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2 THEREUPON,

3 (The following meeting took place):

4 SPECIAL MASTER CARNEY: A couple of things. In
5 light of some cases, and I think I sent everybody a case
6 yesterday which seems to be, at least looking through
7 Earhart -- You all I think have probably a lot easier
8 time researching than I do. I don't have the library
9 and I don't have Lexus or Westlaw anymore. I've got
10 Florida Law Weekly. It's hard to research. You've got
11 to do all your cross-cites on Florida Law Weekly to
12 research, but this case that I cited seems to be a 4th
13 District case that kind of addressed these issues.

14 So with that in mind, what I was saying is somewhat
15 of the following: I'll give you a quick overview first
16 and then we can hit some of the specifics and then open
17 up anything we want to open up.

18 Number one is: We need to address timeframes right
19 now. And so this is defense timeframes, plaintiff
20 timeframes. We need to address some broad areas in the
21 timeframes. If there are additional complaints, we've
22 already had complaints from the first privilege log
23 that was filed, if there are additional complaints on a
24 subsequent privilege log that is filed, again, we
25 need to block off times so we can address the

1 complaints.

2 The hearing schedule, this case seems to outline
3 the procedures on that, although it doesn't mention a
4 privilege log. Reading the case, it looks like it's
5 pretty hard to go through that procedure without using a
6 privilege log. But once the log is filed, it looks
7 like then it switches over to a hearing where the
8 defense -- in this case the plaintiff were to

9 establish if plaintiff is seeking crime fraud, it's
10 crime fraud.

11 If it establishes the crime fraud, the next stage
12 would be an in-camera inspection. And what the court
13 would do is go through an in-camera inspection to see
14 whether or not it's applicable.

15 The second thing that I wanted to cover and Joe's
16 letter from last Friday, there was some issues. And
17 again, ■■■ not sure whether we have agreements on
18 anything at this point, but one of the issues that had
19 come up previously is a question: Who really is best
20 suited to rule on the objections?

21 I had given a number of reasons why I thought it was
22 really a State Court issue and it really needed to be
23 ruled on by Judge Crow. And I think Judge Crow's order
24 certainly indicated that if anyone ruled differently
25 than what he ever wanted, he wasn't bound by what anyone

1 did, which seemed a pretty good reason to take it into
2 court.

3 And I think Joe had mentioned and very correctly
4 so, it requires a couple of things: First, Judge Rey
5 has to agree to it because we've got a Judge Rey order
6 that says that Judge Rey is going to do it and we've got
7 Judge Crow is going to have to agree to it. (A) I would
8 have to be appointed in front of Judge Crow, which if I
9 have to, and I have yet to see it.

10 MR. FARMER: Well, that motion will be filed
11 today. And Judge -- ■■■ sorry.

12 SPECIAL MASTER CARNEY: We're going to cover all
13 of this. ■■■ just running over some of the topics and
14 then we'll take each one individually.

15 The next thing I wanted to cover is, basically,
16 what do we do about everything else? What ■■■ referring
17 to here is we've got a lot of stuff that was submitted
18 by the Trustee that I think even Plaintiff is
19 indicating a lot of this is irrelevant stuff. What do
20 we do with that?

21 I know the defense has requested confidentiality
22 agreements on certain matters that may not be pertinent
23 to the litigation at all, but they would turn over to
24 the defense with confidentiality agreements with the
25 ability to object as such, but we probably need to

1 address that.

2 The other thing that I want to do that may
3 eliminate some of the issues that we've already had crop
4 up in the past: One of the difficulties that I've seen
5 so far is, right now I seem to be the only one who's
6 citing cases. So, we put a stop to that. What [REDACTED] kind
7 of like to do is see a briefing schedule. Let me
8 outline, well, what [REDACTED] going to do when we get to that
9 point is outline the procedure at least that [REDACTED] seeing
10 right now in this American Tobacco Company case. What I
11 want to do is outline at least briefly what I think the
12 procedure should be.

13 What I would like to do is, if anyone is disagreeing
14 with it - anyone thinks that the standard is wrong, the
15 order is wrong, how we're doing it is wrong - is
16 establish a briefing schedule so that we can brief the
17 issue and resolve this stuff before we have a hearing.
18 Right now our latest situation, everyone is disagreeing
19 on how everything should go. And the thing is no one is
20 briefing it. All I'm essentially getting is we
21 disagree. And so this way, let's iron that stuff out
22 first and we'll get a decision first on that. And those
23 were the basic topics that I was really looking to cover
24 which I thought, if we did that, would get us very
25 smoothly back on track and get this going forward.

1 And so, taking those one step at a time. After that
2 I'll open it up to anything else anyone wants to talk
3 about, but let's deal with the timeframes first. I
4 guess probably the best place is to start with the
5 defense.

6 Obviously, what the objection has been in the
7 past - we really haven't actually had a hearing on this
8 since you filed the original privilege log, but I know
9 this has gone back and forth in e-mails - is that the
10 purpose of the log is to provide at least some
11 indication of what e-mail we're talking about. Having a
12 Bates Stamp doesn't do that. It doesn't help at all.

13 MR. FARMER: We're pass that, Judge. As we've
14 said repeatedly and two weeks ago we offered some
15 concessions; they were not readily accepted. We went
16 forward. We have completed the review. We have
17 completed the -- we have assigned the additional
18 information for all items in the log. Right now, we
19 have clerical people typing, literally, just taking what
20 has been written out and putting it into a Word Document
21 in the column.

22 SPECIAL MASTER CARNEY: How long are we talking
23 about before it gets to the plaintiff?

24 MR. FARMER: Well, I think that it will be done
25 probably by Monday or Tuesday I think. But, Judge, if

1 I may, I think that we -- I would suggest that we
2 discuss the relevancy, confidentiality issues first
3 because I think we need to get a handle on the scope of
4 what it is we're doing, because I think that's going to
5 effect the timeframes.

6 Part of the reason we offered the confidentiality
7 and the attorney's-eyes only was to speed this thing
8 along.

9 MRS. SANCHEZ: And we agreed to it 10 days ago.

10 MR. FARMER: You did. You agreed verbally and then
11 I sent three e-mails, Lilly, and nobody wrote me back
12 until last Friday. That was two weeks after it was
13 originally proposed.

14 MRS. SANCHEZ: Right, but it was a week later and
15 we agreed to it then. And the only thing that put a
16 stop to it was Judge Carney's e-mails regarding this
17 crime fraud issue and this hearing.

