

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHEN K. BANNON,

Defendant.

CR Action
No. 1:21-670

Washington, D.C.
December 7, 2021

11:03 a.m.

TRANSCRIPT OF VIDEO STATUS CONFERENCE
BEFORE THE HONORABLE CARL J. NICHOLS
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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P R O C E E D I N G S

COURTROOM DEPUTY: Good morning, Judge Nichols.

THE COURT: Good morning, Ms. Harris. Could you please call this matter.

COURTROOM DEPUTY: We are on the record in criminal matter 21-670, United States of America versus Stephen K. Bannon.

Present for the government are Amanda Vaughn, J.P. Cooney and Molly Gaston. Present for the defendant are David Schoen, Matthew Corcoran and Robert Costello. Also present is the defendant, Mr. Bannon.

THE COURT: Thank you, Ms. Harris.

Just one little housekeeping thing. Mr. Corcoran, does your client consent to proceed this morning by videoconference?

MR. CORCORAN: Yes.

THE COURT: Thank you.

I would like to first take up the question of the protective order. It seems to me that there is a little bit of agreement here and then some disagreement. I just want to make sure I understand the parties' positions on the various categories of information that would be covered by the government's proposed protective order. The first is, it seems to me, grand jury materials.

Am I right, Mr. Corcoran, that the defendant

1 agrees that it's appropriate to have a protective order that
2 covers materials that were in front of the grand jury or at
3 least the information reflecting that the materials in front
4 of the grand jury should be redacted if they are used
5 publicly or something like that? At least that is what your
6 filing suggests.

7 **MR. CORCORAN:** Yes, Your Honor.

8 **THE COURT:** Yes, that the protective order should
9 cover the grand jury materials or, yes, and that they should
10 be, if used at all, redacted such that grand jury
11 information is not publicly disseminated?

12 **MR. CORCORAN:** The latter.

13 Essentially we are just asking for the normal
14 treatment, which keeps these grand jury materials secret,
15 unless and until we were to file them, you know, or use them
16 at trial for cross-examination or file them in connection
17 with the case, in which case we would make a motion with you
18 beforehand.

19 **THE COURT:** Ms. Vaughn, does the government think
20 that is an appropriate position?

21 **MS. VAUGHN:** Yes, Your Honor.

22 **THE COURT:** Okay.

23 Then as to personal identifying information or
24 PII, what is the defendant's view about whether that should
25 be treated as sensitive information under the protective

1 order?

2 **MR. CORCORAN:** We agree. And any court filings
3 that we would make, we would redact personal identifying
4 information such as Social Security numbers, home addresses,
5 telephone numbers, et cetera.

6 **THE COURT:** And, Ms. Vaughn, I assume the
7 government agrees with that?

8 **MS. VAUGHN:** Yes, Your Honor.

9 **THE COURT:** The third category of information is
10 actually not covered by the government's revised protective
11 order and that would be information -- because the
12 government's proposed protective order covers only
13 information, as I understand it, produced by the government
14 to Mr. Bannon, it does not apply to information obtained by
15 Mr. Bannon through other sources, whether public information
16 or obtained in some other manner. So the protective order
17 doesn't even cover that information.

18 I assume, Mr. Corcoran, you have no problem with
19 that.

20 **MR. CORCORAN:** Well, if what you are saying, Your
21 Honor, is that materials that come into our possession, not
22 through the government, through discovery, that we are able
23 to handle them as we ordinarily would, I agree with that.

24 **THE COURT:** Ms. Vaughn, I believe that's the
25 government's intent.

1 **MS. VAUGHN:** Yes, Your Honor, it is.

2 **THE COURT:** So it seems to me that that leaves
3 non-grand jury, non-PII information produced by the
4 government to the defendant in this case. The government is
5 proposing not to treat that information as sensitive, as I
6 understand it. Although I suppose it, in specific
7 categories, could be at some point more sensitive.

8 But in general, the disagreement seems to be that
9 such information, if produced by the government to
10 Mr. Bannon, the limitation is not the sensitive designation
11 limitations but just the general limitation that that
12 information can be used only in this case.

13 Do I have that right, Ms. Vaughn?

14 **MS. VAUGHN:** Yes, that's right, Your Honor.

15 **THE COURT:** So let's go through the different
16 categories of information that would be covered or at least,
17 you know, the ones that the government has identified in its
18 reply, for example.

19 So if the government produces to Mr. Bannon in
20 connection with this case, either publicly available
21 information or information that Mr. Bannon likely already
22 has, why would that restriction make sense?

23 **MS. VAUGHN:** Your Honor, we actually don't -- our
24 intention with the revised protective order would be that it
25 would not apply to those kind of materials. So anything

1 that is publicly available, independent from this case, for
2 which the defendant has obtained by independent means, when
3 the government produces copies of those items, that would
4 not be covered by the proposed protective order.

5 **THE COURT:** So it's not just that the proposed
6 protective order doesn't cover materials obtained by
7 Mr. Bannon through some other source, but even if the
8 materials are obtained from the government, if those
9 materials were publicly available or were -- I guess I'll
10 put it this way, were known to have been in Mr. Bannon's
11 possession at some point because he was a recipient of a
12 communication or something like that, the government's
13 position is that information, even though produced by the
14 government to Mr. Bannon, is also not subject to the
15 restrictions in the protective order. Correct?

16 **MS. VAUGHN:** That's right, Your Honor.

17 **THE COURT:** Okay. So what we are really talking
18 about then, is whatever other information is both not grand
19 jury information, not PII, not publicly available, not
20 otherwise in Mr. Bannon's possession for various reasons.
21 And I take it, that's really things like information
22 relating to witnesses.

23 For example, I am looking at Page 3 of your brief,
24 your reply brief, law enforcement reports of witness
25 interviews and internal communications between Select

1 Committee staff and really law enforcement database
2 information relating to the defendant. Those seem to be the
3 three categories that we're talking about now.

4 So, Mr. Corcoran, with respect to those three
5 categories of information, law enforcement reports of
6 witness interviews, internal communication between Select
7 Committee staff and law enforcement database relating to the
8 defendant, why isn't it appropriate to limit the use of that
9 information to use in this case?

10 Again, as I understand it at least, that
11 information, if used in the case, wouldn't have to be filed
12 under seal. It can be essentially used in any way necessary
13 to Mr. Bannon's defense. But the one limitation would be
14 its use would have to be tethered to use in this litigation.

