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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)
DECEMBER 9, 2019)

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND

RECORDING 1:33 P.M. - 1:44 P.M.

APPEARANCES:

FOR PLAINTIFFS

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

BY: ROBERT ANDREW FREE, ESQUIRE

(FURTHER APPEARANCES ON FOLLOWING PAGE)

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

APPEARANCES (CONTINUED) :

FOR DEFENDANT

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

BY: JEVECHIUS DOHERTY BERNARDONI, AUSA

1 MONDAY, DECEMBER 19, 2019

1:33 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 19-3032, TRANSGENDER
8 LAW CENTER, ET AL. VERSUS UNITED STATES IMMIGRATION AND CUSTOMS
9 ENFORCEMENT, ET AL.

10 COUNSEL PLEASE STATE YOUR APPEARANCES.

11 **MR. FREE:** GOOD AFTERNOON, YOUR HONOR. ANDREW FREE
12 FOR THE PLAINTIFFS.

13 **THE COURT:** GOOD AFTERNOON.

14 **MR. BERNARDONI:** GOOD AFTERNOON. JEVECHIUS
15 BERNARDONI ON BEHALF OF THE DEFENDANTS.

16 **THE COURT:** GOOD AFTERNOON.

17 SO, I RECEIVED THE CMC STATEMENT, AND IT SEEMS LIKE,
18 MR. FREE, YOU ARE ASKING FOR A LOT OF STUFF IN A CMC THAT'S
19 REALLY MORE THE SUBJECT OF A MOTION -- OR AT LEAST, YOU KNOW,
20 THE GOVERNMENT SHOULD HAVE A CHANCE TO RESPOND TO IT.

21 I WANT TO FIND OUT EXACTLY WHERE WE ARE IN TERMS OF
22 STATUS TODAY, BECAUSE IT SEEMS LIKE THIS IS SORT OF A MOVING
23 TARGET EVERY SINGLE DAY.

24 MR. BERNARDONI, WHY DON'T YOU TELL ME WHERE WE ARE,
25 BECAUSE I AM CONCERNED ABOUT THE DELAY, BUT I'M NOT GOING TO

1 IMPOSE A DEADLINE BASED ON WHAT I'VE GOTTEN IN THE CMC
2 STATEMENTS. SO, TELL ME WHAT'S GOING ON. AND THEN I'LL HEAR
3 FROM MR. FREE IN TERMS OF HIS PERSPECTIVE.

4 **MR. BERNARDONI:** YOUR HONOR, AFTER THE LAST CMC, WE
5 MET WITH -- MET AND CONFERRED WITH PLAINTIFFS REGARDING SCOPE
6 OF SEARCH AND THE PACE OF PRODUCTION. PURSUANT TO THOSE
7 NEGOTIATIONS, ICE AGREED TO PRODUCE -- I'M SORRY, NOT
8 PRODUCE -- PROCESS 750 PAGES PER MONTH.

9 **THE COURT:** WHAT DOES "PROCESS" MEAN?

10 **MR. BERNARDONI:** IT MEANS WE'RE GOING -- WE'RE
11 LOOKING THROUGH THEM, REVIEWING THEM FOR RESPONSIVENESS AND
12 WHETHER THEY'RE -- AND APPLYING ALL PERMISSIBLE WITHHOLDINGS
13 AND THEN RELEASING WHATEVER RECORDS ARE -- THE PLAINTIFFS ARE
14 ENTITLED TO UNDER THE LAW.

15 **THE COURT:** OKAY, OKAY.

16 **MR. BERNARDONI:** SO WHATEVER IS PRODUCED IS --

17 **THE COURT:** A SUBSET.

18 **MR. BERNARDONI:** -- PRESUMABLY A SUBSET OF THAT
19 PROCESSING.

20 **THE COURT:** OKAY.

21 **MR. BERNARDONI:** BUT WE ARE STILL GETTING THROUGH THE
22 750 PAGES PER MONTH OF THE TOTAL NUMBER THAT WE HAD REPORTED.

