

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LINDA J. BLOZIS, :
 : CIVIL ACTION NO. 05-891 (SLR)
 :
 Plaintiff, :
 :
 vs. :
 :
 MELLON TRUST OF DELAWARE, :
 NATIONAL ASSOCIATION; MELLON :
 BANK, NATIONAL ASSOCIATION; :
 MELLON FINANCIAL CORPORATION, :
 :
 Defendants. :
 :

DEFENDANTS' AMENDED PROPOSED VOIR DIRE QUESTIONS

Defendants, Mellon Trust of Delaware, National Association, Mellon Bank, N.A., and Mellon Financial Corporation (collectively and hereinafter referred to as "Mellon"), respectfully request that all prospective jurors be asked the following questions during the course of their voir dire examinations:

1. In the trial of this case, all parties are entitled to have a fair, unbiased and unprejudiced jury. If there is any reason why any of you might not be able to render a fair verdict, you must disclose such reason to the Court. It is your duty to make this disclosure and you must answer each question put to you as honestly as you can.

2. That a corporation is a defendant in this case must not affect your deliberations or your verdict. You may not discriminate between corporations and individual people. A corporation, as well as an individual, is a person in the eyes of the law. Each is entitled to the same fair and impartial trial based on the same legal standards. Do you believe you can give a corporation the same fair and impartial consideration as you would give to an individual person?

3. The law dictates that it is the Plaintiff who has the burden to prove to you by a preponderance of the evidence that she was treated unlawfully. Do you feel that you might not be able to follow that instruction because you believe that an employer must prove to you that it did not violate the law?

4. It is important that you follow the Judge's instructions and rulings on the law and that you apply the law to this case. Whether you approve or disapprove of the Judge's rulings or instructions, it is your duty to accept as correct her statements of the law. You may not substitute your own idea of what you think the law ought to be.

5. Having heard all of this, will all of you follow the law in this case as Judge Robinson gives it to you?

6. Has anyone ever had any professional, business or social relationship with the following attorneys or the law firms representing the parties: Stephanie Wilson and Paul Rooney at Reed Smith; John M. LaRosa at Law Office of John M. LaRosa; and Stephen Neuberger and Thomas S. Neuberger of **[name of firm]**? Do you know these people, or any employees or other persons affiliated with these law offices or any members of their families?

7. Does anyone know any of the judges or personnel of the United States District Court for the District of Delaware, including bailiffs or court reporters?

8. Does any one have any special training involving financial services or banking?

9. Does anyone have any special training in matters involving accounting, economics or income tax?

10 Has anyone at any time ever worked for lawyers?

11 Does anyone work for any banks, financial services companies, or accountants?

12 Do any of you know one another?

13 Is there anything about serving on a jury that anyone does not like or disagrees with?

14 Do any of you have any preconceived ideas or beliefs on what the law is or should be such that, regardless of what the Court tells you the law is, you cannot or will not put it aside?

15 If you ever served on a jury before, were you a juror in a civil or criminal case? If a verdict was reached, was it for the plaintiff who brought the lawsuit or the defendant?

16 Defendants are financial services companies. Have any of you ever heard of Mellon Trust of Delaware, National Association, Mellon Bank, N.A., or Mellon Financial Corporation?

17 Have any of you, your family members or close friends ever been employed by Mellon Trust of Delaware, National Association, Mellon Bank, N.A., or Mellon Financial Corporation?

18 Have you, your family members or close friends had any experience, either good or bad, with Mellon Trust of Delaware, National Association, Mellon Bank, N.A. or Mellon Financial Corporation, or their employees which affected you in a way that would prevent you from fairly deciding the issues in this case?

19. As I mentioned before, Mellon Trust of Delaware, National Association, Mellon Bank, N.A. and Mellon Financial Corporation are financial services

companies. Do you now use or have you ever used any of their financial services? If yes:

- (a) Were you satisfied with this service and its cost? Did you have complaints about it?
- (b) Would the fact that you used this service make you more likely to rule for these Mellon entities? Less likely?

20. Do you have any personal beliefs or opinions about financial services companies in general, either good or bad? What are they? Do you think, in general, that financial services companies make too much money?

21. Do you understand that you must put aside whatever opinions you have about financial services companies in deciding this case? Will you promise me that you will do that and decide this case only on the evidence and law?

22. Would you have a tendency to award damages just because you think a financial services company can afford it?

23. As a financial services company, Mellon helps people plan their financial affairs, including investments in things like the stock market. Some of you may own stocks or other investments. Some of you may have lost money in the stock market. Do you feel that your losses were the result, even in part, of bad financial advice you received from a broker or a financial consultant? Will this loss affect your ability to sit on this jury? Will you be able to set aside any personal feelings you may have and decide this case only on the law and evidence?

24. Do you know or have you ever met or heard of the Plaintiff, Linda Blozis?

25. Do you know of any of the following potential witnesses or members of their families: (list the witnesses for both sides).
26. Are any of you, or your family members or close friends, now or ever been employed by a bank or a financial services company? If so, explain.
27. Have you, or any family members, ever been a member of a labor union or labor association?
28. Have any of you, or your family members or close friends, ever been a plaintiff or defendant in a lawsuit? If so, please explain.
29. Is anyone here taking any medication that might affect their memory, attention span, alertness or otherwise affect their ability to set as a juror in this case? If so, please explain.
30. Do you own or rent your home?
31. Will sitting as a juror for five to seven days present anyone with extreme hardship or difficulty? If so, please explain.
32. Does anyone here have difficulty hearing or seeing? If so, please explain.
33. Have you, or any member of your family or any person close to you, ever suffered from a mental illness? If so, please explain.
34. On the basis of what you have learned about this case and its parties, do you have any present feelings for or against any of the parties, attorneys, or witnesses in this matter?

