

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION AT SANTA ANA
HONORABLE DAVID O. CARTER, JUDGE PRESIDING

CERTIFIED TRANSCRIPT

UNITED STATES OF AMERICA,)
)
 PLAINTIFF,)
)
 vs.) CASE NO. 2:25-cv-09149-DOC
)
 ROBERT PAGE, in his capacity as)
 Registrar of Voters for Orange)
 County,)
)
 DEFENDANT.)
)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SANTA ANA, CALIFORNIA

MONDAY, SEPTEMBER 15, 2025

9:25 A.M.

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1 SANTA ANA, CALIFORNIA; MONDAY, SEPTEMBER 15, 2025; 9:25 A.M.

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3 THE COURT: United States versus Robert Page.

4 Nice to see both of you and have a seat for a second.

5 MR. GATES: Good morning, Your Honor.

6 Michael Gates with the Department of Justice, on
7 behalf of the United States.

8 THE COURT: Pleasure.

9 MS. SHOAI: Good morning, Your Honor.

10 Senior deputy county counsel, Suzanne Shoai, on
11 behalf of the defendant Robert Page.

12 THE COURT: For disclosure, I know counsel
13 represented the plaintiff from your years with Huntington
14 Beach and working together.

15 Nice to see you again, okay?

16 MR. GATES: Thank you, Your Honor.

17 THE COURT: And congratulations on your
18 appointment.

19 MR. GATES: Thank you, Your Honor. It's good to
20 be here.

09:26:21 1 you know, no transparency, no disclosure. That way you can
2 sort out where we are.

3 Okay. Your thoughts.

4 MR. GATES: Thank you, Your Honor.

09:26:32 5 So the issue in this case really is voter roll
6 maintenance and probably comes as no surprise, particularly
7 with the news most recently about a pet being registered to
8 vote with Orange County.

9 THE COURT: Yeah, I read that in the Register.

09:26:48 10 MR. GATES: So many jurisdictions that the
11 United States is dealing with refuse to acknowledge that
12 there are issues with voter role maintenance and as with
13 Orange County oftentimes recalcitrant, obstinate, unwilling
14 to cooperate. The United States is making a simple request
09:27:09 15 and that is simply share your voter rolls which often
16 jurisdictions do with Joe Public, right? So if an
17 individual just writes to the county or the state and
18 requests voter roll data, they often get quite a lot of
19 data. But when the Department of Justice asks, suddenly
09:27:26 20 there's an issue with privacy laws and other state laws that
21 are preempted by the National Voter Registration Act and
22 HAVA, the Help American Vote Act.

23 The attorney general -- Congress designated the
24 attorney general specifically under HAVA, in 2002, after
09:27:43 25 *Bush v. Gore* to ensure that voter maintenance occurs. There

09:27:48 1 is no private right of action under HAVA. Nobody can simply
2 bring an action for redress or for a jurisdiction to correct
3 its list maintenance. It's literally only the attorney
4 general.

09:28:02 5 So the Attorney General rightfully in this case
6 is, with the evidence of ineligible voters on the Orange
7 County voter rolls, making demands of Orange County to make
8 certain disclosures, not only for the list that they have,
9 but also for records regarding list maintenance. And all of

09:28:22 10 that is spelled out in the federal statutes under HAVA and
11 the NVRA. Orange County refused and they actually produced
12 something that was heavily redacted, probably far more
13 redacted than had I asked for them as Joe Public. And so
14 we're here today because Orange County has refused to

09:28:42 15 cooperate with the Attorney General and list maintenance is
16 something that needs to occur in every jurisdiction
17 throughout our land. As I said, the Attorney General is
18 squarely charged with ensuring that there is not only a
19 voter registration program with each state but a list

09:29:02 20 maintenance program with each state. And so we're just
21 doing our duty. It's as simple as that. We don't think --

22 It's a simple conflict. We don't think it really
23 will take a lot of time. I reviewed our schedule. We
24 probably could do it much faster with expedited discovery,

09:29:20 25 but that's basically where we are right now.

09:29:23 1 THE COURT: Counsel, tell me about your case.

2 MS. SHOAI: Thank you, Your Honor.

3 So this is not an issue of what basically --

4 excuse me. The Registrar of Voters did provide names, dates

09:29:33 5 of birth, home addresses and other identifying information

6 as to these registrants. But without a warrant or a

7 subpoena, the Registrar of Voters could not provide personal

8 identifying information -- excuse me, highly sensitive

9 personal information under California law. That's a

09:29:53 10 California Driver's License number, Social Security number

11 and, importantly, images of registrants' signatures. No

12 member of the public would get this information. This is

13 considered sacrosanct under California law. Highly

14 confidential information.

09:30:11 15 The way to get it: Issue a subpoena. Issue a

16 warrant. That didn't happen here. In terms of compliance

17 with HAVA and the NVRA, the Registrar of Voters has retained

18 the driver's license and Social Security numbers of

19 registrants as required by HAVA. Under the NVRA, the

09:30:31 20 Registrar of Voters did produce information regarding voter

21 maintenance activities while still maintaining -- still

22 complying with California law by maintaining the

23 confidentiality of that confidential personal -- highly

24 sensitive personal information.

09:30:48 25 With respect to noncitizens, the Registrar of

09:30:54 1 Voters requires that all registrants attest under penalty of
2 perjury that they are U.S. citizens. And when the Registrar
3 of Voters receives evidence that that is not the case, it
4 turns it over to the D.A. which is actually what happened in
09:31:10 5 this case in the news regarding the dog.

6 THE COURT: Okay. Give me just one moment. I'll
7 be right back with you.

8 *(Recess taken from 9:31 a.m. to 9:42 a.m.)*

9 THE COURT: Then we're back on the record.

09:42:22 10 All counsel are present. Thank you for your
11 courtesy.

12 Because the motion for dismissal was not timely
13 brought, perhaps, the first opportunity for this Court to
14 rule on this case would be the motion for summary judgment;
09:42:41 15 is that correct?

16 MS. SHOAI: Your Honor, our plan is to file a
17 motion for judgment on the pleadings --

18 THE COURT: Okay.

19 MS. SHOAI: -- 12(c).

09:42:48 20 THE COURT: That might speed up the process.

21 MS. SHOAI: Yes. And our hope is to get it on
22 calendar and have the Court hear it by the end of October or
23 maybe early November.

24 THE COURT: What do you need in terms of
09:43:05 25 discovery? Is there any discovery needed?

09:43:07 1 A motion on the pleadings usually doesn't
2 necessitate discovery, but I want to make sure it's fair for
3 both sides.

4 What's needed?

09:43:16 5 MR. GATES: I appreciate that, Your Honor.

6 I think the County has already indicated that --
7 or the Registrar of Voters have already indicated that they
8 don't need any discovery for a MJP. I would probably agree
9 with that. I think if we look beyond that we would request
09:43:31 10 limited discovery. I don't know if you want me to get into
11 that.

12 THE COURT: Yeah, I would for a moment. In other
13 words -- one of the reasons is because the disagreement
14 about the trial date between the two of you. And one of my
09:43:46 15 concerns is that this case will have precedence potentially
16 far beyond the lawsuit you brought. It may have precedence
17 across the country. We've got a lot of elections coming up.