23 **THE COURT:** OKAY. WHEN DO YOU THINK THE
24 PRODUCTION -- THE PRODUCTION WILL BE DONE?

25 **MR. BERNARDONI:** SO, I HEARD BACK FROM THE LAST

1 REMAINING COMPONENT THIS MORNING, ACTUALLY. THAT COMPONENT
2 DOES NOT HAVE ANY RESPONSIVE RECORDS. SO, GIVEN THE 750 PAGES
3 PROCESSED-PER-MONTH RATE THAT WE'RE AT RIGHT NOW, WE ANTICIPATE
4 BEING DONE SOMETIME IN MARCH 2020. THAT IS THE EXACT SAME TIME
5 THAT WE REPORTED IN OUR LAST CMC WHEN WE -- BEFORE WE HAD DONE
6 THE SUPPLEMENTAL SEARCHES.

7 **THE COURT:** OKAY. ALL RIGHT.

8 MR. FREE, WHAT'S YOUR PERSPECTIVE ON THIS?

9 **MR. FREE:** WELL, I UNDERSTAND I'M PROBABLY NOT GOING
10 TO MOVE YOUR HONOR AWAY FROM WHAT YOU STATED REGARDING THE FACT
11 THAT WE DON'T NEED A MOTION TO DO THIS. IT'S PART OF THE
12 COURT'S INHERENT AUTHORITY TO SCHEDULE THE CASE. AND AS WE'VE
13 CITED, THERE ARE A NUMBER OF --

14 **THE COURT:** I'M CONCERNED ABOUT TWO ISSUES. ONE IS I
15 UNDERSTAND I HAVE THE INHERENT AUTHORITY, BUT THE SECOND ISSUE
16 IS AT LEAST THE GOVERNMENT SAID, WE GOT THIS ENTIRE BRIEF AT
17 THE LAST MINUTE WITHOUT HAVING A CHANCE TO RESPOND TO IT. I
18 DON'T KNOW IF THAT'S ACCURATE OR NOT, BUT THAT'S AT LEAST WHAT
19 THEY SAID IN THE CMC STATEMENT. SO I WAS CONCERNED ABOUT THAT.

20 **MR. FREE:** SURE. WELL, WE CONFERRED WITH THE
21 GOVERNMENT. WE NOTIFIED THEM THAT WE NEEDED A THOUSAND PAGES A
22 MONTH BEGINNING IN OCTOBER, AND THAT WAS WHAT IT WOULD --
23 THAT'S WHAT WOULD BE REQUIRED IN ORDER TO AVOID BRIEFING. THE
24 GOVERNMENT SAID 750. THERE WAS NO AGREEMENT. SO, A SURPRISE,
25 I DON'T UNDERSTAND WHERE THE SURPRISE IS COMING FROM.

1 NOW, WE -- WITH RESPECT TO THE FACT THAT THEY
2 REPRESENT -- THAT ICE REPRESENTS IN THE STATEMENT THAT IT
3 LEARNED OF OUR CONCERNS ON NOVEMBER 26TH, I BELIEVE, WE
4 RECEIVED THE GOVERNMENT'S DRAFT OF THE JOINT STATUS REPORT DUE
5 MONDAY, DECEMBER 2ND AT 7:00 P.M. ON NOVEMBER 26TH, SO WE
6 PROVIDED OUR INSERTS. THESE INSERTS ARE FULLY CONSISTENT WITH
7 EVERYTHING THAT WE'VE BEEN SAYING IN THESE MEET AND CONFERS.

8 FURTHER, THE GOVERNMENT DID NOT PROVIDE US WITH THE
9 INFORMATION ABOUT THE SEARCH UNTIL NOVEMBER 26TH. AND, SO,
10 WHILE I UNDERSTAND THAT IT'S VERY DIFFICULT TO COMMUNICATE WITH
11 A CLIENT, PARTICULARLY A CLIENT IN D.C., WHEN THERE'S SO LITTLE
12 TIME IN BETWEEN, I, FRANKLY, THINK THAT ANY DELAY, IF THERE WAS
13 A DELAY, WAS HARMLESS, PARTICULARLY GIVEN THE FACT THAT THEY
14 GAVE IT TO US ON THE NIGHT BEFORE THANKSGIVING BREAK.

