

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

SUZANNE E. MALEC MC KENNA,)
Executor and Personal)
Representative of the Estate)
of MICHAEL R. MALEC MC)
KENNA, Deceased, et al.,) No. 15-L-12124
)
Plaintiff,) Consolidated
) 2016-L-000159
vs.) 2016-L-000160
) 2016-L-000161

ALLIED BARTON SECURITY
SERVICES, et al.,

Defendants.

TRIAL
November 20th, 2017
12:30 P.M.

REPORT OF PROCEEDINGS had and testimony taken
at the trial of the above-entitled cause, taken before
the Honorable JOAN E. POWELL, Judge of said Court,
taken at the Daley Center, Chicago, Illinois,
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State of Illinois.

1 PRESENT:
 2
 3 POWERS, ROGERS & SMITH, by
 4 MR. JOSEPH POWERS
 5 MR. LARRY R. ROGERS, JR.
 6 70 West Madison Street
 7 Suite 5500
 8 Chicago, IL 60602
 9 appeared on behalf of the Plaintiffs
 10 McKenna, Hoover & Leib.
 11
 12 TOMASIK, KOTIN & KASSERMAN, LLC, by
 13 MR. DANIEL M. KOTIN
 14 161 North Clark Street
 15 Suite 3050
 16 Chicago, IL 60601
 17 appeared on behalf of the Plaintiff
 18 Paul Goodson.
 19
 20 PATTON & RYAN, LLC, by
 21 MR. JOHN W. PATTON, JR.
 22 MR. PAUL MOTZ
 23 MR. DAVID RYAN
 24 MS. KATHRYN VAUGHAN
 330 North Wabash
 Suite 3800
 Chicago, IL 60611
 appeared on behalf of the Defendants.

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1 Gossett. Okay. Come in and have a seat right
 2 there.
 3 Okay. I realize I've only got a
 4 questionnaire and the back of your Summons to go on.
 5 But on the questionnaire --
 6 MR. GOSSETT: Sorry for the handwriting.
 7 THE COURT: That's okay. I'm trying to find the
 8 part about PTSD.
 9 MR. PATTON: It's on the other side, your Honor.
 10 THE COURT: Okay.
 11 BY THE COURT:
 12 Q Have you or anyone close to you ever suffered
 13 from post-traumatic stress disorder or any other stress
 14 or anxiety-related condition and you marked yes to
 15 both.
 16 A Yes.
 17 Q Okay. This case is, as you can imagine,
 18 because there's shooting and killing and injuring,
 19 we've got part of a 911 tape. We've got some tough
 20 stuff we're going to be putting on in the case that's
 21 necessary. And first of all, we're not doctors, we're
 22 lawyers, but we do no harm to the jurors, okay?
 23 A Sure.
 24 Q So when somebody tells us that, I need to

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1 THE COURT: Okay. This is what we're going to do.
 2 The attorneys have had a chance to read
 3 over the questionnaire, so they have answered a lot of
 4 the questions. And rather than just start with the
 5 oral questions right away, I think what we'll do is
 6 follow up with a couple of you on some of your answers
 7 to the written questions. We'll still come back and do
 8 the oral questioning, but at least we will have covered
 9 that in private.
 10 What we're going to do, the attorneys, if
 11 we cram into my chambers it's going to be really
 12 crowded. So there's an empty courtroom next door, so
 13 I'm going to use that courtroom.
 14 We're going to set up and we'll follow up
 15 with some of the questionnaire answers there, and then
 16 come back and do the oral questioning.
 17 Having said all that, while we're doing
 18 that, if you need to stand up and stretch or use the
 19 washrooms to get some water, do that. Don't disappear,
 20 because I don't know how fast this is going to be. It
 21 might be pretty quick.
 22 Okay. I'll go in with the attorneys.
 23 Deputy, I'll let you know which person to call.
 24 Okay. Who is the first one? Christopher

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1 know a little bit of information what you feel
 2 comfortable telling me in terms of your ability to
 3 handle some of that or what it could trigger.
 4 A Sure. My answer to that question was
 5 truthful.
 6 Number one, I have been going through like
 7 a lot of panic attack and anxiety issues for the past,
 8 really the past year and-a-half two years. I just
 9 started getting treated for it a few months ago.
 10 So I myself have anxiety and panic attack
 11 issues. I wouldn't expect that discussion of this
 12 content matter would be necessarily a trigger moreover
 13 being around all these people, and kind of the social
 14 element is more of a trigger for me.
 15 The second piece is my sister-in-law has
 16 been dealing with PTSD for several years. So you said
 17 anybody close to me or somebody it said in the form.
 18 Q Sure. It's on the form, right.
 19 A So those were the two reasons I answered
 20 affirmative to that question.
 21 Q Okay. Have you ever served as a juror
 22 before?
 23 A Never.
 24 Q Okay. So if you got picked as a juror, you

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1 would be with the other jurors and alternates. We have
2 two alternates in this case.
3 A Mm-hmm.
4 Q Throughout the course of the trial, taking
5 breaks, you know, sitting in those seats that you're
6 in, taking breaks in the jury room. Is that going to
7 have any impact on your --
8 A My concern is if I had an episode or a panic
9 attack, I think it would be quite disruptive to the
10 Court. Typically, when that happens it's take
11 medication wait half-an-hour and kind of I'm sitting
12 here doing one of these. (Indicating.)
13 Q Okay.
14 A I don't know if that's cause for me not to
15 serve.
16 Q I'm trying to find out what a panic attack
17 entails. Is it too embarrassing for you? Is it
18 lengthy? I mean if it's just too much for you, let me
19 know. If you think you can handle it if it only comes
20 in frequently. Let me know.
21 A It's several times a week, and I have had to
22 walk out of client meetings and leave the office and
23 it's been visible.
24 Q Okay. Mr. Gossett, okay. Thank you for your

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1 candor. I'm going to let you go back into that other
2 courtroom.
3 A Okay.
4 Q And we'll let you know. But I appreciate it.
5 I hope this isn't too much of an invasion of your
6 privacy, but you see why I need to ask.
7 A I understand.
8 Q Okay, thanks. I'll walk you back over there.
9 MR. MOTZ: Your Honor, Mr. Gossett indicated that
10 he had knowledge about the shooting.
11 THE COURT: Oh. Yes, that's right. You're right.
12 MR. GOSSETT: Yes. If I am not mistaken, this was
13 somebody walking into a law firm and shooting a number
14 of people, a former employee or something like that?
15 THE COURT: Yes.
16 MR. GOSSETT: I think I know the case. I was at a
17 law firm a block or two away when that occurred, and my
18 then boss, now partner, was made aware of what was
19 going on and stay there kind of a thing. So I saw the
20 emergency responders come and that kind of thing. I
21 didn't know any of the people. I didn't work for that
22 firm. But I am familiar with I think what the case in
23 question is.
24 THE COURT: Okay. And it wasn't an employer. I

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1 just wanted to correct that. He didn't shoot an
2 employer, but just -- so you've got a pretty good
3 memory of that, but it's also because you were right
4 downtown as it was happening and heard about it
5 probably as it was happening, or shortly thereafter.
6 MR. GOSSETT: It was kind of like stay with the
7 client until things are stable.
8 THE COURT: Okay. Anybody have any questions?
9 No? Okay.
10 MR. POWERS: Well, I think there will be testimony
11 in this case about people who experience and are
12 experiencing post-trauma. I don't know if that's
13 something that will affect you, because that's an issue
14 for at least one person in this case.
15 MR. GOSSETT: Listening to somebody else talk
16 about post-traumatic stress disorder is not going to
17 trigger me more than the social element of being on a
18 jury and that kind of thing.
19 MR. POWERS: I think we don't want it to be a
20 situation where it will trigger an event. Is there a
21 concern on your part that that could happen?
22 MR. GOSSETT: I think there is a concern that I
23 would have a panic attack, not as a result of the
24 testimony, but I experience it as a result of the

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1 process, which I would potentially be asking for
2 permission to take a break for a period and would be
3 disruptive.
4 MR. POWERS: Thank you, sir.
5 THE COURT: Thank you.
6 Who's the next person?
7 Okay. This is Ozairuddin Ahmed.
8 BY THE COURT:
9 Q You stepped up right before the lunch break
10 and you were explaining that you have -- you tell me,
11 because I can't remember exactly what it was.
12 A Well, I just mentioned that I'm a student
13 right now and I do have classes Tuesdays and Thursdays
14 from afternoon to about 5:00. That's not a concern
15 because I can speak to my teachers about that I have to
16 fulfill my duty. But I do have a final exam on Tuesday
17 after the Thanksgiving break and as well as the first
18 week of December.
19 Q Okay. Are you in graduate school? I didn't
20 read all of it.
21 A No, I'm still undergrad.
22 Q Undergrad. Okay. All right.
23 You already told me a lot, but I'm also
24 going to follow up, because the attorneys have had a

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1 chance over lunch to read through the questionnaires.
 2 A Okay.
 3 Q And you know a tiny bit about this case just
 4 from what I told you in the statement, right?
 5 A Right, correct.
 6 Q There's going to be some tough stuff that
 7 comes through in this trial and you've marked that you
 8 or a -- that you have suffered post-traumatic stress
 9 disorder or some kind of stress anxiety disorder?
 10 A Right, right.
 11 Q The first thing that we want to do is never
 12 cause any harm to our jurors, you know?
 13 A Right. When I did circle that I didn't know
 14 like there's no like level of severity that I could
 15 also include in that. It was just something in the
 16 past. It wasn't anything that serious.
 17 Q Okay.
 18 A But I did seek help from a psychologist for
 19 about a year.
 20 Q Okay.
 21 A But that was about it.
 22 Q Okay. I think I'm going to end up letting
 23 you go take your exams anyway.
 24 A Okay.

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1 A Yes. I'll try to understand, but I really
 2 don't. So I'm trying to do everything you say
 3 something, so I don't understand.
 4 Q Okay. Let me ask you a few questions.
 5 A Sure.
 6 Q What do you do for a living?
 7 A I work in Bolingbrook.
 8 Q In a boiler room?
 9 A Bolingbrook.
 10 Q In Bolingbrook. And what do you do?
 11 A A welding company. I'm a machine operator.
 12 Q Okay.
 13 A So I've been working there two years.
 14 Q Okay. Your first language is Spanish, right?
 15 A Espanol.
 16 Q Okay. How long have you been in Chicago?
 17 A In Chicago, just three years.
 18 Q And in the United States?
 19 A 15.
 20 Q Okay.
 21 A But I don't feel comfortable to listen you
 22 about what you say.
 23 Q Did you feel like you understood most of my
 24 questions this morning?

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1 Q But I'm going to ask you to go sit back out
 2 there until I formally excuse you, just because I'm
 3 still in this process.
 4 A Right.
 5 Q But just so I'm understanding, even though
 6 you marked on question 16 a yes, aside from your school
 7 and your exams and things like that, the effect of
 8 listening to some tough stuff at a trial and a 911 tape
 9 and hearing some rough testimony, that you would be
 10 able to handle that?
 11 A Outside of school?
 12 Q Yes.
 13 A Yes.
 14 Q Okay. I'm going to show you back.
 15 THE COURT: Anybody have any follow-up questions?
 16 MR. POWERS: No.
 17 BY THE COURT:
 18 Q Have a seat. We just want to ask you some
 19 followup questions.
 20 A Right here?
 21 Q Yes. Good afternoon. This is Jorge
 22 Peralta-Miranda. There's a hyphen in there. Okay.
 23 And you wrote on the bottom of this I
 24 don't speak English.

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1 A Yes. I was trying to understand, but I
 2 can't. So that's what I talked to the guy.
 3 Q Yes. The Deputy. He speaks Spanish. Okay.
 4 It's not a complicated trial. There's not
 5 a lot of complicated testimony, but it's kind of a long
 6 trial, and there are a lot of attorneys who are going
 7 to be speaking and a lot of witnesses who are going to
 8 be speaking. And I don't have control. You know,
 9 witnesses, I don't know, so I don't have control over
 10 how quickly they speak or how loudly they speak or how
 11 clearly they speak.
 12 You're under oath. You're telling me you
 13 don't understand English well. Are you going to be
 14 able to keep up with this trial if you get picked as a
 15 juror?
 16 A I don't think so.
 17 Q You don't think so. I'm going to let the
 18 attorneys ask you some followup questions if they have
 19 any.
 20 MR. MOTZ: I don't have any questions.
 21 THE COURT: Okay. I'm going to ask you to have a
 22 seat back where you were sitting, because we're calling
 23 in people one-by-one that we have questions about.
 24 I'll show you how to get back over there.

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1 MR. MOTZ: Your Honor, are we doing the close
2 family members that have it, close friends, or just the
3 people that have it?
4 MR. POWERS: The people that have it. Everybody
5 knows somebody that have some kind of issues.
6 MR. MOTZ: I'm just clarifying.
7 THE COURT: Allison Thompson.
8 BY THE COURT:
9 Q Okay. You go to Minneapolis Monday through
10 Thursday. You're a management consultant. You have a
11 team. You have to talk to the team members to see if
12 they could possibly meet with your client without you
13 that was a little bit left in the air, right?
14 A I'm supposed to be leading training sessions
15 for the next two weeks after Thanksgiving.
16 Q Okay.
17 A So that's not something my team members can
18 do without me. When you said December 12th, that was
19 where the red flags went up for me.
20 I've served on a jury before and it was a
21 day and-a-half trial. Something over the next day
22 and-a-half, I feel like I could probably get coverage
23 for, but for the duration of the trial, from what you
24 said, that would be impossible to be covered.

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1 Q Okay. And I did put it out a little bit
2 longer than the attorneys think. Is it the 12th, or is
3 it that whole week?
4 A It's the whole two weeks following
5 Thanksgiving.
6 Q The whole two weeks.
7 A I'm supposed to be leading training sessions.
8 And I know this is a confidential space, and my client
9 is General Mills, and so I have to be leading training
10 sessions for that company.
11 THE COURT: Okay. Anybody else have any
12 follow-ups?
13 MR. POWERS: Your Honor, I think there's a PTSD
14 issue as well.
15 THE COURT: I didn't see it. Okay. That's right.
16 BY THE COURT:
17 Q So the attorneys have had a chance to study
18 these over lunch. And you marked yes both on the PTSD
19 or anxiety or stress-related condition. Let me just
20 follow up with you on that since you already know from
21 that little snippet that we told you in the statement
22 of facts, this is going to be a tough case.
23 A Yes.
24 Q There's going to be some tough testimony and

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1 some 911 tapes. And the last thing anybody wants to do
2 here is cause any of the jurors any kind of problems.
3 A Yes. So I suffer from anxiety. I'm
4 currently going through marriage counseling and I'm in
5 the process of potentially ending my marriage right
6 now. So I see both an individual therapist and a
7 marital therapist for that because I suffer from
8 anxiety from that.
9 The both was from my husband's cousin was
10 a former mar reason who served in Fallujah and does
11 suffer from PTSD.
12 Q I'm sorry you're going through so much.
13 A Thank you.
14 Q That's got to be tough. You've got a lot
15 going on.
16 A Yes, there's a lot going on.
17 Q So it's not necessarily the testimony that
18 would be tough that would trigger something, it's just
19 everything else going on in your life?
20 A Yes. I have a lot to balance right now.
21 THE COURT: Okay. Anybody have any follow-up
22 questions?
23 MR. POWERS: Miss Thompson, I take it with trying
24 to get coverage for work involves currently you're

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1 going through marital issues, as well as the anxiety
2 issues which you've told us about, it would be
3 difficult to concentrate on this particular case, given
4 all that's going on in your life as you mentioned.
5 MS. THOMPSON: Yes, that's correct.
6 THE COURT: Anything?
7 MR. MOTZ: No.
8 THE COURT: Okay. I'm going to walk you back over
9 there. I'm going to ask you to sit where you're
10 sitting back in the courtroom.
11 MS. THOMPSON: Okay.
12 BY THE COURT:
13 Q This is Mr. Horsman?
14 A Yes.
15 Q Mr. Horsman, I'm sorry your son has to
16 undergo surgery, and I didn't want to discuss it out
17 there in front of everybody. Tell me a little bit
18 about what's going on.
19 A Yes. So it's an undescended testicle
20 basically, so it wasn't all the way up in the stomach,
21 which was good the doctor found it a little bit lower.
22 So he has to basically do an incision and bring it down
23 and do that.
24 Q This is a baby?

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1 A Yes. He's 11 months right now.
2 Q Okay.
3 A So he's having the surgery on his birthday.
4 Q Oh.
5 A So we're doing the party that Saturday
6 before.
7 Q Okay. It was just that issue? Okay.
8 And the attorneys have had a chance to
9 study the questionnaires over lunch.
10 A Yes, your Honor.
11 Q And so they are pulling out and pulling to my
12 attention question 16, have you or anyone close to you
13 ever suffered from post-traumatic stress disorder or
14 any other stress or anxiety-related condition and you
15 put yes, someone close. So that's an issue in this
16 case, so --
17 A My mother. So my mother was both in the
18 marines, as well as abusive home, when she was a child.
19 So those were kind of the trauma and the stress.
20 Q Your mom is in the Marines?
21 A She was, yes. She's a veteran, yes.
22 Q Okay. So have you witnessed any
23 post-traumatic stress disorder behavior in your mom?
24 A I don't think so. It was a lot of stress,

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1 depression, suicidal things when I was younger. So
2 that was kind of just with things that have happened to
3 her. So again, I don't know if that means it's PTSD,
4 but yes.
5 Q Okay. I'm going to let the attorneys follow
6 up with any questions.
7 BY MR. MOTZ:
8 Q I've got a few questions. First talking
9 about your son, you said the surgery is on the 4th?
10 A Yes.
11 Q Is that going to be a morning procedure?
12 A 7:00 A.M. right now. That's when we're
13 supposed to show up.
14 Q And I'm going to ask that you want to be
15 there for your son?
16 A That is 100 percent correct, yes.
17 Q And if you weren't there, you would obviously
18 be focusing on whatever is going on with your son,
19 looking at your phone, paying attention to that on that
20 day?
21 A Yes, yes, I would be.
22 Q Just because of that, since this trial is
23 looking like it will go until well past the 4th and
24 probably into the following week or week and-a-half,

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1 this is probably not the best jury for you, given the
2 scheduling issue with your son's surgical procedure?
3 A Is that a question or a statement?
4 Q That's a question.
5 A Okay.
6 Q Do you agree with that?
7 A Yeah, I would say so unless I'm not allowed
8 to miss a day, right? You can't --
9 THE COURT: I can't have somebody miss a day of
10 testimony and come back because you can't talk among
11 the other jurors.
12 MR. HORSMAN: Correct. Then yes, I would agree
13 with that statement.
14 MR. MOTZ: I don't have anything other.
15 MR. POWERS: Mr. Nelson, were you able to check to
16 see if this was the same Mr. Nelson?
17 MR. HORSMAN: I'm not. I never was asked to.
18 THE COURT: He works at a factory. He was about
19 50 something and it's not the same guy it sounds like.
20 MR. MOTZ: Mr. Nelson is a police officer.
21 MR. HORSMAN: Yes. Then it's definitely not the
22 same gentleman. He goes to our church.
23 THE COURT: Okay. I'm going to walk you back
24 over. I'm going to ask you to sit where you were

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1 sitting.
2 MR. HORSMAN: Thank you, your Honor.
3 THE COURT: Anybody else, guys?
4 MR. MOTZ: Juror number 1 did not fill out the
5 PTSD question. If we can just ask him the question?
6 THE COURT: Okay.
7 MR. POWERS: I think anybody who has the PTSD, we
8 are going to lose them as jurors.
9 THE COURT: Okay. So I've got Allison Thompson,
10 I've got Horsman, I've got Peralta-Miranda for language
11 and --
12 MR. POWERS: Thompson.
13 THE COURT: Thompson is the lady. Yes, I got her.
14 MR. MOTZ: Gossett.
15 MR. POWERS: Gossett.
16 MR. MOTZ: I think it's five.
17 MR. POWERS: Gossett.
18 MR. MOTZ: Did you say Ahmed?
19 MR. POWERS: Yes. Ahmed too.
20 THE COURT: Ahmed and Christopher Gossett. That's
21 five people.
22 MR. POWERS: Yes.
23 THE COURT: Anybody strenuously opposing this? I
24 was going to let him go for cause.

