

# SUPREME COURT OF THE UNITED STATES

---

IN THE SUPREME COURT OF THE UNITED STATES

- - - - -  
MANHATTAN COMMUNITY ACCESS )  
CORPORATION, ET AL., )  
                    Petitioners, )  
                    v. ) No. 17-1702  
DEEDEE HALLECK, ET AL., )  
                    Respondents. )  
- - - - -

Pages: 1 through 75  
Place: Washington, D.C.  
Date: February 25, 2019

---

**HERITAGE REPORTING CORPORATION**  
*Official Reporters*  
1220 L Street, N.W., Suite 206  
Washington, D.C. 20005  
(202) 628-4888  
[www.hrccourtreporters.com](http://www.hrccourtreporters.com)

1           IN THE SUPREME COURT OF THE UNITED STATES  
2   - - - - -  
3   MANHATTAN COMMUNITY ACCESS                    )  
4   CORPORATION, ET AL.,                            )  
5                            Petitioners,                    )  
6                            v.                                    ) No. 17-1702  
7   DEEDEE HALLECK, ET AL.,                        )  
8                            Respondents.                    )  
9   - - - - -

10  
11                                    Washington, D.C.  
12                                    Monday, February 25, 2019

13  
14                                    The above-entitled matter came on for  
15   oral argument before the Supreme Court of the  
16   United States at 10:05 a.m.

17  
18   APPEARANCES:  
19   MICHAEL B. DE LEEUW, ESQ., New York, New York;  
20                                    on behalf of the Petitioners.  
21   PAUL W. HUGHES, ESQ., Washington, D.C. ;  
22                                    on behalf of the Respondents.

23  
24  
25

1	C O N T E N T S	
2	ORAL ARGUMENT OF:	PAGE:
3	MICHAEL B. DE LEEUW, ESQ.	
4	On behalf of the Petitioners	3
5	ORAL ARGUMENT OF:	
6	PAUL W. HUGHES, ESQ.	
7	On behalf of the Respondents	33
8	REBUTTAL ARGUMENT OF:	
9	MICHAEL B. DE LEEUW, ESQ.	
10	On behalf of the Petitioners	71
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 P R O C E E D I N G S

2 (10:05 a.m.)

3 CHIEF JUSTICE ROBERTS: We'll hear  
4 argument this morning in Case 17-1702, the  
5 Manhattan Community Access Corporation versus  
6 Halleck.

7 Mr. De Leeuw.

8 ORAL ARGUMENT OF MICHAEL B. DE LEEUW  
9 ON BEHALF OF THE PETITIONERS

10 MR. DE LEEUW: Mr. Chief Justice, and  
11 may it please the Court:

12 Careful adherence to this Court's  
13 state action cases is necessary in order to  
14 preserve the lines between government action  
15 and private conduct.

16 The challenged conduct -- the purpose  
17 of the test is to determine whether it is --  
18 whether private action falls into the very rare  
19 exception of conduct that is fairly  
20 attributable to the state. Now MNN is not a  
21 state actor under any of this Court's state  
22 action tests, and its conduct is therefore not  
23 fairly attributable to the state.

24 MNN is a private, nonprofit company.  
25 Its board is not controlled by the City of New

1 York. The challenged conduct here was not  
2 compelled or coerced by the City of New York.  
3 There are no allegations that MNN acted jointly  
4 with the City of New York with regard to the  
5 challenged conduct. And MNN does not perform a  
6 function that has traditionally and exclusively  
7 been carried out by the City of New York.

8 JUSTICE GINSBURG: But MNN --

9 CHIEF JUSTICE ROBERTS: Well, you  
10 say --

11 JUSTICE GINSBURG: -- was engaged by  
12 the city to administer a scheme that was  
13 determined by state and city law, that is, to  
14 afford access on a first-come, first-served  
15 basis, giving MNN no independent judgment about  
16 what will air or when it will air. So it seems  
17 that MNN is an administrator of a city/state  
18 policy, this first-come, first-served, and  
19 unlike other arrangements, it has no  
20 independent decision-making authority.

21 MR. DE LEEUW: Respectfully, Justice  
22 Ginsburg, that's not quite correct. The grant  
23 agreement under which MNN operates, it's a  
24 grant agreement between the cable operator,  
25 which was originally Time Warner and is now

1 Charter. That agreement actually does grant us  
2 the ability to curate content. It also grants  
3 us the ability to create our own content.

4 So the distinction that my friend has  
5 made about -- about putting MNN on one side of  
6 the spectrum as a party that has no discretion  
7 and other community access organizations on the  
8 other hand that do exercise discretion is -- is  
9 not correct.

10 JUSTICE SOTOMAYOR: I'm sorry. It  
11 just means it's a mixed actor, meaning you can  
12 -- it has its own speech. Government often has  
13 its own speech. So that it can create speech,  
14 I don't think, means anything.

15 Similarly, time, place regulations,  
16 that anybody can do that or -- or whether it's  
17 the government or a private actor with respect  
18 to property. So the question, I think, is,  
19 does it have discretion with respect to the  
20 content and its viewpoint neutrality on what  
21 the state is controlling, which is the  
22 placement rights on these cable lines?

23 MR. DE LEEUW: So the -- the -- the  
24 answer to that is that MNN does have discretion  
25 on the placement rights on -- which are not

1 placement rights that the city has but  
2 placement rights that, through the grant  
3 agreement, are directly to MNN.

4 And MNN does have the power to --

5 JUSTICE SOTOMAYOR: Only because it's  
6 the agent directly of the state. The state has  
7 the relationship with Time Warner and tells  
8 them that Time Warner must deal with MNN.

9 MR. DE LEEUW: Well, that's not quite  
10 true, Justice Sotomayor. The -- the agreement  
11 between Time Warner, the -- the cable operator,  
12 and MNN is an independent agreement that is  
13 negotiated between those two parties. The city  
14 is not a party to that grant agreement. That  
15 grant agreement, in turn, gets approved by the  
16 -- the Public Service Commission in New York.

17 So the grant agreement gives us much  
18 broader rights to curate content, to decide to  
19 put shows together on one of our channels or a  
20 different channel. So the scheduling is not  
21 purely mechanical. It's not as if we take one  
22 videotape or CD from the street and put it in  
23 the machine and -- and then put the next one  
24 in.

25 JUSTICE KAGAN: Mr. De Leeuw --

1 CHIEF JUSTICE ROBERTS: Are these --  
2 the facts that you've been talking about in  
3 terms of your cure -- that you curate the  
4 content, are they disputed in the case?

5 MR. DE LEEUW: Yes.

6 CHIEF JUSTICE ROBERTS: In the case  
7 that you point out comes before us on the  
8 pleadings.

9 MR. DE LEEUW: Well, again, these  
10 issues were not on the pleadings. These issues  
11 were not raised on the pleadings. The -- the  
12 grant agreement, which was introduced by -- by  
13 Respondents, makes clear that we have that  
14 right to curate.

15 In their -- in Respondents' brief to  
16 the Court, they said that we did not have that  
17 right, that we were bound solely by the  
18 first-come, first-served, and they made that  
19 sound as if it's a purely mechanical -- that --  
20 that strips us of any discretion whatsoever.

21 That -- that's -- that's so -- it is  
22 -- it is in dispute. Pardon me?

23 JUSTICE BREYER: Sorry, were you  
24 finished?

25 CHIEF JUSTICE ROBERTS: Yeah.



1 JUSTICE BREYER: Look, your brief, the  
2 PSC regulations require that content on public  
3 access channels be "non-commercial" and that  
4 access must be "on a first-come, first-served  
5 non-discriminatory basis."

6 So what is your discretion?

7 MR. DE LEEUW: So our discretion is  
8 based on -- that -- that is what the regulation  
9 says.

10 JUSTICE BREYER: And that's what you  
11 say, so --

12 MR. DE LEEUW: Well, that's what we  
13 say and --

14 JUSTICE BREYER: So what is your  
15 discretion?

16 MR. DE LEEUW: And what the regulation  
17 says. In the grant agreement itself, the grant  
18 agreement gives us broader discretion than  
19 that. The grant agreement, which is between  
20 the cable operator and MNN, gives us the  
21 discretion to group channels -- group shows  
22 together, put them on one particular channel,  
23 and that's, again, approved by the -- by the  
24 PSC.

25 JUSTICE BREYER: Well, put -- putting

1 shows on Channel 14 rather than Channel 16  
2 wouldn't seem like relevant discretion, would  
3 it? I mean, what's broadcast out, whether it's  
4 14 or 16, is absolutely determined by this  
5 rule. At least that's how I read your brief to  
6 say it.

7 MR. DE LEEUW: That -- that's true.  
8 We do not prescreen videos. We -- they come  
9 into the door. We put them on the air. So we  
10 do that.

11 JUSTICE BREYER: All right. There's  
12 another question then that I have --

13 MR. DE LEEUW: Okay.

14 JUSTICE BREYER: -- which I can't get  
15 out of the brief. There are 13 directors,  
16 right?

17 MR. DE LEEUW: Correct.

18 JUSTICE BREYER: And two of them are  
19 chosen by the government?

20 MR. DE LEEUW: Correct.

21 JUSTICE BREYER: How are the other 13  
22 chosen?

23 MR. DE LEEUW: The other -- the other  
24 11 are chosen through a --

25 JUSTICE BREYER: Eleven, yeah.

1           MR. DE LEEUW: -- I believe there's a  
2           nominating committee on the Board that  
3           nominates people from media, from  
4           entertainment, from --

5           JUSTICE BREYER: And who creates the  
6           nominating committee?

7           MR. DE LEEUW: The -- the Board. It's  
8           a subcommittee of the Board.

9           JUSTICE BREYER: So -- but why -- then  
10          that's your -- the -- the -- it's a  
11          self-perpetuating board? The other members are  
12          chosen by a nominating committee. The  
13          nominating committee is selected by the Board.  
14          I think this would help you. And only two of  
15          the members are actually chosen by the  
16          government.

17          MR. DE LEEUW: That's -- they're not  
18          even chosen by the government. They're  
19          nominated.

20          JUSTICE BREYER: Are the other 11  
21          members governmental people or have no  
22          governmental connection?

23          MR. DE LEEUW: They have no  
24          governmental connection. And even the two that  
25          are nominated by the Board are not necessarily

1 government-related --

2 JUSTICE BREYER: Well, why didn't you  
3 put that in the brief?

4 MR. DE LEEUW: Nominated. Pardon me?

5 JUSTICE BREYER: Did you put that in  
6 your brief?

7 MR. DE LEEUW: I believe it's in -- I  
8 believe it's in there somewhere, but the -- the  
9 -- the -- the dispositive issue was that the --  
10 that the city of -- the borough president only  
11 has the ability to nominate two out of the 13.

12 JUSTICE ALITO: Suppose that --

13 JUSTICE KAGAN: Mr. De Leeuw, what  
14 would you think is the right result if you had  
15 the obligation that you think you don't have?  
16 In other words, just assume for the moment that  
17 you did have to follow a first-come,  
18 first-served rule and that you didn't have the  
19 discretion that you think you have over  
20 programming.

21 What would then the right answer be?

22 MR. DE LEEUW: The right -- the right  
23 answer, Justice Kagan, would be that the  
24 Respondents or -- or any other producers that  
25 have a complaint with us go to the Public

1 Service Commission, which has a specific cause  
2 of action that one can bring if you go --

3 JUSTICE KAGAN: Well, I guess I'm  
4 going back to Justice Ginsburg's question. On  
5 the assumption that you don't have discretion,  
6 that you have to follow a first-come,  
7 first-served rule, I think that Justice  
8 Ginsburg asked why doesn't that essentially  
9 make you -- you -- you've been designated by  
10 the city to administer a public forum.

11 MR. DE LEEUW: Well, I think that -- I  
12 think that it just -- it doesn't do that  
13 because there's a long line of cases from this  
14 Court that said that regulation of a private  
15 entity is not enough to bring it within the  
16 ambit of a state action. So with regard --

17 JUSTICE KAGAN: So you would say it's  
18 because you're private?

19 MR. DE LEEUW: We are private.

20 JUSTICE KAGAN: Yeah. So -- but --  
21 but I think the city thinks that it has a  
22 property right here. It has -- you know, it's  
23 a property right that comes from a contract  
24 where the city has reserved for itself the  
25 ability to decide what programming should be.

1           MR. DE LEEUW: So the issue of whether  
2 there is a property right is certainly  
3 something that was not addressed below. It  
4 would certainly -- it would be a different type  
5 of property right than any one that I've seen.

6           There's the -- there was a discussion  
7 in this Court's Denver Area case about whether  
8 or not there was some kind of easement created  
9 in these public -- in the public -- in the  
10 cable system. And, you know, Justice Thomas,  
11 in his -- in his partial concurrence, argued  
12 that there was no easement available for  
13 something like this. Easement is a concept  
14 that's known in real property.

15           JUSTICE KAGAN: Well, you can talk  
16 about it as an easement or you can just talk  
17 about it as a contract right, but -- but these  
18 cable operators would not be able to function  
19 unless the government had given them these  
20 public rights-of-way.

21           And in exchange for giving them these  
22 public rights-of-way, the government says:  
23 Well, we're going to take certain stations and  
24 we're going to decide what the programming for  
25 those stations will be.

1           And, you know, given that the whole  
2           thing doesn't get off the ground unless the  
3           government gives the cable operators the  
4           rights-of-way and that it -- it exacts a quid  
5           pro quo for that, why isn't there, call it what  
6           you want, a property right coming from a  
7           contract or an easement or whatever?

8           MR. DE LEEUW: Well, specifically, the  
9           the -- Justice Kagan, what the contracts don't  
10          do is that they don't give the city the right  
11          to choose what content is going to be on the  
12          public access channels.

13          The -- the -- the city -- the --  
14          pardon me, the franchise agreement specifically  
15          gives the government the right to decide what's  
16          going to be on the government and education  
17          channels, which are -- are -- are different.  
18          And it says that those actually have to be  
19          overseen by a committee of the -- appointed by  
20          the city.

21          The -- the other side of that is the  
22          public access, which is a different concept.  
23          Public access, there is no requirement that the  
24          government operate it. In fact, the -- the  
25          default under the -- under the state regulation

1 is that the independent cable operator is going  
2 to be the party that operates the -- the public  
3 access channel unless and until the  
4 municipality, in this case the City of New  
5 York, appoints a third-party to do it.

6 The -- the other -- the franchise  
7 specifically says that the public access  
8 channels will be under the jurisdiction of the  
9 community access organization, MNN, so we have  
10 jurisdiction over those channels for purposes  
11 consistent with law and for other things that  
12 our Board deems to be appropriate.

13 Now that is in contrast with the --  
14 the government and education channels, which  
15 are explicitly put under the jurisdiction of  
16 the Mayor of the City of New York.

17 CHIEF JUSTICE ROBERTS: The city can  
18 kick you out at any time, right?

19 MR. DE LEEUW: I don't know that  
20 that's true. There's no right in the franchise  
21 agreement that gives that -- that -- that gives  
22 the city that right. There's nothing in the  
23 regulations that says the -- the city can go --

24 CHIEF JUSTICE ROBERTS: Well, I don't  
25 know that it's the same principle in this



1 context, but at -- at least with respect to  
2 federal appointees, usually the power to  
3 appoint carries with it the power to -- to  
4 fire.

5 MR. DE LEEUW: And, again, I -- we  
6 don't know the answer to that. There is no --  
7 there is no express provision. My friend says  
8 there is express provision. I don't think that  
9 there is. Maybe there is an implied one.

10 We have never had an issue where the  
11 city threatened to fire us or had any issue  
12 with us about -- about the way that we  
13 administered the channels, so it hasn't come  
14 up.

15 It's a -- you know, it's a latent,  
16 unexercised right. In our reply brief, we  
17 noted it would be like saying that a private  
18 road or a private drive was a public forum just  
19 because the government could take it by eminent  
20 domain.

21 JUSTICE ALITO: Well, maybe all this  
22 depends on whether there's some sort of  
23 recognized property interest involved, but  
24 maybe it doesn't.

25 And if we step back and ask who owns,

1 in the colloquial sense at least of the word,  
2 these channels, is it the cable company or is  
3 it the government, what would your answer be?

4 MR. DE LEEUW: My answer would  
5 definitely be the cable company.

6 JUSTICE ALITO: How can that be? I  
7 mean, the cable company didn't decide that it  
8 wanted to dedicate these channels to this  
9 purpose, and it doesn't control what's on these  
10 channels. It's the government that said you  
11 have to provide these channels and make them  
12 available on certain grounds.

13 MR. DE LEEUW: But the ownership right  
14 of the entire cable system -- and I don't think  
15 this has been disputed -- is the cable -- is  
16 the cable operator, so in this case Charter.

17 Now -- what's that? Pardon me?

18 JUSTICE SOTOMAYOR: Physical goods,  
19 that's like the railroads owning the railroad  
20 track.

21 MR. DE LEEUW: Correct.

22 JUSTICE SOTOMAYOR: But for decades  
23 now -- not for decades -- for centuries, our  
24 cases have recognized that the railroad can own  
25 -- can own the tracks, it can own the switches,

1 it can own the depots, but there's still a  
2 government access right to the use of the rail  
3 -- of the -- of the tracks.

4 MR. DE LEEUW: Right. And --

5 JUSTICE SOTOMAYOR: So, here, the  
6 government controls the content of what's on  
7 those cables.

8 MR. DE LEEUW: Respectfully, I  
9 disagree with that. The -- the issue of  
10 control is a whole separate issue of the one of  
11 property that -- that Justice Alito raised.

12 JUSTICE SOTOMAYOR: That's never --  
13 that's always the case with property.

14 MR. DE LEEUW: Sure. The --

15 JUSTICE SOTOMAYOR: Property is a  
16 right -- a property right is a right or  
17 privilege to use something to the exclusion of  
18 others or to the exclusion of the other owners.  
19 So, I mean, it's a simple definition of what a  
20 property right is.

21 MR. DE LEEUW: Right. But this is a  
22 -- this is a situation where a private entity  
23 is controlling the channels.

24 CHIEF JUSTICE ROBERTS: Did you want  
25 to -- do you want to complete your answer to

1 Justice Alito?

2 MR. DE LEEUW: So -- yes, I'm sorry.  
3 Justice Alito, the -- the -- to us, the issue  
4 is about control and who is controlling the  
5 public access channels. And in this case, it's  
6 clearly MNN is controlling. It's under its  
7 jurisdiction according to the grant agreement.  
8 The city designated us to operate them 28 years  
9 ago and then hasn't said a word to us about  
10 that.

11 JUSTICE ALITO: Well, suppose the city  
12 appointed MNN to decide who would have access  
13 to a facility in Central Park.

14 MR. DE LEEUW: Okay.

15 JUSTICE ALITO: Would you say MNN is  
16 not -- MNN is not then a state actor in  
17 exercising that authority?

18 MR. DE LEEUW: So, if I understand the  
19 hypothetical, so the idea is that MNN is taking  
20 on a role of managing parades or something in  
21 Central Park?

22 JUSTICE ALITO: Well, let's say  
23 there's a place where people can go and speak  
24 in Central Park or there is a -- a facility  
25 where concerts are put on.

1 MR. DE LEEUW: Right.

2 JUSTICE ALITO: And -- and the city  
3 enters into exactly the kind of agreement it  
4 has with MNN, MNN, and says you -- you --  
5 you're in charge of this.

6 MR. DE LEEUW: Right. So --

7 JUSTICE ALITO: Are you then a state  
8 actor?

9 MR. DE LEEUW: I think it's a much  
10 closer call because of the public function  
11 test. If -- if MNN was doing something that  
12 the city has traditionally and exclusively  
13 done, which is operate this speaking corner of  
14 the park, then I would think that that would be  
15 a much closer case and -- and might well have  
16 the private operator as a state actor under the  
17 public function test.

18 JUSTICE BREYER: What is the -- the --  
19 the --

20 JUSTICE KAGAN: What is the difference  
21 between Justice Alito's hypothetical?

22 MR. DE LEEUW: Well, so the main  
23 difference is that the public function test has  
24 never been read broadly. It's always looked at  
25 the specific activity that the -- that the

1 entity is -- is involved in.

2 JUSTICE KAGAN: Well, let's say that  
3 the city has decided we want a public theater.  
4 And so it creates a public theater. It decides  
5 it wants to use a first-come, first-served  
6 system. It decides it doesn't want to do the  
7 scheduling itself. So it hires somebody to  
8 administer the public theater under the rules  
9 that it should all be first-come, first-served.

10 Would -- would that administrator be a --  
11 a state actor?

12 MR. DE LEEUW: So I guess the other --  
13 the -- the one additional fact I'd want to know  
14 in the hypothetical is, is it -- is it city  
15 property? Is it a theater that is owned by the  
16 city?

17 JUSTICE KAGAN: Right. So that could  
18 be one point of distinction --

19 MR. DE LEEUW: Okay.

20 JUSTICE KAGAN: -- is, is it property,  
21 and then we're back to the question that we  
22 started with.

23 MR. DE LEEUW: Right. But -- but I  
24 think the --

25 JUSTICE KAGAN: But put that aside for

1 a moment.

2 MR. DE LEEUW: Putting that aside --  
3 putting that aside, I would say that the answer  
4 is no. The key to look at when you're looking  
5 at a forum that is not one of the traditional,  
6 the street, sidewalk, or park, is to look at it  
7 and say: Is this forum being operated by the  
8 government?

9 And when you look at it and you say  
10 the -- the -- the private entity is there  
11 operating this -- this forum, it's not the  
12 government --

13 JUSTICE KAGAN: Well, the government  
14 says we set the rules about how this is going  
15 to operate. We decided we wanted a theater.  
16 We decided we wanted first-come, first-served.  
17 All we're asking you to do is, you know, we  
18 don't have an extra employee to administer this  
19 program, so we're contracting that function  
20 out.

