

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA

IN RE: CASE NO. 13-22662-AJC  
WALTER A. LISTA,  
Debtor.

D.E. 487, D.E. 488, D.E. 500,  
D.E. 524, D.E. 525, D.E. 526, D.E. 527  
D.E. 407, D.E. 413, D.E. 490, D.E. 452

Friday, November 14, 2014

The above-entitled cause came on for hearing before the Honorable A. JAY CRISTOL, one of the Judges in the UNITED STATES BANKRUPTCY COURT, in and for the SOUTHERN DISTRICT OF FLORIDA, at 301 North Miami Avenue, Miami, Miami-Dade County, Florida on November 14, 2014, commencing at or about 11:00 a.m., and the following proceedings were had.

Reported By:  
Karen B. Patlak

APPEARANCES:

ROSY A. APONTE, Attorney-at-Law  
On behalf of the Debtor

STEARNS WEAVER MILLER WEISSLER  
ALHADEFF & SITTERSON, P.A., by  
ERIC J. SILVER, Esquire  
On behalf of the Chapter 7 Trustee,  
Barry E. Mukamal

PAUL L. ORSHAN, P.A., by  
PAUL L. ORSHAN, Esquire  
On behalf of Benjamin Alvarez

JAMES B. MILLER, Esquire  
and  
RONIEL RODRIGUEZ, IV, Esquire  
On behalf of CSK Educational Funding, LLC  
and Scorpion Holdings, LLC

UNITED STATES TRUSTEE'S OFFICE, by  
JOHANNA ARMENGOL, Trial Attorney  
On behalf of the United States Trustee

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1 THE COURT: Walter Lista.

2 MS. APONTE: Good morning, Your Honor.

3 THE COURT: Counsel may state their  
4 appearances.

5 MS. APONTE: Rosy Aponte on behalf of Lista.

6 MR. SILVER: Good morning, Your Honor.

7 Eric Silver of Stearns Weaver on behalf of the Chapter 7  
8 Trustee, Barry Mukamal.

9 MR. ORSHAN: May it please the Court, good  
10 morning, Your Honor. Paul Orshan appearing on behalf of  
11 Benjamin Alvarez.

12 MR. RODRIGUEZ: Good morning, Your Honor.  
13 Ron Rodriguez on behalf of CSK Educational Funding and  
14 Scorpion Holdings.

15 THE COURT: Spell your last name, Counsel.

16 MR. RODRIGUEZ: R-O-D-R-I-G-U-E-Z, Your  
17 Honor.

18 THE COURT: And your client is?

19 MR. RODRIGUEZ: CSK Educational Funding and  
20 Scorpion Holdings.

21 THE COURT: Okay.

22 MR. MILLER: Good morning, Your Honor.

23 Jim Miller, M-I-L-L-E-R, on behalf of -- I'm co-counsel  
24 with Mr. Roniel Rodriguez for CSK Educational Funding  
25 and Scorpion Holdings, as well as myself in relation to

1 9011 and I think Mr. Rodriguez is representing himself on  
2 the 9011 matter.

3 THE COURT: Okay. We have a number of  
4 matters on the calendar. However, the Court will go  
5 first to Court Paper 526, and Court Paper 526 is the  
6 debtor's motion for rehearing, and on Page 2 of that  
7 motion Ms. Aponte states that the issues presented in the  
8 case are beyond her area of expertise.

9 Now, Ms. Aponte apparently filed a motion to  
10 withdraw, but then didn't show up to prosecute it. Some  
11 other attorneys came in who had not complied with  
12 Section 329 of the Code, and there had been no order  
13 authorizing substitution, so the Court did not allow  
14 them to appear.

15 In this case, based on Ms. Aponte's admission  
16 in her pleadings that she's not -- she's working within  
17 the area of expertise, it appears that Ms. Aponte is in  
18 violation of Florida Bar Rule 4-1.1, competence, and,  
19 therefore, should not be allowed to continue in this case  
20 or any other case in any Bankruptcy Court in the United  
21 States. And, therefore, the Court will draw such an  
22 order barring her from any further appearance until such  
23 time as she can demonstrate competence. And the Court  
24 will refer this matter to the Florida Bar.

25 As to the three motions filed by Ms. Aponte,

1 Court Papers 425, 426, and I believe there is a third  
2 one, those motions will be denied with -- and I think  
3 that's all we can do here today.