15 SO, I UNDERSTAND THAT THE COURT NEEDS A MOTION. THAT
16 MOTION CAN BE IN THREE FORMS. IT CAN BE A MOTION FOR
17 PRELIMINARY INJUNCTION, IT CAN BE A MOTION FOR JUDGMENT ON THE
18 PLEADINGS, AND IT CAN BE A MOTION FOR SUMMARY JUDGMENT.

19 THE REASON THAT WE, AS THE PLAINTIFFS, BELIEVE THAT'S
20 FUNDAMENTALLY UNFAIR IS BECAUSE IN FOIA LITIGATION, IT'S ALWAYS
21 THE GOVERNMENT'S BURDEN TO SHOW THEY'VE DONE A REASONABLE
22 SEARCH AND THEY'VE NOT ENGAGED IN ANY IMPROPER WITHHOLDINGS.
23 AND WHAT THE GOVERNMENT IS ADMITTING IN THIS CASE IS BURDEN
24 SHIFTING TO TRANSGENDER LAW CENTER AND THE PEOPLE REPRESENTING
25 HER ESTATE.

1 IF YOU READ THE DECLARATION THAT WAS SUBMITTED ON
2 FRIDAY AFTER WE SUBMITTED OUR JOINT CASE MANAGEMENT STATEMENT
3 UNILATERALLY BY THE GOVERNMENT -- WE WERE NOT CONFERRED WITH
4 BEFORE IT WENT ON FILE -- PARAGRAPH 16 AND 17 ADMIT THAT ICE,
5 AT THE SAME TIME IT'S TELLING THE COURT THAT IT CANNOT PROCESS
6 MORE THAN "X" NUMBER OF PAGES WITHOUT HINDERING OTHER CASES, IT
7 IS SLASHING ITS BUDGET. AND, IN FACT, THE ICE OFFICE PER
8 PARAGRAPH 17 LACKS THE OFFICIAL ABILITY TO HIRE NEW PEOPLE.
9 THEY HAVE TWO PARALEGALS FULL TIME AND ONE PART TIME.

10 AND ICE IS NOT AN IMPOVERISHED PART OF THE FEDERAL
11 GOVERNMENT. ICE HAS THE LARGEST -- ONE OF THE LARGEST LAW
12 ENFORCEMENT BUDGETS AND INCREASING EVERY YEAR. AND GUESS WHAT
13 THEY DID LAST YEAR IN THEIR BUDGET REQUEST FOR THE FOIA OFFICE?
14 THEY DECREASED IT. IT WAS ONE OF THE ONLY COMPONENTS WITHIN
15 ICE TO DECREASE.

16 SO THIS IS A STRATEGY, AND NOW WE ARE FACED WITH THE
17 HURDLES THAT ICE IS PUTTING IN FRONT OF US IN ORDER TO GET
18 RECORDS THAT WERE DUE IN JANUARY. SO THEY'RE ASKING WHAT'S
19 CALLED AN OPEN-AMERICA STAY, BUT THEY'RE NOT TELLING YOU THAT.
20 SO THE ONLY WAY TO GET AN AGENCY THAT IS APPLYING ITS OWN
21 OPEN-AMERICA STAY UNILATERALLY AND TELLING THE REQUESTER, IF
22 YOU WANT NON-HISTORICAL INFORMATION THAT CONGRESS ENTITLED YOU
23 TO UNDER THE FREEDOM OF INFORMATION ACT, NOT ONLY DO YOU HAVE
24 TO SUE, THE THING -- YOU HAVE TO DRAFT AND FILE PAPERS IN THE
25 FEDERAL COURT, YOU HAVE TO COME TO A MOTIONS HEARING AND YOU

1 HAVE TO PREVAIL, AND THEN YOU HAVE TO JUSTIFY THAT ON APPEAL,
2 AND IN THAT TIME WE'RE JUST GOING TO KEEP PROCESSING THESE
3 THINGS.

