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1 A P P E A R A N C E S :

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3 ERIK W. WEIBUST, ESQ. and KENT D.B. SINCLAIR, ESQ.,
4 Seyfarth Shaw, LLP, World Trade Center East, Two Seaport Lane,
5 Suite 300, Boston, Massachusetts, 02210-2028, for the
6 Plaintiff.

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JONATHAN McBRIDE, appearing Pro Se.

1 PROCEEDINGS

2 THE CLERK: Court calls Civil Action 12-10306,
3 TimePayment v. Jonathan McBride. Could counsel and defense
4 please identify themselves.

5 MR. SINCLAIR: Yes, good morning, your Honor. Kent
6 Sinclair, and with me is my associate Eric Weibust for the
7 plaintiff, TimePayment Corporation.

8 THE COURT: Thank you.

9 MR. McBRIDE: Jonathan McBride.

10 THE COURT: All right, let me just start off with you,
11 Mr. McBride, since you're the defendant here. Do you have a
12 lawyer?

13 MR. McBRIDE: Not currently. They just presented
14 these papers to me Thursday evening. I've contacted lawyers.
15 With short notice, I was not able to get one.

16 THE COURT: Are you planning on hiring a lawyer?

17 MR. McBRIDE: Yes, I am, your Honor.

18 THE COURT: And do you have a sense from talking to
19 anybody how long it will take you to get somebody?

20 MR. McBRIDE: I don't have a sense. I've been in
21 contact with a particular lawyer that --

22 THE COURT: Well, why don't you stand up for a second,
23 okay, because generally I can see you. Can I just ask you a
24 few things. Do you have a college education?

25 MR. McBRIDE: Yes, I do, your Honor.

1 THE COURT: And you're now working?

2 MR. McBRIDE: Yes, I am.

3 THE COURT: Can you afford a lawyer?

4 MR. McBRIDE: It's very tight. No.

5 THE COURT: Well, this is an issue because typically
6 we can't appoint attorneys in civil cases. So this is the
7 issue that we're running up against: They've requested a TRO,
8 which means a temporary restraining order, asking certain
9 things to happen. I'm a little reluctant to have you talk to
10 them because there are two lawyers there, and they've filed
11 these papers, and you're unrepresented.

12 I'm trying to figure out right now if there's a
13 standstill kind of thing until he can get a lawyer or have to
14 go pro se.

15 MR. SINCLAIR: May I, your Honor?

16 THE COURT: Yes.

17 MR. SINCLAIR: Your Honor, to be clear, Mr. McBride
18 has consulted with an attorney who's contacted me. Last night
19 I received an e-mail from John Sheehan, who's an attorney in
20 Portsmouth, New Hampshire, who informed me that he anticipates
21 entering an appearance this afternoon after today's hearing and
22 that --

23 THE COURT: Well, we can push this off till next week,
24 I mean, if I have an attorney who's involved.

25 MR. SINCLAIR: Well, I guess my point is, your Honor,

1 there seems to have been a strategic decision by the attorney
2 after consulting with Mr. McBride, and I'm happy to show you
3 the communication --

4 THE COURT: Well, maybe he couldn't come. Maybe he
5 had a scheduling conflict.

6 MR. SINCLAIR: He does, he indicated that he had a
7 deposition, but there wasn't even a request of a delay in the
8 hearing. So I'm not sure what's going on, but he's had six
9 days to obtain counsel.

10 THE COURT: Well, let me ask you. I read the opinion,
11 but if he wants a lawyer, I'm going to let him get a lawyer,
12 but I want to at least try and figure out what I can do to hold
13 things. Was there an affidavit filed?

14 MR. SINCLAIR: There were four affidavits filed.

15 THE COURT: There were four affidavits filed? So
16 those must just be attachments that I didn't print out.

17 MR. SINCLAIR: Yes, and I'm happy to provide you with
18 a copy of the papers if --

19 THE COURT: What is it that you would need to just
20 have a standstill? This is not a noncompete, right? This is a
21 trade secret type of situation?

22 MR. SINCLAIR: That's correct. This is a theft of
23 trade secrets case. What we urgently need, your Honor, so in
24 terms of a standstill would be an order not to use or
25 distribute the report that we've uncovered in our investigation

1 so far or any other TimePayment information in his current job.
2 He's working for a competitor of my client. That would seem to
3 be a standstill.

