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UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

In re: National Hockey League
Players' Concussion Injury
Litigation

MDL No. 14-2551 (SRN/JSM)

(ALL ACTIONS)

St. Paul, Minnesota
Courtroom 7B
October 12, 2016
9:30 a.m.

BEFORE THE:

HON. SUSAN RICHARD NELSON, U.S. DISTRICT COURT JUDGE

HON. JANIE S. MAYERON, U.S. DISTRICT COURT MAGISTRATE JUDGE

FORMAL STATUS CONFERENCE

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

2 IN OPEN COURT

3 (Commencing at 9:34 a.m.)

4 JUDGE NELSON: We are here this morning in the
5 matter of the National Hockey League Players' Concussion
6 Injury Litigation. This is 14-MDL-2551.

7 Beginning with the Plaintiffs, let's have
8 appearances noted for the record, please.

9 MR. CHARLES ZIMMERMAN: Good morning, Your Honors.
10 Bucky Zimmerman for the Plaintiffs.

11 MR. STUART DAVIDSON: Good morning, Your Honors.
12 Stuart Davidson on behalf of the Plaintiffs. I'd also like to
13 introduce both of you to my colleagues, Kathleen Douglas and
14 Alex Kruzyk from my office down in sunny Florida.

15 JUDGE NELSON: It's not so bad here today
16 (laughter).

17 MR. STEPHEN GRYGIEL: Good morning, Your Honors.
18 Steve Grygiel from Silverman Thompson for the Plaintiffs.

19 MR. BRIAN GUDMUNDSON: Good morning, Your Honors.
20 Brian Gudmundson, Zimmerman Reed, for the Plaintiffs.

21 MR. BRIAN PENNY: Good morning, Your Honors. Brian
22 Penny for the Plaintiffs.

23 MR. MICHAEL CASHMAN: Good morning, Your Honor.
24 Michael Cashman for the Plaintiffs.

25 MR. SCOTT ANDRESEN: Good morning. Scott Andresen

1 for the Plaintiffs.

2 MR. CHRISTOPHER RENZ: Good morning, Your Honor.
3 Chris Renz, Chestnut Cambronne, for the Plaintiffs.

4 MR. JEFFREY KLOBUCAR: And good morning, Your Honor.
5 Jeff Klobucar for the Plaintiffs.

6 Appearing telephonically for us today is Rob
7 Shelquist from the Lockridge Grindal firm; and Tom Byrne from
8 the Namanny, Byrne & Owens firm.

9 JUDGE NELSON: Very good. Good morning.

10 Mr. Beisner, good morning.

11 MR. JOHN BEISNER: Good morning, Your Honor. John
12 Beisner for Defendant, NHL.

13 MR. DANIEL CONNOLLY: Good morning, Your Honor. Dan
14 Connolly for Defendant, NHL.

15 MS. LINDA SVITAK: Good morning, Your Honors. Linda
16 Svitak for the NHL.

17 JUDGE NELSON: Mr. Connolly, you're very outnumbered
18 here today (laughter).

19 MR. DANIEL CONNOLLY: And I don't believe anybody,
20 in part because of the holiday, is appearing telephonically
21 for the NHL.

22 JUDGE NELSON: Okay. Very good.

23 All right. Let's turn, then, to our agenda.

24 Mr. Martino is not here, so is there anything to
25 report?

1 Mr. Connolly.

2 MR. DANIEL CONNOLLY: I just wanted to walk up here
3 and say, nothing to report on behalf of Mr. Martino.

4 JUDGE NELSON: You always get the tough jobs.

5 MR. DANIEL CONNOLLY: Exactly (laughter).

6 JUDGE NELSON: Okay.

7 MR. BRIAN GUDMUNDSON: I'm going to walk all the way
8 up and say, nothing for the Plaintiffs, as well.

9 JUDGE NELSON: Okay. Very good.

10 All right. So that's true of Governors'
11 productions, too? There's nothing for us to discuss on that?

12 **(None indicated.)**

13 JUDGE NELSON: All right.

14 Plaintiff Fact Sheets.

15 Mr. Connolly.

16 MR. DANIEL CONNOLLY: Yes, Your Honor. The only
17 issue we have on the Fact Sheets is as is spelled out in the
18 attached materials here. Deron Quint has -- we don't have a
19 Fact Sheet. As we discussed in the last informal conference,
20 we would like to have a process for the dismissal of that
21 claim without prejudice, and we're willing to work with
22 Plaintiffs' counsel and submit a stipulation to that effect
23 that's acceptable to the Court.

