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United States District Court  
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P R O C E E D I N G S

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(Court proceedings commenced at 10:18 a.m.)

THE COURTROOM CLERK: Civil action 2020-484.  
Amazon.com Incorporated, et al. versus WDC Holdings, LLC, et al.

Counsel, please note your appearances for the record.

THE COURT: We have the entire federal bar here with us today.

(Laughter.)

THE COURT: Some people can sit in the jury box too, if you're comfortable. You don't all need to crowd in. If you're comfortable sitting in the jury box, you won't bother me if you want to direct something to me from the box.

MR. STOKES: Good morning, Your Honor. Patrick Stokes on behalf of Amazon, the plaintiffs, with Elizabeth Papez, Jason Mendro, Claudia Barrett, Michael Dziuban and Amanda Sterling.

THE COURT: All right. Good morning.

MR. GARNETT: Good morning, Your Honor. Stan Garnett on behalf of the Watson defendants. With me is Amanda Houseal, Leah Regan-Smith, Sarah Bodner, and Jeff Hamlin, and also at counsel table, Your Honor, is our client, Brian Watson.

10:19:43 1 THE COURT: Good morning.

10:19:46 2 MR. LITTLE: Good morning, Your Honor. Alex Little  
10:19:47 3 on behalf of the Nelson defendants. I have with me Adam Smart  
10:19:50 4 and Rachel Friedman as well. Thank you.

10:19:54 5 THE COURT: I'm sorry, sir, can I get your name  
10:19:55 6 again?

10:19:55 7 MR. LITTLE: Yes. It's Alex Little.

10:20:00 8 THE COURT: Good morning, sir.

10:20:00 9 MR. THOMAS: Good morning, Your Honor. John David  
10:20:04 10 Thomas on behalf of the defendant, Casey Kirschner, and I'm  
10:20:10 11 all by myself this morning.

10:20:20 12 THE COURT: Who are you here on behalf of, sir. I'm  
10:20:23 13 sorry.

10:20:23 14 MR. THOMAS: Oh, I'm sorry, Your Honor. Defendant  
10:20:24 15 Casey Kirschner.

10:20:26 16 THE COURT: Okay. Very good. Thank you, sir.

10:20:29 17 MS. CALLAHAN: Good morning, Your Honor. Caroline  
10:20:32 18 Callahan for Mr. Atherton.

10:20:39 19 MR. ROBERTS: Good morning, Your Honor. Jared  
10:20:39 20 Roberts on behalf of Renrets, LLC.

10:20:43 21 THE COURT: All right.

10:20:47 22 MR. HAMLIN: I'm Jeff Hamlin with Brian Watson and  
10:20:52 23 WDC Holdings.

10:20:53 24 THE COURT: Very good.

10:20:55 25 All right. Being the only judge, apparently, in

10:21:06 1 this entire courthouse that doesn't have stock in Amazon, I  
10:21:08 2 have your case.

10:21:12 3 All right. This matter comes on today for a final  
10:21:15 4 pretrial conference. And Counsel, as I said to the last  
10:21:19 5 parties that appeared before the Court, if I misstate anything  
10:21:23 6 or you have confusion, just feel free to chime in and you  
10:21:26 7 won't hurt my feelings at all. It's my understanding that the  
10:21:28 8 discovery period closed on October 14th of this year.

10:21:34 9 Is that correct?

10:21:34 10 MR. STOKES: Your Honor, that's -- there is ongoing  
10:21:37 11 discovery beyond discovery deadline by agreement between the  
10:21:40 12 parties. I believe discovery actually closed in the -- in  
10:21:45 13 September. But there is ongoing expert discovery as well as  
10:21:49 14 other fact discovery. For example, one of the defendants'  
10:21:53 15 depositions is coming up soon.

10:21:55 16 THE COURT: If I can say going forward, it's great  
10:21:58 17 that we have agreements between the parties, but get  
10:22:01 18 authorization from the Court to do that.

10:22:03 19 MR. STOKES: We will.

10:22:05 20 THE COURT: Again, I have no problem with you coming  
10:22:06 21 up with ideas as to how you might better facilitate the case,  
10:22:09 22 but make sure that you at least inquire of the Court if that's  
10:22:12 23 appropriate.

