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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BEFORE HONORABLE CATHY ANN BENCIVENGO, JUDGE PRESIDING

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CASE NO. 18CR5260-CAB
)	
vs.)	
)	SAN DIEGO, CALIFORNIA
SALAM RAZUKI (1), SYLVIA)	
GONZALES (2), ELIZABETH JUAREZ (3),)	
)	OCTOBER 2, 2020
Defendants.)	

STENOGRAPHIC REPORTER'S TRANSCRIPT OF PROCEEDINGS
TELEPHONIC STATUS HEARING
PAGES 1-23

Proceedings reported by stenography, transcript produced by CAT software

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1 San Diego, California; Friday, October 2, 2020; 1:30 p.m.

2 (Case 18CR5260-CAB called)

3 MR. YOON: Good afternoon, Your Honor. Antonio Yoon
4 and Tom Warwick on behalf of Mr. Razuki, who is present
5 telephonically.

6 MR. FUNK: Brian Funk on behalf of Ms. Gonzales, who
7 is present on video from CCA.

8 MR. BLOOM: Good afternoon, Your Honor. Allen Bloom
9 appearing telephonically on behalf of Ms. Juarez. Ms. Juarez
10 is waiving appearance for this hearing today. She is aware of
11 it and has waived her appearance.

12 THE COURT: All right. Thank you.

13 MR. SHEPPARD: Fred Sheppard on behalf of the United
14 States.

15 THE COURT: Thank you, Mr. Sheppard.

16 Good afternoon, Ms. Gonzales.

17 THE DEFENDANT: Good afternoon.

18 THE COURT: This was schedule for motion hearing
19 today. No motions were filed, so I just turned it into a
20 status. I'd like to talk about setting a trial date for this
21 case. But before we get into those dates, is there anything
22 counsel wants to bring to the Court's attention?

23 MR. YOON: Your Honor, for the record, this is Antonio
24 Yoon on behalf of Mr. Razuki. To put some context into, I
25 guess, what my potential issue is, on May 15th, Your Honor, we

1 had our last hearing. That hearing was brought up because, in
2 our opinion, the government has failed to comply with the
3 Court's order which is document 74. That was the January 21st,
4 2020, where the Court ordered the government to make a final
5 disclosure of the name the witnesses and evidence it intends to
6 use in its case in chief and provide any expert disclosures.

7 On April 3rd, the government did provide us with a
8 list of 143 witnesses. That prompted the motion to compel
9 compliance with the Court's order number 74. On May 15th, Your
10 Honor, we were before the Court because the government claimed
11 that given the pandemic, which was understandable, their
12 investigation had sort of dropped off. People weren't being
13 able to be interviewed. And so I thought that the Court asked
14 the government at that point how long will it be before you can
15 complete your investigation and give us an informed decision of
16 where that is and what the list -- the list of witnesses is.

17 To date, Your Honor, we have not received any status
18 of that investigation, we have not received any additional
19 reports, and we have not received any additional evidence. So,
20 I think that's one of the issues that we need to resolve at
21 this point.

22 THE COURT: Okay. Thank you.

23 Mr. Sheppard.

24 MR. SHEPPARD: I am ready to set it for trial. I told
25 counsel that we'd be seeking a trial date. We're ready to set

1 a trial date and comply with whatever scheduling orders the
2 Court sets, which prior to closure were taken off calendar. We
3 will provide discovery as it's coming through. Certainly,
4 there will be additional discovery as far as interviews and
5 reports. But I told counsel that when they emailed me a couple
6 weeks ago. I said we would be prepared to set a trial date.

7 THE COURT: Have you made any progress with cutting
8 that list down?

9 MR. SHEPPARD: Yes. I also told them that.

10 THE COURT: Okay.

11 MR. SHEPPARD: That I would be able to cut it down. I
12 told them that. And in full disclosure to the Court, I believe
13 that if it is still a -- if a witness that's four months out,
14 that in light of that and, certainly, in light of these
15 circumstances and availability constantly shifting, I would --
16 I am going to be seeking to call more than witnesses than I
17 normally would so I can make sure that I can prove up my case.
18 We will continue to call that down all the way.