18 MR. FARMER: No. No. That's not what put it stop
19 to it. What put a stop to it was you guys would not
20 confirm in writing all of the terms, because we needed
21 an agreement there would no waiver of privilege, we
22 needed an agreement on the attorney's-eyes only and we
23 needed an agreement on the confidentiality.

24 MRS. SANCHEZ: That was another --

25 MR. FARMER: Well, that was Friday. Since then, we

1 went ahead and did what you've asked us to do.

2 SPECIAL MASTER CARNEY: If we're going to confirm
3 the agreement in writing, how soon can we confirm the
4 agreement in writing?

5 MR. FARMER: Frankly, Judge, we don't think there
6 is any reason to do the agreement now because we've
7 done -- The whole point of the agreement was to get them
8 stuff quicker so they could look at it.

9 MR. KNIGHT: Judge, may I make a suggestion? I
10 think Your Honor, obviously, from the e-mails that I
11 went through, et cetera, the procedure through the case
12 law is: We need this log first.

13 SPECIAL MASTER CARNEY: Right.

14 MR. KNIGHT: The agreement other than some little
15 ticks and tacks back and forth look like a framework to
16 speed this along. If we get back into these arguments
17 about relevance, confidentiality, et cetera, we're going
18 to get nowhere again.

19 SPECIAL MASTER CARNEY: I agree.

20 MR. KNIGHT: I would like to move this along and I
21 think you're on the right track. Let's get the log
22 out. Obviously, it was due a long time ago. That's why
23 we have a motion for sanctions in, but if we can get
24 the log out and put these timeframes. I think the
25 briefing schedule is a good idea, although we may

1 disagree on some of the procedures, but at least get
2 something out there so we just don't have back and forth
3 e-mails. But we need the log first and I think the case
4 law supports that.

5 SPECIAL MASTER CARNEY: Let's go back to my
6 original question then on the timeframe for getting the
7 log. How quickly can we get a timeframe? Again, I'm
8 assuming at this point, as I pointed out before, in
9 spite of back and forth, we are not going to get
10 agreements. We spend all sorts of time and we don't get
11 agreements.

12 MR. FARMER: The log will be ready by the end of
13 the business day Tuesday.

14 SPECIAL MASTER CARNEY: Now, if we have that, if
15 we have the log delivered Wednesday the defense, excuse
16 me, the plaintiff has requested at this point at least
17 10 days to look at the log. What I would like to do is
18 add something else into that right now, and that is, if
19 we have problems that there are complaints that it's
20 still TIG compliant, we still have issues, a mechanism
21 to immediately trigger that. Immediately.

22 It seems to me that we can do that by Thursday. I
23 mean, the second you look at the log you're going to be
24 able to say that it's TIG compliant or it's not. If
25 it's not, I'm not saying there ought be any reason of

1 any kind for a delay on that in getting that resolved.

2 The resolution of whether the -- and probably we
3 ought to address a little bit on the sanctions motion,
4 but the resolution of whether the log is TIG compliant
5 or whether TIG applies ultimately has been handed down
6 from the bankruptcy judge to me. And so, it's pretty
7 much my issue at this point.

8 I don't think we -- I'm raising this because it
9 raises some questions. Well, what I would like to do is
10 get that resolved immediately.

11 So, can we by next Friday - this would be a week
12 from today - if there are going to be objections that we
13 have TIG issues, at least get those objections on the
14 table?

15 MR. ACKERMAN: Just in case there's some delay, can
16 we have 48 hours or two business days from the date that
17 we receive it to lodge any tig objections?

18 SPECIAL MASTER CARNEY: How much time?

19 MR. ACKERMAN: 48 hours, two business days. So,
20 that's basically Friday.

21 SPECIAL MASTER CARNEY: By the close of the
22 workday Friday if you can let us know if we've got TIG
23 objections.

24 MR. ACKERMAN: I assume we're going to get it
25 first thing Wednesday.

1 SPECIAL MASTER CARNEY: Assuming you get it the
2 last thing Wednesday; you would have all day Thursday,
3 all day Friday.

4 MR. ACKERMAN: That would be fine.

5 SPECIAL MASTER CARNEY: So we get tig objections
6 on Friday. What seems to me at this point you're
7 requesting at least 10 days to look at the log. I'm
8 going to actually suggest surprisingly a fraction longer
9 than that, and I'll tell you why and I'll put this open
10 for discussion, too.

11 What I'm saying, and let me go a little bit out of
12 turn, when I'm looking at the American Tobacco case at
13 least kind of a first-blush reading of American Tobacco,
14 what I'm kind of saying is that it's an evidentiary
15 hearing; cross-examination at the hearing, the plaintiff
16 probably needs to establish at first at least a prima
17 facie case before we trigger a burden shift over to the
18 defense to show *request not. It looks like the
19 ultimate decision by the judge becomes a preponderance
20 of the evidence is the ultimate call by the judge.

21 MR. FARMER: Well you only get to preponderance if
22 they meet the burden and they've got to show it outside
23 of the sought discovery.

24 SPECIAL MASTER CARNEY: Absolutely. They show it
25 outside of the sought discovery, and an evidentiary

1 hearing is prima facie at least initially. What I'm
2 getting at is that because we have a right of
3 cross-examination and because there is
4 cross-examination, it seems to me that there probably,
5 in terms of fairness to both sides to make it a lot
6 easier on this one, it's probably going to be a little
7 easier if each sides let's the other side know who
8 they're going to call; no one is surprised at the
9 hearing; everyone knows who is going to be called. It
10 will be similar to a trial, but everybody is upfront
11 about it.

12 So it seems to me the timeframes that I'm
13 suggesting at this point is: We certainly would have at
14 least 10 days for the plaintiff to look at the log, 10
15 days for the plaintiff to make a decision of what you're
16 going to do, whether you're going to raise the
17 objections or whether you're not going to raise the
18 objections, but probably at the end of 10 days would be
19 to provide these, the specific items we are seeking and
20 these are the witnesses we intend to call at the
21 hearing.

22 With the defense within a period of time, I'll
23 suggest once again I'm not looking for necessarily full
24 trial times, because I think what I'm doing is I'm
25 really adding on to this case. I don't think this case

1 actually envisions what I'm doing. I'm just trying to
2 make it easier for both sides so that everyone gets
3 prepared for the hearing, everyone knows what's on the
4 table. Say 5 days for the defense if you're calling
5 witnesses.

