

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Charles R. Breyer, Judge

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.	)	NO. CR 11-00797-CRB
)	
JAMES DOHERTY,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.	)	NO. CR 11-00798-CRB
)	
KEITH GOODMAN,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.	)	NO. CR 11-00799-CRB
)	
CRAIG LIPTON,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.	)	NO. CR 11-00800-CRB
)	
TROY KENT,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.	)	NO. CR 11-00801-CRB
)	
LAITH SALMA,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.	)	NO. CR 11-00795-CRB
)	
GARY ANDERSON,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.	)	NO. CR 11-00796-CRB
)	
PATRICK MICHAEL CAMPION,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.	)	NO. CR 11-00802-CRB
)	
HENRI PESSAH,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.	)	NO. CR 12-00300-CRB
)	
MATTHEW WORTHING,)	
)	
Defendant.)	

UNITED STATES OF AMERICA,

Plaintiff,

VS.

LYDIA FONG,

Defendant.

NO. CR 12-00301-CRB

UNITED STATES OF AMERICA,

Plaintiff,

VS.

NORMAN MONTALVO,

Defendant.

NO. CR 12-00785-CRB

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GILBERT CHUNG,

Defendant.

NO. CR 13-00069-CRB

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MOHAMMED REZAIAN,

Defendant.

NO. CR 13-00246-CRB

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ROBERT WILLIAMS,

Defendant.

NO. CR 13-00388-CRB

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 VS.)
)
 DANIEL ROSENBLEDT,)
)
 Defendant.)

NO. CR 13-00587-CRB

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 VS.)
)
 KUO HSUAN CHANG,)
)
 Defendant.)

NO. CR 13-00670-CRB

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 VS.)
)
 FLORENCE FUNG,)
)
 Defendant.)

NO. CR 13-00805-CRB

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 VS.)
)
 MICHAEL NAVONE,)
)
 Defendant.)

NO. CR 13-00804-CRB

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
VS.	)	NO. CR 14-00534-CRB
)	
JOSEPH J. GIRAUDO,)	
RAYMOND A. GRINSELL,)	
KEVIN B. CULLINANE,)	
JAMES F. APPRENDRODT,)	
AND ABRAHAM S. FARAG,)	
)	
Defendants.)	

San Francisco, California
Thursday, April 26, 2018

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiff:

U.S. DEPARTMENT OF JUSTICE
 Antitrust Division
 450 Golden Gate Avenue
 San Francisco, California 94102
BY: ANDREW MAST
ASSISTANT UNITED STATES ATTORNEY

For Defendant James Doherty:

LAW OFFICES OF BRIAN H. GETZ
 201 California Street - Suite 450
 San Francisco, CA 94111
BY: BRIAN H. GETZ, ESQUIRE

For Defendant Keith Goodman:

OFFICES OF DOUGLAS L. RAPPAPORT
 260 California Street - 10th Floor
 San Francisco, CA 94111
BY: DOUGLAS L. RAPPAPORT, ESQUIRE

(Appearances continued on the next page)

Reported By: Pamela A. Batalo, CSR No. 3953, RMR, FCRR
Official Reporter

APPEARANCES CONTINUED:

For Defendant Craig Lipton:

ARUEDAS, CASSMAN & HEADLEY, LLP
803 Hearst Avenue
Berkeley, CA 94710

BY: RAPHAEL M. GOLDMAN, ESQUIRE

For Defendant Troy Kent:

SHEARMAN & STERLING, LLP
535 Mission Street - 25th Floor
San Francisco, CA 04105

BY: PATRICK D. ROBBINS, ESQUIRE

For Defendant Laith Salma:

ORRICK, HERRINGTON & SUTCLIFFE
The Orrick Building
405 Howard Street
San Francisco, CA 94105

BY: LISA TENORIO-KUTZKEY, ESQUIRE

For Defendant Gary Anderson:

HOLLAND & HART LLP
555 17th Street - Suite 3200
Denver, CO 80202

BY: GREGORY E. GOLDBERG, ESQUIRE

For Defendant Patrick Michael Champion:

JAYNE LAW GROUP, P.C.
260 California Street - Suite 1001
San Francisco, CA 94111

BY: JULIA M. JAYNE, ESQUIRE

For Defendant Henri Pessah:

