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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

United States of America,)	Civil Action
)	No. 17-CR-201
Plaintiff,)	
)	STATUS CONFERENCE
vs.)	PUBLIC TRANSCRIPT
)	PORTIONS UNSEALED
Paul Manafort, Jr.,)	PER 4-17-18 ORDER
Richard W. Gates, III,)	Washington, DC
)	Date: February 14, 2018
Defendants.)	Time: 9:30 a.m.

TRANSCRIPT OF STATUS CONFERENCE
HELD BEFORE
THE HONORABLE JUDGE AMY BERMAN JACKSON
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

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ALSO PRESENT:

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Shay Holman

FBI Special Agent: Omer Meisel

Court Reporter: Janice E. Dickman, RMR, CRR
Official Court Reporter
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Washington, DC 20001
202-354-3267

* * *

1 THE COURTROOM DEPUTY: Good morning, Your Honor.
2 We have this morning criminal case number 17-201-1 and -2,
3 the United States of America v. Paul Manafort, Jr., and
4 Richard W. Gates, III. Both Mr. Manafort and Mr. Gates are
5 present in the courtroom.

6 Will counsel for the parties please approach the
7 lectern and identify yourself for the record.

8 MR. ANDRES: Good morning, Your Honor. Greg
9 Andres, Andrew Weissmann, Kyle Freeny from the Special
10 Counsel's Office. And with us at counsel table is
11 Supervisory Special Agent Omer Meisel.

12 THE COURT: All right. Good morning.

13 MR. WU: Good morning, Your Honor. Shanlon Wu,
14 and Mr. Walter Mack are here for Mr. Gates.

15 THE COURT: All right. Good morning.

16 MR. DOWNING: Good morning, Your Honor. Kevin
17 Downing and Tom Zehnle for Mr. Manafort.

18 THE COURT: All right. Good morning. I don't
19 know how much we can actually do today. And I don't know
20 how much we can actually do on the public record today, but
21 we'll try to do some of it.

22 I do want to address sealing issues first. The
23 fact that this case is of significant public interest is not
24 a reason to seal things. It's a reason to unseal things.
25 But it does support maintaining the privacy of the

1 defendant's private information; their addresses, their
2 family members' addresses, their bank account numbers, the
3 dollars in the bank accounts, their family members' personal
4 information, and financial information that isn't part of
5 the indictment. Attorney-client communications are
6 privileged and not public. And Rule 60 requires that the
7 government be scrupulous about not revealing information
8 about ongoing investigations.

9 So, there's a lot of reasons why a lot of things
10 that people are telling me have to remain sealed and have to
11 remain private at the moment, but I think people are
12 overdoing it just a little bit. The pleading I received Mr.
13 Gates last night, docket 176, doesn't actually have anything
14 private in it. It just asks for more time. So I'm going to
15 order that it be unsealed.

16 Mr. Manafort's bond motion, I permitted it to be
17 filed under seal, but I've ordered that a redacted version
18 be posted, and I need that done by Friday. The government's
19 response, docket 175, I'm going to grant you leave to file
20 the opposition under seal, but whatever aspects of it can be
21 filed on the public docket -- and I think there are aspects
22 of it that can -- need to be. So that needs to be done by
23 Friday.

24 That being said, while my goal is to include the
25 public as much as possible in these proceedings, there are a

1 number of issues I have to address here today that are going
2 to require either bench conferences or sealed proceedings
3 because they relate to attorney-client confidences or the
4 details of financial arrangements. And at some point these
5 issues will be resolved and they will result in orders and
6 the orders will be public.

7 So, with that, I guess I usually start each of
8 these status conferences with talking about the status of
9 discovery. And hopefully that's something that you can
10 answer on the record. Mr. Andres?

11 MR. ANDRES: Yes. Good morning, Judge. And there
12 is something that we would like to approach about. I'll
13 tell you about discovery, but there are matters that we
14 would like to address with the Court at the bench.

15 So with respect to discovery, we've, since the
16 last status conference, made several productions. We're
17 going to make another production this week. As we said last
18 time, we're largely completed with discovery. What remains
19 are the rolling productions; that is, materials that we
20 continue to receive, whether pursuant to a subpoena or some
21 other process. And obviously we try to get that out as
22 quickly as possible. And then as we described last time,
23 there are other parts of the Special Counsel's Office, other
24 investigations, and we're going through the files of those
25 other investigations that don't relate principally to the

1 defense in this case or the charges in this case. And we're
2 looking through those files to make sure there's nothing in
3 those that are discoverable, and we'll continue to produce
4 those.

5 So, as with last time, we're substantially
6 completed, but obviously it's an ongoing process.

7 THE COURT: All right. So, do you need to come to
8 the bench now to --

9 MR. ANDRES: I think it would just be appropriate,
10 Judge, because it would alert you to certain issues that may
11 come up along the proceedings.

12 THE COURT: Okay.

13 THE COURT REPORTER: Is this sealed?

14 THE COURT: Yes, this portion is sealed.

15 (Bench conference.)

16 THE COURT: All right. Do I have at least one
17 lawyer for each defendant who can hear?

18 MR. DOWNING: Yes.

19 THE COURT: Okay.

20 MR. ANDRES: So, Judge, I didn't want to -- I at
21 least wanted defense counsel to know what we wanted to talk
22 to the Court about, which is to update the Court about
23 certain grand jury matters, both in the Eastern District of
24 Virginia and here in the District of Columbia. I think
25 those matters are more appropriately discussed ex parte, at

1 least in the first instance, and then if there are matters
2 that should be disclosed to the defense, we'll certainly do
3 that. But I think for purposes of updating the Court on
4 grand jury matters, we should do that ex parte.

5 THE COURT: All right. Well, you all, not ex parte,
6 came up here last time and told me that indictments were
7 anticipated and that they knew about them and that you had
8 discussed with them whether they would be filed, and that
9 they would be brought before today. I was sort of hoping
10 that if they weren't, somebody would move to continue this
11 hearing so we wouldn't be doing this with everybody watching
12 us, not talking to them. But here we are.

13 So, I guess I don't really understand why you
14 could talk about it last time with everybody but you can't
15 talk about it this time.

16 MR. ANDRES: Sure. So, Judge, we are aware
17 that -- something that has happened. We want to update you
18 about that, but some of those matters are sealed. And in light
19 of that, we wanted to proceed ex parte in the first place.

20 As for continuing this conference, we talked to
21 defense counsel about that, but because there are other
22 issues relating to Mr. Gates's representation, bail,
23 etcetera, it seemed prudent -- or, defense wanted to proceed
24 with that. So, we just need to now take it to the next
25 step. Obviously, we've had conversations with the defense

1 counsel about the superseding -- I mean, about the Eastern
2 District charges and other matters. But I think what
3 remains should be done ex parte.

4 THE COURT: All right. In terms of just enlightening
5 me about the schedule, that has to be done ex parte?

6 MR. ANDRES: I think this information would help you,
7 alert you as to what should happen next on the scheduling.

8 MR. DOWNING: We would object to ex parte
9 communications.

10 THE COURT: I understand that.

11 MR. DOWNING: I understand that Mr. --

12 THE COURT: Wait. Wait. Wait. You need to come
13 up here, near the microphone, so she can get you.

14 MR. DOWNING: I'm sorry.

15 THE COURT: And don't talk over me, so we can
16 have it.

17 I understand your objection. Your objection is
18 noted. But until I hear what it is, I don't know that I can
19 solve your problem. So, it does seem that they've been in
20 communication with you about what's coming down the road.
21 So, I need to hear what he has to say before I can order him
22 to tell it to you. But your objection is noted.

23 MR. DOWNING: Thank you.

24 MR. WU: Just for the record, we'll join in the
25 objection.

1 THE COURT: All right. While you're up here, I
2 want to tell you a few other things. I plan to go from this
3 matter into discussing Manafort's bond issues and then at
4 10:30 I plan to discuss Mr. Gates's representation issues.
5 And I have summoned Mr. Green for that purpose as well, so
6 he will be here. Not the Mr. Green that bills.

7 MR. WU: No comment, Your Honor.

8 THE COURT: I'm sure you would like to see him
9 faster.

10 All right. Well, how do you want to handle this?
11 Just have you guys step down. And you can tell me what's
12 going on. Let's do that right now.

13 So this will continue to be sealed and the record
14 will reflect that the government is now going to speak to me
15 ex parte.

