

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	Case No. A94-0074 CR (WBE)
	)	
Plaintiff,	)	Anchorage, Alaska
	)	Monday, September 26, 1994
vs.	)	9:10 o'clock a.m.
	)	
THERESA NANGLE OBERMEYER,	)	
	)	
Defendant.	)	<u>TRIAL BY COURT - 1ST DAY</u>

VOLUME I

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE WILLIAM B. ENRIGHT  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:	JOSEPH W. BOTTINI, ESQ. U.S. Attorney's Office 222 West 7th Avenue, #9 Anchorage, Alaska 99513 (907) 271-5071
For the Defendant:	MARY C. GEDDES, ESQ. Federal Defender's Office 510 L Street, Suite 408 Anchorage, Alaska 99501 (907) 271-2277
Court Recorder:	LINDA CHRISTENSEN U.S. District Court 222 West 7th Avenue Anchorage, Alaska 99513-7564 (907) 271-3163
Transcription Service:	KRON ASSOCIATES Court Reporting 1113 West Fireweed, Suite 200 Anchorage, Alaska 99503 (907) 276-3554

Proceedings recorded by electronic sound recording, transcript produced by transcription service.

1                   ANCHORAGE, ALASKA - MONDAY, SEPTEMBER 26, 1994

2                   (On record at 9:10 a.m.)

3                   (Defendant present)

4                   THE CLERK:   -- the Honorable William B. Enright  
5                   presiding.

6                   THE COURT:   Good morning, ladies and gentlemen.  
7                   Please be seated.  Madam, would you call the calendar?

8                   THE CLERK:   Your Honor, case number A94, dash, 0074,  
9                   dash, CR (WBE), U.S.A. versus Theresa Nangle Obermeyer.  Joe  
10                  Bottini is present for the government; Mary Geddes is present  
11                  on behalf of the defendant.

12                  THE COURT:   Ms. Geddes, are you ready at this time?

13                  MS. GEDDES:   Your Honor, the Court would have  
14                  received a -- just filed this morning prior to Court --

15                  THE COURT:   I'm just wondering, as far as the appear-  
16                  ances are concerned, you're ready at this juncture to go  
17                  forward?

18                  MS. GEDDES:   Yes, Your Honor.

19                  THE COURT:   And for the government?

20                  MR. BOTTINI:   Government's ready, Your Honor.

21                  THE COURT:   Good.  All right, I just received a  
22                  motion this morning relative to the representation of the  
23                  defendant.  Ms. Geddes, do you desire to be heard in that  
24                  regard?

25                  MS. GEDDES:   Your Honor, I am -- I would urge the

1 Court to consider the essentially hybrid representation which  
2 has been proposed in today's filing. This hybrid representa-  
3 tion would permit Dr. Obermeyer to have the Court consider her  
4 motion on vindictive prosecution, and yet would not preclude  
5 her from having the assistance of counsel, representation by  
6 counsel at trial. So essentially, we're talking about a  
7 bifurcated representation arrangement. And I would urge the  
8 Court to consider this. The alternative would, of course,  
9 have to be that Dr. Obermeyer would seek to represent herself  
10 and not have the assistance of counsel at -- for trial pro-  
11 ceedings.

12 THE COURT: You might for the record indicate the  
13 nature of the initial motion. I have just received these  
14 papers this morning and became aware over the weekend of the  
15 motion on your behalf to be relieved or to act as co-counsel.  
16 So you might make the record relative to your motion in that  
17 regard.

18 As you may recall, on August the 25th, your office  
19 was appointed, on your request and the defendant's request, to  
20 represent her interests in this matter. So you might make a  
21 record so that I'm aware of the entire background, then I'll  
22 be happy to deal with it and I'll be happy to hear from the  
23 government. Go ahead.

24 MS. GEDDES: Thank you, Your Honor. If I could move  
25 to the podium, I think --

1 THE COURT: Sure.

2 MS. GEDDES: -- the mikes are better over here. Your  
3 Honor, we've been representing Dr. Obermeyer since late  
4 August. And it was during the course of the past week that it  
5 became clear that Dr. Obermeyer was having grave concerns  
6 regarding our representation of her. Specifically, she was  
7 concerned that no motion to dismiss based on prosecutorial  
8 vindictiveness had been filed on her behalf, and she believes  
9 that not to file that motion would in effect be ineffective  
10 assistance of counsel.

