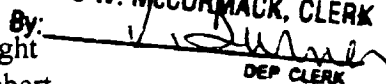


JAN 05 1998

CLERK'S MINUTES

PAULA CORBIN JONES
Repr: Campbell/Fisher

JUDGE: Susan W. Wright
REPORTER: Lois Lambert
CLERK: Kris Baker for Sandy Carpenter
DATE: December 30, 1997

JAMES W. MCCORMACK, CLERK
By: 
DEP CLERK

VS.

CASE No. LR-C-94-290

WILLIAM JEFFERSON CLINTON, ET AL

Repr: Robert Bennett
Kathlyn Graves
Katie Sexton
Bill Bristow for Danny Ferguson

UNDER SEAL

ACTION: IN-CAMERA HEARING

4:29 p.m. Conference call (above counsel present). The Court states that it has received responses from the President regarding both of the plaintiff's pending motions to compel. The Court has also received a response in regard to the Eberle matter. These matters are now ripe, and the Court will rule soon.

The Court also has received the plaintiff's motion to reconsider the Court's ruling in regard to Jane Does [REDACTED]. Previously, Ms. Graves indicated that she would like to reply to the motion to reconsider on behalf of defendant Clinton if the Court is inclined to grant the motion. Although the Court has not yet ruled and is not now ruling on the motion to reconsider, the Court summarizes its view of the motion, especially in regard to points B and D. Ms. Graves may file a response on behalf of her client.

The Court clarifies that it has not made an evidentiary decision regarding the plaintiff's sexual history. At this time, the Court has only made a discovery decision regarding this issue. The Court will make its evidentiary decision at a later time.

The Court discusses Attorney Gecker's communications with this Court. Mr. Gecker represents a woman who has been scheduled by the plaintiff to give a deposition in this matter. Mr. Gecker has filed a motion to quash the deposition in Judge Merhige's court in Virginia. Mr. Gecker has requested copies of this Court's predicate rulings in regard to the Jane Does. The Court asks whether the attorneys oppose sending Mr. Gecker copies of the predicate rulings in regard to the Jane Does.

Mr. Campbell responds that he was unaware that Mr. Gecker had communicated with the Court. Mr. Campbell does not believe that Mr. Gecker should receive

copies of the predicate rulings, especially when the Court has indicated that those rulings would not be controlling in Judge Merhige's court.

Mr. Bennett states that he told Mr. Gecker to call and request copies of the predicate rulings from this Court. Mr. Bennett believes that the facts regarding Mr. Gecker's client pose a different situation upon which the Court has not yet ruled. Mr. Gecker's client's deposition is scheduled for January 10, 1997. Mr. Bennett states that at this time, it is unclear if the Court or if Judge Merhige will rule on the objections made at that deposition. Mr. Bennett believes that both Mr. Gecker and Judge Merhige would benefit from having copies of the predicate rulings entered by this Court. Without those copies, he believes Mr. Gecker and Judge Merhige would be operating in a vacuum.

The Court responds. Judge Merhige may rule on the objections made at the January 10 deposition. The Court summarizes its reasons for this decision. Mr. Gecker and his client have chosen their forum. The Court will not instruct Judge Merhige as to how to rule on these matters. The Court will contact Judge Merhige to discuss the situation.

Mr. Bennett states that the plaintiff has served subpoenas on the Secret Service and the security detail at the White House. He anticipates that the Justice Department will file a motion to quash. He asks the Court to clarify whether it has ruled on White House matters like those involving Mr. Gecker's client or those involving this recent wave of subpoenas.

The Court clarifies that it has not ruled on any matters involving the White House or individuals associated with the White House.

Mr. Campbell asks the Court to clarify its position in regard to Jane Does [REDACTED]

The Court explains the issue with which it has struggled in regard to Jane Does [REDACTED]

Mr. Bristow comments on the motion to reconsider. It seems as though the plaintiff has tried to distance herself from those theories which survived and to resurrect those theories which were previously dismissed by this Court when this Court ruled on the defendants' motion to dismiss. No known case recognizes as a constitutional tort a state actor asking a woman for an act of sexual gratification. There needs to be some evidence that the state actor was acting or using his office coercively.

The Court explains its view of coercion in regard to this case.

Mr. Campbell explains some of the evidence which the plaintiff is prepared to present especially in regard to the use of state troopers.

Mr. Bennett questions whether rebuttal evidence in regard to the state troopers' testimony will be allowed or necessary.

The Court clarifies that it is not ruling on the motion to reconsider or on any other matter right now.

The Court summarizes its meeting with former Senator David Pryor in regard to the Susan McDougal case. The Court explains the content of the conversation, who was told about the conversation, and how the conversation has been reported in the media.

The Court explains how it intends to conduct this trial, with time limits on both sides.

Mr. Bennett states that the issue regarding the evidence to be presented in regard to other women needs to be resolved. That issue will impact the length of trial.

The Court would like to narrow the plaintiff's evidence in regard to other women prior to the deposition of defendant Clinton. The Court instructs the parties to attempt to work out the technical details of defendant Clinton's deposition. If they are unable to do so, they may bring the matter to the attention of the Court.

Mr. Bennett would like the original video tape of defendant Clinton's deposition to be kept in the Court vault and for the attorneys to receive copies of the transcript of the deposition only to prepare for trial.

Although the Court does not rule definitively on this matter, the Court indicates that such a practice would be acceptable in the Eighth Circuit. The Court also clarifies that no parties have requested and the Court does not intend to be present when defendant Clinton is deposed. However, the Court will be available at that time to rule on any objections.

Mr. Bennett inquires about receiving from the Rutherford Institute the names of those individuals potentially in the jury pool from the Eastern District of Arkansas who received the mailing from the Rutherford Institute regarding this case.

Mr. Campbell explains that recently he faxed to Mr. Bennett's office a letter explaining his knowledge of this issue. Mr. Campbell anticipates that the Rutherford Institute will gather the necessary information and announce its position on this issue soon.

Mr. Bennett summarizes the parties' settlement talks to date.

The next conference will be Thursday, January 8, 1998 at 3:00 p.m. (central standard time).

The attorneys will meet with the Court on Monday, January 12, 1998 at 10:00 a.m. in Pine Bluff. If necessary, this meeting will continue on Tuesday, January 13. The Court currently is scheduled to conduct trial that week in Pine Bluff. At the January 12 meeting, the attorneys will discuss the topics to be covered in the deposition of defendant Clinton.

5:59 p.m. Conference concludes.