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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NUMBER 16-21224-CV-MORENO

MASTER SGT. ANTHONY R. EDWARDS,
et al.,

Plaintiffs,

Courtroom 13-3

vs.

Miami, Florida

PRICEWATERHOUSECOOPERS, LLP,
et al.,

October 31, 2016

Defendants.

MOTION TO COMPEL PRODUCTION OF SETTLEMENT AGREEMENT
BEFORE THE HONORABLE FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

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Reporter's Certificate 25

EXHIBITS

Exhibits	Marked for Identification		Received in Evidence	
Description	Page	Line	Page	Line

1 (The following proceedings were held at 9:25 a.m.)

2 THE COURT: Good morning.

3 MR. TURKEL: Good morning, Your Honor.

4 MR. CAYNE: Good morning, Your Honor.

5 THE COURT: Well, let me see if you all can explain to
6 me what's going on here. There's something strange.

7 Okay. We're here in Anthony Edwards and others versus
8 PricewaterhouseCoopers, LLP, Case Number 16-21224.

9 On behalf of the plaintiff, who do we have?

10 MR. TURKEL: Judge, Ken Turkel of Bajo, Cuva, Cohen,
11 Turkel in Tampa.

12 MR. BARRIOS: Good morning, Your Honor. Brad Barrios
13 with Bajo, Cuva, Cohen, Turkel as well.

14 MR. LOMBANA: Hector Lombana with Gamba Lombana &
15 Herrera.

16 MR. DORTA: May it please the Court. Gonzalo Dorta on
17 behalf of plaintiffs.

18 THE COURT: Okay. On behalf of any defendant.

19 MR. CANTERO: Your Honor, Raoul Cantero, White & Case,
20 for PricewaterhouseCoopers along with Chris Landgraff of Barlit
21 Beck.

22 THE COURT: And we have someone else?

23 MR. DUBBIN: Your Honor, Sam Dubbin on behalf of the
24 Federal Housing Finance Agency and my colleague, Howard Cayne
25 from Arnold & Porter and Asim Varma is also here from Arnold &

1 Porter.

2 THE COURT: Okay. Who's going to speak on behalf of
3 the Federal agency?

4 MR. CAYNE: I am, Your Honor, Howard Cayne.

5 THE COURT: Come forward to the lectern and explain.

6 You're not even a party in this case, right?

7 You can all sit down.

8 We have a stipulation of dismissal, which is always

9 music to a judge's ears.

10 MR. CAYNE: Yes, Your Honor.

11 THE COURT: You sign it and then you come in and you
12 say move to reconsider and then we have --

13 MR. CAYNE: We have --

14 THE COURT: Don't interrupt me because the court
15 reporter can't take two people at once, so you have to wait.

16 Okay?

17 And then we have a stipulation of dismissal. You
18 withdrew it yesterday. What time did you move to withdraw it?

19 MR. CAYNE: I believe it was approximately 5 p.m., Your
20 Honor.

21 THE COURT: On Sunday.

22 MR. CAYNE: Yes, Your Honor.

23 THE COURT: I didn't get a chance to see it on Sunday.

24 And now there's a new stipulation of dismissal, but you're not
25 even a party in this case. Explain to me what's going on.

1 If you're not a party and two other people, two parties
2 entered into a settlement, you come in, you want to reconsider
3 the fact that they've entered into a stipulation and then you
4 say at one point, well, all we want to do is be part of it, and
5 if we're part of it, we're going to dismiss it, too.

6 I mean, you say it more elegantly than what I've said,
7 but that's kind of it, isn't it? What's going on? Is this for
8 other cases or what's going on?

9 MR. CAYNE: Your Honor, first, there are many cases in
10 which the agency is involved and --

11 THE COURT: And you don't file anything until the case
12 is dismissed.

13 MR. CAYNE: Your Honor, this is a unique situation for
14 us.

15 THE COURT: Okay. So the fact that there are many
16 other cases where the agency is involved doesn't really help me
17 understand what's going on here.