19 THE COURT: Okay. I get your point. Although I can't
20 imagine that of 143 people, they're all equally fungible. That
21 if you can't get number 12, you'd use number 122. There has
22 got to be some core group of people who are essential to your
23 case who you anticipate calling. And, yes, as we get to trial,
24 if they, for some reason, become unavailable, you may need to
25 substitute someone. But, again, there's got to be some subset

1 of that 142 people that you would identify in the first
2 instance.

3 MR. SHEPPARD: Yes. I already told them that that
4 that was the case.

5 THE COURT: All right.

6 MR. SHEPPARD: Yes.

7 THE COURT: Then with regard to setting trial, this
8 case is a little more complicated given that there are three
9 defendants. And, I mean, as you look around in my courtroom,
10 my ability to have a three-defendant trial and socially
11 distance everybody is complicated. Now, if defense counsel
12 feels like they're comfortable if we're still in a socially
13 distancing environment, and April is the date I am proposing,
14 that you would be okay to sit next to your client, that I could
15 station you so you're not on top of each other, then we could
16 potentially proceed here.

17 The jury would be sitting in the gallery, not in the
18 jury box, so the whole case would be turned around and tried to
19 the back of the room. That's the layout that they're using
20 right now for the judges who have done criminal trials. Any
21 observers would be able to potentially observe by having the
22 proceedings be video monitored from another courtroom so that
23 they could sit and watch, but there wouldn't be anybody in here
24 but the jury, the witnesses, and the parties.

25 So I could try to get a larger courtroom, 4D, Judge

1 Sammartino's courtroom, which would give us a little more
2 space. But if she's using it, obviously, she has priority for
3 it.

4 So with that understanding and recognizing -- I don't
5 know if any of you are familiar right now with the way we are
6 doing trial scheduling, but we are using jury assembly for voir
7 dire so that we bring in your panel and so that people can be
8 distanced, we have to do the selection in a larger room than we
9 would do it here. So only one judge a day can select a jury
10 because there's only the one room available. And so we're on a
11 kind of rotating calendar of when we have priority to use that
12 room.

13 My priority date in April would be April 15th for jury
14 selection date and proceed with trial, and to do it up here.
15 So that's the date I want to propose for trial to begin. It's
16 a Thursday, unfortunately, but that's my date for rotation. We
17 would start on April 15th, pick a jury that Thursday, have
18 openings, hopefully, the same day, have trial on Friday, and
19 then proceed into the following week. And I would -- I believe
20 we previously estimated six days would be sufficient for this
21 case?

22 MR. SHEPPARD: Probably -- five to seven days is what
23 I said. Whatever.

24 THE COURT: So we would continue the 19th through the
25 22nd of April, and if need be, go to the 23rd. And I'd vacate

1 my criminal calendar that day to finish the trial.

2 So those are the dates I want to reserve for you.

3 Does anybody offhand already know that that would not work for
4 you? Because if it's not April, I am looking out to June,
5 July.

6 MR. WARWICK: May I be heard?

7 THE COURT: Yes.

8 MR. WARWICK: Your Honor, I am in a group that is high
9 risk, as is Mr. Bloom, and based upon current events today, I
10 have a concern about my health and also the co-counsel's
11 health, and I would hope that we would be able to maybe be in
12 period where there's some vaccine or something that could ease
13 us from those risks. I would do anything for my client, but I
14 don't want to do something that is expedient but not necessary.
15 Your Honor, I have a real concern that both Mr. Bloom and I
16 are--

17 THE COURT: Counsel, you can't be that much older than
18 me. Don't make me feel that bad.

19 MR. WARWICK: But, Your Honor, I have a significant
20 concern about that. I have other concerns, but I don't know
21 whether you want me to express them. At least in speaking with
22 state court, state court has looked at the possibility -- I
23 have spoken to judicial officers about the amount of people
24 that they're actually getting from jury subpoena.

