UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	*	Docket Number: 1:22-CR-00035-JLS-HKS-1
	*	
	*	Buffalo, New York
v.	*	November 19, 2024
	*	2:30 p.m.
	*	
LUKE MARSHALL WENKE,	*	STATUS CONFERENCE
	*	
Defendant.	*	
	*	

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TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: MICHAEL DiGIACOMO,
UNITED STATES ATTORNEY,
By MICHAEL DiGIACOMO, ESQ.,
Assistant United States Attorney,
Federal Centre,
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Buffalo, New York 14202,
Appearing for the United States.

For the Defendant: FEDERAL PUBLIC DEFENDER'S OFFICE
By FRANK PASSAFIUME, ESQ.,
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Proceedings recorded by mechanical stenography, transcript produced by computer.

(Proceedings commenced at 2:30 p.m.)

THE CLERK: All rise.

The United States District Court for the Western District of New York is now in session, The Honorable John Sinatra presiding.

THE COURT: Please be seated.

THE CLERK: We're on the record in United States versus Luke Marshall Wenke, Case Number 22-CR-35.

This is the date set for a status conference. Appearing for Probation is John Taberski.

Counsel, please state your appearances for the record.

MR. DiGIACOMO: Michael DiGiacomo for the United States.

MR. PASSAFIUME: And Frank Passafiume for Mr. Wenke.

THE COURT: Good afternoon, Counsel and Mr. Wenke, Mr. Taberski.

I have the report that was filed under seal, Docket 164, concluding that Mr. Wenke is competent.

And so we're here for a status evaluation -- or status conference, rather, to discuss that and discuss what our next steps might be.

Do either of you lawyers want to tell me what you think our next steps ought to be before we get going?

MR. DiGIACOMO: Go ahead, Frank.

MR. PASSAFIUME: Judge, I think Your Honor should just adopt this report, find Mr. Wenke competent, and sentence him out.

So our plan today was just to make that request: to adopt this report, finding Mr. Wenke competent and get a sentencing date.

MR. DiGIACOMO: Judge, I guess, what -- I understand Mr. Passafiume just wants to get this case resolved.

But what I don't see what the Court can leave empty at this point is, if you go back and look when we were before you back on April 16th of 2024, there was a dangerous, I guess, finding by Dr. Leidenfrost.

And back in April of this year, you were in the process of ordering a hearing -- in fact, did set a hearing -- under 18 U.S.C. 4244.

And that hearing was set for -- I believe it was supposed to be some time in October of this year, the 17th, I believe it was.

And then, in the meantime, at some point, thereafter, I believe, based on the docket, sometime in mid to late July, obviously, Mr. Wenke raised some concerns to Mr. Passafiume that resulted in the 4241 request, which we now have, as the Court's noted -- that they found Mr. Wenke competent.

So my position is, Judge, is I don't know how we just proceed forward and ignore everything that happened on the 16th of April, when the Court clearly had concerns about Mr. Wenke dangerousness.

So I don't know if the Court's in a position just to go ahead and ignore what happened on the 16th and be like: Let's set a sentencing.

THE COURT: Well, let's take them one step at a time. And I probably could have premised the conversation that way.

4241 -- we've got the report, first step. Do we need to have a hearing or should I just find him competent and get past the 4241 process?

MR. DiGIACOMO: Judge, I had no information for the basis of request, so I have no reason to dispute what's in that report -- that Mr. Wenke is competent.

THE COURT: All right. On that point, Mr. Taberski, just on that point -- 4241, competency of Mr. Wenke -- anything

to say?

THE PROBATION OFFICER: Judge, I just feel like I need to be careful what I say, because I'm not a lawyer; so I'm just really giving my feedback on the report.

But I do have concerns about the report, and that is why I wondered, coming in here today, if there was going to be a hearing that would allow the opportunity for Your Honor to ask questions of the doctor who issued the report.

Because I see glaring inconsistencies throughout the report, for example, and also some pretty significant differences between Dr. Leidenfrost's report and Dr. Rutter's report with this one.

THE COURT: For example?

THE PROBATION OFFICER: For example, there's this repeated indication in this most recent psychological evaluation that Mr. Wenke's statements and thoughts that he's articulating don't rise to the level of, quote: Delusional.

