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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NW D HON. MICHAEL A. LATIN, JUDGE

SANDIE KONIALIAN,

PLAINTIFF,

VS.

DR. JIRAIR KONIALIAN,

DEFENDANT.

NO. SC097594

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MARCH 25, 2009

APPEARANCES:

FOR THE PLAINTIFF: LAW OFFICES OF RONALD RICHARDS
& ASSOCIATES
BY: RONALD RICHARDS, ESQ.
P.O. BOX 11480
BEVERLY HILLS, CALIFORNIA 90213

FOR THE DEFENDANT: REHWALD, GLASNER & CHALEFF
BY: LAWRENCE GLASNER, ESQ.
5855 TOPANGA CANYON BOULEVARD
SUITE 400
WOODLAND HILLS, CALIFORNIA 91367

 **COPY**

PATTI SUNDSTROM, CSR #5923
OFFICIAL REPORTER

1 CASE NUMBER: SC097594
2 CASE NAME: S. KONIALIAN V. J. KONIALIAN
3 VAN NUYS WEDNESDAY, MARCH 25, 2009
4 DEPARTMENT NW D HON. MICHAEL LATIN, JUDGE
5 REPORTER: PATTI SUNDSTROM, C.S.R. 5923
6 TIME: A.M. SESSION
7 APPEARANCES: (AS HERETOFORE NOTED.)
8

9 *****

10
11 THE COURT: ON KONIALIAN VERSUS KONIALIAN.

12 MR. RICHARDS: GOOD MORNING, YOUR HONOR.

13 RONALD RICHARDS APPEARING -- OPPOSING
14 THE APPLICATION FOR PLAINTIFF, SANDIE KONIALIAN.

15 MR. GLASNER: LAWRENCE GLASNER ON BEHALF OF THE
16 DEFENDANT.

17 THE COURT: GOOD MORNING, MR. GLASNER.

18 OKAY. THIS IS HERE ON EX PARTE
19 APPLICATION TO TURN OVER TAPE RECORDINGS TO THE COURT
20 AND FOR PROTECTIVE ORDER.

21 IT IS AT LEAST IN WRITING NOT OPPOSED.

22 MR. RICHARDS: NO. I DID OPPOSE IT, YOUR
23 HONOR.

24 THE COURT: OH, I MISSED YOUR OPPOSITION.

25 MR. RICHARDS: I DEFINITELY WROTE A LENGTHY
26 OPPOSITION. THERE'S --

27 THE COURT: WHEN DID YOU OPPOSE IT?

28 OH, THERE IT IS.

1 MR. RICHARDS: THERE'S NUMEROUS PROCEDURAL
2 PROBLEMS WITH THE EX PARTE.

3 THE COURT: WHAT'S WRONG WITH IT?

4 MR. RICHARDS: FIRST OF ALL, IT'S -- THE
5 EX PARTE, THIS -- ANY ISSUE ABOUT A PROTECTIVE ORDER
6 SHOULD HAVE BEEN RAISED IN THE MOTION HEARING. THIS
7 IS IMPROPER TO GO EX PARTE. THERE'S NO AFFIRMATIVE
8 SHOWING OF IRREPUTABLE HARM OR DANGER IN VIOLATION OF
9 3.1202(C). THEY DIDN'T F.A.X. THIS TO ME LAST NIGHT
10 AS THEY'RE REQUIRED UNDER 3.1206. I JUST GET IT THIS
11 MORNING; AND, IN FACT, EVEN THE NOTICE, WHICH WE
12 COPIED VERBATIM, SAID THAT THEY WERE ONLY SEEKING TO
13 COME TO COURT TO TURN IT OVER TO YOU TO THEN GIVE TO
14 US. THAT'S WHY I ASKED FOR \$1,000 IN SANCTIONS,
15 BECAUSE IT WAS FRIVOLOUS THAT I HAD TO COME ALL THE
16 WAY TO COURT TO JUST GET THE TAPES.

17 YOUR ORDER, AFTER THE MATTER WAS
18 THOROUGHLY BRIEFED, JUST SAID IT WAS TO BE TURNED OVER
19 TO THE PLAINTIFF. THERE WASN'T ANY LIMITATIONS ON IT.

