

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

WENDY B. DOLIN Individually and as  
Independent Executor of the Estate of  
STEWART DOLIN, deceased,

Plaintiff,

vs.

SMITHKLINE BEECHAM CORPORATION  
D/B/A GLAXOSMITHKLINE, a Pennsylvania  
Corporation,

Defendant.

No. 12 CV 6403

Chicago, Illinois

March 14, 2017

9:20 o'clock a.m.

VOLUME 1 A  
TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE WILLIAM T. HART

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1 Appearances (continued:)

2

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(The following proceedings were had out of the presence of the prospective jurors in open court:)

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[REDACTED]

Good morning to you, ladies and gentlemen and thank you very much for your presence here today, especially on this snowy day. We appreciate the effort that you all made to be here. And it is very important that you make that effort and we're grateful.

The contribution that you make of your time and of your effort is important to the success of the judicial system. Your service as jurors is appreciated by the Court and by the persons who are litigating here today.

The parties in this case and in every case in which you may be asked to serve are entitled to impartial jury to resolve disputed factual issues.

1           In order to obtain a jury representative of the entire  
2 community, citizens from throughout the area that comprises  
3 this federal judicial district of Northern Illinois are called  
4 to serve. You are selected at random.

09:59:12

5           Each of you has been selected to assure that you do  
6 represent a cross-section of the citizens in this district.  
7 It's important that you make every effort to accept and perform  
8 the responsibility of a juror. It is both a responsibility and  
9 an honor to participate in the judicial system. All of us who  
10 participate are keenly aware of the importance of an impartial,  
11 a fair, and a just trial.

09:59:39

12           I believe that you'll find your service interesting,  
13 rewarding, but perhaps, in some instances, difficult. This is  
14 a very interesting case. The parties are represented by very  
15 able attorneys are very well trained, and it will be very  
16 interesting if you are selected to serve, and you will find it  
17 so, I believe, you may find it in some respects difficult, but  
18 that is a challenge that we all face in important litigation.

10:00:00

19           Now, some of you may come to recognize certain of the  
20 lawyers, the litigants or witnesses who will be in and out of  
21 the courtroom and the courthouse while you are here. It is  
22 important at the outset that I state that no one connected with  
23 the case engage in any conversation with any member of the  
24 jury. We request this of you and of them to prevent any  
25 possible embarrassment or appearance of impropriety. It is

10:00:24

10:00:43

1 because we hold the service of a jury in high esteem and  
2 respect its position and duties that every effort will be made  
3 to permit you to perform your responsibility without any  
4 possible distractions.

10:01:02

5 I'm explaining this now because even though the  
6 lawyers and presumably their clients and witnesses know of this  
7 rule, it is possible that some of you may not know of it and  
8 you might think it odd that you are not acknowledged as you  
9 come and go from the courthouse by people that you see every  
10 day.

10:01:19

11 The remarks I am making apply to all of you who have  
12 been summoned here this morning. The case for which you have  
13 been called here today is anticipated to last two, perhaps into  
14 three weeks.

10:01:34

15 We are now going to begin the selection of the jury  
16 for the trial of the case of Wendy Dolin, who appears  
17 individually and as executor of the estate of Stewart Dolin,  
18 deceased, as plaintiff, and SmithKline Beecham Corporation  
19 d/b/a GlaxoSmithKline, and the shorthand designation you'll  
20 hear is GSK, and those are the parties to the case.

10:02:03

21 Now, this is a civil case as distinguished from a  
22 criminal or other type of case that we hear in this building.

23 The plaintiff seeks to recover money damages. Shortly  
24 I'm going to ask the clerk to administer an oath to all of you  
25 so that we may ask you some questions about your background and

10:02:24

1 experience.

2           The procedure that we are about to undertake is known  
3 as a voir dire examination of prospective jurors.

10:02:39

4           If you have had a chance to look at any of the  
5 material that we distribute to prospective jurors, you will  
6 have read that the case starts out with the selection of a  
7 jury. After a short statement by the judge about the nature of  
8 the case, prospective jurors are asked a number of questions to  
9 determine whether or not anyone on the panel knows of any  
10 reason why he or she could not render a fair and impartial  
11 verdict.

