

09:52:01

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RHONDA EZELL, et al.,
Plaintiffs,
v.

Case No. 1:10-cv-05135

Chicago, Illinois
August 24, 2010
Emergency Motion for TRO

CITY OF CHICAGO,
Defendant.

VOLUME 2
TRANSCRIPT OF EMERGENCY MOTION FOR TRO
BEFORE THE HONORABLE VIRGINIA M. KENDALL
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Gura & Possessky, PLLC
By: Alan Gura
101 N. Columbus St., Ste. 405
Alexandria, VA 22314
(703) 835-9085

- and -

Law Firm of David G. Sigale, P.C.
By: David G. Sigale
4300 Commerce Ct., Ste. 300-3
Lisle, IL 60532
(630) 452-4547

1
2 **APPEARANCES:**
3

4 For the Defendant: Chicago Corporation Counsel
5 By: Andrew W. Worseck, and
6 William M. Aguiar
7 30 N. LaSalle Street
8 Chicago, IL 60602
9 (312) 744-2784

10 **COURT REPORTER:** FEDERAL OFFICIAL COURT REPORTER
11 April M. Metzler, RPR, CRR, FCRR
12 219 South Dearborn St., Rm. 2318-A
13 Chicago, IL 60604
14 (312) 408-5154
15 April_Metzler@ilnd.uscourts.gov
16
17
18
19
20
21
22
23

24 Proceedings recorded by mechanical stenography; transcript
25 produced by notereading.

09:52:05 1 (Resumed at 9:52 a.m.)

09:52:05 2 THE CLERK: Case number 10C5135, Eze11 versus City of
09:52:17 3 Chicago.

09:52:17 4 MR. WORSECK: Good morning, your Honor. Andrew
09:52:19 5 Worseck for the City of Chicago.

09:52:20 6 THE COURT: Good morning.

09:52:21 7 MR. AGUIAR: Good morning, your Honor. William
09:52:22 8 Aguiar also for the City of Chicago.

09:52:24 9 THE COURT: Good morning.

09:52:24 10 MR. GURA: Good morning, your Honor. Alan Gura for
09:52:28 11 the plaintiffs.

09:52:28 12 THE COURT: Good morning.

09:52:28 13 MR. SIGALE: Good morning, your Honor. David Sigale
09:52:29 14 for the plaintiffs.

09:52:30 15 THE COURT: Okay. Good morning, folks.

09:52:31 16 So I spent the night reading Second Amendment cases,
09:52:34 17 very interesting, and I think we have, in my opinion, the most
09:52:41 18 important thing for us to look at is to determine what
09:52:43 19 standard we are going to use here.

09:52:46 20 And I know plaintiffs would like me to use the strict
09:52:50 21 scrutiny standard essentially saying that possession of a
09:52:53 22 firearm is so intricately related to shooting it at the firing
09:52:58 23 range that I should use the highest of the standards. The
09:53:02 24 City in response is saying -- I think I've heard two things --
09:53:04 25 I think rational basis in some regards or maybe an

09:53:08 1 intermediate scrutiny.

09:53:10 2 And so in looking at the cases that were presented to
09:53:12 3 me both orally and in the papers, I note that the plaintiffs'
09:53:19 4 position that strict scrutiny should apply is not supported in
09:53:24 5 any particular case as of yet. I think this issue as to
09:53:28 6 whether the use of a weapon in a particular location comes
09:53:32 7 from the core value of the Second Amendment, as defined in
09:53:37 8 McDonald and Heller, is not set forth in any other subsequent
09:53:41 9 case to that or in that case in particular.

09:53:43 10 I think that the cases that have looked at it
09:53:47 11 subsequent to those cases have looked at a class of prohibited
09:53:50 12 individuals and they have looked at a class of weapons or they
09:53:57 13 have looked at, right, different type of weapons, such as the
09:54:01 14 obliterated serial number, the Third Circuit case. And so
09:54:06 15 each of those cases that have looked at the scrutiny to be
09:54:08 16 applied in those settings have applied an intermediate
09:54:12 17 scrutiny.

09:54:12 18 And I think to be on the safe side, the Court is
09:54:16 19 inclined to apply an intermediate scrutiny, although I think
09:54:20 20 the City probably could make an argument that the lower level
09:54:27 21 of scrutiny is available to them still, although they haven't
09:54:31 22 really done that or certainly haven't elucidated that.

09:54:36 23 So we start then with an understanding, from my
09:54:38 24 perspective, that we are not looking at this from a strict
09:54:43 25 scrutiny standard but we are looking at it from an

09:54:46 1 intermediate scrutiny standard.

