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4 GEOFF DAVIDIAN,
5 Plaintiff,

COPY

6 -vs-

Case Nos. 06-CV-011909
06-SC-045116

7 JP MORGAN CHASE BANK, et al,

8 Defendants.

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10 **STATUS CONFERENCE**
11 -----

12 APRIL 3, 2007

13
14 Proceedings held before the
15 Honorable ROBERT PEKOWSKY,
16 Circuit Court Reserve Judge Presiding.

17 **A P P E A R A N C E S:**

18
19 GEOFF DAVIDIAN, the Plaintiff, appeared in person pro
20 se.

21
22 NATALIE REMINGTON, Attorney at Law, appeared on
23 behalf of the Defendants.

24 **NANCY CZERNIEJEWSKI, RPR**
25 **Official Court Reporter**

1 attorney, and I struggle with these things. If
2 you could, I have two other deadlines, and
3 they're not legal deadlines. One is an article I
4 have to write for a publication that's due on the
5 20th of April. If you could give me until the
6 23rd of April or until the 24th.

7 THE COURT: You were suggesting what,
8 Mr. Davidian?

9 MR. DAVIDIAN: The 23rd or the 24th,
10 unless those are weekend days.

11 THE COURT: The 23rd is a Monday. The
12 23rd is a Monday, but that's a ways out.

13 Do you have any objection on behalf
14 of your client?

15 MS. REMINGTON: No, Your Honor.

16 THE COURT: With that in mind, then,
17 your submission in writing is to be filed by the
18 close of business on April 23rd.

19 How much time do you need to
20 respond?

21 MS. REMINGTON: I'm trying to think how
22 we usually do responses in these cases. If I
23 could have fifteen days in this case so I have
24 time to correspond with my client, who's in New
25 York.

1 THE COURT: And a copy to Mr. Davidian.

2 MR. DAVIDIAN: Your Honor, during Judge
3 DiMotto's final two hearings in this case, he did
4 not order, but suggested, that there be certain
5 observances. One of them is the defense had
6 asked that I not be allowed to go to the bank
7 because the bank manager was afraid, but it was
8 only-- It was not an order, he made that
9 suggestion pending the next hearing, for which he
10 recused himself, but I would like to clarify that
11 there's no order in the record barring me from
12 going to the bank.

13 So I wanted to know whether the
14 Court is allowing discovery to go ahead?

15 THE COURT: You may speak to that if you
16 wish.

17 MR. DAVIDIAN: Yes, Your Honor--

18 MS. REMINGTON: Yes, Your Honor, we had
19 filed a motion for protective order and a motion
20 to limit the discovery that was submitted in this
21 matter -- that was submitted by the Plaintiff.
22 The court did not officially rule on the motion,
23 it did make some comments, but it did not rule on
24 the motions.

25 I will first address the issue of

1 Mr. Davidian going to the specific bank in
2 Milwaukee where Mr. Jeff Childs is the bank
3 manager. We would still request that he not go
4 to that bank. He created some disturbances when
5 he was there, and Jeff Childs, obviously, who's
6 named personally in this lawsuit, does not want
7 to deal with Mr. Davidian at his work facility.
8 I believe at that time the court clarified that
9 Mr. Davidian could go to other Chase Banks, but
10 not the Chase Bank where Mr. Jeff Childs is
11 working.

12 I do not believe the court entered
13 a formal order on that issue, I know that was not
14 a written issue, but I would have to review the
15 transcript to see if he made some oral statement
16 about it. But my understanding was that we came
17 to an agreement with the Plaintiff that he
18 understood and that he would stay away from the
19 downtown branch, which is where Jeff Childs is
20 working, and he could go to other branches.

21 As to the discovery, I would
22 strongly request that the Court keep the stay in
23 place, that John -- Judge DiMotto put in place.
24 When we were before him the last time, I said
25 there were discovery issues before him, and he

1 store. Those things, I think, are beyond the
2 scope of the defense's interest, and I think it
3 is excessive to keep that. And since there's no
4 order, I ask the Court acknowledge simply there's
5 no order.

6 If I create a disturbance, the bank
7 can certainly come and make a disturbing the
8 peace or some other kind of claim. But to
9 restrict my movement into other areas is, I
10 think, is excessive, that's my first response.

