

1 05-450 Sutherland vs. HYC, Inc.

2 THE COURT: All right. Ladies and gentlemen, so
3 we've reached the point in the trial where I'm going to
4 instruct you on the law that will apply to the
5 deliberations that you are about to engage upon.

6 Now, first let me say, because when in every
7 trial when I start to give instructions jurors pull
8 their notebooks out and get their pens ready because
9 they're ready to start taking notes, let me tell you
10 off the bat that you don't have to take copious notes
11 on my charge because it's my practice to send in a
12 written copy of my jury instructions into the room with
13 you. So you'll have that with you. You can take notes
14 if you wish, but I don't want you to feel obligated to
15 do so. It's one thing that I find from discussing
16 matters with jurors, they find it extremely helpful to
17 have a written copy of the instructions in the jury
18 room.

19 Also, keep in mind that the instructions are as
20 I give them to you orally and that the written copy
21 sent into the jury room is intended to be a guide.
22 You'll find that my instructions given from the bench
23 are almost exactly as written because I use a lot of
24 care in preparing them, but sometimes I do ad lib a
25 bit, and the instructions as given from the bench are

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1 the official instructions.

2 So before I give you instructions on the law
3 that applies to this case and your duties as jurors in
4 this case, I'll just take a moment to summarize the
5 case for you.

6 Now, remember that in what I'm about to say and
7 in all of my instructions to you, what I say is not
8 evidence in the case, and it is not intended to imply
9 in any way that I hold any opinion about the validity
10 of the claim being made in this case or any defense
11 asserted by the defendant, and I'm going to speak to
12 you more about your obligations with respect to all of
13 this in a few minutes.

14 So there's only one claim in this case before
15 you and that is that the plaintiff, Lynn Sutherland,
16 claims that she was injured as a result of the failure
17 of the defendants to warn her of a dangerous condition,
18 namely, the danger posed by the turning block on the
19 12-meter yacht named HERITAGE.

20 On August 21, 2004, Lynn Sutherland was a
21 passenger on the HERITAGE, which was owned by the
22 defendant, HYC, Inc., and captained by the defendant,
23 Jeffrey Barrows. During the charter cruise, Lynn
24 Sutherland suffered a severe injury after her hand came
25 into contact with the turning block. She maintains

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1 that the defendants, HYC and Jeffrey Barrows, failed to
2 warn her of the danger posed by the turning block. The
3 defendants maintain that the turning block was an open
4 and obvious danger for which there was no duty to warn;
5 and in the alternative, defendants argue that

6 appropriate warnings were given satisfying any duty
7 owed by them to the plaintiff.

8 You must keep in mind as I give these
9 instructions to you that there are two defendants in
10 this case, HYC and Jeffrey Barrows. You must decide
11 the case as to both defendants. And while I give you
12 these instructions, keep in mind that they apply to all
13 of the parties regardless of whether I at various times
14 may use the singular defendant versus the plural
15 defendants.

16 So now that you've heard all the evidence and
17 the arguments of the attorneys, my duty is to instruct
18 you on the law that applies to this case, and it's your
19 duty to find the facts from all the evidence that has
20 been presented in this case; and to those facts, you
21 will apply the law as I give it to you. You must
22 follow the law as I give it to you whether you agree
23 with it or not. You must not be influenced by any
24 personal likes or dislikes, any opinions or prejudices
25 or sympathies of any kind whatsoever. That means that

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1 you must decide the case solely on the evidence that is
2 before you. You recall that at the beginning of the
3 trial you took an oath promising to do so.

4 Now, in following my instructions, you must
5 follow all of them and not single out some and ignore
6 others. All of my instructions are equally important.
7 And also, you must not read into these instructions or
8 into anything that I may have said or done during the
9 trial any suggestion as to what verdict you should

10 return. That is a matter that is entirely up to you.

11 Now, the evidence from which you are able to
12 decide what the fact are consists of three things: The
13 sworn testimony of witnesses; the exhibits, which have
14 been received into evidence; and any facts to which the
15 lawyers have agreed or stipulated to.

16 Now, there are certain things -- as you recall I
17 told you at the beginning of the trial, there are
18 certain things that are not evidence and you may not
19 consider them in deciding what the facts of the case
20 are, and I'm going to list those for you now.

