

1 IN THE SUPREME COURT OF THE UNITED STATES

2 - - - - - x

3 CTS CORPORATION, :
4 Petitioner : No. 13-339

5 v. :

6 PETER WALDBURGER, ET AL. :

7 - - - - - x

8 Washington, D.C.
9 Wednesday, April 23, 2014

10

11 The above-entitled matter came on for oral
12 argument before the Supreme Court of the United States
13 at 11:15 a.m.

14 APPEARANCES:

15 BRIAN J. MURRAY, ESQ., Chicago, Ill.; on behalf of
16 Petitioner.

17 JOSEPH R. PALMORE, ESQ., Assistant to the Solicitor
18 General, Department of Justice, Washington, D.C.; for
19 United States, as amicus curiae, supporting
20 Petitioner.

21 JOHN J. KORZEN, ESQ., Winston-Salem, N.C.; on behalf
22 of Respondents.

23

24

25

| | | |
|----|--------------------------------------|------|
| 1 | C O N T E N T S | |
| 2 | ORAL ARGUMENT OF | PAGE |
| 3 | BRIAN J. MURRAY, ESQ. | |
| 4 | On behalf of the Petitioner | 3 |
| 5 | ORAL ARGUMENT OF | |
| 6 | JOSEPH R. PALMORE, ESQ. | |
| 7 | For United States, as amicus curiae, | |
| 8 | supporting Petitioner | 17 |
| 9 | ORAL ARGUMENT OF | |
| 10 | JOHN J. KORZEN, ESQ. | |
| 11 | On behalf of the Respondents | 27 |
| 12 | REBUTTAL ARGUMENT OF | |
| 13 | BRIAN J. MURRAY, ESQ. | |
| 14 | On behalf of the Petitioner | 53 |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |

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

2 (11:15 a.m.)

3 CHIEF JUSTICE ROBERTS: We'll hear argument
4 next in Case 13-339, CTS Corporation v. Waldburger.

5 Mr. Murray.

6 ORAL ARGUMENT OF BRIAN J. MURRAY

7 ON BEHALF OF THE PETITIONER

8 MR. MURRAY: Mr. Chief Justice, and may it
9 please the Court:

10 CTS should prevail here based on the text of
11 Section 9658 as well as its structure, historical
12 context, and other relevant considerations, all of which
13 make clear that it is a federalism comprise having no
14 effects on statutes of repose.

15 Section 9658 should be construed narrowly to
16 do the one thing that Congress intended it to do, which
17 is to postpone in some situations a single State law
18 statute of limitations commencement date. We stand--

19 JUSTICE GINSBURG: How many -- how many
20 States have -- this is -- this is a general statute of
21 repose and nothing to do in particular with CERCLA; is
22 that right?

23 MR. MURRAY: That's right.

24 JUSTICE GINSBURG: And how many States have such
25 statutes?

1 MR. MURRAY: Well, it gets a little
2 confusing. The study group report indicated there were
3 four of those States. I believe Respondents have
4 pointed to four or five. There are also -- that have to
5 do with personal injury. There are also myriad others
6 that have to do with property damage. So it gets a
7 little confusing to give a strict answer to that. But
8 there were four statutes of repose squarely in the study
9 group before -- before Congress when they enacted this.
10 So Congress knew about these statutes of repose when
11 they enacted this.

12 JUSTICE GINSBURG: But if you were to
13 prevail, then the parties concerned might well go to
14 their State legislatures and say, enact a statute of
15 repose. That will get us off the hook, even before the
16 injured person is aware of the injury and of the cause
17 of it. The result of that would be to totally defeat
18 what Congress meant to do in saying the trigger is when
19 you know the cause of the injury.

20 MR. MURRAY: There has not been a rash of
21 move to State legislatures since this law has been
22 enacted, so we haven't seen that develop. But if I
23 could respectfully disagree with the premise. I think
24 Congress's purpose here was slightly narrower than
25 saving all long-latent injury claims. I think what

1 Congress was worried about was expedition and making
2 sure that it didn't force people to come to court
3 before -- under a statute of limitations before they
4 would be expected to.

5 And that's set out -- the statute itself
6 accomplishes only one thing, Section (a)(1), and I'm
7 reading from page 1 of our opening brief to the Court.
8 "It does one thing only, which is if the applicable
9 limitations period for one of these actions as specified
10 in a State law statute of limitations or under common
11 law provides a commencement date that's earlier than the
12 Federal commencement date, then it substitutes the more
13 favorable commencement date."

14 Commencement date, in turn, if we turn to
15 page 2 -- and this is reading now from (b)(3) --
16 "Commencement date means the date specified in a statute
17 of limitations as beginning of the applicable
18 limitations period," which again, (b)(2), applicable
19 limitations period is defined as the period specified in
20 a statute of limitations during which one of these civil
21 actions may be brought.

22 So doing the algebra on the definitions,
23 what Congress surgically wanted to do here was to change
24 one thing and one thing only. If you had a less
25 favorable State commencement date, which is the

1 beginning of which an action may be brought, which is
2 accrual, if you have one of these less favorable State
3 commencement dates for statute of limitations, Congress
4 wanted to move that, keeping in place --

5 JUSTICE KAGAN: Why would it have wanted to
6 do that and not also get rid of the statute of repose?
7 I mean, presumably the idea is you should have some
8 chance to sue after you've discovered the injury and the
9 cause of the injury. And if here, the statute of repose
10 is preventing that, why would Congress have wanted to
11 modify a statute of limitations but not get rid of the
12 statute of repose?

13 MR. MURRAY: I think Congress was trying to
14 be very careful with what it was doing in this area
15 because it knew it was operating in pretty much the
16 heartland of State law and State prerogatives here.

17 And so while it was willing to go as far as
18 the one study group recommendation and change statutes
19 of limitations, a procedural mechanism, it wasn't
20 willing to go right into the heart of the elements of
21 the cause of action and start changing those because it
22 perceived potentially serious federalism problems with
23 doing that.

24 It would be akin to Congress passing a law
25 that says rather than -- since these -- negligence is

1 what's at issue here. Rather than negligence, Congress
2 passing a law saying the duty of care will be strict
3 liability. I think there are serious constitutional
4 problems with that as we've set out. And so Congress
5 was very careful to tread lightly here and preserve the
6 prerogatives of the States to keep in place the statute
7 of --

8 JUSTICE GINSBURG: What would be the
9 constitutional problem if Congress had said all people
10 claiming an injury under this statute can commence the
11 action three years after discovery of the cause, to say
12 that?

13 MR. MURRAY: To the extent that's a statute
14 of limitations period, it's not a problem. But to the
15 extent it were to affect a statute of repose, North
16 Carolina law is very clear that statutes of repose are
17 an element of the cause of action. In other words,
18 unless you plead and prove this element of the North
19 Carolina law cause of action, you're out of court.

20 Had Congress gone so far as to remove an
21 element, I think you're in dangerous constitutional
22 territory. But --

23 JUSTICE GINSBURG: What kind of -- I don't
24 follow that. A statute of repose is a time limitation;
25 is that right?

1 MR. MURRAY: It is. But a statute of repose
2 is designed to accomplish something -- it's going after
3 very different objectives than Congress was after with
4 statutes of limitations. Statutes of limitations, of
5 course, as this statute reflects, are designed --
6 they're about diligence. They're about making sure that
7 people don't sleep on their rights.

8 And so what Congress did here was it left in
9 place State law as it found it, including the
10 limitations period, the time period itself, and all it
11 did was make one slight modification for those who might
12 not have thought to be able to be as diligent as others
13 and moved that date to a more favorable Federal
14 commencement date.

15 JUSTICE SCALIA: Suppose -- suppose a State
16 has -- most of these statutes of repose are piggybacked
17 on top of statutes of limitation, right? I mean, you
18 know, you have to sue within 10 years after -- after you
19 find -- you find the injury. But in any case, a suit
20 must be brought within -- within 20 years after -- after
21 the act. That's the basis of your suit, right? But
22 let's assume you -- you have a State which only has a
23 statute of -- of repose. It just says any suit for --
24 for this act of negligence must be brought within 10
25 years after the act occurred.

1 Is that still a statute of repose? It seems
2 to me then that would meet your -- your definition of --
3 of the commencement time for suit, would have to be
4 when -- when the act occurred, and then you have 10
5 years from that.

6 MR. MURRAY: A statute written in that sort
7 of way which gives permission, which is exactly what
8 Congress was focused on, might well be a statute of
9 limitation. It doesn't sound like a statute of repose
10 because, again, what Congress wanted to move was the
11 beginning of the period in which --

12 JUSTICE SCALIA: But that's the beginning.
13 It doesn't give permission. It just says, you know,
14 you're liable for negligence of -- in this -- in this
15 area, but any suit must be brought within 10 years after
16 the act occurred.

17 MR. MURRAY: To the extent that a statute
18 was that, and the State had only a statute of repose,
19 then we don't believe 9658 would touch that at all. And
20 that makes sense because what Congress was doing was
21 taking State law as it found it -- and there's no
22 obligation for States to have these causes of action at
23 all. States could repeal these causes of action, and
24 there would be no right to sue. States could change
25 their statutes of limitations to a day after accrual,

1 and that would be fine, too.

2 All Congress did was move the date on which
3 a statute of limitations begins to run till a later
4 date.

5 JUSTICE KAGAN: But, Mr. Murray, in Justice
6 Scalia's example, what in the text would prevent you
7 from treating that -- the single statute, which is
8 written as a statute of repose, what in the text is
9 preventing you from saying that the statute applies to
10 it?

11 MR. MURRAY: Yes, Your Honor. (B) (2) and
12 (B) (3) read together, we believe, are the two pieces
13 that would be most relevant. What Congress has chosen
14 to move is the commencement date when State law is less
15 favorable than Federal. Commencement date is defined as
16 the beginning of the applicable limitations period. And
17 applicable limitations period means a period in a
18 statute of limitations when suit may be brought.

19 JUSTICE KAGAN: Right.

20 MR. MURRAY: A suit under North Carolina law
21 may not be brought just because a defendant has made an
22 act or omission. Indeed, under North Carolina law, a
23 suit may not be brought until an action accrues. That's
24 set out in --

25 JUSTICE KAGAN: But I think you're -- you're

1 messaging with the hypothetical now. I mean, assume that
2 the statute of repose is all there is. Now, in fact,
3 you're not going to get any suits because nobody is
4 going to know that they're injured until they know that
5 they're injured. But why wouldn't that be the
6 commencement date is the thing that triggers the statute
7 of repose, the last act or omission, and -- and the
8 applicable limitations period is the 10 years?

9 MR. MURRAY: If we were in a State where you
10 were permitted to sue -- permission to sue was given
11 based on the last act or omission of a defendant, then
12 we would be in a different situation, but here
13 permission to sue does not arise until your cause of
14 action accrues. There's a distinction between the last
15 act and omission of a defendant, which is what starts
16 the running of the statutes of repose, on the one hand,
17 and the accrual of a cause of action.

18 JUSTICE SCALIA: Yes, but my hypothetical
19 was different. There -- there is no such distinction.
20 There is no statute of limitations. It's only what you
21 call a statute of repose. And I think you have to say
22 that in that situation, it is no longer a statute of
23 repose, that it's a statute of limitations.

24 MR. MURRAY: Again, so long as we're reading
25 9658 to apply to and only to, it can apply when and only

1 when there is a less favorable State law commencement
2 date. If the State law, as you are positing it, it
3 might well be a statute of limitations. If the State
4 law, as you're positing it, allows someone to bring a
5 cause of action, that starts to sound like a cause
6 of -- like a statute of limitations. Here, the statute
7 of repose is in no way tied to anything having to do
8 with the plaintiff. It is an end date which begins with
9 defendant's last act or omission and ends 10 years later
10 and is the end of the cause of action. None of that is
11 the beginning of an applicable limitations period, the
12 beginning of when someone may bring a suit, when suit
13 has accrued, in other words, under North Carolina law as
14 we think 9658 --

15 JUSTICE SCALIA: When was this statute
16 enacted? What was it?

17 MR. MURRAY: 1986.

18 JUSTICE SCALIA: '86. I thought--Okay.

19 MR. MURRAY: It was not part of the --

20 JUSTICE SCALIA: To tell you the truth, I've
21 never heard of this distinction between statutes of
22 repose and statutes of limitations.

23 MR. MURRAY: Right. Well, and there -- but
24 to be clear, Congress hasn't always been perfectly clear
25 and certainly some of this Court's decision as with

1 jurisdiction and standing have made some loose-- use of the
2 language. But Congress certainly has written into
3 various laws, some of which have been presented in the
4 amicus briefs here, back-end, hard-end dates after which
5 causes of action may not be brought. And all
6 Congress --

7 JUSTICE SCALIA: Well, yes. But have they
8 ever -- have they ever drawn a distinction between
9 statutes of limitations and statutes of repose? Is
10 there any Federal statute that makes that distinction
11 or -- or is there any Federal statute which applies only
12 to statutes of repose?

13 MR. MURRAY: There's no Federal statute that
14 makes the distinction between limitations and repose,
15 but there are -- as we -- have been set out here, many
16 Federal statutes that give this hard-end, back-end
17 protection to defendants and for important reasons,
18 right? Remember that these statutes --

19 JUSTICE SCALIA: Oh yeah. It exists. I
20 mean, these statutes exist, but -- but are they called
21 statutes of repose? Or are they -- are they not
22 considered, as I used to consider them when I was in law
23 school and even as late as 1986, I -- I would have
24 considered that a statutes of limitations. Now, you
25 think Congress is smarter. They -- they know the law

1 better.

2 MR. MURRAY: We think Congress understood
3 the distinction, and this is a harder question to
4 answer, but for those who find resort to legislative
5 history helpful here, remember what Congress did in
6 1980, they passed CERCLA and then they commissioned --
7 which was not about torts at all. CERCLA is a broad
8 cleanup statute focused on, you know, without fault,
9 without liability, cleaning up land.

