

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF DELAWARE

3
4 VEHICLE INTERFACE : CA NO. 12-1285-RGA
5 TECHNOLOGIES, LLC, : June 14, 2013

6 :
7 Plaintiff, : 1:00 o'clock p.m.

8 :
9 v. :
10 :

11 JAGUAR LAND ROVER NORTH :
12 AMERICA, LLC, :
13 :

14 Defendant.
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18 TRANSCRIPT OF DISCOVERY DISPUTE
19 BEFORE THE HONORABLE RICHARD G. ANDREWS

20 UNITED STATES DISTRICT JUDGE
21
22

23 APPEARANCES:
24

25 For Plaintiff: FARNAN LLP

1 BY: BRIAN E. FARNAN, ESQ

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6 For Defendant: SHAW KELLER LLP

7 BY: JOHN W. SHAW, ESQ

8 BY: STEPHANIE O'BYRNE, ESQ

9 -and-

10 LATHAM & WATKINS

11 BY: CLEMENT S. NAPLES, ESQ

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21 Court Reporter: LEONARD A. DIBBS

22 Official Court Reporter

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1 P R O C E E D I N G S

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3 (The proceedings occurred at 2:05 o'clock p.m. as
4 follows:)

5

6 THE COURT: Good afternoon, everyone.

7 Please be seated.

8 So we have this issue in Vehicle Interface Technologies
9 v. Jaguar, No. 12-1285.

10 Mr. Farnan, I see you here representing the plaintiffs?

11 MR. FARNAN: Yes, your Honor.

12 THE COURT: There's nobody on the phone?

13 Is there actually out of town counsel involved in this
14 or is it just you?

15 MR. FARNAN: They're involved, but it's just me today,
16 your Honor.

17 THE COURT: So the letter that I got, was that written
18 by you or out of town counsel?

19 MR. FARNAN: It was written by us both, your Honor.

20 THE COURT: All right.

21 I'm sorry. Ms. O'Byrne, you have two people with you,
22 one of whom I know, and one of whom I don't think I know. I'm
23 guessing.

24 MR. NAPLES: I've been before you once, your Honor, but
25 very briefly.

1 THE COURT: You're Mr. Naples?

2 MR. NAPLES: Yes.

3 THE COURT: Mr. Shaw.

4 MR. SHAW: Good afternoon, your Honor.

5 THE COURT: I guess I wasn't aware, but Ms. O'Byrne
6 works with your firm?

7 MR. SHAW: That's correct.

8 THE COURT: That had passed me by.

9 All right.

10 And, so, I think the issue here.

11 Actually, Mr. Farnan, is your -- the one thing that
12 wasn't a hundred percent clear to me from your letter is, is
13 your response, essentially, we don't have any earlier date of
14 conception than the date the patent was filed, or -- or
15 conception reduction to practice, or is it, well, maybe we have
16 a date, but we don't have to give it until they do their
17 invalidity contentions?

18 MR. FARNAN: It's both, so it is at this time. That's
19 our good faith answer.

20 To get an earlier date, it requires extensive
21 investigation, interviewing prosecuting attorneys, clients,
22 inventors, trying to find documents to corroborate --

23 THE COURT: Well, there's one inventor, right?

24 MR. FARNAN: Yes.

25 THE COURT: They say you represent the inventor.

1 MR. FARNAN: We do.

2 THE COURT: How hard is it to ask the inventor?

3 MR. FARNAN: Well, if we could just ask him, and get an
4 answer, and that answer would suffice, it wouldn't be hard, but
5 that's not the case.

6 If we called and said, Give us your best estimate of
7 when you reduced it to practice.

8 And he said, Today.

9 The defendants are going to challenge it. It's not as
10 if this is like a yes or no question.

11 THE COURT: I understand it's not a yes or no question,
12 but it's a question that is pretty much uniquely within the
13 capacity of the inventor to give you all the materials you
14 needed to whatever investigation there is to see whether you can
15 corroborate an earlier date of conception and reduction to
16 practice and the filing date, right?

17 MR. FARNAN: That's right.

18 I mean he is the inventor, right. We don't deny that.
19 But it's beyond just saying -- first of all, it happened a
20 decade ago.

21 So it's beyond him just saying, Oh, I remember.

22 It only becomes relevant if they have prior art that
23 predates the patent only by a limited amount of time.

24 We may never get to this analysis, because if their
25 prior art goes back a significant amount of time, we don't even

1 raise this issue, because we'll say, Yes, that is prior to the
2 patent.

