













































































































































<b>A</b>				
<b>a.m</b> 1:14 3:2 63:4	<b>advantage</b> 23:3	<b>allowing</b> 13:10 21:3 60:3	49:15 50:6 51:2 52:18,18	9:15 46:18
<b>abandon</b> 5:9 11:2	<b>adverse</b> 12:7 32:23 38:22 44:23 49:16	<b>allure</b> 52:11	52:19 54:8	<b>argument</b> 1:13 2:2,5,8 3:3,7 5:22 6:6,13 7:8 7:12,13,15,17 7:17,18,24 8:8
<b>abandoned</b> 52:24 53:9	<b>adverse-infere...</b> 44:18	<b>alternative</b> 6:15 9:15	57:22 58:19 59:4,6 60:19 61:17 62:12	<b>appealability</b> 61:2
<b>Abe</b> 49:18	<b>adverseness</b> 47:6 49:5,10	<b>Amcam</b> 61:4	<b>appealable</b> 35:12	9:20 20:12 25:17 29:9 33:19 41:24 43:15,19 45:18 48:5,23 56:23 62:1,3,4,5,6,22
<b>ability</b> 50:17	<b>adversity</b> 17:10	<b>amount</b> 22:3	<b>appealed</b> 13:4	<b>arguments</b> 21:15 47:16,20 49:17 55:22 56:10
<b>able</b> 10:8 26:23 52:12	<b>Advisory</b> 34:24 35:2 55:16	<b>analysis</b> 49:4	<b>appealing</b> 16:8 39:20	<b>Article</b> 6:25 46:17 47:7
<b>above-entitled</b> 1:12 63:5	<b>advocated</b> 41:14	<b>analyzed</b> 49:13	<b>appeals</b> 10:21 10:22 18:11,17 19:5,16 20:15 20:20,21 23:25 26:15,16 27:13 27:17 28:10 36:25 42:6 50:2 51:22 54:14 57:11,24 59:17	<b>articulate</b> 10:18
<b>absolute</b> 10:17 13:22	<b>ago</b> 31:3 47:8 60:3	<b>Angeles</b> 1:18	<b>APPEARAN...</b> 1:15	<b>asked</b> 15:12 35:11 45:5 47:4 49:11
<b>absolutely</b> 13:6 15:9	<b>agree</b> 7:11 16:20 31:1 42:8 43:25 48:22 50:23 51:8 56:11 62:18	<b>answer</b> 4:17 10:22,23 29:5 31:2,7 33:11 37:3,4 42:16 47:7 50:14,15	<b>appears</b> 59:15	<b>asking</b> 5:23 10:14 16:16 51:18 59:19
<b>absolutes</b> 10:5	<b>agreed</b> 46:16	<b>answered</b> 10:14	<b>appellate</b> 19:15 23:13 30:6 31:17 33:2 46:10 47:2 48:2 49:4 55:16 59:1	<b>assume</b> 10:15
<b>abused</b> 25:12	<b>agreement</b> 42:12 55:14	<b>answering</b> 10:13 28:3 46:20	<b>Appendix</b> 4:21 32:22,25 35:22 36:1	<b>assumed</b> 30:15
<b>accept</b> 60:11	<b>aha</b> 40:3	<b>answers</b> 44:8	<b>applies</b> 33:21	<b>assumption</b> 5:20 5:25 6:3 7:8
<b>accepted</b> 6:8 33:4 61:22 62:5,7	<b>ahead</b> 3:17 14:23 21:17 22:17,24 23:1 23:7 44:24 58:9 59:7	<b>antitrust</b> 11:16 11:23 44:1,2	<b>apply</b> 62:22	<b>attempted</b> 31:4
<b>accepting</b> 6:8	<b>AL</b> 1:6	<b>anyway</b> 26:11 26:12 51:11	<b>approach</b> 13:7	<b>attorney</b> 10:15
<b>account</b> 59:11	<b>Alito</b> 12:23 13:5 13:12,14 24:25 25:5,6,9,20,25 26:18,25 27:8 27:13 43:4 44:14,22 45:11 45:19,20,24 46:3	<b>anyways</b> 28:5	<b>appropriate</b> 25:14,16 35:1	<b>attorney's</b> 45:6
<b>action</b> 17:12,13 17:21 21:5 25:4,25 30:6 30:18,20 31:25 32:15 33:16 34:5 35:9 36:13,17 37:1 37:15,16 53:23 54:1 60:7 61:5	<b>Alito's</b> 44:8	<b>App</b> 5:1	<b>argue</b> 16:8 18:12 20:11 47:22	<b>attorneys'</b> 7:3
<b>actions</b> 21:1 62:22	<b>alive</b> 16:21 17:1	<b>apparently</b> 25:2	<b>argued</b> 6:23 61:21	<b>attorneys'-fee...</b> 7:15
<b>actual</b> 5:15	<b>allegation</b> 6:23 37:7	<b>appeal</b> 4:14 5:3 5:13 11:11,13 12:14,21,22 13:11 15:4 16:4,5 17:8 18:12,15 19:9 21:3,21 23:20 24:1,20 26:20 26:22 27:6,18 28:11,25 30:9 30:25 32:3,10 32:23 35:10,16 36:18,19,23 37:9,21,23,25 38:20,21 39:3 39:18 40:6,9 40:22 41:7 42:9 43:1 44:20 46:9,18 46:25 47:2,19 48:7,10 49:9	<b>arguing</b> 6:14	<b>attorneys'-fee...</b> 7:15
<b>added</b> 22:15	<b>allegations</b> 22:2 25:7 33:25	<b>answered</b> 10:14		<b>automatic</b> 19:9 21:3 23:20 28:25 57:11
<b>address</b> 8:13 57:2	<b>allow</b> 12:16	<b>answering</b> 10:13		<b>available</b> 3:12
<b>addressed</b> 54:23	<b>allowed</b> 8:10 19:23 57:6,11 57:21 60:2	<b>anyway</b> 26:11		<b>avoid</b> 33:19
<b>addressing</b> 55:3		<b>anyways</b> 28:5		<b>award</b> 7:19,23 8:2,9,25 45:7
<b>adopted</b> 3:18 5:18 57:5		<b>apparently</b> 25:2		<b>aware</b> 35:2 42:7 57:5
<b>adopting</b> 5:17		<b>appeal</b> 4:14 5:3		<b>awfully</b> 5:22

**B**



<b>back</b> 4:5,9,13,20 7:9,10,12 12:17 27:11 29:18 30:1,14 31:6 32:13 33:18 36:12,12 38:15 39:3 41:12 46:22,25 47:1 49:3 52:8 54:4 57:19 61:4,15,18	<b>bother</b> 51:18 <b>bought</b> 5:20,25 <b>box</b> 39:24 <b>Breyer</b> 14:2,13 14:19 15:1,7 17:10,11,15,20 17:24 18:6,9 31:22 32:5,11 32:16 39:9 40:14 49:23 50:15 52:9 <b>Breyer's</b> 21:25 <b>brief</b> 4:18 5:8,19 5:24,25 6:6 11:1 30:13 31:17 33:2 34:25 39:6,13 47:9 54:21,23 55:2,10 <b>briefing</b> 4:4 19:17 43:14 48:23 <b>briefs</b> 22:16 41:24 54:18 <b>bring</b> 14:21 17:13,20 38:4 <b>bringing</b> 21:17 <b>brought</b> 8:25 37:1 60:1 <b>burden</b> 8:4,7 <b>business</b> 14:25 <b>buy</b> 10:17	<b>case</b> 3:4,15 4:2,4 4:12 7:11 8:6,9 9:1,7,8,9,19,22 9:24 10:8,15 10:25 11:9,16 11:18,22,23 12:11,13,17 13:2,8,23 14:5 14:6,9,17,23 15:10,18,23 16:6,12,13,20 17:12 20:7,12 21:12,18,19,25 22:4,20 23:5,6 23:8,16,18,23 24:2,7,10,13 24:17,21 25:1 25:1,13 26:21 27:4,10,20 28:5 29:15,18 29:20 30:1,3,7 31:12,16 32:6 34:23 35:3,17 36:4 37:20 38:7,8,11 39:6 39:8,21,21,25 40:10,13,16,22 41:1,20 43:7 43:16,17 44:1 44:13 46:11 47:10 48:12,18 49:20,21 50:6 51:11,15 52:18 52:25 53:6 57:10,13,25 58:10,12,14,20 59:7,25 60:13 61:1,12,12,13 61:14,23 62:10 62:14,15,18,24 62:25 63:3,4 <b>cases</b> 21:1 22:17 22:25,25 24:6 24:11 26:10 31:18 32:17 33:5 38:25 39:4,4,7 48:9	50:8,12,23 52:17 55:6 60:8 62:9 <b>causation</b> 25:17 <b>cause</b> 27:17 <b>caused</b> 30:6 61:23 <b>Cecil</b> 35:21,22 36:2 <b>center</b> 25:17 <b>cents</b> 17:18 18:2 18:3 21:25 <b>certainly</b> 34:12 35:14 40:14 48:19 51:24,24 <b>certification</b> 3:15 5:4 6:24 9:13 21:7,16 22:18 23:10,15 23:19 24:7 25:14,16,18 26:1,11 27:16 27:24 28:4 29:1 35:23 50:24 51:10 54:8 57:16 58:25 59:21 60:3,14 <b>certified</b> 37:19 <b>certiorari</b> 26:6 <b>cetera</b> 56:17 <b>challenge</b> 5:12 <b>change</b> 20:16 37:24 38:2 46:18 56:19 <b>changing</b> 41:17 <b>characterizati...</b> 31:2 <b>characterized</b> 13:1 <b>Chief</b> 3:3,9 6:19 6:21 7:6,21 15:13,17,21,22 16:1,3,11,15 16:23,25 17:4 19:11,14,18 21:22 22:7,10	22:14 29:7,11 33:10 46:13 47:5,14 49:3 51:7 56:21 63:2 <b>choice</b> 36:21 58:7,7 <b>choose</b> 37:7 <b>chronicles</b> 55:17 55:20 <b>circuit</b> 5:18 6:7 6:9 20:8 24:14 24:16,21,22 25:11,13,15,22 26:8 27:19 28:1 29:21 30:1,4 31:14 31:18,19 32:18 32:20 33:2,4,6 34:25 35:3,23 39:5,7,8,16 40:17 42:3,14 42:18,18,20,20 42:25 43:2,2,6 53:15,22 54:20 55:6,17 57:5 59:12,22,25 60:2,10,14 61:11,12 <b>circuit's</b> 38:18 39:22 55:20 <b>circuits</b> 31:21 39:11,11 41:4 50:12 52:21 59:16 <b>circumstance</b> 29:2 <b>cite</b> 10:25 31:18 33:4 34:24 47:8 <b>cited</b> 22:16 35:3 48:4 55:15 57:10 <b>cites</b> 22:16 39:8 <b>citing</b> 57:12 <b>civil</b> 60:23,23 <b>claim</b> 3:14,16