10:22:13 24 MR. STOKES: Yes, Your Honor. And in the past we  
10:22:16 25 have been in close coordination with Judge Buchanan, but we'll

10:22:20 1 certainly bring it to the attention of this Court.

10:22:22 2 THE COURT: Do we agree that expert disclosures are  
10:22:25 3 due November 11th?

10:22:27 4 MR. STOKES: That's right, Your Honor.

10:22:28 5 THE COURT: Okay. Do we agree that rebuttal expert  
10:22:32 6 reports are due December 2nd?

10:22:34 7 MR. STOKES: We do.

10:22:36 8 THE COURT: Do we agree that expert depositions are  
10:22:40 9 to be completed by December 16th?

10:22:42 10 MR. STOKES: Yes, Your Honor.

10:22:43 11 THE COURT: Okay. Do we agree that summary judgment  
10:22:46 12 motions are due January 11th of next year?

10:22:49 13 MR. STOKES: Yes, Your Honor. I do think that's an  
10:22:51 14 area where the parties may, in light of ongoing depositions,  
10:22:55 15 fact depositions, may be talking about that schedule, but that  
10:22:59 16 is the schedule we've agreed to.

10:23:01 17 THE COURT: As the schedule is currently set,  
10:23:03 18 summary judgment response would then be due January 25th, two  
10:23:07 19 weeks later?

10:23:07 20 MR. GARNETT: That's right.

10:23:08 21 THE COURT: And then summary judgment replies would  
10:23:10 22 be due the next week, February 1, 2023; and then, if we need  
10:23:15 23 to have a hearing on it, we will schedule a date.

10:23:17 24 Do we agree that pretrial disclosures will be due  
10:23:21 25 60 days before trial whenever we set the trial for?

10:23:24 1 MR. GARNETT: Yes, Your Honor.

10:23:26 2 THE COURT: Let's do this, let's go ahead and work  
10:23:29 3 around the schedules of all these fine professionals that we  
10:23:32 4 have here and see if we can come up with a trial date.

10:23:35 5 How long does plaintiff think it will take to  
10:23:38 6 present its case in chief?

10:23:39 7 MR. STOKES: Your Honor, we would anticipate for our  
10:23:41 8 case in chief approximately three weeks.

10:23:45 9 THE COURT: All right. How much for defendants'  
10:23:47 10 case?

10:23:48 11 MR. GARNETT: Well, Your Honor, we chatted with  
10:23:50 12 plaintiff's counsel about this. The defense has concluded  
10:23:55 13 that we think the entire case could be tried in 12 days, which  
10:23:58 14 I think is three weeks. And it was our understanding the  
10:24:03 15 plaintiff was saying they thought it was more like four weeks,  
10:24:06 16 16 days. If they're going to take three weeks to present  
10:24:09 17 their case, we would need a week to 10 days, at least, to  
10:24:13 18 respond to that.

10:24:13 19 I think the question for the Court is how much time  
10:24:16 20 do we need to set. We thought it could be under three weeks.  
10:24:18 21 There's a lot that could be agreed to. Certainly a four-week  
10:24:22 22 setting, I think, would be sufficient to get the case tried.  
10:24:25 23 There's really not that much -- the basic factual outline, I  
10:24:29 24 think, can be agreed to between the parties, and the jury is  
10:24:32 25 going to have to decide everything about the parties' intent,

10:24:36 1 et cetera, but I think we can streamline the case.

10:24:38 2 THE COURT: It seems to the Court from the  
10:24:40 3 background that it has regarding the case, that much of the  
10:24:44 4 factual predicate for the case, and that's what I'm talking  
10:24:47 5 about, not specific things where we disagree on and the like.  
10:24:51 6 The factual predicate for the case probably could be resolved  
10:24:55 7 by a lot of stipulations.

10:24:56 8 MR. GARNETT: That's certainly the defense  
10:24:59 9 perspective, Your Honor. We do believe -- for example, who  
10:25:00 10 paid money to whom and how much was paid and when was it paid.  
10:25:04 11 Those are not going to be issues in dispute.

10:25:04 12 THE COURT: Right.