3 But when it comes to asking the inventor, he has to go
4 through documents, trying to find all these documents, then they
5 want to talk to the prosecuting attorneys.

6 THE COURT: And you didn't get him to get all his
7 documents before you filed suit?

8 MR. FARNAN: We have some which we produced, which they
9 have, and that was when we did the supplemental answers to the
10 interrogatories, but we can't say that today that we have every
11 document.

12 He's still looking, and when we find them, we'll
13 produce them. It's not something like we're sitting on a stack
14 of paper, or we're sitting on an answer saying we have a gotcha
15 moment. That's not what it is.

16 Okay. We gave them -- right now we gave you the
17 documents we have -- which they have. They're going to depose
18 the prosecuting attorney in July, which they'll get more
19 information, and as this develops, we'll give more.

20 I think you have to look at how this usually occurs in
21 litigation. It's a process. You have to look at the state of
22 the litigation we're in right now. Right now we're not even
23 through the initial default disclosures. We're not even through
24 document.

25 THE COURT: Wait. But the initial default disclosures

1 have nothing to do with the actual answer. They only have to
2 do, to some extent, with whether there's a necessity for an
3 answer.

4 MR. FARNAN: That's right.

5 Well, the default deals with the stage of the
6 litigation, the process, so we haven't been through document
7 production yet, which is not for another two months.

8 THE COURT: And the documents that they ask for might
9 actually depends on what your conception date is.

10 MR. FARNAN: Well, they have asked for those documents,
11 and we've produced some, and are still working on that.

12 So what you normally have in litigation is this is not
13 something that you would get an interrogatory early in the case,
14 in our experience.

15 There's only one defendant moving here, and, in our
16 experience, it's a process. You develop it through the
17 inventor's testimony at deposition. You develop it through the
18 prosecuting attorney's deposition. You develop it through
19 documents and then you get a date. And it has to be
20 sufficiently in advance, so they're on notice.

21 You can't say, Here's what we're going to plead.

22 THE COURT: Okay. Well, let me ask -- and I don't know
23 what kind of inventor your inventor is. I don't know what kind
24 of case this is other than the defendant seems to be a car
25 company.

1 Has the inventor given you what he or she thinks is the
2 date?

3 MR. FARNAN: No, not to a certainty, and that's --
4 that's part of the problem.

5 THE COURT: Well, when you say, "not to a certainty,"
6 they've given you a date that is somewhere before the filing
7 date?

8 MR. FARNAN: Well, we would think -- we produced
9 documents of some dates prior to the filing date. We need
10 corroboration. And that's, I guess, the big issue here.

11 If he just said a date, they're not going to accept
12 that date.

13 THE COURT: No, no, no. That's a matter for proof down
14 the road. If you say a date that is one year before the filing,
15 yes, they're going to attack that as not something that you can
16 prove down the road, but it also tells them that while they're
17 doing this search for the immense prior art, and whatever
18 technology we're involved in here, that things that are more
19 than a year before the filing date are going to be better than
20 things that are between those two dates.

21 MR. FARNAN: That's right. And we haven't concluded
22 that investigation. We're working on it.

23 And, in fact, I mean we were just sitting on something
24 and delaying disclosing it, that wouldn't be proper. This is
25 not the way it's done. The inventor is a physician. He's a

1 full-time physician. He has gathered documents. We produced
2 the. We're looking for more. We're trying to interview the
3 prosecuting attorney. This is not something that is required
4 for a Rule 11 filing of a complaint.

5 THE COURT: No, I understand that. I'm not --

6 MR. FARNAN: It's not something like we were focused
7 on.

8 I mean the point is, many times you don't even go
9 through this analysis, because it's not necessary, because there
10 could be -- you don't dispute that certain art is prior to the
11 invention.

12 So this is not routinely done in a case.

13 Is it important in some cases?

14 Yes, but it's more of the process.

15 THE COURT: Well, here's -- here's what I'm thinking,
16 which is, if the only requirements for an Answer to
17 Interrogatory was, We can prove this at trial, we'd never get
18 anywhere in these cases.

19 MR. FARNAN: And I agree that that would be wholly
20 deficient in this case. So we don't dispute that we have to --
21 if -- we may say -- we may stick with the filing of the
22 application, because they may present art before the filing
23 application, then it makes no sense to go down this road.

