

PIZZA SHUTTLE

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1
2 CITY OF MILWAUKEE
3 LICENSES COMMITTEE
4
5 * * * * *
6 In the Matter of the Class "B" Tavern and Tavern Dance
7 Renewal application for:
8 SHAMIKA EVANS
9 "MARJANI"
10 3762 North Martin Luter King, Jr. Drive
11 * * * * *
12 COMMITTEE MEMBERS
13 ALD. JAMES BOHL - Chair
14 ALD. MILELE COGGS, - Vice-Chairman
15 ALD. ASHANTI HAMILTON
16 ALD. TONY ZIELINSKI
17 ALD. NIK KOVAC
18
19 LICENSING DIVISION by REBECCA GRILL
20 POLICE DEPARTMENT by SEARGENT CHET ULICKEY
21 OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF
22
23 Proceedings had and testimony given in
24 the above-entitled matter, before the LICENSES
25 COMMITTEE OF THE CITY OF MILWAUKEE, on
the 18th day of February, 2009.

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1 is held by anyone at the location and - - and an
2 assortment of other violations that would fall
3 either under the - - under the violation of
4 Wisconsin Statutes of 123.32, 125.68, or 90-10 of
5 the Milwaukee - - or 90-40 of the Milwaukee Code
6 of Ordinances.
7 MS. STEINMAN: Yes, my client did
8 receive that, and I have been provided with, I
9 believe, that information, as well.
10 CHAIRMAN BOHL: Thank you. In - - In
11 lieu of that, as far as you know, your client's
12 address would be still 8460 North Meadowside
13 Court in Brown Deer?
14 MS. STEINMAN: Yes, that's the most
15 recent address I have.
16 CHAIRMAN BOHL: All right. Thank you.
17 Sergeant Ulickey, the police report, please.
18 SERGEANT ULICKEY: On six - - Excuse me
19 - - On 6/3 of '08 at 1:52 a.m. Milwaukee Police
20 were dispatched to West Vienna and North Martin
21 Luther King Drive for a shots fired complaint.
22 Officers arrived and observed two armed security
23 officers in front of the Freeway Sports Bar
24 located at 3762 North Martin Luther King Drive.
25 Officers identified one - - one of the guards as

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1 P R O C E E D I N G S
2 CHAIRMAN BOHL: Next on the agenda is
3 for Shamika Evans, Class "B" Tavern and Tavern
4 Dance renewal application with age distinction of
5 30 and up and change of hours for "Marjani" at
6 3762 North Martin Luther King Jr. Drive. Hi,
7 there.
8 MS. STEINMAN: Hi. My name is Rebecca
9 Steinman. I am an attorney appearing on behalf
10 of Shamika Evans. My client is not present
11 today.
12 CHAIRMAN BOHL: Okay. All right.
13 Well, in absence of that, what I'm going to do is
14 just ask you if you will acknowledge receiving
15 notice or having your client receive notice of
16 today's meeting with a possibility the
17 application could be denied. There was an
18 attached police report that should have been part
19 of that record. A outline of neighborhood
20 objections that could be used as a means of
21 denial. And in addition to that, the additional
22 notice that objections to the renewal of the
23 license would be based upon the fact that the
24 applicant does not personally operate the
25 premise, and with no Class "B" Manager's license

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1 a James Perry, and Perry stated an unknown male
2 fired some shots into the air while across the
3 street from the tavern and fled in an auto.
4 Officers located three different types of casings
5 in front of 3762 North Martin Luther King Drive.
6 Police spoke to the bar manager, Steven Love.
7 During the investigation Love gave false
8 information to police regarding the identity of
9 the armed guards who were employed by the tavern,
10 and he was issued a citation for obstructing
11 officers. Also obtained - - I'm sorry - -
12 Officers also obtained the bartender's name, who
13 was identified as Tia Mathis. Further
14 investigation and interview of the security
15 guard, James Perry, revealed that Perry had fired
16 his service weapon at the subject who was
17 standing across the street. Officers searched
18 the basement of the tavern and found the - - the
19 owner, Shamika Evans, hours after police arrival.
20 Also found were two guns which were seized by
21 police. While on the scene, another co-owner
22 identified as Derek Avery approached officers and
23 stated the car parked in front of the tavern was
24 his. Avery gave consent for police to search his
25 auto and police found suspected marijuana which