24 JUDGE NELSON: Thank you.

25 Mr. Cashman?

1 MR. MICHAEL CASHMAN: Your Honor, Mr. Quint is in
2 Russia and attempts have been made to contact him, and we
3 haven't been able to reach Mr. Quint --

4 JUDGE NELSON: Does he live in Russia, or is he just
5 visiting Russia? Does he live in Russia?

6 MR. MICHAEL CASHMAN: He's been working in Russia is
7 my understanding, and we've been unable to reach him. So, our
8 intention is to draft a proposed stipulation for dismissal of
9 Mr. Quint without prejudice and resolve it that way.

10 JUDGE NELSON: All right. I'll have you meet and
11 confer about the "without prejudice" piece and see whether you
12 can agree on that. If not, I'll entertain whatever concern
13 you have.

14 MR. MICHAEL CASHMAN: Thank you.

15 MR. DANIEL CONNOLLY: We're agreeable to that, Your
16 Honor.

17 JUDGE NELSON: Okay. Very good.

18 All right. Let's turn to third-party discovery.
19 Anything to report on the NHLPA?

20 MR. DANIEL CONNOLLY: We have nothing, Your Honor,
21 on behalf of Defendants. We have nothing to report on the
22 third-party discovery.

23 JUDGE NELSON: All right. Why don't you stay up
24 there and we'll go through the rest of it.

25 Anything to report on any of the third-party

1 discovery?

2 MR. DANIEL CONNOLLY: Not on our side.

3 JUDGE NELSON: Okay.

4 Mr. Penny?

5 MR. BRIAN PENNY: I was just going to say I don't
6 want to speak for all of the third-party issues, but at least
7 with regard to Chubb Insurance and Dr. Guskiewicz, there is no
8 need for an update at the moment.

9 JUDGE NELSON: All right. Well, do tell me what's
10 happening with them.

11 MR. BRIAN PENNY: The discovery with Chubb is
12 complete at least for the moment. I don't see why it wouldn't
13 be complete. I just have a hard time saying it's totally
14 complete (laughter), but we have no outstanding issues at the
15 moment with Chubb or with Dr. Guskiewicz.

16 JUDGE NELSON: All right. Very good.

17 Anything else? Anything with Dr. Cantu or anybody
18 else? No?

19 MR. STUART DAVIDSON: Not that I'm aware of.

20 JUDGE NELSON: Okay. All right.

21 MR. DANIEL CONNOLLY: Nothing that hasn't been
22 addressed previously, Your Honor, no.

23 JUDGE NELSON: All right.

24 Deposition scheduling, anything to discuss in that
25 respect?

1 MR. STEPHEN GRYGIEL: I think, Your Honor, I'm
2 following a trend here: Nothing that's not in the report that
3 we've given to the Court.

4 JUDGE NELSON: I'm starting to wonder why we're here
5 this morning, but I'm sure I'll learn pretty soon (laughter).

6 MR. STEPHEN GRYGIEL: Thank you, Your Honor.

7 JUDGE NELSON: Okay. All right. I suspect it's the
8 next item.

9 MR. JOHN BEISNER: Your Honor, I think there was one
10 thing just to note, and again this is purely an information
11 point. In the report, we indicated that we were looking for a
12 date to complete the Leeman deposition.

13 And I believe, Mr. Grygiel, we've arrived on a date.

14 So just to make sure the Court is updated, we do
15 have a date for doing that.

16 JUDGE NELSON: And what is that date?

17 MR. STEPHEN GRYGIEL: It is November the 21st, and
18 that is in Toronto unless we can do it a little earlier in
19 Philadelphia, which my colleague and I are both hopeful may
20 happen.

