

LC9VMAXT

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 UNITED STATES OF AMERICA,

5 v.

20 CR 330 (AJN)

6 GHISLAINE MAXWELL,

7 Defendant.

Jury Trial

8 -----x

9 New York, N.Y.
10 December 9, 2021
11 9:00 a.m.

12 Before:

13 HON. ALISON J. NATHAN,

14 District Judge

15 APPEARANCES

16 DAMIAN WILLIAMS

17 United States Attorney for the
18 Southern District of New York

19 BY: MAURENE COMEY

20 ALISON MOE

21 LARA POMERANTZ

22 ANDREW ROHRBACH

23 Assistant United States Attorneys

24 HADDON MORGAN AND FOREMAN

25 Attorneys for Defendant

BY: JEFFREY S. PAGLIUCA

LAURA A. MENNINGER

-and-

BOBBI C. STERNHEIM

-and-

COHEN & GRESSER

BY: CHRISTIAN R. EVERDELL

Also Present: Amanda Young, FBI

Paul Byrne, NYPD

Sunny Drescher,

Paralegal, U.S. Attorney's Office

Ann Lundberg,

Paralegal, Haddon Morgan and Foreman

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1 (Trial resumed; jury not present)

2 THE COURT: All right. Matters to take up.

3 MS. COMEY: There were just a couple issues that we
4 wanted to put on the record, your Honor.

5 First, I've conferred with defense counsel, and they
6 have indicated that they are releasing Carolyn from recall. So
7 I understand that any sequestration order no longer applies to
8 her.

9 MR. PAGLIUCA: That's correct, your Honor.

10 THE COURT: All right. Thank you.

11 MS. COMEY: And then I also conferred with defense
12 counsel about Kimberly Meder and whether she would be permitted
13 to be in the courtroom for the remainder of trial. I'm told by
14 defense counsel that they have no objection; though, of course,
15 they may end up seeking to recall her in the defense case, but
16 that they have no objection to her being in the courtroom.

17 MR. EVERDELL: That's correct, your Honor.

18 THE COURT: Okay.

19 MS. COMEY: And then with respect to redacted 296,
20 which was the video of the Palm Beach residence, defense
21 counsel has been reviewing the redacted version that we sent
22 them on Tuesday. Once they have their position on its
23 admissibility, we will formally offer it.

24 MR. PAGLIUCA: Also correct, your Honor.

25 THE COURT: Great. Okay. Thank you.

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1 MR. EVERDELL: Just a few procedural things from the
2 defense.

3 I believe the next witness from the government is
4 going to be Tracy Chapell from Federal Express. And I have
5 some documents I can hand up to the Court. I have one exhibit
6 that I intend to introduce through Ms. Chapel which I've given
7 to the government; I can give the Court a copy. It's going to
8 be done in paper.

9 These are Federal Express invoices.

10 I'm going to offer them -- assuming they are allowed
11 to be admitted, I will offer them under temporary seal because
12 we haven't had the chance to go through and do all the
13 redactions. But we will do that as soon as we can and get the
14 Court a redacted copy so that that could be published publicly.
15 But for the moment, we'll have to do this under seal.

16 THE COURT: Is there going to be a lot of walking the
17 witness through the document?

18 MR. EVERDELL: No. Actually I'm just going to admit
19 them; no walking through, it's going to be for the jury's eyes
20 if they want to see it.

21 THE COURT: Okay. And so a redacted version for the
22 public by when?

23 MR. EVERDELL: If we could do it over the weekend,
24 because there's a decent number of records, and have them ready
25 by Monday, we could do that.

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1 THE COURT: Okay. Thank you.

2 MR. EVERDELL: I have a copy which I can hand up to
3 the Court now.

4 THE COURT: Sure. Thank you.

5 MR. EVERDELL: Your Honor, on that same score, we'd
6 like to be able to put folders under the jurors' chairs with
7 that exhibit in them that they would only be asked to open if
8 it's admitted.

9 MS. COMEY: No objection, your Honor.

10 THE COURT: Okay. Thank you.

11 MR. EVERDELL: I will take care of that.

12 Thank you, your Honor.

13 MS. MENNINGER: Good morning, your Honor.

14 THE COURT: Good morning, Ms. Menninger.

15 MS. MENNINGER: A couple of issues.

16 I've conferred with the government, and I believe we
17 have agreement. I would like to just put them on the record
18 prior to the testimony of Annie Farmer. She is not testifying
19 anonymously, your Honor. Therefore, my plan is to use the
20 counsel screen as one normally would in these situations,
21 rather than so much of the paper. But we have binders in the
22 event someone wants to look at the whole set, for the Court,
23 the government for any impeachment materials, and for the
24 witness.

25 THE COURT: Correct to assume that none of the

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1 documents you'll show her have the full or real names of the
2 other witnesses testifying under pseudonym?

3 MS. MENNINGER: Right, your Honor. I don't think they
4 had any interaction with one another. I don't believe there's
5 anything in here that references anyone else.

6 THE COURT: Okay.

7 MS. MENNINGER: Your Honor, there is a substantial
8 amount of hearsay, both within the record and also in the
9 public domain as between Annie Farmer and her sister Maria
10 Farmer. I've conferred with the government that there won't be
11 hearsay being offered from Maria Farmer, with the exception of
12 at least one place I know where it's in effect on the listener
13 that Annie traveled to New York because her sister told her to
14 come there. But outside of that, we have agreed that we're not
15 having -- there's no other hearsay exception that applies to
16 Maria Farmer's statements.

17 Within that subset, your Honor, there has been a
18 contention by Maria Farmer that nude photographs or provocative
19 photographs were stolen from her. None were found when
20 Mr. Epstein's home was searched. That, again, would be hearsay
21 from Maria and is not planning to be a part of the government's
22 case or the defense's cross.

23 And lastly, your Honor, because Ms. Farmer is herself
24 a practicing therapist, psychologist, she has made a number of
25 statements publicly about her opinions on the topic of

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1 grooming. As she was not endorsed, obviously, under 702, I
2 expect that she will not use that word or give anything that
3 sounds like an opinion along those lines. She's here as a fact
4 witness, your Honor. And the government has agreed they don't
5 intend to offer any opinion testimony from her.

6 THE COURT: Great. Thank you.

7 MS. POMERANTZ: That all sounds accurate, your Honor.

8 THE COURT: Thank you, Ms. Pomerantz.

9 What else to take up?

10 MR. PAGLIUCA: Your Honor, if I might, I don't know if
11 the Court wants to take this up now, but I'll just give this as
12 a preview for later.

