

Exhibit R-2

October 7, 2009 Hearing #2 - Second Transcript

Capital Reporting Company

██████████ v. Holder - DOJ CDOIL 10-07-2009

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DEPARTMENT OF JUSTICE, CIVIL DIVISION, OFFICE OF
IMMIGRATION LITIGATION

----- :
██████████ :
██████████ Petitioner, :
v. : Case No. ██████████
ERIC HOLDER, et al., :
Respondent. :
----- :

Atlanta, Georgia
Wednesday, October 7, 2009

The following pages constitute the proceedings held in the above-captioned matter before the HONORABLE WILLIAM A. CASSIDY, held at the Department of Justice, Civil Division, Office of Immigration Litigation, 180 Spring Street, SW, Suite 421, Atlanta, GA 30303.

Capital Reporting Company

[REDACTED] v. Holder - DOJ CDOIL 10-07-2009

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P R O C E E D I N G S

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THE COURT: [REDACTED]

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Capital Reporting Company

 v. Holder - DOJ CDOIL 10-07-2009

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Capital Reporting Company
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██████████ v. Holder - DOJ CDOIL 10-07-2009

5

1 ██████████.

2 Otherwise, I would have to issue an --
3 yes, sir. I'm sorry. Go ahead.

4 MR. ██████████: How many days would
5 I have to come up with the money?

6 THE COURT: I'll give you 30 days. And
7 you would not leave under an order --

8 MR. ██████████: Is there --

9 THE COURT: Then you would not leave
10 under an order of removal. You would leave under
11 a voluntary departure grant.

12 MR. ██████████: Okay.

13 THE COURT: Would you like that, sir?

14 MR. ██████████: Yes. I would try to
15 come up with the money.

16 THE COURT: All right. Government, do
17 you have any objection to voluntary departure?

18 MR. CACAVIO: No, sir.

19 THE COURT: All right. The Respondent
20 has requested the minimum form of relief for
21 voluntary departure. Accordingly, the
22 Respondent's hereby ordered -- granted voluntary

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██████████ v. Holder - DOJ CDOIL 10-07-2009

6

1 departure in lieu of an order of deportation on or
2 before November 6th, 2009, provided that within
3 these 30 days, he provided the government with the
4 full (inaudible) unrestricted airline ticket, no
5 date, and documentation that would allow him to
6 enter the country to which he is departed.

7 Failure to comply with these conditions
8 or otherwise interfere with this orderly departure
9 will result in an order of removal to ██████████,
10 country of nativity and citizenship on the charges
11 contained in the notice to appear.

12 Sir, do you understand that this -- I've
13 listened to your hearing and I've heard what
14 you've had to say. Unfortunately, I did not find
15 that it met the standard necessary for me to grant
16 you the protection of the United States. And as
17 such, I've issued an order granting you the right
18 to depart voluntarily.

19 If you accept it as final, it will be
20 final today. However, you still have a right to
21 think about it or if you wish to challenge this
22 decision, that is certainly your right. If you

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██████████ v. Holder - DOJ CDOIL 10-07-2009

7

1 accept it as final, it will be final today as soon
2 as you purchase your airline ticket within that
3 period of time. The government will make best
4 effort to return you to ██████████ and you will leave
5 without an order of removal.

6 MR. ██████████: Okay. I have a
7 question if you --

8 THE COURT: Yes, sir.

9 MR. ██████████: Will I be able to
10 challenge the decision after taking the voluntary
11 departure as of today?

12 THE COURT: Yes, you may. Yes, you may.

13 MR. ██████████: Okay.

14 THE COURT: However, you -- just so that
15 we --

16 MR. ██████████: The --

17 THE COURT: No, just a minute. Let me
18 explain. Let me explain.

19 MR. ██████████: Go ahead. Go ahead,
20 sir. Sorry. I'm sorry. Go ahead.

21 THE COURT: No, no, no. Okay. I don't
22 want any misunderstanding. All right. You can

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██████████ v. Holder - DOJ CDOIL 10-07-2009

8

1 challenge any decision, even the grant of
2 voluntary departure. And you have 30 days to file
3 that appeal. That appeal will be reviewed by the
4 Board of Immigration Appeals. However, you will
5 remain detained until that matter is reviewed by
6 the Board of Immigration Appeals.

