

1 your bowels, your bladder, pretty much everything
2 below there is just not going to work. So you're
3 going to have accidents all the time. You're going
4 to have a hard time walking. Your ability to connect
5 with other humans, other people you love, is never
6 going to be the same."

7 The testimony has been, honestly,
8 completely one-sided on this issue. And we ask you,
9 when you're filling out this jury verdict form -- I
10 can tell you that if James Razo and Susan Weinmuller
11 were asked to take that job with the full extent of
12 the harm as it's been in this case, there's no way
13 they'd take that job. No way. Nobody would.

14 But they weren't asked. They didn't have
15 that option.

16 So when you get to that part of the jury
17 verdict form and it asks for the damages suffered by
18 James Razo, it's almost \$11 million for the medical
19 expenses and the wages. In a normal case, two to
20 three times the medical expenses and wages and the
21 hard numbers is a reasonable amount. In this case,
22 that's a big number. And if you calculate the job,
23 \$60 an hour for the rest of his life, including when
24 he's sleeping, because there's no relief there, this
25 number comes to 33 million when you add that together

1 with the wages and expenses.

2 And of course that's a lot of money. But
3 it's a lot of harm for a lot of damage for an entire
4 life. A life that will never be the same. James is
5 basically trapped in a body; it won't let him out.

6 You have a chance to do something for him
7 in addition to the money, which is so important for
8 the quality of life and for accountability, but
9 hearing a jury tell him that Black Label Media and No
10 Exit were responsible and that there is
11 accountability is so important.

12 And you'll get to this part of it for
13 Susan Weinmuller. We'll leave that to your
14 discretion. Susan is the rock of that family. Thank
15 God James has her in her life -- in his life. Her
16 harm is massive. It's millions. You know what she
17 goes through holding that family together. Holding
18 that family together in a house full of people -- and
19 I'll say this to Susan because she knows it -- but a
20 whole lot of the time alone.

21 And it's rare in cases that juries have
22 the opportunity to give punitive damages, but this is
23 one of those cases. And the punitive damages -- when
24 Trevor Fulks made the decision to ignore somebody
25 saying what's safe, when the cumulative conduct from

1 beginning to end of Black Label Media shortcutting
2 safety, cutting corners, and cutting budget, they
3 were reckless.

4 "Reckless" means -- and you'll see this
5 in the jury instructions -- disregard of a person's
6 safety. Disregard of a person's safety. When you
7 add all the conduct together, they did not account
8 for safety. It was more important to please Claudio
9 Miranda and Joseph Kosinski, the director, than it
10 was for people to be safe. And they've come into
11 this courtroom, and they said, "That's just the way
12 it is in Hollywood."

13 Punitive damages is intended to deter
14 conduct of others similarly situated.

15 You have a chance to tell Hollywood,
16 that's not how we operate in New Mexico. If you want
17 to come use our land, use our people, take advantage
18 of our tax credits -- we paid them \$9 million of
19 taxpayer money to film here -- make sure they know
20 that they'd better bring safety, not just cameras.

21 On the punitive damages, they were paid
22 \$10 million to -- or 9 million to do this set in New
23 Mexico. We think they should pay that back plus
24 interest. 15 million against Black Label Media.

25 And as to No Exit, use your discretion.

1 Do what you think is right and do what you think
2 people will take notice of and listen to.

3 Thank you for your time.

4 Do I have at least two minutes left for
5 rebuttal?

6 THE COURT: I'll give you two minutes for
7 rebuttal.

8 MR. HUNT: Thank you, Judge.

9 We appreciate you being here.

10 MR. TEBO: Your Honor, just before we
11 start, may Mr. Hunt and I approach for just a second?

12 THE COURT: You may.

13 (A discussion was held off the record.)

14 THE COURT: Mr. Tebo, you may proceed.

15 MR. TEBO: Thank you, Your Honor.

16 Well, for the third time, I'll say good
17 morning, ladies and gentlemen. This is the third
18 time I've had the chance to talk to you directly, and
19 it's the last time I'm going to have a chance to talk
20 to you directly.

21 If you remember, when jury selection was
22 going on and I stood up and talked to you about what
23 was happening and why you were called, it was about a
24 controversy. And that's what we call it. And you've
25 had a whole week to listen to the controversy.

