

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE PRESIDING

- - -

United States of America,)
PLAINTIFF,)
VS.) NO. CR 20-579 SVW
Richard Ayvazyan, et al.,)
DEFENDANT,)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

JURY TRIAL - DAY ONE

VOLUME 1 of 1

TUESDAY, JUNE 15, 2021

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3 ON BEHALF OF THE PLAINTIFF, UNITED STATES OF AMERICA:

4 U.S. DEPARTMENT OF JUSTICE

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I N D E X

<u>WITNESS NAME</u>	<u>PAGE</u>
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(None.)

<u>EXHIBIT</u>	<u>I.D.</u>	<u>IN EVID.</u>
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(None.)

1 LOS ANGELES, CALIFORNIA; TUESDAY, JUNE 15, 2021

2 9:31 A.M.

3 - - - - -

4
5 (The following proceedings were held outside the
6 presence of the prospective jurors:)

7 THE CLERK: Calling item 1, CR 20-579-SVW, United
8 States of America versus Richard Ayvazyan, Marietta
9 Terabelian, Artur Ayvazian, Tamara Dadyan and Vahe
10 Dadyan.

11 Counsel, please state your appearances.

12 Please be seated. Come to order.

13 MR. PAETTY: Good morning, your Honor. Scott
14 Paetty for the United States. At counsel table is
15 assistant United States attorney Catherine Ahn, DOJ trial
16 attorney Christopher Fenton and Geffrey Clark, special
17 agent with the IRS.

18 MR. RAM: Good morning, your Honor. Ashwin Ram on
19 behalf of defendant Richard Ayvazyan who is present in
20 court, and I am joined by co-counsel Michael Keough.

21 MR. MESEREAU: Good morning, your Honor. Thomas
22 Mesereau representing Mr. Artur Ayvazian, who is present.

23 MR. LITRELL: Good morning, your Honor. John
24 Littrell and Ryan Fraser for Mary Terabelian.

25 MR. JOHNSON: Good morning, your Honor. Peter

1 Johnson on behalf of Vahe Dadyan, who is present, and
2 also assisted by my assistant Jonah Payetta.

3 Your Honor, in the beginning I noticed that --
4 I didn't note it before, but I would ask the Court to
5 advise the jury that my client is being assisted by an
6 interpreter. I don't want the appearance that a person
7 is speaking to him during the entire time just so that
8 they know what is going on.

9 THE COURT: All right. I am happy that I can see
10 you all. I brought my glasses. I didn't realize you
11 were all so good looking.

12 THE CLERK: Your Honor, there is a live feed now
13 between here and the assembly room. So if you wanted the
14 panel to know that, they know it now.

15 THE COURT: I guess I'd better be careful about
16 what I say.

17 All right. We are here and we discussed how
18 we are going to proceed.

19 There is a live feed. So I am not going to
20 say much more. I think we should get the jury panel or
21 parts of it here. I understand that we are going to get
22 32 jurors; is that right?

23 THE CLERK: Yes, your Honor.

24 THE COURT: And then go from there to the next 32.

25 THE CLERK: Yes.

1 (Court and clerk confer.)

2 THE COURT: I am going to make a very brief
3 statement to all the prospective jurors just to give you
4 at one time some general information about the case.
5 What I am saying is certainly not evidence. There is no
6 evidence. It is just my attempt to give you a very
7 shorthand assessment of what the case involves.

8 If I say something that ultimately turns out
9 not to be so, it is my error and not the lawyers'. But I
10 wanted to give you some general notion of what the case
11 involves, and I will do that very briefly.

12 There were two loan programs set up by the
13 Small Business Administration during the COVID pandemic.
14 The programs were called the Paycheck Protection Program
15 and the Economic Injury Disaster Loan Program, sometimes
16 referred to as the EIDL program.

17 The central allegation in this case is that
18 the defendants applied for these loans using false
19 information and false identities and they didn't use the
20 loans for business purposes.

21 The defendants deny the charges. The
22 defendants are presumed to be innocent and the government
23 has to prove the allegations beyond a reasonable doubt.

24 (Pause in the proceedings.)

25 (The following proceedings were held at sidebar

1 outside the presence of the prospective jurors:)

2 THE COURT: The previous proceedings were
3 broadcast by live feed to the jury assembly room.

4 I was saying that I read that very brief
5 statement, but I did tell the government they could read
6 selected parts of the indictment, and it seems like this
7 would be the right time to do it, because otherwise it
8 has to be repeated over and over again when 32 more
9 people come down.

10 I just wanted to make sure that that was --
11 what I said is okay.

12 MR. PAETTY: Yes, your Honor. The government is.

13 THE COURT: Great. So I am going to tell the jury
14 that that is going to happen. Okay.

15 MR. PAETTY: Yes, your Honor.

16 MR. LITTRELL: I just ask that they be informed
17 that they are accusations only.

18 (The following proceedings were held in the
19 presence of the prospective jurors:)

20 THE COURT: Members of the jury panel, I am going
21 to allow the government to read portions of the
22 indictment to you only for the purpose of giving you a
23 further view of at least what the government's
24 allegations are.

25 The indictment is not evidence. It is only

1 the mechanical means by which a criminal case begins in
2 federal court. It has no significance beyond that.

3 And with that in mind, I will allow a
4 representative from the U.S. Attorney's Office to read
5 the portions of the indictment we discussed yesterday
6 answer.

7 MS. AHN: Thank you, your Honor.

8 What follows are excerpts of the indictment in
9 this case. Count 1, introductory allegations. At times
10 relevant to this indictment -- excuse me, first
11 superseding indictment -- synthetic identities or false
12 identifies were created using certain personally
13 identifiable information such as names, dates of birth
14 and Social Security numbers that typically consisted of a
15 combination of stolen and fictitious information.

16 Synthetic identities could be used to create
17 false business names and entities.

18 The defendants. Defendant Richard Ayvazyan
19 was a resident of Encino, California.

20 Defendant Marietta Terabelian was a resident
21 of Encino, California.

22 Defendant Terabelian and defendant Richard
23 Ayvazyan were married.

24 Defendant Artur Ayvazyan was a resident of
25 Encino, California.

1 Defendant Artur Ayvazyan and defendant Richard
2 Ayvazian were brothers.

3 Defendant Tamara Dadyan was a resident of
4 Encino, California.

5 Defendant Tamara Dadyan and defendant Artur
6 Ayvazian were married.

7 Defendant Manuk Grigoryan was a resident of
8 Sun Valley, California.

9 Defendant Arman Hayrapetyan was a resident of
10 Glendale, California.

11 Defendant Edvard Paronyan was a resident of
12 Granada Hills, California.

13 Defendant Vahe Dadyan was a resident of
14 Glendale, California.

15 The Paycheck Protection Program. The
16 Coronavirus Aid, Relief, and Economic Security Act, or
17 CARES Act, was a federal law enacted in or about
18 March 2020 that was designed to provide emergency
19 financial assistance to Americans suffering economic harm
20 as a result of the COVID-19 pandemic.

21 One form of assistance provided by the CARES
22 Act was the authorization of US taxpayer funds in
23 forgivable loans to small businesses for job retention
24 and certain other expenses through a program referred to
25 as the Paycheck Protection Program, or PPP.

1 In order to obtain a PPP loan, a qualifying
2 business was required to submit a PPP loan application
3 signed by an authorized representative of the business.

4 The PPP loan application required the small
5 business through its authorized representative to
6 acknowledge the program rules and make certain
7 affirmative certifications in order to be eligible to
8 obtain the PPP loan.

9 One such certification required the applicant
10 to affirm that, quote, "The PPP loan funds would be used
11 to retain workers and maintain payroll or make mortgage
12 interest payments, lease payments and utility payments."

13 The applicant through its authorized
14 representative was also required to acknowledge that,
15 quote, "I understand that if the funds are used for
16 unauthorized purposes, the federal government may pursue
17 criminal fraud charges."

18 In the PPP loan application, the applicant was
19 required to state, among other things, its, (a), average
20 monthly payroll expenses, and (b), number of employees.

21 These figures were used to calculate the
22 amount of money the small business was eligible to
23 receive under the PPP.

24 In addition the applicant was required to
25 provide documentation showing its payroll expenses.

1 A business' PPP loan application was received
2 and processed in the first instance by a participating
3 financial institution. If a PPP loan application was
4 approved, the participating financial institution would
5 fund the PPP loan using its own monies.

6 PPP loan proceeds were required to be used by
7 the business on certain permissible expenses; namely,
8 payroll costs, interest on mortgages, rent and utilities.

9 The PPP allowed the interest and principal on
10 the PPP loan to be entirely forgiven if the business
11 spent the loan proceeds on these expenses within a
12 designated period of time and used at least a minimum
13 amount of the PPP loan proceeds towards payroll expenses.

14 The Economic Injury Disaster Loan program.
15 The Economic Injury Disaster Loan program, or EIDL, was a
16 United States Small Business Administration or SBA
17 program that provided low-interest financing to small
18 businesses, renters and homeowners in regions affected by
19 declared disasters.

20 The CARES Act authorized the SBA to provide
21 EIDL loans of up to 2 million dollars to eligible small
22 businesses experiencing substantial financial disruption
23 due to the COVID 19 pandemic.

24 To obtain an EIDL loan, a qualifying business
25 was required to submit an application to the SBA and

1 provide information about the business' operations such
2 as the number of employees, gross revenues for the
3 12-month period preceding the disaster, and cost of goods
4 sold in the 12-month period preceding the disaster.

5 In the case of EIDL loans for COVID 19 relief,
6 the 12-month period was the 12-month period from
7 January 31st, 2019 to January 31st, 2020.

8 The applicant was also required to certify
9 that all of the information in the application was true
10 and correct to the best of the applicant's knowledge.

11 EIDL loan applications were submitted directly
12 to the SBA and processed by the agency with support from
13 a government contractor.

14 The amount of the loan if the application was
15 approved was determined based in part on the information
16 provided by the applicant about employment, revenue and
17 cost of goods sold, as described in the paragraph above.

18 Any funds issued under an EIDL loan were
19 issued directly to the SBA. EIDL loan funds could be
20 used for payroll expenses, sick leave, production costs
21 and business obligations such as debts, rent and mortgage
22 payments.

23 If the applicant also obtained a loan under
24 the PPP, the EIDL loan funds could not be used for the
25 same purpose as the PPP loan funds.

1 Relevant lending institutions. Lenders A, B,
2 C, D, E, G and H were financial institutions insured by
3 the Federal Deposit Insurance Company, or FDIC, that were
4 approved SBA lenders of PPP loans.

5 Lender F was a financial institution that was
6 an approved SBA lender of PPP loans.

7 Bank accounts controlled by the defendants.
8 Banks 1, 2, 3, 4, 5, 6, 7 and 8 were financial
9 institutions insured by the FDIC. Defendant Richard
10 Ayvazyan controlled and/or was a signatory on the
11 following bank accounts:

12 A business checking account at bank 1 in the
13 name of Timeline Transport Incorporated, the Timeline
14 Transport bank 1 account.

15 A business checking account at bank 2 in the
16 name of Inception Ventures Incorporated, the Inception
17 Ventures bank 2 account.

18 A business checking account at bank 3 in the
19 name of Ulia Zhadco DBA Top Quality Contracting, the TQC
20 bank 3 account.

21 A business checking account at bank 7 in the
22 name of Mod Interiors Incorporated, the Mod Interiors
23 bank 7 account.

24 A business checking account at bank 5 in the
25 name of Turing Info Solutions Incorporated, the Turing

1 Info bank 5 account.

2 And a personal checking account at bank 5 in
3 the name of Ulia Zhadco, the Zhadco bank 5 account.

4 Defendant Terabelian controlled and/or was a
5 signatory on the following bank accounts:

6 (A), a permanent checking account at bank 2 in
7 the name of defendant Terabelian, the Terabelian bank 2
8 account.

9 (B), a business checking account at bank 2 in
10 the name of Runyan Tax Service Incorporated, the Runyan
11 Tax bank 2 account.

12 And (C), the Mod Interiors bank 7 account.

13 Defendant Artur Ayvazyan controlled and/or was
14 a signatory on the following bank accounts:

15 (A), a business checking account at bank 2 in
16 the name of Allstate Towing & Transport, LLC, the
17 Allstate Towing bank 2 account.

18 (B), a business checking account at bank 4 in
19 the name of Allstate Towing & Transport, LLC, the
20 Allstate Towing bank 4 account.

21 And (C), a personal checking account at bank 5
22 in the name of AD, the initials AD, the AD bank 8
23 account.

24 Defendant Tamara Dadyan controlled and/or was
25 a signatory on the following bank accounts:

1 (A), a business checking account at bank 3 in
2 the name of Secureline Realty & Funding Incorporated, the
3 Secureline Realty bank 3 account.

4 (B), a business checking account at bank 5 in
5 the name of ABC Realty Advisors Incorporated, the ABC
6 realty bank 5 account.

7 (C), a business checking account at bank 6 in
8 the name of Secureline Realty & funding Incorporated, the
9 Secureline Realty bank 6 account.

10 And (D), the AD -- the initials AD -- bank 8
11 account.

12 Defendant Grigoryan controlled and/or was a
13 signatory on the following bank accounts:

14 A business checking account at bank 4 in the
15 name of G & A Diamonds, the G & A Diamonds bank 4
16 account.

17 (B), a business checking account at bank 2 in
18 the name of Redline Auto Mechanics, the Redline Auto
19 Mechanics bank 2 account.

20 And (C), a personal checking account at bank 2
21 in the name of Anton Kudiamov, the Kudiamov bank 2
22 account.

23 Defendant Hayrapetyan controlled and/or was a
24 signatory on the following bank accounts:

25 A business checking account at bank 5 in the

1 name of Arman Hayrapetyan DBA, the initial S
2 Construction. The S Construction bank 5 account.

3 A business checking account at bank 5 in the
4 name of Arman Hayrapetyan DBA the initial H Construction
5 Company, with account number ending in 1511, the H
6 Construction 1511 bank 5 account.

7 (C), a business checking account at bank 5 in
8 the name of Arman Hayrapetyan DBA the initial H
9 Construction Company with an account number ending in
10 9066, the H Construction 9066 bank 5 account.

11 And (D), a personal checking account at bank 5
12 in the name of defendant Hayrapetyan.

13 Defendant Paronyan controlled and was a
14 signatory on the following bank accounts:

15 (A), a business checking account at bank 5 in
16 the name of Redline Auto Collision, the Redline Auto
17 Collision bank 5 account.

18 And (B), a personal checking account at bank 5
19 in the name of defendant Paronyan, the Paronyan bank 5
20 account.

21 Defendant Vahe Dadyan controlled and was a
22 signatory on the following bank account:

23 A business checking account at bank 3 in the
24 name of Voyage Limo, LLC, the Voyage Limo bank 3 account.

25 The objects of the conspiracy. Beginning no

1 later than in or around March 2020 and continuing until
2 at least August 2020 in Los Angeles County within the
3 Central District of California and elsewhere, defendants
4 Richard Ayvazyan, Terabelian, Artur Ayvazyan, Tamara
5 Dadyan, Grigoryan Hayrapetyan, Paronyan and Vahe Dadyan
6 conspired with one another and with others known and
7 unknown to the grand jury to commit (a) wire fraud and
8 (b) bank fraud.

9 The manner and means of the conspiracy. The
10 objects of the conspiracy were to be carried out and were
11 carried out in substance as follows.

12 Defendants Richard Ayvazyan, Terabelian, Artur
13 Ayvazian, Tamara Dadyan, Grigoryan, Hayrapetyan, Paronyan
14 and Vahe Dadyan together with other co-conspirators used
15 and caused to be used stolen fictitious and synthetic
16 identities of individuals to submit fraudulent
17 applications for PPP and EIDL loans.

18 (B) Defendants Richard Ayvazyan, Terabelian,
19 Artur Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan,
20 Paronyan and Vahe Dadyan together with other
21 co-conspirators used and caused to be used stolen,
22 fictitious and synthetic business names to submit
23 fraudulent applications for PPP and EIDL loans.

24 (C) Defendants Richard Ayvazyan, Terabelian,
25 Artur Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan,

1 Paronyan and Vahe Dadyan together with other
2 co-conspirators made and caused to be made false
3 statements to the SBA and financial institutions in
4 connection with the fraudulent applications for PPP and
5 EIDL loans including false representations regarding the
6 number of employees to whom the companies had paid wages
7 and false certifications that the loans would be used for
8 permissible business purposes.

9 (D) Defendants Richard Ayvazyan, Terabelian,
10 Artur Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan
11 Paronyan and Vahe Dadyan together with other
12 co-conspirators electronically submitted and caused to be
13 submitted false documents to the SBA and financial
14 institutions in support of the fraudulent PPP and EIDL
15 loan applications including false or fictitious tax
16 documents, payroll records, bank records and
17 identification documents.

18 Defendants Richard Ayvazyan, Terabelian, Artur
19 Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan, Paronyan
20 and Vahe Dadyan together with other co-conspirators
21 directed the other defendants and their co-conspirators
22 to deposit PPP and EIDL loan proceeds into bank accounts
23 that defendants Richard Ayvazyan, Terabelian, Artur
24 Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan, Paronyan
25 and Vahe Dadyan and their co-conspirators controlled.

1 (F) Defendants Richard Ayvazyan, Terabelian,
2 Artur Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan,
3 Paronyan and Vahe Dadyan together with other
4 co-conspirators laundered and used the fraudulently
5 obtained PPP and EIDL loan proceeds for their own
6 personal benefit and for the benefit of their
7 co-conspirators, including for expenses prohibited under
8 the requirements of the PPP and EIDL programs such as the
9 purchase of residential properties at address 1 in
10 Tarzana, California, or residential property 1, address 2
11 in Glendale, California, or residential property 2., and
12 address 3 in Palm Desert, California, or residential
13 property 3, gold coins, diamonds, jewelry, luxury
14 watches, fine imported furnishings, designer handbags and
15 clothing, cryptocurrency and securities.

16 (D) Overt acts. On or about the dates
17 specified in the indictment, in furtherance of the
18 conspiracy and to accomplish its objects, defendants
19 Richard Ayvazyan, Terabelian, Artur Ayvazyan, Tamara
20 Dadyan, Grigoryan, Hayrapetyan, Paronyan and Vahe Dadyan
21 together with other co-conspirators committed and
22 willfully caused others to commit the overt acts
23 specified in the indictment among others within the
24 Central District of California.

25 Counts 2 through 12, wire fraud. The scheme

1 to defraud. Beginning no later than in or around
2 March 20 and continuing until at least in or around
3 August 2020 in Los Angeles County within the Central
4 District of California and elsewhere, defendants Richard
5 Ayvazyan, Terabelian, Artur Ayvazyan, Tamara Dadyan,
6 Grigoryan, Hayrapetyan, Paronyan and Vahe Dadyan together
7 with others known and unknown to the grand jury knowingly
8 and with intent to defraud devised, intended to devise
9 and participated in a scheme to defraud the SBA and
10 financial institutions and to obtain money and property
11 by means of material false pretenses, representations and
12 promises and the concealment of material facts.

13 Use of the wires. On or about the dates set
14 forth in the indictment in Los Angeles County within the
15 Central District of California and elsewhere for the
16 purpose of executing the above described scheme to
17 defraud, defendants Richard Ayvazyan, Terabelian, Artur
18 Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan, Paronyan
19 and Vahe Dadyan together with others known and unknown to
20 the grand jury aiding and abetting each other transmitted
21 and caused the transmission of items -- excuse me,
22 transmission of the items specified in Counts 2 through
23 12 of the indictment by means of wire and radio
24 communication in interstate and foreign commerce.

25 Counts 13 through 20. Bank fraud. Beginning

1 no later than in or around March 2020 and continuing to
2 at least in or around August 2020 in Los Angeles County
3 within the Central District of California and elsewhere,
4 defendants Richard Ayvazyan, Terabelian, Artur Ayvazyan,
5 Tamara Dadyan, Grigoryan, Hayrapetyan, Paronyan and Vahe
6 Dadyan together with others known and unknown to the
7 grand jury knowingly and with intent to defraud devised,
8 participated in and executed a scheme to obtain monies,
9 funds, credits, assets and other property owned by the
10 custody and control of federally insured financial
11 institutions by means of material false and fraudulent
12 pretenses, representations and promises and the
13 concealment of material facts.

14 On or about the following dates in Los Angeles
15 County within the Central District of California and
16 elsewhere, defendants Richard Ayvazyan, Terabelian, Artur
17 Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan, Paronyan
18 and Vahe Dadyan together with others known and unknown to
19 the grand jury aiding and abetting each other committed
20 and willfully caused others to commit the acts specified
21 in Counts 13 through 20 of the indictment, each of which
22 constituted an execution of the fraudulent scheme.

23 Count 26, conspiracy to commit money
24 laundering. The objects of the conspiracy. Beginning no
25 later than in or around March 20 and continuing until at

1 least in or around October 2020 in Los Angeles County
2 within the Central District of California and elsewhere,
3 defendants Richard Ayvazyan, Terabelian, Artur Ayvazyan,
4 Tamara Dadyan, Grigoryan, Hayrapetyan, Paronyan and Vahe
5 Dadyan conspired with one another and with others known
6 and unknown to commit offenses against the United States
7 in violation of the statute describing conspiracy to
8 commit money laundering.

9 To wit, (a), to knowingly conduct and attempt
10 to conduct a financial transaction involving the proceeds
11 of specified unlawful activity -- that is, wire fraud and
12 bank fraud -- knowing that the transaction was designed
13 in whole and in part to conceal and disguise the nature,
14 location, source, ownership and control of the proceeds
15 of specified unlawful activity in violation of United
16 States Code.

17 And (b), to knowingly engage and attempt to
18 engage in monetary transactions and criminally divide
19 property of a value greater than \$10,000, such property
20 having been derived from a specified unlawful activity.
21 That is, bank fraud and wire fraud.

22 The manner and means of the conspiracy. The
23 objects of the conspiracy were carried out and to be
24 carried out as follows.

25 (A) Defendants Richard Ayvazyan, Terabelian,

1 Artur Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan,
2 Paronyan and Vahe Dadyan together with other
3 co-conspirators submitted and caused the submission of
4 fraud PPP and EIDL loan applications which caused the SBA
5 and SBA-approved lenders, including lenders who were
6 federally insured financial institutions, to wire loan
7 proceeds to bank accounts in the names of the entities
8 used to obtain such loans.

9 Defendants Richard Ayvazyan, Terabelian, Artur
10 versus, Tamara Dadyan, Grigoryan, Hayrapetyan Paronyan
11 and Vahe Dadyan together with other co-conspirators
12 transferred and caused the transfer of the loan proceeds,
13 including in financial transactions of \$10,000 or
14 greater, to secondary accounts under their control,
15 including in the names of fictitious identities and in
16 order to conceal the true nature, location, source,
17 ownership and control of the funds.

18 (C) Defendants Richard Ayvazyan, Terabelian,
19 Artur Ayvazyan, Tamara Dadyan, Grigoryan, Hayrapetyan,
20 Paronyan and Vahe Dadyan together with other
21 co-conspirators spent the PPP and EIDL fraud proceeds for
22 their own personal benefit and for the benefit of their
23 co-conspirators, including for expenses prohibited under
24 the requirements of the PPP and EIDL programs, such as
25 the purchase of residential property 1, residential

1 property 2, and residential property 3, gold coins,
2 diamonds, jewelry, luxury watches, fine imported
3 furnishings, designer handbags and clothing,
4 cryptocurrency and securities.

5 Thank you, your Honor.

6 THE COURT: All right. I am going to give you
7 some estimate of the length of the trial. It is
8 difficult to say with precision, even though before your
9 arrival the lawyers and the Court have cooperated a great
10 deal in resolving many things which will hopefully make
11 the case go more smoothly, but my best estimate is two
12 weeks.

13 Also, regarding the hours of court, we begin
14 at 9:00 a.m. and proceed to 12 noon, with a short recess
15 in the morning for 10 minutes or so. And then we have an
16 hour for lunch and come back at 1 and proceed to 5 and
17 have a short recess in the afternoon.

18 I realize that you are all making sacrifices
19 from your daily lives, personal lives, businesses and so
20 forth, and I am trying to make the proceedings as
21 efficient as possible without jeopardizing any party's
22 right to present their case.