7 Now, if you accept voluntary departure
8 as final today, it will be final today. You
9 purchase your ticket. Then you will be allowed to
10 return to India without an order of removal. If
11 you wish to challenge the decision and want this
12 matter reviewed by the Board of Immigration
13 Appeals, you'll have 30 days to file that appeal.

14 The Board will then review this matter
15 and try to get a decision back to you after
16 reviewing the transcript of this recorded session.

17 MR. ██████████: Okay.

18 THE COURT: Tell me what you would
19 prefer, sir.

20 MR. ██████████: Yes. I would take a
21 voluntary departure.

22 THE COURT: Okay. Is that a final

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██████████ v. Holder - DOJ CDOIL 10-07-2009

9

1 decision?

2 MR. ██████████: Yes, sir.

3 THE COURT: All right. Government, is
4 it final for you?

5 MALE SPEAKER 1: Yes, sir. Could we
6 just clarify, does he intend to challenge this
7 decision at all?

8 THE COURT: Okay. All right. Sir, I
9 think the Government's point is made. I don't
10 want to rush through this. Do you wish to accept
11 my decision denying your request for the
12 protection of the United States and granting you a
13 voluntary departure?

14 MR. ██████████: So I'm sorry. I
15 just wanted to make sure that I'm accepting that I
16 do not have any further right to challenge the
17 decision?

18 THE COURT: No, that's not what I said.
19 Okay. I want to make this clear. Thank you,
20 Government. That was an important point.

21 If you wish to challenge this decision,
22 I will reserve your right for appeal. You'll be

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██████████ v. Holder - DOJ CDOIL 10-07-2009

10

1 allowed to file an appeal with the Board of
2 Immigration Appeals. You'll have 30 days to
3 perfect that by filing that notice to appeal at
4 the Board of Immigration Appeals. This decision,
5 including the voluntary departure, will not become
6 effective until the matter is reviewed at the
7 Board of Immigration Appeals.

8 However, while that appeal is under
9 review, you will remain where you are. If,
10 however, you accept my denial of the protection of
11 the United States as final and the grant of
12 voluntary departure, you purchase your ticket, you
13 leave. And you'll leave without an order of
14 removal. If you challenge this decision, you will
15 -- if the Board upholds the decision, you will
16 still maintain the right of voluntary departure.
17 Okay.

18 But you'll have to remain until they
19 have an opportunity to obtain the transcripts,
20 review your motion on appeal, listen to the
21 Government's -- review the Government's documents
22 and things like that. Okay. There will be some -

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██████████ v. Holder - DOJ CDOIL 10-07-2009

11

1 - and that will take -- that won't be done
2 immediately. It'll be done as quickly as they
3 can. All right.

4 I can't give you any direct time period
5 because I'm not trying to influence you. The
6 Board is under guidance to try to review these
7 matters within six months. I can't be any more
8 specific than that.

9 MR. ██████████: So -- okay. I would
10 accept your decision and I would try to come up
11 with the money for voluntary departure.

12 THE COURT: All right. God bless you
13 and good luck. And I'm sorry this happened to
14 you, sir. I wish you the best.

15 Government, is it final for you?

16 MR. CACAVIO: Yes, sir.

17 THE COURT: All right. Thank you, sir.

18 MR. ██████████: I presented truth in
19 the best of the shape. If I'm not eligible for
20 having any relief, I will face my fate. And at
21 least I should thank you to give me a chance to at
22 least present myself and --

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██████████ v. Holder - DOJ CDOIL 10-07-2009

12

1 THE COURT: You're welcome. You're
2 welcome. And I'm sorry that they couldn't
3 reinstate your student status. That's why I kept
4 having Catholic Charities talk to you over and
5 over again and that's why I was very generous with
6 the time. Okay.

