

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NOS. 23-cr-60173-KMW

UNITED STATES OF AMERICA,

Miami, Florida

vs.

October 1, 2024

1:02 PM - 2:20 PM

CAROLYN DENISE WADE
TRACY D. WADE,

Defendants.

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TRANSCRIPT OF CALENDAR CALL
BEFORE THE HONORABLE JUDGE DONALD L. GRAHAM
UNITED STATES SENIOR JUDGE

APPEARANCES:

FOR THE GOVERNMENT:

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1 STENOGRAPHICALLY REPORTED BY:

2 GLENDA POWERS, CRR
3 Official Court Reporter before:
4 Senior Judge Donald L. Graham
5 United States District Court
6 James L. King Federal Justice Building
7 99 NE 4th Street
8 13th Floor
9 Miami, Florida 33132
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1 (Call to the Order of the Court.)

2 THE COURT: Calling Case Number 23-cr-60173, United
3 States versus Karen Dennis Wade; 23-cr-60173, United States
4 versus Tracey D. Wade.

5 Counsel, please state your appearances, beginning with
6 the Government.

7 MR. SNIDER: Good afternoon, Your Honor. Assistant
8 U.S. Attorney David Snyder on behalf of the United States. I'm
9 joined by my cocounsel, Assistant U.S. Attorney Adam Love.

10 THE COURT: Good afternoon.

11 MR. WILCOX: Good afternoon, Your Honor. Daryl Wilcox
12 on behalf of Carolyn Wade and Tracy Wade, and I'm joined with
13 my legal assistant, Hendrith Smith.

14 THE COURT: Good afternoon. You may be seated,
15 counsel. Thank you for coming in this afternoon so that we can
16 discuss the case that will commence in this matter on Monday.

17 First, let me state again we will not be in session on
18 the 11th and the 14th. The 11th is the first Friday of the
19 trial period, next Friday, and the 14th is a federal holiday;
20 so those two days we will not be in session.

21 We will select the jurors on Monday morning, starting
22 at 9:30 AM. There are a few issues pending. I don't want to
23 belabor this point, but I'm going to start with an issue I
24 raised at our last conference, telephonic conference. I raise
25 it because I noted that the magistrate judge states in his

1 order an allusion to the Allen charge. You will recall it's in
2 a footnote. And I'm continually confused by this issue because
3 all of the pleadings filed by the defense assert that the Court
4 gave an Allen charge, and the magistrate also refers to this as
5 having been an argument of the defense, and so I'm quite
6 confused by it because the Court never gave an Allen charge.

7 It's as if someone who prepared the motion either
8 wasn't present at the trial or doesn't understand the Allen
9 case, and so perhaps the defense can clarify that issue, just
10 for my own personal illumination.

11 MR. WILCOX: Unfortunately, Judge, I cannot clarify it
12 for you because on the day that the jury was selected, I did
13 not -- well, I was here for the first day that the jury went
14 out; but that second day, when the Court declared a mistrial,
15 that entire day, I was not present in court, unfortunately. So
16 I apologize, Your Honor, I cannot clarify it. I cannot say
17 exactly what went on that day because I was not here.

18 THE COURT: Well, I'm going to tell you what went on.
19 Your cocounsel made the argument that the Court should not give
20 the Allen charge, commonly referred to, and as Magistrate Hunt
21 pointed out, the "dynamite charge," based on your cocounsel's
22 argument and presentation of some cases, frankly, that I had
23 not seen, where the Eleventh Circuit expressed extreme
24 reluctance about giving the Allen charge. And so I agreed with
25 your cocounsel and purposely did not give the Allen charge as

1 requested by the Government. And the magistrate pointed out
2 the Court indicated that if it gave an Allen charge, it would
3 not refer to the cost as a factor for the jury to consider;
4 that is, the cost of the litigation.

5 And I simply directed the jury to go back and continue
6 deliberating on two occasions. And after the second
7 instruction, the jury continued and persisted with its
8 inability to reach a verdict, and so I simply declared a
9 mistrial without giving an Allen charge. So that's what
10 occurred, to the best of my recollection.

11 Does the Government recall the facts differently?

12 MR. SNIDER: No, not at all. In fact, to clarify or
13 make certain what the record was, in its response to that
14 motion, the Government attached as an exhibit -- and filed it
15 on ECF -- the entire transcript from the entire day of those
16 proceedings, leaving no mistake whatsoever that there was no
17 Allen charge given.

18 And I think what was perplexing to the Government was
19 that after it had done so, in the defendant's reply, they
20 continued to refer to the Allen charge having been given up to,
21 I believe, three times.

22 THE COURT: Yes.

23 MR. SNIDER: And that they were objecting to the third
24 reading, none of which is anywhere remotely consistent with the
25 record. So that is what it is.

1 The Government read the report and recommendation,
2 recommending denial of that motion to dismiss certain counts
3 based on the alleged vindictiveness, and the Government agreed
4 that that motion should be denied.

5 The one inaccuracy I saw was that, I think, Judge Hunt
6 may have said that the Court read the duty to deliberate
7 instruction twice, and it's my recollection -- and I think the
8 record clearly reflects -- that the Court only gave that
9 instruction, the duty to deliberate, once. And that was after
10 the jury came back with the first note saying they were
11 deadlocked. The Court read the duty to deliberate.

12 After the second note, the Court, after hearing some
13 argument from the parties and reading the new cases, decided it
14 was not going to give an Allen charge and gave essentially an
15 instruction to the jury to go back and give it one last shot.
16 They did. They came back with a third note saying they were
17 deadlocked, and at that point, the Court declared a mistrial
18 and denoted -- it's a written order declaring a mistrial. It
19 was the parties' consent. There was no objection by either
20 side to the declaration.

21 THE COURT: That is as I recall the incident. So
22 perhaps, Mr. Wilcox, if you discuss that issue with Mr. McCray,
23 the only reason I raise it is because it keeps coming up; and,
24 once again, it was in the magistrate judge's report and
25 recommendation.

1 MR. WILCOX: Your Honor, I will discuss this with
2 Mr. McCray. Now that I've heard the full explanation, it is
3 possible that Mr. McCray may have confused a duty to deliberate
4 with the Allen charge.

5 THE COURT: That's possible. That's certainly
6 possible.

7 All right. Enough of that. Let's proceed with some of
8 the other issues.

9 One has to do with the 404(b) evidence that the
10 Government has submitted. And I have, of course, read the
11 response, citing the 403 issues. I'm not exactly sure how the
12 facts are going to play out in this case, and so it may be that
13 I should just simply wait until the Government concludes its
14 case in chief to decide the extent of which there should be
15 404(b) evidence.