<b>benefit</b> 26:3 <b>best</b> 9:20,21 28:18 43:7 <b>bet</b> 29:15 62:24 <b>better</b> 8:16 20:25 28:20 50:11 52:19 <b>betting</b> 34:23 58:10 <b>bigger</b> 60:6 <b>biggest</b> 17:16 <b>bilateral</b> 52:14 <b>bilaterally</b> 50:18 <b>bit</b> 19:19 <b>bones</b> 29:23	<hr/> <b>C</b> C 2:1 3:1 <b>Cal</b> 1:16,18 <b>call</b> 42:6 <b>called</b> 30:1 39:8 39:15,22,25 59:22 62:11 <b>calling</b> 60:12 <b>calls</b> 60:6 <b>candle</b> 30:23 <b>care</b> 27:25 <b>careful</b> 48:14 <b>carefully</b> 3:22 59:16 61:7	51:11,15 52:18 52:25 53:6 57:10,13,25 58:10,12,14,20 59:7,25 60:13 61:1,12,12,13 61:14,23 62:10 62:14,15,18,24 62:25 63:3,4 <b>cases</b> 21:1 22:17 22:25,25 24:6 24:11 26:10 31:18 32:17 33:5 38:25 39:4,4,7 48:9	<b>change</b> 20:16 37:24 38:2 46:18 56:19 <b>changing</b> 41:17 <b>characterizati...</b> 31:2 <b>characterized</b> 13:1 <b>Chief</b> 3:3,9 6:19 6:21 7:6,21 15:13,17,21,22 16:1,3,11,15 16:23,25 17:4 19:11,14,18 21:22 22:7,10	<b>claim</b> 3:14,16

4:5,9 5:16 9:17 9:18 15:11 16:4 17:8 18:2 18:13 21:24 26:6 30:10,22 30:24 33:17 35:25 36:2 41:22 42:22,23 42:24 43:3 49:1,2 51:7,8,8 58:10 59:3 60:9,20 62:15 <b>claiming</b> 17:9 <b>claims</b> 3:16 5:13 6:17,22 7:9,24 8:20,25 9:25 9:25 10:21 11:3,7,8 13:20 15:18,19,21,23 15:25 16:13,14 16:20,21 17:1 21:16 27:23 28:2 29:18 30:14 33:23 37:8 44:2 51:1 52:24 53:9,10 57:22 61:25 62:13 <b>class</b> 3:15 5:4 6:23,24 9:12 15:19,20 17:12 17:13,21 20:25 21:5,6,16 22:2 22:18 23:10,14 23:18 24:7 25:3,3,6,7,14 25:16,18,25 26:10 27:16,24 28:4 29:1 30:18,19 32:15 33:16,24,25 34:5 35:9 36:12,17 37:1 37:7,15,19 50:24 51:10 52:17 53:23,25 54:17 56:1	57:16 59:21 60:3,7,14 61:5 62:22 <b>class-certificat...</b> 13:25 20:6 <b>clear</b> 7:5 8:22,24 32:19,22 47:9 49:19 <b>clearly</b> 11:2 <b>clerk</b> 39:12 <b>client</b> 17:17 <b>close</b> 11:22 <b>collateral</b> 44:9 56:17 <b>come</b> 38:24 54:7 55:14 <b>comes</b> 40:16 <b>commits</b> 29:13 <b>committee</b> 3:11 3:18 18:9 20:14 28:8,15 28:16 34:24 35:2 40:7 55:16 56:4 57:4,14 58:3 58:22,24 59:5 61:5,7 <b>committee's</b> 57:10 <b>companies</b> 44:3 <b>complaint</b> 8:6 48:6 51:20 <b>completely</b> 28:14 <b>complex</b> 23:14 <b>complicated</b> 41:5 56:2 60:24 <b>concede</b> 48:24 <b>conceded</b> 43:15 <b>concerning</b> 25:13 <b>Concha</b> 30:2,7 39:6 <b>conclusion</b> 55:23 <b>condition</b> 32:9	33:18 39:20 49:12 <b>conditional</b> 29:21 32:8,12 32:18 33:6 36:7,9,19 40:15,18 42:6 43:3,9 51:9 54:24 55:25 59:17 <b>conditionally</b> 31:5 40:4 <b>conference</b> 14:22 <b>conflict</b> 50:12 <b>confront</b> 58:25 <b>confronted</b> 27:14 <b>congestion</b> 28:9 <b>Congress</b> 35:11 <b>consent</b> 42:7 47:10 49:10 <b>consented</b> 47:15 49:14,21 <b>consider</b> 25:15 <b>considerations</b> 46:4 56:10,16 <b>considered</b> 3:12 3:22 18:9 28:17 59:5 61:7 <b>consistent</b> 10:3 27:9 <b>context</b> 32:15 33:16 42:19 48:22 54:17 61:5 <b>continue</b> 35:24 41:3,22 51:1 <b>continued</b> 36:2 36:4 <b>continues</b> 35:17 <b>contravene</b> 4:1 <b>converse</b> 23:17 <b>core</b> 29:14 34:13 41:8 42:22 56:9	<b>corporation</b> 1:3 3:4 36:25 37:1 <b>correct</b> 25:19 26:2 44:7 <b>correctness</b> 60:20 <b>cost</b> 21:2 23:13 <b>cost-spreading</b> 7:15 <b>costs</b> 7:2 19:8 <b>counsel</b> 29:7 42:2 56:21 63:2 <b>counterintuitive</b> 56:6 <b>counterpart</b> 60:21,23 <b>couple</b> 19:18 22:14,19 57:3 60:2 <b>course</b> 8:2 14:20 14:23,24 15:4 16:6 20:6 33:24 37:14 41:10 52:4 57:15 58:2 61:15 <b>court</b> 1:1,13 3:10,19 4:23 5:2 8:2,20 11:8 11:9,17,23 12:21,22 13:24 14:10,16 18:11 18:17,21,24,25 19:3 20:14,19 20:20,20,22 21:11,19 22:23 23:25 25:23 26:5 27:15,17 27:25 28:10,24 29:2,12,13 30:6,10,11,16 36:6,24 38:9 41:2,7 43:8 44:11,15 46:2 46:5,9 47:9,21 48:14,20 49:7	49:13 50:2 51:16,22,23 53:24,25 54:9 55:4 56:13 57:20,21,24 58:20 60:3,15 61:3,8,13,20 61:22 62:5,7 62:10,13 <b>court's</b> 5:12 10:24 <b>courts</b> 7:22 8:3 8:12,15 12:14 19:5,5,16 23:13 26:15 27:13 55:8 57:6 <b>cover</b> 51:23 <b>creating</b> 12:23 12:25 <b>creature</b> 40:1 <b>criminal</b> 42:7 60:22 <b>criteria</b> 19:21,24 <b>critical</b> 9:16,21 13:2 16:7 36:6 <b>curiosity</b> 19:12 <b>cute</b> 41:24
<b>D</b>				
<b>D</b> 3:1				
<b>D.C</b> 1:9				
<b>damaged</b> 17:18				
<b>date</b> 29:25				
<b>dates</b> 30:1				
<b>Daubert</b> 12:7				
<b>day</b> 13:9 52:9 56:5				
<b>Deakins</b> 10:25 61:13				
<b>death-knell</b> 18:24,25 19:1 19:6 20:11 21:11 41:9,25 53:5 57:25 58:18				
<b>debate</b> 55:14				

