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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
BEFORE THE HONORABLE SALLIE KIM

TRANSGENDER LAW CENTER, AND)
JOLENE K. YOUNGERS, AS PERSONAL)
ADMINISTRATOR FOR THE WRONGFUL)
DEATH ESTATE OF ROXSANA HERNANDEZ,)

PLAINTIFFS,)

VS.)

NO. 19-CV-03032 SK)

UNITED STATES IMMIGRATION AND)
CUSTOMS ENFORCEMENT; UNITED)
STATES DEPARTMENT OF HOMELAND)
SECURITY; OFFICE FOR CIVIL RIGHTS)
AND CIVIL LIBERTIES -)
UNITED STATES DEPARTMENT OF)
HOMELAND SECURITY,)

DEFENDANTS.)

SAN FRANCISCO, CALIFORNIA)
MONDAY)
SEPTEMBER 9, 2019)

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND

RECORDING 1:43 P.M. - 1:54 P.M.

APPEARANCES:

FOR PLAINTIFF

SHAWN THOMAS MEERKAMPER
TRANSGENDER LAW CENTER
P.O. BOX 70976
OAKLAND, CALIFORNIA 94612

BY: SHAWN THOMAS MEERKAMPER, ESQUIRE

(FURTHER APPEARANCES ON FOLLOWING PAGE)

**TRANSCRIBED BY: JOAN MARIE COLUMBINI, CSR #5435, RPR
RETIRED OFFICIAL COURT REPORTER, USDC**

APPEARANCES (CONTINUED) :

FOR PLAINTIFFS

LAW OFFICE OF R. ANDREW FREE
P.O. BOX 90568
NASHVILLE, TENNESSEE 37209

BY: ROBERT ANDREW FREE, ESQUIRE

FOR DEFENDANT

UNITED STATES ATTORNEY'S OFFICE
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

**BY: JEVECHIUS DOHERTY BERNARDONI, AUSA
GIOCONDA R. MOLINARI, AUSA**

1 SEPTEMBER 9, 2019

1:43 P.M.

2 (TRANSCRIBER'S NOTE: DUE AT TIMES TO COUNSELS' FAILURE TO
3 IDENTIFY THEMSELVES WHEN SPEAKING, CERTAIN SPEAKER
4 ATTRIBUTIONS ARE BASED ON EDUCATED GUESS.)

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6 ELECTRONICALLY RECORDED PROCEEDINGS

7 **THE CLERK:** CALLING CIVIL CASE NUMBER 19-3032,
8 TRANSGENDER LAW CENTER VERSUS U.S. IMMIGRATION AND CUSTOMS.
9 COUNSEL, PLEASE STEP FORWARD AND STATE YOUR
10 APPEARANCES FOR THE RECORD.

11 **MS. MOLINARI:** GOOD AFTERNOON, YOUR HONOR. GIOCONDA
12 MOLINARI, ASSISTANT UNITED STATES ATTORNEY, FOR THE GOVERNMENT.

13 **THE COURT:** GOOD AFTERNOON.

14 **MR. BERNARDONI:** GOOD AFTERNOON, YOUR HONOR.
15 JEVECHIUS BERNARDONI, ASSISTANT UNITED STATES ATTORNEY, ON
16 BEHALF OF THE GOVERNMENT.

17 **THE COURT:** GOOD AFTERNOON.

18 **MR. FREE:** GOOD AFTERNOON, YOUR HONOR. ANDREW FREE
19 APPEARING ON BEHALF OF MS. YOUNGERS AND THE TRANSGENDER LAW
20 CENTER.

21 **THE COURT:** GOOD AFTERNOON.

22 **MR. MEERKAMPER:** AND I AM SHAWN MEERKAMPER FOR THE
23 PLAINTIFF.

24 **THE COURT:** GOOD AFTERNOON. SO WE'RE HERE FOR OUR
25 INITIAL CASE MANAGEMENT CONFERENCE, AND I RECEIVED THE REPORT.

1 THANK YOU.

2 I WANT TO LET YOU KNOW WITH REGARD TO DOCKET 16 --
3 THIS IS THE PRO HAC VICE -- THERE WAS NO CERTIFICATE OF GOOD
4 STANDING FOR MR. FREE, SO I HAVE TO DENY IT WITHOUT PREJUDICE
5 SO YOU CAN CORRECT IT. IT'S A TECHNICAL ERROR, BUT I CAN'T
6 GRANT PRO HAC VICE STATUS AT THIS TIME UNTIL YOU FIX THAT
7 PROBLEM.

