

FIRST LEGAL DEPOSITIONS

Spencer Elden v. Nirvana L.L.C.

[START 22-55822]

JUSTICE 1: Elden v. Nirvana, Case Number 22-55822. Counsel, when you're ready, please proceed.

MR. BOB LEWIS: Thank you, Your Honor. May it please the Court, my name is Bob Lewis, and I represent Spencer Edlen, the Plaintiff/Appellant in this case.

In 1991, Spencer Elden was a mere four months old. He was thrown into a swimming pool in Pasadena, California, and photographs were taken of his frontal nude body. Why? To sell albums. That image was pasted on the front of the album for a grunge band of these Defendants.

The Supreme Court has recognized, in the Paroline case, that every viewing of child pornography is a repetition of the victim's abuse, and the unlawful conduct of everyone who produces, distributes, and possesses the image of the, of the victim's abuse plays a part in sustaining and aggravating the victim's injury. And that is, Your Honor, the gravamen of this case, a recognition that every distribution and possession of child pornography, even in

1 adulthood, is a re-perpetration of the initial
2 perpetration—
3

4 JUSTICE 2: [Interposing] Excuse me.

5 There's different iterations of the statute of
6 limitations, so there's one that was put into
7 effect in 2022. But you don't contend that
8 applies to this case?

9 MR. LEWIS: No, we don't. We sued before
10 that became effective, Your Honor.

11 JUSTICE 2: Okay. So the operative, the
12 operative law here is the one that was enacted
13 in 2018?

14 MR. LEWIS: Yes, Your Honor.

15 JUSTICE 2: Okay.

16 MR. LEWIS: Yes. And so, we believe that
17 the gravamen has to do with the fact that, with
18 each distribution, whether it's as a minor or as
19 an adult of the victim, is a re-perpetration of
20 the original injury which was the production of
21 the child pornography. So—

22 JUSTICE 3: [Interposing] Excuse me. Those
23 statements about each distribution is a separate
24 injury were made in a somewhat different
25 context. Has that ever been made in this

1 context? Or what's, what's your basis for
2 claiming it in this context?
3

4 MR. LEWIS: I'm sorry, Your Honor, I didn't
5 quite... The, the sound isn't very good. I'm
6 sorry. I didn't-

7 JUSTICE 3: [Interposing] I apologize. I'll
8 speak more directly into the microphone. I was
9 worried about your statement that each, each
10 redistribution is a separate standalone injury.

11 MR. LEWIS: Yes.

12 JUSTICE 3: And the cases you cited, like
13 Paroline and other cases, made that statement in
14 a different context. Why doesn't that context
15 apply here and how do we know that it applies
16 here?

17 MR. LEWIS: Well, Paroline, you're right,
18 Your Honor, concerned restitution in a criminal
19 case. But the same principle applies as Justice
20 Kennedy, who wrote that decision, said every,
21 every, every viewing or distribution is a re-
22 perpetration. But there are, in fact, cases
23 involving situations which we cite, including
24 Amy v. Curtis as an example, and the Pointner
25 [phonetic] case, which involved situations such

1
2 like here, where you have an original
3 perpetration with the production of child
4 pornography in, as a child, and later adulthood,
5 a redistribution or possession. And those are
6 2255 cases, just like we have here, Your Honor.

7 So, yes, we do have a plethora of cases,
8 laws which have been, which have been issued
9 since these amendments that we talk about in our
10 briefs have been made, that routinely hold, just
11 like here where you have an original child
12 pornography production and later in adulthood
13 these images continued to be circulated, but the
14 adult has the right under the law as amended to
15 bring claims under 2255.

16 The issue here, Your Honors, is what, under
17 the statute of limitations, is: What is the
18 violation or the injury that forms the basis for
19 Spencer's claims and was it discovered within
20 the last ten years?

21 The District Court found that the violation
22 forming the basis for the claim is the
23 production and distribution of the image while
24 Spencer was a minor, more than ten years before
25 we brought the lawsuit. That was erroneous

1 because it ignores the fact, which the Paroline
2 Court, Congress, and the courts have uniformly
3 recognized that the distribution of child
4 pornography in adulthood is re-perpetration and
5 reinjury of the initial violation, in the case
6 of those re-perpetrations and reinjuries,
7 continuing to this day in this case, and they
8 form the basis of the claim. Spencer, of
9 course, could not have discovered these re-
10 perpetrations and reinjuries until they
11 occurred, all within the last ten years.

