

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HALEY VIDECKIS, ET AL,)	CASE NO: 2:15-CV-298-DDP-JC
)	
Plaintiffs,)	CIVIL
)	
vs.)	Los Angeles, California
)	
RYAN WEISENBERG, ET AL,)	Tuesday, May 30, 2017
)	
Defendants.)	(10:06 a.m. to 11:04 a.m.)

HEARING ON PLAINTIFFS' MOTION TO COMPEL
DEPOSITION OF ANDREW BENTON [DE #62]

BEFORE THE HONORABLE JACQUELINE CHOOLJIAN,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiffs:	JAYESH PATEL, ESQ. Zuber Lawler & Del Duca 777 S. Figueroa St., 37th Floor Los Angeles, CA 90017
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For Defendants:	PAULA T. VICTOR, ESQ. Anderson McPharlin & Connors 707 Wilshire Blvd., Suite 4000 Los Angeles, CA 90017
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1 Los Angeles, California; Tuesday, May 30, 2017; 10:06 a.m.

2 (Call to Order)

3 **THE CLERK:** Calling Case Number CV15-298, *Haley*
4 *Videckis, et al versus Ryan Weisenberg, et al.* Please state
5 your appearances for the record.

6 **MR. PATEL:** Good morning, your Honor. Jayesh Patel
7 for the Plaintiffs.

8 **MS. VICTOR:** Good morning, your Honor. Paula Victor
9 for Defendant, Pepperdine University.

10 **THE COURT:** All right, good morning. We are on
11 calendar with Plaintiffs' Motion to Compel the Deposition of
12 Andrew Benton. The parties agree that Mr. Benton, who is
13 President of Pepperdine University, is an apex level witness.

14 Plaintiffs served Defendants' counsel with the notice
15 of deposition for Mr. Benton on December 23rd, 2016, setting
16 the deposition for January 24 of 2017. But about a week before
17 that on the 17th of January, Defendant served an objection,
18 which essentially asserts that because an apex deposition is at
19 issue and because Mr. Benton assertedly has no non-privilege
20 knowledge relevant to the litigation, that a 30(b)(6) deponent,
21 Mark Davis, would testify about Defendant would not produce
22 Mr. Benton for deposition.

23 Plaintiff's, essentially, count is that in the
24 absence of a protective order the objection was insufficient to
25 excuse Mr. Benton from appearing for the deposition and that,

1 in any event, Defendant fails to demonstrate that Mr. Benton
2 should not be subject to deposition as he assertedly has
3 relevant unique first-hand non-repetitive knowledge, and
4 Plaintiffs have exhausted less intrusive discovery methods.

5 So let me give you my tentative views. And I feel
6 I'm in somewhat of a quandary, and I do want to hear from
7 counsel. So I would say -- and obviously I'll hear argument --
8 but I tend to agree with Defendant on the merits. But I'm
9 troubled by Defendants' failure to seek a protective order,
10 which would have teed up these matters months ago. The parties
11 could have gotten the Court's view on it. It could have been
12 appealed to the District Judge, then you all going forward
13 would have had guidance from the District Judge as to what was
14 viewed to be relevant or not relevant, and that might have
15 saved, say, five motions in limine or so.

16 But as I sit here, it seems to me that Defendants are
17 kind of trying to have it both ways. They want to preserve
18 their ability to pursue those five or six motions in limine. I
19 know Plaintiff is the one seeking to preclude Mr. Benton from
20 testifying, and the Defendants have a whole series of motions
21 to exclude certain evidence testimony re the atmosphere,
22 environment at Pepperdine regarding LGBT issues, regarding
23 donors giving or withholding funds due to Pepperdine's position
24 as to LGBT groups and issues regarding censorship of
25 performances or removal of flyers on campus that portray or

1 relate to LGBT issues, regarding denial of applications for
2 formal LGBT groups and clubs and then, more specifically,
3 statements of Mr. Benton on YouTube and in a letter to a former
4 student who was trying to form a -- well, an anti-homophobic
5 group, I guess, which you folks have characterized as an LGBT
6 group.

7 So I don't think Defendant gets to have it both ways,
8 because they apparently want to retain their ability to call
9 Mr. Benton as a witness in the event they fail to prevail on
10 one of those motions. But they, nonetheless, want to stop
11 Plaintiff from taking Mr. Benton's deposition regarding matters
12 as to which Defendant wants to preserve their ability to have
13 him testify.

14 So again, I understand why Defendant is trying to
15 hedge its bets, but I'm tentatively disinclined to allow it to
16 do that at this juncture. Discovery is over. And it's only
17 through a, you know, special dispensation from Judge Pregerson
18 that you're even getting a hearing on this motion. But again,
19 my view is this should have been the subject of a protective
20 order months ago. It would have saved everybody a lot of time
21 and effort, but yet here we are.

22 So part of me wants to grant the motion, because I
23 think Defendant has procedurally not proceeded appropriately.
24 But then a part of me wants to deny it because I think I tend
25 to agree with Defendants on the merits.

1 So that's kind of where I am. And I guess I can hear
2 from Plaintiffs' counsel first.

3 **MR. PATEL:** Well, your Honor, what I don't want to do
4 is repeat some of, you know, the arguments we've made in these
5 papers because, clearly, you've read them. I think the most
6 important driving point for us beyond the procedural issues --
7 and I think we've expressed our views on the procedural issues
8 as well. But the issue that drives us is merely because you're
9 an apex witness does not mean that your direct testimony is not
10 relevant to the issues in a lawsuit.

11 **THE COURT:** I don't think we have any disagreement on
12 that. So I mean you can focus on what I'm having trouble with
13 on the relevance if this helps you, is really kind of the link
14 between generic -- what I'm going to call generic LGBT
15 statements. And I'm trying not to be politically incorrect and
16 insensitive, so I'm just not sure how to frame it exactly.

17 **MR. PATEL:** Sure.

18 **THE COURT:** But it seems to me that the level of
19 Mr. Benton and the things he has said, the letter he wrote to
20 that particular student, it sounds to me like that was back in
21 2004. So I mean that to me goes to relevance as well, though I
22 understand the YouTube statements are 2012, which is, you know,
23 certainly more within the ballpark in terms of relevance. And
24 I gather there has been an -- there hasn't been a group or the
25 policy officially wasn't changed until 2015 or so, if memory

1 serves, so --

2 **MR. PATEL:** Well, I don't know if the policy itself
3 has changed.