1 But do you remember on Monday when I
 2 first talked to you in the opening and I said that
 3 there were really three themes running through this
 4 case? The first theme was background and experience.
 5 The second theme was responsibility. And the third
 6 theme was safety. I hope, throughout the entire
 7 week's testimony from both sides, you've seen those
 8 aspects come up through the presentations.

9 I'm a New Mexico lawyer. I've been a New
 10 Mexico lawyer my whole career. I've never worked on
 11 a film set. But about six years ago, I had the
 12 opportunity to become an extra on a film.
 13 "Independence Day II," which I've never seen, by the
 14 way. I spent 16 hours down at Albuquerque at
 15 Albuquerque Studios as an extra, in a crowd scene,
 16 listening to a speech so many times that, on the
 17 breaks, the person sitting next to me and I would
 18 make up what the speech should have been because,
 19 frankly, it wasn't a very good speech.

20 But the one thing that really jumped out
 21 at me is that there were hundreds of people on that
 22 set all doing very incredibly complex things and all
 23 engaged in what they were doing.

24 A film set is like a small factory. It's
 25 dangerous. If you think about the lighting

1 requirements, they need enormous generators. If you
 2 think about the power requirements for operating all
 3 of this equipment, they need those sources. If you
 4 think about the equipment that's used.

5 You had a chance to take a look at the
 6 photo of the Raptor. Just looking at the photo of
 7 that Raptor, you could tell that's a pretty
 8 specialized piece of equipment. It's not a golf
 9 cart. It is not a little ATV. It's something that's
 10 been created for a special purpose. And as a result,
 11 there's danger with that piece of equipment simply
 12 because someone like me who's an extra on the set for
 13 a day could be hurt by that equipment, by trying to
 14 operate it, by doing anything with it. A production
 15 assistant -- could be somebody just out of high
 16 school, could be just somebody a little bit older
 17 trying to get their break in the film industry -- if
 18 that person tried to operate that crane, a
 19 3,000-pound crane sitting on top of a vehicle -- I
 20 mean, that's a Honda Civic, as Mr. Beauchamp
 21 eloquently described -- one wrong move and that piece
 22 of equipment can go in all sorts of directions, harm
 23 the operator, harm people near the equipment.

24 So what happens in Hollywood, what
 25 happens in the filmmaking industry, whether it's in

1 Hollywood, whether it's in New Mexico, whether it's
 2 in Iceland on a glacier, you bring incredibly
 3 technically savvy people in to operate these things.

4 Mr. Razo was one of those people, and you
 5 know that. You know that from the testimony of all
 6 of the people who came in to testify in the
 7 plaintiff's case. Mr. Datri. Mr. Datri was excited
 8 to be working with Mr. Razo. He came all the way
 9 from Austin to serve on a job with Mr. Razo because
 10 Mr. Razo was coming to Albuquerque.

11 Mr. Razo had made a very good living
 12 because his career was growing, doing the work he was
 13 doing. I mean, we saw his wage history.
 14 Dr. McDonald had that available. \$200,000 a year.
 15 Think of how much work, at \$60 an hour, Mr. Razo was
 16 doing in the five years prior to this accident. At
 17 \$60 an hour, he's making 200,000 a year. This is a
 18 highly sought-after, skilled -- skillful operator.
 19 He can't get away from that.

20 Every single person that testified
 21 testified to the recognition that these Raptors,
 22 these Hydrascopes, need to be operated by people who
 23 are an elite group of people in the industry and are
 24 highly sought after, and that was Mr. Razo.

25 Mr. Datri's testimony was that Mr. Razo's

1 methodical. Ms. Weinmuller's testimony: He's a
 2 fixer. He takes care of things. He's thoughtful.
 3 Mr. Mayelian's testimony -- do you remember
 4 Mr. Razo's friend? Called him Jimmy. They have
 5 known each other for 30 years? Nothing but great
 6 things to say about him.

7 And I believed every word of it.

8 You know what I also believed? He said
 9 that Jimmy should have been an engineer. He was
 10 always thinking two steps ahead.

11 What does that tell you about Mr. Razo?
 12 It tells you why he was so good at his job, at what
 13 he did. His wheelhouse was narrow. But he was
 14 really good at it. And all the testimony you heard
 15 reinforces that point.

