Presenting to Win: Using Technology To Make You a Superior Trial Advocate

IADC Trial Academy

Quentin F Urquhart, Jr.

July 28, 2018

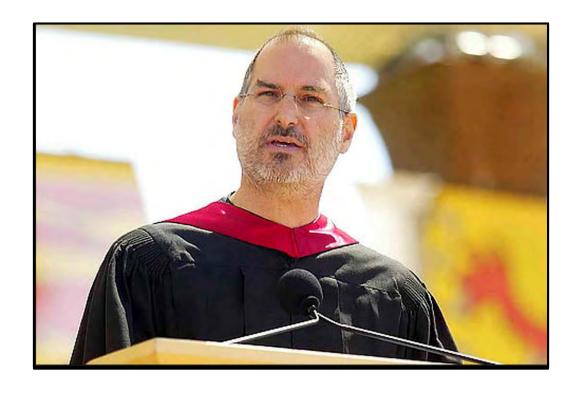
Stanford Commencement June 12, 2005



"Technical knowledge is only the starting point for creation and discovery. True power lies in the ability to unleash the imagination and creativity of the user."

John Hennessy

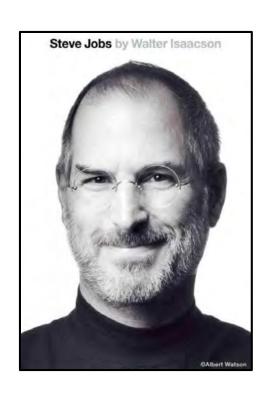
Stanford Commencement June 12, 2005



"Today I want to tell you three stories from my life. That's it. No big deal. Just three stories."

Steve Jobs

Who Was Steve Jobs?



"He knew that the best way to create value in the twenty-first century was to connect creativity with technology, so he built a company where leaps of imagination were combined with remarkable feats of engineering."

Walter Issacson

Steve Jobs As a Presenter



"Steve Jobs is *still* the word's greatest corporate storyteller. I've seen plenty of talented speakers in the past year and I've written about many of them in this column but I have yet to find someone as good as Steve Jobs."

Carmine Gallo, Contributor to Forbes – Oct. 4, 2012

You Are Not Steve Jobs





















What Can We All Learn From Steve Jobs?

- 1. How To Answer the One Question That Really Matters
- 2. How To Tell Your Story Simply and Effectively
- 3. How To Compel an Outcome

1. Answering the One Question That Matters Most

"Why Should I Care?"

Where Does a Trial End?

25 TH JUDICIAL	DISTRICT COURT FO	OR THE PAI	RISH OF PLAQUEMINES
	STATE OF L	OUISIANA	
NO. 58-141	KEN DESP	AUX	DIVISION: "A"
	VERS	SUS	
CONOCO-PHILLI	PS COMPANY, ABC IN	NSURANCE UCTORS, II	AL INSURANCE COMPANY, C COMPANY, LYNN HURST, NC., TEREX CORPORATION PANY
FILED;		DEPUTY	CLERK
	VERDIC1	<u>r form</u>	
QUESTION NO. 1			
	he accident, was a reas		use of the AL4000 Light icipated use from the
Yes		No	
If the answer to	Question No.1 is "Yes	s," then go to	Question 2.
Industries" in re	to Question No. 1 is esponse to Question Nouestion No. 2 or 3.	; "No," ente o. 15 and th	er 0% on the line for "Amida nen skip to Question No. 4. DO
QUESTION NO. 2			
	onderance of the evider ous as defined by the Lo		AL 4000 Light Tower was oducts Liability Act?
Yes		No	
	•		on the line for "Amida en go to Question No. 4. DO
If the answer to	Question No. 2 is "Yes	s," then go t	o Question No. 3.
QUESTION NO. 3			
characteristic of the A			unreasonably dangerous te cause of Ken Despaux's
injuries?			

What Are the 2-3 Most Important Questions the Jury Will Have to Answer?



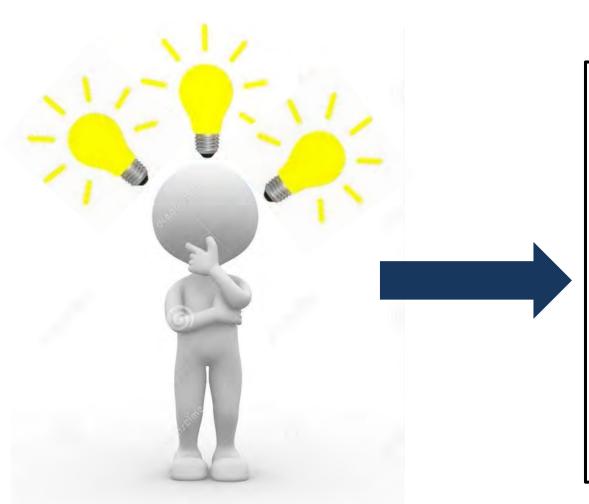
Three Questions

1. Why Was Ken Smith Injured?

2. Who Was Responsible?

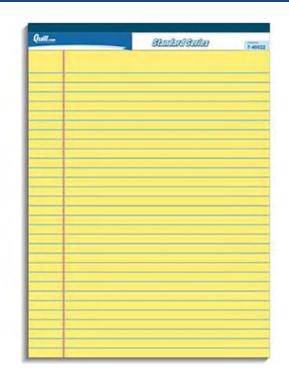
3. What Doesn't "Stick?"

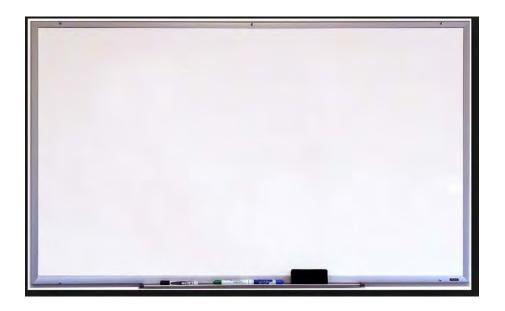
Give the Jurors What They Need



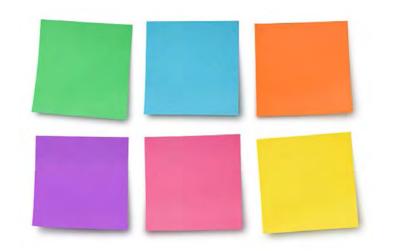
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NO. 58-141	KEN DESPAUX	DIVISION: "A"
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	DEP	UTY CLERK
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QUESTION NO. 1		
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Yes	No _	
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QUESTION NO. 2		
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If the answer to	Question No. 2 is "Yes," then	go to Question No. 3.
QUESTION NO. 3		
		t the unreasonably dangerous ximate cause of Ken Despaux's

Plan in Analog – Not Digital







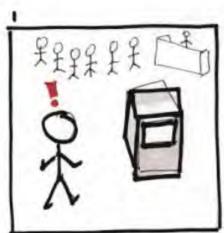


Develop "Twitter-Like" Case Themes

Ten Words or Less Why You Should Win the Case



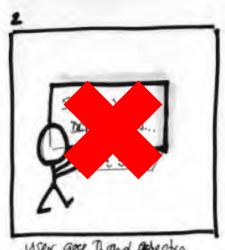
Storyboard & Cull



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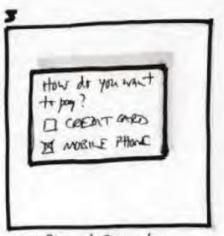
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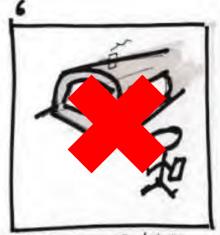
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get a tail not telet delivered to hil phone . Specify !

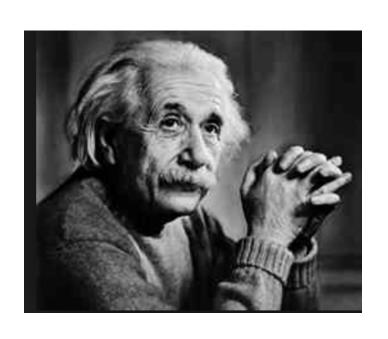
At the Beginning . . . Give the Jury a Roadmap

my life. That's it. No big deal. Just three stories."

Rule of Three

"This morning I am going to talk to you about this case and give you three reasons why you should find [in favor of my client.]"

2. Telling Your Story Simply and Effectively



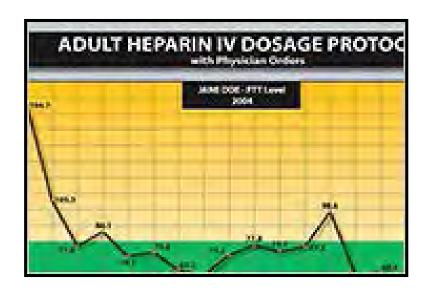
"If you can't explain it simply, you don't understand it well enough."

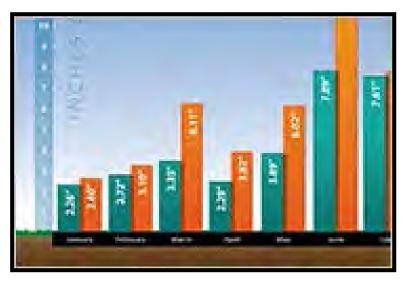
Albert Einstein

What is Technology?