11 Because of this concern on her part and because it  
12 really did appear that there wasn't any ability on our parts  
13 to jointly resolve this difference in strategy, I moved to  
14 withdraw as counsel for Dr. Obermeyer. And we've spent quite  
15 a long time discussing this case and her particular desire to  
16 have this motion filed.

17 The documents which were submitted to you, Your  
18 Honor, this morning are not in the form of a formal motion.  
19 These are documents compiled by Dr. Obermeyer in support of a  
20 motion that she wishes to make. She will have the oppor-  
21 tunity, of course, to inform you whether or not she is seeking  
22 additional time to develop such a motion, but it was my  
23 understanding based on my last conversation with her that she  
24 would be satisfied with your review of these documents, and  
25 that she did not intend to do -- at this time, did not intend

1 to do any additional research or argument to the Court.

2 THE COURT: This would be requesting an evidentiary  
3 hearing regarding vindictive prosecution?

4 MS. GEDDES: Yes, Your Honor. And what she was  
5 particularly concerned with -- I don't know if the Court is  
6 aware, but Mr. Bottini was very lately assigned to represent  
7 the government in this matter, and one of the witnesses that  
8 Dr. Obermeyer would seek to call in an evidentiary hearing on  
9 that motion would be Mr. Bottini.

10 Dr. Obermeyer and I, I think this weekend clarified  
11 that a motion to dismiss based on prosecutorial vindictiveness  
12 would be dealt by the Court separately from -- and usually,  
13 ideally, prior to the commencement of trial on the disorderly  
14 conduct charge. So what Dr. Obermeyer realized is that she  
15 would prefer the assistance of counsel with respect to the  
16 actual trial matters on the disorderly conduct, but that she  
17 still very much seeks an opportunity to be heard on a motion  
18 to dismiss based on prosecutorial vindictiveness.

19 So that is why we are coming to you initially with a  
20 motion to withdraw, because Dr. Obermeyer did not believe that  
21 we should have failed to file such a motion, and she preferred  
22 to represent herself rather than not have that motion be  
23 litigated; and secondly, why we are coming to you now with an  
24 amended motion, seeing a means by which she can still have the  
25 representation of counsel at trial, but nevertheless proceed

1 to litigate that motion.

2 So that is -- that's the background as best I can  
3 explain it to the Court at this time.

4 THE COURT: Well, and I thank you. Mr. Bottini,  
5 what's your view of these requests?

6 MR. BOTTINI: Your Honor, we believe that it is  
7 preferable that Ms. Geddes remain as counsel for Dr. Obermeyer  
8 for the purposes of this trial. If she wishes to proceed pro  
9 se on a prosecutorial vindictiveness motion, that's fine. I  
10 believe we have briefed the case law in the Ninth Circuit on a  
11 showing of vindictive prosecution in our response to Ms.  
12 Geddes' motion to withdraw. And as far as the government's  
13 concerned with the submissions that have been made here this  
14 morning, we would be willing to simply let the matter stand as  
15 it is. I think the Judge -- the Court is obviously well aware  
16 that there is a threshold showing that is necessary in a  
17 claim --

18 THE COURT: Do you feel that that has been met?

19 MR. BOTTINI: I do not feel that that has been met,  
20 no.

21 THE COURT: So your essential position is that you  
22 feel that the motion is not timely, then, I take it?

23 MR. BOTTINI: It's untimely, and in addition to that,  
24 there has -- it's not even close to the threshold showing  
25 necessary.

1 THE COURT: Well, ladies and gentlemen, of course,  
2 today was the day set for trial of the matter. And this is a  
3 little unusual case in the sense that I am not from the  
4 District of Alaska, have been assigned here by the Ninth  
5 Circuit to hear this particular trial.

6 Just by way of a brief overview of the case, I became  
7 aware of the case when I was assigned by the Ninth Circuit. I  
8 was mindful of the fact that there had been a magistrate's  
9 ruling denying the defendant's request for counsel. I  
10 reviewed that request and overruled the magistrate. I felt  
11 that this was an appropriate case where counsel should be  
12 appointed. The Federal Defenders of Alaska had requested that  
13 they be permitted to appear on behalf of Dr. Obermeyer. Dr.  
14 Obermeyer requested their appointment. I overruled the  
15 magistrate, and Federal Defenders was appointed. And I  
16 believe the order was August the 25th.

