

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

STATE OF NEW MEXICO,

PLAINTIFF,

VS.

ALEXANDER RAE BALDWIN III,

DEFENDANT.

No. D-0101-CR-2024-0013
Judge Mary Marlowe Sommer

**DEFENDANT ALEC BALDWIN'S MOTION *IN LIMINE* TO PRECLUDE
IMPROPER OPINION AND TESTIMONY FROM PAUL JORDAN**

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Defendant Alec Baldwin, by and through his attorneys, respectfully moves this Court for an order precluding State’s witness Paul Jordan from offering improper testimony and opinions, and in support thereof, submits the following.

PRELIMINARY STATEMENT

Evidence—including expert and lay testimony—cannot be admitted unless it has a “tendency to make a [consequential] fact more or less probable than it would be without the evidence.” The State intends to call Paul Jordan to offer both lay and expert testimony related to safety issues on the set of *Rust*. There is only one problem: By his own admission, he “wasn’t there” and “[doesn’t] know what happened.” Instead, Jordan’s expected testimony relates solely to what he observed in Montana, during an *entirely different* production of *Rust* that began well over a year after the accident in this case took place. Jordan’s expected testimony is unqualified, irrelevant, and will do nothing to assist the jury in determining any issue or fact that is of any consequence in this case. Instead, the admission of such testimony would only confuse and mislead jurors as to the issues that do matter. Jordan should be precluded from testifying at trial.

BACKGROUND

The State disclosed Paul Jordan as a witness on March 19, 2024. It did not designate him as an expert at that time. On April 23, 2024, Jordan was made available for a pretrial interview. During the interview, Jordan explained that his company, Tenet Production Safety, was hired to provide safety services to *Rust* during the continuation of filming that took place in Montana at the beginning of 2023. Ex. A (Transcript of 4/22/24 Pretrial Interview of P. Jordan) at 15:2-16. Jordan confirmed that he had no involvement with *Rust* when it was being filmed in New Mexico. *See id.* at 14:21-15:1. At the end of Jordan’s pretrial interview, the State notified Baldwin that it “may seek to qualify” Jordan as an expert in “movie set standards” for purposes of trial, and it offered

to make Jordan available for a second pretrial interview to discuss the nature of the opinions he would offer as a purported expert. *See* Ex. A at 33:21-34:18.

Jordan's second pretrial interview took place on May 23, 2024. In preparation for the interview, he discussed with prosecutors "the fact that [the second *Rust* production] was an independent film, low budget, money was always a question, things like that." Ex. B (Transcript of 5/23/23 Pretrial Interview of P. Jordan) at 28:8-10. After purporting to explain how a film's budget can impact certain safety requirements, Jordan was asked, "other than the budget, the issue with the fire that you just discussed, [and] Mr. Baldwin having trouble getting on and off the horse . . . [i]s there anything else – any other issues that you think you would be testifying to in this case?" *Id.* at 33:3-7. Jordan replied, "I don't know." *Id.* at 33:8. At that point, Special Prosecutor Johnson interrupted the interview to "make sure" the "focus [was] on [Jordan's] expertise as a set safety expert," because Jordan had already been interviewed "in his capacity as a fact witness." *Id.* at 33:9-13. In response, Jordan was asked if there were "any other issues" he believed he would be testifying about in *any* capacity at trial, to which Jordan replied, "other than whatever else happened in Montana, I don't know." *Id.* at 34:1-6. Johnson interjected again, noting that the State was "not offering [Jordan] as an expert in what happened in Montana." *Id.* at 34:7-17. But moments later, after "double check[ing] with" Special Prosecutor Morrissey, Johnson reversed her position and stated, "I apologize . . . he is going to be testifying about Montana." *Id.* at 35:1-4, 36:23-24.

