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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA

SEAN B. MAYO, )  
 )  
 ) DOCKET NO. 5:22-CV-289-M  
Plaintiff, )  
 )  
vs. )  
 )  
ROCKY MOUNT POLICE )  
DEPARTMENT, ET AL., )  
 )  
Defendants. )

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TRANSCRIPT OF SHOW CAUSE HEARING  
BEFORE MAGISTRATE JUDGE ROBERT T. NUMBERS, II  
TUESDAY, APRIL 15, 2025; 3:04 PM  
RALEIGH, NORTH CAROLINA

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## Colloquy

1                                   P R O C E E D I N G S

2                   THE CLERK: All rise. This United States District  
3 Court for the Eastern District of North Carolina now in  
4 session. The Honorable Judge Robert T. Numbers, II presiding.  
5 Please be seated and come to order.

6                   THE COURT: Good afternoon, everyone.

7                   MS. CALLOWAY-DURHAM: Good afternoon.

8                   THE COURT: We are here in the United States District  
9 Court for the Eastern District of North Carolina sitting in  
10 Raleigh for a hearing on a show-cause order in the case of  
11 Mayo v. Rocky Mount Police Department, case number 5:22-CV-  
12 289. The Court excused Mr. Mayo the plaintiff from attending  
13 today.

14                   Would counsel please identify themselves for the  
15 defense?

16                   MS. CALLOWAY-DURHAM: Good afternoon, Your Honor.  
17 Sonya Calloway-Durham.

18                   MR. WILLIAMS: Good afternoon, Your Honor. Alex  
19 Williams on behalf of Mr. Parris and also DOJ.

20                   MS. VYSOTSKAYA DE BRITO: Your Honor, I'm Olga  
21 Vysotskaya de Brito and NC DOJ was ordered to show cause. I  
22 am appearing on behalf of DOJ. I am head of litigation  
23 division at the Department of Justice. And my colleague,  
24 Kelly Chambers, she is a civil bureau chief. I'm sure she'll  
25 introduce herself. She's appearing for DOJ, too.

## Colloquy

1 MS. CHAMBERS: Yes, Your Honor. May it please the  
2 Court. I'm Kelly Chambers. Thank you, Your Honor.

3 THE COURT: Thank you.

4 I want to begin by noting this is the second time the  
5 Court is holding a show-cause hearing to address Ms. Callaway-  
6 Durham's conduct in this case. In February 2023, the Court  
7 entered an order that, among other things, prohibited the  
8 parties from filing discovery materials on the docket unless  
9 that filing was authorized by the Court or its local civil  
10 rules.

11 Yet, the day after the Court filed that order, Ms.  
12 Calloway-Durham filed discovery materials on the docket. The  
13 Court ordered her to appear and show cause why she or the  
14 North Carolina Department of Justice should not be sanctioned  
15 for her conduct. The order also required the head of the  
16 criminal division of NCDOJ to appear.

17 At the show-cause hearing, Ms. Calloway-Durham  
18 acknowledged that her conduct violated the Court's order. She  
19 claimed, however, that the violation was unintentional because  
20 she did not realize she had not read the entirety of the  
21 Court's order.

22 At that hearing, NCDOJ was represented by Leslie  
23 Dismukes, who at the time was the criminal bureau chief for  
24 NCDOJ. The Court addressed with Ms. Dismukes both Ms.  
25 Calloway-Durham's conduct and global concerns it has over the

## Colloquy

1 performance of attorneys in NCDOJ's public safety section.

2 In an attempt to assuage the Court's concerns, Ms.  
3 Dismukes reviewed some procedural changes that have been  
4 implemented to try to address the public safety section's  
5 ongoing issues with North Carolina's federal courts. These  
6 procedural changes involved weekly staff meetings to discuss  
7 cases and having the section head receive all notices of  
8 electronic filing issued by this State's federal courts.

9 Ms. Dismukes noted, however, that in light of the  
10 protections afforded to State employees, there were  
11 limitations on how NCDOJ can impose corrections on individuals  
12 who have repeated issues. And she indicated it will likely  
13 take NCDOJ a longer period of time to address some of those  
14 issues than it would at an at-will employment setting.

15 In response, the Court noted that it was not so  
16 limited in how it could deal with attorney misconduct. The  
17 Court went on to explain that in dealing with these issues, it  
18 was trying to avoid imposing sanctions on individual attorneys  
19 because doing so impacts the attorney's reputation and has the  
20 potential to impact the attorney financially. But while the  
21 Court hoped to avoid sanctioning NCDOJ or its attorneys, the  
22 Court noted it was losing patience with the repeated errors  
23 and was running out of other options.

24 The Court ultimately did not sanction Ms. Calloway-  
25 Durham or NCDOJ, but it noted that it considered various other

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1 options, including a formal reprimand of the Department for  
2 its failure to meet its obligations to the Court; invoking the  
3 Court's formal disciplinary process against NCDOJ; and  
4 appointing someone to determine if it had violated the Rules  
5 of Professional Conduct; referring NCDOJ to the North Carolina  
6 State Bar for potential disciplinary action; and requiring  
7 NCDOJ to prepare a written plan to address the public safety  
8 section's issues and appointing a monitor to ensure compliance  
9 with that plan.

10           The Court concluded the hearing by expressing its  
11 hope that we wouldn't be in this position again and pointing  
12 out that the Court had made its views clear on how it would  
13 deal with any future issues that might arise. Yet, we find  
14 ourselves here today with that hope unfulfilled because we're  
15 once again addressing issues of Calloway-Durham's conduct.

16           I want to hear from Ms. Calloway-Durham in a moment,  
17 and certainly want to hear from NCDOJ as well, but I want to  
18 begin by asking the clerk to please place Ms. Calloway-Durham  
19 under oath because I've noticed that some of her pleadings  
20 have difficulty accurately representing what is going on in  
21 this case.

22           THE CLERK: Please raise your right hand and place  
23 your left hand on the Bible.

24           THE COURT'S WITNESS, SONYA CALLOWAY-DURHAM, SWORN

25           THE COURT: Ms. Calloway-Durham, do you understand

Colloquy

1 that you are now under oath, and if you answer any of my  
2 questions falsely, you may be prosecuted for perjury for  
3 making a false statement?

4 THE WITNESS: Yes, Your Honor.

5 THE COURT: We're here today for a hearing on the  
6 Court's order requiring you to show cause why you should not  
7 be sanctioned for violating Rule 11(b) of the Federal Rules of  
8 Civil Procedure. As outlined in its March 31st, 2025 show-  
9 cause order, the Court noted two potential Rule 11 violations  
10 related to defendant Dennis Parris' motion to dismiss that's  
11 at docket entry 121.

12 First, the Court -- and I believe that you may have  
13 violated Rule 11 because the legal contentions about the  
14 nature of Mayo's remaining claim and the Court's lack of  
15 subject matter jurisdiction over that claim did not appear to  
16 be warranted by existing law or based on a nonfrivolous  
17 argument for changing existing law.

18 And second, the apparent lack of a legal basis for  
19 those arguments suggested that they were presented to the  
20 Court to harass Mr. Mayo and to unnecessarily delay the trial  
21 of this matter.

22 At the outset, Ms. Calloway-Durham, can you tell me  
23 the standard the Court must apply in determining if you have  
24 violated Rule 11?

25 THE WITNESS: Do you want me to stand, Your Honor? I

## Colloquy

1 don't want to be disrespect --

2 THE COURT: Yes, in this court we stand when we  
3 address the -- in this court we stand when we address the  
4 Court.

5 THE WITNESS: I understand, Your Honor. Excusable  
6 neglect.

7 THE COURT: And what do you base that on?

8 THE WITNESS: If my memory's off, let me make sure  
9 I'm not recalling something incorrectly, which I would like to  
10 explain that issue to the Court if I may speak at some point  
11 later. I want to make sure that I'm not speaking incorrectly  
12 about Rule 11 versus show cause and excusable neglect as  
13 opposed to good cause. Your Honor, if I may explain my  
14 inability to recall and how that relates to the show cause.

15 THE COURT: Well, I mean, my point here is we are  
16 here on a hearing that the Court is deciding whether to impose  
17 sanctions that impact your professional reputation and have a  
18 potential to have consequences on you and NCDOJ because the  
19 rule requires me with limited exceptions to sanction them too  
20 if I sanction you under Rule 11. And it doesn't seem that  
21 you're familiar with the standard I'll apply.

22 THE WITNESS: It's -- Your Honor, if I may. It's not  
23 that I'm not familiar. I'm having trouble recalling, if I can  
24 explain.

25 THE COURT: I mean, briefly.

## Colloquy

1 THE WITNESS: Your Honor, I was going to -- when  
2 given the opportunity to explain, sort of give a timeline on  
3 how we got here including the last order.

4 THE COURT: I'm not really -- I'll hear from you  
5 eventually on that, but I have a list of questions that I need  
6 to have answered before we get there. If there's something  
7 you think is pertinent to this particular question, I'm happy  
8 to hear from you on it but at this point --

9 THE WITNESS: It is.

10 THE COURT: -- I don't want to get into a lengthy  
11 discussion.

12 THE WITNESS: Part of that timeline, Your Honor,  
13 includes the fact that I have been on medical leave for a six-  
14 month period at one point after the first show cause and  
15 another five or six-week period after the last motion that's  
16 now at issue here. Both of which were related to issues that  
17 I've had medically speaking, which affect my cognitive  
18 processing.

19 THE COURT: Well, and I don't mean this in a rude  
20 way. Are you saying that you are impaired such that you  
21 cannot adequately practice law?

22 THE WITNESS: No, Your Honor, I am not. I'm saying  
23 that under certain circumstances and now, being one of them  
24 with the stress associated with this, it's difficult for me to  
25 recall things in a timely manner. And that has affected my

## Colloquy

1 ability to work, which is why I have been on medical leave  
2 twice. It's not that I'm incapable of working. There are  
3 times that I need extra time. And unbeknownst to me, I may or  
4 may not have processed something properly.