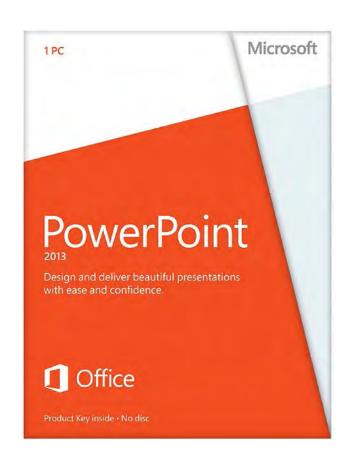
What is Technology?







What is Technology?



TrialDirector 360°

TimeMap®

New Technology Lifecycle

1. Afraid to Try Something Different

2. Go Overboard and Do Not Use It Well

3. Use Technology Selectively Only Where It Makes You Better

Old Proverb

I Hear and I Forget;
I See and I Remember;
I <u>Do</u> and I Understand.

Core Principle

K.I.S.S.

Keep It Simple & Smart

Slide Design



"Design is a funny word. Some people think design means how it looks. But of course, if you dig deeper, it's really how it works. To design something really well, you have to get it. It takes a passionate commitment to really thoroughly understand something. Most people don't take the time to do that."

Steve Jobs

Stay Away From Unusual Designs and Formats

AND AVOID UNUSUAL AND AVOID UNISUAL

Or Designs With Busy Backgrounds

Avoid Templates That Limit Your Available Space







Avoid Difficult Background Colors

■They are Hard on the Eyes.

Avoid Difficult Background Colors

■They Do Not Translate Well When Projected.

Avoid Difficult Background Colors

■They Ultimately Distract from Your Story.

Choose A Pleasing Background Color With Good Contrast

Consider Courtroom Lighting

Display Format?

Do a Test Run

Gradient Backgrounds Can Add Interest

But . . .



Resist Using Highly Textured Backgrounds

Or "Fills" That Make It Hard to Read Your Text

Avoid Distracting Slide Transitions

That Detract From Your Message

Keep Slide Transitions Simple

(.75 Duration Fade)

But Remember Your Pace

(3.0 Duration Fade)

USE Easy to Read Fonts

- Arial
- Tahoma
- Calibri
- Book Antiqua
- Times New Roman

Be sensitive To Text Size

- This is 72 Point
- This is 54 Point
- This is 44 Point
- This is 36 Point
- This is 24 Point
- This is 16 Point
- This is 12 Point

Slide Content



"Simple can be harder than complex.
You have to work hard to get your
thinking clean to make it simple. But it's
worth it in the end because once you
get there, you can move mountains."

Steve Jobs

Avoid Data Dumps



"It is laziness on the presenter's part to put everything on one slide."

Did Dr. Jones Believe in His Own Hypothesis?

- "these drugs (selective COX-2 inhibitors) are unlikely to accelerate progression of the underlying vascular disease." [Ann Med 2000;32:suppl 1:21-6]
- "Both rofecoxib and celecoxib can be as effective against inflammation as the traditional NSAIDs at comparable concentrations, and the potential hazards due to suppression of prostacyclin production remain theoretical, although more study in this regard is clearly needed." [Mol Interv 2001 Apr:1:30-8].
- "Data have emerged from this study that frame the hypothesis that such a coxib might be associated with a cardiovascular hazard in that minority of patients predisposed to thrombotic events....
 However, for the present, the perception of a cardiovascular hazard in humans exceeds the evidential basis for this notion." [Am J Cardiol 2002 Mar 21;89(6A):26D-32D.]
- "While other mechanisms cannot be discounted, there is currently little evidence in humans to support a prothrombotic effect for coxibs." [Chest 2004 Sep;126(3 Suppl):234S-264S.]

Results of Clinical Trials With COX-2 Inhibitors

Clinical Trial	Results	Findings
VIGOR Trial (Vioxx 50 mg vs	More thrombotic events on Vioxx	Vioxx increased blood pressure; Aleve did not
Aleve)	than Aleve	Prostacyclin not measured
CLASS Trial (Celebrex 800 mg	No difference in risk among the	No difference in blood pressure among the 3 drugs
vs Motrin and diclofenac)	three drugs	Prostacyclin not measured
APPROVe Trial (Vioxx 25 mg vs	More thrombotic events on Vioxx than placebo	Vioxx increased blood pressure; placebo did not
placebo		Prostacyclin not measured
APC Trial (Celebrex 400 and	More thrombotic events on	Celebrex increased blood pressure; placebo did not
800 mg vs placebo	Celebrex than placebo	Prostacyclin not measured
PreSAP Trial (Celebrex 400 mg	No increased risk with Celebrex	No increase in blood pressure with Celebrex
vs placebo)	WILLI CEIEDIEX	Prostacyclin not measured

THE COW ISLAND LITIGATION

NEWFIELDS' ANALYTICAL GROUNDWATER RESULTS

Sample Designation	Arsenic Concentration	RECAP STD. Residential (μg/L) Parts Per Billion	Contamination Level RECAP/MCL
DD	64.8	10	6.48 Times Threshold Limit
WW_1	50.3	10	5.03 Times Threshold Limit
WW_2	26.2	10	2.62 Times Threshold Limit
WW_4	16.9	10	1.69 Times Threshold Limit
WW_5	55.2	10	5.52 Times Threshold Limit
WW_6	46.5	10	4.65 Times Threshold Limit
WW_7	28.2	10	2.82 Times Threshold Limit
WW_8	16.2	10	1.62 Times Threshold Limit
WW_9	47.6	10	4.76 Times Threshold Limit
WW_10	19.9	10	1.99 Times Threshold Limit
WW_12	55.1	10	5.51 Times Threshold Limit
WW_13	48.7	10	4.87 Times Threshold Limit

Sample Designation	Arsenic Concentration	RECAP STD. Residential (µg/L) Parts Per Billion	Contamination Level RECAP/MCL
GB101	21	10	2.1 Times Threshold Limit
EW_01	86.8	10	8.68 Times Threshold Limit
TD_01	27.7	10	2.77 Times Threshold Limit
DDAW_1	26.9	10	2.69 Times Threshold Limit
DDW_1	66.8	10	6.68 Times Threshold Limit
JCW_1	62.4	10	6.24 Times Threshold Limit
DDABNW -1	788	10	78.8 Times Threshold Limit
DDABNW_2	800	10	80.0 Times Threshold Limit
GW_1	40.8	10	4.08 Times Threshold Limit
52CIW6_1	15.1	10	1.51 Times Threshold Limit
427CIW5_2	25.7	10	2.57 Times Threshold Limit
52CIW5_1	21.7	10	2.17 Times Threshold Limit

Bullet Basics

- No More Than Five Bullets Per Slide - <u>Three is Optimal</u>
- Bullets Should Not Exceed Two Lines (One "Carriage" Return)
- Avoid Sub-Bullets
 - They Tend to be Ignored
 - Because They Are Not As Important
 - As the Primary Point You Are Making

Presenting Content Sequentially

What Am I Going To Show You Next?

You Will Not Know Until . . .

I Choose To Show You the Remaining Content

But Avoid Distracting Bullet Point Transitions

- First Bullet Point
- Second Bullet Point
- Third Bullet Point
- Fourth Bullet Point
- Fifth Bullet Point

Saying "No"



"People think focus means saying yes to the thing you've got to focus on. But that's not what it means at all. It means saying no to the hundred other good ideas that there are. You have to pick carefully. I'm actually as proud of the things we haven't done as the things we have done. Innovation is saying no to 1,000 things."

Steve Jobs

Overriding Principle

Less is More: When in Doubt, Leave it Out!

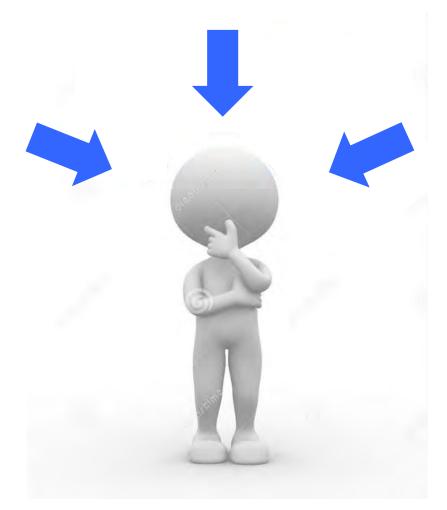
Telling Your Story



"The most powerful person in the world is the story teller. The storyteller sets the vision, values and agenda of an entire generation that is to come."

Steve Jobs

Bring the Audience Back to You



Use the "B" Key or the "W" Key

A Good Story...

Has a Beginning . . .

A Middle . . .

And an End.

FCBA V. ACME

What is this Case About?

Answering Two Questions:

1. Is Additional Remediation Needed at the Site?

2. If So, What Is a Reasonable Amount to Perform the Remediation?

Accident Occurred On May 22, 2000

- A Stipulation has been entered into.
- Mr. Jones has agreed that he was at fault in bringing about the Accident.
- Acme has agreed it is responsible for any damages caused by this Accident.
- So, Why Are We Here?

