

1 UNITED STATES COURT OF APPEALS  
2 FOR THE DISTRICT OF COLUMBIA CIRCUIT

3 ----- X  
4 JUDICIAL WATCH, INC., :  
5 Appellant, :  
6 v. : No. 20-5270  
7 ADAM B. SCHIFF, CHAIRMAN, :  
8 U.S. HOUSE PERMANENT SELECT, :  
9 COMMITTEE ON INTELLIGENCE AND :  
10 U.S. HOUSE PERMANENT SELECT :  
11 COMMITTEE ON INTELLIGENCE, :  
12 Appellees. :  
13 ----- X

12 Wednesday, March 24, 2021  
13 Washington, D.C.

14 The above-entitled matter came on for oral  
15 argument pursuant to notice.

16 BEFORE:

17 CIRCUIT JUDGES HENDERSON, ROGERS, AND WILKINS

18 APPEARANCES:

19 ON BEHALF OF THE APPELLANT:

20 JAMES F. PETERSON, ESQ.

21 ON BEHALF OF THE APPELLEES:

22 TODD B. TATELMAN, ESQ.  
23  
24  
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C O N T E N T S

ORAL ARGUMENT OF:

PAGE

JAMES F. PETERSON, Esq.  
On Behalf of the Appellant

3; 20

TODD B. TATELMAN, Esq.  
On Behalf of the Appellees

8

P R O C E E D I N G S

1  
2 THE CLERK: Case No. 20-5270, Judicial Watch,  
3 Inc., appellant, versus Adam B. Schiff, Chairman, U.S. House  
4 Permanent Select Committee on Intelligence and U.S. House  
5 Permanent Select Committee on Intelligence. Mr. Peterson  
6 for the appellant. Mr. Tatelman for the appellees.

7 JUDGE HENDERSON: Mr. Peterson, good morning.

8 ORAL ARGUMENT OF JAMES F. PETERSON, ESQ.

9 ON BEHALF OF THE APPELLANT

10 MR. PETERSON: Good morning, Your Honors, and may  
11 it please the Court. This case is about shedding light on  
12 unprecedented and illegitimate congressional subpoenas. The  
13 extraordinary subpoenas at issue represent a supposedly  
14 unlimited government surveillance power and an unlimited  
15 ability by Congress to, at their whim, to invade the privacy  
16 of any American. Defendants refuse to release these  
17 subpoenas seeking the private phone records of various  
18 individuals, including even a reporter; yet all other  
19 subpoenas issued as a part of their investigation are -- and  
20 this is important -- are publicly available on the  
21 Committee's website, but defendants refuse to release the  
22 ones that we are seeking. We believe the public has a right  
23 to know why.

24 As a part of his investigation, Congressman Schiff  
25 secretly subpoenaed the phone records of a number of private

1 citizens from telephone companies. He did not provide  
2 notice to these individuals in advance that their phone  
3 records were being sought. He did not subpoena the phone  
4 records directly from the citizens. Instead, he subpoenaed  
5 the phone companies for the records, preventing any  
6 opportunity for the private citizens to seek court review,  
7 as would happen in any other case in where the government is  
8 seeking this kind of information about any citizen.

9 JUDGE HENDERSON: Mr. Peterson, let me ask you one  
10 thing, and that is, I can't find anywhere -- in the record,  
11 in the online report of the Intelligence Committee -- any  
12 description of the subpoena other than certain phone  
13 numbers. Is --

14 MR. PETERSON: Well, that's --

15 JUDGE HENDERSON: -- that your understanding?

16 MR. PETERSON: Well, there's been various  
17 reporting on the issue. There's been, you know, whispers  
18 around town about what it is. From defendants'  
19 descriptions, in their brief, you know, there's at least a  
20 half dozen subpoenas that went out concerning different  
21 people to potentially different --

22 JUDGE HENDERSON: Well, no, and let me correct  
23 you. Concerning phone numbers, that's what I'm trying to  
24 tie down, and we don't have in the record anything that I  
25 can find other than the online report, which in footnotes

1 gives the dates of subpoenas for phone numbers, not people.

