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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,                   Docket No. 16-20032-JAR  
  
Plaintiff,   Kansas City, Kansas  
Date: 07/21/2016

v.

LORENZO BLACK,  
KARL CARTER,  
ANTHON AIONO,  
ALICIA TACKETT,  
CATHERINE ROWLETTE,  
DAVID BISHOP,

Defendants.

.....

TRANSCRIPT OF  
CASE BUDGETING STATUS CONFERENCE  
BEFORE THE HONORABLE JULIE A. ROBINSON  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: Ms. Erin S. Tomasic  
Mr. D. Christopher Oakley  
United States Attorney's Office  
360 U.S. Courthouse  
500 State Avenue  
Kansas City, Kansas 66101

For the Defendant Lorenzo Black:  
Mr. John Jenab  
Jenab Law Firm, P.A.  
110 South Cherry Street  
Suite 103  
Olathe, Kansas 66061

For the Defendant Karl Carter:  
Mr. David J. Guastello  
The Guastello Law Firm, LLC  
4010 Washington Street  
Suite 501  
Kansas City, Missouri 64111

(Appearances continued on next page).

1 APPEARANCES:

2 (Continued)

3 For the Defendant Anthon Aiono:

4 Mr. Jason P. Hoffman  
5 Hoffman & Hoffman  
6 CoreFirst Bank & Trust Building  
7 100 East Ninth Street  
8 Third Floor East  
9 Topeka, Kansas 66612

7 For the Defendant Alicia Tackett:

8 Ms. Kathleen A. Ambrosio  
9 Ambrosio & Ambrosio, Chartered  
10 800 Southwest Jackson  
11 Suite 817  
12 Topeka, Kansas 66612

10 For the Defendant Catherine Rowlette:

11 Mr. Michael M. Jackson  
12 Attorney at Law  
13 727 South Kansas Avenue  
14 Suite 2  
15 Topeka, Kansas 66603

14 For the Defendant David Bishop:

15 Ms. Cynthia Dodge  
16 Cynthia M. Dodge, LLC  
17 233 Southwest Greenwich Drive  
18 Suite 10  
19 Lee's Summit, Missouri 64082

17 Court Reporter:

18 Kelli Stewart, RPR, CRR, RMR  
19 Official Court Reporter  
20 259 U.S. Courthouse  
21 500 State Avenue  
22 Kansas City, Kansas 66101

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1 (3:34 p.m., proceedings commenced).

2 THE COURT: All right. You can be seated.  
3 All right. We're here in United States versus Lorenzo  
4 Black, et al. The case number is 16-20032. Your  
5 appearances.

6 MS. TOMASIC: May it please the Court. The  
7 United States appears by Erin Tomasic and Chris Oakley.

8 MR. JENAB: Your Honor, Mr. Black is present  
9 with counsel, John Jenab.

10 MR. GAUSTELLO: May it please the Court.  
11 Mr. Carter appears in person in custody with counsel,  
12 David Guastello.

13 THE COURT: All right.

14 MR. HOFFMAN: Mr. Aiono appears not but  
15 through counsel, Jason Hoffman, Your Honor.

16 MR. JACKSON: If it please the Court. Your  
17 Honor, Catherine Rowlette appears in person and through  
18 counsel, Mike Jackson.

19 MS. DODGE: Good afternoon, Your Honor.  
20 Cynthia Dodge on behalf of David Bishop, who appears in  
21 person.

22 MS. AMBROSIO: Your Honor, Alicia Tackett  
23 does not appear, but appears by counsel, Kathleen  
24 Ambrosio.

25 THE COURT: All right. I decided to set

1 this for a status conference I think - and Ms.  
2 Shaneyfelt is here - based on some communication that I  
3 had from her. This case, because of its size and the  
4 nature of the charges and all of that, I-- is something  
5 that I think should be case budgeted. There are six  
6 defendants in this case who all have appointed counsel.  
7 And, as I understand it, a lot of discovery, including  
8 some discovery I want to talk to you about specifically  
9 this afternoon.

10 So Ms. Shaneyfelt let me know that part of  
11 the discovery is quite a volume of surveillance videos  
12 from the CCA. And Ms. Shaneyfelt advised that the AUSA  
13 had said that each defense counsel needed to provide six  
14 three-terabyte hard drives in order to download these  
15 surveillance videos, which the video, as she  
16 understands, it's equivalent to about 200 movies. And I  
17 don't know what that means in terms of the length of the  
18 movie. But in any event, this is quite an expensive  
19 undertaking. That-- but another concern is that there's  
20 no index or directory or any means by which the video  
21 can be sorted, searched, or organized. So I wanted to  
22 talk to you all about that as well. And then as well as  
23 any other discovery issues that you may have at this  
24 point in the case.

25 So Mr. Oakley or Ms. Tomasic.

1 MS. TOMASIC: Your Honor, I-- I'm fairly  
2 concerned based on what you just said that there have  
3 been some miscommunications along the line. Because I  
4 communicated directly with defense counsel to let them  
5 know there is, in fact, an index. We were not provided  
6 an index from CCA and the U.S. Attorney's Office worked  
7 with the marshals service and CCA and created an index,  
8 which is available to defense counsel and I believe is  
9 being provided apart from the surveillance footage to  
10 defense counsel. So we-- we actually created the index  
11 for defense counsel, and for some time defense counsel  
12 has been aware that there is an index.

13 And then also, the communications in this  
14 case, Your Honor, I would just like to say at the  
15 outset, I believe everybody involved in this case would  
16 agree we're working together extraordinarily well.  
17 There's just a problem that we don't know how to solve  
18 in that there is just so much discovery.

19 And so there are 21 terabytes of data.  
20 Defense counsel has indicated they were having trouble  
21 getting funding because the drives were so expensive.  
22 We tossed around the idea that they could just create  
23 two copies, one for the Topeka FPD office and one for  
24 the Kansas City office and check them out as they wish.  
25 I have an additional copy at the U.S. Attorney's Office

1 in Kansas City that anyone could come in and review.

2 I first contacted defense counsel on  
3 April 26th of this year and let them know the drives  
4 that I needed and that also I would have them available  
5 for in-house review. And I believe those 21 terabyte  
6 drives have been available for at least six weeks, maybe  
7 eight weeks, for in-house review or for copying. And to  
8 date, through no fault of defense counsel, I haven't  
9 gotten any drives to download a copy because I don't  
10 believe they can get the money to do that.

