

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEONARD GIPSON,)
)
Plaintiff,)
) Case No. 18 CV 5120
-vs-)
) Chicago, Illinois
CITY OF CHICAGO, *et al.*,) February 22, 2024
) 10:52 a.m.
Defendants.)

TRANSCRIPT OF PROCEEDINGS - Status
BEFORE THE HONORABLE STEVEN C. SEEGER

APPEARANCES:

For the Plaintiff: LOEVY AND LOEVY
BY: MR. SCOTT R. RAUSCHER
MS. GIANNA GIZZI
311 North Aberdeen Street
Chicago, IL 60607

For Defendants City of Chicago, Cline, Kirby, and Rowan: REITER BURNS LLP
BY: MR. DANIEL MATTHEW NOLAND
311 South Wacker Drive
Suite 5200
Chicago, IL 60606

For Defendant Mohammed: DALY MOHAN GROBLE, P.C.
BY: MR. SEAN M. SULLIVAN
55 West Monroe Street
Suite 1600
Chicago, IL 60603

Court Reporter: AMY M. KLEYNHANS, CSR, RPR, CRR
Federal Official Court Reporter
United States District Court
219 South Dearborn Street, Room 2318A
Chicago, IL 60604
Telephone: (312) 818-6531
amyofficialtranscripts@gmail.com

1 APPEARANCES (CONT'D):

2 For Defendant JOHNSON & BELL, LTD.
3 Watts: BY: MR. BRIAN PATRICK GAINER
33 West Monroe Street
4 Suite 2700
Chicago, IL 60603

5 For Defendant BORKAN & SCAHILL, LTD.
6 Ridgell: BY: MR. TIMOTHY P. SCAHILL
20 South Clark Street
7 Suite 1700
Chicago, IL 60603

8 For Defendants LEINENWEBER BARONE & DAFFADA, LLC
9 Cadman and BY: MR. THOMAS M. LEINENWEBER
Spaargaren: 120 North LaSalle Street
Suite 2000
10 Chicago, IL 60602

11 For Defendants HALE & MONICO, LLC
12 Bolton, Edwards, BY: MR. JASON M. MARX
Gonzalez, Jones, MS. HANNAH MEAD BESWICK-HALE
13 Leano, Lewis, 53 West Jackson Boulevard
Nicholas, Jr., Suite 337
14 Smith, Jr., Summers, Chicago, IL 60604
and Young:

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1 (Proceedings heard in open court:)

2 THE CLERK: 18 CV 5120, Gipson versus City of
3 Chicago, *et al.*

4 THE COURT: Good morning, everybody. Good morning.

5 MR. NOLAND: Good morning.

6 MR. RAUSCHER: Good morning.

7 THE COURT: As everybody assembles, let me start with
8 an apology for being late this morning. As some of you may
9 know, I had an oral ruling that went a bit longer than
10 expected. And I'm very sensitive to the fact that your time
11 is valuable. And I don't like keeping people waiting. So I
12 apologize for the late start. Your -- one of your colleagues
13 had some pretty thoughtful submissions that I had to work
14 through this morning. So thank you for bearing with me.

15 So, without further ado, let's go ahead and get
16 everyone's appearances on the record.

17 Go ahead, please.

18 MR. RAUSCHER: Scott Rauscher for plaintiff.

19 MS. GIZZI: Gianna Gizzi for the plaintiff.

20 THE COURT: All right. Good morning.

21 MR. RAUSCHER: Good morning.

22 And defense team, go ahead.

23 MR. NOLAND: Good morning, Your Honor.

24 Daniel Noland on behalf of the City of Chicago and
25 certain supervisory defendants.

1 THE COURT: All right. Good morning.

2 MR. SULLIVAN: Good morning, Judge.

3 Sean Sullivan for Defendant Kallatt Mohammed.

4 THE COURT: All right. Very good.

5 And let's go ahead -- I know who many of you are, but
6 let's go ahead and get to the microphone so my court reporter
7 can hear you.

8 MR. GAINER: Your Honor, good morning again.

9 Brian Gainer on behalf of Ronald Watts.

10 THE COURT: Yeah, good morning.

11 You were the culprit from a minute ago. Nice to see
12 you again.

13 MR. SCAHILL: Good morning, Your Honor.

14 Timothy Scahill on behalf of Calvin Ridgell.

15 THE COURT: All right. Good morning.

16 MR. LEINENWEBER: Good morning, Judge.

17 Tom Leinenweber on behalf of Defendants Matthew
18 Cadman and Michal Spaargaren.

19 THE COURT: Nice to see you, Mr. Leinenweber. Good
20 morning.

21 MR. MARX: Good morning, Judge.

22 Jason Marx on behalf of most of the defendant
23 officers except for those previously mentioned.

24 THE COURT: Okay. Very good.

25 MS. BESWICK-HALE: Hannah Beswick-Hale on behalf of

1 the same, most defendants.

2 THE COURT: Okay. On behalf of most defendants. All
3 right. Very good.

4 Good morning, everybody.

5 All right. So thank you for making the effort to
6 come on in.

7 I wanted to call today's hearing really as a
8 follow-up to the orders that have been issued by Judge
9 Valderrama recently about scheduling the trial. I don't know
10 if you got the short straw or the long straw, but Judge
11 Valderrama has been leading the charge on these cases, as you
12 know, with the capable assistance of Judge Finnegan, right?
13 You have been working awfully long, awfully hard for a long
14 time on discovery. And we're at the point where we need to
15 schedule things for trial.

16 I've been keeping tabs on the proceeding, but maybe
17 light tabs, you know, from a distance. I did see the order
18 that was issued by Judge Valderrama recently about scheduling
19 the trial. It sounds like the first trial is going to take
20 place in the first quarter of 2024 -- 2025. Excuse me. And I
21 think my case is the next lowest case, not that we have to
22 necessarily go in the order, but I -- is that not right? I'm
23 seeing some shaking of the heads.

24 I don't think that's right.

25 So let me put it this way: My understanding is my

1 case was going to be the second case to take off and land at
2 trial, as I understand the lay of the land as the marching
3 orders have been delivered to me.

4 So my understanding was we needed to get a trial date
5 on the books. And I wanted to bring you all in to talk about
6 how you can -- how we can do that and how much time you need,
7 when you think you can be ready, those sorts of things.

8 So let me hear from the plaintiff's team first.

9 MR. RAUSCHER: Sure.

10 THE COURT: Bring me up to speed. Say whatever you
11 want. I don't get to see you that often. So bring me up to
12 speed as much as you like and then tell me where you think we
13 ought to go going forward.