16 404(b) evidence is allowed. There's no question about
17 it. One concern on the 403 consideration is as to confusion of
18 the issues and waste of time. Now, this incident referred to
19 in the 404(b) statement, that could be a five-day trial.
20 That's, basically, the same general scenario as Ms. Wade's
21 trial.

22 So I'm not sure what the Government -- have a seat.
23 I'll be with you. I'm not sure what the Government intends to
24 present, but I'm not going to listen to a day or what have you
25 of presenting this other case involving Mr. Wade. So to the

1 extent that the Court would allow some 404(b) evidence, it has
2 to be limited and concise so that we're not trying a different
3 case within the confines of what is charged. And so I don't
4 know if the Government wants to give me a short synopsis of
5 what you would intend to present and how long you expect that
6 it would take to present or not.

7 MR. SNIDER: Thank you, Your Honor. And forgive me for
8 being a little slow on my feet. I've injured myself. I don't
9 know if the Court's aware.

10 THE COURT: I am aware.

11 MR. SNIDER: I'm in a cast.

12 THE COURT: I'm pleased to see you here. I think
13 you're going to do just fine. You're moving around just as
14 well as a lot of my colleagues and former lawyer friends.

15 MR. SNIDER: So let me address what the Government
16 intends to do with the evidence that it has noticed in its
17 404(b).

18 The Government intends to call a witness from the SBA
19 that is part of the EIDL program. The EIDL is the economic
20 disaster loan program. That was a program that existed before
21 COVID but allowed loans to small businesses to be made during
22 COVID, basically, considered -- it allowed COVID to be a
23 disaster, for someone to apply for one of these economic injury
24 disaster loans.

25 That witness, the Court should just note, is intending

1 to fly here from, I believe, Denver, Colorado. Her direct
2 testimony, at most, I would say would be an hour, and that is
3 probably overstating it by -- I think it's more like 30 to 40
4 minutes. What that witness will testify -- there's a handful
5 of records, not very many -- I think maybe nine or so records
6 that the Government has included on its witness list, and
7 that's in the 900 series, like, 900, 901, 902 through, I think,
8 nine -- just so I'm clear here -- it's 900 through 907.

9 THE COURT: 900 to 907?

10 MR. SNIDER: Correct.

11 THE COURT: All right.

12 MR. SNIDER: And those records show an application --
13 two applications, two applications that were submitted by the
14 defendant Tracy Wade to the SBA requesting an EIDL loan. And
15 what the SBA will testify they received these applications;
16 that the information in there stated that the Wade Funeral
17 Home --

18 THE COURT: In other words, you would have exhibits
19 that indicate what --

20 MR. SNIDER: The applications says, absolutely.

21 THE COURT: Okay.

22 MR. SNIDER: The information is in the application.
23 It's very simple. It's actually line by -- you know, there's
24 just a bunch of lines. And one of the pieces in the
25 information in there says: "How much did your business make in

1 2020?"

2 And the answer that was put in there was, in one
3 application, was over \$400 million, and in another application,
4 it was over \$300 dollars.

5 THE COURT: Is that the same application?

6 MR. SNIDER: He submitted two different applications
7 for the same company, Wade Funeral Home.

8 THE COURT: Is this a correction of one or two separate
9 independent --

10 MR. SNIDER: Two separate.

11 THE COURT: -- applications?

12 MR. SNIDER: We believe the witness will testify that
13 these were two separate applications. The SBI assigned an
14 application number to reach one -- two different numbers, two
15 applications, two different dates. One was submitted somewhere
16 around, I think, April of 2020, and the other one was about a
17 month later while the first one was still pending.

18 These are applications that had to be like a PPP
19 application, certified as true under penalty of perjury. And
20 so the 404(b) evidence that we believe is admissible here is
21 these records to show absence of mistake that when it came to
22 the PPP process. And by the way, I should note by putting in
23 over 400 million in revenue and approximately 300 million in
24 expenses, the effect of that was to seek the maximum amount of
25 available EIDL loan, which under the program for COVID was

1 150,000.

2 Similarly, when it came to PPP, the allegation --

3 THE COURT: One question.

4 MR. SNIDER: Yes.

5 THE COURT: So in order to get 150,000, is there a
6 gradation?

7 MR. SNIDER: There is a gradation. And that -- you
8 actually didn't have to put in 400 million. What you had to do
9 was put in a number that if you -- it's like if you divide it
10 by 12, right, and then you multiply it by a certain X factor,
11 if you're above the threshold, you get 150.

12 THE COURT: So do we know what that is?

13 MR. SNIDER: Yes.

14 THE COURT: That number is?

15 MR. SNIDER: The witness will testify. Absolutely.

16 THE COURT: What is it? I'm just curious. In other
17 words, to get 150,000, you would have to say you had a gross of
18 what number?

19 MR. SNIDER: It's actually -- I believe it's -- I think
20 it says this on the application, but you take the difference
21 between the gross revenue and the expenses, and I think if that
22 number is over 150, then what you're saying is, you know, this
23 is how much my business was making before the pandemic and as a
24 result of my injury from the pandemic, that I couldn't operate,
25 I'm entitled to that amount. That's the purpose of the loan.

1 So you didn't have to put a delta of 400 million and
2 300 million on the first one, and you didn't have to do the
3 same on the second one. As long as you were showing that you
4 had net revenue of \$150,000 before the pandemic, that's
5 essentially what you could apply up to get. That's testimony
6 that will come in through the SBA.

7 So that's really it. We are going to put in these
8 records. The SBA will testify what the EIDL program was, what
9 these applications show, that the SBA was relying on them to be
10 truthful. There was a certification to make sure it was true.

11 And then what happened was -- and this comes out in one
12 of the exhibits -- the SBA, as its business record, puts in
13 notes of every time there was an interaction between the SBA
14 and the applicant. So the applicant calls up and says, "What's
15 the status of my loan?" that gets logged. The SBA tells the
16 applicant, "You need to update your email address," that gets
17 logged. The applicant calls back and says, "Hey, what's the
18 status? I'm still waiting on my money," that gets logged.