21 First, arguments and statements by the lawyers
22 are not evidence. The lawyers are not witnesses. What
23 they have said in their opening statements and their
24 closing arguments and at other times during the trial
25 is intended to help you interpret the evidence, but it

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1 is not evidence. If the facts as you remember them
2 differ from the way the lawyers have stated them or
3 described them, it's your memory that controls.

4 Second, questions and objections by lawyers are
5 not evidence. Attorneys have a duty to their clients
6 to object when they believe a question is improper
7 under the Rules of Evidence. You should not be
8 influenced by any objection or by the Court's ruling
9 upon it. Keep in mind, as I told you before, if an
10 objection was overruled, you treat the answer as you
11 would the answer to any other question; and if it was
12 sustained, you disregard the question.

13 So thirdly, in that regard, any evidence that I

14 ordered to be excluded or stricken or disregarded by
15 you is not evidence and must not be considered.

16 Fourth, anything that you may have seen or heard
17 when court was not in session is not evidence. You're
18 to decide the case solely on the evidence that was
19 received during the trial.

20 Now, evidence may be direct or it may be
21 circumstantial. Direct evidence is the direct proof of
22 a fact such as the testimony of an eyewitness.
23 Circumstantial evidence is proof of one or more facts
24 from which you could find that another fact exists.

25 You should consider both kinds of evidence. As

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1 a general rule, the law makes no distinction between
2 the weight to be given to either direct or
3 circumstantial evidence. It is for you to decide how
4 much weight to give to any evidence. Direct evidence
5 can prove a material fact by itself. It does not
6 require any other evidence. It does not require you to
7 draw any inferences. A witness's testimony is direct
8 evidence when the witness testifies to what he or she
9 saw or heard or felt. In other words, when a witness
10 testifies about what is known from his or her own
11 personal knowledge by virtue of his or her senses, what
12 she sees or touches or hears, that is what direct
13 evidence is. The only question for you is whether you
14 believe the witness's testimony.

15 A document or physical object may also be direct
16 evidence when it can prove a material fact by itself
17 without other evidence or the drawing of inferences.

18 You may, of course, have to determine the genuineness
19 of the document or the object.

20 Now, circumstantial evidence is the opposite of
21 direct evidence. It cannot prove a material fact by
22 itself, rather, it is evidence that tends to prove a
23 material fact when considered together with other
24 evidence and by drawing inferences. You remember the
25 simple example I gave to you at the beginning of the

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1 trial about getting up in the morning and looking out
2 the window and seeing everything was wet and from that
3 inferring the fact that it rained overnight. Not all
4 circumstantial evidence presents such a clear and
5 simple and compelling inference. The strength of the
6 inferences arising from circumstantial evidence is for
7 you to determine, and it's for you to decide how much
8 weight to give any evidence. Inference from
9 circumstantial evidence may be drawn on the basis of
10 reason, experience and common sense. Inferences may
11 not, however, be drawn by guesswork, speculation or
12 conjecture.

13 The law does not require a party to introduce
14 direct evidence. A party may prove a fact entirely
15 upon circumstantial evidence or on a combination of
16 direct and circumstantial evidence. Circumstantial
17 evidence is not less valuable than direct evidence, and
18 you're to consider all the evidence in the case, both
19 direct and circumstantial, in determining what the
20 facts of this case are and in determining your verdict.

21 Now, during the trial you've heard reference to

22 the terms "examination under oath" or "deposition", and
23 you have viewed a number of witnesses in this trial by
24 video deposition, and you've heard depositions read
25 into the record from the stand. These terms mean sworn

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1 testimony given under oath by a witness before the
2 trial began.

3 Now, to the extent that you've heard such
4 deposition testimony, you may give it the same
5 credibility or weight as live witness testimony; that
6 is to say, whatever credibility or weight, if any, that
7 you think it deserves.

8 Now, in deciding the facts of this case, you
9 have to decide which testimony to believe and which
10 testimony not to believe. You may believe everything
11 that a witness says or part of it or none of it at all.
12 In considering the testimony of any witness, you may
13 take into account a number of factors in making a
14 determination as to the credibility of that witness.

15 First, the opportunity and the ability of the
16 witness to see or to hear or to know the things that he
17 or she testified to; second, the witness's memory;
18 third, the witness's manner while testifying; fourth,
19 the witness's interest in the outcome of the case and
20 any bias or prejudice the witness may have; fifth,
21 whether other evidence contradicted the witness's
22 testimony; and sixth, the reasonableness of the
23 witness's testimony in light of all of the evidence.

