

LBTCMAXVD1

1 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

2 -----x  
3 UNITED STATES OF AMERICA,

4 v.

20 CR 330 (AJN)

5 GHISLAINE MAXWELL,

6 Defendant.

Jury Trial

7 New York, N.Y.  
November 29, 2021  
10:30 a.m.

8 Before:

9 HON. ALISON J. NATHAN,

10 District Judge

11 APPEARANCES

12 DAMIAN WILLIAMS  
United States Attorney for the  
13 Southern District of New York

14 BY: [REDACTED]  
[REDACTED]  
[REDACTED]  
15 [REDACTED]  
Assistant United States Attorneys

16 HADDON MORGAN AND FOREMAN  
Attorneys for Defendant

17 BY: JEFFREY S. PAGLIUCA  
18 CHRISTIAN R. EVERDELL  
LAURA A. MENNINGER

19 -and-  
BOBBI C. STERNHEIM

20 -and-  
RENATO STABILE

21 Also Present: [REDACTED]  
22 [REDACTED],  
23 Paralegal, U.S. Attorney's Office  
Ann Lundberg,  
24 Paralegal, Haddon Morgan and Foreman

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1 (In open court)

2 (Voir dire resumed)

3 THE COURT: I have an update. So the one juror on the  
4 fifth floor, who's not here, we've not been able to reach and  
5 left a message. The two jurors in 110, here, are not here.  
6 One we've not been able to reach and left a message and the  
7 other forgot and is not on the way.

8 So I propose, counsel, that we take the next available  
9 juror in on the first floor.

10 [REDACTED]: That's fine with the government, your  
11 Honor.

12 MR. EVERDELL: That's fine with defense, as well, your  
13 Honor.

14 THE COURT: I will note that the first available juror  
15 on the first floor on the list is the individual who is one of  
16 the two who are not here, the one who we haven't reached, and  
17 left a message.

18 So let me tell you where we are.

19 On the fifth floor, it's 117 who's not here. Then on  
20 the first floor, it's 169 and 273. So we would move 170 to the  
21 fifth floor.

22 Okay, [REDACTED]?

23 [REDACTED]: Yes, your Honor.

24 Would your Honor mind repeating those numbers, please,  
25 one more time?

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1 THE COURT: Of course. Not present are 117, 169, and  
2 273. So, by my count, the next juror from the first floor that  
3 we would move to the fifth floor is 170.

4 [REDACTED]: Thank you, your Honor.

5 THE COURT: Ms. Sternheim?

6 MS. STERNHEIM: No objection.

7 THE COURT: I'll direct my staff to have 170 move to  
8 the fifth floor. Once they're settled, we'll get the live feed  
9 going and I'll ask the questions.

10 Counsel, do you want to have somebody go to the  
11 courtroom since we're close to that point?

12 [REDACTED]: Yes, please, your Honor.

13 MS. MENNINGER: Yes, your Honor.

14 MS. STERNHEIM: I believe they're already there, but  
15 I'm just checking. We're fine.

16 THE COURT: Okay.

17 [REDACTED]: Your Honor, just to clarify, are we  
18 sending a representative to both of the overflow rooms or just  
19 one overflow room?

20 THE COURT: We have 40 in 506, so we can start there.  
21 I'm going to ask both rooms if there are any "yes" responses.  
22 So it's up to you.

23 [REDACTED]: Thank you, your Honor.

24 THE COURT: We now have 40 jurors on the fifth floor.  
25 So I think I'm ready to direct court staff to allow the live

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1 feed to the juror rooms on the fifth floor and the first floor.

2 We've confirmed that they've got the feed.

3 [REDACTED]: Apologies, your Honor. If the second pool  
4 of jurors is on the first floor -- I went down to the first  
5 floor to observe and court security told me I was not permitted  
6 to enter the courtroom. If that's the Court's preference --

7 THE COURT: Of course. We'll take care of it.

8 [REDACTED]: Thank you so much, your Honor.

9 THE COURT: You have your government credentials, I  
10 suppose?

11 [REDACTED]: Yes, your Honor.

12 THE COURT: You can head back down, [REDACTED]. We'll  
13 ensure that you're permitted in. I apologize. Good to know we  
14 have security, but -- ()

15 Good morning, everyone. I'm told that the live feed  
16 now is working in the courtroom where our jurors are. Thank  
17 you so much.

18 Ladies and gentlemen of the jury, welcome back to the  
19 Southern District of New York and thank you again for your time  
20 and service. I'm just going to pause for a moment to make sure  
21 that we get confirmation that we have counsel in both rooms and  
22 that the audio/video is working.

