

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: VIOXX PRODUCTS
LIABILITY LITIGATION

MDL No. 1657
Section: "L"
New Orleans, Louisiana
Friday, June 16, 2006

TRANSCRIPT OF MONTHLY STATUS CONFERENCE PROCEEDINGS
HEARD BEFORE THE HONORABLE ELDON E. FALLON
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFFS
LIAISON COMMITTEE:

HERMAN, HERMAN, KATZ & COTLAR
BY: LEONARD A. DAVIS, ESQ.
820 O'Keefe Avenue
New Orleans, LA 70113

SEEGER WEISS LLP
BY: DAVID R. BUCHANAN, ESQ.
One William Street
New York, NY 10004

LEVIN, FISHBEIN, DEDRAN & BERMAN
BY: ARNOLD LEVIN, ESQ.
FRED S. LONGER, ESQ.
510 Walnut Street, Suite 500
Philadelphia, PA 19106-3697

GAINSBURGH, BENJAMIN, DAVIS,
MEUNIER & WARSHAUER
BY: GERALD E. MEUNIER, ESQ.
2800 Energy Centre
1100 Poydras Street
New Orleans, LA 70163

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

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

GOFORTH, LEWIS, SANFORD
BY: SHELLY SANFORD, ESQ.
1111 Bagby, Suite 2200
Houston, TX 77002

FOR THE DEFENDANTS
LIAISON COMMITTEE:

STONE, PIGMAN, WALTHER, WITTMANN
BY: PHILLIP A. WITTMANN, ESQ.
DOROTHY WIMBERLY, ESQ.
546 Carondelet Street
New Orleans, LA 70130

O'MELVENY & MYERS
BY: JOHN H. BEISNER, ESQ.
1625 Eye Street, N.W.
Washington, D.C. 20006

HUGHES HUBBARD & REED, LLP
BY: THEODORE V.H. MAYER, ESQ.
CHARLES COHEN, ESQ.
One Battery Park Plaza
New York, NY 10004-1482

WILLIAMS & CONNOLLY
BY: DOUGLAS R. MARVIN, ESQ.
MAURITA E. HORN, ESQ.
725 12th Street, N.W.
Washington, D.C. 20005

STANLEY, FLANAGAN & REUTER
BY: RICHARD C. STANLEY, ESQ.
909 Poydras Street, Suite 2500
LL&E Tower
New Orleans, LA 70112

DECHERT, L.L.P.
BY: BENJAMIN R. BARNETT, ESQ.
EBEN S. FLASTER, ESQ.
4000 Bell Atlantic Tower
1717 Arch Street
Philadelphia, PA 19103-2793

1 BARTLIT BECK
2 BY: ADAM HOEFLICH, ESQ.
3 Courthouse Place
4 54 West Hubbard Street
5 Chicago, Il 60610

6 APCO WORLDWIDE
7 BY: TILDEN KATZ, ESQ.
8 343 West Erie Street, Suite 510
9 Chicago, IL 60610

10 ATTORNEYS:

11 Leonard V. Fodera

Silverman & Fodera

12 Dawn Barrios

Barrios, Kingsdorf & Casteix

13 Daniel E. Becnel, Jr.

Law Office of Daniel Becnel, Jr.

14 Kevin P. Klibert

15 James R. Dugan, II

Dugan & Browne

16 A. Shahani

Snapka Turman & Waterhouse

17 Leigh P. O'Dell

Beasley, Allen, Crow, Methvin,
Portis & Miles

18 Donald R. Bradford

Seeger Weiss

19 W. James Singleton

The Singleton Law Firm

20 John Chaillot

Stone Pigman

21 Jared Davidson
22 (Paralegal)

23 Regina Westenfeld
24 (Paralegal)

Herman, Herman, Katz & Cotlar

25 Official Court Reporter:

Karen A. Ibos, CCR, RPR
500 Poydras Street, Room HB-406
New Orleans, Louisiana 70130
(504) 589-7776

Proceedings recorded by mechanical stenography, transcript
produced by computer.

1 it's important for counsel of those cases to register with
2 Lexis/Nexis FILE and serve in accordance with Pretrial Order 8 as
3 soon as they get the cases transferred down here. We've got a
4 situation where plaintiff's counsel in newly filed or transferred
5 cases are waiting for months before they register on Lexis/Nexis and
6 that makes it impossible to deal with them on that system.