4 The other thing that we urgently need to be able to
5 conduct our investigation because he's not the only piece in
6 the puzzle here -- if you've read the papers, you see he was
7 disclosing information to an employee for another company, not
8 the company he's now working for -- what we urgently --

9 THE COURT: You need some expedited discovery.

10 MR. SINCLAIR: Yeah, we need his iPhone. There's
11 nothing on his work computers. He seems to have been pretty
12 careful by e-mailing stuff from his work e-mail address to his
13 personal e-mail address and then using an iPhone to then
14 forward information.

15 THE COURT: All right, so I know you don't have a
16 lawyer here right now, but it did look as if they'd established
17 a likelihood of success on at least some of their confidential
18 and proprietary information being shipped by you to
19 competitors. So I'm trying to figure out what to do to protect
20 them while you get yourself a lawyer and get going. So let me
21 ask you this: I could simply grant that request, or I could --
22 are you prepared right now to oppose it?

23 MR. McBRIDE: No, your Honor. I was hoping to get a
24 continuance so I could consult with my legal counsel before
25 agreeing --

1 THE COURT: And I understand that. What I might do is
2 what is called a "temporary restraining order," which gives you
3 a ten-day hiatus. In other words, I'm going to grant some
4 injunctive relief that you can't use that spreadsheet, that
5 Excel spreadsheet with their data on it, and also probably a --
6 so I'm trying to figure out exactly what to do that's the least
7 intrusive but which protects them.

8 MR. SINCLAIR: So, your Honor, in our proposed
9 temporary restraining order, we did try to show some
10 constraint. We didn't ask for all the relief we're seeking in
11 the preliminary injunction. It was perhaps more than a
12 standstill proposal, but it was sort of the minimum we felt
13 appropriate and necessary to be able to move to the next phase,
14 and so perhaps some modification on the proposed order.

15 I would also point out to the Court that there is an
16 affidavit from the person who runs the Customer Relations
17 Management system at our client that after his departure from
18 the company but before they were able to turn off his access,
19 he continued to access the CRM system. So we haven't been able
20 to figure out exactly what, if anything, was taken through that
21 accessing, but if the order were broad enough to cover not just
22 the report because we have some indication that there's
23 information beyond just the report that was accessed.

24 MR. McBRIDE: Your Honor, I do not have any of their
25 property. I don't have a list. I'm not using a list with my

1 current employer.

2 THE COURT: Well, so then this shouldn't affect you.

3 MR. SINCLAIR: And we're not trying to stop him from
4 working, your Honor.

5 THE COURT: So let me just ask, have you read the
6 requested order? Let me read it to you and see if you'd have a
7 problem with this. This is just until you get a lawyer.
8 They're requesting that you not use, reveal, distribute,
9 disclose, or disseminate to anyone -- do you have it in front
10 of you so I'm not sitting here reading? It's hard to -- you're
11 probably terrified and it's hard to focus. Why don't you --

12 MR. SINCLAIR: It was attached to the motion for a
13 temporary restraining order.

14 THE COURT: Why don't you just read the Paragraph 1,
15 just get there.

16 MR. SINCLAIR: Here you go.

17 THE COURT: Do you have it there?

18 MR. McBRIDE: Yes, I do.

19 THE COURT: Why don't you sit for a minute and just
20 read Paragraph 1.

21 (Pause.)

22 THE COURT: Do you have a problem with that?

23 MR. McBRIDE: No, I don't, your Honor.

24 THE COURT: All right, Paragraph 2.

25 (Pause.)

1 THE COURT: Well, this might be a little too broad. I
2 don't know if he's married or has a girlfriend or whatever. I
3 don't know that I can say he can't purge anything.

4 MR. SINCLAIR: I'm sorry, which portion?

5 THE COURT: It says not to discard, delete, erase,
6 destroy, or purge any e-mails/documents of any kind stored on
7 his personal computer. I don't know, he may have things
8 with -- I don't know, when you're married, you have kids. I
9 mean -- no? I mean, confidential personal relationships, I
10 mean, I don't know that I --

11 MR. SINCLAIR: If I might, your Honor?

12 THE COURT: Yes.

13 MR. SINCLAIR: Your Honor, the concern there is not --
14 obviously we don't desire to pry into Mr. McBride's
15 confidential relationships. The concern about deletion, and
16 I'm not an expert on forensic computer analysis, but it's my
17 understanding that when you start deleting material from a
18 computer or another data storage device, changes occur within
19 the system, so it makes it difficult to create a chronology of
20 events.