Two Very Important Questions:

1. Did Pamela Smith sustain any injuries in this Automobile Accident?

2. If so, what was the extent of the injuries actually caused by *this Accident?*

Bringing Places to Life

Reliant Nursing Facility

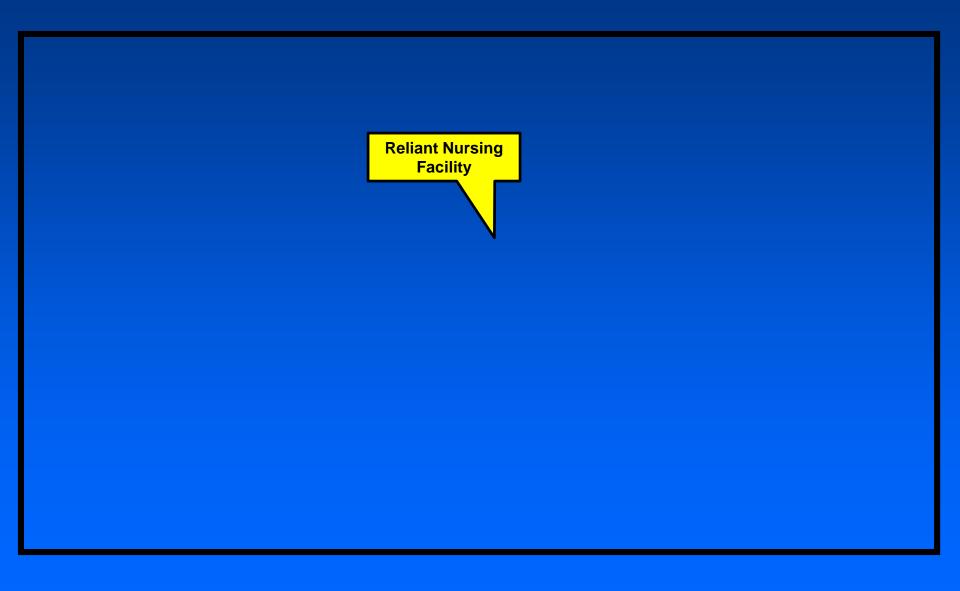
 In 1973, moved to a new location at 6900 Chef Menteur Highway



Reliant Nursing Facility



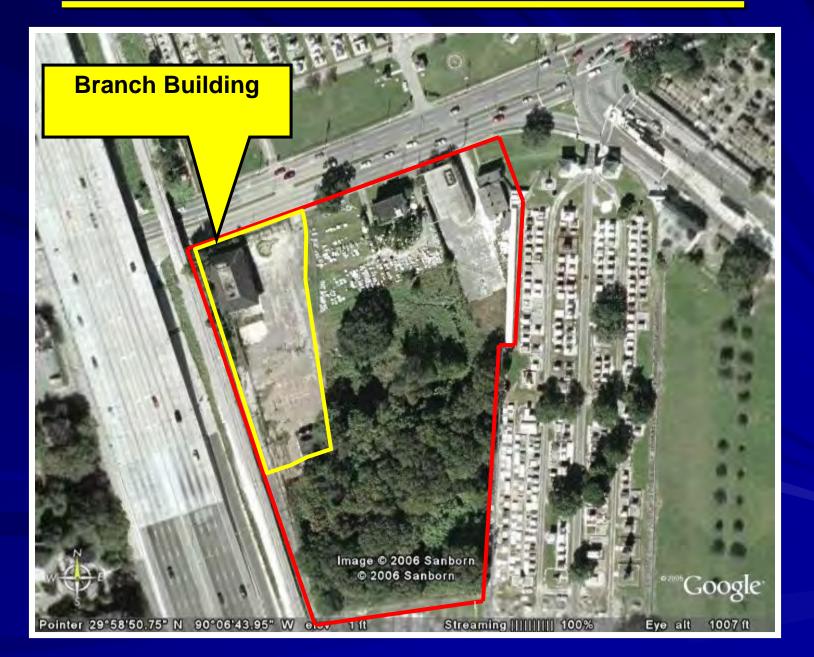
Physical Surroundings



Branch Office



Overall Site - 5.25 Acres



Waldo Road Vat Site



ACME Station



Soda, Coffee and Donut Area

(Looking East)



Soda, Coffee and Donut Area

(Looking West)



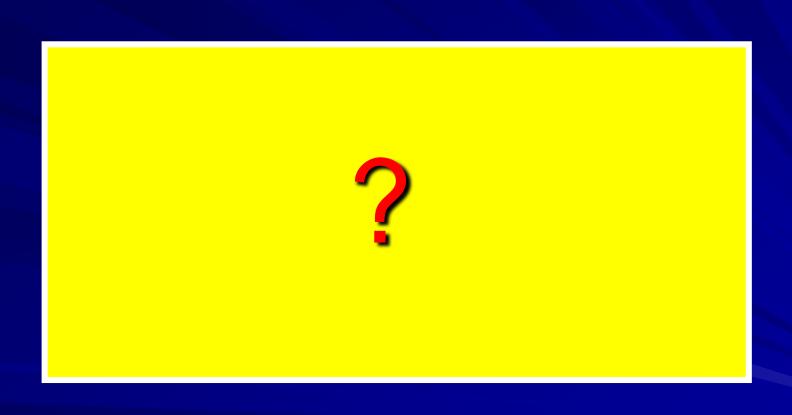
Bringing Things to Life

Damage to Mrs. Smith's Mercedes Benz



Total Repair Cost of \$793

Damage to the ACME Truck



Something New – 3D Scanning



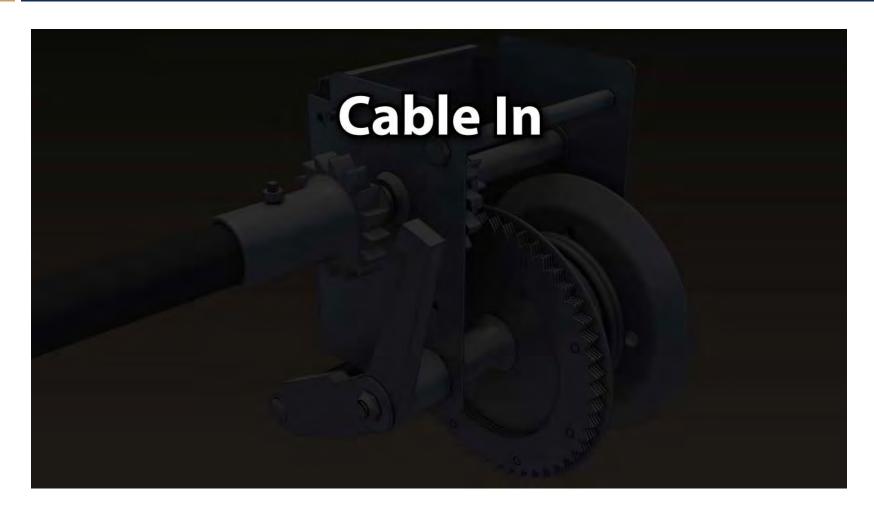


- Exact Replication of a Product or Accident Scene
- Eliminates Risk in Live Demonstrations

Product Overview Demo



Mechanical Operation Demo

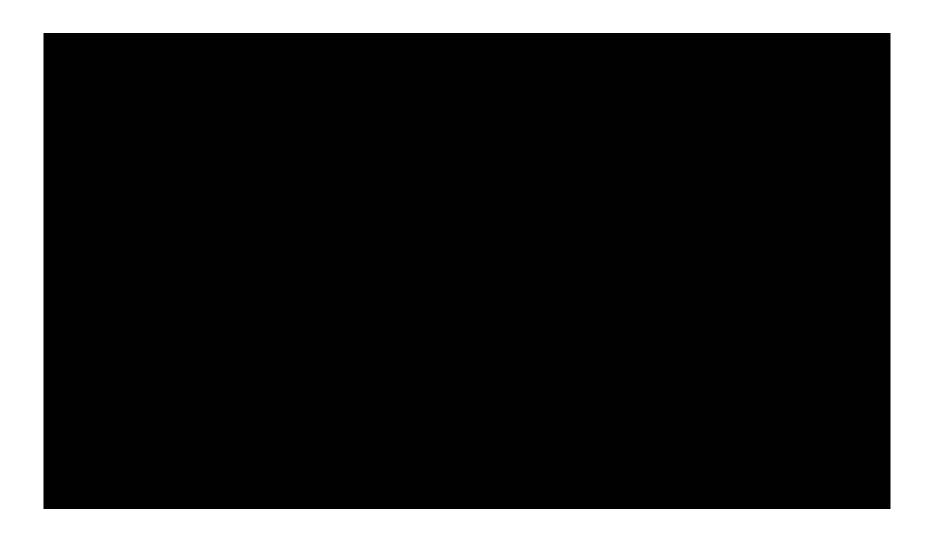


Beverage Aisle At Time of Fall





Trial Demonstrative Videos



Making Documents Come Alive

LAFON NURSING FACILITY OF THE HOLY FAMILY EVACUATION PLAN 2005

SITUATION

Facility description

Lafon Nursing Facility of the Holy Family is located on the river side of Chef Menteur Highway in the 6900 block. It is a one-story structure with 73 semi-private and 9 private rooms all with

There are three (3) nursing units, each with three (30 exits.

One exit on each station leads to Chef Highway, another to Gentilly Road and a third door is an

The building has a fire resistance of two (2) hours.

All doors are equipped with panic bars and alarms.

The building is equipped with central air, heat, smoke detectors, fire alarm system with two

dedicated phone lines to the fire department.

The facility is also equipped with a sprinkler system and closed circuit T.V.

All resident rooms are equipped with call bells and an intercommunication system to nurses'

The facility has an auxiliary emergency power generator which provides light to all hallways, telephones, refrigoration, and outlets for emergency use. The generator is located in a small, locked building directly across from the Gentility exit. The front of the building is used for storage of Hazardous Wastes.