11 As far as the discovery goes, the
12 bank doesn't want to deal with discovery,
13 obviously, they would just as soon have this
14 resolved without it. But I have twice scheduled
15 -- and with the defense's agreement -- scheduled
16 a deposition of Mr. Childs, who's the defendant.
17 Because of Judge DiMotto recusing himself, it was
18 stayed, but on the date it was stayed we had a
19 decision pending, and I would like to go ahead
20 with the deposition because the rest of these
21 motions to dismiss--

22 The relevance of whether certain
23 people are legitimately named in their personal
24 capacity, those are things that I think the
25 discovery will determine and it will result in

1 facts that the Court would be able to use in
2 making that decision. So I ask that the
3 discovery and deposition of Mr. Childs proceed as
4 agreed.

5 MS. REMINGTON: If I could clarify the
6 record, Your Honor?

7 THE COURT: You may.

8 MS. REMINGTON: In terms of agreeing to
9 the deposition of Mr. Jeff Childs, it's true. We
10 agreed to the deposition of Jeff Childs, but
11 after we agreed to the deposition and we saw some
12 of the discovery that Mr. Davidian was putting
13 forward, we asked for a protective order from the
14 court to limit the questions that could be asked
15 at deposition and the scope of the deposition
16 because our concern was that the deposition would
17 go into things that weren't relevant to the case
18 just so that the Plaintiff could go into areas
19 that are not relevant and harass Mr. Childs.

20 That was the specific request in
21 our motion that was pending before the court on a
22 protective order, and as I stated earlier Judge
23 DiMotto did not rule on the motion but stayed
24 discovery. So the fact we agreed to go forward
25 with the deposition does not, in my opinion, mean

1 that we should go forward with the deposition at
2 this point without direction from the Court as to
3 what can occur at that deposition, which was our
4 specific request to the court.

5 That deposition was cancelled after
6 Judge DiMotto recused himself, and payment was
7 made to the plaintiff for the costs that he
8 incurred in reserving a room for the deposition
9 and the court reporter, that has been resolved.
10 So I would ask that the Court keep the stay in
11 place on discovery, address the motion to dismiss
12 without prejudice, and then address the issue
13 that's before it on summary judgment. And if at
14 that time the Court decides it needs to allow
15 further discovery in order for summary judgment
16 to be properly before it, we will address
17 discovery at that point.

18 I should note we provided responses
19 to Mr. Davidian's discovery request. He
20 requested a number of documents and records, and
21 we did make objections to a number of requests,
22 but subject to those objections we did provide
23 some information. So this is not a case where
24 our client has completely turned away from
25 discovery requests and has done nothing to try to

1 accommodate some of those requests.

2 THE COURT: Well, what I have it
3 scheduled for today is a motion to dismiss
4 without prejudice. I have every reason to
5 believe that Mr. Davidian presents that in
6 complete good faith, and I'm going to look at it
7 that way. That's a legitimate motion, we're
8 going through a briefing schedule, and I will
9 hear brief oral arguments and make a decision. I
10 indicated that if the defendant in this case
11 objected, I was still going to hear the parties,
12 and that's exactly what's happened, but I think
13 that necessarily means a stay of discovery.

14 If you're successful with this
15 motion, Mr. Davidian, it seems an unusual waste
16 of time and effort to do that. I will use Judge
17 DiMotto's earlier stay and keep it in place. I
18 still have not, myself, gone through this entire
19 file, and it's a good-sized file. I have
20 reviewed portions of it, and I have viewed some
21 more this morning. At some point I will either
22 have a full copy of it, which I can review in my
23 home, or I will have to make arrangements to come
24 down here, which isn't terribly workable.

25 You can see that there's this one

1 argue this issue. I haven't done research on
2 whether my client can place restrictions on
3 Mr. Davidian's access to that building.

4 Certainly, we would ask that Mr. Davidian not
5 enter the Chase Bank that's in that facility, and
6 I believe our client has a right to request that
7 as occupiers of the premises and due to the fact
8 they're worried about the safety of my client's
9 customers and the general public that are using
10 the bank facility.

11 So I ask that the Court at least
12 allow Chase to assert its right and prohibit
13 Mr. Davidian from entering that bank in that
14 facility. As to the rest of the facility, I'm
15 not sure there's much my client can do at this
16 point. I should state for the record our client
17 is concerned with Mr. Davidian being in the rest
18 of the facility because the last time he was
19 there he was distributing leaflets showing
20 pictures of Jeff Childs on the leaflet and
21 accusing Chase Bank of being involved in
22 racketeering and things of that nature.

23 So that's where our motion for
24 injunctive relief came before this court, because
25 he did that, and we made an emergency request to

1 the court for relief to keep him from
2 distributing fliers, just so Your Honor has the
3 frame of mind that our client is working from in
4 this case.

