

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 WEST PALM BEACH DIVISION

4 CASE NO. 20-md-02924-ROSENBERG

5 **IN RE: ZANTAC (RANITIDINE)** .
6 **PRODUCTS LIABILITY** . West Palm Beach, FL
7 **LITIGATION.** . October 6, 2021
8 .
9 .

10 DISCOVERY CONFERENCE (through Zoom)
11 BEFORE THE HONORABLE BRUCE REINHART
12 UNITED STATES MAGISTRATE JUDGE

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Official Court Reporter: Pauline A. Stipes
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1 *THE COURT:* This is Case Number 20-md-02924, In re:
2 Zantac (Ranitidine) Multi District Litigation.

3 We are here today on a discovery matter. Let me
4 recognize counsel for the Plaintiffs.

5 *MS. JUNG:* Good morning, your Honor, Je Yon Jung on
6 behalf of the Plaintiffs.

7 *THE COURT:* Good morning. On behalf of Boehringer
8 Ingelheim.

9 *MR. SHORTNACY:* Good morning, your Honor, it's Michael
10 Shortnacy speaking, from King & Spalding, on behalf of
11 Boehringer Ingelheim Pharmaceuticals, Inc.

12 *THE COURT:* Good morning. On behalf of Sanofi.

13 *MS. SHARPE:* Good morning, your Honor, Paige Sharp
14 from Arnold & Porter on behalf of the Sanofi Defendants.

15 *THE COURT:* Good morning. This matter was on today
16 for a PTO 32 hearing relating to -- let me go back.

17 We had a hearing, I think it was a week ago, maybe a
18 little over a week ago, and the issue on the table was that BI,
19 on behalf of Sanofi, had retained certain product based upon
20 its interpretation of the FDA's regulations that required it to
21 keep a residual amount of product for some period of time, and
22 the Plaintiffs were asking for samples from this -- I will call
23 it regulatory retained product.

24 And BI told the Court that BI didn't have an objection
25 to producing it, but because of its contractual obligations to

1 Sanofi, they needed to confer with Sanofi and Sanofi's
2 regulatory counsel. I told the parties to confer and if we
3 needed to get back together, we would get back together.

4 My understanding from at least the submission that I
5 received this morning from Sanofi and BI is that Sanofi's
6 regulatory counsel does not object to production of some of
7 this material to the Plaintiffs, but they need an order from
8 the Court to facilitate importing that material from the
9 Promeco facility in Mexico.

10 Am I correct, Mr. Shortnacy?

11 *MR. SHORTNACY:* Your Honor, I won't speak for Sanofi,
12 I will let Ms. Sharpe do that.

13 I do think that your recitation of the history is
14 correct. I will also say the order, from BI's perspective, is
15 to allow for the export of -- import of the product into the
16 country designating BI as the importer of record and allowing
17 it to work with its U.S. affiliate, BI Freemont, in order to do
18 that. So, that paperwork is required to be submitted.

19 So, from our perspective, it is a requirement for
20 import.

21 *THE COURT:* Okay. I don't know if I should direct
22 this question to Mr. Shortnacy or Ms. Sharpe, but is it fair to
23 say that neither Defendant, at this point, is objecting to
24 producing what the Plaintiffs have asked for, it is just that
25 your view is you need an order of the Court to facilitate

1 complying with their request, but there is no continuing
2 objection at this time? Mr. Shortnacy?

3 MR. SHORTNACY: That is correct, your Honor.

4 THE COURT: Ms. Sharpe?

5 MS. SHARPE: Yes, your Honor, that is correct.

6 Just so the record is clear, if I may, we received the
7 request for our consent during the hearing before your Honor on
8 September 23rd, the last time that we were before you, so that
9 was the first time that we actually received that request, was
10 during the hearing.

11 So, from our perspective, we worked as quickly as
12 possible with our regulatory counsel and internal regulatory
13 colleagues to make sure that we could agree, and did provide
14 that consent last week.

15 THE COURT: I appreciate that. I am going to turn to
16 Ms. Jung in a second.

17 I said this at the last hearing, I will make the
18 record clear in this regard. As I sit here today and as I sat
19 here then, I am only trying to address a forward-looking
20 question, which is how do we get -- is there an objection to
21 producing this product, do I need to rule on that, and if I
22 don't need to rule on anything, how do we facilitate and how
23 quickly can we get this material to the Plaintiffs for the
24 Plaintiffs to use.