4 **THE COURT:** Changed, but allowing groups as of 2015
5 from what I understand. But I guess the level of commentary by
6 Mr. Benton up at the top in terms of kind of the university's
7 public persona, for lack of a better description, as to LGBT
8 issues and what that might mean as to the school's mission, as
9 to its position, vis-a-vis potential donors, all of that seems
10 to me to be -- but at the same time expressing at least
11 superficial tolerance for having LGBT students attending the
12 school, but it seemed to be more inclined to keep it quiet.

13 What we're talking about in your case is trying to
14 out people on some level and then retaliating against them --
15 or arguably again retaliating against them for having that
16 status. So they seem to me I understand -- it's all LGBT
17 issues are at large, but it seems just really attenuated to me
18 to get from there to the Mr. Benton commentary level to what
19 was actually going on in this case absent any evidence from any
20 of the people who interacted that the school's mission was part
21 of their rationale, that Mr. Benton -- that they even saw
22 Mr. Benton's statements, that any of that had anything to do
23 with why they were doing the things they were allegedly doing,
24 vis-a-vis your client. So that's what's troubling me.

25 **MR. PATEL:** I understand that and I understand why

1 you might want to draw a more direct line between the
2 statements and the specific -- at least the one actor that was
3 specifically involved.

4 I think our orientation on the issues is slightly
5 more nuanced than that.

6 **THE COURT:** Okay.

7 **MR. PATEL:** If you can conceive of a scenario in
8 which faculty members -- and if you look at Mr. Benton's
9 commentary, they're made to faculty and staff university wide.
10 This is not a private conversation that others don't have
11 access to or that was limited to a number of --

12 **THE COURT:** You're speaking specifically about the
13 2012 YouTube.

14 **MR. PATEL:** Right.

15 **THE COURT:** Right.

16 **MR. PATEL:** I'm using that as an example. Because
17 that's a --

18 **THE COURT:** Okay. But each of these is a little
19 different.

20 **MR. PATEL:** Right.

21 **THE COURT:** So that's the one that's most recent.
22 The other one is like ten years ago, over ten years ago.

23 **MR. PATEL:** And there were statements associated
24 directly -- by witnesses directly to Mr. Benton. And I don't
25 recall whether we have highlighted them or we mentioned them in

1 the motion, but there are students who had direct conversations
2 with Mr. Benton who were in the process of making those
3 applications who did hear comments by Mr. Benton with respect
4 to their application and rationale by Mr. Benton for why it is
5 that their application was denied. You know, issues relating
6 to donorship and the effect that this -- you know, this kind of
7 publication of approval would have on donorship; you know,
8 financial motivations, things that the designees for the
9 university were not really able to talk about because they
10 could not speak to what Mr. Benton meant when he made these
11 statements.

12 **THE COURT:** But again, link it to the -- because
13 these -- I don't know if I'm going to -- I'm going to call them
14 random -- but these different students who talked to Mr. Benton
15 about different things related to public -- again, public
16 advocacy, having public groups. But I don't see anything that
17 any of the people who interacted with the Plaintiffs were privy
18 to any of those things or were motivated by any of these
19 things.

20 **MR. PATEL:** If you have -- if you have conduct -- and
21 here is the scenario. We have a coach who decides for whatever
22 reason that he doesn't want these players on his team. You
23 have a series of what appear to be disparate conduct, disparate
24 acts that are conducted by or undertaken by a variety of
25 different people within the coaching staff, the training staff

1 and the academic supervisory staff, and they all seem kind of
2 random events. But if they're occurring within an environment,
3 an environment which on the very top recognizes that there is
4 this desire to keep this information hidden, and you now have a
5 staff that is going to expose the sexual identity of the
6 players in ways and means that we've described in this case by
7 insinuating questions, by suggestive remarks, by intrusive
8 questions, that is an environmental problem.

9 And to the extent that Mr. Benton and -- we'll use
10 the example of his YouTube commentary -- to the extent that
11 he's broadcasting this to the entire faculty, that is more than
12 just a permissive statement directly to an individual. That is
13 a broadcast policy to the entire faculty and staff of the
14 university. That's an environmental problem. And people that
15 may seek to take advantage of that environmental problem,
16 whether they misunderstood Mr. Benton or not, are doing it
17 based on what Mr. Benton said.

18 And the question that I asked was when he made these
19 remarks what did he mean? Most recently the expert witness
20 designated by Pepperdine did not and could not speak to what
21 Mr. Benton meant. Mr. Davis could not speak to what Mr. Benton
22 meant by these remarks. And these remarks are fairly strong.
23 If they win, everyone else loses. That concept on an issue of
24 equal treatment of students within their program is jarring and
25 at odds. And if that is as pervasive to the environment, as we

1 believe it is, based on at least the leadership by Mr. Benton
2 and the broadcast of these statements by Mr. Benton, including
3 private remarks by Mr. Benton to students directly involved in
4 these requests and application, that is not something that
5 within the environment -- and the Plaintiffs have testified to
6 this -- that is not something that within the environment
7 requires necessarily Mr. Benton giving the coach direct
8 permission to engage in the conduct.

9 **THE COURT:** I don't think anybody is suggesting that.
10 But what I have are declarations saying from some -- at least
11 some of the people who interacted with the Plaintiffs that we
12 never even saw that, not even aware of that YouTube thing. And
13 of course I understand they're denying any wrongdoing. But you
14 have to -- I think you still have to draw some kind of link
15 between that environment and what the people who interacted
16 with the Plaintiffs did. And I'm still missing even in your
17 argument where do we get from, you know, point A to point B.
18 How do we draw that inference that it permeated the athletic
19 department, for example?

20 **MR. PATEL:** Well, okay. So we have a number of
21 witnesses -- and we didn't burden the record with this because
22 we thought it was reasonably obvious, for want of a better
23 word. We have a number of witnesses who when asked -- from the
24 athletic department, from the training department, are you
25 aware of any folks who identify as LGBT at the time on the team

1 or on the staff? Yes. Are you aware of whether that was
2 public knowledge? Well, it wasn't. Are you aware of people
3 who were publicly out, publicly displaying? No. Why? We
4 don't know.