6 MR. FARMER: I'm sorry. Not a 5-day hearing.

7 SPECIAL MASTER CARNEY: No. What I'm talking
8 about is once the log comes in, plaintiff looks at it;
9 they've got 10 days to look at the log and see what they
10 want to do. Within the first couple of days they have
11 to tell us if we've got a tig problem with it. Assuming
12 we don't have a tig problem, within 10 days they say
13 we're objecting to Items 1, 5 and 6 We want a hearing
14 on 1, 5 and 6 on crime fraud. So the defense let's us
15 know what you're actually seeking to -- how you're
16 seeking to breach the privilege. Everyone is aware of
17 that and what witnesses they're planning on calling,
18 because it's an evidentiary hearing.

19 At this point then, this occurs 10 days. In
20 another 5 days what the defense does is say, Fine, we
21 are going to fight you on that point and here are our
22 witnesses. And then what I'm saying at this point,
23 within 30 days we have actually had the hearing.

24 MR. KNIGHT: Your Honor, two thoughts. One, you
25 were saying you wanted some briefing. And just so we're

1 all on the same playing field, do you want a briefing in
2 the beginning which I think will be helpful on
3 procedures itself under tig because you said you had
4 your own wrinkles to it.

5 SPECIAL MASTER CARNEY: Actually, what I would,
6 what I'm looking at is actually the procedure for the
7 hearing. There are certain things that not every one is
8 going to agree with. Let me just fast-forward to that
9 for a second.

10 MR. KNIGHT: Let me tell you my second point,
11 though. My second point is: If you're saying call
12 witnesses on various issues way beyond this crime fraud
13 there are other waivers that can be -- we're in the
14 process of and it was an investor deposition taken the
15 other day, we're trying to work with schedules, because
16 these are out-of-state people, we have lawyers saying
17 the 4th works, the 18th doesn't, we're trying to
18 coordinate with everybody and we'll do our best, but we
19 don't want to prejudice our clients by not getting
20 certain witnesses that are out of town or we need -- we
21 need those witnesses.

22 MR. FARMER: Hold on.

23 SPECIAL MASTER CARNEY: Fast-forward for just a
24 second. What I'm saying, basically, the procedure and
25 the thing is: If you disagree with any of the points on

1 the procedure, this is what I'm saying I want to know
2 before we have the hearing where our disagreements
3 are.

4 MR. KNIGHT: So we will brief.

5 SPECIAL MASTER CARNEY: So we can research. So it
6 seems to me, number one, on crime fraud it's, the
7 plaintiff can't simply show that Brad Edwards committed
8 a crime, not crime fraud. A crime fraud requires that
9 the client - M.S.L., or whatever her name is, the
10 juvenile - went to Brad Edwards to have Brad Edwards
11 assist her in committing the crime. That's crime fraud.

12 MR. KNIGHT: We could ask to brief that because we
13 don't agree with that position.

14 SPECIAL MASTER CARNEY: If there is
15 disagreement --

16 MR. KNIGHT: There is.

17 SPECIAL MASTER CARNEY: -- I need a briefing up
18 front on that. I need to know beforehand because it's
19 absolutely critical to the hearing.

20 The second issue, at least on a brief examination
21 of this case, it seems to me that the threshold
22 question, of course, the hearing I'm traveling that the
23 hearing becomes after the production but before any
24 inspection by the court and by any inspection other than
25 the privilege log by the defense.

1 Now, you don't get to see -- there are no documents
2 that are displayed and the court doesn't look at the
3 documents before the hearing. And so with the hearing,
4 what the plaintiff initially has to establish is at
5 least a prima facie case. If the plaintiff can't
6 establish that, hearing ends and we're done. There is
7 no breach of the privilege and there is no in-camera
8 inspection. We're ended. Hold on.

9 If the plaintiff establishes a prima facie case
10 then the next stage is the defense has to establish
11 reasons why they think the plaintiff is wrong or why it
12 is not applying in this particular case. And then the
13 court at the end - well, a Special Master - makes a
14 determination by a preponderance of the evidence whether
15 or not the crime fraud exception applies.

16 If the court makes a determination that the
17 plaintiff has established by a preponderance of the
18 evidence a crime fraud that triggers then an in-camera
19 inspection by the court, then and only then does the
20 court do the in-camera inspection.

21 Another issue that becomes an important one and
22 needs to be briefed because I think, again, in listening
23 to the plaintiff, plaintiff may well dispute this issue.
24 The way I'm reading this case here, each individual
25 communication has to be looked at individually. If Brad

1 Edwards commits crime fraud with his client on
2 communication "A," it doesn't open the entire file up.
3 It only opens up communication "A." That's the way I'm
4 reading that case.

5 The remainder of the attorney-client privilege is
6 left intact. And so we'll need to be clear on that one
7 also as what does crime fraud do. Does crime fraud
8 eliminate the entire privilege or does it only eliminate
9 the offending issues.

10 So, again, what I'm looking at is procedurally that
11 every one is in agreement procedurally that that's how
12 it should be done or if we have disagreements
13 procedurally how it should be done, let me know what the
14 disagreements are and what your authorities are.

15 MR. KNIGHT: Your Honor, how are you addressing
16 arguments against privilege beyond crime fraud because
17 there's more than crime fraud --

18 MR. ACKERMAN: I have a suggestion on that.

19 SPECIAL MASTER CARNEY: That's the other thing I'm
20 looking at because crime fraud has been suggested and
21 it's not the only one.

22 MR. KNIGHT: And it's probably not the primary
23 one. I don't want to get off track --

24 MR. FARMER: We agree they have a right to
25 challenge if we designate a document as privileged in

1 the log and you look in the description and you don't
2 think it's privilege; you have a right to challenge
3 that. However, Judge, this is why relevancy is so
4 important. How big is this log going to be? Because
5 you have to determine what is the relevant response.

6 What happened here is the trustee dumped documents
7 that are not responsive, but yet we're forced to protect
8 other people to include them in the log.

9 SPECIAL MASTER CARNEY: Let me answer your
10 question. Again, this is in a vacuum at the moment,
11 because I'm not necessarily having to rule specifically,
12 but realistically the defendant kind of made its bed and
13 has to lie in it.

14 Under 1.351, once that third party subpoena was
15 issued, you have 10 days to raise objections of
16 overbroad. I will agree with you it is grossly
17 overbroad.