19 What also gets logged is the SBA's review and any notes
20 that it puts in from its review. And in this, what the
21 application shows, is when the SBA was reviewing this, there a
22 notation to te effect of -- and I'm not quoting because I don't
23 have it in front of me, to the effect of I googled this
24 business. It seems fairly small. We need to ask the applicant
25 to verify this income because this seems -- like \$400 million

1 for a little funeral home in Hallandale Beach, Florida --
2 something didn't seem right. The SBA flagged it.

3 What happened was when the SBA flagged it, they
4 contacted Mr. Wade. This is all again according to the
5 business record notes. They contacted Mr. Wade and said, "You
6 have 24 hours to substantiate this, and you can substantiate it
7 with a copy of your tax return for this year," which he
8 promptly -- and I say "promptly," the records show he went in
9 within like an hour. He submitted the same tax return he had
10 filed with the IRS.

11 THE COURT: Now --

12 MR. SNIDER: Yes.

13 THE COURT: -- 900 through 907 shows the two
14 applications?

15 MR. SNIDER: Yes.

16 THE COURT: Now, is this for the same year?

17 MR. SNIDER: Yes.

18 THE COURT: It just seems a little improbable that you
19 would have two applications with different amounts for the same
20 year. So I guess that's the point.

21 MR. SNIDER: Yes. It's up to us then to argue to the
22 jury what they can infer from that. So our argument is
23 that what this shows -- because when it comes time -- and by
24 the way, so the record just flushes out, there's no
25 allegation -- and the Government is not going to argue that he

1 submitted a bogus tax return to substantiate this 400 million.
2 He gave a tax return that appeared to be the exact same one
3 that was filed with the IRS for that year, and as a result of
4 that, the SBA said, "Okay. You don't qualify now for 150,000.
5 All you get is 80,000." And he got an 80,000 EIDL loan.

6 THE COURT: And the SBA paid it?

7 MR. SNIDER: Yes. That's on the SBA.

8 The point is what we're arguing is, absent of mistake,
9 is that in two instances before -- we're looking at this as
10 pandemic relief. The Court knows there were multiple forms of
11 pandemic relief. There was a Paycheck Protection Program.
12 There was the Economic Injury Disaster Loan program. There
13 were other programs to aid the U.S. taxpayers who were
14 struggling as a result of the pandemic.

15 And our argument, if the evidence is admitted, is that
16 it -- well, the argument that it's admissible is that under
17 404(b), it shows that this was the motive and intent of this
18 defendant to get PPP money, to get SBA relief that he wasn't
19 entitled to.

20 And not only that --

21 THE COURT: Wait a minute. Can one be eligible for
22 both loans?

23 MR. SNIDER: Yes. But what he's doing is seeking the
24 maximum amount. What he's charged in the indictment with is
25 getting a loan based on a completely made up application.

1 THE COURT: That's a different -- that's a little
2 different than what these documents are showing.

3 MR. SNIDER: Well, the nature of the false statement is
4 almost a dunk, right, where you are grossly inflating income.
5 That's true in the EIDL. That's true --

6 THE COURT: What's the evidence of grossly inflating?

7 MR. SNIDER: Well, because his real tax returns, when
8 he was asked to show it, show that he didn't make 400 million.
9 He had 300,000.

10 THE COURT: The tax returns show 300,000?

11 MR. SNIDER: Yes.

12 THE COURT: Which was the second application amount?

13 MR. SNIDER: No. The second application was 300 --

14 THE COURT: Million.

15 MR. SNIDER: -- million, yes.

16 So, Judge, I reference this in, I think, my notice and
17 in my reply. This exact issue was presented to Judge Cohn.

18 THE COURT: That's fine.

19 MR. SNIDER: I'm just saying that the way that the
20 Court looked -- the way that the Court looked at it there was
21 that it was highly probative of intent and motive and other
22 acceptable bases under 404(b) and that it was not outweighed.

23 THE COURT: So wait a minute. Now you're confusing it.
24 I know Judge Cohn tried a case. Did it involve the parties in
25 this case? Are you saying there was a similar factual

1 scenario?

2 MR. SNIDER: It was about as close of a factual
3 scenario as possible because --

4 THE COURT: Someone submitted two loans? One for 400
5 million and one for 300 million in another case in a different
6 fact pattern?

7 MR. SNIDER: So let me just -- the other case -- the
8 Government last year charged 17 Broward sheriff office deputies
9 with PPP fraud. One of those defendants was, coincidentally or
10 not, represented also by Mr. McCray and went to trial -- and I
11 think Mr. Wilcox -- went to trial in March.

12 The allegation in her indictment was that she got --

13 THE COURT: "Her" meaning the --

14 MR. SNIDER: The defendant. Her name was Stephanie
15 Smith. United States versus Stephanie Smith. Stephanie Smith
16 was alleged in her indictment to have fraudulently obtained two
17 PPP loans. And the allegation and what was proven at trial was
18 that those were fraudulent because each one had inflated
19 income.

20 Stephanie Smith, like Mr. Wade, months before her PPP
21 application had also submitted an EIDL application. In that
22 EIDL application, it contained similar false statements.

23 THE COURT: And these --

24 MR. SNIDER: It wasn't 400 million.

25 THE COURT: -- these false states --

1 MR. SNIDER: Yeah.

2 THE COURT: -- in each of the loan packages are
3 inconsistent with one another. Is that the point? The
4 amount -- let's say hypothetically the gross income in one
5 document is different than the gross income in another document
6 for the same item. Is that the point, or not?

7 MR. SNIDER: So different lies but the same -- the
8 nature of the lies are the same. So different -- yes,
9 different amounts of income, but in both, there's an inflation
10 or a misrepresentation.

11 Trying to get pandemic relief by making false
12 statements months before the conduct charged in the indictment
13 Judge Cohn thought was admissible to show motive, intent,
14 absence of mistake, identity, and any other grounds that I had
15 put in my motion.

16 And in that case, you know, that loan didn't even -- it
17 was actually denied. It was denied. And one of the things --

18 THE COURT: Oh, you mean the loan itself from the SBA
19 was denied?

20 MR. SNIDER: Yes, the EIDL.

21 In this case, Mr. Wade did get the EIDL, but it was
22 half of what he was seeking. He was seeking 150,000, and when
23 the SBA challenged him, they said, "According to your tax
24 return, you only made 300 grand, not 400 million; so you're not
25 entitled to all 150, the maximum amount, you're entitled to

1 80,000."

