

STATE OF NEW YORK : COUNTY OF NIAGARA
FAMILY COURT : PART 1

IN THE MATTER OF A PATERNITY PROCEEDING

PETER MARK DIARBAKERLY

DOCKET NO.: P-03391-17

Petitioner,
-against-

KATIE LYNN RIFORD

Respondent.

PETER MARK DIARBAKERLY,

DOCKET NO.: V-03388-17

Petitioner,
-against-

KATIE LYNN RIFORD,

Respondent.

KATIE LYNN RIFORD,

DOCKET NO.: V-00103-18

Petitioner,
-against-

PETER MARK DIARBAKERLY,

Respondent.

Niagara County Courthouse
175 Hawley Street
Lockport, New York 14094
March 9, 2018

HELD BEFORE:

HONORABLE ERIN P. DELABIO
Family Court Judge

APPEARANCES:

RANDY S. MARGULIS, ESQ.
Appearing for Peter Mark Diarbakerly

DANA L. HERRINGTON, ESQ.
Appearing for Katie Lynn Riford

JASON J. CAFARELLA, ESQ.
Appearing as Attorney for Child

PRESENT:

KATIE LYNN RIFORD,
Petitioner/Respondent

* * *

1 THE COURT: All right. This is the matter of
2 Peter Mark Diarbakerly --

3 MR. MARGULIS: Diarbakerly.

4 THE COURT: -- Diarbakerly against Katie
5 Riford in a paternity action. We have Randy Margulis
6 as his attorney. Mr. Diarbakerly is not here. We have
7 Dana Herrington here for the respondent Miss Riford.
8 Mr. Cafarella is the attorney for the child.

9 We also have visitation proceedings with both of
10 your clients being petitioners. So, can I just
11 basically ask the lawyers, on behalf of both your
12 clients -- let me just enter denials on behalf of your
13 clients with respect to the custody and visitation
14 proceeding.

15 MS. HERRINGTON: That's correct, your Honor.

16 MR. MARGULIS: Yes, your Honor.

17 THE COURT: So I'll enter denials on behalf
18 of both of your clients. You guys are acknowledging
19 receipt of the petitions?

20 MR. MARGULIS: Yes, your Honor.

21 THE COURT: And the paternity docket was
22 already entered a denial but we'll just continue a
23 denial, I believe, on behalf of your client?

24 MS. HERRINGTON: I believe that we can
25 consent to paternity because paternity has not yet been

1 established for the son.

2 THE COURT: For Mason.

3 MS. HERRINGTON: For the older daughter, yes.

4 THE COURT: Okay. Did you want to do that
5 without your client here, Mr. Margulis?

6 MR. MARGULIS: Sure.

7 THE COURT: Okay.

8 MR. MARGULIS: In fact, I think we spoke
9 about that last time and I believe that Miss Herrington
10 indicated that she was likely prepared to acknowledge
11 paternity, so I think that was expected anyway.

12 THE COURT: Okay. All right. So, on behalf
13 of your client, Miss Herrington, your client -- you had
14 a chance to speak with her. She does understand she
15 has a right to a hearing in this matter but instead of
16 going forward with a hearing, she is just going to
17 acknowledge paternity that Mr. Peter Mark Diarbakerly
18 is the father of Mason.

19 MS. HERRINGTON: That is correct, your Honor.

20 THE COURT: So that will resolve the
21 paternity action. With respect to the -- so I realize
22 that -- I guess I got to ask the obvious question,
23 which is: The visitation/custody proceedings are just
24 with respect to your daughter Olivia, or is -- are we
25 involving Mason, too?

1 MS. HERRINGTON: Well, the petition
2 currently, it's my understanding, is strictly for
3 Olivia.

4 THE COURT: Okay.

5 MS. HERRINGTON: As the paternity of Mason
6 had not yet been established.

7 MR. MARGULIS: Right, because we had lacked
8 standing, so I'll probably amend it.

9 THE COURT: Do you want to just orally amend
10 it today?

11 MR. MARGULIS: Sure. I hereby amend it.

12 THE COURT: Do you have a problem with that,
13 Miss Herrington?

14 MS. HERRINGTON: No, your Honor.

15 THE COURT: Okay. I mean both of you have
16 cross-petitions. Do you both want to orally amend your
17 petitions just to include Mason based on the fact that
18 paternity has just been established?

