IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

National Security Archive, et al.,	)	Civil Action No. 1:20-cv-03500-KBJ
Plaintiffs,	)	**Telephonic Status Conference**
vs.	)	
Donald J. Trump, et al.,	)	Washington, D.C. December 7, 2020
Defendants.	)	Time: 11:00 a.m.

Transcript of **Telephonic Status Conference**
Held Before
The Honorable Ketanji Brown Jackson (via telephone)
United States District Judge

A P P E A R A N C E S

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P R O C E E D I N G S

(REPORTER'S NOTE: This hearing was held during the COVID-19 pandemic restrictions and is subject to the limitations of technology associated with the use of technology, including but not limited to telephone and video signal interference, static, signal interruptions, and other restrictions and limitations associated with remote court reporting via telephone, speakerphone, and/or videoconferencing.)

THE COURT: Good morning. This is Ketanji Jackson. I understand that all of the parties are on the line.

Do we have Ms. Franklin?

THE COURT REPORTER: No, Judge. She's not on the line today.

THE COURT: Okay. Thank you very much. Just wanting to make sure whether I need to call the case. So let me do that.

This is a telephonic scheduling call in Civil Case No. 20-cv-3500, National Security Archive v. Trump. We do have our court reporter who is recording this teleconference.

So let me start by having the parties please introduce themselves to the Court, beginning with the plaintiffs.

MS. WEISMANN: Good morning, Your Honor. This is Anne Weismann on behalf of the plaintiffs, and also with me today is my co-counsel Nikhel Sus.

THE COURT: Good morning.

Defense counsel, please.

MS. SHAPIRO: Yes. Good morning, Your Honor. This is Elizabeth Shapiro from the Department of Justice, and with me is co-counsel Julia Heiman.

THE COURT: Good morning to you-all as well.

We are proceeding by teleconference primarily due to the court's closure status, in general, as a result of the pandemic emergency, although it is my ordinary practice to schedule a conference call that pertains to a motion for a temporary restraining order.

In this case, we have a TRO that has come in. Plaintiffs filed it on Friday afternoon, and the case itself was brought a week ago today. Let me start, as I ordinarily do, with respect to these kinds of matters, which is by attempting to assess whether and to what extent the issues involved present a true emergency, such that there really is no time for briefing or thorough consideration of the matter prior to the Court's imposing some kind of injunctive relief. And, of course, that evaluation relates to the nature of the claims, to the alleged claim, and it also pertains to the timing of the plaintiffs' motion relative to known facts that give rise to

their claims.

So I have reviewed the complaint and the TRO. Based on the allegations that are being made, I do have some questions about the urgency of the plaintiffs' claim in terms of -- of treating this as a TRO. Let me just put on the table at least my initial impression, and then I'll turn it over to plaintiffs.

For example, it appears as though the White House's screenshotting policy, which seems to be at the heart of what the plaintiffs are complaining about, that policy has been in effect since 2017, and it, at least from the allegations, was clear as of March of 2019 that White House officials, and in particular Jared Kushner, was using the WhatsApp app to create or send presidential records and that he was preserving such documents via the screenshotting policy. So what I need to understand is why this motion is being filed now on an emergency basis, and, of course, as I said, the answer to that question has implications for the schedule moving forward.

So, Ms. Weismann, maybe I'll start with you and ask whether there are facts that you're aware of that indicate a recent change of policy concerning the handling or maintenance of White House records.

MS. WEISMANN: Good morning, Your Honor. This is Anne Weismann.

Not specifically, but there is a changed circumstance

which really heightens the need for the relief we are requesting and, that is, that in less than six and a half weeks, President Trump will leave office, a new President will come in, and all of the records of the Trump presidency will be transferred to NARA for -- they will take over custody, control over those records. And the concern here is that a lot of the missing data -- we believe missing data -- is not currently, you know, in the confines of the White House. A lot of it resides with individuals who have used nonofficial messaging apps like WhatsApp to conduct official business.

So I submit especially that the timing here is really driven by the fact that we are on the verge of a new presidency and that changes everything with respect to the status of and control over the records of the Trump presidency.

THE COURT: Except, Ms. Weismann, with all due respect, it seems as though the circumstance that you're indicating is actually more favorable to plaintiffs in the sense that the circumstance is not that NARA will not have access to the records. In fact, you say that the circumstance is that in six weeks they will take custody of them. So, again, I don't -- I'm not sure it is evident, at least to me, why I'm dealing with this in the context of a TRO with respect to practices that have been in place for years now.