17 Ms. Geddes then assumed the responsibility of the  
18 representation. In the order appointing Federal Defenders, I  
19 requested and made part of the order that any pretrial motion  
20 should be filed by September the 12th. No pretrial motions  
21 were filed.

22 I contacted the Clerk of the Court at the beginning  
23 of last week to ascertain that the parties were ready to  
24 proceed to trial. The Clerk indicated that all parties were.  
25 I was in -- I'm a member of the Multi-District Judicial Panel

1 meeting in New York, and it was during the course of that  
2 endeavor that I got word that there was a motion filed to  
3 relieve Defenders as attorney. And of course, I came directly  
4 from New York to Alaska and have reviewed the papers that have  
5 been filed.

6 Ladies and gentlemen, here's my best view of the  
7 matter. I've reviewed the cases that have been cited by both  
8 parties. I agree with the government's position in its reply  
9 relative to the appointment of counsel. I've looked at the  
10 Garcia case. I don't think that the request to relieve  
11 Defenders is timely made. I do think it would involve the  
12 taking of evidence pursuant to the defendant's request. And I  
13 don't think that under all the circumstances of the case, it  
14 should be granted. I think it's untimely and would cause  
15 delay relative to the trial of this case on the merits.

16 The defendant's position is well set out in the  
17 papers. If I'm in error as to that, then it certainly may be  
18 taken. But I would rule that it is not timely made, the  
19 motion for vindictive prosecution should have been made at an  
20 earlier time prior to trial, and that its hearing now would  
21 only delay the trial of the matter. And so that I find that  
22 the fundamental threshold has not been met as the government  
23 has asserted, and would decline to relieve Federal Defenders  
24 from the trial on the merits.

25 At this juncture, I think the matter should proceed

1 to trial. And as I say, if I'm wrong on that, it's my best  
2 judgment, and the record is complete. The defendant's posi-  
3 tion is well set out in the papers that have been filed, and I  
4 deny the request of defendants to be relieved as counsel on  
5 the merits.

6 And so having said that, ladies and gentlemen, I look  
7 forward to the trial. I would -- I'm aware of the seriousness  
8 of this case to the defendant and to the government. I intend  
9 that this be a full and fair trial. I intend to hear the  
10 witnesses in this case and provide the opportunity of counsel  
11 to present those materials which they feel would reflect on  
12 the very critical issues concerned in the case. But I intend  
13 there be a level playing field, I intend that the parties  
14 should be permitted to present their cases in the ordinary  
15 traditional mode of a criminal prosecution.

16 So having said that, the motion is denied. Do you  
17 desire to make an opening statement, Mr. Bottini?

18 MR. BOTTINI: Very briefly, Your Honor.

19 **OPENING STATEMENT OF PLAINTIFF**

20 BY MR. BOTTINI:

21 Your Honor, at trial the government will establish  
22 that on the morning of June 29th of this year, U.S. District  
23 Court Judge Singleton was hosting a meeting of the Joint  
24 Federal-State Court Gender Equality Task Force in his cham-  
25 bers. Dr. Obermeyer showed up for that meeting. She was

1 admitted back into Judge Singleton's chambers and the meeting  
2 basically proceeding without incident. And the meeting  
3 concluded at about eight o'clock that morning.

4 Judge Singleton had on his calendar a civil trial, a  
5 bench trial, which he needed to do some last-minute prepara-  
6 tion for. At the end of the meeting, Dr. Obermeyer inquired  
7 as to whether there was going to be a period of public comment  
8 permitted. She was advised that this was not the type of  
9 meeting where public comment was anticipated. She thereafter  
10 went on to make a number of statements to Judge Singleton  
11 primarily and to a State Superior Court Judge, Dana Fabe.

12 Dr. Obermeyer began asserting that Judge Fabe and  
13 Judge Singleton should sign an order permitting her husband to  
14 practice law in the State of Alaska by five o'clock that  
15 night. When Judge Fabe expressed some confusion as to what  
16 Dr. Obermeyer was requesting, Dr. Obermeyer made a statement  
17 to the effect of, "Are you a dumb blonde, like everyone thinks  
18 I am?"