10:25:07 13 MR. GARNETT: The plaintiffs has one version of what  
10:25:09 14 was going on. The defense strongly denies that. That's what  
10:25:12 15 the jury is going to have to figure out. But we won't need to  
10:25:13 16 take a lot of time, Your Honor. I think laying out how these  
10:25:15 17 agreements were negotiated and what they say, I think, we can  
10:25:19 18 agree to most of that by stipulations, so that the jury has a  
10:25:22 19 manageable set of issues they have to resolve.

10:25:24 20 THE COURT: It's been my experience that juries love  
10:25:28 21 stipulations, because --

10:25:28 22 MR. GARNETT: Yes.

10:25:29 23 THE COURT: -- I can look at them and say, This is  
10:25:31 24 what the parties have agreed on, and you're to give it  
10:25:35 25 whatever weight you decide to give it. And then the jury



10:25:38 1 always -- I always get the nice nod when I provide a  
10:25:40 2 stipulation because I preface the statement by saying "this is  
10:25:44 3 what would have been testified to as if the person had  
10:25:47 4 actually gotten on the stand and you would have been entitled  
10:25:49 5 to hear them." And they all love that.

10:25:51 6 So if you all could work hard towards coming up with  
10:25:55 7 whatever factual predicate stipulations, I think that that  
10:25:58 8 would go a long way towards streamlining the case  
10:26:00 9 significantly.

10:26:01 10 MR. GARNETT: We certainly will do our absolute best  
10:26:01 11 from the defense, Your Honor.

10:26:05 12 THE COURT: Okay.

10:26:05 13 MR. STOKES: Your Honor, we will as well. There's  
10:26:07 14 been extreme disagreement on all aspects of the case between  
10:26:11 15 the parties. And so, we'll certainly work towards that and  
10:26:14 16 certainly recognize the Court's point that jurors prefer  
10:26:18 17 stipulations, and we will work towards that. We think there  
10:26:21 18 will be extensive expert testimony. There's substantial  
10:26:24 19 number of fact witnesses. And so, we do think that with four  
10:26:29 20 defendants one entity appearing separately, the three  
10:26:36 21 different facets of the fraud scheme that we've identified in  
10:26:40 22 these substantial amount of witnesses --

10:26:42 23 THE COURT: Do you anticipate anybody essentially  
10:26:44 24 testifying by way of *de bene esse* deposition? Do you  
10:26:46 25 anticipate any of that?

10:26:47 1 MR. STOKES: We do expect some testimony.

10:26:50 2 THE COURT: Okay. I bring that up because that  
10:26:53 3 requires taking advantage of the technical expertise of people  
10:26:57 4 who work in this courthouse. And even though they won't say  
10:27:00 5 it to me, they don't like when they find out a day before that  
10:27:04 6 they're going to have to do all of this extra stuff.

10:27:07 7 MR. STOKES: We will certainly coordinate on that.  
10:27:10 8 We're actually expecting for plaintiff's witnesses that quite  
10:27:13 9 a few of them will be live, so --

10:27:15 10 MR. GARNETT: And, Your Honor.

10:27:16 11 THE COURT: All right. Yes, sir.

10:27:19 12 MR. GARNETT: Sorry, Your Honor. One thing I was  
10:27:18 13 going to mention, obviously, the Court is well aware of the  
10:27:21 14 fact that the injunction is in place against the Watson  
10:27:24 15 defendants and the receivership, et cetera. We've raised  
10:27:28 16 concerns about that, the Court has ruled, and we understand  
10:27:31 17 that. But we are interested in as prompt a trial setting as  
10:27:33 18 can occur, because Brian Watson really wants to resolve this  
10:27:37 19 case. We think we're going to win it and move on. But I  
10:27:40 20 understand the issues of the Court's calendar. I just want to  
10:27:43 21 make sure it was clear that we would try this case tomorrow if  
10:27:45 22 we could, and we're ready to do that. It's a case where he  
10:27:49 23 really looks, after two-and-a-half years, for an opportunity  
10:27:52 24 to clear his name.

10:27:53 25 THE COURT: I understand. I understand.

