

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

BENJAMIN BECKER, et al.,	:	Civil Action No. 01-811
	:	
Plaintiffs	:	
	:	
v.	:	June 30, 2010
	:	
DISTRICT OF COLUMBIA, et al.,	:	
	:	
Defendants	:	10:00 a.m.
.....	:	.....

TRANSCRIPT OF FAIRNESS HEARING  
BEFORE THE HONORABLE PAUL L. FRIEDMAN  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs:	MARA E. VERHEYDEN-HILLIARD CARL L. MESSINEO RADHIKA MILLER PARTNERSHIP FOR CIVIL JUSTICE, INC. 617 Florida Avenue, NW Washington, DC 20001 (202) 232-1180
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For the Defendants:	GEORGE VALENTINE SHANA L. FROST MONIQUE DANIEL PRESSLEY D.C. OFFICE OF ATTORNEY GENERAL 441 4th Street, NW 6th Floor South Washington, DC 20001 (202) 724-6594
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Court Reporter:	REBECCA STONESTREET, RPR, CRR Official Court Reporter Room 6511, U.S. Courthouse Washington, D.C. 20001 (202) 354-3249
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Proceedings reported by machine shorthand, transcript produced by computer-aided transcription.

P R O C E E D I N G S

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COURTROOM CLERK: Civil action 01-811,  
Benjamin Becker, et al. versus District of Columbia, et al.  
Counsel please identify yourselves for the record.

MR. VALENTINE: Good morning, Your Honor.  
George Valentine, Monique Pressley, and Shana Frost for the  
District.

THE COURT: Are you going to come back every day this  
week? You're making it a habit.

MS. VERHEYDEN-HILLIARD: Good morning, Your Honor.  
Mara Verheyden-Hilliard, the Partnership For Civil Justice on  
behalf of the Becker plaintiff class. And with me at counsel  
table is Carl Messineo and Radhika Miller of the Partnership for  
Civil Justice. And also, I'm pleased to introduce to the Court  
four of the class representatives who are with us here today,  
Ann Flener and Ike Gittlen and Benjamin Becker and Brian Becker.

Ms. Flener and Mr. Gittlen were among the arrestees  
10 years ago when they were -- they are both with  
United Steelworkers. They were in town on business, and went  
downtown before dinner on a Saturday night to walk around, look  
at the sites; the White House, to see the World Bank, which was  
the subject of so much attention. And after police on  
motorcycles drove up on the sidewalk and drove them into the  
march that was passing by, they were subject to the  
trap-and-arrest police lines.

1 THE COURT: Could you give me their names again? It's  
2 Benjamin Becker, Brian Becker --

3 MS. VERHEYDEN-HILLIARD: Ann Flener and Ike Gittlen.  
4 And I was just speaking of Ms. Flener and Mr. Gittlen.

5 And Benjamin Becker, who was 16 at the time of the  
6 arrest a decade ago, and now is teaching at CUMI in New York,  
7 was with his father at the demonstration, where his mother had  
8 suggested he stay with his father so that nothing bad would  
9 happen to him. And he was arrested, separated from his father  
10 as a minor; his father, Brian Becker, taken along with nearly  
11 680 other people, including Mr. Gittlen, Ms. Flener, held on  
12 buses, hog-tied all night in detention.

13 So we are very pleased that they were able to join us  
14 today.

15 THE COURT: Essentially let me just give a two-minute  
16 summary, and I'm sure that Ms. Verheyden-Hilliard and  
17 Mr. Valentine or some member of his team will want to say more.  
18 Because we have a lot of people here who are teachers and are  
19 observing here today.

20 This is a case that began -- the lawsuit was filed in  
21 2001. It relates to a mass arrest in connection - you can  
22 correct me if I got any of this wrong - in connection with a  
23 World Bank meeting here in April of 2000, and a demonstration  
24 connected with it. And a lot of -- the case was about the  
25 violation of -- alleged violation of constitutional rights of

1 hundreds and hundreds of people who were arrested in connection  
2 with that demonstration.

3 The lawsuit has gone through many twists and turns.  
4 It's a class action. I certified a class, which is to say that  
5 the individuals who are here today and other named plaintiffs  
6 represent all of the people that were arrested on that occasion.  
7 And the class is defined as all persons who were detained and  
8 arrested on April 15th, 2000, near the area of 20th Street,  
9 Northwest, and I and K Streets, Northwest, in connection with  
10 the protest against the prison industrial complex during the  
11 IMF/World Bank demonstrations.

