

EXHIBIT 1

TRANSCRIBED FROM DIGITAL RECORDING

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

MADELINE MENDOZA, Plaintiff,)
-vs-)
REYNALDO GUEVARA, et al.,) Case No. 23 CV 2441
Defendants.)

MARILYN MULERO, Plaintiff,) Case No. 23 CV 4795
-vs-) Chicago, Illinois
REYNALDO GUEVARA, et al., Defendants.) May 15, 2024
) 11:01 a.m.)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE YOUNG B. KIM, MAGISTRATE JUDGE

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1 (Proceedings heard in open court:)

2 THE CLERK: Case 23 CV 2441, Mendoza vs. City of
3 Chicago, et al.

4 THE COURT: We should go ahead and call the other
5 case number, too, for the record. 23 CV 4795.

6 All right. Please approach.

7 MR. FLAXMAN: Good morning. Joel Flaxman for
8 Plaintiff Mendoza.

9 MR. GRANT: And Carter Grant for Plaintiff Mulero.

10 MR. SCAHILL: Good morning, your Honor. Timothy
11 Scahill on behalf of Defendant Guevara. Also, Katie Boyle
12 from my office, also on behalf of Defendant Guevara.

13 MS. BARBER: Good morning, your Honor. Catherine
14 Barber for Defendant City of Chicago.

15 MR. TIMBO: Good morning, your Honor. John Timbo on
16 behalf of the Defendants Riccio, Gawrys, and Geri Lynn Yanow,
17 the representative of Halvorsen.

18 THE COURT: Okay. Thank you.

19 So let me ask you, Mr. Flaxman. And, Mr. Grant,
20 you -- certainly feel free to add. What is plaintiffs' real
21 concern over the defendants getting access to IDOC records?

22 MR. FLAXMAN: Um, well, the concern is a few things.
23 One of them is relevance and proportionality that we are in a
24 case where we've -- we're in the early stages of a case where
25 we are at over 10,000 pages of documents have been produced.

1 Conservatively, I think we're talking about another thousand
2 pages. And every lawyer here is going to have to review those
3 1,000 pages. And without any showing that there's going to be
4 anything relevant within them, we don't think the Court should
5 allow the defendants to subpoena those pages.

6 The other issue that we've raised is the privacy of
7 Ms. Montanez. An issue that didn't come through in the
8 briefing and that I do want to raise with the Court is that
9 she doesn't have any notice that this subpoena is going to be
10 issued. To the extent she has some objection and wants to
11 bring it before the Court, I think she should have an
12 opportunity to do that, especially given what we saw in the
13 filing by the defendants, which, you know, accuses her of
14 being part of a criminal conspiracy. I think she should know
15 what's happening in this Court and have a right to object if
16 she wants to protect her privacy in those records.

17 THE COURT: Anything else?

18 MR. GRANT: The only thing I would add, Judge, is --

19 THE COURT: Yes, Mr. Carter -- Grant.

20 MR. GRANT: Carter Grant on behalf of Plaintiff
21 Mulero. The only thing I would add, Judge, is just, again,
22 the fact that we're talking about here a third-party witness
23 who has not put any of these issues in any case. She hasn't
24 filed a case, she's not a defendant in the case. And we're
25 talking about, like Mr. Flaxman said, records that very well

1 could have sensitive information in them, and that we, in our
2 estimation, the defendants have not demonstrated are going to
3 have any relevance to the case, are not going to make any fact
4 in defense more likely or less likely to have occurred.

5 THE COURT: Okay. Thank you. But I think it's fair
6 to say that Ms. Mendoza and Ms. Mulero don't have any standing
7 to raise a privacy concern on Ms. Montanez; right?

8 MR. FLAXMAN: Not directly.

9 THE COURT: Okay.

10 MR. FLAXMAN: But I think the law says that, through
11 a protective order, this Court should consider Rule 26.

12 THE COURT: Yeah, Rule 26 talks about the scope of
13 discovery --

14 MR. FLAXMAN: Right.

15 THE COURT: -- relevance, and proportionality, which
16 you are raising. But I take it from, Mr. Flaxman, your
17 raising of relevance and proportionality, the concern seems to
18 be that the subpoena may end up with thousands of pages of
19 more documents, and that's going to place a burden on you and
20 Mr. Grant to review these documents.

21 MR. FLAXMAN: That's -- that's one issue.

22 THE COURT: Would it be fair to say that if these two
23 cases went to trial, the attorneys for the plaintiffs would be
24 seeking more than 45 million in damages?