21 THE COURT: I know, but everyone just sits as you go
22 through e-mail and delete, delete. I mean, you know --

23 MR. SINCLAIR: Well, my point is, if a forensic image
24 of the device are made at this point, it's certainly not a
25 burden. What's the burden to not deleting an e-mail at this

1 point just pending the forensic analysis of the computer?
2 There's no burden to maintaining e-mails on the system, but
3 there is a potential damage --

4 THE COURT: I just am not sure I know the damage.
5 Like, say, if he gets, let's say, a note from his doctor that
6 he needs a checkup, I don't know why that -- if you hit
7 "delete," it doesn't prove to me that there's a problem
8 forensically. I don't buy it.

9 MR. SINCLAIR: Because all that may show on the
10 computer is that a deletion was made, and we might not be able
11 to tell whether it was relevant or irrelevant information that
12 was deleted.

13 THE COURT: I tell you what, if you -- well, I'm not
14 going to do that.

15 MR. SINCLAIR: If you would prefer, of course we have
16 no objection if you'd prefer to limit it to no deletion of
17 information related to TimePayment Corporation or any of its --

18 THE COURT: Yes, yes, I think that's how we'll do it.
19 So why don't I say with respect to business-related e-mails as
20 opposed to personal, and why don't I do this --

21 MR. SINCLAIR: Not to split hairs, your Honor, but
22 that's what lawyers do, I'm wondering --

23 THE COURT: I'm part of that hair-splitting profession
24 as well. What do you want me to say?

25 MR. SINCLAIR: Well, it occurs to me that perhaps the

1 position may be taken by the defense in this case that the
2 forwarding of that e-mail to a former colleague was personal,
3 not business-related. So I would hate for e-mail to be
4 deleted, communications with Lisa Gunville, because of some
5 semantic hair splitting, and so perhaps we could specifically
6 call out any communications with Lisa Gunville.

7 THE COURT: Yes. How do you spell it?

8 MR. SINCLAIR: It's G-u-n-v-i-l-l-e, and she's
9 actually recently been married, and her last name is now
10 Gargiulo, G-a-r-g-i-u-l-o.

11 THE COURT: Lisa?

12 MR. SINCLAIR: Yes, your Honor.

13 THE COURT: So I'm going to add a third one: Any
14 communications with Lisa Gunville-Gargiulo shall be retained.
15 All right?

16 MR. SINCLAIR: Yes. Thank you, your Honor.

17 THE COURT: What about Sub 4?

18 (Pause.)

19 THE COURT: Are you in this line of work still?

20 MR. McBRIDE: Yes, I am, your Honor.

21 THE COURT: So what do you think about the third
22 paragraph, which would become the fourth?

23 MR. McBRIDE: And that's why I wanted to talk to legal
24 counsel.

25 THE COURT: Would that be a problem for you right now?

1 MR. McBRIDE: It potentially could be because my
2 current employer is structured differently, and I'm working
3 with end customers. If they come to me looking for financing
4 and working through a particular dealer that's in TimePayment's
5 dealer list, I have no control of that; I didn't solicit those
6 dealers for this. Currently under my current employer, I'm
7 only calling on leads that they are providing, end customer
8 leads.

9 THE COURT: So what do you want to do about that?
10 That's the part that's not a stay -- that I might of give you
11 eventually, but I think I'm going to cross that out. That's
12 really like a noncompete.

13 MR. SINCLAIR: Of course, the problem is, we have to
14 rely on the person who's misappropriated trade secrets to
15 determine whether he's relying on misappropriated trade secrets
16 or some other source of information.

17 THE COURT: Right, and you may win this eventually,
18 but this is just he doesn't have a lawyer.

19 MR. SINCLAIR: If we're looking at a fairly quick
20 preliminary injunction hearing or a further temporary
21 restraining order hearing, I guess some other limitation, just
22 limiting it to "shall not solicit" would probably be effective.

23 THE COURT: So you wouldn't go out and solicit any of
24 theirs, but if they came in through some other route, you could
25 deal with them.

1 MR. McBRIDE: I agree. I'm looking for a little bit
2 of clarification. Are we strictly the list that was, you know,
3 supposedly sent or any dealer?

4 THE COURT: Why don't we just stay with that list.

5 MR. SINCLAIR: Your Honor, we --

6 THE COURT: No. You know what, this is ten days. He
7 doesn't have a lawyer.

8 MR. SINCLAIR: We know he was accessing the system
9 with all of the customer information after he resigned from the
10 company on February 3. We know he was in that system.