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1 later tested positive. Avery was arrested and
 2 issued a citation for possession of marijuana.
 3 This investigation also revealed a home was
 4 struck by a bullet from the shots being fired,
 5 and the shooting victim was found at Mt. Sinai
 6 - - I'm sorry - - Sinai Hospital, who sought
 7 medical attention. The victim was identified and
 8 officers were told he had been shot once to the
 9 buttocks. Check of CCAP of all listed subjects
 10 revealed no charges were issued regarding the
 11 shots fired. Regards to Steven Love, he was
 12 charged with resisting. That was dismissed
 13 without prejudice. In regards to Mr. Avery, he
 14 was charged with possession of marijuana. He was
 15 found guilty on that charge.
 16 On 6/7 of '08 at 8:52 p.m. Milwaukee
 17 Police conducted a license premise check at 3762
 18 North Martin Luther King Drive. Officers spoke
 19 to the bartender, Annette Avery, who stated she
 20 had just opened up the bar for business.
 21 Officers found a subject in the basement who was
 22 watching the cameras that are found throughout
 23 the tavern. No violations were found at that
 24 time.
 25 On 7/11 of '08 at 10:30 p.m. Milwaukee

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1 anyone comes out, shoot them. Observed the
 2 second subject flick a lighter into the tavern.
 3 Slaughter stated he could smell a strong odor of
 4 gasoline, and the next thing he knew the tavern
 5 was on fire, and that's when he ran into the
 6 basement. A report was filed. Should be noted
 7 that no manager's license was found for St.
 8 Slaughter in the system.
 9 CHAIRMAN BOHL: Thank you, Sergeant.
 10 Any questions or comments you have relating to
 11 items in the police report, Ms. Steinman?
 12 MS. STEINMAN: Oh, for the Sergeant?
 13 No, not at this time. Well, I have some
 14 comments. I don't have questions, if - -
 15 CHAIRMAN BOHL: Can I just pose one
 16 question to you before I allow you to do that?
 17 MS. STEINMAN: Yes.
 18 CHAIRMAN BOHL: Is it true this
 19 particular bar did burn down in that fire? I
 20 mean, do we have - - We do not have a physical
 21 structure that - -
 22 MS. STEINMAN: I honestly don't have
 23 that information. I was retained very recently
 24 by my client, and I can only provide you with the
 25 information she gave me. So I can't - -

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1 Police investigated a complaint of an auto
 2 blocking traffic at the Freeway Sports Bar
 3 located at 3762 North Martin Luther King Drive.
 4 Officers found an employee from the tavern
 5 identified as St. Slaughter and just moved the
 6 car that was blocking traffic and was gathering
 7 up orange cones that he used. Police spoke with
 8 the bartender, Annette Avery, who stated both the
 9 bar owner and manager left and would be back
 10 shortly. Avery was advised that no employees
 11 should use cones to block traffic, and that the
 12 bar would be held responsible for conduct that is
 13 also conducted outside of the tavern.
 14 On 10/17 of '08 at 3:40 a.m. Milwaukee
 15 Police were dispatched to 3762 North Martin
 16 Luther King for a report of a fire. Officers
 17 spoke to St. Slaughter who stated he was the
 18 manager of Marjani Freeway Sports Lounge, and
 19 that he was in the process of closing the bar for
 20 the night, when at 3:30 a.m. he heard breaking
 21 glass toward the front of the bar. Slaughter
 22 stated he observed the front window had been
 23 broken and observed two unknown males standing
 24 outside the window with one subject armed with a
 25 semi-auto handgun. Second subject stated if