21 But what makes that person then the  
22 independent actor as opposed to the person  
23 who's essentially doing everything that the  
24 government would do, except that the government  
25 thinks it's more efficient to hire somebody

1 else?

2 MR. DE LEEUW: Well, again, in -- in  
3 this Court's decision in Jackson versus  
4 Metropolitan Edison, a regulation like that,  
5 even -- even pervasive regulation of a private  
6 entity, does not convert that private --

7 JUSTICE BREYER: All right. But --  
8 but assume I -- I can read the cases. What I  
9 can't do is figure out what the facts are. And  
10 so that's what I'm focusing on.

11 It's now -- do you have this power:  
12 At 5 p.m., something will be broadcast over  
13 your channel. Okay?

14 MR. DE LEEUW: Yes.

15 JUSTICE BREYER: Do you have the power  
16 to say this evening we wish to discuss subways;  
17 tomorrow at 4:00, we will discuss the public  
18 schools? All right. Do you have that power?  
19 Or, if we have one speaker who wants to talk  
20 about public schools and another one who wants  
21 to talk about subways, they have to go in  
22 whatever jumble they want, so people can't  
23 figure out the issues because there are 40,000  
24 issues in New York, and do we have a general  
25 conversation about all of them at once, or do



1 you have the power to order that?

2 MR. DE LEEUW: So we have the power to  
3 -- to put on shows at specific times. I -- I'm  
4 sorry.

5 JUSTICE BREYER: Shows. Look,  
6 first-come, first-served, tell me if I'm wrong,  
7 in my mind, is there 40,000 issues, people can  
8 discuss them in any order, and anyone who wants  
9 to come up and broadcast can discuss any issue,  
10 and you have no power to change that, or you do  
11 have the power to organize it and have first a  
12 subway discussion, then another discussion.  
13 Which is it?

14 MR. DE LEEUW: We have the -- we have  
15 the power to organize it to some degree.

16 JUSTICE BREYER: What -- to what  
17 degree?

18 (Laughter.)

19 MR. DE LEEUW: Well, so to the degree  
20 related to the -- to -- to the grant in the  
21 grant agreement, which allows --

22 JUSTICE BREYER: That doesn't help me.

23 MR. DE LEEUW: Okay.

24 JUSTICE BREYER: You see I have a  
25 simple factual question. Tomorrow I want to go

1 and interrupt somebody who's in the subway  
2 discussion. As soon as he's finished, I want  
3 to discuss New York and hot dogs, okay?

4 MR. DE LEEUW: Okay.

5 JUSTICE BREYER: Now do you have to  
6 let me, yes or no?

7 MR. DE LEEUW: Well, it would depend  
8 on who else has submitted tapes and whether or  
9 not --

10 JUSTICE BREYER: Well, somebody else  
11 has submitted a tape that they'd like to  
12 discuss, schools. So I am third. That --  
13 that's a factual question.

14 MR. DE LEEUW: Right.

15 JUSTICE BREYER: What is it?

16 MR. DE LEEUW: Well, your -- I mean, I  
17 think the -- the answer is that your show will  
18 -- will get on. Will it get on at exactly the  
19 time --

20 JUSTICE BREYER: All right.

21 MR. DE LEEUW: -- you want it to? No.

22 JUSTICE BREYER: But I -- I will come  
23 third.

24 MR. DE LEEUW: Okay.

25 JUSTICE BREYER: First-come,

1 first-served, is that right?

2 MR. DE LEEUW: Correct.

3 JUSTICE BREYER: So it has to be a  
4 jumble.

5 MR. DE LEEUW: Well, it doesn't have  
6 to be a jumble. There are -- some of our --

7 JUSTICE BREYER: Of course -- of  
8 course, it might be coincidence that it isn't  
9 --

10 MR. DE LEEUW: No. No, no.

11 JUSTICE BREYER: -- but you have no  
12 power not to make it a jumble?

13 MR. DE LEEUW: No, that's not true.  
14 We do have power to have some -- some ability  
15 to organize our channels.

16 JUSTICE BREYER: What?

17 MR. DE LEEUW: The -- we can decide  
18 that shows that are appropriate for children  
19 will be shown in the morning and shows that are  
20 appropriate for adults will be shown at night.  
21 We can decide that we will cluster a series of  
22 shows about New York hot dogs. There happen to  
23 be five of them with different opinions. We'll  
24 put them on at the same -- in a -- in a row so  
25 that people can have a broad view of the merits

1 of those.

2 JUSTICE KAVANAUGH: Does your -- does  
3 your argument depend on having editorial  
4 discretion? In other words, if you have no  
5 editorial discretion at all, do you still win  
6 under Jackson? Is that your theory?

7 MR. DE LEEUW: We -- we still win  
8 under Jackson. We think that the -- that the  
9 lack of discretion does not convert us into a  
10 state actor.

11 Under Jackson, under Sullivan, under  
12 all the cases that have looked at pervasive  
13 regulation, that has never been held to be  
14 enough to convert a private party's action into  
15 that of the state. In Rendell-Baker, Blum, the  
16 entire series of cases that have looked at that  
17 issue, they've all held that regulation, even  
18 pervasive regulation, is not sufficient.

19 JUSTICE SOTOMAYOR: But none of those  
20 cases involved the state or the government  
21 designating something a public forum. They've  
22 involved traditional public forums. That's a  
23 different issue.

24 But we have three categories:  
25 traditional, designated, and private. And this

1 is very different because this is the  
2 government designating this a public forum.

3 MR. DE LEEUW: Well, so the government  
4 makes a lot of decisions. The -- the  
5 government, by act of Congress, created the  
6 U.S. Olympic Committee. The government -- the  
7 government creates a lot of entities.

8 JUSTICE SOTOMAYOR: But not all of  
9 them are designated public forums.

10 MR. DE LEEUW: No, that's --

11 JUSTICE SOTOMAYOR: Many of them are  
12 limited.

13 MR. DE LEEUW: That's true, but to --  
14 but to create --

15 JUSTICE SOTOMAYOR: But this one is  
16 very different. This one says first-come,  
17 first-served, and your only discretion is  
18 against things that are not speech, obscenity,  
19 et cetera.

20 MR. DE LEEUW: Right. Well -- well, I  
21 would push back on your assumption. By saying  
22 that the government has -- has created a  
23 designated public forum, that's already  
24 answering the question about state action.

25 If the government is creating a forum

1 and does not retain control over it, then it is  
2 not going to be a designated public forum of  
3 constitutional dimension.

4 And we've tried to make that  
5 distinction in our briefs because something can  
6 be called a public forum and they're all over  
7 the place. The -- the -- but that does not  
8 convert it to being a public forum of  
9 constitutional dimension.

10 So, in your example, if the city  
11 creates a designated public forum, in order to  
12 get there, you have to have already determined  
13 that it is a designated public forum of  
14 constitutional dimension.

15 JUSTICE SOTOMAYOR: So --

16 MR. DE LEEUW: And to have that, you  
17 need state actors.

18 JUSTICE SOTOMAYOR: -- what's the  
19 difference -- if we go back to the questions my  
20 colleagues asked earlier, the city rents a  
21 theater, doesn't own it, but rents it or leases  
22 it or somehow takes possession of it through  
23 contract. It designates it a public forum,  
24 says anyone can use the theater, first-come,  
25 first-served, although -- and hires someone to

1 administer that forum. So what's the  
2 difference?

3 MR. DE LEEUW: Well, I -- I --

4 JUSTICE SOTOMAYOR: I -- I -- I don't  
5 understand. You -- they can -- they have to  
6 clean it. They have to --

7 MR. DE LEEUW: Who is "they" have to  
8 clean it? The -- the private owner?

9 JUSTICE SOTOMAYOR: The administrator  
10 has to get it cleaned, has to provide  
11 security --

12 MR. DE LEEUW: Yeah. So --

13 JUSTICE SOTOMAYOR: -- has to sort of  
14 organize the -- the hours, et cetera, but,  
15 nevertheless, the city says this -- we've -- we  
16 rent the property, we have the power to tell  
17 you keep it open, keep it free, keep it  
18 first-come, first-served; your only ability to  
19 restrict is time, place, and/or obscenity and  
20 other illegal conduct.

21 MR. DE LEEUW: Well, it sounds like --  
22 like that situation would be different than  
23 ours because it sounds like it would be closing  
24 in on Burton versus Wilmington Parking  
25 Authority, where there is a symbiotic or joint

1 connection between what the city is doing and  
2 what the private entity is doing.

3 Now there's no allegations with regard  
4 to MNN that there's anything like that, no  
5 symbiotic relationship, no entwinement with the  
6 city at all.

7 JUSTICE SOTOMAYOR: But why do you  
8 need that?

9 MR. DE LEEUW: Well, that's --  
10 that's --

11 JUSTICE SOTOMAYOR: If the city rents  
12 it, says this is how we're going to use it,  
13 this is the way it's going to be used, why do  
14 you need anything more? What greater control  
15 do you need?

16 MR. DE LEEUW: The greater control you  
17 need is you need the -- the -- the forum to be  
18 operated by a state actor, by someone that can  
19 be --

20 JUSTICE SOTOMAYOR: So now --

21 MR. DE LEEUW: -- fairly said to be  
22 such an --

23 JUSTICE SOTOMAYOR: -- now we have the  
24 state is eluding responsibility by simply  
25 figuring out how to have adequate independence.



1                   MR. DE LEEUW: Well, I don't think  
2 that that --

3                   JUSTICE SOTOMAYOR: In designating  
4 public functions, all it has to do is say we're  
5 just going to tip it over the line a little  
6 bit.

7                   MR. DE LEEUW: Well, I don't think  
8 that that's a particular concern.

9                   JUSTICE SOTOMAYOR: Or keep away from  
10 the line a little bit.

11                   MR. DE LEEUW: There are -- first of  
12 all, I don't know of many designated public  
13 fora that are controlled by -- by independent  
14 parties. Certainly, the traditional public  
15 fora, I don't know of any either.

16                   JUSTICE BREYER: Well, a prison, for  
17 example?

18                   MR. DE LEEUW: What's that? So  
19 prisons are -- prisons are different. Prisons  
20 -- prisons come along with the -- the West  
21 versus Atkins case, where you have a  
22 constitutional obligation and it's a  
23 traditional and exclusive role of government to  
24 -- to operate the prisons.

25                   Mr. Chief Justice, I'd like to reserve

1 the rest of my time.

2 CHIEF JUSTICE ROBERTS: Thank you,  
3 counsel.

4 MR. DE LEEUW: Thank you.

5 CHIEF JUSTICE ROBERTS: Mr. Hughes.

6 ORAL ARGUMENT OF PAUL W. HUGHES

7 ON BEHALF OF THE RESPONDENTS

8 MR. HUGHES: Thank you, Mr. Chief  
9 Justice, and may it please the Court:

10 This is a public forum because New  
11 York has generally opened property that it  
12 controls for speech. New York has a general  
13 access policy. That's -- this is its  
14 first-come, first-served policy.

15 And I think the critical feature here,  
16 which Petitioners cannot dispute, is that MNN  
17 lacks discretion not to -- that they cannot  
18 decline to run content that is protected by the  
19 First Amendment.

20 CHIEF JUSTICE ROBERTS: Well, I think  
21 they just did dispute it, I mean, getting to  
22 Justice Breyer's questions. Can they lump  
23 things together? And can they say 5:00 is the  
24 show on hot dogs? And if -- even if your show  
25 on the subway was submitted prior to one on hot

1 dogs, the one on hot dogs is going to jump over  
2 it?

3 MR. HUGHES: So -- so two things about  
4 that, Your Honor. First, as Justice Breyer was  
5 indicating, I think first-come, first-served  
6 probably means what it says, that there's an  
7 order to it.

8 But, second, even if there is a power  
9 to schedule and to group things, I don't think  
10 that has any bearing on whether or not this is  
11 a policy of general access, because, in all  
12 public forums, the government can impose  
13 neutral time, place, manner restrictions.

14 CHIEF JUSTICE ROBERTS: Well, but it  
15 seems to me a significant departure from  
16 first-come, first-served in that they can --  
17 the programming -- they're curating the  
18 programming. They're saying, we're going to  
19 have a show about this subject, and we're going  
20 to put people who want to talk about it on,  
21 surely in order, yes, the -- the first hotdog  
22 show gets on before the third or fourth, but it  
23 doesn't -- it's a significant departure from  
24 that.

25 MR. HUGHES: Well -- well, let me use

1 an example, Your Honor, that may help. In --  
2 in, for example, the Lamb's Chapel and Good  
3 News Club, the Court looks to the use of  
4 after-hours school classroom space and has  
5 found that that's a -- a -- a public forum to  
6 which the public forum rules attach.

7 But I don't think there's any dispute  
8 that a school can say the Boy Scouts get to use  
9 that school property on Tuesdays and the Girl  
10 Scouts get to use that property on Wednesdays.

11 The critical feature that makes it a  
12 public forum is that it's open to the public  
13 such that anybody who wants to speak their  
14 message has the ability to speak their message  
15 in that forum.

16 JUSTICE BREYER: I don't -- I mean, my  
17 goodness. Suppose that General Motors decides  
18 that cars are controversial, and they want to  
19 do something good for the city, so they open  
20 their offices somewhere, an auditorium for  
21 everybody to speak, and they say it'll be  
22 first-come, first-served.

23 I mean, that wouldn't make General  
24 Motors a public entity.

25 MR. HUGHES: No, of course not, Your

1 Honor, because public forums are limited to  
2 those forums that the government itself chooses  
3 to hold --

4 JUSTICE BREYER: All right. Now what  
5 I have written down here, and I want to be sure  
6 I'm not missing something.

7 MR. HUGHES: Yes, Your Honor.

8 JUSTICE BREYER: That these are the  
9 features that they -- that -- that lead someone  
10 to say it's not governmental or it is. All  
11 right? One, the basic obligation is created by  
12 law. That's on your side.

13 MR. HUGHES: Yes, Your Honor.

14 JUSTICE BREYER: All right. Two,  
15 there are two appointed public directors, but  
16 there are 11 who are not and are members of the  
17 community. That seems to cut against you.

18 Three, it's paid for, the cost is paid  
19 for by the private entity but under government  
20 compulsion. I don't know. I think that cuts  
21 for you.

22 Four, that there isn't much discretion  
23 in respect to what they run, but there is some.  
24 They can decide subject matters as long as they  
25 give people a fair chance.

1           And, five, which is not part of that,  
2           but I'd love to hear what you have to say about  
3           it, is there is for you a state remedy, and,  
4           moreover, the existence and nature of that  
5           state remedy is linked to the strength of your  
6           basic argument here.

7           And so I am in a -- I'm -- I'm not  
8           taking a side or the other.

9           MR. HUGHES: Yes.

10          JUSTICE BREYER: I'm suggesting that I  
11          am generally uncertain about this, and I  
12          brought out the issues to try to get you to  
13          focus on them.

14          MR. HUGHES: Yes, Your Honor. So let  
15          me take a few of these issues.

16          To -- to help clarify and to begin  
17          perhaps with the directors issue. Our  
18          principal theory of state action is that MNN is  
19          performing the state function of administering  
20          a public forum.

21          Our argument is not like, for example,  
22          the situation in Lebron, where the Court found  
23          that the private entity had become effectively  
24          dominated by the public such that it was in all  
25          events a public actor for everything it did.

1 That's not our argument.

2 Our argument is that it is performing  
3 a public function insofar as it administers the  
4 public forum.

5 It's like the example the Court was  
6 discussing of a private theater that the  
7 government leases, then sets the speech rules  
8 on, and then it delegates administration.

9 It does not matter if the entity to  
10 whom they delegate has a majority of the Board  
11 of Directors as appointed by the state or none  
12 of the Board of Directors appointed by the  
13 state. It's doing the function that is the  
14 critical point.

15 Coming to Your Honor's last question  
16 about the state remedy, a few things to say  
17 about the existence of the Public Service  
18 Commission. The -- the -- the first thing is  
19 there's been no contention that there is some  
20 kind of exhaustion requirement or anything like  
21 that that would be a legal obstacle to Section  
22 1983.

23 Additionally, Petitioners -- or my  
24 clients, Respondents, did, in fact, go to the  
25 -- the Public Service Commission. They

1 received no remedy. That's described in a  
2 letter that was submitted to the district  
3 court, Docket No. 49 of the -- in the district  
4 court's docket. The Public Service Commission  
5 gave no remedy in this context.

6 But I think it would be quite a  
7 dangerous policy if the Court were to say that  
8 a state could avoid constitutional obligations  
9 by delegating them to a -- a private actor  
10 insofar as it creates a state administrative  
11 remedy to handle the claims that would parallel  
12 constitutional rights.

13 I think it's easy to imagine that  
14 states of all sorts could find that particular  
15 states have disfavored constitutional rights  
16 and determine that, if they could handle or  
17 delegate their administration to private actors  
18 and then set up a state administrative scheme,  
19 I think this Court would -- would find that  
20 that's not a way in which states or localities  
21 can obviate any of the constitutional  
22 protections from the First Amendment on.

23 JUSTICE KAVANAUGH: You referred to  
24 public function. But, under our cases, it has  
25 to be a traditional public function, something



1 that's traditionally exclusively been a public  
2 function.

3 MR. HUGHES: Yes, Your Honor.

4 JUSTICE KAVANAUGH: How do you suggest  
5 that this qualifies under those precedents?

6 MR. HUGHES: So, Your Honor, I think  
7 what the exclusive public function test looks  
8 to is really two factors.

9 First, is this the kind of function  
10 that requires a delegation of state sovereign  
11 authority? If it is, it's the kind of thing  
12 that exclusively states can do. If it's not,  
13 it's something exclusively states can't do.

14 The second factor that -- that pairs  
15 with that is, is this the kind of function that  
16 has express constitutional obligations attached  
17 to it? Those are the circumstances, for  
18 example, when the government exercises the  
19 eminent domain authority that the Court in  
20 Jackson said is an example of public function.  
21 It's only something the state or the state's  
22 delegate can do, and it has express  
23 constitutional obligations that attach to it.

24 Administering a public forum is of the  
25 same character. It requires either the state

1 doing it itself or the state delegating its  
2 sovereign authority to administer the public  
3 forum. And there are specific constitutional  
4 obligations that arise under the First  
5 Amendment that attach to that.

6 Now I think what Petitioner suggests  
7 is that you can get around --

8 JUSTICE KAVANAUGH: I don't understand  
9 why leasing or operating a public access  
10 channel is -- is akin to one of these  
11 traditional public functions that are described  
12 in the cases. Help me with that.

13 MR. HUGHES: Yes, Your Honor. And so  
14 what I think matters is can you look at the  
15 function and find those two criteria I just  
16 mentioned satisfied.

17 I think there's the problem with  
18 Petitioners' argument that, if you just relabel  
19 it in a way that doesn't meet those criteria,  
20 that would, I think, effectively undermine the  
21 public function test.

22 If we look to West, for example, the  
23 Court found that there was a public function of  
24 treating inmates who are in state custody.

25 Now what was the actual function that

1 was being performed? Well, it was a doctor who  
2 was providing --

3 JUSTICE KAVANAUGH: Why isn't this --

4 MR. HUGHES: -- orthopedic services.

5 JUSTICE KAVANAUGH: Sorry to  
6 interrupt. Why isn't this more like a utility  
7 in Jackson where, let's say, all editorial  
8 discretion's been taken away, and then you're  
9 operating, in essence, like a utility, and the  
10 Court there was very careful to say that wasn't  
11 -- even though heavily regulated, that wasn't  
12 good enough?

13 MR. HUGHES: Both the two factors that  
14 I think are necessary for exclusive public  
15 function are missing in the utility context.  
16 There's no delegated state sovereign authority  
17 that's required to run a utility. Private  
18 companies can and do run utilities. So running  
19 a utility does not require sovereign authority.

20 And, second, there's no constitutional  
21 protections that attach to the specific act of  
22 running a utility.

23 That's unlike the context of  
24 administering the public forum, where  
25 administering the public forum does have --

1 require the exclusive sovereign act and does  
2 have specific constitutional obligations.

3 JUSTICE KAGAN: Does your position  
4 depend on our finding a governmental property  
5 interest and, if so, what is the interest?

6 MR. HUGHES: Your Honor, I think our  
7 position is certainly strengthened by the fact  
8 that the government controls in all relevant  
9 respects.

10 We do think that the Court needs to  
11 draw lines between where the government can  
12 designate a property as public forum and -- and  
13 -- and where it cannot.

14 And one line that's been suggested by  
15 Justice Thomas's opinion in Denver Area is a  
16 place, a property where the government can  
17 legitimately control as its own. And that can  
18 either be because it owns the property itself  
19 or because it has an exclusive legal interest  
20 in that property where it can set the rules of  
21 speech and legitimately treat it as its  
22 property that it controls.

23 So I --

24 CHIEF JUSTICE ROBERTS: Your -- your  
25 idea that you can control, is that based solely

1 on your power which your -- your friend called  
2 into question to terminate the operator?

3 MR. HUGHES: So it's -- it's several  
4 things, Your Honor, just to walk through how  
5 this -- where the control comes from.

6 First, it's the state and the city  
7 that decide even if public access exists. They  
8 create it then through negotiations with the  
9 cable companies.

10 The cable companies would not even  
11 create this interest --

12 CHIEF JUSTICE ROBERTS: Okay. But  
13 jump ahead to we've got somebody in place.

14 MR. HUGHES: Well, once we have  
15 somebody in place, many cities in New York run  
16 this themselves. They administer it themselves  
17 as a branch of state and local government.

18 And in those circumstances where they  
19 administer it under the state, exact same state  
20 regulatory regime themselves, I think there's  
21 little question in those contexts that it is  
22 controlled in all --

23 CHIEF JUSTICE ROBERTS: Okay. Well,  
24 jump ahead again to this case.

25 MR. HUGHES: Yes, Your Honor. And

1 then, in this case, they have taken the extra  
2 step, instead of controlling it themselves, of  
3 delegating it out to a third-party.

