

STATE OF RHODE ISLAND

WASHINGTON, Sc.

SUPERIOR COURT

LLOYD ALBERT, et al.	)	
	)	
VS.	)	CASE NO: WC/2024-0027
	)	
THE BONNET SHORES FIRE	)	
DISTRICT, et al.	)	

**HEARD BEFORE THE HONORABLE JUSTICE SARAH TAFT-CARTER**

**ON FEBRUARY 16, 2024**

**MOTIONS**

**APPEARANCES:**

MATTHEW T. OLIVERIO, ESQUIRE and  
GINA RENZULLI LEMAY, ESQUIRE.....FOR THE PLAINTIFFS

THOMAS M. DICKINSON, ESQUIRE.....FOR THE DEFENDANTS

MICHAEL W. GARLAND, ESQUIRE.....FOR THE INTERVENOR

MARY M. GUGLIETTI, RPR  
CERTIFIED COURT REPORTER

C E R T I F I C A T I O N

I, Mary M. Guglietti, hereby certify that the succeeding pages, 1 through 21, inclusive, are a true and accurate transcript of my stenographic notes.

*Mary M. Guglietti*

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MARY M. GUGLIETTI, RPR  
Certified Court Reporter

1 FRIDAY, FEBRUARY 16, 2024

2 MORNING SESSION

3 THE CLERK: The matter of WC/2024-0027, Lloyd Albert  
4 v. Bonnet Shores Fire District.

5 MR. OLIVERIO: That's ready, Your Honor.

6 MR. DICKINSON: That's ready.

7 THE CLERK: Would the attorneys please identify  
8 yourselves for the record.

9 MR. OLIVERIO: Good morning, Your Honor.  
10 Matthew Oliverio for the plaintiffs.

11 MS. LEMAY: Good morning, Your Honor. Gina Renzulli  
12 Lemay for the plaintiffs.

13 MR. DICKINSON: Thomas Dickinson for the  
14 respondents.

15 MR. GARLAND: Your Honor, Michael Garland for the  
16 proposed intervenor, Bonnet Shores Beach Club Condominium  
17 Association, Inc.

18 THE COURT: Okay. This is a petition for the  
19 issuance of a writ of mandamus.

20 MR. OLIVERIO: It is, Your Honor. Do you want to  
21 hear that first before the motion to intervene,  
22 Your Honor?

23 THE COURT: Probably should hear the motion to  
24 intervene.

25 MR. OLIVERIO: There was a motion filed by the

1 beach club and an objection from the plaintiffs to that  
2 motion.

3 THE COURT: Is this a WM or a WC case?

4 MR. OLIVERIO: WC.

5 THE COURT: Chris, what's that number again?

6 MR. OLIVERIO: WC -- oh.

7 THE COURT: I'm asking Chris.

8 THE CLERK: WC/2024-0027.

9 (Pause)

10 THE COURT: All right. Mr. Garland, let's begin  
11 with the motion to intervene.

12 MR. GARLAND: Yes, Your Honor. Thank you.

13 So, Your Honor, I believe you're very well aware of the  
14 factual background to this case. You ruled back in  
15 December of 2020 that the petitioners in that matter --  
16 and that was WC/2020-0130 -- were not permitted or could  
17 not obtain the relief they were seeking to disenfranchise  
18 nonresident owners at the Beach Club Condominium  
19 Association, Judge. And the consent judgment that was  
20 later entered in that case defines certain rights, but it  
21 did not disenfranchise nonresident owners.

22 Nevertheless, Your Honor, back on November 14th of  
23 2023, when a demand for special meeting was submitted by  
24 Mr. Patterson to Ms. O'Donnell, as President of the  
25 Bonnet Shores Fire District, he tried to limit or was

1 seeking, I guess, some sort of limitation that only those  
2 voters defined by paragraph 1 in the consent judgment  
3 would be allowed to vote in a special meeting or annual  
4 meeting, Judge. So, again, Judge, it seems to me this  
5 is an attempt by the petitioners to do an end-around  
6 the Court's decision back in December of 2020 to  
7 disenfranchise nonresident where you determined, Judge,  
8 that that action would not apply to nonresident owners.

9 So we feel, Judge, that, for a variety of reasons,  
10 it is incumbent that the interests of the nonresident  
11 owners of the Bonnet Shores Beach Club Condominium  
12 Association, their rights be protected and to ensure that  
13 they do have the right to vote in any special meeting or  
14 annual meeting that the fire district eventually  
15 conducts.