23 We have confirmation, so we can proceed.

24 As I said, welcome back to the Southern District of  
25 New York. Ladies and gentlemen, we are here for the third and

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1 final step of selecting a jury to serve in this case.

2 Members of the jury panel, I'm going to ask two  
3 questions for everyone. If your answer to either question is  
4 yes, please just raise your hand.

5 My first question is, since you were here for  
6 individual questioning by me, have you read, heard, seen, or  
7 researched anything about the case or discussed the case with  
8 anybody.

9 My second question is, do you feel, for any reason,  
10 that you could not be a fair and impartial juror in this case.  
11 Now is the final opportunity to say so.

12 If your answer to either question is yes, please raise  
13 your hand, otherwise please sit quietly until I give you  
14 further direction. Thank you so much.

15 We have one juror who we'll bring up to speak to and  
16 I'll ask the audio/video feed to the jury rooms to please be  
17 turned off at this time. I'll give you further instruction  
18 shortly. Thank you so much for your patience. ()

19 Counsel, so we have just one hand, I understand, in  
20 both rooms, and that's a juror on the fifth floor, number 87.

21 Just trying to get clarification on whether there were  
22 any hands in 110. Sounds like we did have some hands in 110,  
23 but just the one in 506.

24 Can I ask counsel in the room if that's in 506, the  
25 one hand?

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1 MR. ROHRBACH: Yes, your Honor.

2 MS. MENNINGER: Correct.

3 THE COURT: So we'll bring in juror 87.

4 (Juror present)

5 Good morning, juror 87.

6 JUROR: Good morning.

7 THE COURT: You had a "yes" response?

8 JUROR: Yes, that's right.

9 [REDACTED]: Your Honor, I apologize, but [REDACTED] has  
10 not returned back to the courtroom. May we please wait for her  
11 to return?

12 THE COURT: Sure. Could you test your volume?

13 JUROR: Test. Is that better?

14 THE COURT: That's good. Thank you.

15 [REDACTED]: Thank you, your Honor. She's on her way.

16 THE COURT: Maybe she got detained.

17 Okay. Juror number 87, you had a "yes" response to  
18 one of my questions. Go ahead.

19 JUROR: Yes. So you had asked if I had discussed this  
20 case. Well, the answer is unfortunately yes. Just based on  
21 the timeline I provided the people that I work with, as well as  
22 the extensive media coverage, people I work with were pretty  
23 able to easily piece together what case this was. As such,  
24 they wanted to express their opinions and were pretty adamant  
25 and compassionate about the case. So I wanted to be fully

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1 transparent and disclose that I discussed the case.

2 THE COURT: Did you cut them off when they were  
3 talking to you or discuss back?

4 JUROR: I tried to, to be honest, but some of the  
5 people that were speaking to me, I didn't feel comfortable  
6 doing that with. So in some cases, I did not.

7 THE COURT: Counsel, without objection?

8 [REDACTED]: No objection, your Honor.

9 MR. PAGLIUCA: No, your Honor. Thank you.

10 THE COURT: Thank you for your candid response. I  
11 will excuse you. Thank you. The jury department will tell you  
12 how to check out. Thank you.

13 (Juror not present)

14 Counsel, I think then we can move -- there were some  
15 hands in 110, but not the next juror, which is 181. So I think  
16 we can move juror 181 to the fifth floor and you can exercise  
17 your peremptories with 181 as the final juror in the room.

18 Everybody agree with that?

19 [REDACTED]: Yes, your Honor.

20 MR. PAGLIUCA: Yes, your Honor.

21 MS. STERNHEIM: Yes.

22 THE COURT: So I will ask that juror 181 be brought to  
23 the fifth floor, please.

24 Just going to get confirmation when 181 is on the  
25 fifth floor and then I'll bring you up for alternating

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1 peremptories.

2 Mr. Pagliuca.

3 MR. PAGLIUCA: Yes, your Honor. I'm confirming juror  
4 119 is now in the 28th spot?

5 THE COURT: That's correct.

6 MR. PAGLIUCA: Thank you.

7 (At the sidebar)

8 THE COURT: Counsel, if you want to look at the jury  
9 wheel while we're waiting.

10 Counsel, I do have confirmation that we now have our  
11 30 jurors on the fifth floor and we can do our peremptories.

12 Defense first two is?

13 MR. PAGLIUCA: 63 and 21, your Honor.

14 [REDACTED]: Government would strike juror number 93,  
15 your Honor.

