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September 29, 2015

U.S. District Judge Joseph F. Bianco
Long Island Federal Courthouse
814 Federal Plaza
Central Islip, New York 11722

RE: Zarda v. Altitude Express, Inc. & Ray Maynard, 10 Civ 4334 (JFB)

Dear Judge Bianco:

Please treat this as a trial motion. I have attached a jury questionnaire which, if my suggestions are denied, may be read simply as questions if the Court would prefer not to utilize it. Plaintiff will absorb the costs, however, if the Court allows the questionnaire. This application is made against the tides of tradition, at least in federal court. However, we believe jury selection in this case will be supremely important. We start out with the issues of sexuality and the issue of an estate suing a living man whom I suspect will show up with a cane or a walker in the attempt to balance the sympathy defense counsel fears the death of Don Zarda might evoke against his client. In addition, I just learned yesterday that Altitude Express – as represented on its website – has "permanently closed." As cynical as this makes me, I cannot but believe that the stroke and the "permanent" closure of Altitude Express has something to do with attempting to balance a fear of sympathy given the death of Don Zarda. This Memorandum will therefore set forth the reasons that justify the departure from the normal procedure of having the court conduct the entire voir dire examination, and, perhaps, to allow a questionnaire.

SIGNIFICANCE OF VOIR DIRE

Had Toqueville observed the tradition of voir dire in federal court – i.e., the strict limits placed upon it – he might consider jury selection to be a gnarly, time consuming and insignificant portion of the trial. Social scientists suggest otherwise, and at least four judges in New York federal courts (Wexler, Block, McKenna and Baer) allowed a brief period of attorney voir dire to no delay. According to some – and perhaps this is an overstatement - over eighty percent of jurors come to a decision during or immediately after opening statements. 340 P.L.I./Lit. 13 (1987). Perhaps this is not true, but trial and appellate judges have recognized that "jury selection plays a vastly greater role than merely assuring [a litigant's] rights." U.S. v. Trice, 864 F.2d 1423, 1427 (8th Cir.1988). It allows the attorney to establish rapport with jurors and root out biases. Voir dire is not a perfunctory process, but plays an integral part in Anglo-Saxon jurisprudence:

> Jury selection is [not] a preliminary and essentially ministerial act. At the least it is an essential instrument to the delivery of a defendant's constitutionally secured right to a jury trial rooted in the commands of due process, if not the trial guarantees of the Sixth Amendment and Section 2 of Article III themselves."

U.S. v. Ford, 824 F.2d 1430, 1435 (5th Cir.1987).

Given the significance of this critical stage of the proceedings, counsels' participation in this process is indispensable, especially in a case that touches on at least one hot issue of the day, and some unusual situations: a dead plaintiff substituted by an estate; a defendant who has had a stroke; and a corporation that has suddenly closed down for business without explanation (at least so far).

The Second Circuit has explicitly recognized that parties deserve "a full and fair opportunity to expose bias or prejudice on the part of the venue[.]" U.S. v. Colombo, 869 F.2d 149, 151 (2nd Cir.1989);). In on case, the Second Circuit held:

> [T]here must be sufficient information elicited on voir dire to permit a defendant to intelligently exercise not only his challenges for cause, but also his peremptory challenges, the right to which has been specifically acknowledged by the Supreme Court . . ."

U.S. v. Barnes, 604 F.2d 121 (2nd Cir.1979).

To prevent this right from being an illusory, participation by counsel is a necessary protection. Plaintiffs do not seek to microscopically examine the jurors nor is there a desire to unnecessarily prolong these proceedings. Instead, counsel wants to ask a sufficient number of questions to each member of the venue to elicit any bias or prejudice and to intelligently exercise precious peremptory strikes. Given the unusual nature of this case, attorney participation in voir dire will enable counsel to obtain the necessary information, and will not prejudice the process.