16 Now, at the time that I submitted the motion to  
17 intervene with my memo, there had been no response by the  
18 fire district to the petitioners' writ for mandamus.

19 THE COURT: Yes.

20 MR. GARLAND: And so, really, the question I think  
21 for the Judge, for the Court to decide is whether, in its  
22 determination, the Court believes that the fire district  
23 in fact will protect the rights of nonresident unit  
24 owners at the condominium, Judge.

25 THE COURT: Yes.

1           MR. GARLAND: And that's basically my argument,  
2 Judge. Thank you.

3           MR. OLIVERIO: Good morning, Your Honor. As you  
4 know, the standard under a motion to intervene is set  
5 forth in Rule 24(a)(2). The proposed intervenor  
6 represents a beach club, a condominium association whose  
7 rights are not impaired/impeded in any manner or fashion.  
8 He purports, in his memo, to be representing the resident  
9 and nonresident unit owners at the beach club. And, yet,  
10 where's the authority for that? The beach club has no  
11 independent right to vote. Anything is done through its  
12 unit owners. So I find it rather ironic that when  
13 Your Honor was -- had the *Patterson* case, and my brother  
14 references the motion to dismiss decision but, as  
15 Your Honor's aware, the Court went through a very  
16 thorough analysis on motions for summary judgment, and  
17 as a consequence of that, consent judgment entered.

18           But the irony is that the beach club, at that time,  
19 didn't see fit to intervene in that action and want to  
20 hold up your decision, which didn't get to the merits on  
21 the declaratory judgment action. It just said you need  
22 to join all of the unit owners, all of the parties that  
23 may have an interest. And, yet, my brother comes before  
24 this Court purporting to represent those very unit  
25 owners, and there's no evidence before the Court that

1 by convening a special meeting, as demanded by the  
2 50 qualified voters and as set forth in the by-laws, that  
3 there are any rights that will be impaired or impeded  
4 of any unit owners and particularly not the beach club  
5 as a representative.

6 So he hasn't met the standard because any alleged  
7 harm is not particularized to the Bonnet Shores Beach  
8 Club Condominium Association. It's really speculative  
9 and conjecture. So perhaps if a meeting -- and I would,  
10 I will argue this in the merits of the petition,  
11 Your Honor, when a meeting is convened, as mandated  
12 under the by-laws, if there is any unit owner at the  
13 beach club, whether resident or nonresident, that feel  
14 it is aggrieved, then they have their remedies. They  
15 can come back before this Court. But that's -- there's  
16 no basis for the beach club to intervene in this matter.  
17 He doesn't meet the standard under 24(a)(2), no  
18 particularized harm. There's no actual or imminent  
19 threat to any rights. It's merely hypothetical,  
20 Your Honor.

21 And, here, the by-laws place no restriction on the  
22 type of demand that can be made, nor does it permit the  
23 chairperson to unilaterally ignore, override or alter  
24 the terms of such demand. As I said, if members of the  
25 beach club, whether resident or nonresident, feel they're

1       aggrieved, that's later down the road. Let him file his  
2       own lawsuit. Let him file his own declaratory judgment  
3       action.

4               And I find it also interesting that on the consent  
5       judgment, Your Honor, he points to paragraph 1, but he  
6       doesn't reference paragraph 4 of that consent judgment  
7       involving Count IV, which was the dilution and debasement  
8       claim. It was a constitutional claim brought by a number  
9       of qualified voters. And, in that case, Your Honor, the  
10      district council consented and recognized and made a  
11      judicial admission to this Court that indeed, based on  
12      the voting structure and the past elections, that the  
13      *Patterson* plaintiffs' rights were debased and diluted.  
14      They don't point to paragraph 4.

15              So I don't think there's any basis for the beach  
16      club, as a condo association, who has no rights, no --  
17      doesn't get taxed, and we don't have the members before  
18      the Court, there's no basis for intervention.

19              THE COURT: Thank you.

20              MR. GARLAND: May I respond?

21              THE COURT: Sure.

22              MR. GARLAND: Thank you. So, Your Honor, the  
23      petitioners here sort of tip their hand because it's very  
24      clear, Judge, from the demand for special meeting that  
25      was submitted by Mr. Patterson, that they absolutely



1 wanted the fire district to limit the voting to those  
2 parties defined in paragraph 1 in the consent judgment,  
3 even though they knew that in fact the Court had  
4 previously ruled that that didn't -- the Court did not  
5 or would not disenfranchise nonresident owners.

