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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ORTHO EVRA, ) Docket No. 3:06-CV-40000  
Plaintiffs, ) Toledo, Ohio  
v. ) March 4, 2009  
JOHNSON & JOHNSON, ) Phone Conference  
Defendants. )

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TRANSCRIPT OF PHONE CONFERENCE  
BEFORE THE HONORABLE DAVID A. KATZ  
UNITED STATES DISTRICT JUDGE

APPEARANCES VIA TELEPHONE:

- For the Plaintiffs:  
Janet Abaray  
Susan Minikin  
Matt Lundy  
Daniel Becnel  
Brian Ketterer  
Kevin Buchanan  
Michael Williams  
David Cutshaw  
Jeremy Wilson  
Bob Davidson  
Philippa Ratzki and Michael London  
Walter Dumas  
Larry Krasin  
Mitch Garrett  
Marcus Stephenson  
Jason Stuckey  
Karl Lautz  
John D. Hart  
Justin Goodman  
Thomas Higgins  
Lee Hollis and Adam Evans  
Rick Hovde  
Nancy Gardner  
Alan Kirshner  
Jeffrey Lowe

1 Jason Webster  
Jill Owens  
2 J.T. Skinner  
Douglas Plymale  
3 Melanie Muhlstock and Andy Alonso  
Lowell Finson  
4 Tom Rogers & Beth Burke  
Randy Kassan  
5 Brenda Fulmer  
Jeffrey Sullivan  
6 Albert Stoll  
Dan Tronolone  
7 Rachel Brill  
Steve Wigginton  
8 Stuart Weichsel  
A representative on behalf of Sabatini and Associates  
9 A representative on behalf of Branch Law Firm  
A representative on behalf of Gallagher Law Firm  
10  
11

12 On behalf of defendants:  
13 Robert Tucker and Julie Callsen  
Susan Sharko and Michael Zogby  
14  
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17  
18

19 Court Reporter: Angela D. Nixon, RPR, CRR  
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21

22 Proceedings recorded by mechanical stenography, transcript  
23 produced by notereading.  
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1 OPERATOR: Ladies and gentlemen, hello and  
2 welcome to today's Ortho Evra product's liability  
3 litigation MDL 174 conference call. As a reminder, all  
4 your lines will be on listen-only mode, and there will be a  
5 Q and A session towards the end of the call. Should you  
6 require any assistance in the meantime, please press star  
7 zero and an operator will assist you.

8 At this time to start our conference, I would  
9 like to welcome the Honorable Judge David Katz. Go ahead,  
10 sir.

11 THE COURT: Thank you, Mona. Ladies and  
12 gentlemen, I appreciate that there are approximately 47  
13 people on the line. I want to cover several things. This  
14 will not be long. This MDL case is now almost three years  
15 old, and it was -- there are many cases obviously much  
16 older than that in both state and federal courts. Much  
17 progress has been made through the extremely diligent  
18 efforts of the members of the PSC, other plaintiffs'  
19 counsel and defense counsel. But I point out that there  
20 remains much to be accomplished, and we need to remove --  
21 to move the remaining cases along. We basically have two  
22 remaining groups of pre-label cases. I'm going to address  
23 each of those, after which I'll open the lines and ask  
24 first for Janet Abaray and Bob Tucker to correct me if I  
25 have misspoken or misstated anything or if I have left

1 everything -- anything out, and I am sure they will not  
2 hesitate to do either of those.

3           There are about 33 or 34 cases, pre-label cases,  
4 where negotiations appear to be at a standstill or impasse.  
5 In those instances where that is true, plaintiffs' case  
6 specific expert reports on causation will be due on or  
7 before May 1, 2009, with defendants' due on or before July  
8 1, 2009. Case selection will follow for trial and will be  
9 by the bellwether method with nomination for trials due as  
10 the six cases by plaintiff and six cases by defendant on or  
11 before May 18th. Then each side will be given three  
12 strikes to be exercised on or before May 27. We will,  
13 therefore, end up with six cases.