16 So you can go back to counsel table.

17 MR. ZEHNLÉ: Your Honor, yes, if I might raise one
18 issue. With respect to the filing of the supplemental
19 memorandum that you just addressed a moment ago for Mr.
20 Manafort's bond, we can certainly file that by Friday.
21 There's one thing in the minute order --

22 THE COURT: It isn't a supplemental, it's just a
23 redacted version of your supplemental -- of what you filed.

24 MR. ZEHNLÉ: The supplemental memorandum that we
25 filed that related to the motion for reconsideration.

1 THE COURT: Okay.

2 MR. ZEHNLE: Okay. The Court said to -- it's
3 fine, redacted addresses, the financial information. On
4 page 2 of that memorandum there was a brief summary of what
5 we had discussed in the sealed hearing on January 22nd. So,
6 I wanted the Court's guidance before I filed that because
7 technically that's not an address, that's not financial
8 information, but it's certainly under seal. So I didn't
9 know if the Court wanted me to redact that brief summary of
10 the January 22, or not.

11 THE COURT: Well, I think what I said then was
12 exactly what I had said at the original hearing, which is
13 that you had to have one or the other or both to satisfy.
14 So, you know, if you just want to change it to the Court has
15 emphasized that or something, without specifically
16 referencing -- I mean, I don't think it's -- I don't have a
17 problem with that.

18 MR. ZEHNLE: We don't either, Your Honor. I just
19 want to make sure that I'm not talking about it.

20 THE COURT: We sealed the hearing because you were
21 telling me about his expenses and legal fees and things like
22 that. I don't have a problem with that.

23 MR. ZEHNLE: Okay.

24 MR. DOWNING: And, Your Honor, just as a matter of
25 administration, we would like to address the Court regarding

1 discovery issues after we finish at the bench.

2 THE COURT: Yes. I would like to set a trial
3 date. I was planning to set a trial date today. I can't
4 set a trial date without knowing who co-counsel is going to
5 be, so that's a little bit of a problem. So we might be
6 able to do it later this morning, we might have to get
7 together early next week and do it. I don't know the answer
8 to that yet. I was hoping to have an answer by yesterday at
9 5 o'clock, but I didn't get one, so --

10 (Whereupon defense counsel step back to counsel
11 table. Remaining at the bench is government counsel only.)

12 THE COURT: All right.

13 MR. ANDRES: Thank you, Judge. So, we did return
14 a super -- we did return -- the grand jury returned an
15 indictment in the Eastern District of Virginia yesterday
16 against Mr. Manafort; that's still sealed, which was the
17 purpose of doing this ex parte.

18 Second, the government is planning on superseding
19 in this case this Friday, and we'll ask the grand jury to
20 return a superseding indictment against Mr. Manafort. Both
21 of those instruments only charge Mr. Manafort because of the
22 ongoing nature of the negotiations with Mr. Gates. We don't
23 know how that's going to resolve itself yet. We have some
24 hope that it will happen in the next week to ten days. And
25 our hope is that if, in fact, that happens, after that

1 happens, we can unseal both of those indictments, have Mr.
2 Manafort arraigned here on the District of Columbia cases
3 and proceed that way.

4 So we were uncomfortable with disclosing to the
5 defense the fact that there's a sealed indictment in the
6 Eastern District of Virginia. But that's what's happening.
7 I think both of those -- or, all three of those events
8 substantially affect what the schedule is going forward.
9 But, once we resolve with Mr. Gates, or not, we can then
10 unseal those indictments and the Court can proceed to have
11 an arraignment and have the schedule go forward that way.

12 THE COURT: Well, if there's not an agreement with
13 Mr. Gates, is he a codefendant in any of these?

14 MR. ANDRES: Yeah, if we don't resolve things with
15 Mr. Gates -- and I think we'll know that within the next ten
16 days -- then we would probably supersede on both of those
17 instruments, to include him in both of those. But in light
18 of the negotiations, it would seem prudent to do that.

19 THE COURT: All right. Well, is there any reason
20 why we can't call them back up here and have you say that
21 what you've told me is that you still intend to supersede
22 and you still intend to proceed in the Eastern District of
23 Virginia? I mean, they already know the substance of the
24 pending indictment.

25 MR. ANDRES: Absolutely.

1 THE COURT: So there's nothing about that that's
2 changed.

3 MR. ANDRES: Correct.

4 THE COURT: Well, just so they don't think that
5 there's something else.

6 MR. ANDRES: Yeah.

7 THE COURT: I mean --

8 MR. ANDRES: Yeah. I mean, I think what we don't
9 want to disclose, anything that's sealed. We don't want to
10 disclose that Mr. Manafort is the only defendant in those.
11 But we can certainly say --

12 THE COURT: But I think you can say that you're
13 still intending to proceed to supersede and to proceed there
14 and the schedule is uncertain and is --

15 MR. WEISMANN: I think the thing that we're trying
16 to avoid is having -- we are hopeful that Mr. Gates's
17 situation will resolve itself quickly and that we will be in
18 front of the Court with the papers and the Court can
19 schedule the plea hearing. We also are cognizant that if it
20 doesn't work out, we don't want to have Mr. Gates in a
21 position where the public knows he's intending to plead
22 guilty and the public -- the issues that are raised but
23 didn't --

24 THE COURT: But that's different than having
25 you -- Yes, I understand that. Okay.

1 Counsel, can you return to the bench?

2 (Defense counsel returns to the bench.)

3 THE COURT: All right. Based on what's been told
4 to me, I just want to let you know that what was told to me
5 is fundamentally that everything that you -- is not a change
6 to what you already know; that are there are charges
7 contemplated in the Eastern District of Virginia and that
8 there are superseding charges contemplated here and that the
9 timing is still uncertain. But, it is not something else
10 that they're planning to do that they told me about that
11 they haven't told you about.

12 So, that much I can tell you. I think, given
13 that -- well, I, too, believe we need to set a trial date.
14 I don't think we can set a trial date until you see what the
15 new charges are because, you know, you won't know how long
16 it's going to take you to get ready. So I'm also hamstrung
17 by the counsel issues, in terms of setting a trial date.
18 But I will let you put your position on the record about
19 setting a trial date and discovery.

20 MR. DOWNING: I understand that. It doesn't make
21 any sense to me to take a futile position. But I do think
22 that we should set a status conference for next week, so we
23 can come back here, because there are a lot of issues going
24 on. But we, for Mr. Manafort, we ought to set a firm date
25 because that's what we're getting ready for. I don't know

1 how much more time the government is asking for, but we do
2 have a pending deadline on the 23rd for some motions that,
3 obviously -- I don't know what the new one looks like, but I
4 have a good idea. So I don't think we need more than a week
5 on that, if they're going to return something next week.
6 But I don't know, so I think a status conference would be
7 appropriate.

8 THE COURT: I don't know either. And I can set a
9 status conference for the end of next week. My problem with
10 that is, you know, then we have a million people sitting
11 here. And maybe the better thing to do is just set it on
12 shorter notice, like --

13 MR. DOWNING: Okay.

14 THE COURT: -- kind of take it a day at a time and
15 see if something breaks one way or the other that makes it
16 clear what we need to do and when we need to do it.

17 MR. DOWNING: Okay.

18 THE COURT: But, I'm not exactly -- we're all sort
19 of in unchartered waters at this point.

20 Did you want to say something?

21 MR. MACK: Just to make a comment to Mr. Wu
22 briefly, because he doesn't always trust me to say what I
23 should be saying.

24 We do not know with any detail precisely what is
25 happening with respect to Mr. Gates because he will not tell

1 us.

2 MR. WU: This may go to the 10:30 issues, Your
3 Honor. But I would put on the record, under seal, we do not
4 feel we have any clarity from the government vis-a-vis what
5 will happen to our client on these new charges, and that's
6 the result of their feeling that their position is they
7 cannot speak to us about that.

8 THE COURT: All right. But you were alerted at
9 some point as to what the potential charges could be.
10 Because you had told me last time that you knew what they
11 were and you wanted to face them there.

12 MR. WU: Yes, I understand. To be specific, last
13 time we were only aware of the potential second indictment
14 in Virginia. As of yesterday we learned that there also was
15 likely to be, in addition to that, a superseding indictment
16 in D.C.

17 THE COURT: All right.

18 MR. WU: The particulars of those charges --

19 THE COURT: I understand, you're hamstrung. Is
20 there any change in Mr. Manafort's point of view about the
21 Eastern District versus the District? I think the only
22 thing I can imagine that's more unusual than the government
23 offering you the choice is the choice you're making. But,
24 is there any further discussion about that?

25 MR. DOWNING: No.

1 THE COURT: All right.

2 MR. ZEHNLE: Thanks, Judge.

3 (Open Court:)

4 THE COURT: All right.

5 MR. WU: Your Honor, may I just clarify one thing
6 from the earlier discussion that you made on the record?

7 THE COURT: Yes.

8 MR. WU: Which is the pleading that Mr. Gates
9 apparently filed last night, I think you referenced that.
10 Counsel of record has not seen that pleading. I just want
11 to make that clear. We double-checked.