7 MR. ██████████: Yeah.

8 THE COURT: Now, if there -- if you can
9 convince them to allow you to return in the
10 student status in the future, you certainly would
11 be welcome again. Okay?

12 MR. ██████████: Yes, sir. I have
13 one more question.

14 THE COURT: Yes, sir.

15 MR. ██████████: The charges that
16 were pressed against me, I was not allowed to
17 appear in the court because if I was, those
18 charges would have been nullified and --

19 THE COURT: Okay. Well, I have no
20 indication that you have any convictions.

21 MR. ██████████: Okay. So if in
22 future I try to come back to student status -- I

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██████████ v. Holder - DOJ CDOIL 10-07-2009

13

1 do not see that as a possibility, but if God
2 permit I will have the ability to do that, will I
3 be stopped because I have those things in my
4 record?

5 THE COURT: No, sir. They would have to
6 have the conviction. And from my -- what I have
7 before me, that's not going to be an issue upon a
8 return because you were not convicted of those
9 charges.

10 MR. ██████████: Okay.

11 THE COURT: Okay.

12 MR. ██████████: So that --

13 THE COURT: The only issue -- I don't
14 want you to misunderstand and I want to give you a
15 full accounting -- you generally may not return
16 for ten years because you were illegally in the
17 United States for over a year. Once you violated
18 your student status -- let me -- let me just
19 check. Just -- I'm just trying to check the dates
20 for you. Okay. Hold on.

21 MR. ██████████: Yes, sir.

22 THE COURT: All right. 2008. You

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██████████ v. Holder - DOJ CDOIL 10-07-2009

14

1 know, I think -- well, 2008 -- the decision is --
2 is before that. That's less than -- less than a
3 year and he may just have a bar of three years; is
4 that correct, Tony?

5 MR. CACAVIO: Yes, sir.

6 THE COURT: All right. It appears you
7 only have a three-year bar for returning to the
8 United States. After that, if you are able to
9 obtain student status, you should be allowed to
10 return. Okay. Now, that decision is not mine.
11 That would be through one of the service centers
12 and through the US Consult or Embassy in ██████████
13 Okay, sir?

14 I do wish you the best of luck. And
15 again, I don't want you to think that I was not
16 sympathetic to what you've stated. And I know how
17 difficult that it was for you to relate that.

18 MR. ██████████: Well, sir, growing
19 up is sometimes hard to do but life does not
20 always give you good things. And I will go from
21 my experience then. I will try to make the best
22 of the rest of my life. It was a privilege to

Capital Reporting Company

██████████ v. Holder - DOJ CDOIL 10-07-2009

15

1 know you and I have seen you in different moods.

2 THE COURT: And we're all in different
3 moods. And I'm sorry if you felt that I was at
4 any time disrespectful to you. That was never my
5 intent.

6 MR. ██████████ : ██████████
██████████ . If it wasn't
8 for confinement, I wouldn't have received the
9 much-needed counseling and perhaps I would have
10 been in worse shape if I was outside with the same
11 disturbed mind. So I think everything happens for
12 a good reason. And --

13 THE COURT: Okay.

14 MR. ██████████ : -- I will just try
15 to make the best of it.

16 THE COURT: I hope you continue your
17 counseling and I do wish you the best of luck.
18 God bless you.

19 Thank you, Tony. God bless you too.

20 (Whereupon, the hearing in ██████████
21 ██████████ v. HOLDER was adjourned.)

22

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1 CERTIFICATE OF TRANSCRIPTION

2 I, MIRANDA PENNACHI, hereby certify that I am
3 not the Court Reporter who reported the following
4 proceeding and that I have typed the transcript of
5 this proceeding using the Court Reporter's notes
6 and recordings. The foregoing/attached transcript
7 is a true, correct, and complete transcription of
8 said proceeding.