LAW OFFICES OF JASON LEONG
4123 Broadway - Suite 708
Oakland, CA 94611

BY: JASON LEONG, ESQUIRE

For Defendant Matthew Worthing:

BAY AREA CRIMINAL LAWYERS, PC
300 Montgomery Street - Suite 660
San Francisco, CA 94104

BY: DAVID J. COHEN, ESQUIRE

APPEARANCES CONTINUED:

For Defendant Lydia Fong:

LAW OFFICES OF MICHAEL GAINES
255 KANSAS STREET - SUITE 340
SAN FRANCISCO, CA 94103

**BY: TONY TAMBURELLO, ESQUIRE, SPECIALLY
APPEARING FOR MICHAEL GAINES**

For Defendant Norman Montalvo:

SWANSON & MCNAMARA, LLP
300 Montgomery Street - Suite 1100
San Francisco, CA 94104

**BY: BRITT EVANGELIST, ESQUIRE, SPECIALLY
APPEARING FOR EDWARD W. SWANSON**

For Defendant Gilbert Chung:

LAW OFFICES OF WILLIAM L. OSTERHOUDT
135 Belvedere Street
San Francisco, CA 94117

BY: WILLIAM L. OSTERHOUDT, ESQUIRE

For Defendant Mohammed Rezaian:

KASOWITZ, BENSON, TORRES LLP
101 California Street - Suite 2300
San Francisco, CA 94111

BY: MARCUS S. TOPEL, ESQUIRE

For Defendant Robert Williams:

CAREY & CAREY
P.O. Box 1040
Palo Alto, CA 94302

BY: ROBERT E. CAREY, JR., ESQUIRE

For Defendant Daniel Rosenbledt:

DUANE MORRIS LLP
One Market Plaza
Spear Street Tower - Suite 2000
San Francisco, CA 94105

BY: GEORGE NIESPOLO, ESQUIRE

For Defendant Kuo Hsuan Chang:

LAW OFFICES OF TONY TAMBURELLO
214 Duboce Avenue
San Francisco, CA 94103

BY: TONY TAMBURELLO, ESQUIRE

APPEARANCES CONTINUED:

For Defendant Florence Fung:

LAW OFFICES OF ALAN A. DRESSLER
601 Montgomery Street - Suite 850
San Francisco, CA 94111

BY: ALAN A. DRESSLER, ESQUIRE

For Defendant Michael Navone:

BROWNE GEORGE ROSS LLP
101 California Street - Suite 1225
San Francisco, CA 94111

BY: K.C. MAXWELL, ESQUIRE

For Defendant Joseph J. Giraudo:

VINSON & ELKINS LLP
555 Mission Street - Suite 2000
San Francisco, CA 94105

BY: MATT JACOBS, ESQUIRE

For Defendant Raymond A. Grinsell:

SIDEMAN & BANCROFT
One Embarcadero Center - 8th Floor
San Francisco, CA 94131

BY: LOUIS P. FEUCHTBAUM, ESQUIRE

For Defendant Kevin B. Cullinane:

LAW OFFICES OF DORON WEINBERG
523 Octavia Street
San Francisco, CA 94102

BY: DORON WEINBERG, ESQUIRE

For Defendant James F. Apprendrodt:

ROSEN BIEN GALVAN GRUNFELD LLP
50 Fremont Street - 19th Floor
San Francisco, CA 94105

BY: JEFFREY L. BORNSTEIN, ESQUIRE

For Defendant Abraham S. Farag:

LATHAM & WATKINS LLP
505 Montgomery Street - Suite 2000
San Francisco, CA 94111

BY: DANIEL M. WALL, ESQUIRE

1 Thursday - April 26, 2018

1:30 p.m.