10 It then commissioned a study group of
11 leading folks to get together and figure out whether
12 there should be a tort cause of action, whether there
13 should be other changes made to the law, what else
14 should be done in the tort arena. And that study group
15 report was very clear on the distinction between
16 statutes of repose, on the one hand, and statutes of
17 limitations on the other. And that's what Congress --

18 JUSTICE KAGAN: Well, but in general,
19 Mr. Murray, I think Justice Scalia is right, that, in
20 general, Congress hasn't made this distinction. In
21 general, this Court has not made this distinction. In
22 general, I think this goes back to -- to Justice
23 Ginsburg's point. The purpose behind this law, clearly,
24 it doesn't matter either -- I mean, either way. If
25 Congress wanted to make sure that people could sue after

1 discovering their injury, a statute of repose prevents
2 that, as well as a statute of limitations does.

3 And yet you are asking us to imagine a
4 Congress that has this very much in -- in its head, both
5 the difference between these two things, and you said
6 the reason that they wanted only to alter the one and
7 not to alter the other is because they thought of the
8 statute of repose as impinging on a State's
9 constitutional prerogatives. Now, that's a very legally
10 sophisticated Congress you're asking us to imagine.

11 (Laughter.)

12 JUSTICE KAGAN: You know, to understand this
13 distinction and then to say, oh, yes, look, the statute
14 of repose is really an interference with substantive
15 liability in a way that the statute of limitations is
16 not and that might raise constitutional avoidance
17 issues. I mean, I think that's -- that's -- that's
18 pretty sophisticated stuff.

19 MR. MURRAY: Two points, Your Honor. One,
20 actually Congress, at least at this time, was very
21 sophisticated, and we've set out, again --

22 (Laughter.)

23 MR. MURRAY: For those who find legislative
24 history to be helpful, we've set out several exchanges
25 right on the floor between members of Congress where one

1 would ask, what is the difference between a statute of
2 limitations and repose? Another would ask -- thank you
3 for asking, and explain it really quite succinctly. So
4 that at least at that time --

5 JUSTICE SCALIA: And everybody was listening
6 to that. The chamber was full and --

7 (Laughter.)

8 MR. MURRAY: That was my first point.

9 But my second point is, we don't have to
10 rest on the broad construction of statute of limitations
11 versus statute of repose, sort of the broad definitional
12 purpose. I come back to the text and the structure of
13 the statute here, which again, only does one thing,
14 moving a commencement date defined as the beginning of
15 the period in which one of these actions may be brought.
16 That simply does not define a statute of repose.

17 JUSTICE GINSBURG: I thought that what
18 Congress was trying to do was to establish a Federally
19 required commencement date, a Federal requirement -- a
20 Federally requirement commencement date. So when you
21 ask the question, how much time do I have to sue for one
22 of these CERCLA injuries, the answer would be three
23 years after you know the cause of your injury.

24 Now, on your -- taking out this statute of
25 repose, there can no longer be a uniform answer to that

1 question.

2 MR. MURRAY: That's absolutely right. All
3 Congress was -- there's no uniform answer to that
4 question because a statute of repose does not meet the
5 definition Congress set out in the statute as the
6 beginning of the period in which an action may be
7 brought. That is accrual. And that speaks to statute
8 of limitations. The beginning of which an action may be
9 brought has nothing to do, necessarily, with the last
10 act or omission of the defendant, which is a statute of
11 repose.

12 And again, it's a perfectly logical
13 distinction for Congress to make, given what they were
14 trying to do. The -- the statute itself makes clear
15 that State law otherwise controls. They didn't touch
16 any other part of State law. All they did was this
17 narrow surgical strike at the beginning of statutes of
18 limitations.

19 If I might reserve the rest of my time for
20 rebuttal.

21 CHIEF JUSTICE ROBERTS: Thank you,
22 Mr. Murray.

23 Mr. Palmore.

24 ORAL ARGUMENT OF JOSEPH R. PALMORE
25 FOR UNITED STATES, AS AMICUS CURIAE

1 SUPPORTING PETITIONER

2 MR. PALMORE: Thank you, Mr. Chief Justice,
3 and may it please the Court:

4 Section 9658 surgically modifies State law
5 tort actions in one limited respect, and otherwise
6 leaves them untouched, by changing the commencement date
7 for the time period in which a civil action may be
8 brought. The relevant time period --

9 JUSTICE GINSBURG: So, Mr. Palmore, if -- if
10 Congress -- if all of the States enact this 10 --
11 10-year statute of repose, then that has totally
12 undermined what Congress set about to do in 9658.

13 MR. PALMORE: I respectfully disagree,
14 Justice Ginsburg, because Congress had before it a
15 report that identified the principal problem in this
16 area as when statutes of limitations periods commenced.
17 And it identified the problem as those -- that minority
18 of States that commenced this running of statute of
19 limitations period at a time of injury as opposed to
20 discovery of injury and its cause.

21 It's critical to understand here that there
22 were only four States, as counsel said, at the time that
23 Congress enacted this statute that had statutes of
24 repose, and those were States that all had discovery
25 rules. There's no inconsistency between a statute of

1 repose and a statute of limitations with a discovery
2 rule. They typically go together, and they represent a
3 compromise and a balancing of interest on the part of
4 the States that makes enact -- enacted a, in a sense, a
5 pro-plaintiff reform to adopt a discovery rule, but
6 provided for defendants the certainty of a substantive
7 cutoff at an outer range. Those two things go together.

8 JUSTICE GINSBURG: But, Mr. Palmore, the
9 question I asked is suppose all of the States have these
10 10-year statutes of repose. Then there would be no
11 occasion to invoke 9658, and the plaintiff would be out
12 of court before the action accrued in some cases.

13 MR. PALMORE: Well, Justice Ginsburg, I just
14 need you to hypothesize a State that had -- didn't have
15 a discovery rule and for some reason had -- additionally
16 had a statute of repose. I'm not sure why a State would
17 do that. The Federal statute would still work in that
18 setting, but that wasn't the record before Congress. As
19 I said before, there were only four States who had
20 statutes of repose. There's no indication in the text
21 or the legislative history that that was a focus of
22 Congress's attention.

23 JUSTICE SCALIA: Are you acknowledging that
24 if a State had only a so-called statute of repose,
25 that -- that the Federal limitation would apply to that?

1 It's only a statute of -- of repose piggybacked on what
2 we've been calling a statute of limitations. It's only
3 that one that survives.

4 MR. PALMORE: I think -- Justice Scalia, I
5 think you have to look at the text and structure of the
6 State law and see what is the commencement date of the
7 time period.

8 JUSTICE SCALIA: I think you can answer the
9 question yes -- yes or no.

10 MR. PALMORE: If they had only -- so if
11 North Carolina didn't have a three-year statute of
12 limitations and only had this 10-year statute of
13 repose --

14 JUSTICE SCALIA: Right.

15 MR. PALMORE: -- I think our position would
16 be the same, that Section 9658 would not apply. I'm not
17 aware of any State that has such -- such a statute.
18 There was no State mentioned in the study group --

19 JUSTICE SCALIA: That's why you want to give
20 it away.

21 MR. PALMORE: That -- so I think the
22 critical factor, as Mr. Murray said, was the
23 definitions -- the nested definitions in this statute of
24 the beginning of the applicable limitations period, and
25 the applicable limitations period is the period

1 specified during which a civil action may be brought.
2 When can you first go into court with a complete cause
3 of action and file a complaint?

4 JUSTICE SCALIA: Okay. You have a statute to
5 say there is -- there is a cause of action for X, okay,
6 and a separate statute -- there exists a cause of action
7 for X. And a separate statute which says any -- any
8 suit for X cannot be brought after 10 years from the act
9 of the defendant that is the basis for the claim. Okay?
10 Why -- why isn't that the commencement date on which you
11 can bring suit where -- where the act occurs.

12 MR. PALMORE: I think it depends on whether
13 under State law you have a complete cause of action and
14 can go into court, file a complaint and get relief. And
15 I don't think we have to ask in the abstract, because if
16 you look at page 3(A) of the government's brief, the
17 appendix to the government's brief, you see what North
18 Carolina law answers this question. It says, "Civil
19 actions can only be commenced," it actually uses the
20 same word, "within the periods prescribed in this
21 chapter after the cause of action has accrued."

22 So in North Carolina, as is typical of every
23 State that I'm familiar with, you -- the statute of
24 limitations period begins to run when you have an
25 accrued cause of action. Now, North Carolina has

1 adopted -- had actually adopted a discovery rule. So
2 Section 9658 doesn't have any -- any purchase in this
3 case because the -- the commencement date of the statute
4 of limitations period is the same. But I think there
5 are serious problems --

6 JUSTICE KAGAN: I think what -- at least
7 what I take from Justice Scalia's question is that if
8 you think of the -- if you imagine -- and you're quite
9 right that this doesn't exist in the real world -- but
10 if you imagine a statute of repose existing
11 independently, it actually would fit the language of
12 this statute quite, you know, fine. The commencement
13 date would be different. It would not be the date of
14 accrual. It would be the date of the defendant's last
15 act, but still the statute would work perfectly well.
16 And I suppose if you think that, then -- then in a case
17 in which there was both, the question would be why
18 wouldn't you just apply this statute to both?

19 MR. PALMORE: Well, I'd like to go to that
20 question because I think that -- that goes to the -- the
21 rather strained reading of the statute that Respondents
22 advance. So Respondents suggest that when (a)(1) talks
23 about a comparison between a Federal commencement date
24 and the applicable limitations period under State law,
25 Congress would have contemplated that there would be a

1 comparison to multiple limitations periods under State
2 law.

3 Furthermore, it assumes that the solution
4 that Congress would have arrived at to an issue with
5 statutes of repose was to have a statute of repose
6 period start with a discovery rule, which would be a
7 creature unknown to the law. And third, they assumed
8 that what Congress did here was contemplate that in a
9 State like North Carolina that had two different time
10 limitation periods of two different lengths, that
11 Congress's solution was to require a common starting
12 point for both rendering the longer limitations period
13 strangely superfluous.

14 If Congress would have gone about this in a
15 much more straightforward way if it had wanted to accept
16 the study group's suggestion that it repeal -- or the
17 suggestion was actually directed to the States -- that
18 the States repeal statutes of repose, Congress would
19 have done so expressly. It wouldn't have done so by
20 awkwardly layering a discovery rule on top of statutes
21 of repose.

22 And, Justice Scalia, this distinction
23 between statutes of limitations and statutes of repose,
24 we agree it's not the label that controls. We think
25 Congress here showed by the way the definitions and the

1 way this provision works what it had in mind when it
2 talked about statutes of limitations, but the -- the
3 substantive difference between the two is something that
4 both this Court's cases and the -- and the law generally
5 recognized. The -- the North Carolina cases that we
6 cite in our brief and the Petitioners cite Black and
7 Boudreau, in particular, are quite clear in
8 distinguishing between the two.

9 This Court in *Lampf*, when talking about the
10 one-year, three-year limitations period under the
11 securities laws distinguished between the two and said
12 there would be no equitable tolling applied to the
13 period of repose, the three-year limit in the securities
14 laws. That didn't turn on the label, that turned on the
15 substance of how these things work.

16 JUSTICE KENNEDY: Yes. It didn't turn on
17 the label in part because -- I was looking at the
18 opinion -- it talks about a statute of limitations. So
19 that -- that helps the other side, although the repose
20 period helps you.

21 MR. PALMORE: That's right. Justice
22 Kennedy, it's not a question of labels. It's a question
23 of the definitions in this statute and how this statute
24 actually works. We agree the labels aren't dispositive.

25 And as we've discussed in our brief, Justice

1 Scalia, conflict of laws is another area in which
2 the courts consistently draw a distinction between
3 statutes of limitations, which they classify as
4 procedural, and thus the forum State can apply its own
5 statute of limitations law, and statutes of repose,
6 which the courts --

7 JUSTICE GINSBURG: Does -- does the
8 restatement court statute of repose, are they going back
9 to what -- at least I learned in law school, there was a
10 statute of limitations and then there was a so-called
11 built-in statute of limitations. Statute of limitations
12 general covered all claims, but a built-in statute of
13 limitations was considered to limit not simply the
14 remedy, but the right.

15 MR. PALMORE: That is the distinction that
16 the North Carolina cases draw. Sometimes it can be
17 specific to a statutory cause of action, sometimes it
18 can be generally applicable. The policy consideration
19 behind a statute of repose is related but distinct from
20 a statute of limitations, which is about incentivizing a
21 plaintiff to get into court quickly. The statute of
22 repose is intended to provide certainty at the back end
23 to a defendant so it can order its affairs, have
24 insurance policies that make sense.

25 And that statute of repose, as an element of

1 substantive State law, will go with that defendant if
2 it's sued in any other State where there might be venue
3 or personal jurisdiction. As a substantive matter of
4 North Carolina law, that statute of repose will follow.

5 So this is a distinction that the law has
6 generally recognized and it wouldn't be at all
7 surprising that in the context of a federalism
8 compromise, which is what 9658 really was, that Congress
9 would have chosen to mirror that same distinction. It
10 would have decided to go after the principal problem
11 that was before it, which was an issue of discovery
12 rules, the absence of discovery rules in certain States,
13 without more deeply intruding into the substance of
14 State law. These are State law tort actions. They're
15 quintessentially within the responsibility and the
16 sovereignty of the States.

17 JUSTICE KAGAN: Mr. Palmore, what do you
18 think the commencement date in this case was?

19 MR. PALMORE: The commencement date in this
20 case, I think, was probably in 2009, when, under both
21 North Carolina law and the Federal commencement date,
22 when these Respondents learned from the EPA that their
23 well water was contaminated. Because at that time, they
24 both discovered their injury and they understood the
25 cause, so --

1 JUSTICE KAGAN: But how could that be the
2 beginning of the period during which his suit may be
3 brought? I mean, he couldn't bring suit on that date.

4 MR. PALMORE: Well, we think the best way --

5 JUSTICE KAGAN: It seems something sort of
6 internally contradictory in your interpretation here.

7 MR. PALMORE: We think there are two ways of
8 looking at it and either way the Petitioner is correct.
9 One is you look at just the statute of limitations
10 period, which is the applicable limitations period for
11 purposes of the statute. So that 2009 would be the
12 commencement date there, even if there might be a
13 separate barrier to relief. But second, even if you say
14 there is no commencement date under State law, then
15 under (a)(1), there is no commencement date under State
16 law a fortiori that had -- that was earlier than the
17 Federal commencement date. So you end up at the same
18 place.