14 MR. RAUSCHER: All right. Well, I'm going to start.
15 I'll try to be brief to start at least.

16 We -- the first trial is scheduled for early January.

17 THE COURT: Right.

18 MR. RAUSCHER: It needs to be done by February 12th.

19 THE COURT: Yeah.

20 MR. RAUSCHER: That's part of the scheduling order.

21 THE COURT: Right.

22 MR. RAUSCHER: There are a total of 19 test cases.
23 We a while back had proposed kind of a schedule of when they
24 could each start from the plaintiff's perspective. This one
25 was -- we suggested would be the second case. We could start

1 it in March of 2025. That's aggressive when you think about
2 it coming right behind another trial, but not too aggressive
3 when you think about how old the cases are and how important
4 it is to keep them moving and given the fact that there are 19
5 and then 160 after that or so if they don't settle. I mean, I
6 think it's really important to keep them moving as quickly as
7 possible despite how difficult that's going to be for the
8 various lawyers.

9 THE COURT: Hopefully all the cases will be done
10 before I retire.

11 MR. RAUSCHER: I think it depends how they shake out.

12 THE COURT: I'm going to be here for a while.

13 MR. RAUSCHER: We hope so, too.

14 It is unlikely we're going to try 180 of these, I
15 hope, but we've got to keep them moving. And we think
16 March -- early March is the right place to start.

17 We think three to four weeks for a trial. That part,
18 the three or four weeks, I think we agree -- we've talked --
19 the parties have talked. We agree on the three to four weeks
20 as the likely length of the trial.

21 There is one thing related to that. I know that your
22 trial order talks about not calling -- like, defense wouldn't
23 put their case on during our case. We I think uniformly in
24 these cases, at least the firms here, waive scope so that
25 witnesses don't have to be called back more than once. And

1 we're hoping that's okay with Your Honor. Maybe it's too
2 early to have that conversation, but it might impact the
3 timing. So our three- to four-week estimate was assuming that
4 witnesses would be called once.

5 THE COURT: Okay. And I'm happy to address the scope
6 issue now or later. I will say that I put that presumption in
7 there frankly to be a bit protective of plaintiffs and *vice*
8 *versa*. If it's the defense team -- I like each side to be
9 able to present their story without undue interference.

10 So when the plaintiffs have the podium and the
11 microphone and they're presenting their case-in-chief, I like
12 them to be able to present their case without other people
13 injecting themselves unnecessarily. But sometimes there are
14 good reasons to go beyond, if somebody is out of town or maybe
15 convenience factors. If you have a lot of witnesses, if you
16 have a number of people testify more than once, it could be
17 difficult for the jury to absorb.

18 So it's I think a soft presumption that the
19 plaintiffs are going to go and then the defendants are going
20 to go, but it does depend on the case. So if people work
21 things out, I tend to show a lot of flexibility on that. So
22 I'm not too rigid on that.

23 I do it frankly because I did not want one side to
24 torpedo the other side's ability to present their story by
25 injecting their case when it's really the other side's case to

1 be presented at the time.

2 So -- all right. So you think three to four weeks
3 realistically?

4 MR. RAUSCHER: Yeah, we think that's realistic.

5 THE COURT: Do you need that? I'm often reminded of
6 that Rolling Stone song about getting what you need, not
7 really what you want.

8 Do you think you need three to four weeks?

9 MR. RAUSCHER: I do.

10 THE COURT: You all know the song I'm talking about.
11 Now you're trying to figure out what I just said.

12 Go ahead.

13 MR. RAUSCHER: I'm just trying to process it. I do
14 know the song. I do --

15 THE COURT: You can't always get what you want.

16 MR. RAUSCHER: I did not come here with -- hoping to
17 set, like, a longer time period.

18 THE COURT: Yeah.

19 MR. RAUSCHER: And as like an -- nor do I see it as a
20 negotiating plan with defendants.

21 THE COURT: Yeah.

22 MR. RAUSCHER: We both talked and both agree that's
23 the likely scope.

24 THE COURT: Okay.

25 MR. RAUSCHER: I have given thought to the witnesses

1 that are likely to be called. That could change --

2 THE COURT: I get a lot of adorable estimates of the
3 length of trial.

4 I have a thought, by the way, in my reptilian brain.
5 At some point I'd like to ask every party in every case how
6 much time they think I ought to spend on their case in a
7 calendar year. And then wouldn't that be funny to add up at
8 the end of -- like, if you ask every case, how much time
9 should I spend on your case this year, what do you think the
10 number would be in the aggregate?

11 So it might well be right, though, three to four
12 weeks in this case. I don't know. I mean, if that's -- you
13 all know the case a lot better than I do, so maybe three to
14 four weeks is right.

15 But -- okay. That works for you. March?

16 MR. RAUSCHER: That's our proposal.

17 THE COURT: For your team. That works okay for your
18 witnesses.

19 All right. How about defense team; what do you
20 think?

21 MR. NOLAND: Judge, our suggestion would be to start
22 on March -- May 12th. We think that March -- or in May. We
23 think that March would be aggressive. As Mr. Rauscher
24 indicated, there are a lot of these cases. We're going to be
25 rolling right off the Baker case. It's going to be the first

1 one. It's going to be a long case. There's going to be a lot
2 of witnesses. And so that roll -- that would conclude
3 sometime in February. We're then going to have to gear up
4 again, meet with witnesses relative to this case, which, you
5 know -- and then in addition, a lot of us have children and
6 there's vacations, there's spring breaks.

7 So our thought would be that they would be kept going
8 expeditiously if we did this in May because then after Baker,
9 we then would have the trial prep that would be in April, and
10 then we'd begin before the Court -- before Your Honor in May,
11 if that's an available date for you. Of course we don't know
12 your schedule --

13 THE COURT: Yeah.

14 MR. NOLAND: -- and that is the -- probably the
15 biggest part of this.

16 THE COURT: What does everybody else think?

17 MR. SULLIVAN: So I would just add to what
18 Mr. Noland said. May allows everybody to take a breath after
19 Baker, which is going to be a five-week trial and a pretty
20 significant one. Not that this isn't a significant one. But,
21 you know, after coming off that, it allows everyone to take a
22 breath.

23 I have a specific concern with my client who doesn't
24 live in Chicago. He is going to be here for Baker, return
25 home. I don't want him coming right back if we can avoid it.

1 I understand there are a lot of cases, and scheduling is
2 significant -- you know, there are going to be significant
3 scheduling issues. But we're not asking for May 2026; we're
4 just asking for a couple months after Baker ends, May 2025, to
5 get going on the next one.

6 THE COURT: Okay. Anything else from any defendant?

7 THE COURT REPORTER: Can I have your name?

8 MR. SCAHILL: Timothy Scahill.

9 Judge, along the lines that Mr. Noland articulated.
10 I'm one of the individuals who has a number of school-aged
11 children. And I will tell the Court that the last two weeks
12 of March has already been earmarked by my wife for an
13 international trip. I have --

14 THE COURT: Okay.

15 MR. SCAHILL: -- family abroad. So I'm duty-bound --

16 THE COURT: Not --

17 MR. SCAHILL: -- by the vows of my marriage to bring
18 that up to the Court.

19 THE COURT: All right. Now I've got to ask where
20 you're going.

21 MR. SCAHILL: I'm going to Germany.

22 THE COURT: Going to Germany.

23 MR. SCAHILL: My brother lives there, yeah.

24 THE COURT: Great. All right.

25 Folks, what do you think? Anybody else got anything?

1 Any other great trips planned?

2 MR. SULLIVAN: I do not have any great trips planned,
3 but I would just echo --

4 THE COURT REPORTER: Name, please.

5 MR. SULLIVAN: My name is Sean Sullivan. I'm sorry.

6 I would echo Mr. Gainer that although, you know,
7 Mr. Rauscher talked about how lawyers will need to work hard
8 and push through it, there are a number of individuals who are
9 defendants in almost all of these cases. And I think it's a
10 little different consideration to require those parties to
11 stack these cases back to back to back.