24 I also agree that we couldn't wait until the
25 depositions are almost complete to say, Here's our gotcha.

1 Here's our gotcha.

2 Wholly improper, and we're not trying to do that, but
3 there is a process where you get their initial contentions. We
4 look.

5 Say, is it worth going further, digging in,
6 investigating, you know, devoting the resources to this to go
7 down this road.

8 And then you have to properly supplement it. You can't
9 sit on it and wait and we would do that. If they think that we
10 did something like that down the road, there's a remedy for
11 that, we were trying to, you know, snowball at the end. That's
12 not proper.

13 THE COURT: And, so, are you saying that if I directed
14 you to answer with your best guess, or whatever you want to call
15 it, as to what you contend the conception date is, I take it
16 that you are saying right now, you're contending it's the filing
17 date?

18 MR. FARNAN: Yes. And we would be completely content,
19 as your Honor said, when you get to their invalidity
20 contentions, you need to supplement within 45 days, because you
21 need to make a decision here.

22 THE COURT: Well, here's what I'm going to do, because
23 it seems to me that there's actually -- is there any harm to you
24 to telling you -- to in asking you, because -- to say whatever
25 it is your -- is the inventor somebody who's part of the vehicle

1 interface technology, or is he an inventor as somebody who has a
2 contractual relationship with vehicle interface technology, so
3 that they're complaint with reasonable requests?

4 MR. FARNAN: The full extent of that, I could not give
5 you a full answer.

6 THE COURT: Okay.

7 MR. FARNAN: But I do know do we have -- we have
8 control over him. No dispute about that.

9 THE COURT: Okay. Okay. And I appreciate that answer.
10 Well, let me just add one other thing, which is, at
11 least from the cases that you all both cited, it didn't seem
12 that any of them actually dealt with this specific situation,
13 which is -- which is -- let me step back.

14 I think you said, Mr. Farnan, that there were two
15 thoughts here; one of which is your best answer, as of today, is
16 it's the filing date, and the second of which is, well, we don't
17 have to answer until they provide invalidity contentions.

18 And I looked at the default standard, which doesn't
19 actually seem to address that particular point, and I can't say
20 that I read all, or for that matter, any of the various cases
21 that you both cited, but from the parentheticals, I thought I
22 could tell that none of them actually addressed this second
23 argument as to whether you can delay answering until after you
24 get invalidity contentions.

25 It seemed to me that --

1 MR. NAPLES: Your Honor, I can actually point you to a
2 case that is exactly on point. It's cited in two districts.
3 It's the McKesson case.

4 THE COURT: Well, hold on a second.

5 Is this one that was cited?

6 MR. NAPLES: This is one after we saw this kind of
7 burden-shifting imprimatur argument.

8 THE COURT: Sorry.

9 It's cited in your letter?

10 MR. NAPLES: It's not cited in our letter.

11 THE COURT: Oh, okay.

12 So my reading of your letter, without actually reading
13 the cases is, I got it right?

14 MR. NAPLES: Well, I think that in every case we cited,
15 which was never -- it was never really rebutted at all by them.

16 THE COURT: Well, because I --

17 MR. NAPLES -- demanded that they provide the date.

18 THE COURT: Well, but I thought that was just because
19 they were doing weasely answers, not because of the timing
20 issue.

21 MR. NAPLES: And I think we have -- right -- and I
22 think we have those kinds no later than weasely answers here.

23 With respect to the timing issue, we have done a
24 research, obviously. We didn't think -- we weren't sure what
25 they were going to argue exactly, so we just did a quick check

1 in the McKesson case --

2 THE COURT: All right.

3 Can I see it?

4 MR. NAPLES: Sure.

5 And I highlighted it for you.

6 THE COURT: I will give you a copy and it's a very,
7 very short portion of the opinion, your Honor.

8 THE COURT: I was only going to read the highlighted in
9 yellow portion.

10 MR. NAPLES: If you read the two paragraphs before it,
11 that, essentially, would be the entire case in a nutshell.

12 And this case was cited --

13 THE COURT: Okay.

14 MR. NAPLES: Okay. Go ahead. I'm sorry.

15 THE COURT: I'm sorry.

16 Just let me read now.

17 Go ahead, Mr. Farnan, read, too. We'll see who reads
18 faster.

19 MR. NAPLES: Page 5.

20 THE COURT: All right.

21 So you didn't get the highlighted yellow copy?

22 MR. NAPLES: That was actually my copy.

23 THE COURT: Okay.

24 MR. NAPLES: I thought I was going to read it to you.

25 I didn't know we'd be -- we'd be back here today.

1 THE COURT: Well, give us a chance to read it.

2 (Pause)

3 All right.

4 So I beat Mr. Farnan to the end there.

5 MR. FARNAN: And if you look at the last paragraph, the
6 party got sanctioned for repeated abuse. It looks like this is
7 a case that is distinguishable. Their whole attitude towards
8 discovery. This case still doesn't talk about Delaware default
9 standards.