13 The government has endorsed Mr. Buscemi as a, as I
14 understand it, summary witness. This is a 1006 issue. As I
15 understand it, I don't believe that this is an appropriate
16 summary witness under 1006. As I understand it, the purpose is
17 to talk about testimony or pieces of evidence that have been
18 admitted, specifically not to analyze any complex records or
19 other business transactions or phone records or things like
20 that. So I just wanted to give the Court a heads-up on that.
21 I'm not exactly sure precisely what he's being offered to
22 testify about, but I expect that there will be an objection to
23 that testimony before it happens.

24 THE COURT: Who will I hear from?

25 MS. MOE: Yes, your Honor.

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1 As we explained to the defense this morning, we
2 anticipate calling Special Agent Michael Buscemi as a summary
3 witness, as is common in this district. His testimony will be
4 limited to his analysis of exhibits; he won't be analyzing
5 testimony of other witnesses.

6 There are a number of exhibits in this case which have
7 not yet been published or reviewed during the course of this
8 case; and so we anticipate fairly brief testimony from Special
9 Agent Buscemi about his review of several exhibits.

10 In short, the testimony will concern, among other
11 things, the message pads, the majority of which have not been
12 published or viewed by the jury at this point. And the purpose
13 of the testimony is to connect up several exhibits and review
14 them in a way to make those exhibits clear to the jury and
15 publish them to show, for example, the continuity of certain
16 phone numbers and names, where they change over time, where
17 they are in the message books in order to make that clear for
18 the jury.

19 I anticipate that the testimony from Special Agent
20 Buscemi would be likely something like 15 to 20 minutes, maybe
21 slightly more, again, just talking about exhibits and the
22 similarity of phone numbers and names between a variety of
23 different exhibits. That's the scope of his testimony.

24 Our view is that's consistent with the way summary
25 witnesses are called in many trials in this district and

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1 doesn't exceed the scope of the ordinary practice.

2 THE COURT: Let's take the specific example that
3 you've given on message pads. So just give me an example of
4 the kind of testimony he would provide there.

5 MS. MOE: Yes, your Honor.

6 So, for example, within the message pads, we published
7 yesterday, I think, just either two or three specific messages
8 that had a first and last name of someone and a phone number.
9 But elsewhere throughout the message pads, there appear entries
10 that only have a first name, and sometimes that entry is, for
11 example, Carolyn and sometimes it's Caroline. But when you
12 compare the phone numbers -- and there are a variety of
13 different phone numbers throughout the book -- it becomes clear
14 that Caroline is the same Carolyn, first and last name, as some
15 of the other messages, because there's continuity between the
16 phone numbers.

17 And there are a variety of different phone numbers
18 throughout the exhibits with different names like Carolyn,
19 Caroline, and Carolyn with a last name. And reviewing them and
20 analyzing them makes it clear throughout the books and across a
21 variety of different dates that we're talking about the same
22 person. And so that facilitates both publishing the exhibits
23 so that the jury can see them for the first time, and doing
24 that in a way that sort of connects up those different
25 exhibits. And so that's the purpose of that testimony.

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1 THE COURT: Let's take that example, Mr. Pagliuca.

2 MR. PAGLIUCA: Your Honor, the problem, I think, is
3 that it is simply highlighting a specific piece of evidence;
4 that this is summation, essentially, and not witness testimony.
5 The witness has no personal knowledge of the phone calls. The
6 witness is simply comparing this to that, which is what should
7 be done in summation or should have been done with the witness
8 who actually was the testifying witness with the exhibit.

9 So this could have been done, you know, with
10 Ms. Hesse, for example. You have that message pad? Yes.
11 Compare that message pad with this particular record. Are
12 those the same phone numbers? I suppose that could happen.

13 Or with Carolyn, could have been asked, Is that your
14 phone number? Does that match the record?

15 This is simply an FBI agent who's going to take those
16 pieces of evidence selectively and then talk about them; this
17 matches this, this matches that. I don't believe that's
18 appropriate under 1006, which is, you know, the rule that
19 allows for summary exhibits, for example, but does not allow
20 for summary testimony of things that have already been admitted
21 into evidence.

22 Certainly in the government's closing argument they
23 can do this and they can make whatever arguments they want.
24 But this is simply a closing argument through a summary witness
25 in the middle of a trial before a very long break, and I just

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1 don't think it's appropriate under these circumstances.

2 THE COURT: This agent, what was his role in the
3 investigation?

4 MS. MOE: Your Honor, this agent's role was limited to
5 analyzing these records in preparation for trial.

6 Your Honor, in particular because these exhibits
7 contain identifying phone numbers and names, we feel more
8 comfortable publishing these exhibits with an agent, as opposed
9 to asking lay witnesses to review government exhibits for us in
10 order to facilitate that testimony. Our preference is to
11 publish this with an agent to do this carefully and
12 thoughtfully so that we're able to publish the exhibits before
13 the jury without exposing any identifying information.

14 It's very streamlined testimony, your Honor. We're
15 talking about exhibits the jury hasn't yet seen that haven't
16 been published. It's not duplicative of anything that's
17 already happened at the trial. And in particular, because
18 closings will be maybe as long as two weeks from now, we think
19 the jury should see these exhibits now; they have not yet been
20 published.

21 THE COURT: That's a little bit of the problem.

22 Typically, in my experience, the summary agent witness
23 is the agent who talks about what he did in the investigation,
24 and that helps draw out complicated document comparators and
25 the like, not somebody who's just effectively doing a mini

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1 closing.

2 MS. MOE: Your Honor, we often call summary witnesses
3 who are not involved in the investigation who are just talking
4 about their analysis of records. The purpose here isn't to
5 have the summary witness talk through the investigation or
6 investigative steps, but to talk about a review of exhibits.
7 And I have called agents to do just that.

8 THE COURT: But for the purposes of doing what 1006
9 permits, that's not what this is. I've seen it in two
10 contexts: One, 1006 you've got a complicated, extensive set of
11 records that are being summarized via a witness. And then
12 you've got investigative summary witnesses who talk through
13 factually what they did in a sense. And you're not doing
14 either of those; you're providing essentially a closing
15 argument or mini closing argument via a witness who has no
16 personal involvement in the investigation and doing so, sounds
17 like, with materials that don't require the type of 1006
18 summary.

19 So you've created, I think, a little bit of a hybrid
20 of certainly what I've seen those two exemplars, for them to be
21 used. And so it just does sound like argument, summation, and
22 the kind of thing that -- I mean, it's certainly true you could
23 have done it with the witnesses. At some point I might have
24 said, Save it for summation, counsel. But I can't say I've
25 ever seen a version like this.

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1 MS. MOE: Yes, your Honor.