21 JUDGE NELSON: Okay.

22 MR. JOHN BEISNER: I think we're covered on that,
23 Your Honor. There's no dispute, but just to advise you there
24 was a tentative date on the calendar.

25 JUDGE NELSON: Do you want to stay up for Zeidel

1 estate discovery?

2 MR. JOHN BEISNER: Yes. And, Your Honor, I don't
3 believe we have any points of dispute to present to the Court
4 on this, but I did want to make sure we had on the record how
5 we were proceeding with that discovery so that the Court is
6 aware of what's in progress. We have served document requests
7 on Mr. George Bradley, who is the representative of the
8 estate, who is the proposed class representative on behalf of
9 the Zeidel estate. We have served party requests on him.
10 We've also served a third-party subpoena on him as sort of a
11 belt-and-suspenders move in case there was personal
12 information that he doesn't deem needs to be produced as a
13 result. Mr. Zeidel resided with Mr. Bradley for a number of
14 years, so just in case there was some dispute about what
15 role --

16 JUDGE NELSON: Does Mr. Bradley have independent
17 counsel, or is Silverman representing him?

18 MR. STUART DAVIDSON: Your Honor, it's my
19 understanding from -- excuse me. My understanding from
20 talking with Mr. Sinclair is that he is arranging for
21 production of documents from all the parties.

22 MR. JOHN BEISNER: Yeah. Let me -- you're -- and
23 again I don't want to speak for you --

24 MR. STUART DAVIDSON: Please.

25 MR. JOHN BEISNER: -- but I've talked to

1 Mr. Sinclair about this. Mr. Bradley is the proposed class
2 representative, so my understanding is -- and again I don't
3 mean to be speaking for you, but I just want to make sure we
4 answered your question -- is that the collective multitude
5 here is represented -- well, I guess, perhaps, your firm,
6 Mr. Grygiel, is representing the estate in the form of
7 Mr. Bradley as the representative.

8 Do I have that right?

9 MR. STUART DAVIDSON: That's correct.

10 MR. JOHN BEISNER: I've spent some time talking
11 about that.

12 To your point though, Your Honor -- and thank you
13 for raising that because this was the other issue I wanted to
14 get at. So, that's the George Bradley situation, so he's
15 represented by counsel who are present here.

16 We then served third-party subpoenas. And I want to
17 focus on the Zeidel family members first: Marie Zeidel, Jan
18 Zeidel, and Jay Zeidel who reside in the United States. I've
19 spoken at length with Mr. Sinclair, who is with Mr. Grygiel's
20 firm. And he has -- and I want to express appreciation for
21 this -- volunteered to coordinate their responses to those
22 requests. But he's also made clear to me that his firm -- and
23 I don't think anybody else here is representing any of them --
24 so they are facilitating communication with them to produce,
25 and we're perfectly comfortable with that. And again, I

1 appreciate Mr. Sinclair stepping forward to do that.

2 One thing I did want to make sure about, though,
3 Your Honor -- and I think this is where you were going with
4 your questioning -- is to make sure that they have been
5 advised that they can get their own counsel if they wish to
6 have it. I was a little bit worried that at some point a
7 question may be raised about testimony or document production
8 because they didn't have counsel, and so I would just urge
9 that they be advised if they for some reason want to get their
10 own counsel -- obviously it's not necessary if they don't want
11 to -- but that that option has been pointed out to them. But
12 that's how we're proceeding with respect to those three family
13 members, that's Mr. Zeidel's spouse and two of his children.

14 Then, Your Honor, we have a category of non-resident
15 discovery, and we have three persons at issue there. One is
16 Joan Bradley, and if Your Honor will recall from our earlier
17 discussion, she was the original representative of the estate
18 who is no longer -- has that role. She also is a -- I believe
19 the spouse of George Bradley, and Mr. Zeidel lived with both
20 of them for a number of years before his death. So, she has
21 sort of two hats which are areas of relevant inquiry. And
22 then Mr. Zeidel's two other children, Karen and Sandy, we've
23 served requests on them.