7 The second point is that counsel have to remember that
8 filings that are being uploaded to file and serve should be uploaded
9 to the individual specific case and not to the master MDL case,
10 except in those instances where the pleadings specifically states
11 that it applies to all cases. Especially in light of the new e-mail
12 filing requirements here in the Eastern District, which mandate that
13 filings be electronically filed solely in the master MDL case. The
14 staff at Lexis/Nexis is concerned that counsel will upload to serve
15 a pleading incorrectly and mistakenly upload case specific findings
16 on the MDL which will drastically slow down the Lexis/Nexis system.

17 THE COURT: How do we go about getting that word out?

18 MR. WITTMANN: I think maybe if we sent a special
19 directive from the court to all counsel, plaintiffs counsel and
20 defense counsel, we can draft and submit it to you, your Honor, and
21 that would go out to all counsel in the MDL cases, that might help
22 alleviate the problem.

23 THE COURT: Let's do that. And also give me something
24 that I can post on my web site so that one of the first things they
25 see is this. In cases like this notice and information really, we

1 have to be able to control it and package it in some usable form,
2 and failure to do this will just cause problems along the way. It
3 slows everything down so we've got to get that taken care of.

4 MR. WITTMANN: I will get with Mr. Davis or more
5 accurately get Ms. Wimberly to get with Mr. Davis and we will
6 straighten this out.

7 THE COURT: Good. The next item is the State Court Trial
8 Settings, I notice there are more as time goes on.

9 MR. WITTMANN: I think it's accurately set forth, your
10 Honor, in the joint report. I have no changes to it.

11 THE COURT: Selection of Cases for Early Federal Trial. I
12 have set cases in July, September, October, and November. So we are
13 proceeding in those matters.

14 MR. LEVIN: That seems to be accurate, your Honor.

15 THE COURT: Class Actions is the fourth item.

16 MR. LEVIN: Your Honor, you have several motions and
17 several class action issues. On the master complaint and the report
18 on local 68 third party payer action is the matter has been fully
19 briefed in the Supreme Court of New Jersey on the class action issue
20 and there is a hearing set in Atlantic City, New Jersey before Judge
21 Higbee I believe on July 13th on the proposed notice. And I also
22 believe that there will be depositions in connection with the notice
23 issues taken prior to that particular conference. Is that right?

24 THE COURT: What's the situation with the Supreme Court,
25 do you all have a date?

1 MR. BEISNER: Your Honor, I could clarify on that what has
2 been briefed to the court --

3 THE COURT: Tell me your name, please.

4 MR. BEISNER: I'm sorry, John Beisner, counsel for Merck.
5 What's been briefed, your Honor, is a motion to the New Jersey
6 Supreme Court to accept the appeal, that briefing is there. There
7 is no, the court has not ruled on that.

8 MR. LEVIN: They're equivalent of certiorari.

9 MR. BEISNER: Right.

10 THE COURT: Discovery Directed to Merck. I had met with a
11 representative from Merck to discuss the privilege log and discuss
12 the material consistent with the ruling of the Fifth Circuit. I met
13 in camera and I put everything on the record and sealed the record.
14 It's really not substantive suggestions as much as just procedural
15 on that as to how the material has been repackaged so that I can
16 deal with it a little more easily.

17 Discovery Directed to the FDA. I notice that I ordered
18 Dr. Graham to give his deposition. He gave his deposition. There
19 is an issue as to cross-examination, whether it's in or out of the
20 scope of the deposition. The plaintiffs take the position that it's
21 outside of the scope of the direct examination, the defendants take
22 the position that it's not outside of the scope; and to the extent
23 it is, that it is more credibility impeachment of the witness, I
24 have that before me and I will hear it.

25 MR. WITTMANN: Your Honor, could I suggest a change on

1 that from what appears in the joint status report?

2 THE COURT: Yes.

3 MR. WITTMANN: It's set for hearing now on June 29th at
4 10:30. The parties have now agreed that the Avron deposition is
5 going to go forward on the 29th and 30th. If we could possibly move
6 that argument on the Graham matter to the 28th when we have other
7 matters that we are going to be arguing anyway.