24 One of the defendants, HYC, Inc., is a
25 corporation. The law makes no distinction between

1 corporations and private individuals, nor does it
2 distinguish between the size or type of business in
3 which a corporation engages. All persons, including
4 corporations, stand equal before the law and are to be
5 dealt with as equals in this case. At all times, you
6 should consider treating this matter as an action
7 between persons of equal standing in the community, of
8 equal worth in holding the same or similar stations in
9 life or in the community. Corporations act through
10 their agents and employees.

11 Now I'm going to instruct you on the specific
12 law that applies to Lynn Sutherland's claim against HYC
13 and Jeffrey Barrows.

14 In this case, as in most cases, the law places
15 the burden of proof on the plaintiff. The fact that an
16 injury occurred does not by itself mean that the
17 defendants were negligent. With respect to the
18 plaintiff's negligence claim, the plaintiff has the
19 obligation or responsibility to prove that the
20 defendants acted negligently. In order for the
21 plaintiff to prevail on her claim, she must prove three
22 things or what the law refers to as elements.

23 First, that HYC and Jeffrey Barrows were
24 negligent; second, that Lynn Sutherland was harmed; and
25 third, that the negligence of HYC and Jeffrey Barrows

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1 was the proximate cause, a proximate cause of the harm.

2 The plaintiff must prove all three of those
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3 things in order to prevail. If the plaintiff has
4 failed to prove any one or more of those three things,
5 then you should return a verdict for the defendants.

6 The defendants, on the other hand, have no
7 obligation to produce evidence. They are not required
8 to disprove that which the plaintiff claims to be true.
9 The burden is on the plaintiff to prove each of the
10 elements of her negligence claim. I'll speak more
11 about that and those three elements in a few moments.

12 Now, in addition to imposing the burden of proof
13 on a plaintiff, the law also requires that the proof
14 offered in support of any given claim reach a certain
15 level or standard. In this case, that level of proof
16 or standard of proof is proof by a preponderance of the
17 evidence. Plaintiff has the burden of proving by a
18 fair preponderance of the evidence, that is, by the
19 greater weight of the evidence, the facts necessary to
20 support her case. Because the plaintiff is advancing
21 the proposition that the defendant should be held
22 responsible for harm caused to her, it is she who has
23 the responsibility of producing evidence that leads you
24 to believe what she claims is more likely true than not
25 true. The defendants, on the other hand, have no

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1 obligation to produce evidence concerning the
2 plaintiff's claim.

3 You may recall from the beginning of the trial
4 that I think I described the simple way of measuring
5 the preponderance of the evidence standard and that is
6 to envision an old-fashioned scale. Plaintiff has to

7 make that scale tip somewhat in her favor.

8 If the scales are evenly balanced or tip in the
9 defendant's favor, then the plaintiff has not met her
10 burden of proof. But if the scale tips in the
11 plaintiff's favor, even very slightly, then she has met
12 her burden of proof.

13 You'll recall that the preponderance of evidence
14 standard as I explained in the beginning of the trial
15 is different than the criminal standard of beyond a
16 reasonable doubt. That standard has no application in
17 this case.

18 Now, in order to determine whether the
19 defendants were negligent, that is the first element of
20 the claim, you must first decide whether the defendants
21 owed the plaintiff a duty of care to warn her about the
22 turning block. A defendant has no duty to warn a
23 person about a dangerous condition if that condition is
24 open and obvious. A dangerous condition is open and
25 obvious if a reasonable person having the skill,

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1 experience, and knowledge of the plaintiff would
2 appreciate its dangerousness.

3 If a condition is not open and obvious, the
4 defendants have a duty to warn of the danger. If a
5 condition is open and obvious, the defendants do not
6 have a duty to warn of the danger unless the
7 circumstances are such that the defendants should have
8 anticipated the harm that could result even to one to
9 whom the danger would have been obvious.

10 If you find that the condition was open and

11 obvious, and that the circumstances were such that the
12 defendants would not have anticipated the harm to the
13 plaintiff, then you must find for the defendants.

14 If, however, you find that the condition was not
15 open and obvious, or if you find that it was open and
16 obvious, but circumstances were such that the
17 defendants should have anticipated the harm, then you
18 must go on to decide whether the defendants warned the
19 plaintiff of the danger of harm.

