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 The Bendix Corporation

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 11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 12 **COUNTY OF ALAMEDA**

14 RICARDO OCAMPO and ELVIA
 OCAMPO,

15 Plaintiffs,

16 vs.

17 AAMCO TRANSMISSIONS, INC., et al.,
 18 Defendants.

Case No. RG19041182

[Assigned for All Purposes to the Honorable Jo-
 Lynne Q. Lee in Department 18]

**DEFENDANT HONEYWELL
 INTERNATIONAL INC.’S NOTICE OF
 IRREGULARITIES AT REMOTE JURY
 TRIAL FROM JULY 27-29, 2020**

Complaint Filed: October 29, 2019
 Trial Date: June 15, 2020

22 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

23 Defendant Honeywell International Inc. (“Honeywell”) identifies a series of continued
 24 irregularities and concerns with the remote jury trial held on July 27 to July 29, 2020, that it
 25 respectfully wishes to raise with the Court. Significantly, Honeywell remains concerned with the
 26 1) the inability to fully participate at trial via Livestream audio feed; 2) lack of attentiveness of
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1 jurors; and 3) technological difficulties associated with a remote Zoom jury trial, that are detailed
2 further below.

3 **A. Livestream**

4 The Court previously indicated that Honeywell would have to participate through the
5 Livestream audio feed in this trial. However, on July 27, 2020, Honeywell was unable to hear the
6 Court's proceedings as the Livestream audio feed was not functioning. Despite several emails to
7 the Court, the Livestream issue was never resolved, and Honeywell was unable to listen to the July
8 27, 2020 proceedings in its entirety. The following day, on July 28th, the Livestream audio feed
9 went in and out of connection for several minutes throughout the proceedings. On July 29th, the
10 Livestream audio feed had no sound for the first fifteen minutes of the proceedings and was in and
11 out of connection between 9:00 a.m. to 10:00 a.m. Throughout the rest of the proceedings, there
12 were at least nine interruptions where Livestream did not work.

13 As such, Honeywell continues to object to the use of Livestream as the method of
14 participation in this jury trial. Notably, Honeywell does not have the ability to observe the jurors to
15 determine whether they are paying attention to the remote jury trial proceedings. Moreover, it
16 cannot observe juror facial cues, reactions and expressions that it would otherwise be able to
17 observe normally in an in-person jury trial setting.

18 **B. Attentiveness of Jurors Via Remote Jury Trial Platform**

19 Honeywell continues to notice a lack of attention among certain jurors throughout the
20 remote judicial proceedings. On July 27, 2020, Juror No. 1, Juror No. 8 and Alternate Juror No. 2
21 were all walking around during the Court's jury instructions. Also, Juror No. 1 appeared to be on
22 a cell phone as opposed to a laptop based on the camera angle and the way she moved around
23 appeared to confirm this. Juror No. 7 was working and emailing from another computer during the
24 parties' opening statements. Juror No. 11 was reading from another screen and Juror No. 2 was
25 occasionally looking at another computer. On July 28, 2020, Juror No. 2, Juror No. 10 and Juror
26 No. 12 were very clearly working during the proceedings. Alternate Juror No. 2 was laying down
27 throughout the proceedings. On July 29, 2020, Alternate Juror No. 2 was again reclining in bed
28

1 during the proceedings. It was unclear if Juror No. 10 was paying attention as his head was down
2 for much of court session and it appeared that he was working on something else.

3 **C. Technological Difficulties with Remote Jury Trial**

4 On July 27, 2020, during the Court’s reading of jury instructions, Juror No. 12 did not have
5 his camera on and had to switch to his personal computer to appear on camera. Juror No. 11
6 dropped off Zoom for a few minutes. Juror No. 5 lost his hot spot connection, causing a delay of
7 thirty-two minutes and required an additional fifteen-minute break to allow him to get back onto
8 Zoom using his personal laptop. As a result of these delays, the Court had to re-read a portion of
9 the jury instruction to ensure that it was heard by all the jurors. In addition, during Plaintiffs’
10 opening statements, Alternate Juror No. 2 dropped off of Zoom, requiring Plaintiffs’ counsel to re-
11 read a portion of his opening statement to the jury. On defense counsel’s opening statement, one
12 juror could not see his Power Point presentation initially. On July 28, 2020, Juror No. 1 was
13 having difficulty getting online, causing her to be late for the proceedings. Alternate Juror No. 1
14 also had trouble getting online in the morning.

15 On July 29th, Juror No. 5 dropped off the Zoom screen during Plaintiffs’ direct
16 examination of their expert, Stephen Paskal; as a result, proceedings were paused while
17 Department 18 attempted to contact that juror. The Court also noticed that one other juror “might
18 have technological issues.” At the start of Honeywell’s cross-examination, both Plaintiffs’
19 counsel and Mr. Paskal indicated that they were unable to see Honeywell counsel, Ricky Raven,
20 though Mr. Raven was visible to the jurors. At around 12:48 p.m., a juror dropped off and the
21 juror came back online again very quickly.

22 Dated: July 29, 2020

23 **ONGARO PC**

24 By: 

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26 NILUFAR K. MAJD
27 Attorneys for Defendant
28 HONEYWELL INTERNATIONAL INC. f/k/a
AlliedSignal Inc., Successor-in-Interest to The
Bendix Corporation

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PROOF OF SERVICE

I, Yroko M. Drevon, declare:

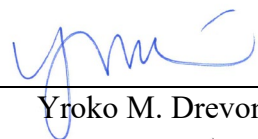
I am a citizen of the United States of America and am employed in the County of San Francisco, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 1604 Union Street, San Francisco, California 94123. On July 29, 2020, I electronically served the following document via File & ServeXpress:

DEFENDANT HONEYWELL INTERNATIONAL INC.'S NOTICE OF IRREGULARITIES AT REMOTE JURY TRIAL FROM JULY 27-29, 2020

I served this document on the recipients designated on the Transaction Receipt located on the File & ServeXpress Website.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed at Oakland, California.

Date: July 29, 2020


Yroko M. Drevon