11 THE COURT: I understand. I'm talking about ten days
12 till I get a lawyer in here.

13 MR. SINCLAIR: Well, your Honor --

14 THE COURT: You know, I'm talking ten days. He does
15 not have a lawyer. I am not going to stop him from working in
16 the ten days.

17 MR. SINCLAIR: I'm not asking --

18 THE COURT: Well, you sort of are.

19 MR. SINCLAIR: I'm not, your Honor. I'm only asking
20 that it be limited to not using the information that comes from
21 TimePayment till we can parse it out. He has a lawyer ready to
22 step in this afternoon.

23 THE COURT: Excuse me. That's in his head. I'm
24 trying to -- you didn't for some reason negotiate a noncompete.
25 I don't know why the company didn't.

1 MR. SINCLAIR: Because our client believes that people
2 should be able to work.

3 THE COURT: Good, but this is creating a problem for
4 me because it's in his head who the dealers are, he's been
5 working in the company, so --

6 MR. SINCLAIR: Your Honor, just to give you an example
7 of what the lists we're dealing with look like, I mean, you
8 know, this is not in his head. You know, this is the list he
9 sent. You know, this is not in his head. We don't know what
10 other lists he's taken, so, you know, of course, if we're going
11 to get expedited discovery, I guess we can figure that out, and
12 we could always come back into the court seeking a modification
13 of the restraining order if we got further evidence, but --

14 THE COURT: Well, I don't know. What's your response
15 to that?

16 MR. McBRIDE: Your Honor, they're saying that I logged
17 in after I had resigned? That's why I was looking for legal
18 counsel because I did not. The times that they're proposing
19 were 4:40 in the morning, just after midnight, when I would be
20 sleeping.

21 THE COURT: So you're saying you're disputing it. You
22 know, I can't resolve that right now.

23 MR. SINCLAIR: Well, that's why we --

24 THE COURT: At this point I'm not doing the last
25 paragraph. I may do it in the last one, but I will -- you tell

1 your lawyer that I may well grant it.

2 Now, when did this lawyer tell you he could be here
3 because we're going to do this within ten days? March 5 is the
4 tenth day, but then it's for me, and then I may grant it for
5 another ten days or grant more because -- did that lawyer say
6 he was going to take the case?

7 MR. McBRIDE: I've contacted a few lawyers, and he, I
8 guess, reached out to Mr. Sinclair.

9 THE COURT: You don't know for sure? You haven't
10 signed a contract or whatever one --

11 MR. McBRIDE: I have not yet.

12 THE COURT: Well, you need to get yourself a lawyer.
13 And I understand it's expensive.

14 MR. McBRIDE: I'm working towards that, your Honor.

15 THE COURT: But I think -- I don't know if the new
16 company will help you or whether you've got to do it on your
17 own, but this is not something that, if you can possibly
18 afford, you should go by yourself because we need to have a
19 hearing and resolve this because I may well give that last
20 paragraph.

21 So is March 5 acceptable to people?

22 MR. SINCLAIR: Yes, your Honor.

23 THE CLERK: At 10:30.

24 MR. McBRIDE: Yes, your Honor.

25 THE COURT: And at that point, now, let me ask you

1 this: Have you -- so why don't you give me a revised order
2 which I will sign.

3 MR. SINCLAIR: I wasn't sure -- you seem to have added
4 paragraph, and I wasn't sure what --

5 THE COURT: I added the paragraph that said that he
6 should not discard, delete, whatever you used with all your --
7 destroy, purge any dah-dah-dah-dah-dah with respect to Lisa
8 Gunville-Gargiulo. I made that a -- you said to spin that out,
9 and I thought that was a good idea, to a separate thought and
10 order.

11 Now, I do think it would be helpful to have a
12 deposition, at the very least your deposition, and possibly --
13 I don't know who else would be relevant -- this woman's
14 deposition. As soon as a lawyer enters an appearance, you
15 should work out a discovery schedule because I am going to
16 allow expedited discovery, but I don't want it to happen until
17 he has a lawyer. I don't know, is there anyone -- do you know
18 yet who you might want to depose on their side?

19 MR. McBRIDE: I'm not sure, your Honor.

20 THE COURT: Now, this is my fault because I'm just not
21 remembering. Your forensic expert --

22 MR. SINCLAIR: Yes, your Honor.

23 THE COURT: -- says that somebody accessed it after he
24 left, right?

25 MR. SINCLAIR: That was not the forensic expert. It

1 was the head of marketing who was able to run some logs. To be
2 fair, what she said was that someone using his log-in
3 information accessed it. That's why we need some forensic
4 analysis of his personal computer, iPhone, to see if that was
5 what was being used to log in and what was done in the system.
6 It's a third party that maintains the information. We can see
7 the logs, but we have to work through this third party to
8 figure out exactly what was done within the system.