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1 MR. POWERS: I think we're agreed.
 2 MR. MOTZ: We're agreed.
 3 THE COURT: I think I'll let them know right now,
 4 get them out of here. Let me pull the cards.
 5 We'll see how quickly the rest of them can
 6 come up with -- okay.
 7 Okay. So I will excuse these people and
 8 then we'll start the oral questioning, right?
 9 MR. POWERS: Yes.
 10 THE COURT: Thank you, guys.
 11 Mr. Ozairuddin, Mr. Christopher Gossett
 12 and Mr. Peralta-Miranda, thank you so much. You're
 13 being excused from serving on this jury. You'll need
 14 to see the Sheriff's Deputy in the hallway.
 15 Okay. I'm going to ask you some quick
 16 questions here, folks. And then the attorneys are
 17 going to ask you follow-up questions. Okay?
 18 BY THE COURT:
 19 Q Mr. James Lavan?
 20 A Yes.
 21 Q You're a recruiter for Guaranteed Rate?
 22 A Yes.
 23 Q What is that?
 24 A It's a mortgage company.

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1 Q A mortgage company. Okay. Have you ever
 2 been a party to a lawsuit?
 3 A No. A class action.
 4 Q Just a class action. Okay.
 5 Is there anything about that experience
 6 that would prevent you from being fair and impartial
 7 and listening to the facts of this case?
 8 A No.
 9 Q Have you had any legal training?
 10 A Just I was a paralegal.
 11 Q Oh, okay. For a firm downtown or where?
 12 A Yes. The one that I can remember is at Schad
 13 & Diamond.
 14 Q What kind of cases did they do?
 15 A Class action.
 16 Q Can you put aside anything you learned about
 17 other attorneys sitting on a jury, judges, anything you
 18 might have heard in that office and give a fair shake
 19 to the people in this trial?
 20 A Yes.
 21 Q Okay. If you get picked as a juror in this
 22 case, will you wait until you've heard all of the
 23 evidence and the law that I read to you before you
 24 finally come to a conclusion?

Page 23

1 A Yes.
 2 Q Is there anything about yourself you need to
 3 tell us that would impact your ability to serve as a
 4 juror on this case if you're picked?
 5 A Not that I can think of.
 6 Q Okay. If you think of something, let us
 7 know. We've got the questionnaire which is why my
 8 questions are short, because the attorneys have had a
 9 chance to study them. But if there's anything you want
 10 to add or you can think of, just raise your hand and
 11 let me know.
 12 BY THE COURT:
 13 Q Diana Cornejo, is that right?
 14 A Yes.
 15 Q Okay. Good afternoon. Housing counselor for
 16 Cook County Housing Authority. Okay. Do you have any
 17 legal training?
 18 A No. I've taken a paralegal course. That's
 19 about it.
 20 Q Okay. Anybody close to you, your immediate
 21 family have any legal training?
 22 A My daughter is a paralegal.
 23 Q Who is?
 24 A My daughter.

Page 24

1 Q Okay. Who does she work for?
 2 A Allstate Insurance.
 3 Q Is there anything about her training and what
 4 she may discuss with you over dinner or lunch or
 5 anything that --
 6 A She doesn't discuss much of anything.
 7 Q She doesn't?
 8 A No.
 9 Q Okay. Can you be fair and impartial in
 10 listening to the facts of this case?
 11 A Yes.
 12 Q If you get picked as a juror, will you wait
 13 until you've heard all of the evidence until you
 14 finally come to a conclusion?
 15 A Yes.
 16 Q Have you ever been a party to a lawsuit? Did
 17 I ask you that?
 18 A Years ago I was in a motorcycle accident, but
 19 I was 17 years old. So I was young.
 20 Q That was just a couple years ago. Did that
 21 case go to trial?
 22 A No. I think it settled, and we were awarded
 23 a monetary amount.
 24 Q So you were injured in that accident?

Page 25

1 A Yes.

2 Q Is there anything about that experience that

3 would prevent you from being fair and listening to the

4 facts of this case?

5 A No. I was 17 years old. It was just a phone

6 call. I can't really recall any decision-making much

7 of anything. My parents took care of it.

8 Q Okay. Is there anything else about yourself

9 you think we ought to know that we may fail to ask you?

10 A No.

11 Q Okay.

12 BY THE COURT:

13 Q Justin Miranda, good afternoon, sir.

14 A Good afternoon.

15 Q You're a package handler for UPS. Okay.

16 Have you ever been a party to a lawsuit?

17 A Currently I'm filing a lawsuit because three

18 years ago I got ran over by a car. So the attorneys

19 are still fighting the case.

20 Q Okay.

21 A And nothing happened yet so far, but I think

22 it's going to go to a trial.

23 Q Who got ran over buy a car?

24 A I got run over buy a car.

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1 Q You got run over buy a car?

2 A To this day I really think it's going to go

3 to trial, because they didn't want to settle for an

4 amount of money that we offered, so I really think it's

5 going to trial.

6 Q Okay. And that happens sometimes. Some

7 cases settle, some cases go to trial.

8 A Yes.

9 Q So you're anticipating pursuing the matter in

10 court in trial is what you're telling me?

11 A Yes.

12 Q How long ago did that accident happen? I'm

13 sorry to hear that, by the way.

14 A Three years ago.

15 Q Okay.

16 A At my school.

17 Q Is there anything about that experience and

18 your experience with settlement negotiations and maybe

19 making a decision to pursue it at trial, is there

20 anything about your personal experience there that

21 would prevent you from being fair and impartial and

22 listening to the facts of this case?

23 A No.

24 Q Okay. If you get picked as a juror, will you

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1 wait until you've heard all of the evidence and the law

2 before you finally make up your mind?

3 A Yes.

4 Q Have you ever had any legal training?

5 A No.

6 Q Has anyone close to you close family member

7 had any legal training?

8 A No.

9 Q Is there anything else about yourself that

10 you think we ought to know that we may fail to ask you

11 if that would impact your ability to be fair in this

12 case?

13 A No.

14 Q Okay. Thanks.

15 BY THE COURT:

16 Q Deana Lewis, good afternoon.

17 A Hello.

18 Q You're a marketing manager for Northern

19 Press. Do you work right downtown here?

20 A Yes. Madison and Wells.

21 Q Okay. Have you ever been a party to a

22 lawsuit?

23 A No.

24 Q Have you had any legal training?

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1 A No.

2 Q Anybody in your close family had any legal

3 training?

4 A My best friend is an attorney for Jesse

5 White.

6 Q If you get picked as a juror in this case,

7 will you wait until you have heard all of the evidence

8 and the law that I give you before you finally make up

9 your mind?

10 A Yes.

11 Q Is there anything else about yourself and

12 your ability that would impact your ability to serve as

13 a juror in this case that you think we need to know

14 that we may fail to ask you?

15 A I would say one thing. Given that I work in

16 a large building, and from what I heard with this case,

17 if someone got past security, they weren't doing their

18 job. That would be hard for me, because this case

19 rings true to my personal environment.

20 Q Okay. And we're looking to see where people,

21 what their feelings are. So far you haven't heard any

22 evidence; you just heard the statement of the case.

23 A Yes.

24 Q This is a large building. A lot of us work

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1 in large buildings.
 2 I'm going to let the attorneys follow up
 3 with some questions to you. They'll probably want to
 4 explore that a little bit more, but you realize that
 5 your building may have different security, a different
 6 setup than the building at issue here?
 7 A Yes. I just want to be clear.
 8 Q Fair enough. I asked you and you told me.
 9 Thank you.
 10 BY THE COURT:
 11 Q Mr. Rodney Hatley?
 12 A Yes.
 13 Q Good afternoon, sir.
 14 A Good afternoon.
 15 Q You're in construction. Are you outside or
 16 inside construction?
 17 A Right now inside.
 18 Q Inside. Good. Okay.
 19 Have you ever been a party to a lawsuit?
 20 A Yes, for a car accident.
 21 Q How long ago was that?
 22 A '06.
 23 Q Did the case go all the way to a trial?
 24 A They settled. Then I went back after the

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1 insurance because they didn't pay for the medical.
 2 Q Okay. So it got prolonged. Did it ever come
 3 to a resolution? Is it over?
 4 A It's over. They ain't about to pay for it.
 5 Q So anything about that experience that would
 6 prevent you from being fair and impartial and listening
 7 to the facts of this case?
 8 A I guess not.
 9 Q You guess not? We talk like that, but that's
 10 a little message to the Court somebody is equivocating
 11 a little bit. Tell me why you chose to say I guess
 12 not?
 13 A Well, because like I said, I had to pay the
 14 difference. The insurance wouldn't pay.
 15 Q So you're still a little hot about it?
 16 A Well, I'm not hot about it, no. It was a
 17 couple years ago.
 18 Q Can you separate that since it's a totally
 19 different case and just listen to the evidence in this
 20 case?
 21 A Yes.
 22 Q If you get picked as a juror, will you wait
 23 until you've heard all of the evidence and the law
 24 before you finally make up your mind?

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1 A Yes.
 2 Q Have you had any legal training?
 3 A No.
 4 Q Anybody in your close family had any legal
 5 training?
 6 A No. My brother is a cop in Elgin.
 7 Q Is there anything you think that we may fail
 8 to ask you that's important for us to know about your
 9 serving as a juror?
 10 A Not that I can think of.
 11 Q Okay. If you think of something, let us
 12 know.
 13 A Okay.
 14 Q All right.
 15 BY THE COURT:
 16 Q Last name Duran, Tarsicio?
 17 A Tarsicio.
 18 Q Good afternoon, sir. You are in IT at
 19 Northwestern?
 20 A Yes.
 21 Q Have you ever been a party to a lawsuit?
 22 A No.
 23 Q Do you have any legal training?
 24 A No.

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1 Q Does anybody in your close family member had
 2 any legal training?
 3 A No.
 4 Q If you get picked as a juror in this case,
 5 will you wait until you've heard all of the evidence
 6 before you finally make up your mind?
 7 A Yes.
 8 Q I forgot to ask each of you, but I'm going to
 9 ask you collectively. I've already told you this at
 10 the very beginning that Illinois law is such that a
 11 corporate entity is to be treated just the same as an
 12 individual.
 13 Is there anyone here who thinks they
 14 cannot treat a corporate entity the same as an
 15 individual and vice versa, an individual treated the
 16 same as a corporation?
 17 Is there anything you think is important
 18 for us to know about you that we may fail to ask you?
 19 A When you asked about the any vacation or
 20 anything like that?
 21 Q Yes.
 22 A I don't have anything booked, but I was
 23 planning something.
 24 Q Okay. What were you planning?

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1 A A trip.
2 Q I know. When were you planning it?
3 A The 9th through the 17th.
4 Q Of December?
5 A Yes.
6 Q Okay.
7 A No tickets purchased.
8 Q Is it a vacation or business trip?
9 A Vacation.
10 Q Are you going with other people?
11 A My wife.
12 Q No tickets yet, but that's a time you've set
13 aside that you would like to travel?
14 A Yes.
15 Q Okay, I got it.
16 I'm going to let the attorneys ask the
17 questions at this point. Thanks.
18 MR. LAVAN: Your Honor, I have a question. I was
19 a party to a lawsuit. I didn't bring it up because it
20 settled out of court.
21 THE COURT: Okay.
22 MR. LAVAN: It was in the 1990's in Houston,
23 Texas.
24 THE COURT: Okay. What was the nature of the

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1 lawsuit, just generally?
2 MR. LAVAN: Someone broke into my room in Holiday
3 Inn.
4 THE COURT: Okay. Did that case -- you said it
5 settled out?
6 MR. LAVAN: Yes.
7 THE COURT: Okay. Is there anything about that
8 experience that would prevent you from being fair and
9 impartial in hearing the facts of this case?
10 MR. LAVAN: No.
11 THE COURT: Oh okay. Thank you, sir.
12 MR. POWERS: Just to follow up on that.
13 BY MR. POWERS:
14 Q Sir, when they broke in your room, were you
15 hurt?
16 A Yes.
17 Q Okay. So that was the -- of the lawsuit?
18 A Yes.
19 Q And it settled out of court to your
20 satisfaction?
21 A No, not really. Another employee that I
22 worked with, I was there on an assignment for a special
23 project, was in the room with me, and it was her
24 ex-boyfriend that either got a key or broke in and hit

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1 me over the head with a blackjack and beat me up pretty
2 good.
3 Q And when you say it didn't settle to your
4 satisfaction, you mean you weren't happy with the
5 amount of money you received? What was the issue?
6 A I wasn't satisfied with the money, but the
7 other employee received more. I was hurt the most I
8 think, but in fact, I didn't go and seek my own
9 representation. I was kind of on my part.
10 Q So you didn't hire a lawyer?
11 A No. We collectively were represented by an
12 attorney.
13 Q Okay. So the case settled, but you thought
14 you were hurt worse and the other person got more
15 money?
16 A Right.
17 Q Anything about that experience that you feel
18 you couldn't be fair and impartial to either side in
19 this case?
20 A No.
21 Q You could separate that?
22 A Yes.
23 Q Now, is that when you were talking about
24 being a witness in a criminal case, is that what you

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1 were talking about?
2 A Yes.
3 Q And it involved an accident where a person
4 was injured. Is that what you were referring to?
5 A Yes.
6 Q Now, I know that you checked the
7 questionnaire that you thought jury verdicts and
8 settlements were too high; is that correct?
9 A Yes, sometimes.
10 Q That's what I have to know about.
11 A Yes.
12 Q In this case there's a dispute here, as the
13 Court indicated, we filed a Complaint. They have
14 denied responsibility or negligence, and so that's for
15 a jury to determine.
16 And in this case if we prove our case and
17 prove that the plaintiffs are entitled to -- the
18 McKenna family are entitled to many millions of
19 dollars, could you sign such a verdict form if that was
20 justified under the law and the evidence?
21 A Yes.
22 Q Could you do that?
23 A Yes.
24 Q On the contrary, if we don't prove our case,

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1 you could sign a verdict form for the defendant?
 2 A Yes.
 3 Q Realizing, for everybody, we're not here for
 4 sympathy?
 5 A Right.
 6 Q You're not going to see the plaintiffs other
 7 than when they testify and when you return a jury
 8 verdict, and you're probably not even going to see the
 9 child that was left behind by Michael McKenna because
 10 you can understand it's a lot for him.
 11 A Right.
 12 Q So rather than put him through a trial like
 13 that, we're probably not even going to bring him to
 14 court. Do you have a problem with that?
 15 A No.
 16 Q He's certainly he's not going to testify. We
 17 wouldn't do that to a little child. You understand
 18 that? Does everyone understand that?
 19 A Yes.
 20 Q You understand this case is about counsel
 21 talked about the 38th floor where these killings and
 22 these injuries occurred.
 23 It's our position that this was
 24 preventable. And we concentrate on the third floor

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1 where -- the first floor where this was allowed to
 2 happen.
 3 Can you separate all that? The crime, the
 4 murders happened on the 38th floor. We're not
 5 disputing that a person murdered these three
 6 individuals and injured Ruth Leib. The dispute is were
 7 they negligent on the first and the third floor. Do
 8 you understand that?
 9 A Yes.
 10 Q Can everybody separate that and realize that
 11 we're not disputing most of what happened on 38; we're
 12 really, the dispute is on 1 and 3 where we feel this
 13 could have been prevented? Do you understand that?
 14 A Right.
 15 MR. POWER: And for all six of you, if based on
 16 the law and the evidence the plaintiffs prove their
 17 case, prove they are entitled to a verdict under the
 18 law and evidence to many millions of dollars, could you
 19 all sign such a verdict form? Please raise your hand.
 20 (All raised their hands.)
 21 And if we don't prove our case, you can
 22 sign a verdict form for the defendant? Everybody raise
 23 their hand if you could. (All raised their hands.)
 24 Okay.

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1 Now, thank you, sir. Thank you for your
 2 candor.
 3 BY MR. POWER:
 4 Q Miss Lewis, you answered the same question
 5 about jury verdicts and settlements are too high.
 6 Could you please tell us a little bit about that?
 7 A To that point, so sometimes I do feel when
 8 cases are awarded multiple million dollars, I don't
 9 know, but what I see on the news and what I read, the
 10 settlements are sometimes too high. But that's just my
 11 opinion.
 12 Q Okay. Well, would you let that opinion of
 13 yours carry over to this case?
 14 A I don't know what the case is yet, but no.
 15 Q Well, based on the law and the evidence, if
 16 the plaintiffs prove their case and prove they are
 17 entitled to a verdict of many millions of dollars,
 18 could you sign such a verdict?
 19 A Yes.
 20 Q Okay. You seem to hesitate a little bit?
 21 A Well, I don't know the facts yet.
 22 Q Okay. Well, the facts are people were
 23 killed, and it's the plaintiff's position that this was
 24 totally preventable. And if we prove our case, prove

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1 under the law and the evidence that people were indeed
 2 killed in a preventable occurrence, could you award
 3 many millions of dollars?
 4 A Yes.
 5 Q And if we don't prove our case, you could
 6 sign a verdict form for the defendant, I take it?
 7 A Yes.
 8 Q All right.
 9 MR. POWER: Anything about this case anybody feels
 10 that they couldn't be fair and impartial as we're
 11 sitting here today? Please raise your hand if you feel
 12 you couldn't be fair and impartial. (No one raised
 13 their hand.)
 14 Anything we should know about you that you
 15 feel you couldn't be fair and impartial in this case?
 16 (No one raised their hand.)
 17 What we're looking for is basically an
 18 umpire at a baseball game, as I like use the analogy.
 19 Someone is calling the balls and the strikes during the
 20 playoffs when the Cubs were playing the Dodgers. I
 21 don't think the Cubs fans would appreciate it if there
 22 was a Dodger fan calling the balls and strikes. Do you
 23 understand? So that's what we're looking for.
 24 Based on preconceived notions of verdicts

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1 and settlements being too high, if that would indeed
2 prejudice you against the plaintiffs in this case, we'd
3 like to know, because we represent people who are not
4 even here. They are trusting us and trusting you to
5 tell us the truth about your feelings. There's nothing
6 wrong with that. People do have feelings. Some people
7 just wouldn't be too sympathetic in the case. Other
8 people may have preconceived notions that they can't
9 award many millions of dollars I don't care. Can't
10 bring people back, so I'm just not going to do it.
11 Anybody feel that just based on what
12 they've heard here, they couldn't award many millions
13 of dollars based on the law and the evidence? Raise
14 your hand. (No one raised their hand.)
15 MR. POWER: The primary loss here is lost wages,
16 obviously, but as far as the McKenna family is
17 concerned, the primary loss is the loss of society, the
18 loss of a loved one, the loss of a husband and a
19 father. You understand that that's what our case is
20 primarily about; the loss of a human being, the loss of
21 a father, the loss of a husband.
22 Does anybody have a problem awarding many
23 millions of dollars for the loss of society, the loss
24 of a human being if we prove it under the law and the

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1 evidence that the defendants are responsible? Anybody
2 have a problem doing that? Raise your hand. (No one
3 raised their hand.)
4 Ruth Leib is here. She's here because
5 she's been injured. She's been traumatized. She was
6 shot in the foot. She's had post-traumatic stress
7 disorder. She has pain and suffering. She has loss of
8 her normal life. She has emotional distress she's
9 experiencing.
10 Anybody have a problem awarding millions
11 of dollars for Ruth Leib for injuries such as that?
12 She had a gun to her head on the 38th
13 floor. What we're saying is it never should have
14 gotten to the 38th floor.
15 Anybody have a problem being that fair
16 umpire I talked about in awarding significant money
17 damages, many millions of dollars in a case such as
18 this if we prove our case that this was preventable,
19 they were negligent in allowing this to happen?
20 Anybody have a problem doing that, please raise your
21 hand. No one is raising their hand.
22 THE COURT: Let me step in for just a minute.
23 Just it's being mentioned many times if
24 they prove their case, many millions of dollars. And

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1 the other side will address this, too, in their
2 questions. But just be clear about something. If you
3 hear all of the evidence and the law in this case and
4 you find that the plaintiffs are entitled to damages,
5 it's always up to the jury to decide what they think is
6 fair and reasonable. Okay?
7 So what you hear from attorneys are
8 suggestions of recommendations. But it's always up to
9 the jury. Just so you know that. All right? Okay.
10 MR. POWERS: It has to be based on the law and the
11 evidence, because every case is different.
12 So you have to look at the evidence, look
13 at the relationship between a husband and wife, father
14 and sons and daughters. And then based on that
15 relationship, you have to establish monetary damages
16 along with the law, that the law will instruct you.
17 So you wait until the end of the case,
18 after you hear all the evidence, you're instructed on
19 the law, and then you decide on a sum of money. That's
20 what the jury is.
21 Anybody have a problem doing that in this
22 case? No one is raising their hand, your Honor. I
23 would pass.
24 THE COURT: Okay. Thank you.