I mean, the individuals you're talking about have been preserving records or not pursuant to the White House policy

since, you know, 2019 at least. So what is it about this moment that makes it significant enough that the Court has to intervene with, by the way, a very limited type of injunctive relief? I mean, a TRO is a 14-day kind of order. And so I just don't see where -- where the need for treating this with that kind of urgency is coming from.

MS. WEISMANN: Well, Your Honor, let me -- let me try to explain a little -- a little better.

You're correct that as -- as -- on January 20th at noon, NARA will be the official custodian of all of the records of the Trump presidency. The problem lies in the fact that if those -- whatever records are not preserved will not be transferred to NARA. And that's really -- with respect to the screenshotting policy, that's our concern.

By adopting an official policy that tells White House employees if they use nonofficial messaging accounts to conduct business, all they need to do is to capture -- is to create a screenshot of the message and that's what will be the official record that will go to NARA, you know, it means that all of the valuable metadata, attachments, et cetera, as we've laid out in our briefs, are not captured, and yet all of that material also constitutes presidential records material that needs to be preserved.

So our concern, Your Honor, is that on January 20th, NARA won't have any of that data.

THE COURT: Yes. But that concern -- Ms. Weismann, that concern, I would think, arose in February of 2017 when the White House issued the memoranda that allowed for its employees to preserve records in the way that you now claim is inconsistent with the Presidential Records Act.

What's -- what's concerning to me is not necessarily the substance of your claim. I understand that you think that the Presidential Records Act requires them to preserve that data in a more significant way than just a screenshot. My concern is that that -- it became clear that the White House disagreed with you in 2017. And it seems as though rushing in 60 days before the end of the administration to seek a TRO and to prevent them from continuing to implement a policy that's been in place for two-plus years now, it seems like this is not sort of the right timing in terms of how to address this issue.

MS. WEISMANN: Well, the problem that we see, Your Honor, is that if we don't get this kind of immediate relief and we continue to litigate this issue, on January 20th our ability to get full relief without a decision of any policy is essentially, you know, mooted because NARA won't have all of the metadata, all of the attachments to these screenshots.

THE COURT: I understand, but -- but isn't that -- wasn't that based into your decision to wait until now? I -- I mean, I appreciate that that might be a problem for you in 60 days, but you've known about the basis for this complaint

for two-plus years. Let me --

MS. WEISMANN: Well, Your Honor --

THE COURT: Yes. Go ahead.

MS. WEISMANN: Okay. I -- I would just point out -- I'll just point out that we -- we did write -- CREW wrote several letters, one well over a month ago, to NARA, to the White House, to Mr. Kushner, asking for assurances that they would begin this policy, and they refused to provide those assurances.

You know, yes, we wish that we had appreciated the nature of this problem this -- this created earlier. We did not fully appreciate the -- the problem of what it meant for purposes of presidential records until recently, and we acted as promptly as we could. And at this point, you know, we -- we do say irreparable loss of records, and that is the sort of textbook example of the kind of harm that the preservation order we seek here is designed to prevent.

THE COURT: All right. So let me -- let me ask you in a more granular way what activity of the White House are you seeking to restrain? And, again, this is not for the purpose of -- of binding you with respect to -- with respect to the claims you're making. This is not a hearing on the substance. I'm just trying to evaluate whether the Court has to move quickly to prevent the kind of activities that you would like to have restrained.

So what is it that you are asking the Court to do in terms of the imposition of a TRO?

MS. WEISMANN: Well, we're asking for several things, Your Honor. We're asking, first, the Court to order the White House defendants to preserve all presidential records.

And the second thing we're asking is that as part of that preservation, the White House is directed to get possession of, so that it can preserve all of the metadata, the attachments, all of the presidential record material that's associated with these messages that were sent or received on nonofficial accounts that until now have -- have been preserved only as a screenshot.

THE COURT: All right. So with respect to the first point, preserving all presidential records, that seems to me like it's just a general follow-the-law kind of injunction because the statute requires that the White House preserve all presidential records. So do you have a factual basis that the -- other than this sort of notion that you believe screenshots are not enough, is there some practice or policy of the White House in particular, in addition to the screenshotting policy, that you are asking the Court to prevent the White House from engaging in at this time?