5 THE COURT: Be that as it may, again, I'm surprised  
6 you don't have somewhere the standard the Court will apply in  
7 resolving this matter, given the importance of it, I would  
8 hope, to your professional reputation and to that of your  
9 employer.

10 This motion involves -- or this show-cause order  
11 involves a motion to dismiss that you filed on behalf of Mr.  
12 Dennis Parris, one of the -- the remaining defendant here. I  
13 may refer to that as a third motion to dismiss because it's  
14 the third one filed on behalf of one of your clients in this  
15 case.

16 In that motion, you argued that after the Court's  
17 ruling on the defendant's motion for summary judgment the  
18 Court lacked subject-matter jurisdiction over the remaining  
19 claim. Your principal argument was that Mayo's remaining  
20 claim is a false imprisonment claim under North Carolina law,  
21 and that since the Court had dismissed all of Mayo's federal  
22 claims, it no longer had subject-matter jurisdiction to hear  
23 the remaining state law claim.

24 In an earlier motion to dismiss, Mr. Parris made  
25 another subject-matter-jurisdiction-based argument, but that

## Colloquy

1 motion was not mentioned at all in the third motion. Instead,  
2 in your supporting memorandum for the third motion you said  
3 that defendant Parris recognizes that Community Corrections  
4 previously filed a motion to dismiss on the basis of subject-  
5 matter jurisdiction in this matter. However, he was not a  
6 party when that motion was filed.

7 And so one of my questions that I've had throughout  
8 this is that at the time you file the third motion to dismiss  
9 were you aware that Dennis Parris had filed a subject-matter  
10 jurisdiction-based motion to dismiss earlier in this case?

11 THE WITNESS: Yes, Your Honor. I had, and the reason  
12 for the Court's denial of that motion, and that's part of what  
13 I wanted to explain, Your Honor denied that motion on a basis  
14 other than what's presently before the Court. And also there  
15 was a line in that order -- part of what I wanted to explain  
16 also is that order as well as the subject matter -- excuse me,  
17 the motion for summary judgment order both came out during my  
18 absence.

19 And although when I returned to the office, I looked  
20 over both of them, months later when I filed the third motion,  
21 I did not recall the line in which Your Honor had indicated  
22 that there was -- that the claim was federal. Which is why in  
23 the second motion -- excuse me, the third motion I made the  
24 incorrect statement that even if the Court finds that it's  
25 federal, clearly indicating that I did not recall that the

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1 Court had already found that it was federal.

2 THE COURT: I guess what I'm struggling with is the  
3 third motion to dismiss makes no mention of Parris' earlier  
4 motion to dismiss, what I will call the second motion to  
5 dismiss. And it does not acknowledge that that was filed at  
6 all. And I'm curious why that is. There's no mention of it at  
7 all.

8 THE WITNESS: It wasn't to be disrespectful to the  
9 Court or dishonest with the Court. It was simply because I  
10 believed there was a different issue at hand at that point.  
11 It had nothing to do with -- I mean, I don't -- I don't have a  
12 history of trying to be disingenuous or trying to say anything  
13 that's not accurate. I've practiced law a number of years. I  
14 take that very seriously, which is part of the reason I tried  
15 to get medical attention and have been on medical leave. I  
16 don't take that lightly.

17 And honestly, it took me a while to figure out what I  
18 had said incorrectly because I did not recall from the order  
19 that you ruled on while I was on medical leave that -- I mean,  
20 I read the order. But I didn't recall that particular portion  
21 of it.

22 THE COURT: So here's why I'm confused and why your  
23 answer isn't making sense. I'm reading the memorandum of  
24 support of the third motion to dismiss. You say defendant  
25 Parris also recognizes that Community Corrections previously

## Colloquy

1 filed a motion to dismiss on the basis of subject-matter  
2 jurisdiction in this matter. However, he was not a party when  
3 the motion was filed.

4 You go on to say Community Corrections could not have  
5 waived subject-matter jurisdiction on behalf of an individual  
6 not yet a party to the action by having previously raised such  
7 jurisdiction on the basis outside of an order not yet  
8 rendered.

9 And so I guess I'm just confused again as to why this  
10 seems -- this doesn't seem to acknowledge that Parris brought  
11 his own motion to dismiss.

12 THE WITNESS: That was never my intent, Your Honor.  
13 And I think part of the problem is that when I raised the --  
14 his first, which is the second motion to dismissal, DE-79.  
15 Let me see. I raised them on the basis of sovereign immunity  
16 and also the fact that I thought there was a state claim. But  
17 the purpose of the second -- the third motion was to say that,  
18 without realizing that Your Honor had already ruled that the  
19 remaining claim was federal -- was that in light of that  
20 factual mis -- in light of that factual inaccuracy, I then  
21 found another case. And I understand Your Honor does not  
22 believe this is persuasive.

23 THE COURT: I just want to stop here for a moment  
24 because you're saying that you were unaware that I had ruled  
25 on this issue and that I had said all the claims were federal.

## Colloquy

1 More or less the --

2 THE WITNESS: I said I did not recall that, yes.

3 THE COURT: More or less the day after you filed this  
4 third motion to dismiss I entered a text order because I  
5 thought there was incredible overlap between the two motions.  
6 And -- or actually, it was referred to me perhaps.

7 I said in a text order entered October 25th, 2024 --  
8 I said no later than Monday, October 28th, 2024 defendant  
9 Dennis Parris must submit a memorandum of no more than ten  
10 pages explaining how his recent motion to dismiss for lack of  
11 subject-matter jurisdiction is not duplicative of the subject-  
12 matter jurisdiction argument Parris and the other defendants  
13 raised in the motion to dismiss filed in May 2023.

14 The Court notes that United States Magistrate Judge  
15 Numbers found the subject-matter jurisdiction argument in the  
16 May 2023 motion to be frivolous. Then I cite the memorandum  
17 in recommendation and recommended denying that portion of the  
18 motion. No objections were filed to that recommendation, and  
19 the district court adopted it.

20 So when I filed that text order, did you not go back  
21 and reread the order?

22 THE WITNESS: I went back and reread the DE-79 and  
23 the motion that I filed, which I can't recall the file number  
24 for in September because, as I read it, I was to explain how  
25 my prior motion was different from my current motion. That

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1 was my focus.

2 THE COURT: When I noted that I'd already ruled on a  
3 similar issue, did you go back and read the M&R that dealt  
4 with that issue or not?

5 THE WITNESS: My focus was on what you ordered me to  
6 do, which was to explain how the two motions aren't  
7 duplicative.

8 THE COURT: Is the answer to my question yes or no?  
9 Did you go back and read my December 11th, 2023 order before  
10 you filed your supplemental response?

11 THE WITNESS: And I'm trying to explain that I did  
12 not because I was trying to do as you ordered me to explain  
13 the difference between the two motions.

14 THE COURT: So again, you've touched on this a bit,  
15 but in my December 2023 recommendation, I noted that if Mayo's  
16 allegations were true, then the defendants violated his Fourth  
17 Amendment right to be free from unlawful searches and  
18 seizures. And as a result, Mayo could sue under 42 U.S.C.  
19 Section 1983, and the Court could hear that claim through its  
20 federal question jurisdiction.

21 The opinion also noted that since the Court had  
22 subject-matter jurisdiction over Mayo's federal claim, it  
23 could exercise supplemental jurisdiction over any state law  
24 claims included in Mayo's complaint, but there was no need to  
25 invoke supplemental jurisdiction because "May has brought no

## Colloquy

1 state law tort claims. Instead, his claims are all based on a  
2 violation of his federal constitutional rights."

3 So that's very explicit. There's no state law claims  
4 here. They're all federal claims. That was the principal  
5 basis for denying that motion. So again, explain to me why  
6 you then filed another subject-matter-jurisdiction-based  
7 motion claiming that there are state law claims?

8 THE WITNESS: Again, Your Honor, I filed a motion  
9 based on what I thought was a change in circumstances, having  
10 not recollected that the order in which you denied the prior  
11 motion included language that dissolved the issue of whether  
12 or not there was a state claim, and because I believed there  
13 was case law that if it could be either might be something for  
14 Your Honor to consider in its discretion. It was not with the  
15 intent to file something that was inaccurate or unethical or  
16 dishonest.

17 THE COURT: You mention discretion here, and under  
18 the supplemental-jurisdiction statute, the Court can in the  
19 exercise of its discretion dismiss any remaining state law  
20 claims. But that was not your argument in the third motion to  
21 dismiss and in your memorandum of support. The word  
22 discretion does not appear in that in that context at all.  
23 You unequivocally say the Court lacks subject-matter  
24 jurisdiction and must dismiss the case.

25 THE WITNESS: Your Honor, the point of Pate (ph.) was

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1 that where there can be, and I did not articulate that  
2 properly, I recognize that. Where there can be either  
3 jurisdiction in a state court or in a federal court, but Your  
4 Honor, again, that goes back to my not recalling that the  
5 basis for the prior denial of the second motion to dismiss was  
6 related to the very thing I was asking for in the third  
7 motion.

8 And I did not articulate the point of Pate being  
9 where it can be not whether it is or isn't. If my word -- and  
10 also I did not bring up 1367 because I had previously  
11 mentioned 1367. I thought it was kind of understood.

12 THE COURT: Where did you previously mention 1367?

13 THE WITNESS: Okay. I can't remember if it was in  
14 the prior motion to dismiss or if it was in the motion for  
15 summary judgment. I'm trying to remember. Yes, it's on page  
16 98 of DE -- excuse me, page 14 of DE-79.