10:02:57

12           Now, before administering this oath and beginning this  
13 questioning process, I want to say just a few more words about  
14 why it's necessary to ask questions of a person about to serve  
15 as a juror.

10:03:15

16           We all know that we are influenced by our experiences  
17 in life. In our society, we come to hold different views about  
18 important public and private questions. Indeed, the fact that  
19 we can and do have differing views, and yet live together in  
20 peace, is one of the great strengths of our democracy.

10:03:34

21 However, if it should be a fact that you hold some view or  
22 opinion which you could not in honestly say that you would be  
23 able to put to one side in your consideration of the evidence  
24 in this case, it would be your duty to reveal this state of  
25 mind when the jury is being selected. You will understand, I

10:03:53

1 know, that if the case were to be decided based on the  
2 preconceived opinions of the jurors, it would be futile to  
3 present evidence for your consideration.

4 So the questioning process we are about to undertake  
5 is intended to select a jury of persons who can say that, in  
6 this case, each will not find it impossible or difficult to  
7 decide the disputed questions of fact based entirely on the  
8 evidence presented and the law as explained to you by me.

9 Please then accept the questioning process in the  
10 spirit of its objective, which is to select a fair and  
11 impartial jury. Be assured that all of us who participate in  
12 the judicial system, whether as a judge or a lawyer, are asked  
13 substantially more questions before we are allowed to  
14 participate in the system. And so it is that we begin the  
15 process.

16 Ms. Clerk, please administer an oath to the panel.

17 THE CLERK: Would the jurors please rise and raise  
18 your right hand.

19 (Potential jurors duly sworn.)  
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(Whereupon the venire were duly sworn for examination upon their voir dire and examined until jurors were accepted by counsel for the plaintiff and counsel for the defendants and duly sworn to try the issues, after which the following further proceedings were had herein:)

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2 THE COURT: All right. Thank you very much.

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11:56:25

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5 We now have selected a jury in this case. And those  
6 of you who are seated in the back of the courtroom may return  
7 to the jury room. You may well be wanted, such a fine panel as  
8 this, you'd be wanted in another courtroom if not today then  
9 soon, but I do thank you all for being here and you may now  
10 return to the jury lounge.

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11:56:59

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14 (Whereupon the prospective jurors exited the  
15 courtroom and the following further proceedings  
16 were had herein).

17

18

19 THE COURT: All right. Thank you very much. Please  
20 be seated, ladies and gentlemen.

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11:57:55

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26 Ladies and gentlemen, those of you seated in the jury  
27 box, you have been selected as the jury in this case. In a few  
28 moments or perhaps right after lunch, I think I'll wait until  
29 after lunch, the clerk will actually administer an oath to you  
30 to serve as a jury; however, you are, in effect, now the jury  
31 in this case.

11:58:13

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38 And I want to say to you a few words about your work  
39 as jurors. You and I have different roles. You will decide  
40 the facts. I rule on the law. I sit in the middle of the  
41 courtroom. I don't sit on the plaintiff's side, I don't sit on  
42 the defendants' side. I'm a neutral. I have to be. So don't  
43 look to me for any kind of clue as to what your decision should

1 be. I'll do my very best not to give you any clues, but I want  
2 you to understand that your role and my role is a different  
3 role that we each have and one which is so important to the  
4 fair and impartial administration of justice.

11:58:54

5 It is your duty to determine the facts and determine  
6 them from the evidence and the reasonable inferences arising  
7 from such evidence, and you must not indulge in any guesswork  
8 or speculation.

11:59:08

9 Now, in the current year that we have today, I have to  
10 add to my initial comments and caution you about going on  
11 Google, Wikipedia, or any public site to inquire about this  
12 case or any part of it. I ask you not to do that. And I ask  
13 you to be fair to the parties and be fair to yourself, because  
14 if you were to start doing research about this case and then  
15 come in to court and listen to evidence, testimony, you might  
16 mix it all up. And I don't want you to do that. I want you to  
17 listen to the evidence and decide it based on what you hear in  
18 the courtroom. So please don't use social media and don't use  
19 any of the other resources that all of us use, by the way, at  
20 different times, but now this is the time when you don't use  
21 these devices and you don't reach out for any kind of  
22 information other than what you will hear in the courtroom.