15 What is the problem from Mr. Bannon's perspective
16 with that limitation?

17 **MR. CORCORAN:** Well, first of all, on the fourth
18 category that you just mentioned, law enforcement database
19 information with regard to Mr. Bannon, we don't have any
20 problem with that remaining protected and not being
21 disclosed publicly.

22 But the other three categories we do have a
23 problem with. The problem is -- and I know the Court has
24 used the phrase "used in this case," but that's not what
25 what was written in the protective order, either one of the

1 protective orders that the government submitted to you. And
2 our problem is that under the current protective order that
3 they're suggesting, they get to stamp something as
4 sensitive, and then we are limited, not just by use in the
5 case, but how we can use it in the case.

6 For instance, their initial submission wouldn't
7 allow -- let's take a generic example of an email that
8 forwards the subpoena from one staff member on the House
9 Select Committee to another member on the House Select
10 Committee. The government is saying that that is somehow
11 sensitive, that it shouldn't be made public; and that we
12 should be restricted in how we can use that in preparing our
13 defense.

14 To the extent that, as I read the protective
15 order, we couldn't go to another potential witness, such as
16 legislative counsel, somebody that has worked on the Hill
17 and has been doing this for decades and asking them, Take a
18 look at this email. Was the process followed here proper?

19 **THE COURT:** That seems to me correct if that
20 document is marked as sensitive. But I think the government
21 has represented that the only materials right now that it
22 intends to mark as sensitive are grand jury materials and
23 PII. So the document that you have identified would be
24 marked as sensitive only if it was in front of the grand
25 jury. If it's produced to you in a form that did not go

1 before the grand jury and it doesn't have a grand jury Bates
2 number on it, or whatever, all of those restrictions you
3 just identified would not be applicable.

4 **MR. CORCORAN:** Well, if that's the government's
5 position today, it's different than what they've submitted.
6 And I'm happy to hear that. And it eliminates some of the
7 issues that we would have in terms of the use of the
8 document.

9 I think that the real problem here, from our
10 perspective, is that it's not our burden to show that good
11 cause exists for any protective order. It's the
12 government's, and they've got to make a specific
13 particularized showing.

14 So in the typical case where there would be
15 restriction on the use of documents that reference, for
16 instance, witness names or witness information or witness
17 positions, it might be a gang case where there has been some
18 actual intimidation of witnesses; that I can understand.
19 There's none of that in this case. This is a case of U.S.
20 government employees who are, essentially, doing their
21 official duties.

22 And for the government to state that there's some
23 reason, that they haven't expressed yet, as to why these
24 things need to be handled differently, like documents in a
25 gang case, it just doesn't make sense to us.

1 **THE COURT:** Ms. Vaughn, so do I have the
2 government's position correct, which is that these
3 categories of documents that I have just referenced at Page
4 3 of your reply brief, and in particular law enforcement
5 reports of witness interviews, internal communications
6 between Select Committee staff and law enforcement database
7 information relating to the defendant -- the last category
8 actually sounds like there is no objection to the protective
9 order covering -- am I right, that as to the first two, that
10 is to say law enforcement reports of witness interviews and
11 internal communications between Select Committee staff, that
12 as the government conceives the protective order here, those
13 documents would be marked as sensitive only if they went
14 before the grand jury or they contained PII. If the
15 particular version of the document didn't go before the
16 grand jury, it would be covered by the protective order, but
17 the limitations for sensitive information would not be
18 applicable; is that right?

19 **MS. VAUGHN:** That's right, Your Honor.

20 **THE COURT:** So then that really just raises the
21 question of, Okay, for those versions of the documents that
22 are not sensitive, they can be used in the case, but they
23 can't be used otherwise.

24 And Mr. Corcoran makes the argument that the
25 government still bears the burden of showing why there is

1 good cause even for that limitation. So what is the
2 government's argument as to why documents by definition
3 aren't sensitive -- because they wouldn't be sensitive under
4 the protective order, nevertheless deserve some protection
5 limiting their use to this litigation. What is the
6 government's basis for that limitation?

7 **MS. VAUGHN:** Well, Your Honor, there are two
8 reasons for that. Most importantly, the defendant in his
9 public statements, through his counsel and representatives,
10 has made clear that he intends to make this material
11 available to the public for public discussion and
12 evaluation.

13 He told The Washington Post, quote, Members of the
14 public should make their own independent judgment as to
15 whether the U.S. Department of Justice is committed to a
16 just result based upon all of the facts; and that by their
17 opposition to the protective order they, quote, asked the
18 judge to follow the normal process and allow unfettered
19 access to and use of the documents. And the defendant also
20 made statements he plans to make this case hell for those
21 involved.

22 So the defendant has shown that he plans to
23 disseminate the materials widely for public comment and
24 review; and that would interfere with the proper procedures
25 in this case. By putting witness statements out publicly,

1 you expose those witnesses to commentary on their potential
2 testimony. You allow those witnesses to know what other
3 witnesses are going to say, potentially influencing their
4 testimony at trial. And for those reasons, a protective
5 order would be appropriate in this case. This case should
6 be decided in the courtroom through this litigation, not in
7 the media.

8 **THE COURT:** I just have a question.

9 So imagine I agree with that, and that there are
10 certain categories of information that are not sensitive but
11 they are otherwise subject to the protective order. If one
12 or the other party wants to file information relating to
13 those categories in a public submission to me, to the Court,
14 they don't have to do so under seal. Correct? That would
15 be public.

16 **MS. VAUGHN:** Correct, Your Honor.

17 If it's part of the litigation in this case, it
18 becomes a judicial record and therefore it is publicly
19 available.

20 **THE COURT:** Would anything stop one party or the
21 other from, essentially, putting all of the non-sensitive
22 but produced information into a filing in front of me and
23 thereby talking about it?

24 **MS. VAUGHN:** Your Honor, the parties are under
25 obligations to act in good faith with the Court and only

1 bring before the Court what they believe in good faith to be
2 issues to be resolved by the Court. So if there is
3 genuinely a need to bring a witness statement to the Court's
4 attention, then obviously that is something the parties can
5 do.

6 The government would submit it would be in
7 violation of the parties obligation as officers of the Court
8 to simply just file something and attach everything just so
9 that it could be in the public record.

10 **THE COURT:** Thank you.

11 Mr. Corcoran, what is your response to
12 Ms. Vaughn's two-pronged argument as to why it's appropriate
13 to have this potentially modest restriction on these
14 categories of information?