11 So to the extent that Ms. Shaneyfelt  
12 reported to you that there is not an index, I have  
13 e-mails to defense counsel stating there is an index  
14 that we created and they will have access to that.

15 THE COURT: All right. That's good to know.  
16 And so 21-- 21 terabytes total?

17 MS. TOMASIC: Yes, ma'am.

18 THE COURT: So I don't know what that means  
19 in terms of how many different hard drives would need to  
20 be purchased. I guess if they're three-terabyte hard  
21 drives, we'd need about-- more than six, need seven.

22 MS. TOMASIC: I guess I stand corrected.  
23 Six times three is 18. 18 terabytes.

24 THE COURT: Okay.

25 MS. TOMASIC: And so the way that CCA has

1 provided the data to us, they provided it on six  
2 three-terabyte drives, so we would need to copy it in  
3 the same manner. We provided defense counsel with a  
4 photograph of the make and model of the drives that CCA  
5 provided to us because that would help facilitate the  
6 copying process.

7           It takes about 20 days to copy one set. But  
8 my understanding in speaking with Pauletta Boyd, who is  
9 the litigation support specialist in our office - and  
10 she's here today to answer any questions - is that once  
11 we provide a copy to defense counsel, they could  
12 undertake copying additionally amongst themselves or we  
13 could do all copies for defense counsel if they so  
14 chose, it just would take some time.

15           THE COURT: Okay. I understand. All right.  
16 I'll start with you, Mr. Jenab. Have you all-- has  
17 the-- the six defense counsel involved directly in this  
18 case had discussion about sharing or how to approach  
19 this?

20           MR. JENAB: Judge, we-- we've had-- we've  
21 had some discussion about it. And I think that some of  
22 the defense counsel felt that they would rather have a  
23 complete set in their own office. I--

24           THE COURT: Some idea-- I mean, hours and  
25 hours of video that you would have to go through?

1 MR. JENAB: Well, that's the problem. I  
2 mean, in order to make any kind of headway with the  
3 volume that we're looking at, I think a lot of the work  
4 is going to have to be done at odd hours, evenings,  
5 weekends. It's-- it's not going to be necessarily very  
6 predictable when-- when we're going to have the blocks  
7 of time to try to do it.

8 And I know that the government is trying to  
9 help us with an index, but I think - and-- and Erin can  
10 correct me on this if I'm mistaken - I think that the--  
11 the index is going to-- it's going to help as a guide,  
12 but-- but I'm not sure it's going to, for example,  
13 identify where each defendant would be found, right, on  
14 the surveillance footage. It's going to identify areas  
15 and-- and whatnot. But I don't know that I could take  
16 the index and say, "Well, Mr. Black is going to be here,  
17 here, here, and here."

18 THE COURT: Is that the case?

19 MS. TOMASIC: That is the case, Your Honor.  
20 And I know I've spoken with some defense counsel about  
21 this, I don't know that I've spoken with everyone, so  
22 I'll just put it on the record. What the government has  
23 provided and is providing in discovery is what I believe  
24 to be a complete overview of the life cycle of a  
25 defendant as far as how he is managed at CCA, which will



1 include exactly which pod each defendant was in at any  
2 given date, the dates that he was transferred from  
3 certain pods. If he had call-outs for medical, that  
4 will also be included in his records.

5 And so defense counsel can look at the  
6 Offender Management System for his particular inmate and  
7 any other inmate that interests him, for example if a  
8 source of supply is identified. Every inmate at CCA, to  
9 my knowledge, and I'll have to go back and look, but we  
10 have that data for every inmate. And by looking at that  
11 data and extracting that data, then the index provided  
12 by the government will say, for example, Pod E, Camera  
13 3. And then defense counsel can go to the particular  
14 date that interests them, look at that particular camera  
15 angle. They know their client is in Cell 101, Pod E on  
16 that particular date, and they can marry the two to view  
17 the footage that they deem pertinent to mounting their  
18 defense.

19 THE COURT: So they'll be able through the  
20 Offender Management System to determine the pod, not  
21 necessarily the camera in the pod, but at least the pod.  
22 Would that be accurate?

23 MS. TOMASIC: Yes, and the cell. With the  
24 exception that I-- I've learned more about CCA than I  
25 ever thought was possible. But from what I understand

1 at CCA, in some instances, if an inmate is assigned to,  
2 for example, Pod 101, he may on his own decide he  
3 doesn't like his cellmate and move within that pod,  
4 switch with someone, and CCA does not always stop  
5 inmates from making their own moves.

6 But as far as what CCA records as an  
7 inmate's particular pod, yes, defense counsel has-- will  
8 have access to those records in the round of discovery  
9 that's going out this week.

10 THE COURT: Okay. So the defendants have  
11 not yet discovered the Offender Management--

12 MS. TOMASIC: No.

13 THE COURT: Which sounds like it's pretty--  
14 it's going to be a pretty voluminous document too?

15 MS. TOMASIC: I--

16 THE COURT: Because it itemizes each  
17 person's movement every time they move? Or how does  
18 that work?

19 MS. TOMASIC: It is, except that typically  
20 an inmate would stay in a particular pod for an extended  
21 period of time and only be moved if he was promoted to a  
22 particular work assignment or if he was demoted to  
23 segregation for getting in some sort of trouble. Then  
24 on a daily basis, there would not be anything  
25 documenting his movements except that if he had

1 particular medical call-outs or particular types of  
2 call-outs for work, that would be denoted within the  
3 system.

4 I have not looked at the full Offender  
5 Management System. Ms. Boyd has looked at it, and I  
6 will tell you I do have concerns that it's-- was  
7 produced in somewhat of a messy fashion by CCA, and  
8 Pauletta is working to clean that up. There would be a  
9 number of blank pages in the middle, hundreds of them,  
10 that just made it appear more voluminous than it  
11 actually was, but--

12 THE COURT: Okay. What about when an inmate  
13 leaves the pod to go visit with a visitor or an  
14 attorney? And I don't know, is that in a private room  
15 or is there a visitor room or how does that work?

16 MS. TOMASIC: The-- so in order to have a  
17 visit, there would have to be some sort of registration  
18 for the visit. It should be designated in the Offender  
19 Management System, but I will add that to something to  
20 check.

21 THE COURT: And there are cameras that are  
22 identified with particular-- the visitor room and  
23 attorney/client room as well, or no?