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

3 ---000---

4 **THE CLERK:** Calling Criminal Action CR 11-0797, USA
5 vs. James Doherty; Criminal Action 11-0798, USA vs. Keith
6 Goodman; Criminal Action 11-0799, USA vs. Craig Lipton;
7 Criminal Action 11-0800, USA vs. Troy Kent; Criminal Action
8 11-0801, USA vs. Laith Salma; Criminal Action CR 11-0795, USA
9 vs. Gary Anderson; Criminal Action CR 11-0796, USA vs. Patrick
10 Michael Campion; Criminal Action CR 11-0802, USA vs. Henri
11 Pessah; Criminal 12-0300, USA vs. Matthew Worthing; Criminal
12 12-0301, USA vs. Lydia Fong; Criminal 12-0785, USA vs. Norman
13 Montalvo; Criminal 13-0069, USA vs. Gilbert Chung; Criminal
14 13-0246, USA vs. Mohammed Rezaian; Criminal 13-0388, USA vs.
15 Robert Williams; Criminal 13-0587, USA vs. Daniel Rosenbledt;
16 Criminal 13-0670, USA vs. Kuo Hsuan Chuck Chang; Criminal
17 13-0805, USA vs. Florence Fung; Criminal 13-0804, USA vs.
18 Michael Navone; Criminal 14-0534, USA vs. Joseph J. Giraud, USA
19 vs. Raymond A. Grinsell, USA vs. Kevin B. Cullinane, USA
20 vs. James F. Appendrodt, and USA vs. Abraham S. Farag.

21 **MR. MAST:** Good afternoon. Andrew Mast on behalf of
22 the United States.

23 **MR. GETZ:** Good afternoon. Brian Getz for James
24 Doherty, who is present.

25 **MR. DRESSLER:** Alan Dressler for Florence Fung. Her

1 appearance has been waived.

2 **MR. OSTERHOUDT:** Good afternoon. William Osterhoudt
3 for Gilbert Chung, who is present.

4 **MS. EVANGELIST:** Good afternoon, Your Honor. Britt
5 Evangelist appearing for Ed Swanson with Norman Montalvo, who
6 is present.

7 **MR. TAMBURELLO:** Good afternoon, Your Honor. Tony
8 Tamburello appearing for Mr. Kuo Chang. I don't know if he is
9 present. I haven't seen him, and I asked that it be waived.

10 **THE COURT:** Waived, yes.

11 **MR. TAMBURELLO:** Also I will appear specially for
12 Michael Gaines who represents Lydia Fong, and I don't know if
13 she is here.

14 **DEFENDANT FONG:** I am here.

15 **THE COURT:** She is here. Thank you.

16 **MR. RAPPAPORT:** Good afternoon, Your Honor. Douglas
17 Rappaport on behalf of Keith Goodman. He is present.

18 **MR. NIESPOLO:** Good afternoon, Your Honor. George
19 Niespolo on behalf of Dan Rosenbledt, who is present.

20 **MR. COHEN:** Good afternoon, Your Honor. David Cohen
21 on behalf of Matthew Worthing, who is present.

22 **MR. BORNSTEIN:** Good afternoon, Your Honor. Jeff
23 Bornstein on behalf of Jim Appendrodt, who is present.

24 **MR. JACOBS:** Good afternoon, Your Honor. Matt Jacobs
25 on behalf of Joseph Girauda, who is present in court. Thank

1 you.

2 **MR. FEUCHTBAUM:** Good afternoon, Your Honor. Louis
3 Feuchtbaum on behalf of Ray Grinsell, who is present in court.

4 **MR. ROBBINS:** Good afternoon, Your Honor. Patrick
5 Robbins for Troy Kent. He is present.

6 **THE COURT:** Good afternoon.

7 **MR. LEONG:** Good afternoon, Your Honor. Jason Leong
8 standing in for Edwin Prather on behalf of Henri Pessah, who is
9 present.

10 **MR. GOLDMAN:** Good afternoon, Your Honor. Raphael
11 Goldman appearing for Craig Lipton, whose presence is excused
12 today.

13 **MR. TOPEL:** Good afternoon, Your Honor. Marc Topel
14 for Mohammed Rezaian, who is present in court.

15 **MS. JAYNE:** Good afternoon, Your Honor. Julia Jayne
16 on behalf of Patrick Campion. His appearance has been waived.

17 **MS. MAXWELL:** Good afternoon, Your Honor. K.C.
18 Maxwell on behalf of Michael Navone, who is present.

19 **MR. WALL:** Good afternoon, Your Honor. Dan Wall for
20 Abraham Farag, who is present.

21 **MS. TENORIO-KUTZKEY:** Good afternoon, Your Honor.
22 Lisa Tenorio-Kutzkey on behalf of Laith Salma, who is present.

