

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DANIEL HUMAN, )  
)  
Plaintiff, )  
) No. 4:24-cv-01177-MTS  
vs. )  
)  
FISHER INVESTMENTS, INC., )  
)  
Defendant. )

MOTION HEARING

BEFORE THE HONORABLE MATTHEW T. SCHELP  
UNITED STATES DISTRICT JUDGE

March 28, 2025

APPEARANCES:

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AND

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Also Present: Chris Prosser

Reported by: PAMELA HARRISON, RMR, CRR, CRC, CCR, CSR  
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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY  
PRODUCED BY COURT REPORTER COMPUTER-AIDED TRANSCRIPTION

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March 28, 2025

(The proceedings commenced at 1:20 p.m.)

(The following proceedings were held in open court:)

**THE COURT:** we're here on the record in the case of *Daniel Human, Individually and on behalf of others similarly situated, Plaintiff, v. Fisher Investments, Inc., and Smart Asset Advisors, LLC.*

I'd ask counsel for the plaintiff please make an appearance for the record.

**MR. BUTLER:** Good morning, Judge. I'm Edwin Butler representing Mr. Human, the plaintiff. Sitting alongside with me is my lead paralegal Christopher Prosser. Mr. Human is in the back.

**THE COURT:** okay. All right. Good afternoon, y'all.

Here on behalf of the defendants and counterclaimants?

**MR. TEREPKA:** Good afternoon. Alex Terepka for Fisher.

**MR. GULETZ:** Good afternoon, Judge. Matt Guletz from Thompson Coburn on behalf of Fisher.

**THE COURT:** All right. Thank you, all.

All right. We're here today on a couple of motions filed by the defendants in this case. One is Document 65, their motion to compel, and Document 67, their motion for

1 sanctions. I've reviewed the papers and responses.

2 I'll go ahead and let you make argument on this.

3 MR. TEREPKA: Yes, Your Honor. Would you like me at  
4 the podium?

5 THE COURT: Please.

6 MR. TEREPKA: Understood.

7 MR. BUTLER: Judge, may I address the Court before  
8 we begin?

9 THE COURT: Sure.

10 MR. BUTLER: The motion for sanctions, we have about  
11 five or six days to answer. We just agreed with opposing  
12 counsel that we would take a 10-day extension.

13 Does that affect whether we're going to take that up  
14 today?

15 THE COURT: Let me see here. They still have time  
16 to respond to the motion for sanctions?

17 MR. TEREPKA: That's correct, Your Honor. They have  
18 not responded, and Mr. Butler asked for a 10-day extension  
19 before the hearing today, and Fisher agreed to that.

20 THE COURT: 10-day extension to respond?

21 MR. TEREPKA: To the motions for sanctions.

22 THE COURT: But that hasn't been asked of me.

23 MR. TEREPKA: Correct, Your Honor.

24 THE COURT: So you're just saying that's what you  
25 want to do?

1           **MR. TEREPKA:** That is what Mr. Butler wants to do,  
2 and Fisher does not oppose it. Nothing is pending before Your  
3 Honor yet on that extension request from Mr. Human.

4           **THE COURT:** so you're making an oral motion for an  
5 extension of time to respond to the motion for sanctions right  
6 now; is that right?

7           **MR. BUTLER:** I am, Judge. Thank you.

8           **THE COURT:** okay. Well, I'll take that up in a  
9 second after we go through the motion to compel.

10           why don't you start with the motion to compel.

11           **MR. TEREPKA:** Yes, Your Honor.

12           We are here today because Fisher is seeking justice  
13 and accountability for Human's fraud, massive fraud, that he's  
14 using the courts to perpetrate; and would like an opportunity  
15 to explain that briefly. It will only take a few minutes  
16 because it's easier to discuss verbally, especially if the  
17 Court has questions, and it gives crucial context to the  
18 discovery Mr. Human has refused to produce.

19           Mr. Human has filed about 70 TCPA lawsuits in just a  
20 few years and sent countless other demand letters, alleging  
21 that various companies, small, large, and everything in  
22 between, called his number without his consent. Except he did  
23 consent, on purpose, to set up a fraudulent lawsuit through  
24 various websites that invite consumers to provide their names  
25 and contact information if they are legitimately interested in

1 hearing about a company's services. He did so using a variety  
2 of aliases, like Veronica Moreno, the alias he used here, and  
3 the same number, phone number, ending in digits 1355. Dozens  
4 of unrelated defendants called his number because they received  
5 it on consent forms, just like Fisher did here. June 17, 2024,  
6 long after Mr. Human got the 1355 number, someone submitted  
7 that number with the name Veronica Moreno. Less than a month  
8 later, he sues Fisher. We know from public records, like  
9 *Policy Scouts* lawsuit against Mr. Human, and speaking to other  
10 targets of Mr. Human's scheme that he set up many other  
11 lawsuits the same way he did here.

12 This is a massive abuse of the justice system.  
13 Mr. Human is counting on the fact that the expense of defending  
14 his claims and exposing his fraud will be more than just paying  
15 him off. And it works. Very few companies will undertake the  
16 massive expense required to expose a sophisticated fraud, so  
17 they paid him off. Mr. Human knowingly continues to take  
18 advantage of that, costing innocent defendants hundreds of  
19 thousands of dollars and likely millions if you count the legal  
20 fees.

21 My client is fortunate enough to have the resources  
22 to stand up to this, but we've been met with nothing but a  
23 cover-up that has multiplied my client's expenses dramatically.  
24 Mr. Human refuses to produce the most basic documents that will  
25 expose his fraud, even though he waived all objections to

1 Fisher's document requests. As the Court already held, he has  
2 not even produced his cell phone bill showing the name on the  
3 account. So easy to produce. We have asked again and again,  
4 but all he does is produce and reproduce redacted credit card  
5 bills showing he may pay for the bill, but that's not the same  
6 as producing the bill. And it's so important because the bill  
7 has the name on the account. The name could very well be one  
8 of his aliases that he uses to perpetrate the fraud instead of  
9 his name. So his cell bill could be a smoking gun and he's  
10 refused to produce it, and it's the simplest, easiest to  
11 produce document.

12 He has not produced a single communication with  
13 other defendants responding to his claims. This discovery is  
14 crucial and easy to produce. It will show a pattern of  
15 unrelated defendants responding to his demands with evidence  
16 that he consented using a variety of aliases, crucial  
17 discovery. Worst of all, Mr. Human has destroyed a key device,  
18 his computer he uses to email defendants about his claims the  
19 day or two before the court-ordered device inspection deadline  
20 on January 27. This intentional spoliation of crucial evidence  
21 immediately before a court-ordered deadline that Mr. Human  
22 admitted in writing is alone enough to impose the most severe  
23 sanctions.