The peremptory challenge "should not be required to be exercised before an opportunity is given for such inspection and examination of prospective jurors as is reasonably necessary to enable the [party] to have some information upon which to base an exercise of that right." Bailey v. United States, 53 F.2d 982, 984 (5th Cir. 1931). The "right to be tried by an impartial jury" includes "the right to an examination designed to ascertain possible prejudices of the venire[]. . . ." United States v. Lewin, 467 F.2d 1132, 1138 (7th Cir.1972).

Supplementing the Court's examination, or the questionnaire, with some attorney questioning is essential to provide the information necessary for the intelligent exercise of jury challenges. "However difficult it may be for the layman, the scientist, or the foreign

jurist to appreciate this, there has probably never been a moment's doubt upon this point in the mind of the lawyer of experience." 5 J. Wigmore, Evidence Section 1367 (3d ed. 1940). The experience of talking to a juror and eliciting a response is far superior to sitting as a potted plant and listening. Exclusive examination by the Court, quite simply, is insufficient to get at the truth of potential juror prejudice. One famous commentator suggested that exclusive examination by the Court "renders jury selection virtually meaningless." Fahringer. H. P., "In the Valley of the Blind: A Primer on Jury Selection in a Criminal Case," Law and Contemporary Problems, 43: 116, 120 (1980).

The late trial attorney Mr. Fahringer knew a thing or two about jury selection; another famous commentator and law professor noted:

> In some instances an effort is made to remedy the defects of court-conducted voir dire by allowing counsel to suggest further lines of inquiry by the judge after the initial questions have been asked. But even if the judge is willing to probe deeply into some issue, he will seldom go as far as counsel would. The procedure, moreover, is unproductive, because the additional questions will not be asked until the judge has finished the initial query, whereas the pattern of effective questioning -- that is, inquiry that elicits candid answers -- is continuous and sequential. The flow cannot be maintained unless the lawyer can follow immediately with the questions suggested by the previous answer.
>
> In sum, the limited questions put by the judge to the panel as a group greatly reduce the information produced by the voir dire. In most cases voir dire is a stark little exercise consuming minutes rather than hours and often eliciting no verbal responses at all. But without a reasonable amount of information about the prospective jurors, the litigant cannot realize his right to "select" the jury by challenges for cause and by peremptory strikes."

Barbara Allen Babcock, *Voir Dire: Preserving Its Wonderful Power*, 27 Stanford Law Review 545 (1975) at 548-49. The federal courts have adopted the judge-question model out of - I can only suppose - the abuse to which voir dire is allowed in state court.

Nevertheless, burning the house to roast the pig does not protect the judicial process; judge-questioning can never provide what attorney questioning can. As Fahringer noted:

> The chemistry that reveals a juror's true feelings can be generated only by confrontation. Without face-to-face inquiry, an intelligent choice of a juror is severally impaired. Furthermore, a juror's answers to one question may prompt inquiry into another area that can only be conceived by the single-mindedness of counsel. A judicial officer who is 'presumably' disinterested cannot conduct such an investigation effectively."

Fahringer, supra, at 120. Other scholars noted decades ago:

> [A]ttorney-conducted voir dire would allow for the more intelligent use of challenges to individual jurors, which -- when voir dire is conducted by the court -- are often exercised in a half-guessing way, premised more upon a juror's demeanor than his demonstrated thinking. Even questions submitted to the court by attorneys may not aid in determining when to challenge, because questions on a piece of paper are not designed to be responsive, nor to follow up a juror's answer that may hint another line of questioning to be pursued. Only an active give-and-take between counsel and juror may achieve that."

McGuirk & Tober, "Attorney-Conducted Voir Dire: Securing an Impartial Jury," 15 New Hampshire Bar Journal 1, 6 (1973).