2 In other words --

3 MR. PETERSON: Well --

4 JUDGE HENDERSON: -- subpoena, we don't know what  
5 the subpoena said, but --

6 MR. PETERSON: Correct.

7 JUDGE HENDERSON: -- is there any -- is there any  
8 evidence that the subpoena said, we want Joe Blow's phone  
9 records? From what I can tell --

10 MR. PETERSON: That's --

11 JUDGE HENDERSON: -- they said, we want  
12 803-256-blah, blah, blah, blah, blah.

13 MR. PETERSON: Well, defendants have not disputed  
14 that they sought the records of individuals by their -- by  
15 name. They went to AT&T and asked for the President's  
16 lawyer's, you know, records, Rudy Giuliani, by name. They  
17 haven't disputed this.

18 I mean, again, we haven't seen the subpoenas, and  
19 that's really part of the point here, is we would like to  
20 see the subpoenas. That's what this is about. And I also  
21 agree that the facts have not been fully developed here; yet  
22 the case was dismissed on a motion to dismiss and we're here  
23 asking these questions.

24 JUDGE WILKINS: So, counsel, is issuing a subpoena  
25 pursuant to oversight within the Committee's jurisdiction --

1 on a matter within the Committee's jurisdiction, a  
2 legislative act?

3 MR. PETERSON: Usually, it would be, Your Honor.  
4 Typically, that, that is -- that's what the case law tells  
5 us. It is not always, however. I mean, there are examples,  
6 starting with Kilbourn, leading through Watkins and others,  
7 where the courts have been very careful to say that it is  
8 not an unlimited power to issue -- to issue subpoenas.  
9 There are exceptions where Americans' rights have to be  
10 protected.

11 So that, so that -- so in this case we believe  
12 we've certainly -- we've more than adequately alleged that  
13 -- that it is not a legislative act and therefore the --  
14 therefore the Speech or Debate protection does not apply.

15 JUDGE WILKINS: Is issuing a subpoena pursuant to  
16 an impeachment investigation a legislative act?

17 MR. PETERSON: Again, it would depend. I mean, it  
18 would depend, and that's part of the point here of what  
19 we're trying to find out. Will any subpoena? No, I don't  
20 -- no, I don't think so, and I don't think the Court should  
21 be in a position of saying that, that any, you know, for the  
22 purposes of the next case, any subpoena is going to be fine.  
23 I mean, otherwise, there will be no limit to what committee  
24 chairmen, on their own volition, you know, may go looking  
25 for. There -- they -- just because they find it of interest

1 at that moment. There has to be some restraint. There has  
2 to be some limit, and the courts up to this point have said  
3 that.

4 JUDGE WILKINS: Shouldn't we look beyond the facts  
5 alleged in your complaint to make that determination? I  
6 mean, you can't just kind of plead your way around the  
7 Speech and Debate Clause by saying something is not a  
8 legislative act in the --

9 MR. PETERSON: We would not -- we're, we're  
10 certainly fine with having the factual record more fully  
11 developed. I mean, that is what we're asking for, is to  
12 have this case sent back down and to have the facts fleshed  
13 out. I mean, all you have before you, Your Honors, at this  
14 point, is what we believe is our well-pled allegations and  
15 statements by defendants' lawyers. That's what the record  
16 consists of, no evidence.

17 So if -- that is why, basically, Your Honors, we  
18 are seeking, under the common-law right of access, these  
19 subpoenas. There is no legislative purpose to it. Speech  
20 or Debate does not apply. Legislative independence is not  
21 going to be impacted by releasing these subpoenas, all of  
22 which -- all the others of which have already been released  
23 on their own website. They're public records. They're  
24 official records because they were prepared, finalized, and  
25 issued to these phone companies. So, in that respect,

1 they're not -- they're not the kinds of preliminary --  
2 preliminary types of records that the district court  
3 received. They are -- they are final official records, and  
4 the common-law right of access exists to, to disclose this  
5 type of information.

6           Again, all the other subpoenas are on their  
7 website. We've more than -- and the public interest is  
8 served by, under the common-law right of access, by making  
9 this kind of information available. Under defendants'  
10 theory, at a minimum, there is a factual question as to  
11 whether the subpoenas are proper. Why did they go to the  
12 phone companies and not to the individuals? Why did they do  
13 this backdoor approach? Why did they need a reporter's  
14 phone calls? These are -- these are factual questions that  
15 have not been answered. There's questions of the unlimited  
16 power to invade privacy of Americans.

17           I would like to reserve the rest of my time, you  
18 know, going forward, unless the others have any other  
19 questions at this point.