<p>56:3,7  <b>debated</b> 55:13  <b>decertified</b> 36:3  <b>decide</b> 9:24  44:15 53:24  <b>decided</b> 25:1,1  26:21 27:4,10  <b>decides</b> 50:25  53:25  <b>deciding</b> 54:9,9  <b>decimate</b> 13:15  <b>decimated</b> 12:12  13:10 62:15  <b>decimates</b> 11:8  12:10  <b>decision</b> 25:22  43:10 46:6  48:5,7 59:22  <b>decisions</b> 35:10  59:21  <b>defeats</b> 45:5  <b>defendant</b> 14:8  14:8,11,19,21  15:1 17:15  42:8  <b>defendants</b>  23:16,19 51:4  <b>defense</b> 7:7,14  <b>defines</b> 9:21  <b>definitely</b> 32:13  <b>definition</b> 7:23  13:14 35:6  46:2 52:14  <b>denial</b> 30:7  60:14  <b>denials</b> 21:6  29:1 57:15  <b>denied</b> 3:15  18:17 22:18  23:24 24:8,8  24:15 26:11  27:3 35:24  50:24 53:8  <b>deny</b> 26:5 27:17  50:4,5 58:6  <b>denying</b> 5:3  58:24</p>	<p><b>dependent</b> 8:14  <b>deprived</b> 34:1  <b>described</b> 8:23  <b>describes</b> 62:2  <b>describing</b> 42:13  <b>destroyed</b> 60:9  <b>detail</b> 55:21  <b>determine</b> 51:21  <b>developed</b> 9:11  41:5  <b>device</b> 34:6  <b>die</b> 28:5  <b>difference</b> 36:6  55:7  <b>different</b> 15:10  16:5 24:3,6,17  35:17 39:11  43:4 47:4  50:11,12 62:6  <b>difficult</b> 23:14  28:4 41:5 61:2  <b>difficulty</b> 23:7  23:11  <b>dilemma</b> 39:19  <b>direct</b> 55:3  <b>direction</b> 56:19  <b>directly</b> 26:16  31:3  <b>disagree</b> 40:20  40:21 47:25  <b>discovery</b> 9:4,5  9:7 22:3 43:12  48:21,24 52:6  <b>discretion</b> 20:18  25:13 36:24  <b>discretionary</b>  3:20 18:12  26:4 27:12  28:19  <b>dismiss</b> 4:23  6:17 10:20  11:7 24:21  30:7 31:5 32:9  39:1 40:15,18  42:25 43:2  57:22 58:12  61:14</p>	<p><b>dismissal</b> 3:21  5:10,11 11:12  12:15 17:2,6,9  29:22 30:5  32:9,12,18  33:8,19 34:9  36:8,10,19  39:20 43:9  45:4 48:10,15  49:11,15 51:20  54:24  <b>dismissals</b> 55:25  <b>dismissed</b> 7:24  9:1,16,17,25  10:8 12:21,22  25:7 32:1  42:23 49:22  51:8 62:13  <b>dismisses</b> 48:6  <b>dismissing</b> 4:13  40:4  <b>disputed</b> 51:16  <b>distinction</b>  40:23  <b>district</b> 4:22  12:19 14:21  17:7 20:19,22  21:8,8,13  25:12,23 26:9  27:15,23,25  29:13 30:10,11  38:9 41:7 46:9  47:21 49:7  51:16,18,22  53:23,24,25  54:9 57:20,25  58:2,20  <b>docket</b> 28:9  <b>doctrine</b> 41:9  56:17 58:18  <b>doing</b> 26:15 33:3  33:6 41:6 42:1  62:20  <b>dollar</b> 22:24,25  52:24 53:9  <b>door</b> 37:13  <b>double</b> 20:18</p>	<p><b>doubt</b> 9:3 59:22  62:8  <b>downside</b> 52:10  <b>downsides</b> 52:13</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p><b>E</b> 2:1 3:1,1  <b>earlier</b> 9:7,8  37:23,25 51:6  61:22  <b>easiest</b> 9:23  13:23  <b>easy</b> 49:6  <b>effect</b> 43:16  <b>effectively</b> 13:18  <b>effort</b> 24:1  <b>eight</b> 39:16  55:12  <b>Eighth</b> 35:23  <b>either</b> 6:21  16:18,19 34:22  50:9 53:11  <b>element</b> 23:22  <b>embrace</b> 42:21  <b>embracing</b> 6:12  <b>empirical</b> 22:15  <b>enchilada</b> 40:24  <b>endorsed</b> 3:19  8:2  <b>engage</b> 36:9  <b>enormous</b> 12:25  22:3  <b>enter</b> 32:18  44:25 47:21  51:19  <b>entered</b> 5:2 15:3  16:7 27:21  46:16 47:18,19  <b>entitled</b> 8:24  33:23 53:23  <b>entry</b> 61:16  <b>error</b> 25:23 26:7  27:15 29:14  33:20 52:3  <b>escape</b> 37:12  <b>ESQ</b> 1:16,18 2:3  2:6,9</p>	<p><b>essence</b> 35:5  <b>essentially</b> 5:24  43:23  <b>et</b> 1:6 56:17  <b>Evans</b> 12:17  <b>event</b> 26:7  <b>eventually</b> 37:20  <b>evidence</b> 27:21  <b>evidentiary</b> 12:6  12:7,15 41:6  44:18 52:6  <b>exact</b> 18:18  20:12,13 28:17  59:5,20  <b>exactly</b> 5:16  17:7 18:8,13  19:2 49:12  58:3 61:20  <b>example</b> 7:1  11:15 22:20  26:5 35:19  42:9 52:4 53:1  <b>examples</b> 52:5  <b>exception</b> 11:5,6  13:23  <b>exchange</b> 49:17  <b>exciting</b> 55:18  <b>exist</b> 8:3 60:18  <b>exists</b> 37:6 42:24  60:21  <b>expeditious</b>  11:11  <b>expend</b> 26:17  28:3  <b>expense</b> 22:10  22:11  <b>expert</b> 12:7  <b>explain</b> 17:11  29:16,19 31:4  32:4,12 33:3  33:21 46:21  <b>explicitly</b> 5:8  <b>express</b> 32:7  <b>expressed</b> 56:14  <b>expression</b>  39:17  <b>extent</b> 17:18</p>
--	--	---	--	---

<p><b>extreme</b> 22:9 52:4</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>f</b> 40:9 50:3 <b>face</b> 14:3 31:20 <b>faced</b> 21:10 28:24 <b>fact</b> 8:14 9:16,21 28:8 31:19 37:10,22 46:5 46:19,24 47:15 49:8 <b>facts</b> 61:1 <b>fails</b> 21:17 <b>failure</b> 48:15 <b>faithful</b> 61:9 <b>familiar</b> 22:23 62:11 <b>far</b> 28:8 29:5 35:16 50:10 <b>favor</b> 15:3 <b>favorable</b> 20:17 <b>Federal</b> 42:20 43:2 54:20 <b>fee</b> 22:22 23:1 <b>feel</b> 41:13 56:6 <b>fees</b> 7:3 45:6 <b>felt</b> 44:10 <b>fewer</b> 54:10 <b>Fifth</b> 39:16 <b>fighting</b> 23:10 <b>figure</b> 34:4 50:13,13 <b>filed</b> 8:6 <b>filing</b> 24:19 <b>final</b> 5:2,22 16:21 25:22 32:23 34:23 37:8,22 38:3,7 38:9,11,11 39:23 40:6 41:10,11 43:9 45:4,9 46:3,4,6 46:6,8,11,12 50:7 53:19 56:8,15,16</p>	<p>59:2 62:17 <b>finality</b> 6:18 7:12 35:6 46:2 46:20 47:3 49:5 52:12 <b>finally</b> 25:1 <b>find</b> 3:13 38:25 39:5 54:19 57:9,10 <b>firm</b> 13:6 29:2 <b>firms</b> 53:7 <b>first</b> 3:4 4:19 5:15 7:7,21 9:11 10:24 22:7,14 24:7 27:12,19 39:8 42:17 45:21 50:16 57:2,4 58:17 59:20 61:10 <b>Fisher</b> 1:16 2:3 2:9 3:6,7,9,23 3:24 4:1,7,15 6:4,11,14,20 7:5 8:19 9:5,14 9:23 10:3,6,11 10:19,23 11:20 12:5,9,12 13:5 13:13,17 14:18 15:5,9,15,20 15:24 16:2,10 16:14,18,24 17:3,5,14,19 17:23 18:5,8 18:21 19:2,17 19:23 20:4,23 22:7,13 23:22 24:5,10,12 25:5,8,10,24 26:2,23 27:1 27:11 41:23 53:2 56:22,23 56:25 58:8,11 58:15 59:10,13 59:18 <b>Fisher's</b> 30:13 <b>fit</b> 38:18</p>	<p><b>five</b> 53:7 <b>flat-out</b> 9:2 <b>flexible</b> 60:12 <b>foisting</b> 26:15 <b>followed</b> 29:20 30:16 33:5 <b>following</b> 37:5 <b>footnote</b> 55:9 57:9 <b>footnotes</b> 19:18 <b>forced</b> 23:13,16 27:6 <b>forever</b> 10:1 43:1 <b>formalistic</b> 40:23 <b>Fortas</b> 49:18 <b>forward</b> 13:19 21:12,13,20 22:1,6,12 25:3 57:7,23 <b>found</b> 3:14 <b>founding</b> 12:18 <b>four</b> 57:1 <b>Frankfurter</b> 49:19,20 <b>frequently</b> 52:2 <b>friend</b> 30:13 41:23 53:2 57:4 59:7 60:17,25 61:11 62:2,18 <b>friend's</b> 59:25 <b>front</b> 27:4 28:12 37:13 <b>further</b> 30:11 61:4 <b>future</b> 32:7</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>G</b> 3:1 <b>Gabelli</b> 55:5 <b>Gamble</b> 43:11 43:12 44:16 45:17,18 