12
13 JUSTICE 2: The District Court thought it
14 was significant that he, Spencer was alleging
15 that this, the victimization by the same
16 Defendants. How do you respond to that?

17 MR. LEWIS: Yes, thank you, Your Honor.
18 That does seem to be the important distinction
19 from the District Court's point of view between
20 this case and the other 2255 cases that, that
21 we've cited.

22 It's our view that that is a distinction
23 without a difference. Nothing in the statute
24 supports this distinction. I point out that the
25 statute of limitations trigger—and that has to

1 do with the changing of the statute of
2 limitations, which, the amendment which we
3 discussed—the statute of limitations trigger,
4 under the statute of limitations law applying
5 here, is the discovery of the violation or the
6 injury, not the violator. A violation is a
7 violation, and an injury is an injury. And we
8 don't believe it's of any moment whether the
9 violator was the producer of the child
10 pornography or not.

12 Indeed, I would suggest to Your Honors that
13 that distinction, the construction given by this
14 District Court, makes the discovery rule in this
15 case superfluous, whereas, here the distributor
16 is the producer and the victim is over the age
17 of 28. The producer of the child pornography
18 gets a get-out-of-jail-free card and can
19 continue to distribute those images with
20 impunity after the victim's 28th birthday
21 regardless of the continuing re-perpetration by
22 the very producer of that child pornography.

23 JUSTICE 2: Okay. What do you allege
24 happened in the ten years prior and following
25 the complaint—additional redistribution of the

1
2 image?

3 MR. LEWIS: Yeah. So, this, this is a very
4 popular album, Your Honor, which has continued
5 to be distributed even 30 and 31, 32 years
6 later. In fact, there was a 30th anniversary of
7 this back in 2021, and they reissued the album.
8 So our allegation, which we think we can prove
9 and it's not really disputed, is that the
10 distribution and sales of this album with our,
11 our client's image on the cover has continued to
12 this day. And so we're suing to prevent the
13 continued distribution of this album with the
14 image of our clients, as well as suing for
15 injuries suffered in the last ten years before
16 we brought the lawsuit.

17 JUSTICE 1: So is it your position that
18 every time a copy of this album is sold that's
19 another injury?

20 MR. LEWIS: Yes, it is. Or distributed or
21 possessed. And under the damages provision of
22 2255, we can choose either to get the liquidated
23 damages or prove the actual damages suffered by
24 our client. And that has been held by multiple
25 courts uniformly. Over the last number of

1 years, Your Honor, there's really no dispute
2 about that.
3

4 I want to point out another anomaly that is
5 created by the District Court's construction.
6 And that has to do with the fact that it treats
7 copyright infringers much better and differently
8 than child sex, child sex abuse victims. And
9 why do I say that? Well, this is a compelling
10 reason to reject this argument, because you must
11 understand that 2255 was, in large part, modeled
12 after the copyright laws. That's why, for
13 instance, both in copyright law and under 2255
14 there's a liquidated damages clause for \$150,000
15 in liquidated damages.

16 But if you look at the, the statute of
17 limitations as it's construed by the courts in
18 the infringement area, which is very similar to
19 this one, also has the same discovery rule,
20 although there's a three-year lookback rather
21 than a ten-year lookback. Each infringement,
22 Your Honor, triggers a new statute of
23 limitations period, even if the infringement is
24 ongoing and the initial, and the initial
25 infringement was discovered outside the statute

1 of limitations period. I cite in our brief to
2 the Petrella case, a Supreme Court case of 2014,
3 as well as the Ninth Circuit case of Rollie
4 [phonetic] in 1994.
5

6 So let's just think about what the
7 implications of that are, Your Honor. I presume
8 that Nirvana, these Defendants, have copyrights
9 to their songs, but also to the cover of their
10 album, which includes the child pornography
11 image of my client. Under the interpretation of
12 the statute of limitations law, under, and
13 copyright law, which is the construction we're
14 urging here, these Defendants, Nirvana
15 [unintelligible], will be able to continue to
16 enforce their copyright to the end of the
17 copyright that they have, which is decades from
18 now. And under the construction given by the
19 District Court, Spencer is left out in the cold
20 after he reaches the age of 28.