24 MS. TOMASIC: Yes. Except that there is  
25 no-- there are no audio in attorney/client unless

1 someone at CCA, an employee, took it upon themselves to  
2 turn on the audio. But I don't believe it's recorded.  
3 It's just that it would allow a particular CCA employee  
4 to listen in without recording if-- if the employee  
5 believes something was afoot that he needed to be aware  
6 of.

7 THE COURT: Okay. All right. Well, now  
8 that I have a better understanding, and hopefully maybe  
9 you all have a better understanding, because it sounds  
10 like Ms. Tomasic's understanding is developing as she's  
11 gathering records from CCA, I'm of the mind that we can  
12 justify each one of you getting the hard drives  
13 individually.

14 It sounds like it's going to be quite an  
15 undertaking to go through all of those. And even  
16 though, you know, maybe these hard drives include-- I  
17 don't know how many pods there are at CCA, I guess I  
18 should've asked, but let's just suppose there are eight  
19 pods at CCA and you really only need to focus on one, it  
20 still sounds like it's going to be a lot of hours of  
21 video to go through.

22 So, as I understand it from Ms. Shaneyfelt,  
23 the hard drives will cost around \$125 for each or about  
24 \$750 per defendant if you buy six; is that correct?

25 MS. SHANEYFELT: Your Honor?

1 THE COURT: Ms. Shaneyfelt.

2 MS. SHANEYFELT: If I might.

3 THE COURT: Yes.

4 MS. SHANEYFELT: We have-- they do think  
5 they can get them for about 100 or \$150 per hard drive.  
6 Mr. Naseem was good enough to talk with some of his  
7 technology experts, and he's come up with a couple of  
8 bids that would allow for six defendants in this case  
9 and then, by extrapolation, the other defendants who are  
10 impacted by this discovery that are charged in other  
11 cases, to take-- have a professional company do the  
12 copying of the original.

13 And for these six defendants, the total of  
14 that would be \$10,800. That is at \$300. It costs \$100  
15 for each actual hard drive and then \$200 for the labor  
16 of transferring the materials to the hard drive. But  
17 instead of it taking 20 days for each defendant, they  
18 could have a whole project done in 30 to 45 days for  
19 each of the six defendants in this case. So that might  
20 be another alternative.

21 THE COURT: Okay. So it would be a total of  
22 \$10,800, but that would suffice to take care of the  
23 defendants in this case, as well as the defendants that  
24 are pending sentencing?

25 MS. SHANEYFELT: No. That would just be the

1 six defendants in this case.

2 THE COURT: Okay.

3 MS. SHANEYFELT: That would provide six  
4 defendants with the six three-terabyte hard drives of  
5 discovery. Both the hardware and the labor of moving  
6 the discovery from one place to the next.

7 THE COURT: Is that-- and so is that a  
8 quicker timeline than what the U.S. Attorney's Office  
9 could do if they provided each-- each defendant with  
10 copies?

11 MS. SHANEYFELT: It's my understanding that  
12 it's taking about 20 days for the U.S. Attorney's Office  
13 to do each-- each copy.

14 THE COURT: Okay.

15 MS. SHANEYFELT: And so that would be  
16 20 times six defendants.

17 THE COURT: Obviously they have limited  
18 resources, they're not in the business to typically be  
19 doing this, so--

20 MS. SHANEYFELT: Right.

21 THE COURT: Okay. Well, I think that's  
22 reasonable then to do it all in one fell swoop, 30 to 45  
23 days. So-- so I guess the way to handle this is to  
24 submit-- break it into-- evenly across all vouchers and  
25 submit it to me that way.

1 MS. SHANEYFELT: I'm happy to do that on  
2 behalf of all defense counsel, just to do it in one  
3 voucher and then we'll divide it between the defendants.

4 THE COURT: Okay. All right. We'll do  
5 that. So-- and then the-- the index is available, but  
6 is it-- have you all received the index yet?

7 MS. TOMASIC: They have not. They-- each  
8 defense counsel has provided a one-terabyte hard drive  
9 and we are copying those for each defense counsel at  
10 this time. And the index is on that one terabyte hard  
11 drive. It should go out by Monday.

12 THE COURT: Okay.

13 MS. TOMASIC: I do want to say just because  
14 I-- obviously defense counsel all needs a copy of this  
15 surveillance footage, but I don't want the Court to be  
16 surprised at a later point. We are working on charging  
17 additional defendants and a significant number of them.  
18 Obviously it takes a lot of time to get the evidence  
19 together. So I don't want to mislead the Court down the  
20 road if a number of additional defendants are charged  
21 that would create additional need for surveillance  
22 footage to be produced to each of those defense  
23 attorneys at a later date.

24 THE COURT: And you're planning to supercede  
25 and do it in this case?

1 MS. TOMASIC: I-- if the time frame allows,  
2 yes. If not, it would be-- it would be a related case,  
3 filed as a related case.

4 THE COURT: Okay. All right. So the index  
5 will be going out on the one-terabyte hard drive  
6 everyone has already provided. The Offender Management  
7 System, you're trying to clean that up first but then  
8 push that out. And then look at the professional  
9 company going on making the copies.

10 Is there anything else that we need to talk  
11 about as far as discovery and-- I should tell you  
12 because I decided this was a case budgeting case, even  
13 without Ms. Shaneyfelt telling me-- me about her  
14 concerns, I would schedule it for an earlier status  
15 conference. I think we had this scheduled for a status  
16 conference maybe in August or September, but that's  
17 probably too late.

18 It's probably-- it's good to get-- kind of  
19 get ahead of it in a case like this where there's going  
20 to be a lot of money spent and time spent. So-- but I'm  
21 glad to hear it's-- it seems like it's-- it's being  
22 well-managed. And even though it's daunting, it's being  
23 well-managed. So what else can we talk about at this  
24 point, if anything.

25 MS. TOMASIC: There are some additional



1 discovery concerns that have arisen. So in speaking  
2 with Ms. Boyd, I know that typically the U.S. Attorney's  
3 Office sends out discovery in searchable PDF format. We  
4 have obtained a number of e-mails. I know the e-mails  
5 from one account was about - is it correct - 37,000?

6 MS. BOYD: (Nods head up and down).

7 MS. TOMASIC: 37 [sic] e-mails from one  
8 account from CCA, which would take about 200 days to  
9 convert to searchable PDF format. CCA has provided all  
10 e-mails in the last three years for CCA Leavenworth,  
11 which is about 40 million e-mails.