24 Joan Bradley, as I understand it, now resides in the
25 United Kingdom, and so I've spoken with -- again, with

1 Mr. Sinclair about, do we need to go through Hague Convention,
2 any ideas there? And again -- and I express appreciation --
3 Mr. Sinclair has said he will interface with her to try to get
4 document production from her in the interest of time without
5 having to resort to Hague Convention processes. We've also
6 asked for her deposition, and we're in the process of
7 arranging that through Mr. Sinclair. So, I think we have an
8 approach to take with respect to obtaining discovery from her.

9 And then with respect to Karen and Sandy Zeidel,
10 they are both residents of Canada, as I understand it, so we
11 had, do we need to go through the letter rogatory process?
12 And, again, Mr. Sinclair said he will interface with them to
13 try to achieve voluntary document production. We will also --
14 we're also asking for the deposition of Karen Zeidel, and
15 Mr. Sinclair said that he would work to try to arrange that,
16 as well, again without having to resort to the Canadian letter
17 rogatory process on that.

18 So I just wanted to lay that out on the record. We
19 have had further discussions with Mr. Sinclair about
20 scheduling in an effort to get this done within the period we
21 have for discovery. And I'm optimistic that we will be able
22 to do that based on those discussions, although we -- the
23 collection process hasn't occurred yet. So, I just wanted to
24 put that on the record, what we've worked out on that.

25 And obviously if anyone among Plaintiffs' counsel

1 disagrees with that, they should say so. But I just wanted to
2 get that on the record so the Court would know, so it would be
3 on the record.

4 We've also, as indicated in the report, have served
5 or are in the process of serving some other third-party
6 subpoenas, as listed there. I don't think we have any issues
7 to present on those. The recipients may have issues, but
8 those are persons who are not part of the family or
9 representative structure; those are third-parties to that.
10 The only other thing I would note, Your Honor, is that
11 we've -- we believe that as the representative of the estate,
12 our party requests to Mr. Bradley should result in most of the
13 production that we are looking for.

14 I think the estate has some responsibility to go to
15 those who are potential beneficiaries of that to collect
16 documents. But just to make sure that we didn't have any
17 ambiguity on that, we've served the third-party subpoenas or
18 gone to the individual directly on that. So, again, that's a
19 belt-and-suspenders process that we --

20 JUDGE NELSON: And you explained that approach to
21 Mr. Sinclair? He understands why?

22 MR. JOHN BEISNER: Yes. Yes. No, we got the call
23 right away from him just to make sure he understood why
24 Mr. Bradley got both a third-party subpoena and a Rule 34
25 request, but we've had those discussions and have been meeting

1 and conferring about that.

2 So, with that, I will stand down. But again, if
3 there's any contrary statements, I --

4 MR. CHARLES ZIMMERMAN: It's not contrary.
5 (laughter).

6 JUDGE NELSON: Mr. Zimmerman.

7 MR. CHARLES ZIMMERMAN: John and I talked about this
8 last week at a conference, and I said we would cooperate fully
9 to try to make this as easy and expeditious as possible. He
10 didn't want to go through the Hague Conventions and letters
11 rogatory -- rogatory, whatever the heck it's called. But I
12 must say this to the Court and to everybody: It just seems
13 like overkill to me that we've got all these witnesses and all
14 these third-parties; we got to go to London, we got to go to
15 Canada; we got to have seven, nine people deposed over one
16 class rep's representativeness.

17 And I don't know what to say. I guess we could make
18 a motion for protective order at some point if it just gets
19 overly burdensome. But it's astounding -- I just must say,
20 it's astounding to me. But having said all that, Bill
21 Sinclair and I have discussed it, I've discussed it with
22 Mr. Beisner, we're going to cooperate fully and make this as
23 easy as possible. But I just want to tell the Court that at
24 some point we may just come in and say, you know, how much
25 discovery on one witness -- I mean, on one class rep in one

1 class action do we need when -- with regard to a claim that we
2 all know exists with regard to a death of a hockey player?

3 Having said that, I'm just kind of telling the Court
4 and telling Counsel that it just seems way over the top to
5 this lawyer. Thank you.