19 CHIEF JUSTICE ROBERTS: Thank you, Counsel.
20 Mr. Korzen.

21 ORAL ARGUMENT OF JOHN J. KORZEN

22 ON BEHALF OF THE RESPONDENTS

23 MR. KORZEN: Mr. Chief Justice, and may it
24 please the Court:

25 I'd like to start with the plain wording of

Official

1 9658, but first just say a sentence or two about the
2 purpose. The purpose of Section 9658 is to preserve
3 claims for latent harm from environmental releases, from
4 a facility of hazardous waste, until the person
5 discovers the cause of that latent harm. And latent
6 harm, which is all over the legislative history, but
7 which neither of my friends for the Petitioners
8 mentioned, latent harm is what this statute was preserved-- passed
9 for. And latent harm includes things such as the
10 groundwater contamination in this case, or cancer such
11 as in the Camp Lejeune case.

12 CHIEF JUSTICE ROBERTS: Well, and the whole
13 purpose of a statute of repose is -- is very different.
14 That's to give you a drop, you know, completely finish
15 date, so whatever was -- was latent or not latent, it's
16 over with. It's a different purpose than a statute of
17 limitations.

18 MR. KORZEN: Yes, Your Honor. But Congress
19 was concerned about preserving claims. And it had one
20 purpose here, I agree it had one purpose, but the one
21 purpose of 9658 was to give a uniform trigger date for
22 everybody to have the time to bring a claim, start to
23 run, only after they discovered their harm. And that is
24 cut off by a statute of repose just as it would be -- by
25 a repose period just as it would be by any other

1 limitation.

2 JUSTICE KENNEDY: Well, I think there's --
3 there's merit to your argument. But the point is that
4 there is no cause of action if there's a repose period
5 and -- and that suit is commenced later. And the study
6 commission did recognize this distinction between
7 limitations and repose. I agree with Justice Scalia. I
8 didn't have Justice Ginsburg's law professor, but I
9 -- this was new for me.

10 (Laughter.)

11 MR. KORZEN: Your Honor, it was new. If I
12 could circle back to the study group in just a minute.
13 In fact --

14 JUSTICE KENNEDY: Other than it was
15 mentioned in Lampf, but in a confusing way.

16 MR. KORZEN: Agreed. And I would also like
17 to circle back to Lampf. But first, Petitioner's own
18 brief on page 32 says that this was a newly emerging
19 technological--terminological distinction, a newly emerging
20 terminological distinction as of 1986.

21 And to return back to one of Justice Kagan's
22 questions, it expects an awful lot for Congress to have
23 been aware of that and -- and made this distinction that
24 it's not even made to this day in 2014.

25 JUSTICE SOTOMAYOR: It was aware of it

1 because the study group used the two terms and they knew
2 there were two different statutes because they were
3 told.

4 Now, how you make assumptions, I'm assuming
5 that if there's a report, as there was with this, that
6 people would be responding to it in the legislation
7 that's being drafted.

8 MR. KORZEN: Yes, Your Honor. Yes, Justice
9 Sotomayor. Let me -- let me talk about that distinction
10 for just a minute. The study group report, and it's a
11 very impressive work, about 700 pages long -- one time,
12 one time does it use the term "statutes of repose." And
13 in that one use, it's within the heading of statute of
14 limitations. And what the study group said is that in a
15 handful of States, statutes of repose have the same
16 effect of statute of limitations without a discovery
17 rule as barring people's claims before they know they've
18 been harmed. And it said nothing about one is
19 substantive, one is procedural. It just said they have
20 the same effect.

21 JUSTICE SCALIA: And therefore -- and
22 therefore it should be repealed, not and therefore
23 should be covered by the Federal statute.

24 MR. KORZEN: Both recommendations, Justice
25 Scalia, both recommendations -- and this is crucial --

1 both recommendations in the study group report were
2 directed at the States. It said States should adopt
3 discovery rules and States should repeal statutes of
4 repose.

5 Congress didn't wait on either of those.
6 Congress --

7 JUSTICE SCALIA: Anyway, as the government
8 argued, it doesn't matter. It's not a matter of
9 terminology. It's a matter of reality. It's a matter
10 that these two things, whether they were given different
11 names in 1986 or not, are quite different things. And
12 do you -- do you deny that they are quite different
13 things, and that therefore the statute may apply quite
14 differently?

15 MR. KORZEN: I do, Your Honor. I do deny
16 that they are quite different. They have at core the
17 same basic similarity of defining a period when an
18 action may be brought, and that's the language used in
19 the secondary authorities of the day and used by
20 Congress. They both define periods when an action may
21 be brought.

22 Now, there are some distinctions that again
23 have emerged more clearly in some lower courts since
24 1986, but they have at bottom, even to this day, the
25 fact that they are both periods when an action may be

1 brought.

2 CHIEF JUSTICE ROBERTS: Well, why would
3 you -- why would these four States have two of them
4 then? I mean, if they are doing the same thing, why
5 have two different ones?

6 MR. KORZEN: The States that have those,
7 Your Honor, don't even classify them as statutes of
8 repose. In fact, the North Carolina one here, and you
9 can see it on page 3 of the red brief, it's not in the
10 blue brief -- but the North Carolina statute, what we're
11 talking about is one sentence out of paragraph 16 in a
12 statute of limitations --

13 JUSTICE KENNEDY: But it -- but it's an
14 important difference because in the States that have
15 repose statutes there can be no tolling. I mean that's
16 huge; a minor, an incompetent person can't sue.

17 MR. KORZEN: That is a difference, Your
18 Honor, but it's not a difference that was significant to
19 Congress. Congress was trying to preserve claims for
20 people of latent harm --

21 JUSTICE KENNEDY: I'm saying that repose
22 statutes, when they exist, impose substantial hardships
23 on people that the State otherwise protects, minors and
24 incompetents. They are out of luck.

25 MR. KORZEN: Well, in 9658 there is in fact

1 provisions for minors and incompetents, and so statutes
2 of limitations typically have those, but yet they are
3 included in 9658.

4 JUSTICE KENNEDY: That's the whole point.
5 Statutes of repose do not.

6 MR. KORZEN: Which suggests 9658 had
7 statutes of repose in mind. There would be no need to
8 protect minors for a statutes of limitations where there
9 is equitable tolling.

10 But putting aside tolling --

11 JUSTICE KENNEDY: Well, I think -- no, I
12 think we all concede that what we're talking about here
13 is a statute of limitation. We're not saying it's also
14 a statute of -- everyone can see that there is a statute
15 of limitations here. The Federal law is a statute of
16 limitation and so it protects minors.

17 But the question is whether or not this
18 other statute of repose supersedes it. So you can't look--
19 you can't quote us to the -- to the minors part of the
20 statute and say that it isn't -- because that doesn't
21 address the point. You still have the general equitable
22 point that, that the position of the Petitioner might
23 frustrate Congress's intent.

24 MR. KORZEN: Well, putting aside minors,
25 Your Honors, the plain language here applies to any type

1 of period. Whether you call it a limitations period or
2 a repose period, the plain language applies here.

3 JUSTICE KAGAN: Do you -- is your
4 understanding of the operation of this statute is the
5 applicable limitations period -- do you see the statute
6 as applying seriatim first to the statute of limitations
7 and then to the statute of repose, or is the applicable
8 limitations period the period that you can sue when you
9 combine those two?

10 MR. KORZEN: It -- in most States, you just
11 have one period, so in this State --

12 JUSTICE KAGAN: No, here.

13 MR. KORZEN: Yes, here we have a hybrid
14 statute of limitations. That's what it's been called.
15 It's also been called a bifurcated statute of
16 limitations. It's also been called a two-tiered statute
17 of limitations.

18 JUSTICE KAGAN: Yes, I just want to know how
19 do you apply this statute to what we have here?

20 MR. KORZEN: Yes.

21 JUSTICE KAGAN: Is there a single applicable
22 limitations period which represents the period when,
23 given both clauses, you can sue, or are you saying that
24 there are two applicable limitations periods?

25 MR. KORZEN: In this statute, two, and in a

1 small number of other States, there are two periods,
2 both a 3-year period and a 10-year period.

3 JUSTICE SCALIA: Well, then you stumble into
4 the difficulty that Petitioner pointed out, or maybe it
5 was the government pointed out. (A) (1) does not refer
6 to two statutes of limitations. It says if the
7 applicable limitations period for such action as specified in
8 the State statute of limitations provides a commencement
9 date which is earlier. Now, you know, if they were
10 really covering two different, or envisioned that in
11 some States you had two statutes of limitations, it
12 seems to me they should have phrased it differently: If
13 the applicable limitations period or periods for such
14 action as specified in the States' statutes of
15 limitations provide -- provides a commencement date or
16 commencement dates, something like that. It's all in
17 the singular.

18 MR. KORZEN: Yes, Justice Scalia. Let me
19 address the singular point. What we have here again is
20 a hybrid statute of limitations with two periods, which
21 were rare then and rare now. But in that rare
22 situation, the applicable limitations period is the one
23 that a defendant is asking the court to apply to dismiss
24 a case with prejudice. And in this case, that's the
25 10-year period. That's the applicable limitations

1 period.

2 Now, the Petitioner, on the other hand, and
3 the government, they both say there's no period in this
4 case -- there's no period in this case where a case may
5 have been brought. So in other words, under their
6 reading, there is no applicable period, and that -- the
7 statute here can easily be read to have two periods --

8 JUSTICE SOTOMAYOR: I don't know why you
9 are -- you are even caring. Isn't the applicable
10 limitations period, as far as you are concerned, the
11 period in which you can bring a suit? And that would be
12 the shorter one under all circumstances. And aren't you
13 saying that statutes of repose are preempted because you
14 couldn't bring a suit?

15 MR. KORZEN: Yes, Your Honor. And
16 that's shows -- that gets to the contradiction that was
17 brought up during the Petitioner's argument. The
18 Petitioner argues that Congress only addressed one part
19 of the study group's recommendations, the discovery rule
20 but not repose periods. But on the other hand they
21 argue, under our reading, a repose period would never
22 apply. And that's -- that shows that the study group's
23 recommendations were carried out.

24 JUSTICE SCALIA: But, you know, the statute
25 does not refer to your cause of action, so it's hard to

1 say that the period refers to -- it refers to is the
2 period that you are trying to get around. It says if
3 the limitations period for such action, that is, any
4 action brought under -- any action brought under State
5 law.

6 I think to read that as applying to whatever
7 limitations period is asserted by -- against a
8 particular plaintiff, I find it hard to read it that
9 way. It seems to me they're referring to a limitations
10 period for the action that exists under State law,
11 regardless of what is alleged in the particular
12 complaint. Anyway, I -- I think you got a real problem
13 with the singular versus plural phrasing of number (1).

14 MR. KORZEN: Well, to say one more thing
15 about singular versus plural, we have cited the
16 Dictionary Act, 1 U.S. A. -- 1 U.S.A. -- U.S.C. 1 which says
17 that the singular ordinarily is read as the plural.
18 Now, I know there's been a couple of decisions saying
19 that's a rarely-applied rule.

20 JUSTICE KAGAN: But I mean, I take it, Mr.
21 Korzen, that your argument is a little bit different. I
22 mean, it seems Justice Scalia would have a point if it
23 just said if the limitations period. Your argument is
24 that you put in the word "applicable" and it actually
25 makes the statute read a little bit differently. It

1 suggests that there are plural limitations period and
2 the one that this provision applies to is whichever one
3 happens to be applicable as you apply the provision.

4 MR. KORZEN: I think that's exactly right,
5 Justice Kagan --

6 JUSTICE SCALIA: Yeah, except they are both
7 applicable to this cause of action. They -- both of
8 those periods are applicable. You run afoul of one of
9 them, but not of the other one. It doesn't mean
10 they're -- they are not both applicable. Anyway, this
11 is -- this is -- it is angels on the head of a pin,
12 isn't it?

13 (Laughter.)

14 MR. KORZEN: If I could speak a little bit
15 about commencement date, commencement date is defined as
16 the beginning of the period when an action may be
17 brought. And Petitioner and the government argue that
18 there never was a period when an action may be brought
19 here. And in fact -- however, on page 18, we've cited
20 numerous authorities that define a repose period as
21 exactly that, when an action may be brought. That's a
22 definition for a repose period.

23 JUSTICE GINSBURG: But if you take this, the
24 facts of this case, 10-year statute of repose, there was
25 never a time when these plaintiffs -- when this -- these

1 plaintiffs had an action that could be brought, just
2 because the 10-year limitation ended their right to sue
3 before they had a claim.

4 MR. KORZEN: Yes, Your Honor, except that
5 that's not how the terms are defined. And we've cited
6 cases on page 18 of -- North Carolina cases, in fact,
7 and also the corpus Juris section that Petitioner relied
8 on defining a statute of repose exactly as that, as a
9 period when an action may be brought when.

10 Now, in their reply brief, Petitioner
11 says -- faced with those authorities, Petitioner says,
12 Well, no, no, a repose period is actually a period after
13 which an action may not be brought.

14 But that's really just two ways of saying
15 the same thing. When an action may be brought or a
16 period after which an action may not be brought.

17 CHIEF JUSTICE ROBERTS: Well, it depends
18 whether they have a discovery rule or not, whether it's
19 a period when an action may be brought or whether it's a
20 period after which an action may not be brought. And
21 the whole purpose of this was to require a discovery
22 rule. And once you require a discovery rule, the
23 statute of repose has completely independent meaning,
24 complete -- serves a completely independent office.

25 MR. KORZEN: The purpose, however, Mr. Chief

1 Justice, was to preserve claims for latent harm, no
2 matter what the period was that began. The purpose was
3 to have a uniform trigger date that started the time to
4 bring an action once you had discovered your harm.

5 And if you use the defined terms here, then
6 it applies to any type of period, whether you call it a
7 limitations period or repose period, no matter what you
8 call it.

9 CHIEF JUSTICE ROBERTS: Well, but the
10 purpose of the statute of repose is not to preserve
11 latent causes of action. It's quite the opposite. It's
12 to put an end to in particular latent causes of action
13 that haven't been brought.

14 MR. KORZEN: Yes, Your Honor, but Congress's
15 purpose was to preserve claims, no matter what the
16 period was. Congress's -- Congress was concerned about
17 people not having their day in court -- and this is in
18 the House conference report; it's all over the study
19 group report -- people not having their day in court
20 because a period ran before they -- began to run before
21 they discovered their harm. And that applies to whoever --

22 JUSTICE SOTOMAYOR: Was Congress doing away
23 with -- I don't know if any such State exists, but
24 assume a State said, nah, we're tired of environmental
25 claims. You can't have them. We're not going to have

1 one at all. Was Congress preempting that decision?