9

10

11

1/16/2014
Date

Miranda Pennachi
MIRANDA PENNACHI
Transcriptionist

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Capital Reporting Company
██████████ v. Holder - DOJ CDOIL 10-07-2009
 Page 1

<p style="text-align: center;"><u>0</u></p> <p>089948526 1:4</p> <hr/> <p style="text-align: center;"><u>1</u></p> <p>1 9:5 101(43)(a) 4:1 101(a)(43) 2:21 180 1:10</p> <hr/> <p style="text-align: center;"><u>2</u></p> <p>2008 13:22 14:1 2009 1:7 6:2</p> <hr/> <p style="text-align: center;"><u>3</u></p> <p>30 5:6 6:3 8:2,13 10:2 30303 1:10</p> <hr/> <p style="text-align: center;"><u>4</u></p> <p>421 1:10</p> <hr/> <p style="text-align: center;"><u>6</u></p> <p>6th 6:2</p> <hr/> <p style="text-align: center;"><u>7</u></p> <p>7 1:7</p> <hr/> <p style="text-align: center;"><u>A</u></p> <p>ability 13:2 able 7:9 14:8 above-captioned 1:8 accept 6:19 7:1 8:7 9:10 10:10 11:10 accepting 2:8 9:15 Accordingly 5:21 accounting 13:15</p>	<p style="text-align: center;">██████████</p> <p>2:4,10 acting 2:5 activity 2:12,14 acts 2:15 addressed 4:10 adjourned 15:21 adopt 3:15 adopting 3:6 against 3:5 4:15 12:16 ahead 5:3 7:19,20 airline 6:4 7:2 al 1:4 alien 2:5 alleges 2:6 allow 6:5 12:9 allowed 8:9 10:1 12:16 14:9 am 16:2 American 3:7 anyone 3:5 appeal 8:3,13 9:22 10:1,3,8,20 Appeals 8:4,6,13 10:2,4,7 appear 6:11 12:17 appears 14:6 ██████████ 3:18 4:14 Atlanta 1:6,10 authority 2:16 awareness 2:11 away 3:14</p> <hr/> <p style="text-align: center;"><u>B</u></p>	<p>bar 14:3,7 based 3:20 4:11 become 3:14 10:5 becoming 3:6 behaving 3:7 benefit 4:16 best 3:11 7:3 11:14,19 14:14,21 15:15,17 bless 11:12 15:18,19 Board 8:4,6,12,14 10:1,4,7,15 11:6 breach 2:12</p> <hr/> <p style="text-align: center;"><u>C</u></p> <p>CACAVIO 5:18 11:16 14:5 capacity 2:5 Case 1:4 CASSIDY 1:9 Catholic 12:4 centers 14:11 certainly 6:22 12:10 CERTIFICATE 16:1 certify 16:2 challenge 6:21 7:10 8:1,11 9:6,16,21 10:14 chance 11:21 charges 6:10 12:15,18 13:9 Charities 12:4</p>	<p>check 13:19 child 2:19 citizenship 6:10 Civil 1:1,9 claims 3:1 clarify 9:6 clear 4:7 9:19 commencement 2:12 complete 16:7 comply 6:7 concerns 2:18 3:10 4:9 condition 15:7 conditions 6:7 conduct 2:9 confinement 15:8 consent 2:3 Consequently 2:14 constitute 1:8 Consult 14:12 contained 6:11 context 2:15 continue 15:16 ██████████ 4:15 convicted 13:8 conviction 13:6 convictions 12:20 convince 12:9 correct 14:4 16:7 counseling 3:9 15:9,17 country 6:6,10</p>
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Capital Reporting Company

