

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

SARA HAIDEE MEDRANO,)
et al.,)
vs.) CIVIL CASE NO. 19-2038-RDB
CHARLES A. JENKINS, et al.)
Defendant.)
_____)

Monday, July 27, 2020
MOTIONS HEARING CONDUCTED TELEPHONICALLY

BEFORE: THE HONORABLE RICHARD D. BENNETT, Judge

For the Plaintiffs:

Brian Whittaker, Esquire
Deborah Jeon, Esquire
John Hayes, Esquire
Nicholas Steiner, Esquire

For the Defendants:

Kevin Karpinski, Esquire
Byron Black, Esquire

Reported by:

Nadine M. Gazic, RMR, CRR
Federal Official Court Reporter
101 W. Lombard Street, 4th Floor
Baltimore, Maryland 21201
410-962-4753

P R O C E E D I N G S

1
2 **THE COURT:** Good morning. This is calling the case
3 of Medrano versus Jenkins. Civil Number RDB-19-2038. We are
4 conducting this telephone conference on a public conference
5 line by audio hearing in light of the partial shutdown of the
6 courthouse now in Phase II in light of the COVID-19 pandemic.
7 I want to thank everyone for coordinating this here.

8 If Counsel will identify themselves for the record,
9 please. First of all for the Plaintiffs in this matter.

10 **MR. WHITTAKER:** Good morning, Your Honor. This is
11 Brian Whittaker for the Plaintiffs. And also on the phone are
12 John Hayes, Debbie Jeon and Nick Steiner.

13 **THE COURT:** Yes, good morning to all of you. And on
14 behalf of the Defendants, Sheriff Charles Jenkins of Frederick
15 County and Deputy Sheriff Brian Mothershead and Randy Barrera
16 of Frederick County, as well as Frederick County Sheriff's
17 Office, who is on the line?

18 **MR. KARPINSKI:** Good morning, Your Honor. It's
19 Kevin Karpinski.

20 **THE COURT:** Yes, Mr. Karpinski. Good morning to
21 you. And on behalf of Frederick County itself, is Byron Black
22 on the line?

23 **MR. BLACK:** Yes, I'm here, Judge, thank you.

24 **THE COURT:** Yes, Mr. Black, you're the county
25 attorney for Frederick County, Maryland, correct?

1 **MR. BLACK:** That's correct, Your Honor.

2 **THE COURT:** In fact, I think you just recently got
3 promoted, so congratulations.

4 **MR. BLACK:** Thank you very much.

5 **THE COURT:** Is there anyone else on the line who
6 I've not noted? Also, we have with us on the line our Chief
7 Administrative Deputy Courtroom Clerk, Camille Powell. She is
8 on the line and my law clerk, Catherine Gamper is on the line
9 as well. And obviously this is a public conference line, so
10 other parties can listen in, but it's been muted. Is there
11 anyone else on the line who I've not -- who is the court
12 reporter? Oh, Ms. Nadine Gazic. And I hope you're healthy
13 and thank you very much. And with that, I think I have noted
14 everyone who is involved in this call.

15 This hearing is being conducted with respect to the
16 motions of the Defendants to dismiss or in the alternative, to
17 bifurcate some of these causes of action. It's Paper No. 11 in
18 the file. It is the only open motion. This case was, in fact,
19 filed last July. It's been at issue now for a year and I
20 apologize for some of the delay. I can promise you that I'm
21 aware of the case history of some of these matters and the
22 similar case of Santos versus Frederick County as to which Mr.
23 Hayes and Mr. Whittaker, you were involved on behalf of the
24 Plaintiff and Kevin Karpinski, you were involved on behalf of
25 the Defendant in that case, correct?

1 **MR. KARPINSKI:** That's correct, Your Honor. Your
2 Honor, Kevin Karpinski. My partner, Dan Karp who has since
3 retired is the one who was primarily involved in the case, but
4 yes, our firm was.

5 **THE COURT:** Your firm was. And send Mr. Karp my
6 regards. I didn't realize he had retired.

7 **MR. KARPINSKI:** I certainly will.

8 **THE COURT:** The reason I mentioned that as I noted,
9 I noted that the history of that case was such that Judge Legg
10 originally had it and that was in the Santos case. Judge Legg
11 had the case and retired in 2010 and transferred it to Judge
12 Quarles who retired in 2016, handed it to Judge Nickerson who
13 retired in 2017 and it went to Judge Blake. And to my
14 knowledge, I believe it reflects that that matter was resolved
15 by counsel just last month in June of 2020.

16 Do I have the case history of the Santos case
17 correct from the point of view of the Plaintiff?

18 **MR. WHITTAKER:** Your Honor, this is Brian Whittaker.
19 That is correct, Your Honor.

20 **THE COURT:** Is that correct, Mr. Karpinski, from your
21 point of view?

22 **MR. KARPINSKI:** Yes, Your Honor.

23 **THE COURT:** Well, I promise you we're not going to
24 have an 11-year history in this case. We're going to have
25 this Court handle it. I'm not criticizing my colleagues,

1 that's just the way it worked out. But I'm amazed that there
2 was an 11-year history of this case, so we'll do our best
3 here.

4 Just the general summary here as I understand it
5 before I hear argument from defense counsel on the motion, as
6 I understand it the Plaintiff, Sara Medrano, is a Latino woman
7 living in Frederick County and has lived there for more than
8 13 years. Is she an American citizen, Mr. Whittaker, or Mr.
9 Hayes?

10 **MR. WHITTAKER:** Your Honor. I don't believe so,
11 but --

12 **THE COURT:** I couldn't tell what her status is.
13 She's a lawful resident alien, but she's not a naturalized
14 American citizen yet; is that correct?

15 **MR. KARPINSKI:** That's correct, Your Honor. She's
16 not a citizen.

17 **THE COURT:** And I understand that she is a member of
18 the Plaintiff RISE, R-I-S-E Coalition which apparently stands
19 for Resources for Immigrant Support and Empowerment Coalition
20 of Western Maryland. And clearly Frederick County, Frederick
21 County is a political subdivision, a county of Maryland
22 obviously. And correct me if I'm wrong on this, but the
23 status of Frederick County has changed now in that Frederick
24 County adopted a charter Government in 2014, with a county
25 executive and county counsel and no longer operates by means

1 of a county commissioner form of Government; is that correct,
2 Mr. Black?

3 **MR. BLACK:** Yes, that is correct, Judge.

4 **THE COURT:** Okay, all right. And then there's
5 another factual -- to make sure we're clear on the record on
6 this -- this lawsuit arises out of events concerning a July 7,
7 2018 traffic stop of the Plaintiff, Medrano, when she was
8 driving her vehicle on Route 15 in Frederick County with her
9 daughter and two infant grandchildren. And she was pulled
10 over and there was a traffic stop in connection initially by
11 Deputy Sheriff Mothershead. And then ultimately, then I
12 believe Deputy Sheriff Barrera arrived as well.

13 Is that a reasonably correct summary of the overall
14 factual predicate from the point of view of the plaintiffs?

15 **MR. WHITTAKER:** Your Honor, this is Brian Whittaker.
16 I think that's correct.

17 **THE COURT:** Mr. Karpinski and Mr. Black, is that
18 basically a fair summary from your point of view?

19 **MR KARPINSKI:** Yes, Your Honor. It's Kevin
20 Karpinski.

21 **THE COURT:** So with that we will proceed just in a
22 few minutes, with oral argument. Let me just ask the other
23 thing is just so I'm clear, the issue of the 287(g) program is
24 mentioned in the papers here and essentially that is a program
25 that reflects a Memorandum of Agreement between the Sheriff's

1 Office of Frederick County with the United States Immigration
2 and Customs Enforcement with respect to a coordination of
3 effort between that federal agency and the Frederick County
4 State's Attorney's Office. I mean, the Frederick County
5 Sheriff's Office. We'll get into this in more detail, but is
6 that a reasonably fair summary of what the 287(g) program is
7 from the point of view of the Plaintiff?

8 **MR. WHITTAKER:** Your Honor, I think that's correct.
9 I think there was originally a jail model and task force
10 model. Our understanding is that currently there's only a
11 jail model.

12 **THE COURT:** And that is actually pursuant to 8
13 United States Code Section 1357(g); is that correct, Mr.
14 Whittaker?

15 **MR. WHITTAKER:** I believe that's correct, Your
16 Honor.

17 **THE COURT:** Mr. Karpinski and Mr. Black, is that a
18 reasonably correct summary?

19 **MR. KARPINSKI:** Your Honor, I think that is a
20 reasonable summary, but I do place special emphasis on the
21 fact that the 287(g) program is actually -- is only limited to
22 the detention center.

23 **THE COURT:** Yes.

24 **MR KARPINSKI:** And I know you mentioned Santos, but
25 obviously a significant difference between the Santos matter

1 and this case is that Ms. Medrano never went to the detention
2 center because she was never --

3 **THE COURT:** Yes, she was never officially arrested,
4 actually taken into custody. I understand that.

5 **MR KARPINSKI:** Correct.

6 **THE COURT:** And just the other underlying fact just
7 in terms of the process here, there's one other matter I just
8 wanted to clarify. And that has to do with -- one second here
9 -- and I've seen in some of the materials here is the acronym
10 -- let me take a look here, but there's an acronym SCAAP. Is
11 that State Criminal Alien Assistance Program? Do I have that
12 phrase -- do I understand that correctly?

13 **MR. WHITTAKER:** Your Honor, this is Brian Whittaker.
14 I think so. In our complaint we cited the State Criminal Alien
15 Assistance Program which our understanding is that Frederick
16 County and the Frederick County Sheriff's office received a
17 reimbursement for --

18 **THE COURT:** Yes, I'm looking here. I see it now in
19 terms of the complaint that's filed here. It makes reference
20 -- I found it finally, thank you. It's the State Criminal
21 Alien Assistance Program, SCAAP with respect to funding that
22 is received by Frederick County in connection with
23 coordination with the Federal Government. And then some of
24 the funds from that county's receipt of that go to the
25 Sheriff's Office. Is that, again, from the point of view of

1 the Plaintiff just a reasonable overall summary of what that
2 program is about?

3 **MR. WHITTAKER:** Yes, Your Honor.

4 **THE COURT:** And Mr. Karpinski and Mr. Black, is that
5 a reasonably correct summary of what that program is about?

6 **MR. KARPINSKI:** This is Kevin Karpinski. Yes, it
7 is, Your Honor.

8 **THE COURT:** With that, thank you very much. I just
9 wanted to clarify a few of those matters. I was looking at
10 them over the weekend. So with that, we are ready to proceed
11 here and I think the way I would like to do this if I could is
12 that the Defendants initially challenged the organizational
13 Plaintiff, the standing of the organizational Plaintiff,
14 acronym RISE, Resources for Immigrant Support and Empowerment
15 Coalition of Western Maryland, but it appears that in their
16 papers, in their reply, the Defendants now concede that the
17 Plaintiffs have adequately pled that RISE has standing in this
18 matter and that what is before the Court now is the
19 Defendant's motion seeking to dismiss all claims against the
20 Defendant, Sheriff Jenkins, in both his individual and
21 official capacities, and then all claims against Defendants
22 Mothershead and Barrera in their official capacities. Answers
23 have been filed with respect to Mothershead and Barrera in
24 their individual capacities, and then the Motion to Dismiss is
25 with respect to all claims against Defendants, Frederick

1 County and the Frederick County Sheriff's Office.

2 Again, Mr. Karpinski, is that a fair summary of the
3 motion here before the Court now?

4 **MR. KARPINSKI:** It is, Your Honor.

5 **THE COURT:** Okay, and then in the alternative, the
6 Defendants seek to bifurcate the official capacity now /TPHEL
7 claims against Jenkins, Frederick County and/or the Frederick
8 County Sheriff's Office from the other causes of action.

9 So with that, we now are ready to proceed in terms
10 of how I would like to proceed with the argument here. First
11 I would like unless you have any objection, what I propose to
12 do is the way I've outlined this in terms of my review with my
13 staff is to go over the individual capacity claims against the
14 Defendant Jenkins, which are Counts I and II and then after we
15 address that, we will address the official capacity Monell
16 claims against the Defendants Jenkins, Mothershead, Barrera
17 and Frederick County. And then thirdly address the issue of
18 the Defendants Frederick County and Frederick County Sheriff's
19 Office in Count III. And then finally, we'll get to the issue
20 of the all interpretative Motion for Bifurcation. That's how I
21 would propose to outline the hearing here this morning and the
22 presentation of argument. Is that agreeable to the Plaintiffs,
23 Mr. Whittaker?

24 **MR. WHITTAKER:** Yes, Your Honor.

25 **THE COURT:** All right, is that agreeable to you, Mr.

1 Karpinski and Mr. Black?

2 **MR. KARPINSKI:** Yes, Your Honor.

3 **THE COURT:** So with that, let's proceed first with
4 the individual capacity claim against the Defendant, Sheriff
5 of Frederick County, Charles Jenkins. And with that, Mr.
6 Karpinski, I'll be glad to hear from you.

7 **MR. KARPINSKI:** Sure. Just briefly, Your Honor,
8 obviously as the Court is well aware, an individual capacity
9 claim can be brought against the officers who were actually
10 involved in either a search, seizure, or use of force. And
11 under the Shaw case from the Fourth Circuit, the Fourth
12 Circuit has recognized supervisory liability when there's a
13 situation where the supervisor exhibits the liberty difference
14 or unconstitutional conduct of subordinate officers. In this
15 particular case, the complaint is devoid of any allegations
16 that Sheriff Jenkins even knew of the traffic stop, let alone
17 that he participated, directed, or did anything as it relates
18 to the traffic stop. So this is, in my view, conflating Monell
19 liability with supervisory liability. And, you know, if the
20 Plaintiff's theory were to be accepted, the lead law
21 enforcement officer could theoretically be a defendant in
22 almost any supervisory liability case. But that's certainly
23 not how the Fourth Circuit has interpreted supervisory
24 liability under Shaw. And so because Sheriff Jenkins wasn't
25 there, didn't know anything about it, didn't direct anyone to

1 do anything, there's simply no basis for him to be held in as
2 a defendant in his individual capacity.

3 **THE COURT:** Well thank you, Mr. Karpinski. And with
4 that, Mr. Whittaker, I'd be glad to hear from you, whoever
5 wants to argue that issue.

6 **MR. WHITTAKER:** Your Honor, this is Brian Whittaker.
7 Yes, we understand that defendants are relying primarily on
8 Shaw to sort of differentiate the claims and the arguments and
9 the allegations that we've made in our complaint. I would
10 argue in contrast to what Defendants have stated, that those
11 cases, including Shaw, do not require that Sheriff Jenkins be
12 physically involved or provide express authorization of the
13 particular arrest, for example, Ms. Medrano in this case.
14 There are other individuals in the RISE Coalition as
15 defendants who seem to be just -- in Shaw the Court summarized
16 three requirements for showing supervisory liability claim.
17 And those are 1) the supervisor must have actual or
18 constructive knowledge that a subordinate was engaged in
19 conduct that posed a pervasive and unreasonable risk of
20 constitutional injury to individuals like Plaintiff. 2) the
21 supervisor's response must be so inadequate that it
22 constituted deliberate indifference or tacit authorization of
23 the practices that occurred. And 3) there must be a causal
24 link between the supervisor's inaction and the injuries
25 suffered by plaintiffs.

1 I would posit for the Court that all of these
2 elements have been alleged in our complaint based on specific
3 facts and that is all that is required at this early stage of
4 the case. And I want to go over a few examples now. So for
5 example, the complaint described in detail actions and
6 statements by Sheriff Jenkins reflecting anti-immigrant and
7 racial animus in law enforcement by the FCSO, otherwise known
8 as the Frederick County Sheriff's Office. At the same time,
9 the complaint alleges that Sheriff Jenkins has ignored
10 complaints or even approved of unlawful actions committed by
11 FCSO deputies. One specific example is the prior case of
12 Roxana Orellana Santos who I understand Your Honor you're
13 familiar with her case which again, took 11 years to resolve,
14 but which was recently resolved after this Court concluded
15 that the county was liable for the unconstitutional seizure
16 and arrest of Ms. Santos. And we have described the encounter
17 involving Ms. Santos in multiple different paragraphs in our
18 complaint. She was seized and arrested by Frederick County
19 deputies in 2008, nearly 12 years ago. And even after the
20 federal circuit held in 2013 that the seizure and arrest of
21 Ms. Orellana Santos was unlawful, Sheriff Jenkins did nothing
22 to change FCSO policies. He was aware that Frederick County
23 Sheriff's Office policies established by him required deputies
24 to stop and arrest individuals for which there was a civil
25 immigration warrant. But he did nothing to change that policy

1 for years after the incident involving Ms. Orellana Santos,
2 and even after the Fourth Circuit's opinion. Instead, he
3 maintained that his deputies had acted properly when they
4 detained and arrested Ms. Orellana Santos and even after the
5 Fourth Circuit opinion in that case concluded that his
6 deputies violated Ms. Orellano Santos's rights.

7 Similarly, Sheriff Jenkins has ignored or casually
8 dismissed other complaints by individuals about racial
9 profiling and discrimination in the community as described in
10 other parts of Plaintiff's complaint. I'll cite a few
11 paragraphs, including paragraph 74 through 76. Those accounts
12 are further backed up by allegations about studies of policing
13 in Frederick County which show a pattern and practice of
14 discriminatory policing against the immigrant community,
15 particularly with Latinx individuals. For example,
16 paragraph 64 describes the study of Frederick County data by
17 Professor Michael Coon. All of those allegations, Your Honor,
18 are what led to our conclusions in the first and second
19 causative action. And those allegations are sufficient to
20 state a plausible supervisory liability claim against Sheriff
21 Jenkins in his personal capacity. At this point that's all
22 that's required. We don't have to provide specific evidence
23 in support of those allegations at this early stage of the
24 proceedings.

25 **THE COURT:** Thank you, Mr. Whittaker. Mr.

1 Karpinski, do you want to be heard further on this on
2 rebuttal?

3 **MR. KARPINSKI:** Just very briefly, Your Honor. It's
4 very clear that there has to be some action or inaction taken
5 by the supervisor. There are no allegations in the complaint
6 as it relates to Ms. Medrano that would, quite frankly, rise
7 regarding Sheriff Jenkins. This is simply not a supervisory
8 liability case and there's no basis for him to be an
9 individual defendant.

10 **THE COURT:** Well, I would note that it is hard to
11 ignore this issue in light of the fact that Santos versus
12 Frederick County Board of Commissioners was pending and there
13 was a Fourth Circuit opinion in 2013 in which it clearly
14 established that as of that opinion in 2013, the Fourth
15 Circuit had established that local law enforcement may not
16 seize individuals for civil immigration violations. And the
17 Supreme Court opinion in Arizona versus United States which I
18 think was decided in 2011 or 2012 was clearly established by
19 then.

20 The Plaintiffs have alleged that Sheriff Jenkins --
21 I think the language is at best completely ignored and
22 disregarded complaints against selective enforcement of
23 immigrants of color despite the litigation against him for
24 similar behavior alleged as to the Frederick County Sheriff's
25 Office with respect to the Santos case. So it is hard to

1 imagine that Sheriff Jenkins according to the allegation, and
2 the allegation that he ignored the complaints of selective
3 enforcement against immigrants. It obviously was front and
4 center of the Santos case, which was a highly publicized case
5 and Sheriff Jenkins was a defendant in that case. So he
6 clearly was aware of it and was clearly aware of allegations
7 at that time with respect to selective enforcement against
8 immigrants in Frederick County.

9 With respect to the allegations against him in his
10 individual capacity, counsel for the Plaintiff has noted the
11 standards of Shaw vs. Stroud. Just for the record, that is
12 the opinion of the Fourth Circuit in 1994 at 13 F.3d 791. And
13 specifically, there may be liability of supervisory officials
14 under Section 1983 with respect to civil rights complaints.
15 And that is as the Fourth Circuit more recently in Baynard vs.
16 Malone, B-a-y-n-a-r-d versus Malone, M-a-l-o-n-e, a Fourth
17 Circuit opinion in 2001 at 268 F.3d 228. There may be
18 liability of supervisory officials under Section 19 if it's
19 premised on the recognition that supervisory indifference or
20 tacit authorization of subordinate's misconduct may be a
21 causative factor in the constitutional injuries that they're
22 alleged to have inflicted. And to essentially to state that
23 supervisory liability claim in a 1983 action as this is, the
24 Plaintiff must allege: 1) that the supervisor had actual or
25 constructive knowledge that the subordinate was engaged in

1 conduct that posed a pervasive and unreasonable risk of
2 constitutional injury to citizens such as the Plaintiff. 2)
3 that the supervisor's response to that knowledge was so
4 inadequate as to show deliberate indifference to or tacit
5 authorization of the alleged offensive practices and 3) that
6 there was an affirmative causal link between the inaction of
7 the supervisor and the particular constitutional injury which
8 is alleged.