12 THE COURT: Well, it's on the docket and it's
13 going to be unsealed. It has now been docketed, so you
14 should now be able to see it, even if it was sealed, because
15 it's on the docket. So now it will also be unsealed, so
16 anybody can see it.

17 MR. WU: I think the delay was because it was not
18 filed via ECF.

19 THE COURT: Right. He filed it pro se. I can
20 simply tell you that he asked me to put off the
21 consideration of the motion to withdraw for approximately a
22 week, and that is the sum total of what was in the document.
23 And now it's going to be public.

24 MR. WU: Thank you, Your Honor.

25 THE COURT: All right. All right. We have a

1 motions schedule in place. The government took issue with
2 the scheduling of briefs related to the 404(b) issue, and
3 Mr. Manafort has weighed in on that and thought that --
4 preferred the schedule I set to the one that the government
5 recommended.

6 I think I need to have a trial date and a pretrial
7 conference before I answer that question, although I do want
8 to advise the Office of Special Counsel that I'm not sure
9 that the government's proposal of waiting until eight weeks
10 before whatever the trial date is is going to work in
11 connection with all the other work that you're going to have
12 to do it get ready for the pretrial conference.

13 The schedule was established with an understanding
14 that in advance of the pretrial conference, you're going to
15 file a pretrial statement with me that's going to identify
16 the exhibits and witnesses in advance of trial. And the
17 defense can't do that if they don't know what the
18 allegations are that are going to be tried.

19 So, I think there's going to come a point where
20 I'm going to order the government to inform the Court and
21 the defense of any 404(b) evidence it intends to introduce
22 so that they can explain to me why I should exclude it, you
23 can explain to me why I can include it, I can rule on it and
24 then we know what the universe is that's going to trial.
25 Which brings me to another point, which is that I believe

1 that this case needs a trial date. I realize there are some
2 circumstances that may make that impossible today, but I
3 think it has to happen soon.

4 These defendants are presumed to be innocent, but
5 they're facing serious charges that expose them to
6 significant penalties and we have spent a lot of time being
7 focused on everything but that. We've been dealing with the
8 minutia of bond and soccer practice and public relations and
9 people changing their minds about where they want to live
10 and unsettled questions concerning representation since
11 October, and it's unacceptable.

12 The nature of charges they have to face, the
13 evidence that they're going to have to respond to can't be a
14 mystery for long. I don't think we can do it at this
15 minute, until we resolve certain fundamental issues that
16 have to be outside the public eye, but I expect to set
17 another status conference soon, at which a status -- a trial
18 date will be set.

19 Mr. Downing, is there anything you want to say in
20 response to the discovery issues that were on the record?

21 MR. DOWNING: Thank you, Your Honor. One, Mr.
22 Manafort joins you in wanting to set a firm trial date. We
23 understand there's some issues that the Court has to deal
24 with today. But, we would request that as soon as
25 practical, that that date get set.

1 We do think we are rather late in the game to
2 still be getting discovery from the government. We got a
3 dump yesterday. We do have some issues that we think
4 additional materials need to be produced that we have not
5 reached agreement with the government on. So we anticipate,
6 in the middle of all this, starting to file discovery
7 motions with the Court regarding those issues. But to the
8 extent we need to be back in this courtroom on short notice
9 to set a trial date, we're prepared to do it. Thank you.

10 THE COURT: All right. Thank you. I mean, I
11 think making rolling productions as more documents come to
12 you is different than producing what is already in your
13 possession or was in your possession when you decide to
14 bring these charges, and that should already be out the door
15 and in their hands. I'm happy -- I'm not going to set a
16 schedule for the filing of discovery motions. You file them
17 and that will prompt a schedule for a reply and an
18 opposition, and we'll take them up as we get them.

19 Is there anything else -- there are two things
20 that I want to talk about that I do believe I need to talk
21 about in a sealed courtroom, notwithstanding the desire of
22 everyone in the courtroom to be here, and that is Mr.
23 Manafort's pending bond motion and the motion to withdraw
24 filed by counsel.

25 Are there any other issues I can take up before I

1 need to do that? Are there any other issues anybody wanted
2 me to take up today? Mr. Wu?

3 MR. WU: Your Honor, just to put our position on
4 the record with regard to discovery matters. We have been
5 receiving further discovery, but based on what we have
6 brought to your attention in the motion to withdraw, we have
7 been unable to make any significant progress in terms of
8 preparation or review or adhering to the Court's schedule
9 with regard to substantive motion practice.

10 THE COURT: All right. I think when we resolve
11 the issues that we need to resolve, if the motions for
12 continuances or extensions of time need to be filed, then
13 they'll be filed and we'll take them up at that time. I
14 don't know what else to say at the moment.

15 MR. WU: Thank you, Your Honor.

16 THE COURT: All right. Is there anything further
17 from the government right now?

18 MR. ANDRES: Judge, just to exclude time. The
19 case has already been designated as complex. There's a
20 motion schedule. But we, in an excess of caution, move to
21 exclude time between now and the time of the -- there is a
22 hearing for motions scheduled in April, so between now and
23 the April hearing date, we would move to exclude time under
24 the Speedy Trial Act.

25 THE COURT: All right. I'm not sure that's

1 necessary either. I think, certainly in Mr. Gates's case,
2 some of the delay is attributable to Mr. Gates.

3 Mr. Manafort, what's your position about speedy
4 trial and excluding the time between now and the next hearing?

5 MR. DOWNING: We would like to take it under
6 consideration, Your Honor.

7 THE COURT: All right. Well, you can let me know
8 at the end of the week. I mean, I think as soon as you file
9 motions, the clock is going to stop ticking anyway and this
10 is a complex case and I don't think --

11 MR. DOWNING: I understand, but I think there also
12 are situations which could be non-excludable time and I
13 would like to take a little time to take a look at that.

14 I would also ask you to, I guess, hold the
15 February 23rd motions deadline open until we can resolve the
16 issues that --

17 THE COURT: I don't know what you mean by hold it
18 open. Right now --

19 MR. DOWNING: Well, right now they're due on the
20 23rd.

21 THE COURT: This is a motion that I don't think is
22 dependent on discovery. You stood up and said, I think at
23 the very first status conference, that you wanted to file a
24 motion about the legitimacy of the indictment, just based on
25 the face of the indictment. And then you filed a civil suit

1 alleging the same thing. And so, I don't -- I deliberately
2 set an earlier schedule for the motion that would either
3 obviate the case or just needs to be resolved up front. So
4 why can't that one be filed on time?

5 MR. DOWNING: Your Honor, you just had a side bar
6 about issues that obviously come into play with respect to
7 that motion.

8 THE COURT: All right. Well, I'm not sure that's
9 entirely true. What it --

10 MR. DOWNING: I'm not either, so I --

11 THE COURT: All right. All right. Can you just
12 all approach the bench again?

13 THE COURT REPORTER: And sealed again?

14 THE COURT: Yes.

15 (Bench discussion:)

16 THE COURT: I understand that in terms of things
17 like bills of particulars or challenging new charges, that
18 you can't challenge those until you see what they are. But,
19 your fundamental problem with the case that is pending now
20 and the fact that you told me that on its face it doesn't
21 state a crime and that it was improper, can you go ahead and
22 brief that yet?

23 MR. DOWNING: I don't know what the indictment is
24 going to be by next week or the week after, until we get the
25 additional indictment that's going to supersede it. That

1 doesn't make any sense.

2 THE COURT: All right. Let's just -- you know, my
3 problem is that we're all just going to end up being so
4 backed up.

5 MR. DOWNING: Right. What we'll commit to, to the
6 extent there aren't major changes, we can get those motions
7 filed right away. I don't have a problem with that. But I
8 really don't understand --

9 MR. WEISMANN: Judge, could I just say that as the
10 Court knows and as counsel knows, our view with respect to
11 the civil action that's now before the Court is that that
12 was -- should properly be a motion in a criminal case.
13 There is nothing about the superseding indictment that they
14 would seek -- that would in any way change the legal issues
15 that were raised in that civil case --

16 THE COURT: Well, I think they had to -- they had
17 substantive issues related to the charges, in addition to
18 the overall concern about the legitimacy of the
19 investigation, and rather than having two motions and two
20 oppositions and two replies, it probably does make sense to
21 see what the indictment is before you move to dismiss it.
22 So that makes sense to me. And I think we can have a phone
23 conference if and when there's a superseding indictment and
24 set a schedule.