23 Okay. So we should bring some jurors down
24 now.

25 (Court and clerk confer.)

1 (Recess from 10:11 a.m. to 10:22 a.m.)

2 (The following proceedings were held in
3 the presence of the prospective jurors:)

4 THE CLERK: Calling item 1, CR 20-579-SVW, United
5 States of America versus Richard Ayvazyan, et al.

6 Counsel, please state your appearances. And
7 please be seated.

8 MR. PAETTY: Good morning, your Honor. Scott
9 Paetty for the United States. Present at counsel table,
10 assistant United States Attorney Catherine Ahn, DOJ trial
11 attorney Christopher Fenton and special agent Jeffrey
12 Clark of the IRS.

13 MR. RAM: Good morning, your Honor. Ashwin Ram on
14 behalf of Richard Ayvazyan. And I am here with my
15 colleague Michael Keough.

16 MR. LITTRELL: Good morning, your Honor. John
17 Littrell and Ryan Fraser for Marietta Terabelian.

18 MR. MESEREAU: Good morning, your Honor. Thomas
19 Mesereau for Artur Ayvazyan, who is present.

20 MS. WIRSCHING: Good morning, your Honor.
21 Jennifer Wirsching also for Artur Ayvazyan.

22 MR. JOHNSON: Good morning, your Honor. Peter
23 Johnson on behalf of Vahe Dadyan, who is present, and
24 also with me is Jonah Payetta from my office.

25 THE COURT: And the person to your client's right

1 is translating for your client in the Armenian language?

2 MR. JOHNSON: Yes. We have an interpreter here
3 translating from English to Armenian for my client.

4 THE COURT: Okay. Good morning.

5 Good morning, members of the jury panel. Can
6 you all hear me clearly? People in the back row, can you
7 hear? It is a very long courtroom.

8 I apologize for spreading you out, but as you
9 know, it is because of the pandemic and the effort to
10 maintain safety.

11 First, let me thank you all for being here.
12 You responded to the subpoena and your willingness to
13 serve is appreciated by all the parties.

14 As you know, without your participation, the
15 jury system would not be able to function as we know it.
16 So let me at the outset thank you.

17 I am going to ask you some questions as a
18 group before I call 12 people to the jury box.

19 (Court and clerk confer.)

20 THE COURT: We are going to swear you in, if you
21 would all please stand and be sworn.

22 (The prospective jury panel was sworn.)

23 THE CLERK: Thank you. Please be seated.

24 THE COURT: As I said, I was going to ask you some
25 questions as a panel first, and since those questions

1 will be repetitive, I am going to ask them of you as a
2 panel first, and then I will have further, more specific
3 questions for the 12 jurors who are called to the jury
4 box.

5 Mr. Cruz has a microphone which he will --

6 THE CLERK: There are two mikes.

7 THE COURT: Oh, there are mikes. Okay.

8 What about the people in the back rows?

9 THE CLERK: They will have to walk up here, your
10 Honor.

11 THE COURT: There is no hand mike?

12 THE CLERK: Not that I am aware of.

13 THE COURT: Okay. Well, you will have to make
14 yourself heard because if I ask question and you have an
15 answer to the question, would you rise your hand, stand
16 up, give us your name clearly. That is important to the
17 lawyers. And then the answer to the question.

18 So, I will start with this question.

19 Have you, a family member or a close friend
20 ever worked for a bank, a lender or other financial
21 institution as a loan processor?

22 No hands.

23 Have you, a family member or a close friend
24 ever worked for the Small Business Administration,
25 sometimes known as the SBA?

1 No hands.

2 Has anyone here ever applied for an SBA loan?

3 THE PROSPECTIVE JUROR: My name is Adam Leach.

4 THE COURT: And you did apply for an SBA loan?

5 THE PROSPECTIVE JUROR: Yes, I am self-employed
6 and own two business and have two EIDL loans.

7 THE COURT: I see. So you have actually applied
8 for a loan under the programs that are the subject of the
9 indictment?

10 THE PROSPECTIVE JUROR: Absolutely. Two of them.

11 THE PROSPECTIVE JUROR: Hi, my name is Lisa
12 Kaminir, and I have applied for a loan on behalf of a
13 nonprofit called The Collaborative, a multi-media
14 repertory company.

15 THE COURT: And was that with the SBA generally or
16 with the type of program that was described in the
17 indictment?

18 THE PROSPECTIVE JUROR: It was for the program
19 that was offered to nonprofits and arts organizations in
20 Los Angeles.

21 THE COURT: I see. Thank you.

22 With regard to those two prospective jurors,
23 let me ask you another question I should have asked at
24 the time you were at the mic. But let me ask it again.

25 Would you identify yourself again, sir.

1 THE PROSPECTIVE JUROR: Yes, your Honor. My name
2 is Adam Leach.

3 THE COURT: And was there anything about your
4 experience with the loans that you applied for which
5 would make it difficult for you to be fair and impartial
6 to both sides in this case?

7 THE PROSPECTIVE JUROR: I guess the only thing I
8 could think of in that capacity is that the PPP loans did
9 not work out favorably for either of my businesses. And
10 I don't know how I would feel about an accusation that
11 somebody had obtained that loan fraudulently when my
12 business was unable to obtain that forgivable assistance.

13 THE COURT: Well, I mean, you are giving us your
14 mindset. Let me remind you that the function of a juror
15 is to listen to the evidence objectively and impartially
16 and make a decision based only on the evidence and the
17 law as the Court gives it to you.

18 The question is do you think your experience
19 would not enable do you that?

20 THE PROSPECTIVE JUROR: As I stated, your Honor,
21 the only thing that comes to mind in terms of possibly
22 affecting my ability would be my experience in not
23 obtaining a favorable result in obtaining the PPP loans.
24 That is the only thing that could come to mind.

25 THE COURT: Would that affect your ability to

1 listen to the evidence and reach a verdict in favor of
2 the defendant or the government depending upon the
3 evidence and the law, or are you saying that this
4 experience would not enable you to do that?

5 THE PROSPECTIVE JUROR: I would absolutely be able
6 to listen to the evidence. The question becomes how will
7 my experience affect my decision based on what I have
8 heard.

9 THE COURT: Well, are you saying that you have
10 some hesitancy?

11 THE PROSPECTIVE JUROR: Inherently. But I am here
12 to serve my civic duty if chosen.

13 THE COURT: The Court appreciates that, but the
14 parties, both the defendant and the government, want
15 someone who is not without life's experiences because we
16 all have life's experiences.

17 The question is notwithstanding those life
18 experiences, can you do what is required under your oath
19 as a juror to reach a verdict based upon the evidence and
20 the law or do you feel that this experience would not
21 enable you to do that?

22 Could you give me a yes or no answer, if you
23 can?

24 THE PROSPECTIVE JUROR: My answer to you if I had
25 to give a yes or no answer would be yes, your Honor, with

1 the caveat that I am only human.

2 THE COURT: Well, is there a motion?

3 MR. LITTRELL: Yes, your Honor.

4 THE COURT: I am going to excuse you, sir.

5 THE PROSPECTIVE JUROR: Thank you very much, your
6 Honor.

7 THE COURT: And would you identify yourself again,
8 ma'am.

9 THE PROSPECTIVE JUROR: Lisa Kaminir.

10 THE COURT: And you have heard the colloquy I had
11 with the other juror. I have made my point I think
12 clear. Could you serve as a fair and impartial juror?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Thank you.

15 THE CLERK: Hyunjoon, first name Kim. Please take
16 this seat here where Mr. Leach was before.

17 THE COURT: I asked some questions. You were
18 listening to those questions and I take it you responded
19 or didn't respond appropriately; correct?

20 THE PROSPECTIVE JUROR: Yes, your Honor.

21 THE COURT: Has anyone here ever applied for a PPP
22 or EIDL loan other than the juror that I excused and the
23 juror who told us about the nonprofit?

24 Yes. Go ahead. Would you identify yourself
25 again for the record?

1 THE PROSPECTIVE JUROR: Lisa Kaminir. And I
2 applied as well for a personal PPP loan.

3 THE COURT: And was there anything about that loan
4 application or any surrounding circumstance that would
5 not enable you to be fair and impartial to both sides in
6 this case?

7 THE PROSPECTIVE JUROR: I don't believe so.

8 THE COURT: All right. Thank you.

9 Has anyone here or a family member or close
10 friend ever been the victim of identify theft or the
11 unauthorized use of personal information?

12 Any hands?

13 THE PROSPECTIVE JUROR: Juan Zaragoza.

14 THE PROSPECTIVE JUROR: Peace Takata.

15 THE COURT: And would you each give your answer?

16 THE PROSPECTIVE JUROR: Yes. I was a victim of
17 identity theft in college. Someone tried to carjack me
18 in college, and they stole all of our information. They
19 opened up accounts at health gyms and they ruined my
20 credit, so right after graduation. It took me two years
21 to get all that cleaned up.

22 THE COURT: And in this case there may be some
23 evidence alleging identity theft. As I questioned
24 before, would you be able to give both sides a fair trial
25 in this case notwithstanding the experience you just

1 related?

2 THE PROSPECTIVE JUROR: I believe so.

3 THE COURT: Thank you. And you, sir?

4 THE PROSPECTIVE JUROR: Just identity theft.

5 Credit. That's pretty much all.

6 THE COURT: And when you credit, was it a credit
7 card?

8 THE PROSPECTIVE JUROR: Credit card. Yes.

9 THE COURT: And same question. Would you still be
10 able to be fair and impartial to both sides even though
11 there may be some evidence alleging identity theft in
12 this case?

13 THE PROSPECTIVE JUROR: I believe so. Yes.

14 THE COURT: All right. Thank you.

15 THE PROSPECTIVE JUROR: My name is David
16 Schaeffer. And yes, I had my identity stolen a few years
17 ago. I believe it happened, it was scanned from a
18 machine and funds were being taken out of my account and
19 it took a while to straighten out.

20 THE COURT: And notwithstanding that experience,
21 would you still be able to be fair and impartial to both
22 sides in this case?

23 THE PROSPECTIVE JUROR: I am going to have to say
24 no.

25 THE COURT: All right. Then you are excused.

1 THE PROSPECTIVE JUROR: My name is Jennifer
2 Turkat. I have had my credit card information stolen
3 several times, and it is always very frustrating and
4 takes a certain amount of effort to put things back the
5 way they should be.

6 I also prosecute identity theft and fraud and
7 I am trying very hard to put my knowledge aside and
8 listen to all the evidence.

9 THE COURT: Well, let me stop you there. Are you
10 an assistant district attorney, deputy district attorney?

11 THE PROSPECTIVE JUROR: Deputy district attorney.

12 THE COURT: All right. Is there a motion?

13 MR. RAM: Yes, your Honor.

14 THE COURT: Okay. You are excused. Thank you.

15 THE PROSPECTIVE JUROR: Thank you, your Honor.

16 THE PROSPECTIVE JUROR: Good morning, your Honor.

17 My name is Grace Camargo Perez.

18 THE COURT: One minute. Did you have something
19 else to say?

20 MR. RAM: Point of clarification, your Honor. You
21 excused Ms. Turkat.

22 THE CLERK: This is a different juror.

23 THE COURT: Wait a minute now. Isn't this the
24 juror who said she is a deputy district attorney?

25 MR. RAM: No, your Honor. She hasn't spoken yet.

1 It looked that way because they are wearing masks.

2 THE COURT: Well, you know something, my
3 apologies.

4 MR. JOHNSON: Peter Johnson on behalf of Vahe
5 Dadyan. If it is comfortable for jurors that we be able
6 to see their faces, it is very, very difficult to
7 observe.

8 THE COURT: All right. If you can, if you feel
9 comfortable when you speak would you temporarily drop
10 your masks and so forth?

11 I'm sorry, ma'am, for being presumptuous.

12 THE PROSPECTIVE JUROR: Good morning, your Honor.

13 THE COURT: Can you please tell what your
14 experience was briefly?

15 THE PROSPECTIVE JUROR: So I have not personally
16 been affected by identify theft, but my brother has.

17 THE COURT: I see.

18 THE PROSPECTIVE JUROR: And I feel that I could be
19 objective.

20 THE COURT: All right. Thank you, ma'am.

21 THE PROSPECTIVE JUROR: Thank you.

22 THE PROSPECTIVE JUROR: Good morning, your Honor.
23 My name is Christen Huereque and I have been a victim of
24 identity theft.

25 THE COURT: And could you be fair and impartial to

1 both sides notwithstanding that experience?

2 THE PROSPECTIVE JUROR: I could be fair and
3 impartial, sir.

4 THE COURT: Thank you, sir.

5 THE PROSPECTIVE JUROR: You are welcome.

6 (Court and clerk confer.)

7 THE CLERK: Edgardo Regidor. Please take juror
8 seat No. 6.

9 THE COURT: I am going to broaden somewhat the
10 last question and ask it this way.

11 Has anyone here been a victim of a fraud of
12 some kind, not limited to identify theft?

13 THE PROSPECTIVE JUROR: Lisa Kaminir. And my
14 family has a business where there were high-level
15 employees who were embezzling funds from that business.

16 THE COURT: And notwithstanding that experience,
17 would you be able to be fair and impartial to both sides?

18 THE PROSPECTIVE JUROR: I think so.

19 THE COURT: Thank you.

20 There are a number of potential witnesses in
21 this case. I don't know all of them, but perhaps I
22 should ask the United States attorney -- assistant United
23 States attorney to read the names of the witnesses that
24 we know of and ask the jury panel if anyone here knows
25 any of those persons.

1 MR. FENTON: The witnesses are Kathleen Littwin,
2 Mark Zindrosky, Jack Runyan, Briana Fitzgerald, Victoria
3 Hernandez, Alexander Fard, Pinel Modi, Marylee Robinson,
4 Shelley Abril, Nicholas Felando, Michael Hart, Theodora
5 Louissant, Adrian Rosado, Artur Harcopian, Andrew Jaung,
6 Greg Parra, Tim Massino, Justin Masterman, Madison
7 McDonald, Katlyn Albert, Spencer Kim, Jeff Clark, Amira
8 Halum, Anthony Farrer and Debbie Mitschke.

9 (Court and clerk confer.)

10 THE COURT: Anyone here recognize any of those
11 names?

12 No hands.

13 Has anyone here ever worked for a law
14 enforcement type agency?

15 THE PROSPECTIVE JUROR: Good morning, Judge. My
16 name is Gil Garcetti. I was a DA of Los Angeles.

17 THE COURT: I know you, Mr. Garcetti.

18 THE PROSPECTIVE JUROR: I know you do.

19 THE COURT: And what is your view of things? You
20 have had more experience than most, but that doesn't mean
21 you can't be a juror in this case. It is really up to
22 you, like anyone else.

23 What is your call?

24 THE PROSPECTIVE JUROR: It is probably up to
25 counsel on both sides, but I feel I can be fair and

1 impartial.

2 THE COURT: All right. Then let them deal with
3 it. Thank you.

4 THE PROSPECTIVE JUROR: You are welcome.

5 MR. LITTRELL: Your Honor, may we confer for a
6 moment?

7 THE COURT: Yes.

8 (Defense counsel confer)

9 MR. MESEREAU: I would like to make a motion, your
10 Honor.

11 THE COURT: Regarding the last juror?

12 MR. MESEREAU: Yes.

13 THE COURT: I am not going to grant the motion at
14 this time, but if that juror is seated, I will pursue it
15 if you wish.

16 MR. MESEREAU: There is certain information I
17 would like to give the Court, if I may.

18 THE COURT: Oh.

19 (The following proceedings were held at sidebar
20 outside the presence of the jury:)

21 MR. MESEREAU: Your Honor, I have met him a number
22 of occasions. I am not close to him and he has made
23 statements through the years about defense counsel that
24 are not favorable.

25 THE COURT: Oh. I see.

1 Well, last time I met him, I remember he was
2 the head of the fraud section of the district attorney's
3 office and I was a lowly assistant U.S. attorney, and we
4 had some common cases, but I guess it would look a little
5 different after all those years.

6 I am going to excuse him then.

7 MR. MESEREAU: Thank you, your Honor.

8 MR. RAM: Your Honor, may I be heard? If the
9 Court would inquire as to Mr. Garcetti, he did say he
10 could be fair and impartial now.

11 THE COURT: I know, but he is a lawyer who is an
12 officer of the court who is telling me that he had a
13 personal experience.

14 MR. MESEREAU: No, your Honor. I met him a couple
15 of times. I didn't have a personal experience, but he
16 did make comments about the OJ Simpson case that I
17 interpreted as pretty negative towards defense counsel.

18 THE COURT: If I get into this with him in depth,
19 it is not going to be a good thing for all the jurors to
20 hear. I am going to rely on counsel's representation. I
21 think that is the course.

22 MR. PAETTY: Your Honor, I understand the Court's
23 ruling here. In the situation like that where there is
24 something sensitive, we could bring the juror up and have
25 a sidebar with the juror as opposed to doing it in open

1 court.

2 THE COURT: Why? If you want me to -- I mean,
3 maybe I will let Mr. Mesereau -- is that how you say it?

4 MR. MESEREAU: Yes.

5 THE COURT: Let Mr. Mesereau ask questions, see
6 what happens.

7 MR. LITTRELL: There is one alternative ground
8 which may be easier. I think the Court expressed some
9 familiarity with Mr. Garcetti. My concern is that the
10 jurors will look to him for answers just because he is
11 known to the Court.

12 THE COURT: Well, maybe I shouldn't have said what
13 I said. But he said he was the DA. That is more than
14 what we were both in our 20's probably. What
15 Mr. Mesereau said sounds more to the point.

16 Mr. Garcetti? Come here, if you would.

17 Thank you, Mr. Garcetti.

18 I want to ask you something. Mr. Mesereau has
19 some concerns so I am going to let him on the record ask
20 you some questions.

21 THE PROSPECTIVE JUROR: Sure.

22 THE COURT: See what happens.

23 MR. MESEREAU: Mr. Garcetti, we met a few times,
24 but we didn't associate together socially or anything
25 like that. I am concerned about some comments you made

1 about that I interpreted as pretty negative towards
2 defense counsel about the OJ Simpson case, about the
3 Menendez case. The defense part was concerned about
4 these comments and I am very concerned about what you
5 could be feeling.

6 THE PROSPECTIVE JUROR: I'm not quite sure how to
7 answer that question. I don't remember comments in the
8 Menendez case about defense counsel. In the OJ Simpson
9 case, boy, trying to remember if there were specific
10 comments.

11 I believe I said that I believed Johnnie
12 Cochran played to the jury by the use of his tie, things
13 like that.

14 MR. MESEREAU: Well, in the Menendez case, as I
15 recall, you made comments about the defense lawyers
16 taking the position that the defendants were not
17 responsible for their actions, that they had mental
18 concerns. I interpreted that as somewhat negative.

19 In the Simpson case, I do recall you making
20 comments about the defense team, how they played the so
21 called race card. And I interpreted your remarks as
22 accusing defense counsel as being very disingenuous in
23 how they conducted their defense.

24 THE PROSPECTIVE JUROR: I don't recall using that
25 phrase "played the race card." I don't believe they were

1 being disingenuous. I believe they were doing their jobs
2 as defense lawyers and taking every available means they
3 can to support their client.

4 Johnnie Cochran and I were very close friends
5 and Bob Shapiro and I were close friends. I don't recall
6 if I had any social ties with any of the others.

7 MR. MESEREAU: That is all I have to say, your
8 Honor.

9 THE COURT: All right.

10 MR. MESEREAU: We are concerned about fairness.

11 THE PROSPECTIVE JUROR: Sure. I understand.

12 THE COURT: I have of course listened and I have
13 to respect Mr. Garcetti's view of his own -- and he has
14 had a lot of experience with the system. He knows what
15 is required. He has responded to your questions.

16 I am not going to at this point grant the
17 motion for cause. So you can assure me, Mr. Garcetti,
18 that you can be like my other jurors or do you think that
19 other jurors knowing what your prior experience was would
20 tend to look more to you for guidance and interpretation?

21 In other words, if you were sitting where they
22 are, that is as much a concern, more so than actually
23 than what Mr. Mesereau brought up, because people make
24 all sorts of comments at different times. It doesn't
25 always reflect the true state of mind.

1 But you have some imprimatur. You were the DA
2 for a long time, and I do have a little concern. So if I
3 do excuse you, would you understand it is not because I
4 don't think you can do the job? Because I think you are
5 a man of integrity. I have always thought that and I
6 think you could be fair and impartial. But I think maybe
7 the better course is to --

8 THE PROSPECTIVE JUROR: Well, whatever you want,
9 Judge. Since we are on the record, I want this clear on
10 the record. One, I have no doubt I can be fair and
11 impartial in this case to all the defendants.

12 No. 2, a prior jury experience might give you
13 a little light as to the second issue.

14 THE COURT: Let me rethink it then. Maybe I
15 jumped to a conclusion.

16 THE PROSPECTIVE JUROR: While I was district
17 attorney, I honored a jury subpoena and everyone got a
18 kick out of it and I knew what was going to happen, get
19 dismissed. It was a civil case.

20 And lo and behold, I am called into the box.
21 And lo and behold, the jury is accepted, and I am
22 stunned.

23 The judge, she started laughing and had to
24 excuse herself. She was laughing so hard because she
25 never expected that. It was an easy case. It was a

1 lemon law case.

2 We went into the jury room and the jury wanted
3 to make me for foreman, I said, No. 1, I won't be
4 foreman. No. 2, you are not going to hear from me until
5 everyone has spoken, and maybe I will say something.

6 THE COURT: Was that a civil case?

7 THE PROSPECTIVE JUROR: Civil. A little
8 different, but they wanted to make me foreperson. So
9 whatever it is, whatever you rule is fine. I am not
10 going to take it personally.

11 THE COURT: I don't think anyone means it
12 personally. I have great respect for you. So, I am
13 going to go with my feeling. I am going to excuse you.

14 THE PROSPECTIVE JUROR: Okay. That is fine.

15 THE COURT: But thank you very much. Nice to see
16 you. And nice to hear about your son's success. You
17 better learn to speak Chinese.

18 THE PROSPECTIVE JUROR: Indian. Urdu. But he did
19 take in his freshman year -- he did take Urdu. Why, I
20 will never know.

21 THE COURT: One of my law clerks is -- in fact I
22 have had a number of Indian law clerks several years ago.
23 I had a -- and a woman, and then I had a guy. And years
24 ago I had a very observant Indian law clerk. And my
25 present law clerk is of Indian descent. So if your son

1 needs an aide-de-camp down the road --

2 THE PROSPECTIVE JUROR: We will give you a call.

3 THE COURT: Good to see you.

4 THE PROSPECTIVE JUROR: Thank you too.

5 MR. PAETTY: Your Honor, if I may? After some of
6 the members of the panel have stated in response to your
7 Honor's question "I believe so" or "I think so" when it
8 relates to being fair and impartial, I would just request
9 that the Court follow up for a definitive "yes" or "no."

10 THE COURT: I tell you what. If they are in the
11 jury box, you made notes of those people. You can remind
12 me then. I am just trying to get sort of a first cut.

13 MR. PAETTY: Understood.

14 THE COURT: I have many more questions when they
15 sit as jurors in the box. This is the panel as a whole.

16 MR. PAETTY: Okay, thank you.

17 (The following proceedings were held in the
18 presence of the prospective jurors:)

19 THE COURT: In this case, you may hear from people
20 who are with law enforcement offices. Does anyone here
21 have a bias against a witness who works for a law
22 enforcement office?

23 And if a law enforcement officer does testify,
24 they are not entitled to any special significance. Their
25 testimony should be considered just like any other

1 witness.

2 THE PROSPECTIVE JUROR: Miriam Santana. My family
3 has been personally impacted by police brutality.

4 THE COURT: Your family has been what?

5 THE PROSPECTIVE JUROR: I'm sorry?

6 THE COURT: Would you put your mask down a little
7 bit?

8 THE PROSPECTIVE JUROR: I don't feel comfortable.

9 THE COURT: Then keep it on. Go ahead.

10 THE PROSPECTIVE JUROR: My family has been
11 personally impacted by police brutality, and I have very
12 strong feelings about police officers. It is something
13 that I am trying to work through but I have yet to
14 resolve that.