8 **MR. FREE:** WE'LL GET THAT ON FILE TODAY.

9 **THE COURT:** OKAY. SO THE OTHER THING IS I UNDERSTAND
10 THAT WE NEED TO TALK ABOUT THE DEADLINE FOR THE MOTION TO AMEND
11 THE COMPLAINT. HAS THAT BEEN TAKEN CARE OF, OR IS THAT STILL
12 UP IN THE AIR?

13 **MR. FREE:** WE HAVE NOT HAD AN AGREEMENT ON WHEN WE'RE
14 GOING TO AMEND YET, YOUR HONOR.

15 **THE COURT:** OKAY.

16 **MR. FREE:** WE ANTICIPATE DOING IT WITHIN THE NEXT 30
17 DAYS.

18 **THE COURT:** OKAY. SO THE RULE 15 DEADLINE WAS 21
19 DAYS AFTER THE ANSWER. SO HAS THE DEADLINE PASSED ALREADY, OR
20 IS IT -- ARE YOU JUST TALKING ABOUT --

21 **MR. FREE:** I BELIEVE IT HAS.

22 **THE COURT:** OKAY.

23 **MR. FREE:** I BELIEVE WE ARE GOING TO BE ABLE TO DO IT
24 BY CONSENT.

25 **THE COURT:** OKAY.

1 **MR. FREE:** AS OPPOSED TO (INDISCERNIBLE) .
2 (SIMULTANEOUS COLLOQUY.)

3 **THE COURT:** WHY DON'T -- I'M GOING TO GIVE YOU A
4 DEADLINE TO AMEND THE COMPLAINT.

5 **MR. FREE:** GREAT.

6 **THE COURT:** IS THERE GOING TO BE AN OBJECTION TO THE
7 AMENDMENT OF THE COMPLAINT?

8 **MS. MOLINARI:** NO, YOUR HONOR.

9 **THE COURT:** OKAY. ALL RIGHT. I'M GOING TO GIVE YOU
10 A DEADLINE OF OCTOBER 7TH.

11 **MR. FREE:** GREAT.

12 **THE COURT:** JUST TO GET YOU GOING. AND I UNDERSTAND
13 THAT THE PARTIES SEEM TO THINK EVERYTHING COULD BE DEALT WITH
14 ON SUMMARY JUDGMENT. SO HAVE PEOPLE PROPOSED A SUMMARY
15 JUDGMENT SCHEDULE? I DON'T REMEMBER SEEING ONE HERE.

16 **MS. MOLINARI:** NO, YOUR HONOR. WE HAVEN'T PROPOSED
17 OR WE HAVEN'T DISCUSSED A SUMMARY JUDGMENT SCHEDULE BECAUSE WE
18 DON'T YET KNOW -- WE DIDN'T KNOW WHEN THE NEW PARTIES ARE GOING
19 TO BE ADDED, WHAT TYPE OF DOCUMENTATION.

20 TYPICALLY, THEIR MOTION FOR SUMMARY JUDGMENT IS --
21 IT'S FILED WHEN ALL THE INFORMATION HAS BEEN PRODUCED AND THE
22 AGENCY HAS AN OPPORTUNITY TO COMPLETE ALL THE SEARCHES.

23 **THE COURT:** OKAY. SO DOES THE PLAINTIFF COUNSEL HAVE
24 AN OPINION ON THE SUMMARY JUDGMENT SCHEDULE AS WELL?

25 **MR. FREE:** YOUR HONOR, OUR POSITION IS THAT THERE

1 WOULD BE, POTENTIALLY WITH THE AMENDMENT, UP TO FOUR INDIVIDUAL
2 AGENCY COMPONENTS WITHIN DHS. IN ANY FOIA CASE, AS THE COURT
3 IS AWARE, THERE ARE TWO PRIMARY ISSUES; WHETHER THE AGENCY
4 ADEQUATELY TASKED THE SEARCH AND WHETHER THE WITHHOLDINGS THAT
5 ARE ALLEGED BY THE AGENCY ARE PROPER.