25 MR. FLAXMAN: That's a possibility.

1 What I want to say about proportionality and
2 relevance is that I looked over the defendants' Rule 26
3 disclosures this morning, and there are dozens of non-party
4 witnesses. And if we are talking about this kind of discovery
5 about every single person who's disclosed as a witness, we're
6 going to have -- we're going to have a million pages of
7 documents, and we're going to have a trial in 15 years.

8 THE COURT: Perhaps.

9 Let me ask this question of -- actually, who
10 served -- who actually is going to serve the subpoena?

11 MR. SCAHILL: We've been sort of working together. I
12 think it had the Sotos' office on it, but we're taking the
13 lead on this motion, so.

14 THE COURT: So has the subpoena been served?

15 MR. SCAHILL: No, I -- what happened is, obviously we
16 gave notice of them, as required, and they objected, and we
17 had a discussion about it. And so we have not yet served it
18 on IDOC because of the objection.

19 THE COURT: Okay.

20 MR. SCAHILL: As per rule, I believe, is how it's
21 supposed to go.

22 THE COURT: And as I understand the defendants'
23 position from the response, because Ms. Montanez has made
24 inconsistent statements about Plaintiff Mendoza and Plaintiff
25 Mulero's involvement in a double homicide, you want to look

1 into her prison records to find any other statements that she
2 may have made in writing or find potential witnesses who she
3 may have talked to about these inconsistent versions of the
4 events. Do I have that right?

5 MR. SCAHILL: It's that and -- and more, yes.

6 THE COURT: And more. What more?

7 MR. SCAHILL: So there -- there's a lot here,
8 factually. A lot of history, obviously. This is an
9 investigation that went back to the early '90s. Ms. Montanez
10 isn't just any old witness, she is a person that both
11 plaintiffs --

12 THE COURT: Yeah, I know. I get that part.

13 MR. SCAHILL: Yeah, right.

14 THE COURT: What's the "more" part?

15 MR. SCAHILL: Right. The "more" part is that, what
16 happened is that, in prison, beginning right at the beginning
17 of her incarceration, which I believe was in '93 or '94, there
18 began to be statements being made to her that were relied on
19 by the plaintiffs in various habeas and post-conviction
20 petitions attributing statements to her that -- it's not just
21 that they morphed after she got out and has made inconsistent
22 statements, there were inconsistent statements made in various
23 contexts and attributed to her by other people in IDOC all
24 along the way of the incarceration.

25 So the statements, yes, are a big part of this. We

1 want to see when these statements were made, the circumstances
2 under which they were made, the people that, you know,
3 witnessed that that can talk about that.

4 And, you know -- you know, for example, one of them
5 that they talk about in their opening brief is that there's a
6 letter written by Ms. Montanez, you know, supposedly
7 exculpating the plaintiffs that was dictated from her to her
8 cellmate. Well, we don't know who this person is. We don't
9 know if there are other people that were, you know, sort of,
10 you know, privy to these communications. That's -- that's
11 number one with the communications.

12 The other part here is that I believe in the '90s,
13 there was only one prison housing female inmates. So they
14 were all together in the same prison for a very extended
15 period of time. So we want to see their overlap, you know,
16 whether they were housed together, whether they had access to
17 each other, which is going to be in housing records, and the
18 like. Whether there are people that are on --

19 THE COURT: When you say "they," you're talking about
20 the two plaintiffs and Ms. Montanez.

21 MR. SCAHILL: Correct.

22 THE COURT: Okay.

23 MR. SCAHILL: Absolutely correct. Right.

24 And so, you know, there's -- there's that aspect
25 about it. And I alluded to in our brief, there actually have

1 been statements by Ms. Montanez about the circumstances of her
2 recantation where she attributes a hit being put out on her in
3 prison by Ms. Mulero. There's another statement where she
4 says that, you know, Ms. Mulero sort of came to her and begged
5 her to exculpate her and say she didn't have anything to do
6 with it because some other woman on death row was trying to
7 kill for her -- or kill her. So it was sort of a -- almost a
8 plea for -- for mercy that she make these statements that, you
9 know, were not true, exculpating here.

10 And there's a lot of things that what went on in the
11 prison that these records are going to show as far as their --
12 you know, were there grievances on these things? Were they
13 housed together? You know, did -- did IDOC get involved in
14 investigating that, which would be part of the grievance
15 procedure. So that's a communication aspect.