Once it was determined that Jordan was being offered to provide "expert" testimony about an entirely different production that took place in Montana, Jordan was asked to describe the nature of any opinions he had that were relevant to the case. *Id.* at 39:5-8. Jordan proceeded to offer his general impressions about the production that took place in Montana. *See, e.g., id.* at 39:9-40:2

("[W]e expected it to be a very simple, very straightforward production. And it wasn't because of the budget issues, the money issues . . . We had a lot of complaints of people that weren't getting paid properly. . . . And just a general dissatisfaction. . . . There wasn't always enough prep time, very last-minute decisions on a lot of things . . . Very, very difficult communication, poor communication. I think that covers a lot of it."); *id.* 42:21-25 ("My opinion is that there were more [complaints] than I would normally expect on a show of this size."); *id.* at 40:21-25 (Q. "Will you be offering any opinion about Mr. Baldwin specifically?" A. "I guess . . . if asked, but you know the main issue had to do . . . with the horses and sometimes attitude."). These observations—which are not expert opinions—were offered seemingly without regard to the fact that this is a trial about what happened in New Mexico, more than a year before the Montana production even began. Later in the interview, Jordan confirmed that he was "not offering any opinions related to what happened in New Mexico." *Id.* at 44:16-20; *see also id.* at 36:17-21 (Q. "So you haven't reviewed anything from the first Rust production?" A. "No and I made that clear. I -- I wasn't there. I -- I don't know what happened. I've heard lots of stories, but you know I wasn't there.").

Jordan was also asked if he will "be offering an opinion on the meaning of the safety bulletins," at which point Special Prosecutor Johnson interjected, "that's going to be an issue that we need to discuss . . . and we'll be in touch with you guys," adding, "I think he is going to be asked about his opinion on the safety bulletins and set safety standards as it relates to firearms." *Id.* at 47:14-20. During the interview, however, when he was asked about his involvement in drafting the 2003 version of Safety Bulletin #1—the safety bulletin applicable to the use of blank ammunition that was in existence at the time of the *Rust* incident—he stated, "I reviewed it. I honestly don't remember what we changed." *Id.* at 45:15-46:1.

ARGUMENT

Jordan should be precluded from testifying at trial. Whether he testifies as a lay witness or an expert, he has no admissible testimony to offer.

First, Jordan confirmed that he cannot testify as a lay witness about anything that happened during the production of *Rust* in New Mexico because he “wasn’t there” and “[doesn’t] know what happened” except for “stories” he has heard. Ex. B at 36:17-21. The only lay testimony he is capable of offering relates solely to what “happened in Montana.” *Id.* at 34:5-6. But nothing that took place in Montana, more than a year after the accident occurred, is relevant to any issue in this case. Not a single fact that needs to be determined by the jury—let alone a fact “of consequence”—would be made “more or less probable” by something that happened in Montana, more than a year after the incident occurred. Rule 11-401 NMRA. And even if it were relevant (which it is not), testimony about the Montana production—*e.g.*, that there were “a lot of complaints,” “poor communication,” and “very last-minute decisions on a lot of things”—is of no probative value and would only be offered for the improper purpose of allowing jurors to make inferences about what happened in New Mexico on October 21, 2021, based on what happened in Montana in the spring of 2023. *See* Rule 11-403 NMRA; *see also State v. Aguayo*, 1992-NMCA-044, ¶ 22, 835 P.2d 840.

Second, Jordan cannot testify as an expert because he has no admissible testimony to offer. There are “three prerequisites . . . for the admission of expert testimony: (1) experts must be qualified; (2) their testimony must assist the trier of fact; and (3) their testimony must be limited to the area of scientific, technical, or other specialized knowledge in which they are qualified.” *State v. Torres*, 1999-NMSC-010, ¶¶ 23-24, 976 P.2d 20 (citing *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993)); *accord State v. Alberico*, 1993-NMSC-047, ¶¶ 43-45, 861 P.2d 192. During his second pretrial interview—which the State made clear was intended to “focus on