18 MR. FARMER: We raised those objections.

19 SPECIAL MASTER CARNEY: Not within with the 10 day
20 period. Not an overbroad objection. Because if it was
21 raised as an overbroad objection, we should never be in
22 bankruptcy court at all. We've got major problems
23 because grossly instantly kicks in and there is no
24 requirement of a privileged log until the overbroad
25 objection is ruled on. It's my understanding that has

1 never been raised certainly never timely been raised.

2 MR. FARMER: It's been raised. It was argued to
3 Judge Rey. Candidly, I don't believe he understood what
4 he was dealing with and the fact that this is not your
5 ordinary production scenario where a different entity
6 had the physical possession of the documents, but we
7 were the ones that have been sued and are responding.

8 But we did timely file motion for protective order
9 in State and Federal court.

10 SPECIAL MASTER CARNEY: Let me give you a way to
11 handle that that I think will be easy to do, not today
12 but in the future. Right now, as long as I've been
13 appointed to handle these issues, schedule a hearing in
14 front of me on these issues.

15 What I've said all along is that, and no one has
16 provided any case law to the contrary nor do I think
17 there is a scintilla of case law to the contrary, this
18 is a State Court issue, State law applies. It is not
19 Federal law. It is a State law with respect to the
20 privileged log and, ultimately, what we are dealing with
21 under State Court law, Grossman, which is out of the
22 4th, Grossman is applicable.

23 So far as far as I'm aware, I'm the only one whose
24 raised Grossman. No one is raising Grossman. No one
25 has brought it up. The thing is, what we've had is

1 we've had, as I understand it - and again we can
2 schedule this all at a hearing specifically on these
3 issues later, but when that subpoena was issued under
4 Rule 1.351, there was 10 days to object. There was no
5 objection. The subpoena is ultimately served. Arguably
6 under the rules you waive the objection at that point.
7 Just a second.

8 I think there can be some arguments that are made
9 that because the documents, because you can't see the
10 documents and the documents aren't in your control, you
11 don't know what the scope of the documents are; that
12 there may be some latitude in providing a later
13 opportunity to object, but the objections have all been
14 the protective order objections and they generally have
15 not been overbroad objections. They've all been
16 objections as a protective order. The protective order
17 is the gray area. There is case law that goes both
18 ways.

19 I can point to Earhart. There are probably 15 days
20 cases that say once that protective order is filed
21 everything stops until the court rules on the protective
22 order. We still don't have a ruling on the protective
23 order. That's a problem that's sort of sitting there
24 any way.

25 But there is some confusion on some of the cases

1 again as to where the privileged log comes in in the
2 face of a protective order. But what I'm trying to do
3 is resolve and do it in a fashion where everybody gets
4 notice and everyone is aware of what's going on so that,
5 as I say, what happens is the log is filed. Once the
6 log is filed, we have a fixed period of time to raise
7 objections to the form of the log. If we have
8 objections to the form of the log, we'll schedule an
9 immediate hearing and I'll rule on the objections on the
10 form of the log.

11 If we don't have objections on the form of the log
12 then what I'm looking at is the plaintiff then has,
13 basically, 10 days to say: Out of the log we're
14 objecting to 1, 3 and 5, and here's why. Whether it's
15 crime fraud, whether it's been prior disclosure, whether
16 it's been -- whatever the situation, whatever the
17 plaintiff is raising as an objection so that you're
18 aware of what the objection is.

19 And --

20 MR. FARMER: I just --

21 SPECIAL MASTER CARNEY: Hold on just a second. And
22 we get some notice of who they're planning on calling as
23 witnesses. Now, if they're giving you notice, they're
24 entitled to notice too, which means within 5 days if
25 you've got a contrary witness, if there is someone

1 you're calling, let them know. So that now by the time
2 we get into a hearing everyone knows what the issue is,
3 everyone knows what the witnesses are, we have a
4 briefing period of time so that we're very clear on what
5 the procedure is.

6 What my inclination right now is to treat whatever
7 the objection is exactly the same as I treat crime
8 fraud, which means the objection would require the
9 plaintiff to come in and establish crime fraud or
10 establish prior disclosure or establish something. Once
11 they have done so and established a prima facie case, it
12 switches over. The defense has to establish why it's
13 not so and, ultimately, the court makes a ruling. All
14 of that is done before there is an in-camera inspection
15 by the court, and this would go to anything that the
16 plaintiff is arguing as a reason to get around a
17 privilege.

18 MR. FARMER: We are fine with that, but I want to,
19 Judge, we -- delay is not our friend here and I
20 appreciate what you're saying and the notice and due
21 process. We do not anticipate calling any witnesses.
22 We have no burden of proof. They're never going to make
23 their prima facie showing.

24 Secondly, Judge, though, this case has been going
25 on for a year. What I'm hearing in suggestion of time

1 delay because they are now subpoenaing investors for
2 depositions, parenthetically I would tell you the only
3 investor deposed so far didn't know who Brad Edwards
4 was, never saw him before in his life and never saw any
5 of the plaintiffs. That's going to be the presentation
6 evidence you're going to get, and I don't want to argue
7 it, but we do not want to lose our trial date in front
8 of Judge Crow and that's what they're going to do.
9 They're going to go back if this procedure drags on.

10 SPECIAL MASTER CARNEY: When is your trial date?

11 MR. FARMER: March 24th.

12 MR. KNIGHT: That's not going to go forward by
13 what Judge Crow has said. Any delay has been the delay
14 since Judge Rey ordered this.

15 MR. FARMER: We can argue that in front of Judge
16 Crow.

17 SPECIAL MASTER CARNEY: What I don't want to get
18 into is who is at fault. I want to --

19 MR. JOOFS: Let's have the hearing in 20 days. We
20 don't need to depose anybody. We want the hearing in 20
21 days Your Honor.

22 MR. KNIGHT: Mr. Ackerman is trying to give a
23 suggestion here.

24 MR. FARMER: Excuse me. They've had a year to get
25 their witnesses together. They should have them within

1 20 days, ready to go. That will give them plenty of
2 time -- that will give them two weeks to review the log,
3 prepare their objections. We can all brief these issues
4 for Your Honor. You've given us an outline of the case
5 law. We will have our brief done in time, that's plenty
6 of time for them.