21 I urge the Court to consider those copyright
22 cases and once again consider the fact that
23 really this law is modeled after those laws and
24 that the statute of limitations in the copyright
25 area is very similar to the one here.

1
2 Spencer Elden has been and continues to be
3 victimized by these Defendants, and under the
4 applicable statute of limitations, he is
5 entitled to pursue his claim for an injunction
6 and to stop the re-perpetrations of these
7 injuries suffered in the last ten years.

8 Thank you, Your Honor. Are there any more
9 questions?

10 JUSTICE 1: It does not look as if there is.
11 Would you like to reserve time for rebuttal?

12 MR. LEWIS: I would, Your Honor, please.

13 JUSTICE 1: Thank you. Good morning. And
14 may it please the Court, I'm Bert Deixler.

15 This case presents a straightforward
16 question of statutory interpretation of 18
17 U.S.C. 2225, in effect as of September 2nd, 2022,
18 when the District Court entered judgment. When
19 Justice Kagan [phonetic] conceded to the memory
20 of Justice Scalia that we are all textualists
21 now, the framework for the decision here was
22 established. We've cited a hoard of cases
23 standing for the obvious propositions that in
24 statutes the same words have the same meanings,
25 different words have different meanings, and

1 words are to be construed in accordance with the
2 plain meaning expressed in the attempt of the
3 statute.
4

5 Justice Gorsuch, in the Most Dot [phonetic]
6 case, reminded us that only the words on the
7 page constitute the law adopted by Congress.
8 With that framework, I'd like to focus on the
9 language and the plain meaning of the statute
10 that Congress actually enacted, rather than the
11 suggestion of a lookback statute of limitations,
12 which has been suggested by the Appellant. And
13 for these purposes, I am going to pretend that
14 the iconic album, that has sold over 30 million
15 copies since 1991, and has been streamed or
16 downloaded over 3 billion times in that period,
17 and is part of the permanent collection of the
18 Museum of Modern Art, would constitute child
19 pornography under the relevant statutes.

20 There were three paths that Mr. Elden had in
21 order to protect the rights that he claims to
22 have been violated. The first was that within
23 ten years of his no longer being a minor he
24 could have brought a lawsuit. That would have
25 been at 28 years old. He missed that window.

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Address: 1517 West Beverly Boulevard, Los Angeles, CA 90026

Phone: 855.348.4997

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2 And so what remains under the statute are two
3 possibilities, possibilities which were analyzed
4 with care by the District Court and strictly
5 adhered to the language of the statute which the
6 Court is being asked to review de novo and
7 construe: Either Mr. Elden would be able to
8 demonstrate that he had reasonably discovered a
9 violation that formed the basis for his claim
10 within ten years, or an injury that formed the
11 basis for the claim.

12 The Court found that the notion of his
13 having discovered the violation for the first
14 time after he was 28 is completely unsupported
15 by the record, completely unsupported by the
16 amended complaints in this action.

17 JUSTICE 2: Well, why don't you focus on the
18 injury, because I think that's the harder part
19 of your argument.

20 MR. DEIXLER: Yes. So I'm happy to.. I
21 think the question of injury is demonstrated by,
22 by Judge Sutton's opinion in Circuit. I think
23 Judge Sutton accepts the notion that the injury
24 occurs upon the publication, whether the person
25 knows of it or not, and the two-part test for

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injury-

JUSTICE 2: [Interposing] Meaning, you mean the original publication?

MR. DEIXLER: Yes. The original publication constitutes, under Judge Sutton's analysis and, I think, under the various decisions of the District Courts, which we've cited in Connecticut and New York, as well as Vermont, that the injury occurs at the time of the original publication.

What the statute provides for under, under the question of injury is, first, a violation has to occur when the claimant is a minor, but the injury can occur in two circumstances. Regardless of whether the injury occurred while the person was a minor, which is to say that an injury can occur, in a hypothetical suggested by Judge Sutton in that case, that a second person downloads years after the original injury, the violation, violative video, and, in turn, creates a new injury for the-

JUSTICE 2: [Interposing] Why does it... I don't know if it's a new violator.

MR. DEIXLER: Because it's, it, it is

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2 inconceivable that the statutory formula here
3 would allow for the passage of ten years for a
4 person to be aware of an injury, be aware of the
5 persons who created the injury, and have the
6 injury occur every single day during that ten-
7 year period with, without having a need to file.