██████████ v. Holder - DOJ CDOIL 10-07-2009

<p>country-wide 4:4</p> <p>court 2:2,17,19,20,22 3:3,10,16 4:9,11 5:6,9,13,16,19 7:8,12,14,17,21 8:18,22 9:3,8,18 11:12,17 12:1,8,14,17,19 13:5,11,13,22 14:6 15:2,13,16 16:3,5</p> <p>credibility 2:22</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>date 6:5 16:11</p> <p>dates 13:19</p> <p>days 5:4,6 6:3 8:2,13 10:2</p> <p>death 3:6</p> <p>decision 6:22 7:10 8:1,11,15 9:1,7,11,17,21 10:4,14,15 11:10 14:1,10</p> <p>definition 2:14,21 3:22</p> <p>demonstrate 2:7</p> <p>denial 10:10</p> <p>denying 9:11</p> <p>depart 6:18</p> <p>departed 6:6</p> <p>Department 1:1,9</p> <p>departure 4:17,20 5:11,17,21 6:1,8 7:11 8:2,7,21 9:13 10:5,12,16 11:11</p> <p>deportation 6:1</p>	<p>detained 8:5</p> <p>different 3:15 15:1,2</p> <p>difficult 14:17</p> <p>difficulties 4:10</p> <p>direct 11:4</p> <p>disrespectful 15:4</p> <p>disturbed 15:11</p> <p>Division 1:1,9</p> <p>documentation 3:9 6:5</p> <p>documents 10:21</p> <p>done 11:1,2</p> <p>door 4:22</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>effective 10:6</p> <p>effort 7:4</p> <p>either 4:14</p> <p>eligible 11:19</p> <p>Embassy 14:12</p> <p>enter 6:6</p> <p>ERIC 1:4</p> <p>established 3:19 4:2,6</p> <p>et 1:4</p> <p>events 3:1</p> <p>everything 15:11</p> <p>exception 3:17</p> <p>experience 14:21</p> <p>explain 7:18</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face 11:20</p> <p>Failure 6:7</p>	<p>families 3:11,12</p> <p>family 3:4,5,14</p> <p>fate 11:20 ██████████ 2:20 3:2,4 ██████████ 3:5 ██████████ 3:19</p> <p>felt 15:3</p> <p>file 8:2,13 10:1</p> <p>filing 3:18 10:3</p> <p>final 6:19,20 7:1 8:8,22 9:4 10:11 11:15</p> <p>foregoing/ attached 16:6</p> <p>form 5:20</p> <p>full 6:4 13:15</p> <p>funds 4:17,19</p> <p>future 5:1 12:10,22</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>GA 1:10</p> <p>generally 13:15</p> <p>generous 12:5</p> <p>Georgia 1:6</p> <p>God 11:12 13:1 15:18,19</p> <p>government 2:8 5:16 6:3 7:3 9:3,20 11:15</p> <p>governmental 2:7,16</p> <p>Government's 9:9 10:21</p> <p>grant 4:13 5:11 6:15 8:1 10:11</p>	<p>granted 5:22</p> <p>granting 4:20 6:17 9:12</p> <p>growing 14:18</p> <p>guidance 11:6</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hands 3:2</p> <p>happened 11:13</p> <p>happens 15:11</p> <p>happy 4:20</p> <p>hard 14:19</p> <p>having 11:20 12:4</p> <p>heard 6:13</p> <p>hearing 6:13 15:20</p> <p>he'd 4:7</p> <p>held 1:8,9</p> <p>hereby 5:22 16:2</p> <p>he's 3:22</p> <p>Hold 13:20</p> <p>HOLDER 1:4 15:21</p> <p>HONORABLE 1:9</p> <p>hope 15:16</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I'll 5:6</p> <p>illegally 13:16</p> <p>I'm 4:20 5:3 7:20 9:14,15 11:5,13,19 12:2 13:19 15:3</p> <p>immediately 11:2</p> <p>Immigration</p>
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Capital Reporting Company