20           JUDGE HENDERSON: All right. Mr. Tatelman.

21           ORAL ARGUMENT OF TODD B. TATELMAN, ESQ.

22           ON BEHALF OF THE APPELLEES

23           MR. TATELMAN: Thank you, Your Honors. Good  
24 morning. Todd Tatelman for the House Permanent Select  
25 Committee on Intelligence and Chairman Schiff. As -- I'll



1 start with picking up on Judge Wilkins's question, which was  
2 that plaintiffs can't plead their way around the Speech or  
3 Debate Clause, and that has been made clear by this Court on  
4 any number of occasions, most recently in the Court's  
5 opinion in Rangel v. Boehner, where this Court said  
6 specifically that the mere allegations of violations of  
7 House rules, federal laws, or even the Constitution is not  
8 sufficient to overcome the absolute immunity afforded by the  
9 Speech or Debate Clause of the Constitution.

10           That's essentially what we have here, Your Honors,  
11 is plaintiffs are alleging that because they think  
12 Mr. Schiff and the Committee violated House rules, the  
13 Constitution, or other federal laws, that they're entitled  
14 to bring the Committee into court and to get a court order  
15 to produce various legislative documents. That's simply  
16 exactly what the Speech or Debate Clause was intended to  
17 prevent and protect, and the Supreme Court and this Court  
18 have been very clear about that fact in virtually every case  
19 that has been decided raising the Clause as a defense.  
20 Rangel v. Boehner is one of the most recent examples, same  
21 thing in other cases, including McSurely v. McClellan,  
22 Eastland v. U.S. Servicemen's Fund, and a whole host of  
23 others that we've cited in our brief.

24           At the end of the day, this is a case about the  
25 production of various legislative documents. The subpoenas

1 themselves, regardless of whether all or some or even any of  
2 them have been posted on the Committee's website, remain  
3 legislative documents. They remain protected by the Speech  
4 or Debate Clause, and the plaintiffs simply cannot bring the  
5 Committee and its Chairman into court and require a court  
6 order that we produce them.

7           This Court made clear in Brown & Williamson that  
8 the committees have a right to protect their own legislative  
9 records, and that's what the Committee has chosen to do  
10 here. It has particular reasons why it chose to release the  
11 documents that it chose to release, why it included the  
12 information it included in its final report, and it has  
13 opted not to publicly release these particular subpoenas  
14 primarily for the reason that Judge Henderson mentioned,  
15 which was that the subpoenas themselves are to third-party  
16 telecommunications companies and are seeking personally  
17 identifiable information, various phone numbers and other  
18 types of things.

19           So the Committee has not released any of those  
20 subpoenas. It was very careful in its report not to release  
21 that kind of information. What it released was the  
22 information that it obtained making the connections between  
23 various phone numbers and individuals that it was able to  
24 make based on the information that it had obtained.

25           JUDGE HENDERSON: Well, let me ask you about that,

1 Mr. Tatelman. I'm looking at page 44 of the report, just as  
2 an example --

3 MR. TATELMAN: Yes.

4 JUDGE HENDERSON: -- and the footnote 49 -- well,  
5 here's the sentence in the report: Phone records show that  
6 in the 48 hours before publication of The Hill opinion  
7 piece, Mr. Parnas spoke with Mr. Solomon, footnote 49.  
8 Footnote 49 cites AT&T document production and then Bates  
9 ATT and then the Committee's initials, and I read the next  
10 figure to be the date that it issued, that is, September  
11 19th, 2019 -- or September 30th, 2019.

12 MR. TATELMAN: Yes, Your Honor, I believe that  
13 that is correct, that --

14 JUDGE HENDERSON: All right. So you've identified  
15 -- when you say you haven't identified in the report the  
16 subpoena, you have at least identified who it went to, AT&T,  
17 and the date it went?

18 MR. TATELMAN: That is correct, Your Honor, that  
19 -- and the wording there, I think, was very deliberately  
20 chosen by the Committee. Again, what the Committee was  
21 doing at the time was, it was engaged in a full-fledged both  
22 oversight investigation, as Judge Wilkins mentioned, as well  
23 as an impeachment inquiry, as the Speaker of the House made  
24 clear several days earlier, on September 24th.

25 JUDGE HENDERSON: Well, I'd like to ask you about

1 that, because the impeachment resolution didn't come until  
2 October 31st.