23 **MR. GOLDBERG:** Good afternoon, Your Honor. Gregory
24 Goldberg appearing on behalf of Gary Anderson, whose presence
25 has been waived by the Court.

1 **MR. CAREY:** Good afternoon, Your Honor. Bob Carey.
2 I'm appearing on behalf of Robert Williams. His appearance has
3 been waived.

4 **MR. WEINBERG:** Good afternoon. Doron Weinberg on
5 behalf of Kevin Cullinane, who is present.

6 **THE COURT:** Good afternoon.

7 Well, thank you for everyone coming. And let me sort of
8 give you, one, where we are, and, two, where I intend to go in
9 terms of sentencing.

10 I received, of course, the Presentence Report. I received
11 a Government's Sentencing Memorandum. I have received, I think
12 from most everybody, though I haven't checked off each one, a
13 Sentencing Memoranda of the defendants. I've received, of
14 course, countless -- "countless" is the right word -- character
15 references and so forth. I have received very complete
16 submissions from the parties.

17 I have also received within the -- either the -- basically
18 within the Presentence Report, but sometimes in the body of the
19 Sentencing Memoranda, objections to the Sentencing Guideline
20 calculations that were arrived at by the pre -- by the
21 Probation Department. All right.

22 So I want to say a couple of things, and it applies to
23 everybody across the board. Let me -- well, let me deal with
24 the first thing, which I think is the most complicated of it
25 all.

1 Everybody has objected -- not everybody. I don't know. I
2 haven't read them all yet. But there have been substantial
3 objections phrased by a number of the defendants to the
4 calculation called "a value of commerce" because that
5 calculation results in a graduated but serious enhancement of
6 the Sentence Guideline range. If it's over X dollars, the
7 enhancement is two points and it's four points or six points or
8 eight points, so it all, quote, makes a difference in the
9 Sentencing Guideline range.

10 And I've received the Government's position on that, the
11 Probation Department's position, and, for the most part, I
12 believe I've received defendants' position.

13 The process of determining the value of commerce is not
14 simple. It's -- to the contrary, if you take a look at the
15 submissions that have been forwarded on that subject alone,
16 it's very complicated.

17 Now, it could be simple if you simply adopted perhaps one
18 view or another of how to reach it, but in fairness, there are
19 a number of theories. There are a number of very different
20 factual situations. There are a number of come and go, people
21 in, people out, people participating, people not, when did the
22 conspiracy start, when did it end, what are you responsible
23 for, on and on and on.

24 If I were to conduct a full and fair hearing on that
25 issue, my guess is that sentencing could be imposed sometime in

1 the year 2020, given the complexity of the issues, the length
2 of the issues, the various issues.

3 So it may be that that is -- obviously that's a way to
4 proceed. The Sentencing Guidelines -- we are required to make
5 an accurate determination of the Sentencing Guidelines in an
6 effort to determine a starting point from which the Court is
7 required to weigh -- evaluate various factors under 3553(a) and
8 come to a conclusion as to what a reasonable -- fair and
9 reasonable sentence is. That's the whole -- that's the task
10 that a judge has.

11 So I've looked at some of these and including the
12 recommendations of the Probation Department, and it appears to
13 me that a reasonable sentence under all the circumstances that
14 I see now would be ascertainable, even if one were to accept
15 the fact that the value of commerce is not a factor in
16 determining the sentencing -- a reasonable sentence.

17 If that's unclear, let me just say it again, perhaps in a
18 different way.

19 If you simply said that the value of commerce was under --
20 and I don't have the -- oh, here we are -- under a million
21 dollars -- if you said it was under a million dollars, I would
22 come out with sentence X. If you said that the value of
23 commerce was more than a hundred million dollars -- I think
24 that's what -- no, no, no. The Government doesn't say that.
25 You say more than 50 million; right?

1 **MR. MAST:** More than 10 million, Your Honor.

2 **THE COURT:** More than 10 million.

3 If I were to say that, you know what my sentence would be?
4 X. Either way, it's going to be X.

5 And so when I think and believe that the sentence is going
6 to be X, I'm trying to figure out what is served by a lengthy
7 sentencing hearing in which I have to find out what the value
8 of commerce is. And so that's my proposed course of action.

9 Now, I will hear from the Government, because they're the
10 ones who are affected by it and in a negative way, as to why
11 that proposition isn't a good proposition.