10:27:55 1 And sir, we in the rocket docket here in the Eastern  
10:28:00 2 District of Virginia pride ourselves on efficiently and  
10:28:02 3 expeditiously taking care of matters. I will say to you that  
10:28:06 4 the pandemic has put a burden on the Court because we're  
10:28:11 5 trying to schedule as many things as we can. And because of  
10:28:15 6 the constitution, we have to prioritize criminal cases over  
10:28:18 7 civil cases because there are constitutional implications  
10:28:21 8 involved in criminal cases that are not typically involved in  
10:28:24 9 civil cases. So we have to prioritize those. But we're not  
10:28:28 10 New York and I'm not going to say on December 2027. I'm going  
10:28:32 11 to say something a whole lot earlier than that. Not to cast  
10:28:36 12 any aspersions on my friends in New York, but we typically do  
10:28:39 13 handle things a little bit more efficiently and expeditiously  
10:28:42 14 here than we do in other jurisdictions.

10:28:46 15 All right.

10:29:23 16 (A pause in the proceedings.)

10:29:24 17 THE COURT: How about March 13th through March --  
10:29:56 18 excuse me, March 13th through --

10:30:19 19 MR. STOKES: Your Honor, if I may, one of our trial  
10:30:22 20 counsel has a conflict the week of March 27th, a multiday  
10:30:28 21 conflict.

10:30:29 22 THE COURT: Okay.

10:30:34 23 MR. THOMAS: Your Honor, if I may, I have a  
10:30:36 24 three-week criminal jury trial beginning on March 20th running  
10:30:41 25 through April 5th. I do expect to go to trial.

10:30:41 1 THE COURT: Okay. That's fine.

10:30:47 2 (Court reporter clarification.)

10:30:47 3 MR. THOMAS: I'm sorry. John David Thomas on behalf  
10:30:50 4 of Mr. Kirschner.

10:31:00 5 THE COURT: How about April 10. How about  
10:31:07 6 April 10th -- all right, Counsel, get your schedules out.

10:31:46 7 How about May 1st through May 22nd?

10:32:04 8 MR. GARNETT: It's fine for the Watson defendants,  
10:32:07 9 Your Honor.

10:32:07 10 MR. LITTLE: It's fine for the Nelson defendants.

10:32:09 11 MR. THOMAS: That works for Mr. Kirschner as well,  
10:32:11 12 Your Honor.

10:32:12 13 THE COURT: Okay.

10:32:12 14 MR. STOKES: Your Honor, we do think the case will  
10:32:16 15 likely be closer to 20 trial days, so I don't know if the  
10:32:21 16 Court has --

10:32:24 17 THE COURT: I don't have anything except grand jury  
10:32:27 18 after that, but I like to provide the jury a shorter  
10:32:31 19 perspective and then ask them to stay a little longer. I  
10:32:36 20 believe -- it's like when you put a house on the real estate  
10:32:40 21 market and you say it's \$701,000 and you don't get as many  
10:32:44 22 buyers as when you have 699,999. It's something about being a  
10:32:48 23 little bit below the market that encourages people to want to  
10:32:52 24 buy.

10:32:53 25 MR. STOKES: Understood. Okay. So let's go with

10:32:57 1 that gentlemen, ladies.

10:33:05 2 THE COURT: May 1st, that's a Monday, and then we go  
10:33:08 3 to May 22nd.

10:33:19 4 Ladies and gentlemen, what we'll do is on the very  
10:33:22 5 first day, which is typically set aside for voir dire and  
10:33:26 6 opening statements, we'll start at 9 o'clock, and we'll  
10:33:30 7 typically go until about 4:00 every day. I try to get the  
10:33:35 8 jurors out because some of them have childcare issues and the  
10:33:36 9 like, and so, I try to get them available for that.

10:33:39 10 And then, subsequent to that, depending on the  
10:33:42 11 jury's perspective, we'll typically start at 10 o'clock on the  
10:33:45 12 days subsequent to that. Sometimes the jury, if I ask them,  
10:33:48 13 will say let's start at 9:00. I let them be a part of that  
10:33:52 14 process. So that will, essentially, with the rate we're  
10:33:55 15 going, if they agree to go at 9 o'clock on those days, allow  
10:33:57 16 us to pick up a day or two as we go. So that will take care  
10:34:00 17 of the concern that you have. Okay.