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1 CHAIRMAN BOHL: Okay. Alderwoman
 2 Coggs, it's in your district?
 3 ALDERWOMAN COGGS: Yeah, I drive past
 4 there on a regular basis. I live not too far.
 5 It's boarded up.
 6 MS. STEINMAN: Okay.
 7 ALDERWOMAN COGGS: But the - - the
 8 framework is still there, but it's - - it's - -
 9 CHAIRMAN BOHL: Okay.
 10 ALDERWOMAN COGGS: - - boarded up.
 11 MS. STEINMAN: Okay.
 12 CHAIRMAN BOHL: Thank you. Okay.
 13 Please, if you - - if you wish to proceed with
 14 any thought.
 15 MS. STEINMAN: Sure. From the
 16 information I got from my client I understand
 17 there's hearsay concerns about the test - - I'm
 18 not testifying. I just want to, you know, give a
 19 statement on her behalf. Is just that the
 20 majority - - Since the 2007 incident, which I
 21 know is on this report, which wasn't mentioned by
 22 the Sergeant, my client has terminated the
 23 employment of St. Slaughter, so I know he's
 24 involved in a number of these incidents.
 25 However, he is no longer an employee, despite

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1 what he told the police. He was involved in some
2 incidents at the bar, but he's no longer employed
3 by them.

4 In addition, the majority of these
5 incidents occurred outside the bar. There's no
6 link to the operations that were actually going
7 on inside the bar. All the - - The shooting that
8 occurred began by two unknown people that were
9 not patrons of the bar, and it began outside the
10 bar. In addition, on 6/7/08 when they did do an
11 investigation inside the bar, there were - - no
12 violations were found at that time. Finally, in
13 the incident on 10/17/08, that was also started
14 by two unknown people who were not patrons of the
15 bar, and it was after the hours. The bar had
16 been closed at that point. And it, you know, it
17 appears to be a product of the neighborhood, and
18 that, you know, these two individuals came upon
19 the bar to vandalize and to, you know, set fire
20 to the bar, but they were not patrons of the bar
21 at the time.

22 So, you know, I understand you guys are
23 trying to revoke the license or deny the renewal
24 of the license of this establishment, and I
25 think, you know, I don't know that this

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1 is either the manager and/or others who say that
2 he, perhaps, is the - - the owner of the
3 establishment, that he has no involvement in the
4 business, and that's not - - that is not, indeed,
5 true, that he has been terminated, I would tell
6 you this much. If there is an individual who,
7 one, was involved with drug activity here well
8 over a year ago, then is involved in other
9 shootings at the establishment, not only do I
10 terminate him, but I say to him, personally, boy,
11 you're dealing drugs at my place. You got drugs
12 on you. You've been shooting around at people
13 constantly. You're terminated, but come on by
14 and hang around the place and act like you own
15 it. I will just tell you very candidly, nothing
16 meshes to me here. Frankly, I don't pre-
17 determine in my mind, but when you mention non-
18 renewal, that's something that rang real well
19 with something that frankly, I think, ought to
20 happen here. But that's my personal two cents
21 here.

22 Are there questions, comments, that
23 committee members have?
24 ALDERMAN KOVAC: Mr. Chairman.
25 CHAIRMAN BOHL: Alderman Kovac.

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1 occurrence was the product of the operation of
2 this establishment at the time.

3 CHAIRMAN BOHL: Thank you, Ms.
4 Steinman. First off, this is not subject to a
5 revocation. This is just a normal renewal
6 hearing. So nothing - - I don't think that
7 there's anybody who stipulated one way or another
8 anything of the sort.

9 MS. STEINMAN: Okay.

10 CHAIRMAN BOHL: In terms of a
11 revocation. Revocation is a different matter
12 than a renewal or non-renewal - -

13 MS. STEINMAN: Okay.

14 CHAIRMAN BOHL: And this is a renewal
15 hearing. I will entertain and have Alderman
16 Kovac, though, move to make the entire police
17 report part of our permanent record in this
18 proceeding, and hearing no objections to that, so
19 ordered.

