

Edward L. Hogshire, Judge



SIXTEENTH JUDICIAL CIRCUIT
315 EAST HIGH STREET
CHARLOTTESVILLE, VIRGINIA 22902

OFFICE TELEPHONE: 434-970-3760
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September 29, 2011

Ms. Margaret Gardiner
2104 Hill Street
Charlottesville, VA 22903

Re: Lester v. Allied Concrete, et al.; File Nos. 08-150, 09-332

Dear Ms. Gardiner:

I have reviewed your undated which I received on September 26, 2011, regarding your service as a juror and the rationale for the jury's verdict in the above-styled case.

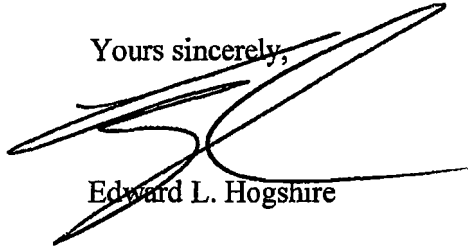
Since the case is still pending, I am not in a position to comment on the contents of the letter, but I have sent copies to counsel of record. I do want to express my appreciation to you for taking the time to write such a detailed and thoughtful response to the Court's decision to reduce the overall award to Mr. Lester. Although you were highly critical of the Court's decision and the way in which it was reached, you expressed your concerns in a very professional and respectful manner. Rest assured that your comments have been carefully considered.

Please note, however, that once jurors are discharged from their duties, absent a substantiated claim of misconduct (which I have rejected in this case), there is no legal basis upon which to require jurors to return to court to explain the reasons for their decisions. Unless prohibited by the court, attorneys are free to question jurors regarding their rationale, but jurors remain free to decline to answer such questions. No attorney in this case has requested that a juror be recalled or questioned further by the Court. Judges must review verdicts in light of the evidence presented and the overall circumstances as they appear at trial without intruding into the thought processes of the jury. Only in very unusual circumstances do judges set aside jury verdicts.

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Thanking you for your service and with kind regards, I am

Yours sincerely,

A handwritten signature in black ink, appearing to be 'E. Hogshire', written over the typed name below.

Edward L. Hogshire

cc: Malcolm P. McConnell, Esq.
Joseph a. Sanzone, Esq.
Hugh M. Fain, III, Esq.
Robert T. Hall, Esq.
John W. Zunka, Esq.
Richard H. Milnor, Esq.
Benjamin G. Chew, Esq.
Tom Williamson, Jr., Esq.