The Boiler room, found to the left of the Gentilly exit, holds the heating and air-conditioning

Projected 100 year floor level: Our architect said that "occupied building spaces are built in conformance with FEMA requirements for minimal slab elevations, which are based on the 100year floor levels. The min slab elevation at Lafon is -4.00° with actual slab elevation at

Lafon keeps a two-week supply of non-perishable foods and supplies for emergencies.

Lafon stores many over-the-counter drugs which include anti-inflammatory/analgesics, antidiarrhea, antacids, laxatives, topical antibiotic ointments, cough syrups and vitamins.

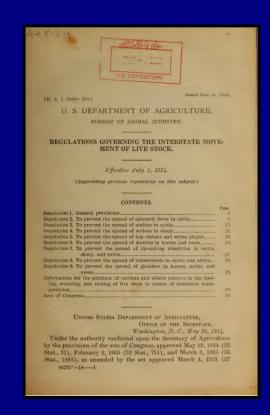
See attachment of emergency drugs(S 1)

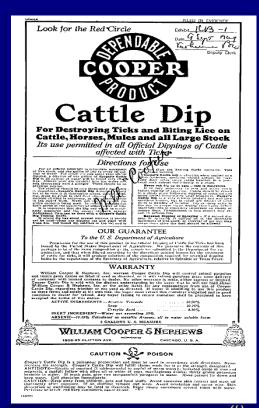
While many staff members may have a family emergency plan, we do not keep such information.

Hazards which may affect Lafon include: tomado, hurricane winds, water shortage, chemical

Lafon has no lightening rods nor lightening protection. Our architect said this is unnecessary

3





Three Basic Approaches

LAFON NURSING FACILITY OF THE HOLY FAMILY EVACUATION PLAN 2005

SITUATION

Facility description

Lafon Nursing Facility of the Holy Family is located on the river side of Chef Menteur Highway in the 6900 block. It is a one-story structure with 73 semi-private and 9 private rooms all with addicting haths.

There are three (3) nursing units, each with three (30 exits.

One exit on each station leads to Chef Highway, another to Gentilly Road and a third door is an east or west exit.

The building has a fire resistance of two (2) hours.

All doors are equipped with panic bars and alarms.

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Lafon keeps a two-week supply of non-perishable foods and supplies for emergencies.

Lafon stores many over-the-counter drugs which include anti-inflammatory/analgesics, antidiarrhea, antacids, laxatives, topical antibiotic ointments, cough syrups and vitamins.

See attachment of emergency drugs(S 1)

While many staff members may have a family emergency plan, we do not keep such information.

Hazards which may affect Lafon include: tornado, hurricane winds, water shortage, chemical spills in the area.

Lafon has no lightening rods nor lightening protection. Our architect said this is unnecessary.

3/0:

Blow-Ups of Selected Text

Facility description

Lafon Nursing Facility of the Holy Family is located on the river side of Chaf Menteur Highway in the 6900 block. It is a one-story structure with 73 semi-private and 9 private rooms all with adjoining baths.

There are three (3) mursing units, each with three (30 exits.

One exit on each station leads to Chef Highway, another to Gentilly Road and a third door is an east or west exit.

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All doors are equipped with panic bars and alarms.

The building is equipped with central air, heat, smoke detectors, fire alarm system with two dedicated phone lines to the fire department.

The facility is also equipped with a sprinkler system and closed circuit T.V.

All resident rooms are equipped with call bells and an intercommunication system to nurses' stations.

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Call-Outs

LAFON NURSING FACILITY OF THE HOLY FAMILY EVACUATION PLAN 2005

SITUATION

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3/05

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The building has a fire resistance of two (2) hours.

Text Boxes

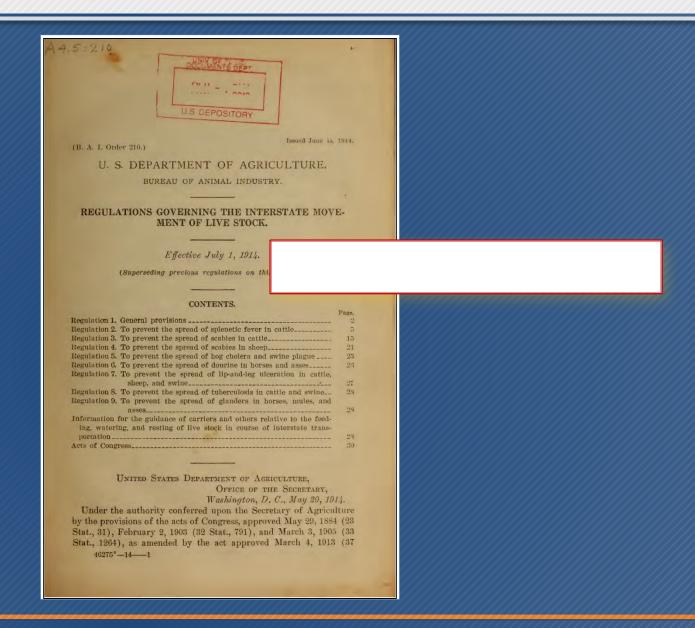
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The building has a fire resistance of two (2) hours.

Arsenical Dipping Ordered by U.S. Government



Source: DEFT 10 84

Prescribed Formula for Dipping Solutions

EXTERMINATING THE TEXAS-FEVER TICK.

If made properly this stock emulsion is permanent and will keep indefinitely.

To prepare the stock emulsion for use it is diluted with water to a 20 or 25 per cent emulsion. In order to obtain a 20 per cent emulsion of oil it is necessary to use one part of the stock emulsion to three parts of water, and for a 25 per cent emulsion one part of stock emulsion to two and one-fifth parts of water. The stock emulsion is permanent, but the diluted emulsion does not remain uniformly mixed, so that if allowed to stond it should be the

before using. Or and if this is not a a sufficient amour Care should be ob preparations.

Arsenical dips much favor durir efficacy, cheapnes comparatively sli pared and used. and are quite sati their preparation. proprietary conce This dip is prepar portions of 1 to 1 paratively little advantage is largely counterbalanced by the fact that it is more

expensive than a homemade dip.

The formula most commonly used in making an arsenical dip is the following:

Sodium carbon Amenic trioxid Pine tar.... Water sufficien

If for any reas carbonate and 10 the amounts give by the regulation of cattle which areas, but for or of the cattle to be best to use th hot weather and weeks.

Sodium carbonate (sal soda)pounds	24
Arsenic trioxid (white arsenic)dodo	8
Pine targallon	1

Water sufficient to make 500 gallons.

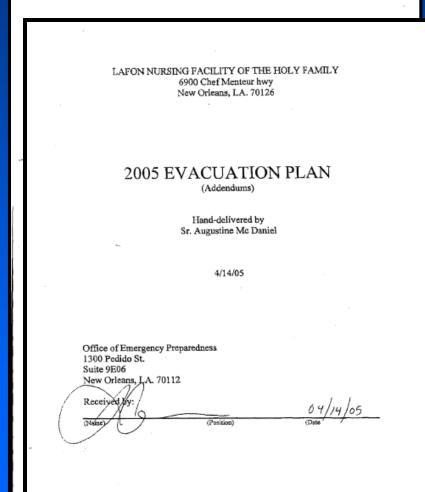
Farmers' Bulletin 498 (1912)

Arsenical dips as agents for destroying cattle ticks have come into much favor during the past few years. This has been due to their efficacy, cheapness, the ease with which they are prepared, and the comparatively slight injury they cause to cattle when properly prepared and used. Homemade dips are the ones most commonly used and are quite satisfactory in every way when ordinary care is used in their preparation.

The formula most commonly used in making an arsenical dip is the following:

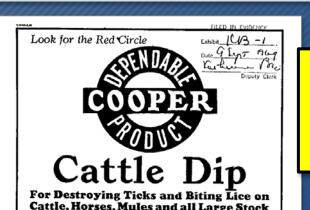
Source: PLTF 117.2

Reliant's 2005 Evacuation Plan



- All Department Heads Assigned to Review Designated Sections
- Typed by Georgia Horne (Sr. Augustine's Asst.)
- Ultimate Responsibility -Sister Augustine

Cooper Cattle Dip Warning



"Cooper's Cattle Dip is a poisonous preparation and must be used in accordance with directions."



Cooper's Cattle Dip is a poisonous preparation and must be used in accordance with directions. Never increase the strength. Cooper's Cattle Dip will fulfill claims made for it at the strength designated. ANTIDOTE—Emetic of mustard (1 tablespoonful to cupful of warm water); hydrated oxide of iron and magnesia, a cupful; follow with olive oil or white of eggs, mucilaginous drinks; thirty grains potassium bromide in water. If much pain, give two teaspoonfuls paregoric in water. Have patient lie down and keep warm. Call physician immediately.

CAUTION—Keep away from children, pets and food stuffs. Avoid excessive skin contact and wash off thoroughly after exposure. If on clothing remove and wash. Avoid inhalation and spray mist. Skin absorption or swallowing may be fatal to livestock. Rinse empty containers several times with water. Perforate or break, and bury containers, payer re-use.

pred the Control of t

1909-25 CLIFTON AVE. CHICAGO, U. S. A.