12 And as with a lot of lawsuits, there was a lot of  
13 litigation, there was a lot of motions practice, there was  
14 discovery depositions, lots and lots of documents, and we  
15 thought at some various points we might have a trial in the  
16 case. And then at some point -- and there were other  
17 demonstration cases, some relating to the World Bank and IMF, at  
18 different meetings and different years, before other judges on  
19 this court.

20 And at some point it developed that there were some  
21 thousands of documents that had never surfaced before, and the  
22 government made them available when it became apparent that they  
23 existed, when it became apparent to the lawyers that they  
24 existed. It may well have been apparent to others who are not  
25 lawyers that they existed, but I'm not here to comment on that

1 today. And I think that that event triggered serious settlement  
2 discussions in this and other cases.

3 So then what happens procedurally is this: They  
4 reached an agreement, and I think that plaintiffs' counsel  
5 deserve a tremendous amount of credit for their tenacity and  
6 stick-to-itiveness in this and other cases. I think  
7 Mr. Valentine from the Attorney General's Office of the District  
8 of Columbia also does, and his colleagues. They reached an  
9 agreement, and it was presented to me preliminarily. I had some  
10 questions about it; we had a conference call or meeting. I  
11 actually sent them back to the drawing board on a couple of the  
12 provisions that I was concerned about as a matter of law, and  
13 they fixed those to my satisfaction. But in terms of the amount  
14 of money involved and the relief that they got, agreed to, that  
15 was something that I did not get involved with.

16 Along the way the city council, again at the urging of  
17 plaintiffs' counsel in this case, passed really quite historic  
18 legislation with respect to how demonstrators will be treated in  
19 the future. Because, you know, obviously the police have an  
20 interest in -- we all have an interest in public safety, but  
21 there have to be limits on what the police can and cannot do.  
22 There are constitutional limits; there are now serious statutory  
23 limits in the District of Columbia as well. And people have  
24 First Amendment rights to protest and to speak out and to air  
25 their grievances, so long as they don't use violence and weapons

1 and all those things. You probably teach some of that to our  
2 students. We learned it all in law school.

3 But it's amazing. I was reminded anecdotally of -- I  
4 don't know how old anybody in this room is, but I was reminded  
5 of May Day and the anti-Vietnam War demonstrations as we had  
6 these discussions, and mass arrests that occurred then. And  
7 what was interesting to me listening to you introduce the  
8 plaintiffs here today, and particularly those who were just  
9 happening along, I was a prosecutor, I was in the  
10 U.S. Attorney's Office back during the May Day demonstrations,  
11 the anti-Vietnam demonstrations, but we were all sort of, you  
12 know, young lawyers. And some people that I knew were  
13 prosecutors, some people that I knew were defense lawyers  
14 representing the demonstrators, some people were the  
15 demonstrators, some people were not the demonstrators but got  
16 arrested anyway, and some people were in the National Guard and  
17 they were out in uniform because there were demonstrations going  
18 on, and because thousands of people - I think over 2,000  
19 people - were arrested and there was no place to keep them.

20 Fortunately it was May, and it was nice out. So there  
21 was this facility that was erected up by RFK stadium, where  
22 soccer is now played and football used to be played, and, in  
23 ancient times, baseball, the Washington Senators. So all the  
24 demonstrators were there, and friends of mine who were in the  
25 National Guard were guarding, friends of mine who were

1 demonstrators who were being represented by friends of mine who  
2 were lawyers representing them, who were being prosecuted by my  
3 colleagues in the U.S. Attorney's Office.

4           And we walked up one day, and I saw this young cop who  
5 I had known because he brought cases in to be prosecuted, for us  
6 to consider whether to prosecute. Not demonstration cases,  
7 normal cases; robberies and burglaries and murders and stuff  
8 like that. And he was a young police officer, probably with  
9 just a high school education, and he said to me and my friend,  
10 another prosecutor, he said: Mr. Friedman, I have a question  
11 for you.

12           I said: Yeah?

13           He said: You know, we've arrested all these people  
14 because that's what we've been told to do, but is this  
15 constitutional?

16           And I said: That's a good question. I'm not sure that  
17 I know.

18           So as we were talking about this case over the years  
19 that I've been presiding over it, and listening to the arguments  
20 between the lawyers and then ultimately discussions between the  
21 lawyers, I was reminded of that.