9 It certainly seems to me that that individual
10 capacity claim has been sufficiently alleged here in light of
11 the outline of elements in Shaw vs. Stroud. The Plaintiffs
12 admittedly do not enumerate a separate claim of supervisory
13 liability in their complaint, but the simple fact of the
14 matter is that the complaint contains allegations that -- I
15 think in paragraph 60 of the complaint, allegations that
16 Sheriff Jenkins, quote, permitted a required deputy to arrest
17 individuals when deputies were aware of an outstanding arrest
18 warrant without distinction as to whether the warrant was a
19 federal civil immigration warrant. It's further alleged -- and
20 that essentially is referenced in terms of the -- it is
21 alleged that the sheriff in paragraph 61 and I think it
22 summarizes in paragraph 74-84 that the sheriff, *at best*, I
23 think the language of the complaint is quote, *at best*
24 *completely ignored and disregarded complaints of selective*
25 *enforcement against immigrants of color*. All of this and the

1 Santos case is referenced in this complaint, all of which the
2 record reflects clearly was still pending, and a case of much
3 note in Frederick County. So that the Plaintiff's allegations
4 clearly suffice with respect to an allegation as to the
5 supervisory liability in an individual capacity against the
6 Defendant, Charles Jenkins, the sheriff of Frederick County.

7 So for those reasons, the Motion to Dismiss as to
8 the individual capacity claims against Defendant Jenkins in
9 Counts I and II are denied and the case will proceed
10 accordingly as to Jenkins on that theory.

11 So with that, I think we're ready to go over to the
12 official capacity Monell claims with respect to against
13 Sheriff Jenkins and Deputy Sheriffs Mothershead and Barrera,
14 as well as Frederick County. Obviously the matter of the
15 Monell claims address the matter of seeking to establish
16 municipal liability or Monell liability within the ambit of
17 Monell vs. Department of Social Services of New York, the
18 Supreme Court's opinion in 1978 at 436 U.S. 658.

19 And so with that, I'll be glad to hear from you, Mr.
20 Karpinski, and Mr. Black with respect to the argument here
21 that the Plaintiffs have failed to state a claim within the
22 auspices of the Monell case.

23 **MR. KARPINSKI:** Well, let's start with the county. I
24 think Santos makes clear that the county is not a proper
25 defendant with regard to a Monell claim because the sheriff is

1 the chief law enforcement officer and would be the proper
2 individual with respect to any sort of Monell claim that's
3 based upon any sort of law enforcement functions. The deputies
4 while we have filed an answer on their individual capacity,
5 their official capacity, they're not policymakers for any
6 purposes under Monell and there would be no basis to go ahead
7 and hold them in on an official capacity claim.

8 As it relates to the sheriff respectfully, Your
9 Honor, I understand Your Honor's ruling with regard to his
10 claims in his individual capacity, but I think we briefed
11 thoroughly in fair detail the difference between the Santos
12 case and this case. This particular case, Ms. Medrano was not
13 arrested, detained, incarcerated or anything of that nature.
14 The only other allegations that the plaintiff has really
15 included is comments made by the sheriff that, you know, quite
16 frankly he has a right to have his own philosophical beliefs
17 on whether local law enforcement should be involved with
18 assisting ICE with regard to immigration issues. And beyond
19 that, the only other allegations are very vague, with no
20 specificity whatsoever that one individual that alleges has
21 been stopped by deputy sheriffs on multiple occasions but with
22 no specifics, no dates, no times, no circumstances, no deputy
23 sheriffs that were identified at all and a comment made of the
24 detention center regarding why someone was arrested on an open
25 container. Now for a sheriff that's been there for -- if my

1 math is correct -- almost 14 years, if those are the extent of
2 the allegations to go ahead and support a Monell claim which
3 are hard to plead and prove, you know, there just doesn't seem
4 to be any basis for a Monell liability, given what has been
5 alleged in this case.

6 **THE COURT:** Well, thank you Mr. Karpinski. And Mr.
7 Whittaker, I'd be glad to hear from you.

8 **MR. WHITTAKER:** Yes, Your Honor. I would like to
9 first address the question of whether Frederick County should
10 be a defendant for Monell claims. First of all, I would like
11 to say that it would be premature to dismiss Frederick County
12 as a defendant with respect to the municipal liability or
13 Monell claims. Defendants cite Santos versus Frederick County
14 Board of Commissioners, but this Court did not render a
15 decision that Sheriff Jenkins was the relevant final
16 policymaker with respect to the claims at issue in that case
17 until after an appeal and after discovery regarding the
18 municipal liability claims that were at issue in that case. In
19 fact, the Fourth Circuit reinstated her Monell claims against
20 Frederick County on appeal, because they were previously
21 dismissed by this Court. Plaintiffs in this case should have
22 the chance to complete discovery before the Court reaches a
23 factual conclusion, but the facts in issue in this case does
24 not implicate the county Government as a separate entity apart
25 from the Frederick County Sheriff in his official capacity.

1 The facts and issues in this case are more expansive than they
2 were in the Santos case. We have the RISE coalition and
3 members of the RISE coalition and their stories that implicate
4 other aspects of instance in Frederick County. And I'll touch
5 on the deputies as well.

6 Counsel for Defendants argues that they're not
7 policymakers, but again, it's a little bit odd that they're
8 citing Santos versus Frederick County with respect to the
9 county, while ignoring other parts of that opinion in which
10 this Court explicitly held that the official capacity claims
11 against the deputies were viable and were, in fact, applicable
12 in this Court's 2018 opinion that was part of the decision
13 regarding the basis for county liability. It wasn't simply
14 that the sheriff is a final policymaker. The deputies were
15 implementing and acting upon the official policy enacted by
16 the sheriff. And that was what conferred official capacity
17 liability with respect to the deputies as well.

18 And more generally I'll sort of describe our -- I
19 think our brief outlines multiple different theories of Monell
20 liability. I don't think the Defendant's reply really answers
21 any of those reasons and I think that our brief gives a fairly
22 comprehensive analysis and explanation of the various theories
23 of liability we have here, one of which is that Sheriff
24 Jenkins implemented and adhered to inform a risk policy that
25 caused the harms alleged in the complaint, including the

1 traffic stop and prolonged detention of Ms. Medrano, along
2 with other members of the RISE coalition. For example, as we
3 sort of laid out in paragraph 2, 3, 60 and 45 in our
4 complaint, in paragraph 45 in particular we allege that the
5 deputy purportedly identified a deportation order for Ms.
6 Medrano, and that's very similar to the way that Ms. Santos
7 was seized in 2008. She was stopped and her background was
8 checked and her identification was checked and they identified
9 an outstanding deportation order. And that's why they seized
10 her and later arrested her.

11 Now Defendant's counsel argues that Ms. Medrano was
12 not arrested, but that doesn't differentiate this case in a
13 material way because the Fourth Circuit concluded in 2013 with
14 respect to Ms. Orellana Santos that the seizure itself was
15 unconstitutional, not just the arrest. The seizure when they
16 identified the deportation order for Ms. Orellana Santos was
17 the basis for which they held her there. And that was when
18 the seizure actually occurred. And that's the same situation
19 in this type of case. Our allegations are that Ms. Medrano was
20 held for a prolonged traffic stop because of purportedly a
21 deportation order that the officer identified. And that was
22 the basis for the stop and the extended stop. So again, this
23 is a similar situation in which Ms. Medrano was stopped for a
24 prolonged period of time for no other reason than the officer
25 allegedly identified a civil immigration warrant for Ms.

1 Medrano.

2 **THE COURT:** Mr. Whittaker, as I understand it, Judge
3 Blake in her opinion after remand from the Fourth Circuit in
4 the Santos case held that Sheriff Jenkins was the county's
5 final policymaker and that therefore, Frederick County was
6 liable under Section 1983. First of all, that's correct is it
7 not?

8 **MR. WHITTAKER:** That's correct, Your Honor.

9 **THE COURT:** And then she held that -- we'll get to
10 the deputies in a moment -- that they were traceable to the
11 sheriff's control policy. But in the context of the Summary
12 Judgment motion, she essentially found that Frederick County
13 which at that time was essentially the entity of Frederick
14 County Board of Commissioners, was not liable for any Monell
15 claims independently of Sheriff Jenkins because the county --
16 I think the language at 346 F.Supp.3d 800 was that Judge Blake
17 said approval actions over which have exercised no control
18 cannot create independent liability. But that was in the
19 context of Summary Judgment after discovery; is that correct?

20 **MR. WHITTAKER:** That's correct, Your Honor. Ms.
21 Orellana Santos was alleging a very specific theory of
22 ratification with respect to the county. And so that was the
23 basis upon which Judge Blake made that decision.

24 **THE COURT:** All right. Mr. Karpinski, on this,
25 clearly in terms of the procedural posture of the Motion for

1 Summary Judgment, Judge Blake found that there was no genuine
2 issue of material fact as to the county exercising control and
3 creating independent liability. But that was not in the
4 context of a Motion to Dismiss, was it?

5 **MR. KARPINSKI:** No, Your Honor. But the reality is,
6 quite frankly, the sheriff's office is solely responsible for
7 law enforcement activities within Frederick County. And there
8 really are no allegations that Frederick County -- in the
9 complaint, there are no allegations that Frederick County does
10 anything other than receive funding. Frederick County itself
11 as an entity does not establish any policies and procedures
12 regarding any law enforcement activities for the sheriff's
13 office, let alone anything that would be related to the
14 subject matter of this litigation. So while it was in a
15 different procedural posture, you still have to plead
16 something that would suggest that there's some basis for
17 liability as it relates to the county.

18 **THE COURT:** Well, I think the reason we started this
19 hearing with my questioning the matter of the SCAAP program
20 was with respect to the allegation of Frederick County as an
21 entity, no longer the county commissioners, but Frederick
22 County as an entity since it established charter Government
23 receiving money through the State Criminal Alien Assistance
24 Program known SCAAP which is alleged in paragraph 6 and
25 referenced again in paragraph 9 of the complaint. And indeed

1 specifically in paragraph 16 with respect to Frederick County
2 being awarded money. And my understanding in the complaint
3 that it is alleged that then that money is forwarded to the
4 Frederick County Sheriff's Office. Now given those underlying
5 -- if they're correct -- that's what the allegation is in the
6 complaint. So this is a little bit different at least at this
7 stage in the proceedings with respect to potential Monell
8 liability as to Frederick County in the context of a Motion to
9 Dismiss. There's been no real discovery with respect to any
10 coordination. There may or may not be with respect to the
11 language that Judge Blake used with respect to control or
12 creating independent liability or incentives thereof, but
13 essentially it seems to me that in terms of looking under
14 essentially the well-known standard of review here in terms of
15 under Rule 8(a)(2) and 12(b)(6) of the Federal Rules of Civil
16 Procedure and the standards here at Bell Atlantic vs. Twombly
17 550 U.S.544(2007) and I can balance the two cases that will
18 always be cited together obviously, the Iqbal opinion in that
19 same year in terms of whether or not there's any plausible
20 claim that's stated here. And certainly it seems to me that
21 at this stage there's a slight distinction in terms of the
22 posture of this with Santos and it remains to be seen. But I'm
23 dealing with this in the context of a Motion to Dismiss, not
24 in the context of Summary Judgment.

25 Essentially the Defendants have argued that the

1 Plaintiffs fail to state a Monell claim because they've not
2 alleged the existence of an unconstitutional policy, practice
3 to a certain Monell liability and even alternatively, that
4 there is any official capacity claim that only survives as to
5 the Defendant Jenkins. The Plaintiffs had responded that the
6 Sheriff Charles Jenkins as chief law enforcement officer for
7 Frederick County has engaged in the pattern and practice of
8 anti-immigrant efforts and has encouraged his deputies to do
9 the same. And it's alleged that the Frederick County Sheriff's
10 Office is engaged in a discriminatory policy at the sheriff's
11 direction. A Plaintiff seeking to establish municipal
12 liability or what is known as Monell liability must show 1)
13 the existence of a constitutional violation on the part of the
14 law enforcement officers and 2) that any constitutional
15 violation was proximately caused by this policy or custom. And
16 the Supreme Court has supplemented the view of Monell in the
17 case of Pembaur vs. Cincinnati. It's 475 U.S. 469 that
18 omissions by policymakers that show a deliberate indifference
19 to the rights of citizens may be a factor here.

20 Having reviewed the very thorough pleadings of
21 Counsel here and hearing argument here this morning, I believe
22 that the Plaintiffs have adequately pled Monell claims at this
23 stage as to all defendants, including not only the Defendants
24 Jenkins, Mothershead and Barrera, but also Frederick County at
25 this stage. They've alleged the existence of an

1 unconstitutional policy, custom, or practice through a series
2 of allegations. It's alleged in paragraph 60 that Sheriff
3 Jenkins required and directed his deputies, including the
4 Defendants Mothershead and Barrera to stop or detain
5 individuals when the deputies learned that any outstanding
6 arrest warrant, regardless of any type which resulted in any
7 kind of which in this case resulted in the unlawful seizure of
8 Ms. Medrano. It's alleged that the sheriff ignored, permitted,
9 or approved of action to these deputies even though they were
10 subject of past complaints, very much specifically the high
11 profile case of the Santos case and that's alleged throughout
12 paragraphs 55 through 59 and 61 through 65. The Plaintiffs
13 specifically alleged that Mothershead and Barrera detained Ms.
14 Medrano for a prolonged period of time based on her race or
15 ethnicity or national origin without any reasonable suspicion
16 that she was involved in criminal activities. As I understand
17 it, it's alleged that she had a tail light out and that Ms.
18 Medrano has responded that she didn't have a tail light out
19 and she's never had to replace the tail light. And that's
20 part of the underlying facts that are alleged here in this
21 case that are at issue. And it's alleged in paragraphs 59 and
22 88 that other members of the group known as RISE, the
23 co-plaintiff in this case have also experienced similar
24 detentions. And furthermore, there is an allegation under
25 Monell liability as to Sheriff Jenkins' alleged failure to

1 properly train his deputies about enforcing federal
2 immigration laws, particularly in light of the clear ruling of
3 the Fourth Circuit in the Santos case.

4 The Defendants essentially have noted that Ms.
5 Medrano was never actually arrested and taken into custody as
6 a distinction from the Santos case, but the Plaintiffs assert
7 that there was a specific policy at issue here with respect to
8 general orders of the Frederick County Sheriff's Office.
9 Essentially as Judge Blake noted in the Santos case, it
10 allegedly required non-1357(g) deputies that are not part of
11 the program to detain individuals based on immigration
12 matters. So the 287(g) program appears still at this stage, is
13 still relevant to my analysis.

14 And finally with respect to Mothershead and Barrera
15 in terms of their official capacities, in Santos -- in Judge
16 Blake's 2018 opinion in Santos which is 346 F.Supp.3d 785,
17 Judge Blake found that Sheriff Jenkins was liable in his
18 official capacity as the final policymaker and that the
19 arresting deputies would be liable in their official
20 capacities because their unconstitutional actions are
21 traceable to this policy. Admittedly, in the context of the
22 Motion for Summary Judgment, Judge Blake did not proceed to
23 find that the county was liable in a Monell context.

24 At this stage, it is my view that the Plaintiffs
25 have sufficiently alleged that Jenkins, Mothershead and

1 Barrera may be liable in their official capacities and the
2 matter of the sufficiency of allegations has been made as to
3 Frederick County.

4 So I think that where that leaves us is that the
5 motion will be denied for the reasons set forth here in the
6 record as to the individual capacity claims against Defendant
7 Jenkins and now the official capacity claims against Defendant
8 Jenkins. The individual Defendants Mothershead and Barrera
9 have already answered and filed answers as to the individual
10 capacity claims, but it has been adequately alleged against
11 them as to their official capacity claims as well.

12 So I believe we've dealt with any matters as to
13 causes of actions 1 and 2 and I believe that we are now ready
14 to address the third cause of action set forth against the
15 Defendant Frederick County and the Frederick County Sheriff's
16 Office. From a procedural point of view, is that correct
17 where we are in this matter from your point of view, Mr.
18 Whittaker?

19 **MR. WHITTAKER:** That's correct, Your Honor.

20 **THE COURT:** Correct, Mr. Karpinski? I know you take
21 exception to my ruling, but that's where we are procedurally
22 now, we're now in the third cause of action, race
23 discrimination in federally funded programing and that has
24 been brought against Defendants Frederick County and Frederick
25 County Sheriff's Office. That's what we're left to deal with,

1 correct?

2 **MR. KARPINSKI:** That's correct, Your Honor.

3 **THE COURT:** So with that, Mr. Karpinski, I'll be
4 glad to hear from you.

5 **MR. KARPINSKI:** Well, the Frederick County Sheriff's
6 Office is not a legal entity that's capable of suing or being
7 sued. So when we laid that out in our brief, that's what's
8 been the long-standing law here. And so I respectfully submit
9 that the sheriff's office itself because it's not a legal
10 entity cannot be sued under Count III.

11 With regard to Count Four, again while Frederick
12 County may ultimately have been financially responsible, I
13 would respectfully submit that they are not a proper defendant
14 for a claim of selective law enforcement actions by the
15 sheriff's office. They may ultimately bear financial
16 responsibility for that, but they do not -- they should not be
17 a named defendant as a result.

18 **THE COURT:** I understand. All right, with that, Mr.
19 Whittaker, I'll be glad to hear from you on this as well.
20 Frederick County Sheriff's Office is not a separate entity, is
21 it, in terms of being subject to suit? Frederick County is a
22 political subdivision under which the Frederick County
23 Sheriff's Office operates, but the real allegation here is
24 against the federally funded programing that money goes to
25 Frederick County and Frederick County's Sheriff's Office

1 itself is not a separate entity, is it?

2 **MR. WHITTAKER:** Well, Your Honor, the Frederick
3 County Sheriff's Office received funding from the Frederick
4 County that's allocated in the annual budget process is my
5 understanding and they used that money for law enforcement
6 objectives of the sheriff which the sheriff implemented.

7 More generally I sort of want to go over this in
8 broader detail and sort of respond to some of Defendant
9 counsel's arguments. The cases cited by defendants are all
10 virtually Section 1983 claims. What distinguishes this claim
11 with respect to Frederick County Sheriff's Office and
12 Frederick County is that this is a Title 6 claim which is a
13 little bit different procedurally. Frederick County the FCSO
14 are both proper defendants under the Title 6 claim and the
15 Title 6 claim prohibits discrimination on the basis of race,
16 color, or national origin in programs or activities of any
17 entity that receives federal assistance. And that's the key
18 distinction here is that it applies to any entity that
19 receives federal assistance. So Title 6 claims are cognizable
20 against local entities that receive federal funds and as we've
21 alleged in paragraph 6 and 10 of our complaint, Frederick
22 County and the Frederick County Sheriff's Office receive
23 federal funding through reimbursements under two programs that
24 this Court has already noted. One is the DOJ State Criminal
25 Alien Assistance Program for Incarcerated Immigrants and two,

1 Frederick County Inter-Governmental Service Agreement with ICE
2 for detaining immigrants at Frederick County which is operated
3 by the Frederick County Sheriff's office.

4 Now federal law 5 USC Section 3371 and subsection
5 2(a) and 2(b) specifically in implementing regulations makes
6 clear that such claims encompass local Government including
7 any political subdivision, instrumentality or authority of the
8 state as well as any general or special purpose agency of a
9 political subdivision, instrumentality or authority. The
10 language is very expansive, Your Honor. Respectfully, we don't
11 think Defendants provide a reasonable basis to conclude that
12 Title 6 claims cannot lie against the county or the Frederick
13 County Sheriff's Office. Although Defendant cited several
14 cases, again none of those cases involve the Title 6 claim.
15 Further, it is necessary to identify entities that receive
16 funding, like Frederick County and Frederick County Sheriff's
17 Office because other cases in this circuit, including one that
18 we've cited in this court which is Fisher versus Lewis and it
19 was decided on May 4th of 2011. Those cases have generally
20 held that individuals like Sheriff Jenkins even in their
21 official capacities cannot be sued under Title 6 because they
22 are not considered recipients of federal funds.

23 So looking at it from the perspective of what
24 Defendants are arguing, it seems to us that Defendants seem to
25 be suggesting that no entity can be sued under Title 6 because

1 you can't sue the sheriff in his official capacity, you can't
2 sue the county and you can't sue the sheriff's office,
3 apparently. So it just doesn't make sense. Who would we sue?

4 **THE COURT:** Well, I guess the question is here there
5 is the Fourth Circuit opinion in Revene, R-e-v-e-n-e vs.
6 Charles County Commissioners back in 1989, that's 882 F.2d 870
7 did note that the separate claim against the Office of Sheriff
8 was rightly dismissed on the basis that that office was not a
9 cognizable legal entity separate from the sheriff in his
10 official capacity and the county Government of which the
11 office was simply an agency. And you're taking language under
12 Title 6 to essentially say that because it's an agency with
13 respect to funding, that it's a separate entity.

14 It's clear to me that the allegation is that there's
15 funding directly from the federal Government to Frederick
16 County, Maryland under the State Criminal Alien Assistance
17 Program. And I gather that your response is that in
18 paragraph 10 you allege that the Frederick County Sheriff's
19 Office directly from the Federal Government, totally apart
20 from disbursements from the county directly receives federal
21 funding through I think it's the IGSA program. What is the
22 IGSA program again?

23 **MR. WHITTAKER:** It's an Inter-Governmental Service
24 Agreement.

25 **THE COURT:** Inter-Governmental Service Agreement,

1 IGSA and you're contending that there's not only direct
2 federal payment to Frederick County Government, but also
3 direct payment to the Frederick County Sheriff's Office.

4 **MR. WHITTAKER:** That is our understanding, Your
5 Honor.