4 **THE COURT:** OKAY. SO HERE'S MY PROBLEM JUST AS A
5 PRACTICAL ISSUE.

6 **MR. FREE:** SURE.

7 **THE COURT:** I'M NOT GOING TO MAKE A DECISION BASED ON
8 A CASE MANAGEMENT CONFERENCE STATEMENT. OKAY? EITHER SIDE CAN
9 BRIEF THIS ISSUE AND BRING IT TO ME, AND I'LL -- BRIEF IT
10 FULLY, AND I'LL HAVE A HEARING. I'LL READ EVERYTHING. I'LL
11 ISSUE AN ORDER.

12 AS A PRACTICAL MATTER, IF YOU'RE TELLING ME YOUR
13 PRODUCTION IS GOING TO BE DONE BY MARCH 2020, YOU'RE GOING TO
14 BE ON THE SAME TRACK IF YOU'RE BRIEFING IT.

15 SO, IN OTHER WORDS, IF YOU WERE TO FILE A MOTION
16 TOMORROW FOR THE SOONEST POSSIBLE HEARING DATE, AND WE FULLY
17 BRIEFED IT, AND IT CAME BEFORE ME, AND I HAD TO CONSIDER IT AND
18 ISSUE A REASONED OPINION, IT MIGHT BE MARCH 2020.

19 SO, I'M TELLING YOU THAT IF YOU DON'T FINISH YOUR
20 PRODUCTION BY MARCH 2020, I'LL PULL IT ON AN EXPEDITED BASIS.
21 I'LL GIVE YOU FIVE DAYS TO SUBMIT YOUR BRIEF. IT WILL BE
22 BASICALLY THE SAME THING AS A CMC STATEMENT. I'LL GIVE YOU
23 THREE DAYS TO RESPOND. I'LL GIVE YOU TWO DAYS FOR REPLY BRIEF.
24 I'LL HEAR IT ON A EXPEDITED BASIS. I'LL SET A SPECIAL HEARING.
25 I'LL DO SOMETHING. BUT THIS PRODUCTION WILL BE DONE BY

1 MARCH 2020 ONE WAY OR ANOTHER.

2 **MR. FREE:** YES, YOUR HONOR.

3 **THE COURT:** IT IS LATE. IT IS ALREADY LATE. I AGREE
4 WITH MR. FREE THAT IT'S ALREADY LATE. BUT FOR ME TO ACTUALLY
5 MAKE SOME KIND OF REASONED DECISION ABOUT HOW TO GO FORWARD,
6 I'M TELLING YOU I HAVE TO HAVE SOME TYPE OF BRIEFING WITH AN
7 OPPORTUNITY FOR BOTH SIDES TO RESPOND FULLY.

8 SO MARCH 2020 IS IT. THAT'S THE ABSOLUTELY DROP DEAD
9 CUTOFF. THAT'S PROBABLY THE BEST YOU COULD GET IT IF YOU
10 BRIEFED IT FOR ME TODAY.

11 **MR. FREE:** EVEN ON A PRELIMINARY INJUNCTION?

12 **THE COURT:** YOU COULD, BUT I'M TELLING YOU I HAVE TO
13 READ IT, I HAVE TO READ THE CASES, I HAVE TO BE COMFORTABLE
14 WITH IT.

15 **MR. FREE:** I APPRECIATE THAT.

16 **THE COURT:** I HAVE TO ISSUE AN OPINION. AND, SO, I
17 DON'T LIKE TO DO THINGS ON -- WITHOUT READING THINGS --

18 **MR. FREE:** SURE.

19 **THE COURT:** -- AND UNDERSTANDING THEM AND GIVING BOTH
20 SIDES A FULL OPPORTUNITY TO RESPOND.