15 Which is to say -- and just to be clear, as I
16 understand it, this is information that would not be
17 designated as sensitive. So you would be free to use this
18 information to prepare the case and to talk to witnesses and
19 the like, and even to file the information on the public
20 record, but you would be restricted from using that
21 information other than, basically, to litigate this matter.

22 **MR. CORCORAN:** Your Honor, my response is that
23 that is not a modest restriction. It's actually a very
24 stringent restriction, and we believe that there has been a
25 motion to intervene by a coalition of members of the press

1 of essentially -- you know, largely leading members of the
2 press. And they've been uniform in their position that they
3 want a public trial. They want public access to documents,
4 and there is public interest in this case.

5 What Ms. Vaughn has suggested by her statements is
6 that somehow we on the defense side have an interest in
7 taking the documents that they give us and turning this into
8 a public trial; and that is not our intention at all.

9 What we do want, though, is for the public to have
10 the ability to see how the decisions were made in this case
11 so that -- I think it's a positive thing, actually, that
12 there's public interest in this case that has important and
13 complex constitutional issues at play that involve the
14 interplay between the legislative branch and the executive
15 branch. From my perspective, that is a positive thing.

16 Has Ms. Vaughn, on behalf of the government, made
17 a showing that would provide good cause for a protective
18 order to keep those documents secret? We don't believe so.
19 And we think that any protective order in this case would
20 not be a modest one, but would be severe in its limitations
21 on Mr. Bannon's First Amendment and Sixth Amendment rights.

22 **THE COURT:** Thank you. So I'll take this under
23 advisement. I hope to enter a protective order that will
24 probably be not quite in the format of what is proposed by
25 the government, clearly, because I think we've moved in some

1 ways away from the parties' perspective positions. I will
2 take it under advisement. I will be entering a protective
3 order of some sort because there is agreement as to at least
4 certain categories of information that would be protected as
5 to sensitive --

6 **MR. SCHOEN:** Judge, if I may, David Schoen. I
7 just wanted to clarify one point here, by specifying a kind
8 of document to make clear our argument.

9 For example, one of the categories Your Honor
10 mentioned were these internal communications with the
11 Committee. Let's talk about that type of document or
12 Committee document. Our view is, those are presumptively --
13 if we get them, they are presumptively public. These are
14 public servants doing the public's business now.

15 So that document though wouldn't be considered
16 sensitive. It would be in the all materials category. And
17 would still be subject to the restrictions in Paragraphs 4
18 through 8, meaning of the modified proposed protective
19 order, ECF 12-1.

20 Meaning it can be shown to witnesses but not to
21 anyone else. Meaning we can't take notes and disclose our
22 notes on those documents. Those kinds of restrictions that
23 ordinarily wouldn't be in place if there were no protective
24 order. Now, if they --

25 **THE COURT:** Wait. Wait. Hold on. Pause one

1 second. Where does that limitation you just identified come
2 from?

3 **MR. SCHOEN:** Paragraphs 4 through 8 of the
4 modified protective order. The government's proposal, ECF
5 12-1.

6 **THE COURT:** Right. No, I understand. For
7 non-sensitive information.

8 Again, let's take produced documents relating to
9 the Committee's consideration of the contempt citation.
10 Assuming they are produced to the defendant, and they are
11 not designated as sensitive, they would only be subject to
12 Paragraphs 4 through 8.

13 I want you to point me to the specific limitation
14 that you think is limiting on Mr. Bannon's ability to
15 prepare his defense in this case.

16 **MR. SCHOEN:** No, Your Honor. I don't think they
17 are limiting on his ability to prepare his defense. I think
18 they are limiting on the public's right to know --

19 **THE COURT:** Pause there then. Wait a second.

20 There is no limitation in here on the filing of
21 such information in court or the use of such information
22 publicly. They can be attached to -- I mean,
23 hypothetically, if we have litigation around a
24 constitutional claim about what the Committee did or advice
25 of counsel, these documents can and very likely will be put

1 on the public record, and at the time that they are part of
2 the arguments in front of me, will be public.

3 What I think can't happen, at least under the
4 government's proposal, is when those materials are produced
5 to the defendant, that they can be given to the press
6 without regard to whether they are relevant to the
7 litigation or being used in the litigation at all.

8 My question is, I guess, why is that an
9 appropriate outcome here, which is that a record produced to
10 the government -- sorry -- by the government to Mr. Bannon,
11 can be used by him, not by definition for litigation,
12 because we already said there is no limitation there, but
13 just for any other purpose.

14 **MR. SCHOEN:** Yeah. I think coming from the
15 perspective that the documents are presumptively public, if
16 they are the public business. However, if there is
17 something -- in my view at least, the way the methodology
18 should work is that if there is something about that
19 Committee communication, since that is what we are talking
20 about, that the government believes to be something that
21 shouldn't be publicly disclosed, it doesn't reach the level
22 of sensitive, by definition or anything, but for some reason
23 it shouldn't be, then it should be incumbent on the
24 government to say, We are producing this internal
25 Congressional Committee report, whatever the communication.

1 And we believe this one should be kept away from the press
2 or otherwise.

3 Because, remember, under Paragraph 4, we can only
4 show this to potential witnesses and their counsel,
5 et cetera. And remember, under Paragraph 5, we are
6 restricted on the notetaking and those sort of things. I
7 don't think -- this is my view at least -- I don't think,
8 from the public perspective, there should be those
9 restrictions, unless there is specific reason for it. If
10 someone is at risk, and they can make a showing of that. I
11 think that should be on a document-by-document basis when
12 they are produced.

13 That is our position, Your Honor.

14 **THE COURT:** Ms. Vaughn, why is that not a
15 reasonable outcome here, which is you have categories of
16 sensitive information, as to everything else that would be
17 covered by this protective order?

18 Again, I'm recognizing that there are a number of
19 categories of information that as a result of this
20 discussion aren't covered by the protective order at all.
21 But as to those documents that are produced in litigation
22 that would be covered by this protective order, that the
23 government needs to make more of an
24 individualized/particularized showing as to harm rather than
25 just say, essentially, everything that we would produce in

1 these categories is restricted in the way that Paragraphs 4
2 through 8 restrict the defense.

3 Why shouldn't the government have to make a more
4 particularized showing on a document-by-document or at least
5 category-by-category basis?

6 **MS. VAUGHN:** Your Honor, the government believes
7 that it has made a particularized showing on a
8 category-by-category basis, and that that is sufficient
9 here.

10 So there's two categories of records at issue now.
11 Law enforcement reports of interviews. And, frankly, I
12 think it would be unprecedented for 302s to start popping up
13 all over the press in a criminal matter.