Moreover, extensive social science research has documented the superiority of attorney-conducted voir dire, compared to exclusive questioning by the court, as a means of achieving the impartial jury contemplated by the Sixth Amendment. One study conducted by the well-respected psychologist, Alice Padawer-Singer, demonstrated that juries selected by lawyers, as compared to those that were not subjected to any attorney conducted voir dire, were less easily swayed and more resistant to group pressure. They were also more aware of the importance of legal procedures and of the necessity to rely only upon admissible evidence. Padawer-Singer, Singer & Singer, Voir Dire by Two Lawyers: An Essential Safeguard, 57 Judicature 386 (1974). The study concluded that

"[v]oir dire proceedings carried out by two lawyers, one for the prosecution and one for the defense, seemed to ensure the selection of the 'best' possible jurors, i.e. the most impartial jurors, jurors who will examine all sides of a trial." Id. at 389.

Further empirical support for these conclusions is found in the work of Professor Linda L. Marshall of the Department of Psychology, North Texas State University. Dr. Marshall studied 227 Illinois venire-members who responded under oath during 1982 voir dire examinations. According to her data, venire members found it more difficult to guess answers expected by attorneys rather than by the judges. She found that judges cue responses indicating fairness and impartiality. Since the trial judge is an authority figure, the social pressure upon a juror to agree with his or her perception of the trial judge's expectations was found to be considerable. L. Marshall, Juror, Judge, and Counsel: Voir Dire Perceptions and Behavior, Two Illinois State Courts (Ph.D Dissertation, Department of Psychology, Boston University, 1983).

Courts have consistently recognized that jurors are often unaware of their own prejudices and preconceptions, and do not acknowledge them when asked general questions on voir dire such as whether there is any reason they cannot be fair and impartial. E.g., United States v. Dennis, 339 U.S. 162, 183 (1950) (Frankfurter, J., dissenting) ("[O]ne cannot have confident knowledge of influences that may play and prey unconsciously on judgment."); Dellinger, 472 F.2d 340, 367 (7th Cir.1972) ("We do not believe that a prospective juror is so alert to his own prejudices [as to reveal prejudice in response to a general question]. Thus it is essential to explore the backgrounds and attitudes of the jurors to some extent in order to discover actual bias, or cause."); United States v. Shavers, 615 F.2d 266, 268 (5th Cir.1980) (general questions were "too broad"

and "might not reveal latent prejudice."); Kiernan v. Van Schaik, 347 F.2d 775, 779 (3d Cir.1965); United States ex rel. Bloeth v. Denno, 313 F.2d 364, 372 (2d Cir.1963); Delaney v. United States, 199 F.2d 107, 112-13 (1st Cir.1952); Bush supra, at 12; Gutman, The Attorney-Conducted Voir Dire of Jurors: A Constitutional Right, 39 Brooklyn L.Rev. 290, 328 (1972). See, Coleman v. Kemp, 778 F.2d 1487 (11th Cir.1985). Moreover, jurors may conceal prejudice out of a desire to avoid embarrassment, or to conform to expected responses, or even for more sinister reasons. See Broeder, Voir Dire Examinations: An Empirical Study, 38 S.Cal.L.Rev. 503, 506, 511, 512 (1965), cited with approval in Groppi v. Wisconsin, 400 U.S. 505, 510 (1971).

Venirepersons will frequently hide their true feelings and conceal their biases when asked about them publicly, particularly by the judge, who -- robed and physically elevated, deferred to and addressed as "Your Honor" --is the most powerful figure in the courtroom. Jurors will thus tend to conceal prejudice in order to avoid embarrassment and disapproval by the judge. The great social distance between venirepersons and the judge places an undue burden on them in communicating their true feelings. As a result, venirepersons will tend to agree with what they imagine the judge wants them to say. "Judges usually do not realize that they are seen by jurors as both powerful and fair, and that this attitude on the part of jurors creates an expectation in their minds that they should say they can be fair and impartial, whether or not this is true. Jurors desire to be accepted and approved of by the judge. They want to say the right things to him." Bennett, Psychological Methods of Jury Selection in the Typical Criminal Case, 4 Criminal Defense 11, 13 (No. 2, April 1977) (emphasis in the original).