2 MR. KORZEN: Not here in 9658, Your Honor.
3 No, Congress was preempting the commencement date --

4 JUSTICE SOTOMAYOR: So why isn't a repose
5 like that? Why isn't a statute of repose simply a
6 decision that you just can't have a claim at all if it's
7 older than 20 years old?

8 MR. KORZEN: Well, going back to the plain
9 wording, Your Honor, it has a commencement date. It has
10 a beginning. It begins from the defendant's last act.
11 It does have a beginning. And it's not --

12 JUSTICE GINSBURG: But it's not a
13 commencement date in terms -- "commencement" means
14 commencement of a lawsuit. The true trigger for the
15 statute of repose here is not a commencement of a
16 lawsuit date. It is the commencement of the running of
17 the limitation period. But it isn't the time when you
18 can commence a lawsuit.

19 MR. KORZEN: It is the beginning of the
20 period of a time when an action may be brought, which is
21 exactly how Congress defined the term. It is -- it does
22 have a commencement date because it does have a
23 beginning, and it does define a period when an action--

24 JUSTICE GINSBURG: But you couldn't commence
25 an action. Say the last -- the defendant commits the

Official

1 last act, and then plaintiff sues the next day. Well,
2 plaintiff can't sue the next day because the plaintiff
3 doesn't know that she's been injured.

4 MR. KORZEN: Correct, Your Honor. But that
5 is not how Congress defined the terms. Congress gave specific--

6 JUSTICE GINSBURG: They picked up -- they
7 picked up on State statutes. And as I understand it,
8 the very purpose of the statute of repose or the
9 built-in statute of limitations is to check the
10 discovery rule, to say, we don't want the discovery rule
11 to operate after a certain amount of time, a certain
12 amount of time has passed.

13 So the notion of what has been called a
14 statute of repose and a discovery rule, the very purpose
15 of the repose statute is to say no discovery here.

16 MR. KORZEN: That is -- that is correct,
17 Your Honor, and that was not Congress's purpose.
18 Congress wasn't -- in this specific area of hazardous
19 waste released into the environment, Congress's purpose
20 wasn't figuring out the difference between these
21 different statutes and whether the State wanted to bar
22 claims or not. Congress was trying to preserve claims,
23 and used defined terms that do preserve claims, no
24 matter what -- no matter what you call the type of
25 period. Congress was trying to preserve claims for long

1 latency illness. That's very apparent.

2 And my friends, the Petitioner and the
3 government, you'll notice in their brief they maybe
4 mentioned latency once. Today at oral argument, neither
5 have mentioned latency. That's -- that's what Congress
6 was concerned about. It's all over the study group
7 report. It's in the House conference report more times
8 than they brought up here. Latency and long latency
9 illness is exactly what Congress was concerned about.
10 And repose periods affect that more than any other type
11 of limitations period.

12 So if I could talk a little bit about the
13 purpose of the Act. The evolution of this statute is
14 very important here. It dates back to 9651, which was
15 enacted in 1980, when CERCLA itself was enacted. 9651
16 set up the study group to study barriers to recovery,
17 to -- in cases involving harm to man and the
18 environment, barriers to recovery.

19 And the study group was a very distinguished
20 group with attorneys generals and others from the legal
21 community. And the study group determined that a main
22 barrier to recovery were limitations periods that ran
23 before people discovered their harm and unanimously
24 recommended that States act to enact discovery rules but
25 also abolish repose periods. And then the House

1 conference report states that's what was addressed, the
2 problem of long latency illnesses --

3 JUSTICE KAGAN: But it seems an awfully
4 strange way to abolish a repose period, right? I mean,
5 one way to abolish a repose period is just to abolish a
6 repose period. Another way is to say what Congress
7 seems to have said here, which is move the first date of
8 the period of repose up to a new Federal commencement
9 date so that the period of repose wholly -- is wholly
10 redundant as to the limitations period.

11 Now, that's a kind of strange way to do a
12 pretty simple thing, isn't it?

13 MR. KORZEN: I disagree, Justice Kagan.
14 It's a very short statute. And what you've just said,
15 as the amicus brief -- as the amicus brief for Jerome
16 Ensminger and others pointed out, it's a very simple
17 and effective way of accomplishing this. It's a short
18 statute, and then, as you say, it does away with repose
19 periods that have actually run. So it's actually a
20 fairly compact and effective way of doing that.

21 Yet also, it's also respectful for States'
22 rights in a couple of ways. It -- rather than creating
23 a new cause of action, it allows the State -- the
24 content of State law to continue. It's just the
25 starting point that was affected. It's respectful of

1 States' rights in that way. And also very few States
2 even have one of these repose periods. So it was a very
3 simple and effective way to do it, not a -- you know,
4 perhaps it could be done -- be done differently. And we
5 could always say Congress could be more clear. But it's
6 actually a very simple and clear and effective way of
7 doing that.

8 And the other side by saying that the
9 statute effectively eliminates repose periods shows how
10 effective that is. That's on Petitioner's brief,
11 page 14. It's in the government's argument today, that
12 the statute makes repose periods superfluous. Or in
13 other words, they've been abolished. It's actually a
14 very, very simple and short --

15 CHIEF JUSTICE ROBERTS: Well, wait. On the
16 one hand I thought you just told us they were respectful
17 of the States' concerns. And now you say they
18 completely abolished repose periods.

19 MR. KORZEN: Yes, Your Honor, I said it
20 was -- yes, Mr. Chief Justice. It's respectful in that
21 it allowed State law to continue. And if you look at
22 what Congress was facing --

23 CHIEF JUSTICE ROBERTS: Well, I'm sorry.
24 Not the State law with respect to repose.

25 MR. KORZEN: No. But the State -- the State

1 tort claims we're talking about, such as nuisance and
2 trespass and negligence, and the entire content of State
3 law is respected. And I do have to correct something my
4 friend Mr. Murray said. Repose periods under North
5 Carolina law, they are not an element of a defense that
6 has -- that has to be pled.

7 I've been a North Carolina attorney
8 continuously since 1992. I have to tell you as an
9 officer of the court, they are not pled as part of
10 complaints. And when somebody wants to move based on a
11 repose period, they do it the same way they would move
12 to dismiss under any limitations period under a Rule
13 12(b) (6) or 12(b) (2) motion.

14 JUSTICE KENNEDY: Is it waived if it's not
15 pled?

16 MR. KORZEN: Is which waived?

17 JUSTICE KENNEDY: Is the statute of repose
18 waived if it's not raised as a defense?

19 MR. KORZEN: There are conflicting State
20 cases on that. I think some say -- well, it would be
21 pled at some point. It doesn't have to be raised as an
22 affirmative defense, as some cases say. It doesn't have
23 to be raised as an affirmative defense, as some cases
24 say. But it is raised in the same way. It's not an
25 element -- it's not an element a court would look at in,

1 like, a Twombly-Iqbal-type situation and say, well, you
2 didn't plead this as an element.

3 JUSTICE ALITO: What if the State wanted to
4 enact a very long statute of repose, and they said,
5 look: We want to protect latent claims, but there has
6 to be some limit. So we're going to -- we're going to
7 enact a statute of repose of 30 years or 50 years.
8 Under your reading, that would be wiped out as well,
9 right?

10 MR. KORZEN: It would, Your Honor, and the
11 reason why, the reason why is what the Congress was
12 concerned about here, which was long latency periods.
13 And periods of up to 40 years are mentioned in the study
14 group report. And though that seems like a long period,
15 see, this is really a policy decision. Limitations
16 periods are really pure policy. This Court said so back
17 in 1945 and other times, and Congress made that as a
18 policy decision.

19 If the polluter is not on the hook after 30
20 years, who would be, Justice Alito? It would be the
21 innocent neighbor living nearby? The innocent cancer
22 victim? All of us as taxpayers? Congress made that
23 policy choice that it should be the polluting company
24 that's put the environmental -- hazardous waste into the
25 environment.

1 And, again, it has limited -- it does have a
2 very specific focus, this statute. It's limited to
3 hazardous wastes released from a facility into the
4 environment. And in that situation, Congress made the
5 policy choice: The polluter, you are on the hook, you
6 stay on the hook, you clean it up as long as it takes.

7 And the other side -- the result -- think
8 about what the result would be here for the other side.
9 After 10 years, no liability. The incentive there would
10 be, instead of clean-up, which is the reason 9658 has
11 been passed, instead of clean-up, that would encourage
12 cover-up. And Congress did not want that. Congress
13 wanted, again, polluters to be on the hook as long as it
14 took to clean up. In the --

15 JUSTICE GINSBURG: It encouraged what did
16 you say?

17 CHIEF JUSTICE ROBERTS: But you said it
18 wanted to have polluters on the hook, but they didn't
19 even take -- if the State did not have any basis of
20 recovery, this did nothing about that at all. It did
21 not -- it did not require States to adopt particular
22 remedies or extend the remedies to cover this. If they
23 didn't have remedies for this type of action, the act --
24 the provisions we're talking about now did nothing about
25 that at all.

1 MR. KORZEN: Well, 9658, Mr. Chief Justice,
2 talks about any action under State law for harm to
3 people or property from hazardous wastes released into
4 the environment. And so 9658 was specifically looking
5 at actions for this type of environmental harm.

6 JUSTICE SCALIA: But the more you talk about
7 horrors that could happen, a State could say, with
8 respect to the special cause of action for creating harm
9 to individuals by hazardous waste, the statute will
10 begin upon discovery and it will last for 3 months. A
11 State could do that, right? And that would comply with
12 this law, wouldn't it? A 3-month statute of
13 limitations. All the Federal law refers to is when the
14 statute commences. But it -- it still is left up to the
15 State to say how long the statute can be, isn't it?

16 MR. KORZEN: As long as -- what 9658
17 establishes, Justice Scalia, is a floor. States can do
18 more, but the floor is --

19 JUSTICE SCALIA: No, no.

20 MR. KORZEN: When you've discovered your
21 harm.

22 JUSTICE SCALIA: You can answer "yes" or
23 "no" to that, I think. The State can make the statute
24 of limitations as short as it wants so long as it
25 commences upon the discovery.

1 MR. KORZEN: Yeah, yes, Your Honor, discovery
2 of the cause of the harm.

3 JUSTICE SCALIA: So I can -- I can imagine a
4 lot of horribles that can occur with that, just as you
5 can imagine horribles that occur under the other system.

6 MR. KORZEN: Yes, yes, certainly, Your Honor.

7 A couple of other points. The Petitioner's
8 argument and the government's argument relies very much
9 on accrual, and "accrual" was not a term even used in
10 9658. The plain wording does not even use "accrual,"
11 and so that's something we wanted to point out.

12 And the study group report itself on page 59
13 envisioned tort liability under the Federal Tort Claims
14 Act if the government was the owner of property and had
15 been negligent with the property. So actions against
16 the government were foreseen.

17 The study group report again -- the concern
18 expressed repeatedly about latency also noted that the
19 problem here is due to groundwater contamination from
20 industrial solvents. That's exactly what we have in
21 this case. So back in 1982, the study group envisioned
22 the problems that the country was having, which was
23 groundwater contamination from industrial solvents.
24 This contamination --

25 JUSTICE GINSBURG: The study group was

Official

1 making recommendations to the States, and it made two
2 discrete recommendations. One is time the statute of
3 limitations from awareness of the injury and its cause;
4 and the second was, instructing to the States, don't
5 have any repose statutes because they will defeat our
6 purpose of taking into account latency.

7 So the study group is addressing State law.
8 Then Congress does something different. It provides a
9 Federal limitation period that is based on discovery of
10 the injury plus the cause. The second recommendation
11 made by the study committee abolished statutes of
12 repose. Congress didn't do that.

13 MR. KORZEN: Well, I disagree as to them not
14 having done both, Your Honor. If you -- Congress did
15 not use the word "repose" in 9658. The -- you know, but
16 the word choice doesn't matter. If you use the
17 definitions, Congress effectively did both, and that --
18 that's our argument. Congress-- Congress did do both. Rather than
19 waiting on the States to do both, Congress itself did
20 both in 9658.

21 And to follow up an earlier question of
22 yours, Justice Ginsburg, a result to the contrary here
23 would result -- could result in a race to the bottom, if
24 you will, where States were then incentivized or, you
25 know, lobbied to enact repose periods. Other States

Official

1 could do this, and that would be the sort of race to the
2 bottom Congress would not want. So that is possible.

3 CHIEF JUSTICE ROBERTS: Is there any sign
4 that that's happening? I mean, it seems to me that
5 these are, as you know, rare and have been rare for some
6 time, right? I mean -- do you really expect States to
7 start suddenly enacting statutes of repose?

8 MR. KORZEN: With today's lobbying climate,
9 I wouldn't put it past the realm of possibility. And it was something--

10 THE COURT: Are there lobbyists on both
11 sides of the issue?

12 MR. KORZEN: I -- I don't want to hazard a
13 guess as to the relative powers of the lobbyists, but I
14 think they may -- I think they may go one way and not in
15 favor the environment.

16 JUSTICE KENNEDY: Do you want us to write an
17 opinion that we can't trust State legislatures?

18 MR. KORZEN: No, Your Honor. What I meant
19 with that was to follow up an earlier question of
20 Justice Ginsburg's that I thought was suggesting that.

21 If I could end with one -- with one final
22 hypothetical. Imagine two individuals at age 18 both
23 enrolling in -- enlisting in the Marines. And one is
24 stationed by the government in Camp Pendleton in
25 California and, after 10 years of being transferred out

1 of Camp Pendleton, develops a fatal cancer. His
2 relatives would not at all be barred because there is no
3 repose period in California.

4 Imagine another individual, enlisted at the
5 same time, stationed by the government at Camp LeJeune
6 in North Carolina, and after being sent from North
7 Carolina, developed the same cancer. The relatives in
8 California would have a claim, the North Carolinians --
9 the relatives of the North Carolinian would not.