19 MR. MARGULIS: Absolutely.

20 MS. HERRINGTON: Yes.

21 THE COURT: Okay.

22 MR. MARGULIS: Thank you for the opportunity
23 to do that, by the way.

24 THE COURT: Okay. And then I guess the
25 question is: Where are we going with this? Did

1 Mr. Cafarella get a chance to meet with everybody or
2 the clients?

3 MR. CAFARELLA: I have, Judge. Thank you.

4 THE COURT: Okay.

5 MR. CAFARELLA: And, your Honor, I believe I
6 will need to be appointed as attorney for the child on
7 the V docket for Mason, the baby.

8 THE COURT: Yes.

9 MR. CAFARELLA: I believe, in speaking with
10 counsel prior to coming in today, that everybody agrees
11 that there will be a mental health evaluation on both
12 parties. I believe hopefully through Dr. Tyrrell, if
13 the court is inclined to order it.

14 THE COURT: Sure.

15 MR. CAFARELLA: We were talking about some
16 sort of supervised access if dad is able to come to
17 Western New York. We didn't get a chance to really
18 talk about times, but I guess I threw out there whether
19 or not mom's -- maternal grandmother would be willing
20 to supervise for a short period of time while dad is
21 visiting, and hopefully we can set this down for a
22 pretrial, pick some trial dates up in the future in
23 case we can't resolve this.

24 THE COURT: Okay.

25 MR. CAFARELLA: On my end I've met with mom a

1 couple times. I've met with my client. I've spoken
2 with dad on the phone conference. One thing,
3 Miss Herrington is going to give me an authorization to
4 speak with mom's doctor about some ancillary issues,
5 but that's something that we'll work on until the next
6 court appearance.

7 THE COURT: Okay.

8 MR. MARGULIS: Could I go next?

9 THE COURT: Go ahead.

10 MR. MARGULIS: Just since we're on the
11 record. So, for the record, I just want to clarify
12 what Mr. Cafarella said. We discussed temporary
13 supervised access. We never agreed to temporary
14 supervised access. So --

15 THE COURT: Okay.

16 MR. MARGULIS: -- I'm not suggesting that
17 Mr. Diarbakerly has ever consented to supervision, so
18 what I'm requesting is a temporary order of
19 unsupervised access. I understand there's an objection
20 to Mr. Diarbakerly -- who lives in Massachusetts, by
21 the way -- there's an objection to any request that he
22 might have to take the child to Massachusetts during
23 the pendency of these proceedings for access there,
24 which by the way in the past, the child had been, and
25 together with mom, had been on a number of occasions in

1 his home in Massachusetts. But, be that as it may, on
2 a temporary basis I wouldn't oppose that objection,
3 so -- so any temporary access would take place in the
4 Western New York area, but I do oppose the suggestion
5 that it should be supervised. There's no history, to
6 my knowledge, of any diagnoses of mental health against
7 my client. I'm unaware of any arrests, calls to the
8 police, domestic violence reports. My client denies
9 any -- denies all of the allegations that suggest he's
10 been violent toward the child or toward the mother in
11 the past, so I'd be requesting an order granting, upon
12 notice -- I don't know if my client's yet prepared to
13 enter into a regular schedule of access, but I wouldn't
14 want him to be prejudiced from that either. I would
15 request a temporary order permitting him to have
16 unfettered access maybe on, you know, during weekends
17 in Western New York, upon reasonable notice to the
18 mother.

19 And I would also ask that his -- there have been
20 some interruptions in any continuity of telephone
21 access that he had previously had maintained with the
22 child. I would also ask in an order that my client be
23 granted the right to reasonable telephone access with
24 the child, private conversations -- I'm told that
25 that's been an issue -- but private conversations. The

1 child is old enough, she should be able to have a
2 private conversation by phone with her father for a
3 reasonable period of time and with some reasonable
4 frequency. I'm anticipating an objection. Most cases
5 I have, regardless which side I'm on, I don't think
6 it's unreasonable for a noncustodial parent to have
7 nightly phone access to say hello and goodbye to the
8 child. That's what I'd be requesting but that it be
9 unfettered.

10 I'd also ask the court, and what we did talk about
11 before coming in here, I have no objection to both
12 parties submitting to a mental health evaluation by the
13 same provider. And I would ask the court if we could,
14 for scheduling purposes, if we could schedule a report
15 back conference to the court, and in anticipation of a
16 likelihood that this matter will proceed to a trial, if
17 we could ask the court for that to be scheduled as
18 well, just in the interest of time so when we do come
19 back, we don't have to move into 2019 calendar.