CAUTION POISON

poper's Cattle Dip is a poisonous preparation and must be used in accordance with directions. New creases the account of the poper's Castle Dip will Infill claims made for it at the account decignation of NYTHOTE—Emerical commented of toolshopsonical to explice of warmy water), hybridated oxide of the commented of the popular of the p

seep warm. Call physician financidistely.

CAUTION—Keep away from children, pots and food stuffs. Avoid excessive skin contact and wash of horoughly after eapoure. If on clothing remove and wash, Avoid inhabition and spray mist. Skin absorption or waithfusing many be falled to threshold. But employee empty containers several times with water.

"Keep away from children, pets and food stuffs. Avoid excessive skin contact and wash off thoroughly after exposure."

Source: DEFT 423

Highlighting Trial Testimony

Testimony of Dale David

- Q. Did you help pour any chemicals into the cattle dipping vat?
- A. No.
- Q. Do you know what kind of chemicals were used in the cattle dipping vat?
- A. No.
- Q. Before this lawsuit came about, had you ever even heard of the name Cooper's cattle dip before?
- A. No.

Testimony of John G. Broussard

Knowledge of when vat was built? **Knowledge of who built vat?** Recollection of ever seeing cattle run through vat? NO Knowledge of type of chemicals used in vat? **Knowledge of whether arsenic used in vats? Knowledge of how vats were emptied?** Testimony that Cooper's Cattle Dip used in vat?

Farmers' Bulletin 498

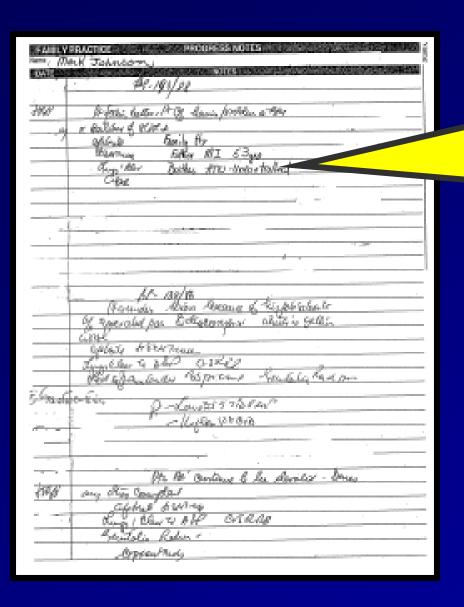


Dr. Michael Kosnett

- Q. And yesterday during your examination, you were shown this document, which is United States Department of Agriculture Farmers' Bulletin 498, is that correct?
- A. Yes.
- Q. This document was published in 1912?
- A. Yes.
- Q. Who was the target audience for this document that discusses method of exterminating the Texas fever tick
- A. It was available to the agricultural community.
- Q. And did you recognize it was widely used and widely distributed within that community?
- A. I believe it was.

Making Medical Issues Understandable

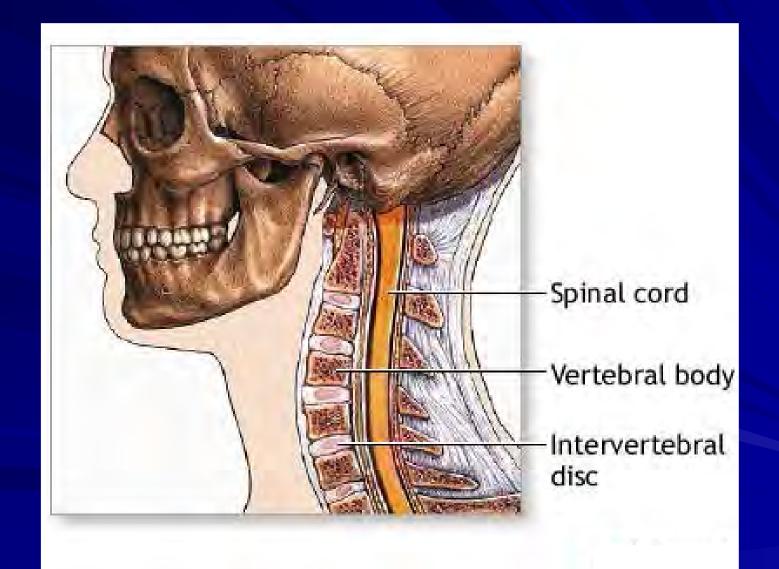
Medical Records Are Difficult to Read



"Father Died of Heart Attack at age 53 years"

"Brother Has High Blood Pressure – Uncontrolled"

Normal Cervical Spine



When Is Your Blood Pressure Too High?

Normal: 120/80 and below

Pre-Hypertension: 120-139/80-89

Hypertension: 140/90 and above

Turning Medical Records Into Weapons

Obtain Admissibility Before Trial

Accident Occurred On May 22, 2000





Louisiana Clinic Note – 3/13/92

Pa ela Ann Vizier Todaro

MAB 1 3 1992 1st visit New Patient

3/13/92 - "She hurt her neck and back. She has been seen by Ken Vogel. She had a whole bunch of tests including MRI, myelogram, etc. Dr. Vogel said that she was "getting old." He told her she had six ruptured discs in her back and neck and that none of them were touching the nerve and there was nothing that could be done for her."

PAMELA ANN VIZIER TODARD

APRIL 24, 1992

We got all of Pam's work up and she does indeed have multiple degenerative discs, some of them relatively severe. She had a wonderful work up by Dr. Landry and Dr. Vogel. I wish I had a magic wand but my magic wand is broken. I have tried her on some Lodine because she has a bad stomach and I have had some pretty good results with Lodine. However, I have reinforced to her that I think it is terribly unlikely she is going to get completely well and that Dr. Vogel and Dr. Landry may perhaps be indelicate but are anatomically and pathologically correct. We will see her in three months. Dr. P./bf
DIAGNOSIS: LUMBAR DEGENERATIVE JOINT DISEASE; CERVICAL DEGENERATIVE JOINT DISEASE

Louisiana Clinic Note - 11/1/94

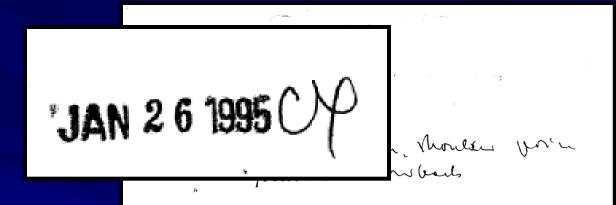
Pamela Am Vizier Todaro

AUG 0 5 1994

11/1/94 - "Poor Pam's back is getting worse. She has rather marked spasm and limited motion. Her epidural didn't work. She isn't a pill taker, and she doesn't like the effects of Demerol. She gets nauseated with Vicodin, Codeine, and Darvon, so I am going to try her on Talacen."

> 1-16-95 case settled per worksheet A/C# SANNB-345184 DEF5 0025

Next Scheduled Visit Louisiana Clinic Note – 1/26/95



1/26/95 - APPOINTMENT CANCELLED

Montfelt El. Noxp-rein

med. Dicour, Imm

MHa SIR Acof, Lesp

Ferm:

Try. from. dul. 1-5-5.

(-h
DEF5 0024

11/1/94 Was Last Visit With Dr. Phillips

She Didn't See Another Doctor for Her Back Until After Our Accident



The Answer: Louisiana Clinic Note – 1/16/95

Pamela Am Vizier Todaro

AUG 0 5 1994

PAMELA ANN VIZIER TODARD AUGUST 5, 1994

Her neck is okay. It is not the best I've ever done, as I've said before. I'd get a "B," but she didn't just have a single lesion. Her back is horrible.

1-16-95 case settled per worksheet A/C# SAWB-345184

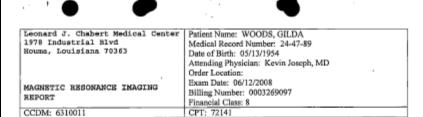
COPY TO: BENJAMIN B. SAUNDERS, ATTORNEY

PAMELA ANN VIZIER TODARO NOVEMBER 1, 1994 Poor Pam's back is getting worse. limited motion. Her epidural didn't work.

"1/16/95 Case Settled per worksheet"

1-16-95 case settled per worksheet A/C# SAUNB-345184 **DEF5 0025**

Pre-Existing Conditions - 6/20/08



MRI SCAN

Ordering Physician: Dr. Joseph.

CPT: 72141

Description: MRI CERVICAL SPINE W/O CON

EXAMINATION: MRI scan of the cervical spine without

C4-5: "posterior spondylosis and bulging"

CLINICAL HISTORY: Neck pain.

TECHNIQUE: The cervical spine was studied using sagittal and sinages. The axial images include the C2-C3 through C7-T1 di

FINDINGS:

No comparison.

The study is degraded by patient motion as

The sagittal images demonstrate strain the cervical culvaotherwise anatomic alignment. Descreased height and/or the C4-C5, C5-C5, and C6-C7 discreased prenounced at C5-C6 wh marrow degenerative changes present along with anterior os formation.

C2-C3, no obvious al lity appreciated.

C3-C4, no obvi a abnormality appreciated

C4-C5, posterior spondylosis and bull are disk are secondary effacement of the vertical area disk are flattening of the ventral margin of the noted. Mild appearing the present with mild nary of the right for

C6-C7, posterior spondylosis and bulging of the disk are demonstrated with effacement of the ventral subarachnoid space and only minimal if any associated flattening of the ventral margin of the cord.