2 And when it came time for PPP, again, the allegation is
3 that Mr. Wade sought a maximum amount, which for a sole
4 proprietorship -- again, a different program, but for a sole
5 proprietorship, we know that the maximum amount, if you have
6 your own business -- no other employees -- was \$20,000. And
7 the only way you could get that is if you could show income,
8 gross income of 100,000. That's the allegation in the
9 indictment -- that they put in false information about the
10 gross income to get the maximum amount of the PPP loan. I
11 think it's relevant that he tried to get the maximum EIDL loan
12 just a few months before.

13 THE COURT: And am I to assume that this 404(b)
14 evidence is to be received only as against the allegations
15 involving Mr. Wade?

16 MR. SNIDER: That's true.

17 THE COURT: All right.

18 MR. SNIDER: He is charged in the conspiracy; so I
19 think it goes to his -- again, what's relevant for the
20 substantive charge is relevant to the conspiracy; and,
21 obviously, under the law, Mrs. Wade -- maybe she knowingly
22 joined the conspiracy, she's liable for the acts of her
23 coconspirators. But the 404(b) is not part of -- it's not
24 evidence in the conspiracy. It's evidence of his intent, so
25 yes. But an instruction --

1 THE COURT: I've been following you carefully right up
2 to this point about the admissibility as to the intent of each
3 person. It seems to me that if allowed, it's admissible as
4 against Mr. Wade?

5 MR. SNIDER: Yes, that's true.

6 THE COURT: One of --

7 MR. SNIDER: I'll stop there. I'll stop there. It's
8 admissible. I'll stop there. The only thing I wanted to
9 clarify was he's charged in the conspiracy with her --

10 THE COURT: I understand.

11 MR. SNIDER: -- but it's admissible against Mr. Wade.
12 And the Government has no problem with a limiting instruction.
13 You know, first of all, there's a model instruction.

14 THE COURT: Does a limiting instruction resolve any
15 problems with respect to prejudices against Ms. Wade? Is it in
16 any way confusing for jurors? Is it an instruction they can
17 readily follow?

18 What are your comments in that regard? And then, I
19 will allow Mr. Wilcox to respond.

20 MR. SNIDER: Sure. So I believe that it is a -- the
21 model 404(b) instruction is given routinely when 404(b)
22 evidence is admitted. So I think there's no question to
23 follow.

24 Adding to that, I also think it's -- I haven't seen
25 anything proposed yet about limiting it to Mr. or Mrs. Wade,

1 but that shouldn't be -- I don't see why that would be
2 confusing. It's Mr. Wade that submitted it. The testimony
3 will concern Mr. Wade. The testimony will concern Wade Funeral
4 Home, which is his business.

5 Thank you.

6 THE COURT: All right. Mr. Wilcox, any comment?

7 MR. WILCOX: Yes, Your Honor. That's just at the
8 outset, Your Honor, that the loan was approved and he's paying
9 the loan, the EIDL loan that he received.

10 THE COURT: That's the \$80,000 loan?

11 MR. WILCOX: Yes. The loan was approved.

12 THE COURT: And your point is there's no suggestion
13 that there was anything improper about it.

14 MR. WILCOX: There's no suggestion that there's
15 anything improper about the loan. It's not charged in the
16 indictment. That's the primary reason why I think it may be
17 confusing to the jury. What's charged and not charged in the
18 indictment, it's kind of -- what's more confusing, Judge, is
19 that when the Small Business Administration says, "Wait a
20 minute; this doesn't seem to be right," he immediately provided
21 them with his inaccurate tax return. So this is what the
22 funeral home made would suggest to me that it was probably more
23 of an error than some type of intent to defraud the SBA with
24 respect to this.

25 THE COURT: You would have two errors?

1 MR. WILCOX: Yes, Your Honor.

2 THE COURT: It was 400 million, 300 million, and then
3 300,000?

4 MR. WILCOX: No. The 300,000 is not an error, Judge.

5 THE COURT: Yes. But the allegations are that the
6 documents showed 400 million and 300 million. I thought I
7 understood that.

8 MR. SNIDER: Yes.

9 MR. WILCOX: The EIDL application for 400 million, then
10 later, he filed an EIDL application where he alleged that he --
11 you know, he wrote on the application that the funeral home
12 made 300 million.

13 With respect to the second application, the SBA did
14 nothing with that. It was just -- it just -- they did nothing
15 at all with that.

16 With respect to the first application, they said,
17 "Listen, this doesn't look right." He immediately said, "Oh,"
18 and gave them what he really made. And, Your Honor, I don't --
19 you know, I guess he could argue that he was trying to cheat
20 the SBA, but I think it's confusing, one, in that he
21 immediately provided the SBA with his direct gross income
22 amount by way of a tax return, and that these aren't charged in
23 the indictment.

24 Also, Your Honor, the SBA asked him to provide a form
25 to sign. It's called a 4506-T form, where they requested him

1 to provide them with authorization of reviewing his tax
2 records, and he signed that willingly, Lord -- or he signed
3 that willingly, Your Honor. So I don't see how the Government
4 can infer any intent to defraud. Even, I think, the likelihood
5 of confusing the jury with a charge that's not in the
6 indictment, Your Honor, should cause the Court to exclude this
7 evidence. It's not needed, and they're really trying to argue
8 propensity.

9 THE COURT: All right. Just listening to the
10 arguments, I think you both have assured me that I really
11 should wait until the conclusion of the Government's case in
12 chief. When I say "conclusion," I mean up to the point of the
13 admissibility of 404(b) evidence.

14 In other words, your last witness will be the 404(b)
15 evidence if I'm allowed -- or if I agree to allow its
16 admissibility.

17 When you're talking about the Judge Cohn case, I'm not
18 seeing the total similarities.

19 And in the Judge Cohn case, do you have two defendants
20 in a second case?

21 MR. SNIDER: No, it was one defendant.

22 THE COURT: It was one. All right.

23 And then Number 2, if you read the similar act
24 evidence, it refers to a defendant. And as you know, when you
25 have two defendants on trial, the jury really looks at two

1 separate cases. So I don't see anything in the instruction
2 that says, "Oh, the intent of the conspiracy should be allowed
3 as to both and not just as to one."

4 So that's -- you know, I think that's pretty clear, but
5 I would like to see and listen to the evidence and then make a
6 decision.

7 Now, frankly, it would appear that it's probative. And
8 if I'm convinced that an instruction will resolve the issue as
9 to any unnecessary prejudices as to the codefendant, Carolyn
10 Wade, then it would be admissible, but I would first like to
11 hear the totality of the evidence.

