

1 MR. BOTTINI: Call Judge Fabe, Your Honor.

2 (Pause)

3 THE CLERK: Would you please stand before me here to
4 be sworn.

5 THE WITNESS: Yes, ma'am.

6 THE CLERK: Raise your right hand.

7 **DANA A. FABE, PLAINTIFF'S WITNESS, SWORN**

8 THE CLERK: Would you please be seated in the witness
9 box, right over there. For the record, would you please state
10 your full name, your address, and spell your last name.

11 THE WITNESS: Yes. My name is Dana Anderson Fabe, F
12 as in Frank, a, b as in boy, e. And the address; my business
13 address is 303 K Street, Number 422, 99501, here in Anchorage.

14 THE CLERK: Thank you.

15 THE COURT: You may inquire, sir.

16 **DIRECT EXAMINATION**

17 BY MR. BOTTINI:

18 Q Good morning, Your Honor. Judge Fabe, you are a State
19 Superior Court Judge, are you not?

20 A Yes, I am.

21 Q And when were you appointed to the State Bench?

22 A In August of 1988.

23 Q The State Superior Court in the State of Alaska is basi-
24 cally a trial level court; is that correct?

25 A It's a court of general jurisdiction. It's the higher of

1 the two trial courts.

2 Q Are you also a member of the Joint Federal-State Court
3 Gender Equality Task Force?

4 A I am.

5 Q And how long have you been a member of that body?

6 A I first became involved with that body in March of '93,
7 when I went to a -- a national conference in Williamsburg
8 about setting up joint-federal -- setting up gender bias task
9 forces. And after I returned from that meeting, I was sent by
10 Chief Justice Moore of our State Supreme Court. I started to
11 attend the -- the ad hoc committee that was working on setting
12 up such a task force. And then when it was formally set up by
13 Chief Judge Holland and Chief Justice Moore, I was appointed
14 to be on that task force.

15 Q Let me direct your attention to the morning of June 29th,
16 1994. Was there a meeting of the task force scheduled for
17 that day?

18 A Correct.

19 Q All right. And where was that meeting to be held?

20 A In Judge Singleton's chambers.

21 Q All right. What time was the meeting scheduled for?

22 A The meetings are always at 7:15 a.m. on Wednesday morn-
23 ings. Not every Wednesday, but when they happen they're
24 generally Wednesday mornings at 7:15 a.m.

25 Q Did you attend the meeting that morning?

1 A Yes, I did.

2 Q All right. Do you remember what time you arrived?

3 A Well, I was -- I remember I was running a little bit late,
4 and I had gotten and parked, and it was already 7:15. And I
5 debated over whether I had time to stop in the federal cafete-
6 ria to get my Starbucks coffee first. And I did do that, and
7 a muffin, and actually saw Stephanie Cole, who is the dep-
8 uty --

9 MS. GEDDES: Your Honor, I'll object here. Narrative
10 response.

11 THE COURT: You might continue, ask your next, sir.
12 You -- after you made these stops then, you did attend the
13 meeting; is that correct?

14 A Yes, I probably got up there about 7:20 to 7:25.

15 THE COURT: You may inquire, sir.

16 MR. BOTTINI: Thank you.

17 BY MR. BOTTINI:

18 Q That meeting was here in this building, is that correct,
19 the Federal Building?

20 A Correct.

21 Q Now, do you know Theresa Obermeyer?

22 A Yes, I do.

23 Q All right. And how do you know Dr. Obermeyer?

24 A She was running for school board in -- at -- in the
25 district where I live, at the time when there were district

1 candidates. And I think I first met her one time when she was
2 coming door to door to hand out pamphlets, and I was in my
3 home.

4 Q All right. Thank you. Is Dr. Obermeyer here in the
5 courtroom today?

6 A Yes, she is.

7 Q Is she seated next to Ms. Geddes, to my left?

8 A She is.

9 THE COURT: The record may so show.

10 BY MR. BOTTINI:

11 Q Now, was Dr. Obermeyer present at the task force meeting
12 that morning?

13 A Yes, she was.

14 Q Is she a member of the task force?

15 A No.

16 Q How did you become first aware that Dr. Obermeyer was
17 present for the meeting?

18 A When Stephanie Cole and I buzzed in to get into the
19 hallway that leads to chambers, Judge Singleton came out, met
20 us in the hallway, and indicated that Dr. Obermeyer was -- was
21 attending the meeting.