12 And, Your Honor I just want to explain that  
13 CCA's system is set up so that every day that passes,  
14 the front end of their retention period was deleting  
15 e-mails. And given that this case keeps identifying -  
16 at an alarming rate actually - new targets, I asked if  
17 CCA would consent to provide us all employee e-mails for  
18 CCA Leavenworth, to preserve those e-mails so that they  
19 would no longer be deleted. They have done that. The  
20 government is in possession of those e-mails.

21 Obviously that's an overwhelming amount of  
22 data, not only for the government but to defense  
23 counsel. As a prosecutor, I am in the untenable  
24 position of feeling like I need to turn over, pursuant  
25 to the U.S. Attorney's Office open file discovery

1 system, everything I have out of concern that there may  
2 be something exculpatory in there. I know, for example,  
3 possession of contraband, one of the defenses to  
4 possession of contraband would be acquiescence of people  
5 in a position of supervisory authority within the  
6 facility, for example hypothetically.

7 So I would prefer to be able to turn over  
8 all the e-mails not in PDF format because it simply--  
9 they could not be converted in a timely manner. It  
10 would take years to do that. To turn them over in the  
11 PST format, which is their native format, and allow  
12 defense counsel to upload those to Outlook and then they  
13 can search by user a particular account holder. And at  
14 this point, there may be less than ten account holders  
15 who would be relevant in the government's view.

16 I don't want to obviously suggest to defense  
17 counsel how to conduct their search. But moving  
18 forward, I think defense counsel will identify  
19 additional employees of CCA that they may wish to search  
20 their e-mails. I just wanted to throw that out to the  
21 Court. I don't know at this point what size drive  
22 defense counsel would need to provide to upload that,  
23 but I assume it will be a few terabytes, I want to say  
24 maybe three or four, but--

25 (Ms. Tomasic and Ms. Boyd confer).

1 MS. TOMASIC: Okay. And then in addition to  
2 that, there were approximately 50 electronic devices  
3 seized on the day of takedown. The imaging of those  
4 devices is complete. And if defense counsel wants a  
5 copy of the complete imaging, they will need to provide  
6 two 3,000-gigabyte drives. The images from those  
7 devices were seized from the residences of Lorenzo  
8 Black, Alicia Tackett, Anthon Aiono, Cathy Rowlette, and  
9 David Bishop. So I definitely believe that those  
10 devices are pertinent to those defendants.

11 And I leave it to the rest of the defense  
12 counsel to decide if they would like to provide two  
13 3,000-gigabyte drives. If not, the Secret Service is in  
14 the process of generating forensic reports, which would  
15 be much more manageable and smaller in size. And those  
16 will be produced to defense counsel in short order.

17 Other than that, I would just like to put on  
18 the record that proffers and interviews are being  
19 redacted and they will be available for in-house review  
20 next week. And I know the Court has expressed concern  
21 in the past about maintaining cooperator information  
22 in-house. And I just want to represent that I have in  
23 all other cases moved to the position that proffers can  
24 be sent out in unredacted form pursuant to a protective  
25 order.

1           But I can put on the record I do believe  
2 there is a substantial and significant reason to operate  
3 differently in this case. And I do believe there is a  
4 sufficient safety concern that proffers and interviews  
5 should be kept in-house in redacted form at least until  
6 much closer to trial.

7           I have arranged with Ms. Boyd to make  
8 multiple copies. And if defense counsel wants to come  
9 and view them, we have multiple copies available. We  
10 will find rooms to make them available. There should  
11 not be a single instance in this case of defense counsel  
12 wishing to review proffers or interviews at the U.S.  
13 Attorney's Office and not being able to do so because  
14 there is not a copy or a room available. We will find a  
15 room.

16           THE COURT: And can you do that both at your  
17 Topeka and Kansas City branches?

18           MS. TOMASIC: Yes, absolutely. And I  
19 believe that concludes my concerns.

20           The only other concern that I would have,  
21 and we would have to work this out with defense counsel,  
22 is we're sending out the one-terabyte drive that defense  
23 counsel provided. Obviously they're going to need to  
24 send either that drive back or a new drive back in the  
25 next two weeks so that the-- the last big round of

1 discovery can go out. Until we determine the size of  
2 the 40 million e-mails, though, I won't know exactly  
3 what size.

4 THE COURT: Okay. Let me ask you, just for  
5 clarity on the e-mails. So there are employees that are  
6 charged?

7 MS. TOMASIC: There's one employee charged.

8 THE COURT: One employee charged.  
9 Potentially more employees charged, I assume.

10 MS. TOMASIC: (Nods head up and down).

11 THE COURT: But I'm not-- when you say 40  
12 million e-mails over the last three years, that's for  
13 all employees?

14 MS. TOMASIC: Of just CCA Leavenworth. And  
15 I would point out that lower-level employees in the  
16 hierarchy, my understanding is, they do not have access  
17 to e-mail. So it's going to be e-mails solely for  
18 individuals in a supervisory position or at least  
19 corrections officers. But support staff such as like  
20 janitorial services, kitchen services, delivery  
21 services, those individuals do not have access to  
22 e-mail. That is how it was represented to me by CCA.

23 THE COURT: And explain to me why you think  
24 you need to disclose all of-- all of the e-mails.

25 MS. TOMASIC: Well, I think I need to

1 disclose all the e-mails because there's potentially  
2 exculpatory information in there. That way it's up to  
3 defense counsel to decide if there's a particular person  
4 whose e-mails they would like to search, then they can  
5 do so. Otherwise, I'm picking and choosing what I think  
6 may be exculpatory. And I don't want to be placed in  
7 that position.

8           Given the evidence we have at this time, the  
9 evidence suggests that there were a significant number  
10 of employees involved and that e-mails are pertinent to  
11 this investigation as far as designating what CCA  
12 employees knew was going on at the time and what they  
13 were doing to quell contraband and drug smuggling inside  
14 the facility, or rather not doing.

15           And then there would also be, in addition to  
16 that, there would be e-mails, for example, related to  
17 movement of inmates, the basis for movement of inmates,  
18 discipline of inmates for particular acts, decisions not  
19 to discipline inmates for particular acts.

20           THE COURT: So the e-mails might include  
21 communications about the charges, but also might include  
22 just communications about these particular defendants?

23           MS. TOMASIC: Yes, ma'am. Yes, Your Honor.  
24 And also about potential sources of supply, potential  
25 cooperators, other individuals involved in the drug and

1 contraband trafficking.