25 The Plaintiffs may believe, looking backwards, that

1 they are entitled to some other remedy based on whatever may
2 have happened in the past. I take no position on that other
3 than to say, I am not precluding the Plaintiffs, if they
4 believe they are entitled to a remedy based upon how this
5 process played out, how long it took for this process to play
6 out, or anything else, if they believe they are entitled to a
7 remedy under the rules, they are free to file a motion seeking
8 that remedy.

9 I just want the record to be very clear, all I am
10 dealing with today is the forward-looking question, and I'm not
11 foreclosing any sort of a backward-looking remedy.

12 With that, let me turn to Ms. Jung and see if you
13 believe -- other than me entering this order that Sanofi and BI
14 need, is there anything else you believe we need to do this
15 morning?

16 *MS. JUNG:* Yes, your Honor. I think it is very
17 important for us to be clear that, while I appreciate your
18 forward looking, the reason why we are here on what is now the
19 fourth PTO 32 on this is because of the continual and serial
20 delays and misrepresentations, quite frankly, that the
21 Defendants have made to your Honor as well as to the Plaintiffs
22 repeatedly.

23 If it is true that Ms. Sharpe said that Sanofi, the
24 first time that they learned of this request was on
25 September 23rd, that is contrary to Mr. Shortnacy's position

1 and representation to the Court that they had already made a
2 request to Sanofi.

3 The reason why that is important, your Honor, is
4 because on September 11th, we received notice of 860 new lines
5 of previously undisclosed product.

6 On September 13th, we were already appearing before
7 your Honor regarding a previous batch of disclosed product to
8 be produced, and so on September 23rd, we were before your
9 Honor again trying to make sure that we were getting what was
10 delayed, which is now going to be our forward-looking process,
11 yet we had to have another PTO hearing on September 23rd
12 regarding what they were producing.

13 Query, your Honor, why your order of September 23rd
14 was not sufficient for what BI and Sanofi needed and further
15 delayed us by weeks in order to get the product.

16 Moreover, their position, as you indicated on
17 September 23rd, was that BI's position was that they needed
18 regulatory counsel consultation regarding the retains. We have
19 to date not received any basis for why they continue to delay
20 producing this product.

21 And the new position was that on September 30th, when
22 your Honor ordered the product to be delivered to Emery Pharma
23 by 12:00 p.m. -- actually the order ended up saying 3:00 p.m.
24 Pacific time, instead, they simply said actually Sanofi needs
25 to consult with regulatory counsel.

1 While, again, I appreciate you only moving forward,
2 there is a reason why our forward looking keeps moving weeks
3 and weeks on top of each other further delaying this process.

4 Also, your Honor, their position, quite frankly, on
5 September 30th, through the special master, was not that they
6 needed an order, but yet they wanted to have correspondence and
7 draft correspondence together to request FDA approval yet
8 again, not providing any basis for the regulatory withholding
9 at that time.

10 So, your Honor, it is important to note that until and
11 unless your Honor places something on a PTO 32 hearing, or
12 until and unless the Plaintiffs insist that we need an order
13 from the Court in order to have Defendants give us a date
14 certain, we don't make any progress, and the representations
15 are a little different before your Honor than they are in these
16 meet and confers and this protracted process with the special
17 master.

18 Again, query whether the Judge's order on
19 September 23rd was not sufficient and why are here now on
20 October 6th asking for another order so that they can have the
21 authorization.

22 Recall, your Honor, it is important that on
23 September 13th your Honor was dealing with product previously
24 disclosed by BI that also had potentially -- their excuse at
25 that point was there were Customs broker issues. Again, query

1 whether that product and that inventory had the same reasons
2 that they provided late on October 1st as to why they needed
3 this new order from your Honor that was different from your
4 Honor's order on September 23rd ordering them to produce this
5 product.

6 So, your Honor, at this point, we have to spend a lot
7 of time and energy dealing with these delays that, quite
8 frankly, we feel are intentional and are misrepresentative of
9 their positions. In fact, Special Master Dodge made it clear
10 that your Honor ordered BI's regulatory counsel to appear today
11 to provide further explanation if necessary regarding their
12 delays to date.

13 I presume that also should apply to Sanofi's position
14 that their regulatory counsel's recommendation was to continue
15 to withhold this product from Plaintiffs.

16 Again, it is inconsistent with what we have been here
17 several times before discussing with your Honor, and again,
18 while I appreciate your Honor only looking forward, we continue
19 to have to look forward several times, and that is also why the
20 Plaintiffs had requested costs and sanctions for having to
21 continuously appear before your Honor to only get another order
22 indicating the same thing that your Honor previously ordered.