MS. WEISMANN: Yes, Your Honor. As spelled out in our complaint, we are also challenging the failure of the President and others acting at his direction to comply with the

notice requirements that the PRA imposes on him before he can destroy any presidential records. And it is our contention that he has not complied with that, and as a result, we, the public, all -- all of the plaintiffs, who are good government groups and historians, face the risk of irreparably losing valuable historical records.

THE COURT: I understand the risk. What I'm trying to understand is what my order looks like if, you know -- the order that you're requesting. So you're also including then a line about not -- or having to notify the archivists. I don't see that as a proposed order right now, so I'm trying to understand.

MS. WEISMANN: At this -- yeah, at this juncture we have not -- we have not moved for a TRO that would be against the archivists, because the archivists at this point do not have possession and control of the records. Obviously on January 20th, whatever preservation order is in place, we would want to send to the archivists.

THE COURT: I'm sorry. I wasn't clear. I'm talking about the notice point that you just made. You say in your complaint --

MS. WEISMANN: Oh.

THE COURT: -- you claim that the President will not --

MS. WEISMANN: I'm sorry.

THE COURT: -- is not complying with the notice. Is that a part of the TRO or not?

MS. WEISMANN: Yes, it is, Your Honor. And I'm sorry. I -- I misunderstood the Court's point.

Yes, the TRO and our motion and our complaint complains about the fact that the President has failed to comply with the mandatory notice that the statute requires him to give to the archivists before he destroys any presidential records.

THE COURT: All right. So would -- would your TRO be mooted in a sense if the White House were to agree to just not destroy anything moving forward? Can we litigate this in the ordinary fashion if you had those sorts of assurances?

MS. WEISMANN: If they were advised in the Court order, yes. I'm still not sure that would address the screenshotting issue, but as to the counts against the President and EOP, with respect to their failure to give the required notice, yes, that would go far enough.

THE COURT: Why would that not address the screenshotting issue? I mean, if they're only now preserving things by screenshot, if, instead, the White House said, you know, even if we're screenshotting things, we're not going to destroy anything, we'll just hold the electronic records, why wouldn't that moot the TRO aspect of this?

MS. WEISMANN: Because, at present, it's our understanding that the White House, in fact, does not have all

of that associated metadata, attachments, et cetera. All they have in their records systems, all they have -- all that's been preserved are the -- the screenshots. And so there's still very significant valuable data that qualifies, we submit, as a presidential record material that is -- they don't have and they're not preserving. When I say "they," I mean EOP doesn't have it in its record keeping system.

THE COURT: Right. But I guess I'm not being clear.

So if the White House were to agree to not destroy -- you're -- what -- I guess -- are you saying that that data cannot be preserved or just that they're not doing so and they can't agree to do so during the pendency of this litigation?

MS. WEISMANN: I'm not saying it cannot be preserved. I'm saying at this point I believe that a lot of the data likely still resides with individual White House employees to the extent that they have used phone -- their personal phones, for example, to send WhatsApp messages, as we understand Jared Kushner has. All of that data, if it has not been forwarded to the White House to be placed in an official record keeping file, then it is still with Mr. Kushner. And that would be true for other White House employees as well.

THE COURT: All right. So let me turn to Ms. Shapiro to ask about whether Ms. Weismann's representations concerning records being in individual employee files and custody and not in White House files and custody, is she right about that,

Ms. Shapiro?

MS. SHAPIRO: Good morning, Your Honor. This is Elizabeth Shapiro.

I think we can make this much easier on the Court and on everybody, because there are three very strong reasons why this TRO needs to be denied. And the first is that preservation instructions were already conveyed to the White House before plaintiffs ever filed their TRO. A formal litigation hold went to all components and individuals affected by this litigation, and that's all individuals within the White House office, so including Jared Kushner.

Every litigant is under a duty to preserve records. We've already done that. And there's absolutely no need for a preservation order because we have complied with our litigation obligations and issued an order after we got the complaint and -- and were able to get that instruction and before the TRO.

And plaintiffs would know that if they had conferred with us on this motion, which brings me to the second point why this motion has to be denied, which is because this motion for preservation is really a nondispositive motion for preservation that was subject to Local Rule 7(m). Had they conferred with us, the plaintiffs, they would have learned there was no need to bring a motion, particularly an emergency motion, because preservation measures are in place.