16 THE COURT: To be clear, we're just doing on the first  
17 28?

18 MS. STERNHEIM: Yes.

19 THE COURT: Okay.

20 MR. PAGLIUCA: Juror number 54 and juror number 82.

21 THE COURT: Okay.

22 [REDACTED]: Juror number 27, your Honor.

23 THE COURT: Okay.

24 MR. PAGLIUCA: Juror number 22.

25 THE COURT: Okay.

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1 MR. PAGLIUCA: Juror number 8.  
2 THE COURT: Okay.  
3 [REDACTED]: Juror number 14.  
4 THE COURT: Okay.  
5 MR. PAGLIUCA: Juror number 30.  
6 [REDACTED]: Juror number 108.  
7 MR. PAGLIUCA: Juror number 96.  
8 THE COURT: Okay.  
9 [REDACTED]: Juror number 113.  
10 THE COURT: Okay.  
11 MR. PAGLIUCA: Juror number 62.  
12 THE COURT: Last one for the government.  
13 [REDACTED]: Juror number 20.  
14 THE COURT: Okay. Last one for defense.  
15 MR. PAGLIUCA: Number 93, your Honor.  
16 [REDACTED]: Your Honor, I believe I struck 93 first.  
17 MR. PAGLIUCA: I'm sorry. Juror number 13, your  
18 Honor.  
19 THE COURT: Okay. All right. Everybody good with the  
20 regular jury? Okay.  
21 Now I'll do alternates, alternating three each on the  
22 29 through 40 beginning with the government.  
23 [REDACTED]: Juror number 132, your Honor.  
24 THE COURT: Defense.  
25 MR. PAGLIUCA: Number 129.

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1 THE COURT: [REDACTED].

2 [REDACTED]: 126.

3 MR. PAGLIUCA: 162.

4 THE COURT: Last one for the government.

5 [REDACTED]: Your Honor, the government is going to  
6 waive its third strike for alternates.

7 THE COURT: So, defense has one more and the highest  
8 number not struck will also be struck in light of the  
9 government's waive.

10 MR. PAGLIUCA: Number 147, your Honor.

11 THE COURT: Okay. So 147 is struck. That means 181  
12 is out, as well. Correct?

13 [REDACTED]: I believe that's right, your Honor.

14 THE COURT: I'm going to start the feed again and read  
15 those numbers and then [REDACTED] will take the selected  
16 jurors to the jury room and then I'll ask if the rest can be  
17 excused and if you say yes, I'll excuse them. So I need the  
18 feed.

19 (In open court)

20 THE COURT: Okay, we are ready to proceed. Thank you,  
21 members of the jury panel, for your patience. I'm going to  
22 read the numbers of the selected jurors. Those jurors will  
23 please then gather their belongings and my courtroom deputy,  
24 [REDACTED], will escort you in a moment to the jury room.

25 The following numbers are the selected jurors: Number

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1 2, number 7, 26, 29, 37, 48, 49, 50, 58, 70, 89, 119, 124, 125,  
2 149, 151, 152, and 170. I'll read those numbers again as  
3 [REDACTED] is going to escort the selected jurors to the jury  
4 room. Everyone else please remain quietly in your seats until  
5 I give further instruction.

6 So again, the selected jurors are 2, 7, 26, 29, 37,  
7 48, 49, 50, 58, 70, 89, 119, 124, 125, 149, 151, 152, and 170.

8 Thank you so much, ladies and gentlemen. I'll ask you  
9 to please remain quietly in your seats if your number was not  
10 called until I give you further instruction. If your number  
11 was called, I'll ask you to gather your belongings and follow  
12 instruction of the jury staff and my courtroom deputy,  
13 [REDACTED], who will take you to the jury room.

14 We can stop the feed for the moment.

15 Counsel, the feed is off to the jury rooms. We're  
16 bringing the selected jurors down to the jury room.

17 Let me ask counsel if there is any reason why the  
18 remaining jurors on the panel cannot be excused at this time.

19 [REDACTED]: No, your Honor.

20 MR. PAGLIUCA: No, your Honor.

21 THE COURT: As soon as I have confirmation that the 18  
22 jurors are in the jury room, I'll go back on the live feed and  
23 thank the jurors who are going to be excused.

24 Let me ask, who will do the opening for the  
25 government?

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1           ██████████: I will, your Honor.

2           THE COURT: What is your time approximation?

3           ██████████: I will estimate about 25 minutes, your  
4 Honor.

