

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-80736-CIV-KAM

JANE DOE,)
)
 PETITIONER,)
)
 -v-)
)
 UNITED STATES OF AMERICA,)
)
 RESPONDENT.) West Palm Beach, Florida
) March 1, 2016
)
 _____)

TRANSCRIPT OF TELEPHONIC STATUS CONFERENCE

BEFORE THE HONORABLE KENNETH A. MARRA

UNITED STATES DISTRICT JUDGE

Appearances:

FOR THE PETITIONER Bradley J. Edwards, ESQ.
Farmer Jaffe, et al., P.L.
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-and-

Paul G. Cassell, ESQ.

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1 (Call to the order of the Court.)

2 THE COURT: Good morning, everyone.

3 This is the case of Doe versus United States, Case
4 Number 08-80736-CIV-MARRA. I believe counsel have already
5 stated their appearance for the record. So thank you for
6 being available on short notice. And I'm sorry, Mr. Cassell,
7 that you had to get up so early out in Utah. I didn't mean to
8 inconvenience you.

9 MR. CASSELL: No problem at all, Your Honor.

10 THE COURT: So got a request from I believe the
11 parties to have this status conference to discuss possibly
12 sending this matter to mediation; is that correct?

13 MS. VILLAFANA: Yes, Your Honor.

14 THE COURT: So did you want to give me a little more
15 information, Ms. Villafana?

16 MS. VILLAFANA: Sure, Your Honor.

17 Mr. Edwards and I have been talking about trying to
18 resolve the case. We want to involve the petitioner, Jane Doe
19 number 1, in the mediation, in a way, you know, in a
20 meaningful way in our discussions, and it seems that mediation
21 was the best way to do it, preferably with a magistrate judge.

22 There is one issue related to her whereabouts.

23 And Mr. Edwards, why don't you address that.

24 MR. EDWARDS: Sure.

25 Currently, she's in a facility that she can't -- she

1 doesn't have permission to leave, and it's in Tampa. The
2 facility is a court-ordered rehabilitation facility. And with
3 a court order, she can get a furlough for a day in Tampa. The
4 only reason that I think it's necessary that you know this is
5 that I would-- the only way that we can make this happen is
6 if the magistrate judge that we're sent to is in that
7 jurisdiction, and it's over in Tampa.

8 THE COURT: Okay. And is there any objection from
9 the Government to doing that, going over to Tampa?

10 MS. VILLAFANA: No, Your Honor. We're happy to do
11 so.

12 THE COURT: All right. And would an order from me
13 be adequate to have the Jane Doe number 1 released from this
14 facility for that day, or do you need an order from the Court
15 that confined her or sent her to this facility?

16 MR. EDWARDS: What I understand is that if we have
17 an order from Your Honor, we can present it to the judge over
18 there, and the combination would serve our purpose.

19 THE COURT: All right. And are you together working
20 on agreeing upon a mediator from the Tampa area, or do you
21 want me to get involved in that?

22 MS. VILLAFANA: Your Honor, I think that the parties
23 believe that a magistrate judge would be better suited than a
24 private mediator. So I don't know if you are able to request
25 assistance from the Middle District for that purpose.

1 THE COURT: Well, I can make some inquiries. Two of
2 my law school classmates are district judges in Tampa. So I
3 might be able to make some inquiries to them and get some
4 assistance from them if you don't have any -- if no one has an
5 objection to me making those inquiries.

6 MR. EDWARDS: No, absolutely not. I think that
7 would be helpful.

8 MS. VILLAFANA: And the Government has no objection,
9 Your Honor.

10 THE COURT: All right. So why don't I make some
11 inquiries in the Middle District and get maybe a few names
12 from my contacts over there, and then I will provide them to
13 the parties, and then you can either attempt to agree, or if
14 you need me to make a decision, I'll appoint one.

15 Does that sound reasonable?

16 MR. EDWARDS: Absolutely.

17 MS. VILLAFANA: Absolutely, Your Honor.

18 THE COURT: Do you know what kind of a timeframe
19 you're thinking about in terms of trying to schedule this with
20 someone next week, two weeks, a month from now? What is the
21 timeframe you're looking at?

22 MR. EDWARDS: I hoping sometime in April. March is
23 very difficult to pull that off right now on our end.

24 THE COURT: So it's sufficiently down the road that
25 we -- everybody can work around a date?

1 MS. VILLAFANA: Yes, Your Honor. I'm sure that if a
2 date is selected in April, the parties can work out that --
3 the logistics.

4 MR. EDWARDS: Yeah.

5 MS. VILLAFANA: And I think the only thing that we
6 would ask from the government side is just that everything --
7 all of our deadlines be stayed until after the mediation takes
8 place.

9 MR. EDWARDS: And we're in agreement with that.

10 THE COURT: All right. Do we need an order to that
11 effect, or can we just leave it as a -- an agreement among the
12 parties that doesn't need to be formalized?

13 MR. EDWARDS: I don't think it needs to be
14 formalized, do you, Marie?

15 MS. VILLAFANA: I agree with Mr. Edwards. I don't
16 think we need an order, Your Honor.

17 THE COURT: All right. So let me, when I have the
18 chance -- I'm in the middle of a pretty intense trial right
19 now, so I may not have too much time in the next few days to
20 make some inquiries, but I will try in the next few days to
21 make inquiries, and as soon as I get some information that I
22 think is worth sharing with you, I'll do that.

23 Do we want -- can we do this informally through my
24 courtroom deputy contacting you, or one of my law clerks
25 contacting you and giving you the names of people, rather than

1 putting all this on the public record?

2 MR. EDWARDS: Yes, whatever's most convenient for
3 you, that's fine.

4 MS. VILLAFANA: Yes, that's fine with us, Judge.

5 THE COURT: So we'll number touch as soon as I've
6 got some additional information to share with you. All right?

7 MR. EDWARDS: Thank you very much, Your Honor.

8 THE COURT: So thank you for your willingness to try
9 and resolve this, and we'll be back in touch with you soon.

10 MS. VILLAFANA: Thank you for taking the time for
11 us, Your Honor.

12 THE COURT: You're welcome. Have a good day.

13 (Proceedings concluded.)

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Telephonic Status Conference

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(None.)

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CERTIFICATE

I, Stephen W. Franklin, Registered Merit Reporter, and
Certified Realtime Reporter, certify that the foregoing is a
correct transcript from the record of proceedings in the
above-entitled matter.

Dated this 31st day of MARCH, 2016.

/s/Stephen W. Franklin

Stephen W. Franklin, RMR, CRR