10:34:04 18 MR. GARNETT: And --

10:34:05 19 THE COURT: Yes, sir.

10:34:06 20 MR. GARNETT: Your Honor, I'm sorry. Is it a  
10:34:07 21 four-day trial week or a five-day trial week?

10:34:10 22 THE COURT: I usually go five days. Now, I will let  
10:34:12 23 you know this that because of the criminal docket there may be  
10:34:16 24 intervening matters that I need to take care of and I might  
10:34:19 25 say I have a sentencing at 10 o'clock, you all can show up at

10:34:23 1 11:00. Obviously, I have other cases that I have to deal with  
10:34:26 2 and we sort of work them into the docket, but typically it's a  
10:34:30 3 five day. I go Monday through Friday, particularly, that time  
10:34:34 4 of the year, it's easier.

10:34:36 5 MR. GARNETT: That's okay.

10:34:38 6 THE COURT: That would also address your concern too  
10:34:40 7 that we're looking at a five-day trial schedule as opposed to  
10:34:41 8 a four-day trial schedule.

10:34:44 9 MR. STOKES: Thank you, Your Honor.

10:34:44 10 THE COURT: Have you all talked settlement at all?

10:34:47 11 MR. GARNETT: We've had --

10:34:48 12 THE COURT: I always get the look when I say, "Have  
10:34:50 13 you talked settlement?" There's always a smile and then a  
10:34:53 14 well, you know, here we go.

10:34:55 15 MR. GARNETT: Your Honor, I think, as the Court  
10:34:56 16 knows, we filed a motion seeking to compel a settlement  
10:35:00 17 conference several months ago, which the Court denied and said  
10:35:04 18 we would take up today. We do think settlement discussions  
10:35:07 19 could be very fruitful. It's been my experience, Your Honor,  
10:35:10 20 doing this for 40 years, that a case like this you get into a  
10:35:13 21 settlement conference, it kind of takes on a life of its own  
10:35:16 22 and there might be a settlement that none of us can think of  
10:35:19 23 right now. So the Watson defendants would very much like to  
10:35:22 24 see a settlement process. Having said that, I don't want to  
10:35:25 25 misrepresent. The plaintiffs have been very clear that

10:35:28 1 they're not interested in settlement and they haven't made a  
10:35:32 2 demand. So it's up to the Court on how you want to handle  
10:35:34 3 that. We think it would be helpful.

10:35:36 4 MR. STOKES: And, Your Honor, that is actually not  
10:35:38 5 all accurate as to the plaintiff's position. We've been very  
10:35:41 6 clear throughout that we are open to entertaining a reasonable  
10:35:44 7 settlement -- reasonable settlement discussions at any time.  
10:35:49 8 We have not made a settlement offer. The defendants have not  
10:35:52 9 made a settlement offer that is reasonable. Mr. Watson made a  
10:35:56 10 settlement offer that we rejected and we have asked other  
10:36:00 11 defendants whether they want to make a settlement offer. They  
10:36:04 12 have not. The parties are very far apart.

10:36:06 13 THE COURT: Well, let's go ahead and enhance the  
10:36:08 14 process a little bit.

10:36:10 15 The summary judgment replies are due February 1st,  
10:36:15 16 2023. If we're going to have a hearing that will probably be  
10:36:19 17 on February the 8th. It's been my experience that the parties  
10:36:25 18 are more amenable to potential resolution of the case after  
10:36:29 19 the Court has issued an opinion on summary judgment, one way  
10:36:31 20 or the other. That's typically been my experience.

10:36:34 21 So what I'm going to do is I'm going to direct that  
10:36:37 22 no later than March 1st that you contact Judge Davis's  
10:36:42 23 chambers. Judge Davis is the magistrate judge assigned to the  
10:36:45 24 case. And I'm going to direct that hearing take place or that  
10:36:49 25 settlement conference takes place no later than March 15th.

10:36:53 1 And the reason why I want to do that is because you all have  
10:36:57 2 taken, basically, a month of the Court's calendar, and if  
10:37:00 3 there's a possibility that the case can settle or some  
10:37:04 4 defendants settle, or the case can be streamlined, that can  
10:37:06 5 open up some additional dates for the Court to take on other  
10:37:08 6 matters. So I'm going to direct that you get in touch with  
10:37:11 7 Judge Davis's office.