09:54:47 2 The City, though, has problems with that in that if
09:54:50 3 we are looking at time, place, manner restrictions, we have an
09:54:57 4 absolute ban on all firing ranges within the City. We don't
09:55:01 5 have any details about where one might be placed or how one
09:55:05 6 might be placed.

09:55:06 7 So that is my analysis of your scrutiny standard. So
09:55:11 8 moving forward I think that will be one main issue to address,
09:55:16 9 is the level of scrutiny to be applied. This Court will apply
09:55:20 10 intermediate scrutiny today.

09:55:22 11 Now, have we irreparable injury and inadequate remedy
09:55:29 12 at law today? I don't think so. I don't think you have it
09:55:32 13 today. I'll tell you why.

09:55:34 14 I think that right now under an intermediate scrutiny
09:55:39 15 standard what you have is you have the ability of your
09:55:41 16 plaintiffs, who are the individual plaintiffs, to move outside
09:55:45 17 of the borders of the city to get their training before
09:55:48 18 October 8th. And so they do have a remedy and an avenue and
09:55:54 19 they have been doing that, according to their affidavits.

09:55:57 20 As far as the firing range, the mobile one, it can't
09:56:02 21 get here yet. According to your own representations, it is a
09:56:08 22 contracted vehicle that looks like it's coming at the earliest
09:56:12 23 mid-September. For that reason, there is no immediate as of
09:56:16 24 June -- or what is today -- August 24th injury that is
09:56:21 25 irreparable.

09:56:23 1 But that is a denial without prejudice, meaning that
09:56:27 2 it can be soon enough an irreparable injury. And I think that
09:56:32 3 this changes my previous ruling yesterday about the
09:56:37 4 preliminary injunction, because I gave the City time to do
09:56:40 5 this discovery. And now I see that it would much better
09:56:46 6 benefit the parties and the Court to address it on a much more
09:56:48 7 expedited basis. And so I want to change my discovery
09:56:53 8 rulings, so that we get a completely briefed preliminary
09:56:58 9 injunction motion before the Court before that October 8th
09:57:02 10 ruling.

09:57:03 11 I also am saying to the plaintiffs, this is a denial
09:57:06 12 without prejudice. This is one that you can bring again,
09:57:10 13 which should raise a concern on the City's part as far as this
09:57:14 14 intermediate scrutiny analysis, because when you apply it,
09:57:18 15 you'll see that we have some issues as to whether or not you
09:57:20 16 have any reasonable time, place, manner bases.

09:57:24 17 I also feel like the City needs to give me in future
09:57:28 18 filings a more elucidated basis for its reasons for
09:57:35 19 eliminating them within the borders. It is so atypical from
09:57:41 20 the other cases that I read in that when we were looking at
09:57:45 21 restrictions in the 922 context, for example, we were saying,
09:57:49 22 If you're a felon, you can't have a weapon. If you possess
09:57:53 23 this type of weapon, you can't. If you have an obliterated
09:57:56 24 serial number, you can't possess this. So we are very
09:57:59 25 categorically looking.

09:58:01 1 You have a very interesting and incongruous approach,
09:58:05 2 which is you can't use a firing range within our borders, but
09:58:08 3 you must have firing range certification to possess. That's
09:58:13 4 very unique, and I haven't seen anything like it in any of the
09:58:17 5 case law.

09:58:17 6 So, to me, this is first impression, and I am today
09:58:22 7 denying the TRO, based upon the fact that immediately there is
09:58:25 8 no irreparable injury for the plaintiffs, who have been
09:58:28 9 presented to the Court today. But that injury is moving along
09:58:33 10 a time line and it's going to move up to a point where it's
09:58:37 11 very possible to become irreparable injury.

09:58:39 12 So I think that leaves you in a posture to go back
09:58:42 13 and talk. It leaves me in a different posture. I'd like to
09:58:46 14 get a different schedule for you.

09:58:47 15 So I know that the City wants to do some discovery.
09:58:51 16 And if I work back in time from that October 8th deadline,
09:58:54 17 what I'd like to see then is: Any discovery shall be
09:58:57 18 completed by September 13th; and then any response to the
09:59:05 19 preliminary injunction would be due on the 20th; and any
09:59:09 20 replies would be due on the 27th. And then I am going to have
09:59:13 21 a hearing on October 1st.

09:59:23 22 Let me make sure I'm not jumping on to a pretrial
09:59:26 23 conference.

09:59:28 24 Okay. So I'm going to do that at 1:00 o'clock in the
09:59:31 25 afternoon on October 1st.