2 I have in trials in this district called summary
3 witnesses who helped publish and connect up facts across
4 exhibits without creating summary charts under Rule 1006. I
5 think this testimony --

6 THE COURT: You're not offering him under 1006?

7 MS. MOE: That's correct, your Honor.

8 THE COURT: And he isn't involved in the
9 investigation.

10 MS. MOE: That's correct, your Honor.

11 We'd just like an opportunity to publish these
12 exhibits in a way that facilitates the jury seeing them without
13 doing this through lay witnesses where there are complications
14 about reading things out loud, so that it's streamlined and
15 efficient so the jury can see the evidence that's been
16 admitted. We think that's appropriate.

17 THE COURT: Why not just do it in closing?

18 MS. MOE: Your Honor, I think to rest our case and
19 have the jury not see some of the evidence in this case, our
20 preference would be --

21 THE COURT: The one thing I've seen that it sounds
22 like you're saying is actually not with a witness, but a bunch
23 of documents come in, and then the government spends a little
24 bit of time just publishing, publish this and publish that.

25 Again, I've never seen -- never seen -- an agent, a

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1 law enforcement agent, who had no involvement in the
2 investigation of the case and who isn't providing testimony
3 essentially pursuant to 1006.

4 MS. MOE: Your Honor, if the Court's preference is for
5 us to, without a person on the stand, just ask the jury to turn
6 from one exhibit to another to another, we can do that. I
7 think that is slightly more awkward than facilitating that
8 through a witness and pointing out the connections between two
9 things.

10 THE COURT: Right. But the witness is providing
11 testimony over which they have no personal knowledge. You're
12 simply asking them to do the work of the government in the
13 closing.

14 So, Mr. Pagliuca, do you have any objection to the
15 government publishing a few documents, going to a few points,
16 and then we move on, without a witness?

17 MR. PAGLIUCA: I don't understand that process, I
18 guess, your Honor. We're simply going to -- is this with a
19 witness or without a witness?

20 THE COURT: Without a witness.

21 MR. PAGLIUCA: We're simply going to say, The
22 government would like the jury to look at this and then look at
23 that?

24 THE COURT: Yes.

25 MR. PAGLIUCA: I do object to that process, your

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1 Honor. This is classically what someone would do in a closing
2 argument. You can put this in a Power Point and put up a
3 screen that shows this, and then put up a screen that shows
4 that, and then make an argument about it.

5 And if they wanted to elicit this testimony, it should
6 have been done, I believe, with a witness that then could be
7 cross-examined substantively about what was being discussed.

8 This witness, Mr. -- if I'm saying it correctly,
9 Mr. Buscemi, can't be cross-examined substantively about
10 anything; all he's going to be able to say would be, I looked
11 at this, and I looked at that, and I looked at this, I looked
12 at that, and those are the exhibits.

13 So I guess I'm a little confused about the process,
14 where one would just look at a jury and say, Look at this and
15 then look at that. And I don't understand why that isn't, sort
16 of, impermissibly highlighting certain pieces of evidence. And
17 then, you know, am I allowed to get up and say, Why don't you
18 look at this and why don't you look at that? It just seems
19 rather awkward to me to be doing it in that fashion.

20 MS. MOE: Your Honor, that's why we propose doing this
21 with a witness, to avoid any, sort of, awkwardness. But I
22 don't understand the objection to publishing items that are in
23 evidence that the jury has not yet seen. Again, our hope was
24 for this to be very streamlined; but I understand the Court's
25 concerns.

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1 THE COURT: Right. It's a streamlined version of the
2 closing argument. And again, I'm not aware -- I'm not aware --
3 certainly seen summary with investigative officers. That's not
4 this. And I've seen officers who are analyzing complicated
5 data under 1006 provide that to the jury. That's not this.
6 And I've seen, when the evidence comes in, the government spend
7 a fair amount of time -- as you've done with some exhibits --
8 going through piece by piece in order to highlight and draw
9 certain connections.

10 I'm not going to let you do it through a witness who
11 has no personal experience. I think you do it in closing.
12 That's what this is, it's closing argument.

13 MS. MOE: Understood, your Honor.

14 THE COURT: Okay. What else?

15 MR. PAGLIUCA: I think the only open issue that I'm
16 aware of, your Honor, is the Exhibit 52 issue.

17 THE COURT: Yes. I got the briefing at 9:45, so 15
18 minutes early finished, I appreciate it. And I am still
19 dotting my i's and crossing my t's. I think we don't need it
20 till the government is prepared to rest; is that right?

21 MS. COMEY: That's correct, your Honor.

22 THE COURT: You agree with that?

23 MR. PAGLIUCA: Yes, your Honor.

24 THE COURT: Anything else to take up now?

25 MR. PAGLIUCA: Not from the defense, your Honor.

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1 THE COURT: On scheduling, needless to say, I didn't
2 send you a draft of the charge last night. I think my thinking
3 is if the government rests today or tomorrow, which sounds like
4 what we anticipate, I'll use the remainder of tomorrow, one, to
5 hear the defense motions; and two, for me to work on the charge
6 on my own, having already received your drafts.

7 And then I'll send it to you at some point in advance
8 of a charging conference, which we'll do next week. And again,
9 I'm open to you telling me whether you want to do it in the
10 evenings after testimony or on Saturday. I think really the
11 analysis there depends on what the defense now anticipates as
12 the length of its case.

13 So are you in a position to give any additional
14 estimate as to that?

15 MR. PAGLIUCA: We don't, your Honor.

16 I think we're hoping to take this evening and tomorrow
17 to put those pieces together, and then provide the Court and
18 the government with that analysis.

19 THE COURT: Okay. Ms. Sternheim.

20 MS. STERNHEIM: May I just say, I think it is our
21 thinking at the moment that if we are going to be using the
22 trial days, that our preference would be to Saturday for a
23 charge conference. It seems that it would just be a more
24 focused time.

25 THE COURT: I think really the only reason not to do

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1 that -- and, as I said, I wanted to have agreement from both
2 sides on it. But the reason not to do that would be if we
3 might get to closings before the following Monday. And that's
4 why it's really -- because if we will get to closings before
5 the following Monday, the charge needs to be done before then.

6 MS. STERNHEIM: Of course. And we will update the
7 government and the Court with regard to scheduling.

8 THE COURT: Okay.

9 So I think if there's a chance that the defense either
10 won't put on a case or would rest before Friday, then we should
11 do the charge conference Thursday night. So that's the
12 question.