12 And I'm also a little worried that this scheduling
13 order will become the pattern, that we do one of these every
14 other month. So I would just raise the interests of the
15 parties in addition to the lawyers.

16 THE COURT: Let me give you one other reaction.

17 There's not just trial. There's pretrial and post
18 trial. Right. There's the game, the pregame, the post game.
19 You're going to have the post-game show in the case in front
20 of Judge Valderrama. You're going to have the pregame show in
21 front of me. That's going to take some time, too.

22 Anybody think there are going to be post-trial
23 motions in your trial in front of the Judge Valderrama? What
24 are the odds there's going to be post-trial motions? I think
25 high.

1 Anybody expect to be involved in pretrial motion
2 practice in front of me? Are you going to file motions *in*
3 *limine*, anybody?

4 MR. SULLIVAN: I intend to.

5 THE COURT: Anybody plan to come to the pretrial
6 conference?

7 MR. RAUSCHER: I would, yes.

8 THE COURT: I would think so.

9 I mean, my reaction is this is a daunting challenge
10 for all of you because there are a lot of cases and you've got
11 to move through them. And if you don't do it expeditiously,
12 this will never get done. And there's also a lot of wear and
13 tear on the human beings involved.

14 But we need some time in the schedule to do pretrial
15 stuff and post-trial stuff. I mean, you're going to have to
16 prepare -- you know, somebody is going to win or lose the
17 trial, it seems to me, in January. And somebody is probably
18 going to file a motion for a new trial or a motion for this,
19 that, or the other afterwards. And you all need time to brief
20 that.

21 I'm just -- let's play this out. What do people --
22 any reaction to that?

23 You know, think of the late February 2025 version of
24 you. Okay. Let's think about that person. What is that
25 person going to be doing. You know, if you've got a motion

1 for a new trial that you've got to file and you've got the
2 motion *in limine*-related stuff in front of me and the jury
3 instructions in front of me, it's a pretty daunting challenge.

4 I mean, are plaintiffs sure that they really want
5 that when I spell it out that way? I mean, that's a challenge
6 for you.

7 Go ahead.

8 MR. RAUSCHER: The answer is we don't really see a
9 viable alternative. That's the only way to get through all
10 this stuff and then get them off the Court's docket. I
11 recognize everything you're saying. We've, of course, thought
12 about it. We have -- there are six law firms on this side.
13 Our firm has 50 or so lawyers. I'm not saying it's not going
14 to be daunting. It is possible that not everybody in this
15 room is going to try each of the cases.

16 THE COURT: Yeah.

17 MR. RAUSCHER: I could probably work on them every
18 single day. If they get stacked month to month, I'm not going
19 to do all 19 of them.

20 THE COURT: You think the trial is going to end
21 February 12th, give or take, somewhere in there?

22 MR. RAUSCHER: I think it --

23 THE COURT: The second week --

24 MR. RAUSCHER: I --

25 THE COURT: -- of -- the second week of February.

1 MR. RAUSCHER: I'm sorry, Judge.

2 THE COURT: Yeah.

3 MR. RAUSCHER: It has to end then because of Judge
4 Valderrama's schedule. I think it may end earlier than that.

5 THE COURT: Okay.

6 MR. RAUSCHER: But it can go no later than --

7 THE COURT: He's got a hard stop?

8 MR. RAUSCHER: That's part of the order setting the
9 trial.

10 THE COURT: Okay.

11 MR. RAUSCHER: And can I add one --

12 THE COURT: Yeah, go ahead.

13 MR. RAUSCHER: The -- as far as the pretrial stuff,
14 again, no doubt there is going to be a lot of work. And some
15 of it is certainly unique to this case and won't be the exact
16 same as Baker. Some of it is going to be identical to Baker,
17 I believe, or very close it.

18 For example, our expert report, our *Mone11* report, we
19 -- and we intend to produce one report that's going to cover
20 both of those cases on the day that it's due in the Baker
21 case, which is this coming April, April 1st.

22 THE COURT: Okay.

23 MR. RAUSCHER: So there is some streamlining.

24 THE COURT: Okay. What else? Anybody else got
25 anything they want to say? Anybody?

1 I'm inclined to give you something in the latter half
2 of April. I think a couple of months should be enough of a
3 buffer.

4 Anybody want to pound the table on that suggestion
5 before we put something down?

6 I think institutionally we're hoping to move these
7 forward at a decent clip. I think if you're done by
8 February 12th, can't you be ready for trial by mid-April?

9 MR. RAUSCHER: Certainly from our perspective.

10 THE COURT: I think mid- -- you know, early to
11 mid-March seems a bit ambitious to me, candidly. I think you
12 all will get faster. The more you do, the less time you're
13 going to need between each trial. I think the delta between
14 the first trial and the second trial is going to be greater
15 than the delta between the fifth trial and the sixth trial.
16 You'll be able to try these cases in your sleep at some point.
17 But I think give or take two months is about reasonable.

18 Anybody want to push back on that? I'll listen to
19 you. I promise. Anybody?

20 MR. NOLAND: So that -- the only thing I'd add -- and
21 the points you raised were very good, Judge, with respect to
22 post and pregameing, as my kids would say. Sometimes that --
23 that can add more to a case, where there's -- now we've got
24 five weeks of transcripts. In addition to all the other paper
25 we've been digesting, you've got five weeks of transcripts

1 you're ordering, you're reviewing. Motions *in limine* that are
2 going to be filed -- we're going to be -- worked on and then
3 added to depending on how things went. And so that can
4 sometimes add, especially from -- and I think your point is a
5 fair one, as we do these, they're going to be more efficient,
6 but it might be -- there could be a -- before they get more
7 efficient, they could be less efficient between one and two.

8 So I'm not going to pound my hand on the table,
9 but -- but --

10 THE COURT: Here's what I'm thinking: I'm thinking
11 about having the pretrial order due before Germany as an act
12 of mercy. And we have the final pretrial conference at some
13 point, you know, let's say the second week of April, the first
14 or second week, and we do the trial maybe the second or third
15 week of April, depending on my calendar.

