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CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA

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1 JOHN P. REITMAN (Bar No. 80579)
2 ANDREW S. ROTTER (Bar No. 86725)
3 Gumport, Reitman & Montgomery
4 550 South Hope Street, Suite 825
5 Los Angeles, California 90071-2627
6 Telephone: (213) 452-4900
7 Facsimile: (213) 623-3302

8 Attorneys for R. Todd Neilson,
9 Chapter 11 Trustee

10 RICHARD L. WYNNE (Bar No. 120349)
11 R. ALEXANDER PILMER (Bar No. 166196)
12 TIMOTHY B. JAFEK (Bar No. 214066)
13 Kirkland & Ellis
14 777 S. Figueroa Street
15 Los Angeles, California 90017
16 Telephone: (213) 680-8400
17 Facsimile: (213) 680-8500

18 Special Litigation Counsel for R. Todd Neilson,
19 Chapter 11 Trustee

20 **UNITED STATES BANKRUPTCY COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA**
22 **NORTHERN DIVISION**

23 In re
24 REED E. SLATKIN,
25
26 Debtor.

23 **CASE NO. ND 01-11549-RR**
24 **CHAPTER 11**
25 **A.P. NO. 02-01164**

27 R. TODD NEILSON, Trustee of the
28 Chapter 11 Bankruptcy Estate of Reed E.
Slatkin,
Plaintiff,

**DECLARATION OF NINA KIRSCH
IN SUPPORT OF TRUSTEE'S
MOTION FOR A PROTECTIVE
ORDER MADE ON AN
EMERGENCY BASIS**

v.

WILLIAM W. and ANNE HUTCHINS,
individuals, and DOES 1-10,
Defendants.

Date: To be set
Time: To be set
Place: 1415 State Street
Courtroom 201
Santa Barbara, CA 93101
[Judge Riblet]

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1 **DECLARATION OF NINA KIRSCH**

2 I, Nina Kirsch, hereby declare:

3 1. I submit this declaration in support of the Trustee’s Motion for a
4 Protective Order Made on an Emergency Basis. I am over the age of 18 years. I have
5 personal knowledge of the facts set forth in this declaration, with the exception noted
6 below, and, if called as a witness, I could and would competently testify thereto.

7 2. I am an employee of Spherion Deposition Services (“Spherion”). I have
8 worked there for about seven years. Previous to my employment at Spherion, I
9 worked at another court reporting service for about four years. My current job title is
10 Branch Manager. My job responsibilities include ensuring that all staff follow
11 established procedures regarding the production and distribution of transcripts.

12 3. Because of my job responsibilities, I am familiar with the procedures
13 Spherion uses to handle material which is subject to restricted distribution.

14 4. I am specifically familiar with the procedures Spherion used to handle
15 transcripts of statements taken from Reed Slatkin (“Slatkin transcripts”) by the Trustee
16 of the Reed Slatkin Bankruptcy Estate (“Trustee”), the Federal Bureau of Investigation
17 (“FBI”), and the Internal Revenue Service (“IRS”).

18 5. A court reporter affiliated with Spherion but who is an independent
19 contractor served as the court reporter at sessions at which the Trustee, the FBI, and
20 the IRS took sworn statements from Slatkin in May, 2002. As is the usual practice in
21 court reporting, the court reporter recorded the sworn statement stenographically with
22 the use of a computer and later corrected the rough draft. Then, following the usual
23 procedure, the court reporter e-mailed a copy of the transcript to Spherion.

24 **Protections for the Slatkin transcripts.**

25 6. Spherion’s records indicate that from the start of the sessions with Slatkin,
26 Alexander Pilmer, special counsel for the Trustee, informed Spherion that access to *all*
27 Slatkin transcripts was restricted. He said that only the persons actually present during

28 ///

1 **13.** Fourth, all of Spherion's customary security protections guarded the
2 transcripts. We are located in a building where access is restricted to employees and
3 non-employees who check-in by presenting a photo identification which is inspected
4 and recorded in the first floor lobby. Our office also has a receptionist who only
5 allows access to authorized persons. After the initial production of a transcript, no
6 paper copies of transcripts are kept. All copies of transcripts are kept in a computer
7 database. Only three employees in the office have complete access to that database.
8 All computers can only be accessed by authorized users after entering a password.

9 **Procedures to print copies of transcripts**

10 **14.** Spherion customer service is organized so that a single employee usually
11 deals with all business and inquiries from a specific law firm.

12 **15.** When a customer calls who is not affiliated with a law firm which has an
13 account with Spherion, that customer speaks with a "production" employee, i.e., an
14 employee whose tasks include the correcting, formatting, and printing of transcripts
15 but not the sales of services to law firms.

16 **16.** When a customer calls Spherion to request a copy of a transcript, a
17 Spherion employee accesses a computer database to find and print the transcript. First,
18 to find a specific transcript, an employee accesses a screen that allows transcripts to be
19 found according to a broad range of criteria, e.g., firm name, attorney name, case
20 name, witness name, etc.

21 **17.** Second, the database displays a second screen which lists all transcripts
22 which correspond to the data entered in the first screen. This second screen is known
23 as the "job tracking" screen. On this screen, each transcript is listed on a single line
24 and includes information such as the case name, the date of the transcript, the witness
25 name, etc.

26 **18.** When the list of cases is displayed, a "+" symbol should be displayed to
27 the right of the case name if the transcript is associated with a case which has any
28 special notes attached to it.