17 THE COURT: What appears in a block quote, that's not  
18 a -- you're not making a serious argument based on 1367. It  
19 happens to show up in a block quote that you cut and pasted  
20 from something else.

21 But I want to go back to this Pate point. In your  
22 supporting memorandum, when you're talking about Pate, you  
23 say, "As such, once this Court dismissed plaintiff's Section  
24 1983 claim, e.g. the purported unlawful search, it was without  
25 jurisdiction to hear the remaining tort claim, e.g. false

## Colloquy

1 imprisonment against defendant Parris. As in Pate, plaintiff  
2 cannot rely on the alternative theory of a state claim to  
3 support jurisdiction in this action."

4 At the end of the paragraph you say, "Section 1983  
5 simply cannot stand as the basis for the false-imprisonment  
6 claim and, as such, this Court is without jurisdiction to hear  
7 the matter."

8 So you're not arguing discretion. You're arguing a  
9 lack of jurisdiction.

10 THE WITNESS: Your Honor, again, that goes back to my  
11 thinking that I still had an argument that not only can -- if  
12 it can be either, but where it actually is a remaining state  
13 claim as well. But that goes back to not recalling that Your  
14 Honor had already resolved that issue.

15 THE COURT: I am so frustrated and aghast at the fact  
16 that you're claiming you don't recall the key portion of an  
17 earlier order dealing with largely the same issue. It's  
18 really -- it's incredible. I mean, it's genuinely incredible.  
19 It is impossible to believe.

20 The other thing that -- one of the other things  
21 that's incredibly confusing here is in both my recommendation  
22 on subject-matter jurisdiction -- I'm sorry, on summary  
23 judgment and on the district court's order on summary  
24 judgment, they both explain that the claim that would go to  
25 trial was a illegal-detention claim. Yet, you recharacterized

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1 this as a false-imprisonment claim and then based all of your  
2 arguments off of that. Why did you do that?

3 THE WITNESS: Your Honor, in North Carolina, the  
4 unlawfulness of the detention is kind of wrapped up into the  
5 definition of false imprisonment. They're kind of used  
6 interchangeably, and there are cases to that effect. Again,  
7 my using the word detention in one place and imprisonment in  
8 another -- detention is a form of imprisonment. Any unlawful  
9 form of restraint is a form of imprisonment. That was my  
10 thought process.

11 THE COURT: How do you bring a -- how do you find a  
12 North Carolina state law claim when the entire M&R on the  
13 summary-judgment motion deals with federal claims, when all of  
14 your briefing deals with federal claims, all of my opinion  
15 deals with federal claims? Why did you think there was a  
16 state-law claim here?

17 THE WITNESS: Again, Your Honor, and I understand it  
18 does not appear that you believe me, but I can only testify  
19 under oath that what I know to be true, which was at the time  
20 that I filed this third -- excuse me, third motion which  
21 was -- I'm trying to look at the dates, the difference between  
22 the two -- more than a year after I filed the initial for Mr.  
23 Paris, which is the second motion to dismiss and after a six-  
24 month period of leave for issues related to cognitive  
25 processing. And if I am ever at some point able to explain

## Colloquy

1 the other timeline that goes into that, I simply did not  
2 recall that that issue had been resolved. There's one reason  
3 why I would have had I recalled it. And it did not occur to  
4 me to go back and reread something that I thought I recalled  
5 correctly but did not. I wouldn't -- it doesn't make sense  
6 that I would say even if the Court finds, if the Court had  
7 already found and I recollected that.

8 THE COURT: Do you understand that there's a  
9 difference between a claim for false imprisonment and a claim  
10 for illegal detention?

11 THE WITNESS: I understand that unlawful detention  
12 and false imprisonment in cases have been used  
13 interchangeably, and that unlawful detention is a form of  
14 imprisonment. And that was my thought process on  
15 interchanging the two. It was not to try to change the claim.

16 THE COURT: Because your argument is that if any of  
17 us are pulled over tonight by law enforcement, and we are  
18 ordered out of a car at gunpoint by a law enforcement officer,  
19 which is what Mr. Mayo alleged happened -- not the pulling  
20 over but he's ordered out of a car at gunpoint. If that  
21 happens to any of us today, so long as the officer doesn't  
22 arrest us, the Fourth Amendment has nothing to say about that.  
23 That's your argument.

24 THE WITNESS: Your Honor, my argument should not have  
25 been limited to whether or not there's an arrest. My point

## Colloquy

1 was there's not an arrest. That's one way we get to a false  
2 imprisonment is whether or not there's a lawful arrest without  
3 probable cause. But the other issue is whether or not it's  
4 lawful, and the unreasonableness of that lawfulness.

5 THE COURT: No. You say in your memorandum, "In  
6 other words, an alleged federal claim of false imprisonment  
7 cannot stand without a claim for false arrest."

8 THE WITNESS: Your Honor had dismissed the false  
9 arrest, and my argument at that point was that without -- and  
10 there's case law to that effect. Your Honor had found there  
11 wasn't an arrest, so I was trying to argue that without an  
12 unlawful arrest we don't get to an unlawful  
13 detention/imprisonment, either way you want to use the word.  
14 But the bottom line is whether or not the  
15 detention/imprisonment is, in fact, unlawful or unreasonable.

16 The point being, Your Honor, it still goes back to,  
17 regardless of whether or not I didn't articulate properly  
18 whether the different ways to get to an unlawful detention.  
19 And I think I used the word unlawful detention in -- I don't  
20 know if it was my motion for summary judgment or my second  
21 motion for -- to dismiss. I used the word detention at that  
22 point. And I think I -- and Your Honor made a point to say  
23 that -- to quote me in saying that he appears to have alleged  
24 an unlawful -- unreasonable search and false arrest and  
25 unlawful detention. I think I used the word detention there

## Colloquy

1 too.

2 Also I'm arguing partially in the alternative because  
3 I'm still under the impression that there's still an issue of  
4 whether it's federal or state. So if I made arguments about  
5 federal in one point and state in the other it's because  
6 they're in the alternative, and I have used the words assuming  
7 arguendo.

8 And I tried to come back, again without realizing  
9 that I misspoke altogether about whether or not Your Honor had  
10 ruled on this, in the order that you issued between the 25th  
11 and the 28th to explain that -- let me find it so that I'm not  
12 going off memory. I'm trying not to go off memory.

13 I explain that the prior motion was based on the  
14 failure to designate the basis under 1983. That was part of  
15 the reason. And that the current motion was based on the  
16 premise of the Court's dismissal of the false-arrest claim.  
17 Again, both of which did not take into account that Your Honor  
18 had already ruled on that.

19 THE COURT: Let's assume for the moment you're  
20 correct that there was a state-law claim remaining. Both  
21 federal law in 1367 and numerous opinions from the Supreme  
22 Court and Fourth Circuit Court of Appeals established that a  
23 court can retain jurisdiction over state-law claims after  
24 dismissing all federal claims. So what -- and your brief did  
25 not argue that the Court should not exercise discretion. You

## Colloquy

1 argued pointedly that there is no jurisdiction. So what is  
2 the legal basis for that argument, given that there is both  
3 statutory, Supreme Court, and Fourth Circuit opinion that says  
4 that the court can retain jurisdiction over state-law claims  
5 after dismissing all federal claims?

6 THE WITNESS: As I explained earlier, Your Honor,  
7 part of that was based on my not recalling that you had  
8 already ruled that it was a federal claim. And it was also  
9 based on my reading of Pate, where it can be federal or state.

10 THE COURT: Okay, so a District Court of South  
11 Carolina --

12 THE WITNESS: It still gets back to jurisdiction.

13 THE COURT: A District Court of South Carolina  
14 opinion that's been cited to me by no one for anything is  
15 legal authority when compared to Fourth Circuit opinion,  
16 Supreme Court opinion, and a statute enacted by Congress and  
17 signed by the President?

18 THE WITNESS: Your Honor, where it -- again, that  
19 case is about what the court should do or can do. It is not  
20 mandatory. And again, part of the reason that I didn't use  
21 the discretionary language is I did not recall you had already  
22 denied that.

23 THE COURT: But I'm talking about even if -- setting  
24 aside the fact that you didn't recall that, and I don't think  
25 I'm going to get a good answer or satisfactory answer to my

## Colloquy

1 question. Even if there was a state-law claim, even if you  
2 were right about that, what is the basis that the Court lacks,  
3 not that the Court can choose to dismiss it but the Court  
4 lacks jurisdiction?

5 THE WITNESS: The proper argument should have been,  
6 as I tried to explain earlier, as just as I raised earlier,  
7 and you said it was a blurb but 1367 gives you the  
8 jurisdiction to have that discretion. Pate doesn't say shall.  
9 It says should. And I was not clear when I said, again  
10 thinking that there was no federal claim, that it was  
11 something in your discretion. Thinking there was no federal  
12 claim, I'm thinking that it should not be. Just because it  
13 could have been federal, it should not have been maintained.

14 THE COURT: Pate was a motion to remand in which the  
15 plaintiff himself said I am not bringing federal claims. In  
16 that case, undoubtedly there's no subject-matter jurisdiction.  
17 The plaintiff controls his complaint and the claims he brings.  
18 So when a plaintiff says I'm not bringing any federal claims,  
19 the court really has no choice but to kick the case back to  
20 state court.

21 That's not at all what happened here. I mean,  
22 Pate -- your argument is so procedurally afield from where we  
23 stand now, and so factually afield that that case has no  
24 bearing whatsoever on this.

25 THE WITNESS: Your Honor, I understand that it's not

## Colloquy

1 on all fours. My point was simply the can language because I  
2 again believed that the federal issue had not been resolved,  
3 and that there was no federal issue. And that even if it was  
4 an assuming arguendo, even if there was a federal claim, that  
5 you should not -- and again, if I didn't make it clear that it  
6 was should, which is what Pate says, maintain jurisdiction.