24 **THE COURT:** Okay. So, I mean, I'm not disagreeing  
25 with anything you said, but I want to make sure. Why did you

1 agree to let them have time to respond to that?

2 why are we taking that up today?

3 **MR. TEREPKA:** To the additional sanctions motion?

4 Frankly, as a courtesy, Your Honor.

5 **THE COURT:** A courtesy? Why would they deserve a  
6 courtesy?

7 Their deadline is passed, correct?

8 **MR. TEREPKA:** Their deadline to respond to the  
9 sanctions motion, not the motion to compel, has not passed, if  
10 I understand correctly.

11 **THE COURT:** You're giving them 10 days. Are we  
12 taking up -- I want to make sure that I have a full opportunity  
13 to address these sanctions, okay? I do believe there's  
14 significant sanctionable conduct in this case. But if I'm  
15 saying they have time to respond still and you have time to  
16 respond, then we're just here on a motion to compel, right?

17 **MR. TEREPKA:** That's correct. But a few additional  
18 comments to that if I may, Your Honor.

19 **THE COURT:** okay.

20 **MR. TEREPKA:** The motion for sanctions is related  
21 solely to sanctions leading up to the Court's January 2022 --  
22 excuse me -- January 22 hearing. That motion may very well be  
23 able to be ruled on the papers. This motion to compel seeks  
24 more substantial sanctions, including involuntary dismissal,  
25 and would like --

1           **THE COURT:** Is that what you're wanting them to  
2 respond to?

3           **MR. TEREPKA:** That is already responded to. The  
4 motion to compel seeking involuntary -- one way to think of it  
5 is this: The motion to compel seeks sanctions for everything  
6 after January 22. It's the more substantial motion. It is  
7 fully ripe, fully briefed, and it is what the Court set for  
8 hearing today.

9           **THE COURT:** Got you. I just want to make sure I'm  
10 on the same page, right? Okay.

11           **MR. TEREPKA:** Yes.

12           **THE COURT:** So we are now. You've clarified that.  
13 Go ahead.

14           **MR. TEREPKA:** Thank you, Your Honor.

15           One additional point to clarify. So in -- the  
16 standard for involuntary dismissal and striking pleadings is  
17 largely the same. Fisher moved for involuntary dismissal but  
18 also cited case law, including Your Honor's decisions, about  
19 striking pleadings. Given what has happened here and  
20 Mr. Human's effective failure to respond to the unequivocal  
21 evidence that he destroyed a device right before the  
22 court-ordered device inspection, the Court should strike  
23 Mr. Human's pleadings responding to Fisher's counterclaim so  
24 Fisher could seek a default judgment in addition to the  
25 involuntary dismissal.

1           Comparing the Court's *Pasch v. OnDoc* decision which  
2 we cited in our papers, there the Court struck Defendant  
3 Wilson's pleadings, similar relief as we're requesting here,  
4 for repeatedly violating the Court's orders to attend hearings,  
5 for violating a commitment to obtain counsel and participate in  
6 discovery. We are way past that here. That case didn't  
7 involve an intentional destruction of a device, refusal to  
8 produce basic documents despite waiving all objections, and a  
9 frivolous appeal in addition to many other violations of the  
10 Court's orders. So that would simplify things further, because  
11 instead of the massive additional expense of compelling  
12 Mr. Human to produce the discovery he has thus far refused to  
13 produce, the case would be effectively over, involuntary  
14 dismissal of his claim and striking his pleadings and default  
15 on Fisher's counterclaim. And given what's happened  
16 particularly with the device destruction, we are past that  
17 point, and it would dramatically simplify the proceedings.

18           **THE COURT:** So then you're -- so you're saying  
19 you're agreeing to extension on Doc 67, the motion for  
20 sanctions for the unnecessary hearing? That's what you're  
21 giving them additional time for?

22           **MR. TEREPKA:** And only that.

23           **THE COURT:** Got you. Okay. I wanted to make sure.  
24 All right.

25           **MR. TEREPKA:** And, Your Honor, respectfully, Fisher

1 would say that that motion can be ruled on the papers, but that  
2 is, of course, the Court's decision.

3 THE COURT: All right. And so how much time are you  
4 asking for on Doc 67? What do you want? 10 more days? What  
5 would that deadline be?

6 MR. BUTLER: Yes, sir. 10 more days. Do you have  
7 that in your head?

8 MR. PROSSER: Yeah.

9 MR. BUTLER: What date would it be?

10 MR. PROSSER: 10 days from the 12 days. So it would  
11 be -- I don't have that date in my head.

12 MR. BUTLER: Well, it's five or six. So we're  
13 talking about --

14 THE COURT: Just say the date. I'll give you the  
15 date to respond to 67. What date do you want?

16 MR. PROSSER: 12th of April.

17 MR. BUTLER: Yeah. April 12.

18 THE COURT: Okay. You have until April 12 to  
19 respond to Doc 67.

20 Do you have anything else you want to say as to Doc  
21 65? That's what I'm hearing right now.

22 MR. TEREPKA: Understood, Your Honor.

23 Very briefly, Fisher requests monetary sanctions in  
24 the motion we're discussing today.

25 THE COURT: \$7,000, right?

1 MR. TEREPKA: That is the motion for which --

2 THE COURT: What are you asking for monetarily here?

3 MR. TEREPKA: For monetarily here, we are requesting  
4 the expense of the motion to compel, the expense of the device  
5 inspection where Mr. Human produced a decoy, and a few other  
6 items in our papers. We would propose that we submit,  
7 effectively, a bill of expenses, a short motion explaining our  
8 bills and attaching them and -- in the event that the court  
9 grants those monetary sanctions.

10 If the Court does grant those monetary sanctions,  
11 they should be joint and severable against Mr. Human and his  
12 counsel under Eighth Circuit authority affirming that.

13 If I may explain --

14 THE COURT: What's that case? I can do that under  
15 37? I don't have to have that under Rule 11?

16 MR. TEREPKA: That case is *Arnold v. ADT*. And in  
17 that case, in less egregious circumstances, where the litigant  
18 and counsel repeatedly violated court orders, the Court  
19 affirmed a joint and severable fee award.

20 And if I may explain the basis for that here, the  
21 role of counsel as the officer of the court is to tell the  
22 client no when the client wants to do something frivolous.  
23 That has not happened with Mr. Human's counsel here. There was  
24 no good faith basis to refuse to participate in the  
25 court-ordered joint report process at the beginning of the

1 case. There was no good faith basis to refuse five requests to  
2 meet and confer even though Fisher's counsel expressly reminded  
3 Mr. Human's counsel that that is a court-ordered requirement.  
4 There was also no good faith basis to sign a second notice of  
5 dismissal after this Court expressly ordered that's improper.  
6 There was also no good faith basis to sign a frivolous notice  
7 of appeal to the Eighth Circuit.

