

Judge: One thing that concerns me about this case - You are trying to test ownership by means of the enforcement of the administrative subpoena.

Carlie: It was only after NBC moved to intervene that title became an issue....

Judge: If I were to enforce the subpoena - do you intend to give these papers back?

Judge: "You can not use an administrative enforcement subpoena to determine title

Carlie: We have not been the ones to have put title in issue

Judge: I can't resolve this on what I have before me - I'm not going to let you determine title.....

Judge: Could I not ask you to go to a mediator?Title to the originals cannot be resolved....

Carlie stated...."Who can make the determination as to what the records are....that is the issue that is involved..

Judge: This is a summary enforcement proceeding...and not to resolve title....you can't do that in this proceeding....

"If these aren't productive, I'd love to get you a mediator....

Judge: It could be that the records that they assert to be privileged could be looked at by a mediator.....

Carlie:"It would be left to the determination of the mediator.....The mediator would

Carlie: These records that were in the JFK Library.....deposited there for 23 years....

"I know that we could not agree to mediation unless they agreed to stand on all fours.....

I also know that there is not a full consonance between NBC and Nancy Sheridan

- Other issue here is waiver

- (On that issue, I believe Ms. Sheridan is a key party)

Kummer: All of these issues could be avoided if this matter were referred for mediation.

Three months

- a number of drafts in a procedure that we thought would resolve this....

- We think this case is extremely appropriate for ADR

- a lot of confusing issues.....

Judge: "Not the least being my jurisdiction to hear thiswhere title is the issue"

Kummer: We had agreed upon a review procedure..

Judge is going to ask us to go back to the negotiating table....

Ms. Wells is not going to have a quick and dirty end to the subpoena.....if this is going to involve permanent possession.....

Judge: If you don't reach a resolution, my plan would be to have these placed in the registry of the court

1. Determination of title
2. Determination of Privilege

The Judge verified that he would place these under seal.

We're to come back at July 7 at 9:30.

Judge: I can't resolve this on what I have before me - I'm not going to let you determine title

Judge: Could I not ask you to go to a mediator.....

Carlie: Who can make the determination as to what these records are..

Judge: "This is a summary enforcement proceeding and not a proceeding to resolve title....." You can't do that in this proceeding.

Judge: If your settlement talks aren't productive I'd love to get you a mediator....

Judge: It could be that records that they assert to be privileged - could be looked at by a mediator..

Carlie:it would be left to the determination of the mediator

Carlie did state that at this point, all we're really asking for are copies of the documents.....

It has been suggested by Mr. Kummer that Mrs. Sheridan be eliminated from this case...

We did not issue a subpoena to NBC, we issued a subpoena to Ms. Sheridan....

Kummer: mentioned discovery -

The Judge stated that he was not going to preclude discovery.....

Kummer stated: "We might have to make a motion to compel....."

Judge stated: "No discovery disputes....a formal, contested discovery motion is not going to advance matters....

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