3 MR. TATELMAN: The resolution that was adopted by  
4 the House, correct, Judge Henderson. H. Res. 660 doesn't  
5 come until October, but that's not in fact an impeachment  
6 resolution in, I believe, the sense that you're thinking of  
7 it as. What that was, was a procedural resolution that  
8 allowed certain procedures by the committees that followed  
9 it to occur. There doesn't need to be, under House  
10 precedent and practice, an impeachment resolution prior to  
11 an investigation or an inquiry into impeachment beginning,  
12 and there wasn't in this case.

13 H. Res. 660 laid out for the Committee on  
14 Intelligence some requirements about how it was to go about  
15 holding public hearings, and it also required the Committee  
16 to produce the report that it eventually produced, referring  
17 -- recommending, excuse me, to the Judiciary Committee  
18 whether or not the Judiciary Committee should draft and  
19 approve articles of impeachment.

20 H. Res. 660 set out for the House and for the  
21 committees those procedures that it was to follow from that  
22 point forward, but the inquiry underlying that -- the  
23 impeachment inquiry and the oversight related to the  
24 intelligence community, the whistleblower, and the  
25 activities going on in Ukraine -- were all well-established,

1 predated that in resolution, and were well within the  
2 Committee's jurisdiction at the time it issued this  
3 particular subpoena, but --

4 JUDGE HENDERSON: So are you -- so you're not  
5 relying on the Speaker's, I guess, announcement in early  
6 September that the committees are to proceed?

7 MR. TATELMAN: No, Your Honor, I believe we're --  
8 we're doing both, which is to say we believe that both parts  
9 of the Gravel test, related to whether speech or debate are  
10 applicable, were satisfied here. First of all, the  
11 underlying oversight and investigation that had been taking  
12 place prior to the Speaker's announcement satisfied the  
13 first part of the Gravel test because they are an integral  
14 part of the deliberative and communicative process of the,  
15 of the House, and then the second part of the test, which is  
16 the part related to the impeachment inquiry, because  
17 impeachment is a matter specifically delegated by the  
18 Constitution to the House, is also satisfied. So we are in  
19 fact relying on both.

20 So even if you were to find that the impeachment  
21 inquiry was entirely based on the resolution that comes  
22 later, we don't think that changes the ultimate outcome  
23 here, because the underlying investigation that was ongoing  
24 as of September 30th, when this particular subpoena was  
25 issued, was a legitimate legislative act, there was a

1 legitimate legislative purpose, and all of the other  
2 requirements are satisfied. So, in that sense, we're  
3 relying on both.

4           But for a moment, if I can go back, Judge  
5 Henderson, to talking about the language in the report about  
6 the phone record -- the subpoena and the phone records.  
7 What the Committee was doing at the time was, it was  
8 interviewing witnesses, conducting depositions, and  
9 reviewing materials that people were providing to it, even  
10 though the administration at the time was not allowing any  
11 official records to come forward.

12           So as the Committee was taking people's  
13 depositions and acquiring information through oral  
14 recollections and people's best memories, they were left  
15 with several significant gaps as to what people couldn't  
16 remember, as to what people thought might have happened. A  
17 witness might have said that they thought that they took a  
18 phone call from a particular individual at a particular  
19 time, but since they hadn't been given access to their  
20 records, they weren't able to state that. So what the  
21 Committee was doing was using the phone record subpoenas to  
22 fill in the gaps from the information that it had, and that  
23 was its purpose. Its purpose was not to invade the privacy  
24 of any individuals. It was simply to corroborate and fill  
25 those gaps that it was getting from the oral recollections

1 of the witnesses and the other documents that it was  
2 obtaining.

3           So there is no question here, in our mind, that  
4 the subpoenas satisfied the legitimate legislative purpose  
5 test, but as we said at the outset, that's really not of any  
6 significance here because what's going on here is Judicial  
7 Watch's attempt to bring the -- to bring the Committee and  
8 the Chairman before the Court in a manner that it's simply  
9 not permitted to do.

10           Cases -- the mere fact that Judicial Watch is  
11 asking for the case to be remanded so that further factual  
12 developments can be had is itself what the Clause was  
13 intended to protect against, and what this Court has said on  
14 numerous occasions is that the Clause protects the House and  
15 its committees and its members from having to do, which is  
16 to defend itself in litigation, defend itself from having  
17 civil suits brought against it and, ultimately here, to  
18 defend itself from having court-ordered production of  
19 documents that it simply has already made its own decision  
20 not to release to the public.

