

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SIMAITE, : CV-03-4928
: :
Plaintiff, : U.S. Courthouse
: Brooklyn, New York
v. :
BUREAU OF CITIZENSHIP AND :
IMMIGRATION SERVICES, et al., : TRANSCRIPT OF PROCEEDINGS
: :
Defendants. : October 1, 2003
-----X 3:00 p.m.

BEFORE:

HONORABLE DAVID G. TRAGER, U.S.D.J.

APPEARANCES:

For the Plaintiff: MARY E. DELLI-PIZZI, ESQ.

For the Defendant: STEVE KIM,
Assistant U.S. Attorney

Court Reporter: Mickey Brymer, RPR
Official Court Reporter
225 Cadman Plaza East
Brooklyn, New York 11201
(718) 260-2439

Proceedings recorded by mechanical stenography.
Transcript produced by computer-aided transcription.

1 THE COURT: Any luck?

2 MR. KIM: Not ultimately, your Honor. I was able to
3 reach one person.

4 THE COURT: A person?

5 MR. KIM: An actual person who only gave me her first
6 name in their litigation office and I called her and she said
7 that I could speak with the general counsel, but only from a
8 secure phone and, so, it took me awhile to, first to find a
9 secure phone and, secondly, how to operate it, and then for an
10 hour I proceeded to call her back, but I kept getting voice
11 mail. I left several messages. I called right before I came
12 here, so ultimately I was not able to speak with the General
13 Counsel's Office and she was not inclined to give me any
14 information.

15 THE COURT: You were or were not able to?

16 MR. KIM: Not able to.

17 THE COURT: Speak to her?

18 MR. KIM: I was able to speak to her, but she
19 basically said I had to speak with the General Counsel because
20 she would not give me any information.

21 THE COURT: All right. So, then, what happened --
22 why don't we give it a day? It doesn't really matter at this
23 point, does it?

24 MS. DELLI-PIZZI: My only concern, your Honor, is
25 that, you know, some visas become available and they start

1 taking names off the wait list. My client isn't on the wait
2 list as of right now.

3 THE COURT: Okay.

4 I tell you what, if we don't get an answer then
5 tomorrow I'll enter an order modifying, directing the CIA to
6 do the name check and put it on the list and, then, if they're
7 not cooperative, you can tell them a District Judge, if they
8 want to be held in contempt --

9 MR. KIM: I did in fact tell them that the Court was
10 about to issue an order.

11 THE COURT: Okay. Let's see. Look, I'm not looking
12 for a confrontation, I'm looking to try to achieve a goal
13 here, and let's see if maybe the counsel will call you back
14 and maybe she can tell some aide to go check the names so when
15 she calls you back you will have an answer and that will take
16 care of it. If you don't hear, I've got a meeting from eight
17 to ten in the morning, so if you come, I guess at 11:15, all
18 right. Why don't you just prepare an order in the form that I
19 was talking about, I'll give you a copy of this, but modify it
20 to make it clear, as directed only to the CIA. I'll give
21 both. It is no secret. It is a public document.

22 MR. KIM: Okay. Thank you very much.

23 (Proceedings concluded.)

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