[Jordan's] expertise as a set safety expert"—Jordan was repeatedly asked to describe the nature of his expert opinions. In response to those questions, he did not offer a single opinion related to the incident that took place in New Mexico. *See* Ex. B at 44:16-20 (Q. "So I just want to be clear, you're not offering any opinions related to what happened in New Mexico. Right?" A. "That's correct."). Anyway, Jordan would have no basis for offering such opinions because he "wasn't there," "[doesn't] know what happened," and hasn't "reviewed anything from the *Rust* production." Ex. B at 36:17-21. To the extent Jordan intends to offer his general opinions about "safety bulletins and training and the history of programs and that sort of thing" (Ex. B at 35:6-8), he has not demonstrated that he is qualified to do so. Although he may have been generally involved in preparing the version of Safety Bulletin #1 that would have been in effect in 2021, he had nothing substantive to say about it because he "[doesn't] remember" what went into it. *Id.* at 45:15-46:1; *see also State v. Downey*, 2008-NMSC-061, ¶ 30, 195 P.3d 1244 ("One aspect of relevance is whether expert testimony proffered in the case is sufficiently tied to the facts of the case that it will aid the jury in resolving a factual dispute.").

Finally, the State may not proffer Jordan for the improper purpose of highlighting any additional safety measures that were put in place—either in Montana or across the industry as a whole—in response to what happened in New Mexico. *See* Rule 11-407 NMRA.¹ Jordan is therefore barred from testifying about his involvement in "updating the safety bulletins" in April 2024. Ex. B at 45:12-20. *See Cumming v. Nielson's, Inc.*, 1988-NMCA-095, 769 P.2d 732 (affirming trial court's decision to exclude evidence showing the condition of a highway weeks after an accident because it was evidence of subsequent remedial action).

¹ Rule 11-407 only prohibits evidence of subsequent measures taken by the defendant; of course, to the extent the State intends to offer evidence about safety measures taken by others on the set of the second *Rust* production, that would be irrelevant to the question of Baldwin's liability.

CONCLUSION

For the reasons above, and because Jordan cannot offer any admissible testimony as a lay or expert witness, Jordan should be precluded from testifying at trial.

Date: June 24, 2024

Respectfully submitted,

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By: /s/ Luke Nikas

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CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2024, a true and correct copy of the foregoing brief was emailed to opposing counsel.

/s/ Heather LeBlanc
Heather LeBlanc

EXHIBIT A

INTERVIEW: PAUL JORDAN, 4/23/2024

MS. CLARK: Hi, Mr. Jordan. My name is Sara Clark. I'm going to be conducting this interview today. I'm going to start off with just a little brief introduction for the record, and then we'll get started. So it is 11 a.m. Mountain Time on April 23rd, 2024. This is the pretrial interview of Paul Jordan in the case of State of New Mexico versus Alexander Ray Baldwin. My name is Sara Clark, and I'm joined by my colleagues, Jennifer Stern, Craig Martin, and Heather LeBlanc on behalf of Mr. Baldwin. Kari, would you like to introduce the state?

MS. MORRISSEY: Kari Morrissey, Erlinda Johnson, Connor Rice, and Alexander James on behalf of the state.

MS. CLARK: And Mr. Jordan, can you see and hear us all well enough?

MR. JORDAN: Yes.

MS. CLARK: Okay, great. Okay. So just a couple of sort of housekeeping matters before we get started in substance. Sorry. I -- you're not under oath today. Can you represent to me that you will tell the truth to the best of your ability, just like you would if you were under oath?

MR. JORDAN: Yes.

MS. CLARK: Okay, great. And sometimes I speak quickly,

1 understands the local regulations, so.

2 MS. CLARK: Right. Okay. So when you're working on --
3 let's -- let's say we're working on one of these
4 projects where you're over kind of all aspects of set
5 safety. You mentioned the UPM, the line producer,
6 department heads. Who else do you interact, I guess I
7 would say like, the most with? Like who's your set
8 safety point of contact?