5 It's when you're talking about discrimination, your
6 Honor, we're not talking about people who are going to publicly
7 go out there -- I mean unless you're, you know, identifying
8 with a very specific group that is a very specific anti-
9 equality group --

10 **THE COURT:** The Klu Klux Klan --

11 **MR. PATEL:** Klu Klux Klan.

12 **THE COURT:** -- and the context of race, okay.

13 **MR. PATEL:** Sure. You know, you're not going to go
14 out and publicly make declarations of your bias. It's
15 pervasive, it is -- we're never going to get these kinds of
16 direct statements, we really don't tolerate this kind of
17 behavior or this kind of sexual identification, we don't do
18 that.

19 You know, the closest we have is a statement by the
20 highest official at the university, except for maybe the
21 provost and the trustees, but the highest public position, the
22 highest public servant within the university system making
23 statements that, frankly, viewed in a very simple way
24 broadcasts out to the entire faculty and community by a webcast
25 that we definitely -- we at the university definitely draw

1 these distinctions. Why we do that, notwithstanding the fact
2 that we want to publicly talk about the fact that we are
3 tolerant and that we are inclusive, why we do that remains a
4 mystery. Nobody seems to be able to answer that question. So
5 every single person within that university is left to interpret
6 those comments on their own and apply those comments on their
7 own.

8 And it is a university, so it is a communicative
9 environment. The idea that these kinds of statements, you
10 know, are isolated to simply the audience that heard them and
11 are not discussed, there's text within the transcript itself
12 with the question, Dr. Bob is asking the question, you know; we
13 and the faculty are troubled by these decisions. The decisions
14 are public. We're troubled by these decisions. It is a
15 conversation that is occurring throughout the campus.

16 So trying to draw a very direct link between those
17 comments and the effect and impact it may have had on
18 individual actors is not going to be something that anybody is
19 ever going to find within evidence. And I'm sure that they'll
20 make a big deal about that at trial. We understand that
21 argument.

22 But the permissive environment within which that
23 conduct occurred that allowed for those kinds of acts to have
24 gone by unimpeded, the effect it may or may not have had on the
25 type of Title IX investigation that occurred and the

1 conclusions, the number and the identities of the witnesses
2 that were actually interviewed versus those that were
3 identified, all of those tie to a broader program within the
4 campus. We can have insidious discrimination. It may even be
5 that it was unintended, but it still exists. Sometimes the
6 worst biases are the ones that we have the greatest difficulty
7 identifying within ourselves.

8 And so when you have the leader of the university
9 publicly broadcasting these kinds of statements, it has a
10 direct impact on the environment. We have witnesses that talk
11 about the environment of the campus and where does it stem from
12 and how is it permitted.

13 And I made my position very clear. If the Court
14 ultimately decides that these statements are not going to be
15 introduced for whatever reason --

16 **THE COURT:** You mean the District Judge.

17 **MR. PATEL:** The District Court. For whatever reason
18 if these -- if these statements are not introduced at trial for
19 whatever reason, okay, that is the Court's decision. But we
20 get the right at least in discovery to do the discovery
21 necessary, to make the investigation necessary to respond to
22 those assertions, the kinds of questions that the Court here is
23 asking. How do you make this connection?

24 Well, it's really nice to insulate the person making
25 these connections under some sort of a technical designation

1 like the apex, you know, the apex designation. But the fact of
2 the matter is when ever other person designated by the
3 university does not know what he meant by those statements and
4 those statements were broadcast university wide, there's only
5 one person that can answer the question and that actually
6 resolved the core issue, which is I think a dovetail back to
7 what the Court was observing here today, and that is
8 procedurally we're stuck with where we are. If they had made a
9 motion for protective order, we may have gotten greater
10 clarification over the course of time. But within the rules of
11 discovery I know, right or wrong, I am entitled to inquire into
12 why. And if I turn up nothing, I turn up nothing.

13 **THE COURT:** Let me inquire. When the questions were
14 asked of the 30(b)(6) designees on the areas -- I'm, again,
15 loosely describing the areas that are in issue here -- what
16 their relevance objection -- or were there any relevance
17 objections?

18 **MR. PATEL:** I don't believe so, your Honor, but I
19 don't remember so I don't want to --

20 **THE COURT:** Okay. Maybe take a minute and look at
21 that. Because, again, that's a procedural issue but there are
22 enough of those around right now. But I'll add that to the
23 list.

24 **MS. VICTOR:** Your Honor, if I --

25 **THE COURT:** Sure.

1 **MS. VICTOR:** -- may just clarify on that topic? And
2 I've got part of the transcript here and I'm not positive that
3 I objected to those --

4 **THE COURT:** Which one? This is the one --

5 **MS. VICTOR:** This is Mark Davis' deposition
6 transcript. It's --

7 **THE COURT:** Right. And that is in its entirety was
8 attached to one of your --

9 **MS. VICTOR:** Well, not in its entirety.

10 **THE COURT:** Well.

11 **MS. VICTOR:** But a lot of pages.

12 **THE COURT:** Oh, it was a lot. It seemed like its
13 entirety to me.

14 **MS. VICTOR:** Yes.

15 **THE COURT:** Okay.

16 **MS. VICTOR:** As Exhibit 1 to these --

17 **THE COURT:** Yes, your --

18 **MS. VICTOR:** -- declaration --

19 **THE COURT:** Supplemental declaration.

20 **MS. VICTOR:** Correct. It's ECF104-1. But what I
21 will say is the objections that I believe are an exhibit to the
22 Plaintiffs' motion --

23 **THE COURT:** To the deposition notice for Mr. Benton?

24 **MS. VICTOR:** Yes. We objected to all of those
25 questions. They propounded written discovery.

1 **THE COURT:** I'm sorry. You objected to all of those
2 questions.

3 **MS. VICTOR:** Yeah. In the 30(b)(6) designation in
4 that deposition --

5 **THE COURT:** Okay, I don't have a 30 --

6 **MS. VICTOR:** -- there was a category --

7 **THE COURT:** Do I have a 30(b)(6) designation? I have
8 the depo notice for Mr. Benton. That's not a 30(b)(6).

9 **MS. VICTOR:** I believe -- maybe I am wrong. Okay, I
10 am wrong. I can simply represent to you that there was a
11 30(b)(6) notice of deposition with many categories, over
12 25 categories. Probably a good 10 or 12 of them were about
13 these specific issues, donors, denial of LGBT groups,
14 et cetera. And that's why Mark Davis was the designee for --
15 as the 30(b)(6) deponent. And we objected to every category.
16 Being discovery, however, we allowed him to testify. So while
17 I am -- and I don't think Mr. Patel would argue with the
18 representation I just made.