6 JUDGE NELSON: Thank you, Mr. Zimmerman.

7 Anything further, Mr. Beisner?

8 MR. JOHN BEISNER: Your Honor, if I may on that, I
9 think this with the issue that we flagged earlier, that
10 because Mr. Zeidel is deceased, this becomes a more
11 challenging set of discovery than if you could simply ask
12 Mr. Zeidel to give his deposition. It's complicated here
13 because the family obviously has knowledge, but according to
14 what Plaintiffs have represented to the Court, they basically
15 had no contact with him for the last 15 years but also were
16 active in interacting with Counsel about asserting the claim
17 originally.

18 We have two individuals with whom he lived who may
19 have information about his health status and so on, the
20 Bradleys, and both of them at some point have served as
21 representative of the estate. So, it's the complexity of this
22 that requires that. Just to be clear, the depositions we're
23 talking about are Mr. Bradley, George Bradley, and Joan
24 Bradley, one of whom is the class representative. You'd
25 expect that deposition to occur. Joan Bradley, who is out

1 there with -- is a person with whom he lived for a number of
2 years and was the original executor of the estate, his spouse,
3 and one of the children. That's what we're asking for in
4 terms of depositions of the family members. And I don't think
5 given this unusual history and status, that's overreaching.

6 JUDGE NELSON: All right. Well, you'll meet and
7 confer about this, and we'll have a conference in a couple
8 weeks and discuss it further.

9 MR. JOHN BEISNER: Thank you, Your Honor.

10 JUDGE NELSON: You bet.

11 Are we ready to move along to the privilege log
12 issue?

13 The Court is considering the appeal of Judge
14 Mayeron's order, and I expect a ruling early next week. I
15 also expect that you should get the written ruling on the
16 motion to amend by -- at the same time.

17 All right. Anything else to discuss this morning?

18 MR. CHARLES ZIMMERMAN: Yes, I had one other issue,
19 Your Honor. It has to do with the delivery to Plaintiffs'
20 counsel of the independent medical exam reports. I neglected
21 to put it on the agenda. I did interact with Defense counsel
22 on this. We agreed at least that it should be added to the
23 agenda. We were going to make a formal addition to the
24 agenda, but I sent my e-mail, and it seemed to be repetitive.

25 JUDGE NELSON: That's fine.

1 MR. CHARLES ZIMMERMAN: Here's the issue, Your
2 Honor, and I think it's worthy of at least flagging and
3 discussing and determining what the Court's point of view is.

4 The IMEs took place of the class representatives
5 over a long period of time. I don't remember the dates, but
6 they've been several months, the start of them. Some of them
7 may be a month ago. We have yet to receive copies of those
8 reports. Last -- before the last conference, which we didn't
9 have -- or I think we, because of my scheduling, although I
10 didn't do a great job of rescheduling it -- my mother will not
11 be very pleased with me, may she rest in peace -- that we did
12 this on a high holiday. But be that as it may, I had to take
13 responsibility for --

14 JUDGE NELSON: Just tell her you're atoning
15 (laughter).

16 MR. CHARLES ZIMMERMAN: I am definitely atoning. Am
17 I atoning? I'm atoning (laughter).

18 MAGISTRATE JUDGE MAYERON: Luckily for you, the Book
19 is being rewritten on a going-forward basis (laughter).

20 MR. CHARLES ZIMMERMAN: And what better place could
21 I be than in the halls of justice (laughter)?

22 MR. DANIEL CONNOLLY: This is getting deep
23 (laughter).

24 MR. CHARLES ZIMMERMAN: Yeah. Anyway, the position
25 of the Plaintiffs is that these are independent medical exams,

1 and we should be provided copies of the reports. And I guess
2 that was our assumption all along --

3 JUDGE NELSON: And you shared the reports of these
4 last exams, right, with the named Plaintiffs?

5 MR. CHARLES ZIMMERMAN: Yes.

6 JUDGE NELSON: Okay.

7 MR. CHARLES ZIMMERMAN: So, met and conferred on
8 this briefly, and the position of the Defense -- and they can
9 tell you -- is that, A, they're not -- "We don't have them."
10 Okay. Well, that seems odd, but I hope they're not being
11 withheld, but they don't have them. Maybe they have them now,
12 but they didn't have them two or three weeks ago.