25 MR. DOWNING: When it is appropriate.

1 THE COURT: All right. That makes sense to me.
2 All right. Thank you.

3 (Open court:)

4 THE COURT: All right. At this point I'm going to
5 close the courtroom to everyone but the government and Mr.
6 Manafort and Mr. Manafort's counsel, after which I will take
7 up a proceeding involving Mr. Gates and Mr. Gates's counsel,
8 for which I don't know that I will need the United States,
9 although I may want to hear from you at the beginning and
10 then excuse you.

11 So let's start with the Manafort matter. And
12 Mr. -- if the Gates people can hover, so that we can just
13 roll into that next.

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
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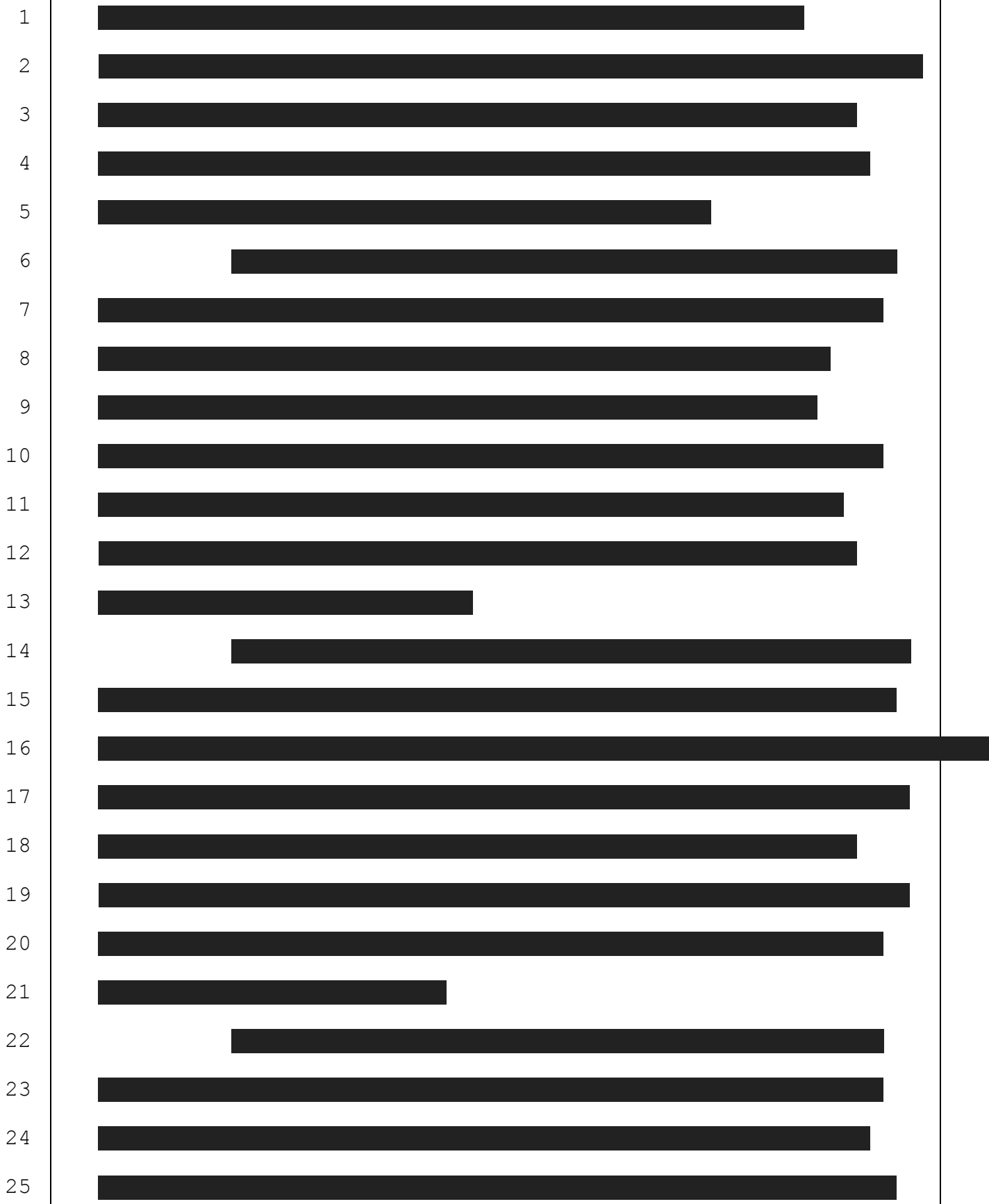


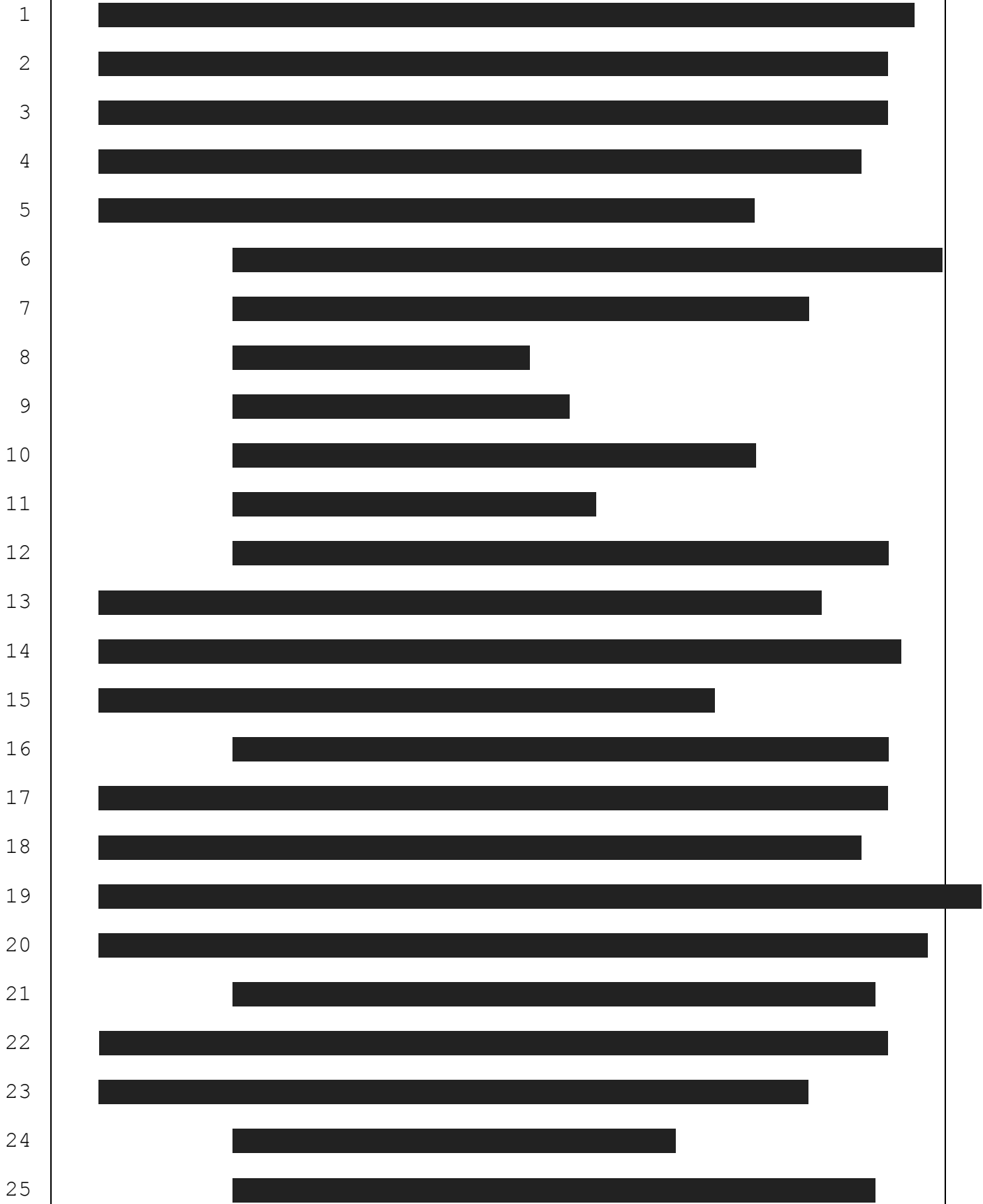
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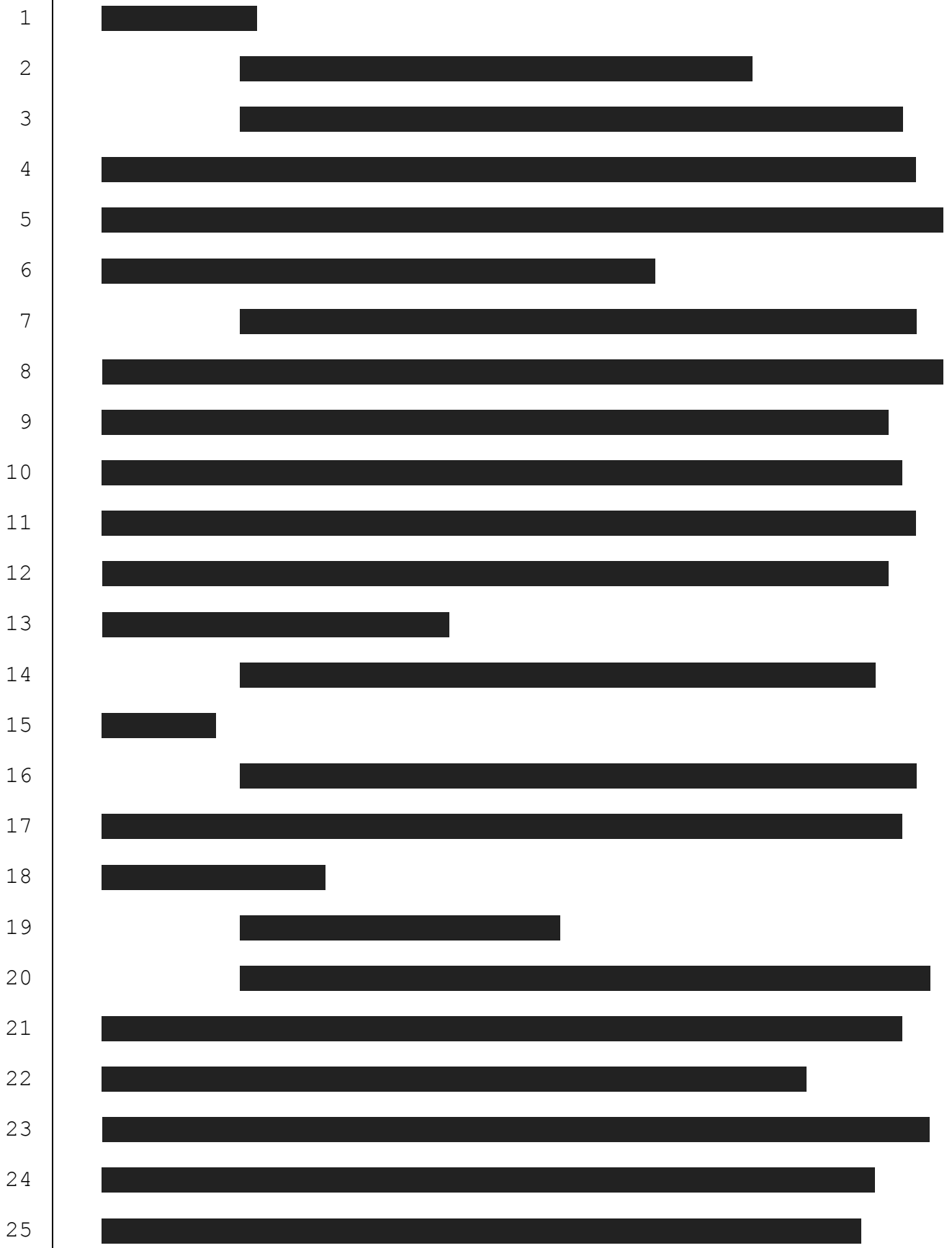