But we've all seen the letters that he writes that indicate things -- for example, all the parties in this Courtroom are colluding together against him.

His defense attorney was involved in a sex party on a yacht with people involved with the case. Katie [redacted] is now Matt Zenger's girlfriend, in the letter that was filed yesterday with this Court.

So how anyone perceives that as less than delusional,

I don't know. But Dr. Leidenfrost seemed to think that there was delusional thinking present. And those are just a couple of examples, Your Honor.

THE COURT: Okay. Mr. Passafiume, 4241, sounds like, at least on that point, I don't have anything else to work with at this point.

And I probably ought to just find him competent and move on to a 4244 conversation, shouldn't I?

MR. PASSAFIUME: That's correct, Judge. And the Government is correct.

The request came from the defense, so there's nothing to, kind of, counter my request. And the only thing in front of you, Judge, is that he's competent.

THE COURT: Okay. All right. So I will -- as to that issue, 4241, I will find that Mr. Wenke is competent based on the report that was received and is docketed.

And I had the docket number -- Docket 164 from Drs. Nelson and Watkins out in Chicago.

But I do have some of the same concerns that Mr. Taberski just referenced and Mr. DiGiacomo just referenced.

We were on one path, which was 4244, when Mr. Passafiume raised the 4241 competency issue.

So I don't know how we go back. I really haven't seen anything to justify going back. My concerns are still there.

In fact, just from the letter that we received and

docketed yesterday, Docket 165 -- there were three letters.

There was one addressed to me, one addressed to Judge Vilardo and one addressed to Judge Arcara. And Docket 165-1 -- have you seen that one yet, Mr. Passafiume?

MR. PASSAFIUME: I haven't, Judge, candidly.

THE COURT: Does anyone have an extra copy?

MR. DiGIACOMO: I don't have an extra copy, but I did read them yesterday, Judge.

THE COURT: Just stand by. Jessica will print it out. 165-1. Print it all out. It's not that long.

While we're waiting for that to be printed out, I guess, probably not a bad idea to just relay to you, Mr. Wenke, I would rather do exactly what your lawyer just said and sentence you and be done with this and let you go on your merry way.

But I took an oath to the Constitution and to the laws in these statute books that I need to do, what I think is right on these facts, irrespective of what might be easier or the path of least resistance.

So that's why we're still here talking about this other session, about whether you might have a mental disease or defect that requires you to be hospitalized for treatment, which is what 4244 talks about.

So just stand by for just a moment. Docket 165-1 is the letter that was addressed to Judge Vilardo.

It's a three-page letter. Well, it's three pages -- two-page letter, and the third page is the envelope.

It looks like it was mailed out of Oklahoma City November 12th and received here in the building yesterday.

And it reads: Digital footprint evidence showing State Assemblyman David DiPietro and State Senator George Borello texting each other, hedging bets on whether they think Judge Vilardo and Judge Sinatra's family members will follow through on murdering each other, as they both try to cover up Judge Arcara's family's drugs and sex trafficking business.

David and George are also documented as texting each other about the upcoming Andrew Jackson-style duel that's going to apparently take place between Judge Vilardo and Judge Sinatra as neither of them can currently agree on which of them is going to swear Carl Paladino into office as U.S. ambassador to Brazil when Trump, thank F-ing God, comes back.

And that's at the top of that, page one. At the bottom of page one, it reads: Luke Wenke is allegedly afraid of being murdered in custody, when he arrives back in New York State.

At the top of page two, it reads: Since he is refusing to cough up the blueprints on how to completely replace interstate threats and cyberstalking situations across state lines -- et cetera.

And then, it's signed: Handwriting claimed to be Luke

Wenke's. With a parenthetical that says: Katie [redacted] is known to smudge copies of Luke Wenke's fingerprints all over her thighs and claim that Trump raped her.

So I don't know. I mean, maybe, in the right state of mind, perhaps some of that stuff might be funny, but it is pretty delusional talk to me. I don't know. I'm no psychiatrist.

But I think we need to take 4244 seriously and resume where we were on that process, so -- that process hasn't gone anywhere, and I don't think there's anything based on the Leidenfrost report that we've got and seen and based on the report that we just received from Chicago.

I still have, in my judgment, reasonable cause to believe that Mr. Wenke may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility.

So the hearing that I ordered way back when is, to the extent I need to order it a second time, I'm doing that.