15 THE COURT: I see. Well, this case doesn't
16 involve police officers in the sense that you are
17 describing. They are agents with law enforcement offices
18 like IRS, FBI, things like that. Would your answer still
19 be the same?

20 THE PROSPECTIVE JUROR: No. No.

21 THE COURT: Could you listen to those people who
22 aren't -- you know, beat law enforcement officers fairly
23 and objectively?

24 THE PROSPECTIVE JUROR: I will do my best. Yes.

25 THE COURT: Well, can you?

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: All right. Thank you.

3 MR. PAETTY: Your Honor, may we have a brief
4 moment at sidebar?

5 THE COURT: No. When I say no, no is no. You
6 don't have to do a slow crawl to the seat.

7 MR. PAETTY: Yes, your Honor.

8 THE COURT: I am going to ask a question now
9 that -- I hope I phrase it the right way, but it is
10 something I have to ask.

11 The defendants in this case are all of
12 Armenian descent. And I have a question in that regard.
13 Does anyone here have any bias against people of Armenian
14 descent?

15 In other words, have you had the experience or
16 otherwise that would lead you to view Armenian people
17 unfavorably?

18 No.

19 THE CLERK: No hands, your Honor.

20 MR. LITTRELL: Your Honor, may I follow up on that
21 to ask it in a different way?

22 THE COURT: Quickly go to the sidebar.

23 (The following proceedings were held
24 outside the presence of the prospective jury:)

25 MR. LITTRELL: No juror is going to admit to being

1 biased against people of Armenian descent.

2 THE COURT: Well, what should I say, I thought the
3 way you put it was somewhat hurtful to your cause. I
4 mean, you say there has been a publicity about Armenian
5 people and frauds. Why would you want to do that?

6 I mean, do you want me to ask that?

7 MR. LITTRELL: Yes, I do, your Honor. The reason
8 is that so if people have feelings they will express
9 them. I don't want them to hide.

10 THE COURT: Well, if someone read about Armenian
11 people, people of Armenian descent, they would be
12 thinking about the subject of crimes. To me, absent
13 something more that wouldn't disqualify them.

14 MR. LITTRELL: But it may well be that people
15 have --

16 THE COURT: Maybe you just want to know that
17 because you want to know for a peremptory challenge too.

18 MR. LITTRELL: Exactly.

19 THE COURT: That it is relevant not only for cause
20 but for peremptory challenge.

21 MR. LITTRELL: That's right. It is not just
22 explicit bias but implicit bias.

23 MR. JOHNSON: And that may be a better way.

24 MR. RAM: That is the way I would phrase it,
25 thoughts and feelings.

1 THE COURT: Have you read or heard about news
2 reports of Armenians being involved with criminal
3 activity.

4 MR. LITTRELL: And fraud specifically. And do you
5 have feelings or thoughts about that.

6 MR. PAETTY: Your Honor, if I may, I meant no
7 disrespect when I said to the Court -- I just wanted to
8 apprise the Court that defense has made a motion to call
9 a LAPD officer, so there may be some intersection in this
10 case.

11 THE COURT: Well, I remember that now. A
12 detective. Who made that motion? You did.

13 MR. RAM: We requested that he be available.

14 THE COURT: As far as I remember, this detective,
15 his participation, to my knowledge, was with one of the
16 surgeons. So why are you calling him?

17 MR. RAM: He is the lead detective on the state's
18 case, your Honor, involving some of the same defendants,
19 some of the same identities and some of the same
20 entities.

21 THE COURT: So what is the reason for calling him?

22 MR. RAM: Different reasons, your Honor. Do I
23 need to get into it in front of the prosecution now?

24 THE COURT: Well, you don't have to now. But you
25 are saying that he is more than just -- you are calling

1 him for a reason other than just the fact that he was
2 involved in the investigation?

3 MR. RAM: Correct.

4 (The following proceedings were held in the
5 presence of the prospective jurors:)

6 THE COURT: With regard to that last juror, I am
7 informed that there may be one officer, a detective from
8 the LAPD, who may be a witness in this case, but the
9 testimony will not involve anything like what you have
10 described.

11 I didn't include that in my prior question to
12 you, but if I now include that, would your answer be the
13 same about your ability to be fair and impartial or would
14 it be different?

15 THE PROSPECTIVE JUROR: I don't know. I don't
16 know.

17 THE COURT: You have some doubt?

18 THE PROSPECTIVE JUROR: I have some doubt.

19 THE COURT: All right. Then I will excuse you.

20 Now, with that prior question -- this is to
21 the jury panel as a group -- when I asked about the
22 defendants being of Armenian descent, let me ask if
23 anyone here has heard or read reports of other Armenian
24 people being involved in fraudulent activity in news
25 reports or elsewhere.

1 Okay. No hands.

2 As with all the instructions that I will
3 deliver to you at the appropriate time, you are
4 duty-bound to follow those instructions, but how you
5 perceive and evaluate the evidence, that is a matter
6 solely for you if you are selected as a juror.

7 Now, with regard to the law, one of the
8 instructions may be, and I can't tell you for sure, but
9 it may be that a defendant has a right not to testify.
10 And if a defendant exercises that right, no adverse
11 inference can be drawn from it.

12 If I give that instruction, would you all be
13 able to follow it?

14 No hands.

15 All right. Just one moment, here.

16 MR. JOHNSON: Your Honor, this is Peter Johnson on
17 behalf of Vahe Dadyan. Forgive me. I just wanted the
18 Court to just revise that last question because I did
19 not -- when the Court asked would you all be able to
20 follow it, I didn't see any raises of hands or any
21 response of yes.

22 So I just wanted the Court to if there is
23 maybe just at least some symbol in the Court that each
24 individual --

25 THE COURT: Well, I am looking at the jury panel,

1 and I have instructed them to raise their hand. Mr. Cruz
2 and I are looking closely. I saw no hands raised. So
3 that is the answer.

4 MR. JOHNSON: Understood.

5 THE COURT: Does anyone here have any feeling
6 about lawyers who work as prosecutors or lawyers who work
7 as defense lawyers that would not make it possible for
8 you to be fair and impartial to both sides?

9 All right. Then I am going to call 12 jurors
10 to the jury box and then I will ask you further
11 questions.

12 THE CLERK: Juror No. 1 is Claudia Vargas,
13 V-A-R-G-A-S.

14 Juror No. 2 --

15 THE COURT: One second. One second. Let me get
16 organized here.

17 THE COURT: Now, Juror No. 1?

18 THE CLERK: Is Ms. Claudia Vargas, V-A-R-G-A-S.

19 THE COURT: And when you are called raise your
20 hand so I can see because I have a schematic here and I
21 am trying to follow it. It is not the usual procedure.

22 Thank you, Ms. Vargas.

23 THE CLERK: Juror No. 2, William Diaz Brown.

24 Juror No. 3, Chad Wilson.

25 Juror No. 4, Valerie Reyes.

1 THE COURT: Okay.

2 THE CLERK: Juror No. 5, Quintana Ambrose.

3 THE COURT: One minute, Paul. I saw a hand go up,
4 but on my chart when I look at you is my chart to the
5 right or left?

6 THE CLERK: Right.

7 THE COURT: So where is that last juror,
8 Ms. Ambrose? Oh, I see. Okay.

9 THE CLERK: Juror No. 6 is Edgardo Regidor,
10 R-E-G-I-D-O-R.

11 THE COURT: One minute, Paul. You said juror
12 No. 6?

13 THE CLERK: Yes, your Honor. That was because a
14 juror by the name of Schaeffer was dismissed for cause.

15 THE COURT: I see. But what about the names
16 between that and Regidor?

17 THE CLERK: You also dismissed Mr. Adam Leach for
18 cause.

19 THE COURT: And Josephine Chia?

20 THE CLERK: I'm sorry?

21 THE COURT: Josephine Chia.

22 (Court and clerk confer.)

23 THE COURT: Okay. So juror No. 6 is Mr. Regidor.

24 THE CLERK: Juror No. 7 is Lisa Kaminir.

25 THE COURT: Now, would that juror raise their hand

1 so I can see where they are?

2 Thank you.

3 THE CLERK: Juror No. 8 is Hyunjoon, last name
4 Kim, K-I-M. Juror No. 8.

5 THE COURT: I see, Juror No. 8.

6 Ms. Kaminir, where are you again? Okay.

7 And that is Juror No. 8?

8 THE CLERK: Yes, is Mr. Kim.

9 THE COURT: You know, I hate to make this more
10 complicated than it is, but on my chart, Paul,
11 Ms. Kaminir is over there; right?

12 THE CLERK: Whoever created the chart didn't line
13 them up as the chairs exactly sit in court.

14 THE COURT: I see. So I will just put the names
15 in the boxes and forget about the physical location. I
16 have been trying to match them, but I am going to forget
17 that. I am just going to hear the name, put it in the
18 box and go from there.

19 THE CLERK: Yes.

20 THE COURT: All right. This is a difficult chart.
21 Go ahead.

22 So that would be No. 8 is who again?

23 THE CLERK: No. 8 is Mr. Kim.

24 THE COURT: Okay. Thank you, sir.

25 THE CLERK: And No. 9 is Josephine Chia.

1 THE PROSPECTIVE JUROR: And it is Chia, like
2 "chai."

3 THE CLERK: No. 10 is Gladys Lars.

4 THE COURT: One minute, Paul. Go a little slower.

5 THE CLERK: Yes, your Honor.

6 No. 9 is Josephine Chia.

7 Juror No. 10, Gladys Lars, L-A-R-S.

8 Juror No. 11, Imani Calloway, C-A-L-L-O-W-A-Y.

9 And Juror No. 12 is Marta Roberts.

10 THE COURT: One minute, Paul. Juror No. 11 was
11 who?

12 THE CLERK: Juror No. 11 is Imani Calloway. Juror
13 No. 12 is Marta Roberts.

14 THE COURT: Okay. I am now going to direct the
15 questions to those 12 jurors only. And I will begin with
16 juror No. 1, Ms. Vargas.

17 How should we do this. Should the juror
18 approach the microphone?

19 Yes. Approach the microphone, if you would,
20 ma'am. This is all more cumbersome than unusual because
21 the pandemic, but I appreciate everyone's cooperation.

22 Ms. Vargas, I am going to ask you some
23 questions.

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: What is your occupation?

1 THE PROSPECTIVE JUROR: I am a preemployment
2 background adjudicator.

3 THE COURT: I see. And who was your employer?

4 THE PROSPECTIVE JUROR: Parsons Corporation.

5 THE COURT: Are you married?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Have you ever served on a jury?

8 THE PROSPECTIVE JUROR: As an alternate many years
9 ago.

10 THE COURT: But you didn't deliberate; correct?

11 THE PROSPECTIVE JUROR: Correct.

12 THE COURT: I see. And I am going to ask this
13 question, and if anyone has an answer that they would
14 feel more comfortable giving at sidebar, I will of course
15 respect that, but have you ever been arrested or
16 convicted of a crime?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Has any family member been arrested or
19 convicted of a crime?

20 THE PROSPECTIVE JUROR: Distant family. I don't
21 really know those family members.

22 THE COURT: I see. What generally is your
23 educational background?

24 THE PROSPECTIVE JUROR: I'm sorry?

25 THE COURT: What generally is your educational

1 background?

2 THE PROSPECTIVE JUROR: High school.

3 THE COURT: I see. And do you know of any reason
4 that would prevent from you being fair and impartial to
5 both sides?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: All right. You may be seated. Thank
8 you, Ms. Vargas.

9 Now, I will do the questioning of Juror No. 2,
10 Mr. Diaz Brown. And what is your occupation, sir?

11 THE PROSPECTIVE JUROR: I am a teacher.

12 THE COURT: And where are you a teacher?

13 THE PROSPECTIVE JUROR: I teach elementary school
14 in Long Beach Unified School District and I teach history
15 at three different community colleges.

16 THE COURT: I see. And are you married?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: What is your spouse's occupation?

19 THE PROSPECTIVE JUROR: She is an engineer for
20 UPS.

21 THE COURT: Do you have children?

22 THE PROSPECTIVE JUROR: Yes. I have three
23 children.

24 THE COURT: Are any of your children employed?

25 THE PROSPECTIVE JUROR: One of them is employed as

1 a nanny.

2 THE COURT: Have you ever served on a jury?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Have you ever been convicted of or
5 arrested for a crime?

6 THE PROSPECTIVE JUROR: I was arrested and
7 convicted for misdemeanor, disturbing the peace when I
8 was 18 years old.

9 THE COURT: Other than that, that was the only
10 incident; correct.

11 THE PROSPECTIVE JUROR: Correct.

12 THE COURT: The same question with regard to a
13 family member.

14 THE PROSPECTIVE JUROR: I had a brother who served
15 prison time for DUI's.

16 THE COURT: Do you know of any reason that would
17 prevent from you being fair and impartial to both sides?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Thank you, sir.

20 Juror No. 3, Mr. Wilson. What is your
21 occupation?

22 THE PROSPECTIVE JUROR: I am an installation
23 technician.

24 THE COURT: And who is your employer?

25 THE PROSPECTIVE JUROR: Hazard Reduction Systems.

1 THE COURT: Are you married?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Have you ever served on a jury?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: What generally is your educational
6 background?

7 THE PROSPECTIVE JUROR: I have a bachelor's
8 degree.

9 THE COURT: Have you ever been arrested or
10 convicted of a crime?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Same question for a family member.

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Do you know of any reason that would
15 prevent you from being fair and impartial to both sides?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Thank you, sir.

18 And now Juror No. 4 would be Ms. Reyes.

19 What is your occupation?

20 THE PROSPECTIVE JUROR: I am self-employed. I
21 clean houses.

22 THE COURT: And are you married?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Have you ever served on a jury?

25 THE PROSPECTIVE JUROR: No. I haven't.

1 THE COURT: What generally is your educational
2 background?

3 THE PROSPECTIVE JUROR: I went to high school, and
4 then I went to trade school.

5 THE COURT: Go ahead, I'm sorry.

6 THE PROSPECTIVE JUROR: Sorry. Trade school for
7 esthetician to get my license.

8 THE COURT: I see. Have you ever been arrested or
9 convicted of a crime?

10 THE PROSPECTIVE JUROR: No, but my dad has because
11 he had a warrant.

12 THE COURT: I see. Can you tell us, if you wish,
13 what the crime was.

14 THE PROSPECTIVE JUROR: What happened?

15 THE COURT: Can you tell us what the crime was?

16 THE PROSPECTIVE JUROR: He had a warrant and so
17 they took him. I don't know what warrant he had.

18 THE COURT: You don't know what the warrant was
19 for?

20 THE PROSPECTIVE JUROR: Yes. For. Yes.

21 THE COURT: I see. And did he serve prison time?

22 THE PROSPECTIVE JUROR: Yeah, he did.

23 THE COURT: Do you know of any reason that would
24 prevent you from being fair and impartial to both sides?

25 THE PROSPECTIVE JUROR: No.

1 THE COURT: Thank you, ma'am.

2 Juror No. 5, that would be Ms. -- I hope I say
3 it correctly -- Chia. Is that right, Chia?

4 THE PROSPECTIVE JUROR: No.

5 THE PROSPECTIVE JUROR: I am No. 9.

6 THE CLERK: Juror No. 5 is Ambrose, your Honor.

7 THE COURT: Okay. I got that. I'm sorry about
8 that. Ms. Ambrose. That will be Ms. Ambrose. Yes. Let
9 me put my glasses on. Maybe it will be better if I put
10 my glasses on.

11 Ms. Ambrose, what is your occupation?

12 THE PROSPECTIVE JUROR: I work for a forensic
13 psychologist, typing up his reports.

14 THE COURT: And are you married?

15 THE PROSPECTIVE JUROR: Yes, I am.

16 THE COURT: And what is your spouse's occupation?

17 THE PROSPECTIVE JUROR: He is retired. He was a
18 journeyman lineman for PG&E.

19 THE COURT: Have you ever served on a jury?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: What generally is your educational
22 background?

23 THE PROSPECTIVE JUROR: High school.

24 THE COURT: Have you ever been arrested or
25 convicted of a crime?

1 THE PROSPECTIVE JUROR: Twenty-three, 24, I was
2 arrested for selling alcohol to a minor.

3 THE COURT: Same question with regard to a family
4 member.

5 THE PROSPECTIVE JUROR: Oh yeah. My sister and
6 her daughter, drugs.

7 THE COURT: I see. Did they serve prison
8 sentences?

9 THE PROSPECTIVE JUROR: My niece did. Well,
10 lengthy jail sentences.

11 THE COURT: I see. Do you know of any reason that
12 would prevent you from being fair and impartial to both
13 sides?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Thank you, ma'am.

16 That was Ms. Ambrose. So now it's Mr.
17 Regidor; correct?

18 THE PROSPECTIVE JUROR: Yes, your Honor.

19 THE COURT: How do I say it?

20 THE PROSPECTIVE JUROR: Yes, your Honor.

21 THE COURT: Would you pronounce your name again?

22 THE PROSPECTIVE JUROR: Edgardo Regidor.

23 THE COURT: Regidor. I'm sorry. I am going to
24 write it phonetically. Okay. And what is your
25 occupation, sir?

1 THE PROSPECTIVE JUROR: I am a registered nurse.

2 THE COURT: And where are you employed?

3 THE PROSPECTIVE JUROR: LAC+USC Medical Center.

4 THE COURT: Where?

5 THE PROSPECTIVE JUROR: LAC+USC Medical Center.

6 THE COURT: Are you married?

7 THE PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: What is your spouse's occupation?

9 THE PROSPECTIVE JUROR: Registered nurse too.

10 THE COURT: Have you ever served on a jury?

11 THE PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Was it in this court, which is the
13 federal court, or was it the state court, the superior
14 court?

15 THE PROSPECTIVE JUROR: Federal court.

16 THE COURT: And was it a civil or criminal case?

17 THE PROSPECTIVE JUROR: Criminal.

18 THE COURT: And did the jury reach a verdict?

19 THE PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: What generally is your educational
21 background?

22 THE PROSPECTIVE JUROR: I have a bachelor degree.

23 THE COURT: Have you ever been arrested or
24 convicted of a crime?

25 THE PROSPECTIVE JUROR: No, sir.

1 THE COURT: Same question with regard to a family
2 member.

3 THE PROSPECTIVE JUROR: No, sir.

4 THE COURT: Do you know of any reason that would
5 prevent from you being fair and impartial to both sides?

6 THE PROSPECTIVE JUROR: I don't think so.

7 THE COURT: Thank you, sir.

8 Just to follow up Mr. Regidor for a minute,
9 and to make it clearer for the jury panel, too. You
10 know, there are no things certain metaphysically in this
11 world, but when I ask can you be fair and impartial to
12 both sides, you have to be firm in your view that you
13 can.

14 Are you firm in your view that you can?

15 THE PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: All right. You may be seated.

17 Ms. Kaminir. Did I say it correctly?

18 THE PROSPECTIVE JUROR: Kaminir. Emphasis on the
19 last syllable.

20 THE COURT: Okay. I am going to do that
21 phonetically too. Kaminir. Ms. Kaminir, what is your
22 occupation?

23 THE PROSPECTIVE JUROR: I am an actor.

24 THE COURT: And in what medium?

25 THE PROSPECTIVE JUROR: Television.

1 THE COURT: I see.

2 THE PROSPECTIVE JUROR: I play lawyers.

3 THE COURT: I see. You play lawyers.

4 THE PROSPECTIVE JUROR: Pretty much. Yes.

5 THE COURT: Well, that is a good lead-in for me to
6 tell you that although I think this trial will be
7 interesting, it will be nothing like a TV law show where
8 it will be with five commercials and some other stuff.

9 THE PROSPECTIVE JUROR: That is abundantly clear.

10 THE COURT: Are you married?

11 THE PROSPECTIVE JUROR: I am.

12 THE COURT: And what is your spouse's occupation?

13 THE PROSPECTIVE JUROR: He is a psychotherapist.

14 THE COURT: I see. Do you have children?

15 THE PROSPECTIVE JUROR: I do.

16 THE COURT: Are any of your children employed?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: What types of jobs?

19 THE PROSPECTIVE JUROR: My daughter is a food
20 stylist.

21 THE COURT: Have you ever served on a jury?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: In this courthouse or the state court?

24 THE PROSPECTIVE JUROR: State court.

25 THE COURT: And was it a civil or criminal case?

1 THE PROSPECTIVE JUROR: Criminal.

2 THE COURT: Did the jury reach a verdict?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: What generally is your educational
5 background.

6 THE PROSPECTIVE JUROR: I have a bachelor's
7 degree.

8 THE COURT: Do you know of any reason that would
9 prevent you from being fair and impartial to both sides?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: Thank you, ma'am.

12 Okay. The next juror is Mr. Kim.

13 Mr. Kim, what is your occupation?

14 THE PROSPECTIVE JUROR: I am a logistics
15 specialist.

16 THE COURT: And who is your employer?

17 THE PROSPECTIVE JUROR: Department of Defense.

18 THE COURT: Without too much elaboration, can you
19 just tell us what type of work you do?

20 THE PROSPECTIVE JUROR: It is property group
21 management. We have some property along the West Coast.

22 THE COURT: Are you married?

23 THE PROSPECTIVE JUROR: No, your Honor.

24 THE COURT: Have you ever served on a jury?

25 THE PROSPECTIVE JUROR: No, your Honor.

1 THE COURT: What generally is your educational
2 background?

3 THE PROSPECTIVE JUROR: A bachelor's degree, your
4 Honor.

5 THE COURT: Have you ever been arrested or
6 convicted of a crime?

7 THE PROSPECTIVE JUROR: No, your Honor.

8 THE COURT: Same question with a family member.

9 THE PROSPECTIVE JUROR: No, your Honor.

10 THE COURT: Is there any reason why you couldn't
11 be fair and impartial to both sides?

12 THE PROSPECTIVE JUROR: No, your Honor.

13 THE COURT: Thank you.

14 Ms. Chia.

15 THE PROSPECTIVE JUROR: Ms. Chia. Like Starbucks
16 chai.

17 THE COURT: What is your occupation?

18 THE PROSPECTIVE JUROR: I am a teacher.

19 THE COURT: And where are you a teacher?

20 THE PROSPECTIVE JUROR: In Arcadia Unified.

21 THE COURT: And what level do you teach?

22 THE PROSPECTIVE JUROR: I teach fourth graders.

23 THE COURT: I see. Are you married?

24 THE PROSPECTIVE JUROR: Yes, I am.

25 THE COURT: What is your spouse's occupation?

1 THE PROSPECTIVE JUROR: He is also a teacher.

2 THE COURT: Do you have children?

3 THE PROSPECTIVE JUROR: I do.

4 THE COURT: Are any of your children employed?

5 THE PROSPECTIVE JUROR: No. They are too little.

6 THE COURT: Have you ever served on a jury?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: What generally is your educational
9 background.

10 THE PROSPECTIVE JUROR: I have a master's.

11 THE COURT: Do you know of any reason -- have you
12 ever been arrested or convicted of a crime?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Same question with a family member.

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Do you know of any reason that would
17 prevent you from being fair and impartial to both sides?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: All right. Thank you, Ms. Chia.

20 Mr. Lars.

21 THE CLERK: Gladys Lars.

22 THE COURT: Ms. Lars.

23 What is your occupation, ma'am?

24 THE PROSPECTIVE JUROR: I am a director.

25 THE COURT: And can you be a little more specific?

1 THE PROSPECTIVE JUROR: Sure. I am a director at
2 Kaiser Permanente on the health plan side of the
3 business.

4 THE COURT: I see. Are you married?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: What is your spouse's occupation?

7 THE PROSPECTIVE JUROR: He is a sales engineer.

8 THE COURT: Do you have children?

9 THE PROSPECTIVE JUROR: I do. I have a daughter.
10 Graduated college.

11 THE COURT: And is she employed?

12 THE PROSPECTIVE JUROR: She is.

13 THE COURT: What is her job?

14 THE PROSPECTIVE JUROR: She is a health care
15 consultant for a small boutique firm outside of Boston.

16 THE COURT: I see. Have you ever served on a
17 jury?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Was it this courthouse or the state
20 court?

