

I. INTRODUCTION

Good morning, ladies and gentlemen. I am Judge Burke. I will now ask you questions which relate to your becoming jurors in this case. This part of a trial is called a voir dire examination of prospective jury members. “Voir dire” simply means that you will truthfully answer questions which are asked of you as a prospective juror in this proceeding. The purpose of the voir dire examination is:

- A. To gain knowledge about your attitudes concerning issues to be decided and questions answered in this case;
- B. To enable the court to determine whether any prospective juror should be excused; and
- C. To enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges, that is, challenges for which no reason need be given by counsel.

Now my Courtroom Deputy will administer the oath because it is important that you answer these questions truthfully.

(To Deputy: Please swear the panel.)

You all have a printed copy of these questions and a pen. If your answer is “yes” to any question, please take your pen and circle the number of that question. After I finish reading all the questions, you may be asked whether you answered “yes” to any questions. Once I have completed all of the questions, I may ask some of you who answered “yes” to one or more questions to come back to the jury room to discuss your answers with the lawyers and me.

This is a timed trial, which means that each side has a set amount of hours in which to present their case. The presentation of evidence in this case is expected to be completed either on this Friday, March 1, or next Monday, March 4; jury deliberations will follow, and we expect to be completed with the case by Monday, March 4 or Tuesday, March 5.

The schedule that I expect to keep over the days of evidence presentation will include a morning break of 15 minutes, a lunch break of at least a half an hour, and an afternoon break of 15 minutes. Trial will start each day at 9:00 a.m. and will finish no later than 5:00 p.m. each day.

1. Does the schedule I have just mentioned present a special problem to any of you?

II. IDENTIFICATION OF PARTIES AND COUNSEL

Next, I will ask you about the people involved in this case so you can tell me if anyone here has any prior dealings with anyone involved in the case.

2. The Plaintiffs in this case are Midwest Energy Emissions Corp. and MES, Inc. Together they will sometimes be referred to as ME2C. Have you or any of your close family members had any dealings with either of the Plaintiffs?
3. ME2C is represented by the Devlin Law Firm and the Caldwell Cassidy Curry Law Firm. The individual lawyers involved are: James Lennon, Peter Mazur, Bradley Caldwell, Justin Nemunaitis, Warren McCarty, Daniel Pearson, Aisha Haley, Adrienne Dellinger, and Richard Cochrane. Do any of you know, or are you acquainted with, these lawyers or any other lawyer or employees in their offices?
4. Do any of you have pending business, or have you had business, with those law firms or with ME2C?

5. There are 12 separate Defendants and/or Counterclaim-Plaintiffs in this case. I'll refer to these parties as "Defendants" here. The Defendants are represented by the same attorneys. I will tell you the names of these Defendants, and the counsel for them:

- CERT Operations II LLC
- CERT Operations IV LLC
- CERT Operations V LLC
- CERT Operations RCB LLC
- Senescence Energy Products LLC
- Bascobert (A) Holdings LLC
- Buffington Partners LLC
- Larkwood Energy LLC
- Rutledge Products LLC
- Cottbus Associates LLC
- Springhill Resources LLC
- Marquis Industrial Company LLC

6. Have any of you had dealings with these entities? Also, these Defendants are represented by the law firms of Morris James LLP and Bradley Arant Boult Cummings LLP. The individual lawyers involved are Kenneth Dorsney, Cortlan Hitch, Paul Sykes, and Jeff Dyess. Do any of you know, or are you acquainted with, these lawyers or any other lawyer or employees in their offices? Do any of you have pending business, or have you had business, with those law firms?

During the course of the trial, you may hear references to companies that are not parties

to the case including, but not limited to:

- Arthur J. Gallagher & Co., and
 - Chem-Mod LLC
7. Have any of you, or your close family members, had any dealings with any of those companies, or any people from those companies? Or have you or your close family members had any dealings with any company that operates or provides services to a coal-fired power plant?

III. WITNESSES

I am going to read a list of witnesses who may be called during this trial.

- Rick MacPherson
- Jim Trettel
- John Pavlish
- Michael Holmes
- Edwin Olson
- Philip Green
- Philip O'Keefe
- Catharine Lawton
- Stephen Niksa
- Connie Senior
- Sally Batanian
- Vince Inendino
- Katherine Panczak

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