16 The other aspect with respect to grievance records
17 and disciplinary history, you know, this is something that
18 comes up fairly frequently in these kinds of cases when you
19 have a recanting witness in a jailhouse context, where this is
20 somebody who has had other instances of dishonesty for other
21 things that perhaps might, you know, come up as a 404(b) type
22 of thing, even if unrelated to the plaintiffs during their --
23 their prison time. And these are things that come up fairly
24 frequently.

25 She's going to be the witness in this case. I mean,

1 she's their most important witness. And I would argue she
2 might even be our most important witness in that sense. So
3 the idea that there are all kinds of other third-party
4 witnesses is a bit of a canard here because she's not just any
5 old witness, she's the person they're hinging their entire
6 case on exculpating them.

7 So there's all kinds of things, you know,
8 communications with the -- with the facility about: Oh, you
9 know, this person saying she's going to kill me. Okay. We're
10 going to put you in seg, or we're going to, you know, transfer
11 you out. Or, you know, all these other things that IDOC has
12 to deal with when there are conflicts between inmates that are
13 going to shed light on: How did we go from Ms. Montanez in
14 her confession saying, these guys did it with me, to, morphing
15 over these years and changing it a little bit, and a little
16 bit, and a little bit until finally you get to a statement
17 that they want to -- to use. That's -- that's the whole
18 ballgame, as far as her statement from our perspective.

19 THE COURT: Let me ask you this. I know that you've
20 represented other police officer defendants, and you have
21 served subpoenas on IDOC for various records, including call
22 records. What has been IDOC's response to these subpoenas in
23 terms of overbreadth or burden of production?

24 MR. SCAHILL: They do not -- I don't recall them ever
25 objecting based on overbreadth. What they will do -- and this

1 is a statute that was cited by counsel, which I believe does
2 not -- they're saying that this state statute provides privacy
3 concerns for, you know, they don't have to turn over the file.
4 But what it is, actually, is that IDOC is supposed to redact
5 certain things like, you know, personally identifying
6 information of non-involved parties. Sometimes they try to
7 redact, you know, gang affiliation, or things like that. And
8 sometimes we fight with them on it. But as far as the
9 overbreadth of it, I don't -- you know, that's not something
10 that I've ever had them raise as an issue to not producing
11 documents.

12 They are required by state statute to keep these
13 files in a particular place. So it's quite easy for them to
14 just go to their -- you know, where they're supposed to keep
15 it by law and produce it to parties. They do it all the time.

16 THE COURT: But I don't get the sense that they will
17 actually search for logs, and such, which may not be part of
18 an inmate's file.

19 MR. SCAHILL: So the call logs -- and just so it's
20 clear, your Honor has probably dealt with this issue where
21 there is an issue of the calls as opposed to the call logs.
22 That's sort of the dispute du jour in the reverse conviction
23 bar sometimes. We're not seeking that right now. We're just
24 seeking the logs.

25 The logs are -- are literally a -- a printout of a

1 spreadsheet of, you know, numbers called. They have to
2 obviously get approval from people on their list, you know,
3 and dates and times. It doesn't have the content of the
4 information. Because Step 2 here is, okay, we're not going to
5 ask for, you know, every single call. I mean, we haven't at
6 this point. But it's like, we want to identify, you know, who
7 are the relevant people they've talked to. And that's Step 2.

8 Step 1 is, what are the call logs? Who's on your
9 visitors' list? Who's -- you know, what are the times you've
10 talked to these people? Is it around the time that you've
11 been attributed statements, you know, recanting things? Is it
12 around the time these other things have happened? And so you
13 can kind of piece that together. But it's very easy for them.
14 They literally just produce to us a spreadsheet of the
15 numbers, and it's -- it's produced without much ado.

16 THE COURT: So, then, let me ask you this question.
17 Just looking at your response, it appears that defendants have
18 already amassed a good number of inconsistent statements both
19 reported, written, and interviews of Ms. Montanez, basically
20 waffling about what took place. Why would we need additional
21 information? Are we, like, beating a dead horse here that
22 she, in fact, has two versions of what happened?

23 MR. SCAHILL: Well, her -- just because she has after
24 she's gotten out of prison said things that have been
25 inconsistent to some extent with what she has said, you know,

1 both during the investigation and what the plaintiffs have
2 attributed to them, doesn't mean that that hasn't -- I'll give
3 you an example. So what Ms. Montanez has landed on, at least
4 as -- you know, these are YouTube videos, and the like. It's
5 not a court-reported statement. It's somebody just kind of
6 talking to a YouTuber or a podcaster, or something like that,
7 rather than a sworn statement under oath.