21           JUDGE WILKINS: So is there any limitation to this  
22 principle, then? Can a subpoena be issued for any  
23 information and that can't be beyond the scope of the Speech  
24 and Debate Clause protection?

25           MR. TATELMAN: No, Your Honor, I don't think there

1 is any subpoena that cannot be beyond the scope. The  
2 question is sort of, how does that question come before the  
3 Court? Had, in certain instances -- and we've seen this in  
4 the past -- had one of the telecommunications companies  
5 challenged the validity of the subpoena or sought to refuse  
6 producing the records, there could have been, you know,  
7 contempt proceedings, which is how Kilbourn and Watkins, the  
8 cases that Mr. Peterson cited, came before the Court. Had  
9 AT&T refused to produce the subpoenas, the Committee could  
10 have attempted to bring an enforcement action to this Court  
11 against AT&T that would have allowed this Court to review  
12 and adjudicate that question.

13           What we do know for certain is, is that the  
14 question can't be brought before the Court in the manner  
15 that it's being brought before it here, which is as a suit  
16 against the committees and certainly as a suit here under  
17 the common-law right of access, which clearly doesn't apply  
18 to these particular documents because the constitutional  
19 privilege precludes the application of that common-law  
20 right.

21           JUDGE HENDERSON: And what's your authority for  
22 what you just said? I have not found any case that opposed  
23 the Speech or Debate Clause immunity with regard to the  
24 common-law right of access.

25           MR. TATELMAN: Your Honor, I don't believe that



1 there is a case that holds that, because there haven't been  
2 cases litigated against Congress for the -- as applying for  
3 the common-law right of action in this Court. There was the  
4 Pentagen case in the lower court, which found that those  
5 records were not applicable to the common-law right of  
6 access and protected by the Speech or Debate Clause, and  
7 then there was --

8 JUDGE HENDERSON: Well, that's because they  
9 weren't public records. If we get through the first prong  
10 that they are -- that these subpoenas are in fact public  
11 records, then the second prong requires balancing the right  
12 of the public to know things versus whatever the  
13 governmental right is, which in this case is the Speech or  
14 Debate. I don't -- I don't think that question has ever  
15 been raised before.

16 MR. TATELMAN: I am unaware of a case that raises  
17 that question as well, Judge Henderson, and we think not  
18 only can you not actually get past the Speech or Debate  
19 immunity in this case, but even if for some reason you  
20 concluded that you could, I don't think that the subpoenas  
21 in question here, for the reasons that we discuss in our  
22 papers, that the plaintiffs have satisfied the common-law  
23 right-of-access standard. The subpoenas themselves don't  
24 meet the definition of a public record as the Court has  
25 defined it in this instance, and so we don't think that even

1 if you could get that far, which we don't think you --

2 JUDGE HENDERSON: Let's say you can. Let's say  
3 they're public records --

4 MR. TATELMAN: Then --

5 JUDGE HENDERSON: -- what about the second prong?

6 MR. TATELMAN: Certainly, Your Honor. I think the  
7 second prong -- you hinted at it earlier -- the interest  
8 that needs to -- there are two interests of the Committee  
9 that needs to be protected. One is, you know, making sure  
10 that its investigative sources and methods and its decisions  
11 about its investigative process would need to be protected,  
12 but also, there's likely to be substantial privacy interests  
13 on the part of the many people whose numbers, phone numbers  
14 may have been sought as part of this inquiry. So releasing  
15 that information would expose those personal details and  
16 might actually, you know, cause more damage than what the  
17 Committee has, you know, very carefully elected to make  
18 public and what it has not.

19 So I don't think that those, those interests are  
20 outweighed by the claims by the plaintiffs that there's this  
21 general right to know. The report makes it very clear  
22 exactly what the Committee did and lays out its evidence  
23 that it used to rely upon and to recommend to the Judiciary  
24 Committee that articles of impeachment be drafted. As you  
25 well know, those articles were drafted, approved by the

1 court, and tried by the Senate. So I don't know that  
2 there's much of an interest beyond what's already been  
3 publicly released.