16 Yes, Mr. Razo and Mr. Datri are called
 17 day players. They're not day laborers. They're not
 18 someone that's just picked out of a line and asked to
 19 go work. They're not temps who come into an
 20 environment and have to be told what to do. I've
 21 done temp jobs. One of the great things about temp
 22 jobs is you get to work in all sorts of places. One
 23 of the less-than-great things about temp jobs is that
 24 you're not part of anything. Right? You come into a
 25 new environment. You don't know who anyone is. You

1 don't know what the culture is. You don't know what
2 the people expect of you. You have to be told every
3 single thing. I have great memory of being told, as
4 a temp, how to put labels on files. There was a
5 particular way to do it.

6 Mr. Razo's not like that. He can't be
7 like that. He's the opposite of that. He is as
8 skilled and as confident and has as much capabilities
9 as the director of photography on this film in the
10 director of photography's lane of travel. Mr. Razo's
11 is different, but it doesn't make him any less of an
12 expert in his field.

13 So, ladies and gentlemen, where did all
14 that experience go on that morning of May -- of June
15 20th? Where was it? It was there with Mr. Razo when
16 he loaded up that entire package in Los Angeles and
17 drove it safely all the way to Albuquerque. It was
18 there with him when he met with Mr. Datri in
19 Albuquerque and drove up to Pajarito. You know, I
20 might point out, there's been no evidence presented
21 to suggest that Mr. Razo and Mr. Datri had any
22 problems finding Pajarito. Well, how did they know
23 to get there? They received the information. That's
24 how.

25 Do you remember that call sheet exhibit?

1 You remember it had the map and then it had the
2 safety bulletins attached to it? Remember that
3 e-mail from the production? Well, that's
4 information. How do I get to Pajarito? I don't know
5 about you, but until this case -- I have to be
6 honest -- I have never been to Pajarito, and if you
7 would have asked me where it was, I couldn't have
8 told you.

9 That's information. That's the kind of
10 information someone who is coming all the way from
11 California, someone who's got responsibility for an
12 incredibly complex, expensive piece of equipment,
13 that's the kind of information you need.

14 So the next morning, Monday morning, crew
15 call is set for 5:30. If you want breakfast, you get
16 there early. We heard testimony about that. Right?
17 We don't pay people to eat breakfast, but we give
18 them breakfast. It's a good deal. It's an
19 appropriate deal. Because, remember -- you know, I
20 use sort of the analogy that a film set is a small
21 factory. It's also a small city. People eat lunch
22 together. Their lunch is scheduled. And if there's
23 a change in that schedule, there has to be
24 justification for that. And why is that? Does it
25 have to do with money? Of course it does.

1 But does it also have to do with the idea
2 that we want to spend money doing the work that we're
3 trying to do? We don't want to pay people to stand
4 around. We don't want to pay people to eat
5 breakfast. We want to pay them to work.

6 And everyone's on a scale, and everyone's
7 protected by a union. And Mr. Razo was a part of
8 that group of people. He's protected by a union.
9 He's a member of two unions. He's a member of the
10 camera union. He's a member of another union. His
11 deal memo had those union terms. Remember the deal
12 memo that he sent to Tammy?

13 Mr. Razo is part of this small city. But
14 it's interesting, he is part of the small city, just
15 like anyone else on this film. But he only has this
16 specialized limited role. So does that make him less
17 of a person in terms of the hierarchy of this
18 production?

19 Well, you heard testimony from
20 Ms. Schwartz -- I used the term "low man on the totem
21 pole." She took issue with that. I understand why.
22 Because that implies, again, that somehow Mr. Razo,
23 that his concerns, if he had them, would not be
24 considered because somehow his status made those
25 concerns less worth of considering.

1 But we know that's not the case. We know
2 that, unlike Mr. Sneesby, who -- you know, quite
3 frankly, Mr. Sneesby acknowledged -- and I think that
4 was very honest of him -- he and Trevor Fulks did not
5 get along. And they had had problems in the week
6 before on this film. I don't pretend to know what
7 their relationship was.

8 I wish Mr. Fulks was here and had been
9 able to give you the testimony. I mean, that's the
10 one person who stars in this particular drama that
11 we're all dealing with. And he can't talk one way or
12 the other. I have no idea what his issues were with
13 Mr. Sneesby, and I have no idea if what Mr. Sneesby
14 told him was rejected.

15 But I did think that Mr. Franklin's point
16 was interesting. When you're in charge, you get hit
17 with a lot of different sources. And if you don't
18 necessarily know where that information is coming
19 from in terms of who's giving it to you, you might
20 not give it equal weight. You might rely more on the
21 people that you have longstanding relationships with.
22 You might -- and I say this -- you might not take
23 into account the things that some people say to you
24 if you've had ongoing problems with that. I don't
25 know.