8 But, you know, what she's landed on, essentially, is
9 that: Okay, I did pull the trigger on both of the shootings,
10 but, you know, these -- both of these women, you know, were
11 involved in the planning of it, and all that. Which is
12 inconsistent with what she said to the police. We believe she
13 was, you know, at some point -- you know, there is a missing
14 period between bridging the gap between: I pulled the trigger
15 on one murder, Mulero pulled the trigger on another, to then
16 going to, well, I pulled the trigger on both, but they knew
17 what was going on, to, they didn't know what was going on, and
18 I pulled the trigger.

19 So there is a huge missing part there as the chasm
20 between: I hand the gun to Ms. Mulero and she pulls the
21 trigger, to, I pulled the trigger on both of them. That is
22 missing. That's a big part of this attributing the gun to --
23 to one of the plaintiffs. Obviously that's their -- they
24 admit they were there. I mean, that's -- that's their whole
25 ballgame here.

1 THE COURT: All right. Let me give Mr. Flaxman and
2 Mr. Grant an opportunity to respond to what Mr. Scahill has
3 said on the record.

4 MR. FLAXMAN: Sure. The inquiry into shifting
5 stories is certainly a relevant topic of questioning for
6 Ms. Montanez. I think the disconnect that we're raising is
7 that none of that's going to be found in her grievances in her
8 counseling records. It's just not. It's just not looking for
9 it in the right place.

10 And as to the state statute, I mean, we're not saying
11 that prohibits discovery of this, that just sets the -- sets
12 the rule on the -- default rule of privacy in this
13 information.

14 And I understand the Court's question about standing.
15 Even when the parties don't have standing, I think the Court
16 always has some kind of responsibility to protect the privacy
17 rights of parties that are not before the Court. And
18 certainly if there was a subpoena to a hospital seeking
19 medical records, I would expect the Court to inquire about
20 protection of those records, whether or not the parties whose
21 records they are were in the courtroom talking about them.

22 THE COURT: The subpoena, are you seeking medical
23 records in this case?

24 MR. SCAHILL: No.

25 MR. FLAXMAN: It's not, your Honor. I'm just -- I'm

1 drawing a parallel.

2 THE COURT: Got it.

3 How about you, Mr. Grant? Anything you wish to add?

4 MR. GRANT: Yes. Just briefly, your Honor. As your
5 Honor mentioned, the defense has a number of inconsistent
6 statements they are undoubtedly going to use and make a very
7 big deal about in this case. Those are a basis for
8 impeachment here. And they are entitled to use those -- to
9 use that basis for impeachment. But an inconsistent statement
10 does not then necessarily give them the right to inquire in
11 attempt to go into records that have -- are going to have
12 sensitive information here. I mean, they have the bases for
13 impeachment. Now they're using the bases for impeachment to
14 try to -- to fish, to try to get additional bases for
15 impeachment without really any basis to do so, other than
16 speculation. I mean, if -- if -- at this point, are we then
17 going to have a subpoena to Ms. Montanez' high school to see
18 if she cheated on a chemistry test here? I mean, it's just,
19 where does it end here? It all seems disproportional to the
20 case when they've already got their impeachment that they're
21 undoubtedly going to use.

22 And that also, just to be clear, the subpoena that
23 we're -- that we've raised this issue on, it contains all --
24 it contains, and we've raised this in our brief, 25 different
25 categories. There's -- there's -- they're inquiring into her

1 educational programs that she may have participated in prison,
2 her work history, her behavioral reports. None of this has
3 anything to do with the inconsistent statements. They're just
4 looking to see if they can dig up additional dirt on
5 Ms. Montanez. That's all.

6 THE COURT: Thank you. So one of the principles that
7 I abide by is not to create issues where there aren't any.
8 And when I started the hearing, I asked the question: What is
9 plaintiffs' real concern?

10 The real concern, I'm still not seeing an answer to
11 that question. There was some reference to relevance and
12 scope, but in terms of relevance, I think defendants have
13 established what they are, in fact, looking for and why. They
14 wish to be able to sort of tie or look into the gap between
15 what she -- what Ms. Montanez said to the police officers
16 during the investigation and what she has said in support of
17 the plaintiffs' post-conviction petitions, perhaps, and
18 motions, and what she has said after she was released.