7 But, Judge, let's set the hearing now and get all
8 the briefs in and they can bring whatever witnesses they
9 want and let's get this thing going. We'll have the log
10 in. You can review it. They can review it. You can
11 look at other documents. We will file the motion with
12 Judge Crow to get you appointed. You will be appointed
13 in both courts so that we have a dual track. We can
14 deal with Judge Rey later. Judge Rey has not said Judge
15 Crow can't do anything. Judge Crow has said he will
16 make the decision for the case for which the subpoena
17 was issued. I'm just begging you for a hearing in 20
18 days.

19 MR. ACKERMAN: Your Honor, I want to be heard, I
20 want to have a moment.

21 SPECIAL MASTER CARNEY: What I'm looking at,
22 because once again I'm not sure that we're sitting in
23 agreement on this thing, let's do --

24 MR. FARMER: Maybe you have to order it.

25 SPECIAL MASTER CARNEY: Let's see what we can

1 agree on.

2 MR. ACKERMAN: I think I have a suggestion that
3 will facilitate this. With regard to the subpoena that
4 we sent out, there is only one category there that may
5 ask for privileged documents and that's the purpose of a
6 log. Every other request related to documents with this
7 firm and third parties.

8 Now, they have filed motions for protective order
9 claiming that the entire subpoena is privileged which is
10 why we're in this position. We're prepared to make an
11 agreement to keep the documents that they think are
12 irrelevant, confidential, which is what we said before,
13 subject to that other agreement.

14 But in terms of the briefing schedule this is what
15 I would suggest: We have a number of proof procedures
16 that need to be done with different privileges. For
17 example, work product maybe doesn't belong to the
18 client, it belongs to the lawyer.

19 MR. FARMER: That's not true.

20 MR. ACKERMAN: Excuse me. If we can show, we
21 can't get the information in some other way and need
22 then we may be entitled to. That's a for example. I'm
23 not here to argue law on that. They have raised joint
24 defense or joint plaintiff privilege. That privilege
25 has a certain standard of proof and procedure to follow

1 to establish it or to determine whether it applies. We
2 have an attorney-client privilege which may not apply if
3 their people got the documents.

4 So my suggestion is that we may need to adjust the
5 timeframe to maybe 15 days. I'm just thinking out loud.
6 But when we get the privilege log within the timeframe
7 you established, we would identify -- and we're pass the
8 tig issues, okay, we would then say we believe documents
9 1 through 10 are not subject to the attorney-client
10 privilege, here is the briefing law we believe that Your
11 Honor should follow in resolving the issues with regard
12 to that issue.

13 With documents 50 through 100 which there is a
14 joint defense privilege claim, we do not believe that's
15 the case. Here is the procedure the court needs to
16 follow in adjudicating that privilege. We do the same
17 thing with the documents for which we claim crime fraud.
18 There may be some we won't make any objections on, but I
19 think our initial response out of the box when we get a
20 tig-compliant privilege log would be to tell the court
21 these documents we think are not privileged on these
22 grounds and here is the law that says how you,
23 respectfully, should go about adjudicating that.

24 SPECIAL MASTER CARNEY: You're looking at 15 days
25 on that? I don't think 15 days is unreasonable at all.

1 MR. ACKERMAN: Just because I don't the -- Then
2 they would have five, 10 days whatever you feel is
3 appropriate, to respond to us in terms of the procedures
4 that this court should follow.

5 SPECIAL MASTER CARNEY: If they're disagreeing
6 with the procedure.

7 MR. ACKERMAN: And if we don't have a disagreement
8 you can conduct a hearing to determine the procedural
9 issues and then at that point set down the manner in
10 which you will conduct hearings on these various
11 issues.

12 SPECIAL MASTER CARNEY: I actually agree with that
13 completely because the advantage that I see, and I
14 understand you're going to be complaining that it's
15 long, but the advantage that I see is this: Nobody
16 should go into a hearing not knowing what the rules are.
17 Which means that we have to make sure that we are all on
18 the same page. Whether you agree or disagree, everyone
19 knows the ground rules when we walk into a hearing. We
20 know what standards I'm using. We know what the orders
21 of proof are. So, again, these things need to be
22 hatched out before we get to the hearings.

23 MR. FARMER: Except the fact that this all could
24 have been raise with Judge Rey when he set the
25 procedure. We're operating under an order --

1 SPECIAL MASTER CARNEY: Hold on. What I'm looking
2 to do right now, because we're going to need to request
3 Judge Rey to amend the order, and what I'm doing right
4 now is get an amendment in place that's going to
5 facilitate what --

6 MR. FARMER: We don't agree to that.

7 SPECIAL MASTER CARNEY: I agree with what Joe's
8 doing. I think that's the smoothest way to work it
9 out.

10 MR. FARMER: I tell you what, we'll agree to that
11 if it's under Crow's -- Judge Rey should not be involved
12 in this any more. The trustee has turned it over. It's
13 done.

14 MR. ACKERMAN: I disagree.

15 MR. KNIGHT: We disagree and there's an order from
16 the judge. Part of our --

17 MR. FARMER: Don't say wait.

18 MR. KNIGHT: Part of -- If I may. We've listened
19 to you a lot. One of our frustrations in this
20 obviously with an order which we thought was going to
21 get us a log early in the summer or late summer and you
22 said we may be calling witnesses. We don't know some of
23 the witnesses we may be calling until we get the
24 documents.

25 What has constantly happened is this we're ready to

1 go to trial tomorrow, which of course, because they had
2 held back everything. There is no way that every
3 document in these files is privileged. There's just no
4 way. It's impossible. If there is any delay, it's been
5 on the other side. So our client shouldn't be
6 prejudiced.

7 The system that Joe just outlined I think is very
8 logical.

9 SPECIAL MASTER CARNEY: I do, too.

10 MR. KNIGHT: If not, we're just going to get into
11 these back-and-forth arguments which wastes e-mail
12 time. I can't even keep up with the e-mail back and
13 forths.

14 SPECIAL MASTER CARNEY: At the moment you're
15 preaching to the choir. I agree. This is what I'm
16 trying to suggest all along is a nice, organized way of
17 handling this so that we do it in a logical sequence so
18 that nobody is surprised and caught flat footed on what
19 we're doing, but I like the suggestion.

20 What I would like to do on that one is basically,
21 if we can, is write that one up because it's going to
22 require a modification from Judge Rey.

23 Now, second issue --

24 MR. FARMER: Judge, just for the record, we cannot
25 agree to that. He may order it but we can't agree to

1 that.

2 SPECIAL MASTER CARNEY: I understand. Actually, I
3 can't order it. I can make a recommendation. That's my
4 recommendation to Judge Rey. The recommendation can
5 note that not all sides are in agreement with the
6 recommendation, but this is the Special Master's
7 recommendation.