14 And then the second category is internal
15 communications between Committee staff, which actually are
16 not presumptively public. So all of those, though, go to
17 this issue of influencing -- improperly influencing
18 witnesses. It's their communications summarizing what
19 occurred with respect to Mr. Bannon's subpoena. And it's
20 interviews in which they discuss their memory and experience
21 of the same events.

22 So allowing the defendant to disseminate those to
23 the press will absolutely have the result that these
24 witnesses' potential testimony at trial will be influenced
25 in a way that's not appropriate in a criminal case like

1 this.

2 **MR. SCHOEN:** Your Honor, if I may, Judge.

3 **THE COURT:** You will get a chance in a second.

4 **MR. SCHOEN:** Yes, sir.

5 **THE COURT:** But I take it the government,
6 notwithstanding those concerns, is fine with that
7 information being filed on the public record to the extent
8 that that information is relevant to an issue to be decided.

9 **MS. VAUGHN:** Yes, Your Honor.

10 **THE COURT:** Okay. Mr. Schoen or Mr. Corcoran?

11 **MR. SCHOEN:** Yes, Your Honor.

12 Your Honor, I suppose on this specific issue it
13 represents a fundamental philosophical difference, frankly.
14 We do believe that the Committee's discussions about
15 Mr. Bannon's subpoena, about why to take this criminal,
16 about taking other virtually unprecedented steps, is the
17 business of the public.

18 And if there is a reason with respect to a
19 specific document, again, that something is at risk that the
20 public shouldn't be exposed to, then the government makes
21 that showing and Your Honor reviews it and makes a
22 determination; that's all.

23 **THE COURT:** But what about the alternative, which
24 is to say, we are now talking about two categories of
25 documents. Ms. Vaughn has made her argument about why those

1 categories at least can be presumptively used only in this
2 litigation. And if the defendant would like to do something
3 more, the defendant is free to ask for relief from the
4 protective order on a document-by-document basis when you
5 are in this category.

6 **MR. CORCORAN:** Your Honor -- David, if I could.

7 Your Honor, I just want to be very clear in terms
8 of what the government has offered in terms of a
9 particularized showing trying to establish good cause. And
10 what they've said is that by releasing a document publicly,
11 it would improperly influence witnesses.

12 That does not make any sense for the following
13 reason. Under Paragraph 4 we would, in any event, be able
14 to show any of our witnesses that very document. So what
15 the government is saying that somehow the public disclosure
16 of a document would improperly influence or shape a
17 witness's testimony, but actually defense counsel showing it
18 to them is not going to have the same effect.

19 In other words, what they've put forth as their
20 sole, particularized reason justifying this aspect of the
21 protective order is baseless and meritless.

22 **MR. SCHOEN:** Judge, my answer to your question
23 directly -- to Your Honor's question directly, is that as to
24 -- Your Honor proposed the alternative. What about if we
25 just then made a showing? I think my answer to that is, I

1 don't think that's the manner of proceeding that cases like
2 *Dixon* and *Johnson* suggest.

3 But let me say this, Your Honor, we have
4 absolutely no question in our mind that Your Honor is just
5 as sensitive to the public's right to know as we are, and
6 will take that into account in however Your Honor believes
7 is the best way to proceed with respect to those documents
8 on whom the burden should lie, et cetera.

9 **THE COURT:** Thank you.

10 So as I said, I'll consider these arguments and
11 craft what I believe is an appropriate protective order
12 here.

13 So let's talk now about the overall schedule of
14 the case. I've obviously -- I don't know if it's obvious
15 but I have reviewed the parties' submissions and the joint
16 status report, which I think was very helpful.

17 I think maybe I'd like to start with you,
18 Mr. Corcoran.

19 **MR. CORCORAN:** Your Honor, I will have Mr. Schoen
20 speak to this.

21 **THE COURT:** Okay, Mr. Schoen. Of course, I
22 understand that there might be an advice of counsel defense
23 here. I also understand there may be some constitutional
24 arguments made. But can you tell me more about what
25 specifically the defendant would intend to contend by way of

1 those, what you say are weighty, important separation of
2 powers and other constitutional arguments?

3 I think I need to know a little bit more about how
4 supposedly difficult these questions are going to be before
5 I think about how they will affect the overall trial
6 schedule.

7 **MR. SCHOEN:** Sure, Your Honor.

8 I preface this by saying not just difficult, but
9 also fact intensive to some degree. Meaning information is
10 required. I would divide that, by the way, into information
11 being required for motions to dismiss practice and for trial
12 defenses in the case.

13 I'd like to give a little bit of background. Here
14 is what I am prepared to do, Judge. I am prepared to first
15 address Your Honor's question directly, with the caveat, you
16 know, that we have been in this case for three weeks. The
17 case is only three weeks old. So I can only go into so many
18 details about those defenses.

19 **THE COURT:** Right. And this is not your argument
20 on the motion to dismiss or otherwise. I am not asking for
21 a full argument.

22 **MR. SCHOEN:** I understand, Your Honor.

23 What I also want to say I am prepared to do is go
24 a little more specifically into exactly what the kinds of
25 discovery is I believe we would need from the House, from

1 the DOJ, from the U.S. Attorneys, what we are talking about
2 here in terms of that body of discovery.

3 So let me go first into maybe the defenses and the
4 motion to dismiss. And then I think I can tie in why I
5 believe specific discovery I would mention is relevant,
6 necessary and time consuming. Would that be an acceptable
7 way of proceeding, Your Honor?

8 **THE COURT:** Yes.

9 **MR. SCHOEN:** All right.

10 So first of all, on the motions to dismiss, I
11 think there are some that are discovery sensitive and some
12 that aren't. But for example, we are going to be asking the
13 case, we made clear in the joint status report, for the
14 grand jury instruction. We clearly have a fundamental
15 difference of viewpoint with the government on the nature of
16 this case from start to finish.

17 The government has said in their papers they see
18 it as a one-day trial. It's basically a strict liability
19 case, according to the government. This is what they said
20 in the first hearing on the 18th. They didn't appear,
21 therefore he is guilty under Section 192.

22 We think that is fundamentally wrong. Yes, there
23 was a case, *Licavoli* in 1961 that said, advice of counsel
24 doesn't apply, for example, in 192 prosecution. First of
25 all, that case is based on an earlier case, *Sinclair*, that's

1 no longer good law. But in any event, there are a many
2 reason that it doesn't apply, specific to the facts of this
3 case.

