>sued</b> 15:22	<b>uncomfortable</b> 13:15,17 20:22	<b>yesterday</b> 5:22 6:6,8
<b>recording</b> 19:10 30:12	<b>seated</b> 4:11	<b>suggest</b> 14:23, 24	<b>understood</b> 9:20	<b>you-all</b> 4:11, 13,15,25 6:6,12 7:2,4,7,21 8:19 10:2,7 11:23,25 12:10,11 17:12 23:25 24:1 26:18 27:21 28:13 29:19 30:9
<b>reflect</b> 4:4	<b>separate</b> 7:6	<b>T</b>	<b>unit</b> 11:23,25	<b>your-all's</b> 12:7
<b>relate</b> 29:9	<b>set</b> 7:6	<b>table</b> 7:6	<b>upset</b> 12:25 13:5	<b>Z</b>
<b>remember</b> 21:4	<b>she'd</b> 23:7	<b>tags</b> 4:19	<b>V</b>	<b>Zoom</b> 5:1,3,11
<b>requires</b> 21:10	<b>sheriff's</b> 4:18	<b>taint</b> 13:8	<b>vacuum</b> 17:5	
<b>research</b> 6:15	<b>sic</b> 6:17	<b>talk</b> 8:17 12:15, 18 13:12 14:25 16:24 17:13 19:5 25:19	<b>verdict</b> 6:5 9:4, 12,13,23	
<b>retire</b> 10:8	<b>sides</b> 29:6	<b>talking</b> 6:11 13:18 14:4 25:20	<b>violation</b> 11:3, 4	
<b>return</b> 5:25 6:4 27:21 29:14	<b>simplify</b> 16:5	<b>tape</b> 19:9	<b>voir</b> 21:3	
<b>returned</b> 27:20	<b>sir</b> 7:22 17:17	<b>Tawana</b> 5:9	<b>volunteered</b> 19:19,21 23:21, 23	
<b>returning</b> 4:5	<b>skip</b> 8:14	<b>teams</b> 4:16	<b>W</b>	
<b>righty</b> 10:18	<b>sleep</b> 11:13 16:19	<b>technology</b> 7:22	<b>walking</b> 17:7	
<b>roadblock</b> 21:12	<b>small</b> 16:21	<b>ten</b> 5:14,20	<b>wanted</b> 8:25 9:21 21:23 24:15 27:7	
<b>room</b> 6:1,7 10:8 20:25 24:3 27:22 28:6 29:8 30:2,3	<b>someday</b> 5:8	<b>ten-</b> 5:12	<b>watching</b> 28:16	
<b>rules</b> 11:4,5	<b>sound</b> 16:9,10 25:6	<b>testimony</b> 7:1	<b>ways</b> 19:1	
<b>run</b> 4:15,17,18	<b>sounds</b> 15:19	<b>text</b> 7:11,12,14		
<b>running</b> 19:9	<b>SPEAKER</b> 17:10 18:10	<b>texted</b> 7:16		
	<b>start</b> 10:13 28:10,14	<b>thing</b> 8:16,23 15:20 20:18		
	<b>started</b> 20:11 23:3,17 28:24	<b>things</b> 25:11 29:5,7,24		
	<b>starting</b> 4:22			
	<b>stated</b> 19:23			