1 I wish I could have asked Mr. Fulks that.
2 I think you all would have enjoyed hearing from
3 Mr. Fulks, one way or the other. But we can't. So
4 we have to rely on Mr. Sneesby's relation of the
5 events. You have to weigh that.

6 We also have to rely, again, though, on
7 what Mr. Razo knows how to do. Okay? And the reason
8 I say that is because, you know, Mr. Razo, this whole
9 case has portrayed it as he was just caught up in
10 this whirlwind of activity and he wasn't able to make
11 the right decision because he wasn't given the right
12 information.

13 Now, there's been a lot of discussion
14 throughout this case, both indirectly and directly,
15 that somehow the defense purpose in this case is to
16 blame Mr. Razo for what happened to him. And that's
17 not reality at all.

18 The defense position in this case is, the
19 defense and the parties, No Exit and Black Label and
20 their employees, were not responsible for Mr. Razo's
21 injuries.

22 Do you remember I told you right up front
23 that the defense was not going to present a case to
24 try and counter Mr. Razo's injuries? Do you remember
25 that? I told you, we are not going to even try to

1 take issue with the extent of the Mr. Razo's damages
2 when it comes to his physical condition. It's
3 horrible what happened here. There's no way around
4 that.

5 That's not what this case is about. I
6 know it's the plaintiffs' case. So do you by now.
7 But it's not the controversy. The case is not about
8 how much pain, injury, suffering Mr. Razo has gone
9 through since the day of this accident.

10 The case is about whether or not Black
11 Label and No Exit caused that accident, contributed
12 to that accident's occurrence. That's why the
13 defense has put on the case that it has -- and I
14 think you understand that -- because the only
15 medical-related testimony that the defense even
16 introduced was Dr. Davis's testimony.

17 You know what the purpose of that was?
18 It wasn't to argue that Mr. Razo isn't entitled to
19 future care. I think, based on his injuries, anybody
20 would recognize, Mr. Razo is going to need care for
21 the rest of his life. Dr. Davis's whole point was to
22 make sure you understood that the life care plan
23 developed by Ms. Cook was incomplete. It did not
24 take into account some very relevant things.

25 One thing, it relied on a life expectancy

1 package that is related to any person, regardless of
2 what their physical condition is. And this is a
3 tough issue because it makes it sound like what I'm
4 suggesting is the way to do a life care plan is to
5 plan for the person you're doing a life care plan to
6 die earlier than they otherwise would. Well, that's
7 not the case.

8 The point of doing a life care plan is to
9 use all of the information available, recognizing
10 that some of us are not going to live as long as that
11 statistical average. Some of us will live longer.
12 But certainly, somebody with a spinal cord injury is
13 not going to live as long as someone without a spinal
14 cord injury. That's the purpose of Dr. Davis's
15 testimony, to point out that there's a range.

16 And, you know, that's not suggesting
17 Mr. Razo is not entitled to good, future medical
18 care. But it's also a recognition that,
19 unfortunately, we live in a country where we have to
20 buy our own medical care. We have to shop around for
21 medical care. Quite frankly, some people think that
22 that's really a terrible situation. I have to be
23 honest with you: I would agree. I still can't get
24 in to see my primary care physician. But that's the
25 reality.

1 So when you pick one number, 6 million
2 and change, what you're doing is you're not
3 acknowledging the reality of how you pay for future
4 medical care.

5 Now, you've seen a lot of exhibits.
6 Okay? And I'm not going to show you an exhibit.
7 Here's what I'm going to show you, because I think
8 it's incredibly helpful for you just to get an idea
9 of the layout of the ski area. Okay? This ski area
10 is utilized in the winter for all sorts of winter
11 sports, and it's utilized in the summer for mountain
12 biking, hiking, all sorts of activities. And it's a
13 very large area. And I just -- I want you to be
14 aware of that -- can you see that okay? Can you all
15 see that? Okay.

16 I want you to keep that in mind, that
17 this is a huge piece of wilderness that's been
18 groomed in a lot of ways. It's got far more roads in
19 it than a wilderness area. It's got some towers.

20 But I want you to remember -- because you
21 saw this in the testimony. I want you to keep in
22 mind how long of a route. Here's the parking area
23 right here, and here's the road that Mr. Razo was led
24 up by Mr. Datri. All the way up this road. Do you
25 remember the lake, the pond? It's in all the photos.