22 Q Did he tell you why she was there?

23 A He stated that Judge Hunt, who is the co-chair with Judge
24 Singleton of the task force, had invited her there, and that
25 then Judge Hunt had not come that morning, and so he appeared

1 to be confused about why she was there.

2 Q Now, where in -- the meeting was in chambers, is that
3 correct, Judge Singleton's chambers?

4 A Correct.

5 Q All right. And was it held at the conference table in the
6 inner office there?

7 A Correct.

8 Q When you walked into the inner office, was Theresa
9 Obermeyer already there?

10 A Yes.

11 Q All right. Where was she seated; do you recall?

12 A She was seated in a chair behind the conference table and
13 behind the seat at the conference table, which I occupied.

14 Q Do you recall who else was in attendance at the meeting?

15 A ^{TERI}~~Terry~~ Carns; Judge Singleton; and I recall there were two
16 interns who were summer law student interns who were there;
17 and I don't remember who else was in Anchorage. I do know
18 that we also had teleconference participants from Fairbanks
19 and Juneau, and possibly Ketchikan, and possibly Kotzebue.

20 Q Now, during the meeting, did you have occasion to speak to
21 Dr. Obermeyer?

22 A Yes, I did.

23 Q Tell us about that.

24 A All right. Well, we were hooked up by the teleconference
25 and the -- the --

1 MS. GEDDES: Your Honor, I'm going to object to the
2 relevance of this.

3 THE COURT: I think that, unless it's something
4 germane -- everything went in the normal course with your
5 teleconference communication?

6 A Well, the -- the teleconference broke up and we got
7 disconnected.

8 THE COURT: Okay.

9 A And that's when I spoke to Dr. Obermeyer.

10 THE COURT: All right. You may inquire. Go ahead.

11 BY MR. BOTTINI:

12 Q And what did you -- tell us about that. What did you say
13 to Dr. Obermeyer?

14 A All right. Well, we were on the teleconference. The
15 teleconference was disconnected. And while they were working
16 on reconnecting the teleconference, because I was in closest
17 proximity to Dr. Obermeyer, I turned around and said, "Good
18 morning, Dr. Obermeyer, how are you?" And she responded to
19 that.

20 Q What did she say?

21 A She was agitated and started to talk about, do you know --
22 she -- the -- to the best of my recollection, she said, "Do
23 you know what Howard Trickey has been doing? Do you know what
24 they've been doing?" And I said, "Excuse me?" And she said,
25 "Well, you know, you should know what they've been doing."

1 They've been doing unspeakable things," or something to that
2 ex- -- to that effect.

3 Q Do you know who Howard Trickey is?

4 A Howard Trickey is an attorney for the school district, and
5 he also happens to be my husband's law partner.

6 Q Did you say anything in response to Dr. Obermeyer's
7 comments?

8 A No.

9 Q How did she appear when she was making these comments?

10 A She appeared to be upset and agitated.

11 Q Did the meeting resume?

12 A Yes, we got back -- hooked back up on teleconference.

13 Q And did the meeting go forward without any further inci-
14 dent?

15 A Yes, until the end of the meeting.

16 Q All right. What time did the meeting conclude; do you
17 remember?

18 A Well, I was concerned about the fact that I had a trial
19 and jurors coming in for my State Court trial, which was to
20 begin at 8:30. So as I recall, we -- I had let Judge Single-
21 ton know that I needed to leave rather early in order to make
22 sure I was at my trial on time. And I recall it being just
23 about eight o'clock, which was my time that I was watching the
24 clock for the -- to -- to try to leave, around that time.

25 Q All right. Tell us what happened when the meeting con-

1 cluded then.

2 A Well, I start -- I -- I got up and actually -- I had been
3 sitting at the conference table, and I got up and came around
4 the conference table, getting ready to go. And Dr. Obermeyer
5 said, "Is this the time for public comment?" And Judge
6 Singleton said, "Well, no, we really don't have public com-
7 ments at -- at this type of meeting." And Dr. Obermeyer said,
8 "Well, surely, I've been suffering for -- " I can't remember
9 how many years she said, but, "X years with this. I should be
10 able to have five minutes of your time."

11 And I -- again, I was concerned about getting to trial.
12 So I was about to leave, and Judge Singleton asked me if I
13 would stay. And so I took a seat and -- and -- and sat there.