4 Okay. Let's move onto the next matter on the  
5 calendar. The Court will draw the appropriate orders.

6 MS. APONTE: Your Honor, I would like you to  
7 know that we settled the matter with the trustee. I  
8 think you would be happy to know that we settled.

9 THE COURT: Bless you.

10 MS. ARMENGOL: Your Honor, if I may --

11 THE COURT: Yes.

12 MS. ARMENGOL: -- I believe Ms. Aponte has  
13 pending a couple of cases in the Bankruptcy Court,  
14 correct?

15 MS. APONTE: Correct, Your Honor.

16 MS. ARMENGOL: What is the direction with  
17 regard to those pending cases?

18 MS. APONTE: They are in the final stages,  
19 Your Honor, if I could just finish those.

20 THE COURT: Which cases are they?

21 MS. APONTE: I have a Chapter -- I have a  
22 Chapter 7 with Your Honor, and I have a Chapter 13 with  
23 Your Honor.

24 THE COURT: All right. Send me a quick memo  
25 giving me the names and numbers of those cases, and we

1 will -- unless someone has any objection, we will allow  
2 those cases to be prosecuted to their conclusion.

3 MS. APONTE: Your Honor, can we -- can we  
4 not, since we are settling the case with the trustee,  
5 can we close these matters? Can the case be closed for  
6 good?

7 THE COURT: Well, somebody needs to come in  
8 and file an appropriate motion. Does the trustee want to  
9 do that?

10 MR. SILVER: Your Honor, we have settled a  
11 number of matters with the Lista parties, as we will call  
12 them.

13 Once again, Eric Silver on behalf of the  
14 Chapter 7 Trustee, Barry Mukamal.

15 At this point there are a number of other  
16 matters that need to be resolved before we close the  
17 case, the first of which is your approval of that  
18 settlement. So at this point we are not filing a motion  
19 to close the case, but that's not to say that one won't  
20 be forthcoming in the future.

21 THE COURT: All right. Well, then let me  
22 figure this out. The Court will modify its announced  
23 decision and indicate that Ms. Aponte may not only finish  
24 the two cases she has and also continue to appear in this  
25 case on behalf of Lista to conclude the confirmation of

1 the settlement.

2 Anyone have any objection to that?

3 MR. MILLER: Judge, briefly. Excuse me,  
4 Ms. Aponte.

5 Your Honor, Ms. Aponte filed Court Papers  
6 524, 525 and 527.

7 THE COURT: I already denied those.

8 MR. MILLER: Yeah, I just want a  
9 clarification. You said 425 and 426.

10 THE COURT: Did I? Let me see.

11 MR. MILLER: So the order should be an  
12 omnibus order denying all four of those motions.

13 THE COURT: Let me see. Give me the numbers  
14 again.

15 MR. MILLER: 524, 525, 526 and 527.

16 THE COURT: 526 and 527. Okay. They are all  
17 denied.

18 MR. MILLER: In addition, Your Honor, today  
19 we were set for preliminary hearing on Court Paper 490,  
20 our Rule 9011 motion against Ms. Aponte and her client,  
21 Walter Lista, the debtor.

22 I understand it's not going to be  
23 evidentiary, but this is going to dovetail into a matter  
24 you have special set under Court Paper 387, Ms. Aponte's  
25 motion to disqualify special counsel, Mr. Rodriguez, and

1 somehow she has named me in this motion.

2 So am I going to -- I guess what we need to  
3 know is are you denying Court Paper 387?

4 Is Ms. Aponte being deemed to have withdrawn  
5 it, and then we will just have an evidentiary hearing on  
6 Rule 9011? We will set it -- special set the Rule 9011  
7 motion.

8 THE COURT: I don't see 387 on the calendar  
9 today.

10 MR. MILLER: No, it's -- 387 is set for  
11 December 14th or 15th. But our 490 was our Rule 9011  
12 motion that we sent to Ms. Aponte more than 28 days prior  
13 to the filing of it. Ms. Aponte insisted on pursuing  
14 that, and that's why the Court has set the matter, 387,  
15 for hearing.

16 My question is: Is Ms. Aponte now  
17 withdrawing 387 with prejudice, and then all we have to  
18 do is have a hearing, an evidentiary hearing on Rule 9011  
19 against her and her client?

20 MS. APONTE: Your Honor, I did not refuse to  
21 withdraw. It was withdrawn, if you remember, Your Honor,  
22 by the new attorneys that came on board.