21 BUT MARCH OF 2020 IS PRETTY SOON.

22 **MR. FREE:** WELL, IT'S NOT SOON ENOUGH, BECAUSE BY
23 THAT TIME THE CONGRESS WILL HAVE ALREADY APPROPRIATED FUNDS FOR
24 THE NEXT ROUND OF DETENTION, AND THOSE FUNDS WILL INCLUDE
25 ASSUMPTIONS ABOUT HOW ROXSANA WAS TREATED AND HOW SHE DIED THAT

1 ARE NOT TRUE, BECAUSE THE GOVERNMENT HAS NOT CONVEYED ACCURATE
2 INFORMATION IN THE GOVERNMENT'S PRODUCTIONS THAT HAVE ALREADY
3 COME FORWARD. WE HAVE ELICITED DOCUMENTS THAT THEY DID NOT
4 DISCLOSE IN THEIR DETAINED AND DEATH REPORTS THAT ARE OF
5 INTEREST TO MEMBERS OF CONGRESS, INCLUDING FROM THE STATE.

6 AND BY THE TIME MARCH 2020 HAPPENS, WHICH IS EXACTLY
7 WHAT THEY WANT, THOSE RECORDS WILL BE HISTORICAL DOCUMENTS, AS
8 OPPOSED TO ACTIONABLE FACTUAL DOCUMENTS THAT WE CAN USE TO
9 IMPACT POLICY.

10 NOW, THIS COURT IS LIMITED TO THE RECORD IN FRONT OF
11 IT, AND I UNDERSTAND THAT. WE ARE GOING TO BRING A PRELIMINARY
12 INJUNCTION, AND WE HOPE THAT CAN GET DECIDED BEFORE MARCH 2020.

13 **THE COURT:** OKAY. YOU ALWAYS HAVE THAT RIGHT,
14 ABSOLUTELY, TO DO THAT. OKAY?

15 **MR. FREE:** THANK YOU.

16 **THE COURT:** BUT I'M TELLING YOU AS A PRACTICAL MATTER
17 MARCH 2020 IS IT. I'M NOT GOING TO HEAR ANYMORE. I'M JUST
18 GOING TO DO WHAT I NEED TO DO TO GET THE DOCUMENTS TO THE
19 PLAINTIFFS. OKAY?

20 **MR. BERNARDONI:** YES, YOUR HONOR.

21 **MR. FREE:** YOUR HONOR, IF IT PLEASE THE COURT, JUST
22 ONE MORE THING.

23 **THE COURT:** SURE.

24 **MR. FREE:** WHAT'S GOING TO HAPPEN IN MARCH 2020 IS
25 THAT WE ARE GOING TO DISCOVER THAT IN A REVIEW OF THE

1 COMPREHENSIVE RECORDS PRODUCED, THERE WILL BE RECORDS MISSING,
2 AND SO WE'RE GOING TO HAVE TO GO BACK AND DO AN
3 ADEQUACY-OF-SEARCH OF FIGHT.

4 AND WHILE WE WOULD LIKE TO BE ABLE TO DO THAT
5 INCREMENTALLY, I THINK THE STAFFING DECLARATION THAT'S BEEN
6 SUBMITTED DEMONSTRATES WE COULDN'T, IF WE WANTED TO, SPEAK WITH
7 THE ICE FOIA OFFICE ABOUT MAYBE PRIORITIZING SOME DOCUMENTS,
8 BECAUSE THEY APPARENTLY DON'T HAVE THE ABILITY TO, LIKE, LOOK
9 AT ALL THIS STUFF IN ONE SWOOP. SO, WHAT'S GOING TO HAPPEN IS
10 YOUR ORDER WILL BE COMPLIED WITH THAT ALL ORIGINAL DOCUMENTS
11 WILL BE CONVEYED, AND THEN I WILL BE COMING BEFORE THE COURT
12 SAYING, FOR THE PLAINTIFFS, YOUR HONOR, YOU SAID MARCH 2020,
13 HERE ARE ALL THE DOCUMENTS THAT WE THINK ARE MISSING. THEY'RE
14 GOING TO SAY, PROVE IT, SO THEN WE ARE GOING TO BRIEF THAT.
15 THEN IT WILL BE SEPTEMBER OR OCTOBER OF NEXT YEAR BEFORE WE GET
16 THE NEXT TRANCHE OF DOCUMENTS.

17 **THE COURT:** NO, IT WILL NOT BE SEPTEMBER OR OCTOBER
18 OR NOVEMBER OF NEXT YEAR.