14 Q All right. And what happened after that?

15 A Well, then Judge Singleton started to explain to Dr.
16 Obermeyer what the task force was and -- and how it had gotten
17 started, and sort of what the background was and what we were
18 doing as a body at this point, to kind of explain why we
19 weren't having public comment. And I was watching my watch
20 kind of nervously, because I did have a jury assembling over
21 in State Court. And so as he was going over the background of
22 the task force, at some point I just realized I wasn't going
23 to have time to sit and listen to the whole history of the
24 task force. So I stood up and said, you know, "I really have
25 to go to my jury trial."

1 Q Okay. And then what happened?

2 A And -- and then Dr. Obermeyer stood up and -- I can't
3 recall, she may have already been standing. But she said,
4 "Well, it's -- I -- I realize, you know, Judge Fabe has to
5 leave and it's Judge Fabe that I want to address anyway."

6 Q And did she address you?

7 A Yes.

8 Q What did she say to you?

9 A And she said, "You have till five p.m. tonight, Madam."

10 Q All right. And what tone of voice was she saying these
11 words in?

12 A An emphatic, upset voice.

13 Q Did you know what she was talking about?

14 A Well, at the time, I -- I didn't understand what she was
15 talking about, and I said, "Pardon me?" And then she repeated
16 it, "You have till five p.m. tonight, Madam." And I said,
17 "For what?" And she said, "The license." And I said, "The
18 license?" And I still hadn't really made the connection, just
19 because I was surprised by the five p.m. deadline. I didn't
20 understand what she was talking about. And that was when she
21 made a comment that was -- another comment to me.

22 Q What did she say to you after that?

23 A She said, "Are you as dumb a blonde as I pretend to be?"

24 Q And your response was what?

25 A I didn't say anything. And then she repeat- -- and then

1 she repeated that statement more vehemently.

2 Q Was she speaking in basically the same tone of voice that
3 you've described?

4 A She has a loud voice that projects anyway. And I would
5 say it was a louder tone than usual. And she was vehement and
6 upset, agitated.

7 Q When you say louder tone than usual, louder tone than Dr.
8 Obermeyer usually speaks in?

9 A Correct.

10 Q Okay. Now, what happened after that; when she made this
11 comment to you, what happened?

12 A Judge Singleton appeared to be concerned and sort of -- he
13 just said -- said, well -- he stepped in, sort of said, "Well,
14 now, just a minute, now." And he appeared to be upset that
15 she was addressing me in that fashion. And I -- at that
16 point, I was -- I had my trial going on and I thought it was a
17 good time to leave, and so I left.

18 Q Now, did you actually leave the building?

19 A I went out -- out of his chambers, and when I got to the
20 place where the Marshals do their screening, I told the
21 Marshals -- the Marshal that was there that she seemed to be
22 pretty agitated and upset, and I would suggest that they might
23 want to cock an ear to what was going on in there. And then
24 at some point I hooked up with Stephanie Cole, who is again,
25 the Deputy Administrator of the Court System, who had left

1 be- -- had left before any of this happened, at the end of the
2 meeting when the teleconference had been unhooked.

3 MS. GEDDES: Your Honor, I'm going to object, this
4 narrative response.

5 THE COURT: No. I'll note your objection, I'll
6 overrule it. The answer may stand. You may ask your next.

7 BY MR. BOTTINI:

8 Q And did you leave the building with Ms. Cole?

9 A Yes, I left the building with Ms. Cole.

10 Q That's all the questions that I have for you, Judge Fabe.
11 Thank you.

12 A Thank you.

13 THE COURT: You may inquire, ma'am.

14 MS. GEDDES: Thank you.

15 **CROSS-EXAMINATION**

16 BY MS. GEDDES:

17 Q Judge Fabe, you said that you had been with the task force
18 since 1993; correct?

19 A Well, the -- I -- I was -- I started coming to the ad hoc
20 meetings of the -- of the working group that was working
21 towards formation of the task force, I believe in -- after my
22 meeting in Williamsburg in March of '93.

23 Q Okay. And did that working group, I guess we can call it,
24 did that working group always meet in Judge Singleton's chambers?

25 A No. Before the task force was formally recognized and

1 established, we met down in the federal cafeteria. The reason
2 we moved to Judge Singleton's chambers was because when we had
3 statewide members from other areas other than Anchorage, it
4 was necessary to hook them up by teleconference.

5 Q Want to ask you about the sequence of events here. You
6 said that when you arrived, you went down first to get your --
7 grab your cup of coffee and your muffin, and then you came
8 upstairs. Did you use the phone system out there to be buzzed
9 in to Judge Singleton's chambers?