13 MR. PAGLIUCA: Understood, your Honor.

14 THE COURT: Okay.

15 Does the government have any preference or views on
16 that?

17 MR. ROHRBACH: The government has no preference. That
18 makes sense to us. Thank you, your Honor.

19 THE COURT: Okay. Great. Yes.

20 MS. COMEY: Your Honor, in connection with the defense
21 case, I do think there's still the outstanding issue of the
22 subpoena to Mr. Glassman.

23 THE COURT: Yes. I was looking at that last night as
24 well. And I have a question and a little bit of a proposal,
25 see if we can get back to a magical moment. It's a difficult

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1 issue and it's close, I'll admit, based on where I am now. I
2 think it's close.

3 But what I'm wondering is if what the defense
4 essentially needs to make the arguments it wants to make is
5 testimony from Mr. Glassman that he told the government that he
6 told Jane that some form of cooperation or testimony would help
7 her case. That question might have some evidentiary issues,
8 but it's not an attorney-client privilege issue.

9 I think the answer to that question basically gets the
10 defense what it's looking for without infringing on
11 attorney-client privilege. And so I'd like you to consider a
12 proposal in which the testimony that you're seeking is limited
13 to that and, depending on the parties' views and Mr. Glassman's
14 views, if that is the limit of the testimony, whether it could
15 be through stipulation.

16 So you'll consider that.

17 MS. COMEY: Yes, your Honor.

18 MR. PAGLIUCA: We will, your Honor.

19 THE COURT: Okay. All right.

20 Anything else I can take up?

21 We're checking on our jurors.

22 MR. EVERDELL: Nothing from the defense, your Honor.

23 THE COURT: I'm sorry.

24 So you put in the letters to me last night on 52.

25 You'll docket those today?

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1 MR. ROHRBACH: Yes, your Honor. The government has a
2 few proposed redactions to its letter; so we will propose those
3 redactions and docket a version that implements those
4 redactions subject to the Court's ruling on them.

5 THE COURT: Okay. Remember, my basic view is get it
6 on the docket and then propose your redactions so that I'm
7 not -- put it on the docket with your proposed redactions and
8 I'll let you know if it should be redacted less.

9 MR. ROHRBACH: Yes, your Honor. And we will do that
10 today.

11 THE COURT: Okay. And same for -- I think you were
12 just waiting to see if the government had proposed redactions,
13 is that --

14 MR. PAGLIUCA: That's correct, your Honor.

15 I think we can mirror the government's redactions. I
16 have to just think about whether the Exhibit A, I think it was,
17 that was attached and then responded to, I think we need to
18 think about how that gets redacted. And I think likely my view
19 would be the entirety of it gets redacted.

20 THE COURT: Okay. I will consider that.

21 Anything else?

22 MR. ROHRBACH: Nothing from the government.

23 MR. EVERDELL: No, your Honor.

24 THE COURT: All right. We're missing a couple jurors,
25 but I suspect they'll be here soon.

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Chapell - direct

1 We'll take a break and start as soon as they're here.

2 Thank you.

3 (Recess)

4 THE COURT: Anything to take up before we bring in the
5 jury?

6 MR. ROHRBACH: Nothing from the government, your
7 Honor.

8 MR. EVERDELL: Nothing from the defense, your Honor.

9 THE COURT: Okay. We'll bring in the jury please.

10 (Jury present)

11 THE COURT: Good morning, members of the jury.

12 Hope you had a good of evening. Thank you again for
13 your continued diligence, punctuality, and patience.

14 Mr. Rohrbach, the government may call its next
15 witness.

16 MR. ROHRBACH: The government calls Tracy Chapell.

17 THE COURT: Tracy Chapell may come forward.

18 TRACY CHAPPELL,

19 called as a witness by the Government,

20 having been duly sworn, testified as follows:

21 THE COURT: Thank you, Ms. Chapell.

22 Mr. Rohrbach, you may inquire.

23 DIRECT EXAMINATION

24 BY MR. ROHRBACH:

25 Q. Good morning, Ms. Chapell.

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Chapell - direct

1 A. Good morning.

2 Q. Ms. Chapell, where do you work?

3 A. Federal Express Corporation.

4 Q. How long have you worked there?

5 A. One year.

6 Q. What's your position at Federal Express?

7 A. Senior paralegal.

8 THE COURT: Mr. Rohrbach, could you pull the mic up a
9 little please. Thank you.

10 MR. ROHRBACH: Of course. I apologize, your Honor.

11 THE COURT: Thank you.

12 Q. And what are your duties and responsibilities as a senior
13 paralegal at FedEx?

14 A. To respond to subpoenas and produce the records of Federal
15 Express.

16 Q. And as part of your job, are you familiar with Federal
17 Express's recordkeeping practices?

18 A. Yes.

19 Q. In particular, are you familiar with the business practices
20 regarding billing invoices?

21 A. Yes.

22 Q. How are billing invoices generated?

23 A. They are generated through the scanning events and then
24 populated through the revenue service department.

25 Q. Can you explain what you mean by scanning events?

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Chapell - direct

1 A. Well, each movement of the package is scanned so it can be
2 tracked through the system as to where the package is. Once it
3 meets the final delivery spot, then that final scan will
4 generate an invoice.

5 Q. What sort of information is contained in an invoice?

6 A. The account number, the invoice number, the invoice date,
7 the account holder information, and the amount of the shipment.

8 Q. Does FedEx keep billing invoices in the ordinary course of
9 business?

10 A. Yes.

11 Q. And is making invoices a regular practice of FedEx?

12 A. Yes.

13 Q. Ms. Chapell, in the binder next to you, would you please
14 look at what's been marked for identification as Government
15 Exhibit 801.

16 Do you recognize this?

17 A. Yes.

18 Q. What is it?

19 A. It's a invoice on Jeffrey E. Epstein's account.

20 Q. Have you reviewed this before today?

21 A. Yes.

22 Q. Is it a fair and accurate copy of an invoice held by FedEx?

23 A. Yes.

24 MR. ROHRBACH: Your Honor, the government offers
25 Government Exhibit 801 under seal to protect third-party and

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Chapell - direct

1 pseudonym-protected witnesses, and Government Exhibit 801-R not
2 under seal.

3 MR. EVERDELL: No objection.

4 THE COURT: All right. GX-801 is admitted under seal
5 for the reason indicated. And 801-R is admitted as a public
6 exhibit.

7 (Government's Exhibits 801, 801-R received in
8 evidence)

9 BY MR. ROHRBACH:

10 Q. Ms. Chapell, would you turn to Government Exhibit 802,
11 what's been marked for identification as Government Exhibit 802
12 in your binder.

