

1 was a stay order concerning Judge Paez who in fact had
2 erroneously presumed that --

3 THE COURT: You got into that before. I think I've
4 heard enough from you now. Unless there's something entirely
5 new Mr. Peia, tell me right now.

6 MR. PEIA: Just the reiteration of the entry of default
7 in light of the lack of timeliness based on the papers that were
8 filed on November 16th, 1999 and a reiteration of the
9 disqualification motion.

10 THE COURT: The reiteration is just what you said it
11 is. I've heard it before and I have taken it into account.

12 Mr. Lester, a couple of questions.

13 MR. PEIA: And judicial notice as to all filings in
14 this case and the federal proceedings that are also referenced.

15 THE COURT: Do you want to comment, Mr. Lester, on
16 footnote 2 as to the statute of limitations issue and timeliness
17 of these filings?

18 MR. LESTER: I don't have the dates in front of me but
19 even if a motion or an answer is filed late it's timely unless
20 the plaintiff has previously gotten a default. The plaintiff
21 didn't seek a default long after --

22 THE COURT: How much time do you have when something is
23 served by mail? Don't you get an extra ten days, regardless of
24 when it's actually received?

25 MR. LESTER: Let's see. I don't think it's ten days.

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42 (128)

(99)