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23 You must not be influenced to any degree by any kind  
24 of personal sympathy for or prejudice against the parties,  
25 their counsel, or the witnesses. So you are an impartial

1 tribunal.

12:00:29

2           The evidence which you will consider will consists of  
3 testimony of witnesses who are going to start taking the  
4 witness stand and testify before you. And you're going to see  
5 a lot of exhibits. I don't know what they're going to do with  
6 this screen, but I suspect they're going to show you some  
7 testimony or other material that is relevant to the case in the  
8 course of time that we're here together.

12:00:46

9           So the rules of law call for the admission of evidence  
10 in court. And it's my job to rule on objections. And when  
11 lawyers make objections, it's their duty to do that. And so we  
12 must not impose objections against them at any time. They are  
13 representing their clients. And so it is that the admission of  
14 evidence is governed by rules and it's my job to rule on the  
15 evidence.

12:01:08

16           And from time to time you'll see the attorneys and I  
17 go to sidebar. And it's an interruption, I realize that. And  
18 I encourage sidebars and I push a little bit to keep people  
19 moving along in the case.

12:01:23

20           But there are times when it's appropriate to go to  
21 sidebar, but it's not because we have any secrets. It's  
22 because there are certain legal questions that arise that don't  
23 have to be resolved by the jury and are not resolved by the  
24 jury. And so the law says that we go to sidebar to discuss  
25 those, but I will keep those interruptions, as much as I can,

12:01:39

1 to a minimum.

12:01:58

2 Now, by no statement or ruling or remark which I make  
3 during the presentation of testimony do I intend to indicate my  
4 opinion as to what the facts are. You, and you alone, are to  
5 determine the facts. And in this determination, you must  
6 decide upon the believability of the evidence, the weight, and  
7 its value.

12:02:12

8 At the conclusion of the case, I will explain the  
9 rules that pertain to the evaluation of the evidence and the  
10 rules which must guide in your deliberations. Actually, I'll  
11 give you written jury instructions. I'll give each one of you  
12 a copy and you'll get the form of verdict at that time.

12:02:29

13 Now, until the case is submitted to you for your  
14 deliberation, you must not discuss it with anyone or remain  
15 within the hearing of anyone discussing it. And I've already  
16 talked about social media, but also there might be an article  
17 or some other form of publication about the case, I never know  
18 what will interest the press, and I'm surprised sometimes and  
19 probably you might be, but, in any event, that might occur. If  
20 it does, if there's an article, have some friend cut it out and  
21 put it a drawer for you, because I know you'd like to read it  
22 when it's over, but don't look at it while the case is under  
23 way. Just avoid that kind of obvious side issue.

12:02:48

12:03:09

24 Now, when you go home tonight somebody is going to  
25 say, oh, you're on a jury, what's the case about. You're going

1 to have to say, I can't tell you about the case while it's  
2 under way, when it's over I'll tell you all about it. We all  
3 talk about the cases when they're over. They're interesting,  
4 of course, but while it's under way, don't discuss it at home.

12:03:28

5 And when you get back to the jury room, don't discuss  
6 it with your brother and sister jurors. Talk about anything  
7 you want to back there, but not about the case.

12:03:40

8 Now, why is that? Well, that's because if you go back  
9 there with the little that you now know about what's before  
10 you, you might make a comment, you might create the impression  
11 among your fellow jurors that you're leaning in this direction  
12 or that direction. I want you to be free to change your mind  
13 during this case. I want you not to have said anything to  
14 anybody. So if you see the case differently at some point, and

12:03:59

15 you might change your mind several times during the case, if  
16 you go back there and start giving your impression, you might  
17 influence others and you might position yourself. And I don't  
18 want you to do that. I want you to be in a position, when you  
19 start deliberating to decide the case, that nobody knows what

12:04:18

20 your view is except you. And you'll change your mind once or  
21 twice, maybe, during the time. Maybe you won't. But in any  
22 event, no one else knows your view. So you go back to the jury  
23 room and you deliberate together, after you hear everything,  
24 that is to say after you hear all the evidence, all the

12:04:38

25 arguments, listen to the lawyers and listen to the

1 instructions, then you talk about the case.