10:37:12 8 If you choose to sort of get ahead of the power  
10:37:17 9 curve, to a degree, and want to have a settlement conference  
10:37:20 10 or initial settlement conference with Judge Davis prior to the  
10:37:23 11 Court's issuance of its decisions on the summary judgment  
10:37:26 12 matters that might help too. So, again, Judge Davis is very  
10:37:29 13 amenable to it.

10:37:30 14 Also I would suggest that there are other options  
10:37:35 15 for resolution and that is in a case such as this, as big as  
10:37:38 16 this, that mediation might not be a bad course scenario.  
10:37:44 17 There are several good mediators who are experienced in  
10:37:47 18 matters particular to this. And that might save everybody a  
10:37:50 19 whole lot of money if you can take advantage of one of the  
10:37:53 20 mediation groups. I'm not going to direct, but I'm going to  
10:37:56 21 encourage that you consider mediation prior to the Court's  
10:37:59 22 determinations on its motions for summary judgment. And if  
10:38:02 23 you want some mediators, I can come up with some or you can  
10:38:07 24 submit three names and I can choose one out of a hat or  
10:38:11 25 however you want to do it. But again, I think that's a good



10:38:14 1 incentive, particularly in a case such as this. And  
10:38:18 2 particularly when we have, at least, one gentleman who is  
10:38:21 3 concerned about how long the case is taking. So that might be  
10:38:23 4 another incentive to settlement.

10:38:26 5 MR. STOKES: Your Honor is absolutely -- we'll  
10:38:30 6 certainly talk with defense counsel about settlement. Again,  
10:38:33 7 we've communicated numerous times now. We're open to  
10:38:36 8 reasonable settlement discussions and it hasn't borne fruit.  
10:38:39 9 But we will work with Judge Davis, as you suggest, and talk  
10:38:44 10 with defense counsel.

10:38:45 11 THE COURT: And consider mediation too, because the  
10:38:48 12 mediators -- we've been blessed in the Commonwealth of  
10:38:52 13 Virginia over the last 20 years with the success and the  
10:38:58 14 intelligence of the mediators that are available in Virginia  
10:39:02 15 through the various groups McCammon Group Judicial Solutions,  
10:39:06 16 all of those real good groups with real good mediators. And  
10:39:09 17 again, I've had cases, similar to this, where the parties gave  
10:39:12 18 me three names, I picked one out of a hat, we send it to that  
10:39:14 19 mediator and the case was resolved. And everyone said, wow,  
10:39:16 20 that was a really good idea Judge Alston. And so, maybe this  
10:39:22 21 can work again.

10:39:24 22 MR. STOKES: Yes.

10:39:25 23 THE COURT: All right. Anything else we need to  
10:39:29 24 take care of?

10:39:29 25 MR. GARNETT: Your Honor.

10:39:32 1 MR. LITTLE: I do want to raise my issue. I let  
10:39:33 2 Stan do all the heavy lifting. I appreciate it.

10:39:35 3 I represent Carl Nelson, he's one of the individual  
10:39:37 4 defendants. He's also the sole owner of Cheshire Ventures.  
10:39:42 5 We represent Cheshire Ventures as well. He adopts all the  
10:39:45 6 statements about wanting to go to trial as soon as possible.  
10:39:47 7 We appreciate the trial date being set. He has a separate  
10:39:50 8 consideration and request. My client doesn't really have any  
10:39:53 9 money. He's not been working for Amazon since it started.  
10:39:56 10 This is a litigation and a huge burden going against a company  
10:40:00 11 the size of Amazon. We would ask the Court, and I'm happy to  
10:40:02 12 do this in a paper motion to excuse the Rule under 83(d)(1)(b)  
10:40:07 13 where our local counsel has to be present. It's just --  
10:40:10 14 especially if we're going to have a month long trial. It's  
10:40:13 15 the extra expense of another lawyer for those hours.

10:40:15 16 THE COURT: For the court reporter, can you state  
10:40:15 17 your name, sir?

10:40:17 18 MR. LITTLE: Yes, it's Alex Little.