10 A Yes, I'm sure I did.

11 Q Okay. And you testified that Judge Singleton came out and
12 spoke with you prior to going inside of his office; is that
13 correct?

14 A Yes. I was with Ms. Cole at that point. He spoke to both
15 of us.

16 Q Okay. And Judge Singleton -- was it -- it wasn't an
17 unusual event for Judge Singleton to come out into the hallway
18 and personally greet you when you're going into this meetings,
19 was it?

20 A Yes, it was unusual -- for him to come out and personally
21 greet us? No, normally, we would just go straight back into
22 the office and the -- and the meet- -- we would just join the
23 meeting in the chambers. So it was unusual for him to come
24 out to the hallway.

25 Q And on this occasion he intercepted you, effectively, and

1 spoke with you prior to going to the chambers?

2 A As we were walking down the hall, correct.

3 Q Okay. What he indicated to you was that Theresa Obermeyer
4 was attending the meeting; correct?

5 A That's part of what he indicated.

6 Q Okay. And he also indicated to you some confusion about
7 why she was there; correct?

8 A That's part of what he indicated.

9 Q And he -- among his -- what he indicated, he also
10 expressed some concern about what she was doing there?

11 A I'm not sure he expressed concern. He appeared to be
12 confused and somewhat concerned about why Judge Hunt had
13 invited her, and that Judge Hunt then had not come to the
14 meeting, and so leaving him with a -- an invited guest about
15 whom he had had no prior information.

16 Q Well, did you indicate the other day that you thought
17 Judge Singleton appeared to be a little worried?

18 A You used the term "worried," and I corrected you and told
19 you that I thought "worried" was too strong a term. He seemed
20 confused and concerned.

21 Q Concerned. Okay.

22 A That's what I just said.

23 Q Because of not being sure about what she was there for?

24 A That's right.

25 Q Okay. Now, when he -- when you had the meeting and the

1 meeting began, you had a set agenda for the task force session
2 or not?

3 A I think probably we did. We usually do. I -- I can't
4 really recall --

5 Q Okay.

6 A -- what was on the agenda.

7 Q But Theresa Obermeyer sat throughout the meeting and did
8 not disrupt the progress of the agenda; correct?

9 A Correct.

10 Q Okay. And there were several -- your -- I just rephrase
11 that; when you began the meeting, there were approximately six
12 individuals present; is that correct? Physically present?

13 A You would have to count them off for me. I -- that's
14 approximately. It was a small meeting, not -- not as many
15 attendees as usual.

16 Q Okay. So there was opportunity for all of the task force
17 participants to offer their responses and comments during the
18 course of the meeting; correct?

19 A Right. And of course, that -- when you're -- when you say
20 six participants approximately, that -- in Anchorage there
21 would have been more with the telephonic participants.

22 Q Okay. All right. Now, when Dr. Obermeyer got up at the
23 end of the meeting and asked for an opportunity to public --
24 publicly comment or to be part of a public comment period, it
25 was your intention to actually leave at that juncture; cor-

1 rect?

2 A Well, it was my intention to leave before she asked for
3 the public comment and then after she asked for the public
4 comment, 'cause I was worried about my trial timing.

5 Q Okay. And at this juncture, it was already after eight
6 o'clock in the morning?

7 A I believe so.

8 Q And your trial was at 8:30?

9 A That's right.

10 Q Okay. But nevertheless, Judge Singleton asked you to
11 remain within his chambers --

12 A Right.

13 Q -- with Dr. Obermeyer?

14 A Right.

15 Q And he sat down at the table, isn't that correct, and
16 addressed her from the table?

17 A I believe that -- yes. I recall sitting down next to him,
18 on the other side of the table from where I was initially.

19 Q And what you recall was that there was then some attempt,
20 anyway, at a dialogue between Judge Singleton and Dr.
21 Obermeyer?

22 A What my perception was, is that Judge Singleton was trying
23 to diffuse the situation and also explain why this wasn't
24 really a -- a -- the type of meeting where you would have
25 public comment, by giving some background of what we were

1 doing in there. And he was starting with the early stages of
2 the task force, its formation, and explaining that in a -- in
3 a narrative form to Dr. Obermeyer.

4 Q Okay. And it appeared to you that it was going to take
5 some time, what Judge Singleton was explaining?

6 A Based on what time it was and where he was in the process
7 of our formation, I was worried about getting to my trial on
8 time.