20 Now, a maritime defendant has a duty to warn
21 passengers regarding the presence of conditions on
22 board a ship that are dangerous and that otherwise
23 would not be known or appreciated by passengers. This
24 duty of care requires the defendants to act reasonably
25 in light of all the circumstances presented, including

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1 the risk of injury.

2 what is reasonable care will depend on the
3 circumstances and may be greater in some cases and
4 lesser in others. The more the circumstances of injury
5 involve risks peculiar to maritime activity as opposed
6 to risks that can be encountered in daily life, the
7 higher the degree of care must be in order to be found
8 to be reasonable care.

9 Also, the degree of care required by the
10 reasonable care standard varies with the level of risk
11 in the particular situation. The greater the risk of
12 harm, the greater the required level of care.
13 Therefore, you must examine the circumstances of the
14 charter sail and the plaintiff's injury and decide

15 whether or not the defendants acted in a reasonably
16 prudent way in light of all those circumstances and the
17 level of risk presented and, specifically, whether the
18 defendants warned the plaintiff regarding the danger of
19 harm.

20 Now, if you decide that the defendants did not
21 owe a duty to the plaintiff to warn her of the danger
22 posed by the turning block or that the defendants
23 warned her of the danger, then your deliberations are
24 over and you must return a verdict for the defendants.
25 However, if you decide that the defendants did act

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1 negligently by failing to warn of the danger, then you
2 must decide whether that negligence was what the law
3 refers to as the proximate cause of the plaintiff's
4 injuries.

5 Negligence is the proximate cause of an injury
6 if it appears from the evidence in the case that the
7 conduct alleged to be negligent, here the failure of
8 the defendants to warn the charter passengers about the
9 turning blocks and to keep their hands clear of them,
10 was a substantial factor in causing the injury and that
11 the injury was a direct result or a reasonably probable
12 consequence of the negligence.

13 If you find that the defendants were negligent
14 and that their negligence was a substantial factor in
15 causing the injury, or that the injury was a direct
16 result or a reasonably probable consequence of the
17 negligence, then your verdict must be for the
18 plaintiff, and you must determine what amount of

19 damages the plaintiff is entitled to as compensation
20 for her injuries.

21 Now, if you find that the defendants had a duty
22 to warn the plaintiff about the turning block and that
23 the defendants failed to do so and, further, that the
24 defendants failure to warn was the proximate cause of
25 the plaintiff's injury, then the next question that you

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1 must answer is whether the plaintiff's own conduct
2 contributed to her injury. This is what is sometimes
3 referred to as comparative negligence or contributory
4 negligence.

5 The defendants here claim that the plaintiff's
6 harm was caused in whole or in part by her own
7 negligence. A passenger on a vessel has a duty to use
8 the care that a reasonably prudent person would use
9 under the circumstances. Therefore, to sustain their
10 claim that the plaintiff was comparatively negligent,
11 the defendants must prove by a preponderance of the
12 evidence that the plaintiff failed to exercise the
13 amount of care that a reasonably prudent passenger
14 would under the circumstances and that such a failure
15 was a factor in bringing about her injuries.

16 Now, if you find by a preponderance of the
17 evidence that the defendants were negligent and that
18 their negligence was a factor in causing the
19 plaintiff's injuries, and you find by a preponderance
20 of the evidence that the plaintiff was negligent and
21 that her negligence was a factor in causing her own
22 injuries, then you must determine what percentage of

23 fault is attributable to the defendants and what
24 percentage of fault is attributable to the plaintiff.
25 You will then report these percentages on the verdict

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1 form that I'm going to give you to take with you into
2 the jury room, and they must total 100 percent. You're
3 not to make any reductions in the amount of damages
4 that you award to the plaintiff. I will decrease the
5 amount of damages you have found, if any, by the
6 percentage by which you find her negligence contributed
7 to her own injuries.

8 Now I'm going to instruct you on damages in the
9 event you reach that issue. Now, because this is the
10 only time that I have to give you instructions on the
11 law, I do need to explain to you the law that you will
12 apply with respect to the issue of damages even though
13 I do not know whether you will find the defendants
14 liable at all.

15 The fact that I am instructing you on the issue
16 of damages, or, for that matter, instructing on
17 contributory or comparative negligence and the fact
18 that evidence was received in this case on the issue of
19 damages does not indicate any view by me that you
20 should or should not find in favor of the plaintiff on
21 the issue of whether the defendants were negligent and,
22 therefore, liable, but I need to give you these
23 instructions now so that you will have them if you
24 reach the issue of damages.