4 This is a case with the invocation of privilege.
5 This is a case in which the government was made aware, as
6 the Committee was made aware, Mr. Bannon relied entirely on
7 the advice of counsel.

8 We believe that the grand jury was not instructed
9 correctly as a matter of law in this case. And advice of
10 counsel is not an affirmative defense to be instructed to
11 grand jury. It's an element -- it negates an element of the
12 offense.

13 If the government's theory, as they've expressed
14 it at least, in very limited fashion I understand, but on
15 the 18th, is that all that is required is for him to appear.
16 And that is what the grand jury was instructed.

17 We think the indictment would have to be
18 dismissed, and we would make that showing. That's not
19 something I think that a great deal of discovery is required
20 for. We would show why, you know, reliance on counsel was
21 relevant here and so on.

22 We believe, again motion to dismiss, the grand
23 jury wasn't given exculpatory evidence. Again, if this is
24 the government's theory of the case, if just showing up was
25 enough, we imagine at least that the government didn't

1 instruct the grand jury on the status of Office of Legal
2 Counsel opinions, on reliance on Office of Legal Counsel
3 opinions, on defenses like entrapment by estoppel and other
4 entrapment, potentially, efforts to cooperate, reliance on
5 good faith alternative. These kinds of things that are all
6 part of the package. So these are motions to dismiss.
7 Again, I don't think they are particularly discovery
8 dependent.

9 But let's talk about no proper legislative
10 purpose; that's a constitutional defense we would raise.
11 It's discussed at length in the, you know, *Mazars* case. And
12 essentially that defense is that, you know, there are only
13 certain purposes the Committee can be convened for, as the
14 the Court well knows. It can't issue a subpoena just for
15 the purpose of law enforcement. It can't use subpoenas to
16 try someone before the Committee for any crime or
17 wrongdoing. It can't have a general power of inquiry, just
18 for exposure sake. It can't convict investigations for
19 personal aggrandizement of the members, et cetera. And
20 recipients maintain all of their constitutional rights,
21 including the right to privilege and so on. That's clear
22 from the *Mazars* case, 2020.

23 For this defense we need to look at, for example,
24 many, many, many statements made by members of the
25 Committee, which several scholars have suggested -- suggest

1 an unconstitutional purpose, a non-legislative purpose in
2 this case. But we also would want to see what the Committee
3 talked about on what their agenda was here. There's a lot
4 of language in Resolution 503 that dresses it up and makes
5 it look like an appropriate purpose, but there is good
6 reason to believe that it wasn't.

7 Selective prosecution, quite frankly, it's a
8 difficult burden, but it is a motion we intend to make.
9 Prosecution based on a partisan political attack, we
10 believe. Prosecution based on an attack on First
11 Amendment rights, we believe. A prosecution based on
12 vindictiveness, we believe. We need to see things like, you
13 know, the House documents. We need to see, Why did everyone
14 along the way here go against the well-settled Office of
15 Legal Counsel opinions on a variety of subjects, which again
16 we can go into.

17 I know Your Honor said this is not a forum to
18 argue the motion.

19 **THE COURT:** I also am very familiar with almost
20 all of those arguments.

21 **MR. SCHOEN:** Of course, Your Honor.

22 **THE COURT:** So I don't think you need to elaborate
23 on them. I just want to understand what you are likely to
24 make.

25 **MR. SCHOEN:** Yes, Your Honor.

1 **THE COURT:** I get the arguments.

2 **MR. SCHOEN:** And there are several others like
3 that that we believe require some discovery. Failure to
4 follow their own rules and protocol potentially. There is
5 an argument to be made about that potentially.

6 What was the status of privilege, for example,
7 discussed in the Committee? Because that raises a real
8 separation of powers issue, we believe. We believe that the
9 executives entitled to determine what documents and
10 information is privileged and we believe that the -- not
11 just we believe. I mean, this district has said in very
12 strong terms that binding effect on the executive branch of
13 the Office of Legal Counsel opinions. Those were violated
14 in this case. We believe we need discovery on how that
15 happened.

16 Now, so those are some of the defenses and motions
17 to dismiss that I think are complicated and fact intensive
18 to some degree. And if the government, their position in
19 their joint status report was the discovery they believe we
20 are going to ask for -- I'm not sure how they knew, since we
21 didn't know yet exactly and we still don't know. We are
22 developing our case -- are either not discoverable or not
23 the government's obligation to disclose.

24 I think in the latter case, I think the
25 government's being too narrow in their view of what they are

1 going to be obligated to disclose, and I think that they are
2 being modest about their ability, frankly, to disclose those
3 things.

4 But if the government is right and those things
5 aren't going to be disclosed by the government, that means
6 extensive subpoena practice and motions practice simply
7 about our entitlement to some of these documents.

8 I will move very quickly, Your Honor. I'm sorry
9 to tie you up, but it is a little bit of a, you know, a
10 complicated process.

11 With respect to the House, for example, this is
12 our view -- by the way I will back up one step further. I
13 want to make this clear. We believe that there is no basis
14 for expediting this case whatsoever. That the government
15 made the decision in this case, an almost unprecedented
16 decision, and certainly an unprecedented decision for the
17 past decades, to go with a criminal prosecution in this
18 case.

19 This is a case in which Mr. Bannon -- I know in
20 the previous proceeding Your Honor said you are not
21 sufficiently familiar with the facts. I can't give all of
22 the facts now, clearly. But the Court should know that this
23 is a case in which Mr. Bannon made the offer to go before a
24 civil court. And if a Court ordered him to comply, he would
25 comply. But that course wasn't taken.

1 So when this decision was made to go criminal, it
2 no longer was a quest for information; that's for sure. If
3 this were a case in which the Committee needed to have some
4 knowledge and therefore we needed to move more quickly, that
5 would be one thing. They made a decision that this is
6 probably the last way to get information, and they had that
7 other option. This was a radical move that they made. And
8 we believe for a bad motive. Those are the kind of things
9 we want to look into.

10 But secondly, of course, by making that decision
11 they triggered a number of constitutional rights that
12 otherwise wouldn't have attended it. So Mr. Bannon is
13 entitled to all of these things, this discovery, this
14 research, this investigation that both goes to the integrity
15 of their investigation -- meaning the Committee's work in
16 this case, that's *Kyles versus Whitley*, sort of approach --
17 and it goes to his ability to prepare the case.