22           So let me just say one thing about procedure, and then  
23 let the lawyers talk. Because I'm just rambling on here. So  
24 when you get a settlement like this, which I'm delighted with -  
25 it's an important settlement, it's an historic settlement -

1 there are certain procedures that must be followed, because  
2 there are members of the class whom these four represent who are  
3 known to the lawyers for the plaintiffs by name, and at least  
4 their last known address; in some cases, their addresses from  
5 the time of their arrests in the demonstrations. There may be  
6 other people that aren't even known by name.

7 So one of the things that I'm responsible for under the  
8 Federal Rules of Civil Procedure governing class actions is to  
9 make sure that -- and I can't approve the settlement if I have  
10 any concerns about it, that notice has been given -- in the best  
11 possible way, notice has been attempted to be given to members  
12 of the class; those who are known by name, those whose addresses  
13 are known, those whose addresses aren't known, only old  
14 addresses are known, and those are aren't known.

15 And I don't intend to write an opinion because I don't  
16 think I need to today. But what I am going to say is this: The  
17 joint motion for final approval that the lawyers on both sides  
18 put together, with affidavits from the settlement administrator  
19 who they have hired to provide the notice and do all the things  
20 that are required before this settlement is finalized, is just  
21 an excellent piece of work, and it shows me that both sides have  
22 been working very hard. Because the government has been  
23 cooperating and trying through their arrest records and other  
24 forms to provide information that might assist in notifying  
25 people, but an excellent job in explaining very clearly all that



1 has been done since I preliminarily approved the settlement many  
2 months ago to make sure that people were notified.

3 Because there's an agreement on the amount of money  
4 that's going to be divided up among the members of the class, as  
5 well as other relief that they're going to get and that  
6 future -- potential future demonstrators are going to get, and  
7 it's important that they be notified.

8 It's also important that if anybody objects to this  
9 settlement, the purpose of this notice was to make sure that  
10 anybody that had any views they wanted to express here today, or  
11 in writing before today, that might affect my determination  
12 whether it's a fair and reasonable settlement, has the  
13 opportunity to be heard. And I'll ask that question before we  
14 finish here, whether there's anybody who wants to be heard. But  
15 we've only gotten one letter from a member of the class who,  
16 really it's not an objection to the settlement, it's some  
17 observations that he makes that you may want to speak to when  
18 you get up as well.

19 So I will let counsel for both sides proceed in however  
20 way you want to to make the record you think is appropriate or  
21 necessary before I presumably, unless I'm persuaded otherwise by  
22 somebody in this room, approve the settlement. So...

23 MS. VERHEYDEN-HILLIARD: Thank you, Your Honor. I  
24 think in terms of the presentation we wish to give, we do feel  
25 that a substantial -- or the substantial amount of information

1 is in the memorandum that's been filed. And so we would not  
2 necessarily try and reiterate all of those details for the  
3 record orally, because they are there, and we and the government  
4 counsel wish to respond to any areas, obviously, or inquiry that  
5 Your Honor may have.

6 At the outset, I do want to state that we are really  
7 delighted to be able to say that we have reached what is  
8 approximately a 70 percent participation rate, which is  
9 extremely high, as Your Honor knows, for a class action, and a  
10 class action of this nature, where we were dealing with arrest  
11 records that were incomplete but also 10 years old. So last  
12 known addresses were a decade old. We had a situation where  
13 field arrest forms didn't exist but we had other records.

14 We did an extensive amount of work - and I must say  
15 Mr. Messineo did - going through and pulling from every  
16 different type of source the different types of arrest records  
17 and materials that we had been able to obtain over the years of  
18 discovery, getting those materials together, getting them to the  
19 class administrator, who then went through de-duping. Then,  
20 working from that body of records, to send out to last known  
21 addresses.

22 But then going through, on a very regular basis,  
23 working with the class administrator, we had them do normal  
24 postal service code address updates. But believing that that  
25 would obviously not be sufficient, we then went through having

1 them use third party commercial locator services, running names,  
2 running all the details of whatever info we had on people to try  
3 and keep getting more and more people, getting more packets sent  
4 out.