So now we need to talk about what's next. We have the report from the doctors in Chicago. We've all read it.

We can hear from those doctors, too, but they weren't really asked the ultimate question that's relevant to 4244, which is, does he have a mental disease or defect that requires hospitalization for treatment? They weren't asked that question.

Leidenfrost doesn't really give that opinion, but I'm curious about whether he could give the opinion. He gives the opinion about mental disease or defect.

And I wonder if Leidenfrost, if you -- you, the lawyers -- reached out and asked him could he opine on that and he could, then perhaps that testimony is sufficient for the hearing.

I don't know what that person's opinion is going to be -- Leidenfrost, but maybe he can give us that opinion.

If he can't -- if he can't opine on that issue about whether hospitalized treatment basically is necessary, then we need to order another psychological evaluation.

I don't see -- I mean, I guess I could do it without any of that, but I think we'd be going in too skinny of a record that way.

Mr. DiGiacomo, am I missing anything?

MR. DiGIACOMO: No, Judge. You're not missing anything, actually.

As you pointed out, if we can't get there, yeah. Then the next -- the next step the Court could order is basically send Mr. Wenke back to the Bureau of Prisons to conduct the 4244 determination.

Because under the 4241, it was really for the limited purpose, as the statute providers, to determine if Mr. Wenke could understand the nature and consequences of the proceeding

against him and assist properly in his defense, which, they said, he apparently can, under this report.

When Mr. Passafiume and I -- and he'll correct me if I misstate anything, but when Mr. Passafiume and I spoke with the folks down at the BOP, we tried to get them to see if they would do both -- the 4241 and the 4244 -- and they said no.

They said they'd have to have -- in essence, the way I understood it -- and Frank can correct me -- but they would need -- it's two separate and distinct proceedings and two separate, distinct requests and different evaluations.

And that's why we were waiting to see if there was a way to do it, so that, if we had to go down that road, Mr. Wenke wasn't inconvenienced to have to come back up and potentially go back down.

I guess, Judge, as you point out, then if -- we could see if Mr. Leidenfrost can make that assessment. But if not, I agree with the Court. We're, kind of, boxed in and need to send him back.

But then that begs the next question, Judge -- is that, when Dr. Leidenfrost's report came out, defense counsel, Mr. Passafiume, was going to speak with another potential evaluator to kind of refute, I would gather, or to determine if there's points that could be refuted in Dr. Leidenfrost's report. But, then again, that never came about because we had the 4241 request.

So I think for next steps, the first thing would be as to do we reach out to Dr. Leidenfrost?

And then, if he can't offer such an opinion, then do we send him back?

Or does Mr. Passafiume now wish to go back and try to find an expert or have an expert that he had indicated he spoken with to refute Dr. Leidenfrost's report?

THE COURT: I think, by the way -- before you speak, Mr. Passafiume -- back to Leidenfrost, he opines pretty clearly that psychiatric treatment is necessary.

But he doesn't -- nobody was ever asking him the pointed question of the standard in the statute, which is, is it the kind of treatment that the statute says needs to be in the BOP hospital.

So do you want to respond to what Mr. DiGiacomo said?

MR. PASSAFIUME: Sure. Sure, Judge.

The report from the BOP is frankly so far opposite from Dr. Leidenfrost's report. And although, based on Dr. Rutter's report, Dr. Leidenfrost's report -- I believe, when we were going down that 4244 hearing, I said we have nothing to, kind of, present to counter the mental disease or defect portion of the statute.

But I think now this BOP report does counter that where they call this, basically, related to character.

I can't pronounce that word -- characterological --

but it's stuff that's unlikely to significantly change in the near future.

And they diagnose Mr. Wenke with a personality disorder. Very, very different than bipolar or anything like that, where you don't treat personality disorders with medication.

And I think the report here -- although it doesn't say that explicitly, but -- basically says, again, nothing's going to change; this is a character flaw, whatever -- whatever you want to call it.

So -- so I -- so I do, if Your Honor is going to go down that 4244 road, I -- we do have to have a hearing.

You know, it's on me, it's on the defense if we decide to, you know, retain another expert to evaluate and go down that route, you know. That's fine.

But I do think, if Your Honor is not inclined to just proceed forward with sentencing, we do have to have a hearing.