20 NOW, THAT --

21 THE COURT: WELL, HERE'S THE PROBLEM, AND I
22 DON'T KNOW -- I HAVEN'T HEARD THE TAPE, SO I DON'T
23 KNOW WHAT THE ISSUES ARE, AND I ASSUME THEY --

24 MR. GLASNER: I HAVE THE TAPE HERE.

25 THE COURT: AT LEAST IN THE MOVING PAPERS,
26 THERE'S A CONCERN EXPRESSED THAT THERE'S MORE TO THE
27 TAPES THAN JUST THE RIGHTS OF THE -- OF THE TWO
28 SQUABBLING PARTIES, FOR LACK OF A BETTER DESCRIPTION.

1 NO DISRESPECT INTENDED, BUT THAT'S WHAT THIS IS. IT'S
2 A DIVORCE PROCEEDING THAT HAS NOT QUITE BEEN WRAPPED
3 UP YET AND HAS BLOSSOMED INTO A NEW CASE.

4 I DON'T KNOW, UNLESS I'VE HEARD THE
5 TAPES, AND I THINK UNDERSTANDABLY, DR. KONIALIAN AND
6 HIS COUNSEL ARE PROBABLY CONCERNED ABOUT VIOLATIONS OF
7 THE RIGHTS OF OTHER INDIVIDUALS OVER THE DISSEMINATION
8 OF INFORMATION REGARDING OTHER INDIVIDUALS.

9 I'M SORRY. THAT SANDIE KONIALIAN IS
10 CONCERNED ABOUT THAT. I'M SORRY. DR. KONIALIAN IS.

11 ACTUALLY THEY BOTH SHOULD BE, COME TO
12 THINK OF IT, BECAUSE ONE TAPE-RECORDED THE STATEMENTS
13 AND THE OTHER MADE THE STATEMENTS.

14 I DON'T KNOW WHOSE RIGHTS ARE AFFECTED
15 AND THAT'S PART OF THE REASON THAT EVEN I'M UNCLEAR AS
16 TO WHOSE RIGHTS WOULD BE AFFECTED, BUT THERE IS THE
17 POTENTIALITY THAT THERE MAY BE STATEMENTS IN THOSE
18 TAPES WHICH COULD INFRINGE UPON THE PRIVACY RIGHTS OF
19 OTHER PEOPLE, AND IF THEY WERE DISSEMINATED BACK TO
20 MRS. KONIALIAN, SHE COULD USE THOSE FOR AN IMPROPER
21 PURPOSE POTENTIALLY, AND THEN DR. KONIALIAN IS
22 CONCERNED ABOUT HIS OWN LIABILITY FOR HAVING MADE THE
23 TAPE RECORDING AND THEN ULTIMATELY HAD IT DISSEMINATED
24 TO OTHER THIRD PARTIES.

25 ARE YOU FOLLOWING ME?

26 MR. RICHARDS: YES, BUT CAN I -- I DIDN'T KNOW
27 THAT WAS ISSUE UNTIL JUST THIS MORNING, SO I WANTED TO
28 ADDRESS THAT.

1 DR. KONIALIAN CAN'T BE -- HE'S
2 JUDICIALLY ESTOPPED FROM TAKING THAT POSITION, BECAUSE
3 HIS POSITION IS, I WAS ALLOWED THE MAKE THE TAPES, AND
4 THERE IS NO VIOLATION OF ANY LAW. HE CAN'T THEN --
5 THE TAPES WERE -- OUR POSITION IS HE HAD NO
6 AUTHORIZATION TO MAKE THE TAPES, THAT THE VICTIM IN
7 THE CASE OR AGGRIEVED PARTY IS MS. KONIALIAN.

