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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: HEPARIN PLAINTIFFS,) Docket No. 1:08HC60000
Plaintiffs,) Toledo, Ohio
v.) May 7, 2012
BAXTER HEALTHCARE) STATUS CONFERENCE
CORPORATION,)
Defendants.)

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE JAMES G. CARR
UNITED STATES DISTRICT JUDGE

APPEARANCES:

David Zoll
Leslie Smith
Renee Smith
Pamel Borgess
Matt Rohrbacher
Jim Silk
Keith Wolden
John Evans
Sarah Donnell

Proceedings recorded by mechanical stenography, transcript
produced by notereading.

1 THE COURT: This is Judge Carr. And this is a
2 previously scheduled pretrial in Re Heparin product
3 liability litigation MDL 1953.

4 And the court reporter, if anybody wants a
5 transcript, is Angela Nixon. And Angela, what's your phone
6 number?

7 THE COURT REPORTER: (419) 260-5259.

8 THE COURT: Rather than my doing a roll call, if
9 you'll all simply send an e-mail to David Zoll who's here
10 indicating that you had appeared, and then you can just
11 forward that to Amy or to Angela.

12 MR. ZOLL: David@toledolaw.com.

13 THE COURT: Okay. And just so you guys know,
14 Dave Zoll, Pamela Borgess, Matt Rohrbacher and Jim Silk are
15 all here in my office.

16 Okay. We had a bit of preliminary discussion for
17 about two minutes. And Jim Silk tells me that according to
18 Baxter's head count, there are only 19 cases that are --
19 that are either not the subject of a pending summary
20 judgment motion. And about how many of those are either on
21 my desk or in the pipe line, your best guess?

22 MR. SILK: Sarah, is it about 40 that are
23 either --

24 MS. DONNELL: -- that have summary judgment
25 motions pending for Baxter and SPL we have 30 -- on Friday

1 I think you handled one, so I think we're down to 37
2 pending motions, only 11 of which are contested and 26 that
3 have no response or a nor contest filed.

4 MS. SMITH: One thing I'm not sure we answered
5 for you, Your Honor, and I can try to get that done during
6 the course of the call. There are 19 cases involving
7 Baxter that are not subject to settlement or a motion. So,
8 well, no, I guess -- so there are two groups of cases.
9 There are cases where there are pending motions, only 12 of
10 which are contested, and then there are 19 cases involving
11 Baxter that is -- that are not subject to either a
12 settlement agreement or a motion.

13 THE COURT: Okay.

14 MS. SMITH: Plus three cases not involving Baxter
15 that are not subject to a motion or a settlement agreement.
16 So we're getting the numbers way down.

17 THE COURT: And let me start with David, and then
18 if there are any other plaintiffs counsel on the phone,
19 maybe go to them. Do you have a sense of how you would
20 like to go about winding -- I mean, obviously I'll have a
21 dozen or so did you say contested motions?

22 MR. SILK: Yes.

23 THE COURT: Who knows what will happen with
24 those, but --

25 MR. ZOLL: Yeah.

1 THE COURT: With the 19 plus three, if I count
2 correctly, cases that are in the stands, as it were, how do
3 we get them out on the field? How you want to go about it?

4 MR. ZOLL: Well, I suspect, and maybe Leslie
5 knows, but I suspect that Mr. Berkman's been very busy
6 working with some of the firms that have larger inventories
7 in the state court and may not have had a chance yet to
8 talk to those 22 people or about those 12 cases. Perhaps
9 we could give you a report on that in a couple of weeks --

10 THE COURT: Sure.

11 MR. ZOLL: -- and find out.

12 THE COURT: On June 1st or whatever.

13 MR. ZOLL: We can find out whether Mr. Berkman's
14 had a chance to talk to those people and they haven't
15 settled or whether he's talked to them and they just don't
16 have an interest.

17 THE COURT: I'm not concerned about whether
18 somebody's been dilatory because I think we started out not
19 too long ago with nothing settled and, you know, so it's
20 been -- no, I'm not -- I don't ask to say what the hell's
21 going on. It's more what's going on and where -- how do we
22 get to the point, certainly by the end of the year I would
23 like to see it a lot sooner than that, maybe by the end of
24 the summer where I can simply send the cases back to their
25 home town and say you guys deal with it, I'm done.