09:59:32 1 And I think that I would like to see in your filings
09:59:39 2 more addressing the unique nature of this fact basis as far as
09:59:44 3 the scrutiny to be applied, and I think that I would like to
09:59:47 4 see more of a reason for the City's prohibition on these
09:59:55 5 firing ranges. I literally went through all my notes and all
09:59:57 6 I found was there would be bullets flying en masse and people
10:00:02 7 would be transporting weapons. But that transportation of
10:00:05 8 weapons doesn't make any sense, because you'd have to
10:00:08 9 transport your weapon to get out of the City borders to go to
10:00:11 10 the other firing ranges.

10:00:12 11 So if you're requiring everyone to take their weapons
10:00:14 12 outside to the suburbs to fire them in order to get certified
10:00:17 13 to possess them, that doesn't wash. And so I think that you
10:00:22 14 have some thinking to do about how you're going to approach
10:00:25 15 this in the future, in the very, very near future.

10:00:28 16 So that will be my new schedule for you, and it is
10:00:32 17 denied without prejudice. It can be readdressed. And I think
10:00:36 18 I'd rather have you all focus on this preliminary injunction,
10:00:39 19 so that we can address it in the proper fashion.

10:00:42 20 Meanwhile, there's the case of relatedness. I assume
10:00:46 21 the motion for relatedness is still pending -- has it been
10:00:49 22 filed in court --

10:00:50 23 MR. WORSECK: It has been filed and it will be
10:00:52 24 presented on Thursday.

10:00:53 25 THE COURT: Okay. Well, I'm just going forward with

10:00:55 1 my case and he'll do what he has to do.

10:00:57 2 Okay. All right. That's my ruling --

10:01:00 3 MR. WORSECK: Your Honor, just one remark -- actually
10:01:02 4 two remarks. We certainly appreciate your comments on what
10:01:07 5 you'd like to see going forward on some of these issues.

10:01:10 6 With respect, we had less than half a day --

10:01:12 7 THE COURT: Oh, I know.

10:01:13 8 MR. WORSECK: -- literally to get something before
10:01:15 9 your Honor --

10:01:15 10 THE COURT: Sure, and that's what a TRO does, right.
10:01:17 11 I know.

10:01:18 12 MR. WORSECK: But going forward, certainly we will do
10:01:20 13 our best to address those issues.

10:01:22 14 With respect to the new schedule you've set for the
10:01:27 15 preliminary injunction motion, again, I would request, with
10:01:33 16 respect, that we keep the prior schedule for this reason. As
10:01:36 17 we discussed yesterday, even if the plaintiffs were granted
10:01:40 18 all of the relief they seek, all of the injunctive relief they
10:01:44 19 seek and the range ban were enjoined in toto, in perpetuity or
10:01:50 20 indefinitely, they would still not be able to open these
10:01:53 21 mobile ranges in the city for numerous reasons that we
10:01:57 22 discussed yesterday, relating to the public safety, relations,
10:01:57 23 and standards. But very specifically at the outset they would
10:02:01 24 not have any proper zoning --

10:02:03 25 THE COURT: Right. I mean, I read your whole

10:02:05 1 futility argument, but I really think that this is reasonable.
10:02:09 2 There's little basis for discovery needed at this point. And
10:02:14 3 most of what you are doing is arguing your cases on the law
10:02:18 4 that exists now and the facts that you have now. I don't
10:02:21 5 think you need it.

10:02:23 6 I was generous enough to give you the 30 days. I
10:02:26 7 don't think you need more than that. Today is only the 24th,
10:02:29 8 and that gives you all of the rest of this week, next week,
10:02:34 9 and two more weeks into September. That's plenty of time to
10:02:37 10 do what you need to do, based upon what you said you needed it
10:02:39 11 for yesterday, so the oral request is denied. I am going to
10:02:43 12 continue with this schedule.

10:02:43 13 Anything else?

10:02:45 14 MR. GURA: Just to clarify one point, your Honor.
10:02:47 15 You stated that the motion is being denied without prejudice.
10:02:51 16 I assume that your Honor is speaking about the motion for a
10:02:54 17 TRO --

10:02:54 18 THE COURT: The TRO. The preliminary injunction is
10:02:55 19 still pending.

10:02:56 20 MR. GURA: That's right.

10:02:56 21 THE COURT: This is just a TRO, because, in my
10:02:59 22 opinion, you have not established irreparable injury as of
10:03:02 23 August 24th. Right now those individual plaintiffs can get
10:03:06 24 their certification outside of the borders of the city. They
10:03:11 25 have shown us that they can do it in the past and they are

10:03:13 1 going to do it. They have the ability to do it.

10:03:15 2 MR. GURA: Okay.