25 Now, a plaintiff bears the burden of proof to

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1 show the existence and the amount of her damages by a
2 preponderance of the evidence. This does not mean that
3 she must prove the precise amount of her damages to a
4 mathematical certainty. It means that she must satisfy
5 you as to the amount of damages that is fair, just and
6 reasonable under all of the circumstances. Damages
7 must not be enlarged so as to constitute either a gift
8 or a windfall to a plaintiff or a punishment or penalty
9 to defendants. The only purpose of damages is to award
10 reasonable compensation. You must not award
11 speculative damages, that is, damages for future losses
12 that, although they may be possible, are unlikely to
13 occur. If you should award damages, they will not be
14 subject to federal or state income taxes, and you
15 should, therefore, not consider taxes in determining
16 the amount of damages.

17 Now, the first category of damages is reasonable
18 medical expenses. You may award plaintiff a sum to
19 compensate her for the cost of any medical care that
20 she has received and that was reasonable and necessary
21 to treat her hand injury.

22 The second category of damages is lost wages and
23 earning power. You may award the plaintiff a sum to
24 compensate her for any earnings that she has lost from
25 the time of the incident to the present, and any loss

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1 of earning power that you find from the evidence she
2 will probably suffer in the future as a result of the

3 defendant's negligence.

4 In determining the amount of future loss, you
5 should compare what the plaintiff's health, physical
6 ability and earning power were before the accident with
7 what they are now; the nature and severity of her
8 injuries; the expected duration of her injuries; and
9 the extent to which her condition may improve or
10 deteriorate in the future. The objective is to
11 determine the injury's effect, if any, on future
12 earning capacity and the present value of any loss of
13 future earning power that you find the plaintiff will
14 probably suffer in the future.

15 In that connection, you should consider the
16 plaintiff's work life expectancy, taking into account
17 her occupation, her habits, her past health record, her
18 state of health at the time of the accident, and her
19 employment history.

20 work life expectancy is that period of time that
21 you expect the plaintiff would have continued to work
22 given her age, her health, her occupation and
23 education.

24 where a plaintiff claims lost future earnings,
25 the plaintiff has a duty to mitigate her losses. If

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1 you should find that the evidence establishes a
2 reasonable likelihood of a loss of future earnings, you
3 will then have to reduce this amount, whatever it may
4 be, to its present worth. The reason for this is that
5 a sum of money that is received today is worth more
6 than the same amount of money paid out in installments

7 over a period of time since a lump sum today, such as
8 any amount you might award in your verdict, can be
9 invested and earn interest in the years ahead.

10 You have heard testimony concerning the
11 likelihood of future inflation and what rate of
12 interest any lump sum could return. In determining the
13 present lump sum value of any future earnings you
14 conclude the plaintiff has lost, you should consider
15 only a rate of interest based on the best and safest
16 investments and not on the general stock market, and
17 you may set off against it any reasonable rate of
18 inflation.

19 The third category of damage is pain and
20 suffering and mental anguish. You may award a sum to
21 compensate a plaintiff reasonably for any pain,
22 suffering and mental anguish and loss of enjoyment of
23 life that you find the defendants' negligence has
24 caused her to suffer and will probably cause her to
25 suffer in the future. Even though it is obviously

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1 difficult to establish a standard of measurement for
2 these damages, the difficulty is not grounds for
3 denying a recovery on this element of damages. You
4 must, therefore, make the best and most reasonable
5 estimate that you can, not from a personal point of
6 view, but from a fair and impartial point of view,
7 attempting to come to a conclusion that will be fair
8 and just to all of the parties.

9 Now, the final element of possible damages that
10 may be awarded upon the finding for the plaintiff here

11 is called prejudgment interest. Such an award is
12 within your sole discretion as the triers of fact in
13 this case. The purpose of prejudgment interest is to
14 make the plaintiff fully whole or compensated. As you
15 know, the incident that is at issue in this case
16 occurred on August 21, 2004. If you should find for
17 the plaintiff, you may decide that the plaintiff has
18 not had the benefit of any money you award for loss of
19 earnings up to the date of the trial and so has not
20 been able to earn interest on it. You may, in your
21 discretion, award prejudgment interest from the date of
22 the interest of past lost earnings, medical expenses
23 and pain and suffering. The rate of interest you apply
24 may range up to, but not exceed, the maximum legal rate
25 of 12 percent.