4 Here, however, the city has retained  
5 for itself exclusive authority to decide if  
6 they wish to terminate that administration.

7 CHIEF JUSTICE ROBERTS: Right. And --  
8 and your argument is that that greater power  
9 necessarily includes all the lesser powers?

10 MR. HUGHES: It -- yes, Your Honor, it  
11 does.

12 CHIEF JUSTICE ROBERTS: So because you  
13 have the power to terminate, you have the power  
14 to select the programming?

15 MR. HUGHES: Your Honor, it's -- I'm  
16 not sure the city has the -- they've delegated  
17 that power to select programming in -- in the  
18 short term, but, again, there's really no power  
19 to select programming because anybody's program  
20 who wants to be -- who wants to run --

21 CHIEF JUSTICE ROBERTS: Well, we've  
22 already established that there's some wiggle  
23 room at least in that since you can have the  
24 hot dog program, and you can have the subway  
25 program, regardless of whether the subway

1 people wanted their shows before the hot dogs.

2 MR. HUGHES: The critical thing is if  
3 the hot dog program wants to come on, there is  
4 nothing MNN can do to say you cannot access  
5 this forum.

6 It's the same way of going to Central  
7 Park. If you're, you know, the hot dog speaker  
8 and you want to go to Central Park and speak  
9 that message, you have the right to do so  
10 because it's a policy of general access.

11 JUSTICE ALITO: But your -- your brief  
12 puts a lot of weight on the fact that this is a  
13 -- this has to be first-come, first-served.

14 But suppose it wasn't. Suppose MNN  
15 had discretion to decide which programs to  
16 accept. What would the result be then?

17 MR. HUGHES: If it has discretion so  
18 it can exercise editorial control, then it  
19 would not be a public forum.

20 JUSTICE BREYER: Editorial control.  
21 See, here is -- if I think back, maybe you can  
22 help me with this. Looking at it in a broader  
23 way and saying that the First Amendment is  
24 interested in a multiplicity of ideas, a  
25 multiplicity, that's the marketplace idea, now

1 I don't know which way to go.

2 I'm sure one thing that would help in  
3 this direction is having some channels, such as  
4 first-come, first-served.

5 But I also think people might turn  
6 those off and another way to do it is to allow  
7 a lot of different Internet owners or Internet  
8 providers or et cetera, et cetera, to choose a  
9 lot of different ways, and they will have  
10 different views.

11 Maybe there should be a mix of ways of  
12 bringing different views to the public. And  
13 I'm frightened in deciding for you that it  
14 would be too rigid, and before you know it,  
15 everybody, where there's something that looks  
16 like a public forum run by private companies,  
17 would have the kind of access that you may well  
18 have here.

19 MR. HUGHES: And --

20 JUSTICE BREYER: You see, that's -- so  
21 -- so what do you -- have you ever thought  
22 about that? What is the --

23 MR. HUGHES: Yes, Your Honor, and let  
24 me address that directly, because, in our view,  
25 the states and localities have complete control



1 as to decide whether they want to have a system  
2 that New York has that leads to these First  
3 Amendment consequences or if they prefer to  
4 have a system, for example, as California has.

5 California has no first-come,  
6 first-served requirement. And when you look  
7 how the Los Angeles public access station is  
8 organized, there, there is no right -- if  
9 you're the hot dog person and you want to put  
10 your video on, you have to get through a  
11 board --

12 JUSTICE ALITO: Well, this --

13 MR. HUGHES: -- that exercises  
14 control.

15 JUSTICE ALITO: -- this comes back to  
16 what I wanted to follow up with on the question  
17 that I asked before. It seems strange to me to  
18 say that if the policy is first-come,  
19 first-served, no editorial discretion,  
20 therefore, no viewpoint discrimination, the  
21 First Amendment applies, but if there's  
22 discretion and the administrator has the  
23 authority to engage in viewpoint  
24 discrimination, the First Amendment doesn't  
25 apply. It seems exactly backwards.

1           MR. HUGHES: Well, Your Honor, I think  
2 it just depends if the state/locality has  
3 chosen to create a public forum. It has its  
4 discretion as to whether or not it wishes to  
5 create a public forum in a place.

6           For example, going to the theater  
7 circumstance. When the government leases a  
8 theater, it has a choice to make. It can  
9 organize the speech rules in that theater to  
10 make it a public forum where anybody who wants  
11 to speak their message has the right to do so,  
12 or it can organize that theater and say: We,  
13 the government, are going to decide who gets to  
14 speak.

15           JUSTICE ALITO: If -- if the  
16 government is running something and it allows  
17 people to speak, it seems to me there -- there  
18 are two possibilities. One, it's throwing this  
19 open for anybody to speak, but if it's not  
20 doing that, then what happens there is  
21 government speech.

22           Now would you -- is this government  
23 speech?

24           MR. HUGHES: No, Your Honor. I think  
25 what's happening here is they've thrown it open

1 because of the --

2 JUSTICE ALITO: If -- all right. In  
3 the situation where there's discretion, would  
4 you say that it's government speech?

5 MR. HUGHES: Well, I think --

6 JUSTICE ALITO: So you're not -- you  
7 just -- they -- they empower the administrator  
8 to decide who's going to talk, and the  
9 administrator chooses the viewpoints that it  
10 likes. That is -- that's government speech?

11 MR. HUGHES: If -- so that would be a  
12 private forum, Your Honor. If it's being  
13 administered by the -- the state, then that  
14 would be government speech, yes, Your Honor,  
15 but we don't suggest that constitutional  
16 obligations attach in that context because  
17 there's no function of -- of administering a  
18 public forum in that context.

19 So, if there's a delegation to a  
20 private entity, a different result would  
21 control, which is why, to answer Justice  
22 Breyer's question, if the state chooses to  
23 configure its public access channels in that  
24 way, it would lead to a different result.

25 And our principle is simply the modest

1 one of states and localities should choose how  
2 they get to configure their channels.

3 JUSTICE BREYER: It's not so modest,  
4 because it seems to me what would make sense  
5 here is that you have to go to the state.  
6 You're claiming that you come here because  
7 there is the very obligation that you want,  
8 imposed by state law and the state.

9 MR. HUGHES: But --

10 JUSTICE BREYER: And that's the reason  
11 you're up here. But I don't know of any  
12 doctrine -- this is on your side. I mean, I  
13 don't know of any doctrine that says that you  
14 have to go to the state. And, therefore, we're  
15 not -- I had Justice Alito's problem. I think  
16 that was his problem. You're right if and only  
17 if you have an excellent state cause of action.

18 MR. HUGHES: But, Your Honor -- and to  
19 take the example of Good News Club and -- and  
20 Lamb's Chapel --

21 JUSTICE BREYER: Yeah.

22 MR. HUGHES: -- and school access  
23 cases, and Christian Legal Society and all of  
24 those cases, those are cases that turn on  
25 underlying state determinations.

1           The -- this Court was clear in Good  
2 News Club. The state -- the -- the school  
3 district did not have to create a policy of  
4 general access. That was a state decision or  
5 school district decision. But, once that local  
6 government made that decision, it had a policy  
7 of constitutional consequence.

8           So, although there is certainly, I'm  
9 sure, a way to go to the school district and  
10 complain about the -- the -- the fact that they  
11 were discriminating against unpopular religious  
12 organizations, they also had a First Amendment  
13 claim, which this Court heard and vindicated.  
14 So --

15           JUSTICE SOTOMAYOR: So can you explain  
16 the flip of what I think may be troubling -- I  
17 may be wrong -- Justice Breyer is -- and -- and  
18 Justice Alito? If this is the administrator  
19 for the state -- I know you sued the state, the  
20 city here, but you then dismissed your case  
21 against it.

22           MR. HUGHES: Right.

23           JUSTICE SOTOMAYOR: Could you have  
24 just sued the city and not MNN?

25           MR. HUGHES: There was a claim

1 initially brought against the city that was  
2 dismissed for failing to show the city directly  
3 caused this under Monell. We certainly don't  
4 challenge that argument. I don't believe there  
5 is a claim against the -- the city in this  
6 circumstance.

7 What has happened --

8 JUSTICE SOTOMAYOR: So you think the  
9 city would be protected by Monell theories?

10 MR. HUGHES: I think that's right,  
11 Your Honor, because the actor who's choosing to  
12 -- to engage in the activity that's -- engaging  
13 in viewpoint discrimination is MNN in this  
14 context, but they are acting --

15 JUSTICE SOTOMAYOR: Its agent, its --  
16 its administrator as agent?

17 MR. HUGHES: That's -- that's correct,  
18 Your Honor. Yes, Your Honor.

19 JUSTICE SOTOMAYOR: So it would be  
20 like the police officer who uses excessive  
21 force?

22 MR. HUGHES: Correct, Your Honor.  
23 Yes.

24 JUSTICE KAGAN: Where -- where's the  
25 line that -- that you think -- I mean, what you

1 said, essentially, is the -- the administrator  
2 has no discretion. But suppose the city gave  
3 the administrator some discretion. Where --  
4 where's the -- where's the appropriate line?

5 I mean, suppose the -- the city --  
6 suppose it weren't a complete public forum.  
7 Suppose there were subject matter limitations.  
8 Suppose that the -- the city gave the  
9 administrator some discretion to decide within  
10 particular areas which programs were better  
11 than other programs?

12 Where is the line that this starts  
13 becoming not a public forum in your view?

14 MR. HUGHES: So -- so this just turns  
15 on the Court's limited and unlimited public  
16 forum cases. And the underlying question is,  
17 is it a policy of general access or selective  
18 access?

19 Now general access in what the Court  
20 calls limited public forums, the government can  
21 put some sort of fence around what is the  
22 permissible speakers or permissible message.  
23 For example, in the Rosenberger context, the  
24 public forum was a student activity fund, but  
25 it was limited to student organizations that --

1 whose majority of members were UVA students.  
2 So that was a limitation. But, within that  
3 limitation, it was general access. Anybody  
4 could seek to use that forum.

5           If, however, within that limitation  
6 there is still additional discretion, then it  
7 becomes a forum of selective access, for  
8 example, like the debate circumstance in  
9 Arkansas educational, because there was  
10 still -- even if you qualified within the rules  
11 that the -- the government established, there  
12 was still additional discretion on top.

13           The critical question is whether or  
14 not there is that discretion -- additional  
15 discretion that's been reserved to the state.  
16 And if there is that additional discretion,  
17 then it becomes a forum of selective access  
18 rather than general access, and this Court has  
19 held that does not qualify as a public forum in  
20 the constitutional sense.

21           JUSTICE BREYER: Go back to Justice  
22 Sotomayor for a question. You said you didn't  
23 have a suit against the city. But what about a  
24 suit or some kind of administrative proceeding  
25 against M -- is it MNN, whatever you call it --



1       how do you -- MM?

2                   MR. HUGHES:   MNN.

3                   JUSTICE BREYER:   MNN.  Did you have an  
4       action against them, either administratively,  
5       it would be on the ground that they're not  
6       administering the first-come, first-served  
7       policy, or in a state court?

8                   MR. HUGHES:   Well, so, Your Honor,  
9       what Petitioners have suggested is that we turn  
10      to the Public Service Commission.  And at the  
11      docket 49 in the district court, we explained  
12      that our clients did turn to the Public Service  
13      Commission and they were afforded no remedy.  
14      The Public Service Commission, as I understand  
15      it, told them that this was not the kind of  
16      claim they would hear.

17                   Now this is not in the record --

18                   JUSTICE ALITO:   Could you get court  
19      review of that under New York law?

20                   MR. HUGHES:   Sorry, Your Honor?

21                   JUSTICE ALITO:   Can you get review of  
22      that adverse decision by the Public Service  
23      Commission?

24                   MR. HUGHES:   I'm not aware of any  
25      private cause of action in that context, Your

1 Honor. But it does go to the broader question  
2 of if there is a First Amendment claim, I think  
3 this is parallel to the school access cases and  
4 others, the Court has never said even if a  
5 state creates a parallel cause of action, that  
6 that somehow displaces the core  
7 constitutional --

8 JUSTICE BREYER: No, no, but I want to  
9 know what you think on this, because it could  
10 be that this rule, first-come, first-served, is  
11 just hortatory, if there's no remedy for it.

12 MR. HUGHES: Well, Your Honor, I think  
13 it's the --

14 JUSTICE BREYER: Or a violation of it.  
15 You're saying they violated it. All right.  
16 What's your remedy? And if there's no remedy,  
17 what kind of a rule is it?

18 MR. HUGHES: Well, a few things to say  
19 about that, Your Honor.

20 First, Petitioners point to the Public  
21 Service Commission case of Amano, which they  
22 suggest shows that they have discretion.

23 But, when you read Amano, that's --  
24 which is the regulator here, it says the reason  
25 that Brooklyn's access stations were

1 permissible is because they had channels that  
2 were operated on a first-come, first-served  
3 basis, and that the -- the petitioners in Amano  
4 had not pointed to any content that anybody had  
5 asked that channel to run that was not actually  
6 put over the airwaves. So that was the -- the  
7 rule that was directed -- established by the  
8 Public Service Commission.

9           But beyond that, the regulation -- the  
10 state law is plain on its face. It's an  
11 obligation of state law and it's also built  
12 into the contracts.

13           So I -- I think the -- the law, the  
14 directive of the state is -- is quite clear.  
15 The city and the state had the ability to  
16 choose the rules of speech for that particular  
17 forum. They have chosen those expressly with  
18 first-come, first-served.

19           Petitioners, again, have not -- I  
20 don't think can deny that the -- the  
21 straightforward premise that if somebody wants  
22 to bring the hot dog speech or any of that kind  
23 of speech, that -- that they must run that  
24 speech. They cannot decline to do so.

25           JUSTICE BREYER: I'm your client. Do

1 I have a remedy in state court or not? What  
2 are the odds?

3 MR. HUGHES: I'm not aware of any  
4 remedy that you would have in state court, Your  
5 Honor. I -- I don't know that there is any  
6 administrative-style remedy against the Public  
7 Service Commission.

8 JUSTICE KAVANAUGH: You --

9 MR. HUGHES: So --

10 JUSTICE KAVANAUGH: You've referred a  
11 few times to the school access cases. Of  
12 course, those were government property, right?

13 MR. HUGHES: That's right, Your Honor.  
14 So I think our --

15 JUSTICE KAVANAUGH: So, here, just to  
16 make sure I'm following, MNN is a private  
17 company, correct?

18 MR. HUGHES: Yes, Your Honor.

19 JUSTICE KAVANAUGH: And operating a  
20 channel on a cable system that's also private,  
21 privately owned?

22 MR. HUGHES: Yes, Your Honor.

23 JUSTICE KAVANAUGH: And it's heavily  
24 regulated by the state, right? So it's not  
25 government property. It's not operating on

1 government property. It's just heavily  
2 regulated in terms of being forced how it --  
3 how it performs its functions, which, again,  
4 coming back to the utility and everything we  
5 said in Jackson on that front, but I -- I just  
6 don't think the school access cases help you  
7 because they assume the conclusion.

8 MR. HUGHES: Well, Your Honor --

9 JUSTICE KAVANAUGH: It's government  
10 property there. No one disputes it.

11 MR. HUGHES: Well, two things just  
12 about the school access cases. I agree that  
13 this case presents the question of if in the  
14 school district and Good News Club interpose a  
15 nonprofit if the Court would get to a different  
16 result. I don't think the Court would.

17 But, to come back to the second point  
18 about the property interests, I think there are  
19 two separate property interests that are issues  
20 with what the Court identified in Turner.

21 There's no doubt that the cable  
22 operator has a property interest in their  
23 physical cable system over which this is all  
24 distributed. And they certainly have rights to  
25 that, including First Amendment rights.

1           Those are claims that would have to be  
2 brought by the cable operator or arguments that  
3 would be advanced by the cable operator.

4           JUSTICE KAVANAUGH: My point is simply  
5 it's a private company operating a channel on  
6 another private company's system, and it's  
7 forced in terms of how it exercises its  
8 discretion to do so in a particular way by the  
9 government.

10           But that just means it's heavily  
11 regulated in terms of its editorial discretion.  
12 You're melding, I think, the public forum  
13 question with the state action question.

14           MR. HUGHES: Well, I think the  
15 utility, though, that Your -- Your Honor is  
16 referencing is -- is akin to the cable  
17 operator. And so that might be an argument  
18 that would be relevant to the cable operator.

19           JUSTICE KAGAN: I think the question,  
20 Mr. Hughes, is what property interest does the  
21 government have?

22           MR. HUGHES: Yes, and so -- so, to get  
23 to that, Your Honor, thank you, the property  
24 interest that is -- is quite distinct here is  
25 the interest in the channel. It's the interest

1 that the government has obtained to be able to  
2 place specific content on particular channels  
3 that the city --

4 JUSTICE KAGAN: And it obtained that  
5 interest when it gave the rights-of-way to the  
6 cable operator, is that right?

7 MR. HUGHES: Yes, Your Honor.

8 JUSTICE KAGAN: What it took back or  
9 what it reserved for itself was a property  
10 interest in these public access channels?

11 MR. HUGHES: Yes, Your Honor, in the  
12 franchise agreement, part of the quid pro quo  
13 agreement where the -- the city gives the cable  
14 operator the access to public rights-of-way,  
15 which is critical to them constructing their  
16 system. In exchange, the city obtained the  
17 rights to have control over a select number of  
18 channels.

19 And so that is the particular right  
20 that's at issue.

21 JUSTICE KAGAN: So what you're saying  
22 is this is not just a lot of regulation. This  
23 is a property interest that the city reserved  
24 for itself when it gave over the rights-of-way  
25 that the cable company needs to do anything?

1 MR. HUGHES: Absolutely, Your Honor.

2 That's --

3 CHIEF JUSTICE ROBERTS: Tell me --

4 JUSTICE KAVANAUGH: But doesn't that  
5 happen --

6 CHIEF JUSTICE ROBERTS: -- what is the  
7 interest that it reserved for itself?

8 MR. HUGHES: The interest it reserved  
9 for itself is to control a select number of  
10 channels and to place the content that it  
11 wishes over those channels.

12 In many cities in New York, like  
13 Buffalo and Scarsdale and others, the cities  
14 have retained that property interest and  
15 operate, administer that property interest  
16 themselves.

17 The question in this case is when they  
18 administer -- when they delegate that  
19 administrative right.

20 CHIEF JUSTICE ROBERTS: Where -- where  
21 does it say that they retain the interest over  
22 the content on the channel?

23 MR. HUGHES: Sorry, on -- on-- when --  
24 when the administration of the delegation  
25 occurs, Your Honor?



1 CHIEF JUSTICE ROBERTS: Yeah, I  
2 thought that's where you were telling me they  
3 reserved that property right. And I just  
4 wonder where -- where is there anything that  
5 says that extends to what's -- what appears on  
6 the channel?

7 MR. HUGHES: Well, so, Your Honor,  
8 what has happened in this context is the city  
9 has set the speech rules, which includes the  
10 first-come, first-served, which we believe is  
11 critical.

12 CHIEF JUSTICE ROBERTS: Okay. I  
13 believe it may be critical as well. And as far  
14 as I can tell, there seems to be a significant  
15 factual dispute over what first-come,  
16 first-served actually means.

17 You agree it doesn't actually mean  
18 first-come, first-served? I mean, if they're  
19 -- if they've got a program on the subways and  
20 somebody says my -- you know, my show about  
21 something else was submitted first, well, too  
22 bad, you can show that tomorrow.

23 So first-come, first-served sounds  
24 good, but it doesn't mean what it says.

25 MR. HUGHES: What it means is it's

1 general access, Your Honor. That's what's  
2 critical, is it means that it's general access.

3 And -- and let me say, though, take  
4 the public park example where, if the city  
5 delegates authority of public park and they say  
6 the rules -- the speech rules here is this is  
7 general access, you can't engage in viewpoint  
8 discrimination, and we're going to delegate all  
9 administrative function.

10 That -- the Court would not look to  
11 see whether or not they've reserved for  
12 themselves the ability to override particular  
13 one-off decisions. The point is they've  
14 delegated the function of making -- of -- of --  
15 of controlling access to a public forum.

16 CHIEF JUSTICE ROBERTS: So whenever it  
17 says --

18 JUSTICE BREYER: Talk more --

19 CHIEF JUSTICE ROBERTS: In -- in your  
20 brief, whenever it says first-come,  
21 first-served, I should substitute the words  
22 "general access"?

23 MR. HUGHES: That's what we -- is the  
24 relevance of first-come, first-served, yes,  
25 Your Honor, to us.

1 JUSTICE KAVANAUGH: So, if the  
2 government imposes a first-come, first-served  
3 requirement on a private company --

4 MR. HUGHES: So I think that's a very  
5 good --

6 JUSTICE KAVANAUGH: -- what happens  
7 then? Because that's some of the  
8 hypotheticals, as you know, raised in the amici  
9 briefs about Twitter and YouTube and the like.

10 MR. HUGHES: Absolutely.

11 JUSTICE KAVANAUGH: So what's --

12 MR. HUGHES: Absolutely, Your Honor.  
13 So, of course, there has to be a balance  
14 between the sovereign's authority to designate  
15 non-traditional forums and -- and private  
16 property.

17 There are two ways the Court can  
18 approach that. The one way is --

19 JUSTICE KAVANAUGH: But I thought you  
20 said to the Chief Justice that the reservation  
21 of first-come, first-served is what gave you  
22 the property interest?

23 MR. HUGHES: I think, though, Your  
24 Honor, there is a limitation on the  
25 government's authority to impose that kind of

1 speech rule on property that does not control.

2 This is property that does control.

3 JUSTICE KAVANAUGH: Well, that's --  
4 that's -- but what gave you the property  
5 interest if it's something other than the  
6 first-come, first-served?