20 The - - I guess your client is not here
21 to answer the question, but I think one of the
22 things that would beg my question is she
23 indicates that - - that contrary to police
24 investigation and purportedly his own personal
25 testimony of St. Slaughter, stipulating that he

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1 ALDERMAN KOVAC: This may be beyond
2 your power to answer or knowledge to answer, but
3 if he's not employed by the bar anymore, he's
4 there at 3:40 in the morning? How does that
5 happen?

6 MS. STEINMAN: I - - Honestly, it's
7 beyond my power to answer when I - - the
8 information I got from my client is that this was
9 not an accurate portrayal of what happened,
10 but - -

11 CHAIRMAN BOHL: Yeah. Because,
12 otherwise, he's there as a quote/unquote patron
13 who is not an employee who - - and - - and as
14 such, is illegal. So police departments go out
15 and write a citation for, you know, whatever
16 admission which he'll claim that, you know, came
17 only through an attorney, I understand that. But
18 I'm - - I'm just saying, you - - you see how - -
19 MS. STEINMAN: Yes.

20 CHAIRMAN BOHL: - - all of a sudden - -
21 And I understand your position, as you're - -
22 you're hired and she's not present and you're
23 here to - - to at least convey. But I know that
24 she was scheduled here a cycle ago. Chose to ask
25 for more time, which we granted her.

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1 MS. STEINMAN: Um-hnh.
 2 CHAIRMAN BOHL: And the fact that, you
 3 know, legally she can have an attorney present
 4 but isn't here to answer questions, I don't think
 5 bodes real well. Let me just ask. This item is
 6 cited for neighborhood objections. Are there any
 7 residents who are present here to provide
 8 testimony on the establishment of Marjani at 3762
 9 North Martin Luther King Jr. Drive? We have one.
 10 Please come forward here if - - if you can,
 11 please. Thank you for your patience here, by the
 12 way. We appreciate it. We'll need to swear you
 13 in, if you could raise your right hand, ma'am,
 14 please.
 15 (Whereupon the witness was sworn.)
 16 CHAIRMAN BOHL: Thank you. Ma'am,
 17 we'll need name and address for the record,
 18 please?
 19 THE WITNESS: Annette Porter, 3809
 20 North 7th Street.
 21 CHAIRMAN BOHL: Okay. Thank you. Your
 22 testimony, ma'am.
 23 THE WITNESS: I live at - - right
 24 behind the bar, not directly, but like a door
 25 over from the bar.

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1 wouldn't have to go through that, none of us as a
 2 neighborhood, you know, neighbors. And I don't
 3 know - - That bar was not open when it caught on
 4 fire. I didn't hear no sirens, no nothing. I
 5 didn't even know the bar was - - I took my son to
 6 work, and when I came outside, I smelled smoke.
 7 Once I turned the corner, I seen the police and
 8 they were taking pictures on the inside.
 9 CHAIRMAN BOHL: Have you - - So I don't
 10 want to summarize your testimony. You - - You
 11 indicate you have - - have had no concerns since
 12 the bar has been closed down?
 13 THE WITNESS: No, because it - - it has
 14 been closed. We had no shootings since it
 15 closed.
 16 CHAIRMAN BOHL: Have you had experience
 17 with loud noise or any other issues?
 18 THE WITNESS: Loud noise. I had to - -
 19 I woke up - - I had to holler out the window,
 20 tell some young ladies that was ready to fight,
 21 that they need to take it to their neighborhood,
 22 because we don't have that in our neighborhood.
 23 And even with the security that they had, was
 24 walking some young ladies and saying, well, you
 25 disturbing the neighbors. But that didn't stop