By contrast, less social distance exists between lawyers and jurors, and lawyers most certainly do not have the power to evoke the impartial image of the judge. Lawyers are seen as being biased either toward the defense or the prosecution. Thus, the illusion that a prospective juror must appear fair and impartial is psychologically destroyed. This has a positive effect on ascertaining the true feelings of prospective jurors. Prospective jurors are less likely to respond to pressures to give socially desirable responses.

The voir dire process between counsel and a prospective juror is simply different in kind from voir dire by the court. The former produces a human response between the prospective juror and the party, which is more revealing and honest than the latter. In judge-conducted voir dire, no matter how sensitive and detailed the questioning, the juror responds differently.

Not only does the juror see the judge as an authority figure and tend to answer questions in a way which he or she believes is expected and normal, but the juror also tends to give short answers and answers framed to end the questioning. In addition, the juror feels insulated by the court from the adversaries and, thus, does not respond with the intensity necessary to produce information about his emotional makeup and attitudes. The volume, pitch and intensity of the voice, eye contact or movements, "body language" and other emotional signs can tell a great deal more about the juror than is revealed by the mere contents of an answer. Suggs & Sales, Using Communication Cues to Evaluate Prospective Jurors During Voir Dire, 20 Ariz.L.Rev. 629 (1978). This data is essential for intelligent exercise of peremptory challenges.

"IT CAN'T DO ANY HARM AND IT MAY DO SOME GOOD"

Former United States District Judge Morris E. Lasker once described attorney participation as follows: "It can't do any harm and it may do some good." 60 N.Y.U.L.R. 423, 429. In 1982, several Southern District judges participated in an experiment designed to improve the jury system. Among the areas under consideration was a review of attorney participation in voir dire. The results of this test overwhelmingly demonstrated that attorney participation was a valuable component to the process, yet the process did not catch on. This Court is undoubtedly aware of the reversal of Judge Pauley in the matter of United States v. Parse, 789 F.3d 83 (2d Cir. 2015), in which a juror was less than forthcoming, leading to confusion as to what attorneys knew and when about her biases. I fully believe that attorney voir dire would have rooted out that juror's misrepresentations and avoided the waste of judicial resources. Instead, vague answers by the juror, questionable circumstantial evidence by the attorneys, assumptions by those attorneys led to a trial being wasted, a judge being reversed, and a whole lot of nonsense. That case is "Exhibit A" as to why some attorney voir dire is proper for every case.

CONCLUSION

Plaintiff requests the court utilize the attached questionnaire and allow each side thirty minutes of attorney voir dire following answers to the questionnaire or, the questions asked from the bench.[1]

Dated: New York, New York
September 29, 2015

/s/
Gregory Antollino

[1] Question 22 was agreed upon by the court and counsel in the argument concerning the admissibility of Professor Kenji Yoshino's testimony. I have the minutes, which should be available online, if there is any question as to this.

CONFIDENTIAL QUESTIONNAIRE

INSTRUCTIONS

The Court and the parties will use the answers you give in this questionnaire to select a qualified jury. Serving on a jury is one of the highest responsibilities of United States citizenship, and both sides are entitled to a fair panel of jurors. Therefore, please answer each question as completely and accurately as you can. There are no right or wrong answers, and you should fill out the questionnaire by yourself without consulting with any other person. You must sign your questionnaire, and your answers will have the effect of a statement given under oath to the Court.

If you cannot answer a question, write "Do not know" in the space after the question. If you need extra space to answer any question, please use the extra blank sheet of paper included at the end, indicating the number of the question whose answer you are supplementing. If there is an answer which you would prefer to give in private, please indicate, "I wish to discuss privately." Please write or print legibly. The sole purpose of this questionnaire is to encourage your full honest expression , so that both parties will have a meaningful opportunity to select a fair and impartial jury to try the issues in this case. Thank you for your full cooperation, which is of vital importance to the Court.