19 **MR. FREE:** YES.

20 **THE COURT:** BECAUSE IF YOU BRIEF IT FOR ME, I'M GOING
21 TO HEAR THAT. I WILL HEAR THAT ON AN EXPEDITED BASIS.

22 SO, I MEAN, I UNDERSTAND THE CONCERNS THAT ICE HAS IN
23 TERMS OF -- I'M JUST TELLING YOU, MR. FREE, I'M NOT GOING TO
24 MAKE A DECISION BASED ON A CMC STATEMENT.

25 **MR. FREE:** I HEAR YOU.

1 **THE COURT:** OKAY? THAT'S NOT JUST HOW WE DO THINGS
2 HERE. YOU UNDERSTAND. THERE HAS TO BE A CHANCE FOR YOU TO PUT
3 YOUR POSITION ON PAPER, THEM TO RESPOND. AND THIS KIND OF
4 METHOD OF, LIKE, TRYING TO ARGUE A LEGAL DISPUTE IN A CMC
5 STATEMENT IS NOT THE PROPER MECHANISM.

6 SO, IT IS POSSIBLE THAT YOU'RE GOING TO HAVE TO FILE
7 SOMETHING OR THAT THE PRODUCTION IS NOT GOING TO BE COMPLETE
8 AND YOU'LL BE BACK HERE, AND I WILL HEAR IT. I WILL OBVIOUSLY
9 TAKE IT SERIOUSLY. BUT IT HAS TO BE DONE IN A WAY THAT BOTH
10 SIDES GET A CHANCE TO RESPOND ADEQUATELY.

11 **MR. FREE:** YOUR HONOR, COULD I SUGGEST THEN THAT,
12 WITHOUT A MOTION, WE JUST BRIEF THE ISSUE OF THE PAGE
13 PRODUCTION? WE SET A BRIEFING SCHEDULE TODAY, THE PLAINTIFFS
14 WILL FILE WHY WE THINK A THOUSAND IS MONTH IS NECESSARY?

15 **THE COURT:** PUT IT IN A MOTION. I WANT IT IN A
16 FORMAL MOTION.

17 **MR. FREE:** OKAY. THANK YOU.

18 **THE COURT:** OKAY.

19 **MR. FREE:** OKAY. THANK YOU.

20 **THE COURT:** IS THERE ANYTHING ELSE WE NEED TO TALK
21 ABOUT TODAY?

22 **MR. BERNARDONI:** NOT FROM DEFENDANTS.

23 **THE COURT:** OKAY. ALL RIGHT.

24 **MR. FREE:** WE MAY BE MOVING FOR DISCOVERY REGARDING
25 THIS DECLARATION. DISCOVERY IS GENERALLY DISFAVORED IN FOIA

1 MATTERS, WE UNDERSTAND THAT. BUT WE BELIEVE THIS IS A CRITICAL
2 ISSUE ON WHICH WE SHOULD HAVE AN OPPORTUNITY TO ASK QUESTIONS.
3 WE WOULD LIKE TO HAVE A STATUS WITHIN A MONTH, IF IT'S POSSIBLE
4 FOR THE COURT'S SCHEDULE, TO DEAL WITH THAT ISSUE.

5 **THE COURT:** OKAY. SO, LET ME GIVE YOU A DATE IN
6 JANUARY. JANUARY 27TH AT 1:30.

7 **MR. FREE:** MAY I LOOK AT MY PHONE?

8 **THE COURT:** SURE.

9 **MR. BERNARDONI:** THAT WORKS FOR DEFENDANTS.

10 **THE COURT:** OKAY. ALL RIGHT.

11 **MR. BERNARDONI:** AT 1:30?

12 **THE COURT:** UH-HUH.

13 **MR. FREE:** THAT WORKS FOR THE PLAINTIFFS AS WELL.

14 **THE COURT:** ALL RIGHT. I'LL SEE YOU BACK THEN.

15 THANK YOU.

16 (PROCEEDINGS ADJOURNED AT 1:44 P.M.)