12 But before I get there, I want to say a couple of other
13 things about it. I know I'm going to forget them.

14 In the event -- so I plan on not doing that. Okay?
15 That's what I plan on not doing.

16 Next, in the event there is a custodial sentence that is
17 imposed, I will allow the defendant to self-surrender at --
18 with a reasonable interval to get their affairs in order,
19 though I am mindful of the fact that this case is hardly new.
20 I will certainly allow any individual, unless there's some
21 extraordinary circumstance, to surrender at a later date.
22 Okay? So that's really not an issue.

23 I haven't talked about -- have I talked about a fine? No.
24 All right. Let's talk about a fine.

25 As I understand the Sentencing Guidelines is that in those

1 cases in which a fine should be imposed, there is a fine table.
2 However, where the maximum fine is more than \$500,000, I need
3 not follow the fine table. That's number one. Though there is
4 a special fine table in the bid-rigging cases.

5 However, it would be my thought that I would probably
6 impose a fine greater than the fine table that is in the
7 Presentence Report and that the only thing I need do -- to do,
8 since I was reversed once on this issue, is to provide notice,
9 and I'm providing everybody notice that I will consider
10 imposing a fine up to the statutory maximum per count.

11 Now, I'm not saying I am, but I'm giving you notice. And
12 you can argue a fine table. You can argue that that's an
13 unreasonable fine. You can argue that -- whatever you want to
14 argue.

15 But in terms of notice, I'm telling you right now that per
16 count, I would consider imposing a fine. If somebody is
17 convicted of two counts, I would impose the maximum fine on
18 each count. So, in other words, you plead to two counts of
19 price fixing under the Sherman Act, the maximum statutory is a
20 million dollars, and in two counts, I would consider imposing a
21 two-million dollar fine.

22 So that's the notice. Everybody knows about it. And you
23 can deal with that accordingly.

24 I have not made up my mind. I've only gone through one
25 Presentence Report. There 28 or so that I haven't gone

1 through. But I wanted to provide that notice.

2 So I really think the only thing that I will listen to
3 right now -- two things -- well, one thing, the Government as
4 to the proposed course that I'm taking. And then we can go on
5 from there.

6 Yes.

7 **MR. MAST:** Yes, Your Honor. A few points about the
8 volume of commerce calculations.

9 It can be complex, but in this case, 21 of the 23
10 defendants have stipulated to a volume of commerce. There are
11 two defendants who pleaded without a plea agreement where it's
12 an issue.

13 So I think that a volume of commerce calculation can be
14 done in a reasonable time period by the Court, and I think that
15 in finding an offense level as the Guidelines require, that's
16 something that is worthwhile to undertake.

17 I agree that the Court can look at comparative culpability
18 with the defendants, sort of independent of volume of commerce
19 and what methodology is used to determine volume of commerce,
20 but I do think it's worthwhile for the Court to find a volume
21 of commerce number, and 21 of these cases already have --

22 **THE COURT:** 21. Okay, fine. So the 21 are the 21.
23 So we talk about the two that don't have it. I think I want to
24 look at those two that don't have it and try to figure out is
25 it going to make a difference.

1 Still it's the same thing. And you're right. I'm sorry.
2 I didn't realize I -- I wasn't thinking about the fact that
3 there may be a stipulation to it. But the stipulation to it,
4 that's nice. That's fine. But I'm going to give the sentence
5 that I think is appropriate under the circumstances and a
6 reasonable sentence and that -- that may or may not implicate
7 the value of commerce. It does certainly for the Guidelines.
8 I appreciate that. But this is an unusual case. You have 29
9 defendants, you have -- you have a lot that's unusual here.

10 So I'm actually not so interested in the academic exercise
11 of determining the value of commerce if it's going to have no
12 impact on the sentence, if it's not going to have an impact on
13 the sentence.

14 **MR. MAST:** The --

15 **THE COURT:** And, by the way, I'm mindful, taking
16 Mr. Giraud, as an example -- I'm mindful that it's your view
17 that it's 37 million. It's his view that it's 436,000. So
18 maybe it is 37 million; maybe it's 436,000. But what if I
19 would give the same sentence in either event? What's the diff,
20 as they say?