5           THE COURT: Who will do the opening for the defense?

6           MS. STERNHEIM: I will, Judge.

7           THE COURT: And how long?

8           MS. STERNHEIM: I hope to keep it under an hour.

9           THE COURT: Thank you. What I anticipate, as I said,  
10 as soon as we get the jurors in the jury room, I'll go back on  
11 and thank and excuse the remaining jurors. We'll get them  
12 settled in the jury room, the bathroom and the like, and then  
13 bring them out, swear them in, preliminary instructions. We'll  
14 see if we can do both or if it makes sense to break for lunch  
15 at the time after the government opens. We'll see where we  
16 are.

17           Ms. Sternheim.

18           MS. STERNHEIM: Judge, after the jury is sworn and  
19 taken to the jury room, may we have just a quick break?

20           THE COURT: The jury is going to the jury room now,  
21 then I'll bring them in, swear them, and we'll go straight to  
22 openings. So would you like a break now?

23           MS. STERNHEIM: I would.

24           THE COURT: Let me see if I can excuse our other  
25 jurors and then we'll break.

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1 MS. STERNHEIM: Of course.

2 THE COURT: Counsel, will there be any visuals during  
3 openings?

4 [REDACTED]: No, your Honor.

5 MS. STERNHEIM: Just me.

6 THE COURT: So for the overflow rooms, we're sorting  
7 out cameras. So after I instruct the jury, we'll have the  
8 overflow room cameras on the podium box, but we wanted to see  
9 if we needed to show any visuals, as well, and it sounds like  
10 no. Great.

11 Just, it takes some time, given distancing, to move 18  
12 people between the floors. So as soon as I get confirmation  
13 that they are in the jury room, as I said, I'll excuse the  
14 other jurors.

15 (Continued on next page)

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LBTVMAXVD2

1           THE COURT: Counsel, we have all the jurors down.  
2 There's one juror indicating that they'd like to speak to me  
3 about their employer. If you're comfortable, I would have the  
4 court reporter and I go into the robing room and speak to them  
5 and then report back, if that's okay.

6           ██████████: No objection, your Honor.

7           MS. STERNHEIM: No objection.

8           THE COURT: All right. We'll do that.

9           (Pages 737 to 738 SEALED)

10          (Continued on next page)

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LBTVMAXVD2

1 (In the robing room)

2 (Counsel not present)

3 (Juror present )

4 THE COURT: You have a concern with your employer?

5 JUROR: Yes. So last we spoke, I knew that there  
6 would be some issue with me being out for six weeks. So I  
7 spoke with HR; and they mentioned that the company policy  
8 states that they would cover two weeks of jury duty paid time  
9 off. And then after the two weeks, they would use, like, my  
10 personal time off, like vacation. Currently now I don't have  
11 enough to cover for the four weeks remaining. And if I were  
12 out for four weeks, that's unpaid time. So that would be a  
13 financial hardship on my end, which just doesn't -- I wouldn't  
14 be able to, you know, pay bills and stuff like that. So, you  
15 know, that financial hardship I wouldn't be able to take on.  
16 And the company's policy just states that they cover the two  
17 weeks of paid time. And then after that's done, they would go  
18 into my PTO for the remaining time, and I don't have that  
19 amount of PTO currently. So then that accounts to four weeks  
20 of unpaid time.

21 THE COURT: And tell me about what that means in terms  
22 of hardship. Given where we are at this stage and everybody's  
23 going to face some difficulty, tell me what it means to you in  
24 terms of hardship.

25 JUROR: That means like my rent, loans, car payment,

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1 you know, just living expenses in New York, it means a lot.

2 THE COURT: Tell me who your employer is.

3 JUROR: [REDACTED] [REDACTED]

4 [REDACTED]  
5 [REDACTED] That's the corporate umbrella. And then  
6 the local brand is [REDACTED].

7 THE COURT: So you get two weeks for jury duty, and  
8 then it's into your paid time off. And how much do you have of  
9 that remaining?

10 JUROR: Yeah. So two weeks for paid time off, but  
11 I've used four days so far for coming in for jury duty. So  
12 that would be a balance of six by way of the company's policy.  
13 And then -- six days by way of the company's policy. And then  
14 after that, they would use my accrued paid time off, which I  
15 believe through the calculations that they mentioned through  
16 the end of the year, I would have about five days. And then  
17 once that's completed, they would -- I would be placed on  
18 unpaid leave, which that's about three and a half weeks or so.  
19 So three and a half weeks, my salary, that's essentially a  
20 month, which would put me behind with car payments, my school  
21 loans, my rent, etc., especially since it's the holiday season,  
22 so --

23 THE COURT: All right. I'm going to send you back to  
24 the jury room. I'll let you know.

25 (Juror not present)

LBTVMAXVD2

1 (In open court)

2 THE COURT: Okay. We have a juror indicating  
3 financial hardship. The juror has further conferred with their  
4 employer, was told that they get two weeks of paid time for  
5 jury duty, four days of which have been used up. After that,  
6 they can go to their paid time off. They only have about five  
7 days remaining, and unpaid leave after that. And the juror has  
8 indicated that that is a substantial financial hardship.