23 THE COURT: They did not do anything,  
24 because they had no authority. They attempted to come  
25 on board. They failed to comply with Section 11 US Code

1 Section 329. They didn't file affidavits of  
2 disinterestedness. They didn't file affidavits as to  
3 compensation. Even if it were -- if they were qualified  
4 to come aboard, they didn't do it the right way. So that  
5 never happened.

6 So I would suggest you talk to Mr. Miller and  
7 see if you folks can decide what you want to do about 387  
8 and 490. And if we -- if you resolve it, bless you.  
9 And, if not, we will hear them both on the date that this  
10 matter is set.

11 MR. MILLER: That's fine, Your Honor. And if  
12 we can't come to an agreement with Ms. Aponte, we will  
13 draft an order special setting the 9011 for the same date  
14 as 387.

15 In addition to that, Judge, you still have  
16 two orders to show cause pending, Court Paper 487, the  
17 order relating to an order to show cause against Isabel  
18 Edwards Solomon, which Your Honor reserved jurisdiction  
19 for sanctions, fees and costs against Ms. Aponte who  
20 intervened and filed a motion for protective order for  
21 Ms. Solomon, and 488, another order to show cause  
22 against -- in this case it would be the debtor, his  
23 father, his mother and Ms. Aponte, again, relating to  
24 their failure to appear at numerous set depositions.

25 THE COURT: I see 488 is Number 8 on the

1 calendar. I don't see 487 anywhere.

2 MR. MILLER: 487, Your Honor, you -- your  
3 order says is today at 11:00 a.m. That's the order to  
4 show cause, which would be the same -- two of the same --  
5 actually, Ms. Aponte and Ms. Isabel Edwards Solomon and  
6 Ms. Aponte intervened on behalf of.

7 If your -- I guess the question is since you  
8 have the order to show cause and you've compelled them  
9 to appear, did the Court want to proceed with query  
10 into them as to why they failed to appear and why  
11 Ms. Aponte failed to appear at those depositions, as  
12 well as the hearing, Your Honor, that Ms. Aponte even  
13 served notice of?

14 MS. APONTE: Your Honor, I would ask the  
15 Court to declare it moot since we have come to an  
16 agreement and we can move forward now.

17 MR. MILLER: There is no agreement with my  
18 clients, Your Honor. I'm not sure ---

19 THE COURT: Is there an agreement? What  
20 about it, Ms. Aponte?

21 MS. APONTE: Your Honor ---

22 THE COURT: Mr. Miller's client is who?

23 MR. MILLER: My clients are CSK Educational  
24 Funding and Scorpion Holdings, LLC.

25 THE COURT: Oh, okay.

1 MR. MILLER: Scorpion Holdings is a party  
2 that's not -- we've never settled anything with  
3 Ms. Aponte.

4 MS. APONTE: So I will respond to the motion,  
5 Your Honor.

6 As you know very well we are supposed to  
7 coordinate with each other when there's depositions. All  
8 attorneys have hearings, we have other matters that we  
9 have to deal with. They unilaterally set these  
10 depositions. They never contacted me to see if I was  
11 available. He set them everyday for a whole week in a  
12 row. He didn't contact the clients to see if they were  
13 available. He didn't give them 14 days' notice. There  
14 is a 14-day notice requirement.

15 THE COURT: All right. I'm going to reset  
16 this matter and direct, Mr. Miller, you confer with  
17 Ms. Aponte. And if you can resolve the matter between  
18 you, bless you. And if you can't, we will have a further  
19 hearing sometime further down the line.

20 MR. MILLER: I will do that, Judge. If I  
21 can't resolve it with Ms. Aponte, we will contact the  
22 court for a date to special set the matters --

23 THE COURT: Okay.

24 MR. MILLER: -- 487 and 488.

25 THE COURT: And we will -- that's all we will

1 be able to do here today, I believe.

2 MR. MILLER: Judge, so for purposes of 487  
3 and 488 since Ms. Aponte will need to be there, so will  
4 these other parties, I will put in the order if we don't  
5 get resolution, those parties will need to attend that  
6 hearing, as well.

7 THE COURT: Well, push it out far enough so  
8 that it's convenient for everyone.

9 MR. MILLER: January, Judge, I think will be  
10 fine or February.

11 THE COURT: Whatever works for you and  
12 Ms. Aponte and the people.

13 Mr. Orth, what about it?

14 MR. ORSHAN: Your Honor, I'm here on another  
15 matter that was set for today. This is Court Paper 500,  
16 which was an order to show cause entered by Your Honor in  
17 connection with the improper attachment of a confidential  
18 marital settlement agreement to pleadings filed in this  
19 court.