And, Your Honor, as -- as Your Honor well knows, Your Honor's chamber rules make crystal clear any motion that does not comply with Local 7(m) will be denied. I think the Court's exact words are: The Court will summarily deny motions that are subject to Local Civil Rule 7(m) but do not contain the requisite statements, unquote.

And plaintiffs knew precisely with whom to confer about this motion because they sent me a copy of their ready-to-file motion on Friday at 11:30 in the morning. They filed the TRO nine minutes later. I responded to Ms. Weismann at 12:30 saying I had received her email and I would get back to her soon. When I went on the docket, the TRO motion had already been filed. So there was no discussion before this motion was prepared and filed, and -- and had there been, I think we could have obviated the entire need to have this conversation.

But, in any event, the third reason why the motion should be denied is because on its face the plaintiffs cannot make out the elements of the TRO. They cannot establish irreparable harm because they claim that the harm flows from the absence of a preservation order, but, in fact, preservation instructions and measures are in place.

They are also unlikely to succeed on the merits of their claim because, as they essentially recognize in their papers, the *Armstrong* decision from the D.C. Circuit prevents this Court from asserting jurisdiction over virtually all aspects of

PRA claims with very limited exceptions. One of those claims that are precluded are compliance claims. So the notion that there should be a TRO to enjoin the President from compliance with the PRA is -- is not something that's within this Court's jurisdiction to order.

So on -- the two most significant elements of the TRO casts irreparable harm and likelihood of success on the merits, plaintiffs cannot succeed on this motion. But what we can do, and what we would have told plaintiffs if they had conferred with us, is that we are willing to enter into an expedited briefing schedule to resolve this matter. We're prepared to file a motion to dismiss on the merits by December 15th, which is, I think, eight days from now, so that we should be able to quickly litigate and resolve this in advance of the transition.

THE COURT: All right. Let me then turn it back to Ms. Weismann. Why shouldn't the Court proceed as defendants have proposed, especially in light of the lack -- alleged lack of plaintiffs having complied with the local rules concerning consultation?

MS. WEISMANN: First of all, at no time after we filed our complaint, between that time and when we filed the motion for TRO, did anyone from the government enter their appearance, and so I very much take issue with the idea that we have failed to comply with our notice requirements.

And I would also point out that as we said in our papers, yes, this -- this motion could have been avoided had the White House or NARA had the courtesy to respond to any of our letters that we sent over the last month and a half asking for precisely the kind of assurance that they now -- that defendants now claim they're willing to give.

THE COURT: All right. Well, in light of their representations that -- in light of their representations --

MS. WEISMANN: Yes.

THE COURT: -- that --

(Indiscernible simultaneous cross-talk.)

THE COURT: What is your view of whether the motion is still needed?

MS. WEISMANN: Well, I think it still does not address the concern I raised with respect to the data that has not been preserved by the screenshots. And so I still think there is a need to address that component of it, because come January 20th, all of those White House employees will no longer be employees of the White House and no longer under the direction of the White House Counsel and EOP. And so we still think that there needs to be --

THE COURT: Ms. Weismann, what I understood defense counsel to be representing is that at present the White House has notified all such persons that they are not to destroy any documents or any records, electronic or otherwise. So that

right now the -- the data that you're concerned about is being preserved. Why doesn't that obviate the need for emergency relief in the way that you have moved?

MS. WEISMANN: If that is, in fact, the case, I would agree that we don't need the emergency relief. But in order to be able to know that's the case, we would need to see the terms of the preservation order because --

(Indiscernible simultaneous cross-talk.)

THE COURT: I -- I take -- I take government counsel at her word as an officer of the court that a litigation hold preservation order has been issued. I don't know whether or not -- you know, I don't feel that it is necessary for the Court to scrutinize the details of that to the extent that she is representing, as has been represented in prior cases, by the way, that the government is preserving this data and information. I'm not aware of a circumstance in which the Court then says prove it before they determine whether or not to proceed to litigate the claims in a less emergent fashion, which is really all that I'm concerned about right now.

I'm trying to figure out the right schedule by which to assess the claims that you've made in your complaint. Defendant has said that there is a litigation hold that none of the data -- that the data that you're concerned about is being destroyed and that they're prepared to file a motion to dismiss and litigate this, essentially, on expedited motions for

cross -- for summary judgment as of December 15th.

What is your view of that proposal?