8 For those reasons, the Court should award a joint  
9 and severable fee award, including under the Eighth Circuit's  
10 *Arnold v. ADT* --

11 THE COURT: How much are you asking for?

12 MR. TEREPKA: It will be tens of thousands of  
13 dollars, Your Honor.

14 THE COURT: You think you need to submit additional  
15 evidence to the court to establish those amounts?

16 MR. TEREPKA: Yes, including the bills.

17 THE COURT: okay.

18 MR. TEREPKA: That is all, Your Honor.

19 THE COURT: what do you-all have to say?

20 MR. BUTLER: Good morning, Judge. Good afternoon.  
21 Judge, you know, what we have to say is that we  
22 would disagree with counsel and that we would tell, you know,  
23 the judge that --

24 THE COURT: You're telling me. what do you disagree  
25 with?

1           **MR. BUTLER:** We would go so far as to say  
2           disingenuous. I would say, you know, a theory was brought up,  
3           you know, the -- the motion to compel, the desktop and the --  
4           and the telephone, that was preceded by Mr. Human's, you know,  
5           filings for the appeal of your motion. The thing is that  
6           Mr. Human did in fact appear for the examination, and he  
7           brought with him the only laptop that he owned during the  
8           periods that you had specified.

9           **THE COURT:** what about the email they have in their  
10          papers where he says about his other computer? what about  
11          that?

12                     Do you want to bring him up and put him under oath?

13                     Let's do that. Come on up, sir. I'll put you under  
14          oath and you can answer the question.

15           **MR. BUTLER:** If I can finish before that, Judge.

16           **THE COURT:** we'll swear him in and sit him there.  
17          Then you can finish and then we can ask him.

18                     Come on up. Be sworn in under oath in this court,  
19          please, sir.

20                     **(Witness sworn in by the deputy clerk.)**

21           **THE CLERK:** please state and spell your first and  
22          last name for the record.

23           **THE WITNESS:** Daniel Human, H-U-M-A-N.

24           **THE COURT:** okay. Have a seat in the witness booth.  
25          When your counsel is done speaking, you'll answer some

1 questions under oath.

2 Go ahead, sir.

3 **MR. BUTLER:** The computer that is the subject of --

4 **THE COURT:** The allegation, just to be very clear,  
5 because you're kind of dancing around it, it seems to be  
6 supported by the email that the defendants have put forward.  
7 The allegation is the day before the inspection, the computer  
8 was destroyed. That's the allegation.

9 so the question, really -- one of the questions for  
10 the court is whether that's true or not and how you're going to  
11 explain the email sent in another case that seems to support  
12 that. So if you want to address that point, I want to hear it.  
13 Then we can ask the witness.

14 **MR. BUTLER:** The computer that was destroyed was --

15 **THE COURT:** so you do acknowledge there was a  
16 computer destroyed?

17 **MR. BUTLER:** No. It's not to my knowledge. But  
18 the -- as I understand from Mr. Human, the computer was very  
19 old and had not been used in many years and was broken.

20 The other computer that he did produce, he told the  
21 inspector there, the forensic inspector, that he doesn't surf  
22 the net on it, he's never used it. He uses his phone  
23 primarily. He brought that; he brought his phone. They, in  
24 fact, did a forensic analysis of everything on his phone. They  
25 have said about 185 times, I counted in their filings, that

1 they do have evidence of written consent and that they do have  
2 evidence of fraud on the telephone. However, they have never,  
3 even in response to a formal inquiry through the  
4 interrogatories and requests to produce, shown that they in  
5 fact have written consent. In fact --

6 THE COURT: Did you file anything with the Court in  
7 response to them purportedly not answering your discovery? You  
8 haven't done anything, have you?

9 I'm looking. There's no discovery dispute that's  
10 ever been raised by the plaintiffs in this case. Is that true?

11 MR. BUTLER: Well, Judge, it's coming.

12 THE COURT: It's coming?

13 MR. BUTLER: The motion to compel, yeah.

14 THE COURT: Okay.

15 MR. BUTLER: Yeah.

16 THE COURT: So to date, your answer is you haven't  
17 right now, correct?

18 MR. BUTLER: Correct.

19 THE COURT: Let's try to be a little more direct  
20 with our answers, okay?

21 MR. BUTLER: Yes, sir.

22 THE COURT: Okay.

23 MR. BUTLER: All right.

24 THE COURT: I don't even know what you're saying in  
25 response to this. Can you address the email where your client

1 in an unrelated lawsuit references another computer? Can you  
2 address that?

3 MR. BUTLER: Is that the --

4 THE COURT: You don't know what I'm talking about?  
5 That's what you're saying?

6 MR. BUTLER: No. I think I do.

7 THE COURT: I can direct you to make sure we're on  
8 the same page here.

9 MR. BUTLER: I'm thinking that that was the one  
10 where --

11 MR. PROSSER: They never replied.

12 MR. BUTLER: -- you know, the counsel for Fisher had  
13 actually represented that party and knew all about that.

14 THE COURT: what? I don't understand what you're  
15 saying.

16 MR. BUTLER: You've been through this.

17 THE COURT: You're the attorney. You speak.

18 MR. BUTLER: Judge, the computer that he produced is  
19 the computer that he owned, and it was in his possession during  
20 that period of time that was specified in the order for  
21 examination.

22 THE COURT: How do you come to that conclusion?

23 MR. BUTLER: In the order --

24 THE COURT: And does that really change anything?

25 MR. BUTLER: -- it specifies those days in June.

1 This computer was purchased, I think, maybe, you know, in  
2 August. Maybe it was before that. But the only devices that  
3 he used of any kind were the telephone and the laptop that he  
4 produced. Each of them was forensically analyzed. supposedly  
5 there's evidence of fraud and aliases and things like that on  
6 that. We've asked for that report. They said --

7 **THE COURT:** Hold on. This isn't -- that's all  
8 you're saying. This all this "what about-ism," these are your  
9 devices. You know what they should say, okay? Plus you  
10 haven't even properly addressed these issues in discovery,  
11 okay? So that has nothing to do with anything here. We're  
12 here on their motion to compel.

13 why haven't you and your client produced the items  
14 that were lawfully through the civil process requested of you?  
15 And how do you address Document 70, page 2, the email from your  
16 client?

17 **MR. BUTLER:** Page 2?