20 THE COURT: Okay.

21 MR. MARGULIS: Thank you, Judge.

22 THE COURT: Miss Herrington.

23 MS. HERRINGTON: Yes. Thank you, your Honor.
24 Unfortunately there is a very lengthy history of
25 domestic violence in this case, your Honor. That is

1 violence by dad against mom and also physical violence
2 by dad against the child. And I know that the father
3 has alleged that, you know, he was more involved in
4 these children's lives than has been the case, and
5 while he's only traveled here to Western New York maybe
6 three times, four times a year to be involved with the
7 children, mom did travel one time a year around
8 Christmastime with Olivia to the father's home in
9 Massachusetts, and there were problems there with
10 violence, not only with the father but the father and
11 his family members. It's a very violent tumultuous
12 turbulent household. It's my understanding that the
13 father does have a history of anger management issues.

14 And as far as whether or not there's been a mental
15 health diagnosis -- and just because he has not sought
16 treatment does not mean there isn't something there.
17 As my petition lays out in great detail and with text
18 messages, the father has expressed suicidal tendencies,
19 and we do fear that that might translate to harm of the
20 children in the father's care if that is not
21 supervised. The father has not spent a great deal of
22 time alone with the children. I don't know that he's
23 ever been alone with Mason. And when he's been alone
24 with Olivia, that was during the time that the mother
25 was giving birth to Mason, and there were very serious

1 issues with the father being violent with Olivia. She
2 does not respond well to the father. She's had very
3 serious emotional and behavioral issues which she is
4 currently in the process of addressing with the
5 counselor.

6 With respect to the phone access, this is not
7 something that the father has ever requested in the
8 past. He has never called regularly. Mom has tried to
9 get him involved and he's always responds he's too busy
10 with work, he was involved with a project.

11 He did recently commence telephone access with
12 Olivia and he was trying to call numerous times a day,
13 very early in the morning before school, during
14 dinnertime, homework time, so I did attempt to resolve
15 this issue outside of the court's resources, and I did
16 write to both attorneys with the proposal that the
17 telephone access occur at very specific times during
18 the week which would not interfere with Olivia's
19 schedule, so she would know that it's occurring. The
20 mom of course denies the false allegations regarding
21 any interference with those telephone calls. I do
22 think that the mental health evaluation is a priority.

23 THE COURT: For both parties, correct?

24 MS. HERRINGTON: Absolutely. And my client
25 would consent.

1 THE COURT: Okay. And, Mr. Margulis, with
2 respect to the mental health evaluation if we're using
3 Diane Tyrrell, your client's willing to come back from
4 Massachusetts to do this?

5 MR. MARGULIS: Sure. Hopefully we can
6 schedule something like on a Friday or a Monday with
7 her and then maybe it will coincide with an access
8 period.

9 THE COURT: Okay. And, Miss Herrington,
10 you're agreeable to the mental health. So are you
11 saying that you're agreeable to the telephone access as
12 long as it's at a specified time of the day?

13 MS. HERRINGTON: That is correct, and I can
14 provide the specifics.

15 MR. MARGULIS: I don't object to that, by the
16 way.

17 MS. HERRINGTON: Taking Olivia, to the
18 proposal that was set forth in my February letter.

19 MR. MARGULIS: I don't remember it offhand.

20 MS. HERRINGTON: Okay.

21 THE COURT: And then what about access?
22 You're requesting that it be supervised?

23 MS. HERRINGTON: It absolutely has to be
24 supervised at this time, that's correct. And I, just
25 preliminarily upon Mr. Cafarella's suggestion, started

1 to speak with Miss Riford's mother, the suggested
2 proposed supervisor, if she would be comfortable. I
3 don't know that she's entirely comfortable with the
4 idea. She indicated she would. I think what would add
5 to her level of comfort if Miss Riford's brother was
6 also present during the visits.

7 THE COURT: Okay. I just need to ask this
8 question. Mason was born this past September, correct?

9 MS. HERRINGTON: That's correct.

10 MR. CAFARELLA: Correct.

11 MS. HERRINGTON: And if I could just address
12 that. There was a major eruption of violence by the
13 father at the hospital, and those are the records that
14 Mr. Cafarella was referencing that mom would provide
15 the HIPAA authorization for the release of those
16 records. It was so severe that there was actually a
17 safety protocol put in place by the nurses on staff at
18 the time of the incident.