6 **THE COURT:** I mean, that's what you're alleging,
7 that there is federal money that not only goes to the county
8 under the SCAAP program which then goes to the Frederick
9 County Sheriff's Office, but also that there is direct funding
10 with a check that goes directly to the Frederick County
11 Sheriff's Office and does not go through the county
12 Government. Is that your allegation?

13 **MR. WHITTAKER:** Yes.

14 **THE COURT:** Okay. All right, Mr. Karpinski, do you
15 want to be heard on that?

16 **MR. KARPINSKI:** That's what the allegation is, Your
17 Honor.

18 **THE COURT:** Well then that's a sufficient allegation
19 under Title 6 it seems to me that would be carved out from
20 Revene versus Charles County Commissioners with respect to the
21 Title 6 claim separate from the 1983 action. And for that
22 reason, at least based upon that allegation that there's money
23 directly going right to the sheriff's office with no -- that's
24 what was alleged -- I'm not making any findings, but it's
25 alleged that there's not only money that goes to Frederick

1 County as part of the State Criminal Alien Assistance Program
2 and then some of that money is then distributed by the county
3 to the sheriff's office, but the sheriff's office itself is a
4 direct recipient of money under a separate program with a
5 check coming from the Federal Government directly to the
6 Frederick County Sheriff's Office in light of an alleged
7 coordination of effort with respect to the possibility of
8 illegal immigrants residing or being in Frederick County. So
9 for those reasons as set forth, it's sufficiently and
10 adequately pled both as to the county and as to the sheriff's
11 office. And at this point in time the Motion to Dismiss will
12 be denied as to Count III with respect to both Frederick
13 County and the Frederick County Sheriff's Office.

14 So I believe where we now are is finally the
15 alternative argument with respect to the Defendant having
16 noted the potentiality of bifurcation. And clearly noting
17 that present in this court under Marryshow vs. Bladensburg,
18 opinion of Judge Garbis back in 1991 that's reported at 139
19 F.R.D. 318, that with respect to when Monell claims are
20 asserted, bifurcation may prevent potential prejudice and be a
21 time consuming matter. And clearly that's within the
22 discretion of this Court under Rule 42(b) of the Federal Rules
23 of Civil Procedure that I may bifurcate claims for discovery
24 in trial when it would be conducive to expedition and economy,
25 further the convenience of the Court and the parties or avoid

1 prejudice.

2 So on that, Mr. Karpinski, I'll be glad to hear from
3 you.

4 **MR. KARPINSKI:** Well, Your Honor, I would request
5 that all of the claims other than the claims against the
6 deputies in their individual capacity be bifurcated because
7 the reality is is that, you know, this is allegedly a
8 15-minute traffic stop that happened in July of 2018. That is
9 something that would be easy for the parties to go ahead and
10 do discovery on and either file Motions for Summary Judgment
11 and/or try the case. And depending upon the outcome of that
12 part of the case whether it be resolved via settlement,
13 Summary Judgment, or trial, that would be dispositive of the
14 remaining other claims and the parties would be able to do
15 that much more efficiently in a quicker time period and it
16 would not result in prejudice to the individual defendants
17 where there would be all of these other issues of other stops
18 and other individuals who have had interaction with the
19 sheriff's office. So this seems to me to be the perfect case
20 for bifurcation is ideal because the parties can in very short
21 order do the discovery with regard to the July 7, 2018 stop,
22 and depending upon what the result of that is as Judge Garbis
23 pointed out in Marryshow, that would in almost every case
24 resolve the entire matter. There's so few Monell claims.
25 Santos is an anomaly. But as Your Honor is well aware, most

1 times you never get to a Monell trial because the underlying
2 case either there is no constitutional violation and then thus
3 there's no Monell liability, and/or if there's a verdict that
4 is satisfied as Judge Garbis pointed out in Marryshow, that is
5 the recovery that the Plaintiff gets.

6 So to me this is the ideal case where bifurcation is
7 appropriate. It's necessary. To be able to go ahead and have
8 to go ahead and litigate all these other issues are
9 prejudicial to the individual deputies. It's expensive and
10 it's totally unnecessary under the circumstances.

11 **THE COURT:** Mr. Whittaker?

12 **MR. WHITTAKER:** Yes, Your Honor, I just want to
13 start with that there should be a presumption generally and
14 there is a presumption under the rules and under case law that
15 separation of issues for trial should not be routinely
16 ordered. A presumption should be that we should be able to
17 present all of our claims at trial and proceed with discovery
18 in a single unified matter.

19 Now Defendants seem to be arguing in their opening
20 brief that apart from Plaintiff's claims against deputies in
21 their individual capacities, all of the other claims require a
22 finding that the deputies are personally liable for an
23 underlying constitutional violation. So that's incorrect for a
24 few different reasons that I want to point out and discuss
25 with the Court here.

1 First is that the Court can theoretically conclude
2 that the deputy submitted a constitutional violation, but that
3 they are entitled to qualified immunity and thus cannot be
4 personally liable. That's essentially the Santos case which
5 your Counsel for Defendants just noted. And we are confident
6 that the deputies in this case would not be entitled to
7 qualifying immunity since the applicable law in this is clear,
8 but if the Court determines otherwise it would not resolve the
9 personal capacity claims against Sheriff Jenkins or the
10 official capacity or Monell claims in this case.

11 Second is that the Court could conclude that the
12 deputies did not violate Ms. Medrano's constitutional rights,
13 but that wouldn't necessarily resolve claims based on
14 allegations related to other members of the RISE coalition
15 that are also at issue in the first and second causes of
16 action. The unlawful detention of Ms. Medrano provides an
17 independent basis for liability and it's perhaps the clearest
18 basis for liability under the claim, but it is not the only
19 basis for liability under the first two causes of action.

20 And the third point is the Defendant's argument on
21 this issue in their opening memorandum ignores Plaintiff's
22 third cause of action under Title 6 which is distinct from any
23 finding of individual liability and lies directly against the
24 county and the Frederick County Sheriff's Office.

25 Now in their reply memorandum, Defendants appear to

1 concede as a third cause of action is for a non-derivative
2 claim under Title 6 meaning that Plaintiff's Title 6 claim
3 will not be resolved even if Defendants are wholly successful
4 in defending against the individual liability claims against
5 deputies and Mothershead and Barrera. As a result, Defendants
6 appear to concede that bifurcation would likely not be
7 economical or efficient, factors that all of the parties have
8 identified as significant considerations under Rule 42.
9 Similarly, Defendants do not dispute Plaintiff's arguments
10 that they would be prejudiced by bifurcation and instead,
11 Defendants appear to argue that bifurcation is appropriate
12 irrespective of whether it would be inefficient for the Court
13 and the parties and irrespective of whether it would be
14 prejudicial to Plaintiffs because Defendants apparently
15 believe that the individual deputies could be prejudiced at
16 trial if the juries heard evidence that they would
17 characterize as unrelated to the traffic stop and prolonged
18 detention of Ms. Medrano.

19 With respect to the argument about prejudice, it's
20 not very well developed. Defendants fail to explain why or how
21 a jury would think that all of the evidence would inevitably
22 prejudice the deputies and there's a pretty simple way for the
23 Court to deal with this, I think, in that since the case
24 involved Title 6 claims that are nonderivative, it seems
25 fairly obvious that discovery would not be shortcut or

1 efficient if we bifurcated discovery. The Court would and we
2 would inevitably have to go through two rounds of discovery,
3 whether or not the individualized claims, regardless of how
4 the individual liability claims were resolved. As a result, we
5 would potentially have to do more than one deposition of each
6 witness. We would potentially have to get more documents
7 second time around which would result in an inefficient
8 process. So at the very least it seems to us that there's no
9 reason for bifurcation with respect to discovery.

10 Now there may or may not later be an issue where
11 they may be able to argue a specific reason why trial should
12 be bifurcated, but that decision doesn't need to be made now.
13 It could be made at a later point in time. There's simply no
14 reason why that decision should be made at this point now.

15 **THE COURT:** Mr. Karpinski, do you want to be heard
16 further on this?

17 **MR. KARPINSKI:** Yes, Your Honor. I don't concede
18 that Count III is necessarily derivative. I think quite
19 frankly, if indeed the Defendants are found to be not liable
20 with regard to the underlying traffic stop on July 7th of
21 2018, that ends the case and I don't think that it goes any
22 further. So again, bifurcation has been the norm in this
23 jurisdiction for years and it has worked out well. And while
24 again in Santos there was a finding of qualified immunity for
25 the deputies, again that --

1 **THE COURT:** The qualified immunity in Santos clearly
2 would not apply in this case, Mr. Karpinski.

3 **MR. KARPINSKI:** That's correct, Your Honor.

4 **THE COURT:** Without question. I mean, the very
5 language of the Fourth Circuit in a 2013 opinion with respect
6 to the deputies in Santos being awarded qualified immunity
7 because first, the Supreme Court had not directly addressed
8 the role of state and local officers until Arizona vs. The
9 United States decided around 2012. This is a 2018 instance
10 that that doesn't apply. And the Fourth Circuit in Santos
11 noted that until the day of its opinion, the Fourth Circuit
12 did not establish that local law enforcement officers may not
13 seize individuals for civil immigration violations. Clearly
14 that doesn't apply to this 2018 incident. And before Arizona
15 versus United States there was a circuit split. So we'll have
16 to wait for another day with respect to the independence of
17 the Title 6 action here. But I guess my question to you is
18 this does not appear to be -- this event that occurred in July
19 of 2018 does not appear to be a particularly protracted event
20 requiring in and of itself an extensive period of matter of
21 discovery. Explain to me how complicated this is. I mean, this
22 is very, very simply an allegation that on July 7th this woman
23 was stopped and pulled over. And it's alleged that she was
24 pulled over because she did not have a functioning tail light.
25 It's alleged that that is simply not true, that there was no

1 problem with her tail light and she specifically alleges that
2 she never has had a problem with her tail light. And that is
3 going to be a factual issue that is raised. The finder of fact
4 ultimately will determine whether or not it was a proper stop
5 or not. If the finder of fact determines there was no problem
6 with her tail light, it would certainly raise the inference of
7 a pretextual stop. Does not the complaint allege that she was
8 stopped for an alleged nonfunctioning tail light?

9 **MR. KARPINSKI:** Yes, Your Honor, yes.

10 **THE COURT:** And if the finder of fact finds that
11 there was no nonfunctioning tail light, then that gets
12 directly to a totally pretextual stop, does it not?

13 **MR. KARPINSKI:** Yes. And if the deputy is found
14 liable, then there would be a judgment entered against him.

15 **THE COURT:** Well, I guess the point is is that
16 you're right, Monell has usually been very applicable in many
17 of these cases, but I must tell you that even much to my
18 surprise, going through the allegations here and many times --
19 I don't mean Monell, I mean Marryshow, just so Plaintiff's
20 counsel is aware, and Mr. Hayes, and Mr. Whittaker, and Ms.
21 Jeon, and Mr. Steiner may be aware, many times, most times Mr.
22 Karpinski is correct that there's a bifurcation here between
23 essentially the individual liability claims against the
24 officer and the official capacity claims because there has to
25 be an underlying constitutional violation before you get to

1 Monell. But here this is hardly, Mr. Karpinski, a complicated
2 series of events. I can't imagine how much discovery would
3 even be necessary with respect to the alleged underlying
4 constitutional violation.

5 **MR. KARPINSKI:** So that's my point, Your Honor,
6 because what's going to happen is if we don't have bifurcation
7 then we have all of this discovery on all of these unrelated
8 things where we could do discovery very quickly on the
9 July 7th incident, have a trial. If there's no liability,
10 there's no need to proceed any further. If there is liability,
11 that may be the end of the case because you don't get to
12 Monell. That's the whole purpose behind Marryshow.

13 **THE COURT:** And as I look at the case now, there
14 would be no way that your client would be entitled to Summary
15 Judgment. There's no way that Deputy Mothershead is entitled
16 to Summary Judgment after brief discovery because there's a
17 factual question here. Isn't there a basic factual question?
18 He says he pulled the woman over for a nonfunctioning tail
19 light and she says, that's not true. My tail lights were fine
20 and they're still fine. Now that's definitely got to be
21 resolved by a finder of fact, does it not?

22 **MR. KARPINSKI:** That's correct, Your Honor. My point
23 though is that if that's the case, this is the ideal case for
24 bifurcation. So have discovery on that issue, have a trial on
25 that issue. Depending upon what the outcome of that trial is,

1 that will then dictate whether there are any further
2 proceedings.

3 **THE COURT:** And I guess the reason why, the reason
4 why I am not going to have bifurcation here under Marryshow
5 which is not usual, you're right, is for the simple reason
6 that the whole context of this between a woman who says she
7 was stopped for her national origin and discrimination and her
8 ethnic background, she's alleging she was stopped and it's a
9 pretext. And it remains to be seen what the evidence will be
10 as to whether or not anyone else can document or believe that
11 she didn't have a functioning tail light. And the simple fact
12 of the matter is totally apart from the independence, the
13 Title 6 allegation in the third cause of action is totally
14 independent it appears to me. You'll have further briefing on
15 this down the road, but it certainly appears to be independent
16 of whether or not there's a factual finding of a pretextual
17 stop by an officer here with respect to finding from the
18 Federal Government under Title 6 and whether or not that
19 funding is volitive because of clear discriminatory practices.
20 So that's the first basis of which Marryshow will not in any
21 way help the Court attempt to resolve all of these issues.

22 And secondarily, in the context, in the context of
23 the overall issues in this case and what will or will not be
24 admissible at trial, in that context with respect to her
25 contention that there was a pretextual stop -- and that's

1 essentially what she's alleging and the Defense obviously will
2 be arguing no, there's not. It was a nonfunctioning tail
3 light. In the context of a financial incentive with respect
4 to coordinating with a federal authority and having grant
5 awards of money both to the county and to the sheriff's office
6 and in the context of all that -- I'm not making a ruling
7 ahead of time, but I'm hard pressed to see how that evidence
8 does not become relevant under Rule 401 with respect to the
9 finder of fact, in this case the jury determining whether or
10 not in terms of its facts, in terms of what it believes did or
11 did not occur with respect to the events in July of 2018.

12 So this is an unusual situation, but the facts are
13 so well defined and pled here that it is of no utility to the
14 Court to bifurcate this matter for expedition and economy. In
15 fact, it's just the reverse with respect to economic patterns
16 of discovery to get all these issues resolved and it is not
17 convenient to the Court to bifurcate this. It might be
18 convenient to the defense. It's not convenient to the
19 Plaintiffs either, but it's definitely not convenient to the
20 Court. And it's within my broad discretion. Marryshow is
21 often cited by this Court as you aptly note, Mr. Karpinski,
22 with respect to these matters. But this is not a Marryshow
23 situation, in my opinion. This Court has broad discretion to
24 bifurcate claims for trial and this decision will only be set
25 aside for clearer use. And the Fourth Circuit has noted that

1 in Dixon vs. CSX Transportation, 990 F.2d 1440, the Fourth
2 Circuit opinion in 1993 and as even Judge Garbis noted in the
3 Marryshow case, in the context of the 1983 claim, there's just
4 no single best way to handle it. But we have more than a
5 Section 1983 claim here in light of the third cause of action
6 under Title 6. And the language, I would even note that my
7 colleague, Judge Hollander in applying Marryshow in a recent
8 case, Tferkis vs. Baltimore County in this circuit, that's
9 T-f-e-r-k-i-s, Tferkis vs. Baltimore County, 2019 Westlaw 493
10 2596, an opinion by Judge Hollander last October in 2019. She
11 noted that bifurcation prevents the potential prejudice to
12 individual defendants that may result from the introduction of
13 inflammatory evidence concerning the municipality's policies,
14 practices and customs. I don't find that particularly
15 inflammatory here in the context of what's involved. This is
16 not an excessive force case. This is not a beating. This is
17 not that kind of a case. It's very simple. And the overall
18 facts are from what I can tell is that this woman was stopped
19 and pulled over for an alleged traffic violation, specifically
20 a tail light violation. And that she was held on the side of
21 the road for an hour. And the allegation is there was never
22 any tail light violation and she never had to replace any.
23 And she was pulled over totally inconsistent with the county
24 policy here. And that is clearly relevant, Fenway Park, the
25 1983 action is totally relevant as to the third cause of

1 action under Title 6.

2 So for those reasons, bifurcation will be denied. So
3 I think that we've handled all of the issues here. Are there
4 any other open issues from the point of view of the Plaintiffs
5 on this matter?

6 **MR. WHITTAKER:** No, Your Honor.

7 **THE COURT:** All right. Mr. Karpinski for the
8 Defense, are there any other open motions from the point of
9 view of the Defense?

10 **MR. KARPINSKI:** No, Your Honor.

11 **THE COURT:** Well, it seems to me in light of the
12 clear factual issue here along with many other issues, the
13 clear factual issue here is that it seems to me that we'll
14 issue a scheduling order here with respect to responses and
15 discovery and with respect to a dispositive motions deadline.
16 But just based upon the allegations that I see here starting
17 from paragraphs 44 I believe over to essentially paragraphs 40
18 through 53 and what is alleged here, it seems to me that it
19 would probably be helpful, there are certain matters here that
20 are just law issues of fact here between Deputy Mothershead
21 and Ms. Medrano in terms of what occurred. So I think it's
22 wise now to -- particularly with scheduling issues, it's wise
23 now that we pick a trial date.

24 So what I propose to do is that we get a fixed trial
25 date here and we back up the scheduling order from that trial

1 date. So if you want to just let me hold just for one second
2 here and I'll get my calendar out and I'll see what works for
3 you all and then we will issue a scheduling order and that
4 will save time, as opposed to my summarily issuing a
5 scheduling order and then perhaps have you wanting to have
6 modifications for it. Does that sound workable to you, Mr.
7 Whittaker?

8 **MR. WHITTAKER:** Yes, Your Honor.

9 **THE COURT:** Does that sound workable to you, Mr.
10 Karpinski?

11 **MR. KARPINSKI:** Your Honor, I don't have a problem
12 setting a trial date, but I respectfully submit that Your
13 Honor's ruling has opened the floodgate to very extensive
14 discovery that's going to be requested by the Plaintiffs.

15 **THE COURT:** I have no doubt. I understand that and
16 I'm willing to allow the proper amount of time for it. That's
17 why I'm trying to get a trial date that's sufficiently far out
18 that allows for that and I'll be glad to hear how much time
19 you think you need for discovery. I understand that. Just hold
20 one second. Let me put you on hold just for one second. Wait
21 a minute.

22 Okay, you all there? We'll get a scheduling order
23 out within the next day or two here, but let me just sort of
24 run through the category here and then we're going to figure
25 out a trial date here and give you a fixed trial date.

1 Ordinarily let's say -- hold on just one second. In terms of
2 we don't need to worry about request for modifications for
3 scheduling because we're going to do this now, so we all agree
4 upon the scheduling order. The first category will be joint
5 request for early settlement and ADR conference. We'll do
6 that at the normal time period. Report about deposition hours,
7 we can deal with the normal time period. Initial report
8 whether there is unanimous consent to proceed before a United
9 States Magistrate Judge, we can keep that in the normal
10 scheduling order. Deadline for electronically stored
11 information. I guess the most important deadline first would
12 be moving for joinder of additional parties and amendment of
13 completeness. I don't really see that to be a factor here. Mr.
14 Whittaker, is it anticipated that you're going to be amending
15 your complaint or adding additional parties?

16 **MR. WHITTAKER:** Your Honor, at this time we don't
17 foresee a need to do that, although we can't necessarily --

18 **THE COURT:** I understand. Mr. Karpinski, from your
19 point of view is there any thought of a third-party
20 proceeding? From your point of view, is that really a factor
21 here? I don't think it is.

22 **MR. KARPINSKI:** No, Your Honor.

23 **THE COURT:** Then we get down to the matter of
24 Rule 26(a)(2) disclosures. And today is July the 27th. Just
25 going to try to work with you now on this. With respect to

1 Rule 26(a) (2) disclosures, what's a reasonable deadline from
2 the point of view of the Plaintiffs on this?

3 **MR. WHITTAKER:** Your Honor, I think we could
4 probably do those within a month, disclosures within a month.

5 **THE COURT:** Well, let's maybe make it two months.
6 What is your point of view on that, Mr. Karpinski?

7 **MR. KARPINSKI:** Probably two months.

8 **THE COURT:** All right, two months. So I assume
9 we'll have Rule 26(a) disclosures be due by -- wait a minute
10 -- we'll have them be due by Friday, September the 25th. Hold
11 on one second. Friday, September the 25th and then in terms of
12 rebuttals, you have the Plaintiff's disclosures -- we'd have
13 the Plaintiff's disclosures -- seems to me we'll have the
14 Defendant's reply by September 25th, we'll have the
15 Plaintiff's disclosures by August 28th. Defendant's Rule 26
16 disclosures by September 25th, Plaintiff's rebuttals would be
17 due two weeks thereafter. It would be due two weeks thereafter
18 on October 9th. Plaintiff's rebuttal by Friday, October
19 the 9th. You would have until October the 23rd for any
20 supplementation. So then let's get to the ultimate here, the
21 discovery deadline submission of status report. Mr. Karpinski,
22 you had raised this issue. What do you think is a reasonable
23 discovery deadline?

24 **MR. KARPINSKI:** Sometime in January.

25 **THE COURT:** All right, does that sound workable to

1 you, Mr. Whittaker?

2 **MR. WHITTAKER:** Yes, Your Honor.