18 **MR. PROSSER:** He's talking about these two right  
19 here.

20 **MR. BUTLER:** The only answer that I have is that the  
21 computer in question didn't fit inside the guidelines. I  
22 really can't speak further to the Court about, you know, what's  
23 contained here. The ones that -- to my understanding what was  
24 brought to the forensic examiner was all the documents that --  
25 I'm sorry -- all the devices that he had in his possession or

1 he used.

2 **EXAMINATION**

3 **QUESTIONS BY THE COURT:**

4 Q. Okay. You're under oath. What did you do with the  
5 computer?

6 A. Thank you, Your Honor.

7 That computer, I didn't own that desktop at the time  
8 that these illegal calls were made, okay? I acquired it  
9 sometime later in August.

10 Q. That's not the question at all.

11 What did you do with the computer referenced in the  
12 email?

13 A. The computer referenced in the email was the one --

14 Q. Was it your computer?

15 A. Yes, it was.

16 Q. Did you produce it in response to any of the discovery in  
17 this case?

18 A. No, I did not.

19 Q. What did you do with it?

20 A. It didn't even turn on.

21 Q. "What did you do with it?" is the question, sir.

22 A. I threw it away, of course.

23 Q. Where did you throw it away and when?

24 A. I threw it away, I believe, that Saturday evening.

25 Q. What was the date of that, sir?

1 A. Saturday. I don't have a calendar in front of me, Your  
2 Honor.

3 THE COURT: Do you want to ask him any questions  
4 about this? Go ahead.

5 A. I probably should have thrown it away 2 weeks earlier  
6 because it didn't work.

7 MR. TEREPKA: Yes, Your Honor. Should I --

8 THE COURT: No. Go ahead. You can just go right  
9 from there. Ask him the questions.

10 EXAMINATION

11 QUESTIONS BY MR. TEREPKA:

12 Q. Mr. Human, that Saturday was Saturday, January 25,  
13 correct?

14 A. I believe it was.

15 Q. That's two days before the court-ordered device  
16 inspection, correct?

17 A. I believe it is, yes.

18 Q. You produced at that device inspection a laptop computer  
19 of yours, correct?

20 A. That's correct.

21 Q. You hadn't used that computer in years; isn't that true?

22 A. That's correct. I told the examiner I didn't really use  
23 the laptop at all. I got it at an auction and -- and never  
24 really used it.

25 Q. You understood that Fisher's device inspection request

1 asked for devices you used in 2024; isn't that true?

2 A. I -- I -- that's correct.

3 Q. But you produced a laptop you didn't use in 2024; isn't  
4 that true?

5 A. That's true. I couldn't produce the computer because I  
6 didn't -- I didn't have it any longer. I no longer had it.

7 **THE COURT:** But you did use that computer in 2024,  
8 correct?

9 A. After August, yes, sir.

10 **THE COURT:** so the computer you used in 2024 that  
11 would have been responsive to the device inspection you threw  
12 away 2 days before; is that correct?

13 A. That's correct, Your Honor.

14 **MR. TEREPKA:** Nothing further.

15 **THE COURT:** wait. He has something further for you.

16 **QUESTIONS BY MR. TEREPKA:**

17 Q. You agreed to -- your counsel agreed to a device  
18 inspection at 10:00 a.m. on January 27, correct?

19 A. I assume that's correct, yeah.

20 Q. You understood that the device inspection was to occur at  
21 10:00 a.m. on Monday, January 27; is that correct?

22 A. My understanding is it was to occur that day. I don't  
23 believe there was -- the judge never allotted a time. He said  
24 "by that day." That was my understanding, is that it had to be  
25 done by that day.

1 I don't believe there was a time put on it, Your  
2 Honor. Did you put a time on that inspection date?

3 **THE COURT:** The time would be whatever was arranged  
4 between the parties. I'm sure it's documented, but go ahead.

5 **MR. TEREPKA:** It is, Your Honor.

6 QUESTIONS BY MR. TEREPKA:

7 Q. Mr. Human, you attempted to voluntarily dismiss your case  
8 less than 2 hours before the 10:00 a.m. scheduled device  
9 inspection; isn't that true?

10 A. Without prejudice, yes, that's correct, because we had  
11 added Smart Asset at that point. Smart Asset had now become  
12 another codefendant in the case.

13 Q. You understood that Fisher was incurring expense to  
14 arrange for the device inspection, didn't you?

15 A. Certainly. Just as did we traveling 70 miles to produce  
16 it, yeah, sure.

17 Q. But you didn't dismiss your -- attempt to dismiss your  
18 case until the morning of on the day the device inspection was  
19 supposed to occur; isn't that true?

20 A. I believe that's correct. We asked for a dismissal  
21 without prejudice because we believed that Smart Asset had  
22 information that Smart Asset had supplied this alleged lead to  
23 Fisher. So, obviously, we were going to include them in the  
24 lawsuit.

25 **MR. TEREPKA:** Nothing further, Your Honor.

**EXAMINATION**

**QUESTIONS BY THE COURT:**

1 Q. All right. I want to be clear, then.

2 I'll give you a chance to follow up if you like.

3 But the bottom line for me is the computer that was  
4 in your possession at the very -- on the eve of the device  
5 inspection that was ordered by this court, that's the computer  
6 that would have been responsive to the discovery in this case  
7 and that was ordered to be inspected. You threw it away prior  
8 to that happening, correct?  
9

10 A. A couple days before the inspection, Your Honor.

11 Q. That's a yes or no. Did you throw it away just prior to  
12 the inspection?  
13

14 A. A few days before, yes, Your Honor.

15 Q. That was the computer and that was the computer you used  
16 during the relevant time period, correct?

17 A. No, it is not, Your Honor. During the relevant time  
18 period, as I explained earlier, I didn't own that.

19 Q. You owned that computer during the relevant time period,  
20 correct?

21 A. I didn't own that computer at the time these illegal  
22 calls were made, Your Honor. No, I didn't.

23 Q. When I say "relevant time period," I'm saying the  
24 relevant time period of the inspection. You owned that  
25 computer, correct?

1 A. Prior to that, yes.

2 Q. You threw it away just before, correct?

3 A. Yes, Your Honor, I did. It didn't work.

4 Q. Did you tell your attorney about that? Did you tell your  
5 attorney you were throwing it away?

6 A. I produced what I had at the time.

7 Q. Did you tell your attorney you had -- you were planning  
8 to throw that computer away?

9 A. Your Honor, I don't know if I called Ed or not that day.  
10 I don't remember.

11 Q. How about prior to that? Did you tell him you were  
12 throwing it away?

13 A. I didn't know prior to that. It was just a couple days  
14 before, sir.

15 Q. Then you produced for inspection by the defendants a  
16 computer that had absolutely nothing to do with anything  
17 related to this case; is that correct?