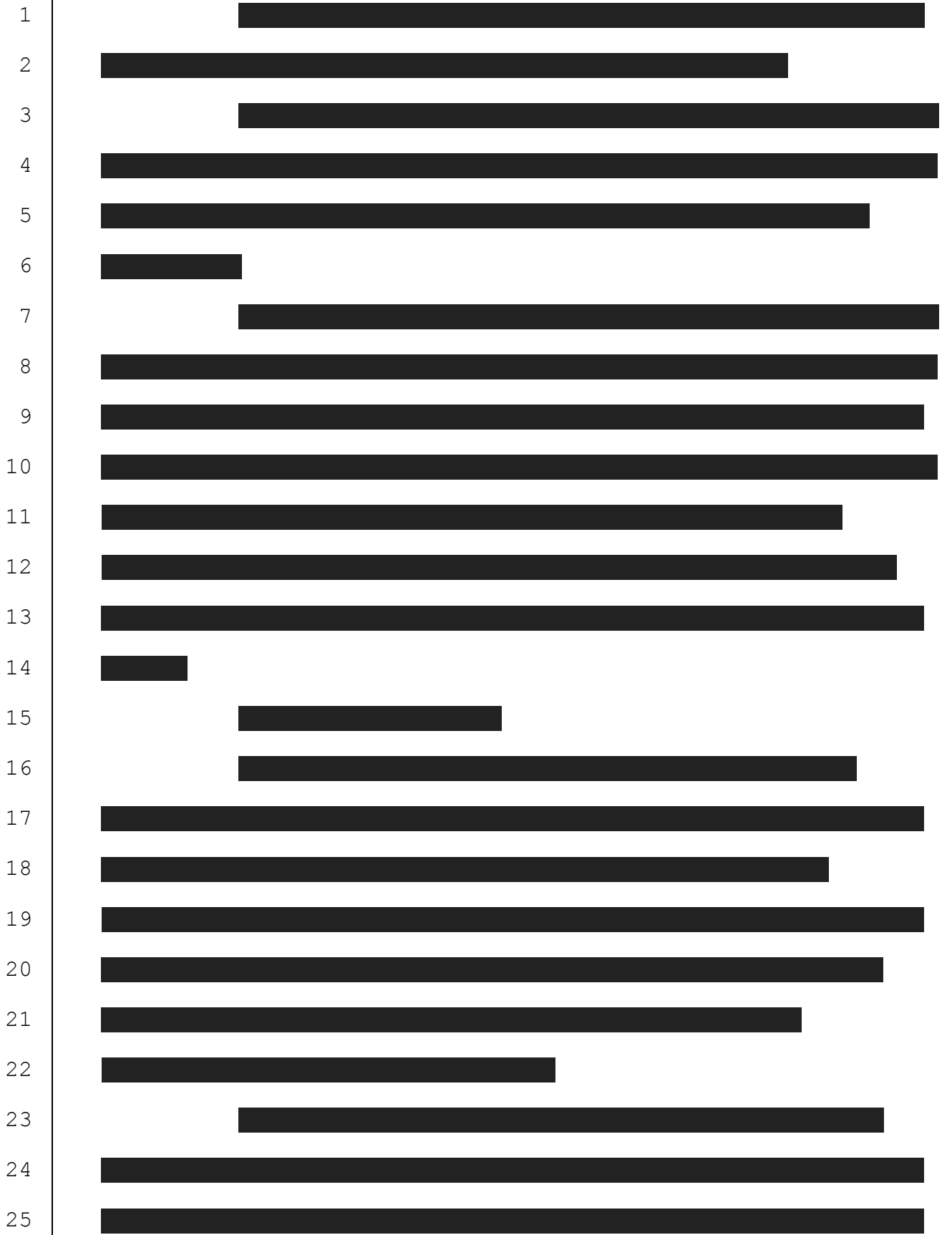










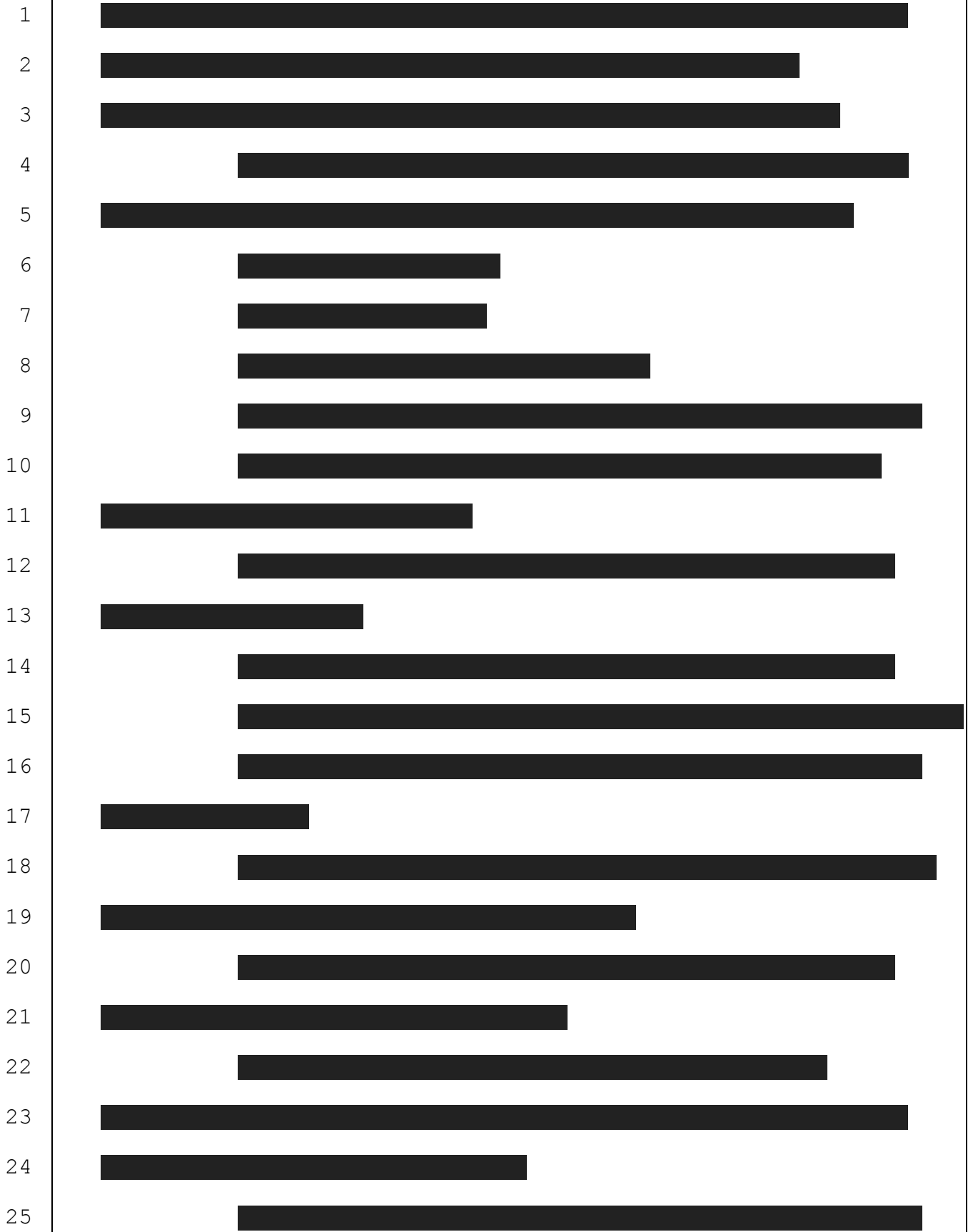




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