18 MR. CAYNE: Yes, Your Honor. The reason --

19 THE COURT: Why did you get involved in the first
20 place?

21 MR. CAYNE: Your Honor, the reason we got involved in
22 the first place is that the claims prosecuted by plaintiff in
23 their Complaint in the view of the agency belong to the
24 conservator, FHFA, not the --

25 THE COURT: So why didn't you do something before? You

1 didn't move to intervene or anything, right?

2 MR. CAYNE: We had moved, Your Honor.

3 THE COURT: When, after the settlement?

4 MR. CAYNE: No, no, no, last spring.

5 THE COURT: And what happened to that?

6 MR. CAYNE: The motions were pending, Your Honor. We
7 moved to intervene and --

8 THE COURT: The motions were pending since last spring?

9 MR. CAYNE: With the Court, yes, Your Honor.

10 THE COURT: Check that out, Mariela.

11 Was this referred to the magistrate?

12 You can look it up here, no? Or you have to look it up
13 there. I don't know.

14 A motion was pending before me since last spring?

15 MR. CAYNE: Yes, Your Honor.

16 THE COURT: Oh, I want to find that out. I can't
17 believe that happened. Since last spring without being granted?

18 MR. CAYNE: There had been no action on it to my
19 knowledge, Your Honor.

20 THE COURT: Okay. Let's find that out. That's very,
21 very, very, very troubling to me.

22 This had not been referred to the magistrate?

23 MR. CAYNE: To my knowledge, our motions had not been
24 referred to the magistrate.

25 THE COURT: Okay. Well, let's find out what's going

1 on.

2 You didn't care that the motion was not being ruled on.

3 MR. CAYNE: We know the Court is busy, Your Honor, and

4 we --

5 THE COURT: Oh, my goodness. All you've got to do is
6 ask Mr. Dubbin or anybody else. I don't sit on a motion unless
7 it's super complicated. What I did --

8 MR. CAYNE: We did --

9 THE COURT: We're interrupting each other.

10 MR. CAYNE: I apologize, Your Honor.

11 THE COURT: You saw what I did when you filed your
12 motion for reconsideration. That's what I do with everything
13 unless it's something super complicated.

14 Was this ever referred?

15 THE LAW CLERK: It was removed April 6. Hold on.

16 THE COURT: April 6. And when was the motion to
17 intervene filed?

18 See, I didn't see that. Can you help me out? When did
19 you all file the motion to intervene.

20 MR. DUBBIN: Your Honor, originally, it was filed in
21 April and then there was an MDL --

22 THE COURT: A motion to intervene before me, when was
23 that filed? That's what I want to know.

24 MR. DUBBIN: The first one was April 2016.

25 THE COURT: Before me?

1 MR. DUBBIN: Yes, Your Honor.

2 THE COURT: Okay. Look it up. April 26. Let's look
3 at that.

4 MR. DUBBIN: Then case was stayed.

5 THE COURT: Oh, once the case is stayed because it's a
6 multidistrict --

7 MR. DUBBIN: I'm getting there. I'm getting there.

8 THE COURT: We're interrupting each other. One of us
9 has to give up.

10 Okay. So it was stayed.

11 THE LAW CLERK: Yes, there's an order granting motion
12 to stay April 21st.

13 THE COURT: Well, that's why it wasn't ruled on. And
14 then what happened?

15 MR. DUBBIN: The stay ended.

16 THE COURT: When did the stay end?

17 THE LAW CLERK: July. Unopposed motion to reopen case,
18 order granting motion to reopen case August 9, 2016.

19 THE COURT: Okay.

20 MR. DUBBIN: Then on August 17, Your Honor, we renewed
21 the motion to substitute as plaintiff in the case.

22 THE COURT: Okay. In August what?

23 THE LAW CLERK: August 17, 2016.

24 THE COURT: And what happened to that, nothing?

25 THE LAW CLERK: That one I think was denied as moot

1 when the announcement of settlement came in.

