

*Public Utility District No. 1 of Okanogan County v. Davis, et al.*  
Okanogan County Cause No. 09-2-00679-4

May 11, 2010 Hearing

UNOFFICIAL TRANSCRIPT

JUDGE: Be seated. Do we also have some people on the phone?

MALE: Yes.

JUDGE: Who's on the phone?

MANN: David Mann.

ZORETIC: And Michael Zoretic, your honor.

JUDGE: I hope you gentlemen can hear us okay.

MANN/ZORETIC: Yes. Fine.

JUDGE: Well, welcome everyone. I'm glad you could be here today. We're recording the decision so you can get a copy of the disc if you need it for any purpose from Mary. All members of the public or parties are entitled to that. The parties will eventually present an order on summary judgment but usually these orders don't contain the Court's reasoning, and the Court doesn't make findings of fact on summary judgment because summary judgment is reviewed by the Court of Appeals and the Supreme Court *de novo*, from the beginning, so they don't really take account of what my view is. And probably most of us know and believe that this won't be the final stop for this decision. I believe this Court's job is to make a decision as best I can and do my part in the process.

So, I'm going to go through a little background. All of you are very aware of the background, but for the record I think I should devote just a few minutes to some of the background. So Okanogan PUD filed this action to condemn by eminent domain an easement across land held in trust by the State of Washington, administered by the Commissioner of Public Lands for the benefit of state common and normal schools. The proposed easement is 11.63 miles long and 100 feet wide for the purpose of construction and maintenance of the PUD's new Pateros to Twisp transmission line. The route has been surveyed but not staked. If successful, this action will fill in the last missing link in the 26-mile new transmission line route. The PUD has been involved in public review, route selection, environmental review and debate, and litigation for over 10 years on this project. I know it's been that long because it was in March of 2000 that this Court ordered the PUD to prepare an EIS. The EIS was

eventually found adequate by this Court and the Court of Appeals, which affirmed the decision in a published opinion in 2008. The Supreme Court denied review.

This case is before the Court on cross-motions for summary judgment. All parties assert that there are no issues of material fact and that judgment should be granted as a matter of law. All parties agree and stipulate that there are no issues concerning public use and necessity beyond the issues presented in this summary judgment. Summary judgment in favor of the State or Conservation Northwest would be a final judgment of dismissal. Summary judgment in favor of the PUD would necessitate a jury trial on the issues of damages. I've broken my analysis down into five questions. The first question I discuss by itself and then talk about the other four.

The first question is an issue raised by the PUD. Do grazing leases or permits constitute public uses where the DNR grants leases or permits to private parties and the proceeds are dedicated to the school trust? The law on this point is well settled that the use of trust land to benefit the trust is a proper and public purpose. Nothing in the law prevents the State from contracting with private individuals or companies to conduct the revenue creating activities. The State does not have to get into the business of buying, grazing and selling cattle. So the answer is yes, the State has authority to contract with private parties to accomplish public uses. And I'm going to describe the other four issues first and then go through them one at a time.

Issue 2: Are all school trust lands, regardless of use, exempt from easement condemnation by the PUD? So that's the general overall question. Can the PUD condemn for easements school trust land? Issue 3: Is the school trust land involved in this case exempt from easement condemnation by the PUD because it is reserved for a particular purpose by law? And that's a specific legal question in the phrasing "a particular purpose by law" is a question presented. Issue 4 and 5 are identical except one deals with grazing permits and one deals with grazing leases. Issue 4 concerns permits. Is the school trust land subject to grazing permits exempt from easement condemnation by the PUD because it is dedicated to a particular use? And then the identical wording as it applies to leases is Issue 5. Is the school trust land subject to grazing leases exempt from easement condemnation by the PUD because it is dedicated to a particular public use?

So further discussion of Issue 2. Are all school trust lands, regardless of use, exempt from easement condemnation by the PUD? If so, that would be the end of the case. The State concedes this point. DNR concedes this point. Conservation Northwest did not concede this point. So a brief discussion of the history of the statutes. 1927 gave us the Public Lands Act, which excluded from condemnation State land dedicated to a public

use. This was in accordance with a number of cases like the *Jefferson County* case holding that otherwise the railroad could condemn any and all State land, including land on which the State Capitol building is situated. Two years later, in 1929, the Legislature rejected the PUD Act. Nevertheless, the PUD Act became law after a ballot initiative. That was the Laws of 1931, Chapter 1, Sections 6(b) and (e). And we know those correspond to what was codified as RCW 54.16.020 and .050. And it's the reading of those statutes that is the main task of the Court. So I'm going to take a little bit careful look – a carefuller look – at those two statutes. And, of course, I've done a lot more than that over the last period of time.