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1 Now, when you begin your deliberations, you
2 should elect one member of your group to serve as the
3 foreperson of the jury. The foreperson will preside
4 over your deliberations and speak for you here in
5 court. You will then discuss the case with your fellow
6 jurors to reach an agreement if you can do so. Your
7 verdict must be unanimous. Each of you must decide the
8 case for yourself, but you should do so only after you
9 have considered all of the evidence, discussed it fully
10 with your fellow jurors, and listened to the views of
11 your fellow jurors. Do not be afraid to change your
12 opinion if during the course of the deliberations the
13 discussion persuades you that you should. On the other
14 hand, do not come to a decision simply because other

15 jurors think it is right.

16 Now, if for some reason it becomes necessary
17 during your deliberations to communicate with me, you
18 may send me a note through the marshal signed by the
19 foreperson. No member of the jury should ever attempt
20 to contact me except by a signed writing, and I will
21 communicate with any member of the jury on anything
22 concerning this case only in writing and only here in
23 open court.

24 Now, sometimes during deliberations jurors want
25 to hear testimony read back. Keep in mind that this is

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1 a -- while it is possible, it's a time-consuming and
2 difficult process; and generally, in a relatively short
3 trial such as this one, your collective memories should
4 be sufficient with respect to any questions about the
5 evidence. But if for some reason you feel that you
6 need to have testimony read back, then you need to
7 consider your request very carefully, and you need to
8 be as precise as possible with respect to what you wish
9 to hear.

10 Now, I have prepared a verdict form in this case
11 for you to use during your deliberations, and you will
12 see that the verdict form contains a series of
13 questions, eight questions. It is fairly
14 straightforward, and it tracks the instructions that I
15 have given you. I'm going to walk through the verdict
16 form with you and make sure that you understand the
17 instructions on it.

18 First question is: Was the turning block a

19 dangerous condition, which was open and obvious to a
20 reasonable person with the plaintiff's skill, education
21 and experience?

22 You may answer that yes or no. If you answer it
23 yes, you go to question two. If you answer it no, you
24 skip question two and go to question three.

25 Question two then reads: If you answered yes to

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1 question one, were the circumstances such that the
2 defendants had a duty to warn about the danger?

3 Again, yes or no. If you answer yes, you go on
4 to question three. If you answer no, you stop.

5 Question three asks: If you answered no to
6 question one or yes to question two, did the defendants
7 warn the plaintiff about the dangerous condition?

8 Again, yes or no.

9 If you answer yes to that question, then you
10 stop. If you answer no to that question, then you go
11 to question four.

12 Question four asks: If you answered no to
13 question three, was the defendant's failure to warn the
14 proximate cause of the plaintiff's injury?

15 Again, yes or no. If yes, you go on to question
16 five. If the answer is no, you stop.

17 Number five asks: If you answered yes to
18 question four, did the plaintiff's conduct contribute
19 to her injury?

20 Again, yes or no. And if yes, you go on to
21 question six. If no, you go on to question seven.

22 So if you answer question six, that is you

23 answered yes to question five, then what percentage of
24 damages is attributable to the plaintiff's and the
25 defendant's negligence?

24

1 And if you're on this question, you'll see a
2 percentage for a plaintiff and a percentage for
3 defendant. Those numbers must add up to 100 percent.

4 And then you get to question seven. It lists
5 the various categories of damages I just instructed you
6 on. And question eight asks you a question with
7 respect to prejudgment earnings.

8 The reason I'm walking through this form with
9 you is I want to point out to you to pay very careful
10 attention to the instructions. If you answer the
11 questions and then it says stop, then stop. Okay? If
12 not, then go on to where it tells you to go on. This
13 is the foreperson's responsibility to make sure you're
14 filling this form out correctly. All right? I don't
15 want to have to get a form back from you that doesn't
16 follow directions and then figure out how to send you
17 back into the room to fix that. All right?

18 So ladies and gentlemen, after you've reached a
19 unanimous agreement on the verdict, then, as I think I
20 said, the foreperson will fill this out, date it and
21 sign it, and then advise the Court that you're ready to
22 return to the courtroom with your verdict.

23 All right. That completes my instructions to
24 you.

25