2 THE COURT: When was the announcement of settlement?

3 THE LAW CLERK: On October 12, Notice of Court Practice
4 Upon Parties' Notice of Settlement.

5 THE COURT: All right.

6 THE LAW CLERK: No, not then. Hold on.

7 THE COURT: It's been pending since August, not since
8 the spring. So now that we've got that straightened out -- and
9 I apologize for that. It shouldn't have been pending. I
10 probably should have ruled on it in August, and I waited till
11 when? When was the dismissal?

12 THE LAW CLERK: The order of dismissal?

13 THE COURT: No, the motion, the stipulation.

14 THE LAW CLERK: The stipulation of dismissal, the first
15 one was filed October 18th after the motion for consideration of
16 your order denying as moot the motion to remand and the motion
17 to substitute.

18 THE COURT: October what?

19 THE LAW CLERK: October 13 was that order, denying
20 those motions as moot in view of the settlement.

21 THE COURT: I know. When was the motion for
22 substitution filed?

23 THE LAW CLERK: The original one was -- well, the one
24 that was pending was filed in August I believe.

25 THE COURT: August what?

1 THE LAW CLERK: Give me one second. August 17th.

2 THE COURT: Okay. So I apologize for not ruling on
3 something within two months. Now that I've gotten that
4 straighten out, I apologize and it's my fault. That happens
5 sometimes in August and September.

6 Okay. So now, the case gets dismissed. You want to be
7 part of it. You want me to vacate my order denying your motion
8 to be involved in this case because you weren't involved in the
9 first place, and now you want to withdraw the motion for
10 reconsideration.

11 What's going on? Tell me what's going on or you don't
12 want to?

13 MR. CAYNE: Yes, Your Honor. When we filed the motion
14 in August to intervene and to substitute, the reason we filed
15 that is, and it's the position we've taken in other cases --

16 THE COURT: Okay.

17 MR. CAYNE: -- is that the conservator was the only, is
18 the only party that can prosecute the claims that were being
19 prosecuted. We filed that motion. Plaintiffs responded and it
20 was pending. And then we, frankly, were blindsided when there
21 was a settlement. We didn't know there was going to be a
22 settlement and we heard at the same time the Court heard that
23 there had been a settlement and I believe the next day Your
24 Honor dismissed as moot our pending motion to intervene and
25 substitute.

1 The reason, Your Honor, we asked to reconsider was
2 because as a result of the settlement, our claim to the claims
3 had never been resolved, and the parties settled the claims that
4 had been pled in the initial Complaint and we had never, frankly
5 Your Honor, been heard by the Court that we are the correct
6 party to prosecute these claims.

7 So that's why we asked to reconsider the motion you
8 denied as moot.

9 THE COURT: No, I remember reading that, and now why
10 are you withdrawing it?

11 MR. CAYNE: Your Honor, because life is short. We've
12 had negotiations to determine whether we really need to litigate
13 this before Your Honor since the plaintiffs are ready to dismiss
14 their case as the Court knows. We filed papers indicating, in
15 our view, that the Rule 41(a)(2) dismissal was not automatically
16 effective because the Court did not have before it all the
17 necessary parties.

18 Our position was since we owned the claims, we were a
19 necessary party to any settlement and we had negotiations, and
20 as a result of those negotiations, we together with the
21 plaintiff and the defendants have now filed a replacement
22 superseding Rule 41(a)(2) dismissal which states that we still
23 keep our position, these are our claims. Plaintiffs keep their
24 position that the claim belong to plaintiffs but --

25 THE COURT: Are they in conflict, those two positions?

1 MR. CAYNE: They are in conflict, but in this case,
2 that issue does not need to be resolved because if the Court
3 accepts the Rule 41(a)(2) dismissal, between -- we believe we
4 own all the claims, but the Court has before it all the proper
5 parties. There's not a third party out there that is asserting
6 ownership.