9 THE COURT: I see, so --

10 MR. SINCLAIR: But we could see by looking at his
11 computer, we could verify that it was not his iPhone or his
12 personal computer that was used if we were able to have access
13 to --

14 THE COURT: Yes, this may help you to actually get
15 your own forensic person, and also think through who else, if
16 you say it wasn't you, could have been doing it, because it
17 really, let me just say, sounds bad because this is the kind of
18 stuff that is often considered confidential and proprietary,
19 these dealer lists. If someone is circulating that around,
20 they have the right to protect it most likely. So you may have
21 in your mind who, if it isn't you, who it could be; but I would
22 just make sure you work with a lawyer and preserve everything
23 that you've got, which could also help you. And they can
24 figure out if you start deleting too, the forensic experts,
25 because I'm likely to order that your computer stuff be turned

1 over for maybe some neutral exam or something like that. Maybe
2 you and the lawyer can agree on a neutral forensic evaluation.

3 MR. SINCLAIR: I'm sure we can, or we've got a very
4 good person who's already invested significant time in this
5 investigation.

6 THE COURT: So who? Who?

7 MR. SINCLAIR: His name is Mark Spencer of Arsenal
8 Consulting, and he has -- your Honor, as I said, there's more
9 than one person at play in this puzzle. We are currently
10 conducting an analysis of third-party computers.

11 THE COURT: I see, so it's potentially --

12 MR. SINCLAIR: And that's how we discovered this
13 communication.

14 THE COURT: So it's potentially a bigger problem.

15 MR. SINCLAIR: Yes, and that's why we also need some
16 expedited third-party discovery and need an order from the
17 Court in order to be able to do that, so we can find out from
18 the people who were being provided with information what was
19 going on.

20 THE COURT: Well, you know, I can't be the grand jury
21 here. I'm only talking about this case, not a bigger thing,
22 but --

23 MR. SINCLAIR: Your Honor, in a trade secrets case,
24 it's not unusual to have expedited discovery permitted of
25 third-party witnesses.

1 THE COURT: Excuse me. Only if it relates to this.

2 MR. SINCLAIR: Obviously, only as it relates to --

3 THE COURT: This dispute with Mr. McBride.

4 MR. SINCLAIR: And we tried to be very careful in our
5 proposed order to limit it only to communications with
6 Mr. McBride and information from TimePayment Corporation,
7 absolutely. We're not looking to use this proceeding to
8 gain --

9 THE COURT: I mean, there may be other turncoats
10 within your ranks, but I can't deal with that.

11 MR. SINCLAIR: No, no, no, I'm sorry. I'm not trying
12 to turn this into a Star Chamber, but if we could, you know,
13 again --

14 THE COURT: So you're going to get me a proposed
15 order. I'm going to allow the motion for expedited discovery,
16 but not the sun, the moon, and the stars. I need him to have a
17 lawyer first. And you can't do this all within ten days. I
18 can't get a lawyer, get him up to speed, get him in here by
19 March 5, and then have multiple depositions in the next five
20 days. That's what can't happen here.

21 MR. SINCLAIR: Understood, your Honor. Just to be
22 clear, I have an e-mail from an attorney who said he's
23 consulted with Mr. McBride that says that "I anticipate that
24 tomorrow afternoon --" this was received last night -- "he'll
25 be retaining us to assist him in this matter." You know, so --

1 THE COURT: All right, so as soon as he comes in, I
2 will allow expedited discovery, but you need to confirm what's
3 possible between now and the 5th. It may not be very much.
4 And it may be you'll be able to negotiate some sort of a
5 standstill or something along the lines and get yourself some
6 more time for discovery. The key is -- you might be a really
7 smart guy in this field -- you need a lawyer on your side to
8 negotiate for you.

9 So I'm going to allow expedited discovery but not --

10 MR. SINCLAIR: Would you like us to discuss this
11 afternoon or tomorrow morning with counsel and then submit a
12 proposed order?

13 THE COURT: Yes.

14 MR. SINCLAIR: Or if counsel isn't retained by
15 tomorrow afternoon, to submit what we believe would be
16 reasonable?

17 THE COURT: Yes, in the time frame we're talking
18 about. What I was actually thinking about were just two
19 depositions, which is Mr. McBride's and this woman that you're
20 so worried about, and it may take a little bit more time to get
21 that all together.