19 THE COURT: I guess my question is: When
20 did -- has he been in Massachusetts all this time? Did
21 he just recently move?

22 MS. HERRINGTON: The child -- oh. The father
23 has always lived in Massachusetts. It was a
24 long-distance on-again/off-again relationship over a
25 period of years.

1 THE COURT: All right. Because I guess my
2 question would have been if he was here up until at
3 least September, he would have seen Olivia
4 consistently.

5 MS. HERRINGTON: Correct.

6 THE COURT: But that is not what happened.

7 MS. HERRINGTON: Exactly.

8 THE COURT: Okay. All right. Well, let me
9 do the easy ones. We will do -- we will do the mental
10 health evaluation. We'll do an order. What will
11 happen is that I think our court will contact both the
12 clients to look for dates that Tyrrell's -- no -- that
13 won't be -- so, they'll figure out what the dates are
14 so Dr. Tyrrell's office will give us dates. So, for
15 your client, Mr. Margulis, any date that I can get on
16 Monday or Friday or close to a weekend, we'll give him
17 that day.

18 MR. MARGULIS: Hopefully that will work.

19 THE COURT: We just basically pass off the
20 dates. We just don't -- we don't call to see what
21 works, I guess. So they'll get a notice in the mail
22 about what date they have to see Dr. Tyrrell.

23 With respect to a pretrial, what I think we should
24 do is bring you back for a pretrial quickly with Miss
25 DeWitt so that maybe you can kind of, if everybody

1 needs opportunity, if Mr. Cafarella needs opportunity
2 to look at these records with respect to the hospital
3 and things like that, maybe we could just have you sit
4 down with my law clerk to just, I guess, wean through
5 some issues that can be taken care of.

6 With respect to telephone access, give me times,
7 Miss Herrington, that your client is willing to allow
8 the child to speak with her father.

9 MS. HERRINGTON: We have proposed, your
10 Honor, that the father have telephone access with
11 Olivia on Tuesdays at 3:30 and Fridays at 6:30 p.m.

12 THE COURT: Okay. Let's increase that a
13 little bit more. That's only two days a week, and I
14 know that you're saying that he just recommenced these
15 phone conversations but let's do at least one more day
16 a week. So you got Tuesday and Friday at what time?

17 MS. HERRINGTON: Tuesdays at 3:30 and Fridays
18 at 6:30.

19 THE COURT: Does that work for your client,
20 Mr. Margulis?

21 MR. MARGULIS: He works so I'm not sure about
22 the 3:30. I'm not sure why it couldn't just be the
23 same time each evening. I don't know what the
24 children -- obviously he's not going to be speaking to
25 Mason so we're talking about the daughter. 6:30 is

1 probably doable. Just out of habit, I probably
2 usually -- in other cases I usually propose 7 and 7:30,
3 but 6:30 is probably a good time, so if we could just
4 be consistent, that would be easier, I think, for
5 everybody.

6 THE COURT: Okay. Mr. Cafarella, you look
7 like you got something to add to this?

8 MR. CAFARELLA: No. Judge, I mean I guess I
9 agree with Mr. Margulis. I think for routine purposes
10 I think it's better just to have the expectation that
11 my client will receive a phone call from her father at
12 a specific period of time, whether it's three or four
13 days a week or every day, but not 3:30 or 6:30 on
14 alternating days, basically.

15 THE COURT: How many days do you think?

16 MR. CAFARELLA: Three or four, Judge.

17 THE COURT: All right.

18 MR. CAFARELLA: I mean she's almost eight
19 years old. I'm sure that the phone conversations are
20 not going to last too long but --

21 MR. MARGULIS: Right.

22 MR. CAFARELLA: -- part of this is that dad
23 has not had a -- a very integral relationship with his
24 daughter up until -- I mean at least the phone
25 conversations recently, and he's seen her maybe a few

1 times a year. Maybe this would help at least
2 establishing a little bit better relationship.