7 I at no point, and I think I mentioned describing the  
8 case that it was honoring -- sent back on remand. I was not  
9 trying to insinuate that it was on all fours, and that this  
10 involved a remand or that one didn't involve a remand. That  
11 was not the point of the comparison that I was making.

12 And I do not believe that a good-faith argument for a  
13 law, if it is a law and whether or not another court has cited  
14 it, and even if it is in another federal district court, which  
15 is persuasive not mandatory, means that it's not a good-faith  
16 argument. As long as there's some law to support it, that was  
17 the point of what I was trying to make.

18 But again, my point was marred by my inability to  
19 recollect and not realizing that my recollection was not  
20 accurate that you had not already ruled on something. Again,  
21 I would not have said if this Court rules that it's federal if  
22 I had recalled that the Court had already ruled that it was  
23 federal.

24 THE COURT: I want to talk about the objection you  
25 filed, which has since been withdrawn by Mr. Williams. On

## Colloquy

1 page -- this was filed -- I believe I filed my M&R on a  
2 Friday. Your objection was filed I believe on a Tuesday or a  
3 Wednesday thereafter. It was a few days later. I'm sorry, I  
4 filed my M&R on a Monday. By Wednesday afternoon you'd filed  
5 your objection.

6 On page 2 of your objection at the beginning of your  
7 argument section you say, "Following this Court's dismissal of  
8 a due-process claim stemming from the alleged unlawful search  
9 and also a false-arrest claim, defendant Parris filed a  
10 subsequent motion to dismiss for lack of subject-matter  
11 jurisdiction over the remaining false-imprisonment claim."

12 Where is there a due-process claim anywhere in this  
13 case?

14 THE WITNESS: Your Honor articulated that he -- it  
15 was my -- and at all times my understanding that he was  
16 attempting to say that the unlawful search was a violation of  
17 his constitutional rights. I forgot exactly how he phrased  
18 that but that's what I was referring to. He never says  
19 Fourteenth Amendment, due process, or any of that. That was  
20 me trying to make sense of what he had alleged.

21 THE COURT: Are you saying that someone who's  
22 bringing an unlawful search or seizure claim is bringing a  
23 due-process claim?

24 THE WITNESS: I'm saying that under color of law, if  
25 in the federal court you bring a claim under 1983, under color

## Colloquy

1 of state law -- if you bring a claim under 1983 that your  
2 constitutional rights have been violated is where I was going  
3 with that, Your Honor.

4 THE COURT: But I guess my point is there is no due-  
5 process claim in this case. Mr. Mayo never under any --

6 THE WITNESS: He never uses the word due process,  
7 correct.

8 THE COURT: Okay. And you understand that's a  
9 particular type of claim in Section 1983?

10 THE WITNESS: Your Honor, despite the many things  
11 that Your Honor has found that you disagree with my wording  
12 on, and that hindsight is 20/20, I could say I should have  
13 done differently or could have done differently, filing claims  
14 or responding to claims under due process is not something  
15 that is new to me.

16 I'm telling you that at the time that these two prior  
17 motions were filed, there were other things going on with me.  
18 And that if I misspoke yet again, that still speaks to my  
19 issue of trying to make sure that I'm not violating anything  
20 unethical. Part of the reason, as Your Honor mentioned, I  
21 responded quickly was I was trying not to miss a deadline.  
22 This is how we got here the last time.

23 I responded quickly because I was trying not to miss  
24 a deadline. I'm so anxious about doing something wrong that I  
25 try to do it quickly. And in trying to offset my medical

## Colloquy

1 condition, the two don't always go together.

2 THE COURT: I'll also note in that objection on page  
3 3 in the first full paragraph on page 3, you say that I  
4 ordered that you "[a]ppear and show cause why she," meaning  
5 you "should not be held in contempt of court for moving a  
6 second time for dismissal on the basis of subject-matter  
7 jurisdiction." Where did I order you to show cause and appear  
8 why you should not be held in contempt of court?

9 THE WITNESS: Why you should not be sanctioned, I  
10 misspoke.

11 THE COURT: And where did I say I was doing that  
12 because you had moved for a second time for dismissal on the  
13 basis of subject-matter jurisdiction?

14 THE WITNESS: That was my interpretation of your  
15 discussion that I had previously filed this, and that I  
16 appeared to have filed another duplicative motion that Your  
17 Honor believed was frivolous and had previously ruled was  
18 frivolous.

19 THE COURT: What need is there for interpretation  
20 when I spell out in detail what the grounds are explicitly --  
21 explicitly, because one of the requirements of doing this is I  
22 tell you exactly why I think you violated Rule 11. I say:

23 "After considering the timing of this motion and the  
24 lack of a legal basis for its arguments, the Court has reason  
25 to believe that Parris' attorney Sonya Calloway-Durham and the

## Colloquy

1 North Carolina Department of Justice have violated Rule 11(b).  
2 The legal contentions in this motion about the nature of  
3 Mayo's remaining claims and the Court's lack of subject-matter  
4 jurisdiction over it do not appear to be warranted by existing  
5 law or based on nonfrivolous arguments for changing existing  
6 law. And the apparent lack of a legal basis for these  
7 arguments suggest that they were presented to the Court to  
8 harass Mayo and to unnecessarily delay the trial of this  
9 matter. Thus, Calloway-Durham and the North Carolina  
10 Department of Justice must appear and show cause as to why  
11 their conduct has not violated Rule 11(b)."

12 What need is there for interpretation there?

13 THE WITNESS: I don't know there's need. I was  
14 trying to explain the -- the procedural history in what had  
15 happened that led to the objection. Whether or not it's  
16 necessary, again, Your Honor, I don't know that that's --

17 THE COURT: This is law. This is a court of law.

18 THE WITNESS: I understand.

19 THE COURT: Words matter. Words are the law when it  
20 comes to statutes and court opinions. Words really matter.  
21 And what I keep hearing from you is I'm saying things wrong;  
22 I'm misrepresenting things, I'm misstating things  
23 inadvertently. It really matters. The nature of Mr. Mayo's  
24 claim matters. Whether it's a due-process claim, or a Fourth  
25 Amendment claim matters. Whether I ordered you to show up to

## Colloquy

1 argue about contempt of court or rule 11 matters. Whether I  
2 did it because you filed a motion a second time or because  
3 there was no basis for that motion matters.

4 THE WITNESS: Your Honor, this is not -- it was not  
5 an attempt on my part to suggest that it didn't matter. I  
6 don't know what I can say to get you to understand what my  
7 intent was and that it was not an intent to be disingenuous.  
8 And that's the bottom line.

9 THE COURT: I don't know what I can do to get you to  
10 understand how off base these arguments are.

11 THE WITNESS: They're off base based on what I'm  
12 trying to explain to you. And I don't think -- from my  
13 perspective, whether Your Honor agreed that the case was on  
14 all fours or on point that my argument was based on something  
15 that was not -- even if it's persuasive authority, even if  
16 it's factually different, not a basis for -- not a proper  
17 basis for the motion. If Your Honor didn't agree, you know,  
18 you deny orders every day -- motions, excuse me. It was not  
19 to see myself in this situation. Why would I do that? Why  
20 would I say if this Court does find if I recalled that you  
21 had? I wouldn't do that.

22 THE COURT: I don't know that that's an excuse. The  
23 fact that you're saying you don't recall a prior order on this  
24 is not -- does not absolve you of this, and it almost indicts  
25 you of improper conduct or violating Rule 11. Like it's not

## Colloquy

1 an excuse to say I don't remember the prior orders. It's not.  
2 The orders are law.

3 THE WITNESS: The orders are law. I'm not -- I'm not  
4 disputing that. I'm telling you what my intent was, and my  
5 intent at the time I filed the motion, which is what's  
6 relevant to Rule 11, is that I believed I had a meritorious  
7 argument based on what I inaccurately recalled about your  
8 prior order, part of which came out when I was not even  
9 working at that time.

10 When I came back, if I could ever explain the  
11 timeline, I would like to explain what all else was going on  
12 and how that impacted my ability to recall. Hindsight is  
13 20/20. I'm not going to disagree that in a perfect world I  
14 should have gone back and reread the order when I'm thinking  
15 I -- but I'm thinking I properly recalled the order is the  
16 problem.

17 I wouldn't file something that I knew to be factually  
18 or legally incorrect. And even with different interpretations  
19 of something legal that does not always mean that they're  
20 without merit or that they're intended to do something  
21 unethical with Rule 11. I mean, I don't know how else I can  
22 answer you.

23 I understand that you don't -- apparently you don't  
24 believe me, but I can only answer your question which is what  
25 my intent was. I'm answering under oath. I'm putting myself

## Colloquy

1 on the mercy of the Court based on a medical condition that,  
2 quite frankly, I should not have on a public document.

3 THE COURT: All right, I'll hear anything else you'd  
4 like to share with me about this issue.

5 THE WITNESS: Your Honor, if I may. May it please  
6 the Court if I didn't already ask earlier. As Your Honor  
7 indicated earlier, the first -- the last order in which Your  
8 Honor did not find that I should be sanctioned or that DOJ  
9 should be sanctioned, related to a period of time that I  
10 unbeknownst to me was beginning to suffer from a chronic  
11 medical condition.

12 During that time, Your Honor ordered me to do  
13 something that I wanted to make sure the Court knew I had done  
14 because there had been issues with Mr. Mayo asking for things  
15 or saying he didn't get things. And I wanted to make sure  
16 Your Honor knew that I had done it.

17 I wear glasses. I do recall the day that I got that  
18 I was trying to make sure that I didn't miss a deadline with  
19 everything else we had going. And that I responded and did  
20 exactly what you asked me to do. There was no intent to do it  
21 in a way that was other than what you asked me to do.