9 And I'll tell you, I also have another juror who has  
10 indicated that their spouse surprised them with a trip. I'm  
11 getting the dates of the trip. That's where we are.

12 How would you like to proceed, [REDACTED]?

13 [REDACTED]: Your Honor, I believe the juror who  
14 expressed financial hardship should be struck for cause.

15 MR. PAGLIUCA: I think I'd like to know what juror  
16 number we're talking about here, your Honor.

17 THE COURT: Well, I think that not matters to the  
18 analysis.

19 MR. PAGLIUCA: I think it does, to the extent that we  
20 exercised peremptory challenges already and accepted this jury  
21 and excused the remaining jurors.

22 THE COURT: Well, I haven't excused remaining jurors  
23 yet. So I think the question is whether anybody wants to try  
24 to do anything with the remaining jurors if this juror needs to  
25 be struck for cause.

LBTVMAXVD2

1           One option, counsel, we had an unstruck juror. There  
2 was a juror on whom nobody exercised a peremptory who has not  
3 been excused. We could sub in that person since nobody  
4 exercised a peremptory.

5           MS. STERNHEIM: Judge, may I offer a suggestion that  
6 has been done by colleagues of yours in years past? Depending  
7 on who the employer is, if it's a large employer, judges have  
8 contacted the employer and inquired whether they would be  
9 willing to expand their policy. And it has been successful.

10          THE COURT: I can try that.

11          ██████████: The government would have no objection to  
12 that, your Honor.

13          THE COURT: Okay. So I'll try that now.

14          The other juror has indicated that the spouse  
15 surprised them with a trip December 24th through 28th. So we  
16 are to be sitting two of those days. I have not spoken to that  
17 juror yet, but can, and see if there's any flexibility there.  
18 So I'll call -- I'll try calling the employer of the juror  
19 who's indicated hardship.

20          In the meantime, perhaps think about my suggestion,  
21 which is that there is an unstruck juror who, because the  
22 government waived a peremptory -- now, I recognize the defense,  
23 knowing that the government waived the peremptory, knew that  
24 that juror would drop off, if not. But nonetheless, it's an  
25 unstruck juror, so we could potentially pick that person up if

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1 we need to.

2 I will see about calling the employer. And then I  
3 would also suggest I'll speak to the other juror with the trip  
4 with the court reporter and find out if there's any potential  
5 flexibility there.

6 MS. STERNHEIM: Thank you.

7 (Pages 742 to 744 SEALED)

8 (Continued on next page)

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LBTVMAXVD2

1 (In the robing room)

2 (Counsel not present)

3 (Juror present)

4 THE COURT: Juror 58. How are you?

5 Please have a seat.

6 So I've been told that you have a surprise trip  
7 planned.

8 JUROR: Yes, my wife surprised me with a trip.

9 THE COURT: And that was the kind of information I was  
10 looking for, for any reason you can't serve. Now that we're at  
11 this point in the process, I need to ask whether it's possible  
12 to move that trip?

13 JUROR: It's possible to move? I believe we can. I  
14 think we've got insurance on there. I will speak to her again  
15 afterwards and see if we can move it.

16 THE COURT: If you can, if she can move it, are you  
17 able to serve?

18 JUROR: Yes. If she's able to move it, I will be able  
19 to serve.

20 THE COURT: Okay. Can I let you use a phone and you  
21 can call her if I give you some privacy?

22 JUROR: Sure.

23 THE COURT: If you know her number. I don't know  
24 anybody's number.

25 (Pause)

LBTVMAXVD2

1 JUROR: She said unfortunately it can't be moved, but  
2 she will try. But I'm not sure if you guys could wait that  
3 long anyway.

4 When you asked that question earlier, I just figured,  
5 you know, you said, you know, if you saw something or if you  
6 know you were still going to be unfair, had I known, I would  
7 have said something then. But she said unfortunately, right  
8 now she don't think it could be changed. Because she's in  
9 school right now. So when we get home, she's going to see if  
10 it could be changed.

11 THE COURT: Well, okay.

12 I'm going to hope that it can be changed.

13 JUROR: Okay.

14 THE COURT: I'll talk to the lawyers about how they  
15 want to proceed, but I'm going to assume for now you're going  
16 to stay on the jury.