18 So let's talk about the House. The House said in
19 some of their public statements they wanted to investigate
20 the root causes of what happened on January 6th. And
21 everyone understands and agrees. Momentous episode in
22 American history. But what we are hearing from the
23 Committee is accusation, public accusation, after
24 accusation.

25 Let me say this, Judge, I don't believe that there

1 is any reasonable person living in a democracy, who would
2 believe that an investigation should be headed up by a
3 person who filed a personal lawsuit against President Trump
4 immediately before being appointed head of the Committee,
5 who in that lawsuit accused President Trump and others of
6 personally injuring him, causing him great personal injury
7 and damage, to then appoint that person to head up an
8 investigative committee, raises some antenna, let's just
9 say. And then to populate that Committee with other people
10 who have made public statements.

11 Congressman Raskin was the lead prosecutor in the
12 impeachment case. His mission in that case was to prove
13 that former president Trump and others associated with him
14 were responsible for the events of January 6th. This is a
15 person on the Committee. We have reason to question his
16 motivation. We have reason, when they make public
17 statements extraordinarily accusatory of Mr. Bannon in
18 particular and statements like, We are going to make a point
19 here. We are going to teach other people a lesson. We are
20 going to show other people what they need to do by
21 prosecuting Bannon, that we are entitled to know what the
22 processes were within that House Committee. They've opened
23 the door with those public statements. We are entitled to
24 know, again, what the House's view was of privilege.

25 You know, the head of the Committee, Chairman

1 Thompson, was just on television I believe last night on The
2 Rachel Maddow Show and said, Anyone who comes before this
3 Committee, who exercises -- invokes their Fifth Amendment
4 privilege is basically saying, I did something wrong.
5 That's not right. That's not how our constitution operates.
6 That is misinformation and disinformation.

7 If that's coming from the Chairman, then we ought
8 to be entitled to know what it is the House Committee
9 members discussed about that. How they made their decision.
10 Again, these are all focused on the defense and motion to
11 dismiss regarding proper legislative purpose.

12 Judge, I can go on. I mean, I have pages here of
13 what we need from the House and why. I assume the Court's
14 got the point. I can talk a little bit about the U.S.
15 Attorney's Office. Let me just say this about that. I will
16 make one point. I think we are entitled to know why the
17 U.S. Attorney's Office deviated so radically from their past
18 process.

19 Let me just take an excerpt from a letter from
20 former U.S. Attorney Mr. Manchen, just 2015, which he said,
21 this conclusion -- I am reading from Page 6 of it -- this
22 conclusion follows from the Justice Department's
23 long-standing interpretation of Section 194 -- that's the
24 section that refers this case up here -- as preserving the
25 exercise of prosecutorial discretion in the executive

1 branch.

2 Now, here, It has long been the position of the
3 department across administrations of both political parties
4 that we will not prosecute an executive branch official
5 under the contempt of Congress statute for withholding
6 subpoenaed documents pursuant to a presidential assertion of
7 executive privilege.

8 And we can show the Court other OLC opinions that
9 say this applies to former members also. It extends to
10 people outside of the branch even, if the president consults
11 with them, because the president is entitled to.

12 I know the Court is familiar with those
13 principles. I don't need to go into it. But the point is,
14 we are entitled to -- there is no question any fair-minded
15 person would raise that there has been a radical deviation
16 from protocol and from the Office of Legal Counsel opinions
17 in this case. So that's something for the U.S. Attorney's
18 Office to say.

19 And the grand jury, we spoke about already, where
20 they presented with this case, as if it were a case of
21 strict liability, where they are given the exculpatory
22 information *Williams* and other cases require.

23 On the White House, we have an unprecedented
24 situation here, Judge, in which President Biden himself
25 called for the prosecution of Mr. Bannon and people

1 similarly situated. He then took back his comments and said
2 he recognized they were inappropriate, leading the Justice
3 Department to make a statement to the effect that they won't
4 be influenced by those kinds of statements.

5 What went on with the White House that the
6 President of the United States weighed in publicly like
7 that? What kind of influence, if any, did that cause?
8 Those are some ideas, Judge, about some of the kinds of
9 defenses we know about now, only three weeks and change into
10 the case, and why we need some discovery and time. And if
11 not discovery, then subpoenas and motions practice to
12 litigate.

13 Sorry for talking so long, Judge.

14 **THE COURT:** Why do you need ten months?

15 **MR. SCHOEN:** Ten months is not a magic number,
16 Judge. It's a number that we did based on the length of
17 time cases in this district go and the structure of orders
18 that we culled from, in working backwards through this. We
19 need an extensive period of time. And we need time -- it
20 may be if a time is set, we need more time as we go along.

21 I will say this, without any equivocation
22 whatsoever, I think that the government's proposal here,
23 that in six days we need to have to them our requests for
24 formal discovery, putting aside everything else. As I say,
25 we've been in this case three weeks and change. We had

1 dockets before this. I have a brief due in the 11th Circuit
2 Friday. I have a brief due in the Second Circuit next
3 Friday. So there are just those practical things.

4 But beyond that, I say this unequivocally, the
5 idea of a trial in April, which the government says is six
6 months from indictment -- that in and itself confounded me.
7 I mean, I've tried on each of my hands to figure out how
8 that equals six; that to me is five. November 12th to April
9 15th, I think is five. But there's no place in this process
10 for that.

11 So ten months isn't magic. The October date isn't
12 magic, but it is consistent with practice within this
13 district, based on the statistics and orders in other cases.
14 And, as we said in our joint status report submission, we
15 believe that this case is more complicated and time
16 intensive than your average drug case that goes on a long
17 time.

18 Thank you, Your Honor.

19 **THE COURT:** Thank you, Mr. Schoen.

20 Ms. Vaughn --

21 **MS. VAUGHN:** Yes, Your Honor.

22 **THE COURT:** -- so obviously the defendant intends
23 to raise a host of arguments. I'm not passing on them right
24 now, of course, but there's a lot of arguments there and
25 some of them are at a minimum unique and complicated.

1 In light of the fact that this is, I believe, not
2 a case through which the Committee could get information.
3 In light of the fact that this is a non-detained misdemeanor
4 defendant, why do we have to go so quickly that we would set
5 an April trial date, which would -- I mean, at a minimum it
6 would mean that the briefing on these questions and the
7 determination on these questions would be extremely fast.

8 I mean, I recognize the government very likely
9 thinks that many of the positions just articulated by
10 Mr. Schoen lack merit. I get that. But I have to give them
11 due consideration. I'm certainly going to be fair about all
12 of them. And they present not just some legal questions
13 but, at least in theory, some questions that could require
14 information. And information and discovery, of course, can
15 be time consuming. So why is April so critical from the
16 government's perspective?