MS. WEISMANN: Your Honor, as long as it is clear -- and I apologize. It's not clear to me that for purposes of what they've ordered be preserved, it includes all -- a complete copy of any electronic presidential records, and that would include all of the metadata, attachments, and functionality associated with the original record. As long as the preservation order expressly includes that information, we would agree that there is no need to rule on an emergency motion, but I did not hear that expressly from counsel. And if she said it, I apologize.

THE COURT: Ms. Shapiro, is it the White House's position they have ordered the preservation of all records and data associated with those records in the manner that Ms. Weismann indicates?

MS. SHAPIRO: Yes, Your Honor. This is Elizabeth Shapiro.

The litigation hold, which is privileged -- but I can represent that it directs individuals to maintain the record in its original form, in its native format with all the functionality.

THE COURT: All right. So, Ms. Weismann, given that, do you want to withdraw your motion for a TRO? Do you want the Court to deny it as moot?

I think we should turn now to a discussion of the schedule concerning the -- the claims that you've made in this case.

MS. SHAPIRO: So, Your Honor, this is -- I wasn't sure who you were directing your question to, but we are prepared, as I mentioned, to move to dismiss under Rule 12 by December 15th.

THE COURT: Yes.

MS. SHAPIRO: And --

(Indiscernible simultaneous cross-talk.)

THE COURT: Yes, I was trying to ask Ms. Weismann whether in light of your representation now that everything has been preserved, how -- how should the Court treat the pending TRO.

MS. WEISMANN: Your Honor --

THE COURT: Happy to deny it as moot, or I can allow you to withdraw it, and we can move into the briefing phase of this.

MS. WEISMANN: Your Honor, this is Anne Weismann.

I do have a further issue that needs to be addressed and, that is, that we are facing the end of a -- of a presidential term, which means that, as is starting to be reported almost daily in the newspaper, employees will leave. To the extent that employees have any of the, you know, original form of these messages, including all of the metadata

and attachments, we want to make sure that those records are placed in the custody of the White House before they leave.

THE COURT: I -- I fully understand and appreciate your interest. I will ask Ms. Shapiro whether that is what the arrangement that the White House has made, but I -- I do also want to indicate my awareness that the D.C. Circuit has in this area of presidential records issued many times rulings that indicate that the Court has limited subject-matter jurisdiction.

So just because the plaintiffs have brought this as an emergency motion at the end of a presidential term and have expressed what they believe to be legitimate concerns about the presidential -- the preservation of records, doesn't permit this Court to suddenly become a tribunal that can order the President to do various things in this regard when the D.C. Circuit has said that the Court has limited subject-matter jurisdiction.

So I'm -- I'm happy to ask Ms. Shapiro in the context of this call whether or not the instructions that the White House has given include the instruction to individuals who might be leaving to hand over all their records in the original form to the White House.

Ms. Shapiro, is that happening or not?

MS. SHAPIRO: So the litigation hold does not expressly address what happens when employees leave, but there

are elaborate procedures when anybody leaves the White House about their records. So I have to imagine that all of that is accounted for, particularly when these individuals are all now subject to a litigation hold.

And, in any event, I agree that is not the appropriate subject of an order. But I'm certainly willing to work with Ms. Weismann to make sure that, you know, she is satisfied with those procedures; but there shouldn't be any doubt that the office of records management is extremely vigilant about managing departing employees' records, and they're aware of this litigation hold.

THE COURT: All right. So we have on the table the proposal that the defendants file a motion to dismiss as of December 15th. Let me get my calendar out.

Ms. Weismann, again, with respect to your existing TRO, are you in a position now to say that you would like for it to be withdrawn? Do you want it converted into some sort of motion for summary judgment? How do you propose we proceed from a procedural standpoint given the representations of defense counsel?

MS. WEISMANN: Your Honor, this is Anne Weismann.

Given the --

THE COURT: Sorry. I just got a little -- can you try again.

MS. WEISMANN: Can you hear me now?

THE COURT: Yes. Go ahead.

MS. WEISMANN: Sorry. Your Honor, Anne Weismann.

Given the representations of counsel and the willingness -- their express willingness to work with us so that we understand and are reassured about the procedures they have in place to capture records of departing employees, we are willing -- we can either withdraw our motion or the Court can treat it as moot, and we are willing then to talk about scheduling for a motion to dismiss.