8 THE COURT: RIGHT.

9 MR. RICHARDS: SO IF THE DOCTOR IS RECORDING
10 MRS. KONIALIAN IN THE CAR, LET'S SAY, WITH HER
11 BOYFRIEND, THE DOCTOR CAN'T EXPECT AN ORDER NOW FROM
12 THIS COURT TO SAY, WELL, YOU CAN'T TELL YOUR BOYFRIEND
13 THAT YOU WERE ON THE TAPES BECAUSE THAT'S -- IF
14 DR. KONIALIAN HAS SOME OTHER LIABILITY BECAUSE HE DID
15 THIS, THAT'S SOMETHING THAT HE WILL HAVE TO DEAL WITH.
16 BUT HE CAN'T NOW COME INTO COURT AFTER HE'S RESISTED
17 TURNING OVER THE TAPES TO SAY, NOW, AFTER I LOST,
18 OKAY, I'LL TURN THEM OVER EVEN THOUGH I NEVER BRIEFED
19 THAT IN THE MOTION AND REQUESTED A PROTECTIVE ORDER IN
20 THE ALTERNATIVE, OR VOLUNTARILY RESPOND TO THE
21 DISCOVERY. HE CAN'T NOW COME TO COURT AND SAY, WELL,
22 EVEN THOUGH NOW I'M ORDERED TO PRODUCE THEM, NOW I
23 WANT TO LIMIT WHAT MS. KONIALIAN COULD SAY ABOUT THEM.

24 THERE'S ALL SORTS OF PRIOR RESTRAINT
25 ISSUES. I DON'T WANT TO BE A PARTY TO CONCEALING HIS
26 ILLEGAL CONDUCT.

27 IF HE DID ILLEGALLY --

28 THE COURT: I UNDERSTAND. I UNDERSTAND.

1 THAT'S ACTUALLY A VALID POINT.

2 WHAT'S YOUR POSITION ON THIS?

3 MR. GLASNER: OUR POSITION IS, HE SIMPLY WANTS
4 THE SAFEGUARDS OF MRS. KONIALIAN NOT DISSEMINATING
5 ANY --

6 THE COURT: SO HE WANTS IT --

7 WELL, HOW DOES HE SAFEGUARD AGAINST
8 THAT?

9 MR. GLASNER: THROUGH THE PROTECTIVE ORDER.

10 THE COURT: IS HE ASKING THAT --

11 OKAY.

12 MR. RICHARDS: WHAT HE'S REALLY ASKING THE
13 COURT TO DO, YOUR HONOR --

14 THE COURT: -- IS TO PROTECT HIM.

15 MR. RICHARDS: -- IS COVER UP A POTENTIAL CIVIL
16 OR CRIMINAL ACT, AND I DON'T THINK THE COURT SHOULD BE
17 PUT IN THAT POSITION. IF -- I TOLD COUNSEL ON THE
18 PHONE -- AND ALL THIS STUFF ABOUT SETTLEMENT IS REALLY
19 INAPPROPRIATE TO BE IN THE MOVING PAPERS, BUT I TOLD
20 TO THE ASSOCIATE, KEVIN, THAT WE HAVE NO INCENTIVE OF
21 PUBLICIZING THE TAPES BECAUSE THAT WOULD UNDERMINED
22 OUR DAMAGES IN OUR PRIVACY CLAIM. HOWEVER, I'M NOT
23 GOING TO MAKE A DEAL WITH DR. KONIALIAN AND SIGN THAT
24 CONTRACT, SO THEN IF I RELEASE THE TAPE OR DISCUSS THE
25 CONTENTS OR DISCLOSE IT TO A THIRD PARTY, THAT I'M
26 GOING TO GET SUED.

27 MR. GLASNER: WELL, THAT'S THE BEAUTY OF THE
28 PROTECTIVE ORDER.

1 MR. RICHARDS: BUT THE PROTECTIVE ORDER IS
2 INAPPROPRIATE HERE BECAUSE HE DOESN'T HAVE ANY GROUNDS
3 TO SEEK A PROTECTIVE ORDER.

4 IF HE ILLEGALLY RECORDED A THIRD PARTY
5 WITHOUT THEIR CONSENT, THE COURT CAN'T BE IN A
6 POSITION TO BE OFFERING HIM A SHIELD. THERE'S NO
7 BASIS. ONLY MY CLIENT WOULD BE ENTITLED TO THE
8 PROTECTIVE ORDER. SHE'S THE ONE WHO SOUGHT THE
9 INJUNCTION WHICH HE'S RESISTED PRODUCING IT ALL
10 THE WAY.