12 You know, I tried this case once. This case is totally
13 different, with different charges, and let's see what the
14 evidence is, and then I will rule accordingly. So there we
15 are.

16 So now, how long do you think it will take us to try
17 this case, now that you've refined your cases and sort of know
18 what evidence you're presenting? We have two defendants this
19 time, rather than one, and more charges; so what is the
20 Government's best estimate at this time?

21 MR. SNIDER: My estimate, Judge, is that the Government
22 will rest its case in chief sometime on Thursday of the first
23 week. I do not anticipate going into the second week, as far
24 as the Government's case in chief. That's my prediction.

25 THE COURT: All right.

1 MR. SNIDER: You know, just so I understand the Court's
2 ruling on the 404(b), it sounds like it's reserving until the
3 Government has completed its case in chief but not yet rested?

4 THE COURT: No, you're not going to rest.

5 MR. SNIDER: No. I said, "Not yet rested."

6 THE COURT: I'm sorry?

7 MR. SNIDER: You're reserving ruling until the
8 Government has presented its case in chief but not yet rested?

9 THE COURT: Correct.

10 MR. SNIDER: Okay. So I --

11 THE COURT: In other words, it's not -- sometimes I
12 might say, "Let's see what happens for rebuttal." It's not
13 that scenario. It's at the end of your case in chief. Do you
14 go further in your case in chief and present the 404(b)
15 evidence?

16 Am I clear?

17 MR. SNIDER: Yes, you're crystal clear.

18 THE COURT: All right.

19 MR. SNIDER: The only thing, the Government's last
20 witness, as it was in the first trial, would be a summary
21 witness because I think that as far as presenting --

22 THE COURT: All right. If you have a summary witness
23 that you want to present last --

24 MR. SNIDER: Yes.

25 THE COURT: -- it would be the witness before the

1 summary witness.

2 MR. SNIDER: That would be the Government's
3 preference --

4 THE COURT: All right.

5 MR. SNIDER: -- if the Court could rule before we put
6 on summary witnesses.

7 THE COURT: Yes, sir.

8 MR. SNIDER: Thank you.

9 THE COURT: Not an issue.

10 MR. SNIDER: Thank you.

11 THE COURT: All right. With the conspiracy counts, as
12 I understand the facts, there is not an 801 (d)(2)(e) issue;
13 that is the admissibility of coconspirator statements.

14 As I read the indictments, I'm not sure that that's an
15 issue, but I want to raise it so I can hear your comments.

16 MR. SNIDER: I'm glad the Court raised that because it
17 was actually something I did want to address.

18 The Government, in its case in chief, intends to call
19 Haydee Rivero, formally known as Haydee Granados. Haydee
20 Rivero is named in the superseding indictment as a
21 coconspirator.

22 She has also been charged in a separate case by way of
23 information with conspiracy, and that information charges her
24 with conspiring with Carolyn Wade, Tracy Wade, and others as it
25 relates to the Paycheck Protection Program. She has since

1 entered a guilty plea in her case and is going to be testifying
2 for the Government as a cooperating defendant.

3 Through her testimony, the Government anticipates that
4 she will testify that there were, as it sort of says openly in
5 her information, other coconspirators. And we'll establish --
6 I will just put a name on the record now -- Jamil Hunter as one
7 of those coconspirators.

8 If the Government establishes foundationally through
9 her testimony that Mr. Hunter was a coconspirator in this, then
10 the Government would seek to have any statements by Mr. Hunter
11 in furtherance of the conspiracy admitted under that rule.

12 THE COURT: By Mr. Hunter or by a coconspirator?

13 MR. SNIDER: For example, what Mr. Hunter may have said
14 to Ms. Rivero, who will be the declarant, testifying about what
15 he told her in furtherance of the conspiracy.

16 THE COURT: Can you give an example?

17 MR. SNIDER: Sure.

18 That he may have instructed her -- maybe this isn't
19 even a statement but how to complete a fake schedule.

20 THE COURT: "He?" Who is "he?"

21 MR. SNIDER: The unindicted coconspirator, Jamil
22 Hunter.

23 THE COURT: Told?

24 MR. SNIDER: This testifying coconspirator how to
25 complete a Schedule C fraudulently.

1 THE COURT: And what makes him a part of this
2 conspiracy involving the Wades? Are they all together or --

3 MR. SNIDER: In a few respects. I expect the testimony
4 of Ms. Rivero will establish a couple of things. First,
5 Mr. Hunter assisted Ms. Rivero in getting a fraudulent PPP loan
6 and after he had done that, Mr. Rivero was offered -- I'm
7 sorry, Mr. Hunter was offered to the Wades as a person who
8 could do a fraudulent PPP loan for them.

9 Ultimately -- I think this is what the testimony will
10 show -- Mr. Hunter was not available to do a fraudulent loan
11 for Mr. or Mrs. Wade. So what happened? He taught Ms. Rivero
12 how to do it, and Ms. Rivero ended up doing it for the Wades
13 and a whole lot of other people.

14 THE COURT: So Mr. Hunter never had any contact with
15 the Wades? Is that --

16 MR. SNIDER: Direct contact? I don't think --
17 Ms. Rivero's testimony will be -- and every time I say
18 "Ms. Rivero," I'm referring to Ms. -- it's the same as
19 Ms. Granados. Granados is her maiden name. You may have heard
20 that name many times.

21 Ms. Haydee Granados Rivero will testify that at least
22 Mr. Wade was attempting to contact Mr. Hunter, and the way she
23 knows that is because Mr. Wade then called Ms. Rivero and said,
24 "Hey, I can't get in touch with this guy; he's not answering my
25 phones," and that was the transition to having Ms. Rivero be

1 the one to do the -- and her part was to create fraudulent
2 Schedule Cs. That's how she led to being involved.

3 So there aren't many statements, but to the extent
4 that, you know, Mr. Hunter is teaching Ms. Rivero how to create
5 a fake document, that comes in.

6 THE COURT: What will Ms. Rivero say about Mr. Hunter's
7 statement? You say "teaching." Do you mean they got together
8 and discussed and conferred?

9 MR. SNIDER: Yes. What I expect she's going to say is
10 that there were some instructions over the phone telling her
11 which website to go to to download a blank IRS form, giving
12 her -- and then actually giving her in person a sample with
13 fake numbers that she used as an example to create others.

14 This has all been disclosed. This was all memorialized
15 in a 302 report from an interview that the Government conducted
16 in June of this year, and it was disclosed in our first
17 discovery production for the superseding indictment.