19 So we certainly allowed him to testify because this
20 is discovery on those issues. And I am not certain that I
21 object to every single question that was asked in that regard
22 because I think my objections to the 30(b)(6) deposition notice
23 were very clear in that regard. So I can certainly go through
24 and see if I made those objections. But Mr. Patel and I have
25 gone around and around a little bit in depositions about the

1 objections that I do make, and I decided not to kind of fuel
2 that fire any, feeling very confident that my objections in the
3 notice of the 30(b)(6) deposition would be sufficient.

4 **THE COURT:** Okay, I understand. That actually makes
5 sense.

6 But, Mr. Patel, go ahead. I'll allow you to respond.

7 **MS. VICTOR:** Thank you, your Honor.

8 **MR. PATEL:** Your Honor, the problem is, is that when
9 you're talking about relevance objections with respect to
10 discovery and form relevant objections -- relevance objections,
11 while Ms. Victor and I may have had our disagreements over
12 objections in the course of depositions, there's certain times
13 when an objection is an appropriate objection to a specific
14 question. And when I asked, you know -- when I asked
15 specifically about what Mr. Davis, as the designee of the
16 university, could speak about with respect to the purpose, the
17 intent, the meaning of Mr. Benton's remarks, there was no
18 relevance objection.

19 So we're taking a broad-based generalized objection
20 in a document saying, you know, we're objecting to things that
21 are relevant and not relevant, items that are going to be
22 subject of, as we now know multiple motions in limine, and
23 we're trying to apply to a very specific set of questions and a
24 specific set of circumstances with respect to a specific
25 deponent, that's what these procedures are for.

1 **THE COURT:** Okay. Just seeing what I'm looking at,
2 32(d)(3)(A), which basically says:
3 "An objection to a deponent's competence or to the competence,
4 relevance or materiality of testimony is not waived by a
5 failure to make the objection before or during the deposition
6 unless the ground for it might have been corrected for it at
7 that time."

8 I'm not exactly sure what the latter point means, to
9 tell you the truth. But I understand the parties' positions I
10 guess is what I would say at this point.

11 **MR. PATEL:** Well. And the only recourse following
12 the logic that the Court's, you know, walking down right now,
13 the only response to a generalized objection to that would have
14 been our filing repeated documents saying we object to your
15 objections, we think all this is relevant. I mean at what
16 point during the course of discovery do you sort out these
17 generalized objections except by trying to winnow through the
18 discovery and focusing in on the specific issues, as we're
19 trying to do here, on the specific issues over which we have
20 legitimate disagreements over relevance.

21 **THE COURT:** All right. I think just on this narrow
22 issue it sounds like the Defendants filed written objections to
23 the 30(b)(6) topics, that they did not or did not entirely
24 object on relevance grounds to specific questions posed within
25 those areas at the deposition. And I'm not 100 percent clear

1 from the rule whether that affects a waiver of it or not. I
2 think there are probably arguments both ways, and I think
3 ultimately the District Judge is going to decide that in terms
4 of admissibility. I was really trying to get a sense of
5 whether there had been any objection there, because I didn't
6 see it in what I had been presented. And so at least you all
7 have clarified that.

8 But let me hear from defense counsel. You can
9 address the merits, but why don't you start with the procedural
10 issues that are troubling.

11 **MS. VICTOR:** I will. Thank you very much, your
12 Honor. First of all, my reading of the Rules of Federal
13 Procedure may be incorrect, may be different than your Honor's.
14 The way that I read them is I had two options. I could file
15 objections, which I did, or I could file a motion for
16 protective order. I would have --

17 **THE COURT:** Well, why couldn't you do both?

18 **MS. VICTOR:** I could have. I could have. Let me
19 explain to you why I did not in this case. We filed our
20 objections. Counsel and I met and conferred with my client,
21 who's general counsel at Pepperdine. It was an ongoing
22 discussion about whether or not President Benton should be
23 compelled to testify. And we took a position on that issue.
24 And, of course, it was intertwined with this -- our position on
25 the issues with regard to the LGBT groups and donors, which was

1 the bigger issue that was subject to considerable written
2 discovery by the Plaintiffs, to which we objected.

3 But at the end of the day we were meeting and
4 conferring on this issue. And I don't know if your Honor
5 remembers this or not when we were here before when these
6 papers were originally filed. But this all occurred in January
7 of 2017 when we filed our objections and we began the meet and
8 confer process.

9 Pepperdine never wavered on the issue of whether
10 President Benton should be deposed, never once. We
11 basically -- what our position was, was with regard to the
12 issue of donors. And his testimony we did not see any
13 connection. Because it was an apex deposition we would not be
14 producing him. We did meet and confer on some other issues
15 that were tangential to those. But the bottom line is this was
16 an ongoing dialogue. Mr. Patel put this in a declaration that
17 this is something that was continuing, this meet and confer
18 process, despite the fact that our position was very, very
19 clear.

20 At no point -- my contention is to the extent that
21 there's any requirement to file a motion for protective order,
22 which I don't think that there is, I believe that was waived by
23 the Plaintiffs. Because what we did, we met and conferred on
24 this. And Mr. Patel specifically said: Well, if we can't
25 agree, I want to file a motion to compel. It was part of a

1 stipulation as to when he would file that motion.

2 So unlike a situation where I file objections and I
3 hear from opposing counsel that I don't think those objections
4 are good enough, I'm going to proceed with the deposition; if
5 you don't appear, I'll take a non-appearance. I've had those
6 situations occur and I file a motion for protective order.

7 That is not what occurred in this case. We both
8 agreed we had a genuine dispute and we would try to resolve it.
9 For whatever reason it took Mr. Patel over two months to file
10 his motion to compel, which we allowed him to file, we reached
11 an agreement about that. But the point being at no time did I
12 ever feel -- and I think legitimately so -- that I needed to
13 file a motion for protective order. We had a dispute, we were
14 trying to work it out. Whether we could or not, who knows.
15 But the bottom line is all we heard is I want to reserve my
16 right to file a motion to compel. We talked about deadlines
17 for that motion, et cetera.

