

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CIVIL PART
HUDSON COUNTY
DOCKET NO. HUD-L-5473-12
APP. DIV. NO. _____

MICHAEL FERGUSON, et al., :
 : TRANSCRIPT
Plaintiffs, :
vs. : OF
 :
JONAH, ARTHUR GOLDBERG, ALAN : TRIAL
DOWNING and ALAN DOWNING LIFE :
COACHING, L.L.C., :
 :
Defendants. :
 :
 :

Place: Hudson County Superior Court
Administration Building
595 Newark Avenue
Jersey City, N.J. 07306

Date: June 24, 2015
Volume 2 of 2
Pages 201 - 205

B E F O R E:

HONORABLE PETER F. BARISO, JR., A.J.S.C.,
And a Jury.

TRANSCRIPT ORDERED BY:

JODI ERICKSON, ESQ.,
(Cleary, Gottlieb, Steen & Hamilton, L.L.P.)

Audio Recorded by: C. Ortiz

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A P P E A R A N C E S:

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1 MS. BENSMAN: Yes, it is.

2 THE COURT: -- we'll mark it --

3 MR. LI MANDRI: It is, that's right.

4 THE COURT: -- into evidence. Okay.

5 MS. BENSMAN: Thank you.

6 THE COURT: All right. Let's bring the jury
7 out, Officer. We'll see what they want to do.

8 (Jury enters the courtroom)

9 THE COURT: All right. All seven jurors are
10 now present and accounted for.

11 And once again, ladies and gentlemen, thank
12 you very much for your promptness. As judges of the
13 facts, I'm going to give you a decision to make right
14 away. My charge, as well as reviewing the verdict
15 sheet, is probably going to take a little over an hour.
16 And given what we've done today in the summations, I
17 want you to decide would you like me to give you the
18 charge today, which will not permit a lot of time to
19 deliberate this afternoon, depending on when I finish,
20 or would you prefer to start off tomorrow with the
21 charge at 9:00 and then go right to your delib -- well
22 it's not -- we have to see what the other people say
23 too. Would the consensus be would you prefer to just
24 have me do the charge first thing in the morning and
25 then begin your deliberations? Is that -- okay. Also,

1 just so you know, and because I don't want you to feel
2 pressure for deliberations or time or anything like
3 that, we certainly will work around your schedule for
4 deliberations.

5 Once a jury starts deliberating I basically
6 let you control how long you want to go and how long
7 you want to stay. And I just want to let you know
8 ahead of time in case you want to make arrangements, in
9 the event you're unable to reach a verdict tomorrow, I
10 have no problem, if you're all available, to coming
11 back on Friday to resume your deliberations, so you
12 don't have to wait over the weekend. And that's only
13 in the event you're unable to reach a verdict tomorrow.

14 So just process -- that's a terrible word.
15 Just, just think about that. And, you know, you'll let
16 us see how it goes tomorrow. But I just wanted to let
17 you know that that option is on the table. I don't
18 want you to feel pressured that oh, if we don't have a
19 verdict tomorrow. We're going to have to come back
20 here on Monday.

21 Once you start deliberations you're free to
22 come on a Friday and, and -- if you're not able to
23 reach a verdict. I don't want you to feel pressured.
24 You've given this case so much time and attention, the
25 last thing I want is to have anything else pressure

1 you.

2 So just think about those tonight. And then
3 tomorrow morning we'll -- do you want to start at 9:00?
4 Is that good for everybody? Yes? Then 9:00 it is.
5 And we'll have my charge. We'll go over the verdict
6 sheet. And then you'll finally be able to start
7 discussing the case, all right?

8 So again, please don't talk among yourselves
9 about the case. Please don't talk to anyone else about
10 the case. Please don't let anyone else talk to you
11 about the case. And most importantly please, please do
12 not try to look anything up that you've heard now in
13 summations or during the trial.

14 It's so important to everyone involved that
15 this case is decided only on the evidence that you
16 hear, all right? So have a pleasant evening. You can
17 leave your pads on the chairs. I will pick them up.
18 And I will see you all, and we will start promptly at
19 9:00 hopefully tomorrow, all right? Thank very much
20 and have a pleasant evening.

21 (Jury leaves the courtroom)

22 THE COURT: Just stay on the record, Kat.

23 All right. The jury has now left. Please be
24 seated. For the benefit of those that have been
25 watching the trial or intend to be back tomorrow, if

1 you're not familiar with it, if you intend to be here
2 for the charge you are essentially glued to your seats.
3 That door does not open when the jury is being charged.
4 So if you don't want to sit here and listen to me go
5 over the charge and the verdict sheet for an hour, then
6 don't be here when I start. That door is locked and a
7 sign is put on the door. So just be guided
8 accordingly, okay?

9 Have a good evening, everyone, and I'll see
10 you all 9:00 tomorrow.

11 (The attorneys thank the judge)

12 (Proceedings adjourned to 6-25-15)

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CERTIFICATION

I, Mary Nelson, the assigned transcriber, do hereby certify the foregoing Transcript of Proceedings in the Hudson County Superior Court, Law Division on June 24, 2015 and recorded on CD 6/24/15, Index Numbers from 3:04 to 3:09, is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate compressed transcript of the proceedings as recorded.

Name /s/ Mary Nelson A.O.C. No. 219
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