THE COURT: All right. I'll enter a minute order that denies the motion as moot in light of the representations of defense counsel in the context of today's teleconference. And given that, we would have the complaint. The defendant is seeking to file a motion to dismiss by next Tuesday. The question is should we just proceed in motion-to-dismiss world given what I take defense counsel's primary argument, or at least one of the arguments, will have to do with the Court's subject-matter jurisdiction, which is certainly a threshold consideration, or do we want to have some -- you know, cross-motions for summary judgment? How should we go about evaluating the remaining claims?

MS. WEISMANN: Well, Your Honor, this is Anne Weismann.

Speaking for the plaintiffs, we wouldn't be in a position to cross-move summary judgment because we wouldn't

have access to all of the facts we would need.

THE COURT: All right. So it sounds like then we should have the -- just sort of processing what you just said in terms of the facts that you would need. So what sort of facts do you need, Ms. Weismann?

MS. WEISMANN: Well, we -- you know, if we proceeded in the normal course, we would -- you know, we would be entitled, I think, to certain discovery. So we're not willing to concede that there's no discovery that we would be entitled to that would shed further light on the practices --

THE COURT: So here's --

MS. WEISMANN: -- of the White House.

THE COURT: -- what I think needs to happen. Given that the parties have not consulted yet concerning this matter, I think you-all should talk, figure out what the form of motion should be, whether -- and that may have to do with whatever facts you think you need and what the defendant is in a position to provide to you quickly -- and propose a schedule regarding further proceedings concerning the claims in this case.

The Court is certainly willing to do so in an expedited fashion, whether it is motion to dismiss and opposition or cross-motions for summary judgment, but I think it would be best if the two of you -- or the two sides were to confer and then, let's say, by noon tomorrow file a proposed -- a joint

proposed schedule for further proceedings, if there is an agreement. If there's not an agreement, then you file something that indicates what the two sides' positions are on how we should proceed to litigate the claims in this matter.

Does that make sense?

MS. WEISMANN: Your Honor, this is Anne --

THE COURT: Sorry. Let me have Ms. Weismann.

MS. WEISMANN: This is Anne Weismann. Yes, that makes sense to us, Your Honor.

THE COURT: All right. Ms. Shapiro?

MS. SHAPIRO: Your Honor, I can tell you now that our position is that the Court lacks subject-matter jurisdiction over the entirety of this complaint. So we would not agree to any discovery. We would want to move for a complete dismissal under Rule 12. So while I'm happy to confer with -- with counsel, you know, that will be our position. And I think we would be entitled to make that motion.

THE COURT: And you'd be willing -- and you'd be available to do so by next Tuesday?

MS. SHAPIRO: Correct.

THE COURT: All right. And that may well be how it shakes out, but why don't I have you-all -- give you until tomorrow to pin down your relevant submissions. Maybe the plaintiffs will agree we should do this threshold briefing on

subject-matter jurisdiction or they will have a list of facts and evidence that they would like to procure; and then I will resolve which set of -- which schedule we're going to follow in terms of getting the claims resolved.

All right. So I'll set noon tomorrow as a deadline for a proposed schedule. I understand defendants' position, and, you know, you can begin your briefing as to your view as to how this should play out, but I will decide once I get your relevant positions and issue an order tomorrow after I reviewed what you have put forward concerning how we're going to proceed. All right?

MS. SHAPIRO: Thank you.

MS. WEISMANN: Thank you, Your Honor.

THE COURT: Anything else?

All right. So I'll issue an order that moots the TRO and that requires you to issue a proposed schedule by tomorrow at noon. Thank you.

MS. WEISMANN: Your Honor, I'm sorry. This is Anne Weismann. I just want to know in the order that you issue on mootness, will you note that it is based on representations of counsel with respect to document preservation?

THE COURT: I will.

MS. WEISMANN: Thank you, Your Honor.

THE COURT: All right. Thank you. Have a good day.

(The proceedings concluded at 11:40 a.m.)

CERTIFICATE OF OFFICIAL COURT REPORTER

I, Nancy J. Meyer, Registered Diplomate Reporter, Certified Realtime Reporter, do hereby certify that the above and foregoing constitutes a true and accurate transcript of my stenograph notes and is a full, true, and complete transcript of the proceedings to the best of my ability.

Dated this 7th day of December, 2020.

/s/ Nancy J. Meyer
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