16 What do people think of that framework?

17 Let's throw a date out for the final pretrial
18 conference -- excuse me -- for the final pretrial order in
19 March.

20 Your trip to Germany is -- do we know?

21 MR. SCAHILL: I think it's going to be over the last
22 two weeks --

23 THE COURT: Okay.

24 MR. SCAHILL: -- of March.

25 THE COURT: So what's St. Patrick's Day in 2025?

1 MR. SULLIVAN: It looks like Monday, the 17th.

2 THE COURT: You're out the 17th?

3 MR. SCAHILL: That should be fine.

4 THE COURT: Okay. Let's do St. Patrick's Day. How's
5 that? We'll do St. Patrick's Day. Easy landing spot.

6 Does that give you all enough time to put it
7 together? That gives you about a month after the trial.

8 MR. RAUSCHER: I think that should be plenty of time.

9 THE COURT: I think that should -- you know, I think
10 the benefit, from my perspective, is it will -- you know, I
11 don't know what Judge Valderrama is going to do in his
12 rulings, but it's conceivable to me he may do something that
13 would affect what I do, and it gives us a little bit of time
14 to get those transcripts. Right?

15 So let's have it due March 17th. Let's throw out a
16 date for the final pretrial conference in the first week or
17 two of April and let's put the trial in the second or third
18 week of April.

19 THE CLERK: April 7th.

20 THE COURT: For the pretrial conference. Okay.

21 THE CLERK: And we can do -- do you want the week
22 after or two weeks after?

23 THE COURT: We're free on both of them?

24 THE CLERK: Yes.

25 THE COURT: Anybody have a preference on the 14th or

1 the 21st? It's just half a dozen of the other.

2 MR. SCAHILL: I'd prefer the later just --

3 THE COURT: All right. Let's do April 21. We'll do
4 April 21. We'll try it.

5 We'll give it a go. Maybe this is -- you know, there
6 is a world in which this is too much time. There is a world
7 in which this is too little time. I think it is unlikely when
8 the time comes that you say to yourselves, boy, I wish I had
9 less time to get ready for my second trial. That's my guess.

10 And even the plaintiffs, too. I'm guessing you'll
11 either be coming off a triumphant victory or you'll be licking
12 your wounds. In either case, I think you're going to be glad
13 to have an extra week, I think, if I had to predict. I'm
14 thinking of the April version of you.

15 I'll ask you in April of 2025 if my prediction proved
16 to be correct.

17 MR. RAUSCHER: I'm sure I'll know the answer.

18 THE COURT: Yeah, that's my prediction, anyway.

19 This seems reasonable, I think.

20 Let me tell you, too, I've sort of split the baby
21 here. I'm not hardwired to be a baby-splitter. I don't tend
22 to go down the middle just because. I think this though makes
23 sense to me. You know, I think it gives you a couple of
24 months. I think a couple of months between trial one and
25 trial two is reasonable. It moves things forward in a

1 relatively expeditious way. It gives you folks a chance to
2 breathe, get ready for trial and have a bratwurst along the
3 way -- see what I mean? -- so to speak.

4 Is that okay? What do you think?

5 You all can go to your -- you can go to your spring
6 break. You can be well prepared for trial.

7 Anybody want to say anything else?

8 All right. So the March 17th day will be all --
9 well, let me back up.

10 Do we think that we need to set any other dates apart
11 from motions *in limine*?

12 I think motions *in limine* and *Daubert* should be due
13 on March 17th. So that will be due, everything. And then any
14 responses are going to be due the 31st. Okay?

15 If anyone wants to accelerate those dates in the
16 interest of preserving spring break, I will listen to you.

17 MR. RAUSCHER: I'm happy to talk to them about that.

18 THE COURT: Why don't you guys -- why don't you talk
19 offline. This is what I'm going to -- the framework I'm going
20 to impose unless I get an e-mail from you all today saying
21 there is a joint request to accelerate the date.

22 So if you all just an active -- whatever the opposite
23 of mutual-assured destruction is, mutual-assured spring
24 breaking, if you want to accelerate it by a couple of dates,
25 you -- you know, a couple of weeks, I'll do that, okay, if you

1 want to -- if you want to do that.

2 But usually I like having the final pretrial order
3 due the same day as motions in limine. All right. So they'll
4 be due March 17th for the motions *in limine*. Responses due
5 March 31st unless you jointly request in an e-mail to my
6 courtroom deputy that we accelerate the dates, in which case
7 I'll do it if you want to give yourselves a little more -- a
8 little more breathing room.

9 Any other dates that you all think we need to set? I
10 think we've got a good plan here. I don't know if it's the
11 right plan. We'll figure it out as the time comes.

12 You agree that three to four weeks -- I'm trying to
13 think out loud here if there's anything else I forgot.

14 So we'll go ahead and book that.

15 What else can I do to help you get ready for trial or
16 to have this go smoothly?

17 MR. RAUSCHER: I don't think anything for today that
18 I can think of.

19 THE COURT: Okay.

20 MR. NOLAND: Judge, there is one thing I want to
21 raise --

22 THE COURT: Yeah.

23 MR. NOLAND: -- not to be decided today.

24 THE COURT: Yeah.

25 MR. NOLAND: You -- I know from your minute order you

1 saw it in Judge Valderrama's order that there was a joint
2 status report --

3 THE COURT: Yeah.

4 MR. NOLAND: -- before Judge Valderrama --

5 THE COURT: Yeah.

6 MR. NOLAND: -- where he asked the parties for their
7 thoughts on consolidating Mr. Gipson's case for his
8 January 2003 arrests with five other plaintiffs who were
9 arrested at the very same time, same incident.

10 THE COURT: Right.

11 MR. NOLAND: The plaintiffs had initially taken the
12 position that all of those should be consolidated along with
13 Mr. Gipson's case and his -- he has three arrests as part of
14 his case. So that was the plaintiff's position.

15 The defendants' position was that the cases should be
16 consolidated and then later on after this Court rules, takes a
17 look at possibly summary judgment, whatever, that we debate
18 whether or not it makes sense to have all of Gipson's three
19 arrests --

20 THE COURT: Right.

21 MR. NOLAND: -- as part of this.

22 THE COURT: Right.

23 MR. NOLAND: To us on the defense side it cried out,
24 especially with the fact there is almost 200 of these cases.
25 This case in particular is the golden opportunity to try -- to

1 knock six of these out at once. Rather than have six
2 month-long trials, we could do one because all these other
3 guys -- all these other plaintiffs on the January '03 arrest
4 will be testifying in this case. Well, one of them is
5 deceased.

6 So -- but --

7 MR. RAUSCHER: It doesn't matter.

8 MR. NOLAND: They're all going to be testifying, so
9 there is just an incredible amount of overlap. So -- and the
10 officers are all going to be testifying to the same thing
11 because it's the same arrest. They're all in the same case
12 report.

13 We understand -- that was presented to Judge
14 Valderrama in that joint status report. He entered his order
15 with respect to that.

16 I just want to let you know, Judge, that we are
17 seriously evaluating another -- a motion on that. We never
18 did file an actual like formal motion to consolidate --

19 THE COURT: Yeah.

20 MR. NOLAND: -- all six of them. We're in
21 discussions with -- I'm in discussions with the City right now
22 of how to approach that. I just didn't want to walk out of
23 here today without Your Honor knowing that we are evaluating
24 that.