5 We did postcard mailings, we had the administrator  
6 do -- they did postcard mailings, they did phone banking. We  
7 had them try and retrieve phone numbers for as many class  
8 members or presumed class members as they could, and reach  
9 people and let them know to get their claims in. We did  
10 repeated publication and notice, and also attempted to do as  
11 much media outreach as we could to get it just out everywhere  
12 and as broadly as we could.

13 And the people that have responded are geographically  
14 diverse. They're from all over the country. It's not that  
15 we've just reached Washington or even the East Coast. It's  
16 really a very significant response rate, one we are delighted  
17 with, because we felt for 10 years of litigation, this was what  
18 we wanted. We wanted the people who had been harmed to be able  
19 to have remedy in addition to the equitable relief that  
20 Your Honor referenced.

21 Looking back a decade ago, in Washington, D.C., if you  
22 went out into the streets and engaged in First Amendment  
23 activity, you were at significant risk. People were at  
24 significant risk of being mass arrested with the use of these  
25 trap-and-detain police lines, which were the law of the land.

1 And we don't see that now. We don't see that anymore. We hope  
2 we will not see it in the future.

3 But based on the changes in the law, the equitable  
4 relief achieved in this case in addition to the change of law,  
5 the equitable relief in the other protest-related cases that  
6 Your Honor has mentioned that we've also been litigating over  
7 these years, we feel that there is a significant change in the  
8 way that the police department is now operating in the context  
9 of First Amendment activities.

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THE COURT: Anybody else want to say anything? Is there anybody in the courtroom who is a member of this class or otherwise interested in this case that is here because they want to say something or express an objection or express anything else with relation to the case?

Mr. Becker, come on up.

MS. VERHEYDEN-HILLIARD: This is Ike Gittlen,

1 Your Honor.

2 MR. GITTLEN: First of all, I want to apologize for my  
3 dress. I hadn't expected to speak today, and I came casual. I  
4 would show you more respect if I knew I was going to do this.

5 I work for the United Steelworkers. 10 years ago I was  
6 a local union official coming down to a demonstration that was  
7 part of a pretty large thing.

8 Since that time I now work for the international union,  
9 and a lot of my work is public policy advocacy, and a lot of my  
10 work is trying to get people's voices heard to the government.  
11 And over that 10 years, it's become very difficult. There's a  
12 lot of ways people communicate with the government, there's a  
13 lot of money involved in that, and so it becomes more and more  
14 important for people's voices to be heard.

15 So I just want to, to the extent I can, let the  
16 government folks here know - and our own lawyers, of course,  
17 do - how important it is to have that voice heard, and how  
18 important that First Amendment is for people.

19 And so while this ends up being sort of a discussion  
20 about money and how this is all going to get settled out between  
21 the government and our attorneys, there are real people that  
22 really do need to have our voices heard. And to the extent this  
23 case has helped that, I'm grateful, and I'm sure they are. And  
24 to the extent we can talk to people about what happened here,  
25 it's a good thing.

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I just wanted to state that. Thank you.

THE COURT: Thank you. I'm glad you did. And I think your lawyers have done a spectacular job.

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THE COURT: Anybody else want to say anything?

Okay. Let me, then, briefly say a few things. And what I suggest you do is take the order that you want me to sign and just fix it a little bit, so first of all the opening phrase of it says something like, "For the reasons stated in open court on this date," and then maybe another paragraph that you could agree to that deals with the 25 or 26 -- the five or six late claims and the 20 open claims, so that it's clear that we're not extending the claims period. The claims period had closed when the papers say it closed, but these are being processed and will be resolved.

As everybody knows, under Rule 23(e) of the Federal Rules of Civil Procedure, a court may approve a settlement agreement only after a hearing and after finding that it is fair, reasonable, and adequate, and that it is not the product of collusion between the parties. This is that hearing.

And as a part of the notice that was sent to class members, and the notice that was published in various places as set forth in Exhibit 1, the Cozzi affidavit on behalf of Gilardi & Company, people were advised in the notice and in the publication that this was the day of the hearing. They were clearly advised it was June 30th, 2010, at 9:30 a.m. in



1 Courtroom 29A of the William B. Bryant annex of this courthouse.

2 So this is that hearing, and there have been no  
3 objections. And the joint motion with its appendices that was  
4 filed by the parties is also a part of that hearing and was  
5 filed on the public record.

6 I think for all of the reasons set forth here and in  
7 the settlement agreement that I carefully reviewed before I  
8 preliminarily approved this settlement, it is a fair,  
9 reasonable, and adequate hearing for the reasons that you've  
10 articulated both orally and in writing.