10 CHIEF JUSTICE ROBERTS: Thank you, counsel.

11 Mr. Murray, you have four minutes remaining.

12 REBUTTAL ARGUMENT OF BRIAN J. MURRAY

13 ON BEHALF OF THE PETITIONER

14 MR. MURRAY: Thank you, Your Honors.

15 Briefly, I just would cite -- just to
16 respond to a point my brother made here. I would cite
17 the Hargett v. Holland, 447 S.E.2d 787 in the North
18 Carolina Supreme Court, as well as Tipton and Young
19 Construction Company, 446 S.E.2d 603 from the North
20 Carolina Court of Appeals, both of which made clear that
21 statutes of repose are conditions precedent that must be
22 specifically pled under North Carolina law.

23 But the broader point is simply this:

24 CERCLA as originally enacted is a cleanup statute
25 designed to tag people who have touched the property at

1 all with cleanup responsibility regardless of fault.
2 That's what it did when it was enacted in 1980 and
3 that's what it still continues to do today.

4 When Congress, in 1986, in response to the
5 study group report, enacted this 1960 -- 9658 section,
6 this small surgical change, it did so using defined
7 terms that -- and it said what it meant and it meant
8 what it said. Applicable limitations period doesn't
9 mean any one that might apply, it's defined in the
10 statute, and may be brought is linked up with beginning
11 of may be brought. That is classic formulation at the
12 beginning of the statute of limitations, not a statute
13 of repose, which commences with defendant's last act.

14 And again, this just makes sense. In
15 drafting this statute, Congress was expressly trying to
16 minimize -- it may or may not have had in its head
17 specifically the presumption against preemption, but
18 this Court presumes that it does. It was seeking to
19 minimize intrusion into a traditional area of State
20 regulation, and we know that because the statute on its
21 face says: "State law generally applies except as
22 provided in this provision." It leaves all the State
23 law intact other than this commencement date and
24 conspicuously does so. And the presumption against
25 preemption, and the legislative history only confirmed

1 this, Congress wanted 50 flowers to bloom in this area
2 and it didn't cut that off. And for good reason.

3 Repose is an important piece of this puzzle.
4 It's the counterbalance to the discovery rules that were
5 being enacted by these States in this tumultuous period.
6 By setting a statute of repose, you avoid the very real
7 possibility that a client like mine can be sued over a
8 site -- I mean, there's a fence around a hole in the
9 ground there now. My client hasn't -- has abandoned
10 this site in 1987. This suit was brought in 2009.
11 Asking clients to defend these cases, where are the
12 documents? Where are the witnesses? How do you avoid
13 vexatious litigation designed to shake down settlements
14 40, 50 and 60 years after you've abandoned a site?

15 What Congress did here makes absolute sense
16 and the narrow and surgical way in which they did it,
17 given that they were acting in a traditional field of
18 State law supremacy, makes all the sense in the world.

19 JUSTICE SOTOMAYOR: Counsel, that last
20 argument about, you know, liability 30, 40 years later,
21 I think 46 States have that. Have it that way. And
22 Congress wasn't all that worried about that and there
23 isn't a very strong policy argument that -- that says
24 it's not -- that it's so fundamentally unfair that you
25 shouldn't do it.

1 MR. MURRAY: Well, again, Your Honor,
2 actually, a lot of those States have statutes of repose
3 that deal with property specifically, not personal
4 injury. It gets a little bit messy because there's not
5 a perfect match there. But the bottom line is the way
6 in which Congress acted here is not at all surprising,
7 given that they knew they were acting in a traditional
8 State field, from the heartland of State authority
9 which, was State tort law.

10 Unless the Court has further questions.

11 CHIEF JUSTICE ROBERTS: Thank you, counsel.

12 Counsel. The case is submitted.

13 (Whereupon, at 12:16 p.m., the case in the
14 above-entitled matter was submitted.)

15

16

17

18

19

20

21

22

23

24

25

| | | | | |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A | <p>37:3,4,4,10 38:7 38:16,18,21 39:1 39:9,13,15,16,19 39:20 40:4,11,12 41:20,23,25 44:23 48:23 49:2,8 actions 5:9,21 16:15 18:5 21:19 26:14 49:5 50:15 additionally 19:15 address 33:21 35:19 addressed 36:18 44:1 addressing 51:7 adopt 19:5 31:2 48:21 adopted 22:1,1 advance 22:22 affairs 25:23 affect 7:15 43:10 affirmative 46:22 46:23 afoul 38:8 age 52:22 agree 23:24 24:24 28:20 29:7 agreed 29:16 akin 6:24 al 1:6 algebra 5:22 alito 47:3,20 alleged 37:11 allowed 45:21 allows 12:4 44:23 alter 15:6,7 amicus 1:19 2:7 13:4 17:25 44:15 44:15 amount 42:11,12 angels 38:11 answer 4:7 14:4 16:22,25 17:3 20:8 49:22 answers 21:18 anyway 31:7 37:12</p> | <p>38:10 apparent 43:1 appeals 53:20 appearances 1:14 appendix 21:17 applicable 5:8,17 5:18 10:16,17 11:8 12:11 20:24 20:25 22:24 25:18 27:10 34:5,7,21 34:24 35:7,13,22 35:25 36:6,9 37:24 38:3,7,8,10 54:8 applied 24:12 applies 10:9 13:11 33:25 34:2 38:2 40:6,21 54:21 apply 11:25,25 19:25 20:16 22:18 25:4 31:13 34:19 35:23 36:22 38:3 54:9 applying 34:6 37:6 april 1:9 area 6:14 9:15 18:16 25:1 42:18 54:19 55:1 arena 14:14 arent 24:24 36:12 argue 36:21 38:17 argued 31:8 argues 36:18 argument 1:12 2:2 2:5,9,12 3:3,6 17:24 27:21 29:3 36:17 37:21,23 43:4 45:11 50:8,8 51:18 53:12 55:20 55:23 arrived 23:4 aside 33:10,24 asked 19:9 asking 15:3,10 16:3 35:23 55:11 asserted 37:7</p> | <p>assistant 1:17 assume 8:22 11:1 40:24 assumed 23:7 assumes 23:3 assuming 30:4 assumptions 30:4 attention 19:22 attorney 46:7 attorneys 43:20 authorities 31:19 38:20 39:11 authority 56:8 avoid 55:6,12 avoidance 15:16 aware 4:16 20:17 29:23,25 awareness 51:3 awful 29:22 awfully 44:3 awkwardly 23:20</p> | <p>27:2 38:16 41:10 41:11,19,23 54:10 54:12 begins 10:3 12:8 21:24 41:10 behalf 1:15,21 2:4 2:11,14 3:7 27:22 53:13 believe 4:3 9:19 10:12 best 27:4 better 14:1 bifurcated 34:15 bit 37:21,25 38:14 43:12 56:4 black 24:6 bloom 55:1 blue 32:10 bottom 31:24 51:23 52:2 56:5 boudreau 24:7 brian 1:15 2:3,13 3:6 53:12 brief 5:7 21:16,17 24:6,25 29:18 32:9,10 39:10 43:3 44:15,15 45:10 briefly 53:15 briefs 13:4 bring 12:4,12 21:11 27:3 28:22 36:11 36:14 40:4 broad 14:7 16:10 16:11 broader 53:23 brother 53:16 brought 5:21 6:1 8:20,24 9:15 10:18,21,23 13:5 16:15 17:7,9 18:8 21:1,8 27:3 31:18 31:21 32:1 36:5 36:17 37:4,4 38:17,18,21 39:1 39:9,13,15,16,19</p> |
| | | | B | |
| | | | <p>b 5:15,18 10:11,12 46:13,13 back 14:22 16:12 25:8,22 29:12,17 29:21 41:8 43:14 47:16 50:21 backend 13:4,16 balancing 19:3 bar 42:21 barred 53:2 barrier 27:13 43:22 barriers 43:16,18 barring 30:17 based 3:10 11:11 46:10 51:9 basic 31:17 basis 8:21 21:9 48:19 began 40:2,20 beginning 5:17 6:1 9:11,12 10:16 12:11,12 16:14 17:6,8,17 20:24</p> | |

| | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 39:20 40:13 41:20 43:8 54:10,11 55:10 builtin 25:11,12 42:9 | 6:21 7:11,17,19 11:13,17 12:5,5 12:10 14:12 16:23 18:20 21:2,5,6,13 21:21,25 25:17 26:25 28:5 29:4 36:25 38:7 44:23 49:8 50:2 51:3,10 | 39:3 41:6 53:8 claiming 7:10 claims 4:25 25:12 28:3,19 30:17 32:19 40:1,15,25 42:22,22,23,25 46:1 47:5 50:13 | commits 41:25 committee 51:11 common 5:10 23:11 community 43:21 compact 44:20 company 47:23 53:19 comparison 22:23 23:1 complaint 21:3,14 37:12 complaints 46:10 complete 21:2,13 39:24 completely 28:14 39:23,24 45:18 comply 49:11 comprise 3:13 compromise 19:3 26:8 concede 33:12 concern 50:17 concerned 4:13 28:19 36:10 40:16 43:6,9 47:12 concerns 45:17 conditions 53:21 conference 40:18 43:7 44:1 confirmed 54:25 conflict 25:1 conflicting 46:19 confusing 4:2,7 29:15 congress 3:16 4:9 4:10,18 5:1,23 6:3 6:10,13,24 7:1,4,9 7:20 8:3,8 9:8,10 9:20 10:2,13 12:24 13:2,6,25 14:2,5,17,20,25 15:4,10,20,25 16:18 17:3,5,13 18:10,12,14,23 19:18 22:25 23:4 | 23:8,14,18,25 26:8 28:18 29:22 31:5,6,20 32:19 32:19 36:18 40:16 40:22 41:1,3,21 42:5,5,18,22,25 43:5,9 44:6 45:5 45:22 47:11,17,22 48:4,12,12 51:8 51:12,14,17,18,18 51:19 52:2 54:4 54:15 55:1,15,22 56:6 congresss 4:24 19:22 23:11 33:23 40:14,16 42:17,19 consider 13:22 consideration 25:18 considerations 3:12 considered 13:22 13:24 25:13 consistently 25:2 conspicuously 54:24 constitutional 7:3,9 7:21 15:9,16 construction 16:10 53:19 construed 3:15 contaminated 26:23 contamination 28:10 50:19,23,24 contemplate 23:8 contemplated 22:25 content 44:24 46:2 context 3:12 26:7 continue 44:24 45:21 continues 54:3 continuously 46:8 contradiction 36:16 |
| C | | | | |
| c 1:8,18,21 2:1 3:1 37:16 california 52:25 53:3,8 call 11:21 34:1 40:6 40:8 42:24 called 13:20 34:14 34:15,16 42:13 calling 20:2 camp 28:11 52:24 53:1,5 cancer 28:10 47:21 53:1,7 cant 32:16 33:18,19 40:25 41:6 42:2 52:17 care 7:2 careful 6:14 7:5 caring 36:9 carolina 7:16,19 10:20,22 12:13 20:11 21:18,22,25 23:9 24:5 25:16 26:4,21 32:8,10 39:6 46:5,7 53:6,7 53:18,20,22 carolinian 53:9 carolinians 53:8 carried 36:23 case 3:4 8:19 22:3 22:16 26:18,20 28:10,11 35:24,24 36:4,4,4 38:24 50:21 56:12,13 cases 19:12 24:4,5 25:16 39:6,6 43:17 46:20,22,23 55:11 cause 4:16,19 6:9 | 6:21 7:11,17,19 11:13,17 12:5,5 12:10 14:12 16:23 18:20 21:2,5,6,13 21:21,25 25:17 26:25 28:5 29:4 36:25 38:7 44:23 49:8 50:2 51:3,10 causes 9:22,23 13:5 40:11,12 cercla 3:21 14:6,7 16:22 43:15 53:24 certain 26:12 42:11 42:11 certainly 12:25 13:2 50:6 certainty 19:6 25:22 chamber 16:6 chance 6:8 change 5:23 6:18 9:24 54:6 changes 14:13 changing 6:21 18:6 chapter 21:21 check 42:9 chicago 1:15 chief 3:3,8 17:21 18:2 27:19,23 28:12 32:2 39:17 39:25 40:9 45:15 45:20,23 48:17 49:1 52:3 53:10 56:11 choice 47:23 48:5 51:16 chosen 10:13 26:9 circle 29:12,17 circumstances 36:12 cite 24:6,6 53:15,16 cited 37:15 38:19 39:5 civil 5:20 18:7 21:1 21:18 claim 21:9 28:22 | classic 54:11 classify 25:3 32:7 clauses 34:23 clean 48:6,14 cleaning 14:9 cleanup 14:8 48:10 48:11 53:24 54:1 clear 3:13 7:16 12:24,24 14:15 17:14 24:7 45:5,6 53:20 clearly 14:23 31:23 client 55:7,9 clients 55:11 climate 52:8 combine 34:9 come 5:2 16:12 commence 7:10 41:18,24 commenced 18:16 18:18 21:19 29:5 commencement 3:18 5:11,12,13 5:14,16,25 6:3 8:14 9:3 10:14,15 11:6 12:1 16:14 16:19,20 18:6 20:6 21:10 22:3 22:12,23 26:18,19 26:21 27:12,14,15 27:17 35:8,15,16 38:15,15 41:3,9 41:13,13,14,15,16 41:22 44:8 54:23 commences 49:14 49:25 54:13 commission 29:6 commissioned 14:6 14:10 | commits 41:25 committee 51:11 common 5:10 23:11 community 43:21 compact 44:20 company 47:23 53:19 comparison 22:23 23:1 complaint 21:3,14 37:12 complaints 46:10 complete 21:2,13 39:24 completely 28:14 39:23,24 45:18 comply 49:11 comprise 3:13 compromise 19:3 26:8 concede 33:12 concern 50:17 concerned 4:13 28:19 36:10 40:16 43:6,9 47:12 concerns 45:17 conditions 53:21 conference 40:18 43:7 44:1 confirmed 54:25 conflict 25:1 conflicting 46:19 confusing 4:2,7 29:15 congress 3:16 4:9 4:10,18 5:1,23 6:3 6:10,13,24 7:1,4,9 7:20 8:3,8 9:8,10 9:20 10:2,13 12:24 13:2,6,25 14:2,5,17,20,25 15:4,10,20,25 16:18 17:3,5,13 18:10,12,14,23 19:18 22:25 23:4 | 23:8,14,18,25 26:8 28:18 29:22 31:5,6,20 32:19 32:19 36:18 40:16 40:22 41:1,3,21 42:5,5,18,22,25 43:5,9 44:6 45:5 45:22 47:11,17,22 48:4,12,12 51:8 51:12,14,17,18,18 51:19 52:2 54:4 54:15 55:1,15,22 56:6 congresss 4:24 19:22 23:11 33:23 40:14,16 42:17,19 consider 13:22 consideration 25:18 considerations 3:12 considered 13:22 13:24 25:13 consistently 25:2 conspicuously 54:24 constitutional 7:3,9 7:21 15:9,16 construction 16:10 53:19 construed 3:15 contaminated 26:23 contamination 28:10 50:19,23,24 contemplate 23:8 contemplated 22:25 content 44:24 46:2 context 3:12 26:7 continue 44:24 45:21 continues 54:3 continuously 46:8 contradiction 36:16 |

| | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>contradictory 27:6 contrary 51:22 controls 17:15 23:24 core 31:16 corporation 1:3 3:4 corpus 39:7 correct 27:8 42:4 42:16 46:3 couldnt 27:3 36:14 41:24 counsel 18:22 27:19 53:10 55:19 56:11,12 counterbalance 55:4 country 50:22 couple 37:18 44:22 50:7 course 8:5 court 1:1,12 3:9 5:2 5:7 7:19 14:21 18:3 19:12 21:2 21:14 24:9 25:8 25:21 27:24 35:23 40:17,19 46:9,25 47:16 52:10 53:18 53:20 54:18 56:10 courts 12:25 24:4 25:2,6 31:23 cover 48:22 covered 25:12 30:23 covering 35:10 coverup 48:12 creating 44:22 49:8 creature 23:7 critical 18:21 20:22 crucial 30:25 cts 1:3 3:4,10 curiae 1:19 2:7 17:25 cut 28:24 55:2 cutoff 19:7</p> <hr/> <p style="text-align: center;">D</p> <hr/> | <p>d 1:8,18 3:1 damage 4:6 dangerous 7:21 date 3:18 5:11,12 5:13,14,16,16,25 8:13,14 10:2,4,14 10:15 11:6 12:2,8 16:14,19,20 18:6 20:6 21:10 22:3 22:13,13,14,23 26:18,19,21 27:3 27:12,14,15,17 28:15,21 35:9,15 38:15,15 40:3 41:3,9,13,16,22 44:7,9 54:23 dates 6:3 13:4 35:16 43:14 day 9:25 29:24 31:19,24 40:17,19 42:1,2 deal 56:3 decided 26:10 decision 12:25 41:1 41:6 47:15,18 decisions 37:18 deeply 26:13 defeat 4:17 51:5 defend 55:11 defendant 10:21 11:11,15 17:10 21:9 25:23 26:1 35:23 41:25 defendants 12:9 13:17 19:6 22:14 41:10 54:13 defense 46:5,18,22 46:23 define 16:16 31:20 38:20 41:23 defined 5:19 10:15 16:14 38:15 39:5 40:5 41:21 42:5 42:23 54:6,9 defining 31:17 39:8 definition 9:2 17:5</p> | <p>38:22 definitional 16:11 definitions 5:22 20:23,23 23:25 24:23 51:17 deny 31:12,15 department 1:18 depends 21:12 39:17 designed 8:2,5 53:25 55:13 determined 43:21 develop 4:22 developed 53:7 develops 53:1 dictionary 37:16 didnt 5:2 17:15 19:14 20:11 24:14 24:16 29:8 31:5 47:2 48:18,23 51:12 55:2 difference 15:5 16:1 24:3 32:14 32:17,18 42:20 different 8:3 11:12 11:19 22:13 23:9 23:10 28:13,16 30:2 31:10,11,12 31:16 32:5 35:10 37:21 42:21 51:8 differently 31:14 35:12 37:25 45:4 difficulty 35:4 diligence 8:6 diligent 8:12 directed 23:17 31:2 disagree 4:23 18:13 44:13 51:13 discovered 6:8 26:24 28:23 40:4 40:21 43:23 49:20 discovering 15:1 discovers 28:5 discovery 7:11 18:20,24 19:1,5 19:15 22:1 23:6</p> | <p>23:20 26:11,12 30:16 31:3 36:19 39:18,21,22 42:10 42:10,14,15 43:24 49:10,25 50:1 51:9 55:4 discrete 51:2 discussed 24:25 dismiss 35:23 46:12 dispositive 24:24 distinct 25:19 distinction 11:14 11:19 12:21 13:8 13:10,14 14:3,15 14:20,21 15:13 17:13 23:22 25:2 25:15 26:5,9 29:6 29:19,20,23 30:9 distinctions 31:22 distinguished 24:11 43:19 distinguishing 24:8 documents 55:12 doesnt 9:9,13 14:24 22:2,9 31:8 33:20 38:9 42:3 46:21 46:22 51:16 54:8 doing 5:22 6:14,23 9:20 32:4 40:22 44:20 45:7 dont 7:23 8:7 9:19 16:9 21:15 32:7 36:8 40:23 42:10 51:4 52:12 drafted 30:7 drafting 54:15 draw 25:2,16 drawn 13:8 drop 28:14 due 50:19 duty 7:2</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e 2:1 3:1,1 53:17,19 earlier 5:11 27:16 35:9 51:21 52:19</p> | <p>easily 36:7 effect 30:16,20 effective 44:17,20 45:3,6,10 effectively 45:9 51:17 effects 3:14 either 14:24,24 27:8 31:5 element 7:17,18,21 25:25 46:5,25,25 47:2 elements 6:20 eliminates 45:9 emerged 31:23 emerging 29:18,19 enact 4:14 18:10 19:4 43:24 47:4,7 51:25 enacted 4:9,11,22 12:16 18:23 19:4 43:15,15 53:24 54:2,5 55:5 enacting 52:7 encourage 48:11 encouraged 48:15 ended 39:2 ends 12:9 enlisted 53:4 enlisting 52:23 enrolling 52:23 ensminger 44:16 entire 46:2 environment 42:19 43:18 47:25 48:4 49:4 52:15 environmental 28:3 40:24 47:24 49:5 envisioned 35:10 50:13,21 epa 26:22 equitable 24:12 33:9,21 esq 1:15,17,21 2:3 2:6,10,13</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>establish 16:18 establishes 49:17 et 1:6 everybody 16:5 28:22 evolution 43:13 exactly 9:7 38:4,21 39:8 41:21 43:9 50:20 example 10:6 exchanges 15:24 exist 13:20 22:9 32:22 existing 22:10 exists 13:19 21:6 37:10 40:23 expect 52:6 expected 5:4 expects 29:22 expedition 5:1 explain 16:3 expressed 50:18 expressly 23:19 54:15 extend 48:22 extent 7:13,15 9:17</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face 54:21 faced 39:11 facility 28:4 48:3 facing 45:22 fact 11:2 29:13 31:25 32:8,25 38:19 39:6 factor 20:22 facts 38:24 fairly 44:20 familiar 21:23 far 6:17 7:20 36:10 fatal 53:1 fault 14:8 54:1 favor 52:15 favorable 5:13,25 6:2 8:13 10:15 12:1</p> | <p>federal 5:12 8:13 10:15 13:10,11,13 13:16 16:19 19:17 19:25 22:23 26:21 27:17 30:23 33:15 44:8 49:13 50:13 51:9 federalism 3:13 6:22 26:7 federally 16:18,20 fence 55:8 field 55:17 56:8 figure 14:11 figuring 42:20 file 21:3,14 final 52:21 find 8:19,19 14:4 15:23 37:8 fine 10:1 22:12 finish 28:14 first 16:8 21:2 28:1 29:17 34:6 44:7 fit 22:11 five 4:4 floor 15:25 49:17 49:18 flowers 55:1 focus 19:21 48:2 focused 9:8 14:8 folks 14:11 follow 7:24 26:4 51:21 52:19 force 5:2 foreseen 50:16 formulation 54:11 fortiori 27:16 forum 25:4 found 8:9 9:21 four 4:3,4,8 18:22 19:19 32:3 53:11 friend 46:4 friends 28:7 43:2 frustrate 33:23 full 16:6 fundamentally 55:24</p> | <p>further 56:10 furthermore 23:3</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>g 3:1 general 1:18 3:20 14:18,20,21,22 25:12 33:21 generally 24:4 25:18 26:6 54:21 generals 43:20 ginsburg 3:19,24 4:12 7:8,23 16:17 18:9,14 19:8,13 25:7 29:8 38:23 41:12,24 42:6 48:15 50:25 51:22 ginsburgs 14:23 52:20 give 4:7 9:13 13:16 20:19 28:14,21 given 11:10 17:13 31:10 34:23 55:17 56:7 gives 9:7 go 4:13 6:17,20 19:2,7 21:2,14 22:19 26:1,10 52:14 goes 14:22 22:20 going 8:2 11:3,4 25:8 40:25 41:8 47:6,6 good 55:2 government 31:7 35:5 36:3 38:17 43:3 50:14,16 52:24 53:5 governments 21:16 21:17 45:11 50:8 ground 55:9 groundwater 28:10 50:19,23 group 4:2,9 6:18 14:10,14 20:18 29:12 30:1,10,14</p> | <p>31:1 40:19 43:6 43:16,19,20,21 47:14 50:12,17,21 50:25 51:7 54:5 groups 23:16 36:19 36:22 guess 52:13</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hand 11:16 14:16 36:2,20 45:16 handful 30:15 happen 49:7 happening 52:4 happens 38:3 hard 36:25 37:8 hardend 13:4,16 harder 14:3 hardships 32:22 hargett 53:17 harm 28:3,5,6,8,9 28:23 32:20 40:1 40:4,21 43:17,23 49:2,5,8,21 50:2 harmed 30:18 hasnt 12:24 14:20 55:9 havent 4:22 40:13 hazard 52:12 hazardous 28:4 42:18 47:24 48:3 49:3,9 head 15:4 38:11 54:16 heading 30:13 hear 3:3 heard 12:21 heart 6:20 heartland 6:16 56:8 helpful 14:5 15:24 helps 24:19,20 historical 3:11 history 14:5 15:24 19:21 28:6 54:25 hole 55:8</p> | <p>holland 53:17 honor 10:11 15:19 28:18 29:11 30:8 31:15 32:7,18 36:15 39:4 40:14 41:2,9 42:4,17 45:19 47:10 50:1 50:6 51:14 52:18 56:1 honors 33:25 53:14 hook 4:15 47:19 48:5,6,13,18 horribles 49:7 50:4 50:5 house 40:18 43:7 43:25 huge 32:16 hybrid 34:13 35:20 hypothesize 19:14 hypothetical 11:1 11:18 52:22</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>id 22:19 27:25 idea 6:7 identified 18:15,17 ill 1:15 illness 43:1,9 illnesses 44:2 im 5:6 19:16 20:16 21:23 30:4 32:21 45:23 imagine 15:3,10 22:8,10 50:3,5 52:22 53:4 impinging 15:8 important 13:17 32:14 43:14 55:3 impose 32:22 impressive 30:11 incentive 48:9 incentivized 51:24 incentivizing 25:20 included 33:3 includes 28:9 including 8:9</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>incompetent 32:16 incompetents 32:24 33:1 inconsistency 18:25 independent 39:23 39:24 independently 22:11 indicated 4:2 indication 19:20 individual 53:4 individuals 49:9 52:22 industrial 50:20,23 injured 4:16 11:4,5 42:3 injuries 16:22 injury 4:5,16,19,25 6:8,9 7:10 8:19 15:1 16:23 18:19 18:20 26:24 51:3 51:10 56:4 innocent 47:21,21 instructing 51:4 insurance 25:24 intact 54:23 intended 3:16 25:22 intent 33:23 interest 19:3 interference 15:14 internally 27:6 interpretation 27:6 intruding 26:13 intrusion 54:19 invoke 19:11 involving 43:17 isnt 21:10 33:20 36:9 38:12 41:4,5 41:17 44:12 49:15 55:23 issue 7:1 23:4 26:11 52:11 issues 15:17 ive 12:20 46:7</p> | <hr/> <p>J</p> <hr/> <p>j 1:15,21 2:3,10,13 3:6 27:21 53:12 jerome 44:15 john 1:21 2:10 27:21 joseph 1:17 2:6 17:24 juris 39:7 jurisdiction 13:1 26:3 justice 1:18 3:3,8 3:19,24 4:12 6:5 7:8,23 8:15 9:12 10:5,5,19,25 11:18 12:15,18,20 13:7,19 14:18,19 14:22 15:12 16:5 16:17 17:21 18:2 18:9,14 19:8,13 19:23 20:4,8,14 20:19 21:4 22:6,7 23:22 24:16,21,25 25:7 26:17 27:1,5 27:19,23 28:12 29:2,7,8,14,21,25 30:8,21,24 31:7 32:2,13,21 33:4 33:11 34:3,12,18 34:21 35:3,18 36:8,24 37:20,22 38:5,6,23 39:17 40:1,9,22 41:4,12 41:24 42:6 44:3 44:13 45:15,20,23 46:14,17 47:3,20 48:15,17 49:1,6 49:17,19,22 50:3 50:25 51:22 52:3 52:16,20 53:10 55:19 56:11</p> <hr/> <p>K</p> <hr/> <p>kagan 6:5 10:5,19 10:25 14:18 15:12 22:6 26:17 27:1,5</p> | <p>34:3,12,18,21 37:20 38:5 44:3 44:13 kagans 29:21 keep 7:6 keeping 6:4 kennedy 24:16,22 29:2,14 32:13,21 33:4,11 46:14,17 52:16 kind 7:23 44:11 knew 4:10 6:15 30:1 56:7 know 4:19 8:18 9:13 11:4,4 13:25 14:8 15:12 16:23 22:12 28:14 30:17 34:18 35:9 36:8 36:24 37:18 40:23 42:3 45:3 51:15 51:25 52:5 54:20 55:20 korzen 1:21 2:10 27:20,21,23 28:18 29:11,16 30:8,24 31:15 32:6,17,25 33:6,24 34:10,13 34:20,25 35:18 36:15 37:14,21 38:4,14 39:4,25 40:14 41:2,8,19 42:4,16 44:13 45:19,25 46:16,19 47:10 49:1,16,20 50:1,6 51:13 52:8 52:12,18</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>label 23:24 24:14 24:17 labels 24:22,24 lampf 24:9 29:15 29:17 land 14:9 language 13:2 22:11 31:18 33:25</p> | <p>34:2 late 13:23 latency 43:1,4,5,8,8 44:2 47:12 50:18 51:6 latent 28:3,5,5,8,9 28:15,15 32:20 40:1,11,12 47:5 laughter 15:11,22 16:7 29:10 38:13 law 3:17 4:21 5:10 5:11 6:16,24 7:2 7:16,19 8:9 9:21 10:14,20,22 12:1 12:2,4,13 13:22 13:25 14:13,23 