22 With my screen 140 percent, which is where I normally  
23 keep it, I did not realize that I didn't scroll down. Had I  
24 printed it, I would have seen it. It wasn't me trying to  
25 disregard a court order, which Your Honor heard this, and you

## Colloquy

1 ruled. I'm making a point.

2 From there, a couple months later I filed the motion  
3 to dismiss, the second motion to dismiss as it relates to Mr.  
4 Parris. The following month in June of 2023, I filed a motion  
5 for summary judgment. The following two months later --  
6 actually it wasn't even two, a full two months, I went on  
7 medical leave. I was on medical leave for a period of six  
8 months.

9 During my absence, in December of 2023, the Court  
10 ruled on the motion to dismiss. In January of 2024, in my  
11 absence, the Court ruled on the motion for summary judgment.  
12 In February of 2024, I returned from work (sic) and within  
13 weeks of my return to work we lost a number of our attorneys  
14 and were down to essentially four attorneys to do these type  
15 of cases.

16 During that time, what cases that normally would not  
17 have been assigned to me either because of the type of cases  
18 they were and the number of cases, because we were down to so  
19 few attorneys, impacted all of our -- well in particular my  
20 ability to put forth the kind of work product that ordinarily  
21 I would have provided to the Court. Never mind I had just  
22 come back from medical leave trying to do so.

23 In June of 2024, while this case was still pending, I  
24 had issues that also exacerbated my medical condition related  
25 to my own personal trial that was scheduled to have been in

## Colloquy

1 June and then it was moved to July and then it was moved to  
2 September. At some point it was moved to October.

3 While it was still pending in October, on September  
4 12th I filed this motion listing -- a motion to extend, excuse  
5 me. Listing a number of reasons including the timing of my  
6 trial, which would have been a week before Mr. Mayo's trial;  
7 the continued staffing shortage; and the suggestion that the  
8 Court appoint a -- send the case to court-hosted mediation.

9 As far as the allegation that I filed these motions  
10 to delay or to harass Mr. Mayo -- the reason I'm bringing this  
11 up is to that. That that was nothing about what I did was to  
12 delay or harass. It was to make sure that A, I could be  
13 available and able to present a defense on behalf of Mr.  
14 Parris and also because Mr. Mayo is pro se, to see if there  
15 was something else that could be resolved with court-hosted  
16 mediation.

17 At that time, there was no intention to file another  
18 dispositive motion. It was not something I had considered. I  
19 was still trying to prepare for trial because the Court had  
20 not ordered whether or not the case should be stayed, is what  
21 I asked not delayed.

22 THE COURT: I'm sorry. What are you talking about  
23 here?

24 THE WITNESS: I'm talking -- because Your Honor has  
25 suggested that I filed this motion to delay the proceedings or

## Colloquy

1 to harass Mr. Mayo, I'm trying to speak to that allegation.

2 THE COURT: And your explanation is to why on the day  
3 before motions in limine were due for trial you filed a motion  
4 to dismiss for subject-matter jurisdiction?

5 THE WITNESS: No. I'm talking about I had previously  
6 filed a motion to stay and the reasons for that. That the  
7 timeline is what was going on at that time. There was nothing  
8 done --

9 THE COURT: When did you file that motion to stay?

10 THE WITNESS: May -- excuse me, September 12th.

11 THE COURT: September 12th of 2024?

12 THE WITNESS: Yes, Your Honor.

13 THE COURT: Docket entry 120, which was filed on  
14 September 12th, 2024 you asked the Court to enter an order  
15 extending the case management deadlines to a date in January  
16 or February of 2025 for a trial by jury and dates prior for  
17 all evidentiary motions, voir dire questions, jury  
18 instructions, pre-trial orders, and pre-trial hearings or  
19 postpone the matter pending scheduling of court-hosted  
20 mediation.

21 THE WITNESS: Correct.

22 THE COURT: That's not -- it's not a motion to stay.

23 THE WITNESS: Well --

24 THE CLERK: But go ahead.

25 THE WITNESS: I filed the motion to extend for good

## Colloquy

1 reasons that had nothing to do with trying to delay or harass,  
2 delay the matter unreasonably or to harass Mr. Mayo. In fact,  
3 I thought and still think that court-hosted mediation would be  
4 helpful for Mr. Mayo.

5 While I was preparing because the Court had not ruled  
6 on the motion, I was still preparing for trial in this matter.  
7 While doing so, I happened upon the Pate matter and felt,  
8 again without recalling that you had already ruled on the  
9 federal issue, that there was a meritorious argument on  
10 summary -- on subject-matter jurisdiction. I filed that while  
11 I was preparing not to avoid preparing.

12 When Your Honor ordered on the 25th that I have three  
13 days to respond on how the two motions were different, that  
14 was my focus -- the two motions. I responded in a timely  
15 manner on the 28th. Again, I'm not going to suggest that at  
16 any point everything I said couldn't have been said  
17 differently or in a better way or that it properly conveyed my  
18 intent. Within less than two weeks of filing that, by  
19 November 8th, I was back out on medical leave.

20 So the point I'm trying to make is that hindsight is  
21 20/20. My intent is what should be relevant, whether Your  
22 Honor agrees or disagrees with my interpretation but my  
23 intent.

24 THE COURT: But it would be helpful if you knew what  
25 the standard was because your intent is a subjective standard.

## Colloquy

1 And that's only relevant if a subjective standard applies  
2 here.

3 THE WITNESS: Rule 11, my understanding is the intent  
4 of the lawyer at the time of the filing is what's relevant.

5 THE COURT: Well, I mean, it'd be helpful if you knew  
6 the standard the Fourth Circuit applied.

7 THE WITNESS: I understand, Your Honor, and I don't  
8 want to misspeak as to excusable neglect or good cause. I've  
9 read them both, and now I can't remember the exact language  
10 that the court used is what I'm afraid to regurgitate and get  
11 incorrect.

12 At the time that I filed the motion, I had no intent  
13 to harass the plaintiff or to use the response as a delay  
14 tactic. At the time I responded to the Court's text order as  
15 well, that I said that might have been factually or legally  
16 incorrect was the product I believe of excusable neglect based  
17 in pertinent part on my inaccurate recollection of a prior  
18 order that Your Honor had already found there was no -- that  
19 there was no state claim, that it was all federal.

20 The natural consequence in this case of the years of  
21 litigation in this case, the various moving parts, the  
22 unconventional moving parts in this case where you had an  
23 answer that was due after the motion for summary judgment, my  
24 two absences for a period of time during all of that --

25 THE COURT: I'm sorry. What do you mean there was an

## Colloquy

1 answer due after the motion for summary judgment?

2 THE WITNESS: My understanding in my absence is that  
3 another attorney who was handling the case in my absence filed  
4 an answer, given that Your Honor had denied the motion to  
5 dismiss and no answer had been filed.

6 THE COURT: All right --

7 THE WITNESS: I was not the party who filed that.  
8 I'm just speaking to the timeline. That given the many moving  
9 parts in this case, the number of years this case has been  
10 going on, my absence during substantial periods of time while  
11 this case has been pending, my medical issues that impact what  
12 I believe was my inaccurate recollection.

13 Had I recalled -- not been able to recall in my mind  
14 what you ordered, the logical thing to do would have been let  
15 me go back and read that. I'm not sure what he said. I  
16 thought I recalled accurately. Not that Your Honor knows me  
17 well enough to know but I have always had a very good memory.  
18 And not being able to have that same memory has been very  
19 difficult for me.

20 And if I'm -- if I don't recall, I'll go back and  
21 look. But the problem that eventually began happening is that  
22 I didn't recall and didn't know I didn't recall. It's hard to  
23 say what you should have done when you didn't know that you  
24 were recalling something inaccurately.

25 My argument again is that at the time that these

## Colloquy

1 motions -- the third motion and then the response to the text  
2 order were filed was that I was not operating at my optimal  
3 level, which is what precipitated the additional family  
4 medical leave. That the days -- it was within days of that  
5 second filing and within a month of that second -- of that  
6 third filing, excuse me, that I ended up going out on medical  
7 leave.

8           That it was not until Your Honor issued the show  
9 cause that I figured out what I did not recall that you had  
10 already ruled on the issue. I was quite frankly confused  
11 because I didn't understand what I had done wrong because, in  
12 my mind, you had not ruled on it.

13           THE COURT: In anywhere in your objection do you  
14 mention the fact that you did not recall --

15           THE WITNESS: I did not want to put that in a court  
16 order, Your Honor. I did not. It was -- quite frankly, it's  
17 embarrassing to not have the memory that I've always had. And  
18 again, I'm thinking that I have a legitimate argument on  
19 whether or not there is a federal claim.

20           At the time that I filed the text order, I believed  
21 that there was an argument with merit regarded to -- related  
22 to Pate based on again my not recalling accurately that you  
23 had already ruled on the federal issue. That at the time I  
24 responded to the text order I was focused on the order portion  
25 of it, which was to explain the difference in the two motions.

## Colloquy

1 That was my focus, especially when, by the time I saw the  
2 motion, it was due that same day, the 28th -- the order,  
3 excuse me. So this is what I'm talking about. I misspeak. I  
4 meant order if I said -- motion -- I said order.

5 My intent was just to summarize. It was not to go  
6 through the whole litany of assuming arguendo and discretion.  
7 I was limited in the number of pages, and I was limited in  
8 getting it done that same day. Not because I was rushing to  
9 get it done in a way that I didn't miss a deadline necessarily  
10 but because it was due the day that I saw the order.

11 My language again in the prior 9/23/24 motion speaks  
12 to my mistake when I say in the event the Court does not find  
13 federal jurisdiction, which makes no sense if I recalled that  
14 Your Honor had already found that. I don't know how many ways  
15 I can explain that Your Honor finds it unbelievable, but I'm  
16 testifying under oath that that was the case.