3 **THE COURT:** All right, then why don't we have the
4 discovery deadline in this case allowing for the difficulties
5 of the pandemic and scheduling whatever. My thought is that we
6 probably should have a discovery deadline of January 29th.
7 That's Friday, January 29, 2021. Then we would have a request
8 for admissions be about a week thereafter, by Friday, February
9 the 5th, 2021. And then we would have a dispositive pretrial
10 motions deadline, consistent with the normal schedule we'd
11 have the dispositive pretrial motions deadline by
12 February 26th. Friday, February 26, 2021. And then I'll
13 allow time with respect to after that's filed and a motions
14 hearing and whatever, it seems to me that we should project
15 out maybe as much as two to three months out for the jury
16 trial in this case. God willing we'll be able to coordinate
17 jury trials by then. And so my thought is with a request for
18 admissions by February 26th, discovery deadline by
19 February 5th -- I'm trying to move back here -- I'm going to
20 give you a potential jury trial date sometime in May of next
21 year, in about ten months.

22 **MR. KARPINSKI:** Your Honor, can we push it back even
23 further?

24 **THE COURT:** All right, do you have a conflict in
25 May, Mr. Karpinski?

1 **MR. KARPINSKI:** Well, I don't have a conflict but
2 respectfully, when we did the Bertrand case and we briefed
3 through it, we finished doing these Motions for Summary
4 Judgment and we started doing briefing on the 26th, I think I
5 took years off my life getting ready for trial in the brief
6 period of time between the ruling and trial.

7 **THE COURT:** All right, well I'll try not to be as
8 lengthy on it. You got a good result in the Bertrand case, Mr.
9 Karpinski.

10 **MR. KARPINSKI:** I understand that, but I just, I
11 just, I know that there was a lot of last minute and the Court
12 worked very, very hard to accommodate everyone, but there was
13 a lot of last minute scrambling to get ready for trial.

14 **THE COURT:** Let's pick a trial date in June, 2021.
15 Does that work for you, Mr. Karpinski?

16 **MR. KARPINSKI:** That's fine with me, Your Honor.

17 **THE COURT:** Mr. Whittaker, that's good for your
18 team?

19 **MR. WHITTAKER:** Yes, Your Honor.

20 **THE COURT:** All right, we'll pick a June trial date
21 here and we'll pick a June trial date of June -- Monday,
22 June 14, 2021. We'll have a pretrial conference on Monday,
23 June 7, 2021, at 2 o'clock in the afternoon. In terms of
24 length of time for the jury trial, what do you think a
25 reasonable length of time for a jury trial is in this case?

1 If things break your way on all fronts and even if they don't,
2 what do you think?

3 **MR. WHITTAKER:** Your Honor, I think we could have
4 multiple witnesses, probably three to five days probably.

5 **THE COURT:** Yeah, I don't think it's going to take
6 much longer than a week.

7 **MR. WHITTAKER:** Yeah, I don't think so.

8 **THE COURT:** Do you agree with that, Mr. Karpinski?
9 This is basically a week-long jury trial, right?

10 **MR. KARPINSKI:** I think we should be able to get it
11 done in a week.

12 **THE COURT:** We'll make it a four to five-day jury
13 trial starting Monday, June 14, 2021, and we will issue a
14 scheduling order probably tomorrow on this and I'll issue an
15 order today noting having conducted a hearing, having reviewed
16 the very thorough briefing by both sides and having heard
17 argument, now we've been going for about an hour-and-a-half,
18 the Motion is denied for the reasons set forth on the record
19 and we'll move forward.

20 Anything else from the point of view of the
21 Plaintiffs, Mr. Whittaker?

22 **MR. WHITTAKER:** No, Your Honor.

23 **THE COURT:** Mr. Karpinski, anything else from the
24 point of view of the Defense?

25 **MR. KARPINSKI:** No, Your Honor.

1 **THE COURT:** All right, and I want to thank Ms. Jeon,
2 Mr. Steiner, Mr. Hayes for their work on the case. And Mr.
3 Black, your work as well. Sometimes it's the people who speak
4 less have done most of the work, I don't know. And I want to
5 thank everyone for your work and briefing on this matter and
6 that will conclude this hearing. Thank you all very much.

7 **(Proceeding concluded at 12:59 p.m.)**
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF OFFICIAL REPORTER

I, Nadine M. Gazic, Certified Realtime Reporter and Registered Merit Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 9th day of October, 2020.

Nadine M. Gazic

NADINE M. GAZIC, CRR, RMR

FEDERAL OFFICIAL COURT REPORTER

/	55:14 2021 [7] - 51:7, 51:9, 51:12, 52:14, 52:22, 52:23, 53:13 21201 [1] - 1:25 228 [1] - 16:17 23rd [1] - 50:19 2596 [1] - 46:10 25th [4] - 50:10, 50:11, 50:14, 50:16 26 [2] - 50:15, 51:12 26(a) [1] - 50:9 26(a)(2) [2] - 49:24, 50:1 268 [1] - 16:17 26th [3] - 51:12, 51:18, 52:4 27 [1] - 1:8 27th [1] - 49:24 28 [1] - 55:8 287(g) [4] - 6:23, 7:6, 7:21, 28:12 28th [1] - 50:15 29 [1] - 51:7 29th [1] - 51:6	6	acronym [3] - 8:9, 8:10, 9:14 acted [1] - 14:3 acting [1] - 21:15 action [18] - 3:17, 10:8, 14:19, 15:4, 16:23, 27:9, 29:14, 29:22, 34:21, 38:16, 38:19, 38:22, 39:1, 41:17, 44:13, 46:5, 46:25, 47:1 actions [6] - 13:5, 13:10, 23:17, 28:20, 29:13, 30:14 activities [4] - 24:7, 24:12, 27:16, 31:16 actual [2] - 12:17, 16:24 adding [1] - 49:15 additional [2] - 49:12, 49:15 address [6] - 10:15, 10:17, 18:15, 20:9, 29:14 addressed [1] - 41:7 adequately [4] - 9:17, 26:22, 29:10, 35:10 adhered [1] - 21:24 Administrative [1] - 3:7 admissible [1] - 44:24 admissions [2] - 51:8, 51:18 admittedly [2] - 17:12, 28:21 adopted [1] - 5:24 ADR [1] - 49:5 afternoon [1] - 52:23 agency [4] - 7:3, 32:8, 33:11, 33:12 ago [1] - 13:19 agree [2] - 49:3, 53:8 agreeable [2] - 10:22, 10:25 Agreement [4] - 6:25, 32:1, 33:24, 33:25 ahead [6] - 19:6, 20:2, 36:9, 37:7, 37:8, 45:7 al [2] - 1:3, 1:5 alien [1] - 5:13 Alien [7] - 8:11, 8:14, 8:21, 24:23, 31:25, 33:16, 35:1 allegation [15] - 16:1, 16:2, 18:4, 24:20, 25:5, 27:24, 30:23, 33:14, 34:12, 34:16, 34:18, 34:22, 41:22, 44:13, 46:21	6 [22] - 24:24, 31:12, 31:14, 31:15, 31:19, 31:21, 32:12, 32:14, 32:21, 32:25, 33:12, 34:19, 34:21, 38:22, 39:2, 39:24, 41:17, 44:13, 44:18, 46:6, 47:1 60 [3] - 17:15, 22:3, 27:2 61 [2] - 17:21, 27:12 64 [1] - 14:16 65 [1] - 27:12 658 [1] - 18:18	7	7 [3] - 6:6, 36:21, 52:23 74 [1] - 14:11 74-84 [1] - 17:22 753 [1] - 55:8 76 [1] - 14:11 785 [1] - 28:16 791 [1] - 16:12 7th [3] - 40:20, 41:22, 43:9	8	8 [1] - 7:12 8(a)(2) [1] - 25:15 800 [1] - 23:16 870 [1] - 33:6 88 [1] - 27:22 882 [1] - 33:6	9	9 [1] - 24:25 990 [1] - 46:1 9th [3] - 50:18, 50:19, 55:14	A	able [6] - 36:14, 37:7, 37:16, 40:11, 51:16, 53:10 above-entitled [1] - 55:10 accepted [1] - 11:20 accommodate [1] - 52:12 according [1] - 16:1 accordingly [1] - 18:10 accounts [1] - 14:11	allegations [23] - 11:15, 12:9, 14:12, 14:17, 14:19, 14:23, 15:5, 16:6, 16:9, 17:14, 17:15, 18:3, 19:14, 19:19, 20:2, 22:19, 24:8, 24:9, 27:2, 29:2, 38:14, 42:18, 47:16 allege [4] - 16:24, 22:4, 33:18, 42:7 alleged [36] - 13:2, 15:20, 15:24, 16:22, 17:5, 17:8, 17:10, 17:19, 17:21, 20:5, 21:25, 24:24, 25:3, 26:2, 26:9, 26:25, 27:2, 27:8, 27:11, 27:13, 27:17, 27:20, 27:21, 27:25, 28:25, 29:10, 31:21, 34:24, 34:25, 35:6, 41:23, 41:25, 42:8, 43:3, 46:19, 47:18 allegedly [3] - 22:25, 28:10, 36:7 alleges [3] - 13:9, 19:20, 42:1 alleging [4] - 23:21, 34:6, 44:8, 45:1 allocated [1] - 31:4 allow [2] - 48:16, 51:13 allowing [1] - 51:4 allows [1] - 48:18 almost [3] - 11:22, 20:1, 36:23 alone [2] - 11:16, 24:13 alternative [3] - 3:16, 10:5, 35:15 alternatively [1] - 26:3 amazed [1] - 5:1 ambit [1] - 18:16 amending [1] - 49:14 amendment [1] - 49:12 American [2] - 5:8, 5:14 amount [1] - 48:16 analysis [2] - 21:22, 28:13 animus [1] - 13:7 annual [1] - 31:4 anomaly [1] - 36:25 answer [1] - 19:4 answered [1] - 29:9 answers [3] - 9:22, 21:20, 29:9 anti [2] - 13:6, 26:8
1	1 [4] - 12:17, 16:24, 26:12, 29:13 10 [2] - 31:21, 33:18 101 [1] - 1:24 11 [2] - 3:17, 13:13 11-year [2] - 4:24, 5:2 12 [1] - 13:19 12(b)(6) [1] - 25:15 12:59 [1] - 54:7 13 [2] - 5:8, 16:12 1357(g) [1] - 7:13 139 [1] - 35:18 14 [3] - 20:1, 52:22, 53:13 1440 [1] - 46:1 15 [1] - 6:8 15-minute [1] - 36:8 16 [1] - 25:1 19 [1] - 16:18 19-2038-RDB [1] - 1:4 1978 [1] - 18:18 1983 [8] - 16:14, 16:23, 23:6, 31:10, 34:21, 46:3, 46:5, 46:25 1989 [1] - 33:6 1991 [1] - 35:18 1993 [1] - 46:2 1994 [1] - 16:12	3	3 [3] - 12:23, 17:5, 22:3 318 [1] - 35:19 3371 [1] - 32:4 346 [2] - 23:16, 28:16	4	40 [1] - 47:17 401 [1] - 45:8 410-962-4753 [1] - 1:25 42 [1] - 39:8 42(b) [1] - 35:22 436 [1] - 18:18 44 [1] - 47:17 45 [2] - 22:3, 22:4 469 [1] - 26:17 475 [1] - 26:17 493 [1] - 46:9 4th [2] - 1:24, 32:19	5	5 [1] - 32:4 53 [1] - 47:18 55 [1] - 27:12 550 [1] - 25:17 59 [2] - 27:12, 27:21 5th [2] - 51:9, 51:19	2	2 [6] - 12:20, 17:2, 22:3, 26:14, 29:13, 52:23 2(a) [1] - 32:5 2(b) [1] - 32:5 2001 [1] - 16:17 2008 [2] - 13:19, 22:7 2010 [1] - 4:11 2011 [2] - 15:18, 32:19 2012 [2] - 15:18, 41:9 2013 [5] - 13:20, 15:13, 15:14, 22:13, 41:5 2014 [1] - 5:24 2016 [1] - 4:12 2017 [1] - 4:13 2018 [10] - 6:7, 21:12, 28:16, 36:8, 36:21, 40:21, 41:9, 41:14, 41:19, 45:11 2019 [2] - 46:9, 46:10 2020 [3] - 1:8, 4:15,				

<p>anti-immigrant [2] - 13:6, 26:8 anticipated [1] - 49:14 apart [4] - 20:24, 33:19, 37:20, 44:12 apologize [1] - 3:20 appeal [2] - 20:17, 20:20 appear [5] - 38:25, 39:6, 39:11, 41:18, 41:19 applicable [3] - 21:11, 38:7, 42:16 applies [1] - 31:18 apply [3] - 41:2, 41:10, 41:14 applying [1] - 46:7 appropriate [2] - 37:7, 39:11 approval [1] - 23:17 approved [2] - 13:10, 27:9 aptly [1] - 45:21 argue [4] - 12:5, 12:10, 39:11, 40:11 argued [1] - 25:25 argues [2] - 21:6, 22:11 arguing [3] - 32:24, 37:19, 45:2 argument [10] - 5:5, 6:22, 10:10, 10:22, 18:20, 26:21, 35:15, 38:20, 39:19, 53:17 arguments [3] - 12:8, 31:9, 39:9 arises [1] - 6:6 Arizona [3] - 15:17, 41:8, 41:14 arrest [8] - 12:13, 13:16, 13:20, 13:24, 17:16, 17:17, 22:15, 27:6 arrested [8] - 8:3, 13:18, 14:4, 19:13, 19:24, 22:10, 22:12, 28:5 arresting [1] - 28:19 arrived [1] - 6:12 aside [1] - 45:25 aspects [1] - 21:4 assert [1] - 28:6 asserted [1] - 35:20 assistance [2] - 31:17, 31:19 Assistance [7] - 8:11, 8:15, 8:21, 24:23, 31:25, 33:16, 35:1 assisting [1] - 19:18 assume [1] - 50:8</p>	<p>Atlantic [1] - 25:16 attempt [1] - 44:21 attorney [1] - 2:25 Attorney's [1] - 7:4 audio [1] - 2:5 August [1] - 50:15 auspices [1] - 18:22 authority [3] - 32:7, 32:9, 45:4 authorization [4] - 12:12, 12:22, 16:20, 17:5 avoid [1] - 35:25 awarded [2] - 25:2, 41:6 awards [1] - 45:5 aware [9] - 3:21, 11:8, 13:22, 16:6, 17:17, 36:25, 42:20, 42:21</p>	<p>17:22, 17:23, 46:4 between [10] - 6:25, 7:3, 7:25, 12:24, 17:6, 19:11, 42:22, 44:6, 47:20, 52:6 beyond [1] - 19:18 bifurcate [6] - 3:17, 10:6, 35:23, 45:14, 45:17, 45:24 bifurcated [3] - 36:6, 40:1, 40:12 Bifurcation [1] - 10:20 bifurcation [15] - 35:16, 35:20, 36:20, 37:6, 39:6, 39:10, 39:11, 40:9, 40:22, 42:22, 43:6, 43:24, 44:4, 46:11, 47:2 bit [3] - 21:7, 25:6, 31:13 Black [2] - 1:19, 2:21 BLACK [4] - 2:23, 3:1, 3:4, 6:3 black [8] - 2:24, 6:2, 6:17, 7:17, 9:4, 11:1, 18:20, 54:3 Bladensburg [1] - 35:17 Blake [9] - 4:13, 23:3, 23:16, 23:23, 24:1, 25:11, 28:9, 28:17, 28:22 Blake's [1] - 28:16 Board [3] - 15:12, 20:14, 23:14 break [1] - 53:1 Brian [7] - 1:15, 2:11, 2:15, 4:18, 6:15, 8:13, 12:6 brief [6] - 21:19, 21:21, 30:7, 37:20, 43:16, 52:5 briefed [2] - 19:10, 52:2 briefing [4] - 44:14, 52:4, 53:16, 54:5 briefly [2] - 11:7, 15:3 broad [2] - 45:20, 45:23 broader [1] - 31:8 brought [2] - 11:9, 29:24 budget [1] - 31:4 Byron [2] - 1:19, 2:21</p>	<p>30:10, 32:12, 32:21, 38:3 capable [1] - 30:6 capacities [8] - 9:21, 9:22, 9:24, 28:15, 28:20, 29:1, 32:21, 37:21 capacity [31] - 10:6, 10:13, 10:15, 11:4, 11:8, 12:2, 14:21, 16:10, 17:10, 18:5, 18:8, 18:12, 19:4, 19:5, 19:7, 19:10, 20:25, 21:10, 21:16, 26:4, 28:18, 29:6, 29:7, 29:10, 29:11, 33:1, 33:10, 36:6, 38:9, 38:10, 42:24 carved [1] - 34:19 CASE [1] - 1:4 case [82] - 2:2, 3:18, 3:21, 3:22, 3:25, 4:3, 4:9, 4:10, 4:11, 4:16, 4:24, 5:2, 8:1, 11:11, 11:15, 11:22, 12:13, 13:4, 13:11, 13:13, 14:5, 15:8, 15:25, 16:4, 16:5, 18:1, 18:2, 18:9, 18:22, 19:12, 20:5, 20:16, 20:18, 20:21, 20:23, 21:1, 21:2, 22:12, 22:19, 23:4, 26:17, 27:7, 27:11, 27:21, 27:23, 28:3, 28:6, 28:9, 36:11, 36:12, 36:19, 36:23, 37:2, 37:6, 37:14, 38:4, 38:6, 38:10, 39:23, 40:21, 41:2, 43:11, 43:13, 43:23, 44:23, 45:9, 46:3, 46:8, 46:16, 46:17, 51:4, 51:16, 52:2, 52:8, 52:25, 54:2 cases [8] - 12:11, 25:17, 31:9, 32:14, 32:17, 32:19, 42:17 casually [1] - 14:7 category [2] - 48:24, 49:4 Catherine [1] - 3:8 causal [2] - 12:23, 17:6 causative [2] - 14:19, 16:21 caused [2] - 21:25, 26:15 causes [5] - 3:17, 10:8, 29:13, 38:15,</p>	<p>38:19 center [4] - 7:22, 8:2, 16:4, 19:24 certain [2] - 26:3, 47:19 certainly [6] - 4:7, 11:22, 17:9, 25:20, 42:6, 44:15 CERTIFICATE [1] - 55:1 Certified [1] - 55:5 certify [1] - 55:8 challenged [1] - 9:12 chance [1] - 20:22 change [2] - 13:22, 13:25 changed [1] - 5:23 characterize [1] - 39:17 CHARLES [1] - 1:5 Charles [6] - 2:14, 11:5, 18:6, 26:6, 33:6, 34:20 charter [2] - 5:24, 24:22 check [2] - 34:10, 35:5 checked [2] - 22:8 Chief [1] - 3:6 chief [2] - 19:1, 26:6 Cincinnati [1] - 26:17 Circuit [19] - 11:11, 11:12, 11:23, 14:5, 15:13, 15:15, 16:12, 16:15, 16:17, 20:19, 22:13, 23:3, 28:3, 33:5, 41:5, 41:10, 41:11, 45:25, 46:2 circuit [4] - 13:20, 32:17, 41:15, 46:8 Circuit's [1] - 14:2 circumstances [2] - 19:22, 37:10 cite [2] - 14:10, 20:13 cited [6] - 8:14, 25:18, 31:9, 32:13, 32:18, 45:21 citing [1] - 21:8 citizen [3] - 5:8, 5:14, 5:16 citizens [2] - 17:2, 26:19 Civil [2] - 25:15, 35:23 civil [7] - 2:3, 13:24, 15:16, 16:14, 17:19, 22:25, 41:13 CIVIL [1] - 1:4 claim [28] - 11:4, 11:9, 12:16, 14:20, 16:23, 17:10, 17:12, 18:21, 18:25, 19:2, 19:7,</p>
B	B	C	C	C
<p>backed [1] - 14:12 background [2] - 22:7, 44:8 balance [1] - 25:17 Baltimore [3] - 1:25, 46:8, 46:9 Barrera [13] - 2:15, 6:12, 9:22, 9:23, 10:16, 18:13, 26:24, 27:4, 27:13, 28:14, 29:1, 29:8, 39:5 based [7] - 13:2, 19:3, 27:14, 28:11, 34:22, 38:13, 47:16 basic [1] - 43:17 basis [16] - 12:1, 15:8, 19:6, 20:4, 21:13, 22:17, 22:22, 23:23, 24:16, 31:15, 32:11, 33:8, 38:17, 38:18, 38:19, 44:20 Baynard [1] - 16:15 BAYNARD [1] - 16:16 bear [1] - 30:15 beating [1] - 46:16 become [1] - 45:8 BEFORE [1] - 1:11 behalf [4] - 2:14, 2:21, 3:23, 3:24 behavior [1] - 15:24 behind [1] - 43:12 beliefs [1] - 19:16 believes [1] - 45:10 Bell [1] - 25:16 BENNETT [1] - 1:11 Bertrand [2] - 52:2, 52:8 best [5] - 5:2, 15:21,</p>	<p>calendar [1] - 48:2 Camille [1] - 3:7 cannot [5] - 23:18,</p>	<p>calendar [1] - 48:2 Camille [1] - 3:7 cannot [5] - 23:18,</p>	<p>calendar [1] - 48:2 Camille [1] - 3:7 cannot [5] - 23:18,</p>	<p>calendar [1] - 48:2 Camille [1] - 3:7 cannot [5] - 23:18,</p>