1. NAME _____

2. DO YOU SPEAK OR UNDER ENGLISH FLUENTLY_____

3. RESIDENCE (City or town & neighborhood)_____

_____

4. LENGTH OF TIME IN YOUR CURRENT HOME_____

5. OCCUPATION_____

6. AGE_____

7. HIGHEST LEVEL OF EDUCATION_____

8. MARITAL STATUS_____

9. CHILDREN AND, IF EMPLOYED, THEIR OCCUPATIONS_____

_____

_____

10. HAVE YOU SERVED ON A JURY BEFORE?_____

11. IF YOU WERE A SWORN JUROR, DID YOU REACH A VERDICT IN EACH CASE IN WHICH YOU SERVED?_____

_____

12. WOULD ANYTHING ABOUT YOUR PRIOR JURY SERVICE AFFECT YOUR ABILITY TO BE FAIR TO BOTH SIDES IN THIS CASE?_____

13. ARE YOU OR ANY OF YOUR FAMILY OR CLOSE FRIENDS CONNECTED TO THE COURT OR LEGAL SYSTEM? IF SO, PLEASE EXPLAIN._____

_____

_____

_____

14. WHERE DO YOU GET YOUR NEWS?_____

15. WHAT IS YOUR FAVORITE TV STATION?_____

16. DO YOU LISTEN TO TALK RADIO OR PODCASTS , AND, IF SO, WHICH PROGRAMS?

_____

_____

17. THIS CASE INVOLVES A CLAIM OF EMPLOYMENT DISCRIMINATION MADE BY THE PLAINTIFF AGAINST HIS FORMER EMPLOYER. FOR REASONS HAVING NOTHING TO DO WITH THE CASE, THE EMPLOYEE MR. ZARDA DIED BEFORE TRIAL. HOWEVER, HIS SWORN TESTIMONY WAS RECORDED, AND YOU MAY CONSIDER THE TESTIMONY OF ANY WITNESS OR DOCUMENT FOR OR AGAINST HIS CLAIM. OUR SYSTEM WHICH ALLOWS HIS ESTATE TO BE SUBSTITUTED FOR HIM AFTER DEATH, AND TO ALLOW A JURY TO HEAR THE EVIDENCE AND MAKE A DECISION. IF THERE IS AN AWARD, IT WILL GO TO THE ESTATE, JUST LIKE AN INHERITANCE. KNOWING THIS ABOUT A CASE INVOLVING A DECEASED PLAINTIFF, WOULD YOU THINK, WHY BOTHER ANYMORE?_____

18. BY CONTRAST, KNOWING THE LITTLE YOU KNOW NOW, WOULD YOU HAVE ANY SYMPATHY FOR THE PLAINTIFF *OR* THE DEFENDANT THAT WOULD MAKE YOU UNABLE TO DECIDE THE CASE ACCORDING TO THE PRINCIPLES THAT I WILL EXPLAIN IN DECIDING THE FACTS ACCORDING TO THE EVIDENCE AS THE COURT WILL EXPLAIN AT THE END OF THE TRIAL?_____

_____

19. DO YOU HAVE ANY CONCERN WHATSOEVER THAT YOU WOULD NOT BE ABLE TO TREAT THE ESTATE OF A DECEASED PERSON AS FAIRLY AS YOU WOULD A LIVING PERSON, OR A CORPORATION?_____

_____

20. THIS CASE INVOLVES A CLAIM OF SEXUAL ORIENTATION DISCRIMINATION. DO YOU, OR ANY OF YOUR FAMILY MEMBERS OR CLOSE FRIENDS IDENTIFY AS GAY, LESBIAN, BISEXUAL, TRANSGENDER, OR SOME OTHER SEXUAL MINORITY? PLEASE EXPLAIN_____