1 Roughly, that's just a rough general time if I project this
2 ahead, but I'm not issuing orders or whatever. But I think
3 maybe if on June 1st or even July 1st you said gave -- and
4 Pam, you can speak too, you're --

5 MS. BORGESS: Oh, I know.

6 THE COURT: Instead of writing notes, any ideas?
7 You guys have to brain storm a little bit.

8 MR. ZOLL: I've got a few calls from people
9 wanting to know about their status of their cases, and I've
10 given Mr. Berkman's phone number out. I talked to Rick
11 last week, and he was focusing on Arnold and Itkin
12 settlement in state court.

13 THE COURT: Maybe what I should do is perhaps get
14 a list of the cases or I'll type an order and you can fill
15 in the blanks. Give Amy or Joyce and order those after you
16 talk to Berkman and say when would he like to get initial
17 demands from -- in those 19 cases or however many cases
18 there are. We create a list, you talk to Berkman, when he
19 thinks he might be open for business, and I will order them
20 to make a reasonably good faith demand to settlement
21 counsel by day X. And then I'll give Baxter maybe a month
22 or whatever or I can even do as so far hands off, and he
23 can just go from there and maybe six weeks after that get
24 a -- have a status scheduling conference or two months
25 after that in those however many cases remain with the

1 understanding they're going back home.

2 MR. ZOLL: Yeah, I think that's very workable.

3 THE COURT: Again, just kind of roughing out not
4 pen to paper yet, but Leslie, what about from your
5 standpoint, does that -- I know --

6 MS. SMITH: So I do agree with Dave, what Dave
7 said and to the extent that Pamela echoed it that Rick's
8 been working hard. He's made great progress. As I say,
9 you know, it's only a small handful of cases at this point,
10 and he certainly, you know, values those cases. And in
11 terms of he certainly will give attention to them, but has
12 been focused on talking to people with larger inventories
13 first. So I think that the procedure you just laid out in
14 terms of timing makes sense to us. I mean, what I don't
15 know is, you know, is it possible that there's a -- that
16 there's a case that can't get settled that for some reason
17 it makes sense in that particular case not to get remanded,
18 I just want to be given a chance to address that. But the
19 timing in the schedule that you laid out makes sense.

20 THE COURT: Leslie, I think I've indicated from
21 the start I have no great ambition to try six or eight or
22 ten or 15 or 48 or 192 cases that are here from other
23 districts. And I understand particularly as the number of,
24 you know, the numbers of cases like those you have with
25 Janet Abaray and David Zoll where you were dealing with one

1 lawyer and a large bunch of cases as it gets closer to
2 where you're one on one, and the prospect from Baxter's
3 standpoint of trying 19 separate cases in 19 separate
4 districts, according to the whims and scheduling pages of
5 19 separate district judges is not an enticing prospect.

6 On the other hand, in just talking, I'm making
7 this up as I go along, if -- if there was some way -- let's
8 say the cases broke down, this is probably not likely, in
9 the maybe four or five groups where they kind of sort of
10 look alike, you know, four or five cases in each group,
11 think possibly about a mini bellwether, you know, pick one
12 of those cases -- and I have no idea. It may be totally --
13 it just doesn't fit at all with the landscape and the
14 variety of issues and factual circumstances and so forth.

15 The one thing when I think about is go back to
16 the old symptom based idea. If plaintiffs -- those
17 plaintiffs have suffered a drastic drop in blood pressure
18 within two minutes or whatever, or whatever. Just I think
19 we can wait, and I'm sure Leslie wants to wait until we get
20 a little further along in this process before I start
21 jumping into that.

22 MS. SMITH: That makes sense, Your Honor.

23 THE COURT: So maybe what I should do is, Leslie,
24 I think you ought to be the one or who should call --
25 David, you or Leslie call Rick Berkman and say, look, this

1 is what Judge Carr has in mind. When would you be in a
2 position, the first of which month to take and all counsel
3 and all remaining cases, whether summary judgment motion's
4 pending or not, I think you would want to have two bins,
5 but certainly those which there's no motion pending --

6 MR. ZOLL: Yeah, we'll get the names of these as
7 you suggested, we'll get the names of these 22 cases, we'll
8 get those names to Rick and we'll find out from him.