19 When that happened, Judge Singleton asked her to  
20 leave his chambers. Judge Fabe, who had a State Court jury  
21 trial scheduled to start that morning, then left the chambers.  
22 Judge Singleton was able to get Dr. Obermeyer to agree to  
23 leave his chambers.

24 As Judge Fabe left the courthouse, she stopped and  
25 talked to a court security officer out here by the Magne-

1 tometer and advised them that Dr. Obermeyer was in Judge  
2 Singleton's chambers and that they may want to keep an eye on  
3 what was going on back there. The court security personnel  
4 then phoned back there and talked to Judge Singleton's secre-  
5 tary. She advised them that Dr. Obermeyer was in the process  
6 of leaving chambers and that they did not appear to need their  
7 assistance.

8 Dr. Obermeyer heard that. And when she heard Judge  
9 Singleton's secretary make that comment, she turned around and  
10 started to come back into chambers. Judge Singleton's secre-  
11 tary got up and stood in the gateway next to the counter. It  
12 was her intention to not let Dr. Obermeyer come back into  
13 chambers. Dr. Obermeyer, who had a armload of books and  
14 papers in her hand at the time, then shifted the books and  
15 papers into the crook of her left hand, thrust forth her right  
16 hand, hitting Judge Singleton's secretary in the shoulder and  
17 knocking her back about four feet. She then came back into  
18 chambers, went back into Judge Singleton's inner office, and  
19 began addressing him in a loud voice.

20 At that point, Judge Singleton's secretary hit the  
21 alarm button. And that alerts in this building the U.S.  
22 Marshal Service down on the first floor that there is a  
23 disturbance in that area. A court security officer initially  
24 responded to that and arrived at Judge Singleton's chambers  
25 and observed Dr. Obermeyer addressing Judge Singleton in his

1 inner office in a loud voice. He went into the office and  
2 asked Dr. Obermeyer to leave. She basically ignored him. He  
3 told her if she did not leave, she was going to be arrested  
4 and she said, "Good, I want to be arrested."

5 At that point, additional security people arrived.  
6 Three Deputy United States Marshals went into the chambers  
7 area and asked Dr. Obermeyer to leave. Initially, she began  
8 asked them, "What's your name, show me your cards," things  
9 like that, but eventually agreed to leave with the Deputies.

10 As they were taking her back into the -- or out of  
11 the office into the hallway, Dr. Obermeyer had a ball-point  
12 pen in her hand, and she began pointing it in the face of one  
13 of the Deputy U.S. Marshals. And she said words to the effect  
14 of, "I'm really angry now"; threw the books and papers that  
15 she had in her arms on the floor, and kept thrusting the pen  
16 in the face of this Deputy Marshal, coming within inches of  
17 his eyes.

18 At that point, a decision was made to arrest Dr.  
19 Obermeyer. As they were trying to secure her, she twisted  
20 away from them and attempted to re-enter Judge Singleton's  
21 chambers. And she was eventually taken into custody at that  
22 point.

23 That in essence is what the government's case will  
24 show, Your Honor.

25 THE COURT: All right. Ms. Geddes, do you desire to

1 make an opening statement, ma'am?

2 MS. GEDDES: Yes, Your Honor, I do.

3 **OPENING STATEMENT OF DEFENDANT**

4 BY MS. GEDDES:

5 Good morning, Your Honor.

6 THE COURT: Morning.

7 MS. GEDDES: This is not a case in which Theresa  
8 Obermeyer has been charged with assault, with trespass, with  
9 following the direction of a federal officer or failing to  
10 follow the direction of a federal officer. This is a case in  
11 which she has been charged with the sole offense of disorderly  
12 conduct.

13 On June 29th, she was invited to attend a meeting  
14 which was called -- of a group called the Task Force on Gender  
15 Equality. And this was a group which had previously met in  
16 the federal cafeteria downstairs on the first floor. But when  
17 they added in a more formalized --

18 THE COURT: On previous occasions, they met --

19 MS. GEDDES: Yes. Yes. Their history -- their  
20 institutional history. And however, when they became a little  
21 bit more institutionalized, they started adding people in on a  
22 statewide telephone network. And so subsequently, conse-  
23 quently, they moved these meetings up to Judge Singleton's  
24 chambers. Judge Singleton is a co-chair of that group; Judge  
25 Karen Hunt of the State Courts is the other co-chair.