17 JUROR: Okay.

18 THE COURT: And hopefully it can be moved or we can  
19 accommodate in some way.

20 JUROR: Okay.

21 THE COURT: But at this stage we need you to stay,  
22 unless it's impossible.

23 JUROR: Okay.

24 THE COURT: Okay? All right. Thank you.

25 JUROR: All right. So I'll be back again --

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1 THE COURT: Well, you're going to go back to the jury  
2 room now and then I'll let you know --

3 JUROR: Okay.

4 THE COURT: -- what's next.

5 JUROR: Okay.

6 THE COURT: Okay?

7 JUROR: Thank you.

8 THE COURT: Thank you. But for now, you're staying.

9 JUROR: All right. Thank you.

10 (Juror not present)

11 (Continued on next page)

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LBTVMAXVD2

1 (In open court)

2 THE COURT: Okay. Here's my update: We're still  
3 gathering the employer information on the juror. They needed  
4 to go get their phone and get the contact information. So  
5 we're working on that. So I haven't called yet.

6 In the meantime, I did speak to the other juror whose  
7 spouse surprised them with a trip from the 24th to the 28th.  
8 They weren't sure if it was movable, tried calling the spouse,  
9 and basically just isn't sure at this point if it's movable.

10 My view is we charge ahead with that juror, hope that  
11 it's movable. I suppose, worst-case scenario, we could arrange  
12 when we sit, but I'm not inclined to not sit that week. But  
13 I'm going to hope it's movable. That's my view. You tell me.

14 MS. STERNHEIM: I'll speak first.

15 That's fine.

16 [REDACTED]: That's fine with the government, your  
17 Honor.

18 THE COURT: All right.

19 So I'm going to let that juror know to keep pressing  
20 to see what options are moving, and that my intention is to  
21 keep them on the jury.

22 With that, I'll step down in order to try to call the  
23 employer. Once I get that information, in the meantime, any  
24 thoughts on whether to -- if this doesn't work, to keep the  
25 unstruck juror?

LBTVMAXVD2

1           ██████████: Yes, your Honor. The government's  
2 proposal would be to take the unstruck juror, make that juror  
3 the sixth alternate, and proceed from there.

4           THE COURT: Okay.

5           You still want to think about it, Ms. Sternheim?

6           MS. STERNHEIM: Judge, our feeling is had we known  
7 this was going to happen during the choosing of the jurors, we  
8 would have exercised differently. I think the remedy is to  
9 give each side a peremptory back.

10          ██████████: Your Honor, I don't believe that that  
11 would be --

12          THE COURT: How would that work? And exercise with  
13 respect to whom?

14          MS. STERNHEIM: With regard to the alternates.

15          THE COURT: You mean re --

16          MS. STERNHEIM: Yes.

17          THE COURT: Restrike on alternates?

18          MS. STERNHEIM: Yes. It's the easiest way of doing  
19 it, just one.

20          ██████████: Your Honor, one alternative might be if we  
21 took the next three unstruck jurors and each side had a  
22 simultaneous strike.

23          THE COURT: Or alternating strike.

24          ██████████: Or alternating strike.

25          MS. STERNHEIM: That is fine.

LBTVMAXVD2

1 THE COURT: Okay. Why don't you work on that. But  
2 let me actually -- I think we might run into where we had some  
3 hands.

4 [REDACTED]: Your Honor, my list would be that that  
5 would be we have Juror 181, 189, and 195 as the next three.

6 THE COURT: I believe we had hands raised for 189 and  
7 195. So perhaps we could go --

8 MS. STERNHEIM: Judge, would you please repeat those  
9 two numbers, the jurors that you believe had issues?

10 THE COURT: So this was what -- I didn't follow up on  
11 this because it was preliminary, but I got a note that the  
12 following jurors in 110 had raised their hand: 189, 195, 198,  
13 235, 239, and 261.

14 I will step down while you think about how you want to  
15 proceed if we do go down one -- the other option is to proceed  
16 with five alternates. Just not what I'd hoped to do out of the  
17 gate. But let me make this call and you think about if we lose  
18 somebody, how you want to proceed. I'll hear your requests.

19 MS. STERNHEIM: Thank you.

20 (Recess)

21 THE COURT: All right. Here's my update:

22 I just spoke to the human resources person at the  
23 entity where the juror works. The policy is two weeks paid.  
24 But I urged consideration of some -- whether there might be an  
25 ability to do more on that, and she said she would check. And

LBTVMAXVD2

1 I said I could give her about ten minutes. So we will wait and  
2 see what the word is there.

3 I would also like to just bring back the juror who had  
4 the trip plan with the court reporter and just let that juror  
5 know that I do intend to keep them on the jury and urge efforts  
6 to move the trip plans in light of where we are in this  
7 process. I'll let you know if anything further develops with  
8 that.