14           Daubert motions with respect to those cases will  
15 be due on or before August 1 with responses due on or  
16 before August 14th. Hearings on those motions, if  
17 necessary, and only if necessary, will begin on August 25.

18           The first trial will commence on September 15  
19 with jury selection the previous Monday, which is  
20 September 14. Obviously in all bellwether cases selected  
21 venue must be waived. In instances where venue is not  
22 waived openly, we will conduct Daubert hearings, if  
23 necessary, consider Daubert motions, if filed, and then  
24 consider remand.

25           The other classification of pre-label cases

1 contains about 63 or 64 cases in which negotiations are  
2 ongoing. If those negotiations do not resolve the cases  
3 through settlement on or before March 31, 2009, in those  
4 cases remaining, plaintiffs' case specific expert reports  
5 on causation will be due by June 1, and defendants' will be  
6 due by August 1. We will then address trials, Daubert  
7 hearings, et cetera, in the same manner with, of course,  
8 different dates as I've previously outlined at a time  
9 selected after consultation with both the PSC and defense  
10 counsel.

11 Ladies and gentlemen, I may be preaching to the  
12 choir, but as you know, thousands of cases have been  
13 resolved within and outside the MDL. With respect to those  
14 remaining pre-label cases, I strongly urge counsel in those  
15 remaining MDL cases and frankly outside and in state cases,  
16 to speak with those attorneys around the country who have  
17 resolved cases similar to yours to seek their advice,  
18 particularly on valuation. Consider, as others have done,  
19 asking them to review records and even associate with them  
20 if you find that appropriate and/or necessary. Names of  
21 folks to talk to come to mind such as Steve Skikos in  
22 California, Mike Burg in Denver, Janet Abaray in  
23 Cincinnati, Ellen Relkin in New Jersey, Michael London in  
24 New York, Steve Collier in Toledo, just to mention a few  
25 whose names come to mind, as I said, as having resolved

1 significant cases. I believe they can be of assistance to  
2 you in assisting you in resolving your cases. And I know,  
3 there are several others whose names you undoubtedly know  
4 who Janet knows, who Bob Tucker knows, who others know.

5           With respect to post-label cases, we will address  
6 those at our March 16th conference in Palm Beach, but an  
7 order will go out this week or early next week requiring,  
8 in those cases, compliance with CM04 and particularly the  
9 filing of plaintiffs' fact sheets within 60 days, so those  
10 of you on hook up who may have post-label cases be aware of  
11 that, and we will be addressing that and other matters on  
12 March 16th with regard to post-label cases.

13           Those attorneys who did not show for this  
14 telephone conference and who did not request to be excused  
15 will be subject to a show cause order and compelled by that  
16 order to appear in person in Toledo at 11:00 a.m. on  
17 March 27th. Those who have been excused will receive the  
18 orders I've outlined. You may rest assured that I have  
19 also today read the syllabus in Levine versus Wyeth and  
20 have purposefully avoided discussing it, the main opinion,  
21 I think, is 54 pages. And the dissent by Justice Alito is  
22 roughly another 30 pages. That decision appears to cut  
23 both ways, and you folks on both sides, plaintiff and  
24 defendant, will put your respective spin on it at the  
25 appropriate time. Enough said about the Wyeth case at this

1 time.

2 I'm now going to, in a moment, ask Mona to open  
3 the lines permitting you to chime in with questions or  
4 observations and ask you please before doing so, to permit  
5 Janet Abaray first and then Bob Tucker to address as to  
6 whether or not I have misstated or omitted something.  
7 Before addressing The Court, would you please identify  
8 yourselves for the benefit of the court reporter.

9 Mona, would you please open those lines?

10 OPERATOR: Certainly, sir, I will open the lines  
11 for Mr. Tucker and Ms. Abaray before I give instructions to  
12 cue up for the Q and A.