10:03:16 3 THE COURT: We have a gun range, firing range, mobile
10:03:19 4 range that can't even come in here until September 15th, so
10:03:22 5 you have no irreparable injury to them on August 25th that
10:03:26 6 they can't move in here today.

10:03:28 7 And the gun shop, similarly, there's no one -- I
10:03:32 8 haven't seen --

10:03:32 9 MR. GURA: Sure.

10:03:32 10 THE COURT: -- any documentation that as of today
10:03:35 11 I've got a spot in a storefront that I want to open up that
10:03:39 12 they are prohibiting me from opening up.

10:03:40 13 MR. GURA: What my client will probably ask me --

10:03:43 14 THE COURT: Okay.

10:03:43 15 MR. GURA: -- is -- and this is why I am asking your
10:03:47 16 Honor -- what if they could make arrangements to bring the
10:03:50 17 range prior to September the 15th?

10:03:51 18 THE COURT: I am not in the business of crystal
10:03:54 19 balls. I am in the business of responding to ripe issues of
10:03:58 20 controversy.

10:03:58 21 MR. GURA: Sure.

10:03:58 22 THE COURT: So that's your issue and not mine. All
10:04:02 23 right.

10:04:02 24 MR. GURA: Okay. That's fair.

10:04:03 25 THE COURT: Okay. Thanks, folks.

10:04:04

1

MR. GURA: Thank you, your Honor.

10:04:05

2

MR. WORSECK: Thank you, your Honor.

10:04:07

3

MR. AGUIAR: Thank you, your Honor.

10:04:08

4

MR. SIGALE: Thank you, your Honor.

10:04:09

5

(Concluded at 10:04 a.m.)

6

- - -

7

8

9

10

11

12

C E R T I F I C A T E

13

14

I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.

16

17

/s/April M. Metzler, RPR, CRR, FCRR August 24, 2010

18

April M. Metzler, RPR, CRR, FCRR Date

19

Official Federal Court Reporter

20

21

22

23

24

25

/	8	become ^[1] - 77:11 BEFORE ^[1] - 71:14 benefit ^[1] - 76:6 best ^[1] - 79:13 better ^[1] - 76:5 borders ^[5] - 75:17, 76:19, 77:2, 78:9, 80:24 briefed ^[1] - 76:8 bring ^[2] - 76:12, 81:16 bullets ^[1] - 78:6 business ^[2] - 81:18, 81:19
/s/April ^[1] - 82:17	835-9085 ^[1] - 71:20 8th ^[3] - 75:18, 76:9, 77:16	
1	9	
101 ^[1] - 71:19 10:04 ^[1] - 82:5 10C5135 ^[1] - 73:2 13th ^[1] - 77:18 15th ^[2] - 81:4, 81:17 1:00 ^[1] - 77:24 1:10-cv-05135 ^[1] - 71:7 1st ^[2] - 77:21, 77:25	922 ^[1] - 76:21 9:52 ^[1] - 73:1	C
2	A	
