

Exhibit 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable William H. Alsup, Judge

UNITED STATES POSTAL SERVICE,)	
)	
)	
Plaintiff,)	
)	
VS.)	NO. C 16-04815 WHA
)	
CITY OF BERKELEY,)	
)	
Defendant.)	
)	

San Francisco, California
Thursday, December 22, 2016

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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Reported By: Lydia Zinn, CSR No. 9223, FCRR, Official Reporter

1 Your Honor, in terms of putting this case in context: This
2 isn't a one-off decision to try to sell a single property.
3 It's is response to a nationwide dire financial situation. And
4 the Postal Service is trying to sell underutilized properties
5 so it can continue to provide affordable service.

6 And we would urge the Court, as the Court considers the
7 parties' arguments about the Zoning Ordinance here, what the
8 effect would be on the Postal Service's ability to respond
9 generally to its financial --

10 **THE COURT:** It's a fair point.

11 For people my age, there was an era in America where these
12 post offices were built all across the country; not just in
13 Berkeley. And they're beautiful buildings. And they represent
14 a time period in our country that people your age don't
15 remember very well; but my age -- remember, they were already
16 in existence, but they were like the vibrant heart of the
17 downtown for people who grew up in the forties, fifties, and
18 sixties. So it's an important part of America.

19 I'm going to refer you to Magistrate Judge Donna Ryu for
20 mediation.

21 Now listen to me. I don't want you two objecting a lot,
22 and I don't want you overreaching.

23 I think that the City Councilpeople should sit for a
24 deposition. Don't come back to me and say there's some
25 privilege against that. It may not be evidence later on at

1 trial, but they ought to sit for a deposition. And that
2 doesn't need to be more than about an hour and a half per
3 councilperson.

4 And then yours -- on your side, they are going to be able
5 to get a lot of documents that you're going to want to claim
6 are deliberative.

7 No. You're the plaintiff. If you want to win this case,
8 you've got to come clean and show all of those bad e-mails that
9 you don't want to ever see the light of day.

10 **THE CLERK:** I didn't hear you set a pretrial
11 conference.

12 **THE COURT:** Oh. Final pretrial conference will be --
13 I always hate this date, speaking of history -- November 22 at
14 2:00 p.m.

15 **MS. BERMAN:** Your Honor, just one point of
16 clarification. And I may be getting confused, because I don't
17 have a calendar in front of me.

18 **THE COURT:** Yeah.

19 **MS. BERMAN:** But close of discovery is set for
20 September 29th?

21 **THE COURT:** That's a Friday. That's a Friday.

22 **MS. BERMAN:** And a motion for summary judgment would
23 be due -- I think I got that date confused.

24 **THE CLERK:** October 5.

25 **THE COURT:** October 5.