13 Second is these are expert reports under the
14 scheduling order, the amended scheduling order, PTO 22, and
15 they're really not due until, I don't know, I guess the date
16 would be when their brief is due, April 27, 2017. And I was
17 like astounded, frankly, that that's the position, that these
18 are expert reports that support their -- the -- their
19 objection to class certification as opposed to independent
20 medical exam reports under the different portion of the Rules.

21 So, I think we should kind of get this kind of
22 discussed so we know what's going on. It seems wrong that we
23 have to wait for these reports because we thought these were
24 medical IMEs, had always been discussed as IMEs. And I think
25 in the discussions, we were going to get copies of them. We

1 certainly gave them copies of the reports that we had that
2 formed the basis of what we were asking for with regard to the
3 scope of these reports.

4 So, I'd like to kind of have a discussion about
5 this. We don't have a motion, but we did have a meet and
6 confer, and I think it's worthy of a discussion.

7 JUDGE NELSON: Thank you.

8 Mr. Beisner.

9 MR. JOHN BEISNER: Your Honor, I think I can cut
10 through this. When we talked with Mr. Zimmerman earlier, our
11 basic position, "We don't have them yet," this was a month or
12 so ago, and we still do not have them. When we receive them,
13 we'll provide them, so I don't think --

14 JUDGE NELSON: When do you expect to get them?

15 MR. JOHN BEISNER: I think we will have them -- and
16 there's a reason we don't have them yet -- within the next 30
17 to 45 days. Here's the problem: When we delivered to the
18 physicians who were conducting the IMEs, one of the first
19 things -- we provided the medical records to them. And one of
20 the first things they said is, these seem pretty sketchy;
21 they're not complete.

22 And indeed, during their discussions with the
23 persons examined, some additional physicians popped for whom
24 we had no reports, we never heard that they were people that
25 were part of the medical record history before that the

1 examiners found to be significant. I think there was also a
2 couple that we never heard about until the depositions were
3 taken, and we didn't have that record collection complete.

4 We're scrambling to get that done. They don't want
5 to provide the reports until they have access to those records
6 because the sum of them -- and I don't know the details of
7 this, but we were told they viewed those records as being
8 significant. We're scrambling to get those done. We
9 indeed -- yesterday, there was one where we -- turned out the
10 authorizations bounced, so we asked Mr. Cashman to get a
11 couple more for one of the three.

12 So in any event, that's the issue. They want to
13 look at a couple more -- the few more medical records, the
14 records of a couple of the examining physicians previously,
15 before they issue their reports, and I've told them we need to
16 get this done quickly. We're scrambling to get those reports.
17 So, A, the Plaintiffs will get them; they will have them
18 before their class certification briefing deadline. But it's
19 going to take us a few more weeks, Your Honor, to get those
20 completed.

21 JUDGE NELSON: Mr. Zimmerman, it sounds like the
22 Defense is not taking the position that they will disclose
23 them in April at the time of their expert reports; it sounds
24 like, though, that their IME doctors want to see some other
25 medical records before they offer their opinion, but that you

1 will get them before your class certification deadline.

2 And, of course, you're about to tell me when before
3 that deadline, in a meaningful way to use it for your
4 briefing. I understand that, and I think Mr. Beisner
5 understands that, and that's how it ought to turn out.

6 So I will hopefully hear in a couple weeks when we
7 have our next conference -- I've lost track of that a little
8 bit -- but that you're -- in short order, you'll be getting
9 them.

10 MR. CHARLES ZIMMERMAN: Right. And that's
11 precisely -- I don't want to, you know, get hard and fast
12 dates today, but you hear --

13 JUDGE NELSON: I understand it.

14 MR. CHARLES ZIMMERMAN: -- us, and we've expressed
15 our concern. And I think we've made some progress because one
16 of the objections has now vanished, and that's great. And
17 we'll keep an eye on it, and we'll look forward to receiving
18 those reports because they are -- they are important to us,
19 and that was the understanding we had going in.