6 THE PLAINTIFFS WOULD LIKE TO CONFER WITH DEFENSE ON
7 THE ADEQUACY OF SEARCH ON THE FRONT END, SO THAT IF WE HAVE A
8 FUNDAMENTAL DISAGREEMENT THAT WE CANNOT RESOLVE ABOUT WHERE ICE
9 OR CRCL OR, WHEN THEY'RE AMENDED, OIG -- THAT'S OFFICE OF
10 INSPECTOR GENERAL -- NEED TO SEARCH, WE CAN ADDRESS THAT AT THE
11 BEGINNING OF THE CASE, AS OPPOSED TO THE END. WE DON'T THINK
12 WE NECESSARILY NEED TO DO IT ON SUMMARY JUDGMENT. MAYBE WE DO.
13 WE'RE HOPING TO KIND OF TRIAGE THAT ISSUE.

14 **THE COURT:** WHAT I WOULD LIKE TO DO IS ACTUALLY SET
15 THE SCHEDULE NOW BECAUSE I WANT TO HOLD PEOPLE TO SOME TYPE OF
16 SCHEDULE.

17 **MR. FREE:** GREAT.

18 **THE COURT:** I DON'T WANT THIS CASE LANGUISHING ON MY
19 DOCKET WITH NOTHING TAKING -- NOTHING HAPPENING. AND, SO,
20 REALLY THE ONLY MECHANISM I HAVE FOR DOING THAT IS ACTUALLY
21 PUTTING SOME DEADLINES IN PLACE AND ANOTHER CMC DATE. SO
22 HERE'S WHAT I'M GOING TO SUGGEST:

23 IF WE HAVE AN AMENDED COMPLAINT BY OCTOBER 7TH -- AND
24 MY UNDERSTANDING IS THAT, YOU KNOW, THE GOVERNMENT -- THAT
25 THERE'S A -- THERE'S A HOPE THAT THE DOCUMENTS COULD BE

1 COMPLETELY PRODUCED BY WHEN? WHEN DO YOU THINK?

2 **MS. MOLINARI:** MARCH, THE END OF MARCH 2020 --

3 **THE COURT:** OKAY.

4 **MS. MOLINARI:** -- FOR THE TWO AGENCY DEFENDANTS NAMED
5 IN THE COMPLAINT RIGHT NOW.

6 **THE COURT:** OKAY. SO HERE'S WHAT I'M GOING TO
7 SUGGEST. I WILL HAVE THE OPENING BRIEF DUE IN JUNE --

8 **MR. FREE:** YOUR HONOR, IF I MAY?

9 **THE COURT:** -- AND MOVE OUT THAT WAY.

10 **MR. FREE:** COULD I JUST RESPOND TO THE MARCH 2020
11 PROJECTION?

12 I THINK GIVEN THE COURT'S PREDISPOSITION TO SET
13 SUMMARY JUDGMENT DEADLINES TODAY, IT ACTUALLY MIGHT NOT BE IN
14 THESE PLAINTIFFS' BEST INTEREST TO AMEND THE COMPLAINT AND ADD
15 A PARTY. I THINK THE ISSUES WE HAVE TEED UP RIGHT HERE CAN BE
16 RESOLVED SOONER RATHER THAN LATER AND NOT IN JUNE.

17 THE REASON FOR THE MARCH DEADLINE IS BECAUSE ICE
18 CLAIMS IT CAN ONLY PROCESS 500 PAGES PER MONTH. THAT IS FALSE.
19 I CAN GIVE THE COURT TEN CASES IN WHICH COURTS HAVE ORDERED
20 PRODUCTIONS RANGING FROM 750 TO A THOUSAND PAGES.

21 **THE COURT:** THERE'S NO MOTION PENDING BEFORE ME.

22 **MR. FREE:** I WOULD LIKE TO --

23 **THE COURT:** THERE'S NOTHING IN FRONT OF ME.

24 **MR. FREE:** SO CAN WE BRIEF THAT, PLEASE?

25 **THE COURT:** IF YOU CAN GIVE ME --

1 (SIMULTANEOUS COLLOQUY.)

2 **THE COURT:** -- THE AUTHORITY TO MAKE SOME KIND OF
3 ORDER LIKE THAT? KIND OF HARD FOR ME TO KNOW WHAT TO DO IN
4 THAT SITUATION.

5 **MR. FREE:** WE WOULD LIKE TO FINISH CONFERRING WITH
6 ICE AND THEN BRIEF THAT ISSUE, SO --

7 **THE COURT:** OKAY. HERE'S THE PROBLEM. NOBODY HAS
8 GIVEN ME ANY DATES, ANY DEADLINES, ANY PROPOSALS.

9 HAVE YOU MET AND CONFERRED ABOUT ANY OF THESE ISSUES?
10 BECAUSE I DON'T HAVE ANYTHING IN MY CMC STATEMENT. ALL I HAVE
11 IS A STATEMENT, VERY BARE BONES.