10 THE COURT: But I don't think the Delaware default
11 standard is really applicable, because it's clear that, in fact,
12 discovery is going on, and there are certain things that, yes, I
13 would think that their sequencing of the discovery, the default
14 standard, would suggest a certain order of doing things, but I
15 don't think it's applicable here.

16 MR. FARNAN: It's not applicable, but routinely -- it's
17 not applicable. It's not on point, but it sheds light on the
18 issue in that it's routine to serve discovery to get imprimatur
19 objections, and it happens in 80 percent of the discovery that's
20 reserved that is responded to, and then people supplement.

21 What -- what we do -- I mean here we could be saying to
22 them, We haven't received your invalidity contentions yet. We
23 want those now. I mean we could --

24 THE COURT: Well, except for the fact that the Rule 16
25 Conference apparently says they're due July 1st.

1 MR. FARNAN: Well, in the case -- I'm saying in policy
2 points.

3 So people could just run in and say, We want your
4 invalidity contentions in 30 days. No extensions. That's what
5 we want.

6 And they're going to say, Well, we'd like to see your
7 infringement contentions.

8 No, no, no, we want discovery on the invalidity case
9 first.

10 THE COURT: Well, and that's the reason why we have the
11 default standard.

12 MR. FARNAN: That's my point.

13 So it has to be -- the policy and theory has to apply
14 across the board.

15 We can't just say, Because conception or reduction in
16 practice isn't a default standard.

17 It's a free shot, it can go first, and things that
18 aren't in the standard can go first, and the things that are
19 have to follow that order.

20 Logically, this is how it should work, especially if --
21 - this is not a eureka moment case, where the inventor can say,
22 you know, I was on my porch, and, bam, I discovered it, and I
23 went in the house and I wrote it down. That's not this case.

24 So if that was the case, everyone you could say, Well,
25 you could have told him that, you know, three months ago. You

1 told your whole family every Christmas, you can't tell them that
2 now.

3 That isn't this case. It's going to take more work,
4 it's going to take corroboration, and we may never get down that
5 path.

6 So where is the orderly -- can I make two points, your
7 Honor?

8 THE COURT: All right.

9 I'm sorry. What is your name again?

10 MR. NAPLES: Naples.

11 THE COURT: Yes, go ahead, Mr. Naples.

12 MR. NAPLES: Two points.

13 Your honor, we served these interrogatories in January,
14 because we wanted this information before, well before our
15 invalidity contentions.

16 THE COURT: Right. I got it.

17 MR. NAPLES: And Mr. Farnan said this may never come up
18 in the case, if people don't do this early.

19 I've had the exact opposite experience, and whenever
20 I'm a defendant, this is a very important piece of information
21 we always want to get before the invalidity contentions, because
22 as the cases explain and cite, searching for discovery is time
23 consuming.

24 And the other important point, your Honor, I think Mr.
25 Farnan just may not be fully aware of the record, but there

1 already is a piece of prior art that is ten months before the
2 filing date of this patent.

3 There was a piece of prior art that Ford identified to
4 VIT. And if you turn to -- I can point to you -- it's
5 identified in their interrogatory response, in Interrogatory No.
6 4, and it's an exhibit to our letter.

7 THE COURT: Hold on a minute.

8 MR. NAPLES: Sure.

9 (Pause)

10 THE COURT: This is Page 11 of your letter -- I mean
11 Page 11 of Exhibit 2 of your letter?

12 MR. NAPLES: That's correct, your Honor. Yes.

13 THE COURT: U.S. Patent No. 6373472?

14 MR. NAPLES: Correct, your Honor.

15 That patent was published just ten months before the
16 filing date of the patent-in-suit, and I submit we should not
17 have to show this prior to getting these contentions, but we
18 already have a priority dispute here.