13 A. Okay.

14 Q. And do you recognize this?

15 A. Yes.

16 Q. What is it?

17 A. Invoice on Jeffrey E. Epstein's account.

18 Q. Have you reviewed this before today?

19 A. Yes.

20 Q. And is it a fair and accurate copy of the version held by
21 FedEx?

22 A. Yes.

23 MR. ROHRBACH: Your Honor, the government offers
24 Government Exhibit 802 under seal for the same reasons, and
25 Government Exhibit 802-R without any sealing.

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Chapell - direct

1 MR. EVERDELL: No objection.

2 THE COURT: All right. 802 is admitted under seal for
3 the reason indicated. 802-R is admitted as a public exhibit.

4 (Government's Exhibits 802, 802-R received in
5 evidence)

6 BY MR. ROHRBACH:

7 Q. And finally, Ms. Chapell, would you turn to what's been
8 marked for identification as Government Exhibit 803.

9 A. Okay.

10 Q. Do you recognize this?

11 A. Yes.

12 Q. And what is it?

13 A. Invoice on Jeffrey E. Epstein's account.

14 Q. Have you reviewed it before today?

15 A. Yes.

16 Q. And is this a fair and accurate copy of the version held by
17 Federal Express?

18 A. Yes.

19 MR. ROHRBACH: Your Honor, the government offers
20 Government Exhibit 803 under seal for the same reasons, and
21 Government Exhibit 803-R to the public.

22 MR. EVERDELL: No objection.

23 THE COURT: GX-803 is admitted under seal; 803-R is
24 admitted as a public exhibit.

25 (Government's Exhibits 803, 803-R received in

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Chapell - direct

1 evidence)

2 MR. ROHRBACH: With your Honor's permission, may I
3 publish the documents?

4 THE COURT: Yes, you may publish the R versions.

5 MR. ROHRBACH: Yes.

6 Ms. Drescher, will you please pull up Government
7 Exhibit 801-R for everyone.

8 BY MR. ROHRBACH:

9 Q. Ms. Chapell, would you please turn to Government Exhibit
10 801 in your binder.

11 MR. ROHRBACH: And with the Court's permission, I
12 would ask that the jury be instructed to turn to Exhibit 801 in
13 their binders.

14 THE COURT: Okay. Is it the large binder?

15 MR. ROHRBACH: My understanding, there's one binder.

16 THE COURT: Okay. The only binder, 801 -- GX-801,
17 please.

18 Q. Now that we're looking at it, Ms. Chapell, who is the
19 account holder on this invoice?

20 A. Jeffrey E. Epstein.

21 Q. And turning now to page 5 of the invoice and looking at the
22 top row of the invoice.

23 A. Okay.

24 Q. Who is the sender of this package?

25 A. S. Kellen, and underneath it's Jeffrey E. Epstein.

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Chapell - direct

1 Q. And what is the sender address?

2 A. It is 457 Madison Avenue, New York, New York, 10022.

3 Q. And without saying any names, without saying the last name
4 of the recipient, what is the first name of the recipient?

5 A. Carolyn.

6 Q. And where is the city and state of the delivery?

7 A. West Palm Beach, Florida.

8 Q. Thank you.

9 MR. ROHRBACH: And with the Court's permission, I
10 would ask the jurors to hold their place here and turn to
11 Government Exhibit 11 for a moment, which is in evidence.

12 MR. EVERDELL: No objection.

13 THE COURT: All right.

14 Please look at GX-11, and then turn back to this page.

15 MR. ROHRBACH: And on GX-11 we would direct the jury's
16 attention to the date of birth.

17 THE COURT: Okay. Okay.

18 So you've looked at GX-11.

19 And then you'll go back to GX-803.

20 MR. ROHRBACH: 801, your Honor.

21 THE COURT: I'm sorry. 801. Apologies.

22 BY MR. ROHRBACH:

23 Q. Ms. Chapell, what is the date that this package was sent?

24 A. It was picked up to be shipped on December 3rd, 2002.

25 Q. Keeping in mind the recipient's address, Ms. Chapell, I'd

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Chapell - direct

1 like to turn to Government Exhibit 802 and to the eighth page.
2 And looking at the middle row, does the recipient have the same
3 address as the recipient we were just looking at?

4 A. Yes.

5 MR. ROHRBACH: Your Honor, if they haven't already
6 done so, we'd ask the jury to turn to Government Exhibit 802.

7 THE COURT: Okay. Please turn to GX-802.

8 Q. Ms. Chapell, directing your attention to the middle row on
9 this page, who is the sender of this package?

10 A. J. Epstein.

11 Q. And what is the address?

12 A. 457 Madison Avenue, New York, New York.

13 Q. And would you spell the first name of the recipient here?

14 A. C-A-R-D-I-N-E.

15 Q. And what is the city and state?

16 A. West Palm Beach, Florida.

17 Q. On what date was this package sent?

18 A. December 12th, 2002.

19 MR. ROHRBACH: And finally, your Honor, I would like
20 to turn the jurors' attention to Government Exhibit 803.

21 THE COURT: Okay. You may turn to 803, please.

22 Q. And Ms. Chapell, if you would please do the same. And
23 turning to page 6 of this document and directing your attention
24 to the bottom row, Ms. Chapell, who is the sender of this
25 package?

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Chapell - cross

1 A. Cecilia Steen.

2 Q. Are there any other names listed?

3 A. Yes, Jeffrey E. Epstein.

4 Q. What is the shipping address?

5 A. 457 Madison Avenue, New York, New York.

6 Q. Without saying the last name, what is the first name of the
7 recipient?

8 A. Caroline.

9 Q. What is the city and state of the recipient?

10 A. West Palm Beach, Florida.

11 Q. What is the date of this package?

12 A. October 7th, 2002.

13 Q. Thank you.

14 MR. ROHRBACH: No further questions, your Honor.

15 THE COURT: Okay. Mr. Everdell.

16 MR. EVERDELL: Thank you, your Honor.

17 THE COURT: You may put your binders down. Thank you.

18 MR. EVERDELL: May I inquire, your Honor?

19 THE COURT: You may.

20 CROSS-EXAMINATION

21 BY MR. EVERDELL:

22 Q. Good morning, Ms. Chapell.

23 A. Good morning.

24 Q. You just testified about a few invoices from Federal

25 Express that were provided to you by the government; is that

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Chapell - cross

1 right?

2 A. Correct.

3 Q. And you testified that they were associated with a FedEx
4 account of Jeffrey Epstein, right?

5 A. Yes.

6 Q. And all of those -- three of those invoices that we just
7 looked at, Government's Exhibit 801, 802, and 803, were from
8 the last few months of 2002; is that right?