25 THE COURT: We're doing surprisingly well here. I

1 thought the big roadblock was going to be because structure and
2 procedure and all that and nobody would show up, but they're
3 sending out summons and getting pretty much the same size panel
4 we would get, and a representative panel of the community.
5 Very few people have actually said they are concerned to come
6 because of COVID.

7 Now, I understand that is a constantly evolving
8 situation, but currently people are coming in. It's a little
9 surprising. I know everybody wants to go to their favorite
10 restaurant and get their hair cut, and go to a football game.
11 And, oh, jury duty? Maybe not so much. But they are actually
12 willing to do that.

13 MR. WARWICK: Well, Your Honor, I appreciate the
14 segment of the population that is willing to come in. I think
15 it is applaudable for them. But, obviously, motions with
16 regard to venire and whether it is encompassing as we normally
17 expect to see in a jury situation, and assuming -- I
18 appreciate -- I assume the Court appreciates the fact that
19 given the fact that whether you're a COVID defender or a COVID
20 deplorer, it has become somewhat of a political issue in our
21 society, that potentially the jury venire might be steered one
22 way or the other based upon -- I don't have any statistics to
23 justify that, but I do have a gut reaction. And in speaking
24 with a jury selection expert, at least, that information has
25 been pointed out by some jury trials in state court. Obviously

1 different. Not federal. And I can't cite to things that have
2 happened here. But I do have those concerns, and I haven't
3 vetted them because it hasn't been ripe at this particular
4 point, and we'll probably have some more experience before we
5 get into next year.

6 THE COURT: Are you basically saying, to sum up on
7 this, in light of your health concerns, which the Court
8 appreciates, and they're legitimate, you want to just not set a
9 trial date right now and set this for a status again in a few
10 months to see where we are?

11 MR. WARWICK: Your Honor, I'd like two things to
12 happen. That, yes.

13 And number two is, when we first got here back in
14 April, the Court made it clear before that to the government to
15 do certain things. And the government basically gave us a list
16 of 140-some people's names. And the Court said no, no, no,
17 you're going to cut it down. And we came back later in May and
18 there was no cutdown and there was no additional information.

19 Now, the Court, I specifically remember -- I don't
20 have a transcript -- asking the U.S. attorney, How long do you
21 think it would take you and the FBI to get out there and take
22 your interviews, come back here and give us a definitive on
23 limited -- it can be amended based upon additional information,
24 but give us something that is the best estimate of where we are
25 and the result of all your investigation.

1 We have not gotten one report of one person they've
2 interviewed. And they have had four and a half months. We
3 have not gotten one report of any additional -- no exculpatory
4 or inculpatory evidence that has been generated. The U.S.
5 attorney said this would be the date when I would be able to
6 give you that information.

7 MR. SHEPPARD: I didn't say --

8 MR. WARWICK: And, unfortunately, we have -- and I
9 recognize there would be problems with some people, some
10 interviews. But nothing?

11 MR. SHEPPARD: That's not true.

12 THE COURT: I'll give you a chance to respond. You
13 don't need to interrupt.

14 MR. WARWICK: That seems, to me, to be inconsistent
15 with the state facilitated court when we were given four and a
16 half months --

17 THE COURT: All right. All right. Thank you.

18 Mr. Sheppard.

19 MR. SHEPPARD: I don't know what it takes. We will
20 comply with whatever scheduling orders this Court gives. It
21 was a four-month thing. We have been doing and meeting with
22 FBI agents. I have met with other witnesses. We have talked
23 through and went through and tried to figure this out. We
24 still have some more to do. We will make that list. If Your
25 Honor wants to set it four months before trial, my suggestion

1 would be to set the trial date because it seems like if we're
2 waiting several months, we're missing out on that date;
3 whereas, if we at least reserve the date, we would have at
4 least the hope to actually go forward and conclude this matter.