2 And so if you'll follow that rule and be fair to them  
3 and be fair to yourself, I think you'll find it much easier to  
4 deliberate as a jury. So you keep an open mind and decide the  
5 case when submitted to you.

12:04:54

6 All right. There are a lot of lawyers and witnesses  
7 in the case. So I would ask you to use the north bank  
8 elevators and I ask counsel and parties to use the south bank  
9 elevators so we don't have crossing among ourselves in the  
10 elevators. And that, again, is part of the process to keep  
11 respect for the jury. It's our great respect for your work.  
12 And so if you will do that, I will appreciate it.

12:05:21

13 Now, about our schedule. I'm going to have -- I'm  
14 going to start every day, if I can, at 9:30, and we will go  
15 until 12:30 and break for lunch for an hour. We will come back  
16 after an hour and work until 4:30. At 4:30 I will stop. There  
17 won't be any hangover conversations, I'll stop right in the  
18 middle of the sentence, I'll say, "it's 4:30, I told this jury  
19 that they could go home at 4:30." And I promise you, you can.

12:05:42

20 I will not sit on Friday. So we will sit four  
21 days a week. So you'll have a day every week, Friday, that  
22 you can plan to do other things as you may wish so to do. So  
23 we'll work Monday through Thursday. We'll take an hour for  
24 lunch. I'll take a break probably during the morning and I'll  
25 take a break in the afternoon. And I'll have coffee and rolls

12:06:06

12:06:26

1 for you in the morning to induce you to be here on time.  
2 Coffee and rolls are the responsibility of my clerk. She'll  
3 have them there at 9:00 o'clock. And we will do our very best  
4 to make a comfortable situation for you. And we will, as I  
5 say, take breaks. I didn't take a break this morning because I  
6 wanted to keep this process moving. And I think that it went  
7 well. The lawyers cooperated. And so we did accomplish what  
8 we wanted to do was to selective a jury of yourselves.

9 And so it is now, we'll break until -- it's ten after  
10 12:00, we will come back, please be in the jury at ten after  
11 1:00.

12 And what's next? What's next will be the opening  
13 statements. The lawyers will get up in front of you with all  
14 of their pictures and they will make an opening statement.  
15 They will tell you what they think the evidence is going to  
16 show. First the plaintiff, the plaintiff has the burden of  
17 proof, they goes first. Then the defendant, and then they will  
18 make statements. After we hear the opening statements, we will  
19 begin to hear the witnesses.

20 Now, you will see in the jury box screens. Those  
21 screens will show, from time to time, exhibits that the lawyers  
22 will want to use during the course of the case and the  
23 witnesses will use during the course of the case.

24 The question comes up now in almost every courtroom,  
25 should the jurors take notes. Now, the first problem is that



1 the jury box is not made for note-taking. It can be done. And  
2 if you want to take notes, I'll arrange for paper and pencils.  
3 I don't recommend it. What I recommend is that you try without  
4 the notes, and then if you see you want notes, you want to take  
5 notes after maybe the first or second witness, you can let me  
6 know and we'll arrange for it.

7 Your job, you see, is to listen to the witnesses, to  
8 judge credibility, and if you're busy taking notes, that takes  
9 a little bit away from your job of listening and judging  
10 credibility.

11 We will have lots of paper. And if you need some  
12 information that you have heard repeated, arrangements can be  
13 made for that at some point in the trial, but at the outset,  
14 it's up to you, and I'll accommodate you in any way you want on  
15 note-taking. I don't recommend it at the outset, particularly  
16 because you're going to have to look at so many exhibits and  
17 you're going to have to hear so much information that I think  
18 you will be better off if you start out without note-taking.  
19 But there are judges who disagree with me totally, and so I  
20 recognize the right of the jurors, if you wish so to do, to be  
21 note-takers.

22 Okay. Now, the clerk is going to take you back to the  
23 jury room now. She is going to show you where the jury room  
24 is. She's going to show you how you come in and out and where  
25 the elevators are.