12 THESE ARE NOT COMPLICATED CASES. I AM VERY CONCERNED
13 THAT NO ONE HAS GIVEN ME ANY DATES OR DEADLINES, AND I'M GOING
14 TO PUT DATES AND DEADLINES IN PLACE.

15 **MR. FREE:** OKAY.

16 **THE COURT:** YOU CAN EITHER GIVE ME INPUT, OR I'M
17 GOING TO JUST CHOOSE ON MY OWN, SO --

18 (SIMULTANEOUS COLLOQUY.)

19 **MR. FREE:** SO JUST --

20 **THE COURT:** THAT'S WHAT I'M ASKING YOU --

21 **MR. FREE:** SO HERE'S OUR POSITION --

22 (SIMULTANEOUS COLLOQUY.)

23 **THE COURT:** THE PURPOSE OF THE CMC STATEMENT IS TO
24 GIVE ME INPUT; OTHERWISE, YOU'RE GOING TO BE STUCK WITH MY
25 DEADLINES, WHICH YOU MIGHT NOT LIKE VERY MUCH SO --

1 **MR. FREE:** GREAT. SO THE PLAINTIFFS HAVE SAID IN THE
2 CMC STATEMENT THAT WE WOULD LIKE ALL DOCUMENTS COMPLETED AND
3 PRODUCED BY THE END OF NOVEMBER. WE WOULD PROPOSE A SUMMARY
4 JUDGMENT DEADLINE OF DECEMBER -- LIKE THE FIRST WEEK OF
5 DECEMBER FOR US FILING AN AFFIRMATIVE MOTION FOR SUMMARY
6 JUDGMENT WITH -- WE UNDERSTAND IT'S THE HOLIDAY SEASON, SO
7 MAYBE RESPONSES BEGINNING OF JANUARY, REPLIES MID JANUARY.

8 **THE COURT:** OKAY.

9 **MS. MOLINARI:** YOUR HONOR, IT'S NOT POSSIBLE FOR THE
10 AGENCY TO PROCESS MORE THAN 3,000 PAGES -- PROCESS AND RELEASE
11 AND PRODUCE A VAUGHN INDEX WITHIN A COUPLE OF MONTHS' NOTICE.
12 THE AGENCY HAS -- IS WORKING UNDER VERY LIMITED RESOURCES WITH
13 AN ALWAYS INCREASING NUMBER OF ICE FOIA REQUESTS, AND SHOULD
14 THE COURT BE INCLINED TO CONSIDER THE PLAINTIFFS' REQUEST, WE
15 WOULD LIKE AN OPPORTUNITY TO SUBMIT A DECLARATION ABOUT WHY THE
16 AGENCY CANNOT PRODUCE --

17 **THE COURT:** SO HERE'S WHAT I'M GOING TO SUGGEST. I'M
18 GOING TO GO AHEAD AND SET A SUMMARY JUDGMENT SCHEDULE. I'M
19 GOING TO GO BACK TO CHAMBERS AND THINK ABOUT IT. BUT IN THE
20 MEANTIME, I'M NOT GOING TO, ON MY OWN, ISSUE AN ORDER TO ICE
21 TELLING THEM THAT THEY HAVE TO PROVIDE DOCUMENTS BY A CERTAIN
22 DATE.

23 **MS. MOLINARI:** OKAY.

24 **THE COURT:** IF YOU WANT TO FILE A MOTION, I'LL TAKE
25 THAT --

1 **MR. FREE:** YEAH.

2 **THE COURT:** -- AND YOU WANT TO OPPOSE IT, I'LL TAKE
3 THAT UNDER SUBMISSION, AND I'LL BRIEF -- AND YOU CAN BRIEF IT,
4 AND I'LL HEAR YOU WITH FULL ARGUMENT, AND I'LL MAKE A DECISION.

5 BUT WITH REGARD TO THE SUMMARY JUDGMENT SCHEDULE, I
6 AM GOING TO SET ONE. IF IT HAS TO MOVE BECAUSE IT DOESN'T WORK
7 OUT, THEN WE'LL MOVE IT, BUT I'M NOT GOING TO JUST LET YOU GO
8 WITH HAVING SOME --

9 (SIMULTANEOUS COLLOQUY.)

10 **THE COURT:** -- DATES IN MIND.