23 *THE COURT:* As I have said, if you want to submit a
24 motion, supported by evidence in the form of affidavit,
25 declaration, whatever other evidence to support, and you

1 believe you are entitled to a remedy, whether it is costs,
2 fees, or something else, you will file a motion. The other
3 side will have a fair opportunity to respond to it, and if I
4 need to have a hearing to adjudicate that, I will adjudicate
5 that, but you need to identify the remedy that you want and
6 provide evidence to support it, and the evidence will be on
7 both sides and I will have a hearing.

8 In terms of regulatory counsel, I did ask that
9 regulatory counsel be available for this hearing if we were
10 going to have to have a resolution of whether Sanofi, as a
11 matter of law -- let me go back a step. Sorry.

12 One of the issues I had discerned from our last
13 discussion was, I think Mr. Shortnacy -- I forget who was
14 representing Sanofi at the time, Mr. --

15 *MR. SHORTNACY:* Beroukhim.

16 *THE COURT:* Yes. Because they are not regulatory
17 lawyers, they were candid with the Court that they weren't sure
18 whether this was a question that, as a matter of law, they
19 could not take samples out of the regulatory retained material
20 or whether they could, and there was some other regulatory
21 reason why they couldn't provide.

22 And what I asked the special master to notify the
23 parties was, if we were going to have to resolve the regulatory
24 questions of law, I wanted to have regulatory counsel here so
25 that I could talk directly to the people who were the experts

1 in the area.

2 Given that it appears that the Defendants have
3 withdrawn their objection to producing this, I didn't formally
4 excuse regulatory counsel because I didn't know that until this
5 morning, but I find no reason to criticize them for not having
6 regulatory counsel here today. That was the reason I wanted
7 them here, and if they have withdrawn their objection, then
8 there is no reason for them to be here.

9 There is one other question, and I should turn to Mr.
10 Shortnacy. I do think I should give you some deadline to
11 provide -- the materials that were submitted to the
12 Court indicated that as soon as -- I will sign the order today.
13 Once you get that order, that you thought you could begin your
14 production by Friday. How soon after that should we expect
15 that the Plaintiffs will have the materials?

16 *MR. SHORTNACY:* That is a good question, your Honor.
17 If past is prologue -- so, we can't guarantee what will happen
18 at Mexico Customs and we can't guarantee what happens at U.S.
19 Customs and Border Protection and we can't guarantee what FDA
20 does.

21 If past is prologue, however, your Honor's order may
22 have some sway with those Federal agencies, I don't know, but
23 the prior shipment took, I think, two days from start to
24 finish, meaning leaving the loading dock to being received by
25 Emery Pharma, and there was a Mexican Independence Day in

1 between.

2 Again, our goal is to get the product as quickly as we
3 can. By Friday into the stream of shipment -- we have done all
4 we can, as we did last time, to facilitate the smooth entry of
5 the product into the country. Of course, we can't control any
6 of the things I just said, so our hope would be that it would
7 track same as last time.

8 *THE COURT:* What I am going to do is this. I
9 appreciate that at some point it is beyond your control.

10 But I am going to order that it be produced by noon
11 California time on Tuesday, so that if it is, in fact, shipped
12 out on Friday that gives you -- well, noon California time --
13 I'm sorry, five o'clock p.m. on Tuesday. Five o'clock
14 California time on Tuesday, October 13th, which I think is a
15 week from today. I am off by a day. October 12th. Five
16 o'clock on Tuesday, October 12th.

17 That way, if it goes into the stream of commerce on
18 Friday, understanding there is a weekend involved, it ought to
19 arrive either Monday or Tuesday. So, send it overnight or
20 second day overnight, is my point. It should be shipped in a
21 manner designed for it to arrive by that date.

22 If things beyond your control intervene, we will deal
23 with that on the back side, but I am going to put a deadline on
24 it. Perhaps that will help with Customs as well. If Customs
25 is aware that a judge has ordered that this product has to get

1 to California by close of business on Tuesday, maybe that helps
2 you.

3 *MS. JUNG:* Your Honor, may I --

4 *THE COURT:* In a second. Mr. Shortnacy.

5 *MR. SHORTNACY:* Your Honor, may I be heard? I would
6 say -- I appreciate that and I appreciate your Honor's thinking
7 on it. If it is possible, if we could get until Wednesday. I
8 want to avoid -- as I said, these things are out of our
9 control. I understand why your Honor is setting the deadline
10 and appreciate the sort of out for the liege of things that
11 could happen that we cannot control.