19 THE COURT: Well, okay. So let's assume, for a moment,
20 that I agree with you.

21 While I understand what you're saying, Mr. Farnan, that
22 I agree with you that, in fact, there's no reason why something
23 that's uniquely within their side, and which I -- you know, I
24 think you do have a right to get the answer.

25 So what about Mr. Farnan's -- what should I do about

1 the fact that they don't know what the answer is?

2 MR. NAPLES: Right. Your Honor, two answers to that.

3 The first one is, if they -- they haven't said that.

4 They said that the conception date, and the reduction to
5 practice date, are no longer the filing date.

6 Based on everything we have --

7 THE COURT: Well, no. I mean --

8 MR. NAPLES: -- in our possession, custody, and control

9 --

10 THE COURT: I'm reading that, because you're right.

11 That's -- how do I say this politely?

12 That's a fairly nonsensical answer, right?

13 MR. FARNAN: You don't have it be so polite.

14 THE COURT: So I am interpreting that as saying, it's
15 the filing date?

16 MR. NAPLES: Mm-hmm.

17 THE COURT: So, okay. Go ahead.

18 MR. NAPLES: So if they want to represent to us that
19 based on all of the information in their possession, custody,
20 and control, which includes the inventor, which he said is in
21 their control, all of the documents they provided to us, which
22 some have dates, some don't have dates, some have authors, some
23 don't have authors, based on all of that evidence, if they're
24 going to tell us that the conception and reduction to practice
25 date is the filing date, that's fine.

1 Now, if they were uncover some document in a week, or a
2 month under a rock that the inventor had forgotten about, and
3 said, We didn't know about that. Now we want to allege an
4 earlier conception date. I doubt we would be before you arguing
5 about whether they can do that.

6 THE COURT: Right, right. I mean they would have good
7 cause to supplement.

8 MR. NAPLES: They have all of this information and --

9 THE COURT: All right.

10 MR. NAPLES: Okay.

11 THE COURT: I get what you're saying.

12 Mr. Farnan, what do you have to say about that, because
13 let me tell you what I am inclined to do.

14 I'm inclined to give you some period of time, like
15 about five days, business days, to give your good faith best
16 answer. And to me, if your client is saying it occurred some
17 time in this time period -- I mean I said your client -- not
18 your client -- if the inventor is saying it occurred some time
19 in this time period, just because you may not -- your client may
20 not be able to prove that, or have doubts about being able to
21 prove it, or have the corroboration, whatever, it strikes me
22 that unless you want to give up the right later on to pick that
23 date, that you should tell him it now.

24 And, you know, maybe in the end, it won't be a date
25 that can be proven. Maybe it turns out that it's only a few

1 months earlier and it's not effected by all this, so it's not
2 even a litigated issue down the road, but I do think that they
3 deserve your best answer now.

4 And if your best answer is, it's the filing date, well,
5 that's fine. I do think it's going to -- you know, later on to
6 change it to something else, you're going to have to come across
7 some information that you don't have right now, right?

8 MR. FARNAN: The best answer.

9 And, so we're clear, when it comes to giving an answer
10 certain, that's the best we can do. We produced documents that
11 would show earlier dates.

12 I'm not saying there's nothing else out there that
13 could be earlier. For us to say, certainly, that's all we can
14 say right now, the rest would require more investigation,
15 corroboration, prosecuting attorney, additional documents, and
16 you have to bring all of that together, and that's my point.

17 It's just not saying, What was the date, and when did
18 you reduce it to practice?

19 Answer, put two dates down.

20 It's not just not that easy is our response.

21 I understand your Honor wants good faith efforts. I
22 understand that.

23 And we're saying, we're going to give that effort, how
24 much effort do you know to give?

25 We've given documents that predate. We've tried. We

1 asked the inventor gives us documents. We turned them over.
2 It's not like we're stonewalling and saying --

3 THE COURT: I understand, but giving them, you know,
4 what they don't have now, which you do have is -- you have the
5 inventor. You can talk to the person and find out what, you
6 know, a mass of documents means. And I understand maybe it's
7 not that big of a mass, but a couple hundred or couple thousands
8 pages.

9 You know, you all can ask questions about, Well, how
10 are we going to corroborate this?

11 You know, are these papers, are they corroborated? Did
12 he have a lab?

13 I mean he's a medical doctor?

14 MR. FARNAN: He's a physician.

15 THE COURT: Okay.

16 MR. FARNAN: The patent doesn't really --

17 THE COURT: Okay. Well --

18 MR. FARNAN: -- it says dashboard display.

19 THE COURT: So to the extent that any of your answers
20 depends on the idea that you don't have to provide the
21 information now, because they haven't provided invalidity
22 contentions, I reject that.