17 I continued preparing for trial even after that.  
18 That until the Court, in fact, found that my motion to extend  
19 was moot, I continued -- I continued preparing for trial in  
20 that case. It had nothing to do with me trying to use a delay  
21 tactic.

22 My interpretation had not changed between 9/23 when I  
23 filed the motion and 10/28 when I attempted to explain the  
24 differences between the two motions.

25 Your Honor, I hear what you're saying. I understand

## Colloquy

1 that -- I'm sorry, Your Honor. Would you be offended if I  
2 take my jacket off?

3 THE COURT: That's fine.

4 THE WITNESS: Okay. I'm sorry. I can't breathe. I  
5 understand that Your Honor does not agree with my assessment,  
6 that you believe it's unfathomable, and that's my word. I  
7 can't recall your word that you used. But all I can tell you  
8 is that it is a true statement that I did not recall  
9 something, that I did not know I was incorrectly recalling,  
10 that I've always been able to rely on my memory, that it would  
11 not -- that had it occurred to me that I might be off or that  
12 I wasn't sure, I would have gone back and verified. I didn't  
13 think I needed to, and it was off base, and I apologize to the  
14 Court for that impression.

15 But you know, Your Honor has gone through a litany of  
16 well, you said due process, you said show cause, you said --  
17 you know, a number of things that I agree but I don't think in  
18 this case under the stress that it has caused and considering  
19 that stress affects the very problem that I'm dealing with  
20 that it should not overshadow my years of practicing not only  
21 before this Court but before various courts where this is not  
22 my track record. And I think that should mean something. I  
23 would not intentionally say something to the Court in a public  
24 document under oath essentially under Rule 11 that I knew to  
25 be incorrect.

## Colloquy

1           THE COURT: Because I know the standard that applies  
2 here, I know one of the things I need to consider if I find  
3 you violated Rule 11 and I decide to impose sanctions, I need  
4 to assess your training in the law. So can you give me a  
5 brief overview of where you went to law school and your  
6 professional career up to today?

7           THE WITNESS: I went to law school at North Carolina  
8 Central from 1992 to 1995. I graduated in three years. I  
9 took the bar, passed the bar the first time. I began  
10 practicing with a small law firm in Durham for seven years,  
11 where I did personal injury and criminal law. From there --  
12 well, not seven years. That was -- I worked for them for - -  
13 while I was in law school and as soon as I became licensed.

14           I then began being a solo practitioner. And during  
15 that time, I was the -- had a contract with the State to  
16 represent the guardian ad litem program in Durham, which I did  
17 for two of those seven years. I also did general practice,  
18 which included anything from small claims to superior court  
19 criminal trials, personal injury litigation, which was  
20 district and superior court, just various and sundry torts.

21           From there, I went to the attorney general's office  
22 in January of 2022, where I represented the Department of  
23 Labor for ten years. Primarily doing OSHA cases on behalf of  
24 the Department of Labor. And also doing some personnel work,  
25 which was my first case in federal court, which we won on

## Colloquy

1 summary judgment in the Fourth Circuit. I also did some other  
2 personnel work at that point.

3 From there, part of what I did for the office was  
4 focused on child-sex crimes because I had a background in  
5 juvenile law and also the guardian ad litem, where I -- my  
6 focus on criminal appeals with the AG's office was child-sex  
7 crimes.

8 From there, I began working for the Capitol  
9 Litigation Section where I handled post-conviction cases in  
10 federal court, where I also focused on direct appeals  
11 involving first-degree murder. From there in January of  
12 2018 -- February, sorry, of 2018 due to staffing shortages, I  
13 was asked to come over to the Public Safety Section, and I  
14 began handling cases both in state and federal court regarding  
15 the Parole Commission and post-release supervision and  
16 community supervision.

17 During that same time, there were four murders that  
18 occurred at one of the prisons that precipitated -- that -- I  
19 can't think of words, that evolved into an OSHA case that  
20 lasted for two years. And I represented the Department at  
21 that time with public safety against the Department of Labor,  
22 where we reached a favorable resolution after two years on  
23 behalf of the Department of Public Safety.

24 All while part of the reason that I was brought over  
25 was to assist with satellite-based monitoring appeals, which I

## Colloquy

1 knew nothing about at the time. I think I'd had one of those  
2 cases. We already had a contrary opinion that came out per  
3 curium in the North Carolina Supreme Court on North Carolina's  
4 unreasonableness of the statute.

5 From there, I had an uphill battle from 2018 until I  
6 believe it was -- I don't know if it was 2020 or 2021, when I  
7 went to -- I continued to appeal up to the Supreme Court of  
8 North Carolina and was meritorious on what -- in addition to  
9 the General Assembly change in the law, changed the ability  
10 for notwithstanding the U.S. Supreme Court decision but the  
11 ability of people who were found that need satellite-based  
12 monitoring to then be able to appeal the issue.

13 In the meantime, I was still doing first-degree  
14 murder appeals. I was still helping out with prisoner cases  
15 from time to time but mostly was dealing with prisoner cases  
16 involving again the Parole Commission, community supervision,  
17 and post-release supervision.

18 When I returned from FML, which is how I ended up on  
19 Mayo's case, community supervision -- by the time I returned  
20 from FML in February, again, all of that kind of changed  
21 because we were so short-staffed that I began doing run-of-  
22 the-mill prisoner cases. I was still handling first-degree  
23 murder appeals, which during that time I had a case that was  
24 very pivotal on juvenile sentencing in North Carolina and  
25 Miller v. Alabama and North Carolina's interpretation of that.

## Colloquy

1 I'm not disagreeing that I said things that might not  
2 have been well said or that I misspoke, but the intent was not  
3 to misspeak. It was to respond in a timely manner to the best  
4 of my ability, which unfortunately was impacted by my medical  
5 condition which affects my cognitive processing.

6 THE COURT: Thank you.

7 Mr. Williams, I don't know if you're just here along  
8 for the ride or if you have something to add substantively to  
9 the issues we're dealing with today?

10 MR. WILLIAMS: Thank you, Your Honor. May it please  
11 the Court. Your Honor, if I may just talk a little bit about  
12 the evolution of the Public Safety Section. To start, I will  
13 say that I joined here -- I left big law, joined DOJ in  
14 December of 2019. And I started out more or less as a line  
15 attorney, worked my way up to an Attorney IV, which is a  
16 complex-case attorney. And then I'm now the section head of  
17 the Public Safety Section.

18 And so I can tell you that during that almost six  
19 years there have been massive changes. There has been an  
20 evolution. I can tell you that the section that I walked into  
21 in 2019 is not the section that it is now. And some of those  
22 changes I think are important to highlight here because I  
23 think Your Honor has gone through in great detail in its  
24 previous show-cause orders the problems with the Public Safety  
25 Section.

## Colloquy

1 I think number one this issue is a little bit  
2 different than a lot of those other issues. Number two, I can  
3 tell you we have put in steps to prevent those problems going  
4 forward. And I would like to highlight just a few of those.  
5 I'm not going to go through all of them.

6 But we have increased the number of attorneys. When  
7 I started in 2019 it was approximately eight or ten attorneys.  
8 We're now up to thirteen attorneys. Of those attorneys, when  
9 I first got here, almost everybody was an Attorney III. We  
10 now have I believe it's four or five Attorney IV, so we're  
11 getting more experienced attorneys that are handling these  
12 cases.

13 Then when I first started, every paralegal was  
14 assigned to every attorney. And I think that that created  
15 part of the problem that we previously had because number one,  
16 it did not allow for any kind of synergy between the attorney  
17 and the paralegal. Number two, that meant that every  
18 paralegal was getting every single notification of electronic  
19 filing for every single case in our section. And it did not  
20 allow them to focus on only their cases.

21 And so I made that recommendation in April of 2024  
22 that we change that. And we did, and so now, we're operating  
23 on more of a law firm model where we have one paralegal that  
24 is assigned to a junior attorney and a senior attorney. And  
25 they're working more or less as a team. So it allows them to

## Colloquy

1 focus on only their cases instead of all the cases.

2 Docket meetings, in early 2023 my predecessor Jamie  
3 Trachtman started doing docket meetings. I know Your Honor  
4 talked about that earlier. When we started doing those, it  
5 was hey, this is what's on the docket coming up. I felt like  
6 that only addressed half the problem because you've got to  
7 make sure that something's on the docket before you can ensure  
8 that it's done.

9 And so we slightly tweaked that when I became section  
10 head in August to where now the attorney is meeting with the  
11 paralegal once a week, every week, the same day of the week.  
12 And the reason for that is there are not many, if any, rules  
13 within the Federal Civil Rules or the local rules that are  
14 less than five business days or seven calendar days.

15 And so if you're meeting every week with your  
16 paralegal and going through your cases, and number one, the  
17 first half of that meeting is supposed to be what was filed  
18 the week before, and is it on the calendar? If it's not let's  
19 get it on the calendar right now.

20 The second half of that meeting is supposed to be  
21 what's coming up this week, and what do I need help with?  
22 What do you need to be doing? And so we have implemented  
23 that.

24 The other thing is we have implemented some other  
25 policies. Before -- even before this issue recently I've had

## Colloquy

1 to take over a number of cases. And I've realized that some  
2 of the arguments that were made -- we missed out on arguments  
3 that were made. There were cases that were going to trial  
4 that arguably could have been dismissed or something like  
5 that. And so I recognized the need.

6 And so one of the things that we have implemented is  
7 that all the attorneys in the section are going to come and  
8 meet with me, and we're going to talk about the case, and  
9 we're going to talk about the dispositive motion that you want  
10 to file before you file it so that the arguments are -- so  
11 that there's somebody else looking over their shoulder to make  
12 sure the arguments are good, solid arguments.

