

1 **THE COURT:** Because if you'll listen to me,
2 you'll hear it.

3 **MR. BERNSTEIN:** Okay.

4 **THE COURT:** So here's the problem: The e-mail
5 from Eliot seems like he did what 9A, B, and C did.
6 What I see he's done also is he puts reference to
7 that e-mail in the pleadings, correct?

8 **MR. ROSE:** Correct.

9 **THE COURT:** And that's what I want to be able
10 to see because here's the -- so technically, Eliot,
11 you're correct that I didn't put in my e-mail not
12 to publish anything about that communication in
13 other media --

14 **MR. BERNSTEIN:** I didn't publish that.

15 **THE COURT:** No, no. Publishing meaning
16 referred to it in your pleadings, which you did. I
17 read it.

18 **MR. BERNSTEIN:** No, that I agree, right.

19 **THE COURT:** So I didn't -- because it's not
20 always easy to think about, when I style an order
21 like this, every possible way someone might stretch
22 this rule.

23 So I'm going to -- here's my ruling: I'm
24 deferring on the contempt ruling on violation of
25 the July 18th order. But I'm going to take up

1 through what would be at the next hearing that we
2 have on this matter, a consideration of a motion to
3 strike those allegations that you say violate the
4 intent of the privileged communication law. And I
5 may have to remove them, okay? And that's the idea
6 here. So we're going to have to kind of cleanse
7 it, okay, a little bit to do this the right way.

8 But now, Eliot, one final word. That's my
9 ruling. I don't need any other evidence. You can
10 have a seat. Go ahead.

11 **MR. ROSE:** Your Honor --

12 **MR. BERNSTEIN:** Do I get --

13 **THE COURT:** No, because I'm done.

14 **MR. BERNSTEIN:** But I've got a side that
15 hasn't been --

16 **THE COURT:** I didn't hold you in contempt. Do
17 you want me to consider your side and reconsider?

18 **MR. BERNSTEIN:** Yeah.

19 **THE COURT:** I didn't hold you in contempt.

20 **MR. BERNSTEIN:** No, I know, but I've got a
21 counter to this that I want to ask him some
22 questions. I just want to put him on the stand.

23 **THE COURT:** A counter to what?

24 **MR. BERNSTEIN:** Well, I don't think this
25 was -- this filing was contempt. I think it was

1 filed. File the motion to strike and remove, and
2 I'll put it into perspective there. But nothing
3 else filed in the form of pleadings. Don't --

4 **MR. BERNSTEIN:** I have to --

5 **THE COURT:** -- until you come before me. I
6 have time. You need to do it. I'll get you in
7 right away. Okay, bye.

8 **MR. BERNSTEIN:** Wait, wait. I filed things in
9 response to these lawsuits.

10 **THE COURT:** I'm not undoing what's been filed,
11 but no more action on them. I've stayed
12 everything.

13 **MR. BERNSTEIN:** Even in Oppenheimer?

14 **THE COURT:** Even the Oppenheimer.

15 **MR. BERNSTEIN:** Everything?

16 **THE COURT:** I'm staying --

17 **MR. BERNSTEIN:** So should we notify that guy?

18 **THE COURT:** Notify what you want. Yeah,
19 notify everybody on that stuff.

20 **MR. BERNSTEIN:** That everything is stayed?

21 **THE COURT:** Everything is stayed. We can look
22 more carefully at the pleadings in the case.

23 **MR. ROSE:** Is he prohibited from e-mailing
24 everyone in my firm?

25 **THE COURT:** Yeah, yeah. No more e-mailing.