2 ^[1] - 71:13 2010 ^[2] - 71:9, 82:17 20th ^[1] - 77:19 219 ^[1] - 72:10 22314 ^[1] - 71:20 2318-A ^[1] - 72:10 24 ^[2] - 71:9, 82:17 24th ^[3] - 75:24, 80:7, 80:23 25th ^[1] - 81:5 27th ^[1] - 77:20	a.m ^[2] - 73:1, 82:5 ability ^[2] - 75:15, 81:1 able ^[1] - 79:20 above-entitled ^[1] - 82:15 absolute ^[1] - 75:4 according ^[1] - 75:19 According ^[1] - 75:21 address ^[4] - 75:8, 76:6, 78:19, 79:13 addressing ^[1] - 78:2 affidavits ^[1] - 75:19 afternoon ^[1] - 77:25 Aguiar ^[2] - 72:5, 73:8 AGUIAR ^[2] - 73:7, 82:3 al ^[1] - 71:7 Alan ^[2] - 71:19, 73:10 Alexandria ^[1] - 71:20 Amendment ^[2] - 73:16, 74:7 analysis ^[2] - 75:7, 76:14 Andrew ^[2] - 72:5, 73:4 APPEARANCES ^[2] - 71:17, 72:2 applied ^[4] - 74:16, 75:9, 78:3 apply ^[4] - 74:4, 74:19, 75:9, 76:14 appreciate ^[1] - 79:4 approach ^[2] - 77:1, 78:14 April ^[2] - 72:9, 82:18 April_Metzler@ilnd.uscourts.gov ^[1] - 72:11 arguing ^[1] - 80:3 argument ^[2] - 74:20, 80:1 arrangements ^[1] - 81:16 assume ^[2] - 78:20, 80:16 atypical ^[1] - 76:19 August ^[5] - 71:9, 75:24, 80:23, 81:5, 82:17 available ^[1] - 74:21 avenue ^[1] - 75:18	
3	B	case ^[7] - 74:5, 74:9, 74:14, 77:5, 78:20, 79:1 Case ^[2] - 71:7, 73:2 cases ^[7] - 73:16, 74:2, 74:10, 74:11, 74:15, 76:20, 80:3 categorically ^[1] - 76:25 certainly ^[3] - 74:22, 79:4, 79:12 certification ^[2] - 77:3, 80:24 certified ^[1] - 78:12 certify ^[1] - 82:14 change ^[1] - 76:7 changes ^[1] - 76:3 Chicago ^[7] - 71:8, 72:4, 72:6, 72:10, 73:3, 73:5, 73:8 CHICAGO ^[1] - 71:10 Circuit ^[1] - 74:14 City ^[11] - 73:2, 73:5, 73:8, 73:24, 74:20, 75:2, 75:4, 76:4, 76:17, 77:15, 78:9 city ^[3] - 75:17, 79:21, 80:24 CITY ^[1] - 71:10 City's ^[2] - 76:13, 78:4 clarify ^[1] - 80:14 class ^[2] - 74:11, 74:12 CLERK ^[1] - 73:2 client ^[1] - 81:13 Columbus ^[1] - 71:19 coming ^[1] - 75:22 comments ^[1] - 79:4 Commerce ^[1] - 71:23 completed ^[1] - 77:18 completely ^[1] - 76:8 concern ^[1] - 76:13 Concluded ^[1] - 82:5 conference ^[1] - 77:23 context ^[1] - 76:21 continue ^[1] - 80:12 contracted ^[1] - 75:22 controversy ^[1] - 81:20 core ^[1] - 74:7 Corporation ^[1] - 72:4 correct ^[1] - 82:14 Counsel ^[1] - 72:4 court ^[1] - 78:22 Court ^[6] - 74:18, 75:9, 76:6, 76:9,
30 ^[2] - 72:6, 80:6 300-3 ^[1] - 71:23 312 ^[2] - 72:7, 72:11		
4		
405 ^[1] - 71:19 408-5154 ^[1] - 72:11 4300 ^[1] - 71:23 452-4547 ^[1] - 71:24	balls ^[1] - 81:19 ban ^[2] - 75:4, 79:19 based ^[2] - 77:7, 80:10 bases ^[1] - 76:16 basis ^[5] - 73:25, 76:7, 76:18, 78:2, 80:2	
6		
60532 ^[1] - 71:24 60602 ^[1] - 72:6 60604 ^[1] - 72:10 630 ^[1] - 71:24		
7		
703 ^[1] - 71:20 744-2784 ^[1] - 72:7		