18 MR. GATES: I understand.

19 THE COURT: And the earlier we can sort this
09:44:01 20 out -- and one of you will take [sic] an appeal, obviously,
21 no matter what. Time is running out with your Registrar in
22 a sense and the Government kind of in this situation where
23 we can't give adequate precedence or advice and so I'm
24 saying, the sooner, the better. But what brings finality
09:44:24 25 and fairness also, if you need additional discovery -- and

09:44:26 1 I'm completely flexible about that. But right now, the case
2 seems to be moving slowly and I'd like to speed that up.

3 MR. GATES: I would appreciate that, Your Honor.

4 Just so that we're all on the same page, the
09:44:37 5 complaint that the United States filed seeks relief --

6 *(Court Reporter requests clarification for the
7 record.)*

8 MR. GATES: I'm happy to.

9 Just so that we're all on the same page, the
09:44:50 10 complaint seeks HAVA and NVRA compliance with regard to list
11 maintenance. That's the ultimate goal. To get there, we
12 need certain disclosures.

13 THE COURT: Right.

14 MR. GATES: I believe, based on representations
09:45:01 15 from the Registrars, they're stuck on, *Well, you're not*
16 *entitled to those disclosures.* So I'm not sure what the MJP
17 is going to look like --

18 THE COURT: How do we get to a dispositive
19 decision by the Court that acts as precedence and goes up to
09:45:19 20 appeal and maybe even goes to the Supreme Court? My fear
21 is, as we go through the procedural process, it doesn't
22 answer for the Registrar or federal government what those
23 guidelines are that you can operate by, and we have a lot of
24 elections coming up.

09:45:36 25 MR. GATES: Well, I would suggest, Your Honor,

09:45:38 1 that HAVA --

2 THE COURT: Why don't you two just talk informally
3 for moment. In other words, you may have the same desire on
4 behalf of both of your clients. And I'm not sure -- is a
09:45:47 5 judgment on the pleadings going to answer this question?

6 MS. SHOAI: Your Honor --

7 THE COURT: Why don't you two just talk informally
8 for a moment. You don't have to like each other.

9 MR. GATES: She's pleasant. That's not the issue.

09:45:59 10 THE COURT: Why don't you just get up and see if
11 there's some kind of an accommodation we can reach to speed
12 this up, and I mean it in a dispositive way, okay? Because
13 judgment on the pleadings, is that -- judgment on the
14 pleadings is not going to give you a dispositive answer to
09:46:13 15 this question, necessarily.

16 MR. GATES: Your Honor, alternatively, what we
17 could suggest is that the United States brings an OSC for
18 why the --

19 THE COURT: Exactly.

09:46:23 20 MR. GATES: So we'll --

21 THE COURT: Go talk for a moment. In other words,
22 how do we get a decision as quickly as possible so that we
23 can operate even when you're up on appeal?

24 MR. GATES: Understood. Thank you, Your Honor.

09:46:36 25 THE COURT: Okay.

09:46:36 1 MR. GATES: Thank you, Your Honor.

2 THE COURT: That's the public good. You both want
3 that. And I'm a little afraid of the judgment on the
4 pleadings, different standard. I mean, what we're inviting
09:46:45 5 is this case to drag along for a long time without the
6 Registrar and the federal government being able to operate
7 under any guideline. That doesn't serve either of your
8 purpose. So a technical win could be bad for either of you.

9 MR. GATES: And a little bit more backdrop. There
09:47:00 10 is a pretty exhaustive list of requirements under HAVA, and
11 I think there's a disagreement about the statute, too.

12 THE COURT: Go talk to each other for just a
13 moment. I'm going to call another case in a few moments,
14 but you're my first priority until I call that case. So
09:47:13 15 I'll take a recess. Just tell Karlen.

16 I really think -- by the way, your interests are
17 the same.

18 Is Leon Page still your counsel?

19 MS. SHOAI: He is.

09:47:21 20 THE COURT: I get Page and Page, right?

21 MS. SHOAI: Yes.

22 THE COURT: Take your time and call over, because
23 I'm really curious about these interim procedural motions,
24 different standards and where that leads. I don't think
09:47:32 25 that that answers this question. And I think for our

09:47:34 1 elected officials, I think they're going to absolutely be in
2 limbo. And whoever prevails on this, so be it; but whoever
3 loses can start that appeal process, right away. You can go
4 to the Ninth Circuit. You can get it on with the
09:47:49 5 Supreme Court, if you want to. And I'm afraid, motions like
6 12(b) (6) is even with it, *Twombly* standard.

7 MR. GATES: Understood, Your Honor.

8 THE COURT: So how do we get this in a dispositive
9 decision making place for the benefit of the public as
09:48:02 10 quickly as possible?

11 Now, you can continue on with your judgment on the
12 pleading motion. Is that dispositive?

13 MS. SHOAI: Your Honor, I believe it is. I
14 believe it's dispositive from the complaint that's been
09:48:20 15 filed.

16 THE COURT: You two go talk. Make sure. If
17 you're satisfied, I'll follow your directions.

18 MR. GATES: Thank you, Your Honor.

19 THE COURT: I'll be right back.

09:49:24 20 (Pause.)

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09:49:24 1

2 THE COURT: Let me share just a couple more
3 thoughts while you're talking for just a moment. Take your
4 time with this, but I want to go on the record.

09:56:15 5

6 Okay. I'm going to joke around with you just a
7 little bit. Are you ready for this?

8 How many rulings have acted as precedence on a
9 judgment on the pleadings?

10 Let me say that again. Could you imagine this
11 Court citing one of my colleagues, for instance, as
12 precedence on judgment on the pleadings?

13 Hold on. Let me just play with this for a moment.
14 Look, let's just assume that you did prevail from your
15 standpoint on judgment of the pleadings and you're anxious
16 to bring this motion. I would think that the position of
17 the plaintiff would be, *Judge, we would like to amend*,
18 right? Absolutely. Thumbs up.

19 No, hold on. Let's walk through this, because
20 there's the law and process and then there's -- where does
21 our public end up? So now, hypothetically, you're anxious
22 on the County to proceed on judgment of the pleadings. You
23 get a temporary knockout blow. The Government comes back
now and says, *We want to amend*. Granted.

24 Well, how much time has that taken? And what's
25 our standard on judgment of the pleadings? Is that really

09:57:35 1 what you want is send it up to the Ninth Circuit and the
2 Supreme Court? So it creates this procedural rasp that
3 you're entitled to, but it absolutely lacks finality. It
4 doesn't give you and the Justice Department, nor you or the
09:57:51 5 County or other counties across the country any real
6 precedence to rely on. *Hi, I'm a federal judge in Iowa. I*
7 *just read that Judge Carter on judgment of the pleadings did*
8 *X, Y and Z.* Could you imagine the federal court following
9 that precedence? No. And I wouldn't follow that precedence
09:58:10 10 either.

11 So, minimally, I would like to get to some kind of
12 summary judgment stage, you know, with some finality and put
13 myself in the best position to have a dispositive ruling and
14 I think both of you would also. And that way it can go up
09:58:25 15 to the Ninth Circuit on whoever's prevailing or not, and
16 we're not wasting time. I'll repeat to you, I'm really
17 worried about all the elections coming up.

