

1 MR. ACKERMANN: Okay.

2 THE COURT: I'll double-check, but I'm pretty doggone  
3 sure.

4 MR. ACKERMANN: I was hoping you'd say that because  
5 then I would simply like to lodge my objection for the record and  
6 leave it up to Your Honor's discretion. I'm very comfortable  
7 defending myself going forward. I'm uncomfortable contributing  
8 to continuing the burden on this court by this lawsuit and  
9 forcing Judge Doherty to rule on a motion that may not be  
10 necessary or Your Honor to complete a recommendation. But I feel  
11 like for the record if I acquiesce in a voluntary dismissal, it  
12 will be held against me when the time comes to face the music  
13 again.

14 THE COURT: I understand.

15 MR. ACKERMANN: Thank you, Your Honor.

16 THE COURT: Mr. Marcantel, the first question for you,  
17 do you think I have subject matter jurisdiction?

18 MR. MARCANTEL: I would agree with other counsel and  
19 for the two reasons you stated that there is not jurisdiction.

20 THE COURT: All right.

21 MR. MARCANTEL: I'm completely aligned with  
22 Mr. Ackermann in these matters because we were co-counsel in the  
23 adversary proceeding. In fact, I had a motion to dismiss in each  
24 cause that I was going to file today, but I'm kind of debating  
25 whether I should file that right now because of this conference

EXHIBIT

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