2 At this point, based on wire transfer  
3 information, the government believes that 95 inmates or  
4 more were involved in this conspiracy and 60 individuals  
5 or more on the outside working with them. And so it is  
6 a fairly widespread conspiracy. And I do believe a  
7 number of inmates, in addition to those charged here,  
8 their information would be contained in-- in the e-mail  
9 communications.

10 THE COURT: Okay. As far as the e-mails,  
11 what is your plan of action in terms of how to go about  
12 disclosing those in a way that-- well, you started off I  
13 think by saying you typically disclose things in a PDF  
14 format that's searchable. Is there a problem with  
15 respect to these e-mails?

16 MS. TOMASIC: The e-mails could not be  
17 converted in a timely manner to PDF. And so the  
18 government's plan is to distribute them in PST format,  
19 which is their native format, so that defense counsel  
20 can upload them into Outlook.

21 And, for example, the U.S. Attorney's Office  
22 has the same system for e-mails, and we have a search  
23 platform within Outlook that I use on a daily basis.  
24 You can search by content, you can search by user, you  
25 can search by date, you can search by recipient. And in

1 many ways, it's more usable, more user-friendly than  
2 just searching in searchable PDF format.

3 THE COURT: Okay.

4 MS. TOMASIC: And I want to clarify, I don't  
5 have my notes in front of me as to the exact number. My  
6 recollection from e-mail communications and from  
7 conferences with CCA's counsel, it's 40 million. But I  
8 could be wrong. They-- they provide an estimation as to  
9 all corporate CCA e-mails and then CCA Leavenworth  
10 specific. I believe it's between 30 and 40 million, but  
11 I couldn't give an exact number today.

12 THE COURT: All right. And you said-- you  
13 keep stressing that it's only specific to Leavenworth  
14 CCA, is that because there's some other institution  
15 involved?

16 MS. TOMASIC: No. CCA-- CCA's corporate  
17 headquarters is in Nashville. And they had to segregate  
18 out CCA Leavenworth's particular e-mails. I believe  
19 they have between 60 and 80 facilities nationwide that  
20 they manage.

21 THE COURT: Okay. Okay. Thank you.

22 Okay. Now that we've heard-- well, at least  
23 I've heard, maybe you all were aware of these additional  
24 types of discovery that are-- that will be coming, are  
25 there any concerns or questions or anything that-- from



1 the defense side that we need to discuss? Yes.

2 MS. DODGE: Yes, Your Honor. I don't know  
3 what the dates are as to what-- you know, how far back  
4 the government is going. I now have a new concern. I--  
5 I don't know whether there's going to be conflicts of  
6 interest that are going to come out of this because of  
7 previous clients that we have represented that have been  
8 housed at CCA, whether it be through the Western  
9 District of Missouri or through the District of Kansas.

10 And so I-- and I don't know that the  
11 government-- maybe they have-- I know they're-- they're  
12 very concerned about that as well. And so maybe they've  
13 checked all that out. I don't know what suspects  
14 they're looking at or targets they're looking at. But  
15 as to the people who were inmates that were in there, I  
16 think there's a good chance that out of the six of us,  
17 that we may have other inmate-- we may have other  
18 clients that are-- that are somehow going to be woven  
19 into this conspiracy.

20 And that-- that is a concern. You might be  
21 bringing in lawyers from the East and West Coast to  
22 handle this case in the future, I don't know.

23 THE COURT: That's a concern. That is a  
24 legitimate concern. What do you think your time frame  
25 is, Ms. Tomasic, in terms of additional indictments and

1 what-- can we expect those all in one fell swoop or  
2 waves or--

3 MS. TOMASIC: I have--

4 THE COURT: Because obviously there may be  
5 withdrawals and we've got quite a management problem on  
6 our hands here.

7 MS. TOMASIC: I've been maintaining a log of  
8 defense counsel, past and present, for individuals I  
9 intend to charge or who are already charged. And of the  
10 six attorneys that are currently representing charged  
11 defendants, I have not identified any conflicts.

12 As far as timing, we're moving as quickly as  
13 we can. We intend to charge-- given the volume of  
14 defendants, ultimately the goal is to charge in two  
15 separate cases so that the marshals service is not, and  
16 the Court also, and just as far as space, required to  
17 have more than 20 defendants in a courtroom at a  
18 particular time.

19 THE COURT: So you may be superseding to add  
20 another ten or so here. But then if-- beyond that,  
21 there would be a separate case.

22 MS. TOMASIC: Yes, Your Honor.

23 THE COURT: Which hopefully won't be  
24 assigned to me.

25 MS. TOMASIC: Yes, Your Honor.

1 THE COURT: Okay. Thought I'd go on record  
2 saying that, for whatever it's worth. Okay. Any other  
3 questions or concerns? Ms. Ambrosio?

4 MS. AMBROSIO: Your Honor, I just want to  
5 clarify because I'm concerned about the number that I've  
6 heard today that I haven't heard before as to what each  
7 individual defense counsel is supposed to provide in  
8 terms of disks.

9 I provided, and I think most people have, a  
10 one-terabyte disk. That was my understanding was going  
11 to cover a substantial amount of discovery. Of course,  
12 not that 18 terabytes that we talked about originally.  
13 But then I wrote down, maybe I heard it wrong, that we  
14 would have to return that one terabyte to get another  
15 terabyte or provide another terabyte disk? We can't  
16 really return it because there's really no place to put  
17 that terabyte once we get it on there.

18 THE COURT: Okay.

19 MS. AMBROSIO: And then I heard additionally  
20 that, and maybe I wrote this down wrong, that we would  
21 need two 3,000-gigabyte disks for the electronic  
22 devices, which I think is another six terabytes. Maybe  
23 I'm wrong about that.

24 THE COURT: Yeah, I think-- well, I-- so I  
25 heard the same. So 2 to 3,000 gigabytes for the image

1 devices. There's also going to be some Secret Service  
2 reports that will hopefully make that a little bit more  
3 manageable. But if you want the actual images of  
4 everything, 2 to 3,000 gigabytes.