13 THE COURT: Thank you. Mr. Tucker and  
14 Ms. Abaray, go ahead.

15 MS. ABARAY: Thank you. Can everyone hear me?  
16 Oh, I guess --

17 THE COURT: I can hear you right now.

18 MS. ABARAY: I forgot they can't answer. Thank  
19 you. Yes, this is Janet Abaray, and Your Honor, thank you  
20 for making time for everybody today and I'll try to be  
21 brief as well. I wanted to make sure everyone on the call  
22 is familiar with our kind of shorthand nomenclature here  
23 about pre-label cases and post label cases. This is a  
24 distinction that basically the defendants have made based  
25 upon whether your injury occurred prior to a label change

1 that occurred in the fall of 2005. So the cases that were  
2 current, were currently on the schedule, the Court put  
3 forth are cases with the injuries before that late 2005  
4 time period. The post label change cases are those that  
5 arose after the label change in November 2005.

6 And then a couple other issues, in terms of  
7 preparing your expert reports, and I would assume this  
8 could include getting in touch with your treating doctors  
9 and getting reports from them. We have a substantial  
10 number of reports available on the MDL website that are of  
11 a generic nature on causation, whether it's stroke, heart  
12 attack, blood clots; we have epidemiology, pharmacology, so  
13 if you get to the point that you need to start working on  
14 reports, please make sure that you avail yourself of the  
15 information on the website.

16 Another point really quickly, I believe someone  
17 is on the phone from Mr. Gallagher's firm. We did have a  
18 case specific ruling last week in your case to give you 15  
19 days to respond on a motion to compel, so I wanted to be  
20 sure that you're aware of that in case that you hadn't seen  
21 it. And then also just to kind of reiterate what The Court  
22 said, we're down to around, you know, between 50 to 75 of  
23 these pre-label change cases. And so our effort is to try  
24 to make sure people are aware that now's the time to get  
25 your case resolved, and I think that's all I wanted to add



1 right now, Your Honor.

2 THE COURT: Thank you very much, Janet. Bob?

3 MR. TUCKER: Your Honor, thank you. I think that  
4 Susan Sharko and I have probably talked to most if not  
5 everybody on the call about their cases, so I don't think  
6 there's any lack of clarity in terms of the pre-label  
7 change and the post label change event cases. But to the  
8 extent there may be some question about that, then just  
9 talk to either Susan or to me or to Julie Callsen about  
10 your cases and we'll clear that up. Otherwise, Judge, I  
11 really don't have anything else to add to your summary. We  
12 will, of course, continue our efforts to resolve cases as  
13 instructed by The Court.

14 THE COURT: Thank you very much. Mona?

15 OPERATOR: Certainly. Ladies and gentlemen, if  
16 you would like to ask a question, please press 01 on your  
17 telephone key pad. Once again, that's 01 on your telephone  
18 key pad. Our first question is from Mr. Lowell W. Vincent.  
19 Go ahead, please.

20 MR. VINCENT: Your Honor, this is Lowell Vincent  
21 from Phillips and Associates. I just want to make sure  
22 that the record reflected that I was present in the  
23 courtroom because I don't know that I said anything with  
24 regard to my law firm, and I think others might be in the  
25 same position; and not that we wouldn't want to come to

1 Ohio or Palm Beach or wherever it's going to be. I am  
2 here, that's all I had to say.

3 THE COURT: Certainly. Thank you.

4 OPERATOR: Our next question is from Mr. Bob  
5 Davidson. Go ahead, sir.

6 MR. DAVIDSON: Your Honor, this is Bob Davidson,  
7 Little Rock, Davidson and Associates. I have been in  
8 contact with Ms. Sharko. I only have one case that's  
9 pending out of the Middle District of Tennessee, and she  
10 has agreed to mediate our case with The Court if The Court  
11 would be willing to do that.

12 THE COURT: That -- that is one of those cases,  
13 Susan, correct me if I'm wrong, but I believe that is one  
14 of the cases we were going to discuss on March 16th, am I  
15 correct?