21 **MR. MAST:** Well, I think the Guidelines do require the
22 Court to determine an offense level, and the offense level
23 is governed by --

24 **THE COURT:** Well, that may very well be the basis of
25 your appeal.

1 **MR. MAST:** Another aspect of the volume of commerce is
2 determining the fine range for each defendant. It's one
3 percent to five percent under the Guidelines --

4 **THE COURT:** None of them are up to the statutory
5 maximum, right, or are they? I haven't gone through each one,
6 so I'll have to go through each one and try to figure that out.
7 But my way of looking at it is to tell every defendant out
8 there, whatever that range is, you're on notice that I may
9 impose the statutory maximum. That doesn't hurt.

10 **MR. MAST:** My point was just that a Guidelines
11 calculation would be necessary to determine the Guidelines or a
12 volume of commerce calculation would be necessary to determine
13 the fine range.

14 **THE COURT:** No. Not if -- not -- it would be if -- if
15 I choose to follow it.

16 **MR. MAST:** That's correct. And the statutory maximum
17 is a million -- a million dollars --

18 **THE COURT:** But then there -- but statutory maximum is
19 a million. The Guidelines say I don't follow the range if
20 it's -- if it is more than 500,000. The Guidelines say here
21 are seven factors that I have to consider. Of course I
22 consider all those factors. I'll have to do that.

23 But what is a two-million dollar fine to a person who has
24 \$327 million of net worth? What's a \$2 million fine to
25 somebody who has \$11 million of net worth? Well, it's a big

1 difference to the 11-million-dollar person and it's almost of
2 no consequence to the 327-million-dollar person.

3 So, you know, the fine is -- is -- you know, but for the
4 statutory maximum, I would impose perhaps a much greater fine
5 on somebody that had \$326 million.

6 A fine is to punish. A fine is to punish.

7 So, anyway, I don't see it on the fine. I hear your
8 argument on the other. I don't see it as to the fine, and I
9 may change my mind. As to the two people, I'll go back and
10 look at it.

11 I think both sides, Defense and the Government, are
12 entitled to an accurate determination of the Sentencing
13 Guidelines.

14 Number one, I believe it, and, number two, I'm on the
15 Sentencing Commission. So, you know, you're not going to get
16 me to say they're irrelevant. Believe me, a number of judges
17 think that.

18 So I'm going to take a look at it, but I just don't want
19 to be engaged in an academic exercise. But it may be less
20 academic if I have two people and so forth.

21 **MR. MAST:** Very well.

22 **THE COURT:** And you're entitled to it.

23 **MR. MAST:** And the Government would like the
24 opportunity to respond to a number of the sentencing memos that
25 have been filed by defendants --

1 **THE COURT:** Of course you can. Of course you can.

2 **MR. MAST:** Okay.

3 **THE COURT:** Yes? Anything more? No.

4 **MR. MAST:** I think what we would like to do is
5 schedule sentencing for --

6 **THE COURT:** Yes. I'm going to schedule everybody's
7 sentencing. This is the way I'm going to do it.

8 I've got a jury I've got to bring back out.

9 I'm going to send out a notice of your sentencing date.
10 You're going to show up on that date. I don't care what your
11 other obligations are. I'm going to do it probably over a
12 period of three days. I may -- I may be able to do it all in
13 two, but I doubt it.

14 I'm going to sentence the so-called "Big Five" on the same
15 day first. And then I'm going to sentence the people seriatim
16 in some order between mornings, afternoons, and so forth in the
17 days following. Okay?

18 I understand that lawyers have many things on their
19 calendar. So do I. And that's the end of that discussion.

20 So I want everybody to show up. I will try to give you as
21 much notice as possible, which means somewhere in the
22 neighborhood of two to three weeks. And then we're going to do
23 the sentencing because now is the time to sentence. Everybody
24 has been at liberty, as they -- but there needs to be some
25 conclusion to this. And that's what I'm going to do.

1 **MR. MAST:** Very well, Your Honor.

2 **THE COURT:** Great. Thank you very much for coming.

3 I don't want to hear anything. Goodbye.

4 (Proceedings adjourned at 1:52 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

DATE: Monday, April 30, 2018

Pamela A. Batalo

Pamela A. Batalo, CSR No. 3593, RMR, FCRR
U.S. Court Reporter