5 But this -- what was said was to be done and be in a
6 position to set a trial date and set this closure date
7 accordingly. I agree, let's do that. Let's go. I told
8 counsel we would do that. Yes, there will be some more
9 discovery coming forward. Our office certainly is just now
10 starting to come online a little bit. We had another episode
11 in our office this week, so we're working through it. I will
12 provide some discovery, but I am ready to set the date.

13 THE COURT: All right. Thank you.

14 MR. WARWICK: Your Honor, I am taking the U.S.
15 attorney at his word. I trust his word. He hasn't had -- but
16 it sounds like he told us that he's got a bunch and he's got
17 reports and they got interviews and they have spoken to people,
18 and it seems to me that at some point, based upon the Court's
19 prior request, we should get that. And we told the Court that
20 once we get all this stuff, then we're in the position to make
21 additional motions or argument.

22 THE COURT: Okay.

23 MR. WARWICK: So the condition precedent --

24 THE COURT: I understand.

25 Mr. Funk, anything?

1 MR. FUNK: Your Honor, if I can be heard? My client
2 is in custody, in custody close to two years now. I am all for
3 getting a trial date sooner than later, though I am very
4 concerned about the Court's statement that we're going to have
5 to sit next to our client. I don't know, with her being in
6 custody, that changes daily. And the MCC went on complete
7 lockdown and had about a 95-percent positive rate. I don't
8 know what her rate is going to be now that she's at CCA. That
9 has positive cases. I am concerned about that. But I want to
10 set a date and I want to have some hard deadlines so we can
11 force the government to finally narrow things down.

12 THE COURT: All right. Thank you.

13 Mr. Bloom, is there anything you would like to add?

14 MR. BLOOM: Yes, Your Honor. Mr. Warwick has
15 accurately characterized what has happened with regard to the
16 143 witnesses and if that has not been pared down, that would
17 be something approximately 125 witnesses -- a 124 witnesses to
18 date.

19 But I want to address the other issue that Mr. Warwick
20 raised, which I think is a very valid one. That is, mainly,
21 that we don't have very much experience of knowing of whether
22 or not we're really getting the diverse cross-section of
23 community that we normally get when we have regular jury
24 trials. And as Mr. Warwick has said, I think, quite accurately
25 that there has been a politicalization of those who are COVID

1 believers and COVID deniers and those who have a higher risk
2 level and a lower risk level, and we don't have very much of
3 a-- we have zero statistical confirmation that the panel that
4 we would be getting in April would be representative of our
5 community.

6 So it's my request that the Court set that as a status
7 conference instead of setting a trial date. I understand -- in
8 terms of what Mr. Sheppard has to do, I understand he's going
9 through a process and so forth and we would eventually get a
10 date and receive that information, but I don't want to even
11 address that now. I am just concerned about the nature of our
12 jury panel.

13 For example, I don't know if the Court knows the
14 answer to this question, but how many jurors are responding to
15 the summons that go out as compared to the number of summons
16 that went out beforehand? Are we sending out three times as
17 many summons and getting a sufficient number of people? We
18 know that the jury panel created in the federal system in our
19 district is deficient to meet constitutional grounds pre-COVID.
20 I just don't believe we have any information that says that
21 that's correct now.

22 And I simply think that more time will allow this
23 Court to kind of gain that information, there be enough
24 information to answer that. So I am concerned about having a
25 pre-skewed jury panel to respond to us.

1 I join in Counsel's confirmation of 143 witnesses. I
2 don't have anything more to add to that. I have a passion
3 about it, but I don't have any more information to tell the
4 Court about that.