<p>20:2, 25:20, 26:1, 26:4, 30:14, 31:10, 31:12, 31:14, 31:15, 32:14, 33:7, 34:21, 38:18, 39:2, 46:3, 46:5</p> <p>claims [46] - 9:19, 9:21, 9:25, 10:7, 10:13, 10:16, 12:8, 18:8, 18:12, 18:15, 19:10, 20:10, 20:13, 20:16, 20:18, 20:19, 21:10, 23:15, 26:22, 29:6, 29:7, 29:10, 29:11, 31:10, 31:19, 32:6, 32:12, 35:19, 35:23, 36:5, 36:14, 36:24, 37:17, 37:20, 37:21, 38:9, 38:10, 38:13, 39:4, 39:24, 40:3, 40:4, 42:23, 42:24, 45:24</p> <p>clarify [2] - 8:8, 9:9</p> <p>clear [11] - 6:5, 6:23, 15:4, 18:24, 28:2, 32:6, 33:14, 38:7, 44:19, 47:12, 47:13</p> <p>clearer [1] - 45:25</p> <p>clearest [1] - 38:17</p> <p>clearly [13] - 5:20, 15:13, 15:18, 16:6, 18:2, 18:4, 23:25, 35:16, 35:21, 41:1, 41:13, 46:24</p> <p>Clerk [1] - 3:7</p> <p>clerk [1] - 3:8</p> <p>client [1] - 43:14</p> <p>co [1] - 27:23</p> <p>co-plaintiff [1] - 27:23</p> <p>coalition [4] - 21:2, 21:3, 22:2, 38:14</p> <p>Coalition [4] - 5:18, 5:19, 9:15, 12:14</p> <p>Code [1] - 7:13</p> <p>cognizable [2] - 31:19, 33:9</p> <p>colleague [1] - 46:7</p> <p>colleagues [1] - 4:25</p> <p>color [3] - 15:23, 17:25, 31:16</p> <p>coming [1] - 35:5</p> <p>comment [1] - 19:23</p> <p>comments [1] - 19:15</p> <p>commissioner [1] - 6:1</p> <p>commissioners [1] - 24:21</p> <p>Commissioners [5] - 15:12, 20:14, 23:14, 33:6, 34:20</p>	<p>committed [1] - 13:10</p> <p>community [2] - 14:9, 14:14</p> <p>complaint [24] - 8:14, 8:19, 11:15, 12:9, 13:2, 13:5, 13:9, 13:18, 14:10, 15:5, 17:13, 17:14, 17:15, 17:23, 18:1, 21:25, 22:4, 24:9, 24:25, 25:2, 25:6, 31:21, 42:7, 49:15</p> <p>complaints [7] - 13:10, 14:8, 15:22, 16:2, 16:14, 17:24, 27:10</p> <p>complete [1] - 20:22</p> <p>completely [2] - 15:21, 17:24</p> <p>completeness [1] - 49:13</p> <p>complicated [2] - 41:21, 43:1</p> <p>comprehensive [1] - 21:22</p> <p>concede [4] - 9:16, 39:1, 39:6, 40:17</p> <p>concerning [2] - 6:6, 46:13</p> <p>conclude [4] - 32:11, 38:1, 38:11, 54:6</p> <p>concluded [4] - 13:14, 14:5, 22:13, 54:7</p> <p>conclusion [1] - 20:23</p> <p>conclusions [1] - 14:18</p> <p>conductive [1] - 35:24</p> <p>conduct [3] - 11:14, 12:19, 17:1</p> <p>conducted [2] - 3:15, 53:15</p> <p>CONDUCTED [1] - 1:8</p> <p>conducting [1] - 2:4</p> <p>Conference [1] - 55:12</p> <p>conference [5] - 2:4, 3:9, 49:5, 52:22</p> <p>conferred [1] - 21:16</p> <p>confident [1] - 38:5</p> <p>conflating [1] - 11:18</p> <p>conflict [2] - 51:24, 52:1</p> <p>conformance [1] - 55:11</p> <p>congratulations [1] - 3:3</p> <p>connection [2] - 6:10, 8:22</p> <p>consent [1] - 49:8</p> <p>considerations [1] -</p>	<p>39:8</p> <p>considered [1] - 32:22</p> <p>consistent [1] - 51:10</p> <p>constituted [1] - 12:22</p> <p>constitutional [12] - 12:20, 16:21, 17:2, 17:7, 26:13, 26:14, 37:2, 37:23, 38:2, 38:12, 42:25, 43:4</p> <p>constructive [2] - 12:18, 16:25</p> <p>consuming [1] - 35:21</p> <p>container [1] - 19:25</p> <p>contains [1] - 17:14</p> <p>contending [1] - 34:1</p> <p>contention [1] - 44:25</p> <p>context [16] - 23:11, 23:19, 24:4, 25:8, 25:23, 25:24, 28:21, 28:23, 44:6, 44:22, 44:24, 45:3, 45:6, 46:3, 46:15</p> <p>contrast [1] - 12:10</p> <p>control [4] - 23:11, 23:17, 24:2, 25:11</p> <p>convenience [1] - 35:25</p> <p>convenient [4] - 45:17, 45:18, 45:19</p> <p>Coon [1] - 14:17</p> <p>coordinate [1] - 51:16</p> <p>coordinating [2] - 2:7, 45:4</p> <p>coordination [4] - 7:2, 8:23, 25:10, 35:7</p> <p>correct [35] - 2:25, 3:1, 3:25, 4:1, 4:17, 4:19, 4:20, 5:14, 5:15, 5:22, 6:1, 6:3, 6:13, 6:16, 7:8, 7:13, 7:15, 7:18, 8:5, 9:5, 20:1, 23:6, 23:8, 23:19, 23:20, 25:5, 29:16, 29:19, 29:20, 30:1, 30:2, 41:3, 42:22, 43:22, 55:9</p> <p>correctly [1] - 8:12</p> <p>counsel [7] - 4:15, 5:5, 5:25, 16:10, 21:6, 22:11, 42:20</p> <p>Counsel [3] - 2:8, 26:21, 38:5</p> <p>counsel's [1] - 31:9</p> <p>Count [5] - 10:19, 30:10, 30:11, 35:12, 40:18</p> <p>Counts [2] - 10:14, 18:9</p> <p>County [100] - 2:15, 2:16, 2:21, 2:25,</p>	<p>3:22, 5:7, 5:20, 5:21, 5:23, 5:24, 6:8, 7:1, 7:3, 7:4, 8:16, 8:22, 10:1, 10:7, 10:8, 10:17, 10:18, 11:5, 13:8, 13:18, 13:22, 14:13, 14:16, 15:12, 15:24, 16:8, 18:3, 18:6, 18:14, 20:9, 20:11, 20:13, 20:20, 20:25, 21:4, 21:8, 23:5, 23:12, 23:14, 24:7, 24:8, 24:9, 24:10, 24:20, 24:22, 25:1, 25:4, 25:8, 26:7, 26:9, 26:24, 28:8, 29:3, 29:15, 29:24, 29:25, 30:5, 30:12, 30:20, 30:21, 30:22, 30:25, 31:3, 31:4, 31:11, 31:12, 31:13, 31:22, 32:1, 32:2, 32:3, 32:13, 32:16, 33:6, 33:16, 33:18, 34:2, 34:3, 34:9, 34:10, 34:20, 35:1, 35:6, 35:8, 35:13, 38:24, 46:8, 46:9</p> <p>county [28] - 2:24, 5:21, 5:24, 5:25, 6:1, 13:15, 18:23, 18:24, 20:24, 21:9, 21:13, 23:15, 23:22, 24:2, 24:17, 24:21, 28:23, 32:12, 33:2, 33:10, 33:20, 34:7, 34:11, 35:2, 35:10, 38:24, 45:5, 46:23</p> <p>County's [1] - 30:25</p> <p>county's [2] - 8:24, 23:4</p> <p>court [3] - 3:11, 32:18, 35:17</p> <p>COURT [72] - 1:1, 2:2, 2:13, 2:20, 2:24, 3:2, 3:5, 4:5, 4:8, 4:20, 4:23, 5:12, 5:17, 6:4, 6:17, 6:21, 7:12, 7:17, 7:23, 8:3, 8:6, 8:18, 9:4, 9:8, 10:5, 10:25, 11:3, 12:3, 14:25, 15:10, 20:6, 23:2, 23:9, 23:24, 24:18, 29:20, 30:3, 30:18, 33:4, 33:25, 34:6, 34:14, 34:18, 37:11, 40:15, 41:1, 41:4, 42:10, 42:15, 43:13, 44:3, 47:7,</p>	<p>47:11, 48:9, 48:15, 49:18, 49:23, 50:5, 50:8, 50:25, 51:3, 51:24, 52:7, 52:14, 52:17, 52:20, 53:5, 53:8, 53:12, 53:23, 54:1, 55:18</p> <p>Court [33] - 1:24, 4:25, 9:18, 10:3, 11:8, 12:15, 13:1, 13:14, 15:17, 20:14, 20:21, 20:22, 21:10, 26:16, 31:24, 35:22, 35:25, 37:25, 38:1, 38:8, 38:11, 39:12, 39:23, 40:1, 41:7, 44:21, 45:14, 45:17, 45:20, 45:21, 45:23, 52:11, 55:7</p> <p>Court's [2] - 18:18, 21:12</p> <p>courthouse [1] - 2:6</p> <p>Courtroom [1] - 3:7</p> <p>COVID-19 [1] - 2:6</p> <p>create [1] - 23:18</p> <p>creating [2] - 24:3, 25:12</p> <p>criminal [1] - 27:16</p> <p>Criminal [7] - 8:11, 8:14, 8:20, 24:23, 31:24, 33:16, 35:1</p> <p>criticizing [1] - 4:25</p> <p>CRR [2] - 1:23, 55:17</p> <p>CSX [1] - 46:1</p> <p>custody [2] - 8:4, 28:5</p> <p>custom [2] - 26:15, 27:1</p> <p>Customs [1] - 7:2</p> <p>customs [1] - 46:14</p>
D				
<p>Dan [1] - 4:2</p> <p>data [1] - 14:16</p> <p>date [11] - 47:23, 47:25, 48:1, 48:12, 48:17, 48:25, 51:20, 52:14, 52:20, 52:21</p> <p>Dated [1] - 55:14</p> <p>dates [1] - 19:22</p> <p>daughter [1] - 6:9</p> <p>days [1] - 53:4</p> <p>deadline [1] - 47:15, 49:10, 49:11, 50:1, 50:21, 50:23, 51:4, 51:6, 51:10, 51:11, 51:18</p> <p>deal [3] - 29:25, 39:23, 49:7</p> <p>dealing [1] - 25:23</p>				

<p>dealt [1] - 29:12 Debbie [1] - 2:12 Deborah [1] - 1:15 decided [3] - 15:18, 32:19, 41:9 decision [6] - 20:15, 21:12, 23:23, 40:12, 40:14, 45:24 defendant [9] - 11:21, 12:2, 15:9, 16:5, 18:25, 20:10, 20:12, 30:13, 30:17 Defendant [14] - 1:6, 3:25, 9:20, 10:14, 11:4, 18:6, 18:8, 26:5, 29:6, 29:7, 29:15, 31:8, 32:13, 35:15 defendant's [1] - 50:15 Defendant's [5] - 9:19, 21:20, 22:11, 38:20, 50:14 Defendants [31] - 1:18, 2:14, 3:16, 9:12, 9:16, 9:21, 9:25, 10:6, 10:16, 10:18, 12:10, 21:6, 25:25, 26:23, 27:4, 28:4, 29:8, 29:24, 32:11, 32:24, 37:19, 38:5, 38:25, 39:3, 39:5, 39:9, 39:11, 39:14, 39:20, 40:19 defendants [8] - 12:7, 12:15, 20:13, 26:23, 31:9, 31:14, 36:16, 46:12 defending [1] - 39:4 defense [2] - 5:5, 45:18 Defense [4] - 45:1, 47:8, 47:9, 53:24 defined [1] - 45:13 definitely [2] - 43:20, 45:19 delay [1] - 3:20 deliberate [3] - 12:22, 17:4, 26:18 denied [5] - 18:9, 29:5, 35:12, 47:2, 53:18 department [1] - 18:17 deportation [4] - 22:5, 22:9, 22:16, 22:21 deposition [2] - 40:5, 49:6 deputies [30] - 13:11, 13:19, 13:23, 14:3, 14:6, 17:17, 19:3,</p>	<p>21:5, 21:11, 21:14, 21:17, 23:10, 26:8, 27:3, 27:5, 27:9, 28:1, 28:10, 28:19, 36:6, 37:9, 37:20, 37:22, 38:6, 38:12, 39:5, 39:15, 39:22, 40:25, 41:6 deputy [6] - 17:16, 19:21, 19:22, 22:5, 38:2, 42:13 Deputy [7] - 2:15, 3:7, 6:11, 6:12, 18:13, 43:15, 47:20 derivative [2] - 39:1, 40:18 describe [1] - 21:18 described [3] - 13:5, 13:16, 14:9 describes [1] - 14:16 despite [1] - 15:23 detail [4] - 7:5, 13:5, 19:11, 31:8 detain [2] - 27:4, 28:11 detained [3] - 14:4, 19:13, 27:13 detaining [1] - 32:2 detention [6] - 7:22, 8:1, 19:24, 22:1, 38:16, 39:18 detentions [1] - 27:24 determine [1] - 42:4 determines [2] - 38:8, 42:5 determining [1] - 45:9 developed [1] - 39:20 devoid [1] - 11:15 dictate [1] - 44:1 difference [3] - 7:25, 11:13, 19:11 different [6] - 13:17, 21:19, 24:15, 25:6, 31:13, 37:24 differentiate [2] - 12:8, 22:12 difficulties [1] - 51:4 direct [5] - 11:25, 34:1, 34:3, 34:9, 35:4 directed [2] - 11:17, 27:3 direction [1] - 26:11 directly [9] - 33:15, 33:19, 33:20, 34:10, 34:23, 35:5, 38:23, 41:7, 42:12 disbursements [1] - 33:20 disclosures [8] -</p>	<p>49:24, 50:1, 50:4, 50:9, 50:12, 50:13, 50:15, 50:16 discovery [27] - 20:17, 20:22, 23:19, 25:9, 35:23, 36:10, 36:21, 37:17, 39:25, 40:1, 40:2, 40:9, 41:21, 43:2, 43:7, 43:8, 43:16, 43:24, 45:16, 47:15, 48:14, 48:19, 50:21, 50:23, 51:4, 51:6, 51:18 discretion [3] - 35:22, 45:20, 45:23 discrimination [4] - 14:9, 29:23, 31:15, 44:7 discriminatory [3] - 14:14, 26:10, 44:19 discuss [1] - 37:24 Dismiss [6] - 9:24, 18:7, 24:4, 25:9, 25:23, 35:11 dismiss [3] - 3:16, 9:19, 20:11 dismissed [3] - 14:8, 20:21, 33:8 dispositive [4] - 36:13, 47:15, 51:9, 51:11 dispute [1] - 39:9 disregarded [2] - 15:22, 17:24 distinct [1] - 38:22 distinction [4] - 17:18, 25:21, 28:6, 31:18 distinguishes [1] - 31:10 distributed [1] - 35:2 District [2] - 55:7 DISTRICT [2] - 1:1, 1:1 DIVISION [1] - 1:2 Dixon [1] - 46:1 document [1] - 44:10 documents [1] - 40:6 DOJ [1] - 31:24 done [2] - 53:11, 54:4 doubt [1] - 48:15 down [2] - 44:15, 49:23 driving [1] - 6:8 due [4] - 50:9, 50:10, 50:17</p>	<p>economic [1] - 45:15 economical [1] - 39:7 economy [2] - 35:24, 45:14 efficient [2] - 39:7, 40:1 efficiently [1] - 36:15 effort [2] - 7:3, 35:7 efforts [1] - 26:8 either [4] - 11:10, 36:10, 37:2, 45:19 electronically [1] - 49:10 elements [2] - 13:2, 17:11 emphasis [1] - 7:20 Empowerment [2] - 5:19, 9:14 enacted [1] - 21:15 encompass [1] - 32:6 encounter [1] - 13:16 encouraged [1] - 26:8 end [1] - 43:11 ends [1] - 40:21 Enforcement [1] - 7:2 enforcement [17] - 11:21, 13:7, 15:15, 15:22, 16:3, 16:7, 17:25, 19:1, 19:3, 19:17, 24:7, 24:12, 26:6, 26:14, 30:14, 31:5, 41:12 enforcing [1] - 28:1 engaged [4] - 12:18, 16:25, 26:7, 26:10 entered [1] - 42:14 entire [1] - 36:24 entities [2] - 31:20, 32:15 entitled [5] - 38:3, 38:6, 43:14, 43:15, 55:10 entity [14] - 20:24, 23:13, 24:11, 24:21, 24:22, 30:6, 30:10, 30:20, 31:1, 31:17, 31:18, 32:25, 33:9, 33:13 enumerate [1] - 17:12 Esquire [6] - 1:15, 1:15, 1:16, 1:16, 1:19, 1:19 essentially [15] - 6:24, 16:22, 17:20, 23:12, 23:13, 25:13, 25:14, 25:25, 28:4, 28:9, 33:12, 38:4, 42:23, 45:1, 47:17 establish [4] - 18:15, 24:11, 26:11, 41:12</p>	<p>established [5] - 13:23, 15:14, 15:15, 15:18, 24:22 et [2] - 1:3, 1:5 ethnic [1] - 44:8 ethnicity [1] - 27:15 event [2] - 41:18, 41:19 events [3] - 6:6, 43:2, 45:11 evidence [6] - 14:22, 39:16, 39:21, 44:9, 45:7, 46:13 example [5] - 12:13, 13:5, 13:11, 14:15, 22:2 examples [1] - 13:4 exception [1] - 29:21 excessive [1] - 46:16 executive [1] - 5:25 exercised [1] - 23:17 exercising [1] - 24:2 exhibits [1] - 11:13 existence [3] - 26:2, 26:13, 26:25 expansive [2] - 21:1, 32:10 expedition [2] - 35:24, 45:14 expensive [1] - 37:9 experienced [1] - 27:23 explain [2] - 39:20, 41:21 explanation [1] - 21:22 explicitly [1] - 21:10 express [1] - 12:12 extended [1] - 22:22 extensive [2] - 41:20, 48:13 extent [1] - 20:1</p>
F				
<p>F.2d [2] - 33:6, 46:1 F.3d [2] - 16:12, 16:17 F.R.D [1] - 35:19 F.Supp.3d [2] - 23:16, 28:16 fact [17] - 3:2, 3:18, 7:21, 8:6, 15:11, 17:13, 20:19, 21:11, 24:2, 42:3, 42:5, 42:10, 43:21, 44:11, 45:9, 45:15, 47:20 factor [4] - 16:21, 26:19, 49:13, 49:20 factors [1] - 39:7 facts [7] - 13:3, 20:23,</p>				
E				
<p>early [3] - 13:3, 14:23, 49:5 easy [1] - 36:9</p>				