5 The 40 million e-mails I think you  
6 estimated, Ms. Tomasic, that it could be three to four  
7 terabytes, but that you intend to produce it in native  
8 format that can be uploaded to Outlook, which would be  
9 searchable. And-- and that's one question I have, is  
10 how does that work for the six of you, what are we going  
11 to have to do to manage that piece of it? And then,  
12 yeah, I think that covers it for now, so--

13 MS. AMBROSIO: Okay. So it sounded to me  
14 like I need to provide two individual one-terabyte disks  
15 and then one that would hold up to three terabytes for  
16 the 50,000-- or for the 50 electronic devices. And then  
17 we'd have to deal with the e-mails at some other time.

18 MS. TOMASIC: Your Honor, as for the-- the  
19 50 electronic devices, whether a defense attorney wants  
20 to provide the 3,000-gigabyte drives, the two  
21 3,000-gigabyte drives is entirely up to them. That is  
22 just an image, a complete, perfect mirror image of all  
23 the devices that were downloaded.

24 Oftentimes defense attorneys do not want to  
25 take on that extraction because they couldn't do

1 anything with it, they would have to send it off to some  
2 sort of service to analyze how the device was  
3 downloaded, whether they believe it was accurately  
4 downloaded. This comes up sometimes in child porn cases  
5 and also in terrorism cases.

6 Whether defense counsel wants to undertake  
7 that here, I take no position. I'm just making it  
8 available to them. Otherwise, Secret Service is in the  
9 process of providing reports, which are forensic  
10 reports, which are easily readable and in PDF format,  
11 which will summarize from where certain data was  
12 extracted and then the nature of that particular data.  
13 So that's generally what's provided, but I did want to  
14 make that option available.

15 As far as the size of additional external  
16 drives that will need to be provided, I should have a  
17 better estimation of the total amount in the next week.  
18 The agent who needs to look at that, the amount, the  
19 volume of space that the 40 million e-mails takes on is  
20 at the Republican National Convention and he is in a  
21 supervisory position there and was not able to get away.

22 But as soon as he gets back, which I believe  
23 is early next week, that will be his first order of  
24 business. I will send out an e-mail to defense counsel.  
25 And I do not anticipate any additional large volumes of

1 discovery surfacing during the course of this case.

2 THE COURT: All right. So will you have  
3 available in the U.S. Attorney's Office a way that they  
4 can go in and at least view the entire mirror image  
5 first before-- and then decide whether they want to  
6 download it or copy it?

7 MS. TOMASIC: It is not-- I just spoke with  
8 Pauletta Boyd. It is-- the images are not in a format  
9 that our office can read. The agents could. And if--  
10 if defense counsel did want to go to the Secret Service  
11 and meet with the agents who undertook that image  
12 process, I could make them available to assist them in  
13 doing that.

14 Now, to the extent that defense counsel  
15 wanted to spend several full days there reviewing it,  
16 unless they have-- are extraordinarily computer savvy, I  
17 don't know that that would be fruitful for them, but I  
18 will make the agents available should they choose to at  
19 least see the process by which the devices were  
20 downloaded.

21 THE COURT: Well, it sounds like the best  
22 approach would be for them to start by looking at the  
23 Secret Service reports themselves. And when do you  
24 anticipate those will be available?

25 MS. TOMASIC: I have been in e-mail

1 communication with the agents, and the time frame I was  
2 given was five weeks. But that was contingent upon them  
3 having headquarters cooperate with them to download  
4 them, because so many of the Secret Service agents are  
5 at the Republican National Convention and then the  
6 Democratic National Convention.

7 I assure you I'm being very aggressive in  
8 trying to get them to get it done in a timely manner  
9 because I do understand the need to get this discovery  
10 to defense counsel. And I will continue to do so. I  
11 hope no more than five weeks.

12 THE COURT: Okay. I think maybe at our next  
13 status conference I'll just see where you're at on that.  
14 At this point I'd say don't go out and buy any  
15 additional hard drives for the images. Let's just get  
16 the reports in your hands and then we'll go from there.  
17 You've already spent money on one terabyte for the index  
18 and you're going to need to keep that on hand. The  
19 videos we've talked about. And then the e-mails being  
20 produced in native format, we're going to have-- well,  
21 when will those be ready to be disclosed in that format?

22 MS. TOMASIC: They are ready. The only  
23 issue is I don't know the total size that they occupy,  
24 and I will know that early next week. And I will e-mail  
25 defense counsel next week and let them know exactly what

1 size drive I need to provide them all of the e-mails.

2 THE COURT: Okay. So we're going to have a  
3 similar issue with this as we have with the CCA videos.  
4 And the question is whether it would make sense to have  
5 some professionals deal with that, too. If they're in  
6 native format, the way the U.S. Attorney's Office uses  
7 it is to download it into Outlook, which allows them to  
8 search. I don't know if all six of you have that  
9 capability individually or not. I know Outlook is a  
10 pretty common software, but that doesn't mean everybody  
11 has it.

12 Do any of you not have it or not have that  
13 capability or not sure?

14 MS. DODGE: I don't know. I mean, I have  
15 Outlook, but I-- I don't know how you can-- I don't know  
16 how it handles that much.

17 MR. HOFFMAN: Judge, Jason Hoffman on behalf  
18 of Mr. Aiono. We're kind of delving-- in my-- my mind,  
19 we're delving over into issues related to some case  
20 budgeting and defense counsel issues, as I see it. And  
21 I'm kind of wondering if maybe this might be more  
22 appropriate for an ex-parte proceeding now that we know  
23 what we're going to get, so that we can have that  
24 conversation about whatever issues anybody may have with  
25 regard to dealing with this discovery without the need



1 to have the government in the middle of it.

2 THE COURT: Okay. That's a good point. I  
3 think it's a little premature, too, until they give you  
4 all the information they have about the volume involved,  
5 et cetera, so-- which it sounds like you'll-- they'll  
6 know within the next week or two and you'll know within  
7 the next week or two, at least on this.

8 So I think you're right, Mr. Hoffman. I  
9 think this is probably as far as we can go today. But  
10 let's plan on having a case budgeting conference  
11 ex-parte in a month or so if-- if we're ready. We'll  
12 kind of play that by ear.

13 Ms. Shaneyfelt, you can let me know when it  
14 would make sense and not waste everybody's time so that  
15 we can get some things accomplished. But at least for  
16 now I'm going to approve how to handle the videos, so  
17 that can proceed. If it takes 30 to 45 days, we want to  
18 get going on that.

19 Okay. All right. Anything else?

20 MR. JACKSON: Your Honor, Mike Jackson on  
21 behalf of Catherine Rowlette. I think this case meets  
22 the criteria of appointing a coordinating discovery  
23 attorney. And I think you may have just said that when  
24 you said see if you can get the professionals involved.