18 So just those are the facts as to why a motion for
19 protective order was not filed. If it was improper, like I
20 said, I'm not aware of any rule that required us to do so under
21 those circumstances. But nonetheless, the feelings among
22 counsel --

23 **THE COURT:** Well, the rule is 37, and it's 37(d) --
24 well, (A) indicates that failure to appear for a deposition
25 after being served with the proper notice can subject one to

1 sanctions. And then (d)(2) is failure not excused on the
2 ground that the discovery sought was objectionable unless the
3 party failing to act has a pending motion for protective order.

4 So that's what I'm looking to. And in my experience,
5 when it's not a -- when it's a subpoena issue, a third-party
6 subpoena issue, which your fellow is an officer so he gets to
7 be under -- as a party deposition notice, the objection filed
8 by those individuals, that's enough to stop it without a
9 protective order. But I don't think that's the case with party
10 affiliated witnesses like here.

11 **(Voices heard off the record / Echo of audio)**

12 Okay, hold on. Let's fix the system. Hold on. I
13 don't want to hear an echo of myself.

14 **(Pause)**

15 Okay. All right, go ahead.

16 **MS. VICTOR:** Like I said, your Honor, I looked at the
17 rule. I didn't think that it was necessary. If you disagree
18 and there was a requirement and find that for that reason this
19 motion to be granted, obviously, you know, I'll have to look at
20 it again and find case law. I'm not really prepared to address
21 that now because, quite frankly, like I said, I certainly
22 didn't read it the same way; but, more importantly, the conduct
23 among counsel, he did not -- he did not proceed with the
24 deposition --

25 **THE COURT:** Well.

1 **MS. VICTOR:** -- he did not take a notice of non-
2 appearance.

3 **THE COURT:** Well, he raises it in the motion though
4 and --

5 **MS. VICTOR:** I appreciate that.

6 **THE COURT:** -- you folks didn't really respond to
7 that.

8 **MS. VICTOR:** I looked at it, your Honor. I conferred
9 with my client about it. The way we read the rule with such --
10 and perhaps I should have addressed it in our papers. We did
11 not think in light of the conduct of counsel and specifically
12 the procedures that were followed in this case, we did not
13 believe it was necessary. I did not think that this was a
14 significant issue that would warrant, you know, attention. I
15 wanted to focus on what I thought the significant issues in
16 this case were, which is the lack of relevance, those types of
17 issues that are --

18 **THE COURT:** Okay. Why don't you --

19 **MS. VICTOR:** -- you characterized as substantive.

20 **THE COURT:** All right, I understand your position on
21 the protective order issue. Why don't you turn to the merits
22 which Plaintiffs' counsel addressed at length.

23 **MS. VICTOR:** Okay, right.

24 **THE COURT:** You can respond.

25 **MS. VICTOR:** But I would like to point out again,

1 your Honor, that I haven't seen case law on the topic, but we
2 clearly were in this meet and confer process. At no time did
3 Plaintiffs' counsel suggest -- in fact, the conduct was
4 otherwise that, you know, you need to file a motion for
5 protective order. We were meeting and conferring, and he was
6 clearly talking about filing a motion to compel. So under
7 those circumstances I think it was reasonable for us not to
8 proceed with that option.

9 Okay, as far as the merits, this issue regarding
10 denial of an LGBT group on campus is something that the
11 Plaintiffs themselves admitted they didn't know anything about.
12 This issue as far as the comments that President Benton made in
13 February of 2012 is something that the major actor against whom
14 Plaintiffs have complained in this case, Ryan Weisenberg,
15 stated he was completely unaware of. I'm going to take issue
16 with this notion of this was universally -- university wide
17 broadcast. This was a monthly briefing that the president made
18 to faculty. He holds these every month on issues that come up
19 during the past month. Faculty -- it's not mandatory. Faculty
20 can attend or not attend.

21 First of all, Ryan Weisenberg is not a faculty
22 member. None of the alleged bad actors within the athletics
23 department are faculty members. They are staff. A very big
24 distinction.

25 So not only was this not broadcast to them, it wasn't

1 broadcast university wide. The fact that there's a YouTube
2 video of it is -- has nothing to do with who the intended
3 audience was by Pepperdine. These comments were made in
4 February of 2012, almost two-and-a-half years before any of the
5 events of which the Plaintiffs complain occurred. They were
6 not on campus, they didn't have any knowledge of this. More
7 importantly, nobody within the athletics department who
8 allegedly did the things that the Plaintiffs have accused them
9 of knew about these comments.

10 Even if you could somehow draw this -- some type of a
11 connection between this atmosphere and what happened to the
12 Plaintiffs, you have absolutely no evidence that those actors
13 within athletics were aware of the atmosphere or acted upon it.
14 In fact, the evidence is completely to the contrary.

15 Ryan Weisenberg became the head coach of the
16 Pepperdine women's university basketball team in May of 2013,
17 over a year after these comments were made. He hired one of
18 his good friends, Trisha Raniewicz, a lesbian woman who he knew
19 to be a lesbian woman, who is the godmother of his child. If
20 some comments were made about, well, of course, they're not
21 going to admit to having biases, but if Coach Weisenberg had
22 any such bias -- and there's clearly no evidence whatsoever
23 that he did -- why in the world would he have hired his good
24 friend, a lesbian woman, to work at this hostile place? It
25 makes no --

1 **THE COURT:** It's really a jury argument though,
2 right?

3 **MS. VICTOR:** Yes. But the point is there's no
4 connection. And that is one of the crucial pieces of evidence
5 that not only -- you know, it's obviously crucial in this case
6 but it supports his declaration. If somebody wants to test the
7 veracity of his testimony in his declaration that he didn't
8 know about these comments, again, had he known that President
9 Benton had hostile attitudes -- which, by the way, I don't
10 think those statements even show that -- but even if he did
11 have those attitudes, how did Coach Ryan know -- why would he
12 have ever hired them?

13 I also want to correct the evidence in this case.
14 There were people, many students, players, on the women's
15 basketball team who identified as either lesbian or bi-sexual.
16 Coach Ryan knew about this. In fact, one of the things they
17 complained about is the fact that Coach Ryan asked two of the
18 players if their -- the people they were dating were going to
19 come to Pepperdine and play on the team, would that cause a
20 problem for them. Yet these players remained on the team. He
21 had no problem with them playing.