11 MR. GLASNER: WELL, CERTAINLY THERE HAS BEEN NO
12 FINDING THAT THERE WAS ANY CRIMINAL CONDUCT.

13 THE COURT: OKAY. I KNOW, BUT LET ME READ IT.
14 IT'S A PRETTY GOOD POINT THOUGH, AND I -- LET ME TAKE
15 A LOOK AT THE PROTECTIVE ORDER, AND THE WAY IT'S
16 WORDED.

17

18 (PAUSE IN PROCEEDING.)

19

20 THE COURT: YES. I DO HAVE A PROBLEM WITH IT.

21 MR. GLASNER: YES, YOUR HONOR.

22 THE COURT: AND THIS IS THE PROBLEM THAT I
23 HAVE. IT'S PRETTY MUCH EXACTLY WHAT MR. RICHARDS
24 SAYS.

25

26 THE PROTECTIVE ORDER PROHIBITS
27 MRS. KONIALIAN FROM DISCLOSING THE CONTENTS OF THE
28 TAPES TO ANY OTHER PERSON.

29

LET'S ASSUME THAT THE TAPE WAS

1 SURREPTITIOUSLY MADE. THAT MAY BE A VIOLATION OF
2 STATE AND/OR FEDERAL, CRIMINAL LAW.

3 ARE YOU SAYING THAT THE COURT IS -- IS
4 GOING TO BE PUT IN THE POSITION OF REQUIRING HER NOT
5 TO COMMUNICATE TO LAW ENFORCEMENT AUTHORITIES, TO
6 POTENTIAL THIRD-PARTY VICTIMS THAT THEY'RE -- THAT
7 THIS SURREPTITIOUS RECORDING TOOK PLACE?

8 I DON'T SEE THAT I CAN DO THAT. I DON'T
9 SEE THAT I SHOULD DO THAT.

10 MR. RICHARDS IS RIGHT. IT WOULD BE
11 ENTIRELY AGAINST PUBLIC POLICY, AND IT WOULD BE AN
12 ILLEGAL ORDER. IF MR. RICHARDS WERE TO APPEAL IT, HE
13 WOULD AND SHOULD WIN, BECAUSE I CANT' DO THAT. I
14 CAN'T PROTECT A PARTY FROM HIS OWN CRIMINAL CONDUCT.

15 MR. GLASNER: WELL, YOUR HONOR, WITH THAT IN
16 MIND, PERHAPS THE COURT WOULD ENTERTAIN LIMITING OR
17 TAILORING THE SUGGESTIVE PROTECTIVE ORDER TO EXCEPT
18 OUT DISSEMINATING THE TAPE TO LAW ENFORCEMENT AND TO
19 ANY POTENTIAL THIRD-PARTY VICTIMS, THEN THE PROTECTIVE
20 ORDER WOULD NOT VIOLATE PUBLIC POLICY, AND THE COURT
21 WOULD NOT BE PUT IN A PRECARIOUS POSITION.

22 MR. RICHARDS: SO IF YOU -- BY DISSEMINATE TO A
23 VICTIM IN THE CASE, EVEN A CIVIL VICTIM, THEN THE
24 ORDER IS REALLY BECOMING POROUS, BECAUSE THAT VICTIM
25 IS NOT A PARTY TO THE COURT, AND, AGAIN --

26 MR. GLASNER: I DON'T THINK IT MAKES A
27 PROTECTIVE ORDER POROUS. IT SIMPLY TAILORS THE
28 PROTECTIVE ORDER AND KEEPS MRS. KONIALIAN FROM WILDLY

1 DISSEMINATING THE TAPE IN THEIR SOCIAL COMMUNITY TO
2 EMBARRASS DR. KONIALIAN.

3 MR. RICHARDS: BUT THERE IS NO EVIDENCE BEFORE
4 THE COURT THAT SHE WOULD DO SUCH A THING, AND THERE IS
5 NO EVIDENCE AS TO HOW THAT WOULD EMBARRASS
6 DR. KONIALIAN, AND HE'S NOT ON THE TAPE.