48:4 48:13 49:13,18 61:19,21 62:3</p>	<p>62:7,9,16 <b>Gamble's</b> 62:4 <b>gap</b> 12:25 <b>garden</b> 12:15 <b>Gary</b> 55:5 <b>general</b> 4:12 6:1 <b>genuine</b> 21:10 <b>getting</b> 26:19 <b>Ginsburg</b> 6:10 6:12,15 16:17 18:20,23 19:2 20:16,23 23:21 23:23 24:5,9 24:11 30:17,21 31:2 32:14 34:2,14 35:8 36:11,15,20 37:14 38:1,3 41:13 43:18 44:1,4 48:3 51:15 53:17,20 54:3 <b>Ginsburg's</b> 28:22 33:11 <b>give</b> 11:15 37:4 40:9 44:24 50:6 <b>given</b> 15:24 16:15,24 22:10 22:11 <b>giving</b> 41:18 <b>go</b> 7:11 9:12 13:19 14:15,23 18:11 21:12,13 21:17,20 22:1 22:5,12,24 23:7,9 25:3 27:11 28:8 34:9 35:10,16 36:11 44:24 46:15 47:16 50:5 51:9 52:8 53:13 54:3,21 57:7 58:9 <b>goes</b> 12:17 13:19 26:3 34:12 41:12</p>	<p><b>going</b> 5:7 11:24 12:2 14:24 17:21 18:2 21:23 22:5,12 22:17 26:11,12 28:5 30:2 31:2 32:10,12 35:24 36:22 38:19,21 42:15 44:12 46:18 47:25 51:3,4 52:23 52:23 53:6,13 57:23 61:4 <b>good</b> 5:22 19:3 29:3 53:11 56:12 <b>governing</b> 31:15 <b>government</b> 12:18,20 42:8 43:22 44:2,5,9 44:10,14,19 48:14 49:1 61:21,23,24 62:1,5 <b>government's</b> 12:19 43:17,20 <b>grand</b> 43:14 44:5 48:25 <b>grant</b> 18:15 19:16 23:18 <b>granted</b> 31:25 <b>grants</b> 4:23 21:7 <b>ground</b> 25:3 26:8 <b>grounds</b> 54:10 <b>guess</b> 5:19,23 14:10,14 39:12 47:24 <b>guilty</b> 42:12</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>half</b> 41:25 <b>hand</b> 21:2 62:10 <b>happen</b> 14:14 18:7 21:23 31:12 40:16 49:24 50:16</p>
---	---	---	---	---

52:16,23 54:11 54:12,17 <b>happened</b> 31:19 35:18 45:17 <b>happens</b> 39:21 50:18 <b>happenstance</b> 26:24 <b>happy</b> 29:5 <b>hard</b> 28:15 <b>harmless</b> 26:7 <b>hasten</b> 13:21 <b>hatch</b> 37:12 <b>hear</b> 3:3 26:22 <b>heard</b> 53:2 <b>hearings</b> 41:6 <b>held</b> 8:20 18:10 18:22 21:11,19 25:11,12 28:24 46:3 57:15 <b>higher</b> 21:4 <b>history</b> 55:11 <b>hold</b> 9:1 <b>holds</b> 61:14 <b>Honor</b> 16:2 43:12 55:15 <b>hopefully</b> 37:4 <b>hundred</b> 47:8 <b>hypothetical</b> 11:21 14:19 22:8	<b>implications</b> 56:1,4 62:19 <b>important</b> 20:24 28:12,13 44:8 60:5 <b>importantly</b> 19:4 <b>impose</b> 44:20 <b>imposed</b> 19:8 44:17 <b>impossible</b> 13:18 <b>impractical</b> 3:17 <b>improperly</b> 25:7 <b>incentive</b> 7:3,18 7:22 8:1,9,24 23:8 45:7 <b>incident</b> 54:9 <b>included</b> 6:22 <b>inconsistent</b> 53:15 <b>incursion</b> 62:25 <b>individual</b> 3:16 8:25 15:18,23 15:25 16:13,20 21:24 30:22,24 33:23 35:25 36:2 37:8,16 41:22 51:1 52:24 58:10 <b>individual's</b> 59:3 <b>individualized</b> 3:17 18:14 <b>infancy</b> 27:20 <b>inherently</b> 21:7 57:16 <b>initial</b> 27:15 <b>injunction</b> 35:13 <b>injury</b> 7:2 <b>insist</b> 11:17 14:16 <b>instances</b> 22:17 <b>intend</b> 5:3 32:3 32:23 <b>intended</b> 37:13 <b>intent</b> 32:7	34:21 39:17 40:1,5 <b>interesting</b> 50:21 <b>interlocutory</b> 13:1,3 18:15 19:16 34:5 35:12 36:7,18 36:18 37:23,24 40:9,22 41:8 41:19 44:21,24 57:16,21 <b>interpreted</b> 11:17 30:2 <b>interrupt</b> 58:16 <b>invoke</b> 36:24 <b>involving</b> 22:3 47:10 <b>irrelevant</b> 47:1 <b>issue</b> 16:4 40:7 42:4,5,9 51:10 51:16,17 52:14 54:7,10,14 55:11,11,25 58:13 59:15 60:1 <b>issued</b> 11:23 <b>issues</b> 10:9 23:15 28:4 <b>items</b> 28:12	14:11,16,20 15:2,11,15 16:22 32:23 34:23 37:8,22 38:4,8,10,11 39:23 41:10,11 42:24 44:25 46:4,6,8,12,15 47:1,18,19,22 49:9 50:7 53:19 56:9,15 59:2 60:21 61:16 <b>judicial</b> 19:8 21:3 23:12 <b>jurisdiction</b> 24:21 47:11 48:1 49:5 <b>jurisdictional</b> 51:13 52:22 54:6 <b>jury</b> 43:14 44:6 48:25 <b>Justice</b> 3:3,9,23 3:25 4:3,8,16 5:15,19 6:10 6:12,15,19,21 7:6,21 8:11,19 9:4,14,24 10:2 10:4,7,12,20 11:14,15,21 12:4,6,10,23 13:5,8,12,14 14:2,13,19 15:1,7,13,17 15:21,22 16:1 16:3,11,15,17 16:23,25 17:4 17:10,11,15,20 17:24 18:6,9 18:20,23 19:2 19:10,11,12,14 19:18,21 20:1 20:16,23 21:22 21:25 22:7,10 22:14 23:21,23 24:5,9,11,25	25:5,6,9,20,25 26:18,25 27:8 27:13 28:22 29:7,11,16 30:17,21 31:2 31:9,11,22 32:5,11,14,16 33:7,9,10,11 34:2,14 35:8 36:11,15,20 37:14 38:1,3 38:13,15,23 39:9 40:13 41:2,13 42:2,5 42:11 43:4,18 44:1,4,8,14,22 45:11,19,20,24 46:3,13 47:5 47:14 48:3,13 48:18 49:3,19 49:20,23 50:15 51:7,15 52:9 53:17,20 54:3 54:18,25 56:21 58:5,9,12,15 59:9,11,14,18 60:12 63:2
<hr/> <b>I</b> <hr/>		<hr/> <b>J</b> <hr/>		<hr/> <b>K</b> <hr/>
<b>idea</b> 8:1 19:14 27:12 54:7 <b>ignore</b> 36:22 <b>III</b> 6:25 46:17 47:7 <b>imagine</b> 5:1 10:8 14:9 57:17,18 <b>immediate</b> 28:25 <b>immediately</b> 9:1 35:12 59:25 <b>impair</b> 49:2 <b>impermissible</b> 52:21		<b>JEFFREY</b> 1:16 2:3,9 3:7 56:23 <b>Johns</b> 39:8 <b>Joint</b> 35:22 36:1 <b>judge</b> 12:19 14:5 14:21 17:7,22 21:8,13 25:12 26:9 27:5,23 51:18,19 57:25 58:2 <b>judge's</b> 18:1 <b>judges</b> 14:3 21:8 27:1,2 53:3 <b>judgment</b> 4:20 4:22 5:3 14:7	10:4,7,12,20 11:14,15,21 12:4,6,10,23 13:5,8,12,14 14:2,13,19 15:1,7,13,17 15:21,22 16:1 16:3,11,15,17 16:23,25 17:4 17:10,11,15,20 17:24 18:6,9 18:20,23 19:2 19:10,11,12,14 19:18,21 20:1 20:16,23 21:22 21:25 22:7,10 22:14 23:21,23 24:5,9,11,25	<b>K 1:18 2:6 29:9</b> <b>Kagan</b> 3:23,25 4:3,8,16 5:15 5:19 8:11,19 9:4 19:10,12 19:21 20:1 29:16 31:9,11 38:13,15,23 <b>keep</b> 51:3,5 <b>keeping</b> 45:8 <b>Kennedy</b> 11:15 11:21 12:4,6 12:10 48:13,18 <b>Ketchum</b> 47:8 <b>key</b> 23:4 <b>kind</b> 4:6 29:23 30:13 35:20 55:3