6 The beach club absolutely has a right to protect or  
7 to represent the interests of nonresident owners, and in  
8 fact that was our intention in filing this motion to  
9 intervene. And I think what will be covered by my  
10 brother, by Attorney Dickinson, Judge, is that there has  
11 been a concerted pattern by these petitioners. They were  
12 not happy with the Court's decision back in December of  
13 2020. They have attempted, ever since then, through  
14 submissions to the legislature, to disenfranchise  
15 nonresident owners, and we submit that this demand for  
16 special meeting is basically -- that's the same playbook  
17 that they have, Judge, that they are trying to  
18 disenfranchise nonresident owners.

19 And, for that reason, Judge, we feel that there's  
20 an absolute legitimate interest, where voting rights  
21 are affected and, as you pointed out in your decision,  
22 Judge, where it's a fundamental right and where they're  
23 attempting to take away that right, that, for that  
24 reason, the motion should be allowed. Thank you.

25 THE COURT: Thank you.

1 MR. OLIVERIO: Could I just respond very briefly?

2 THE COURT: Sure.

3 MR. OLIVERIO: First of all, for Mr. Garland to  
4 suggest that we were disappointed and it was a concerted  
5 effort, I mean, that's silly. There was a -- there was a  
6 settlement, a consent judgment entered, and a charter  
7 review commission that was convened. They made the  
8 determination. They made edits and amendments, and, if  
9 anything, it's been the fire district who has attempted  
10 to undermine that process. That matter is all pending  
11 before the legislature. The General Assembly did not act  
12 on it last year. So, again, Your Honor, the --

13 THE COURT: So what's the status with the  
14 legislature?

15 MR. OLIVERIO: So last -- there was -- the charter  
16 review commission performed their work.

17 THE COURT: Yes.

18 MR. OLIVERIO: The fire district council, they had  
19 independent counsel, they made the amendments. It was  
20 submitted, consistent with the consent order, it was  
21 submitted to the General Assembly, and there was  
22 testimony by counsel for the fire district that -- and  
23 others that was not supportive of the proposed amendments  
24 and legislation, so it got shelved. And there's no  
25 indication that it's going to move forward this year

1 either, Your Honor, from what we hear. So it's up --  
2 it's up at the General Assembly. It was reintroduced,  
3 the proposed amendments to the charter.

4 But, again, in this case, what the plaintiffs seek  
5 is they want to avail themselves of convening a special  
6 meeting for the purpose of holding an election. These  
7 council members' terms have expired. They have expired.

8 THE COURT: Okay.

9 MR. OLIVERIO: And so under the by-laws --

10 THE COURT: There's a meeting in June, isn't there?

11 MR. OLIVERIO: Well --

12 UNIDENTIFIED SPEAKER: No.

13 MR. OLIVERIO: -- they haven't had an annual meeting  
14 for the past --

15 THE COURT: Excuse me one second. I'm directing my  
16 questions to the attorneys. I mean I heard people  
17 speaking from the gallery, so I just want the attorneys  
18 to answer.

19 MR. OLIVERIO: Sure, Your Honor.

20 THE COURT: I don't want to be listening to --

21 MR. OLIVERIO: I apologize.

22 THE COURT: -- comments.

23 MR. OLIVERIO: I agree. Your Honor, again, we got  
24 Mr. Dickinson's memo late Wednesday afternoon, so this  
25 was the first --

1 THE COURT: Do you need time to review it?

2 MR. OLIVERIO: No, I'm ready to argue, Your Honor.  
3 And the fact that, after almost three years, they haven't  
4 held an annual meeting, they haven't held elections, the  
5 charter review commission work, the *Patterson* lawsuit did  
6 not stay the mandate that Bonnet Shores Fire District  
7 convene annual meetings, hold elections. So 50 qualified  
8 voters, in this case, on November 14, submitted a demand  
9 pursuant to the by-laws, and it's mandatory, Your Honor.  
10 The chairperson must convene and the notice must set  
11 forth the general nature of the meeting, and that's what  
12 they did for an election.