25 And Your Honor asked us to consider the scope of

1 this -- this trial, and what I presume you meant by that was
2 whether or not all three of these Gipson --

3 THE COURT: Yep.

4 MR. NOLAND: -- arrests ought to be together.

5 THE COURT: Right.

6 MR. NOLAND: And that's part of the reason we started
7 thinking about it. Well, there's I think a pretty good
8 argument that it makes more sense to try the six cases
9 together, the six plaintiffs, than Mr. Gipson's three separate
10 arrests. They're separate -- one is five months later and the
11 another one is four years later. Different police officers on
12 some of them.

13 That being said, like I said, it doesn't need to be
14 decided today. We are evaluating that. We might ultimately
15 agree that the three Gipson arrests ought to be together
16 regardless. We haven't -- I can't -- I don't have authority
17 to tell the Court what our position would be on that, but
18 it -- it is -- like I said, we're seriously considering -- I
19 can't put a percentage on it of whether we'd file a motion to
20 formally consolidate those six cases to be tried before
21 Your Honor. And I'm not exactly sure if that motion would go
22 before Judge Valderrama or Your Honor. I don't know -- I
23 really don't know procedurally how that works.

24 Obviously Judge Valderrama entered an order on it.
25 So -- but -- but then, of course, this Court is the Court who

1 would be trying all six of these cases together, which I think
2 you'd be a hero if you took six of these cases out at once.

3 So --

4 THE COURT: Well -- so, thank you for that. A couple
5 things.

6 First, those other cases, is it five or six other
7 cases?

8 MR. NOLAND: It's a total -- it's five other cases.

9 THE COURT: Five other cases.

10 MR. NOLAND: Yeah.

11 THE COURT: So it's a total of six.

12 So are those cases assigned to me --

13 MR. NOLAND: No.

14 THE COURT: -- or are they assigned to other judges?

15 So that's one obstacle that you would have, is there
16 would need to be a motion to reassign those other cases to me.

17 The question I have is, whose call is that, candidly?

18 I mean, I saw Judge Valderrama's order on that. I am
19 very much hardwired to not get crossways with another judge.

20 So --

21 MR. SCAHILL: Judge, if I can interject.

22 THE COURT: Yeah, go ahead.

23 MR. SCAHILL: We've had this in a couple of other
24 cases. And I think of those six cases, Gipsons' cases, it's
25 Gipson, Coleman, Giles, Lomax, Roberts -- I think I'm missing

1 one.

2 MR. RAUSCHER: Georgie Ollie.

3 MR. SCAHILL: Ollie.

4 And, again, these are consolidated proceedings, but
5 if we were to assume that we didn't have consolidated
6 proceedings and that scenario occurred, it's the Court who has
7 the lowest case number we would file --

8 THE COURT: Well, that's certainly correct, yeah.

9 MR. SCAHILL: Yeah. And so under normal
10 circumstances, it would be us filing it in front of Your Honor
11 and Your Honor making a decision --

12 THE COURT: That would be in the ordinary case in
13 which I have the lowest case and you want it reassigned to me.
14 What's delicate here is we've got a -- the Watts coordinated
15 proceedings generally. And Judge Valderrama is the shogun of
16 those cases. He's overseeing everything. And he's issued an
17 order saying he doesn't think those cases should be
18 consolidated.

19 You know, would it be my place to second-guess that?
20 If you disagreed with that, would you want to bring the motion
21 up to him? He would probably want to know what I want to do
22 before he'd even entertain it.

23 I think if you want to revisit that, you ought to
24 give that some thought and you ought to talk it over.

25 You know, Judge Valderrama knows the case, candidly,

1 better than I do. He didn't think it made sense to
2 consolidate.

3 MR. SCAHILL: I mean, we had --

4 THE COURT: Go ahead.

5 MR. SCAHILL: You know, we -- you know, again, this
6 was just in a status report.

7 THE COURT: Right.

8 MR. SCAHILL: So, you know, I -- there had been
9 discussions a number of months ago about putting everything
10 together with the plaintiffs, and they had indicated some, you
11 know -- I don't want to say interest, but some, you know,
12 potential that they would, you know, agree if everything was
13 in. I think they just wanted Gipson's three in and then --

14 THE COURT: Yeah.

15 MR. SCAHILL: -- the other ones would be in. You
16 know, we've kind of gone back and forth about that a little
17 bit. I'm not sure where they're at on that. But the point
18 being we hadn't briefed necessarily in front of Judge
19 Valderrama all of the elements for a consolidation motion for
20 that.

21 And so, again, for sure, you know, that is something
22 that needs to involve Judge Valderrama, I would think, because
23 of his role already in this. But, you know, there is a
24 specific set of elements that underlies that standard that has
25 not been briefed yet. So we're going to definitely give some

1 thought to how that's going to go and speak to our colleagues
2 on the other side to see whether there is some movement there
3 as some sort of agreement.

4 My view on this is that, you know, if we're talking
5 about a three- to four-week trial and all of these other
6 people are going to be witnesses and we're already going to be
7 talking about that event, I think it is very, very plausible
8 that that original schedule still fits those other five cases
9 in, believe it or not, because it's the same -- you may have
10 some additional damage stuff, but not any appreciable amount
11 of time. And then we rock through six other cases without
12 adding on all of these other tri- -- I mean, because what's
13 going to happen? Are we going to -- are each of those other
14 five people going to have month-long trials with the same
15 witnesses again? I mean, talking about institutional issues,
16 it becomes a morass.

17 THE COURT: Yeah, so I appreciate all that.

18 I will tell you one of the leading things that comes
19 to mind when I hear situations like this is what it's going to
20 feel like to the jurors. Every day that a juror sits in the
21 box is hard for those people. It's a sacrifice. And I
22 especially am attuned to their ability to absorb and
23 comprehend and follow along.

24 I try very hard as a judge to keep jurors interested
25 and motivated and here. And the longer trials go, the harder

1 it is on them. And I would want to make sure in any case --
2 not just this case, but any case -- if it's consolidated, that
3 they can figure out who is who and what's what and which
4 claims are which and understand the story.

5 So I will entertain consolidation motions in general
6 if I think the jury can absorb it and we can get some rational
7 decision-making. If I think it's going to be confusing, I
8 don't.

9 You ought to think to yourself, if you add more
10 bodies in the courtroom, that's going to be more things that
11 the jury is going to decide. Is that going to be harder for
12 them? Is it going to increase the likelihood of them being
13 confused? And if so, do you want that?

14 I mean, if it's harder for the jury to make a good
15 decision, that could end badly for you. Or maybe not. I
16 don't know. But you've got to really think about how this is
17 going to be for the jurors, right? Is it going to be too much
18 complexity where they're going to be having a hard time
19 sorting through things.