_____

21. DO YOU THINK YOU WOULD HAVE ANY PROBLEM SITTING ON A CASE LIKE THIS?_

_____

22. DO YOU BELIEVE THAT IT IS WRONG FOR AN EMPLOYEE, IF HE OR SHE IS GAY, TO IDENTIFY AS GAY IN THE WORK PLACE?_____

23. THIS TRIAL IS EXPECTED TO LAST ABOUT A WEEK, PERHAPS A BIT LONGER. IN ADDITION, EVERY REASONABLE EFFORT WILL BE MADE TO ACCOMMODATE YOUR NEEDS. JURY SERVICE IS ESSENTIAL TO THE ADMINISTRATION OF JUSTICE. INCONVENIENCE ALONE WILL NOT BE SUFFICIENT REASON TO EXCUSE A PROSPECTIVE JUROR. TO BE EXCUSED, BUT YOU MUST SHOW AN UNACCEPTABLE AMOUNT OF PERSONAL HARDSHIP. DO YOU BELIEVE SERVICE AS A JUROR IN THIS CASE WILL CREATE AN UNACCEPTABLE HARDSHIP? YES ___ NO ___

24. IF YES, PLEASE EXPLAIN IN DETAIL:_____

_____

_____

WHETHER OR NOT YOU ARE CLAIMING A HARDSHIP, PLEASE COMPLETE THE REST OF THE QUESTIONNAIRE.

24. THE COURT WILL AFFORD EVERY EFFORT TO ACCOMMODATE MEDICAL CONDITIONS. DO YOU HAVE ANY MEDICAL CONDITIONS THAT WOULD MAKE IT DIFFICULT FOR YOU TO AS A JUROR? YES ___ NO ___

IF YES, PLEASE EXPLAIN: _____

_____

_____

24. DO YOU HAVE ANY PROBLEM WITH YOUR HEARING OR VISION THAT WOULD PREVENT YOU FROM GIVING ATTENTION TO ALL OF THE EVIDENCE AT THIS TRIAL? YES ___ NO ___

IF YES, PLEASE EXPLAIN: _____

25. HAVE YOU OR A CLOSE FRIEND OR FAMILY MEMBER TAKEN ANY PSYCHOLOGY OR COUNSELING COURSES?

YES ___ NO ___

IF YES, WHO TOOK THE COURSES AND WHAT WERE THEY? _____

_____

26. WHAT ARE YOUR PRINCIPAL LEISURE TIME ACTIVITIES?

_____

_____

_____

27. LIST ANY CIVIC, SOCIAL, RELIGIOUS, POLITICAL OR PROFESSIONAL ORGANIZATIONS TO WHICH YOU MAY BELONG:

_____

_____

_____

28. HAVE YOU EVER BEEN IN THE UNITED STATES MILITARY (INCLUDING THE MILITARY NATIONAL GUARD OR ROTC)?

YES ___ NO ___

IF YES, LIST BRANCH, RANK, AND DATE OF SERVICE.

_____

29. DID YOU RECEIVE AN HONORABLE DISCHARGE? YES ___ NO ___

IF NO, PLEASE EXPLAIN_____

_____

_____

30. DO YOU HAVE ANY RELATIVES OR CLOSE FRIENDS WHO ARE EMPLOYED IN THE COURTS AS JUDGES, MAGISTRATES, LAW CLERKS, CLERKS OR OTHER COURT PERSONNEL?