9 THE COURT: Three of them are not Baxter --

10 MR. ZOLL: 19 plus three.

11 THE COURT: Is Rick handling those too?

12 MS. SMITH: Dave, the three are not even SPL,
13 they're like APP.

14 MR. ZOLL: Well, you said they're not Baxter I
15 thought --

16 MS. SMITH: I should have said -- no.

17 MR. ZOLL: Covidien?

18 MS. SMITH: No, Covidien, Metafil and Braun have
19 across-the-board motions in all their cases. Well, I'll
20 talk to you and Pamela about --

21 MR. ZOLL: Those may not belong in the group
22 then.

23 THE COURT: Right, that's what I'm saying, that
24 was my impression --

25 MR. ZOLL: Okay.

1 THE COURT: -- Baxter --

2 MR. ZOLL: So those three we've got to figure out
3 why they're in the litigation and come up with a suggestion
4 for The Court as to how to get rid of them. And maybe just
5 a quick remand might be in order, I don't know. The other
6 19 -- do we have defense counsel on those three cases?

7 MS. SMITH: I'll get you -- I'll look at them and
8 get a list. My sense is, Dave, some of them, I wonder
9 whether the people will really pursue them. If you really
10 sued APP for contaminated heparin, I think that when you
11 filed you might have been confused.

12 MR. ZOLL: I just wondered if APP has entered an
13 appearance.

14 THE COURT: Why don't you look.

15 MR. ZOLL: We'll figure it out so we don't take
16 up The Court's time. As to the other 19 we'll get that
17 list together, you suggested of the -- we'll talk to Rick,
18 see how much time he needs to talk to those folks.

19 THE COURT: And why don't you just put an order
20 together, just give me an order so the only blank I have to
21 fill out is my name.

22 MR. ZOLL: Okay. Do that then.

23 THE COURT: And Amy can do that. So what else do
24 we have to talk about?

25 MR. ZOLL: They have a list here, I don't know if

1 The Court got this list.

2 THE COURT: I did, I'm sorry, I was gone for two
3 weeks and turned to this about midnight last night.

4 MR. ZOLL: This list, Your Honor, shows you which
5 of the cases, there's no -- there's no contest has been
6 filed, no opposition.

7 THE COURT: Status response due.

8 MR. ZOLL: So these can be ruled on.

9 THE COURT: No response by due date. All right.
10 This is great. Everything which is no response by due date
11 I'm just going to enter a dismissal order.

12 MS. BORGESS: There is one note too that we
13 discovered, number 25, the Palazzo case, we understand
14 there was a motion for oral argument filed on that case.

15 THE COURT: Okay. I haven't seen that. In fact,
16 I picked that up very early this morning when I woke up.
17 Just began looking at that case.

18 MR. SILK: And that --

19 THE COURT: From what I read I may allow that
20 request. I'll see -- I think I'm going to order a
21 sur-reply. Go ahead, Jim.

22 MR. SILK: And that was just, I think they just
23 filed it last week, the motion for oral argument.

24 MR. ZOLL: Your Honor, I'm going to let Pamela
25 handle one other matter if you're ready to move on.

1 THE COURT: Okay.

2 MR. WOLDEN: This is Kurt Wolden. I am plaintiff
3 counsel in Davis case. I do have one maybe unique issue to
4 bring up regarding that case.

5 THE COURT: Sir, could you speak up a little.
6 You're a little faint. I also increased the volume here.

7 MR. WOLDEN: Sorry about that. I am plaintiff's
8 counsel of record in Davis. It's case number 1:09HC60148.
9 We were the subject of an order to show cause, and as a
10 result of some discussions that I had with the Baxter
11 defendants that we had sued, we dismissed with prejudice
12 the case against the Baxter defendants leaving our case
13 pending in the MDL, but against the hospital that
14 administered the heparin.

15 THE COURT: Okay. As a post recall -- post
16 recall administration, was that the issue?

17 MR. WOLDEN: It was. And so we are -- we are now
18 postured still in the MDL, but we have a California
19 plaintiff. And the only remaining defendants are the
20 California hospital. We filed -- the dismissal was signed
21 by Your Honor in early April, and we filed a motion to
22 remand with respect to the remaining defendants on
23 April 13th. So I don't know where that particular case
24 fell within the --

25 THE COURT: Who are the -- I'm sorry, the

1 defendant's just the hospital?

