

1 over [sic] 3 d., and this regards to --
2 (Speaking simultaneously.)

3 THE COURT: Have we gone over 3
4 d.?

5 MR. HEIMLICH: -- the first two.
6 It's a different issue.

7 THE COURT: Okay, go ahead. I'll
8 -- I'll overrule the objection.

9 Q. (By Mr. Heimlich) Uh, 3 d.: "All fees and
10 other sums earned by and through the efforts of
11 the salesperson..." --

12 THE COURT REPORTER: I'm sorry,
13 sir, please raise your voice.

14 Q. (By Mr. Heimlich) "All fees and other
15 sums..." --

16 THE COURT REPORTER: Not stand up,
17 please raise your voice.

18 THE COURT: Just sit down -- uh --
19 Q. (By Mr. Heimlich) -- "...earned..." --

20 THE COURT: Mr. Heimlich, just
21 sit down and take that piece, and just
22 read it out slowly.

23 Q. (By Mr. Heimlich) "All fees and other serves --
24 sums earned by and through the efforts of the
25 salesperson shall be payable to and shall remain

1 the sole and exclusive property of the broker,
2 and salesperson shall have no direct interest
3 whatsoever in any such fees or the collection
4 thereof and shall look solely to the broker for
5 payment of sums due salesperson under the terms
6 of this agreement."

7 Is that correct; Mr. Pettorino?

8 A. Yes.

9 Q. So, who owns the commission --

10 MR. MOLINA: Again, objection,
11 Your Honor.

12 Q. (By Mr. Heimlich) -- that you earned?

13 MR. MOLINA: Irrelevant.

14 THE COURT: Uh, one moment.

15 MR. MOLINA: That's also invading
16 the province of the jury, Your Honor.

17 THE COURT: Pardon me?

18 MR. MOLINA: That's also invading
19 the province of the jury.

20 Q. (By Mr. Heimlich) When you earn a commission --

21 THE COURT: I'll sustain the
22 objection.

23 The contract is in evidence. The
24 jury can read the contract and draw
25 conclusions from its terms.