18 THE COURT: I assume and infer that there have been no
19 additional charges as against this gentleman; correct?

20 MR. SNIDER: Mr. Hunter is not presently charged.

21 THE COURT: All right.

22 MR. SNIDER: My basis for admitting his statements
23 would be to establish the foundation through Ms. Rivero that
24 he's an unindicted coconspirator because she will testify that
25 she conspired with him in the conspiracy that she's charged

1 with.

2 THE COURT: Mr. Wilcox, you may comment.

3 MR. WILCOX: Let me try to see if I can understand, if
4 I can summarize the Government's position.

5 The Government is seeking to introduce a hearsay
6 statement of an unindicted coconspirator --

7 THE COURT: Well, they're saying it's not -- they're
8 saying it's an 801(d)(2)(e) statement.

9 MR. WILCOX: Like the statement of --

10 THE COURT: That's the allegation.

11 MR. WILCOX: Okay. And under that --

12 THE COURT: Which is an exception to the hearsay rule.

13 MR. WILCOX: Right. Okay. And our client doesn't --
14 and we don't get to confront this witness?

15 THE COURT: Well, if it's an 801(d)(2)(e) --

16 MR. WILCOX: Right.

17 THE COURT: -- there's an exception to the hearsay
18 rule.

19 MR. WILCOX: Let me say on this -- and this is --

20 THE COURT: I guess you could call the witness. When
21 you say "confront"...

22 MR. WILCOX: Excuse me.

23 (Pause in the proceedings.)

24 MR. WILCOX: Yes, we could call the witness,
25 Your Honor, but the thing is we haven't met with this witness

1 yet. I think we put him on our witness list because we thought
2 about calling him at one point; but, Your Honor, he's,
3 obviously, the -- he's in the position of being a hostile
4 witness because the Government could charge him eventually, or
5 he could take the Fifth Amendment, just like what happened in
6 the first trial that we had; so that's not really feasible,
7 Judge.

8 THE COURT: You're speculating about what might happen;
9 so I don't want to go that far.

10 MR. WILCOX: Okay. We've seen the movie before, Judge.
11 I mean, am I wrong? I mean, we've seen it before.

12 THE COURT: No.

13 MR. WILCOX: Okay.

14 So I just want to -- my first confusion, Judge, is that
15 I understand we have these 801 problems where you have two
16 defendants and one statement is going to be introduced, and the
17 defendant doesn't testify. I understand the context of the
18 Bruton situation.

19 THE COURT: Before you go on, one question popped into
20 my mind. Does Ms. Rivero confer with both defendants in this
21 case?

22 MR. SNIDER: So we believe the evidence will show that
23 Ms. Rivero had direct contact with Mr. Wade and that any
24 contact with Carolyn Wade was indirectly through Mr. Wade.

25 We believe the evidence will show that in some

1 instances you have Ms. Rivero over here on the phone with
2 Mr. Wade, who is in touch with Carolyn, so information is going
3 between Carolyn and Mr. Wade and being transmitted through
4 Mr. Wade to --

5 THE COURT: Is that because of some computer
6 communications that you ascribe to Ms. Carolyn Wade?

7 MR. SNIDER: It's two parts. Here's the first: We
8 know from the first trial, and we'll establish in the second
9 trial, that the only way to log in to the Womply website -- and
10 that's the website for the PPP applications that are in the
11 indictment -- is to receive a one-time short-lived code that is
12 either sent to the email address on the application or the
13 phone number.

14 With respect to Carolyn Wade, that means when there was
15 a log-in to Carolyn Wade's application on the Womply website,
16 the code, which expired after 10 minutes, was sent either to
17 Carolyn Wade's cell phone or Carolyn Wade's email address.

18 To the extent it was sent to her cell phone, her cell
19 phone had to be -- we will show that -- I think it came out in
20 the first trial that that phone, her phone is with her pretty
21 much at all times, like most people's phones are.

22 THE COURT: Does --

23 MR. SNIDER: And -- oh, but, but, but, but not only
24 that, Judge, what the evidence shows definitively is that in
25 connection with applying for this PPP loan, Mrs. Wade held her

1 cell phone to her face, in her hands, and took six pictures.

2 Okay. That's not disputed. We know we can establish her --

3 THE COURT: Isn't that the testimony in the last case?

4 MR. SNIDER: What's that?

5 THE COURT: Isn't that the testimony in the last case?

6 MR. SNIDER: That came out through the testimony and

7 the documents.

8 THE COURT: Yes.

9 MR. SNIDER: And around that time that she's holding
10 that phone in her hand to take these selfies, there are log-ins
11 to her application by Ms. Rivero using a code sent to her cell
12 phone. And the only way that happens is if Ms. Wade gets the
13 code and transmits it, in this case, through Mr. Wade to Haydee
14 Rivero.

15 And Haydee Rivero will testify, I believe, that in some
16 instances, the code expired and she had to go back to Tracy
17 Wade, and Tracy Wade will say something to the effect of "Hold
18 on; I've got to get it back from Carolyn." This is all
19 happening in real-time. So it's a long-winded way of saying,
20 "Is there some communication?" It is in the way I just laid
21 out. Are there conversations that we have evidence of? No.

22 THE COURT: In other words --

23 MR. SNIDER: There are text messages --

24 (Simultaneous speakers.)

25 THE COURT: -- never directly was in touch with Ms. Car

1 -- well, not saying in touch. Was never in the presence and
2 speaking to Ms. Carolyn Wade; is that correct?

3 MR. SNIDER: As it relates to the PPP loans charged in
4 the indictment, correct.

5 THE COURT: All right. Mr. Wilcox, sorry for
6 interrupting.

7 MR. WILCOX: Your Honor, let me make sure that I
8 understand the issue.

9 I understand the issue to be whether or not the
10 statements of this Hunter person are going to be admitted as a
11 coconspirator as a statement in furtherance of the conspiracy.

12 Do I have -- is that the issue?

13 THE COURT: I'm not sure.

14 Does it establish that? Does the statement of
15 Ms. Rivero establish the conspiracy? I guess I'm waiting to
16 hear from you. I'm waiting for you to answer that question.

17 MR. WILCOX: Your Honor, it does not appear to. It
18 does not appear that any statement or any conversation that
19 Mr. Hunter had with Ms. Granados, now known as Ms. Rivero, has
20 anything to do with the crimes that Mr. Wade and Mrs. Wade are
21 charged with.

