

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Case No. CIV 96-196 B
)
CITY OF STILWELL, OKLAHOMA,)
 ET AL.,)
)
 Defendants.)
)
)

**UNITED STATES' REQUESTED QUESTIONS FOR THE VENIRE AT
VOIR DIRE**

The United States hereby respectfully submits the following questions and requests that they be put to the venire at voir dire.

1. The United States requests that the Court read or summarize the Complaint to the jury panel.
2. The United States requests that the Court read the list of witnesses, and ask whether any member of the jury panel, or any member of his or her

immediate family, or close relative, has had any personal, employment, business or financial relationship with any of them.

3. The United States requests that the Court make inquiry of the panel members' names, addresses, employment and educational backgrounds and the names and employment backgrounds of their spouses and children.

4. The attorneys for the United States in this case are John R. Read, Michele B. Cano, and Michael D. Billiel. Do you know any of these people or have you had any dealings of any kind with them?

5. The attorneys for the Defendants in this case are Lloyd E. Cole, Jr. and Nason M. Morton of the Cole Law Office in Stilwell, Oklahoma. Has any member of this jury panel or any member of any jurors' family ever had any personal, employment, business, or financial relationship with these lawyers or their law firm?

6. Do you, or anyone in your family, have an illness or a business problem or similar personal concern that would make it difficult for you to be attentive to the evidence?

7. Do you have any problem with your hearing, eyesight or any other physical difficulty which would make it difficult for you to hear or see the evidence presented at trial?

8. Have you heard anything on radio or television or read anything in the newspapers or other publications about this case or similar cases? If so,

(a) As a result of what you have heard or read, have you formed any opinion whatsoever regarding the legality of Defendants' conduct -- without telling us what the opinion is -- and

(b) Would what you have heard or read make it difficult for you to render a fair and impartial decision based solely upon the evidence presented at trial?

9. Has any one of you or any member of your immediate family ever been employed by the federal government (other than in military service) or by any law enforcement or regulatory agency, federal, state, or local? If so,

(a) What was the nature of that employment?

(b) Do you believe that despite that employment you can still judge the merits of this case objectively and impartially?

10. Have any of you ever been involved in any conflict or dispute with the State or federal government, including the Internal Revenue Service? If so,

(a) What was the nature of that difficulty or dispute?

(b) Do you believe that despite this you can still judge the merits of this case objectively and impartially?

11. Have you, or a relative, close friend or employer, ever been the subject of an investigation by any governmental body, whether it was an IRS audit, a criminal investigation, an employment security check or any other type of governmental investigation? If so,

(a) What was the nature of the investigation?

(b) Would anything in this prior experience affect your ability to reach a fair and impartial decision in this case?

12. Does any juror feel that he or she has any bias or preference for or against the federal government or for or against the Defendants because of the nature of the complaint in this case or otherwise?

13. Has any member of this jury panel, or any member of his or her immediate family, ever been employed by the City of Stilwell, or other municipality, or any private, municipal, cooperative or public utility provider (including Ozarks Rural Electric Cooperative)? If so,

(a) Please state the employer's name, and the nature and time of employment.

(b) How, if at all, would that employment influence your judgment in this case if you were selected as a juror?

(c) Would the fact of this employment in any way impair your ability to listen to the evidence brought out in this courtroom objectively and decide this case solely upon the evidence that you hear based upon the instruction that the Court will give the jury?

14. Has any member of the jury panel ever been an elected or appointed official of any governmental body, including any board or committee? If so,

(a) Please state the governmental body, and the nature and time of service.

(b) How, if at all, would that service influence your judgment in this case if you were selected as a juror?

(c) Would the fact of this service in any way impair your ability to listen to the evidence brought out in this courtroom objectively and decide this case solely upon the evidence that you hear based upon the instruction that the Court will give the jury?

15. Do you have any objection to the enforcement of the federal antitrust laws which make conditioning the receipt of one product on the purchase of another product illegal?

16. Does any member of this jury panel or any member of his or her immediate family have any personal interest in the outcome of this case or similar cases?

17. Have you or any member of your family ever been involved in a lawsuit as a party or as a witness? If so, please describe the nature of the lawsuit and your involvement.

18. Have you ever had any previous jury service, including grand jury service, or been a witness in any civil or criminal case? If so,

(a) Please describe briefly the nature of such testimony or service, the nature of the case, and if a judgment was reached in the case.

(b) Would anything in this prior experience affect your ability to reach a fair and impartial decision in this case?

19. Have you or any business organization with which you are or have been connected ever been involved in an antitrust investigation or lawsuit, or do you have any experience with, or expertise in the antitrust laws? If so, please

describe the proceeding or expertise and your involvement or your business organization's involvement.

20. Has any member of this jury panel or member of his or her family been contacted or questioned by any person other than officials for the Office of the Clerk of this Court in connection with your being called for jury duty? If so, please describe these contacts.

21. Does any member of this jury panel know of any contacts or inquiries directed to other persons such as neighbors, employers, co-workers or business associates in connection with your being called for jury duty? If so, what was the nature of the contacts or inquiries and how did they come to your attention?

22. Does any member of the jury panel have any feeling of any kind, favorable or unfavorable, about the provision of utility services or about the Defendants that might possibly influence you in any way as a juror, either for or against the Defendants?

23. Have any of you ever attended law school or taken any law courses in college? Have any of you ever worked in a law office or for a court? If so, if you have any disagreements with the Court's instructions in this case, based on this experience or training, could you set aside those disagreements and follow the instructions that the Court will give?

24. Do you feel that you would have any reluctance or hesitancy about finding the Defendants in violation of the antitrust laws if the evidence justifies it?

25. Will any of you have difficulty following the instruction of the Court if those instructions are not in agreement with your notions as to what the law should be? In other words, can you set aside your opinions as to what the law perhaps should be and base your decision on the law as given to you by me? If you feel you might not be able to adhere to my instructions, please say so.

Dated: February 4, 1998

Respectfully submitted,

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JOHN R. READ

MICHELE B. CANO

MICHAEL D. BILLIEL

United States Department of Justice

Antitrust Division

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