21 THE PROSPECTIVE JUROR: State court.

22 THE COURT: Was it a civil or criminal case?

23 THE PROSPECTIVE JUROR: Criminal case.

24 THE COURT: Did the jury reach a verdict?

25 THE PROSPECTIVE JUROR: Yes.

1 THE COURT: What is your educational background
2 generally?

3 THE PROSPECTIVE JUROR: I have a bachelor's and an
4 MBA.

5 THE COURT: Have you ever been arrested or
6 convicted of a crime?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Same question for family member.

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Do you know of any reason that would
11 prevent you about from being fair and impartial to both
12 sides?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Thank you, ma'am.

15 Next is Calloway. Ms. Calloway. What is your
16 occupation, ma'am?

17 THE PROSPECTIVE JUROR: I am a salesperson at
18 Nordstrom.

19 THE COURT: At where?

20 THE PROSPECTIVE JUROR: At Nordstrom.

21 THE COURT: And are you married?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: Have you ever served on a jury?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: What generally is your educational

1 background.

2 THE PROSPECTIVE JUROR: I have my associate's,
3 working on my bachelor's.

4 THE COURT: I see. And what course of study are
5 you pursuing?

6 THE PROSPECTIVE JUROR: Business.

7 THE COURT: I see. Have you ever been arrested
8 or convicted of a crime?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Same question, family member.

11 THE PROSPECTIVE JUROR: I had a cousin who served
12 time for being a pimp.

13 THE COURT: I see. Do you know of any reason that
14 would prevent from you being fair and impartial to both
15 sides?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Thank you, ma'am.

18 The next is Roberts. Ms. Roberts. Yes. What
19 is your occupation, ma'am?

20 THE PROSPECTIVE JUROR: I am a nanny.

21 THE COURT: And are you a nanny with a specific
22 household?

23 THE PROSPECTIVE JUROR: Yes. I work in a house.

24 THE COURT: One family?

25 THE PROSPECTIVE JUROR: One family, yes.

1 THE COURT: And you live with that family?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: You just come and go.

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Are you married?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Have you ever served on a jury?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: What generally is your educational
10 background?

11 THE PROSPECTIVE JUROR: I don't have any.

12 THE COURT: I see. And have you ever been
13 arrested or convicted of a crime?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Same question for family member.

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Is there any reason why you couldn't
18 be fair and impartial to both sides?

19 THE PROSPECTIVE JUROR: I don't know what it
20 means, impartial. Can you explain that to me?

21 THE COURT: I see. What is your native language?

22 THE PROSPECTIVE JUROR: Spanish.

23 THE COURT: I see. And when you are at home,
24 and -- do you live with other people or just yourself.

25 THE PROSPECTIVE JUROR: Just myself.

1 THE COURT: But you have friends and other people
2 you talk to; correct?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: And what language do you speak with
5 them?

6 THE PROSPECTIVE JUROR: Spanish.

7 THE COURT: And when work as a nanny, do you speak
8 in that household in the English language or the Spanish
9 language?

10 THE PROSPECTIVE JUROR: A little bit of English
11 and more Spanish.

12 THE COURT: I see. Can you read English?

13 THE PROSPECTIVE JUROR: A little bit.

14 THE COURT: I am inclined to think this juror, as
15 willing as she is to serve, has a language disability.

16 Is there any comment?

17 MR. LITTRELL: I respectfully disagree. I think
18 this juror is able to communicate in English well enough
19 to serve as a juror.

20 THE COURT: Well, think that she asked the
21 question what is impartiality, and that is a very basic
22 question. I mean, that is a phrase that isn't
23 complicated. And based upon her answers, it is my view
24 that -- did you have any education early on?

25 THE PROSPECTIVE JUROR: No.

1 THE COURT: What is your native country?

2 THE PROSPECTIVE JUROR: Belize.

3 THE COURT: And when did you -- how old were you
4 when you came here from Belize?

5 THE PROSPECTIVE JUROR: I came here when I was 28,
6 I believe -- 21. But I never went to school.

7 THE COURT: I see. And in Belize of course you
8 spoke exclusively in Spanish?

9 THE PROSPECTIVE JUROR: Spanish.

10 THE COURT: I am going to find this juror is
11 willing to serve, and the Court appreciates that, but
12 based upon my questioning and her answers doesn't have
13 the adequate fluency in English to follow the evidence in
14 this case.

15 Thank you very much for being here. You are
16 excused.

17 THE PROSPECTIVE JUROR: Thank you.

18 MR. LITTRELL: Just to be clear, we object, your
19 Honor.

20 THE COURT: You don't have to say that. I mean,
21 understood.

22 THE CLERK: Peace Takata, T-A-K-A-T-A. Please
23 take jury seat No. 12.

24 THE COURT: Takata. Where is Takata?

25 Oh. Come forward, please.

1 And what is your occupation?

2 THE PROSPECTIVE JUROR: I am a teacher.

3 THE COURT: And where are you a teacher?

4 THE PROSPECTIVE JUROR: Torrance Unified School
5 District.

6 THE COURT: What subject do you teach?

7 THE PROSPECTIVE JUROR: Reading intervention.

8 THE COURT: Are you married?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: What is your spouse's occupation?

11 THE PROSPECTIVE JUROR: He is in corporate
12 accounting for a bank.

13 THE COURT: Have you ever served on a jury?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Do you have children?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Are any of your children employed?

18 THE PROSPECTIVE JUROR: No. They are too young.

19 THE COURT: What generally is your educational
20 background.

21 THE PROSPECTIVE JUROR: I have a master's degree.

22 THE COURT: Have you ever been arrested or
23 convicted of a crime?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Same question for family members.

1 THE PROSPECTIVE JUROR: No.

2 Your Honor, you had asked a question earlier
3 and I was only thinking about my husband working at a
4 bank. And I forgot that my sister-in-law is a loan
5 analyst for the same bank.

6 THE COURT: What bank is that?

7 THE PROSPECTIVE JUROR: City National Bank.

8 THE COURT: I see. Well, thank you for your
9 answer.

10 THE PROSPECTIVE JUROR: Okay.

11 THE COURT: Do you know of any reason that would
12 prevent from you being fair and impartial to both sides?

13 THE PROSPECTIVE JUROR: I don't think so.

14 THE COURT: All right.

15 THE PROSPECTIVE JUROR: I think I could be fair.

16 THE COURT: You have to be firm in your answer.
17 You can't guess. Like I said -- the best way I can put
18 it is are you firm in your view that you can be fair?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: All right. Thank you.

21 So, now the first challenge would be with the
22 government.

23 MR. PAETTY: Your Honor, the government would like
24 to thank and excuse Juror No. 4, Ms. Reyes.

25 THE COURT: Thank you, Ms. Reyes. You are

1 excused. Thank you.

2 THE CLERK: Timothy Lam, please take jury seat
3 No. 4, L-A-M.

4 THE COURT: Mr. Lam, Juror No. 4. Would you go to
5 the lectern, please? The microphone.

6 What is your occupation, sir?

7 THE PROSPECTIVE JUROR: I am a letter carrier for
8 City of Los Angeles.

9 THE COURT: I see. Are you married?

10 THE PROSPECTIVE JUROR: Yes, I do.

11 THE COURT: And what is your spouse's occupation?

12 THE PROSPECTIVE JUROR: She is a homemaker.

13 THE COURT: I see. You have children?

14 THE PROSPECTIVE JUROR: Yes, I do.

15 THE COURT: Are they young children living at
16 home?

17 THE PROSPECTIVE JUROR: I have two adult. Well,
18 they both -- the youngest one is 18 and the oldest one is
19 21. The older one is enrolled at University of -- he is
20 a college student at University of Northridge.

21 THE COURT: I see.

22 THE PROSPECTIVE JUROR: And the young one is just
23 graduate from high school.

24 THE COURT: I see. Have you ever served on a
25 jury?

1 THE PROSPECTIVE JUROR: Yes. That was back in
2 1992.

3 THE COURT: Was it in this courthouse -- well,
4 this courthouse didn't exist, but federal court or the
5 state court?

6 THE PROSPECTIVE JUROR: The state court.

7 THE COURT: And was it a civil or criminal case?

8 THE PROSPECTIVE JUROR: Criminal, DUI case.

9 THE COURT: You don't have to tell me any more
10 than just the answer.

11 THE PROSPECTIVE JUROR: Sorry.

12 THE COURT: And did the jury reach a result?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Did they reach a verdict?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: What is your educational background
17 generally?

18 THE PROSPECTIVE JUROR: I graduate from --
19 complete high school.

20 THE COURT: Have you ever been arrested or
21 convicted of a crime.

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: Same question for family members.

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Do you know of any reason that would

1 prevent you from being fair and impartial to both sides?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Thank you, sir. Next challenge is
4 with the defendant.

5 MR. LITTRELL: May we have a moment?

6 THE COURT: Yes.

7 (Defense counsel confer.)

8 (The following proceedings were held at sidebar
9 outside the presence of the prospective jurors:)

10 MR. RAM: If we pass are we --

11 THE COURT: A pass is a challenge.

12 MR. RAM: It counts as one but we can go back and
13 challenge?

14 THE COURT: If you pass on one round and then you
15 decide, well, I want that person off, you can do it.

16 MR. RAM: Okay. Understood.

17 THE COURT: Understand.

18 MR. RAM: It just counts as one of our 10.

19 MR. PAETTY: Your Honor, if both parties pass is
20 the jury pool constituted?

21 THE COURT: That is a challenge. Both parties
22 have exercised a challenge.

23 MR. PAETTY: It then continues?

24 THE COURT: We just continue on.

25 MR. LITTRELL: I believe there is Ninth Circuit

1 case law suggesting that you can use challenges by
2 passing.

3 THE COURT: But that's Ninth Circuit case law. I
4 remember it deals with what happens at the end of the
5 jury selection process; right?

6 MR. LITTRELL: Right.

7 THE COURT: In other words, if someone has passed,
8 passed, passed, if it is some configuration of that
9 dynamic, isn't what I just said there is no case law
10 unless you bring it to my attention that says that
11 passing on an early round doesn't institute a challenge?

12 MR. LITTRELL: I think that case stands for that
13 proposition. I will brief it for the court.

14 THE COURT: Well, make sure you tell me. My
15 recollection and, you know, I can't catalog every case.
16 They keep coming down with cases. But the last case I
17 read dealt with this was a specific situation where there
18 was the last round or two, maybe the last round of
19 passing. If there are some new wrinkles, let me know.

20 MR. LITTRELL: I will look into it.

21 (The following proceedings were held in the
22 presence of the prospective jurors:)

23 (Defense counsel confer.)

24 MR. RAM: Your Honor, the defense would like to
25 thank and excuse Juror No. 9.

1 THE COURT: Juror No. 9 is Ms. Chia.

2 Okay. Thank you, Ms. Chia.

3 It is the noon hour and I am going to call a
4 recess so you can grab a bite of lunch. I hope to
5 reconvene at about 1:00 o'clock, but I have some matters
6 to take up over the lunch hour, so perhaps you should be
7 back here for sure by 1:15.

8 Don't discuss the case or any of the questions
9 if you have a lunch with another juror, prospective
10 juror, and when you come back, if you can remember, would
11 you all be seated in the same place if you can remember
12 where you are.

13 You know, just come back and take the same
14 seat that you are in now, if you can make a note of that.

15 (The following proceedings were held outside the
16 presence of the prospective jurors:)

17 THE COURT: All right. We haven't made that much
18 progress. In my experience with selecting jurors in
19 criminal trials it usually goes more quickly, but we are
20 in unusual circumstances with the pandemic and the like,
21 so we will just have to keep at it.

22 We will come back at 1:15.

23 Okay. Thank you.

24 (Luncheon recess from 11:59 to 1:44 p.m.)

25 (The following proceedings were held in the

1 presence of the prospective jurors:)

2 THE COURT: Mr. Littrell.

3 MR. LITTRELL: Yes, your Honor.

4 THE COURT: Why don't you take the lecturn because
5 you seem to be the person for this issue.

6 Oh. There are jurors here, aren't there.

7 Sorry about that. Could the jurors indulge me, and I
8 don't mean to inconvenience you. Could you all please
9 remember where you are, step out for about 5 or 10
10 minutes?

11 Thank you. I appreciate that.

12 (The following proceedings were held outside the
13 presence of the prospective jurors:)

14 THE COURT: You may be seated. Mr. Littrell, I
15 did consider what you said just as we were breaking about
16 the passing and constituting a challenge, and I must
17 confess with the passing of time there is a little rust,
18 but the Yepiz case, is that the case you are thinking of?

19 MR. LITTRELL: Yes, your Honor.

20 THE COURT: And in that case, it would appear to
21 me that your position is correct and that passing for
22 cause does not constitute a challenge.

23 What the Yepiz case seems to be unclear about
24 is whether you can go back when you exercise your
25 remaining challenges and challenge a juror that you

1 previously accepted.

2 And there is language which suggests you
3 can't, but it is not as clear as it might be. My concern
4 with the whole idea of a pass not constituting a
5 challenge is that at some point one party or the other
6 can sort of accumulate all these challenges and then at
7 some point, perhaps when the other side has exhausted
8 their challenge, I mean, theoretically, you could in
9 effect exercise all your challenges.

10 I guess that would be your position, and then
11 when eight new people come up, you are stuck with them
12 because you have no more challenges.

13 Do you follow what I am saying?

14 MR. LITTRELL: I think the analysis in Yepiz was
15 each side gets the allotted number of peremptory
16 challenges and they can use them whenever they choose so
17 long as both sides don't pass in a row.

18 If each party accepts the panel, then we are
19 done. But so long as that doesn't happen, you can
20 continue to use peremptory strikes or save them. And I
21 think it applies to jurors that are in the box at the
22 time you are striking or jurors that are not in the box.

23 THE COURT: Well, that is the part that isn't
24 clear, but what I suggested just by way -- there are no
25 jurors here, are there?

1 What I suggested was just, you know, a
2 possibility. I haven't seen it actually happen but, I
3 mean, let's take the most extreme example and see how it
4 plays out.

5 Let's say that we go into the process, and
6 round one the government exercised a peremptory and you
7 pass. Round two, you pass, government exercises their
8 peremptory, and so forth, to round 6.

9 Now the government has exhausted its
10 peremptories, and you, the way I'm understanding the case
11 and your thought process, is that you have 10 remaining
12 peremptories; correct?

13 MR. LITTRELL: That's correct, your Honor.

14 THE COURT: And so at that point, you could
15 exercise those peremptories how? At one time.

16 MR. LITTRELL: Yes. That's correct, your Honor.

17 THE COURT: Is there any case law that supports
18 that?

19 MR. LITTRELL: I think the Yepiz case supports
20 that, and can say I have experienced that before. I've
21 seen it happen. My only response is that that is
22 available to each side, and it is a risky strategy
23 because if you pass and the other side passes, you lose
24 all those strikes, and so the risk is sort of even.

25 THE COURT: And I guess the real risk is that you

1 could exercise all those challenges and then eight people
2 come up who could be just worse than the ones you
3 challenge from your standpoint.

4 MR. LITTRELL: That is also true.

5 THE COURT: And if they pass the for cause
6 challenge, then that is the jury.

7 MR. LITTRELL: That's correct.

8 THE COURT: I see. What does the government have
9 to say about that? That is a fair reading of the Yepiz
10 case.

11 MR. PAETTY: Your Honor, the government has no
12 objection.

13 THE COURT: All right. Then that is the way we
14 will do it. I apologize for not being clearer or more
15 accurate. But I am glad you brought up the question at
16 this point.

17 MR. LITTRELL: I had to look it up too. I forgot
18 most of that also.

19 THE COURT: Well, there is language in that case
20 which could be clearer. But so be it.

21 All right. Thank you, Mr. Littrell, for
22 saving the day. I don't know if you are going to regret
23 that or not. Sometimes the best thoughts are left
24 unsaid.

25 But I am glad you did that, and you helped

1 everybody.

2 All right. So everyone knows what we are
3 going to do. What time is it now. We are behind
4 schedule aren't we?

5 THE CLERK: It is nearly 2.

6 THE COURT: Two o'clock. Well, I am not going to
7 let time be the sole motivator here, but let's keep this
8 moving if we can.

9 Okay. Ask those people to come back.

10 (The following proceedings were held outside the
11 presence of the prospective jurors:)

12 THE COURT: All right. Thank you, members of the
13 jury panel, for your indulgence. Where were we at the
14 break? Was it the defense turn?

15 THE CLERK: The defendants thanked and excused
16 Juror No. 9, which was Ms. Chia.

17 THE COURT: Okay, that's where we are. So we are
18 going to call another juror now.

19 Okay, good.

20 THE CLERK: Yes, your Honor. Orlando Almader,
21 A-L-M-A-D-E-R. Please approach the microphone and then
22 afterwards take juror seat No. 9.

23 THE PROSPECTIVE JUROR: Hello, my name is Armando
24 Almader.

25 THE COURT: Where do you live, sir?

1 THE PROSPECTIVE JUROR: Excuse me?

2 THE COURT: What is your occupation?

3 THE PROSPECTIVE JUROR: I work for Los Angeles
4 County Public Works. I am a construction supervisor.

5 THE COURT: And are you married?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Have you ever served on a jury?

8 THE PROSPECTIVE JUROR: No, I haven't.

9 THE COURT: What is your educational background,
10 just generally.

11 THE PROSPECTIVE JUROR: High school.

12 THE COURT: Have you ever been arrested or
13 convicted of a crime?

14 THE PROSPECTIVE JUROR: No, I have not.

15 THE COURT: Same with family members.

16 THE PROSPECTIVE JUROR: I had one family member, a
17 cousin that served time for a DUI.

18 THE COURT: Do you know of any reason that would
19 prevent from you being fair and impartial to both sides?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Thank you, sir.

22 So now it is the government; right?

23 THE CLERK: Yes, your Honor.

24 MR. PAETTY: Your Honor, the government would
25 thank and excuse Juror No. 5, Mr. Ambrose.

1 THE COURT: Five is Ambrose; right.

2 THE CLERK: Juan Zaragoza, Z-A-R-A-G-O-Z-A.

3 Please approach the microphone and take jury seat No. 5.

4 THE PROSPECTIVE JUROR: My name is Juan Zaragoza.

5 THE COURT: Okay. Mr. Zaragoza, what is your
6 occupation?

7 THE PROSPECTIVE JUROR: Facilities manager.

8 THE COURT: And who is your employer?

9 THE PROSPECTIVE JUROR: [Inaudible.]

10 THE COURT: And are you married?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: What is your spouse's occupation?

13 THE PROSPECTIVE JUROR: Physical therapist.

14 THE COURT: Do you have children?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Are any of your children employed?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Have you ever served on a jury?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: What generally is your educational
21 background?

22 THE PROSPECTIVE JUROR: High school.

23 THE COURT: Have you ever been arrested or
24 convicted of a crime?

25 THE PROSPECTIVE JUROR: No.

1 THE COURT: Same question for family.

2 THE PROSPECTIVE JUROR: I have a brother that is
3 incarcerated.

4 THE COURT: And can you tell, if you wish, what
5 crime?

6 THE PROSPECTIVE JUROR: Personal identity.

7 THE COURT: I see. And there may be some mention
8 of that in this case. Would your brother's experience
9 prevent you from being fair and impartial to both sides?

10 THE PROSPECTIVE JUROR: I think so.

11 THE COURT: You think it would?

12 THE PROSPECTIVE JUROR: It will. It will mess
13 with me. I mean, I have a brother incarcerated for the
14 same reason that we are here.

15 THE COURT: So can you tell me what you mean by
16 that? Can you be fair and impartial to both sides or is
17 your brother's experience --

18 THE PROSPECTIVE JUROR: Mixed emotions about it, I
19 guess.

20 THE COURT: Mixed what?

21 THE PROSPECTIVE JUROR: Mixed emotions just having
22 someone incarcerated for something like that.

23 THE COURT: So are you saying that you -- it would
24 be difficult for you to be fair and impartial?

25 THE PROSPECTIVE JUROR: Yes.

1 THE COURT: I see. Motion?

2 MR. PAETTY: Yes, your Honor. Motion from the
3 government.

4 THE COURT: Okay. Any opposition to that?

5 MR. LITTRELL: May we have a moment, your Honor?

6 THE COURT: Yes.

7 (Defense counsel confer.)

8 MR. LITTRELL: Your Honor, could we ask the court
9 to just probe a little bit?

10 THE COURT: I will. I think you are right. Let
11 me ask you, when you said mixed emotions, would the fact
12 that your brother was convicted of identify theft and is
13 serving a jail sentencing make it more likely that you
14 would find for the government or the defense?

15 THE PROSPECTIVE JUROR: The defense.

16 THE COURT: I see. All right. The motion is
17 granted. You are excused, sir. Thank you.

18 THE PROSPECTIVE JUROR: Thank you.

19 THE CLERK: Uriel Juarez, J-U-A-R-E-Z, please
20 approach the lecturn.

21 MR. LITTRELL: Your Honor, I beg your pardon, but
22 I think if he said that it would be more difficult for
23 him to be fair to the defense, but he did not say he
24 would not be fair. So I would object to that strike and
25 ask you to follow up a little bit.

1 THE COURT: All right. Where is he. Can you get
2 that juror?

3 I think he answered the question. I really
4 do.

5 MR. LITTRELL: The Court has expressed an interest
6 in getting a clear, definitive answer about whether
7 jurors could be fair, and I am not sure we got that from
8 this juror.

9 MR. PAETTY: Your Honor, if I may, I think we did.

10 THE COURT: I think we did. He said -- just to
11 clarify, Mr. --

12 MR. PAETTY: Zaragoza.

13 THE COURT: Mr. Zaragoza, I am understanding your
14 response to the Court's questions to mean that because of
15 the experience your brother's experience, you couldn't be
16 fair in this case; correct?

17 THE PROSPECTIVE JUROR: That's correct.

18 THE COURT: All right. Then you are excused.

19 THE PROSPECTIVE JUROR: Thank you.

20 THE CLERK: Uriel Juarez, J-U-A-R-E-Z.

21 THE PROSPECTIVE JUROR: My name is Uriel Juarez.

22 THE COURT: What is your occupation?

23 THE PROSPECTIVE JUROR: I work in construction.

24 THE COURT: Are you married?

25 THE PROSPECTIVE JUROR: No.

1 THE COURT: Have you ever served on a jury?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: What generally is your educational
4 background?

5 THE PROSPECTIVE JUROR: High school.

6 THE COURT: Have you ever been arrested or
7 convicted of a crime?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Can you tell us what crime?

10 THE PROSPECTIVE JUROR: DUI.

11 THE COURT: And how long ago was that?

12 THE PROSPECTIVE JUROR: Two years ago.

13 THE COURT: I see. Did you receive a custodial
14 sentence?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Do you know -- same question with
17 regard to family members.

18 THE PROSPECTIVE JUROR: Yes. DUI with my brother.

19 THE COURT: Do you know of any reason that would
20 prevent you from being fair and impartial to both sides.

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: All right. Thank you, Mr. Juarez.

23 Next challenge is with the defendant.

24 MR. JOHNSON: Your Honor, just for -- okay. Thank
25 you.

1 MR. LITTRELL: May we have a moment, your Honor?

2 THE COURT: Yes.

3 (Defense counsel confer.)

4 MR. RAM: Your Honor, we would like to thank and
5 excuse Juror No. 3.

6 THE COURT: No. 3., that would be Mr. Wilson; is
7 that correct?

8 THE CLERK: Yes, your Honor.

9 THE PROSPECTIVE JUROR: Excused?

10 THE CLERK: Yes. You are excused.

11 THE CLERK: Isabel Bobadilla, B-O-B-A-D-I-L-L-A.
12 Please step forward.

13 THE COURT: Where are you employed, ma'am?

14 THE PROSPECTIVE JUROR: I am employed for Optum
15 Medical.

16 THE COURT: What do you do?

17 THE PROSPECTIVE JUROR: I am a licensed vocational
18 nurse.

19 THE COURT: Are you married?

20 THE PROSPECTIVE JUROR: No, I am not.

21 THE COURT: Have you ever served on a jury?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: What generally is your educational
24 background?

25 THE PROSPECTIVE JUROR: Trade.

1 THE COURT: Have you ever been arrested or
2 convicted of a crime?

3 THE PROSPECTIVE JUROR: No, your Honor.

4 THE COURT: Same question for family members.

5 THE PROSPECTIVE JUROR: Yes. I have a couple of
6 family members.

7 THE COURT: Can you mention the crimes, if you
8 wish?

9 THE PROSPECTIVE JUROR: Possession.

10 THE COURT: I see. Do you know of any reason that
11 would prevent you from being fair and impartial to both
12 sides?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Are you sure?