16 MR. TUCKER: Your Honor, are you asking me?

17 THE COURT: No, I thought -- is Ms. Sharko  
18 available by phone? Can she hear, Mona? Would it be Susan  
19 Sharko?

20 OPERATOR: Yes, she is indeed. Go ahead, ma'am.

21 MS. SHARKO: Hello.

22 THE COURT: Yeah, Susan?

23 MS. SHARKO: I'm talking but I don't think you  
24 can hear me.

25 THE COURT: I can now.

1 MS. SHARKO: You can hear me, yes?

2 THE COURT: Yes.

3 MS. SHARKO: Your Honor, we did not discuss that  
4 case specifically, but if you'd like to meet with us on  
5 that on March 16 or on a separate date, a separate day  
6 might make more sense, I'm happy to do that.

7 THE COURT: All right. Why don't we do this, why  
8 don't you and Mr. Davidson talk and then either after  
9 this -- or let me -- I'm trying to think.

10 MS. SHARKO: I can speak with Mr. Davidson, and  
11 we'll get back to Kathy.

12 THE COURT: Yeah. Let me know. Very good.  
13 Thank you. Thank you, Mr. Davidson. We'll take care of  
14 it.

15 MR. DAVIDSON: Thank you.

16 OPERATOR: Your Honor, our next question is from  
17 Mr. Matthew D. Lundy.

18 MR. LUNDY: Judge, this is Matt Lundy, I have a  
19 housekeeping matter just like Mr. Davidson in that I'm  
20 co-counsel with Justin Witkin with Aylstock, Witkin, Kreis  
21 & Overholtz on several cases, three that remain unsettled.  
22 He received official notice but couldn't attend today so  
23 I'm here in his place, and I just want to make sure that he  
24 doesn't receive a show cause order to appear before, Your  
25 Honor.

1 THE COURT: Very good. Thank you very much,  
2 Mr. Lundy.

3 MR. LUNDY: Thank you.

4 OPERATOR: Our next question is from Ms. Jill  
5 Owens.

6 MS. OWENS: Good afternoon, Judge Katz. Can you  
7 hear me?

8 THE COURT: Yes, I can. Thank you very much.

9 MS. OWENS: Very good. Yes, my name is new to  
10 the file but my firm is not. I just wanted to identify  
11 myself and make a comment. Jill Owens, Meiselman, Denlea,  
12 Packman, Carton & Eberz. We were on the list for today's  
13 call, so I want to make sure we don't get a show cause  
14 order because I am present.

15 I also wanted to let The Court know that we are  
16 in a slightly different position because the case that we  
17 filed, which is called Izzy (phonetic) versus Johnson &  
18 Johnson and others is a consumer fraud class action, not a  
19 personal injury case. That being said, I really had some  
20 discussions with Susan Sharko, and my client has authorized  
21 me to engage in some discussions with defendant's counsel  
22 about the possibility of resolving the case on an  
23 individual basis. And if, you know, and in connection with  
24 that, we've agreed to have Ms. Izzy provide the plaintiff  
25 fact sheet and medical records, and she's working on those

1 now. And I believe Ms. Sharko and I will, you know, I  
2 don't think we have a dispute that it may take a little bit  
3 longer than a couple days for her to get those things done,  
4 but we are providing them and we will have those  
5 discussions. I think March 31st may be a little soon for  
6 us to finish the negotiations but we'll do our best. And  
7 if those do not bear fruit, then we would intend to proceed  
8 with our case as a -- as a class action.

9 THE COURT: I understand. All right. All right.  
10 And I'm sure that you and Susan Sharko will keep me posted  
11 on the progress being made.

12 MS. OWENS: Thank you very much, Judge Katz.

13 THE COURT: You're welcome.

14 OPERATOR: Again, as a reminder, ladies and  
15 gentlemen, if you'd like to ask a question, please press 01  
16 on your telephone key pad. Next we have Ms. Sharko.