9 MR. JORDAN: For -- for most -- for most productions, it
10 -- it could be construction, depending on if they're
11 building large sets. If it's a stunt or special effects
12 heavy film, we would spend a lot of time with the stunt
13 coordinator, special effects coordinator. If there are
14 a lot of weapons, we're definitely going to spend time
15 with the armorer. And -- and you know it all depends on
16 -- on the production. But every -- every -- we -- at
17 some point, we're going to meet with every key
18 department head.

19 MS. CLARK: Okay. All right. I think I understand what
20 you do, but I don't promise not to ask more questions.
21 I appreciate your patience. So in connection with the
22 Rust production, you mentioned that your company was
23 hired to work with them on the second filming in
24 Montana. Did you have any involvement with Rust when it
25 was being filmed in New Mexico?

1 MR. JORDAN: No.

2 MS. CLARK: Okay. And so -- so if you can walk me
3 through how you got involved with Rust in Montana, who
4 contacted you, you know, take me from the top?

5 MR. JORDAN: I -- I believe it was the line -- either
6 the line producer, UPM, or it may have been the same
7 person. We got a call and they said that they were --
8 the -- they were bringing the show back. It was going
9 to be up in Montana. And we had several interviews with
10 insurance people, with legal people. Again, basically
11 talking about what we, you know, what we do, how we do
12 it. And in, I believe, it was in February, we were
13 hired to -- to cover the show. And it was myself and my
14 -- one of my partners, Gary Jensen.

15 MS. CLARK: And was that February of '23?

16 MR. JORDAN: Yes.

17 MS. CLARK: And do you remember the name of the UPM who
18 reached out to you?

19 MR. JORDAN: I really don't at this point.

20 MS. CLARK: Okay. Do you think you would have that
21 somewhere?

22 MR. JORDAN: Oh, yes, I absolutely do have it somewhere.

23 MS. CLARK: You could find it. Okay. I -- I may ask
24 you to dig that up if you don't mind. Okay. So UPM
25 reached out. You did some interviews with insurance,

1 for themselves, and that's my opinion, that -- that it's
2 true what they've been told by the armorer, by the AD.

3 MS. MORRISSEY: And the actor can verify that the weapon
4 is cold, if that's what they've been told, by simply
5 having the armorer demonstrate to them as they're
6 loading the gun that -- that the rounds are dummy
7 rounds, that they're inert. Isn't that correct?

8 MR. JORDAN: Yes, that's correct. And any -- and -- and
9 it goes even further than that. Anyone else on set that
10 has any questions about the weapons or the activity
11 that's going to take place is encouraged to speak up and
12 -- and if they want to see the -- the gun, the weapon
13 also, we -- they have every right to -- to ask for that.

14 MS. MORRISSEY: Mr. Jordan, do you have a CV or a
15 resume?

16 MR. JORDAN: I probably do somewhere.

17 MS. MORRISSEY: Would you mind locating that and sending
18 that over to me so that I can share it with Mr.
19 Baldwin's counsel?

20 MR. JORDAN: Sure.

21 MS. MORRISSEY: And Ms. Clark, I'm going to tell you
22 that it -- it's likely after this interview that we may
23 qualify Mr. Jordan -- we may seek to qualify Mr. Jordan
24 as an expert in movie set safety standards, and if that
25 requires you to do an additional pretrial interview of

1 him, we will be happy to set that up.

2 MS. CLARK: Okay. I think we'll wait and see what your
3 designation -- if your designation comes through, and
4 we'll definitely be seeking a second one if you do
5 designate.

6 MS. MORRISSEY: Well, I'm telling you right now that
7 it's likely that we will qualify him as an expert, so
8 you can consider him designated.

9 MS. CLARK: Okay. And then you can consider me offering
10 you a request for a second pretrial interview of Mr.
11 Jordan.

12 MS. MORRISSEY: Absolutely. Mr. Jordan, we're going to
13 be back in touch with you so that we can do a followup
14 interview. We won't permit Ms. Clark to ask you the
15 same questions that she's asked you today, but she
16 certainly can ask you new ones based on the fact that
17 we're designating you as an expert. Okay?