17:15,16 18:4 20:6 21:13,18 22:24 23:2,7 24:4 25:5,9 26:1,4,5,14 26:14,21 27:14,16 29:8 33:15 37:5 37:10 44:24 45:21 45:24 46:3,5 49:2 49:12,13 51:7 53:22 54:21,23 55:18 56:9 laws 13:3 24:11,14 25:1 lawsuit 41:14,16,18 layering 23:20 leading 14:11 learned 25:9 26:22 leaves 18:6 54:22 left 8:8 49:14 legal 43:20 legally 15:9 legislation 30:6 legislative 14:4 15:23 19:21 28:6 54:25 legislatures 4:14,21 52:17 lejeune 28:11 53:5 lengths 23:10 liability 7:3 14:9</p> | <p>15:15 48:9 50:13 55:20 liable 9:14 lightly 7:5 limit 24:13 25:13 47:6 limitation 7:24 8:17 9:9 19:25 23:10 29:1 33:13 33:16 39:2 41:17 51:9 limitations 3:18 5:3 5:9,10,17,18,19 5:20 6:3,11,19 7:14 8:4,4,10 9:25 10:3,16,17,18 11:8,20,23 12:3,6 12:11,22 13:9,14 13:24 14:17 15:2 15:15 16:2,10 17:8,18 18:16,19 19:1 20:2,12,24 20:25 21:24 22:4 22:24 23:1,12,23 24:2,10,18 25:3,5 25:10,11,11,13,20 27:9,10 28:17 29:7 30:14,16 32:12 33:2,8,15 34:1,5,6,8,14,16 34:17,22,24 35:6 35:7,8,11,13,15 35:20,22,25 36:10 37:3,7,9,23 38:1 40:7 42:9 43:11 43:22 44:10 46:12 47:15 49:13,24 51:3 54:8,12 limited 18:5 48:1,2 line 56:5 linked 54:10 listening 16:5 litigation 55:13 little 4:1,7 37:21,25 38:14 43:12 56:4 living 47:21</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>lobbied 51:25 lobbying 52:8 lobbyists 52:10,13 logical 17:12 long 11:24 30:11 42:25 43:8 44:2 47:4,12,14 48:6 48:13 49:15,16,24 longer 11:22 16:25 23:12 longlatent 4:25 look 15:13 20:5 21:16 27:9 33:18 45:21 46:25 47:5 looking 24:17 27:8 49:4 loose 13:1 lot 29:22 50:4 56:2 lower 31:23 luck 32:24</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>m 1:13 3:2 56:13 main 43:21 making 5:1 8:6 51:1 man 43:17 marines 52:23 match 56:5 matter 1:11 14:24 26:3 31:8,8,9,9 40:2,7,15 42:24 42:24 51:16 56:14 mean 6:7 8:17 11:1 13:20 14:24 15:17 27:3 32:4,15 37:20,22 38:9 44:4 52:4,6 54:9 55:8 meaning 39:23 means 5:16 10:17 41:13 meant 4:18 52:18 54:7,7 mechanism 6:19 meet 9:2 17:4</p> | <p>members 15:25 mentioned 20:18 28:8 29:15 43:4,5 47:13 merit 29:3 messing 11:1 messy 56:4 mind 24:1 33:7 mine 55:7 minimize 54:16,19 minor 32:16 minority 18:17 minors 32:23 33:1 33:8,16,19,24 minute 29:12 30:10 minutes 53:11 mirror 26:9 modification 8:11 modifies 18:4 modify 6:11 months 49:10 motion 46:13 move 4:21 6:4 9:10 10:2,14 44:7 46:10,11 moved 8:13 moving 16:14 multiple 23:1 murray 1:15 2:3,13 3:5,6,8,23 4:1,20 6:13 7:13 8:1 9:6 9:17 10:5,11,20 11:9,24 12:17,19 12:23 13:13 14:2 14:19 15:19,23 16:8 17:2,22 20:22 46:4 53:11 53:12,14 56:1 myriad 4:5</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>n 1:21 2:1,1 3:1 nah 40:24 names 31:11 narrow 17:17 55:16</p> | <p>narrower 4:24 narrowly 3:15 nearby 47:21 necessarily 17:9 need 19:14 33:7 negligence 6:25 7:1 8:24 9:14 46:2 negligent 50:15 neighbor 47:21 neither 28:7 43:4 nested 20:23 never 12:21 36:21 38:18,25 new 29:9,11 44:8 44:23 newly 29:18,19 north 7:15,18 10:20,22 12:13 20:11 21:17,22,25 23:9 24:5 25:16 26:4,21 32:8,10 39:6 46:4,7 53:6,6 53:8,9,17,19,22 noted 50:18 notice 43:3 notion 42:13 nuisance 46:1 number 35:1 37:13 numerous 38:20</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>o 2:1 3:1 objectives 8:3 obligation 9:22 occasion 19:11 occur 50:4,5 occurred 8:25 9:4 9:16 occurs 21:11 office 39:24 officer 46:9 oh 13:19 15:13 okay 21:4,5,9 old 41:7 older 41:7 omission 10:22</p> | <p>11:7,11,15 12:9 17:10 once 39:22 40:4 43:4 ones 32:5 oneyear 24:10 opening 5:7 operate 42:11 operating 6:15 operation 34:4 opinion 24:18 52:17 opposed 18:19 opposite 40:11 oral 1:11 2:2,5,9 3:6 17:24 27:21 43:4 order 25:23 ordinarily 37:17 originally 53:24 outer 19:7 owner 50:14</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p 3:1 56:13 page 2:2 5:7,15 21:16 29:18 32:9 38:19 39:6 45:11 50:12 pages 30:11 palmore 1:17 2:6 17:23,24 18:2,9 18:13 19:8,13 20:4,10,15,21 21:12 22:19 24:21 25:15 26:17,19 27:4,7 paragraph 32:11 part 12:19 17:16 19:3 24:17 33:19 36:18 46:9 particular 3:21 24:7 37:8,11 40:12 48:21 parties 4:13 passed 14:6 28:8</p> | <p>42:12 48:11 passing 6:24 7:2 pendleton 52:24 53:1 people 5:2 7:9 8:7 14:25 30:6 32:20 32:23 40:17,19 43:23 49:3 53:25 peoples 30:17 perceived 6:22 perfect 56:5 perfectly 12:24 17:12 22:15 period 5:9,18,19,19 7:14 8:10,10 9:11 10:16,17,17 11:8 12:11 16:15 17:6 18:7,8,19 20:7,24 20:25,25 21:24 22:4,24 23:6,12 24:10,13,20 27:2 27:10,10 28:25 29:4 31:17 34:1,1 34:2,5,8,8,11,22 34:22 35:2,2,7,13 35:22,25 36:1,3,4 36:6,10,11,21 37:1,2,3,7,10,23 38:1,16,18,20,22 39:9,12,12,16,19 39:20 40:2,6,7,7 40:16,20 41:17,20 41:23 42:25 43:11 44:4,5,6,8,9,10 46:11,12 47:14 51:9 53:3 54:8 55:5 periods 18:16 21:20 23:1,10 31:20,25 34:24 35:1,13,20 36:7 36:20 38:8 43:10 43:22,25 44:19 45:2,9,12,18 46:4 47:12,13,16 51:25 permission 9:7,13</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>11:10,13 permitted 11:10 person 4:16 28:4 32:16 personal 4:5 26:3 56:3 peter 1:6 petitioner 1:4,16 1:20 2:4,8,14 3:7 18:1 27:8 33:22 35:4 36:2,18 38:17 39:7,10,11 43:2 53:13 petitioners 24:6 28:7 29:17 36:17 45:10 50:7 phrased 35:12 phrasing 37:13 picked 42:6,7 piece 55:3 pieces 10:12 piggybacked 8:16 20:1 pin 38:11 place 6:4 7:6 8:9 27:18 plain 27:25 33:25 34:2 41:8 50:10 plaintiff 12:8 19:11 25:21 37:8 42:1,2 42:2 plaintiffs 38:25 39:1 plead 7:18 47:2 please 3:9 18:3 27:24 pled 46:6,9,15,21 53:22 plural 37:13,15,17 38:1 plus 51:10 point 14:23 16:8,9 23:12 29:3 33:4 33:21,22 35:19 37:22 44:25 46:21 50:11 53:16,23</p> | <p>pointed 4:4 35:4,5 44:16 points 15:19 50:7 policies 25:24 policy 25:18 47:15 47:16,18,23 48:5 55:23 polluter 47:19 48:5 polluters 48:13,18 polluting 47:23 positing 12:2,4 position 20:15 33:22 possibility 52:9 55:7 possible 52:2 postpone 3:17 potentially 6:22 powers 52:13 precedent 53:21 preempted 36:13 preempting 41:1,3 preemption 54:17 54:25 prejudice 35:24 premise 4:23 prerogatives 6:16 7:6 15:9 prescribed 21:20 presented 13:3 preserve 7:5 28:2 32:19 40:1,10,15 42:22,23,25 preserved 28:8 preserving 28:19 presumably 6:7 presumes 54:18 presumption 54:17 54:24 pretty 6:15 15:18 44:12 prevail 3:10 4:13 prevent 10:6 preventing 6:10 10:9 prevents 15:1</p> | <p>principal 18:15 26:10 probably 26:20 problem 7:9,14 18:15,17 26:10 37:12 44:2 50:19 problems 6:22 7:4 22:5 50:22 procedural 6:19 25:4 30:19 professor 29:8 property 4:6 49:3 50:14,15 53:25 56:3 proplaintiff 19:5 protect 33:8 47:5 protection 13:17 protects 32:23 33:16 prove 7:18 provide 25:22 35:15 provided 19:6 54:22 provides 5:11 35:8 35:15 51:8 provision 24:1 38:2 38:3 54:22 provisions 33:1 48:24 purchase 22:2 pure 47:16 purpose 4:24 14:23 16:12 28:2,2,13 28:16,20,20,21 39:21,25 40:2,10 40:15 42:8,14,17 42:19 43:13 51:6 purposes 27:11 put 37:24 40:12 47:24 52:9 putting 33:10,24 puzzle 55:3</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 14:3 16:21</p> | <p>17:1,4 19:9 20:9 21:18 22:7,17,20 24:22,22 33:17 51:21 52:19 questions 29:22 56:10 quickly 25:21 quintessentially 26:15 quite 16:3 22:8,12 24:7 31:11,12,13 31:16 40:11 quote 33:19</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>r 1:17 2:6 3:1 17:24 race 51:23 52:1 raise 15:16 raised 46:18,21,23 46:24 ran 40:20 43:22 range 19:7 rare 35:21,21,21 52:5,5 rarelyapplied 37:19 rash 4:20 read 10:12 36:7 37:6,8,17,25 reading 5:7,15 11:24 22:21 36:6 36:21 47:8 real 22:9 37:12 55:6 reality 31:9 really 15:14 16:3 26:8 35:10 39:14 47:15,16 52:6 realm 52:9 reason 15:6 19:15 47:11,11 48:10 55:2 reasons 13:17 rebuttal 2:12 17:20 53:12 recognize 29:6</p> | <p>recognized 24:5 26:6 recommendation 6:18 51:10 recommendations 30:24,25 31:1 36:19,23 51:1,2 recommended 43:24 record 19:18 recovery 43:16,18 43:22 48:20 red 32:9 redundant 44:10 refer 35:5 36:25 referring 37:9 refers 37:1,1 49:13 reflects 8:5 reform 19:5 regardless 37:11 54:1 regulation 54:20 related 25:19 relative 52:13 relatives 53:2,7,9 released 42:19 48:3 49:3 releases 28:3 relevant 3:12 10:13 18:8 relied 39:7 relief 21:14 27:13 relies 50:8 remaining 53:11 remedies 48:22,22 48:23 remedy 25:14 remember 13:18 14:5 remove 7:20 rendering 23:12 repeal 9:23 23:16 23:18 31:3 repealed 30:22 repeatedly 50:18 reply 39:10</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>report 4:2 14:15 18:15 30:5,10 31:1 40:18,19 43:7,7 44:1 47:14 50:12,17 54:5 repose 3:14,21 4:8 4:10,15 6:6,9,12 7:15,16,24 8:1,16 8:23 9:1,9,18 10:8 11:2,7,16,21,23 12:7,22 13:9,12 13:14,21 14:16 15:1,8,14 16:2,11 16:16,25 17:4,11 18:11,24 19:1,10 19:16,20,24 20:1 20:13 22:10 23:5 23:5,18,21,23 24:13,19 25:5,8 25:19,22,25 26:4 28:13,24,25 29:4 29:7 30:12,15 31:4 32:8,15,21 33:5,7,18 34:2,7 36:13,20,21 38:20 38:22,24 39:8,12 39:23 40:7,10 41:4,5,15 42:8,14 42:15 43:10,25 44:4,5,6,8,9,18 45:2,9,12,18,24 46:4,11,17 47:4,7 51:5,12,15,25 52:7 53:3,21 54:13 55:3,6 56:2 represent 19:2 represents 34:22 require 23:11 39:21,22 48:21 required 16:19 requirement 16:19 16:20 reserve 17:19 resort 14:4 respect 18:5 45:24 49:8</p> | <p>respected 46:3 respectful 44:21,25 45:16,20 respectfully 4:23 18:13 respond 53:16 respondents 1:22 2:11 4:3 22:21,22 26:22 27:22 responding 30:6 response 54:4 responsibility 26:15 54:1 rest 16:10 17:19 restatement 25:8 result 4:17 48:7,8 51:22,23,23 return 29:21 rid 6:6,11 right 3:22,23 6:20 7:25 8:17,21 9:24 10:19 12:23 13:18 14:19 15:25 17:2 20:14 22:9 24:21 25:14 38:4 39:2 44:4 47:9 49:11 52:6 rights 8:7 44:22 45:1 roberts 3:3 17:21 27:19 28:12 32:2 39:17 40:9 45:15 45:23 48:17 52:3 53:10 56:11 rule 19:2,5,15 22:1 23:6,20 30:17 36:19 37:19 39:18 39:22,22 42:10,10 42:14 46:12 rules 18:25 26:12 26:12 31:3 43:24 55:4 run 10:3 21:24 28:23 38:8 40:20 44:19 running 