<b>know</b> 5:24 7:2 14:14 16:1 20:2 22:4 23:1 27:5 32:5,10 38:24 39:16 40:2 41:1,14 51:5 55:17 57:20 <b>knowing</b> 50:11 53:12 <b>known</b> 52:20	<b>let's</b> 10:15 39:14 51:8 <b>levels</b> 49:4 59:19 <b>lie</b> 17:16 <b>life</b> 7:9,10 29:18 30:14 31:6 33:18 39:3 46:25 47:2 61:15,18 <b>lightly</b> 23:2 <b>line</b> 32:17 48:9 55:6 <b>literally</b> 47:10 <b>litigate</b> 3:17 33:23 37:8,20 50:6 51:6 59:7 <b>litigated</b> 36:12 53:10,11 <b>litigating</b> 29:17 35:24 36:2 41:22 51:1,3,5 53:7 <b>litigation</b> 8:5 22:1,11 23:9 54:16 <b>little</b> 19:19 31:24 <b>Livesay</b> 3:11 18:19 21:11,19 28:23,24 35:19 35:20,21,22,22 36:1,2 40:20 40:21 41:2 57:12,14,15,18 57:19 58:18 62:21 <b>Livesays</b> 36:5 <b>lock</b> 37:13 <b>long</b> 32:17,17 48:8 52:13 <b>long-standing</b> 46:1 <b>look</b> 4:17 28:1,2 28:10 31:17,20 33:2 34:23 43:15 48:22,23 55:4,4,5,5,9	56:3 57:9 62:8 <b>looked</b> 24:15 38:24 <b>looking</b> 46:14 49:25 <b>looks</b> 28:10 <b>loophole</b> 12:24 <b>Los</b> 1:18 <b>lose</b> 16:5 26:12 46:19 50:6 52:18,18 61:23 <b>loses</b> 13:2 <b>loss</b> 16:6 <b>lost</b> 11:12 13:18 14:4 16:9 36:5 41:21 43:21 48:15,20 <b>lot</b> 4:3 15:14,17 32:6 34:4 43:5 55:21 57:17 59:16 61:11 <b>love</b> 33:14 <b>low</b> 22:24 <b>lower</b> 7:22 8:3 8:12,15 12:14 30:15 <b>Lybrand</b> 39:22	52:3,22 54:6 55:13 63:5 <b>mean</b> 4:11 10:2 10:5 13:16 14:9 21:24 22:4 31:13 38:11 39:12 52:17 54:24 56:8 <b>means</b> 38:8 <b>meant</b> 48:20 <b>meat</b> 29:23 <b>mechanics</b> 53:21 <b>mechanism</b> 36:7 <b>memos</b> 55:15 <b>mentioned</b> 34:3 52:15 <b>mentioning</b> 35:7 <b>mere</b> 46:10 <b>merit</b> 47:12 52:25 <b>meritorious</b> 26:6 <b>merits</b> 11:8,12 13:10,15,18 14:1 20:3,5,7 22:22 23:11 24:17 26:12 27:3 28:2,6 37:21 43:19,23 46:15 48:16,21 53:4 59:3 60:9 60:15 61:24 62:15 <b>Microsoft</b> 1:3 3:4 24:19 37:10 53:4 62:20 <b>Microsoft's</b> 25:18 35:5 51:12 56:9 <b>million</b> 36:5 <b>minutes</b> 56:22 <b>miscommunic...</b> 37:18 <b>misread</b> 26:10 <b>misreading</b>	25:13 <b>missed</b> 60:14 <b>mistake</b> 6:11 53:24 <b>Mohawk</b> 61:4 <b>moment</b> 31:3 <b>month</b> 9:10 <b>months</b> 9:7 <b>moot</b> 7:11 9:2,19 <b>mooted</b> 54:15 <b>mootness</b> 7:7,14 7:23 8:22 11:1 <b>morning</b> 3:4 <b>motion</b> 4:23 9:6 14:4 20:6 23:11 27:2 30:8 <b>motions</b> 9:12 21:18 23:24 24:15,17 27:21 27:24 <b>move</b> 14:6,7,11 14:16,20 <b>moved</b> 31:25 <b>moves</b> 15:2 45:3 <b>multicclaim</b> 42:19 <b>multiple</b> 22:17 54:7
<b>L</b>				
<b>L</b> 1:16 2:3,9 3:7 56:23 <b>lack</b> 24:21 61:17 <b>language</b> 4:25 5:1 <b>large</b> 12:9 14:18 53:10 56:2 <b>largely</b> 5:20 <b>Laughter</b> 14:12 33:12 55:19 <b>law</b> 4:2 8:22 10:15 31:15 32:6 39:12 51:17,19,21 60:22 61:12,13 62:25 <b>laws</b> 22:21 <b>lawyer</b> 18:4 34:12 <b>lawyers</b> 9:8 34:17 <b>lead</b> 4:18 <b>leading</b> 19:25 39:6 <b>leave</b> 13:9 50:1 55:24 62:17 <b>leaves</b> 49:24 61:19 <b>leaving</b> 62:20 <b>led</b> 22:16 57:3 <b>left</b> 11:10 14:5,6 14:23 15:17,23 16:4,12,12 38:9 46:8 49:7				
		<b>M</b>		
		<b>makers</b> 34:3 35:9 55:13 <b>making</b> 20:13 21:15 47:16 <b>manage</b> 6:16 <b>mandamus</b> 14:15 <b>manufacture</b> 23:19 52:12 <b>manufactured</b> 21:4 38:10,10 41:12 <b>March</b> 1:10 <b>market</b> 11:17 <b>matter</b> 1:12 21:7 21:23 22:15 29:17 45:21 46:23 51:13		
			<b>N</b>	
			<b>N</b> 2:1,1 3:1 <b>narrowly</b> 11:18 <b>nature</b> 10:16 26:3 36:17 <b>necessarily</b> 11:13 <b>need</b> 20:21 29:22 33:17 40:14 <b>never</b> 8:2 46:3 49:9 59:23 <b>nevertheless</b> 27:17 <b>new</b> 9:9 55:12 <b>Ninth</b> 5:18 6:7,9 20:8 24:14,16	

<p>24:20,22 25:11 25:13,15,22 26:8 27:19 28:1 29:21 30:1,4 31:13 31:18,19 32:17 32:20 33:2,4,6 38:18 39:5,6 39:22 40:17 43:5 53:15,22 59:25 60:2,10 60:13 61:11,12 <b>nonfinal</b> 49:9 <b>nonharmless</b> 29:14 <b>nonreservation</b> 38:16 <b>nonsuit</b> 48:9 <b>nontechnical</b> 56:15 <b>normal</b> 15:8 47:19 <b>normally</b> 14:3 <b>notes</b> 20:14 28:8 28:16 34:24 58:24 <b>notion</b> 8:4 60:8 <b>number</b> 28:7 33:4 48:4 50:16 51:14</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>O</b> 2:1 3:1 <b>obey</b> 44:11 48:15 <b>objection</b> 25:18 <b>obtaining</b> 34:22 <b>obviously</b> 48:11 <b>occasion</b> 55:2 <b>odd</b> 24:25 <b>Oh</b> 41:24 48:8 48:19 51:24 <b>okay</b> 17:4 25:20 44:24 51:3 <b>old</b> 11:9 59:21 <b>Olmstead</b> 39:7 <b>ongoing</b> 40:22</p>	<p>41:1 <b>open</b> 13:9 49:25 <b>operates</b> 4:4 <b>opinion</b> 55:8 <b>options</b> 3:12 41:18,19,19 <b>oral</b> 1:12 2:2,5 3:7 29:9 43:15 48:23 49:17 <b>order</b> 4:22 5:2,3 5:15 13:1,3 30:25 32:24 33:17 38:22 39:1,1 43:13 44:10,12,24 45:4,9,13 56:17 58:24 61:22 62:23 <b>ordered</b> 44:4,5 <b>orders</b> 35:12 <b>ordinary</b> 14:24 17:12 21:1 61:17 <b>original</b> 6:22 <b>outcome</b> 9:21 <b>outset</b> 24:22 <b>outside</b> 60:7 62:22 <b>overturned</b> 6:25</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>P</b> 3:1 <b>page</b> 2:2 5:7,8 6:23,24 32:21 35:21 36:1 47:9 <b>pages</b> 4:21 31:17 33:3 39:5 <b>panel</b> 24:3,15,23 24:25 25:11,21 26:21 27:3,4,9 51:21 53:3,4 <b>panels</b> 24:3,17 24:18 <b>paper</b> 6:5 31:23 <b>paragraph</b> 32:2 32:21,24</p>	<p><b>part</b> 8:14 59:15 <b>particular</b> 7:1 21:16 55:25 <b>particularly</b> 52:22 <b>parties</b> 4:11 6:2 6:4 9:9 14:22 29:17 43:15 48:22 50:17,23 <b>partly</b> 21:5 <b>party</b> 13:1 44:23 45:3 <b>passed</b> 50:22 <b>path</b> 59:1 <b>payments</b> 7:3 <b>peek</b> 20:2,5,6 <b>penalize</b> 34:22 <b>people</b> 31:14 41:3,18 42:1 50:1,10 56:11 <b>percent</b> 19:19 <b>perfect</b> 52:25 <b>peripheral</b> 42:24 43:3 <b>permission</b> 20:19,21 50:2 <b>permits</b> 30:5 <b>permitted</b> 29:19 32:14 33:15 35:3 <b>permitting</b> 59:16 <b>persists</b> 42:24 <b>personally</b> 10:5 <b>persuaded</b> 58:20 <b>Pet</b> 5:1 <b>PETER</b> 1:18 2:6 29:9 <b>petition</b> 4:20 27:3 32:21,24 53:4 <b>Petitioner</b> 1:4,17 2:4,10 3:8 56:24 <b>phrase</b> 60:17 <b>piece</b> 5:5 31:23 <b>piecemeal</b> 53:13</p>	<p>54:13 <b>pivot</b> 46:22 <b>place</b> 27:13,22 61:6 62:21 <b>places</b> 4:16 <b>plaintiff</b> 14:4,15 15:3 17:25 21:10 26:14 29:14 30:9 35:15 36:22 37:6 48:6,11 50:25 51:4,17 57:17,19 58:18 58:25 62:11,12 62:23 <b>plaintiff's</b> 3:20 36:21 43:16 60:8 <b>plaintiffs</b> 3:13 3:14 4:24 5:3,6 7:22 8:4,5 9:9 11:2,7,11,25 