1 That's right about where the accident happened, just
2 past that area.

3 But I think it was a little over 11,000
4 feet. That's more -- it's just about two miles. Two
5 miles of driving up with Mr. Datri, Mr. Razo being
6 led by Mr. Santos. So one of the big themes in this
7 case, it's been presented that Mr. Razo asked to
8 scout the route; was denied. We'll talk about that
9 in a second.

10 One of the other things I think is
11 important is Mr. Razo didn't need to scout the route.
12 He was led up by Mr. Santos without incident to a
13 certain point.

14 And where was that point? What is that,
15 the last 90 feet of their trip? I think I said in
16 opening, 96 percent. It might be closer to
17 99 percent.

18 And, yes, there was an alternative route.
19 And you've heard about that. And you've heard
20 Mr. Beauchamp talk about that. In Mr. Beauchamp's
21 opinion, had Mr. Razo taken that alternative route,
22 the rollover probably would not have happened.

23 Okay. So we know that the plaintiffs are
24 telling you that the reason he didn't take that
25 alternative route was because he wasn't allowed to

1 different?

2 That's human nature. We don't just go
3 blindly charging in. We're not cows. We're not
4 sheep. We're not deer. We have the capacity to look
5 ahead and recognize there might be something of
6 danger ahead. There might be something to be
7 cautious about ahead.

8 And that's exactly what Mr. Razo did. He
9 paused. He took that time.

10 He testified -- do you remember what he
11 said? He thought he could make it up that road.
12 That's his prerogative to make that choice. Because
13 he's the expert in control of the Raptor. But to
14 suggest that somehow either employees of No Exit made
15 Mr. Razo drive up that hill is just incorrect.
16 That's not what happened. And then to suggest that
17 Mr. Razo did not have the tools he needed to drive an
18 alternative route is also not correct.

19 You know what you didn't hear in this
20 case? You heard repeatedly the refrain that Mr. Razo
21 wasn't allowed to scout the route. He wasn't allowed
22 to scout the route.

23 You know what you didn't hear? That he
24 made that request when he paused at the fork in the
25 road. That's because it's not evidence in this case.

1 because Mr. Fulks was on the radio saying, "Get up
2 here as fast as you can. I don't care. You take
3 that steep route."

4 But does that hold up with Mr. Razo's
5 experience, background and training, and excellent
6 work in this industry? Does that really hold up?

7 You remember, I asked Mr. Santos if
8 anyone had asked him to take a 30-second drive down
9 that alternative route, down that fork in the road?
10 No, nobody did.

11 I asked Mr. Datri, "Did you take a trip
12 down that little road?"

13 "No."

14 Mr. Razo, we know, didn't do that. But
15 they stopped. Mr. Razo, Mr. Datri stopped at the
16 fork in the road. Why did they stop at the fork in
17 the road? Because the hill in front of them looked
18 really, really steep. They did exactly what you or
19 I -- Mr. Beauchamp talked about it -- we're out in
20 the wilderness, we're hiking, we're snowshoeing,
21 we're riding a mountain bike, we're walking, and we
22 get ourselves into a place where we look ahead and
23 our senses tell us, I need to take it cautiously. I
24 need to make a call. Should I go? Should I find an
25 alternative? Should I turn around and do something

1 That's because no one has testified to that. We know
2 he paused. We know he assessed. And we know he
3 decided, as he said himself, to drive up that steep
4 slope because he believed he could do so safely. And
5 this is the person who knows more about this piece of
6 complex equipment than anyone else on that set that
7 day. How could anyone else direct him to drive up
8 that road if he didn't think he could do it safely?
9 And the answer is nobody.

10 And that's not blaming Mr. Razo. That's
11 acknowledging reality. All right? That's just
12 calling it for what it is. That's owning it.

13 And, you know, I appreciated the
14 testimony -- and I hope you did too -- of Mr. Razo's
15 psychologist, Dr. D'Angelo. Do you remember I asked
16 her, "Has Mr. Razo accepted some responsibility?"
17 "Are you providing treatment for him about any guilt
18 associated, feelings associated with his role in the
19 accident."

20 And she took great exception to that.
21 And she was here as his provider. She was advocating
22 for her patient. She sounds fantastic, as somebody
23 who cares about her patient. She truly does.

24 But her reaction to the idea that
25 Mr. Razo might have any responsibility for this --

1 well, do you remember she used two analogies?
2 Mr. Razo is a soldier who has no choice. He's found
3 in a battlefield environment. He comes back with
4 severe emotional issues. That soldier had no choice,
5 was her point.