13 The other thing that I've been trying to do is be  
14 more deliberate in case assignments. Making sure that the  
15 proper case is going to the proper attorney. I feel like that  
16 due to staffing levels that might have been an issue in the  
17 past, but now we're almost fully staffed. We have twelve out  
18 of thirteen positions staffed. There's only one left. It's  
19 currently posted. We're trying to get it hired.

20 The other thing I would mention is training. Since I  
21 came on board, we have been doing more section-wide training.  
22 I started off saying I want everybody to go through a day-long  
23 training in civil procedure. And specifically civil procedure  
24 things that you're going to see in this section that are  
25 specific to this section. Because this section does operate a

## Colloquy

1 little bit differently in the civil procedure world than some  
2 other cases that come before the Court. And so there are some  
3 nuances, and I wanted to highlight those nuances.

4 And so we are going -- I put everybody through that  
5 regardless of whether they were a brand-new attorney or a  
6 twenty-year veteran. Everybody went through the same full-day  
7 training. Then that happened in -- it was supposed to happen  
8 in September but due to my own absence because my wife had our  
9 firstborn child, I had to back it up a month. So that  
10 happened in October.

11 Then in January we had our second training, and that  
12 was on OAH procedures because there are a number of our  
13 attorneys that have to practice in OAH for personnel matters.

14 Then in April we went through -- earlier this month  
15 we went through scheduling orders. We talked about how  
16 they're created, how they're modified, those types of things  
17 to make sure that the attorneys are aware of these things.  
18 I'm trying to go forward -- I'm hoping to do these monthly, at  
19 least quarterly but I'm hoping to do them monthly.

20 We have also seen an evolution in how we  
21 substantively deal with these cases. When I first started,  
22 nobody was filing a motion to dismiss. You filed your answer,  
23 you go through discovery, you file your motion for summary  
24 judgment. I came out and said why are we doing all this time-  
25 consuming discovery on a case that should be dismissed for

## Colloquy

1 statute of limitations, or failure to exhaust, or whatever it  
2 may be. And we started implementing doing those motions to  
3 dismiss. And so we are substantively changing to where we are  
4 becoming more efficient in our time and what we're doing.

5 I've also proposed some process changes to DAC so  
6 that we can more -- we can handle these cases in a more  
7 streamlined fashion. And I have grand -- a grand idea. I  
8 don't know if it will make it to all the levels I would love  
9 to make it, but I think that we can -- there are levels that  
10 we can achieve. And that we are already achieving.

11 Part of the process is we're going to start  
12 standardizing the documents that DAC provides to us at the  
13 outset, so that we have fewer motions for extensions of time  
14 on your answers, so that we can get these defensive state-  
15 employees analyses done quicker.

16 Another thing that we've done since I've been here is  
17 we've moved from a paper filing system to an electronic filing  
18 system. That is now cloud based, and so you can access it --  
19 I can access it from my phone. It makes it way more  
20 accessible.

21 Your Honor, we've also just tried to change the  
22 culture of the section. Even going down to the aesthetics of  
23 the walls, getting rid of old files, we're trying to change  
24 the culture of the section to where we maintain staffing  
25 levels instead of losing staff every three months.

## Colloquy

1           And so I could tell you that having been there for  
2 the last five-and-a-half years there has been quite the  
3 evolution of this section. And it is not what it used to be.  
4 It is not rinse and repeat. There's brand-new leadership  
5 involved. Most of the attorneys that were there two years ago  
6 are no longer there. We have a whole new crop of attorneys,  
7 and they're good attorneys.

8           And so I think that there has been quite the  
9 evolution of the section. And I am really looking forward to  
10 seeing where this section can go. The ultimate goal is for it  
11 to be a well-oiled machine that will efficiently resolve cases  
12 and that will produce good litigators. And that's my goal.  
13 That's what I want to see this section to be.

14           So Your Honor, I am here because I substituted in,  
15 number one, for Mr. Parris, but I'm also here on behalf of  
16 DOJ. And just to show Your Honor what has changed, and so  
17 Your Honor, we would respectfully request that sanctions not  
18 be imposed. Thank you.

19           THE COURT: Thank you. I take it you don't have a  
20 policy on what to do when a judge issues a show-cause order  
21 involving sanctions against an attorney?

22           MR. WILLIAMS: Your Honor, that was -- I was not  
23 aware of a policy that was in place before this happened.  
24 There is now a policy in place that if an attorney's work is  
25 questioned, criticized, a show-cause order is entered,

## Colloquy

1 anything along those lines, that the first thing they have to  
2 do is alert their section head before they file anything else.  
3 And so that policy was not in place before. It is in place  
4 now.

5 THE COURT: When was that policy put in place?

6 MR. WILLIAMS: I believe either last -- I believe it  
7 was last week.

8 THE COURT: Because when I was in private practice,  
9 if you got such an order, you had to go tell the firm's  
10 general counsel and not do anything because oftentimes when  
11 attorneys get show-cause orders, they get angry at the judge  
12 and file ill-conceived, poorly reasoned responses that do  
13 nothing to help the attorney or the client's position. And  
14 instead, kind of dig the hole even deeper, so I think that's a  
15 wise policy to have in place.

16 MR. WILLIAMS: Yes, Your Honor. And I agree, and  
17 that's why it's been implemented, and we're going to make sure  
18 that it gets enforced going forward.

19 THE COURT: All right. Ms. Vysotskaya de Brito, I'm  
20 happy to hear from you on behalf of NCDOJ.

21 MS. VYSOTSKAYA DE BRITO: I will go as a tail end to  
22 what Mr. Williams has already said about the changes that he  
23 has tried to implement in the section before the arrival of  
24 the new leadership. The leadership at the Department of  
25 Justice has changed between obviously the beginning of this

## Colloquy

1 year. We have a new attorney general. The section has now  
2 transitioned as we mentioned before from criminal division to  
3 the civil bureau. So I -- Ms. Chambers became our civil  
4 bureau chief, so that's a difference too, and that was at the  
5 beginning of the year.

6 I became -- I was a section head that services the  
7 State Agency's Section at the Department of Justice. I became  
8 a litigation division head, returning to the division where I  
9 spent fifteen years before.

10 We have a completely new leadership at the  
11 Department. The leadership that I think I heard Your Honor's  
12 words about being aghast, frustrated, finding some of the  
13 things we heard incredible. Unfortunately, we have not  
14 discovered this third motion to dismiss back last year. It  
15 came to our attention on April 3rd, after unfortunately the  
16 objection has been filed in this case.

17 As soon as we discovered that the objection has been  
18 filed, we -- Mr. Williams, myself, my leadership evaluated the  
19 case file. And determined that the best course of action was  
20 to withdraw the objection. We considered whether or not join  
21 attorney or substitute the team determined the best course of  
22 action would be substitute the team. But at the same time, we  
23 wanted to make it clear to the Court that we were not going to  
24 rely on the motion challenging the Court's subject-matter  
25 jurisdiction. That was based on our evaluation of the file.

## Colloquy

1 And I think we put it in our either notice of appearance --  
2 rather notice of substitution or our withdrawal of objection  
3 document.

4 And the other thing that we wanted to make clear to  
5 the Court, we understand that this process has already been  
6 delayed. We indicated that we will prepare for the trial, and  
7 we'll be ready to proceed with this trial expeditiously. Mr.  
8 Williams assures me that he could be ready to try the case as  
9 soon as the summer. I understand it's not now, but he has  
10 trial obligations in several other cases.

11 So that's what we have done in once we discovered  
12 this issue. I also wanted to talk a little bit more about the  
13 section-wide and department-wide changes that we implemented.  
14 One of them, Mr. Williams has already talked about.

15 We have always had expectations of our attorneys that  
16 if something like a Rule 11 violation, show-cause order,  
17 admonition, or anything negative, discovery violation order  
18 would come to the attorney's lap that the first place to go  
19 that the attorney would have is a leader, the section head or  
20 another leader.

21 We realized we needed something in the right -- and  
22 that has happened to my knowledge in most of the cases where  
23 something like that has occurred in the past. But we realized  
24 we needed to do better and more, so we put it down in an  
25 immediate email to our attorneys across my division,

## Colloquy

1 litigation division. And now it's a written directive that  
2 applies across the civil bureau where litigation division  
3 resides.

4 We did that change. We have -- so the training was  
5 already in place that -- the schedule of training was in place  
6 that Mr. Williams was talking about. But having realized what  
7 happened in this case, we thought that the appropriate thing  
8 to cover with our attorneys would be case scheduling orders or  
9 case management orders in federal court.

10 And given that one of the Court's concerns was delay  
11 that has occurred in this case, and some of the close trial  
12 deadlines or near deadlines that were missed, so the session  
13 that we held on Monday, very short after we discovered this  
14 problem was covering that topic. And we held that session.  
15 We held that training. We will continue with the theme of  
16 educating our younger attorneys on federal practices and  
17 procedures.

18 One other practice that Mr. Williams talked about and  
19 it's important is ideally at some point, when we are  
20 completely full up to staffing, when we bring that one  
21 attorney who is still missing, Mr. Williams could transition  
22 to more of management responsibilities rather than being a  
23 line attorney. He unfortunately does have still some case  
24 load going. And we will be in a position where dispositive --  
25 where the briefs that support dispositive motions would be

## Colloquy

1 reviewed. This is what I had in special litigation section  
2 where I was an attorney, and that's what I had in services to  
3 state agencies. That was a requirement that the briefs are  
4 reviewed before they're filed. We hope to transition soon to  
5 that practice with Public Safety as well as soon as we are  
6 full, up to full staffing.

7 But those meetings that Mr. Williams has discussed,  
8 which are before you file a dispositive motion discuss with  
9 your section head the grounds that support your dispositive  
10 motion is already in place. So this was implemented again as  
11 soon as we discovered that this has happened.