To -- does that make sense, Judge?

THE COURT: It does. I think that what we've got -- Leidenfrost.

MR. PASSAFIUME: Yeah.

THE COURT: And we've got the doctors from Chicago that just gave us their report. They can all testify, all of them.

And I'm only asking now in advance of this process:

Is that enough? Do we need more?

You can certainly bring an additional person, if you like, but I'd like to know from Leidenfrost in advance if he feels like he can give us an opinion one way or the other.

And I, again, I don't care what it is. But can he opine to the statutory standard or not? Has he seen enough that he can give an opinion on 4244?

I don't know the answer to that. Because if he can't opine to that, then we've got nobody speaking to 4244. And then I would have to send him down, back into evaluation custody.

MR. PASSAFIUME: What does that mean, Judge? Evaluation custody?

THE COURT: I would have to reinitiate another psychological evaluation specifically for 4244. And I'm reluctant to do that.

I'm sensitive to the fact that this is an onerous burden on Mr. Wenke and he's been in custody for 13 months and change -- 13 and a half months.

MR. PASSAFIUME: Sure. But --

THE COURT: So I'd rather not do it, if we don't have to do it.

MR. PASSAFIUME: Okay. I got you. After the hearing and --

THE COURT: No. No, no. What I'm saying is right now I'd have to order it. Unless Leidenfrost tells me he's got

this.

MR. PASSAFIUME: Yeah. I guess --

THE COURT: You see what I mean?

MR. PASSAFIUME: And I would contest that now, based on the BOP report.

THE COURT: Contest what?

MR. PASSAFIUME: I would -- I would say that there's not reasonable cause to believe that Mr. Wenke's suffering from a mental disease or defect where he needs to be kept in custody, based on the report from the BOP doctors.

THE COURT: That's for later, right? You can argue that at the hearing ultimately, but I'm ordering the hearing.

MR. PASSAFIUME: He doesn't get sent, though, pending the hearing? Under 4244.

MR. DiGIACOMO: I think --

THE COURT: He can be, if I think it's necessary, right? Am a reading the statutes wrong?

MR. DiGIACOMO: I think what you're -- Judge -- and correct me if I'm wrong.

If I'm understanding the Court, you're saying: If Leidenfrost can opine as to the statutory requirements of 4244 and defense counsel's okay with that opinion, whether it's good, bad or indifferent --

THE COURT: Right. He can cross-examine it; he can -- yeah.

MR. DiGIACOMO: Then you don't have to -- then, unless Mr. Passafiume wants another examination, then you don't send Mr. Wenke back under 4244.

However, if Dr. Leidenfrost cannot opine as to the statutory requirements of 4244, then the Court has no choice but to send Mr. Wenke back and ask for the -- to make a determination under 4244, which was different than the evaluation of which they just submitted this report on November 13th.

That's the way I understand the Court's position.

THE COURT: Does that make sense? I think he did a better job explaining than I did.

In other words, if Leidenfrost tells us that he is capable -- because of his time that he spent with Mr. Wenke and everything that he's reviewed -- he's capable of giving us a specific answer as to whether 4244 -- whether he needs to, for treatment, be in a BOP hospital.

If he can give us that opinion, yes or no. Then we don't need any new doctors involved here, from my perspective.

MR. PASSAFIUME: Sure. And I guess -- he's a court expert, if the Court orders him to make that or try to make that finding.

But I guess what I'm saying is then --

THE COURT: I don't know where he came from. Leidenfrost.

MR. DiGIACOMO: He was a joint decision, Your Honor, by both. We wanted to avoid sending Mr. Wenke to BOP.

MR. PASSAFIUME: Yeah.

MR. DiGIACOMO: And Mr. Passafiume was very -- he pulled from his knowledge and was able to craft an order, whereby the Court paid to have an agreed-upon evaluator here in the Western District undertake that examination, to avoid what happened with Mr. Wenke going to BOP and having to come back.

So it was -- although Court paid, it was an agreed-upon -- between the parties.

THE COURT: All right.

MR. PASSAFIUME: So, I guess, if we're going back to where we were pre-4241, there's still a -- if Dr. Leidenfrost is able to make that -- give that opinion and says Mr. Wenke is suffering from a mental disease or defect, I --

THE COURT: Well, he does say that already. He does already say that he's got a mental disease or defect.