18 MS. SHOAI: Your Honor, you know, I spoke with
19 Mr. Gates outside and my position is that this is really a
09:58:38 20 legal issue and a motion for judgment on the pleadings would
21 be dispositive for that reason. I do understand the Court's
22 concern.

23 THE COURT: Just a moment. Dispositive? Motion
24 to amend?

09:58:49 25 MR. GATES: Correct, Your Honor.

09:58:51 1 THE COURT: Absolutely. Now, granted --

2 MS. SHOAI: Your Honor, I invited Mr. Gates -- I
3 asked him, *Are you interested in amending?*

4 I spoke to him about the issues that I think are
09:59:00 5 put at issue by his complaint, and I asked if he wants to
6 amend --

7 (*Overtalking: Unable to report.*)

8 THE COURT: How much discovery, which is where I
9 started this, do you really need to get to a summary
09:59:10 10 judgment motion?

11 No, just -- don't answer that right now. Just
12 think this out. Summary judgment, at least, has enough of a
13 legal standard. It is a dispositive ruling by the Court.
14 We cite each other on summary judgment motions, not on
09:59:29 15 judgment on the pleadings. Trust me. It's ripe then for
16 appeal. We haven't wasted time. We've given the public and
17 the registrars across the country and the federal government
18 some indication to take it up. And we don't need a lot of
19 discovery. Why aren't we just moving to summary judgment
09:59:50 20 motions, because I think you're inviting lack of finality.
21 While you see a local win from your perspective, I see, even
22 if you did an amendment, time, and everybody is running
23 around, quite frankly not knowing what to do.

24 MR. GATES: May I, Your Honor?

10:00:05 25 THE COURT: Please.

10:00:05 1 MR. GATES: So I'm just going to read the tea
2 leaves here, because this isn't my first rodeo. I
3 anticipate that a motion for judgment on the pleadings by
4 the Registrar of Voters is preferable, because they don't
10:00:18 5 want discovery. The fact of the matter is they have
6 indicated that they have self-reported or self-identified 13
7 individuals who are ineligible voters who they are now
8 prosecuting with the D.A.'s office.

9 In a county with millions of voters, if you are
10:00:36 10 doing list maintenance properly, Your Honor, you're not
11 going to have 13 people. We're going to have hundreds of
12 thousands of people that end up on the list because they're
13 duplicates, because they were move-aways, because they
14 happen to be leftovers. They're actually 130 years old who
10:00:54 15 are registered to vote. So if you're doing proper list
16 maintenance, Your Honor, you don't have 13 people.

17 The complaint set forth by the United States is we
18 are holding Orange County's feet to the fire that they are
19 actually conducting proper list maintenance, and we need
10:01:10 20 just a small amount of discovery to prove it. And let the
21 facts prove that they are. That's fine by us. If they are,
22 then we're happy, and we'll announce that Orange County is
23 in compliance with the NVRA and HAVA. But discovery shows
24 they're not, then we would be requesting a court order to
10:01:26 25 compel the County to engage in proper list maintenance under

10:01:30 1 HAVA. So that's the issue.

2 We would love to have discovery, and we can take
3 it in chunks, Your Honor, so that we can expedite it. Give
4 us a deposition or two of the persons most knowledgeable at
10:01:42 5 the County about list maintenance and give us some of the
6 documents. The point is, though, that they don't want that
7 to happen, because it's going to show that their list
8 maintenance is not working, and we know that. We know that,
9 because among the 13 people that they self-reported who were
10:01:58 10 ineligible to vote, the dog that made the news the other day
11 was not among them. So there are more ineligible voters on
12 the voter roles. They have a dog named Maya voting in two
13 elections. And that wasn't among the 13 people that they
14 had announced -- they self-reported that they removed.

10:02:13 15 So bear this in mind, Your Honor, as we proceed
16 down this path, we're happy with discovery. We would do it
17 on an expedited basis. We would love and welcome a motion
18 for summary judgment. That's exactly what the County is
19 afraid of. They don't want discovery.

10:02:31 20 MS. SHOAI: Your Honor, may I respond?

21 THE COURT: Go ahead.

22 MS. SHOAI: First, I think that he has
23 misrepresented the County's voter maintenance protocols.
24 Well more than the 13 identified -- actually, I think it was
10:02:42 25 17 identified to the DOJ are taken off the voter rolls for

10:02:48 1 various reasons. But the DOJ asked for a very specific
2 subset. It was a very specific subset of the number of
3 registered -- voters registration records in Orange County
4 canceled because the registrant did not satisfy the
10:03:02 5 citizenship requirement for a specific period of time.

6 That's different than our typical voter maintenance
7 activities which take people off for having moved or having
8 passed away. That happens constantly and that is, of
9 course, a much bigger number.

10:03:17 10 Separate from that, my concern is that is the
11 complaint, as I read it right now, does not identify any
12 violation by the Registrar of Voters of HAVA or the MBRA.
13 And my concern is that -- and for that reason, I think,
14 you know, right now what I'm hearing from opposing counsel,

10:03:36 15 is that federal law preempts California law regarding the
16 redactions that the County -- that the Registrar of Voters
17 included in its disclosure of records. That is the subject
18 of this complaint.

19 Then there is a more general claim that the
10:03:57 20 Registrar of Voters violated HAVA or violated the NVRA, but
21 there are no facts pled to identify how that took place.
22 Right now, the only apparent violation is the failure to
23 provide these records without redaction. I think to the
24 extent that the DOJ is claiming that the retractions violate
10:04:21 25 HAVA or the NVRA, that's what's pled right now. And we can

10:04:25 1 do a motion for a judgment of the pleadings and the Court
2 can determine whether the laws that the DOJ has cited
3 in fact do preempt California law or do not preempt
4 California law. That is a legal issue, and we're happy to
10:04:39 5 have that conversation.

6 To the extent that this case is about something
7 more, we need to know what that is. Facts need to be pled
8 about what it is that the Registrar of Voters did that
9 somehow violated federal law. We can't tell from the
10:04:52 10 pleading what that is.

11 THE COURT: All right. I've expressed my concerns
12 with transparency. We'll simply follow our inability to
13 reach an agreement, okay? We don't have an agreement.
14 Therefore, I'll go back to the process and procedure.

10:05:07 15 I'd like to get this resolved, though, as quickly
16 as possible, so I'm going to put pressure on you. I'm going
17 to adopt the Government's earlier dates, rather than the
18 County's later dates so that we get some kind of resolution
19 on behalf of the citizens of this County and maybe the
10:05:30 20 country.

21 So, therefore, counsel, I believe the plaintiff's
22 request was for a trial on March 31st, and I'm looking at
23 page 6 of the scheduling conference, with a pretrial on
24 March 9th of 2026; hearing on dispositive motions,
10:05:55 25 January 26th of 2026; a cut-off date for all fact discovery

10:06:00 1 on December 1st, 2025. The deadline for settlement
2 conference -- this isn't going to settle, is it?