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1 CHAIRMAN BOHL: Um-hnh.
 2 THE WITNESS: And they were saying that
 3 it been shooting, because I got bullet holes in
 4 my siding. Since the bar been closed, well,
 5 burnt, there are no shootings. They said three -
 6 - at 3:45 in the morning the bar had closed. The
 7 bar wasn't even open before it caught on fire.
 8 It had been closed for a while.
 9 CHAIRMAN BOHL: Okay.
 10 THE WITNESS: But it had been - - I had
 11 to - - I'm asleep lot of times when all these
 12 shootings occur. Woke me up out of my sleep. I
 13 have watched the patrons from my window, which is
 14 behind - - it's a hallway window, that I can look
 15 into their parking lot and see everything.
 16 People park on another lot. They block over the
 17 side street, not a freeway, so I - - I don't know
 18 how all them people - - I don't know what the
 19 limit for patrons, but it be a lot of them. So,
 20 I don't think it should be open, because for all
 21 the traffic and shooting. I got three bullet
 22 holes in some siding that I had just - - my son
 23 had put on. And with all that traffic and
 24 shooting, a 80 year old neighbor, which is
 25 directly behind the bar with grandkids, she

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1 them from talking loud.
 2 CHAIRMAN BOHL: So you experience loud
 3 noise. Any - - Any issues with bottles,
 4 trash - -
 5 THE WITNESS: Yes.
 6 CHAIRMAN BOHL: - - other things?
 7 THE WITNESS: Bottles. Sweeping them
 8 up. I even found the casing - - I had my
 9 grandson sweeping it, and I sweeps the curb, once
 10 I cut my grass, too, and sweep it up, and it was
 11 a bullet casing right next to the driveway by my
 12 house. I'm the only one got a side drive on my
 13 block.
 14 CHAIRMAN BOHL: Okay. All right.
 15 Thank you. Thank you for your testimony.
 16 Questions by committee members of this witness?
 17 THE WITNESS: I would like to say
 18 something else.
 19 CHAIRMAN BOHL: Go ahead.
 20 THE WITNESS: When the bar first
 21 opened, I had no objections. I believe in giving
 22 everybody a chance. But then, when all this
 23 started taking place, that's the only reason I
 24 rejected it - - be closed.
 25 CHAIRMAN BOHL: Thank you. Thank you

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1 for your testimony. And I'll just say that this
2 establishment received a 30 day suspension with a
3 previous shooting and has multiple incidents here
4 this year. Are there no questions -- Are there
5 any questions by committee members of this
6 witness, again? Ms. Steinman, any questions you
7 have of the witness relating to her testimony
8 here?

9 MS. STEINMAN: Only, do you ever
10 frequent the bar at all or no?

11 THE WITNESS: No. I don't go into
12 bars.

13 MS. STEINMAN: No, I have no other
14 questions.

15 CHAIRMAN BOHL: Okay. All right.
16 Thank you, ma'am, for your testimony.

17 THE WITNESS: Thank you.

18 CHAIRMAN BOHL: I will -- Ms.
19 Steinman, if you want to provide any additional
20 evidence. Otherwise, to wrap things up with a
21 closing here, please.

22 MS. STEINMAN: Okay. There's just one
23 other statement that my client wants me to convey
24 to you, which is essentially the fact that, you
25 know, they have done their best to tighten up

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1 Marjani's, I guess, to come over there to a block
2 party in -- in support of that. And so, I did,
3 and that's when I saw that it was a Marjani
4 event. But I had the opportunity to get a tour
5 of the facility, which actually was really nice
6 and all of that. But that has no bearing on any
7 decision I'm going to make here today.

8 I think this is a peculiar case for me,
9 because I try to be extremely fair and deliberate
10 with choices that I make. It's -- It's a little
11 disturbing to me that I haven't had the
12 opportunity to meet Ms. Evans, and that this is
13 the second time that we're hearing this. And
14 given the magnitude of the gunplay issues that we
15 see in this file, that -- that she's not here to
16 represent or that there is not some better
17 explanation then we're receiving for it, as well
18 as aside from hiring more security, that there is
19 any suggestion as to changes in operations that
20 will help to result in the prevention of the
21 continuous in elevation of activities like this.
22 And, you know, and hearing neighbors' testimony
23 about bullet holes in the siding of their homes
24 and -- and reading the reports about continuous
25 stuff and not hearing from the owner as to what

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1 security. They've gotten security guards in
2 there prior to the closing down and prior to the
3 fire. In addition, they've had block parties,
4 community block parties, that I believe she
5 indicated that the Alderwoman was present at.
6 And that they attempted to, you know, provide
7 events to the community to show that they are,
8 you know, a value to the area and they're trying
9 to contribute to the community. And so, I just
10 want that to be considered when you consider your
11 decision.