9 Q Okay. And because he seemed to be just beginning his
10 provision of information regarding the background of the task
11 force, you decided you better get on your horse and go?

12 A Well, I decided that it was time for me to leave.

13 Q Okay. Now, at the time when Theresa Obermeyer stood up
14 and addressed you about five o'clock and the license, and your
15 comment was that she said -- that she asked you if you were as
16 dumb a blonde as she pretends to be, it was at that juncture
17 that you decided that you wouldn't remain in the chambers any
18 longer; is that correct?

19 A Well, she -- I'm not sure I understand the question.

20 After she said that --

21 Q Mm-hm (affirmative).

22 A -- the two times, and Judge Singleton started to seem like
23 he wanted to intervene, I just felt that that was a good time
24 for me to go.

25 Q And Judge Singleton seemed to be reacting somewhat protec-

1 tively of you, given Dr. Obermeyer's comment regarding --
2 about being a blonde; isn't that correct?

3 A She was -- the -- the comment was made in a rude, con-
4 frontive fashion, and I think he felt it was an inappropriate
5 comment to be made. And whether he was trying to protect me
6 or not, unclear. I think he -- he was concerned that -- that
7 it was -- that the situation was escalating and that it was a
8 confrontive -- that the remark was confrontive and it was
9 repeated the second time in even a -- a more vehement fashion
10 than it initially had been made.

11 Q Okay. And he stepped in, even though this -- Dr.
12 Obermeyer was addressing you, he stepped in, basically telling
13 her that --

14 A I think he remonstrated in some way, saying, "Now, just a
15 minute. This isn't really appropriate," or something like
16 that.

17 Q Okay. You did not hear Judge Singleton in response to
18 these comments made by Dr. Obermeyer say to her that she had
19 to leave his chambers; did you?

20 A Not at the point that -- that I left.

21 Q So you never heard him say, "You must leave"?

22 A I never heard him say that, no.

23 Q And --

24 A In -- but in fact, the -- the Marshals -- when I was down
25 talking to Stephanie Cole about what had just occurred, the

- 1 Marshals did let us know --
- 2 Q I -- I'm -- I asked you about what Judge Singleton --
- 3 A Okay.
- 4 Q -- what you heard Judge Singleton say.
- 5 A All right.
- 6 Q And you never did hear Judge Singleton --
- 7 A Hm-mm (negative).
- 8 Q -- ask Dr. Obermeyer to leave?
- 9 A No, I did not.
- 10 Q Or tell her that she needed to leave?
- 11 A No.
- 12 Q Or tell her that he had work that he needed to do, and
- 13 that she had --
- 14 A Not when I was still there.
- 15 Q Not while you were still there?
- 16 A No.
- 17 Q And you believe -- your best estimate then, given that
- 18 this discussion extended beyond your eight o'clock departure
- 19 time, your best guess then about the time of your departure
- 20 was what time?
- 21 A You -- you want a guess? I don't know what time it was.
- 22 Q You're not sure?
- 23 A I'm not sure.
- 24 Q Okay.
- 25 A I -- I could give you a guess, but that's all it would be.

1 Q Okay.

2 MS. GEDDES: I think those are all my questions. If
3 I could just have one moment, Your Honor.

4 THE COURT: Sure.

5 MS. GEDDES: Thank you.

6 (Pause)

7 BY MS. GEDDES:

8 Q Oh. You gave a -- you were interviewed by the United
9 States Marshals; isn't that correct?

10 A Mm-hm (affirmative).

11 Q Okay. And --

12 THE COURT: Is that a yes answer, ma'am?

13 A The -- yes, it is. Sorry.

14 BY MS. GEDDES:

15 Q Now, we had an opportunity when we spoke the other day to
16 look at the statement which had been compiled by a United
17 States Marshal following this oral interview --

18 A Yes.

19 Q -- correct? All right. Now, you would not character-
20 ize -- you had not -- in that statement, it was reflected that
21 you had indicated that Dr. Obermeyer spoke in an unfriendly
22 tone. But you indicated upon reading that document that that
23 was not correct?

24 A Yes. What I recall is that the Marshal had asked if she
25 was shouting, and I said, no, she wasn't shouting, she was

1 speaking louder than usual, and the tone wasn't friendly. But
2 I hadn't -- I hadn't characterized it as, quote, "unfriendly."