22 So I would say that the statements should be
23 inadmissible for that reason -- and Your Honor has to do a
24 little more research, but also, intuitively, I have a problem
25 with me not being able to confront these statements. It just

1 seems to be a violation of Crawford or the confrontation rule.

2 THE COURT: I'm always available for any case law and
3 legal arguments you want to make, but no one's raised that
4 issue; so I don't know the answer.

5 MR. SNIDER: As far as relating to the Wades -- I'm
6 proffering here, and I'm summarizing, but, essentially, if
7 Mr. Hunter says to Ms. Rivero, "I don't have time to do those
8 Wades; you do it; I'll show you how" -- that's almost the sum
9 of the statements.

10 We're not going to have her testify what Hunter told
11 the Wades. We don't even have evidence that Hunter ever talked
12 to the Wades. That's the whole reason that Rivero got involved
13 was because Hunter was like, "I'm too busy. I don't have time
14 to do PPP for Tracy Wade. You do it, and here, I will show you
15 how to do it."

16 MR. WILCOX: So is the Government proffering that the
17 testimony that's coming from Ms. Rivero, formally known as
18 Ms. Granados, is going to be that the reason she did the Wades'
19 PPP application is because Mr. Hunter didn't have time to do
20 it? If that --

21 THE COURT: That's what he said.

22 MR. SNIDER: That's what I'm saying.

23 We're not seeking to enter any statement --

24 MR. WILCOX: Your Honor --

25 MR. SNIDER: -- through this witness about what Hunter

1 said to the defendants. Again, I don't think they ever spoke,
2 which is the reason why Mr. Wade said to Haydee Rivero, "I
3 can't get in touch with this guy; you know, you do it for me."

4 MR. WILCOX: Well, it --

5 MR. SNIDER: So it's not a major point here and
6 that's --

7 THE COURT: No, it is a major point, frankly.

8 MR. WILCOX: I have a problem with -- well --

9 THE COURT: All right. We can all have problems,
10 right, but I need some case law.

11 MR. WILCOX: I understand, Judge.

12 THE COURT: That solves the problem.

13 MR. WILCOX: Again --

14 THE COURT: And this scenario is that 801(d)(2)
15 exception to the hearsay rule, and as you raised the issue, is
16 it a Crawford issue? I don't know if that's a Crawford issue.

17 If it's a coconspirator's statement, then that's what
18 it is. It would be admissible because that person is a part of
19 the conspiracy, but is this gentleman a part of the conspiracy
20 based on what Ms. Granados states?

21 MR. SNIDER: I think she has to lay the foundation for
22 it. If she does, then I think the rule is available.

23 MR. WILCOX: But, Judge, it's hard to argue this in the
24 abstract.

25 THE COURT: I want you all to do some research, and I

1 will -- and I really don't like doing this in the middle of
2 trial or before trial because everybody's preparing for trial.
3 And I understand the rigors and demands, but you're raising
4 some issues here for the first time, and I really want to be
5 clear on your positions from the standpoint of the law.

6 So I'm going to ask you all -- maybe I'll have you
7 return on -- I don't know -- Friday afternoon, and I can listen
8 to you, and you can give me any cases you have.

9 MR. SNIDER: I have --

10 MR. WILCOX: I thought we were on recess. You mean
11 like this Friday?

12 THE COURT: Trial is next Monday.

13 MR. WILCOX: I understand, Judge, yes.

14 MR. SNIDER: If the Court sets that -- maybe I can
15 speak to Mr. Wilcox, but if the Court were to set that, is
16 there any way that we can do that telephonically? Just because
17 it is not easy. I have physical therapy that day, and it's
18 just not -- I can't drive myself. It's really a challenge, so
19 if we can do it telephonically.

20 Maybe I can speak to Mr. Wilcox as to whether we can
21 make some agreement here.

22 (Pause in proceedings.)

23 THE COURT: Here's one of the issues that I am thinking
24 about: Does the fact that Ms. Granados confers with Mr. Hunter
25 and Mr. Hunter doesn't have anything to do with this but tells

1 Ms. Granados how to do something, does that make him a
2 coconspirator such that his statements are admissible?

3 MR. SNIDER: Your Honor, he's instructing her to commit
4 fraud.

5 THE COURT: Well, does that make him a part of the
6 conspiracy between Ms. Granados and the Wades? Is he a knowing
7 participant in this conspiracy? That's the issue that pops
8 out.

9 MR. SNIDER: I mean, obviously, a conspiracy can exist
10 without every coconspirator knowing each other, certainly.

11 THE COURT: Of course. But at least one conspirator
12 has to know that they're participating in this.

13 MR. SNIDER: So Mr. Hunter did two things. He did two
14 things to conspire with Haydee Rivero -- and she's effectively
15 admitted to this when she pled guilty -- Number 1, he assisted
16 her in getting a fraudulent loan.

17 THE COURT: Yes, okay.

18 MR. SNIDER: Then he taught her how to apply
19 fraudulently.

20 THE COURT: Okay. Now, those teachings --

21 MR. SNIDER: What's that?

22 THE COURT: That person takes those teachings and then
23 goes out and commits offenses, does that make Mr. Hunter a part
24 of the conspiracy?

25 MR. SNIDER: I think it's reasonably foreseeable that

1 he's -- actually, what he said -- because it's not only that.
2 He knows that Ms. Rivero had tried to put him in touch with the
3 Wades, and when Mr. Wade was not successful in getting in touch
4 with Mr. Hunter, Ms. Rivero called him a couple of times, and
5 then she finally got in touch with him and said, you know,
6 "Mr. Wade wants you to do his -- he wants one of these PPP
7 loans." He said, "I don't have time for that but" --

8 THE COURT: Yes. Does that "I don't have time for
9 that" --

10 MR. SNIDER: That doesn't -- that's not --

11 THE COURT: -- does that mean, "I don't have time for
12 this conspiracy"?

13 MR. SNIDER: No.

14 THE COURT: I'm not a part of this --

15 MR. SNIDER: That is not what --

16 THE COURT: -- but this is the way you can do it?

17 No, I'm just saying is that a difference?

18 MR. SNIDER: I understand, but I think the testimony of
19 Ms. Rivero will establish that that is not at all what he meant
20 by that.