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1 MR. ROGERS: Thank you.
2 Good afternoon everyone. We can talk to
3 each other a little bit now. Good afternoon.
4 I don't want to belabor the point, but I
5 just wanted to touch upon a few things.
6 The Court mentioned that there's a
7 corporation, Allied Barton Corporation, that's the
8 defendant in the case.
9 We've also named as defendants their two
10 security personnel, Robert Brown and Sidney Chambers.
11 Corporations, the Court told you, have to
12 be treated like individuals. Corporations also act
13 through individuals.
14 Would any of you struggle or have any
15 difficulty holding if we prove our case, Sidney
16 Chambers, Robert Brown and Allied Barton responsible if
17 we prove that they failed to do what they should have
18 done as security personnel in a security corporation?
19 Would any of you have any problems with that? If you
20 would, raise your hand. Let the record reflect no one
21 raised their hands.
22 Just like corporations have to be treated
23 like individuals, each of us represents an estate.
24 The law recognizes that when you die and

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1 you sustain an injury or had a claim before your death,
 2 that claim doesn't die with you. That claim lives on
 3 and can be pursued, and a fight for your justice can
 4 continue through your estate.
 5 We represent the estate of Mr. Hoover, the
 6 estate of Mr. McKenna, the estate of Mr. Goodson for
 7 the injuries they sustained that led to their deaths.
 8 Do each of you think you can be fair and
 9 consider the claims of that estate, even though in the
 10 end those individuals died, if you can be fair to those
 11 estates, raise your hands, please. (All raised their
 12 hands.)
 13 The estate claims, in part consists of
 14 claims for pain and suffering that you could imagine
 15 would be associated with injuries involving gunshot
 16 wounds. They are significant claims for pain and
 17 suffering.
 18 Do any of you have any difficulty, or do
 19 you think you would have any difficulty, if we prove
 20 our case, finding and assessing damages for pain and
 21 suffering for the estates of Mr. McKenna, Mr. Hoover
 22 and Mr. Goodson? If you think you can do that, raise
 23 your hands for me. (All raised their hands.)
 24 What happened on the 38th floor of the

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1 Citigroup building on December 8th of 2006, I think
 2 everyone will tell you this was tragic, it was extreme.
 3 You're going to hear some significant --
 4 if you're selected, you'll hear some significant
 5 traumatic evidence relating to it. But that's the end
 6 of the story. That's the end of the story. That's the
 7 result of what happened.
 8 We would suggest to you that you will hear
 9 some significant evidence about what was going on for
 10 the minutes and hours before Joe Jackson got to the
 11 38th floor. But you'll have to pay close attention to
 12 that as much as you will the tragic things that
 13 happened on the 38th floor.
 14 If you think you can give fair and
 15 appropriate attention to what happened in the hours
 16 before Joe Jackson got up there, if you think you can
 17 do that and give that fair consideration, can you raise
 18 your hands for us? (All raised their hands.)
 19 I believe the evidence in the case that
 20 you will hear will include a variety of things, some of
 21 which will be contracts, where Allied Barton contracted
 22 to provide security services personnel like Sidney
 23 Chambers, its employee, and Robert Brown, its employee.
 24 One of the things you will hear that they

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1 contracted to provide was the protection of life, the
 2 protection of life.
 3 Will any of you have difficulty if we
 4 prove our case holding Allied Barton, Sidney Chambers
 5 and Robert Brown responsible if we prove that they were
 6 negligent in failing to protect life on December 8th,
 7 2006? (No one raised their hand.)
 8 MR. MOTZ: Show my objection to the form of the
 9 question. Improperly stated.
 10 THE COURT: Overruled, counsel.
 11 MR. ROGERS: If we prove that they contracted to
 12 provide that type of service, will any of you have
 13 difficulty holding them responsible for what they
 14 contracted to provide? If you think you can do that
 15 for us, raise your hands.
 16 Let the record reflect everyone raised
 17 their hands.
 18 I believe the evidence will show that this
 19 was not -- I'm sorry. I believe the evidence will show
 20 you'll be asked to consider evidence that shows there
 21 were warning signs.
 22 Joe Jackson was seen. There was suspicion
 23 about Joe Jackson. You will likely even hear evidence
 24 that before he ever got to 38, Sidney Chambers felt

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1 threatened by Joe Jackson.
 2 THE COURT: Counsel, this is too much
 3 indoctrination.
 4 MR. ROGERS: Let me rephrase.
 5 If you hear evidence suggesting that there
 6 were warning signs that Joe Jackson --
 7 MR. MOTZ: Show my objection, your Honor. It's
 8 the same objection.
 9 THE COURT: I'm overruling at this point. Go
 10 ahead, counsel, I'm sorry.
 11 MR. ROGERS: If you're selected as a juror in the
 12 case, will you be able to give fair consideration to
 13 evidence of warning signs well before Joe Jackson got
 14 to the 38th floor?
 15 To the extent that Allied Barton, Sidney
 16 Chambers and/or Robert Brown were aware or should have
 17 been aware of those warning signs, will you be able to
 18 hold them accountable if we are able to prove that? If
 19 you will, raise your hands. (All raised their hands.)
 20 MR. MOTZ: Show my objection, your Honor, as it
 21 misstates the evidence. That's an improper question.
 22 THE COURT: You know what? I would have to have
 23 it read back and then underscores.
 24 MR. ROGERS: I can rephrase it.

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1 THE COURT: Can you rephrase it, counsel?
 2 MR. ROGERS: Sure.
 3 THE COURT: Thank you. I'm sorry.
 4 MR. ROGERS: I believe you'll hear evidence about
 5 Joe Jackson's activities prior to ever getting up to
 6 the 38th floor. And I believe you'll hear evidence
 7 that Sidney Chambers in particular and Robert Brown
 8 were aware of some of these activities and warning
 9 signs.
 10 If we are able to prove that, will you be
 11 able to consider that evidence in deciding whether
 12 Allied Barton, Sidney Chambers and Robert Brown are
 13 negligent in the case? If you'll be able to do that,
 14 raise your hands. (All raised their hands.)
 15 And then finally, I think Mr. Powers
 16 touched upon this, but the claims here involve three
 17 deaths, and serious injuries to Ruth Leib.
 18 The deaths involved, as I think is
 19 undisputed, were tragic. They involved firearms. They
 20 involved workplace violence. And they involved the
 21 ultimate injury you could ever sustain, death; an
 22 injury so severe that it leads to your death.
 23 If we are able to prove that those deaths
 24 warrant the award of millions of dollars, will each of

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1 you be able to sign a verdict form to support the
 2 verdict if it is proven by the evidence? If you will,
 3 raise your hands. (All raised their hands.)
 4 Can each of you be fair to both sides of
 5 the case? If we don't prove our case, will you be able
 6 to send us out of the courtroom without a verdict for
 7 the plaintiff and instead, a verdict for the defendant?
 8 Will you be able to do that? (All raised their hands.)
 9 Thank you. I don't have any other
 10 questions.
 11 THE COURT: Thank you, counsel. Mr. Kotin?
 12 MR. KOTIN: Thank you, your Honor.
 13 I don't want to belabor this any more.
 14 You heard about it from Mr. Power and Mr. Rogers have
 15 talked to you about all the issues that relate to our
 16 cases, except one. And that's this:
 17 Your questionnaires that you filled out
 18 when you got the Summons for jury service, you all got
 19 the questionnaire when you got here today, talks about
 20 people having spouses or children. It doesn't talk
 21 about siblings.
 22 And Paul Goodson, one of the victims in
 23 this case who was killed, didn't have any spouse,
 24 didn't have any children, but he was survived by

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1 brothers. That question isn't asked anywhere.
 2 Can you raise your hand if you have
 3 siblings? Now, does anybody have siblings that live
 4 out of town? Raise your hands if you have siblings
 5 that live out of town. Okay.
 6 I ask you that because you're going to
 7 learn that Paul Goodson had brothers; that none of his
 8 brothers lived in Chicago. They all lived in different
 9 states.
 10 I have family in Arizona and in
 11 California, but I think you can be as close to a
 12 relative 2,000 miles away as you are to somebody that's
 13 down the street even closer. Does everybody agree with
 14 that? Raise your hand if you agree with that
 15 statement. (All raised their hands.)
 16 So this is a wrongful death case for the
 17 estate of Paul Goodson. His family happens to be his
 18 brothers. Would anybody have a problem returning a
 19 verdict even if it was in the millions of dollars for
 20 Paul Goodson's brothers in this case? If you could do
 21 such a thing, if it is proven by the facts and the law,
 22 please raise your hands. (All raised their hands.)
 23 If the evidence in this case proves that
 24 Paul Goodson's brothers are entitled to a jury verdict

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1 in the millions of dollars, could you return such a
 2 verdict? (All raised their hands.)
 3 I'll stop there. Thank you very much.
 4 THE COURT: Thank you, counsel. Mr. Motz?
 5 MR. MOTZ: Good afternoon everyone.
 6 This is our one opportunity to talk to
 7 each and every one of you. The only time you guys get
 8 to talk back to us. So we just want to learn a little
 9 more about you, learn about your confidentials to sit
 10 on this jury.
 11 And as the Judge said early on today
 12 there's no right or wrong answer. There's no one out
 13 in the hall going to give you a report card, you got a
 14 B-plus a C-minus or anything like that. We just want
 15 to hear your honest answers so that we can make the
 16 determination about the jury in this case.
 17 You've heard a little bit about the case
 18 from her Honor and counsel. Now I want to ask you some
 19 questions about everything involved in this case.
 20 You all understand that this is -- strike
 21 that.
 22 Can you all wait until the end of the
 23 evidence, both the plaintiffs get their full case in
 24 and then the defense goes and gets their full case in,

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1 before you make up your mind, before you determine
 2 whether or not Allied Barton, Robert Brown are
 3 responsible or liable in this instance? Everyone can
 4 do that? Everybody is nodding their heads.
 5 Just talking generally, how many of you
 6 have been in highrises, either in this city or around
 7 the country, that have security guards. Raise your
 8 hands. Five of the six.
 9 BY MR. MOTZ:
 10 Q Mr. Lavan, tell us about that experience.
 11 A I live in Marina Towers.
 12 Q Unarmed security guards, armed security
 13 guards?
 14 A Unarmed.
 15 Q What's your experience with unarmed security
 16 guards in your residence?
 17 A Well, we have a desk we have to approach past
 18 the desk. You have to have a pass to get in the
 19 sliding doors. Other than the security guards, if they
 20 are armed, I haven't seen them.
 21 Q Are they dressed, I don't want to say kind of
 22 like lawyers, but in like a suit and tie?
 23 A Yes.
 24 Q Soft dress?

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1 A Soft dress.
 2 Q They are not in police-style uniform?
 3 A No.
 4 Q Are they in like a visual, you see them
 5 there, you talk with them and that's their purpose?
 6 A Yes.
 7 Q Are you involved in their assignments or what
 8 their duties are?
 9 A No.
 10 Q Do you have any knowledge of --
 11 A I have no idea.
 12 MR. MOTZ: Anybody have experience with security
 13 guards and what their assignments are at a given
 14 location? Anybody?
 15 BY MR. MOTZ:
 16 Q Miss Cornejo?
 17 A Yes.
 18 Q Your husband was a security guard?
 19 A Yes.
 20 Q Tell me about that.
 21 A Well, he was a security guard before I knew
 22 him.
 23 Q Okay. In Chicago?
 24 A In Chicago. I think for ten years.

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1 Q A good experience?
 2 A He got out of it. He didn't like it. After
 3 ten years. But I can't say much about it. It was a
 4 job.
 5 Q Do you know if he was armed or unarmed?
 6 A I believe -- I'm not sure. I'm not sure.
 7 Q Do you know who he worked for, just out of
 8 curiosity?
 9 A A housing for residents buildings.
 10 Q Not in a highrise office building?
 11 A I don't know if the housing was highrise, but
 12 it probably was. It sounds like it was.
 13 Q Anything about your husband's experiences as
 14 a security guard before you met him? Does that weigh
 15 in one way or the other as you sit here as a potential
 16 juror in this case?
 17 A No. I don't think it would affect it.
 18 Q Mr. Power used the analogy of an umpire, a
 19 Los Angeles Dodgers umpiring a playoff game between the
 20 Cubs and the Dodgers.
 21 The analogy that we like to use is think
 22 of this as a start of a horse race. All the horses are
 23 in the gates. The doors aren't open. And that's like
 24 the start of the trial.

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1 You're all familiar with horse racing, the
 2 Kentucky Derby; everybody is at the gate and all at
 3 once the doors open up.
 4 With this case, just with the little that
 5 you know, are all the gates closed? Everybody is still
 6 in the starting blocks?
 7 A Yes.
 8 Q Okay.
 9 BY MR. MOTZ:
 10 Q Mr. Miranda, I think you raised your hand
 11 with regard to experience with security guards?
 12 A Correct.
 13 Q Tell me about that.
 14 A Like what do you want me to say, like how I
 15 feel about it?
 16 Q Why don't you tell me about your experiences
 17 with them?
 18 A I don't have a problem with them. When they
 19 are armed and everything, I feel like much more safe
 20 and everything.
 21 There's been a couple buildings, like my
 22 facility UPS, there's like unarmed security that I feel
 23 worried about. But then in the end I don't feel
 24 worried, because they have make you walk through a

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1 metal detector going in and going back out, so it's
2 half and half.
3 Q Now, the experience, I think you said you
4 have some worry about unarmed security?
5 A Yes.
6 Q Just tell me, what do you mean by that?
7 A I have worry about them because like they are
8 unarmed, like I don't know if they can protect me from
9 anything happening or not. That's the problem.
10 Q Do they have radios?
11 A Yes, they have radios, but that's about it.
12 Q And you said you work for UPS?
13 A Yes.
14 Q Are any like a contractor for UPS, or are
15 they UPS employees, if you know?
16 A They are like UPS employees.
17 Q You don't have any involvement in their
18 uniforms, what equipment they have, what equipment they
19 have available to them or anything like that?
20 A No.
21 Q Same question. Just with your some worry
22 about security guards, are we all still --
23 Allied Barton, we provide unarmed security
24 guards. That's what the evidence is going to be in

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1 this case. All of our security guards are unarmed.
2 That's what the building wanted. Just that fact alone,
3 are we still in the gates, or have the plaintiffs
4 gotten a little head-start?
5 A No.
6 Q So we're not still in the gate?
7 A You guys are in the gate, yes.
8 Q We're all still even?
9 A Yeah.
10 Q Okay. You indicated while I'm talking to you
11 you indicated that you have a pending case right now?
12 A Correct.
13 Q That you're going to have to file, file a
14 lawsuit. You haven't yet?
15 A I have, but like we haven't come to a
16 settlement yet.
17 Q So you have filed a lawsuit?
18 A Yes.
19 Q Is it here in Cook County?
20 A Yes.
21 Q Okay. And it sounded like if there's no
22 settlement, that you're going to have to go to trial?
23 A Most likely, yes.
24 Q And it sounds looking at your questionnaire

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1 and listening to your answers, it seems like, and it's
2 completely understandable, that it's a long, drawn-out
3 process; you're a little frustrated by that?
4 A Yes.
5 Q Do you believe, or do you feel just because
6 there are defendants here, Allied Barton, Robert Brown
7 and Sidney Chambers, that we must have done something
8 wrong, being in this courtroom?
9 A Yeah.
10 Q You believe that?
11 A Yeah.
12 Q Okay. That's a strongly-held belief just
13 because we're in a lawsuit, we obviously must have done
14 something wrong?
15 A Yeah.
16 Q And --
17 THE COURT: I think we're good, counsel.
18 MR. MOTZ: All right. Thank you.
19 BY MR. MOTZ:
20 Q Miss Lewis, you made a comment, I think it
21 was the Judge's questions about experience with
22 security guards, experience in highrises. I think you
23 made a comment something like they weren't doing their
24 job and they got past security.

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1 A Correct.
2 Q And you understand that we're a security
3 company; we have security guards as defendants in this
4 case?
5 A Yes.
6 Q And obviously, you've heard the statement of
7 the case. Three people were shot, one person was
8 wounded.
9 Based on what you've heard so far, given
10 your views, and there's nothing wrong with those views
11 whatsoever, does it look like the plaintiffs are just
12 out of the gate a little early right now?
13 A Yes.
14 Q Okay. And that's a naturally-held belief?
15 A Yes. To be fair, walking into this building,
16 I feel secure. I feel good. Even in my building,
17 Madison and Wells, it just doesn't feel safe.
18 We have a key to get past the doors.
19 There's two security guards on each side, probably
20 similar to where you were you guys are employed, in
21 suit, unarmed. And it doesn't feel safe, considering
22 what's going on in the world today. That's my opinion.
23 Q There's no wrong answer. We appreciate your
24 candor.

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1 MR. MOTZ: Does anyone else agree with Miss Lewis?
 2 BY MR. MOTZ:
 3 Q Mr. Hatley?
 4 A Yes.
 5 Q Strongly-held belief that if something
 6 happens when there's unarmed security, the security
 7 company is automatically at fault in your mind?
 8 A Not necessarily at fault, but I feel unsafe.
 9 I mean they don't have any way of protecting me.
 10 Q And with that, that's completely natural.
 11 There's nothing wrong with either of what you're
 12 saying. We completely understand. This is just our
 13 opportunity to learn a little more about that.
 14 And just because this is a security case
 15 and because three individuals were tragically murdered
 16 and another was shot, does it sound like or do you
 17 believe that the plaintiffs are out of the gate just a
 18 little early and we're still at the starting gate?
 19 A You both are still at the starting gate,
 20 because I haven't heard all the evidence yet.
 21 Q But do we as a security company and security
 22 guards, do we have to prove to you that we did
 23 something, or that we complied with everything?
 24 Basically, we have to prove something to you to show

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1 that we're not negligent?
 2 A Yes.
 3 MR. MOTZ: And you all understand that this is a
 4 civil courtroom. We as defendants, we have no burden
 5 of proof.
 6 And Mr. Duran and Mr. Hatley, you're both
 7 shaking your heads right now. And I saw you,
 8 Mr. Duran, you were shaking your head when I was asking
 9 Mr. Hatley questions. Do you agree with Miss Lewis and
 10 Mr. Hatley?
 11 MR. DURAN: No.
 12 MR. MOTZ: You don't? You're shaking your head
 13 no. They can't?
 14 MR. DURAN: No, I don't agree with them.
 15 MR. MOTZ: Okay.
 16 Mr. Hatley, rightly, wrongly, this is just
 17 how you feel and how you vote. Just your everyday
 18 experiences.
 19 And just because where there's a security
 20 guard company, two security guards and a crime
 21 happened, I think you're nodding your head and it
 22 sounds like we have to show that we dotted all the i's
 23 crossed all the t's.
 24 MR. ROGERS: Your Honor just note my objection.

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1 They haven't been instructed on burden, so it's an
 2 improper question.
 3 THE COURT: I know. I agree.
 4 Counsel, it's a -- question because I
 5 haven't instructed them on anything that they have no
 6 legal knowledge on --
 7 MR. MOTZ: I thought you instructed during the
 8 preliminary talking about the different burdens.
 9 THE COURT: Not to the extent you're questioning.
 10 MR. MOTZ: Okay.
 11 Do you have any experience with unarmed
 12 security guards outside of what everyone else has
 13 talked about here, Mr. Hatley?
 14 MR. HATLEY: No.
 15 MR. MOTZ: Have you ever been to the 500 West
 16 Madison building, the Ogilvie Center?
 17 MR. HATLEY: No.
 18 MR. MOTZ: Okay.
 19 BY MR. MOTZ:
 20 Q Mr. Duran, the same questions that I've been
 21 asking; have you ever had any experience with unarmed
 22 security guards?
 23 A Yes.
 24 Q Tell me about that.