15:10 18:11,18 18:18 19:6 20:10,12,17,25 21:14,20 22:17 22:24 23:2,4,5 23:7 26:12 27:22 28:17,20 34:22 52:2 53:6 <b>plaintiffs'</b> 8:20 28:14 34:12,17 53:7 <b>Plastic</b> 55:6 <b>played</b> 57:18 <b>plea</b> 43:22,24 <b>plead</b> 42:12 <b>please</b> 3:10,25 29:12 44:19,19 <b>point</b> 16:8 17:24 21:21 22:4 28:13,22 35:20 38:17 46:7 54:12 <b>pointed</b> 44:17 <b>points</b> 34:18</p>	<p>35:20 36:17 57:1 61:10 <b>policy</b> 55:13,22 56:6,10,13 <b>position</b> 5:6 13:6 18:18,23 29:14 35:5 36:23 41:14 43:20 45:23,23 50:2 56:9 <b>possibility</b> 13:7 13:9 45:6 46:10 <b>possible</b> 13:23 54:11 <b>possibly</b> 45:2,13 60:13 <b>post-1998</b> 28:22 <b>posture</b> 41:8 <b>potentially</b> 23:14 <b>practical</b> 21:23 22:5 40:23 46:4 51:25 52:10 56:10,16 58:21 <b>practice</b> 9:6,12 21:18 27:21 56:12 <b>preceded</b> 60:1 <b>precedent</b> 43:6 49:24 <b>precise</b> 7:13 24:6 25:11 <b>precisely</b> 3:13 25:21 45:16,17 54:16 58:21 <b>preclude</b> 11:13 13:6 <b>precluded</b> 12:19 <b>predicated</b> 5:11 7:8 60:8 <b>prefer</b> 51:2 <b>prejudice</b> 4:23 6:18 9:18,25 10:9,21 29:22 30:5 32:1 33:8</p>
--	---	--	---	--

39:1,2 40:15 40:19 43:1,3,9 45:15 48:10 51:9 55:25 <b>prejudicial</b> 29:13 33:20 52:3 <b>preliminary</b> 35:13 <b>premise</b> 4:4,18 6:8 61:21,22 <b>premised</b> 22:2 <b>presented</b> 26:20 <b>presenting</b> 20:13 <b>presents</b> 47:12 <b>presumption</b> 5:17 41:20,21 <b>pretrial</b> 11:23 13:10 62:23 <b>prevail</b> 5:13 22:22 57:24 <b>prevailed</b> 7:19 7:25 <b>prevailing</b> 7:21 <b>prevails</b> 30:9 <b>prevent</b> 34:22 <b>primary</b> 42:23 <b>principle</b> 38:7 54:24 <b>principles</b> 45:21 <b>prior</b> 17:1 32:23 38:22 49:16 <b>probably</b> 53:8 <b>problem</b> 8:22 18:9 20:13 28:17 39:9,10 41:9 47:6 61:16 62:16 <b>problems</b> 5:14 7:20 40:8 <b>procedural</b> 29:17 58:13 60:19 <b>procedurally</b> 31:4 <b>procedure</b> 29:21	29:24 30:16 31:13,21 33:5 35:1 38:18 42:13 48:2 49:25 50:20 57:6 61:12 <b>procedures</b> 24:16 <b>proceed</b> 8:10 <b>proceeding</b> 59:2 <b>proceedings</b> 27:25 30:11 <b>Procter</b> 43:11,12 44:16 45:17,18 48:3,13 49:13 49:18 61:19,21 62:2,4,7,9,16 <b>prohibited</b> 51:14 <b>proper</b> 19:4 20:15 25:2 <b>proposed</b> 48:15 <b>proposition</b> 43:8 <b>propound</b> 7:14 <b>propounding</b> 28:18 <b>prospect</b> 22:25 <b>prove</b> 11:24 12:1,2 61:17 <b>provisions</b> 22:23 <b>Purdy</b> 55:5 <b>pure</b> 51:17 <b>purely</b> 43:17 <b>pursue</b> 18:1 <b>put</b> 11:9 29:22 <hr/> <b>Q</b> <hr/> <b>question</b> 4:17 8:13,13,18,21 10:14 11:4 31:8 32:13 33:11 41:13,17 43:5 44:9 46:17,21 47:3 47:5,12 48:1,1 48:2 49:3,14 51:17,19,21	52:9 53:25 54:23 55:3 59:6,19,20 61:7 <b>questions</b> 29:4 49:6 60:24 61:2,6 <b>quite</b> 11:1,21 22:23 29:2 45:2 58:5,6 <b>quo</b> 56:7 62:20 <b>quote</b> 30:2,4 46:5 61:23 <hr/> <b>R</b> <hr/> <b>R</b> 3:1 <b>raises</b> 46:17 <b>read</b> 5:7,19 43:14 45:13 47:13 48:21 58:4,23 <b>real</b> 19:7 <b>reality</b> 22:5 41:25 52:16 <b>realize</b> 51:4 <b>really</b> 4:5 6:17 14:6 19:7 20:1 40:3 41:14,16 42:22 51:10 52:8 54:6 59:10 <b>realm</b> 21:5 60:4 <b>reason</b> 18:14 21:1 23:6 28:9 30:17 33:15 40:5,21 44:7 47:17,25 52:1 57:13 <b>reasoning</b> 27:9 <b>reasons</b> 8:23 19:3 22:14,19 28:8 29:3 52:13 56:13 <b>REBUTTAL</b> 2:8 56:23 <b>receive</b> 7:4 <b>reconsider</b> 21:9	21:13 27:23 <b>record</b> 9:10 <b>red</b> 5:8 47:9 <b>refers</b> 55:10 <b>refile</b> 48:11 <b>reformulate</b> 27:22 <b>refused</b> 14:13 26:22 <b>regard</b> 52:25 <b>regarding</b> 25:23 <b>regime</b> 28:15 <b>regular</b> 24:23 <b>reject</b> 27:6 52:20 <b>rejected</b> 18:24 19:3,4 45:15 <b>rejecting</b> 43:23 45:12,23 53:14 <b>relevant</b> 47:3 61:13 <b>relinquished</b> 30:24 <b>remainder</b> 29:6 <b>remand</b> 8:17 30:8 <b>remanded</b> 7:9 30:11 <b>remarkable</b> 57:7 <b>remarkably</b> 28:2 <b>remedy</b> 21:20 <b>remember</b> 9:8 16:15 27:11 28:20 58:17 <b>repackage</b> 21:14 <b>repeatedly</b> 46:5 <b>report</b> 57:11 <b>reporter</b> 55:16 <b>represented</b> 49:18 58:19 <b>request</b> 18:17 45:13,14 <b>requirement</b> 32:20 <b>requirements</b> 38:24	<b>requiring</b> 26:17 <b>research</b> 10:13 50:19 <b>reservation</b> 4:6 32:3,6 38:16 39:17 57:23 <b>reserve</b> 6:16 29:6 39:23 42:9 61:24 <b>reserved</b> 16:19 <b>reserving</b> 5:12 40:5 60:19 <b>resolve</b> 51:19 61:6 <b>resources</b> 26:17 28:3 <b>respect</b> 17:13 <b>responded</b> 53:4 <b>Respondents</b> 1:7 1:19 2:7 5:9,9 29:10 <b>response</b> 41:23 <b>responses</b> 58:15 58:17 <b>restraint</b> 11:25 12:1 <b>restrict</b> 50:17 <b>result</b> 36:3 <b>reversal</b> 29:15 46:10,14 47:2 52:7 <b>reverse</b> 56:14 <b>reversed</b> 30:10 <b>review</b> 3:20 24:15 26:4 27:12 28:19 30:6 43:23 59:2 <b>reviewing</b> 41:7 <b>revisited</b> 54:15 <b>revive</b> 5:13 6:16 16:19 61:25 <b>revived</b> 8:21 11:3 16:18 <b>rewrote</b> 35:6 <b>right</b> 5:12 6:3,16 7:18 10:11
---	--	---	---	--



<p>15:5,19,22                  16:10,19 17:3                  17:5,21,24                  18:5,6,15,16                  19:9 20:23                  21:3,23 23:20                  24:12,20 25:4                  25:8,24 34:1                  35:10,17 36:23                  38:6,20,23                  39:18,24 40:13                  41:3 44:6                  48:11 52:22                  54:1,4 55:14                  56:13 58:2,6                  58:11 60:19,19                  61:20,24  <b>rights</b> 4:8 5:10                  57:23  <b>risking</b> 35:15  <b>ROBERTS</b> 3:3                  6:19,21 15:13                  15:17,22 16:1                  16:3,11,23,25                  17:4 19:11,14                  21:22 22:10                  29:7 33:10                  46:13 47:14                  56:21 63:2  <b>Roper</b> 7:16  <b>route</b> 34:10  <b>rug</b> 20:7  <b>rule</b> 3:19,22                  11:5 