18 A. That's correct.

19 **THE COURT:** Okay. I don't have any more questions.  
20 You can step down.

21 Do you want to ask him anything?

22 **MR. BUTLER:** Just to make a statement, Judge, that I  
23 did not know about it. I was not involved in that.

24 **THE COURT:** I hope that turns out to be true,  
25 Mr. Butler, for your sake.

1                   You can step down, sir.

2                   **MR. BUTLER:** It is, sir. It is.

3                   **THE COURT:** I hope it does. I hope it is.

4                   All right. Do you have any more argument you want  
5 to make?

6                   **MR. BUTLER:** Well, you know, Judge, you know they're  
7 looking for --

8                   **THE COURT:** Who is "they"?

9                   **MR. BUTLER:** Fisher.

10                  **THE COURT:** You sued them. Do you remember that?  
11 So they're responding to a lawsuit. You sued them, correct?

12                  **MR. BUTLER:** Yes, sir, yes.

13                  **THE COURT:** So what do you mean they're looking for  
14 something?

15                  **MR. BUTLER:** In the discovery process, they are not  
16 responding to, you know, the --

17                  **THE COURT:** You haven't done anything about it, have  
18 you?

19                  **MR. BUTLER:** It hasn't happened yet, no.

20                  **THE COURT:** So wait. Again, I want to be a little  
21 bit better on this. When I ask a question yes or no, I'd like  
22 for to you answer it correctly.

23                               There's nothing before me as to any alleged  
24 violations or need for them to respond to any discovery dispute  
25 from your side because you haven't filed anything, nor have you

1 approached the Court with the one mandate I had that we have an  
2 informal discovery resolution process, correct?

3 You've done neither, right?

4 **MR. BUTLER:** It's correct.

5 **THE COURT:** so you don't have anything that's ripe  
6 for me to consider regarding their alleged failure to respond  
7 to discovery. But I want to make sure.

8 We are both in agreement on that, right?

9 **MR. BUTLER:** Yes.

10 **THE COURT:** okay. Go ahead.

11 **MR. BUTLER:** well, flipping it to the other side of  
12 the coin, the things that are alleged in the voluminous  
13 writings that Fisher has put in front of you is that -- that  
14 there's -- the names come back to six or seven different people  
15 that these are aliases that he --

16 **THE COURT:** I guess that will be part of their fraud  
17 counterclaim. I guess we'll find out.

18 **MR. BUTLER:** But in, you know, their motion to  
19 compel, they're saying that he has not produced evidence of his  
20 fraud. He's produced everything that he has.

21 **THE COURT:** He didn't produce the computer that he  
22 had. We know that.

23 **MR. BUTLER:** He did not.

24 **THE COURT:** That's pretty significant, can't we  
25 agree?

1 MR. BUTLER: Yes, sir.

2 THE COURT: Okay. Go ahead.

3 MR. BUTLER: And these -- you know, the allegations  
4 about the not sitting for the deposition, Mr. Human --

5 THE COURT: How can you sit for a deposition if you  
6 haven't produced anything?

7 MR. BUTLER: Mr. Human's position is that he did, in  
8 fact, produce everything and that the things -- the things that  
9 are being requested of him, you know, like the production of --

10 THE COURT: Has he completed -- has he produced  
11 documents and completed any interrogatory answers relative to  
12 their defenses and counterclaims? Has he done that?

13 That's one of those -- I'll just give you a hint  
14 here. That's one of those yes or no questions.

15 MR. BUTLER: To my best information, he has.

16 THE COURT: That's what you're going to represent to  
17 the Court today? You may want to talk to your paralegal about  
18 that before you do that. Do you want to consult with him to  
19 make sure that's correct? Yeah, I would. I think I would.

20 (Discussion between Mr. Butler and Mr. Prosser.)

21 MR. BUTLER: My best information is that --

22 THE COURT: Hold on a second. You're the attorney  
23 for the case. You're the only one that can produce discovery  
24 to them and respond to interrogatories and review and sign off  
25 on them. So it's not "best information." It's what you --

1 it's what you're representing to me right now as an officer of  
2 the court. That's where we are.

3 MR. BUTLER: We produced 486 pages.

4 THE COURT: You are avoiding my question, and I'm  
5 getting mad.

6 MR. BUTLER: I'm sorry. I apologize.

7 THE COURT: You know what the question is. Answer  
8 the question. You're an officer of the court.

9 MR. BUTLER: If I understand, the question is,  
10 Mr. Human, has he responded --

11 THE COURT: You've seen their motion to compel.  
12 What are you asking for? Go ahead. Tell us,  
13 counsel.

14 MR. TEREPKA: Mr. Human has not even produced his  
15 cell phone bill.

16 THE COURT: Has he produced his cell phone bill?

17 MR. BUTLER: There is no bill that we have. It is a  
18 pay-by-the-month kind of phone. It is set up where --

19 THE COURT: I really think that -- I'm really  
20 getting concerned I should call the U.S. Attorney's office here  
21 to hear this proceeding.

22 So you're representing that there's no bill?

23 MR. BUTLER: The credit card reflects that he makes  
24 a payment to this company every month. They send him --

25 THE COURT: So he uses a burner phone for all this

1 activity? That's what you're saying?

2 MR. BUTLER: I don't know. I would say I'm probably  
3 approaching a description of that, yes.

4 MR. TEREPKA: Your Honor, if I may briefly, his  
5 production shows that his cell provider is Straight Talk  
6 wireless, a Verizon affiliate. He has a cell phone bill, and  
7 he's been paying Straight Talk month after month. There is a  
8 bill or an account statement with someone's name on it that he  
9 hasn't produced.

10 THE COURT: what are you saying to that? Because  
11 I'm kind of in agreement with them. what are you saying to  
12 that?

13 MR. BUTLER: I would agree that --

14 THE COURT: where's the bill then? why hasn't that  
15 been produced? And if it hasn't been produced, why haven't you  
16 withdrawn? And why have you continued -- is that because of  
17 the 70 lawsuits that he's used this bill in? I think the whole  
18 thing you guys need to come to the realization of is that these  
19 guys are on you and I'm on you. So this isn't going to go away  
20 with dancing and dodging.

21 where's the bill? You're ordered to produce the  
22 bill. You heard that, sir, right, Mr. Butler? Did you hear  
23 that?