7 AS I STATED, YOUR HONOR, THERE'S NO
8 LITIGATION STRATEGY TO DISSEMINATE SOMETHING WE'RE
9 TRYING THE KEEP PRIVATE. WHAT I'M TRYING TO AVOID IS
10 HAVING THE IMPRIMATUR OF THE COURT INTERFERE AND HAVE
11 THIS IMPRESSION NOW THAT THE COURT IS WORKING FOR
12 DR. KONIALIAN TO INHIBIT OR OBSTRUCT A REPORTING OF AN
13 OFFENSE, CIVIL, TORT OR OTHER, AND I THINK THE COURT
14 -- IT SMACKS OF UNFAIRNESS.

15 HE'S TAKEN THE POSITION IN THIS CASE
16 THAT WHAT HE DID WAS LEGAL AND HE HAD A RIGHT TO DO
17 IT. THAT'S FINE. BUT HE CAN'T NOW ASK THE COURT TO
18 TIE MY CLIENT'S HANDS. IF THERE'S A PERSON IN THE
19 PASSENGER SEAT THAT'S TALKING TO HER LAWYER, OR TO
20 SOMEONE ELSE, AND THE DOCTOR NOW SAYS, WELL, YOU CAN'T
21 DISCUSS IT, HE CAN'T COME TO COURT TO SEEK JUDICIAL
22 RELIEF FOR HIS ILLEGAL ACTS, EITHER CIVIL OR CRIMINAL.
23 IT'S OUTRAGEOUS.

24 THE COURT: ALL RIGHT. I'VE SAID IT TO TWO
25 LAWYERS ON DR. KONIALIAN'S SIDE, AND I'LL SAY IT TO A
26 THIRD IN THE HOPE THAT IT REACHES SOMEBODY: THIS CASE
27 SHOULD BE SETTLED BEFORE IT GETS COMPLETELY OUT OF
28 HAND.

1 THIS IS AN EXTREMELY EXPLOSIVE
2 SITUATION, AND I DON'T THINK DR. KONIALIAN REALIZES
3 THAT ALL OF THIS WAS STARTED WITH THIS TAPE, AND IN
4 ORDER FOR THAT -- THIS IS ALL GOING TO UNRAVEL AND
5 IT'S NOT GOING TO UNRAVEL IN HIS FAVOR.

6 HE WANTS TO HAVE IT BOTH WAYS. HE WANTS
7 TO BE ABLE TO -- AND I KNOW WE ARE GETTING BEYOND THE
8 EX PARTE, BUT I SEE THIS BEING DISASTROUS FOR DR.
9 KONIALIAN. HE WANTS TO STOP SANDIE KONIALIAN FROM
10 SAYING ANYTHING BAD ABOUT HIM, AND YET HE
11 SURREPTITIOUSLY RECORDED, AGAINST FEDERAL AND STATE
12 LAW, HER PHONE CONVERSATIONS WITH -- OR HER
13 CONVERSATIONS WITH THIRD PARTIES, AND HE'S IN
14 POSSESSION OF THOSE TAPES. I'VE MADE IT VERY CLEAR TO
15 HIM THAT HE IS NOT ENTITLED TO HAVE THEM. HE NEEDS TO
16 TURN THEM OVER.

17 I WOULD -- IF I COULD MAKE THE
18 PROTECTIVE ORDER IN ORDER THE MAKE HIM MORE
19 COMFORTABLE DOING THAT, AND DO SO IN GOOD CONSCIENCE,
20 I WOULD DO THAT, BUT I CAN'T. I THINK MR. RICHARDS
21 BRINGS UP VALID POINTS, AND I DON'T THINK THE COURT
22 CAN TAKE THAT POSITION. EVEN WITH THE EXCLUSIONS THAT
23 YOU RECOMMEND, I STILL CAN'T DO THAT. IT WOULD SO
24 CONTRAVENE PUBLIC POLICY, AND IT WOULD SEND A VERY BAD
25 MESSAGE. I CAN'T BE INVOLVED IN PROTECTING SOMEBODY
26 FROM THEIR OWN WRONG-DOING.