18 MR. JORDAN: Okay.

19 MS. MORRISSEY: Sara, do you have any followup?

20 MS. CLARK: I don't have any follow up today. We'll
21 hold it for the next time.

22 MS. MORRISSEY: All right, great. Thank you. Mr.
23 James, will you work with Mr. Jordan and Ms. Clark to
24 get Mr. Jordan reset?

25 MR. JAMES: Sure will.

EXHIBIT B

INTERVIEW: PAUL JORDAN, 5/23/2024

MS. STERN: Okay. Today is May 23rd, 2024. This is State of New Mexico versus Alexander Baldwin. We are here, excuse me, for the second pretrial interview of Paul Jordan. The followup is based on the State's expert designation of Mr. Jordan. It is 1:04 Mountain Time. My name is Jennifer Stern. I represent Mr. Baldwin, and I am joined by my colleagues, Rebecca Arno, and Heather LeBlanc. On behalf of the State, we have on Erlinda Johnson, Alexander James, and Connor Rice.

Mr. Jordan, throughout this interview, if anything is unclear or if you think that I have stated something incorrectly, can you please let me know?

MR. JORDAN: Yes.

MS. STERN: Despite not being under oath today, do you agree to be truthful and accurate, the same as you would be if you were under oath?

MR. JORDAN: Yes.

MS. STERN: And is anyone else in the room with you today?

MR. JORDAN: No.

MS. STERN: Okay. What is your understanding as to what kind of expert you will be offered as in this case?

MR. JORDAN: I'm not sure.

MS. STERN: Okay. Okay. I was just curious if you had

1 MR. JORDAN: I don't remember.

2 MS. STERN: Couple of weeks, a month?

3 MR. JORDAN: It was maybe a month. And I think it might
4 have been to set up for this -- the first call in this -
5 - in this week.

6 MS. STERN: Did you discuss anything substantive during
7 that second call?

8 MR. JORDAN: The things we discussed had to do with the
9 fact that it was an independent film, low budget, money
10 was always a question, things like that.

11 MS. STERN: Okay. So I actually have some notes on the
12 issues that you had identified in your -- in the first
13 interview. The low budget that you -- you had some
14 difficulties working with the low budget. There was an
15 issue around horse training. Mr. Baldwin had trouble
16 getting on and off his horse, I think you said. And
17 issue with the special effects material being used?

18 MR. JORDAN: Yeah, that wasn't so much --

19 MS. STERN: Smoke -- smoke and dust?

20 MR. JORDAN: Yeah, that wasn't so much a production
21 issue. It was a SAG issue.

22 MS. STERN: Okay. What do you mean by that?

23 MR. JORDAN: SAG has been doing a lot of investigation
24 or verification of products being used for creating
25 smokes and fogs and dusts. And they basically --

1 go to the UPM. Is that the standard?

2 MR. JORDAN: Yes.

3 MS. STERN: Okay. So other than the budget, the issue
4 with the fire that you just discussed, Mr. Baldwin
5 having trouble getting on and off the horse. Is there
6 anything else that -- any other issues that you think
7 you would be testifying to in this case?

8 MR. JORDAN: I don't know.

9 MS. JOHNSON: Hey, I'm sorry to interrupt. So I just
10 want to make sure because Mr. Jordan was interviewed in
11 his capacity as a fact witness last time. And so this
12 pretrial interview was to focus on his expertise as a
13 set safety expert.

14 MS. STERN: Well, I think that he's not quite sure what
15 he's testifying to at all, so I'm just trying to get an
16 understanding as to what his understanding is for what
17 he will be testifying to in this case. And I think I've
18 done a pretty good job for not asking questions that
19 were asked in the first interview.

20 MS. JOHNSON: No, and I agree. I -- I just wanted to
21 make sure that, you know, because this pretrial
22 interview is to address his expertise in -- in set
23 safety.