24 MR. BUTLER: (Attorney moved head from side to  
25 side.)

1 THE COURT: You didn't hear that I said you're  
2 ordered -- it's ordered that the bill be produced?

3 MR. BUTLER: Yes, sir. I got that.

4 THE COURT: Mr. Human, did you hear that?

5 MR. HUMAN: I did, sir.

6 MR. BUTLER: Immediately following that I didn't  
7 hear.

8 THE COURT: I said produce the bill.

9 MR. BUTLER: Oh, I got that, Judge.

10 THE COURT: so there is a bill, isn't there?

11 MR. BUTLER: Not that I know of.

12 THE COURT: well, do you know what's going to happen  
13 if they do a subpoena and get that from the provider?

14 MR. PROSSER: They've already done that.

15 THE COURT: what's that? why are you even raising  
16 your voice? You're not even allowed to talk here.

17 MR. PROSSER: I humbly apologize.

18 THE COURT: In fact, go sit in the back.

19 MR. PROSSER: I humbly apologize, Your Honor.

20 THE COURT: Go to the back.

21 You're representing to the Court, then, that through  
22 your due diligence and investigation as an officer of the court  
23 that there's no bill associated with the cell phone number at  
24 issue with their discovery request? That's your representation  
25 to the Court? I want you to be very careful here, Mr. Butler.

1           **MR. BUTLER:** Judge, based on all --

2           **THE COURT:** What's your investigation into that?  
3 what have you done to -- if you're going to stick with that,  
4 what have you done?

5           **MR. BUTLER:** A thorough questioning of Mr. Human and  
6 I think that Mr. Prosser made many calls to the organization  
7 that -- looking for the bill, and nothing was produced.

8           **THE COURT:** All right. What else are you asking  
9 for?

10           **MR. TEREPKA:** Another crucial category of documents  
11 are communications between Mr. Human and other targets of his  
12 lawsuits that will show a pattern of defendants and targets  
13 responding you consented, we have consent for your number. Not  
14 a single communication with another target of his scheme has  
15 been produced.

16           **THE COURT:** Did you inquire, Mr. Butler, with your  
17 client?

18           **MR. BUTLER:** Oh, I absolutely did.

19           **THE COURT:** And there's nothing there either; is  
20 that what you're saying?

21           **MR. BUTLER:** Nothing. And quite frankly, you know,  
22 a good thorough reading of what counsel wrote, you know,  
23 basically, he is saying that he believes that there's fraud  
24 there. He believes that --

25           **THE COURT:** I'm not entertaining that. I'm

1 entertaining these discovery requests. So it's your  
2 representation to this Court --

3 MR. BUTLER: I don't have anything to produce in  
4 that regard.

5 THE COURT: okay. What else?

6 MR. TEREPKA: Documents and interrogatory responses  
7 that will show Mr. Human's internet service provider, which is  
8 a key piece of information for subpoenas. That's simple.

9 THE COURT: why haven't you provided the internet  
10 service provider, Mr. Butler?

11 MR. BUTLER: I believe that we gave the internet  
12 service provider through this Straight Talk, a website, and  
13 those are the people that, you know, he got the phone from.  
14 Those are the people that he pays.

15 THE COURT: That's cellular. I'm talking about  
16 internet service provider.

17 Is it your claim he doesn't have an internet service  
18 provider?

19 MR. BUTLER: Judge, that's what I've been made to  
20 understand.

21 MR. TEREPKA: Your Honor, that's not what his  
22 interrogatory responses said. They just didn't respond.

23 THE COURT: what did his interrogatory responses  
24 say?

25 MR. TEREPKA: I can find them quickly. But all of

1 his interrogatory responses had irrelevant information,  
2 starting with sentences like "I'm a 68-year-old man on Social  
3 Security."

4 **THE COURT:** Yeah, I saw a lot of that.

5 so have you ever answered the question is there an  
6 internet service provider?

7 **MR. BUTLER:** You know, my recollection, Judge, is  
8 that we said that there was not. I -- I -- I would, you know,  
9 beg the court's indulgence.

10 **THE COURT:** I'll tell you what's frustrating to me  
11 as a federal judge sitting in federal court too is, in a motion  
12 to compel that's directly dealing with these topics, you're  
13 straining your recollection to even understand what you  
14 responded to.

15 Did you prepare for this?

16 **MR. BUTLER:** Yes, sir.

17 **THE COURT:** And so you don't know what you said,  
18 whether there's an internet provider or not? As you stand  
19 here, you don't know the answer to that question?

20 **MR. BUTLER:** I can only -- what I believe is that  
21 the answer was no.

22 **MR. TEREPKA:** Your Honor, even his emails about his  
23 desktop computer, which concede that he used it to communicate  
24 with our law office about cases, shows that he has an internet  
25 service provider.

1 MR. BUTLER: I don't have any dispute with counsel's  
2 representation.

3 THE COURT: so there is an internet service  
4 provider? You're in agreement on that?

5 MR. BUTLER: I accept what they're saying. I have  
6 not found it.

7 THE COURT: All right. What else is outstanding?

8 MR. TEREPKA: Additional settlement agreements, we  
9 asked for those. Mr. Human --

10 THE COURT: He told you to look them up on Case.net.  
11 That's what he said. Where are those settlement agreements?  
12 Mr. Butler, where are the settlement agreements? You have  
13 those maybe or Mr. Human does. There's none of those?

14 MR. BUTLER: The joint settlement agreement --

15 THE COURT: How many times have you represented  
16 Mr. Human in these types of cases?

17 MR. BUTLER: 15 or 20.

18 THE COURT: Okay. so did you -- when it was  
19 requested for the settlement -- did all those cases settle?

20 MR. BUTLER: Yes, sir.

21 THE COURT: so when you were requested, as part of  
22 this litigation, as an officer of the court, to provide those  
23 settlement agreements, why haven't they been provided?

24 MR. BUTLER: well, Judge, I delegated that to --

25 THE COURT: You better be careful here.

1 MR. BUTLER: Yes, sir. And I --

2 THE COURT: I want the answer to the question. Who  
3 did you delegate it to, then? Another officer of the court?

4 MR. BUTLER: No, sir. It would be to Mr. Human and  
5 Mr. Prosser. I -- I do believe that I could come up with more  
6 of those, and I will.

7 THE COURT: what else?

8 MR. TEREPKA: We asked for communications showing  
9 anything addressed to Veronica Moreno or the email address  
10 associated with that name. We uncovered in the device  
11 inspection many text messages addressed to that person and  
12 other aliases. It is very likely there are emails in  
13 Mr. Human's possession addressed to this person that have not  
14 been produced.

15 THE COURT: what's your answer to that?

16 MR. BUTLER: I know of no emails like that.

17 THE COURT: Do you know of it in the same way you  
18 just -- did you "delegate," quote, knowing about that, or did  
19 you actually inquire -- did you inquire with your client about  
20 it? Did you conduct any examination or investigation of that  
21 issue?