7 THE COURT: Are you a party in this case?

8 MR. CAYNE: Our view, Your Honor, we are a party to the
9 dismissal.

10 THE COURT: You are a party to the dismissal even
11 though I haven't let you intervene yet. Isn't that weird?

12 I hate to do things kind of like that because someone
13 may -- you know, they go to Atlanta, and then they say, oh,
14 Moreno is screwing up again. You know, you don't want them to
15 say that.

16 MR. CAYNE: We are an entity or a dismissing party,
17 person.

18 THE COURT: You're a nonparty who is agreeing to a
19 dismissal without being a party. That's weird though, isn't it?
20 I know it's Halloween but still.

21 MR. CAYNE: Your Honor, our view is if we don't proceed
22 this way, then we would step back and say we do need our other
23 motions adjudicated because we should be allowed to come in as a
24 full party and then participate in the litigation or dismissal
25 directly. Maybe it's too much of a shortcut, maybe it's a

1 shortcut, Your Honor, but this is where we believe we would have
2 been if the Court had allowed us in.

3 THE COURT: Fair enough.

4 MR. CAYNE: Because we told the Court in our moving
5 papers, once we got in, assuming the Court allowed us in --

6 THE COURT: -- you were going to dismiss it anyway.

7 MR. CAYNE: That is correct.

8 THE COURT: Okay. So it's a question of principle,
9 p-l-e, and not principal, p-a-l, right?

10 MR. CAYNE: Yes, Your Honor.

11 THE COURT: Am I right?

12 MR. CAYNE: Yes, Your Honor.

13 THE COURT: So you just want to do that because of the
14 impact it may have in other cases unrelated to this?

15 MR. CAYNE: Well, we want to do it directly, Your
16 Honor, for the impact on this case.

17 THE COURT: What is the impact? What am I missing?

18 MR. CAYNE: Because, Your Honor, we have claims and we
19 would hope the Court, if it had decided our motion on the
20 merits, would have agreed that these claims belong to us, would
21 have allowed us to participate as a full party and then it was
22 our intent to dismiss everything, all of our claims, because we
23 do not believe plaintiff owned the claims. Our view is that the
24 original stipulation is without effect --

25 THE COURT: I got that.

1 MR. CAYNE: -- and these claims were out there in the
2 ether. We want them dismissed. So that's why it's important in
3 this case for us to participate because we want all the claims
4 dismissed, Your Honor.

5 THE COURT: Okay. I'm missing something. All right?
6 I think. I mean, what's the practicality of this? Maybe I
7 should ask the other lawyers.

8 So you want me to grant your motion to withdraw, the
9 motion for reconsideration where I denied your motion to
10 intervene as moot. Once I do that, then who is -- you along
11 with the plaintiffs decide to dismiss it.

12 MR. CAYNE: I apologize, Your Honor, for not answer
13 your question well. I'll try again.

14 The practical effect of what we're doing --

15 THE COURT: Yeah.

16 MR. CAYNE: -- the practical effect is, in our view,
17 plaintiffs, some random shareholders, Your Honor, showed up in
18 this court and filed a claim.

19 THE COURT: I got the history. I want to know what
20 happens after today.

21 MR. CAYNE: Well, our practical concern, Your Honor, is
22 if we're not part of the settlement dismissing our claims --

23 THE COURT: Okay.

24 MR. CAYNE: -- tomorrow another group of random
25 shareholders would show up --

1 THE COURT: There you go.

2 MR. CAYNE: -- and file another Complaint.

3 THE COURT: I got it.

4 MR. CAYNE: We don't want that to happen, Your Honor.
5 The claims belong to us.

6 THE COURT: Now I understand. That's the practical.

7 MR. CAYNE: Yes, Your Honor.

8 THE COURT: Do I even get involved into what the
9 settlement is about?

10 MR. CAYNE: I'm sorry. I didn't hear the question.

11 THE COURT: Do I get involved in what the settlement is
12 about?

13 MR. CAYNE: My view, Your Honor, is if the Court agrees
14 that this Rule 41(a)(2) dismissal with prejudice is effective,
15 that would be the end of the proceeding. If the Court believes
16 it was done properly, it's effective, there would be no orders
17 or other matters on which the Court would need to rule.