17 MS. SHARKO: Yes, just on Ms. Owens' case, I want  
18 to make it clear that it's my understanding her client made  
19 personal injury claims and a certificated consumer fraud  
20 act claim, and I have told Ms. Owen, and I want there to be  
21 no mistake about this, that our client will not resolve  
22 consumer fraud class claims. I don't think there's a basis  
23 for that, so there's discussions about resolution on her  
24 personal injury claim.

25 THE COURT: That's what I understood from

1 Ms. Owen. Also, I -- I'm not certain of the propriety of  
2 the, quote, class action consumer fraud, unquote, matter  
3 being involved in the MDL. Next question? Does that  
4 satisfy you, Ms. Sharko.

5 MS. SHARKO: Pardon me?

6 OPERATOR: Do you have any other questions?

7 MS. SHARKO: No. If the personal injury claim is  
8 resolved, that takes care of them. We don't need to get to  
9 any other issues.

10 THE COURT: That's my understanding. Thank you.

11 OPERATOR: Thank you. Our next question is from  
12 Mr. Karl Lautz.

13 MR. LAUTZ: Good afternoon, Judge. Karl Lautz  
14 from Tuscon, Arizona. The case is Ferris V. Johnson &  
15 Johnson, and I'm appearing as co-counsel for the plaintiff.  
16 My other counsel is Mr. Haralson from Haralson, Miller,  
17 Pitt, Feldman and McAnally, who I believe would be the  
18 counsel in the law firm of record on the case. I similarly  
19 wanted to make sure that there wasn't a show cause order  
20 issued for Mr. Haralson who is -- or who was not available  
21 today, and just wanted to make sure the record reflected my  
22 appearance on behalf of the plaintiff and on behalf of  
23 co-counsel, Mr. Haralson.

24 THE COURT: I appreciate that Mr. Lautz, and I  
25 would expect that you and others similarly situated who are

1 appearing on behalf of themselves and co-counsel will  
2 advise co-counsel of the content of our discussion here,  
3 and that they will be expected to comply with the orders  
4 which come forth as a result of this conference.

5 MR. LAUTZ: Absolutely, Your Honor.

6 THE COURT: Thank you.

7 MR. LAUTZ: Thank you.

8 OPERATOR: Our next question is from Mr. Stuart  
9 Kitchner.

10 MR. KITCHNER: Good afternoon, Your Honor.  
11 Stuart Kitchner from New York, law firm of Edelman, Krasin  
12 & Jaye, a repeated administrative manner that I'm appearing  
13 in this conference for Mr. Larry Krasin. I am an associate  
14 with the firm. Mr. Krasin is unavailable at this moment,  
15 and for the purpose of having -- for purpose of not having  
16 a no show cause order applied to our firm and our client,  
17 Corissa Steinburg, I am appearing for him for the record,  
18 for Mr. Krasin.

19 THE COURT: Thank you.

20 OPERATOR: Our next question is Mr. Justin  
21 Goodman.

22 MR. GOODMAN: Good afternoon, Judge Katz. Justin  
23 Goodman for Heard, Robins, Clous, Greenwood & Lubel in  
24 Houston. I, like several of the other callers, am  
25 appearing for Mr. Dunham Heard (phonetic) who is in the

1 process of getting ready for trial, so I wanted it to be  
2 clear on the record that our law firm who represents Hope  
3 Dunnaway in this manner, we only have one remaining case  
4 and that's -- we are appearing, so --

5 THE COURT: Very good. I appreciate that.

6 OPERATOR: Thank you. Our next question is from  
7 Ms. Nancy Gardner.

8 MS. GARDNER: Good afternoon, Your Honor. This  
9 is Nancy Gardner from Los Angeles, California. I am  
10 appearing on behalf of Khorrami, Pollard & Abir. Like  
11 others, Your Honor, I want to make certain that you know  
12 that I've been on the call on behalf of the firm during the  
13 entirety of the conference this afternoon. Sean Khorrami  
14 is unavailable and unable to attend the conference call,  
15 and I just wanted to make sure that you know that we have  
16 been here.