22 So I just feel like I need to point out the fact that
23 there were people that Coach Ryan knew were lesbian or bi. So
24 this is not the atmosphere within the athletics department. To
25 the extent that there was a hostile atmosphere the Plaintiffs

1 want to argue, it clearly didn't filter into the athletics
2 department, and nobody else was the bad actor, was an alleged
3 bad actor.

4 **THE COURT:** Well, obviously the Plaintiffs have a
5 different view of the facts, but go ahead.

6 **MS. VICTOR:** Okay. The other thing that I'd like to
7 clarify is the testimony that Mark Davis has given. There was
8 one question and one question only asked of him that he felt
9 like he couldn't answer, and that specific question was: You
10 don't know what President Benton meant by the limited statement
11 saying yes to some means saying no to others.

12 Of course he can't say what President Benton meant
13 unless he actually had a conversation with President Benton
14 about that particular comment. Mark Davis testified truthfully
15 that he couldn't speak to that.

16 Contrary to what was just said though, our expert who
17 was deposed on Friday, again, he's never spoken to Mr. Benton
18 but he was the president of a Christian university. When he
19 read the statement, he had a pretty good sense of what he
20 thought was meant by it, and he did testify to that.

21 Again, we don't know for sure what President Benton
22 said, but I feel like I need to correct the record that our
23 expert witness talked about his understanding of such a comment
24 that would be made. So there has been some testimony on that
25 issue.

1 **THE COURT:** Okay, then tell me this. Why do you need
2 Benton to testify at trial if this comes in?

3 **MS. VICTOR:** That's exactly what -- that was the last
4 point I wanted to address. There's a few others that I'd like
5 to make, but if you want to -- your Honor, we don't need
6 President Benton to testify. We don't want him to testify. I
7 don't know where anybody got the idea that we want President
8 Benton to testify at trial.

9 **THE COURT:** Well, you're unwilling to commit to
10 refrain from calling him as a witness. And I will say that
11 that failure certainly weighs on me, because I don't think it's
12 fair that you get to preserve your ability to call him as a
13 witness and yet Plaintiff doesn't get a chance to depose him
14 during the timeframe where -- I mean we're really past that,
15 but given that I'm allowed to rule on this, I know I'm allowed
16 to order the deposition -- so that it doesn't seem fair.

17 **MS. VICTOR:** Then I will clarify exactly our
18 intentions in that regard, your Honor. No, the bottom line is
19 we don't think President Benton needs to be at trial at all.
20 He does not have any testimony that's relevant to this case.
21 The only reason we didn't specifically commit -- by the way,
22 our oppositions to the motions in limine are not due until
23 today.

24 **THE COURT:** Well, no, I know the briefing was not
25 complete.

1 **MS. VICTOR:** We don't intend --

2 **THE COURT:** Well, that was part of the reason I
3 wanted you folks to confer, because I thought what might happen
4 is defense counsel would say, "We're not going to call
5 Mr. Benton to testify," and then the motion in limine that
6 Plaintiff has filed to preclude Mr. Benton from testifying
7 would be moot --

8 **MS. VICTOR:** Right.

9 **THE COURT:** -- and you would withdraw it so the
10 District Judge would not have to deal with it. But that hasn't
11 happened, so that leaves open to me the possibility that
12 Defendant still wants to call him.

13 And I'll tell you absent an affirmative commitment on
14 the record today that you are not going to call Mr. Benton as a
15 witness even if you lose all of those motions in limine you
16 filed, I think, again in fairness, Plaintiff is entitled to
17 depose him so --

18 **MS. VICTOR:** Fair enough, your Honor. Now, the
19 bottom line is this -- and this is what my client told me this
20 morning before I walked in here when he had to appear at
21 another trial -- but we do not have any intention of calling
22 President Benton, whether we win or lose those motions. The
23 only reason, the only reason we did not commit specifically is
24 because, honestly, until evidence comes in at trial, I have no
25 idea whether there's any possibility that President Benton

1 could be the only rebuttal witness on something that may be
2 something that may be introduced at trial. And I'm not even
3 talking about this specific topic.

4 **THE COURT:** Right. But doesn't that same uncertainty
5 that makes you reluctant to commit not to call him, isn't that
6 the very reason why Plaintiff should be allowed to depose him?

7 **MS. VICTOR:** Fair enough. I can represent to this
8 Court right now that we assuming -- we will not be calling
9 President Benton to testify at trial.

10 **THE COURT:** Okay. Without any assuming, you're
11 committing on the record you will not call him to testify at
12 trial.

13 **MS. VICTOR:** Unless he's deposed.

14 **THE COURT:** Oh, well.

15 **MS. VICTOR:** In other words, unless you grant the
16 Plaintiffs' motion in this case, that's correct.

17 **THE COURT:** Okay.

18 **MS. VICTOR:** That is our position. President Benton
19 will not be called to testify at trial in this case.

20 **THE COURT:** Okay. Anything further from Defendant?

21 **MS. VICTOR:** The only other -- well, not if the Court
22 is -- if there's no other -- the only other thing that I
23 think --

24 **THE COURT:** Make your record, because I'm sure there
25 will be --

1 **MS. VICTOR:** Yeah.

2 **THE COURT:** -- an appeal no matter what I decide.

3 **MS. VICTOR:** There was another comment that was made
4 about the investigation that was done of these claims, the
5 internal Pepperdine investigation.

6 **THE COURT:** That's the Title IX witness.

7 **MS. VICTOR:** Yeah, the Title IX investigation.

8 **THE COURT:** Or representative.

9 **MS. VICTOR:** Mr. Patel made a comment about that.
10 The only thing that I can say about that is we designated an
11 expert on the topic to talk about the appropriate procedures
12 and policies when you conduct these kinds of investigations,
13 which are very nuance, because they're subject to the guidance
14 of the OCR. We designated an expert on the topic. That person
15 has testified. The Plaintiffs --

16 **THE COURT:** I'm sorry, what is the OCR?

17 **MS. VICTOR:** I'm sorry. The Office of Civil Rights.

18 **THE COURT:** Okay.

19 **MS. VICTOR:** Within the Department of Education.

20 **THE COURT:** Okay.

21 **MS. VICTOR:** The Office of Civil Rights is the one
22 who implements the various --

23 **THE COURT:** Title IX.

24 **MS. VICTOR:** Yes. So we have an expert on the topic.
25 She's been deposed. She testified as to the procedures.