8 It could only...

9 I always analogize it to, to the kind of
10 multiplicitous arguments that, that were raised
11 when I was assistant United States attorney. It
12 would be charging the same party with the same
13 offense. The easiest example is the possession
14 argument which I've heard counsel make. That is
15 that every one of the 30 million people who
16 presumably possess this album, every single day
17 have created a violation, and that every single
18 day the ten-year statute would begin to run
19 again, and every single day that person could be
20 sued by the same claimant completely aware of
21 who the owners of these statute, of these albums
22 are. It's inconsistent with the notion of any
23 statute of limitations. And I note—

24 JUSTICE 2: [Interposing] That's obviously
25 where Congress eventually got to, right?

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2 MR. DEIXLER: Yes, eventually. And, and,
3 and I think that proof positive if they intended
4 for the 2255 that was construed by the District
5 Court to have a stop period and not to have a
6 lookback period.

7 JUSTICE 2: But why, why isn't new
8 distribution a new injury? Why doesn't it cause
9 a new injury based on the original violation?

10 MR. DEIXLER: The original violation
11 constitutes, in and of itself, the injury. The
12 same parties doing the same thing cannot give
13 rise to a new injury. Otherwise, as I had
14 suggested, you'll have the example of a person,
15 every day owning an album, being subject to
16 being sued.

17 JUSTICE 3: Well, what do we do with the
18 example? So that opposing counsel, it says
19 Paroline and then, in that context, certainly,
20 the, the, the redistribution of the child porn
21 video was a new injury. And so, to the.. And,
22 certainly, it doesn't seem to make any
23 difference whether the person who created that
24 image does the redistribution or some third
25 party. So what do we do with that, with that

1
2 example?

3 MR. DEIXLER: I just think it's apples and
4 oranges, because of the construction of a
5 particular statute and the, and the teachings
6 that we have from a half dozen District Courts,
7 as well as the Sixth Circuit on, on this
8 question of injury. So, while I understand
9 Justice Kennedy's position in that sort of
10 criminal case, that doesn't bear on the analysis
11 that is, that has been undertaken by various
12 courts and, certainly, not by the analysis that
13 was undertaken by the District judge in this
14 case.

15 JUSTICE 2: Yeah, but why isn't that
16 conceptually how we, how we understand injury?
17 Why isn't it relevant here? Because what you
18 seem to be saying is somebody could make child
19 pornography on Day One, everybody knows about
20 it, 20 years go by, and then that person
21 doesn't, starts redistributing the same image
22 again. And by the logic of your position, the
23 Plaintiff, I don't think, would have a claim.

24 MR. DEIXLER: The Plaintiff wouldn't have a
25 claim because of the passage of the statute of

1 limitations. If you know all, the whole point
2 of the statute of limitations is that one knows
3 that he's been victimized, who the victimizer
4 is, and, as a result of the definition, has
5 suffered injury. So, yes, if the statute of
6 limitations has expired in connection with, with
7 a violation, then the person sacrifices his, his
8 rights.
9

10 In the context of the new statute, that
11 wouldn't matter. Under the new statute, which
12 is not at issue here, there would be no statute
13 of limitations. And that is how Congress
14 decided to address the concern that has been
15 expressed by Your Honor.

16 JUSTICE 3: Does your theory apply in the
17 copyright context? The opposing counsel said we
18 don't do copyright that way.

19 MR. DEIXLER: Yeah. Again, I find myself
20 constrained by the language of the statute that
21 the Court's being asked to construe, and the
22 copyright statute protects different issues for
23 different reasons and contains different
24 language.

25 In this context, the, the, the legislature,

1
2 on four or five separate occasions, addressed
3 what harm it sought to correct, identified a
4 formula for working it out, and has ultimately
5 concluded that no statute of limitations is
6 appropriate.

7 At the time that this District judge was
8 asked to analyze the issues in the case, it was
9 a ten-year statute of, of limitations based upon
10 reasonable discovery with no possibility that
11 the Plaintiff in this case wasn't aware, from
12 the time he was a little boy, that he was the
13 Nirvana baby and he reenacted on several
14 occasions for money what he now claims is the
15 violation of his, of his rights, and, and
16 marketed himself in that fashion.