25 THE COURT: That's not what I meant. I was

1 talking about like the company that's going to manage  
2 the videos. So let me hear from your-- on your idea on  
3 having a-- sort of a lead discovery attorney.

4 MR. JACKSON: I think it can be better done  
5 through a motion. But they, of course, would organize  
6 the receipt and distribution of all discovery. If we're  
7 talking about a lot more defendants, it should-- we  
8 should start immediately with organizing it.

9 This was used in the *Perez-Acala* case, which  
10 was a 54-defendant case, and it cut a lot of attorney  
11 time. So I'm sold on that kind of an approach. But  
12 like I said, I think I can put that in a motion.

13 THE COURT: And again, that's something I  
14 think we can talk about at our next-- at our case  
15 budgeting conference for that matter. But if you want  
16 to proceed by motion, that's good. That's fine.

17 MR. JACKSON: Thank you, Your Honor.

18 THE COURT: Okay. Are you volunteering for  
19 that position, Mr. Jackson?

20 MR. JACKSON: Yes. I can't hardly turn you  
21 down. Could I have two weeks?

22 THE COURT: No, I meant, are you  
23 volunteering for the person that would serve as the  
24 coordinator?

25 MR. JACKSON: Oh, no. You know, even what's

1 a docking station, I have to go to Google to figure that  
2 out. If we have 50 devices, each one of those devices  
3 are run by a specific software. So how would we even  
4 approach looking at what was on those 50 devices? You  
5 know, it could be in Mac or it could be in Microsoft  
6 Word, or-- and a coordinating discovery attorney, one of  
7 them that we used in *Perez-Alcala* was Berkowitz Oliver.  
8 They do this all the time. They do it for huge civil  
9 cases so that they could organize it and save an immense  
10 amount of time.

11 THE COURT: You're talking about Mr. Naseem.  
12 He's got some sort of national position that he serves  
13 in this capacity, so we probably ought to talk to him.

14 MR. JACKSON: But I thought you were talking  
15 about filing a motion, I'll do that.

16 THE COURT: Okay.

17 MR. JACKSON: All righty, thank you.

18 THE COURT: All right. Okay. Anyone else  
19 while we're all here? I think this has been productive.  
20 I'm glad we did this today rather than later. Mr.  
21 Jenab?

22 MR. JENAB: Judge, I do have an issue, but  
23 it pertains to Mr. Black only.

24 THE COURT: I-- I wanted to talk to you  
25 about that as well. So we can recess with respect to

1 everyone else. What's the next date that we had on the  
2 docket?

3 COURTROOM DEPUTY: The date that we have--

4 THE COURT: September?

5 COURTROOM DEPUTY: Yeah, September 19th at  
6 9:00.

7 THE COURT: Okay. So I-- we're going to  
8 have another status conference on September 19th with  
9 everybody, government included. But we'll figure out  
10 later when we need to have a case budgeting meeting.  
11 Okay?

12 All right. So I'll excuse everyone except  
13 Mr. Jenab and his client.

14 (Defense counsel and defendants were excused  
15 from the courtroom).

16 THE COURT: Mr. Jenab.

17 MR. JENAB: Thanks, Judge. Your Honor, Mr.  
18 Black was recently transferred to-- he was taken out of  
19 CCA and he was sent to the Leavenworth County jail. I  
20 know he wrote the Court a letter, and I think in that  
21 he-- he thought I had something to do with it. He and I  
22 have talked since then and he understands that-- that  
23 that move was not related to me.

24 I had asked that he be taken out of  
25 segregation at CCA and allowed to go into the general

1 population. The government made the decision, in  
2 conjunction I believe with the marshals service, to  
3 instead move him to Leavenworth County jail. And the  
4 difficulty with that facility is that it has literally  
5 no federal materials there at all. There's no ability  
6 for Mr. Black to assist in his defense by reviewing, you  
7 know, federal-- specifically federal legal materials the  
8 way that an inmate at CCA, for example, can do.

9 And I-- I wanted to sort of again bring that  
10 to the Court's attention, that Mr. Black feels that he  
11 should be allowed to be at a facility where he can be of  
12 more help to his own defense.

13 And, Judge, I would also just say right now  
14 that this case is turning into such a hugely protracted  
15 affair, I think he needs to be put on bond. And I-- I  
16 intend to file a motion. I don't think it's fair in any  
17 way that Mr. Black should have to sit in custody for  
18 what looks like it may be three years or more before we  
19 can-- we can realistically get to a trial of this  
20 matter.

21 But in the meantime, while he is in custody,  
22 and we wanted to ask the Court to-- to consider ordering  
23 that he be sent back to CCA, even if-- even if that  
24 means he has to be in segregation, he would much rather  
25 put up with that if it means that he has the opportunity

1 to have a-- a meaningful law library at his disposal, or  
2 moved to a-- a different facility where he would be able  
3 to conduct legal research.

4 THE COURT: I don't know if the government  
5 has any response.

6 MS. TOMASIC: Your Honor, I would oppose the  
7 request that he be moved back to CCA. The government,  
8 in coordination with the marshals service, looked at the  
9 hierarchical positions of the individuals involved in  
10 this alleged conspiracy and also looked at the conduct  
11 that we have learned these individuals have engaged in  
12 since being put in the facility. And based on those  
13 factors, decided who needed to be moved out of CCA, what  
14 types of separatees needed to be placed on particular  
15 inmates.

16 With respect to Defendant Black, the  
17 government has obtained information through cooperator  
18 statements suggesting that Mr. Black has been  
19 instructing his co-defendants and other individuals at  
20 CCA not to proffer about methamphetamine, to proffer  
21 specifically about synthetic cannabis and tobacco,  
22 because his understanding of the guidelines, accurately,  
23 is that methamphetamine carries a much heavier weight.

24 I-- as I discussed with Mr. Jenab before  
25 this hearing, there's a fine line between instructing

1 and intimidating. In the government's view, Mr. Black,  
2 because of his position in the conspiracy and also  
3 because of the nature of the statements he's making, I  
4 view those as intimidating statements. I view them as  
5 obstructive statements.