15 THE PROSPECTIVE JUROR: Well, I did have an
16 experience with my ex-husband in the past for tax evasion
17 and fraud.

18 THE COURT: So are you saying that your ex-husband
19 was charged with tax evasion?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: And was it a criminal case?

22 THE PROSPECTIVE JUROR: I believe so.

23 THE COURT: And was he your husband at the time or
24 had you been divorced then?

25 THE PROSPECTIVE JUROR: No.

1 THE COURT: You had been divorced then?

2 THE PROSPECTIVE JUROR: Divorced after.

3 THE COURT: You were still married then.

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: And then is there anything about that
6 experience which would prevent from you being fair and
7 impartial to both sides?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Can you tell us briefly what it might
10 be?

11 THE PROSPECTIVE JUROR: I just didn't agree with
12 the --

13 THE COURT: You didn't agree with the prosecution?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: I see. And are you telling me that on
16 that basis you couldn't be fair to both the government
17 and the defense?

18 You can answer any way you want. I am not
19 here to tell you how to answer.

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: You couldn't be. All right. You are
22 excused.

23 THE CLERK: Grace Perez, P-E-R-E-Z, please
24 approach.

25 THE COURT: What is your occupation?

1 THE PROSPECTIVE JUROR: I am an administrative
2 assistant for a business manager at a community college.

3 THE COURT: And are you married?

4 THE PROSPECTIVE JUROR: No, I am not.

5 THE COURT: Have you ever served on a jury?

6 THE PROSPECTIVE JUROR: I have not.

7 THE COURT: What generally is your educational
8 background?

9 THE PROSPECTIVE JUROR: I have a bachelor's and
10 some grad school.

11 THE COURT: Have you ever been arrested or
12 convicted of a crime?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Same question for a family member.

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Do you know of any reason that would
17 prevent you from being fair and impartial to both sides?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Thank you, ma'am. Next challenge is
20 with the defendant.

21 MR. RAM: Your Honor, the defense would like to
22 thank and excuse juror No. 8.

23 THE COURT: Mr. Kim.

24 THE CLERK: Gloria Hernandez, H-E-R-N-A-N-D-E-Z,
25 please step forward.

1 THE PROSPECTIVE JUROR: Gloria Hernandez.

2 THE COURT: Yes, ma'am. What is your occupation?

3 THE PROSPECTIVE JUROR: Unemployed.

4 THE COURT: And what do you do when you do work?

5 THE PROSPECTIVE JUROR: What do I do?

6 THE COURT: Yes. What type of work do you do?

7 You said you are unemployed now.

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: What type of work do you do when you
10 are employed?

11 THE PROSPECTIVE JUROR: I work at a fast food
12 restaurant.

13 THE COURT: I see. And are you married?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Have you ever served on a jury?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: What generally is your educational
18 background?

19 THE PROSPECTIVE JUROR: A bachelor's.

20 THE COURT: And what field of study?

21 THE PROSPECTIVE JUROR: English.

22 THE COURT: Have you ever been arrested or
23 convicted of a crime?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Same question for a family member.

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Do you know of any reason that would
3 prevent you from being fair and impartial to both sides?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Thank you, ma'am. Next challenge is
6 with the -- is that the government now?

7 THE CLERK: Yes, your Honor.

8 THE COURT: Government.

9 MR. PAETTY: Your Honor, the government would
10 thank and excuse Juror No. 5, Mr. Juarez.

11 THE CLERK: Julissa, and I will spell the last
12 name, E-S-P-E-J-O-D-E-L-G-A-D-O.

13 THE PROSPECTIVE JUROR: Julissa Espejodelgado.

14 THE COURT: What is your occupation?

15 THE PROSPECTIVE JUROR: I am a student and a
16 cashier.

17 THE COURT: And where are you a student?

18 THE PROSPECTIVE JUROR: At CSUN.

19 THE COURT: Where?

20 THE PROSPECTIVE JUROR: Cal State Northridge.

21 THE COURT: And what are you studying?

22 THE PROSPECTIVE JUROR: Psychology.

23 THE COURT: Are you married?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Have you ever served on a jury?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Have you ever been arrested or
3 convicted of a crime?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Same question for a family member.

6 THE PROSPECTIVE JUROR: Yeah, a couple.

7 THE COURT: Can you tell us generally what type of
8 crime?

9 THE PROSPECTIVE JUROR: Possession, DUI and
10 invasion.

11 THE COURT: I see.

12 THE PROSPECTIVE JUROR: And fraud.

13 THE COURT: What was the last one?

14 THE PROSPECTIVE JUROR: Fraud.

15 THE COURT: Do you know what kind of fraud?

16 THE PROSPECTIVE JUROR: Credit card fraud.

17 THE COURT: And which family member was involved
18 in that?

19 THE PROSPECTIVE JUROR: An aunt and an uncle.

20 THE COURT: I see. And would the fact that they
21 were involved in that kind of fraud prevent from you
22 being fair and impartial to both sides in this case?

23 THE DEFENDANT: It is still an open investigation.

24 THE COURT: I am having trouble hearing you. I'm
25 sorry.

1 THE PROSPECTIVE JUROR: It is still an open
2 investigation.

3 THE COURT: I see. But I mean the question really
4 is since some matters like that may arise here, would you
5 be able to address the facts in this case based upon the
6 evidence as you see it or do you think you would be
7 influenced by this investigation of your aunt and uncle?

8 THE PROSPECTIVE JUROR: I would probably be
9 influenced a little bit.

10 THE COURT: And in which way would you be
11 influenced?

12 THE PROSPECTIVE JUROR: What do you mean?

13 THE COURT: I mean, would it influence you to
14 favor one side or the other?

15 THE PROSPECTIVE JUROR: I don't know. Probably
16 yes.

17 THE COURT: Well, let me ask it a different way.
18 In order to be a juror in this case, you have to
19 represent to the Court that you firmly believe that you
20 can be fair and impartial and evaluating the evidence and
21 that you will follow the law as I give it to you.

22 Could you do that?

23 THE PROSPECTIVE JUROR: I think I would personally
24 be affected. Yes.

25 THE COURT: I am not hearing you, ma'am, I'm

1 sorry.

2 THE PROSPECTIVE JUROR: I think I would personally
3 put my personal life on this type of case.

4 THE COURT: I am -- can everybody else hear her?
5 I can't hear her. Can anyone tell me what she said?

6 MR. PAETTY: Your Honor, I believe the witness
7 said at that her personal life would affect her
8 evaluation of the facts in this case.

9 THE COURT: Is there a motion?

10 MR. LITTRELL: Your Honor, before motions I would
11 just ask that the Court address the same question to this
12 juror as others, which is can you be fair and impartial.

13 THE COURT: Can you be fair and impartial in this
14 case?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: You are excused. Thank you.

17 THE CLERK: Brandon Dancel, D-A-N-C-E-L.

18 THE PROSPECTIVE JUROR: Your Honor.

19 THE COURT: Yes, sir. What is your occupation?

20 THE PROSPECTIVE JUROR: Full-time student at CSUN.

21 THE COURT: And what are you studying?

22 THE PROSPECTIVE JUROR: English.

23 THE COURT: Are you married?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Have you ever been on a jury?

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Was it in this federal court or was it
3 the state court?

4 THE PROSPECTIVE JUROR: State court.

5 THE COURT: Was it a civil or criminal case or
6 both?

7 THE PROSPECTIVE JUROR: Civil.

8 THE COURT: And in that case, did the jury reach a
9 verdict.

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Have you ever been arrested or
12 convicted of a crime?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Same question for a family member.

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Do you know of any reason why you
17 couldn't be fair and impartial to both sides?

18 THE PROSPECTIVE JUROR: Yes. Personally for me,
19 when it comes to contractual obligations, you break a
20 contract, I feel there should be repercussions and
21 consequences.

22 THE COURT: I mean, that is partially answering
23 the question. The issue really isn't that as you put it
24 on that broad a basis. I mean, the question really is
25 given the evidence in this case, has the government

1 proven the charges.

2 And if you are a juror you have to listen to
3 both sides and evaluate the evidence under the law as I
4 give it to you.

5 Can you do that?

6 THE PROSPECTIVE JUROR: Personally, I cannot
7 because I heard about this when you guys were going over
8 the case. I already had like a predetermined judgment
9 already in mind.

10 THE COURT: That means you are telling me you
11 can't be fair and impartial, is that it?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Is there a motion?

14 MR. LITTRELL: Yes, your Honor.

15 THE COURT: All right. The motion is granted.
16 Thank you.

17 THE CLERK: Rebecca McGilley, M-C-G-I-L-L-E-Y.

18 THE PROSPECTIVE JUROR: Good afternoon, your
19 Honor. McGilley.

20 THE COURT: And what is your occupation, ma'am?

21 THE PROSPECTIVE JUROR: I am a director for a
22 government engagement.

23 THE COURT: Can you be more specific?

24 THE PROSPECTIVE JUROR: ICANN. It is an Internet
25 company for assigned names and numbers.

1 THE COURT: I see. And what is your position
2 there?

3 THE PROSPECTIVE JUROR: Director for government
4 engagement.

5 THE COURT: I see. Are you married?

6 THE PROSPECTIVE JUROR: I am.

7 THE COURT: What is your spouse's occupation?

8 THE PROSPECTIVE JUROR: Security manager at
9 Netflix.

10 THE COURT: Do you have children?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Are any of your children employed?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Have you ever served on a jury?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: What generally is your educational
17 background?

18 THE PROSPECTIVE JUROR: Master's.

19 THE COURT: Have you ever been arrested or
20 convicted of a crime?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: Same for family members.

23 THE PROSPECTIVE JUROR: I had an uncle and I think
24 it was assault.

25 THE COURT: Do you know of any reason that would

1 prevent from you being fair and impartial to both sides?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Thank you, ma'am.

4 THE CLERK: Please take jury seat No. 5 on the
5 left.

6 THE COURT: Next challenge is with the government.

7 THE CLERK: I have the defendant. Oh, yes. You
8 are right.

9 (Defense counsel confer.)

10 MR. RAM: Your Honor, while we are here may we
11 have a brief sidebar?

12 MR. LITTRELL: Just ask him now.

13 MR. RAM: On Juror No. 12, just a follow-up based
14 on her family's employment.

15 Juror No. 12 indicated that a family member
16 was a loan analyst and another family member worked at a
17 bank. Just a follow-up inquiry whether that may affect
18 her ability to be impartial in this case given the
19 expected testimony.

20 THE COURT: Juror No. 12 was Takata; correct?

21 Let me just ask you a few more questions. You
22 mentioned in some of your answers that I think two of
23 your family members had something to do with banks, one
24 was -- tell me what they were again.

25 THE PROSPECTIVE JUROR: My husband is the

1 assistant corporate controller for City National Bank.

2 And my sister-in-law is a loan analyst for City National
3 Bank in the Beverly Hills office.

4 THE COURT: As you heard before, some of the
5 evidence in this case involves the allegation that banks
6 were affected by some of the alleged charges. Would that
7 prevent you from being fair and impartial to both sides?

8 THE PROSPECTIVE JUROR: Well, to be honest, I
9 mean, what -- my husband had to go through a lot of those
10 meetings to discuss like how they were going to do the
11 accounting part for the loan program. We had discussions
12 about how difficult it would be to prevent fraud because
13 it was rolling out so quickly.

14 So to be perfectly honest, I do -- I have
15 concerns about it.

16 THE COURT: I see. So maybe I was remiss by not
17 asking you more questions earlier, but now that I have, I
18 will ask you the same question I asked you before.

19 In light of what you just said, can you be
20 fair and impartial to both sides?

21 THE PROSPECTIVE JUROR: I would try, but I would
22 be more inclined to favor the prosecution.

23 THE COURT: I see. Is there a motion?

24 MR. LITTRELL: Yes, your Honor.

25 THE COURT: The motion is granted.

1 Thank you, ma'am. You are excused.

2 THE CLERK: Anthea Orlando. Please step forward.

3 THE PROSPECTIVE JUROR: Anthea Orlando.

4 THE COURT: Good afternoon. What is your
5 occupation?

6 THE PROSPECTIVE JUROR: Licensed marriage
7 therapist.

8 THE COURT: And are you self-employed.

9 THE PROSPECTIVE JUROR: Yes. And then I was
10 working for Better Health, but I quit recently.

11 THE COURT: I see. Are you married?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: What is your spouse's occupation?

14 THE PROSPECTIVE JUROR: He is semiretired, but he
15 is a landlord for a couple of units, apartment units.

16 THE COURT: I see. Do you have children?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: Have you ever been on a jury?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: What generally is your educational
21 background?

22 THE PROSPECTIVE JUROR: I have a master's in
23 clinical psychology.

24 THE COURT: And have you ever been arrested or
25 convicted of a crime?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Same with a family member.

3 THE PROSPECTIVE JUROR: My husband, he has had a
4 couple of DUI's from like over 15 years ago.

5 THE COURT: I see. Can you be fair and impartial?
6 Do you know of any reason that would prevent from you
7 being fair and impartial to both sides?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: Thank you, ma'am.

10 THE PROSPECTIVE JUROR: Thank you.

11 THE COURT: Next challenge is defendant.

12 MR. LITTRELL: May I have a moment, your Honor.

13 (Defense counsel confer.)

14 MR. RAM: Your Honor, the defense accepts the
15 panel as currently constituted.

16 THE COURT: Okay. Actually you have two
17 challenges in a row. You can exercise the second one.
18 The way I am understanding it is this would have been
19 your -- you accepted the jury panel on the fourth
20 challenge, and now we are going to the fifth challenge.

21 MR. LITTRELL: That's correct, your Honor. We
22 have excused three jurors.

23 THE COURT: That is correct, but what I am saying
24 now you excused three jurors and you are at your fourth
25 challenge, and --

1 MR. RAM: That's correct. We have to pass again.

2 THE COURT: You passed on that, but then in the
3 order of things you have a challenge following that, so
4 what is your position there?

5 MR. LITTRELL: We also pass on that challenge,
6 your Honor.

7 THE COURT: Okay. All right. Government.

8 MR. PAETTY: Your Honor, we would request that the
9 Court follow up on Juror No. 12 the Court just had a
10 conversation with that she said that she is a marriage
11 therapist and a marriage counselor, and there are married
12 couples in this case who are charged as defendants.

13 THE COURT: All right. Ms. Orlando.

14 THE PROSPECTIVE JUROR: Okay.

15 THE COURT: You indicated that you are a marriage
16 counselor.

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: In this case, there may be evidence
19 that there is a marriage relationship between some of the
20 defendants. And I don't know how to ask the question
21 without going to a place where I shouldn't you, but just
22 generally, would those relationships -- in other words,
23 marriage relationships in a case where let's say both
24 husband and wife are charged with the same crime, is that
25 something that would prevent from you being fair and

1 impartial to both sides?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: All right. Thank you.

4 THE PROSPECTIVE JUROR: Thank you.

5 THE COURT: Okay. So the government passed on
6 what would be four and five. And now we are at the
7 government.

8 MR. PAETTY: Your Honor?

9 THE COURT: Yes.

10 MR. PAETTY: Your Honor, just request one
11 additional followup on that note is to say she is
12 basically an expert in marital relationships and we would
13 just query or ask the Court to follow up and see if that
14 expertise would then essentially inform her view of the
15 facts.

16 The concern would be that that would then
17 become a guiding force in the deliberations.

18 THE COURT: Well, I think she has answered the
19 question. How much more can I probe? I asked her the
20 question, and I am satisfied that is the best I can do at
21 this point. I am going to let it be.

22 MR. PAETTY: May I have one moment, your Honor?

23 THE COURT: Yes.

24 MR. PAETTY: Your Honor, the government would
25 request the Court to thank and excuse Juror No. 12.

1 THE COURT: Ms. Orlando. Thank you, Ms. Orlando.

2 MR. FRASER: Your Honor, I would ask the Court to
3 inquire under Batson.

4 THE COURT: Regarding whom? With this witness?

5 MR. FRASER: I think we need Juror No. 12 not to
6 leave just yet.

7 THE COURT: Don't leave yet. If we are going do
8 that, approach at sidebar.

9 (The following proceedings were held at sidebar
10 outside the presence of the prospective jury:)

11 MR. FRASER: Your Honor, as to the prima facie --
12 the government has now exercised.

13 THE COURT: I can't see that far. What is her
14 race?

15 MR. FRASER: Hispanic.

16 THE COURT: Orlando Hispanic?

17 MR. FRASER: The government has now exercised four
18 peremptory challenges, all of them against people with
19 apparent Hispanic ancestry.

20 THE COURT: So how does that -- I mean, I am
21 understanding the Batson challenge, but why do you think
22 we are doing that?

23 MR. FRASER: Well, that is a prima facie showing,
24 and the burden shifts to the government.

25 THE COURT: I know that. But why do you think

1 they are doing that? I mean Batson applies to more than
2 just black people.

3 MR. FRASER: Yes, your Honor. I don't mean to
4 cast aspersions on the government, but the choices that
5 they have made reflect the use of ethnic background as a
6 motivating factor in their peremptories.

7 THE COURT: But the defendants are Armenian. Why
8 do you think people of Spanish dissent would be the
9 motivation? I mean, it helps me to understand the
10 motivation. I mean, it is not necessary but it just
11 helps. What is the driving force?

12 MR. LITTRELL: They may well believe that Hispanic
13 jurors will be more favorable to them, more sympathetic,
14 but I think the point is the government has the burden of
15 explaining it.

16 MR. RAM: Your Honor, that is not the case here,
17 your Honor. Race is not a factor here. The last juror
18 that was concerned about her expertise was a marriage
19 therapist. That has nothing do with race in a case where
20 married couples have been accused of crimes.

21 THE COURT: Look, I can't make an assessment of
22 the overall choices. Let me just address this immediate
23 choice. I find that the government has satisfied the
24 good faith explanation.

25 There are family, marriage relationships here

1 and this person is a therapist. She may have some
2 insight as to whether one spouse or the other was
3 dominated or unduly influenced to be guided by the other.
4 So I think it is certainly a reasonable explanation.

5 MR. PAETTY: Your Honor, just for the record too,
6 I would like to state a couple of other cases which
7 are -- we have a couple who have, Ms. Ambrose and
8 Ms. Reyes, I believe had some family members who had been
9 incarcerated. There are also and Mr. Juarez I believe
10 has had a DUI and another family member that had a DUI,
11 there is concern of a substance abuse there.

12 THE COURT: Okay.

13 (The following proceedings were held in the
14 presence of the prospective jurors:)

15 THE CLERK: Defendant's 6, your Honor.

16 MR. JOHNSON: Your Honor, this is Peter Johnson.
17 I think that the Court should be clear as to whether
18 Ms. Orlando is excused or not.

19 THE COURT: She is here. Ms. Orlando, would you
20 take your seat again so you are in the right spot?

21 Thank you.

22 MR. PAETTY: Your Honor, there may be some
23 confusion. I believe the government thanked and excused
24 Ms. Ambrose.

25 I'm sorry, Ms. Orlando. Excuse me, your

1 Honor.

2 THE COURT: Wait a minute now. Oh, you did. I'm
3 sorry. Why did you say that? Who made that last
4 statement?

5 MR. JOHNSON: I made that.

6 THE COURT: Why did you do that?

7 MR. JOHNSON: Because she stayed in the room, your
8 Honor.

9 THE COURT: Come on. Do not do that.
10 Ms. Orlando, you are excused.

11 THE PROSPECTIVE JUROR: All right. Thank you so
12 much.

13 MR. JOHNSON: I certainly wasn't intending --

14 THE COURT: Well, it caused unnecessary confusion.

15 MR. JOHNSON: I apologize.

16 THE CLERK: Isaac Diolosa, D-I-O-L-O-S-A, please
17 step forward.

18 THE PROSPECTIVE JUROR: Good afternoon, your
19 Honor.

20 THE COURT: Yes. What is your occupation, sir?

21 THE PROSPECTIVE JUROR: I am a registered nurse.

22 THE COURT: And where are you employed?

23 THE PROSPECTIVE JUROR: Kaiser Permanente.

24 THE COURT: Are you married?

25 THE PROSPECTIVE JUROR: Yes.

1 THE COURT: What is your spouse's occupation?

2 THE PROSPECTIVE JUROR: She is a nurse too.

3 THE COURT: Do you have children?

4 THE PROSPECTIVE JUROR: Yes. I have three
5 daughters.

6 THE COURT: Are they living at home with you and
7 your wife?

8 THE PROSPECTIVE JUROR: Two are live out and one
9 is living with me.

10 THE COURT: And are any of your children employed?

11 THE PROSPECTIVE JUROR: Yeah, my second daughter
12 is a nurse too.

13 THE COURT: I see.

14 THE PROSPECTIVE JUROR: And the other one is in
15 San Francisco.

16 THE COURT: What does that person do? Are they
17 employed?

18 THE PROSPECTIVE JUROR: In San Francisco. Yes.

19 THE COURT: What kind of work?

20 THE PROSPECTIVE JUROR: She is a -- she works in,
21 what do you call it. Beauty parlor.

22 THE COURT: I see. And have you ever served on a
23 jury?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: What is your educational background?

1 THE PROSPECTIVE JUROR: Bachelor's in nursing.

2 THE COURT: From what school?

3 THE PROSPECTIVE JUROR: In the Philippines.

4 THE COURT: I see. And what hospital are you at?

5 THE PROSPECTIVE JUROR: Right now I am working at
6 Kaiser Permanente.

7 THE COURT: I see. And when you are performing
8 your nursing functions, do you speak in English or in the
9 Filipino language.

10 THE PROSPECTIVE JUROR: English.

11 THE COURT: I see.

12 THE PROSPECTIVE JUROR: I work in the operating
13 room.

14 THE COURT: I see. And you said you have never
15 been on a jury?

16 THE PROSPECTIVE JUROR: No, not yet.

17 THE COURT: Have you ever been arrested or
18 convicted of a crime?

19 THE PROSPECTIVE JUROR: I was convicted with a
20 misdemeanor, domestic violence long time ago.

21 THE COURT: I see. And has anyone in your family
22 been arrested or convicted?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Do you know of any reason that would
25 prevent from you from being fair and impartial to both

1 sides?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Thank you, sir.

4 MR. RAM: Your Honor, I have a disclosure to make.

5 THE COURT: Can you make it publically?

6 MR. RAM: I am okay making it publicly.

7 Mr. Diolosa works at Kaiser Hospital in Pasadena. I
8 believe my wife occasionally works with him. He has
9 treated my eight-month-old daughter for her shots. We go
10 to that hospital.

11 THE COURT: He is here. Are you saying that --
12 does he know you?

13 MR. RAM: I don't know if he recognizes -- I been
14 with a mask.

15 THE COURT: Well, then you shouldn't have said
16 that here. It turns out that one of the lawyers has said
17 that he may have had some contact with your wife very
18 casually in her nursing functions.

19 Would that affect your ability to be fair and
20 impartial in this case?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: All right. Thank you.

23 THE CLERK: Please take jury seat No. 12.

24 THE COURT: Okay. The next challenge is with the
25 defendant.

1 MR. LITTRELL: May which have a moment, your
2 Honor?

3 THE COURT: Yes.

4 (Defense counsel confer.)

5 MR. LITTRELL: Your Honor, we accept this panel as
6 currently constituted.

7 THE COURT: Government.

8 THE CLERK: Your Honor, defendant has two
9 challenges, 6 and 7.

10 THE COURT: Did you accept the jury on 6 and 7?

11 MR. LITTRELL: Yes, your Honor.

12 MR. PAETTY: Your Honor, if we may request just a
13 brief follow-up. I think Mr. Ram mentioned a
14 relationship. I think the Court followed up on that.

15 The only other follow-up is to ask whether
16 Mr. Diolosa knows Mr. Ram, just to clarify that point.

17 THE COURT: Mr. Diolosa, have you ever met --
18 stand up, Mr. Ram. Have you ever met this man before?

19 THE PROSPECTIVE JUROR: I don't remember.

20 THE COURT: Okay. Thank you.

21 It is the government's next challenge.

22 MR. PAETTY: Your Honor, the government accepts
23 the panel as constituted but would request that the Court
24 advise Mr. Diolosa not to discuss with his wife Mr. Ram
25 or the case.