8 Now, the second thing that I want to address,
9 maybe we can agree, maybe we can't, and that is: What
10 my suggestion would be, and this is in line with what
11 Gary is saying, certainly Judge Rey is going to want to
12 be apprised of these issues, but the reality is he's the
13 presiding judge, these are State Court evidentiary
14 issues. These are all purely State Court issues. And
15 we've got a presiding State Court judge who's already
16 said, I don't care what the bankruptcy judge does.
17 They're my issues, I'm going to rule on it. And then
18 dodged it and said I'm not going to rule on it for the
19 time being and let the bankruptcy judge do it first.

20 Cutting straight to the chase on this, the logical
21 one to actually rule on objections I think is Judge
22 Crow. I think the report can go to both sides, but I
23 think we run into a huge problem if we have both judges
24 ruling on the objections. There is very little reason
25 for Judge Rey to rule on the objections, because he's

1 not presiding over any of the State Court actions.
2 There's no concurrent Federal court action involved.
3 It's not a Federal court case issue, it's not any issue
4 that's directly in front of him other than just how do
5 we get these documents distributed without getting the
6 trustee into a problem. That's his only interest in it.

7 And so, let him take a look at the report. He's
8 copied on everything. Ultimately, because he's got
9 control of the documents, he's going to have to
10 facilitate and he's going to have to enter his own
11 orders arguably to the trustee. He's going to have to
12 tell the trustee, do this, do that. And so we can't cut
13 Judge Rey out of the loop. I mean, Judge Rey has to
14 stay in the loop.

15 MR. FARMER: Not really, because we have the
16 documents. The only reason Judge Rey was there --

17 MR. ACKERMAN: You don't have control of the
18 documents.

19 SPECIAL MASTER CARNEY: No. You've got the
20 documents under an order from Judge Rey that's extremely
21 specific. Before ultimately there can be any handover
22 to them, Judge Rey has to approve. No matter what Judge
23 Crow rules, Judge Rey still has to approve also because
24 the documents are ultimately under Judge Rey's control.

25 But what I'm trying to say, we've got an

1 interesting division of labor. But for the evidentiary
2 issue of does the privilege apply, does the privilege
3 not apply, there's very little reason to have Judge Rey
4 rule on that. It's not his issue. And no matter what
5 happens, Judge Crow wasn't bound by it.

6 That's a clean one to have Judge Crow rule on. The
7 objections I think ought to all be ruled on by Judge
8 Crow. And then if Judge Crow says I'm overruling any of
9 the attorney-client objections, what we need then is an
10 order from Judge Rey, the enabling order, which says
11 give it all to the plaintiff. And that's what I think
12 the way it should be done.

13 So should copies go to both?

14 MRS. SANCHEZ: Yes.

15 SPECIAL MASTER CARNEY: But only one judge rules on
16 it. And the only one who legitimately I think ought to
17 rule on it is Judge Crow. Now, if that's the case, then
18 what we also have to put in our recommendations is that:
19 That Judge Rey relinquishes his jurisdiction, if you
20 will, to rule on the evidentiary issue of does the
21 privilege apply and leave that to Judge Crow, but retain
22 jurisdiction for what whatever enabling orders he may
23 have to enter to ensure a smooth transition of documents
24 in the possession of the trustee and bankruptcy.

25 The alternative, and I mean we can do it the long

1 way and the hard way, the alternative, leave it just the
2 way it is. Ultimately, what's going to happen if we do
3 that I see realistically, probably, not a darn thing.
4 Because realistically what Judge Crow will probably do
5 is just sign off on it, and then that's it.

6 MR. ACKERMAN: Judge Rey will have ruled on it and
7 Judge Crow will have signed off on it.

8 SPECIAL MASTER CARNEY: Unless we went completely
9 out in left field and unless my recommendations were
10 totally at odds or Judge Rey's decision was completely
11 at odds, I wouldn't see any reason why Judge Crow
12 wouldn't simply sign off and say, that's fine, I'll
13 accept those recommendations.

14 MR. FARMER: Judge Rey is never going to have
15 anywhere close to the appreciation of the nature of the
16 case.

17 SPECIAL MASTER CARNEY: I agree, that's why --
18 Absolutely. My recommendation, I really think it ought
19 to be Judge Crow, but I'm opening it up having said
20 that, whether we can get any agreement on that. I know
21 the defense agrees. The question is: Does the
22 plaintiff agree?

23 MR. ACKERMAN: The confidentiality order that we
24 had talked about, that's what Mrs. Sanchez was asking
25 me, related to eyes-only on work-product and the

1 non-relevant documents.

2 I think Judge Crow should be the one to conduct the
3 rulings on the privilege and any objections to your
4 report. I think that Judge Rey needs to keep
5 jurisdiction because we still need to get additional
6 documents from him. He still needs to keep jurisdiction
7 at least to the point of ensuring compliance with his
8 orders that presently exists or that may be entered in
9 relation to these recommendations.

10 SPECIAL MASTER CARNEY: I agree. We'll talk about
11 the request for sanctions later. I'm seeing a few
12 problems with that, but we will discuss that kind of at
13 the end of this. But it sounds like, let's present it
14 this way then in our recommendations for a change with
15 Judge Crow just what we've outlined that the difference
16 is going to be that in terms of the ruling on the
17 objections, if there are objections or an order
18 entered -- if I write -- Once again, every one is on the
19 same page with how this Special Master situation
20 actually works.

21 I write my recommendations. There is 10 days to
22 raise an objection. If the 10 days there is no
23 objection, the court is going to sign off on my order.
24 The sign-off is Judge Crow, not Judge Rey. The sign-off
25 is Judge Crow. Within the 10-day period of time if

1 someone raises an objection, then what happens at that
2 point is there is a hearing and the hearing would be in
3 front of Judge Crow.

4 Basically, what's being -- the transcript -- the
5 hearing actually is pretty limited. What Judge Crow
6 does is: The parties order a transcript of the hearing,
7 Judge Crow reads the transcript of the hearing and see
8 whether I've misapplied the law or done various other
9 things, there are certain presumptions that are
10 attached, but he ultimately either sustains the
11 objections or overrules the objections. But that also
12 should be Crow.

13 But I agree with the plaintiff, you can't cut Judge
14 Rey completely out of the loop because the documents are
15 in Rey's control.