<p>21:1, 27:20, 45:10, 45:12, 46:18</p> <p>factual [9] - 6:5, 6:14, 20:23, 42:3, 43:17, 44:16, 47:12, 47:13</p> <p>fail [2] - 26:1, 39:20</p> <p>failed [1] - 18:21</p> <p>failure [1] - 27:25</p> <p>fair [4] - 6:18, 7:6, 10:2, 19:11</p> <p>fairly [2] - 21:21, 39:25</p> <p>familiar [1] - 13:13</p> <p>far [1] - 48:17</p> <p>FCSO [4] - 13:7, 13:11, 13:22, 31:13</p> <p>February [5] - 51:8, 51:12, 51:18, 51:19</p> <p>Federal [7] - 1:24, 8:23, 25:15, 33:19, 35:5, 35:22, 44:18</p> <p>federal [15] - 7:3, 13:20, 17:19, 28:1, 31:17, 31:19, 31:20, 31:23, 32:4, 32:22, 33:15, 33:20, 34:2, 34:7, 45:4</p> <p>FEDERAL [1] - 55:18</p> <p>federally [2] - 29:23, 30:24</p> <p>Fenway [1] - 46:24</p> <p>few [6] - 6:22, 9:9, 13:4, 14:10, 36:24, 37:24</p> <p>figure [1] - 48:24</p> <p>file [2] - 3:18, 36:10</p> <p>filed [6] - 3:19, 8:19, 9:23, 19:4, 29:9, 51:13</p> <p>final [4] - 20:15, 21:14, 23:5, 28:18</p> <p>finally [4] - 8:20, 10:19, 28:14, 35:14</p> <p>financial [2] - 30:15, 45:3</p> <p>financially [1] - 30:12</p> <p>finder [5] - 42:3, 42:5, 42:10, 43:21, 45:9</p> <p>findings [1] - 34:24</p> <p>fine [3] - 43:19, 43:20, 52:16</p> <p>finished [1] - 52:3</p> <p>firm [2] - 4:4, 4:5</p> <p>first [14] - 2:9, 10:10, 11:3, 14:18, 20:9, 20:10, 23:6, 38:1, 38:15, 38:19, 41:7, 44:20, 49:4, 49:11</p> <p>Fisher [1] - 32:18</p> <p>five [2] - 53:4, 53:12</p> <p>five-day [1] - 53:12</p>	<p>fixed [2] - 47:24, 48:25</p> <p>floodgate [1] - 48:13</p> <p>Floor [1] - 1:24</p> <p>FOR [1] - 1:1</p> <p>force [3] - 7:9, 11:10, 46:16</p> <p>foregoing [1] - 55:8</p> <p>foresee [1] - 49:17</p> <p>form [1] - 6:1</p> <p>format [1] - 55:11</p> <p>forth [4] - 29:5, 29:14, 35:9, 53:18</p> <p>forward [1] - 53:19</p> <p>forwarded [1] - 25:3</p> <p>four [1] - 53:12</p> <p>Four [1] - 30:11</p> <p>Fourth [20] - 11:11, 11:23, 14:2, 14:5, 15:13, 15:14, 16:12, 16:15, 16:16, 20:19, 22:13, 23:3, 28:3, 33:5, 41:5, 41:10, 41:11, 45:25, 46:1</p> <p>frankly [4] - 15:6, 19:16, 24:6, 40:19</p> <p>Frederick [97] - 2:14, 2:16, 2:21, 2:25, 3:22, 5:7, 5:20, 5:23, 6:8, 7:1, 7:3, 7:4, 8:15, 8:16, 8:22, 9:25, 10:1, 10:7, 10:17, 10:18, 11:5, 13:8, 13:18, 13:22, 14:13, 14:16, 15:12, 15:24, 16:8, 18:3, 18:6, 18:14, 20:9, 20:11, 20:13, 20:20, 20:25, 21:4, 21:8, 23:5, 23:12, 23:13, 24:7, 24:8, 24:9, 24:10, 24:20, 24:21, 25:1, 25:4, 25:8, 26:7, 26:9, 26:24, 28:8, 29:3, 29:15, 29:24, 30:5, 30:11, 30:20, 30:21, 30:22, 30:25, 31:2, 31:3, 31:11, 31:12, 31:13, 31:21, 31:22, 32:1, 32:2, 32:3, 32:12, 32:16, 33:15, 33:18, 34:2, 34:3, 34:8, 34:10, 34:25, 35:6, 35:8, 35:12, 35:13, 38:24</p> <p>Friday [6] - 50:10, 50:11, 50:18, 51:7, 51:8, 51:12</p> <p>front [1] - 16:3</p> <p>fronts [1] - 53:1</p>	<p>functioning [2] - 41:24, 44:11</p> <p>functions [1] - 19:3</p> <p>funded [2] - 29:23, 30:24</p> <p>funding [10] - 8:21, 24:10, 31:3, 31:23, 32:16, 33:13, 33:15, 33:21, 34:9, 44:19</p> <p>funds [3] - 8:24, 31:20, 32:22</p> <p>furthermore [1] - 27:24</p>	<p>harms [1] - 21:25</p> <p>Hayes [6] - 1:16, 2:12, 3:23, 5:9, 42:20, 54:2</p> <p>healthy [1] - 3:12</p> <p>hear [9] - 5:5, 11:6, 12:4, 18:19, 20:7, 30:4, 30:19, 36:2, 48:18</p> <p>heard [5] - 15:1, 34:15, 39:16, 40:15, 53:16</p> <p>hearing [8] - 2:5, 3:15, 10:21, 24:19, 26:21, 51:14, 53:15, 54:6</p> <p>HEARING [1] - 1:8</p> <p>held [10] - 12:1, 13:20, 21:10, 22:17, 22:20, 23:4, 23:9, 32:20, 46:20, 55:10</p> <p>help [1] - 44:21</p> <p>helpful [1] - 47:19</p> <p>hereby [1] - 55:7</p> <p>high [1] - 27:10</p> <p>highly [1] - 16:4</p> <p>history [5] - 3:21, 4:9, 4:16, 4:24, 5:2</p> <p>hold [6] - 19:7, 48:1, 48:19, 48:20, 49:1, 50:10</p> <p>Hollander [2] - 46:7, 46:10</p> <p>Honor [59] - 2:10, 2:18, 3:1, 4:1, 4:2, 4:18, 4:19, 4:22, 5:10, 5:15, 6:15, 6:19, 7:8, 7:16, 7:19, 8:13, 9:3, 9:7, 10:4, 10:24, 11:2, 11:7, 12:6, 13:12, 14:17, 15:3, 19:9, 20:8, 23:8, 23:20, 24:5, 29:19, 30:2, 31:2, 32:10, 34:5, 34:17, 36:4, 36:25, 37:12, 40:17, 41:3, 42:9, 43:5, 43:22, 47:6, 47:10, 48:8, 48:11, 49:16, 49:22, 50:3, 51:2, 51:22, 52:16, 52:19, 53:3, 53:22, 53:25</p> <p>Honor's [2] - 19:9, 48:13</p> <p>HONORABLE [1] - 1:11</p> <p>hope [1] - 3:12</p> <p>hour [2] - 46:21, 53:17</p> <p>hour-and-a-half [1] - 53:17</p>	<p>hours [1] - 49:6</p>
I				
		<p>G</p>		
		<p>Gamper [1] - 3:8</p> <p>Garbis [4] - 35:18, 36:22, 37:4, 46:2</p> <p>gather [1] - 33:17</p> <p>GAZIC [1] - 55:17</p> <p>Gazic [3] - 1:23, 3:12, 55:5</p> <p>general [3] - 5:4, 28:8, 32:8</p> <p>generally [4] - 21:18, 31:7, 32:19, 37:13</p> <p>genuine [1] - 24:1</p> <p>given [2] - 20:4, 25:4</p> <p>glad [8] - 11:6, 12:4, 18:19, 20:7, 30:4, 30:19, 36:2, 48:18</p> <p>God [1] - 51:16</p> <p>Government [13] - 5:24, 6:1, 8:23, 20:24, 24:22, 32:6, 33:10, 33:15, 33:19, 34:2, 34:12, 35:5, 44:18</p> <p>Governmental [3] - 32:1, 33:23, 33:25</p> <p>grandchildren [1] - 6:9</p> <p>grant [1] - 45:4</p> <p>group [1] - 27:22</p> <p>guess [5] - 33:4, 41:17, 42:15, 44:3, 49:11</p>		
		<p>H</p>		
		<p>HAIDEE [1] - 1:3</p> <p>half [1] - 53:17</p> <p>handed [1] - 4:12</p> <p>handle [2] - 4:25, 46:4</p> <p>handled [1] - 47:3</p> <p>hard [5] - 15:10, 15:25, 20:3, 45:7, 52:12</p> <p>hardly [1] - 43:1</p>		
				<p>ICE [2] - 19:18, 32:1</p> <p>ideal [3] - 36:20, 37:6, 43:23</p> <p>identification [1] - 22:8</p> <p>identified [7] - 19:23, 22:5, 22:8, 22:16, 22:21, 22:25, 39:8</p> <p>identify [2] - 2:8, 32:15</p> <p>ignore [1] - 15:11</p> <p>ignored [6] - 13:9, 14:7, 15:21, 16:2, 17:24, 27:8</p> <p>ignores [1] - 38:21</p> <p>ignoring [1] - 21:9</p> <p>IGSA [3] - 33:21, 33:22, 34:1</p> <p>II [3] - 2:6, 10:14, 18:9</p> <p>III [4] - 10:19, 30:10, 35:12, 40:18</p> <p>illegal [1] - 35:8</p> <p>imagine [2] - 16:1, 43:2</p> <p>immigrant [3] - 13:6, 14:14, 26:8</p> <p>Immigrant [2] - 5:19, 9:14</p> <p>Immigrants [1] - 31:25</p> <p>immigrants [6] - 15:23, 16:3, 16:8, 17:25, 32:2, 35:8</p> <p>immigration [8] - 13:25, 15:16, 17:19, 19:18, 22:25, 28:2, 28:11, 41:13</p> <p>Immigration [1] - 7:1</p> <p>immunity [5] - 38:3, 38:7, 40:24, 41:1, 41:6</p> <p>implemented [2] - 21:24, 31:6</p> <p>implementing [2] - 21:15, 32:5</p> <p>implicate [2] - 20:24, 21:3</p> <p>important [1] - 49:11</p> <p>IN [1] - 1:1</p> <p>inaction [3] - 12:24, 15:4, 17:6</p> <p>inadequate [2] - 12:21, 17:4</p> <p>Incarcerated [1] - 31:25</p> <p>incarcerated [1] - 19:13</p>

<p>incentive ^[1] - 45:3 incentives ^[1] - 25:12 incident ^[3] - 14:1, 41:14, 43:9 included ^[1] - 19:15 including ^[7] - 12:11, 14:11, 21:25, 26:23, 27:3, 32:6, 32:17 inconsistent ^[1] - 46:23 incorrect ^[1] - 37:23 indeed ^[2] - 24:25, 40:19 independence ^[2] - 41:16, 44:12 independent ^[6] - 23:18, 24:3, 25:12, 38:17, 44:14, 44:15 independently ^[1] - 23:15 indifference ^[4] - 12:22, 16:19, 17:4, 26:18 individual ^[28] - 9:20, 9:24, 10:13, 11:4, 11:8, 12:2, 15:9, 16:10, 17:9, 18:5, 18:8, 19:2, 19:4, 19:10, 19:20, 29:6, 29:8, 29:9, 36:6, 36:16, 37:9, 37:21, 38:23, 39:4, 39:15, 40:4, 42:23, 46:12 individualized ^[1] - 40:3 individuals ^[12] - 12:14, 12:20, 13:24, 14:8, 14:15, 15:16, 17:17, 27:5, 28:11, 32:20, 36:18, 41:13 inefficient ^[2] - 39:12, 40:7 inevitably ^[2] - 39:21, 40:2 infant ^[1] - 6:9 inference ^[1] - 42:6 inflammatory ^[2] - 46:13, 46:15 inflicted ^[1] - 16:22 inform ^[1] - 21:24 information ^[1] - 49:11 initial ^[1] - 49:7 injuries ^[2] - 12:24, 16:21 injury ^[3] - 12:20, 17:2, 17:7 instance ^[2] - 21:4, 41:9 instead ^[2] - 14:2,</p>	<p>39:10 instrumentality ^[2] - 32:7, 32:9 Inter ^[3] - 32:1, 33:23, 33:25 Inter-Governmental ^[3] - 32:1, 33:23, 33:25 interaction ^[1] - 36:18 interpretative ^[1] - 10:20 interpreted ^[1] - 11:23 introduction ^[1] - 46:12 involve ^[1] - 32:14 involved ^[10] - 3:14, 3:23, 3:24, 4:3, 11:10, 12:12, 19:17, 27:16, 39:24, 46:15 involving ^[2] - 13:17, 14:1 Iqbal ^[1] - 25:18 irrespective ^[2] - 39:12, 39:13 issue ^[25] - 3:19, 6:23, 10:17, 10:19, 12:5, 15:11, 20:16, 20:18, 20:23, 24:2, 27:21, 28:7, 38:15, 38:21, 40:10, 42:3, 43:24, 43:25, 47:12, 47:13, 47:14, 48:3, 50:22, 53:13, 53:14 issues ^[13] - 19:18, 21:1, 36:17, 37:8, 37:15, 44:21, 44:23, 45:16, 47:3, 47:4, 47:12, 47:20, 47:22 issuing ^[1] - 48:4 itself ^[7] - 2:21, 22:14, 24:10, 30:9, 31:1, 35:3, 41:20</p>	<p>29:7, 29:8, 32:20, 38:9 JENKINS ^[1] - 1:5 Jenkins' ^[1] - 27:25 Jeon ^[4] - 1:15, 2:12, 42:21, 54:1 John ^[2] - 1:16, 2:12 joinder ^[1] - 49:12 joint ^[1] - 49:4 judge ^[1] - 4:10 Judge ^[23] - 1:11, 2:23, 4:9, 4:11, 4:12, 4:13, 6:3, 23:2, 23:16, 23:23, 24:1, 25:11, 28:9, 28:15, 28:17, 28:22, 35:18, 36:22, 37:4, 46:2, 46:7, 46:10, 49:9 judgment ^[1] - 42:14 Judgment ^[10] - 23:12, 23:19, 24:1, 25:24, 28:22, 36:10, 36:13, 43:15, 43:16, 52:4 Judicial ^[1] - 55:12 July ^[11] - 1:8, 3:19, 6:6, 36:8, 36:21, 40:20, 41:18, 41:22, 43:9, 45:11, 49:24 June ^[8] - 4:15, 52:14, 52:20, 52:21, 52:22, 52:23, 53:13 juries ^[1] - 39:16 jurisdiction ^[1] - 40:23 jury ^[9] - 39:21, 45:9, 51:15, 51:17, 51:20, 52:24, 52:25, 53:9, 53:12</p>	<p>18:23, 24:5, 30:2, 30:5, 34:16, 36:4, 40:17, 41:3, 42:9, 42:13, 43:5, 43:22, 47:10, 48:11, 49:22, 50:7, 50:24, 51:22, 52:1, 52:10, 52:16, 53:10, 53:25 keep ^[1] - 49:9 Kevin ^[6] - 1:19, 2:19, 3:24, 4:2, 6:19, 9:6 key ^[1] - 31:17 kind ^[2] - 27:7, 46:17 knowledge ^[4] - 4:14, 12:18, 16:25, 17:3 known ^[5] - 13:7, 24:24, 25:14, 26:12, 27:22</p>	<p>20:4, 20:12, 20:18, 21:13, 21:17, 21:20, 21:23, 23:18, 24:3, 24:17, 25:8, 25:12, 26:3, 26:12, 27:25, 37:3, 38:17, 38:18, 38:19, 38:23, 39:4, 40:4, 42:23, 43:9, 43:10 liable ^[11] - 13:15, 23:6, 23:14, 28:17, 28:19, 28:23, 29:1, 37:22, 38:4, 40:19, 42:14 liberty ^[1] - 11:13 lie ^[1] - 32:12 lies ^[1] - 38:23 life ^[1] - 52:5 light ^[22] - 2:5, 2:6, 15:11, 17:10, 27:17, 27:18, 27:19, 28:2, 35:6, 41:24, 42:1, 42:2, 42:6, 42:8, 42:11, 43:19, 44:11, 45:3, 46:5, 46:20, 46:22, 47:11 lights ^[1] - 43:19 likely ^[1] - 39:6 limited ^[1] - 7:21 line ^[9] - 2:5, 2:17, 2:22, 3:5, 3:6, 3:8, 3:9, 3:11 link ^[2] - 12:24, 17:6 listen ^[1] - 3:10 litigate ^[1] - 37:8 litigation ^[2] - 15:23, 24:14 lived ^[1] - 5:7 living ^[1] - 5:7 local ^[6] - 15:15, 19:17, 31:20, 32:6, 41:8, 41:12 Lombard ^[1] - 1:24 long-standing ^[1] - 30:8 look ^[2] - 8:10, 43:13 looking ^[4] - 8:18, 9:9, 25:13, 32:23</p>
<p>infant ^[1] - 6:9 inference ^[1] - 42:6 inflammatory ^[2] - 46:13, 46:15 inflicted ^[1] - 16:22 inform ^[1] - 21:24 information ^[1] - 49:11 initial ^[1] - 49:7 injuries ^[2] - 12:24, 16:21 injury ^[3] - 12:20, 17:2, 17:7 instance ^[2] - 21:4, 41:9 instead ^[2] - 14:2,</p>	<p>J jail ^[2] - 7:9, 7:11 January ^[3] - 50:24, 51:6, 51:7 Jenkins ^[38] - 2:3, 2:14, 9:20, 10:7, 10:14, 10:16, 11:5, 11:16, 11:24, 12:11, 13:6, 13:9, 13:21, 14:7, 14:21, 15:7, 15:20, 16:1, 16:5, 17:16, 18:6, 18:8, 18:10, 18:13, 20:15, 21:24, 23:4, 23:15, 26:5, 26:6, 26:24, 27:3, 28:17, 28:25,</p>	<p>K Karp ^[2] - 4:2, 4:5 Karpinski ^[38] - 1:19, 2:19, 2:20, 3:24, 4:2, 4:20, 6:17, 6:20, 7:17, 9:4, 9:6, 10:2, 11:1, 11:6, 12:3, 15:1, 18:20, 20:6, 23:24, 29:20, 30:3, 34:14, 36:2, 40:15, 41:2, 42:22, 43:1, 45:21, 47:7, 48:10, 49:18, 50:6, 50:21, 51:25, 52:9, 52:15, 53:8, 53:23 KARPINSKI ^[37] - 2:18, 4:1, 4:7, 4:22, 5:15, 6:19, 7:19, 7:24, 8:5, 9:6, 10:4, 11:2, 11:7, 15:3,</p>	<p>L laid ^[2] - 22:3, 30:7 language ^[8] - 15:21, 17:23, 23:16, 25:11, 32:10, 33:11, 41:5, 46:6 last ^[5] - 3:19, 4:15, 46:10, 52:11, 52:13 Latino ^[1] - 5:6 Latinx ^[1] - 14:15 law ^[19] - 3:8, 11:20, 13:7, 15:15, 19:1, 19:3, 19:17, 24:7, 24:12, 26:6, 26:14, 30:8, 30:14, 31:5, 32:4, 37:14, 38:7, 41:12, 47:20 lawful ^[1] - 5:13 laws ^[1] - 28:2 lawsuit ^[1] - 6:6 lead ^[1] - 11:20 learned ^[1] - 27:5 least ^[3] - 25:6, 34:22, 40:8 leaves ^[1] - 29:4 led ^[1] - 14:18 left ^[1] - 29:25 legal ^[3] - 30:6, 30:9, 33:9 Legg ^[2] - 4:9, 4:10 length ^[2] - 52:24, 52:25 lengthy ^[1] - 52:8 less ^[1] - 54:4 Lewis ^[1] - 32:18 liability ^[41] - 11:12, 11:19, 11:22, 11:24, 12:16, 14:20, 15:8, 16:13, 16:18, 16:23, 17:13, 18:5, 18:16,</p>	<p>M Magistrate ^[1] - 49:9 maintained ^[1] - 14:3 MALONE ^[1] - 16:16 Malone ^[2] - 16:16 Marryshow ^[11] - 35:17, 36:23, 37:4, 42:19, 43:12, 44:4, 44:20, 45:20, 45:22, 46:3, 46:7</p>