1 THE COURT: Mr. Diolosa, did you hear that? In
2 other words, if you are selected as a juror in this case,
3 you are instructed not to discuss this case with your
4 wife.

5 THE PROSPECTIVE JUROR: Yes, your Honor.

6 THE COURT: Can you follow that instruction?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Thank you.

9 Wait a minute now. Both sides have passed.

10 MR. LITTRELL: On the 12 pack. Yes, your Honor.
11 We still need to do alternates.

12 THE COURT: So we have a jury.

13 MR. LITTRELL: That's correct. We don't have
14 alternates.

15 THE COURT: Yes. All right. Then, let's -- I
16 think I misspoke earlier. Each side has two
17 alternates -- two challenges to the four alternates.

18 So now we will call -- I think we have to get
19 some more jurors; right?

20 THE CLERK: The new panel is outside the door, but
21 we have two jurors from the previous panel.

22 THE COURT: All right. Let's exhaust them.

23 THE CLERK: Christen Huereque, please take --
24 please approach the lecturn. H-U-E-R-E-Q-U-E. You would
25 be alternate No. 1.

1 THE COURT: What is your occupation, sir?

2 THE PROSPECTIVE JUROR: Unemployed.

3 THE COURT: And what type of work do you do when
4 you are employed?

5 THE PROSPECTIVE JUROR: I am retired.

6 THE COURT: I see. And what type of work did you
7 do when before you retired?

8 THE PROSPECTIVE JUROR: Retired from the Navy.

9 THE COURT: I see. And were you a career Navy
10 person?

11 THE PROSPECTIVE JUROR: Explain career.

12 THE COURT: I mean, were you in the Navy for 20
13 years?

14 THE PROSPECTIVE JUROR: Yes. Twenty-and-a-half
15 years.

16 THE COURT: I see. And what was your position
17 with the Navy?

18 THE PROSPECTIVE JUROR: You mean my job?

19 THE COURT: Yes. Your job.

20 THE PROSPECTIVE JUROR: I was considered a
21 civilian firefighter in the Navy.

22 THE COURT: I see. But you were employed by the
23 Navy as a civilian?

24 THE PROSPECTIVE JUROR: I apologize, Judge. It is
25 equivalent to civilian fire fighter. So what I did in

1 the Navy is equivalent to a civilian firefighter. I
2 apologize.

3 THE COURT: I see. Thank you. And are you
4 married?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: And what is your spouse's occupation?

7 THE PROSPECTIVE JUROR: She is unemployed.

8 THE COURT: And does she do any particular type of
9 work when she is employed?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: Do you have children?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Are any of your children employed?

14 THE PROSPECTIVE JUROR: Negative.

15 THE COURT: Have you ever served on a jury?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Okay. And what generally is your
18 educational background.

19 THE PROSPECTIVE JUROR: High school.

20 THE COURT: Have you ever been arrested or
21 convicted of a crime?

22 THE PROSPECTIVE JUROR: Negative.

23 THE COURT: And same question for a family member.

24 THE PROSPECTIVE JUROR: I am unaware of my wife.
25 I know she has had some court issues.

1 THE COURT: Present?

2 THE PROSPECTIVE JUROR: Present, no. Past, yes.

3 THE COURT: How much past.

4 THE PROSPECTIVE JUROR: I would probably say about
5 ten years ago.

6 THE COURT: And do you know what those court
7 matters involved? Were they criminal or civil matters?

8 THE PROSPECTIVE JUROR: Criminal.

9 THE COURT: What type of criminal matter was
10 involved?

11 THE PROSPECTIVE JUROR: To be honest with you,
12 Judge, I have never really personally asked her because I
13 felt that that was not something for me to get into with
14 her. If she wanted to share it with me, I am sure she
15 would inform me.

16 THE COURT: And to your knowledge, was she ever
17 convicted of that crime.

18 THE PROSPECTIVE JUROR: Yes, she was. She had to
19 do community service.

20 THE COURT: I see. Was she convicted of the crime
21 in state court or federal court?

22 THE PROSPECTIVE JUROR: State.

23 THE COURT: Do you know of any reason that -- do
24 you know of any reason that would prevent from you being
25 fair and impartial to both sides?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: As I said with the others, you give me
3 a firm answer.

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: You are not giving a firm answer?

6 THE PROSPECTIVE JUROR: I mean are you firmly
7 convinced that you can be fair and impartial to both
8 sides?

9 THE PROSPECTIVE JUROR: I be can be fair and
10 impartial to both sides.

11 THE COURT: Thank you.

12 THE CLERK: Mr. Huereque, please take alternate
13 seat No. 1 in the last row.

14 Caroline Kish, K-I-S-H, please step forward.

15 THE PROSPECTIVE JUROR: Good afternoon, your
16 Honor.

17 THE COURT: And Ms. Kish, what is your occupation?

18 THE PROSPECTIVE JUROR: I am a chef.

19 THE COURT: Actually I don't mean to make any
20 levity of the seriousness of the situation, but if your
21 name was slightly changed, it would be more appropriate.
22 Ms. Quiche instead ever Ms. Kish.

23 Did you ever think of changing your name?

24 THE PROSPECTIVE JUROR: No, but I have been called
25 that quite a bit.

1 THE COURT: In any event, are you married?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Have you ever served on a jury?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: What is your educational background?

6 THE PROSPECTIVE JUROR: I have a BFA.

7 THE COURT: And where are you a chef?

8 THE PROSPECTIVE JUROR: At Amara Kitchen.

9 THE COURT: Is that a restaurant?

10 THE PROSPECTIVE JUROR: It is. It is a small
11 cafe.

12 THE COURT: What is your educational background?

13 Oh, you said BFA.

14 THE PROSPECTIVE JUROR: I have a BFA. I also have
15 an associate's in culinary education.

16 THE COURT: I see. Have you ever been arrested or
17 convicted of a crime?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Same question for family member.

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Do you know of any reason that would
22 prevent from you being fair and impartial to both sides?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Thank you, ma'am.

25 Okay. Bring in the other jurors. We need

1 some more jurors.

2 I am going to call all four alternates before
3 we exercise challenges. Is that adequate for the
4 parties?

5 MR. LITTRELL: Yes, your Honor.

6 MR. PAETTY: Yes, your Honor.

7 THE CLERK: Po Tseng, T-S-E-N-G, please approach
8 the microphone.

9 And Stephanie Guerrero.

10 THE COURT: So I will first begin with Ms. Tseng.

11 What is your occupation?

12 THE PROSPECTIVE JUROR: Office assistant.

13 THE COURT: And where are you employed?

14 THE PROSPECTIVE JUROR: I'm sorry?

15 THE COURT: Where are you employed? Who is your
16 employer? Who do you work for.

17 THE PROSPECTIVE JUROR: I am working for marketing
18 company. The name is Esma Natural Inc. (phon.).

19 THE COURT: What type of work do they do?

20 THE PROSPECTIVE JUROR: I just help my manager to
21 do something simple in the office.

22 THE COURT: When you are at work, what language do
23 you use?

24 THE PROSPECTIVE JUROR: I'm sorry?

25 THE COURT: When you are at work, what language do

1 you speak? Is it English or some other language?

2 THE PROSPECTIVE JUROR: On the company?

3 THE COURT: Yes, where you are working.

4 THE PROSPECTIVE JUROR: Mandarin and Spanish.

5 THE COURT: You speak Spanish and Mandarin?

6 THE PROSPECTIVE JUROR: Yes. A little Spanish.

7 THE COURT: So are you understanding my question.

8 I am asking when you are working for this company.

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Am I correctly understanding that the
11 language you speak at work is Mandarin and Spanish?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Is that correct?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: And are you married?

16 THE PROSPECTIVE JUROR: No. Single.

17 THE COURT: When you converse with your friends,
18 what language do you speak in.

19 THE PROSPECTIVE JUROR: Major is Mandarin and
20 Spanish.

21 THE COURT: I see. And what is your educational
22 background?

23 THE PROSPECTIVE JUROR: I am educated in
24 University in Argentina.

25 THE COURT: Where?

1 THE PROSPECTIVE JUROR: Argentina.

2 THE COURT: Argentina, is that your native
3 country?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: And what did you study there?

6 THE PROSPECTIVE JUROR: Analysis of -- system
7 analysis.

8 THE COURT: I see.

9 THE PROSPECTIVE JUROR: Computer.

10 THE COURT: I have some concerns about your
11 language ability. This is not to be critical of you.
12 You have certainly more of a linguist than I am knowing
13 all these languages. It is just that we have to be
14 certain that you are hearing and understanding all of the
15 testimony, all that is being said.

16 And equally important that if you are chosen
17 as a juror, when you deliberate you can communicate.
18 That is, speak to the other jurors in the process.

19 Are you confident you can do that?

20 THE PROSPECTIVE JUROR: I'm sorry. What?

21 THE COURT: I am thinking this juror in her
22 responses to me just is not following any of the
23 questions. And her answers lead me to think that she is
24 just willing but not able to be a juror. I am going to
25 excuse her.

1 Ma'am, thank you for your willingness to serve
2 as a juror. I am going to excuse you. You can leave.

3 Thank you.

4 (Court and clerk confer.)

5 THE COURT: So alternate 4. I just excused
6 alternate 3.

7 THE CLERK: Yes. Ms. Tseng was excused and now
8 this is -- Ms. Guerrero is No. 4.

9 THE COURT: Okay. All right.

10 THE COURT: Ms. Guerrero, this is so hard to
11 navigate. I didn't see you I'm sorry. So much
12 plexiglass around here sometimes I can't see beyond it.

13 What is your occupation?

14 THE PROSPECTIVE JUROR: I work as a bilingual Head
15 Start family service worker.

16 THE COURT: And what type of work do they do?

17 THE PROSPECTIVE JUROR: It is for the preschool
18 program -- for the preschool program for the Norwalk La
19 Mirada School District.

20 THE COURT: Say that again.

21 THE PROSPECTIVE JUROR: For the district of La
22 Mirada.

23 THE COURT: I see, and what do you do there?

24 THE PROSPECTIVE JUROR: We enroll children into
25 the preschool program so we let families know if they

1 qualify or not.

2 THE COURT: I see. Are you married?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Have you ever served on a jury?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: What is your educational background?

7 THE PROSPECTIVE JUROR: I have my bachelor' in
8 arts and psychology.

9 THE COURT: And have you ever been arrested or
10 convicted of a crime?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Any family member?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: All right. Thank you, ma'am. You can
15 be seated.

16 THE CLERK: Please take alternate seat No. 4.

17 THE COURT: I know, but shouldn't -- I mean, we
18 are trying to fill the seat of alternate No. 3, aren't
19 we?

20 THE CLERK: I thought you said to call both at the
21 same time.

22 THE COURT: No.

23 (Court and clerk confer.)

24 THE COURT: Okay. Let's go to No. 4.

25 MR. PAETTY: Your Honor, if I may. I don't

1 believe the Court asked Ms. Guerrero if she could be fair
2 and impartial. I am not sure if I missed that.

3 THE COURT: Ms. Guerrero, can you be fair and
4 impartial to both sides in this case?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Thank you.

7 THE CLERK: Joya Frank Randall, please step
8 forward.

9 THE COURT: Good afternoon. What is your
10 occupation?

11 THE PROSPECTIVE JUROR: I am a retired probation
12 officer, supervisor, and I work now as a EEO mediator for
13 the US Postal Service.

14 THE COURT: I see. Were you a probation officer
15 in the federal court?

16 THE PROSPECTIVE JUROR: No. Los Angeles County.

17 THE COURT: I see. And was that your career?

18 THE PROSPECTIVE JUROR: Yes. And I was medically
19 retired from there.

20 THE COURT: I see. And as a probation officer,
21 you came across many people who committed various crimes;
22 correct?

23 THE PROSPECTIVE JUROR: Correct.

24 THE COURT: And did some of the crimes that you
25 served as a probation officer involve fraud allegations?

1 THE PROSPECTIVE JUROR: Probably somewhere along
2 the line. I had so many different probation cases.

3 THE COURT: I see. I will get back to that. You
4 said you weren't married?

5 THE PROSPECTIVE JUROR: No. I am married.

6 THE COURT: You are. What is your husband's
7 occupation?

8 THE PROSPECTIVE JUROR: He is a computer engineer.

9 THE COURT: And do you have children?

10 THE PROSPECTIVE JUROR: No. Just a stepdaughter I
11 shouldn't say just.

12 THE COURT: Is your stepdaughter employed?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: What is her job?

15 THE PROSPECTIVE JUROR: She is a designer from --
16 she does design, home design.

17 THE COURT: I see. And did I ask, have you ever
18 served on a jury?

19 THE PROSPECTIVE JUROR: No, I haven't.

20 THE COURT: And your educational background.

21 THE PROSPECTIVE JUROR: I have a doctorate in
22 psychology, a master's in psychology and a master's in
23 leadership -- no, excuse me, human behavior.

24 THE COURT: Have you ever been arrested or
25 convicted of a crime?

1 THE PROSPECTIVE JUROR: Never.

2 THE COURT: Family member.

3 THE PROSPECTIVE JUROR: Not that I -- oh, yes. A
4 brother.

5 THE COURT: I see. And can you tell us what
6 crime, if it is easy for you to say?

7 THE PROSPECTIVE JUROR: To be honest. I don't
8 know exactly what the crime was.

9 THE COURT: Was it recent or in the past?

10 THE PROSPECTIVE JUROR: It has been in the past.

11 THE COURT: And having served as a probation
12 officer, you have some familiarity with the criminal
13 justice system. Would that experience prevent you from
14 being fair and impartial to both sides?

15 THE PROSPECTIVE JUROR: I don't think so. No.

16 THE COURT: As I said --

17 THE PROSPECTIVE JUROR: Can I be impartial?

18 THE COURT: Yes.

19 THE PROSPECTIVE JUROR: Oh, yes, of course.

20 THE COURT: In other words, the point is you have
21 to give both sides a fair trial and let the chips fall
22 where they may. If the facts tend to show -- if the
23 government doesn't prove its case beyond a reasonable
24 doubt, than the verdict should be for the defendant.

25 If the evidence shows that the government has

1 proved its case beyond a reasonable doubt, then the
2 verdict should be for the government under the law as I
3 give it to you. I mean, can you do that?

4 THE PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Okay. All right. You can take juror
6 seat four.

7 MR. JOHNSON: Your Honor, this is Peter Johnson.
8 I would ask that the Court inquire further. I thought I
9 herd the juror say that she was medically retired.

10 THE COURT: Did you say you were medically
11 retired?

12 THE PROSPECTIVE JUROR: From the probation
13 department. Yes.

14 THE COURT: And I don't want to pry into personal
15 matters, but is the fact that you are medically
16 retired -- does it affect your ability to sit as a juror
17 here?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: And would it be too much of a personal
20 matter for you to tell us at the sidebar what the basis
21 of the retirement was or do you want to tell us now?

22 THE PROSPECTIVE JUROR: It was because of back
23 problems.

24 THE COURT: Back problems. I see. Okay, thank
25 you.

1 MR. JOHNSON: Your Honor, Peter Johnson again. I
2 was just wondering whether the length of the trial would
3 somehow --

4 THE COURT: Well, I mean, you may be here for two
5 weeks and sitting, is that going to be a problem for you?

6 THE PROSPECTIVE JUROR: No. Not as long as we
7 have some breaks.

8 THE COURT: Well, we have breaks. You know, not
9 every hour. In other words, you can get up and stretch
10 if you want. In other words, don't have to sit all the
11 time even when the court is ongoing. If you feel at the
12 moment you want to stretch that's fine, but we don't have
13 many breaks. We go pretty hard.

14 We start, and like I said at the outset, the
15 10-minute break in the morning and the afternoon. It
16 isn't arduous but can you do it?

17 THE PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: All right. Thank you.

19 Okay. Now, what I now remember is that with
20 regard to these alternates I don't think they were
21 hearing the questions that I asked before the jurors were
22 in the box.

23 In other words, they were certain questions
24 that the defense proposed and certain questions that the
25 government proposed.

1 So I am now going to address those questions
2 to the four alternates.

3 If you have an answer to any question that I
4 give -- now, Paul, maybe you should get the microphone.
5 I am going to ask them while they sit there whether they
6 have an answer. Or maybe they just raise their hand and
7 stand up.

8 (Court and clerk confer.)

9 THE COURT: So alternate 1 and 2 were here when I
10 asked all the questions earlier, but 3 and 4 were not.
11 So I am directing these questions to alternates 3 and 4.,
12 Guerrero and Frank.

13 As I said earlier, the defendants in this
14 case, are of Armenian descent. Is there anything about
15 that heritage or anything about that of what you have
16 heard or read which would prevent you from being fair and
17 impartial to them based upon their heritage?

18 THE PROSPECTIVE JUROR: I am Stephanie. No.

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Have you or any family member worked
21 for a bank, lender or financial institution?

22 THE PROSPECTIVE JUROR: No.

23 THE PROSPECTIVE JUROR: My husband does.

24 THE COURT: What does he do?

25 THE PROSPECTIVE JUROR: He writes code for a

1 lending agency.

2 THE COURT: For who?

3 THE PROSPECTIVE JUROR: For a lending agency,
4 PennyMac.

5 THE COURT: I see. Okay. Thank you. Would his
6 occupation prevent from you being fair and impartial to
7 both sides in this case?

8 THE PROSPECTIVE JUROR: I can be fair and
9 impartial.

10 THE COURT: Okay. Have either of you worked for
11 the Small Business Administration, SBA?

12 THE PROSPECTIVE JUROR: No.

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Have you had any experience with a
15 bank, a lender or financial institution or the SBA that
16 would affect your ability to be fair and impartial to
17 both sides?

18 THE PROSPECTIVE JUROR: No.

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Have you ever applied for a PPP or
21 EIDL loan? Those are the government loan programs under
22 the COVID pandemic.

23 THE PROSPECTIVE JUROR: No.

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Both said no?

1 THE CLERK: Both responded no, your Honor.

2 THE COURT: And have you been a victim of identity
3 theft.

4 THE PROSPECTIVE JUROR: No.

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Has a family member or close friend
7 been the victim of identify theft?

8 THE PROSPECTIVE JUROR: My mom has.

9 THE COURT: And would that experience prevent from
10 you being fair and impartial to both sides?

11 THE PROSPECTIVE JUROR: No.

12 THE PROSPECTIVE JUROR: I am not sure if anyone
13 has been the victim of that in my family.

14 THE COURT: I didn't hear that, Paul. What did
15 she say?

16 THE CLERK: The potential juror said that she was
17 unsure if any member of her family had been a victim of
18 identity theft.

19 THE COURT: I did ask, I think, whether you had
20 been arrested or convicted of a crime; correct?

21 THE CLERK: Yes, your Honor.

22 THE COURT: I see. All right. Then let's
23 exercise the challenges.

24 First, I guess it is the government.

25 MR. PAETTY: I don't believe the alternates have

1 heard the witness list.

2 THE COURT: All right. Then, read that if you
3 can.

4 MR. PAETTY: We expect the witnesses in this case
5 to be Kathleen Littwin, Mark Zindrosky, Jack Runyan,
6 Briana Fitzgerald, Victoria Hernandez, Alexander Fard,
7 Pino Modi, Mary Lee Robinson, Shelley Abril, Nicholas
8 Folando, Michael Hart, Theodora Lasant, Adrian Rosado,
9 Artur Harcopian, Andrew Jong, Greg Para, Tim Mesino,
10 Justin Masterman, Madison MacDonald, Kaitlyn Albert,
11 Spencer Kim, Jeff Clark, Amira Halum, Anthony Farr, and
12 Debbie Mitchky.

13 THE COURT: Do those names sound familiar to
14 alternate 3 or 4?

15 THE PROSPECTIVE JUROR: No.

16 THE PROSPECTIVE JUROR: No.

17 THE CLERK: Both responded no, your Honor.

18 THE COURT: All right. Then let's have the
19 government exercise its first peremptory.

20 MR. PAETTY: Your Honor, I believe the Court did
21 also not read the bias against law enforcement witnesses
22 question.

23 THE COURT: I don't think I ever asked that one to
24 begin with. I am not going to ask that.

25 Let's go. Exercise the challenge.

1 MR. PAETTY: The government is satisfied with the
2 alternates as constituted, your Honor.

3 THE COURT: What about the defense?

4 MR. JOHNSON: Your Honor, just as a point of
5 clarification in the seating. I just wanted to make sure
6 that the alternates are in the correct seat. Alternate
7 No. 3 should be --

8 THE COURT: Alternate 3 should be Guerrero.

9 MR. JOHNSON: I see. Alternate 3 should be
10 Guerrero.

11 THE COURT: Yes.

12 MR. JOHNSON: I apologize.

13 THE COURT: The reason is there was -- the juror
14 No. 3 before was Ms. Tseng, and she was excused for
15 language problem.

16 MR. RAM: Your Honor, the government would like to
17 thank and excuse alternate No. 3.

18 THE CLERK: You are not the government.

19 MR. RAM: Sorry, defense.

20 THE COURT: You are excusing who?

21 MR. RAM: Alternate No. 3. I apologize to the
22 defense.

23 MR. LITTRELL: No, no, no, 4.

24 THE COURT: Alternate No. 3, Ms. Guerrero. Okay.

25 THE CLERK: I think they are confused and they

1 want to excuse No. 4.

2 MR. RAM: I am doubly wrong, your Honor. I am
3 with the defense and I am striking alternate No. 4, which
4 is the --

5 THE COURT: Frank. Okay. Thank you.

6 THE CLERK: Ethan Rassoulpour,
7 R-A-S-S-O-U-L-P-O-U-R, please step forward.

8 THE COURT: Good afternoon, sir. What is your
9 occupation?

10 THE PROSPECTIVE JUROR: I am a teacher.

11 THE COURT: And where are you a teacher?

12 THE PROSPECTIVE JUROR: Where?

13 THE COURT: Yes.

14 THE PROSPECTIVE JUROR: Long Beach School
15 District.

16 THE COURT: And what do you teach?

17 THE PROSPECTIVE JUROR: I teach special education
18 I am an RSP teacher.

19 THE COURT: I see. Are you married?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Have you ever served on a jury?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: What is your educational background?

24 THE PROSPECTIVE JUROR: I have a bachelor's in
25 accounting and my credential in special education,

1 mild-mod, mild-severe.

2 THE COURT: Have you ever been arrested or
3 convicted of a crime?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Family member?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: And with regard to some of the other
8 questions I asked regarding the ability to deal fairly
9 and objectively with all people, I asked a question about
10 the Armenian decent of the defendants.

11 Is there anything about the fact that the
12 defendants are Armenian which would prevent you from
13 being fair and impartial?

14 THE PROSPECTIVE JUROR: No, nothing -- nothing
15 there.

16 THE COURT: Well, I mean, can you tell me that
17 with firmness?

18 THE PROSPECTIVE JUROR: Oh. Well, I am Persian.
19 And so like I have heard my father say things about
20 Armenians, but I don't have any of those kinds of
21 thoughts myself.

22 THE COURT: I see. So you hear some things from
23 your father, but my understanding is that your state of
24 mind is not like that?

25 THE PROSPECTIVE JUROR: Correct.

1 THE COURT: Have you ever worked for a bank or a
2 lending institution?

3 THE PROSPECTIVE JUROR: Yes, when I was going
4 through college I worked at a bank as a teller.

5 THE COURT: And what about the family members.
6 Have they worked for lenders or financial institutions?

7 THE PROSPECTIVE JUROR: No, no family members.

8 THE COURT: Have you ever applied for a PPP or an
9 EIDL loan from the Small Business Administration?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: Have you ever been the victim of
12 identity theft.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: And can you tell is briefly what --

15 THE PROSPECTIVE JUROR: Somebody spent money on a
16 credit card. I disputed it. It got back to me pretty
17 quick.

18 THE COURT: And would that experience prevent you
19 from you being fair and impartial to both sides?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Can you assure the parties and the
22 Court if you are chosen as an alternate you can be fair
23 and impartial to both sides?

24 THE PROSPECTIVE JUROR: Yeah, I do would my best.

25 THE COURT: And do you still you will be able to

1 accomplish that.