3 THE COURT: Okay. All right. So let's do
4 four days a week and let's do one particular time each
5 day.

6 MS. HERRINGTON: If I could, your Honor.
7 Since I wrote this letter on February 22nd, the father
8 has not attempted any type of telephone access, and
9 Olivia's mood and behavior and status has improved
10 dramatically, so I do believe that there is some sort
11 of link to the father grilling her with the questions
12 during the telephone access. I'm sure Mr. Margulis
13 will be able to speak with him as far as appropriate
14 behavior and content and interaction with Olivia during
15 this access so as not to upset her further. She is
16 making some progress.

17 THE COURT: Okay. Not -- without knowing
18 what really is going on here, I'm going to order the
19 four days at 6:30. Let's do -- let's see. Let's do --
20 you said Tuesday so let's do Monday, Tuesday, Thursday,
21 Friday and Sunday. One, two, three, four -- I'm sorry.
22 Monday, Tuesday, Thursday, Friday, 6:30 p.m.

23 MR. MARGULIS: And I will have no objection.

24 THE COURT: Father to call child.

25 MR. MARGULIS: Sure.

1 THE COURT: And if it -- if a pattern is
2 established that he is not taking advantage of this
3 access, then we're going to just dispense with it.
4 Okay? So I'll leave it as a future issue to deal with,
5 if he is not -- if he's not calling the four days at
6 6:30. And those are the only times he can call:
7 Monday, Tuesday, Thursday, Friday, 6:30. If he is not
8 using all the days and it can be established, then I
9 will consider not -- dispensing with the four days her
10 having --

11 MR. MARGULIS: Understood.

12 THE COURT: -- to be at a phone waiting for
13 dad to call. If dad doesn't call by 6:45, she does not
14 have to wait for a phone call any more. I'll give him
15 a 15-minute leeway, that's it.

16 MS. HERRINGTON: Your Honor, if I could raise
17 one issue, the Thursday date, that is the date that
18 Olivia participates in a group counseling session at
19 the Y.

20 THE COURT: Okay. So how about -- give me a
21 day.

22 MR. MARGULIS: Saturday.

23 THE COURT: Huh?

24 MR. MARGULIS: How about Saturday instead of
25 Thursday?

1 MS. HERRINGTON: Sunday would work.

2 THE COURT: Sunday would work. Okay. So it
3 will be Sunday, Monday, Tuesday, Thursday -- Friday?

4 MS. HERRINGTON: Friday, correct.

5 MR. MARGULIS: Sunday, Monday, Tuesday,
6 Friday.

7 THE COURT: Do you want to do Sunday, Monday,
8 Wednesday, Friday to kind of split it up?

9 MR. MARGULIS: That would be belter.

10 THE COURT: Okay. Here we go. Sunday,
11 Monday, Wednesday, Friday is what I said?

12 MS. HERRINGTON: Sunday, Monday, Wednesday
13 Friday, correct.

14 THE COURT: At 6:30. By 6:45 mother does not
15 have to wait for a phone call --

16 MR. MARGULIS: Okay.

17 THE COURT: -- if he has not called by then.
18 Okay. With access here, when is the last time did he
19 see Olivia and what was the access like? Was it
20 unsupervised? Was it supervised? How long?

21 MS. HERRINGTON: The last visit was in
22 September at Mason's birth. That was the time of the
23 incident of the --

24 THE COURT: That's when the incident occurred
25 in the hospital, correct?

1 MS. HERRINGTON: And it was in the presence
2 of Olivia.

3 MS. KATIE RIFORD: Yeah.

4 MS. HERRINGTON: The daughter was present for
5 that also.

6 THE COURT: Okay.

7 MR. MARGULIS: Well, what I'm told is he came
8 in at the -- around the time of the son's birth and it
9 was he who had the daughter unsupervised. I believe
10 she was with him while mom was in the hospital
11 delivering another child, so there was a period of
12 unsupervised access.

13 THE COURT: So when father is here with
14 unsupervised access, where does the father stay? Does
15 he have family here, friends? Where does he stay?

16 MR. MARGULIS: He does not have family here.

17 MS. HERRINGTON: No, he does not have family
18 here, and mom is relaying the information to me that he
19 was not unsupervised but just for a short period of
20 time. It was Miss Riford's mother who cared for
21 Olivia. The father I believe transported the child
22 with mom --

23 MS. KATIE RIFORD: No, not me.

24 MS. HERRINGTON: Or transported Olivia to the
25 hospital to meet Mason. Picked her up from school,

1 brought her to the hospital.