8 MR. LEVIN: May I confer with the arguers?

9 THE COURT: Sure.

10 MR. LEVIN: Our designated hitter on that issue is Russ
11 Herman and he is at depositions on June 28th, and specifically it
12 was set for June 29th to make that date available for Russ.

13 THE COURT: Phil, get with Russ on that and work it out.
14 I can deal with it whenever.

15 MR. WITTMANN: Okay.

16 THE COURT: Discovery Directed to Third Parties.

17 MR. LEVIN: I believe, your Honor, you have the documents
18 and you're looking at them, as well as looking at other documents.
19 I know your Honor understands our position is there is no privilege
20 anyway.

21 THE COURT: Yes. I have briefs from the parties and I am
22 looking at the material.

23 Deposition Scheduling, do we have any issues on that?

24 MR. WITTMANN: Well, we had one with Dr. Avron, but that's
25 now been worked out, it's going forward on the 29th and the 30th. I

1 believe that we are going to schedule the issues that are pending on
2 the deposition schedule for argument on Monday afternoon, your
3 Honor.

4 MR. LEVIN: There are issues that need to be dealt with on
5 Monday, sir.

6 THE COURT: Okay. And we have a conference on Monday --

7 MR. WITTMANN: Two o'clock.

8 THE COURT: -- two o'clock to allow the parties to argue
9 those respective matters.

10 The Plaintiff Profile Forms. We are having some
11 difficulty with the plaintiff profile form. For the record
12 standpoint, why don't you define that. Ben, do you want some input
13 on this?

14 MR. BENNETT: Good morning, Ben Bennett on behalf of
15 Merck. As the court's aware, we've been discussing for the better
16 part of six months trying to make some modifications to the Merck
17 profile form, that were necessitated by the fact that the form as
18 ordered was not aligned to the Merck IS systems.

19 We have been discussing those changes with the PLC as well
20 as members from the PSC, but at this point in time it's dragged on
21 for such a period of time that I think we need to bring it to some
22 sort of conclusion. The efforts now lasted twice as long as the
23 original negotiations of the MPF.

24 We have had discussions with Mr. Davis and Mr. Buchanan.
25 We are planning to meet directly after this conference, and the

1 discussion would be if we can't work out an agreement then, we
2 submit, almost immediately, submissions to the court and ask you to
3 resolve the issues that we can't work out ourselves.

4 THE COURT: I think we need to do that. One aspect of
5 this case that we've tried to streamline is to modify the
6 traditional mode of discovery; that is, preparing a number of
7 interrogatories and then supplementing the interrogatories and then
8 having another wave of interrogatories just takes too much time; and
9 with this number of cases we have to find a way, a creative way of
10 dealing with initial discovery. So the suggestion was to have
11 plaintiff profile forms and Merck profile forms and by this
12 procedure or mode they exchange some basic information, which
13 ordinarily would be the substance of interrogatories. This method
14 short circuits the interrogatory process and delivers that
15 information.

16 But it has to be staggered, the plaintiffs provide the
17 profile form, from that then the defendants provide profile forms,
18 each delivering a rather detailed specific information, and we are
19 breaking down on that and it's inhibiting the rest of the process so
20 we have to get that moving.

21 So see what you can do, if you can agree upon it, fine; if
22 you can't, then each side is going to have to give me what they want
23 and then I will pick it.

24 MR. BUCHANAN: Thank you, your Honor. And in terms of
25 where we are, just for the record, I believe the parties are in

1 virtual agreement on the MPF itself as revised. We have some debate
2 and hopefully resolution can be reached today in terms of how it's
3 implemented. I suspect that we will be able to agree on some things
4 and we may have to come back to the court to discuss the manner in
5 which compliance is implemented. But we don't want to hold up the
6 completion of the form.

7 THE COURT: I believe that's important, Dave. If you all
8 agree on the form let's get that so that we don't have to redo
9 what's already been done and move it along faster. And I understand
10 there are issues with the other, but you need not hold those issues
11 before you approve the form, that's not going to help me one way or
12 the other and that's not going to persuade me one way or the other.
13 So if you've got other issues, I will give you an opportunity to
14 discuss those issues with the court. But the issues that you can
15 agree on, let's get that over with.