9 Otherwise, anything?

10 [REDACTED]: Your Honor, I believe the parties have  
11 reached agreement on what to do if one of these jurors cannot  
12 proceed.

13 THE COURT: Okay.

14 [REDACTED]: I believe the parties are in agreement  
15 that we would bring back the juror who would have been seated  
16 had the government not waived, if that makes sense.

17 THE COURT: It does.

18 [REDACTED]: Juror No. 181, I believe it is. I think  
19 we have agreed that that juror should be seated as the sixth  
20 alternate.

21 THE COURT: Okay. Ms. Sternheim?

22 MS. STERNHEIM: That is the most efficient thing to do  
23 at this point.

24 THE COURT: All right. Thank you. I appreciate that.  
25 I think that's a good backup solution.

LBTVMAXVD2

1           So let me speak to the juror with the trip planned,  
2 wait the ten minutes that I've given this human resources  
3 person to respond, and then we'll get underway.

4           ██████████: Thank you, your Honor.

5           THE COURT: Thank you.

6           MS. STERNHEIM: Judge, will we still be given a break?

7           THE COURT: Yes.

8           MS. STERNHEIM: Thank you.

9           THE COURT: Let me suggest that you take a break now  
10 also.

11          MS. STERNHEIM: Okay.

12          THE COURT: Because I think it will be at least 10 to  
13 15 minutes before I return.

14          MS. STERNHEIM: All right. Thank you.

15          THE COURT: Thank you.

16          (Pages 750 to 751 SEALED)

17          (Continued on next page)

LBTVMAXVD2

1 (In robing room)

2 (Counsel not present)

3 (Juror present)

4 THE COURT: Hi, Juror 58.

5 JUROR: Hi.

6 THE COURT: Just wanted to let you know we are going  
7 to keep you on the jury.

8 JUROR: Okay.

9 THE COURT: Want you to do everything you can to try  
10 to move that.

11 JUROR: Okay.

12 THE COURT: I'm happy to call the airline or the  
13 travel agent if that would be helpful or write a letter.

14 JUROR: Okay.

15 THE COURT: See what you can do. And you can let me  
16 know down the road, hopefully, that you're able to move it.  
17 But let me know that you're not and we'll take it one step at a  
18 time. We might not be able to sit for those days, if it's  
19 necessary.

20 JUROR: Okay.

21 THE COURT: But my hope is that you guys can move it  
22 and enjoy the trip when this is done.

23 JUROR: Okay. Yeah, I'll definitely go home and call  
24 all the necessary parties.

25 THE COURT: That would be great. Let me know if a

LBTVMAXVD2

1 letter or phone call from me would be helpful.

2 JUROR: Okay.

3 THE COURT: Thank you very much.

4 You can return to the jury room.

5 JUROR: Thank you so much.

6 (Juror not present)

7 (Continued on next page)

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LBTCMAXVD3

1           THE COURT: The update is that I don't have the  
2 information yet. The employer of this juror, they are working  
3 on it, but because it's a deviation from an existing policy,  
4 they have to work it up the chain. They understand the  
5 urgency, and the person I spoke to anticipated an answer within  
6 an hour, but trying to do it as soon as possible.

7           I think there are a couple of options. One, we can  
8 move to the juror that you agreed as our sixth alternate. The  
9 other, I think, on consent, you could agree to seven alternates  
10 and we could bring that juror and we proceed, and if it turns  
11 out this is a hardship because this company is not able to make  
12 the exception, then I will obviously, after conferring with  
13 you, dismiss that juror for cause, but we could get underway or  
14 we could, not knowing, dismiss the juror and move to the other  
15 juror or we could simply wait until we get more information.

16           ██████████: Your Honor, the government would adopt  
17 your Honor's proposal that we seat the seventh alternate and  
18 proceed.

19           MS. STERNHEIM: We would prefer to wait.

20           THE COURT: And wait altogether, I presume, you mean,  
21 Ms. Sternheim?

22           MS. STERNHEIM: Yes, your Honor.

23           THE COURT: I think we'll give it a cutoff, a  
24 reasonable cutoff. Of course, I have two courtrooms full of  
25 jurors who are waiting and maybe what it makes sense to do is

LBTCMAXVD3

1 for me to Zoom in and let them know that the process is  
2 ongoing, we may still need them, and that I appreciate their  
3 patience.