27 HE WANTS THE IMPOSSIBLE TO HAPPEN. SHE
28 HAS OFFERED FROM THE VERY BEGINNING TO DISMISS THIS

1 CASE IF HE TURNS THE TAPE OVER TO HER. HE WANTS TO BE
2 ABLE -- HE WANTS TO TURN THE TAPE OVER, BUT ALSO GET
3 HER TO AGREE TO NEVER SAY ANYTHING BAD ABOUT HIM?
4 GIVE ME A BREAK. I MEAN, IT'S JUST ABSURD. HE'S
5 GOING HAVE TO LIVE WITH THE FACT THAT HE HAS AN
6 EX-WIFE WHO DOESN'T LIKE HIM SO MUCH ANYMORE AND
7 DOESN'T WANT TO SAY NICE THINGS ABOUT HIM. SHE'S FREE
8 TO DO THAT. IT'S A FREE WORLD -- SHE'S ALLOWED TO.
9 IT'S A FREE COUNTRY. SHE CAN SAY WHATEVER SHE WANTS.
10 HE'S NOT --

11 EVEN IF I WERE TO ENTER SUCH AN ORDER,
12 AND EVEN IF THEY WERE TO SIGN SUCH AN AGREEMENT, IT'S
13 NOT GOING TO BE ENFORCEABLE. AS A PRACTICAL MATTER,
14 YOU CAN NEVER STOP SOMEBODY FROM SAYING BAD THINGS
15 ABOUT YOU. IT'S JUST THE WAY IT GOES. WHAT HE'S
16 GOING TO HAVE IS ACCEPT IS THAT THERE'S ONLY SO MUCH
17 HE CAN CONTROL. THIS IS NOT GOING TO SPIN OUT OF
18 CONTROL FOR HER. IT'S GOING TO SPIN OUT OF CONTROL
19 FOR HIM.

20 HE IS PLAYING WITH FIRE. HE'S A
21 PROFESSIONAL. HE HAS A REPUTATION TO UPHOLD, I
22 UNDERSTAND THAT, BUT HE HAS A LOT MORE TO UPHOLD AS
23 WELL, AND IT'S ALL AT RISK IF HE CONTINUES TO TAKE
24 UNREASONABLE POSITIONS AND TRIES TO CONTROL THE
25 UNCONTROLLABLE. HE'S JUST GOING TO HAVE TO PART WAYS
26 WITH THE TAPE, PART WAYS WITH MS. KONIALIAN, PART WAYS
27 WITH THIS CASE AND MOVE ON WITH HIS LIFE. PERIOD.

28 MR. GLASNER: YOUR HONOR, I HEAR YOU.

1 THE COURT: I'M GLAD SOMEBODY DOES.

2 THIS SHOULDN'T BE IN THIS COURTROOM.
3 ONCE THE TAPE HAS BEEN TURNED OVER, PLAINTIFF, YOU
4 STILL WILL DISMISS THE CASE?

5 DON'T TELL -- DON'T BACKTRACK ON ME
6 AFTER I MADE THAT GREAT SPEECH.

7 MR. RICHARDS: YES, AS LONG AS THEY DISMISS
8 THEIR CROSS-COMPLAINT.

9 THE COURT: THEY WILL. THAT'S WHAT I'M SAYING.

10 MR. RICHARDS: YES.

11 THE COURT: I'M ASSUMING -- ASSUMING THAT THEY
12 DO, OKAY.

13 MR. RICHARDS: YEAH, YEAH.

14 THE COURT: OKAY. THAT'S WHAT SHOULD HAPPEN.

15 MR. RICHARDS: HE'S TURNING OVER THE TAPE NOW.

16 THE COURT: THE EX PARTE APPLICATION IS DENIED
17 FOR THE REASONS I SAID.

18 MR. RICHARDS: LET GO. LET GO.

19

20 (LAUGHTER IN THE COURTROOM.)

21

22 (THE MATTER WAS CONCLUDED.)

23

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NW D HON. MICHAEL LATIN, JUDGE

SANDIE KONIALIAN,)	
)	
PLAINTIFF,)	
)	
VS.)	NO.SC097549
)	
JIRAIR KONIALIAN,)	
)	
DEFENDANT.)	

I, PATTI SUNDSTROM, CSR NO. 5923, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES 1 TO 11, INCLUSIVE COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF THE TESTIMONY AND PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON MARCH 25TH, 2009.

DATED THIS 25TH DAY OF MARCH, 2009.

CSR NO. 5923
PATTI SUNDSTROM, OFFICIAL REPORTER