18 THE COURT: Okay. So I don't get involved in what the
19 settlement is about.

20 MR. CAYNE: That's correct, Your Honor.

21 THE COURT: All right. Do the plaintiffs want to say
22 anything?

23 Go ahead. Go to the lectern. It makes the court
24 reporter's job easier, please.

25 MR. TURKEL: May it please the Court and counsel, Your

1 Honor.

2 I don't want to say much. I probably would tell that
3 the questions you asked counsel were the same ones we had,
4 largely the fact that in all of their papers they had
5 represented they were going to dismiss these claims. From our
6 perspective, Judge, we had an arm's length settlement with the
7 defendant in the case.

8 THE COURT: Do I get involved in the settlement at all?

9 MR. TURKEL: I don't think anybody is attacking the
10 merits or the substance of the settlement. I know my
11 colleagues, PricewaterhouseCoopers, their counsel, and our sides
12 negotiated that. It's a good faith arm's length settlement.

13 I think frankly, Judge, in the light of the Court's
14 order setting this hearing, there were some meet-and-confer
15 discussions as we would normally have under local rules in the
16 state in trying to resolve sort of frankly exactly what you were
17 asking, what's the practicality of this when you've said you're
18 going to dismiss these claims anyway. I understand their
19 position. Whether I agree with it, I think is immaterial
20 because the long and short of it is, I hate to use this word,
21 but it's relatively harmless if they want to protect their
22 position vis-a-vis the rest of the world.

23 The way I understand it, and hopefully the record
24 reflects what counsel just said to Your Honor, is that they want
25 the world to be on notice that they disagree with the fact that

1 our clients, who I would protest the use of the word "random"
2 shareholders, okay, we would take the position they were very
3 damaged shareholders, but they want the world to know that they
4 don't agree with the fact that we had these claims to prosecute.

5 From a legal perspective, Judge, I think your question
6 as to what does it mean after today, I mean, they were a
7 putative intervenor, and I'm not even sure they were that
8 because normally maybe you would have to intervene to file the
9 motion to substitute, but again, you know, this was a way to
10 resolve perhaps their protest of us filing a dismissal on which
11 they were not included. So --

12 THE COURT: You don't want me to elevate form over
13 substance. Grant it, be quiet and move on.

14 MR. TURKEL: That would be elevating form over -- I
15 think what we're doing is saying from a form perspective, it's
16 fine; substantively, I don't think it has any preclusive
17 estoppel effect either way. It's just FHFA memorializing their
18 position on our dismissal.

19 Judge, as you can imagine the intent -- not that we
20 don't enjoy coming down from Tampa every now and again -- was to
21 try and avoid the exercise of explaining.

22 THE COURT: Oh, if you would have done it before, I
23 wouldn't make you come in.

24 MR. TURKEL: That's what we were trying to do last week
25 and it gets filed Sunday, and so, Judge, at the end of the day,

1 I think --

2 THE COURT: You didn't want me to have a telephone
3 conference Sunday night. I'm sure I was watching the Cubs game.

4 MR. TURKEL: We were listening to it on Alligator
5 Alley.

6 THE COURT: Where my son was --

7 MR. TURKEL: So I think, Judge, at the end of the day,
8 this resolves the concerns. You know, I understand the Court's
9 concern, how you're included when you haven't been named as a
10 party. I would say, as to the Court's questions vis-a-vis the
11 scheduling, the briefing on the renewed motion to substitute
12 didn't close till mid-September I think. So it wasn't --

13 THE COURT: Now, you're making me feel even better.
14 I'll take it.

15 MR. TURKEL: I'm trying to make you feel better that it
16 wasn't out there that, that long after the briefing.

17 THE COURT: If not, I was going to look into it.

18 MR. TURKEL: So I think after the replies were filed,
19 it was September 16 or something like that.

20 THE COURT: So I sat on it for a month.

21 MR. TURKEL: We notified chambers on October 11th I
22 believe of the settlement and then complied with the Court's
23 order and this issue came up.