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1 A I used to work at the Feinberg Medical School
 2 and they have unarmed security guards at the security
 3 buildings there. And I worked with them on setting up
 4 a visitor key or access system.
 5 Q Okay. And you said the Feinberg,
 6 Northwestern Feinberg School of Medicine?
 7 A Yes.
 8 Q And were the security guards, were they in
 9 suits, soft dress or were they more in police style
 10 uniforms?
 11 A It was like police style, like a sweater and
 12 tie.
 13 Q Tasers or anything, handguns?
 14 A No.
 15 Q Okay. A positive experience overall?
 16 A Yes.
 17 Q Do you have any issue with Allied Barton and
 18 Robert Brown defending against these claims saying you
 19 know what; the plaintiffs are incorrect, we did nothing
 20 wrong. Do you have any problem with that?
 21 A No.
 22 MR. MOTZ: Does anybody have a problem with Allied
 23 Barton defending itself against the claims the
 24 plaintiffs are making? Anybody raise their hands if

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1 they have a problem with Allied Barton defending
2 itself. (No one raised their hand.)
3 Robert Brown, any problem with Robert
4 Brown, security officer, defending himself? (No one
5 raised their hand.)
6 Now, counsel asked, all three counsel
7 asked each of you numerous questions about verdicts; if
8 they prove their case, can you sign a verdict. Do you
9 remember all those questions?
10 Now let me ask you the flip side. If the
11 plaintiffs fail to prove their case against Allied
12 Barton and Robert Brown, do you have any issue walking
13 out of that room, looking each one of these lawyers in
14 the eye and sending them out the door with nothing?
15 Anybody have a problem with that? Raise your hand if
16 you have a problem with that. (No one raised their
17 hand.)
18 Now you're going to hear testimony about
19 Joseph Jackson. The Court talked about Joseph Jackson,
20 and Allied Barton has a claim against Joseph Jackson.
21 He's unrepresented here.
22 Now, Allied Barton has the burden of proof
23 against Joseph Jackson. I believe the evidence is
24 going to show that he took Robert Brown hostage and

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1 then forced his way up to the 38th floor and he began
2 his murderous spree up there.
3 If the evidence shows that, if the
4 evidence shows that Mr. Jackson took Mr. Brown hostage
5 and then chained the door shut on the 38th floor and
6 began shooting Mr. McKenna, Mr. Hoover, Miss Leib and
7 Mr. Goodson, would you have any issue walking out that
8 door and returning a verdict in favor of Allied Barton
9 against Mr. Jackson?
10 MR. ROGERS: Objection to form, your Honor.
11 THE COURT: Overruled.
12 MR. MOTZ: Anybody have an issue with that? Raise
13 your hand if you do. No one is raising their hand.
14 BY MR. MOTZ:
15 Q Mr. Hatley, I have a note just in listening
16 to the questions and answers either to the Judge or to
17 counsel that you had a bad experience in a prior
18 lawsuit. Can you tell me a little more about that?
19 A I was in a truck accident and I got injured
20 and the insurance company just paid for the vehicle,
21 they didn't pay for my medical bills.
22 Q And I think you said you had to go after them
23 after all your treatment was done?
24 A Yes.

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1 Q And did that leave a bad taste in your mouth,
2 the whole process?
3 A Well, at that time, yes. I had to pay for
4 everything.
5 Q And was a suit actually filed in this?
6 A Yes.
7 Q Okay. And you understand that that's
8 separate and apart from what's going on in this
9 courtroom?
10 A Yes.
11 Q Just with that experience, you're not going
12 to hold that against my clients in any way?
13 A No.
14 Q Okay. You're going to hear testimony -- I
15 think you said your brother is a cop in Elgin, right?
16 A Yes.
17 Q You're going to hear testimony from police
18 officers that were involved in responding and
19 investigating Mr. Jackson and this incident. Anything
20 about that that's going to push you one side or the
21 other in terms of where we're all at that starting
22 gate?
23 A No.
24 Q You also indicated on your form that you

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1 witnessed a crime?
2 A Yes.
3 Q Tell me about that.
4 A There was a guy running down the street and
5 snatched a lady's purchases.
6 Q You've also been a victim of a crime?
7 A Yes. I got robbed.
8 Q And did they use a gun?
9 A No. It was a strong armed robbery.
10 Q Strong armed robbery. And did they make a
11 demand on you and you complied?
12 A Yes, I complied.
13 Q Anything about that process that would cause
14 you to shift to one side or the other?
15 A No. It was years ago.
16 Q We're all even at the starting gate?
17 A Yes.
18 Q Okay.
19 MR. MOTZ: Can I have one second, your Honor?
20 THE COURT: Sure.
21 BY MR. MOTZ:
22 Q Here's a question, for you, Mr. Hatley.
23 There's only six of you, so a small group.
24 As the Court said earlier, we've usually got 48 people

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1 in here and we are asking everybody questions.
2 Do you have an opinion as you sit here
3 whether our unarmed guards did anything wrong based on
4 the little that you know about the case?
5 A I can't say. I don't know what the case
6 entailed into what they were supposed to be doing as
7 the guards.
8 Q Based on what you know right now about this
9 case, do you believe that our guards failed to protect
10 the people who were killed?
11 MR. ROGERS: Objection to the form of that
12 question.
13 THE COURT: Sustained.
14 BY MR. MOTZ:
15 Q Do you believe that unarmed security guards
16 must prevent all crime?
17 A Well, I would think that's what their job
18 was, to protect us as being a security guard.
19 Q And if that's their job, would you agree with
20 me that just -- there's nothing wrong. There's no
21 wrong answer here. That because you hold that belief,
22 we're just a step behind the plaintiffs, just the
23 little that you know about the case?
24 MR. KOTIN: Objection, your Honor. He's asked

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1 this four times already of the same perspective juror.
2 THE COURT: I'm going to allow you to answer the
3 question.
4 MR. HATLEY: Can I have the question again?
5 MR. MOTZ: Could I have the court reporter read it
6 back?
7 THE COURT: Sure.
8 (The record was so read
9 by the court reporter.)
10 MR. HATLEY: No.
11 MR. MOTZ: Anybody else thinking we're a little
12 step behind?
13 We have already heard from you, Mr. Miranda
14 and from you Miss Lewis, Miss Cornejo, Mr. Lavan. Do
15 you think based on the little you know that we're just
16 a little step behind the plaintiffs at this point?
17 You're shaking your head no. Mr. Duran is
18 shaking his head no. And Miss Cornejo is telling us
19 no.
20 Just as a final wrap-up here, anything else
21 that you think that we should know before we go in and
22 finalize jury selection about you at this point? No
23 one is jumping and raising their hands.
24 Thank you for your time.

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1 THE COURT: Thank you everybody. We're going to
2 step out of the courtroom. We'll be gone for a few
3 minutes. We have to talk about you. Feel free to
4 stand up and stretch. There are washrooms in there.
5 There's water in there. Don't go far. We won't be
6 that long.
7 Guys, Mr. Miranda is out. I didn't
8 realize, I didn't understand he had a case pending,
9 that they offered settlement and they didn't accept, so
10 now he thinks they are going to trial. That was not
11 clear to me early on. So he's got a pending case, in
12 addition to other things he said, but that's enough to
13 knock him out for cause.
14 MR. ROGERS: Did they look him up in the system?
15 MR. POWERS: He's only 19. The case may not be
16 searchable.
17 MR. PATTON: He said he had a pending case in Cook
18 County.
19 THE COURT: I'm not calling Michelle back in here.
20 I'm not doing that. I can ask my clerk to look him up
21 in the system.
22 MR. MOTZ: I think based off the balance of what
23 he said, forget the case, but the case is also an
24 issue.

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1 He clearly said that enough shows that
2 Allied Barton is behind the plaintiffs just on his
3 basis, his views of security. If something happens, I
4 don't feel safe with unarmed guards if something
5 happens. Clearly --
6 THE COURT: Well, that in itself is not enough. I
7 mean but the thing is now I've got a problem if I look
8 him up and he doesn't have something, then I've got him
9 under oath.
10 MR. ROGERS: Not understanding. I had the
11 impression because he was a minor when it happened, so
12 I don't think he understands. So the issue is does he
13 have a pending case?
14 THE COURT: So you're saying if his parents
15 brought it on his behalf, does he have a pending case?
16 You would say no, because it's not him?
17 MR. POWERS: He has until he's 20 to bring a case.
18 So his lawyer may not have filed the action, is what
19 we're saying. He has until he's 20. He's only 19.
20 THE COURT: I'll ask my clerk in the other room to
21 just --
22 MR. POWERS: That's fine. If he's got a case,
23 then he goes.
24 THE COURT: Okay. I'll be right back.

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1 (There was a break taken, after
2 which the trial was resumed
3 as follows:)
4 THE COURT: Is anybody else raising anything
5 before we start?
6 We've got to pick one person, guys. Our
7 first panel is James Lavan.
8 MR. MOTZ: Do you want all the causes at this
9 point, or just the --
10 THE COURT: Let's take a look at our first panel.
11 -- probably going to come in. James Lavan, Diana
12 Cornejo, Deanna Lewis and Rodney Hatley.
13 MR. ROGERS: Rogers. It's just one, Judge.
14 THE COURT: Oh, it's just one? Okay. I'm sorry.
15 James Lavan?
16 MR. POWERS: Does anybody have cause on anyone?
17 MR. MOTZ: I have cause not on Lavan.
18 MR. POWERS: You have what?
19 MR. MOTZ: I have cause on others, but not on
20 Lavan.
21 MR. POWERS: Okay. We'll excuse Mr. Lavan.
22 THE COURT: Okay.
23 The next one up is Diana Cornejo.
24 MR. POWERS: We'll accept her, Judge.

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1 MR. MOTZ: We'll excuse Miss Cornejo.
2 THE COURT: The next one up is Deana Lewis.
3 MR. MOTZ: I would move for cause on Miss Lewis.
4 She stated on the record they weren't
5 doing their job if you get past security. She
6 indicated agreement with my question if the plaintiff
7 is out ahead at this juncture based on the facts of her
8 case, of what she knows about the case, her opinions
9 about security.
10 This was a strongly-held belief that she
11 said that she would not be able to, or that she
12 established it was a strongly-held belief.
13 So we would move for cause based on the
14 answers that Miss --
15 MR. PATTON: You told Mr. Motz to move on after he
16 got those answers.
17 THE COURT: Oh, I thought that was Miranda.
18 Miranda, once he told me that he had a case pending and
19 he was deciding to go to trial rather than settle.
20 That's why I said we're okay.
21 MR. ROGERS: That's okay.
22 MR. POWERS: You didn't tell him to move on.
23 THE COURT: But listen, I have written down what
24 Mr. Motz said. I have it written down. I'm feeling

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1 like it's a request because she made a number of
2 statements, including that the plaintiffs have a
3 head-start; yes, they do.
4 MR. POWERS: We would object. I think she said
5 she could still be fair.
6 THE COURT: I didn't ever hear her say that, guys.
7 I've been writing it down as everybody said it. I did
8 not hear it.
9 MR. ROGERS: She said that more often --
10 THE COURT: That she could be fair after she said
11 plaintiffs have a head-start?
12 MR. POWERS: She raised her hand when I asked them
13 to raise their hand if they could send them out with no
14 money, she said that numerous times she could send them
15 out with no money, including the questions they were
16 asking that she could send them out with no money.
17 THE COURT: I didn't write down the group
18 questions. I was just writing down what they said.
19 MR. POWERS: She did. I said raise your hand.
20 THE COURT: Okay.
21 MR. MOTZ: Those questions came before she said
22 that my client --
23 THE COURT: Let's go back. Can we go back to
24 Lewis? Is it really hard?

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1 This is the problem. Once she said that
2 plaintiffs had a headstart and she stuck with that, I
3 wrote that down. I can pull her back here.
4 MR. POWERS: I think pull her back here, because
5 we're going to run out of jurors potentially.
6 THE COURT: We are.
7 MR. MOTZ: Your Honor, that issue is immaterial at
8 this juncture. And you have it down what she said that
9 was under my questioning.
10 THE COURT: I understand, counsel.
11 There's another problem, and that's that
12 on both sides of this case, and it probably happens in
13 just about every trial I do, when people keep asking
14 that and the people are bringing -- they don't know how
15 to answer and they're bringing in their own
16 experiences. They don't know how to answer it because
17 they really don't know any facts about this case. So
18 I'm trying to listen really carefully. We'll pull her
19 in here for a few minutes.
20 BY THE COURT:
21 Q I just need to be very clear about something.
22 And there's no wrong answer. I'm not trying to put you
23 on the spot. I just need to get this right.
24 You had mentioned that you could be fair

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1 and impartial during the course of this trial with the
2 evidence in this trial?
3 A Yes.
4 Q At the same time you told Mr. Motz when he
5 was asking you questions that yes, the plaintiffs have
6 a head-start in this case just based upon your
7 experiences in highrises?
8 A Right. So I should probably go back on that.
9 I guess I can -- I you know what? I
10 probably can't be fair, because given my current
11 situation, there's many times where I have been in that
12 building and I do not feel like it's secure. I mean I
13 just don't.
14 And an unarmed security guard in a suit is
15 not going to stop someone that's going to take me down
16 with a gun. They are just not. So that's my opinion.
17 Q Okay. So even though you haven't heard any
18 evidence yet, they are not starting out equally just
19 based upon your personal experience as an observation;
20 is that correct?
21 A Unfortunately, yes.
22 Q Okay.
23 MR. MOTZ: No wrong answer.
24 MS. LEWIS: I'm sorry.

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1 MR. MOTZ: No. Thank you for your candor.
2 THE COURT: Anybody else?
3 MR. POWERS: No.
4 THE COURT: I'm going to walk you back into the
5 courtroom.
6 All right. Where are we? We're at
7 Mr. Hatley.
8 MR. MOTZ: We would move for cause on Mr. Hatley.
9 Mr. Hatley said under my questioning that
10 we had to prove to him that we were not negligent and
11 that it put the burden on us.
12 He agreed with Miss Lewis after she made
13 the comments that we just had Miss Lewis in here for
14 when she was making those comments out in the open
15 courtroom.
16 We believe that like Miss Lewis,
17 Mr. Hatley is for cause.
18 MR. POWERS: Your Honor, that's ridiculous.
19 They were trying to do that and you
20 corrected it. He said he wasn't instructed on the law
21 yet. You can't do that. Mr. Rogers objected and then
22 it was clarified and he didn't say anything of the kind
23 that suggested cause for Mr. Hatley.
24 MR. KOTIN: And your Honor, I objected when

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1 Mr. Motz asked the question for what I believe was the
2 fourth time, you allowed him to ask one more time. He
3 asked the question one more time, and Mr. Hatley said
4 no, nobody has an advantage. That was the answer.
5 MR. MOTZ: That was a different question.
6 THE COURT: I know, counsel. I know what your
7 question was and I know what he answered. I can bring
8 him back here.
9 But I think when you're asking people who
10 have not been advised on the law yet about do they have
11 to prove their case, they don't know who has to prove
12 what, even if we mentioned it a couple times.
13 And he consistently said he could be fair
14 and his past experiences have no impact on his ability
15 to be impartial.
16 If you want, I'll bring him back here.
17 But I'm not --
18 MR. MOTZ: I'd like the opportunity to clarify.
19 MR. KOTIN: Your Honor, he can't --
20 THE COURT: Counsel, I know, but I can't do it for
21 one side and not the other side. I mean --
22 MR. ROGERS: He went through it multiple times, at
23 least four times. And the gentleman said no. It's
24 just now it's becoming abusive.

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1 MR. PATTON: Judge, every time you've got a
2 question when they have suggested they heard
3 something --
4 THE COURT: I'm going to go get him. I'm sorry
5 it's taking so long, but I'm going to do that right
6 now.
7 BY THE COURT:
8 Q I know that you said multiple times during
9 the questioning that you can be fair and impartial in
10 this case?
11 A Yes.
12 Q I know that when the questioning by Mr. Motz
13 came up and he asked would the defendants have to prove
14 that they didn't do anything wrong, you agreed with
15 that?
16 A Yes.
17 Q Okay.
18 A You mean as in they didn't do anything wrong?
19 Is it the plaintiff or the defendant? You're getting
20 me mixed up right now.
21 Q Okay. The plaintiff is the one who brings
22 the suit.
23 A Right.
24 Q Those are the families that are suing on

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1 behalf of thereof loved once.
2 A You said Mr. Moore. Is that the defendant or
3 the --
4 Q Mr. Motz.
5 MR. MOTZ: That's me.
6 BY THE COURT:
7 Q I'm sorry.
8 The attorneys -- and I will tell you the
9 law at the end of all the evidence but you'll hear it
10 during the course of the trial as to which side has the
11 burden of proving their case. Sometimes it switches at
12 certain points and now they pointed it out to you.
13 Okay?
14 A Yes.
15 Q But what I -- I don't know how to ask this
16 without getting -- unless you ask the question again,
17 but don't go back into the same way that you did it,
18 because I think that it presupposes that people are
19 familiar with the burden of proof.
20 MR. MOTZ: Maybe I can ask it just in a different
21 way.
22 THE COURT: Okay.
23 MR. MOTZ: You've heard that three people were
24 shot, or three people were murdered one person was shot

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1 so four people were shot, and that we provide security,
2 provided security services at 500 West Madison. You
3 heard all that. You remember that?
4 MR. HATLEY: Right, I remember that.
5 MR. MOTZ: As you sit here right now, do you have
6 an opinion that there's some fault on Allied Barton and
7 our security guards? There's no right or wrong answer.
8 MR. ROGERS: I would just object to the question
9 on form, your Honor.
10 THE COURT: I'm going to listen to it. Overruled.
11 MR. HATLEY: I can't say fault because I don't
12 know what happened on their behalf and what they
13 supposed to have been doing, so I can't really say if
14 they was negligent or not.
15 MR. MOTZ: But fault is different than --
16 THE COURT: Counsel.
17 This is what I need to know from you.
18 Will you keep an open mind and listen to all the
19 evidence in this case and the law that I have given you
20 and be fair and impartial to both sides?
21 MR. HATLEY: Yes.
22 THE COURT: Can you do that?
23 MR. HATLEY: Yes.
24 THE COURT: Anybody else have any followup

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1 questions on that?
2 MR. MOTZ: No, your Honor.
3 MR. ROGERS: Rogers. No.
4 THE COURT: Yes, no?
5 MR. POWERS: No.
6 MR. MOTZ: No.
7 THE COURT: Okay. Thank you.
8 MR. ROGERS: Thank you.
9 THE COURT: So he's not for cause.
10 MR. PATTON: I think it's theirs. Did you accept?
11 MR. POWERS: Yes, we accept.
12 MR. MOTZ: We'll thank and excuse Mr. Hatley.
13 THE COURT: That only leaves Mr. Duran.
14 MR. POWERS: We'll accept.
15 MR. MOTZ: We have to accept.
16 THE COURT: All right, guys. Boy, down to the
17 wire, the last person. I can't believe this.
18 Listen, do you want to just take five
19 minutes and then we'll start?
20 MR. ROGERS: I'll need ten.
21 MR. PATTON: A couple of things, Judge, time-wise.
22 Are you sending the jurors home at 5:00? I know
23 somebody said they've got child issues.
24 THE COURT: Yes.

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1 MR. PATTON: I understand there's going to be four
2 opening statements by the plaintiff. I want to make
3 sure that we're not splitting up the operation where I
4 don't get to do it today. I want to be sure I get my
5 opening today. And I'm concerned about the time now.
6 THE COURT: Both sides told me they could do their
7 opening in about an hour, I thought. I didn't think
8 that would be an hour, an hour, an hour.
9 MR. POWERS: No, no, it's not an hour. I will be
10 the longest. Then the others will be shorter.
11 MR. KOTIN: I'll take 12 minutes, Judge.
12 MR. POWERS: My son has probably 12 minutes as
13 well, James, just on damages. I may be 45 to an hour.
14 MR. MOTZ: Well, that's still --
15 THE COURT: That's going to take us beyond.
16 MR. POWERS: How much do you have, John?
17 MR. PATTON: I have at least an hour because I've
18 got to talk about four cases.
19 MR. POWERS: Well, what if I go down to
20 45 minutes?
21 MR. PATTON: I just don't want to --
22 MR. ROGERS: Just give us a maximum and we'll
23 divide it up.
24 THE COURT: I thought we did. I thought when I

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1 asked you all, we were kind of kidding around, and I
2 said is anybody going to go over an hour and somebody
3 said maybe just a little bit, but not much more than an
4 hour, so I was counting on that.
5 MR. POWERS: That was probably me.
6 THE COURT: Okay.
7 MR. POWERS: And then they have smaller pieces of
8 it. So 15 minutes each.
9 THE COURT: But I was looking in total though. So
10 now I'm hearing it --
11 MR. POWERS: Okay. So let me go, we'll try to go
12 an hour let's say an hour and 15 minutes?
13 MR. ROGERS: Yes.
14 MR. POWERS: An hour and 15 minutes.
15 THE COURT: Then how long for you guys?
16 MR. ROGERS: No, we've dividing up.
17 THE COURT: Okay. I got it. Good. All right. I
18 think we can do it.
19 What do you guys need, ten minutes,
20 five minutes?
21 MR. PATTON: Yes. I'll want to break between when
22 they finish, but if I have any concerns about the time,
23 I know you've given them direction. I'll raise it at
24 that time.