20 Your Honor, granted my client, Mr. Alvarez's  
21 motion to seal the debtor's motion to disqualify and for  
22 sanctions, which is Court Paper 499, and in setting  
23 Document Entry 500, which is the order to show cause, you  
24 ordered the debtor, Walter Lista, his father, his mother  
25 and Ms. Aponte to appear here today. You've already

1 awarded sanctions. I believe the only matter before the  
2 Court is the amount of the sanctions, and that was set  
3 for today at eleven o'clock, as well.

4 MS. APONTE: Your Honor, if I may?

5 THE COURT: You may.

6 MS. APONTE: I disagree that you ordered the  
7 Lista seniors to be here.

8 THE COURT: I don't have that order in front  
9 of me. Do you have a copy of it?

10 MR. ORSHAN: I do. May I approach?

11 MS. APONTE: I have the court transcript  
12 here, Your Honor.

13 THE COURT: Show Ms. Aponte the order and see  
14 what it says.

15 MS. APONTE: I'm -- I'm referring to what --  
16 I have the hearing transcripts of what you said should be  
17 done on that day.

18 My motion was on behalf of Walter Lista. It  
19 was not on behalf of his parents. They are third party  
20 innocent bystanders. They have nothing to do with this.  
21 They were not even mentioned in the motion to seal that  
22 Mr. Alvarez filed.

23 Moreover, as soon as he filed that motion, I  
24 sent him an e-mail and I sent him a proposed order to  
25 seal the documents. I agreed immediately to seal the

1 document, and I asked him to review the order and they  
2 never got back to us. Why they proceeded to go in front  
3 with the hearing when I had already filed the notice of  
4 unavailability, I'm not sure. But I had filed the notice  
5 of unavailability to be here on October 31st, Your Honor.  
6 They knew that. They knew I agreed to seal the motion  
7 and they still went forward without me, even though I  
8 had agreed to seal it. They placed it as an emergency  
9 motion. I'm not sure what the emergency was, because,  
10 again, I had agreed to seal it from the very beginning.

11 Then they came forward to Your Honor and  
12 asked you to enter an order to show cause, and without  
13 Your Honor approving it -- my motion has nothing to do  
14 with the Lista seniors. That isn't their motion. Their  
15 names aren't even mentioned in their motion, in their  
16 prayer for relief, yet they ask you -- they put in the  
17 order that if the seniors didn't show up here today --  
18 these innocent bystanders that had nothing to do with  
19 it -- that they would be arrested by the Court Marshals.

20 You never said that at the hearing. I have  
21 the court transcripts here. You never asked that they  
22 be arrested. You never asked that they be there -- here.  
23 There is no jurisdiction for them to be here. They are  
24 not a part of my motion. They are not a party to this  
25 case, and it was done just to harass their ex -- these

1 are their ex-in-laws. Benjamin Alvarez is their  
2 ex-son-in-law of the Walter seniors, Your Honor. This  
3 has been used and they tried to pull a fast one on you  
4 just to harass their ex-father and mother-in-law, and  
5 they have made a mockery of this.

6 THE COURT: Mr. Orth?

7 MR. ORSHAN: Your Honor, I'm just getting in  
8 this case yesterday. As I understand it -- and I can  
9 only apologize to the Court on behalf of my client -- I  
10 think what happened was there were a number of orders to  
11 show cause rendered.

12 I have the transcript, also. Your Honor  
13 said, "Draw an order to show cause why they should not be  
14 sanctioned, give them notice of the hearing and we will  
15 see what we can do about that."

16 So Your Honor did ask for an order to show  
17 cause. The order to show cause should only have been  
18 entered against the debtor and Ms. Aponte, not against  
19 the others. I agree with that. I agree. But the order  
20 to show cause was entered for them to be here today.

21 Again, the arguments that Ms. Aponte is  
22 making with regard to whether or not sanctions should be  
23 entered were already argued in her papers filed in this  
24 court at Document 447 filed on October 17th. Your Honor  
25 obviously overruled those, and they are the same

1 arguments she makes in her motion for rehearing that Your  
2 Honor has already denied.