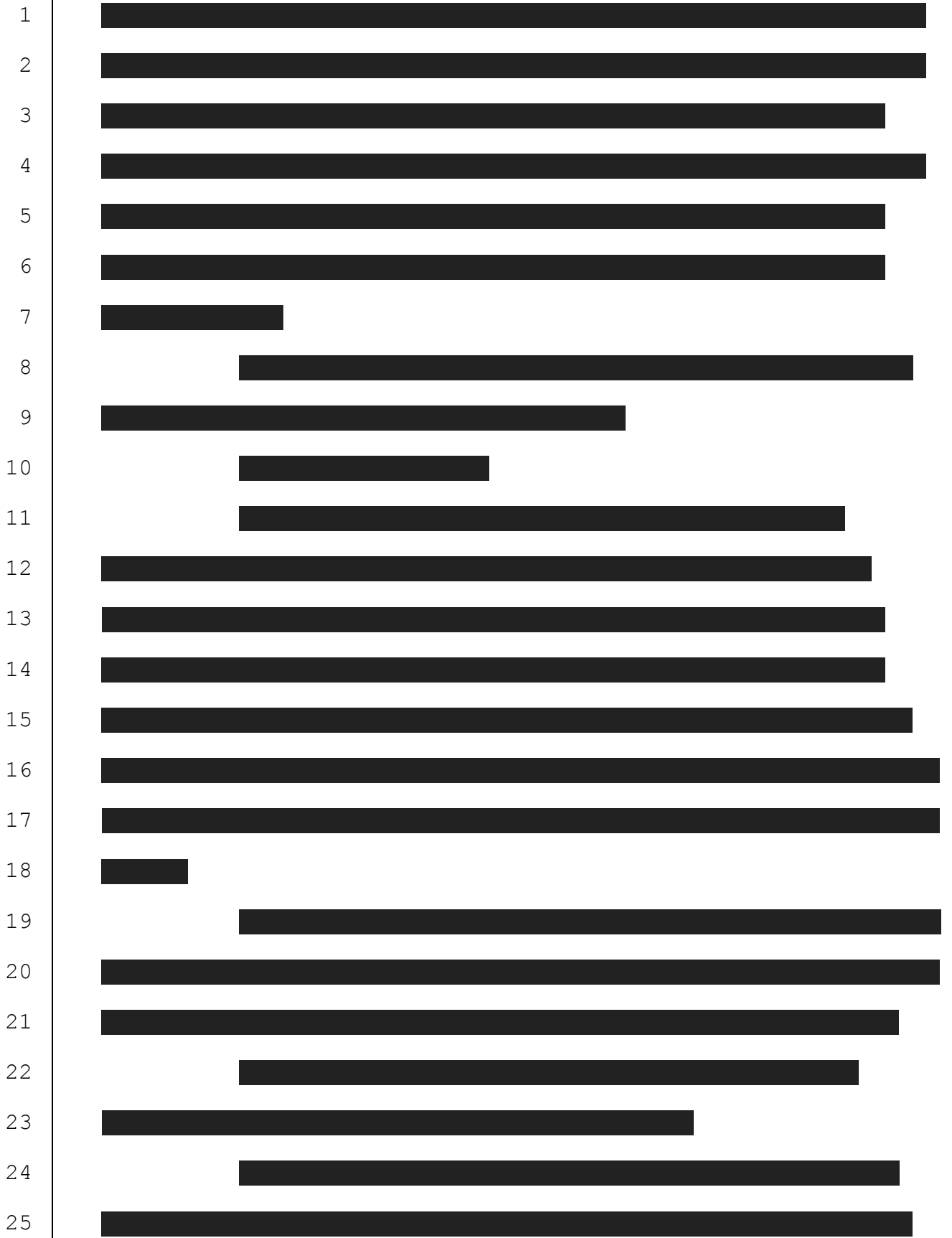














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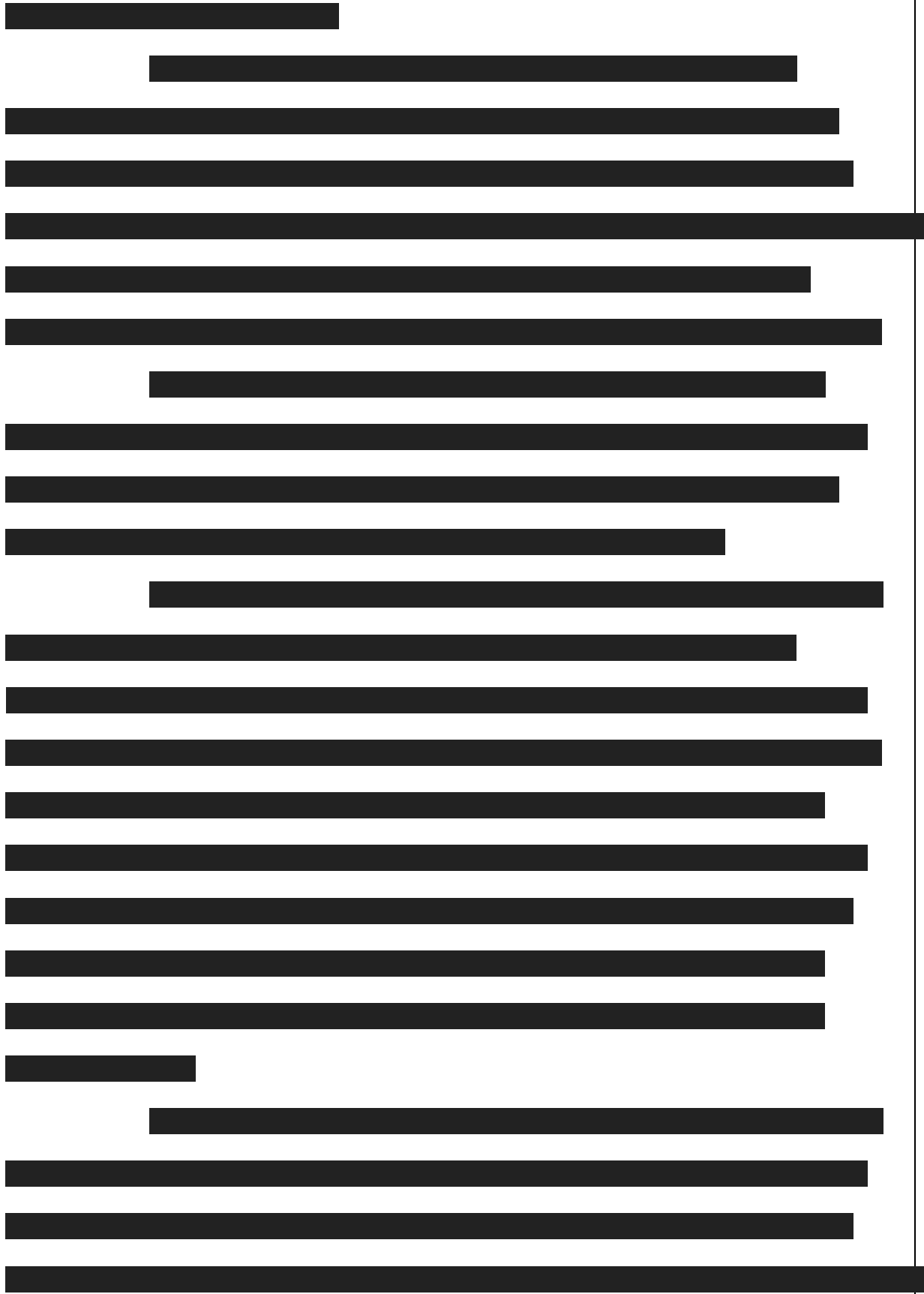