16 MR. BUCHANAN: Your Honor, thank you.

17 THE COURT: State/Federal court, anything there?

18 MS. BARRIOS: Thank you, your Honor. Dawn Barrios for the
19 State Liaison Committee. I have prepared, as usual, the remand
20 orders. There is a lot of remand activity since our last status
21 conference. The CD is totally cumulative, so you might want to
22 throw all of the other CDs away.

23 I would like to offer with regard to the order that you
24 will enter with Lexis/Nexis issues, that I have a database of
25 e-mails of about 1,500 attorneys and that's how I communicate with

1 them. I would be more than happy to send that out for you as well
2 once that's been decided upon.

3 THE COURT: That's important, Dawn, and let's get in on
4 this so that you can participate in the process so that you have
5 that taken care of.

6 The remand motions are going to be a significant issue for
7 me, meaning I am going to devote time and effort on the remand
8 motions. What I would like to do, as I see it, and as I mentioned,
9 is to proceed with these trials and see whether or not the parties
10 after having an opportunity to look at the results of the federal
11 trials as well as evaluate the results of state court trials can
12 make an effort to determine whether they can look at this matter
13 both state and federal globally and give each side an opportunity to
14 look at it globally.

15 If I can't get that or it's not workable or no one is
16 interested in it, then I have to deal with the remand motions.

17 One thing that continues to trouble me about MDL that I am
18 working on, particularly in this case, is to avoid is the black hole
19 concept. MDL is a great mechanism or vehicle for trying to organize
20 the cases and not have the case consume the system, both state and
21 federal. But the criticism that I hear throughout the country is
22 it's sometimes a black hole, and that's not good for any party. You
23 get transferred to the MDL if you're a plaintiff and you never hear
24 from anybody anymore. And that's their side of it. The defendants
25 the same way, the litigants are beginning to be concerned about

1 that, not necessarily in this case, but cases in general.

2 I am seeing articles and talking to people who are
3 concerned about that, it gets transferred to the MDL and goes on and
4 on and on and the litigation consumes the issues. And that's not
5 the purpose of the MDL and it's not good for either side. So I
6 don't want, and I make a conscience effort to avoid having it just
7 be a black hole where things get lost and I try to have it as
8 transparent as possible, and one of the ways is this meeting and the
9 other way is the web site.

10 But we do have to move the cases. So I am conscience of
11 the remands, I am not putting them on a shelf to just be forgotten.
12 I look at them every time I have an opportunity and I am going to be
13 dealing with them at the appropriate time.

14 MS. BARRIOS: Thank you, your Honor.

15 THE COURT: Pro Se Claimants, anything?

16 MR. LEVIN: Seems to be nothing on that, your Honor.

17 THE COURT: Motion to Dismiss Foreign Class Actions. I
18 have a number of foreign class actions that have been filed in this
19 court, mostly from Italy and England, and these matters are for
20 briefing, waiting for the Merck's reply brief on the 26th and then I
21 will deal with them.

22 MR. WITTMANN: Actually, also, your Honor, there was a
23 motion to amend the Italian and French class action and Merck
24 opposed their motions and filed our opposition brief June 14th.

25 THE COURT: Okay. Generic Trial Performance and Rule 702

1 Motions in Limine.

2 MR. WITTMANN: Judge, we have two matters that are going
3 to be before you on Monday, that's the preservation deposition
4 issues that we talked about a moment ago; and the second is the
5 issue of whether the plaintiffs will be permitted to subpoena
6 Dr. David Anstice down here for trial or take a deposition or have
7 him appear on a movie screen during the trial.

8 THE COURT: Right.

9 MR. WITTMANN: That issue is going to be argued on Monday
10 as well. But for those two, any other generic in limine motions are
11 now set for June 28th at 9 A.M.

12 THE COURT: Anything further on that?

13 MR. WITTMANN: That hearing on Monday is going be
14 telephonically as I understand it, unless your Honor wants liaison
15 counsel here.

16 THE COURT: It doesn't matter. I will take it
17 telephonically unless you all want to do it here; otherwise we will
18 do it both, telephonically and otherwise, I will put you on this
19 format if you need to be.