17 THE COURT: Thank you. That will be noted.

18 OPERATOR: Our next question is from Ms. Janet  
19 Abaray.

20 MS. ABARAY: Hi, Your Honor. I thought it might  
21 be helpful if I just read out to everyone the firms who did  
22 not contact us for the dial-in information because they're  
23 listed as not participating at the moment. And if anyone  
24 is on from one of those firms, maybe they got the dial up  
25 information from someone else. I thought it might help



1 clarify. There's about five firms. I have the Goforth,  
2 Lewis & Stanford firm; Alan Kirshner; the Law Offices of  
3 Joseph M. Lichtenstein; Barry Siskin, Esquire; The  
4 Singleton Law Firm, and there's a pro se litigant that I  
5 don't know how to get ahold of him frankly, Stuart  
6 Weischsel. Those are the ones that did not contact us for  
7 a number.

8 OPERATOR: Is anyone on this conference call  
9 representing any of those just named by Ms. Abaray? If you  
10 are one of those attorneys or counsel, please press star  
11 zero on your telephone key pad. We have several. Let's  
12 see. I have Marcus Stephenson. Go ahead, sir. I'm sorry  
13 we'll go with Ms. Susan -- well, my operators are  
14 intercepting them because that's the way to call the  
15 operator, but they will release them momentarily.

16 THE COURT: Thank you.

17 OPERATOR: In the meantime, would you like to  
18 take a question from Mr. John David Hart?

19 THE COURT: Certainly. Go ahead, please.

20 MR. HART: Good afternoon, Judge. This is John  
21 David Hart in Fort Worth, Texas. Judge, I have four cases  
22 that are pending, and I've had, over the last several  
23 months, ongoing discussions with Julie Callsen and Bob  
24 Tucker regarding resolving those cases. Those cases are,  
25 as of today, not yet resolved. My question, Judge, is will

1 there be a process for submitting these cases for  
2 mediation? I understand we have a shorter time frame, and  
3 as a note, I have had some conversations with Janet Abaray,  
4 and she's been very helpful in those discussions. I know I  
5 could have placed that call, but I didn't want to miss this  
6 opportunity and ask The Court that question.

7 THE COURT: My feeling is as follows, if there  
8 are cases at the end of the day, and by the end of the day  
9 I mean March 31, which have not been resolved but which  
10 counsel for both parties, plaintiff and defendant, feel  
11 would benefit from mediation, we will address those in an  
12 order which we'll determine, and those will be addressed  
13 through mediation.

14 MR. HART: Will that be -- I'm sorry, Judge.

15 THE COURT: Go ahead, please.

16 MR. HART: Thank you, Your Honor. Will that be  
17 then we'll have an opportunity soon following the 31st, if  
18 necessary, to submit that to The Court?

19 THE COURT: Yes.

20 MR. HART: Thank you, Your Honor, I appreciate it  
21 very much.

22 THE COURT: My pleasure. Next we will have  
23 Mr. Mark Stevens who was in the process of not -- Marcus  
24 Stephenson, who was in the process of answering the  
25 question earlier. Go ahead, sir.

1 MR. STEPHENSON: Can you hear me, Your Honor?

2 THE COURT: That's all right. Good afternoon.

3 MR. STEPHENSON: This is Marcus Stephenson  
4 calling from Houston. I'm calling on behalf of the Law  
5 Firm of Goforth, Lewis and Sanford. It's listed as  
6 Stanford. We have one case that remains, and so I'm  
7 calling in on behalf of that case.

8 THE COURT: Thank you very much. It will be  
9 noted.

10 OPERATOR: As a reminder, ladies and gentlemen,  
11 if you are representing any of the individuals The Judge  
12 mentions, please press star zero.

