1 THE COURT: Thank you, ma'am. You may return
2 to the plaintiff's counsel table.
3 (The witness stood aside.)
4
5 THE COURT: Your next witness, Mr. Marrs?
6 MR. MARRS: Plaintiffs rest. Your Honor.
7 (Plaintiffs rest.)
8
9 THE COURT: All right. Mr. Anthony, how many
10 witnesses do you have?
11 MR. ANTHONY: Just one, Your Honor.
12 THE COURT: And how long do you think that
13 witness will take?
14 MR. ANTHONY: I would say 30 to 45 minutes.
15 THE COURT: Is that your expert?
16 MR. ANTHONY: Yes, ma'am.
17 THE COURT: Is he here?
18 MR. ANTHONY: He is. However you want to
19 entertain this, Judge, I had planned on raising a motion
20 to strike. You know, I can raise it and we can have the
21 expert, or we can have the expert and then I can do it.
22 It's doesn't matter.
23 THE COURT: I guess your motion to strike
24 should come before your expert.
25 MR. ANTHONY: It's just for the reasons -- I'm

1 not going to take a long time here, Judge. We've gone
2 through that in pretty good detail in our papers. And,
3 again, there are really two things here.
4 As I understand it from Mr. Marrs' testimony
5 and as I understand it to be the case, we have five
6 claims that are against AME. And as I understand it,
7 they're not pursuing Count III, and as I understand it,
8 they're not pursuing Count V, so we're left with three
9 claims. And one of them is a breach of contract claim,
10 one of them is an actual fraud claim, and one of them is
11 a conspiracy claim.
12 For the reasons that we stated in our papers --
13 again, we're here on a default situation and we've had a
14 lot of chatter about that and we have articulated the
15 standard there. I have a respectful disagreement with
16 Mr. Marrs. Mr. Marrs wants to sort of say we're all
17 done; not only do we get default, we get judgment, and we
18 get it in the amount we say. That's not the law.
19 The law requires the underlying claim as is
20 pled to state a cause of action upon which relief can be
21 granted. And for the Court to grant an order to the
22 contrary, that creates a void judgment because, not
23 surprisingly, that's your role, is to serve as the
24 gatekeeper to make sure that there is not some type of
25 claim, damage, et cetera, that passes muster simply