1 THE CLERK: You want me to swear them in after lunch?

2 THE COURT: Yeah, we will swear them in just before  
3 the opening.

4 THE CLERK: Oh, okay.

12:09:53

5 THE COURT: All right, this door (indicating).

6 Okay, folks, I'll see you at ten after 1:00.

7 Don't forget your apparel, briefcase, anything else.

8 (Prospective jurors exited the courtroom and the

9 following further proceedings were had herein.)

12:10:36

10 (Brief pause).

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

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15 [REDACTED]

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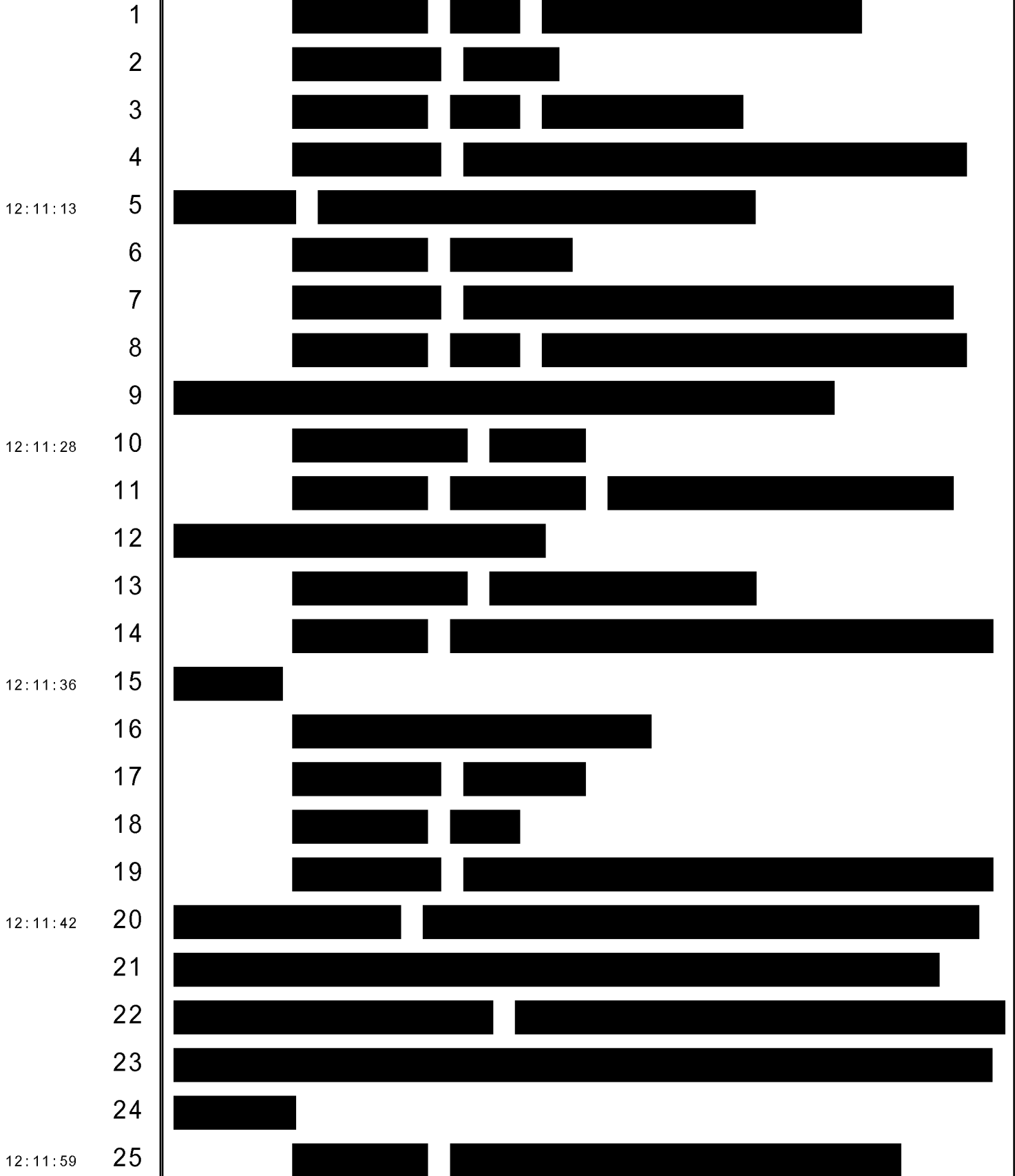
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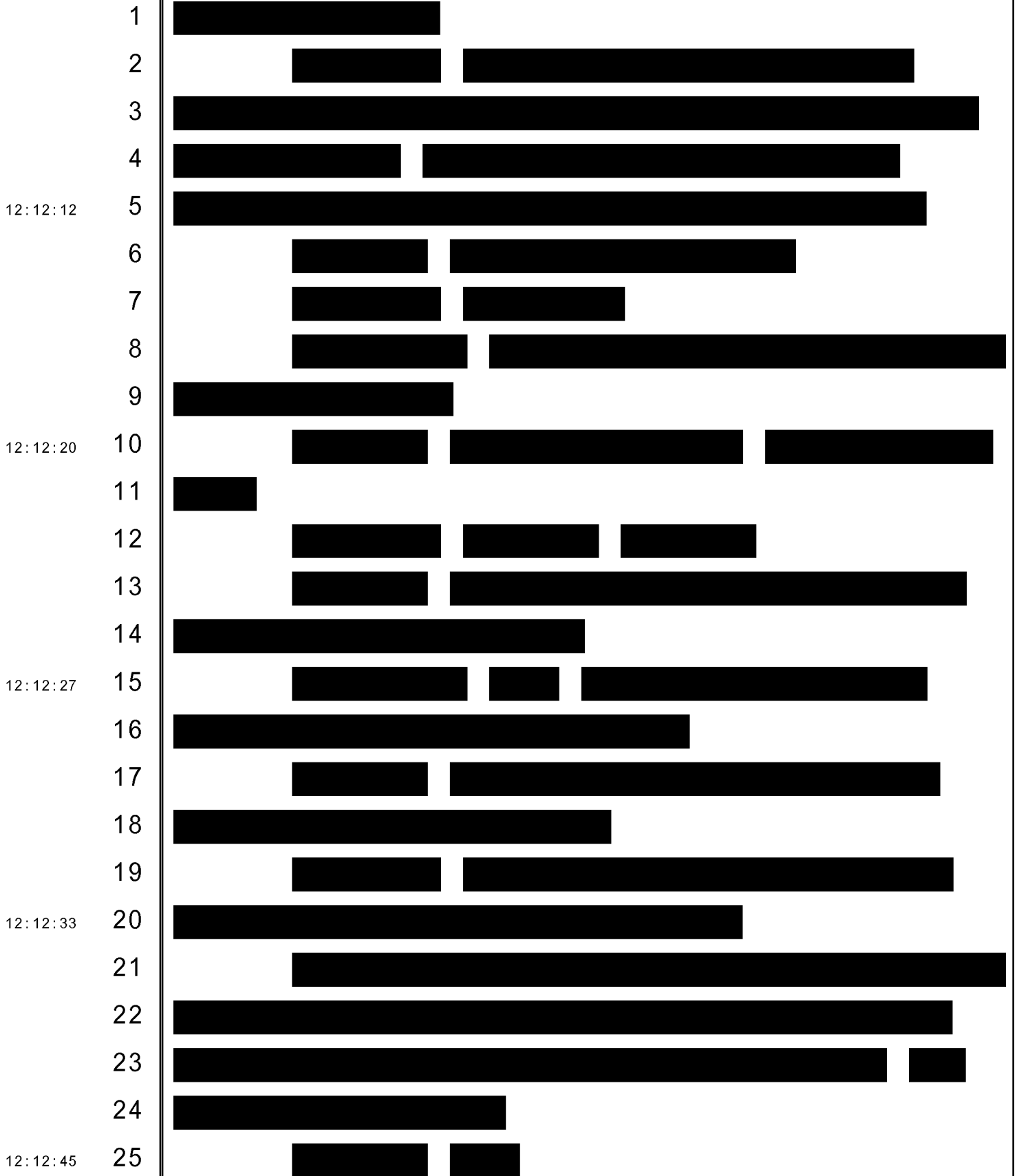
