

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>CRYSTAL MENDOZA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CASE NO. 2:22-cv-00477-BL</b>
	)	
<b>QCHC, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**VOIR DIRE**

*Courtroom Deputy opens court and gives initial oath to jurors.*

*Courtroom Deputy calls roll.*

We are about to select a jury for the trial of this case that has been announced ready for trial, and to assist the court and the attorneys in that selection process, we are going to proceed with what is called voir dire examination. “Voir dire” is a Latin phrase that basically means to speak the truth. With our questions, we are asking you to speak the truth.

The purpose of voir dire examination is to give the lawyers a full opportunity to inform themselves so that they may responsibly exercise their duties to their respective clients to select a fair and impartial jury for the trial of this particular case. No one wishes to probe unnecessarily into your private affairs, but the lawyers need

to know, and the parties are legally entitled to know some information about you. So, please answer each question as fully and as accurately as you can. We need you to give your best, honest, and sincere effort to answer each question. If you are not sure whether you have information called for by the question, tell us what you know or think. In other words, please tell us more rather than less. And, if you do not understand a question, let me know and I will try to explain it or rephrase the question.

The information you give in response to the court's and the lawyers' questions will be used only by the court and the lawyers to select a qualified jury for the trial of this case.

If any of the information requested is particularly personal to you, let me know and you can tell us about it here at the bench and not in front of everyone else.

*[Make a list of these people. There will be a reminder below to call these people up at the end of these questions.]*

I am now going to ask the courtroom deputy to call the roll of jurors who have been summoned to this courthouse for a term of jury service through a random selection process, and have been selected through a similar type random selection process to come into this courtroom as a possible jury venire, and who are now seated in the order in which that random selection process put you. As the courtroom

deputy calls your name, would you please stand and tell us in a loud voice the information on the card each of you have been given.

*(Courtroom Deputy)*

As I indicated a few minutes ago, we are beginning the trial of the case of Mendoza v. QCHC, Inc. On August 10, 2020, Crystal Mendoza was arrested by Montgomery police officers and taken to the Montgomery County Jail. Upon arriving at the jail, the jail officers placed Mendoza into a holding cell in the front area of the jail near the booking area where the guards sit. QCHC nurse Kelisha Thomas treated Mendoza while Mendoza was in the holding cell in the early morning hours of August 11, 2020. Mendoza is an insulin-dependent diabetic. The issues in this case concern whether Thomas administered insulin to Mendoza against Mendoza's will.

Now, ladies and gentlemen, as indicated earlier, I am going to ask you some questions after which the attorneys will be allowed to ask you some additional questions if they so desire. Please answer these questions completely and truthfully. If the answer is "Yes," raise your hand and make sure I get your name correct.

1. Are any of you familiar with the facts that may be involved in this particular case?

[How did you become familiar?]

2. Does any member of the jury panel know of any reason why you may be

prejudiced for or against the Plaintiffs—or for or against the Defendants—because of the nature of this particular case or otherwise? In other words, is there anyone of you who could not be fair to both sides in this case because this case involves these parties and these issues?

**3.** The Plaintiff in this case is Crystal Mendoza. *Ask the Plaintiff to stand and face the jury.*

**(a)** Do any of you know or are you related by blood or marriage to Ms. Mendoza?

**(b)** Have any of you or any person related to you by blood or marriage or close friend ever been employed by Ms. Mendoza? If so, when and in what capacity?

Please be seated.

*[If at any time, a juror knows a party or attorney or witness, follow up to get details of that relationship. Then ask: would the fact that you know \_\_\_\_\_ affect your ability to be fair and impartial to both sides in this case?]*

**4.** Representing the Plaintiff is attorney Henry Sherrod of Florence, Alabama. *Have him stand.*

**(a)** Do any of you know or are any of you related by blood or by marriage to Mr. Sherrod?

**(b)** As far as you know, has Mr. Sherrod ever represented you or any member of your family or a close friend?

**(c)** Have you or a family member or close friend ever worked for or with Mr. Sherrod?

**5.** The Defendant in the case is QCHC, Inc., a medical provider at the Montgomery County Jail. The corporate representative for QCHC is Johnny Bates. *Ask the corporate representative to stand and face the jury.*

**(a)** Do any of you know or are any of you related by blood or by marriage to Mr. Bates?

**(b)** Have any of you or any person related to you by blood or marriage or close friend ever been employed by QCHC, Inc.? If so, when and in what capacity?

**6.** Representing the Defendant in this case is LaBella McCallum and Eric Hoaglund of McCallum, Hoaglund & McCallum, LLP. *Have them stand.*

**(a)** Do you know or are you related by blood or marriage to Ms. McCallum or Mr. Hoaglund?

**(b)** As far as you know, has McCallum, Hoaglund & McCallum, LLP, ever represented you or any member of your family or a close friend?

**(c)** Have you, a family member or close friend ever worked for or with McCallum, Hoaglund & McCallum, LLP?

7. Are any of you related by blood or marriage to any of the other members of the jury panel or, before coming to court this morning, did you know any other member of this jury panel?

[If so, how? If you both were selected to serve on this jury, would the fact that you know each other affect your ability to be fair and impartial and reach your own decision even if it conflicts with [her/his] opinion?]

8. The following people may be called as witnesses in this case. If you are related to or know or think you may know any of these people, please raise your hand:

W. Timothy Garvey

Michelle White

Kelisha Thomas

Sgt. Jeffrey Gourdine

Donald Schrupp

Donald Kern

Jerry Gurley

Ray Andrews

Major Foster

Shaquille Johnson

Oscar Richardson

Dion Baker

Brian Sellers

Xinyu Chen

Sunni Beeck

Saeed Shah

Ahsan Wahab

Kristine Ortega-Fonte

Rajeev Nagarad

Alfonso Mendoza

Leasa Baba

Michelle Salery

Mickey Baba

Brandy Curtis

Alejandra Mendoza

9. Has anyone talked with you about this case or discussed it in your presence prior to your coming into this courtroom today?

10. Would any of you be the least bit hesitant to promptly report to the courtroom deputy should someone approach you about this case or talk to you about it while you are serving as a juror?

11. Have you or any person related to you by blood or marriage or any close friend ever been a party to or a witness in a lawsuit involving either of the parties to this case?

12. Have you ever served as a juror in a criminal or civil case, or as a member of a grand jury either in federal or state court?

13. Is there anyone who believes for whatever reason that they would be unable, if chosen to serve on the jury in this case, to be fair and impartial to both sides and to return a verdict based solely on the facts as you determine them to be from the evidence and the law as I give it to you to be applied to those facts?

14. I've asked you many questions, but you may be thinking about something I haven't asked that may relate to this case or your ability to be fair. Can any of you think of any other matter that you should call to the court's attention that may have some bearing on your qualifications as a juror or that may prevent you from rendering a fair and impartial verdict based solely on the evidence and my instructions as to the law? In other words, if you were selected to be on the jury in this case, is there anything about you that you would want me to know that I haven't asked you about?

15. This case is anticipated to take \_\_\_\_ days. During these days:  
\_\_\_\_\_ does anyone have any serious conflicts that would

prevent you from serving on a jury?

*[If anyone asked to talk privately about a matter, now is a good time to do so at sidebar.]*

I have now asked the questions I intended to ask. The attorneys are going to ask you some questions. Please answer them fully and truthfully.

*(Attorneys) – You told counsel to try to take no more than 20 minutes.*

*When attorneys finish questioning, meet with everyone in the back room for strikes.*