16 MR. FARMER: That's fine. Then the motion we're
17 going to file today, we're going to file a motion with
18 Judge Crow to appoint Judge Carney Special Master for
19 the State Court case.

20 SPECIAL MASTER CARNEY: I would suggest that first
21 we probably ought to make sure Judge Rey is in agreement
22 with that.

23 MR. KNIGHT: I disagree with Mr. Farmer. It's in
24 Judge Rey's ballpark right now. Judge Rey, we have to
25 address these issues with Judge Rey. I think we have a

1 reasonable suggestion then after that, ultimately, I
2 think Your Honor said and I think you're correct it
3 ultimately is going to be Crow's call at some point, but
4 we can't avoid Judge Rey nor do we want to avoid Judge
5 Rey's order. Right now we have an order from Judge Rey
6 for a reason, for a reason because we've been delayed
7 and delayed on the privilege log. We are not going to
8 agree to a motion that says we're taking this out of
9 Judge Rey. That's going to take us away from that
10 order, we're not going to do that.

11 SPECIAL MASTER CARNEY: Now you have me completely
12 confused. This is what I am suggesting and I thought we
13 had an agreement, maybe we don't. The first thing we
14 have to do is make a request with Judge Rey. It doesn't
15 make a difference what Judge Crow does if Judge Rey
16 doesn't agree to it, because Judge Rey has already
17 deferred.

18 MR. KNIGHT: Couldn't agree more.

19 MR. FARMER: Respectfully, Judge, that is not
20 right.

21 THE COURT: Listen to me for a moment. So we make a
22 request at this point to judge rail and outline what
23 we've been discussing here as to who is better suited to
24 rule on the objections. If Judge Rey agrees, the next
25 step is to go to Judge Crow and see if Judge Crow --

1 Actually, I'm not sure if Judge Crow necessarily -- it's
2 close whether Judge Crow really can turn it down. He
3 certainly won't, but it's kind of close whether he can
4 turn it down. It mean it is his subpoena. He can say I
5 don't like the idea of a Special Master. I mean, he can
6 do that if he wants, but I don't think he's going to.
7 And so it goes in front of Judge Crow second. And if
8 Judge Crow says yes, then we know where the objections
9 go.

10 We aren't going to be at the objection stage of
11 this right now. In a perfect world, we're not going to
12 be at the objection stage of this for at least 35 days
13 because we've got actually probably 40 days, 45 days;
14 because what we've got is we've got right now probably
15 about 5 days before -- calendar days before the defense
16 actually gets the log to the plaintiff. We've got
17 overall about 30 days before the plaintiff, before we
18 are really sitting down at a hearing on it. I'm
19 including -- then we've got the time for me to actually
20 write the report and then we've got 10 days for the
21 parties to object.

22 Getting Judge Crow onboard on this I see as a
23 non-issue and there's no time constraints. All we have
24 to do is get him onboard before the objections and the
25 hearing on the objections.

1 MR. FARMER: Where we disagree Your Honor is we
2 think it's important that Judge Rey understands that
3 Judge Crow doesn't care what Judge Rey rules on these
4 objections. He's already said that in his orders. He
5 said, Ray, you can do whatever the heck you want. I'm
6 ruling on privilege and relevancy in this case. And
7 so --

8 MR. ACKERMAN: I don't think that's what his order
9 said.

10 SPECIAL MASTER CARNEY: I don't think that's going
11 to be an issue and I'll tell you why. I'm at least one
12 who sat on the bench before, as judges, we don't usually
13 like to have to address issues that we don't have to
14 address. Why in the world would he get involved in
15 something, it's not his game.

16 MR. FARMER: But technically you're not appointed --

17 SPECIAL MASTER CARNEY: He's doing it right now,
18 I'll tell you why he's doing it now. It's because he
19 was pressed hard by the trustee in bankruptcy to do it,
20 by the attorney for the trustee and pressed hard by the
21 plaintiff's attorney to do it. That's why he did it.
22 No one suggested to him at the time this was a Crow
23 issue.

24 MR. FARMER: Judge, you weren't there for the
25 first hearing. I argued for 15 minutes that it should

1 be in front of Crow.

2 MR. ACKERMAN: Then we've come to some
3 agreement.

4 SPECIAL MASTER CARNEY: Put that as a write-up in
5 there so we do that.

6 MR. FARMER: I'm sorry. I have to be at the
7 Broward County Bar Association at noon. I'm on a
8 panel.

9 SPECIAL MASTER CARNEY: We're going to be done --

10 MR. FARMER: I'm speaking on a panel at the
11 Broward County Bar Association.

12 SPECIAL MASTER CARNEY: Can we wrap it up, because
13 there are a couple of other things that I really wanted
14 to -- Let me see if we can cut quickly to the chase
15 here.

16 The confidentiality, can we get the confidentiality
17 worked out by -- so that we get something in writing so
18 everyone is happy in writing by next Friday at the
19 latest?

20 MR. ACKERMAN: That will be fine.

21 MR. FARMER: How about this Friday?

22 MRS. SANCHEZ: The documents are ready to go.
23 Write up whatever you want and we'll -- we don't have a
24 problem with that.

25 MR. FARMER: You guys have to have 19,000

1 confidentiality orders done in other cases and you get
2 paid by the hour to do this.

3 MRS. SANCHEZ: I don't have a problem, but we will
4 get an order to you by tomorrow and you can get the
5 documents by Friday and that's done.

6 MR. FARMER: Do you still want to do the
7 attorney's-eyes only? Do you want to speed it up or
8 not? You'll get work-product stuff if you agree to the
9 attorney's-eyes only.

10 MRS. SANCHEZ: Yes.

11 MR. KNIGHT: We need to get the ball rolling.

12 MR. ACKERMAN: Let's do that.

13 MR. KNIGHT: I think so. What we're trying to do is
14 move things along.

15 MR. FARMER: Yes in an e-mail two weeks ago would
16 have ended all of this.

17 MR. KNIGHT: If you want to get to your Broward
18 County meeting, quit your arguments.

19 SPECIAL MASTER CARNEY: As far as, and we went a
20 little bit out of order, but as far as what I was
21 looking for on the agenda, actually, I think we've
22 covered everything on the agenda right now.

23 What I'm saying just as a very quick recap of what
24 we're looking for is what's going to be prepared at this
25 point is a request, we're going to have to set a hearing

1 in front of Judge Rey and we can be doing all of this in
2 the background while the request in front of Judge Rey
3 is going on, but we have a request from Judge Rey
4 to, we're going to have to extend the time. We are
5 going to have to make the request that Judge Crow do his
6 step. We get that request in front of Judge Rey.