7 JUSTICE KAGAN: What gives you the  
8 property interest is that you've given over the  
9 rights-of-way and you've kept access to -- to  
10 -- you've kept the rights to determine how to  
11 use public access channels. And you can do  
12 that yourself or you can use an administrator.  
13 Is that correct?

14 MR. HUGHES: Yes, Your Honor. It's  
15 the franchise agreement that gives that  
16 property right that you can control, yes, yes,  
17 Your Honor. And so this is distinct from the  
18 private property where one attempts to impose a  
19 first-come, first-served requirement on private  
20 property, which is a completely different case  
21 and I think would be a different --

22 JUSTICE KAVANAUGH: So, if a utility  
23 gets rights-of-way from the local government,  
24 does that give the local government the -- does  
25 that make the utility a state actor?

1           MR. HUGHES: I -- I don't think it  
2 makes the utility a state actor in that context  
3 because there's no performance of the public  
4 function that requires, again, delegated  
5 sovereign authority in exercise of something  
6 that is carefully tied to a constitutional  
7 obligation. That is just not happening in the  
8 utility context under this context.

9           JUSTICE KAVANAUGH: The language --  
10 I'm repeating myself -- but the language that  
11 we've used in the cases is traditionally  
12 exclusively a public function. And I'm not  
13 sure -- it's not even true in this case, right,  
14 in other states, other localities, these public  
15 access channels are not run by --

16           MR. HUGHES: But -- but, Your Honor,  
17 that's, again, why I don't think one can define  
18 this away by coming up -- by plucking out some  
19 activity that's not traditional. It's what is  
20 the authority that's necessary to do what the  
21 state is doing -- or what the private actor is  
22 doing.

23           The authority that's absolutely  
24 necessary is the authority to administer the  
25 public forum that has to come from the state

1 and has constitutional obligations that stack  
2 up behind that.

3 And that's -- so, again, as I said  
4 earlier, if -- if one were to look to West, you  
5 could redefine the functions providing  
6 orthopedic services and, of course, that's  
7 something that wouldn't meet the test standing  
8 alone.

9 What matters is did the doctor  
10 performing those services in the context of  
11 that particular case have to exercise delegated  
12 sovereign authority, and the answer there is  
13 yes.

14 JUSTICE KAVANAUGH: But you -- you  
15 agree -- if you prevail here, you agree that it  
16 would be different if it were a private  
17 company, we all agree it's a private company,  
18 that operates in open forum, Justice Breyer's  
19 General Motors example.

20 MR. HUGHES: Absolutely.

21 JUSTICE KAVANAUGH: The government  
22 can't require first-come, first-served on that,  
23 and --

24 MR. HUGHES: Absolutely, Your Honor.  
25 And that's either because there's a blanket

1 rule saying you cannot impose a public forum on  
2 government -- on property the government cannot  
3 control, or one would look to Justice  
4 Rehnquist's opinion in PruneYard, where Justice  
5 Rehnquist says there are takings and compelled  
6 speech problems.

7 I think those two results probably --  
8 those two approaches probably come to the same  
9 result. But I agree with Your Honor that would  
10 be a different case and would not be  
11 permissible.

12 JUSTICE BREYER: But it's not so  
13 clearly different because, in the United  
14 States, there are vast numbers of different  
15 kinds of arrangements between government and  
16 private people, ranging from agency to General  
17 Motors.

18 And, of course, if you say public  
19 park, if that's what it is, you win in my  
20 opinion. Okay. But it's not. And is it  
21 Southern Pacific Railroad, which was regulated  
22 for many years? And what am I getting into?

23 You see, that -- that's such a general  
24 question, and I don't know if you have a  
25 thought on that.

1           MR. HUGHES: Just very brief, Your  
2 Honor. Our argument is limited to the context  
3 of public forums and the administration of  
4 public forums being state action, and -- and  
5 our argument goes no further than that. Thank  
6 you.

7           CHIEF JUSTICE ROBERTS: Thank you,  
8 counsel.

9           Four minutes, Mr. De Leeuw.

10           REBUTTAL ARGUMENT OF MICHAEL B. DE LEEUW  
11                           FOR THE PETITIONERS

12           MR. DE LEEUW: Thank you. So just to  
13 -- to hit a couple of points. Respondents'  
14 view of the public function test would be a  
15 radical expansion of what this Court has held  
16 before to be the public function test.

17           And I think a good way of looking at  
18 it is that they're asking this Court to find a  
19 public function as the -- as the operation of a  
20 public forum when the very specific thing that  
21 we do, which is the operation of a public  
22 access channel, is something that the City of  
23 New York has never done, and it certainly,  
24 going back to Denver Area, has never been a  
25 traditional and exclusive function of



1 government.

2 And one question about the PSC. We --  
3 we never received a complaint from the PSC that  
4 the Respondents had brought any claim against  
5 us.

6 There is a remedy if the PSC, if you  
7 believe that the PSC is not operating  
8 correctly, it's called Article 78 in New York,  
9 and you can bring such a claim if you believe  
10 that the -- that the -- the Public Service  
11 Commission is not -- not operating.

12 This is not a delegation of a  
13 constitutional obligation, as in West and  
14 Atkins. This is not a -- there -- there -- in  
15 West, there is an Eighth Amendment obligation  
16 for the state to perform -- to -- to provide  
17 medical care for its -- for its prisoners.

18 There's nothing like that here. The  
19 -- the PSC obligations put the obligations on  
20 the cable company, not on the city. So this is  
21 like Jackson and it's like Sullivan because  
22 those -- the -- the -- the party that is  
23 obligated to provide public access channels is  
24 the cable operator.

25 And in the first instance, it's got to

1 operate them unless and until the city decides  
2 to -- to delegate a third-party, which is not  
3 an agent of the city but a third-party. Again,  
4 the --

5 JUSTICE SOTOMAYOR: But the city  
6 retained the right in the franchise agreement  
7 to dedicate this to the public use?

8 MR. DE LEEUW: Well, I want to --

9 JUSTICE SOTOMAYOR: To designate this  
10 a public forum?

11 MR. DE LEEUW: Well, the -- the  
12 franchise agreement does not dedicate this as a  
13 public forum. It says that these channels  
14 shall exist. It does not say that this is  
15 going to be a constitutional public forum.

16 And it could have done that by  
17 delegating it to a government entity, as my  
18 friend says happens in other places in New  
19 York. It didn't do that.

20 It could have done that by dominating  
21 the Board of MNN. It didn't do that. It could  
22 have done that by requiring that MNN's policies  
23 be reviewed by the city. It didn't do that.

24 None of those things are present here.  
25 This is a company that was delegated -- that

1 was designated to operate these channels 28  
2 years ago, and the city hasn't come and said  
3 anything to us about how we operated.

4 They have left us alone. We're a  
5 private company. And we are not -- we are not  
6 a state actor under any of this Court's tests.

7 Just quickly, the Good News Club and  
8 all of the School Access cases, those not only  
9 involve government property but the Defendants  
10 in those cases were government actors, clear as  
11 day they were government actors. And it was,  
12 in fact, you know -- so -- so when you are  
13 looking at the -- at the who is responsible for  
14 the challenged conduct, it's very clear that it  
15 was the government.

16 Here that is not the case. Here in  
17 order to find that there -- that the challenged  
18 conduct was caused by the government, you first  
19 have to find out that we are a state actor  
20 under one of this Court's tests.

21 We're asking this Court to apply its  
22 state action tests the way it always has, and  
23 the Respondents are asking for this Court to  
24 apply them in a radically new way.

25 Thank you very much.

1 CHIEF JUSTICE ROBERTS: Thank you,  
2 counsel. The case is submitted.

3 (Whereupon, 11:05 a.m., the case was  
4 submitted.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## Official - Subject to Final Review

<b>1</b>	<b>additional</b> <sup>[5]</sup> 21:13 55:6,12,14,16 <b>Additionally</b> <sup>[1]</sup> 38:23 <b>address</b> <sup>[1]</sup> 47:24 <b>addressed</b> <sup>[1]</sup> 13:3 <b>adequate</b> <sup>[1]</sup> 31:25 <b>adherence</b> <sup>[1]</sup> 3:12 <b>administer</b> <sup>[12]</sup> 4:12 12:10 21:8, 10 22:18 30:1 41:2 44:16,19 63: 15,18 68:24 <b>administered</b> <sup>[2]</sup> 16:13 50:13 <b>administering</b> <sup>[6]</sup> 37:19 40:24 42: 24,25 50:17 56:6 <b>administers</b> <sup>[1]</sup> 38:3 <b>administration</b> <sup>[5]</sup> 38:8 39:17 45: 6 63:24 71:3 <b>administrative</b> <sup>[5]</sup> 39:10,18 55:24 63:19 65:9 <b>administrative-style</b> <sup>[1]</sup> 59:6 <b>administratively</b> <sup>[1]</sup> 56:4 <b>administrator</b> <sup>[11]</sup> 4:17 30:9 48: 22 50:7,9 52:18 53:16 54:1,3,9 67: 12 <b>adults</b> <sup>[1]</sup> 26:20 <b>advanced</b> <sup>[1]</sup> 61:3 <b>adverse</b> <sup>[1]</sup> 56:22 <b>afford</b> <sup>[1]</sup> 4:14 <b>afforded</b> <sup>[1]</sup> 56:13 <b>after-hours</b> <sup>[1]</sup> 35:4 <b>agency</b> <sup>[1]</sup> 70:16 <b>agent</b> <sup>[4]</sup> 6:6 53:15,16 73:3 <b>ago</b> <sup>[2]</sup> 19:9 74:2 <b>agree</b> <sup>[6]</sup> 60:12 64:17 69:15,15,17 70:9 <b>agreement</b> <sup>[23]</sup> 4:23,24 5:1 6:3,10, 12,14,15,17 7:12 8:17,18,19 14:14 15:21 19:7 20:3 24:21 62:12,13 67:15 73:6,12 <b>ahead</b> <sup>[2]</sup> 44:13,24 <b>air</b> <sup>[3]</sup> 4:16,16 9:9 <b>airwaves</b> <sup>[1]</sup> 58:6 <b>akin</b> <sup>[2]</sup> 41:10 61:16 <b>AL</b> <sup>[2]</sup> 1:4,7 <b>ALITO</b> <sup>[20]</sup> 11:12 16:21 17:6 18:11 19:1,3,11,15,22 20:2,7 46:11 48: 12,15 49:15 50:2,6 52:18 56:18, 21 <b>Alito's</b> <sup>[2]</sup> 20:21 51:15 <b>allegations</b> <sup>[2]</sup> 4:3 31:3 <b>allow</b> <sup>[1]</sup> 47:6 <b>allows</b> <sup>[2]</sup> 24:21 49:16 <b>alone</b> <sup>[2]</sup> 69:8 74:4 <b>already</b> <sup>[3]</sup> 28:23 29:12 45:22 <b>although</b> <sup>[2]</sup> 29:25 52:8 <b>Amano</b> <sup>[3]</sup> 57:21,23 58:3 <b>ambit</b> <sup>[1]</sup> 12:16 <b>Amendment</b> <sup>[11]</sup> 33:19 39:22 41: 5 46:23 48:3,21,24 52:12 57:2 60: 25 72:15 <b>amici</b> <sup>[1]</sup> 66:8 <b>and/or</b> <sup>[1]</sup> 30:19 <b>Angeles</b> <sup>[1]</sup> 48:7 <b>another</b> <sup>[5]</sup> 9:12 23:20 24:12 47:6 61:6 <b>answer</b> <sup>[11]</sup> 5:24 11:21,23 16:6 17:	3,4 18:25 22:3 25:17 50:21 69:12 <b>answering</b> <sup>[1]</sup> 28:24 <b>anybody</b> <sup>[6]</sup> 5:16 35:13 49:10,19 55:3 58:4 <b>anybody's</b> <sup>[1]</sup> 45:19 <b>APPEARANCES</b> <sup>[1]</sup> 1:18 <b>appears</b> <sup>[1]</sup> 64:5 <b>applies</b> <sup>[1]</sup> 48:21 <b>apply</b> <sup>[3]</sup> 48:25 74:21,24 <b>appoint</b> <sup>[1]</sup> 16:3 <b>appointed</b> <sup>[5]</sup> 14:19 19:12 36:15 38:11,12 <b>appointees</b> <sup>[1]</sup> 16:2 <b>appoints</b> <sup>[1]</sup> 15:5 <b>approach</b> <sup>[1]</sup> 66:18 <b>approaches</b> <sup>[1]</sup> 70:8 <b>appropriate</b> <sup>[4]</sup> 15:12 26:18,20 54: 4 <b>approved</b> <sup>[2]</sup> 6:15 8:23 <b>Area</b> <sup>[3]</sup> 13:7 43:15 71:24 <b>areas</b> <sup>[1]</sup> 54:10 <b>argued</b> <sup>[1]</sup> 13:11 <b>argument</b> <sup>[19]</sup> 1:15 2:2,5,8 3:4,8 27:3 33:6 37:6,21 38:1,2 41:18 45: 8 53:4 61:17 71:2,5,10 <b>arguments</b> <sup>[1]</sup> 61:2 <b>arise</b> <sup>[1]</sup> 41:4 <b>Arkansas</b> <sup>[1]</sup> 55:9 <b>around</b> <sup>[2]</sup> 41:7 54:21 <b>arrangements</b> <sup>[2]</sup> 4:19 70:15 <b>Article</b> <sup>[1]</sup> 72:8 <b>aside</b> <sup>[3]</sup> 21:25 22:2,3 <b>assume</b> <sup>[3]</sup> 11:16 23:8 60:7 <b>assumption</b> <sup>[2]</sup> 12:5 28:21 <b>Atkins</b> <sup>[2]</sup> 32:21 72:14 <b>attach</b> <sup>[5]</sup> 35:6 40:23 41:5 42:21 50:16 <b>attached</b> <sup>[1]</sup> 40:16 <b>attempts</b> <sup>[1]</sup> 67:18 <b>attributable</b> <sup>[2]</sup> 3:20,23 <b>auditorium</b> <sup>[1]</sup> 35:20 <b>authority</b> <sup>[18]</sup> 4:20 19:17 30:25 40: 11,19 41:2 42:16,19 45:5 48:23 65:5 66:14,25 68:5,20,23,24 69: 12 <b>available</b> <sup>[2]</sup> 13:12 17:12 <b>avoid</b> <sup>[1]</sup> 39:8 <b>aware</b> <sup>[2]</sup> 56:24 59:3 <b>away</b> <sup>[3]</sup> 32:9 42:8 68:18	<b>begin</b> <sup>[1]</sup> 37:16 <b>behalf</b> <sup>[7]</sup> 1:20,22 2:4,7,10 3:9 33: 7 <b>behind</b> <sup>[1]</sup> 69:2 <b>believe</b> <sup>[8]</sup> 10:1 11:7,8 53:4 64:10, 13 72:7,9 <b>below</b> <sup>[1]</sup> 13:3 <b>better</b> <sup>[1]</sup> 54:10 <b>between</b> <sup>[10]</sup> 3:14 4:24 6:11,13 8: 19 20:21 31:1 43:11 66:14 70:15 <b>beyond</b> <sup>[1]</sup> 58:9 <b>bit</b> <sup>[2]</sup> 32:6,10 <b>blanket</b> <sup>[1]</sup> 69:25 <b>Blum</b> <sup>[1]</sup> 27:15 <b>board</b> <sup>[12]</sup> 3:25 10:2,7,8,11,13,25 15:12 38:10,12 48:11 73:21 <b>borough</b> <sup>[1]</sup> 11:10 <b>Both</b> <sup>[1]</sup> 42:13 <b>bound</b> <sup>[1]</sup> 7:17 <b>Boy</b> <sup>[1]</sup> 35:8 <b>branch</b> <sup>[1]</sup> 44:17 <b>BREYER</b> <sup>[52]</sup> 7:23 8:1,10,14,25 9: 11,14,18,21,25 10:5,9,20 11:2,5 20:18 23:7,15 24:5,16,22,24 25:5, 10,15,20,22,25 26:3,7,11,16 32:16 34:4 35:16 36:4,8,14 37:10 46:20 47:20 51:3,10,21 52:17 55:21 56: 3 57:8,14 58:25 65:18 70:12 <b>Breyer's</b> <sup>[3]</sup> 33:22 50:22 69:18 <b>brief</b> <sup>[10]</sup> 7:15 8:1 9:5,15 11:3,6 16: 16 46:11 65:20 71:1 <b>briefs</b> <sup>[2]</sup> 29:5 66:9 <b>bring</b> <sup>[4]</sup> 12:2,15 58:22 72:9 <b>bringing</b> <sup>[1]</sup> 47:12 <b>broad</b> <sup>[1]</sup> 26:25 <b>broadcast</b> <sup>[3]</sup> 9:3 23:12 24:9 <b>broader</b> <sup>[4]</sup> 6:18 8:18 46:22 57:1 <b>broadly</b> <sup>[1]</sup> 20:24 <b>Brooklyn's</b> <sup>[1]</sup> 57:25 <b>brought</b> <sup>[4]</sup> 37:12 53:1 61:2 72:4 <b>Buffalo</b> <sup>[1]</sup> 63:13 <b>built</b> <sup>[1]</sup> 58:11 <b>Burton</b> <sup>[1]</sup> 30:24
<b>2</b>		<b>C</b>	
<b>2019</b> <sup>[1]</sup> 1:12 <b>25</b> <sup>[1]</sup> 1:12 <b>28</b> <sup>[2]</sup> 19:8 74:1		<b>cable</b> <sup>[28]</sup> 4:24 5:22 6:11 8:20 13: 10,18 14:3 15:1 17:2,5,7,14,15,16 44:9,10 59:20 60:21,23 61:2,3,16, 18 62:6,13,25 72:20,24 <b>cables</b> <sup>[1]</sup> 18:7 <b>California</b> <sup>[2]</sup> 48:4,5 <b>call</b> <sup>[3]</sup> 14:5 20:10 55:25 <b>called</b> <sup>[3]</sup> 29:6 44:1 72:8 <b>calls</b> <sup>[1]</sup> 54:20 <b>came</b> <sup>[1]</sup> 1:14 <b>cannot</b> <sup>[7]</sup> 33:16,17 43:13 46:4 58: 24 70:1,2 <b>care</b> <sup>[1]</sup> 72:17 <b>Careful</b> <sup>[2]</sup> 3:12 42:10 <b>carefully</b> <sup>[1]</sup> 68:6 <b>carried</b> <sup>[1]</sup> 4:7 <b>carries</b> <sup>[1]</sup> 16:3 <b>cars</b> <sup>[1]</sup> 35:18 <b>Case</b> <sup>[23]</sup> 3:4 7:4,6 13:7 15:4 17:	
<b>3</b>	<b>3</b> <sup>[1]</sup> 2:4 <b>33</b> <sup>[1]</sup> 2:7		
<b>4</b>	<b>4:00</b> <sup>[1]</sup> 23:17 <b>40,000</b> <sup>[2]</sup> 23:23 24:7 <b>49</b> <sup>[2]</sup> 39:3 56:11		
<b>5</b>	<b>5</b> <sup>[1]</sup> 23:12 <b>5:00</b> <sup>[1]</sup> 33:23		
<b>7</b>	<b>71</b> <sup>[1]</sup> 2:10 <b>78</b> <sup>[1]</sup> 72:8		
<b>A</b>	<b>a.m</b> <sup>[3]</sup> 1:16 3:2 75:3 <b>ability</b> <sup>[9]</sup> 5:2,3 11:11 12:25 26:14 30:18 35:14 58:15 65:12 <b>able</b> <sup>[2]</sup> 13:18 62:1 <b>above-entitled</b> <sup>[1]</sup> 1:14 <b>absolutely</b> <sup>[7]</sup> 9:4 63:1 66:10,12 68:23 69:20,24 <b>accept</b> <sup>[1]</sup> 46:16 <b>ACCESS</b> <sup>[51]</sup> 1:3 3:5 4:14 5:7 8:3, 4 14:12,22,23 15:3,7,9 18:2 19:5, 12 33:13 34:11 41:9 44:7 46:4,10 47:17 48:7 50:23 51:22 52:4 54: 17,18,19 55:3,7,17,18 57:3,25 59: 11 60:6,12 62:10,14 65:1,2,7,15, 22 67:9,11 68:15 71:22 72:23 74: 8 <b>according</b> <sup>[1]</sup> 19:7 <b>act</b> <sup>[3]</sup> 28:5 42:21 43:1 <b>acted</b> <sup>[1]</sup> 4:3 <b>acting</b> <sup>[1]</sup> 53:14 <b>action</b> <sup>[16]</sup> 3:13,14,18,22 12:2,16 27:14 28:24 37:18 51:17 56:4,25 57:5 61:13 71:4 74:22 <b>activity</b> <sup>[4]</sup> 20:25 53:12 54:24 68: 19 <b>actor</b> <sup>[18]</sup> 3:21 5:11,17 19:16 20:8, 16 21:11 22:22 27:10 31:18 37:25 39:9 53:11 67:25 68:2,21 74:6,19 <b>actors</b> <sup>[4]</sup> 29:17 39:17 74:10,11 <b>actual</b> <sup>[1]</sup> 41:25 <b>actually</b> <sup>[6]</sup> 5:1 10:15 14:18 58:5 64:16,17		
<b>B</b>	<b>back</b> <sup>[12]</sup> 12:4 16:25 21:21 28:21 29:19 46:21 48:15 55:21 60:4,17 62:8 71:24 <b>backwards</b> <sup>[1]</sup> 48:25 <b>bad</b> <sup>[1]</sup> 64:22 <b>balance</b> <sup>[1]</sup> 66:13 <b>based</b> <sup>[2]</sup> 8:8 43:25 <b>basic</b> <sup>[2]</sup> 36:11 37:6 <b>basis</b> <sup>[3]</sup> 4:15 8:5 58:3 <b>bearing</b> <sup>[1]</sup> 34:10 <b>become</b> <sup>[1]</sup> 37:23 <b>becomes</b> <sup>[2]</sup> 55:7,17 <b>becoming</b> <sup>[1]</sup> 54:13		