13 THE COURT: Is there a meeting scheduled in June?

14 MR. OLIVERIO: There's been no notice of meeting.  
15 Mr. Dickinson alluded to that, that they're going to have  
16 a meeting in June. But, Your Honor, again, where's  
17 the -- there's no adequate remedy. There's a mandate  
18 under the mandamus statute. They have a right, just  
19 referring to the standard, they have a clear legal right  
20 for the relief sought because the by-laws mandate that  
21 the chairperson must call a meeting upon receipt of the  
22 notice. And we submitted that as one of our exhibits  
23 to the memo and to the petition. When 50 qualified  
24 voters demand a special meeting, one shall be called  
25 by the chairperson. That's Article I, Section 2,

1 Your Honor. And it's a ministerial function. It's not  
2 a discretionary.

3 My brother argues that it's discretionary, but it  
4 absolutely is not, if you look at the structure of the  
5 by-laws. You receive a demand for a meeting with the  
6 nature, and this is for an election because they haven't  
7 had elections and all of the current, five of the seven  
8 district members, well, one's a vacant position,  
9 so four of the current district council positions have  
10 expired.

11 THE COURT: Let me ask you this question.

12 MR. OLIVERIO: Sure.

13 THE COURT: Was there an annual meeting last year?

14 MR. OLIVERIO: No, there wasn't, Your Honor.

15 THE COURT: No?

16 MR. OLIVERIO: And there wasn't an annual meeting  
17 the year before. The last annual meeting was in 2021.  
18 And so as qualified voters -- and if you look at the  
19 by-laws, which we've also provided, Your Honor, it's  
20 Article I, Section 2 expressly provides that, quote,  
21 special meetings of the district may be called at any  
22 time and at any place within the town whenever called by  
23 the chair or any three members of the district council --  
24 okay, that hasn't happened, that may be discretionary --  
25 comma, quote, and shall be called by the chairman

1 whenever requested in writing by 50 qualified voters  
2 of the district. That was done on November 14th,  
3 hand-delivered, again, to the chair on November 28th, and  
4 it has been ignored, Your Honor.

5 It's not discretionary. My brother argues, well,  
6 it's discretionary on the time, and place, and location.  
7 No, that's under the first section. It's not  
8 discretionary. There's a procedure under Article II,  
9 Section 3, that directs that the clerk has to issue the  
10 notice for the special meeting. So this language is  
11 mandatory and is really the basis for the petitioners'  
12 very narrow request to convene a meeting to hold  
13 elections.

14 Now, the respondents attempt to confuse the record,  
15 again, by citing --

16 THE COURT: Are you saying that the special  
17 meeting -- and I'm just repeating what's been said  
18 I think -- the special meeting that you're requesting  
19 is to hold elections?

20 MR. OLIVERIO: To hold elections.

21 THE COURT: Okay. So is there a provision in the  
22 by-laws for an election, for a meeting to hold the  
23 elections? Isn't that the June meeting? No?

24 MR. OLIVERIO: Annual meeting is usually, yeah, but  
25 you can call special -- you can do that through a special

1 election as well, Your Honor. If you look at our  
2 Exhibit 2 --

3 THE COURT: I just want to hear from Mr. Dickinson  
4 for a second. Is there a meeting scheduled for June?

5 MR. DICKINSON: Yes. Yes, it will be in June, and  
6 I think it's the final Thursday in June, under the  
7 by-laws. And I can explain why there hasn't been one if  
8 Your Honor --

9 THE COURT: Okay.

10 MR. DICKINSON: -- would like that.

11 THE COURT: I'd like to know that right now.

12 MR. DICKINSON: Well, in 2022 -- so there was a  
13 meeting in '21. There wasn't one in '20 because of the  
14 pandemic. There was one in '21. In 2022, the consent  
15 judgment was entered, I believe at the end of May --

16 THE COURT: Uh-hum.

17 MR. DICKINSON: -- of 2022, too late to prepare  
18 lists that would be contemplated by the -- by the  
19 additional voters in the consent order and get notice out  
20 in time for the final Thursday of June, which was only  
21 three weeks away. So there was no meeting in June of  
22 2022.

23 And what the by-laws specifically say is if there's  
24 a failure to hold a meeting at any time, for any cause,  
25 any business which might have been transacted at that

1 meeting can be transacted at the next annual or special  
2 meeting. So it --

3 THE COURT: Right, Section 1.

4 MR. DICKINSON: I'm sorry?

5 THE COURT: That's Section 1.

6 MR. DICKINSON: That's Section 1, right. So it  
7 wasn't held in 2022 because the consent order had just  
8 entered. In 2023, the legislation is working its way  
9 through the General Assembly. The hearings in the two  
10 judiciary committees were in the mid and late May of  
11 2023. So we didn't know what -- whether that was going  
12 to be on the agenda, you know, whether the charter  
13 changes would pass the General Assembly and be on an  
14 agenda for the fourth Thursday in June.