<p>77:9, 82:19 COURT ^[19] - 71:4, 72:9, 73:6, 73:9, 73:12, 73:15, 78:25, 79:7, 79:10, 79:25, 80:18, 80:21, 81:3, 81:10, 81:14, 81:18, 81:22, 81:25 CRR ^[3] - 72:9, 82:17, 82:18 crystal ^[1] - 81:18 Ct ^[1] - 71:23</p>	<p>fair ^[1] - 81:24 far ^[3] - 75:20, 76:13, 78:2 fashion ^[1] - 78:19 FCRR ^[3] - 72:9, 82:17, 82:18 Federal ^[1] - 82:19 FEDERAL ^[1] - 72:9 felon ^[1] - 76:22 filed ^[2] - 78:22, 78:23 filings ^[2] - 76:18, 78:1 fire ^[1] - 78:12 firearm ^[1] - 73:22 firing ^[8] - 73:22, 75:4, 75:20, 77:2, 77:3, 78:5, 78:10, 81:3 Firm ^[1] - 71:22 first ^[1] - 77:6 flying ^[1] - 78:6 focus ^[1] - 78:18 folks ^[2] - 73:15, 81:25 FOR ^[1] - 71:14 foregoing ^[1] - 82:14 forth ^[1] - 74:8 forward ^[4] - 75:8, 78:25, 79:5, 79:12 futility ^[1] - 80:1 future ^[3] - 76:17, 78:15</p>	<p>incongruous ^[1] - 77:1 indefinitely ^[1] - 79:20 individual ^[2] - 75:16, 80:23 individuals ^[1] - 74:12 injunction ^[6] - 76:4, 76:9, 77:19, 78:18, 79:15, 80:18 injunctive ^[1] - 79:18 injury ^[8] - 75:11, 75:24, 76:2, 77:8, 77:9, 77:11, 80:22, 81:5 interesting ^[2] - 73:17, 77:1 intermediate ^[7] - 74:1, 74:16, 74:19, 75:1, 75:10, 75:14, 76:14 intricately ^[1] - 73:22 irreparable ^[7] - 75:11, 75:25, 76:2, 77:8, 77:11, 80:22, 81:5 issue ^[3] - 74:5, 75:8, 81:22 issues ^[4] - 76:15, 79:5, 79:13, 81:19</p>
D		J
<p>Date ^[1] - 82:18 David ^[3] - 71:22, 71:23, 73:13 days ^[1] - 80:6 deadline ^[1] - 77:16 Dearborn ^[1] - 72:10 Defendant ^[2] - 71:11, 72:4 defined ^[1] - 74:7 denial ^[2] - 76:1, 76:11 denied ^[3] - 78:17, 80:11, 80:15 denying ^[1] - 77:7 details ^[1] - 75:5 determine ^[1] - 73:18 different ^[3] - 74:13, 77:13, 77:14 discovery ^[5] - 76:5, 76:7, 77:15, 77:17, 80:2 discussed ^[2] - 79:17, 79:22 DISTRICT ^[3] - 71:4, 71:4, 71:15 DIVISION ^[1] - 71:5 documentation ^[1] - 81:10 done ^[1] - 74:22 due ^[2] - 77:19, 77:20</p>		<p>JUDGE ^[1] - 71:15 jumping ^[1] - 77:22 June ^[1] - 75:24</p>
	G	K
	<p>generous ^[1] - 80:6 granted ^[1] - 79:17 gun ^[2] - 81:3, 81:7 Gura ^[3] - 71:18, 71:19, 73:10 GURA ^[10] - 73:10, 80:14, 80:20, 81:2, 81:9, 81:13, 81:15, 81:21, 81:24, 82:1</p>	<p>keep ^[1] - 79:16 KENDALL ^[1] - 71:14</p>
E		L
<p>earliest ^[1] - 75:22 EASTERN ^[1] - 71:5 eliminating ^[1] - 76:19 elucidated ^[2] - 74:22, 76:18 Emergency ^[1] - 71:9 EMERGENCY ^[1] - 71:14 en ^[1] - 78:6 enjoined ^[1] - 79:19 entitled ^[1] - 82:15 essentially ^[1] - 73:21 established ^[1] - 80:22 et ^[1] - 71:7 example ^[1] - 76:21 exists ^[1] - 80:4 expedited ^[1] - 76:7 Ezell ^[1] - 73:2 EZELL ^[1] - 71:7</p>	H	<p>LaSalle ^[1] - 72:6 law ^[3] - 75:12, 77:5, 80:3 Law ^[1] - 71:22 leaves ^[2] - 77:12, 77:13 less ^[1] - 79:6 level ^[2] - 74:20, 75:9 line ^[1] - 77:10 Lisle ^[1] - 71:24 literally ^[2] - 78:5, 79:8 location ^[1] - 74:6 look ^[1] - 73:18 looked ^[5] - 74:10, 74:11, 74:12, 74:13, 74:15 looking ^[6] - 74:2, 74:24, 74:25, 75:3, 76:20, 76:25 looks ^[1] - 75:22 lower ^[1] - 74:20</p>
	I	M
F		<p>main ^[1] - 75:8 manner ^[2] - 75:3, 76:16 masse ^[1] - 78:6 matter ^[1] - 82:15 McDonald ^[1] - 74:8 mean ^[1] - 79:25</p>
<p>fact ^[2] - 77:7, 78:2 facts ^[1] - 80:4</p>	<p>IL ^[3] - 71:24, 72:6, 72:10 ILLINOIS ^[1] - 71:4 Illinois ^[1] - 71:8 immediate ^[1] - 75:23 immediately ^[1] - 77:7 important ^[1] - 73:18 impression ^[1] - 77:6 inadequate ^[1] - 75:11 inclined ^[1] - 74:19</p>	