20 MR. WITTMANN: We have the dial-in number already.

21 THE COURT: Either way I don't have any problem.

22 MR. MARK: Douglas Mark, can we do that telephonically?

23 MR. LEVIN: Yes, we would prefer that also.

24 THE COURT: The IMS data is the next item on the agenda.

25 MR. WITTMANN: Your Honor, as the joint report indicates,

1 the IMS data has been provided to trial counsel in the cases that
2 are coming up for trial in the MDL, so far as I know that production
3 has come.

4 MR. BUCHANAN: I will just supplement that briefly. We
5 received requests from certain of trial counsel for IMS data on the
6 experts of the parties. That's been achieved in other litigations
7 with IMS. If you recall IMS has asserted confidentiality
8 protections over this. We're in meet/confer negotiations with IMS
9 to try and resolve this for the litigation. We hope to reach the
10 same exception to their general restriction to allow that
11 information to be promptly provided to trial counsel, plaintiffs'
12 trial counsel concerning the experts that are designated in the
13 cases.

14 THE COURT: When can we get a decision on that?

15 MR. BUCHANAN: Your Honor, I reached out to them for the
16 New Jersey litigation this week and promptly received their consent.
17 I will reach out to them for the MDL today or Monday and will
18 hopefully get that resolved.

19 THE COURT: Let me know by Wednesday. And if you don't
20 have it, get me involved and I will work it out.

21 MR. BUCHANAN: Thank you.

22 THE COURT: Let them know that you need to report to me by
23 Wednesday.

24 MR. BUCHANAN: I will, your Honor, thank you.

25 THE COURT: Discovery in Non-trial Cases.

1 MR. LEVIN: We've discussed this in chambers and we heard
2 your Honor's suggestion, with a capital S, and we are going to
3 confer with our PSC and attempt to come back with something that
4 your Honor will find reasonable to deal with the subject matter in
5 that particular item.

6 MR. WITTMANN: Meanwhile, your Honor, we are going to go
7 forward with those six cases, those six stroke cases in discovery
8 and work with Mr. Ranier and also with any other counsel that are
9 actually involved in cases so that it won't inconvenience their
10 schedule. We need to get forward and moving on this issue.

11 THE COURT: The issue in this matter, as the record
12 indicates, I have set several cases for trial. But there are also a
13 lot of other cases out there that are not set for trial. There are
14 cases that are stroke cases, cases in which individuals claim Vioxx
15 participated or caused or had some effect in producing or
16 encouraging the stroke. That's about one third of the census of the
17 litigation. We haven't had any discovery on those particular cases
18 yet. None of the cases are set for trial.

19 The plaintiffs have taken the position that the medical is
20 in the process of becoming in those particular cases and perhaps
21 discovery is premature. I understand that argument from the
22 standpoint of trial, but I think that both sides need to focus on
23 the stroke cases, see what the claims are, flush out the claims, do
24 the basic discovery on those particular cases.

25 The defendants have picked six cases that they want to

1 proceed on. Several of the cases involve attorneys who are
2 presently engaged in trials that the court has set. The plaintiffs
3 initially objected to any discovery on those cases. It seems to me
4 that it's fair to have the cases proceed with at least some
5 discovery with the understanding that the discovery be coordinated.
6 I don't think it's fair to have somebody who is preparing a case for
7 trial to be pulled away to discover some cases that are not set for
8 trial.

9 But with that said, it seems to me that we need to move on
10 those cases. So my suggestion with a capital S to the plaintiffs is
11 that if they have concern about these six cases, they pick six cases
12 that they feel are appropriate and timely and can be discovered and
13 proceed with discovery in the cases. But meanwhile, let the six
14 proceed with the understanding that you coordinate that with the
15 attorneys who are busy in trial.

16 MR. LEVIN: Your Honor, the Plaintiff Steering Committee
17 wants to thank the court for making out the record for their
18 position on this particular matter.

19 THE COURT: The new items, I have noted with sadness
20 Ms. Carlene Rhodes Lewis' passing. She was a key part of this whole
21 concept of the litigation and was present at the creation, so to
22 speak, and she was an active participant in this litigation. I
23 mention that in the order that I signed.

24 I've also supplemented the committee, placed a person in
25 her place after consulting with counsel for all sides.

1 The next item on the agenda is ECF system, anything on
2 that? Electronic case filing.

3 MR. WITTMANN: That's up and running, your Honor. And the
4 clerk of court has issued a directive on how to use the system and
5 is offering training sessions to lawyers to familiarize them with
6 the system. And while it's not mandatory yet, I know your Honor is
7 interested in encouraging people to use it.