But 54.16.020. Perhaps it's because this was a ballot initiative but the language is somewhat difficult because the sentences are so long and there's so many commas and “ands” and other connectors. But the applicable wording says, referring to a PUD, a district may condemn and purchase all lands, property and property rights, maintain, operate and develop easements, right of ways and structures, poles and pole lines, and cables and other facilities, and may exercise the right of eminent domain to effectuate the foregoing purposes. Then it states, what is the procedure? The right of eminent domain shall be exercised pursuant to the resolution of the commission and conducted in the same manner and by the same procedure as is provided for the exercise of that power by cities and towns.

Now turning to 54.16.050. What I'm going to quote for them is the Laws of 1931, Chapter 1, Section 6(e), the law as passed. That's the law. The law as codified is not where there's a difference. The law is the law as passed and there's a slight difference in the phrasing. So Section (e): “And for the purposes aforesaid, it shall be lawful for any public utility district to take, condemn and purchase, purchase and acquire, any and all public and private property and property rights, including state, county, and school lands, and for the purposes aforesaid and for transmission lines and any other facilities necessary or convenient.” So the language appears clear, but issues are raised about the interpretation or use of this language. Point one involves two principles of construction. The first principle is that the authority of a municipality to condemn public property should be narrowly construed. This is a general principle, and it's generally valid.

But (b) we have here the purpose of 54.16.050 and .020 was to grant the PUD expansive powers to provide electrical service throughout the State. We have a specific statute that is not interpreted by any of the cases that says just what I read. So while there's a general principle that grants of the authority to condemn should be narrowly construed, here we have a specific statute, specifically saying what the PUD can do and that it can condemn school lands. Two, Conservation Northwest sees contradictions between .020 and .050 and did a very thorough analysis of those perceived contradictions. It is argued that .050 only applies to hydroelectric projects, and that involves some guessing that the statute gives – was intended to

give – expanded condemnation powers only in the construction of new hydroelectric projects. The language does not support that interpretation. And I want to mention two reasons in that analysis, although there are others. In the first one is the first phrase of 6(e) or .050, and it says, “and for the purposes aforesaid.” Now if you look at Chapter 1, Section 6(e) of the Laws of 1931, the purposes aforesaid are sections (a), (b), (c), and (d). So the Court cannot see how that phrase can be interpreted except to mean that for all of those purposes, including construction of poles, lines, other facilities, etc., the public utility district – it shall be lawful for the PUD to take, condemn, purchase – to take, condemn and purchase or purchase any and all public and private property and property rights, including state, county, and school land. For any of the purposes aforesaid and for transmission lines and other facilities necessary or convenient.

The second point under the interpretation argument is that it’s just clear that the language is not limited to hydroelectric projects. It doesn’t say it’s limited to hydroelectric projects. That reading is strained.

Point three under the analysis of the statute is that it is argued that the Code Reviser’s title for RCW 54.16.050 is WATER, in capitals. Okay. However, the title is not law, and that title contradicts the content. Now it’s somewhat ironic – you could make a completely opposite argument if you look at the 1931 Session Laws, published by the Secretary of State. The margin notes and index are by John Dunbar, the Attorney General at the time. And how did he title Section 16? He titled it, he didn’t title it “water,” he titled it “condemnation of public and private property.” So the argument could be made that his opinion or his classification was, has a meaning. But it doesn’t matter who makes the margin notes or who puts the titles into the codified version. They are not the law. The wording is the law. The words from the legislature in this place – in this case – from the vote of the people, that is the law. The most logical reading of 54.16 is this: the PUDs have the following powers: (a), (b), (c), (d), and also (e). This is a list of the powers the PUD has – (a), (b), (c), (d), and also (e). There is overlap, but there is not contradiction.

