

1 Who is the first one you said?

2 MR. O'BRYAN:

Howard O'Bryan,

3 sir.

4 THE COURT:

Oh, yes.

5 Well, you have your work cut out, Mr. Kamins, if
6 you want to begin, or I can announce to you what I feel
7 or you can begin from there. Now, this is the case --

8 MR. KAMINS:

I would like to

9 hear your feelings.

10 THE COURT:

I'll tell you

11 my feelings very simply.

12 This is a case where you petitioned this court for
13 a three judge court. The court called a three judge court
14 on a constitutional question and we didn't feel it
15 involved a constitutional question to justify the three
16 judge court and it was sent back, then, and I took the
17 case and dismissed for lack of jurisdiction. You appealed
18 to the Tenth Circuit. The Tenth Circuit sent it back and
19 said, "If you amended you might want to file again," and
20 so you have refiled under a different provision.

21 Now you are coming into this court with the \$10,000
22 requirement for value, among other things, is this true?

23 MR. KAMINS:

As an added

24 jurisdictional requirement. Not in lieu of, but in
25 addition to.