12 And the problems that were happening with DOJ before  
13 they were related in many cases, as far as I understand  
14 reviewing historical records, they related to delays a lot of  
15 them or maybe not following the rules exactly to the point.  
16 This is slightly different, but we thought the discussions of  
17 dispositive motions would help.

18 And trial meetings is another practice that we  
19 implemented, which is myself and Mr. Williams meet with each  
20 of the attorneys before -- about a month before the trial in  
21 order to discuss the trial strategies, hoping to assist with  
22 producing a better quality product to the Court.

23 We understand we failed. But we ask the Court to  
24 consider the circumstances which we were not aware. Once we  
25 found out, we tried to correct it the best we can. And we

## Colloquy

1 implemented additional measures to try to improve the product  
2 that's coming from that section. We ask the Court to consider  
3 those circumstances in making its decision whether or not to  
4 award the sanctions against the Department.

5 THE COURT: Well, a couple things. I appreciate  
6 all -- sharing everything that's been taking place to try to  
7 improve what's going on. If anyone goes back to read my  
8 opinion in Human Rights Defense Center v. Hoekstra, that's  
9 5:21-CV-469, an opinion I issued April 7th, 2023. It contains  
10 multiple pages just providing a litany of errors by the Public  
11 Safety Section over the course of years, from Murphy to Manio  
12 (ph.) effectively. I mean, East, Middle, Western District,  
13 judges across those courts all chastising, criticizing the  
14 Public Safety Section for errors.

15 And I've been through multiple rounds of this over  
16 the course of years. I've probably -- more than five years  
17 dealing with these issues. I have attorneys who don't follow  
18 my orders. I have attorneys who miss deadlines. I have  
19 attorneys who are disrespectful of the Court's settlement  
20 conferences and the Court -- I had one attorney in here make a  
21 scene leaving the courtroom after I chastised him in front of  
22 a full courtroom. He doesn't work -- at least I don't believe  
23 he works for you all anymore. I had to call him back and  
24 dress him down in front of a full courtroom because he was so  
25 disrespectful.

## Colloquy

1           And I just said in my last hearing in this case I'm  
2 running out of patience. And I'm running out of options.  
3 I've tried to be incremental. Over the course of time, I've  
4 tried to be incremental in how I deal with this understanding  
5 you all have a hard job. You have a lot of cases. I think  
6 because of apparently North Carolina politics there are issues  
7 involving funding and staffing and all of that. And so I've  
8 tried to be incremental. But the bottom line is the Court  
9 expects better, and the people of North Carolina deserve  
10 better.

11           There are ninety-four federal district courts in this  
12 country. Out of those federal courts, according to the  
13 weighted case load averages, we have the second busiest court  
14 in the country. We have 2,500 if not more Camp LeJeune water  
15 contamination cases which need to be tried by the four  
16 district judges who sit in this court. We have an amazing  
17 amount of work to do.

18           And we handle it all, according to statistics, pretty  
19 well. We are solidly performing in terms of case disposition  
20 time. But when things like this happen, when deadlines are  
21 missed, when the Court has to take up motions that should  
22 never -- have no business being filed, it impacts the  
23 administration of justice. It impacts this Court's ability to  
24 deliver justice to the citizens of the Eastern District.

25           And that is what is so disconcerting and upsetting to

## Colloquy

1 me about this situation. No other law firm in the state has  
2 these issues. I don't deal with -- from big to small, I  
3 don't -- from Womble -- if Womble's the biggest one, I don't  
4 know, down to a solo shop of a few people. We don't have  
5 these problems in this volume. It befuddles me. I don't -- I  
6 really don't know what to do.

7 I'll hear from you in a moment.

8 I also note the rule requires me that unless  
9 exceptional circumstances are present, to impose sanctions on  
10 the law firm that employs the offending attorney, assuming I  
11 find sanctions against -- that Ms. Calloway-Durham violated  
12 Rule 11. So I certainly appreciate the changes you've put  
13 into place. I don't know -- I'll have to mull on it and  
14 certainly happy to hear anything else, but I have to -- I'm  
15 not sure whether exceptional circumstances have been  
16 established here.

17 I take no joy in today's proceedings. I don't enjoy  
18 this part of the job. I don't enjoy being in these situations  
19 with attorneys where I'm dealing with -- where I'm having to  
20 be critical of attorneys because I know the practice of law is  
21 hard. But at a certain point, the Court has no other option.  
22 And those are some of my concerns here.

23 But Ms. Chambers, happy to hear anything that you'd  
24 like to add.

25 MS. CHAMBERS: Thank you, Your Honor. First, I would

## Colloquy

1 like to apologize for your time. As you said, I know that  
2 you're extremely busy, and this is not how you would like to  
3 be using your time.

4 I'd also like to say that I have spent almost my  
5 whole career at the Department of Justice, and this is very  
6 painful to hear. This is not how we at the Department of  
7 Justice want to be viewed, and we are, as they've explained --  
8 have tried to take some measures. And I want to back up just  
9 a little bit.

10 One thing that didn't get mentioned. Before I became  
11 in this role that I'm currently in, the Public Safety Section  
12 for years had been in what we call our Criminal Bureau or our  
13 Criminal Practice Group. And the middle of last year that  
14 moved to the Civil Bureau or the Civil Practice Group.

15 And I think that hopefully you have seen less of the  
16 issues that you've been talking about since then because the  
17 practice of this group is a civil nature, and now it is in the  
18 Litigation Division under Olga, who is a supreme litigator.  
19 Mr. Williams is an excellent litigator and federal  
20 practitioner. And Olga moved into her current role I believe  
21 in February of this year and has already committed a lot of  
22 time to working with this section and sharing her expertise.

23 I moved into this current role that I'm in that's  
24 over all the civil practice within the Department of Justice  
25 the end of January. And what they have talked about that has

## Colloquy

1 been instituted in some of the Public Safety Section and the  
2 Litigation Division I have done across all Civil Bureau with  
3 the Civil Practice Groups. And in one of my regular  
4 management meetings this morning we talked about it with our  
5 senior managers.

6 So we apologize for your frustration. We apologize  
7 for your time. We are committed. I'm very committed and take  
8 this very seriously in this new role that I am in. And I will  
9 continue to work with Olga, Mr. Williams, and others in the  
10 Public Safety Section to make our office proud, make you  
11 proud, make the citizens proud because that is what we care  
12 about.

13 And to the extent that you can find circumstances  
14 that -- Mr. Williams moved into his management position just  
15 the middle of last year. So to the extent that you can see  
16 the new leadership that has come into this all since some of  
17 these early filings since the first part of this case, if you  
18 can take that and understand that we are all in new places  
19 with firm commitment and that once it became known -- I think  
20 you saw the actions taken specific to this case. And under  
21 those circumstances, we would ask that you not sanction the  
22 Department of Justice but understanding you have your  
23 objective standards that you have to apply. Thank you, Your  
24 Honor.

25 THE COURT: Thank you.

## Colloquy

1 MS. CALLOWAY-DURHAM: Your Honor, may I please?

2 THE COURT: Yes.

3 MS. CALLOWAY-DURHAM: I don't know that it will make  
4 a difference. But there were two things that I just wanted to  
5 clarify. One of which was I don't want to do anything that  
6 brings negative light to the client that was -- to Mr. Parris  
7 or to the Agency. That was never my intent.

8 I asked to be substituted out in this matter. And  
9 also that I filed -- even though Alex made indication that we  
10 weren't filing motions to dismiss, I filed motions to dismiss  
11 in numerous cases. Again, I don't think this one case is --  
12 and these last filings are examples of the kind of work that I  
13 do and who I am as an attorney. Thirty-one years I'm hoping  
14 means something.

15 THE COURT: For any of the management or NCDOJ reps,  
16 does anyone know the committees of the General Assembly that  
17 provide oversight to Department of Justice?

18 MS. CHAMBERS: Your Honor, it's Governmental Ops.

19 THE COURT: Is that both House and Senate?

20 MS. CHAMBERS: I believe so.

21 THE COURT: To your knowledge is this on the Attorney  
22 General's radar?

23 MS. CHAMBERS: I have shared this with my superior,  
24 Laura Howard and I plan to update her as soon as we get back.  
25 I do not have firsthand knowledge that the Attorney General

## Colloquy

1 knows but I have been talking to Ms. Howard.

2 THE COURT: Ms. Howard is certainly aware of this  
3 Court's expectations for its attorneys. She spent many years  
4 here.

5 MS. CHAMBERS: Yes, Your Honor.

6 THE COURT: Litigating cases, so --

7 MS. CHAMBERS: We are very fortunate she joined also  
8 with the new administration, and she is holding us all to a  
9 high bar, and we appreciate that and want to follow her  
10 example.

11 THE COURT: Well, again, I'm going to -- as I always  
12 endeavor to do, I'm going to follow what the law requires  
13 here, what the Fourth Circuit requires me to do here in  
14 resolving these motions based on the standards they have set  
15 out. I will issue an order as soon as practicable on this.

16 Again, I appreciate everything that Mr. Williams and  
17 the rest have said about the changes that are going on. I  
18 hope that bears itself out in terms of having vastly fewer  
19 issues in the federal courts here. It simply cannot continue  
20 to be problems at this level.

21 At least as far as this judge is concerned, this will  
22 continue in an incremental manner, but the increments are  
23 going to become more punitive at this point because we've  
24 tried the cajoling and the begging and the pleading and the  
25 forgiveness and the grace. We've tried that. We still have



## CERTIFICATE OF TRANSCRIBER

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I, Tamara Bentzur, court-approved transcriber, in and for the United States District Court for the Eastern District of North Carolina, do hereby certify that pursuant to Section 753, Title 28, United States Code, that the foregoing is a true and correct transcript from the official electronic sound recording of the proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 21st day of April, 2025.

/s/ *Tamara Bentzur*

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TAMARA BENTZUR, CET-824

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