22 MR. SINCLAIR: Yes.

23 THE COURT: I was not anticipating full forensic exams
24 and turnovers within a week. That just seems too hard.

25 MR. SINCLAIR: We could examine -- I'm told that we

1 could make the forensic image to preserve the image promptly of
2 the iPhone and anything else, and then examination could begin
3 looking for some of the --

4 THE COURT: Well, why don't we get a lawyer in the
5 room for him first.

6 MR. SINCLAIR: Understood, and perhaps we can also
7 negotiate that with --

8 THE COURT: That sounds good.

9 MR. SINCLAIR: It's difficult to do an examination,
10 though, without being able to have -- you can see on the e-mail
11 he sent it from his iPhone to Ms. Gunville. Without being able
12 to see that iPhone, it's difficult to be able to take the
13 deposition, so if there were any way that we could access --

14 THE COURT: Talk to the lawyer and try and figure it
15 out.

16 MR. SINCLAIR: Okay.

17 THE COURT: And that's why I'm here if you can't work
18 it out.

19 MR. SINCLAIR: In terms of preparing this record, is
20 there someone in your office we could check with to make sure
21 it reflects the notes that you'd been making to the draft order
22 on the injunction?

23 THE COURT: Just give it -- you know, I'm sure you're
24 a smart guy and it's roughly going to be right. And if not,
25 I'll just sort of ink it out, I remember, and --

1 MR. SINCLAIR: So to be clear, as to the last
2 paragraph, did I understand you to say that it's not being
3 granted at all, or it's being granted only as it relates to the
4 one report that we know was disclosed?

5 THE COURT: As you've worded it, it's not being
6 granted at all because you're asking that he not deal at all
7 with anyone on that massive list. That's like a noncompete; it
8 looks like it may cover the field. I'm just not prepared yet
9 to do that.

10 MR. SINCLAIR: The list was limited to one sector. It
11 was the water industry.

12 THE COURT: I don't know. It looked very thick when
13 you showed it to me.

14 MR. SINCLAIR: 3,043 --

15 THE COURT: Yes, it looked long. Yeah, it looked
16 long. To say that he can't deal at all with those people, I
17 don't know who's on it or whether it effectively stops him from
18 working. I don't know that. That's what we'll address at the
19 next one. I may grant it. I may well grant it. If I have
20 evidence he stole it and distributed it, I may well, but I've
21 got to give him a chance to -- and I do understand the
22 company's concern. We'll freeze everything. We'll move as
23 quickly as we can humanly move on this stuff.

24 You get a lawyer because next time, if you don't have
25 one, you're going to have to go it by yourself, which won't be

1 pretty. I'll do the best I can to make it fair, but -- okay?
2 All right, thank you.

3 MR. SINCLAIR: Thank you, your Honor.

4 THE CLERK: All rise.

5 THE COURT: Just to make sure we have how to contact
6 you, we have your phone number and make sure we have your --
7 because until a lawyer files an appearance, we're going to be
8 dealing directly with you, so --

9 MR. McBRIDE: That's fine.

10 THE COURT: Okay? Thank you. You live in
11 New Hampshire?

12 MR. McBRIDE: Yes, I live in New Hampshire.

13 THE COURT: And you're in Massachusetts?

14 MR. SINCLAIR: Yes, your Honor.

15 THE COURT: I just want to make sure I have diversity.
16 All right, thank you.

17 MR. SINCLAIR: You also have federal question.

18 THE COURT: Yeah, because you raised the computer --

19 MR. SINCLAIR: Yes.

20 THE COURT: Thank you.

21 (Adjourned, 10:13 a.m.)

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C E R T I F I C A T E

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2
3 UNITED STATES DISTRICT COURT)
4 DISTRICT OF MASSACHUSETTS) ss.
5 CITY OF BOSTON)

6
7 I, Lee A. Marzilli, Official Federal Court Reporter,
8 do hereby certify that the foregoing transcript, Pages 1
9 through 24 inclusive, was recorded by me stenographically at
10 the time and place aforesaid in Civil Action No. 12-10306-PBS,
11 TimePayment Corp. V. Jonathan McBride, and thereafter by me
12 reduced to typewriting and is a true and accurate record of the
13 proceedings.

14 In witness whereof I have hereunto set my hand this 1st
15 day of March, 2012.

16
17
18
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20 /s/ Lee A. Marzilli

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22 LEE A. MARZILLI, CRR
23 OFFICIAL COURT REPORTER
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