1           And on this particular occasion -- or I should say  
2 the day before this particular occasion, Theresa Obermeyer,  
3 who is -- by the way, we frequently refer to her as Dr.  
4 Obermeyer, because she has a Ph.D. in education -- she had  
5 been an applicant for a position with the task force. They  
6 had sent out fliers to -- well, throughout the community. I  
7 myself received one, as did many other individuals. These  
8 applications reflected their interest in finding somebody to  
9 provide support for the task force, technical, administrative  
10 support. And Dr. Obermeyer was one of the people who  
11 responded to this particular flier.

12           Judge, I don't -- I'm sorry to interrupt right now,  
13 but I wonder if it would be possible to have -- I know we're  
14 not in the taking of evidence right now, but to have the  
15 exclusionary rule in operation.

16           THE COURT: Yes, I think that's an appropriate thing.  
17 I would ask that any --

18           MS. GEDDES: Thank you.

19           THE COURT: -- witnesses who are present who expect  
20 to be called by either side, if they would remain outside the  
21 courtroom until they are called.

22           MS. GEDDES: Thank you, Your Honor.

23           THE COURT: Go ahead.

24           MS. GEDDES: Sorry to interrupt.

25           THE COURT: Go ahead.

1 MS. GEDDES: What happened was that Dr. Obermeyer had  
2 been speaking to the person who -- whose name is <sup>TERI</sup> Terry Carns.  
3 She's a staff person for the task force. She is actually an  
4 employee of the Alaska Judicial Council. And she had been  
5 talking to <sup>TERI</sup> Terry Carns on the 28th of June about her applica-  
6 tion, about many other things. They frequently converse about  
7 their families and their church. And <sup>TERI</sup> Terry Carns told Theresa  
8 Obermeyer that there was going to be a meeting of this group  
9 to which she had applied for employment on the following day.  
10 And Dr. Obermeyer heard from <sup>TERI</sup> Terry Carns that the meeting was  
11 the next day and she asked whether or not she could attend,  
12 and <sup>TERI</sup> Terry Carns told her that there wasn't any reason why she  
13 couldn't. And in fact, <sup>TERI</sup> Terry Carns called and confirmed with  
14 Judge Hunt that these meetings were open public meetings.

15 So Theresa Obermeyer had asked whether or not she  
16 could attend, and she also asked to be called back by <sup>TERI</sup> Terry  
17 Carns if there was any question as to her attendance, whether  
18 or not that was allowable. And she never did hear back from  
19 <sup>TERI</sup> Terry Carns.

20 THE COURT: Say again, that last --

21 MS. GEDDES: She asked to be informed if there was  
22 a -- going to be a problem with her attending.

23 THE COURT: And she --

24 MS. GEDDES: And <sup>TERI</sup> Terry Carns never called her back.

25 THE COURT: Okay. Thank you.

1 MS. GEDDES: So Dr. Obermeyer did in fact go to the  
2 Federal Building. This group, by the way, they are a group of  
3 ambitious people, because they get together and hold their  
4 meetings at 7:15 on the mornings where they meet. I believe  
5 at this point it's almost -- it's once a month. It used to be  
6 more frequent. But now they're down to a once-a-month sched-  
7 ule. So they meet at 7:15, prior to the beginning of the  
8 Court's normal business hours.

9 Dr. Obermeyer did appear at the courthouse on that  
10 day, as she went through the regular security screening. And  
11 she and another individual who was planning to attend that  
12 meeting stood outside the Judge's chambers and asked to be  
13 buzzed in. These are the usual telephone-secured entrance,  
14 and that's where she called up the Judge's office and asked to  
15 be let in.

16 There was some reluctance on the part of Judge  
17 Singleton's secretary -- her name is Ardel Burritt -- to let  
18 her in. And she consulted with Judge Singleton as to whether  
19 Theresa Obermeyer had been an expected attendee. And she --  
20 and they both confirmed. They were confused by this, that she  
21 was coming. And they both confirmed that she had been invited  
22 by someone else.