## Official - Subject to Final Review

<p>16 18:13 19:5 20:15 32:21 44:24 45:1 52:20 57:21 60:13 63:17 67: 20 68:13 69:11 70:10 74:16 75:2, 3 cases [20] 3:13 12:13 17:24 23:8 27:12,16,20 39:24 41:12 51:23,24, 24 54:16 57:3 59:11 60:6,12 68: 11 74:8,10 categories [1] 27:24 cause [4] 12:1 51:17 56:25 57:5 caused [2] 53:3 74:18 CD [1] 6:22 Central [5] 19:13,21,24 46:6,8 centuries [1] 17:23 certain [2] 13:23 17:12 certainly [8] 13:2,4 32:14 43:7 52: 8 53:3 60:24 71:23 cetera [4] 28:19 30:14 47:8,8 challenge [1] 53:4 challenged [5] 3:16 4:1,5 74:14, 17 chance [1] 36:25 change [1] 24:10 channel [14] 6:20 8:22 9:1,1 15:3 23:13 41:10 58:5 59:20 61:5,25 63:22 64:6 71:22 channels [30] 6:19 8:3,21 14:12, 17 15:8,10,14 16:13 17:2,8,10,11 18:23 19:5 26:15 47:3 50:23 51:2 58:1 62:2,10,18 63:10,11 67:11 68:15 72:23 73:13 74:1 Chapel [2] 35:2 51:20 character [1] 40:25 charge [1] 20:5 Charter [2] 5:1 17:16 CHIEF [31] 3:3,10 4:9 7:1,6,25 15: 17,24 18:24 32:25 33:2,5,8,20 34: 14 43:24 44:12,23 45:7,12,21 63: 3,6,20 64:1,12 65:16,19 66:20 71: 7 75:1 children [1] 26:18 choice [1] 49:8 choose [4] 14:11 47:8 51:1 58:16 chooses [3] 36:2 50:9,22 choosing [1] 53:11 chosen [8] 9:19,22,24 10:12,15,18 49:3 58:17 Christian [1] 51:23 circumstance [3] 49:7 53:6 55:8 circumstances [2] 40:17 44:18 cities [3] 44:15 63:12,13 City [62] 3:25 4:2,4,7,12,13 6:1,13 11:10 12:10,21,24 14:10,13,20 15: 4,16,17,22,23 16:11 19:8,11 20:2, 12 21:3,14,16 29:10,20 30:15 31: 1,6,11 35:19 44:6 45:4,16 52:20, 24 53:1,2,5,9 54:2,5,8 55:23 58: 15 62:3,13,16,23 64:8 65:4 71:22 72:20 73:1,3,5,23 74:2 city/state [1] 4:17 claim [7] 52:13,25 53:5 56:16 57:2 72:4,9 claiming [1] 51:6 claims [2] 39:11 61:1</p>	<p>clarify [1] 37:16 classroom [1] 35:4 clean [2] 30:6,8 cleaned [1] 30:10 clear [5] 7:13 52:1 58:14 74:10,14 clearly [2] 19:6 70:13 client [1] 58:25 clients [2] 38:24 56:12 closer [2] 20:10,15 closing [1] 30:23 Club [5] 35:3 51:19 52:2 60:14 74: 7 cluster [1] 26:21 coerced [1] 4:2 coincidence [1] 26:8 colleagues [1] 29:20 colloquial [1] 17:1 come [11] 9:8 16:13 24:9 25:22 32: 20 46:3 51:6 60:17 68:25 70:8 74: 2 comes [4] 7:7 12:23 44:5 48:15 coming [4] 14:6 38:15 60:4 68:18 Commission [13] 6:16 12:1 38:18, 25 39:4 56:10,13,14,23 57:21 58: 8 59:7 72:11 committee [6] 10:2,6,12,13 14:19 28:6 COMMUNITY [5] 1:3 3:5 5:7 15:9 36:17 companies [4] 42:18 44:9,10 47: 16 company [13] 3:24 17:2,5,7 59:17 61:5 62:25 66:3 69:17,17 72:20 73:25 74:5 company's [1] 61:6 compelled [2] 4:2 70:5 complain [1] 52:10 complaint [2] 11:25 72:3 complete [3] 18:25 47:25 54:6 completely [1] 67:20 compulsion [1] 36:20 concept [2] 13:13 14:22 concern [1] 32:8 concerts [1] 19:25 conclusion [1] 60:7 concurrence [1] 13:11 conduct [9] 3:15,16,19,22 4:1,5 30:20 74:14,18 configure [2] 50:23 51:2 Congress [1] 28:5 connection [3] 10:22,24 31:1 consequence [1] 52:7 consequences [1] 48:3 consistent [1] 15:11 constitutional [21] 29:3,9,14 32: 22 39:8,12,15,21 40:16,23 41:3 42:20 43:2 50:15 52:7 55:20 57:7 68:6 69:1 72:13 73:15 constructing [1] 62:15 content [13] 5:2,3,20 6:18 7:4 8:2 14:11 18:6 33:18 58:4 62:2 63:10, 22 contention [1] 38:19 context [15] 16:1 39:5 42:15,23 50:</p>	<p>16,18 53:14 54:23 56:25 64:8 68: 2,8,8 69:10 71:2 contexts [1] 44:21 contract [4] 12:23 13:17 14:7 29: 23 contracting [1] 22:19 contracts [2] 14:9 58:12 contrast [1] 15:13 control [20] 17:9 18:10 19:4 29:1 31:14,16 43:17,25 44:5 46:18,20 47:25 48:14 50:21 62:17 63:9 67: 1,2,16 70:3 controlled [3] 3:25 32:13 44:22 controlling [6] 5:21 18:23 19:4,6 45:2 65:15 controls [4] 18:6 33:12 43:8,22 controversial [1] 35:18 conversation [1] 23:25 convert [4] 23:6 27:9,14 29:8 core [1] 57:6 corner [1] 20:13 CORPORATION [2] 1:4 3:5 correct [10] 4:22 5:9 9:17,20 17:21 26:2 53:17,22 59:17 67:13 correctly [1] 72:8 cost [1] 36:18 counsel [3] 33:3 71:8 75:2 couple [1] 71:13 course [7] 26:7,8 35:25 59:12 66: 13 69:6 70:18 COURT [35] 1:1,15 3:11 7:16 12: 14 33:9 35:3 37:22 38:5 39:3,7,19 40:19 41:23 42:10 43:10 52:1,13 54:19 55:18 56:7,11,18 57:4 59:1, 4 60:15,16,20 65:10 66:17 71:15, 18 74:21,23 Court's [8] 3:12,21 13:7 23:3 39:4 54:15 74:6,20 create [8] 5:3,13 28:14 44:8,11 49: 3,5 52:3 created [4] 13:8 28:5,22 36:11 creates [6] 10:5 21:4 28:7 29:11 39:10 57:5 creating [1] 28:25 criteria [2] 41:15,19 critical [9] 33:15 35:11 38:14 46:2 55:13 62:15 64:11,13 65:2 curate [4] 5:2 6:18 7:3,14 curating [1] 34:17 cure [1] 7:3 custody [1] 41:24 cut [1] 36:17 cuts [1] 36:20</p>	<p>23:2,14 24:2,14,19,23 25:4,7,14, 16,21,24 26:2,5,10,13,17 27:7 28: 3,10,13,20 29:16 30:3,7,12,21 31: 9,16,21 32:1,7,11,18 33:4 71:9,10, 12 73:8,11 deal [1] 6:8 debate [1] 55:8 decades [2] 17:22,23 decide [16] 6:18 12:25 13:24 14: 15 17:7 19:12 26:17,21 36:24 44: 7 45:5 46:15 48:1 49:13 50:8 54:9 decided [3] 21:3 22:15,16 decides [4] 21:4,6 35:17 73:1 deciding [1] 47:13 decision [5] 23:3 52:4,5,6 56:22 decision-making [1] 4:20 decisions [2] 28:4 65:13 decline [2] 33:18 58:24 dedicate [3] 17:8 73:7,12 DEEDEE [1] 1:7 deems [1] 15:12 default [1] 14:25 Defendants [1] 74:9 define [1] 68:17 definitely [1] 17:5 definition [1] 18:19 degree [3] 24:15,17,19 delegate [6] 38:10 39:17 40:22 63: 18 65:8 73:2 delegated [6] 42:16 45:16 65:14 68:4 69:11 73:25 delegates [2] 38:8 65:5 delegating [4] 39:9 41:1 45:3 73: 17 delegation [4] 40:10 50:19 63:24 72:12 Denver [3] 13:7 43:15 71:24 deny [1] 58:20 departure [2] 34:15,23 depend [3] 25:7 27:3 43:4 depends [2] 16:22 49:2 depots [1] 18:1 described [2] 39:1 41:11 designate [3] 43:12 66:14 73:9 designated [10] 12:9 19:8 27:25 28:9,23 29:2,11,13 32:12 74:1 designates [1] 29:23 designating [3] 27:21 28:2 32:3 determinations [1] 51:25 determine [3] 3:17 39:16 67:10 determined [3] 4:13 9:4 29:12 difference [4] 20:20,23 29:19 30:2 different [23] 6:20 13:4 14:17,22 26:23 27:23 28:1,16 30:22 32:19 47:7,9,10,12 50:20,24 60:15 67: 20,21 69:16 70:10,13,14 dimension [3] 29:3,9,14 directed [1] 58:7 direction [1] 47:3 directive [1] 58:14 directly [4] 6:3,6 47:24 53:2 directors [5] 9:15 36:15 37:17 38: 11,12 disagree [1] 18:9</p>
<b>D</b>			
	<p>D.C [2] 1:11,21 dangerous [1] 39:7 day [1] 74:11 DE [92] 1:19 2:3,9 3:7,8,10 4:21 5: 23 6:9,25 7:5,9 8:7,12,16 9:7,13, 17,20,23 10:1,7,17,23 11:4,7,13, 22 12:11,19 13:1 14:8 15:19 16:5 17:4,13,21 18:4,8,14,21 19:2,14, 18 20:1,6,9,22 21:12,19,23 22:2</p>		

## Official - Subject to Final Review

<p><b>discretion</b> <sup>[36]</sup> 5:6,8,19,24 7:20 8:6,7,15,18,21 9:2 11:19 12:5 27:4,5,9 28:17 33:17 36:22 46:15,17 48:19,22 49:4 50:3 54:2,3,9 55:6,12,14,15,16 57:22 61:8,11</p> <p><b>discretion's</b> <sup>[1]</sup> 42:8</p> <p><b>discriminating</b> <sup>[1]</sup> 52:11</p> <p><b>discrimination</b> <sup>[4]</sup> 48:20,24 53:13 65:8</p> <p><b>discuss</b> <sup>[6]</sup> 23:16,17 24:8,9 25:3,12</p> <p><b>discussing</b> <sup>[1]</sup> 38:6</p> <p><b>discussion</b> <sup>[4]</sup> 13:6 24:12,12 25:2</p> <p><b>disfavored</b> <sup>[1]</sup> 39:15</p> <p><b>dismissed</b> <sup>[2]</sup> 52:20 53:2</p> <p><b>displaces</b> <sup>[1]</sup> 57:6</p> <p><b>dispositive</b> <sup>[1]</sup> 11:9</p> <p><b>dispute</b> <sup>[5]</sup> 7:22 33:16,21 35:7 64:15</p> <p><b>disputed</b> <sup>[2]</sup> 7:4 17:15</p> <p><b>disputes</b> <sup>[1]</sup> 60:10</p> <p><b>distinct</b> <sup>[2]</sup> 61:24 67:17</p> <p><b>distinction</b> <sup>[3]</sup> 5:4 21:18 29:5</p> <p><b>distributed</b> <sup>[1]</sup> 60:24</p> <p><b>district</b> <sup>[7]</sup> 39:2,3 52:3,5,9 56:11 60:14</p> <p><b>Docket</b> <sup>[3]</sup> 39:3,4 56:11</p> <p><b>doctor</b> <sup>[2]</sup> 42:1 69:9</p> <p><b>doctrine</b> <sup>[2]</sup> 51:12,13</p> <p><b>dog</b> <sup>[5]</sup> 45:24 46:3,7 48:9 58:22</p> <p><b>dogs</b> <sup>[6]</sup> 25:3 26:22 33:24 34:1,1 46:1</p> <p><b>doing</b> <sup>[9]</sup> 20:11 22:23 31:1,2 38:13 41:1 49:20 68:21,22</p> <p><b>domain</b> <sup>[2]</sup> 16:20 40:19</p> <p><b>dominated</b> <sup>[1]</sup> 37:24</p> <p><b>dominating</b> <sup>[1]</sup> 73:20</p> <p><b>done</b> <sup>[5]</sup> 20:13 71:23 73:16,20,22</p> <p><b>door</b> <sup>[1]</sup> 9:9</p> <p><b>doubt</b> <sup>[1]</sup> 60:21</p> <p><b>down</b> <sup>[1]</sup> 36:5</p> <p><b>draw</b> <sup>[1]</sup> 43:11</p> <p><b>drive</b> <sup>[1]</sup> 16:18</p>	<p><b>engaged</b> <sup>[1]</sup> 4:11</p> <p><b>engaging</b> <sup>[1]</sup> 53:12</p> <p><b>enough</b> <sup>[3]</sup> 12:15 27:14 42:12</p> <p><b>enters</b> <sup>[1]</sup> 20:3</p> <p><b>entertainment</b> <sup>[1]</sup> 10:4</p> <p><b>entire</b> <sup>[2]</sup> 17:14 27:16</p> <p><b>entities</b> <sup>[1]</sup> 28:7</p> <p><b>entity</b> <sup>[12]</sup> 12:15 18:22 21:1 22:10 23:6 31:2 35:24 36:19 37:23 38:9 50:20 73:17</p> <p><b>entwinement</b> <sup>[1]</sup> 31:5</p> <p><b>ESQ</b> <sup>[5]</sup> 1:19,21 2:3,6,9</p> <p><b>essence</b> <sup>[1]</sup> 42:9</p> <p><b>essentially</b> <sup>[3]</sup> 12:8 22:23 54:1</p> <p><b>established</b> <sup>[3]</sup> 45:22 55:11 58:7</p> <p><b>ET</b> <sup>[6]</sup> 1:4,7 28:19 30:14 47:8,8</p> <p><b>even</b> <sup>[13]</sup> 10:18,24 23:5,5 27:17 33:24 34:8 42:11 44:7,10 55:10 57:4 68:13</p> <p><b>evening</b> <sup>[1]</sup> 23:16</p> <p><b>events</b> <sup>[1]</sup> 37:25</p> <p><b>everybody</b> <sup>[2]</sup> 35:21 47:15</p> <p><b>everything</b> <sup>[3]</sup> 22:23 37:25 60:4</p> <p><b>exact</b> <sup>[1]</sup> 44:19</p> <p><b>exactly</b> <sup>[3]</sup> 20:3 25:18 48:25</p> <p><b>exacts</b> <sup>[1]</sup> 14:4</p> <p><b>example</b> <sup>[16]</sup> 29:10 32:17 35:1,2 37:21 38:5 40:18,20 41:22 48:4 49:6 51:19 54:23 55:8 65:4 69:19</p> <p><b>excellent</b> <sup>[1]</sup> 51:17</p> <p><b>except</b> <sup>[1]</sup> 22:24</p> <p><b>exception</b> <sup>[1]</sup> 3:19</p> <p><b>exceptional</b> <sup>[1]</sup> 53:20</p> <p><b>exchange</b> <sup>[2]</sup> 13:21 62:16</p> <p><b>exclusion</b> <sup>[2]</sup> 18:17,18</p> <p><b>exclusive</b> <sup>[7]</sup> 32:23 40:7 42:14 43:1,19 45:5 71:25</p> <p><b>exclusively</b> <sup>[6]</sup> 4:6 20:12 40:1,12,13 68:12</p> <p><b>exercise</b> <sup>[4]</sup> 5:8 46:18 68:5 69:11</p> <p><b>exercises</b> <sup>[3]</sup> 40:18 48:13 61:7</p> <p><b>exercising</b> <sup>[1]</sup> 19:17</p> <p><b>exhaustion</b> <sup>[1]</sup> 38:20</p> <p><b>exist</b> <sup>[1]</sup> 73:14</p> <p><b>existence</b> <sup>[2]</sup> 37:4 38:17</p> <p><b>exists</b> <sup>[1]</sup> 44:7</p> <p><b>expansion</b> <sup>[1]</sup> 71:15</p> <p><b>explain</b> <sup>[1]</sup> 52:15</p> <p><b>explained</b> <sup>[1]</sup> 56:11</p> <p><b>explicitly</b> <sup>[1]</sup> 15:15</p> <p><b>express</b> <sup>[4]</sup> 16:7,8 40:16,22</p> <p><b>expressly</b> <sup>[1]</sup> 58:17</p> <p><b>extends</b> <sup>[1]</sup> 64:5</p> <p><b>extra</b> <sup>[2]</sup> 22:18 45:1</p>	<p><b>falling</b> <sup>[1]</sup> 53:2</p> <p><b>fair</b> <sup>[1]</sup> 36:25</p> <p><b>fairly</b> <sup>[3]</sup> 3:19,23 31:21</p> <p><b>falls</b> <sup>[1]</sup> 3:18</p> <p><b>far</b> <sup>[1]</sup> 64:13</p> <p><b>feature</b> <sup>[2]</sup> 33:15 35:11</p> <p><b>features</b> <sup>[1]</sup> 36:9</p> <p><b>February</b> <sup>[1]</sup> 1:12</p> <p><b>federal</b> <sup>[1]</sup> 16:2</p> <p><b>fence</b> <sup>[1]</sup> 54:21</p> <p><b>few</b> <sup>[4]</sup> 37:15 38:16 57:18 59:11</p> <p><b>figure</b> <sup>[2]</sup> 23:9,23</p> <p><b>figuring</b> <sup>[1]</sup> 31:25</p> <p><b>find</b> <sup>[6]</sup> 39:14,19 41:15 71:18 74:17,19</p> <p><b>finding</b> <sup>[1]</sup> 43:4</p> <p><b>finished</b> <sup>[2]</sup> 7:24 25:2</p> <p><b>fire</b> <sup>[2]</sup> 16:4,11</p> <p><b>first</b> <sup>[21]</sup> 24:11 32:11 33:19 34:4,21 38:18 39:22 40:9 41:4 44:6 46:23 48:2,21,24 52:12 57:2,20 60:25 64:21 72:25 74:18</p> <p><b>first-come</b> <sup>[37]</sup> 4:14,18 7:18 8:4 11:17 12:6 21:5,9 22:16 24:6 25:25 28:16 29:24 30:18 33:14 34:5,16 35:22 46:13 47:4 48:5,18 56:6 57:10 58:2,18 64:10,15,18,23 65:20,24 66:2,21 67:6,19 69:22</p> <p><b>first-served</b> <sup>[37]</sup> 4:14,18 7:18 8:4 11:18 12:7 21:5,9 22:16 24:6 26:1 28:17 29:25 30:18 33:14 34:5,16 35:22 46:13 47:4 48:6,19 56:6 57:10 58:2,18 64:10,16,18,23 65:21,24 66:2,21 67:6,19 69:22</p> <p><b>five</b> <sup>[2]</sup> 26:23 37:1</p> <p><b>flip</b> <sup>[1]</sup> 52:16</p> <p><b>focus</b> <sup>[1]</sup> 37:13</p> <p><b>focusing</b> <sup>[1]</sup> 23:10</p> <p><b>follow</b> <sup>[3]</sup> 11:17 12:6 48:16</p> <p><b>following</b> <sup>[1]</sup> 59:16</p> <p><b>fora</b> <sup>[2]</sup> 32:13,15</p> <p><b>force</b> <sup>[1]</sup> 53:21</p> <p><b>forced</b> <sup>[2]</sup> 60:2 61:7</p> <p><b>forum</b> <sup>[55]</sup> 12:10 16:18 22:5,7,11 27:21 28:2,23,25 29:2,6,8,11,13,23 30:1 31:17 33:10 35:5,6,12,15 37:20 38:4 40:24 41:3 42:24,25 43:12 46:5,19 47:16 49:3,5,10 50:12,18 54:6,13,16,24 55:4,7,17,19 58:17 61:12 65:15 68:25 69:18 70:1 71:20 73:10,13,15</p> <p><b>forums</b> <sup>[9]</sup> 27:22 28:9 34:12 36:1,2 54:20 66:15 71:3,4</p> <p><b>found</b> <sup>[3]</sup> 35:5 37:22 41:23</p> <p><b>Four</b> <sup>[2]</sup> 36:22 71:9</p> <p><b>fourth</b> <sup>[1]</sup> 34:22</p> <p><b>franchise</b> <sup>[7]</sup> 14:14 15:6,20 62:12 67:15 73:6,12</p> <p><b>free</b> <sup>[1]</sup> 30:17</p> <p><b>friend</b> <sup>[4]</sup> 5:4 16:7 44:1 73:18</p> <p><b>frightened</b> <sup>[1]</sup> 47:13</p> <p><b>front</b> <sup>[1]</sup> 60:5</p> <p><b>function</b> <sup>[30]</sup> 4:6 13:18 20:10,17,23 22:19 37:19 38:3,13 39:24,25</p>	<p>40:2,7,9,15,20 41:15,21,23,25 42:15 50:17 65:9,14 68:4,12 71:14,16,19,25</p> <p><b>functions</b> <sup>[4]</sup> 32:4 41:11 60:3 69:5</p> <p><b>fund</b> <sup>[1]</sup> 54:24</p> <p><b>further</b> <sup>[1]</sup> 71:5</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>gave</b> <sup>[7]</sup> 39:5 54:2,8 62:5,24 66:21 67:4</p> <p><b>general</b> <sup>[18]</sup> 23:24 33:12 34:11 35:17,23 46:10 52:4 54:17,19 55:3,18 65:1,2,7,22 69:19 70:16,23</p> <p><b>generally</b> <sup>[2]</sup> 33:11 37:11</p> <p><b>gets</b> <sup>[4]</sup> 6:15 34:22 49:13 67:23</p> <p><b>getting</b> <sup>[2]</sup> 33:21 70:22</p> <p><b>GINSBURG</b> <sup>[4]</sup> 4:8,11,22 12:8</p> <p><b>Ginsburg's</b> <sup>[1]</sup> 12:4</p> <p><b>Girl</b> <sup>[1]</sup> 35:9</p> <p><b>give</b> <sup>[3]</sup> 14:10 36:25 67:24</p> <p><b>given</b> <sup>[3]</sup> 13:19 14:1 67:8</p> <p><b>gives</b> <sup>[10]</sup> 6:17 8:18,20 14:3,15 15:21,21 62:13 67:7,15</p> <p><b>giving</b> <sup>[2]</sup> 4:15 13:21</p> <p><b>goodness</b> <sup>[1]</sup> 35:17</p> <p><b>goods</b> <sup>[1]</sup> 17:18</p> <p><b>got</b> <sup>[3]</sup> 44:13 64:19 72:25</p> <p><b>government</b> <sup>[73]</sup> 3:14 5:12,17 9:19 10:16,18 13:19,22 14:3,15,16,24 15:14 16:19 17:3,10 18:2,6 22:8,12,13,24,24 27:20 28:2,3,5,6,7,22,25 32:23 34:12 36:2,19 38:7 40:18 43:8,11,16 44:17 49:7,13,16,21,22 50:4,10,14 52:6 54:20 55:11 59:12,25 60:1,9 61:9,21 62:1 66:2 67:23,24 69:21 70:2,2,15 72:1 73:17 74:9,10,11,15,18</p> <p><b>government's</b> <sup>[1]</sup> 66:25</p> <p><b>government-related</b> <sup>[1]</sup> 11:1</p> <p><b>governmental</b> <sup>[5]</sup> 10:21,22,24 36:10 43:4</p> <p><b>grant</b> <sup>[14]</sup> 4:22,24 5:1 6:2,14,15,17 7:12 8:17,17,19 19:7 24:20,21</p> <p><b>grants</b> <sup>[1]</sup> 5:2</p> <p><b>greater</b> <sup>[3]</sup> 31:14,16 45:8</p> <p><b>ground</b> <sup>[2]</sup> 14:2 56:5</p> <p><b>grounds</b> <sup>[1]</sup> 17:12</p> <p><b>group</b> <sup>[3]</sup> 8:21,21 34:9</p> <p><b>guess</b> <sup>[2]</sup> 12:3 21:12</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>HALLECK</b> <sup>[2]</sup> 1:7 3:6</p> <p><b>hand</b> <sup>[1]</sup> 5:8</p> <p><b>handle</b> <sup>[2]</sup> 39:11,16</p> <p><b>happen</b> <sup>[2]</sup> 26:22 63:5</p> <p><b>happened</b> <sup>[2]</sup> 53:7 64:8</p> <p><b>happening</b> <sup>[2]</sup> 49:25 68:7</p> <p><b>happens</b> <sup>[3]</sup> 49:20 66:6 73:18</p> <p><b>hear</b> <sup>[3]</sup> 3:3 37:2 56:16</p> <p><b>heard</b> <sup>[1]</sup> 52:13</p> <p><b>heavily</b> <sup>[4]</sup> 42:11 59:23 60:1 61:10</p> <p><b>held</b> <sup>[4]</sup> 27:13,17 55:19 71:15</p> <p><b>help</b> <sup>[8]</sup> 10:14 24:22 35:1 37:16 41:12 46:22 47:2 60:6</p>
<hr/> <p style="text-align: center;"><b>E</b></p> <p><b>earlier</b> <sup>[2]</sup> 29:20 69:4</p> <p><b>easement</b> <sup>[5]</sup> 13:8,12,13,16 14:7</p> <p><b>easy</b> <sup>[1]</sup> 39:13</p> <p><b>Edison</b> <sup>[1]</sup> 23:4</p> <p><b>editorial</b> <sup>[7]</sup> 27:3,5 42:7 46:18,20 48:19 61:11</p> <p><b>education</b> <sup>[2]</sup> 14:16 15:14</p> <p><b>educational</b> <sup>[1]</sup> 55:9</p> <p><b>effectively</b> <sup>[2]</sup> 37:23 41:20</p> <p><b>efficient</b> <sup>[1]</sup> 22:25</p> <p><b>Eighth</b> <sup>[1]</sup> 72:15</p> <p><b>either</b> <sup>[5]</sup> 32:15 40:25 43:18 56:4 69:25</p> <p><b>Eleven</b> <sup>[1]</sup> 9:25</p> <p><b>eluding</b> <sup>[1]</sup> 31:24</p> <p><b>eminent</b> <sup>[2]</sup> 16:19 40:19</p> <p><b>employee</b> <sup>[1]</sup> 22:18</p> <p><b>empower</b> <sup>[1]</sup> 50:7</p> <p><b>engage</b> <sup>[3]</sup> 48:23 53:12 65:7</p>	<hr/> <p style="text-align: center;"><b>F</b></p> <p><b>face</b> <sup>[1]</sup> 58:10</p> <p><b>facility</b> <sup>[2]</sup> 19:13,24</p> <p><b>fact</b> <sup>[7]</sup> 14:24 21:13 38:24 43:7 46:12 52:10 74:12</p> <p><b>factor</b> <sup>[1]</sup> 40:14</p> <p><b>factors</b> <sup>[2]</sup> 40:8 42:13</p> <p><b>facts</b> <sup>[2]</sup> 7:2 23:9</p> <p><b>factual</b> <sup>[3]</sup> 24:25 25:13 64:15</p>		