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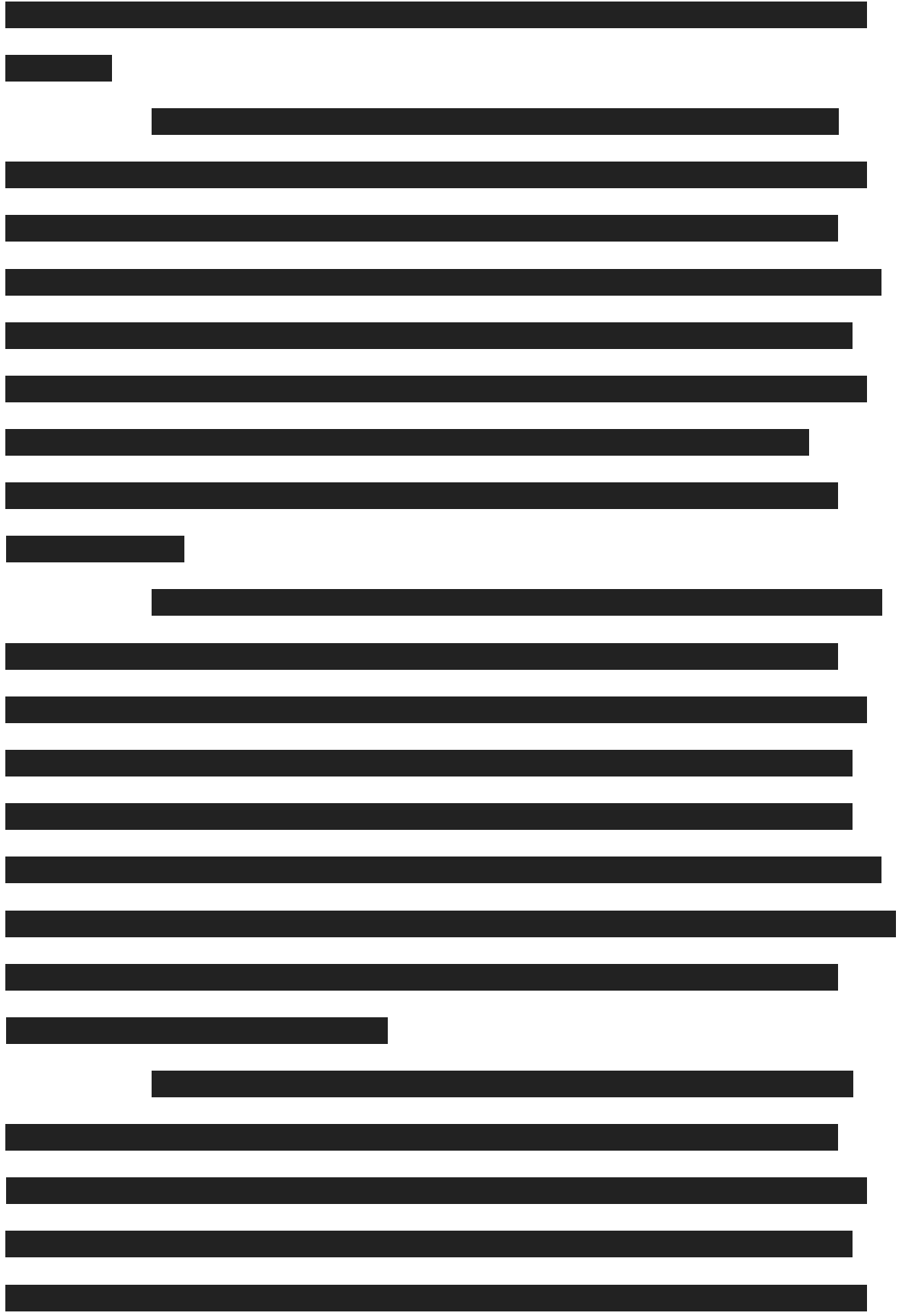


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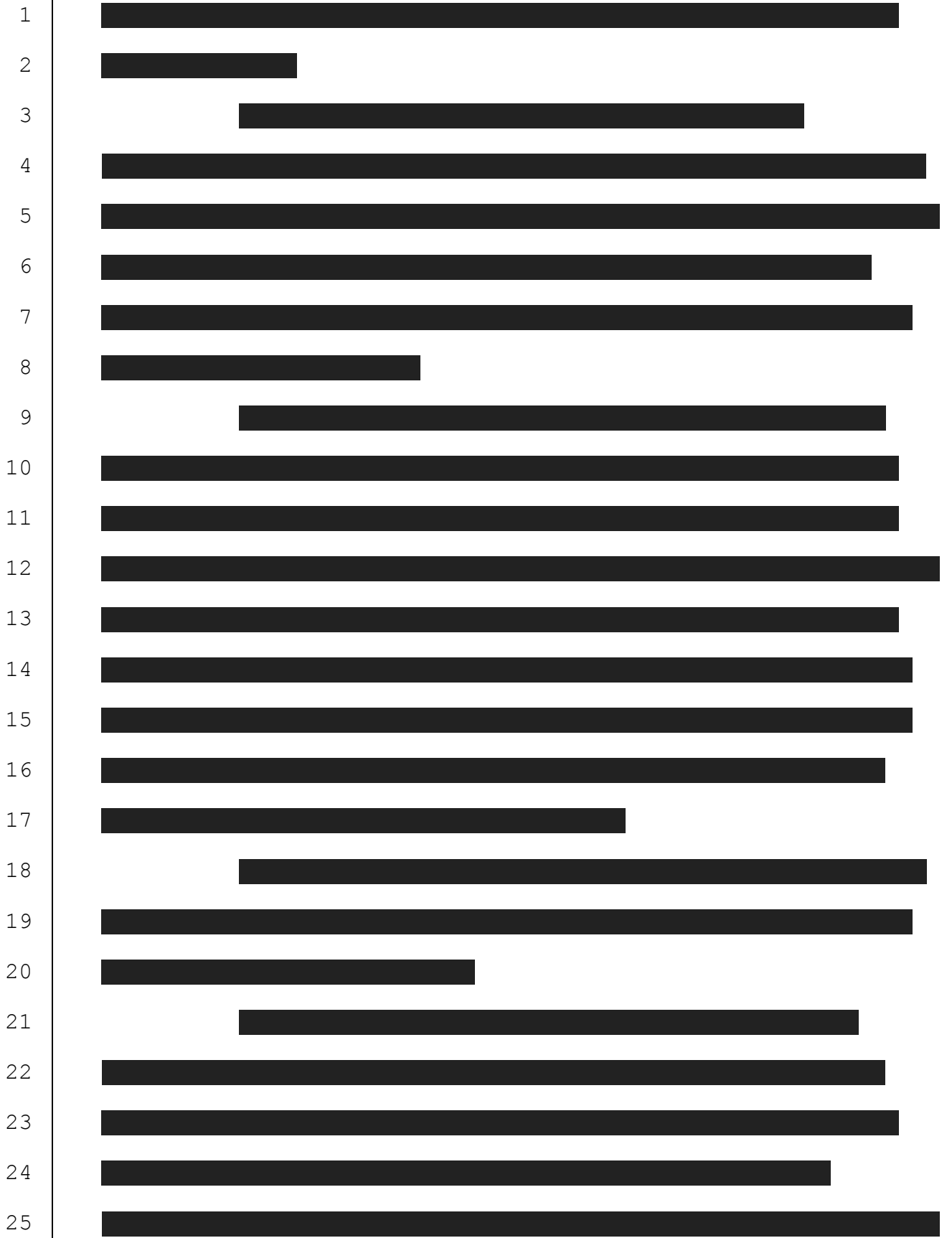