The argument is also made in some parts of the brief – the briefs – that the power to condemn under .020 and .050 does not include school trust lands. But the statute says “all public and private property, including state, county, and school lands.” It is obvious and clear that school lands refers to school trust lands. No party has argued otherwise. No judicial decision has given a blank exemption to all school trust lands regardless of whether or how they are being used. So, question two, are all school trust lands regardless of use exempt from easement condemnation by the PUD? The answer is no. There are school trust lands that the PUD can condemn. Not all school trust lands are exempt from easement condemnation by the PUD.

Issue three, is the school trust land involved in this case exempt from easement condemnation by the PUD because it is reserved for a particular purpose by law? Now this argument only applies to leases; it doesn't apply to permits because of the structure of the establishment of the use. This only applies to leases. The DNR's argument is that RCW 79.11.290 provides that state lands leased for grazing purposes may not be used for other purposes and may not be sold during the life of the lease. There are active leases on this land, on parts of this land. Therefore, the land is reserved for a particular purpose during the life of those leases and not subject to condemnation. Now, discussing that contention, the, of course, first observation, is that the, there is no issue but that the PUD's transmission line is compatible with grazing leases. There's no evidence of any negative effect on grazing. Looking at the leases themselves, in Section 4.02, each lease provides that DNR can grant easements on leased land. Now this appears to contradict the statute but this is what, from one reading, this is what the leases say. DNR itself maintains the authority to grant easements. For example in this case, it's processing an application by the PUD and hasn't answered and said, well we can't do that. So DNR maintains the right to grant compatible leases.

Section 4.03 says that the DNR can lease for other compatible purposes. Actually 4.02 just addressed easements; 4.03 addresses compatible purposes. A transmission line is a compatible purpose. 10.05 of the leases provides that if all the premises are taken by eminent domain, the lease shall be terminated. The State says that that language is meaningless. The Court has a hard time saying that something is meaningless when it's included in carefully drafted legal documents. This document in section 10.05 for these leases acknowledged the possibility of condemnation by eminent domain and provide a remedy to the lessees. So, you have a compatible use, you have the language in the lease, and you have DNR's claimed continuing authority to grant easements or grant compatible leases. The Court concludes that school trust lands leased for grazing purposes are not reserved for a particular use by law under 79.11.290 in this sense or in relation to easements, leases for a compatible purpose, and condemnation of easements. So, is the school trust land involved in this case exempt from easement condemnation by the PUD because it is reserved for a particular purpose by law? The answer is no.

And of course the following, the crux is, are issues four and five. Issue four having to do with permits; issue five having to do with leases. Otherwise phrased identically. Is the school trust land under grazing permits or grazing leases exempt from easement condemnation by the PUD because it is dedicated to a particular use? This issue was candidly phrased by DNR in its initial brief when it said, the question is whether use and possession of state trust land for low income producing agricultural use is a public use sufficient to preclude condemnation. So whether use and possession of state trust land for low income producing agricultural use is a

public use sufficient to preclude condemnation. That was the wording provided by DNR. And it's a pretty good description of the issue.

Now Conservation Northwest and DNR take the following position. The Court must confine its inquiry to the question of whether the land is dedicated to a public use. The Court does not inquire into the extent of public use or its relative value. So it's yes or no. Bright line – public use or no public use. The PUD takes the following position. The Court must look deeper and allow the proposed use if would not destroy the public use or so damage it as to preclude its successful operation. I'm just going to mention some of the cases that have analysis that's parallel to this issue or on point. I'm going to mention three of them. The first is the *City of Tacoma v. State* case. Quote from page 453: "This property is now devoted to a public use and if the proposed diversion of waters of the north fork would destroy this public use or so damage it as to preclude its successful operation our inquiry would end here." So they are not saying that any diversion of waters from the north fork would be prohibited. They would prohibited if the diversion would destroy this public use or so damage it as to preclude its successful operation.

That phrase is the one that the PUD is arguing and is supported in that case. That phrase is support for the proposition that compatible uses are not prohibited. The second case is *State v. Superior Court for Jefferson County*. All these cases are briefed by the parties, and I'm not providing the citations. They have been discussed thoroughly in oral argument and in the briefing. But this is the case, the condemnation of the waterway and platted streets for the railroad terminal over in Jefferson County. There's some words in this case that cause us to pause because the wording is, the State has the right to proceed in its own time and its own way. That the State has a right to proceed in its own time and its own way. I believe that's dicta as far as this case goes though.