ORIGINAL COPY

D11-073

GSW-LJC-0073

E.C. "covere degenerative changes with

C6-7: "posterior spondylosis and bulging of the disk"

Creating Context With Timelines

Orkin's Knowledge of Any Further Issues at Site

Remainder of 1999



2000



2001



2002



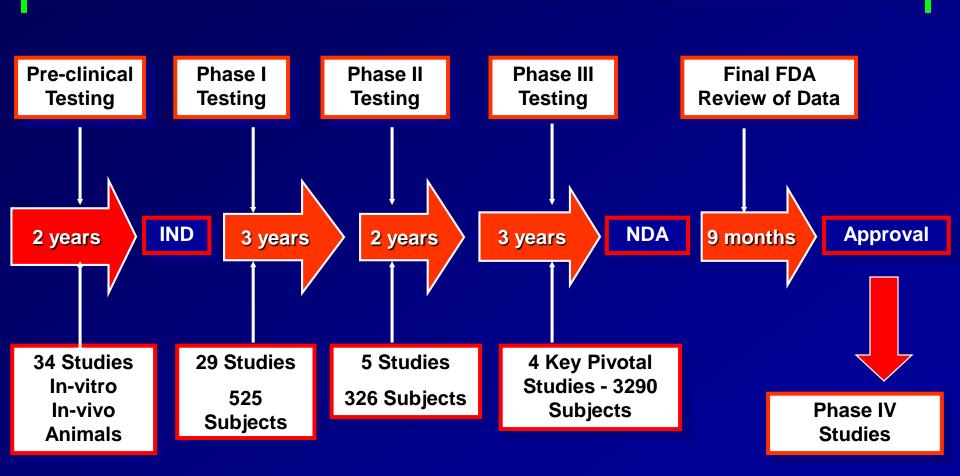
2003



Jan. 2004 - Lawsuit Filed

Naritin's Path to FDA Approval

1990 2000



Mark Johnson's Hypertension Symptoms: 2002 – 2003

April, 2002

Fatigue on Exertion

March, 2003

Episode of Dizziness, Visual Disturbance Heart Palpitations & Shortness of Breath

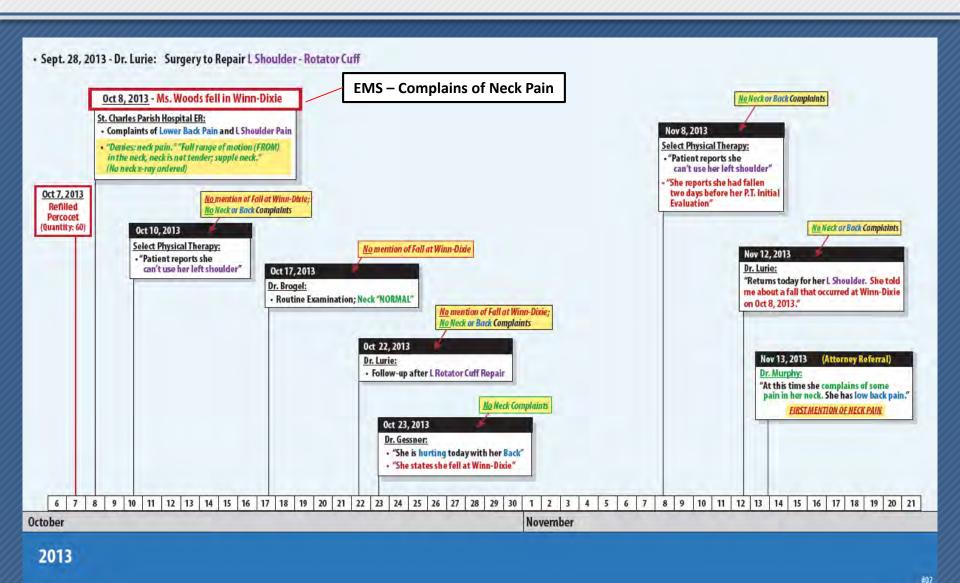
July, 2003

Fatigue and Heart Palpitations

March April May February March April May June July

2002 2003

Post Accident Timeline



Hurricane Katrina Timeline - August 2005

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29 KATRINA	30	31	1	2	3

Timeline - Thursday, August 25, 2005

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	25 • Hur	ricane	Katrina	off eas	t	6
7		st of F	lorida Landfal	I: South	n of	13
14	Mia	mi	ıns Not			20
21	1		cane Wa		u III	27
28						3

Timeline - Friday, August 26, 2005

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29 KATRINA	30	31	1	2	3













The Times-Picanume

JOBL McTOPY



St. John official МсТору dies at 63

Councilman was dedicated to parish

N.O. audit finds rife abuse in paychecks



"On the front end, it may not be strong as we like it. ... It's going to be done or time."

Federal city would need new tenants

Trump buys into N.O. condo project



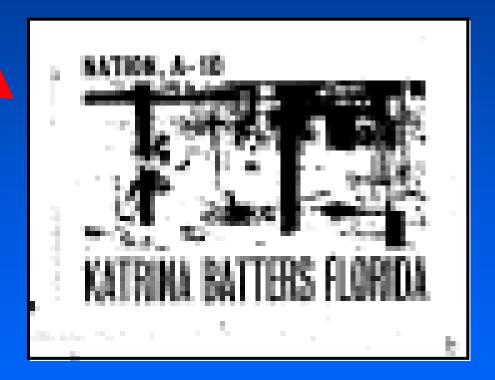
Trumb Tower blan



wants law on 'dangerous dogs

Proposed ban on pit bulls vetoed

Times-Picayune -Friday, 8/26/05



NATION, A-10

Maintaining Interest With Graphics

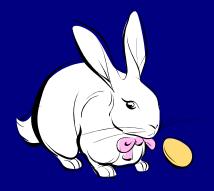
Resist Using Clip Art!





















Simple Tables Can Organize Data

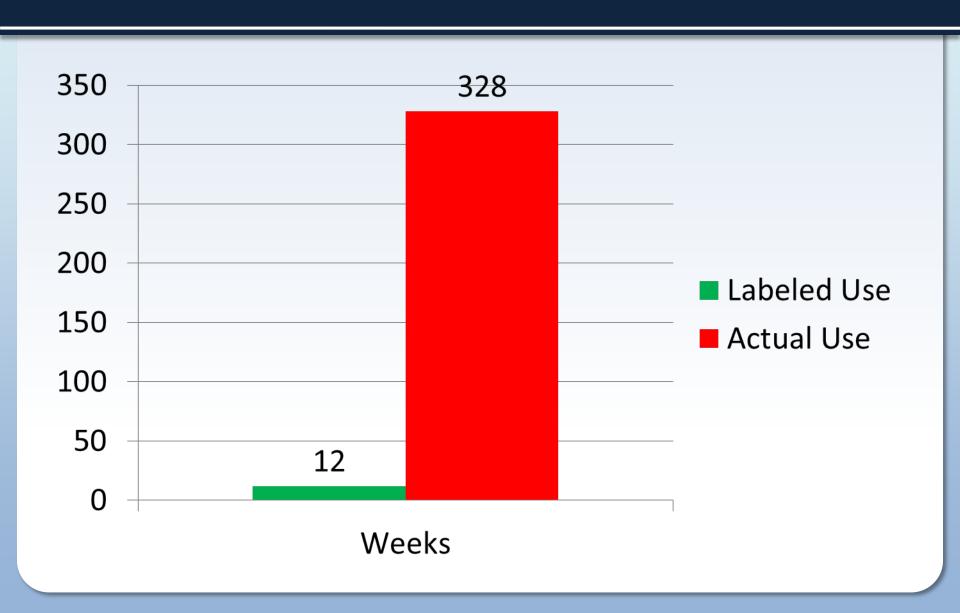
You	Can	Put	In	Any	Data	You	Want

FDA Scientists Who Reviewed the Naritin NDA

FDA SCIENTIST	REQUESTED ADDITIONAL TESTING?
Dr. Victor Chen Director, Division of Animal Toxicology	NO
Dr. Edward Jensen Pharmacologist	NO
Dr. John Semmes Division Director	NO
Dr. Nancy Hanrahan Medical Review Officer	NO
Dr. Anne Gornick Supervising Scientist	NO