3 Q Okay. And you made -- you thought that there was an -- a
4 distinction to be made there?

5 A I think there's a distinction.

6 Q Okay. And you said that Dr. Obermeyer does have a loud
7 voice normally.

8 A She does.

9 Q Would you characterize it as significantly louder than
10 most individuals' --

11 A Yes.

12 Q -- regular speaking voice?

13 A And it has a lot of projection ability.

14 Q Okay. And at no time did you hear her, however, shouting
15 or screaming?

16 A No.

17 Q Okay. I don't have any further questions. Thank you.

18 THE COURT: Mr. Bottini?

19 MR. BOTTINI: No redirect, Judge. Thank you.

20 VOIR DIRE EXAMINATION

21 BY THE COURT:

22 Q Let me ask you, ma'am --

23 A Yes.

24 Q -- the -- after the remark that you indicated was repeated
25 about "dumb blonde," was that the last that you heard -- the

1 last utterance you heard from the defendant, or was there any
2 other conversation that you can recall?

3 A No, that's the last I recall hearing from her.

4 Q And then you left the building in company with one other
5 individual, and you stopped at the Marshal's position there at
6 the courthouse door?

7 A Yes. No, not at the courthouse -- downstairs, but the one
8 that's up on the landing before you go down the stairs.

9 Q And what conversation was had there? What precisely did
10 you tell the Marshal?

11 A I recall telling the Marshal that, you know, Dr. Obermeyer
12 was in there, that she seemed very upset and agitated, and
13 that she had just called me a dumb blonde, and that I thought
14 that they might want to -- to monitor the situation or keep an
15 ear cocked for the situation.

16 Q That was the word you used, to monitor the situation?

17 A Either -- I can't recall if I used that exact word, but
18 that was what I was intending to convey.

19 Q All right. And after you said that, they acknowledged
20 that, and then you left?

21 A They actually said that the woman who had already left
22 before me, Stephanie Cole, who is the Court System Deputy
23 Administrator, had already told them that.

24 Q Okay. And that was your last contact with any of the
25 events of that morning?

1 A The Marshals -- when I -- when we were -- Stephanie and I
2 were talking at some point, either on the stairs or down-
3 stairs, and the Marshal did call down, that "That lady is
4 leaving the meeting now. If you didn't want to be meeting up
5 with her, you might want to leave." And so we --

6 Q And you left?

7 A -- left.

8 Q Okay. Fine. I have nothing further.

9 THE COURT: Anything additional --

10 MS. GEDDES: No, Your Honor.

11 THE COURT: -- Ms. Geddes?

12 MR. BOTTINI: No, Your Honor.

13 THE COURT: Mr. Bottini? Thank you very much,
14 ma'am --

15 A Thank you, sir.

16 THE COURT: -- you may step down. You may be
17 excused.

18 A Thank you.

19 (Witness excused)

20 THE COURT: All right. If you have a short witness,
21 I mean in time, not in stature, we could call that person;
22 what's your pleasure?

23 MR. BOTTINI: Judge, we may be able to get a short
24 witness in. I'll call ^{TERI}~~Perry~~ Carns.

25 THE COURT: All right.

1 MR. BOTTINI: Well, Judge, Ms. Geddes informs me that
2 she apparently has some extensive cross-examination for Ms.
3 Carns.

4 THE COURT: Well, if now is a convenient time to take
5 our luncheon recess -- is this a convenient time, ladies and
6 gentlemen?

7 MR. BOTTINI: It is for the government.

8 MS. GEDDES: Thank you, Your Honor.

9 THE COURT: All right. I inquired as to what would
10 be the normal time to convene. In my court it could be 1:15
11 or 1:30. I'm told the normal time is 1:30. And if that is
12 the convenient time for both counsel, we'll resume at that
13 time. Is that a convenient time?

14 MS. GEDDES: Yes, Your Honor.

15 MR. BOTTINI: That would be fine.

16 MS. GEDDES: Thank you.

17 THE COURT: All right. We'll be in recess till 1:30.
18 Thank you. We're in recess now.

19 THE CLERK: This matter is in recess until 1:30.

20 (Court recessed at 11:55 a.m., until 1:31 p.m.)

21 THE COURT: Please be seated. Good afternoon, ladies
22 and gentlemen.

23 MR. BOTTINI: (Indiscernible), Judge.

24 MS. GEDDES: Afternoon.

25 THE COURT: All right. Are you ready to proceed, Mr.