

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

ANDREA ROSSI, et al.,)
)
 Plaintiffs,)
 v.)
)
THOMAS DARDEN, et al.,)
)
 Defendants.)
_____)

No. 16-cv-21199-CMA (JJO)

DEFENDANTS' PROPOSED VOIR DIRE QUESTIONS

Per the Court's May 9, 2017 Order [D.E. 291], Defendants Thomas Darden, John T. Vaughn, Industrial Heat, LLC, IPH International, B.V., and Cherokee Investment Partners, LLC hereby respectfully submit the following proposed *voir dire* questions:

I. Follow the law.

1. If your evaluation of the evidence and application of the law which the Court provides you demonstrate to you that you should rule against a certain party in this case, will you be able to do so even if you feel sympathy for that party?

2. Will you be able to keep an open mind as to what the outcome of this case should be until you have heard all of the evidence from all sides and have received instruction on the law from the Court at the end of the case?

II. Ability to serve as a juror on a long case and understand the testimony and documents.

1. This trial may last three/four weeks. The Court recognizes that not everyone can serve on a trial of this length. But jury service is one of the highest duties of a citizen. Participation of people like you is essential to the proper administration of justice. As a result, the usual hardships of jury service are not enough to excuse you or anyone else here from jury service.

Is there anyone who would face severe hardship if asked to serve as a juror for a trial of this length?

2. Do you speak any language other than English? If so, what language do you normally use during the day or at work?

3. [*Follow up for anyone who normally uses a language other than English during the day or at work:*] Will you be able to understand testimony from witnesses in English and to read documents in English?

III. Connection to parties, witnesses, lawyers or other jurors.

Defendants understand that the Court will inquire of the potential jurors whether they know any of the parties, witnesses or lawyers in this case. Defendants request that the Court also inquire into whether any potential juror knows other potential jurors:

1. Do you know any of the other potential jurors in the courtroom from occasions before today?

IV. Experience with the legal system.

Defendants understand that the Court's juror questionnaire will ask potential jurors if they have served on a jury before or have been a party to a lawsuit. Defendants request that the following additional question be asked:

1. Have you or someone close to you ever testified in a lawsuit? If so, in what type of a lawsuit and why were you or someone close to you called as a witness?

2. Have you or someone close to you been a lawyer, studied law or worked in a law office?

If so, can you describe what that experience was?

V. Questions relating to this case.

1. Have you ever negotiated or writing a contract? Was there ever a dispute over that contract?
2. Has anyone been involved in a contract dispute (even if you did not negotiate or write the contract)? If so, what was the dispute and what was the outcome?
3. Does anyone believe that wealthy investors are required to be more careful in making investments than everyone else?
4. Does anyone believe that wealthy investors are entitled to less protection under the law than everyone else if they make a bad investment?
5. Does anyone believe that wealthy individuals are less likely to be honest or better able than everyone else to know if someone is being dishonest with them?
6. Have you or anyone close to you ever owned a business? If so, can you briefly describe what the business was and who owned the business?
7. Have you had any experience with trade secrets, patents or copyrights? If so, what is your experience?
8. Are you interested in science and technology? If so, how – as part of your job, as a hobby, because someone close to you is a scientist or works for a technology company?

VI. Catch-alls.

1. The goal of jury selection is to find out if you have any strong opinions that might affect your ability to be an impartial juror on this case. For example, if you are an avid University of Miami fan and dislike the Florida Gators, it would not be the best idea for you to referee a sports game between the two. So, if any of you feel that you have strong opinions about this case that might make it difficult for you to be impartial, please tell us so.

2. Do you know of anything I have not touched upon that might affect your ability to serve as a juror or prevent you from rendering a verdict based on the evidence you see and hear and the instruction on the law that the Court provides?

Dated: June 19, 2017

Respectfully submitted,

/s/ Christopher R. J. Pace

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 19, 2017, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel or parties of record.

/s/ Erika S. Handelson
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