<p>meaning ^[1] - 76:1 Meanwhile ^[1] - 78:20 mechanical ^[1] - 72:24 Metzler ^[3] - 72:9, 82:17, 82:18 mid ^[1] - 75:23 mid-September ^[1] - 75:23 might ^[2] - 75:5, 75:6 mine ^[1] - 81:22 mobile ^[3] - 75:20, 79:21, 81:3 morning ^[8] - 73:4, 73:6, 73:7, 73:9, 73:10, 73:12, 73:13, 73:15 most ^[2] - 73:17, 80:3 motion ^[5] - 76:9, 78:21, 79:15, 80:15, 80:16 Motion ^[1] - 71:9 MOTION ^[1] - 71:14 move ^[3] - 75:16, 77:10, 81:6 moving ^[2] - 75:8, 77:9 MR ^[20] - 73:4, 73:7, 73:10, 73:13, 78:23, 79:3, 79:8, 79:12, 80:14, 80:20, 81:2, 81:9, 81:13, 81:15, 81:21, 81:24, 82:1, 82:2, 82:3, 82:4 must ^[1] - 77:3</p>	<p>outset ^[1] - 79:23 outside ^[3] - 75:16, 78:12, 80:24 own ^[1] - 75:21</p>	<p>reading ^[1] - 73:16 really ^[2] - 74:22, 80:1 reason ^[3] - 75:23, 78:4, 79:16 reasonable ^[2] - 76:16, 80:1 reasons ^[2] - 76:18, 79:21 record ^[1] - 82:15 recorded ^[1] - 72:24 regards ^[1] - 73:25 related ^[1] - 73:22 relatedness ^[2] - 78:20, 78:21 relating ^[1] - 79:22 relations ^[1] - 79:22 relief ^[2] - 79:18 remark ^[1] - 79:3 remarks ^[1] - 79:4 remedy ^[2] - 75:11, 75:18 replies ^[1] - 77:20 REPORTER ^[2] - 72:9 Reporter ^[1] - 82:19 representations ^[1] - 75:21 request ^[2] - 79:15, 80:11 requiring ^[1] - 78:11 respect ^[3] - 79:6, 79:14, 79:16 responding ^[1] - 81:19 response ^[2] - 73:24, 77:18 rest ^[1] - 80:8 restrictions ^[2] - 75:3, 76:21 Resumed ^[1] - 73:1 RHONDA ^[1] - 71:7 ripe ^[1] - 81:19 Rm ^[1] - 72:10 RPR ^[3] - 72:9, 82:17, 82:18 ruling ^[3] - 76:3, 76:10, 79:2 rulings ^[1] - 76:8</p>	
<p>N</p>	<p>P</p>		
<p>nature ^[1] - 78:2 near ^[1] - 78:15 need ^[3] - 80:5, 80:7, 80:10 needed ^[2] - 80:2, 80:10 needs ^[1] - 76:17 new ^[2] - 78:16, 79:14 next ^[1] - 80:8 night ^[1] - 73:16 NORTHERN ^[1] - 71:4 note ^[1] - 74:3 notereading ^[1] - 72:25 notes ^[1] - 78:5 number ^[3] - 73:2, 74:14, 76:24 numerous ^[1] - 79:21</p>	<p>P.C ^[1] - 71:22 papers ^[1] - 74:3 part ^[1] - 76:13 particular ^[3] - 74:5, 74:6, 74:9 parties ^[1] - 76:6 past ^[1] - 80:25 pending ^[2] - 78:21, 80:19 people ^[1] - 78:6 perpetuity ^[1] - 79:19 perspective ^[1] - 74:24 place ^[2] - 75:3, 76:16 placed ^[2] - 75:5, 75:6 plaintiffs ^[9] - 73:11, 73:14, 73:20, 75:16, 76:11, 77:8, 79:17, 80:23 Plaintiffs ^[2] - 71:8, 71:18 plaintiffs' ^[1] - 74:3 plenty ^[1] - 80:9 PLLC ^[1] - 71:18 point ^[3] - 77:10, 80:2, 80:14 position ^[1] - 74:4 possess ^[4] - 76:22, 76:24, 77:3, 78:13 possession ^[1] - 73:21 Possessky ^[1] - 71:18 possible ^[1] - 77:11 posture ^[2] - 77:12, 77:13 prejudice ^[4] - 76:1, 76:12, 78:17, 80:15 preliminary ^[6] - 76:4, 76:8, 77:19, 78:18, 79:15, 80:18 presented ^[3] - 74:2, 77:9, 78:24 pretrial ^[1] - 77:22 previous ^[1] - 76:3 problems ^[1] - 75:2 proceedings ^[1] - 82:15 Proceedings ^[1] - 72:24 produced ^[1] - 72:25 prohibited ^[1] - 74:11 prohibiting ^[1] - 81:12 prohibition ^[1] - 78:4 proper ^[2] - 78:19, 79:24 public ^[1] - 79:22</p>		
<p>O</p>	<p>R</p>	<p>S</p>	
<p>o'clock ^[1] - 77:24 obliterated ^[2] - 74:14, 76:23 October ^[5] - 75:18, 76:9, 77:16, 77:21, 77:25 OF ^[3] - 71:4, 71:10, 71:14 Official ^[1] - 82:19 OFFICIAL ^[1] - 72:9 one ^[8] - 75:5, 75:8, 75:20, 76:12, 79:3, 80:14, 81:7 open ^[2] - 79:20, 81:11 opening ^[1] - 81:12 opinion ^[2] - 73:17, 80:22 oral ^[1] - 80:11 orally ^[1] - 74:3 order ^[1] - 78:12</p>	<p>raise ^[1] - 76:13 range ^[9] - 73:23, 75:20, 77:2, 77:3, 79:19, 81:3, 81:4, 81:17 ranges ^[4] - 75:4, 78:5, 78:10, 79:21 rather ^[1] - 78:18 rational ^[1] - 73:25 read ^[2] - 76:20, 79:25 readdressed ^[1] - 78:17</p>	<p>safe ^[1] - 74:18 safety ^[1] - 79:22 schedule ^[5] - 77:14, 78:16, 79:14, 79:16, 80:12 scrutiny ^[15] - 73:21, 74:1, 74:4, 74:15, 74:17, 74:19, 74:21, 74:25, 75:1, 75:7, 75:9, 75:10, 75:14, 76:14, 78:3 Second ^[2] - 73:16, 74:7 see ^[6] - 76:5, 76:15, 77:17, 78:1, 78:4, 79:5 seek ^[2] - 79:18, 79:19 sense ^[1] - 78:8 September ^[5] - 75:23, 77:18, 80:9, 81:4, 81:17 serial ^[2] - 74:14, 76:24 set ^[2] - 74:8, 79:14 settings ^[1] - 74:16 shall ^[1] - 77:17 shooting ^[1] - 73:22 shop ^[1] - 81:7 shown ^[1] - 80:25 side ^[1] - 74:18</p>	