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1 THE COURT: And I can ask them if they unanimously
2 can stay later today, I can always do that.
3 MR. PATTON: Okay.
4 THE COURT: You need ten minutes now, or five
5 minutes now?
6 MR. KOTIN: Just to get the technology set up.
7 MR. PATTON: And then, Judge, on a separate matter
8 we have four individuals, five individuals that will be
9 attending this trial every day. I think some term is
10 called shadow jurors.
11 We don't want anybody talking to them
12 drawing attention about them in this trial. I'm not
13 suggesting that's going to happen, but I wanted to
14 bring that to your attention.
15 You're going to see the same five people
16 every day attending this trial. And we have instructed
17 them not to talk to anybody, not to talk to the jurors,
18 not to talk to the lawyers.
19 They don't know who retained them, and
20 they think this is just a project, you know. So I
21 assume there won't be any issues with that.
22 MR. POWERS: As long as they are with your team, I
23 don't care.
24 THE COURT: Okay.

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1 MR. POWERS: If they are with your team.
2 THE COURT: I'm out of chairs if I put everything
3 in the courtroom that I've got, unless I take them out
4 of chambers.
5 MR. PATTON: No. They are sitting in the gallery
6 and they are not going to be identified as being
7 anybody in this case, not us or you.
8 THE COURT: Okay.
9 MR. POWERS: As long as they are not identified
10 with us, that's all.
11 MR. PATTON: Yes.
12 THE COURT: Okay, guys.
13 Mr. Duran, you have been chosen as our
14 last juror. So stand and raise your right hand,
15 please, to be sworn. Raise your right hand please.
16 (The oath was thereupon duly
17 administered to the juror
18 by the Court.)
19 THE COURT: Ladies and gentlemen of the jury, now
20 that you have been selected and sworn, this trial is
21 actually going to begin. And the trial starts with
22 opening statements. I alluded to this a little bit
23 yesterday and the day before.
24 These are opening statements by the

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1 attorneys. Because the plaintiffs have the burden of
2 proving their case, the plaintiffs go first. Then the
3 defendants.
4 Opening statements are not evidence. I
5 told you it's kind of like a preview of coming
6 attractions in a movie, or a trailer. It's the
7 attorneys are going to tell you what they believe the
8 evidence will show in the case, their description of
9 what the attorneys believe their position is in this
10 case.
11 So what the attorneys actually say in
12 opening statements is not evidence. Remember, the
13 evidence is what you hear from the witness stand or a
14 witness who has been sworn and is giving testimony
15 that's shown by video.
16 I always will let you know along the
17 course of the trial what the evidence is. The evidence
18 is also any exhibits that have been admitted into
19 evidence.
20 So in terms of determining your verdict at
21 the very end, you only consider the evidence that comes
22 in through the witnesses and exhibits. All right?
23 As soon as opening statements are
24 completed, the evidence starts to come in. Plaintiffs

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1 go first again. When the plaintiffs have finished
2 putting on all of their evidence, they turn to the
3 Court, they address the Court, and they say the
4 plaintiffs rest. That means they have put on their
5 case in chief. Then the defendants put on their case
6 in chief. Then the defendants rest.

7 After all of the evidence comes in, the
8 attorneys get to address you again and they make their
9 closing arguments in their favor. The closing
10 arguments are not more evidence, but it might refer to
11 evidence that you have heard during the course of the
12 trial.

13 At that point when they are done with
14 their closing arguments, I read those jury instructions
15 on the law to you, and you get a written copy to take
16 with you back to the jury room.

17 And then you begin your deliberations.

18 And then at that point you can discuss the facts of the
19 case and the witnesses and the evidence with each
20 other. Until that point, you've got to talk about the
21 weather and other things. Okay?

22 Remember, you're taking all this evidence
23 and determining the credibility of witnesses as
24 individuals, and you only share your thoughts and notes

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1 at the very, very end, after I've read the law to you
2 and you go back into the jury room to deliberate and
3 come up with a verdict.

4 You can take notes during the course of
5 the trial. You don't have to. The notes are destroyed
6 after the end of the trial. You can use your notes to
7 refresh your recollection. Don't show your notes to
8 somebody else. They might have heard it differently
9 than you. Just because somebody wrote it down doesn't
10 make it more true than the other person's recollection.

11 Don't get so caught up in taking notes
12 that you miss something. I mean a lot of us in school,
13 I remember in law school before we had laptops and I
14 would write down practically every word.

15 You can get so caught up in taking notes
16 and making sure you've got everything right that you
17 miss valuable testimony on the stand. So don't let
18 that happen to you.

19 Any time you need to take a break, please
20 let us know. Any time you need to just stand up and
21 stretch because your back is killing you, just do so
22 quietly. I'll know what you're doing unless you wave
23 your hand and tell me something more.

24 Any time you cannot here one of the

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1 attorneys or a witness or me, do that exaggerated ear
2 form. Don't be shy about that. We have to know that
3 you can hear us. Okay?

4 And with that, we will begin. The
5 plaintiffs go first, as I told you.

6 MR. POWERS: If it please the Court, counsel,
7 ladies and gentlemen of the jury.

8 I want to first of all thank you for
9 agreeing to serve as a juror in this case.

10 As you know, it's taken us a while to get
11 the jury over the course of a number of days, so I want
12 to thank you for your patience, thank you for your
13 service to our community and to our county and to our
14 state.

15 This is a case that involves security. It
16 involves families that have suffered a tragedy, which
17 even the defense will admit. The issue is it boils
18 down to was this something that was preventable.

19 And first of all, we get to the day of the
20 occurrence, December 8th, 2006. Prior to that date,
21 there was a service contract agreement entered into
22 between Allied Barton and the owner of the building.
23 And in that service contract which was executed, as I
24 said, prior to the occurrence by an Allied Barton

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1 representative actually on November 1st, 2006.

2 It said on Exhibit No. 2, among other
3 things, because we have limited time, but it points out
4 in Section 2 contract duties on Exhibit 2, the first
5 page at the bottom. You can see at the bottom there,
6 it says they agree among all the other things to
7 provide a competent and well-trained on-site
8 Supervisor. And in this case that would be Mr. Sidney
9 Chambers.

10 "For performance of the contract duties at
11 all times when said contract duties are being performed
12 and to maintain a continuing employee training program
13 so as to ensure maximum efficiency of performance of
14 the -- next page. At the top. "Performance of
15 contract duties to insure the safety of all persons on
16 the property and to keep the property free from
17 accumulation of waste, materials and rubbish, etc."

18 So this was the contract that was entered
19 into by Allied security to keep the people on this
20 property safe. So that was their duty.

21 And in doing that, they were to exercise,
22 as you'll learn later, ordinary care. And ordinary
23 care is to, among other things, to use your common
24 sense and good judgment.

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1 If we go to 213, we'll look at B.
2 "Respond to all alarm conditions and allocations of
3 suspicious activities."
4 Go to C. "To monitor and to enforce all
5 access control procedures, including identification of
6 personnel and control of entry and exits to the
7 property, and vital areas in accordance with the
8 owner's expectations."
9 "D. To use reasonable efforts to deter
10 persons observed attempting to gain or gaining
11 unauthorized access to the property."
12 "F. To respond to suspicious incidents
13 whether discovered by owners or tenants, take reports
14 on items reported stolen or damaged from the building.
15 When necessary and deemed appropriate, follow incidents
16 to their conclusion."
17 "H. Respond to and provide assistance in
18 security-related situations in conformance with common
19 sense and good judgment in keeping with the owner's
20 policies and procedures."
21 I, which is the next page 214. "Perform
22 any and all security service as may be set forth in
23 service provider's special orders from time to time
24 agreed to by owner and service provider."

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1 "J. Prepare individual daily logs of
2 activities and incident reports as required."
3 "K. Assist director of security in
4 developing, implementing and updating security manual
5 and post orders."
6 And you'll hear much more regarding each
7 of these things individually as the case goes on, but
8 you will note on 220 that there was going to be every
9 day over 100,000 commuters who travel through the
10 building on a daily basis and approximate 3,000 tenant
11 employees in the building that this security company
12 agreed to protect pursuant to the contract entered into
13 prior to this date.
14 You are going to have to determine whether
15 they fulfilled this duty. And you'll hear testimony on
16 various days regarding the contracts, post orders,
17 training manuals, what they did and what they didn't
18 do.
19 It's one thing for people to say what they
20 did, another thing is what did they do. And you'll see
21 actually video regarding some of the steps leading up
22 to what they didn't do on the third floor.
23 But we start on December 8th, 2006,
24 sometime before Noon, approximately 11:00. It was

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1 their account manager, a gentleman by the name of
2 Sidney Chambers. Now, the account manager on this day
3 at that time was actually acting as the Supervisor of
4 these officers, these security officers, including the
5 other defendant in this particular case, Mr. Brown.
6 So Mr. Chambers, he's acting as a security
7 guard. He's running from 3 to 1. I'm talking about
8 the third floor where the concierge is down to the
9 third floor where there's a train station where people
10 are exiting. There's also some shops on 1 and 2.
11 Now, Mr. Chambers says somewhere we're
12 estimating around 11:00, he sees Mr. Joe Jackson. And
13 he remembers him because he said he looked like a
14 puppet that he had when he was a child. And he said he
15 appeared to him to be lost.
16 Now, if we go to the post orders which
17 you'll hear more about, the post orders tell these
18 security officers what they are supposed to do.
19 And when someone appears to be lost, they
20 are deemed to be a person that is the equivalent of a
21 trespasser or a suspicious person. And what are you
22 supposed to do? If someone appears and says he's by
23 the elevator on the first floor, they appear lost,
24 their main function, first function of the security

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1 officer is to deter. They have a presence.
2 So what do they tell you to do? Go up to
3 the person who appears lost, who's deemed by their own
4 post orders to be suspicious, and you ask, may I help
5 you, sir? Is there a reason why you're here? Do you
6 have an ID?
7 You do that because you have a presence.
8 You don't have a gun, but you have handcuffs. So
9 that's what you're supposed to do.
10 What did Mr. Chambers do? Under oath
11 you'll hear testimony an admission of his that he did
12 nothing.
13 Now again, two to three hours later on
14 this same day, he sees Mr. Jackson at around the same
15 spot, the elevator on the first floor. What does he
16 do? Does he go up and ask him what's your purpose
17 here, sir? Why are you here? He does nothing.
18 Two to three hours later he sees
19 Mr. Jackson. He sees Mr. Jackson. What he's doing is
20 he's coming up the escalator and he's going to the
21 concierge desk to try to get in.
22 Now, he talks to the other security
23 officer first, Mr. Brown. Mr. Brown points him to the
24 concierge desk.

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25 (Pages 94 to 97)

1 So Mr. Jackson, he's carrying a manila
2 envelope, a thin manila envelope. We don't know why.
3 He's dead. As we suspect, maybe he was pretending to
4 be a messenger. He's caring it as you'll see on the
5 video. He goes up and he lays it.
6 First Mr. Brown tells him, points to the
7 concierge desk. He goes to the concierge desk. He
8 places it on the desk. You can see there's nothing in
9 it. And he hangs around and the concierge person does
10 her job, says do you have an ID.
11 He goes to his pocket. And you'll see a
12 video of this. And someone else comes in. And then he
13 walks away.
14 And he comes up to Mr. Brown who is
15 standing there talking to another person and he stands
16 there for about a minute and-a-half or so, just
17 standing there, seemingly listening to this
18 conversation.
19 They know because Mr. Chambers now, the
20 account manager who is the Supervisor security officer
21 watches this. They know he's gotten turned away by the
22 concierge.
23 They are assuming lack of ID or something,
24 but he's not listed upstairs which is required to get

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1 upstairs as well. But he's turned away and they both
2 know it. And he leaves.
3 He waits a minute and-a-half doing
4 nothing, just listening to a conversation, with his
5 little manila folder. And then he goes down the
6 escalator.
7 So Mr. Chambers sees him again. Brown and
8 Chambers talk again. And he goes down. And a minute
9 and-a-half later or so he comes back up. He comes back
10 up. And what does he do? He engages Mr. Brown by
11 apparently saying to Mr. Brown, "I have a gun. I want
12 you to take me upstairs."
13 Now, this is all, we don't have -- you see
14 the counter there. And then Mr. Chambers comes up.
15 And Mr. Chambers, now he's supposed to be the guy
16 running the show for Allied Barton. He comes up and he
17 says, he says he says to Mr. Jackson, "Do you have a
18 problem?" Something along those lines. "Do you have
19 an issue? Do you have a problem?"
20 And then he says that Brown says no.
21 Mr. Brown says Jackson said no. But whatever it is,
22 you know, Chambers says I was highly suspicious. This
23 guy has been around the building for hours, seemingly
24 doing nothing.

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1 But that's the encounter. There's no code
2 word used. There's no attempt by Mr. Brown to like say
3 this guy is saying he hasn't done. Nothing.
4 And Chambers is there apparently within
5 two seconds is about what it is on the video, for about
6 two seconds. Because this is a guy he's seen wandering
7 around the building for hours, turned away from the
8 desk. And what does Chambers do? He stands there
9 seemingly maybe walking towards the escalator.
10 At the same time Mr. Jackson is taking
11 Mr. Brown up through the security system they have
12 where everybody has to have an ID. He's taking him
13 through there. What he's doing is abandoning his post.
14 Now, you cannot do that under this contract under these
15 post orders.
16 Mr. Brown is required to stay on the third
17 floor, stay on the third floor at his post, and
18 Chambers knows that. And he can only leave if Chambers
19 approves.
20 You've got Chambers is right there highly
21 suspicious of Jackson, and he's there for two seconds.
22 He asks one question and again he's suspicious because
23 he claims he looks at Jackson and Brown answers no.
24 Now, we can only know by what they say and

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1 what they did, but one thing we know they didn't do is
2 in their post orders for workplace violence, there's a
3 code. It's called code 9.
4 Now, Mr. Chambers said at his deposition
5 when we took his deposition he said there is a code we
6 use over the radio that we can use personally, and
7 that's code 9 for workplace violence.
8 And yet, apparently Mr. Brown was so
9 poorly trained, he doesn't know code, he doesn't know
10 anything. But what happens now is Chambers is right
11 here and Brown is heading up the elevators through the
12 security system which everybody is supposed to have an
13 ID. You're supposed to get it from the concierge.
14 We know Jackson has been turned away.
15 Chambers knows he's been turned away, and admits it.
16 Yet, Brown is taking him right through security,
17 abandoning his post as his Supervisor is right there,
18 spending barely two seconds watching a highly
19 suspicious person, in his own words, walking off with
20 the only security guard that is present on 3 for that
21 purpose.
22 And we lead him up through the security
23 system, double swiping him. Meaning that Jackson
24 needed to have one of those ID's to swipe him up.

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1 Everybody, either employees had to have an
2 ID, or visitors had to have a temporary ID that they
3 get at the desk.
4 So what does Brown do? He not only swipes
5 himself through, he improperly swipes Jackson through.
6 He does nothing, nothing, but leads Mr. Jackson who
7 told him he has a gun up to where he wanted to go, to
8 confront his lawyer who he claimed owed him \$1,000
9 bucks. It turns out it's \$825.00.
10 And what is it about? It's about an event
11 three years or so before. Mike McKenna was a patent
12 lawyer. Joe Jackson came into the office. He thought
13 he had a patent, because he was a truck driver, for a
14 toilet that would go in the back of the truck, a
15 portable toilet.
16 So he comes in with his minister, meets
17 Mr. McKenna. Ruth Leib was there, too, was like the
18 Office Manager or secretary of Mr. McKenna, paralegal.
19 And he has this idea for a portable potty in a truck.
20 So McKenna charges him \$825.00. \$300.00
21 to \$500.00 is for the process itself, because you have
22 to go through the U.S. Patent Office.
23 So he sends it into see if there is a
24 patent. He gets the information back. The information

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1 it down for the right reason. Sure, he could have said
2 oh, I'll look further and charge more money. No, this
3 is it. He turned the case down. He said you don't
4 have a case. So that was the end of it.
5 Because over a year before someone else
6 had already applied for the same type of thing, a
7 toilet in the back of a truck.
8 So that should have been the end of it.
9 But unfortunately, we don't know what was going on in
10 Mr. Jackson's mind, but a few years later --
11 And this was the only complaint
12 Mr. McKenna ever had in his career, and it bothered
13 him. And he even talked to his daughter Amber about
14 it. It bothered him that someone would complain, but
15 that's the gist of it.
16 So at the end of the day what happens is
17 Brown leads him up, abandons his post, double swipes.
18 Now, they are going to say oh, he's under
19 duress. You'll hear experts. You'll hear Dr. Kenady,
20 criminologist/sociologist will talk about that.
21 You're not under duress unless you try to
22 do something. You've got to do something, you know.
23 If you don't know the code because you're so poorly
24 trained, you know, do something.

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1 is over a year before, and you'll see this, over a year
2 before someone else had applied for the same patent.
3 And so you can't get a patent if someone already has
4 applied.
5 And so what happens is Mr. McKenna within
6 a short time after he gets the information back, turns
7 the case down by letter. He says I'm sorry, but
8 someone has already applied for a patent.
9 In Jackson's mind apparently, he thought
10 that he gave his patent out to someone else, because
11 there was a different date on the bottom. But if you
12 look closely at the document, you'll see over a year
13 before there was an application filed for the patent,
14 over a year before Mr. Jackson came in to his office.
15 So what Mr. Jackson did, he then filed a
16 Complaint with the Attorney Registration and
17 Disciplinary Commission and they looked into it.
18 Mr. McKenna has to respond by letter saying what
19 happened.
20 Once he responded to the ARDC, they are
21 supposed to send the letter you sent to them to the
22 complainant and then they decide if there's a situation
23 here or not, if they should investigate further.
24 In this case they said clearly you turned

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1 And that's one of the criticisms, that
2 Allied Barton should have educated and trained on the
3 code.
4 And there's various codes. Codes can be
5 used all over security, and they are. If you've got a
6 problem, officer in distress, whatever it is, you have
7 to have something to signal.
8 Because what they did is they had a
9 restraint policy that involved handcuffs, which is
10 actually one of the things they trained Mr. Brown on,
11 handcuffs.
12 Now, Mr. Jackson is about six-foot tall,
13 about 170 pounds. Mr. Brown is 6'2", over 300 pounds.
14 Mr. Chambers is 6'4", 270 pounds.
15 And you may have been thinking based on
16 voir dire that there was some gun, the guy was menacing
17 a gun, he had a knife on the third floor, he was
18 running around? No, no. He never even displayed a
19 weapon until allegedly it was on the elevator. He
20 never displayed a weapon.
21 Now, under these circumstances, what
22 should have occurred is had he known the code, which
23 for workplace violence it's code 9, code 9, then what
24 happens is Chambers who's 6'4", 270 and Brown who's

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1 6'2", 300-plus, they restrain him and they handcuff
2 him. The guy is 6-foot, 60 years old who hasn't
3 displayed a weapon. Because if he actually pulled a
4 gun, then that restraint policy doesn't apply. But if
5 he doesn't show the weapon, it applies.
6 They needed to do it there. They needed
7 to do it then. They needed to do it now.
8 You're never going to have an opportunity,
9 most likely, to have a trained person, and it requires
10 two people to be present to use the restraining policy.
11 There's never going to be that opportunity, because
12 once you get to the law office, you've got older
13 people, you've got women. You don't have, you cannot
14 do it under their policy. You've got to have two
15 people present. And it was right there.
16 Instead Chambers, who's highly suspicious,
17 walks away in two seconds. Brown apparently doesn't
18 know the code. And it's over. It's over.
19 So what are you going to do? What he
20 could have done? You go up and you've got to swipe in.
21 I'm sorry. This won't work. Because everybody has got
22 to have a pass. Do something. Make something up. If
23 you're going to give up that wonderful opportunity
24 there, do something.