2 MR. WOLDEN: Yeah.

3 THE COURT: And they haven't responded?

4 MR. WOLDEN: They have filed a response and
5 opposition and we replied. I think it's been fully
6 briefed, Your Honor.

7 THE COURT: Do you know the number of the case?

8 MR. ZOLL: Yeah, 148. It's not on this list
9 though.

10 THE COURT: What's the name of it?

11 MR. ZOLL: Davis versus -- what's the hospital?

12 MR. WOLDEN: It's called Mercy Redding and Cappa
13 Healthcare West, and my client is Katherine Davis.

14 THE COURT: And the case number 1:09 --

15 MR. ZOLL: 1:09HC60148.

16 THE COURT: Okay. And is somebody for the
17 hospital on this phone? I guess not.

18 MR. WOLDEN: And I just wanted to alert your
19 attention to that case and its unusual procedural posture,
20 Your Honor.

21 THE COURT: No, I'll look at it and I'll try and
22 figure out -- I'll try and get to it pretty promptly.

23 MR. WOLDEN: Thank you, Your Honor.

24 THE COURT: Of course. Absolutely. Is there any
25 other -- are there any other plaintiffs' counsel on the

1 phone this afternoon?

2 MR. EVANS: Yes, this is John Evans.

3 THE COURT: Hi, John. How are you?

4 MR. EVANS: I'm well. Thank you. One other
5 matter I think we have to deal with that's slightly
6 different than the cases but prior to complete remand, we
7 will still need to address the subject of common benefit
8 fees and expenses.

9 THE COURT: Okay. Can we kind of put that to one
10 side for a moment?

11 MR. EVANS: Certainly. In fact, I think we have.

12 THE COURT: But I mean that's something I'll have
13 to face down the road probably when we get through the next
14 phase I imagine -- whenever you guys think I should. Now,
15 John, do you still have a book of business in this or if --

16 MR. EVANS: I think my book has been settled,
17 Judge.

18 THE COURT: Are there any other plaintiffs
19 counsel on the phone?

20 MR. PRICE: Yes, Your Honor. This is Douglas
21 Price. I am counsel in the Sauer case which is 1:10HC615.
22 We have already faced two motions for summary judgment from
23 Baxter which have both been withdrawn, and on April 26th we
24 filed a motion to remand.

25 THE COURT: So who's left in your -- you got the

1 hospital or the doctor?

2 MR. PRICE: We have the plaintiffs.

3 MR. ZOLL: They just have Baxter -- the defendant
4 is Baxter in their case.

5 THE COURT: Oh, it's still Baxter.

6 MR. ZOLL: So that would be one of the 19 I take
7 it.?

8 THE COURT: Yeah, sounds like it.

9 MS. SMITH: Yes. Yes. It's one of the 19. And
10 I don't want to interrupt, whenever you're ready for me,
11 but I'll let plaintiff's counsel finish.

12 THE COURT: Okay. Is there any other plaintiff's
13 attorney on the phone?

14 MR. SILK: Your Honor, this is Jemison Mims. I'm
15 counsel for Dr. Joseph Hurst as personal representative for
16 the estate of Alice Hurst, case number 1:10HC60201.
17 Currently there is a motion for summary judgment that has
18 been briefed in -- I believe in front of The Court.

19 THE COURT: That's probably in this list
20 somewhere, I would imagine.

21 MR. SILK: Should be.

22 MR. ZOLL: Yeah, it's on the list.

23 THE COURT: Okay. Any -- any -- and that's
24 versus Baxter?

25 MR. ZOLL: Yeah.

1 THE COURT: Okay. Any other plaintiff's counsel?
2 Okay. Pam, what's -- you had something you wanted to
3 mention?

4 MS. BORGESS: Yes, Your Honor. We had been asked
5 by some plaintiff's counsel to request from The Court
6 what's called a motion to establish alternative procedures
7 for small state settlements. It's a motion that has been
8 filed in other litigations, including Vioxx an Vandia,
9 Digitech. It's been filed without opposition. And
10 basically what it does is it's a distribution procedure, if
11 you will, for smaller estates, usually under \$45,000, where
12 there has not been a personal representative appointed.
13 That may happen like if the original user of heparin is now
14 deceased, it would -- the family wouldn't have to then go
15 through the --

16 THE COURT: Probate, all the stuff?

17 MS. BORGESS: Exactly. I have talked with Baxter
18 about this, and we've looked at the motions filed in the
19 other cases. And at least preliminarily they don't have an
20 objection, but we expect that to be filed here in this
21 week.