3 Your Honor already found that it was improper  
4 to have that confidential settlement agreement attached  
5 to the pleading. It has been sealed, and Your Honor  
6 ordered them to be here to determine whether or not there  
7 would be sanctions.

8 My client incurred between this court and  
9 having to deal with this issue in state court in excess  
10 of \$30,000 in legal fees to deal with this matter.

11 THE COURT: That sounds rather excessive,  
12 doesn't it? What do you get, \$5,000 an hour?

13 MR. ORSHAN: I have the time -- it was over a  
14 period of weeks. I have the time records, Your Honor.  
15 If you want to set an evidentiary hearing and determine  
16 whether those are reasonable, that's fine. But my client  
17 has incurred fees. Your Honor awarded sanctions. The  
18 issue before the Court today was what the amount of the  
19 sanctions would be.

20 THE COURT: All right. Well, basically, from  
21 what I understand there is no dispute that two parties  
22 that were named were inappropriately named, and that only  
23 two parties were supposed to be here. And so I would  
24 like you to prepare an order, Mr. Orth, which you will  
25 run by Ms. Aponte ---

1 MR. ORSHAN: I'm Orshan, Your Honor.

2 THE COURT: Oh, I'm sorry. Mr. Orshan,  
3 excuse me.

4 You will draw the order, which will indicate  
5 that the two parties that were inadvertently named are  
6 excused from any compliance with this order, and that  
7 Ms. Aponte agreed to the sealing of the order and it's  
8 been done, right?

9 MS. APONTE: (Nods head in the affirmative).

10 MR. ORSHAN: Yes.

11 THE COURT: Okay. So that the only issue  
12 left is the issue you just stated, and we will reset  
13 this matter and determine -- in the meantime, you and  
14 Ms. Aponte and the other party can talk about it and  
15 maybe come to some resolution. And, if not, we will have  
16 a further hearing on which we will determine whether or  
17 not -- oh, pardon me, you say that we've already ruled  
18 that the sanctions are to be granted, just the amount; is  
19 that correct?

20 MR. ORSHAN: Yes, Your Honor.

21 THE COURT: All right. Well, then see what  
22 you can work out. Hopefully, you will resolve the  
23 matter, and, if not, we will have a hearing.

24 I must say that from what's involved, the sum  
25 of \$30,000 seems excessive, although maybe -- who knows,

1 maybe you can prove it.

2 MR. ORSHAN: Maybe I can.

3 MR. MILLER: Your Honor, may I ---

4 MS. APONTE: Your Honor, I would like to also  
5 address that I had asked for sanctions for them  
6 inappropriately asking the parents be here to harass  
7 them. I would like you to address that.

8 THE COURT: Is there a motion on that?

9 MS. APONTE: Yeah, there is my -- my response  
10 asks for sanctions, because they inappropriately put that  
11 the seniors have to be here or be arrested for the sole  
12 purpose of harassing ---

13 THE COURT: Well, were they arrested?

14 MR. ORSHAN: Excuse me, Your Honor. They  
15 were needed to be here anyway in connection with  
16 Mr. Miller's order. It's not an extra trip they've had  
17 to make. They had to be here on his order anyway.

18 THE COURT: Is there -- the order, I believe,  
19 doesn't direct that they be arrested. It indicates that  
20 they may be arrested; is that what it ---

21 MS. APONTE: Yes, it does, Your Honor, and it  
22 is completely --

23 THE COURT: Okay. So then that ---

24 MS. APONTE: -- done to harass his ex-father  
25 and mother-in-law ---

1 THE COURT: Well, we will take that up at the  
2 hearing that we have when we come back if you do not  
3 resolve this matter.

4 MR. MILLER: Judge, I have one last  
5 clarification, and I apologize.

6 Since Ms. Aponte has not announced the  
7 withdrawal with prejudice of Court Paper 387, the motion  
8 to disqualify, which is also now subject of our motion  
9 for Rule 9011, we still have to get our discovery of  
10 those witnesses. So what I would ask is that the Court,  
11 since we are resetting the 9011 to the December 15th  
12 calendar, that the Court compel those witnesses to sit  
13 for their examinations. We have a room right here,  
14 Judge, outside the hall here. So -- because every --  
15 every deposition in this case has had to be done this  
16 way. I will gladly try to coordinate dates and times  
17 with counsel, but they have got to make themselves  
18 available and those witnesses must appear. Because  
19 unless she withdraws that motion to disqualify with  
20 prejudice, we've got to go forward and get this  
21 discovery.