24 MS. STERN: Yep, I just have this one question that
25 is -- goes directly to his testimony that appears to be

1 bleeding into both expert and person at set. So, Mr.
2 Jordan, I'll ask you again if there are any other issues
3 that you believe you would be testifying to in a
4 capacity at trial?

5 MR. JORDAN: I -- other than whatever else happened in
6 Montana, I don't know.

7 MS. STERN: Well, is there something -- are you going to
8 be offering an opinion about Montana based on your
9 expertise?

10 MS. JOHNSON: I can just answer that. We're not going
11 to -- as far as I'm concerned, I don't -- we're not
12 offering him as an expert in what happened in Montana.
13 So just --

14 MS. STERN: Okay. So he will not be testifying to what
15 happened in Montana?

16 MS. JOHNSON: I don't believe so. And if that changes,
17 I'll have to confer with Kari, but I don't believe so.

18 MS. STERN: Okay. So what opinions will you be offering
19 in this case, Mr. Jordan?

20 MR. JORDAN: It was a difficult production based on --

21 MS. STERN: Well, that -- that would be -- I'm sorry to
22 interrupt you, but that would be -- that would be about
23 what happened in Montana. So Erlinda just said that as
24 far as she knows, you will not be testifying to what
25 happened in Montana. So what are --

1 MS. JOHNSON: Well, hold on. Let me just -- I'm sorry
2 to interrupt. Let me just double check with Kari. I'll
3 be right back. Go ahead and continue but let me double
4 check with Kari.

5 MS. STERN: Okay.

6 MR. JORDAN: Yeah, I mean, I can talk all day on safety
7 bulletins and training and the history of programs and
8 that sort of thing but.

9 MS. STERN: While Erlinda's doing that, what -- what
10 opinions do you think you're going to give in this case?

11 MR. JORDAN: The biggest opinion is, we managed to
12 finish.

13 MS. STERN: What do you mean by that?

14 MR. JORDAN: There was a lot of doubt. We had every
15 local union -- unions from California, the Teamsters,
16 SAG, DGA, all sent people out to watch the activities of
17 filming to make sure it was done according to protocols
18 and -- and safety standards. And so it was -- you know,
19 we were under a very watchful eye. And so, you know,
20 initially, we were only going to have one person up
21 there, but we ended up with two because -- not that it
22 was a big production, but that there were so many
23 different things going on.

24 MS. STERN: Okay. So when you say you can't -- like the
25 opinion is you managed to finish. How is the amount of

1 people that were there relevant to that? Like did they
2 make it harder for you to finish, or what do you mean?

3 MR. JORDAN: Not -- not so much for us, but because of
4 everybody watching, everybody was coming to us to
5 confirm their decisions with us, you know, from a safety
6 perspective. Because we were -- again, we were kind of
7 over watch -- you know overseeing everything.

8 MS. STERN: Okay. What have you reviewed from the Rust
9 production?

10 MR. JORDAN: What have I what?

11 MS. STERN: Reviewed.

12 MR. JORDAN: As far as what.

13 MS. STERN: What have you reviewed for this case?

14 MR. JORDAN: The bulletins, the -- the meetings that I
15 held with the different people, my notes. That's pretty
16 much it.

17 MS. STERN: So you haven't reviewed anything from the
18 first Rust production?

19 MR. JORDAN: No and I made that clear. I -- I wasn't
20 there. I -- I don't know what happened. I've heard
21 lots of stories, but you know I wasn't there.

22 MS. STERN: Okay. So --

23 MS. JOHNSON: I apologize. He is -- he is going to be
24 testifying about Montana.

25 MS. STERN: Okay. So we'll come back to that in a

1 trial?

2 MR. JORDAN: No.

3 MS. STERN: Okay. So let's go back to your opinions.

4 MR. JORDAN: Okay.

5 MS. STERN: Now that we have cleared up the Montana
6 issue, and that is on the board, it sounds like, please
7 tell me all of your opinions that you have for this
8 case.