17 JUSTICE 2: Well, I think this gets into
18 some other defenses you may have to the, to the
19 claim. But the issue here is the statute of
20 limitations. I'm still troubled by the
21 implication of, of the argument in the sense
22 that it seemed that what's driving a lot of the,
23 the ball in this area is understanding that
24 when, even when somebody becomes an adult, the,
25 the later redistribution of an original image of

1 child pornography creates a tangible injury.
2
3 And you, you would say that that person should
4 have sued before, and if it's the same, if it's
5 a different violator, a new distributor, they
6 would have a claim, but if it's the same
7 distributor or the same person, you wouldn't.

8 MR. DEIXLER: Yeah. That's precisely the
9 point of statute of limitations, respectfully,
10 Your Honor, which I acknowledge has been changed
11 after the ruling in this case.

12 The legislature, in its wisdom, determined
13 that there should be a period by which these
14 lawsuits should be filed against persons who
15 were known to have victimized the, the Claimant.
16 And after that time period has expired, those
17 claims cannot be, cannot be brought. The
18 definition of, of injury was, at the time of the
19 publication—that's Judge Sutton's—very clear on
20 that, and the District judges that have followed
21 that analysis have been equally clear about it.

22 There's a new formula—

23 JUSTICE 1: [Interposing] So why does this,
24 why does this statute address this in two parts.
25 The statute clearly says it expires ten years

1 after discovery of the violation or the injury.
2 And if the violation and the injury are the same
3 thing or occur at the same time, why do we need
4 a separate statute for a discovery of the
5 injury?
6

7 MR. DEIXLER: Yeah. I think there's an
8 analytic difference between a violation and an
9 injury as follows. The violation is the, is the
10 committing of the predicate act under the
11 criminal law, which [audio warped] 2255 claim.
12 That stands sort of independently.

13 JUSTICE 1: But the violation isn't just the
14 production of the child pornography or the
15 photographs or the video; it's more than that.
16 It's distribution, possession. There's multiple
17 ways to violate the statute.

18 MR. DEIXLER: Yes. For, for broad terms,
19 I'd say it's the publication of the, of the, of
20 the offending material. The injury that comes
21 from it can be known or not known at the moment
22 of its publication, so that it is this kind of
23 tree falls in the forest and there's no one
24 there to hear it. While, analytically, an
25 injury occurs under Judge Sutton's analysis at

1 the time of the publication, as a practical
2 matter, until one knows that publication has
3 occurred, there's no recognition of injury,
4 because you're not on reasonable notice that you
5 have a claim. Once that happens, again, you can
6 then bring a lawsuit under either of those two,
7 two provisions that we've been discussing.

8
9 So while they're not precisely the same,
10 there's no doubt that the fact of the violation
11 triggers an injury and the question then
12 becomes: Does the victim know he has been
13 victimized? That's really what, what Judge
14 Sutton was focused upon. And that's why he
15 gives the hypothetical of years later another
16 person downloads the offensive video and that
17 gives rise to a new claim.

18 JUSTICE 2: So here, years later, there's a
19 redistribution of the album. That's a
20 violation, but it didn't occur when the
21 Plaintiff was a minor. But, at the same time,
22 it's, that it's a violation, it's also an
23 injury, a new injury.

24 MR. DEIXLER: It's not an actionable injury,
25 however, under the statute, because if the

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2 distribution occurs when the plaintiff is no
3 longer a minor, the statute doesn't apply to,
4 to-

5 JUSTICE 1: [Interposing] Well, it doesn't
6 apply for the, to the claim that would be based
7 on the violation, but what about the claim based
8 on the injury? And violation and injury are
9 separate concepts. So it seems like what you're
10 addressing is handled by the damages. The
11 damages would be very limited, because the pre-
12 existing injury, that doesn't come in. So if
13 there's a new violation, but there's also a new
14 injury, the statute begins to run, you can bring
15 the claim.

16 MR. DEIXLER: Yes. Respectfully not,
17 because the same person, knowing of the
18 violations and having suffered the same injury
19 inflicted by the same parties under the, under
20 the pre-existing statute of limitations, the one
21 that is in question here, will have lost the
22 rights to proceed. It cannot be that the very
23 same parties, engaging in very same acts that
24 they had engaged in since 1991, could trigger a
25 new injury and, and a new right to bring an

1
2 action.