13:22                  18:24 19:24                  20:15 21:6                  22:16 23:24                  24:8,14 26:4                  28:16 30:2                  33:24 34:3,3                  34:19,21 35:6                  35:9 37:9,11                  39:11 41:11,16                  44:12 46:8,24                  50:22 51:12                  52:17,20 53:15                  53:19 55:12</p>	<p>57:2,5 60:12                  60:22 62:11,19                  62:21,25  <b>rulemaking</b>                  55:10 56:18,20                  57:3  <b>rules</b> 3:11,18                  18:9 20:14                  28:8,15 40:7                  56:4 58:3,22                  59:5 61:5,6  <b>ruling</b> 5:12 6:25                  11:7,23 12:6,7                  12:16 13:10,15                  13:19,25 18:1                  27:16 30:10                  34:5 43:23                  44:21,23 45:3                  48:21,24 49:16                  52:6,6  <b>run</b> 34:19 39:20  <b>run-of-the-mill</b>                  28:11 52:5  <b>runs</b> 40:19 46:1</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>S</b> 2:1 3:1  <b>sanction</b> 10:15                  44:15,18,18,20  <b>satisfactory</b> 37:4  <b>satisfies</b> 46:24  <b>satisfy</b> 33:24                  60:13  <b>saying</b> 6:15                  20:10 31:3                  37:18 43:13                  46:23 48:24                  52:11 53:5                  57:11  <b>says</b> 4:22 5:16                  11:1 14:5                  17:22 21:6                  31:24 32:6,8                  39:14,17,22                  40:8 41:16                  44:24 51:17                  57:4 60:25</p>	<p><b>scenarios</b> 22:24  <b>scoot</b> 24:22  <b>search</b> 42:9  <b>second</b> 24:13                  35:3 42:19                  43:1 54:20                  55:6 59:21  <b>secondly</b> 33:20  <b>secrecy</b> 43:19,22                  43:24  <b>section</b> 11:1  <b>see</b> 6:1 20:7                  31:19 39:14                  50:19 55:7,22                  57:12  <b>seeking</b> 29:21                  43:22  <b>sense</b> 11:18 51:6  <b>sentence</b> 58:23  <b>separate</b> 42:13  <b>series</b> 42:17  <b>serious</b> 44:23                  52:10,12 62:19                  62:25  <b>SETH</b> 1:6  <b>setting</b> 41:25                  56:1  <b>settled</b> 36:4,16                  38:19 52:13  <b>settlement</b> 32:19                  39:14 47:11  <b>seven</b> 55:12  <b>She'd</b> 51:2  <b>shifting</b> 22:22                  23:1  <b>shortly</b> 12:17  <b>shoulder</b> 8:4  <b>show</b> 8:7 19:15                  33:20 52:3  <b>side</b> 44:25 50:1                  55:13 56:7,11                  59:25  <b>sides</b> 48:24                  55:22  <b>significance</b>                  40:24  <b>significant</b></p>	<p>26:17 56:4  <b>similar</b> 40:8  <b>simple</b> 51:12  <b>simplicity</b> 50:10  <b>simplify</b> 49:25  <b>simply</b> 4:22                  24:17 28:9                  47:15 61:8  <b>single</b> 23:10  <b>situation</b> 3:14                  10:8 18:10                  19:7 21:11                  23:12 27:14                  28:23 56:14                  59:1  <b>situations</b> 11:6  <b>six</b> 55:15 56:22  <b>skipped</b> 51:22  <b>slightly</b> 47:4  <b>small</b> 12:24                  52:23 53:9  <b>soap</b> 44:2  <b>solution</b> 61:8  <b>sorry</b> 5:7 16:2                  18:16 19:13                  38:16 58:16  <b>sort</b> 38:16 55:6                  56:19  <b>Sotomayor</b> 9:14                  9:24 10:2,4,7                  10:12,20 11:14                  13:8 33:7,9                  42:2,5,11                  54:18,25 58:5                  58:9,12,16                  59:9,11,14,18                  60:12  <b>special</b> 17:13  <b>split</b> 34:25 42:3                  42:14,18 57:5                  59:12 60:6,6  <b>splits</b> 42:18                  54:19,22 55:1                  55:17,21  <b>spoken</b> 43:5  <b>spreading</b> 7:2  <b>spring</b> 4:5,9,13</p>	<p>7:9,10 29:18                  30:14 31:6                  33:18 46:25                  47:1 61:15,18  <b>springs</b> 39:2  <b>square</b> 40:19                  46:1  <b>stakes</b> 52:19                  53:12  <b>standing</b> 7:1  <b>Stanford</b> 1:16  <b>start</b> 10:24  <b>started</b> 6:6,8  <b>state</b> 22:21                  25:21  <b>statement</b> 57:8  <b>States</b> 1:1,13                  43:13 45:18  <b>statistics</b> 19:15  <b>status</b> 34:5 56:7                  62:20  <b>statutes</b> 17:17  <b>statutory</b> 4:2  <b>stayed</b> 41:20  <b>steps</b> 10:24  <b>Stevens</b> 41:2  <b>stick</b> 52:13  <b>stipulated</b> 9:10  <b>stipulation</b> 4:19                  4:25 5:5  <b>stop</b> 53:6  <b>straight</b> 9:12  <b>stray</b> 57:13  <b>stricken</b> 34:1                  37:7  <b>Stris</b> 1:18 2:6                  29:8,9,11                  30:19 31:1,10                  31:16 32:4,11                  33:8,13 34:11                  34:16 35:14                  36:14,16 37:3                  37:17 38:2,6                  38:14,21 39:4                  40:12 42:4,10                  42:15 43:11,25                  44:7 45:10,16</p>
--	--	---	--	--