12 CHAIRMAN BOHL: Okay. Very good.
13 Thank you. If there are no other questions, then
14 we're in committee.

15 ALDERWOMAN COGGS: Mr. Chair.

16 CHAIRMAN BOHL: Alderwoman Coggs.

17 ALDERWOMAN COGGS: Since it was
18 mentioned, I guess I should say, yeah, I did go
19 to a block party that at the time of invitation
20 was not shared with me that it was sponsored by
21 Marjani. That may have had an influence on my
22 choice to attend if I had known that. There was
23 actually a person who lived behind the place
24 whose mother passed away. And in celebration of
25 her life, I was asked by a supporter of

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1 actions are being taken to prevent the elevation,
2 I can't be in support of a renewal, in all
3 fairness. And like I said, I really, you know, I
4 struggle with -- with choices that we all have
5 to make at these committee levels and
6 -- and try to be consistent and fair and all of
7 that, but for me to vote for anything less than a
8 non-renewal I would have to have some belief that
9 these issues would be alleviated. And I don't.
10 In fact, I have a fear that it could escalate.
11 So at this time I would move for non-renewal.

12 MS. STEINMAN: Can I respond, Mr.

13 Chairman?

14 CHAIRMAN BOHL: No.

15 ALDERWOMAN COGGS: Based on the police
16 report --

17 CHAIRMAN BOHL: And legally, once we
18 are in committee --

19 MS. STEINMAN: Okay.

20 ALDERWOMAN COGGS: -- and neighborhood
21 testimony.

22 CHAIRMAN BOHL: -- it's like this is
23 -- this is like when the jury reads a verdict in
24 court.

25 MS. STEINMAN: Okay.

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1 CHAIRMAN BOHL: You don't get a chance.
 2 MS. STEINMAN: Okay.
 3 CHAIRMAN BOHL: And - - And it's
 4 nothing against you. This is just - -
 5 MS. STEINMAN: Okay.
 6 CHAIRMAN BOHL: That's our - - Those
 7 are the rules of the proceedings. Motion by
 8 Alderwoman Coggs is to recommend non-renewal
 9 based on the matters contained in the police
 10 report, as well as neighborhood testimony. Is
 11 there any discussion on the motion? Are there
 12 any objections to it? Hearing none, the motion
 13 will carry on a five-zero vote. Mr. Miller?
 14 MR. MILLER: Counsel, the committee
 15 will be doing findings of fact and conclusions of
 16 law recommending non-renewal of your client's
 17 license. The full Common Council on March 3rd
 18 will take up that recommendation. Your client
 19 will have the opportunity to file written
 20 objection to the License Committee's
 21 recommendations. The client must do so by
 22 February 26th. Will you accept service of the
 23 findings of fact and conclusions of law?
 24 MS. STEINMAN: Yes, I will.
 25 MR. MILLER: Okay. Thanks.

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 3
 4 STATE OF WISCONSIN)
 5)
 6 MILWAUKEE COUNTY)
 7
 8 I, JEAN M. BARINA, of Milwaukee Reporters
 9 Associated, Inc., 5124 West Blue Mound Road,
 10 Milwaukee, Wisconsin 53208, certify that the foregoing
 11 proceedings is a full and complete transcript of the
 12 "MARJANI" portion taken in the foregoing proceedings.
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 14
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 16
 17
 18
 19 JEAN M. BARINA
 20 Court Reporter
 21
 22 Dated this day of March, 2009.
 23