11 SO I UNDERSTAND THAT BOTH SIDES HAVE THEIR OWN
12 OPINIONS ABOUT HOW MANY DOCUMENTS CAN BE PRODUCED. YOU CAN TEE
13 THAT UP FOR ME. I'LL LISTEN TO IT, AND I'LL HEAR WHAT YOU HAVE
14 TO SAY.

15 BUT IN TERMS OF THE SUMMARY JUDGMENT, LET ME GO BACK
16 AND THINK ABOUT WHAT THE SCHEDULE SHOULD BE, AND I'LL GIVE YOU
17 A WRITTEN ORDER ON THAT.

18 **MS. MOLINARI:** OKAY.

19 **THE COURT:** I HAVE HEARD YOUR OPINIONS ON WHAT YOU
20 THINK, YOU KNOW, WILL BE THE APPROPRIATE TIMES. SO I NEED TO
21 SIT DOWN AND LOOK AT THE SCHEDULE AND THE CALENDAR AND THINK
22 ABOUT HOW MUCH TIME I WANT TO GIVE YOU FOLKS. OKAY?

23 **MR. FREE:** THANK YOU, YOUR HONOR.

24 **THE COURT:** IS THERE ANYTHING ELSE WE NEED TO TALK
25 ABOUT TODAY?

1 **MR. FREE:** NOT FROM THE PLAINTIFFS' PERSPECTIVE, YOUR
2 HONOR.

3 **THE COURT:** OKAY. AND SO WHAT ABOUT ADR? HAVE YOU
4 BEEN TALKING ABOUT ADR?

5 **MS. MOLINARI:** WELL, WE DON'T HAVE ANY ISSUES TO TAKE
6 TO ANY ADR BODY AT THIS POINT, YOUR HONOR, BECAUSE WE DON'T
7 HAVE ANY -- NOTHING OTHER THAN, YOU KNOW, THE ISSUE WITH THE
8 NUMBER OF PAGES THAT CAN BE PRODUCED, THERE'S NOTHING ELSE.

9 **THE COURT:** OKAY. I USUALLY GIVE AN ADR DEADLINE.
10 I'M GOING TO THINK ABOUT THAT AS WELL BECAUSE -- I'LL THINK
11 ABOUT HOW THAT WORKS -- FITS IN WITH THE SCHEDULE I GIVE YOU
12 FOR SUMMARY JUDGMENT, BECAUSE I AM DEFINITELY HAVE YOU HAVE ADR
13 BEFORE THE HEARING ON THE SUMMARY JUDGMENT MOTION. SO ONCE I
14 FIGURE THAT OUT, I'LL BE ABLE TO KEY UP THAT DEADLINE AS WELL.
15 OKAY?

16 **MS. MOLINARI:** I'M SORRY, YOUR HONOR. COULD YOU
17 PLEASE REPEAT?

18 **THE COURT:** SURE. SO I'M GOING TO SET A DEADLINE FOR
19 ADR, BUT MY FEELING IS THAT THE DEADLINE IS GOING TO BE
20 DEPENDENT ON WHAT THE SUMMARY JUDGMENT SCHEDULE IS, AND SINCE I
21 HAVEN'T DECIDED THAT, I'M NOT GOING TO GIVE YOU, AS I SPEAK
22 RIGHT NOW, WHAT THE ADR DEADLINE IS GOING TO BE, BUT IT'S GOING
23 TO BE TIED TO THE SUMMARY JUDGMENT SCHEDULE.

24 **MS. MOLINARI:** UNDERSTOOD.

25 **THE COURT:** AND HAVE YOU SPOKEN WITH THE ADR OFFICE

1 YET AT ALL? NO?

2 **MS. MOLINARI:** NO, YOUR HONOR. WE CONFERRED AND
3 DECIDED IT WOULD BE A GOOD OPPORTUNITY FOR US TO TALK WITH YOU
4 ABOUT THAT, BECAUSE AT THE TIME WHEN WE TALKED, WE DIDN'T HAVE
5 ISSUES THAT WERE APPROPRIATE FOR ADR. AGAIN, ASIDE FROM THE
6 500-PAGE RELEASE ISSUE, WE DIDN'T -- THE PRODUCTION STILL
7 HASN'T STARTED. IT'S NOT COMPLETED.

8 **MR. FREE:** YOUR HONOR --

9 **THE COURT:** IN MY EXPERIENCE, THERE'S USUALLY A
10 FIGHT, AND SO I'D RATHER BE PREPARED FOR THE FIGHT THAN TO LET
11 IT LANGUISH. AGAIN, MY PREFERENCE IS ALWAYS TO SET SOME
12 DEADLINES, BECAUSE IF YOU CAN'T RESOLVE -- IF YOU DO RESOLVE
13 YOUR FIGHT, IT'S EASIER TO CANCEL THE ADR THAN IT IS TO --

14 **MS. MOLINARI:** EXACTLY.