## Official - Subject to Final Review

<p><b>hire</b> <sup>[1]</sup> 22:25  <b>hires</b> <sup>[2]</sup> 21:7 29:25  <b>hit</b> <sup>[1]</sup> 71:13  <b>hold</b> <sup>[1]</sup> 36:3  <b>Honor</b> <sup>[51]</sup> 34:4 35:1 36:1,7,13 37:14 40:3,6 41:13 43:6 44:4,25 45:10,15 47:23 49:1,24 50:12,14 51:18 53:11,18,18,22 56:8,20 57:1,12,19 59:5,13,18,22 60:8 61:15,23 62:7,11 63:1,25 64:7 65:1,25 66:12,24 67:14,17 68:16 69:24 70:9 71:2  <b>Honor's</b> <sup>[1]</sup> 38:15  <b>hortatory</b> <sup>[1]</sup> 57:11  <b>hot</b> <sup>[11]</sup> 25:3 26:22 33:24,25 34:1 45:24 46:1,3,7 48:9 58:22  <b>hotdog</b> <sup>[1]</sup> 34:21  <b>hours</b> <sup>[1]</sup> 30:14  <b>however</b> <sup>[2]</sup> 45:4 55:5  <b>HUGHES</b> <sup>[75]</sup> 1:21 2:6 33:5,6,8 34:3,25 35:25 36:7,13 37:9,14 40:3,6 41:13 42:4,13 43:6 44:3,14,25 45:10,15 46:2,17 47:19,23 48:13 49:1,24 50:5,11 51:9,18,22 52:22,25 53:10,17,22 54:14 56:2,8,20,24 57:12,18 59:3,9,13,18,22 60:8,11 61:14,20,22 62:7,11 63:1,8,23 64:7,25 65:23 66:4,10,12,23 67:14 68:1,16 69:20,24 71:1  <b>hypothetical</b> <sup>[3]</sup> 19:19 20:21 21:14  <b>hypotheticals</b> <sup>[1]</sup> 66:8</p> <hr/> <p><b>I</b></p> <p><b>idea</b> <sup>[3]</sup> 19:19 43:25 46:25  <b>ideas</b> <sup>[1]</sup> 46:24  <b>identified</b> <sup>[1]</sup> 60:20  <b>illegal</b> <sup>[1]</sup> 30:20  <b>imagine</b> <sup>[1]</sup> 39:13  <b>implied</b> <sup>[1]</sup> 16:9  <b>impose</b> <sup>[4]</sup> 34:12 66:25 67:18 70:1  <b>imposed</b> <sup>[1]</sup> 51:8  <b>imposes</b> <sup>[1]</sup> 66:2  <b>includes</b> <sup>[2]</sup> 45:9 64:9  <b>including</b> <sup>[1]</sup> 60:25  <b>independence</b> <sup>[1]</sup> 31:25  <b>independent</b> <sup>[6]</sup> 4:15,20 6:12 15:1 22:22 32:13  <b>indicating</b> <sup>[1]</sup> 34:5  <b>initially</b> <sup>[1]</sup> 53:1  <b>inmates</b> <sup>[1]</sup> 41:24  <b>insofar</b> <sup>[2]</sup> 38:3 39:10  <b>instance</b> <sup>[1]</sup> 72:25  <b>instead</b> <sup>[1]</sup> 45:2  <b>interest</b> <sup>[21]</sup> 16:23 43:5,5,19 44:11 60:22 61:20,24,25,25 62:5,10,23 63:7,8,14,15,21 66:22 67:5,8  <b>interested</b> <sup>[1]</sup> 46:24  <b>interests</b> <sup>[2]</sup> 60:18,19  <b>Internet</b> <sup>[2]</sup> 47:7,7  <b>interpose</b> <sup>[1]</sup> 60:14  <b>interrupt</b> <sup>[2]</sup> 25:1 42:6  <b>introduced</b> <sup>[1]</sup> 7:12  <b>involve</b> <sup>[1]</sup> 74:9</p>	<p><b>involved</b> <sup>[4]</sup> 16:23 21:1 27:20,22  <b>isn't</b> <sup>[5]</sup> 14:5 26:8 36:22 42:3,6  <b>issue</b> <sup>[12]</sup> 11:9 13:1 16:10,11 18:9,10 19:3 24:9 27:17,23 37:17 62:20  <b>issues</b> <sup>[8]</sup> 7:10,10 23:23,24 24:7 37:12,15 60:19  <b>it'll</b> <sup>[1]</sup> 35:21  <b>itself</b> <sup>[11]</sup> 8:17 12:24 21:7 36:2 41:1 43:18 45:5 62:9,24 63:7,9</p> <hr/> <p><b>J</b></p> <p><b>Jackson</b> <sup>[8]</sup> 23:3 27:6,8,11 40:20 42:7 60:5 72:21  <b>joint</b> <sup>[1]</sup> 30:25  <b>jointly</b> <sup>[1]</sup> 4:3  <b>judgment</b> <sup>[1]</sup> 4:15  <b>jumble</b> <sup>[4]</sup> 23:22 26:4,6,12  <b>jump</b> <sup>[3]</sup> 34:1 44:13,24  <b>jurisdiction</b> <sup>[4]</sup> 15:8,10,15 19:7  <b>JUSTICE</b> <sup>[192]</sup> 3:3,10 4:8,9,11,21 5:10 6:5,10,25 7:1,6,23,25 8:1,10,14,25 9:11,14,18,21,25 10:5,9,20 11:2,5,12,13,23 12:3,4,7,17,20 13:10,15 14:9 15:17,24 16:21 17:6,18,22 18:5,11,12,15,24 19:1,3,11,15,22 20:2,7,18,20,21 21:2,17,20,25 22:13 23:7,15 24:5,16,22,24 25:5,10,15,20,22,25 26:3,7,11,16 27:2,19 28:8,11,15 29:15,18 30:4,9,13 31:7,11,20,23 32:3,9,16,25 33:2,5,9,20,22 34:4,14 35:16 36:4,8,14 37:10 39:23 40:4 41:8 42:3,5 43:3,15,24 44:12,23 45:7,12,21 46:11,20 47:20 48:12,15 49:15 50:2,6,21 51:3,10,15,21 52:15,17,18,23 53:8,15,19,24 55:21,21 56:3,18,21 57:8,14 58:25 59:8,10,15,19,23 60:9 61:4,19 62:4,8,21 63:3,4,6,20 64:1,12 65:16,18,19 66:1,6,11,19,20 67:3,7,22 68:9 69:14,18,21 70:3,4,12 71:7 73:5,9 75:1</p> <hr/> <p><b>K</b></p> <p><b>KAGAN</b> <sup>[21]</sup> 6:25 11:13,23 12:3,17,20 13:15 14:9 20:20 21:2,17,20,25 22:13 43:3 53:24 61:19 62:4,8,21 67:7  <b>KAVANAUGH</b> <sup>[23]</sup> 27:2 39:23 40:4 41:8 42:3,5 59:8,10,15,19,23 60:9 61:4 63:4 66:1,6,11,19 67:3,22 68:9 69:14,21  <b>keep</b> <sup>[4]</sup> 30:17,17,17 32:9  <b>kept</b> <sup>[2]</sup> 67:9,10  <b>key</b> <sup>[1]</sup> 22:4  <b>kick</b> <sup>[1]</sup> 15:18  <b>kind</b> <sup>[12]</sup> 13:8 20:3 38:20 40:9,11,15 47:17 55:24 56:15 57:17 58:22 66:25  <b>kinds</b> <sup>[1]</sup> 70:15  <b>known</b> <sup>[1]</sup> 13:14</p> <hr/> <p><b>L</b></p> <p><b>lack</b> <sup>[1]</sup> 27:9  <b>lacks</b> <sup>[1]</sup> 33:17</p>	<p><b>Lamb's</b> <sup>[2]</sup> 35:2 51:20  <b>language</b> <sup>[2]</sup> 68:9,10  <b>last</b> <sup>[1]</sup> 38:15  <b>latent</b> <sup>[1]</sup> 16:15  <b>Laughter</b> <sup>[1]</sup> 24:18  <b>law</b> <sup>[8]</sup> 4:13 15:11 36:12 51:8 56:19 58:10,11,13  <b>lead</b> <sup>[2]</sup> 36:9 50:24  <b>leads</b> <sup>[1]</sup> 48:2  <b>leases</b> <sup>[3]</sup> 29:21 38:7 49:7  <b>leasing</b> <sup>[1]</sup> 41:9  <b>least</b> <sup>[4]</sup> 9:5 16:1 17:1 45:23  <b>Lebron</b> <sup>[1]</sup> 37:22  <b>LEEUEW</b> <sup>[92]</sup> 1:19 2:3,9 3:7,8,10 4:21 5:23 6:9,25 7:5,9 8:7,12,16 9:7,13,17,20,23 10:1,7,17,23 11:4,7,13,22 12:11,19 13:1 14:8 15:19 16:5 17:4,13,21 18:4,8,14,21 19:2,14,18 20:1,6,9,22 21:12,19,23 22:2 23:2,14 24:2,14,19,23 25:4,7,14,16,21,24 26:2,5,10,13,17 27:7 28:3,10,13,20 29:16 30:3,7,12,21 31:9,16,21 32:1,7,11,18 33:4 71:9,10,12 73:8,11  <b>left</b> <sup>[1]</sup> 74:4  <b>legal</b> <sup>[3]</sup> 38:21 43:19 51:23  <b>legitimately</b> <sup>[2]</sup> 43:17,21  <b>lesser</b> <sup>[1]</sup> 45:9  <b>letter</b> <sup>[1]</sup> 39:2  <b>likes</b> <sup>[1]</sup> 50:10  <b>limitation</b> <sup>[4]</sup> 55:2,3,5 66:24  <b>limitations</b> <sup>[1]</sup> 54:7  <b>limited</b> <sup>[6]</sup> 28:12 36:1 54:15,20,25 71:2  <b>line</b> <sup>[7]</sup> 12:13 32:5,10 43:14 53:25 54:4,12  <b>lines</b> <sup>[3]</sup> 3:14 5:22 43:11  <b>linked</b> <sup>[1]</sup> 37:5  <b>little</b> <sup>[3]</sup> 32:5,10 44:21  <b>local</b> <sup>[4]</sup> 44:17 52:5 67:23,24  <b>localities</b> <sup>[4]</sup> 39:20 47:25 51:1 68:14  <b>long</b> <sup>[2]</sup> 12:13 36:24  <b>Look</b> <sup>[11]</sup> 8:1 22:4,6,9 24:5 41:14,22 48:6 65:10 69:4 70:3  <b>looked</b> <sup>[3]</sup> 20:24 27:12,16  <b>looking</b> <sup>[4]</sup> 22:4 46:22 71:17 74:13  <b>looks</b> <sup>[3]</sup> 35:3 40:7 47:15  <b>Los</b> <sup>[1]</sup> 48:7  <b>lot</b> <sup>[6]</sup> 28:4,7 46:12 47:7,9 62:22  <b>love</b> <sup>[1]</sup> 37:2  <b>lump</b> <sup>[1]</sup> 33:22</p> <hr/> <p><b>M</b></p> <p><b>machine</b> <sup>[1]</sup> 6:23  <b>made</b> <sup>[3]</sup> 5:5 7:18 52:6  <b>main</b> <sup>[1]</sup> 20:22  <b>majority</b> <sup>[2]</sup> 38:10 55:1  <b>managing</b> <sup>[1]</sup> 19:20  <b>MANHATTAN</b> <sup>[2]</sup> 1:3 3:5  <b>manner</b> <sup>[1]</sup> 34:13  <b>Many</b> <sup>[5]</sup> 28:11 32:12 44:15 63:12 70:22</p>	<p><b>marketplace</b> <sup>[1]</sup> 46:25  <b>matter</b> <sup>[3]</sup> 1:14 38:9 54:7  <b>matters</b> <sup>[3]</sup> 36:24 41:14 69:9  <b>Mayor</b> <sup>[1]</sup> 15:16  <b>mean</b> <sup>[13]</sup> 9:3 17:7 18:19 25:16 33:21 35:16,23 51:12 53:25 54:5 64:17,18,24  <b>meaning</b> <sup>[1]</sup> 5:11  <b>means</b> <sup>[7]</sup> 5:11,14 34:6 61:10 64:16,25 65:2  <b>mechanical</b> <sup>[2]</sup> 6:21 7:19  <b>media</b> <sup>[1]</sup> 10:3  <b>medical</b> <sup>[1]</sup> 72:17  <b>meet</b> <sup>[2]</sup> 41:19 69:7  <b>melding</b> <sup>[1]</sup> 61:12  <b>members</b> <sup>[5]</sup> 10:11,15,21 36:16 55:1  <b>mentioned</b> <sup>[1]</sup> 41:16  <b>merits</b> <sup>[1]</sup> 26:25  <b>message</b> <sup>[5]</sup> 35:14,14 46:9 49:11 54:22  <b>Metropolitan</b> <sup>[1]</sup> 23:4  <b>MICHAEL</b> <sup>[5]</sup> 1:19 2:3,9 3:8 71:10  <b>might</b> <sup>[4]</sup> 20:15 26:8 47:5 61:17  <b>mind</b> <sup>[1]</sup> 24:7  <b>minutes</b> <sup>[1]</sup> 71:9  <b>missing</b> <sup>[2]</sup> 36:6 42:15  <b>mix</b> <sup>[1]</sup> 47:11  <b>mixed</b> <sup>[1]</sup> 5:11  <b>MM</b> <sup>[1]</sup> 56:1  <b>MNN</b> <sup>[36]</sup> 3:20,24 4:3,5,8,15,17,23 5:5,24 6:3,4,8,12 8:20 15:9 19:6,12,15,16,19 20:4,4,11 31:4 33:16 37:18 46:4,14 52:24 53:13 55:25 56:2,3 59:16 73:21  <b>MNN's</b> <sup>[1]</sup> 73:22  <b>modest</b> <sup>[2]</sup> 50:25 51:3  <b>moment</b> <sup>[2]</sup> 11:16 22:1  <b>Monday</b> <sup>[1]</sup> 1:12  <b>Monell</b> <sup>[2]</sup> 53:3,9  <b>moreover</b> <sup>[1]</sup> 37:4  <b>morning</b> <sup>[2]</sup> 3:4 26:19  <b>Motors</b> <sup>[4]</sup> 35:17,24 69:19 70:17  <b>much</b> <sup>[5]</sup> 6:17 20:9,15 36:22 74:25  <b>multiplicity</b> <sup>[2]</sup> 46:24,25  <b>municipality</b> <sup>[1]</sup> 15:4  <b>must</b> <sup>[3]</sup> 6:8 8:4 58:23  <b>myself</b> <sup>[1]</sup> 68:10</p> <hr/> <p><b>N</b></p> <p><b>nature</b> <sup>[1]</sup> 37:4  <b>necessarily</b> <sup>[2]</sup> 10:25 45:9  <b>necessary</b> <sup>[4]</sup> 3:13 42:14 68:20,24  <b>need</b> <sup>[6]</sup> 29:17 31:8,14,15,17,17  <b>needs</b> <sup>[2]</sup> 43:10 62:25  <b>negotiated</b> <sup>[1]</sup> 6:13  <b>negotiations</b> <sup>[1]</sup> 44:8  <b>neutral</b> <sup>[1]</sup> 34:13  <b>neutrality</b> <sup>[1]</sup> 5:20  <b>never</b> <sup>[8]</sup> 16:10 18:12 20:24 27:13 57:4 71:23,24 72:3  <b>nevertheless</b> <sup>[1]</sup> 30:15  <b>New</b> <sup>[22]</sup> 1:19,19 3:25 4:2,4,7 6:16</p>
---	--	---	---