19 And on one hand, one could argue that you have -- you
20 have no idea what these records will say. But on the other
21 hand, that is part of discovery. And one could reasonably
22 suspect that grievances may show some statements made by
23 Ms. Montanez in writing. I'm not sure about how defendants
24 will go about getting verbal statements. I mean, getting
25 potential witnesses who may have come in contact with her in

1 the '90s and early 2000s, I'm not sure whether that's going to
2 bear any fruit. But that's not for me to say, right?

3 The point is, the file the prison has on Ms. Montanez
4 may contain information that is helpful to the defense of this
5 case. And that's the only showing that defendants have to
6 show at this point.

7 With respect to the breadth of the request, this is
8 where I don't want to create an issue where there isn't any
9 yet. I have no idea how IDOC responds to subpoenas. And it
10 may be a situation where IDOC has a standard protocol or
11 standard operating procedure where they simply turn over the
12 file and they don't do anymore additional investigation into
13 whether that particular file is responsive of the entire
14 subpoena. I've never had IDOC come in and ask to challenge a
15 subpoena because the scope is too broad. My guess is IDOC
16 sends over whatever it wants to send over, and defendants
17 never raise an issue as to whether that is, in fact, complete.
18 The point is, without IDOC coming in and telling me that this
19 is too broad, I'm not going to analyze that particular issue
20 at this point.

21 Regarding the privacy issue, it is true, I mean, the
22 Court should be responsible and should be obligated to protect
23 the interest of all involved. But as defendants say,
24 Ms. Montanez is not your typical third-party witness. She
25 certainly is at the center of this litigation. And this is a

1 large, large case where plaintiffs are going to be asking for,
2 you know, perhaps even above \$50 million, given that both
3 plaintiffs have spent combined 45 years in jail.

4 So given the size of the case, importance of the
5 case, and the severity of the accusations against the
6 defendants, I do believe that a subpoena is proper, and I will
7 allow the defendant to serve the subpoena. But I would
8 caution defendants to make sure that you keep in mind the
9 obligation under Rule 45(d)(1) to take steps necessary to make
10 sure that you are only asking for information that is
11 necessary in this case.

12 Again, if IDOC comes in and says the subpoena is
13 improper, for whatever reason, I will then address that issue
14 at that point.

15 Let's also discuss, since you're all here, discuss
16 discovery. Have the parties exchanged any discovery yet?

17 MR. GRANT: Yes, your Honor.

18 THE COURT: Okay. Go ahead, Mr. Grant.

19 MR. GRANT: The defendants have responded to our
20 interrogatories, they've responded to requests for production.
21 We are in the process of evaluating that to see the extent of
22 compliance.

23 Plaintiffs -- plaintiff Mon -- excuse me. There is
24 so many M last names, I get confused every time I speak.
25 Mendoza has answered interrogatories and requests for

1 production. I presume defendants are going through the same
2 analysis.

3 My client, Plaintiff Mulero, has answered
4 interrogatories. We have not yet produced our documents. We
5 are going -- we are going through the process of making sure
6 everything is bates-labeled and tying everything to a specific
7 request and interrogatory, which I anticipate -- I got an
8 e-mail from defendants yesterday asking when they can expect
9 to receive that. It's my anticipation that we'll have that to
10 them within the next two weeks. And I think that's where
11 we're at.

12 MR. SCAHILL: Yeah, and there's, of course, like the
13 IDOC subpoena, I don't know if there's -- I can't recall if
14 the other ones are outstanding. But as your Honor well knows,
15 there's a number of different repositories for information,
16 different attorneys and third parties, so those subpoenas are
17 going to issue. So we haven't run into -- other than this
18 objection, you know, I'm sure there will be other things we
19 have to discuss. But, you know, I think we're sort of
20 trending in the right direction. There is a lot of work to
21 do, but, you know, we're -- we're getting the written stuff
22 done right now. It's going to take a little bit to do that
23 and get that universe together, so.