<p>Maryland [7] - 1:25, 2:25, 5:20, 5:21, 9:15, 33:16, 55:7</p> <p>MARYLAND [1] - 1:1</p> <p>material [2] - 22:13, 24:2</p> <p>materials [1] - 8:9</p> <p>math [1] - 20:1</p> <p>matter [22] - 2:9, 4:14, 7:25, 8:7, 9:18, 17:14, 18:14, 18:15, 24:14, 24:19, 29:2, 29:17, 35:21, 36:24, 37:18, 41:20, 44:12, 45:14, 47:5, 49:23, 54:5, 55:10</p> <p>matters [6] - 3:21, 9:9, 28:12, 29:12, 45:22, 47:19</p> <p>mean [6] - 7:4, 34:6, 41:4, 41:21, 42:19</p> <p>meaning [1] - 39:2</p> <p>means [1] - 5:25</p> <p>MEDRANO [1] - 1:3</p> <p>Medrano [20] - 2:3, 5:6, 6:7, 8:1, 12:13, 15:6, 19:12, 22:1, 22:6, 22:11, 22:19, 22:23, 23:1, 27:8, 27:14, 27:18, 28:5, 38:16, 39:18, 47:21</p> <p>Medrano's [1] - 38:12</p> <p>member [1] - 5:17</p> <p>members [4] - 21:3, 22:2, 27:22, 38:14</p> <p>memorandum [2] - 38:21, 38:25</p> <p>Memorandum [1] - 6:25</p> <p>mentioned [3] - 4:8, 6:24, 7:24</p> <p>Merit [1] - 55:6</p> <p>Michael [1] - 14:17</p> <p>might [1] - 45:17</p> <p>minute [4] - 48:21, 50:9, 52:11, 52:13</p> <p>minutes [1] - 6:22</p> <p>misconduct [1] - 16:20</p> <p>model [3] - 7:9, 7:10, 7:11</p> <p>modifications [2] - 48:6, 49:2</p> <p>moment [1] - 23:10</p> <p>Monday [4] - 1:8, 52:21, 52:22, 53:13</p> <p>Monell [34] - 10:15, 11:18, 18:12, 18:15, 18:16, 18:17, 18:22, 18:25, 19:2, 19:6,</p>	<p>20:2, 20:4, 20:10, 20:13, 20:19, 21:19, 23:14, 25:7, 26:1, 26:3, 26:12, 26:16, 26:22, 27:25, 28:23, 35:19, 36:24, 37:1, 37:3, 38:10, 42:16, 42:19, 43:1, 43:12</p> <p>money [11] - 24:23, 25:2, 25:3, 30:24, 31:5, 34:7, 34:22, 34:25, 35:2, 35:4, 45:5</p> <p>month [3] - 4:15, 50:4</p> <p>months [5] - 50:5, 50:7, 50:8, 51:15, 51:21</p> <p>morning [7] - 2:2, 2:10, 2:13, 2:18, 2:20, 10:21, 26:21</p> <p>most [4] - 36:25, 42:21, 49:11, 54:4</p> <p>Mothershead [15] - 2:15, 6:11, 9:22, 9:23, 10:16, 18:13, 26:24, 27:4, 27:13, 28:14, 28:25, 29:8, 39:5, 43:15, 47:20</p> <p>Motion [10] - 9:24, 10:20, 18:7, 23:25, 24:4, 25:8, 25:23, 28:22, 35:11, 53:18</p> <p>motion [6] - 3:18, 5:5, 9:19, 10:3, 23:12, 29:5</p> <p>MOTIONS [1] - 1:8</p> <p>Motions [2] - 36:10, 52:3</p> <p>motions [6] - 3:16, 47:8, 47:15, 51:10, 51:11, 51:13</p> <p>move [2] - 51:19, 53:19</p> <p>moving [1] - 49:12</p> <p>mow [1] - 10:6</p> <p>MR [69] - 2:10, 2:18, 2:23, 3:1, 3:4, 4:1, 4:7, 4:18, 4:22, 5:10, 5:15, 6:3, 6:15, 6:19, 7:8, 7:15, 7:19, 7:24, 8:5, 8:13, 9:3, 9:6, 10:4, 10:24, 11:2, 11:7, 12:6, 15:3, 18:23, 20:8, 23:8, 23:20, 24:5, 29:19, 30:2, 30:5, 31:2, 33:23, 34:4, 34:13, 34:16, 36:4, 37:12, 40:17, 41:3, 42:9, 42:13, 43:5, 43:22,</p>	<p>47:6, 47:10, 48:8, 48:11, 49:16, 49:22, 50:3, 50:7, 50:24, 51:2, 51:22, 52:1, 52:10, 52:16, 52:19, 53:3, 53:7, 53:10, 53:22, 53:25</p> <p>multiple [4] - 13:17, 19:21, 21:19, 53:4</p> <p>municipal [4] - 18:16, 20:12, 20:18, 26:11</p> <p>municipality's [1] - 46:13</p> <p>must [6] - 12:17, 12:21, 12:23, 16:24, 26:12, 42:17</p> <p>muted [1] - 3:10</p>	<p>note [5] - 15:10, 18:3, 33:7, 45:21, 46:6</p> <p>noted [14] - 3:6, 3:13, 4:8, 4:9, 16:10, 28:4, 28:9, 31:24, 35:16, 38:5, 41:11, 45:25, 46:2, 46:11</p> <p>nothing [2] - 13:21, 13:25</p> <p>noting [2] - 35:16, 53:15</p> <p>Number [1] - 2:3</p>	<p>21:16, 26:4, 28:15, 28:18, 28:19, 29:1, 29:7, 29:11, 32:21, 33:1, 33:10, 38:10, 42:24</p> <p>Official [1] - 1:24</p> <p>officially [1] - 8:3</p> <p>officials [2] - 16:13, 16:18</p> <p>often [1] - 45:21</p> <p>omissions [1] - 26:18</p> <p>one [14] - 4:3, 8:7, 8:8, 13:11, 19:20, 21:23, 31:24, 32:17, 40:5, 48:1, 48:20, 49:1, 50:11</p> <p>open [4] - 3:18, 19:24, 47:4, 47:8</p> <p>opened [1] - 48:13</p> <p>opening [2] - 37:19, 38:21</p> <p>operated [1] - 32:2</p> <p>operates [2] - 5:25, 30:23</p> <p>opinion [20] - 14:2, 14:5, 15:13, 15:14, 15:17, 16:12, 16:17, 18:18, 21:9, 21:12, 23:3, 25:18, 28:16, 33:5, 35:18, 41:5, 41:11, 45:23, 46:2, 46:10</p> <p>opposed [1] - 48:4</p> <p>oral [1] - 6:22</p> <p>order [14] - 22:5, 22:9, 22:16, 22:21, 36:21, 47:14, 47:25, 48:3, 48:5, 48:22, 49:4, 49:10, 53:14, 53:15</p> <p>ordered [1] - 37:16</p> <p>orders [1] - 28:8</p> <p>ordinarily [1] - 49:1</p> <p>Orellana [7] - 13:12, 13:21, 14:1, 14:4, 22:14, 22:16, 23:21</p> <p>Orellano [1] - 14:6</p> <p>organizational [2] - 9:12, 9:13</p> <p>origin [3] - 27:15, 31:16, 44:7</p> <p>originally [2] - 4:10, 7:9</p> <p>otherwise [2] - 13:7, 38:8</p> <p>outcome [2] - 36:11, 43:25</p> <p>outline [2] - 10:21, 17:11</p> <p>outlined [1] - 10:12</p> <p>outlines [1] - 21:19</p>
O				
<p>o'clock [1] - 52:23</p> <p>objection [1] - 10:11</p> <p>objectives [1] - 31:6</p> <p>obvious [1] - 39:25</p> <p>obviously [8] - 3:9, 5:22, 7:25, 11:8, 16:3, 18:14, 25:18, 45:1</p> <p>occasions [1] - 19:21</p> <p>occur [1] - 45:11</p> <p>occurred [4] - 12:23, 22:18, 41:18, 47:21</p> <p>October [5] - 46:10, 50:18, 50:19, 55:14</p> <p>odd [1] - 21:7</p> <p>OF [2] - 1:1, 55:1</p> <p>offensive [1] - 17:5</p> <p>Office [33] - 2:17, 7:1, 7:4, 7:5, 8:25, 10:1, 10:8, 10:19, 13:8, 13:23, 15:25, 25:4, 26:10, 28:8, 29:16, 29:25, 30:6, 30:20, 30:23, 30:25, 31:3, 31:11, 31:22, 32:13, 32:17, 33:7, 33:19, 34:3, 34:9, 34:11, 35:6, 35:13, 38:24</p> <p>office [15] - 8:16, 24:6, 24:13, 30:9, 30:15, 32:3, 33:2, 33:8, 33:11, 34:23, 35:3, 35:11, 36:19, 45:5</p> <p>officer [7] - 11:21, 19:1, 22:21, 22:24, 26:6, 42:24, 44:17</p> <p>officers [5] - 11:9, 11:14, 26:14, 41:8, 41:12</p> <p>OFFICIAL [2] - 55:1, 55:18</p> <p>official [23] - 9:21, 9:22, 10:6, 10:15, 18:12, 19:5, 19:7, 20:25, 21:10, 21:15,</p>				
N				
<p>Nadine [3] - 1:23, 3:12, 55:5</p> <p>NADINE [1] - 55:17</p> <p>named [1] - 30:17</p> <p>national [3] - 27:15, 31:16, 44:7</p> <p>naturalized [1] - 5:13</p> <p>nature [1] - 19:13</p> <p>nearly [1] - 13:19</p> <p>necessarily [3] - 38:13, 40:18, 49:17</p> <p>necessary [3] - 32:15, 37:7, 43:3</p> <p>need [5] - 40:12, 43:10, 48:19, 49:2, 49:17</p> <p>never [9] - 8:1, 8:2, 8:3, 27:19, 28:5, 37:1, 42:2, 46:21, 46:22</p> <p>New [1] - 18:17</p> <p>next [2] - 48:23, 51:20</p> <p>Nicholas [1] - 1:16</p> <p>Nick [1] - 2:12</p> <p>Nickerson [1] - 4:12</p> <p>NO [1] - 1:4</p> <p>non [1] - 39:1</p> <p>non-1357(g) [1] - 28:10</p> <p>non-derivative [1] - 39:1</p> <p>nonderivative [1] - 39:24</p> <p>none [1] - 32:14</p> <p>nonfunctioning [4] - 42:8, 42:11, 43:18, 45:2</p> <p>norm [1] - 40:22</p> <p>normal [4] - 49:6, 49:7, 49:9, 51:10</p> <p>NORTHERN [1] - 1:2</p>				

<p>outstanding [3] - 17:17, 22:9, 27:5 overall [4] - 6:13, 9:1, 44:23, 46:17 own [1] - 19:16</p>	<p>27:8 personal [2] - 14:21, 38:9 personally [2] - 37:22, 38:4 perspective [1] - 32:23 pervasive [2] - 12:19, 17:1 Phase [1] - 2:6 philosophical [1] - 19:16 phone [1] - 2:11 phrase [1] - 8:12 physically [1] - 12:12 pick [4] - 47:23, 52:14, 52:20, 52:21 place [1] - 7:20 Plaintiff [15] - 3:24, 4:17, 5:6, 5:18, 6:7, 7:7, 9:1, 9:13, 12:20, 16:10, 16:24, 17:2, 26:11, 37:5 plaintiff [2] - 19:14, 27:23 Plaintiff's [12] - 11:20, 14:10, 18:3, 37:20, 38:21, 39:2, 39:9, 42:19, 50:12, 50:13, 50:15, 50:16 plaintiff's [1] - 50:18 plaintiffs [3] - 6:14, 12:25, 20:21 Plaintiffs [20] - 1:14, 2:9, 2:11, 9:17, 10:22, 15:20, 17:11, 18:21, 26:1, 26:5, 26:22, 27:12, 28:6, 28:24, 39:14, 45:19, 47:4, 48:14, 50:2, 53:21 plausible [2] - 14:20, 25:19 pled [2] - 20:3, 24:15 pleadings [1] - 26:20 pled [4] - 9:17, 26:22, 35:10, 45:13 point [25] - 4:17, 4:21, 6:14, 6:18, 7:7, 8:25, 14:21, 29:16, 29:17, 35:11, 37:24, 38:20, 40:13, 40:14, 42:15, 43:5, 43:22, 47:4, 47:8, 49:19, 49:20, 50:2, 50:6, 53:20, 53:24 pointed [2] - 36:23, 37:4 policies [4] - 13:22, 13:23, 24:11, 46:13</p>	<p>policing [2] - 14:12, 14:14 policy [11] - 13:25, 21:15, 21:24, 23:11, 26:2, 26:10, 26:15, 27:1, 28:7, 28:21, 46:24 polycymaker [4] - 20:16, 21:14, 23:5, 28:18 polycymakers [3] - 19:5, 21:7, 26:18 political [4] - 5:21, 30:22, 32:7, 32:9 posed [2] - 12:19, 17:1 posit [1] - 13:1 possibility [1] - 35:7 posture [3] - 23:25, 24:15, 25:22 potential [4] - 25:7, 35:20, 46:11, 51:20 potentiality [1] - 35:16 potentially [2] - 40:5, 40:6 Powell [1] - 3:7 practice [4] - 14:13, 26:2, 26:7, 27:1 practices [4] - 12:23, 17:5, 44:19, 46:14 predicate [1] - 6:14 prejudice [6] - 35:20, 36:1, 36:16, 39:19, 39:22, 46:11 prejudiced [2] - 39:10, 39:15 prejudicial [2] - 37:9, 39:14 premature [1] - 20:11 premiered [1] - 16:19 present [2] - 35:17, 37:17 presentation [1] - 10:22 pressed [1] - 45:7 presumption [3] - 37:13, 37:14, 37:16 pretext [1] - 44:9 pretextual [4] - 42:7, 42:12, 44:16, 44:25 pretrial [3] - 51:9, 51:11, 52:22 pretty [1] - 39:22 prevent [1] - 35:20 prevents [1] - 46:11 previously [1] - 20:20 primarily [2] - 4:3, 12:7 problem [4] - 42:1, 42:2, 42:5, 48:11</p>	<p>procedural [3] - 23:25, 24:15, 29:16 procedurally [2] - 29:21, 31:13 Procedure [2] - 25:16, 35:23 procedures [1] - 24:11 proceed [10] - 6:21, 9:10, 10:9, 10:10, 11:3, 18:9, 28:22, 37:17, 43:10, 49:8 Proceeding [1] - 54:7 proceeding [1] - 49:20 proceedings [4] - 14:24, 25:7, 44:2, 55:10 process [3] - 8:7, 31:4, 40:8 Professor [1] - 14:17 profile [1] - 27:11 profiling [1] - 14:9 program [13] - 6:23, 6:24, 7:6, 7:21, 9:2, 9:5, 24:19, 28:11, 28:12, 33:21, 33:22, 34:8, 35:4 Program [7] - 8:11, 8:15, 8:21, 24:24, 31:25, 33:17, 35:1 programing [2] - 29:23, 30:24 programs [2] - 31:16, 31:23 prohibits [1] - 31:15 project [1] - 51:14 prolonged [5] - 22:1, 22:20, 22:24, 27:14, 39:17 promise [2] - 3:20, 4:23 promoted [1] - 3:3 proper [6] - 18:24, 19:1, 30:13, 31:14, 42:4, 48:16 properly [2] - 14:3, 28:1 propose [3] - 10:11, 10:21, 47:24 protracted [1] - 41:19 prove [1] - 20:3 provide [3] - 12:12, 14:22, 32:11 provides [1] - 38:16 proximately [1] - 26:15 public [2] - 2:4, 3:9 publicized [1] - 16:4 pulled [6] - 6:9, 41:23, 41:24, 43:18, 46:19, 46:23</p>	<p>purportedly [2] - 22:5, 22:20 purpose [2] - 32:8, 43:12 purposes [1] - 19:6 pursuant [2] - 7:12, 55:8 push [1] - 51:22 put [1] - 48:20</p>
P				
<p>p.m [1] - 54:7 page [1] - 55:11 pandemic [2] - 2:6, 51:5 Paper [1] - 3:17 papers [2] - 6:24, 9:16 paragraph [13] - 14:11, 14:16, 17:15, 17:21, 17:22, 22:3, 22:4, 24:24, 24:25, 25:1, 27:2, 31:21, 33:18 paragraphs [6] - 13:17, 14:11, 27:12, 27:21, 47:17 Park [1] - 46:24 part [6] - 21:12, 26:13, 27:20, 28:10, 35:1, 36:12 partial [1] - 2:5 participated [1] - 11:17 particular [5] - 11:15, 12:13, 17:7, 19:12, 22:4 particularly [5] - 14:15, 28:2, 41:19, 46:14, 47:22 parties [9] - 3:10, 35:25, 36:9, 36:14, 36:20, 39:7, 39:13, 49:12, 49:15 partner [1] - 4:2 parts [2] - 14:10, 21:9 party [1] - 49:19 past [1] - 27:10 pattern [2] - 14:13, 26:7 patterns [1] - 45:15 payment [2] - 34:2, 34:3 Pembaur [1] - 26:17 pending [2] - 15:12, 18:2 people [1] - 54:3 perfect [1] - 36:19 perhaps [2] - 38:17, 48:5 period [7] - 22:24, 27:14, 36:15, 41:20, 49:6, 49:7, 52:6 permitted [2] - 17:16,</p>	<p>27:8 personal [2] - 14:21, 38:9 personally [2] - 37:22, 38:4 perspective [1] - 32:23 pervasive [2] - 12:19, 17:1 Phase [1] - 2:6 philosophical [1] - 19:16 phone [1] - 2:11 phrase [1] - 8:12 physically [1] - 12:12 pick [4] - 47:23, 52:14, 52:20, 52:21 place [1] - 7:20 Plaintiff [15] - 3:24, 4:17, 5:6, 5:18, 6:7, 7:7, 9:1, 9:13, 12:20, 16:10, 16:24, 17:2, 26:11, 37:5 plaintiff [2] - 19:14, 27:23 Plaintiff's [12] - 11:20, 14:10, 18:3, 37:20, 38:21, 39:2, 39:9, 42:19, 50:12, 50:13, 50:15, 50:16 plaintiff's [1] - 50:18 plaintiffs [3] - 6:14, 12:25, 20:21 Plaintiffs [20] - 1:14, 2:9, 2:11, 9:17, 10:22, 15:20, 17:11, 18:21, 26:1, 26:5, 26:22, 27:12, 28:6, 28:24, 39:14, 45:19, 47:4, 48:14, 50:2, 53:21 plausible [2] - 14:20, 25:19 pled [2] - 20:3, 24:15 pleadings [1] - 26:20 pled [4] - 9:17, 26:22, 35:10, 45:13 point [25] - 4:17, 4:21, 6:14, 6:18, 7:7, 8:25, 14:21, 29:16, 29:17, 35:11, 37:24, 38:20, 40:13, 40:14, 42:15, 43:5, 43:22, 47:4, 47:8, 49:19, 49:20, 50:2, 50:6, 53:20, 53:24 pointed [2] - 36:23, 37:4 policies [4] - 13:22, 13:23, 24:11, 46:13</p>	<p>policing [2] - 14:12, 14:14 policy [11] - 13:25, 21:15, 21:24, 23:11, 26:2, 26:10, 26:15, 27:1, 28:7, 28:21, 46:24 polycymaker [4] - 20:16, 21:14, 23:5, 28:18 polycymakers [3] - 19:5, 21:7, 26:18 political [4] - 5:21, 30:22, 32:7, 32:9 posed [2] - 12:19, 17:1 posit [1] - 13:1 possibility [1] - 35:7 posture [3] - 23:25, 24:15, 25:22 potential [4] - 25:7, 35:20, 46:11, 51:20 potentiality [1] - 35:16 potentially [2] - 40:5, 40:6 Powell [1] - 3:7 practice [4] - 14:13, 26:2, 26:7, 27:1 practices [4] - 12:23, 17:5, 44:19, 46:14 predicate [1] - 6:14 prejudice [6] - 35:20, 36:1, 36:16, 39:19, 39:22, 46:11 prejudiced [2] - 39:10, 39:15 prejudicial [2] - 37:9, 39:14 premature [1] - 20:11 premiered [1] - 16:19 present [2] - 35:17, 37:17 presentation [1] - 10:22 pressed [1] - 45:7 presumption [3] - 37:13, 37:14, 37:16 pretext [1] - 44:9 pretextual [4] - 42:7, 42:12, 44:16, 44:25 pretrial [3] - 51:9, 51:11, 52:22 pretty [1] - 39:22 prevent [1] - 35:20 prevents [1] - 46:11 previously [1] - 20:20 primarily [2] - 4:3, 12:7 problem [4] - 42:1, 42:2, 42:5, 48:11</p>	<p>procedural [3] - 23:25, 24:15, 29:16 procedurally [2] - 29:21, 31:13 Procedure [2] - 25:16, 35:23 procedures [1] - 24:11 proceed [10] - 6:21, 9:10, 10:9, 10:10, 11:3, 18:9, 28:22, 37:17, 43:10, 49:8 Proceeding [1] - 54:7 proceeding [1] - 49:20 proceedings [4] - 14:24, 25:7, 44:2, 55:10 process [3] - 8:7, 31:4, 40:8 Professor [1] - 14:17 profile [1] - 27:11 profiling [1] - 14:9 program [13] - 6:23, 6:24, 7:6, 7:21, 9:2, 9:5, 24:19, 28:11, 28:12, 33:21, 33:22, 34:8, 35:4 Program [7] - 8:11, 8:15, 8:21, 24:24, 31:25, 33:17, 35:1 programing [2] - 29:23, 30:24 programs [2] - 31:16, 31:23 prohibits [1] - 31:15 project [1] - 51:14 prolonged [5] - 22:1, 22:20, 22:24, 27:14, 39:17 promise [2] - 3:20, 4:23 promoted [1] - 3:3 proper [6] - 18:24, 19:1, 30:13, 31:14, 42:4, 48:16 properly [2] - 14:3, 28:1 propose [3] - 10:11, 10:21, 47:24 protracted [1] - 41:19 prove [1] - 20:3 provide [3] - 12:12, 14:22, 32:11 provides [1] - 38:16 proximately [1] - 26:15 public [2] - 2:4, 3:9 publicized [1] - 16:4 pulled [6] - 6:9, 41:23, 41:24, 43:18, 46:19, 46:23</p>	<p>purportedly [2] - 22:5, 22:20 purpose [2] - 32:8, 43:12 purposes [1] - 19:6 pursuant [2] - 7:12, 55:8 push [1] - 51:22 put [1] - 48:20</p>
Q				
<p>qualified [4] - 38:3, 40:24, 41:1, 41:6 qualifying [1] - 38:7 Quarles [1] - 4:12 questioning [1] - 24:19 quicker [1] - 36:15 quickly [1] - 43:8 quite [4] - 15:6, 19:15, 24:6, 40:18 quote [2] - 17:16, 17:23</p>				
R				
<p>race [3] - 27:14, 29:22, 31:15 racial [2] - 13:7, 14:8 raise [1] - 42:6 raised [2] - 42:3, 50:22 Randy [1] - 2:15 ratification [1] - 23:22 RDB-19-2038 [1] - 2:3 reaches [1] - 20:22 ready [6] - 9:10, 10:9, 18:11, 29:13, 52:5, 52:13 real [2] - 25:9, 30:23 reality [2] - 24:5, 36:7 realize [1] - 4:6 really [5] - 19:14, 21:20, 24:8, 49:13, 49:20 Realtime [1] - 55:5 reason [10] - 4:8, 22:24, 24:18, 34:22, 40:9, 40:11, 40:14, 44:3, 44:5 reasonable [7] - 7:20, 9:1, 27:15, 32:11, 50:1, 50:22, 52:25 reasonably [4] - 6:13, 7:6, 7:18, 9:5 reasons [7] - 18:7, 21:21, 29:5, 35:9, 37:24, 47:2, 53:18 rebuttal [2] - 15:2,</p>				