## Official - Subject to Final Review

<p>15:4,16 23:24 25:3 26:22 33:10, 12 44:15 48:2 56:19 63:12 71:23 72:8 73:18 74:24</p> <p><b>News</b> [5] 35:3 51:19 52:2 60:14 74:7</p> <p><b>next</b> [1] 6:23</p> <p><b>night</b> [1] 26:20</p> <p><b>nominate</b> [1] 11:11</p> <p><b>nominated</b> [3] 10:19,25 11:4</p> <p><b>nominates</b> [1] 10:3</p> <p><b>nominating</b> [4] 10:2,6,12,13</p> <p><b>non-commercial</b> [1] 8:3</p> <p><b>non-discriminatory</b> [1] 8:5</p> <p><b>non-traditional</b> [1] 66:15</p> <p><b>none</b> [3] 27:19 38:11 73:24</p> <p><b>nonprofit</b> [2] 3:24 60:15</p> <p><b>noted</b> [1] 16:17</p> <p><b>nothing</b> [3] 15:22 46:4 72:18</p> <p><b>number</b> [2] 62:17 63:9</p> <p><b>numbers</b> [1] 70:14</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>obligated</b> [1] 72:23</p> <p><b>obligation</b> [8] 11:15 32:22 36:11 51:7 58:11 68:7 72:13,15</p> <p><b>obligations</b> [9] 39:8 40:16,23 41:4 43:2 50:16 69:1 72:19,19</p> <p><b>obscenity</b> [2] 28:18 30:19</p> <p><b>obstacle</b> [1] 38:21</p> <p><b>obtained</b> [3] 62:1,4,16</p> <p><b>obviate</b> [1] 39:21</p> <p><b>occurs</b> [1] 63:25</p> <p><b>odds</b> [1] 59:2</p> <p><b>officer</b> [1] 53:20</p> <p><b>offices</b> [1] 35:20</p> <p><b>often</b> [1] 5:12</p> <p><b>Okay</b> [12] 9:13 19:14 21:19 23:13 24:23 25:3,4,24 44:12,23 64:12 70:20</p> <p><b>Olympic</b> [1] 28:6</p> <p><b>once</b> [3] 23:25 44:14 52:5</p> <p><b>one</b> [32] 5:5 6:19,21,23 8:22 12:2 13:5 16:9 18:10 21:13,18 22:5 23:19,20 28:15,16 33:25 34:1 36:11 41:10 43:14 47:2 49:18 51:1 60:10 66:18 67:18 68:17 69:4 70:3 72:2 74:20</p> <p><b>one-off</b> [1] 65:13</p> <p><b>Only</b> [8] 6:5 10:14 11:10 28:17 30:18 40:21 51:16 74:8</p> <p><b>open</b> [6] 30:17 35:12,19 49:19,25 69:18</p> <p><b>opened</b> [1] 33:11</p> <p><b>operate</b> [8] 14:24 19:8 20:13 22:15 32:24 63:15 73:1 74:1</p> <p><b>operated</b> [4] 22:7 31:18 58:2 74:3</p> <p><b>operates</b> [3] 4:23 15:2 69:18</p> <p><b>operating</b> [8] 22:11 41:9 42:9 59:19,25 61:5 72:7,11</p> <p><b>operation</b> [2] 71:19,21</p> <p><b>operator</b> [15] 4:24 6:11 8:20 15:1 17:16 20:16 44:2 60:22 61:2,3,17,18 62:6,14 72:24</p> <p><b>operators</b> [2] 13:18 14:3</p>	<p><b>opinion</b> [3] 43:15 70:4,20</p> <p><b>opinions</b> [1] 26:23</p> <p><b>opposed</b> [1] 22:22</p> <p><b>oral</b> [5] 1:15 2:2,5 3:8 33:6</p> <p><b>order</b> [7] 3:13 24:1,8 29:11 34:7, 21 74:17</p> <p><b>organization</b> [1] 15:9</p> <p><b>organizations</b> [3] 5:7 52:12 54:25</p> <p><b>organize</b> [6] 24:11,15 26:15 30:14 49:9,12</p> <p><b>organized</b> [1] 48:8</p> <p><b>originally</b> [1] 4:25</p> <p><b>orthopedic</b> [2] 42:4 69:6</p> <p><b>other</b> [23] 4:19 5:7,8 9:21,23,23 10:11,20 11:16,24 14:21 15:6,11 18:18 21:12 27:4 30:20 37:8 54:11 67:5 68:14,14 73:18</p> <p><b>others</b> [3] 18:18 57:4 63:13</p> <p><b>out</b> [14] 4:7 7:7 9:3,15 11:11 15:18 22:20 23:9,23 31:25 37:12 45:3 68:18 74:19</p> <p><b>over</b> [15] 11:19 15:10 23:12 29:1,6 32:5 34:1 58:6 60:23 62:17,24 63:11,21 64:15 67:8</p> <p><b>override</b> [1] 65:12</p> <p><b>overseen</b> [1] 14:19</p> <p><b>own</b> [9] 5:3,12,13 17:24,25,25 18:1 29:21 43:17</p> <p><b>owned</b> [2] 21:15 59:21</p> <p><b>owner</b> [1] 30:8</p> <p><b>owners</b> [2] 18:18 47:7</p> <p><b>ownership</b> [1] 17:13</p> <p><b>owning</b> [1] 17:19</p> <p><b>owns</b> [2] 16:25 43:18</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>p.m</b> [1] 23:12</p> <p><b>Pacific</b> [1] 70:21</p> <p><b>PAGE</b> [1] 2:2</p> <p><b>paid</b> [2] 36:18,18</p> <p><b>pairs</b> [1] 40:14</p> <p><b>parades</b> [1] 19:20</p> <p><b>parallel</b> [3] 39:11 57:3,5</p> <p><b>Pardon</b> [4] 7:22 11:4 14:14 17:17</p> <p><b>Park</b> [10] 19:13,21,24 20:14 22:6 46:7,8 65:4,5 70:19</p> <p><b>Parking</b> [1] 30:24</p> <p><b>part</b> [2] 37:1 62:12</p> <p><b>partial</b> [1] 13:11</p> <p><b>particular</b> [10] 8:22 32:8 39:14 54:10 58:16 61:8 62:2,19 65:12 69:11</p> <p><b>parties</b> [2] 6:13 32:14</p> <p><b>party</b> [4] 5:6 6:14 15:2 72:22</p> <p><b>party's</b> [1] 27:14</p> <p><b>PAUL</b> [3] 1:21 2:6 33:6</p> <p><b>people</b> [12] 10:3,21 19:23 23:22 24:7 26:25 34:20 36:25 46:1 47:5 49:17 70:16</p> <p><b>perform</b> [2] 4:5 72:16</p> <p><b>performance</b> [1] 68:3</p> <p><b>performed</b> [1] 42:1</p> <p><b>performing</b> [3] 37:19 38:2 69:10</p> <p><b>performs</b> [1] 60:3</p>	<p><b>perhaps</b> [1] 37:17</p> <p><b>permissible</b> [4] 54:22,22 58:1 70:11</p> <p><b>person</b> [3] 22:21,22 48:9</p> <p><b>pervasive</b> [3] 23:5 27:12,18</p> <p><b>Petitioner</b> [1] 41:6</p> <p><b>Petitioners</b> [12] 1:5,20 2:4,10 3:9 33:16 38:23 56:9 57:20 58:3,19 71:11</p> <p><b>Petitioners'</b> [1] 41:18</p> <p><b>Physical</b> [2] 17:18 60:23</p> <p><b>place</b> [11] 5:15 19:23 29:7 30:19 34:13 43:16 44:13,15 49:5 62:2 63:10</p> <p><b>placement</b> [4] 5:22,25 6:1,2</p> <p><b>places</b> [1] 73:18</p> <p><b>plain</b> [1] 58:10</p> <p><b>pleadings</b> [3] 7:8,10,11</p> <p><b>please</b> [2] 3:11 33:9</p> <p><b>plucking</b> [1] 68:18</p> <p><b>point</b> [7] 7:7 21:18 38:14 57:20 60:17 61:4 65:13</p> <p><b>pointed</b> [1] 58:4</p> <p><b>points</b> [1] 71:13</p> <p><b>police</b> [1] 53:20</p> <p><b>policies</b> [1] 73:22</p> <p><b>policy</b> [11] 4:18 33:13,14 34:11 39:7 46:10 48:18 52:3,6 54:17 56:7</p> <p><b>position</b> [2] 43:3,7</p> <p><b>possession</b> [1] 29:22</p> <p><b>possibilities</b> [1] 49:18</p> <p><b>power</b> [21] 6:4 16:2,3 23:11,15,18 24:1,2,10,11,15 26:12,14 30:16 34:8 44:1 45:8,13,13,17,18</p> <p><b>powers</b> [1] 45:9</p> <p><b>precedents</b> [1] 40:5</p> <p><b>prefer</b> [1] 48:3</p> <p><b>premise</b> [1] 58:21</p> <p><b>prescreen</b> [1] 9:8</p> <p><b>present</b> [1] 73:24</p> <p><b>presents</b> [1] 60:13</p> <p><b>preserve</b> [1] 3:14</p> <p><b>president</b> [1] 11:10</p> <p><b>prevail</b> [1] 69:15</p> <p><b>principal</b> [1] 37:18</p> <p><b>principle</b> [2] 15:25 50:25</p> <p><b>prior</b> [1] 33:25</p> <p><b>prison</b> [1] 32:16</p> <p><b>prisoners</b> [1] 72:17</p> <p><b>prisons</b> [5] 32:19,19,19,20,24</p> <p><b>private</b> [41] 3:15,18,24 5:17 12:14, 18,19 16:17,18 18:22 20:16 22:10 23:5,6 27:14,25 30:8 31:2 36:19 37:23 38:6 39:9,17 42:17 47:16 50:12,20 56:25 59:16,20 61:5,6 66:3,15 67:18,19 68:21 69:16,17 70:16 74:5</p> <p><b>privately</b> [1] 59:21</p> <p><b>privilege</b> [1] 18:17</p> <p><b>pro</b> [2] 14:5 62:12</p> <p><b>probably</b> [3] 34:6 70:7,8</p> <p><b>problem</b> [3] 41:17 51:15,16</p> <p><b>problems</b> [1] 70:6</p> <p><b>proceeding</b> [1] 55:24</p>	<p><b>producers</b> [1] 11:24</p> <p><b>program</b> [6] 22:19 45:19,24,25 46:3 64:19</p> <p><b>programming</b> [8] 11:20 12:25 13:24 34:17,18 45:14,17,19</p> <p><b>programs</b> [3] 46:15 54:10,11</p> <p><b>property</b> [50] 5:18 12:22,23 13:2,5, 14 14:6 16:23 18:11,13,15,16,20 21:15,20 30:16 33:11 35:9,10 43:4,12,16,18,20,22 59:12,25 60:1,10, 18,19,22 61:20,23 62:9,23 63:14, 15 64:3 66:16,22 67:1,2,4,8,16,18, 20 70:2 74:9</p> <p><b>protected</b> [2] 33:18 53:9</p> <p><b>protections</b> [2] 39:22 42:21</p> <p><b>provide</b> [4] 17:11 30:10 72:16,23</p> <p><b>providers</b> [1] 47:8</p> <p><b>providing</b> [2] 42:2 69:5</p> <p><b>provision</b> [2] 16:7,8</p> <p><b>PruneYard</b> [1] 70:4</p> <p><b>PSC</b> [7] 8:2,24 72:2,3,6,7,19</p> <p><b>Public</b> [118] 6:16 8:2 11:25 12:10 13:9,9,20,22 14:12,22,23 15:2,7 16:18 19:5 20:10,17,23 21:3,4,8 23:17,20 27:21,22 28:2,9,23 29:2, 6,8,11,13,23 32:4,12,14 33:10 34:12 35:5,6,12,12,24 36:1,15 37:20, 24,25 38:3,4,17,25 39:4,24,25 40:1,7,20,24 41:2,9,11,21,23 42:14, 24,25 43:12 44:7 46:19 47:12,16 48:7 49:3,5,10 50:18,23 54:6,13, 15,20,24 55:19 56:10,12,14,22 57:20 58:8 59:6 61:12 62:10 14 65:4, 5,15 67:11 68:3,12,14,25 70:1,18 71:3,4,14,16,19,20,21 72:10,23 73:7,10,13,15</p> <p><b>purely</b> [2] 6:21 7:19</p> <p><b>purpose</b> [2] 3:16 17:9</p> <p><b>purposes</b> [1] 15:10</p> <p><b>push</b> [1] 28:21</p> <p><b>put</b> [18] 6:19,22,23 8:22,25 9:9 11:3,5 15:15 19:25 21:25 24:3 26:24 34:20 48:9 54:21 58:6 72:19</p> <p><b>puts</b> [1] 46:12</p> <p><b>putting</b> [4] 5:5 8:25 22:2,3</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <p><b>qualified</b> [1] 55:10</p> <p><b>qualifies</b> [1] 40:5</p> <p><b>qualify</b> [1] 55:19</p> <p><b>question</b> [23] 5:18 9:12 12:4 21:21 24:25 25:13 28:24 38:15 44:2, 21 48:16 50:22 54:16 55:13,22 57:1 60:13 61:13,13,19 63:17 70:24 72:2</p> <p><b>questions</b> [2] 29:19 33:22</p> <p><b>quickly</b> [1] 74:7</p> <p><b>quid</b> [2] 14:4 62:12</p> <p><b>quite</b> [5] 4:22 6:9 39:6 58:14 61:24</p> <p><b>quo</b> [2] 14:5 62:12</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p><b>radical</b> [1] 71:15</p> <p><b>radically</b> [1] 74:24</p>
---	--	--	--