5 THE COURT: All right. Thank you.

6 Mr. Yoon, you're not going to double team, but is
7 there anything else you wanted to add?

8 MR. YOON: No, Your Honor. I do want to ask for some
9 deadlines today.

10 THE COURT: And that's what I am going to do. I
11 understand all the reservations. It is just a reserved date in
12 April, and we will -- we will meet at least two or three more
13 time before then, before we lock in to do that. And I
14 understand it's a very fluid situation. Things could be way
15 better if a vaccine actually materializes. It could be way
16 worse. There's no way to know right now.

17 But I do think to give everybody some structure here
18 and get some commitments on the page and move this case
19 forward, I am going to give you some dates. So November 30th
20 for the government, any outstanding discovery that you have at
21 that point; Rule 16, any disclosures you have not yet made in
22 accordance with Rule 16 regarding experts needs to be done; and
23 the witness list needs to have a meaningful subset of who you
24 think you will be calling in your case in chief for a trial
25 that's going to be six days. So it cannot be 100 witnesses, it

1 can't be 50 witnesses, it has to be the people you think you're
2 really going to call.

3 MR. SHEPPARD: And just to be clear, when I was trying
4 cases in front Judge Benitez with five defendants, I was
5 calling in the neighborhood of 10 to 17 witnesses a day, so.
6 And, in fact, I think --

7 THE COURT: Counsel, if you legitimately think you can
8 do that and these people have such little soundbites that
9 you're going to get through that many that day and that's your
10 real honest estimate, then fine, I'll accept that. But just
11 recognize that I find that a little surprising. But, again,
12 that's fine. I just want it to be your real list.

13 MR. SHEPPARD: It will be.

14 THE COURT: And I understand that the list has not
15 been artificial. It's just been sort of a catchall to cover
16 everybody. But by the end of November, I expect that you
17 should have a list of the people that you planned that you
18 would call in your case in chief, who they are, and whatever
19 reports that you're required to give them under the rules based
20 on the interviews with those witnesses, that you'll able to
21 provide that. And it is not if they weren't on that list or on
22 that subset list that you'll be precluded from calling them if
23 you have good cause to have to substitute someone out, but I
24 don't want the list to be everybody because you're trying to
25 preserve that right. Do understand what I am saying?

1 MR. SHEPPARD: Yes.

2 THE COURT: Okay. And, again, any other discovery
3 that comes to your attention that has not been produced to
4 counsel needs to be completed by November 30th, and the Rule 16
5 disclosures.

6 I will set a general motion date for February 11th at
7 10:00 a.m. So if there are any motions that flow from the
8 final disclosures that the government gives you on November
9 30th, you need to file those motions by January 21st,
10 oppositions will be due February 4th, and I'll hear those
11 motions on February 11th. I am going to do a written order
12 with all these dates, not just a minute order, just to make
13 sure that they're clear.

14 I am going to tentatively, again, set motions in
15 limine to be heard March 11th at 10:00 a.m. They would need to
16 be filed by the 25th of February with oppositions by March 4th,
17 and the trial dates will be reserved, as the Court said, for
18 April 15th and 16th and then the 19th through the 22nd.

19 I am happy to hear argument either at the motion
20 hearing date or the motion in limine regarding jury
21 composition; not speculative, but actual evidence you might
22 have regarding issues that would be why we can't sit a jury
23 that reflects the community or any other issues regarding
24 health and safety. I am happy to talk about them.

25 And, again, these are just dates because this case

1 needs some dates. It's really old. I have one defendant who
2 is still in custody now, so we need to get things moving
3 forward.