23 To the extent that your answer is, That's our best
24 answer, well, you're going to have to live with that, but
25 certainly if you want to amend your answer any time in the --

1 you know, a free amendment of your answer, you've got five
2 business days, okay?

3 MR. FARNAN: Thank you, your Honor.

4 THE COURT: All right?

5 MR. NAPLES: Your Honor, yes. That's completely fine
6 with us.

7 The only other thing I would ask is, and this is only
8 because it's kind of how this works, right? If they identify a
9 conception date, that's great, but they also have said to us in
10 their interrogatory response that the inventor would be diligent
11 in reducing the --

12 THE COURT: Well, no, no. I am sorry.

13 You're using conception as a shorthand for the whole
14 thing.

15 MR. NAPLES: It's a reduction to practice, and an
16 explanation of diligence, then we're totally and completely fine
17 with that --

18 THE COURT: Right.

19 MR. NAPLES: Yes, your Honor.

20 MR. FARNAN: I won't agree with it, but if that's your
21 Honor's ruling, I am not going to say it's wrong, but I don't
22 think --

23 THE COURT: I'm not even actually looking for you to
24 say it's rights. I'm only looking for you to say I understand
25 it.

1 MR. FARNAN: No, I understand it, but I thought we were
2 fighting -- we haven't had much argument on the reduction to
3 practice, and doing that within five days, to have the inventor
4 sit down and do all of that is --

5 THE COURT: Well, but it's something that I think
6 you've either said explicitly, or you said implicitly. It's not
7 like you're starting from scratch. You already conducted an
8 investigation into it.

9 MR. FARNAN: I agree a hundred percent, but the point
10 is to -- if you read their interrogatory, it's not a -- it's
11 just --

12 MR. NAPLES: What interrogatory?

13 THE COURT: No. 1.

14 MR. FARNAN: I'll just read it.

15 VIT contends that diligence was exercised in reducing
16 the invention to practice.

17 So they've, obviously, concluded that that's the case.
18 They just haven't explained it.

19 THE COURT: Well, actually, given what they said is the
20 filing date, that's actually a meaningless answer.

21 MR. NAPLES: Your Honor, right. It doesn't mean it
22 make sense that he knows. That's why they're asking for it,
23 unfortunately.

24 THE COURT: Well, you said -- I wouldn't say know -- I
25 mean -- you know, because if the answer is, it's the filing

1 date, they really don't to say anything other than it's the
2 filing date, right?

3 MR. NAPLES: Right.

4 THE COURT: That's the end of the interrogatory.

5 MR. NAPLES: That's right. We agree, your Honor.

6 MR. FARNAN: Your Honor, I mean, so we're going to
7 take-- I assume we're going to take a good shot at a best guess
8 and push it back --

9 THE COURT: I would expect.

10 MR. FARNAN: -- right?

11 THE COURT: Right. So, then you need to answer the
12 rest of the interrogatory.

13 MR. FARNAN: When you read that interrogatory -- first
14 of all, it's about five interrogatories in one.

15 THE COURT: You know, how many it counts for, that's a
16 different issue for a different date.

17 MR. FARNAN: It says things like, Describe in detail
18 the facts that are surrounding the first conception and first --
19 both actual and constructive, for each claim for the
20 patents-in-suit. Any diligence between such conception and
21 respective to reduction to practice, and the contribution of
22 each person to each claim, and identify each document that
23 supports your contention, and each person having knowledge of
24 the facts.

25 THE COURT: Well --

1 MR. FARNAN: We will reserve our right. We will take a
2 good faith answer at the interrogatory.

3 But I don't want your Honor to say I want to rule on
4 the interrogatory, and now you're precluded, because you have to
5 answer everything in here, and you don't say, you know --

6 THE COURT: Well, do the best you can.

7 MR. FARNAN: Thank you, your Honor.

8 THE COURT: Anything else?

9 MR. NAPLES: Not from me, your Honor.

10 MR. FARNAN: No, your Honor.

11 THE COURT: All right.

12 Thank you.

13 MR. NAPLES: So it is five days.

14 THE COURT: Five business days. Next Friday.

15 Is there a holiday?

16 No, I don't think there is.

17 (The proceedings adjourned at 2:31 o'clock p.m.)

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