

1 should not penalize an attorney or, more importantly,
2 his client for objecting. It's the attorney's right
3 and duty to protect the client's interest by objecting
4 to a question that they believe is not in conformance
5 with or satisfies the Rules of Evidence. So if I
6 sustained the objection, then it's important that you
7 not speculate as to what the answer to the objected to
8 question may have been. By sustaining the objection,
9 I've held that the evidence should not be considered.

10 Now, no bias in favor of any person or cause or
11 corporation, nor prejudice against any person or cause
12 or corporation, nor sympathy of any kind whatsoever
13 should be permitted to influence you during the course
14 of your deliberations. All that any party here is
15 entitled to, or for that matter expects from you, is a
16 verdict that is based on your scrupulous and
17 conscientious examination of the evidence that is
18 before you and the application of the law as I have
19 just explained it to you.

20 Now, in order to return a verdict in this case ,
21 all ten of you must agree -- eight I should say, eight
22 of you must agree. If there were ten, we'd have a
23 problem -- must agree as to what the verdict will be.
24 So there are two things that I want you to keep in mind
25 during the course of your deliberations.

1 On one hand, you should listen carefully as to
2 what your fellow jurors have to say and be open-minded
3 enough to change your opinion if you become convinced
4 that your opinion was incorrect.

5 On the other hand, you must recognize that each
6 of you have an individual responsibility to vote for
7 the verdict that you believe is the correct one based
8 on the evidence that has been presented and the law as
9 I explained it.

10 Accordingly, you should have the courage to
11 stick to you opinion even though some or all of the
12 other jurors disagree as long as you have listened to
13 their views with an open mind.

14 Now, when you begin your deliberations, I want
15 you to elect one member of your group of the jury to be
16 your foreperson. The foreperson will preside over your
17 deliberations and will speak for you here in court.
18 You will then discuss the case with your fellow jurors
19 and reach an agreement, if you can do so. Your verdict
20 must be unanimous, as I've stated. Each of you must
21 decide the case for yourself, but you should do so only
22 after you've considered all the evidence, discussed it
23 fully with your fellow jurors and listened to the
24 views of your fellow jurors. Do not be afraid to
25 change your opinion if during the course of the

1 deliberations the discussion persuades you that you
2 should do so. Do not come to a decision simply because
3 other jurors think it is right.

4 Now, if for any reason it becomes necessary
5 during the course of your deliberations to communicate
6 with me, you may send a note through the marshall
7 signed by the foreperson. No member of the jury should
8 ever attempt to contact me except by a signed writing,
9 and I will communicate with any member of the jury on
10 anything concerning this case only in writing or here
11 in open court.

12 Now, this has been a short trial, and I want you
13 to keep in mind that if any reference by counsel to any
14 matters of evidence does not coincide with your
15 recollection, it's your recollection that controls
16 during deliberations. Now, occasionally, jurors will
17 want to rehear testimony, but in a very short trial
18 like this your collective recollections should be
19 sufficient for you to deliberate effectively. If for
20 some reason you do want to rehear testimony, just
21 understand that can be a cumbersome process and you
22 need to consider your request very carefully.

23 Now, a verdict form has been prepared for you.
24 And that verdict includes a single question, which is:
25 Did uninsured motorist coverage exist for Vito Vitone's