24 So Judge, I guess at the end of the day from the
25 plaintiffs' perspective, this resolves you having to make a call

1 on all this, you know, the order denying their pending motions.

2 THE COURT: What's the harm to you if I were to say --
3 I mean, when I originally set this hearing I was going to say,
4 why not have them be as co-plaintiffs, but they say they're the
5 exclusive plaintiffs, not co-plaintiffs. That's the problem.
6 Then I don't know. How does that work?

7 You've got money in this case I suspect.

8 MR. TURKEL: Judge, the settlement is confidential.
9 We'd be more than willing to submit it in camera, but yes.

10 THE COURT: Well, I wouldn't want you to say how much,
11 but you've got money.

12 MR. TURKEL: Yes.

13 THE COURT: I mean, you're not doing this to write a
14 law review article.

15 MR. TURKEL: Correct. No, Your Honor, I'm not. Though
16 I should say, we're not.

17 THE COURT: So you're going to get the money either
18 way.

19 MR. TURKEL: That from our perspective, Judge, would be
20 the ultimate resolution.

21 THE COURT: How would it work if the Federal Government
22 were the plaintiff? Would the stockholders get money?

23 MR. TURKEL: No.

24 THE COURT: They wouldn't.

25 MR. TURKEL: They were going to dismiss the claim.

1 This is why I never understood the position.

2 THE COURT: They were going to dismiss it without
3 anybody getting anything.

4 MR. TURKEL: Their papers have consistently represented
5 that if they were substituted as the proper party plaintiff,
6 they would be dismissing claims.

7 THE COURT: Is that right?

8 MR. CAYNE: That's correct, Your Honor.

9 THE COURT: All right. Okay. Do the defendants want
10 to say anything?

11 MR. TURKEL: Your Honor, you have nothing else from me.

12 THE COURT: Okay. Thank you.

13 MR. TURKEL: Thank you, Your Honor.

14 THE COURT: I'm probably the only judge who has a
15 hearing on how to dismiss a case and then spends half of the
16 time talking about the length of a pending motion. Now, we've
17 got it down to less than 30 days, so that's not bad.

18 MR. CANTERO: Good morning, Your Honor. Raoul Cantero
19 for PricewaterhouseCoopers.

20 I just want to add one or two things. I want to
21 explain why the notice of withdrawal was filed yesterday.

22 We were able to confer over the weekend and allay any
23 concerns that the FHFA had about the settlement. We could not
24 do it on Saturday because that was the Notre Dame game, so I was
25 busy that afternoon.

1 THE COURT: You're currying favor, see.

2 MR. CANTERO: Blindly, baldly.

3 THE COURT: You wouldn't be saying that if Notre Dame
4 had lost.

5 MR. CANTERO: I would be ignoring the game totally,
6 Your Honor.

7 THE COURT: Though I'm a Canes fan, but not when it
8 comes to that game.

9 MR. CANTERO: I can shift according to the
10 circumstances.

11 THE COURT: Yeah, that's what lawyers do.

12 MR. CANTERO: So I can either take the blame or the
13 credit for having the notice filed yesterday.

14 THE COURT: Oh, no, I don't care that it was filed
15 yesterday.

16 MR. CANTERO: Okay.

17 THE COURT: It doesn't matter to me. It didn't take
18 any work away. I have this hearing. I've got plenty of time.
19 My calendar is under control. It's only one case and I'm
20 looking at a lawyer who's on that one case where things are
21 pending and I don't know what he has to do with this case.