17 **MS. VAUGHN:** Your Honor, what is critical from the
18 government's perspective is that the public's right to a
19 speedy trial, which is just as well established and
20 recognized as the defendant's, is respected in this case.

21 Mr. Corcoran said moments ago that the public has
22 a strong interest in this case being addressed, and the
23 government agrees. So the reason the government thinks that
24 we should move faster than the defendant has proposed is to
25 respect the public's right in the resolution of this case,

1 which the government submits is particularly strong here,
2 given that the defendant is charged with conduct involving
3 the defiance of the constitutional authority of a coordinate
4 branch of government.

5 The Supreme Court has said that the purpose of
6 this criminal statute is to vindicate that authority. So
7 allowing this case to languish for eight months before the
8 defendant even files his first motions, in the government's
9 view, does not serve the public's right to a speedy trial or
10 the purposes of the statute.

11 Second, the issues that Mr. Schoen has raised,
12 first of all it sounds as if they already have a clear
13 understanding of their positions on those issues. I think
14 Mr. Schoen said that he had pages of information there to
15 share with the Court.

16 Secondly, the discovery that they assert that they
17 need to support those motions, none of which have to do with
18 the merits of the allegations in this case, to be entitled
19 to that discovery, it's well established that the defendant
20 would need to make an initial showing on the merits of the
21 claims for which they think the discovery is necessary to
22 support.

23 The defendant's burden on issues like that, for
24 example -- I will take the grand jury charge as an
25 example -- is high, and it's a heavy burden. And defendants

1 rarely meet the burden to be entitled to additional
2 discovery on that.

3 So the government doesn't see a need to delay
4 filing both the motions to dismiss and within those
5 requiring the defendant to articulate any further discovery
6 he needs and why he is entitled to it; so that on the
7 likelihood that he does not succeed in making the showing
8 that he's entitled to more discovery, the parties and the
9 Court don't have to relitigate the same issues twice.

10 As I said on the grand jury charge, for example,
11 he has to provide particular proof of irregularity within
12 the grand jury before he is entitled to further discovery on
13 that matter. It is the same with things like selective
14 prosecution or vindictive prosecution.

15 The government has told the defendant and the
16 Court in its status report it does not plan to voluntarily
17 provide these materials to which he is not entitled under
18 Rule 16, Brady or any other traditional discovery
19 obligations. So he is going to have to move this Court.

20 Given the high burden he has to meet, the
21 government proposes moving directly to motions to dismiss
22 and accompanying motions to compel, to the extent he has
23 them, as soon as possible. There is no additional work that
24 needs to be done on the front end.

25 **THE COURT:** What seems somewhat anomalous to me,

1 to be honest, is that in the January 6th criminal cases
2 involving the people who were in the Capitol or committed
3 violence in the Capitol, essentially none of those cases has
4 yet gone to trial for indictments that happened in January
5 and February, including for defendants who are actually
6 detained.

7 And I recognize that there are all sorts of
8 complications in those cases around the scope of discovery
9 and the volume of discovery, but those cases seem in some
10 ways to be -- first of all they are older and second of all
11 they are languishing a little bit. And then on the other
12 hand, this case, which again is a misdemeanor and a
13 non-detained defendant, the government wants to go at light
14 speed.

15 I'm not suggesting that the public doesn't have a
16 right to a quick and speedy trial, but I also have heard, at
17 least some arguments that will be presented by the defendant
18 that require due consideration. They may potentially
19 require discovery again. Again, I'm not deciding that
20 question here.

21 It seems to me though, again, that we don't need
22 10 months to do this. These issues can either be briefed up
23 in a single set of briefs or in, you know, briefs that then
24 perhaps require some additional work for discovery that
25 would happen -- again, I am not deciding that question now.

1 But 7 months or 8 months from today til trial, rather than
2 10 months, is still a long time in the arc of a criminal
3 case.

4 And so this is where I am on the overall proposals
5 by the parties, this is not really -- I am loathe to suggest
6 that I am merely splitting the difference because that's not
7 what I am doing here.

8 I do think the defendant's proposal for an October
9 trial date is too slow and too long from today. But I also
10 think the government's proposal of an April trial date
11 doesn't reflect adequately, at least the arguments that will
12 be presented, whether they have merit or not, they still
13 need to be decided.

14 And, frankly, looking at our internal schedule
15 here at the court and my own schedule, both of which are
16 very complicated as a result of having postponed things from
17 COVID and having a number of cases from January 6th stacking
18 up, I think the appropriate thing to do is to try this case
19 in the middle of the summer.

20 And what I am doing, and what I was doing as we
21 were talking just now, is looking at our internal trial
22 calendar, including my own, to see if there are dates by
23 which or during which we could set a two-week trial
24 calendar. Recognizing that the parties have vastly
25 different views, even about how long the trial might last,

1 but to be conservative, so to speak, we might as well pick a
2 two-week period so that at a minimum we cover the longest
3 likely trial here.

4 And to that end, I would like to start this trial
5 on either July 11th or July 18th and have it extend for the
6 next two weeks. That, of course, is subject to counsel and
7 party availability.

8 Ms. Vaughn, I know the government has said in its
9 papers that it's available any time, but do those weeks work
10 for you and your team?

11 **MS. VAUGHN:** Yes, Your Honor.

12 **THE COURT:** Mr. Corcoran or Mr. Schoen?

13 **MR. SCHOEN:** I think so. I just want to look up
14 one thing, Your Honor, if I might. I am fine with it. It
15 works for me.

16 **MR. CORCORAN:** Your Honor, July 18th would work
17 for a two-week block.

18 **THE COURT:** So we are going to set trial in this
19 matter to begin July 18th. Jury selection will begin that
20 morning at 9 a.m.

21 It seems to me that I have enough information in
22 front of me to set a series of dates that would lead up to
23 trial so that it might in the first instance be better for
24 the parties to try one more time, in light of this trial
25 date being look locked in.

1 I think to some extent the parties were expressing
2 views for shorter or longer pretrial periods, but now having
3 this trial date, the parties to take another crack at
4 negotiating over and proposing a set of motions and other
5 dates leading up to that trial.

6 Obviously that may not result in agreement, and I
7 will very -- you know, I suspect I will be resolving those
8 questions, but at least we will be focused on getting ready
9 for a July 18th trial.