3 MR. GATES: It depends on how discovery --

4 THE COURT: Well, just a moment. I don't want to
10:06:13 5 know what your settlement discussions have been. Have
6 you --

7 I think I read in the Register that there was some
8 effort to settle the matter between the two parties, and I
9 put the paper down. As soon as I recognized the case, I
10:06:29 10 said, *Whoops*. And the other thing I will disclose to you I
11 read someplace -- I think it's the Register or the Times,
12 but I think the Register -- the other information. Oh,
13 Todd Spitzer. Yeah, whatever edition that's in. I don't
14 know if I had gotten the case by that time or just
15 afterwards that Spitzer had made a statement that -- about,
16 basically, local law enforcement could control the
17 situation, for want of a better word, and he wasn't seeing
18 that fraud. But that's the one thing; otherwise,
19 recognizing this case I sat everything down in the papers
20 that I take. I take both the Times and Register so you
21 know, okay?

22 Okay. If you want, with that deadline settlement
23 conference, I'll just follow your wishes, March 16th;
24 initial expert disclosure, October 27th; rebuttal expert
10:07:29 25 disclosure, November 10th. And I'll adopt the plaintiff's

10:07:32 1 requested dates. That will put pressure on all of us though
2 to resolve it just as quickly as possible. That also
3 doesn't preclude you from bringing a motion for judgment on
4 the pleadings in any way. So you can bring that at your
10:07:48 5 convenience. It just speeds everything up, so we're not
6 deciding this in June or July so close to an election.

7 MR. GATES: And I just want to be clear,
8 Your Honor -- and I appreciate the Court's position on this
9 and we welcome any progress that can be made on this -- that
10:08:01 10 discovery can occur, even though they're preparing an MJP?

11 THE COURT: Yes.

12 MR. GATES: And Your Honor, the court clerk had
13 asked us to make our appearances again and --

14 THE COURT: My apologies.

10:08:10 15 MR. GATES: Michael Gates with the Department of
16 Justice, on behalf of the United States.

17 MS. SHOAI: And Suzanne Shoai for defendant Robert
18 Page.

19 THE COURT: Okay. Then do you have anything other
20 than me thanking you for your courtesy today?

21 MR. GATES: That's it, Your Honor. Thank you.

22 THE COURT: Thank you very much. I just implore
23 you to get this case moving as just quickly as possible so
24 we get a resolution, okay?

10:08:30 25 MS. SHOAI: Understood. Thank you, Your Honor.

10:08:31

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THE COURT: Thank you very much.

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(At 10:08 a.m., proceedings were adjourned.)

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1 CERTIFICATE

2 I hereby certify that pursuant to Section 753,
3 Title 28, United States Code, the foregoing is a true and
4 correct transcript of the stenographically reported
5 proceedings held in the above-entitled matter and that the
6 transcript page format is in conformance with the
7 regulations of the Judicial Conference of the United States.

8

9 Date: November 23, 2025

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12 /s/DEBORAH D. PARKER
13 DEBORAH D. PARKER, OFFICIAL REPORTER

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Case 2:25-cv-09149-DOC-ADS	Document 104	Filed 12/09/25	Page 24 of 27
MR. GATES: [27]	9/31 [1] 7/8	apologies [1] 21/14	6/23
MS. SHOAI: [15] 3/9	9/42 [1] 7/8	apparent [1] 18/22	confidence [1] 6/23
6/2 7/16 7/19 7/21 10/6	A	appear [5] 8/20 9/20	conflict [1] 5/22
11/19 11/21 12/13	a.m [5] 1/17 3/1 7/8 7/8	10/23 12/3 15/16	conformance [1] 23/6
14/18 15/2 17/20 17/22	22/2	appearances [2] 1/25	congratulations [1] 3/17
21/17 21/25	able [1] 11/6	21/13	Congress [1] 4/23
THE COURT: [42]	about [12] 4/7 6/1 8/14	appointment [1] 3/18	considered [1] 6/13
-	9/1 11/11 11/23 14/17	appreciate [3] 8/5 9/3	constantly [1] 18/8
-oOo [2] 3/2 22/3	15/4 17/5 19/6 19/8	21/8	continue [1] 12/11
/	20/15	are [22] 4/2 4/12 4/21	control [1] 20/16
/s/DEBORAH [1] 23/12	above [1] 23/5	5/25 7/2 7/10 9/23	convenience [1] 21/5
0	above-entitled [1] 23/5	11/16 13/6 15/3 15/4	conversation [1] 19/5
053 [1] 1/22	absolutely [4] 12/1	16/7 16/7 16/9 16/15	cooperate [2] 4/14 5/15
1	13/17 14/3 15/1	16/18 16/18 16/21	correct [4] 5/2 7/15
1-053 [1] 1/22	accommodation [1]	16/21 17/11 17/25	14/25 23/4
10342 [1] 1/20	10/11	18/21	could [7] 5/24 6/7 10/17
10:08 [1] 22/2	acknowledge [1] 4/11	aren't [1] 15/19	11/8 13/9 14/8 20/16
10th [1] 20/25	across [3] 8/17 14/5	around [2] 13/5 15/23	counsel [11] 2/1 2/9
12 [2] 7/19 12/6	15/17	as [27]	3/10 3/12 3/21 3/22 6/1
13 [6] 16/6 16/11 16/16	Act [2] 4/21 4/22	asked [5] 5/13 15/3	7/10 11/18 18/14 19/21
17/9 17/13 17/24	acted [1] 13/7	15/5 18/1 21/13	counties [1] 14/5
130 years [1] 16/14	action [2] 5/1 5/2	asks [1] 4/19	country [4] 8/17 14/5
1379 [1] 2/10	activities [2] 6/21 18/7	assume [1] 13/13	15/17 19/20
15 [2] 1/16 3/1	acts [1] 9/19	attest [1] 7/1	county [23] 1/10 2/8 2/9
16th [1] 20/23	actually [5] 5/11 7/4	attorney [6] 4/23 4/24	3/10 3/22 4/8 4/13 4/17
17 [1] 17/25	16/14 16/19 17/24	5/3 5/5 5/15 5/17	5/7 5/7 5/11 5/14 8/6
1st [1] 20/1	additional [1] 8/25	AVENUE [1] 2/4	13/21 14/5 16/9 16/22
2	addresses [1] 6/5	away [2] 12/3 18/8	16/25 17/5 17/18 18/3
2002 [1] 4/24	adequate [1] 8/23	aways [1] 16/13	18/16 19/19
202 [2] 2/5 2/10	adjourned [1] 22/2	B	County's [3] 16/18
2025 [4] 1/16 3/1 20/1	adopt [2] 19/17 20/25	back [5] 7/7 7/9 12/19	17/23 19/18
23/9	advice [1] 8/23	13/22 19/14	couple [1] 13/2
2026 [2] 19/24 19/25	afraid [3] 11/3 12/5	backdrop [1] 11/9	course [1] 18/9
20530 [1] 2/4	17/19	bad [1] 11/8	court [16] 1/1 1/21 1/21
229-4305 [1] 1/23	after [1] 4/24	based [1] 9/14	7/13 7/22 9/6 9/19 9/20
23 [1] 23/9	afterwards [1] 20/15	basically [3] 5/25 6/3	12/5 13/10 14/2 14/8
2359 [1] 2/11	again [3] 3/15 13/9	20/16	15/13 16/24 19/1 21/12
26th [1] 19/25	21/13	basis [1] 17/17	Court's [2] 14/21 21/8
27th [1] 20/24	agree [1] 8/8	be [15] 3/20 7/7 14/4	courtesy [2] 7/11 21/20
28 [1] 23/3	agreement [2] 19/13	9/2 11/8 12/1 12/2	creates [1] 14/2
2:25-cv-09149-DOC [1]	19/13	12/19 13/16 14/21	CSR [1] 1/20
1/8	ahead [1] 17/21	16/14 16/24 19/7 21/7	curious [1] 11/23
3	all [10] 3/22 5/9 7/1	21/9	cut [1] 19/25
31st [1] 19/22	7/10 9/4 9/9 14/17	Beach [1] 3/14	cut-off [1] 19/25
4	19/11 19/25 21/1	bear [1] 17/15	cv [1] 1/8
400 [1] 2/9	along [1] 11/5	because [15] 5/14 7/12	D
411 [1] 1/22	already [2] 8/6 8/7	8/13 10/12 11/22 13/18	
4305 [1] 1/23	also [4] 5/9 8/25 14/14	15/20 16/2 16/4 16/12	
6	21/2	16/13 16/13 17/7 17/9	
657 [1] 1/23	alternatively [1] 10/16	18/4	
679-6891 [1] 2/5	amend [4] 13/16 13/23	been [2] 12/14 20/5	
6891 [1] 2/5	14/24 15/6	behalf [5] 3/7 3/11 10/4	
7	amending [1] 15/3	19/19 21/16	
714 [1] 2/11	amendment [1] 15/22	being [2] 4/7 11/6	
753 [1] 23/2	AMERICA [2] 1/6 2/2	believe [4] 9/14 12/13	
8	American [1] 4/22	12/14 19/21	
834-2359 [1] 2/11	among [3] 17/9 17/11	benefit [1] 12/9	
9	17/13	best [1] 14/13	
92701 [2] 1/23 2/11	amount [1] 16/20	better [3] 3/25 8/24	
950 [1] 2/4	ANA [5] 1/3 1/15 1/23	20/17	
9:25 [2] 1/17 3/1	2/11 3/1	between [2] 8/14 20/8	
10	announce [1] 16/22	beyond [2] 8/9 8/16	
11	announced [1] 17/14	bigger [1] 18/9	
12	another [1] 11/13	birth [1] 6/5	
13	answer [4] 9/22 10/5	bit [2] 11/9 13/6	
14	10/14 15/11	blow [1] 13/22	
15	answers [1] 11/25	board [2] 3/22 3/23	
16	anticipate [1] 16/3	both [7] 3/4 3/23 8/3	
17	anxious [2] 13/14 13/20	10/4 11/2 14/14 20/20	
18	any [7] 7/25 8/8 11/7	BOX [1] 2/10	
19	14/5 18/11 21/4 21/9	bring [3] 5/2 13/15 21/4	
20	anything [1] 21/19	bringing [1] 21/3	