11:16</p> | <p>18:18 41:16 <hr/>S<hr/>s 2:1 3:1 29:8 37:16 37:16,16 53:17,19 saving 4:25 saying 4:18 7:2 10:9 32:21 33:13 34:23 36:13 37:18 39:14 45:8 says 6:25 8:23 9:13 21:7,18 29:18 35:6 37:2,16 39:11,11 54:21 55:23 scalia 8:15 9:12 11:18 12:15,18,20 13:7,19 14:19 16:5 19:23 20:4,8 20:14,19 21:4 23:22 25:1 29:7 30:21,25 31:7 35:3,18 36:24 37:22 38:6 49:6 49:17,19,22 50:3 scalias 10:6 22:7 school 13:23 25:9 second 16:9 27:13 51:4,10 secondary 31:19 section 3:11,15 5:6 18:4 20:16 22:2 28:2 39:7 54:5 securities 24:11,13 see 20:6 21:17 32:9 33:14 34:5 47:15 seeking 54:18 seen 4:22 sense 9:20 19:4 25:24 54:14 55:15 55:18 sent 53:6 sentence 28:1 32:11 separate 21:6,7 27:13 seriatim 34:6</p> | <p>serious 6:22 7:3 22:5 serves 39:24 set 5:5 7:4 10:24 13:15 15:21,24 17:5 18:12 43:16 setting 19:18 55:6 settlements 55:13 shake 55:13 shes 42:3 short 44:14,17 45:14 49:24 shorter 36:12 shouldnt 55:25 showed 23:25 shows 36:16,22 45:9 side 24:19 45:8 48:7,8 sides 52:11 sign 52:3 significant 32:18 similarity 31:17 simple 44:12,16 45:3,6,14 simply 16:16 25:13 41:5 53:23 single 3:17 10:7 34:21 singular 35:17,19 37:13,15,17 site 55:8,10,14 situation 11:12,22 35:22 47:1 48:4 situations 3:17 sleep 8:7 slight 8:11 slightly 4:24 small 35:1 54:6 smarter 13:25 socalled 19:24 25:10 solicitor 1:17 solution 23:3,11 solvents 50:20,23 somebody 46:10</p> | <p>sophisticated 15:10 15:18,21 sorry 45:23 sort 9:6 16:11 27:5 52:1 sotomayor 29:25 30:9 36:8 40:22 41:4 55:19 sound 9:9 12:5 sovereignty 26:16 speak 38:14 speaks 17:7 special 49:8 specific 25:17 42:5 42:18 48:2 specifically 49:4 53:22 54:17 56:3 specified 5:9,16,19 21:1 35:7,14 squarely 4:8 stand 3:18 standing 13:1 start 6:21 23:6 27:25 28:22 52:7 started 40:3 starting 23:11 44:25 starts 11:15 12:5 state 3:17 4:14,21 5:10,25 6:2,16,16 8:9,15,22 9:18,21 10:14 11:9 12:1,2 12:3 17:15,16 18:4 19:14,16,24 20:6,17,18 21:13 21:23 22:24 23:1 23:9 25:4 26:1,2 26:14,14 27:14,15 32:23 34:11 35:8 37:4,10 40:23,24 42:7,21 44:23,24 45:21,24,25,25 46:2,19 47:3 48:19 49:2,7,11 49:15,23 51:7 52:17 54:19,21,22</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>55:18 56:8,8,9 states 1:1,12,19 2:7 3:20,24 4:3 7:6 9:22,23,24 15:8 17:25 18:10,18,22 18:24 19:4,9,19 23:17,18 26:12,16 30:15 31:2,2,3 32:3,6,14 34:10 35:1,11,14 43:24 44:1,21 45:1,1,17 48:21 49:17 51:1 51:4,19,24,25 52:6 55:5,21 56:2 stationed 52:24 53:5 statute 3:18,20 4:14 5:3,5,10,16 5:20 6:3,6,9,11,12 7:6,10,13,15,24 8:1,5,23 9:1,6,8,9 9:17,18 10:3,7,8,9 10:18 11:2,6,20 11:21,22,23 12:3 12:6,6,15 13:10 13:11,13 14:8 15:1,2,8,13,15 16:1,10,11,13,16 16:24 17:4,5,7,10 17:14 18:11,18,23 18:25 19:1,16,17 19:24 20:1,2,11 20:12,17,23 21:4 21:6,7,23 22:3,10 22:12,15,18,21 23:5 24:18,23,23 25:5,8,10,11,11 25:12,19,20,21,25 26:4 27:9,11 28:8 28:13,16,24 30:13 30:16,23 31:13 32:10,12 33:13,14 33:14,15,18,20 34:4,5,6,7,14,15 34:16,19,25 35:8 35:20 36:7,24</p> | <p>37:25 38:24 39:8 39:23 40:10 41:5 41:15 42:8,9,14 42:15 43:13 44:14 44:18 45:9,12 46:17 47:4,7 48:2 49:9,12,14,15,23 51:2 53:24 54:10 54:12,12,15,20 55:6 statutes 3:14,25 4:8 4:10 6:18 7:16 8:4,4,16,17 9:25 11:16 12:21,22 13:9,9,12,16,18 13:20,21,24 14:16 14:16 17:17 18:16 18:23 19:10,20 23:5,18,20,23,23 24:2 25:3,5 30:2 30:12,15 31:3 32:7,15,22 33:1,5 33:7,8 35:6,11,14 36:13 42:7,21 51:5,11 52:7 53:21 56:2 statutory 25:17 stay 48:6 straightforward 23:15 strained 22:21 strange 44:4,11 strangely 23:13 strict 4:7 7:2 strike 17:17 strong 55:23 structure 3:11 16:12 20:5 study 4:2,8 6:18 14:10,14 20:18 23:16 29:5,12 30:1,10,14 31:1 36:19,22 40:18 43:6,16,16,19,21 47:13 50:12,17,21 50:25 51:7,11</p> | <p>54:5 stuff 15:18 stumble 35:3 submitted 56:12,14 substance 24:15 26:13 substantial 32:22 substantive 15:14 19:6 24:3 26:1,3 30:19 substitutes 5:12 succinctly 16:3 suddenly 52:7 sue 6:8 8:18 9:24 11:10,10,13 14:25 16:21 32:16 34:8 34:23 39:2 42:2 sued 26:2 55:7 sues 42:1 suggest 22:22 suggesting 52:20 suggestion 23:16 23:17 suggests 33:6 38:1 suit 8:19,21,23 9:3 9:15 10:18,20,23 12:12,12 21:8,11 27:2,3 29:5 36:11 36:14 55:10 suits 11:3 superfluous 23:13 45:12 supersedes 33:18 supporting 1:19 2:8 18:1 suppose 8:15,15 19:9 22:16 supremacy 55:18 supreme 1:1,12 53:18 sure 5:2 8:6 14:25 19:16 surgical 17:17 54:6 55:16 surgically 5:23 18:4</p> | <p>surprising 26:7 56:6 survives 20:3 system 50:5</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t 2:1,1 tag 53:25 take 22:7 37:20 38:23 48:19 takes 48:6 talk 30:9 43:12 49:6 talked 24:2 talking 24:9 32:11 33:12 46:1 48:24 talks 22:22 24:18 49:2 taxpayers 47:22 technologicalter... 29:19 tell 12:20 46:8 term 30:12 41:21 50:9 terminological 29:20 terminology 31:9 terms 30:1 39:5 40:5 41:13 42:5 42:23 54:7 territory 7:22 text 3:10 10:6,8 16:12 19:20 20:5 thank 16:2 17:21 18:2 27:19 53:10 53:14 56:11 thats 3:23 5:5,11 7:13 8:21 9:12 10:23 14:17 15:9 15:17,17,17 17:2 20:19 24:21 28:14 30:7 31:18 32:15 33:4 34:14 35:24 35:25 36:16,22 37:19 38:4,21 39:5,14 43:1,5,5</p> | <p>44:1,11 45:10 47:24 50:11,20 51:18 52:4 54:2,3 theres 9:21 11:14 13:13 17:3 18:25 19:20 29:2,3,4 30:5 36:3,4 37:18 55:8 56:4 theyre 8:6,6 11:4,5 26:14 37:9 38:10 theyve 30:17 45:13 thing 3:16 5:6,8,24 5:24 11:6 16:13 32:4 37:14 39:15 44:12 things 15:5 19:7 24:15 28:9 31:10 31:11,13 think 4:23,25 6:13 7:3,21 10:25 11:21 12:14 13:25 14:2,19,22 15:17 20:4,5,8,15,21 21:12,15 22:4,6,8 22:16,20 23:24 26:18,20 27:4,7 29:2 33:11,12 37:6,12 38:4 46:20 48:7 49:23 52:14,14 55:21 third 23:7 thought 8:12 15:7 16:17 45:16 52:20 thoughtokay 12:18 three 7:11 16:22 threeyear 20:11 24:10,13 tied 12:7 till 10:3 time 7:24 8:10 9:3 15:20 16:4,21 17:19 18:7,8,19 18:22 20:7 23:9 26:23 28:22 30:11 30:12 38:25 40:3 41:17,20 42:11,12</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>51:2 52:6 53:5 times 43:7 47:17 tipton 53:18 tired 40:24 today 43:4 45:11 54:3 today's 52:8 told 30:3 45:16 tolling 24:12 32:15 33:9,10 top 8:17 23:20 tort 14:12,14 18:5 26:14 46:1 50:13 50:13 56:9 torts 14:7 totally 4:17 18:11 touch 9:19 17:15 touched 53:25 traditional 54:19 55:17 56:7 transferred 52:25 tread 7:5 treating 10:7 trespass 46:2 trigger 4:18 28:21 40:3 41:14 triggers 11:6 true 41:14 trust 52:17 truth 12:20 trying 6:13 16:18 17:14 32:19 37:2 42:22,25 54:15 tumultuous 55:5 turn 5:14,14 24:14 24:16 turned 24:14 two 10:12 15:5,19 19:7 23:9,10 24:3 24:8,11 27:7 28:1 30:1,2 31:10 32:3 32:5 34:9,24,25 35:1,6,10,11,20 36:7 39:14 51:1 52:22 twomblyiqbaltype</p> | <p>47:1 twotiered 34:16 type 33:25 40:6 42:24 43:10 48:23 49:5 typical 21:22 typically 19:2 33:2</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>u 37:16,16,16 unanimously 43:23 undermined 18:12 understand 15:12 18:21 42:7 understanding 34:4 understood 14:2 26:24 unfair 55:24 uniform 16:25 17:3 28:21 40:3 united 1:1,12,19 2:7 17:25 unknown 23:7 untouched 18:6 use 13:1 30:12,13 40:5 50:10 51:15 51:16 uses 21:19</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>v 1:5 3:4 53:17 various 13:3 venue 26:2 versus 16:11 37:13 37:15 vexatious 55:13 victim 47:22</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>wait 31:5 45:15 waiting 51:19 waived 46:14,16,18 waldburger 1:6 3:4 want 20:19 34:18 42:10 47:5 48:12 52:2,12,16</p> | <p>wanted 5:23 6:4,5 6:10 9:10 14:25 15:6 23:15 42:21 47:3 48:13,18 50:11 55:1 wants 46:10 49:24 washington 1:8,18 wasnt 6:19 19:18 42:18,20 55:22 waste 28:4 42:19 47:24 49:9 wastes 48:3 49:3 water 26:23 way 9:7 12:7 14:24 15:15 23:15,25 24:1 27:4,8 29:15 37:9 44:4,5,6,11 44:17,20 45:1,3,6 46:11,24 52:14 55:16,21 56:5 ways 27:7 39:14 44:22 wednesday 1:9 weve 7:4 15:21,24 20:2 24:25 38:19 39:5 whats 7:1 whichever 38:2 wholly 44:9,9 willing 6:17,20 winstonsalem 1:21 wiped 47:8 witnesses 55:12 word 21:20 37:24 51:15,16 wording 27:25 41:9 50:10 words 7:17 12:13 36:5 45:13 work 19:17 22:15 24:15 30:11 works 24:1,24 world 22:9 55:18 worried 5:1 55:22 wouldnt 11:5 22:18 23:19 26:6 49:12</p> | <p>52:9 write 52:16 written 9:6 10:8 13:2</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p>x 1:2,7 21:5,7,8</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah 13:19 38:6 50:1 years 7:11 8:18,20 8:25 9:5,15 11:8 12:9 16:23 21:8 41:7 47:7,7,13,20 48:9 52:25 55:14 55:20 youll 43:3 young 53:18 youre 7:19,21 9:14 10:25,25 11:3 12:4 15:10 22:8 youve 6:8 44:14 49:20 55:14</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 5:6,7 22:22 27:15 35:5 37:13,16,16 37:16 10 8:18,24 9:4,15 11:8 12:9 18:10 21:8 48:9 52:25 10year 18:11 19:10 20:12 35:2,25 38:24 39:2 11 1:13 3:2 12 46:13,13 56:13 13339 1:4 3:4 14 45:11 15 1:13 3:2 16 32:11 56:13 17 2:8 18 38:19 39:6 52:22</p> | <p>1945 47:17 1960 54:5 1980 14:6 43:15 54:2 1982 50:21 1986 12:17 13:23 29:20 31:11,24 54:4 1987 55:10 1992 46:8</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 5:15,18 10:11 46:13 20 8:20 41:7 2009 26:20 27:11 55:10 2014 1:9 29:24 23 1:9 27 2:11 2d 53:17,19</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 2:4 5:15 10:12 21:16 32:9 49:10 30 47:7,19 55:20 32 29:18 3month 49:12 3year 35:2</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>40 47:13 55:14,20 446 53:19 447 53:17 46 55:21</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>50 47:7 55:1,14 53 2:14 59 50:12</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 46:13 60 55:14 603 53:19</p> <hr/> <p style="text-align: center;">7</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

700 30:11
787 53:17

8

86 12:18

9

9651 43:14,15
9658 3:11,15 9:19
11:25 12:14 18:4
18:12 19:11 20:16
22:2 26:8 28:1,2
28:21 32:25 33:3
33:6 41:2 48:10
49:1,4,16 50:10
51:15,20 54:5