11 And having presided over this case for nine years or  
12 so, and also having had other cases in which  
13 Ms. Verheyden-Hilliard and Mr. Messineo have been involved,  
14 there has been no collusion between the parties. There is no  
15 doubt about that. There are fewer more tenacious lawyers who  
16 work as hard for their clients as these two. And having worked  
17 with Mr. Valentine for many years, and with his colleagues  
18 particularly - Ms. Frost, I guess who has come to this case  
19 late, but I've known her for a long time - I'm confident there's  
20 been no collusion between the parties.

21 There's been almost 10 years of litigation in this  
22 case. There's a 75-plus-page docket sheet. The discovery has  
23 been voluminous, protracted, contentious, the subject of many  
24 contested motions before me and before the magistrate judge.  
25 These parties have been at arm's length throughout this period,

1 and I'm confident they've been at arm's length during these  
2 negotiations.

3 They point out, and I think both sides agree, that the  
4 terms of this settlement are historic. They provide substantial  
5 relief for the plaintiffs and for future generations of  
6 protestors. They're also a fair deal, as Mr. Valentine said,  
7 for the District, having assessed at the highest levels of his  
8 office - he's at the second highest level of his office, but  
9 even up to Mr. Nickles - and Mr. Valentine and Ms. Efros and  
10 lots of other people in that office representing the citizens of  
11 the District of Columbia have concluded that while there's a  
12 very substantial amount of money involved here, that this is a  
13 fair settlement to the plaintiffs and is in the interests of the  
14 First Amendment and the District of Columbia.

15 Under the terms of this settlement, the monetary relief  
16 is substantial. Each class member will have his or her arrest  
17 declared null and void, and the arrest expunged. There are  
18 First Amendment protections through this lawsuit and through the  
19 impact of this and the other lawsuits have had on the  
20 legislative arm of the District of Columbia government, the  
21 council of the District of Columbia. The equitable relief has  
22 effectively changed the landscape, both practically on the  
23 streets and legally, in the courts of the District of Columbia  
24 and under law as pertains to police conduct during mass  
25 demonstrations.

1           It provides compensation -- this settlement provides  
2 compensation for each class member in the amount of \$18,000 per  
3 eligible class member; it is the same level as preliminarily  
4 approved by Judge Sullivan in the Barham case, and more than in  
5 the Burgin case. And while each of these cases have different  
6 facts, they're a lot of the same police practices at issue in  
7 all of them.

8           I should say something about the attorney's fees in the  
9 case. Courts are always concerned about attorney's fees, and  
10 sometimes we see cases where lawyers get windfalls or the  
11 settlement -- the case is filed and then there's a settlement,  
12 and they get a third or they get some such number. This is not  
13 that kind of case. This, as I've said, has been litigated  
14 tenaciously and with passion and commitment, and a huge number  
15 of hours have been put in by the lawyers on plaintiffs' side and  
16 their colleagues and their agents. They are getting, under the  
17 settlement agreement, 24 percent of the total value of the  
18 \$13 million settlement funds, \$13,302,500. It's well within the  
19 range of reasonable fees based on similar cases in this  
20 district.

21           It's been represented jointly that the fees were  
22 negotiated and determined separately from and after the  
23 negotiation of the amount of monetary recovery for the  
24 claimants, so the attorneys were not in conflict with their own  
25 clients, which is also a concern in some class actions.

1           The attorneys' fees will be borne separately by the  
2 District and do not in any way decrease the amount of claimants'  
3 funds awarded under the settlement agreement. This is  
4 nine years of litigation; complex, lots of motions, lots of  
5 discovery, lots of litigation. These lawyers deserve these  
6 fees, in my opinion, and I guess that's the opinion that counts.

7           And I haven't always said these nice things about  
8 Ms. Verheyden-Hilliard and Mr. Messineo as I've said today.  
9 We've had our comings and goings in other cases, but I really  
10 have great admiration for what you've done in this case and  
11 you've really been terrific.

12           As a part of this settlement, each member of the class  
13 will receive an expungement of their arrest record,  
14 nullification relief. Each will receive an individualized order  
15 of annulment that can be used as necessary, and that's what we  
16 were talking about before.