2 THE PROSPECTIVE JUROR: Yes. I mean, I have a
3 cousin who applied for the PPP loans and he had to
4 struggle because it was difficult for him to get it, but
5 I don't have any connection to any of these people in
6 terms of that.

7 THE COURT: So as I have said several times, I
8 can't read anyone's mind. I can just react to was said.
9 Can you tell me with firmness and assurance that if you
10 are chosen as a juror, you will listen to the evidence
11 fairly and objectively and make a decision, no matter
12 which way the chips fall?

13 THE PROSPECTIVE JUROR: Yes. I can do that
14 absolutely.

15 THE COURT: All right. Thank you.

16 So thank you. You can be seated.

17 Thank you, sir.

18 How are we doing. Who is next up here?

19 THE CLERK: I have the government.

20 THE COURT: Government. Okay.

21 MR. PAETTY: Your Honor, the government is
22 satisfied with the alternates as constituted.

23 THE COURT: All right. Defendant.

24 (Defense counsel confer.)

25 MR. LITTRELL: Your Honor, we would ask the Court

1 to please thank and excuse alternate No. 4.

2 THE COURT: Okay.

3 THE CLERK: Kira Foltz, F-O-L-T-Z. Please step
4 forward.

5 THE COURT: What is your occupation, ma'am?

6 THE PROSPECTIVE JUROR: I am an app programmer.

7 THE COURT: A programmer? And who do you work
8 for.

9 THE PROSPECTIVE JUROR: Disney.

10 THE COURT: Are you married?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Have you ever served on a jury?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Was it in the federal court or the
15 state court?

16 THE PROSPECTIVE JUROR: Superior.

17 THE COURT: I see. And was it a civil or criminal
18 case?

19 THE PROSPECTIVE JUROR: Criminal.

20 THE COURT: Did the jury reach a verdict?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: What is your educational background
23 generally?

24 THE PROSPECTIVE JUROR: I have a bachelor's in
25 film.

1 THE COURT: Have you ever been arrested or
2 convicted of a crime?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Family member?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Can you tell us?

7 THE PROSPECTIVE JUROR: My first cousin has been
8 in and out of prison my whole life basically.

9 THE COURT: I see. And would the situation with
10 your first cousin prevent you from being fair and
11 impartial in this case?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: I did ask some questions of the
14 jurors, and you were here to listen, about the question
15 involving ability to be fair to people of Armenian
16 descent and whether anyone made any PPP loans or SBA
17 loans. Did you ever make a PPP or an EIDL loan?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: And can you be fair and impartial to
20 people of Armenian descent?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Have you ever worked for a bank or a
23 lending institution?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Any family member?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Can you assure us that if you are
3 chosen as a juror you will be fair and impartial to both
4 sides?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Thank you.

7 MR. JOHNSON: Your Honor, I did notice some
8 hesitancy. I would like the Court to inquire further.

9 THE COURT: I didn't notice any hesitancy. She is
10 juror alternate No. 4.

11 MR. JOHNSON: Understood, your Honor.

12 THE COURT: All right. Thank you.

13 Now we have a jury. So, I am going to ask the
14 jury, which comprises at this point the 16 people, the 12
15 and the 4 alternates, to please rise and be sworn.

16 (The jury panel was sworn.)

17 THE CLERK: Please rise your right hands.

18 Ladies and gentlemen of the jury, do you and
19 each of you solemnly swear that you will well and truly
20 try the cause now before this court and a true verdict
21 therein render according to the evidence, so help you
22 God?

23 (Jurors respond in the affirmative.)

24 THE COURT: Thank you. Please be seated.

25 Okay. What we are going to do now -- it is

1 about 3:20 or so. I am going to call a recess for about
2 10 or 15 minutes. And then you are going to be escorted
3 to the courtroom in which this trial will occur, and that
4 is on the 10th floor. Someone will show you where.

5 We had to do the jury selection here because
6 of the proximity of the jury department room. But for
7 the duration of the trial, it will be in a different
8 courtroom on the 10th floor.

9 When you get there, I am going to begin the
10 trial. And the trial will begin with opening statements.
11 So we will do that until 5:00, and then we will come back
12 tomorrow morning promptly at 9:00 o'clock.

13 Promptness is important. I know that in Los
14 Angeles it is difficult to anticipate traffic, but when
15 you anticipate not the worst but not the best either -- I
16 have been noticing that the freeways are less congested
17 lately but they can surprise you sometimes.

18 So it is important that once we start the
19 trial we are all punctual because we can't begin until
20 you are all here. So if 15 jurors arrive, and one is
21 tied up, we have to wait. And waiting just makes the
22 trial unnecessarily longer.

23 So do your best. We are going to meet shortly
24 in courtroom 10.

25 THE CLERK: The panelists --

1 THE COURT: If there are any panelists who weren't
2 selected, please accept the Court's thanks for your
3 willingness to serve. Would you please report back to
4 the jury clerk.

5 (Recess from 3:33 p.m. to 4:03 p.m.)

6 (The following proceedings were held in the
7 presence of the jury:)

8 THE COURT: Members of the jury, I hope that you
9 are comfortable. We have spread you out according to
10 requirements to help insure everyone's safety.

11 And we are now going to begin the trial. The
12 trial begins with opening statements. The government is
13 going to make an opening statement. The defense may or
14 may not. In a criminal case, the defendant has no
15 obligation to present any evidence. The burden is always
16 on the government.

17 Prior to opening statements, I have counseled
18 the lawyers that the opening statement is a statement and
19 not an argument. In other words, this is not the time
20 for any lawyer to argue to you about the case because, at
21 this point, there is no evidence. There is just the
22 indictment, and that is just an allegation.

23 And so I have instructed the lawyers not to
24 talk about the law. That is for me to give you at the
25 appropriate time. They can talk about the general

1 charges, and they are going to outline what the evidence,
2 what evidence they will introduce in the case. And it is
3 just sort of a sketch to help you when the evidence does
4 come in to follow the evidence a little bit better. That
5 is its only importance. What the lawyers say is not
6 evidence, and the evidence comes from the documents and
7 the testimony of the witness.

8 Having said that, I am going to invite the
9 government to give its opening statement.

10 MS. AHN: Thank you, your Honor.

11 Ladies and gentlemen, as you heard this
12 morning, the defendants are charged with conspiring with
13 one another to fraudulently apply for and obtain loans
14 through two government programs and then laundering the
15 money they received. As described in the indictment read
16 to you this morning, these two programs are the Paycheck
17 Protection Program and the Economic Injury Disaster Loan
18 Program or Paycheck Protection Program and EIDL which
19 were created to provide money to small businesses during
20 Covid-19.

21 In essence, the defendants are charged with
22 agreeing to submit and causing the submission of loan
23 applications that contained statements that they knew
24 were false. They are charged with agreeing to take the
25 money they received as a result of these applications,

1 and transferring it between accounts and among themselves
2 for personal and not business use.

3 The government intends to prove these charges
4 through the testimony of witnesses, recordings of
5 telephone calls, photographs, documents that you will see
6 including text messages and other evidence some of which
7 will be summarized in charts that will be presented to
8 you.

9 The evidence that the government will present
10 falls into four general categories:

11 First, the loan applications at issue in this
12 case including evidence of how such applications are
13 submitted and how the information they contain is used by
14 lenders; second, evidence about the information provided
15 with those applications and how that information was
16 false; third, evidence about the connections that link
17 the defendants to the information that was submitted with
18 those applications; and, fourth, evidence concerning what
19 happened to the money obtained as a result of those loan
20 applications including who received the money and how
21 that money was used.

22 The first category is the loan applications.
23 You will hear from a representative of the United States
24 Small Business Administration or the SBA who administers
25 the two loan programs at issue, the PPP and EIDL

1 programs, which were funded to help businesses stay open
2 during Covid-19.

3 You will hear from witnesses that the SBA and
4 banks providing these loans asked for certain information
5 like payroll and other business expenses that they relied
6 on to determine the amount of money a business applicant
7 could receive. You will also hear that businesses were
8 required to use the money they received for their
9 businesses and not pay for personal expenses.

10 The second category of evidence is about the
11 information provided with and on the loan applications at
12 issue in this case. You will hear and see evidence that
13 the information submitted with these PPP and EIDL
14 applications was false. You will hear from witnesses who
15 will say that they never submitted the PPP and EIDL
16 applications that have their names and the names of their
17 businesses on them. You will hear that they never
18 received the money sent by lenders or the SBA as a result
19 of those applications.

20 You will also see applications that contained
21 IRS tax forms and statements to support the payroll
22 expenses and taxes that the businesses claimed to have
23 paid. You will hear that information like the number of
24 employees, payroll expenses and operational expenses were
25 used to determine how much money a business could get.

1 You will hear from a tax preparer whose name
2 was used on a tax form submitted with some of the PPP and
3 EIDL applications at issue, and you will hear him say
4 that he never prepared that form.

5 You will also hear from federal and state
6 employees who will testify that their agencies, agencies
7 like the IRS and the California Employment Development
8 Department received and filed records of paid payroll
9 tax. They will testify that they searched their
10 respective agencies' files, and their files do not have
11 records of payroll taxes or of the IRS tax forms that
12 correspond to the forms that were provided with the PPP
13 and EIDL applications submitted in this case.

14 You will also hear and see evidence related to
15 the individuals in whose names these business loan
16 applications were submitted. Some of the loan
17 applications were submitted in defendant's own names like
18 Richard Ayvazian, Marietta Terabelian and Artur Ayvazian.
19 Other loans were submitted in the names of foreign
20 nationals who, according to government records that will
21 be presented to you during the trial, temporarily visited
22 the United States and then left years ago.

23 You will also see records showing the
24 differences between the official records for these
25 foreign visits and the information about these persons

1 submitted with the loan applications at issue. You will
2 hear that there are no records of these foreign visitors
3 visiting or living in the United States at the time
4 covered by the applications.

5 You will hear and see that one of those loan
6 applications was submitted in defendant Marietta
7 Terabelian's own father's name. You will see an official
8 death certificate for that father who is no longer living
9 when the application was submitted and the loan was paid
10 out in his name.

11 You will also hear that a number of
12 applications used a California driver's license to
13 establish the identity of the named owner of the
14 business, and these California driver's licenses state a
15 local residential address as the person's address. A
16 witness for the California DMV will testify that the DMV
17 searched its records and you will hear that the
18 California driver's licenses provided with the
19 applications do not match records held by the California
20 DMV. You will hear that for at least one individual, the
21 driver's license provided with the loan application
22 identified that person as a man when official records
23 actually showed the name belongs to a woman.

24 The third category of evidence is evidence
25 that connects the EIDL and PPP loan applications at issue

1 to these defendants. You will hear from law enforcement
2 agents who will testify that they found in defendant's
3 possession numerous physical copies and digital images of
4 California driver's licenses, Social Security cards,
5 checks and checkbooks, foreign visas and other documents
6 in the names of the people and the businesses used in the
7 charged PPP and EIDL loan applications including the
8 names of people who left the country years ago.

9 You will see that there were multiple versions
10 of a California driver's license bearing the same name
11 but different photos. You will see that, in defendant
12 Artur Ayvazian's phone, there were images of handwritten
13 notes discussing altering a California driver's license.
14 In defendant Artur Ayvazian's house, there were to-do
15 lists that included submitting PPP applications in the
16 names of some of the individuals and businesses that
17 appear on the applications at issue in this case as well
18 as misprinted checks for business accounts.

19 You will hear that agents found, in defendant
20 Marietta Terabelian's phone, a picture of a handwritten
21 note containing somebody else's name and Social Security
22 number along with the name of a business used in some of
23 the loan applications at issue in this case.

24 You will also hear that law enforcement
25 officers found, in defendant Marietta Terabelian's

1 possession, a credit card, again, not in her name but in
2 the name of an individual used in the Paycheck Protection
3 Program and EIDL applications. More credit cards were
4 found in the names of individuals and businesses that
5 were again used to submit PPP and EIDL applications were
6 found in the possession of her husband, Richard Ayvazian.

7 You will hear about these items and where they
8 were found, and you will see those items for yourself.
9 You will also see text messages found on the phone of
10 another alleged co-conspirator, Tamara Dadyan, the wife
11 of Artur Ayvazian and sister-in-law of Richard Ayvazian.
12 You will see messages sent to a person identified as Rich
13 New -- that is N-E-W -- that discuss how to alter tax
14 identification numbers, payroll reports and unfreeze bank
15 accounts flagged for fraud.

16 You will see text messages with detailed lists
17 of personal identifiers, business identifiers and names
18 not of the defendants that have dates of birth, Social
19 Security numbers and tax identification numbers belonging
20 to individuals and businesses used in these PPP and EIDL
21 applications.

22 In one exchange, on co-conspirator Tamara
23 Dadyan's phone, Rich New describes how he decided to,
24 quote, get rid of everything about one of the names and
25 businesses used to submit loan applications because that

1 person put a fraud alert and knows something is going on.

2 The fourth category of evidence is evidence
3 about the money that was obtained through the loan
4 applications. You will hear and see evidence that the
5 loan money went to various accounts including accounts in
6 defendants' names. Some of the money went to accounts in
7 the names of other people, but the evidence will show
8 money moving into accounts that, according to the bank
9 records you will see, were held in the names of
10 defendants and other members of the conspiracy.

11 The evidence will show that the money was used
12 to help purchase multimillion dollar homes, Rolex watches
13 and gold coins. You will also hear evidence that law
14 enforcement agents found and seized Rolex watches, gold
15 coins and other items at the home of defendants Richard
16 Ayvazian and Marietta Terabelian.

17 You will also hear on recorded calls that
18 after being arrested, defendant Marietta Terabelian told
19 someone that she and Richard Ayvazian had been caught and
20 asked that person to, quote, clean the house.

21 Ladies and gentlemen, I have just provided you
22 a brief overview of the evidence the government expects
23 to present in this case. At the end of this trial, my
24 colleague, Christopher Fenton, will have an opportunity
25 to speak to you again, this time to summarize all the

1 evidence presented.

2 And, at that time, the government will ask you
3 to return the only verdict consistent with that evidence
4 which is a verdict of guilty on all counts.

5 Thank you.

6 THE COURT: Do any of the defendants wish to make
7 an opening statement at this time? Defendants can, or
8 they can reserve.

9 MS. NEWCOMER: Yes, your Honor.

10 MS. AHN: Your Honor, if I may, just one
11 clarification. I said that Richard Ayvazian and Marietta
12 Terabelian submitted loans in their own names. I meant
13 to say loans submitted in the names of their relatives.

14 Thank you, your Honor.

15 THE COURT: All right. Thank you.

16 All right. We are now going to hear from one
17 of the defendants.

18 MS. NEWCOMER: The overwhelming majority of what
19 you just heard is not in dispute. We are here because
20 the core of the government's case is a single joint
21 venture between at least eight defendants involving the
22 submission of -- involving the submission of fraudulent
23 PPP loans numbers over 150. In reality, the evidence
24 will show multiple joint ventures and multiple and
25 separate schemes not one scheme.

1 THE COURT: Could you speak into the microphone.
2 I am having trouble hearing you.

3 MS. NEWCOMER: Yes, your Honor. Is this better?

4 THE COURT: Yes, it is.

5 MS. NEWCOMER: The government will not be able to
6 prove that Richard Ayvazian submitted a single loan in
7 his name. The government will not be able to prove that
8 Richard Ayvazian submitted a single loan application.
9 His proverbial fingerprints just aren't there.

10 My name is Megan Newcomer, and, along with my
11 co-counsel, Ashwin Ram, Nicholas Silverman and Michael
12 Keough, we represent the defendant Richard Ayvazian. I
13 am going to call him Rich.

14 THE COURT: No. Don't call him Rich. Call him
15 Mr. Ayvazian or Richard Ayvazian. That goes for
16 everyone, the government and the defense. People are not
17 termed in this case by first names. Call everyone by
18 their proper name.

19 MS. NEWCOMER: Yes, your Honor.

20 Richard Ayvazian is on trial with his wife
21 Marietta Terabelian. You will hear that Richard Ayvazian
22 and Marietta Terabelian have three children, that Richard
23 Ayvazian works in the tech industry at a start up
24 incubator and that Marietta Terabelian stays home and
25 takes care of their kids and manages their home.

1 In their home, Rich manages -- Richard manages
2 the finances and Marietta handles their children and
3 their home. You will hear that in the summer of 2020,
4 the family purchased their dream home in the Valley. The
5 government alleges that that home was purchased using
6 funds fraudulently obtained from PPP and EIDL loans, that
7 they knowingly used those fraudulent funds to purchase
8 that home.

9 To understand that fraud, you need to
10 understand exactly what the government charged in the
11 indictment. Count 1 of the indictment charges all eight
12 defendants with a single, unitary joint venture known as
13 a conspiracy. And Counts 2 through 20 charge that same
14 unitary joint venture as a scheme to submit money -- I'm
15 sorry -- to commit wire fraud and bank fraud. I am going
16 to refer to both the conspiracy and the scheme as the
17 joint venture.

18 Now, you are going to hear that some loans
19 were applied for in defendant's own names. The
20 government will not be able to show you evidence that
21 Richard Ayvazian submitted a single loan in his own name.

22 You are also going to hear about two people
23 frequently. Their names are Tamara Dadyan and Manuk
24 Grigorian. Manuk Grigorian and Tamara Dadyan's
25 proverbial fingertips were all over the identities that

1 they used to apply for loans in this case as well as the
2 loan applications.

3 The government told you in their opening that
4 loans were applied for using identities. Some of those
5 identities are considered synthetic where they marry real
6 people's information with other information that does not
7 correspond to those real people.

8 You are going to hear about three named
9 synthetic identities: The identity of Victoria Kauichko,
10 the identity of Ulia Zhadko and the identity of Anton
11 Kudiamov. The government believes that Richard Ayvazian
12 operated the Zhadko identity, but, in actuality, Manuk
13 Grigoryan created the Zhadko identity in 2019, and the
14 evidence will show that he used that identity well before
15 PPP loans even began.

16 The government told you about text messages
17 between Tamara Dadyan and a phone that was registered to
18 Ulia Zhadko. The government is going to present to you a
19 tiny sliver of those text messages in which Tammy refers
20 to the person on the other end of the phone as Rich.

21 Based on that tiny sliver of text messages at the
22 beginning of their investigation, the evidence will show
23 that the government assumed that Zhadko was Rich and did
24 not investigate further.

25 You are going to hear from the lead case agent

1 who investigated this case, Agent Justin Palmerton. You
2 are not going to hear from him during the government's
3 case. You are going to hear from him when we call him as
4 a witness so that we can ask him questions about the
5 shoddy investigation that was conducted into this case.

6 And the investigation --

7 MS. AHN: Objection, your Honor.

8 THE COURT: That is argument. Whether it is
9 shoddy or otherwise is for the jury. You can describe
10 the fact that he conducted an investigation, but avoid
11 coloring it in any argumentative way.

12 MS. NEWCOMER: Yes, your Honor.

13 THE COURT: You can proceed.

14 MS. NEWCOMER: We will call Justin Palmerton to
15 ask him about the investigation he conducted into this
16 case and into the identity of Zhadko. You will hear
17 evidence that once Agent Palmerton made the connection in
18 his mind that Rich was Zhadko, he ignored all evidence to
19 the contrary.

20 MS. AHN: Objection, your Honor.

21 THE COURT: That is argument. You are arguing.
22 And that is a conclusion. That is inappropriate at this
23 time. Proceed with your opening statement.

24 MS. NEWCOMER: I will stick to the evidence, your
25 Honor.

1 The evidence will show as the government
2 already mentioned that agent Palmerton, that identities
3 were seized from Marietta Terabelian and Richard Ayvazian
4 in the names of Kauichko and Zhadko. But the evidence
5 will show that those identities were created by Manuk
6 Grigoryan and that they were related to a business that
7 Manuk Grigoryan owned that was related to credit
8 rehabilitation. The evidence will show that Manuk's
9 family members lived at the home that was purchased in
10 Zhadko's name. Only you can decide who controlled the
11 Zhadko identity.

12 You will also hear evidence of the Kauichko
13 and Kudiumov synthetic identities. The Kauichko and
14 Kudiumov synthetic identities were used to apply for
15 loans using the Canoga Avenue apartment address, an
16 apartment that was leased to Manuk Grigoryan. You will
17 hear evidence that loans applied for in Kauichko and
18 Kudiumov's names were signed using an IP address where
19 the subscriber information was Victoria Kauichko at
20 Canoga Avenue, Manuk's address.

21 You will hear that the government did a search
22 of that Canoga Avenue apartment. In that apartment, you
23 will hear evidence that the government found credit cards
24 in Manuk's name, blank checks in other people's names and
25 handwritten notes that had company names and phone

1 numbers and other handwritten notes that had people's
2 names and addresses.

3 You won't hear evidence -- the government is
4 not going to present evidence about a long-running state
5 investigation run by the state of --

6 MS. AHN: Objection, your Honor.

7 THE COURT: The objection is sustained at this
8 time.

9 MS. NEWCOMER: You will hear evidence when we
10 present a detective from the State of California who will
11 tell you about a long-running mortgage fraud
12 investigation involving many of the same identities at
13 issue here.

14 MS. AHN: Objection, your Honor.

15 THE COURT: I will allow that part of it.

16 MS. AHN: Yes, your Honor.

17 THE COURT: You can describe that.

18 MS. NEWCOMER: Those overlapping synthetic
19 identities, Agent Barnes will testify that those
20 overlapping synthetic identities were investigated for
21 mortgage fraud, that his investigation did not -- did not
22 refer to PPP fraud. Through this evidence, you will hear
23 between the state case and Manuk and Tammy at least three
24 separate conspiracies.

25 THE COURT: Please don't refer to people by their

1 first name. Manuk Grigoryan and Tammy is Dadyan.

2 MS. NEWCOMER: Yes, your Honor. Although there
3 are defendants with the same name which is why I was not
4 using just the last name.

5 THE COURT: Use the first and last name.

6 MS. NEWCOMER: Yes, your Honor.

7 So because of that evidence from the state
8 case, you will hear about at least three conspiracies.
9 The question at this trial is whether these defendants
10 committed the single joint venture charged in this
11 federal case.

12 All eight defendants are also charged with
13 conspiracy to commit money laundering. That involves
14 concealing the funds from that single joint venture to
15 obtain PPP loan fraud. Without the underlying joint
16 venture, there is no money laundering conspiracy.

17 You will hear that money went into Marietta
18 Terabelian's bank account, an account held in her own
19 name. You will also hear that money went into an account
20 in Richard Ayvazian's business' name, Inception Ventures.

21 From those accounts, money was moved into the
22 escrow account for their home purchase. That home was
23 purchased in their own names. You will get to decide
24 whether that is concealment. Richard Ayvazian is also
25 charged with two counts of aggravated identity theft

1 which is posing as somebody else and committing a crime.

2 But the evidence -- but you will hear evidence
3 that Richard Ayvazian did not submit the application at
4 issue for those two counts. The first involves the name
5 of Mark Zindroski. Mr. Zindroski will testify as the
6 government told you that he did not apply for a loan in
7 the name of his company Top Quality Contracting. He will
8 also tell you that he does not know who applied for that
9 loan in his company's name.

10 The evidence will show that Top Quality
11 Contracting opened a bank account in Mark Zindroski's
12 name. That somebody opened a bank account in Mark
13 Zindroski's name for Top Quality Contracting and, from
14 that account, moved money into an account for Anna
15 Manukian. She is the aunt of Manuk Grigoryan.

16 Money from Top Quality Contracting was also
17 moved into an account for Jobe Construction. The
18 evidence seized at Manuk Grigoryan's house, that list of
19 business names and addresses and phone numbers, Jobe
20 Construction was on that list found at Manuk Grigoryan's
21 Canoga Avenue apartment. Manuk's proverbial fingerprints
22 are on those applications.

23 The second aggravated identity theft counts,
24 count, charges Richard Ayvazian and Marietta Terabelian
25 with using the identity of Nazar Terabelian, Mary's

1 deceased father to submit a loan application for a
2 company called Mod Interiors. Mod Interiors is a
3 business that was owned by Arman Gegigyan(Phon.).