9 A. Yes.

10 Q. And those invoices each showed shipments for roughly a few
11 week to a month period of time, right?

12 A. Correct.

13 Q. I just want to look at a few of those invoices that we
14 looked at. I'm going to start with Government's Exhibit 803,
15 and I'm going to direct your attention to page 6 of 9.

16 MR. EVERDELL: With the Court's permission, I'll have
17 the jurors look in the same binder at Government's 803.

18 THE COURT: Yes.

19 Members of the jury, please look at GX-803.

20 MR. EVERDELL: And just directing the jurors'
21 attention to page 6 of 9.

22 THE COURT: Page 6. Okay. 803, page 6.

23 MR. EVERDELL: Actually, I apologize. If we can just
24 first start with page 1 just so we can orient ourselves.

25 THE COURT: Okay.

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Chapell - cross

1 BY MR. EVERDELL:

2 Q. So, Ms. Chapell, if you look at page 1. So we're looking
3 here on Government's Exhibit 803-R at the invoice dated October
4 14th, 2002, right?

5 A. Correct.

6 Q. And as you said before, this is an invoice that's
7 associated with an account, the FedEx account of Jeffrey
8 Epstein, right?

9 A. Yes.

10 Q. And if you look up at that top left-hand corner, you see
11 the billing account shipping address, right?

12 A. Yes.

13 Q. And it says Jeffrey E. Epstein, 457 Madison Avenue, New
14 York, New York, 10022, right?

15 A. Yes.

16 Q. That's the address associated with this account for billing
17 purposes, right?

18 A. Correct.

19 Q. Now, I want you to skip to the page I mentioned before,
20 page 6 of 9. All right. Now, I think if you look down at the
21 last transaction on that page, that's a shipment that was sent
22 out or was picked up for shipment on October 7th of 2002,
23 right?

24 A. Yes.

25 Q. And do you see the information that's over on the left-hand

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Chapell - cross

1 side under the heading "Sender"?

2 A. Yes.

3 Q. That information says Cecilia Steen; is that right?

4 A. Yes.

5 Q. And it has then Jeffrey E. Epstein and the address 457
6 Madison Avenue, right?

7 A. Yes.

8 Q. And that is the information that is present on the FedEx
9 slip that goes with the package, right?

10 A. Correct.

11 Q. So whatever information is filled out on the slip that gets
12 attached to the FedEx package is what appears under "Sender,"
13 right?

14 A. Correct.

15 Q. Okay. And you see that this, the recipient here -- and I'm
16 not asking you to say her full name, but the first name of the
17 recipient here is Caroline; is that right?

18 A. Correct.

19 Q. And I think you mentioned the city and state, is that
20 right, of where this was going?

21 MR. EVERDELL: May I confer?

22 THE COURT: Yes.

23 (Counsel conferred)

24 Q. You said that this was going to West Palm Beach, Florida,
25 right?

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Chapell - cross

1 A. Correct.

2 Q. Okay. And I just want to refer back to the sender though,
3 okay. That sender says that the package was sent by Cecilia
4 Steen; correct?

5 A. Correct.

6 Q. It goes without saying that Cecilia Steen is not Ghislaine
7 Maxwell; correct?

8 A. Correct.

9 Q. Okay. And that is the only transaction on this invoice
10 that the government showed you to discuss in your direct
11 testimony, right?

12 A. Correct.

13 Q. I want to show you another transaction on this invoice. If
14 you can go to page 7 of 9.

15 A. Okay.

16 Q. And I want to show you the transaction in the middle of the
17 page, the middle of the three. Do you see that one?

18 A. Yes.

19 Q. That is also a shipment that was picked up for shipment the
20 same day, October 7th of 2002, right?

21 A. Correct.

22 Q. And that is the same day as the package we just looked at
23 that was sent by Cecilia Steen on the page before, isn't it?

24 A. Yes.

25 Q. All right. Well, looking at this one, you see the

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Chapell - cross

1 recipient there is one named Casey Wasserman, right?

2 A. Correct.

3 Q. And you see the sender information on this shipment;
4 correct?

5 A. Correct.

6 Q. And the sender there is listed as Ghislaine Maxwell; is
7 that right?

8 A. Correct.

9 Q. And then, of course, there's the information below, Jeffrey
10 Epstein, 457 Madison Avenue.

11 A. Yes.

12 Q. Okay. It goes without saying that -- well, I shouldn't say
13 "goes without saying."

14 There is no other transaction or there is no
15 transaction on this invoice we're looking at where someone
16 named Ghislaine Maxwell is sending a package to anyone named
17 Carolyn; correct?

18 A. Correct.

19 Q. Okay. Let's look at the next one. This is government's
20 801. And I'm doing this because I believe this goes
21 chronologically in order, right. The one we just looked at was
22 October, right?

23 A. Yes.

24 Q. So let's look at 801.

25 MR. EVERDELL: And the jurors can do the same, with

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Chapell - cross

1 the Court's permission.

2 THE COURT: Yes.

3 Q. And we'll go to the first page of 801-R.

4 So, Ms. Chapell, do you have that?

5 A. Yes.

6 Q. So this is an invoice from December 16th of 2002, right?

7 A. Yes.

8 Q. So that's just roughly two months after the invoice we just
9 saw?

10 A. Yes.

11 Q. And it's the same billing information, it's the same
12 account we're looking at?

13 A. Yes.

14 Q. That's the account of Jeffrey Epstein at 457 Madison
15 Avenue, right?

16 A. Correct.

17 Q. All right. Let's take a look at page 5.

18 Do you have that page, Ms. Chapell?

19 A. Yes.

20 Q. All right. This is the transaction that you were shown by
21 the government to discuss, right?

22 A. Yes.

23 Q. And this shows a shipment that was picked up for shipment,
24 FedEx package that was picked up for shipment on December 3rd
25 of 2002, right?