12 But I do think getting something on a flight, it has
13 to be reserved, and we assume that is going to happen on
14 Friday, but there are variables at play that make me want to
15 ask your Honor for at least until the end of day Wednesday so
16 that we have a full week.

17 *THE COURT:* Let me hear from Ms. Jung.

18 *MS. JUNG:* Thank you, your Honor. Plaintiffs would
19 request that we actually receive the products by Friday.

20 If your Honor recalls, at the last hearing several
21 weeks ago Mr. Shortnacy made representations to your Honor that
22 they had already started, that they already had collected the
23 samples, and that they would be ready to go short of confirming
24 with their regulatory counsel and getting confirmation from
25 co-defendant Sanofi regarding release of that production of

1 that product.

2 So, again, not understanding why we have these
3 continued delays when they make representations to this Court
4 otherwise, so we would request that it be delivered by Friday
5 because an intervening weekend actually jeopardizes delays and
6 the product sitting, as we indicated in our previous hearings
7 before your Honor, and again, there were no issues despite the
8 parade of horrors and the potential problems and delays that
9 were presented to your Honor in previous PTO 32 hearings.

10 So, we would request that the same format and the same
11 manner in shipping with your Honor's order for Friday would be
12 more reasonable given the representations that they have
13 already started several weeks ago, and there really should be
14 no reason for any further delays.

15 *THE COURT:* I am going to stick with my order. My
16 order is going to be that they provide it as soon as possible,
17 but no later than 5:00 p.m. California time on Tuesday,
18 October 12th.

19 With that, then, Ms. Jung, without waiving any
20 objection you may have to any orders I have entered or any
21 decisions I have made today, is there anything else we need to
22 take up today?

23 *MS. JUNG:* Your Honor, I just want to make sure that
24 the order is very clear that it requires that BI as well as
25 Sanofi -- or BI, on behalf of Sanofi, produce this product.

1 The proposed order that BI submitted to your Honor
2 only indicates BI, whereas the reasons for the delay was
3 because of Sanofi's position as the contractual owner of the
4 product. So, to make sure that we are covered by everything,
5 we would request that the order include BI and Sanofi as the
6 entities that are ordered to produce the product.

7 *THE COURT:* Let me break that apart.

8 When you say "the order," I think I am actually doing
9 two orders. One order I am doing is for the use of BI, who has
10 possession, custody, and physical control over the product, to
11 bring it into the country.

12 I am going to do a separate order memorializing the
13 oral rulings I have made here today. So, it would be Ms.
14 Sharpe.

15 Any objection if the second order incorporates Sanofi
16 as well as being responsible for the production of the
17 materials by a certain time?

18 *MS. SHARPE:* Your Honor, I don't have any objection to
19 the order referencing Sanofi, but Sanofi has no ability to
20 control BI's production of the product outside of the consent
21 that we have provided. It is BI's facility in Promeco that has
22 the product and will be shipping it, so I don't think it would
23 be appropriate to order Sanofi to produce product that is
24 entirely outside of our control.

25 However, obviously we have provided our consent and

1 don't have any objection to the order acknowledging that Sanofi
2 has consented to BI's production of the product.

3 *THE COURT:* Here is what I am going to do. I am going
4 to order that BI has to produce it, but that Sanofi must
5 cooperate as necessary and provide all assistance necessary to
6 facilitate the production.

7 That is the appropriate way to define what Sanofi's
8 role should be. They can't throw a roadblock in front of this,
9 and if they need to execute documents, if they need to sign
10 things for the Customs brokers or things like that, I will
11 direct Sanofi to do that, but in terms of the actual physical
12 production, that burden falls on BI. So, that is how the order
13 will be structured.

14 *MS. SHARPE:* Thank you, your Honor.

15 *THE COURT:* Ms. Jung, any other issues you wanted to
16 raise or any other clarifications?

17 *MS. JUNG:* No, your Honor.

18 *THE COURT:* Thank you. Mr. Shortnacy, without waiving
19 any objections you may have to any rulings I have made,
20 anything else you wanted to raise today?

21 *MR. SHORTNACY:* Yes, your Honor, thank you.

22 I did have one issue to raise that is separate from
23 the regulatory routine productions that we have all been
24 focused on, but it is sort of thematically related.