10 So absent strenuous objection -- and again, I will
11 calendar this for trial in an order today. But as to the
12 remaining pretrial dates, I would like the parties to meet
13 and confer again and to propose no later than December 16th
14 their respective positions or, of course, agreement if
15 reached on the calendar between today's date and July 18th.

16 And this conversation/discussion has been very
17 helpful because to the extent that there is disagreement, I
18 don't think I will need to have another hearing. I can just
19 take the parties respective positions and enter an order
20 either December 17th or December 20th. Okay?

21 Is that clear enough, Ms. Vaughn?

22 **MR. SCHOEN:** I'm sorry.

23 **THE COURT:** Ms. Vaughn?

24 **MS. VAUGHN:** Yes, Your Honor.

25 Just in anticipation of conferring with the

1 defendant, does the Court have any views on how much time
2 the Court would like to have to resolve, for example,
3 motions to dismiss in the schedule?

4 **THE COURT:** Not particularly. I think as long as
5 there isn't an incredibly short time between the opposition
6 and when the schedule assumes a decision from me, then I
7 think I'm fine. If the reply comes in that period, and if
8 there's going to be a reply, that's just fine. It is an
9 important case, and I intend to resolve the issues as they
10 arise quickly. So I'm not going to sit on things for a
11 month. Basically, if there's a -- whatever the motion is,
12 whether it's a motion to exclude testimony or it's a motion
13 to dismiss. So long as the schedule assumes a few weeks at
14 least between opposition and my determination, that would be
15 good.

16 Does that answer your question?

17 **MS. VAUGHN:** Yes. Thank you, Your Honor.

18 **THE COURT:** And I welcome reply briefs. They are
19 not critical -- or they don't have to be filed, but I
20 certainly welcome them in almost all cases.

21 Mr. Schoen, is this all reasonably clear to you
22 and Mr. Corcoran?

23 **MR. SCHOEN:** Reasonably clear. I would like to
24 make one remark before we finish, only because I wanted to
25 respond. As Your Honor has recognized over and over, it is

1 a serious case. I just want to respond to one or two things
2 that were said.

3 If I were not clear enough in what I said earlier,
4 because I heard Ms. Vaughn say that our motions don't go to
5 the merits of the case, our motions go to the merits of the
6 case. Many of them go directly to the merits of this case
7 and the constitutional issues involved in this case. I want
8 to be clear about that.

9 I also want to be clear, so there is no
10 misunderstanding, Mr. Bannon and everybody else involved in
11 this case believes very strongly in the public's right to a
12 speedy trial. But maybe even more strongly in the public's
13 right to a fair and full trial, which I know this Court is
14 determined to give in this case.

15 We have a lot of experience where I come from with
16 very speedy trials, and some very bad results because those
17 trials went really too fast. Anyway, we call this case a
18 misdemeanor, but let's remember, there are four special
19 agents of the FBI assigned to it and three experienced
20 prosecutors. And at the end of the day if, God forbid,
21 there is a conviction, there is a mandatory jail sentence
22 according to the statute in this case. So it's a serious
23 case.

24 And the last thing I want to say is, we don't take
25 lightly our request for grand jury proceedings of any kind.

1 But in this case, again, I'm not a betting person and I
2 don't like to -- I don't have a crystal ball, but you know
3 about the old expression of Macy's window. I bet something
4 to do with Macy's window that we are going to meet our
5 burden as to the grand jury's legal instruction in this
6 case.

7 Because the government itself has said they don't
8 believe advice of counsel applies. We believe advice of
9 counsel, those reliance defenses, absolutely apply. And in
10 this case, they are going to make out a defense of
11 entrapment by estoppel and otherwise. Anyway, I think we
12 will be able to meet our burden getting that grand jury
13 instruction but we will see.

14 **THE COURT:** We will.

15 Ms. Vaughn, anything else from the government's
16 perspective?

17 **MS. VAUGHN:** No, Your Honor.

18 **THE COURT:** Mr. Schoen, anything else from the
19 defendant's perspective or Mr. Corcoran?

20 **MR. SCHOEN:** No, Your Honor. Thank you so much
21 for the time.

22 **MR. CORCORAN:** No. Thank you, Your Honor.

23 **THE COURT:** Counsel, so we will deal with the
24 protective order. We will enter the order or calendar the
25 trial, and then we will look for a status report from the

1 parties by December 16th.

2 Thank you, Counsel.

3 **MR. SCHOEN:** Your Honor didn't meet Mr. Costello
4 the last time. Your Honor has just signed an order pro hac
5 vice-ing him in, if that's a verb. And so I wanted --
6 Mr. Costello is on the call. I just wanted Your Honor to
7 meet Mr. Costello.

8 **THE COURT:** Yes. I believe Ms. Harris recognized
9 him earlier but welcome, Mr. Costello.

10 **MR. COSTELLO:** Thank you, Your Honor.

11 **MR. SCHOEN:** Thank you, Ms. Harris. You did an
12 admirable job filling in.

13 **THE COURT:** Thank you, Counsel.

14 **MS. VAUGHN:** Thank you, Your Honor.

15 (Proceedings concluded at 12:03 p.m.)
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C E R T I F I C A T E

I, **Lorraine T. Herman, Official Court Reporter**, certify that the foregoing is a true and correct transcript of the record of proceedings in the above-entitled matter.

Please Note: This hearing occurred during the COVID-19 pandemic and is therefore subject to the technological limitations of court reporting remotely.

December 7, 2021
DATE

/s/
Lorraine T. Herman

**COURTROOM
DEPUTY: [1] 2/4
MR.**

**CORCORAN: [11]
2/15 3/6 3/11 4/1
4/19 7/16 9/3 13/21
21/5 22/18 41/15**

**MR. SCHOEN:
[20] 15/5 16/2 16/15
17/13 20/1 20/3
20/10 21/21 23/6
23/21 24/8 27/20
27/24 28/1 34/14
41/12 42/21 43/22
46/2 46/10**

**MS. VAUGHN:
[19] 3/20 4/7 4/25
5/13 5/22 6/15
10/18 11/6 12/15
12/23 19/5 20/8
35/20 36/16 41/10
42/23 43/16 45/16
46/13**

**THE COURT: [47]
2/11 2/16 3/7 3/18
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12/7 12/19 13/9
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**20/4 20/9 20/22
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**/
/s [1] 47/14**

**1
10 [2] 39/22 40/2
100-6 [1] 1/16
11:03 [1] 1/6
11th [2] 35/1 41/5
12-1 [2] 15/19 16/5
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