

## Court Transcript Summary

Please find my summary of the mock trial proceedings as follows:

### 1. Plaintiff Expert Witness Direct Examination

- A. The witness stated their name, their credentials of a Masters Degree in Sociology at NYU and experience as a global human rights activist.
- B. After the witness stated Martin Memorial violated the Plaintiff's human rights the defense counsel objected based on the grounds that the witness had no knowledge of the actual human rights violations. The court overruled on the condition the witness only speak to general rights and not specific actions witness had not directly seen or researched.
- C. The Witness stated Martin Memorial (hereinafter MM) should have sent the Plaintiff (hereinafter P) to a capable US hospital and not Guatemala, a so-called "3rd world country."
- D. The witness further stated the unlawful transfer of P to Guatemala was a violation of his human rights.
- E. Witness stated, "it would have been better to support his family, pay the bills, and find another suitable hospital" that would be able to care for P.
- F. Witness further stated MM should not have transferred P and therefore violated P's human rights when MM did transfer him unlawfully.

### 2. Defense Cross Examination of Plaintiff Expert Witness

- G. Counsel asked witness to restate name and credentials and then asked whether the expert witness knew that P was a so-called "illegal immigrant" to which witness replied "yes."
- H. In response to Defense counsel witness stated that what MM could have done in this case was to help him suffer less at another hospital.
- I. When Defense counsel asked witness whether his immigration status would still be "illegal" even at another US hospital or facility, witness responded, "Yes."

- J. Witness responded that MM had filed the appeal to a court to transfer P and so therefore showed intent to harm him before looking for suitable care in the US.
- K. Witness responded that MM was assured that they would care for P, and yes that MM had paid his bills up to this point, and had used all of the money available they had.
- L. Witness was asked whether MM and stabilized and transferred P and witness responded "yes."

### **3. Plaintiff Re-Direct Examination**

- M. Plaintiff counsel asked the witness to describe P's condition presently in Guatemala; Witness responded P's condition was severe, in a "3rd world country", that the hospitals are very far away and hard to get to, and even the condition of P's housing, not being up to code or safe, are all harms to P caused by MM.
- N. When asked what P needs, witness stated around the clock therapy, rehabilitation, speech pathology and monitoring which hospitals in Guatemala do not have.
- O. An objection was stated and P counsel withdrew the question about whether witness could indicate what Guatemala should have done because it was beyond the knowledge of the witness.

### **4. Defense Expert Witness Direction Examination**

- P. The witness stated their name, their credentials as a doctor with a PHD in Humanities and Law, and 6 years residency at MM, as well as being a Doctors without Borders volunteer in impoverished areas.
- Q. Witness stated the Guatemala hospital was "fairly good" compared to other hospitals and that the hospital had a "competent and capable" staff.
- R. Witness stated having worked in Guatemala and when visiting Guatemala and the hospital in the past witness had become "friendly" and "got to know staff".
- S. Witness further stated witness cared for P and was present during P's transfer to Guatemala in an air ambulance, P was the only other passenger, and witness stated P was "happy to go home."

- T. Witness further stated P was taken care of fairly and well over millions of dollars were spent.
- U. Witness stated the undocumented are a burden to hospitals, many hospitals, and that over-stressed the resources available over and beyond what they can really provide. "It would be nice to give unlimited care to everyone but that would be impossible."

**5. Plaintiff Cross Examination**

- V. Counsel asked witness what treatment P would require in Guatemala to which witness responded, "a lot of health care."
- W. P's lawyers then pressed the witness to specifically list the care, after the witness was unable to, counsel then "refreshed" the court's memory by reminding the court the specific services were, "therapy, speech therapy, rehabilitation, and psychological care."
- X. Counsel asked the witness if witness knew P's guardian to which witness responded, "yes."
- Y. In a rapid exchange witness asserted "staff at MM considered" P "family."
- Z. In the same exchange counsel asked witness whether witness was familiar with the "Baker case" to which witness admitted "no."
- AA. Counsel, after a series of objections and judicial interventions to the jury, asked witness whether "it was a good idea to transfer with bedsores..." to which an objection was raised, sustained, and counsel was instructed to move on.
- BB. Counsel asked witness what the health ranking for hospitals was in the world to which witness stated, "the hospital was not really bad, but good enough, the area has a high crime rate, but has held over a year."
- CC. Counsel then asked witness whether witness knew P was discharged by the Guatemala hospital in just one month after being transferred by MM to which witness responded, "no because we sent P there to be cared for by them."
- DD. Counsel asked witness whether witness had a family or kids and whether if the kid of the witness went out to places without the witness' knowledge and counsel asked the witness how they would feel if they did not know where the

kid of the witness was: Witness responded, "that's not what happened, we have a different understanding."

EE. Counsel asserted to witness, "you said" P "was like family, have you kept in touch with" P? Witness responded they had spoken on the phone.

FF. Counsel asked witness, "where is" p "now"? Witness responded, "I don't know."

**6. Defense Re-Direct Examination**

GG. Counsel asked Witness whether it was a good idea to send P to Guatemala to which witness stated it was a good idea, "it wasn't the best idea, but that was out of MM's hands. If the government wanted" P "to remain in the US they would have done something. We did the best we can."

HH. Do you believe the transfer was lawful? Witness responded "no" and attempted to explain previous comments and was excused by counsel.

End Transcript summary notes. Leggett.