YES ___ NO ___

IF YES, PLEASE EXPLAIN AND INDICATE WHETHER IT COULD AFFECT YOUR ABILITY TO BE FAIR: _____

_____

_____

31. HAVE YOU, OR HAS ANYONE IN YOUR IMMEDIATE FAMILY, EVER SUED SOMEONE OR SUED BY ANYONE?

SUED ___ BEEN SUED ___ NO ___

IF YOU OR AN IMMEDIATE FAMILY MEMBER HAVE SUED SOMEONE OR BEEN SUED, PLEASE EXPLAIN THE NATURE OF THE LAWSUIT AND WHETHER IT WOULD AFFECT YOUR ABILITY TO BE FAIR:

_____

_____

_____

_____

_____

_____

32. HAVE ANYONE, EVER SAID ANYTHING PUBLICLY ABOUT YOU ON THE INTERNET THAT YOU BELIEVE WAS NOT IN FUN, BUT WAS MADE WITH BAD INTENTIONS?

YES____ NO ____

IF YES PLEASE EXPLAIN:

_____

_____

_____

_____

_____

_____

33. HAVE YOU OR HAS ANY MEMBER OF YOUR FAMILY OR A CLOSE FRIEND EVER BEEN ARRESTED FOR, ACCUSED OF, CHARGED WITH, OR CONVICTED OF ANY CRIME, (INCLUDING DOMESTIC VIOLENCE, SPOUSAL ABUSE, NARCOTICS, OR ASSAULT) OR BEEN THE SUBJECT OF A CRIMINAL INVESTIGATION?

YES ___ NO ___

IF YES, PLEASE STATE THE PERSON, DATE, CRIME, WHO BROUGHT THE CHARGES AND THE OUTCOME:_____

_____

IF YES, PLEASE EXPLAIN AND INDICATE WHETHER THAT WOULD AFFECT YOUR ABILITY TO BE FAIR IN THIS CASE: _____

_____

_____

34. DO YOU HAVE ANY POLITICAL, MORAL OR RELIGIOUS BELIEFS THAT WOULD PREVENT YOU FROM PASSING JUDGMENT ON ANOTHER PERSON OR FROM SITTING ON THIS CASE?

YES ___ NO ___

IF YES, PLEASE EXPLAIN: _____

35. YOU MAY HEAR THE NAMES OF THE CERTAIN INDIVIDUALS DURING THE TRIAL. PLEASE READ CAREFULLY AT THE LIST OF NAMES, WHICH INCLUDES THE NAMES OF THE ATTORNEYS AND THE JUDGE, ATTACHED AT THE END OF THIS QUESTIONNAIRE AND CIRCLE ANY NAME THAT IS FAMILIAR TO YOU IN ANY WAY.

36. DO YOU RECOGNIZE ANYONE IN THE COURTROOM? YES ___ NO ___

IF YES, PLEASE EXPLAIN: _____

_____

_____

CONCLUSION

37. IS THERE ANY MATTER NOT COVERED BY THIS QUESTIONNAIRE THAT YOU THINK THE ATTORNEY OR COURT MIGHT WANT TO KNOW ABOUT YOU WHEN CONSIDERING YOU AS A JUROR IN THIS CASE? YES ____ NO ____

IF YES, PLEASE EXPLAIN: _____

_____

_____

38. DO YOU KNOW OF ANY REASON WHATSOEVER WHY YOU CANNOT SIT AS A FAIR AND IMPARTIAL JUROR IN THIS CASE? YES ____ NO ____

IF YES, PLEASE EXPLAIN: _____

_____

_____

I, _____ DECLARE UNDER PENALTY OF PERJURY
(PRINT NAME)

THAT THE FOREGOING ANSWERS SET FORTH IN THIS JURY QUESTIONNAIRE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE NOT DISCUSSED MY ANSWERS WITH OTHERS, OR RECEIVED ASSISTANCE IN COMPLETING THE QUESTIONNAIRE.

SIGNED THIS _____ DAY OF OCTOBER, 2015.

_____
(SIGNATURE)

THE COURT AND THE ATTORNEYS AND THE PARTIES THANK YOU FOR YOUR ATTENTION AND HONESTY IN THE COMPLETION OF THIS QUESTIONNAIRE.