4 Any concerns with that?

5 [REDACTED]: No concerns with that, your Honor, but  
6 given that we may be waiting an hour, would it make sense to  
7 move the lunch break a little earlier, break for lunch now and  
8 then have more time this afternoon?

9 THE COURT: I will check with [REDACTED]. I believe  
10 the jurors' lunch is anticipated at 1:00, so that may not be  
11 possible.

12 Can I get the feed to 506 and 110, please. Let me  
13 know when we're live.

14 Okay, I understand that the feed is working again with  
15 the jurors in 506 and 110.

16 I want to thank you so much for your patience. The  
17 reason I haven't excused you yet is because the process is  
18 still ongoing. It remains possible that we would call on some  
19 of you to serve jury duty, and that's why I ask you to continue  
20 to wait patiently. I will provide additional information as  
21 soon as I have it. Thank you very much.

22 I'll step down. Thank you.

23 (Recess)

24 (Continued on next page)

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LBTVMAXVD4

1 THE COURT: Good news. This employer has approved the  
2 request. And so what I suggest is I tell the juror with the  
3 court reporter just so they know, send them back to the jury  
4 room, bring the jury out, swear them in, and then send them  
5 back for lunch, and then I'll excuse the remaining jurors.

6 Okay?

7 [REDACTED]: Yes, your Honor. Thank you.

8 MS. STERNHEIM: Thank you.

9 THE COURT: Thank you.

10 (Pages 755 to 756 SEALED)

11 (Continued on next page)

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LBTVMAXVD4

1 (In the robing room)

2 (Counsel not present)

3 (Juror present)

4 THE COURT: Hi, Juror 124.

5 JUROR: Hello.

6 THE COURT: So good news. You have been approved -- I  
7 spoke to [REDACTED] -- for six weeks of paid time for your jury  
8 service.

9 JUROR: Fantastic.

10 THE COURT: So I'm delighted that you'll be able to  
11 stay on the jury. Thank you very much. I just wanted to let  
12 you know I spoke to [REDACTED]. She was terrific and ran all  
13 the traps and got formal approval. So you're set.

14 JUROR: I was going to ask the details, if you spoke  
15 to [REDACTED]. She may have gone through everything.

16 THE COURT: She did. And the reason we were waiting  
17 is she had to run it through a number of people, including the  
18 CEO and the like, I understand. And they had to get formal  
19 approval, since it is a written policy, and you've been  
20 approved.

21 JUROR: That's good news. That's good news.

22 All right. Thank you.

23 THE COURT: All right.

24 We'll send you back and await further instruction.

25 JUROR: Fantastic.

LBTVMAXVD4

1 THE COURT: Thank you so much.

2 JUROR: Thank you.

3 (Juror not present)

4 (Continued on next page)

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LBTVMAXVD4

1 (In open court)

2 THE COURT: Okay. Message delivered. And the juror  
3 was pleased, and so we have our 18 jurors.

4 What I'll do is while [REDACTED] is gathering them  
5 to come in, I will thank the other jurors for their service,  
6 although they won't actually be let go until we swear the jury  
7 in. So I'm ready to talk to 506 and 110.

8 Ladies and gentlemen of the jury panel, I want to  
9 thank you so much for your patience and your time. We could  
10 not have done this process without you. On behalf of myself,  
11 on behalf of the parties and on behalf of the Southern District  
12 of New York, I thank you for your service.

13 You will be excused by the jury department staff in  
14 just a few more minutes. I'll ask you to remain patiently  
15 seated until they give you further instruction. But this will  
16 be my opportunity to say thank you to you for your service. We  
17 couldn't do this process without you. Thank you.

18 (Pause)

19 THE COURT: Okay. Thank you for your patience.

20 We will bring -- let me just tell you the plan. We  
21 will bring in the jury, we will swear in the jury, and then I  
22 will excuse them for lunch.

23 Their lunch is here; correct?

24 So, counsel, I propose a 45-minute break for lunch, if  
25 that works for everybody.

LBTVMAXVD4

1           ██████████: Yes. Thank you, your Honor.

2           MS. STERNHEIM: That's fine.

3           THE COURT: The staff has done some arranging of  
4 jurors in light of seating requirements and the like. We will  
5 provide a seating chart so that you know exactly -- both sides  
6 know exactly which juror is sitting in what seat. And I am  
7 ready to bring in the jury.

8           Counsel, I will provide the preliminary instructions  
9 as well after they're sworn and then excuse them for lunch.

10          Thank you.

11          (Jury selection concluded)

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