So getting back to the quote from *Jefferson County*: "An appropriation of the parts sought to be condemned by the railroad company will render them useless for the purposes of which they are dedicated." So that was an essential part of the court's ruling because the condemnation for a railroad station would render the purpose of a waterway or streets useless, would render the land useless for those purposes. That was one of the court's reasonings for not allowing – or one of the court's reasons for not allowing that project. Again, supporting the proposition that compatible uses are allowed. And then, *Roberts v. Seattle*, a school case, and it says, "There is nothing in the record to indicate that the 30-foot strip of land in question is actually use by the university, and there is nothing to indicate that the taking of the strip of land will impair the use of the land remaining." So if it was a yes/no, black/white, simple question, there would be no reason for the court to say that the taking of the strip of land – there is no evidence that it will impair the use of the land remaining. Also supporting the

PUD's argument that the other uses that don't interfere with the prior use are permissible – compatible uses are permissible.

And, you know, coming back again to, certainly not holding it against the DNR, but there are appropriate phrasing of the question, is the public use sufficient to preclude condemnation? So by way of how to proceed, this Court concludes that the State's authority to exclude school trust land under grazing permits, under grazing permits or leases from PUD easement condemnation is not unlimited. Courts do look deeper into issues of effects, results, interference, and compatible use.

Now, I've set out a number of factors that the Court considered in this analysis. And actually I listed 12 of them, there might be 10, there might be 15, but I've listed 12. One, the PUD seeks an easement not ownership. Two, there's no evidence that a transmission line is not compatible with grazing leases or permits, or that it will diminish income from grazing leases and permits. Cattle graze under power lines in many parts of Okanogan County and the State, including under the Loup Loup route. Three, there are no fences. The structures are towers and power lines and unpaved construction and maintenance roads. The easement will cross less than 5% of the grazing lease and permit areas. Four, there are five leases in about 3,400 acres of land, generating approximately \$3,000 a year gross. There are two grazing permits. The grazing permits – when you look at the map, I think a fair estimate is that they include approximately one entire township, or 36 square miles, or 2,340 acres. There's a lease for 1,310 cattle, animal unit months. We don't know what the charge for those is, but perhaps a \$1,000, perhaps \$2,000, perhaps less a year. The Court does not have that information from the records.

So, it is not clear from the evidence, and there is no evidence, whether the trust actually realizes any net profit after paying expenses for, whatever they be, for maintenance of the lease, preparation of the lease, policing it. The Court can say without knowing the exact numbers that the net profit to the trust is minimal. Six, the DNR, our use, this is a completely different point, and it requires some thought. We don't know what the best use of the land will be many years from now. The PUD transmission line might interfere with some great and valuable economic development in the future. This is similar to the argument made by Mr. Kelpman and Mr. Gebbers. That the power line may diminish development potential, interfere with the view, make it difficult to build in close proximity because people don't want to build a house or a resort or a new property under the power line.

But we're talking about the long run, and we don't know. In a 100 years power lines may be obsolete. And power may be generated and transmitted without such lines. We don't know. We don't know what use the PUD – or the DNR might have for this land in 100 years, and we don't know if the PUD will still need a line across it. We don't have that

information. So in analyzing this, this part went back to the general discussion of the issue of dedication to a public use. We know that just being in trust is insufficient to exempt land from condemnation. We know that if this land was not under a grazing lease, or a grazing permit, that it would not be considered dedicated to a public purpose. Even if there are unspecific and open ended hopes and dreams and doubts about future possibilities. Unspecific future possibilities, possible uses don't change the analysis when the land is school trust land or when it's not. But in this case when it is school trust land. The point here is that the DNR looking at its trust responsibility has hopes or possible dreams and doubts about the future or what the best use might be, but that's not sufficient to find that the land is dedicated to a public use. It's too vague and unspecific and it's just speculation, in the long run. In the short run, obviously, there will be some detrimental effect from a power line overall. But that effect doesn't interfere with the current use, which is cattle grazing. Obviously, someone might be out there and look and say I wish that power line wasn't there, or somebody might say that I don't want to have a structure or a home under the power line. But those aren't the uses that the land's dedicated to.