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Chapell - cross

1 A. Yes.

2 Q. And here the recipient -- again, I'm just going to use
3 first names here. The recipient is Carolyn, right?

4 A. Correct.

5 Q. That was going to West Palm Beach, Florida, as well?

6 A. Yes.

7 Q. All right. But you see over at the sender information;
8 correct?

9 A. Yes.

10 Q. The sender is listed as S. Kellen, right?

11 A. Correct.

12 Q. Do you know who S. Kellen is?

13 A. No.

14 Q. Okay. Safe to say that S. Kellen is not Ghislaine Maxwell,
15 right?

16 A. No.

17 Q. Okay. Now, you were shown this transaction by the
18 government, right?

19 A. Correct.

20 Q. I want to point you to a different transaction in the same
21 invoice.

22 MR. EVERDELL: If we can go to page 6, the next page.

23 Q. And I want you to look at the bottom of that page, the last
24 transaction.

25 A. Okay.

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Chapell - cross

1 Q. That is a shipment, a FedEx package that was picked up for
2 shipment on December 9th, 2002, right?

3 A. Correct.

4 Q. And you see that the recipient of that package is someone
5 named Lisa Anasrons is how it's spelled?

6 A. Yes.

7 Q. And the sender of that is G. Maxwell; correct?

8 A. Correct.

9 Q. And safe to say that this is not a package going to anybody
10 named Carolyn, right?

11 A. It is not.

12 Q. It's going to Lisa Anasrons, whoever that may be, right?

13 A. Correct.

14 Q. Okay. Let's look at another one from this invoice, page 8.
15 I'll ask you to look at both of these transactions, if we
16 could. These are both FedEx packages that were picked up for
17 shipment on December 10th of 2002; correct?

18 A. Correct.

19 Q. And if we look at the first one, the recipient there is
20 listed there as Isabel Maxwell?

21 A. Yes.

22 Q. And the sender is G. Maxwell?

23 A. Yes.

24 Q. And if you look down at the next one, the recipient there
25 is Ron Burckle, right?

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Chapell - cross

1 A. Yes.

2 Q. And again, sender of that package same day is G. Maxwell,
3 right?

4 A. Correct.

5 Q. And in both the sender -- again, we have that information,
6 Jeffrey Epstein, 457 Madison Avenue, right?

7 A. Yes.

8 Q. So the first package looks like it's going to Isabel
9 Maxwell, and the second going to Ron Burckle, right?

10 A. Yes.

11 Q. Neither one of those is named Carolyn; correct?

12 A. Correct.

13 Q. And, in fact, there is no shipment or transaction reflected
14 in this invoice where someone named Ghislaine Maxwell is
15 sending a package to someone named Carolyn, right?

16 A. Correct.

17 Q. All right. And let's just look at the last invoice you
18 were shown by the government, that's Government's 802.

19 MR. EVERDELL: If you can pull that up.

20 A. Okay.

21 THE COURT: Jurors may turn to 802.

22 MR. EVERDELL: Thank you, your Honor.

23 Q. All right. Ms. Chapell, do you have that in front of you?

24 A. Yes.

25 Q. All right. So looking at the first page, this is the

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Chapell - cross

1 invoice dated December 23rd, 2002; correct?

2 A. Yes.

3 Q. All right. Again, same account we're looking at of Jeffrey
4 Epstein?

5 A. Correct.

6 Q. All right. Let's flip to page 8. I want you to take a
7 look at the middle of the three transactions there. We'll pull
8 that up. This was the transaction that you were shown by the
9 government on your direct, right?

10 A. Correct.

11 Q. And that is a FedEx package picked up for shipment on
12 December 12th, 2002; correct?

13 A. Correct.

14 Q. All right. And the recipient there, I'm, again, not going
15 to use full names, but the first name there is listed as
16 Cardine; correct?

17 A. Correct.

18 Q. And the address is West Palm Beach, Florida, right?

19 A. Yes.

20 Q. The sender there is J. Epstein, right?

21 A. Yes.

22 Q. Safe to say that J. Epstein is not Ghislaine Maxwell,
23 right?

24 A. Right.

25 Q. Okay. Now, I want to show you some other transactions on

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Chapell - cross

1 that same invoice that you weren't shown by the government.

2 And I want to stay on the same page and I want to look at the
3 first transaction on the page.

4 Okay. Now, I want to be careful about this. I don't
5 want to use any names when we discuss this transaction, okay?

6 A. Okay.

7 Q. All right. That is a package that was picked up for
8 shipment on the same day as the one we just looked at, December
9 12th, 2002; correct?

10 A. Yes.

11 Q. And I'm not going to name who the recipient is, but I'm
12 going to refer to that person as "Jane," okay?

13 A. Okay.

14 Q. So the recipient there is Jane.

15 A. Yes.

16 Q. The sender is someone named J. Epstein; correct?

17 A. Correct.

18 Q. Okay. Again, that is not Ghislaine Maxwell or G. Maxwell,
19 right?

20 A. No.

21 Q. Okay. Let's look at just a few others.

22 Page 4 of the same invoice, and we'll look at the
23 middle transaction here.

24 All right. Now, that is a FedEx package that was
25 picked up for shipment on December 9th of 2002, right?

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Chapell - cross

1 A. Yes.

2 Q. That was just a few days before the shipments we just
3 looked at on December 12th, right?

4 A. Correct.

5 Q. And you see the recipient here is listed as someone named
6 Laura Casey Wasserman, right?

7 A. Yes.

8 Q. And the sender is G. Maxwell?

9 A. Yes.

10 Q. This obviously is -- the recipient is not anyone named
11 Carolyn or Cardine, right?

12 A. Correct.

13 Q. And again, let's look at page 5, the next page. And look
14 at the first transaction on this invoice. That is a FedEx
15 package picked up for shipment on December 10th of 2002, right?

16 A. Yes.

17 Q. And the recipient there is someone named Danny Hillis?

18 A. Yes.

19 Q. And the sender is G. Maxwell?

20 A. Correct.

21 Q. Danny Hillis is not named Carolyn or Cardine or anything
22 like that, right?

23 A. Correct.

24 Q. Okay. And again, on this invoice there is no transaction
25 reflected on this invoice where someone named Ghislaine Maxwell

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Chapell - cross

1 or G. Maxwell is sending any packages to anybody named Carolyn
2 or Cardine or anything like that?

3 A. Correct.

4 Q. You can put those down.

5 MR. EVERDELL: And the jurors, with the Court's
6 permission, can do the same.

7 THE COURT: Yes. Thank you.

8 Q. Ms. Chapell, I'll just wait a moment.

9 Before you came to testify today, you had some phone
10 calls with the government; is that right?

11 A. Yes.

12 Q. And that was to prepare your testimony today; correct?

13 A. Yes.

14 Q. And before you spoke to them, they sent you those three
15 invoices that we were just talking about, is that right?

16 A. Yes.

17 Q. And you looked at them to verify that they were true and
18 accurate records that FedEx had in their system, right?

19 A. Yes.

20 Q. And those were the only invoices they sent you to verify;
21 is that right?

22 A. Yes.

23 Q. Those three that we were looking at?

24 A. Yes.

25 Q. Okay. And I think they were so old at that point that you

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Chapell - cross

1 actually had to go back and look at archived copies to verify
2 that they were true records, right?