4 So anything else, Counsel?

5 MR. WARWICK: Your Honor, if I could be heard? Tom
6 Warwick on behalf of Mr. Razuki. Your Honor, we're
7 anticipating -- what I think will happen is that on
8 November 30th, we may get some discovery. What I would ask the
9 Court, if they have heard from people they plan to call or
10 people they are not going to call that they have interviewed,
11 give it to us now or as they get them rather than a dump on the
12 30th. We're standing here saying, Well, we don't know what's
13 in this. I would ask that the government provide us -- within
14 say a week, provide it to the defense and review what they've
15 got so that moving the case forward can be done efficiently,
16 rather than all --

17 THE COURT: All right. That's a reasonable request.

18 MR. SHEPPARD: I've never done a dump on defense
19 counsel in this case or any other case. We're trying to
20 process discovery. I am not going to wait to November 30th to
21 hand it over. I've never done that in this case with any of
22 these counsel with regard to it. So the implication that in
23 some way I am going to sandbag them on November 30th is
24 unfounded. Yes, we will provide discovery ahead of
25 November 30th. I will continue to provide discovery as we

1 process it and get through it.

2 THE COURT: All right. All right. Your request is
3 the same, keep it rolling. And counsel has agreed that he will
4 do that. November is the last day, not the date to do it. I
5 think you understand that and will follow that. And then have
6 you approximately eight weeks from that last day of production
7 until you have to file motions to address issues, which should
8 be plenty of time, even if you get a substantial amount of
9 information on the last day to be able to prepare for motions.

10 MR. WARWICK: I have a client who has never been
11 through a proceeding. The Court has made the order now the
12 third time, and not one scintilla has been produced.

13 THE COURT: All right. You know what? I've heard it
14 all. I've given you dates. Again, there are going to be
15 issued in an order in writing as explicitly and detailed as the
16 Court can make it. And if there's another problem, I will hear
17 it the next time you're here. Counsel, your client has not
18 been through this, that's why he has you and Mr. Yoon, because
19 you have.

20 What else?

21 MR. YOON: Your Honor --

22 MR. BLOOM: If it please the Court, Your Honor?

23 THE COURT: I am sorry. Mr. Yoon was about to address
24 the Court go ahead.

25 MR. YOON: Your Honor, can we also just add the same

1 language that was adopted in document 74 which is: The
2 government will make a final disclosure of the name of
3 witnesses and evidence that is to be used. The reason that's
4 so important is that will shave a lot of motions to file in
5 terms of what we want to exclude and what we don't, are there
6 any hearsay relevance. We can also add a good faith estimate
7 of what evidence they're going to use and what they're going to
8 rely on.

9 THE COURT: All right. Mr. Bloom, I am sorry, you
10 wanted to add something?

11 MR. BLOOM: It's a logistical issue, Your Honor,
12 having do with the motions on the 11th. And I guess it's the
13 11th for both of them, February 11th and March 11th.

14 THE COURT: Yes.

15 MR. BLOOM: At this stage, I would make the request
16 the Court allow me to appear telephonically. I may decide I
17 have to come in because of the nature of the motions and I need
18 to address the Court in person, but my estimation at this point
19 is probably --

20 THE COURT: Counsel, your request is premature. When
21 motions are filed, depending on the nature, I'll hear it when
22 we get to February and March, but I am not going to deal with
23 that right now. If I think I need to have you here, then I'll
24 need to have you here. But we'll deal with that. That's
25 months away. All right.

1 MR. YOON: Your Honor, the last housekeeping matter, I
2 don't know if Mr. Funk wants to address the grand jury
3 transcripts. The only other thing on behalf of Mr. Razuki on
4 February 7th, the government was going to provide the Court for
5 an in-camera inspection the immigration file for the CI. We
6 just want to know what the status of that is.

7 THE COURT: I thought I got that.

8 MR. SHEPPARD: Your Honor did review both of them
9 already.

10 THE COURT: Yes. And I wasn't ordering anything to be
11 produced.

12 MR. SHEPPARD: Thank you, Your Honor.

13 MR. FUNK: Your Honor, we did talk about the grand
14 jury way back when, and I don't know whether the government is
15 going to turn those over or not. There's an issue on --

16 (Court reporter requesting attorney to slow down and to
17 speak into the microphone)

18 MR. FUNK: Brian Funk on behalf of Ms. Gonzales.

19 As to the grand jury transcripts, we had discussed
20 that back in February, I believe, the government was going to
21 turn it over. I was just wondering about the status because
22 there is an issue whether I need to file a motion regarding
23 instructions regarding entrapment defense and whether or not
24 the jury was instructed as to the truthfulness of the CI.