Seven, the DNR argues that the power line will separate much of its trust land from the Methow Valley. This argument is not explained and is not given weight by the Court. There are no fences or permanent structures other than the towers and the power lines. The land is not cut off from the Methow Valley. Eight, condemnation of an easement or the lease of an easement – in this case a condemnation – will raise additional revenue for the trust. The amount is unproven and unknown. Nine, leases are for a limited time period. Some are near the end; some may have several years pending. The Krevline lease was effective 6/1/09, and the Pete Scott lease was effective 4/1/09. This was after the first condemnation action was filed. The grazing permits expire at the end of 2012. Ten, leases and permits are temporary conditions within the control of DNR. Eleven, DNR has delayed a decision on the PUD's application to lease an easement, and won't give a target date for action or decision. Twelve, delay is costing the PUD lots of money. Number eleven is added as a fact by itself. It is not important, but it is part of the background of the case. But in itself it is not persuasive of the Court's decision that there's been a delay.

So, sometimes we talk about ultimate findings of fact or summary of findings of fact. There's only four: (1) the easement for construction and maintenance of the transmission line will not destroy or substantially interfere with grazing leases or permits; (2) the easement will not substantially interfere with any known, specific or planned future use; (3) the easement will likely increase, rather than decrease, revenues; (4) power line construction and maintenance is a compatible use to grazing. So the answer to questions 4 and 5 is no. Is the school trust land under grazing permits and under grazing leases exempt from easement condemnation by

the PUD because it is dedicated to a particular use? Answer: No.

Conclusion: Under RCW 54.16.020 and .050, the PUD has specific authority to condemn an easement for construction and maintenance of the Pateros-Twisp Transmission Line and related facilities over the school trust land in question. DNR and Conservation Northwest are not entitled to summary judgment. The PUD is entitled to summary judgment, and the Court grants the PUD's motion for summary judgment. The Court therefore orders that the matter be set for a jury trial to determine damages to be awarded to DNR or the school trust fund.

There is another concern that persists in the Court's mind. DNR has an obvious interest in mitigating impacts of the specific route. The PUD and its ratepayers have an interest in minimizing impacts and in minimizing damages. So the question is, will the responsible public officials meet with each other in an attempt to reach those goals? That's all the Court has today. Have I failed to address any issues? Counsel, you're standing up for some reason. I'm thinking you're going to give me something.

DiJULIO: I'm going to present orders, your honor, that have previously been provided to counsel for the parties. I'll just hand to the Court a proposed form denying Conservation Northwest's Motion for Summary Judgment and for summary judgment in favor of Petitioner. This form differs from that previously provided with the papers filed with the Court only in that it lists all of the pleadings that were considered by the Court as part of the summary judgment proceedings.

JUDGE: So, have you consulted with counsel about how this eventuality would be addressed?

DiJULIO: Other than the standard procedure, your honor, of including a notice with the form of motion of the order that was to be prepared and presented to the Court in this matter. We see no reason why the Court not enter, as its already stated, the plain vanilla order on summary judgment.

JUDGE: Comments or objections on behalf of Conservation Northwest?

MANN: Your honor, I could not --

JUDGE: Just a little louder, counsel. Just a little louder, please.

MANN: Yeah, unfortunately, I could not quite hear Mr. DiJulio.

JUDGE: Mr. DiJulio, could you stand right by the microphone there and repeat your statement?

DiJULIO: Yes, your honor. We have presented to the Court a plain vanilla form of order on summary judgment listing all of the pleadings, both Conservation

Northwest and the State's pleadings and the PUD's pleadings considered by the Court in its consideration of the motions, and the order provides, as the prior order that was filed with the Court and copies provided to opposing parties that PUD's – that Conservation Northwest's motion is denied, PUD's motion is granted, in favor of, summary judgment granted for the PUD. And costs are awarded to the PUD in this matter, as against Conservation Northwest only.

JUDGE: Could you hear him now, counsel?

MANN: Yes, your honor, I could hear this time. I have not seen the current form of the order. I'm going to assume it's correct. I'd object to costs, but that's because we're the intervenor.

JUDGE: Can you award costs against the intervenor?

MANN: I don't believe so.

DiJULIO: Your honor, the Court granted Conservation Northwest status as a party in intervention. As a party in intervention they have the same rights and responsibilities as any party. Although, costs in this matter will be minimal as the Court knows.

JUDGE: The Court's going to sign the order as presented, but I've crossed out the last line and a half, and I've written in costs and statutory fees are reserved. If that's an issue, the Court will hear argument when the matter is scheduled.

MANN: Thank you.