10:40:19 19 THE COURT: Okay. I understand where you're coming  
10:40:24 20 from and I appreciate the cost associated with having local  
10:40:27 21 counsel, but there are rules. Maybe, I'm suggesting that --  
10:40:31 22 who is the person -- you're the person who --

10:40:34 23 MR. LITTLE: No. My colleague, Rachel Friedman, is  
10:40:37 24 here. She's local counsel for us for our firm for the Nelson  
10:40:41 25 defendants. In a normal case, I would understand. Here, we

10:40:42 1 have multiple parties each with local counsel. The defense,  
10:40:46 2 as you'll see, has a fairly concerted and cooperative effort.  
10:40:50 3 And so, obviously, if the Court wants her here, she can be  
10:40:53 4 here every time, but my clients wanted to make the request.  
10:40:57 5 And it's purely an economic issue.

10:40:57 6 THE COURT: And you're a member of other district  
10:40:59 7 courts.

10:40:59 8 MR. LITTLE: Oh, yes, Your Honor.

10:41:00 9 THE COURT: Why don't we do this. Why don't you  
10:41:02 10 make a motion pro hac vice and that will suffice, as far as  
10:41:07 11 this Court is concerned.

10:41:08 12 MR. LITTLE: Okay. We'll do that as well.

10:41:09 13 THE COURT: And, Counsel, you can support the motion  
10:41:11 14 pro hac vice and it's likely, unless there's some serious  
10:41:15 15 objection from someone, it will be granted, and that would  
10:41:17 16 relieve you from responsibility from showing up in court.

10:41:22 17 MR. LITTLE: Thank you, Your Honor.

10:41:23 18 MR. GARNETT: Your Honor, one last pragmatic  
10:41:25 19 question. Particularly as to trial and May 1st. The defense  
10:41:29 20 has already talked to some trial presentation firms to help us  
10:41:33 21 with demonstrative exhibits, et cetera. In the past, and  
10:41:38 22 certainly in Colorado, we try to get all of that together 30,  
10:41:43 23 60 days prior to trial, and, of course, work with your staff.  
10:41:45 24 My question is whether there's a particular person on your  
10:41:48 25 staff that you would want us to communicate with about ideas

10:41:52 1 for presentation, that kind of thing. What's possible in the  
10:41:55 2 Court.

10:41:55 3 THE COURT: The law clerk that's assigned this case  
10:41:58 4 is Ms. Drill. She's the law clerk assigned to this case and  
10:42:07 5 she will coordinate with you the people who will be involved  
10:42:11 6 in the technical aspects. We do have a person who is very  
10:42:13 7 good. And by that time, I'll tell you, it won't be tried in  
10:42:16 8 this courtroom. I'm actually moving to another courtroom.  
10:42:20 9 I'm moving to the 10th floor. Like the Jefferson's, I'm  
10:42:21 10 moving on up. So you'll be able to have advantage of the, I  
10:42:25 11 guess, most technologically advanced courtroom in the  
10:42:29 12 courthouse. So that will be an advantage to you.

10:42:33 13 MR. GARNETT: That's great. Thank you, Your Honor.

10:42:36 14 THE COURT: Anything else from anybody?

10:42:37 15 MR. STOKES: Nothing from the plaintiff, Your Honor.

10:42:39 16 THE COURT: Wow! I dealt with 22 lawyers in  
10:42:42 17 15 minutes. That's pretty good.

10:42:44 18 Very good. Thank you for your presentation. Stay  
10:42:48 19 safe.

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10:42:52 21 **(Proceedings adjourned at 10:42 a.m.)**

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CERTIFICATE OF REPORTER

I, Tonia Harris, an Official Court Reporter for the Eastern District of Virginia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the Final pretrial conference the case of the **AMAZON.COM, INC., et al. versus WDC HOLDINGS LLC, et al.** Civil Action No.: 1:20-cv-484, in said court on the 20th day of October, 2022.

I further certify that the foregoing 21 pages constitute the official transcript of said proceedings.

In witness whereof, I have hereto subscribed my name, this October 27, 2022.

\_\_\_\_\_/s/\_\_\_\_\_  
Tonia M. Harris, RPR  
Official Court Reporter