15 And, frankly, based on the legislation, which we  
16 did object to, and I can explain that, which changed the  
17 voting rolls in the legislation, not in the chart -- not  
18 just in the charter amendment, so there was a cart before  
19 the horse situation. So, anyway, by late May of 2023,  
20 again, it was too late to get the meeting scheduled for  
21 June, and under this provision, you have it at the next  
22 meeting. You know, you can call whatever we have in  
23 June an annual and a special meeting. I mean, I think  
24 that would be fine if that would satisfy what the  
25 petitioners are looking for.



1           But what they're -- what they're trying to do,  
2 I think, is effectively amend the charter now by  
3 depriving voters who are currently on the voting rolls  
4 of the right to vote. Yes, there was a count in the  
5 complaint that dealt with vote dilution, but there was  
6 also a count in the complaint that ordered the removal of  
7 voters, and that part of the complaint was dismissed.  
8 And Your Honor specifically dismissed the two remedial  
9 paragraphs that would have removed voters. And so the  
10 remedy for the vote dilution is what the parties agreed  
11 to, which was appoint a committee, develop a charter --  
12 abandonment, develop charter amendments, take it to the  
13 General Assembly, and if they pass it, then bring it back  
14 to all the voters. And that would protect the rights of  
15 the people whose votes were going to be taken away  
16 because they'd have an opportunity to attend the annual  
17 meeting and vote on the proposed charter amendment. But  
18 that didn't happen because the --

19           THE COURT: Is it going to happen this year? Of  
20 course, we don't know what's going to happen.

21           MR. DICKINSON: Well, not -- and I would, my  
22 understanding -- my brother said there's legislation  
23 pending. My understanding is nothing has been filed in  
24 the General Assembly this year or at least nothing is  
25 listed as having been filed. And my understanding about

1 that is that there is -- my understanding is leadership  
2 does not want to have legislation while there's a lawsuit  
3 pending.

4 So I would suggest if Your Honor is inclined  
5 to -- and I recognize the language in the by-laws, it  
6 says, "shall."

7 THE COURT: Right.

8 MR. DICKINSON: But it also says date, place,  
9 and time is discretionary. So I would suggest, if  
10 Your Honor is inclined to conclude that there needs to  
11 be a special meeting, let's have the special meeting  
12 at the same time as the annual meeting in June and  
13 let's clarify -- and I've asked this in my papers --  
14 let's clarify that the voters at that meeting are the  
15 voters that were added in paragraph 1 of the consent  
16 judgment, which are basically anybody who has lived in  
17 Bonnet Shores, resided in Bonnet Shores for 30 days prior  
18 to the vote, prior to the meeting, and anybody who was  
19 already eligible to vote under the charter, whose votes  
20 have not been taken away and maybe would be taken away  
21 by some future charter amendment, if they can get it  
22 through the General Assembly, but they have not yet been  
23 taken away. And that would -- that would allow for  
24 really kind of what was contemplated in the consent  
25 judgment, in any event.

1           And so, as to the officers holding over, as I'm sure  
2           Your Honor is aware, the constitution provides that a  
3           person once in office retains the office until their  
4           successor is appointed and qualified. And, I mean, I'm  
5           not on the council. If I were, I would have resigned a  
6           long time ago, but I don't -- I mean, is it unusual that  
7           we'd go two years without an annual meeting? Yes, it is.  
8           But the fact of the matter, it's their lawsuit that  
9           basically has made it very difficult or impossible to  
10          convene the annual meeting. So that's what I would  
11          suggest, Your Honor.

12           MR. OLIVERIO: Well, Your Honor, first of all,  
13          the idea that the charter, if it goes through the  
14          General Assembly and gets approved, comes back to all  
15          the voters is just wrong because that's not what the  
16          proposed legislation was, and it's not what the charter  
17          review commission counsel advised the charter review  
18          commission. That is really antithetical to what my  
19          brother argues. It just didn't happen.