6 Well, as a veteran myself, I understand
7 that. Sometimes soldiers don't have a choice.
8 Sometimes soldiers are put in positions no human
9 being would ever want to be in.

10 She also used the analogy that he was
11 like a -- the survivor of sexual assault. Somehow,
12 by pointing out his role in this accident, we're
13 trying to shame him in some way.

14 No, we're not. And here's why.

15 All we're pointing out is that people
16 have responsibility for their actions. Sometimes
17 people are put in harm's way, and they have
18 absolutely no ability to control that. Certainly in
19 the context of a soldier. Certainly in the context
20 of an abuse -- a survivor of abuse or assault.

21 But that's not -- that's not Mr. Razo's
22 situation.

23 And certainly in the context of being an
24 employee of an entity, sometimes employees are forced
25 to do things that put them in harm's way.

1 understanding it. And speaking as a -- someone with
2 a nonscientific background, I actually learned
3 something every time I talked to him. And the
4 ability to describe the center of gravity on this
5 vehicle -- do you remember that one chart, where the
6 center of gravity, the 3,000 pounds, is pointing down
7 on that pedestal and the gap between the center of
8 gravity and the vehicle's ability to take a slope was
9 so narrow?

10 Well, who would be the one that you would
11 rely on to know these things? Mr. Razo. Nobody
12 else. And so if he said, as he did, that he thought
13 he could drive up that road safely, then it doesn't
14 matter what anyone else said.

15 You know, there's this -- I think what's
16 really important, being -- I know you've heard it.
17 It's very easy to just globally say, "Well, that's
18 just Hollywood." You know, every -- every movie
19 about Hollywood that you see, there's always somebody
20 doing something wrong. You know, the Hollywood of
21 the 1920s and '30s and '40s and even '50s up into the
22 '60s was probably not that great of a place to work.
23 Excuse me.

24 But this isn't that Hollywood. This
25 isn't that film industry any longer.

1 That's not Mr. Razo either.

2 Mr. Razo has to own what happened, as
3 distasteful as the outcome is for him personally.
4 He's got to step up and own what happened. He made a
5 mistake. He thought he could do it. Of all the
6 witnesses that presented testimony in this case, only
7 Mr. Razo himself acknowledged that he thought he
8 could do it, and he was wrong.

9 We all make mistakes. We all have
10 regrets. This is a case about that.

11 It's not a case about an employer or a
12 corporation putting someone in harm's way. That's
13 not what the case is about.

14 The outcome, in this case, for Mr. Razo
15 is terrible.

16 But the road -- well, we can blame the
17 road, but we can't recover from the road. And the
18 equipment -- we can blame the equipment, except
19 there's been no evidence in this case there was
20 anything wrong with the equipment.

21 But there was some evidence, in this
22 case -- and I think you remember it -- you know, I --
23 I was so impressed with the block of wood. I mean,
24 Mr. Beauchamp took a concept about center of gravity,
25 and he boiled it down into such a great way of

1 And there have been some tragic accidents
2 that have occurred in the film industry. Is anyone
3 old enough to remember the "Twilight Zone" issue back
4 from in the 1980s? That was a lapse in safety.
5 Well, guess what happened after that? The unions,
6 which are the most powerful presence in the film
7 industry because they're made up of all the people
8 that make these things happen, got themselves
9 together and said, "We're going to put in standards,
10 and every production is going to use it so that when
11 our members show up on a film in Iceland or New
12 Mexico or Timbuktu or downtown Los Angeles, they're
13 going to know what the safety requirements are." And
14 those are those policies that get set up. You know,
15 they're not just pro forma. They're not just, we
16 attach them to an e-mail so we can check off that
17 box.