9 MR. JORDAN: Well, the number one opinion was that
10 because it was such a high-profile film, because of what
11 happened in New Mexico, our expecta -- and because of
12 the unions and everyone watching and sending people out,
13 we expected it to be a very simple, very straightforward
14 production. And it wasn't because of the budget issues,
15 the money issues, we -- we were getting -- and I started
16 to mention, as things -- as people having issues,
17 they -- they become safety issues on the set. We had a
18 lot of complaints of people that weren't getting paid
19 properly. In fact, we didn't get paid until several
20 months after the show finished. And just a general
21 dissatisfaction. Several people quit the show early on
22 because they -- they basically didn't think they could
23 do it within what they'd been given. There wasn't
24 always enough prep time, very last-minute decisions on a
25 lot of things that, you know, should have been handled

1 earlier on. Very, very difficult communication, poor
2 communication. I think that covers a lot of it.

3 MS. STERN: Okay. So, budget issues. Beyond what we've
4 already discussed, were there any other budget issues?

5 MR. JORDAN: There were a lot of budget issues, and
6 again, the delay -- there were delays in allowing people
7 to travel out to set because a bond from the previous
8 production had not been paid is -- is what we were told
9 because we wanted -- we wanted people to arrive so that
10 they could have whatever training was necessary and the
11 -- the dates kept getting pushed back. And --

12 MS. STERN: Okay. And the budget issues, that's the
13 same, it was sort of the UPM was the person that --

14 MR. JORDAN: Well, everything went through him. Yeah,
15 everything went through him. So he was given a budget,
16 and I don't know how realistic the budget was. We ended
17 up being brought in and agreed on a price. But again,
18 there were a lot of complaints about people being paid
19 for equipment and for their time. So how that fit into
20 the budgets, I don't.

21 MS. STERN: Will you be offering any opinion about Mr.
22 Baldwin specifically?'

23 MR. JORDAN: I guess, again, if asked, but you know the
24 main issue had to do with -- with the horses and
25 sometimes attitude. There was a little bit of yelling

1 horse?

2 MR. JORDAN: He wanted to do it himself.

3 MS. STERN: Okay. So I just want to make sure that I
4 have all of your opinions for this case. We just
5 covered with respect to Mr. Baldwin. The rest of your
6 opinions, we've -- I think we've hit the budget issue.
7 What are your other opinions?

8 MR. JORDAN: The -- and I wasn't directly involved
9 because they had a shop steward on the set, but a lot of
10 complaints that had to do with handling of people went
11 to the shop steward, and he had to deal with the, again,
12 with the line producer, as well as the local unions.
13 But there were many more than I would expect on a normal
14 show.

15 MS. STERN: Many more of what, I'm sorry?

16 MR. JORDAN: Complaints that were going to the shop
17 steward that had nothing to do with safety.

18 MS. STERN: Okay. So those complaints, given that they
19 don't have to do with safety, you still have an opinion
20 on those complaints?

21 MR. JORDAN: No, I stayed away from them. My opinion is
22 that there were more than I would normally expect on a
23 show of this size.

24 MS. STERN: More non-safety complaints?

25 MR. JORDAN: More complaints in -- in general, yes.

1 MS. STERN: Any other opinions?

2 MR. JORDAN: It was beautiful country.

3 MS. STERN: I'm sure. I'm sure.

4 MR. JORDAN: It was a very long -- it was a very long
5 two months out there.

6 MS. STERN: Any other opinions?

7 MR. JORDAN: In general, the department heads and the
8 crew went out of their way to do everything right, which
9 was great for us watching out for safety.

10 MS. STERN: Any other opinions?

11 MR. JORDAN: Not that I can think of right now.

12 MS. STERN: Okay. Okay. If you could just give me two
13 minutes to confer with my colleague, and we should have
14 you out of here very, very soon.

15 MR. JORDAN: Okay.

16 MS. STERN: Thank you. Okay. Thanks, Mr. Jordan. Just
17 two more questions. So I just want to be clear, you're
18 not offering any opinions related to what happened in
19 New Mexico. Right?