7 From a practical point of view, the way we are all
8 traveling at this point, Wednesday -- by Wednesday you
9 get the privilege log. By Friday you tell us, thumbs
10 up, thumbs down. Is the tig compliant or not compliant.
11 If it's thumbs up, our timeframes all kick in, the
12 briefing schedules kick in, all of those timeframes kick
13 in and we proceed. If it's thumbs down then we schedule
14 immediately a hearing and we determine and I'll make a
15 determination at the hearing that it needs to be redone,
16 it's good enough as it is, or there is not -- it's fully
17 tig compliant. I mean, ultimately, I'll make --

18 MR. FARMER: Can we touch on that real quickly.
19 They are all e-mails. Every document is an e-mail.
20 Here is what the form looks like. It's got the original
21 Bates number and then who the e-mail is to, who it's
22 from, the date and the subject matter of the e-mail. Is
23 there anything more that you want in this log? I'm
24 asking in good faith because I can't think of anything
25 more, but we don't want to go through this dance

1 again.

2 MR. KNIGHT: You don't have any documents other
3 than e-mails?

4 MR. FARMER: Every single document produced is an
5 e-mail. And here's what it is, document one is the
6 original e-mail. Next document is the original e-mail
7 and the reply. Document three is the original e-mail, a
8 reply and a response.

9 MRS. SANCHEZ: Chris, that's correct, because
10 Chuck has not provided to them -- Chuck Lichtman has not
11 provided yet the documents that are on **fordeth--

12 MR. FARMER: All we're talking about so far is --

13 MR. KNIGHT: I got it. No, it's clear.

14 MRS. SANCHEZ: No, but wait, which would be
15 about --

16 MR. KNIGHT: I gotcha. It's clear.

17 MRS. SANCHEZ: There's also the Q test documents
18 haven't been produced.

19 MR. KNIGHT: We'll have to look at the form.

20 SPECIAL MASTER CARNEY: There is going to be a
21 couple of wrinkles. If they have a consulting expert,
22 Dr. Strangelove that they want to have, they may not
23 want you to know it's Dr. Strangelove. So they may
24 have, you know, it's a consulting expert. Here is our
25 letter to the consulting expert.

1 MR. KNIGHT: I think a lot of it is how you
2 describe it in the subject. Let's try to get this going
3 is what I'm saying.

4 MR. ACKERMAN: Your Honor, I would have this
5 suggestion. Maybe we can send in a proposed order for
6 you as a result of today and our proposed
7 recommendations to you to make to the bankruptcy judge
8 on how to proceed.

9 SPECIAL MASTER CARNEY: Great. Let me explain one
10 other thing that you all need to help me with. The
11 downside of being a judge is you forget how to actually
12 do E-filings or anything else. Where you file? How
13 many copies? What you have to do.

14 So having me file it is going to get it screwed up.

15 MR. KNIGHT: Once you sign-off or they sign-off, we
16 can send it in.

17 SPECIAL MASTER CARNEY: I'll review it and I can
18 sign off on it, but I'm going to have to send it back to
19 you to file it so it gets filed correctly.

20 MR. ACKERMAN: We can file it jointly.

21 MR. FARMER: But you can submit that to
22 everybody?

23 MRS. SANCHEZ: Yes. I just got an e-mail from
24 Chuck Lichtman on our second subpoena that there's is
25 another 10,000 documents to turn over.

1 MR. FARMER: And we're going to be responding he's
2 not going to turnover 10,000 -- he wants to turn over
3 another 10,000 documents without anybody reviewing
4 them.

5 MRS. SANCHEZ: There is no privilege issue on any
6 of them.

7 MR. FARMER: That is not true. That is not
8 true.

9 SPECIAL MASTER CARNEY: One of the things that
10 I --

11 MR. FARMER: Just because Chuck says it's true,
12 it's not true.

13 SPECIAL MASTER CARNEY: What I would like to do on
14 any additional turnovers probably once we get at least
15 some idea of what the scope of the turnover is, for God
16 sakes, let's get a meeting like this so we can sit down
17 and come up with a very orderly process of how we're
18 actually going to do things.

19 MR. KNIGHT: You have our agreement on that. This
20 is a lot more efficient than what we've been doing.

21 SPECIAL MASTER CARNEY: Anything else anybody
22 needs to particularly cover before we --

23 MR. KNIGHT: I think that's about as much as we
24 can do today.

25 SPECIAL MASTER CARNEY: One other thing that,

1 again, actually I don't particularly have a dog in this
2 fight on this issue, but it's a suggestion. I really
3 think the sanctions issue probably ought be reserved. I
4 know it's been filed but I'm not necessarily sure there
5 ought to be a hearing on it at this point.

6 MR. KNIGHT: One thing, we won't get a hearing for
7 awhile any way. So if the procedure move forward and we
8 move forward maybe it's something left for trial.

9 SPECIAL MASTER CARNEY: I think the sanctions
10 issue is one. I'm not suggesting at all a
11 withdrawal or anything else. You know each side can
12 request what they want, but I think probably all of
13 those issues are better resolved by, ultimately, in a
14 hearing. Because let's face it, Judge Rey gave this
15 to a Special Master because he doesn't want to do it and
16 that's the only reason we ever give it to a Special
17 Master. If we wanted to do it, we would do it
18 ourselves. So he doesn't want to do this stuff. So
19 troubling him with, Judge, you rule on whether it's an
20 appropriate tig log. He's going to say, I gave that to
21 Carney and let Carney rule on whether it's an
22 appropriate tig log.

23 So, ultimately, what I think practically he's going
24 to do is say: What in the world do we have Carney for
25 if you're having to come to me on these issues? It's

1 easy to resolve this if we're going to resolve it at the
2 end as part of a recommendation. It can be done
3 separately at the end, but I think probably if the judge
4 is going to do it, he's going to want to do it as a Fait
5 accompli. This wipes everything out. This finishes it
6 all. You all may want Judge Rey to rule on it
7 individually. Fine, I have no problem with that, but I
8 don't think he's going to want to do it while we've got
9 all sorts of stuff pending. It's just a way lot easier
10 to wait and wrap it all up at the same time.

11 MR. KNIGHT: We thank you for your time.

12 SPECIAL MASTER CARNEY: Okay.

13 11:12 a.m.

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