14/17 17/13
14/4 17/3 17/5
16/12
enforcement [1] 20/16
engage [1] 16/25
enough [1] 15/12
ensure [1] 4/25
ensuring [1] 5/18
entitled [3] 9/16 14/3
23/5
et [1] 3/22
even [5] 9/20 10/23
12/6 15/21 21/10
every [1] 5/16
everybody [1] 15/22
everything [2] 20/19
21/5
evidence [2] 5/6 7/3
exactly [2] 10/19 17/18
excuse [2] 6/4 6/8
exhaustive [1] 11/10
expedite [1] 17/3
expedited [2] 5/24
17/17
expert [2] 20/24 20/24
expressed [1] 19/11
extent [2] 18/24 19/6

F
fact [3] 16/5 19/3 19/25
facts [3] 16/21 18/21
19/7
failure [1] 18/22
fair [1] 8/2
fairness [1] 8/25
far [2] 5/12 8/16
faster [1] 5/24
fear [1] 9/20
federal [8] 5/10 9/22
11/6 14/6 14/8 15/17
18/15 19/9
feet [1] 16/18
few [1] 11/13
file [1] 7/16
filed [2] 9/5 12/15
finality [4] 8/24 14/3
14/12 15/20
fine [1] 16/21
fire [1] 16/18
first [4] 7/13 11/14 16/2
17/22
flexible [1] 9/1
follow [4] 12/17 14/9
19/12 20/23
following [1] 14/8
foregoing [1] 23/3
format [1] 23/6
forth [1] 16/17
FOURTH [1] 1/22
frankly [1] 15/23
fraud [1] 20/18

G
GATES [5] 2/3 3/6
14/19 15/2 21/15
general [7] 4/23 4/24
5/4 5/5 5/15 5/17 18/19
get [19] 4/18 6/12 6/15
7/21 8/10 9/11 9/18
10/10 10/22 11/20 12/4
12/8 13/22 14/11 15/9
19/15 19/18 21/23
21/24

give [6] 7/6 8/23 10/14
9/15 10/15/16
go [9] 9/21 10/21 11/12
12/3 12/16 13/4 14/14
17/21 19/14
goal [1] 9/11
goes [2] 9/19 9/20
going [13] 9/17 10/5
10/14 11/13 12/1 13/5
16/1 16/11 16/11 17/7
19/16 19/16 20/2
good [4] 3/5 3/9 3/19
11/2
Gore [1] 4/25
got [1] 8/17
gotten [1] 20/14
government [5] 8/22
9/22 11/6 13/22 15/17
Government's [1] 19/17
granted [2] 13/23 15/1
guideline [1] 11/7
guidelines [1] 9/23

H

had [5] 5/13 17/14
20/14 20/15 21/12
happen [3] 6/16 16/14
17/7
happened [1] 7/4
happens [1] 18/8
happy [4] 9/8 16/22
17/16 19/4
has [7] 5/14 6/17 8/6
13/24 15/12 17/22 19/2
HAVA [14] 4/22 4/24
5/1 5/10 6/17 6/19 9/10
10/1 11/10 16/23 17/1
18/12 18/20 18/25
have [23] 3/4 5/8 7/22
8/7 8/15 8/16 9/23 10/3
10/8 13/7 14/13 16/5
16/6 16/11 16/11 16/16
17/2 17/12 19/5 19/13
20/5 20/5 21/19
haven't [1] 15/16
having [2] 18/7 18/7
he [4] 11/19 15/5 17/22
20/17
hear [1] 7/22
hearing [2] 18/14 19/24
heavily [1] 5/12
held [1] 23/5
Help [1] 4/22
here [4] 3/20 5/14 6/16
16/2
hereby [1] 23/2
Hi [1] 14/6
highly [3] 6/8 6/13 6/23
him [2] 15/3 15/4
his [2] 1/9 15/5
hold [2] 13/12 13/18
holding [1] 16/18
home [1] 6/5
Honor [30]
HONORABLE [1] 1/4
hope [1] 7/21
how [8] 9/18 10/22 12/8
13/7 13/24 15/8 18/21
20/3
hundreds [1] 16/11
Huntington [1] 3/13
hypothetically [1] 13/20