22 THE COURT: That's fine.

23 MS. BORGESS: I just wanted to bring it --

24 THE COURT: Leslie, do you know whether they're
25 going to oppose that, or you just don't know that?

1 MS. SMITH: It looked fine to us. I just need to
2 double check with Rick Berkman. I don't think there's
3 going to be any issue. It makes sense to me.

4 THE COURT: Why don't you wait a week or two and
5 then find out.

6 MS. SMITH: I can let Pamela know tomorrow.

7 THE COURT: Fine.

8 MS. SMITH: I don't want to hold her up. Rick
9 Berkman's wife's 70th birthday is being celebrated today.

10 THE COURT: Of course his wife is nowhere in
11 site, she doesn't want to admit publicly she's 70 years
12 old.

13 MS. SMITH: No, she's excited, all her
14 grandchildren came. I do not anticipate that there's going
15 to be any issue, I just wanted to double check with Pam,
16 but I'm sure it's going to be fine.

17 THE COURT: Wait until you get, if it's agreed
18 just file it as an agreed order. Just send it to Amy.

19 MS. BORGESS: Yes, Your Honor.

20 THE COURT: Okay. Anything else?

21 MR. ZOLL: The only other thing we put on the
22 agenda, Your Honor, is we'd like to briefly up to date ex
23 parte on the status of the accounting for the plaintiff,
24 what's it called PSC heparin settlement account money which
25 we can cover off the record.

1 THE COURT: Why don't I put together a little
2 order and then we can let defense counsel -- Matt, do you
3 still have cases?

4 MR. ROHRBACHER: I don't believe so, Your Honor.
5 There may be some in there, but --

6 THE COURT: B. Braun is gone.

7 MR. ROHRBACHER: Dan Tranen's still on the phone.
8 I think there's still some cases that might -- might yet
9 need to be ruled on, Your Honor.

10 THE COURT: Okay.

11 MR. TRANEN: Yeah, Your Honor, there are a number
12 of cases, both product ID cases and --

13 THE COURT: Dose?

14 MR. TRANEN: Show cause with the non bolus dose,
15 et cetera.

16 THE COURT: Okay. And who just spoke?

17 MR. TRANEN: This is Daniel Tranen for B. Braun.
18 All right. Here we go. Okay. I'm just going to type a
19 short order.

20 First thing is plaintiff's liaison counsel, is
21 that your correct title, David?

22 MR. ZOLL: Yes, sir. Pamela and I are
23 co-liaison.

24 THE COURT: Counsel to submit list of cases
25 pending against any defendant in which summary judgment

1 which defendants MSJ is not pending. Is that how we're
2 describing those cases, the 22?

3 MR. ZOLL: Yes.

4 THE COURT: I'm sorry, I'm going to change that.

5 MR. ZOLL: You said not settled and no motion.

6 THE COURT: Proposed order setting not settled,
7 no motion cases for submission of demand to Baxter's
8 settlement counsel or as appropriate counsel for other
9 defendants. How's that sound? And why don't I say by
10 June 1st you do that. You'll get done before that I
11 imagine. Okay. Plaintiff liaison counsel. Okay. What
12 else do we think we would try to do today?

13 MS. BORGESS: I think that's it. I think that's
14 all we have, Your Honor.

15 MR. ZOLL: I think that's it, Your Honor.

16 THE COURT: Okay. What if you -- why don't you
17 guys give me a roster of, or is this it, or is this the
18 roster of what's pending now?

19 MR. SILK: Yes.

20 THE COURT: How soon can you get a -- your
21 motions filed in whatever remains for you to be filing, or
22 are they all filed already?

23 MR. SILK: Sarah, are there any other motions for
24 summary judgment that would be appropriate?

25 MS. SMITH: Your Honor, there are some in which

1 we're continuing to investigate, but my sense is that we're
2 pretty much done with filing. Just so that I can be clear
3 in the approach that we've taken, there are a number of
4 cases in which, you know, there's a possible motion, but we
5 wanted to be conservative in what we filed in, and really
6 only file where things are absolutely clear cut, even, you
7 know, beyond just the no genuine issue of material facts
8 standard. So I think that you can assume that if in the 19
9 cases, we're probably done with motions, maybe there might
10 be a few exceptions. They're the kind of cases that we
11 anticipate we'd be able to file a motion if we did a little
12 bit of kind of directed discovery. But if you go just on
13 what's there right now and follow the really conservative
14 approach we've taken, then we're probably done for now.