18 They're sent out.

19 Because here's the other thing, you
20 remember that long list of e-mails? I think it was,
21 like, two and a half pages. No one knows what the
22 capabilities and experience is of any particular
23 individual; so you cover them all, and you send out
24 the safety memos. And the key message, on all of the
25 safety memos, is that safety is not sacrificed for

1 expediency.
 2 THE COURT: Mr. Tebo, as requested, you
 3 have ten minutes.
 4 MR. TEBO: Thank you, Your Honor.
 5 And there's a reason for that. Because
 6 who, making a film, wants an accident on their film
 7 or wants to have a situation that allows an accident
 8 to occur? It's the antithesis of making a call sheet
 9 and setting up a schedule and defining when things
 10 have to take place. That's what throws things out of
 11 whack.
 12 The testimony, in this case, is that,
 13 somehow, that morning, there was all sorts of mayhem
 14 and disorganization. You had a director that changed
 15 his mind. All of these things.
 16 And yet, ladies and gentlemen, there was
 17 no hectic rush. The crew showed up at 5:30. The
 18 first shot was scheduled with the Raptor because it
 19 said it on our call sheet that the Raptor would be
 20 used for that first scene that was going to be shot,
 21 7:30 start time.
 22 So in all that time, what was Mr. Razo
 23 doing? Well, you heard the testimony of
 24 Mr. Franklin, Mr. Razo was not asking for
 25 information. That's clear. He didn't send

1 Mr. Datri -- who seemed more like his assistant than
 2 his copilot -- he didn't send Mr. Datri off to the
 3 transportation department to get the details --
 4 because we know there's a whole department devoted to
 5 moving things around. Mr. Razo didn't do that.
 6 I don't know what was going on. I don't
 7 know why they were feeling like they were running
 8 late. But the claim is they felt like they were
 9 running late because they weren't given the info they
 10 needed. And I just don't think that that holds up
 11 when we're talking about the people we're talking
 12 about: Highly skilled experts.
 13 So from the perspective of whether or not
 14 Mr. Razo was an employee, ladies and gentlemen, I
 15 just want you to keep in mind a couple of things. He
 16 was paid wages for this particular production by
 17 No Exit. He had deductions taken out of his paycheck
 18 related to the hours that he was working on this
 19 production. He didn't get a lump sum payment like
 20 you would pay an independent contractor. He sent a
 21 deal memo with terms that were taken and put on the
 22 corporate deal memo. And the corporate deal memo is
 23 a form that got sent to Cast & Crew. Why? So
 24 Mr. Razo could get paid. And he was paid. That's --
 25 that's acknowledged. He was paid for this

1 production. He was paid for this work. And he had
 2 deductions taken out just like anybody else working
 3 for this production as an employee.
 4 So I know this is always a hard thing.
 5 And I appreciate that there's a suggestion both in
 6 the opening and in the closing that Mr. Razo's
 7 liability here should be 25 percent or 20 percent. I
 8 told you at the beginning I was going to be straight
 9 with you about what the defense was going to present.
 10 And I told you that I believe that, after you heard
 11 all of the evidence in this case, that would be an
 12 inverse. It would be flipped over.
 13 If you want to find liability relates to
 14 the defendants -- and I have to be honest with you in
 15 the sense that I don't feel that there's liability,
 16 but I don't have to make that call. Thank goodness,
 17 I don't. But the thing is, is Mr. Razo bears the
 18 overwhelming majority of liability for this accident.
 19 And it's not an indictment of who he is as a person.
 20 It's a recognition he made a mistake. We can't
 21 unwind that. But for you to place the fault for that
 22 mistake disproportionately on my clients is ignoring
 23 the reality of the situation. And I don't think, as
 24 a jury, you should be in the position of ignoring
 25 reality.

1 On behalf of myself and Mr. Schmehl and
 2 Andrew Bernard, who I think you heard some testimony
 3 from, and Black Label and No Exit, all I can say is
 4 thank you. I apologize. Having a hard time
 5 breathing. All I can say is thank you for being
 6 here. You know, we have to be here because of the
 7 jobs we play; you're here because of the purpose you
 8 play. And it's the only way to resolve this.
 9 So thank you very much. I appreciate
 10 your attention, and I appreciate your time. And,
 11 quite honestly, I look forward to you deliberating,
 12 rendering a decision, and going home. Thank you.
 13 Thank you, Your Honor.
 14 THE COURT: Thank you, Mr. Tebo.
 15 And, Mr. Hunt, I can give you a couple
 16 minutes.
 17 MR. HUNT: Thank you, sir.
 18 Thank you, Jury. I think I heard two
 19 things. I heard "We're not here to blame James," and
 20 I heard 45 minutes of blaming James and taking no
 21 responsibility for their own actions and telling you
 22 there was some bad accidents way back in the Twilight
 23 Zone, but Hollywood is better now.
 24 Is that your experience? Is that what
 25 you've seen? Or do you get a chance to tell them