J

January [1] 19/25
January 26th [1] 19/25
Joe [2] 4/16 5/13
joke [1] 13/5
judge [4] 1/4 13/16 14/6
14/7
Judge Carter [1] 14/7
judgment [24]
Judicial [1] 23/7
July [1] 21/6
June [1] 21/6
jurisdiction [2] 5/2 5/16
jurisdictions [2] 4/10
4/16
just [31]
JUSTICE [5] 2/3 3/6
4/19 14/4 21/16

K

I'd [2] 9/2 19/15
I'll [8] 7/6 11/15 12/17
12/19 14/16 19/14
20/23 20/25
I'm [17] 8/23 9/1 9/8
9/16 10/4 11/3 11/13
11/23 12/5 13/5 14/6
14/16 16/1 18/14 19/16
19/16 19/22
I've [1] 19/11
identified [3] 16/6 17/24
17/25

identify [2] 18/11 18/21
identifying [2] 6/5 6/8
images [1] 6/11
imagine [2] 13/9 14/8
implore [1] 21/22
importantly [1] 6/11
inability [1] 19/12
included [1] 18/17
indicated [3] 8/6 8/7
16/6

indication [1] 15/18
individual [1] 4/17
individuals [1] 16/7
ineligible [4] 5/6 16/7
17/10 17/11
informally [2] 10/2 10/7
information [8] 6/5 6/8
6/9 6/12 6/14 6/20 6/24
20/12
initial [1] 20/24
instance [1] 13/10
interested [1] 15/3
interests [1] 11/16
interim [1] 11/23
invited [1] 15/2
inviting [2] 11/4 15/20
Iowa [1] 14/6
is [66]
isn't [2] 16/2 20/2
issue [10] 4/5 4/20 6/3
6/15 6/15 10/9 14/20
15/5 17/1 19/4
issues [2] 4/12 15/4
it [34]
it's [9] 3/19 5/3 5/21
5/22 8/2 12/14 15/15
17/7 20/11
its [2] 5/3 18/17

J

January [1] 19/25
January 26th [1] 19/25
Joe [2] 4/16 5/13
joke [1] 13/5
judge [4] 1/4 13/16 14/6
14/7
Judge Carter [1] 14/7
judgment [24]
Judicial [1] 23/7
July [1] 21/6
June [1] 21/6
jurisdiction [2] 5/2 5/16
jurisdictions [2] 4/10
4/16
just [31]
JUSTICE [5] 2/3 3/6
4/19 14/4 21/16

M

made [3] 17/10 20/15
21/9
maintaining [2] 6/21
6/22
maintenance [17] 4/6
4/12 4/25 5/3 5/9 5/15
5/20 6/21 9/11 16/10
16/16 16/19 16/25 17/5
17/8 17/23 18/6
make [4] 5/7 8/2 12/16
21/13
making [3] 4/14 5/7
12/9
many [2] 4/10 13/7
March [3] 19/22 19/24
20/23

E

each [6] 3/24 5/19 5/20
10/8 11/12 15/14
earlier [2] 8/19 19/17
early [1] 7/23
edition [1] 20/13
effort [1] 20/8
either [3] 11/7 11/8
14/10
elected [1] 12/1
election [1] 21/6
elections [4] 8/17 9/24

M	Ninth [3] 12/4 14/1 March 16th [1] 20/23 March 31st [1] 19/22 March 9th of [1] 19/24 matter [4] 8/21 16/5 20/8 23/5 may [4] 8/16 10/3 15/24 17/20 Maya [1] 17/12 maybe [3] 7/23 9/20 19/19 MBRA [1] 18/12 me [10] 6/1 6/4 6/8 7/6 8/10 13/2 13/9 13/12 15/15 21/20 mean [2] 10/12 11/4 member [1] 6/12 members [1] 3/24 MICHAEL [3] 2/3 3/6 21/15 michael.gates2 [1] 2/5 might [1] 7/20 millions [1] 16/9 mind [1] 17/15 minimally [1] 14/11 misrepresented [1] 17/23 MJP [3] 8/8 9/16 21/10 moment [10] 7/6 8/12 10/3 10/8 10/21 11/13 13/3 13/12 14/23 20/4 moments [1] 11/13 MONDAY [2] 1/16 3/1 more [7] 5/12 11/9 13/2 17/11 17/24 18/19 19/7 morning [2] 3/5 3/9 most [2] 4/7 17/4 motion [13] 7/12 7/14 7/17 8/1 12/12 13/15 14/20 14/23 15/10 16/3 17/17 19/1 21/3 motions [5] 11/23 12/5 15/14 15/20 19/24 move [1] 16/13 move-aways [1] 16/13 moved [1] 18/7 moving [3] 9/2 15/19 21/23 Mr. [2] 14/19 15/2 Mr. Gates [2] 14/19 15/2 much [6] 5/24 13/24 15/8 18/9 21/22 22/1 my [10] 8/14 9/20 11/14 13/10 14/19 16/2 18/10 18/13 19/11 21/14 myself [1] 14/13	N.W [1] 2/4 named [1] 17/12 names [1] 6/4 National [1] 4/21 necessarily [1] 10/15 necessitate [1] 8/2 need [9] 7/24 8/8 25 9/12 15/9 15/18 16/19 19/7 19/7 needed [2] 7/25 8/4 needs [1] 5/16 news [3] 4/7 7/5 17/10 Nice [2] 3/4 3/15	Ninth Circuit [2] 12/4 14/1 no [11] 1/8 4/1 4/1 4/6 5/1 6/11 8/21 13/18 14/9 15/11 18/21 Nobody [1] 5/1 noncitizens [1] 6/25 not [23] 5/8 5/18 6/3 6/7 7/3 7/12 9/15 9/16 10/4 10/9 10/14 14/15 14/16 15/14 15/23 16/10 16/24 17/8 17/11 18/4 18/11 19/3 21/5 November [3] 7/23 20/25 23/9 November 10th [1] 20/25 now [13] 3/23 5/25 9/1 12/11 13/20 13/23 15/1 15/11 16/7 18/11 18/14 18/22 18/25 number [4] 6/10 6/10 18/2 18/9 numbers [1] 6/18 NVRA [7] 5/11 6/17 6/19 9/10 16/23 18/20 18/25	O	P.O [1] 2/10 page [13] 1/9 2/7 3/3 3/11 3/21 9/4 9/9 11/18 11/20 11/20 19/23 21/18 23/6 page 6 [1] 19/23 paper [1] 20/9 papers [1] 20/19 PARKER [3] 1/20 23/12 23/12 particularly [1] 4/6 parties [1] 20/8 passed [1] 18/8 path [1] 17/16 Pause [1] 12/20 penalty [1] 7/1 PENNSYLVANIA [1] 2/4 people [6] 16/11 16/12 16/16 17/9 17/13 18/7 perhaps [1] 7/13 period [1] 18/5 perjury [1] 7/2 personal [4] 6/7 6/9 6/23 6/24 persons [1] 17/4 perspective [1] 15/21 pet [1] 4/7 place [2] 12/9 18/21 plaintiff [4] 1/7 2/2 3/13 13/16 plaintiff's [2] 19/21 20/25 plan [1] 7/16 play [1] 13/12 pleading [2] 12/12 19/10 pleadings [17] 7/17 8/1 10/5 10/13 10/14 11/4 13/8 13/11 13/14 13/21 13/25 14/7 14/20 15/15 16/3 19/1 21/4 pleasant [1] 10/9 Please [1] 15/25 Pleasure [1] 3/8 pled [3] 18/21 18/25 19/7 point [1] 17/6 position [4] 13/15 14/13 14/19 21/8 possible [5] 10/22 12/10 19/16 21/2 21/23 potentially [1] 8/15 precedence [9] 8/15 8/16 8/23 9/19 13/7 13/11 14/6 14/9 14/9 preclude [1] 21/3 preempt [2] 19/3 19/3 preempted [1] 4/21 preempts [1] 18/15 preferable [1] 16/4 preparing [1] 21/10 present [1] 7/10 PRESIDING [1] 1/4 pressure [2] 19/16 21/1 pretrial [1] 19/23	pretty [1] 11/10 outside [1] 14/19 over [3] 3/25 7/4 11/22 over-disclosure [1] 3/25 Overtalking [1] 15/7	pretty [1] 11/10 prevail [1] 13/18 prevailing [1] 14/15 prevails [1] 12/2 priority [1] 11/14 privacy [1] 4/20 private [1] 5/1 probably [4] 4/6 5/12 5/24 8/8 procedural [3] 9/21 11/23 14/2 procedure [1] 19/14 proceed [2] 13/21 17/15 proceedings [3] 1/14 22/2 23/5 process [5] 7/20 9/21 12/3 13/19 19/14 produce [1] 6/20 produced [1] 5/11 program [2] 5/19 5/20 progress [1] 21/9 proper [3] 16/15 16/19 16/25 properly [1] 16/10 prosecuting [1] 16/8 protocols [1] 17/23 prove [2] 16/20 16/21 provide [3] 6/4 6/7 18/23 public [7] 4/16 5/13 6/12 11/2 12/9 13/20 15/16 purpose [1] 11/8 pursuant [1] 23/2 put [5] 14/12 15/5 19/16 20/9 21/1	Q	question [3] 10/5 10/15 11/25 quickly [5] 10/22 12/10 19/15 21/2 21/23 quite [2] 4/18 15/23	R	resolve [1] 21/2 resolved [1] 19/15 respect [1] 6/25 respond [1] 17/20 retained [1] 6/17 retractions [1] 18/24 reviewed [1] 5/23 right [16] 4/16 5/1 5/25 7/7 9/1 9/13 11/20 12/3 12/19 13/17 15/11 18/11 18/14 18/22 18/25 19/11 rightfully [1] 5/5 ripe [1] 15/15 ROBERT [5] 1/9 2/7 3/3 3/11 21/17 rodeo [1] 16/2 role [1] 4/12 roles [1] 17/12 roll [2] 4/5 4/18 rolls [3] 4/15 5/7 17/25 rule [1] 7/14 ruling [2] 14/13 15/13 rulings [1] 13/7 running [2] 8/21 15/22	S	sacrosanct [1] 6/13 said [2] 5/17 20/10 same [4] 9/4 9/9 10/3
---	--	--	--	---	---	--	--	---	---	---	--	---	---