22 MR. BUTLER: I inquired at great length, and I did  
23 not investigate the actual phone.

24 THE COURT: okay. Is it fair to say that everything  
25 that you've represented to this Court in this matter as well as

1 to opposing counsel is strictly based on whatever Mr. Human  
2 told you? Is that it -- is that true?

3 **MR. BUTLER:** well, I would say, Judge, that a  
4 significant portion of it.

5 **THE COURT:** okay. What did you independently  
6 provide to this Court, then? I'll ask it another way. What is  
7 outside of that significant portion?

8 **MR. BUTLER:** Mr. Human would bring his phone in, and  
9 he would show me the texts that arrived from unsolicited  
10 sources. He would bring in his proof of being on the no call  
11 list for the national registry and the no call list for  
12 Missouri. He would bring in the screenshots of the people who  
13 were contacting him. He has some recordings that indicated  
14 that he had told them that he was on these lists and that they  
15 should not continue. And then he showed me where they in fact  
16 continued. Those are the kinds of things that I would have  
17 probably investigated beyond just quizzing him very closely.

18 **THE COURT:** what else are you looking for?

19 **MR. TEREPKA:** We requested his internet search --  
20 his internet history on key dates in question, key time periods  
21 in question. But that may no longer exist anymore because the  
22 desktop computer has been destroyed.

23 **THE COURT:** what else?

24 **MR. TEREPKA:** We have hit the highlights, Your  
25 Honor.

1 THE COURT: Okay. What else do you want to say?

2 MR. BUTLER: May I have a minute, Judge, to look  
3 through my notes?

4 THE COURT: Sure. Take your time.

5 MR. BUTLER: Judge, when Fisher is complaining  
6 about, you know, not getting supplemental discovery, you know,  
7 basically, Mr. Human has turned over everything that he has.  
8 In fact, some of the discovery that was just turned over within  
9 the last day would show, you know, the Smart Asset use of the  
10 subpoena has uncovered six other names, one in Saskatchewan,  
11 Canada, and another in northern California. None of the six  
12 would ever lead to Mr. Human. Though, you know, when  
13 questioned over and over again -- and like I said, Judge, they  
14 have said 185 times -- I did take the time to count that --  
15 that they have, you know, written permission to contact him. I  
16 can't get any -- any response to that.

17 THE COURT: You're free to ask me for anything you  
18 want in terms of their discovery. You understand that, right?  
19 How long have you been a lawyer?

20 MR. BUTLER: Forever.

21 THE COURT: Okay.

22 MR. BUTLER: Judge, 42 years.

23 THE COURT: Well, use that experience if you want to  
24 complain about their discovery. You can ask me. There's a  
25 mechanism for that. But that's not what we're talking about

1 here today.

2 MR. BUTLER: Thank you, Judge. I do understand  
3 that, and I am -- you know, any confusion on --

4 THE COURT: There's no confusion here. There's no  
5 confusion on my part. This is outrageous behavior on your  
6 part. It's outrageous behavior on Mr. Human's part.

7 But I want to make sure you're able to say whatever  
8 you want to say. Is there anything else you'd like to say?

9 MR. BUTLER: Well, Judge, I was not in agreement  
10 with, you know, several things that have happened.

11 THE COURT: what does that mean? what happened?  
12 when, where, who, what, why, how? what are you talking about?

13 MR. BUTLER: Filing the dismissal, filing the  
14 appeal, filing the --

15 THE COURT: wait. You weren't in agreement with  
16 doing that?

17 MR. BUTLER: I -- I took a position where I would  
18 argue against it, yes.

19 THE COURT: wait. Are you talking about what you're  
20 saying to your own client? Is that what you mean? You did  
21 file those motions with me, right?

22 MR. BUTLER: (Attorney moved head up and down.)

23 THE COURT: Correct?

24 MR. BUTLER: Yes, sir.

25 THE COURT: And you signed those, right?

1 MR. BUTLER: Yes, sir.

2 THE COURT: And you appealed it to the Eighth  
3 circuit, right?

4 MR. BUTLER: (Attorney moved head up and down.)

5 THE COURT: I can't hear you.

6 MR. BUTLER: Yes, sir.

7 THE COURT: All right. And you -- with your  
8 42 years of experience, you understand you're responsible for  
9 anything submitted to the court, correct?

10 MR. BUTLER: Yes.

11 THE COURT: Do you remember the Missouri bar?

12 MR. BUTLER: Yes.

13 THE COURT: Okay. So I don't know that I want to go  
14 into your attorney-client any more than you have, but there's  
15 major problems here on your side, major problems, for you as an  
16 attorney, for your client as a litigant. There's major  
17 problems here. I don't know how we got here, but we're not in  
18 a good place.

19 But I'll let you finish. Go ahead if you have  
20 anything else.

21 MR. BUTLER: Judge, what I have remaining would be  
22 fairly repetitious of some of the things we've already gone  
23 over and you've directly responded to. So I would leave it at  
24 that.

25 THE COURT: okay. All right. Let me make sure,

1 then.

2 You can take your seat, sir, whenever you're  
3 comfortable doing that.

4 Let me make sure, then. I'm going to submit a  
5 written order following this hearing, but I want to be -- want  
6 to indicate to the parties how I'm going to rule.

7 So I want to make sure I have the listing of all the  
8 things you'd like to -- let's see. I'm on Doc 66, page 8.  
9 First thing is Mr. Human should be compelled to produce  
10 documents including interrogatory answers relevant to Fisher's  
11 defenses and counterclaims.

12 That's request number 1, correct?

13 **MR. TEREPKA:** Yes, Your Honor. Although if I may  
14 briefly address the relief requested.

15 Your Honor mentioned that Fisher has a counterclaim  
16 and we may see more evidence in connection with that, but given  
17 the clear record of what has been destroyed and not produced,  
18 in violations of the Court's order, Fisher requests that the  
19 Court strike Mr. Human's pleadings --

20 **THE COURT:** I'll get to that. I just want to make  
21 sure that what you -- if you want -- if I strike their  
22 pleadings, you don't want these things; is that what you're  
23 saying?

24 **MR. TEREPKA:** If the Court strikes the pleadings,  
25 correct, that would moot the motion to compel aspect.

1           **THE COURT:** Okay. I got you. So I am going to  
2 issue an order. I am going to strike the defendant's pleadings  
3 in this case, both as to the -- his actions, Plaintiff, and as  
4 to his answers and responses to your counterclaim, okay?  
5 They're going to be stricken, and I'll issue a written order to  
6 that effect.

