

1 THERE'S BEEN AN ISSUE -- BECAUSE THOSE RECORDINGS
2 ARE IMPORTANT. WE'VE NEVER WANTED TO WITHHOLD ANYTHING FROM
3 THE PLAINTIFFS. WE JUST WANTED TO PROTECT PRIMARILY THE
4 IDENTITY OF THE VENDOR THAT DID THE RECORDINGS SO THAT THAT
5 PARTY ISN'T HARASSED BY SOME PEOPLE THAT DON'T LIKE US.

6 THE COURT: I UNDERSTAND. AND I'M SURE THAT THEY
7 DO RECORDINGS FOR OTHER PEOPLE. I'M NOT SO MUCH WORRIED
8 ABOUT THAT. IT'S SUBJECT TO A PROTECTIVE ORDER. THEY'RE
9 GOING TO GIVE YOU ALL THAT INFORMATION, AND YOU GO WHERE YOU
10 CAN WITH IT. ALL RIGHT.

11 MS. BORODKIN: THANK YOU, YOUR HONOR.

12 THE COURT: ALL RIGHT. WHAT ELSE DID YOU WANT TO
13 TALK TO ME ABOUT?

14 SO, GO GET THAT TO THEM BY FRIDAY. THEY'RE GOING
15 TO GET IT BACK TO YOU BY THURSDAY. YOU RESPOND TO THEM.

16 JUST LET'S BE FACTUAL ABOUT THIS. I WANT THE
17 ANSWER TO THIS QUESTION. IT WASN'T ANSWERED. AND MAYBE
18 THERE ARE SOME OTHER AREAS THAT YOU DIDN'T ASK IN THAT FIRST
19 DEPOSITION THAT YOU MAY WANT TO GET ANSWERS TO.

20 AND WHAT I WILL TELL YOU IS IF THERE ARE ONLY
21 QUESTIONS THAT YOU DID NOT ASK IN THOSE OTHER DEPOSITIONS,
22 AND YOU WANT ANSWERS TO, I MAY GO ALONG WITH MS. SPETH ON
23 THAT ONE AND ALLOW THEM TO JUST PROVIDE IT THROUGH
24 DECLARATION.

25 BUT IF THERE ARE QUESTIONS THAT WERE RAISED, MY

1 INCLINATION AT THIS POINT WITHOUT HAVING SEEN THE RECORD AND
2 NOT READING THE DEPOSITION YET, IS IF THERE ARE QUESTIONS
3 THAT WERE RAISED, AND THEY OBJECTED BASED ON THE LACK OF A
4 PROTECTIVE ORDER, I'M GOING TO ALLOW YOU TO GET SOME ANSWERS
5 ASSUMING THEY'RE RELEVANT TO THE EXTORTION ISSUE. AND YOU
6 DIDN'T CIRCLE BACK AROUND AND GET THE ANSWER. AND MS. SPETH
7 AND MR. GINGRAS WILL FIGURE OUT THE BEST WAY TO RESOLVE THAT.

8 YOU DON'T HAVE TO COME BACK AND SEE ME. OKAY. IF
9 YOU GUYS WORK THIS OUT, YOU WORK IT OUT.

10 BUT IF YOU DON'T WORK IT OUT, I WILL BE GONE THE
11 4TH OF JULY WEEK. BUT I'LL BE BACK THE WEEK AFTER THAT.

12 SO, THE WEEK AFTER THAT YOU CAN CALL MY CLERK
13 CELIA. 8958 IS HER NUMBER. (213) 894-8958. THIS IS CELIA.

14 AND YOU TELL HER WE WEREN'T ABLE TO WORK IT OUT.
15 WE WANT TO FAX THOSE LETTERS TO YOU SO THE JUDGE CAN READ
16 THEM. AND THEN WE'RE GOING TO GET ON THE PHONE WITH THE
17 JUDGE AND WE'RE GOING TO HASH THIS OUT.

18 ALL RIGHT?

19 MS. BORODKIN: ALL RIGHT, YOUR HONOR. THANK YOU.

20 THE COURT: OKAY.

21 MS. BORODKIN: WE'LL SEE YOU AT THE SETTLEMENT
22 CONFERENCE ON JULY 14TH.

23 THE COURT: ALL RIGHT. YES. AND ANY OTHER ISSUES
24 WE NEED TO RESOLVE THERE.

25 WHAT ARE THE CHANCES WE'RE GOING TO SETTLE THIS

1 CASE? IS THERE ANY DESIRE TO SETTLE THIS CASE?

2 I MEAN, YOU -- I THINK ONE OF THE THINGS YOU'RE
3 TRYING TO POINT OUT TO THE COURT IS THIS IS ALMOST A PUBLIC
4 SERVICE LAWSUIT IN WHICH YOU'RE TRYING TO EXPOSE THE
5 DEFENDANTS FOR CONDUCT THAT YOU THINK IS INAPPROPRIATE.

6 AM I RIGHT?

7 MS. BORODKIN: WE HAVE MADE A DEMAND UNDER THE
8 PRIVATE ATTORNEY GENERAL STATUTE UNDER CALIFORNIA STATE LAW.
9 WE THINK IT'S A MATTER OF EQUITY THAT THEY HAVE A BUSINESS OF
10 PUBLISHING WHAT THEY BELIEVE TO BE EXPOSES. AND WE JUST WANT
11 TO UNDERSTAND WHAT IT IS EXACTLY THAT THEIR BUSINESS IS BASED
12 ON.

13 THE COURT: BUT THERE'S GOING TO BE NO VINDICATION
14 FOR YOU IF YOU SETTLE THIS CASE. THEY'RE NOT -- IF THERE'S
15 ANY SETTLEMENT, ASSUMING THEY WANTED TO SETTLE, AND THEY
16 HAVEN'T SIGNALLED TO ME THEY DO, YOU KNOW HOW SETTLEMENTS GO.
17 THE DEFENDANT DOES NOT ADMIT ANY LIABILITY, NO WRONGDOING.
18 WE DIDN'T DO ANYTHING. WE'RE JUST SETTTLING BECAUSE IT'S
19 CHEAPER TO SETTLE THAN GO TO TRIAL.

20 MS. BORODKIN: THERE IS PRECEDENT FOR SETTTLING
21 THESE CASES, YOUR HONOR.

22 THE COURT: OKAY.

23 MS. BORODKIN: AND WE ARE ABOUT TO MEET AND CONFER
24 THOROUGHLY UNDER RULE 16 AT OUR PRETRIAL CONFERENCE.

25 THE COURT: ALL RIGHT. THANKS, MS. BORODKIN.