20           Second, this notion that we'll just kick it over to  
21          the next annual meeting, we don't have any confidence  
22          that they're going to --

23           THE COURT: Well, it's March. June's right around  
24          the corner.

25           MR. OLIVERIO: I know, Your Honor, but there's a

1 whole --

2 THE COURT: What's the difference?

3 MR. OLIVERIO: We also made the demand in November.  
4 What's the difference? Because the -- because of the  
5 language in the by-laws. I think it's disingenuous to  
6 suggest -- they could have had special meetings in 2022  
7 and 2023.

8 THE COURT: But, right now, it's 2024, it's March.  
9 June's not that far away.

10 If anyone wants to add anything to the record,  
11 please do. Otherwise, you'll hear from me shortly.

12 MR. DICKINSON: Your Honor, I would just say with  
13 regard to -- you know, there's a reason why the meeting  
14 is in June. It's a summer community and, you know,  
15 having a special meeting in January or February just  
16 makes no sense at all. And so that's why we would  
17 suggest that, if Your Honor's inclined to order  
18 something, I would suggest ordering that the special  
19 meeting be conducted at the time of the annual meeting  
20 and that the voting members be as I requested in my  
21 papers.

22 MR. OLIVERIO: But, Your Honor, that -- that request  
23 is a separate issue. Our request is very limited, just  
24 convene a meeting, not then decide who the qualified  
25 voters are. That's not before you, Your Honor. And so

1 I think that request --

2 THE COURT: Do you want to respond to what he said  
3 in a brief?

4 MR. OLIVERIO: Yes, Your Honor.

5 THE COURT: So I can respond to that.

6 MR. OLIVERIO: Yes, I will, we will do that because  
7 I didn't get a chance to file a --

8 THE COURT: That's fine. That's fair.

9 MR. OLIVERIO: Is that all right? When may we --

10 THE COURT: How long will it take you? Just be  
11 realistic, be realistic.

12 MR. OLIVERIO: Yes, 20 days, can we have, could I  
13 have --

14 THE COURT: And you want to respond? Why don't you  
15 work out a schedule between the two of you. You might  
16 want to respond, right?

17 MR. DICKINSON: Okay. And would you like to give us  
18 sort of a target date to get everything in, if that works  
19 for you, Your Honor?

20 THE COURT: That's fine. Wait a minute, what day is  
21 today? How long is it going to take you?

22 MR. OLIVERIO: We need, well, vacation, 20 days to  
23 get our -- to respond to Mr. Dickinson's?

24 THE COURT: 20 days.

25 MR. DICKINSON: You're filing first.

1 MR. OLIVERIO: Yeah, I'm filing, responding to you.

2 THE COURT: He's filing first. How long for your  
3 response, ten days?

4 MR. DICKINSON: Sure.

5 THE COURT: So 30 days is March, we'll just call it  
6 March 15th.

7 MR. OLIVERIO: Yeah, that works. Judge, are you  
8 also taking the motion to intervene under consideration?

9 THE COURT: I'll do that, might as well.

10 MR. OLIVERIO: Okay. I don't know if I need to file  
11 anything else on that, Your Honor.

12 THE COURT: It's pretty straightforward. And then  
13 4-5?

14 MR. DICKINSON: That's fine.

15 MR. OLIVERIO: Sure. That's for decision,  
16 Your Honor?

17 THE COURT: Yeah, and argument.

18 MR. OLIVERIO: Okay.

19 THE COURT: I mean if you want to put anything on  
20 the record, nothing --

21 MR. OLIVERIO: Sure.

22 THE COURT: Everything in the briefs.

23 MR. DICKINSON: Is that a Friday, Your Honor?

24 THE COURT: It is a Friday.

25 MR. DICKINSON: Okay, that's fine.

1 THE COURT: Do Fridays work?

2 MR. DICKINSON: That's fine.

3 MR. OLIVERIO: That's great.

4 THE COURT: Wait a minute, is that --

5 (The Court conferring with the clerk)

6 THE COURT: 4-4, how about 4-4?

7 MR. DICKINSON: I'm actually away. That's a -- that  
8 Thursday and Friday I'm out of town.

9 THE COURT: Fine.

10 THE CLERK: The following week is better, 4-12.

11 THE COURT: Are we on trial 4-9? 4-12.

12 MR. DICKINSON: 4-12 is fine.

13 MR. OLIVERIO: 4-12? Okay. Thank you, Your Honor.

14 MR. DICKINSON: Okay. Thank you, Judge.

15 MR. GARLAND: Thank you, Your Honor.

16 (A D J O U R N E D)

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