21 THE COURT: How is she going to --

22 MR. SNIDER: I think what she would say is that he was
23 perhaps saying, "I don't have time to do theirs" doesn't mean
24 "I don't want to continue to commit fraud." What's established
25 is that he's in a conspiracy with her to get fraudulent PPP

1 loans and teaches her how to do that because he doesn't have
2 time to do Tracy Wade's loan. And so then, having learned how
3 to create a fake Schedule C, Ms. Rivero does it for Tracy Wade
4 and for Carolyn Wade and for many others, which she will
5 testify.

6 THE COURT: All right. So we've established that
7 Friday is not a good day. Do you all want to submit something
8 in writing? Is that better or not?

9 MR. SNIDER: We could do that.

10 MR. WILCOX: We may -- I mean, depending on the exact
11 testimony, it may be a moot point, Judge, but I would not be
12 opposed to submitting something in writing.

13 But I do want to say that what he --

14 THE COURT: I'm not sure what you mean by what he said
15 could be a moot point.

16 MR. WILCOX: I mean -- exactly. I mean, he has kind of
17 summarized what Ms. Rivero, formerly known as Ms. Granados,
18 would say about Mr. Hunter's involvement and teaching her how
19 to do these PPP applications -- these fraudulent PPP
20 applications. That might be something we don't have a problem
21 with. I need to talk to Mr. McCray about it, though. That's
22 what I meant by it might be moot.

23 MR. SNIDER: So you're saying you wouldn't object to
24 that coming in? That fact?

25 MR. WILCOX: I need to talk to Mr. McCray about it and

1 the clients also.

2 The other thing is, is that it sounds to me -- it
3 sounds to me that when this guy said that "I don't have time to
4 do the Wades PPP application" -- and when I say "this guy," I
5 mean Mr. Hunter -- that he's withdrawing from the conspiracy.

6 MR. SNIDER: Okay. I --

7 MR. WILCOX: Or this particular conspiracy.

8 MR. SNIDER: So I'm paraphrasing.

9 THE COURT: I'm sorry?

10 MR. SNIDER: I'm paraphrasing, "I don't have time."
11 I'm speaking here without notes and without the transcript. So
12 it is the effect --

13 THE COURT: Let me make an alternative suggestion.

14 MR. SNIDER: Sure.

15 THE COURT: So here's what I'm contemplating: I have
16 another trial starting the 21st. So that's why I'm a little
17 nervous, which means I have eight days for this case without
18 having to create issues for the other case.

19 And you think your case will take four days, and I
20 don't think your case will take four days, at least based on
21 the last one. So I'm considering picking the jury Monday
22 afternoon and having you all here Monday morning, and you have
23 Ms. Granados here Monday morning so I can figure out exactly
24 what she's going to say so that I understand fully that this
25 would be an 801(d)(2)(e) conversation, such that she should be

1 able to testify as to what Mr. Hunter said to her, which is in
2 furtherance of a conspiracy.

3 That means you have your Friday. That means you can
4 prepare, and we can have our argument and evidence Monday
5 morning and pick the jury starting at 1:00 Monday and still be
6 able to finish the case timely.

7 I thought you all would just jump at this, but I see
8 some hesitation.

9 MR. WILCOX: I have no problem with it, Judge. I'm
10 jumping.

11 MR. SNIDER: I'm a little concerned about -- I'm not
12 sure that that -- I'm not quite sure of the hearing the Court
13 is envisioning.

14 THE COURT: No, you're not sure what she's going to
15 say, and I want to be sure I understand what's going to be
16 said. That's why I'm proposing that. You can't tell me with
17 any specificity. You continue to say, "Well, I'm just kind of
18 thinking about it." I need to do better than that.

19 MR. SNIDER: We have prepared -- we've met with her to
20 prepare for her trial --

21 THE COURT: All right.

22 MR. SNIDER: -- twice.

23 THE COURT: Okay, but that's not what you just said.

24 MR. SNIDER: I said I was paraphrasing what she said.

25 THE COURT: Yes, paraphrasing, well --

1 MR. SNIDER: Adam has been in all these -- Mr. Love has
2 been in all these trial preparations.

3 THE COURT: I'm putting it on you now. What do you
4 have to say?

5 MR. SNIDER: No, I think it's fair to say that
6 Ms. Rivero will testify that A, Mr. Wade could not get in touch
7 with Mr. Hunter and that she herself had trouble reaching him
8 and then when she finally did reach him, he said, "I'm too busy
9 or -- I'm too busy."

10 THE COURT: And what? And this is --

11 MR. SNIDER: "But I will teach you how to do it. You
12 can do it for Mr. Wade."

13 THE COURT: And then he meets with her? They talk on
14 the phone?

15 MR. SNIDER: Both.

16 THE COURT: What happened?

17 MR. SNIDER: She said both. She said that they talked
18 on the phone and that he also came to her house and gave her a
19 sample of a fraudulent Schedule C.

20 Now, I don't even know that that's hearsay -- the fact
21 that he's making statements. She can testify he came to my
22 house and what he did. I don't even know that it's necessary.
23 I think that this is more just to explain how she became
24 involved. I don't know that honestly it's necessary to put in
25 his statements.

1 THE COURT: All right. Fine. See you Monday morning
2 at 9:00.

3 MR. SNIDER: Or 9:30?

4 THE COURT: 9:30. I'm sorry.

5 Anything else, gentlemen? Anything else I need to be
6 aware of that you can think of at this time?

7 Well, if you can't think of it now, let me know Monday
8 morning before we start the jury selection. All right.

9 MR. SNIDER: Judge, this is just my own -- I don't
10 know. It may not be easy for me to stand up and object to
11 these --

12 THE COURT: I will work with you --

13 MR. SNIDER: I appreciate it.

14 THE COURT: -- whatever you propose. I want you to be
15 as comfortable as you possibly can.

16 MR. SNIDER: I'm on one leg right now.

17 THE COURT: If that's a problem, have a seat, and we
18 can move on with this case. Not a problem.

19 If you start suffering during the trial or something,
20 you just need to speak up.

21 MR. SNIDER: Okay. Thank you.

22 THE COURT: All right. Thank you all. Have a great
23 afternoon and weekend.

24 (The proceedings concluded at 2:20 p.m.)
25

C E R T I F I C A T E

I PATRICIA BAILEY-ENTIN hereby certify that the foregoing transcription is an accurate transcription from the notes and audio backup of the proceedings in the above-entitled matter, which was originally reported by Glenda Powers.

DATE: 5/2/2025

/s/Patricia Bailey-Entin
PATRICIA BAILEY-ENTIN, RPR, FRP
Official Court Reporter
United States District Court
Southern District of Florida

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