22 MR. CANTERO: I think he was just in the neighborhood,
23 Your Honor.

24 THE COURT: He was just in the neighborhood. Okay.

25 You know, the judge is always the one who knows the

1 least of what's going on, you know. I'm always the one who
2 knows the least. I hate that and then we do, here comes the
3 dismissal. I just dismissed it, and all of a sudden, it gets
4 resurrected and it becomes a big Federal case and then I see
5 other individuals here in the courtroom who are not parties
6 either, right, and lawyers. So I don't know whether I should
7 ask more questions or just keep my mouth shut and do what? In
8 your view, you're paying up, you don't care, right?

9 MR. CANTERO: Correct, Your Honor. I think the case is
10 over, and if you want to actually grant an order allowing us the
11 withdrawal, that may be one little follow-up thing, but other
12 than that, the case is over. I don't think your concern -- I
13 don't think you need to concern yourself about the Eleventh
14 Circuit taking a look at this because everybody here is in
15 agreement that this stipulation is okay.

16 THE COURT: Oh, I'm only kidding when I say about the
17 Eleventh Circuit. They've been very good to me, and when
18 they're not, they're right. So what difference does it make?

19 Okay. So technically what I should do is deny the
20 motion to reconsider as withdrawn and leave the original
21 stipulation of settlement, or do we have a new stipulation of
22 dismissal to replace it?

23 MR. CANTERO: We had filed one yesterday.

24 THE COURT: Should I do anything with that under Rule
25 41, or I don't even do anything?

1 MR. CANTERO: I don't think there's anything for you to
2 do.

3 THE COURT: What say the Federal Government?

4 MR. CAYNE: Your Honor, we would say it would be
5 appropriate to do nothing, but out of an abundance of caution
6 and clarity, it might be appropriate to issue an order stating
7 that the dismissal of the stipulation yesterday superseded the
8 original, that's the language used, just so the Court's files
9 are clear, that that is the dismissal that has effect.

10 THE COURT: Any problem from the Edwards plaintiffs?

11 MR. TURKEL: Your Honor, the only thing I would say is
12 the stipulation says it supersedes the previous one, and it's
13 self-executing on a Rule 41, so --

14 THE COURT: The new stipulation?

15 MR. TURKEL: The new stipulation says -- I believe
16 there's expressed language included in the stipulation stating
17 that it supersedes the previous stipulation.

18 THE COURT: Okay. So I always issue an order usually
19 sooner than 25 days, usually within 24 hours, that says case
20 dismissed consistent with the stipulated, voluntary dismissal
21 with prejudice filed on October 30th. Can I do that? Is that
22 okay with you? Does that hurt you?

23 MR. TURKEL: That's fine with the plaintiffs.

24 THE COURT: Does that hurt the defendants?

25 MR. CANTERO: No, Your Honor.

1 THE COURT: Does that hurt the Federal Government?

2 MR. CAYNE: No, Your Honor.

3 THE COURT: Then when all three of you agree, I should
4 say nothing else. That's what I'll do.

5 Happy Halloween.

6 MR. TURKEL: Thank you, Your Honor.

7 THE COURT: All right. Sorry you had to come.

8 MR. CANTERO: Thanks for your time, Judge.

9 THE COURT: I wouldn't have made you come if I had
10 known.

11 MR. CAYNE: Thank you very much, Your Honor.

12 MR. LOMBANA: Thank you, Your Honor. Have a good day.

13 THE COURT: You, too. The other one is set for 10:00,
14 right? See I thought you guys were going to talk for an hour.
15 Look at that, I came in late and I've got 15 minutes till the
16 next hearing. Okay.

17 (The hearing was concluded at 9:45 a.m.)

18 C E R T I F I C A T E

19 I hereby certify that the foregoing is an accurate
20 transcription of proceedings in the above-entitled matter.


21

22 -----
11-01-16
DATE

23

24

25



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