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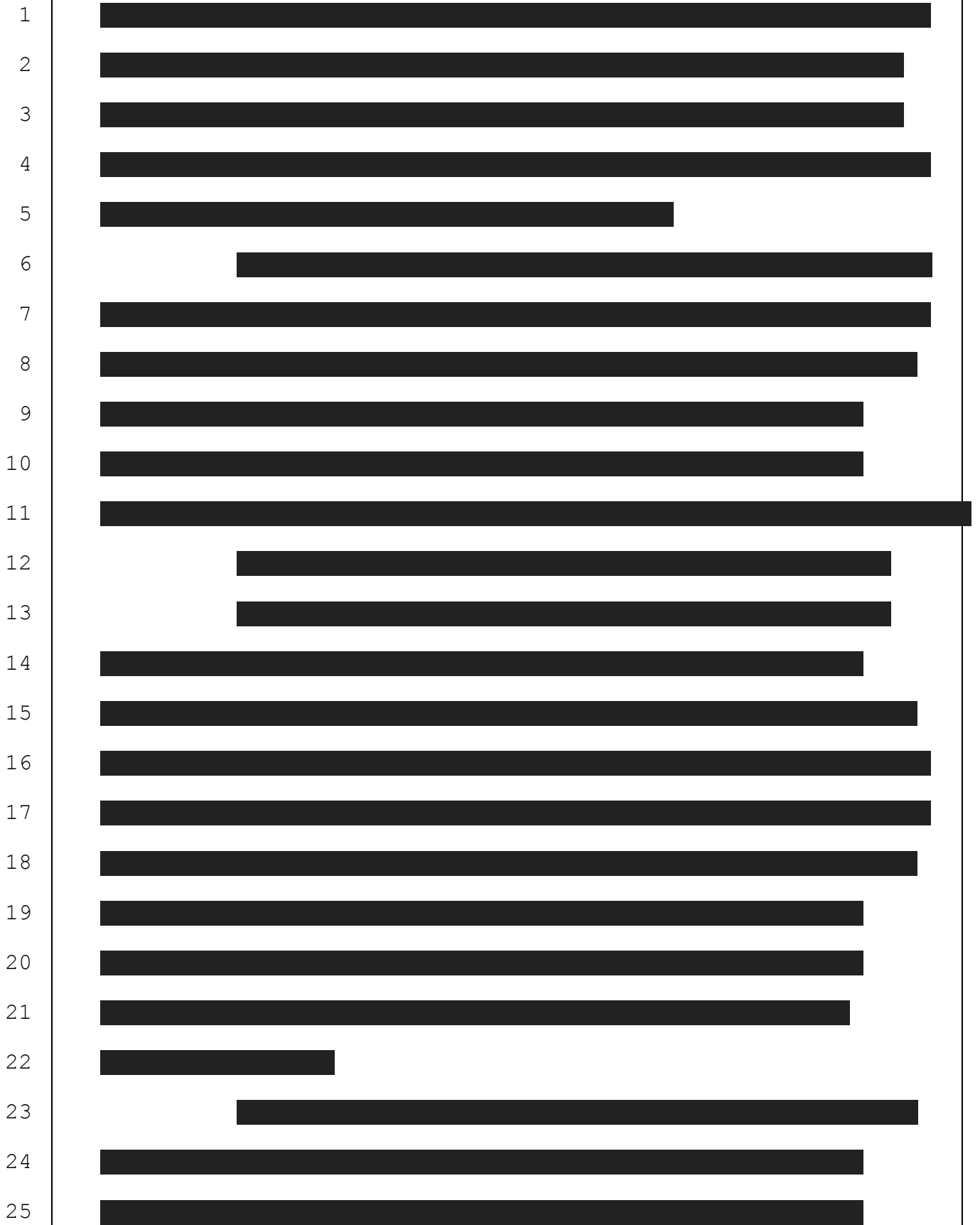
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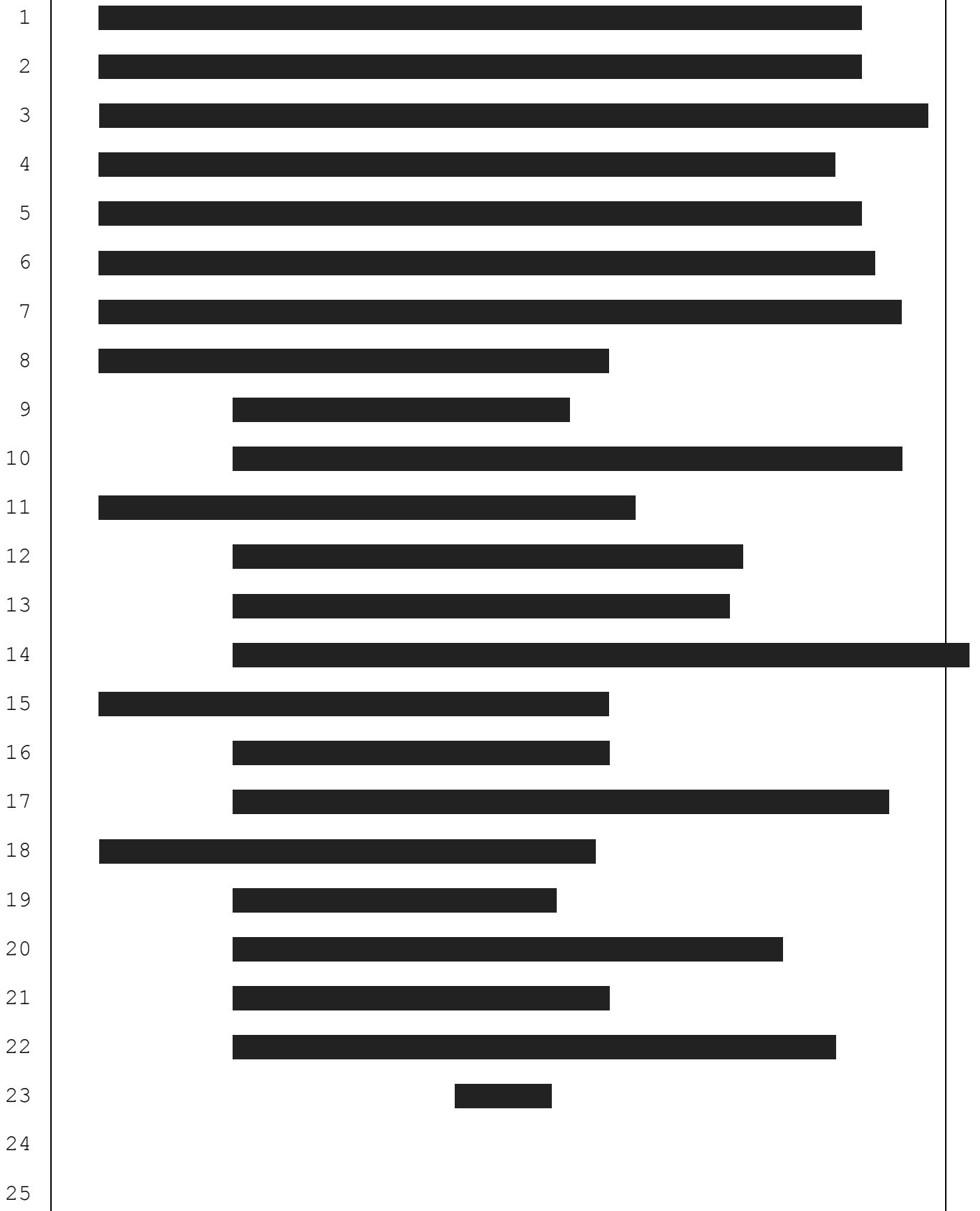












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CERTIFICATE OF OFFICIAL COURT REPORTER

I, JANICE DICKMAN, do hereby certify that the above and foregoing constitutes a true and accurate transcript of my stenograph notes and is a full, true and complete transcript of the proceedings to the best of my ability.

Dated this 22nd day of February, 2018.

/s/ _____

Janice E. Dickman, CRR, RMR
Official Court Reporter
Room 6523
333 Constitution Avenue NW
Washington, D.C. 20001