15 THE COURT: Okay. So what else should I do, set
16 another maybe status report or status conference?

17 MR. ZOLL: Okay. What is this, May 7th, my sense
18 is we have a status -- we have a status in 30 or 45 days or
19 whatever works on your schedule.

20 (Daniel Gouresh exited the conference.)

21 THE COURT: July 1st, I just want make sure --
22 nobody having shot at him for a while he'd bail on out,
23 right? Who knows what Berkman's time table is, and you --
24 you know, you plug in the order, I mean as I think I
25 indicated is find out from Berkman when he's going to be

1 open for business in the cases that remain, give him a
2 little bit of breathing room. And then also once you find
3 out that date, you simply give me an order directed to --
4 with those 19 listed cases, all in one order in the
5 following captioned cases, list them, it's hereby ordered
6 that plaintiff shall make a reasonable good faith demand
7 for settlement to Baxter. Settlement counsel, Richard
8 Berkman, whatever his address is, on or before whatever.

9 MR. ZOLL: Got it.

10 THE COURT: Failure to make such demand shall
11 result in dismissal with prejudice for want of prosecution.
12 And then we'll leave it to Berkman to go to work. Let's
13 say he gets that by -- I think unless you think maybe a
14 status report even August 1st or September -- I mean,
15 because I don't think there's going to be much to report
16 except the thing that John mentioned.

17 MR. ZOLL: Yeah, I just think if we do 45, 30, 45
18 days, August 1st, keep the ball in play, this was very
19 helpful today. I think we just -- we're on clean up mode
20 now and we just keep focusing on.

21 THE COURT: Because I want to give Berkman enough
22 time to see where he gets.

23 MR. ZOLL: And he will.

24 THE COURT: Leslie, what do you think about
25 another conference like this August 1st?

1 MS. SMITH: That's fine, Your Honor.

2 THE COURT: I will be in Traverse City but you've
3 got to promise to enjoy the place at least a day.

4 MS. SMITH: Wait one second, I've just got to
5 check. Did you say August 1st?

6 THE COURT: I'll be there, you don't have to.
7 I'm not going to make your clients --

8 MR. ZOLL: Actually that's not a good day for us
9 either because we've got an arbitration.

10 THE COURT: What about July 30th?

11 MR. ZOLL: If you could go either the next week
12 or the week before.

13 THE COURT: The 23rd?

14 MR. ZOLL: Either July 22nd or 23rd.

15 THE COURT: 23rd, yeah, 23rd is a Monday. I
16 prefer to do it on a Monday.

17 MR. ZOLL: Yeah, July 23rd, that week's fine.

18 THE COURT: Why don't we say 10:00 in the
19 morning?

20 MR. ZOLL: Yeah. Does that work for you, Jim and
21 Leslie?

22 THE COURT: 9:00 your time, Leslie?

23 MS. SMITH: If that's okay, it works for us.
24 July 23rd at 10 your time. Okay.

25 THE COURT: I'll make it telephonic. It's up to

1 you guys, leave granted to parties to submit status
2 report/agenda on or before July 20th. They're helpful
3 frame to -- okay, John, what was the issue that you --

4 MR. ZOLL: We don't need to get into that right
5 now. We don't really need to get into that right now,
6 Judge.

7 THE COURT: Would that be something to maybe talk
8 about what we do about that in terms of procedurally in
9 July?

10 MR. ZOLL: Yeah.

11 THE COURT: In July? Assuming that there's some
12 hope, not necessarily an expectation that fair number of
13 the remaining cases hopefully will be settled by then or at
14 least in a mode?

15 MR. ZOLL: Yeah, I think, you know, Mr. Berkman
16 and the plaintiff's counsel have worked hard to make
17 compromises.

18 THE COURT: Good.

19 MR. ZOLL: And I think there's good hope for
20 that.

21 THE COURT: Anything else for your side of the
22 table?

23 MS. BORGESS: No, Your Honor.

24 THE COURT: Leslie, anything else for you?

25 MS. SMITH: No, Your Honor. Thank you.

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(A brief discussion was had off the record.)

THE COURT: Thanks, guys. We'll talk to you
later.

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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

Angela D. Nixon, RPR, CRR

Date

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10:00 [1] 21/18	Again [1] 6/3
11 [1] 3/2	against [3] 11/12 11/13 17/25
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