8 THE COURT: I am. So if anybody needs any training for
9 doing any of the filing in this particular case, please be aware
10 that we will have training and tailer it for your needs. And if you
11 have any questions we will get those answered immediately.

12 MR. LEVIN: Your Honor, may I introduce to the court
13 Shelly Sanford who is our newest member on the PSC. It's
14 unfortunate that she is our new member under the circumstances that
15 she comes aboard, but we are very fortunate to have her because
16 she's been fully committed to litigation from the start. She's been
17 here in the back of the courtroom and you haven't seen her, but she
18 has been important to us.

19 THE COURT: All right. Hi, Ms. Sanford, good to have you
20 aboard and appreciate all of your work on this matter. I've been
21 conscience of it, the parties have alerted me to it, and it's good
22 to have you as a member of the committee.

23 MS. SANFORD: Thank you, your Honor. And on behalf of
24 Carlene, thank you very much as well.

25 THE COURT: Okay. The final item is the Certificate of

1 Service for E-filings. Anything on that? There's a suggestion that
2 we put the certificate, I understand that that's agreed to by the
3 parties.

4 MR. LEVIN: Yes, sir.

5 MR. WITTMANN: We are going to submit a proposed Pretrial
6 Order 8B incorporating that and your Honor can sign that after
7 approving it.

8 THE COURT: The next meeting in this matter will be on
9 July 13th. I will be in trial on that day, so I would appreciate it
10 if we could start earlier. I will have the committee meeting at 8
11 and start at 8:30.

12 MR. WITTMANN: 8:30?

13 THE COURT: Yes. Anything further from anyone? Anyone on
14 the committee, anyone in the courtroom, any thought or suggestion?

15 MR. WITTMANN: Not from the defendant, your Honor.

16 MR. BECNEL: Judge, I just gave Mr. -- I think 50 some
17 what cases I just filed. And I would like to get some of my
18 Louisiana cases up for trial. I keep filing them.

19 THE COURT: I think that's fair.

20 MR. WITTMANN: I will note that this was not
21 electronically filed, your Honor.

22 THE COURT: Okay. Let's get with Mr. Becnel and see about
23 the cases and coordinate that with liaison counsel, too. I think
24 that's a fair request, Mr. Becnel. Let's stay on that, please, so
25 that I can deal with it.

1 MR. DAVIS: I just point out for the court, as we've asked
2 in the past, if you'll come through the Plaintiff Steering Committee
3 we will assist in getting those cases and try to get those to the
4 defense.

5 THE COURT: Let's do that, but I do want, Mr. Becnel has
6 been diligent about requesting. The problem is we've had some
7 difficulty with communication and difficulty with preparation of the
8 cases. But let's stick with that and continue to talk Mr. Becnel.
9 I don't mean to talk at this meeting, if you have a problem let's
10 get me on the phone with liaison and I will talk you through it.

11 MR. WITTMANN: Thank you, your Honor.

12 MR. DUGAN: Hi, Judge, James Dugan. We were supposed to
13 have --

14 THE COURT: Yes, I had a motion set. I've got the
15 briefing on the motion. I have several motions set on the 28th, and
16 I thought it would be better if I could look at all of those motions
17 at the same time.

18 MR. DUGAN: That would be fine, that would be great.

19 THE COURT: I apologize if it inconvenienced you in any
20 way.

21 MR. DUGAN: No problem, not at all. Thank you, Judge.

22 THE COURT: Anything further?

23 MR. WITTMANN: No, sir.

24 THE COURT: Okay. The court will be in recess.

25 THE DEPUTY CLERK: Everyone rise.

1 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)

2
3 * * * * *

4
5
6 REPORTER'S CERTIFICATE

7
8 I, Karen A. Ibos, CCR, Official Court Reporter, United States
9 District Court, Eastern District of Louisiana, do hereby certify
10 that the foregoing is a true and correct transcript, to the best of
11 my ability and understanding, from the record of the proceedings in
12 the above-entitled and numbered matter.

13
14
15 _____
16 Karen A. Ibos, CCR, RPR
17 Official Court Reporter
18
19
20
21
22
23
24
25