23 Now, Judge Singleton himself was very confused and I  
24 think the Court could -- will probably infer from his testi-  
25 mony, reluctant to have Dr. Obermeyer attend. Now, in order

1 for you to understand why Ardel Burritt and Judge Singleton  
2 would be reluctant to have someone attend a group meeting on  
3 gender equality, I think it's important that the Court under-  
4 stand that Theresa Obermeyer has been a public figure in  
5 Anchorage life. She was a member of the Anchorage School  
6 Board for three and a half years. And probably what's -- she  
7 is notable beyond her years of public service on behalf of  
8 Anchorage schoolchildren is her persistence in speaking up,  
9 really to any public body, about her husband's difficulties in  
10 getting licensed in the State of Alaska to the Bar.

11 He's been -- he has been attempting to gain admit-  
12 tance to the Bar over a period of 10 years. And certainly,  
13 her persistent advocacy of his application has become a  
14 subject of public discussion and even public ridicule and  
15 parody. Dr. Obermeyer is -- finds herself frequently in the  
16 public press, being lumped together with Elvis Presley,  
17 Beelzebub -- this is a -- recent articles have had her or  
18 categorized her in the same group of individuals. And that  
19 has to do with her persistence, her dogged belief in her  
20 husband's qualifications for the Bar, and her belief that he  
21 should be licensed.

22 By way of background, I should just tell the Court  
23 that he was licensed to the Bar in Western District of  
24 Missouri, and Dr. Obermeyer's advocacy of him frequently  
25 refers to that -- to the -- her desire to have him admitted

1 under reciprocity.

2 So Theresa Obermeyer, despite her best intentions on  
3 behalf of her family, on behalf of her husband, has become  
4 something of a pariah in the Anchorage community because she  
5 wants to talk about something that people don't want to hear  
6 about.

7 So on this day of June 29th, what we have is Ardel  
8 Burritt wondering why Theresa Obermeyer is coming, being  
9 concerned about that. And Judge Singleton is also concerned,  
10 because Judge Singleton goes out and takes the rather unusual  
11 step of greeting Judge Fabe as she arrives to attend the  
12 meeting and discussing with her Theresa Obermeyer's presence,  
13 asking why she is here, wondering what she's going to say or  
14 do.

15 As Mr. Bottini said, however, the meeting of the task  
16 force went forward without incident, and Dr. Obermeyer was not  
17 an active participant. She's not a member of the task force.  
18 But she sat and listened to the proceedings.

19 The meeting was a rather informal meeting. And at  
20 eight o'clock or thereabouts, a little bit earlier than usual,  
21 the meeting was adjourned. This took Dr. Obermeyer somewhat  
22 by surprise, and she asked as the -- right after the telephone  
23 connection to the long-distance conferees has been ended, she  
24 asked, wasn't there an opportunity for public comment pro-  
25 vided, and would she have an opportunity to make some public

1 comments; at which point Judge Singleton himself remained in  
2 the room and sat down at the table and tried to provide some  
3 information to Dr. Obermeyer about the task force, and basi-  
4 cally let her say her ~~piece~~<sup>PEACE</sup>. And Dr. Fabe -- excuse me --  
5 Judge Fabe was also about to leave, but Judge Singleton  
6 specifically asked Judge Fabe not to go. And he asked her to  
7 remain with him and Dr. Obermeyer.

8 Now, what then happened was that essentially, she  
9 said some things that Judge Singleton was concerned about,  
10 really offended by. And she directed comments to him, stating  
11 expectations, however realistic. They were expectations about  
12 his ability to get her husband a law license, Judge Fabe's  
13 ability to get her husband a law license. And they indicated  
14 that they were not able to do that. And they didn't like what  
15 her response was. Her response was rather abrupt and what  
16 they considered apparently to be offensive, because Judge  
17 Singleton made some remarks about, "Now, ma'am," things on  
18 that order. Essentially, I think he'll testify that he was  
19 trying to calm her down.

20 What then happened was that Theresa Obermeyer did  
21 leave Judge Singleton's office. And as she left, she heard  
22 that Ardel Burritt was on the phone with the United States  
23 Marshals. Now, Dr. Obermeyer had not observed at any point  
24 Judge Singleton being agitated or concerned or summoning the  
25 Marshals or giving her a demand to leave or escorting her out