13 Next we have Ms. Susan Sharko. Go ahead, please.

14 MS. SHARKO: Your Honor, Mr. Weichsel called me  
15 right before the call, I gave him the call-in number. I  
16 don't know if he's on the call, but I did hear from him.

17 THE COURT: All right. So he will not be marked  
18 as absent if he is on the call. If he is not, is there any  
19 reason that he should not be?

20 MS. SHARKO: Leave to Your Honor's discretion.

21 THE COURT: I mean, but he did have the number  
22 from you?

23 MS. SHARKO: Yes, sir.

24 THE COURT: Okay. Thank you. If you are,  
25 Mr. Weichsel, on the call, please dial in now.

1 OPERATOR: He is indeed, Your Honor.

2 THE COURT: Okay. Good. Mr. Weichsel, please go  
3 ahead.

4 MR. WEICHSEL: Hi, this is Stuart Weichsel, I  
5 just wanted to confirm that, yes, I'm on the call, got the  
6 information from Ms. Sharko this afternoon.

7 THE COURT: I'm very pleased. Thank you very  
8 much. The less number of orders that go out, the happier  
9 we Judges are. Thank you, sir.

10 MR. WEICHSEL: I assume it would be appropriate  
11 to follow up on this matter individually after the call?

12 THE COURT: Fine.

13 OPERATOR: Next we have Mr. Mark Conchin  
14 (phonetic), go ahead, sir. Mr. Conchin, please unmute  
15 yourself.

16 MR. CAPATIC: Your Honor, it's Brian Capatic  
17 (phonetic) appearing. My associate, Mark Conchin started  
18 the call and I just came in five minutes late so I just  
19 wanted my appearance noted.

20 THE COURT: Very good. Thank you.

21 MR. CAPATIC: Thank you, Your Honor.

22 OPERATOR: Again, if you are representing or are  
23 counsel for any of the individuals mentioned by Judge Katz,  
24 please press star zero.

25 In the meantime, sir, would you like to take more

1 questions?

2 THE COURT: Yes, that's fine.

3 OPERATOR: Next we have Mr. Jason Webster.

4 MR. WEBSTER: No question, Your Honor. It was  
5 answered. Thank you.

6 THE COURT: Thank you very much. Thank you,  
7 Mr. Webster. I have Mr. Alan Kirshner.

8 MR. KIRSHNER: Good afternoon, Your Honor, and  
9 I'm calling from beautiful Toledo, Ohio where it's  
10 24 degrees, it's windy, and while I'm with you by  
11 telephone, I wish I were with you in Florida.

12 THE COURT: I don't think today you would want to  
13 be here. There has been nothing but darkness all day.

14 MR. KIRSHNER: Well, enjoy your time there, sir.

15 THE COURT: Thank you. Thank you, Mr. Kirshner.

16 OPERATOR: As a quick reminder, ladies and  
17 gentlemen, 01 on your telephone key pad if you have a  
18 question. Once again, 01 on your telephone key pads if you  
19 have a question.

20 Sir, I do not believe there is anyone else  
21 seeking on behalf of any individuals you mentioned, and it  
22 looks like we have no further questions at this time.

23 THE COURT: Thank you. Ladies and gentlemen, I  
24 wanted to thank you for taking the time on short notice to  
25 attend this conference call. I appreciate it. I wish for

1 you that it bears fruit, and that these matters will be  
2 resolved. And if not, we will move forward as I've  
3 outlined, and I'm sure we'll be in touch again.

4 Janet, if you need to talk afterwards, please  
5 call me, and the same with Bob and Susan or Julie.

6 Thanks very much all. This ends the call, ladies  
7 and gentlemen. Thank you for joining us in this conference  
8 today. Have a great evening.

9 OPERATOR: Your Honor, we are clear.

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C E R T I F I C A T E

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

s:/Angela D. Nixon

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Angela D. Nixon, RPR, CRR

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Date

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