Sigale ^[3] - 71:22, 71:23, 73:13 SIGALE ^[2] - 73:13, 82:4 similarly ^[1] - 81:7 soon ^[1] - 76:2 South ^[1] - 72:10 speaking ^[1] - 80:16 specifically ^[1] - 79:23 spent ^[1] - 73:16 spot ^[1] - 81:11 St ^[2] - 71:19, 72:10 standard ^[6] - 73:19, 73:21, 74:25, 75:1, 75:7, 75:15 standards ^[2] - 73:23, 79:23 start ^[1] - 74:23 STATES ^[2] - 71:4, 71:15 Ste ^[2] - 71:19, 71:23 stenography ^[1] - 72:24 still ^[4] - 74:21, 78:21, 79:20, 80:19 storefront ^[1] - 81:11 Street ^[1] - 72:6 strict ^[3] - 73:20, 74:4, 74:24 subsequent ^[2] - 74:8, 74:11 suburbs ^[1] - 78:12 supported ^[1] - 74:4	V	
	VA ^[1] - 71:20 value ^[1] - 74:7 vehicle ^[1] - 75:22 versus ^[1] - 73:2 VIRGINIA ^[1] - 71:14 VOLUME ^[1] - 71:13	
	W	
T	wants ^[1] - 77:15 wash ^[1] - 78:13 weapon ^[4] - 74:6, 76:22, 76:23, 78:9 weapons ^[5] - 74:12, 74:13, 78:7, 78:8, 78:11 week ^[2] - 80:8 weeks ^[1] - 80:9 whole ^[1] - 79:25 William ^[2] - 72:5, 73:7 Worseck ^[2] - 72:5, 73:5 WORSECK ^[6] - 73:4, 78:23, 79:3, 79:8, 79:12, 82:2	
	Y	
	yesterday ^[4] - 76:3, 79:17, 79:22, 80:11	
THE ^[18] - 71:14, 73:2, 73:6, 73:9, 73:12, 73:15, 78:25, 79:7, 79:10, 79:25, 80:18, 80:21, 81:3, 81:10, 81:14, 81:18, 81:22, 81:25 thinking ^[1] - 78:14 Third ^[1] - 74:14 Thursday ^[1] - 78:24 Today ^[1] - 80:7 today ^[8] - 75:10, 75:12, 75:13, 75:24, 77:6, 77:9, 81:6, 81:10 toto ^[1] - 79:19 training ^[1] - 75:17 transcript ^[2] - 72:24, 82:14 TRANSCRIPT ^[1] - 71:14 transport ^[1] - 78:9 transportation ^[1] - 78:7 transporting ^[1] - 78:7 TRO ^[7] - 71:9, 71:14, 77:7, 79:10, 80:17, 80:18, 80:21 two ^[3] - 73:24, 79:4, 80:9 type ^[2] - 74:13, 76:23	Z	
	zoning ^[1] - 79:24	
	U	
under ^[1] - 75:14 unique ^[2] - 77:4, 78:2 UNITED ^[2] - 71:4, 71:15 up ^[3] - 77:10, 81:11, 81:12		