5 THE COURT: Mr. Davidian, are you in
6 agreement; stay out of the bank, but not the
7 rest?

8 MR. DAVIDIAN: Yes, I would like to--
9 The defense has suggested that there's a reason
10 for the bank to worry about the safety of its
11 customers, and I would ask the defense attorney
12 to not try to poison the mind of the Court
13 relevant to my behavior. It's a constitutionally
14 protected right to distribute printed material,
15 and it asks other people who may have been
16 victimized to contact me. It's not a threat to
17 the bank, it's my attempt to contact other people
18 that may have fallen victim to the same practice,
19 so what better place than the building the bank
20 is in and the people who are customers of the
21 bank.

22 I want to clarify there was were no
23 incidents and there was no reason to be afraid.
24 They simply don't want me passing out information
25 about what the bank has done, and it wasn't an

1 accusation, it was a notification that they can
2 contact me if they were a victim of the same
3 thing, which now the bank now acknowledges I was
4 the victim of.

5 MS. REMINGTON: If I could say two
6 things, Your Honor.

7 I do not mean to mislead the Court
8 when I say the bank is trying to protect the
9 safety of its clients into thinking that I
10 believe Mr. Davidian will attack the clients,
11 that's not what I meant to say, it's when a
12 customer such as Mr. Davidian is in there and
13 he's doing things that are very distracting to
14 the bank manager. And when the bank manager is
15 distracted, it's difficult to keep oversight over
16 the bank, making sure robberies don't take place,
17 things of that nature. The visits to the bank
18 were becoming more frequent and he was becoming
19 more adamant during the visits, and, therefore,
20 distracting people from what they're there to do.

21 So I apologize to Mr. Davidian if
22 he thinks I misled the Court in that regard, and
23 I wanted to clarify that.

24 Secondly, in regard to the
25 leaflets, I want to point out that if you're

1 some sort of injunctive relief and have an
2 emergency hearing or something like that, with
3 you in Madison I'm not sure how that would work.

4 THE COURT: Do it again through the
5 court, and you can copy me. It's important to go
6 through the clerk, she calls me. When you come,
7 and you can come, we have been able to work it
8 out within a reasonable time.

9 MS. REMINGTON: Thank you, Your Honor.

10 MR. DAVIDIAN: And, Your Honor, my final
11 question is, not being a lawyer, I have -- I have
12 taken upon myself a great task, but I hope you
13 will show some patience with me.

14 As I read the statute regarding
15 motions to dismiss without prejudice, it's
16 appropriate on notice of filing of the case in
17 federal court -- I understand that I'm free to
18 file in federal court and then file with this
19 Court a motion to dismiss, is that how it is?

20 THE COURT: I would not be able to
21 advise you, because you will have to-- I will
22 not tell you you're right or wrong. It might be
23 well to check with an attorney that works from
24 federal to state court for the details. I don't
25 feel that that would be the thing to do because I

1 have-- It's been a long time since I practiced
2 law, and I certainly don't know the details of
3 that, so I wouldn't be able to, and I shouldn't
4 do it in any event.

5 You, again, you will do what you
6 need to do.

7 MR. DAVIDIAN: Yes.

8 THE COURT: And I will react accordingly
9 after I hear from both of you. That's all I can
10 do. And the same thing if she wants to bring a
11 motion, we will have a hearing on it and I will
12 listen to both sides and I will find out what to
13 do.

14 MR. DAVIDIAN: Thank you very much, Your
15 Honor.

16 MS. REMINGTON: Thank you, Your Honor.

17 THE COURT: Thank you.

18 We will see you, if not sooner, on
19 the date scheduled.

20 MR. DAVIDIAN: I hope to make this worth
21 your while.

22 THE COURT: Okay.

23 (Whereupon, the proceedings were
24 concluded at 10:24 o'clock in the forenoon.)
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STATE OF WISCONSIN)

) ss.

COUNTY OF MILWAUKEE)

I, NANCY CZERNIEJEWSKI, RPR, an Official Court Reporter for the Circuit Court of Milwaukee County, do hereby certify that the foregoing is a true and correct transcript of all proceedings had and testimony taken in the above-entitled matter as the same are contained in my original machine shorthand notes on said trial or proceeding.


Nancy Czerniejewski, RPR
Official Court Reporter

Dated at Milwaukee, Wisconsin
this 10th day of May, 2007.