

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHRISTOPHER JOSEPH QUAGLIN,

Petitioner,

vs.

MERRICK B. GARLAND, et al.,

Respondents.

Civil Action
No. 1:22-cv-1154

Washington, DC
September 29, 2022

10:03 a.m.

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE TREVOR N. McFADDEN
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Petitioner:

JOSEPH McBRIDE

The McBride Law Firm
99 Park Avenue, 25th Floor
New York, NY 10016

JONATHAN GROSS

The Clevenger Firm
2833 Smith Avenue, Suite 331
Baltimore, MD 21209

For the Respondents:

JEFF ROSEN

Pender & Coward
222 Central Park Avenue, Suite 400
Virginia Beach, VA 23462

Court Reporter:

JEFF M. HOOK

Official Court Reporter
U.S. District & Bankruptcy Courts
333 Constitution Avenue, NW
Room 4700-C
Washington, DC 20001

1 own defense by not locating discovery materials delivered to
2 one of Mr. Quaglin's previous facilities. Specifically, the
3 record shows delivery of discovery materials to the D.C.
4 Jail in September of 2021. That's from ECF 28-2, page one.
5 There's no similar evidence, however, for Northern Neck.
6 And the Warden swears no discovery materials have been
7 delivered to or received by the jail. That's ECF 17-12,
8 page three.

9 Mr. Quaglin does not say otherwise. He instead
10 suggests the Warden should have located the materials
11 previously delivered to the D.C. Jail, which of course is an
12 entirely separate jurisdiction. I know of no authority
13 placing such a duty on the Warden, and the plaintiff has
14 certainly provided none. Had Mr. McBride delivered
15 materials to Northern Neck, there might be a different
16 analysis. I expect that the Warden will properly handle any
17 discovery materials that arrive at Northern Neck, but I
18 don't think he is required to reach out and search for
19 materials that went to another facility in another
20 jurisdiction.

21 Slightly more complex is Mr. Quaglin's claim that
22 the Warden violated his right to counsel. Northern Neck
23 allows both general remote videoconferencing and attorney
24 visitation conferencing. The jail has specific published
25 policies regarding each at ECF 17-21. As to attorney

1 ways of other pretrial detainees, many of whom would prefer
2 to await their trial dates in the comfort of their homes as
3 well. Therefore, I deny the plaintiff's motion for an
4 emergency preliminary injunction.

5 I guess I do want to ask the attorneys to try to
6 work cooperatively with the Warden, and to ensure that
7 Mr. Quaglin is getting his discovery, is getting the care he
8 needs. I am concerned about his health, as I think
9 everybody is. As I said, I thought some of the e-mails
10 between Mr. McBride and the Warden were probably a little
11 unprofessional on both sides.

12 Mr. Gross, now that you're in the case, it might
13 be a good idea for your client if you tried to take a stab
14 at communicating with the Warden. I assume that you all
15 want to be prepared and get focused on trial, and I'd like
16 to see Mr. Quaglin be in a position to get to trial as soon
17 as possible. So sir, I'd encourage you to try to start a
18 new note with the Warden.

19 Also, I guess I'd ask you, Mr. Rosen, if -- could
20 you help ensure that we do get discovery to the plaintiff
21 here? I'm not suggesting that you go and find it, but if
22 Mr. McBride or Mr. Gross gets you discovery, can you ensure
23 that we get that to the plaintiff?

24 **MR. ROSEN:** Certainly, Judge, yes.

25 **THE COURT:** Thank you. Mr. Rosen, anything