4 JUDGE HENDERSON: Well, I do think it's, if not  
5 ironic, noteworthy that one of the interests you've just put  
6 forward is the invasion of privacy when the whole claim of  
7 Judicial Watch is that this Committee invaded the privacy of  
8 private citizens in the first place.

9 MR. TATELMAN: Your Honor, I think that the  
10 Committee has -- was very careful to, to not only draft its  
11 subpoenas in as narrow a way as possible but also to only  
12 release the information that was relevant to its inquiry.  
13 As in every inquiry of this type, the Committee receives a  
14 tremendous amount of information that ends up being  
15 responsive to its subpoenas but not ultimately relevant to  
16 the questions before it. The Committee was careful in  
17 describing the evidence that was relevant to it. I don't  
18 believe that is the entirety of everything that the  
19 Committee received or even the entirety of everything the  
20 Committee asked for in its subpoenas.

21 So while we would submit that there were certainly  
22 -- there very likely were information sought and received by  
23 the Committee that ended up not being particularly relevant  
24 or not useful to its inquiry, that would be the type of  
25 information that shouldn't be further released and that

1 further release would do damage to. Certainly, there were  
2 people's information that was released and discussed in the  
3 report and obtained by the Committee. We don't deny that,  
4 but we think that the Committee carefully made that  
5 determination on its own. That determination is to be  
6 respected and should be not second-guessed or overturned by  
7 the plaintiff's mere allegations and is subject to, you  
8 know, among other things, a presumption of regularity that  
9 the Committee should be afforded and deferred to.

10 JUDGE HENDERSON: Okay. Do my colleagues have any  
11 questions of Mr. Tatelman? All right. Then, Mr. Peterson,  
12 I don't know how much time you reserved, but take two  
13 minutes. All right. That's -- Mr. Peterson?

14 ORAL REBUTTAL OF JAMES F. PETERSON, ESQ.

15 ON BEHALF OF THE APPELLANT

16 MR. PETERSON: Yes. Thank you, Your Honor. We're  
17 having issues with the mute button there. What Mr. Tatelman  
18 just expressed in terms of whether or not the power is  
19 unlimited and unreviewable was extraordinarily revealing.  
20 He stated openly that, well, the telecommunications  
21 companies could have challenged the subpoena, and they  
22 didn't apparently, we don't know for sure, but that -- but  
23 that is precisely the point. They, they went behind the  
24 individuals' backs, and instead of going to the individuals  
25 for the phone records, they went to the telecommunications

1 companies, which are highly regulated by the government,  
2 beholden to Congress, and of course they rolled over, and  
3 these individuals' rights were violated by any opportunity  
4 for judicial review.

5           That is exactly why there needs to be not this  
6 unlimited power on behalf of Congress, and that's why  
7 there's a very real question here of whether it's a  
8 legitimate legislative act, and the 2015 decision in Rangel  
9 from -- that Judge Henderson authored, that was a very  
10 different case. I mean, that had involved a challenge to a  
11 censure. As we've just heard, this is a common-law  
12 right-of-access case. We, we don't need to be -- we don't  
13 need -- Judicial Watch does not need to be the victim of  
14 improper, improper behavior to bring this challenge, just as  
15 in FOIA when -- a party doesn't have to, by analogy, but  
16 doesn't have to be the victim of government misconduct to  
17 bring a FOIA request. The public has a right to know under  
18 the common-law right of access, a right that has been  
19 consistently withheld by the Supreme Court and this -- and  
20 this Court, to learn what is going on.

21           Mr. Tatelman said repeatedly all the different  
22 things that they got but they didn't -- they haven't  
23 released and otherwise. Well, again, that is precisely the  
24 point. We need to learn more. We need to understand  
25 because very serious -- very serious matters happened here:

1 invasions of privacy, violations of rights. Behavior by  
2 this Committee is not an unlimited power, and it cannot be  
3 an unlimited power, or the next time the consequences will  
4 be very, very serious.

5 JUDGE HENDERSON: All right. Mr. Peterson, thank  
6 you. If my colleagues have no questions, then the case is  
7 submitted.

8 (Whereupon, the proceedings were concluded.)

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DIGITALLY SIGNED CERTIFICATE

I certify that the foregoing is a correct transcription of the electronic sound recording of the proceedings in the above-entitled matter.

*Wendy Campos*

March 28, 2021

\_\_\_\_\_  
WENDY CAMPOS

DEPOSITION SERVICES, INC.