DiJULIO: I'm now handing to the Court a proposed form of order denying the State's Motion for Summary Judgment and granting summary judgment in favor of Petitioner. Counsel for the State was previously provided with a copy of this proposed form.

JUDGE: And your comments, Ms. Krueger?

KRUEGER: Yes, your honor. In light of the Court's ruling, I don't think that the order as written accurately sets forth the ruling because the Court determined that the lands in this action are dedicated to a public use, but that the PUD's acquisition for its purposes is not incompatible with that public use and that is the basis for the condemnation authority. So, I either have a proposed edit, or could submit something after working with counsel on the language subsequently. It's the language here on the bottom of page 2, says that the lands subject to this action are not dedicated to a public purpose.

JUDGE: Could I see the previous – Kaylie, would you hand me that other order? You know, in one sentence, or two sentences, Mr. DiJulio has attempted to

summarize what he thought the Court's thinking would be. And I have stated that, it's taken me a long time to do it, the Court is more comfortable crossing off everything after the words "Petitioner's request for summary judgment is granted." I don't see a reason to have these two sentences describing my reasons and thought process, because I don't think you can reduce them to two sentences. Is that agreeable, Mr. DiJulio?

DiJULIO: No objection, your honor.

JUDGE: Should we do that, then?

KRUEGER: No objection.

JUDGE: I think I should go back and do that on the first order also.

MANN: Thank you.

DiJULIO: So beginning on Line 23 – and I'm looking at the Conservation Northwest form --

JUDGE: Correct.

DiJULIO: -- after "granted" the Court is striking the last 3 lines.

JUDGE: Correct.

DiJULIO: And up to the line about costs and statutory and attorney fees are reserved.

JUDGE: Correct. Does that work for you, Mr. DiJulio?

DiJULIO: No objections, your honor.

JUDGE: Same editing on the order referencing Respondent State of Washington and Peter Goldmark. I just don't feel I need to summarize the legal reasons in this order. You can attach a transcript of this Court's statement today. With those changes, the Court has signed the orders. Anything else?

DiJULIO: Thanks, your honor.

JUDGE: Thank you very much for your excellent work. You sure have done a lot to educate me, and it is such a pleasure to work with knowledgeable, vigorous attorneys.

DiJULIO: Your honor, I'm now handing the Court the Order on Public Use and Necessity.

JUDGE: Now, what is included here?

DiJULIO: Your Honor, the Court will be familiar with this form. It was noted for presentation, and, six days ago, this was obviously scheduled to be heard on May 3. That hearing was cancelled, subject to this ruling. You'll see the form of the Findings of Fact, Conclusions of Law and Order on Public Use and Necessity is similar in respects to the Order that was entered with respect to Respondents Kelpman and Gebbers, only this with respect to the State property. This is obviously the order that we have to have before we proceed to the next step in this matter.

JUDGE: Objections on behalf of the State?

KRUEGER: I have reviewed and have no objection to the form of this order, your honor.

JUDGE: Objections to the form of the order from the Intervenor Conservation Northwest?

MANN: No objection to the form.

JUDGE: The Court is signing that order. Will trial, will there be one trial, or will there be two trials? One involving the private condemnees, and one involving the State? Or --

DiJULIO: I think that remains for the Court's determination. My sense, your honor, from prior proceedings, would be that the private property owners will seek a trial independent from the valuation proceedings involving the State of Washington, but that will remain subject to this Court's determination when the matter comes to you for a trial setting.

JUDGE: I guess there'll be motions.

DiJULIO: Or at least hearings on trial settings.

JUDGE: Well, if you just ask for a trial setting, it'll go to the Court administrator. I won't even know it's happening. So if there's an issue about it, you're going to have to file a motion and bring it to the Court's attention.

DiJULIO: And that may depend on whether or not the parties grant possession and use and whether we need to make, come before the Court for early trial date, because as the Court knows, these matters have priority in setting. And at this point PUD is not asking for priority setting. We will first ask the parties under the statutory authority for possession and use.

JUDGE: Well, if you're looking for priority setting, you're going to be in line with a lot of people that are sitting down in jail right now. So --

DiJULIO: I understand that they have first priority.

JUDGE: So, you better let us know as soon as possible. Once again, thanks to everyone. And I look forward to working with you again.

COUNSEL: Thank you. Thank you, your honor.

CLERK: All rise.