<p>50:18 rebuttals [2] - 50:12, 50:16 receipt [1] - 8:24 receive [4] - 24:10, 31:20, 31:22, 32:15 received [3] - 8:16, 8:22, 31:3 receives [3] - 31:17, 31:19, 33:20 receiving [1] - 24:23 recent [1] - 46:7 recently [3] - 3:2, 13:14, 16:15 recipient [1] - 35:4 recipients [1] - 32:22 recognition [1] - 16:19 recognized [1] - 11:12 record [6] - 2:8, 6:5, 16:11, 18:2, 29:6, 53:18 recovery [1] - 37:5 reference [1] - 8:19 referenced [3] - 17:20, 18:1, 24:25 reflecting [1] - 13:6 reflects [3] - 4:14, 6:25, 18:2 regard [6] - 18:25, 19:9, 19:18, 30:11, 36:21, 40:20 regarding [5] - 15:7, 19:24, 20:17, 21:13, 24:12 regardless [2] - 27:6, 40:3 regards [1] - 4:6 Registered [1] - 55:6 regulations [2] - 32:5, 55:11 reimbursement [1] - 8:17 reimbursements [1] - 31:23 reinstated [1] - 20:19 related [2] - 24:13, 38:14 relates [4] - 11:17, 15:6, 19:8, 24:17 relevant [5] - 20:15, 28:13, 45:8, 46:24, 46:25 relying [1] - 12:7 remaining [1] - 36:14 remains [2] - 25:22, 44:9 remand [1] - 23:3 render [1] - 20:14 replace [2] - 27:19,</p>	<p>46:22 reply [4] - 9:16, 21:20, 38:25, 50:14 report [3] - 49:6, 49:7, 50:21 Reported [1] - 1:22 reported [2] - 35:18, 55:9 reporter [1] - 3:12 REPORTER [2] - 55:1, 55:18 Reporter [3] - 1:24, 55:5, 55:6 request [5] - 36:4, 49:2, 49:5, 51:7, 51:17 requested [1] - 48:14 require [2] - 12:11, 37:21 required [6] - 13:3, 13:23, 14:22, 17:16, 27:3, 28:10 requirements [1] - 12:16 requiring [1] - 41:20 resident [1] - 5:13 residing [1] - 35:8 resolve [5] - 13:13, 36:24, 38:8, 38:13, 44:21 resolved [7] - 4:14, 13:14, 36:12, 39:3, 40:4, 43:21, 45:16 Resources [2] - 5:19, 9:14 respect [50] - 3:15, 7:2, 8:21, 9:23, 9:25, 15:25, 16:7, 16:9, 16:14, 18:4, 18:12, 18:20, 19:2, 20:12, 20:16, 21:8, 21:17, 22:14, 23:22, 24:20, 25:1, 25:7, 25:9, 25:10, 25:11, 28:7, 28:14, 31:11, 33:13, 34:20, 35:7, 35:12, 35:15, 35:19, 39:19, 40:9, 41:5, 41:16, 43:3, 44:17, 44:24, 45:3, 45:8, 45:11, 45:15, 45:22, 47:14, 47:15, 49:25, 51:13 respectfully [6] - 19:8, 30:8, 30:13, 32:10, 48:12, 52:2 respond [1] - 31:8 responded [2] - 26:5, 27:18 response [3] - 12:21, 17:3, 33:17</p>	<p>responses [1] - 47:14 responsibility [1] - 30:16 responsible [2] - 24:6, 30:12 result [8] - 30:17, 36:16, 36:22, 39:5, 40:4, 40:7, 46:12, 52:8 resulted [2] - 27:6, 27:7 retired [5] - 4:3, 4:6, 4:11, 4:12, 4:13 Revene [2] - 33:5, 34:20 REVENE [1] - 33:5 reverse [1] - 45:15 review [2] - 10:12, 25:14 reviewed [2] - 26:20, 53:15 RICHARD [1] - 1:11 rightly [1] - 33:8 rights [4] - 14:6, 16:14, 26:19, 38:12 risk [1] - 15:6 RISE [10] - 5:18, 9:14, 9:17, 12:14, 21:2, 21:3, 22:2, 27:22, 38:14 risk [3] - 12:19, 17:1, 21:24 RMR [2] - 1:23, 55:17 road [2] - 44:15, 46:21 role [1] - 41:8 rounds [1] - 40:2 Route [1] - 6:8 routinely [1] - 37:15 Roxana [1] - 13:12 Rule [8] - 25:15, 35:22, 39:8, 45:8, 49:24, 50:1, 50:9, 50:15 rules [1] - 37:14 Rules [2] - 25:15, 35:22 ruling [6] - 19:9, 28:2, 29:21, 45:6, 48:13, 52:6 run [1] - 48:24</p>	<p>21:8, 22:6, 22:14, 22:16, 23:4, 23:21, 25:22, 27:11, 28:3, 28:6, 28:9, 28:15, 28:16, 36:25, 38:4, 40:24, 41:1, 41:6, 41:10 Santos's [1] - 14:6 SARA [1] - 1:3 Sara [1] - 5:6 satisfied [1] - 37:4 save [1] - 48:4 SCAAP [5] - 8:10, 8:21, 24:19, 24:24, 34:8 schedule [1] - 51:10 scheduling [1] - 47:14, 47:22, 47:25, 48:3, 48:5, 48:22, 49:3, 49:4, 49:10, 51:5, 53:14 scrambling [1] - 52:13 search [1] - 11:10 second [10] - 8:8, 14:18, 38:11, 38:15, 40:7, 48:1, 48:20, 49:1, 50:11 secondarily [1] - 44:22 Section [7] - 7:13, 16:14, 16:18, 23:6, 31:10, 32:4, 46:5 see [5] - 8:18, 45:7, 47:16, 48:2, 49:13 seek [1] - 10:6 seeking [3] - 9:19, 18:15, 26:11 seem [4] - 12:15, 20:3, 32:24, 37:19 seize [2] - 15:16, 41:13 seized [3] - 13:18, 22:7, 22:9 seizure [7] - 11:10, 13:15, 13:20, 22:14, 22:15, 22:18, 27:7 selective [5] - 15:22, 16:2, 16:7, 17:24, 30:14 send [1] - 4:5 sense [1] - 33:3 separate [9] - 17:12, 20:24, 30:20, 31:1, 33:7, 33:9, 33:13, 34:21, 35:4 separation [1] - 37:15 September [4] - 50:10, 50:11, 50:14, 50:16 series [2] - 27:1, 43:2 Service [3] - 32:1,</p>	<p>33:23, 33:25 Services [1] - 18:17 set [5] - 29:5, 29:14, 35:9, 45:24, 53:18 setting [1] - 48:12 settlement [2] - 36:12, 49:5 several [1] - 32:13 Shaw [7] - 11:11, 11:24, 12:8, 12:11, 12:15, 16:11, 17:11 sheriff [14] - 17:21, 17:22, 18:6, 18:25, 19:8, 19:15, 19:25, 21:14, 21:16, 27:8, 31:6, 33:1, 33:9 Sheriff [32] - 2:14, 2:15, 6:11, 6:12, 9:20, 11:4, 11:16, 11:24, 12:11, 13:6, 13:9, 13:21, 14:7, 14:20, 15:7, 15:20, 16:1, 16:5, 17:16, 18:13, 20:15, 20:25, 21:23, 23:4, 23:15, 26:6, 27:2, 27:25, 28:17, 32:20, 33:7, 38:9 sheriffs [13] - 23:11, 24:6, 24:12, 26:10, 30:9, 30:15, 33:2, 34:23, 35:3, 35:10, 36:19, 45:5 Sheriff's [33] - 2:16, 6:25, 7:5, 8:16, 8:25, 10:1, 10:8, 10:18, 13:8, 13:23, 15:24, 25:4, 26:9, 28:8, 29:15, 29:25, 30:5, 30:20, 30:23, 30:25, 31:3, 31:11, 31:22, 32:3, 32:13, 32:16, 33:18, 34:3, 34:9, 34:11, 35:6, 35:13, 38:24 sheriffs [2] - 19:21, 19:23 Sheriffs [1] - 18:13 short [1] - 36:20 shortcut [1] - 39:25 show [4] - 14:13, 17:4, 26:12, 26:18 showing [1] - 12:16 shutdown [1] - 2:5 side [1] - 46:20 sides [1] - 53:16 significant [2] - 7:25, 39:8 similar [5] - 3:22, 15:24, 22:6, 22:23,</p>
S				
<p>Santos [38] - 3:22, 4:10, 4:16, 7:24, 7:25, 13:12, 13:16, 13:17, 13:21, 14:1, 14:4, 15:11, 15:25, 16:4, 18:1, 18:24, 19:11, 20:13, 21:2,</p>				

<p>27:23 similarly [2] - 14:7, 39:9 simple [5] - 17:13, 39:22, 44:5, 44:11, 46:17 simply [7] - 12:1, 15:7, 21:13, 33:11, 40:13, 41:22, 41:25 single [2] - 37:18, 46:4 situation [5] - 11:13, 22:18, 22:23, 45:12, 45:23 slight [1] - 25:21 Social [1] - 18:17 solely [1] - 24:6 someone [1] - 19:24 sometime [2] - 50:24, 51:20 sometimes [1] - 54:3 sort [8] - 12:8, 19:2, 19:3, 21:18, 22:3, 31:7, 31:8, 48:23 sound [3] - 48:6, 48:9, 50:25 special [2] - 7:20, 32:8 specific [6] - 13:2, 13:11, 14:22, 23:21, 28:7, 40:11 specifically [7] - 16:13, 25:1, 27:10, 27:13, 32:5, 42:1, 46:19 specificity [1] - 19:20 specifics [1] - 19:22 split [1] - 41:15 staff [1] - 10:13 stage [8] - 13:3, 14:23, 25:7, 25:21, 26:23, 26:25, 28:12, 28:24 standard [1] - 25:14 standards [2] - 16:11, 25:16 standing [3] - 9:13, 9:17, 30:8 stands [1] - 5:18 start [2] - 18:23, 37:13 started [2] - 24:18, 52:4 starting [2] - 47:16, 53:13 state [6] - 14:20, 16:22, 18:21, 26:1, 32:8, 41:8 State [7] - 8:11, 8:14, 8:20, 24:23, 31:24, 33:16, 35:1 State's [1] - 7:4 statements [1] - 13:6 States [8] - 7:1, 7:13,</p>	<p>15:17, 41:9, 41:15, 49:9, 55:6, 55:12 STATES [1] - 1:1 status [3] - 5:12, 5:23, 50:21 Steiner [4] - 1:16, 2:12, 42:21, 54:2 stenographically [1] - 55:9 stenographically-reported [1] - 55:9 still [5] - 18:2, 24:15, 28:12, 28:13, 43:20 stop [19] - 6:7, 6:10, 11:16, 11:18, 13:24, 22:1, 22:20, 22:22, 27:4, 36:8, 36:21, 39:17, 40:20, 42:4, 42:7, 42:12, 44:17, 44:25 stopped [8] - 19:21, 22:7, 22:23, 41:23, 42:8, 44:7, 44:8, 46:18 stops [1] - 36:17 stored [1] - 49:10 stories [1] - 21:3 Street [1] - 1:24 Stroud [2] - 16:11, 17:11 studies [1] - 14:12 study [1] - 14:16 subdivision [4] - 5:21, 30:22, 32:7, 32:9 subject [3] - 24:14, 27:10, 30:21 submission [1] - 50:21 submit [3] - 30:8, 30:13, 48:12 submitted [1] - 38:2 subordinate [3] - 11:14, 12:18, 16:25 subordinate's [1] - 16:20 subsection [1] - 32:4 successful [1] - 39:3 sue [4] - 33:1, 33:2, 33:3 sued [4] - 30:7, 30:10, 32:21, 32:25 suffered [1] - 12:25 suffice [1] - 18:4 sufficiency [1] - 29:2 sufficiency [2] - 14:19, 34:18 sufficiently [4] - 17:10, 28:25, 35:9, 48:17 suggest [1] - 24:16</p>	<p>suggesting [1] - 32:25 suing [1] - 30:6 suit [1] - 30:21 summarily [1] - 48:4 summarized [1] - 12:15 summarizes [1] - 17:22 summary [9] - 5:4, 6:13, 6:18, 7:6, 7:18, 7:20, 9:1, 9:5, 10:2 Summary [10] - 23:11, 23:19, 24:1, 25:24, 28:22, 36:10, 36:13, 43:14, 43:16, 52:3 supervisor [5] - 11:13, 12:17, 15:5, 16:24, 17:7 supervisor's [3] - 12:21, 12:24, 17:3 supervisory [13] - 11:12, 11:19, 11:22, 11:23, 12:16, 14:20, 15:7, 16:13, 16:18, 16:19, 16:23, 17:12, 18:5 supplementation [1] - 50:20 supplemented [1] - 26:16 support [2] - 14:23, 20:2 Support [2] - 5:19, 9:14 Supreme [4] - 15:17, 18:18, 26:16, 41:7 surprise [1] - 42:18 survives [1] - 26:4 suspicion [1] - 27:15</p>	<p>30:21, 45:10, 47:21, 49:1, 50:11, 52:23 Tferkis [2] - 46:8, 46:9 TFERKIS [1] - 46:9 THE [73] - 1:1, 1:1, 1:11, 2:2, 2:13, 2:20, 2:24, 3:2, 3:5, 4:5, 4:8, 4:20, 4:23, 5:12, 5:17, 6:4, 6:17, 6:21, 7:12, 7:17, 7:23, 8:3, 8:6, 8:18, 9:4, 9:8, 10:5, 10:25, 11:3, 12:3, 14:25, 15:10, 20:6, 23:2, 23:9, 23:24, 24:18, 29:20, 30:3, 30:18, 33:4, 33:25, 34:6, 34:14, 34:18, 37:11, 40:15, 41:1, 41:4, 42:10, 42:15, 43:13, 44:3, 47:7, 47:11, 48:9, 48:15, 49:18, 49:23, 50:5, 50:8, 50:25, 51:3, 51:24, 52:7, 52:14, 52:17, 52:20, 53:5, 53:8, 53:12, 53:23, 54:1 themselves [1] - 2:8 theoretically [2] - 11:21, 38:1 theories [2] - 21:19, 21:22 theory [3] - 11:20, 18:10, 23:21 thereafter [3] - 50:17, 51:8 therefore [1] - 23:5 thereof [1] - 25:12 they've [2] - 26:1, 26:25 third [9] - 29:14, 29:22, 38:20, 38:22, 39:1, 44:13, 46:5, 46:25, 49:19 third-party [1] - 49:19 thirdly [1] - 10:17 thorough [2] - 26:20, 53:16 thoroughly [1] - 19:11 three [3] - 12:16, 51:15, 53:4 throughout [1] - 27:11 Title [20] - 31:12, 31:14, 31:15, 31:19, 32:12, 32:14, 32:21, 32:25, 33:12, 34:19, 34:21, 38:22, 39:2, 39:24, 41:17, 44:13, 44:18, 46:6, 47:1 today [2] - 49:24,</p>	<p>53:15 together [1] - 25:18 tomorrow [1] - 53:14 took [2] - 13:13, 52:5 totally [7] - 33:19, 37:10, 42:12, 44:12, 44:13, 46:23, 46:25 touch [1] - 21:4 traceable [2] - 23:10, 28:21 traffic [10] - 6:7, 6:10, 11:16, 11:18, 22:1, 22:20, 36:8, 39:17, 40:20, 46:19 train [1] - 28:1 transcript [2] - 55:9, 55:11 transferred [1] - 4:11 Transportation [1] - 46:1 trial [31] - 35:24, 36:13, 37:1, 37:15, 37:17, 39:16, 40:11, 43:9, 43:24, 43:25, 44:24, 45:24, 47:23, 47:24, 47:25, 48:12, 48:17, 48:25, 51:16, 51:20, 52:5, 52:6, 52:13, 52:14, 52:20, 52:21, 52:24, 52:25, 53:9, 53:13 trials [1] - 51:17 true [3] - 41:25, 43:19, 55:9 try [3] - 36:11, 49:25, 52:7 trying [2] - 48:17, 51:19 two [13] - 6:9, 25:17, 31:23, 31:25, 38:19, 40:2, 48:23, 50:5, 50:7, 50:8, 50:17, 51:15 Twombly [1] - 25:16 type [2] - 22:19, 27:6</p>
T				
<p>tacit [3] - 12:22, 16:20, 17:4 tail [15] - 27:17, 27:18, 27:19, 41:24, 42:1, 42:2, 42:6, 42:8, 42:11, 43:18, 43:19, 44:11, 45:2, 46:20, 46:22 task [1] - 7:9 team [1] - 52:18 telephone [1] - 2:4 TELEPHONICALLY [1] - 1:8 ten [1] - 51:21 terms [18] - 8:7, 8:19, 10:9, 10:12, 17:20, 23:25, 25:13, 25:14, 25:19, 25:21, 28:15,</p>				
U				
<p>U.S [2] - 18:18, 26:17 U.S.544(2007) [1] - 25:17 U.S.C [1] - 55:8 ultimate [1] - 50:20 ultimately [4] - 6:11, 30:12, 30:15, 42:4 unanimous [1] - 49:8 unconstitutional [6] - 11:14, 13:15, 22:15, 26:2, 27:1, 28:20 under [35] - 11:11,</p>				

<p>11:24, 16:14, 16:18, 19:6, 23:6, 25:13, 25:15, 27:24, 30:10, 30:22, 31:14, 31:23, 32:21, 32:25, 33:11, 33:16, 34:8, 34:19, 35:4, 35:17, 35:22, 37:10, 37:14, 38:18, 38:19, 38:22, 39:2, 39:8, 44:4, 44:18, 45:8, 46:6, 47:1</p> <p>underlying [8] - 8:6, 25:4, 27:20, 37:1, 37:23, 40:20, 42:25, 43:3</p> <p>unified [1] - 37:18</p> <p>United [8] - 7:1, 7:13, 15:17, 41:9, 41:15, 49:8, 55:6, 55:12</p> <p>UNITED [1] - 1:1</p> <p>unlawful [4] - 13:10, 13:21, 27:7, 38:16</p> <p>unless [1] - 10:11</p> <p>unnecessary [1] - 37:10</p> <p>unreasonable [2] - 12:19, 17:1</p> <p>unrelated [2] - 39:17, 43:7</p> <p>unusual [1] - 45:12</p> <p>up [2] - 14:12, 47:25</p> <p>USC [1] - 32:4</p> <p>usual [1] - 44:5</p> <p>utility [1] - 45:13</p>	<p>violations [2] - 15:16, 41:13</p> <p>virtually [1] - 31:10</p> <p>volutive [1] - 44:19</p> <p>vs [13] - 1:4, 16:11, 16:15, 17:11, 18:17, 25:16, 26:17, 33:5, 35:17, 41:8, 46:1, 46:8, 46:9</p>	<p>worry [1] - 49:2</p>
V	W	Y
<p>vague [1] - 19:19</p> <p>various [1] - 21:22</p> <p>vehicle [1] - 6:8</p> <p>verdict [1] - 37:3</p> <p>versus [10] - 2:3, 3:22, 15:11, 15:17, 16:16, 20:13, 21:8, 32:18, 34:20, 41:15</p> <p>via [1] - 36:12</p> <p>viable [1] - 21:11</p> <p>view [19] - 4:17, 4:21, 6:14, 6:18, 7:7, 8:25, 11:18, 26:16, 28:24, 29:16, 29:17, 47:4, 47:9, 49:19, 49:20, 50:2, 50:6, 53:20, 53:24</p> <p>violate [1] - 38:12</p> <p>violated [1] - 14:6</p> <p>violation [10] - 26:13, 26:15, 37:2, 37:23, 38:2, 42:25, 43:4, 46:19, 46:20, 46:22</p>	<p>wait [3] - 41:16, 48:20, 50:9</p> <p>wants [1] - 12:5</p> <p>warrant [6] - 13:25, 17:18, 17:19, 22:25, 27:6</p> <p>week [4] - 51:8, 53:6, 53:9, 53:11</p> <p>week-long [1] - 53:9</p> <p>weekend [1] - 9:10</p> <p>weeks [2] - 50:17</p> <p>well-known [1] - 25:14</p> <p>Western [2] - 5:20, 9:15</p> <p>Westlaw [1] - 46:9</p> <p>whatsoever [1] - 19:20</p> <p>Whittaker [23] - 1:15, 2:11, 3:23, 4:18, 5:8, 6:15, 7:14, 8:13, 10:23, 12:4, 12:6, 14:25, 20:7, 23:2, 29:18, 30:19, 37:11, 42:20, 48:7, 49:14, 51:1, 52:17, 53:21</p> <p>WHITTAKER [28] - 2:10, 4:18, 5:10, 6:15, 7:8, 7:15, 8:13, 9:3, 10:24, 12:6, 20:8, 23:8, 23:20, 29:19, 31:2, 33:23, 34:4, 34:13, 37:12, 47:6, 48:8, 49:16, 50:3, 51:2, 52:19, 53:3, 53:7, 53:22</p> <p>whole [2] - 43:12, 44:6</p> <p>wholly [1] - 39:3</p> <p>willing [2] - 48:16, 51:16</p> <p>wise [2] - 47:22</p> <p>witness [1] - 40:6</p> <p>witnesses [1] - 53:4</p> <p>woman [5] - 5:6, 41:22, 43:18, 44:6, 46:18</p> <p>workable [3] - 48:6, 48:9, 50:25</p> <p>works [1] - 48:2</p>	<p>year [3] - 3:19, 25:19, 51:21</p> <p>years [7] - 5:8, 13:13, 13:19, 14:1, 20:1, 40:23, 52:5</p> <p>York [1] - 18:17</p>
V	W	§
		<p>§ [1] - 55:8</p>