20 What do you think on all of this?

21 MR. RAUSCHER: I would like to -- well, to clarify,
22 if it wasn't clear, on our side we've never entertained the
23 possibility that Mr. Gipson's three arrests would be severed
24 and tried separately. That was a discussion that I think we
25 first had a day or two before this status report that they're

1 referring to was filed. We would definitely oppose that. And
2 it's not -- I know the Court doesn't have the background, and
3 I'm not going to try to get into all of the details of
4 everything today, but it is not that we just picked three
5 random events and put them together in a complaint.

6 Mr. Gipson specifically alleges that he was targeted
7 by Watts, retaliated against for filing a complaint with the
8 police by being arrested again. So if they file a motion,
9 we'll of course respond to the motion.

10 THE COURT: So can I interrupt one second?

11 So that's in the complaint now --

12 MR. RAUSCHER: That is --

13 THE COURT: -- right?

14 MR. RAUSCHER: -- in the complaint.

15 THE COURT: All right. So that's the *status quo*.

16 MR. RAUSCHER: Right.

17 THE COURT: Right. So here's the *status quo*: I have
18 the Gipson case. Gipson is alleging three arrests, right,
19 over three different times. So -- I don't have any other
20 cases. So, as things currently set, I'm going to trial in
21 April of 2025 with Mr. Gipson involving three different
22 arrests. If people want to change that, you can file a motion
23 either in front of me or Judge Valderrama to change that.

24 I think the severance motion for the other
25 three -- excuse me -- the other two arrests would need to be

1 in front of me.

2 For the consolidation of the other cases, I don't
3 know. I feel like that might need to be teed up in front of
4 Judge Valderrama if for no other reason than to avoid any
5 institutional awkwardness. I mean, he's got an order out
6 there. He would probably want to know what I would think and
7 whether I'd be willing to handle all of them, but it just
8 feels to me like he should weigh in on it. Don't you think?

9 MR. RAUSCHER: I think that's definitely right.

10 THE COURT: Yeah.

11 MR. RAUSCHER: It's -- I mean, there is an order.
12 There was --

13 THE COURT: There is an order, yeah.

14 MR. RAUSCHER: -- there's a status report. It wasn't
15 a motion, but it was a status report specifically saying
16 here's -- from the Court, here's what the Court thinks -- or
17 at least tell us what you think.

18 And so it is not the case -- like, we can't just
19 ignore that there is consolidation. I'm just I think now
20 repeating what you're saying. But I think it would have to go
21 to Judge Valderrama.

22 THE COURT: Yeah, I think that's right.

23 I mean, I can't reassign cases. The executive
24 committee does. And if there is currently an order from Judge
25 Valderrama saying those other cases shouldn't be consolidated,

1 it seems to me that if you want them consolidated, you've got
2 to convince Judge Valderrama.

3 You might be right. Maybe this makes all the sense
4 in the world. I'm just not sure that I'm the right person --
5 and I might agree with you. I don't know. But I think that
6 Judge Valderrama is the right person to make that call, it
7 seems to me.

8 MR. NOLAND: Yeah --

9 THE COURT: Anybody disagree with that?

10 MR. NOLAND: By bringing it up, we didn't mean to
11 suggest that that has to be decided today or --

12 THE COURT: No, I know.

13 MR. NOLAND: -- that it shouldn't be Judge
14 Valderrama.

15 THE COURT: I've got it.

16 MR. NOLAND: And so, yeah, he entered the order. And
17 so that was -- certainly that was in our mind as well.

18 THE COURT: Was that a surprise, that he entered
19 that, to you all? Did you expect him to do that?

20 MR. SCAHILL: On a joint status?

21 THE COURT: Yeah.

22 MR. SCAHILL: A little bit because there wasn't a
23 motion on it.

24 THE COURT: Yeah.

25 MR. SCAHILL: But, you know -- and as I said, you

1 know, I've filed these motions on a number of occasions. And
2 there's -- I'm sure Your Honor has reviewed them on other
3 occasions, that there's a whole set of elements and
4 considerations that's briefed before the judge.

5 But, you know, Judge Valderrama has a lot of
6 institutional knowledge on these cases, so I'm sure his -- you
7 know, he had, you know, reasons for doing that, but we
8 obviously didn't have the full opportunity to kind of put
9 forth, you know, what our positions were on that matter.

10 And, again -- I don't want to speak for the
11 plaintiff, but I'm not so sure that they were too far off in
12 wanting to have everything with Gipson and his co-plaintiffs
13 sort of being wrapped up. Particularly if we're talking about
14 moving things forward, this is a golden opportunity to, you
15 know, get all of this stuff rolling as opposed to having six
16 month-long trials, which is going to be quite taxing on
17 everybody and the Court.

18 THE COURT: Let me just tell you how I'm hardwired
19 generally. I am hardwired to help other judges. I am
20 hardwired to avoid creating problems for other judges. So, in
21 general, if I can help another judge, I will. I don't like
22 undoing what another judge did because that's hard on the
23 other judge and I wouldn't like it either.

24 You know, so I do appreciate you flagging all this,
25 though. You know, if you convince Judge Valderrama that this

1 is the right thing to do, you know, I'm going to be -- work
2 every day and I'm going to handle whatever case is in front of
3 me that needs to be done in April of 2025, whatever it is, but
4 I need to talk to him on it. And I appreciate you flagging
5 that.

6 The good news is I've got a pretty open trial
7 calendar at this point in time at that part of the year. And
8 I'll do some loose sketch work in the weeks after this to try
9 to keep it free if I can. It sounds to me like if the cases
10 were consolidated, the trial would last a little bit longer
11 but not materially longer.

12 I think one of Newton's laws of nature is the more
13 lawyers that are in a room, the longer things take. So I
14 think if there are lots of cases and lots of lawyers, it's
15 just going to take longer. It is inconceivable to me that it
16 will not add time, right? It will add time, if no other
17 reason you've got more people giving openings and closings and
18 more exams. Everybody wants to get their lick in.

19 I don't know how much longer it would be. It would
20 be longer. So you've got to give some thought to that
21 realistically with the expectation that I might hold you to it
22 if we did do more than one case. You would have to be
23 realistic about how long this is going to be and expect me to
24 build a wall around your estimate.

25 Go ahead.

1 MR. NOLAND: So the one point I was going to make is
2 I'm not sure it adds any lawyers.

3 THE COURT: You don't think?

4 MR. NOLAND: Oh. So it adds one lawyer. It adds one
5 plaintiff's lawyer.

6 And if I could comment on just -- and I know that
7 this is for another day.

8 THE COURT: Good morning, Mr. Flaxman. Nice to see
9 you. Good morning.

10 MR. NOLAND: The confusion -- the Court -- Your Honor
11 raised the confusion of the jurors. I think that it would
12 alleviate a ton of confusion for the jurors to be able to see
13 all of the individuals who were arrested at that very same
14 time all together. They know who -- who is who. They can
15 look at them. They can see it when they tell their story.
16 Otherwise, one guy walks in. One plaintiff walks out. You
17 know, Mr. Gipson is the only one sitting there. I think that
18 would be the thing that would cause the confusion --

19 THE COURT: Okay.

20 MR. NOLAND: -- not to have them all together.

21 So obviously we can make that in our paper, but I
22 just think Your Honor's point is a great one, but just the
23 visualization of having those people here, they'll know who it
24 is and it will help them remember, especially for a three- or
25 four-week trial where they're going to know it. So --

1 THE COURT: You might be right. You might be right.
2 I don't know.

3 MR. SCAHILL: You have other -- if you have people
4 with lawsuits on the stand before their lawsuits come, I mean,
5 we obviously say, well, we should cross-examine them for bias,
6 and then the jury says, well, hang on, what's going on with
7 that lawsuit, and then there's limiting -- I mean, I'm just
8 spitballing here, Judge.