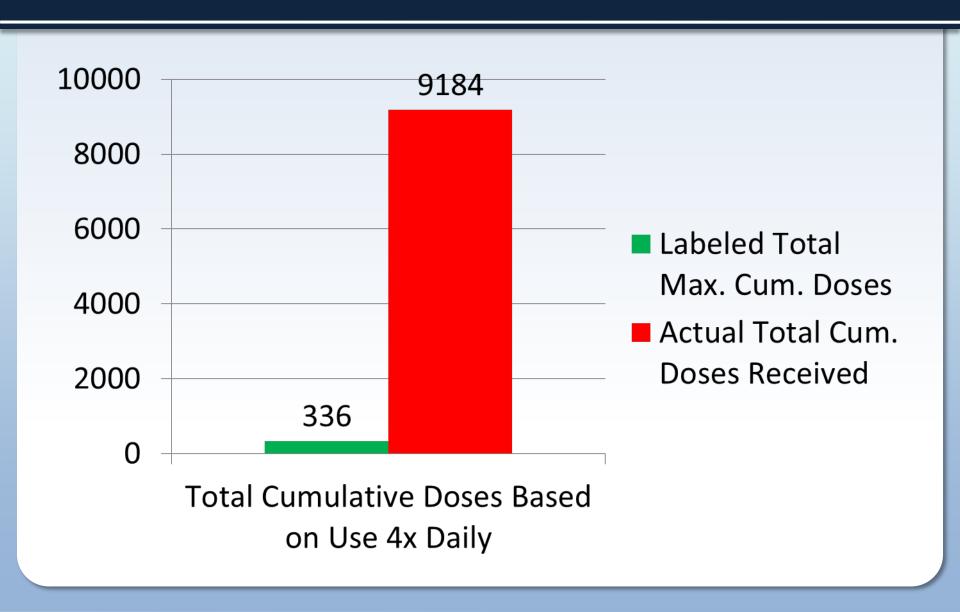


Ms. West's Actual Length of Use

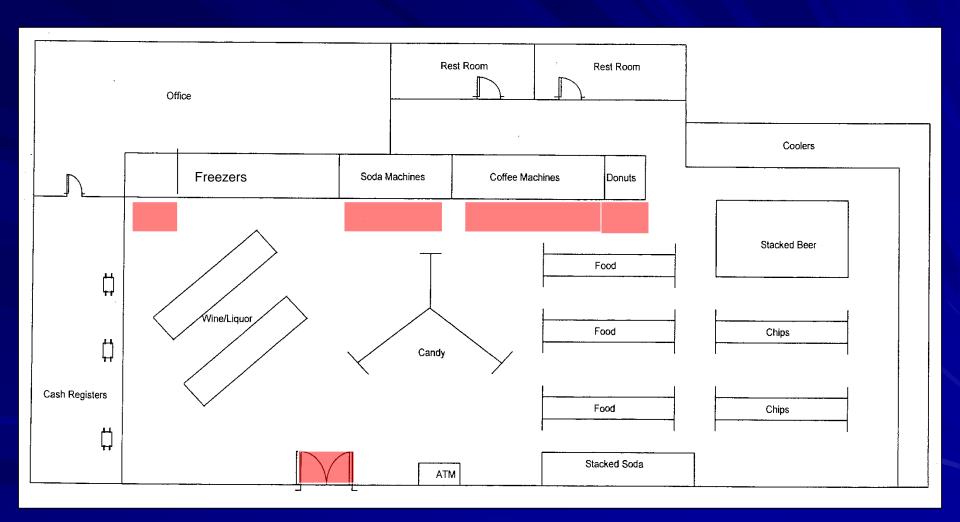




Ms. West's Total Cumulative Dose



<u>Layout of ACME Store – Gause Blvd.</u>



Hurricane Protection System

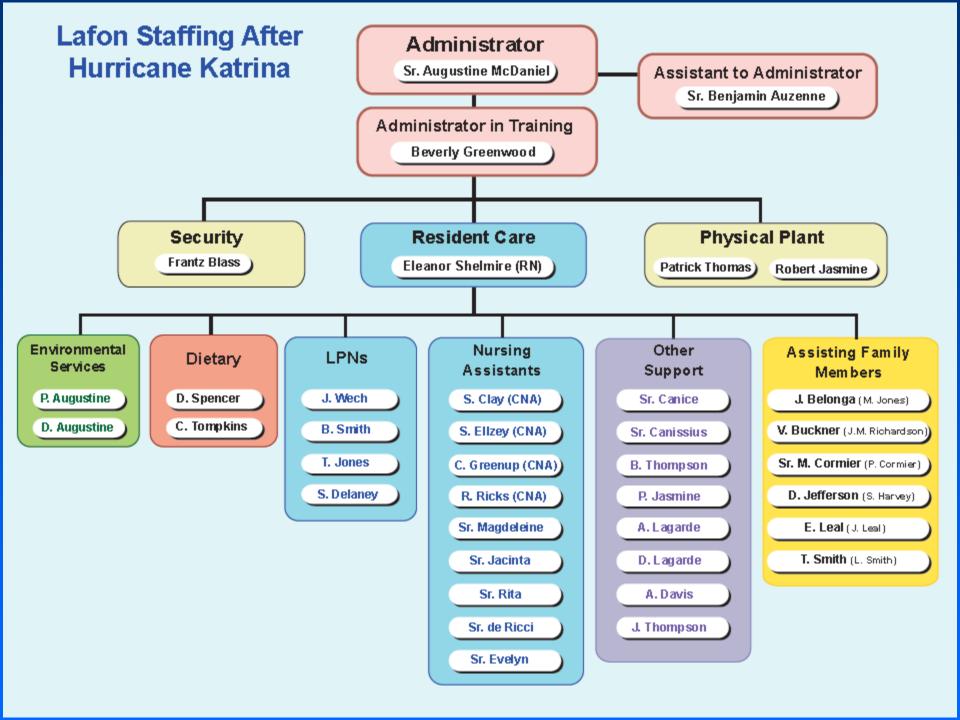


NWS Forecast - Friday, August 27, 5:00 p.m.

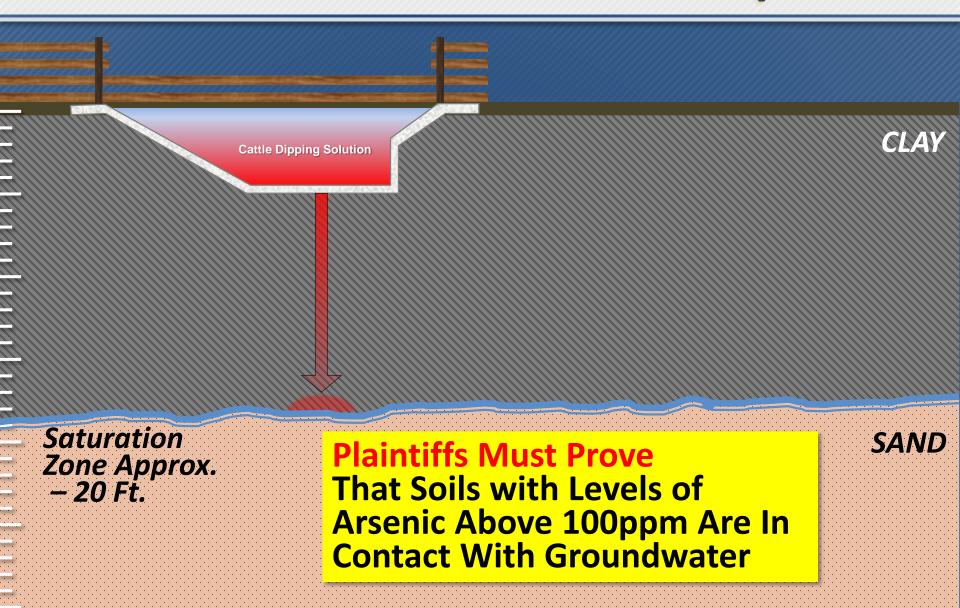


Who Was to Evacuate?

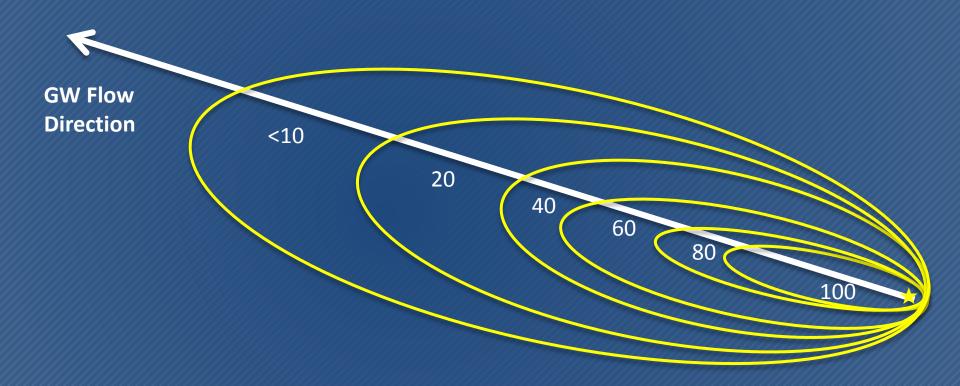




Is There a Connection? - Step 1



Fundamental Principle



Using Graphics

Limited Only by Your Imagination

Use Sparingly to Avoid Overload

Always Get 2nd and 3rd Opinions

Share With Other Counsel In Advance

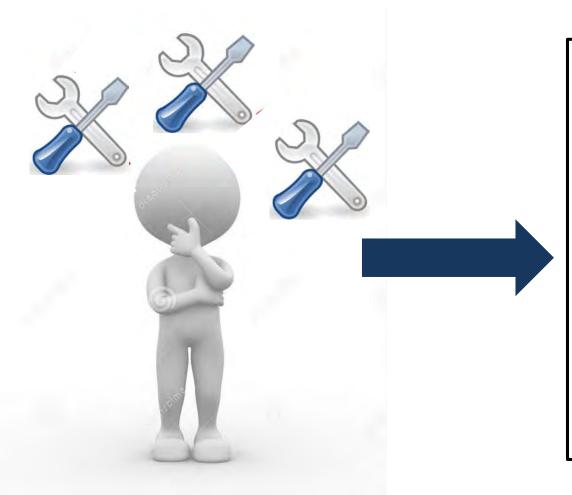
3. Compelling an Outcome



"Technology is nothing. What's important is that you have a faith in people, that they're basically good and smart, and if you give them tools, they'll do wonderful things with them."

Steve Jobs

What "Tools" Have You Given the Jury?