██████████ v. Holder - DOJ CDOIL 10-07-2009

<p>1:1,10 8:4,6,12 10:2,4,7</p> <p>important 9:20</p> <p>inaudible 6:4</p> <p>includes 2:15</p> <p>including 10:5</p> <p>independent 3:15</p> <p>██████████ 4:8 6:9 7:4 8:10 14:12</p> <p>indicate 4:18</p> <p>indication 12:20</p> <p>inflicted 2:2</p> <p>influence 11:5</p> <p>instigation 2:3</p> <p>intend 9:6</p> <p>intent 15:5</p> <p>interfere 6:8</p> <p>intervene 2:13</p> <p>issue 4:20 5:2 13:7,13</p> <p>issued 6:17</p> <p>It'll 11:2</p> <p>I've 6:12,13,17</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>██████████ 1:2</p> <p>Justice 1:1,9</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>██████████ 1:2</p> <p>██████████ 1:2 5:4,8,12,14 7:6,9,13,16,19 8:17,20 9:2,14 11:9,18 12:7,12,15,21 13:10,12,21</p>	<p>14:18 15:6,14,20</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>late 3:17</p> <p>least 11:21,22</p> <p>leave 4:21,22 5:7,9,10 7:4 10:13</p> <p>legal 2:13</p> <p>less 14:2</p> <p>lieu 6:1</p> <p>life 14:19,22</p> <p>likelihood 2:6</p> <p>likely 4:3,5,7</p> <p>listen 10:20</p> <p>listened 6:13</p> <p>Litigation 1:1,10</p> <p>luck 11:13 14:14 15:17</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>maintain 10:16</p> <p>MALE 9:5</p> <p>matter 1:8 8:5,12,14 10:6</p> <p>matters 11:7</p> <p>may 3:12 4:21 7:12 13:15 14:3</p> <p>medical 3:9</p> <p>membership 3:21</p> <p>men 3:13</p> <p>met 2:21 3:22 4:12 6:15</p> <p>mind 15:11</p> <p>mine 14:10</p>	<p>minimum 5:20</p> <p>minute 7:17</p> <p>MIRANDA 16:2,11</p> <p>misunderstand 13:14</p> <p>misunderstandin g 7:22</p> <p>money 5:5,15 11:11</p> <p>months 11:7</p> <p>moods 15:1,3</p> <p>motion 10:20</p> <p>move 3:14</p> <p>myself 11:22</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>nationality 3:21</p> <p>nativity 6:10</p> <p>necessary 6:15</p> <p>non 2:6</p> <p>non- governmental 2:9</p> <p>notes 16:5</p> <p>notice 6:11 10:3</p> <p>November 6:2</p> <p>nullified 12:18</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>objection 5:17</p> <p>obtain 10:19 14:9</p> <p>occur 2:15 3:12</p> <p>October 1:7</p> <p>Office 1:1,9</p> <p>██████████ 2:4,5</p>	<p>██████████ 2:8</p> <p>██████████ 2:10</p> <p>oftentimes 3:13</p> <p>okay 5:12 7:6,13,21 8:17,22 9:8,19 10:17,22 11:9 12:6,11,19,21 13:10,11,20 14:10,13 15:13</p> <p>open 4:22</p> <p>opinion 3:22</p> <p>opportunity 10:19</p> <p>order 4:20 5:7,10 6:1,9,17 7:5 8:10 10:13</p> <p>ordered 5:22</p> <p>orderly 6:8</p> <p>otherwise 5:2 6:8</p> <p>outside 15:10</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>pages 1:8</p> <p>parents 2:19</p> <p>particularly 3:21</p> <p>passport 4:17</p> <p>past 2:18</p> <p>pay 4:17,19,21</p> <p>PENNACHI 16:2,11</p> <p>perfect 10:3</p> <p>perhaps 15:9</p> <p>period 7:3 11:4</p> <p>permit 13:2</p> <p>██████████ 3:20 4:4,5</p>
---	---	---	---