15 (SIMULTANEOUS COLLOQUY.)

16 **THE COURT:** -- SET SOMETHING UP FROM SCRATCH.

17 **MS. MOLINARI:** IN THAT CASE, YOUR HONOR, WE COULD
18 PROPOSE SCHEDULING, IF ICE -- DEFENDANT ICE ANTICIPATES
19 FINISHING, COMPLETING PRODUCTION BY THE END OF MARCH, WE WOULD
20 NEED ABOUT A MONTH TO DO A VAUGHN INDEX, AND AFTER THAT, THE
21 PLAINTIFF WOULD HAVE AN OPPORTUNITY TO GET THE VAUGHN INDEX AND
22 SEE WHAT, IF ANY, DISPUTES IT MAY HAVE. SO WE COULD HAVE ADR
23 MARCH, APRIL, AND MAY OF 2020.

24 **THE COURT:** OKAY. I'LL THINK ABOUT THAT. THANK YOU.

25 **MR. FREE:** YOUR HONOR, THE ONLY OTHER THING THE

1 PLAINTIFFS WOULD ASK YOU TO CONSIDER WHEN YOU'RE SETTING YOUR
2 SUMMARY JUDGMENT SCHEDULE IS ALLOWING US THE ABILITY TO FILE IT
3 EARLY. SO, IN OTHER WORDS, SO IT'S NOT A SITUATION WHERE WE
4 CAN'T FILE BEFORE THE DEADLINE. THE PLAINTIFFS HAVE TO BE ABLE
5 TO MOVE THIS CASE FORWARD, AND WE WOULD LIKE ICE TO RESPOND.

6 **THE COURT:** THAT'S RIGHT. LET ME TELL YOU WHEN I SET
7 A DEADLINE FOR SUMMARY JUDGMENT, IT'S NOT YOU HAVE TO WAIT
8 UNTIL THAT DATE TO FILE IT.

9 **MR. FREE:** OKAY. GREAT.

10 **THE COURT:** YOU CAN ALWAYS DO IT AT ANY TIME. IT
11 JUST MIGHT BE PREMATURE AT CERTAIN POINTS.

12 OKAY. IS THERE ANYTHING ELSE WE SHOULD TALK ABOUT
13 FOR THIS CASE?

14 **MS. MOLINARI:** JUST TO CLARIFY, I DIDN'T HEAR WELL
15 WHETHER PLAINTIFF WILL BE AMENDING THE COMPLAINT OR NOT
16 AMENDING THE COMPLAINT.

17 **MR. FREE:** WE ARE GOING TO TAKE THAT UP.

18 **THE COURT:** I'M GIVING YOU A DEADLINE OF OCTOBER 7TH,
19 SO YOU'VE GOT TO MAKE A HARD DECISION BEFORE THEN.

20 **MS. MOLINARI:** BECAUSE IF THE COMPLAINT WILL BE
21 AMENDED, YOUR HONOR, THEN THERE WILL BE ANOTHER SET OF RECORD
22 PRODUCTION AND SEARCHES.

23 **THE COURT:** I UNDERSTAND.

24 **MS. MOLINARI:** OKAY.

25 **THE COURT:** AND SO WHAT I'M GOING TO DO IS, LET ME

1 SET ANOTHER CMC DATE. I'LL GIVE YOU DECEMBER. DECEMBER 9TH AT
2 1:30. WE SHOULD KNOW BY THEN WHETHER WE HAVE AN AMENDED
3 COMPLAINT, WHAT THE STATUS OF PRODUCTION IS, WHETHER YOU'RE
4 GOING TO FILE A MOTION FOR SPEEDING THINGS UP, ALL THAT. OKAY?

5 **MS. MOLINARI:** GREAT. THANK YOU, YOUR HONOR.

6 **THE COURT:** DECEMBER 9TH AT 1:30.

7 **MS. MOLINARI:** YES, IT'S GOOD FOR THE GOVERNMENT,
8 YOUR HONOR.

9 **MR. FREE:** THAT WORKS FOR US.

10 **THE COURT:** THANK YOU. I'LL SEE YOU THEN.

11 (PROCEEDINGS ADJOURNED AT 1:54 P.M.)
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