9 THE COURT: Yeah.

10 MR. SCAHILL: But -- because we've done that. I know
11 me and Mr. Noland have done that in trying a case, and it does
12 add a level of confusion where the jury is like, well, hang
13 on, you have a lawsuit also but nothing has happened. And
14 they don't typically hear that. It's just -- these are just
15 practical things that I think is -- we all need to be
16 thoughtful about.

17 THE COURT: Yeah.

18 How would the plaintiff's team summarize their view
19 of the consolidation idea? I mean, I -- I looked at your
20 submission in the other case and I was not a hundred percent
21 sure how solid you were on opposing the request for
22 consolidation. It seemed like -- vacillation sounds like a
23 negative, and I don't mean it in that spirit. I mean more
24 like -- there is some level of uncertainty or mild opposition
25 or however you want to frame it.

1 MR. RAUSCHER: Yeah, I mean, I think you -- I think
2 you've read it the way it was designed to read.

3 THE COURT: Yeah.

4 MR. RAUSCHER: There are -- we acknowledge in there
5 there are some potential efficiencies. And those people are
6 going to testify. But there are also some drawbacks, which
7 Judge Valderrama identified and addressed.

8 It was not a surprise at all on our side that he
9 ruled on it because he said we have to make this decision,
10 give me a status report to talk about it. I think at this
11 point it seems clear if someone wants to change that, they
12 need to file a motion, and then we'll respond to that motion.
13 There are lots of different, you know, permutations,
14 possibilities, pros, cons.

15 THE COURT: So here's what I would say: I'm in the
16 business of trying to help other people, especially other
17 judges, and sort of salute and march forward with whatever
18 task is assigned to me. So if Judge Valderrama thinks that it
19 makes sense to consolidate them, I'll do it. He's already
20 said he doesn't think it makes sense. So you'd have to do
21 some lawyering to turn that around if you think that there's a
22 better way of doing it. Okay? If you convince Judge
23 Valderrama that it's the right thing to do, I'll do it.

24 Does that make sense, everybody?

25 MULTIPLE SPEAKERS: Yes.

1 THE COURT: Does that seem reasonable?

2 I'll do whatever Judge Valderrama thinks. I'll take
3 orders from him, just like you people. All right?

4 Okay. So let me again summarize the lay of the land.

5 The *status quo* is that I've got the Gipson case.
6 Gipson has got three arrests. They are all going forward
7 unless there is a motion to sever -- a motion for addition or
8 a motion for subtraction. Right? A motion to add or a motion
9 to cut. Right? That's the lay of the land. The complaint
10 is -- defines the field of terrain here.

11 What else can I do to move things forward today in a
12 productive way? What do you think?

13 MR. SCAHILL: Judge, Your Honor does not do -- you're
14 going not going to hold *Daubert* hearings, are you, with
15 witnesses?

16 THE COURT: Do you think I need to? Does anybody --
17 does anybody --

18 MR. SCAHILL: We haven't typically done -- we don't
19 know who the experts are, of course, but --

20 MR. RAUSCHER: We have a good idea.

21 MR. SCAHILL: Yeah. I mean, yeah, we have an idea of
22 what kind they're going to be.

23 THE COURT: Remind me what the schedule is for
24 disclosures.

25 MR. RAUSCHER: Well -- so it's only for Baker right

1 now --

2 THE COURT: Yeah.

3 MR. RAUSCHER: -- for expert. It is April 1st --
4 plaintiff's disclosures are April 1st. Defendants take those
5 depositions by April 22nd. Their disclosures are due
6 May 13th. Plaintiffs to depose defendants' experts by
7 June 3rd of this year.

8 And Judge Valderrama does *Daubert* motions before
9 summary judgment. So that's -- which is why it's so -- you
10 know, why --

11 THE COURT: And he --

12 MR. RAUSCHER: -- the disclosures --

13 THE COURT: And just --

14 MR. RAUSCHER: -- are so far in advance.

15 THE COURT: -- to be clear, he's got all summary
16 judgment, doesn't he?

17 MR. RAUSCHER: We don't know the answer to that.

18 THE COURT: In other words, if in the Gipson -- and
19 maybe I have this wrong. But if there was -- if the Gipson
20 team wanted to file a motion for summary judgment, is that in
21 front of me or Judge Valderrama?

22 MR. NOLAND: I thought it was in --

23 THE COURT: Or we don't --

24 MR. NOLAND: -- front of --

25 THE COURT: -- know?

1 MR. NOLAND: -- you, Your Honor.

2 THE COURT: It is. Okay. Fair enough.

3 MR. RAUSCHER: One judge can -- oh, I'm sorry.

4 THE COURT: Go ahead.

5 MR. RAUSCHER: The order that set the -- set all this
6 out I think is unclear about that. And I've heard judges say
7 different things, I believe, over the years, which -- so I
8 don't actually know the answer, and I think it's a --

9 THE COURT: I will give you my reaction. If Judge
10 Valderrama is taking 180 summary judgment motions, bless him.

11 MR. RAUSCHER: I would assume that, yeah, he's
12 probably not.

13 THE COURT: I don't know. Does that seem like a
14 heavy lift to anybody?

15 MR. SCAHILL: It seems quite inhumane, Judge.

16 THE COURT: It seems inhumane. Eighth Amendment
17 problem and it seems like a -- that seems like a lot. Maybe
18 that's the plan though. I don't know. I mean, it depends on
19 what arguments people have. If there's a -- let's imagine a
20 world in which there is a statute of limitations kill shot on
21 90 percent of the cases. I just threw that out there for an
22 easy example. Do I need to set a schedule for summary
23 judgment just in case?

24 What is his schedule --

25 MR. RAUSCHER: So his --

1 THE COURT: -- for dispositive motions?

2 MR. RAUSCHER: Sure. His schedule for summary
3 judgment has the briefs due on April 26th, responses due
4 September 16th, replies due September 30th, all of this year.