Capital Reporting Company
 ██████████ v. Holder - DOJ CDOIL 10-07-2009
 Page 4

<p>personal 2:18 persons 2:4 Petitioner 1:3 plausible 3:4 point 9:9,20 ██████████ 3:22 possibility 13:1 prefer 8:19 present 3:8 11:22 presented 3:3 11:18 pressed 12:16 prevent 2:13 prior 2:12 privilege 14:22 probability 4:7 problems 3:13 proceeding 16:4,5,8 proceedings 1:8 ██████████ 4:13 6:16 9:12 10:10 provided 6:2,3 ██████████ 15:7 public 2:4,10 purchase 7:2 8:9 10:12</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 2:22 7:7 12:13 quickly 11:2</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>██████████ 3:20</p>	<p>reason 4:8 15:12 received 15:8 record 4:18 13:4 recorded 8:16 recordings 16:6 ██████████ 2:21 4:1 regarding 2:18 3:1 reinstate 12:3 relate 14:17 relief 5:20 11:20 ██████████ 3:20 remain 8:5 10:9,18 removal 4:14 5:10 6:9 7:5 8:10 10:14 reported 16:3 Reporter 16:3 Reporter's 16:5 request 9:11 requested 5:20 required 4:13 requires 2:11 reserve 9:22 Respondent 1:5 3:8,17,18 4:2,6,10,16 5:19 Respondent's 2:18 5:22 responsibility 2:13 rest 14:22 result 6:9 return 4:3,8,22</p>	<p>7:4 8:10 12:9 13:8,15 14:10 returning 14:7 review 8:14 10:9,20,21 11:6 reviewed 8:3,5,12 10:6 reviewing 8:16 rush 9:10</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>seek 3:5,6 seen 15:1 service 14:11 session 8:16 shape 11:19 15:10 shown 4:2 sic 4:1 sir 4:18 5:3,13,18 6:12 7:8,20 8:19 9:2,5,8 11:14,16,17 12:12,14 13:5,21 14:5,13,18 six 11:7 social 3:21 sorry 5:3 7:20 9:14 11:13 12:2 15:3 sources 2:7 source's 2:9 SPEAKER 9:5 specific 11:8 Spring 1:10 standard 4:12 6:15</p>	<p>stated 14:16 States 4:14 6:16 9:12 10:11 13:17 14:8 status 12:3,10,22 13:18 14:9 stopped 13:3 Street 1:10 student 12:3,10,22 13:18 14:9 suffer 4:4,5 suffered 3:2 Suite 1:10 support 3:9 sure 9:15 SW 1:10 sympathetic 4:9 14:16</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>taking 7:10 talk 12:4 ten 13:16 testimony 3:4 4:12 ██████████ 1:3 5:4,8,12,14 7:6,9,13,16,19 8:17,20 9:2,14 11:9,18 12:7,12,15,21 13:10,12,21 14:18 15:6,14,21 thank 9:19 11:17,21 15:19 that's 9:18 12:3,5</p>
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Capital Reporting Company
██████████ v. Holder - DOJ CDOIL 10-07-2009
 Page 5

<p>13:7 14:2 three-year 14:7 ticket 6:4 7:2 8:9 10:12 today 6:20 7:1,11 8:8 Tony 14:4 15:19 ██████████ 2:2,6,11,14 4:15 ██████████ 4:8 ██████████ 2:9 transcript 8:16 16:4,6 transcription 16:1,7 Transcriptionist 16:12 transcripts 10:19 treatment 2:19 true 16:7 truth 11:18 try 5:14 8:15 11:6,10 12:22 14:21 15:14 trying 11:5 13:19 typed 16:4</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 3:10 6:12 understands 2:17 Unfortunately 6:14 United 4:13 6:16 9:12 10:11 13:17 14:8 unrestricted 6:4</p>	<p>upholds 10:15 upon 3:20 4:3,8,11 13:7</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>values 3:15 violated 13:17 voluntarily 6:18 voluntary 5:11,17,21,22 7:10 8:2,7,21 9:13 10:5,12,16 11:11</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wasn't 15:7 Wednesday 1:7 welcome 12:1,2,11 ██████████ 3:19 we're 15:2 Whereupon 15:20 willfully 2:8 WILLIAM 1:9 wish 6:21 8:11 9:10,21 11:14 14:14 15:17 ██████████ 4:14 worse 15:10</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>you'll 8:13 9:22 10:2,13,18 young 3:13 you've 6:14 14:16</p>		
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