The next piece of the puzzle is, what do we do about it? That part, his opinion doesn't reach.

At least, the written opinion. He might have that opinion in his mind, but not in his written opinion.

MR. PASSAFIUME: Sure. But this all, kind of, disregards, I think, the BOP report.

And I think now that the BOP report exists, I think there are grounds to contest that finding, Judge. And

whether -- hypothetically, if we do have a hearing and Your Honor requires these two BOP doctors to testify, they might be favorable to the defense and they might say Mr. Wenke does not need care and custody for his mental disease or defect.

So I think this BOP report gives, like, a multi verse. It gives an alternate timeline here, because, I think, it is so different from Dr. Leidenfrost's report that it does raise issues on whether Mr. Wenke needs to be in custody, because he's suffering from mental disease or defect.

THE COURT: Right. I almost feel like we're talking past each other a little bit, though.

4244 says that I can, on my own motion, which I've done -- twice -- order a hearing on the present mental condition of the defendant: The Court shall grant the motion, or at any time prior to sentencing shall order such a hearing on its own motion, if the Court is of the opinion that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect, for the treatment of which he is in need of custody for the care or treatment in a suitable facility.

So I order the hearing. Sub (b) says: Prior to the hearing, I may order a psychiatric evaluation.

What I'm trying to do is avoid another psychiatric evaluation, if we don't need one. We'll have the hearing, and maybe you're -- the new people from Chicago -- and I keep

forgetting their names -- but maybe they will convince me that there is no mental disease or defect. I don't know.

MR. PASSAFIUME: That's right, though. But in the interim, Mr. Wenke stays here. He doesn't get sent off to the BOP.

THE COURT: Right. Well, that's what I'm trying to -- well, I guess what I'm getting at ultimately, guys, is somebody needs to reach out to Leidenfrost and ask the question, to find out whether we've got a sufficient stable of witnesses to have this hearing.

And if we do -- if he says: Yes, I think I can make that -- and then you can cross-examine it, or he can cross-examine it, depending on what the opinion is --

MR. PASSAFIUME: Correct.

THE COURT: -- then we don't need more people visiting with Mr. Wenke.

If Leidenfrost can give us a yes or a no, well, then, at least we've got enough evidence that's coming in. Whether -- how it looks after cross-examination, I won't know.

MR. PASSAFIUME: That's right. We were talking past each other. You're right.

THE COURT: Yeah. So the idea is I'd like not to send him any place else if Leidenfrost tells us he can be that guy. That's all.

So maybe we need to set a hearing date and then, in

the meantime, give both of you a chance to call Mr. Leidenfrost and ask that question.

And then you can just report back to me: Hey, I think we're good. He can do it.

Or maybe he tells us he needs to meet with Mr. Wenke one more time, which, I think can be accomplished, right? He's local.

Mr. Wenke's going to be in one of the local facilities. I assume he is right now, right?

MR. PASSAFIUME: Correct, Judge. I don't see why not, yeah.

THE COURT: So if he needs to meet with him one more time, that's easy enough to accomplish.

MR. DiGIACOMO: Judge, I just want to make sure, so that when Mr. Passafiume and I will -- obviously, we've communicated with Dr. Leidenfrost in the past -- and I just want to make sure that we're getting to the Court what they want.

So we're going to ask -- pursuant to the statute, we're going to ask Dr. Leidenfrost -- he already says, as the Court's pointed out, Mr. Wenke's presently suffering from a mental disease or defect.

What the Court wants to know, as the statute says, is, is he suffering from a mental disease or defect for the treatment of which he is in need of custody, care or treatment in a suitable facility.

Because then, Judge -- then I'm looking at (d), and that's why I want to be careful, to make sure the Court gets what it wants.

Because then subsection (d) of 4244 says that -- you know, obviously -- that, if after the hearing -- that the Court finds that the defendant's suffering from a mental disease or defect and that he should, in lieu of being sentenced to a prison, be committed to a suitable facility for care or treatment, the Court can commit the defendant to the custody of the Attorney General.

I think I'm just -- I'm trying to be specific, Judge. We need to know from Dr. Leidenfrost, does he feel that Mr. Wenke, based upon his finding, needs to be -- needs to get treatment at a suitable facility?