25 MR. SHEPPARD: There was no such order with regards to

1 the transcript, nor was the government, nor in any case, where
2 witnesses testified and sworn testify at trial. So if there's
3 a motion to be filed. And it's been months, but no motion was
4 ever filed in that regard.

5 MR. FUNK: What I am hearing is the government is
6 requiring me to file a motion before they'll turn them over?

7 THE COURT: I don't think the government is obligated
8 to give you any grand jury unless they're going to call them as
9 a witness. If they're going to call them as a witness, I don't
10 think they should wait until they're on the witness stand.

11 MR. SHEPPARD: No.

12 THE COURT: You should give it to them ahead of time.

13 MR. SHEPPARD: Yes. And I certainly would. The grand
14 jury transcripts, I was going to give closer around the motion
15 in limine date. If they want it a date ahead of that, that's
16 fine as well. Generally, that's when I give that, but I
17 don't --

18 THE COURT: On the one hand, I appreciate that you
19 feel like you're disclosing information. On the other hand,
20 it's not a fishing expedition that they need to provide stuff
21 so that you can paw through it to see if there's something
22 there you can file a motion on. If the person is going to be a
23 critical witness in the case and they testified, then provide
24 the grand jury testimony when you identify them as a court
25 witness in your case so that we don't have to have this ongoing

1 discussion.

2 MR. SHEPPARD: Yes, Your Honor.

3 THE COURT: That's it for today.

4 MR. WARWICK: Your Honor, last issue. My client
5 recently had five stents put into the arteries surrounding the
6 heart, and the activity was not as successful as hoped. It
7 looks like he's going to have open heart surgery. I would ask
8 the Court if we could have him appear telephonically in some of
9 those hearings because of recovery.

10 I would also ask the Court if we could bifurcate him--

11 (Court reporter interruption requesting counsel to speak
12 into the microphone)

13 MR. WARWICK: What I am saying is, I would like my
14 client to be able to present telephonically with a counsel
15 present with him so that counsel could receive information from
16 him and act upon it if appropriate.

17 THE COURT: Again, as of Mr. Bloom's request, I
18 consider it a little premature. I understand today because of
19 his medical condition, and I understand he's scheduled for a
20 serious medical procedure in December. So when we get to the
21 dates, just not the night before, but certainly give us some
22 notice if he's not competent or comfortable to come to court
23 either for his own condition or for the general health
24 conditions, then we'll work on arrangements so that he can be
25 adequately represented, whether that involves one of you being

1 with him on a VTC proceeding so you can have conversations
2 privately and then phone each other. We can work that out.
3 But I appreciate you bringing it to the Court's attention.

4 I think that's it for today. Thank you, Counsel.

5 (Court in recess at 2:09 p.m.)

6 *** End of requested transcript ***

7 CERTIFICATE OF OFFICIAL STENOGRAPHIC REPORTER

8

9 I, Mauralee Ramirez, Federal official stenographic
10 reporter, in and for the United States District Court for the
11 Southern District of California, do hereby certify that
12 pursuant to Section 753, Title 28, United States Code that the
13 foregoing is a true and correct transcript of the
14 stenographically reported proceedings held in the
15 above-entitled matter and that the transcript page format is in
16 conformance with the regulations of the Judicial Conference of
17 the United States.

18

19 Dated this 23rd day of November 2020.

20

21 /S/ Mauralee Ramirez
22 Mauralee Ramirez, CSR No. 11674, RPR
23 Federal Official Stenographic Reporter

24

25