3 JUSTICE 1: All right.

4 MR. DEIXLER: I see my time is about to
5 expire. Unless the Court cares to ask
6 additional questions, I guess I should sit down
7 before the ejector seat goes off.

8 But I will say only that I believe the
9 District Court's reasoning was sound and that
10 this Court should affirm that judgment.

11 JUSTICE 1: All right. Thank you. Mr.
12 Lewis.

13 MR. LEWIS: Thank you, Your Honors.

14 I want to address four points. First of
15 all, counsel suggested that the interpretation
16 we're urging is somehow unique in that we ignore
17 the fact that we knew, Spencer knew, who the
18 violators were all this time. I already pointed
19 out that's not a unique construction; that's
20 precisely the construction given by the Supreme
21 Court and the Ninth Circuit in the infringement
22 area. And if you look closely at that, you'll
23 see that the statute of limitations in both
24 areas are very similar. In that case, in that
25 situation, unlike here, however, it was the

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2 Courts that imposed the discovery rule, not the
3 act of Congress.

4 My adversary also suggests that the statute
5 of limitations somehow says that if you're 28
6 years old, you have no right to then rely on the
7 discovery rule, which we've been discussing.
8 But that's clearly not right. If you look at
9 the statute, it says it's an either/or. It says
10 that you, any action commenced under this
11 section shall be barred unless the complainant
12 has filed—and there's the discovery rule—not
13 later than ten years after the date on which the
14 plaintiff reasonably discovers the later of the
15 violation that forms the claim, or the injury
16 that forms the claim, or—that's "or"—not later
17 than ten years after the date on which the
18 victim reaches 18 years of age.

19 So my point is that—and I pointed this out
20 earlier—that, under the construction given by
21 the District Court, you essentially get rid of
22 the discovery rule here where the victim is over
23 the age of 18—I'm sorry—over the age of 28.
24 Counsel's right and I think the questions from
25 the Court are right that, yes, each violation,

1 because of the nature of child pornography, each
2 violation is essentially a simultaneous injury
3 to the plaintiff. And those injuries continue
4 with each re-perpetration, reinjury, whether
5 it's distribution or possession.
6

7 So the question then becomes: Well, why
8 then would Congress, in the discovery rule,
9 separate injury and violation? The reason for
10 that is the predicate crimes, which are required
11 to be shown under 2255(a), are not only child
12 pornography crimes but also include, for
13 instance, child sex abuse, which does not
14 involve the production of child pornography.
15 And in those cases, you have the injury, which
16 is—I'm sorry—the violation, which is the sex
17 abuse; and then later, say in adulthood, you
18 have the victim who discovers or first realizes
19 the injury caused by that. That distinction is
20 important for those kind of cases. In this
21 case, as we've argued, you have the original
22 violation, and that is the one that then causes
23 the injury. And it's the injury that, the later
24 injury in adulthood, which forms the basis for
25 our claim.

1
2 I just want to make one quick comment on the
3 suggestion, which in a way isn't too relevant to
4 the, to the, to this particular appeal, that
5 somehow all of those people who bought the album
6 or downloaded it are going to be sued by Spencer
7 for the, the injury. There is a scienter
8 element connected to the child pornography laws,
9 and it requires that the person who possesses,
10 produces, or distributes know that they are
11 essentially sexualizing an image, a baby in this
12 case. And we made various allegations in our
13 complaint that made clear that these Defendants
14 well knew that that's what they were doing. Why
15 then did they have to put frontal nude image
16 rather than another image? They had other
17 images of Spence that they could have put on
18 this album. Kurt Cobain, in his diaries, made
19 clear that he's into masochistic abuse of
20 children. All of these allegations suggest that
21 these Defendants well knew what they were doing,
22 and we would distinguish that from those who
23 simply went out and bought the album. There's
24 also an affirmative defense, which is if you
25 possess less than three images of child

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pornography, you're not violating that criminal statute.

I will close unless there are further questions from the Court.

JUSTICE 1: Thank you. Counsel, thank you both for your arguments this morning. They were very helpful.

[END RECORDING]

C E R T I F I C A T E

I, Melissa Strickland, certify that the foregoing transcript of 22-55822 was prepared using standard electronic transcription equipment and is a true and accurate record to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature: *Melissa Strickland*

Date December 19, 2023

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Address: 1517 West Beverly Boulevard, Los Angeles, CA 90026
Phone: 855.348.4997