3 A. Correct.

4 Q. They weren't still in your system; you had to go back to
5 the boxes in the warehouse, right?

6 A. Correct.

7 Q. But you were able to do that?

8 A. Yes.

9 Q. Okay. Now, do you recall at any point where the defense
10 sent you some invoices to verify?

11 A. Yes.

12 Q. And do you remember how many roughly you were sent by the
13 defense?

14 A. There were several hundred.

15 Q. And were they from the same account or different accounts?

16 A. Two different accounts.

17 Q. Were those accounts associated with Jeffrey Epstein?

18 A. Yes, they were both his.

19 Q. And what were you asked to do with those records?

20 A. Just verify the records.

21 Q. Were you able to take those records and verify them with
22 the records in the boxes, that they were accurate business
23 records?

24 A. Yes.

25 Q. Okay. And these were all records for accounts that

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Chapell - cross

1 belonged to Jeffrey Epstein, right?

2 A. Yes.

3 Q. And can you explain just how you were able to verify them?

4 A. I went back to the paper copies and verified the invoices
5 one by one.

6 Q. Okay.

7 MR. EVERDELL: Your Honor, I'm going to do this in
8 paper, if I could. May I approach?

9 THE COURT: You may.

10 MR. EVERDELL: Okay.

11 THE COURT: Showing the witness what's been marked as
12 Defendant's TC-1; is that correct?

13 MR. EVERDELL: Correct, your Honor.

14 THE COURT: Okay.

15 BY MR. EVERDELL:

16 Q. All right. Ms. Chapell, do you have in front of you what's
17 been marked for identification as Defendant's Exhibit TC-1?

18 A. Yes.

19 Q. Now, do you recognize what those are?

20 A. Yes.

21 Q. What are they?

22 A. Jeffrey Epstein invoices.

23 Q. Are those some of the records that were provided to you by
24 the defense?

25 A. Yes.

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Chapell - cross

1 Q. Are they all of the several hundred records or just a
2 subset of those records?

3 A. Just a few.

4 Q. And how many roughly are there?

5 A. In this stack?

6 Q. Yes.

7 A. About 50.

8 Q. And what year or years do those invoices come from?

9 A. 2002.

10 Q. And how is it that you recognize that that's what those
11 are?

12 A. Because I verified it with the originals that we produced.

13 Q. But how do you know that it's the same invoices that you
14 were asked to look at?

15 A. I initialed at the bottom.

16 Q. Now, were those records that you're looking at in Defense
17 Exhibit TC-1 made at or near the time of the shipping records
18 that are reflected in the invoice?

19 A. Yes.

20 Q. And are they based on information that was available at the
21 time that those shipments were made?

22 A. Yes.

23 Q. And is it the regular practice of Federal Express to make
24 invoices like this?

25 A. Yes.

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Chapell - cross

1 Q. And were these invoices kept in the regular course of
2 FedEx's business?

3 A. Yes.

4 MR. EVERDELL: Your Honor, at this time the defense
5 offers Defense Exhibit TC-1 under temporary seal. We have not
6 yet had the chance to make the appropriate redactions, but we
7 will do so as soon as we can.

8 MR. ROHRBACH: No objection.

9 THE COURT: Thank you. Defendant's TC-1 is admitted
10 under temporary seal until narrow redactions can be offered.

11 (Defendant's Exhibit TC-1 received in evidence)

12 MR. EVERDELL: Absolutely, your Honor.

13 And if the jurors would like to take a look, with the
14 Court's permission, there is a folder underneath their chairs
15 with this exhibit.

16 THE COURT: Yes, please. You can open the folder to
17 Defendant's Exhibit TC-1.

18 BY MR. EVERDELL:

19 Q. Ms. Chapell, I'm not going to go through these records with
20 you -- and the jurors are free to review it if they like -- but
21 I have no further questions for this witness.

22 THE COURT: Okay.

23 MR. ROHRBACH: Nothing further, your Honor.

24 THE COURT: Okay. Ms. Chapell, thank you.

25 You are excused. You may step down.

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1 (Witness excused)

2 MS. MOE: Your Honor, could I have just a moment to
3 confer with the defense?

4 THE COURT: You may.

5 (Counsel conferred)

6 THE COURT: Members of the jury, you may put the
7 folder back under your seats.

8 MS. COMEY: Your Honor with the defense's consent,
9 we'd ask to be heard in the robing room please.

10 THE COURT: Okay. You anticipate an extended sidebar?

11 MS. COMEY: We just need to be in the robing room,
12 your Honor.

13 THE COURT: Okay. Why don't I send the jury back to
14 the jury room for a break and then --

15 MS. MOE: Thank you, your Honor.

16 THE COURT: Yes, to the regular room.

17 (Jury not present)

18 THE COURT: All right. I'll hear you in the robing
19 room. This is an extended discussion?

20 MS. MOE: I'm not sure, your Honor, but our joint
21 preference would be to be heard in the robing room.

22 THE COURT: Okay. All right.

23 (Pages 2020 to 2024 SEALED)

24 (Continued on next page)

25

LC9VMAXT

1 (In open court)

2 THE COURT: Bring in the jury.

3 MR. EVERDELL: Your Honor?

4 MS. MENNINGER: Our client is not here.

5 THE COURT: I'm going to step off.

6 (Recess)

7 THE COURT: We'll bring in the jury.

8 (Jury present)

9 THE COURT: Thank you, members of the jury.

10 I've been informed there's an attorney in the case
11 who's ill, and that attorney needs to get care. We have no
12 reason to believe it's COVID-related, but we do need that
13 attorney for what was anticipated to happen today. So we need
14 to break.

15 My assumption is we'll resume tomorrow morning at our
16 normal time. And I'll give you any additional information, if
17 I have that information. But we want to make sure the attorney
18 is taken care of. And rather than pause and delay, we're going
19 to break for the day.

20 So all of my instructions apply.

21 Thank you for your time and attention.

22 We'll see you tomorrow morning. Thank you.

23 (Jury not present)

24 THE COURT: Counsel, is there anything we can take up
25 now or wait until we get further word?

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1 MS. COMEY: I don't believe there's anything we can
2 take up now, your Honor. We will keep the Court and the
3 defense informed.

4 THE COURT: Okay.

5 MR. EVERDELL: Nothing from the defense, your Honor.

6 THE COURT: All right. Thank you, everyone.

7 We're adjourned till tomorrow.

8 MS. MOE: Thank you, your Honor.

9 (Adjourned to December 10, 2021 at 8:45 a.m.)

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GOVERNMENT EXHIBITS

Exhibit No.	Received
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801, 801-R	.1996
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802, 802-R	.1997
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803, 803-R	.1997
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DEFENDANT EXHIBITS

Exhibit No.	Received
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TC-1	.2018
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