25 TH JUDICIAL	DISTRICT COURT FOR	THE PA	RISH OF PLAQUEMINES
	STATE OF LO	UISIANA	
NO. 58-141	KEN DESPA	UX	DIVISION: "A"
	VERSU	s	
CONOCO-PHILLI	PS COMPANY, ABC INST	URANCI TORS, I	AL INSURANCE COMPANY, E COMPANY, LYNN HURST, INC., TEREX CORPORATION IPANY
FILED;			
		DEPUT	Y CLERK
	VERDICT F	ORM	
QUESTION NO. 1			
	he accident, was a reasor		e use of the AL4000 Light ticipated use from the
Yes		No	
If the answer to	Question No.1 is "Yes," t	then go t	o Question 2.
Industries" in re	to Question No. 1 is " esponse to Question No. uestion No. 2 or 3.	No," ent 15 and t	ter 0% on the line for "Amida hen skip to Question No. 4. DO
QUESTION NO. 2			
Do you find by a prepo unreasonably dangero	onderance of the evidence ous as defined by the Loui	e that the isiana Pr	e AL 4000 Light Tower was roducts Liability Act?
Yes		No	
			on the line for "Amida en go to Question No. 4. DO
If the answer to	Question No. 2 is "Yes,"	then go	to Question No. 3.
QUESTION NO. 3			
characteristic of the A	onderance of the evidence L 4000 Light Tower was a	e that the proxima	e unreasonably dangerous ate cause of Ken Despaux's
injuries?			

Mary Williams v. Racetrac Petroleum, Inc.

Closing Argument of Racetrac Petroleum, Inc.

Perception v. Reality

Answering The Three Questions:

- 1. Plaintiff Believes there was Something about the Rug that presented a Danger.
- 2. Plaintiff Believes Racetrac Should have Done Something to Prevent her from Falling.
- 3. Plaintiff Believes that Her Present Shoulder Problems were Caused by this Accident?

The Reality:

Plaintiff's Beliefs Do Not Determine the Outcome of this Case

Closing Argument of ACME Equipment Rental Company

Three Questions

1. Why Was Ken Smith Injured?

2. Who Was Responsible?

3. What Doesn't "Stick?"

What Doesn't "Stick"?

Proverb

"If You Throw Enough Dirt At The Wall, Something Might Eventually Stick."

What Doesn't Stick? #1

The Wallowing Out of the Handle Socket Caused the Tower to Fall

Handle Socket After Accident



What Caused the Wallowing?

- Tower Was Last Inspected on 6/29/09
- Passed its Full Function Test





What Caused the Wallowing?

 Testimony Was That Contractors at Alliance Routinely Borrowed Equipment from Each Other

June 29, 2009



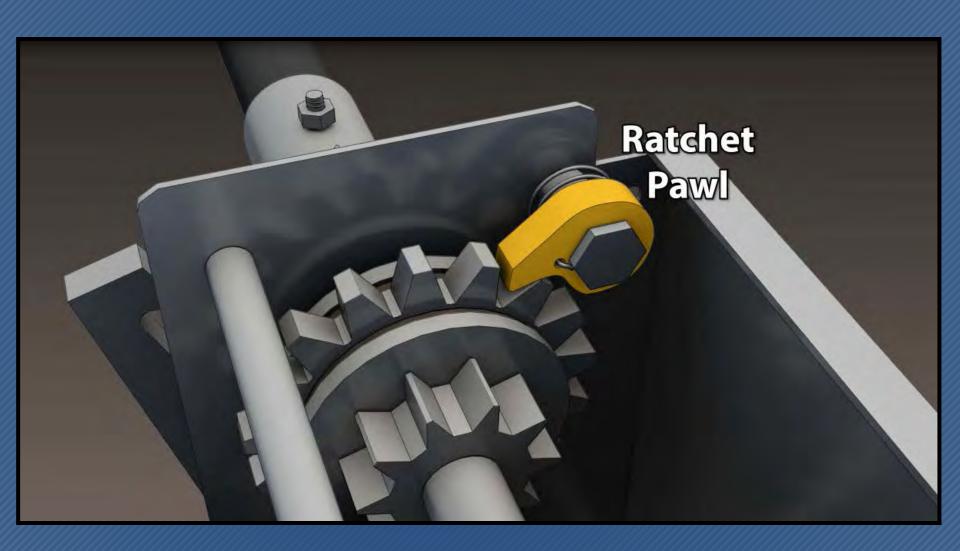
September 21, 2009

81 Days

What Doesn't Stick? #2

A Problem with the Ratchet Pawl Caused the Tower to Fall

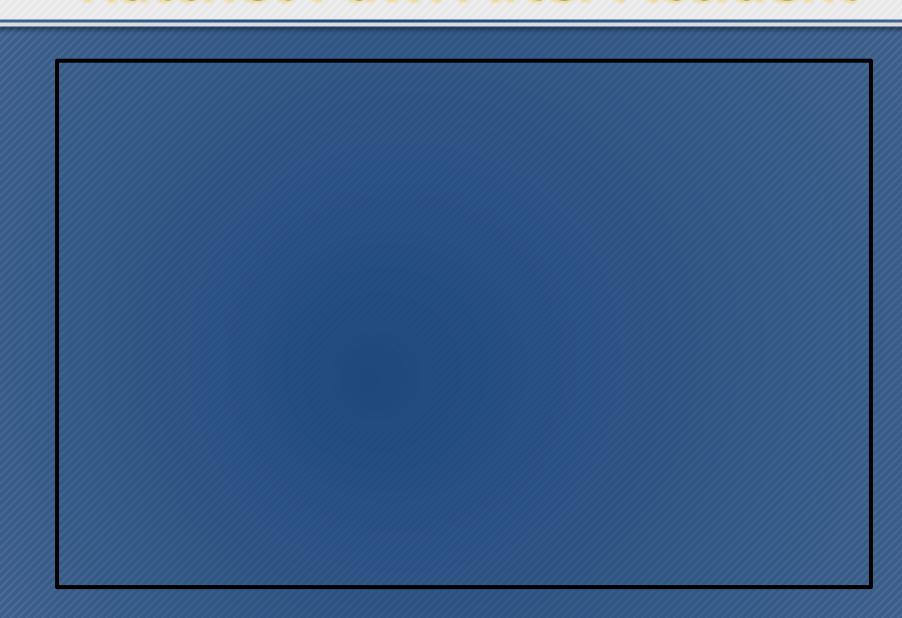
Ratchet Pawl



Ratchet Gear



Ratchet Pawl After Accident



Your Duty – Judges of Facts

THE LAW

DUTY OF THE JURY

As the jury in this case, you and only you are the judges of the facts. You must decide what buppened. I play no part in judging the facts. My role is to be the judge of the law, that is to say, my duty now is to explain the legal principles that must guide you in your decisions on the facts. And move that you have heard all of the avidence and heard all of the arguments of counsel, it becomes my duty to give you the instructions of the Court as to the law applicable to this case. It is your duty as jurors to follow the law as I state it to you in these instructions and to apply the rules of law to the facts as you find them from the evidence in the case.

ALL PERSONS STAND EQUAL BEFORE THE LAW, INCLUDING CORPORATIONS

The fact that the plaintiff is an individual and the defendant is a corporation must not enter into or affect your verdict. This case should be comidered and decided by you as an action between persons of equal standing in the community, of equal worth, and holding the same or similar standings in life. A corporation is to be treated the same as a private individual. All persons, including corporations, stand equal before the law and are to be dealt with as equals in a count of justice.

Any verdict which you render must be based solely and entirely upon the evidence presented and the law which is applicable. You cannot return a verdict for either party because of sympathy for or prejudice against either party. In the eyes of the law, the plaintiff and the defendant are equals, each having rights and responsibilities which you must resolve fairly, justly and impartially based upon reason and not emotion.

-1-

K0000#24

VERDICT FORM

		West v.	Wyeh		
		JURY VERI	DICT FORM	Ď	
	ai find by a prep ate warning for l	ponderance of the a	evidence tha	the defendant	ailed to provide
		Ya		No	
		nestion 1 is "no." " then please proc			3. If your answ
		ponderance of the was a factual cause			rovide an adequa
		1 is		No	
	on find by a pre- ial fact about Re	eponderance of the glass 187	evidence th	rat the defenda	nt misrepresented
		You		No	
		Question 3 is "uo," is "yes," then ple			f page 2. IF you
relied		conderance of the e escentation of a mate			
		Yes		No	
		Duestion 4 is "no," i is "yes," then ples			f page 2. IF you
	u find by a prep of an injury to th	onderance of the e	vidence that	the misrepresen	tation was a factur
		Yes		No	

Key Instruction – Adequacy of Warning

• A manufacturer must give the user or consumer any warnings and instructions of the possible risks of using the product that may be required, or that are created by the inherent limitations in the safety of such use.

Jury Interrogatory No. 1

1. Do you find by a preponderance of the evidence that the defendant failed to provide an adequate warning for Naritan?

_____ Yes ____X No

Just One More Thing . . .



"Death is life's change agent. It clears out the old to make way for the new. Right now, the new is You but someday not too long from now you will gradually become the old and be cleared away. Sorry to be so dramatic but it is quite true.

Your time is limited so don't waste it living someone else's life. Don't let the noise of other persons drown out your own inner voice. Have the courage to follow your heart and intuition."

Steve Jobs

HAMILTON

"I am not throwing away my shot!

I am not throwing away my shot!

Hey yo, I'm just like my country I'm young, scrappy and hungry

And I'm not throwing away my shot!"

TAKE YOUR SHOT!

Final Comments and Questions