20 MR. JORDAN: That's correct.

21 MS. STERN: Okay. And I know you said you've told us --
22 you've told us every opinion you have that you can think
23 of right now. If there are any other opinions that you
24 think of beyond what we discussed, can you just agree to
25 let us know?

1 MR. JORDAN: Yes.

2 MS. STERN: Okay, great. I think that is it then.

3 Unless, Erlinda, you have any questions?

4 MS. JOHNSON: I do. Mr. Jordan -- and I apologize for
5 not turning my camera on. I had to switch to my cell
6 phone because I have a court hearing I'm going to right
7 now. But I have a couple of followup questions with
8 regard to your expertise in set safety. Are you
9 familiar with safe -- set safety standards and rules as
10 it relates to firearms on sets?

11 MR. JORDAN: Yes.

12 MS. JOHNSON: Okay. And are you familiar with that
13 safety bulletin number one as it relates to firearms?

14 MR. JORDAN: Yes.

15 MS. JOHNSON: And since you've been involved in updating
16 the safety bulletins, has safety bulletin number one
17 been updated?

18 MR. JORDAN: Yes, it was updated in April of this year.

19 MS. JOHNSON: Okay. But before 2021, before October of
20 2021, had it been updated?

21 MR. JORDAN: In '03 -- 2003.

22 MS. JOHNSON: Okay. In 2003, you mean?

23 MR. JORDAN: Yes.

24 MS. JOHNSON: Okay. And were you involved in that one?

25 MR. JORDAN: I reviewed it. I honestly don't remember

1 what we changed.

2 MS. JOHNSON: Okay. And when it relates to set safety
3 as it has to do with firearms and actors' use of
4 firearms, what is your understanding or what is your
5 experience as it relates to actors' use of firearms?

6 MR. JORDAN: First of all, they need to be trained, they
7 need to have an understanding of whatever weapons,
8 firearms they're going to be shooting and a lot of times
9 that takes a practice session, whether they -- you know
10 under the direction of the armorer or whoever their
11 weapons specialist is. And on set, the armorer is the
12 one in charge of the weapons. They release the weapons,
13 and they collect the weapons, and they have 100 percent
14 oversight of where those weapons go and what happens to
15 them.

16 MS. JOHNSON: Okay, but as it relates to the actor, how
17 about pointing a firearm at somebody? Is and actor --
18 is that something that the safety bulletin covers?

19 MR. JORDAN: The -- it basically says treat every
20 firearm as if it is loaded, as if it is real and loaded,
21 whether it's a rubber gun or not. Prior to that, it
22 said never point -- the original bulletin said never
23 point a weapon at another person. I don't remember the
24 exact wording, but they've basically said, if you're
25 going to make it look like you're pointing at another

1 person, there has to be a discussion between the stunt
2 person, the actor, the armorer to determine how it can
3 be done safely, whether it's an offset angle or Lexan
4 shield, that sort of thing.

5 MS. JOHNSON: And this is something that you're familiar
6 with as a set safety coordinator?

7 MR. JORDAN: Yes.

8 MS. JOHNSON: Okay. All right. Thank you, Mr. Jordan.
9 I don't have anything else.

10 MR. JORDAN: Okay.

11 MS. STERN: I'm sorry. I just have one more followup.
12 Were there functioning firearms on the Montana set?

13 MR. JORDAN: There were not.

14 MS. STERN: Okay. And will you be offering an opinion
15 on the meaning of the safety bulletins?

16 MS. JOHNSON: So I think that's going to be an issue
17 that we need to discuss, obviously, and we'll be in
18 touch with you guys. And I think he is going to be
19 asked about his opinion on the safety bulletins and set
20 safety as it relates to firearms.

21 MS. STERN: Okay. Well, then we will be in touch.

22 MS. JOHNSON: Okay.

23 MS. STERN: All right. Thank you.

24 MS. JOHNSON: Thank you, Mr. Jordan.

25 MR. JORDAN: Am I done?