

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CAPITOL RECORDS, INC., <i>et al.</i> ,)	
)	
Plaintiffs)	Civ. Act. No.
)	03-CV-11661-NG
v.)	(LEAD DOCKET NUMBER)
)	
NOOR ALAUJAN,)	
)	
Defendant.)	

SONY BMG MUSIC ENTERTAINMENT, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civ. Act. No.
)	07-CV-11446-NG
v.)	(ORIGINAL DOCKET NUMBER)
)	
JOEL TENENBAUM,)	
)	
Defendant.)	

DEFENDANT'S MOTION FOR LAWYER-CONDUCTED VOIR DIRE

Now comes the Defendant, Joel Tenenbaum, and moves this Court permit lawyer-conducted voir dire in the jury selection process. As grounds therefore, the Defendant says:

1. The Court has discretion to permit lawyer-conducted pursuant to Fed. R. Civ. Pro. 47(a).

2. The parties to a case are in the best position to determine what jurors may be subject to a challenge for cause, based on their knowledge of the case.

3. Because jurors are concerned with giving judges the "right" answer, they feel more comfortable answering questions put to them by counsel, than those put to them by judges.

4. An examination of the prospective jurors by counsel will enable counsel to frame questions based on responses to prior questions and to observe the jurors' reactions to these questions. Through such questions, answers and observations, counsel will be better able to determine whether actual bias exists in the minds of the prospective jurors and exercise both challenges for cause and peremptory challenges in a rational and informed fashion.

5. The Defendant is denied the right to an impartial jury where a juror removable for cause is allowed to serve on the jury.

WHEREFORE, to more intelligently exercise his peremptory challenges, as well as to better develop any challenges for cause, the Defendant prays his motion be allowed.

Date: July 14, 2009

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CERTIFICATE OF SERVICE

I, Matthew A. Kamholtz, hereby affirm that the within document was this day filed through the ECF system and will be sent electronically to the registered participants as identified in the Notice of Electronic filing, and that paper copies will be sent to those indicated as non-registered participants.

Date: July 14, 2009

/s/ Matthew A. Kamholtz
Matthew A. Kamholtz