20 JUDGE NELSON: Okay.

21 And, Mr. Beisner, you're okay with pushing that
22 ahead, so hopefully in 30 days those reports are given?

23 MR. JOHN BEISNER: And, Your Honor, we've been
24 scrambling on that, and again part of the problem is that we
25 got incomplete lists of these to start with. We just have to

1 deal with it, but --

2 JUDGE NELSON: My guess is that if all of us had to
3 fill out a form with the doctors we've seen since birth, they
4 would be quite incomplete.

5 MR. JOHN BEISNER: I'm not trying to lay blame on
6 this. I'm just simply saying the physicians have asked to see
7 those records because some of these physicians loomed rather
8 large in the interviews, and they want to see those reports
9 before they produce their reports.

10 JUDGE NELSON: Sure.

11 MR. JOHN BEISNER: And I think we can get this done
12 in a timely manner.

13 JUDGE NELSON: Great. Okay.

14 Anything else we should discuss?

15 **(None indicated.)**

16 JUDGE NELSON: All right. I should have looked at
17 the calendar. Do we all have in mind when the next conference
18 is? I don't think any of us have in mind when the next
19 conference is. That's okay. I'll take a look.

20 I am going to set up the conferences for 2017. I
21 have my secretary working on that so that we will make sure we
22 all have that in mind.

23 MR. CHARLES ZIMMERMAN: I'm sorry, I didn't hear
24 what you --

25 JUDGE NELSON: I know that we need to start to set

1 conferences for 2017, and I plan to do that shortly.

2 MR. BRIAN GUDMUNDSON: Your Honor, I believe it's
3 currently scheduled for 3 p.m. on October 28th --

4 JUDGE NELSON: Okay. Very good.

5 MR. BRIAN GUDMUNDSON: -- which is a Friday
6 afternoon.

7 JUDGE NELSON: Okay. Now, because we missed the
8 last conference, is that set at formal or informal?

9 MR. BRIAN GUDMUNDSON: Formal.

10 JUDGE NELSON: Is there any objection to that, or
11 would you prefer to change that to informal?

12 MR. CHARLES ZIMMERMAN: I don't know what -- the
13 Court schedule and Counsel's schedule, but that's a Friday
14 afternoon at 3:00 (laughter). If we have some flexibility --

15 JUDGE NELSON: Mr. Zimmerman, it's technically a
16 working hour (laughter).

17 MR. CHARLES ZIMMERMAN: Not for me, Your Honor.

18 MR. JOHN BEISNER: This is part of the atonement
19 process (laughter).

20 MR. CHARLES ZIMMERMAN: You know, we --

21 JUDGE NELSON: If you want to try to change that, we
22 can take a look.

23 MR. CHARLES ZIMMERMAN: Maybe a morning would be
24 good --

25 MR. STUART DAVIDSON: I think it can be skipped.

1 There's an informal on November 10th, Your Honor, maybe that's
2 the next best, if Mr. Beisner agrees. I just don't know that
3 there's going to be much else to discuss in two weeks.

4 JUDGE NELSON: All right. Why don't you get back to
5 me about whether we should have any conference and, if we do,
6 if you need to change the date.

7 MR. JOHN BEISNER: I think that's fine.

8 MR. CHARLES ZIMMERMAN: We'll talk about it.

9 MR. STEPHEN GRYGIEL: There's one other --

10 JUDGE NELSON: Come on up to the podium, please,
11 yeah.

12 MR. STEPHEN GRYGIEL: Just one point I think we're
13 all remiss in not bringing up. There was reference to the
14 Holy Day, and I'm fully appreciative of what that day is. But
15 it's a Holy Day in another way: The National Hockey League
16 season opens today, and I thought we should have that on the
17 record in this case (laughter).

18 JUDGE NELSON: Now your mother is really turning in
19 her grave, Mr. Zimmerman (laughter). All right.

20 Court is adjourned.

21 **(WHEREUPON, the matter was adjourned.)**

22 (Concluded at 10:02 a.m.)

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3 CERTIFICATE

4
5 I, Heather A. Schuetz, certify that the foregoing is
6 a correct transcript from the record of the proceedings in the
7 above-entitled matter.

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9 Certified by: s/ Heather A. Schuetz
10 Heather A. Schuetz, RMR, CRR, CRC, RSA
11 Official Court Reporter
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