1 Plaintiffs don't have an expert to even counter our arguments.
2 They have no expert on that topic. But more importantly, this
3 is an investigation that really is not subject to scrutiny as
4 far as how it was conducted. Over 19 people -- excuse me --
5 13 witnesses were interviewed. This was almost a full-time job
6 for these two investigators during this period of time. Every
7 witness that the Plaintiffs said may have some knowledge were
8 interviewed, and more. Some were called back.

9 So this notion that somehow this wasn't a thorough
10 examination -- I mean excuse me, a thorough investigation is
11 completely without evidence and I don't think it has any
12 bearing on this motion anyway. Because again, there's no
13 connection that's been drawn between President Benton's
14 comments to a faculty in a faculty meeting in 2012 and the
15 conduct by this particular investigator. And this
16 investigator, if you look at her deposition, I mean this woman
17 has devoted her life to essentially advocating for those people
18 who are considered minorities or marginalized.

19 So again, no connection between any of the alleged
20 bad actors, the investigation or anything else and these very
21 isolated comments made by President Benton.

22 **THE COURT:** Okay. Plaintiffs' counsel, I'll give you
23 the last word.

24 **MR. PATEL:** Thank you, your Honor. I would love to
25 try this case before you and rebut fact by fact every single

1 thing that counsel just talked about. Let's just say this in
2 summary -- and I'll get to some specifics. Wow, do we see the
3 world differently.

4 First of all, this idea of the procedural issue and
5 why we supposedly waited so long conveniently forgets that part
6 of that meet and confer discussion was why don't you depose our
7 designee before you make the determination whether you really
8 need Mr. Benton's deposition, which we did. Because we acted
9 in good faith. To have that somehow spun around and turned
10 against us I think is a little offensive, quite frankly.
11 Because we did wait to take Mr. Davis' deposition at their
12 request. That was part of the discussion. That was part of
13 the stipulation.

14 So I actually resent the fact that when I'm trying to
15 be cooperative and collaborative, to get that turned around and
16 thrown in my face as if I somehow engaged in misconduct --

17 **THE COURT:** I don't think that's what she's saying.

18 I think she's saying she was lulled into this, you know --

19 **MR. PATEL:** Who was lulled, your Honor?

20 **THE COURT:** Right.

21 **MR. PATEL:** Who was lulled?

22 **THE COURT:** And I understand it's not your job to
23 tell her --

24 **MR. PATEL:** Right.

25 **THE COURT:** -- you need to file a motion for

1 protective order.

2 **MR. PATEL:** Well, and who was lulled when I took -- I
3 took them at face value and I took the designee's deposition.

4 Two, when you look at the substantive deposition, the
5 question -- and I'll read the question and answer:

6 "Who is invited to the monthly president's briefings?"

7 "All faculty and staff."

8 So it's not as limiting as it's being portrayed.

9 We waited for the second designee as well. And
10 notwithstanding the representation -- and we'll get those
11 transcripts if the Court really needs those transcripts. But
12 the expert that they're talking about who ran a university and
13 purports to understand it understood it without speaking with
14 Mr. Benton and without being able to describe what Mr. Benton
15 meant. He was very clear about that.

16 So thank you for the surmise, but we're looking at
17 what the actual evidence is with respect to what it is that
18 Mr. Benton intended to convey with these statements. So they
19 were broadcast. Nobody still speaks to what the intent was
20 behind those statements. And the mere fact that we get self-
21 serving statements from a coach that say, oh, I don't know; I
22 didn't know about this, doesn't mean that it wasn't a pervasive
23 or a probable and predictable event and environment within
24 which he could conduct himself.

25 You know, we have such strong factual disagreements

1 with respect to how some of this testimony comes out, you know.
2 The example that was cited about the coach that Mr. Weisenberg
3 hired who was LGBT, you know, why would he bring her into an
4 environment that he viewed as hostile with potentially, you
5 know, uninviting, you know, to her identity? Well, we're going
6 to have that same witness testify -- and counsel knows this --
7 that up until another member of the staff revealed that that
8 assistant coach was LGBT, it was a secret, it was kept away, it
9 was private. And the offense that the assistant coach suffered
10 when it was revealed is described the best in her words and in
11 her testimony. And why would she be that private and that
12 secretive if this environment was so welcoming? Why would
13 Coach Ryan do that if this environment was so inviting? I can
14 argue --

15 **THE COURT:** I'm sorry, are you saying he did or did
16 not know?

17 **MR. PATEL:** He -- they both claimed that he knew.

18 **THE COURT:** Okay.

19 **MR. PATEL:** That she was LGBT. But, but nobody else
20 did. It was a closely guarded secret in that environment. And
21 that was the testimony from that assistant coach.

22 So, you know, there's plenty of testimony that we can
23 talk about where issues such as the revelation of somebody's
24 sexual identity comes out and that person is upset about it.
25 And they describe it in the context of, well, you know,

1 Pepperdine you don't really want to advertise our identity at
2 Pepperdine. If the environment was so tolerant, this would be
3 a much simpler case. And the environment is not tolerant.
4 That is the pitch, that is the presentation, that is what our
5 evidence, I believe, will establish.

6 We have a witness who testified two weeks ago with
7 respect to, you know, what Coach Ryan knew about her sexual
8 identity. And her testimony is directly contradictory to Coach
9 Ryan Weisenberg's. She didn't tell him; her partner didn't
10 tell him. He just announced it to her. He knew somehow. How
11 did he know? She didn't tell anybody.

12 If this was such a welcoming and inviting
13 environment, a lot of these questions wouldn't exist. And to
14 the extent that we want to sit there and pretend that it
15 doesn't come from the top, what we are doing is we are missing
16 a fundamental issue with respect to how it is that people
17 behaved and conducted themselves in the way that they did in
18 this case.

19 If their conclusion is that under no circumstances is
20 President Benton going to testify, not even on rebuttal,
21 regardless of the evidence that comes into this case, which is
22 what I asked two months ago -- and it's the only reason that
23 we're today. Because we could have crafted that kind of a
24 stipulation. I have to ask myself as the Plaintiffs' counsel,
25 as an advocate in this case, what is it that Mr. Benton is so

1 afraid of testifying to, what is it that I don't know?
2 Because, clearly, there is something there about these comments
3 that I need to explore and investigate.

4 So respectfully we have some very, very stark views,
5 stark differences of our views in this case. And I'm not
6 really sure why I spent the time and the effort to arrive today
7 to get the proposal when pushed, to get the proposal on my
8 motion to compel -- not a motion for protective order -- that I
9 could have gotten two, three months ago when I proposed it,
10 when I asked the question ab initio.