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1 But instead, he double swipes him. Does
2 it all for an excuse. Like saying here, you've got to
3 get an ID because it won't work; an alarm will set off.
4 Anything.
5 He's a very concrete thinker, I would
6 suggest, Mr. Brown. He couldn't think of anything. He
7 led Jackson up to the office on the third floor. They
8 had to stop at 31, because it was a midrise, and
9 crossover. And then they went up to 38.
10 And Jackson didn't know where he was
11 going, nor apparently did Brown, because a lady lawyer
12 directed them to where this Woods Phillips where
13 Mr. McKenna had an office, where it was.
14 So then they are going into this office
15 now.
16 And the important thing about this whole
17 circumstance is when you're a security officer, you're
18 trained. And you'll see these post orders and
19 everything else, do not let something escalate. Talk
20 him out of it. Delay it. Do what you can. Because
21 once you get up on 38 and it escalates, we don't know
22 what's going to happen, but it ain't gonna be good.
23 Because Brown testified he thought maybe
24 it would just end; that Mr. McKenna could just give

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1 Mr. Jackson whatever he thought he was entitled to and
2 it would end.
3 Jackson has already committed a felony.
4 It ain't gonna end good. This is not going to end good
5 no matter what way you go. Jackson either will be
6 carried out, or he's going to go to jail. Let's face
7 it. This is not ending well. The only way it could
8 have ended well was on the third floor or the first
9 floor earlier. But it isn't going to end well when it
10 escalates on 38. And it did. Totally predictable.
11 And what happens is apparently there's a
12 problem with the door. Whether there was or not,
13 Mr. Brown testifies that there wasn't; that he had to
14 be buzzed in.
15 Now, there's others who will say there was
16 a problem because the buzz door, the door you get
17 buzzed in with squeaked too much, so they locked that
18 one, and the other door they were opening manually. So
19 the buzzer didn't work on this day. I don't know what
20 the circumstances was, but that's some of the
21 testimony.
22 It doesn't matter. Because you know what?
23 If they used the code, if he knew the code, all he had
24 to do was give Chambers a code. And let's say Chambers

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1 didn't want to take him down for some reason, which the
2 restraint policy applied. But let's say, they could
3 have at least used their intercom system and went into
4 lockdown. That was available to them.
5 You call over the intercom system to all
6 the tenants on the 4th floor to the 41st floor. There
7 is a missing security guard. Please lockdown. Lock
8 your doors. Don't let anyone in, including anyone who
9 approaches you with a security guard. Go into
10 lockdown.
11 They had it. They did nothing, nothing.
12 And that's why we're here.
13 Now, they get up to the 38th floor.
14 Counsel talked about the 38th floor. We're not
15 disputing the fact that Mr. Jackson killed these
16 people. He shot them. We're not disputing that. So
17 he'll talk, most of his time will be talking about
18 that, I suspect. But that's not in dispute.
19 What we do know is Ruth -- he came in
20 there. Mr. Brown brought him in the office because
21 he's got the uniform on. He said he wants to talk to
22 Mr. McKenna. So she said, the receptionist, he's busy.
23 Well, I need to speak to him.
24 So Ruth came out and Ruth said he said

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1 that he was in a meeting with a client. And he was,
2 the conference room was right there past the door, and
3 you could see in the conference room.
4 He said I want to meet him I need to see
5 him. She said he's in an appointment. You'll have to
6 take a message. So what did he do? He pulled a gun
7 out. Either he had it in -- she's not sure if he had
8 it in a manila envelope and pulled it out from under
9 his coat or he pulled it out from his coat. She's not
10 sure.
11 Obviously, she's shook up because he takes
12 the gun and he puts it to Ruth's head and tells her you
13 better get him. You better get him. So what's she
14 going to do? What's Mr. Brown do?
15 Mr. Brown, the security guard, who took
16 him right up, he says why did this have to happen
17 during my shift? Why did this have to happen to me?
18 It's all about him? She's got a gun to
19 her head. That's the first time there's a gun to
20 anyone's head, is to Ruth. So Ruth is shook up and she
21 goes in and tells Michael, there's a guy out there with
22 a gun and he wants to see you.
23 Now, Michael could have been like
24 Mr. Brown, I suppose, and tried to run out the back

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1 door. Right? Tried to just hide. But no. He was a
2 mediator. He's a guy who was going to try to see what
3 the grievance was and talk to him.
4 So Michael went out there to reception and
5 he tried to explain this is the lawfirm, Wood Phillips.
6 I work here. And while he was doing that, Mr. Jackson
7 took the gun to the left side of his head and shot him.
8 Now, he laid there for 40 minutes. And
9 Mr. Jackson then took off down the hallway. He went up
10 to a couple of the lawyers. He asked Mr. John Mortimer
11 if you're a lawyer and Mr. Mortimer said he wasn't, so
12 he didn't shoot him.
13 He came up to Mr. Hoover and he asked him
14 if he's a lawyer and Mr. Hoover said he was and he shot
15 him.
16 And then he went up to Ruth and Ruth was
17 saying she has children and screaming for her life and
18 pleading for her life. And he took the gun and he's
19 deciding he wasn't going to shoot her in the head. He
20 shot her in the foot.
21 And then he took Mr. Kotin's client as a
22 hostage and dragged him around for a while and then
23 shot him.
24 In the meantime, and Officer Tenton came

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1 up and tried to engage him, and he tried to rush him
2 one time when he was shooting. And eventually the SWAT
3 team came up and engaged him and were able to take him
4 out.
5 Now, with respect to the contract, you'll
6 have to decide whether they lived up to their contract,
7 whether they lived up to the post orders, whether they
8 were properly trained. These are all issues.
9 Whether they should have had some type of
10 duress code, some signal that Brown should have known
11 and should have given it to Mr. Chambers that for
12 whatever reason let's say they didn't want to follow
13 the restraint policy. They were going to call the
14 police. If there was just a code that Chambers could
15 go over and just put everybody on lockdown.
16 Nothing was done. Nothing. Except some
17 poor guard who was only worried about himself, only
18 worried about himself. How telling is that? Why did
19 this all have to happen on my shift?
20 You have to decide, is that what we all
21 expect of our security officers? Is that what we
22 expect from our security contractors?
23 We make a lot of assumptions in life. We
24 assume everybody's going to do their job. That they

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1 are properly trained. We make assumptions like this.
2 We take it for granted.
3 Is that what the tenants at 500 West
4 Madison would expect of their security officers, that
5 they didn't even know code words?
6 They didn't take advantage of the
7 restraint system, the handcuff policy which was one of
8 the few things they were trained on? In addition, the
9 allegedly workplace violence post order that Brown was
10 supposed to be trained on?
11 If he was, he must have forgot, because if
12 he was trained on that, as I said, actions are louder
13 than words.
14 He can come in here and say all he wants
15 about how they do this or do that or did this or did
16 that, but what did he do? You'll see it on video what
17 he did. He did nothing. Chambers, the person who is
18 so highly suspicious, walked away.
19 You're going to have to decide this,
20 whether it's appropriate to be improperly trained, to
21 disregard the post orders, to turn a blind eye because
22 you're more concerned about any possible risk to you
23 apparently?
24 I mean there's a risk in life for

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1 everything we do. And if you're going to handcuff
2 someone, if you're going to have to put someone out of
3 the building, you've got someone who's drunk, you've
4 got to get him out of the building.
5 There's always risks. But you know, you
6 need to minimize the risk.
7 But if you're a security officer, you've
8 got to do your job. You've got to protect people.
9 You've got to protect the employees. You've got to
10 protect the visitors. You've got to protect the
11 tenants. That was your contract.
12 When the evidence after this case is done,
13 you'll see that Brown protected known. He put his own
14 life at risk stupidly.
15 How do you think you're in better shape
16 going upstairs when you have Sidney Chambers who's 6'4"
17 270 right there? How do you ever figure if you're
18 going to take someone out, you've got to do it now
19 here. Not travel up the elevator with a guy if indeed
20 he had a gun. Because he hadn't even seen a gun yet.
21 So when the questions were asked in voir
22 dire about gun to your head, there was no gun to his
23 head, by his own admission. Until the elevator it
24 wasn't even to his head. It was shown to him on the

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1 elevator, according to his own testimony. We know it
2 wasn't to his head when he walked off into the office
3 because Ruth was there.
4 The first time there was a gun to a head
5 was to a middle-aged secretary, a middle-aged
6 secretary.
7 Duress. Do your job. The evidence will
8 show at the end of the day he didn't do his job. He
9 didn't protect anyone. He worried about himself.
10 And there's nothing more telling than the
11 statement why did this happen to me on my shift? Sad
12 to say. Sad to say.
13 And Chambers didn't do his job. He
14 ignored the post orders. He walked away in two
15 seconds. He abandoned his post. He double swiped
16 Jackson through, violating all their post orders and
17 all their rules.
18 Sad. Sad. Because at the end of the day,
19 and I'll show you we haven't talked about it, the
20 McKennas. I represent Suzanne McKenna, his wife.
21 His first wife, Michael's first wife died
22 at 49 suddenly. I don't know if it was a reaction to
23 food or what it was, but she died suddenly. And a few
24 years later he met Suzanne on a training for a charity

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1 bike trip. And he just met her casually. And then at
2 the bike trip they got very friendly and they got
3 serious and they got married. And it's from his
4 marriage to his first wife Michael had Matthew, Warren
5 and Amber who were in their -- who were adults.
6 But when he married Suzanne, they had a
7 baby Jonah. And Jonah was two and-a-half. And Michael
8 died about ten years after his first wife Barbara died.
9 And I'll show you a photograph of the
10 family. 63-C and 003. This is the family. 63-007.
11 This is a little later and you'll see Jonah. That's
12 Michael and he's got Jonah there at Christmas. This is
13 2005. And then we have 63-B 006. This is Michael with
14 Jonah.
15 This didn't need to happen. It was
16 preventable on 1 if Sidney Chambers had done his job.
17 It was preventable on 3 if Brown and Chambers had done
18 their job. They should never have gotten to 38.
19 We'll hear from Dr. Kenady, sociologist/
20 criminologist, who said when they asked him about
21 fault, isn't this, as counsel has suggested in his
22 questioning, this is all about Mr. Jackson. And he
23 said you know, it's sort of like the fox and the
24 farmer. What do you mean?

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1 He said well, if the farmer has a hen
2 house and he leaves the door to the hen house open and
3 the fox comes along and he eats the hen, who's at
4 fault, the farmer or the fox? When you think about it,
5 in this case, the farmer's assistant took the fox right
6 to the hen house.
7 When so he talks about 38, everything
8 happened on 38, remember that. Remember the fox and
9 the farmer. The farmer's assistant and the poor hens.
10 Thank you, ladies and gentlemen.
11 MR. ROGERS: If it please the Court, counsel,
12 counsel. Good afternoon, ladies and gentlemen.
13 This is only one of two opportunities that
14 I get to speak directly to you. Other than this, you
15 will hear about this case from the witness stand when
16 the witnesses are called, through the reading of what
17 the Court has determined to be admissions, admissions
18 against the defendant, and through the presentation of
19 documents like the contract that Mr. Power talked to
20 you about, the contract that Allied Barton Security
21 committed to provide, amongst other things, the
22 protection of the tenants' lives in 500 West Madison.
23 I believe after you hear all that
24 evidence, hear the testimony by way of admissions of

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1 the defendants, see what their policies, master
2 security officer handbook requirements and their post
3 orders require, I think that we will have met our
4 burden of establishing that had they complied with
5 their duties.
6 Had they met their obligations, it's more
7 likely than not that Mr. McKenna, Mr. Hoover,
8 Mr. Goodson would be alive today, and Miss Leib would
9 not have been injured.
10 Before I get into what I believe the
11 evidence will show, and I'm going to move it along. I
12 know it's been a long day for all of us. I want to
13 thank you for your service.
14 You all spent a lot of time going through
15 a lot of questions probing your personal lives. And I
16 know it's probably an interruption of your lives and
17 your days, but trust me, and I think I speak for both
18 the plaintiffs and the defendants when I say, we
19 vitally depend on you to be fair people, to decide this
20 case based upon the evidence that you hear, the
21 testimony you hear, the evidence presented before you,
22 and then to render justice.
23 Our system is one where judges, despite
24 their familiarity with the law, they don't decide these

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1 cases. We put them in the hands of our peers, and we
2 decide our dispute by presenting evidence that we
3 believe bears on the question and entrusting that you
4 will be fair and render a just verdict.
5 So I want to thank you for that service.
6 Trust me that we depend upon it. It is what prevents
7 this vigilantism and a just society.
8 Mr. Power talked to you about the
9 contract. I wanted to touch upon that. Turn to 19-11,
10 please.
11 On-duty procedures. There's no question
12 that these officers, security officer Brown and Sidney
13 Chambers, the account manager and the Supervisor that
14 day were on duty. And you will hear repeatedly over
15 the course of the case the discussion of deter, observe
16 and report; deter, detect, observe and report.
17 "Deter. The basic functions of an Allied
18 Barton Officer are as follows: To serve as a general
19 security presence and visible deterrent by continually
20 performing your duties in an alert, professional
21 manner."
22 "Detect. Suspicious activities."
23 You will hear through the admission
24 testimony the Court has deemed to be admissions of

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1 Sidney Chambers, he felt that Joe Jackson was
2 suspicious on the third floor. You will hear him admit
3 that.
4 "Observe. Criminal acts or rule
5 infractions at or near your post which may be a threat
6 to the facility, the client or employees at your work
7 site."
8 As Mr. Power touched upon, Joe Jackson was
9 seen on the first floor. And despite all of the people
10 that go through that property, Sidney Chambers admits
11 observing him not once, but twice on the first level,
12 acting and looking lost.
13 And you will hear that those are the types
14 of suspicious activities that Allied Barton security
15 officers are supposed to pay attention to and not
16 ignore, but respond to, do something.
17 And it will be, I would suggest to you,
18 uncontested that on those not one but two occasions on
19 the first floor, Sidney Chambers did nothing.
20 When we talk about the obligations and the
21 expectations and the duties of a security officer, they
22 aren't duties obligations and training that we made up.
23 They are those imposed by Allied Barton. And let's
24 talk about a few of those.

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1 They have a master security officers'
2 handbook that sets forth the training, the expectations
3 and requirements that they place upon their officers.
4 If I could direct you to 5-157. Allied
5 security officers, their patrol objectives delineates
6 specifically, protect life. It doesn't say armed and
7 unarmed as this distinction is attempted to make to
8 you. It says Allied security officers' patrol
9 objectives are to protect life and property.
10 "Your primary responsibility as an Allied
11 Barton security officer is to protect life and
12 property. This means providing a safe environment for
13 our client's employees guests and the general public?
14 That was what was expected by Allied of
15 Allied's security officers.
16 Page 5-182. "Things to remember about
17 patrols. The primary objective of a security patrol is
18 to protect life and property." Reiterating to the
19 security officers what the expectation is upon them.
20 And again, as Mr. Power pointed out on the
21 contract, what Allied committed and contracted to with
22 regard to the property at 500 West Madison Street.
23 "The second objective of a security patrol
24 is to deter, detect, observe and report illegitimate

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1 activities."
2 Page 5-189. This is an important one
3 because I think this is very germane to what happened
4 here.
5 "A security officer's role is to deter
6 crime. Crime, especially violent and dramatic acts,
7 capture our imagination."
8 Let's go to the bottom paragraph, the last
9 two sentences. "You may receive a report of a crime
10 from a co-worker, or you may happen upon a crime in
11 progress. Although these situations are rare, you must
12 learn the proper response procedures to minimize and
13 control the situation until police arrive."
14 That's important here. And let's talk
15 about the facts here.
16 The evidence will show that after Sidney
17 Chambers observed what he thought looked to be a lost
18 person on the first floor, he then saw Joe Jackson on
19 the third floor.
20 As Joe Jackson came up, he approached
21 officer Brown, officer Brown directed him to the
22 visitor's desk. He goes to the visitor's desk. He
23 asks for identification. He cannot find or does not
24 produce identify despite fumbling around.

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1 He's turned away. He turns and goes to
2 Officer Brown. Officer Brown is engaged in some casual
3 conversation with someone else in the building.
4 Mr. Jackson hangs around there a bit.
5 Then he goes down the escalator. A few minutes later
6 he comes back up the escalator. He goes to Brown. And
7 importantly, Sidney Chambers sees him approaching.
8 Sidney Chambers recognizes that he is the man that he
9 had observed hours earlier.
10 Sidney Chambers says I went over there
11 because of my suspiciousness. I was suspicious of him.
12 And he stood between the two of them. Sidney Chambers,
13 you will hear what the Court has deemed to be an
14 admission, felt threatened by Joe Jackson because of
15 the way he was standing with his hands not visible in
16 his pockets.
17 He engaged him and said is there a
18 problem, looking him in his eyes, looking Joe Jackson
19 in his eyes on the third floor. And instead of Joe
20 Jackson responding, Mr. Brown said quickly no, there is
21 no problem.
22 Sidney Chambers felt that Joe Jackson was
23 standing unusually close to Mr. Brown at the time.
24 Again, on the third floor. He felt he was unusually

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1 close to him. He felt he was suspicious because he had
2 been around the building for hours. He thought it was
3 suspicious how quickly Mr. Brown responded to a
4 question that Sidney Chambers directed to Mr. Jackson.
5 And what did he do? Did he know what to do in that
6 situation? The testimony will be he walked away. He
7 walked away.
8 And as he walked away, and you will see on
9 the video clip, Mr. Jackson walked standing next to
10 Mr. Brown directly toward the turnstiles to get
11 upstairs. And Sidney Chambers acknowledges that he
12 knew that at that point in time, he knew that Joe
13 Jackson had already been denied entry into the
14 building.
15 The evidence will show that when Joe
16 Jackson got up into the suite, he had a bag with him, a
17 bag that had a large sledge like type hammer in it. He
18 had a chain. He had a knife. And he had this gun.
19 5-193. Why is this significant? As an
20 Allied Barton security officer, one of your duties and
21 responsibilities is to look for carrying a concealed
22 weapon.
23 I'm sorry. Back up for a second. Common
24 crimes we see every day. Crime prevention and

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1 response. This is part of the master security officer
2 lesson. Looking for carried and concealed weapons.
3 How did Joe Jackson get past both Robert
4 Brown and Sidney Chambers with a bag with a hammer,
5 chain, knife and all of these items and not be
6 detected?
7 You can look to the left of that section,
8 the little guy on the left carrying a concealed weapon.
9 They are supposed to look for things that look
10 uncomfortable and ask what is that under the robe. The
11 duties and responsibilities of Allied security
12 officers. The evidence will be that none of that
13 happened on the third floor.
14 Page 5-196. In the crime prevention and
15 response section of their lesson book, the most
16 important thing it tells you at the bottom, the most
17 important, do you know what to do when someone tries to
18 violate your work site access control procedures. You
19 need to know.
20 The testimony will be that when Robert
21 Brown was on that third floor, he will -- I believe the
22 evidence will show that Joe Jackson, the suspicious
23 person who was unusually close to him, had an envelope,
24 didn't display a weapon to him; told him I have a

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1 weapon and did not display any weapon until he got
 2 upstairs.
 3 Despite Sidney Chambers standing in front
 4 of him being suspicious, there was no code word
 5 expressed. There was no indication of a problem. In
 6 fact, there was an indication to Mr. Chambers that
 7 there was no problem by Mr. Brown. He did absolutely
 8 nothing, absolutely nothing to protect these
 9 individuals that were on the 38th floor.
 10 As Mr. Powers talked about, he walked
 11 Mr. Jackson to the turnstiles, he swiped himself in, he
 12 swiped Mr. Jackson in, he got to the 38th floor.
 13 The receptionist, seeing a security guard,
 14 allowed them into the suite. And then everything
 15 happened thereafter.
 16 So I expect that you will hear from
 17 counsel about everything that happened on the 38th
 18 floor, but I'd suggest to you that that's the end of
 19 the story. There were things that were missed. There
 20 were opportunities to intervene.
 21 There was an inclination that this man was
 22 suspicious, that he was unusually close to Mr. Brown,
 23 that Mr. Brown was responding. They were the warning
 24 signs that allow you to prevent tragedies like occurred