same... [1] 11/17
 SANTA [5] 1/3 1/15
 1/23 2/11 2/14
 sat [1] 20/19
 satisfied [1] 12/17
 satisfy [1] 18/4
 say [1] 13/9
 saying [1] 8/24
 says [1] 13/23
 schedule [1] 5/23
 scheduling [1] 19/23
 seat [1] 3/4
 second [1] 3/4
 Section [1] 23/2
 Security [2] 6/10 6/18
 see [5] 3/4 3/15 10/10
 15/21 15/21
 seeing [1] 20/17
 seeks [2] 9/5 9/10
 seems [1] 9/2
 self [4] 16/6 16/6 17/9
 17/14
 self-identified [1] 16/6
 self-reported [3] 16/6
 17/9 17/14
 send [1] 14/1
 Senior [1] 3/10
 sense [1] 8/22
 sensitive [2] 6/8 6/24
 Separate [1] 18/10
 SEPTEMBER [2] 1/16
 3/1
 serve [1] 11/7
 set [1] 16/17
 settle [2] 20/2 20/8
 settlement [3] 20/1 20/5
 20/22
 share [2] 4/15 13/2
 She's [1] 10/9
 SHOAI [3] 2/8 3/10
 21/17
 show [1] 17/7
 shows [1] 16/23
 sic [1] 8/20
 sides [2] 3/23 8/3
 signatures [1] 6/11
 simple [3] 4/14 5/21
 5/22
 simply [3] 4/15 5/1
 19/12
 situation [2] 8/22 20/17
 slowly [1] 9/2
 small [1] 16/20
 so [35]
 Social [2] 6/10 6/18
 some [7] 10/11 14/11
 14/12 15/18 17/5 19/18
 20/7
 somehow [1] 19/9
 someplace [1] 20/11
 something [3] 5/12 5/16
 19/6
 sometimes [1] 3/25
 soon [1] 20/9
 sooner [1] 8/24
 sort [2] 4/2 8/19
 SOUTHERN [1] 1/3
 specific [3] 18/1 18/2
 18/5
 specifically [1] 4/24
 speed [3] 7/20 9/2

10/11
 speeds [1] 21/5
 spelled [1] 5/10
 Spitzer [2] 20/13 20/15
 spoke [2] 14/18 15/4
 squarely [1] 5/18
 stage [1] 14/12
 standard [4] 11/4 12/6
 13/25 15/13
 standards [1] 11/24
 standpoint [1] 13/14
 start [1] 12/3
 started [1] 15/9
 state [4] 4/17 4/20 5/19
 5/20
 statement [1] 20/15
 STATES [14] 1/1 1/6
 1/21 2/2 3/3 3/7 4/11
 4/14 9/5 10/17 16/17
 21/16 23/3 23/7
 statute [1] 11/11
 statutes [1] 5/10
 stenographically [1]
 23/4
 still [3] 6/21 6/21 11/18
 STREET [1] 1/22
 stuck [1] 9/15
 subject [1] 18/17
 subpoena [2] 6/7 6/15
 subset [2] 18/2 18/2
 suddenly [1] 4/19
 suggest [2] 9/25 10/17
 SUITE [2] 1/22 2/10
 summary [7] 7/14 14/12
 15/9 15/12 15/14 15/19
 17/18
 Supreme [3] 9/20 12/5
 14/2
 Supreme Court [3] 9/20
 12/5 14/2
 sure [4] 8/2 9/16 10/4
 12/16
 surprise [1] 4/6
 SUZANNE [3] 2/8 3/10
 21/17
 suzy.shoai [1] 2/12