5 THE COURT: You said April 16th. Did you mean that?

6 MR. RAUSCHER: No, I did not. I meant August.

7 April --

8 THE COURT: Okay.

9 MR. NOLAND: -- was the expert dates.

10 THE COURT: Yeah. So the concept is *Daubert* in April
11 of 2024, summary judgment in August of 2024.

12 MR. RAUSCHER: The expert disclosures are starting in
13 April. *Daubert* briefing starts in June.

14 THE COURT: In June. I beg your pardon. Okay.

15 So *Daubert* in June. Okay.

16 MR. RAUSCHER: June through July to finish it.

17 THE COURT: Okay.

18 MR. NOLAND: Judge, could I make a suggestion?

19 THE COURT: Yep.

20 MR. NOLAND: Could we maybe consult with plaintiff's
21 counsel --

22 THE COURT: Yes.

23 MR. NOLAND: -- and now that we have a trial date and
24 the other dates --

25 THE COURT: Yes.

1 MR. NOLAND: -- and submit a, hopefully, agreed order
2 with respect to a --

3 THE COURT: Please do.

4 MR. NOLAND: -- summary judgment and expert discovery
5 schedule for your case.

6 THE COURT: Yeah, please do. I think that would be
7 helpful.

8 When do you want to do that?

9 MR. NOLAND: We can do it in -- within a week.

10 MR. RAUSCHER: Yeah, that's plenty of time.

11 THE COURT: That's fine. Why don't you do it -- do
12 it by two weeks from Friday. Give you a couple of weeks.

13 All right. I have sometimes done *Daubert* stuff
14 before summary judgment. I sometimes do it later. I do it
15 before only if it matters to the summary judgment. I'm not
16 going to rock the boat, though. If this is what Judge
17 Valderrama is going to do, I'm probably going to do the same
18 just to make it easy on you all.

19 MR. RAUSCHER: Could --

20 THE COURT: See what I mean?

21 Go ahead.

22 MR. RAUSCHER: I'm sorry.

23 I was going to say, maybe that's something we could
24 discuss with them also. If Your Honor is open to it, I think
25 there are probably some expert reports that are going to be

1 relevant for summary judgment and some that probably aren't.

2 THE COURT: Okay. I mean, what I want to avoid is a
3 situation where we're doing summary judgment and I get a
4 response brief that says I want to knock out the other side's
5 expert. You know, a critical part of this *Daubert* -- the
6 summary judgment motion is expert stuff and it's inadmissible
7 for these reasons and then we haven't done *Daubert*. See what
8 I mean? I either want to do it simultaneously or get *Daubert*
9 ahead of time. So give it some thought about your status
10 report.

11 Maybe you can let me know by two weeks from Friday in
12 the status report what's happening with you and Judge
13 Valderrama on the consolidation front.

14 Is that enough time, everybody, to sort out what you
15 want to do?

16 MR. NOLAND: I think so, Judge, yes.

17 THE COURT: Okay.

18 MR. SCAHILL: I'm not sure we'll have a motion
19 filed --

20 THE COURT: No, that's fine.

21 MR. SCAHILL: -- but we'll have a --

22 THE COURT: Just say hey --

23 MR. SCAHILL: -- an idea as where we're going --

24 THE COURT: Yeah.

25 MR. SCAHILL: -- with it.

1 THE COURT: Yeah, you know, just let me know what
2 your current and best thinking is on that.

3 You can put anything else in the status report that
4 you want, anything else, any other constructive ideas for how
5 to move this case forward in a productive, orderly way.

6 What do you think? Is that good?

7 MR. RAUSCHER: Sounds good.

8 THE COURT: Let me say one other thing, too. Before
9 the final pretrial conference, everyone will need to have read
10 my standing orders. You need to read the standing order on
11 the pretrial order. You need to read the standing order on
12 trials as well.

13 A lot of things have surprised me having taken the
14 bench. One of them is that lawyers don't read judges' orders.
15 Honestly. Like, a lot of people don't read my standing order
16 for trial. That should be one of the most precious things to
17 you because the judge put some thought into it. And, you
18 know, I have a lot of people that just show up for trial and
19 have not read it. And then bad things happen. Things never
20 go more smoothly if you don't know the rules. See what I
21 mean?

22 So please read it. You know, I like things to go
23 smoothly in the courtroom, especially trial. It's going to be
24 smooth on the 23rd floor of the Dirksen Federal Building. All
25 right? So please do that.

1 From the plaintiff's perspective, what else can I do
2 to move the ball forward for you folks today?

3 MR. RAUSCHER: We've covered a lot. I don't think
4 there's anything else from our perspective.

5 THE COURT: Okay. How about the defense team? What
6 do you think?

7 MR. NOLAND: Nothing else.

8 THE COURT: Anything from anybody?

9 MR. SCAHILL: Not from us.

10 THE COURT: Is this making sense, everybody? Does
11 this seem fair and orderly and rational and -- anybody feel
12 overly stretched?

13 I think this seems like an expeditious enough
14 schedule. Maybe the April version of you will wish you were
15 trying this case in March. I'm going to go out on a limb and
16 guess the April version of you will thank the February version
17 of you today that you didn't convince me to book it in March.
18 I think the fact that you've got two months of a gap will
19 probably be a blessing to you when the time comes. I'm
20 guessing. But we'll see. We'll give it a go. You've got two
21 months between the trials. Okay?

22 MR. RAUSCHER: Thank you.

23 THE COURT: So I will put a minute order out
24 confirming the trial dates and the other pretrial submissions.
25 I'm going to hold off on doing so until you send me a -- I'll

1 give you a chance to talk about whether you want to move
2 forward the motions *in limine*. Try to do it by noon tomorrow.

3 If you don't send an e-mail to Ms. Ramos by noon
4 tomorrow, I'm going to go with the motion *in limine* schedule
5 that we already talked about, meaning the motions *in limine*
6 due on March 17th and the responses due on the 31st.

7 MR. RAUSCHER: And we had originally talked about
8 *Daubert* on that schedule, but now that's carved out
9 separately; is that right?

10 THE COURT: That's right. Yeah. Well, it might be
11 carved out separately.

12 MR. RAUSCHER: I meant for purposes of tomorrow,
13 whatever we're going to send you tomorrow.

14 THE COURT: So for purposes of tomorrow, just talk
15 about the motion *in limine*. I'm going to give you a chance to
16 talk about the consolidation issue and summary judgment and
17 *Daubert* and all that. And just make a proposal to me by two
18 weeks from tomorrow.

19 MR. RAUSCHER: Okay.

20 THE COURT: Just put everything in there. Give me a
21 status, give me a proposal. I'll get it on the docket and
22 we'll get roaring to go.

23 Okay. Anything else, anybody?

24 All right. Thanks, everybody, for coming in. I
25 appreciate again you taking all the time with me this morning.

1 I'm sorry to keep you waiting, but we'll move you forward
2 expeditiously and we'll have a good trial next April.

3 Thanks, folks.

4 MULTIPLE SPEAKERS: Thanks, Judge.

5 (Which were all the proceedings heard.)

6 * * * * *

7 CERTIFICATE

8 I certify that the foregoing is a correct transcript from
9 the record of proceedings in the above-entitled matter.

10
11 /s/ Amy Kleynhans

2/29/2024

12 Amy Kleynhans, CSR, RPR, CRR
13 Official Court Reporter

Date