45:22,25 46:20 47:24 48:8,17 48:19 50:15 51:24 53:19 54:2,5,22 55:1 55:20 <b>strong</b> 55:7 <b>strongly</b> 44:10 <b>struck</b> 34:20 <b>studied</b> 59:15 <b>study</b> 22:15 <b>submit</b> 34:21 47:5 54:16 56:18 <b>submitted</b> 63:3 63:5 <b>substance</b> 13:20 <b>substantial</b> 34:1 <b>suffered</b> 44:23 45:3 <b>suggest</b> 8:17 37:11 53:14 <b>suggested</b> 6:3 31:12 <b>suggests</b> 34:21 37:10 <b>summary</b> 14:7 14:11,16,20 15:2 42:23 <b>support</b> 43:7 <b>suppose</b> 51:15 55:23 <b>supposed</b> 17:25 18:7 <b>supposition</b> 30:14 <b>Supreme</b> 1:1,13 57:21 <b>sure</b> 14:3 59:1,7 <b>surprise</b> 30:12 31:20 <b>survive</b> 10:10 <b>Swint</b> 61:3 <b>system</b> 3:18,19 15:8 19:8 21:3 23:12 26:4 28:14	<b>T</b>	<b>they'd</b> 57:6 <b>thing</b> 16:5 39:25 43:21 44:22 45:1,2,5 47:18 58:1,22 59:24 60:5 <b>things</b> 7:6 20:24 25:10 27:16 33:17 38:17 41:17 42:16 46:24 47:24 50:16 57:4 <b>think</b> 4:10 5:9 5:14 8:8,11,15 8:22 9:15,23 10:23 11:1,5 13:5,7,11,17 14:18 15:7 16:7 17:25 20:17 23:5,6 24:16 26:2 28:21 29:2,19 29:22 31:14,17 32:14 33:15 34:11 35:19 37:3,19 39:7,8 39:25 40:10,12 40:13,15,16 41:2 43:25 45:25 47:7,25 49:6 50:16 54:22 55:4,9 56:12 59:19 60:11 61:1,20 62:19 <b>thinking</b> 26:6 56:15 <b>Thompson</b> 11:9 11:22 62:10,14 <b>thought</b> 25:2 26:9 28:1,15 40:2,17 48:5 57:14 58:3,23 59:6 62:18 <b>three</b> 24:3 42:16 49:4 54:19 <b>three-judge</b>	51:21 <b>time</b> 9:11 14:4 20:8 26:13 29:6 33:11 34:25 36:25 48:12 53:20 61:3,10 <b>times</b> 48:4 50:21 54:7 59:23 <b>today</b> 24:24 27:4 61:9 <b>told</b> 17:16,16 35:22 47:21 <b>topic</b> 55:18 <b>touch</b> 48:25 <b>traces</b> 55:11 <b>trade</b> 11:25 12:1 <b>transcript</b> 43:14 43:21 44:6 48:25 <b>transfer</b> 56:3 <b>trial</b> 11:8 12:18 14:3,10,15 19:5 37:21 53:13 54:11 <b>trials</b> 53:13 <b>tribunal</b> 51:20 <b>tried</b> 12:21 37:24 50:19 <b>true</b> 5:21 36:18 36:18 40:21 41:11 46:7 54:5 <b>truly</b> 12:12 13:10 <b>try</b> 34:10 37:3 49:25 <b>trying</b> 22:21 50:12,13 62:6 <b>Tuesday</b> 1:10 <b>turn</b> 43:13,20 44:5,12 48:25 60:10 <b>turned</b> 26:16 <b>two</b> 4:16 5:14 7:6,20 10:24 18:3 20:24	23:24 24:6,11 25:10 33:16 38:17 54:21 58:15,17 59:19 61:10 <b>two-thirds</b> 5:24
	<b>U</b>	<b>U.S.C</b> 51:25 <b>Uh-huh</b> 10:6 17:14,19,23 <b>ultimately</b> 26:9 26:10,11 <b>unanimously</b> 18:21 19:3 28:24 <b>unbelievably</b> 41:5 <b>undergo</b> 23:16 <b>Underline</b> 38:14 <b>undermine</b> 47:11 <b>undermined</b> 41:10 <b>understand</b> 14:2 26:19 29:23 32:11 52:11 60:5 <b>understanding</b> 4:12,16 6:2,5 <b>unequivocal</b> 5:11 <b>Unfortunately</b> 17:17 <b>unilaterally</b> 50:19 <b>United</b> 1:1,13 43:13 45:18 <b>unknown</b> 40:1 <b>unreasonable...</b> 11:24 12:3 <b>unusual</b> 29:25 <b>unworkable</b> 41:10 <b>upend</b> 3:22 28:14 <b>upshot</b> 53:8		

<p><b>use</b> 3:21 19:22 19:24 20:2 23:2 26:5 35:19</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>v</b> 1:5 3:5 <b>value</b> 52:24 <b>variety</b> 12:15 <b>various</b> 41:4 55:8 <b>view</b> 8:16 21:14 40:24 56:6 <b>vigorously</b> 41:14 <b>violates</b> 17:17 <b>voluntarily</b> 9:17 9:18 11:2 16:7 17:6 36:9 46:16 48:6 61:14 62:12 <b>voluntary</b> 3:21 5:10 11:12 12:15 17:1,6 30:5 34:9 36:7 43:8 45:4 48:9 49:11 51:19 <b>voted</b> 27:5</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>waived</b> 10:21 42:12 <b>waiver</b> 33:19 47:12 48:2 49:13,20 <b>want</b> 16:16 18:1 21:14 42:16 44:16 50:25 51:18 52:8 <b>wanted</b> 17:7 35:9 <b>wash</b> 23:15 <b>Washington</b> 1:9 <b>wasn't</b> 30:18 38:19 <b>way</b> 9:23 12:17 17:10 21:4,15 23:9,19 24:16</p>	<p>34:7 37:5 39:2 40:11,13 45:14 57:13 59:6 <b>ways</b> 60:25 <b>we'll</b> 3:3 40:8,9 51:9 <b>we're</b> 6:15 23:25 32:7,10 33:23 40:3,4,13 44:12 50:13 53:13 54:14 57:21 <b>we've</b> 43:21,21 <b>weak</b> 28:2 <b>weigh</b> 23:14 <b>weird</b> 14:8 <b>went</b> 24:10,14 34:3 36:12 44:14 50:19 <b>weren't</b> 42:1 <b>whatsoever</b> 8:7 <b>willing</b> 51:1 62:24 <b>win</b> 22:4 37:21 39:3 46:25 47:2,17 49:2 52:19 58:13 <b>window</b> 37:2 <b>wish</b> 3:21 <b>witnesses</b> 12:20 <b>won</b> 4:13 <b>wondering</b> 4:9 <b>word</b> 33:1 <b>words</b> 23:18 35:16 <b>work</b> 11:19 14:17 17:12 24:16 34:4 50:9 <b>worked</b> 14:24 <b>works</b> 14:3 <b>worried</b> 40:7 54:14 <b>worth</b> 17:21 18:2,13 20:8 21:25 22:12 26:13 30:23</p>	<p><b>wouldn't</b> 8:24 52:6 <b>wright</b> 39:15,15 <b>writ</b> 56:2 <b>wrong</b> 15:11 17:8 18:1 37:19 45:20,22 45:25 60:10 <b>wrongfully</b> 50:4 <b>wrongly</b> 50:5 <b>wrote</b> 55:17</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p><b>x</b> 1:2,8</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>Yeah</b> 4:7 25:20 31:10 39:9 58:8 <b>year</b> 50:21 <b>years</b> 3:11 23:9 28:23 47:8 55:12 60:2</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p><b>zero</b> 60:15</p> <hr/> <p style="text-align: center;"><b>0</b></p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p><b>1.3</b> 36:5 <b>10</b> 17:18 18:2 21:25 <b>10-cent</b> 22:8 51:6 <b>10,000</b> 22:11 51:7 <b>10:19</b> 1:14 3:2 <b>106</b> 35:21 <b>11</b> 60:22 <b>11:19</b> 63:4 <b>12(b)(6)</b> 42:23 <b>1291</b> 5:23 46:24 62:25 <b>1292(b)</b> 20:18 <b>14</b> 50:11 <b>15-457</b> 1:4 3:4 <b>16</b> 9:7 36:1</p>	<p><b>16-month</b> 9:10 <b>1800s</b> 11:10 <b>19</b> 17:17 <b>1990</b> 35:3 <b>1995</b> 30:1 <b>1996</b> 22:15</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p><b>2</b> 39:5 <b>20</b> 19:19,19 28:23 <b>20-year-old</b> 29:20 <b>2017</b> 1:10 <b>21</b> 1:10 <b>2111</b> 52:1 <b>23</b> 33:24 34:3,19 <b>23(b)(3)</b> 54:17 <b>23(c)</b> 21:6 <b>23(f)</b> 3:19 19:16 20:15,20 22:16 23:24 24:8,14 26:20 27:3,6 27:17 28:16 34:6,7,10,21 35:6 36:22 37:1,6,9,11,15 37:23,25 41:16 50:22 51:3 53:3,4,8 54:3 57:2,5 58:6 62:21 <b>23(f)'s</b> 26:4 <b>28</b> 51:25 <b>29</b> 2:7 47:9</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p><b>3</b> 2:4 31:17 33:3 39:5,5 <b>34a</b> 4:21 <b>36a</b> 5:1 32:21,25 <b>37</b> 44:12 <b>39a</b> 4:21,21</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p><b>4</b> 5:1 31:17 32:24 33:3</p>	<p>39:5 <b>41</b> 30:2 <b>45</b> 5:8 6:23 <b>49</b> 6:24</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p><b>56</b> 2:10</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p><b>6</b> 32:21</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p><b>7</b> 55:10</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p style="text-align: center;"><b>9</b></p>
---	--	---	--	--