25 As you know, we have all been focusing on getting the

1 imports into the country. In connection with understanding
2 that process and the samples available, we did come to learn
3 that it appears that the Promeco company procedures governing
4 those retains may not have been suspended.

5 Just for background to your Honor, those procedures
6 typically require that regulatory retains be preserved for a
7 period of time, after which there is a controlled mechanism for
8 disposal of those products. So, we have come to learn that it
9 looks like that policy may not have been suspended.

10 We provided notice to Plaintiffs of that on
11 September 11th. We committed to keeping the special master and
12 Plaintiffs informed as we investigate, and we will do so, but
13 we did just want to raise that with the Court as an issue.

14 Again, I am just trying to get our arms around the
15 issue, but wanted to make it aware for the Court.

16 *THE COURT:* I appreciate that. It seems to me this is
17 somewhat akin to an issue I think we had with some emails about
18 a year or so ago. Look, if the product was not retained and --
19 if it was not preserved and it should have been preserved as a
20 matter of -- for trial purposes or as a matter of your
21 evidentiary or discovery obligations, and it wasn't preserved,
22 there are remedies for that which the Plaintiffs can avail
23 themselves of as they see fit, if it fits.

24 The only thing I would expect, and it sounds like we
25 are on that road, is there should be transparency, that the

1 Plaintiffs should just be aware if things have not been
2 retained, it is what it is, let's just get the facts out there,
3 and if the Plaintiffs are entitled to a remedy, Plaintiffs will
4 file what they need to file and they will get the remedy they
5 are entitled to, or if they have some proposal for how to
6 remediate, we will address that.

7 I appreciate you presenting it to me. I don't think
8 there is anything for me to do today. If -- Ms. Jung, again,
9 if the Plaintiffs reach a point where they either feel they are
10 not getting the transparency that they need or they have gotten
11 the transparency they need and they think they are entitled to
12 another remedy, please raise it and bring it before the Court.

13 Ms. Jung, I shouldn't have cut you off and not let you
14 respond before I said that. Please go ahead.

15 *MS. JUNG:* No problem, your Honor. I actually am just
16 a little confused as to what Mr. Shortnacy just represented.
17 Is he indicating that their previous productions were not
18 retained in accordance with their requirements?

19 *MR. SHORTNACY:* No.

20 *MS. JUNG:* I am a little confused as to what your
21 position is. I would appreciate any clarification on that
22 because I didn't understand it.

23 *THE COURT:* What I think I heard was there is sort of
24 a historical tale, so stuff that was ten years old, it is
25 destroyed after ten years, and maybe because of this litigation

1 we should have stopped destroying it two years ago, and we
2 didn't. So, now we only have ten years worth of stuff, not
3 twelve years worth of stuff, and those first two years are now
4 gone forever.

5 Did I understand you correctly, Mr. Shortnacy?

6 *MR. SHORTNACY:* That is correct. The time periods are
7 slightly different, but that is directionally correct and I
8 think conveys the concern, and that is what we are getting our
9 arms around right now.

10 What we have tried to do is focus as best we can, sort
11 of running parallel tracks, which is provide notice to the
12 Plaintiffs to let them know, you know, continue to investigate
13 this issue, but also press full steam ahead getting the
14 Plaintiffs the products that they want because the things that
15 are in existence today are the things they can test.

16 That is something that we have been, again in
17 parallel, very focused on with your Honor and with Plaintiffs,
18 but that is correct.

19 *THE COURT:* Okay. Ms. Jung.

20 *MS. JUNG:* Thank you for that clarification, Mr.
21 Shortnacy.

22 With respect to any spoliation, are you saying that
23 you provided that information on September 11th to the
24 Plaintiffs?

25 *MR. SHORTNACY:* Correct. I wouldn't call it

1 spoliation, I think that is a legal conclusion, of course, but
2 that was in our notice that you attached as Exhibit A to the
3 PTO submission.

4 *THE COURT:* What I am going to do is, I don't think
5 this is something we ought to flesh out in an open hearing with
6 everybody else here. We are spending a lot other people's time
7 and money. This is an issue the parties should continue to
8 discuss. If you need to get the special master involved to
9 facilitate, feel free, but it sounds like it is what it is.
10 What is not there isn't there.

11 BI should tell the Plaintiffs what is not there any
12 more, and as we did in the other situation, there may be some
13 limited exchange of information about how this happened and who
14 is responsible. Again, there is a process there, I expect the
15 parties to follow the process and we will let it play its way
16 out. Thank you.