1 what's expected?
 2 And then, of course, you were very, very
 3 briefly -- I mean, they've almost, in my view, given
 4 up on the idea of the employment issue. You heard
 5 about 30 seconds of it. And I frankly think that
 6 when Ellen Schwartz got presented with this letter --
 7 it's Exhibit 31 in plaintiffs' -- where she's
 8 completely disavowing James Razo, completely not
 9 accepting, certainly, any responsibility for his
 10 actions, saying, "He wasn't our guy. You gave him to
 11 us. You sent him on it. You pay us \$6,000 back" --
 12 \$65 million film and they wanted \$6,000 back because
 13 Susan had to go stay in a hotel while James was in
 14 the ICU -- I frankly think it's appalling that this
 15 letter was sent in September of 2016. And I frankly
 16 think it tells you everything you need to know about
 17 what No Exit and Black Label Media values, and it's
 18 not human life.
 19 What I ask you for now is your courage.
 20 Your job is not easy in any way. Two weeks ago, none
 21 of you had no idea you would be sitting on a case
 22 with this kind of gravity with a chance to do
 23 something special, with a chance to send a message to
 24 frankly an industry that needs it. Chances like this
 25 don't come around very often. For all of us in this

1 courtroom, every single one of us, a chance like this
 2 may never happen again.
 3 When you write down your verdict, make it
 4 a verdict you can be proud of because I'll guarantee
 5 you, none of us, none of us, however it comes out,
 6 are ever going to forget today. Be proud of the work
 7 that you've done. We've trusted you from the
 8 beginning. James and Susan and Dari were willing to
 9 say, "You know what? We're going to trust a Santa Fe
 10 jury. We believe in this system. Our story needs to
 11 be heard."
 12 They didn't want to report it to OSHA and
 13 tried to sweep it up the rug. But, thank God, we can
 14 come into a courtroom in America and present this
 15 case to 12 people from Santa Fe, New Mexico, to get
 16 to hear this case. And you get to decide the
 17 outcome.
 18 And the last thing I'll leave you with --
 19 I don't think you can see this real good. It will --
 20 anyway, this is the movie poster from No Exit -- I'm
 21 sorry -- from "Only the Brave." And it says, "It's
 22 not what stands in front of you; it's who stands
 23 beside you."
 24 I saw this about three weeks ago when I
 25 was getting ready for this case, and I sent it to

1 James. I'm sorry. And I said, "I'll stand beside
 2 you, James."
 3 But I don't have the power to do
 4 anything. You do. You have a chance today knowing
 5 what stands in front of James, which is a lifetime of
 6 walking through that fire, you have a chance to say,
 7 "We stood beside him because he was worthy of our
 8 verdict and because Black Label and No Exit were
 9 wrong and they need to be accountable."
 10 Thank you for being here. Respect each
 11 others's opinions and be brave.
 12 THE COURT: All right.
 13 Ladies and gentlemen, members of the
 14 jury, it's now time for you to retire to the jury
 15 room and to render a verdict in this case. I'm going
 16 to provide you with the final instructions that I
 17 read to you as well as the special verdict form and
 18 the exhibits that were introduced into evidence.
 19 Mr. Raymond, you were our alternate. So
 20 when the other 12 members of the jury retire to the
 21 jury room, I'm going to ask that you remain in the
 22 courtroom, and I'll have some additional instructions
 23 for you.
 24 JUROR: Yes, sir.
 25 THE COURT: Okay.

1 All rise for the jury.
 2 (Jury exits courtroom.)
 3 THE COURT: All right. Parties may be
 4 seated. All right.
 5 So, Mr. Raymond, first of all, let me
 6 just say -- and I know I'm speaking on behalf of the
 7 parties and the attorneys -- thank you for your time.
 8 I know that your time is precious. I know you sat
 9 through this whole trial. But without alternates, we
 10 probably wouldn't get to the end. As you saw, we
 11 lost three alternates for various reasons. A couple
 12 of them, I think, got sick.
 13 So first of all, thank you for your time.
 14 The system would not work without people like you
 15 citizens. We've been relying on citizens such as
 16 yourself for 200 years to make these difficult
 17 situations. If you need a letter, an employer
 18 letter, my bailiff will provide that to you. Please
 19 remember to continue to check in with jury services.
 20 Now, someone may contact you and ask to
 21 speak to you about this case for whatever reason. At
 22 this point, you're free to talk to anyone about this
 23 case if you choose to. So if you want to speak to
 24 this particular -- any person that contacts you and
 25 wishes to speak with you, you're free to do so.