17           Substantial benefits have been conferred on the class  
18 in terms of significant policy changes in the areas of  
19 restrictions on police tactics through legislation that we  
20 talked about, based upon evidence that was developed by the  
21 plaintiffs and plaintiffs' counsel in this and the other cases  
22 before Judge Sullivan and others in this court. And some of  
23 that equitable relief has been laid out in the order  
24 preliminarily approving this, and it's laid out on pages 14 and  
25 15 of the joint submission. The First Amendment Rights and

1 Police Standards Act of 2004 was, as I said, a direct result of  
2 this litigation.

3 And from the District's point of view, one of the goals  
4 of the legislation was to try to bring an end to these lawsuits  
5 and to put in place practices and procedures for the future that  
6 would avoid the police doing anything that might lead to further  
7 lawsuits. And if the police comply with the law and comply with  
8 the Constitution, that's to the good of all citizens, but it  
9 also means that we're not going to have this kind of litigation,  
10 hopefully, going forward.

11 One of the things that the settlement agreement also  
12 includes is even a more specific regimen of training for police  
13 that is calculated to remedy deficiencies even beyond what's in  
14 the legislation that was passed six years ago. And the  
15 settlement agreement at pages eight and nine and 10 mandates  
16 specific and particular training requirements.

17 It also requires the Metropolitan Police Department to  
18 brief outside agencies who are brought in to assist  
19 demonstration-related duties in terms of the requirements of  
20 handling First Amendment assemblies and responding to protest  
21 situations. And that's always been a problem historically in  
22 the District of Columbia, because first of all there's something  
23 like 26 separate police agencies who operate within the District  
24 of Columbia, and occasionally people are brought in from  
25 departments elsewhere.

1           Class counsel and the District of Columbia attorneys  
2 are in agreement that from the effective date of the  
3 First Amendment Rights and Police Standards Act in April of 2005  
4 up until now, there has been no use of the specific practices  
5 that were challenged in this litigation.

6           With all of this in mind, and in consideration of the  
7 monetary and nonmonetary conditions of the settlement, the  
8 claims for equitable relief have been resolved, the terms  
9 reached in the resolution of this case, as I said, are historic  
10 and substantial, and clearly satisfy the requirements of  
11 Rule 23, constituting a fair, reasonable, and adequate  
12 settlement of claims.

13           As is pointed out in the filing, and as  
14 Ms. Verheyden-Hilliard said before, the class reaction -- first  
15 of all, it's a huge response rate, which is to the credit of all  
16 of you who worked on getting information about how to find the  
17 class members, and to the credit of Gilardi & Associates. The  
18 class reaction to the settlement has been overwhelmingly  
19 positive; virtually total support, no substantive objections to  
20 it. And even in cases where there are objections, very often  
21 class settlements are confirmed by the court and approved by the  
22 court. And here there is none, no objections whatsoever. And  
23 the absence of any objections obviously weighs in favor of  
24 approval of the settlement.

25           And the class member to whom we referred before - and

1 that will be filed on the record - submitted comments, but not  
2 on objection. In fact, he said, quote, "I broadly support the  
3 proposed settlement," and explained that he only wished to  
4 comment on certain aspects of the agreement, and urged me to  
5 appoint a special master to investigate discovery abuses by the  
6 District. I'm not going to do that. I leave things like that  
7 to Judge Sullivan. But at least he's an equal employment judge;  
8 he treats both the federal government and the District of  
9 Columbia government pretty much the same when he gets upset  
10 about something.

11 So I don't know that there's more that I need to say,  
12 except to congratulate everybody and to say that this is a fair,  
13 reasonable, and just settlement in all respects. And if you  
14 give me an order in the next day or two that makes some minor  
15 changes so we accommodate the five or six late claims and the  
16 20 open claims without broadening it beyond that, I can sign  
17 whatever order you want me to sign. And if I need to sign a  
18 subsequent order later, I can do that.

19 And if Mr. Valentine thinks that it would be best if we  
20 actually reconvened in open court to make a record after all of  
21 those have been reviewed, I'm happy to do that at the  
22 convenience of the parties.

23 But again, congratulations to everybody, and very good.  
24 It's exciting. Okay. I think we're done.

25 (Proceedings adjourned at 11:00 a.m.)

CERTIFICATE OF OFFICIAL COURT REPORTER

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I, Rebecca Stonestreet, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Rebecca Stonestreet

7/13/10

SIGNATURE OF COURT REPORTER

DATE