2 THE COURT: Temporarily, no prejudice to your
3 client because I don't know everything that's going on
4 and it doesn't sound as though he has come here very
5 often to be such an inconvenience to him, I'm going to
6 do supervised access -- I'm going to do general
7 supervision. Generally supervised access so that when
8 he is in town, Miss Riford's mother, maternal
9 grandmother, will be -- so when he's in town, they can
10 go somewhere in a public place, and she does not have
11 to be on top of him and in the mix, involved in the
12 actual access but she can just be able to see where
13 they are from a distance. So, a public library,
14 McDonald's, something with a little playground,
15 whatever it is. And if it's warm weather, park.

16 MR. CAFARELLA: And I don't know if
17 Miss Herrington's client is comfortable but I know her
18 client resides with maternal grandmother. If the
19 access was to be permitted at her house, it's up to
20 them, but I would like that to be an option also --

21 THE COURT: Okay.

22 MR. CAFARELLA: -- because there is the baby.
23 The baby is six months old, I believe. So at least --

24 THE COURT: And he should be allowed to have
25 access, too.

1 MR. CAFARELLA: And then there's a little bit
2 more comfort level, if they're comfortable in having
3 dad in their home.

4 THE COURT: All right. I'm -- well, I'm not
5 going to specify anything. I will just say general
6 supervision by Miss Riford's mother to take place as
7 the parties can agree and arrange. Is that comfortable
8 for everybody?

9 MR. MARGULIS: Sure. Can I add language in
10 there that says upon reasonable notice and -- you know
11 what happens, Judge, when you have language that isn't
12 agreed and arranged --

13 THE COURT: It's not going to happen.

14 MR. MARGULIS: So could we have some kind of
15 language that says --

16 THE COURT: Not to be unreasonably withheld.

17 MR. MARGULIS: Yes. Yes.

18 THE COURT: Yes.

19 MR. MARGULIS: And I'm sure mom won't object
20 to this, I would probably propose that the
21 communication between the parents be by text and
22 there's a record.

23 THE COURT: How about do you want your client
24 maybe to communicate with her mother? Does that make
25 it safer? I don't know.

1 MS. HERRINGTON: She is indicating her mom
2 wouldn't be comfortable.

3 THE COURT: Wouldn't be comfortable with
4 what?

5 MS. HERRINGTON: Communicating directly with
6 him.

7 THE COURT: Okay.

8 MR. MARGULIS: By text --

9 THE COURT: She'll be the general supervisor.

10 MR. MARGULIS: -- he can say, can I come at
11 9:00?

12 MS. HERRINGTON: She doesn't text.

13 THE COURT: Okay. Just text messages between
14 the parties.

15 MR. MARGULIS: Sure.

16 MS. HERRINGTON: Yes.

17 THE COURT: Mom and dad.

18 MS. HERRINGTON: Yes, that is necessary.
19 Thank you.

20 THE COURT: Okay. Let's go off the record
21 for a date.

22 (Discussion off the record.)

23 THE COURT: Okay. We'll go back on the
24 record. So we'll be back here on May 18th at 9:30 a.m.
25 That will be a pretrial conference with Miss DeWitt.

1 We have hearing dates on June 18th and June 19th
2 beginning at 1:30, half-day trial dates only. On the
3 May 18th date, if you want a pretrial with me, just let
4 Miss DeWitt know, or you can come back with a pretrial
5 with her. But if you need to be back in front of me
6 before the hearing dates, just schedule that with her
7 or she will reach out to Kendra that day to find out
8 what dates are good.

9 MS. HERRINGTON: Thank you.

10 THE COURT: Okay?

11 MR. CAFARELLA: Thank you, Judge.

12 THE COURT: All right. Just wait and we'll
13 have a notice for your client, Miss Herrington.

14 MR. MARGULIS: So am I preparing the order or
15 is the court?

16 THE COURT: No. We'll do it.

17 MR. MARGULIS: Okay.

18 THE COURT: It's just a temporary order. All
19 set. Have a good weekend.

20 MR. CAFARELLA: Thank you, Judge.

21 MS. HERRINGTON: Thank you. You too.

22 (Proceedings concluded at 10:15 a.m.)

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The foregoing is certified to be a true and accurate transcript according to my stenographic notes.

Mitchell A. Jacob
 Official Supreme Court Reporter