7           **MR. TEREPKA:** Understood, Your Honor.

8           **THE COURT:** What else do you want?

9           **MR. TEREPKA:** Monetary sanctions.

10          **THE COURT:** And you're going to give me additional  
11 evidence on that?

12          **MR. TEREPKA:** Yes, Your Honor. May we have 14 days?  
13 We can be faster.

14          **THE COURT:** I think -- I mean, I think we're just  
15 going to be wasting more time. I'll give you until -- I'll  
16 give you 5 days to do it.

17          **MR. TEREPKA:** Understood, Your Honor.

18          **THE COURT:** I want 5 days. I'll give you -- how  
19 much time do you want to respond if you take any -- I intend to  
20 award monetary amounts.

21          **MR. BUTLER:** I would ask for the same 14 days, but  
22 if 5 is what you're giving --

23          **THE COURT:** 5 and 5.

24          **MR. BUTLER:** I'll take it.

25          **THE COURT:** 5 days to submit, 5 days to respond,

1 okay?

2 MR. BUTLER: I'll take it.

3 THE COURT: okay. What else? And then you're going  
4 to respond to the additional -- they're asking for -- they're  
5 asking for additional money related to the hearing, right?

6 MR. TEREPKA: For this hearing, Your Honor, and for  
7 the January 22 hearing. That's teed up in a separate motion.

8 THE COURT: He has until April 12 to respond to  
9 that, right?

10 MR. TEREPKA: Yes, Your Honor.

11 THE COURT: All right. I'm also going to order you,  
12 Mr. Butler, on that same date, April -- is it 12th or 11th?  
13 I'm sorry.

14 MR. GULETZ: 12th.

15 THE COURT: April 12.

16 I'm ordering you to show cause why there shouldn't  
17 be further sanctions issued by this Court pursuant to Rule 11,  
18 all right? You need to show cause why given the record in this  
19 case, the papers, that that's not appropriate. You can have 5  
20 days to respond to that as well.

21 MR. TEREPKA: Understood.

22 THE COURT: I'll schedule a hearing for that.

23 MR. BUTLER: Is that personal to myself or is  
24 that --

25 THE COURT: It's personal to yourself and Mr. Human.

1 It's another avenue the Court has to address what it currently  
2 views as unethical conduct and misrepresentations to the Court.  
3 They get to go forward with their fraud case.

4 Oh, the deposition, I'm ordering the deposition.

5 MR. TEREPKA: With respect to that, Your Honor,  
6 because the Court has stricken Mr. Human's pleadings in  
7 response to the counterclaim, as the Court ordered in the *Pasch*  
8 *v. OnDoc* case that Your Honor ordered, Mr. Fisher can seek a  
9 default judgment and proceed straight to damages.

10 THE COURT: You don't want to depose him on damages?

11 MR. TEREPKA: We would like to depose him on  
12 damages, Your Honor.

13 THE COURT: That's what I thought. That's what I'm  
14 saying. So I'm going to order him to sit for a deposition  
15 relative to damages.

16 Do you want to set a date now? I'll give you that  
17 date if you want to set a date.

18 MR. TEREPKA: May I have one moment?

19 THE COURT: Sure.

20 MR. TEREPKA: Thank you, Your Honor.

21 MR. BUTLER: Judge --

22 THE COURT: Hold on a second. I'm not cutting you  
23 off in that way. I'm just letting them answer. Then I'll let  
24 you say whatever you want, sir.

25 MR. TEREPKA: Your Honor, I have many previous

1 commitments in April including --

2 THE COURT: Pick your date. You don't have to --  
3 I'm not -- it doesn't matter to me. It's your case.

4 MR. TEREPKA: May 9, Your Honor.

5 THE COURT: okay. You're going to -- you're in  
6 St. Louis, right?

7 MR. HUMAN: Yes, Your Honor.

8 THE COURT: okay. So where do you want to do the  
9 depo? If you want to do it in this building, you can. If you  
10 want to do it at Thompson Coburn, you can do it there.

11 what do you want to do?

12 MR. TEREPKA: We'll do it at Thompson Coburn's  
13 offices, Your Honor.

14 THE COURT: All right. You need to issue a notice,  
15 but you're going to be ordered to appear for a deposition May 9  
16 at a mutually agreeable time at Thompson Coburn law firm  
17 downtown St. Louis.

18 Do you understand that, sir?

19 MR. HUMAN: I do.

20 THE COURT: Do you understand that, Mr. Butler?

21 MR. BUTLER: Yes.

22 THE COURT: okay. What else?

23 MR. TEREPKA: I'm considering whether additional  
24 document discovery may be relevant to damages.

25 THE COURT: You're allowed to -- you certainly can

1 issue document discovery if we need to amend the case  
2 management order to accommodate that. You can work with  
3 Mr. Butler on that. If you can't come to an agreement, submit  
4 a proposal to me.

5 MR. TEREPKA: Understood, Your Honor.

6 THE COURT: okay. What else?

7 MR. TEREPKA: I think that does it.

8 THE COURT: All right. Mr. Butler, I cut you off.  
9 Go ahead. What were you going to say, sir?

10 MR. BUTLER: Your Honor, in light of this particular  
11 hearing, I -- you know, I would -- I think the Court has heard  
12 without it being said that some of this has been a struggle,  
13 and I'm not sure of my effectiveness for Mr. Human at this  
14 point. Wondering if the Court would entertain my motion to  
15 withdraw.

16 THE COURT: You can file a written motion to  
17 withdraw if you'd like, but I'm not going to allow you to  
18 withdraw prior to you responding to the show cause. I'm not  
19 going to allow you to withdraw prior to the May 9 deposition.  
20 But so --

21 MR. BUTLER: Yes, sir. Okay.

22 THE COURT: I'll take it up at some point but not  
23 today.

24 MR. BUTLER: Yes, sir.

25 THE COURT: okay.

1                   **MR. BUTLER:** Yeah.

2                   **THE COURT:** Anything else?

3                   **MR. TEREPKA:** Nothing further. Thank you, Your  
4 Honor.

5                   **THE COURT:** Anything else? Do you have any  
6 questions?

7                   **MR. BUTLER:** No, Judge. Thanks for the opportunity.

8                   **THE COURT:** okay. We're in temporary recess. Thank  
9 you.

10                   **(Off the record at 2:18 p.m.)**

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CERTIFICATE

I, Pamela Harrison, Registered Professional Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 46 inclusive and was delivered electronically and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, 9th of April, 2025.

/s/ Pamela Harrison  
Pamela Harrison, RMR, CRR, CRC, CCR, CSR  
Official Court Reporter