4 You will hear evidence that Richard Ayvazian
5 worked for Mod Interiors a few years ago and that he had
6 a business debit card in Mod Interior's company name.
7 You will also hear and see evidence that Arman Gegigyan
8 applied for multiple PPP loans in the name of his company
9 Mod Interiors. On one of those loans, he used Richard
10 Ayvazian's personal cell phone number.

11 The government is going to present evidence
12 that certain defendants used VPNs in an attempt to mask
13 their identity. Only you can decide whether someone who
14 is attempting to mask their identity would then put their
15 personal cell phone number on a loan application.

16 The final count that Mr. Ayvazian is charged
17 with is money laundering while on release. The
18 government is alleging that after Mr. Richard Ayvazian
19 was arrested and indicted, after he hired a lawyer and
20 appeared in this court to plead not guilty, he then
21 committed another crime.

22 But, again, the evidence will show that
23 Richard's fingerprints are not on the transactions at
24 issue in that crime. The government alleges that a JP
25 Morgan Chase bank account in Zhadko's name, remember

1 that, a Chase bank account in Zhadko's name, transferred
2 money into a brokerage account which was then transferred
3 to Coinbase. A Coinbase account was in Zhadko's name and
4 had been created in January of 2021. From that Coinbase
5 account, cryptocurrency was purchased.

6 But the evidence will show that someone else
7 was controlling Zhadko's Chase bank account, not Richard
8 Ayvazian. You will hear that a purchase was made at a
9 Lamps Plus store in California using Zhadko's Chase bank
10 account on a date when Richard Ayvazian was indisputably
11 outside of the country.

12 You will also hear that Ulia Zhadko applied
13 for a loan using an IP address that was also used to
14 apply for a loan in the name of Elena Sosunova. The
15 government's summary witness in their charts that they
16 talked about will show you that the only connection
17 between Elena Sosunova and anyone in this case is Anton
18 Kudiumov, the synthetic identity controlled by Manuk
19 Grigoryan. Manuk's fingerprints are on these
20 transactions, not Rich's.

21 At the end of this trial, after all the
22 evidence is in, we are going to come before and ask you
23 to focus on two key issues: Whether the government has
24 proven the existence of a single joint venture beyond a
25 reasonable doubt and whether Rich's proverbial fingertips

1 are on the identity theft and post-release offenses.

2 We submit to you that the government will not
3 have proven beyond a reasonable doubt that Richard
4 Ayvazian committed the crimes charged against him.

5 Thank you.

6 THE COURT: Does any other defendant wish to make
7 an opening statement?

8 MR. FRASER: Yes, your Honor.

9 THE COURT: Who is your client, sir?

10 MR. FRASER: I am Ryan Fraser on behalf of
11 Marietta Terabelian.

12 THE COURT: All right. Then, go ahead, sir.

13 MR. FRASER: Thank you.

14 And, your Honor, I would ask if my
15 assistant, Ms. Garcia, could assist me coming up into
16 this space here.

17 THE COURT: Okay.

18 MR. FRASER: My name is Ryan Fraser.

19 Just a moment, please.

20 I am Ryan Fraser. John Littrell and I
21 represent Marietta Terabelian who is seated at the end of
22 the table here. As you have heard, this is a case
23 involving eight different defendants. We ask you to
24 consider the evidence against our client, Ms. Terabelian,
25 individually. That is very important because, unlike the

1 evidence against other defendants, as to Ms. Terabelian,
2 she submitted no loan applications. She submitted no
3 wires. She took on no fake or synthetic identities.

4 Ms. Terabelian wasn't in on it. It is easy to
5 mix people up in a case with this many documents, this
6 many witnesses. Ms. Ahn is a very fine attorney, and
7 even she had to correct herself at the end of her opening
8 statement with regard to accusations she made against
9 Ms. Terabelian.

10 As I understand her to finish her opening
11 statement, she alleged that Ms. Terabelian along with
12 Richard Ayvazian, Ms. Terabelian's husband, submitted
13 loans in the names of relatives. Ms. Terabelian denies
14 that allegation, and it will not be proved in this case.

15 What circumstantial evidence the government
16 does have related to Ms. Terabelian it has because she is
17 married to Mr. Ayvazian. She trusted him as his wife.
18 They share a home life together. They went on vacation
19 together, but, whereas, Mr. Ayvazian is a businessman,
20 Ms. Terabelian is a homemaker. She raises their three
21 kids. It seems old fashioned, but, in their
22 relationship, the business aspect of life and the
23 financial decisions are just not part of Ms. Terabelian's
24 role.

25 She wasn't in on it, and the government in

1 this case I expect they will show you what the evidence
2 looks like against a defendant who actually is in on a
3 conspiracy of the type that they have alleged in this
4 case. And they have already alluded to and I expect you
5 will see evidence in this conversation that you are going
6 to see from a cell phone where the excerpts show Rich New
7 which the government contends to be Richard Ayvazian and
8 Tammy, and that would be according to the government,
9 Tamara Dadyan.

10 For simplicity, as I refer to this, what you
11 can see now on your screen is an excerpt of some of those
12 text messages that I submit is telling. You can see the
13 dates from early June, 2020, and consider what this
14 evidence shows about Ms. Terabelian in particular.

15 June 8th, 2020, 10:30 p.m., Rich New: I need
16 your help with something. Saying shortly thereafter, I
17 need a female to sign docs, LOL. Tammy, which the
18 government contends to be Ms. Dadyan: I am here, you
19 don't need to ask, thanks Aziz.

20 Mr. Ayvazian needed a woman. It wasn't
21 going to be Ms. Terabelian. Ms. Terabelian was not going
22 to be helping. These text messages occur right before
23 the one wire transfer from the Terabelian Bank of America
24 account to purchase the home.

25 They indicate that in this case, Mr. Ayvazian

1 was working with Ms. Dadyan, not Ms. Terabelian. He
2 needed a woman. It couldn't be his wife. You have also
3 heard about Manuk Grigoryan and the evidence will -- you
4 will see evidence about him as well. And that includes
5 his plea agreement that he has signed with the
6 government. The government has signed this document. So
7 this is Manuk Grigoryan's statement of his conduct as
8 well as the government's appraisal of the conduct of --

9 MS. AHN: Objection.

10 MR. FRASER: -- of Manuk Grigoryan.

11 THE COURT: I will reserve a ruling on that.

12 MR. FRASER: I would like to go through this with
13 you, and, before going into it, keep in mind that the
14 government has alleged -- it is my understanding of their
15 position that they are going to be saying that
16 Ms. Terabelian was using this fake or synthetic identity
17 Victoria Kauichko.

18 So here is what the government says as to
19 Manuk Grigoryan in that conduct. At co-defendant Richard
20 Ayvazian's direction, defendant -- and this is the
21 Grigoryan plea agreement so when it just says
22 "defendant," that is Manuk Grigoryan.

23 Grigoryan maintained an apartment located on
24 Canoga Avenue in Woodland Hills, California which
25 Grigoryan knew would be fraudulently listed on the loan

1 applications as the purported address of the individuals
2 falsely identified as the owners of the businesses
3 applying for the PPP and the EIDL loans.

4 In or about May, 2020, Grigoryan added the
5 name Victoria Kauichko to the lease for the Canoga
6 apartment. When he did so, Grigoryan knew Viktoria
7 Kauichko was a synthetic identity, that is an identity
8 made up of a combination of real and fake information.
9 Grigoryan collected mail including any mail addressed to
10 Viktoria Kauichko and the other names identified as the
11 business owners on the fraudulent PPP and EIDL loan
12 applications from the Canoga apartment at co-defendant
13 Richard Ayvazian's direction.

14 Manuk Grigoryan was handling, running,
15 administering the Viktoria Kauichko identity. You don't
16 see evidence of activity like that by Ms. Terabelian.
17 You have heard the government allude to a debit card that
18 was found at the airport in Miami among baggage, and you
19 will see that Ms. Terabelian was confronted about that
20 debit card by a Customs and Border Protection officer,
21 the customs officers who work at the airport for people
22 coming into the country, found this card and questioned
23 Ms. Terabelian about it indicating suspicion of
24 wrongdoing by her in relation to finding this debit card.

25 Ms. Terabelian was caught off guard by that.

1 She stated --

2 MS. AHN: Objection.

3 THE COURT: Objection on what ground?

4 MS. AHN: The characterization of defendant's
5 mental state, your Honor.

6 THE COURT: I mean, I don't know. I mean, you
7 have to, in your opening statement, indicate what the
8 evidence will be. You have to indicate who if anyone
9 will testify or how the evidence will come into being. I
10 mean, that is what the government attempted to do. You
11 should do that likewise.

12 In other words, not an opportunity for either
13 side to point out deficiencies in the government's case.
14 You can do that after the evidence is in. This is your
15 opportunity to tell the jury what evidence you expect to
16 be. You can do that if you intend to develop the
17 evidence in cross-examination.

18 MR. FRASER: Yes, your Honor. I do.

19 THE COURT: Follow that pattern.

20 MR. FRASER: Yes, your Honor. The CBP officer who
21 interacted with Ms. Terabelian -- there were two
22 present -- one of them is an Officer Louissaint, and she
23 will testify about the finding of this debit card. And
24 another officer, as I noted, was confronting
25 Ms. Terabelian with it, and her response was she didn't

1 recognize it, and Rich, or her husband, Mr. Ayvazian,
2 must have put it there. They were traveling together.

3 That is this one debit card that CBP was
4 confronting Ms. Terabelian about at the airport. And you
5 will see evidence of other debit cards that -- or credit
6 cards, payment cards that were in Richard Ayvazian's
7 possession, and we got a lot -- thank you. We have got
8 two halves here of this slide. What you are looking at
9 on the left side, this large image of a Wells Fargo debit
10 card with kind of a cherry blossom pattern in the
11 background and then it says Viktoria Kauichko at the
12 bottom, that is the debit card that Ms. Terabelian was
13 confronted about.

14 But the image that I am showing you is not an
15 image on Ms. Terabelian's device or anything like that.
16 That is an image that was on Mr. Ayvazian's phone. The
17 cards that you see on the right half of the screen here,
18 these are physical debit cards or payment cards, some of
19 them might be credit cards, that were in Mr. Ayvazian's
20 possession at Miami International airport.

21 You see Ulia Zhadko on I believe three of
22 them, but then you also see on the right and the second
23 row the Viktoria Kauichko Bank of America card. So
24 consider the government's investigation of who was
25 responsible for that debit card.

1 The government has also talked about jail
2 calls, and, after being arrested at the airport, after
3 being confronted with the Kauichko debit card,
4 Ms. Terabelian placed phone calls and they were recorded
5 and you will hear them in this case. Ms. Terabelian knew
6 that she was being recorded, and she knew from what
7 happened to her at Miami International airport that the
8 officers were accusing her in relation to that Kauichko
9 debit card.

10 That is why she said she and Rich had been, as
11 Ms. Ahn stated, caught. An alternate translation is
12 apprehended. There is going to be a lot of evidence
13 about this because this portion of the call was in
14 Armenian, and there are multiple ways that you could
15 understand the language that was used. The government is
16 advocating --

17 MS. AHN: Objection, your Honor.

18 THE COURT: Did something happen?

19 MS. AHN: Yes, your Honor. I made an objection.

20 THE COURT: I mean, are you telling the jury that
21 you will be introducing a translator who will differ with
22 the government's interpretation of that phone call?

23 MR. FRASER: The government's own translator I
24 expect will testify that caught is one translation, and
25 apprehended is another for the word.

1 THE COURT: I see. So you intend to develop that
2 through the government's witness?

3 MR. FRASER: Correct, your Honor.

4 THE COURT: All right. That is permissible.

5 MR. FRASER: You have heard the government also
6 talk about the phrase "clean the house" from the jail
7 call. That is another phrase that was not uttered in
8 English, but that is the translation from the
9 government's interpreter. And you will hear evidence
10 about the meaning of that and how that translation gets
11 done.

12 The government seems to posit that this was
13 some kind of code. Consider in the phrase "clean the
14 house," the house that is being referred to is this house
15 on Topeka Drive. You will hear evidence about that house
16 and consider whether this plausibly could have worked as
17 an actual instruction to in some way --

18 MS. AHN: Objection, your Honor.

19 THE COURT: What was that?

20 MS. AHN: Objection, your Honor.

21 THE COURT: I can't hear you.

22 MS. AHN: Objection, your Honor.

23 THE COURT: On what ground?

24 MS. AHN: Counsel is arguing interpretation of
25 the --

1 THE COURT: Of what? What the address means of
2 the house?

3 MS. AHN: I believe the phrase was --

4 THE COURT: Are you saying that the phone call may
5 or may not have referred to the Canoga house?

6 MS. AHN: I believe counsel's point is whether or
7 not it is plausible that the defendant would have uttered
8 that language in the way that --

9 THE COURT: Well, he is telling the jury that
10 there may be -- so far there is no evidence from either
11 side, but he is telling the jury that there may be some
12 examination on the defense's part about what the
13 interpretation of the phone call was. That is the way I
14 am interpreting it; is that correct?

15 MR. FRASER: Yes, your Honor.

16 THE COURT: All right. We will see how it goes.

17 MR. FRASER: So there is that about the evidence
18 of the house, and that is contextual information for you
19 to use as the finders of the fact to decide what
20 Ms. Terabelian's intent was but also whether someone in
21 that position would intend to give an instruction like
22 the government implies knowing that she is being recorded
23 and consider whether you can also consider as contextual
24 evidence the fact that, what, about two weeks after that,
25 when the government searched the house that

1 Ms. Terabelian lived in, the government contends that it
2 found significant evidence of this scheme at that house
3 that Ms. Terabelian lived at and shared with Mr. Ayvazian
4 and their three children.

5 So there is a lot of work to be done in
6 interpreting that jail call and in interpreting other
7 evidence in the case such as what the government wants to
8 use from Ms. Terabelian's phone, and you will hear
9 different evidence about that, evidence I expect about
10 metadata and contextual information that you will use
11 about that.

12 The government also says that Mary must have
13 been behind the \$565,000 wire for the Topeka house. And
14 I have touched on this, but we are also going to show you
15 that the money for that wire was funded in her account
16 within just a few days of the wire being executed.

17 From other things that the government will
18 attempt to show Rich was capable -- or Mr. Ayvazian was
19 capable of, consider whether it is possible that he could
20 also pass money through Ms. Terabelian's account without
21 her participation. And consider, as for other use of
22 funds that the government will apparently try to link to
23 Ms. Terabelian, will there be video to show that? Will
24 there be someone who actually sold something to
25 Ms. Terabelian testifying in this trial from any bank or

1 any store where the government claims that dirty money
2 was being spent? That is very important to consider.

3 The life that Ms. Terabelian and Mr. Ayvazian
4 shared together did not include what the government is
5 charging in this case. Mr. Ayvazian needed the help of a
6 woman, not Ms. Terabelian. There is no evidence against
7 Ms. Terabelian like the evidence that the government
8 expects to submit as to other defendants: No loan
9 applications, no wires by Ms. Terabelian, no witnesses to
10 her using a fake or synthetic identity. Ms. Terabelian
11 wasn't in on it.

12 I ask you to be independent finders of the
13 facts and consider the evidence against her individually
14 and find Ms. Terabelian not guilty.

15 THE COURT: Okay. I think it is just about
16 5:00 o'clock; is that right?

17 THE CLERK: Yes, your Honor.

18 THE COURT: And that is the time we recess. There
19 are other defendants who may wish or not to give opening
20 statements. We will have to await those until tomorrow
21 at 9:00 o'clock.

22 Before you leave, let me give you some
23 cautionary words.

24 You are the jurors in this case. It is your
25 job to decide this case on your own and when you

1 deliberate in collaboration with each other to the extent
2 you can agree. But you should not and you are ordered
3 not to discuss the case with anyone else at home or
4 otherwise, and you are not to access any Internet-type
5 materials that may or may not be available. I know the
6 way the world works now is people Googling this or Google
7 that, and that is prohibited.

8 In other words, any outside sources or
9 influences are not what the trial commands. It is the
10 evidence that counts. The lawyers are here to help you
11 and to help their clients develop the evidence and at the
12 final argument give you their interpretation of the
13 evidence. But, ultimately, it is for you to decide what
14 the evidence is and so those admonitions are crucial.
15 And you are not to talk to each other about the case
16 until you have the case for decision. And so keep those
17 admonitions firmly in mind.

18 As I said, it is important that we begin
19 punctually, so try to navigate things to be here a little
20 before 9:00, and we will come back to this courtroom
21 which I think is a more comfortable courtroom than the
22 other courtroom. At least it is for me.

23 So have a good evening. See you tomorrow.
24 (The following proceedings were held outside the
25 presence of the jury:)

1 THE COURT: Okay. You may be seated. Just a few
2 things, and then we will recess.

3 Did the other defendants wish to make opening
4 statements?

5 MR. JOHNSON: Peter Johnson on behalf of Vahe
6 Dadyan, yes.

7 THE COURT: What about Artur?

8 MS. WIRSCHING: Yes. We will be making an opening
9 statement.

10 THE COURT: Now, just a few words about referring
11 to defendants. The names are not the everyday names, and
12 it took me a while to get confident about the names. So
13 when you refer to the defendants, refer to them by their
14 first and last name. For example, there was some
15 references to Ayvazian, but there is another Ayvazian in
16 the case. So try to keep that in mind especially this
17 case.

18 The other point I wanted to ask you about was
19 they are -- the defendants are not at counsel table;
20 correct?

21 MR. LITTRELL: They are, your Honor.

22 THE COURT: They are? I see. So many lawyers I
23 couldn't tell who is who. So some of the defendants are.
24 Can the defendants just for my clarification identify
25 themselves by name.

1 MS. TERABELIAN: Marietta Terabelian, your Honor.

2 MR. R. AYVAZYAN: Richard Ayvazian, your Honor.

3 THE COURT: I see. Thank you.

4 MR. DADYAN: Vahe Dadyan, your Honor.

5 MR. A. AYVAZYAN: Artur Ayvazian.

6 THE COURT: I see. All right.

7 And now the question is there are some
8 defendants named in the indictment who will not be here.
9 We had the discussion about Harapetyan, and then there is
10 Grigoryan who in the opening statement seems front and
11 center. So I was going to tell the jury, because they
12 might be interested in why no one is making an opening
13 statement on their behalf or why they aren't here, simply
14 that they are not here and you don't have to concern
15 yourself with why they are not here. It is the evidence
16 in the case regarding the conspiracy which includes them
17 that matters. But, then, in the opening statement, the
18 lawyer Ryan --

19 MR. FRASER: Fraser, your Honor.

20 THE COURT: -- told the jury about the plea
21 agreement. So I guess they know that Grigoryan plead
22 guilty. I didn't know that that would come up. So what
23 should I say, if anything? Just leave it alone or say
24 something?

25 MR. FRASER: I think it would be appropriate for

1 the Court to instruct the jury that he plead guilty and
2 that other defendants have plead guilty who are not
3 participating in this trial.

4 THE COURT: What is the government's view?

5 MS. AHN: Your Honor, to some extent, as my
6 colleague Mr. Fenton said the cat is out of the bag.
7 However, I do think that a limiting instruction asking
8 the jury to not infer anything from their presence or
9 their lack of presence would be appropriate, your Honor.

10 THE COURT: So I am going to just indicate what I
11 might say so you have an opportunity. Based upon the
12 discussion so far, what I intend to say is that two of
13 the, or I guess three of the defendants; right? What is
14 her name, Tamara. Three of the defendants, entered
15 guilty pleas. The fact that those defendants entered
16 guilty pleas is not relevant in and of itself to your
17 consideration of the other defendants. And you are to
18 consider the evidence relating to them and the conspiracy
19 charged along with the evidence of remaining defendants
20 and, because of that reason, they are not present.

21 MS. AHN: The government would agree with that,
22 your Honor.

23 THE COURT: Is it okay?

24 MR. RAM: Your Honor, I would just add there is
25 actually four defendants who have plead.

1 THE COURT: Who is the fourth?

2 MR. RAM: Edward Paronyan.

3 THE COURT: Four. Let's see. Tamara Dadyan,
4 Paronyan. That's right. And Harapetyan. But what is
5 his name. The other Dadyan, Vahe, he didn't plead.

6 Only 4, 5 and 7 have changed their plea.
7 Mr. Dadyan, maybe you didn't know that. We didn't
8 consummate the plea.

9 MR. RAM: I understand there is a potential plea
10 at 5:00 today, your Honor. So I apologize. Whatever the
11 number is, three or four, defendants entered guilty pleas
12 to certain charges.

13 THE COURT: All right. I will try to remember
14 that. Let me write that down.

15 THE COURT: Okay. The government has witnesses
16 ready to go tomorrow right after we finish the opening
17 statements.

18 MS. AHN: Yes, your Honor.

19 THE COURT: Okay. All right. See you tomorrow.

20 MR. JOHNSON: Your Honor, just one issue. In the
21 morning, can the Court clarify that the jurors on the
22 front row here can see the witness. I am concerned that
23 they will not be able to see it just to confirm with the
24 jurors in the morning as well as the -- I guess the --
25 well, that is the main issue for tomorrow.

1 THE COURT: Well, I mean, I can see you and you
2 are about the same distance from me.

3 MR. JOHNSON: What I am concerned about are these
4 jurors here.

5 THE COURT: Sit in that box. Let me see.

6 MR. JOHNSON: I guess my big head is not in the
7 way now, and it is difficult.

8 THE COURT: Well, maybe the issue is that the I
9 don't know that they can't see. I will ask them. Let me
10 just see something here. Hold on a second here. I can
11 see you very clearly with my glasses.

12 MR. JOHNSON: But I am standing. It might be
13 better to put the jurors in this row so that they are
14 slightly elevated.

15 THE COURT: Maybe that is a good suggestion. I
16 don't know. We will see what we can do.

17 MR. FENTON: Your Honor, one final housekeeping
18 point. The government would like to take the evening to
19 consider the appropriate instruction regarding the pleas.

20 THE COURT: I can't hear you. I'm sorry.

21 MR. FENTON: The government would like to take the
22 evening to consider further the appropriate instruction
23 with respect to the pleas so with the Court's permission.

24 THE COURT: Yes. I won't say anything until I
25 hear from you further.

1 MR. FENTON: Thank you, your Honor. We will
2 submit something first thing.

3 THE COURT: Yes. But I mean, that was told to the
4 jury by counsel. So I mean, are you saying if it was
5 improper, you were thinking of a corrective instruction?

6 MR. FENTON: Yes, your Honor. This came out in
7 opening statement and it came out suddenly, and then it
8 went right into the plea agreement. He started to read
9 it. And so I think that the government at this point
10 needs to consider what the appropriate course of action
11 is.

12 THE COURT: What is your initial position on it?
13 In other words, clearly, it is -- it is not a statement
14 in furtherance of a conspiracy because the conspiracy has
15 long ended, alleged conspiracy, when he entered the
16 guilty plea.

17 But how does the defendant see that evidence
18 as being relevant to the issues? Not what he said, but
19 at least well I guess what he said in the plea agreement
20 and then also tell me why the plea agreement is
21 admissible on its own.

22 MR. FRASER: It is relevant to, on behalf of
23 Ms. Terabelian, to third party culpability. The
24 government blames Ms. Terabelian for conduct attributed
25 to someone essentially using the Viktoria Kauichko

1 identity, and, clearly, Manuk Grigoryan was doing that.
2 And that fact exculpates Ms. Terabelian. And since the
3 government signed the document and adopted that factual
4 basis as its own statement of facts related to the
5 conduct at issue in the indictment, it is a party
6 admission under Bachinian is a case, a 1999 case.

7 THE COURT: With these kinds of facts?

8 MR. FRASER: Actually, in that case, very similar
9 facts, and I think the Bachinian case supports my
10 position here a fortiori if I may in that in that case
11 you had a severed trial, and the defendant in the later
12 trial offered a statement by the prosecutor against a
13 co-defendant in the earlier trial. And it was Judge,
14 District Judge Pregerson ruled that that was indeed a
15 party admission admissible against the government noting
16 that the government is bound by its plea agreements.

17 THE COURT: Did Judge Pregerson rely on any
18 authority or just his holding, his finding.

19 MR. FRASER: He did, your Honor. Off the top of
20 my head, I don't recall.

21 THE COURT: I see. Well, help the Court tomorrow.
22 I won't say anything until I hear further.

23 MR. FENTON: Thank you, your Honor.

24 THE COURT: All right.
25

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