24 THE COURT: Just so I'm clear, it appears that Judge
25 Durkin has suspended any *Monell* discovery; is that right?

1 MR. FLAXMAN: We set a schedule, I think, to do -- to
2 do that in the next phase.

3 THE COURT: Okay.

4 MS. BARBER: Yes, sort of a staggered approach, is my
5 understanding.

6 THE COURT: And, I'm sorry, your name?

7 MS. BARBER: Catherine Barber. I'm from the City,
8 your Honor.

9 THE COURT: So -- so the Phase 1 fact discovery
10 deadline of May 31, 2024, is stricken.

11 MR. GRANT: Thank you.

12 THE COURT: I'll reset that deadline at another time.

13 So if I understand the parties correctly, you have
14 exchanged 26(a)(1) disclosures. You have exchanged written
15 discovery requests, interrogatories, request to produce. And
16 you have substantially exchanged written discovery responses.
17 The only response that's owed at the moment is Plaintiff
18 Mulero's response to request to produce.

19 MR. GRANT: That's correct.

20 THE COURT: And they should be responded to in two
21 weeks.

22 So what I'll do is this: I will -- by the way, when
23 you are serving these documents, are you having the double
24 caption so that only one set is being -- I'm sorry, let's see.
25 Hmm, never mind. I take that back.

1 So let's have Ms. Mulero respond to the request to
2 produce within -- by May 31st. And the parties to continue to
3 meet-and-confer to resolve any issues. But let's also have a
4 quick phone call. Check your schedule. That's not right.

5 Check your schedule for June 20, 9:00 a.m.?

6 MR. TIMBO: That's fine for the Sotos firm, your
7 Honor.

8 MS. BARBER: Same for the City, your Honor.

9 MR. SCAHILL: Fine for Guevara.

10 MR. FLAXMAN: Yes, that's fine for Mendoza.

11 MR. GRANT: And that works for Mulero also.

12 THE COURT: Okay. This will be by phone. I just
13 want to check in with the parties to see where things stand
14 with written discovery issues, whether there are many issues
15 still left unresolved, or whether they're resolved, or whether
16 we need to engage in motion practice to resolve any impasse
17 issues.

18 Give me one second. I had another thought. I can't
19 remember.

20 Anyway, so the motion for protective order is denied
21 for the reasons stated in open court.

22 And so the only other deadline is Ms. Mulero's
23 deadline of May 31st.

24 And then we have the status hearing on June 20th.

25 Anything from you, Mr. Flaxman?

1 MR. FLAXMAN: Nothing else, your Honor.

2 THE COURT: Mr. Grant?

3 MR. GRANT: No, Judge.

4 THE COURT: Ms. Barber?

5 MS. BARBER: No your Honor.

6 THE COURT: Mr. Scahill?

7 MR. SCAHILL: No, Judge.

8 THE COURT: Ms. Boyle?

9 MS. BOYLE: No, Judge.

10 THE COURT: And Mr. Timbo?

11 MR. TIMBO: No, your Honor.

12 THE COURT: Great. Talk to you in June. Bye-bye.

13 THE CLERK: Court is now adjourned.

14 (Recalling case.)

15 THE COURT: Sorry.

16 THE CLERK: We're back on.

17 THE COURT: Recalling 23 CV 2441 and 23 CV 4795.

18 This is what I wanted to mention.

19 So 23 CV 2441 is the lower-numbered case. So I think
20 moving forward what I'm expecting the parties to do is to file
21 everything in 23 CV 2441 and you have the double caption so
22 that we have a record that Ms. Mulero is, in fact, filing
23 things in this case. And I will note for 24 -- 23 CV 4795,
24 that that is, in fact, happening and that whatever is on the
25 docket for 2441 applies equally to 4795.

1 Any issues with that?

2 MR. GRANT: No, Judge. And thank you for clarifying
3 that. That has been a point of discussion among us as to how
4 we're going to -- how we're supposed to maintain and make sure
5 we have a clear appellate record.

6 THE COURT: Yeah, I think this way we don't have
7 double filings. It gets really confusing, so. Okay?

8 Yes, Mr. Scahill?

9 MR. SCAHILL: Yeah, is that going to be reflected in
10 the minute order, just for our --

11 THE COURT: Yes.

12 MR. SCAHILL: -- administrative staff? Okay. Great.

13 THE COURT: Yes, we will, in fact, include something
14 in there to clarify that that's going to be the case moving
15 forward.

16 MR. SCAHILL: Okay. Thank you.

17 THE COURT: Thank you.

18 (Which were all the proceedings heard.)

19 CERTIFICATE

20 I certify that the foregoing is a correct transcript from
21 the digital recording of proceedings in the above-entitled
22 matter to the best of my ability, given the limitations of
23 using a digital-recording system.

24 /s/Sandra M. Tennis

July 3, 2024

25 _____

Sandra M. Tennis

Date