T

take [10] 5/23 8/20
 11/15 11/22 13/3 15/18
 17/2 18/7 20/20 20/20
 taken [3] 7/8 13/24
 17/25
 talk [5] 10/2 10/7 10/21
 11/12 12/16
 talking [1] 13/3
 tea [1] 16/1
 technical [1] 11/8
 tell [3] 6/1 11/15 19/9
 temporary [1] 13/22
 terms [2] 6/16 7/24
 than [6] 3/25 5/13 17/24
 18/6 19/17 21/20
 Thank [12] 3/16 3/19
 4/4 6/2 7/10 10/24 11/1
 12/18 21/21 21/22
 21/25 22/1
 thanking [1] 21/20
 that [119]
 that's [14] 5/25 6/9 9/11
 10/9 11/2 12/14 16/21
 17/1 17/18 18/6 18/25
 20/13 20/18 21/21

their [1] 17/7
 them [3] 3/24 5/13
ID#1435
 then [7] 7/9 13/19 15/15
 16/22 16/24 18/19
 21/19
 there [10] 4/12 4/25
 5/18 7/25 9/11 11/9
 17/11 18/19 18/21 20/7
 there's [5] 4/20 10/11
 11/11 13/19 13/19
 therefore [2] 19/14
 19/21
 these [3] 6/6 11/23
 18/23
 they [21] 4/18 5/8 5/11
 7/2 8/7 16/4 16/5 16/6
 16/7 16/13 16/13 16/18
 16/21 16/21 17/6 17/9
 17/12 17/13 17/14
 17/14 17/19
 they're [6] 9/15 12/1
 16/12 16/14 16/24
 21/10
 thing [2] 20/10 20/18
 think [22] 3/25 5/21
 5/22 8/6 8/9 11/11
 11/16 11/24 11/25 12/1
 13/15 14/14 15/4 15/12
 15/20 17/22 17/24
 18/13 18/23 20/7 20/11
 20/12
 this [41]
 those [2] 9/16 9/22
 though [4] 17/6 19/15
 21/1 21/10
 thoughts [2] 4/3 13/3
 thousands [1] 16/12
 through [2] 9/21 13/18
 throughout [1] 5/17
 Thumbs [1] 13/17
 time [11] 5/23 8/21 11/5
 11/22 13/4 13/24 14/16
 15/16 15/22 18/5 20/14
 timely [1] 7/12
 Times [2] 20/11 20/20
 Title [1] 23/3
 today [2] 5/14 21/20
 Todd [1] 20/13
 Todd Spitzer [1] 20/13
 together [1] 3/14
 too [1] 11/11
 took [1] 18/21
 transcript [4] 1/5 1/14
 23/4 23/6
 transcripts [1] 1/24
 transparency [2] 4/1
 19/12
 trial [2] 8/14 19/22
 true [1] 23/3
 Trust [1] 15/15
 turns [1] 7/4
 two [7] 8/14 10/2 10/7
 12/16 17/4 17/12 20/8
 Twombly [1] 12/6
 typical [1] 18/6

U

U.S [1] 2/3
 U.S. [1] 7/2
 U.S. citizens [1] 7/2
 ultimate [1] 9/11
 Unable [1] 15/7

under [10] 4/24 5/1 5/10
 6/9 6/13 6/19 7/1 11/7
 11/10 16/25
 understand [2] 8/18
 14/21
 Understood [3] 10/24
 12/7 21/25
 UNITED [14] 1/1 1/6
 1/21 2/2 3/3 3/7 4/11
 4/14 9/5 10/17 16/17
 21/16 23/3 23/7
 United States [8] 3/3
 3/7 4/11 9/5 10/17
 16/17 21/16 23/7
 until [1] 11/14
 unwilling [1] 4/13
 up [16] 7/20 8/17 9/2
 9/19 9/24 10/10 10/12
 10/23 13/17 13/20 14/1
 14/14 14/17 15/18
 16/12 21/5
 us [5] 16/21 17/4 17/5
 21/1 21/13
 usdoj.gov [1] 2/5
 usually [1] 8/1

V

various [1] 18/1
 versus [1] 3/3
 very [4] 18/1 18/2 21/22
 22/1
 violate [1] 18/24
 violated [3] 18/20 18/20
 19/9
 violation [2] 18/12 18/22
 vote [4] 4/8 4/22 16/15
 17/10
 voter [13] 4/5 4/12 4/15
 4/18 4/21 4/25 5/7 5/19
 6/20 17/12 17/23 17/25
 18/6
 voters [18] 1/9 5/6 6/4
 6/7 6/17 6/20 7/1 7/3
 8/7 16/4 16/7 16/9
 17/11 18/3 18/12 18/16
 18/20 19/8
 voting [1] 17/12
 vs [1] 1/8

W

walk [1] 13/18
 want [14] 8/2 8/10 11/2
 12/5 13/4 13/23 14/1
 16/5 17/6 17/19 20/4
 20/17 20/22 21/7
 wanted [1] 3/24
 wants [1] 15/5
 warrant [2] 6/6 6/16
 was [7] 5/12 7/12 17/11
 17/24 18/2 19/22 20/7
 WASHINGTON [1] 2/4
 wasn't [2] 17/13 20/17
 wasted [1] 15/16
 wasting [1] 14/16
 way [6] 4/1 6/15 10/12
 11/16 14/14 21/4
 we [42]
 we'll [3] 10/20 16/22
 19/12
 we're [12] 5/14 5/20 7/9
 9/4 9/9 11/4 14/16
 16/11 16/22 17/16 19/4
 21/5

We've [2] 8/17 15/16
 welcome [2] 17/17 21/9
 Well [5] 9/15 9/25 13/24
 17/24 20/4
 Well more [1] 17/24
 were [3] 16/13 17/9
 22/2
 WEST [2] 1/22 2/9
 what [17] 6/3 7/4 7/24
 8/21 8/24 9/16 9/22
 10/16 11/4 14/1 15/23
 17/18 18/14 19/7 19/8
 19/10 20/5
 what's [3] 8/4 13/24
 18/25
 whatever [1] 20/13
 when [3] 4/19 7/2 10/23
 where [6] 4/2 5/25 8/22
 11/24 13/19 15/8
 whether [1] 19/2
 which [4] 4/15 7/4 15/8
 18/7
 while [3] 6/21 13/3
 15/21
 who [4] 16/7 16/7 16/14
 17/9
 whoever [2] 12/2 12/2
 whoever's [1] 14/15
 Whoops [1] 20/10
 why [5] 10/2 10/7 10/10
 10/18 15/19
 will [5] 5/23 8/15 8/20
 20/10 21/1
 win [2] 11/8 15/21
 wishes [1] 20/23
 without [3] 6/6 11/5
 18/23
 word [1] 20/17
 words [3] 8/13 10/3
 10/21
 working [2] 3/14 17/8
 worried [1] 14/17
 would [17] 6/12 7/14
 8/8 8/9 8/12 9/3 9/25
 13/15 13/16 13/16
 14/11 14/14 14/20
 16/24 17/2 17/16 17/17
 wouldn't [1] 14/9
 writes [1] 4/17

Y

Yeah [3] 4/9 8/12 20/13
 years [2] 3/13 16/14
 Yes [3] 7/21 11/21
 21/11
 you [67]
 you know [1] 18/14
 you're [12] 3/22 9/15
 10/23 11/14 12/17 13/3
 13/14 13/20 14/3 15/20
 16/10 16/15
 your [53]
 Your Honor [1] 21/8