## Official - Subject to Final Review

<p><b>rail</b> <sup>[1]</sup> 18:2  <b>railroad</b> <sup>[3]</sup> 17:19,24 <b>70</b>:21  <b>railroads</b> <sup>[1]</sup> 17:19  <b>raised</b> <sup>[3]</sup> 7:11 <b>18</b>:11 <b>66</b>:8  <b>ranging</b> <sup>[1]</sup> <b>70</b>:16  <b>rare</b> <sup>[1]</sup> 3:18  <b>rather</b> <sup>[2]</sup> 9:1 <b>55</b>:18  <b>read</b> <sup>[4]</sup> 9:5 <b>20</b>:24 <b>23</b>:8 <b>57</b>:23  <b>real</b> <sup>[1]</sup> 13:14  <b>really</b> <sup>[2]</sup> <b>40</b>:8 <b>45</b>:18  <b>reason</b> <sup>[2]</sup> 51:10 <b>57</b>:24  <b>REBUTTAL</b> <sup>[2]</sup> 2:8 <b>71</b>:10  <b>received</b> <sup>[2]</sup> 39:1 <b>72</b>:3  <b>recognized</b> <sup>[2]</sup> 16:23 <b>17</b>:24  <b>record</b> <sup>[1]</sup> 56:17  <b>redefine</b> <sup>[1]</sup> 69:5  <b>referencing</b> <sup>[1]</sup> 61:16  <b>referred</b> <sup>[2]</sup> 39:23 <b>59</b>:10  <b>regard</b> <sup>[3]</sup> 4:4 <b>12</b>:16 <b>31</b>:3  <b>regardless</b> <sup>[1]</sup> 45:25  <b>regime</b> <sup>[1]</sup> 44:20  <b>regulated</b> <sup>[5]</sup> 42:11 <b>59</b>:24 <b>60</b>:2 <b>61</b>:11 <b>70</b>:21  <b>regulation</b> <sup>[11]</sup> 8:8,16 <b>12</b>:14 <b>14</b>:25 <b>23</b>:4,5 <b>27</b>:13,17,18 <b>58</b>:9 <b>62</b>:22  <b>regulations</b> <sup>[3]</sup> 5:15 <b>8</b>:2 <b>15</b>:23  <b>regulator</b> <sup>[1]</sup> 57:24  <b>regulatory</b> <sup>[1]</sup> 44:20  <b>Rehnquist</b> <sup>[1]</sup> 70:5  <b>Rehnquist's</b> <sup>[1]</sup> 70:4  <b>relabel</b> <sup>[1]</sup> 41:18  <b>related</b> <sup>[1]</sup> 24:20  <b>relationship</b> <sup>[2]</sup> 6:7 <b>31</b>:5  <b>relevance</b> <sup>[1]</sup> 65:24  <b>relevant</b> <sup>[3]</sup> 9:2 <b>43</b>:8 <b>61</b>:18  <b>religious</b> <sup>[1]</sup> 52:11  <b>remedy</b> <sup>[14]</sup> 37:3,5 <b>38</b>:16 <b>39</b>:1,5,11 <b>56</b>:13 <b>57</b>:11,16,16 <b>59</b>:1,4,6 <b>72</b>:6  <b>Rendell-Baker</b> <sup>[1]</sup> 27:15  <b>rent</b> <sup>[1]</sup> 30:16  <b>rents</b> <sup>[3]</sup> 29:20,21 <b>31</b>:11  <b>repeating</b> <sup>[1]</sup> 68:10  <b>reply</b> <sup>[1]</sup> 16:16  <b>require</b> <sup>[4]</sup> 8:2 <b>42</b>:19 <b>43</b>:1 <b>69</b>:22  <b>required</b> <sup>[1]</sup> 42:17  <b>requirement</b> <sup>[5]</sup> 14:23 <b>38</b>:20 <b>48</b>:6 <b>66</b>:3 <b>67</b>:19  <b>requires</b> <sup>[3]</sup> 40:10,25 <b>68</b>:4  <b>requiring</b> <sup>[1]</sup> 73:22  <b>reservation</b> <sup>[1]</sup> 66:20  <b>reserve</b> <sup>[1]</sup> 32:25  <b>reserved</b> <sup>[8]</sup> 12:24 <b>55</b>:15 <b>62</b>:9,23 <b>63</b>:7,8 <b>64</b>:3 <b>65</b>:11  <b>respect</b> <sup>[4]</sup> 5:17,19 <b>16</b>:1 <b>36</b>:23  <b>Respectfully</b> <sup>[2]</sup> 4:21 <b>18</b>:8  <b>respects</b> <sup>[1]</sup> 43:9  <b>Respondents</b> <sup>[9]</sup> 1:8,22 <b>2</b>:7 <b>7</b>:13 <b>11</b>:24 <b>33</b>:7 <b>38</b>:24 <b>72</b>:4 <b>74</b>:23  <b>Respondents'</b> <sup>[2]</sup> 7:15 <b>71</b>:13  <b>responsibility</b> <sup>[1]</sup> 31:24  <b>responsible</b> <sup>[1]</sup> 74:13  <b>rest</b> <sup>[1]</sup> 33:1  <b>restrict</b> <sup>[1]</sup> 30:19</p>	<p><b>restrictions</b> <sup>[1]</sup> 34:13  <b>result</b> <sup>[6]</sup> 11:14 <b>46</b>:16 <b>50</b>:20,24 <b>60</b>:16 <b>70</b>:9  <b>results</b> <sup>[1]</sup> 70:7  <b>retain</b> <sup>[2]</sup> 29:1 <b>63</b>:21  <b>retained</b> <sup>[3]</sup> 45:4 <b>63</b>:14 <b>73</b>:6  <b>review</b> <sup>[2]</sup> 56:19,21  <b>reviewed</b> <sup>[1]</sup> 73:23  <b>rights</b> <sup>[11]</sup> 5:22,25 <b>6</b>:1,2,18 <b>39</b>:12,15 <b>60</b>:24,25 <b>62</b>:17 <b>67</b>:10  <b>rights-of-way</b> <sup>[8]</sup> 13:20,22 <b>14</b>:4 <b>62</b>:5,14,24 <b>67</b>:9,23  <b>rigid</b> <sup>[1]</sup> 47:14  <b>road</b> <sup>[1]</sup> 16:18  <b>ROBERTS</b> <sup>[27]</sup> 3:3 <b>4</b>:9 <b>7</b>:1,6,25 <b>15</b>:17,24 <b>18</b>:24 <b>33</b>:2,5,20 <b>34</b>:14 <b>43</b>:24 <b>44</b>:12,23 <b>45</b>:7,12,21 <b>63</b>:3,6,20 <b>64</b>:1,12 <b>65</b>:16,19 <b>71</b>:7 <b>75</b>:1  <b>role</b> <sup>[2]</sup> 19:20 <b>32</b>:23  <b>room</b> <sup>[1]</sup> 45:23  <b>Rosenberger</b> <sup>[1]</sup> 54:23  <b>row</b> <sup>[1]</sup> 26:24  <b>rule</b> <sup>[8]</sup> 9:5 <b>11</b>:18 <b>12</b>:7 <b>57</b>:10,17 <b>58</b>:7 <b>67</b>:1 <b>70</b>:1  <b>rules</b> <sup>[11]</sup> 21:8 <b>22</b>:14 <b>35</b>:6 <b>38</b>:7 <b>43</b>:20 <b>49</b>:9 <b>55</b>:10 <b>58</b>:16 <b>64</b>:9 <b>65</b>:6,6  <b>run</b> <sup>[10]</sup> 33:18 <b>36</b>:23 <b>42</b>:17,18 <b>44</b>:15 <b>45</b>:20 <b>47</b>:16 <b>58</b>:5,23 <b>68</b>:15  <b>running</b> <sup>[3]</sup> 42:18,22 <b>49</b>:16</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p><b>same</b> <sup>[6]</sup> 15:25 <b>26</b>:24 <b>40</b>:25 <b>44</b>:19 <b>46</b>:6 <b>70</b>:8  <b>satisfied</b> <sup>[1]</sup> 41:16  <b>saying</b> <sup>[7]</sup> 16:17 <b>28</b>:21 <b>34</b>:18 <b>46</b>:23 <b>57</b>:15 <b>62</b>:21 <b>70</b>:1  <b>says</b> <sup>[24]</sup> 8:9,17 <b>13</b>:22 <b>14</b>:18 <b>15</b>:7,23 <b>16</b>:7 <b>20</b>:4 <b>22</b>:14 <b>28</b>:16 <b>29</b>:24 <b>30</b>:15 <b>31</b>:12 <b>34</b>:6 <b>51</b>:13 <b>57</b>:24 <b>64</b>:5,20,24 <b>65</b>:17,20 <b>70</b>:5 <b>73</b>:13,18  <b>Scarsdale</b> <sup>[1]</sup> 63:13  <b>schedule</b> <sup>[1]</sup> 34:9  <b>scheduling</b> <sup>[2]</sup> 6:20 <b>21</b>:7  <b>scheme</b> <sup>[2]</sup> 4:12 <b>39</b>:18  <b>school</b> <sup>[13]</sup> 35:4,8,9 <b>51</b>:22 <b>52</b>:2,5,9 <b>57</b>:3 <b>59</b>:11 <b>60</b>:6,12,14 <b>74</b>:8  <b>schools</b> <sup>[3]</sup> 23:18,20 <b>25</b>:12  <b>Scouts</b> <sup>[2]</sup> 35:8,10  <b>second</b> <sup>[4]</sup> 34:8 <b>40</b>:14 <b>42</b>:20 <b>60</b>:17  <b>Section</b> <sup>[1]</sup> 38:21  <b>security</b> <sup>[1]</sup> 30:11  <b>see</b> <sup>[5]</sup> 24:24 <b>46</b>:21 <b>47</b>:20 <b>65</b>:11 <b>70</b>:23  <b>seek</b> <sup>[1]</sup> 55:4  <b>seem</b> <sup>[1]</sup> 9:2  <b>seems</b> <sup>[8]</sup> 4:16 <b>34</b>:15 <b>36</b>:17 <b>48</b>:17,25 <b>49</b>:17 <b>51</b>:4 <b>64</b>:14  <b>seen</b> <sup>[1]</sup> 13:5  <b>select</b> <sup>[5]</sup> 45:14,17,19 <b>62</b>:17 <b>63</b>:9  <b>selected</b> <sup>[1]</sup> 10:13  <b>selective</b> <sup>[3]</sup> 54:17 <b>55</b>:7,17  <b>self-perpetuating</b> <sup>[1]</sup> 10:11  <b>sense</b> <sup>[3]</sup> 17:1 <b>51</b>:4 <b>55</b>:20  <b>separate</b> <sup>[2]</sup> 18:10 <b>60</b>:19</p>	<p><b>series</b> <sup>[2]</sup> 26:21 <b>27</b>:16  <b>Service</b> <sup>[13]</sup> 6:16 <b>12</b>:1 <b>38</b>:17,25 <b>39</b>:4 <b>56</b>:10,12,14,22 <b>57</b>:21 <b>58</b>:8 <b>59</b>:7 <b>72</b>:10  <b>services</b> <sup>[3]</sup> 42:4 <b>69</b>:6,10  <b>set</b> <sup>[4]</sup> 22:14 <b>39</b>:18 <b>43</b>:20 <b>64</b>:9  <b>sets</b> <sup>[1]</sup> 38:7  <b>several</b> <sup>[1]</sup> 44:3  <b>shall</b> <sup>[1]</sup> 73:14  <b>short</b> <sup>[1]</sup> 45:18  <b>show</b> <sup>[8]</sup> 25:17 <b>33</b>:24,24 <b>34</b>:19,22 <b>53</b>:2 <b>64</b>:20,22  <b>shown</b> <sup>[2]</sup> 26:19,20  <b>shows</b> <sup>[10]</sup> 6:19 <b>8</b>:21 <b>9</b>:1 <b>24</b>:3,5 <b>26</b>:18,19,22 <b>46</b>:1 <b>57</b>:22  <b>side</b> <sup>[5]</sup> 5:5 <b>14</b>:21 <b>36</b>:12 <b>37</b>:8 <b>51</b>:12  <b>sidewalk</b> <sup>[1]</sup> 22:6  <b>significant</b> <sup>[3]</sup> 34:15,23 <b>64</b>:14  <b>Similarly</b> <sup>[1]</sup> 5:15  <b>simple</b> <sup>[2]</sup> 18:19 <b>24</b>:25  <b>simply</b> <sup>[3]</sup> 31:24 <b>50</b>:25 <b>61</b>:4  <b>since</b> <sup>[1]</sup> 45:23  <b>situation</b> <sup>[4]</sup> 18:22 <b>30</b>:22 <b>37</b>:22 <b>50</b>:3  <b>Society</b> <sup>[1]</sup> 51:23  <b>solely</b> <sup>[2]</sup> 7:17 <b>43</b>:25  <b>somebody</b> <sup>[8]</sup> 21:7 <b>22</b>:25 <b>25</b>:1,10 <b>44</b>:13,15 <b>58</b>:21 <b>64</b>:20  <b>somehow</b> <sup>[2]</sup> 29:22 <b>57</b>:6  <b>someone</b> <sup>[3]</sup> 29:25 <b>31</b>:18 <b>36</b>:9  <b>somewhere</b> <sup>[2]</sup> 11:8 <b>35</b>:20  <b>soon</b> <sup>[1]</sup> 25:2  <b>sorry</b> <sup>[7]</sup> 5:10 <b>7</b>:23 <b>19</b>:2 <b>24</b>:4 <b>42</b>:5 <b>56</b>:20 <b>63</b>:23  <b>sort</b> <sup>[3]</sup> 16:22 <b>30</b>:13 <b>54</b>:21  <b>sorts</b> <sup>[1]</sup> 39:14  <b>SOTOMAYOR</b> <sup>[31]</sup> 5:10 <b>6</b>:5,10 <b>17</b>:18,22 <b>18</b>:5,12,15 <b>27</b>:19 <b>28</b>:8,11,15 <b>29</b>:15,18 <b>30</b>:4,9,13 <b>31</b>:7,11,20,23 <b>32</b>:3,9 <b>52</b>:15,23 <b>53</b>:8,15,19 <b>55</b>:22 <b>73</b>:5,9  <b>sound</b> <sup>[1]</sup> 7:19  <b>sounds</b> <sup>[3]</sup> 30:21,23 <b>64</b>:23  <b>Southern</b> <sup>[1]</sup> 70:21  <b>sovereign</b> <sup>[7]</sup> 40:10 <b>41</b>:2 <b>42</b>:16,19 <b>43</b>:1 <b>68</b>:5 <b>69</b>:12  <b>sovereign's</b> <sup>[1]</sup> 66:14  <b>space</b> <sup>[1]</sup> 35:4  <b>speaker</b> <sup>[2]</sup> 23:19 <b>46</b>:7  <b>speakers</b> <sup>[1]</sup> 54:22  <b>speaking</b> <sup>[1]</sup> 20:13  <b>specific</b> <sup>[8]</sup> 12:1 <b>20</b>:25 <b>24</b>:3 <b>41</b>:3 <b>42</b>:21 <b>43</b>:2 <b>62</b>:2 <b>71</b>:20  <b>specifically</b> <sup>[3]</sup> 14:8,14 <b>15</b>:7  <b>spectrum</b> <sup>[1]</sup> 5:6  <b>speech</b> <sup>[21]</sup> 5:12,13,13 <b>28</b>:18 <b>33</b>:12 <b>38</b>:7 <b>43</b>:21 <b>49</b>:9,21,23 <b>50</b>:4,10,14 <b>58</b>:16,22,23,24 <b>64</b>:9 <b>65</b>:6 <b>67</b>:1 <b>70</b>:6  <b>stack</b> <sup>[1]</sup> 69:1  <b>standing</b> <sup>[1]</sup> 69:7  <b>started</b> <sup>[1]</sup> 21:22  <b>starts</b> <sup>[1]</sup> 54:12</p>	<p><b>state</b> <sup>[74]</sup> 3:13,20,21,21,23 <b>4</b>:13 <b>5</b>:21 <b>6</b>:6,6 <b>12</b>:16 <b>14</b>:25 <b>19</b>:16 <b>20</b>:7,16 <b>21</b>:11 <b>27</b>:10,15,20 <b>28</b>:24 <b>29</b>:17 <b>31</b>:18,24 <b>37</b>:3,5,18,19 <b>38</b>:11,13,16 <b>39</b>:8,10,18 <b>40</b>:10,21,25 <b>41</b>:1,24 <b>42</b>:16 <b>44</b>:6,17,19,19 <b>50</b>:13,22 <b>51</b>:5,8,8,14,17,25 <b>52</b>:2,4,19,19 <b>55</b>:15 <b>56</b>:7 <b>57</b>:5 <b>58</b>:10,11,14,15 <b>59</b>:1,4,24 <b>61</b>:13 <b>67</b>:25 <b>68</b>:2,21,25 <b>71</b>:4 <b>72</b>:16 <b>74</b>:6,19,22  <b>state's</b> <sup>[1]</sup> 40:21  <b>state/locality</b> <sup>[1]</sup> 49:2  <b>STATES</b> <sup>[11]</sup> 1:1,16 <b>39</b>:14,15,20 <b>40</b>:12,13 <b>47</b>:25 <b>51</b>:1 <b>68</b>:14 <b>70</b>:14  <b>station</b> <sup>[1]</sup> 48:7  <b>stations</b> <sup>[3]</sup> 13:23,25 <b>57</b>:25  <b>step</b> <sup>[2]</sup> 16:25 <b>45</b>:2  <b>still</b> <sup>[6]</sup> 18:1 <b>27</b>:5,7 <b>55</b>:6,10,12  <b>straightforward</b> <sup>[1]</sup> 58:21  <b>strange</b> <sup>[1]</sup> 48:17  <b>street</b> <sup>[2]</sup> 6:22 <b>22</b>:6  <b>strength</b> <sup>[1]</sup> 37:5  <b>strengthened</b> <sup>[1]</sup> 43:7  <b>strips</b> <sup>[1]</sup> 7:20  <b>student</b> <sup>[2]</sup> 54:24,25  <b>students</b> <sup>[1]</sup> 55:1  <b>subcommittee</b> <sup>[1]</sup> 10:8  <b>subject</b> <sup>[3]</sup> 34:19 <b>36</b>:24 <b>54</b>:7  <b>submitted</b> <sup>[7]</sup> 25:8,11 <b>33</b>:25 <b>39</b>:2 <b>64</b>:21 <b>75</b>:2,4  <b>substitute</b> <sup>[1]</sup> 65:21  <b>subway</b> <sup>[5]</sup> 24:12 <b>25</b>:1 <b>33</b>:25 <b>45</b>:24,25  <b>subways</b> <sup>[3]</sup> 23:16,21 <b>64</b>:19  <b>sued</b> <sup>[2]</sup> 52:19,24  <b>sufficient</b> <sup>[1]</sup> 27:18  <b>suggest</b> <sup>[3]</sup> 40:4 <b>50</b>:15 <b>57</b>:22  <b>suggested</b> <sup>[2]</sup> 43:14 <b>56</b>:9  <b>suggesting</b> <sup>[1]</sup> 37:10  <b>suggests</b> <sup>[1]</sup> 41:6  <b>suit</b> <sup>[2]</sup> 55:23,24  <b>Sullivan</b> <sup>[2]</sup> 27:11 <b>72</b>:21  <b>Suppose</b> <sup>[10]</sup> 11:12 <b>19</b>:11 <b>35</b>:17 <b>46</b>:14,14 <b>54</b>:2,5,6,7,8  <b>SUPREME</b> <sup>[2]</sup> 1:1,15  <b>surely</b> <sup>[1]</sup> 34:21  <b>switches</b> <sup>[1]</sup> 17:25  <b>sybiotic</b> <sup>[2]</sup> 30:25 <b>31</b>:5  <b>system</b> <sup>[9]</sup> 13:10 <b>17</b>:14 <b>21</b>:6 <b>48</b>:1,4 <b>59</b>:20 <b>60</b>:23 <b>61</b>:6 <b>62</b>:16</p> <hr/> <p style="text-align: center;"><b>T</b></p> <p><b>takings</b> <sup>[1]</sup> 70:5  <b>tape</b> <sup>[1]</sup> 25:11  <b>tapes</b> <sup>[1]</sup> 25:8  <b>tells</b> <sup>[1]</sup> 6:7  <b>term</b> <sup>[1]</sup> 45:18  <b>terminate</b> <sup>[3]</sup> 44:2 <b>45</b>:6,13  <b>terms</b> <sup>[4]</sup> 7:3 <b>60</b>:2 <b>61</b>:7,11  <b>test</b> <sup>[9]</sup> 3:17 <b>20</b>:11,17,23 <b>40</b>:7 <b>41</b>:21 <b>69</b>:7 <b>71</b>:14,16  <b>tests</b> <sup>[4]</sup> 3:22 <b>74</b>:6,20,22  <b>theater</b> <sup>[12]</sup> 21:3,4,8,15 <b>22</b>:15 <b>29</b>:21,24 <b>38</b>:6 <b>49</b>:6,8,9,12</p>
---	---	--	---

## Official - Subject to Final Review

<p><b>themselves</b> <sup>[6]</sup> 44:16,16,20 45:2 63:16 65:12</p> <p><b>theories</b> <sup>[1]</sup> 53:9</p> <p><b>theory</b> <sup>[2]</sup> 27:6 37:18</p> <p><b>There's</b> <sup>[3]</sup> 9:11 10:1 12:13 13:6 15:20,22 16:22 18:1 19:23 31:3,4 34:6 35:7 38:19 41:17 42:16,20 44:20 45:18,22 47:15 48:21 50:3, 17,19 57:11,16 60:21 68:3 69:25 72:18</p> <p><b>therefore</b> <sup>[3]</sup> 3:22 48:20 51:14</p> <p><b>they've</b> <sup>[7]</sup> 27:17,21 45:16 49:25 64:19 65:11,13</p> <p><b>thinks</b> <sup>[2]</sup> 12:21 22:25</p> <p><b>third</b> <sup>[3]</sup> 25:12,23 34:22</p> <p><b>third-party</b> <sup>[4]</sup> 15:5 45:3 73:2,3</p> <p><b>Thomas</b> <sup>[1]</sup> 13:10</p> <p><b>Thomas's</b> <sup>[1]</sup> 43:15</p> <p><b>though</b> <sup>[4]</sup> 42:11 61:15 65:3 66:23</p> <p><b>threatened</b> <sup>[1]</sup> 16:11</p> <p><b>three</b> <sup>[2]</sup> 27:24 36:18</p> <p><b>throwing</b> <sup>[1]</sup> 49:18</p> <p><b>thrown</b> <sup>[1]</sup> 49:25</p> <p><b>tied</b> <sup>[1]</sup> 68:6</p> <p><b>tip</b> <sup>[1]</sup> 32:5</p> <p><b>together</b> <sup>[3]</sup> 6:19 8:22 33:23</p> <p><b>tomorrow</b> <sup>[3]</sup> 23:17 24:25 64:22</p> <p><b>took</b> <sup>[1]</sup> 62:8</p> <p><b>top</b> <sup>[1]</sup> 55:12</p> <p><b>track</b> <sup>[1]</sup> 17:20</p> <p><b>tracks</b> <sup>[2]</sup> 17:25 18:3</p> <p><b>traditional</b> <sup>[9]</sup> 22:5 27:22,25 32:14,23 39:25 41:11 68:19 71:25</p> <p><b>traditionally</b> <sup>[4]</sup> 4:6 20:12 40:1 68:11</p> <p><b>treat</b> <sup>[1]</sup> 43:21</p> <p><b>treating</b> <sup>[1]</sup> 41:24</p> <p><b>tried</b> <sup>[1]</sup> 29:4</p> <p><b>troubling</b> <sup>[1]</sup> 52:16</p> <p><b>true</b> <sup>[6]</sup> 6:10 9:7 15:20 26:13 28:13 68:13</p> <p><b>try</b> <sup>[1]</sup> 37:12</p> <p><b>Tuesdays</b> <sup>[1]</sup> 35:9</p> <p><b>turn</b> <sup>[5]</sup> 6:15 47:5 51:24 56:9,12</p> <p><b>Turner</b> <sup>[1]</sup> 60:20</p> <p><b>turns</b> <sup>[1]</sup> 54:14</p> <p><b>Twitter</b> <sup>[1]</sup> 66:9</p> <p><b>two</b> <sup>[17]</sup> 6:13 9:18 10:14,24 11:11 34:3 36:14,15 40:8 41:15 42:13 49:18 60:11,19 66:17 70:7,8</p> <p><b>type</b> <sup>[1]</sup> 13:4</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>U.S</b> <sup>[1]</sup> 28:6</p> <p><b>uncertain</b> <sup>[1]</sup> 37:11</p> <p><b>under</b> <sup>[24]</sup> 3:21 4:23 14:25,25 15:8, 15 19:6 20:16 21:8 27:6,8,11,11, 11 36:19 39:24 40:5 41:4 44:19 53:3 56:19 68:8 74:6,20</p> <p><b>underlying</b> <sup>[2]</sup> 51:25 54:16</p> <p><b>undermine</b> <sup>[1]</sup> 41:20</p> <p><b>understand</b> <sup>[4]</sup> 19:18 30:5 41:8 56:14</p> <p><b>unexercised</b> <sup>[1]</sup> 16:16</p>	<p><b>UNITED</b> <sup>[3]</sup> 1:1,16 70:13</p> <p><b>unless</b> <sup>[4]</sup> 13:19 14:2 15:3 73:1</p> <p><b>unlike</b> <sup>[2]</sup> 4:19 42:23</p> <p><b>unlimited</b> <sup>[1]</sup> 54:15</p> <p><b>unpopular</b> <sup>[1]</sup> 52:11</p> <p><b>until</b> <sup>[2]</sup> 15:3 73:1</p> <p><b>up</b> <sup>[7]</sup> 16:14 24:9 39:18 48:16 51:11 68:18 69:2</p> <p><b>uses</b> <sup>[1]</sup> 53:20</p> <p><b>utilities</b> <sup>[1]</sup> 42:18</p> <p><b>utility</b> <sup>[12]</sup> 42:6,9,15,17,19,22 60:4 61:15 67:22,25 68:2,8</p> <p><b>UVA</b> <sup>[1]</sup> 55:1</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>vast</b> <sup>[1]</sup> 70:14</p> <p><b>versus</b> <sup>[4]</sup> 3:5 23:3 30:24 32:21</p> <p><b>video</b> <sup>[1]</sup> 48:10</p> <p><b>videos</b> <sup>[1]</sup> 9:8</p> <p><b>videotape</b> <sup>[1]</sup> 6:22</p> <p><b>view</b> <sup>[4]</sup> 26:25 47:24 54:13 71:14</p> <p><b>viewpoint</b> <sup>[5]</sup> 5:20 48:20,23 53:13 65:7</p> <p><b>viewpoints</b> <sup>[1]</sup> 50:9</p> <p><b>views</b> <sup>[2]</sup> 47:10,12</p> <p><b>vindicated</b> <sup>[1]</sup> 52:13</p> <p><b>violated</b> <sup>[1]</sup> 57:15</p> <p><b>violation</b> <sup>[1]</sup> 57:14</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>walk</b> <sup>[1]</sup> 44:4</p> <p><b>wanted</b> <sup>[5]</sup> 17:8 22:15,16 46:1 48:16</p> <p><b>wants</b> <sup>[10]</sup> 21:5 23:19,20 24:8 35:13 45:20,20 46:3 49:10 58:21</p> <p><b>Warner</b> <sup>[4]</sup> 4:25 6:7,8,11</p> <p><b>Washington</b> <sup>[2]</sup> 1:11,21</p> <p><b>way</b> <sup>[15]</sup> 16:12 31:13 39:20 41:19 46:6,23 47:1,6 50:24 52:9 61:8 66:18 71:17 74:22,24</p> <p><b>ways</b> <sup>[3]</sup> 47:9,11 66:17</p> <p><b>Wednesdays</b> <sup>[1]</sup> 35:10</p> <p><b>weight</b> <sup>[1]</sup> 46:12</p> <p><b>West</b> <sup>[5]</sup> 32:20 41:22 69:4 72:13, 15</p> <p><b>whatever</b> <sup>[3]</sup> 14:7 23:22 55:25</p> <p><b>whatsoever</b> <sup>[1]</sup> 7:20</p> <p><b>whenever</b> <sup>[2]</sup> 65:16,20</p> <p><b>where's</b> <sup>[3]</sup> 53:24 54:4,4</p> <p><b>Whereupon</b> <sup>[1]</sup> 75:3</p> <p><b>whether</b> <sup>[14]</sup> 3:17,18 5:16 9:3 13:1, 7 16:22 25:8 34:10 45:25 48:1 49:4 55:13 65:11</p> <p><b>who's</b> <sup>[4]</sup> 22:23 25:1 50:8 53:11</p> <p><b>whole</b> <sup>[2]</sup> 14:1 18:10</p> <p><b>whom</b> <sup>[1]</sup> 38:10</p> <p><b>wiggle</b> <sup>[1]</sup> 45:22</p> <p><b>will</b> <sup>[14]</sup> 4:16,16 13:25 15:8 23:12, 17 25:17,18,18,22 26:19,20,21 47:9</p> <p><b>Wilmington</b> <sup>[1]</sup> 30:24</p> <p><b>win</b> <sup>[3]</sup> 27:5,7 70:19</p> <p><b>wish</b> <sup>[2]</sup> 23:16 45:6</p> <p><b>wishes</b> <sup>[2]</sup> 49:4 63:11</p>	<p><b>within</b> <sup>[5]</sup> 12:15 54:9 55:2,5,10</p> <p><b>wonder</b> <sup>[1]</sup> 64:4</p> <p><b>word</b> <sup>[2]</sup> 17:1 19:9</p> <p><b>words</b> <sup>[3]</sup> 11:16 27:4 65:21</p> <p><b>written</b> <sup>[1]</sup> 36:5</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p><b>years</b> <sup>[3]</sup> 19:8 70:22 74:2</p> <p><b>York</b> <sup>[2]</sup> 1:19,19 4:1,2,4,7 6:16 15:5,16 23:24 25:3 26:22 33:11,12 44:15 48:2 56:19 63:12 71:23 72:8 73:19</p> <p><b>yourself</b> <sup>[1]</sup> 67:12</p> <p><b>YouTube</b> <sup>[1]</sup> 66:9</p>
--	--	---