35. Have you, or has any member of your family or any person close to you, ever contacted or filed an employment discrimination charge or complaint with any governmental agency such as the United States Department of Labor, the Equal Employment Opportunity Commission, the Pennsylvania or Delaware Human Relations Commission, or the Philadelphia Commission on Human Relations. If so, as to each such charge, complaint or communication, please specify:

- (a) the date and nature of the charge or communication; and
- (b) the outcome of the matter or its present status.

36. Have you or, to your knowledge, any member of your family, ever felt discriminated against because of race, national origin, sex, age, disability or religion? If yes, please give us the details.

37. Have you or, to your knowledge, any member of your family, ever felt retaliated against because of complaining about race, national origin, sex, age, disability or religious discrimination?

38. Do you or members of your immediate family own any shares of stock in any corporation?

39. Do you feel that in general, employers are not fair to their employees?

40. In a lawsuit brought by an individual against a corporation, are you more likely to render a verdict in favor the individual, rather than in favor of the corporation?

41. Have you, or any member of your family or any person close to you, ever thought you have been unfairly terminated, asked to resign or retire, laid off or

forced to quit a job? If so, please specify the date, the nature of, and the basis for, the occurrence and the name of the employer.

42. Have you, or has any member of your family or any person close to you, ever thought you have been unfairly denied a job or a promotion. If so, please specify the date, the nature of, and the basis for, the job or promotion denial and the name of the employer.

43. Do you know of any other reason or has anything occurred during this question period that makes you doubt that you can be a completely fair and impartial juror in this case? If there is, please disclose it at this time.

44. Have you ever been employed by a company that was accused of discrimination, harassment, retaliation or conspiracy to discriminate? If so, please explain the circumstances, resolution of the accusation, and your involvement, if any.

45. Do you think employers should treat some employees better than other employees simply because they made a complaint about another employee or against the employer? If so, please explain.

46. Do you feel or believe that, in general, employers resent having their employees make reports or complaints of alleged discrimination or retaliation about other employees or management. If so, please explain.

47. When you hear that someone has been discharged, not promoted, demoted, transferred or disciplined, do you tend to believe that he or she has been mistreated by their employer?

48. Are you a member of, volunteer for, or do you donate money to, any civic, political, social, religions, fraternal, community, women's, minority, consumer, business or other organization?

49. Do you have any feeling or belief which would cause you to favor or disfavor the testimony of a former employee of a corporation who has sued that corporation over the testimony of employees who still work for that corporation?

50. Have you, or has any member of your family or any person close to you, been treated unfairly by, or had a bad experience with, a bank or a financial services company?

51. Do you have any feeling or belief which would prevent you from rendering a verdict in favor of a bank or financial services company and against an individual if the evidence supported such a verdict?

52. Where do you live?

53. What is your age?

54. What is your present occupation?

55. Who is your employer?

56. Describe your educational background beginning with high school.

57. Are you married? If so, what is your spouse's occupation and who is your spouse's employer?

58. Do you have any children? Are any of them employed? For whom do they work and what do they do?

59. Do/did you have responsibility for hiring, firing or promotion others?

60. Do you have any supervisory authority over co-workers?

61. Have you ever recommended or been involved in the termination of anyone?

62. Have you ever been involved with any commissions, tasks forces, study groups or agencies on human relations, discrimination, civil rights, retaliation, gender or age issues?

63. Are you aware of workplace rules or policies concerning discrimination and/or retaliation?

64. Have you ever witnessed any discrimination or retaliation on the basis of race, national origin, religion, sex, age or disability?

65. Do you think the government has gone too far in regulating employer/employee relations and behavior?

66. Have you had any legal training, taken law courses or been employed by a law firm?

67. Do you have any close friends or relatives who are lawyers or who have attended law school?

68. Have you or anyone close to you had any education, training or work experience in the field of human resources or personnel management?

69. Would jury service in this case conflict with your religious beliefs or activities?

70. Are you or anyone you know a member of or a contributor to any group or organization, such as the Grey Panthers or the American Association of Retired Persons ("AARP"), which works to bring about rights for older people or other

minorities? Please describe your relationship to that person and the nature and degree of their involvement in the organization.

71. Do you think that, in general, older workers are better workers than younger ones? Do you think they are worse workers, in general?

72. Do you think, in general, companies treat older workers worse than younger ones? Or do you think, in general, employers treat older workers better than younger ones?

73. Do you think that a company should expect less work or less performance from older workers?

74. Do you believe that companies should treat older workers more favorably than younger workers in any way?

75. Do you believe that a company should favor older workers over younger ones when it has to lay people off or dismiss workers?

76. Do you consider someone in their early or mid-fifties to be old? Do you have any opinions about how easy or difficult it is for someone over fifty to get a new job? If so, what is that opinion?

77. Do you think older workers tend to slack off or "cruise" beginning a few years before retirement? Do you think they should be allowed to? Do you think employers should "bend the rules" for older employees or be less demanding of them?

78. Do you believe, in general, that people should defer to their elders? Do you think that older people are wiser in general?

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