6 And I have coordinated long-- I've  
7 coordinated at length with the marshals service, like  
8 playing a game of chess, to put cooperators in certain  
9 pods, cooperators at certain facilities, perpetrators  
10 who I see as intimidating perpetrators in other  
11 locations. I believe every contracting facility with  
12 the United States marshals service in Kansas and  
13 Missouri, in addition to CCA, has multiple defendants  
14 and targets and cooperators housed in different  
15 positions. There's simply nowhere left for Mr. Black to  
16 go because of the conduct that he has chosen to  
17 undertake, both as part of his underlying case and since  
18 he's been charged.

19 In addition, I would also note that just  
20 recently, in fact today, I received reports suggesting  
21 that Mr. Black was found in possession of tobacco and he  
22 has been reprimanded at Leavenworth. The exact same  
23 conduct that he was helping to facilitate as part of his  
24 underlying case.

25 So for all of those reasons, he-- I believe

1 that he lives by the conduct that he has chosen to  
2 undertake, which is intimidating witnesses, obstructing  
3 witnesses in his case, and also continuing to engage in  
4 criminal activity.

5 THE COURT: All right. Mr. Jenab, I will  
6 invite you to move in writing for the relief that you  
7 seek. And it sounds like you were planning to move in  
8 writing for release on bond, I guess an appeal from the  
9 detention order. There's a detention order in this  
10 case, is there not?

11 MR. JENAB: There is, Judge.

12 THE COURT: In the meantime, Mr. Black's  
13 letters, or at least his grievance forms that I've been  
14 provided, do ask for some specific things that I think  
15 could surely be provided to him in paper form, assuming  
16 that's something you could take to him at Leavenworth  
17 and leave with him.

18 MR. JENAB: Judge, I'm certainly in the  
19 interim going to do what I can in terms of providing him  
20 with what I think are the most relevant portions of the  
21 federal sentencing guidelines, some basic case law  
22 regarding, you know, drug conspiracy. Obviously I can't  
23 act as a substitute for a law library, but to the extent  
24 that I can-- can help him with some of the more basic  
25 resources, I certainly will do that.



1 THE COURT: All right.

2 MS. TOMASIC: And, Your Honor, not specific  
3 to Mr. Black, I do want to put one additional factor on  
4 the record. I know as prosecutors we sometimes think--  
5 say the sky is falling every time. I don't think that  
6 that's my character, but I do just want to add to the  
7 record and let you know that the warden of CCA actually  
8 called me yesterday and explained that she had certain--  
9 a certain inmate and more who were completely out of  
10 control that were intimidating other witnesses in this  
11 case. That she had moved him to segregation. And in  
12 response to moving this particular inmate to  
13 segregation, another inmate who had voluntarily gone to  
14 segregation after faking an illness multiple times,  
15 asked to be moved out of the facility.

16 I have had no less than half a dozen inmates  
17 write me letters, call me, saying, "Please get me out of  
18 here. I'm going to get killed because of this case."  
19 So I-- I'm not exaggerating when I say that there are  
20 significant danger issues in this case, intimidation of  
21 witnesses. And a lot of individuals are being impacted  
22 by this case.

23 I know that you haven't accused me of  
24 exaggerating. I just want to let you know that the  
25 government's position in this case is very sincere. We

1 are looking out for the safety of the individuals  
2 involved, and we're trying to move this case along as  
3 quickly as we can, so that we can get these folks off to  
4 BOP so that they're apart from each other.

5 THE COURT: All right. I understand. It  
6 sounds like this was a very difficult situation. And  
7 I'm not in a position to-- I mean, I'm just-- you're  
8 providing me with information to give me some indication  
9 of some of the challenges that are had in terms of  
10 housing defendants.

11 And it's always difficult when they're--  
12 it's a multiple-defendant case, and particularly when  
13 there are witnesses that are incarcerated, defendants  
14 incarcerated. And perhaps, as you've indicated today,  
15 additional potential defendants and probably potential  
16 witnesses incarcerated all together. And there's only  
17 so many contract facilities available in the marshals'  
18 contract that-- that would allow for them to be  
19 separated.

20 So I-- if you want to take this up in  
21 written motion, we can certainly do that. And in the  
22 meantime, I think it's advisable that you provide Mr.  
23 Black with the specific things he asks for, as-- as well  
24 as the statutes that he's charged under and the, you  
25 know, sentencing guidelines that I think-- that you

1 think might be relevant.

2 And frankly, Mr. Black probably needs to  
3 read the guidelines on obstruction and how that might  
4 enhance one's sentence, because there are at least  
5 allegations that he's doing that. And, of course,  
6 there's potential additional charges that may come from  
7 that.

8 And I just caution you, Mr. Black, you need  
9 to be very careful. Because in my experience, what  
10 happens is if someone-- if there's evidence developed  
11 that someone is obstructing, intimidating, trying to  
12 affect witness testimony, typically the grand jury will  
13 supercede with a new indictment, add those charges in  
14 with the-- the underlying charges. And all of that is  
15 tried together because it's related.

16 And it does not play well with juries. I  
17 mean, you know, a jury that might otherwise be inclined  
18 to think that, you know, there's a reasonable doubt on  
19 the underlying conduct is surely going to be influenced  
20 by other evidence that shows that, you know, you're  
21 trying to affect witness testimony on that.

22 That's something that I think reasonable  
23 people might believe is the actions of a guilty person,  
24 not an innocent person. So you have to-- I'm just  
25 cautioning you. I hope you're not doing that. There's

1 certainly allegations that you are, and there are  
2 consequences if it's proven that you're doing that,  
3 either by virtue of new charges being brought or just,  
4 you know, a higher sentence in this case if it's proved  
5 that you obstructed-- if you're convicted in this case  
6 and it's proved that-- at sentencing that you  
7 obstructed.

8           So all right. We'll take up any motions you  
9 file, Mr. Jenab, should you choose to file them. And  
10 otherwise, we'll see you back I think it's  
11 September 19th for the next status conference.

12           All right. We'll be in recess.

13           (4:29 p.m., proceedings recessed).

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C E R T I F I C A T E

I, Kelli Stewart, a Certified Shorthand Reporter and the regularly appointed, qualified and acting official reporter of the United States District Court for the District of Kansas, do hereby certify that as such official reporter, I was present at and reported in machine shorthand the above and foregoing proceedings.

I further certify that the foregoing transcript, consisting of 44 pages, is a full, true, and correct reproduction of my shorthand notes as reflected by this transcript.

SIGNED July 25, 2016.

/s/ Kelli Stewart

Kelli Stewart, CSR, RPR, CCR, RMR