22 MS. APONTE: Your Honor, I can't withdraw the  
23 motion, because part of my defense to the Rule 9011 is  
24 that the motion has merit. If I withdraw the motion, how  
25 can I prove that the motion has merit. That makes no

1 sense.

2 THE COURT: Well, if you don't withdraw it,  
3 then I guess the parties have to come for their  
4 depositions.

5 MS. APONTE: And that's fine, Your Honor. It  
6 would just be nice if they coordinate depositions.

7 THE COURT: That would be ---

8 MS. APONTE: They just unilaterally set them  
9 and then ask for sanctions for people not showing up.

10 How -- how would it be if right now somebody  
11 set me for deposition this morning and I had to be here.

12 THE COURT: Well ---

13 MS. APONTE: I get sanctioned for not going  
14 to a unilaterally set deposition.

15 THE COURT: Are you telling me that you don't  
16 know how to be in two places at one time?

17 MS. APONTE: Exactly, Your Honor.

18 I'm telling you that -- that Mr. Miller has  
19 been ---

20 MR. MILLER: Rule 37 ---

21 THE COURT: Pardon me, don't interrupt each  
22 other.

23 MS. APONTE: Your Honor, I'm telling you  
24 that Mr. Miller has a pattern. This is his pattern.  
25 He unilaterally sets things. He doesn't give me proper

1 notice. He doesn't give the 14-day notice, and then he  
2 files motions for sanctions and he twists facts around.

3 THE COURT: Well, Ms. Aponte, that may be --

4 MS. APONTE: I just want that on the record,  
5 Your Honor.

6 THE COURT: -- that may be true in this case.  
7 However, over many years Mr. Miller has been observed by  
8 this Court to be generally in compliance with the rules  
9 of the law.

10 I understand what you are saying. You are  
11 making an allegation, and you can -- if that needs to be  
12 brought up when we have this hearing on this whole  
13 matter, you can pursue it further at that time. In the  
14 meantime, we need to direct that those people appear for  
15 their depositions.

16 So I will direct, Mr. Miller, that you draw  
17 that order, and ---

18 MR. MILLER: I will include in the order  
19 resetting the 9011 motion, Your Honor.

20 THE COURT: All right. And then -- but --  
21 but you need to communicate with Ms. Aponte --

22 MS. APONTE: Thank you, Your Honor.

23 THE COURT: -- to coordinate ---

24 MS. APONTE: Any order that has been entered  
25 in this case with me has never been coordinated or shown

1 to me before it's been entered.

2 THE COURT: Okay.

3 MS. APONTE: Not one order has been shown to  
4 me or passed by me.

5 MR. MILLER: Your Honor, I -- I -- whatever  
6 orders that Ms. Aponte bothers to show up at hearings at,  
7 she certainly gets copies of before they are submitted to  
8 the Court.

9 THE COURT: Well, that's ---

10 MR. MILLER: More importantly, we follow the  
11 rules.

12 MS. APONTE: No, you don't. That's on the  
13 record.

14 MR. MILLER: Judge ---

15 THE COURT: Why don't we say it each three  
16 more times. I follow the rules. No, you do not. I  
17 follow the rules. No, you do not. Okay.

18 MR. ORSHAN: Your Honor --

19 THE COURT: It's hard to decide a case ---

20 MR. ORSHAN: -- and since we are here on an  
21 order to show cause, would you like an order simply  
22 resetting the order to show cause for a later date?

23 THE COURT: Yes.

24 MR. ORSHAN: Thank you. And I will run that  
25 by Ms. Aponte.

1 THE COURT: Okay.

2 THE COURT: Well, that seems to conclude the  
3 eleven o'clock calendar, unless I'm missing something.

4 Thank you all.

5 MR. SILVER: Thank you, Your Honor.

6 MR. MILLER: Thank you, Your Honor. Have a  
7 good day.

8 (Thereupon, the hearing was concluded.)

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CERTIFICATION

STATE OF FLORIDA :

COUNTY OF MIAMI-DADE :

I, Karen B. Patlak, Shorthand Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that the foregoing proceedings were taken before me at the date and place as stated in the caption hereto on Page 1; that the foregoing computer-aided transcription is a true record of my stenographic notes taken at said proceedings.

WITNESS my hand this 21st day of November, 2014.

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KAREN B. PATLAK

Court Reporter and Notary Public

in and for the State of Florida at Large

Commission #FF162365

September 23, 2018