17 While I have you -- before I ask, anything else, Mr.
18 Shortnacy?

19 *MR. SHORTNACY:* No, your Honor, thank you.

20 *THE COURT:* Ms. Sharpe, same question to you, any
21 other issues you wanted to raise today?

22 *MS. SHARPE:* Nothing further, your Honor, thank you.

23 *THE COURT:* I have one, and candidly, neither of you
24 may be able to answer this, and that's perfectly fine. If I
25 can short circuit something, I will.

1 Judge Rosenberg forwarded to me a motion that Sanofi
2 had filed relating to Letters Rogatory to, I believe it's a
3 doctor or a scientist of some kind in Canada, and the conferral
4 aspect of the motion indicated it had been provided to
5 Plaintiffs' counsel, Plaintiffs' lead counsel hadn't yet had
6 time to review it and to form an opinion as to whether
7 they would oppose the request for Letters Rogatory.

8 Ms. Jung, or if you want to throw the ball to somebody
9 else who is on this call, do you know if the Plaintiffs have
10 arrived at a position as to whether they agree, don't agree?
11 If they want more time to think about it, that is fine, but if
12 there is a resolution that is easy, I would like to deal with
13 it.

14 MS. JUNG: Your Honor, if there is someone else on the
15 Zoom that would like to jump in on this, my lane has been
16 squarely the product issue, so I am afraid I cannot answer that
17 question.

18 THE COURT: Okay.

19 MR. McGLAMRY: Your Honor, this is Mike McGlamry. I
20 am not on the screen because I am not properly suited up.

21 THE COURT: That's all right.

22 MR. McGLAMRY: Can you ask that question again,
23 because I have had discussions about this issue.

24 THE COURT: It is very simple, Mr. McGlamry, and if
25 the answer to the question is, we are not there yet, that is

1 perfectly fine.

2 I saw that Sanofi filed a request for the Court to
3 issue Letters Rogatory relating to a gentleman in Canada who I
4 believe may have been the original source of the referral to
5 Valisure, and it indicated in the motion that the Plaintiffs
6 filed that they had notified Plaintiffs' lead counsel that they
7 were going to make this request; that Plaintiffs lead counsel
8 hadn't, as of the filing of the motion, had time to consult and
9 review it and had not taken a position on it.

10 My only question is, if you have now had that process
11 and your position is we don't oppose it, I will grant it. If
12 your position is we need more time to think about it, that's
13 perfectly fine and I will let you file whatever you want to
14 file.

15 *MR. McGLAMRY:* Thank you, your Honor, again, Mike
16 McGlamry. I would ask for a little more time. Just to put it
17 in context, this was originally brought to us, I don't know,
18 maybe a month ago, and we said, look, we think this is way too
19 broad and it is overreaching and all of that, however, you all
20 need to contact, under the local rule, the attorney for who you
21 are asking this for, including Valisure, because otherwise it
22 may appear as if we do not oppose the request, which we do
23 because we think they are too broad.

24 However, I think then -- I know then, at least I
25 believe they had conversations with the attorneys for this

1 individual and maybe Valisure as well, but we had not actually
2 seen the motion before it got filed. So, yes, we would like a
3 little more time.

4 *THE COURT:* No problem. Just for your information, it
5 does indicate as well that they conferred with counsel, I think
6 for the individual, and that they oppose it. Again, that is
7 fine, you review it, you will file a response within the time
8 required by the rules, and I will address it as I need to.

9 That is fine. I just thought if there was no
10 disagreement, I would deal with it now, but it sounds like I
11 can't and that's perfectly fine.

12 *MR. McGLAMRY:* Your Honor, maybe we have no
13 disagreement, but let us have a chance to look at it.

14 *THE COURT:* No problem. Thank you very much, Mr.
15 McGlamry, for stepping in.

16 *MR. McGLAMRY:* Thank you, your Honor.

17 *THE COURT:* With that, then, I think we have addressed
18 all of the issues the parties had and I thank the parties. I
19 will excuse everyone and have a good day.

20 *MR. SHORTNACY:* Thank you, your Honor.

21 *MS. JUNG:* Thank you, your Honor.

22 *MS. SHARPE:* Thank you, your Honor.

23 *(Thereupon, the hearing was concluded.)*

24 * * *

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

3
4 Date: October 7, 2021

5 /s/ Pauline A. Stipes, Official Federal Reporter

6 Signature of Court Reporter
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Pauline A. Stipes, Official Federal Reporter

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