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1 on December 8th of 2006. Nonetheless, nothing was
 2 happening.
 3 You're going to see, and I'm going to flip
 4 through another couple of training procedures. 5-197.
 5 Watching for suspicious persons is exactly what Allied
 6 Barton personnel was trained to do.
 7 "Always be alert for people who are acting
 8 in a suspicious manner. Question them politely but
 9 firmly. Ma'am, can I help you with something. This is
 10 private property. Can I ask what you're looking for?"
 11 Those things were never effectively done.
 12 Loitering on the property. Page 5-198.
 13 "People who are standing around who do not appear to be
 14 conducting any legitimate business." That's loitering.
 15 He was on that first level on not one, but
 16 two occasions, hours apart in the same area. After he
 17 was denied entry on the third floor, you'll see him on
 18 the videos hovering around Mr. Brown, really not doing
 19 anything.
 20 Page 5-226. Dealing with potential
 21 intruders. The bottom paragraph. "If you are
 22 confronted with a dangerous person or feel threatened,
 23 call for backup and police immediately."
 24 Sidney Chambers came over there and Robert

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1 Brown did not let him know through a code message word
 2 or any indication that there was a problem. Call the
 3 police. Call over the intercom, notify the people
 4 upstairs that there's a problem. He never hesitated.
 5 5-315. Your role in preventing workplace
 6 violence. Warning signs. Suspicious activity. Again,
 7 their training indicates those things matter to pay
 8 attention to them.
 9 Sidney Chambers acknowledges he felt he
 10 was suspicious on the third floor. You'll see the
 11 video that shows he just walks away.
 12 Finally, the post orders that you'll hear
 13 about, 6-042. Visitor access control. This was
 14 specifically applicable to that property. The top
 15 section.
 16 MB Real Estate, that was the manager of
 17 the property that they contracted with Allied to
 18 provide the service requires visitors to be
 19 pre-authorized and logged into the facility.
 20 "Your primary responsibilities include
 21 verifying the visit, contacting the client rep, and
 22 denying access to the visitor until proper
 23 authorization is received."
 24 They failed to deny that, and in fact,

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1 walked Mr. Jackson up to the 38th floor.
 2 Let me just conclude by saying I have the
 3 pleasure of representing the Hoover estate. If I could
 4 direct you to 65-17.
 5 You'll hear testimony that Mr. Hoover was
 6 a lawyer. He was not affiliated in a law firm practice
 7 with Mr. McKenna. He happened to be at work that day.
 8 And he happened to be a lawyer. And because of what
 9 was not done on the third floor, he lost his life.
 10 The picture is of him, his wife, his
 11 daughter and his son.
 12 65-09. That's Mr. Hoover and his wife
 13 Louise attending their daughter's wedding.
 14 And I will have a chance to talk more
 15 about them toward the end of the case.
 16 Thank you for your kind attention. We
 17 look forward to presenting the case to you.
 18 THE COURT: Thank you, counsel. Mr. Kotin?
 19 MR. KOTIN: May it please the Court, counsel,
 20 Mr. Power, Mr. Power, Mr. Rogers.
 21 Ladies and gentlemen, just like during the
 22 jury selection process, I am the third person to speak
 23 to you here this afternoon. And I could not do nearly
 24 as good a job as Mr. Power and Mr. Rogers just did in

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1 sharing with you the basis of our collective claim
2 against these defendants here, so I'm not going to
3 waste your time by trying to repeat anything or rehash
4 anything.
5 But what I will do very concisely is
6 explain to you how the evidence in this case will prove
7 who is responsible for the harms and the losses
8 suffered by these four victims and their families on
9 December 8th, 2006.
10 And what you have to keep in mind is that
11 this case is not about Joe Jackson. Joe Jackson, I
12 think it's pretty clear, was a bad man. He was a bad
13 person who had bad intentions on December 8th, 2006.
14 He had intentions to kill people that day. And all he
15 needed to do was to make his way to the 38th floor of
16 the 500 West Madison building so he could do what he
17 wanted to do. Once there, there was no stopping Joe
18 Jackson's bad intentions.
19 Nobody in this courtroom will claim there
20 is a surprise when you say there's the existence of an
21 evil person intent on killing others. Nobody is
22 surprised by that. There have been bad people
23 intending to kill others since long before Joe Jackson
24 was around. And unfortunately, there will be bad

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1 people intent on killing others long after we're all
2 gone.
3 But you'll learn and you probably already
4 know that as a society, we guard against these people,
5 against this reality that exists in the world.
6 And that's exactly what the owners and
7 managers of the 500 West Madison building did when they
8 hired Allied Barton Security to provide security and
9 protect of the lives of the 3,000 people that worked
10 every day in that highrise office complex.
11 And so this case is not about what Joe
12 Jackson did that day. This case is about Allied Barton
13 and its security officers and the negligence that they
14 performed and what they did and didn't do in allowing
15 Joe Jackson to make his way to that office.
16 Specifically, you've heard a little bit
17 about it. You're going to hear about multiple
18 opportunities that Allied Barton and their officers had
19 to stop Joe Jackson from making it up to that office.
20 And I don't know whether it's because of
21 poor training or just simple negligence on the part of
22 the security officers, but they didn't just not stop
23 Joe Jackson from getting up there, they essentially
24 escorted him through the turnstile and up the elevator

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1 and into the Wood Phillips offices where he could do
2 the harm he did.
3 You're going to hear a lot of witnesses in
4 this case. You'll hear from experts in this case. But
5 I think at the core of it, folks, it's really not a
6 very complicated case at all.
7 There was a bad man who came to the 500
8 West Madison building with the intention of killing
9 people on the 38th floor.
10 Allied Barton security officers were on
11 site downstairs to guard against this exact type of
12 person. We say they failed. We say they were
13 negligent. And because of that, these terrible harms
14 and losses occurred.
15 I'll say no more about the liability part
16 of the case. You've already heard enough about that
17 and you'll hear much more about that as the trial goes
18 on.
19 But I do need to talk to you -- can we see
20 660-08.
21 I do need to talk to you for just a couple
22 of moments about one of the victims, Paul Goodson. I
23 need to talk to you about his death which happened that
24 day in the most horrific of ways and about the family

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1 that he left behind. 66-006.
2 This is a photograph of Paul Goodson and
3 his family. That's Paul there on the bottom left. And
4 seated next to him, that's his mom. Her name was
5 Blanche. And this was a family picture taken at
6 Blanche's 100th birthday party. It was eight years
7 before Paul was killed. Blanche ended up living until
8 103.
9 The Goodsons are from a small town called
10 Princeton, Indiana which is about 250 miles south of
11 here right on the Illinois/Indiana border. Paul
12 graduated from Princeton High School. He was born in
13 1928 and he graduated from Princeton High School and
14 World War II was still going on. So he enlisted in the
15 Navy to defend our country.
16 You'll learn that the war ended shortly
17 after Paul enlisted, but he finished his tour of duty
18 honorable discharge and then he came back to Indiana
19 where he got his undergraduate degree in education. He
20 got a Master's in education from Indiana State
21 University. Then he taught school in Indiana for a
22 little while.
23 He went over to Japan, taught school,
24 taught English in schools in Japan and then Morocco.

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1 He came back, moved to Chicago where he taught school
 2 for many, many years.
 3 And you'll learn that once he retired from
 4 teaching, he engaged in several different jobs in the
 5 Chicago area. He was a driver for a Senator. He
 6 worked at a downtown hotel.
 7 And for the last few years of his life,
 8 Paul worked part-time as a mail clerk for the Wood
 9 Phillips law firm at 500 West Madison. He would show
 10 up in the afternoons and he would sort the mail and
 11 then deliver it to the different lawyers in the office.
 12 And you'll hear that Paul loved that job,
 13 not just because he made a little bit of money, but
 14 because he loved of he emotional outlet it provided
 15 being around all these people every day. It made him
 16 happy. And it was in that environment where his life
 17 came to such a terrible end.
 18 You're going to hear about the last
 19 minutes of Paul Goodson's life and the pain, physical
 20 pain and the emotional suffering he experienced. And
 21 that's very much part of this case. But you're also
 22 going to hear about what he left behind, who he left
 23 behind. 66-006 again, please.
 24 Paul was the second oldest of the Goodson

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1 family. That's his brother Howard. He was a few years
 2 older than Paul. Howard was in ill health when Paul
 3 was murdered. He had a heart condition. He was out in
 4 California. Paul visited Howard a few months before he
 5 was killed and that visit meant so much to his big
 6 brother. You'll hear about that.
 7 And you'll hear about how important the
 8 phone calls were that Howard and Paul had in those
 9 months. And you'll hear about how devastated Howard
 10 was about the loss of his brother. Howard died nine
 11 months later.
 12 His sister was Mary. She was also very
 13 sick when Paul was killed. She died about three years
 14 later.
 15 Then there's Roger and the baby of the
 16 family, John. Roger and John are younger than Paul and
 17 they are very much alive, and you're going to meet
 18 them. They'll be here next week.
 19 And Roger and John are going to tell you
 20 about the Paul Goodson that other people might not know
 21 about. They'll talk to you about his interests in art
 22 and cooking. They'll tell you about their relationship
 23 with their big brother and how when they were kids,
 24 they might not have known Paul too well because he was

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1 so much older, but when they got older, they grew
 2 closer together, particularly when their parents died
 3 and they were now the oldest generation.
 4 Folks, I don't want to take any more of
 5 your time. You're going to learn much more about the
 6 Goodsons, so I'm going to stop now. And then Mr. Power
 7 is going to be able to speak to you about Mrs. Leib.
 8 But pretty soon we're going to sit down,
 9 and then Mr. Patton will have an opportunity to give
 10 his opening statement on behalf of Allied Barton and
 11 Robert Brown. And I can assure you that Mr. Patton
 12 intends to defend this case vigorously.
 13 I expect that you are going to hear a lot
 14 about Joe Jackson and what he did on the 38th floor of
 15 the 500 West Madison building that day.
 16 I don't expect you're going to hear much
 17 about Allied Barton's security and what they did or
 18 didn't do downstairs on the first floor or on the third
 19 floor in the hours and minutes before this happened.
 20 But at the end of this case, ladies and
 21 gentlemen, we'll have an opportunity, as counsel has
 22 mentioned already, to talk to you again in closing
 23 argument. And at that time we will ask you to conclude
 24 that the evidence has proven that Allied Barton and

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1 their security guards, Chambers and Brown, were
 2 negligent on December 8th, 2006, and that because of
 3 that, these four victims were shot and three of them
 4 killed.
 5 For that we're going to ask you to return
 6 a substantial dollar verdict.
 7 Thank you so much for your attention. And
 8 I'll now let Mr. Power finish up for the plaintiffs.
 9 MR. JAMES POWER: Good afternoon everyone.
 10 Counsel, counsel.
 11 I'm here on behalf of Ruth Leib. And we
 12 believe that the evidence will show that on December
 13 8th, 2006, Ruth Leib's world was turned upside-down.
 14 The evidence will show that she not only lost her
 15 employer, Mike McKenna, but that she lost her best
 16 friend and her confidante as well.
 17 Ruth worked for Mike for 14 years, and
 18 over that time, their relationship developed from that
 19 of employer employee into a true friendship.
 20 Ruth described Mike as her best friend,
 21 and Mike described Ruth as his work friend.
 22 Now, you will hear that for Ruth, the
 23 world slowed down as Joe Jackson began to chain the
 24 doors, and that she told herself this must not be real

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1 as Joe Jackson put a gun to her head and demanded that
 2 she get Mike McKenna.
 3 You will hear that she witnessed her best
 4 friend call fall to the floor after he was shot in the
 5 back of the head. And you will hear about the guilt
 6 that Ruth lives with every day for feeling responsible
 7 for leading Mike from the conference room into the
 8 office lobby.
 9 You will hear that she experienced that
 10 same fear as Joe Jackson the second time pointed his
 11 gun at her head. You will hear how she begged for her
 12 life, telling Jackson that she had babies at home, and
 13 how Jackson then took his gun, scanned her body and
 14 decided where to shoot.
 15 You will hear about the third death that
 16 Ruth witnessed on that day, the death of Alan Hoover as
 17 they together hid in the docketing room of the law
 18 firm.
 19 Finally, you will hear that the things
 20 Ruth witnessed and experienced that day have never left
 21 her.
 22 Not only do the 30 pieces of shrapnel left
 23 by Joe Jackson's bullet remain in her foot, but you
 24 will hear the post-traumatic stress she now suffers as

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1 a result of this experience.
 2 And you will hear about the symptoms that
 3 she experiences on a daily basis. One of those
 4 symptoms is tinnitus which is a ringing in her ear.
 5 That for Ruth comes about every morning and every night
 6 as she quiets herself to go to sleep and as she's
 7 waking up by herself.
 8 You will hear about the inability to focus
 9 that she now suffers from which is a result of physical
 10 changes in her brain as a result of experiencing this
 11 traumatic event.
 12 Ladies and gentlemen, I had to be brief,
 13 but you will hear all the evidence in this case, and it
 14 will be your decision to make once you have all that
 15 evidence.
 16 And we believe that at that time, you will
 17 return a verdict in favor of Miss Leib and the other
 18 plaintiffs in this case. Thank you.
 19 THE COURT: Thank you.
 20 MR. PATTON: Five minutes.
 21 THE COURT: Five-minute break.
 22 (There was a break taken, after
 23 which the trial was resumed
 24 as follows:)

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1 THE COURT: Thank you. All right. Mr. Patton?
 2 MR. PATTON: May it please the Court. Counsel.
 3 Counsel. Ladies and gentlemen of jury.
 4 Before I start my opening statement, I
 5 would like to introduce you to Robert Brown.
 6 As Judge Powell told you earlier, opening
 7 statements are not evidence. The evidence is going to
 8 come from the witnesses in this case. Documents you
 9 may see, and other evidence her Honor admits for you to
 10 consider.
 11 What I will say at the front end of my
 12 comments is it's a good thing that there's videotape of
 13 some of the key events, some of which I'm going to show
 14 you shortly, that will prove to you that the only
 15 person to be blamed in this case is Joe Jackson.
 16 It may be a little bit mind boggling to
 17 hear these opening statements and not hear anything
 18 about Joe Jackson. There's a whole lot of evidence
 19 about Joe Jackson, but I guess there's no benefit to
 20 try to blame him.
 21 Joe Jackson wasn't -- this wasn't
 22 workplace violence. This was domestic terrorism.
 23 And I agree with Mr. Kotin when he said
 24 these are things that happen in our society.

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1 Unfortunately, they happen in our society. And there
 2 are going to be times like this case where you can't
 3 stop it.
 4 If we apply -- the evidence will show, if
 5 we apply the comments that you heard from counsel to
 6 this situation, the evidence is going to show you there
 7 would have been mass murder on the third floor. Their
 8 own experts agreed with that. But you didn't hear that
 9 in the hour and 15 minutes that they tried to convince
 10 you don't think about Joe; think about Robert, think
 11 about Mr. Chambers.
 12 Yet, there is so much evidence in this
 13 case that will lead you to the inescapable conclusion
 14 Jackson was a suicidal executioner, executioner.
 15 And this wasn't, what they left out, this
 16 wasn't him walking down the street on December 8th and
 17 saying you know what? I think today would be a good
 18 day to go and murder my former lawyer, because that
 19 isn't the evidence.
 20 The evidence is going to show you that
 21 this was a well-planned, well-planned assault on not
 22 only Mr. McKenna, but everybody in that firm, everybody
 23 in that firm.
 24 How do we know that? Well, one thing we

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1 know, if we can put up Defense Exhibit 709, something
2 you didn't hear much about earlier, what do we see
3 here? That is a small sledge hammer, not what was
4 described earlier, that the experts believe he brought
5 to shatter the doors to a law office in the event they
6 were locked. As it turns out, they were broken and you
7 could walk right in.
8 He brought with him a chain and a lock
9 which the evidence does show when he got into the law
10 offices, he chained the door so nobody could escape.
11 And then you didn't hear much about this.
12 He brought a snub-nosed 38 pistol with about 20 rounds
13 of ammunition. That wasn't an individual that had a
14 misunderstanding or however they are characterizing
15 him. And a hunting knife which I'll talk about in a
16 minute, he pulled out to stab Mr. McKenna after
17 shooting him in the head.
18 So Joe Jackson, the evidence will show,
19 was not going to be stopped, was not going to be
20 stopped, because we also know he was suicidal.
21 His plan was to go up there, kill as many
22 people as possible, and then either shoot himself, as
23 we know sometimes happens, or as what actually happened
24 this day, the only, the only individuals that could

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1 stop Jackson was the SWAT team. Not even the Chicago
2 police officers could stop him. You didn't hear that
3 in the speeches before.
4 Joe Jackson had some -- it's hard to
5 characterize, but he really hated his lawyer. It was
6 touched upon a little bit earlier.
7 He felt I'm going to say four years before
8 this rampage, he felt he had come up with a unique
9 design for truck drivers. He was a truck driver. And
10 he went to Mr. McKenna and he presented him with that
11 idea. And Mr. McKenna then did what patent lawyers do,
12 researched it and found the design had already been
13 patented, and told Mr. McKenna I can't help you.
14 For whatever reasons we'll never know, but
15 Jackson in his mind felt that the lawyer had cheated
16 him.
17 You'll hear he screamed up in the suite
18 back to the cops or to whoever was listening after he
19 had already executed a few of the lawyers, that he felt
20 that McKenna had cheated him out of \$30 to \$50 million.
21 I mean none of that is really relevant.
22 No one is blaming the law firm. But this is the depth
23 of the hatred that had festered in this man over the
24 years to the point where he assembled all of these

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1 weapons, came down to 500 West Madison Street and
2 succeeded in what his plan was. It wasn't a
3 spur-of-the-moment thing.
4 Now let's talk a little bit about 500 West
5 Madison. I think some of you folks have said that
6 you've gone through the building. It's been around for
7 decades. It does have about 100,000 commuters a day
8 come through the building. That transportation center
9 is on the second floor.
10 The first floor as you come in off
11 Madison, and as you'll see, the way that Mr. Jackson
12 came in, he came in off Washington Street. And that is
13 the food court and shopping.
14 This is a public building. This is a
15 building that encourages all types, all shapes and
16 sizes of people to come in and hang out.
17 You don't get kicked out of this building,
18 as I'll show you in some of the specific documents that
19 weren't shown you earlier. You don't get kicked out
20 because you're lost. You don't get kicked out because
21 you're standing around doing nothing.
22 People come to this building. This is in
23 December. The building had nice Christmas stuff you'll
24 see in some of these photos. They come here to eat.

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1 There's a bar. They come there to drink.
2 The third floor and the only floor that
3 Mr. Chambers saw Mr. Jackson, you'll hear that in a
4 minute, the third floor is the lobby for the tenants.
5 And there's about 3,000 tenants that access through
6 that lobby. And so we have an awful lot of people
7 hanging out in the lobby.
8 In fact, we actually have sitting areas
9 for people to come, sit down, stand, because they are
10 waiting for people to call up and have people come down
11 and get them. They are waiting for the train. We have
12 a lot of people in this building. And that has been
13 true for decades.
14 So through the eyes of NACA, you didn't
15 hear that mentioned, NACA, they are the owners. And
16 then you have MB Realty. You see their signs around.
17 They are the managers for the building. And our
18 contract was with NACA and MB Realty.
19 And what is important about all of this is
20 NACA and MB Realty has been managing that building for
21 years, and they know the kind of people that come
22 through that building every day. They are the ones
23 that decide what level of security they want in the
24 building.

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1 We don't come to them and say hey, we
2 think you should have this, you should have that. They
3 decide. And of course they had years and years of
4 other security companies providing security for that
5 building.
6 We replaced one on a bid, and nothing
7 changed as to the level of services NACA and MB Realty
8 wanted, nothing new. They just liked us this time
9 around.
10 And we were there for two years before
11 this accident. And so we had two years that we're
12 going to talk about, about the kind of things that our
13 security company would do and wouldn't do.
14 But thank goodness we have a lot of
15 documents here that weren't shown you in the speeches
16 by the four prior attorneys, such as we wear suits and
17 ties. We don't carry guns. We are specifically
18 instructed -- we don't put our hands on anybody. We
19 are greeters in this building. We're supposed to
20 interact.
21 And you'll see we're supposed to have a
22 straight posture and smile and never say anything mean
23 to anybody. If somebody is standing around, the most
24 we do is go up to them and say can we help you?