THE COURT: Yeah. So 4247(c) is addressing the report. And it's (c), subsection (4)(E): "If the examination is ordered under 4244 or 4245, whether the person is suffering from a mental disease or defect, as a result of which he is in need of custody for care or treatment in a subtle facility" -- that piece, that second piece is what -- the second half of that sub (E) is what isn't already in Leidenfrost.

MR. DiGIACOMO: Okay. I just want to make sure we --

THE COURT: So get together. The two of you get together, if you will, please, and ask Leidenfrost if he can make that opinion.

And if he can, great. Then we've got what we need. And, Mr. Passafiume, you're still entitled to bring somebody else, if you like.

But if he can't, for some reason, reach that conclusion on his own, then we've got to get back here again and talk about -- I can't imagine that he can't.

I mean, he's -- he's got to the qualifications to do it. Why couldn't he answer one more question, right?

Basically, you can bring him here, put him in a chair, and ask him, but I'd rather know whether he's got an opinion, one way or the other, in advance, so we don't waste everybody's time or he can develop one by spending a little more time with Mr. Wenke.

All right. So you at least understand what I'm getting at.

What about Dr. Rutter? I remember that, but where is that now?

Is there a report on the docket somewhere?

MR. PASSAFIUME: Might be on the first -- no, it would be the same -- I don't know, Judge. I don't know if it's on the docket somewhere.

THE COURT: I remember we talked about it a few times before, but I don't remember seeing that anywhere. So if it's not there, filed somewhere, somebody needs to file it, I think, under seal.

MR. PASSAFIUME: It might be attached to the sentencing memo on the first violation, but I'll double check and --

THE COURT: All right. So I think I can give you both until -- when, the end of next week, to give me your report back on what Leidenfrost can accomplish?

And then just, literally, based on that, I can either set the hearing or have you back in and we can talk about pulling our hair out and having another psychological evaluation, right?

And you don't have any hair left to pull out, Mr. Passafiume, so --

MR. PASSAFIUME: Thanks, Judge.

THE COURT: Okay. So let's try it that way, which would be the easier way, which means we've got the record, almost, that we need in existence.

And so the end of next week, is the -- what's the date? 29?

MR. PASSAFIUME: Correct.

THE COURT: By Friday the 29th, get me a joint status report on whether this Dr. Leidenfrost is the one who can give us that opinion or -- one way or the other, okay?

And if he can, then I'm going to give you a tentative hearing date now, that I would then impose or apply, if you're giving me a green light on Leidenfrost, all right?

So why don't we work together on picking a tentative hearing date -- well, maybe we should wait.

Leidenfrost may tell us that he needs another visit with Mr. Wenke, so let's just wait and see.

And what I can probably do is have my law clerk -- if there's going to be a hearing set, she can work with both sides to come up with a date that makes sense for everybody -- or a couple days in January, probably, at this point.

And I don't think it's going to happen in December, but maybe. If Leidenfrost tells us he's good to go, then we can probably set it up in December.

MR. DiGIACOMO: Judge, the status report on the 29th, are Mr. Passafiume and I -- is the Court satisfied if we e-mail you? Or do we need to appear on the 29th?

THE COURT: No, no. File it, though.

MR. DiGIACOMO: File it?

THE COURT: A letter, yeah. Put something -- put it on the docket. Some kind of a letter would be fine, on the docket.

And that's probably all I need to -- then communicate with you about hearing dates or communicate with you about coming in for a quick status conference.

Okay. Rutter is already on the docket; I was having trouble finding it.

All right. Well, what else, while we're all together?

Mr. DiGiacomo?

MR. DiGIACOMO: Nothing from the Government, Your Honor, thank you.

THE COURT: Mr. Passafiume?

MR. PASSAFIUME: Nothing, Judge.

THE COURT: Mr. Taberski?

THE PROBATION OFFICER: Nothing, Your Honor. Thank you.

THE COURT: All right, everybody.

Thank you, take care.

(Proceedings concluded at 3:03 p.m.)

* * *

In accordance with 28, U.S.C., 753(b), I certify that these original notes are a true and correct record of proceedings in the United States District Court for the Western District of New York before the Honorable John L. Sinatra, Jr.

s/ Bonnie S. Weber — Signature

May 27, 2025 — Date

BONNIE S. WEBER, RPR

Official Court Reporter
United States District Court
Western District of New York