11 **THE COURT:** You're saying the question that I pressed
12 her on.

13 **MR. PATEL:** Yes.

14 **THE COURT:** Okay. And for the record, we're
15 referring to a commitment not to call Mr. Benton at trial.

16 **MR. PATEL:** And the other thing, you know -- your
17 Honor, one final comment. You know, this idea of we don't have
18 a Title IX expert, we do have a Title IX expert. The scope of
19 that testimony remains to be discussed and remains to be
20 examined. Whether that testimony -- and I haven't spoken to
21 the expert -- whether that testimony runs into a commentary
22 about the nature or conduct of the investigation itself I don't
23 know. I don't think it does. Because you can be procedurally
24 correct but still skew the outcome, and that has been our
25 contention. You can be procedurally correct in what you do and

1 skew the outcome. And the investigator who has devoted, you
2 know, her life in advocating for marginalized people, we have
3 testimony from her on what she did not do with respect to the
4 LGBT community in that campus.

5 So, you know, I'd love to say that this was a simple
6 motion and a simple request. I'm not going to simplify life
7 the way that we've -- you know, you've heard portrayed. I'm
8 not suggesting to you that it's not a complicated question.
9 I'm not even suggesting to you at the end of the day I may be
10 proven wrong. What I am suggesting to you is that I have a
11 right to investigate this. And we've been looking at that for
12 now three months with promises and suggestions and other types
13 of conversations, and that's why we are here today.

14 **THE COURT:** Remind me when the hearing on the motions
15 in limine is.

16 **MS. VICTOR:** Next -- the 12th, your Honor. Next
17 Thursday, I believe. Or, no, the 12th.

18 **THE COURT:** That is two weeks from today. And what's
19 your trial date?

20 **MS. VICTOR:** July 18th.

21 **THE COURT:** Okay. Matter submitted?

22 **MR. PATEL:** It is, your Honor.

23 **MS. VICTOR:** Yes, your Honor.

24 **THE COURT:** Okay. I think I need to decide, and I
25 think however I decide there's going to be an appeal taken.

1 And I think it makes sense to get that process started
2 expeditiously. I would suggest that you folks maybe agree that
3 to the extent the non-prevailing party wishes to appeal that
4 maybe you get that before Judge Pregerson, if he's agreeable to
5 it, at the same time as the motions in limine. It just makes
6 sense to me that it all get teed up at the same time.

7 But as I said when I started, I think this could go
8 either way. I think it's a closer call certainly than I even
9 thought. I suppose because I think -- while I think Defendant
10 has the better argument on it, I think arguably, and certainly
11 Plaintiff is proceeding in good faith in trying to make a
12 colorful argument that the facts about which they wish to
13 inquire of Mr. Benton are facts at issue in the case.

14 As I've said, I think it's fairly attenuated, but I'm
15 certainly not willing to say that there is zero relevance to
16 the matters about which Plaintiff wishes to inquire. And
17 again, given the uncertainty with those motions in limine and
18 given that I do -- I understand Defendants' position, but I do
19 tend to think that this was something that should have been the
20 subject of a protective order as well, and that's partially why
21 we are where we are, I'm inclined to grant the motion.

22 And I guess the findings in issue are whether
23 Mr. Benton has unique first-hand non-repetitive knowledge of
24 facts at issue in the case. Again, I think it's marginal, but
25 there may be some relevance Plaintiff could make to areas about

1 which others have not offered testimony to date. And I think
2 that goes to whether the parties' deposition has exhausted
3 other less intrinsic discovery.

4 So that would be the ruling of the Court. You've got
5 my reasoning on the record. I understand the parties' views,
6 and I guess I just leave it there at this proceeding.

7 So anything else from counsel at this time?

8 **MR. PATEL:** No, your Honor.

9 **MS. VICTOR:** I would just like a point of
10 clarification, your Honor. I think -- well, maybe we don't
11 agree. To the extent that there are motions in limine on this
12 topic, it seems to me that any deposition should be taken after
13 the rulings on that motion. If the Court grants our motions in
14 limine, then there would be no reason for any deposition.

15 **THE COURT:** What I would say is I'm going to order
16 that the deposition occur within 14 days. I always put a
17 14-day deadline on my rulings, because that is the timeframe by
18 which I believe under the local rules, unless they've
19 changed -- you folks can double check -- that any appeal has to
20 be filed. I think it would make sense for you folks to
21 stipulate that the deposition -- again, we're talking and
22 that's -- two weeks is when the hearing before Judge Pregerson
23 is. It makes sense to me that you folks await the resolution
24 of the issue for those reasons, because it may well moot the
25 matter. And that's why I think it makes sense for it all to be

1 before the District Judge at the same time.

2 So that will be my ruling in terms of the timing, and
3 I guess I'd leave it there. Does that address defense
4 counsel's concern?

5 **MS. VICTOR:** It does, your Honor. Thank you.

6 **THE COURT:** Okay, all right. Anything else?

7 **MR. PATEL:** By my silence I don't want to exceed to
8 the point of the cart and the horse, because I think that we
9 disagree as to which goes first and what bears on --

10 **THE COURT:** I understand. And were you not having a
11 hearing in 14 days on your motion in limine and were the
12 discovery cutoff not already way over at this point I might
13 agree with you at a different juncture. But that's not where
14 we are. I think at this point it makes sense to just get it
15 all resolved one way or the other. And if the District Judge
16 is going to allow this line of evidence to come in, then it
17 makes sense for you to be able to depose Mr. Benton; and if the
18 District Judge isn't, then I assume he's going to say the
19 deposition shouldn't go forward.

20 And, in fact, I would tell you if the District Judge
21 grants all of the Defendants' motions in limine, I would reach
22 a different ruling. And so the matter would be subject to
23 reconsideration in that event. But given what I've said, I
24 would hope you folks could stipulate to relieving the Defendant
25 of that order. Okay?

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MS. VICTOR: Right.

THE COURT: All right. Thank you all.

MR. PATEL: Thank you, your Honor.

MS. VICTOR: Thank you, your Honor.

THE CLERK: Court is adjourned.

(This proceeding was adjourned at 11:04 a.m.)

CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



June 7, 2017

Signed

Dated

TONI HUDSON, TRANSCRIBER