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1 This isn't a building that's had a history
2 of violence. Zero.
3 Now, we get shoplifters. We get drunks
4 from the restaurants and coming off a train or going to
5 the train. Panhandlers, homeless people. That's who
6 we deal with day in and day out.
7 And we do have a responsibility. I'm
8 embracing the contract they just talked about. We're
9 there for safety. Don't get that wrong.
10 Except, you'll see all these documents
11 that say we can't wrestle with you. We can't put our
12 hands on you. We're not allowed to do that.
13 The only situation counsel showed you when
14 he says about restraints and the handcuffs, let's not
15 be misled. Let's go by what the documents actually
16 say.
17 The only time, the only time we can
18 consider restraining somebody is if we have seen them
19 commit a felony. But that's not -- we don't jump you
20 at that point.
21 The guidelines, because they don't want us
22 fighting, our job is to call the police. And that is
23 the custom and practice of most of the buildings
24 downtown here. When you see individuals in blue suits,

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1 they are to observe problems and call the police if
2 they can't ask you to leave the building. That's it.
3 Only if there's a felony, only if we've
4 called the police first, only if we have two guards
5 there and a Supervisor approves can we attempt to
6 restrain you.
7 But they left out the most important
8 document addressing restraints. Never do that if the
9 person is armed.
10 We're not armed. We've got thousands of
11 people everywhere. We're not going to escalate a
12 situation. We're not trained. This isn't Steven
13 Seagal. Right?
14 These are guards in suits that are at
15 different locations, looking for people that may be
16 causing a problem. We're there to look for trash on
17 the ground that we pick up. We're there in case a pipe
18 bursts. We report that. We're there to keep the
19 tenant happy. That's our job. That wasn't mentioned
20 earlier.
21 You heard some comments about the ID
22 system. We don't run the IDs. That's a separate
23 company. That wasn't mentioned to you. That's
24 Concierge Unlimited, I think is the name of the

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1 company.
2 And you will hear from Rosario, the young
3 lady that actually had a chance to interact with
4 Mr. Jackson, and she will tell you he wasn't
5 suspicious.
6 Their job if they feel that if somebody is
7 checking in and doing something wrong, their job is
8 then to ask one of the officers if they can come over
9 and see if they can't straighten out the problem.
10 So you have three eyes on Mr. Jackson on
11 the third floor. You had Chambers, you had Robert and
12 you had Rosario. And none of them, none of them felt
13 that he was acting in a suspicious way.
14 So what did you hear earlier? Mr. Kotin
15 suggested that I won't talk about the third floor. I'm
16 going to spend a ton of time talking about the third
17 floor. I won't talk about the first floor. I won't
18 talk about the second floor.
19 Well, he's probably right on that, because
20 Mr. Jackson was never on the first floor. Mr. Jackson
21 was never on the second floor that morning as
22 Mr. Chambers -- we'll read you some admissions out of
23 his deposition. And he did say that, but the evidence
24 is going to show it's just not true.

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1 Unfortunately for Mr. Chambers, many, many
2 months after this event, he was demoted, not because of
3 this event. He was demoted. And then a few months
4 later after that, he was terminated. And he absolutely
5 holds a grudge against Allied Barton.
6 His deposition in which you're going to
7 hear some of these comments was he was already fired.
8 He wasn't working for us. He wasn't even represented
9 by an attorney.
10 So while that's unfortunate that he said
11 those things, it's just not true. And how do we know
12 it's just not true? He filled out a report right after
13 the murders that day and writes down what he saw that
14 day. He never mentions that he saw Chambers on the
15 first floor, thought he looked like a doll. Second
16 floor, felt suspicious or threatened, whatever was just
17 said. That's not in his report.
18 He was being truthful on the day of this
19 very tragic event.
20 How else do we know that this didn't
21 happen? Well, he also was interviewed by the director
22 of security, Bradley Realty. So they have their own
23 security. One guy kind of heads it up. And we
24 interact with him. And you'll hear some of the heroic

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1 things that he did that day.
2 But he also had a chance to talk to
3 Chambers that day, and Chambers told him, gave him a
4 story, the only time he saw Jackson was on the third
5 floor, which in a few moments I'm going to play for
6 you.
7 How else do we know that Mr. Jackson was
8 not on the first and the second floor? We have all the
9 videotape. We have all the videotape. That wasn't
10 mentioned earlier.
11 And so all the entrances, the escalators
12 where I'm going to show you, you see Jackson for the
13 first time walking into the building at about two
14 minutes to 3:00 P.M. That is the first time he came
15 into the building. You're never going to see any
16 videotape showing Mr. Jackson coming in that morning.
17 And there's no claim that they didn't get all the
18 videotape.
19 MR. ROGERS: Your Honor, just an objection based
20 upon your rulings.
21 THE COURT: Overruled, counsel.
22 MR. PATTON: So no objection to that videotape
23 showing every entrance, our escalator. You're never
24 going to see them.

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1 And your common sense is also going to be
2 a strong piece of evidence.
3 If Jackson put all this time into thinking
4 about how he was going to get up there, and when you
5 see him walk through our doors, you will see a man on a
6 mission for sure. He came straight in, went straight
7 up the escalator and went over to get his ID.
8 There's a lot of bad things, I agree with
9 Mr. Kotin, we're going to say about Jackson, but one of
10 them isn't going to be he was stupid enough to hang out
11 on the first floor, hang out on the second floor for
12 hours and hours and hours. Not believable, the
13 evidence will convince you.
14 This case, this whole tragic event starts
15 on the third floor, starts on the third floor. And why
16 don't we just go to it.
17 Let's have him, if you can play it, have
18 him coming through our doors on Washington Street. Can
19 we turn the lights down a little bit?
20 THE COURT: Yes.
21 MR. PATTON: Okay. You've got to go way back,
22 start from the beginning.
23 And before you start playing it, I should
24 say this. We put the little white light on him so you

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1 can distinguish who he is. If that white light wasn't
2 on him, which you'll see as part of the evidence in
3 this case, there would be no doubt he wasn't looking
4 suspicious at all. You wouldn't have recognized him,
5 except for the fact that we're going to put the light
6 on him.
7 Okay. Play it. Here is Mr. Jackson just
8 coming off the street, Washington Street, in December,
9 wearing a winter coat, baseball cap, gold-rimmed
10 glasses, jeans and I think sneakers. This is the first
11 time he came to 500 West Madison Street. And I ask you
12 if he looks suspicious when you compare all the
13 different people coming in and out of this building.
14 Play it on, please. And he is carrying a
15 white manila envelope. There he is here. That's
16 downstairs. That's the restaurants, food court.
17 We'll start from the beginning. This is
18 him coming into our building and walking, only carrying
19 an envelope. No bag. No bag on him.
20 So from the first floor, the food court
21 area where everybody hangs out, you go up the escalator
22 to the second floor which as you know now is also the
23 area where you can catch a train.
24 That's him right there. Keep playing it.

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1 See him right here? Blending in with everybody else.
2 This is their Christmas area, still the second floor.
3 He's got to go up one more escalator to get to the
4 third floor. That's not suspicious conduct.
5 Now he comes up. And I'll show a picture
6 later of all the people that were milling about.
7 That's him right here. And let's stop it right here.
8 This is Robert Brown. This is Joe
9 Jackson. Jackson asks him a question which I think the
10 evidence is going to show is where do I check in in
11 this building, because you'll see Robert point to the
12 concierge desk.
13 Keep playing. He points him over to
14 Rosario. This is where you have to check in in order
15 to get that pass to go through the turnstiles and up to
16 over 40 floors of office space.
17 Rosario will tell you that he asked to get
18 a pass and she said I need to see ID. That's required.
19 He reaches for his wallet, looking for an ID. She's
20 also on the phone, waiting for him to produce his ID.
21 Robert Brown and Rosario and director of
22 security Jenkins will all tell you it's not unusual for
23 people to forget their IDs, to forget their wallets,
24 forget their purses. All they have to do then is call

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1 up and have the person come down. Nothing is
2 suspicious about a person that doesn't have an ID.
3 As he's looking, another gentleman comes
4 up. And she makes the same request on that gentleman.
5 You can see he sets down his manila
6 envelope, and we'll spend more time on that during the
7 trial. And it's flat. There's no gun yet in that
8 envelope. There is nothing suspicious about a person
9 bringing --
10 They have got law offices upstairs. We've
11 got all kinds of things where people bring paper. You
12 don't see any bulges on his jacket. His weapons are
13 well concealed. And no one in this case is going to
14 testify that there was anything about that jacket that
15 suggested what he was about to do.
16 He walks away. And he walks over to
17 Robert again. And Robert is in the middle of
18 discussing something. Here they are. You see Jackson.
19 He's facing Robert. Robert is talking to what probably
20 is a tenant. And he's waiting to ask Robert another
21 question. Robert doesn't remember what that question
22 is, but obviously, he's asking a question about
23 something downstairs, because Robert points him back to
24 the escalators right there.

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1 Keep playing. And once he points it out,
2 you'll see that Jackson turns around and goes straight
3 for the escalator and leaves.
4 Something that Robert experiences day in
5 and day out, people asking questions. It could have
6 been where are the public bathrooms, where can I get a
7 bite to eat downstairs. We don't know. But those are
8 the kind of encounters Robert has day in and day out,
9 and there is nothing suspicious about that.
10 All standing there facing each other.
11 Then he leaves. I think we have a shot of him going
12 back down the escalator. And now he leaves. He goes
13 right down the escalator, same one he came up. Nothing
14 suspicious about that.
15 Now stop there. This is what I mean about
16 he was on a mission. All right? He goes straight from
17 our doors off Washington Street, straight up to the
18 level -- he's been in the building before.
19 McKenna, he had a meeting with McKenna a
20 few years back. He knows this building. And he comes
21 in. He doesn't have his ID. And he's sent back down
22 the escalators. He goes down the escalators.
23 Now we see we're back on the second floor.
24 And you'll see he does an immediate turn to get back on

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1 the escalator to go right back up to the third floor.
2 This was not an individual that was
3 comfortable loitering, hanging around, as they claim,
4 on the first and the second floor.
5 Now, let's play him going back up. Here
6 he is. Now let's stop it there for a minute. We don't
7 have -- unfortunately, we don't operate the cameras.
8 That's the building puts the security cameras. They
9 control where they put these things. They control all
10 of that.
11 And we don't get to see him as he's coming
12 back up to the third floor. But I think the evidence
13 is going to show that's where he reached into a pocket,
14 took out his gun, put it into the envelope. So he's
15 got the gun in his hand in the envelope, because now
16 you see him walking here.
17 Keep playing. And he's walked up to
18 Robert and he's told Robert, "I have a gun. I have a
19 gun. You're going to take me upstairs. Don't be a
20 hero. You want to go home to your family tonight."
21 And they want to make it seem like this is
22 an innocent encounter between two people.
23 We know what he did with that gun. We
24 know what his plan was. We know had Robert done

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1 anything at this location, you're going to see a
2 picture of all the people standing in that area. If
3 any of these things they suggest, code words -- code
4 words weren't even the practice back then, by the way.
5 But we don't know if this individual with
6 a gun wasn't a security guard, wasn't a police officer
7 or would recognize what a code word is.
8 What his training, what these officers are
9 trained to do is not to provoke a person that has a
10 weapon. They are trained to get them away from an area
11 where there are a lot of people. And that's what
12 Robert will tell you he did.
13 He had a gun on them. He knew that all
14 rules, you don't try to take the gun away from these
15 people. Experts will tell you that. Chicago Police
16 will tell you that. You don't take a gun away from
17 somebody if you're not armed.
18 What he was doing was he was taking him
19 away from that lobby area where there was going to be,
20 as we now know, would have been a massacre.
21 He was trying to de-escalate the
22 situation.
23 You heard comments earlier, well, he
24 abandoned his post. He led him through the turnstile.

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1 Sure he did. Under threat of being shot. He was
2 getting him away from that area, and he did.
3 And Robert will tell you when he got in
4 the elevator, then he pulls the gun out. It's as if
5 they are claiming he didn't have a gun. He pulls the
6 gun out and points it at him and tells him again,
7 "Don't be a hero. You want to go home to your family
8 tonight."
9 And he had a family. He's got a wife and
10 three children. But he was using that time, he will
11 tell you, he testifies tomorrow; he will tell you he
12 was using that time to figure out what to do.
13 And so he struck up a conversation with
14 Mr. Jackson. What's this all about? What are you
15 doing? Jackson told him. Somebody owes me money.
16 Don't be a hero. Somebody owes me money.
17 And Robert will tell you in his mind he
18 was thinking this was just going to be about an
19 individual, Jackson, going up to an office and taking
20 money, and taking money. That's what he was hoping.
21 No one knew what Jackson had in mind. We know now.
22 And a woman tries to come on the elevator
23 and Robert tells her to take another elevator.
24 He gets up to the 38th floor and what

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1 happens next? He's still got the gun. And they ask
2 another woman where's Michael McKenna's offices, and
3 she points to the law firm up on that floor, and they
4 go in.
5 And they are still making a claim to you
6 that somehow Robert should have disarmed him. Robert's
7 thinking this is just about money. Of course we know
8 it wasn't. Because from the time that Robert had a gun
9 put on him on the third floor to the time that Jackson
10 shot McKenna in his head, about three minutes had gone
11 by. Three minutes. That's an individual that was
12 going to commit mass violence.
13 You heard, they talked to Mrs. Leib, they
14 talked to the secretary there. You'll hear her
15 testimony, too, through evidence deposition. And
16 Jackson kept asking get me McKenna. And they kept
17 telling him he's in a meeting.
18 And so Robert turns to Jackson and says,
19 "Why don't you just leave a message?" Hoping he can
20 de-escalate, get him back out and out of the building
21 and have the Chicago cops called.
22 Jackson's response, "I'm going to give
23 McKenna a message." And so Mrs. Leib goes in and gets
24 McKenna. They come out. And McKenna tries to

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1 de-escalate the situation. What do you mean about I
2 owe you money? Essentially, I don't work here. I
3 lease space here.
4 And McKenna tries to show Jackson his name
5 is below all the lawfirms listed. He turns and starts
6 to point to that, trying to convince this guy he's got
7 the wrong guy. It must be somebody else.
8 And McKenna takes the 38 and blows his
9 brains out. He goes right down on the ground. His
10 client, McKenna's client who he was in a meeting with,
11 you'll hear from him, Mr. Danzig, you'll hear from him
12 by video which is evidence. And he will tell you that
13 he came running out and tried to stop the bleeding in
14 his head.
15 Another person that certainly was heroic,
16 it is Danzig that will tell you that Jackson kept
17 telling him, "I'm going to kill you; I'm going to kill
18 myself. I'm going to kill you; I'm going to kill
19 myself."
20 You'll hear from Officer Tenton, another
21 hero, and he will tell you that Jackson kept telling
22 him through the door that, "Let's make a deal. I'll
23 let Danzig go if you shoot me in the head." That's how
24 we know that anything that could have been done to

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1 Jackson on the third floor or on the 38th floor was
2 going to end up horribly for anybody around.
3 So what happens next? You've heard some
4 testimony, and it was difficult for me to be sitting in
5 my chair to things that were said about Robert. Very
6 difficult. Because there's a whole different story
7 about Robert.
8 He made sure there wasn't a slaughter down
9 in the lobby by willingly trying to de-escalate the
10 situation.
11 After Jackson executes McKenna, he then
12 goes down the hallway to start shooting at another
13 lawyer. Are you a lawyer? Yes. Boom. That's what he
14 did to Hoover down the hallway.
15 He goes left. Robert goes right down the
16 hallway and tells some women and another attorney, "Get
17 under your desks and hide."
18 He could have run. Most people probably
19 would after what he just saw. He turned around and he
20 walked back and he stayed in the lobby as McKenna is on
21 his rampage. Probably a guy his size probably could
22 have pulled those doors out and run.
23 Because ultimately what happened, Chambers
24 and Jenkins now come up to the 38th floor. They see

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1 McKenna on the ground. They see Danzig applying what
2 looked like to be first aid. They see Robert standing
3 there, knowing that McKenna is down the hallway
4 shooting people.
5 THE COURT: Counsel. Come here just a minute.
6 MR. PATTON: Sure. Sorry. Jackson. Jackson was
7 on the rampage and Robert stayed in the lobby.
8 Then Jenkins and Chambers come up and they
9 are trying to get Robert to open the door. Robert is
10 telling them, "Quiet. He's right around the corner."
11 And then they make a lot of noise. They
12 break the door open. They get one of the attorneys
13 out. Robert's on his way out. And Jackson comes back
14 around the corner and shoots at Robert and Jenkins and
15 Chambers. And they would have you believe that Robert
16 was some kind of coward.
17 This was a real-life massacre going on.
18 So then they escape. And the next thing you know,
19 Tenton comes up, a Chicago police officer. What did he
20 do? He's got a full vest on. He's armed. Did he go
21 charging in like they want you to have Robert do? He
22 sneaks in the back door, goes in there as an attorney
23 is sneaking out the back door, and tells him, "There's
24 a guy in here with a gun."

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1 Tenton will tell you I went in about ten
2 feet; this was too quiet for me. And he went back out
3 of the suite, left the suite, because his training was
4 you don't go confront something you don't know. You
5 don't know what could happen.
6 So then Nelson, you'll probably hear from
7 Nelson too, Chicago Police Officer Nelson and Tenton
8 are together, and they decide to go down that hallway
9 and look around the corner into the lobby. And what do
10 they see? McKenna is still on the ground. Danzig is
11 still applying first aid.
12 And they see Mr. Hoover. And behind
13 Mr. Hoover is Mr. Jackson. And they try to have a
14 conversation to de-escalate the situation with
15 Mr. Jackson. And what does Mr. Jackson do? He pulls
16 Hoover around a corner and shoots him in the head.
17 There was no talking Jackson out of this rampage.
18 Jackson comes back around again. He's
19 standing over Danzig putting a gun to Danzig. And
20 Tenton tells Nelson, "If he starts to reload, I'm going
21 to rush him, if he starts to reload."
22 Jackson starts to reload. Tenton rushes
23 him, fires off, and I think he'll tell you three or
24 four rounds, messed up, and Jackson shoots back at him.

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1 This is not an individual that was going to be asked to
2 leave the building.
3 This was not an individual that was going
4 to be escorted out of our building. This is an
5 individual that exchanged gunfire with Chicago police
6 officers, fired at Robert and killed all these people.
7 And they would have you believe that
8 Robert, unarmed, taught not to escalate a situation
9 when a person has a gun on you, somehow should have
10 done something different.
11 So there's a lot more, folks. It's
12 getting late. I know we want to get going here.
13 But there's a lot more evidence that
14 wasn't mentioned that you're going to hear about what
15 Robert did, what Allied security officers did to try
16 and prevent this murderer from going on his rampage.
17 And even the Chicago police officers
18 couldn't stop him. Because after they had this
19 conversation, after they exchanged gunfire, Tenton goes
20 up to the side of the door and spends 40 minutes,
21 40 minutes talking to Jackson, trying to buy time for
22 SWAT. And SWAT came, and you know they snuck in the
23 back way again, crawled along the floor.
24 They had to get a left-handed SWAT

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1 officer. Because of where Jackson was standing, a
2 right-handed guy couldn't make that shot. And he made
3 that shot. Shot him right through the head. He falls
4 down and he still picks up his revolver to shoot
5 probably Danzig. And another SWAT officer comes down
6 the lobby way and shoots him again in the chest.

7 And this is an individual that they want
8 you to believe an unarmed security officer was going to
9 stop? Just not true, folks.

10 And frankly, it's pathetic what they are
11 saying about Robert Brown. He's a victim. And he has
12 trauma to this day. You'll hear about that tomorrow.

13 Thank you for your attention. We look
14 forward to your verdict at the end of this case. Bring
15 back justice.

16 THE COURT: Thank you, counsel. Okay.
17 9:30 tomorrow morning, folks. You know you've got to
18 go through security, so allow for that and come right
19 up and into the jury room. All right? Thank you.

20
21 (Which were all the proceedings
22 taken at the trial of the above-
23 entitled cause.)
24

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

3

4 I, GLORIA APOSTOLOS SIOLIDIS, C.S.R., duly
5 qualified and commissioned for the State of Illinois,
6 County of DuPage, do hereby certify that I reported in
7 shorthand the proceedings had and testimony taken at
8 the trial of the above-entitled cause, and that the
9 foregoing transcript is a true, correct, and complete
10 report of the entire testimony so taken at the time and
11 place hereinabove set forth.

12

13

14

15

GLORIA APOSTOLOS SIOLIDIS
CSR License #084-001205

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