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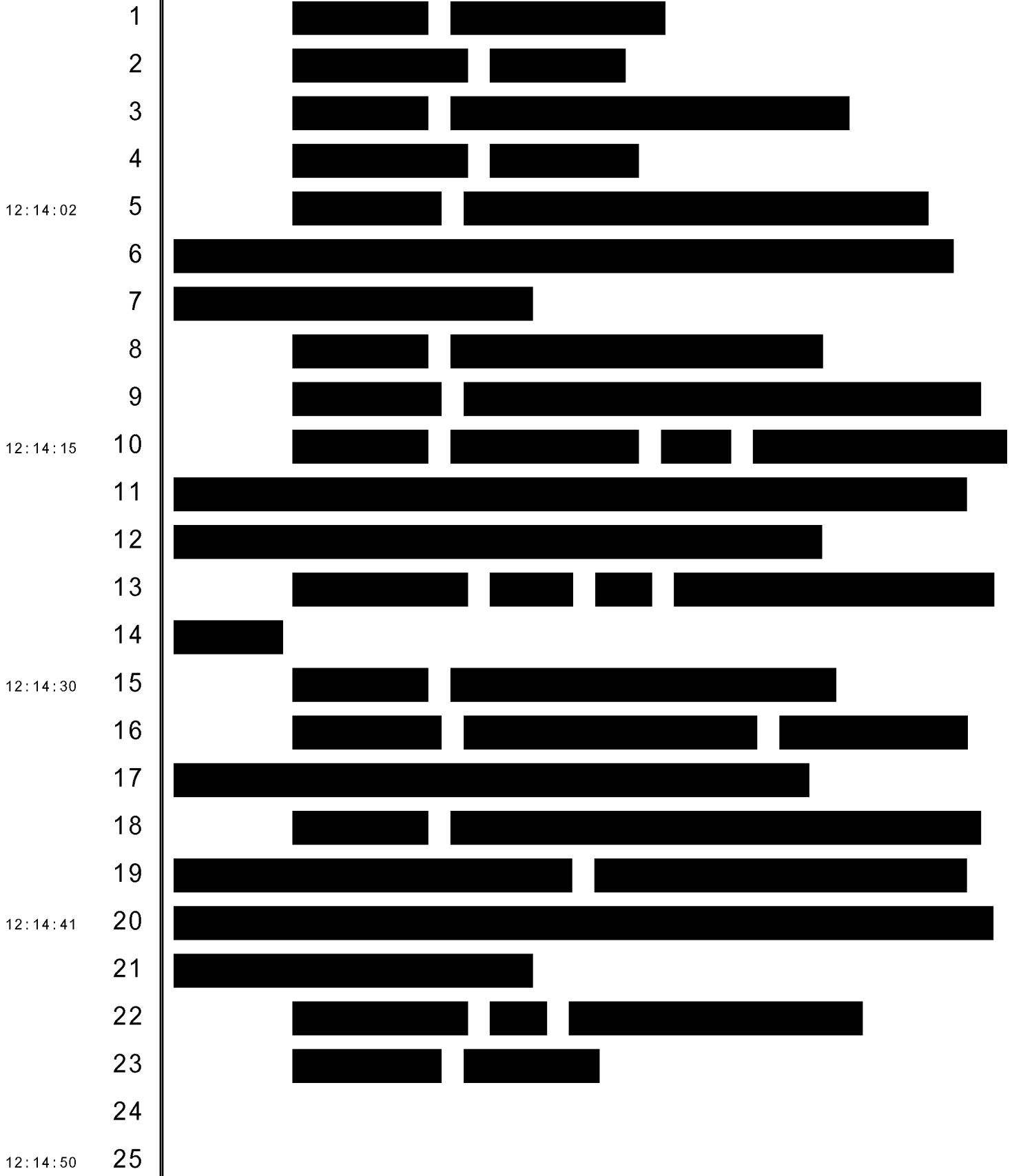
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(Luncheon recess taken from 12:14 o'clock p.m.  
to 1:00 o'clock p.m.)

\* \* \* \* \*

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE  
RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER

/s/Blanca I. Lara

March 14, 2017